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HOUSE OF REPRESENTATIVES—*Wednesday, January 28, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Happy is the man that findeth wisdom and the man that getteth understanding.—Proverbs 3: 13.

Almighty God, who art our light in darkness, our life in trouble, and our love in sorrow, bless us as with one mind we draw to Thee seeking the power of Thy presence and the guidance of Thy spirit.

Throughout this day keep our hearts with Thee that in quiet confidence we may solve the perplexing problems of these hours with a wisdom greater than our own.

In the midst of this divided world send us forth as heralds of good will crossing all barriers of class and creed that we may make our contribution to the glorious day when justice and freedom shall live in every heart and in every nation.

In the Master's name we pray. Amen.

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THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 6]

Anderson, Tenn.
Ashley
Broyhill, N.C.
Burke, Fla.
Cabell
Celler
Clark
Clay
Corman
Cramer
Davis, Ga.
Dawson
Edwards, La.
Evins, Tenn.
Frelinghuysen
Fulton, Tenn.
Gallagher
Green, Oreg.
Hawkins
Hébert
Holifield
Kastenmeier
Kirwan
Lipscomb
Lloyd
McFall
Macdonald, Mass.
May
Monagan
Morton
Moss
Murphy, N.Y.
Nichols
Ottinger
Pollock
Powell
Pryor, Ark.
Rosenthal
St. Onge
Sandman
Scheuer
Stuckey
Teague, Calif.
Teague, Tex.
Wilson, Bob
Wolff

The SPEAKER. On this rollcall 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970 — VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is: Will the House, on reconsideration, pass the bill, H.R. 13111, an act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Texas (Mr. MAHON) for 1 hour.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the veto message of the President in the body of the RECORD prior to the vote on the question.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members speaking on the veto message of the President may revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, under the limitations of time it will not be possible for me to yield to Members as I would like to. I will be as brief as I can in what I have to say.

Mr. Speaker, in my actions as chairman of the Committee on Appropriations I always try to keep in mind the fact that money does not bear a Democratic or Republican label. We are confronted today with a practical problem, and I propose to deal with it in a practical manner, and, if I may say so, in a nonpartisan manner.

Last July when the House overrode the Committee on Appropriations and added about $1 billion above the budget to the Labor-HEW appropriation bill, I stoutly opposed the add-on and voted against it on the teller and rollcall votes. On final passage it was a question of voting for no appropriation at all or for the bill with the amendment. I had no logical alternative but to vote for the bill on final passage.

Now, about 7 months have elapsed; school districts and administrators have long since made plans and in many instances heavy expenditures based on the House action and the subsequent Senate action on the measure.

I see no practical way to turn back the clock and erase commitments and plans that have been made in good faith throughout the Nation upon the basis of congressional action. Had the veto come last July we would have been confronted with an altogether different proposition, but that was impossible in view of the delay in final action on the bill.

To me it seems wholly impractical today to take the $20 billion Labor-HEW bill back to the committee and try to secure passage through Congress of a substantially different measure.

Under these circumstances, I cannot vote to sustain.

And in voting to override I do not endorse, of course, all of the provisions in the vetoed bill nor do I imply approval of the harassment tactics of HEW in dealing with school districts. Rather, I deplore these tactics.

I recognize the weaknesses in the basic legislation involving impacted aid and for years I have supported remedial action, but it has not been attained and the Appropriations Committee has no jurisdiction over the committee which initiates impacted aid legislation. I do hope that as a result of the President's veto and other factors a meaningful overhaul of the program may be approved at this session of Congress, and that wasteful practices in education programs which have at times occurred in the past may be eliminated in the future.

I believe that the ravages of inflation must be strongly resisted and that spending must be held to the lowest practical level and I have supported that belief with positive action. Last year under the initiatives of the committee which I head we reduced the President's appropriation budget—with the cooperation of the administration—in the net sum of $5.6 billion.

It is true that these cuts were almost precisely offset by congressional approval of spending actions under the initiatives of the legislative committees. Specifically, reductions in the appropriation bills were offset by such items as the social security increase, additional authorizations in the housing and mortgage market field, and failure to enact proposals counted in the budget as offsets to budget spending.

Broadly, in all actions and inactions,

Congress wound up within about two-tenths of 1 percent of approving the President's budget—about two-tenths of 1 percent over on an obligating authority basis, and about two-tenths of 1 percent under on an estimated expenditure basis. The net effect amounted to a virtual endorsement of the overall fiscal spending posture recommended in the President's budget. It was close to a standoff.

Since Congress approved approximately in toto the overall sums in the President's budget, readjusting priorities to a limited extent here and there, it could be said that if the actions of Congress were inflationary, then the President's budget was inflationary. At a time like this, it must be conceded that all Federal spending is in a sense inflationary.

Speaking of inflationary trends, Mr. Speaker, the administration's April 15 budget proposed to spend in the current fiscal year 1970, $8 billion more than was spent in the preceding year. And as shown by the veto message yesterday, there were some miscalculations in the budget relating to certain so-called uncontrollable expenditures. These overruns principally explain why the President's projected spending total is now close to $198 billion—some $13 billion above last year.

The uncontrollables have had a damaging impact. It developed that the administration's estimates early last year were entirely too low—too low for such items as interest on the debt, medicare, and other social insurance trust funds. Additional interest on the debt alone has skyrocketed $1.5 billion.

I quote from the President's veto message of yesterday:

> It is the "uncontrollable" outlays—driven upward by the very inflationary forces we are trying to contain—that have frustrated the efforts of both the Executive and the Congress to hold down spending.

Let us be practical. That is the way legislation must be approached. For me to vote to sustain the veto and thereby invite the Congress to call upon the Committee on Appropriations to draft, present, and pass through Congress a new Labor-HEW bill—and it was the most complicated and controversial bill of the last session—would place the committee in an untenable position. Last year we did the best we could, and I see no practical way as we move into the eighth month of the fiscal year to do substantially different. Would congressional actions be markedly different? I doubt it. Is there anybody who does not believe that the Joelson amendment would be reenacted and that we would be back where we are?

Last year's battles have been fought—some were won; some were lost.

We now move into a new year and a new session. We will have a new budget next Monday. Some of us have promised to try to get all of the appropriation bills through the House by June 15. It would not seem wise to take time out now for what could become a time-consuming exercise with highly uncertain results.

I agree that the President's veto message is most compelling—and I am completely in accord with the President's desire to hold the line on spending and combat inflation—and I hope that this dramatization of the spending issue will contribute heavily toward fiscal restraint in this session of Congress. I regret this situation which confronts us but as to the course to follow at this point in time it would seem that since both Houses of Congress have overwhelmingly approved the Labor-HEW bill that the most practical course is for the administration to withhold spending wherever reasonably possible—and in the public interest—in an effort to reduce inflationary pressures.

Mr. Speaker, I am not one who believes that under our system the Executive can compel the Congress to pass legislation or that Congress can compel the Executive when the chips are down to spend appropriated funds such as those contained in the spending measure.

This year if I am supported in my determination to pass a separate appropriation bill for education early in the session so that schools can know what they can count on and make adequate plans, a repetition of today's event will not occur.

I am voting to override the veto on the grounds that to do otherwise at this point in time would be impractical and unrealistic.

Mr. Speaker, this is my best judgment.

The SPEAKER. The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I yield 2 minutes to the ranking minority member of the committee, the gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Speaker, we have heard a great deal about education and health.

I want to talk about money.

The schoolmen have told us how an extra billion will help children.

I want to talk about the people it will not help.

It will not help 25 million people who are fighting a losing battle to make social security checks cover the cost of living.

It will not help 9 million people on public assistance—most of them children—who have already lost the battle against inflation.

It will not help the children of millions of middle-class Americans—men and women so caught between taxes and inflation that they cannot properly clothe children to send them to fancy schools.

None of these people will be helped if we feed the fire of inflation by increasing the public debt. They will be hurt.

Interest on the public debt will cost $18.8 billion this year—more than twice the price in 1960.

Interest on the public debt costs $35,769 every minute of every hour the whole year round.

Think what that sum would do for education.

The issue is not education. The issue is inflation. The issue is learning to live within our income. The issue is providing dollars for scholars that will buy a dollars worth. The issue is saving education itself from the terrible cost of inflation.

President Nixon has done his part. While we talk about congressional cuts in obligational authority, President Nixon has made actual cuts in spending of over $7½ billion.

He has done that job by careful balancing of priorities.

All he asks in this veto message is the right to continue to balance requirements, to economize where necessary and possible—in other words, he is asking freedom from the mandatory spending of $1.3 billion in the next 4 months, whether it is needed or not.

The American people—bone weary of taxes and inflation—support the President. We should do the same.

Mr. MAHON. Mr. Speaker, I yield 6 minutes to the chairman of the subcommittee on the Labor-HEW appropriation bill, the gentleman from Pennsylvania (Mr. FLOOD), who brought the bill to the floor of the House.

Mr. FLOOD. Mr. Speaker, as chairman of the Subcommittee on Appropriations which was responsible for this bill, I feel it is incumbent upon me to say a few words at this point. I begin by saying that I urge the Members of this House to vote to override the President's veto.

As we all know, most of the $1.1 billion increase over his budget to which the President objects was not added by our committee. It was put in on the floor of the House. However, I think it worthy of note that even the conservative House Committee on Appropriations found it necessary to increase the President's budget for HEW programs by $181 million in the bill as it was reported by the committee. And the committee was fully aware that there would be further increases on the floor of the House. As a matter of fact, the ranking minority member of the subcommittee, my distinguished colleague the gentleman from Illinois (Mr. MICHEL), offered an amendment which would have added another $319 million for impacted area aid, and another distinguished member of the committee from the Republican side, the distinguished gentleman from New York (Mr. ROBISON), offered an amendment which would have added another $100 million over the budget for education programs. So I think it has been perfectly clear to all of us on both sides of the aisle that the President's budget for HEW was inadequate and would not stand the test of congressional scrutiny.

I do not see how we can possibly take an action here today which might put us in the position of going back to the figures in the President's budget which, as you know, provides nothing, I repeat nothing, for a number of ongoing, operating, education programs, and which makes drastic cutbacks in many others.

Frankly, with all due respect for the President, I think that he has been given very bad advice by those who have urged him to veto this bill. It is my suspicion, although I cannot prove it, that he has fallen into a trap laid for him by those bureaucrats in the Bureau of the Budget who have given other President's similar bad advice in the past.

Mr. Speaker, I do not see how anyone can say, with a straight face, that these appropriations will have any significant effect one way or the other on inflation. The billion-dollar increase to which the President objects is only one-half of 1 percent of the total Federal budget of over $200 billion, and it is less than one-tenth of 1 percent of the gross national

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product for 1970. Furthermore, we know that many school districts have been operating on the assumption that they will receive Federal funds at least as great as they received last year—so the impact of these funds on the economy has already occurred.

There has been some discussion to the effect that if appropriated, these funds will not be wisely used because it is so late in the fiscal year. Mr. Speaker, I do not think such fears are well founded. The fact of the matter is that many, many States and cities all over the country have made their plans on the assumption that these funds will be forthcoming. I am sure that HEW and the States have plenty of grant applications in hand for the use of this money. In many of the programs included in this bill, the additional money will not really expand ongoing projects or provide any new projects, but simply take care of the increased cost of carrying on the present level of activity.

In his state of the Union message last Thursday, the President talked about putting good money into bad programs. The only bad program which the administration has put the finger on is impacted area aid. As this body well knows, I have never been one of the impassioned defenders of the impacted area aid program. Our committee tried to cut it back last year—unsuccessfully, of course. But let us not kid the troops—one way or another, this impacted area aid money will be appropriated this year, regardless of whether or not the President's veto is sustained.

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I cannot understand why the President has picked out education as the place to save money. The President himself, when a candidate stated on October 1, 1968:

> When we talk about cutting the expense of Government, either Federal, state, or local—the one area we can't short-change is education.

A year later, just a few months ago, a Harris poll indicated that of all Federal programs, 60 percent of those queried believed that Federal expenditures for education should be the last to be cut. Yet, the first budget submitted by the President called for $416 million less for programs of the Office of Education than had been appropriated for 1969.

Mr. Speaker, all of this leads me to conclude that the President has been badly advised in his decision to veto this bill. I strongly urge the Members of this House on both sides of the aisle to exercise the independent judgment which their constituents expect of them, and vote to override his veto.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois, the ranking minority member of the Subcommittee on Labor-Health, Education, and Welfare (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I would like to devote the few moments I have to answering the very shallow, obviously politically motivated arguments directed against the President's veto of this bill. Let us set the record straight. The veto of this bill does not mean we are summarily cutting off all Federal aid to schools, hospitals, medical research, and so forth.

The President did not veto this bill because he is opposed to air pollution control; his budget called for an increase of $7.1 million over the 1969 level of spending.

He is not opposed to rubella vaccinations. His budget provided for an increase from a $9.6 million figure in 1969 to $16 million in 1970.

He is not opposed to the Food and Drug Administration. His budget provided for an increase from $68.9 million to $72 million.

He is not opposed to health manpower training, for his budget carried an increase from $182.4 million to $228.9 million.

He is not opposed to health educational research and library facilities, for his budget reflected an increase from the 1969 level of $93.2 million to $127.1 million.

Now, so far as the National Institutes of Health are concerned, you would think from the screams of anguish that the President was terminating the entire research program in the fields of cancer, heart, stroke, communicable diseases, and so forth.

It may be of interest to the Members to know that we cut severely into these programs 2 years ago by enacting the Revenue and Expenditure Control Act, and I do not recall any weeping, wailing, and gnashing of teeth from those who are now sanctimoniously maligning the President's position.

I will say that there is a significant decrease in the President's budget for hospital construction grants, but what the administration would like to do in this area is to move to a form of federally guaranteed loans. By this mechanism $650 million could be made available for construction as contrasted with $258 million carried in the 1969 bill.

In the field of education the President's budget actually provided for increases in bilingual education, in education for the handicapped, in vocational education, and over a $100 million increase in title I of the Elementary and Secondary Education Act.

What the President is opposed to—and I believe a majority of the Members of this body are opposed to—is the outmoded formulas applicable to the so-called federally impacted aid programs, and this program needs to be corrected. I will be the first to say that we have no right to attempt rewriting the authorizing legislation in an appropriations bill, but if it serves no other purpose, we seek to dramatize the urgency of addressing ourselves to this problem now—this spring.

The President in his message has called for a "no hardship clause" which will guarantee that no school district will, as a result of changes in the impacted school aid program, have a school budget less than 95 precent of what it had in 1969. What more assurance do we need?

We on the Appropriations Committee on both sides of the aisle have pretty well agreed that in considering the fiscal year 1971 bill we would like to break out the education portion of this bill and have it behind us by, say April, so that the educational community will know where they stand for the coming school term.

In the education field there are some other very significant increases that the President is opposed to. Actually some were written into the bill by our subcommittee before we reported our bill to the House, and I still stand behind several of those nominal increases over the President's budget, but I have got to oppose the outlandish increases over and above what your committee originally provided, particularly so since at this juncture we have only 5 months of the fiscal year remaining.

Can you imagine pumping these increases into the compressed period of 5 months for title I of the ESEA? Do you think it is possible to provide any additional teachers, any teaching assistants, any new and innovative programs this late in the school year? You know and I know what is going to happen. There are going to be more orders placed for the fanciest band uniforms, batons, theatrical equipment and what-have-you to get all this money spent before the end of the fiscal year.

In the field of vocational education, the President's budget called for in increase of over $30 million over the 1969 level of spending and, what is more, your committee recommended an increase to provide for the mandatory set-aside in this program as provided for in the 1968 amendments. But the additional increases over and above what your committee originally provided just cannot possibly be prudently and efficiently spent in the remainder of this fiscal year. Here again, what is so vitally needed are new teaching methods and updating the old shopworn policies of the past. If you talk to those actually working in the field they say we have actually got the cart before the horse and need first to train or retrain the teachers themselves.

In summary, I support the President's veto of this bill and urge my colleagues to sustain that veto. When this is done we will have to get right down to the business of reworking this bill, and it's obviously going to be finalized at a figure somewhere between last year's $18.2 billion figure and the figure in this bill. We simply aren't going to be so irresponsible as to let all these activities in the Departments of Labor and HEW die at the expiration of the continuing resolution the end of this week.

Making adjustment for the advance funding of $1.2 billion, this bill is approximately $2.5 billion over the spending level for 1969 and that is just entirely too much for the President to take and it is far too much of a burden for the American taxpayer.

As Mr. Mason said to Mr. Dixon: "We've got to draw a line somewhere." And it might just as well be right here and now.

Mr. MAHON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. AYRES).

Mr. AYRES. Mr. Speaker, I am going to direct my brief remarks to those millions of Americans who will not have a vote here today.

Just as a little review for them. We got into this Federal money for education back in 1950 when the impact program started, where there was to be a real impact and where the Federal Government had taken lands off the tax duplicate. Now we all know that program has grown like Topsy. President Eisenhower complained that money was not being allocated properly. Congress did nothing. President Kennedy recommended reductions in the program, and Congress did nothing. President Johnson not only recommended reductions but a review and a revision. Now President Nixon's veto speaks for itself, and it speaks for America.

A study can now be made, and fairness will finally prevail. You recall in 1958 sputnik went up. Everybody got excited, and justly so, and we had the National Defense Education Act. That was for science, foreign languages, math, and equipment that would help in teaching of foreign languages and math. That, Mr. Taxpayer, Mr. American, is where the equipment manufacturers of the United States got their nose under the tent. Now they will have $150 million to sell equipment, not necessarily textbooks—not things to educate children directly. You will find a lot of this pressure that you have been getting has not come from the educators but, rather, has come from the individual operator of the businesses manufacturing this equipment. Sustaining the veto will correct this.

In 1960 we had a school construction bill. It passed the House. In the other body we had the Murray-Metcalf bill but neither went into conference because at that time we still had on education bills, the so-called Powell amendment which was put on to kill the bill.

In 1963 we had the Vocational Education Act of 1963. In 1963 we also had the Higher Education Act for college facilities. Then in 1965 we got into elementary and secondary education. The House, as you know, last spring extended this to 1972. That is all the education we have.

But where has the money gone? Do you realize that since 1960, when the Office of Education had $474 million, that now has gone up to the point where now they have just over $4 billion; and in fact, in all the areas of education, including veterans' benefits, school lunch, and education under the Manpower Training Act, that we have over $10 billion plus being spent on education. The veto does not stop education. It will help, it will improve. New approaches will provide better education for less money.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. MACGREGOR).

Mr. MACGREGOR. Mr. Speaker, the previous speaker, the distinguished gentleman from Ohio (Mr. AYRES) spoke about the large number of Americans who have not had a chance to be heard or to vote on this issue. A well-known Minnesotan, a very successful businessman from Duluth, will have a chance to be heard and to vote through the medium of a telegram which he sent to me yesterday. He is a very strong supporter of a former Vice President of the United States, the Honorable Hubert Humphrey, and his telegram reads as follows:

DULUTH, MINN.

President Nixon veto makes sense. Let's not override it.

Regards,

JENO F. PAULUCCI.

Mr. QUIE. Mr. Speaker, I thank my colleague.

Mr. Speaker, again I want to say that I am going to vote to sustain the President's veto. Before I go any further, I want you to know that I was one who voted for the Joelson amendment and for the Cohelan amendment and for the conference report. I intend to do what I can to get the Federal Government's commitment to education increased so that they will provide 25 percent of all elementary and secondary school costs, but I believe that the President is right now for education when he wants to control inflation. If that is what it is necessary for him to do, I think it is good for education, because in the last 2 years the cost of education through inflation has been greater than any additional Federal moneys that could be made available under present programs. Some of the people from education, good friends of mine, have threatened that some of you would be defeated in the next election if you voted to sustain the veto. Let me point out to you before the next election, the 1971 budget will be up here, and the education appropriation bill will be voted on and you will be able to establish your position for or against education funds. If that is a question in the next budget, it will come before the 1970 election.

I believe that, when we work out our compromise with the President for this fiscal year 1970 in the time that is left of this school year, that a reasonable figure will be reached between the administration and the Congress.

Mr. Speaker, I have a letter from the Secretary of the Department of Health, Education, and Welfare, Secretary Finch, addressed to me with reference to the impact aid agreement which this administration has proposed.

Many of my colleagues have said, "I would like to see in writing that proposal for $440 million in impact aid." I shall place that letter in the RECORD at this point.

The letter referred to follows:

THE SECRETARY OF HEALTH,
EDUCATION AND WELFARE,
Washington, D.C. January 28, 1970.

Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR MR. QUIE: In response to your request, I am providing you with information on the appropriation amounts required to:

(1) Insure full funding for children whose parents live and work on Federal installations ("A" students);

(2) 50 percent funding for children whose parents work for the Federal Government but do not live on Federal installations ("B" students); and

(3) A "no hardship clause" which will guarantee that the Impacted Area Aid appropriation will not cause any school district budget to be reduced more than 5 percent below the 1969 level.

The amounts required to carry out the above program would be:

	In millions
"A" students and Federal schools	$187
"B" students	230
No hardship clause	8
Total	425

The above figures do not contain the $15 million for Public Law 815 (impacted areas aid construction) that is normally a part of the same appropriation. The total appropriation would, therefore, be $440 million.

In addition to the above information, we have also prepared appropriation language which would carry out these funding concepts. We will be glad to furnish this to you at the appropriate time.

Sincerely,

ROBERT FINCH,
Secretary.

Mr. QUIE. Further, Mr. Speaker, some have asked about the "no hardship clause" and how it really works. I can assure you that no school now receiving impact aid will suffer a cut of more than 5 percent of their total budget of 1969. I shall place that statement in the RECORD at this point which was sent to me by the Department of Health, Education and Welfare, realizing the lateness of the school year which places an undue hardship on the schools which have received impact aid, the administration is willing to make this compromise. It is the Congress controlled by the Democratic Party which has caused us to take up the bill at this late date. Further correction of the abuses of impact aid can and should be made in 1971.

The statement referred to follows:

EXPLANATION OF WHAT IS MEANT BY THE "NO HARDSHIP CLAUSE" UNDER IMPACTED AREA AID

The payment to each school district for impacted area aid will be calculated on the basis of 100 percent funding for children whose parents live and work on Federal installations and 50 percent funding for children whose parents work for the Federal government but do not live on Federal installations. Wherever this figure for 1970 would cause a reduction of more than 5 percent of the total budget of the school district, including the Federal impact funds, for fiscal year 1969, a supplementary payment will be made from the impacted area aid appropriation to make the difference no greater than 5 percent.

Mr. QUIE. Mr. Speaker, some of us will be astounded as I was at the number of programs that would have mandatory requirements placed upon the President to expend the money, and I shall place in the RECORD the decision that was made by the General Counsel of HEW with reference to programs where spending the appropriated funds are mandatory and the reasons why.

The statement referred to follows:

AUTHORITY TO IMPOUND FUNDS APPROPRIATED FOR FORMULA GRANT PROGRAMS

The SECRETARY:

I have examined the substantive legislation for each of the formula grant programs for which either the House or Senate has increased the amounts requested by the Administration for these programs in Fiscal Year 1970. (See attached list of programs showing budget requests and the amounts voted by the House and Senate in H.R. 13111.)

With the exception of two Public Health programs (Community Mental Health Center

Construction Grants and Grants to the States for Public Health Services), and subject to the qualifications discussed below with respect to a few other programs, I have concluded that these are mandatory programs and that there is no authority in the Executive Branch to withhold amounts from the appropriations for these programs. Each of these programs is discussed briefly below. I have also included in this memorandum a brief discussion of the constitutional question raised by the Congressional mandate that the appropriations for these programs be spent.

I. OFFICE OF EDUCATION PROGRAMS

A. Elementary and secondary education:

1. *Educationally Deprived Children* (Part A of Title I of the Elementary and Secondary Education Act). This program provides for grants to local educational agencies under a prescribed formula for the education of children of low-income families (ESEA, § 103(a)(2)). State agencies directly responsible for educating handicapped children, children of migrant laborers, and children in institutions for neglected or delinquent children are also eligible to receive payments computed on a statutory formula (§ 103(a) (5), (6), (7)). The mandatory nature of the program is made clear by § 107(a)(1) which provides, "The Commissioner shall * * * pay to each State * * * the amount which it and the local educational agencies of that State are eligible to receive under this part." The State agencies are directed by Section 107(a)(2) to distribute the payments to the local educational agencies. Additional support for the conclusion that the entire appropriation must be made available for the payments for which the State and local agencies are eligible is found in Section 108. That section prescribes a formula for use "[I]f the sums appropriated for any fiscal year * * * are not sufficient to pay in full the total amounts which all local and State educational agencies are eligible to receive under this part for such year."

Section 103(a)(1)(A) provides that not more than 3% of the appropriation shall be allotted among Puerto Rico and several territories on the basis of need, and for payments to the Secretary of the Interior with respect to Indian children. Since these payments are not made in accordance with statutory formulas, the Commissioner probably has sufficient discretion to withhold some of those funds.[1]

The payments to States provided by Section 107(b) for administrative expense (up to 1% of the total maximum grants for State and local educational agencies of the State) are clearly discretionary since the Commissioner is "authorized" rather than directed to make such payments.

2. *Supplementary Educational Centers* (Title III of ESEA). That the entire appropriation of this program must be allotted is made clear by Section 302(a)(2) which requires the Commissioner to allot $200,000 to each State and "the remainder" of the appropriation in accordance with a prescribed formula. Title III originally provided for direct grants by the Commissioner to local educational agencies from sums apportioned among the States. As revised by P.L. 90–247, grants are now made by State educational agencies pursuant to an approved State plan to local educational agencies (Sections 303, 304). Under Section 306, in F.Y. 1970, up to 25% of a State's allotment may be used for direct grants to local agencies by the Commissioner to complete projects initiated in prior years. Section 307(a) directs the Commissioner to pay to each State, from its allotment, the amount necessary to carry out its State plan.

Section 302(c) provides that amounts allotted to any State "which the Commissioner determines will not be required for the period for which the amount is available" shall be available for reallotment. In my opinion, funds available for reallotment need not be reallotted.[2]

There would, however, be no basis to conclude that because the Commissioner can reallot funds if he finds that the full amount of the allotment to a State "will not be required" (presumably on the basis of need), he can withhold part of the appropriation and thereby reduce the amount available for initial allotments to the States.

3. *Library Resources* (Title II of ESEA). This program provides for grants to States for the acquisition of school library resources, textbooks, and other instructional materials. This program is clearly mandatory. As in the case of Title III, there is a prescribed formula for the allotment of the entire appropriation (§ 202). This is a State plan program. The State plan must be approved if it complies with the statute (§ 203). The Commissioner is directed to pay to the State an amount equal to the amount spent by the State in carrying out its plan (§ 204). This program has a discretionary reallotment provision similar to that of Title III.

4. *Guidance, Counseling, and Testing* (Part A of Title V of the National Defense Education Act of 1958). This program provides for grants to State educational agencies to assist them to establish and maintain programs of testing, guidance, and counseling. Section 502(a) requires the entire appropriation to be allotted and Section 502(b) includes a discretionary reallotment provision similar to that in Title II of ESEA. Section 503 requires a State which desires to participate in the program to submit a plan. The Commissioner must approve the plan if it meets the statutory requirements. Section 504(a) requires payments to be made by the Commissioner under a prescribed formula to cover the Federal share of the State's expenses in carrying out the State plan. This program is also clearly mandatory.

5. *Equipment and Minor Remodeling* (Title III of NDEA). This program provides for grants to State educational agencies for the acquisition of equipment and for minor remodeling, and for making loans to private, non-profit elementary and secondary schools (§ 301). The entire appropriation is allotted or reserved for grants and loans (§ 302(a)). The grants to the States are mandatory and are made in accordance with a formula prescribed in Section 302(a), pursuant to an approved State plan on a matching basis (§§ 33, 304). Section 302(c) has a discretionary reallotment provision. 12% of the appropriation must be reserved for loans under Section 305. These loans are merely "authorized" and, therefore, are not mandatory.

B. School assistance in federally affected areas:

1. *Maintenance and Operation* (P.L. 874). This program provides for financial assistance for local educational agencies in areas affected by Federal activities. Section 3 requires the Commissioner to compute the "entitlement" of a local educational agency under a prescribed formula. Section 5(b) requires the Commissioner to pay each local educational agency the amount which the Commissioner estimates such agency is entitled to receive. In the event that Congress does not appropriate sufficient money to fund the program at 100% entitlement, Section 5(c) provides for adjustments. Clearly, Section 5 (b) and (c) do not permit any discretion in the application of appropriated funds to the payment of the entitlements. Section 7(c) authorizes appropriations for assistance to local educational agencies located in areas which have suffered major disasters. To the extent that Section 7(c) funds are not needed to reimburse other P.L. 874 appropriations which had been tapped in an emergency for assistance in disasters, appropriations under Section 7(c) are not mandatory and are controllable by the Secretary.

C. Education, professions, development:

1. *Grants to States* (Subpart 2 of Part B, Title 5 of the Higher Education Act of 1965—The Education Professions Development Act). This program provides for grants to States to enable them to support the efforts of local communities experiencing teacher shortages or the efforts of State educational agencies to attract teachers and teacher aides (§518). The entire appropriation must be allotted (§519(a)). There is also a discretionary provision for reallotting a State's allotment which the Commissioner determines will not be required (§519(b)). This program is a State plan program. The Commissioner is required to approve any State plan which meets the statutory criteria (§520). The Commissioner is directed by Section 520A to pay to a State, from its allotment, an amount equal to the amount expended by the State in carrying out its State plan. This is clearly a mandatory program.

D. Higher education:

1. *Under Graduate Instructional Equipment* (Part A, Title VI of the Higher Education Act). This is a grant program to institutions of higher education for the acquisition of equipment and for minor remodeling (§601). The entire appropriation must be allotted (§602(a)). Section 602(c) has a mandatory reallotment provision: (The reallotment provision in other OE programs referred to above are discretionary). This is a State plan program and the Commissioner is required to approve a State plan which meets the statutory requirements (§603). Applications for grants by institutions of higher education are approved by the Commissioner. The Commissioner must approve an application which meets the statutory requirements (§605). The Commissioner is required by Sec. 606 to pay the Federal share of the grant. The criteria for determining the Federal share is set forth in Section 604. This program is therefore mandatory, in that no discretion is left in the Commissioner either to withhold part of the appropriation or to withhold approval from an application which meets the statutory standards.

2. *Direct Loans* (Title II, NDEA). This program provides for Federal capital contributions to student loan funds of institutions of higher education (§201). The entire appropriation must be allotted to each State in accordance with the formula set forth in Section 202. Section 203 requires the Commissioner to pay the Federal capital contribution to institutions with which he has agreements. Section 203 also provides for adjustments in the amount of the Federal capital contribution if the application of an institution which meets the requirements exceeds the allotment of the State. This section also provides that the Commissioner may reallot the remaining amount if the applications are less than the amount of the allotment of the State.

In short, this program is also mandatory, both in terms of allotment of the appropriation, and expenditure from that appropriation in the event there are sufficient acceptable applications.

3. *Facilities Grants* (Title I, Higher Edu-

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[1] Other programs, e.g., Titles II and III of ESEA, have similar provisions. Because the amounts involved are small, and because it is questionable whether the discretion to withhold such funds would be exercised in the case of grants to the territories when no such discretion is available in the case of grants to the States, no further reference will be made to such provisions in other OE programs.

[2] Former General Counsel Willcox reached the same conclusion in a memorandum to Mr. Cardwell, dated July 21, 1966.

cation Facilities Act). This is a program of grants to institutions of higher education for construction of academic facilities. Section 102 requires the entire appropriation to be allotted among the States in the manner prescribed therein. Sections 103(c) and 104(c) both have mandatory reallotment provisions. Grants are made on the basis of applications approved by the Commissioner. Section 108 provides that the Commissioner must approve an application which meets the statutory requirements. Section 109 requires the Commissioner to pay the Federal share of the project.

This program is also mandatory, both in the requirement that the entire appropriation be allotted, and the requirement that the Commissioner approve applications which meet the statutory criteria and make payments to the applicant.

E. Vocational education:

1. *Grants to States* (Part B of the Vocational Education Act of 1963). This program authorizes grants to States to assist them in conducting vocational education programs. Section 102(a) requires the entire appropriation to be allotted, 90% for Part B and 10% for Part C. Section 103(a)(1) requires the Commissioner to reserve an amount not to exceed $5,000,000 from the appropriation for transfer to the Secretary of Labor to finance certain studies. This sum can be withheld. The remainder of the appropriation must be allotted among the States on the basis of a formula based on population and per capita income. The Commissioner is directed by Section 124 to pay to each State an amount equal to 50% of the State and local expenditures in carrying out its State plan. There is also a reallotment provision (§ 103(c)) which is somewhat stronger than the reallotment provisions in other programs, e.g., Title II of ESEA, in that it sets up priorities for the reallotment. However, it is a discretionary provision since it merely makes the amounts involved "available" for reallotment.

In short, this program is also mandatory, both in terms of the allotment of the entire appropriation, and the requirement to make payments to States in carrying out their approved State plans.[3]

2. *Work-Study* (Part H of the Vocational Education Act of 1963). This program is for assistance to States in carrying out the work-study programs for vocational education students. This program is similar to the Part B program discussed above in that the entire appropriation must be allotted to each State (§ 181); it is operated under a State plan (§ 182); and the Commissioner is directed to pay the State amounts in accordance with a prescribed formula within the allotment to the State (§ 183). There is also a discretionary reallotment provision in the event the Commissioner determines that the State's allotment will not be required to carry out the State plan (§ 181(b)(2)). This program is also mandatory.[4]

3. *Programs for Students with Special Needs* (§ 102(b) of the Vocational Education Act). This program is for assistance to persons with handicaps that prevent them from succeeding in the regular vocational education program. Since the provisions applicable to Part B above (grants to States) are applicable to this program, I conclude that it is also mandatory both from the standpoint of the allotment of the entire appropriation and the requirement that payments be made to each State within its allotment of the Federal share of the State and local expenditures in carrying out the State plan.[5]

4. *Research (State Portion)* (Part C of the Vocational Education Act). Fifty percent of the appropriation for research and training in vocational education is for a discretionary program of direct grants and contracts. The remaining 50% is a mandatory program governed by the same provisions that are applicable to Part B grants discussed above. Therefore, the conclusions applicable to Part B are also applicable to Part C.[6]

5. *Consumer and Homemaker Education* (Part F of the Vocational Education Act of 1963). This program is for the purpose of providing educational programs to encourage home economics and for ancillary services. The statute requires the allotment of the entire appropriation to the States, with a discretionary reallotment feature where the Commissioner determines that the entire allotment for the State will not be required (§ 161). The Commissioner is directed to pay the Federal share of amounts spent for authorized purposes by a State under its approved State plan (§ 161(c)). This program is also clearly mandatory, both in the requirement for the disbursement of the entire appropriation, and the requirement that payments be made to the State from its allotment for its expenses in carrying out the State plan.[7]

F. Libraries:

1. *Library Services* (Title I of the Library Services and Construction Act). This program provides for payments to the States for the extension of public library services to areas without such services or with inadequate services. Section 102 requires the allotment of the entire appropriation. Section 103 requires the Commissioner to approve a State plan which fulfills the statutory requirements. Section 104 requires the Federal share to be paid to each State which has an approved plan.

Title III of the Library Services and Construction Act (Inter-Library Cooperation), Title IV, Part A (State Institutional Library Services), Title IV, Part B (Library Services to the Physically Handicapped) each have allotment formulas and payment provisions similar to those in Title I. I conclude that all these library service programs are mandatory both with respect to the allotment of the entire appropriation and with respect to payments to States which have approved plans and incur expenditures in accordance with those plans.

2. *Construction of Public Libraries* (Title II of the Library Services and Construction Act). This is a State plan program for the construction of public libraries. Section 202 requires the allotment of the entire appropriation; Section 203 requires the Commissioner to approve a State plan which fulfills the statutory conditions; and Section 204 requires the Commissioner to pay to the State an amount equal to the Federal share of projects approved under the State plan. This program is also clearly mandatory in all respects.

G. Education for the handicapped (Part A of Title VI of ESEA). This program is for the purpose of assisting States in financing programs and projects for the education of handicapped children. Section 603(a) requires the allotment of the entire appropriation. Section 603(c) provides that the amount of a State's allotment which the Commissioner determines will not be required for a particular fiscal year shall be available for a reallotment. Grants under this program are made to States with approved State plans (§ 604). Section 605 directs the Commissioner to pay from the amounts allotted to each State an amount equal to an amount expended by the State in carrying out its State plan.

Again, this program is also mandatory both with respect to the allotment of the entire appropriation and with respect to payments to be made to the States to match expenses incurred by the States in carrying out their State plans.

II. PUBLIC HEALTH PROGRAMS

A. Hill-Burton construction grants (Title VI, Part A of the Public Health Service Act). This is a program of assistance to the States for the construction and modernization of medical facilities. The allotment formula in Section 602 requires the allotment of the entire appropriation. Any State desiring to participate in the Hill-Burton Program must submit a State plan, and the Secretary is required to approve a State plan which meets the statutory requirements (§ 604). Applications for project grants must be submitted to the Secretary through the State agency (§ 605). If the application meets the statutory criteria, the Secretary must approve it if sufficient funds to pay the Federal share of the cost of the project are available from the allotment to the State (§ 605(b)). Payments must be made upon certification by the State agency that the construction work has been performed (§ 606).

The Hill-Burton Program is clearly a mandatory program both with respect to the allotment of the entire appropriation and with respect to payments for approved projects. Approval cannot be withheld of a project which meets the statutory requirements.

B. Community mental health center construction grants (Part A of the Community Mental Health Center Act). This is a program for grants for construction of public and other non-profit community mental health centers. Section 202(a) provides that the Secretary shall make allotments to the States "from the sums appropriated under sec. 201." There is provision for readjustment of the allotments, including transfer of a State's allotment from this part to Part C of Title I (grants for construction of facilities for the mentally retarded). The rest of the statute is similar to Hill-Burton in that it provides for a State plan which must be approved by the Secretary if it complies with the statutory requirements (§ 204); and for approval by the Secretary through the State agency of applications for a project which meets the statutory criteria, if sufficient funds to pay the Federal share of the cost of construction are available from the allotment to the State (§ 205).

This program must, however, be distinguished from Hill-Burton, in that Hill-Burton requires the allotment of the entire appropriation. The community mental health centers program merely requires the Secretary to make allotments from the sums ap-

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[3] H.R. 13111, as passed by the Senate, appropriates "not to exceed $352,836,000" for Part B. Although Part B is a mandatory program, the use of the language "not to exceed" would provide authority to the Commissioner to allot less than the full $352,836,000 for this program.

[4] $10,000,000 is appropriated by H.R. 13111, as passed by both Houses, for Part H. Because the appropriation language is ambiguously worded, it could be argued that the phrase "not to exceed" which is used in connection with the amount appropriated for Part B is also applicable to Part H. I believe, however, that the better interpretation is that the fixed amount of $10,000,000 is appropriated for Part H.

[5] For the same reasons as stated in footnote 4, it is arguable that the $40,000,000 appropriated by H.R. 13111, as passed by both Houses, for this program, could be interpreted to mean "not to exceed" $40,000,000.

[6] No specific reference is made in the appropriation language to funds for Part C. However, as noted in our discussion under Part B, Section 102(a) provides that from the amount appropriated and allotted to each State, 90% shall be available for purposes of Part B and 10% shall be available for purposes of Part C.

[7] For the same reasons as stated in footnote 4, it is arguable that the $20,000,000 appropriated by H.R. 13111, as passed by the Senate, for this program could be interpreted to mean "not to exceed" $20,000,000.

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propriated. In my judgment, this leaves room for the Secretary to withhold from allotment part of the appropriations so long as the requirement in Sec. 202(a) is met that no allotment to any State for any fiscal year may be less than $100,000. Once the funds are allotted, the program is a mandatory one, and projects meeting the requirements of the statute must be approved.

C. Grants to the States for public health services (Sec. 314(d) of the Public Health Service Act). As in the case of the community mental health center construction grants, allotments for this program are also to be made "from the sums appropriated." (Sec. 314(d)(3)). Again, there is no requirement that the entire appropriation be allotted. Subsection (d)(1) provides that the appropriated funds shall be used for making payments to States with approved State plans for the provision of public health services. However, I do not deem this provision to be a requirement that all of the sums appropriated must be used in making such payments to the States. Payments to States are required to be made for the Federal share of expenditures incurred under an approved State plan.

I conclude, therefore, that while this is a mandatory program in the sense that payments have to be made in accordance with the State plan after the allotment is made to a State, there is no requirement that the entire appropriation be allotted. The only limitation is in Subsection (d)(3), which provides that no State's allotment shall be less for any year than the total amounts allotted to such State under formula grants for cancer control, plus other allotments under this Section for the fiscal year ending June, 1967.[8]

D. Health professions student loans (Part C of Title VII of the Public Health Service Act). Under this program the Secretary is authorized to enter into agreements for the establishment and operation of a student loan fund with schools of medicine and other schools for the health professions. Section 742(a) authorizes appropriations for the purpose, *inter alia*, of making Federal capital contributions into loan funds at schools which have agreements with the Secretary under this program. Section 742(b)(2) provides that if the total of the amounts requested for any fiscal year in applications by schools exceeds the amount appropriated for that fiscal year, the allotment to the loan fund of each applicant school must be reduced in accordance with a prescribed formula. Thus, it can be clearly inferred from this provision that it was the intent of Congress to make the entire appropriation available as needed. Section 742(b)(4) provides that allotments to a loan fund of a school shall be paid from time to time by the Secretary in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at the school.

I conclude that the Health Professions Student Loan Program requires the entire amount of the appropriation be made available for the program, and that no part of the appropriation may be withheld.

E. Nursing Student Loans (Title VIII, Part B of the Public Health Service Act). This program is similar to the Health Professions Student Loan Program. Section 825(a) requires the Secretary to allot to each school with which the Secretary has entered into an agreement for the establishment and operation of a student loan fund to be financed in part by Federal capital contributions, an amount which bears the same ratio to the amount appropriated as the number of persons enrolled in the school bears to the total number of persons enrolled in all nursing schools (§ 825(a)). In other words, this provision requires in terms the allotment of the entire appropriation for the program. There are several provisions on reallotment. Section 825(a) provides that funds available for payment to schools which are in excess of the amount appropriated for a particular fiscal year shall be reallotted. Section 825(b)(2) has a provision to reduce the payments to the loan fund of each school if the total requests made by the schools in a State exceed the amount of the allotment of such State for that fiscal year. If the total requests by schools in a State is less than the amount of the allotment of the State for a particular fiscal year, the Secretary may allot the remaining amount to other States. I conclude that it is mandatory to make the entire appropriation available for allotment and to make payments of Federal capital contributions under this program.

III. SOCIAL AND REHABILITATION SERVICE

Development of programs for the aging: Title III of the Older American Act of 1965, as amended (Grants for State and Community Programs on Aging) provides for formula grants under Sections 302 and 304. Section 302 provides for the allotment to the States of the entire appropriation for that section. Section 303 requires the Secretary to approve a State plan which meets the statutory requirements. Section 302(e)(3) requires payments to be made from the allotment of any State for grants to pay part of the cost of projects in that State approved by the State in accordance with the State plan. Section 302(b) provides for the mandatory reallotment of a State's allotment which is not required for carrying out its State plan.

The formula grant program under Section 304 is for the planning, coordinating and evaluating programs under the Older Americans Act and for administering the State plan. It requires the entire appropriation to be allotted, and provides that the allotment of any State shall be available for payments to State agencies for authorized purposes. Section 304(c) has a mandatory reallotment provision.[9]

It is clear that both of these formula grant programs are mandatory programs.

To sum up, except for two of the Public Health programs discussed above, and except as indicated in the discussion of the other programs, I conclude that there is no authority to impound or withhold the appropriations for the formula grant programs discussed above.

In three of the mandatory programs, the Health Professions Student Loan Program, the Nursing Student Loan Program, and the Section 302 program under the Older Americans Act, the precise amount of the appropriations are not set forth in the Appropriation bill. Generally, in such situations, I understand that it has been the practice to determine the amount appropriated for the program from the Budget requests, and from the reports of the Appropriations Committees. It can be argued that in the absence of a specific amount appropriated for a formula grant program in the Appropriation bill, the Secretary, in establishing the amounts "appropriated" for such programs, can reduce the amounts earmarked for such programs in the Budget or in the Committee reports on the bill.

31 U.S.C. 665(c)(2) is sometimes cited as authority for the impounding of appropriations. This Section provides in pertinent part:

"In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available."

In my judgment, this Section cannot be given such sweeping effect as to negate the mandatory character of formula grant programs. My conclusion is buttressed by the purpose of this Section, as stated by the Committee on Appropriations, which attached this provision as a rider to the 1951 General Appropriations Act, is "to require careful apportionment of all types of funds expended by Federal agencies and efficient administration of the Government's business." (H.R. Rept. No. 1797, 81st Cong., 2d Sess., p. 9).

There remains for consideration the constitutional question raised by the Congressional mandate that the funds appropriated for the formula grant programs be spent.

This question cannot be answered in the abstract, but rather must be considered in the light of the type of activity which the Congress directs the Executive Branch to administer. In my judgment, there are four types of activities which the Congress might conceivably direct the Executive to administer and for which it might mandate the expenditure of appropriated funds. These include (1) activities such as grants-in-aid to States for essentially State or local education and health programs, areas over which the Federal Government would have no jurisdiction except by virtue of Article I, Section 8 of the Constitution which authorizes the Congress to provide for the general welfare; (2) areas which are confided by the Constitution to the substantive direction and control of the Executive, such as the national defense; (3) areas in which there is dual jurisdiction in both the States and the Federal Government; and (4) essentially ministerial functions in which the Executive is given little or no discretion except to make payments to designated beneficiaries, such as bonuses to war veterans.

With respect to the first category, since the Executive Branch can engage in such activities solely by virtue of the authority given to Congress under the general welfare clause, Congress, in the legislation which it enacts, could control the degree of discretion it places in the Executive Branch to administer these activities, and, if it so desires, could direct the Executive Branch to make payments in accordance with formulas prescribed in the legislation. The several mandatory grant-in-aid programs discussed in this memorandum clearly fall into this category, e.g., the programs under the Elementary and Secondary Education Act, in which the Federal Government is acting in aid of local activities. I, therefore, see no constitutional question in Congress mandating the expenditure of funds by the Executive Branch for the formula grant programs discussed above, and limiting the degree of discretion in the Executive Branch in the administration of these programs.

I would also find no constitutional conflict in the Congress directing the Executive Branch to take action of an essentially ministerial nature, such as the disbursement of

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[8] This program has been considered to be a mandatory program under which the entire appropriation had to be allotted. My predecessor, in a memorandum to Mr. Kelly, included this program in a list of programs which he deemed to be mandatory (Memo, Willcox to Kelly, November 3, 1967).

[9] H.R. 13111, as passed by the Senate, appropriates $36,250,000 to carry out the Older Americans Act of 1965 and initial expenses of a White House Conference on Aging, "including not to exceed $4,000,000 for State planning and other activities * * * in accordance with the provisions of Section 304 of the Act of 1965, as amended." As stated in footnote 3, the use of the language "not to exceed" would provide authority to allot less than the full $4,000,000 for Section 304 purposes.

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payments to war veterans. *Kendall* v. *United States*, 12 Pet. 524 (1838) clearly supports this conclusion.

Particularly since it is not necessary for purposes of this memorandum to make any judgment with respect to the second and third categories listed above, I would reserve judgment on whether the Congress can direct the Executive Branch to spend appropriations for activities in these categories and thereby limit the discretion of the Executive to act in these areas.

ROBERT C. MARDIAN,
General Counsel.

FORMULA GRANTS—POSSIBLE SAVINGS FROM AMOUNTS APPROPRIATED

The SECRETARY:

In my memorandum to you of this date discussing the authority to impound funds appropriated for formula grant programs, I expressed the opinion that the entire amount of the appropriations for two public health programs, Community Mental Health Center Construction Grants and Grants to States for public health services, is not required to be allotted to the States.

The appropriation bill, as passed by the Senate, includes $36,200,000 for Community Mental Health Construction grants, $7 million more than requested in the President's Budget.[1] The statute for that program (42 U.S.C. 2682) requires that each State receive a minimum allotment of $100,000. Subject to that requirement, I see no reason why any increases in the appropriations for this program over the amount requested in the Budget may not be impounded.

In the program for grants to the States for public health services (§ 314(d) of the Public Health Service Act, 42 U.S.C. 246(d)), the bill, as passed by the Senate, appropriates $100 million for this program, $10 million more than requested in the Budget. The Conference report also provides $100 million for this program. The statute requires that the allotments be made on the basis of the population and financial need of the respective States except that no State's allotment shall be less for any year than the total amounts allotted to that State under formula grants for cancer control, plus other allotments under Section 314 for the fiscal year ending June 30, 1967. Subject to these requirements, I see no reason why any increase above the request in the Budget need be allotted for this program.

In my memorandum, I noted that several formula grant programs in the Office of Education included discretionary authority in the Commissioner to make reallotments from any State's allotment which the Commissioner determines will not be required by that State. In fiscal year 1969, $4,410,000 was reallotted under Title II of the National Defense Education Act (loans to students in institutions of higher education). In fiscal year 1970, I have been informed that increasing loan demand has reduced the amount that may be expected to be available for reallotment. Thus far in fiscal year 1970, $688,000 has been reallotted under this program, but little or no further reallotment is expected in this fiscal year. In fiscal year 1969, $582,869 was reallotted under Title V, Part B, Subpart 2 of the Higher Education Act (grants for attracting teachers to meet teacher shortages).

It appears, therefore, that by not reallotting all the funds available for reallotment in those programs where the Commissioner has discretionary authority to reallot, some savings may be made.

Additional savings may be made in those programs in which a fixed amount has not been appropriated for a particular formula grant program. Thus, as noted in my memorandum, the Senate appropriated "not to exceed" $352,836,000 for Title I, Part B of the Vocational Education Act of 1963, and the House voted "not to exceed" $357,836,000 for that program. The House increased the Budget request for Part B by $127,500 and the Senate increase was $122,500. The conferees did not agree on a figure for this program. Similarly, the Senate appropriated "not to exceed" $4 million for Section 304 of the Older Americans Act. In both instances, it is my opinion that the Secretary has authority to reduce those amounts in making the allotments to the States.

As I also noted in my memorandum, the appropriations for the Health Professions Student Loans Program, the Nursing Student Loan Program, and the Section 302 program under the Older Americans Act, are not stated in precise amounts in the bill but are included in larger amounts appropriated for those and other programs. In these instances, it is my opinion that it is at least arguable that the Secretary is not obligated to allot the amounts by which it is indicated in the Committee reports that the appropriations have been increased over the President's Budget. I would want to further examine each apporpriation for these programs before rendering a definitive opinion on this matter. The House increased the Health Professions Student Loan program over the President's Budget by $4,781,000 and the Senate increased that program by $12,781,000. The increase in the Conference Report is $8,781,000. The House increased the Nursing Student Loan Program by $5,500,000 and the Senate increased it by $8 million. The increase in the Conference Report is $6,750,000. The Senate bill includes $20 million for Title III of the Older Americans Act of 1965 including the "not to exceed" $4 million for section 304 discussed above. The $20 million figure represents an increase of $7 million over the amount requested in the President's Budget.

ROBERT C. MARDIAN,
General Counsel.

Mr. QUIE. I also place in the RECORD, Mr. Speaker, the statement of the General Counsel as to the number of programs that are mandatory, except impacted aid, which will require the local school to make the expenditure before June 30 of this year.

The statement referred to follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
January 28, 1970.

Subject: Expenditure of Federal educational assistance by local educational agencies.

To: Mr. Creed Black, Assistant Secretary for Legislation.

Under the formula grant programs administered by the Office of Education for the support of elementary and secondary education, in which a State agency allocates Federal assistance among local educational agencies (for example, titles I–A, II, and III of the Elementary and Secondary Education Act of 1965, and title III of the National Defense Education Act of 1958), amounts allotted to States under the pertinent formula remain available for State obligation for the fiscal year for which they are appropriated. 18 Comp. Gen. 969 and decisions therein cited. Therefore, in a program such as that of Financial Assistance to Local Educational Agencies for the Education of Children of Low-Income Families, title I–A, ESEA, unless the State Agency has approved project applications from local educational agencies for a given fiscal year in an amount that exhausts the sums appropriated by Congress to fund the entitlements of those agencies, we would understand the balance of such sums as not required by the State to meet a bona fide need of such fiscal year. 33 Comp. Gen. 57, 61; 38 Comp. Gen. 628. The unobligated amounts would therefore be returned to (or, more accurately, no longer be available for expenditure from) the Federal Treasury.

Upon State agency approval of a local educational agency's title I–A project during a fiscal year for which funds are available, the local educational agency is required by title I regulations (specifically, 45 CFR § 116.46 (a)) to obligate the Federal funds made available for such project by August 31 of the succeeding fiscal year. The regulation is amply supported by the analysis contained in 20 Comp. Gen. 370 and, since 1967, § 405 of the Elementary and Secondary Education Amendments of 1967.

With reference to the funds appropriated in connection with the programs above referred to, the experience of our Department is that the local educational agencies do obligate and do expend the funds appropriated during the fiscal year rather than lose the obligated funds.

ROBERT C. MARDIAN,
General Counsel.

Mr. QUIE. You know what happened before with reference to the educational programs when the money came late in the school year, there was not time enough for the schools to make adequate plans. One example was the year of title I of ESEA, this resulted in some unwise purchase of equipment since some schools evidently could not think of anything else on which they could spend the money.

I have seen reports from some areas which indicate that at some schools the equipment still is not uncrated. We can really get a black eye in the field of education if we thrust upon them more money than they can use. The only way we can spend more money for education than the budgeted amount equitably is to have an understanding between the administration and the Congress on the amount of money that will be spent this year. The administration seems to be saying they will agree to meet us part way and if they agree to $450 million over the budget at this late date for 1970, it is pretty good.

Some of you are concerned about vocational education, as am I, because I am convinced that in vocational education we must spend, in fiscal year 1970, $70 million more than the budget request. I have received the assurance from the administration that they will make that expenditure; $70 million over the $279 million for vocational education in the budget is necessary in order that basic grants will not be reduced below 1969 levels.

With the assurances for education for 1970 fiscal year, which is already 7 months behind us, I believe we should sustain President Nixon's efforts to control inflation. This I believe is the best we can do for education.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the chairman of the House Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

(Mr. PERKINS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I do not know why the President has vetoed

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[1] The precise amount of the appropriation for this program is not stated in the appropriation bill, but rather is included in a larger amount appropriated under the heading "Mental Health."

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funds for education. I do not know why the President has assigned such a low priority to education as is evidenced by the education budget that was submitted to the Congress.

I do know that the veto of this bill will not halt the forces of inflation. It will only deny educational opportunities to millions of American schoolchildren.

In recent days I have shared with you the results of surveys I have taken since the first of the year with respect to the beneficial effect of one of the largest Federal elementary and secondary education programs, title I of ESEA.

I have also placed in the RECORD information I have received from State-operated vocational education programs which are supported by funds directly affected by the veto.

I have also brought to your attention information furnished me by the colleges and universities throughout the country with respect to the urgent need for student financial aid programs.

Also submitted for the RECORD have been reports from 35 States with respect to the remarkable gains that have been made in remedial reading programs funded under title I of the Elementary and Secondary Education Act.

This afternoon I invite Members to face squarely with me the issues presented by this veto.

The major point which the President has tried to make in justifying his action in denying these funds to education throughout the Nation is that the $1.2 billion additional funds for education and health programs is inflationary.

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I do not pretend to be an economist, and I doubt that there are many in this Chamber today who would claim to be experts in this field.

But as Members are called upon to analyze the Federal budget and to vote on issues coming before the House, I think we have an appreciation for the cost of Government and for dealing with the budgets and figures of the various agencies as they are presented to us both in the authorization and appropriation processes.

First, let us put these numbers in their proper perspective. The approximately $1 billion extra for education and health about which the President has complained with reference to the total Federal budget is about 1 penny out of 200 pennies. In terms of our national economy, we are talking about 1 penny out of 1,000 pennies.

We should be spending this year in support of education programs at least the full amount of existing authorizations which would be in the neighborhood of $9 billion rather than the $4.2 billion which this bill provides. Mr. Speaker, on this point, I think that it is extremely significant that the report of the President's own Task Force on Urban Education which appears in the January 20 CONGRESSIONAL RECORD, on page 156, recommends full funding of existing education authorizations and in addition an expenditure of $14 billion annually for urban education alone by fiscal year 1975.

This Congress has acted responsibly to curb the forces of Government spending. In this regard we have, when all of the appropriations bills are considered together, trimmed the President's request for appropriations by $5.6 billion. In other words, we have cut the President's own appropriations requests more than the total amount provided for all education programs under the Labor-HEW appropriation bill for 1970.

As I have said, the amount in question is too small to have any appreciable effect on the economy. The President's own economic adviser, Herbert Klein, only 8 weeks ago observed that a shift of $28 billion in the Federal budget had surprisingly little effect on the national economy.

Perhaps the President feels that this austere action may influence less spending in other areas. If this is his thinking, why single out education for the symbolic gesture? Why should the Nation's schoolchildren be the sacrifice on the altar of controlling the forces of inflation?

To me the education of our children and the continuing education opportunities for adults should command this Nation's highest priority. The strength of our country to meet any of the tests that confront it lies in its people. Without trained and educated people we would be no match for any hostile adversary. Without an educated people, as Jefferson put it, we would not be able to preserve the democracy.

But, yet, the President has singled out education as the only Federal program which shall bear the brunt of this misdirected effort.

Mr. Speaker, I know of no other field of endeavor where so much has been expected with so little financial support. We would not expect our airplane designers to furnish us with a million-dollar aircraft on a $300,000 budget.

But that is precisely what we have asked our school people to do. We have designed programs to meet the urgent needs in our Nation's poorest schools, and our best evidence of the cost was an estimate of something over $3 billion.

We have yet to provide one-third the amount of money authorized to do the job. Yet all criticism of the program is predicated upon the allegation that, since these programs are not reaching all of the children in need, Federal legislation is ineffective.

If it is not doing the job that Congress asked, it is because we have not lived up to our commitments to provide funds for the programs we have authorized.

Nevertheless, Mr. Speaker, to say that the programs which Federal funds have financed in education have not been effective to the extent that the Congress has appropriated money for them, would be to ignore the overwhelming weight of evidence. Since its passage in 1965, the Elementary and Secondary Education Act has created broad education opportunities for children in all the Nation's school districts.

Today, the special educational needs of handicapped children are being met in areas where, before, such educational services did not exist; thousands of school libraries have been established in elementary and secondary schools where there were none before; the impact of title I programs and the influence of other federally supported programs has markedly reduced the dropout rates.

Not only does the question of the veto involve funds for these important programs, but also funds for guidance and counseling services, library construction, and student financial aid.

As to vocational education, let me remind my colleagues that in 1968, the House of Representatives unanimously passed the vocational education amendments authorizing increased vocational education support, from an authorization of $280 million annually to $766,650,000 for the current fiscal year. The $488 million provided in H.R. 13111 does not begin to approach fulfillment of the commitment made when this body so overwhelmingly recognized the great need to strengthen vocational education programs throughout the Nation.

Mr. Speaker, I think we should analyze this matter very carefully. Let us look at each of the areas where the will of the Congress differs from the President's request. By doing this, we will see the veto in its true light—that is, an attempt to economize in an area which cannot be economized if we are concerned over the America of the 1970's and 1980's—as the President in his state of the Union message asked us to be.

The record compiled during the first session of the 91st Congress contains overwhelming testimony as to the effectiveness of title I of ESEA. The most recent survey, conducted within the last 2 weeks, provides still another record of accomplishments. The recent testimony of hundreds of school officials and the statistical data showing increases in achievement levels for title I students supplied by State departments of education within just the last 2 days are part of the record which cannot be challenged.

The effectiveness of title I has been limited by one thing and one thing only—and that is related to financing. If one is to indict title I for lack of accomplishment, it can only be because of untimely and inadequate funding. The question then today is whether this Congress will allow further deterioration in title I programs and services; whether we are going to allow still more remedial reading programs, counselor programs, and programs of summer help to be closed down; and whether we are going to tell more disadvantaged students that there is no room in the program for them.

Again, let us not be deceived by those who wish to characterize the bill as one providing an increase. As was stated during our first debate on this bill in July, in fiscal year 1968 we provided $210 for each pupil who qualified under ESEA guidelines. If we do not override the veto and, therefore, provide funding at the level requested by the President, we will only be providing $170 for each such pupil. This is a backward step which the country cannot and must not take.

So, too, we are not talking about an increase for the library and textbook program carried on under title II of ESEA. Here again, it is a matter of restoration—restoring the program to the 1969 level which was, I might add, less than one-half of the amount appropriated in 1968.

The 1969 appropriation of $50 million provided for the purchase of about 9 million books and film strips, or about one book or one film strip for every participating child. The number of volumes needed to bring school libraries up to standard is estimated to be 425 million. The question is today then—do we simply ignore that deficit, as does the President's appropriation request, or will we again make an effort to reduce this deficit in needed resources?

As was the case in title II, the appropriation bill represents a restoration of funds for the title III program of supplemental educational centers. The $116 million requested by the President for title III is just about enough for continuation of funding of already existing projects. By providing an additional $48 million, the bill recognizes what the President fails to recognize—that less than 10 percent of all local school districts have received title III money for projects to help solve the major educational problems and needs peculiar to their community.

Turning now to the elementary and secondary school programs carried on under the National Defense Education Act, the issue is again not one of increase but one of restoration. For the guidance and counseling program, the appropriations bill provides $17 million—the same amount as was appropriated in 1969, but $7.5 million less than appropriated in 1968 and in 1967. Annual reports from the States demonstrate that the guidance and counseling program is having a catalytic effect in the State and local programs, as evidenced by the doubling of State and local funding from $135 million in 1963 to $274 million in 1968. The President's request—that is, his failure to request funds for title V—does not merely fail to recognize this effect of the program, but it ignores entirely the well documented critical need for a substantial appropriation for guidance and counseling. More than 85,000 additional counselors are needed in our Nation's schools and communities today.

The NDEA program of equipment grants can be viewed similarly. Seventy-eight million dollars was appropriated for this program in 1969, and this resulted, when one takes into account State and local matching, in projects which totaled $190 million. Regardless of the stimulus, the title III program offers in the ever-continuing task of providing necessary instructional equipment, the President has not seen fit to fund the program. The appropriation bill corrects this error by restoring the program to the 1969 level.

Turning now to higher education, as we evaluate and study the financing of higher education we see two conflicting trends. On the one hand we see costs spiraling upward, while on the other hand Federal funds are going down. In a letter I received from the student financial aid officer at the University of Missouri just yesterday the predicament is outlined.

> Enrollments are increasing at the University of Missouri by approximately 1,000 students this year.
>
> Tuition and fees have increased sharply at the University of Missouri by 25 percent this year.
>
> Federal funds have been curtailed. At the University of Missouri the National Defense Student Loan funds thus far for 1969–70 are $139,000 less than for the previous year.
>
> Federal funds are desperately needed. At the University of Missouri 400 additional worthy students are in need of approximately $150,000 in student loans which the university does not have available for the second semester.

The difference between financing of the NDEA student loan program as determined by the Congress, and financing of the NDEA student loan program as suggested by the President, is considerable. But let us not talk about the dollar difference—let us talk about the 100,000 or more students whose continuation in college may be terminated if additional funds are not made available by overriding the veto message. For 16,000 students attending private business schools and technical institutes there is no "maybe" about it. Their eligibility and participation is contingent on an appropriation in excess of $190 million and the President's request is some $30 million shy of that figure.

Financing of the Higher Education Facilities Act is involved in this controversy. Quite frankly, it is almost embarrassing to discuss this matter, because if there is any place in this bill which might be interpreted as tokenism, it is in connection with the Facilities Act. Construction needs in higher education, particularly in connection with the junior college movement, will go virtually unattended even with approval of the appropriations bill. Here the appropriation bill does not even restore funding to the 1969 level. With the appropriation in 1969 of $83 million—$7 million more than in the current bill—the Federal Government participated in the financing of slightly over 500 building projects on college campuses. Taking into account increased costs of construction and the fact that the pending appropriation is less than last year's, Federal participation will be even less than the minimum undertaken last year. More importantly, if we are talking about inflation, the longer we delay in providing facilities which must be built, the greater will be the costs we will have to bear.

In this connection, let us not overlook a recent report of the Office of Education which shows that colleges and universities will need an additional $21.6 billion worth of academic and residential facilities, in order to keep pace with a projected increase in enrollments by 1977. The report further states: "There is an urgent need to begin the long overdue job of rehabilitating and converting their substandard academic facilities in many institutions." In the face of these projects and documented needs, one cannot argue with a restoration of $33 million, as against a need of over $21 billion.

Like the facilities program, the college library program is not even restored to the 1969 level. The appropriation bill, while it provides $8 million more than the President's request, is still $4 million below the 1969 investment of $25 million in the very heart of a college campus—the library. Other library programs such as library services and library construction are brought up to the 1969 level.

As provided in the appropriation bill, schools benefiting from the impacted areas legislation will receive 90 percent of their entitlement.

A small increase is provided for special education programs so as to strengthen and improve educational opportunity for handicapped children. No one should quarrel with that increase.

A small increase is provided for programs carried on under the Education Professions Development Act. Here, too, there should be no quarrel since the success of every education program is dependent on the competency of teachers and other school personnel. Even with the small increase provided, the appropriation is, in my judgment, far less than what is needed.

And finally, Mr. Speaker, let us turn to vocational education. At first glance, it seems as if there is a substantial increase being provided. The President requested $279 million, whereas the appropriation bill provides $488.7 million, an increase of almost $210 million. But let us see exactly where this money will be going. Much of it is involved in newly authorized programs. Forty million dollars will be for vocational programs for students with special needs and $34 million will be for needed vocational education research. For basic grants the funding will be increased from $234 million appropriated last year, the identical amount requested by the President for this year, to $354.7 million. Why is such an increase necessary? Again, let me turn to a very recent survey, the results of which I included in the RECORD last week. Many of the returns from State vocational educational agencies explain quite clearly the need for increased funds.

From Maryland:

> Counties have been told that unless additional Federal money is appropriated they will be cut one-third from what they received last year on their Federal reimbursement.

From Kentucky:

> The 40 percent set aside have made it necessary for Kentucky to spend $1,911,000 less than was spent on regular programs last year.

From Ohio:

> At the present level of funding—1969—Ohio is cutting back in construction, supplemental, equipment, training programs for vocational personnel and adult vocational programs.

Mr. Speaker, these statements tell us what we know to be the case, the crisis in vocational education is the funding of ongoing programs. It will be recalled that the 1968 amendments to the Vocational Education Act required State grants to be employed in several instances in new directions. With these requirements and no additional funds as is the case with the President's request, many essential ongoing programs will have to be cut back.

The vocational education survey reveals one additional matter upon which I will close. The question has been raised whether the educational community in the middle of the academic year will be

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able to effectively utilize any additional funds. Let us listen to what vocational educators have to say:

From Georgia:

> If $488 million is available the state will have no difficulty in committing the funds this fiscal year.

From Massachusetts:

> If $488 million is available Massachusetts can allocate funds in this fiscal year for projects that are already on hand.

From Texas:

> If $488 million is available Texas will have no difficulty in committing funds.

From North Carolina:

> North Carolina can use the Federal funds that will be available this year if the $448 million is appropriated.

These statements from vocational educators conform with the comments received from local school officials that not only can they utilize but they desperately need additional title I funds.

I am confident that every dollar contained in this bill will be effectively utilized in proving and expanding education at every level.

Let me remind my colleagues that the President has signed the continuing resolution, which provided appropriations for education programs at the rate provided in H.R. 13111, with respect to almost $1 billion of the additional funds.

School districts have programed and planned and made arrangements for the expenditure of these funds in good faith. Moreover, many of the programs funded are scheduled for the summer.

Let me also remind my colleagues that school systems are not without justification in committing program activities in the expectancy that the funds will be forthcoming. Thus, for the fiscal year June 30, 1967, the funds were made available not until the last week of December of that academic year. In fiscal year 1968, the funds were released after the midpoint of the academic year—January 16, 1968. And in 1969, they were not released until 2 months after the beginning of the academic year.

Failure to override the veto, let me assure my colleagues, will result in the shutdown of many programs.

Mr. MAHON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Speaker, I rise in opposition to the motion to override the President's veto and will vote to sustain.

I am sure that most of my colleagues are aware of my strong support for education, and I will continue these efforts to achieve higher priority for education and to find solutions to the ills affecting the schools of our Nation, especially those ills compounded by urban blight.

I disagree with Chairman PERKINS re inflation. The crisis of inflation is now so serious, so devastating to every family in this Nation, and even to the schools themselves, that controlling it must supersede other considerations.

If the budget calls for x amount of education, we sometimes have the tendency to outdo each other in proving the degree of that concern.

If the budget calls for x amount of education dollars, we can always call for more—and the other body can call for even more.

It is a little like leapfrog.

In the process we can lose sight of some of the hard realities.

Recognizing the necessity of this veto does not preclude continuing efforts to shift the education priority upward.

The very school districts with which we are concerned today have suffered a serious blow from inflation—and they will be similarly large beneficiaries when inflation is controlled.

As the President pointed out, inflation continuing at the present rate would wipe out $2.25 billion of effective education spending—more than twice the amount we are discussing now.

We also know, that there must be some adjustments made in the impact aid program.

The startling inequities of this well-intentioned program are too often overlooked when our attention is narrowly focused on our own congressional districts.

I supported the Joelson amendment when it was still time for the most efficient use of such education funds.

We know that such late-funding increases, at this late date however, cannot be spent as well as those which have had deliberate planning and well-thought-out programing.

In testimony supporting the advanced funding concept a few years ago, a spokesman for the American Association of School Administrators stated before the education and labor committee:

> When appropriations come late, very often they lead to unwise use of the funds, because there is an attempt to spend quickly what should be spent carefully over an entire school year.

Though the context differs somewhat today, the fact remains the same.

If the educators who have come to Washington this week could be completely candid, they would probably agree that these add-on funds cannot be spent efficiently.

One other compelling reason for sustaining the President's veto, Mr. Speaker, is not directly related to education—but is intrinsically involved with many of these same problems: That is, the restrictive mandate which removes from the OEO the flexibility to perform the innovative function necessary in seeking solutions to the problems of poverty.

Reconsideration of this legislation will give us an opportunity to review this vital point—and hopefully, restore to OEO Director Rumsfeld the financial flexibility he requires to do his job right.

In substance, Mr. Speaker, my vote will not reflect a clearcut decision, but rather an assessment, a weighing, of all the factors involved.

In my opinion, the weight of argument shifts the balance in favor of sustaining the veto, and I urge my colleagues to cast their votes accordingly.

Mr. RIEGLE. Mr. Speaker, 2 weeks ago at Houston, Tex., I spoke before the National Association of Independent Colleges, and indicated my intention to vote to override the President's veto of the HEW appropriation. I said then, that I felt the issue was one of national priorities—and I say that again today.

That is why, since coming to the Congress, I have fought to achieve maximum funding of our Nation's educational needs each time the issue has come up. I strongly believe education has to move up the list of national priorities.

But, the budget facts we face today are tough and unyielding. That is why we cut the present defense budget by nearly $6 billion. It is why we cut the foreign aid budget by nearly a billion dollars. It is why we cut the space program.

So, we have had to cut Federal spending back all across the board. It is not easy, it is not pleasant.

But, it is necessary—and each and every area of the budget must be trimmed—whether we like it or not.

Now, the vote today is not a vote for or against education. Every man in this Chamber is for education—however he votes today. And, education in this country will continue to thrive under either version of this bill.

Further, it is certain that if the President's veto is sustained, a reasonable and adequate compromise amount will be agreed to—and signed into law.

And so, while I feel great pain in having to reduce the HEW bill—I believe at this time, and under these circumstances, it has to be done.

The President has made a judgment that this is one of many painful cutbacks that must be made. So like it or not, the chips are down and the country is watching, and our action today will trigger secondary effects all across the economy that go far beyond education.

Should the President lose—that will be the signal to all the inflationary forces that the door is wide open, that the President has lost fiscal control, and it is every man for himself. And, the inflationary stampede will continue.

But, if the President's position is upheld, then the message is just as clear the other way. That there is a limit to what we can afford to do, that we have reached that limit, and that we have the courage to say so and to stand firm.

And that is the issue here, whether now, at the 11th hour, we can hold the line at a reasonable and prudent level.

The President has laid it on the line, and I am going to support him.

Mr. FLOOD. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, approximately 2 weeks ago I decided I would vote to override the anticipated veto of H.R. 13111.

As one of the first 23 Members of the House of Representatives who signed a letter early in 1968 urging Richard Nixon to seek the Presidency of the United States, and as a strong supporter of the President for many years, it was with a great deal of reluctance that I reached the decision to do so.

My decision to vote to override this veto was not, I must confess, reached after calm deliberation. It was reached in anger and frustration. I could not, and still cannot, understand how our Gov-

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ernment can insist on continuing unchanged the obnoxious package of corrupt and wasteful programs operated under the direction of the Office of Economic Opportunity on the one hand, and single out for carping criticism, and such labels as "pork barrel" and "a joke," the one part of the education program I have supported and fought for every year since I came to Congress in 1953, the aid to federally impacted area schools.

I want to make it abundantly clear, Mr. Speaker, that I recognized the necessity for deep cuts in expenditures in order to balance the budget and curb inflation. I also realized that these cuts will, of necessity, have to be made in places where it is politically unpopular, and I certainly wanted to support the President in exercising the political courage necessary to accomplish this objective. My objection to the veto, however, was that I felt this administration was not going nearly far enough in cutting expenditures, and was using programs for education as the one area singled out for substantial cuts. Even in this one area I could support the President if his demand for cuts were not being made for programs in which more than 4,000 communities have for 20 years adjusted local budgeting in anticipation of the annual Federal appropriations they receive.

I agree with the President that some of our education programs are wasteful and ineffective. In fact, I opposed some of the programs when they were originally authorized, as I felt that by their enactment the Congress was entering a field outside the Federal responsibility and that by and large they were untried, untested and costly experiments that the Federal Government could not afford to finance. But having authorized those programs and asked the local communities to gear their activities accordingly, it seemed not only unfair to cut off funds without notice but it could cause devastating consequences in the orderly management of local school systems across the Nation.

Much to my dismay, the President himself described impacted aid as a wasteful and unfair program which favors the wealthy communities over the poor. But this program was never intended to take from the haves and give to the have-nots, nor was it ever intended to alleviate poverty. It was, and is, an acknowledgment on the part of the Congress that the Federal Government has an obligation to the communities in which it operates similar to that of any private industry operating to the same degree in a community. It was a formula by which the Federal Government could make a payment in lieu of taxes to communities.

I might say at this point that my own communities in northern Virginia would fare much better financially if we could merely assess and tax all the federally owned property in our communities on the same basis that it could be taxed if it were private industry operating in the same way. The impact aid programs enable the Federal Government to pay part of the cost of educating children of employees who live or work on these tax-free properties. But it falls far short of meeting the full obligation the Federal Government, as an employer, would assume were it privately owned and operated.

It is unfortunate that after this obligation has been assumed and recognized for so many years it should be described by some administration spokesmen as a dole or handout that discriminates against the poor of the Nation. Those of us in the Congress, and there are many, who know it is payment in lieu of taxes and can be considered in no other light, made a grave mistake back in 1965 in not fighting much harder to prevent the lumping of impact aid in with the so-called Elementary and Secondary Education Act, many of whose provisions have proven both wasteful and ineffective, as the President has said.

While I sincerely believe the President has been inconsistent in demanding cuts in education and, at the same time insisting on $2 billion for continuing the wasteful corrupt war on poverty, he may, in spite of his veto message which indicates that the amount available for OEO is not at issue, have offered us one more opportunity to exercise political courage in that area. This program has already cost the taxpayers more than $7 billion, and even its most ardent proponents have difficulty in finding any of the poor it has helped, while every member of this House knows of the corruption which has resulted in support for hoodlum gangs whose avowed purpose is to overthrow our Government. Perhaps the President and Congress working together can, if we sustain this veto, make cuts across the board rather than singling out education programs alone.

Since I originally decided to vote to override this veto, the President has offered a compromise to those of us whose districts would be so harshly treated by elimination of impact aid funds. We are now told we can expect 95 percent of what we received last year. While I cannot agree with the President's evaluation of this program, I believe we should meet him halfway and try again to convince this administration of their obligation to the communities in which they operate. I am today introducing a bill, which I urge my colleagues to join me in supporting, to provide for Federal payments to our communities in lieu of real property taxes for property owned by the Government. Enactment of this legislation should remove once and for all the question of the purpose and equity of payment of these funds.

On careful reflection, Mr. Speaker, I have become convinced that our economic crisis is too grave for each of us to insist that we be satisfied on our own individual list of priorities for cutting expenditures, or that our individual parochial interest be completely accommodated. Any reduction of expenditures is going to cause all of us some political difficulty. But when this battle against inflation is finally won, and we pray it will be in the near future, I do not want the RECORD to show that the Representative of the people of the 10th Congressional District of Virginia lacked the courage and the commonsense to stand up and be counted in this hour of economic crisis.

Mr. Speaker, I shall vote to sustain the veto.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, in recent days, the President of the United States has made a determined effort to convince the American people that he is a courageous fighter against inflation. And, as we all know, his courage has led him to veto the Education and Labor appropriation bill.

In attempting to justify this most questionable and wrong action, the President has shown a complete disregard for the priorities necessary for us to succeed in the fight against inflation and at the same time carry out needed programs such as the education of our children.

One of the alternatives the President might have turned to instead of vetoing the education bill was provided him by the Congress of the United States just last December. This is title II of Public Law 91-151, a bill to lower interest rates and fight inflation; to help housing, small business, and employment; and to increase the availability of mortgage credit.

Title II of this legislation grants the President the power to determine when any form of credit is being extended in so excessive a volume as to require regulation by the Federal Reserve Board in order to prevent or control inflation. In exercising this authority the President can direct the Federal Reserve Board to decide what types of loans can be restricted because of their inflationary impact. This would include such credit as that granted for stock market speculation, unnecessary building of inventories, the funds to be used for acquisitions and mergers, and credit used for gambling casinos and other nonessential purposes which add to inflationary pressures.

The Federal Reserve Board under the direction of the President could also determine the maximum size of various types of loans, the minimum downpayments required for the purchase of various types of goods and services, maturity periods and the rates of interest to be charged for such loans.

This is a broad grant of power to prevent the unwarranted use of the kinds of credit that are a principal cause of inflation and spiraling interest rates. Why has the President ignored this broad grant of power recently given to him by the Congress, when he professes to be the No. 1 champion fighter against inflation? To use this authority would be an effective way to fight inflation while not damaging high priority items in the budget such as the vitally needed funds for education.

I hope the veto is overridden.

In his veto message, the President admits that high interest rates are one of the prime budgetary problems in this administration.

The veto message states:

> Since I submitted my budget estimates in April, interest on the public debt has increased $1.5 billion.

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Including this increase, the Federal Government will pay nearly $20 billion in interest on the national debt this fiscal year—a sum roughly equivalent to the entire appropriation for the Departments of Labor, and Health, Education, and Welfare.

This huge $20 billion outlay for interest is a direct fault of the Republicans. When they took over in 1953, they broke the low-interest policies of the Democrats and forced interest rates up. If the rates prevailing under the Democrats had remained in force, the interest payment on the national debt would be only about $8 billion a year rather than $20 billion. In other words, we are paying $12 billion in excess interest costs—more than enough to pay for the entire budget for education.

If the President had resisted the big banks and forced a halt in the consistent increases of interest rates, he would not need to send up veto messages against the schoolchildren of the United States. The increases in the interest on the Federal budget just since last April exceed all of the extra money voted by the Congress for HEW. Yet, we hear no Presidential vetoes of the bankers who are raising these interest rates. It is easier to veto education.

Mr. Speaker, it should be noted that there have been six increases in the prime interest rate since the election of President Nixon. He has not uttered a single word of complaint against these increases. He goes on national television to criticize spending for education and he will not issue even a mimeographed press release criticizing the banks for six prime rate increases.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Texas (Mr. CASEY), a member of the Subcommittee on Labor, Health, Education, and Welfare Appropriations, such time as he may consume.

Mr. CASEY. Mr. Speaker, I opposed the Joelson amendment to the Labor-HEW appropriations bill, which was the primary cause for the President's veto of this bill, and by the same token I agree with the President that the earmarking of funds for OEO makes the program less flexible.

It is true that the formula for impacted aid funds should be changed. But until the law is changed, school districts throughout the country, including the school districts of my congressional district are dependent upon these funds. To cut them out now could place an undue hardship on these districts in finding necessary funds to adequately operate schools. There should be adequate notice of the reduction of these funds so that they can make proper reductions in expenditures for their operation or increase local taxes to make up the difference.

I disagree with the President that the amount appropriated in excess of his budget request is mandatory for him to spend. Impacted aid funds are mandatory, but the balance of the appropriations which he objects to may be withheld by him partially or completely at his discretion.

I share his concern on inflation, and I agree with him that better programs must be developed in our educational system. But our schools, both elementary, secondary, and higher educational institutions, cannot now be penalized pending the development of new legislation which may be slow in coming.

I repeat, the President has the power to withhold most of the funds in this bill of which he complains.

Included in this bill are the funds for medical research in which our medical center has a vital interest. Also included are student loans and grants which are being used by students at Rice, Texas Southern, San Jacinto, St. Thomas, and the University of Houston.

I am interested in seeing that these students continue to receive the necessary assistance.

This has been one of the toughest votes for all of us here in the Congress. Frankly, I believe there are many other places where money could be saved to fight inflation, other than to place our whole educational system under the gun. For these reasons, I intend to vote to override the President's veto.

Mr. MAHON. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. SMITH), a member of the Subcommittee on Labor, Health, Education, and Welfare of the Committee on Appropriations.

Mr. SMITH of Iowa. Mr. Speaker, all year long Members of this body have been falling over one another proclaiming their great affinity and friendship for education and for health; but in the end, self-proclamations are really no substitute for money.

Money, to be sure, will not in and of itself provide educational opportunity, and there is some money in this bill that will not increase educational opportunity. In fact, I will admit the so-called Joelson amendment was lopsided. We cannot justify 90 percent of the maximum authorization for impact aid and only 50 percent in the same bill for needy children under title I and ESEA; but, the dispute over apportioning funds involves only about $300 million out of a bill for $19.7 billion.

I also agree with the President that impact aid needs reform. The formula is based upon neither need nor fair per capita distribution of the Federal resources. It is a Jesse James in reverse. It takes from those who need it most and gives some of it to those who need it least.

But while I agree that the President should spotlight the situation, we are 7 months into the fiscal year and for the reason the chairman stated and that the gentleman from Texas (Mr. CASEY) stated, for those very reasons, the situation could better be handled by withholding. The money for the items in dispute can be withheld, so the President could withhold some of those funds and shape up the package or balance out funding levels between programs a little more to his liking, and for those programs that he believes should have more, there could be a supplement appropriation passed in short order.

There are other funds in this bill that are very important and they are needed now. There is student aid in this bill—registration is this week and next week—and the students need the loans and the money. There is a shortage of student loan money.

Also, there is money for Rubella vaccinations.

The immunization programs are going on throughout the land this day and they need that money now. There is also other money in the bill for health, for libraries, the elderly, air pollution, the poverty program, and other items that are in need now and without delay.

So, Mr. Speaker, what it really amounts to is that there comes a time to fish or to cut bait—and bait in this case is money—so I urge that we vote to override the veto so we can start work on the 1971 budget and reforms.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, the question is: Are we men of principle, worthy of the confidence the people placed in us in sending us here to speak and act for them? Or are we, as we are sometimes pictured: just ordinary politicians, not willing to make the hard but necessary decision but ever ready to do that which seems politically expedient?

The question is, Mr. Speaker: Do we have the political courage our President displayed when he vetoed this bill because it would add fuel to the fires of inflation already consuming the substance of our people?

I am confident we have such courage. I am confident that, putting first things first, the Members of his body will put country before any political consideration. I am confident this House will vote to sustain the President's veto.

We are confronted with a multitude of domestic problems—crime, pollution, population, transportation, health, housing, welfare, education, and a number of others—all interrelated and interdependent—each taxing our ingenuity and our pocketbooks for solution.

But there can be no solution to any of these problems unless we first stop the inflation spiral.

To bring inflation under control and to stabilize the dollar must be our first consideration. Health, education, and welfare needs can never be met so long as health and education costs continue to rise month by month and year by year. Nor can we meet other essential needs, not even for our national safety, if costs loom larger and larger.

A vote to sustain the President's veto is not a vote against education or against health care and medical research. It is in truth a vote for better education and better medical care for it is a vote for curbing the relentless increase in the cost of education and the cost of medical care.

All of us have a deep abiding interest in our youth having the very best in educational opportunities. The youth are our future. But what kind of a future will they have if we betray our trust and they inherit from us an economy so inflated that the cost of education is beyond their

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capacity to obtain without complete reliance on the Federal Government?

The proponents of the $1.3 billion addition to the HEW appropriation bill would, if they could, have the general public believe that education has a low priority status in the Federal budget. The fact is that in this current fiscal year the Federal Government will spend over $10 billion for education—more than we spent last year and the year before, or at any time in our history.

It cannot be said that the health, education, and welfare needs of our people are being ignored or sadly neglected. I wonder if many of us realize that with this $19.7 billion appropriation and including the trust fund disbursements by HEW, this single Department will spend in this fiscal year $12 billion more than all the profits after taxes of all the corporations in the United States.

As the President has pointed out, the $1.3 billion addition—four-fifths of which go for education—is not only excessive; it is wasteful. It goes for programs in need of reform. It goes to school areas where it is not needed. And with the fiscal year ending on June 30, there will be inevitable waste in the spending of a full year's appropriation in these remaining 3 or 4 months.

It is, as President Nixon well said in his televised speech to the American people: "The wrong amount for the wrong purposes and at the wrong time."

The safety and well-being of our country depends upon our winning this war against inflation. The difficult situation confronting us is the result of successive unbalanced budgets over the last several years. In the last decade we spent $57 billion more than we took in, and these deficits contributed to a 25-percent rise in prices.

It will take time and patience and sacrifices to reverse this trend and stabilize our economy. The first step is to cut Government spending and to keep our budget in balance. This can be done if we eliminate or defer that which is not basically essential.

I am sure this House will join with the President in this objective and will vote to sustain his veto. I am also sure that this action will have the overwhelming approval of the people of the districts we represent.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, yesterday the Democratic steering committee of the House unanimously passed a resolution, unanimously rejecting the President's veto of the Health, Education, and Welfare legislation, which I read to the Members:

> Whereas the President has vetoed the Labor-HEW appropriations bill on grounds that it is $1.26 billion above his budget request;
>
> Whereas Congress has acted responsibly in the fight against inflation by reducing the Administration's appropriations budget for Fiscal 1970 by $5.6 billion;
>
> Whereas the President has refused to utilize the new anti-inflationary authority provided by Congress last session;
>
> Whereas adequate funding of programs to meet our nation's pressing education and health needs must be given top priority;
>
> Whereas a majority of Republicans as well as four out of five Democrat Members recognized the priority needs of education and health by voting in support of the increased funds disapproved by the President;
>
> Whereas a reduction in these funds would be especially detrimental to the educational needs of American children, college students, health research and would also necessitate school closings or local property tax increases in many jurisdictions; therefore be it
>
> *Resolved*, That the Democratic steering committee strongly urges that the veto of the President be overridden.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I would like to call the attention of the House to a table appearing on page E361 of yesterday's RECORD. I would like each Member to be able to see for himself what will happen to the school districts in his own congressional district if this veto is sustained. I would like the Members to study this RECORD.

There has been a great deal of oratory here today about how the White House will take care of you on the B category money and how it will be retained and returned if the veto is sustained. You have no assurance that the White House can deliver on this promise. All I can tell you is this: There are 4,235 school districts in America that may have to curtail services or close their doors before this school term ends if this veto is sustained today. Think about that and then decide which way you want to vote.

The administration has been passing the word around here that if you vote for the veto, they will send along a recommendation to take you off the hook on this B category.

The gentleman from Pennsylvania (Mr. FLOOD) has made it clear that this money is already budgeted by school districts all over America. I want to remind you that the continuing resolution ends Friday. Any new formula for distribution of B category money must first be approved by the authorizing committee and you know it is impossible for the Education and Labor Committee to do this on such short notice. Obviously, we will need hearings and more time to effectuate any major changes in the impact aid program.

Mr. HOLIFIELD. Mr. Speaker, the President's veto of H.R. 13111 demonstrates the philosophy of his administration better than any other act he has performed since taking office a year ago. It demonstrates a philosophy which, I am glad to say, is not shared by an overwhelming majority of this body—a fact demonstrated by the vote on the Joelson amendment and upon final passage of H.R. 13111. I need not remind the Members of this House that the bill was passed by a vote of 261 to 110 in the face of a threatened veto. This philosophy aimed at creating a useless surplus at the expense of our schools and hospitals, and the young and the sick, is not favored by a majority of my constituents. Nor is it approved by a majority of the American people.

Mr. Speaker, our educational and medical institutions are caught in the same financial bind which has affected other segments of the economy. They are faced with an increasing number of students and patients as our population grows. The movement of our population from rural areas to urban areas has caused an ever-increasing strain upon those institutions located in and supported by our cities. New facilities must be built, by money borrowed at inflated rates of interest, with materials purchased at inflated prices. Also the salaries of those who provide these vital services have had to be increased to keep up with the rising cost of living.

A great majority of the Members of this body recognize that the educational needs of our children and health of our Nation have not been met. As a minimal, and I stress minimal, step to provide for these needs, in the face of increasing costs we added $1.3 billion to the President's budget request. At the same time we were able to make a net cut of $5.6 billion in the President's requested budgetary authority for fiscal year 1970.

In a curious exercise of economic metaphysics, Mr. Speaker, the President has stated that this increase in health and education funds will be grossly inflationary. He has told the Nation that the spending of an additional one-tenth of 1 percent of our gross national product for the purposes of developing human resources and healing the sick amounts to fiscal irresponsibility. Mr. Speaker, the President's own Task Force on Urban Education recommended increasing appropriations for education up to $14.5 billion more per year by 1975. The task force stated:

> Without adequate funding, there is no hope for effective education in the cities. The current need for funds is as desperate as it is massive.

Without the educational funds provided by H.R. 13111, some schools will be required to close, thousands of additional students will be required to attend double sessions; over 100,000 college students will be denied loans; and bilingual assistance will not be available to over 50,000 schoolchildren. Without the health funds provided by this bill the shortage of doctors will be aggravated; major research programs for cancer, and other killing and crippling diseases, will be halted; and perhaps thousands of patients will needlessly die.

This, Mr. Speaker, is the opinion of the following health, education, and labor organizations: American Association of Junior Colleges, American Association of State Colleges and Universities, American Association of University Women, American Federation of Teachers, American Industrial Arts Association, American Library Association, American Vocational Association, Association for Children with Learning Disabilities, Association of American Law Schools, Committee for Community Affairs, Council for Advancement of Small Colleges, Conference on Large City Boards of Education, National Association of Secondary School Principals, National Association of State Boards of Education, National Association of State Universities and Land Grant Colleges, National Commission for Multihandicapped Children, National Education Association, National School Boards Association, AFL–CIO, Urban Coalition

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Action Council, American Association of American Medical Colleges, American Cancer Society, American Heart Society, American Tuberculosis Society.

I agree with the President that something must be done to halt inflation, but not at the expense of the young and the ill. Especially, Mr. Speaker, at a time when banking and corporate profits, personal income and employment, and production, are at an alltime high. For these reasons, Mr. Speaker, I am voting to override the Presidential veto of H.R. 13111.

Mr. HUNGATE. Mr. Speaker, I join those who are responding to an area of critical need in our country by supporting H.R. 13111, and who will vote to override the President's veto.

Education is vital to assuring the best possible uses of our most valuable resource—our people. There are many of us who feel this is not the place to take cutbacks to ease inflation. Human growth and development must have the highest priority.

We should take a more critical look at spending in areas such as foreign aid, space and defense cost overruns before we jeopardize educational opportunities for our people.

In the President's veto message, he seemed proud that America spends more for education than any other country in the world. However, let us not applaud ourselves too loudly until we look at a few comparative figures.

According to the latest figures available, in the United States, public expenditures for education were 6.5 percent of national income; in Belgium, 7.1 percent; in Canada, 8.5 percent; in the Netherlands, 7.5 percent; in Sweden, 7.3 percent; in Finland, 7.4 percent; and in Denmark, 7.4 percent. Are we really the country most concerned about educating its people?

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I think you will find interesting a comparison of defense spending as well. According to the latest figures, in the United States public expenditures for defense were 9.2 percent of the gross national product; in Japan, 0.8 percent; in Belgium, 2.4 percent; in Canada, 2.5 percent; in the Netherlands, 3.9 percent; in Sweden, 3.8 percent; in Finland, 1.8 percent; in Denmark, 2.3 percent; and in the United Kingdom, 5.3 percent.

I have received many letters from my constituents requesting my support of this bill. As a program coordinator at the University of Missouri wrote:

> I cannot overemphasize the critical need for passage of the proposed budget. Its failure to pass will most definitely prove a major detriment to the development of much needed educational programs and to the continuance and expansion of already proven successful established programs.

And, from a Missouri medical student:

> I am very concerned about the potential veto of the HEW appropriations bill. I am almost completely dependent on the Federal Health Professions Act for school expenses except for a small Guaranteed Bank Loan and savings from a summer job. Obviously it is not conducive to the health of a physician-short nation to place undue financial hardship on the progeny of the middle class "Silent Majority" citizens and, of course, the poor students who are trying to better themselves and learn so as to help their fellow Americans. The field of medicine has too long been peopled by the sons and daughters of the wealthy.

Many of our leaders have expressed the need for careful consideration of our priorities and goals in the seventies. The President is among those who have placed a high priority on improving the quality of life in America.

We are already in the 1970's, and it is up to the Congress to assure the American people we intend to work toward these goals. With this vote to override the President's veto I reaffirm my support and determination to begin the 1970's with legislation that will set the course for placing our priorities in the best interests of the American people.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to comment regarding the 1970 Labor-HEW appropriations bill.

President Nixon requested $1.65 billion for HEW appropriations for the 1970 fiscal year, a 13-percent increase over comparable appropriations for the 1969 fiscal year. These suggested increases totaling $1 billion, were primarily in various funds for education and health services.

In consideration of the President's veto of the $19.7 billion Labor-HEW appropriations bill, due to the $1.3 billion increase over the administration's budget request for the Department of Health, Education, and Welfare, I think the present "spending momentum" or inflation should receive priority consideration. We cannot, in good conscience, add to the cost-of-living crisis of the old, the sick, the disabled, and others on low or fixed income.

Deficit spending by the Federal Government in the past decade was the primary factor in the 25-percent price increase that occurred during the sixties. The effect of a $1.3 billion "multiplier" at this time on our economy and the threat of further deficit spending would fuel the fires of inflation and further erode the value of the consumer's dollar.

Another important consideration is the recipient of additional appropriations. I feel much of the increase is for marginal or misdirected programs which need to be overhauled rather than expanded. One primary example of this is the inclusion of an additional $400 million above the President's request of $200 million for "federally impacted school districts." In fact, in 1968 this program provided $5.8 million to the richest county in the United States, while paying a total of $3.2 million to the 100 poorest counties across the Nation.

I support the expenditure of adequate funds to meet today's bona fide educational needs, including the administration's proposed record high expenditures for education in fiscal year 1970. I support fresh ideas on education, and I plan to support the President's veto.

This problem that we are facing today would not have happened if the Senate had acted promptly, but they chose to take their time, and the pushing that is going on today should have been taking place last summer and fall.

I want to add that if the veto is sustained, I know that immediate attention will be given to complete congressional action on a revised appropriations measure that will provide for the needs of the Nation in education and health.

Mr. ANDERSON of California. Mr. Speaker, the President has vetoed the Labor-HEW appropriations bill as he apparently feels it is the wrong amount at the wrong time in the wrong place.

I respect his views, but I feel that the Members of this body by a vote of 293 to 120 and a vote of 251 to 110 displayed much more compassion and much more wisdom by increasing the appropriations for education and medical services.

The President is correct when he says that the question is not who is for education or who is against education. But neither is it a question of who is for or against inflation. I am confident that no one in this body is against education or in favor of runaway inflation.

The issue before us today is in what area will the taxpayer's dollar do the most good. The Congress decided that the military budget should be less than the amount requested by the administration; the Congress had decided that the amount of foreign aid should be less than that requested by the administration. In total, the Congress cut the administration 1970 appropriation requests by $5.6 billion. The Congress felt that education and medical services should receive more money than that amount requested by the administration. In effect, we felt that the taxpayer's dollar would be more beneficial to the country if we put that money in education and medical services instead of foreign aid.

The President stated that he was vetoing the HEW bill because he wanted the taxpayer to have more money at home. I, too, want the taxpayer to have more money at home. For this reason, I supported the tax reform bill which gives a greater measure of tax relief to the low and middle income citizen than that recommended by the administration. One might well be concerned over the President's lack of consistency.

The administration's 1970 budget requests for the California Office of Education totaled $189,423,435. The Congress has approved funds totaling $310,916,970 for California. In 1966, California had an average daily attendance in the public elementary and secondary schools of 4.2 million students. Under the administration's budget, this represents approximately $45 per student. The amount allotted each student under the congressional appropriation is $74 per student. In 1969, California students in the public elementary and secondary schools received approximately $69 per student. The administration's budget represents a reduction from 1969 of approximately $24 per student. The results of this loss in funds could prove critical for both the local taxpayer and the school districts.

Currently, the Federal Government pays approximately 7 percent of the costs of education while the local tax dollar covers approximately 70 percent of the costs. I feel that the Federal burden should be greater in this area, thus alleviating the pressure on the local taxpayer.

Many school districts are dependent

upon Federal funds in order to continue the quality of education that I feel our children deserve. Many school districts cannot go to the local taxpayer for additional funds.

The Los Angeles City School District is presently taxing at the maximum legal rate. If the veto is sustained the school districts in Los Angeles County stand to lose approximately $35 million in Federal funds.

To replace the Federal funds, the city of Torrance would have to raise local taxes by 0.06 per $100. Los Angeles City school districts would be forced to raise taxes by 0.17 per $100.

The Long Beach schools will be forced to drastically cut back on many programs or eliminate others if they lose the $1.4 million due to the veto. To replace this money, Long Beach would have to increase taxes by 0.11 per $100.

Redondo Beach, in order to continue funding at the present level without the Federal funds, will have to increase taxes by 0.06⅔ per $100.

Compton Elementary School District would be the most adversely affected by upholding the veto. This district is already paying the highest tax rate in Los Angeles County and in order to continue funding at the present level without Federal money, the Compton Elementary School District would have to increase taxes by 0.25 per $100. I have been advised that without Federal money, the Willowbrook Elementary School would have to close. This district simply cannot continue to operate without the $400,000 they would lose by a veto.

Due to the total appropriations reduction of $5.6 billion for 1970 already made to the administration's budget, this measure cannot be termed inflationary unless the administration now also feels it presented to the Congress an inflationary budget. On the contrary, education, in effect, pays for itself. Those with an adequate education become productive citizens and, thus, taxpayers. Even in the short run, studies show that cooperative vocational education programs actually pay for themselves through the taxes paid by the students in the same year they are expended.

Yet the administration proposes to reduce vocational education assistance by $209.5 million.

An adequate education can reduce many of the ills of our society. The relief rolls are filled with people who did not attain an adequate education. Many of those who have turned to crime could not find employment due to a lack of education.

The HEW appropriation bill also contains funds which would hopefully not only reduce the cost, but also provide more adequate medical services. Programs which assist students in their medical education will help meet the shortage of health personnel which has driven medical costs so high. More hospital beds should ease the pressure on our hospitals. Greater knowledge and the prevention of diseases would reduce the need for medical services. We should place greater emphasis on these programs.

In conclusion, I do not consider this bill as being inflationary and, further, I feel that we should spend these tax dollars for education and medical services. We can do no less for the future of our youth and our Nation. To do less will result in a poorer quality of education unless this burden is assumed by an already overburdened local taxpayer.

Therefore, I urge that we, today, vote to override the President's veto of the Labor-Health, Education, and Welfare appropriation bill.

Mr. WOLD. Mr. Speaker, politics has been called the art of the possible, the art of compromise, and several other appellations. I would like to add my own definition that it is the science or art of weighing alternatives.

Usually the scales are easily read. Less often they are very finely balanced. Such is the case today as we debate one of the more important issues the 91st Congress has yet to face—whether to sustain President Nixon's veto of the 1970 appropriations bill for the Departments of Labor, and Health, Education, and Welfare.

What makes it so difficult is that the issues are not so clearly delineated as many would have us believe. Some have said, as the President indicated in his veto message, that the issue is whether we are for education and health or whether we are against it.

The record of this Congress, the record of this administration, the record of this Nation clearly indicates the priority and commitment we have made to education.

I submit that the question is as President Nixon stated two nights ago:

> How much can the Federal Government afford to spend on these programs this year?

I also think we should explode the myth that voting to sustain the President is going to deny Federal funds for education. For 7 months now education has been funded at last year's level. I think it fair to say we will see a new bill that will meet, fairly and adequately, the educational needs of all of our citizens.

Having answered the question of "what priority does education have in the United States," I think we would do well to address ourselves to the question of how high a priority are we going to assign to fighting inflation.

The public concern over the high level of inflation is obvious. The effects of inflation are seen everywhere—high prices, high interest rates, and high taxes. Critical needs of our citizens are being deferred to an indefinite future because of the high level of inflation. The real take-home income of Americans is not rising—for some it is declining—because of the increases in the cost of living.

I do not want to assign blame for the specter of inflation. We do know, however, that the chief culprit was the $57 billion deficit the Federal Government incurred over the past decade. President Nixon has made abundantly clear his intent to control inflation. Congress joined him when last summer it imposed a ceiling on Government expenditures, but apparently it now has decided to forget its good intentions in the hope of making political hay.

I trust this is not the case because inflation is clearly the most pressing and immediate domestic problem we face. It eats away at every citizen's earning power and destroys our ability to improve all the programs necesary for the Nation's well-being.

With specific reference to education, I believe increases in the cost of living have eaten and are eating away far more of the funds Americans invest for education at every level of government than can be compensated for by inclusion of the $1.26 million above the President's requests.

Over the past fortnight we have been besieged by mail and personal visits of those soliciting support for the $19.7 billion figure. In all fairness, however, we would fail the public interest if we did not consider the arguments of other educators who submit that inflation is the most pressing problem.

The January 1970 issue of School Management contained an article by Orlando F. Furno and James E. Doherty which sheds some light:

> Inflation is roaring through education's fiscal forest like a fire blazing out of control. Dollars spent in books, buildings, salaries and services are going up in smoke. Local districts are attempting to douse the blaze by pouring more money into education. But very substantial portions of the increased spending are being consumed in the flames.

The article also supports President Nixon's action:

> While many administrators complain bitterly these days about the adverse effect on education of the Nixon Administration's tough, anti-inflation measures, the CEI (Cost of Education Index) itself is far more damaging than any of the attempts to bring it under control.

I can also offer some statistics on inflation's impact on the educational system of my district, the great State of Wyoming. The total education budget for Wyoming in 1968–69, not counting most Federal expenditures, was $61,427,748. The 6-percent rate of inflation the Nation suffered over the period effected destroyed $3.69 million of that total—far more than the extra Federal funds Wyoming stands to gain if the President's veto is overridden.

I also oppose overriding the President's veto for a second reason. He stated he was vetoing the bill because it increases spending for old programs which have been found wanting. When increases in funding for education is made, it should be made to implement the urgent new programs that are desperately needed to right what is really wrong with our schools, not to continue what is wrong.

Furthermore, the increases are ill-timed. Already we are more than 7 months into the fiscal year. To pass the total appropriation at this time would, as President Nixon stated, "force us to spend the money it appropriates and spend it all before June 30."

In the light of this abundant evidence, I have a clear obligation to support responsible fiscal education policies by voting to sustain the President's veto.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in opposition to the Presi-

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dential veto of Congress appropriations to the Departments of Labor and Health, Education, and Welfare. The President's contention that the appropriation is in the wrong amount, for the wrong purposes, and at the wrong time is inconsistent with the Nation's priorities.

The President contends that Congress appropriation will inordinately exacerbate the continuing rise in inflation. I disagree. We are not spending the type or the amount of funds in such a way that will pump so much money into the economy as to cause a rise in prices. Moreover, these are funds critically necessary to continue existing programs for which there is an immediate demonstrated and crucial need.

The amount to which Mr. Nixon objects constitutes an increase of $1.3 billion in a $200 billion Federal budget in a trillion dollar gross national product economy. The $1.3 billion constitutes one-tenth of 1 percent of our trillion dollar economy and one-half of 1 percent of our $200 billion budget.

A member of the President's own Council of Economic Advisers, moreover, does not believe that such an increase would result in increased inflation. Dr. Herbert Stein stated in November 1969:

> I have the impression that many people now see a magical significance in a shift of a few billion dollars in the budget position, especially if the shift crosses the line between surplus and deficit. In a trillion dollar economy this is hard to understand, especially after our recent experience with the limited significance of the budget shift between a $25 billion deficit in fiscal 1968 and a $3 billion surplus in fiscal 1969. *Preoccupation with small changes in the budget position leads to bad forecasts by the private economy and bad policy by the Government.*

But more important, the $1.3 billion increase does not represent an increase over and above the budget proposed by the President.

Even if the reduction of Federal expenditures was an effective means of fighting inflation—and Congress has made available to the President other more effective fiscal and monetary increases—the $1.3 billion increase is more than offset by the $5.6 billion the Congress has already cut from the fiscal year 1970 budget.

Furthermore, the budgetary-reduction policy followed by the President will do nothing to lower the price of consumer needs which have gone up due to scarcity such as hospital facilities, medical care, and housing. Nor will it affect the price of those consumer goods or credit which may be controlled by highly concentrated industries or government.

Moreover, the President has failed and in fact explicitly refused to utilize the anti-inflationary authority provided him in 1969 by Congress in H.R. 15091. This bill was approved and signed by the President.

The HEW appropriation may in fact be anti-inflationary in that it would decrease the pressure for higher property taxes which pays for education, lower the cost of health care and provide for increased human productivity.

It seems apparent that the inflation argument will not hold water, that it is merely a delusion to make it appear that the administration is doing something about inflation when in fact the veto is irrelevant to the attack on high prices.

The President himself explicitly stated when he was campaigning for office:

> When we talk about cutting the expense of government—whether Federal, State or local—*the one area we can't shortchange is education.*

I agree with Mr. Nixon's earlier position.

Nevertheless, the President still contends that the amount appropriated is the wrong amount, that it is too high, that education and health deserve less money than thought necessary by the Congress which has held lengthy hearings and conducted exhaustive investigations in both Houses.

We have a State by State breakdown of the actual 1969 spending, Mr. Nixon's 1970 budget requests and the 1970 actual appropriation. It appeared in the CONGRESSIONAL RECORD of January 19, 1970, on page 22.

In my State of New Jersey the amount of increase does not represent a boondoggle, it represents an increase based on a real need developed as a result of increased enrollment, higher costs, and new programs developed to solve problems we never thought we could solve or never had before. These problems were testified to by New Jersey officials as well as my own constituent mail.

Mr. Nixon also contends that the money appropriated is for the wrong purposes, that it is "merely more dollars for the same old programs." It strikes me a little late in the year to come forward with such a contention. The Congress has certain responsibilities in the development of Federal programs. The President ought not take unto himself the authority to dictate to Congress now, long after the proper time for such proposals should have been made, the terms upon which he will accept an appropriation. He had an earlier opportunity to veto these programs and he did not. He had an earlier opportunity to come forward with the so-called education reform to which he alluded in his January 26 broadcast. He did not. I cannot conceive that the President can develop such a reform in the few short weeks of negotiation he envisages should the veto be upheld. It is a false promise and cruelly raises false expectations of a cheap chicken in every education pot.

If the administration indeed had developed an education reform program, it should have been brought forward at the proper time. If one only recently has been developed it can properly be given adequate consideration with the 1971 budget and if it is effective I will support it. I am also willing to support a reasonable reform of the impact aid provision when the President or anyone submits a careful criticism and a proposal which provides the school districts with adequate protection.

I, for one, do not enjoy the position of obstructing my President. I respect a Presidential mandate and am willing to cooperate and in fact am willing to support reform in the areas of education which admittedly require them. But I cannot submit to what amounts to an attack on congressional prerogatives. Too much is at stake.

The President also contends that our bill requires the money to be spent at the wrong time. Indeed, what time is the right time? Our children's growing education needs will not disappear for a year nor will our children remain any younger. A year delayed in a child's development is a year lost.

What indeed is the right amount, the right time and the right purpose. In New Jersey, is $1.6 million too much to spend on school library materials? The President's budget would have provided nothing. Is $553,000 too much for guidance counseling and testing? Is it too soon to spend an additional $7 million for educationally deprived children and if so how long will the children wait? Is $3.2 million for work-study programs for the wrong purpose? How long will students wait for the education opportunities the program provides? Is any of the 38 separate educational programs funded in part by the Federal Government in New Jersey for the wrong amount, the wrong purpose, at the wrong time? I do not think so. The New Jersey educators do not think so. And judging from my mail, my own constituents do not think so. The fact is they do not want to see their educational programs retrenched or their schools closed. Nor do they want their property taxes increased.

Education is a cumulative investment; a dollar withheld this year may require two dollars next year. And, completely apart from the financial issue, education requires us to consider the human issue: dollars can be made up; years cannot. The child who is 15 today will be 16 a year from now, and no amount of dollars can restore the opportunities he loses in the next 12 months.

In the area of education, there is no such thing as catch-up spending. Though the textbooks scheduled for delivery in 1970 may appear in 1971, this year's reader will not be there to read them.

It does the starving man no good to be told that grain is being planted. The same holds true for educational services and materials. You simply cannot make up for their absence today by promising to deliver them in abundance at some future undefined date.

Mr. Nixon was right when, during his campaign, he pledged that his administration would "be second to none in its concern for education." Moreover, the commissions he has appointed to advise him agree with the earlier view he expressed on his campaign.

Mr. Nixon's own Task Force on Urban Education stated in their report—printed in the RECORD last week by my distinguished colleague the gentleman from California (Mr. COHELAN):

> Without adequate funding, there is no hope for effective education in the cities. The current need for funds is as desparate as it is massive.

This report goes on to say that—

> Significantly increased levels of funding are needed for urban education *far exceeding what current appropriations—even authorizations—now make possible.*

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A report by the Commission on Instructional Technology entitled "To Improve Learning" released just last Friday calls for massive Federal spending to promote use of instructional technology in the Nation's schools. It recommends another $415 million needed in the first full year of operation to finance research, development, and classroom applications plus creating a "library" of educational and training materials. The Commission quotes President Nixon himself as having proposed during his 1968 campaign a National Institute for the Educational Future.

Last week, the National Advisory Committee on Dyslexia and Related Reading Disorders reported that about 15 percent of the Nation's otherwise capable youngsters are laggard readers and called for Federal outlays totaling $52.3 million over 3 years to mount an attack on what it called "one of the most serious educational problems confronting the Nation."

And Dr. James E. Allen, Jr., U.S. Commissioner of Education, in an article in a recent issue of the New York Times stated:

> We must see to it that our educational system is provided with adequate human, material and financial resources.

And I agree with Mr. Nixon's Commissioner of Education.

Gov. Nelson A. Rockefeller has urged Presidential approval of the Department of Health, Education, and Welfare appropriations bill in a letter saying:

> I fully understand and share your concern that Congressional actions substantially increasing Federal expenditures might impede your efforts to curtail inflation. Human resource programs, especially for education must be regarded, however, as of the high highest priority for Federal expenditures, as they have been in New York State. If it appears that total Federal spending will have an inflationary impact, other lower priority areas should be looked to for adjustment to allow needed expenditures for education.

He goes on to say:

> In order to insure sound investment in our nation's future which funds for education represent, I urge you to approve this appropriations measure.

I agree with Mr. Nixon's friend and fellow Republican.

Mr. Nixon himself also said in one of his campaign speeches:

> When I look at American education, I do not see schools, but children, and young men and women young Americans who deserve the chance to make a life for themselves and ensure the progress of their country. If we fail in this, no success we have is worth the keeping.

How can I disagree with any of this? And none of these people are part of an education lobby.

I am perplexed. I find myself strongly supporting my President's earlier statements on the importance of education, his state of the Union message on the "quality of life," and the recommendations of his carefully selected advisers. Why must I stand up opposed to a veto of these very programs and issues? Why must I rise to make right an unkept promise?

The HEW budget cuts proposed by the President affect not only education but health programs as well. If the administration's budget were passed we would lose, for example, the additional $10 million to make effective the Rubella vaccination program, we would not be able to increase the number of hospital beds and thus lower the cost of medical care; we could not increase the number of doctors and nurses—we now import 2,000 foreign trained doctors a year—and the air pollution control increase would be lost.

The New Jersey College of Medicine would lose $76,901 in student loan and scholarship allocations, The New Jersey College Dental School will lose $35,862.

We will also lose current programs in heart disease and cancer research. How long can sick people wait for a breakthrough in cancer research? Would we also have been willing to be waiting today for a breakthrough in the polio vaccine? I do not think so.

I am in full sympathy with the President's war on inflation. I supported the multi-billion-dollar budget cuts made by the Congress from such bills as public works, defense, and naval vessel appropriations. All these represented programs which could wait until next year. All of these cuts were opposed by the administration. And I also supported H.R. 15091 which gave the President authority as yet unused to end inflation.

Yet the President also opposed the Tax Reform Act and the Social Security Amendments of 1969. These measures aid most the very people the President recognizes are hurt most by inflationary prices.

I am most willing and anxious to support the President's war on inflation. But I will not submit to such a war fought with the bodies of children, the aged, and the sick.

Mr. **VANIK.** Mr. Speaker, I will vote today to override President Nixon's veto of the Health, Education, and Welfare bill.

President Nixon seemed determined to veto something—but I feel that he made a poor choice.

If this veto is sustained, Cleveland schools will lose over $6 million of Federal help. At a time when Ohio leads the Nation in school shutdowns, other schools in this area will suffer the loss of important programs. The veto will cut back medical and health training programs at this time when we are critically short of doctors and nurses. Three thousand northern Ohio college students may have to "drop out" this spring because of the shortage of student loan funds.

And $19 million will be cut from cancer research at the very moment when we are on the verge of a breakthrough; $17 million will be cut from heart research.

I cannot reconcile the President's veto of health and education money with his willingness to spend $5 billion on the supersonic transport program, $4 billion on a new merchant marine subsidy, and a multibillion dollar Safeguard antiballistic-missile system. It is cruel to single out education and health as the victims of an attack on inflation.

Mr. **HANLEY.** Mr. Speaker, I intend to vote to override the President's veto of the appropriations bill for the Departments of Health, Education, and Welfare, and Labor.

I completely reject the President's suggestion that this bill will be a cause of inflation. The clear facts of the matter are that Congress has already made cuts of over $5 billion in the administration's requests for money. In other words, Congress has approved reductions in Government spending which exceeded by $5 billion the reductions which the President takes such pride in. This is an important point because it shows that Congress is just as interested as the President in the relationship between Government spending and inflation. We have acted very responsibly in this area.

Inflation is not an issue here, and the President does a disservice to the people when he suggests that it is. The arithmetic is unmistakable. Overall, Congress gave the administration nearly $6 billion less than it wanted to spend and in the process Congress decided to add $1.3 billion for a variety of health and education programs. We made a decision on spending priorities, and we did it responsibly.

If the President was really concerned about inflation, he would not have fought so hard for added funds for the ABM, the C–5A and other costly defense and weapons projects. Some of these items certainly could have been postponed, in the fight against inflation, without jeopardizing national security.

If the President was really concerned about inflation, he would have joined with Members of Congress, like myself, to support our limitation of $20,000 on the agricultural subsidies paid to wealthy farmers for not growing crops and cotton. In the framework of priorities, this issue is very important, and the White House provided no aid and comfort whatsoever to our effort to reduce this kind of Government spending.

Nor was the President heard from when funds were placed in the foreign aid bill, with the support of the Republican leadership in the House, for the purchase of unrequested jet aircraft for Nationalist China. I voted consistently against this added $55 million, but the President did not speak out or work with us against inflation.

The plain fact of the matter is that the President has threatened Congress with a veto once too often, and now he has to make good on this threat. He said he would veto social security increases and the congressional tax reform bill. In both instances, the President backed away. Having threatened again, he has chosen to make his stand in the field of health and education. I submit that there is no issue here other than the political necessity for the President to close the credibility gap between his words and his deeds. It is of no consequence that health and education programs are at stake.

For a long time lipservice has been paid to the need for reordering our national priorities. For myself, I have tried to vote against items which I thought we could do without for a little while in order to make funds available for other items which I think are very important.

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For example, Congress provided about the same amount of money for grants for hospital construction as was made available last year, about $250 million. The President wants to reduce this figure by $100 million, and I feel that this is extremely shortsighted. The availability of Federal funds for hospital construction was an issue in my 1968 campaign, in connection with the plan to build a hospital in the northern part of Onondaga County, and if the President's veto is sustained, the possibility of Federal funds for this effort becomes even more remote.

If the veto is sustained, nearly all of the medical research activities of the National Institutes of Health will be reduced, and I am opposed to this. We need more research into cancer, heart disease, and all of the killers and cripplers of people. This becomes a basic question of priorities.

I happen to agree with the President that more be done with the total dollar for education by improving and updating some programs and by making others more responsive to current needs. No one is opposed to this. However, if we are going to devote less and less of our national resources to education and health, as the President is suggesting, and more and more for costly weapons, it is ludicrous to harp on the need for improvements in education programs when education itself is being shortchanged.

In Onondaga County, there will be reductions in educational expenditures as a result of the President's veto. The Syracuse schools would have to make reductions in a variety of programs financed under title I of the Elementary and Secondary Education Act. In addition, Syracuse has a stake in the impacted areas funds because the bill which the President vetoed contains approximately $111,000 for Syracuse schools, according to the Office of Education. Should the veto prevail, the funds will not be available. North Syracuse Central School District No. 3 has approximately $62,000 at stake. It has been estimated that taxpayers in North Syracuse can count on an additional $1.50 or so on the tax rate if the impacted areas program is ended. What the President is doing, of course, is shifting the financial burden from the Federal Government to the States and localities.

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Figures provided by the Office of Education indicate that the President's veto will cost New York State $76.5 million in Federal funds for various education programs.

The President desperately needs a scapegoat to blame for the total failure of his campaign to halt rising prices, and unfortunately, all that is left to him is the bill which provides money for health and education. All of the other appropriations bills are approved.

Mr. HANNA. Mr. Speaker, the President has now claimed on prime time that overriding his veto of the Health and Education appropriation will be inflationary. Its an interesting justification for opposing needed funds for health and education. It also happens to be a highly inaccurate assessment.

Let us just for the moment put aside the many compelling arguments for adequately funding needed health and education programs. Inflation has been made the paramount issue. Although the President raised the question, he has given it a most tortured interpretation and it must not be allowed to go unchallenged.

Just exactly what is at issue—what prompted the President of the United States to veto the appropriation? Unquestionably, the President is upset over the fact that Congress has given him $1.2 billion more than he requested to spend on America's health and education. Is this additional appropriation inflationary? The ruminations and posturing of the President aside, the answer is a flat no.

Apparently, the President has not been informed that Congress has cut $5.6 billion from his total budget requests, including the HEW appropriation. I suggest such substantial budget cuts are anything but inflationary.

What, in fact, has really unbalanced this administration has been Congress' successful attempt at restructuring priorities. We have cut the budget. With the remaining funds, we are redirecting expenditures to the areas of greatest need. To disguise his pique with the Congress for having the courage to restructure priorities, the President appears in the cloak of the inflation fighter.

The very specific appropriation we are dealing with is not inflationary. The tragedy of the President's obvious political maneuver is that the real substance of the appropriation is being obscured.

If the ugly prospect of inflation is involved, it is only because the President's veto has itself created a serious set of economic circumstances. Consider the facts. School districts throughout the Nation have made commitments from their general funds based upon their expectation that the Federal Government would continue, as it has for the past 18 years, to adequately fund impact aid programs. If the President's veto is sustained it will mean many school districts will be faced with the hard reality of deficit financing.

There are only a few alternatives available to a district faced with a deficit. For schoolchildren and their parents, the most damaging alternative is closing the schools early. CBS, in a documentary aired last night, dramatically related what can happen to a community when this alternative is selected. Yet, faced with voter opposition to higher property taxes, the main source of revenue for schools, and a sharp reduction in Federal support many school superintendents are giving the alternative of school close downs serious consideration. With financial support being reduced from every side, we are narrowing the real choices local communities can honestly make.

The second alternative local districts approaching deficits from loss of Federal revenue have is obtaining short-term, high-interest loans from banks or other sources in the money market. Anyone with a minimum understanding of the conditions in the economy realizes that this is the most inflationary course available. Such borrowings, at the highest interest rates in history, will have a considerably more disastrous impact on our tight money economy than the increased appropriation. Short-term borrowing may become the easiest alternative to implement. And with dozens of districts forced to compete for immediate short-term funds, the constricting money market and resultant inflationary pressures will play havoc with all rational attempts to bring rising costs and interest rates under control.

This forced borrowing is the most serious implication of the President's veto. Its inflationary impact is far more damaging and more real than the administration's strawman of rising expenditures. As I pointed out earlier, expenditures in fiscal 1970 have been cut back $5.6 billion and this fact makes the President's argument hollow.

The third alternative, in light of present realities is the most untenable. If the President's veto is sustained, local communities will have to fall back on increased property taxes—the traditional source of most revenue for school financing. Property taxes, especially in California, are already much too high. Voters have consistently rejected revenue raising proposals which would put an added burden on homeowners. It is going to be difficult to reconcile an argument which tells the property taxpayer that in a year when Congress was able to cut the budget by $5.6 billion and grant sweeping tax relief, we are reducing support for education. The property taxpayer will have to make up the difference with higher property taxes. This is what the President is really telling the American people.

Inflation pressures must be a consideration in every congressional debate involving money. On this appropriation, the issue has been blown up way out of proportion to its importance.

Supporting the appropriation should be based upon whether one believes education and health should be adequately financed. This is the issue, and it is to answering this proposition that Members should turn their attention.

Skillful management of the media may have turned our attention, and the attention of many voters, from the real issues. This does not reduce our responsibilities to deal with these issues.

At this point, I would like to include some telegrams that I have received on this issue:

LONG BEACH, CALIF.,
January 26, 1970.

Congressman RICHARD HANNA,
Washington, D.C.:

Thank you for your support H.R. 13111 to this date urged that you request that you vote to override the Presidents veto of HEW appropriation bill when it comes on the floor Los Alamitos School District stands to lose $250,000 if this bill is not authorized the impact on the community both educationally and economically will be disastrous the school district has already called a tax overwrite election for next year of 75 cents because of the potential loss in that budget however there was no such opportunity in the current budget and reserves of the district have been depleted in a freeze in current expenditures has been authorized. We look forward to noting your vote in support of overriding the veto.

BOARD OF DIRECTORS,
Los Alamitos Chamber of Commerce.

GARDENGROVE, CALIF.

Congressman RICHARD HANNA,
Cannon Building,
Washington, D.C.:

Your support urgently needed to over-ride Presidents veto. We are desperately in need of the funds he has cut from this district. Children will suffer unless help is forthcoming.

DAVID H. PAYNTER,
Superintendent Gardengrove Unified School District.

ANAHEIM, CALIF.,
January 24, 1970.

Representative RICHARD T. HANNA,
Cannon House Office Building,
Washington D.C.:

Urge full support of HEW bill failure means 79,000 dollars deficit for our district.

DEL SMELTZER,
Superintendent Savanna School District.

ANAHEIM, CALIF.,
January 26, 1970.

Hon. RICHARD HANNA,
Cannon Building,
Washington, D.C.:

The trustees of this school district are concerned with President Nixon's intended veto of the Education Aid Bill that is currently in the hands of your Congressional body. We most strongly urge your best efforts to override such a veto if it occurs.

Respectfully,

JOHN BARTON,
President board of trustees Anaheim Union High School District.

Mr. TAFT. Mr. Speaker, I have made a decision to support the President's veto of the $19.7 billion Labor-HEW appropriation bill. It is based on my belief that the action of the Congress on this measure can have an all-important effect on the effort to check inflation. The entire Nation and the world will be watching.

An override of the veto would tend to indicate that this Congress is unwilling to face up to the economic realities of the seventies and that despite the efforts of the administration, there is no real intention or commitment to do something about the deficit-spending addiction that has dominated our country for the last 10 years.

If the Congress sustains the veto, it will serve notice that the administration, working with a responsible nucleus in Congress, has truly decided that, even in very difficult areas, it will lead the fight to reverse the inflationary psychology that has gripped the country through the last several years. Sustaining the veto will be a blow for credibility for the economic and fiscal policies of the Nixon administration.

Nevertheless, for a number of reasons, my decision has not been an easy one. In the first place, I have long supported Federal aid to education measures, and I expect to continue to do so, through support of authorizations and appropriations and through a progressive revenue sharing plan diverting to the States and local governments some of the funds—tax revenues—the Federal Government has preempted. Superior education has obviously been prominent in America's progress. However, we must recognize that the danger of inflation to our educational system is as great as, if not greater than, that to almost any other operation of our Government or function of society. This is true because education payments are largely for services and in the providing of facilities and because of the built-in additional needs inherent in the additional pupil load still to come. As it has already, the effect of inflation can be seriously disruptive to education programs and, especially harmful to public opinion, causing a reaction of many communities toward the need for additional funds to continue America's leadership in the field of public education.

We must also recognize that there are many school districts where reliance upon Federal assistance has been built into the program locally by the nature of the Federal program. There is a Federal responsibility to attempt to alleviate the immediate additional burden that will be caused by reductions in Federal funds.

It is my hope that new legislation can be enacted at the earliest possible date, providing a specified minimum percentage floor of last year's Federal aid funds. This might do much to help those districts which have, correctly or incorrectly, based their operations and planning on federally authorized, but not appropriated, funds for education programs. At the same time, we should start the wheels in motion more rapidly to correct or phase out a program which has admittedly, in some instances, diverted Federal funds to richer districts, while depriving poorer districts with little relation to the actual economic impact of the Federal presence upon the community in question.

We should also weigh the merits of legislation, which I plan to reintroduce, to provide appropriations for Federal education programs not later than May 1 of the year preceding the beginning of the fiscal year for which such funds are authorized to be appropriated so that State and local educational administrators can adequately plan for the wise and effective use of such funds.

Thus, I see the current challenge as being a twofold one which must be met responsibly on both counts. First, through sustaining the veto and supporting the President in his fight for fiscal responsibility, and second, for providing at the earliest possible date appropriate corrective legislation along the lines that I have suggested.

Mr. MOLLOHAN. Mr. Speaker, one cannot note without a certain amount of dismay the promise from the President's chief aide for the Congress, Bryce Harlow, to the effect that if the House will not override the President's veto, the White House will support an effort to restore impact aid funds. To the naive, it would seem that Mr. Harlow had not heard the President cite this very category of aid as the chief example of "the wrong amount at the wrong time" in his veto message over nationwide television.

The hypocrisy of the administration on this question is shocking, for the position when shorn of rhetoric is, simply stated, that if the Congress will eliminate the additional funds for deprived children and those in need of vocational braries, and student loans, and hospital construction, they will restore the least useful form of educational aid, the aid to federally impacted areas.

This means that wealthy counties such as Montgomery County in Maryland and Arlington County in Virginia will receive Federal aid, while disadvantaged children and those in need of vocational training throughout the Nation will be penalized in the name of inflation.

The tragedy of this position will not appear in the budget, but in higher crime, in higher unemployment, in higher welfare. For it is the disadvantaged who are more susceptible to unemployment, who are more likely to commit crime, and more likely to seek welfare relief.

Consequently, rather than investing in the equality of a new generation, we are constructing a social gulf. Rather than bringing the Nation together, we are planting the seeds of violence and division. Rather than fighting crime, we will instead merely fill the jails.

This is the tragic import of the administration's veto strategy.

Mr. ADDABBO. Mr. Speaker, I rise to support H.R. 13111, the HEW appropriation bill for fiscal 1970 and to urge my colleagues to override a veto which was unjustified and unsound.

The President has told the American people that this bill will increase the cost of living. That is "kindergarten economics" and must be rejected. A balanced budget is not the issue here because there are many other places where the President can reduce spending—the SST, the military budget, the space program, just to mention a few. This Congress has already cut the military budget by $5.6 billion and the foreign aid program by about $1 billion.

Unless this bill is passed, New York City schools will lose an estimated $36 million, research on heart disease, cancer and stroke will be curtailed and we will have abandoned our role in setting new priorities for America.

In light of these facts, the President's veto indicates a shocking distortion of our domestic priorities. We have an opportunity to get the Nation back on the right course by overriding the veto and assigning a top priority to social programs.

We cannot talk about our concern for improved education and quality health care out of one side of our mouths and then vote against funds for these programs by talking about the cost of living out of the other side of our mouths. That kind of political masquerade will just not fool anyone. Spending for education and health will add to our economy and not detract from it by way of inflation. An educated and healthy population are taxpayers and not tax users.

Mrs. REID of Illinois. Mr. Speaker, as President Nixon said in his televised report to the Nation, his decision to veto the controversial appropriation bill for the Departments of Labor and Health, Education, and Welfare was a most difficult one—and now we Members of Congress must face the equally disturbing question of whether to vote to sustain that veto. Certainly all of us recognize the continuing need for quality education for our children, for adequate health care for all ages, and more diligent efforts to secure a decent standard of living for all families.

As a member of the Subcommittee on Labor, Health, Education, and Welfare appropriations—which held over 3 months of hearings on this very legisla-

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tion—I am particularly sympathetic to all of these needs. Our subcommittee went over every item in this bill line by line and, as the seven volumes containing over 8,000 pages of printed hearings indicate, we conducted a very thorough investigation of the requests presented. I feel—as the President does—that these programs all have worthy goals and objectives; and it would be wonderful, indeed, if we had unlimited resources to deal with all of them at once. But, unfortunately, this is not the case, so as a committee we had an obligation to set what we felt were sound priorities in the best interests of all the people. We had to decide how much the Federal Government could reasonably afford to spend without, as the President cautioned, "spending ourselves poor."

In all candor, let me say that in my judgment the bill reported by our committee was realistic and acceptable in a budgetary sense and still provided more funding for these programs than ever before in our history. Although we did recommend an additional $156 million for urgently needed assistance to public and school libraries, educational guidance, counseling, testing, and equipment, we tried to stay close to the budget recommendations of both the Johnson and Nixon administrations without jeopardizing worthwhile programs. When the bill reached the House floor, however, almost a billion dollars more was added by amendments. I opposed these amendments—not because I did not favor the programs they sought to aid—but because in my judgment it is irresponsible for the Congress to vote an annual spending limitation on one hand and ignore it on the other. After action by the Senate and the conference committee, the bill sent to the President was $1.26 billion more than he had recommended.

By adding over a billion and a quarter to the bill with mandatory spending provisions, we would in the President's words "win the approval of many fine people who are demanding more spending by the Federal Government for education and health—but be surrendering in the battle to stop the rise in the cost of living—a battle we must fight and win for the benefit of every family in the Nation."

As I see it, unless inflation is halted, more and more of our dollars will continue to buy less and less education, less and less medical care, and fewer of the other necessities of life. In other words, as more and more is spent in Washington, there will be less and less to spend at home. School Management magazine has stated that "until inflation cools down, school districts that increase spending will—in effect—simply be spinning their wheels." School spending reached record heights in the 1968–69 academic year, but inflation virtually wiped out any accrued benefits. To offset this trend, it is vital that Congress do its part to insure a budget that at the very least will not stimulate inflation through more deficit spending.

If the line against inflation cannot be strengthened, all costs—including those of schools and health services—will continue to go higher.

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In my judgment, the fiscal policies which have prompted the Federal Government to spend some $57 billion more than it has received in taxes over the past 10 years have been a major contributor to the inflationary spiral which is of such great concern to everyone today. Those who have followed my record know that I have consistently opposed such spending policies.

President Nixon has attempted to set priorities and he has indicated that if the bill were allowed to stand as sent to him by the Congress, he would be obliged to delete funds from those sectors of the HEW budget where he retains the discretion to do so. This means that such high priority programs as medical research, health services, air pollution, rehabilitation services, and other vital activities would be curtailed. Furthermore, the Department would have to curtail any further discretionary loans or grants. Yet, because of the mandatory requirements of the legislation about $1 billion would be thrown into school programs and must be spent in the remaining 4 months of this fiscal year. Experience has shown that when money is spent in a hurry a great deal is wasted and, in addition, the impact of this and other increased Federal spending would be felt by every household in America.

I support the President in his veto because I feel that we have reached the moment of truth. If we are to improve the quality of education, of medical care, and life in general for all Americans as we hope to do, then inflation must be controlled—the rise in the cost of living checked. We must face reality—there is no other way. I am for education and for quality medical care and I supported the many worthy programs this bill contained—but I am also for doing something about the rising cost of living which makes the attainment of these other goals more difficult.

If the veto is sustained, President Nixon has said that he will immediately seek appropriations which will assure the funds necessary to provide for the needs of the Nation in education and health. Contrary to what has been claimed by some, no school would be forced to close—no child would go uneducated—programs would go forward—and all of this would be done within the framework of an anti-inflationary budget.

In any discussion of the President's veto of the Labor-HEW bill, I feel it is important to note that he has also made a reduction of over $4 billion in the Defense Budget—he has deferred 75 percent of all new Federal construction projects, and he has reduced Government employment. This shows that President Nixon is determined to balance the budget in order to hold down taxes, prevent further inflation, and protect the interests of all the American people. I support his efforts and will vote to sustain his veto.

Mr. FASCELL. Mr. Speaker, in our consideration today of President Nixon's veto of the Labor-HEW appropriations bill for fiscal year 1970, there is, in my judgment, an extremely critical issue at stake: whether or not we shall provide quality education for the children of our Nation.

The President has chosen to veto this measure which provides $1.3 billion more than his budget request for the Department of Health, Education, and Welfare in the name of further halting inflation. There can be no question that the Nation's economy and the challenge of eliminating inflation has been the primary concern of each of us during the past several years. For this reason we in the House and our colleagues in the Senate considered with extreme care each of the appropriations proposals for the current fiscal year and made expenditure cuts of $5.6 billion in the President's budget requests.

I believe that further trimming of Government expenditures is vitally necessary—particularly in those areas where spending has been unrealistic, and out of line with our Nation's priorities. I do not feel that education and medical research expenditures are in any way unrealistic. I do feel that it is the responsibility of Congress to see that programs to meet our Nation's pressing education, health, and other domestic needs are adequately funded.

The future strength of our country depends on the young people of today. It is imperative that we do everything possible to instill in our students a respect for knowledge and the desire to be fully informed. We must therefore insure that our young students have the very finest education and are fully prepared to assume responsibility for our continued progress as a nation. Indeed, if there is any one area that deserves to be at the top of our priority list it must be education.

The following editorials from the Miami Herald and the Miami News illustrate the sound thinking through the country in favor of our support for education and medical research funds:

[From the Miami Herald, Jan. 18, 1970]

RESEARCH PENNY SAVED IS DOLLAR LOST IN LIVES

An ad hoc committee of educational and medical groups has importuned President Nixon not to veto the bill providing funds in the current fiscal year for the Department of Health, Education and Welfare. As we have said before, the argument has merit—and critically so.

If the HEW bill is dismantled, education and medical research will lose some $1.3 billion in funds. At the school level the so-called impacted area institutions (areas where there are numerous federal employes, such as military personnel, and sparse local revenues) would suffer heavily.

The principal threat, however, is to medical research and medical training.

The United States is far behind the other large nations, particularly the Soviet Union, in the training of doctors. Some figures show that Russia produces from five to seven times as many a year. An important federal program in this field would have to go.

Research is nearly as vital. To the average citizen today it is probably even more important. For at long last some breakthroughs are coming in the fight against killer diseases.

Heart attacks strike down 7,000 Americans a day and take 500,000 lives a year. The fatal incidence of cancer is only less serious.

In both areas important discoveries are being made with federally-aided research facilities. Evidence increases that viruses may cause cancer in humans, and this is based on research with mice. Experiments also suggest eventual immunization from leukemia.

These are a few of many, many medical advances in which government has been a partner. That partnership should not be dissolved for apparent purposes of economy.

We have encouraged Mr. Nixon many times in recent months to put the knife to excessive spending. He is doing this effectively, we believe, but he knows as well as anyone else that there will be exceptions to every budgetary rule.

Surely education, medical training and medical research are such exceptions. Without them government would be in default to the very people it is supposed to serve.

[From the Miami News, Jan. 22, 1970]

NIXON SHOULD SIGN EDUCATION BILL

Even before he reveals his budget today, President Nixon has the opportunity to indicate whether he will be a statesman or a politician in the election-year session of the 91st Congress.

The Congress has virtually completed action on the $19.7 billion HEW bill, which contains some $1.2 billion more than the President requested. He indicated he will veto the legislation, called the increased money for education and welfare "inflationary."

Advocates of the funding, which puts more money into school districts affected by federal activity, insist the issue is not inflation but national priorities. What the critics are saying is that while military commitments overseas are being reduced by the Administration, the military budget is as great as ever. And, they add, domestic general welfare continues to play a secondary role in the thinking of the President.

The argument over Mr. Nixon's priorities is going to be extensive, especially because of the continuing inflation and its effects on domestic policies. The lobbyists who want educational commitments raised argue that the President never mentioned the word inflation when he urged expenditure on billions of dollars on an anti-ballistic missile system. But, they say, talk about spending an extra $1 billion on sorely needed school and health programs and the President is quick to cry "inflationary."

Much of the argument over the HEW bill centers around funds for the Office of Education. The Administration sought $3.1 billion, the conference committee agreed on $4.2 billion. Most of the increase is marked for elementary and secondary education; for the "impacted" area program, the project that gives aid to schools with large numbers of children of government workers (Homestead is a local example); for vocational education; and community library services.

The Administration uses the threat that a raise in education funds means a reduction by the same measure in health and welfare. At a time when the quality of education is under attack and when new demands are heard for reform of the social welfare approach, either choice would be unfortunate.

Mr. Nixon will present a budget of $200 billions to the Congress. Surely, somewhere in the morass of military expenditures, extra funds might be found for education. We hope Mr. Nixon would reconsider his threat.

There should be no veto for education.

For these reasons, Mr. Speaker, I will today vote to override the President's veto of H.R. 13111, the Labor-HEW appropriations bill for fiscal year 1970, and urge my colleagues to join me in supporting quality education and a realistic reordering of our national priorities.

Mr. LEGGETT. Mr. Speaker, in 1968 Presidential Candidate Richard Nixon told the American people:

> When I look at American education I do not see schools, but children, and young men and women—young Americans who deserve the chance to make a life for themselves and ensure progress of their country. If we fail in this, no success we have is worth keeping.

But now President Nixon has vetoed the HEW appropriations bill which attempts to give them this chance he said they deserve. The reason for this reversal, he has told us, is the need to control inflation.

In economic terms, he has chosen one of the least promising means of attacking inflation. Inflation may be defined as too much money chasing too few goods and services. Of course, any cut in Government spending takes a certain amount of money out of circulation and thus is anti-inflationary. But in the case of a high-demand commodity such as education, a cut in Federal spending stimulates increases in State, local, and private spending, which wash out part of the effect of the Federal cut. If the Federal Government fails to live up to its responsibility, the people will do what they can to secure their children's education from other resources. A recent Harris poll showed children's education ranking behind only food, medicine, housing, and utilities on the American people's list of family budget items they would cut back last in time of austerity.

In contrast, the country would gain the full anti-inflationary benefit of a cut in defense spending. If, for example, we were to cancel the ABM deployment program, private citizens would not rush out to buy ABM's of their own. In addition, there is no question that the very size of the defense budget—more than 18 times the size of the education budget—makes it a far more fertile field for anti-inflationary budget cutting.

Administration defenders will point out that the defense budget has been cut by several billion dollars. This is not the point. What matters is the comparison between what we need to spend and what we are spending. I suggest we are spending far more than we need to on defense, even allowing for the safety margin that is necessary when national security is involved. And even if we succeed in overriding the veto, we will be spending far less than we need to on education.

Much of the criticism of the education appropriation has centered around the program of aid to federally impacted areas. It is said this program channels money into middle-class school districts rather than into the impoverished districts which need it most. While there is considerable truth in this argument taken out of context, for the following reasons it does not justify the President's position:

First. While many of the districts benefiting from impact aid have a high per capita income, their tax base may be low because many of their well-to-do citizens are Federal employees living on nontaxable Federal property. This is the reason for the program's existence.

Second. Sustaining the President's veto will not help the poorer school districts; it will hurt them. Money cut out of impact aid will not go to impoverished districts; it will not be spent at all. Moreover, the President is attempting to cut programs other than impact aid, many of which are of considerable benefit to the poor. He would cut $25 million for bilingual education to $10 million; $50 million for library resources would be cut entirely; vocational education would go from $489 million down to $279 million.

Mr. Nixon said on television Monday night he was vetoing the bill in part because it "provides more dollars for the same old programs without making the urgent new reforms that are needed if we are to improve the quality of education and health care in America."

I agree; reform is needed, and I will be interested to see what new programs the President proposes for next year's authorization. But he cannot use lack of reform as a reason for vetoing this year's bill. He is not proposing new reforms for this year. He is not demanding that we restore some of the worthwhile progressive programs that, to my regret, we deleted from his original request. He is simply demanding that we cut the existing programs and replace them with nothing.

Third. Many districts have already made plans and commitments on the assumption that the previous pattern of impact aid would be continued; they will be in desperate straits if the appropriation is not forthcoming. If this program is to be radically reduced or altered, it must be done more gradually and with more advance notice. Mr. Nixon should not have waited until December 19 to announce his intention to veto; he should have done it last July when the appropriation first passed the House. I suspect his failure to do so was at least in part due to the incongruity of opposing education and pushing for ABM at the same time.

Fourth. Under no circumstances can impact aid be considered money poorly spent. While the impacted districts may not need Federal help as badly as do some others, they need it badly and will put it to good use. Education is one of the most basic and essential services a government can provide for its citizens, and is so considered by the American people.

According to the Harris poll, Americans regard aid to education as the most underfinanced of Government activities. Fully 60 percent said education should be the last item of Federal spending to be cut. Now the President has made it the first.

I suspect that, had Mr. Harris confined his poll to the urban ghettos and the depressed rural areas, the results would have been even more striking. It is most hypocritical to veto education funds in the name of protecting the poor from inflation, when the veto itself deprives them of their best hope of climbing out of the gutter.

And if we condemn millions of Americans to lives of little hope, there is no doubt that many will lash back at the society that has abandoned them, and others will turn to lives of crime as the only way out of poverty. Two of the points most heavily emphasized in Mr.

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Nixon's state of the Union address were the "war against crime" and the need to control inflation so as not to burden the next generation with our debt. But at the same time he pursues educational policies that create the criminals and welfare cases of tomorrow to burden our children. With friends like this, the next generation does not need enemies.

Cuts have also been made in the health programs that benefit us all. Mr. Nixon would cut hospital construction funds from $254 million down to $150. Medical student loans would be cut from $24 million to $15 million—this at a time when our country, the richest in the world, does not even rank in the top 10 in terms of life expectancy or infant survival.

The President also proposes small cuts in such inflationary luxuries as heart and cancer research.

Mr. Speaker, education and health are not merely necessities for the individual and not merely obligations of Government to its citizens, although they are all of these things. They are matters of national prosperity and national security. In cultural, political, economic, and also in military terms, the most valuable asset a nation can have is an educated and healthy citizenry.

If this veto is sustained in the name of inflation control the President will have cut back on the programs and services the country needs most and which our citizens value most highly. But as long as he continues our inflated war budget, he will not control inflation with these cuts; the sums involved are too small and their deflationary effect is too weak. Moreover, his unsuccessful attempts at inflation control are heading us inexorably toward our first recession in 10 years. If we continue on our present course we shall have austerity, stagnation, and inflation all at the same time. This will be a memorable achievement, and one for which the voters will want suitably to reward the Republican Party this November and in 1972.

Mr. Speaker, I have heard it suggested that this Democratic Congress should sustain the veto in order to make political capital out of the consequences. I reject this reasoning. This veto, together with the further disordering of national priorities will follow if it is sustained, would be a disaster for the country. We must override it.

Mr. JACOBS. Mr. Speaker, billions for defense waste, but not 1 cent for what we are supposed to be defending. Is that the philosophy we want for America?

Is not it interesting that out of all the billions approved by Congress—$5½ billion less than the President proposed—the only billion the administration has found to veto is an education billion?

No objection from the administration to the use of tax money for the jet set's super airplane.

One is reminded of the town meeting debate over whether to build a new bridge or school.

An elderly gentleman arose and said, "The issue is whether 10 years from now you want educated citizens going back and forth across an old bridge or ignoramuses going back and forth over a new bridge."

Mr. Speaker, how shall we cross the Atlantic?

Mr. SCHERLE. Mr. Speaker, the President's veto of the $19.7 billion appropriations bill for the Departments of Labor and Health, Education, and Welfare has stirred considerable controversy on Capitol Hill and throughout the Nation. The bill in contention would appropriate a staggering $1.26 billion over President Nixon's budget.

Administration spokesmen point out that most of the money is slated for programs, the need for which has been questioned; $600 million voted by Congress would go to federally impacted areas. This is a $398 million increase over the President's budget. School districts in these areas receive additional aid from the Federal Government to reimburse them for educating the children of Federal employees. In order to qualify for impact aid, a school district must have a minimum of 3 percent, or 400 pupils, who are federally connected. More than one-fourth of all school districts in the United States receive such aid.

This program "reimburses" wealthy counties far out of proportion to their needs. Many are fully capable of supporting their schools from local sources. In many cases, the payments actually exceed the cost to the district of educating Federal pupils. Montgomery County in Maryland, for example, one of the richest in the Nation, received $5.8 million in 1968, while a total 100 of the poorest counties in the country received only $3.2 million. Because this program is something of an educational pork barrel, it may be difficult to induce Congressmen from the affected areas to vote against it. The Virginia counties of Fairfax, Arlington, and Alexandria, all rich "bedroom" school districts serving high-ranking Governmental officials, receive $16.3 million in impact area funds. Why should the taxpayers in Iowa subsidize the schools of such high-salaried bureaucrats?

The cost of education of index clearly demonstrates that schools are not exempt from the ill effects of inflation. They are just as susceptible to damage as any other budget, public or service.

The proposed additional funds would become available too late in the school year to be adequately implemented. By the time action is completed on the bill, distribution formulas computed, and grants actually made to the States and school districts, only 3 or 4 months would remain in this fiscal year. It would be too late to hire additional teachers or to alter teaching programs effectively. Nor could the money be held over until the following year. It would have to be spent by the end of the fiscal year—June 30, 1970. Most of the increases are in mandatory formula grant programs. Therefore, HEW would be obliged to distribute them automatically to the States according to predetermined formulas. Such late funding, with a full year's appropriation crammed into 3 or 4 months, would inevitably result in waste. Wild flings in funding make intelligent planning impossible.

For these reasons I will cast my vote to support President Nixon's veto.

Mr. ROTH. Mr. Speaker, I will vote to sustain the President's veto. I will do so because I have consistently voted to hold down Federal spending until inflation is brought under control.

In my judgment, this is not a question of being for or against education. I have stated many times that education should be a top domestic priority—but, I have said even more often that unless we bring inflation under control, all other problems will pale by comparison. Last year, spending per elementary school pupil increased by $51—and inflation burned up $25 of that. Even if the President's veto is sustained, as I hope it will be, the Federal Government will spend more than $10 billion for education in 1970—the most in our history, as the President has pointed out. But unless inflation is brought under control, real spending power and effective increases in aid to education will be wiped out by the rising cost of living. The fact of the matter is quite simple: until we stop inflation, we are simply spinning our wheels by spending more money.

I agree completely with a statement that appeared in the January issue of School Management magazine. On the basis of a survey of 1,000 school districts, the magazine reported:

> While many administrators complain bitterly, these days, about the adverse effect on education of the Nixon Administration's tough anti-inflation measures, the Cost of Education Index makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control.

That last sentence bears repeating:

> It is abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control.

There is one other aspect of my decision to support the President's veto. All Government agencies must recognize that it is time to learn to spend more economically and effectively. The Department of Defense is only beginning to make this realization. Much of the objectionable spending in this bill represents the shortsighted appropriation of hundreds of millions of taxpayers' dollars for projects that could be effectively financed by other means or dollars appropriated so late in the school year they can only be used with marginal success. Late last summer I was sharply critical of the delay in Congress over the vital program of guaranteed loans for college students. Hundreds of thousands of students faced the start of the college year not even knowing if they were able to pay tuition. I make the same criticism now about the delay in the appropriations process for this bill in particular: school officials cannot plan efficiently if they do not know how large their share of Federal funds will be for the year ahead. In 1967, recognizing this problem, I introduced House Concurrent Resolution 324, which instructed the House and Senate to "report to their respective bodies a bill or bills, appropriating funds for educational assistance programs, not later than May 1 of the year preceding the beginning of the fiscal year for which such funds are authorized to be appropriated."

I think there are two lessons to be

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learned. First, returning the dollar to a sound footing requires not only restraint but some very hard decisions from all of us. And second, as a very important part of that restraint, the dollars this Congress does appropriate must be spent as carefully and as effectively as possible.

Mr. WATSON. Mr. Speaker, it is indeed unfortunate that the real issue at stake before the House today has been camouflaged as a result of charges and countercharges as to who is for or against education. The issue is inflation. Certainly, we are all for education—and quality education too. If I felt for one moment that the President's aim was to eliminate or even reduce proven quality education programs, I would not hesitate to vote to override the veto.

But, the Congress has enacted a massive education bill that is clearly inflationary. It is way out of proportion to the very ambitious, and I might add, generous, budget request made by the administration. In view of the tremendous inflationary spiral of the past 10 years, the bill in its present form presents a very real danger to the economy that is in deep trouble already.

Leaders of one political party have made it known that the President's veto and the vote here today will become a big campaign issue this fall. Forget inflation, they say, the issue is education. This is an oversimplification of a complex issue. It is also political demagogery. I vote to sustain the President's veto, not out of party loyalty to him or this administration, but our economy is going to collapse unless we start facing up to the deterioration of the American dollar. If this were a Democratic administration faced with the same dilemma, I would still vote the same way. Loyalty to one political party or another must never become so intense or dogmatic as to compensate for loyalty to the good of the people.

Inflation has become a silent thief that robs the economic livelihood of all Americans. I do not know of a housewife in America today who would state differently. For the past few years inflation has been a topic for much rhetoric but no action. Now, the President has addressed himself to this crisis, and as uncomfortable as it may be, the American people are going to have to make some sacrifices. The people are ready to do their part, but what about the Congress? Judging from the free-spending approach to this appropriations bill, it seems that Congress is not willing to make the sacrifice.

The original budget request submitted by the President is generous. Many economists argue that it is too generous. Quality education for our children will in no way be impaired by that request, but if we override the veto the economic security of every American, especially those on fixed incomes, will be jeopardized.

Mr. Speaker, during my political career I have dedicated long hours to the cause of education at all levels. I have written and introduced legislation to grant tax credits for those burdened with the costs of higher education and tax deductions to encourage savings for this purpose. I have supported and sponsored legislation to provide teachers with tax credits and per diem pay when they seek to further their own education. In addition, when plans were suggested to cut back, and, in some cases, reroute such outstanding programs as school lunch and milk, NDEA, and impacted areas, I fought to maintain them in their present form.

Certainly the Federal Government can play a vital role in education, but as in every phase of national activity, education must be accompanied by sound fiscal policies. And, let us remember that the whole concept of the American system of education is local control over our schools. We are witnessing right now what can happen when the Federal Government and the courts attempt to run local school systems. We all pay dearly for Federal education funds—which, of course, are our own tax dollars—with school busing and all the other ramifications of Government intervention in the educational process.

Mr. SAYLOR. Mr. Speaker, there is no question in anyone's mind about how I will vote on the question of the President's veto of H.R. 13111; I am only surprised that members of the education lobby came knocking on my door again. They should have learned long ago that I cannot be hoodwinked or pressured into supporting waste of the taxpayer's money by voting for Federal aid-to-education bills.

This morning I received a copy of a very interesting communication from Mr. George Frain, of the Kalorama Citizens Association of Washington, D.C., on the subject of the President's veto and other matters. Mr. Frain has consistently supported measures in the Congress that would improve the lot of the residents of the Capital City, and because of his impressive congressional background, his words have particular relevance to the debate on the HEW appropriation bill.

In the course of his letter addressed to the gentleman from Minnesota, Congressman Donald M. Fraser, Mr. Frain recalled his background as the first secretary of the Democratic Study Group. The current Democratic Study Group, headed by Congressman Fraser, comes in for some well-deserved lumps from Mr. Frain with respect to plans of the Democratic Party to spend more and more of the taxpayer's money irrespective of the real cost to the taxpayer.

The letter to the chairman of the Democratic Study Group is worth reading in its entirety by all those tempted to vote to override the President's veto and thus vote against the people and the war on inflation. However, there is one sentence in the letter that deserves special emphasis: it reads,

> Personally, as I review the record, I think the Democratic Study Group has changed and it is now voting with the special interest groups, and to hell with the people and inflation.

No one could have said it better nor more succinctly. The full text of Mr. Frain's letter follows:

Kalorama Citizens Association,
Washington, D.C., January 27, 1970.

Hon. Donald M. Fraser,
Chairman, Democratic Study Group, House of Representatives, Washington, D.C.

Dear Congressman Fraser: As you know, I was the first secretary of the Democratic Study Group, when it was originally set up by Senators Eugene McCarthy, Lee Metcalf, and George McGovern (when they were in the House of Representatives), and many House members.

I believe the reasons advanced by President Nixon are valid for vetoing the nearly $20 billion HEW Appropriation Bill. For instance, on the nation-wide TV networks last night he said, when he vetoed the bill that—

> The bill provides $6 million for the one-half million people who live in the richest county in America (Montgomery County, Maryland), and only $3 million for the 3 million people who live in the 100 poorest counties in America.

Presidents Eisenhower, Kennedy and Johnson all criticized this program as being unfair. Yet the Congress in this bill not only perpetuates this unfair program but adds more money to it.

Since the Democratic Study Group would have followed Presidents Kennedy and Johnson, and President Johnson when he was in the Senate supported President Eisenhower more than many Republicans, why can't you rise above narrow partisanship and support President Nixon? Statesmanship and courage are needed now—if ever.

Vice President Spiro Agnew comes from Maryland, yet he supports President Nixon's veto, since he is clearly of the view that Montgomery County would suffer no irreparable harm if it didn't get the $6 million in impacted aid funds.

President Nixon said this vast bill would contribute to inflation. He has made many cuts, for instance in the space program and in public works, due to the inflation. President Nixon is right, inflation must be halted. Herblock in his *Washington Post* cartoon today totally ignores the cutbacks Pres. Nixon has made. I cannot see how the Democratic Study Group can ignore inflation and its causes. Yet the Democratic Study Group recently voted for a billion dollar freeway program in the Nation's Capital which President Johnson and the Department of Transportation under Secretary Alan Boyd opposed, as the *New York Times* made clear in several articles. Perhaps the Democratic Study Group doesn't believe that there is such a thing as inflation. Another thing wrong with the vote in support of the billion dollar road program in Washington, D.C. is that it will, according to *Newsweek Magazine* of November 3, 1969, displace 40,000 Blacks. Maybe the Democratic Study Group doesn't care whether Negro families will be displaced, but it should. And Herblock is quite willing to misrepresent issues.

Personally, as I review the record, I think the Democratic Study Group has changed and it is now voting with the special interest groups, and to hell with the people and inflation. It is worthy of note in this connection that an express bus and busway program to provide exclusive lanes for use of buses, and an extensive commuter railroad program such as the Senate Public Works Committee called for a year ago and which has not been implemented in the Nation's Capital, could have both been operating today for a cost of no more than $20 million. This would have been non-inflationary and would have saved $1 billion and would not have displaced 40,000 Negroes in the Nation's Capital. But the Democratic Study Group has totally ignored these proposals. Times have changed, but the Democratic Study Group has become the voting bloc for special interests. Clearly, the word "Study" in the Democratic Study Group stands for study to determine how best to serve special interests like these supporting impacted aid despite the stands of Presidents Eisenhower, Kennedy, Johnson, and Nixon.

Respectfully yours,
George Frain,
Elected Delegate.

P.S. Many DSG members also support the wasteful and highly inflationary Pennsylvania Avenue Plan which will destroy the

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Willard and Washington Hotels. Fortunately, President Nixon is now reviewing this boondoggle. If carried out, it will cost $1 Billion.

Mr. LUJAN. Mr. Speaker, I vote today in support of the President's veto of the HEW-Labor-OEO appropriation. I regret, Mr. Speaker, that the subject of inflation has come on this particular issue. Certainly all of us want the best education possible for our children and it is my personal belief that we should maintain last year's level of appropriation. I therefore, Mr. Speaker, consider my vote as a vote against an increase.

Mr. Speaker, I voted to reduce taxes and I voted against borrowing in order to pay our bills. I therefore, feel, Mr. Speaker, that having voted against higher taxes and against deficit spending I cannot in all good conscience vote to increase this appropriation.

Mr. MATSUNAGA. Mr. Speaker, President Nixon's veto of the HEW appropriations bill provides clear evidence of a fundamental difference between the Republican administration and the Democratic Congress as to what the Nation's priorities must be in the 1970's. The President's claim that the $1.26 billion increase voted by the Congress is inflationary is without substance in fact.

The undeniable truth is that we of the Congress reduced the administration's overall budgetary request by some $5.6 billion. In the exercise of our prerogative as the people's elected legislators, we trimmed the fat from the President's proposed military expenditures and foreign aid programs. We merely shifted priority considerations to programs designed to meet the health and education needs of our people. By providing the additional $1.26 billion, we were still appropriating $5.6 billion less than the total administration's budgetary request. How can the President say that congressional appropriations are inflationary when his own budget requests exceeded what Congress appropriated by $5.6 billion?

Clearly, the real issue is not inflation. It is a question of national priorities. Mr. Nixon evidently places the health and education of our citizenry at a lower level of consideration than does the Democratic Congress.

I shall vote to override his veto.

Mr. HUNT. Mr. Speaker, since last December, considerable attention has been focused on the appropriation bill containing funds for the Department of Health, Education, and Welfare because of the President's announced intention to veto the bill if the Congress insisted on retaining the inflationary increase of more than $1.2 billion over the amount he recommended for the Department for the fiscal year which ends on June 30, 1970.

Educational interests have attempted to portray the issue as a reordering of priorities, and as for taking a position to override or sustain a veto, those interests have viewed it as a vote for or against education. As a special interest group, the educational lobby was naturally expected to build as strong a case as it could for the additional funds, but I, for one, supported the President in the interest of all the people and voted to sustain the veto, recognizing that the fundamental issue is one of inflation.

For your benefit, the following are the considerations I made in voting to support our President, some of which are a re-emphasis of the President's veto message of January 26.

First. President Nixon's budget for the Department of Health, Education, and Welfare was $2.1 billion higher than the Department's budget for the last fiscal year and $700 million more than former President Johnson requested in his last budget. It certainly cannot be said that the present administration is antieducation, but quite obviously, education interests support the massive $1.26 billion increase in principle, regardless of its impact on rising prices or the impossibility of spending the money this year.

Second. The vetoed bill calls for funds in the current 1970 fiscal year which ends in less than 6 months, June 30, 1970. It would be a virtual impossibility to absorb this massive infusion of funds without incurring unacceptable waste of tax dollars. It might be added that as both Houses of Congress are Democrat-controlled, the majority party, whose members control all committees and the scheduling of legislation, must stand accountable for this inexcusable delay.

Third. Almost one-half of the increase is earmarked for school districts declared to be Federally impacted areas; that is, school districts that include or are close to Federal installations on which schoolchildren reside with their parents or on which their parents are employed. While popular because of the "no strings" feature of the program, it is highly inequitable as revealed by the President when he noted that the bill provides $6 million for 500,000 in the Nation's wealthiest county—Montgomery County, Md.—and only $3 million for the 3 million people who live in the 100 poorest counties.

Fourth. The President has had very little cooperation from the majority party in the Congress in the development of long overdue reforms and improvements in the quality of education. It is a fact that the majority party unsuccessfully attempted to extend all major education programs for 5 years so as to put them beyond the reach of alteration of the present administration. With respect to the quality of education, you will recall in his veto message that the President said:

> I believe that when we consider how much we are putting into education in the United States, we are entitled to get more out in terms of better quality of education . . . In my education message which I will shortly be submitting to the Congress I will propose a new and searching look at our American school system.

It is indeed remarkable that millions of schoolchildren are still unable to read adequately.

Fifth. The real crux of the issue is the will of this administration to reverse the tide of rising prices. It is readily acknowledged that persistent budget deficits over the past several years are the single largest factor contributing to the inflationary spiral we are still experiencing. The 5.4 percent increase in the Consumer Price Index in 1969 was the highest since the Korean war. In terms of dollars and cents, it means that goods and services that cost $10 in 1957–59 are now at the level of $13.13. More significantly, the statistics published earlier this month by the Bureau of Labor Statistics reveal that the average worker today can buy slightly less with his pay than he could have more than 4 years ago because of inflation and higher taxes.

It has taken this drastic action on the part of the President to emphasize that inflation must be controlled. No area of the Federal budget is immune from restraint, including education. Some have said that other programs—namely, defense and space—should be cut to allow for higher expenditures for education and other social programs. The fact of the matter is that the bulk of the $7 billion ordered cut by the President in the current fiscal year has been in the budgets for defense, space, and related areas. This does not mean that $7 billion additional are available for education or any other program if the result is nothing more than a question as to the magnitude of the budget deficit. The tax reductions provided for in the recent Tax Reform Act and the expiration of the surtax as of June 30, 1970, are even further compelling reasons why an increase of $1.26 billion for the Department of Health, Education, and Welfare alone cannot be tolerated if the control of rising prices is to amount to anything more than so many words.

In my estimation, the artificiality of attempting to make the issue one of pro or con education is an obvious subversion of the real issue of inflation. Furthermore, claims by the education lobby of higher taxes if the veto is not overridden is an incredible insult to the intelligence of every taxpayer, recognizing that even those dollars allocated by the Federal Government are your tax dollars, too.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in support of the President in his veto of the HEW-Labor appropriation bill.

I do so, quite frankly, with mixed feelings.

I believe education, job training, health care, and the work of OEO are high on our Nation's list of pressing problems.

I supported the Joelson amendment to H.R. 13111. I supported the House-passed bill, and I supported the conference report.

From the outset I have made it very clear that there were provisions in this bill which I seriously question.

For 3 years I have worked for basic changes in our approach to impact aid. It has become an expensive and, in too many cases, misdirected program. I oppose the increases in impact aid in the Joelson amendment and throughout our deliberations on this bill.

The title I, ESEA, formula presently used is inequitable. The program is designed for needy children yet nearly 90 percent of the operating school districts in the Nation receive these funds. Under the existing formula the wealthiest areas

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in every State, with the best financed schools and the most expensive services for all the children, receive title I funds. The formula is imperfect and inflexible and needs to be changed. I have proposed changes, and I will continue to work for them.

The conference committee cut $1.1 billion in forward funding for ESEA in fiscal year 1971. This to me is penny-wise and pound-foolish. The $25 million requested for innovation in elementary and secondary education—to help us improve reading techniques, investigate ways to make schools more accountable for results, and improve educational methods—was deleted from the legislation.

These are shortcomings which I found glaring at the time this was considered.

Furthermore, in order to insure maintaining a balanced budget I voted on a number of occasions to reduce spending.

For example, during the first session I voted against the Department of Transportation appropriations bill, which contained the funds for the SST. I voted against the NASA appropriations bill in opposition to expanded space explorations. I voted against the legislative appropriations bill, because I felt it contained money which could be deferred or more wisely spent. I voted to cut $1 billion from the military procurement authorization bill for Navy ships. All of these measures were passed and approved.

I supported the conference report and hoped that the President would not find it necessary to veto the bill but because this bill was taken up next to last we find ourselves in an impossible predicament.

There are but two fiscal year 1970 appropriations bills waiting final approval—Labor-HEW and foreign aid. The Congress has already cut foreign aid by more than $1.12 billion over what was requested by the President.

Uncontrollable expenditures—driven upward by the inflation we are trying to control—forced the spending level more than $2 billion over the $193.9 ceiling which I supported in July of 1969.

The Labor-HEW appropriations will push Federal expenditures close to $198 billion.

The chairman of the House Appropriations Committee and the House leadership have said that they will do everything possible to have the fiscal year 1971 appropriations for Labor-HEW-OEO approved by the House prior to July 1 of this year.

Right now, however, we must face facts—if inflation continues unchecked, twice as much as the $1.1 billion increase we have provided for education will be swept away. In 1968, inflation burned up $25, or 49 percent, of the $51 increase in spending per elementary school pupil, and 1969 promises more of the same.

In the final analysis, inflation itself is far more damaging to the education system than any attempt to bring it under control.

The President has pledged that if the veto is sustained he will immediately seek appropriations which will assure the funds necessary to provide for the real needs of the Nation in education and health.

Thus, I will support the President.

I would like to mention, however, two particular programs in this bill which I feel should be supported at least at the conference report level and probably even greater. One is vocational education. The other is the Teacher Corps.

For the last 4 years the Teacher Corps has attracted dedicated and talented young people to careers in educating our most neglected children; some 1,400 interns began service in 1969, and another 9,000 applicants had to be turned away because there was no room for them. The funding we have granted for fiscal year 1970 will not provide support for even as many new enrollees as joined the Teacher Corps last year.

What makes this so troubling to me is that all of us speak constantly about the effective use of Federal tax dollars, and yet we have done nothing to reward a relatively tiny Federal education program which has tried with great earnestness—and success—to use its moneys wisely and well.

While I am not a member of the Appropriations Committee, I shall be among those members of both parties who will attempt to see that in fiscal year 1971 we support the programs which serve education well, and this includes teacher corps, vocational education, and research and evaluation.

Mr. PRICE of Illinois. Mr. Speaker, today as we consider the President's veto of the Departments of Labor, and of Health, Education, and Welfare appropriations bill for fiscal year 1970, we are confronted with one of the most important and basic issues that will come before the Congress this session; namely, the issue of national priorities.

It is unfortunate that the education, health, and manpower programs money bill must serve as the initial watershed on which the test is made as to the ordering of our national priorities for the new decade. But I suspect there will be other tests of this nature until we resolve that we must move ahead with or without presidential leadership in meeting our Nation's basic needs. If this is to be the age of reform of which the President spoke in his state of the Union message, let the House by its action today lead the way in firmly establishing our Nation's sense of purpose. The very credibility of our National Government is being questioned as to its ability to meet these needs and to resolve the problems of our people in the 1970's. We have an opportunity here today to demonstrate forthrightly that we do indeed recognize our Nation's needs and that we are prepared to meet them.

There is no question that inflation must be curbed. Yet, I question the President's contention that this particular bill containing $1.2 billion more than he recommended will fan the fires of inflation. If that is the case, why did the President ask the Congress to add nearly $1 billion more to the foreign assistance program this year? Surely our domestic needs are every bit as important, if not more so, than the foreign aid program which, according to the latest figures, has $11 billion in various categories available for spending.

On the contrary, overriding the President's veto would be an anti-inflationary act because the funds made available in the bill would help ease the shortage of medical facilities and personnel. High medical and hospital costs are caused in part by the present shortage. A lower education budget would create pressures in many school districts for additional increases in property taxes. Such pressures would add to inflationary increases in the cost of living. Also, investments in human resources, which the bill provides, can have a kind of negative tax savings from lower unemployment compensation, social service, welfare payments, penal institutions, and other program costs for the unproductive.

The Congress shares the President's concern with the horrendous inflation afflicting our people today. This is why we cut $5.6 billion in the President's budget requests. In fact, for fiscal year 1969 congressional action produced a $3 billion budget surplus and the latest estimates for the current fiscal year, which ends June 30, indicate a budget surplus of $5.9 billion. Additionally, the tax reform bill which the Congress forged into law will bring $6.4 billion more in revenue during calendar year 1970 than in 1969. Also, the Congress in the last session enacted legislation granting the President authority to control interest rates and the inflationary use of credit. To date ,the President has not invoked that authority.

The President in his veto message raised two other points on which I would like to comment. The first involves the impacted aid program. As you know that program provides Federal assistance to school districts to help offset increased operating, maintenance, and construction costs because of the presence of a Federal installation in a given district. With increased student enrollments, the school districts are faced with finding additional funds to operate the schools. If it were not for the Federal assistance available to the school districts under the impacted aid program, can you imagine what the local tax rates might be? As a matter of equity to the local taxpayer, the Federal Government has an obligation to help offset those increased costs. As it stands, the amount of assistance available does not even meet those costs.

The second point involves the matter of timing. President Nixon suggested that because there were only 5 months left in the fiscal year the money could not be spent wisely. I am certain that many school districts in view of the strong congressional commitment that was made last year have incurred obligations in anticipation of these funds being made available to them. Furthermore, I am certain our schools have long-range plans for which the funds could be put to good use.

Mr. Speaker, in closing, I urge my colleagues to vote to override the President's veto. Let us keep our commitment to our people.

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Mr. EDMONDSON. Mr. Speaker, I support the motion to override the veto of H.R. 13111, making appropriations for the Nation's urgent needs in education and health.

I do so with the strong conviction that any economy drive is misdirected when it centers upon our schools, our teachers, and our children.

In 1968 the President, as a candidate, recognized the priority Congress and the people have traditionally recognized in this field and said:

> Education is the area in which we must keep doing everything that is necessary to achieve the American Dream.
>
> When you cut expenditures for education, what you are doing is short changing the American future.

Now, by veto, the President moves to shortchange that future, by denying to education the funds lawfully authorized and appropriated by this Congress.

As a candidate, the President recognized the priority needed for health programs, and was critical of a cutback in efforts on mental health. As a candidate, he called emphatically for "additional funds under the Hill-Burton Act" for construction and modernization of hospital facilities—"to supplement State and local efforts."

As President, he has vetoed a bill which seeks to meet our Nation's responsibility in these and other health fields.

I believe the President's veto is ill-advised and totally inconsistent with his commitments to the people—commitments made as a candidate for our highest office.

I further believe additional delay in providing the funds we have authorized and committed in these fields will be injurious to our schools, our hospitals, our medical research programs, and our people.

For these and other reasons, I vote to override the veto.

Mr. ANDERSON of Illinois. Mr. Speaker, I have heard it said today by those who would override this veto that inflation is somehow a "phoney issue." They would have us believe that the only real issue here is whether we are for or against the education of our children. They would further have us believe that if this veto is sustained, our schools will have to close down and irreparable harm will be done to our Nation's youngsters.

Mr. Speaker, if these people would take the trouble to stop and think a bit about what they have said, they would realize just how ridiculous those charges are. Why, in an election year, would anybody want to manufacture an issue that would make them vulnerable to the charge that they were antieducation? Who seriously believes that those of us who support the President on this are using inflation as a cover for some sinister plot to close the schools and deprive our children of a decent education? If this were the case, we would certainly be among the lowest villains known to man.

I would suggest, Mr. Speaker, that there is a more logical and reasonable explanation for our actions. We are supporting the President on this veto because we know that inflation is not a phoney issue. Perhaps, if it had been treated a little more seriously 5 years ago, it would not be an issue at all today. But every man, woman, and child in America knows just how real the issue of inflation is. They have borne the brunt of that inflation and continue to bear it. They have seen the cost of living rise 25 percent in the last decade and have watched helplessly as it consumed their earnings and savings. They know that the biggest villain of this whole episode has been the Federal Government, with deficit spending totaling $57 billion in the last 10 years.

They also know that for the first time in 10 years we have a President who is attempting to check that inflationary spiral by holding down Federal spending and balancing the budget. It is not the most popular course to take at a time when so many of our domestic problems require additional Federal expenditures. It certainly is not the course of political expendiency with the fall elections just around the corner. But for those who truly understand inflation and realize that it is anything but a phony issue, this is the only prudent course to take at this time. We know full well that if inflation is allowed to proceed unchecked, any additional Federal outlays at this time will be wiped out by the cruel hand of inflation. At a time when there is a justifiable clamor over priorities, we know that our first priority must be the restoration of a healthy economy capable of coping effectively with the many pressing domestic priorities.

And so, Mr. Speaker, I say to my colleagues and I say to the American people, that when we vote to sustain the President's veto today, we will be voting to curb inflation and to restore a sound economy. This is not a vote against education and our action will not precipitate the dire consequences which some have forecast. In his TV message to the American people, President Nixon gave us the following assurance:

> You can be sure that no school will need to be closed. No school child will be denied an education as a result of the action I take tonight. I will work with the Congress in developing a law that will ease the transition to education reform and do so without inflation.

Mr. Speaker, I think the President is a man of his word and that he will stand by that word. Let us vote to sustain his veto and then get on with the business of hammering out an acceptable bill which will provide for our educational needs without further fueling the fires of inflation.

Mr. COHELAN. Mr. Speaker, for the third time in this fiscal year the Congress must act on the HEW-Labor appropriations bill. And for the third time I am confident that the Congress will reaffirm its commitment to education, a commitment to our No. 1 national priority. Unfortunately, this priority is not recognized by the President, the same President, I might add, who during the last campaign said that in no uncertain terms that education must not be shortchanged.

In his nationally televised speech on Monday night, the President sought to rationalize this decision to emasculate the education budget under the guise that such steps were in the interest of all the people, and opposed only by politically motivated persons intent on firing inflation. I submit that the President is wrong on all counts of his indictment and am sure that well over two-thirds of this body will recognize the weakness of his argument.

As his first defense, the President stated that his budget for fiscal 1970 contained a larger request for the Department of Health, Education, and Welfare than ever before. This is correct as far as it goes, but it is that his budget request for educational programs was $572.1 million below last year's appropriation.

The crux of this debate today is the congressional add-on for education programs, programs cut below the 1969 level by the President. Talking about the overall budget for HEW is adding apples and oranges. We must talk about education. Congress added the necessary funds that were stripped by the President. That is the argument pure and simple. At a time when the cost of education is rising, the President feels that its budget must be cut, and anyone opposed to such cuts is acting under politically inspired motivations in concert with some nefarious "education lobby." This attack disturbs me. I would hope the debate would be carried on its merits with a full exploration of the substantive issues. I do not impugn the motives of my colleagues in the House who are supporting the President. I am sure that they do not impugn my motives. I extend this courtesy to the administration and hope that they will reciprocate.

The President continued his justification by claiming that we have appropriated the wrong amount for the wrong purpose at the wrong time. This is nice phraseology, but a glib quip will not disguise the facts. If this is the wrong amount, it is wrong on the low side and not on the high side.

This 1.3 billion increase is but one-half of 1 percent of the Federal budget for this fiscal year—hardly a contribution to inflation as the President suggests. As the Joint Economic Committee has demonstrated, $1.3 billion can get lost at the Pentagon by a mere computation error in cost estimate.

As a citizen, and Congressman, I am as much concerned with the inflational spiral as any one in this Chamber. But I am unwilling to allow the President to cite an increase in educational spending of such a small magnitude as a contributor to inflation. In the first place, it is extremely doubtful that this increase of .005 percent of the budget will have any significant impact on the economy at all. As Gardner Ackley, formerly of the Council of Economic Advisors, has pointed out, the American economy does not respond to slight budgetary adjustments. This, of course, is to our benefit. The United States has a GNP approaching $1 trillion annually, and an annual budget in the magnitude of $200 billion. If, in fact, one billion plus or minus could make a difference we would experience violent economic surges on a continual basis. Such surges are not evidenced. A military cost overrun of $2 billion does not set off a ripple. The congressional cut of $5.6 billion in authorizations has not made a strong impact

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as yet. How, may I ask, can $1 billion imbalance the present situation.

Furthermore, the President has thus far refused to use the many means at his disposal to seriously combat inflation. Soon after his inaugural the President announced that his administration would not intervene in wage-price determinations by recommendations, even on an informal basis. The President has also refused to use the great powers of his office, including administrative adjustments in stockpile releases as a means of slowing price increases.

In 1969 Congress enacted legislation giving the President credit control authority. The President signed that bill, but announced that he will not use this authority containing a number of fiscal tools which could exercise control over the economy.

Yet now the President claims that he is contributing to the fight on inflation by opposing a relatively insignificant expense. This reasoning is all the more confusing when we recognize that the Congress has already cut $5.6 billion in budgetary authority for this fiscal year—1970.

Finally, a cut in the HEW budget at this time will force many localities to absorb the decrease at the local level, in most cases by increased property taxes. I fail to see how pressure on local expenditures is an anti-inflationary device. An increase in local property taxes is certainly as much a burden on the individual as is inflation. Its impact is even more apparent as the tax bill becomes due. In Oakland, Calif., which I represent, the tax rate is at its maximum level now. This Federal supplement is absolutely essential for the basis educational services, not frills, not extra equipment, but for the basic tools needed by our own children. Yet such funds are inflationary?

The President also objects to the bill on the grounds that these funds are going for the wrong purposes. I will support any improvement in our educational programs. If the President has constructive suggestions, I will be right behind him. But I cannot see how a cut in the budget for this year will contribute to better programs in any way.

I would like to point out, however, that striking gains have been made by these programs derided by the President. For example, Project Read, a program for 1,500 school children in Oakland, has clearly shown that innovative techniques can and do work. I have received numerous letters from teachers in my congressional district all favorably commenting on Project Read which is funded under ESEA.

Title I of ESEA is also the focus of much criticism. Yet I can point to the report prepared by Dr. Allen W. Badal, of the Oakland Public School System, in which it was shown that significant improvement was made in reading skills. As one example, in each grade from grades 1 through 5, continued improvements were exhibited through junior high school. Obviously, improvement is always possible, but let us not refuse to recognize substantial progress merely because some wish to discredit existing programs.

The President states that he will soon make proposals for a new look at our educational system. As we are all now aware, the President was presented with such proposals by his own Task Force on Urban Education. Among the striking recommendations of this task force was an increase in spending to the amount of $7 to $14 billion per year by 1974 for urban schools alone, and an increase of $1 to $2 billion this year for those same schools. The President has refused to release this report. I ask, Why?

My next objection to the President's position is that it is too late in the school year for these funds to be spent intelligently. This argument is not responsive to the facts.

Each year the various school districts plan their budget on the basis of their realistic expectations of Federal funds. In the past years these funds have been appropriated, albeit often late. This year Congress ratified its decision to provide these funds on three occasions. The point is that the school districts have already committed the funds to be provided under this appropriations bill. In many cases school districts have borrowed to meet the commitments in anticipation of the Federal funding. In other cases locally derived funds budgeted for the end of the school year have already been spent in anticipation of forthcoming HEW funds. If this veto is sustained the result will not be a saving of unnecessary expenses. In many cases it will mean a short school year, as the operating funds will run out in April or May. It may also mean a default on promissory notes by the school districts. It will mean payless paydays for some teachers.

It is not to late, Mr. Speaker. It is not too late to save our schools. We must override this veto and restore the needed funds to our educational system. We must get our priorities on the right track now.

Mr. TIERNAN. Mr. Speaker, during the 1968 presidential campaign, just over a year ago, Mr. Nixon stated:

> When we talk about cutting the expenses of government—Either Federal, State, or local—the one area we can't shortchange is education.

I agree completely with this statement and wonder what caused the President to change his mind.

On Monday evening, President Nixon addressed the American people in explanation of his veto of the appropriations bill for the Department of Health, Education, and Welfare.

At this time, he stated:

> Most of the proposed increases (in the HEW bill) go to marginal or misdirected programs which need to be overhauled, not expanded.

In truth, can we believe that funds for mental health centers, the National Institutes of Cancer and Heart Disease, education for the handicapped, and vocational education are marginal, misdirected, and of low priority.

During the past few years, primarily under Federal guidance and financial support, our schools have instituted many progressive and innovative programs.

As we all know, the initial expense in establishing a program is often the greatest cost.

Is it in the best interest of our economy to cut back in funds for vocation education and thus force more unskilled workers on the labor market? Is it in the best interest of our economy to shut off aid to medical students when we are in desperate need of doctors?

Mr. Nixon also claimed on Monday evening that the increase appropriated by Congress is inflationary. At this point, let me quote Dr. Herbert Stein, a member of his Council of Economic Advisers:

> I have the impression that many people now see a magical significance in a shift of a few billion dollars in the budget position, especially if the shift crosses the line between surplus and deficit. In a trillion dollar economy, this is hard to understand . . . Preoccupation with small changes in the budget position leads to bad forecasts by the private economy and bad policy by the government.

That is what this veto is, bad policy, Mr. Nixon's own Task Force on Urban Education has stated that "The current need for funds is as desperate as it is massive," and recommends increasing the educational funds by more than $14.5 billion in 4 years.

We are told that the HEW bill must be vetoed "to protect the consumer from higher prices and the taxpayer from additional taxes." But is it really inflationary to try to eliminate ignorance?

Is it really inflationary to try to find a cure for cancer, a disease which already is responsible for one-half of the deaths in this country each year?

Can we afford to ignore the progress we have made in the last few years? Can we afford the projected closing of schools if funds are not forthcoming? Every Member of Congress is aware of the serious economic situation which we find ourselves in at this time. Certainly the Federal budget must be cut to some extent. The question is again one of priorities. Are we to cut needed funds for Health, Education, and Welfare, or rather should we cut appropriations for the SST, questionable foreign assistance programs and a host of mismanaged costly military follies?

An uneducated citizenry is a dangerous weapon which we cannot in human consciousness subscribe to.

Mr. Speaker, these questions cannot be overlooked. Last summer a Harris poll showed that 60 percent of the American people feel that aid to education should be the last place to cut Federal spending.

We can even quote President Nixon in the 1968 campaign:

> When I look at American education I do not see schools, but children and young men and women—young Americans who deserve the chance to make a life for themselves and insure the progress of their country. If we fail in this, no success we have is worth the keeping.

I urge my colleagues to join with me in overriding the Presidential veto.

Mr. McCLORY. Mr. Speaker, there is no decision which has been more difficult for me to make than the one which I face now. After working for years to help elect a Republican President to serve in the White House, and faced with an overwhelming desire to contribute to the success of this administration in all of its programs and undertakings, it is little

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short of distressing to find myself in disagreement with the President in his veto of the appropriation bill for the Department of Health, Education, and Welfare, the Department of Labor, and other Federal agencies.

Mr. Speaker, I have weighed carefully and thoughtfully the President's words as contained in his veto message, as well as in his public appearance before a nationwide television audience. What the President has said in both of these statements was related substantially in an earlier communication which other Members of the Congress and I received from the President's counselor, Bryce Harlow. Immediately after receiving Mr. Harlow's communication, I composed a reply in which I set forth compelling reasons why the President should forgo such a veto. The pertinent portions of my letter dated January 8, 1970 are as follows:

> A principal basis for this intended veto appears to be the appropriation of funds for impacted school aid.
>
> I must take sharp exception to the claim that the impacted school funds are a factor contributing to inflation—and I question seriously whether a Presidential veto will have anti-inflationary effect whatever. While the formula for providing aid to public schools affected by Federal installations, requires review and revision, it would seem most unjust to cut off funds under the existing program prior to developing a revised formula. Schoolchildren and teachers will be the primary victims of a Presidential veto.
>
> It is true that Lake County, Illinois (in my District) is a wealthy county, but funds for schools are not distributed on a county-wide basis. The loss of funds in Lake County will be experienced primarily by the North Chicago and Waukegan public schools which are in desperate need of these funds. A total of $1,708,573 was received by the 5 school districts in these communities in the prior year. The Conference committee report would result in lowering this figure somewhat. A Presidential veto would cause a serious loss.
>
> Children from minority groups and from disadvantaged backgrounds will be the principal sufferers without the impacted school aid—and the educational and other opportunities which these youngsters require will be curtailed.
>
> While Great Lakes Naval Training Center and other Federal installations located in Lake County provide numerous advantages, there is no direct benefit to the school districts from these Federal installations. The sales tax revenues produced by the Federal personnel are payable to the state and municipalities, and are not distributable to the public schools. Also, revenues from the automobile license and gasoline taxes do not benefit the public school systems. Accordingly, the Federal impacted school aid is an appropriate contribution to the support of the affected public schools in Lake County.
>
> I hope that you and the President will again review this subject very carefully before pursuing the intended veto referred to in your letter. It would seem to me to be a most unwise policy to take any such direct action in reducing funds for education.

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I forwarded a copy of this letter to my distinguished colleague from Michigan, the Republican leader of the House (Mr. GERALD R. FORD.)

Other reasons which have been cited in support of the President's veto of this measure are:

First. The long delay in acting upon this appropriation measure with the result that much of the school year has now passed. With regard to this arugment, I wish to point out that the delay was not occasioned by the local school administrators nor by the children whom they serve. Accordingly, the schools and schoolchildren should not be those who should suffer from this delay. It was reported to me several months ago that the delay on the part of some was deliberate in order to try to defeat the impacted school aid provisions of this bill. There would seem to be justification for this suspicion if, at this time, the delay in the passage of the bill is used as a basis for the Presidential veto.

Second. Another point has been made that a revision of the impacted school aid formulas is required in order to eliminate the inequities which exist under the present program. In this connection, some who are supporting the President's veto make reference to the so-called Battelle report. I have studied this 175-page document with a view toward determining whether the school districts in my congressional district deserved to be compensated in some manner other than the existing impacted school aid program. As I read the report, the school districts which receive the major portion of impacted school aid in Lake County, Ill., would continue to receive such aid under the recommendations of the Battelle report. Indeed, it is possible that increased aid of this type would be allocated to some of the affected schools.

Mr. Speaker, the provisions for impacted school aid funds and, indeed, the entire bill, H.R. 13111, were supported by a majority of Republicans in this House. The measure also received the overwhelming support of Republicans in the other body. When I supported the increase in impacted school aid funds, I did so with the firm conviction that these funds were needed in my congressional district and in other areas of the country in behalf of the education of our young people. I find no reason to conclude that I was wrong.

Notwithstanding my position, if the Presidential veto is sustained, I hope that adequate funds will be appropriated to meet the needs of those schools across the Nation which experience loss of local tax revenues as a result of the presence of Federal installations. On the other hand, if the veto is overridden, I will welcome the opportunity to support a revision of the existing law to remove inequities in the payment of impacted school aid funds to local school districts.

Finally, Mr. Speaker, I realize the displeasure which my vote may cause on the part of some. I do not know how to avoid that. It would be my hope that they try to understand, even as I have tried to understand, the reasons and motivations which persuaded the President to issue his veto message and which has encouraged many others in the administration to support vigorously that action. In casting my vote to override the Presidential veto, I feel that I am doing what is best for my constituents in the 12th Congressional District of Illinois as well as for the welfare of all of the citizens of the Nation.

Mr. CLAY. Mr. Speaker, President Nixon, by vetoing the HEW appropriation bill, has made a gross error in judgment which the American people will not soon forget. The President cannot hide behind the issue of inflation. No longer must we ask the "real" Richard Nixon to come forward. He is now on his feet and all the Nation should take a good look at the man who tells us it is not in our best interests to invest in education and health at this time.

If we cannot justify spending money for the most vital needs of our people, how, then, do we live with the massive Federal expenditures for defense, space exploration, the SST, and the ABM? How does education, an investment in the futures of American lives and manpower, an investment which will surely return more to this Government in tax revenues than ever expended, become the villain in the inflation fight.

The 1970 budget allocates $400 per person for defense—and only $13 per person for health—and the President would have us believe that this health expenditure would seriously cripple the country through increased inflation.

The President has a strange way of fighting inflation. The Congress recently gave him the authority to control credit, slow interest rates, and help homebuilders and small business. The President signed the bill—but announced he will not use that authority. The President has not shown any interest in dissuading big business from continuing price increases. Instead, with every price increase and the demand then created for increased wage and salaries, the President imposes another freeze on Federal program spending—many which fall on vital domestic needs such as education.

The White House is fighting inflation by increasing unemployment—and they have stated that the rising rates in unemployment are encouraging. Banks are getting richer every day—and the administration approves these higher interest rates. Banks and big money lenders showed profit increases of from 5 to 55 percent or more in 1969—but the White House observes progress against inflation in the crumbling of the every day existence of the common man. Following White House reasoning on inflation to its logical conclusion, we can only assume that trumpets will blast forth on Pennsylvania Avenue when the average man on the street has holes in his pockets.

The President proposed to this Congress a budget which he claimed was not inflationary. This Congress has cut $5.6 billion from 10 of those 14 appropriation requests—taking into account the $1.2 billion added to education and health. The President then accuses Congress of inflation—in spite of our action to reduce his own proposed budget by this substantial amount. The real issue, then, cannot be inflation. The real issue is the right and/or responsibility of the Congress to redirect Government priorities which do not fit into the President's scheme of things. An amount equal to the net reduction of $5.6 billion was taken from proposed defense and military budget requests.

Over and above the issue of money, the President has taken issue with the various education programs. The President says we should take a new look and revamp these programs. All of us who went through the Job Corps struggle know how this administration goes about revamping programs.

First, they wipe out the existing program as they did with 59 Job Corps centers serving 16,000 young people. Then, they tell us they will initiate new centers with new guidelines. And yet—8 full months since the Job Corps centers were abolished, only one new facility has been opened. It is located in Phoenix, Ariz., and serves only 50 girls. The St. Louis Women's Job Corps Center—which served a total of 600 women was wiped out last June—and the new proposed center, which will serve only one-third as many women, has yet to get off the ground. In spite of the existing facility in the middle city, the Department of Labor is still looking around for a more "suitable" site on the outer limits of the suburbs. In this way, this administration goes about "improving" programs.

I can only conclude, then, that given the chance, this administration would bring school money, school programs, and the schools themselves to a halt—and then try to figure out a way to do a job more effectively. The people of this country cannot afford such improvements if the children in the first grade are ever to make it to the third grade.

In 1968, Nixon said:

> When we talk about cutting the expenses of government, the one area we cannot shortchange is education. When you cut expenditures for education, what you are doing is shortchanging the American future. For our children to have a better chance than we had, we have to constantly spend more for education.

That was what Richard Nixon said when he campaigned for the vote of the people. Now, as President, Richard Nixon has taken ax in hand to cut the very programs on which the American future depends.

The President did not choose to use his ax on the Agriculture appropriation bill—even though this Government, in 1968, paid out over $1 billion in farm payments—a guaranteed income to rich farmers. In fact, he did not even raise a finger to help when Congress tried, this year, to set a maximum of $20,000 on farm subsidy payments. Where was his concern for inflation then?

For the State of Missouri, almost $72 million is at stake. This includes an expenditure of over $9 million in impacted area aid, the program which received such harsh comment from the President.

Here is another example of Presidential abdication of responsibility. The President has known about this program for a long time. He was a Member of Congress when the impacted areas program came about. These expenditures and the reasoning behind them are not new to the President. The money contained in the appropriation bill could not have been a shock to him. He has had many years to formulate a philosophy on impacted areas aid to education—and 1 full year to recommend a revision of the program. But like other revisions contemplated by this administration, the method is to abolish existing programs or to cripple them on the basis that they are bad—before they ever establish a feasible program which they believe and the Congress agrees to be better.

The schools in Missouri receiving this aid, like those in other States across the Nation—are budgeted to include impacted aid money. Last year, these schools in Missouri received $9 million from this program. We cannot tell them now, 4 months prior to the close of the school year, that the money they have spent on paper in budgeting their programs—will not be available.

Furthermore, the President has taken this program which he has portrayed as a political football—and used it as one by throwing it into the arena today as a means whereby to secure the sustaining votes for his veto. The President is not only playing politics with this issue of education and health—he is using what he believes to be the tainted football.

The President would make it seem as though Congress has added huge sums of money to an already bulging education and health budget. But consider only a few examples.

Last year, elementary and secondary schools received $50 million in appropriations for library resources. In his budget, the President asked the Congress to cut all funds for this program. The Congress, in its better judgment and in the judgment of educators and parents who flooded our offices with mail—restored that $50 million to school libraries. This is one of the increases which the President says is irresponsible.

Consider then, the recognized critical shortage of health personnel in this Nation. Tuitions are so exorbitant that nearly 50 percent of all medical students come from families in the upper 10-percent income bracket. Medical students from families who are not rich—are rare—for they must depend upon financial assistance. As a result, the medical profession has been reserved for the rich.

Out of the 9,000 graduating physicians last year, only 200 were black—and black communities go begging for medical services. The President, in view of these few and many more statistics revealing a crucial need for health personnel—recommended only $24 million in student loans—but the Congress approved $40 million, still short of the need. This is an increase which the President calls irresponsible. This is an amount the President says this Nation cannot afford.

The President recommended $85 million for the education of the handicapped programs—but the Congress voted $100 million. The President asked for $33 million in mental retardation programs—but the Congress voted $37 million. The President asked for $107 million in the community libraries and services program—but Congress, in its so-called irresponsible behavior, appropriated $149 million.

The President requested $279 million for vocational education programs—but the Congress passed an amount of $489 million. The President requested $600 million for higher education student aid—and the Congress deemed $656 million necessary. These, too, are amounts the President considers inflationary—in spite of the fact 76 percent of our college students come from families in the top half of the income bracket. Only 7 percent of our college enrollment comes from the lowest income levels. Student assistance is necessary if youth who are not rich or financially secure are to have a chance at college. Vocational education is necessary if these youth are to have a chance to prepare themselves for other kinds of useful productivity in a constantly changing society.

The list goes on—and so do the needs in education and health. And yet, we are still only spending at a level less than half of the amounts authorized for these programs.

The blame for inflation, if falsely attached to this budget, goes to the Chief Executive. We are well below his recommendation, $5.6 billion below the amount he requested from Congress.

The chance for American children and families to improve their conditions through education now hangs in the balance. When the President reviews his balance sheets, he should not overlook the column entitled "responsibility for the general welfare of the people." If he balances his budget—and does not pay heed to balancing that responsibility of Government—to the people and their vital needs, all will have been in vain. For Americans, who are instilled with the belief that through education, all things become possible, it may be difficult to swallow the word of the Chief Executive when he tries to tell us education is not worth the price.

I urge others to join me in casting a responsible vote to override the President's veto.

Mr. TUNNEY. Mr. Speaker, it is almost inconceivable to me that we are assembled here today in the House in an attempt to override a Presidential veto of no less than a bill which would provide our children with the means to an adequate education. It is inconceivable to me that what we are debating is an attempt to erase funds for programs that would assist our mentally retarded children. It is inconceivable to me that what is at stake is the emasculation of several programs that vitally affect the health and welfare of millions of Americans.

The President has told us that these funds are "the wrong amount for the wrong purpose and at the wrong time." He has told us that his veto must be sustained if we are to win the war against inflation. I would submit that he is totally and unmistakably wrong on all three counts. I would further submit that the administration is vetoing the wrong bill for the wrong purpose at the wrong time. The President has further stated that this bill spends money "for the same old programs" without making the "urgent new reforms" that are necessary in American education.

It is distressing to note that the administration decided, finally, to make their stand against inflation, not on defense funds: for planes and rifles and bullets; not on public work funds for highways and dams; not on foreign aid: for money for several unfriendly govern-

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ments, not on military assistance: for jets and missiles to be used by allies in name only. They have not taken a stand on any of these. They have decided to be obstructive in the one area that affects more Americans than any other—funds for our children's education.

I have heard all the arguments, on both sides, concerning impacted aid and I find much credibility on both sides. However, this is a question that should be resolved by legislation—not by a veto. The administration has said that while they are going to veto this bill, they will soon offer comprehensive legislation aimed at reforming our educational system. This smacks too much of the carrot and stick approach—"sustain the veto and I will provide better legislation."

Mr. Speaker, what I and many of my colleagues want to know is, where has the administration been for over a year? If they feel so strongly that reforms are needed in our educational system, then why have they not been offered? Where has the President been? Where has the Secretary of Health, Education, and Welfare been? Where have the Republican allies been? Why, after more than a year's time, have they decided that the only vehicle for reform is the veto? Why have they not acted before?

I am certainly amenable to reforming our system of education. I feel that there are several major reforms that ought to be instituted. But I do not think that they should be instituted at the expense of millions of school-age children today. I do not think that they should be instituted at the expense of emasculating several worthwhile programs.

Several times within the last few months the threat of a veto has come over several appropriations bills. It has, up until now, been an idle threat. But today, on the one issue that affects our future, perhaps more than any other, the President has decided to take a stand. The concept that every American deserves the opportunity to attain the highest level of education of which he is capable is not new. It is a tradition. Today, more than ever before, we must move toward the fulfillment of this ideal.

What the President is doing by vetoing this bill is negating the best investment that America makes: an investment in its youth. It has been said that "youth are the trustees of posterity." Certainly this veto does not speak well for our foresight.

Education is a national investment. The administration seems to have lost sight of the fact that education is a national investment. It yields tangible results—not inflation. What the administration is neglecting here is the fact that this money is being spent for a positive purpose. It is not being spent on war. It is not being spent to kill. It is not being spent to destroy. It is not being spent on a supersonic transport plane, a new submarine, or a missile system. This money, unlike the billions that the administration has sponsored and supported for other, less productive programs, will produce a highly marketable product—educated manpower. Missiles, rockets and planes produce no marketable product to absorb marketplace funds. Education does. So, which is inflationary?

One of the principal sources of this country's productivity is its educated manpower. It makes absolutely no sense to regard funds for education as being inflationary and funds for DOD not to be. When the budget for education, for health, and for welfare is discussed by the administration, it is always with the cautious whispers of inflation. Yet when they discuss the ABM, the SST, nuclear submarines, inflation is discounted. I wonder whether the administration regards $258.3 million for Hill-Burton hospital construction as being less important for our national welfare than $1.5 billion for the construction a new ABM system? Which is more important for our country—$1.4 billion for institutions of higher education, $488.7 million for vocational education, and a few millions for libraries and library equipment or new weapons systems costing more than $20 billion over contract figures in a Nation which already has three separate and independent nuclear overkill systems?

It is true that $5 billion will not buy very many aircraft carriers or supersonic bombers or nuclear submarines. But I wonder how often the administration has applied this figure to domestic programs? I wonder if they realize that this money would build a million-dollar school in every one of the Nation's 3,000 counties? It would build 500 hospitals costing $1 million apiece. It would provide scholarships worth $5,000 each to 100,000 students—and still permit a tax reduction of a billion dollars.

The success of our economy depends on the success of our educational system. The two are unmistakably related. The problems that we are confronted with can be solved with a degree of success only equal to the caliber of our governmental, education, and industrial personnel. The problems that our economic system is undergoing are serious. They must be dealt with quickly and firmly. But our educational system should not be the scapegoat. It should not be sacrificed with the rhetoric of inflation.

> If a nation—

Wrote Thomas Jefferson in 1816—

> expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.

Those words were never truer, never more applicable, than they are today.

Mr. HALL. Mr. Speaker, unfortunately the Departments of Labor and Health, Education and Welfare appropriation bill has turned into a political tug-of-war, instead of a needed, cold, hard look at what is best for this Nation.

The fight against inflation cannot be won by cutting the budget for foreign aid and the Defense Department alone. In times like these, all departments and agencies must share in the need to put their fiscal houses in order. All must do their part to curtail spending, and restore the confidence of the American people in the fiscal integrity of the Federal Government.

An editorial which appeared in the Joplin, Mo., News Herald, prior to the President's veto, succinctly states the case for the rejection of the HEW appropriations bill.

The editorial follows:

EXPECTED VETO SHOULD STAND

Everyone is in favor of better education. Everyone is in favor of curbing inflation. These two universal drives have converged at the opening of this congressional election year, putting Congress and the President on seemingly unalterable collision courses.

The issue is the $19.7 billion appropriation bill for the Departments of Labor and Health, Education and Welfare. The House tacked an additional $1.3 billion to the administration's request and the Senate approved. The President has announced his intention to veto the bill. And Congress, from all present indications will try to override the veto.

It would be easy enough to write off the actions of Congress as a cynical shirking of fiscal responsibilities in a quest for short-term political gain. Conversely, the President's anticipated veto can be attacked as a cold-hearted disregard of basic human needs, an accountant's approach to government. Both charges are oversimplifications.

The social needs are real. So is inflation. Both have political potential. The reality of the inflation cannot be used as an argument against all social, health and educational programs. But it does make it mandatory that the vast sums of money required in these areas must be spent wisely and well.

In the case of the $1.3 billion in dispute, the bulk of it would go for increased funding of educational programs. Half of this would be spent on an increase in grants to schools in federally impacted areas. This is to help school districts shoulder the cost of educating children whose parents lived and worked on federal property.

Presidents Eisenhower, Kennedy and Johnson tried in turn to trim impacted area aid and ran into the political reality that the aid is funneled to some 400 congressional districts, none of which was or is anxious to give up the income. Appropriations have been steadily increased.

The time has come to reverse the trend, to accept the urgency of inflationary crisis and to start phasing out impacted area aid. It must be realized, too, that the other programs involved are, for the most part, not going to be materially improved by an increase in funding at this late date. Qualified teachers cannot be found, constructive educational programs cannot be instituted during this school year. And the money would have to be spent in the next few months, before the end of this fiscal year.

The proposed increase in spending fails to meet the requirements of urgency and effectiveness. The Senate should have declined to follow the House's lead. Failing that, the President should veto the measure. And the veto should stand.

Mr. MIKVA. Mr. Speaker, in his state of the Union message, the President called upon us to participate in a "new American experience." It is with considerable irony, that his first major executive action to follow that message was the vetoing of the Labor-HEW appropriations bill. If this signals the beginning of the "new American experience," there will be few Americans responding to the President's summons.

The vote on the Labor-HEW appropriation is an issue which separates the Democratic Congress from the Republican administration that distinguishes those with a new vision of the American future from those wedded to ideas of the

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past. One must invoke a curious logic to prove that we do not need funds for educating our children while we do need money for the construction of a supersonic transport. Since when have Americans valued planes more than people? One further offends logic when he tries to show that subsidies to shipbuilders have a higher priority than assistance for our beleaguered hospitals. While we are already a leading power in the world, a dozen countries put us to shame for our second-class health program. Our infant mortality rate, to say the least, is the envy of no civilized country.

And while we have landed men on the moon, we have yet to develop a cure for the common cold—let alone for cancer or heart failures. Similarly, we have advised the technology to build majestic skyscrapers but our urban schools are rotting from fiscal neglect. The President's own Task Force on Urban Education has recommended that education appropriations be increased up to $14.5 billion more a year by 1975. Congress appropriated $10 billion less than this and the President still calls this action inflationary. The upgrading of American health care and education warrant and require full funding—not Presidential vetoes.

President Nixon has contended that the bill "is the wrong amount for the wrong purpose and at the wrong time." But this is not the case. The amount involved is less than 45 percent of what Congress originally authorized, an amount based on an assessment of the Nation's education and health needs. The amount of the bill is actually $87 million below the President's own budget request; albeit, this reduction can be largely accounted for by cutbacks in advance funding. In any case, the conference report would appropriate far less than the Nation needs. Again, the Task Force on Urban Education called for dramatic increases in educational expenditures and concluded:

> Without adequate funding, there is no hope for effective education in the cities. The current need for funds is as desperate as it is massive.

Apparently, the President is not sensitive to the crisis in our Nation's schools; whereas Congress knows that it is time to deal with this crisis in a manner that is fiscally responsible.

Neither is this the wrong time to utilize the appropriation which the Congress would make. For one thing, some of the programs obligate moneys, without requiring that they be spent. Hence, The President could still defer certain expenditures if he deemed this necessary to combat inflation. But what of the charge that the appropriation bill is inflationary? When Congress has reduced the Federal budget in other areas, most notably defense, by $5.6 billion, it is groundless to charge that reallocating funds is fiscally irresponsible. Clearly, the Congress has charted new priorities for this country. This is the right time, not the wrong time, to deflate a swollen defense budget and rechannel the funds into education and health care. It is the right time to heal the paranoia of the cold war and fight the "enemy within": illiteracy, hunger, disease, and poverty. When schools close down next spring and when more urban schools deteriorate, the American people will remember Richard Nixon's educational philosophy: cut and run.

Nor can I believe that this appropriations bill funds the wrong programs. Increases in student loans afford more young Americans, our future leaders, the opportunity to prepare for a meaningful future. Additional assistance for vocational training guarantees that we will have more skilled hands to build a strong America.

The figures speak for themselves: the difference between the conference report and the budget request in Chicago alone is $10,776,000. President Nixon claims that money is inflationary. But I know what the people of Chicago think. They know that a $10 million cut means that Chicago schools will regress, rather than advance; have more dropouts, rather than fewer; and have fewer teachers rather than more.

The argument that increased funding for education and health care causes inflation just does not wash. The reverse is true. Increased medical and hospital costs stem from a shortage of facilities and personnel—a problem that the appropriations bill seeks to relieve. Investing in education is not a spur to inflation but a sure way to guarantee national growth. Failing to invest in education is an equally sure way to national disaster.

Repeated studies have shown that the purely economic rate of return at nearly all levels and in nearly all parts of the country on educational expenditures is over 10 percent. This compares favorably with the rate of return the Federal Government requires on its irrigation and reclamation projects. Moreover, this is purely economic return, and does not even include any value we place on education in terms of its noneconomic contribution to improvement of our society and ourselves as individuals.

Instead of repeating Buchanan's 1859 veto of an education bill, I would have hoped that the President would have remembered his own words of this century:

> When I look at American education I do not see schools, but children, and young men and women—young Americans who deserve the chance to make a life for themselves and ensure the progress of their country. If we fail in this, no success we have is worth the keeping.

Saving money on education and health care is like not fixing a leaky roof or not going to the dentist. Eventually the work must be done and the bill paid; but in the meantime the damage done may be irreparable. I urge my colleagues "to fix the roof and go to the dentist." Overriding an imprudent veto will demonstrate to America that Congress does want a New America—even if the President does not.

Mr. STRATTON. Mr. Speaker, I am casting my vote today to override President Nixon's veto of the HEW appropriation bill, as I indicated again and again during my 2-week tour of our district earlier this month that I would do if a veto developed.

Nobody has worked harder in this Congress to support the President in his great fight against inflation. To be specific I led a successful drive to cut $100 million of unnecessary spending from the Defense budget and came close in an effort to chop off still another $100 million. I also led a fight that now appears likely to enable us to avoid wasting $45 to $60 million on an unnecessary and elaborate extension of the west front of the Capitol.

In fact this 91st Congress, even including the education bill now before us, has sliced more than $5 billion from President Nixon's last year's budget, precisely in order to keep the budget in balance and to halt inflation.

But the people of our upstate district—which includes 10 colleges—have repeatedly indicated to me, in questionnaires and by other means, that for them education should be our No. 1 domestic priority in America. I strongly share that view. And so this past session I supported the clear-cut action which Congress took to reorder our national priorities by cutting back both the Defense and the foreign aid budgets by a total of $6.6 billion, and switching $1 billion of that sum to educational aid, and $600 million to our No. 2 domestic priority, the fight against water pollution, which President Nixon has so warmly endorsed.

Congress would be backing off from the clear leadership role we have thus asserted if we were to fail today to pass this HEW bill over the President's veto. Among other things this bill contains much needed and already long overdue funds to finance college student loan programs for the present school year. It contains funds for college libraries and college buildings. It contains desperately needed funds for all our elementary and secondary schools, funds that principals and administrators have been counting on. And the continuation of the existing impacted areas program at its present level is a matter of grave concern—I know as a fact—to many school boards and school superintendents in our district, especially in Montgomery County, Seneca County, and Ontario County, as well as in Schenectady and Albany Counties. A major cut in those funds could also seriously disrupt school budgets at the worst possible time of the year.

Therefore, for all these reasons I shall not only vote to override, but I hope the effort is successful. I support the fight against inflation. But I think we must cut somewhere other than in education.

Mr. BROTZMAN. Mr. Speaker, my decision to vote to uphold the President's veto did not come easily. Indeed, I voted, along with the overwhelming majority of House Members, to support this very bill in December. In the course of arriving at my decision I acquired a mass of facts and figures on Federal aid to education and the impact of H.R. 13111 on the fiscal year 1970 budget. While reviewing this data and the correspondence I have had from a large number of educators, taxpayers, and budgetary authorities, a number of facts became clear.

First, the Nation has reached a critical stage in its fight against inflation. Economists have been warning that we could face the seemingly paradoxical phenomena of inflation on the one hand and recession on the other hand. Thus, there is a need to lower interest rates and increase the flow of money. The Federal Reserve Board, which acts independently of the executive and legislative branches of the Government, has indicated that it will increase the supply of money only if the administration can deliver a balanced Federal budget. Congress has an obligation to demonstrate its serious concern about inflation.

Second, most of the funds appropriated in this bill must be spent. Typically the President can withhold what he deems to be excessive appropriations, but that is not the case with the Labor-HEW bill. Once appropriated, most of these funds must be spent. This is especially serious because Congress last year passed a bill establishing a ceiling for all expenditures. As a consequence the President has no option but to meet the mandatory expenditure provisions, while at the same time, under the spending cut, he must make substantial reductions. If the veto is overridden, these reductions, unfortunately, would have to be in programs which are essential and vital for health and other urgent public services.

Third, circumstances have changed since December when I first voted in favor of the bill whose veto I now vote to sustain. Uncontrollable Federal expenditures such as those for health insurance and interest on the national debt have turned what then appeared to be a $3 billion Federal surplus into what now appears to be a Federal deficit for fiscal year 1970. Among other things, the fiscal effects of the Tax Reform Act and the 15-percent across-the-board social security increase were not known in December.

Fourth, if cuts were to be made equally in all of the programs financed by this bill, it would only necessitate approximately a 6-percent reduction. This figure is not so significant that the important programs involved will be jeopardized. Most of them, in fact, would be financed at a level higher than that provided in last year's budget. Thus, the cuts which are being discussed are not really cuts. In most instances, they simply represent smaller increases.

An exception to what I have just stated deals with assistance to federally impacted school districts. Here the President wants to drastically cut the amount appropriated last year. This program means a great deal to the Second District of Colorado because of the high number of Federal installations found in the district. I have consistently supported this program and my vote to sustain the veto should not be viewed as an abandonment of my prior position. Conversations I have had with the numerous legislative leaders and administration spokesmen convince me that a satisfactory compromise can be worked out on this issue. In the bill which ultimately passes, impact aid for fiscal year 1970 will probably approximate the amount spent in 1969. In any event, I shall continue to work for a strong, equitable impact aid program.

Fifth, many people with whom I have talked seem to think that if the levels contained in H.R. 13111, are not approved, all of the programs financed thereunder will be left unfunded. This simply is not true. Congress will pass another bill, probably by the end of January. The next bill will contain a sufficient amount of money to maintain strong programs in the fields involved without violating the budgetary guidelines set out by the President. In the meantime, the affected programs will be financed at 1969 levels under a continuing appropriation resolution.

Sixth, contrary to the charges being made by some, education is not bearing the brunt of the President's efforts to balance the budget. Of the $7.5 billion reduction the President proposed in the 1970 budget, $4.1 billion came from the Defense Department budget. As I stated earlier, the President has actually recommended an increase over last year's Labor-HEW appropriation. It is just that this spending cannot increase at as fast a rate as some would like. At a time when all other agencies of the Federal Government are being required to tighten their belts, I think it is perfectly reasonable to slow the rate at which the Department of Health, Education, and Welfare is loosening its belt.

Mr. Speaker, I would like to conclude these remarks by expressing the hope that the lesson of this year's appropriation experience will not be lost. The need to enact legislation to assure that appropriation bills be passed by the beginning of the fiscal year is critical. Numerous Members, including myself, have introduced one or more proposals to reform the way Congress handles the money bills, and I now urge that these reforms be implemented in time to facilitate the enactment of future appropriation bills by the beginning of each fiscal year.

Mr. BURLISON of Missouri. Mr. Speaker, voting to override a Presidential veto is not a task which I welcome, and I would not do so out of partisan motives. Nevertheless, I feel very strongly that the President was wrong in vetoing the Health, Education, and Welfare appropriation.

No one needs to be convinced that inflation is a serious problem and that some sacrifices have to be made to control it. My disappointment with the President is that a reduction of funds for health and education programs is neither necessary nor prudent.

The President tells us we cannot afford to spend an extra $1.3 billion on education. Mr. Speaker, we cannot afford not to. In "Through the Looking Glass," the Queen tells Alice:

> It takes all the running you can do to keep in the same place.

So it is with education and health expenditures. The rising costs of these programs make it necessary to surpass last year's appropriation just to sustain present programs at their current levels. As indicated by the following table, the Congress recognized this and attempted to fund the programs at a level which would allow some progress.

[In millions of dollars]

Program	Administration's 1970 budget request	Congressional action	Amount lost if veto sustained
Educationally deprived children (ESEA, title I)	1,226.0	1,397.0	171.0
Impact aid	202.0	600.0	398.0
Education professions development	95.0	107.5	12.5
Vocational education	279.0	488.5	209.5
Libraries and community services	107.5	149.0	41.5
Education for the handicapped	86.0	100.0	14.0
Total	2,737.0	3,729.5	992.5

If the President prevails on this issue we will regress. He budgeted $60.5 million less for elementary and secondary schools this year than the year before. The request for higher education was $20 million less. That for libraries and community services was $39.4 million less. While people were waiting in line to get into hospitals the President asked for $104.4 million less for hospital construction. Mr. Speaker, it is unconscionable to short change these vital health and education programs.

We heard no cries of inflation when the requests came in for funds to build supersonic and C–5A transport airplanes and antiballistic missiles. The President did not ask that these expensive programs be deferred to less inflationary times. The same can be said about his foreign aid requests.

Even if Federal expenditure cuts are the most effective means of checking inflation, the $1.3 billion could not be considered inflationary by the President's own standard. The Congress made a net reduction of $5.6 billion in the President's budgetary authority. This means, Mr. Speaker, that if the Congress had completely abdicated its prerogatives and enacted the President's budget right down to the penny, the total would have been greater than what he now calls inflationary.

If an administration asks for reductions in funds for programs as fundamental as education and health, it should have some very persuasive arguments in support. But, when we look at reality rather than academic economic abstractions we are struck by the ineffectiveness of the administration's economic policies. The past 12 months have been the most inflationary since the Korean war with the cost of living rising more than 6 percent. If that were not proof enough, we also have an economic downturn accompanying the inflation which is threatening to become a recession.

Raise the interest rates, the President's advisers say and less money will be loaned which will in turn put the brakes on inflation. So, the interest rates were raised. They were raised 36 percent in 1 year, but inflation, immune to economic theory, soared on. The banks loaned 15 percent more money than the year before producing terrific earnings for some of the big banks. But there were some losers too—the homebuilding industry, State and local governments, and the installment consumer.

This, among other reasons, is why I

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cannot vote to sustain the President's veto. The battle against inflation must be fought. The President's record the past year vividly reflects that he has been waging the battle at the wrong places and with the wrong methods, bringing the wrong results. I think he has received bad advice and his veto should be overridden.

Mr. OTTINGER. Mr. Speaker, the President's veto of the Labor-HEW appropriation with its increased funding of education, library, and health programs is a clear example of how distorted our national priorities really are. In my view, there simply is no justification for spending billions on farm subsidies, public works, highway construction, the space program, and a supersonic transport plane when our school systems are struggling to provide quality education under the most critical financial handicaps.

Just as I cosponsored the Joelson amendment last year to provide the increased funds for our vital health and education programs, so shall I vote to override the President's veto. This vote will be a crucial test not only of our national priorities, but also of Congress' role in charting the future course of our Nation.

My reasons for voting against the veto are as follows:

ADDITIONAL FUNDS ARE NECESSARY

First. The rising costs of education and health needs make it necessary to surpass last year's appropriations in order to sustain present programs at their current levels. The President's requests for six major education and health programs, however, fell $572.1 million below last year's appropriations. The President requested $60.5 million less for elementary and secondary education, $20.1 million less for higher education, $319.1 million less for impacted areas assistance, $39.4 million less for libraries and community services, $28.6 million less for medical research, and $104.4 million for hospital construction. Thus Nixon requests would not only make it impossible for programs to operate at current rates, but would also make them fall far behind these levels.

Second. The total appropriation including the additional funds is still less than half—46 percent—of what Congress authorized based on its assessment of the Nation's education and health needs.

Third. The $4.3 billion appropriated by Congress for education falls way below the amount the President's own Task Force on Urban Education suggested was necessary to meet current needs. The report recommended increasing appropriations for education up to $14.5 billion more a year by 1975. The report concluded:

> Without adequate funding, there is no hope for effective education in the cities. The current need for funds is as desperate as it is massive.

Fourth. There is no evidence for the administration's argument that schools would be unable to spend the additional sums of money in the remaining half of this fiscal year. On the contrary, school officials, encouraged by the House's passage of the Joelson amendment last July, planned to operate and have been operating with those appropriations levels in mind. If the additional funds are withheld many schools will be forced to close early.

The administration's argument that the additional funds could not be spent contradicts their argument that appropriating the additional funds would be inflationary.

Fifth. The impact of the fund reduction which would result from a sustained veto demolishes the administration argument that the funds involved are "misdirected." Among the probable effects of a sustained veto are:

Schools in many jurisdictions would be forced to close their doors;

Almost 10,000 potential teachers would be turned away from training otherwise offered under the Education Professions Development Act;

Over 200,000 children, those most prone to dropping out of school, would be cut off from vocational education programs;

Bilingual assistance would be withheld from over 50,000 schoolchildren in need of this aid to learn in the school system;

There would be 3 million fewer books available for libraries and community services;

Some 115,000 college students would be denied loans to pursue higher education;

Some 50,000 unnecessary deaths would occur in the next 12 months for lack of funds to train personnel for coronary care units in hospitals;

The overall lack of facilities and personnel would cause thousands of patients to die needlessly;

The desperate need for doctors would be aggravated when several thousand potential medical students lose opportunities for loans; and

The quest to find cures for major crippling and killing diseases such as cancer and circulatory ailments would be set back needlessly. The reduction in the appropriation for the National Cancer Institute alone would mean that the National Institutes of Health would have to cut by 40 percent the number of research projects begun in 1966.

INFLATION ARGUMENT INVALID

First. Assuming that Federal expenditure reductions are the most effective means of fighting inflation, the $1.3 billion increase in Labor-HEW appropriations would still not be inflationary since Congress has made a net cut of $5.6 billion in budgetary authority in all appropriations for fiscal year 1970 as well as cutting $2.9 billion in budget outlays—expenditures.

Second. The need for the additional funds has been demonstrated. Hence, State and local financial support would be substituted for the Federal dollar in many cases. It is questionable whether substitute spending by the State or locality would be less inflationary than the Federal spending is claimed to be.

Third. The administration's argument that the $1.3 billion in mandatory extra spending would have an impact on the budget surplus that in turn would be inflationary is invalid. The difference in surplus amounts would have little if any impact on the overall economic picture, particularly with regard to inflation. This position is supported by a member of President Nixon's Council of Economic Advisors, Dr. Herbert Stein, who, on November 21, 1969, stated:

> I have the impression that many people now see a magical significance in a shift of a few billion dollars in the budget position, especially if the shift crosses the line between surplus and deficit. In a trillion dollar economy this is hard to understand, especially after our recent experience with the limited significance of the budget shift between a $25 billion deficit in Fiscal 1968 and a $3 billion surplus in Fiscal 1969. Preoccupation with small changes in the budget position leads to bad forecasts by the private economy and bad policy by the government.

This point is further illustrated by comparing the amounts of money involved in the argument. First, $1.3 billion is approximately .001 percent of a trillion dollar GNP, or only one-tenth of 1 percent of a trillion dollar economy, or one-thousandth of a trillion dollar GNP. A second way of putting this is—$1.3 billion is about .005 percent of a $200 billion Federal budget—or one-half of 1 percent of the budget, or five one-thousandths of the budget.

Fourth. On January 20, 1970 the Bureau of Labor Statistics released figures which cast serious doubt on the effectiveness of administration economic policies. According to the Bureau of Labor Statistics, consumer price increases continued rising in December to close out the most inflationary 12 months for this Nation since the Korean war. The cost of living rose 6.1 percent in 1969, the greatest in 18 years. An economic downturn accompanies this continued inflation.

Fifth. The administration's policy of fighting inflation by applying orthodox fiscal and monetary policy which includes a budget surplus and tight money is necessarily limited in its impact. The policy hits the "little guy" the hardest—the consumer, homebuilding industry, State and local governments and small business. Following are three types of inflation that this policy is ineffective in cooling down:

Cost-push inflation: The consumer is aware of the price increases on such items as cars, steel, tires, gasoline, and aluminum. This is caused by highly concentrated industries having discretion in determining prices and wages.

Credit inflation: The 26-percent increase in interest rates since the first of 1969 has harmed the homebuilding industry, State and local governments, small business, and the installment consumer. This is the result of increased bank lending of 15 percent this past year to business despite Federal Reserve choking of the money supply.

Supply-bottleneck inflation: Costs have gone up considerably for certain items such as hospital and medical care. A supply shortage has increased these costs above average increases.

Sixth. The President has failed to use the anti-inflationary authority given to him by Congress. H.R. 15091, which was passed by the House by a vote of 259 to 136, contained the following anti-inflationary measures:

Authorizes the Federal Reserve Board to impose reserve requirements and other controls over commercial paper and Eurodollar borrowings by commercial banks;

Liberalizes restrictions on mortgage lending by national banks;

Allows Federal home loan banks to provide additional funds to savings and loan associations for conventional mortgages;

Provides the President with discretionary authority to authorize the Federal Reserve Board to control expansions of credit, including bank business lending found to be unnecessary;

Extends existing authority for establishing maximum rates of interest that banks and savings and loan associations can pay on savigs ad time deposits;

Increases the maximum limit of Federal Deposit Insurance Corporation and Federal Savings and Loan Insurance Corporation insurance from the existing $15,000 to $25,000; and

Directs the President to release $70 million voted by Congress for small business activities to the Small Business Administration for lending to small business investment companies.

The President signed this bill into law, and at the same time announced he would not exercise the authority it gave him.

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Seventh. Overriding the President's veto and passing the Labor-HEW bill would be an anti-inflationary action because:

High medical and hospital costs are caused by the shortage of facilities and personnel which the appropriations measure attempts to ease;

A lower HEW budget would create pressures in many school districts for additional increases in property taxes. Such pressures would add to inflationary increases in the cost of living for consumers;

Investing in human resources will have incalculable payoffs in the future. This investment will result in a kind of negative tax savings from unemployment compensation, social services, welfare payments, penal institutions, and so forth.

A study made regarding the investment value of a vocational education program in Arizona uncovered that the initial tax revenue impact of the vocational education Federal expenditures, plus the taxes paid by the senior high school student enrolled in the program actually reimburses the Federal Treasury in full by the time the student graduates and returns to the Federal Treasury twice the investment by the end of the third year.

Eighth. The President has made the issue one of priorities, and not just one of the priority of fighting inflation before educating our children. If President Nixon were truly concerned about fighting inflation by reducing Federal spending, he would have pared his defense budget requests as the Congress did by $6 billion, he would have cut his requests for funds for the expensive, nonessential supersonic transport—SST—as well as cut out ill-advised strategic weapons systems.

Congress, which is equally concerned about inflation has given top priority to adequate funding of programs to meet our Nation's pressing education, health, and domestic needs.

Mr. MILLER of Ohio. Mr. Speaker, today I face one of the most difficult decisions I have had to face since becoming a Member of this body in January 1967.

As one who supported both the Joelson and Cohelan amendments during the first session of the 91st Congress and as one who has long been an advocate of increased aid for education, it is particularly difficult for me to take the stand I feel I must take today.

Education is one of our Nation's most pressing priorities. It is an area which for many years was a victim of neglect. Caught in the wedge between the increasing roll of Federal involvement and the autonomy of State and local governments, education suffered the roll of the orphaned child. We all acknowledged the need for attention to this problem, but all too often we assumed it was the other fellow's responsibility. In recent years, we have begun to deal constructively with this issue. Through imaginative new programs we have forged a healthy partnership between local, State, and Federal governments to meet the challenge of contemporary times. To say we would be forfeiting the gains we have made in this field by sustaining the President's veto of the HEW appropriations bill is not accurate. It is not, as many contend, surrendering our priority commitment to this problem.

The President's position as he so accurately stated in his nationwide address Monday evening is not a popular one. But it is a responsible one, and one I, as a Member of the Congress, feel obligated to support.

Frankly, at first I had considerable reservation about the consequence of the President's action. Much of the reservation I initially expressed however, has been minimized by the compromise proposal put forth by the President subsequent to Monday's address. This counter proposal assures that no schools receiving Public Law 874 funds will have their operating budget reduced below 95 percent of their 1969 level. It further reinstates 50 percent of the category B funds which originally had been cut out of the appropriation measure.

I have consistently joined with the President in his attempt to fight the problem of inflation, a problem caused in large part by an overextended Federal Government. I heartily endorse his attempts to cut back on our Nation's defense spending. I strongly second his continuing attempts to eliminate unnecessary Government spending and duplication. I welcome his frontal attack on the Federal bureaucracy and his across-the-board attempts to hold the lid on Federal expenditures. To be responsible in this regard, the President has stated he has no alternative. He feels to grant an exception in the case of the HEW bill would be setting a precedent which would be severely damaging to the objectives he has set for the Nation in combating this problem.

Though I personally do not feel the true inflationary impact of this legislation can be accurately gaged, I yield to the President's decision on this issue. Our ship of state has one rudder and the President's hand is on the helm. To override his judgment would not be in the best interests of the taxpaying public who are the passengers on this troubled passage.

I am confident that the administration's anti-inflationary efforts will in the long term prove to be highly beneficial to education and to the Nation as a whole. For until we right the wrongs of our prolific spending policies of the past, we will not be able to vigorously and effectively combat the many ills besetting our country. With a sound dollar, will come sound programs.

Mr. CLANCY. Mr. Speaker, as the President has stated, there are no goals more important today than the improvement of education and health care. However, the issue before the Congress today is not whether we are for education and health or against it. The important question here is: What can the Federal Government afford to spend this year on these programs?

In April the President asked the Congress to appropriate 13 percent more funds for health, education, and welfare programs than it spent last year. The bill which ultimately passed the House, however, increased the President's request by $1,260,000,000; $1 billion of which is in the field of education alone.

The President feels, and I concur, that this is increase is not in the best interests of all of the American people. If the rise in the cost of living is to be halted, the Federal budget must be cut substantially.

The increased spending contained in this bill simply provides more money for the same old programs without making the urgently needed new reforms. The blatant unfairness of this bill is clearly exemplified by the impacted aid program. The richest county in the United States reaps the primary benefit here. These one-half million persons would receive $6 million while those 3 million persons who live in the 100 poorest countries would receive only $3 million. This bill not only sustains this unfairness, but adds additional moneys to the already inequitable program.

As we all know we are now three-quarters of the way through the school year. This bill would force us to spend every dollar appropriated before June 30. By the time final action would be accomplished, distribution formulas equated, and grants made to the States and school districts, it would be too late to hire teachers or to affect substantive teaching programs. This late funding exemplifies irresponsible Federal action when our goal should be sensible, constructive partnership between Federal and State governments.

In his efforts to balance the budget and to stop the rise in the cost of living he is determined to prevent further inflation, hold down taxes, and protect the interests of all Americans.

For these reasons, I support the efforts of the President and his veto.

Mr. VAN DEERLIN. Mr. Speaker, failure to override the President's veto of H.R. 13111 will create tremendous problems for many school systems. Even if a subsequent bill were enacted, the funding in most cases would amount to too little, too late; fiscal 1970, after all, is more than half over, and salaries and other expenses for this school year must be met by June 30.

But rather than speak in generalities, I would prefer at this time to detail some of the hardships that may ensue in my own part of the country, San Diego County in California.

In the words of a report prepared earlier this month in the office of the superintendent of the San Diego city schools, "this district will face immediate financial catastrophe if President Nixon carries out his stated intention to veto the omnibus appropriations for HEW."

San Diego schools have the largest impact aid entitlement of all districts in the county—$6.5 million. But the loss or drastic reduction of this assistance would be felt even more sharply in some of the suburban school systems, where the Federal impact is even greater.

Take the South Bay Union School District, in Imperial Beach. Of the 5,800 children enrolled by the district, 3,374 are federally connected. Loss of its $610,000 impact aid entitlement would force this particular district to raise the local property tax rate by $2.51 per $100 of assessed valuation to replace the Federal funds.

The situation is nearly as bleak in other jurisdictions. According to data compiled by the San Diego County Department of Education, impact aid is the equivalent of an additional tax of $2.25 in the Oceanside Union School District, $1.86 in the Coronado Unified School District, $1.18 in the National School District, $1.15 in the Vista Unified School District, and $1.04 in the Chula Vista School District.

All these systems are currently being taxed to the legal limit. They can only raise rates through the consent of taxpayers who already are carrying crushing burdens.

Impact aid is not a political football in the San Diego area. It is an essential form of assistance that even when fully funded pays only about a quarter of the actual cost of educating the child from a federally connected family.

There are in San Diego County more than 76,000 students eligible for this supplemental help. If we torpedo this proven program now, not one of the 39 identified communities in the county will escape some educational and financial loss—as I am sure is true in the constituencies of many of our colleagues.

A further complication for federally impacted school systems in California is a State requirement that schools be open at least 175 days a year to qualify for full State assistance. Districts falling short of that minimum have their State help reduced proportionately. Thus, the penalties threatened at the Federal level could, in California, become cumulative if, as seems highly likely, some schools are forced to close early this spring for lack of operating funds.

I hope this body will act at once to undo the damage if Mr. Nixon's veto is sustained.

Mr. TAYLOR. Mr. Speaker, my record shows that I favor a balanced budget. If all Congressmen had voted as I have, during the last 10 years, the budget would have been balanced each year. Also, I have been consistent in supporting action to curb inflation.

However, the issue at stake here today is far greater than merely the outcome of this particular appropriation bill—it is a matter of giving priority to those programs which hold the greatest promise for our Nation's future.

In my judgment, it is inconsistent and a serious misalinement of priorities when the President vetoes a bill containing $210 million to provide vocational training for jobless Americans while advocating the expenditure of billions of dollars to guarantee a minimum income to citizens who need this very type of training.

Far better would be to reverse these priorities and invest billions in building a firm base of technical education to enable the workingman to support himself rather than killing his incentive with unearned handouts.

The education approach is more effective and in the long run, less expensive.

Only yesterday I voted against a $1.5 billion appropriation for foreign aid. I voted then to save more money than President Nixon did by his veto. I believe that most American citizens would prefer their tax dollars being used to promote education, especially vocational education, than for foreign aid, guaranteed incomes, or many other purposes for which the President has recommended spending.

I intend to vote this year to spend less money than the President recommends, but I feel it my duty to exercise a voice in determining the priority of programs and in determining which spending programs shall be approved and which shall be rejected.

Mr. BARRETT. Mr. Speaker, I will vote to override the President's veto of H.R. 13111. I support the appropriations for the Departments of Labor, HEW, and related agencies, as passed by the Congress. And, it is my fervent hope that the two Houses of the Congress will overwhelmingly vote to override the veto.

Mr. Speaker, the President spoke to the Nation over national television on Monday night, expressing the reasons for his veto of this bill, and his veto message was delivered to the House yesterday. A careful reading of the two statements indicates that the President has selected this measure as the target for an anti-inflation campaign. It is most unfortunate that he has done so, for this bill represents financial support for many of the most important domestic programs our Nation has undertaken.

The President said the issue is not education and health. He said the issue is inflation. We all agree inflation is an issue. The difference is that the Congress gave a higher priority to education and health than to other needs which the President obviously considered greater as reflected in his own budget requests.

The Congress has acted prudently and wisely in its handling of the budget. The President inherited a balanced budget, and Congress cut over $5.6 billion from his fiscal year 1970 appropriations budget request alone. And, this budget cut takes into account the moneys contained in H.R. 13111.

The $1.1 billion increase in spending for health and education is not the reason for the greatly accelerated inflation. Let us look at the record. The President said the cost of living went up 25 percent from 1960 to 1970. This is true; but what he did not point out is that in the 8 years prior to his inauguration, the average increase was slightly over 2 percent per year. In the last year, 1969, the first year of the present administration, the cost of living increased over 6 percent, more than double the average in the previous years of the decade.

This veto action, if allowed to stand, will affect approximately a million children in various educational programs under title I, such as special education and vocational training. Other educational programs are also affected. Further, it is impossible to determine the damage that will be done to many very significant health research programs, according to some of the Nation's most eminent scientists. We are told that it can be very detrimental to cancer and heart research.

The President would have been wiser to have directed his attack on inflation in mid-1969, earlier in the present fiscal year. He could then have directed his attack on the ABM, on the supersonic transport, and many other programs that have a much lower priority than those which will be affected by his veto action on this bill.

I most strongly urge the Members of the House to act wisely and vote to override the veto.

Mr. BROOMFIELD. Mr. Speaker, by approving a $1.3 billion increase in appropriations for the Departments of Labor and Health, Education, and Welfare, Congress challenged the President to make an extremely difficult political decision and to, thereby, vividly demonstrate to the Nation his sincerity in fighting inflation in the interest of all the people. He has met this challenge courageously and responsibly. We can now do no less.

Over $1 billion of the total increase is for education. Of this, $398 million would perpetuate and augment the most inequitable component of Federal education assistance, aid to federally impacted school districts. Under this program, the Nation's 100 poorest counties received a total of only $3.2 million in 1968, while Montgomery County, Md., among the richest counties in the country, received $5.8 million. This wealthy suburb alone received $6 million in impact aid for the 1968–69 school years in comparison to $4.5 million for the entire State of Michigan. In many cases, payments exceed the costs to local schools of educating children of Federal

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workers. In other instances the program enables wealthy school districts to levy lower taxes than other, often poorer, districts in the same State. I am discouraged by the direction this program has taken over the years and regret that we have not had a clear-cut vote on funding and continuation of impact aid. It is time for reform of this unfair distribution of badly needed Federal funds, not time for deepening the inequity.

The consequences of undercutting the President's anti-inflation program would be even graver. Every single American is now suffering the effects of nearly a decade of deficit spending by Democratic administrations and Congresses. As the President pointed out to the Nation last Monday, the Federal Government's expenditures during 1960–70 have exceeded tax revenues by $57 billion.

Upon entering office, President Nixon inaugurated a program for halting the steady erosion of the value of the dollar. A key element of this program was a proposed substantial budget surplus, and the cutbacks providing this surplus included large reductions in the defense budget. The President has given Congress a great opportunity to materially benefit every man, woman, and child in the Nation. It would be unpardonable to reject this opportunity by opposing the President's judgment that the Labor-HEW appropriations bill as it now stands is inflationary.

As a long and active advocate of expanded, innovative, and effective aid to education, I understand and appreciate the concern about the President's veto felt by the educators and parents whom I serve. I supported the increase recommended in the President's education budget and disagreed with many of the decreases proposed for education and library programs other than impact aid.

I feel sure that the President would have accepted reasonable increases in these areas. The ironic danger of unreasonable increases is that, by intensifying inflation, they raise the cost of education programs. The inflationary potential of such increases would be maximized by their being concentrated in the few months remaining until the end of the fiscal year on June 30. These are the harsh facts which all of us concerned about education must face. Education costs have already increased dramatically because of inflation. Cost-of-program increases are requiring greater outlays of money simply to maintain programs. The Nation cannot hope to substantially expand and improve these programs if it cannot win the battle against inflation.

The President made a firm commitment when he entered office to fight inflation. Congress knew this. Given this commitment and the prevailing view I share that higher appropriations for education and health are essential, Congress could have prepared for an early compromise on the issue. This compromise could have been achieved by planning cutbacks elsewhere in the budget to allow for increases in these high priority areas and by recognizing that such increases must be reasonable in terms of current distortions in the economy. Instead, the Democratic leadership and majority in Congress unconscionably delayed and protracted action and created a confrontation situation, largely for political purposes.

However, if we consider who has suffered from this shameless delay, I fail to see that the Democrats will get the political rewards they seek. For school districts around the country have been faced with harrowing uncertainty and lack of information on which to plan while nearly 5 months of the school year have gone by without the reasonable increases I advocate coming to them.

I am confident that the President's veto will be sustained. If the Democratic leadership will act without more delays, I know that the President will cooperate in reaching a compromise that will not further jeopardize either fiscal responsibility or vital education and health programs. I hope that a sufficient reduction in impact aid will be the cornerstone of a speedy compromise.

Prompt action should not stop here. A delay in fiscal year 1971 Labor-HEW appropriations like the unpardonable one we have witnessed would be intolerable. I hope and urge that when the next school year starts in September 1970, this appropriations bill will be a reality.

Mr. HALPERN. Mr. Speaker, in good conscience I cannot veto to sustain the Presidential veto of H.R. 13111, because once you start reducing funds for public education, health services, and medical research and loans for college students and desperately needed assistance to private schools struggling to survive, then paralysis sets in as we numb our sensibilities to what America is all about.

If we can temporize with our children's future, then I am sure the next budget cut will be even easier as we lose all sense of perspective. Indeed, if we cannot invest one-half of 1 percent of our Federal budget—for that is what the difference between the administration and congressional educational budgets equal—in schooling future generations, in reducing deprivation and eliminating despair then it is indecent for us to think people will continue taxing themselves for senseless priorities.

The public is choked with taxes, and vigorously supports—just as I do—the President's battle against inflation. But in this instance the burden of mounting property taxes and fiscal crises of local school boards must be relieved by the major tax-collecting strength of the Federal Government.

Let me cite just one example of this inflationary crisis in New York City that can only be stemmed by a large imput of Federal money. The city's plans call for starting construction on 24 schools this year, yet we are only building 15 because costs are cutting in our budget. A high school that costs $7.8 million 4 years abo to build, now costs $18 million.

Let me explain the fiscal plight of New York State. For the first time in three decades last year, the State reduced aid for public education as costs rose from $1.6 billion a decade ago to $4.1 billion this year. As local school boards attempted to raise property taxes, taxpayers revolted. In 20 percent of the State's school districts, voters turned down school budgets, although property taxes did rise 17 percent.

People are just fed up. The State pays 45 percent of the education bill; the Federal Government 5 percent and property taxes underwrite the other 50 percent. This problem is particularly vexing in my borough, Queens, where there are 280,000 homeowners and 20,000 apartment house owners.

These constituents are paying State and city income taxes in addition to their Federal income tax, sales taxes, excise taxes, and as the cost-of-living nibbles away at their dollar, transit fares have just been increased 50 percent.

Under these circumstances, what is the impact of sustaining the veto? Although the Federal Government contributes only 5 percent of our education budget, in certain areas it translates itself into considerable dollar support. For instance, New York State would lose $78.6 million in education and about $12 million in health funds. The State would lose $23 million in title I money; $4 million in school library aid; $14.5 million in vocational education; and $5 million in scholarships and loans for college students.

This last loss particularly concerns me because a sizable part of the student loan money is funneled into the State university system, of which 10,200 students out of a 172,000 enrollment are from Queens. To deny these students scholarship or loan money, or seriously reduce the availability of funds, will only drive them and their families into the money market, where banks are charging outrageously inflationary interest rates ranging from 8 to 10 percent for college loans.

The State's health needs are most critical. A score of the Nation's best medical schools, located in New York City, are operating at deficit levels this year that can only be bridged with Federal money. For some of them, the loss of the projected funding in this appropriation bill will be critical.

The most desperate situation exists at the New York Medical College which is in debt approximately $12 million and, indeed, is really seriously considering the possibility of closing its doors. Its operating deficit is $250,000 per month; year's Federal losses $1,200,000.

Other schools in the New York City area are: Mt. Sinai—operating deficit $2,000,000 per year; year's Federal losses $500,000. New York University—operating deficit $1,700,000 per year; year's Federal losses $2,000,000. Sloan-Kettering—year's Federal losses $1,400,000. Cornell Medical College—operating deficit $1,000,000 per year. Albert Einstein—operating deficit $4,000,000 per year; year's Federal losses $2 to $3 million.

These schools also rely upon Federal scholarship aid to help train young doctors, nurses, and para-professionals. The loss of funds would include: New York Medical College—$101,981; New York University—$61,500; Yeshiva University—$68,140; University of Rochester—$50,828.

The budget for the National Institutes of Health would be cut some $31 million if this veto override fails. Since New York's medical schools and hospitals

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house some of the Nation's leading medical research teams. I am told no less than 40 percent of them would be broken up, and crucial research into curing crippling and killing diseases such as cancer, heart ailments, arthritis, and metabolic problems, and mental retardation would be severely curtailed.

Finally, New York's critical need for more hospital beds would also suffer. We can use $52 million in Hill-Burton hospital construction funds now, but if the veto is sustained, the State will lose $8 million.

The loss of education money to New York City's public schools from these Federal revenues would come to $35.8 million.

	Million
Title I—Disadvantaged children and elementary education	$23.0
Title II—Libraries	1.3
Title III—Innovation special education	1.0
NDEA—Teaching math-science	1.5
Federally impacted aid	5.2
Vocational education	2.2

The controversial impact-aid program has special significance in New York City. Almost a third of the city's property is government owned, meaning the city is deprived of a lucrative tax base. The impact-aid money then is only a meager substitute for the loss of tax-exempt property. The board of education depends on this money to help fill many budget gaps, and the practice is to distribute these funds on a citywide basis.

Unfortunately, the gravity of these possible losses to New York City takes on more significance when the statistics must be matched with programs earmarked to be shortchanged, shattering the hopes for achievement of thousands of children.

As an example, in Queens, it is estimated that school district No. 28—which includes South Jamaica, Kew Gardens, Richmond Hill, and Forest Hills—will lose $717,000 in title I money used for Headstart, early childhood, cultural, and tutorial programs, and summer schools.

In addition, district No. 28 would also stand to lose $87,000 in funds for school libraries, much of it aiding our beleaguered parochial schools. And it would also lose $63,000 in vitally needed money to aid the teaching of math and science.

District No. 28 is only one of seven school districts comprising Queens—all similar in population size, ethnic, and economic outlook, and all having parents with the same aspirations for their children. Do some quick arithmetic and you can get an idea of the impact of this appropriations bill on the borough of Queens.

Mr. Speaker, with the school year into its seventh month and New York borrowing money with short-term anticipation bonds at high interest rates to pay for education; with the future of thousands of children whose parents can ill afford to pay increased property taxes to cover school bills; and with the hopes of many praying for breakthroughs in cancer and heart research bound to Federal support of medical research, it would be unconscionable for me to vote to sustain this veto of the HEW appropriation.

Education cannot make the sun rise, it has been said, but it can let the light in.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislative effort to overturn President Nixon's veto—a veto that poses an alarming threat to virtually every educational insitution throughout the United States. The education of our young people, after all, is among the greatest challenges we face in this era of startling technological and sociocultural change. Our schools—schools ranging all the way from nursery centers to our most celebrated universities—constitute this Nation's most valuable asset. They turn out the physicians, the businessmen, the technicians, the lawyers, the statesmen, the craftsmen the United States needs to maintain a standard of life envied throughout the world. Already overburdened by waning sources of income and soaring enrollment rates, most educational institutions must—quite literally, must—receive financial assistance if they are to weather what can be described as a kind of economic siege. The future of the United States may hinge on whether the Congress and the administration honor their pledge to provide such assistance.

Yet, President Nixon, using an artful rationale that can be charitably described as specious, has sought to slice away $1 billion in Federal funds the Congress has voted for education during fiscal 1970. How does he justify this action? First, he argues that an appropriations bill exceeding his requests would fuel inflation. This, Mr. Speaker, is patent nonsense. A trivial percentage of our national budget for fiscal 1970, a $1 billion appropriation for education could not exacerbate inflationary trends in even the most insignificant way. Even if it could—a wholly hypothetical and suppositious notion that hardly merits consideration—most school systems would have to raise the funds Mr. Nixon wants to deny them through other means: major increases in local property taxes, for example, or wholesale borrowing.

Such 11th hour tactics would still give rise to spending at a rate approaching $1 billion, and, even more significantly, would threaten the average family's financial resources far more than say, a one-hundredth of 1 percent increment in living costs. Mr. Nixon contends, still further, that the Federal Government's aid-to-education programs fall short of what he considers to be ideal. Of course they do. No Government program—at least none of which I am aware—is so excellent and so exemplary that it defies reform. The point to emphasize is that aid-to-education programs are among the most fruitful ever carried out by the United States—despite the deficiencies Mr. Nixon cited in his television address.

In any case, Mr. Nixon has proposed virtually nothing as an alternative to our current programs. The President's third objection—that schools might whimsically squander money turned over to them late in the fiscal year—can be dismissed out of hand. Much of the money, of course, has already been spent or obligated. Even more to the point, educational institutions have made explicit and detailed plans for expending financial resources during fiscal 1970 and are now merely waiting for the Government to honor its word to supply assistance. The money most emphatically will not be scattered to the winds. Indeed, lack of this money might well give rise to financial and educational chaos in most schools.

Let me cite just a few examples of the difficulties President Nixon's veto might cause. A college student, pressed for funds, might not be able to return to school this fall. Minority groups—blacks, Puerto Ricans, Indians—might not receive the training and schooling they so desperately need to escape poverty. Small communities, almost wholly dependent on Federal funds to maintain sound educational programs, would be driven into an alarming form of retrenchment. Chicopee, Mass., a community in my congressional district, for example, stands to lose $400,000 in impact aid alone if Mr. Nixon's veto is sustained.

Quite plainly, Mr. Speaker, the President could have chosen another victim—the military, for example—in his battle to reduce Federal expenditures. Instead, he chose the most vulnerable victim conceivable: the Nation's schools and schoolchildren. How can we justify—rationalize, I should say—lavishing scores of billions of dollars on military projects of highly dubious merit and denying merely $1 billion to our educational system? The answer, of course, is that we cannot.

Let us suppose, for the sake of argument alone, that the Congress appropriations bill does, indeed, spur a tiny increase in the cost of living—raising the price of lamb chops by one-tenth of a cent a pound, for example, or the cost of bread by one-fifteenth of a cent a loaf. This would, of course, add to the average American family's living costs. But, as far as that same family is concerned, could such trivial price increases compare with a son's dropping out of college because of a lack of scholarship funds, or a daughter's unemployment because her high school had not prepared her adequately for a secretarial job? I think not.

We must not sacrifice our youth on a pretext so flimsy as that enunciated by President Nixon.

Again, I urge the overturning of his veto.

Mr. FEIGHAN. Mr. Speaker, the President has asked us to combat inflation by spending less for schools and health. I strongly urge my colleagues to override the administration's veto and to appropriate the funds this Nation urgently needs for health and education.

In labeling this legislation "inflationary," the administration has grossly misrepresented the facts. I ask how the Congress can be accused of fiscal irresponsibility in light of the numerous reductions in appropriations that we have made in connection with other bills.

The issue before us, therefore, is not inflation. Rather, it is whether we will meet such needs as our school, library, handicapped children, and vocational programs. The administration has seriously misjudged our Nation's priorities if these programs must bear the brunt of its inability to decelerate inflation.

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Last year, the city of Cleveland received approximately $7.5 million under the education programs we are considering. If the administration's veto is upheld, Cleveland's public schools will lose several million dollars. Programs for educationally deprived children, now offering health and tutorial services to students in the inner city, will gain less than half the funds Congress found to be essential in fiscal year 1970. Cleveland received approximately $1.3 million last year under the Vocational Education Act. Those funds enabled countless students to benefit from job training and thereby become employable. The Congress found this program required a doubling of appropriations, yet the administration views an increase of a mere 2 percent adequate. These are only two examples of numerous vital programs which are now in danger of being curtailed, including education of handicapped and bilingual student, school libraries, and instructional equipment.

Mr. Speaker, education and health programs made possible by Federal funding have had a significant impact on the city of Cleveland and on the Nation. I trust that my colleagues also view these programs essential and deserving of our full support.

Mr. BUSH. Mr. Speaker, I am supporting the President in his decision to veto the Labor-HEW appropriation. This is a vote against inflation—not against education. This vote could set the tone of Government responsibility for the 1970's. Because if this veto is overridden, it will be "Katy bar the door" as far as future spending proposals go.

Over and over again in letters and in conversations with my constituents, I have heard "I agree we need to do something about inflation, but why did the President pick on education?" I do not think the President did.

President Nixon asked Congress for a $2.3 billion increase in HEW funds. This had my support. Yet, the Congress added $1.3 billion to his request in spite of previously assigned funding by the House Appropriations Committee and the President. When this increase passed, the President advised that he considered it inflationary—so the threat of a veto has been hanging over us since last July.

Yet, the history of this appropriation shows no attempt on the part of the party in control of this Congress to work with the President to come up with a mutually acceptable level of funding. Instead, all we have found is the attitude that it will be all or nothing—$1.3 billion without regard for the fact that the appropriation bill was late, that 7 months of the year have passed, and the effect this mandatory spending increase would have on other education and health programs because of President Nixon's statutory $192.9 billion spending limit. So the President did not pick this bill—the Congress did.

Mr. Speaker, I am vitally concerned about education and I want to improve the quality of education our schoolchildren receive. Quality education and good jobs are the real answers to poverty in this country. However, I am opposed to the misdirected funding this bill represents. How can we possibly be improving education when half of the increase is for grants to schools in federally impacted areas—a program which in 1968 paid $5.8 billion to the Nation's richest county and a total of $3.2 million to the 100 poorest counties. I support the concept of impacted aid, but I am opposed to an unfair formula that plows disproportionately large sums into rich counties. This must be changed.

The President has reassured the Nation that no schools will close as a result of this veto. So we're not talking about depriving any child in this country of a good education. The real issue is the inflation that is ravaging the school budget as much as it is those of private citizens. The January issue of School Management magazine reports:

> While many administrators complain bitterly, these days, about the adverse effect on education of the Nixon Administration's tough anti-inflation measures, the Cost of Education Index makes it abundantly clear that inflation itself is *far more damaging* than any of the attempts to bring it under control.

The hard fact is that if we are going to make substantial progress in getting sufficient and stable funds to badly needed education programs, we will have to get inflation under control. So the vote will be one of confidence in the President's inflation control policies; and not for or against education.

Mr. SYMINGTON. Mr. Speaker, today I vote to override the President's veto of the 1970 Labor-HEW appropriations bill, just as I voted last summer to provide those additional funds to which the President now objects. This vote was based on my own judgment of the best interests of the citizens of St. Louis County and the Nation. Yet, I realize that the President's action, too, was based on his own best judgment.

Great emphasis has been placed on the inflationary effects of this additional $1.3 billion in Government spending. Yet, these funds represent only one-half of 1 percent of this Nation's $200 billion Federal budget. In an economy such as ours, the anti-inflationary effect of such a minute reduction is more symbolic than real. Dr. Herbert Stein, a member of the President's Council of Economic Advisers, makes this point:

> I have the impression that many people now see a magical significance in a shift of a few billion dollars in the budget position, especially if the shift crosses the line between surplus and deficit. In a trillion dollar economy this is hard to understand, especially after our recent experience with the limited significance of the budget shift between a $25B deficit in Fiscal 1968 and a $3B surplus in Fiscal 1969. Preoccupation with small changes in the budget position leads to bad forecasts by the private economy and bad policy by the government.

While any responsible reduction in Federal spending is welcome during an inflationary period, we must balance the possible anti-inflationary effects of such a reduction against the demonstrated need for these funds if we are to avoid such bad policy. This is particularly true since Congress has already cut the administration budget request by nearly $5.6 billion and has reduced overall spending by $3 billion this year.

We must realize further that the Nation's school systems have programed these expenditures at the congressionally approved levels and must now curtail programs, or seek locally funds denied by the veto. St. Louis County schools, for example, will lose on the order of $1 million. My discussions with homeowners over the past year lead me to believe that increases in State and local taxes—including property taxes—would be unsatisfactory for this purpose.

Clearly, action on this legislation is not a question of who is for or who is against inflation; for or against education of our young people; for or against health research. We all subscribe to these goals. In substance, the issue is one of spending priorities.

There has been great emphasis in Congress this year, as well as in St. Louis County and across the country, on reviewing and adjusting our national priorities. However, we now find that even the modest changes in priorities which have been accomplished during this session of Congress are being threatened.

We must question the priorities of a nation which would hesitate to spend such a small proportion of its income on the education and health of its citizens while approving a budget including large, more easily postponable expenditures with no hesitation. We must question whether the elimination of these funds for education and health can be justified in a year when we have committed $660 million for the supersonic transport; $780 million for the first phase of an ABM whose technical capability remains to be established; $50 million in additional military aid to South Korea; and $1 billion for naval ship construction.

Budget scrutiny is indeed necessary in the battle against inflation; but responsive national priorities are essential to this country's future. A sound budget effectively utilizes all of its resources—and have we a more promising resource than our Nation's young?

Mr. SCHWENGEL. Mr. Speaker, President Nixon characterized his decision to veto the appropriations bill for the Department of Health, Education, and Welfare as one of the most difficult of his Presidency thus far.

The decision of a Member of Congress on whether or not to support the President is no less difficult. My office has heard from a large number of First District residents. About half support the veto; the other half want the veto overridden.

I have been and am interested in the field of education—I was once a teacher myself. I understand from all angles the desperate situation which our public schools and colleges face today. Progress in educational techniques and materials has far outreached the capacity for many school districts to take advantage of them. The term "quality education" is used frequently today, and it has carried with it a challenge for all of us to provide the best possible education for all of our youngsters. I further realize that the Federal Government has a role to play in the resolution of financial problems which are a part of our educational system.

Throughout my career in Congress I

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have consistently supported financial aid for education. When in the Iowa Legislature I led the fight for the first State aid for education bill. As chairman of the schools and textbook committee of the Iowa Legislature I was author and supporter of more legislation for schools at every level and libraries than ever was enacted in any period in Iowa history. Working closely with leaders from all sectors and sections of Iowa we paved the way for education in Iowa. A brief review of the more important bills that I authored and supported will establish my record of support for education:

First. Bills to give security and increased salaries to teachers.

Second. Reorganization of school districts to promote more and more effective education for boys and girls of Iowa.

Third. Legislation to take State superintendent of public schools out of partisan politics.

Fourth. State aid to public schools.

In addition my support increases in funding of Federal programs for education for public schools, colleges, universities, vocational training and manpower development adds to my record for education. During the House consideration of the educational provisions of the HEW appropriations bill, I supported the Joelson amendments which increased the appropriation for education by $894.5 million. I supported the increases at that time for many reasons: First, I felt that additional funding for the programs involved in the Joelson amendments was necessary for the development of effective and efficient programs; second, the administration had made no actual announcement that it would oppose and reject the increases; and third, while we were combating the dangers of inflation, it appeared at that time that the measures then taken would be sufficient to achieve the desired slowdown.

However, as I consider the matter of the funding level for educational programs from the perspective of today, I find that I must make my position clear. Inasmuch as our educational programs are of the highest priority, the threat that inflation poses to each individual American as well as the country as a whole must take precedence. Additional funding will be meaningless if the expenditure cannot purchase increased services and materials. Without a halt to the inflationary spiral, the Federal Government will assume a greater and greater burden at a loss to individuals and the country alike. In order to keep the effects of inflation as minimal as possible, I concur with the President.

The inflationary assaults on the 1970 budget make it mandatory that we reduce the expenditure level of the Department of Health, Education, and Welfare. When the Joelson amendments were passed, the threat of inflation was not as serious as it is today. Congress has responded to the necessity for reducing inflationary trends by passing significant cuts in the budget of the Department of Defense. We realized that a continued high level of Government spending would only plunge us further into the fiscal insecurity. Likewise, we in Congress should respond to the crisis by making reductions in the budget for the Department of Health, Education, and Welfare. Since many of the programs, besides education, have uncontrollable costs we must necessarily move to reduce the educational appropriation—not by cutting out new programs, but by reconsidering some of the operating programs and reevaluating the essential expenses and the minimum necessary for an effective program.

It should be kept in mind that the Federal Government this year will spend over $10 million for education. This is the largest amount ever. The question is not this bill or nothing. The question is whether we can judiciously make reductions without impairing the quality of education and still control inflation. I think it can.

The primary domestic issue now is controlling inflation. The 25-percent increase in the cost of living during the 1960's cannot be repeated in the 1970's. We cannot afford it. Inflation has had a disastrous effect on the cost of education. A leading education journal maintains that the Cost of Education Index "makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control."

Another question arises when we realize that the school year has approximately 4 months remaining. Programs are being administered at the lowest proposed level and a valid question can be raised if a sudden influx of funds can be spent efficiently. Teachers cannot be hired for the last 4 or 5 months of the year. I am afraid we would see evidence of spending money for the sake of spending money on many programs before the end of the year.

The issue is not one of supporting or opposing President Nixon. The issue is one of deciding whether the battle against inflation demands that HEW funds be reduced from the level in the bill passed earlier by Congress. I feel it does.

Mr. ROBISON. Mr. Speaker, it should be unnecessary, for purposes of this debate, to restate the dimensions of our national problem with inflation.

The facts thereof are all too familiar, unhappily, to all of us—but perhaps the best summary thereof is the fact, as mentioned by the President on Monday night, that between 1960 and 1970 the cost of living went up 25 percent, meaning an increase for the average family of four in America of $2,400 a year in the cost of such necessities as groceries, housing, medical expenses, and education.

The major cause of this dramatic deterioration in the purchasing value of our dollars is the further fact that, during that same 10-year period, the Federal Government spent $57 billion more than it took in in taxes.

Though there are some differences of opinion among the Nation's economists as to specifics, they are all in virtual agreement that only a combination of carefully applied fiscal and monetary restraints can take the steam out of the inflationary binge we have been on for far too long.

President Nixon has sought to apply that necessary degree of fiscal restraint, though—so far—without much cooperation from Congress. Those who have taken the opposite side from the President on this specific issue will point out that Congress has, nevertheless, made substantial cuts in some of the other appropriations bills it had before it last year. This is true, and this fact reflects the beginnings of an urgently needed reordering of national priorities, in the direction of which—I am proud to note—the Nixon administration has shown the way.

But it is also—and this time unfortunately—true that cuts in appropriations do not, by virtue of the workings of the Federal fiscal process, always automatically translate themselves into expenditure reductions in the particular fiscal year in which made.

Thus, despite the efforts of both President and Congress, it is a fact—particularly when certain uncontrollable increases such as interest on the national debt, up $800 million, medicare payments, up $350 million, unemployment benefits, up $500 million, and the like, are cranked in—that the expenditure picture in this crucial Federal fiscal year has deteriorated, rather than improved, in recent months; so much so, indeed, that the substantial budget balance once hoped for as an additional device for reducing the momentum behind the inflationary surge may now be in jeopardy.

In any event, Mr. Nixon's inability to bring to bear the kind of fiscal discipline he has thought was indicated has forced us to continue to rely more than we ought on monetary restraints. The independence of the Federal Reserve Board has, in this respect, been largely overlooked by the public that tends to blame the President for the tight money situation we are enduring, along with interest rates at levels that threaten to destroy the housing industry.

One cannot expect the Federal Reserve Board to much relax its currently tight money policy unless and until it sees some more positive evidence of congressional willingness to add some greater degree of fiscal discipline into the overall equation; and I would assume that the President had this fact also in mind when he decided to take the politically difficult—and therefore more dramatic—step that he now has.

Besides all of which, it needs to be understood that there is a greater degree of individual momentum behind this disastrous inflationary surge than most of those in positions of responsibility had imagined. By that I mean to suggest that there are countless numbers of businessmen, labor leaders, and just plain citizens who have come around to the point of view that inflation, for us, has now become a way of life and, that being so, one had better buy, build, and spend now rather than next year when costs would be even higher.

We have already seen the results of this kind of inflationary psychology—for that is what it is—reflected in wage settlements in the construction industry; the continuation of this kind of psychology has to be a factor bearing also upon the ultimate result in the currently protracted General Electric strike and, still in this same connection, it would be well for us to remember that, in March,

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some 450,000 teamsters will be following the General Electric workers down the same crucial wage-negotiations road, to be followed in turn by over 600,000 auto workers by late summer.

It would be indeed rash to suggest that, if Congress now sustains this particular veto, such an event, alone, would be sufficient to burst the inflationary bubble. But such an event—politically dramatized as this one has become—could send salutory shock waves throughout the economy, to be read by businessmen, labor leaders, and consumers alike, as evidence at least for the moment of the fact that Congress was at last ready to join the President in applying a greater degree of fiscal discipline than it had heretofore felt compelled to do.

Such an event might also be the signal the Federal Reserve Board has been waiting for, as an indication that the time had come to relax the monetary restraints the Nation has been laboring under—restraints that have become every bit as much a problem for the educational community, with its constant need to expand, as they have for America's housing industry.

However, I think it would be exceedingly unfortunate if the result on this issue were to turn, solely, on that question of whether this bill is, or is not, inflationary.

By itself, it is not inflationary. None of the 14 or more annual appropriations bills Congress considers can ever be separately so categorized. For it is only in the aggregate that congressional appropriations decisions can be so judged—only in their aggregate that the wisdom and correctness of congressional reshufflings of Presidential budgetary recommendations can be so weighed and assessed .

As Mr. Nixon noted, there is far more involved in this issue, then, than "whether some of us are for education and health and others are against it."

I fully anticipate that this fall, in the forthcoming congressional campaign, my vote to sustain this veto will be attacked in that simplistic light.

However, the way I read the overriding national interest in this issue, it is far more important for us now carrying the burden of deciding to consider the implications of President Nixon's warning—in the state of the Union message last week—against "putting good money into bad programs," on a continuing basis until we "end up with bad money and bad programs."

For, though every American would give quality education an extremely high ranking in any table of national priorities, it is important to remember that there are priorities within priorities—and that there can be bad programs in aid of education as well as good ones.

One of the worst of such bad programs was stubbornly overfunded by this Congress in the bill now back before us—and I refer, of course, to the so-called impacted areas program that, in 1968, poured $5.8 million in Federal tax dollars into Montgomery County, Md., one of the richest counties in the Nation, while the 100 poorest counties in the Nation had to divide up, under this same program, a meager $3.2 million.

As a part-time resident of Montgomery County—and a landowner and local taxpayer therein—I have personal experience with this particular program and personal knowledge of the fact that probably one-half of the educational costs of my own two sons who have attended public schools in Montgomery County have been paid for, because I am a Federal employee, by all the Federal taxpayers, wherever they may reside.

This program has largely outlived its usefulness. Its continuance can only be justified on the basis of the fact that, last year, it benefited 375 of the congressional districts of which there are 435 in total number, and that every thus assisted school district in each such congressional district—including mine—would have to adjust its local school tax rate upward if the program were to be discontinued or gradually phased out.

Surely, there are better Federal programs in aid of education than this one—the benefits of which, in the economic rather than the Biblical sense, fall as much, if not more, on the unjust as on the just if it is true educational need we are concerned with. The fact that this bill contains nearly $400 million more for this program than was requested in the budget is reason enough—absent all others—for the Presidential veto and a vote to sustain it.

Of course, it can properly be argued that, if this program is bad, any change therein should come through the regular legislative process and not by way of funding restrictions. However, even though Presidents Kennedy, Johnson, and now Nixon, have asked Congress to review and revise this program, Congress has continued to perpetuate its blatant unfairness and ineffectiveness, and there comes a time, surely, when some sure shock treatment as this now being administered is necessary.

Similarly, there are clear deficiencies—of which Congress is aware—in the workings of the title I program under the Elementary and Secondary Education Act, in that too little of the moneys thereunder really go for the benefit of the disadvantaged child for whose special assistance the program was supposedly devised. The bill back before us contains $171 million over the budget for this program—additional reason, absent all others, for the Presidential veto and a vote to sustain it.

Besides which, the very lateness of the Congress in bringing this bill through to a conclusion—more than halfway now through the current Federal fiscal year and the current school year—requires us to reexamine how much of the additional moneys, over and above the budget requests, can wisely and efficiently be spent in the time remaining between now and next July 1. For this unhappy fact—which could and should have been avoided—the Congress has only itself to blame; a fact, however, that is now almost totally ignored by those who are most loudly proclaiming here that the Presidential priorities are all out of whack.

I have disagreed with some of Mr. Nixon's priorities. My votes, last year, against such budgeted items as the ABM and the SST stand as evidence of that.

I disagreed, too, with certain of his educational budgetary priorities—such as the cutbacks he had recommended in such as the school library resources program, the supplementary centers and services program, the guidance, counseling and testing program, and the equipment and minor remodeling program; and it may be remembered that, when this bill was first before us back in July of last year, I offered an amendment thereto which would have added $110 million to the original committee bill in order to bring all four of these useful and necessary programs back up to the prior fiscal year's levels.

Similarly, had the so-called Joelson amendment—that package approach sweetened irresistibly by the carrot of impacted aid—not then carried instead, I was prepared to go on to support other categorical increases over budgeted items as contained in the committee bill in such areas as vocational education, the NDEA student-loan program, education for the handicapped, and the regular library—as distinguished from the school library resources—program.

If this veto is sustained, I am prepared to work with others of like mind on framing the compromise bill that will then be necessary, so that it will contain more adequate funding than had the budget for these and other useful and necessary programs in aid of the kind of quality education that is our common goal.

I would most urgently hope that the President would be willing to compromise somewhat on these items, too, and not merely—out of political necessity today, as has been rumored—on the impacted areas program's funding, and I have already been in touch with the White House to express this point of view for myself and others of like mind as clearly and as strenuously as I could.

However, Mr. Speaker, in considering the true dimension of the challenge in education facing every American today, it is necessary for us—all—to lift our eyes above the level of political debate surrounding this one, single issue.

Let us not allow ourselves to be so blinded by this debate over such ridiculous questions as whether Democrats really care more about people and social issues than do Republicans—or over Democratic charges that Republicans adopt a coldhearted accountant's approach to basic human needs, and Republican countercharges that Democrats have here cynically shirked off their fiscal responsibilities in a quest for short-term political gain—as to become unaware of our true responsibility for meeting that challenge.

For the deficiencies in the American system of education—at almost every level—are steadily becoming more and more apparent. It is, I would suggest, at least something of an indictment against those in charge of that system—either as members of the academic community or as legislators bound to support that system—that we were so largely unaware of those deficiencies until they were brought to our attention, and sometimes with unfortunate forcefulness, by its intended beneficiaries, the students, themselves.

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In an editorial anticipating this veto, and this vote today, the New York Times recently declared:

> The evidence is overwhelming that the deficiencies in the Nation's education and health cannot be corrected by expenditure of less money.

To which I would respond, Mr. Speaker, that neither is there any assurance that the mere expenditure of still more money will correct those deficiencies.

In any event, the Times then went on in that same editorial to charge that:

> No amount of political rationalizing can alter the fact that the veto would be a blow against the very foundation of (our) domestic strength.

Well—strong words, but do we add or detract from the stregth of that foundation by continuing to solve the multitude of educational problems one can see down the road ahead through a variety of hit-or-miss programs, many of which were devised in and for other times, and of which more than a few are obviously inefficient and obsolete?

I was particularly impressed—and on subsequent thought about it still more impressed—by President Nixon's proposal, in his state of the Union message, for the development of a "national growth policy."

The purpose behind that thought—and an utterly crucial one for the quality of our life in the coming years—would be the setting of goals and patterns which would enable America to meet its challenges constructively rather than to be overwhelmed by them, as we seem to be in danger of becoming.

The decade of the 1960's, just ended, was—as someone has noted—outstandingly a period in which piecemeal solutions to grave challenges were sought and tried, as a result of which, at most points, America entered the 1970's with increased rather than lessened problems.

Certainly, this was so in the field of education—and all of us know it.

So, Mr. Speaker, let me express the hope that we will move forward from this overly partisan and sometimes ridiculous debate, toward a constructive, bipartisan review and examination of America's educational system, with all its strengths and weaknesses, and through the hopes and fears of those who seek to administer it, and on to the development of an overall, carefully thought out, patiently planned national educational policy—the one essential thing that, despite all the educational items contained in the bill before us, we do not presently have.

A commitment to that sort of an effort, it seems to me, would be a far better measure of one's commitment to education, than the question of how anyone of us votes on this issue today.

Mr. FLOWERS. Mr. Speaker, I am a strong supporter of public education on a broad scale and I voted for the increased funding when it first came up last July. I do not consider that educational appropriations can be considered as spending in the normal use of the word; but rather are an investment in our Nation's future to be returned many times over. I am furthermore vitally interested in the fields of library work, vocational training, counseling, special educational needs of the handicapped, and the health research aspects of this appropriations bill. In my part of the country, vocational education has made, and continues to make, tremendous contributions as we move toward a more industrial economy. Community libraries and their bookmobiles have provided culture and inspiration to many citizens at the most local of levels. It is of increasing importance for young people to obtain education and training beyond the high school level, yet the cost of higher education has doubled in recent years. Thus, federally guaranteed loans, grants, and scholarships have become very necessary for many youngsters in seeking to get an adequate education.

Therefore, Mr. Speaker, for these reasons, and others, the needs of education are a matter of great concern to me.

But, Mr. Speaker, we do not have any more important domestic problems in our country today than the crisis facing our schools as a result of Supreme Court decisions and actions by the Departments of Health, Education, and Welfare and Justice, and then the great problem of ruinous inflation. In my opinion, overriding the veto at this time would contribute to inflation and the crisis in public education in Alabama, and I was unwilling to be a party to this. Quality public education shall always stand high on my list of priorities, but for too long now, the funds have been tools for the wrong purposes.

This is the hardest vote that I have had since I have been in Congress, but, reluctantly, I find no other reasonable course of action than to vote to sustain the veto of this bill.

It is my firm belief that time will show my vote to have been in the long-range interest of better programs for health, education, and welfare, and above all, in the best interests of all Americans in helping to stop inflation.

Mr. WEICKER. Mr. Speaker, since the President's veto of the 1970 Health, Education, and Welfare Appropriation Act, I have wrestled with the course of action I would take when this bill returned to the House of Representatives.

Stripping away the pressures of the education lobby and the political cynicism of the Democratic Party, I have settled with one hard, but clear-cut decision.

I have decided to use my vote in Congress to give people hope, the hope of better young lives through education, the hope of conquering disease, the hope of dignified old age—in short, the hope that only comes from excellence in science and education.

In making this decision, I owe no explanation to any lobby group, nor need I explain my vote to the Nation. My debt of explanation is only to the people of the Fourth Congressional District of Connecticut and the people of my State. This decision has been based on conscience and the principles that I have consistently supported.

The issue has been presented as a battle between people's needs and combating inflation. In my mind, this should have never been, because, in fact, there are two battles—the battle to combat inflation and the battle for human fulfillment. I believe we can reduce inflation in many areas of bloated Government spending without ignoring a child who seeks an education, or rejecting the possibility of a cure for those afflicted with disease.

The proportions of the educational side of the problem are particularly acute in the State of Connecticut. The Federal share of Connecticut's education costs has in the last 3 years gone from 4.2 percent to 3.3 percent to 2.9 percent. A further reduction would be unconscionable. It is also true that the State and local contribution has had to be proportionately higher. Is there a community in the State of Connecticut which does not have its head against the ceiling when it comes to local real property taxes? Certainly in my Fourth Congressional District where the per pupil costs are the highest in the State, the local taxpayer has had it, and the local taxing authority has no place to go. I have been informed by the commissioner of education for the State of Connecticut that if this bill is not passed, Connecticut could lose upward of $8 million in education funds.

In the area of health, rejection of this appropriation means that we continue the pattern of the last several years in doing less rather than more toward conquering disease.

The hardest part of the decision I made was the political considerations. This do-nothing Democratic Congress which has not had one creative or constructive thought would receive a psychological boost by embarrassing my President if the veto was overruled. I weighed this fact, but it just could not balance the other side of the scale which has on it those that need our special care and who every year for the last 25 years have been asked to wait until next year.

Now I want it clearly understood that my action today is not a one-shot proposition. As long as I hold public office, I will continue to push for a national offense of positivism in the areas of health, education, environment, housing, and transportation.

The time has come for people, not only politicians, to make a choice. In November my constituents will not be voting for President, nor will they have to look far to accept or reject my concept of what our national objectives should be. My choice of today will be theirs in November.

Mr. HORTON. Mr. Speaker, when President Nixon took the reins of power in Washington 1 year ago last week, he was faced with a legacy of several years of heavy wartime spending and of a "guns and butter" Federal budget which far exceeded Federal revenues. The President made it crystal clear from the outset that he viewed the problem of inflation, along with Vietnam, as the most serious issues facing his administration. He recognizes that without an effective attack on inflation, further erosion of the dollar can cancel out any progress that is made by deficit expenditures by the Federal Government.

The President has gone far beyond political rhetoric in carrying out his attack on inflation. He is the first President in more than a decade to make any serious effort toward cutting back mili-

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tary budget items. Together with Congress, President Nixon and Secretary Laird have cut upward of $8 billion from the defense budget in fiscal year 1970.

Some who will vote with me to override his veto of the Labor-HEW appropriation bill will make general statements intimating that the President is ignoring the budget priorities of urgent domestic problems. This is not a fair accusation. The President, hand in hand with cuts in defense and other areas and his attack on inflation, has proposed a bold new and costly welfare reform plan to the Nation last summer.

FALSE ISSUES

Thus, I believe several false issues are being raised on both sides of this important question. I do not believe the President can be accused of insensitivity to domestic needs, and I do not believe that Congress can be accused of insensitivity to the need to balance the budget, as part of the attack on inflation.

The President and Congress are charged with the very serious duty to control inflation, and prevent further erosion of the value of the dollar. A dollar will buy today what cost only 75 cents a decade ago. The President is undoubtedly correct when he attributes much of the problem of inflation to the deficit Federal spending spree in the years since the Vietnam war began. During this relatively short period, our Government spent more than $57 billion more than it received in taxes. The borrowing pressure generated by this deficit spending has had the effect of tightening the money market, forcing up interest rates, and adding, in turn, a huge and uncontrollable "debt service" cost of just under $20 billion a year to the Federal budget.

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BALANCED BUDGET ESSENTIAL

The inescapable conclusion is that Congress must cooperate with the President in balancing the Federal budget. If the budget requests submitted to Congress by the administration result in a balanced budget, Congress is obliged to appropriate funds in such amounts as will not upset the balance. In addition to finely tuned adjustments in monetary policy, a balanced budget is an essential element of any successful fight against inflation.

While Congress must maintain balance in the budget, it is not necessary that Congress accept without deliberation and improvement the priorities contained in administration budget requests. In other words, within the limitations of a balanced budget, Congress is not only free but is bound to exercise its judgments on how much of the budget should be spent on space, how much on new weapons, how much for health care, for education, and so forth. This is exactly what the 91st Congress has done with budget requests for fiscal 1970.

Acting on the President's budget requests as a whole, Congress has, according to Congressional Quarterly, trimmed over $7.5 billion from the total recommended expenditures, including the increases it has appropriated for Labor-HEW programs, for antipolultion programs and other items. Having made substantial cuts in defense outlays, beyond those recommended by the President and in foreign aid and other items, Congress exercised its power of the purse to beef up budget items which it feels fall short of current national needs.

So, at the outset, we do not have a situation prompting this first veto by our President where Congress has gone spendthrift and has paid no heed to the constraints of inflation. We have heeded the need for a balanced budget and within this scope, have exercised some responsibility for rearranging Federal budget priorities.

BUDGET PRIORITIES

Before discussing in some detail the issues within H.R. 13111, the Labor-HEW appropriation bill, let me say an additional word about overall budget priorities. I have been saying on this floor and in public statements all year long that defense versus civilian priorities would be the major issue before the 91st Congress. The title article in my first newsletter to my constituents in this Congress dealt with the threat to sufficient domestic program funds by continuing war and defense costs. The current Federal budget which provides from each tax dollar about 58 cents for defense and veterans programs, provides less than a nickel for all Federal education programs. I have disagreed with this budgeting emphasis for many years. Now that we can, thanks to President Nixon's efforts, begin to phase down the costs of the Vietnam war, I have voted in the Congress to rebalance these distorted priorities. I voted against the direct Federal subsidy for the SST; I voted against deployment funds for the ABM and against other new weapons systems recommended in this fiscal year; I voted for a ceiling on costly and counterproductive farm subsidies; I voted for the substantial reductions in foreign aid, and against military aid funds for Taiwan which were not requested by the administration. On the other side, I have supported the full amount of increases in budget items for education, health, housing, urban renewal and antipollution programs, and have announced support for the President's welfare reform proposals.

I sincerely believe that inflation can and must be fought within a context of budget priorities which do not stall needed progress in specific urban and domestic programs. The budget can be balanced with cuts in defense and certain old-line programs which have lost their relevancy to immediate problems as easily as it can be balanced by holding the line in the quest for solutions to domestic social and economic problems.

SYMBOLIC VOTE

The administration views the vote we are about to take as symbolic of congressional desire or lack of desire to hold the line on inflation. My decision to vote to override the Presidential veto is symbolic—not of indifference to inflation—but of the way I think inflation must be fought. At issue here is not the sincerity of congressional opposition to inflation, nor the overall sincerity of Presidential commitments to education.

The question we must resolve today boils down to whether Congress should be allowed to exercise its judgment by adding funds, specifically $1.3 billion, to a Department's budget requests if it can do so within the context of an anti-inflationary balanced Federal budget. The issue is very much tied up in the specifics of the Labor-HEW appropriation bill and the programs it supports.

The President, in his message to the Nation and the Congress explaining his veto, said that this appropriation is in the wrong amount, at the wrong time, and for the wrong purposes.

AT ISSUE: LESS THAN 1 CENT PER DOLLAR

First let me discuss the amount of this appropriation. Some have implied that the $1.3 billion increase contained in this bill represents a spendthrift attitude in Congress and an overapplication of funds to health and education programs. It should be understood, first of all, that $1.3 billion is just over one-half of 1 percent of total Federal outlays for fiscal 1970. At issue is less than a penny out of every Federal budget dollar.

AUTHORIZATION VERSUS APPROPRIATIONS

There is another significant factor about the amount of the funds appropriated by Congress for education programs. Congress appropriated increases over the budget request for 10 separate education programs. The total authorized funding level for all 10 of these programs in fiscal 1970 is $6,021,297,000. The authorized level for all programs less Public Law 874 and Public Law 815—the impact aid programs—is over $5.3 billion for this year. These authorized funding levels, contained in the law, were implied promises to localities, States, school systems and universities of the level of Federal education aid in this fiscal year.

The total budget request for all 10 programs this year was $2 billion. The conference report on H.R. 13111, which the President vetoed, appropriated a total of $3.09 billion—only half of the original authorized level of $6.02 billion. Without counting funds for impact aid, we appropriated $2.494 billion compared with an authorization for this year of $5.3 billion—far less than half the authorized amount.

The original authorizations were only an estimate of the Federal aid funds that would be prudent and necessary in this fiscal year. The estimates were made before some factors, including inflation, higher salaries, higher enrollments and greater need for special programs, put even greater pressure on education systems and institutions.

I take the time to review these figures merely to point out that this is far from a spendthrift appropriation. Health and education expenditures in fiscal year 1969—the year of heaviest war spending—are not an accurate or adequate yardstick of what spending level for these programs is appropriate for this year. They, like the budget requests for this year were far below the minimum.

Thus, I cannot agree that the appropriations we approved for these programs are in the wrong amount. In fact, Congress took only a small step toward affording health and education their proper priority within the context of a balanced Federal budget.

LATE FUNDING

Second, I do not think the timing of the appropriation bill warrants its veto. There is no question that the 91st Congress has been more delinquent than any Congress in history in passing appropriation bills in time for the beginning of the fiscal year. Although the House passed H.R. 13111 last summer, several delays postponed final action on this bill until this week—7 months after the start of the fiscal year. But I do not believe that the expiration of half of the school year is any excuse for cutting back on the appropriation levels for these programs. In some instances, in fact, programs that have been operating under the continuing resolution at 1969 levels would be cut back if we reverted to funding levels contained in the budget requests, which in fact eliminate funding for some activities we funded last year.

There is no question that some inefficiency is involved in implementing any appropriation bill 7 months after the start of the fiscal year, but, the money is no less necessary. Because of the veto and this controversy over the total funding level, this appropriation has much greater symbolic importance at this time than if it had passed last fall. Just as the fiscal year 1969 appropriation levels have been used as a yardstick for measuring appropriate education and health funding levels for this year, the fiscal 1970 appropriation will be a very important factor in determining what is allocated to education and health programs in fiscal 1971 and future years.

The inefficiency of Congress in expediting the appropriation bill, and the failure of Congress and the President to agree on appropriate funding levels is no excuse to short-change education and health programs which are funded at minimum levels to begin with. If anything, I think the timing of our action dictates that we not renege on funding expectations that schools have been operating under for most of the current school year.

Third, the President said that he vetoed this bill because it appropriates funds for the wrong purposes.

IMPACTED AID OUTDATED

As far as the impact aid segment of this bill is concerned, I stated on the floor last summer that I favor the President's proposal to phase down this program and redirect its aid formulas which have grown seriously out of date. I am deeply concerned, as is the President, that disproportionate amounts are allocated under this bill to richer counties, with less than necessary funds going to the 100 poorest counties.

I supported last year and would support now a bill which deletes the $400 million Congress added for the obsolete impact aid program. This would cut almost a third of the funds that Congress added to the budget request without impairing the more crucial programs: Titles I, II, and III of ESEA, title III and title V-A of the NDEA, vocational education and student loan and higher education facilities construction programs.

Money appropriated for the impact aid program is money appropriated for the wrong purpose. Yet, I understand that the compromise bill being considered would leave in $400 million for impact aid under Public Law 874 and Public Law 815, but would revert funding for the more crucial programs back to levels requested in the budget. Such a bill would indeed be out of kilter with any sense of priorities for Federal education aid.

NEED FOR REFORM

The President also indicated the very real need to reform present education programs, including many of those I have mentioned as being crucial in this fiscal 1970 appropriation.

I endorse his desire to reform and expand Federal education assistance to the States and to institutions, and I look forward to reviewing the administration's proposals in this area. Knowing the high caliber of Commissioner Allen and Secretary Finch and their staffs, I believe this administration can make a real contribution both to upgrading the priority that is given to education and to redirecting Federal efforts within a higher echelon of funding priority. I do not believe, however, that we can afford to erode present programs, which have achieved some measure of success, until after Congress deliberates proposals for reform that are not yet submitted. We must continue to support what we have until better programs are devised and agreed upon. Just as we did not stop building diesel submarines before we were able to design and fund nuclear submarines, and just as we have continued antiquated farm subsidy programs until new ideas can be perfected, I think we must continue present health and education program commitments until we have the necessary reforms and improvements in hand.

Thus, I do not think this one-half of 1 percent of the total budget is being spent for the wrong purposes. With the major exception of the impact aid program, I feel the funding priority Congress has bestowed on ongoing health and education programs must be continued and jealously guarded until we have better programs in hand.

Mr. Speaker, I have stated my reasons for voting to override President Nixon's veto of H.R. 13111. Without taking any additional time, I insert at this point in the RECORD, the text of my statement of July 29, 1969, which stated in detail, my reasons for supporting the amendment which added these additional education and health funds to this bill when it first came to a vote in the House:

Mr. HORTON. Mr. Chairman, the bill that is before us now, the labor, health, education, and welfare appropriation bill, may be the most important bill the 91st Congress will consider. This legislation is so crucial because it is symbolic of our intentions over the next 12 months to make good the Federal promise of meaningful and adequate resources needed to solve domestic problems.

There has been much criticism leveled at programs which have been labeled "patchwork" approaches to the problems of poverty, unemployment, and underemployment—programs which treat the effects and not the causes of these problems. But no one can question that the very best possible assurance that these problems and their detrimental effects on people and on society as a whole will be reduced or eliminated is to insure that young Americans, particularly the disadvantaged, are given the educational opportunities they need to achieve their full potential as productive, tax-paying citizens.

We realized several years ago that this kind of educational opportunity could only be made available on a nationwide basis with substantial Federal help. The Elementary and Secondary Education Act, the Higher Education Acts, the Vocational Education Act, the National Defense Education Act, the Bilingual Education Act, the International Education Act, the Education Professions Development Act, the Health Manpower Act and many others are legislative landmarks to our commitment to Federal education assistance at many levels and in many spheres.

Our enactment and extension of these laws and the funding authorizations they contain constitute a continually reinforced Federal promise to provide certain kinds and amounts of education assistance to State and local government and to educational institutions. Because many of the education facilities and opportunities in both urban and rural areas of America are seriously deficient, and because to a man, the States and localities and priavtely funded educational systems and institutions are facing severe limitations in available revenue and financial resources, the fulfillment of this collective promise to help educate our people is the most important item in our Federal budget.

When the new administration took office, the new Secretary of Health, Education, and Welfare wisely sought meaningful increases in many categories of education aid in the 1970 budget. Soon after the press reports of these sought-after increases, it was reported that Secretary Finch was being instructed by the Budget Bureau to cut the level of education aid requests by as much as 5 or 10 percent. Even the increases which Secretary Finch sought would not have brought 1970 funding levels up to the implied promise of the authorization bills. But they would have been sufficient to serve notice on the educators and on the families of America that this Government intended to pursue educational excellence in this country, even at a time of budgetary difficulty. Instead, the cutbacks were sought, compromised and recommended to Congress. In effect, the needed national commitment to fulfilling these promises was postponed at least another year by budget planners, in the face of rising inflation and a tight budget. I have no quarrel with the goal of a balanced Federal budget during a serious inflationary period. My only quarrel is with the priorities which had to be employed in order to produce recommended cutbacks in crucial education programs. I cannot, in conscience, place education after farm subsidies, or after the ABM, or after public works, or after costly new weapons systems and countless other budget items which, despite their worthy nature, cannot supersede the need for providing the world's best educational opportunities for American youngsters.

I commend the Labor-HEW Appropriations Subcommittee for restoring some $123 million of requested cutbacks. And I further concur with the administration's and the committee's judgment and the impacted school aid program should be trimmed, as the lowest priority program and as one of the most costly Federal education programs. But I cannot agree that our outlays for education aid in general should fall short of 1969 expenditures by more than half a billion dollars. If this bill is passed in the same form it was reported by the Appropriations Committee, it would mean a deep cut in the most crucial education programs.

Programs for library assistance and con-

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struction, for education of disadvantaged youngsters in inner-city schools, for desperately needed work-study grants and student loans to open college doors to deserving students who otherwise would never achieve their potential, for higher education facilities, for innovative title III programs which can find new ways of retrieving children now lost to productive society because of a hostile environment—all of these must be given the resources they need to have impact.

School systems today are faced with a funding squeeze at every turn. Where annual budgets are increased, larger and larger portions of the increases are eaten up by either higher teacher and staff salaries or by higher enrollment, leaving little or nothing to improve the quality and impact of the education program. In fact, many schools are having to phase out so-called low priority aspects of their education program, such as athletics, physical education, driver education, after-school clubs and activities and others. At the same time that local and State resources are becoming scarcer, it is proposed that the Federal aid portion of local budgets now also be trimmed back. These Federal funds are the only education funds which schools must spend on program improvement and enrichment. Without them, and without these funds in sufficient quantity, some schools can do little more than keep their doors open from September through June, and some cannot even accomplish that.

Mr. Chairman, I realize that I am taking a considerable amount of time to express my concerns about this bill, but I do not feel there has been a more crucial debate since Congress convened in January.

While there is not time to read all of the many constituent letters I have received urging full funding of these programs, educators, parents, and concerned citizens both within and outside my own district have written or wired urging my support of adequate funding of Federal education programs. These people, for the most part, see the deficiencies and the benefits of education every day of their lives, either through the eyes of their youngsters who attend school, or as professionals responsible for our educational system.

Their appeal is not a selfish one. These people are not indifferent to the problems of inflation and Federal budgeting. They are in a position to identify a high priority national problem and to seek what they believe is a proper and adequate response to this problem from the Federal Government. We must respond to this need—at all levels from Headstart and kindergarten through graduate and post-graduate studies—by supporting significant increases in the most crucial of these programs. There is no better, surer way to treat the cause of our domestic and urban ills than to invest today's tax dollars in the futures of millions of soon-to-be-taxpaying Americans, some of whom, without this investment, would have merger futures at best, to look forward to.

I urge my colleagues to place on education assistance the importance and priority it deserves and to support efforts to adequately fulfill the promises we have made to strike, through education, at the root of human problems in America.

Mrs. MINK. Mr. Speaker, President Nixon, in vetoing the HEW appropriations bill, broke his promise to the American people that education was the most important investment this Nation could make in its future. He attacked the impact aid program specifically by using an illustration which could well have been the city and county of Honolulu. Yet everyone in Washington, except I guess the President, agrees that Hawaii deserves these funds and that in fact we are underfunded. It is obvious that the President's illustration was a gross exaggeration of the truth. His example also was in relation to the wealth or poverty of the area. Public Law 874, the impact aid program has no relationship to income. It is solely based on the number of federally connected children. I know of no Federal law which says military installations must be built in the poorest regions of America. It is therefore patently absurd to make this kind of irrelevant analogy. He ignored, in this attack, the fact that impact aid legislation is the law. The formula for distribution of these funds is fixed by law. The Congress did not increase this formula; it only provided enough funds to pay 90 percent of the costs. If the President was so firmly committed that this particular law was bad law, why did not he submit a bill to repeal it?

I believe this veto reveals the true sense of priorities of this administration and it is now clearly understood that these priorities do not include our children's health, education, and welfare.

The inflation argument is equally fallacious. The Congress reduced the overall Nixon budget by $5.7 billion including the add-on for education. We acted responsibly. We cut defense funds by $5 billion and reordered priorities to meet our pressing domestic needs, like pollution control, health, and education.

How can it be said that teachers' salaries, student loans to go to college, and library books are inflationary? Moneys that school districts expected under these Federal programs have already been spent.

Impact aid funds are provided by law enacted in 1950. Until it is repealed or amended it is the law and no man, not even the President, should be above the law. We are not providing for more than the law allows.

Despite what the President stated there will be a crisis. Despite his argument that the veto was necessary to prevent additional taxes and to keep down the cost of living, I predict that if his veto stands, many school districts will have to seek an increase in local taxes or face a closedown of programs, and that in fact the cost of living will continue to rise regardless of the veto.

Thus, we are given a choice of supporting our local schools and their children, or a President in Washington who is seemingly unconscious of the immense and pressing need to improve our Nation's educational system. I urge my colleagues to vote again for the future of the children of America by supporting an override of the President's veto of this bill.

I believe the President vetoed the wrong bill, at the wrong time, and for the wrong reasons. Now he is faced with the consequences, and I hope the Nation will exercise its opinion of this dark and erroneous act. Let us not make the same mistake.

THE EDUCATION VETO

Mr. WILLIAM D. FORD. Mr. Speaker, President Nixon's theatrical veto of the Labor, Health, Education, and Welfare appropriations bill was a first on national television—live and in color. The President chose to use health and education programs as whipping boys for a grandstand play to the American television audience. Casting himself in the role of a "Saint Richard" in search of inflationary dragons.

President Nixon's "T.V. Special" veto of the Health, Education, and Welfare appropriation bill has brought this Congress into a showdown confrontation with the White House on the question of national priorities.

The President says that our appropriation, passed by an overwhelming and bipartisan majority of this House, is spending money in the wrong place, in the wrong way, and at the wrong time.

Mr. Speaker, I vehemently and emphatically refute his statement. I say there is no better place and no better way to utilize our resources than in educating the young people of our Nation and in improving the health of all our people.

I agree with Mr. Nixon that it is the wrong time. We should have been allocating more of our Federal resources to these problems for many years. But we cannot educate our children retroactively; we cannot find cures for cancer and heart disease yesterday. Our only choice is to do it now.

No one argues that this Nation should not fight inflation. No one contends that Federal spending should not be reduced. The only argument is where.

I contend, Mr. Speaker, that the President has a sadly mixed sense of priorities.

This Congress reduced his foreign aid budget by a billion dollars. We cut military spending by $5.6 billion. We slashed his overall budget recommendations by more than $5 billion.

I ask the President: why would this money not have been inflationary? Why the great and sudden concern when Congress asked more money for education and health?

The President said in his televised statement Monday night that local school districts have already gone through more than half of the current fiscal year, and do not really need the additional money. This is pure, unadulterated nonsense. Local school districts adopted their 1969–70 budgets in mid-1969 in the belief that Federal aid would be forthcoming. They are counting on this money to help them operate for the balance of the year.

Even counting this Federal aid, I know of no school district that is free of financial worry. Many of them are already operating on money borrowed in anticipation of future tax income, Federal funds, or State aid.

In my congressional district, most classrooms are overcrowded, the pupil-teacher ratio is far too high, and many students have been forced into half-day sessions.

In the Taylor, Mich., school district, some 5,000 students have been attending classes for 3 hours daily for the past 2 years. To solve this, the district is now planning a split-shift schedule for the sixth, seventh, eighth and ninth grades. Half of them will go to school from 7 a.m. until 12:30 p.m., and the other half will go in the afternoons, from 1 to 6:30.

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This will require 120 new teachers and another $1,300,000 in new revenues.

Officials of the district will have to ask the voters to increase local property taxes to raise this money.

In another district, Lincoln Park, voters are being asked for the third time in less than a year for additional tax moneys. Should the request be turned down by the already hard-pressed taxpayers, school officials predict "complete collapse" of the educational system.

Already, all first-graders are on half-days; all music, art, physical education and library programs have been dropped from elementary schools; high school sports have been curtailed; summer school and adult education have been eliminated, and 78 teachers have been dismissed.

The next step will be half-day sessions for all students, and complete elimination of such activities as athletics, driver-training and band programs.

In the Crestwood school district, voters will be asked to raise taxes by 4.5 mills at a special election next month. The district already has one of the highest tax rates in the area, but should voters reject the increase, officials will be forced to begin a cutback program.

These three districts are typical of others in my district and throughout the Nation in their frustrating efforts to maintain adequate educational facilities and programs.

Mr. Speaker, time does not permit me to go into the other facet of this vital issue—the great need for research into cancer, heart disease, arthritis and the many other diseases which bring death and suffering to countless Americans each year.

I can only say again that this is not the area in which to cut Federal expenditures. Human suffering surely deserves a higher priority.

Mr. Speaker, I will go along with reduced Federal expenditures in many areas—in military hardware, in the space program, in farm subsidies, in foreign aid, in public works and in research on supersonic airplanes—but I cannot and will not go along with reducing our commitment to education and health.

I will vote today to override the President's veto, and I urge my colleagues on both sides of the aisle to rise above partisan politics and tell the President that we will not sacrifice our children and our health on the altar of false economy.

It is apparent from newspaper commentary and observation around the country that this transparent farce concocted by an administration which is ready to play party politics at the expense of the American people's need for health care and education, has been seen for what it is. I include at this point in the RECORD an editorial appearing in the New York Times today, January 28, 1970, which, I think, sums up fairly well the facts in this case:

VETO ON EDUCATION

President Nixon's dramatic attempt on television to justify his veto of the health, education, welfare and labor appropriations bill failed to make a persuasive case. His over-simplified political appeal served only to obscure the situation with broad generalities.

The President laid great emphasis on the inflationary effect of an additional $1.2 billion in Federal spending, overlooking the fact that Congress is still approving a smaller over-all sum than his own budget recommended. In any case, the attack on inflation does not diminish the Government's duty to reorder priorities. Mr. Nixon was on shaky ground when he equated an inadequate reduction of huge military expenditures with his veto of education aid. A defense establishment with overkill capacity is hardly comparable to an education posture with long-standing and grave deficiencies. There are no stockpiles in education's arsenal.

The President claimed that his Administration has appropriated record amounts for health, education and welfare. By lumping together support of education with the largely mandated escalation of welfare costs, it was possible to conceal an actual decline in Federal aid to education alone. While the President was certainly justified in chiding Congress for its refusal to phase out the inflated subsidy of Federal-impact districts, the cure is not to wipe out the appropriation but to transfer it to more useful purposes.

Mr. Nixon contends that the veto will bring about reform of "the same old programs." In reality, the veto jeopardizes many programs which came much too late when they were enacted in 1965 and, though plagued by some growing pains, can hardly be characterized as outdated. Their reform depends on effective supervision and imaginative planning, not on budget cuts.

The President's clincher was that the school year is already more than half over and that the extra money would therefore be squandered in a five-month spending spree. The fact is that much of the money has already been spent—and, according to the United States Office of Education, at a slightly higher rate than last year. Moreover, many of the big payments must be made at the end of the year.

This means that if the veto is sustained, many schools will be forced to retrench. Many districts already operate on austerity budgets and, as Mayor Lindsay stressed yesterday, they will have to eliminate projects that are already budgeted. Under such conditions, the newly created programs to aid the most deprived are always the first to be curtailed.

Some Republican leaders are currently passing the word around Congress that, in return for a sustained veto, they will try to gain White House support for a new bill which, though less costly in toto, would sweeten the politically popular impact-area pork-barrel. Such an unconscionable bribe would buy more of the worst by selling out the best.

The veto has driven home the dangerous folly of forcing the schools, year after year, to live on borrowed money. It has exposed the irrationality of depriving education of the chance to plan ahead. It has put the spotlight on Congressional irresponsibility in making a bad situation worse by unwarranted delays. The crowning blow would be for Congress, having at last taken a stand on the issue of education's place among the national priorities, to now surrender to the President's unconvincing plea.

Mr. MINISH. Mr. Speaker, as the House considers overriding the Presidential veto of the Labor-HEW appropriations bill, I think it is necessary to gain some perspective about appropriations and inflation that the administration seems to have conveniently overlooked.

I have listened to the arguments advanced by the administration concerning the issue of inflation. However, as a member of the Banking and Currency Committee, I cosponsored a measure enacted by this Congress during the past session that would give the President extraordinary powers of discretion in fighting inflation. He can control interest rates and credit rates at will, both powers which the President has specifically said he would not use. By rolling back the prime interest rate, to mention only one example, the Federal budget would be reduced by vast sums of money, some say by several hundred millions of dollars. And I have not even mentioned defense appropriations, the largest item in the budget.

I cannot see the sense of taking money from children, the sick, and the needy, and asking them to shoulder the burden of inflation singlehandedly. Funds for education and medical programs should not be diverted in such fashion.

In fact, the present Congress passed a number of appropriations bills producing a cut of $5.6 billion in the total budget. While $7.6 billion was cut from the budget in some areas, some $2 billion was added in others including Labor-HEW, to produce a total slash in the Federal budget of $5.6 billion. The Congress was thereby demonstrating its sense of priorities by its willingness to cut back in many areas but not education and medical programs.

We all know that inflation shrinks the value of the dollar. Just to sustain the programs contained within the Labor-HEW budget at the present level, it would be necessary to surpass last year's appropriations. Yet the administration in its budget request for 1970 asked for $50.5 million less for elementary and secondary education, $20.1 million less for higher education, $319.1 million less for impacted areas assistance, $39.4 million less for libraries and community services, $28.6 million less for medical research and $104.4 million less for hospital construction than was actually enacted the previous year. Programs would thus not only be precluded from operating at current levels, but would fall far behind if such budget cuts were operative.

The President's own task force on urban education suggested increasing appropriations for education by $14.5 billion more a year by 1975 as a necessary goal, admitting that there is no hope for effective education in the cities without adequate funding.

What type of losses would ensue if the veto were sustained? Probably many schools would be forced to curtail operations. Many potential teachers would be turned away from training offered under the Education Professions Development Act. The most dropout-prone children would be cut off from vocational education programs. Bilingual assistance would be withheld from many schoolchildren in need of this aid to learning within the school system. College students would be denied loans to permit them to pursue a higher education. Coronary care units in hospitals would lack trained personnel while an overall inadequacy of facilities and personnel would result in substandard care for some hospital patients. The great need for doctors would certainly be aggravated when potential medical students

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lost opportunities for loans. Cures for major crippling and killing diseases such as cancer and circulatory ailments would be drastically set back. The reduction in the appropriation for the National Cancer Institute, taking only one example, would mean that the National Institutes of Health would have to cut by 40 percent the number of research projects in cancer begun in 1966.

The foregoing programs certainly demand top priority.

Mr. FUQUA. Mr. Speaker, a great deal has been said about the Labor-HEW appropriations bill being inflationary. I will concede to no Member more concerned about the menace which this has brought to the soundness of the American economy.

I agree that there are areas of Federal spending that need to be cut. But, first I think we need to take a look at our priorities.

The President recommended the largest amounts in recent years in the fields of foreign aid and the poverty program. Here are two areas that I feel can be cut, and cut substantially. Instead, we see a veto of a measure that directly affects the educational needs of American children. A serious reduction in these funds could necessitate the closing of some schools or drastic increases in local property taxes.

I have supported cuts in the budget and I am proud that the Congress saw fit to cut nearly $6 billion from the administration's recommendations. If we are to get at the heart of inflation, I would recommend also that the President make use of the anti-inflationary authority which was provided him by Congress in the last session.

Within the appropriation for Labor-HEW, there are many items relating to the Nation's educational system, particularly higher education, cancer research, heart disease research, and so forth. These programs are important and it is not a waste of money to support them at the level which we have voted.

I am not in favor of all of the provisions of the present bill, but it seemed to be the best that we could get through the Congress and there is a great deal more good than bad in its provisions.

Again, I say that there are areas where Federal spending can and should be cut. I think our priorities have been misplaced.

These are the reasons why I will vote to override the President's veto.

Mr. BINGHAM. Mr. Speaker, the President's chief argument on behalf of his veto of the Health, Education, and Welfare appropriations bill—H.R. 13111—passed by the Congress with $1.3 billion more for education and health programs than he requested, is that it is inflationary. I certainly share the President's concern about the current inflation and his desire to do something to stop it. I feel strongly, however, that the President's action on this bill is indefensible on those or any other grounds.

There is no question that excessive Government spending is a contributing factor to inflation, and that we must hold down such spending. With that in mind, I made every effort during the past session, in conjunction with many other Members of the House, to point out the immense amounts of waste in our huge military budget. Some of that waste was wisely cut by the Congress, but many other potential savings were ignored. Similarly, I have supported efforts to reduce spending for our space program, the development of the SST—supersonic transport—and other nonvital programs.

Unlike cuts in spending on nonvital programs, cuts in education and health programs lead to greater State and local spending to meet established health and education needs and commitments. Such increased local spending to compensate for unavailable Federal funds creates pressures for higher local taxes on property and sales, and nullifies any supposed anti-inflationary effects of reduced Federal spending.

Finally, the President has failed to use other methods at his disposal to combat the inflation that concerns us all. I believe, for example, that much more could and should be done to control the availability of short-term commercial and consumer credit which contributes significantly to the inflationary spiral. The President has the authority to impose such regulations, but he has failed to exercise that authority.

In short, the President's veto would impose needless sacrifice on those of our citizens who most need our help and merit our investment—the sick and the young. The anti-inflationary benefits are doubtful, and could be better accomplished by other means. With these factors in mind, I intend to vote to override this unfortunate veto.

Mr. BURTON of Utah. Mr. Speaker, in recent months President Nixon has transmitted to the Congress, or his administration has otherwise released, the reports and recommendations of three distinguished assemblies of educators, addressing problems and prospects of the most urgent importance to this Nation and its future, and indeed to its survival.

I refer to the recommendations of the Urban Education Task Force, and of the National Advisory Committee on Dyslexia and Related Reading Disorders, and of the Commission on Instructional Technology.

It gives me great pride, Mr. Speaker, to remind my colleagues that the chairman of the last-named body, the Commission on Instructional Technology, is the distinguished dean of the graduate school of the great University of Utah, Dr. Sterling M. McMurrin.

I spoke of problems and prospects facing our Nation. Though my State has relatively few urban places, I recognize the gravity, indeed the prime urgency, of the challenge we confront in urban problems. It has been truly said that financial support for education is America's investment in the future. Where better might we invest than in urban education? In education in the urban places of this land, education not only to produce a generation of city dwellers with understanding and respect for law, and the fear of God, but to transform that generation into useful and self-sustaining citizens—and taxpayers.

The Urban Education Task Force, Mr. Speaker, stressed the need for short term expansion of title I of ESEA. The Congress responded to the need identified by the task force, and added $200 million to the President's recommendations for that title.

As a Republican and an admirer and supporter of President Nixon, it also afforded me pride when the President's Commissioner of Education presented his landmark "Right To Read" proposal last fall.

In that connection, it is well, I suggest, not only to recall the near-universal acclaim which greeted Commissioner Allen's idea, but to do so in the context of the realities behind the dollar sign. The National Advisory Commission on Dyslexia and Related Reading Difficulties—whose report was released by HEW a scant 10 days ago—went to the core of the reading problem, which it accurately placed among "the most serious educational problems confronting the Nation." The panel urged federally supported research directed to improving methods of preventing and remedying reading disorders, and identifying failing readers early. The report criticized existing efforts as "a patchwork."

But Mr. Speaker, the administration budget last spring proposed the elimination of ESEA title II—funds for library resources. I do not believe, and the educators and parents among my constituents cannot believe, that this Budget Bureau proposal reflects President Nixon's real priorities for education.

I referred to the Commission on Instructional Technology, headed by that distinguished Utahan, Dean Sterling McMurrin. The commission's report, transmitted to the Congress since this session convened, notes the limited use made by schools of the teaching tools of the new technology—television, computers, programed instructor, and even teaching films. This report, too, is dissatisfied with the present structure of education, and urges the development of new approaches. But, Mr. Speaker, the administration budget for 1970 eliminated funding for educational television and films. Are we to grind to a halt in the use of the new educational technology while we seek ways to spend more money more effectively?

These are among the considerations that have led me to recognize that my duty to my constituents, and to schools and schoolchildren in my district and in every district and every State, is to vote to override. I acknowledge to my colleagues that I am responding to pressure, but it is a pressure more difficult to resist than just the suasion of my constituents—which I assure you is no trifle. It is the pressure that Dr. McMurrin's commission alluded to when it spoke of "a society hurtling into the age of the computer and the satellite," which can no longer "limp along at the blackboard and textbook stage of communication."

My decision to vote to override the President's veto of the HEW appropriations bill was not reached easily. In this case, I am torn between my desire to uphold the President for whom I have great personal respect, and the best interests

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of my constituents. On balance, I must vote for what I consider to be best for my State and the schools and children in my congressional district.

In his veto message, the President pointed out that the money for impacted areas does not always go to school systems or States which have the greatest need. My State is an exception.

Utah has long been noted for its high educational responsibility and limited resources. Only two States, Alaska and New Mexico, have more school-age children per thousand of population than Utah. Utah has 67 school-age children for each 100 adults. This is 14 more than the average for the Nation. In the United States at large, there are 53 children per 100 adults.

This high educational responsibility must be met with average personal income which is below the average for the Nation. When school responsibility is related to ability, Utah ranks 44th among the States, with $8,521 per pupil of school age compared to $12,117 for the Nation.

The loss of $6½ million in aid for impacted areas, $4½ million in assistance under the Elementary and Secondary Education Act and $1½ million in aid for vocational education, if the veto is upheld, will result in serious hardships in my State. The loss of aid to impacted school systems in my congressional district will be especially serious.

School systems with limited revenues in my district have prepared budgets in anticipation that the programs authorized by the Congress would be funded. Accordingly, it is not a matter of spending all of the Federal money in a limited period. Most of the money anticipated from Federal sources has already been spent. To deny it now will mean that school systems will either end the year with a deficit, school terms will be shortened, or the reduction will be paid by teachers and other school employees.

It is too late, Mr. Speaker, to sustain this veto. Let us override it, and keep our faith which this Congress pledged in enacting H.R. 13111, and reiterated in adopting the conference report. And then, with a clean slate, let us get about the business of legislating and appropriating for education tomorrow. For tomorrow is upon us now.

Mr. DORN. Mr. Speaker, the Federal Government is taking over our schools and should help pay the bill for operating them. Local school districts cannot stand further increases in taxes. They have exhausted all sources of revenue. Keeping our schools open is the major problem of our people. I would support further appropriations for education rather than less.

It is imperative that aid to the student loan program, vocational education, public and school libraries, and secondary and higher education be continued. I have five children in the public schools and am acutely aware of this urgent need. I have a high regard for the President and respect his position. I support him when I think he is right, but this cut in education is in the wrong place and at the wrong time.

I agree with the President that water pollution, air pollution, and crime are major problems of the 1970's. These problems must be solved and it will require money—Federal money in vast quantities.

Mr. Speaker, I believe education is in a crisis. Education is also a major problem of the 1970's. I believe in local control of schools but the Federal Government has taken control of our schools by court orders, decrees, and even Federal troops. Our schools are being forced to bear the financial burden of busing and carrying out decrees of the Federal Government.

Therefore, I think it is right and necessary that the Federal Government pay some of the bill. I will, therefore, vote to override the President's veto of this education and health bill.

Mr. MINSHALL. Mr. Speaker, statements have been made on this floor that the Nation's school doors will close and our educational system grind to a halt if the President's veto of the Health, Education, and Welfare appropriation is sustained.

Nothing could be more untrue.

If the veto is sustained, funding of our school systems will continue without interruption. Until another appropriation bill is approved, the continuing resolution under which our schools have been operating throughout this fiscal year will remain in effect.

No schools will be closed, no children will be deprived of a day's education because of the action of this House in supporting the President. In his veto message Monday night, he himself declared:

> You can be sure that no school will need to be closed. No school child need be denied an education as a result of the action I take tonight. I will work with the Congress in developing a law that will ease the transition to education reform and do so without inflation.

In view of this statement, and of personal assurances I have had from the White House, I do not see how it is defensible to approve $1.26 billion in additional educational funds this late in the fiscal and academic years. The administration would be required to allocate these sums regardless of whether real need existed and despite the obvious inflationary effect this billion-dollar explosion would have on our already volatile economy.

I must also point out that the majority party which controls this House and all the legislative activity in it has created whatever monetary crisis exists in education today because of their deliberate, dilatory handling of this money bill.

This appropriation should have been enacted into law by June 30, 1969. It now is January 28, 1970. Late last summer educators were appealing to me because the appropriation had not been approved. They were having a very difficult time trying to plan their school years. This was common knowledge on Capitol Hill, but the majority party in both House and Senate continued footdragging in an effort to embarrass the White House, to create the sort of situation we have today. The fiscal 1970 education appropriation was in limbo for almost 7 months.

My sympathies are most strongly with the educators in this matter. I originally voted for the additional funds, because I am deeply concerned about quality schools and education in this Nation. But I did so when there was still time for school administrators to program their allocations. At this late date, I cannot sanction letting loose a flood of tax dollars which would arrive too late in the school year to be used wisely or well.

The irony of it is that those who today are posing on this floor as the great defenders of education are the very ones who delayed this bill for 7 months while they played politics.

I know I can expect charges without respect for the facts, during this coming election year that I am against the schools. Time will tell the truth and I have great confidence in the wisdom and judgment of the 23d Congressional District which I serve.

When the revised appropriation bill comes to the floor, I will be in the front ranks of those who vote for its passage. And, I look forward to the President's education reform proposals in my continuing drive for the highest quality education obtainable for our children.

Mr. REID of New York. Mr. Speaker, I will vote to override the President's veto of the Labor-HEW appropriations bill for the current fiscal year.

There are, Mr. Speaker, Republicans who believe that the veto should be overridden because this is a question of national priorities fundamentally affecting the future of education. We believe that Congress should not retreat from the firm stand it has taken placing education in the front rank of national priorities. We believe that to do so would adversely affect local school districts which have already counted on and even spent these funds. In short, I believe that we in the Congress have made a commitment and we must keep it by overriding this veto today.

This is not to minimize the inflationary problems of this country or the enormous rise in the cost of living; my concern about these trends and their impact on the family budgets of millions of Americans is as deep as the President's. But I do not think that the figures support the President's claim that the additional expenditure of $1.3 billion will have a devastating effect on the fight against inflation.

The facts are that an additional $1.3 billion is one-tenth of 1 percent of a trillion dollar gross national product, and one-half of 1 percent of a $200 billion Federal budget. These are very small percentages indeed.

Further, the Congress has already cut $5.6 billion in budgetary authority for this fiscal year and $2.9 billion in budget outlays. Thus, an increased expenditure of $1.3 billion would still not mean that we are spending more than the President budgeted in total.

I would point out that on November 21, 1969, Dr. Herbert Stein, a member of the President's Council of Economic Advisers, stated:

> I have the impression that many people now see a magical significance in a shift of a few billion dollars in the budget position, especially if the shift crosses the line

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> between surplus and deficit. . . . Preoccupation with small changes in the budget position leads to bad forecasts by the private economy and bad policy by the government.

Surely we must keep a careful watch on Federal spending and reduce it wherever the national interest makes it possible. There are areas to cut—the SST; wasteful defense spending, including cost overruns for 38 major weapons systems undertaken since the late 1950's which surpass the entire $19.7 billion this bill would appropriate; the ABM and MIRV, to name just a few. As the New York Times pointed out in its lead editorial this morning:

> A defense establishment with overkill capacity is hardly comparable to an education posture with long-standing and grave deficiencies. There are no stockpiles in education's arsenal.

Health and education are not and cannot be in the category of unnecessary spending, or else the quality of life which the President pledged to improve in his state of the Union address is already doomed to become worse instead of better.

Equally, the fight against inflation must be fought with other weapons. The President has quite a number, but he has, for reasons I will not question, chosen not to use most of them which were made available in legislation recently passed by the Congress. Even without legislative authority, the administration could use the persuasive power of its office to urge voluntary restraints on wages and prices by business and labor. These, it seems to me, are the kind of actions which would help in reducing the family grocery bill and insurance premiums.

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I think it is an oversimplification for the President on nationwide television to tell the American people that the veto of $1.3 billion in expenditures will lower the price of eggs.

Further, the total appropriation in the conference report, even including the additional funds, is only 46 percent of what is authorized for health and education programs. More precisely, about 38 percent of what is authorized for elementary and secondary education is appropriated and about 29 percent of the higher education authorization.

The real question, therefore, is one of national priorities, of those activities which this Nation considers most important to its future, of the quality of life now and in the years ahead. And the priorities to be reordered are not the fight against inflation versus the needs of education and health. Rather, our priorities must be a determination of the order in which we will spend available resources to solve pressing problems. I happen to think that education is more important than a missile defense system, that health care is more important than a superfast airplane. I also believe that the issue is not really how much we now spend on education and health but rather the magnitude of education and health needs that are unmet.

President Nixon told the Nation on Monday night:

> We spend more for health and education than any nation in the world.

But I think it is clear that that is not enough for the richest country in the world in light of these statistics from one source:

Infant mortality is less in 14 other nations;

Twenty countries have less heart disease;

Infant mortality rates for Negroes in Mississippi or a northern city are comparable to Ecuador's;

Fifteen other countries have a longer life expectancy;

In city slums there is three times as much heart disease, five times as much mental disease, four times as much high blood pressure, and four times as many deaths before age 35 than there is nationwide.

One estimate holds that the cutback in funds for NIH and the Health Services and Mental Health Administration will result in 50,000 unnecessary deaths in the next year as a result of lack of funds to train personnel for coronary care units in hospitals. Six and a half million for construction of community mental health centers would be cut back and $104½ million for hospital construction. The conference report provides an additional $10 million for the rubella vaccination program, raising the sum for this vital fight against German measles from $16 million to $26 million. Experts have already predicted that without an all-out innoculation program this year, there will be a tragically large number of retarded children born to pregnant women who contract German measles during the epidemic expected in 1971. Equally, this bill contains funds for the fight against air pollution; the President, in his state of the Union message, persuasively pointed out that befoulment of our air is a luxury we can no longer afford. Surely then we cannot afford to be cheap about the funds allocated to this endeavor.

In general, our health care delivery system in America is approaching a state of crisis, both in terms of the cost to the patient of even the most simple services and in terms of the frequent inadequacy or unavailability of competent care for routine ailments.

Money is not the only answer to this crisis, but if we reduce funds for NIH, the Health Services and Mental Health Administration, and the Consumer Protection and Environmental Health Services Administration we are also drastically reducing the manpower and the equipment needed to cope with this crisis. I think this would be nothing short of negligent.

My own State of New York would suffer a loss of $39 million in Federal funds from these three health administrations if this veto is not overridden. That is the difference between the budget request of $282 million for New York and its $321 million share of the funds in the conference report. Even though there would be an additional $1.357 billion for medicaid and medicare in either case, the drastically deteriorating public health facilities in New York cannot bear the burden of such a loss.

Much has been written and said in recent weeks about the financial plight of educational systems in this country. I think that one of the most relevant observations is that children now in school are not going to wait 6 weeks until the President sends up his proposals and then an additional indeterminate period until the creaky machinery of the Congress finally passes a bill. If we wait for this process to be completed before providing additional funds for education, children now in the first grade may well be in the third and still not know how to read, and by the time we really reach them in the sixth grade they may be well on the road to becoming dropouts.

While I am delighted that the President plans to send up an education message shortly, the fact is that it is not yet before the Congress, and the President has had more than a year in which to study the educational needs of America. Yet the report of his Task Force on Education, headed by Alan Pifer of the Carnegie Corp. and submitted before his inauguration, has never been officially released. It calls for many new programs and the expenditure of an additional $1 billion for urban education and another $1 billion for other education programs. More recently, his Task Force on Urban Education completed a report which has also not been officially released. That report calls for spending $14.5 billion more a year by 1975 and it warns:

> Without adequate funding, there is no hope for effective education in the cities.

No American and surely no responsible legislator wants to throw money away on programs which do not work. But the reports that some States and jurisdictions have misspent title I funds is not sufficient reason to cut them off from those many school districts which have plans formulated and programs underway for their constructive use.

Most States have been counting on the higher funds in the conference report since they were initially approved by the House last July; their availability now will more likely permit ongoing programs to continue than enable administrators to buy frivolous educational hardware.

According to the Office of Education, much of the money in this bill has already been spent or committed, with many of the large payments falling due at the end of the fiscal and school year. The Congress and the administration must share the blame for the cumbersome appropriations process, lack of advance funding and leadtime for educational planning that has caused these funds to be obligated. But that is an even more compelling reason why these funds must be approved. In White Plains, N.Y., in my district, for example, the school system's total budget for title III of NDEA is $35,000 of which the community pays half and the Federal Government pays half. Without the funds in the conference report, White Plains, and every other school district in the country, will get no title III funds because President Nixon did not request any in his budget. As a result, the ongoing program in White Plains would be cut in half, seriously hampering their program of acquiring classroom equipment and materials that will raise them from the "basic" or "advanced" categories to the "goal" category in their effort to meet American Library Association and State education department standards for instructional equipment.

In particular, in September New York State is implementing a mandatory health curriculum of which drug abuse education is an important part. The White Plains school system lacks adequate instructional films and materials on this vital subject, and had hoped to use title III funds to buy films to make up the deficiency. Equally, it had hoped to use part of the $13,000 White Plains should receive under the conference figures from ESEA title II to build up its library on this subject.

White Plains' title I ESEA program is only budgeted at 90 percent of the Nixon budget, so that retrenchment would not be necessary if the higher funds are not approved. But as a result, a crucial part of the school population is being missed in the reading center which is the beneficiary of White Plains' entire title I allotment. There are now 384 children in the reading center and as a result of the lack of funds, remedial instruction is concentrated on the 351 children who are in grades two through six. In addition to reaching the remaining children in the center from higher grades and already in need of remedial instruction, White Plains needs the additional funds to expand its reading center program into kindergarten and grade 1 to concentrate on prevention and diagnostic techniques in order to minimize the need for remedial instruction later.

New York City is not so fortunate. If this veto is sustained, some 450,000 youngsters may have to be dropped from title I programs next fall. Another 250,000 children will be deprived of summer programs; that is the beginning of a cycle of despair and idleness and trouble that will only cost society a great deal more later. Libraries in New York City will lose $1.3 million; handicapped pupils will have $500,000 less; $1 million will be cut back from bilingual education programs in a city with an enormous Spainish-speaking population; and $1.5 million will be lost from programs seeking to replace antiquated instructional materials.

Specifically, New York State and New York City would be affected by this cutback as follows:

New York State share of Federal education funds

Total education:	
Conference report	$305,069,768
Budget request	228,516,907
Loss	76,552,861
Title I, ESEA:	
Conference report	177,000,000
Budget request	143,000,000
Loss	34,000,000
Impacted aid:	
Conference report	22,192,000
Budget request	7,715,100
Loss	14,476,900

Losses to be sustained by New York City if conference report not approved

ESEA:	
Title I	$23,000,000
Title II	1,250,000
Title III	1,000,000
Title VIII	500,000
Bilingual education	1,000,000
NDEA:	
Title II	1,500,000
Title III	500,000
Title VA	500,000
Impacted aid	5,250,000
Vocational education	2,250,000
Total	36,250,000

Throughout New York State last year, 127 school bond issues were rejected by the voters; in Westchester County alone, 14 out of 33—almost half—were turned down at the polls. At the same time, the State legislature last year reduced by some $300 million the total of State aid to localities for education, and the Governor's proposed new formula this year does not really make up that deficiency.

In short, the property tax cannot be raised further to finance education on a local level, the State refuses to recognize or act upon the local financial squeeze, and now the Federal Government threatens to weaken the fiscal position of school systems still further. This is really the crowning blow; we are not talking about frivolities; we are talking about the necessity of keeping the schools open to provide our children with the highest quality of education that America has the capacity to deliver.

This veto must not be allowed to stand as the only tangible evidence this administration can offer of its claim to "care deeply about the need to improve our Nation's schools." This entirely mistaken notion of what is important in America must not be our response to the need to make health care available, affordable and more than adequate for all our citizens. People are involved here; not statistics on a budget chart. For once let this Congress take a courageous step, an action which recognizes the human dimensions of America. That is the issue today, and that is why I believe the President's veto should be overridden.

Mr. EDWARDS of California. Mr. Speaker, the recent Presidential veto of the Labor and Health, Education, and Welfare appropriations bill is a cruel hoax played on the American people in the name of fighting inflation and of economy. The President has advocated economy, but at the expense of our children, of the sick, and of the helpless.

There are areas where the President could have made real economies, not at the expense of our children, but in areas where we are now wasting money. The President is preaching economy, but his administration is firing those who accomplish economies. Witness the Fitzgerald case. Senator STEPHEN M. YOUNG recently pointed out some of the areas where we could far better save money—$36.5 million to a Greek dictatorship which governs by torture, for example. Or instead of building a supersonic transport, which will cost billions of dollars in development costs, not to mention the need for new airport facilities, the President might have committed those funds towards education. Instead the Presidential economies are directed at our schools, our true hope for the future.

The President made much of impacted aid to schools in his veto message. Impacted aid, of course, is just Federal payments to support the Federal load to schools where Federal installations cut the tax base.

This morning I called the Santa Clara County superintendent of schools to find out how much this veto will cost the taxpayers of Santa Clara County. In California, the bill provides $88,891,000 in impacted aid. In my congressional district, the ninth, it provides $1,245,000, and in the neighboring 10th Congressional District, $1,636,000.

So, let us see what it will cost on the tax rate for local school districts. In the Berryessa Elementary School District the President's action will mean an estimated 10-cent increase in the tax rate, in Campbell Union 9 cents, in Cupertino 9 cents, in Evergreen 6 cents, in Fremont High School District 5 cents, in Santa Clara Unified 9 cents, and in Sunnyvale 7 cents.

There is one school district within Santa Clara County, not, however, within the Ninth Congressional District, which is an almost perfect example of the damage the President's veto will do. The district is the Whisman Elementary School District in Mountain View, not, by far, the richest district in the county. The school district takes in much of Moffett Field, a huge naval installation. Its present tax rate for all purposes is $3.815 per $100 assessed valuation. If the President's veto stands, it will cost taxpayers in the Whisman School District an estimated 30 cents more on their tax rate, according to the county superintendent of schools.

The failure of the Federal Government to bear its fair share of costs, where it creates costs will come home to haunt the local taxpayer.

There is much more that could be said about the President's veto, including the fact that it endangers much more than just impacted aid. The total Federal school allotment to California is $310 million. Unless the veto is overridden, California school administrators will be left hanging as to what, if any, Federal aid they are to receive. The same is true of health officials, the National Institutes of Health, and hundreds of other necessary programs.

Finally, I would note that the President's veto includes funds for what he said in his state of the Union message is a necessity—pollution control. I wonder, in fighting inflation, how much he will reduce the appropriation of $108 million for air pollution. I suggest that what is needed in this area is an increase, not a decrease.

Mr. DICKINSON. Mr. Speaker, it seems that everything must have a label.

Now, according to some of the proponents of Government spending and inflation, anyone that is not for overriding President Nixon's veto of the Labor-Health, Education, and Welfare appropriations bill is automatically against children, against education, against the

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public school system, and against health care for the American people. They—the proponents—would have us believe and unfortunately have much of the public believe that our schools will close, our system of education will be irrevocably impaired, health care will become inferior, and our children will suffer from this deterioration for the rest of their lives.

Mr. Speaker, this is simply not the truth.

First, let me state that as a matter of principle I would like to have less—not more—Federal intervention in our elementary and secondary schools, both in their operation and in their financial affairs.

Aside from that, the Federal Government will spend 13 percent more on programs for health, education, and welfare than it spent last year. The President's proposal which I supported asked the Congress to appropriate more for the Department of Health, Education, and Welfare than it has ever appropriated before.

I do not like the way Secretary Finch has been spending the money already given him and I see little reason why the Congress should give him more than a billion dollars over the amount he says his Department can wisely spend. He says he does not want the increase.

If the increase were forced on him by the Congress, he would be forced to spend many millions of dollars on some bad and wasteful programs because he has no discretionary power in spending—his hands are tied by this legislation.

Fiscal year 1970 is over half gone. No money can be carried over to be spent in another fiscal year. In other words, the $1.3 billion over the President's budget request would necessarily have to be spent in 5 short months. This would without doubt raise the price of many school-related supplies, educational aids, and construction materials adding fuel to an inflationary fire that the President is trying desperately to control. In the end, all would suffer—nothing at all would be gained.

Mr. Speaker, the overriding issue is not whether or not we are going to back the President and his administration. Are we to tell the President to fight inflation and deficit spending and to balance the budget and then when he tries to cut spending, are we going to force him to spend over a billion dollars more than he or the administration needs or wants? How can the President reduce inflation if we force him to spend over a thousand million dollars he does not need to spend?

Mr. Speaker, I would like to insert at this point two very timely articles on this subject. The first is an editorial from the Wednesday, January 21, 1970, San Diego Union. The other article is from the January 31, 1970, Human Events:

[From the San Diego (Calif.) Union, Jan. 21, 1970]

Democrats Defy President: Inflated HEW Bill Is Crucible

To Democrats, who are the majority in Congress, final approval of the $19.7 billion omnibus Health, Education and Welfare bill by the Senate yesterday probably would represent good politics.

But it would be bad news for the United States of America.

It is secondary that the Democrats' political ploy will force an agonizing decision upon President Nixon because the bill appropriates $1.26 billion more than he requested.

More important is the effect the appropriation would have in stimulating continuing inflation, which is the problem of all Americans not just of the President, and the psychology among some members of Congress that politics should come before the interests of the people.

The politics behind the majority party maneuvering are plain.

In the first half of the 91st Congress last year, Democrats sought to give the impression that President Nixon seeks only to raise taxes. They made him speak out for extension of excise taxes and the surtax, and elimination of the investment credit tax.

They also sought to give the President the onus of opposing appropriations for social programs that affect millions of Americans. Last year the majority party raised Social Security benefits far above the amount requested by the President and far above the rise in the cost of living.

This year they opened Congress by serving notice on President Nixon that they intended to place him in a position where he would have to veto the $19.7 billion HEW bill that supports health programs, welfare agencies, education, labor and the Office of Economic Opportunity.

It is dangerous and irresponsible action.

Taxes had to be continued because of an inflation that the nation inherited from five years of the same kind of political legislating that has dominated the 91st Congress. Democrats controlled the Congress in all of those years.

Congress, dominated by Democrats, voted for the tax increases and extensions last year. The majority party also voted large new appropriations that are not matched by anticipated federal revenues.

And the $1.26 billion the majority party added to the HEW bill is more than the entire budget for the Department of Commerce. It exceeds the combined budgets of the Departments of State and Justice.

Nor can HEW claim to be a poor federal cousin. Its total spending when all activities are included is estimated at $50 billion a year—up from about $17 billion in 1961. Projections show its appropriations may exceed those of the Department of Defense by 1975. Further, President Nixon asked $2.1 billion more in HEW appropriations over the previous year.

We would question whether the American people will be misled by such obvious gamesmanship, particularly if they are reminded of it every time there is a rise in the price of food or shelter because of the inflation it encourages.

[From Human Events, Jan. 31, 1970]

Nixon's Veto Necessary

The education lobby and its Democratic allies in Congress are accusing President Nixon of being "antieducation" for threatening to veto the $19.7-billion appropriations bill for the Departments of Labor and Health, Education and Welfare. The President, of course, has claimed the $1.3 billion extra added to his own requests is "inflationary," but the liberals are hoping to turn the controversy into a major campaign issue for 1970.

Administration spokesmen on Capitol Hill, however, have been presenting powerful evidence to support the President's "inflationary" charge against the added appropriations, the lion's share of which is targeted for education purposes.

Sen. Robert Griffin (R.-Mich.), the assistant GOP Senate leader, noted that fiscal year 1970 ends next June 30, only five months away, and that if the full appropriations bill were passed, the Administration would be under pressure to spend all the money before the next fiscal year. Such a massive outlay in such a short period of time, Griffin stressed, would doubtless raise the costs of school-related supplies, education aids and construction materials.

Another point made by Administration supporters—and coldly ignored by the self-styled "friends of education"—is that the nation's public schools are among the most severely crippled victims of runaway inflation. Recently the prestigious professional publication *School Management* had this to say on the subject:

"Inflation is burning up most of this year's record spending increases—the median district is spending 13 per cent more per pupil—and the bulk of what's left goes into higher salaries. The grim conclusion: Drastically increased spending in recent years has probably had little effect on the quality and quantity of education many children receive."

And yet the education lobby marches on, claiming the added $1.3 billion is essential to improving the "quality" of education. The lobby and its Democratic cohorts should heed *School Management* when it says with brutal frankness:

"Inflation is roaring through education's fiscal forest like a fire blazing out of control. . . . Local [school] districts are attempting to douse the blaze by pouring more and more money into education. But very substantial portions of the increased spending are being consumed in the flames. . . . Results of the annual survey of current public school spending show that the unprecedented inflationary spiral of the past two years has created a tremendous need for school funds to merely maintain the status quo with respect to purchasing power. . . .

"In sum, the prospect for the current school year [1969–70] is gloomy. Until inflation cools down, school districts that increase spending will, in effect, simply be spinning their wheels; school districts that fail to increase spending will face program cutbacks. While many administrators complain bitterly these days about the adverse effect on education of the Nixon Administration's tough anti-inflation measure . . . it [is] abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control."

On another level, the Administration opposes the education spending increase because much of the added $1.3-billion outlay would go to programs which the White House is currently reevaluating. HEW Secretary Robert Finch, assuredly no "anti-education" reactionary, describes such programs as being "under a cloud" and argues that no new funds should be spent on them until their effectiveness can be thoroughly adjudged.

Among the specific education programs the Administration is reviewing are compensatory education for deprived children, aid to federally impacted areas and Title I of the 1965 Education Act, which grants added funds to schools in poor, lower-class neighborhoods. Title I has been one of the act's most controversial sections, and a recent New York *Times* survey (see *Human Events*, Jan. 10, 1970, page 4) reported that, in four years of operation, Title I funds have been of little benefit in improving the quality of education in its target areas.

Aid to federally impacted school districts may be one place where the Administration may be ready to compromise, in order to get the votes it needs to sustain a presidential veto. The program has been under constant fire from fiscal conservatives because a district such as Montgomery County, Md., which has the highest per capita income of any county in the nation, received $5.8 million in impacted aid in 1968, while the country's 100 poorest counties *together* received only $3.2 million. However, many of

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the districts receiving impact aid (including Montgomery County) are represented by Republicans, and these congressmen are not eager to uphold the President's veto of a bill which contains an increase in money for their districts.

Mr. FARBSTEIN. Mr. Speaker, I rise in support of the motion to override the President's veto of the Health, Education, and Welfare-Labor appropriations bill.

I do not believe there is a Member of this body who does not favor efforts to combat inflation. Inflation puts the worker on an economic treadmill, robs the poor, increases the cost of housing construction and mortgage interest rates, and decreases the buying potential of senior citizens and others on fixed income.

But what I want to know is why the President has chosen to fight inflation by employing a Robin Hood in reverse fiscal policy. This policy denies the 60 million schoolchildren in the United States $1 billion in educational programs. At the same time it encourages record bank earnings because of alltime high interest rates and excess defense industry profits because of the alleged need for continued massive expenditures for military weapons systems.

How is it, that the President, whose budget has already been cut by the Congress by $5 billion, chose as his target the $1 billion extra allocated for the schoolchildren of our country rather than the $7 billion allocated for highway construction, the $7 billion for subsidies for rich farmers, the $5.5 billion to subsidize the SST and commercial aviation, the $4 billion cost overruns, and $1 billion for special tax privileges for the oil industry? Maybe the President considers educating our children more inflationary; or maybe it just is not important in the President's sense of priorities.

What really puzzles me is how an appropriations bill that is actually $2 billion lower than what the President requested can be inflationary because it contains $1 billion extra for education. Maybe the President considers educating low-income children inflationary.

There is something basically inconsistent about an administration which preaches self-help and then grabs away the books and educational programs from those motivated to learn and improve. There is something inherently wrong with a set of priorities which can decide that very little is too much to spend for the education of all its 60 million schoolchildren and the many millions more who derive personal enrichment from library programs. How can we, in good conscience, refuse to approve a desperately needed $1 billion for education when we so recently approved $70 billion for defense?

Inflation is not going to be cured by a Robin Hood in reverse economic policy. It is going to be cured when high interest rates are lowered and the war ended. It is going to be cured when the excess profits of banks and the defense industries are taxed away.

New York City's school-age population alone will lose $36 million if the President's veto is sustained, and all but a few million will be in programs that go to low-income children. This will mean a curtailment or radical cutting back of programs like that—

To give the low-income child a chance to start school on an equal footing with his middle-class neighbor;

To provide special instructors to teach remedial courses, and special facilities to aid the low-income student with college potential;

For pregnant school-age girls; and

For the use of paraprofessionals from the community, who can relate to the student body and find a rewarding career.

If the President's veto is sustained, many of the 30,000 paraprofessional school aides will lose their jobs in New York City.

The New York City Board of Education already has a $750 million to $1 billion deficit. Like many other school districts throughout the United States, the upholding of the Presidential veto would spell even greater fiscal chaos, and possibly even the closing of some public school systems.

The President in his veto message promised to "compromise" with the Congress if his veto is sustained by supporting a partial restoration of impacted aid funding in another bill. Impacted aid funds generally go to moderate or upper income schools as the President himself pointed out; but he made no reference to restoring any of the programs that benefit low-income or minority children. This cynical suggestion is, in my opinion, not worthy of the occupant of the office of the President, but is merely a ploy to gain some votes.

Maybe the President does not consider educating our children, or even educating the poor, to be inflationary after all. It appears that he just does not place a very high priority on the poor, the black, and the non-English-speaking residents of our central cities.

Mr. YATES. Mr. Speaker, I shall vote to override President Nixon's veto. I do not accept the President's argument that the proposed expenditures for education are inflationary. They are inflationary to the extent that any Government expenditures are inflationary. The question we must answer is where in the budget should expenditures be made and where they should be cut back.

This is a unique bill. It is an all-American bill, because it provides funds to take care of the most important needs of the American people, their health, their welfare and the teaching of our young. What greater purpose is there? What programs have a higher priority?

The question as to whether there will be a deficit is not thrust upon the Congress by this bill. That is the President's choice. He can cut back other programs than those in this bill, or delay them or phase them over a longer period.

Why must there be approval for such doubtful programs as the ABM? If there is to be a choice between that project and education for our children, which is more vital? It is estimated the primary installation costs for the two ABM sites would approximate $8 billion. Charles Schultze, former Director of the Budget, recently estimated what the ABM approved funds might have been used for. This is what he said:

> The current estimate on the two-site system the Congress approved last year is $8 billion, a figure which stands to increase substantially when the expanded version is announced. With that sum we could double our expenditures for air pollution control, double our expenditures for the National Cancer Institute, double our expenditures for the National Heart Institute, construct 200,000 additional hospitals beds, construct and equip 10,000 additional elementary and secondary school classrooms, and pay tuition, board, and dormitory costs for 500 thousand students in four-year public institutions of higher learning.

Priorities? Mr. Speaker, this administration is literally dismantling the excellent health research programs established over many years. I am shocked by what the Department of Health, Education, and Welfare has done to research programs on children's diseases. The following are letters I have recently received which tell the story most graphically. They show also the efforts of the groups to survive and to continue their important work. These are the letters:

WILMETTE, ILL.,
December 31, 1969.

Congressman SIDNEY R. YATES,
Chicago, Ill.

DEAR CONGRESSMAN YATES: Thank you very much for the time which you took today on the telephone. This will confirm our discussion, and outline a few of the matters we touched on.

On Wednesday, December 3, 1969, Peter Aylward and I appeared before Senator Warren Magnuson's Subcommittee on Labor, Health, Education and Welfare. The specific matter about which we had been urged to testify (by, among others, Doctor John Cooper, President of the Association of American Medical Colleges) was proposed termination of federal support (resulting in close down) for 19 clinical research centers across the country, particularly including the clinical research center at Children's Memorial Hospital in Chicago.

Briefly, $38,000,000.00 has been required and has in the past been appropriated for the operation of 93 clinical research centers in 77 hospitals across the country. Without going into detail, these centers are, in effect, miniature hospitals in themselves located in larger hospitals that provide facilities and resources for careful clinical research into human disease. The administration recommended an appropriation of $35,000,000.00, or, a cut of $3,000,000.00, which an advisory board determined would require the closing of 19 centers including the one at Children's.

In a broader sense Congressman Yates, countless federally funded research projects are gravely threatened by the administration's proposed health budget. Many of the cuts and holdbacks were reflected as you know in the House passed H.R. 13111, restored by the Senate, and compromised in the conference committee. No doubt the modified Labor, Health, Education and Welfare bill will be passed by the Senate, but the real question is whether or not some way can be found to compel the administration to spend the money which has been allocated.

The administration, as you suggested, may very well sign the bill and then simply refuse to spend it. Diseased children are not a particularly effective or vocal lobby group, and if publicity and "heat" is not brought to bear on what the administration is doing, few people will be the wiser.

Speaking of the close down of the clinical research centers, Doctor Roger Egeberg said "the Administration, in full confidence in the wisdom of its budget, has determined that the money if appropriated will not be spent." I attach a copy of this letter. Medical

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research funds and clinical research center operations are being used as a device to control inflation. Briefly, as two ordinary people, Peter and I attempted to urge that in fiscal 1970 the administration satisfy the demands for expenditure control and tax relief in an area of lower national priority.

Reductions in research capabilities are further compounded by substantial and inflationary bites, and as a result, many projects are seriously crippled, others abandoned, and research teams forced to disperse. The administration's holdback position would intolerably deepen the crisis.

In my humble opinion what is needed, and desperately needed is for pressure of any kind available to us to be applied to the administration to review the holdback policies it has proposed, and perhaps the time is in fact ripe for the elected representatives to in some way communicate their opposition to the use of medical research funds as an inflationary control device. Let those members of the House agreeing with the administration's position go on public record in the glare of whatever publicity can be brought to bear.

I'd welcome the chance to sit down with you should you deem it helpful, and discuss any of the foregoing that may be of interest. I can supply you with whatever backup material you may require. We can discuss this further at your convenience, but I did want to get some of my thoughts down on paper.

Again my thanks for your interest, and may I wish you a Very Healthy and Successful 1970.

Very truly yours,
WILLARD L. SHONFELD,
Attorney at Law.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 1, 1969.

DEAR MR. AYLWARD: This will acknowledge your letter of September 11, 1969. I sincerely appreciate your views on the matter of the proposed phase-down of the 19 general clinical research centers. You have my assurance that I am fully cognizant of the value of these centers and of the contributions which they have made toward the advancement of human health. The budget which has been submitted to the Congress by the Administration was prepared with the full knowledge of all of the competing, worthy demands on the Federal health dollar. The Administration has full confidence in the wisdom of its budget and I am, therefore, not prepared to give assurance that if the additional $3,964,000 is made available by the Congress, it will be used to support all of the currently supported 93 general clinical research centers.

When the appropriation and apportionment processes are completed and the level for fiscal year 1970 of the Department's total health effort is known, there will be an opportunity to review again the allocation of funds among all the activities. Hopefully, at that time, it will be possible to find ways of, at least partially, meeting the needs of all our meritorious programs.

Sincerely yours,
(S) JESSE L. STEINFELD, M.D.
(For Roger O. Egeberg, M.D., Assistant Secretary for Health and Scientific Affairs.)

CHILDREN'S HOSPITAL,
Columbus, Ohio, January 22, 1970.

Hon. SIDNEY R. YATES,
U.S. Congressman, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN YATES: To follow up our phone conversation of this afternoon, I am enclosing two presentations which, together, provide quite a bit of background on the Clinical Research Center problem.

One is a letter which you may have already seen. It was written by a Chicago-area attorney, Peter Aylward.

The second is a presentation which we sent out to approximately 12,000 people in our community. From the feedback we have received, a fair number of these people wrote to Washington.

Since your battle is our battle, we naturally wish you all possible success in the presentation which you are going to make on the floor of the House.

Thank you so much for your interest and kindness.

Sincerely,
WILLARD BAILEY,
Director of Public Relations.

GLEN ELLYN, ILL.,
September 11, 1969.

Re Proposed Phase-Down of Nineteen Clinical Research Centers.

ROGER O. EGEBERG, M.D.,
Assistant Secretary, Health and Scientific Affairs, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DOCTOR EGEBERG: This supplements my letter dated September 5, 1969 to Dr. William DeCesare, Chief, General Clinical Research Centers Branch, Division of Research Resources, National Institutes of Health, in which I requested certain specified information pursuant to 5 U.S.C., § 552. For the reasons set forth in detail below, I hereby respectfully request a representation by you, or by Secretary Finch if necessary, that the Department of Health, Education & Welfare will spend the full amount appropriated by Congress for the Clinical Research Centers Program. My understanding of the relevant facts is as follows:

The budget prepared by the former administration requested an appropriation of $38,964,000 for the continued operation of the ninety-three Clinical Research Centers. The revised budget, however, provided for only $35,000,000 to fund these Centers. Consequently, in light of the revised budget, the National Advisory Research Resources Council (the "Council") met on June 20, 1969 and reluctantly determined that in lieu of allocating the $3,964,000 reduction to all ninety-three Centers, which were already underfunded, it would take steps to terminate as many Centers as necessary to restore "efficient program operation." (The Resolution adopted by the Council is attached hereto as Exhibit A.) On June 26, 1969 the General Research Centers Advisory Committee (the "Committee"), which is advisory to the Council, established a rank order for terminating Centers. (Abbreviated minutes of the Committee meeting are attached hereto as Exhibit B.) On July 31, 1969 the Council determined that it had no choice but to terminate certain Centers. (A Resolution adopted by the Council at this meeting is attached hereto as Exhibit C.)

On July 24, 1969 the Appropriations Committee submitted House Report 91–391 to accompany House Resolution 13111—the appropriation bill for the Departments of Labor, and Health, Education & Welfare. Since the House Appropriations Committee viewed the Clinical Research Program as "one of the most important activities of N.I.H." (the relevant portion of H.R. 91–391 is attached hereto as Exhibit D), the Committee specifically restored the full $3,964,000 to the Clinical Research Program. The House passed House Resolution 13111 on July 31, 1969, and although certain amendments were made prior to passage, the bill as passed by the House appropriated $38,964,000 for the Clinical Research Program—an amount sufficient to fund the continued operation of all ninety-three Clinical Research Centers.

In transmittal letters dated on or about August 15, 1969 Dr. DeCesare notified the following nineteen Clinical Research Centers that Federal funds may be withdrawn for the program year commencing October 1, 1969:

1. University of California at Los Angeles.
2. Children's Hospital of Los Angeles.
3. Medical College of Georgia.
4. Children's Memorial Hospital, Chicago.
5. University of Illinois College of Medicine, Chicago.
6. Indiana University School of Medicine.
7. University of Kentucky Medical Center.
8. University of Maryland School of Medicine.
9. Wayne State University Children's Hospital of Medicine.
10. University of Mississippi School of Medicine.
11. Albert Einstein College of Medicine, New York.
12. Albany Medical College of Union University, Albany.
13. State University of New York, Buffalo.
14. State University of New York, Syracuse.
15. Children's Hospital Research Foundation, Columbus, Ohio.
16. University of Cleveland.
17. Children's Memorial Hospital of the University of Oklahoma Medical Center.
18. Jefferson Medical College, Philadelphia.
19. Baylor University College of Medicine, Houston, Texas.

The notification letters to each of the above Centers was with minor variation substantially in the form of Exhibit E, attached hereto. Of the ninety-three Centers which are presently operational, nineteen Centers (or approximately 20 percent) specialize in clinical research on diseases of children. However, seven of the nineteen Centers listed above which will be affected by the cut back (or approximately 37 percent) specialize in clinical research on diseases of children. Thus, the number of children's research units proposed to be terminated is grossly disproportionate. During the program year ended September 30, 1968 the nineteen Centers listed above accounted for 4,100 admissions to beds and 37,500 patient days.

The first publicity on this situation was an article, attached hereto as Exhibit F, which appeared in the New York Times on Tuesday, September 9, 1969. The first publicity of the fact that your Department, and not Congress, may be responsible for the phase-down was an article, attached hereto as Exhibit G, which appeared in the Chicago Sun-Times, on Wednesday, September 10, 1969.

Based on the foregoing facts, I respectfully request that you, or Secretary Finch if necessary, immediately represent that the Department will in fact expend the full amount appropriated by Congress for the Clinical Research Centers Program, and I further respectfully request that in light of the exigencies of time this representation be forwarded to the Project Directors of each of the nineteen Centers as soon as possible.

We both realize that the Senate will concur in the restoration of the $3,964,000 to the Clinical Research Centers Program. However, your Department has deluded the personnel in the nineteen Centers by claiming that the proposed phase-down (or termination) of the nineteen Centers is attributable to a lack of funds. This is simply not the case—if the nineteen Centers are reduced to skeletal operations or completely terminated, this will be attributable solely to the fact that your Department refuses to expend funds rightfully appropriated for this Program. Put in this light, the proposed cut-backs assume a different complexion:

First, by refusing to expend the $3,964,000 which Congress will appropriate, your Department will obviously be frustrating the clear intention of Congress. Second, although the Department's refusal to expend the $3,964,000 could be characterized as an "economy" measure, I refuse to believe that the nation's health must suffer whenever inflationary pressures appear. I also refuse to believe that the war against inflation will suffer even a perceptible set-back if

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your Department expends the $3,964,000. Third, the fact that your Department apparently views the Clinical Research Centers Program as the Treasury Department has viewed the Investment Credit—as a program to be suspended or implemented based on the heat of the economy or the state of the war from time to time—raises serious questions as to our national goals and priorities. Can we, as a nation, afford to tell the 400 full-time employees of the nineteen Centers, the patients served by the Centers, and indeed the public at large that the $3,964,000 annual investment to fund the nineteen Centers is not a sound investment (and thus admit that the contributions these nineteen Centers make to the country is marginal at best), while at the same time our government spends $2 million a day (or approximately three-quarters of a billion dollars a year) on research for the Chemical, Biological, and Radiological Warfare Program? (Although I am not disposed to sardonic humor, a colleague suggested that you could obtain the hoped for $4 million simply by giving the Chemical Warfare people a long weekend.)

Fourth, whether by design or accident your Department may have caused irreversible set-backs in the Clinical Research Program, even if it acts now to rectify the problem. When participants in a research program are informed forty-five days prior to a program year that their project will either be completely terminated or cut back to skeletal proportions, one must reasonably expect that the "dispersion of the highly skilled personnel" (in the words of Council's Resolution) will commence immediately. For this reason alone it is imperative that your Department act as soon as possible to stem the flow of personnel. A further delay in the final determination of this matter is tantamount to a decision that your Department wishes most of the 400 full-time employees of the nineteen affected Centers to seek employment elsewhere. Fifth, I am deeply disturbed about the apparent reappearance of a spectre which tormented our land for five long years—the credibility gap. I simply note the lead paragraph in an AP dispatch from Washington on Tuesday, September 9, 1969 (the exact day, interestingly enough, that the New York Times published its story on the termination of the nineteen Centers):

"The Nixon administration has mapped a five-year Federal health program that places heaviest emphasis on improving the delivery of medical services, especially to the poor, expectant mothers and young children."

Can your Department conceivably place a "heavy emphasis" on medical services for young children, when as an economy measure it proposes not to expend $3,964,000 appropriated for the Clinical Research Program, thereby causing the termination of seven of the nineteen operational Clinical Research Centers which deal exclusively with diseases of children?

As you may well expect, no one will be satisfied by a response that your Department must await Senate action on H.R. 13111, before it can make a final determination on this matter. If your Department gives the representation I requested, I intend to informally poll the Senate Appropriations Committee as to their concurrence in the $3,964,000 restoration passed by the House. If the result of this poll indicates, as I am sure that it will, that the Senate will concur with the House on the $3,964,000, I intend to so notify the Project Directors of the nineteen affected Centers. Armed with the fact that the necessary funds will be appropriated and the representation of your Department that the funds will in fact be expended, they will then be able to reassure their staffs and return to work well in advance of the date of the enactment of H.R. 13111. Since as you know the program year commences on October 1, 1969, unless the staffs of these Centers receive immediate assurance that the full appropriation will be spent, significant and irreparable dispersion of staff will occur.

I must reiterate that although I am an attorney, I am acting in my own individual capacity as a private citizen. I am not acting on behalf of nor have I been retained by Children's Memorial Hospital in Chicago, nor any other Center. I am motivated by the thought that if one of your predecessors had terminated the research project which led to the break through on PKU, whether for reasons of "cost-effectiveness" or simple "economizing", the lives of my children would be indelibly altered.

I trust that you will give this matter your prompt and undivided attention.

Very truly yours,

PETER G. AYLWARD.

Exhibit A

National Advisory Research Resources Council, June 20, 1969

RESOLUTION

Whereas the Council recognizes the unique value of the General Clinical Research Centers Program in making possible the conduct of high quality clinical research in academic institutions throughout the Nation; and

Whereas the centers provide the critical interface where benefits of advanced science and technology are effectively incorporated into improved patient care; and

Whereas the centers, as institutional resources available for inquiry and examination at all clinical levels, have substantially improved the quality of education for the entire medical community; and

Whereas the Council recognizes that grossly inadequate funding is being provided for the conduct of the General Clinical Research Centers Program; and

Whereas the Council further recognizes that the distribution of additional budgetary reductions among all Centers, already operating at reduced levels, will seriously compromise the objectives, productivity, and effectiveness of the entire Program; and

Whereas the Council recognizes that termination of Centers represents a serious loss for affected institutions, and that dispersion of highly skilled personnel is inevitable: Therefore, be it

Resolved, That the Council deplores the fact that it now appears necessary to begin preparation for the closing of a number of the clinical research resources supported by the Program, but finds no alternative except to recommend immediate action to terminate as many Centers as is necessary to restore efficient Program operation; and be it further

Resolved, That the Council is deeply concerned that serious consideration is now being given to option of a policy to bill research patients and third party insurance carriers as a measure to alleviate budgetary problems of the Program. Council has, on several occasions, examined this issue in depth and wishes to reiterate its strong opposition to this policy. Council recognizes the existence of occasional studies where billing for hospital services seems appropriate; however, Council believes that adoption of a general policy to bill and collect from research patients will undermine the entire conceptual basis of the Program and rapidly lead to the loss of Program effectiveness.

Exhibit B

Special Session General Clinical Research Center Committee Meeting, June 26, 1969

A special session of the GCRC Committee met in New York on June 26th to establish a rank order for terminating centers in accordance with the June Council resolution which recommended closing a number of Centers to remain within the tight fiscal boundaries of the proposed GCRC budget.

The Committee reviewed 31 of the 93 existing centers. These 31 centers by the latest priority rating, constituted the lower one-third of the operating units. Using the most recent data on research expenditures, faculty effort, center usage patterns, alternate research bed support, bibliography, occupancy and publication figures these centers were ranked in descending order; number one being the least essential to retain and number 31 the most valuable of the group. Various factors were taken into consideration. Scientific merit was the primary criterion, however, value as an institutional resource and research potential were also considered.

Twenty-one centers were chosen for Council consideration. Centers ranked 22 through 31 were judged by the Committee clearly more essential to retain than those ranked 1 though 21.

Exhibit C

National Advisory Research Resources Council, July 31, 1969

RESOLUTION NO. 1

Whereas the National Advisory Research Resources Council met in special session on July 31, 1969, and with great difficulty and much concern concurred in the necessity of closing a number of Clinical Research Centers; and

Whereas this extraordinary action was forced upon the Council by the level of the proposed budget for the General Clinical Research Centers program; and

Whereas the Council views the closing of these centers as a major blow to the clinical research in this nation; and

Whereas the Council's recognition of the unique value of the General Clinical Research Centers program was stated in the Resolution adopted at its meeting on June 20, 1969 (copy attached): Therefore, be it

Resolved, That it is the request of the National Advisory Research Resources Council that the seriousness of this situation be made known to all concerned in the Executive and Legislative Branches of the Federal Government.

[House of Representatives, Rept. No. 91–391]

Exhibit D

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Bill, 1970

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Departments of Labor, and Health, Education, and Welfare (except civil rights educational activities, Indian health activities, construction of Indian health facilities, emergency health activities, and assistance to refugees in the United States), the National Labor Relations Board, the National Mediation Board, including the National Railroad Adjustment Board, the Railroad Retirement Board, the Federal Mediation and Conciliation Service, the United States Soldiers' Home, the Federal Radiation Council, the President's Committee on Consumer Interests, the National Commission on Product Safety, and the Inter-Agency Committee on Mexican-American Affairs.

General Research and Services.—The bill includes $73,658,000—an increase of $3,960,000 above the amount requested, and a decrease of $11,151,500 from the amount appropriated for 1969.

This appropriation supports general, noncategorical operating programs administered by the Division of Computer Research and Technology and the Division of Research Facilities and Resources.

The Division of Computer Research and Technology serves as a central resource of computer services for all of NIH. It collaborates widely with the programs of the categorical Institutes. This central facility now provides versatile, reliable computing service on a self-supporting, fee-for-service basis.

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The Division's computer experts, engineers twenty-four hours per day, six days per week, and mathematicians work directly on research projects with physicians and other scientists in other Institutes and Divisions. To make its large computing capability more responsive to the needs of the NIH scientific staff, the Division is constantly adapting and augmenting the standard, commercially available technology. It offers intensive, unique training courses in the use of computers which are designed explicitly for the needs of the NIH staff. These activities are part of the Division's conscious multidisciplinary effort to bring computer science, computer related engineering, and applied mathematics to bear on biomedical research. The variety of productive applications of computers is greater at NIH than at most other scientific or administrative communities throughout the Nation.

NIH is to be congratulated for having developed a well-balanced resource that emphasizes both the practical, immediate use of computers and the research necessary to anticipate future needs and shape future uses of these versatile but exceedingly complex machines for biomedical research and education.

The Division of Research Facilities and Resources administers the general clinical research centers program, the animal resources program, and the special research resources program.

There are now 93 general clinical research centers located in 32 States, the District of Columbia and Puerto Rico. During the past year 2,762 investigators used these resources and 2,525 physicians and 2,538 medical students received training in research techniques in these centers. As these research units are fairly expensive to operate they are only made available to institutions where the necessary scientific competence exists for a wide range of clinical research that makes substantial contributions to improved patient care.

The program has been hard hit by rising hospitalization costs which increased 55% between 1965 and 1969 and are expected to go up by another 15% during the next twelve months. Even though funds for this program were $4.5 million (15%) higher for 1969 than for 1968, the number of patient-bed-days it was possible to support dropped from 280,000 to 240,000. As the revised budget estimate for 1970 provided for the same amount, $35 million, as was available in 1969, it is estimated that patient-bed-days in these centers would drop to 185,000 if the revised budget were approved. The Committee views this as one of the most important activities of the N.I.H. and has increased the revised budget to $38,964,000, the amount contained in the original 1970 budget.

Exhibit E

Department of Health,
Education, and Welfare,
Bethesda, Md., August 15, 1969.

Dear Doctor: In the last few years program funds at the Federal level have, of necessity, been constrained for reasons of national fiscal policy. While a continuation of these constraints is anticipated for the foreseeable future, the exact dimensions for FY 70 will not be known until the current Congressional appropriations process has been completed, and final Executive Branch decisions on these sums have been made.

On the basis of recent reviews by the General Clinical Research Centers Committee and the National Advisory Research Resources Council, occasioned by this uncertain financial situation, is one of the centers under consideration for which support may not be available during the grant year beginning October 1, 1969. As yet no final decisions have been made, but you will be notified formally as soon as possible as to whether your support will be continued or must be withdrawn.

If it is decided that support must be withdrawn, a reduced level of funding for a phase-out period will be offered. This will allow time for completion of higher priority research protocols and relocation of key personnel whose salaries are currently charged to the grant. These centers will subsequently be phased down to an approved, unfunded status, but will be encouraged to continue in active clinical research if funds from sources other than the General Clinical Research Centers program can be utilized.

At this time it is necessary that your institution submit to the General Clinical Research Centers Branch, Division of Research Resources, NIH, by September 15, 1969, a one-year contingency plan of operation and a revised budget based on a proposed availability of funds roughly equal to 40 percent of your grant award for FY 1969. Plans may include the full salaries requested for your Program Director, one secretary, and limited dietary and/or laboratory personnel. This plan might also include bed support, up to one-half of the discrete beds now approved, administered according to scatter bed guidelines. Distribution of the funded research resources, including beds, must continue to be administered by your General Clinical Research Center Advisory Committee. We will review this situation through the remainder of the appropriation cycle and will inform you as soon as the funding picture is clarified.

Sincerely yours,
William R. DeCesare, M.D.,
Chief, General Clinical Research Centers Branch, Division of Research Resources.

Exhibit F

[From the New York Times, Sept. 9, 1969]

19 Clinical Units Facing Shutdown—Medical Research Centers Warned They May Lose U.S. Funds Next Year

(By Harold M. Schmeck, Jr.)

Washington.—The directors of 19 medical research centers throughout the nation have received letters from the National Institutes of Health warning them that they may have to close down next year because of lack of funds.

Most of the centers are affiliated with major medical schools, where they play an important role in the crucial final stage of medical research. This is the phase in which new ideas, drugs and devices that have been tested in the laboratory are first made available to patients.

In short, it is the phase where the benefits of advanced science and technology are first used to improve patient care.

The research units are called general clinical research centers. The National Institutes of Health supports 93 of them at present. Some have been in existence since 1960. All of those that may face closing next year have been operating for several years.

The centers have been described as "hospitals in miniature." Each is equipped to care for a few hospitalized patients at a time—the range is between four and 35. The care promising new concepts in medical and surgical treatment.

Much of the modern experience in organ transplantation has been gained in such centers. They have also contributed to improvements in care of shock patients and high-blood pressure cases and in understanding of many aspects of maternal and infant health.

Indeed, parents of the children who have been treated at one such center in Chicago have protested to their representatives in Washington on learning yesterday that the unit might lose its financial support. This center has been in operation for about five years at the Children's Memorial Hospital in Chicago.

Dr. Robert B. Lawson, professor and chairman of pediatrics there, said today that he had been shocked when he received the letter saying the center might have to be phased out during the next 12 months.

He said comparable facilities for dealing with infant and maternal health problems were scarce. Furthermore, he said, the hospital cannot afford to support the center through nongovernment funds.

In answer to a query today, Dr. William R. DeCesare of the National Institutes of Health confirmed that he had sent out letters to 19 of the 93 centers on Aug. 15.

RELUCTANCE EXPRESSED

Dr. DeCesare, chief of the general clinical research centers branch of the institutes' division of research resources, said that the step had been taken with great reluctance.

The letter said that no final decisions had been made but asked the institutions to draw up contingency plans for phasing out their Government-supported activities by Oct. 1 of next year.

During the fiscal year 1969, the 93 centers have been funded on a minimal basis with a total of $35 million.

As one planner explained, the choice was between substandard operation for all 93 centers and reduction in the total number so that the surviving centers could operate effectively.

The hard choice of which centers to consider dropping was made with the aid of two independent advisory groups—the National Advisory Research Resources Council and the General Clinical Research Centers Review Committee.

Four of the centers that may lose their Federal support are in New York State. They are at Albert Einstein College of Medicine in the Bronx; the Albany Medical College of Union University in Albany, and the State University of New York Medical Centers in Buffalo and Syracuse.

The others are situated in 12 other states. Seven of them specialize in clinical research on diseases of children.

The full list of 19 was supplied today by Dr. John A. D. Cooper, president of the Association of American Medical Colleges. All of the institutions at which the centers are situated are members of the association. Dr. Cooper said that his organization was deeply concerned over the probable cutback in clinical research centers.

"It will be a substantial setback in clinical research which aims at getting the real answers to disease," he said during an interview today.

OTHER CENTERS LISTED

He said that the centers were usually major research and training resources for their parent institutions and sometimes for their entire regions. They have had an important impact on medical education, he said, and on the effort to increase the ranks of medical manpower and effectiveness in delivery of health services to patients.

In addition to the four in New York, the centers that have received letters warning of a possible cutback are at:

University of California at Los Angeles; Children's Hospital of Los Angeles; Medical College of Georgia; Children's Memorial Hospital, Chicago University of Illinois College of Medicine, Chicago.

Also, Indiana University School of Medicine; University of Kentucky Medical Center; University of Maryland School of Medicine; Wayne State University Children's Hospital of Michigan; University of Mississippi School of Medicine.

Also, Children's Hospital Research Foundation of Columbus, Ohio; University of Cleveland Children's Memorial Hospital of the University of Oklahoma Medical Center; Jefferson Medical College in Philadelphia and

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Baylor University College of Medicine in Houston.

EXHIBIT G

[From the Chicago Sun-Times, Sept. 10, 1969]

TWO HOSPITALS HERE FACE SLASH IN RESEARCH FUNDS FROM UNITED STATES

(By Richard Foster)

Medical research at two Chicago hospitals is faced with severe cutbacks as a result of a Nixon administration reduction in spending.

The National Institutes of Health has sent letters to administrators of 19 of 93 general clinical research centers in the country directing them to make budgetary cuts for the year beginning Oct. 1.

The institutions affected here are the University of Illinois College of Medicine and Children's Memorial Hospital.

Dr. Malcolm M. Stanley, supervisor of the clinic at the College of Medicine, said he was told to make a 60 per cent cut.

A spokesman for Children's Memorial said a similar cut was ordered in its clinic by Dr. William R. DeCesare, of the National Institutes of Health.

Dr. Stanley said his budget under the NIH program runs about $313,000 a year. The Children's Memorial Clinic spends about $250,000 a year under its federal program, the spokesman said.

At the U. of I., research is conducted into kidney transplants, the effects of drugs on the body, and the "basic mechanisms of various diseases," Dr. Stanley said.

The Children's Memorial spokesman said its metabolic research program will be jeopardized if the cutbacks occur.

Most of the 93 centers supported by the NIH are affiliated with major medical schools and play an important role in the final stage of medical research.

This is the phase in which new ideas, drugs and devices that have been tested in the laboratory are first made available to patients.

Some of the centers have been in operation since 1960. The U. of I. facility is seven years old; the Children's Memorial clinic is in its third year of operation.

Former President Lyndon B. Johnson proposed an appropriation of $39,000,000 to finance the centers after Oct. 1. But President Nixon ordered the Department of Health, Education and Welfare to trim that to $35,000,000.

It is the projected loss of that $4,000,000 that endangers the function of the 19 centers.

The House of Representatives voted to restore the $4,000,000 and that bill is now before a Senate committee. But some Chicago doctors are concerned that an economy-minded President will not spend the entire $39,000,000 in the next year even if it is approved by Congress.

Dr. Stanley said that he was given short notice. He said he received a letter from Dr. DeCesare about the middle of August and was told to submit his revised budget within a month.

"We're going to have to make a list of priorities and eliminate those functions which aren't so important," he said. "The trouble is, all of them are important."

Much of the modern experience in organ transplants has been gained in such centers, medical authorities said.

The centers also have contributed to improvements in care of shock patients and high blood pressure cases and in promoting maternal and infant health.

CHILDREN'S HOSPITAL,
Columbus, Ohio, October 1969.

DEAR FRIEND OF CHILDREN'S HOSPITAL: The Clinical Study Center at Children's Hospital is in imminent danger of being abolished, due to drastic cutbacks resulting from the federal government's economy program. In fact, beginning October 1 of this year, the program is operating at 40 percent of last year's budget—a 60 percent cut! And, according to information we have received from Washington, this year is to be a phase-out period, with the program's funds being cut off entirely on October 1, 1970.

We are writing to ask your help in trying to prevent this serious loss. You will find the details of the problem on the following pages. Please write to the federal officials listed below, asking them to take appropriate measures to prevent elimination of the Center.

Your interest and help could have great impact on the health of our children, and will be deeply appreciated.

Sincerely,

CLIFFORD R. ROSTOMILY,
Administrator.

BRUCE D. GRAHAM, M.D.
Chief of Staff, Chairman, Department of Pediatrics, College of Medicine, Ohio State University.

Key Federal Officials:

The Honorable Richard M. Nixon, President of the United States, Washington, D.C.

Mr. Robert P. Mayo, Director, Bureau of the Budget, Executive Office Building, Washington, D.C.

The Honorable William B. Saxbe, U.S. Senator, New Senate Office Building, room 1205, Washington, D.C.

The Honorable Stephen M. Young, U.S. Senator, Old Senate Office Building, room 458, Washington, D.C.

A SUMMARY OF CURRENT PROBLEMS FACING THE CLINICAL STUDY CENTER AT CHILDREN'S HOSPITAL, COLUMBUS

On December 7, 1964 the first patient was admitted to the newly opened Clinical Study Center at Children's Hospital. The Center had been established in 1962 under a seven-year grant from the General Clinical Research Centers Branch, Division of Research Facilities and Resources, National Institutes of Health. The first two years of the grant saw remodeling of 7,515 square feet of the Hospital's Sellers Wing—formerly the polio area—to provide facilities which include a six-bed patient-care and clinical-study nursing unit, a therapeutic dietary department and a research laboratory equipped with the most modern and sophisticated equipment available.

Clinical Study Center support under this program has been given to medical schools and high-quality teaching hospitals to stimulate interdepartmental investigation of new forms of diagnosis and treatment for any form of disease.

The Center at Children's Hospital has concentrated primarily, but not exclusively, on metabolic and endocrine disorders of children. Among the disorders which have received considerable study in the Center are: disorders of the glands in children, faulty absorption of food, inherited disorders of a metabolic nature, preparation of patients with terminal kidney problems for organ transplantation, management of liver failure in children, and unusual blood disorders.

Three examples of the results of our work are cited below:

We have investigated many forms of treatment for laryngeal papillomatosis, a children's disease involving wart-like growths on the larynx, impairing the voice and threatening life by inhibiting respiration. From our studies, we have developed an ultrasound technique, a new form of therapy. Of the 71 children treated with ultra sound, about 90 percent have been cured—a far higher rate of cure than has been obtained previously with any other form of treatment.

A ten-month-old child was in circulatory failure, in shock and had low blood sugar, convulsions and extremely acid blood. Emergency care was given by physicians in another institution, and when their diagnostic facilities were exhausted the patent was referred to us. Thanks to the facilities available in the Center, it was determined that he had an unusual disease. At that time, only three or four known children in the world had this condition. At the present time, about 50 to 75 percent of the children known with the disease are dead and many others are mentally retarded. The studies performed in the Center, allowing a proper diagnosis, permitted us to give adequate management. The child is now progressing well, developing well, leading a normal life for an infant, and is without handicap.

A seven-year-old who, practically since birth, did not adequately absorb food and had been studied by many doctors in other hospitals several times, continued with her disability. Through the studies performed in our Center, she was found to be intolerant of table sugar. With just the dietary treatment, consisting of a normal diet without table sugar, she was able to absorb normally, and is now a healthy girl without disability.

From our opening in December of 1964 until the date of this letter, 599 patients have been admitted to our Center, and they have received nearly 7,000 days of care and intensive study.

Now, however, our program is being seriously threatened, and we are gravely concerned that our work is to be summarily terminated.

As mentioned above, our initial grant was awarded for seven years, to end September 30, 1969. One year ago, following a site visit by representatives of the General Clinical Research Centers Committee, we made application and received approval for a three-year extension of our program.

Signs of impending difficulty first appeared when, due to limited funds, our October 1, 1968–September 30, 1969 budget request was cut by about ten percent (from $249,514 to $221,690).

Then, on August 15 of this year we received a letter informing us that our Clinical Study Center is one of 19 (out of 93 in the United States) for which support may not be available after October 1, 1969. The letter cited as reasons for the cutback current economic conditions and the Administration's efforts to cut federal spending. It explained that, if support must be withdrawn, a reduced budget for a phase-out period will be offered. In view of this, the letter recommended that we present a one-year contingency plan and a revised budget based on 40 percent of last year's allocation—about $99,806 for 1969–70.

Clearly, the 60 percent cut, while nominally keeping our doors open for a year, would, for all practical purposes, destroy our program. And, apparently, our program is to be totally eliminated next October 1, cutting off the new knowledge being gained from our studies, and disbanding the excellent, highly specialized staff we have assembled.

As a result, we are most urgently seeking your help.

An effective, massive letter-writing campaign is made up of many, many individual letters. Our present campaign will only be effective if *you* write letters in support of our cause. Please take the time to write!

The answer, Mr. Speaker, is up to the President. Inflation is still a threat but it will not be conquered by vetoing this bill. I believe the President has been misadvised. This bill is too important to the people of our Nation to be killed.

Mr. BRASCO. Mr. Speaker, on Monday, the Congress sent to the President a Health, Education, and Welfare appropriations bill which had been approved by an overwhelming majority in both Houses of Congress.

Later on Monday, President Nixon announced to the Nation that he must veto this legislation in order to combat inflation. This veto, if sustained, will have

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the effect of destroying much of the progress we have achieved in the vital areas of education and health. In my own State of New York, there would be a loss of $130 million in allocated aid, which in turn deprives New York City of appropriately $65 million.

Many schools would be forced to shut down completely. More than 200,000 young people would be cut off from vocational education programs, and some 115,000 college students would be forced out of institutions due to the termination of their loans. Almost 10,000 potential teachers would be denied the training they would have received under the Education Professions Development Act. Our desperate need for doctors would be felt even more intensely as several thousand potential medical students would lose opportunities for loans.

The health research organizations, which have made such commendable progress in their quest to find cures for the major crippling and killing diseases such as cancer and circulatory ailments, would be severely handicapped. In the National Cancer Institute alone, this veto would effect a 40-percent cutback in the projects it had begun in 1966.

I must respectfully disagree with President Nixon's argument that these funds are misdirected. Does America have a more meaningful commitment than the education of her children? Is there anything more precious than life itself—the human condition which will be jeopardized for millions of persons now clinging to the hope that tomorrow a cure will be found for their infirmities? I think not.

While the President, and the Congress, are obligated to take every action within reason to curb inflation, I feel that we are exercising a distinct lack of reason, as well as compassion, when we consider reducing appropriations at the expense of the young and the afflicted.

Mr. RYAN. Mr. Speaker, President Nixon's veto of the appropriations bill for the Labor Department and the Department of Health, Education, and Welfare shows the imbalance in the administration's sense of priorities. The veto of the $19.7 billion bill is supposed to be an act of "responsible government"—this is the phrase used by Bryce N. Harlow, the President's counselor, in his letter of January 5 to Republican Members of Congress appealing for their support in sustaining the veto.

The administration's assessment of responsibility is a provocative one. It not only demonstrates the administration's misplaced perception of what our national needs are but, as well, employs pure partisanship to label the proponents of the appropriations bill as profligate, thereby diverting attention from the real issue—the health and education needs of our people.

My assessment of responsible government is a different one. Consequently, I intend to vote to override the President's veto.

The President requested $1.3 billion less for Labor-HEW than Congress has appropriated. However, the fact is that Congress cut $5.6 billion from the total Nixon budget requests. Of this amount, $3.2 billion was cut from military spending. And another billion was cut from the foreign assistance appropriation. I suppose the President is now telling us that had Congress met his requests and appropriated the additional $3.2 billion for military spending, he would then have exercised his veto. For that, I would have commended him.

No indictment lies against the Congress, then, for being profligate. The realities of the situation are that Congress has cut far more from the President's budget requests than the amount by which the Labor-HEW appropriation exceeds his request for fiscal year 1970 funds.

I think it clear that Congress has not acted in an inflationary manner. In reality—and reality is something the administration has worked hard to obscure by framing the fight in terms of the false issue of inflation—the Congress has not appropriated enough, rather than too much. The President's urban education task force sent its report—the Riles report—to the Office of Education on January 5. The President's own task force recommends spending at least $1 to $2 billion more than we have appropriated this year. It urges a target of $7 to $14 billion more per year by 1974, and recommends spending an additional $500 per pupil per year.

Nor is the task force's voice a solitary one. The President's Commissioner of Education, James E. Allen, Jr., has recently expressed public dissatisfaction with education's place among the administration's domestic priorities.

What Congress has done is to recognize the dictates of responsible Government by responding to the needs of the people. Thus, in comparison to the administration's budget requests, we have provided $170 million more for elementary and secondary education programs, $398 million more for school assistance in federally affected areas, $210 million more for vocational services programs, $41 million more for library and community services programs, and $14 million more for education of the handicapped programs. In the health field, $104.5 million has been added for hospital construction, $4 million for narcotic addiction and alcoholism treatment, $10 million for the Cancer Institute, $11 million for the Heart Institute, and $6.5 million for the construction of community mental health centers.

Should the President's veto be sustained, it has been estimated that New York City, alone, will lose $35.8 million in education funds, and over $20 million in health research and care would be lost.

Accurate criticism would challenge Congress' failure to do more, and the administration's failure to ask for more. Actually, this failure is not an isolated phenomenon—it is just a symptom of the real danger which the President's veto signals: a serious misperception of our domestic needs. The most recent articulation of this misperception was presented by the President in his state of the Union message, when he said:

> To present and stay within a balanced budget requires hard decisions. It means rejecting spending programs which would benefit some of the people when their net effect would result in price increases for all the people.

I confess that I cannot comprehend how seeking a cure for cancer becomes a matter of cost analysis calculations.

Mr. Speaker, despite this administration's view, responsible Government is, in the final analysis, Government which responds to the needs of the Nation. Its needs are not served by the President's veto of the Labor-HEW appropriations bill.

Mr. HECHLER of West Virginia. Mr. Speaker, before making up my mind on how to vote on whether to sustain or override the President's veto of the pending appropriation bill, I felt that some analysis should be made of the application of the President's statements to the situation in a specific area of West Virginia.

I am the first to agree with the President that late funding of education programs is a very disruptive practice, and we must work diligently toward funding these programs early enough in the year so sensible planning can result in the most effective expenditures. But I want to add a few words about timing. One of the most effective times to spend title I ESEA funds for disadvantaged students is in the summer. During the summer, disadvantaged students can be isolated so that 100-percent concentration can be placed on overcoming their deficiencies. Also, the most effective teachers in a school system can be employed to work with these students. Many school systems have summer title I programs to concentrate on those educationally disadvantaged students that have fallen behind during the school year. Therefore, the increased appropriations in title I can be very effectively utilized. They must be appropriated to insure that thousands of disadvantaged students throughout the Nation will have the opportunity to attend school this summer to overcome their deficiencies.

In the case of impacted areas aid, these funds are already in the budgets of local systems, and this money is vital for some systems to keep their school doors open for the remainder of the school year.

The President contends that the funds in the pending bill are being devoted to the same old programs and for the wrong purposes. He expressed the thought that more should be devoted to reading programs. The truth is that a majority of title I funds is spent on reading programs, and the majority of these are not the same old programs. Many are new, innovative, and are producing remarkable results in West Virginia.

VOCATIONAL EDUCATION

Vocational education is just getting on the right track, with concentration on the comprehensive high school. Results in West Virginia are very good. The vocational funds in H.R. 13111 are vital to the continued success of the vocational education programs in our Nation. To reduce these funds has the effect of throwing away years of hard work and sound experimentation in vocational education.

Misuse of title I ESEA funds has been in the headlines recently. As a matter of fact, these accounts have been unfair to a majority of the school systems in this country. We should heed the admonition we hear so much these days about the "silent majority," and not be diverted from our main goals by spectacular failures among a minority of the schools. After 5 years of experience, and some admitted failures with title I, local school administrators are now becoming very effective in utilizing title I money to meet the needs of the educationally disadvantaged student. The money is getting to the pupil.

Going back to vocational education, there are many fine examples in West Virginia. In my own congressional district, there is a fine vocational educational training program at Parkersburg South High School in Parkersburg, W. Va.—one of the outstanding schools in my State. Students there built a complete ranch-style house from scratch, including plumbing, electrical-wiring, plastering, even to the point of building the furniture for it. The students learned to lay brick, to wire the house, to install plumbing, paint it, and roof it. Girls take a complete food handling program under the comprehensive vocational education high school training. They prepare the menus, prepare the food, and serve it to other students, to faculty and to visiting parents at this restaurant facility located right in the school and apart from the cafeteria.

SUMMER PROGRAMS FOR THE DISADVANTAGED

In Wood County, W. Va., the first- and second-grade students who failed during the regular term of school, were enrolled in a special summer reading course. There were 250 youngsters from all over the county. Under a new approach to teaching reading skills, 80 of these students gained sufficient skill to be promoted while the others showed marked improvement.

Another program in Wood County was one which enabled 50 youngsters in grades three through six, to spend a week in camp. This program lasted 6 weeks and covered 300 students who were taught personal hygiene such as brushing their teeth and bathing. The purpose of the program, which also offered classes in math and science during the weeklong stay, was to teach these students to know themselves and to live with others.

A followup survey during the following school year by school nurses showed a majority of these students continued to practice the hygiene habits they learned at summer camp.

These are some of the real worthwhile programs which will be wiped out if the President's veto is not overridden. I believe that to sustain the President's veto will be to deny many thousands of young Americans the opportunity to become successful and productive citizens. I hope that the veto will be overridden, and that in the fight against inflation we urge the President to use the credit tools which Congress has supplied him, and also cut Federal spending in the military areas—including Vietnam and Europe—where the expenditures produce far and away more inflation pressure than the paltry funds devoted to education.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I wish to take this opportunity to indicate my support of the House- and Senate-approved bill for Labor and HEW appropriations. In my view the issue is not the President's desire to control inflation, which I strongly applaud. The issue is more far reaching than that.

It is apparent, I believe, in the seeming contradiction between this eloquent thought in the President's state of the Union address:

> Ours had become as it continues to be—and should remain—a society of large expectations.

And the words of the President's task force on urban education, which apply with equal force to the state of education in general:

> The schools of our cities are again opening their doors to a vast number of students with increasingly more complex education needs. These students hold fewer expectations of having these needs met than ever before.

Thus, my concern is for the expectations and the needs of the youth to whom superior public education is so important; my concern is for the millions of Americans who depend on health care funded by the Department of Health, Education, and Welfare; my concern is for the basic research projects which will lead to cures for crippling and debilitating diseases—heart, cancer, emphysema, arthritis, and countless others—and for the pure research which can uncover untold medical mysteries of disease; my concern is also that we have a sound economy in this country and that the tax dollar be wisely spent.

The Congress has reduced the President's budget request for fiscal 1970 by $5.6 billion in defense spending and $1 billion in foreign aid. The President is getting even less than he asked for in fiscal 1970 appropriations. The Congress has used the cutting knife with a heavy hand this year in the interests of curbing inflation, a terrible ill which is affecting the lives of all Americans. But why should the cutting knife be applied unsparingly to education, health needs, and medical research when other competing applicants for the taxpayer's dollar are not similarly reduced? Should research projects which require years for conclusion be terminated when they are just beginning to bear fruit? I believe that reductions in the congressional appropriations bill for HEW and Labor is a very poor assignment of priorities. There must be reform in education as in other fields, but not at the expense of total disruption.

Let me suggest what this veto means in very real terms to the educational projects in my 10th Congressional District of Massachusetts: The impact of a veto of Federal funds already committed to educational needs will be felt by the overburdened taxpayer of my district, since educational obligations will have to be met by increasing local taxes.

There are many vital education programs now beginning to make substantial contributions to the people of my district. Examples of these are the supplementary service programs conducted under title III of the Elementary and Secondary Education Act of 1965.

Project Spoke is a title III ESEA program for the communities of Norton, Foxboro, Mansfield, North Attleboro, Walpole, and Easton, with some 20,000 pupils. The Spoke center in Norton is the "hub" of the program, a centralized location where teachers are instructed in new audiovisual aid techniques and in related areas.

Yet George A. MacArthur, superintendent of schools for the town of Norton, has written me to assert that:

> The Town of Norton, with a limited tax base, is desperately in need of the funds provided under ESEA and NDEA . . . If this bill is vetoed by the President, the severe cutback in Title III of ESEA could quite possibly mean the closing of our SPOKE Center which has been a stimulant to Norton and five surrounding communities.

The Presidential veto would mean a cut of 30 percent in the current annual budget of about $180,000 for Project Spoke.

Project Pride serves Fall River, a city with a heavy property tax and a high school threatened with loss of accreditation because of its inadequate facilities. In this economically disadvantaged city, the need is urgent for effective and orderly educational progress. About half of Project Pride's current $170,000 budget is devoted to an improved reading program. The other half is used for a program called English as a Second Language, directed toward young immigrant children of which there are many.

The Presidential veto would mean a cut of 30 percent in the budget of some $170,000 for Project Pride.

Project Contemporary Competitiveness serves Taunton, Middleboro, Raynham, Berkley, Dighton, and Rehoboth under a $132,000 budget. It includes a computer program to assist in lowering overall education costs for participating communities. It supports a summer program for ninth- and 10th-grade students who demonstrate special academic aptitude and a teaching intern program for Bridgewater State College students.

The Presidential veto would mean a cut of 30 percent in the $132,000 budget for Project Contemporary Competitiveness.

Project TEC serves seven communities near Wellesley, in the northern part of my district. It is a special educational project including science and special study programs. Its budget is $120,000.

The Presidential veto would mean a cut of 30 perecnt in the current budget of $120,000 for Project TEC.

Project Local serves Westwood, Wellesley, Needham, and Natick, with hopes of extending its program, which uses computers in the classroom for teaching mathematics and science, to other communities.

The Presidential veto would mean a cut of 30 percent in the budget of some $70,000 for Project Local.

In addition, the President's veto eliminates all impacted areas funds for B students, or those who do not live on a Federal installation, for Fall River, Dover, Middleboro, Natick, Rehoboth, Sharon, Sherborn, Swansea, and Westwood. Massachusetts will lose an estimated $18 million in all educational funding. Fall River, whose needs are among the most critical,

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will lose some $200,000. What will this mean to the Fall River tax rate, which already imposes a heavy burden on its taxpayers?

Clearly this is not the time for retrenchment or retreat in the advancement of essential educational improvements. Neither is it the time in a tight economy to fund programs which really are not effective. Nor is this the time to set back the already severely reduced ongoing medical research seeking cures for cancer and heart disease, or the training of those who will be tomorrow's leaders in fields of health, or the first steps toward a national effort to improve the environment.

There must be priorities for Government spending, and I personally assign high priorities to education and health. Nothing is more vital to a democracy than a strong educational system. But, simultaneously, let us not forget to ask the most difficult questions.

The solution to a reordering of our national priorities, and to reform within the programs themselves, will not be found through the disruption of programs but through accurate measurement and evaluation of their parts. Are they measuring up? Are they really benefiting the citizens of our Nation?

They should not be summarily discarded nor should they be shielded from critical scrutiny.

Without a good measuring stick, how can they be judged? Finding the correct measuring stick is the task which will not wait.

In the interim, I consider it soundest to cast my vote for continuing our present human investment as embodied in the Labor-HEW appropriation bill.

Mr. BROWN of California. Mr. Speaker, it is utterly absurd to think that $1 billion for educational programs is a dangerous inflationary factor.

Out of a total economy now approaching the $1 trillion mark, in a Federal budget of nearly $200 billion, we are told that an additional $1 billion allocated for education rates as a key inflationary pressure.

I say that is a false pretense. No matter how I look at it, I think it takes a great deal of economic hocus-pocus to translate that extra billion for education into some sort of causal relationship to current inflation.

In fact, I believe denying these education funds represent even more a threat to the economy. According to economic historians and economic growth theorists, the main element in this Nation's amazing social and economic development and strength has been its continuing massive allocation of resources for education. Statistics indicate that the gains society receives from each dollar spent for education are consistently higher than from virtually all other Government programs.

We cannot afford to halt this progress now—and certainly not because of the phony grounds that are being used to justify President Nixon's veto of this bill.

If similar budgetary controls were placed on other expenditures—the $80 billion defense budget, the subsidies to huge farm complexes, the supersonic transport program, the highway program, the pork barrel public works program are just a few areas which come immediately to mind—then I could see some merit in the arguments calling for diligent attacks on Federal overspending.

But there is no symmetry at all in the Nixon administration approach which applies a meat-ax to education, health, job training, and income maintenance while blindly approving—even increasing—these blatantly wasteful spending drains.

And so, as a perspective, I think three points must be made in accord with today's vote.

First, who pays for this action—or, in more apt terms, does the average citizen gain from sustaining the President's veto? For me, the answer is that we all lose.

Educational systems across the Nation already are hard pressed to maintain current programs, much less expand to meet growing needs. A shortfall in Federal educational aid then will lead to either a drastic cutback in vital education programs or an increase in State and local taxes to finance school systems. And both of these choices should be unacceptable to most Americans. In the end, the average citizen loses if this veto is upheld.

My second point relates to the President's accusation that the appropriation bill passed by the Congress is inflationary. I do not disagree that continual deficit spending by the Federal Government eventually is inflationary. That is a lesson we learn in introductory economic courses, and certainly, over the past 4 years, the record is clear that unrestrained Federal spending has been a prime factor behind spiraling price-level increases.

For example, between fiscal 1965 and fiscal 1968, Federal spending rose 52 percent—from a fiscal 1965 budget of $118 billion to nearly $179 billion in fiscal 1968—a jump of some $61 billion. Yet, of that $61 billion, almost $31 billion went for increased defense expenditures—largely for Southeast Asia. As a comparison, over the same period, the education and manpower training budget rose $4.5 billion.

Sustained ballooning of the national defense budget must be blamed for most of the imbalance in the Federal budget—and, thus, for inflation. Of course, the absolute amount of defense spending is the biggest factor, but, in addition, high defense expenditures have serious qualitative effects as well.

As I mentioned earlier, economic theory holds that the social benefits to society are less from each marginal dollar invested in defense than they would be if allocated to education. While there is some spillover in technological and other advances from the military to the civilian economy, the end use of most defense spending does little to add to future economic growth and development.

Marginal guns, marginal rockets, marginal tanks, marginal soldiers, these must be matched against marginal schools, marginal hospitals, marginal training programs—and I am puzzled by attempts to pressure us into believing that society gains more from the former than from social programs.

On another level, the huge—and quick—need for resources to meet the expanding defense budget for both Vietnam and the myriad of weapons systems and programs meant over the past 4 years that resources would be shifted from other sectors to the defense sector in order to meet rising demand levels.

As resources were shifted away from other sectors into defense, excess demand developed in nondefense sectors. The situation became twofold. Resource shifting meant that nondefense production costs would rise; and, consumers, having less nondefense goods available, tended to up the prices they were willing to pay for these goods. The result was to create inflationary pressures eminating from both suppliers and consumers.

Thus, if there is a spending key to inflation, the place to concentrate is not education, but defense. And this brings me to my third point, the matter of priorities.

The President's willingness to scrimp on education while allowing an open hand for defense shows once again his determination of priorities.

I believe he is wrong. Very wrong.

Over the past years I have argued that dedication to the belief that this country must police the world would lead to a total breakdown of American society. Whatever priorities existed—it seems foolish at times even to label many of our policies the result of some rational decisionmaking—focused more on international bogeymen than on present and real dangers here and abroad.

Now, too late, we know it is impossible to buy world peace. It has failed as a policy in Southeast Asia, it has failed in Latin America. It probably will fail elsewhere, for peace does not come from money transactions.

Yet this has been a terribly bitter lesson. In learning it, we have spent the lives of over 40,000 Americans—and untold thousands of Vietnamese—we have spent billions of scarce dollars, we have alienated much of the world, and now, also, we are realizing that we have bankrupted our own economy—if not our entire society.

And so, today's vote takes on even more importance. It can be the start of a new redirection of American priorities, or it can be just another step down the same tired road. The question is not just education; it is not just inflation. It is that of overall priorities.

Mr. DONOHUE. Mr. Speaker, I originally voted for this increased HEW appropriations bill because I conscientiously believed it was not inflationary, and because I conscientiously believed that the continued and expanded education of our youth and the health of the American people merited the very highest priority consideration in any realistic order of rational spending of the taxpayers' money in the national interest.

I intend to vote to override the President's veto for the same conscientious reasons, with the additional reason that I believe our Chief Executive conscientiously meant what he said to the American people, as a White House candidate, back on October 1, 1968. In a national

address, he expressed to the American people, on that date and occasion, this judgment and implied pledge, and I quote:

> When we talk about cutting the expenses of Government, either Federal, State or local, the one area we can't shortchange is education.

I do not think the allegation, that the increased funding for education and health in this bill is inflationary, is valid. Because of the simple, basic, commonsense economic principle that teaches that spending money for productive purposes, such as education and health, is not inflationary at all. On the other hand, it is very clear that spending for nonproductive purposes, such as destruction in war, is inflationary. I doubt very much that anyone here would be inclined to argue against the basic proposition that educated and healthy manpower is the fundamental source of this country's productivity, now and forever. I rather think that the vast majority of American citizens would openly agree that health and education are two of the foundation pillars of this Nation's political, economic, and social progress and development. May I say that it is a matter of great objective interest and puzzlement that the President has seen fit to attempt to connect the adequate funding for national education and health programs with a rather sudden concern about inflation forces that have been unfortunately increasing quite sharply over the past 12 months. In view of this sudden concern for inflation, a great many expert economists, as well as average citizens, find it quite ironic that, throughout this period, no wage-and-price guidelines admonitions or other inflationary restraint leadership has yet emanated from the White House. They find it quite ironic that when the administration appeals for the astronomical funding of ABM, advanced supersonic missiles and air transportation, space exploration and so many other dubious projections, no inflationary fears at all are associated with their tremendous and mostly nonproductive costs.

Mr. Speaker, I further do not believe that administration allegations and claims that the $1.3 billion in education and health funds added to the budget is dangerously inflationary can be justified in the face of the hard and cold fact that the Congress actually accomplished a total cut of $5.6 billion in the President's overall budget.

Mr. Speaker, like all other Members here, I have been contacted by multitudinous educational and medical units within my own State and also a great many throughout the country. The vast percentage of them have urged that this veto be overridden in the regional and national interest. These urgings and appeals represent the voices and convictions of respected authority.

In my own State, it is emphasized that if the provision currently in this bill are not retained, our Commonwealth will be deprived of some $21 million in Federal funds for education, which have already been projected and allocated in local budgets. It is emphasized that in my area, a heart study is being eliminated at a time when eminent medical spokesmen, such as Dr. Paul Dudley White, have testified this facility, in Framingham, Mass., is right at the peak of its most useful and productive medical stage. It is emphasized that in the area of impacted aid, that has been singled out for special criticism, that whatever limited revision might be justified, any immediate and sharp reduction would impose severe hardships upon the affected city and town taxpayers and require an additional tax upon already overburdened property owners.

School and city and town officials have already and rightfully anticipated the reception of these funds in their projected community budgets, and whatever retractions are being planned by the administration in this item, I would most earnestly urge, as a matter of just, reasonable and responsible action, that the reductions be gradually imposed with ample notification for budget adjustment. It is emphasized by the citizens and officials in one of the towns in my district that they are currently being deprived of nearly $100,000 of payment in lieu of taxes on Federal property that is being privately operated within the town.

This deprivation is occurring, mind you, at a time when the General Accounting Office reports that our Defense and State Departments have paid out, to foreign allies, from mid-1966 through mid-1968, $55.6 million in real estate taxes and for lease and rental costs on U.S.-financed construction projects and buildings to house U.S. personnel involved in our overall war effort on behalf of these allies. The General Accounting Office estimates that "somewhere between $28 million and $34 million" was paid in taxes to the South Vietnamese Government during this 2-year period. These taxes are still being paid to these allies on the same basis.

In other words, it is obvious that, although our American youths are fighting and dying, and tremendous sums of the American taxpayers' money are being expended for the freedom and safety of the South Vietnamese people, that Government, and others, still insists on collecting more of the American people's money as taxes on the very property and equipment in their countries being used by American representatives to fight their war and maintain their security. In the light of these facts and circumstances, our people can well be excused for wondering if these expenditures do not directly contribute to our inflationary difficulties and for further wondering why the voices of the administration are so lowered on these counts that, indeed, no sound can be heard.

In summary, Mr. Speaker, we are being called upon today to nonpolitically and conscientiously respond to a very serious, fundamental question. It is also a very simple question: In this Nation, where there is common agreement that our domestic needs are tremendously urgent now, which is more inflationary or vitally important to the national welfare: $258.3 million for the Hill-Burton hospital construction program or $1.5 billion for a start on a new ABM program; $1.4 billion for institutions of higher education, $488.7 million for vocational education and several millions for libraries and library equipment, or new weapons systems costing more than $20 billion over contract figures in a country which already has three separate and independent nuclear overkill systems; a comparatively few millions for medical, health research breakthroughs or an initiating commitment of untold billions for supersonic transportation of very dubious value which, in any case, the average citizen will very likely never use?

Whatever resultant response may be made to this question today, I deeply believe that the substance of this question very clearly and objectively emphasizes the absolute necessity of this administration to scrupulously and prudently review and reorder its recommendations and actions for the priority spending of the American taxpayers' money in the National interest and welfare. Certainly a claim that the expenditure of $1.3 billion reflects a very dangerous inflationary influence, in relation to a total national budget of some $198 billion, imposes a great strain upon even the most prejudiced imagination.

Mr. Speaker, beyond the reasons I have already outlined, my answer to the question is based on the yardstick for executive action advocated by our late and revered President Eisenhower. His sole yardstick for just executive and legislative action was, and I quote, "Is this good for all Americans?" On that standard of judgment, my answer is Yes, this appropriations bill before us is, indeed, good for the continued education and health preservation of every American and I shall vote for such continuation and preservation, in the national interest.

Mr. WYMAN. Mr. Speaker, after much deliberation I have decided to support the President's veto of H.R. 13111. Through the expressions of opposition, as well as support, which come from our respective districts, we are all aware of the pressures connected with such a decision. We are also aware of the obligation we have to approach this problem responsibly and with the best interests of our districts and our country in mind.

I am satisfied that by sustaining the President's veto I am doing what is best for the majority of the people in my congressional district as well as throughout the country.

This decision has not been made casually. There are many issues pressing with this bill that relate directly to the problems of New Hampshire's First Congressional District. I rely heavily on President Nixon's assurance that impacted area schools will be funded at a level not less than 95 percent of their 1969 budget.

It is important, therefore, to emphasize certain facts in connection with this bill.

First, there are only 5 months remaining in the fiscal year to which the funds in this bill will apply. A sudden flood of hundreds of millions of dollars into programs formulated for a year but for which only 5 months remain in the fiscal year, can only result in wasteful and nonessential expenditures. Money appropriated must be spent wisely and it is only through a new bill that this can be done. Congress should provide programs in this field that can be executed with some discretion in the executive branch and not arbitrarily dictated. We must also act to restructure programs proven to be inadequate.

It must be realized that the expenditures for the Department of Health, Education, and Welfare even without this proposed excessive increase are rapidly rising. According to the President's message, outlays will rise in 1970 by 13 percent and increase further in 1971.

To quote President Nixon:

> For the first time in 20 years, next year's budget will provide more funds for human resources than for defense.

Thirdly, this is a critical year and a critical era in the realm of Federal spending. As the President said:

> These increases are excessive in a period of serious inflationary pressures. We must draw the line and stick to it if we are to stabilize the economy.

The Nixon administration is proeducation—the record proves it. The President's actions will continue to show that he is on the side of improved education for our Nation's children.

Yet, clearly, our President is anti-inflation. He has taken a courageous step against deficit spending and the evils of inflation. And we, as well as the people, must support him in this effort which is in the best interests of all our citizens.

It should be recognized that the adoption of an increase in educational outlays of the magnitude of H.R. 13111—$1.262 billion—would force ultimate major reductions in health and medical research and other desirable programs for the next fiscal year.

Mr. Speaker, there is no greater cause of frustration and hardship in America today than that resulting from a lopsided economy. The President has taken great steps to stabilize the economy and restore some semblance of fiscal integrity to our country. Recourse to such action is not as painful as inflation itself, and no cause deserves greater support from the American people and the Congress.

The doors to our schools will not close because of this veto. No child will be without a place of learning. Education will be adequately funded, programs will be improved and new ideas initiated.

The real issue and the real difficulty before us can best be met by supporting and rewarding the President's efforts to halt runaway inflation. This is the obligation we are being called upon to meet for the future of our children and our country. I shall join in the struggle for a sounder, stronger America.

Mrs. DWYER. Mr. Speaker, concerning the pending bill, H.R. 13111, there are rights and wrongs on both sides of the issue. There are strong points and weak points in the arguments advanced by administration supporters on the one hand and educators on the other. I have carefully and thoroughly studied the issue in order to determine where the real merits lie. And I see no clear-cut answer.

The President is right when he warns against the inflationary impact of more than $1 billion in increased Federal spending.

The educators are right when they insist upon the priority importance of improved education and warn against the danger to education of drastically reduced appropriations.

It is all too apparent, Mr. Speaker, that we cannot resolve this issue by adopting completely one side or the other. The two are mutually exclusive so long as each side insists on 100 percent of its position.

This is a classic example in the American political tradition of a situation in which a workable compromise is required. I believe a compromise is desirable and I believe that we can achieve it. Unfortunately, the only way of achieving it is to appear to take—on the strength of this afternoon's vote—the President's position as against that of the educators.

But this is illusory. If Congress votes to override the President's veto of the Labor-HEW appropriations bill, then the administration will have no choice, in the case of the added education funds, but to allocate the entire amount of those funds during the present fiscal year. The President insists, with impressive legal support, that he could not exercise the degree of judgment required in an inflationary situation to control the spending of appropriated funds for most educational programs. For better or worse, therefore, to override the President's veto would be to reject the possibility of the necessary compromise.

Sustaining the President's veto, on the other hand, will provide the means by which the Congress and the administration can harmonize the two valid interests of promoting education and fighting inflation. Assuming the veto is sustained, Congress will be required to draft, report, and pass a revised Labor-Health, Education, and Welfare appropriations bill. In doing so, Congress will have the option of setting the revised spending figures, especially for the disputed health and education programs, at the levels we determine to be desirable. I believe that in determining these spending levels, we can agree on figures which, while significantly higher than the education and health expenditures proposed in the President's budget request, will nevertheless be acceptable to the administration.

None of us knows now whether those levels will be 75 percent of the amounts added by the conference report, or 50 or 25 percent. But I believe they can and should be as high as we can keep them. They should reflect what this Congress has already determined: that education and health should receive the highest priority. By the same token, the new figures should be determined only after a further intensive effort by the Congress to allocate education funds and health funds to those programs which serve the greatest need.

In this respect, I believe the President's opposition to increased funding for the impacted area aid program is thoroughly sound. The $400 million increase in this one category alone accounted for approximately one-third of the spending increase now in dispute. While I recognize the political difficulties in eliminating impact aid entirely I do hope that we can better control it in the revised version of the legislation.

A compromise, Mr. Speaker, is a thoroughly respectable—indeed an essential—means of resolving disputed public issues. We cannot have unity or cooperation or effective government if the parties to such disputed issues cannot each see the value in the other's position and reach a mutually satisfactory solution.

This principle is eminently applicable to the present situation. If we are to control inflation, if we are to prevent this destructive force from robbing us of our ability to support ourselves and our society, then we must respect the President's leadership in the effort to control inflation.

To a great extent, the fight against inflation is psychological and the President's leadership in the fight is symbolic. The spending of an extra billion dollars for education will not, by itself, throw this Nation into a new inflationary spiral. By the same token, if the President is to remain convincing about his determination to control Federal spending as a means of reducing inflation, then a defeat for the President on an issue of this magnitude could only serve to convince the country that Congress was no longer interested in opposing inflation. Right or wrong, such an impression or image or appearance, either of disinterest or inability to control spending, would destroy public restraint in terms of investment and spending—restraint which is necessary to achieve the objective of stable prices.

In summary, Mr. Speaker, I think we can serve the needs and interests of all our people—their need for better education and their interest in opposing inflation—by supporting the President in the present circumstances by a vote to sustain his veto and by setting spending levels for education and health in a revised appropriation bill at levels which reflect their high priority.

Mr. JONES of Alabama. Mr. Speaker, today is a historic day.

The event is to consider the future education of our people. It is a day in which education may suffer a severe trail. If we falter we must catch the trail and extend ourselves in starting a new course.

Education is an endless task. From the time of Roger Williams to the present moment there has been nothing but vexation, trouble, and problems in dealing with educational operations. Here we seem to be vexed with the same problems and these are too numerous and too difficult to identify or catalog. We know of our responsibilities, we must know of our duties, we must know of our total requirements, yet we fret around with frivolous questions.

We speak about the compassions for ill health, we speak of our concern for the mentally retarded, we contribute to the causes of the ill fortunate. These are worthy of our attention. All of these multiply and become the residual causes of a lack of general education. Our strength, our zealousness and our total duty is to make educational opportunity such that every child can be duly instructed to his full responses—all of our strength, our zealousness, and our total capabilities.

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Looking over our shoulder should not be our first requirement but it should be a good direction for our tomorrow. Our children will need the full consequences of our best benefits and our gains for themselves where they will have a new morning. This would be an encouragement for them to be profitable and worth while to themselves and to their community.

The echoes of the past should direct us to a better course. It should remind us of the misfortunes of the uneducated. It should teach us the most profitable gains are in seeing that our future population acquires the best possible educational advantage.

No public endeavor could be more worth while nor more rewarding to any one in this day than those of us who invest in the new generation.

The most valid investment is in our new, oncoming generation.

Therefore, I shall vote to override the President's veto.

Mr. BIAGGI. Mr. Speaker, in the early days of this Nation's greatness, Benjamin Franklin remarked that "an investment in knowledge always pays the best interest." Americans have long acknowledged the wisdom of this advice. The vastness and strength of our system of public education is unparalleled in the history of mankind. American public schools are the secret of this country's growth to greatness. Public schools are the source of its energy, enterprise, and know-how.

The $234 million in additional funds voted by the Congress for health programs are vital if we are to continue ongoing programs at their present level. The cuts called for by the President would mean $28.6 million less for medical research. We cannot afford to stop the quest to find cures for major crippling and killing diseases such as cancer and circulatory ailments.

The National Institutes of Health would have to cut by 40 percent the number of research projects it began in 1966 if the President's veto were sustained.

I cannot believe that the Members of this Congress would allow the possibility of some 50,000 unnecessary deaths to occur in the next 12 months because inadequate funds resulted in a lack of trained personnel for coronary care units in hospitals.

Sustaining the Presidential veto would mean that $104.4 million less would be allocated for hospital construction. I simply could not have it on my conscience to know that patients will be dying needlessly because there were not sufficient personnel and facilities to care for them.

We desperately need more doctors. We cannot afford to lose the thousands of potential doctors that would be lost because there would be no money for loans so they could attend medical school.

President Nixon, in his veto message, stated that the increased HEW appropriation voted by the Congress is, and I quote, "the wrong amendment for the wrong purpose and at the wrong time." Yet our schools are facing a fiscal crisis of frightening proportions. Many schools in Ohio were closed during part of last year for lack of funds. Education in some of our largest cities is threatened by the possibility of virtual bankruptcy.

In his veto message, President Nixon stated that "we spend more for health and education than any Nation in the world." U.N. statistics show, however, that 11 other countries and territories spend a greater percent of their national income on education than we do. This brings us to the urgent question of national priorities.

In 1968, during the campaign, Nixon warned that if we fail to educate America's youth, "no success we have is worth keeping." Yet, despite its key role in the Nation's future progress and despite the President's campaign promises and commitments, education has obviously been assigned a low priority by the administration on the national agenda. When highways, defense contracts and supersonic air transport take precedence over schools, we must stop and ask ourselves whether this is the price we wish to pay to try and halt inflation.

I would like to point out that the additional appropriation we voted for health, education, and welfare, is nearly $333 million less than the amount requested by the Office of Education itself. We cannot afford to spend less. Instead, we should be asking, how much more can we allocate to our childrens' future?

The authorizations included in education legislation are not arbitrary figures to be pared in order to conform to political considerations. They represent the amounts which education experts have indicated are needed in order to do the job.

Full funding of education programs is one of the prime keys to the solution of virtually every major domestic problem we face today. Crime, poverty, racial discrimination—all these could be vastly alleviated by the application of knowledge and the availability of educational opportunity.

The Presidential ceto of the HEW appropriations was prompted by three considerations which I wish to dispute. The first is inflation.

All Federal spending could be labeled inflationary, Mr. Speaker. The $1 billion increase which we voted for education, however, constitutes but one-half of 1 percent of a $200 billion budget.

The question is, why do we draw the line here? My colleague, Representative JOHN ANDERSON of Illinois, was quoted recently as saying: "This vote—to override the veto—will set the tone for the balance of the session." He added that White House spokesmen fear "the dam would burst" on other spending issues if this bill is passed over the President's veto.

In other words, it is beginning to appear that opposition to the HEW appropriations bill is based not so much on the merit of the bill itself, as on the political implications of its passage.

We must also consider the fiscal consequences of curtailed sending, not just on our economy as a whole, but on the schools themselves. The New York Times outlined these consequences when it stated:

> Spokesmen for the nation's school boards have warned that reduced Federal subsidy would force some schools to curtail the academic year or cut out vital services. This is dramatic testimony that Federal default, if it is not to jeopardize many children's schooling would have to be met by increased local spending. Such a course, while having no effect in curbing inflation, would make a mockery of administration promises to help the States and localities in tackling social ills and urban decay.

It is evident to me, that cuts in school spending will not solve the problem of inflation. Cuts in education will only serve to aggravate our existing social ills. Concerning the President's second charge, that Federal aid to education is misdirected and ineffective, it seems to me that cutbacks justified on this basis punish our schools for the errors of others.

It is up to the administration to insure that the funds Congress appropriates are justly and efficiently distributed and properly utilized. The results of the Elementary and Secondary Education Act programs have amply justified the faith of Congress in the abilities of this Nation's educators.

Given adequate funding and constructive guidance from the Office of Education, Federal aid to the schools can accomplish far more than it has to date. With additional experience and knowledge, we can improve on our existing laws. However, to refuse to properly fund these programs because they may not have lived up to some expectations, is to throw out the baby with the bath.

The President pointed out that we are now nearly three-quarters of the way through the school year. In his view, late funding means wasteful spending. What he failed to say was that our schoolmen have had to learn to adjust their spending to take our habitually late funding into account. Spending cuts now would leave the schools with a vast deficit.

For example, Chairman PERKINS of the House Education and Labor Committee pointed out recently that some States make a commitment for programs for this fiscal year based on the assumption that Federal funding would be available. Local programs are now started and underway.

If funds are cut from last year, the school districts will be forced to borrow funds to make up the deficit. This means that State and local taxes must be raised. Subsequently, programs for the next year will be cut unless Federal funding is available.

New York does not operate under a system of reimbursement, so there has been no reason to cut back: What happens is simply that certain necessary programs are not started. Therefore, New York State has been limited this year in moving toward the goals outlined in the State plan for vocational education programs.

The $1 billion increase which the President has vetoed has been tentatively included in school budgets throughout the country. I can assure you that it will not provide our educators with an embarrassment of riches which cannot properly be spent. Rather, the funds are desperately needed if essential programs are to be continued. As the New York Times said:

> The evidence is overwhelming that the deficiencies in the nation's education and

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> health cannot be corrected by expenditure of less money. No amount of political rationalizing can alter the fact that the veto would be a blow against the very foundation of domestic strength.

Education and health are truly our best defense and hope for the future. The decade of the 1960's, with its landmark education legislation, has recognized this fact in word. Let us hope, as we enter the 1970's, that we will now mark it in deed as well.

I urge my fellow Members to vote on this issue, not as a vote against the President, but as a vote for the Nation's children and a better future for all Americans.

Mr. CLEVELAND. Mr. Speaker, after thoughtful consideration, I have decided to support President Nixon's veto of the Health, Education, Welfare appropriations bill. My position has been complicated by my earlier vote for passage of the HEW appropriation bill. I felt then that cuts in funds for foreign aid and defense might justify additions for health, education, and welfare programs.

Following careful study and deliberation of all factors involved, including my longtime support of health, education, and welfare programs, my conclusion is to support the President in a frontal assault on inflationary pressures.

I agree with President Nixon that some of the funds added by Congress are for low-priority programs. As a result of the shameful 7-month delay by Congress in passing this appropriations bill, expenditure of some funds added by Congress would result in waste and inefficiency as agencies rush to spend the money before June. Furthermore, the Nelson amendment, added after I voted for this bill, would bar any meaningful creativity in many of the poverty programs.

In the face of rampant inflation, we cannot afford the luxury of low-priority, last-minute spending which could feed and encourage further inflation. I am not against health, education, and welfare programs and my record proves it. I am against inflation, and my record proves that, too.

There has been a great deal of discussion about this matter, and I certainly don't intend to either repeat or review all of it. I do wish to discuss briefly some of the factors which have influenced my decision.

First of all, the attacks on the President's veto and those who would sustain it have, in my opinion, reached regrettable heights of demagoguery. Although this is an election year and the two-party system has served us well, the problems of inflation and the problems of improving the quality of our health, education, and welfare programs needs debate and discussion and not wildly irresponsible demagogic outbursts.

Although it has been said that the Congress cut $7½ billion from the President's budget last year, the Bureau of the Budget has denied this assertion. As the distinguished gentleman from Missouri (Mr. Hall) pointed out in the Record yesterday, we actually added $4.4 billion in budget authorizations and $3.5 billion in outlays to President Nixon's proposed budget for 1970. I have also been particularly impressed by those who have pointed out that there is nothing in this appropriation bill that will lead directly to an actual improvement in the quality of education or the other programs. Quantity, yes, but is it not fair to ask if quality is not far more important in view of the vast shortcomings that characterize so many of our Washington-oriented endeavors?

There are those who would have you believe that the HEW appropriations bill is equitable. Yet how can they explain giving millions of dollars to relatively few children in one of the richest countries in America such as Montgomery County, Md., while providing far less to many more children in poorer counties in the United States?

It has been alleged that all of the money in this bill will be lost. This, of course, is an outrageous misstatement of fact. As the President stated, no school will need to be closed and no child will be denied an education, and, indeed, none of the programs supported by this bill will cease. If the President's veto is sustained, as I am hopeful it will be, in a relatively short time, a new bill can be put together and hopefully a more responsible one. The President's proposed budget requests for HEW for 1970 was more than a billion dollars more than for 1969. It is thus irresponsible and untrue to suggest that he will not approve a bill which will be generous in this area.

In conclusion, I have been unfavorably impressed by the tactics of the organizations which would seek to override the President's veto. The distinguished gentleman from Ohio (Mr. Ayres) discussed these procedures at length in the Congressional Record yesterday and there is no need for me to repeat them.

I am pleased to report that the educators from my State expressed disapproval of the congressional contact procedures and instructions to participate in Operation Override. The fact remains, however, that these procedures and tactics are a matter of record. To those of us who had extreme reservations about the recent moratorium because we feel that decisions in a democracy should be made by elected officials in accordance with law, it is particularly distressing to find those who are charged with administering the health, education, and welfare programs of this Nation being urged to resort to some of the despicable tactics advocated by the lobby which was put together to bludgeon this body into subservience.

Mr. RARICK. Mr. Speaker, the emotional pressures at this time are obviously intended to cause members to abandon their legislative responsibilities to the people of their districts and the Nation and simply to choose up sides for or against President Nixon.

We have the constitutional responsibility to act on the merits of the legislation, giving consideration to the objections of the President to its enactment. This is the largest spending bill for HEW ever to be passed by this body—and at a time when HEW is in flagrant violation of the restrictions which we imposed on its use of the funds appropriated last year.

The issue is not as simple as it has been made to appear for political purposes. A vote to override the veto is not necessarily a vote for inflation—for we have enacted other more inflationary measures. A vote to sustain the veto is not a vote against either education, or health, or even the war on poverty—for we have made provision for all three.

The most dishonest propaganda being drummed into the ears of the American people is the insinuation that if we do not override this veto—if we do not enact this particular appropriation bill—HEW will have no money with which to operate. Every Member of this body knows that if the veto is sustained there will be immediate steps taken to report and pass a new appropriation bill. We know what the American people have not been told—that substantial agreement on the amounts in that bill has already been reached in discussions between the administration and the leadership of both parties in the Congress.

The real battle is not the sham in which we are engaged here on the floor today, for that result is a foregone conclusion. The real significance of this entire operation is the attempt being conducted by the far left, through the controlled news media, to confuse and mislead the honest and unsuspecting American people.

The whole operation is another attempt to create an artificial issue of "priorities" by repeated charges that the "haves" simply will not share the fruits of their labors with the "have-nots."

Any idea that public education will grind to a halt without massive infusions of Federal funds is only an indication of the extent to which we have already been brainwashed, for it is only in the few past years that our schools have been conditioned to a dependence on money with Washington strings. Until this decade public schools were financed, operated, and controlled by the people whose children they educated—at local and State levels.

Much of the money appropriated in this bill, if it were to be used in my district, would be used to destroy the public schools there. The funds would be used, in violation of law, for such schemes as busing pupils, closing schools, and forcing racial assignments of teachers, principals and students, which we have prohibited. It contains funds for unwanted, educationally dishonest, propaganda material, distortions of history and science, which cannot be used in the schools except in a program of brainwashing.

Many of the good people in my district—and in the districts of many other members—have been forced to withdraw their children from the schools which they built and paid for with their hard-earned money. They are now building—and paying for—new and decent schools in which their children will be educated, not brainwashed. To such people, this appropriation bill represents lavish expenditure of their tax moneys for schools which are useless to them.

To those of us in this situation—representing districts where public education has been so assaulted—a vote to

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override the President's veto might be misunderstood by those in authority to be a vote of approval for the nefarious activities of Secretary Finch, the President's close friend. Worse yet, it might be construed as approval of Finch's continuation of his illegal activities in bringing about integration of our schools no matter what the cost.

Because this was an atrocious bill when it came before this body, I opposed its final passage. When it was made even worse in the other body, I opposed the Senate amendments and voted against the adoption of the conference report. In each case, the majority thought otherwise, and the measure went to the White House.

While I frequently disagree with the President, I am pleased to see that he, too, thinks this to be bad legislation. In such a case he has the right to withhold his approval and return the act to us, stating his reasons for disapproval. He has done so.

Mr. Speaker, consistent with my opposition to the measure from the beginning, I shall vote to sustain President Nixon's veto, because this is the proper way to strike down this bad legislation.

We can then get about the business of properly appropriating funds for the legitimate operation of the departments concerned.

Mr. RANDALL. Mr. Speaker, I intend to support the motion of the chairman of our Appropriations Committee to override the recent veto of the Chief Executive of H.R. 13111.

I am reluctant that we have to have such a confrontation with our President. This is the fourth President to whom it has been my privilege to serve as a Member of Congress. I supported Mr. Eisenhower more than I opposed him. I was a great admirer of John F. Kennedy. I differed with President Johnson on several matters. Under all four I have always tried to apply the guideline that I will support our President when I think he is right and will oppose him when I think he is wrong.

In his veto of H.R. 13111 on television Mr. Nixon said the HEW appropriation was in the wrong amount, for the wrong purpose, and at the wrong time. The true facts are he reached this conclusion through wrong reasoning, wrongly arrived at, and wrongly stated.

The entire thrust of his objections to the bill is that it is inflationary. In our opinion, this allegation is patently without substance. The reason is this $1.1 billion added by the Congress during the debate on the appropriation bill is not large enough to have any real influence on inflation. Bear these facts in mind and weigh them carefully. One billion dollars is one-half of 1 percent of the total of our $200 billion Federal budget. One billion dollars is less than one-tenth of 1 percent of the gross national product for 1970. Put into its proper perspective, this is $1 billion out of $200 billion; $1 out of $200 or 1 penny out of 200 pennies. Who can be gullible enough to think that this item alone will have a serious impact upon the control of inflation?

Another reason Mr. Nixon's arguments to sustain his veto are false and illogical is that the dollar mark is a label that is completely interchangeable. Money does not bear a Democratic or Republican label. Any one dollar is neither less inflationary nor more inflationary than any other dollar. There is no difference between dollars. The best rebuttal to Mr. Nixon's television plea to the Nation to sustain his veto and thus fight inflation is to pose to him the question why $1 billion for schools, libraries, colleges, vocational education, handicapped children, mentally retarded and control of air and water pollution is any more inflationary than an equal $1 billion for foreign aid, space, Office of Economic Opportunity, or the Department of Defense?

In the light of the foregoing analysis, no matter how you slice it, even though the administration may say it is moved by concern for fiscal responsibility who can deny this same administration seems to indicate it has a singular lack of concern for education?

The President made a dramatic television appearance. It is the first and only time in history that a legislative measure was vetoed on television. In the opinion of many of us the arguments were not really persuasive. They were oversimplified. Worst of all, he spoke only in broad generalities.

The point the President either overlooked or left out of account by his careful intention was the fact the Congress had approved a smaller overall sum than his own budget had recommended for the HEW appropriation. Who can deny Mr. Nixon requested $19,834,000,000? Congress appropriated only $19,747,000,000 or a reduction from Mr. Nixon's own budget request of approximately $86,900,000. Bear in mind that even with the inclusion of the controversial $1.1 billion added on the floor of the House and Senate for the various categories of Federal assistance to education, the final figure is still nearly $87 million under the Nixon budgetary request made after he took office. If there is anything inflationary about the sums enacted by Congress they are certainly less inflationary than that requested by the Nixon budget which he submitted in the spring of 1969.

One point Mr. Nixon saw fit to emphasize in his television appearance is that we are so far along in the fiscal year the money we appropriate for schools will be squandered in a 5-month spending spree. Surely he has not forgotten that the hard-pressed school administrators and those school board members who serve in a thankless job relied upon the Congress after the passage of the Joelson and Cohelan amendments. In any event they had a right to rely on the commitment of the Congress after the final adoption of this conference report. The true facts are that in reliance on this action by the Congress most of this money has already been spent. These districts have used other money in anticipation of replacing these when this appropriation was finally approved.

What if the veto is sustained? The only alternative is that many school districts will be forced to retrench. They may have to eliminate some projects already budgeted. Some school districts will have to close in May, and others in April. Some may even have to teach part of their students one half day and others the rest of the day. Some will have to lay off teachers. The number of students in each classroom may have to be increased. Overall it is not a pretty picture.

Quite a lot has been said concerning aid to federally impacted schools. Certain editorialists and cartoonists have seen fit to make snide remarks about federally impacted aid. Most of these writers are seated in their ivory towers in Washington or some eastern seaboard city. Their comments may have some meaning or application as to affluent Montgomery County in Maryland or Alexandria in Arlington County in Virginia. If these two localities as recipients happen to be irritants then surely this good and worthwhile program should be amended without abolishing its most worthwhile and necessary applications all across the United States.

Make no mistake about it, category A and B students who appear at schoolhouse doors present a real problem, which is not of the creation or choosing of the schools themselves. Category A and B children are not unreal or imaginary. These children are not a dream. Instead they become a nightmare unless there is some provision for Federal assistance.

The impacted area program has been in existence since 1960. The record will clearly show Mr. Nixon was a member of the House Committee on Education and Labor when this bill was drafted. If Category B was improper then why did he include it in the bill? No; impacted area aid is not some sort of Federal welfare or relief or some kind of Federal boondoggle. It is purely and simply a payment in lieu of lost local taxes.

In the Fourth Congressional District there are 2,440 category A children and 17,900 category B children. There are over 40 school districts affected and if this aid is extinguished our school districts will lose $3,570,000 in Federal assistance. If this veto is sustained there remain only a few alternatives. These include the curtailment of services by cutting the school year or else close the doors a part of each day to part of the student body.

Mr. Speaker, I intend to cast my vote to override the Chief Executive's veto. The reason is, overall, and considered as a whole our appropriation bills are not inflationary. I agree with the President, when he says inflation is a very real danger. I also agree control of Government expenditures is one of the best ways to curb inflation. The record will show I have taken positive action in this direction. I opposed the space authorization and appropriation of $3.7 billion. I opposed the foreign aid authorization and appropriation of $2.5 billion. I opposed the Office of Economic Opportunity authorization of $1.9 billion. These three items add up to $8.1 billion. I have supported $7.1 billion in reductions by our Appropriations Committee in separate and unduplicated items. By reducing the

President's total budget request by $7 billion and opposing outright another $8.1 billion in appropriations these sums add up to a total of $15.1 billion in appropriations which I have voted to save or defer during the first session of the 91st Congress.

Repeating, the overall record of the Congress and most of its Members, was not inflationary. The issue clearly then is not one of inflation but the health and education of our people. When the roll is called a vote to sustain the veto might save some money in a few categories today. The other alternative is to vote to override the veto. This is a vote for investment in the future of the American people. My vote will be for the future.

Mr. MESKILL. Mr. Speaker, it has not been easy for me to decide how to cast my vote on the Presidential veto of the Labor, Health, Education, and Welfare appropriations bill, H.R. 13111. I have spent a great deal of time listening to the arguments on both sides of the issue. I have weighed these arguments carefully in my own mind. I have concluded that the best interests of America demand that I vote to sustain the Presidential veto.

Mr. Speaker, I would like to take a moment to outline my reasoning in arriving at this decision. The issue is of such importance and concern to the people that I represent that I believe an explanation is in order.

There is no one, Mr. Speaker, who is more concerned about the needs of our people in the fields of education and health than I. I have been a consistent and enthusiastic supporter of governmental cooperation and assistance among all levels of government to provide the best quality of education and medical care for all our citizens. I acknowledge the importance of the Federal role in these areas. Education and health are priority requirements. As the President said:

> The issue is not whether some of us are for education and health programs and others against.

Why then do I believe that the best interests of education and the American people require that the President's veto be sustained?

First, let me explain that I voted for the increased appropriations for the Health, Education, and Welfare appropriations when it first came before the House of Representatives as the Joelson amendment on July 31, 1969. At the time, I believed that there were good arguments in favor of this increase. However, I also had some very serious reservations about the allocation of money to specific programs within the HEW budget.

Particularly, I was very disturbed over the huge amount appropriated for the program known as impacted aid. Among other increases, most of which I considered meritorious, the Joelson amendment appropriated $400 million more than the President requested for impacted areas—school districts having a high percentage of Federal employees who send their children to local schools.

In theory, impact aid makes sense. In practice, however, it has resulted in a huge windfall to the wealthy suburban counties surrounding the District of Columbia.

The Federal program of impact aid began, Mr. Speaker, in 1950 when the 81st Congress enacted Public Laws 815 and 874 initiating a Federal policy to assist school districts financially burdened as a result of new or expanded Federal activities in local areas—largely a byproduct of the Korean war.

The impact aid program authorizes two categories of payments to local school systems meeting two separate conditions of eligibility. To receive impact funds under category A, a local school district must be attended by children who reside with their parents on Federal property.

Category B funds go to school districts attended by children whose parents are simply employed by the Federal Government. The logic behind impact aid is that local school systems are entitled to compensation for the burden that tax exempt Federal property and installations place on local tax resources.

There is little dispute, Mr. Speaker, that local school systems, responsible for educating children who reside with their parents on tax-exempt Federal property—category A—should receive compensation in lieu of taxes to help support the cost of educating these children.

The controversy, however, surrounds the provision authorizing payments to school systems attended by children whose families are employed by the Government, but who live off Federal property and pay their share of local taxes—category B. It is the latter category of impact aid which has turned into a monstrous boondoggle for the school systems in the wealthy bedroom suburbs around the Nation's Capital.

Realizing the inequity in this program, President Nixon cut out funds for category B impact aid in his budget request. He requested only $190 million for impact aid under category A. Originally, the House Appropriations Committee endorsed this cutback.

As you know, Mr. Speaker, the category B funds were restored on the floor of the House on July 31 with the passage of the Joelson amendment. The category B aid was restored in this amendment as a "sweetener" to encourage the passage of a bill increasing the funding of a broad spectrum of education programs.

I supported the Joelson amendment at that time because I believed that the increased aid for education was valuable and that it could be used effectively. At the same time, however, I said that we must devise a better and more equitable formula for the distribution of impact aid, particularly category B aid. I believe that the distribution formula should take into account differences in salaries, property values, and the concentration of Government employees in areas that are to receive aid.

I have been pleased, therefore, to see the President denounce this program and call for its restructuring. I support him in this effort even though four towns in my district are recipients of impact funds.

But this does not explain why I voted to sustain the President's veto. The most compelling reason was one which the President enunciated in his veto message. And that is it is now 6 months since the House passed the Joelson amendment. Only 5 months remain in fiscal 1970.

As the President pointed out, nearly nine-tenths of the $1.1 billion increase is for mandatory programs. The President could not hold back these funds once the appropriations bill was signed into law.

As the President said:

> Left without any latitude in these areas, we may be faced with the need to make offsetting and disproportionate reductions in high-priority programs. Because so much of the budget at this time of the year is already committed, the areas remaining where offsetting reductions can be made are limited. To a disturbing degree, they consist of health service programs, scientific research, manpower training, food and nutrition, and other programs that continue to be identified by the Administration and the Congress as vital to the Nation's needs.

This would be a tragedy if in the interest of better education and health programs, we were to severely damage the very programs to which we have designated the highest priority.

And it would be even more tragic if the increased money which was allocated to the mandatory programs could not be effectively and wisely spent in the 5 short months remaining in fiscal 1970.

In addition, the fiscal picture has changed since the September budget review which indicated a $5.8 billion surplus. The picture has deteriorated, rather than improved. This is the result of:

First. A failure to provide $1 billion in requested revenues.

Second. An increase in social security benefits by 15 percent instead of the 10-percent increase recommended by the President resulting in an expenditure over revenue of $1.1 billion.

Third. A $552 million increase in the Public Works bill over the budget and a $250 million increase in the Agriculture appropriations bill.

Fourth. And a significant increase in uncontrollable expenditures which are as follows: Interest on public debt, up $800 million; medicare payments, up $350 million; unemployment benefits, up $500 million; and retirement funds, up $100 million.

This is a grim fiscal background in which to consider the financial aspects of the increase in HEW appropriations.

Furthermore, I am beginning to have doubts whether the extra education money provided in the appropriations bill would have any impact on improving the quality of America's educational system. I have the feeling that we may have reached a point of diminishing returns in our education funding.

Instead of continuing to pour good money into doubtful programs, I think it is time to take a good look at our entire educational system. I think it is time to raise some questions about its effectiveness and its directions and about the goals we have set for American education.

That is why I look forward to the President's message on education. There have been reports that President Nixon intends to appoint a commission to sug-

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gest changes in the Federal financing of educational programs. I think we need such a study.

And finally, it is clear that inflation is still with us. While there are indications that we are beginning to make gains in the fight against the rising cost of living, I had hoped that our success would have been greater at this point. There is no doubt that our inflation was even worse than most experts predicted. It has certainly been persistent.

Although I believe we are finally on the right track in curbing inflation, we must continue to be cautious in our spending policies. Both the Nixon administration and the Congress have made a substantial effort to reassess and reorient priorities. This has been no easy job. But we have begun the task, and we will continue.

It is my considered judgment, however, that now is the wrong time for excessive, ill-timed, or wrongly directed spending if the entire Nation is not to suffer. The fact that only 5 months remain in fiscal 1970, combined with the magnitude of the HEW increase and the fact that so much of the increase is not discretionary, but mandatory, have lead me to conclude that it is in the best interest of the country at large to vote to sustain the President's veto of H.R. 13111.

Mr. ROYBAL. Mr. Speaker, I want to take this opportunity to reaffirm my continuing support for full Federal funding of our Nation's vital education and health programs.

Certainly, one of the highlights of the 91st Congress has been our success in asserting a major leadership role in beginning the process of reordering our national priorities to focus more directly on the many urgent domestic challenges facing the United States today.

The repeated actions of both House and Senate in approving additional funding for public education and health care programs are an encouraging evidence that Congress is not content to sit back and allow our national priorities to be set by outside considerations.

We are starting to insist that the real needs of 20th century urban America be recognized, and that the Nation's resources be reallocated to meet those needs.

For this reason, I was deeply disappointed at the President's decision to veto H.R. 13111, the Health, Education, and Welfare Appropriation Act for fiscal year 1970, on the ground that it contained some $1.3 billion in funds more than requested by the administration: for handicapped children, vocational education, the disadvantaged, library services, impact area aid, higher education, construction, and student loans. The bill also contains add-on amounts for air pollution control, hospital construction, and medical research to find cures for heart disease and cancer.

In my opinion, there is no more critical area of concern than that of education for our youth, and no more vital an investment in the future of the country than providing full educational opportunity for all our citizens.

However, the growing cost of providing such an educational environment in heavily populated urban centers, like Los Angeles, where there is an ever-increasing demand for more schools and teachers, has placed a tremendous strain on existing sources of State and local tax revenues.

Without substantial Federal financial assistance, our major metropolitan centers would simply be unable to support adequate school systems under current conditions.

So, I was happy to have been able to offer my full and enthusiastic backing to this legislative effort to obtain sufficient Federal funding in the area of education and health care.

IMPORTANCE TO CALIFORNIA

H.R. 13111 would mean more than $150 million in urgently needed additional funds for the State of California alone.

Our financially hard-pressed Los Angeles Unified School District would also benefit from some $15 million included in this congressional appropriation—a real help to the overburdened property taxpayers of the community.

Perhaps the best indication of the importance of H.R. 13111 to the residents of California is the fact that one-sixth of all impact aid funds in the bill goes to our State. Under the administration's proposal California would get only $25 million in impacted aid compared to $90 million under the bill passed by Congress.

Education has traditionally had a high priority in the Golden State. Over many years our citizens have demanded and have shown a willingness to support high standards of education at all levels.

But, now, increasing pressures on our local and State funds, plus a steady growth of new population from other States and nations, have precipitated educational crises in many local school districts—and now in the State itself.

Many of the local demands on our schools are actually national in character—equality of opportunity for those who have been educationally disadvantaged, training of teachers for new skills and techniques, the impact of Federal installations, the problems of many thousands of children from homes where a language other than English is spoken.

TASK FORCE ON URBAN EDUCATION

The truly national scope of the problem is further documented by the hard-hitting final report of the blue-ribbon Task Force on Urban Education, submitted to the Secretary of Health, Education, and Welfare earlier this month.

With California State associate superintendent of public instruction, Wilson C. Riles, serving as chairman, the Urban Education Task Force declared its intention to underscore the urgency of dealing with urban educational needs as a "major national priority," and charged that education in this country has never been assigned an adequate priority in terms of financial, human, and material resources.

The Riles report pulled no punches in stating its unanimous conclusion that vastly increased amounts of Federal money were imperative to confront the task at hand, and it strongly urged that the problem of urban areas be considered as the major priority of the administration's domestic programs.

Within this priority, the report asserts that education—broadly conceived and with new constituencies involved—should become a first consideration, and that significantly increased levels of funding are needed, far exceeding what current congressional appropriations—or even authorizations—now make possible.

In terms of specifics, the Riles report called for an approximate $7 billion annual increase in Federal aid to education immediately—with that figure to rise to over $14 billion within 5 years.

By comparison, therefore, the $1.3 billion additional appropriation approved by Congress in H.R. 13111, though significant, would not appear to be more than a good start toward meeting America's educational needs as visualized by HEW's own Urban Education Task Force.

INFLATIONARY EFFECT: A FALSE ARGUMENT

Moreover, the argument that this particular appropriation for education and health care is inflationary, seems to me to be a false argument.

First of all, let us put the figures in some perspective. The slightly more than $1 billion involved in the President's veto represents only about one two-hundredths of our total Federal budget this year, and about one-thousandth of our Nation's current gross national product of nearly a trillion dollars a year.

So the amount in question is simply too small to have any appreciable or discernible effect on the economy as a whole. The President's own economic adviser, Dr. Herbert Stein, just 8 weeks ago, observed that a shift of $28 billion in the Federal budget had surprisingly little effect on the national economy.

And Gardner Ackley, former Chairman of the President's Council of Economic Advisers, has pointed out that the American economy does not respond to slight budgetary adjustments. This of course, is to our benefit. For, if in fact, $1 billion, plus or minus, could make a major difference, we would be experiencing violent economic surges on a continuing basis. Such surges are not in evidence. Even our congressional cut of $5.6 billion in the President's budget requests has not made a strong impact as yet. So how, may I ask, can $1 billion have any significant effect under present circumstances?

The veto of this appropriation bill will certainly not halt the rampant forces of inflation. But it could well deny educational opportunities to millions of American schoolchildren.

A MATTER OF PRIORITIES

Of course, every penny the Federal Government spends has some effect on our Nation's economy. Naturally, this principle also applies to every expenditure of State and local governments across the country; and, in fact, to every outlay made by America's commercial and industrial business firms, and even to those made by individual citizens.

It would appear to be a rather difficult task for the President to distinguish between the precise inflationary effect of any one of these specific expenditures, as compared with that of any other. If the total effect of all Government and private spending is inflationary, however, it would obviously be necessary to establish an order of priorities to determine which expenditures to allow, and which to curtail.

In his decision to veto H.R. 13111, this is exactly what the President has done. He has decided that money spent on education and health care has a lower national priority, and, therefore, can be eliminated more readily in the fight against inflation than Federal funds expended or reduced taxes collected in such areas as farm subsidies, special gas and oil industry tax benefits, the supersonic transport, public works programs, the space effort, defense procurements, and maritime shipbuilding subsidies.

This is the crux of the matter.

By not vetoing appropriation bills and tax measures relating to these areas, by not submitting reduced budget requests for these programs, and by not impounding and refusing to spend appropriated funds for these purposes, the President has publicly taken the position that, in the judgment of his administration, they rank higher in order of importance to the overall public good than education and health care expenditures.

Such a downgrading of education stands out in rather stark contrast to the sentiments expressed by the future President in the closing days of the 1968 election campaign, when he stated:

> When I look at American education, I do not see schools, but children, and young men and women—young Americans who deserve the chance to make a life for themselves and ensure the progress of their country. If we fail in this, no success we have is worth the keeping.

These noble words were followed up with a magnificent and highly effective pledge contained in a signed nationwide appeal for support issued through the Teachers for Nixon-Agnew organization, calling for an action program for education to help achieve the American dream, and stating unequivocally that:

> When we talk about cutting the expense of government—either Federal, State or local—the one area we can't short-change is education.

CONGRESSIONAL INITIATIVE

Ironically, it is the Congress that is now acting to fulfill the President's eloquent campaign pledge not to shortchange education, and it is the Congress that has also acted to reduce Federal Government spending.

The 91st Congress, in fact, has passed 14 appropriation bills making a total cut of $5.6 billion in the President's budget. It cut $7.6 billion from the budget in 10 appropriation bills, and added approximately $2 billion in four bills—including the HEW measure.

In other words, Congress has taken the initiative and gone beyond the administration's requests for fiscal restraint. In cutting the administration's budget, however, the Congress has exercised its own sense of priorities, and stressed the importance of areas of crucial need, such as education and health.

The issue, then, is not a so-called inflationary increase in Federal spending, but the congressional determination of national priorities and the Government's willingness to finance urgently needed domestic programs.

I am convinced that cuts in Federal spending that adversely affect America's children and the quality of its health care simply cannot be justified. To call for such cuts in the name of economy is to seriously misunderstand the critical nature of the country's most pressing problems.

EFFECT ON LOS ANGELES CITY SCHOOLS

For instance, in the city of Los Angeles, the funds provided in H.R. 13111 are vital for the continuance of the overall educational program and for critically needed improvements in disadvantaged area schools.

Sustaining the President's veto would curtail a program which is promising but, even in its present form, falls far short of meeting the needs of students from lower-income families, many of them of minority descent.

In assessing the significance of this legislation on Los Angeles, I would like to point out that over 120,000 educationally disadvantaged young people are presently attending our Los Angeles public schools. This is equivalent to the total public school enrollment of a school system the size of the city of San Francisco.

Because available resources are already far from adequate to enable the Los Angeles school district to meet the educational needs of these students, I sincerely hope we can override this ill-advised Presidential veto, and the children of Los Angeles can look forward to receiving the urgently needed financial assistance provided for in this appropriation.

Loss of this Federal revenue would mean the loss of nearly $15 million in desperately needed income to the Los Angeles city schools—at a time when our district has already been forced to cut educational programs and services in excess of $26 million in order to keep within anticipated revenue.

At this point in the RECORD, I would like to include a summary of the specific effect of sustaining the veto on the various programs in Los Angeles covered by H.R. 13111:

ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE I

The loss of $8,000,000 of potiential income for the current fiscal year would eliminate the possibility of expanding compensatory education programs to approximately 23 additional schools servicing approximately 23,000 additional pupils. The current program (operating at 90% of last year's funding level) had to be reduced from approximately 116 schools to 55 schools this year to comply with new State guidelines. The bill, as passed by both houses, would allow the District to expand programs into Venice, San Fernando-Pacoima, and the Harbor area.

ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE II

The result would be a loss of approximately $500,000 for the purchase of library materials and books, plus $57,000 for a bilingual bicultural center funded out of Phase II of Title II. This will reduce even further the numbers of library books and supplemental books desperately needed to bolster the reading program in Los Angeles.

ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE VII

The district is currently counting on funds authorized in Title VII, ESEA, to conduct a bilingual education program. Plans have proceeded but the lack of an appropriation bill has prevented implementation of the bilingual education program in Los Angeles.

PUBLIC LAW 874

Elimination of approximately $4,000,000 of anticipated income for the current fiscal year. The elimination of this amount will wipe out the cash flow reserves and may require the district to request loans to meet payrolls.

NDEA TITLE III–A

Matching funds for the purchase of equipment and materials. This would eliminate programs in fifteen schools affecting approximately 10,000 pupils with a loss of approximately $170,000 in revenue.

VOCATIONAL EDUCATION ACT

Loss of $100,000 to $200,000 for the current fiscal year. This will result in a program loss affecting between 1,000 to 2,000 young people and adults.

A further detrimental effect of the delay in passing the appropriation bill is the inability of the district to plan programs for the next fiscal year in a time frame consistent with the budget calendar. This becomes even more critical since the Los Angeles schools are in a financial crisis with the almost certain reduction of another $40 million in programs and services during fiscal 1970–71.

CONCLUSION

In conclusion, Mr. Speaker, I want to reiterate my firm support for H.R. 13111, the Health, Education, and Welfare Appropriation Act for fiscal year 1970, as I have previously demonstrated on three separate occasions by casting my vote for increased funding for public education and health care.

Education should be our country's first domestic priority—we can no longer postpone meeting our proven needs in this field.

I agree that every effort must be made to halt inflation, but not at the expense of the young and the ill. With corporate profits, personal income, employment, and industrial production at all-time highs, American education is one area we cannot afford to shortchange.

For all the reasons I have cited, Mr. Speaker, I will vote to override the President's veto of H.R. 13111.

Mr. DENNIS. Mr. Speaker, last July I voted for passage of H.R. 13111.

I had previously voted against the Joelson amendment to H.R. 13111 which had added almost $900 million to the measure.

At that time, in a news release issued by my office, I said:

> I voted for this bill, H.R. 13111, because a no vote would be against *any* money for the many worthy projects contained in this measure. A vote against any appropriation for these two departments (Labor and HEW) was one I was unwilling to cast.
>
> I regretted, however, that I was required to vote for a bill to which approximately $1 billion had been added over and above the request made by the President.
>
> The increases made in this bill by amendments on the Floor, however desirable their objectives, in my judgment were not responsible. This is particularly true when our inflationary and budgetary problems are considered.
>
> It is difficult to understand how, under the

present inflationary conditions, a Member can add $1 billion to an appropriation bill of this character. This holds true especially if he has recently cast a vote as many Members did, against raising the taxes to pay for this added government spending.

It is entirely incredible that we can do this sort of thing and still maintain the $192 billion budgetary limit which the House just recently passed, along with the Senate.

It is continued irresponsible action of this kind which, repeated sufficiently often, will destroy our American form of government, as similar actions have destroyed so many republics in the past.

Following the action of the House the Senate added additional moneys, so that the $20 billion HEW bill, as finally presented, is approximately $1.3 billion in excess of the President's budget request. This budget request was, in itself, the largest HEW budget request in history. At the same time the cost-of-living index has increased another 3 percent since we voted last July.

It cannot be truthfully said that we are miserly toward education. Overall, in various programs, the Federal Government is currently spending more than $10 billion on education, veto of H.R. 13111, or no.

Some $400 million of the increase voted by the Congress was for so-called impacted aid, which benefits the 10th District of Indiana not at all—although we help to pay for it—and which is distributed on so inequitable a formula that $5.8 million was paid out in 1968 to the Nation's richest county—with a population of 500,000—while only $3.2 million went to the Nation's 100 poorest counties, with a combined population of over 3 million persons.

In addition the funds provided in H.R. 13111 would now have to be spent, with attendant waste, within the last few months of the current fiscal year.

Moreover, nearly nine-tenths of the congressionally voted increase is for mandatory programs, for which particular programs the money appropriated must be used, with no flexibility allowed to the executive. This general problem is further aggravated by a Senate amendment requiring specific earmarking and allocations for funds allotted for the OEO.

The extra benefits claimed for this bill would not aid the 25 million people on social security, the 9 million on public assistance, or the many millions of ordinary Americans trying to make ends meet and to pay their taxes, but its inflationary character, against which the President warned, and against which I warned last July, would indeed be felt by all of these people.

Much pressure has been brought to bear in an effort to override the veto of the President; but I agree—and I believe that a majority of Americans agree—with my constituent, a good American back home in the country, who telephoned me late at night before the veto vote and said:

> We just wanted you to know that we listened to the President last night—and we think that he is right.

I think so too.

A reasonable compromise bill, providing an adequate appropriation for HEW will undoubtedly be worked out and passed, and I believe that I serve the long-range interests of all of the people I represent in voting to sustain the veto of H.R. 13111.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I would like to include at this point in the RECORD a statement by the Republican policy committee:

HOUSE REPUBLICAN POLICY STATEMENT ON SUPPORT OF VETO OF LABOR-HEW APPROPRIATIONS BILL

The House Republican Policy Committee supports President Nixon's veto of the Labor-HEW appropriations bill.

The bill provides new obligational authority for FY 1970 in the amount of $19.7 billion, and appropriates $1.26 billion more than was requested by the President. Such an increase, at this period in history, is clearly inflationary.

The President is making every effort to control an inflation which has reached an annual rate of more than six percent. The necessary tools to control the ever-rising cost of living must be provided by the Congress. It cannot be expected that rising costs be curbed when the Congress votes large, unbudgeted sums which make such control impossible.

Unless inflation is halted, all government programs, including those for education, will suffer. Even more importantly, if inflation continues to run rampant, it will be to the detriment of all Americans, especially those on the lowest rung of the economic ladder. We cannot in good conscience add to the cost-of-living crisis of the old, the sick, the disabled and others on low or fixed incomes.

A major portion of the $1.26 billion increase provides mandatory grants requiring the Administration to allocate funds regardless of real need or of its inflationary effect; a significant portion of the $1.26 billion increase provides lower priority items which can be postponed without lessening the quality of American education.

As President Nixon stated in his veto message, the HEW FY 1970 appropriations represents "the wrong amount for the wrong programs at the wrong time". Much of the add-on merely increases spending for existing educational programs without providing sorely needed reforms to improve the quality of those programs and to use most beneficially and equitably each dollar appropriated.

In supporting the President's veto we wish to emphasize that neither he nor we oppose the expenditure of adequate funds to meet today's bona fide educational needs. Within the framework of a balanced budget the President proposed record-high expenditures for education in FY 1970, 13% above those of last year. We support these increases.

We do not believe, however, that the addition of a $1.26 billion spending program, late in this fiscal year and late in this academic year, at the expense of a balanced budget, can bring true benefit to education. Persistent inflation can and has proved education's worst enemy. And, despite the measures taken by this Administration to curb inflation, the cost of living has risen three percent since the HEW appropriations bill was first considered by the House of Representatives last July. Thus the economic picture is entirely different than it was when this bill was initially voted upon.

In the past decade the free spenders in the Executive Department, with the agreement of Congress, created federal deficits of $57 billion. The increased cost of living which such deficits have brought to all Americans, is all too well known.

Inflation is largely psychological. People who make management decisions still are thinking in terms of further inflation, because they are not yet convinced that this Congress has the courage to make the hard decisions necessary to stem the inflationary tide. This vote will be a clear signal to them, and to the World—America, through its Congress, either will or will not "bite the bullet". The effect of overriding the President's veto would, therefore, be to encourage inflation, and further increase the cost of living to all Americans.

The House Republican Policy Committee urges support of President Nixon's veto.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I am voting to sustain the President's veto of the Labor-HEW-OEO appropriations bill reluctantly, even though I have many reasons for so voting. My reluctance to do so stems solely from the fact that I am for spending more—not less—of our Federal budget for education and this bill does spend more for education. My objection is the fact that this additional money not only continues an unfair and inequitable program but it adds some 400 million additional taxpayers' dollars to it. I have reference to the so-called impacted aid program. This program takes tax dollars collected throughout these United States—and this includes the taxpayers in school districts now having a difficult time keeping their schools open—and makes a Federal payment to school districts having the good fortune of having a Federal installation within their boundaries in lieu of taxes for the Federal employees living on the same. This seems quite reasonable and justifiable. However, the legislation has been extended to make payments for such Federal employees even though they do not live on the installation but are living in private homes and paying their own school taxes.

As the President indicated, Montgomery County, Md., one of the richest counties in the United States, receives $6 million under this program even though most of the people work for the Federal Government, own their own homes, and are enjoying an average family income today of $20,000.

By contrast, Mr. Speaker, I have only three school districts in my entire congressional district which receive impacted aid. Just recently, CBS–TV ran an account of the battle to keep the Fremont, Ohio, school from closing. This school remains open today—not by reason of any help from the Federal Government—but because the people prepaid their real estate taxes. This school district does not receive 1 cent in impacted aid. These people have a right to ask, "Why do we not get some of this Federal aid to keep our school running?" This is a legitimate question, Mr. Speaker, and I am stating here and now that I am for some new educational legislation which will help these financially distressed school districts in a meaningful way without Federal control. With the President bringing this unfair impacted aid program to the attention of the American people, I believe the time is here to modify this program and adopt a new educational program which will give some real assistance to our poorer school districts. If we do this, education will have been immensely benefited by this veto.

Mr. GERALD R. FORD. Mr. Speaker, I am proud of the debate that has taken place here today. There has been a minimum of partisanship. I think there will be a minimum of partisanship on the vote today. I believe that is in the best interests of the Congress and the American people. There has been a minimum of irresponsible charges and countercharges and that is beneficial to all concerned.

All of us are faced with a deadly serious issue here today—whether we are to place the expenditure of an extra $1.2 billion higher on the priority list than a continuing battle against inflation. In my judgment, if this appropriation bill is approved in this form, we will seriously weaken our efforts to do something affirmatively about the problem of inflation. I cannot help but say with all the emphasis at my command that this vote is being watched most closely as to the substantive battle against inflation as well as the psychological impact in the fight against inflation.

Oh, the gentleman from Kentucky was talking a few minutes ago about the problems of 1968. Does he remember or would he rather forget this $25 billion deficit in 1968? That irresponsible fiscal policy was one of the causes of inflation, and this is why we must do something about it affirmatively today.

Let me say this, also: If we lose the battle against inflation—and we surely have not won it yet—then all Americans will be badly hurt.

Also educators and education will be hurt just as badly. If we do not win the battle against inflation, the cost of building schools will soar and the cost of constructing school facilities will go on and on upward.

Mr. Speaker, if we do not win the battle against inflation, the pay check of the teacher will be worth less and less. And, if we do not win the battle against inflation the education programs for our children will erode and will certainly not improve.

Let me say this, Mr. Speaker, to those who voted for the Joelson amendment. In the interim between last July when that vote was cast and today inflation has not been defeated. Quite frankly I am disappointed we have not done better. On the basis of current prices, I think in good conscience any Member of this body who voted for the Joelson amendment in July 1969 could change today, because the issue is inflation and not an extra $1.2 billion.

Let me add this in conclusion, Mr. Speaker. One of the worst features of this legislation is the mandatory spending provisions included in the bill before us. This is a bad law. It would inevitably force cutbacks in other highly sensitive programs, particularly health. We as a Congress put a ceiling on expenditures in fiscal 1970. If you include this mandatory expenditure provisions forcing the President to spend the money in these limited areas, inevitably, Mr. Speaker, these other highly desirable and sensitive programs will have to suffer. This would be wrong.

I urge that we sustain the veto and I urge that we find a suitable compromise.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. FLOOD. Mr. Speaker, I yield the distinguished minority leader 1 additional minute.

Mr. GERALD R. FORD. I thank my distinguished friend from Pennsylvania. I am very grateful.

Mr. Speaker, in conclusion, let me say that when this veto is sustained—and I firmly believe it will be for good reason—I am confident that those responsible in the Congress and those responsible in the executive branch of the Government will be able to come to a meeting of the minds and will end up with a responsible appropriation bill that will adequately take care of education, and that will adequately fund the health programs that are so badly needed in America.

I repeat, let us sustain the veto and then find a reasonable and responsible compromise.

Mr. FLOOD. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT), the remainder of the time to close debate.

The SPEAKER. The gentleman from Oklahoma is recognized for 6 minutes.

Mr. ALBERT. Mr. Speaker, we are coming to the close of the debate on one of the most important issues that Members of this House will face this year. The question at stake here, of course, is the question of education and health. You cannot write that out in this argument. At stake is the position of the legislative branch of the Government in the federal system and at stake is the individual responsibility of every Member of the House of Representatives.

For my part, Mr. Speaker, the time has come for the Members of this House to assert their own personal independent legislative responsibility and to demonstrate their courage of conviction as elected representatives of the American people and to establish once and for all the fact that the appropriations process is basically the prerogative of the Congress of the United States.

We are called upon now to exercise confidence in this institution, and in our independent judgment as Members of the most important legislative body in the world. We have asserted ourselves with respect to this measure in no uncertain terms as it made its way through the Congress. We moved this legislation to the point of final enactment in impressive fashion. The Joelson amendment was adopted in this very Chamber by a vote of 293 to 120, much more than a two-thirds vote. The amendment received a majority vote of the Members on both sides of the aisle.

The conference report on the Labor-HEW bill was adopted by a resounding vote of 260 to 110, with a majority of the members of both political parties supporting the proposal. We did this in the exercise of our own judgment as to the priorities which health and education should have in the Federal area. Is there any one of us now who would transfer that responsibility which we exercised not by a simple majority, but in convincing fashion, from this House to the administration downtown?

Mr. Speaker, are we to concede that there is greater wisdom in the administration than there is in the legislative department of the Government?

When we acted to reduce the administration's overall appropriation request by nearly $6 billion we decided—and I think properly so—that the budget transmitted by the executive contained a surplus of fat in some areas, but did not meet the health and education needs of the American people.

So far as I am concerned, the establishment of priorities in Federal appropriations and Federal expenditures is and will remain, regardless of the vote on the pending measure, the prerogative of the Congress of the United States.

Mr. Speaker, what about our individual responsibilities as Members of this House? Are we going as individuals to surrender the judgment we exercised, when we voted on this measure before, to pressure from the White House or any other source?

When the Congress acted on this bill, it did so in response to the insistence of the American people that education be given more, not less, support. Congress in approving these funds responded to an overwhelming demand of the people.

We adopted the Joelson amendment and restored approximately $1 billion in appropriations for elementary, secondary, and higher education in response to public backing.

Mr. Speaker, the Nixon administration has said that these education programs are "deferrable." But, Mr. Speaker, you cannot any more defer education than you can defer nutrition. If a child is starved physically his body will show it. The same is true if the mind is starved.

The President said that he vetoed this measure because he does not approve of the funds for impacted aid for which the Congress has appropriated some $600 million, as against an administration request for $202 million.

Some of the reports from the White House, if they are accurate and I think they are, indicate that Members are being told to vote for this veto, and we'll give you over $400 million for impacted aid in categories A and B.

This is hypocrisy; this is cynical double dealing. Is the administration against impacted aid funds or is it willing to trade for votes on this issue?

Mr. Speaker, the question of where and how much the impacted aid funds will be in the next bill if this veto is sustained will not be determined in the White House. It must be determined in the Congress and initially right here in the House of Representatives.

If the administration vetoed the bill because of impacted funds and is now ready to restore all or part of this money, what is going to result is the elimination of other quality education programs, because the only areas that will then be

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deprived are those providing funds for libraries, disadvantaged children, vocational education, community colleges, and national defense education programs for science, mathematics, and modern languages.

If the President meant what he said in his state of the Union message, when he stressed "quality" then why would he agree to a course that would starve all the quality education programs in the bill.

Inflation has been injected into the debate. In the light of the administration's record of economic mismanagement, high interest rates, and accelerated inflation, it is pure political gamemanship to veto this measure under the guise of anti-inflation.

If the administration is serious about fighting inflation, it has tools it is not using.

On numerous occasions, President Nixon has had a number of things to say on various matters pertaining to health and education. Let us compare what the President has said with what he now so violently objects to in the Labor-HEW appropriation bill. We have increased hospital construction, health planning and services, health manpower, and construction of health education and research facilities, all of which meets with the President's displeasure. Yet, last July the President stated that the Nation faced a health crisis and said the problem was one of not enough doctors and hospitals beds.

We upped the appropriation for air pollution control by $13 million. Apparently he does not like this either, yet on January 1 the President called for a "now or never" attack on pollution.

We have acted to increase the appropriation for education for instructional equipment, for Federal assistance in impacted areas, professions development, higher education, and vocational education. These educational increases have stimulated the rhetorical ire of Mr. Nixon and his spokesmen. Candidate Nixon, however, during the 1968 campaign, said:

> When we talk about cutting the expenses of government—either Federal, State or local—the one area we can't shortchange is education.

Mr. Speaker, the President said we could be sure no schools would be closed and no children would be denied education. His advisers are talking to different sources than those we hear from. An Oklahoma superintendent has said that even if category B funds are increased by an amount which is being talked about, it will cost their schools $1 million. There are 558,000 children in special educational programs which the reductions will affect. There are 250,000 young people in vocational training who will be deprived of an opportunity. And there are over 115,000 college students whose loans could be terminated—these are students in school now.

We also have reports of irreparable damage to very significant health research, including some whose acquired knowledge over several years will now be literally lost. Some of the Nation's most eminent scientists called on the White House recently, imploring presidential aides to carry the message to the President that a veto would be very detrimental to cancer and heart research.

Mr. Speaker, the truth of the matter is, the only issue is the health and education of the American people. When the House is called upon in a few minutes to vote on the President's veto, the question that every Member must decide when the roll is called is, is he for or against a healthier and better educated citizenry. We are faced with a clear-cut moral choice—do we want to save a few nickels and dimes today, or do we wish to invest in a better future for the American people? In making this choice, every Member must answer to his own conscience.

The **SPEAKER**. The time of the gentleman from Oklahoma (Mr. ALBERT) has expired.

All time has expired.

Mr. **FLOOD**. Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER**. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 226, nays 191, not voting 15, as follows:

[Roll No. 7]

YEAS—226

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Baring
Barrett
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Brown, Calif.
Brown, Ohio
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Carey
Casey
Celler
Chisholm
Clark
Clay
Cohelan
Conte
Conyers
Cowger
Culver
Daddario
Daniels, N.J.
de la Garza
Delaney
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Fisher
Flood
Foley
Ford, William D.
Foreman
Fraser
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Lennon
Long, Md.
Lowenstein
McCarthy
McClory
McDade
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Mills
Minish
Mink
Mollohan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Pollock
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rees
Reid, N.Y.
Reuss
Roberts
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
St. Onge
Scheuer
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Stafford
Staggers
Steed
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Wilson, Charles H.
Wright
Yates
Yatron
Young
Zablocki
Zwach

NAYS—191

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Blackburn
Bow
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Bush
Byrnes, Wis.
Caffery
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Coughlin
Cramer
Crane
Cunningham
Daniel, Va.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dowdy
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Findley
Fish
Flowers
Flynt
Ford, Gerald R.
Fountain
Frey
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harvey
Hastings
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Keith
King
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Long, La.
Lujan
Lukens
McCloskey
McClure
McCulloch
McDonald, Mich.
McEwen
McMillan
MacGregor
Mailliard
Mann
Marsh
Martin
Mathias
May
Mayne
Meskill
Michel
Miller, Ohio
Minshall
Mize
Mizell
Montgomery
Morse
Morton
Mosher
Myers
Nelsen
O'Konski
O'Neal, Ga.
Passman
Pelly
Poff
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reifel
Rhodes
Riegle
Rivers
Robison
Rogers, Fla.
Roth
Roudebush
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Taft
Talcott
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Utt
Vander Jagt
Waggonner
Wampler
Watkins
Watson
Whalley
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wydler
Wylie
Wyman
Zion

NOT VOTING—15

Burke, Fla.
Corman
Davis, Ga.
Dawson
Evins, Tenn.
Frelinghuysen
Fulton, Tenn.
Hawkins
Hébert
Kirwan
Lipscomb
Lloyd
Monagan
Teague, Calif.
Wolff

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Kirwan and Mr. Hawkins for, with Mr. Hébert against.

Mr. Wolff and Mr. Fulton of Tennessee for, with Mr. Burke of Florida against.

Mr. Corman and Mr. Dawson for, with Mr. Frelinghuysen against.

Until further notice:

Mr. Evins of Tennessee with Mr. Lipscomb.

Mr. Davis of Georgia with Mr. Teague of California.

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill are referred to the Committee on Appropriations.

The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE TO INCLUDE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that in connection with their extension of remarks on the veto message that all Members may be permitted to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (15149) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agrees to the House amendments to the Senate amendments numbered 8 and 31 to the foregoing bill.

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THE FCC AND WIFE

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, this is the fourth time in less than 4 months that I have spoken on the floor of the House concerning the actions of the Federal Communications Commission in connection with radio station WIFE.

On January 15, the FCC issued a statement of policy which in effect protects the broadcast industry against public pressure and public challenges to licensees who may not have been meeting the standards of the 1934 Communications Act. I feel that it is now time that the FCC and the Congress go on record in support of the public and their right to have a broadcast industry that is properly regulated and vigorously watched.

This past Friday I called for the immediate revocation of the broadcast license of WIFE radio station—Indianapolis, Ind. If any one of my colleagues doubts whether there are ample grounds on which to base such a harsh move, he has but to look at the record. WIFE has admitted to fraudulent billing of $6,000, and to having staged two phony contests at the expense of its listening audience. It has further been learned that the licensee hypoed his ratings and acted in violation of section 315 of the Communications Act by giving free time to one political candidate to the detriment of another.

The FCC saw fit to give WIFE a 6-month renewal of its license despite knowledge of some of these violations and despite the fact that the station committed the violations while on probation for prior offenses. What was their justification? Where was their sense of judgment? Why are they so bent on protecting illegality and corruption?

WIFE is not the only example of a licensee who is failing to uphold the dictates of the Communications Act; it is only the most flagrant and most outrageous one. We have examples of stations that have committed more than 120 violations and yet have been rewarded with renewal of their license. We know of a station that openly defied the FCC and refused to air stories favorable to Negroes or the civil rights cause. This station, too, had its license renewed by the FCC.

On the whole the broadcast industry has performed well and has lived within the letter and the spirit of the law. The overwhelming majority of the stations have done great service to their community and toward the betterment of communications in America. The obvious failure has occurred in the regulatory agency, where the Commissioners have seen fit to renew licenses pro forma since 1934, thus letting some broadcasters become lax in their duties. If we hope to keep a vigorous and uncorrupt industry, we must see that the FCC weeds out those who fail to maintain high standards.

How can we justify denying licenses to those new groups desiring them while we reward those who have tricked the public and flaunted the law? Our regulatory agencies have often been accused of acting to protect those they are supposed to regulate, while forgetting the public. Let us insure that this is not the path the FCC will be allowed to take in the 1970's.

Mr. Speaker, it seems to me that the FCC is failing in its duty to protect the people and to regulate broadcasting in the "public interest, convenience and necessity." We, as elected officials, have a duty to prod the FCC into action to protect the public's rightful interests. If the FCC is incapable of fulfilling this task, then we must revise the 1934 act and establish a better group that will have the power and the desire to be more interested in the public's good than in the industry's good.

It is time for the Congress to begin to reclaim communications in America for the people and to insure that the people's interest will be paramount.

A NEW COTTON PROGRAM

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute.)

Mr. ABERNETHY. Mr. Speaker, I am today introducing a bill to inaugurate a new cotton program. My colleague, the gentleman from Mississippi (Mr. MONTGOMERY) is joining with me in sponsoring the bill.

Current law affecting cotton, as well as wheat and feed grains, expires on December 31, 1970. Failure to pass and inaugurate a new law, cotton will revert to the old act of 1958 of high price supports and export subsidies. A new program is imperative.

Hearings were conducted by the House Agriculture Committee during the 1969 session for the purpose of obtaining the views of the Department of Agriculture and others on a new type program. The Cotton Subcommittee, of which I am chairman, conducted extensive hearings on cotton.

The one point agreed upon by virtually all producer witnesses was that the problem of cotton has shifted from one of surplus to that of a deficit crop. Stated another way, the big problem with respect to cotton is not a surplus or the prospect of a surplus, but the means by which we can encourage farmers to produce enough to meet demand and maintain a strong cotton economy.

Even though the domestic consumption of cotton and exports are down, we did not produce enough cotton last year to meet domestic and export need. Therefore, the principal objective of my bill is to establish the kind of cotton program which, hopefully, will assure an adequate supply and maintain farm income insofar as possible. Each change my bill proposes to make in the program is aimed at achieving these objectives.

In recognition of the shift from a surplus to a deficit status, my bill will allow farmers substantially more freedom to plant. This will not be done by completely eliminating marketing quotas but within the framework of a flexible marketing quota system.

GOLDEN ANNIVERSARY OF THE JAYCEES

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, last week was National Jaycee Week and I want to take this opportunity to join my colleagues in congratulating the U.S. Jaycees, who celebrate the golden anniversary of their founding this year.

As someone who represents a district containing a number of fine Jaycee chapters, I am well aware of the contributions made to the community by the Jaycees; and as a former member of the Jaycees, I am proud of the work this fine organization has done over the past 50 years.

Jaycees in my upstate New York district not only sponsor but work on such projects as cleaning up the parks, running sports events for the children of the community, holding fundraising affairs for charity, and taking handicapped children on outings. The Jaycee organization, which now includes over 300,000 members across the country, has been dedicated to leadership training, youth welfare, and community service since its founding in 1920 by Henry Giesenbier. They have also taken the lead in Auburn in paying deserved tribute and honor to our returning—and all too often forgotten—Vietnam veterans.

In this era of the "copout" and youthful destruction and with antieverything ideas sprouting in every age group, it is refreshing indeed to see such an organization of young men engaged in such constructive activity and it is only appropriate that we pause to give them the recognition they so richly deserve.

I believe I can speak for all of those communities in my district that are fortunate enough to have a Jaycee chapter when I express my deepest appreciation to all Jaycees for 50 years of selfless community service.

STRICTER FEDERAL CONTROLS ON PORNOGRAPHY ESSENTIAL

(Mr. DULSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DULSKI. Mr. Speaker, there is mounting concern about the spread of pornographic material through the mails and otherwise.

I would like to alert the Members that our Subcommittee on Postal Operations, headed by the gentleman from Pennsylvania (Mr. NIX), has completed extensive hearings and is preparing to recommend legislation shortly on banning the sending of obscene material through the mails to a home where a minor resides.

We hope to have this matter ready for House action very soon.

We are appreciative of the fine cooperation we are receiving from Members on both sides of the aisle—indeed, by Members on both sides of Capitol Hill—through their testimony and their interest in this frustrating problem.

In this connection, I am very much impressed by the report made the other day by Raymond P. Gauer, of Los Angeles, national director of the Citizens for Decent Literature, as the result of a factfinding survey he made in Stockholm and Copenhagen.

There are some who have the notion that to provide complete freedom from moral strictures will simplify a problem. They say this in connection with pornography. They say it in connection with certain drugs.

It would pay these people to take an objective look at what has happened in Denmark where the controls over pornographic material have been abolished. Mr. Gauer gives a capsule view in his report to his organization.

Mr. Speaker, Mr. Gauer's summary speaks for itself and I make it a part of my remarks at this point:

PRESS RELEASE BY RAYMOND P. GAUER, NATIONAL DIRECTOR OF CITIZENS FOR DECENT LITERATURE, INC.

Raymond P. Gauer, former Chairman of the Los Angeles County Commission on Obscenity and Pornography and current National Director of the Citizens for Decent Literature, has just returned from a factfinding survey of Stockholm, Copenhagen and London at the request of Charles H. Keating, Jr., the appointee of President Nixon to the Federal Commission studying the obscenity problem in America.

In tape-recorded interviews with police officials, government officials and church leaders, Mr. Gauer documented the following facts:

1. The production and sale of hardcore pornography in Denmark has mushroomed into a major industry since the abolishment of obscenity law seven months ago. Competition in the field is very great and there is a tremendous over-supply (not a lack of demand as reported widely in the American press).

This over supply is being "legally" exported by Denmark to other nations throughout the world—and illegally imported by those nations. Thus Denmark is contributing to criminal activity throughout the world and there is already evidence of Mafia involvement in this industry.

Crown Prince Henrik of Denmark recently said "From a moral or aesthetic point of view I don't approve. But if you see it from a business point of view it is surely good business."

NEW SHOPS EVERYWHERE

2. "Porno" or "Sex Shops" have sprung up all over Copenhagen and feature high quality color picture magazines depicting every imaginable form of perverted sexual activity including homosexuality, bestiality, sadism and masochism.

Live sex shows are sponsored by many of the sex shops in back rooms and are advertised prominently and explicitly in the "Ekstra Blade"—Copenhagen's largest circulation newspaper. This newspaper contains photos and articles throughout that go far beyond even the "underground" press in this country.

3. In an interview with Herr Clor Christiansen, Chief Deputy of Police in Copenhagen, Gauer confirmed that the 31% reported decrease in sex crimes since abolishment of obscenity laws is due to the *fact* that what was previously considered a sex crime is no longer so considered.

For example the sale of pornography was considered a sex crime in the past. It is also a fact that "statutory rape" is no longer considered a sex crime if the girl—regardless of her age—is a willing partner in the act. Violent sex crimes of forcible rape and assault have not decreased since the abolishment of obscenity law.

Another "fact" distorted by the press in this country and elsewhere is that prostitution is illegal in Denmark because the "Danes frown on women accepting money for such activity."

The true fact is that the streets of Copenhagen are alive with street-walkers who can "operate" legally as long as they carry a certificate stating that they are employed at a "legitimate" job for at least five hours per day and are thus not dependent on prostitution for a living.

POPULAR DISCUSSION TOPIC

4. Pornography is the topic of discussion among all groups in Copenhagen and it is common to see visiting businessmen displaying purchased items which they are bringing back to clients in their country. Live sex-shows are "arranged" for visiting businessmen through contacts with the many pornographers in that city.

5. While Denmark is 98% Lutheran—church attendance is at an all-time low. Nationally 3% of Danes attend church—and in Copenhagen—1%.

The auxiliary Bishop of Copenhagen—Rev. P. Werner Hansen—rector of the Cathedral—reported to Gauer that the ten Bishops of Denmark meet once a year and issue a formal report that has no more effect than if "ten shoemakers" had met. Traditional Judeo-Christian morality plays little or no part in Danish life.

6. Dr. Folmer Wisti, Director of the "Danish Institute" which sponsors seminars and study groups to promote the image of Denmark internationally is appalled at the fact that Denmark has received more international notoriety over pornography than it has over the many tremendous accomplishments of that nation in the past thirty years. He is fearful that the reputation of Denmark internationally will be destroyed by the pornographers who will do anything for commercial gain.

SWEDEN WORSE THAN DENMARK

Sweden in many ways is worse than Denmark in that citizens and visitors are confronted with displays of the worst possible hard-core pornography in the windows of sex shops that operate throughout the city.

Even in the historical "old city" section of Stockholm—where the place and other government buildings dating back 800 years are located, visitors—young and old—are assaulted by pornographic displays in shops adjacent to the beautiful and quaint shops displaying the products of Swedish industry.

In London where a working party of the Arts Council recently recommended a five year moratorium on obscenity law enforcement, Gauer interviewed British Home Office officials who pointed out that very little credence is being giving to the Arts Council recommendation by British officials.

Britain is also concerned by the tremendous influx of illegally imported pornography from Denmark and the Home Office is aware of the distortions contained in the Danish sex-crime reports.

Gauer reported that an international conference on "Community and Morality" will be sponsored by the Danish Institute in the fall of this year to hopefully offset the bad publicity Denmark received over the "Sex Fair" held last October.

Gauer said that it is "poetic justice" to conduct such a seminar in Copenhagen—which is the home of HANS Christian Anderson.

If Hans Christian Anderson were alive today, he would write a new version of "The Emperor's New Clothes"—and would point out that there *is* something rotten in Denmark and that the Danish people and officials know it but seem afraid to speak out because they are making too much money or for fear that their neighbors will consider them prudish, reactionary or too religious.

From this international conference—which Gauer will help organize—will hopefully come forward the "little boy" who will point out the *fact* that "the Emperor has no clothes on"!

YOUNG WORLD DEVELOPMENT—THE YOUTH ARM OF THE AMERICAN FREEDOM FROM HUNGER FOUNDATION

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL), is recognized for 60 minutes.

(Mr. SCHWENGEL asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. SCHWENGEL. Mr. Speaker, recently I was invited to speak before a national conference sponsored by the American Freedom From Hunger Foundation, Inc., at the YMCA in Chicago. This was a thrilling, exciting and revealing experience. It was extremely interesting because I was talking to an audience of young people—young people from 33 States who are concerned about the problems within their communities, within their States, the Nation, and, indeed, in the world. They were there voluntarily to find out ways and means that they could help in their small, individual and collective ways, to come to grips with this problem, this plagueing problem, and agonizing problem, of hunger in America.

In this, Mr. Speaker, I think they caught the vision and the idea of a great American whom many of us knew personally who was President, who was young also, who had a feeling for the right things, whom all men could admire personally, and did. His memory shall never leave us.

You will recall that he said, among other eloquent things:

> Ask not what your country can do for you. Ask rather what you can do for your country.

Another American said in 1916 that Americanism must be more than the conservation of the individual.

In this great fulfillment, this Republican President, President Harding said:

> We must have a citizenship less concerned about what Government can do for them, and more anxious about what they can do for the Nation.

The American Freedom From Hunger Foundation has a well-known and impressive leadership.

Their organization's honorary chairman is Harry S. Truman. The board chairman is Paul S. Willis, president of the American Grocery Manufacturers of America, Inc. The president is Robert Nathan, president of Robert Nathan Associates and the executive director is a former Member of the Congress, Leonard G. Wolf, about whom I shall speak more later.

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Mr. Speaker, in order to raise money to finance their modest but effective program and their other worthy objectives, they carry on and sponsor projects to raise money.

One that I think you have all heard about, for it has been conducted all across America, is called "walks for development."

Two of these walks were held in my district and they had a tremendous impact on the thinking and they received a marvelous response.

These projects raised money to feed the hungry, to eliminate poverty, and the peculiar kind of pollution that it brings to a community. But more importantly, it seems to me, these programs and this organization does something that is good—it gets people involved, and in this instance young people, and they show concern for the less fortunate among their contemporaries and their colleagues.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. JACOBS. Mr. Speaker, I would like to commend the gentleman for his statement and for taking the special order on this occasion to commend the Freedom From Hunger Foundation for its good work, and particularly the long hikes that are being taken.

A year ago my assistant and I joined others who participated in the Washington hike. Some 6 hours and 24 miles later, we were somewhat the worse for wear—but I must say that associating with these young people was one really gratifying experience for both of us that we ever had.

One little boy in particular, I remember, was ill equipped for the march. He was wearing what we back in Indiana call "pointed toe loafers" for dress shoes. But half way through the hike, he was obliged to discard his shoes. He had blistered feet. I asked him if he would not want to drop out of the hike and he said, "No blisters can heal, but malnutrition lasts all during a person's life." He completed the march.

It is a very, very inspiring display by those who participate in it. I hope this year many more Members of Congress will join the march.

Mr. SCHWENGEL. I thank the gentleman.

As we all know, Mr. Speaker, the problems that these young people are concerned with are the lives of people in their communities. They eventually become problems of the State and the Nation. In the unique way that has already been referred to, they get contributions from people to pay them to walk all the way from 25 cents a mile to a dollar a mile or more, and some walk for one sponsor and some walk for 100 or more sponsors.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to my colleague from Iowa.

Mr. SCHERLE. Can the gentleman from Iowa tell me approximately what percentage of the money that is voluntarily contributed goes for administrative costs?

Mr. SCHWENGEL. I do not have the figures, but the figures are available. They are public, and I think they will bear scrutiny. I made inquiry on the point, and the administrative cost is handled from foundations and from other sources.

Mr. SCHERLE. Recognizing the fact that this is a voluntary program, many of we here in Congress and throughout the United States have been very, very much aware of the fact that so much of the money that is collected, and much to be appropriated, has gone in the past for administrative costs and very little of the money actually goes down to help the poor people. I do not think there is anything more disgraceful in this country than to extend the hand of hope to these people, and usually give it to them empty.

I am also concerned with what the salary of Mr. Wolf would be at this time. If my colleague could provide these figures for the Record in this special order, I am sure we would all appreciate it.

Mr. SCHWENGEL. I will have time to do that. Let me assure the gentleman that if I thought there was any misuse of talent or money by these people, I would not be standing in the well here today.

Mr. Speaker, I now have the answers to the questions raised by the gentleman from Iowa (Mr. Scherle) with respect to the finances of the American Freedom From Hunger Foundation, and will include them in the Record at this point.

The books of the American Freedom From Hunger Foundation are maintained by Finance Management Services of Washington, D.C. The foundation's books are audited, and the gentleman will be interested in this, by the firm of Meriwether, Miller, Wilson & Sitrick of Des Moines, Iowa. I am advised that copies of the annual audit report will be made available to any person or organization with a genuine interest in the financial operations of the foundation.

The records of the foundation show that it has received a total of $853,964.42 from the "Walks for Development" during the calendar year 1969. Of this amount $758,227.27 actually has been disbursed to projects, or transferred to trust accounts specifically dedicated to specific projects. Ninety-five thousand seven hundred thirty seven dollars and fifteen cents, has been transferred to the national education project of the foundation. This project of the foundation carries on a worldwide effort to make people aware of the problem of hunger. Actually, only approximately 7½ to 8 percent of this figure, the $95,737.15, goes to costs which could be truly categorized as administrative.

The grand total of expenses for the foundation for the calendar year 1969 was $155,299.93. Of this amount $68,851.47 went for salaries of the 15 staff members employed during the year 1969. As to the question of Mr. Wolf's salary, while I am not quite certain of the motivation for the question, Mr. Wolf's gross salary for 1969 was $28,222.82. Now, the gentleman from Iowa will quickly realize that amount is considerly less than the amount received by an incumbent Member of Congress, and in fact represents a sizable cut in the salary received by Mr. Wolf in his former position with the U.S. Government.

I trust these figures will allow the gentleman from Iowa to have some peace of mind, at least with respect to the American Freedom From Hunger Foundation, and the "Walks for Development."

Mr. SCHERLE. That is not my position. I am sure the gentleman is sincere in his remarks. However, so many of these programs do not play the part for which they were originally designed. It is a fallacy in some cases to where the poor people never derive the benefits for which the plan observed on the drawing board was intended, and some—I, for one—have been very cautious and skeptical about these programs, particularly those depending upon voluntary contributions and the larger part of the funds are not designed for those who actually need them.

Mr. SCHWENGEL. Some day, since the gentleman has brought this subject up, I intend to make a statement on voluntary programs which I hope will clarify the matter.

Mr. BURKE of Massachusetts. Will the gentleman from Iowa yield?

Mr. SCHWENGEL. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, at this time I would like to heartily endorse the sentiments expressed by Congressman Schwengel.

Several young citizens from my own congressional district have called the walk for development program—as sponsored by the American Freedom From Hunger Foundation—to my attention through personal visits to my district and Washington offices, and of course, through letters. To say that I have been impressed by their enthusiasm and initiative would be an understatement.

Carolyn A. MacDougall, Morris William Roderstein, and Wilma Leinonen, constituents within my district, have recently outlined in correspondence to me the walk for development program conducted in Quincy, Mass. A portion of Miss Leinonen's letter follows:

> Last June 8, 1969, there was such a walk in Quincy. Father Pat Hughes of the Paulist Fathers and Dick Summer, D. J. from WMEX led 2,000 real people from Quincy's Stadium for a 30 mile stroll through the streets. Ten hours later, 725 weary walkers could claim the satisfaction of walking 30 miles, and of raising over $26,000.
>
> The money is now being used to fund an agricultural training center, in Liberia and to fund a nutritions program for low-income families in Brewer's Corner, W. Quincy. The money was divided in 3 parts complying with AFFHF standards; 42.5% for a foreign project, 42.5% for a domestic project and 15% for the Foundation to provide staff and equipment to institute projects like YWD and to start new walks.

The following news article further outlines this successful venture:

[From the Boston (Mass.) Herald Traveler, June 5, 1969]

FOOT POWER A HEADY QUALITY IN QUINCY

(By Robert L. Hassett)

Michael Levine and Michael Winerip came into the office and said everyone in Quincy should forget the beach and television Sunday and go for a 30-mile walk.

Michael Levine was wearing a white button which had a green footprint and said "Foot Power."

There are a couple of hundred signs decorating corridors and stairwells in the schools in Quincy and they say that everyone who goes walking Sunday will be helping to kick hunger out of the country.

Michael Levine and Michael Winerip, both 17 and juniors at North Quincy High School, began talking about the Quincy Walk for Development.

This is a 29.6-mile hike through the streets of the city which is going to begin, rain or shine, at 8:30 a.m. Sunday at the Quincy Veterans Memorial Stadium.

It is hoped that a couple of thousand persons will begin trudging and raising money to donate to anti-hunger programs at home and abroad.

Sponsors of the participants have agreed to pledge a certain amount of money for every mile walked, and checkers at a dozen points along the route will do the bookkeeping on cards carried by the hikers.

"We want to make people aware that hunger does exist and we want to do something to help in our limited way," said Michael Levine and Michael Winerip.

"You ask a sponsor what he thinks of hunger. He'll probably say, 'It's bad.' Then you challenge him, ask him what he'll do about it, how much he will pledge."

Teachers, parents, businessmen and members of church groups have been asked to become sponsors. Some church groups have pledged a dollar a mile. The average pledge is between five and ten cents, but a dozen persons can sponsor the same walker.

The anti-hunger walk in Quincy was organized by the Rev. Patrick Hughes and John J. Murphy, guidance counselor at North Quincy High School, with the help of the American Freedom From Hunger Foundation, Inc.

Murphy said that Fr. Hughes, a member of the Paulist Fathers who was transferred recently from Washington to Boston, contacted him in April and suggested that a walk to help the impoverished of the nation and world be organized in Quincy.

"Fr. Hughes grew up in Quincy," said Murphy, "and he was hoping that this would be the first walk of its kind in this area. But last Saturday 600 pupils from the Framingham schools walked from there to Boston Common, about 20 miles, and I understand they raised between $25,000 and $30,000.

"There have been similar walks in Buffalo, N.Y., Fargo, N.D., Texas, and several in Canada."

Murphy said that a committee of pupils, headed by William West, a senior at North Quincy High School, began visiting school assemblies and other gatherings trying to enlist support for the project.

"Ten thousand pledge cards have been distributed," said Murphy, "and we hope to have at least a couple of thousand participating in the walk, so it is hard to estimate how much money may be raised."

When the walk is over and the pledges have been made good, the money will be deposited in a special account at the South Shore National Bank.

"Fifteen per cent will go to the American Freedom From Hunger Foundation for expenses incurred in helping us organize this," said Murphy. "The rest of the money will be divided between donations to an agricultural training center in Liberia and to local anti-poverty projects."

One thousand "Foot Power" buttons were purchased for about eight cents each and distributed for a donation of 15 cents a button. The profits will also be deposited in the special account.

The Quincy Walk for Development has been endorsed by President Nixon, Sen. Edward M. Kennedy, Sen. Edward W. Brooke and Mayor James R. McIntyre of Quincy.

Members of the Quincy City Council, who were solicited early as sponsors, have also pledged to walk.

John Pierce, a social studies teacher at North Quincy High School, says he is going to jog the 29.6 miles and has asked other faculty members to be his sponsors.

Pupils have been urging teachers to spend Sunday either helping to keep the records straight at the dozen checkpoints or by walking past them.

"Most of the boys and girls on the committee are seniors who ordinarily would be busy with graduation plans or looking for jobs," said Murphy, "but they've kept working on this to make it a success. William West and Christopher Cavanagh, the treasurer, even skipped the senior class outing at Lake Pearl in Wrentham on Tuesday. They've all been very unselfish."

Brochures in circulation to promote the Quincy Walk for Development contain some good advice for the walkers, such as:

"Stop at all checkpoints as far as you walk and make sure you get your card stamped. Also stop at these checkpoints to rest and to eat, but don't eat too much or too fast because you'll get cramps."

"Walk slowly, this is not a race. If you drop out, look for a designated 'walk' vehicle to take you back to the stadium."

The brochure's after-the-walk advice: "Go home and recuperate."

Two highly articulate gentlemen recently visited me in Washington to personally call my attention to the Walk for Development Program, Mr. William West and Mr. Jeff Issacson, both of Quincy, Mass. Others active in the Quincy Walk were Susan Drew, Isabel Damon, Jane Kamps, Robert Grady, Steve Fishman, Judith Hughes, Scott Little, Susan O'Connor, Kathie Duggan, March Freedman, Frances Blanchard, Laurie Haapanen, Christopher Nourse, Maria Staiti, and Fred DuFresne.

Webster's Dictionary defines the word "lobby" as "to conduct activities aimed at influencing public officials and exp. members of a legislative body on legislation and other public decisions to promote—as a project—or secure the passage of—as legislation—by influencing public officials." I commend these youthful demonstrations as lobbying of the highest order. These youths are lobbying for legislation to alleviate worldwide hunger and malnutrition. Their position is backed by action—not just idealistic rhetoric—but action that proves they are serious in working for their goals. Congratulations are in order; however, our answer to the appeal made to us by those involved in the Walk for Development Program would best be answered through legislating programs for the elimination of hunger within our own Nation and abroad.

Mr. SCHWENGEL. Mr. Speaker, I thank the distinguished gentleman from Massachusetts very much.

Mr. Speaker, the conference in Chicago to which I referred earlier was called to consider the depths of the problems of our young people and to consider how best to deal with those problems, especially the problem of hunger in America. It was very evident to me, Mr. Speaker, that these young people, while they disagreed with me on some of my observations and conclusions, were well read and were honorably motivated and were dedicated to those ideas and ideals that will hasten the day when there will be a greater realization of the spirit of the Declaration of Independence and especially that part which deals with the equality of opportunity and with the terms of the Constitution—beginning with three thrilling words, "We the people." They were interested and are interested in we, the people, all the people of this country.

Mr. McCARTHY. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from New York.

Mr. McCARTHY. Mr. Speaker, I wish to associate myself with the remarks of the gentlemen from Iowa, the members of the young world development group have highlighted the hunger and malnutrition that is all too prevalent in the United States.

It is a national disgrace that bold emergency action has not been taken by our Government to help 10 million people whose health is being permanently impaired by malnutrition. They are found on our Indian reservations, in Appalachia, in the Mississippi Delta, in our urban ghettos and in other pockets of poverty in this land of plenty.

These conditions are so shocking that 3 years ago the late Senator Robert Kennedy described the misery due to hunger in the United States as being worse than what he had witnessed in parts of South America. I find it tragic that in this land of plenty children cry themselves to sleep at night for want of food.

A poor child is caught in a never ending cycle of misery due to malnutrition.

From the moment he is conceived in his mother's womb he sufferes from the lack of proper nutrition. This unfortunate situation is a result of his mother's faulty eating habits. Poor nutrition for the mother condemns the child to a life of mental and physical retardation. He may become prey to crippling diseases such as rickets, anemia, and blindness. If an infant is malnourished until his fourth birthday his body and mind may be so irreparably damaged that further efforts to restore full mental or physical ability are condemned to futility.

When these children go to school they are not able to meet the school's standards. If they are not already mentally damaged they may fail to learn because they lack the necessary energy which learning requires.

What follows then in the never ending cycle of misery reveals that poverty begets poverty. We find children dropping out of school too early. In our modern society which places increasing emphasis on education those with a poor education lose out. Due to their lack of education these individuals can only compete for menial employment. Even then they may have difficulty keeping these jobs because their inadequate diets and poor health hinder their ability to perform. Many are faced with a life of continued poverty and welfare dependence. By tolerating hunger for the young, society condemns these individuals to unproductive lives. To these unfortunates the American dream remains just that—a dream.

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This tragic cycle must be broken. If we insure that infants, children, and pregnant women receive adequate nutrition we can interrupt the cycle and become the masters rather than the slaves of our future. Our inexcusably rising mortality rate would drop. Our children would benefit both physically and mentally. Educational accomplishment and achievement would improve. In turn the children of poverty would earn more. The Nation could reclaim not only millions of wasted lives but billions of dollars that we lose because the underfed cannot make their full productive contribution to society.

Aristotle once said that the good of men must be the end of the science of politics. But recent governmental programs have failed to break the links in this tragic cycle.

Many of the 22 foods available under the agriculture department's commodity distribution programs never reach needy families. The Federal food stamp and commodity distribution programs are aimed at the disposal of surplus farm products rather than the nutritional needs of the poor. The Federal food stamp program has failed because—

Many counties do not want to make the local contribution required for food stamp programs and do not have them.

Many of the poor cannot afford to buy the stamps.

Many of the poor cannot afford the time or the money needed to travel to the centers where food stamps are sold.

Families must buy stamps regularly if they are to participate. Many of the poor cannot do this.

In many areas families no longer qualify for food stamps although well below the poverty line.

Fortunately, the plight of the underfed has been recognized. The late Senator Kennedy put the spotlight on hunger in Mississippi and in New York State and Senator HOLLINGS, of South Carolina, sounded the alarm last year. As a result the Federal budget has been increased. The funds to fight hunger have been increased to $1.5 billion.

But this is not enough. The Federal Government must recognize the urgency that malnutrition demands. How many authors, doctors, carpenters, steelworkers, and lawyers will our society lose because our Government failed to respond in time.

Even a budget of $1.5 billion for food is inadequate. It is only half of what is needed. If we can spend billions on military cost over-runs then we can surely afford $3 billion to eliminate hunger, and this investment will in turn reduce our medical and welfare costs.

The White House sponsored a conference in December to discuss malnutrition and further develop an anti-hunger program.

What is needed is an all out war against hunger. The plight of the underfed deserves the highest priority. No child should be subjected to the physical pain and damage which hunger causes. This is a right which we can guarantee as a part of the promise of America.

This is not an unrealistic goal, in the 1940's we were in the midst of a great war which involved all of our resources and yet we mobilized a successful drive to see that no one was malnourished. This contrasts starkly with our greatly increased agricultural productivity and limited Federal food program. It is not a question of whether we have the resources to do the job, for we do. It is rather a matter of applying the will and compassion which is necessary to eliminate hunger in America.

I have cosponsored a bill with Representative THOMAS S. FOLEY, Democrat of Washington, and Representative EDITH GREEN, Democrat of Oregon, and others that proposes the coupling of the food stamp program with the Commodity Credit Corporation allowing the Commodity Credit Corporation to use up to $19.5 billion of its borrowing power to reach all the forseeable needs of the present hunger program. The bill calls for the distribution of free food stamps to families that have no disposable incomes.

I further propose that we take the following actions:

First. Use emergency funds to fully meet the needs of the hungry this year.

Second. Mobilize Federal, State, and local agencies—government and private—to insure that all the underfed are reached.

Third. Educate the poor about nutrition.

I am convinced that an imaginative, energetic and determined effort can eliminate hunger in America.

There is no excuse for one meal a day of grits and molasses, beans and tortillas, or bread and gravy. There is no excuse for a free and reduced-price lunch program that can only feed a few of the deserving children in a class. There is no excuse for an underfunded lunch program that requires that lunches be rotated through a class during the week. There is no excuse for a food stamp program that provides less than a minimum diet. There is no excuse for charging people with no income for food stamps. And there is no excuse for the existence of diseases caused by malnutrition. Only by making these necessary and monumental efforts can we honor the biblical commitment: "They shall hunger no more."

Mr. SCHWENGEL. Mr. Speaker, I thank the gentleman from New York for his kind and appropriate remarks. That will help us to understand better the total problem, I am sure.

Mr. Speaker, in my brief presentation to these young people I first commended them for their coming together at considerable sacrifice to this type of a meeting. I know many of them came at some sacrifice. Then I suggested to them at the outset that, whatever might be their feelings toward America in any category or on the broad front, they should have faith in the American system.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding.

I was tremendously impressed by the enthusiasm, the organization ability and the sensitivity of the young people in my congressional district who made the march and raised substantial amounts of money. When young people can use that positive means to express themselves and their strong feelings, to activate progress, it is not a disruption, as so often it appears when students march. This gained tremendous respect for them in the communities where they conducted this.

It is very exciting to see America's young people so concerned about the problems of population, pollution, and poverty. The people participating in the Young World Developers Conference in Chicago are contributing to the solutions of these problems by drawing attention to them, discussing them, and making recommendations for their solution. From such interest and enthusiasm, I am confident that these age-old problems will soon be solved.

The "walks for development" conducted throughout the country were examples of the constructive solutions carried out by these young people. They exerted real effort to make some money to contribute to programs for the alleviation of hunger and poverty at home and abroad. I am very proud of the "walks" taken in my congressional district and would like to pay tribute to the organizers of some of them. At Albert Lea, Minn., the "walk for development" was coordinated by Brian Veiman. The slogan on this walk was "Hunger Hurts." Jon Bergland was the student coordinator of the Winona, Minn., "walk for development" and John A. Anderson was the adviser. In Rochester, Minn., the youth coordinator was Wayne J. Fieck. While I could not participate in any of these walks, I was happy to wish them well in this venture. I am happy to join today in this effort to bring public attention to the inspiring work being done by this group.

Mr. SCHWENGEL. I thank the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman from Minnesota.

Mr. FRASER. I want to join in commending the gentleman for the statement he is making this afternoon.

I believe the work being done by the American Freedom From Hunger Foundation and the work being done by the Young World Development Organization represent a new hope—a new vision—for the young people of America.

Last year I took part in the walk in Washington, D.C., along with some members of my family, aimed at raising money to help to meet the problems of hunger and development both at home and abroad.

Just a week or so ago I had the opportunity to participate in a conference at the University of Minnesota in which young people were again expressing their convictions about the moral commitment needed on the part of Americans to participate in development and the need to make this a high priority among our many concerns.

I know the views of the gentleman from Iowa about the importance of turning our priorities away from excessive expenditures for the military and devoting more of our resources to human development both here at home and abroad.

If in the months and years to come we can renew the commitment of this Nation through its young people to developmental aid and to the building of constructive relationships with the peoples of other nations through our efforts to assist in their development, this could become one of the finest periods in our history.

There is a great stirring in our Nation. Young people have been caught up in some of the most far-reaching controversies ever experienced by our nation. The horrors of Vietnam, the agonies of starvation at home and abroad, growing racial tension, and the threat to continued life from pollution of our environment have become their central concern. They wonder and worry about seeming indifference on the part of their governmental institutions. Cynicism has too easily displaced commitment.

The decision of young people to involve themselves directly in the problems of hunger and world development provides new hope. We need for this generation as well as for all the world to stake out new visions of tomorrow—of a world more concerned about sufficiency of nutrition than the sufficiency of armaments, of a world in which the largest share of our resources is channeled into human development rather than into preparations for war. Peace is development.

We should give all the encouragement we can to the work of these young people. We should work with them—walk with them—and talk with them whenever we can join in their magnificent undertaking.

I thank the gentleman very much for yielding to me.

Mr. SCHWENGEL. I thank the gentleman from Minnesota for his very worthwhile contribution today.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Ohio.

TAKE PRIDE IN AMERICA

Mr. MILLER of Ohio. Mr. Speaker, in 1967 the United States produced 132,219,000 short tons of corn, more than 45 percent of the total world production.

Mr. SCHWENGEL. Mr. Speaker, as I said, I suggested to these young people gathered there that they continue to have faith in the American system.

I pointed out to them that even with all of the shortcomings that are so apparent to them and to us these days that the American system is still defensible; it is still the best system for any people in the long run, for it has done more in more ways to bring the Biblical promise of a long and good life to a nation and to all its people than any other system. I quickly added, for I sensed their feelings that there were things wrong with the system, that we needed to reconcile the system, we needed to improve the system and review its traditions to determine whether or not they are appropriate for our time. We have to review the precedents and find ways and means to make it easier to attain the objectives that were envisioned by our forefathers.

I agreed with them as I later found out that we need to set proper priorities and to come to grips with the many problems of our times which plague many areas. These are problems which really keep us from the kind of greatness we can achieve. We can add to America, and this, too, will enrich our heritage.

Then, Mr. Speaker, I suggested something that they already sense, as was my observation to them; namely, that there are right and wrong ways to do right things; there are right and wrong times and places to do right things, and the genius of success, as history has so often revealed to us, is to find the right way to do the right thing at the right time.

Then I also pointed out to them, as they knew and as they expressed in various ways, that our system and our way of life was based on a moral foundation. I pointed out to them, which is obvious—and I think most agreed with me—that the power of conscience that tells us not to do something because it is wrong or to do something because it is right is far more powerful than any constitution we can ever adopt or any laws we can ever pass. I told them, which is the fact, that I supported every strengthening of laws to improve society, particularly civil rights laws, and that many Members of Congress also did.

I also suggested to them that while we were strengthening and changing and improving laws, we needed programs to strengthen character, to upgrade minds, to improve the spirit. This is particularly pertinent because these people, in my view, were living this thing.

Then I shared with them some of their concerns about foreign policy and our involvements at the present time. I shared with them a concern I had gathered from the colleges I visited across America. I believe I have been on over 300 college campuses in recent years, and the same thing comes through there from the student bodies I associated with there; that is, the vast majority of the young people—and it is a tragedy that this is not better understood—know what is right and wrong. The vast majority of the students in college know why they are in college, and they are making the best of the situation there.

They recognize, though, as they ponder the future that they are given a commitment by us of our time to make a sacrifice, perhaps, unnecessary because of some mistakes that we have made and are now making.

One pointed out to me that in Vietnam if we left there tomorrow the major cost of Vietnam would still be before us. I did not think about it until I had this checked out by a reliable source and found that the youngster was right. The future cost of Vietnam in death benefits, hospital care of soldiers who have been wounded over there, disability benefits, and benefits to families will come to something like $250 billion. That is more than we have already spent over there.

Mr. Speaker, these things are plaguing the minds of these young people. I suggested that we needed at every level to rethink this whole question of foreign policy and maybe recognize what I think is the truth and that is the trouble with our foreign policy—we have no foreign policy.

Well, I talked about some of the other things and then it was opened up to a question and answer period to which I responded as best I could. In this experience I sensed a frustration about these many problems that are plaguing America and which are preying upon the minds of our young people. I felt the frustrations that were involved in specific projects such as the project of removing hunger from America. There could not be a more honorable project than that to undertake. But they felt frustration because they could not participate fully.

Mr. SCHERLE. Mr. Speaker, will my colleague from Iowa yield to me at this point?

Mr. SCHWENGEL. Yes.

Mr. SCHERLE. I think from the beginning of time, or since this country developed its independence we have had problems; we have had trials, we have had tribulations. This will not be overcome even with idealistic ideologies. These problems will go on even after you and I are gone and long after these youngsters about whom we are speaking are gone. There will always be frustrations and problems.

Now, these young people, are they so frustrated because things have been handed to them, are they so frustrated because some of them have never learned how to work, are they so frustrated because they do not have the responsibility of their age? I have often said it is too bad that our young people could not be 21 before they were 18.

I think it is wonderful that these young people participate in the problems of our Nation today because tomorrow they will be theirs.

Do they have alternatives? Do they have substitutes? Or would some of the recommendations they made resolve all of these problems? Do they really believe that the time will come where no one

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will be faced with any problem insofar as any civilization exists?

I always hear about the poor kids that are involved and their frustrations. I have had to face up to some of these problems every day of the week—sometimes 7 days a week. The trouble is that these youngsters have to learn to grow up. They have to grow up themselves. We cannot run around spoon feeding them all the time. We cannot run after them and wipe their nose all the time. I think they are going to have to face up to reality.

I do not know what we can do, or who has provided a better place for these kids to learn to live with these problems, nor has anyone tried any harder than we have.

I have three youngsters of my own, and I see this developing. By the same token, they are not afraid to take the bull by the horns, they are not afraid to go out and work, they are not afraid to do things, they are not spending their time idly sitting by and wondering what is going to happen to society; they are doing something about it. I believe a little more effort, rather than thought, perhaps might go a long ways toward solving their frustrations.

Mr. SCHWENGEL. Mr. Speaker, in answer to the statement of the gentleman from Iowa, I do not quite know what the gentleman is aiming at. Maybe it has not come through what I am trying to do. I stand here before this body because some people were interested in me. I suppose by certain measurements today, and even at the time that I was growing up, I could have been considered handicapped. I come from a German family. I am the son of immigrant parents who did not believe that I needed any education beyond grade school, and I would not have gone, I am sure, to high school, even, if it had not been for a schoolteacher, Helen Sculler, was her name, who in my eighth year when I was to take the county examination to see whether I could be graduated from eighth grade, walked home with me one day and talked to my parents about the importance of my going on to high school. She knew the attitude of my parents toward high school.

Well, to make a long story short, she convinced them, and I got them to let me go to high school and finally ended up working my way through high school. Then when I was graduated from high school, a high school teacher took an interest in me, and suggested I go to college.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield at that point?

Mr. SCHWENGEL. If the gentleman will permit me to continue for just a moment, then I will yield.

I could speak about this with emotion, because I would not have gone to college if it had not been for Mrs. Dennett.

I now yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, the thing that concerns me—and I thank my distinguished colleague from Iowa for yielding to me again—there are many more opportunities existing today than have ever existed in the entire history of our country, our great United States. We talk about handicaps. I feel that we had greater handicaps when we were young than the young people are faced with today. I believe the problem is indecision. I think this can be overcome also with a little thought and effort. I do not believe there are many men and women of our age who have not had the very handicaps that we had. I, too, come from a German family, a German immigrant family. I have as many relatives behind the Iron Curtain in Hungary and East Germany as I do in the United States.

I realize what the value of our country means to me as a first-generation American, and it is difficult for me to sympathize with young people of today.

My parents never took welfare. They were both immigrants, and there was a stigma attached to welfare. Nobody wanted it. But, today, if you can get it and beat them out of it, why, it is to your advantage.

Mr. Speaker, it is difficult for me to sympathize when we have the great opportunities that we do in this country, and it is impossible to try and compare those with the opportunities we had when we were younger, because they did not exist.

I am grateful for the opportunities that my two young sons have to grow up in society today. They do not have to work as hard as we did years ago, but there again it did not hurt us, and I do not believe it would hurt them today either.

Mr. SCHWENGEL. Mr. Speaker, let me say this in further response: I believe that the gentleman is not being critical of the students and people who are trying to do something. I believe the gentleman is talking about somebody who is not involved in this. That is my viewpoint, and I certainly hope that is true, for I am here today because I am convinced that this is an honorable organization, and that it is headed by good people.

Mr. SCHERLE. If the gentleman will yield further, I hope my colleague has not misunderstood what I said here this afternoon. I criticize no organization, I criticize nothing of that nature that has in a sense done good. But again I say it is difficult for me to sympathize with always wondering what we are going to do about the young people, what we are going to do for them. Perhaps it should be what are they going to do for themselves, not what are we going to provide for them.

The thing that concerns me is that I think perhaps we have turned them loose a little bit too soon, and that we should discipline them at home before they get to that point. If we did, I think maybe we would be a little better off, and a little further ahead.

Mr. SCHWENGEL. Well, I repeat—sympathize with the handicapped wherever they are.

I suppose that the child who does not have good parents, or for whatever reason, is handicapped, in a measure—not necessarily—and to the extent that we can give him encouragement and help to this self-determination to help other people, we ought to do it. That is my purpose here today.

Oh, I know of people in my community who are not taking advantage of all the opportunities they have in this great land. But here is an organization that is doing something—at least they are trying—and I salute them and wish them well.

Mr. Speaker, I have much more to say, but before I do, I want to put in the RECORD and read for this body the conclusion of this—or some of the conclusion at least—of this meeting in Chicago that I attended.

I think I should say that during the discussion period, there were some rather critical things said about our system and some of our leaders and people that bothered me.

Obviously, someone had not acquainted them—or they had not read about the institution of the Congress, for instance, that was severely and I felt, unjustly criticized and said so.

But you know the best answer to that probably came from the group themselves. Somebody within that group answered much better that challenge than I could. This is a part of their record. This too was an experience, and an interesting experience for me.

There is a statement of purpose by the Young World Development Group—

Listen to this. They said:

> The creation of a world free from hunger, environmental abuse and overpopulation must be fought and won.

They were translating in their words what many adults are thinking.

They continue:

> Young World Development recognizes that these conditions inhibit all mankind from realizing its greatest human potential. It is up to the people to take the initiative to redirect and stimulate personal and governmental involvement towards the solution of the problem.
>
> We are committed to involving everyone in the recognition of the severity of these conditions and the urgency of dealing with them. The late President Kennedy once said, "We have the ability, we have the means, and we have the capacity to eliminate hunger from the face of the earth. We need only the will." The accomplishment of this task is possible through dynamic participation, both collective and individual, education, motivation of the will and redirecting community resources.

At this juncture I should say, they were not just thinking of tax money—they were thinking of money that they could get from whatever source, honorably and through their own efforts and organization, then distributed in such a way as to come to grips with the real critical problems.

They continue:

> A fundamental requirement is the changing of priorities to insure survival.

How often do we hear that?

> The failure to meet this requirement can mean the eventual annihilation of mankind.
>
> The time for feeling "deep concern" about hunger, environmental abuse, and overpopulation is past. Expressing passion for our fellow man by verbal commitment is now hypocritical. We can only be true to ourselves and the world when we are true to our purpose by taking action. And it is this we believe to be the true expression of love, the joy of freeing man to seek fulfillment of his human potential.

There are many ways to do that.

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Mr. Speaker, at this point in the Record I would like to insert letters I have received as a result of my speech at the Second National Young World Development Conference. Let me reiterate my commendation of this constructive and meaningful organization. The young people involved in the conference demonstrated the kind of concern for our Nation that is healthy and which will make them creative and productive members of our society.

American Freedom From Hunger
Foundation, Inc.,
Washington, D.C., December 28, 1969.

Hon. Fred Schwengel,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Schwengel: The delegates of the Second National Young World Development Conference thank you for sharing your views with us and listening so attentively to our ideas and questions. We appreciate your involvement in the problems that concern us. Your voting record has encouraged us to believe that social change can come through our Congress.

We, the 175 delegates from 33 states, write this letter in response to your generous offer to read our statement of concern to the 92nd session of Congress. It is as follows:

Young World Development is concerned with hunger and the causes that relate directly to it: population, pollution, and poverty. We feel that there is a state of emergency existing in our country and that the Congress must deal with it immediately to enable future generations to exist on this planet.

We believe that some steps have been taken towards the solutions of the problems of hunger, but that they are tragically insufficient. Hunger still exists across the entire country and much must be done to minimize its causes. Hunger, which has been a rather hidden and untalked about issue in America, has now come to the surface and jolted the public into seeing the need for effective action. We, as concerned youth, are beginning to do something about it. However, it is sometimes hard to work on progressive solutions when a number of states will not even officially recognize that there is poverty in their state. Whether they recognize it or not, the emergency exists, and in some cases, most blatantly in those states where it is denied.

We commend the congressmen who have been fighting hunger and poverty and those who are now seeing the extent of the tragedy and are trying to re-evaluate the priorities of this great nation. We have faith in the American people and the lawmakers of our land and cannot believe that they will sit by and let this continue to happen when they have the power and means to end it.

Our challenge to Congress is this: Young World Development will work with and support those Congressmen who are aware and fighting for effective action: we will also do everything in our power to make those who deny the fact of hunger in their state see the growing crisis created by their blindness.

University of Massachusetts,
Amherst, Mass., January 5, 1970.

Congressman Fred Schwengel,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman: I wanted to write you ever since you spoke at the Young World Development Conference. You may recall a bearded young man from Boston, unfairly criticized you for some of your remarks. Since I am that bearded young man and since I now realize that instead of criticizing you I should have been encouraging you to continue your work in Congress. If I had sat down and realized that you are really on our side, I would never have said what I did.

I have written my local congressman, Congressman James Burke and I have urged him to support your efforts when you address the Congress later this month. Keep up your * * *.

——— ———.

Oregon City, Oreg., *December 31, 1969.*

Dear Congressman Schwengel: Thank you very much for having the time, patience, and dedication to listen to a group of angry youth at the Young World Development Conference. I have great respect for men of your type, and men like you save my faith in the American system.

You asked for suggestions. My main concern is hunger. I don't have all of the answers to even that problem, but here are a few:

(1) Greatly escalate the war fought by VISTA and the Peace Corps.

(2) Organize a National Operation Bread basket.

(3) Remove the income tax exemption for every child after the second born to any one family from now on.

(4) Call in UNICEF (but only if Congress makes it clear that it has no desire to feed the starving children in the world's richest nation).

Congress alone has the financial resources to free America from hunger. I hope and pray that more men in Congress develop a morally responsible attitude like yours, Congressman Schwengel.

Yours truly,

Lynn Kahle.

Great Falls, Mont.,
January 5, 1970.

Congressman Schwengel: I was at the Young World Development Conference in Chicago where you were kind enough to speak. I was the only member from Montana. I want to thank you for speaking to us and for offering to make our views known in Washington. Even though we questioned you, I hope you have no hard feelings because we truly appreciate your coming. I sent the enclosed letter to our two representatives asking them to support you and our foundation. I hope it will help.

Thank you.

Karen McBroun.

Concordia College,
Milwaukee, Wis., January 5, 1970.

Congressman Schwengel,
House Office Building,
Washington, D.C.

Dear Congressman Schwengel: I attended the Second National Young World Development Conference in Chicago and heard you speak. During the question period we gave you a rough time. Later in the conference it was often wished that we had shown more support of what you are trying to do instead of being so extremely critical.

I enjoyed your comment, "You are reflecting an understandable impatience." That statement, I believe, reflects your understanding of the youth who were gathered in Chicago that day.

I am also very happy that you brought your religious faith into your speech. That is the motivation which I wish everyone would have for their humanitarian activities.

I have one question. While working with the Milwaukee (Wisconsin) Hunger Hike, we asked several Congressmen to give us written support of our activities. In reply, we received from some of these men just a list of what they had done. They made no mention of whether they approved or not. Why do Congressmen so often tell people to look at their records?

Thank you for all you have done and are doing.

Sincerely,

Glenn Teschendorf.

American Freedom From Hunger
Foundation

The White House,
Washington, May 16, 1969.

I congratulate you and all who work with the American Freedom From Hunger Foundation to eliminate hunger and malnutrition in this country and abroad.

The urgent problems of feeding the world's growing population must have high priority on our national agenda. The Federal program we recently announced to expand our governmental efforts against hunger and malnutrition gives recognition to this fact. But the sustained support of private groups such as your own is indispensable if we are to reach our goals.

Your reputation fills us with encouragement, and with the hope that by working together we may succeed in satisfying the most basic human need.

Richard Nixon.

The American Freedom from Hunger Foundation was established in 1961 at the suggestion of the late President John F. Kennedy, as the national committee to support, voluntarily, the worldwide Freedom from Hunger Campaign of the United Nations.

It is a nonprofit, nonsectarian organization financed through the contributions of individuals, corporations and nonprofit foundations, and through a fixed portion of the proceeds from its Walk for Development program.

The purpose of the Foundation is to enhance public awareness and understanding of the existence and causes of hunger and malnutrition, both domestic and worldwide, and to suggest ways that the American people can become personally involved in combating these problems. The scope of the Foundation's activities, due to the importance of its objectives, is growing rapidly. Presently most of its efforts are concentrated in five areas.

1. Public Information. Requests for information and educational materials dealing with hunger are serviced, either through direct mailing from the Foundation or by referring the request to an appropriate source of assistance. An extensive bibliography, including references on hunger, urban decay, population, third world development and world trade is periodically updated and made available to the public.

2. Research. The Foundation serves as a channel of support for a wide variety of special projects such as educational film making, high school curriculum development, and fertilizer resource surveys.

3. Walk for Development. The Walk program, sparked by enthusiastic youth across the country, has provided an opportunity for thousands of Americans to become actively involved in the war on hunger. Walks are generally 30 miles in length and involve several thousand participants. Some have had over 10,000 Walkers. Each Walker gets sponsors to pledge an amount of money for each mile that he (the Walker) completes. Money raised is used to support domestic and overseas self-help projects which have been selected by the local organizing committee prior to the Walk, and to support the Foundation's national public information program.

4. Young World Development. YWD is the vehicle that promotes follow-up activities once the Walk for Development has taken place. Many young people, stimulated by their participation in the Walk, are anxious to further educate themselves to the problems of the world and seek meaningful ways to involve themselves in community activities. Contact among the various Young World Development groups is maintained through the *YWD Newsletter* published monthly by the Foundation. Further research by the students into hunger, population control,

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ecological problems, and changing high school curriculums to include hunger-related topics is encouraged.

5. Project Support. The American Freedom from Hunger Foundation supports a wide variety of self-help projects to alleviate the causes of hunger and malnutrition both at home and abroad. It is the Foundation's policy not to give handouts of food and material—but rather, to strike at the root causes of the hunger problem by supporting social and economic self-help projects that are of long-term social value.

Overseas projects are administered by organizations such as CARE, FAO, Peace Corps, Partners of the Alliance, World University Service, Church World Service, Lutheran World Relief, and Catholic Relief Service. Projects include:

Rural youth agricultural training/Dahomey;
Demonstration home gardens/Madagascar;
Laboratory equipment to produce swine & poultry vaccines/South Korea;
Irrigation pumps for rural co-ops/Ecuador;
Rural school construction/Guatemala;
Rehabilitation centers/Biafra;
Community canneries/Turkey;
Mobile nutrition health unit/Peru;
Farm youth training and veterinary education materials/India;
Farm mechanization study fellowships/Colombia.

Domestic projects are carried out in local communities by a large number of social action and self-help organizations. Among the projects are:

Indian nutrition research and education/North Dakota;
Inner city day care center/Hollywood, Florida;
Medical equipment/Rural South Carolina;
Migrant workers training program/Iowa and Minnesota;
Indian crafts program/Great Falls, Montana;
Day care centers/Eugene & Klamath Falls, Oregon;
Medical clinics/Texas, Arizona, S. Carolina;
Low-cost housing project/Suburban Chicago;
Development reading project/Minneapolis, Minnesota;
Economic development program/Mississippi;
Inner city nutrition training center/San Diego, California.

Today the American Freedom from Hunger Foundation, aware of the importance of the task it has been assigned to fulfill, is actively seeking additional ways to involve the private sector in promoting further awareness of hunger and its related social problems.

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The world is a beautiful place to be born into if you don't mind some people dying all the time, or maybe only starving some of the time, which isn't half so bad if it isn't you.—LAWRENCE FERLINGHETTI.

Next to the pursuit of peace the really greatest challenge to the human family is the race between food supply and population increase. The race is being lost. Every member of the World Community now bears a direct responsibility to help bring our most basic human account into balance.—LYNDON B. JOHNSON.

If there is a history of our time, the era will be noted not for its horrifying crimes or the astonishing inventions but because it is the first generation since the dawn of history in which mankind dared to believe it is practical to make the benefits of civilization available to the whole human race.—ARNOLD TOYNBEE.

We have the ability, we have the means, and we have the capacity to eliminate hunger from the face of the earth. We need only the will.—JOHN F. KENNEDY.

Nothing is impossible.—POPE JOHN XXIII.

[From NAM Reports, Nov. 17, 1969]

BUSINESS EXECUTIVES LEND HELPING HAND: CHILDREN WALK TO FEED THE HUNGRY

(By Leonard C. Wolf)

At 4:30 p.m. on May 16, a personal letter arrived in our Washington office from President Nixon. The message began:

"I congratulate you and all who work with the American Freedom From Hunger Foundation to eliminate hunger and malnutrition in this country and abroad.

"The urgent problems of feeding the world's growing population must have high priority on our national agenda . . . the sustained support of private groups such as yours is indispensable if we are to reach our goals."

A few days before in San Diego, Calif., the Evening Tribune had the following banner headline:

YOUTH'S BLISTERS GIVE NEEDY A LIFT—17,000 HERE MARCH ON HUNGER

A few weeks later in a neighborhood center in a San Diego slum, an 18-year-old student handed me a check for $85,000, the results of their Walk for Development. The money will finance hunger-fighting projects on four continents. Not one is a food handout; all are self-help. All attack the root causes of hunger: malnutrition and poverty.

The first Walk for Development took place in September 1968 in the twin cities of Fargo, N.D., and Moorhead, Minn. More than 3,500 walked in this 33-mile demonstration of "foot-power" raising nearly $24,000 to help launch an agricultural training program in Dahomey, West Africa, and nutrition education projects among North Dakota Indian tribes. Sponsors, each pledging a fixed amount per mile walked by "their" volunteer, included downtown merchants, civic associations, service organizations, grade school children, and high school and college classes.

In the heart of America's "bread basket" near the cornfields at Ames, Iowa, youths from 33 nations, rejecting age-old rivalries and ethnic feuds, walked side-by-side, footsore but lighthearted, to raise funds for a 4-H Club nutrition and home economics center in the Inner City of Washington, D.C., and a 4-H Center in Jamaica. These youngsters had convened from every continent for a conference sponsored by the 4-H Foundation's International Farm Youth Exchange Program; they remained to walk together in common cause under the banner of the American Freedom From Hunger Foundation.

On Oct. 5, student leaders of Madison, Wis., where bayonets quelled campus disorders a few months ago, and youthful organizations in Kiel, Germany, Baltic operations base for U-boat "wolf-packs" in both World Wars, simultaneously led Walks for Development in their communities to raise funds for a rural youth training center in Chad, in central Africa. Madison students coordinated planning with their German "opposite numbers."

"Although the foundation offers some basic guidelines for conducting a walk, the teens themselves handle the detailed planning, organizing and problem solving," Good Housekeeping noted in a September article.

"I couldn't stop until I finished," a 13-year-old girl from Fargo, N.D., said. "I felt I was carrying a starving baby in my arms, and if I quit the baby would die."

Reporters for Good Housekeeping found that "there is enough challenge and off-beat adventure in the sponsored-walk concept to attract vast hoards of teenagers. Solicitation of neighbors, businessmen and relatives as sponsors, publicity, and the sight of the peaceful marchers helps draw the attention of uninformed or apathetic adults to the pressing problems of hunger.

"Because the proceeds go almost wholly to projects attacking the root causes of hunger and poverty, the young walkers make a positive social contribution to the troubled world in which they often feel only helpless."

Established in 1961 at the suggestion of the late President John F. Kennedy, the American Freedom From Hunger Foundation is a non-profit, non-sectarian organization financed through the contributions of individuals, corporations, and nonprofit foundations, and through a fixed portion of the proceeds from its Walk for Development program.

Prominent business executives, as well as leaders in many other sectors of North America society, such as CARE, Catholic Relief, Church World Service, Lutheran World Relief, strongly support the mission of the American Freedom From Hunger Foundation. Its president is Robert R. Nathan, who heads Robert R. Nathan Associates. Chairman of the Board is Paul S. Willis, president-emeritus of the Grocery Manufacturers of America. Vice presidents include P. Kenneth Shoemaker, senior vice president of H. J. Heinz Co., and Richard W. Reuter, a vice president of Kraft Foods, who formerly served as Executive Director of CARE and White House Food For Peace Director. Douglas R. Smith, president of the National Savings and Trust Co., of Washington, D.C., is treasurer. Others on the Executive Committee include Aled P. Davies, vice president of the American Meat Institute, Dr. Russell Coleman, president of the Sulphur Institute; William Murphy, Washington representative of Eli Lilly Co., and Edward J. Piszek, president of Mrs. Paul's.

The foundation, whose trustees include several executives of NAM member companies, centers its activity on the Walk for Development program. Every project proposal, domestic or foreign, must meet the following criteria:

All funds donated through the walk must reach the recipients at the local level.

The project must attack causes of hunger and malnutrition.

The project must be of a self-help nature.

All individuals, groups and organizations responsible for the administration of the project and funds must be reliable and effective persons.

A well-defined procedure for follow-up reports is required, so both the foundation and the donors will know exactly how the funds were spent.

The Walk for Development movement is acquiring national momentum. Walks in 16 states have generated contributions of well over $800,000 during the past 12 months. Upwards of 120,000 persons have taken part in the walks to date, sponsored by 1,130,000 contributors.

Young World Development Committees have selected and funded a multitude of self-help domestic projects in pockets of poverty, hunger and malnutrition. These include nutrition education, crafts training, production and marketing cooperatives, and integrated community development among American Indian people in North Dakota, Montana, Wisconsin and Minnesota; community action programs, food cooperatives, nutrition training and consumer education in "inner cities" (Maryland, Florida, Colorado and California); migrant action programs (Iowa and Minnesota); low-cost housing in Chicago satellite areas; rural medical clinics (South Carolina, Texas, and Arizona); training of Mississippi field workers; day care centers and aid for dependent children (California, Colorado, Massachusetts, Maryland, New Jersey, New York, Oregon and Washington, D.C.)

Local civic agencies, church groups and non-governmental anti-poverty organizations originate many of these activities. They are a personal link between people who need and people who care.

Walks for Development has supported such priorities as construction and equipment of agricultural training centers and schools (Brazil, Botswana, Chad, Dahomey, Ecuador, Ghana, Guatemala, India, Ivory Coast, Liberia, Peru, Thailand, Togo); a revolving loan fund for 4-H projects and a rural credit program in Peru; community canneries in Turkey; a farm mechanics center in Colombia; animal disease control laboratory in South Korea; irrigation equipment in Ecuador, and demonstration home gardens in the Malagasy Republic.

The local people contribute voluntary labor and services, materials and other resources, thus becoming productive participants in the development process. Emphasis is on building more efficient institutions.

Fifteen percent of the funds raised by the walks help the foundation to carry out its mandate of creating greater awareness among the American people of the problems and consequences of hunger crises at home and abroad . . . and stimulating effective action.

High school and college student leaders have prepared a Walk for Development Handbook, which is available from the foundation on request. Other materials prepared for the foundation's war on hunger include a 38-page bibliography on hunger, malnutrition, population problems, urban decay, third world development, and world trade, as well as special reports and studies, various educational films, display kits, posters, and a monthly newsletter.

High schools are assisted in curriculum development relating to hunger problems. The foundation periodically schedules Young World Development Workshops for student leaders.

Seventy-five more walks are being organized, or are already underway across the nation. Some towns are finding that the Walks for Development become catalysts for a wide range of community betterment activities.

The philosophy of many student organizers was summarized by Tom McDermott, a freshman at Elmhurst College, in Villa Park, Ill.: "We wanted to show other students that it's possible to help improve society without being disruptive and destructive. And we wanted to wake up the adult community to the problem of hunger and to communicate that kids can be responsible when given a chance to do something meaningful."

Not one act of violence, not one act of confrontation, and not one injury to walkers or helpers from any cause has occurred in the total effort, other than blisters, bruises and strained muscles.

As I wrote in a recent letter to President Nixon: "When the walk program began, it was looked upon as a 'youth activity'—we now recognize it as far more. It has become, in the hands of dynamic youth leadership, a catalyst for community concern and involvement at all ages, and all economic and social levels."

The walks have far-reaching consequences beyond drawing public attention to the problems of world hunger, involving students in international affairs, and mobilizing human and material resources to bring about constructive change. High school and college students throughout the country learn through experience to relate effectively to adult authorities and the power structure, to mobilize support from diverse groups and organizations; they are rapidly acquiring political sophistication. Result: a growing confidence and awareness of the leverage they can exercise and the power they can wield, but within the established order of society.

Consider that the student organizers must successfully negotiate permits from city authorities; organize rallies; coordinate manpower deployment with police officials; form action committees; raise funds to cover organizing costs; locate sponsors; arrange press conferences and issue news releases; operate communications networks; plan logistics of food supplies and standby medical services; register participants; handle funds and furnish tax receipts; and assume responsibility for follow-up activities.

They assimilate basic principles of training in leadership, analysis of social and economic problems, civic responsibility, and group dynamics.

They perceive that they have a stake in their society and in the community of mankind—and that they are needed. Interaction with those of other races, classes, age groups, creeds and political persuasions results in greater tolerance and respect for the rights of others, diminishes racial tensions. Energies and frustrations are directed to constructive, creative change—rather than bitter outbursts leading to broken heads and confrontations with bayonets and truncheons. What better training for future leaders of the educational establishment, the great corporate structure, the professions, the churches and service organizations, national and international government agencies?

What are the dimensions of the world's hunger crises?

Forbes Magazine notes that "of the three billion men, women and children in the world, about one-third crawl into bed hungry every night, many to die of starvation or starvation-accentuated diseases before the dawn, while another third is badly malnourished. By 1985 there will be well over another billion mouths to feed, four-fifths of them precisely those nations where food is already a problem, the underdeveloped nations."

One child in three now living will carry for life the irreversible effects of food deficiencies in the form of mental or physical retardation—or both.

Feeding the hungry, rescuing the starving, means multiplying human productivity. A major result of a "bread upon the waters" policy toward the developing nations will be the rapid expansion of world markets for U.S. products of almost all types. The war on hunger is sound economics!

World business and political leaders have suggested formation of a World Resources Corporation, with a divisional World Food Corporation. The plan would involve both government authorities from participating nations and worldwide "agri-business"—manufacturers of agricultural chemicals, fertilizers, farm equipment, distribution systems, storage facilities, food processing, packaging and marketing.

The general public, on a common stock basis, could generate the magnitude of capital required. The collateral would be the known but as yet unexploited resources of the participating countries and the agricultural know-how available in the more technologically advanced countries. The program would draw support from the private foundations which have already made important contributions to agriculture in the diet-deficient countries, and from agricultural colleges, universities, and research institutions.

The program would require the dedicated talents of tens of thousands of young people, as well as experts in many fields, from many countries. Establishment of a world resources inventory would provide a sound basis for selection of feasible targets for development.

And the role of youth?

The youth of America is seething with discontent. Their leaders are clamoring for bold assaults on the status quo, forceful measures to resolve social ills. They crave adventurous new frontiers. They articulate their need to realize their ideals and high aspirations, transforming their dreams into deeds, shaping a better world.

Explosive pressures are mounting. As the late John F. Kennedy often repeated "If we make peaceful revolution impossible, we make violent revolution inevitable."

Can we hope to see many more newspaper photos of mobs of excited youth on the move—building, not demolishing, in their Walks for Development? It depends on all of us.

How shall we answer their poet (Lawrence

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Ferlinghetti) who says: "The world is a beautiful place to be born into if you don't mind some people dying all the time, or maybe only starving some of the time, which isn't half so bad if it isn't you."

WASHINGTON, D.C.,
January 27, 1970.

LEONARD G. WOLF,
Executive Director, American Freedom From Hunger Foundation, Inc., Washington, D.C.:

You will please convey my warmest congratulations to the young people who have accepted the challenge of the American Freedom from Hunger Foundation, Inc., and have participated in your Walks for Development. It is very gratifying to know that so many young Americans are deeply concerned about the problems of hunger and malnutrition which afflict so many millions of human beings at home and abroad.

CLAUDE PEPPER,
Member of Congress.

Mr. Speaker, Bert Tollefson, Jr., Assistant Administrator for Legislative and Public Affairs of the Agency for International Development, recently commended the young men and women of America who are involving themselves in improving the quality of life for disadvantaged people both at home and abroad. Mr. Tollefson and I both addressed the Second Young World Development Seminar conducted by the American Freedom From Hunger Foundation in Chicago on December 27. Mr. Tollefson praised in particular the young people who gave a portion of their holidays to attend the seminar and consider ways in which they might help solve problems of health, hunger, education, and economic improvement in the two-thirds of the world which remains relatively poor and underdeveloped.

Mr. Tollefson recalled that in a holiday message to agency employees at home and abroad, AID Administrator John Hannah had pointed out that "peace on earth and good will toward men" were goals for which world development personnel were privileged to work 12 months a year.

Mr. Tollefson added:

> All Americans participate through foreign aid programs in sharing America's resources and skills with those less fortunate and this appropriate form of giving is the true spirit of Christmas.

Looking to the future, the Assistant Administrator reminded delegates to the seminar that in a few years they would be taking over responsibility for dealing with these problems through their associations with government, private industry and the academic community.

Mr. Tollefson said:

> During this holiday season it is important for all Americans to reflect on the difficulties of maintaining peace and stability in a world where one-third of humanity annually produces goods worth over $2,400 per person, while the figure for the other two-thirds is less than $200.
>
> This nation, through its foreign assistance programs of loans, grants and technical assistance, is helping the poorer nations to feed themselves, improve their health standards, enlarge their skills and expand educational opportunities. We are doing this because it is the right and moral thing to do, but at the same time we were helping ourselves by providing investment opportunties and jobs for American business and laying the foundations for a future expansion of our trade with the developing countries.

Mr. Tollefson complimented the young people on their foresight in devoting attention to problems of world development at a time when communication technology is rapidly producing a "village world in which all men will necessarily be their brothers' keepers."

His speech follows:

As young people from 33 states, you are obviously interested in what kind of world we are living in. Your presence here is proof of your interest in what the United States is accomplishing through its foreign aid program. In adopting the Foreign Assistance Act, the Congress has declared that "it is not only expressive of our sense of freedom, justice, and compassion but also important to our national security that the United States, through private as well as public efforts, assist the people of less developed countries in their efforts to acquire the knowledge and resources essential for development and to build the economic, political, and social institutions which will meet their aspirations for a better life, with freedom, and in peace".

DOING WHAT IS RIGHT TO DO

Why should the United States care at all about the people of Latin America, Africa and Asia? Does it matter to the United States what happens to Morocco or Indonesia? President Nixon gave the answer in these words:

"Certainly our efforts to help nations feed millions of their poor helps avert violence and upheaval that would be dangerous to peace.

"Certainly our military assistance to allies helps maintain a world in which we ourselves are more secure.

"Certainly our economic aid to developing nations helps develop our own potential markets overseas.

"And certainly our technical assistance puts down roots of respect and friendship for the United States in the court of world opinion.

"These are all sound, practical reasons for our foreign aid programs.

"But they do not do justice to our fundamental character and purpose. There is a moral quality in this nation that will not permit us to close our eyes to the want in this world, or to remain indifferent when the freedom and security of others are in danger. . . . We have shown the world that a great nation must also be a good nation. We are doing what is right to do".

This year President Nixon has asked the Congress for $2.2 billion for economic assistance, the lowest request in ten years. This appropriation would support these regional programs: Latin America, $605 million; Near East and South Asia, $625 million; Africa, $168 million; East Asia, $234 million; Vietnam, $440 million.

The President has said these sums are necessary to meet essential requirements now, and to maintain a base for future action. Meantime, the President is establishing a task force of private citizens to make a comprehensive review of the entire range of U.S. aid activities and to study the role which foreign assistance plays in the development process, and the relationship between development and overall U.S. foreign policy.

MISUNDERSTANDING

The United States has conducted a foreign aid program since the end of World War II—a span that covers five Presidents, 12 Congresses and more than 20 years. Yet many Americans still have no clear or accurate picture of what foreign aid is, how it works or why we provide it.

1. The biggest single misconception about the program is that we bundle up money and send it abroad. We don't. Foreign aid consists of American equipment, raw materials, expert services and food—all provided for specific development projects which we ourselves review and approve.

Foreign aid is not a "giveaway." In the early days much of our help was given in the form of outright grants, but today most of our aid is in the form of interest bearing, dollar repayable loans.

Ninety-nine percent of A.I.D. funds for purchase of products are spent directly in the United States. Some 4,000 American firms in 50 states received $1.1 billion in A.I.D. funds for products supplied as part of the foreign aid program in fiscal 1968.

Among other items, A.I.D. financed the export of $152 million in fertilizer, $114 million in chemicals, $84 million in iron and steel products, $315 million worth of machinery and $86 million worth of motor vehicles, engines and parts. The impact of these purchases is felt in every state.

A.I.D. funds also go to pay the salaries of American experts, both those who work directly for the government and employees of American labor unions, business firms, cooperatives and universities that carry out technical assistance on contract with the Agency.

2. Among the other misconceptions about foreign aid is that it costs vast sums of money. Actually A.I.D. represents a little more than a penny out of each federal budget dollar, and the United States gets nearly all of that back through purchases of U.S. commodities and interest on loans.

3. The U.S. ranks behind seven other nations in terms of its official foreign aid as a proportion of gross national product. In 1968 the U.S., with a per capita gross national product of $4,360, provided $3.6 billion in official aid. Other aid-giving nations, whose per capita GNP averages out to only $1,890, provided $3.3 billion.

4. The nations which receive the bulk of U.S. development aid today invest more than five dollars of their own for every dollar's worth of help they receive from A.I.D.

5. Our assistance is concentrated in those countries which can make the best use of it. Ninety percent of all country assistance goes to just 15 countries (Brazil, Chile, Colombia, Dominican Republic, Ghana, Guatemala, India, Indonesia, Korea, Laos, Nigeria, Pakistan, Thailand, Turkey, Vietnam).

Eighty-six percent of all country Development Loans will go to eight countries (Brazil, Chile, Colombia, India, Indonesia, Korea, Pakistan, Turkey).

Supporting assistance is even more concentrated. Three countries (Vietnam, Laos and Thailand) will receive 93 percent of country aid to maintain economic or political stability.

SUCCESSES

The long-range goal of foreign aid is to help underdeveloped nations reach the point of self-sustaining economic growth.

In recent years, several developing nations have reached the "take-off" point and no longer require A.I.D. loans or grants. Others have reached self-sufficiency in the critically important area of food production and still others are within sight of that goal. Examples:

Taiwan

Between 1951 and 1965, Taiwan:

Raised literacy from 57 percent to 81 percent in ten years;

Eliminated malaria, which once afflicted millions and killed 12,000 a year;

Carried out a land reform program which has resulted in 80 percent of the farmers owning their own land;

Doubled the real income of the people.

Taiwan, though by no means yet a rich country, is a graduate of the A.I.D. rolls and standing on its own feet.

Iran

The United States was able also, in 1967 to terminate A.I.D. assistance to Iran.

Iranian oil helped speed progress toward self-support, but the key was the use to which Iran put her oil revenues: three-quarters of those revenues—four times the total of U.S. economic aid—went back into development. During the period 1962–1967: industrial output jumped 85 percent and exports almost doubled . . . the rice, sugar and tea crops increased more than 50 percent through increased fertilizer use, irrigation and land reclamation . . . the gross national product rose 50 percent . . . the incidence of malaria dropped from 90 percent of the population to five percent . . . a nationwide land reform program was carried on.

Israel

Between 1951 and 1966 official U.S. loans and grants to Israel totaled almost $500 million. During this period Israel's gross national product rose from $1.1 billion to $3.9 billion, an average growth rate of 8.7 percent a year. In the past 10 years Israel has almost tripled its industrial production, almost doubled its farm production and more than doubled its electrical output and export trade. In 1967 the United States was able to terminate all A.I.D. assistance to Israel.

Korea

Korea is an example of a country rapidly nearing the "take-off" point of economic progress. The Republic's *industrial output* increased an estimated 28 percent during 1968 over the previous year. *Overall growth*, as measured by the gross national product, has averaged almost 11 percent annually in real terms over the past four years. *Exports* have jumped from $119 million in 1964 to $460 million in 1968—a yearly increase of 40 percent.

The Republic has mobilized domestic capital for development by increased taxation and private savings programs; *government revenue* has increased from seven percent of the gross national product in 1964 to 13.7 percent in 1968.

FOOD AND POPULATION

Food and population are two top priority problems. We are moving with alarming speed toward having too many mouths to feed. Producing more food is one half of the battle.

In a message to the Congress in July, President Nixon pointed out that at present rates of population growth, the earth will contain over seven billion human beings by the end of this century, and that these increases are highest in the developing countries. In these areas, he pointed out, "we often find rates of natural increase higher than any which have been experienced in all of human history. With their birth rates remaining high and with death rates dropping sharply, many countries of Latin America, Asia, and Africa now grow ten times as fast as they did a century ago." We already see tragic results of this in malnutrition, under-employment, under-education, and a variety of adverse elements which go to make up a miserable standard of living. Family planning is now, and must continue to be, a key factor in plans to advance human progress.

Food aid from nations like the United States, which grow more food than they consume, can bridge the food gap to some extent. Markets for American farmers will continue to expand as population grows and world development occurs with resultant purchasing power. But donated food aid is the least desirable and least dependable answer to the problem anyway.

The right answer is to help these countries grow more food themselves. This we do. We encourage and help them expand their food production in every way we know how. We help finance exports of US-made chemical fertilizer to the developing nations. We offer incentives to American companies to construct fertilizer plants in the developing countries. We promote and support policies that will get fertilizer distributed to farmers at prices and on credit terms they can afford. We help and encourage the developing countries to maintain prices that give farmers incentives to grow more food, and to produce goods which farmers can buy with their higher income.

We also help the developing countries acquire and use the new miracle seeds. They are doubling and tripling yields of wheat and rice in India, Pakistan, Turkey and the Philippines. In 1967, these new seeds were planted on 3 million Asian acres. Last year the total was 20 million, and by the end of this year it could go up to 25 or 30 million acres.

People can have plenty of food and still starve if the food lacks vital nutritional qualities. In many developing nations protein is the vital missing ingredient. That is why A.I.D. is sponsoring research to improve the protein content of wheat, rice and corn, and why A.I.D. encourages tapping the resources of the oceans—which can supply four times the amount of seafood being harvested now.

Many developing countries, given interim but sustained outside assistance, can achieve food self-sufficiency. In 1968, the developing nations of the free world produced 335 million tons of grain, an increase of about 26 percent over the 1960 harvest.

EDUCATION

Economic progress in the developing nations can only inch along when three out of five grown people can't read or write. Education is one key to development. That is why A.I.D. is helping education in the developing countries—with seventeen million textbooks distributed through A.I.D. programs last year and almost 23 million students enrolled in A.I.D. assisted schools.

ENTERPRISE

This year's aid legislation would set up a separate Overseas Private Investment Corporation (OPIC) to get more U.S. private capital and business know-how more deeply and effectively involved in the development process. OPIC would take over and build on AID's present developing country investment incentives—helping to identify, promote, insure, guaranty and finance private projects which contribute to the economic and social development of two-thirds of the world's people living in less-developed countries.

The basic idea of OPIC—which has been widely endorsed by business and other private groups, government officials and Congressional panels—is to bring U.S. business management into a new partnership with responsible U.S. foreign economic policy officials. Working closely with the Department of State and the Agency for International Development, the new Corporation will more fully engage the resources of private outside capital and will stimulate private initiatives within the developing countries.

Can we afford to assist international development at a time when the United States is confronted by pressing problems of *domestic* development? The answer is clear. We have already learned at home the price a society pays for ignoring the problems of the disadvantaged—for telling the poor and hungry that they must wait. At home we can no longer segregate ourselves from the problems of the poor. In today's world, the advanced countries can no longer isolate themselves from the problems of the developing countries. Beyond this, the American people are already spending for the domestic welfare about thirty times as much each year as we spend for improving the well-being of all the rest of the world put together.

What is the connection between foreign aid and foreign policy? Some people persist in the notion that foreign aid is somehow supposed to buy friends for the United States. The fact is that it couldn't, even if we wanted it to. Aid will not win votes for the U.S. in the U.N. Aid cannot even be counted on to earn us the gratitude of the people and governments it helps.

But votes and gratitude are not the point. We are looking for progress. We are helping the poor two-thirds of the world because it is right. Hunger is wrong. Ignorance, disease and hopelessness are wrong.

And we are helping because the best interests of the United States are involved. Immediately after World War II it was very much in our interest to help re-construct the war-ravaged economies of Western Europe. In the 1950s we were concerned with security—particularly the security of the countries rimming the Sino-Soviet bloc from Turkey to Korea. Most of our aid in those years went to help build a shield against direct Communist pressure.

The emphasis in the 1960s has been on development, and once again, our national interest is involved. In the Age of Apollo, we live in a tight little world. The developing nations are our new neighbors. They are going to change whether we like it or not, and it is in the interest of the United States to support constructive change. If the Indias and the Pakistans have only hunger and ignorance and disease to look forward to, the odds on their holding together as nations will grow very long indeed. So will the chances for international stability and peace. Hungry people are angry people. "Development," Pope Paul has said, "is the new name for peace." The development progress of countries in Asia, Latin America and Africa has direct bearing on the long-term security interests of the United States. This is a fact of international life today.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also unanimous consent that the remarks of the gentleman from Illinois (Mr. Mikva) be inserted in the Record at this point.

The SPEAKER pro tempore (Mr. Pepper). Without objection, it is so ordered.

There was no objection.

Mr. MIKVA. Mr. Speaker, I am pleased to have this opportunity to join with my colleague, the gentleman from Iowa (Mr. Schwengel), in discussing the laudable efforts of the American Freedom From Hunger Foundation and its Young World Development effort.

I believe that when future historians look back on the decade of the 1960's, they will reflect that one of the most significant features of those 10 years was the growing awareness and increasing involvement of America's young people in the problems of their country and the world. Certainly the 1968 presidential campaign was conclusive proof of both the commitment and the potency of a younger generation painfully aware of the problems which their country faced and strongly committed to finding solutions. It is in this perspective that the Young World Development effort takes on added significance.

The Freedom From Hunger Foundation and the Young World Development project seek to focus attention on the blight that is hunger. In addition, during its recent conference in my home city of Chicago, YWD members discussed the closely related problems of population control and pollution control. As YWD's director, Jack Healy, noted—

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> The personal determination needed to stem these human problems must be deep; I read this determination on the faces present. . . . We have just begun to fight.

Perhaps most relevant to this body, delegates composed a letter to one of our colleagues, the gentleman from Iowa (Mr. SCHWENGEL), expressing their view of what Congress' role in the fight against hunger, overpopulation and pollution should be:

> Our challenge to Congress is this: Young World Development will work with and support those Congressmen who are aware and fighting for effective action; we will also do everything in our power to make those who deny the fact of hunger in their states see the growing crisis created by their blindness.

The challenge of responding to hunger in America and throughout the world, perhaps more than any other single issue, is the one which Congress must meet if it is to maintain its relevance and respectability in the eyes of this Nation's young people—the citizens and voters of tomorrow. Because the moral imperative is so clear, this is not an issue which we can any longer evade; we must respond whether it is in the form of a food stamp bill, assistance to Biafran refugees, or economic—as opposed to military—assistance to underdeveloped nations. I urge my colleagues to respond to these challenges with compassion, with a sense of urgency, and with the money and material necessary to help solve the problem of hunger in hunger in America and the world.

Mr. CULVER. Mr. Speaker, I am pleased to be able to associate myself with the remarks of my fellow Iowan and colleague, Mr. SCHWENGEL.

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Eastern Iowans are particularly proud of the Young World Development Program, both because of the early active involvement of the young people of our area, and because of the leadership which has been provided by the executive director of the American Freedom From Hunger Foundation, Leonard G. Wolf, a former Representative of the Second Congressional District of Iowa.

During the time that I have been in Congress, I have had the repeated opportunity to visit all of the 82 public and parochial high schools in the Second District. I am very much aware of and impressed by the deep concern these students have about the critical human and social problems this country and the world face today.

Their own personal involvement in researching local projects which need assistance, in developing plans for their walks and the distribution of funds, in participating in the marches and in regional and national conferences with other cocerned youth, have given these young people an opportunity to publicly demonstrate their concern and to translate it into positive action.

Aurora, Iowa—a town with a population of less than 250 in my district—is the smallest community in the country to take the initiative in organizing such a march. More than 130 young people, some of them only 10 years old, participated in the walk there last June, which earned $6,800 to aid a migrant action program in Mason City, Iowa, and a United Nations Food and Agriculture Organization project in Madagascar.

Several of the young people involved in the walk have gone on to help coordinate walks in other Iowa communities.

Cedar Rapids—the largest city in my district with a population of well over 100,000—was the site of an equally impressive march in September, which brought $7,800 to assist a local credit union project for low-income families and an Andean Foundation rural development project in Peru.

Other walks are being planned in the district for later this spring. In addition, our area was the site of one of the first regional workshops on the Young World Development Program, a seminar which brought young people from five Midwestern States to a youth camp in Strawberry Point.

The activities of these highly motivated young men and women have drawn the attention of their parents, the press, and their communities. This public awareness of the problems of hunger and poverty, which they have stimulated by their own involvement, may be every bit as important in the final resolution of these problems as the actual money which they raise.

I join my colleagues in the House in commending their efforts and expressing our admiration.

Mr. ANDREWS of North Dakota. Mr. Speaker, I am very pleased to join with my friend and colleague, the gentleman from Iowa (Mr. SCHWENGEL) in calling attention to these Young World Developers. Their organization, I understand, grew directly from the American Freedom from Hunger Foundation's Walks for Development, a program which was pioneered in Fargo, N. Dak., and Moorhead, Minn., back in September 1968. More than 3,000 young people participated in the "walk," netting more than $25,000. Certainly, this kind of program involving young people in combating the problems of hunger and malnutrition at home and abroad, is worthy of our attention and plaudits.

I wish to place in the RECORD at this point, an article from the War on Hunger publication which tells how the young people in Fargo and Moorhead made their outstanding contribution for an agricultural training program for rural youth in Dahomey in West Africa and to provide nutrition and health education training for residents of the four Indian reservations in North Dakota:

WALK FOR DEVELOPMENT

A demonstration of "foot power" to help relieve hunger at home and abroad netted more than $25,000 for the American Freedom from Hunger Foundation in a unique campaign held in the twin cities of Fargo, N.D., and Moorhead, Minn., in late September.

The "Walk for Development", aimed at raising money for both an agricultural training program for rural youth in Dahomey in West Africa, and providing nutrition and health education training for four Indian reservations in North Dakota, drew more than 3,000 participants, 650 of whom walked the entire 33 miles through the streets of Fargo and Moorhead on Sept. 28.

Pledge cards were made out by donors in the Fargo-Moorhead area to pay each walker so much per mile. Sponsors ranged from grade school children to downtown merchants, civic associations and service organizations. Teachers persuaded their classes to sponsor walkers at the rate of a few pennies per student in grade school for every mile walked by each participant. High schools and colleges pledged larger amounts, and multiple pledges were encouraged. One Fargo high school girl who went the distance appeared to have the highest record of pledges, with a total income of $16.50 per mile.

NICE DAY FOR A WALK

It was a bright, brisk day for walking. Restaurants, drive-ins and drugstores in the twin city area reported an extra heavy "walk-in" trade, and the statisticians on hand estimated that 7,800 plastic bandages were dispensed, chiefly to soothe blisters.

Words of encouragement came to the walkers as they set out. Vice President Hubert H. Humphrey sent a telegram expressing his pride in the young people for their "growing sense of purpose and . . . unselfishness to those less fortunate. You have a commitment to a worthy cause. America must lead in bringing forth a new prosperity to the developing world. My thoughts will be with you as you walk your 33 miles. I know your steps are the beginning of a long journey—a journey which will end hunger and disease throughout the world."

Dr. H. Brooks James, AID's Assistant Administrator for War on Hunger, told the youthful participants in the walk they had "enlisted in a new army, together with your sisters and brothers and friends to fight against man's oldest enemies—famine and pestilence, malnutrition and disease. You can be sure your cause is just.

"You do not face the same dangers and uncertainties as the pioneers who settled these lands. But your commitment is not less, for it is a total commitment of self. You are here because you care. You are here because this is your frontier. I congratulate you. I salute you and wish you every success as you go out and tell the world what America is all about."

FIRST IN THE UNITED STATES

The Fargo-Moorhead walk was the first held in the United States by the Freedom from Hunger Foundation, patterned after similar activities in Canada. Executive Director Leonard Wolf, a former AID official and Congressman, said the Foundation plans to spread the "Walk for Development" project throughout the United States, with as many as 100 walks scheduled to begin next summer.

Wolf was among the walkers in the Fargo-Moorhead hike, earning $5 a mile pledged by Robert Nathan, head of the Freedom from Hunger Foundation. The one-time Congressman lasted 24 miles. Robert Moses, the Foundation's director of youth activities and a native of Fargo, walked the complete 33-mile route. Two Catholic nuns completed 19 miles.

Bill Schlossman, Jr., a senior at Fargo South High School and a coordinating director of the walk, said he was tired of hearing young people being downgraded. "We are walking *for* something instead of *against* something," he said. Jackie Voss, a senior at Fargo North High School, chimed in: "This is a walk, not a march or a protest or a demonstration. It is hard for us in Fargo-Moorhead to comprehend the problem of hunger, and we hope the walk will help us become aware of it."

Schlossman, along with two other walk participants, Fargo high school seniors Tom Dawson, and Dale Buford, later presented a check for $10,000 to Addeke H. Boerma, chief of the United Nations Food and Agriculture Organization, at UN headquarters in New York on Oct. 22, to be turned over to Dahomey to help launch an agricultural training program. Another $10,000, earned by the Fargo-Moorhead hikers, will be used for a nutrition program among North Dakota Indian tribes, and the remainder will help finance Freedom from Hunger information campaigns.

Mr. LANGEN. Mr. Speaker, in their quest for excitement and challenge, the young people in America, particularly the teenagers, have developed many different ways to express themselves. Some of the methods they have used have been destructive and senseless. Others have been constructive and highly valuable to society.

In the past 12 months alone, teenagers and college students in no fewer than 16 States have raised well over $800,000 to help hungry people in this country and overseas. More than 120,000 students have marched in the streets—not in protest but in support of programs designed to help poor and undereducated people make a living for themselves.

I rise to point out the tremendous effort made by the youngsters who have participated in "Walks for Development" all over this country. Sponsored by the American Freedom From Hunger Foundation, the "walks" are designed to allow these youths to actively participate in a movement that seeks to help others end their own hunger by improving their ability to produce food.

I am proud to point out that the first "walk" of this kind was held in the twin cities of Fargo, N. Dak., and Moorhead, Minn., in September of 1968. At that time, 3,500 people walked 33 miles to raise $24,000. The money went to Dahomey, West Africa, for a nutrition clinic and North Dakota for a program among American Indians.

Since that day, almost $1 million has been raised in similar marches everywhere. They have involved 150,000 students. More than a million people have offered to sponsor a marcher.

The system works this way: A sponsor is secured who will promise to pay a certain amount of money to the American Freedom From Hunger Foundation for every mile walked. The money is then given to agencies selected in advance by the students themselves.

More than just serving as a constructive way for young people, those who have developed a new awareness of the needs of their fellow men, to use their energy and their talent constructively, the "Walks for Development" have given leaders wide experience in handling crowds, dealing with municipal governments for permits and regulations, arranging for press relations and publicity, and leadership. Students have been the ones who research the many agencies claiming to fight poverty in this country and claiming to work for development in poor nations around the world to determine who will be the beneficiary of their marches. The funds are evenly split between domestic and foreign agencies.

Mr. Speaker, I am very proud of the young people who have so eagerly accepted the challenge of the poor and hungry people in America and abroad. I am doubly proud of the organization, the American Freedom From Hunger Foundation, for capturing the imagination of these restless teenagers. But I am most proud to say that it began in a community which I serve, in Fargo-Moorhead.

Mr. TUNNEY. Mr. Speaker, I would like to express my praise for the outstanding efforts of the Young World Developers to combat the problems of hunger and malnutrition at home and abroad. The actions of these young people through their walks for development demonstrate their concern for the serious problems our Nation and the world must confront. The idealism and energy of these youths have served as a catalyst in their communities, where young and old cooperate to tackle the social ills of society.

In my own district last year, 1,500 of these fine young men and women held a walk for development in Palm Springs, Calif. This was the fifth walk in America and raised almost $11,000 for the benefit of a Palm Springs English as a second language program and a day-care center for low-income families in Thermal, Calif. We are proud of these youths.

At a time when many people are critical of the youth of this country, the public spirit and social concern of these young people bode well for the future of our great Nation.

Mr. ERLENBORN. Mr. Speaker, anybody who has lived long enough to get elected to Congress is—and should be—suspicious of organizations such as Young World Development and the American Freedom from Hunger Foundation. Every one of us has seen organizations such as these, started and fostered by do-gooders and idealists, shine brightly for a time; then we have seen the members lose interest, and lose a little of their idealism, too.

These two associated endeavors may have that kind of a history. Who can say, one way or the other?

While they are active, however, they are attracting the energies of a lot of fine young people in the 14th District of Illinois, which I represent. If this is a short-lived effort, the world will be a little better place for its having come along.

If, on the other hand, it continues to attract the interest and the impossible dreams of these youngsters, it may well make a big contribution to the feeding of the hungry.

We in Government have been less than 100 percent successful in ending poverty. I suggest that we should give every encouragement to those who want to use their own energies and their own initiatives in helping to allleviate the misery of their less fortunate contemporaries.

Mr. DON H. CLAUSEN. Mr. Speaker, it is a singular privilege for me to participate with the gentleman from Iowa (Mr. SCHWENGEL) today in commending the Young World Development program, and supporting these constructive-minded young people in their mobilization to abolish hunger and malnutrition in America.

In this regard, my privilege is very special because it was a fine young people's group from Eureka, Calif., in my own congressional district, which recently provided a new kind of leadership in this youth mobilization for a better America. They are, of course, a part of the Young World Development program that we are commending here today.

Last January 12, my good friend and colleague from Illinois, Mr. FINDLEY, made a statement that was printed in the CONGRESSIONAL RECORD, entitled "Food Enterprises for Poor People." It was a very interesting and challenging piece which described and complimented the role played by the Food Business Center in the recent White House Conference on Food and Nutrition.

It is not, however, generally known—even Representative FINDLEY did not know at the time—that this fine piece of work by the Food Business Center in behalf of better foods and nutrition for poor people was supported financially by the Eureka, Calif., "Young People's Walk for Development Group."

But there is an even deeper significance to this whole chain of events, to which I wish to call your attention.

It is the fact that the young people of my district were joined by two major food companies in their food conference project, in which they invested $3,000 of their own money. They raised that money through one of these "Walks for Development." They invested half of it in an overseas project to feed hungry people abroad, and the balance went into this very worthwhile White House Food Conference project that earned the praise of so many people.

The food companies involved—and we should applaud them also—are the Archer Daniels Midland Co. and General Foods Corp., both of whom have been demonstrating a practical and meaningful concern for improving foods and nutrition among the disadvantaged and deprived people of America; particularly among minority groups.

These companies were, in part, inspired by the commitment of the young people from Eureka, in the food conference project, and they responded by their own assistance in it. To me, this is an outstanding example of an effective partnership that makes a lot of sense as we look for new approaches, new ideas, and new resources in improving foods and nutrition in America, especially for poor people.

Young people and progressive-minded food companies working together, are—I submit—a fascinating potential that we should encourage in all possible ways as we try to solve the hunger problem and other controversial and complex problems facing our Nation today.

In my judgment, it is absolutely incredible that a nation with an annual agricultural surplus should, at the same time, be faced with problems of hunger and malnutrition. Not only is it incredible, but it is also totally unacceptable and I heartily applaud those of this young generation who have dedicated themselves to helping resolve this paradox.

Such organizations as the American Freedom From Hunger Foundation, and the new Food Business Center to help bring in the private food companies, have a vital role, I feel, in helping these voluntary programs and projects to be successful.

In this instance, the AFFHF is challenging the young people of America to accept responsibility, and to undertake their own individual projects. The foundation offers a way for young people and youth groups to raise money to finance their chosen projects—at home or abroad—in the hunger and food fields.

It was the American Freedom From Hunger Foundation that challenged the young people of my district, and they raised $6,900 in one "Walk for Development" which supported these two valuable projects I have mentioned. This spring, I am told, there will be some 200 of these "Walks for Development," conducted as part of the Young World Development program we are commending today. This will involve over 500,000 young Americans in thoroughly constructive activities that will give them an investment and a personal stake in a better future and a better America.

On May 5, the American Freedom From Hunger Foundation will hold its third annual dinner, recognizing "Freedom From Hunger Month," which will be in progress at that time. The theme of that dinner will be: "Freedom From Hunger at Home and Abroad."

It is my hope that many of us may find ways to actively support this whole program and effort. Quite frankly, I would like to see our private food companies and other private organizations participate by enabling these young people to attend and be honored at that dinner. It would be an excellent way to show our appreciation to young Americans who have demonstrated the realism and provided the leadership in this Young World Development program.

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Let us also bear in mind that the second World Food Conference will be held at The Hague in June. We in America, under President Nixon's leadership in the food and nutrition fields, have earned new credentials, I feel, for making a valuable contribution to that conference.

Without the dedication and commitment of these fine young people of the Young World Development program, our credentials, and our contribution, would be less.

In closing, I wish to honor and commend the young people of Eureka, Calif., for their fine participation, and I herewith pledge my continuing support for this most constructive and worthwhile undertaking.

Mr. OTTINGER. Mr. Speaker, I should like to add my name to the growing list of friends and supporters of the Young World Development.

After participating in a YWD walk in Buffalo, N.Y. and witnessing the dedication and enthusiasm of YWD members, I am unable to thank this group of young people enough. In its program to involve the American people in the crusade against hunger at home and abroad, the Young World Development deserves the encouragement of Congress, the Nation and, indeed, the world. I applaud your efforts and pray that they will serve as inspiration and guidance to all of us.

Mr. KASTENMEIER. Mr. Speaker, I am pleased to be able to participate in Congressman SCHWENGEL's program today in recognition of the work of the Young World Development program and the American Freedom From Hunger Foundation. Aside from my personal interest, the citizens of Dane County, Wis., which I represent, have done particularly outstanding work in connection with this foundation, which is, incidentally, directed by my good friend, Len Wolf, a native of Dane County and a former Member of Congress from Iowa.

The Young World Development statement of purpose resolved that, "The time for feeling 'deep concern' about hunger, environmental abuse and overpopulation is past. We can only be true to ourselves and the world, by taking action." The work of the youth of Madison as pioneer participants in the Young World Development program exemplifies the spirit of the resolution I have quoted. They have sponsored two "Walks for Development," the first in November of 1968 and the second in October of 1969, making Madison the first city in the country to have done so. In those two walks, they have raised nearly $100,000 for the projects they have chosen to support, the largest amount raised in this manner by any city with the exception of Buffalo, N.Y.

These figures, however, do not truly convey the nature of what these young people and their sponsors—who pledge contributions based on the number of miles walked by the participant—have accomplished for themselves, their community, and the projects they have chosen to support.

One of the outstanding features of the Young World Development program is that the participants themselves choose, on the basis of a number of criteria, the projects they will support by their "Walk." For their first walk, the young people of Madison showed their awareness of problems in Wisconsin itself by raising money for a wild rice production and marketing cooperative being developed by the Great Lakes Inter-tribal Council in northern Wisconsin. At the present time, 95 percent of the wild rice produced in Wisconsin is marketed by white people, and this project is an assertion by the Indians themselves of their historic right to control both the production and the marketing of their product.

For their international project, the youth contributed an equal sum of money for the purchase of an irrigation pump which now pumps a 16-inch stream of water 24 hours a day to irrigate formerly dry areas of Ecuador.

During their second walk, Madison raised nearly $70,000, and 42½ percent of that amount is being used in a Madison measure-for-measure project for the purchase of land and farm machinery for a cooperative farm in Sunflower and Bolivar Counties, in the delta area of Mississippi. Those in charge of the cooperative hope to be able to produce articles for resale, and thereby create job opportunities in this area in which unemployment among the black community averages 75 percent, and, during the wintertime, 60 percent among all adult males. For their international project, Madison youth walked in tandem with the youth of Kiel, Germany, for a World Food and Agricultural Organization program to purchase mechanization and refrigeration equipment for the development of the fishing industry on Lake Chad in the country of Chad, Africa.

The quantitative achievements I have outlined are matched in importance, however, by the changing of attitudes, and by the growing awareness in the Madison community of the real nature and extent of the problems of hunger, poverty, and world development. By working through the news media and through the high school curriculum, interest in the program has not only been maintained, but it has grown tremendously. The fact that the second walk raised nearly $70,000, or 2⅓ times as much money as the first, is striking evidence of the community's concern.

The current coordinator of the Madison program is Bob Peterson, a Madison native and a student at the University of Wisconsin. He tells me that currently they are participating in Senator NELSON's teach-in program on environmental problems, population growth, and hunger. In addition, he and his colleagues are involved in organizing a statewide "Walk for Development" to be held this coming May 17 in participating communities all over the State.

I feel that the Young World Development program is an outstanding one, and I am justifiably proud of the extent to which the people of Madison have demonstrated the validity of the idea behind it: That each person has a responsibility to educate himself on the nature of the problem of hunger and to act constructively to attack the causes of the conditions that exist.

GENERAL LEAVE

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to extend their remarks on the subject of my special order today; namely, eliminating hunger from America.

The SPEAKER pro tempore (Mr. PEPPER). Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE SONIC BOOM AND AIRCRAFT NOISE RECOVERY ACT

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, for millions of Americans living in the path of jet aircraft and victimized by impaired hearing and property damage, there is no legal recourse—the courts will not touch jet noise. That is why I am today introducing a bill to protect the public against expected damage from sonic boom or other aircraft noise.

Lawsuits amounting to billions of dollars have been pending against the major airports for a decade, deterring other plaintiffs; and the new Federal jet noise regulation does not offer real relief from the relentless roar of turbojet engines. The bill I am introducing, the Sonic Boom and Aircraft Noise Recovery Act, provides for recovering damages for personal injury or property loss by establishing a fund so an injured party can bring suit where present laws do not provide grounds for recovery for such damage or injury.

The bill not only provides for public compensation against injury or damage, but serves as an incentive for manufacturers and airlines to reduce noise pollution and the hazards of sonic boom. Civil and commercial airlines would pay their share of the costs of damages occasioned by their operation of supersonic aircraft in such a way that a damaged party could recover his losses without costly and burdensome legal procedures. The damage fund would be operated by the Secretary of Transportation, who would set up rules establishing the basis of recovery as well as contributions to the fund.

With the increase in the number of airports equipped to accept jet aircraft; with the increase in the number of aircraft landing and taking off from those airports which already have jet service; and with the increase in noise predicted to be a byproduct of the future and larger airplanes now on the drawingboards, the public will demand a greater control of jet noise pollution.

As they have in the past, many will seek just compensation for the alleged damage done themselves or their property as a result of noise created by sonic boom or low-flying aircraft.

Hundreds of suits against aircraft noise are pending throughout the country. For example, last summer Inglewood, Calif., residents living near Los Angeles International Airport filed suit for $1.4 billion in damages, claiming that jet noise created "nerve and economic disturbances of a permanent nature."

Over the past 25 years the average increase in the noise level has been 1 decibel per year. When you consider that a level of 85 decibels is all that is necessary to cause ear damage, it will not be very many years before the noise level in this country becomes lethal.

The age of mass transportation came upon us so fast that many of the subsequent problems which developed might well have been avoidable if we could have had the benefit of advance planning.

But now we have the opportunity to learn from the lessons of the past, and the most creative way to do this is to act before the fact by setting up a means whereby the public will be protected from the problems of sonic boom and aircraft noise damage.

My bill will set up a fund whereby an injured party can bring suit where present laws do not provide grounds for recovery for such damage or injury.

At present there are few grounds on which a person can successfully recover damages resulting from aircraft noise. The use of the injunction is of no avail because the closing down of a major airport would wreak havoc throughout the world. The development of local ordinances against noise has been stricken down by the Supreme Court on the grounds that Congress has preempted the rights of States in this area and therefore Congress is the only body which has authority in this area.

The Federal Tort Claims Act is only useful if the aircraft is owned and operated by the Federal Government.

The need for such a law, then, is that there are few grounds on which people can successfully recover damages from aircraft noise. Most courts would not touch these cases. The concept of strict liability is no longer acceptable because flying is no longer legally considered an "ultra-hazardous" activity. And the law of eminent domain is only partially successful—some States have accepted the idea that flying over a person's land is a "taking" of that land but others say it must be a physical taking. That leaves the grounds of negligence, which is very difficult to prove since you must show a clear causal connection between the noise and the damage.

The bill calls for the creation of a damage fund to be administered by the Secretary of Transportation and provides a system of payment of damages causes to either property or individuals by excessive aircraft noise. It further gives the Secretary of Transportation the authority to hold hearings and determine the amounts due each of the claimants.

A large portion of the money for this fund will come from payments made into it by the civil airlines. The bill also provides an incentive to each airline operator in the form of possible lower premium payments into the fund if his airline insists on aircraft that have been designed and engineered so as to reduce the possibility of noise.

Broad general powers are given to the Secretary of Transportation in establishing rates for both civil and public aircraft. Payments into the fund, in the case of public aircraft, will be accomplished through appropriations, which the act authorizes.

The act further provides that the Secretary of Transportation shall pay the claimant the amount to which he would have been entitled under the law of the place where the damages were caused, had they been caused by negligence. Both personal and property damages are covered.

The act also provides the claimant a variety of remedial procedures. He may proceed under State law and pursue whatever remedies are available, or he may make his claim against the fund. If he chooses to proceed against the fund, he must assign all rights he may have against any person or corporation who may have a legal liability to pay for the damages, caused; however, any excess, recovered by the Secretary, over the amount paid by the fund and costs, shall be paid to the claimant.

With a half million takeoffs and landings yearly at Kennedy Airport in New York, O'Hare in Chicago and Los Angeles International Airport, local residents are being hammered by the shrill whine of jet noise. But our present jet noise problem is a mere shadow of the difficulties we can expect when supersonic aircrafts start smashing through the sound barrier as they sweep from coast to coast.

During the 90th Congress I cosponsored the 1968 Aircraft Noise Abatement Act, which instructed the FAA to issue regulations for the abatement of aircraft noise. It has now been 18 months since the act went into effect. Little has been done to implement it.

Last November, the FAA issued a new regulation which established noise standards for new subsonic aircraft. There are a great number of things lacking in the new regulations:

> It does not apply to planes already flying; nor does it apply to the new 747 jumbo jets until sometime in the future.

Additionally, once new planes are inspected and certificated as meeting the noise level requirements, they are not again subject to reinspection. Some engineers have expressed the concern that the new antisound devices to be used on aircraft may wear out and not be replaced.

There also is a great deal of question as to whether the 108 EPNdB—effective perceived noise decibels—level established by the regulation is low enough. It may not be acceptable to those living near our airports.

In addition, no regulation has been issued about ground activities of jets. Taxiing and the revving up of engines during repairs are a major source of irritation and complaints. And the FAA has not even touched the noise problem for the SST.

I am also greatly concerned with the noise level which is measured in decibels. Many jets now emit noise at level of 150 decibels which can cause permanent damage. Indeed, doctors say anything over 85 decibels can be harmful, yet the new regulation for the Boeing 747 is 108 decibels.

The jet noise problem will be alleviated for sometime to come. Until present aircraft are replaced with new, quieter models, quite probably there will be an increase in the noise level. Development of the quiet engine is still more than 5 years away. Even then it will cut noise levels at landing and takeoff by only 10 percent unless there is a major technological breakthrough. The result will be a corresponding increase in the number of lawsuits and claims made by the affected parties.

This act provides a means of recovery for these parties, provides added incentive for the airlines to reduce excessive sound emission, and is a necessary companion to the now ineffective application of the 1968 Aircraft Noise Abatement Act.

WELL DESERVED TRIBUTE TO MR. C. RUGGLES SMITH

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I address the House and extend my remarks to include a very fine tribute to Mr. C. Ruggles Smith, so long associated with

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our great Brandeis University in my district.

This eloquent tribute was rendered by a very able, distinguished friend and gifted writer, Mr. Emanuel Goldberg, in his "State of Affairs" column of the Jewish Times, and he has most appropriately and feelingly referred to Mr. Smith's memorable contributions to this great university in my district, of which I am so proud.

I am pleased indeed to associate myself with the comments and views so well expressed by Mr. Goldberg concerning the long, faithful, and efficient service of Mr. Smith to Brandeis. This fine gentleman was associated with Brandeis for years, even before the advent of that great educational leader and former illustrious president, Dr. Sachar, and I am very happy indeed that Mr. Goldberg has so fittingly recognized the wonderful service of Mr. Smith to Brandeis in the celebrated publication, the Jewish Times.

I extend to Mr. Smith and his family, my heartiest congratulations upon his outstanding work for Brandeis, and wish for him and his dear ones all choicest blessings of continued good health, success, prosperity and peace for many years to come.

To Mr. Goldberg, I express my compliments and appreciation for his fine, thoughtful remarks lauding Mr. Smith which follow:

[From the Jewish Times, Jan. 22, 1970]

C. Ruggles Smith Closes the Door

(By Emanuel Goldberg)

The other day, a friend at Brandeis told me that C. Ruggles Smith had retired, slipping out unobtrusively one day before the anticipated final one on December 31st.

Not even a conventional office farewell could be sprung on the Special Assistant for Legal Counsel, who was at the campus in Waltham before Dr. Sachar arrived—the son of the founder of Middlesex University, the last President himself of that controversial institution, and the fortuitous human link between the dream of a Brandeis and its actual fulfillment.

For it was Ruggles Smith in 1947 who contacted a New York group headed by Rabbi Israel Goldstein and, later, Albert Einstein, who were interested in establishing a Jewish-sponsored, non-sectarian university somewhere in this nation, and offered the 90 acre campus and plant of Middlesex, which was about to close its doors.

Somewhere in the archives of the University is the famous missive of Mr. Smith which set in motion the series of negotiations which culminated in the birth of Brandeis. In fact, if my memory is correct, the first public mention of an institution of higher learning called Brandeis came in Ruggles Smith's own penned "class-note" for his Harvard alumni publication.

Not many people know it but, over the years, Mr. Smith maintained relationship between Brandeis and Middlesex alumni, the later mostly physicians of Jewish persuasion who, a couple of decades back, were widely denied access to Grade A medical schools because of religious quotas or outright intolerance. Ruggles was in the forefront of those who defied the A.M.A., the local medical societies, the hospitals and other segments of the Medical Establishment of his day, and Middlesex admitted any competent and qualified student. Some very fine physicians in this nation, who overcame educational handicaps and later inadequate hospital affiliations, still practice only because Middlesex existed. A close friend of mine, now one of New England's leading cardiologists and researchers, had an "insurance policy" admission to Middlesex in his pocket on the day that classes opened at one of the famous schools in Boston. He didn't know that he was "in" the latter institution until the very last moment—and, to this day, suspects that it was his Jewish faith that mounted the terrible suspense and agony.

Another fact that is not generally known involves the Charter which Brandeis University inherited from Middlesex University (Brandeis could actually have retained the Middlesex name if it wished). One section contained the clause: "No officer or instructor in said university shall ever be required by the trustees to profess any particular religious opinions as a test of office, and no student shall be refused admission to or denied any of the privileges, honors, or degrees of said college on account of the religious opinions he may entertain."

Even if Brandeis had not become the liberal institution it is today, it would have been bound by this clause in the Middlesex charter—which, in turn, was entered before the Commonwealth of Massachusetts had enacted its own Fair Education Practices Act.

There'll always be a "party" in the hearts of Ruggles Smith's multitude of friends. A graduate of Harvard, Harvard Law School, and, oddly enough, the Pulitzer School of Journalism at Columbia University, he is a very young 65, who, despite impeccable credentials, always knocked the stodgy establishment long before the present radical young generation was born. He still loves rich desserts, can shock even sophisticated Brandeis scholars with his candour, and maintains articulate contempt for the young unwashed intolerants and the old, overkempt phonies.

He and his gracious wife have sold their home in Wellesley and settled in Sandwich where, according to his long faithful secretary, Mrs. Naomi Cherny, a flourishing law practice is unexpectedly evolving. Good lawyers are as rare as good plumbers beyond the Bourne Bridge in the Cape Cod winters.

Anyway, we wish him and his family many more years of happiness and productivity. The Jewish community, and higher education generally, owes this Christian gentleman a great debt.

TEXAS FOOD-AID COURT ORDER SHOULD STAND

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include tables.)

Mr. FINDLEY. Mr. Speaker, the Department of Agriculture should withdraw its opposition to a court order requiring that Federal food-aid programs for poor families be established immediately in 88 Texas counties.

I suggested this action in a letter mailed yesterday to Agriculture Secretary Clifford Hardin.

On December 30, 1969, the District Court for the Northern District of Texas in Dallas added its weight to the growing concern of those who would, to use President Nixon's phrase, "put an end to hunger in America for all time."

The court ordered that the commodity distribution program should "immediately" be put into effect, "in the shortest time feasible and at Federal expense" in 88 Texas counties which have no Federal food-aid program. The court further stated:

> As an outside limit, the Federal defendants in every Texas area that has no Food Stamp Program, must put into effect the Commodity Distribution Program within sixty (60) days from January 5, 1970.

The Department of Agriculture has requested the Justice Department to ask the court for a stay in executing its order. The justification given has been the laudable desire by the Department of Agriculture to place Federal food-aid programs in cooperating counties willing to administer and finance the programs locally. This emphasis on the preservation of federalism is important, but in this case I suggest it be set aside in the interest of the hungry and malnourished people in the 88 counties.

My suggestion has urgency because this Friday, January 30, a hearing has been scheduled in Texas on the motion to postpone the court order.

In my view, local officials in Texas, like others elsewhere, have richly deserved pressures aimed at persuading them at long last to recognize minimal basic necessities for people in their jurisdictions by implementing Federal food-aid programs for poor families.

Even before the Federal court order, the Department had adequate justification to bring every possible pressure against these county governments. I am gratified by reports showing that during the past year the Department had actively been encouraging the missing counties to participate. It is to Secretary Hardin's credit that in fiscal 1969, for the first time in over a decade, every penny of the section 32 funds available for implementing surplus distribution programs has been spent by the Department of Agriculture, and none was returned to the Treasury. As recently as 1968, well over $200 million available for this food-aid program went unspent by Washington.

After a year's renewed effort, however, 88 Texas counties still have neither the food stamp nor the surplus distribution program. From this I would conclude that the cooperative spirit of the new federalism so admirably displayed by President Nixon and by the Agriculture Department has been frustrated and bankrupted by local county officials, not by officials in Washington.

Accordingly, I strongly urge that the Department withdraw opposition to the court order. In making this recommendation, I am aware that this will enable the county governments to escape the cost of administration. Conceivably, causing the court to withdraw the order might mean that one or more of these counties will voluntarily initiate food-aid programs and thus pay the cost of administration.

This probability must be evaluated in light of the long-standing, callous indifference of these officials to local poverty. They have resisted all pressures up to now, and are unlikely to acquire a social sensitivity in the next few months. Meanwhile, hunger and malnutrition continue. A few months may be but a speck of time for Government budget makers, but it can seem like an eternity for those without enough food on the table.

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I make this suggestion for another reason, too.

Some aspects of the farm programs are in wide disrepute in the public mind and on Capitol Hill. Resentment against programs which permit large payments to individual farmers has grown over the years. This resentment is intensified by disclosure of payments totaling millions of dollars in the very counties which refuse to feed the hungry through participation in a Federal food-aid program. Congressmen, urban and rural alike, find it difficult to justify large payments to wealthy farmers for not growing food while many of their constituents go hungry.

Included in this statement is a list of the 88 Texas counties which still refuse to institute a food-aid program, together with data on the level of local poverty, as well as payments to farmers which exceeded $5,000. These statistics show convincingly the need for a realinement of priorities and justify the concern and resentment of Congressmen dissatisfied with farm programs inherited from previous administrations. They show in the 88 counties 187,907 hard-core poor, also 6,562 farmers, each of whom got over $5,000 in farm payments in 1969.

When I placed similar information in the CONGRESSIONAL RECORD in May of 1969—now almost 1 year ago—98 Texas counties were without any type of food-aid program, yet wealthy farmers in those counties were receiving huge farm payments. Lynn County, Tex., had the dubious distinction of having no program to feed 2,282 hard-core poor—about 25 percent of the county's population—while at the same time another 25 percent of the population constituted families which received $8,903,000 in Federal farm payments.

The next morning after I revealed these facts, the Dallas Morning News headlined the story "Texas Food-Aid Situation Decried." Today, I am very glad to report Lynn County has a Federal food-aid program. Thanks to the publicity and the persistent efforts of USDA since last May, Lynn County and nine other Texas counties have initiated food-aid programs.

Some progress has been made, but not enough. There are still too many "Lynn Counties" in Texas. In the case of Hartley County, which still has no food-aid program, if annual payments to individual farmers in excess of $5,000 were divided equally among the hard-core poor, each man, woman, and child would receive over $18,000. In two other counties, Armstrong and Sherman, each poor individual would receive over $14,000.

It has been 35 years since Congress first enacted a program to help feed the hungry in this country. It has been almost a year since the specific counties without food-aid programs received widespread publicity. Despite the passage of a third-century, and despite all the publicity, many counties obstinately refuse to help feed their poor, hungry, and malnourished citizens. Federal policies which permit hunger to exist alongside big Federal payments to keep wealthy farmers from growing food are bound to create resentment.

Therefore, I urge the Department to reconsider its position requesting a stay of execution of the court order, so that the Department can move immediately to begin implementing Federal food-aid programs in each Texas county which presently does not have one. I applaud Secretary Hardin for his goal to lodge at the local level primary responsibility for financing and control of the food-aid program, but involved here are die-hard political combines which obviously are sensitive neither to embarrassing publicity nor to the hunger of their needy constituents. The hungry should not have to wait for the resolution of differences between local, State, and Federal officials. They have waited long enough, as the commodity distribution program has been universally available since 1935.

Here is data on each of the 88 Texas counties:

88 TEXAS COUNTIES WITHOUT FEDERAL FOOD-AID PROGRAMS

County	Population [1]	Hard-core poor [2]	1969 farm subsidy payments which exceeded $5,000	1969 number of payees
Andrews	13,450	456	$217,061	19
Aransas	7,006	1,148	35,241	3
Archer	6,110	509	107,643	13
Armstrong	1,966	80	1,137,279	122
Bailey	9,090	1,630	6,147,319	437
Bandera	3,892	768	0	0
Baylor	5,893	891	469,129	54
Bell	94,097	11,732	458,381	63
Blanco	3,657	795	0	0
Borden	1,076	108	564,905	58
Bosque	10,809	1,682	53,982	8
Bowie	59,971	11,724	763,836	33
Briscoe	3,577	777	2,764,718	219
Castro	8,923	2,457	9,226,764	590
Chambers	(3)	(3)	0	0
Clay	8,351	746	253,903	32
Coleman	12,458	2,087	204,218	32
Collin	41,247	6,353	1,200,446	139
Collingsworth	6,276	1,465	1,626,896	174
Colorado	18,463	4,307	168,458	16
Concho	3,672	811	253,337	30
Coryell	23,961	2,269	156,501	18
Crane	4,699	243	0	0
Crockett	4,209	527	5,560	1
Deaf Smith	13,187	2,718	8,574,532	526
Denton	47,432	3,699	344,345	39
Donley	4,449	594	753,240	87
Ector	90,995	6,929	24,451	2
Edwards	2,317	445	0	0
Ellis	43,395	(3)	2,040,625	208
Erath	16,236	2,021	6,146	1
Fort Bend	40,527	10,300	1,321,253	107
Garza	6,611	955	1,014,363	105
Gillespie	10,048	1,045	0	0
Glasscock	1,118	132	793,783	62
Gray	31,535	1,759	650,999	76
Gregg	69,436	10,051	0	0
Hall	7,322	1,675	2,731,283	265
Hansford	6,208	421	3,100,266	254
Harrison	45,594	11,785	0	0
Hartley	2,171	92	1,695,712	113
Hood	5,443	758	0	0
Hopkins	18,594	3,672	31,969	5
Jack	7,418	657	17,265	3
Johnson	34,720	2,865	$376,288	39
Kaufman	29,931	5,837	772,315	64
Kendall	5,889	642	0	0
Kenedy	(3)	(3)	0	0
Kerr	16,800	1,709	0	0
Lamar	34,234	7,883	1,058,005	101
Lampasas	9,418	1,796	5,314	1
Llano	5,240	675	14,318	1
Loving	(3)	(3)	0	0
McCulloch	8,815	1,603	98,541	14
McMullen	(3)	(3)	5,513	1
Mason	3,780	943	6,475	1
Menard	2,964	847	0	0
Mills	4,467	835	14,786	2
Navarro	34,423	7,741	1,940,498	179
Ochiltree	9,380	375	1,572,658	173
Oldham	1,928	121	989,022	78
Palo Pinto	20,516	2,424	19,761	3
Parmer	9,583	1,376	10,592,987	734
Presidio	(3)	(3)	165,995	12
Randall	33,913	1,198	3,261,467	263
Reagan	3,782	415	105,324	12
Reeves	17,644	3,924	4,681,051	149
Refugio	10,975	3,154	497,751	59
Roberts	1,075	87	207,246	20
Rockwall	5,878	1,618	336,595	31
Runnels	15,016	3,027	948,836	128
Rusk	36,421	8,224	77,647	5
San Saba	6,381	1,535	23,687	4
Shackelford	3,990	307	78,690	8
Sherman	2,605	189	2,654,022	227
Somervell	2,577	508	7,370	1
Stephens	8,885	702	11,936	1
Sterling	1,177	196	5,099	1
Sutton	3,738	732	0	0
Throckmorton	2,767	149	204,295	24
Uvalde	16,814	4,860	104,599	10
Van Zandt	19,091	3,597	101,919	12
Wheeler	7,947	904	887,099	103
Winkler	(3)	(3)	0	0
Wise	(3)	(3)	0	0
Wood	(3)	(3)	0	0
Yoakum	8,032	691	2,081,019	164
Young	17,254	955	181,894	23

[1] Population data from 1960 census.

[2] Hard-core poor defined by the Office of Economic Opportunity as the number of persons having an income at or below $2,200 for a family of 4, per year, derived from 1960 census.

[3] Not available.

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MORATORIUM ON GRAZING FEE INCREASES—THE PUBLIC SHOULD BE HEARD

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the two faces of the Department of the Interior are plain to see. On the one hand, the Secretary states during a national television interview that "polluters should pay." Chalk up five conservation points for the Secretary and the public interest. On the other hand, the same Secretary declares a "moratorium" on public land grazing fee increases. Chalk up 10 points for the Secretary and private interests. Net score: 10 points for private interests; zero points for the public interest. The arithmetic is no stranger than the Secretary's decision matched against his conservationist-oriented public statements.

Talk about a "concern" for the Nation's environment costs nothing; declarations, plans, programs, and other bureaucratic mumbo-jumbo about protecting the environment are cheap. However, action such as the grazing fee moratorium decision is immediately chargeable against the public's account.

Mr. Speaker, our colleagues have been bombarded in the past few weeks by apologists for all those private interests who have applauded the Secretary's antipublic decision regarding our public lands. It is time the public's voice was heard. To begin the balancing of the "grazing fee controversy" I want to bring to the attention of my colleagues just a few of the comments I have received, spontaneously, from the public. The items below really speak for themselves but let me point out that they come from the very "backyard" of the private interests who have so loudly acclaimed the Secretary's moratorium.

This first is a copy of a letter from the Arizona Conservation Council addressed to Members of the other body along with a "position paper" regarding public land law review:

ARIZONA CONSERVATION COUNCIL,
Scottsdale, Ariz., January 20, 1970.

To the Honorable Senators ALLOTT, JORDAN, HANSEN, HATFIELD, BELLMON, and DOMINICK.

GENTLEMEN: We have learned that you were among seven Senators commending Secretary Hickel for his recent action in delaying the scheduled increase in price of grazing fees on lands administered by the Bureau of Land Management. The Arizona Conservation Council wishes you to know that it regards Secretary Hickel's action as a surrender to pressures by certain vasted interest groups and definitely not in the best interests of the American public.

In view of the extreme importance of the public domain lands to the American people, Congressional action in response to recommendations of the Public Land Law Review Commission, when submitted, will likely extend over a considerable period of time. Hence, Secretary Hickel's delay is not the minor or short-term delay it has been alleged to be.

Please note that in the enclosed copy of its adopted resolution regarding actions of the Public Land Law Review Commission, the Arizona Conservation Council supports the principle of charging fair market values fees for the private use of public lands. These lands are the property of all the poeple and are not the private domain of the permittees. The public is entitled to a fair return on its investment. Current grazing fees do not produce such a return.

Sincerely,
ARIZONA CONSERVATION COUNCIL,
PAUL W. VAN CLEVE,
Chairman.

POSITION STATEMENT OF ARIZONA CONSERVATION COUNCIL REGARDING PUBLIC LAND LAW REVIEW

GENERAL

1. The Federal public lands are immensely valuable for their timber, forage, minerals, wildlife, water, and for scenic and recreation purposes, and as open space itself.

2. The wilderness concept is an important part of enlightened land use planning. The last vestiges of America's natural environment should be preserved so that succeeding generations will have access to a variety of natural areas for scientific, esthetic and recreational purposes. Therefore, the principle that the best use of some land is to leave it entirely natural should be reaffirmed, and the classification of land in the National Wilderness Preservation System should be expedited.

3. For the bulk of the public domain, the principle of multiple use should be continued and strengthened. Areas which have unusual scenic, scientific, historic, cultural, recreational or public values should be classified to serve the best interests of all the people.

4. History furnishes abundant evidence proving that private management of public lands would not be in the interest of the Nation as a whole. We are only now beginning to overcome the effects of overgrazing, strip mining, stream pollution, soil erosion, watershed destruction, water depletion, and wasteful timber management on private lands. Prior to enactment of the Taylor Grazing Act, public land use practices had reduced big-game numbers to an all time low. Good management, improved habitat and greater protection have effectively increased the wildlife resource.

5. Public lands in the West are the habitat for $\frac{3}{4}$ of the major big-game animals and most of the coldwater species of fish. They provide more than 112,000,000 visitor-days of outdoor recreation annually, and the volume of recreation use is increasing yearly. These are *productive* and *beneficial* uses, and represent tremendous values to the Nation's people, albeit that they are intangible values.

DISPOSAL OF FEDERAL PUBLIC LANDS

1. Any general disposal of Federal public lands would inevitably mean: (a) public subsidy of individuals and private interest groups, (b) early disposal of lands having the highest value due either to presence of immediately usable resources or to high potential for resource discovery, and (c) retention of the lowest value lands by the Federal Government accompanied by reduced capability for sound, productive management.

2. The great bulk of the Federal public lands should be retained in Federal ownership and under Federal management.

3. There exist certain Federal public lands which can be disposed of to the States or to private interests without harming the bulk of the public lands or their sound, productive management.

4. People and governments at state and local levels should be consulted regarding what should be done with public lands.

5. The Federal Government should develop criteria for evaluation of all resource values to provide a sound base for determining what land should be retained or disposed of. The cardinal consideration in selection of lands to be disposed of should be the effect of this disposal on the value and management of public lands to be retained.

6. Lands having high scenic and recreation value, or value for other essential public purposes, should continue to be made available for acquisition by States, political subdivisions and quasi-public organizations in accordance with the Recreation and Public Purposes Act.

7. Where lands are disposed of to private interests, mineral rights should be retained by the Federal Government, and the minerals should be utilized on a lease basis from the Federal Government.

USE AND MANAGEMENT OF FEDERAL PUBLIC LANDS

1. In general, Federal public lands should be managed according to the principles of multiple use and sustained yield. Management practices should be strengthened by better procedures to assure consideration of all values and benefits, intangible as well as tangibe.

2. No use of Federal public lands should be permitted which is likely to produce air pollution, water pollution, thermal pollution, soil erosion, overgrazing, watershed destruction, water depletion, or desecration of scenery. To this end, exhaustive studies should be made to determine, (a) the kind of controls and assurances which are required to determine when and how such effects are likely to result, and (b) how such controls can be effectively enforced.

3. The principle of charging fair market value fees for the private use of public lands should be reaffirmed and supported by law. All private use of public land should be by lease based on productive value, with competitive bidding for leases. No change in "security of tenure" is warranted.

4. Mineral, oil and similar exploration on public land should be rigidly controlled to prevent destruction of other resource values.

MINING LAW

1. Give-away mining laws should be repealed. Patenting of mining claims should be eliminated and replaced by enactment of appropriate leasing laws governing mining on public land.

2. Land should not be leased for mining until appropriate restoration plans have been prepared and approved in advance. Lease terms should control and minimize the inevitable damage to the land and to other tangible and intangible values.

3. All existing mining claims should be evaluated by the Federal Government, invalid claims should be voided, and the program for voiding such claims should be expedited.

4. The National Wildlife Refuge System and the National Wilderness Preservation system should be closed to mining.

Adopted August 7, 1969.

PAUL W. VAN CLEVE,
Chairman.

Mr. Liven A. Peterson, Jr., of Boise, Idaho, wrote to me on January 13 concerning the grazing fee increase, wherein he stated:

> Most Western states are still dominated politically by the exploiters of our land, and they follow the pattern of activity which has been established since "the West was

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won." These people find it difficult to accept the fact that a new day is dawning.

And later, Mr. Peterson adds:

> I see no reason why the grazing fees should not be increased in proportion to other costs, particularly to the cost of beef at the supermarket.

This Idaho resident then enclosed two editorials from local newspapers which reflect more public concern for our public lands than some of the recent statements by public servants of the same area.

In summary form the editorials point to a paradox surrounding public land policy formulation. The State of Idaho is trustee for 34 million acres of land held for the 270 million citizens of the United States; however, the instrument of the State, the Idaho Public Land Law Review Commission, is not representative of the wishes of the citizens of Idaho according to the Idaho Statesman. The editorial points out,

> At the heart of the commission's philosophy is the idea that the public lands belong to the miner, the timber industry and the grazer but not to the people.

The situation in Idaho is not unique; rather, it is illustrative of the problem facing all Americans when it comes to public land policy. Because of the fact of geography and a blind, uncompromising tradition which overrepresents one area of the country irrespective of the public interest involved, we have created a system which encourages continuation of private interests over public interest. We have, in short, created a regulatory and policymaking monstrosity where the fox guards the chicken coop. The public lands should be guarded as if they were the domain of all the people rather than as if they were in the private fiefdom of a specific industry, geographic region, or political entity.

All is not lost. With continued publication of hard-hitting editorials such as those reproduced below, it is hoped that citizens of all States will respond to the threat to our public lands and demand that the total spectrum of interest and concern be represented before decisions are made affecting our public lands. The public lands in Arizona, Utah, Idaho, or in any State are no less a national treasure than the Everglades, Yellowstone, the Redwoods, or any other truly national responsibility.

Two editorials follow:

[From the Idaho Post-Register, Dec. 11, 1969]

BUT WHO SPEAKS FOR IDAHO'S PUBLIC?

East Idahoans found out Tuesday night that Idaho's Public Land Law Review Commission, unfortunately, is not public. It essentially represents the traditional land users—the grazers, the miners, the lumbermen, the water users, or all of the private users—and no one else but these.

As this newspaper pointed out when the commission was formed, any impartial examination of the makeup of the commission mirrors the entrenched commitment of not only the commission but the Governor who appointed them, against recognition of the growing public stake in the public use of public land. That principal public stake is in recreation use.

It is essentially an attitude that after all of the private user interests have been met, the public can have the leftovers. This view, strangely enough, calls wilderness or any non-intensive use a "look-up", but fails to explain why intensive mining is not a "lock-out" in those areas of high recreational interest.

But before commission members hurry to pin a label on this newspaper, let us hasten to underscore our conviction that the public lands should be grazed, should be mined and should be lumbered—in proper priority ratio by agencies balancing the greatest public interest. To achieve this greatest public interest, we contend, the public land laws need changing—particularly for mining, which now enjoys the only exclusive "lock-out" franchise of any of the users on public lands.

The commissioner's thoughts on public land, save for preliminary recommendations which local conservationists obtained upon request, have not been announced. If the Commission has preliminary recommendations on other public land law changes, however preliminary they may be, the public is entitled to its thinking. The commission may have rightly taken the position that it should not make up its mind, until all of the testimony on its hearing circuit is in—but the preliminary recreation proposals suggest that the commission has also projected its thinking on the entire gamut of proposals for changing the public land laws.

The commission had an understandably defensive stance in its hearing Tuesday night. Dennis Olsen, Idaho Falls attorney who is a member of the commission, at times inveighed against the conservationist line of questioning, attempting to brush all conservationism with the anti-progress label when he should have been listening and responding specifically to questions. Not all conservationists are anti-progress. They only desire recognition of the public stake. They also ask searching questions about progress itself—questions like, "Does the environment of the Wallace and Kellogg vicinities represent progress or long ignored responsibility?"

We don't agree with all conservationists. A very small percentage do not even agree to the validity of private grazing on public lands. This newspaper not only sees the validity of private grazing on public lands but its vital public value. We see the priority of this wilderness and not that, the need for lumbering in this stretch of forest but not next to that lake, mining at this stretch of forest (under a new set of responsibility and new set of government decision-making) but not in that pre-eminently wilderness area like the White Cloud lake region. The process of deliberation on land resources is not the "either, or" rationale that the state land law review commission suggested in its answers and its interruption of questions in Idaho Falls Tuesday night. Nor can they apply such over-simplification to the conservationist.

Mr. Olsen himself is symbolic of the Commission's overriding philosophic bent. He is supposed to represent conservation on the commission. Mr. Olsen decidedly does not represent conservation in the context of that word's meaning among the conservationists of this state. His connections in the past have been with mining interests and any conversation with him on the basic conservationist issues of the state reflect immediately either his lack of knowledge of issues or a philosophic bent for the private user. Conservation, as we know it, is not represented on the commission. And it was intended to be that way.

Walter Little, legislator from New Plymouth, and chairman of the commission, is the legislator who led the fight against a three-year moratorium against Cougar hunting in the Big Creek area of the Middle Fork of the Snake the past session. If Mr. Little was successful in his fight, a study of national import on the cougar, presented recently in National Geographic Magazine, would have been denied. Mr. Little, also head of the Idaho Woolgrowers Assn., feels the cougar is of sole concern to the woolgrowers of the state—even if it only involves a three-year moratorium against cougar hunting in one small area of the state.

Such is the makeup of virtually all of the commission.

It reflects anew that when it comes to land resources in Idaho, state government continues to ignore the public stake on our national and state forests and rangelands. We harken instinctively to the presumptions of the Associated Industries of Idaho, but we are not in tune with the emeging public stake in public lands. The Idaho Public Land Law Review Commission is another rigid demonstration of the commitment to perpetuate this philosophy in Boise.

It is a question whether the commission should be composed of completely independent and non-connected leaders of good judgment or whether it should represent all of the users, public and private. But if the latter, certainly, it should have been balanced with truly public members. Idaho's private land resource use should be forwarded and coordinated, without question. But in Idaho who speaks for the public?

[From the Idaho Statesman, Dec. 14, 1969]

RECREATIONIST IS A DIRTY WORD

If you are among the Idahoans who use the public lands occasionally for recreation you are a "recreationist." In the eyes of the Idaho Commission on Federal Land Laws you are a second class citizen, a menace and a nuisance.

This commission was created by the 1969 Legislature and its members were appointed by Gov. Don Samuelson. In theory it represents the people of the state of Idaho. In practice, it is a pawn of economic interests which are hostile to recreation use of the lands.

Probably a majority of Idahoans enjoy outdoor recreation on public lands. Fishing, hunting, hiking, picnicking, exploring, rock hounding, boating, camping are part of the Idaho way of life.

But as far as the commission is concerned, recreationist is a dirty word. It wants the federal laws governing the public lands to represent the same attitude.

Here are some of the statements from a summary of the commission's position on outdoor recreation:

"Establish a national policy to retain in federal ownership as outdoor recreation areas only those lands which constitute federal unique national wonders; and existing federal areas where multiple use of the land makes detachment of the outdoor recreation an impractical function."

"Allocation of land to exclusive recreational use should be limited to those areas that meet the following conditions: (1) A large effective demand has been demonstrated. (2) The land has unique or unusually good recreation capability. (3) There are no feasible alternatives for recreation."

"No tract of land should be designated for a single use unless it does not lend itself to other uses. If, after an area has been allocated to any exclusive use, other valuable uses of the land should be reconsidered in light of these other possible uses."

"We are not opposed to wilderness areas as such but recommend that existing wilderness withdrawals should be periodically scrutinized and should be retained as wilderness only as continued retention meets the criteria for wilderness withdrawal as of the time of each periodic review. Regulations and statute pertaining to wilderness withdrawals should not prevent examination by modern scientific methods to ascertain other uses of the lands designated as wilderness areas provided disturbance of the surface should be permitted when a need is demonstrated and disturbance is at a minimum."

"Entrance and user fees should be assessed where specialized or developed facilities are utilized by the user and the user receives a direct benefit."

The commission says that only recreation areas which constitute "unique national wonders" should remain in federal ownership. This would disqualify many of the existing federal recreation areas. The Sawtooth Recreation Area is magnificent but it is not necessarily a "unique national wonder."

Before land could be allocated to exclusive recreation use a "large effective demand" must be demonstrated and there must be no "feasible alternatives." What is a "feasible alternative?" Is a barroom a feasible recreation alternative to a fishing stream? Is a mountain lake in California a "feasible alternative" to a mountain lake in Idaho?

The commission wants to distribute wilderness acreage nationally in relation to population. Idaho, with a small population, would end up with very little wilderness. The commission wants to reduce existing wilderness areas.

In saying that "no tract of land should be designated for a single use (it apparently means recreation) unless it does not lend itself to other uses" the commission is saying that only lands which aren't good for anything else should be designated for recreation.

Quite simply, in the commission's view, recreation use comes last. No consideration is given to the fact that a large and growing number of Idaho people and out-of-state visitors use the lands for outdoor recreation. No consideration is given to the trend for increased recreation use.

The commission is properly concerned about mining, timber and grazing. But its concert for these uses contrasts sharply with its negative attitude toward recreation.

The commission butchered a statement submitted by the Idaho Fish and Game Department concerning the hunting and fishing value of public lands. Among the statements suggested by the department which the commission deleted was this one: "Public lands having significant value in the production of wildlife or in providing public fishing and hunting should be retained in public ownership."

Conservation witnesses who appeared at a hearing in Idaho Falls last Tuesday were shabbily treated. The commission member who is supposed to represent conservation, attorney Dennis Olsen of Idaho Falls, made his hostility clear.

This commission was organized in May. When it drafted a statement on mining laws it acted after hearing only one witness—a spokesman for the mining industry. Only in the last several weeks has it begun to conduct public hearings. It plans to submit its recommendations to the Federal Land Law Review Commission in only a little more than two weeks, December 31.

Governor Samuelson stacked the commission with anti-recreation sentiment when he appointed its membership. Its decision to even conduct public hearings was an afterthought.

It is absurd to pretend that this commission represents the sentiment of the people of Idaho on land questions concerning recreation use and conservation.

Its statement on mining opposes any federal law to provide for reclamation of land that is mined. It says state and local regulation is preferable "when it is demonstrated that regulation by governmental authority is necessary."

The need has been amply demonstrated in Idaho. But if regulation were left to the discretion of Idaho's present governor there would be no regulation.

At the heart of the commission's philosophy is the idea that the public lands belong to the miner, the timber industry and the grazer but not to the people. The public, the "recreationist" is an undesirable intruder on the land.

This is obviously not the attitude of a majority of the people of the state of Idaho. This commission has misused the dollars which the public is paying for its operation.

Finally, Mr. Speaker, I want to close this edition of "the public speaks" with an excellent editorial from the February 1970, issue of Field and Stream. Mr. Michael Frome, the courageous editor of the magazine and a crusading, all-fronts conservationist, details the implications of Secretary Hickel's decision to reverse the long-fought-for policy of establishing reasonable fees for the use of our public lands. Mr. Frome's article will probably become the rallying cry for the Nation's conservationists. The article follows:

[From Field & Stream, February 1970]

The President's Environmental Crusade and the Public Lands

(By Michael Frome)

The editors of Field & Stream hail and praise the President for declaring his intention to press improvement in the environment as a major goal of his administration. We urge that he and his associates in the White House read—or reread—"A Conservation Program for the Nixon Years," which appeared in the March 1969 issue, and subsequent materials in this space over the past few months, designed to define the national issues and to help chart a constructive course.

In facing the environmental challenge, the President must have men of proven background, experience, and consecration in key roles. The time for politics as usual is over.

The same holds true for the Senate Interior Committee. It can no longer consider the Department of the Interior as a fiefdom of patronage for the political power structure of the West.

Mistakes, misplacement of personnel, are costly. Decisions must be based on meeting the long-range needs of all the people, not on catering to the demands of special economic interests for their own short-range benefits.

This is especially the case in dealing with the public lands of the West. These millions of acres have long been neglected and abused, through Republican and Democrat administrations alike, for the simple reason that decisions were made on the basis of serving mining, grazing, and other special interests. Now at last the people recognize the immense potential of these lands for hunting, fishing, camping, wilderness, a thousand and one forms of recreation, as well as for watershed protection, soil conservation, and production of renewable resources on a sustained yield.

An enlightened, progressive policy of protection and management of the public lands is essential. The Nixon Administration cannot mean business in the environmental arena without it.

Nevertheless, the danger flags are flying. Recent decisions and policy declarations at the U.S. Interior Department do not bode well for the public lands.

This became evident in late November when Secretary Hickel announced a moratorium on grazing fee increases pending the final report of the Public Land Law Review Commission. The announcement marked a shocking setback for sound land management, a frightening sign of the future. It was not even sound administration, considering the Agriculture Department, which also provides grazing through the national forests, was not consulted and thus left in the lurch.

The grazing fee issue is simple. Fees paid by stockmen using lands administered by the BLM have been notoriously low, reflecting the long domination by livestock interests over the public lands, consistently characterized by single use and overuse. Increases were advocated by the Eisenhower Administration and continually ever since. Finally, former Secretary of the Interior Stewart L. Udall made a long overdue decision to affirm the public interest. That decision provided for an annual increase over a ten-year period. The first increase went into effect in early 1969; the remaining nine were to be automatic.

I should note that Maurice Stans, the present Secretary of Commerce, who became well versed in grazing fees while serving as Director of the Budget under President Eisenhower, urged proceeding with all dispatch in instituting the increases. The Interior Secretary would have done well to follow the council of his colleague in the Nixon Cabinet.

Secretary Hickel's moratorium decision was announced in Congress by Senator Gordon Allott, of Colorado, the ranking Republican member of the Interior Committee. He proceeded to perpetuate sheer mythology upon his colleagues by referring to the "400-percent increase" proposed by the former Secretary and alleging it would have "severe impact" upon Western stockmen. Conveniently, he overlooked mentioning that only 2 percent of the nation's livestock use the public lands, which means that a relative handful of ranchers are clinging to a discriminatory cost advantage, that the Secretary's moratorium foists a competitive setback on the greater preponderance of stock growers who must rely on private lands for forage.

Senator Allott called on others of the Western power bloc for support. Senator Clifford Hansen, of Wyoming, who is a rancher himself benefitting from the use of public lands, felt constrained to offer a correction that "the grazing fee would not be raised very much." He alleged, however, that "it could be enough to put out of business a number of operators who are now marginal." This, too, was part of the mythology: the "marginal operators," more than 25 percent of BLM permittees, would not be affected by the graduated scale until 1974. The big boys, about 11 percent of the permittees, are slated to pay 75 percent of the bill.

In behalf of the big boys, the industrial stockmen and bankers, others spoke up, hailing cancellation of the fee increase—Senators Len Jordan, of Idaho; Peter Dominick, of Colorado; Mark Hatfield, of Oregon, and Henry Bellmon, of Oklahoma. All these are Republicans, but they willingly shared credit with three Democrats: Frank Church, of Idaho; Alan Bible, of Nevada; and Gale McGee, of Wyoming. "The implication of the Secretary's action will be felt throughout the West," commented Senator Hatfield. He may be proven right, for both Senators Jordan and McGee are up for reelection in 1970.

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One of the foremost conservationists in Congress, Representative John Saylor of Pennsylvania, reached the heart of the matter in a telegram dispatched to Secretary Hickel. In his own forthright language, he charged a surrender to profit and political pressures. Then he declared: "You have given up your prerogative to carry out the duties of your office to hide behind a 'projected' report of the Public Land Law Review Commission to be made during 1970. These public lands are not the private domain of the grazers but belong to all the American people. Your decision is unworthy of the Interior Department's responsibility to the people."

The grazing fee decision is not the only bad sign. There is also the Arizona case. Three years ago, under terms of the Classification and Multiple Use Act of 1964, the Bureau of Land Management conducted hearings on proposals to retain in public ownership for multiple-use management approximately 34,000 rugged acres, well suited for wildlife and recreation,' in the Music and Hualapai Mountains near Kingman. A long list of prominent organizations, individuals, and the county commissioners testified in behalf of retention and classification. The State Game and Fish Department supported the same position.

But Governor Jack Williams, a carryover of the old Western power structure appealed the decision. He claimed the lands for the State under Federal selection laws. His motive was scandalous; to furnish leases at lower fees to a clique of favored ranchers and without required BLM range-improvement programs. This was made plainly evident by the Governor's rejection of better, more valuable property near Phoenix and Tucson. The Governor's appeal was rejected by both BLM and the former Secretary of the Interior.

With the advent of the new administration, however, it was another story. Assistant Secretary Harrison Loesch reversed the earlier decision, disregarded the desires of sportsmen, recreationists, and citizen conservationists, and the expertise of the Arizona Game and Fish Department. "Although these lands may have some values for wildlife and recreational purposes," he wrote, "there is no basis for the implicit finding that disposal of such lands to the State of Arizona would impair such values."

The Arizona case stirred a wide ferment. It reached into Congress, where Representative Henry Reuss, chairman of the Subcommittee on Conservation and Natural Resources of the House Government Operations Committee, stepped in to request of Secretary Hickel the complete file and a temporary stop-order before this foul deed was consummated. The response came to him from Assistant Secretary Loesch citing a variety of legal cases without relevance and with disregard of the Department's own regulations. Most frightening, he brushed off multiple use and sustained yield as being purely temporary, as though destined to meet their death following the report of the Public Land Law Review Commission—although the multiple use concept has long been applied to the public lands.

Then there is the Wyoming case: Under the archaic Desert Land Act of 1877, three ranchers and their wives filed applications to acquire as private property 1,920 acres in an area called the Soapholes along the Green River. These tracts, in turn, are tied in with an irrigation and land scheme promoted by a Wyoming state legislator and a member of the Republican National Committee.

In processing these applications, BLM consulted other agencies—Bureau of Reclamation, Soil Conservation Service, and the Wyoming Game and Fish Department. Their reports showed (1) the lands are characterized by poor soil unsuited to irrigation; (2) irrigation of alkali soils would return flows of warm, salty, silt-laden waters to the Green River, causing deterioration of a blue-ribbon trout stream of national significance; and (3) sage and rabbit brush in the Soapholes constitute a significant part of a critical winter range to big-game herds.

On this basis, BLM rejected the applications in October. Mr. Loesch overruled the Bureau. "The record does not define the extent of the impact on the deer herd that would result from allowances of these applications," he wrote. "While there may be a detrimental effect, there is no substantial evidence indicating that the loss is significant." The courageous, up-and-coming Wyoming Outdoor Coordinating Council, Trout Unlimited, and the Wyoming Wildlife Federation believe otherwise and are fighting to save the Soapholes. We shall see whether the will of the people or the power of the special interests will prevail.

The administration has made a variety of appointments to policy-making positions in the U.S. Interior Department. Secretary Hickel has been evaluated by us in past issues. Under Secretary Russell Train and Assistant Secretary (for Parks and Fish and Wildlife) Leslie Glasgow are endowed with excellent backgrounds, wide reputations, and capacity for public service. They would be a credit to any administration.

Assistant Secretary Loesch came on as an unknown quantity.

Curiously, the confirmation hearing conducted by the Senate Interior Committee of his boss, Secretary Walter J. Hickel, of whom much was known, consumed three full days; but the hearing in April dealing with Mr. Loesch, of whom virtually nothing was known, lasted barely an hour.

The position to which Mr. Loesch was nominated, and which he presently holds, carries decision-making authority over the Bureau of Land Management and the 453 million acres it administers, complete with mineral, grazing, forest, wildlife, and recreation resources: the Bureau of Indian Affairs, with the fate and future of 600,000 long-abused native Americans; the Office of Territories, covering the Virgin Islands and far-flung islands of the Pacific; and the Bureau of Outdoor Recreation, charged with giving inspiration, leadership, and coordination to all levels of government and private interests in meeting the recreation needs of the people.

The record of the hearing is quite plain. Mr. Loesch is a lawyer by profession. He hails from Montrose, a small town in western Colorado. In his practice there he was often engaged in fighting Federal Government in behalf of special interests.

By his own words, he had no prior experience with intricacies of the Washington scene. His experience in public lands was confined to the mining laws of Colorado. He admitted he was "not very knowledgeable" on the subject of land classification, that he had "no competence" about the Trust Territories, that he had had very little involvement in Indian matters, and knew nothing at all of Indian education problems. When one Senator advised that half the acreage under his jurisdiction would be in Alaska, he replied forthwith, "No, I have never been to Alaska."

The members of the Senate Interior Committee apparently had other things on their minds that morning. "It appears to me that you are very well qualified to take over this position." Senator Frank E. Moss, of Utah, advised the Assistant Secretary-designate. "I am satisfied."

While Mr. Loesch may lack knowledge or understanding of wildlife and recreation values, mining is quite another story.

When he addressed the American Mining Congress last fall, he assured the delegates in the hall that he felt "comfortable" in their midst, with a high degree of "empathy" for their purposes. These feelings, he said, he intended to translate into meaningful and significant action in behalf of the mining industry. He defended the ancient mining law—which hardly anybody defends anymore—"because of the financial incentive it gives for location, exploration, and development." He pledged to make it easier to claim and patent public land for private acquisition. In short, the giveaway flags are flying.

While his boss, Secretary Hickel, insisted at the same meeting that the American people are determined to have a liveable environment and that other resources must be protected even while mining proceeds, Mr. Loesch looked at it rather differently. To him environmental protection is something of an irritant. "Indeed," he said, "people travel from afar to see the copper mine at Bingham, Utah—to me it is a thing of beauty."

He then paid tribute to the mining companies for generously improving conditions of the land. His comment that, "After all, since much of the phosphate is found in swampy areas, many reborn acres are far more useful than before mining," will come as a strange knell to citizen groups fighting to save Lake Okeechobee in Florida and the Georgia coastal marshlands.

But enough of this. During the course of a weekend last fall many thousands of good citizens throughout the West responded to President Nixon's call and exercised themselves as volunteers for a better America. They rallied for Johnny Horizon Countryside Cleanup Days, collecting tons of trash littered over the public lands. "My family and I attended the cleanup in Calico County," reports my friend, Jack Cox, from Barstow, California. "We had 1,300 people, including all kinds of recreationists. I don't know how much litter we hauled away, but I do know the area was clean and beautiful once more."

The President should send out some of his policymakers to try this kind of thing themselves. They will discover new opportunities to lead and serve in the environmental crusade. They will get away for a little while from the pressures of the special economic interests, who shout about the glories of free enterprise but forever demand public subsidies and prime cut of the public land. They will see the beauty of the American earth without dollar signs tied to it, and this is always good for the soul.

In poker parlance for the benefit of our Western colleagues, we can say "all the cards have not been dealt in this hand." The Nation's conservationists and the Department of Agriculture have not been heard from so far. With the stakes as high as the preservation of our public lands we will add, "leave the chips on the table!"

A NATIONAL LABORATORY FOR ENVIRONMENTAL SCIENCE

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MORSE. Mr. Speaker, I am introducing legislation today which will, I believe, contribute significantly to strengthening the means by which this Nation

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can find effective solutions to its environmental problems. The bill, which provides for the establishment of a National Laboratory for Environmental Science, would implement one of the main recommendations of the recent study by the National Academy of Sciences on effective management on the environment, and would provide one of the major components necessary to meet the Nation's needs for environmental research.

As the National Academy study points out, there is no laboratory within the Federal Government that now carries out systematic research on the environment as a whole. Present efforts are specialized and fragmented, and the overall ecological systems approach has not been adopted by any single Federal agency. There is, therefore, a need for a Federal Laboratory for Environmental Sciences, whose research goal would be the development of knowledge and techniques that will lead to effective management of the environment.

This laboratory would be contractor-operated as other national laboratories are, and funded by the several Federal agencies with environmental responsibilities. Its prime mission would be to carry out research in the environmental sciences and to develop a quick-reaction field function that would call attention to potential threats to the environment.

It would perform research in monitoring, but would not have operational responsibility for a monitoring program. It would also conduct analysis of its research results, but would not be policy oriented. Thus, as an arrangement outside the Government, the Laboratory would have the advantage of flexibility and a minimum of extra-bureaucratic constraints, and it would encourage the relatively free interchange of research staff among universities, private research institutes, the National Laboratory, and other Federal laboratories. Additionally, as an independent laboratory it would have the further advantage of providing the diversity of talent and viewpoints necessary to cope with environmental problems.

According to the National Academy of Sciences report, these characteristics which I have just described have been largely responsible for the success of other national laboratories in different fields, such as Brookhaven, Oak Ridge, and Los Alamos, and privately-operated national type laboratories such as Woods Hole and Scripps. I have kept the successful experiences of these laboratories in mind in proposing this new one to deal with the environmental sciences.

The objectives of the National Laboratory for Environmental Science will be analyzing the interaction of environmental factors, developing the capacity to predict environmental changes, and the capacity to restore, improve, and generally control the environment. For the basic and applied research that will be necessary to achieve these goals, the Laboratory will need a sizable research staff, laboratory facilities, and the use of the vast body of monitoring data acquired through the activities of the Federal Government.

Although this proposal was not predicated on the utilization of the NASA Electronics Research Center in Cambridge, Mass., I think that this site might well be a most suitable and appropriate place for the National Laboratory for Environmental Science. It is most relevant, in this regard, that the National Academy of Sciences study itself states that:

> The necessary components for building a National Laboratory, the scientists, supporting staff and facilities, might well come from existing laboratories whose missions have been accomplished, or whose original usefulness has diminished. Biologists, physicists, computer scientists and other specialists could serve in the new laboratory . . . as they did in the . . . old. The growing concern for the environment that we sense among scientists and other professionals, and the need for new kinds of research, might well serve to reinvigorate many professionals who seek new opportunities to assume social roles.

Importantly, the proximity of the large and outstanding academic community in the area would provide a vast talent pool, and greatly facilitate the kind of interchange of research staff and expertise that will go to make a National Laboratory for Environmental Sciences a successful operation.

ADDING FUEL TO THE FIRE IN THE MIDDLE EAST

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, 20 years ago, in 1950, the victors of World War II indicated concern over the Middle East. The Western democracies—the United States, Britain, and France—joined in the Tripartite Declaration. This was a move designed to prevent Communist penetration and Soviet-instigated aggression. Israel welcomed the Tripartite Declaration.

Now, 20 years later, in 1970, President Nixon has told us in his state of the Union address that we are moving from an era of confrontation to an era of negotiation. A new relationship is sought with Moscow, based upon American disengagement and compromise. We are to be motivated by what Mr. Nixon calls "mutual self-interest" in dealing with Moscow rather than by "naive sentimentality." We are told that we must avoid other Vietnams while extricating ourselves from the original Vietnam. It seems that nations, like Israel, with which we have no treaty commitments will be left to fend for themselves. That may be the price Washington is willing to pay for the President's dream of "a generation of uninterrupted peace".

In 1938, at the time of Munich, we heard another voice speak of "peace for our time." Czechoslovakia was sold out to the Nazis. Hitler was not appeased. Instead, he was tempted to unleash a brutal war against Poland in the belief that the Western Allies would do nothing.

Today, we have a situation in which the Soviet Union is starting Arab aggression in a drive to radicalize the Arab world. The immediate target is Israel. But, the real target is the United States and the interests of the Western democracies.

I am shocked by the response of the so-called tripartite nations.

The United States is making concessions at Israel's expense in the big four power talks on a Middle Eastern settlement. Moscow solidly supports the Arabs while the State Department undermines Israel's bargaining position. Secretary of State Rogers has indicated that we are doing this to avoid embroilment in a Middle Eastern confrontation. This misguided policy can only encourage the aggressors. It invites aggression and signals Moscow to push harder. It tells the Arabs to avoid peace and await American pressures on Israel so that the Arabs can win by diplomacy what they failed to achieve on the field of battle. While Moscow has no qualms about pouring the latest in armaments into the Arab States, the United States is deferring action on Israel's request for balancing arms.

This brings us to France, another party to the tripartite agreement. France has now joined Russia as a major purveyor of arms to the Arabs.

French duplicity has shocked the civilized world. Her recent actions speak louder than her past professions of Liberte, Egalite, and Fraternite.

I was in Paris just a few days ago to assess the situation at first hand, and spoke to Frenchmen in and out of government. I can report to you that France, has, indeed, turned full cycle since 1950 when she subscribed to the tripartite concept. Her subsequent pose as a friend to Israel stands exposed.

There must be some explanation when a highly civilized nation, a nation that inspired the American Revolution, betrays a friend. We would be wrong to conclude that the people of France have suddenly become anti-semites. But, we can be quite correct in assuming that the Pompidou government of France is following the cynical two-faced policy of Charles de Gaulle—and is going even a step further.

France is not motivated by hatred of Israel; nor is her policy attached to any easily recognizable ideals. Rather, her foreign policy is being determined by oil. In this case, justice is being compromised for oil. For this reason, France is ready to build up the military power of the radical and aggressive Arab States against Israel. The French Government is not motivated by considerations of peace or of honor. French policy is based on false dreams of grandeur, power, and wealth—which she is willing to achieve at any price.

France's actions are more understandable when one looks at the French money market. The price for arming the Arabs is presumed to be the attraction of hard currency to safeguard the franc. The money market is thus manipulated. For money, the French have become merchants of death.

The Arabs have agreed to accept the franc in payment for oil. If Israel had vast quantities of oil in strategic locations, I am sure that the French would still be singing "Hatikvoh" and sending jets to the Israelis. But, we live in an amoral world.

France is also motivated by a dream of empire in the Mediterranean. She had been asked to leave by the Arabs so the French flag could no longer fly in North Africa. But, French jets can fly, making the Arabs dependent upon France for spare parts and training. This is neocolonialism. Yet the so-called leftists of the Arab world are willing to collaborate to have weapons to kill Israelis.

By tactily collaborating with Arab radicalism against Israel and the United States, France is facilitating the Soviet drive in the Mediterranean. The stated Soviet objective is the banishment of the U.S. 6th Fleet from the Mediterranean. France is helping to create a climate in which American influence will be eroded to the degree that this may be achieved, and surprisingly enough, France believed the United States would be very much in favor of French policy initiatives. As Americans we should be deeply concerned about such erosion of our power and influence.

France dreams of dividing power with Russia in the Mediterranean. But, this will be only illusionary power. The French will sell out freedom and gain nothing but contempt in return. The smile will be on the face of the Russian bear—and Paris may once again burn.

I am convinced that some sort of tacit Franco-Soviet diplomacy is emerging. It does not matter whether the arms of the radical Arab States, like Libya, come from Moscow or Paris. They are furnished with the same purpose—the Arab war against Israel.

France conceived the idea of a big four approach to Middle Eastern peace. She has made a mockery of that concept. How can France honestly work for peace when she is embarked on a one-sided campaign to pour the implements of war into the Arab States. The number of French jets to Libya will reach 180. The contract for 54 jets to Iraq has been signed. How can the United States go on maintaining the fiction that we are consulting with a country like France to achieve a just settlement or that French policy balances Soviet policy? In fact, she adds weight to Soviet initiatives in the area.

Let us briefly refer to Britain, the third party to tripartite commitment. Britain is also concerned about oil and investment, not about peace and people. We learn only today that Britain will very probably now ship to Libya the huge Chieftian tanks that Israel ordered, but could not get delivered. Indeed, there is a report that 188 Chieftian tanks will be given to a powerful new Arab armed force to be trained in Libya, possibly by both French and Russian instructors.

I am shocked by what is taking place in Libya, because our own Government is collaborating by ceding the Wheelus Air Force Base ahead of schedule and turning over the radar and electronic equipment, the workshops and facilities to the Arabs. This will enable the Arabs to create a huge air base within range of Israel, but still a reasonable safe distance from Israel air action. France will train and maintain the Arab Air Force.

We now have a situation in which the Arabs are being equipped for a lightening strike against Israel. An overwhelming mass of air power and armored power is being assembled. The finest weapons of Russia and France will be prepared for the final battle.

I regret that our own country has shown such a negative response in the face of this situation. Washington has not rallied to the side of Israel. But, Washington has increased pressure for unilateral Israel concessions. An arms list is being considered. But, even if it approved, how will it be financed? Are we no longer interested in deterring aggression?

The situation is grave, but it is not hopeless. I do not underestimate the resources of Israel and of the Israeli people. I am also deeply moved by the pro-Israel sentiments that so deeply motivate the American people.

I cannot believe that Israel will not get the support she requires. It is up to us, however, to explain the situation to act, and to generate an understanding of the true situation.

Let me share with you some of the actions I have taken following my return from Paris. I learned that President Pompidou of France may be honored next month by an invitation to address a special joint session of the Congress in Washington. I have protested to the Speaker of the House and urged that such a session not be held.

My feelings on this matter are so strong that I will boycott such a special session if it is held.

The policies of President Pompidou which undermine peace and stability in the Middle East are implemented by massive arms sales to radical Arab States in a manner that jeopardizes basic U.S. interests, in that area, as well as the security of Israel.

The latest disclosure, of course, is that President Pompidou is planning an Arab Air Force training center at the U.S. Wheelus Air Force Base from which we are being arbitrarily evicted by the aggressive leftist government of Libya. I feel this is an affront to the American people, who paid for this base and who are shocked by the French escalation of dangerous tensions through irresponsible arms shipments to one side in the Middle Eastern controversy.

In Paris, the other Members of Congress and I were distressed by what we regarded as unfriendly and inhospitable treatment by the Pompidou government. I, therefore, see no reason why this Congress should pay homage to a foreign president who is undermining world peace through prejudiced policies.

President Pompidou has shown contempt for President Nixon's efforts to reduce regional tensions and I do not understand why the administration is inviting him. President Pompidou has made a mockery of the "objective" efforts of the Big Four Nations—proposed by France—to achieve a Middle Eastern settlement.

I hope that the leadership of this Congress will communicate to the White House the feeling that any contemplated honor to President Pompidou would be inappropriate at this time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. SCHERLE), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. BUSH (at the request of Mr. SCHERLE), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. GONZALEZ (at the request of Mr. ROE), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. REUSS (at the request of Mr. ROE), for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DONOHUE and to include extraneous matter.

Mr. PHILBIN in two instances and to include extraneous matter.

Mr. LATTA during his remarks during the consideration of the veto message.

Mr. MIKVA during the consideration of H.R. 860 on Tuesday, January 27, 1970.

(The following Members (at the request of Mr. SCHERLE) and to include extraneous matter:)

Mr. BUSH in three instances.

Mr. MCEWEN.

Mr. DERWINSKI in two instances.

Mr. QUILLEN in four instances.

Mr. THOMPSON of Georgia.

Mr. NELSEN.

Mr. ANDERSON of Illinois.

Mr. WYLIE in two instances.

Mr. WYMAN in two instances.

Mr. SCHERLE.

Mr. TAFT.

Mr. MESKILL.

Mr. REID of New York.

Mr. MCCLOSKEY.

Mr. STEIGER of Arizona.

Mr. ASHBROOK.

Mr. LUJAN.

Mr. BOB WILSON.

Mr. SNYDER in three instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. DICKINSON.

Mr. BRAY in three instances.

(The following Members (at the request of Mr. ROE) and to include extraneous matter:)

Mr. MOLLOHAN in three instances.

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Mr. FARBSTEIN in three instances.
Mr. WILLIAM D. FORD in two instances.
Mr. EILBERG in two instances.
Mr. KASTENMEIER.
Mr. MOORHEAD in six instances.
Mrs. CHISHOLM.
Mrs. GRIFFITHS.
Mr. DELANEY.
Mr. GONZALEZ in two instances.
Mr. WALDIE in three instances.
Mr. RARICK in three instances.
Mr. RODINO in two instances.
Mr. MCCARTHY in two instances.
Mr. OBEY in six instances.
Mr. ANDREWS of Alabama.
Mr. MATSUNAGA in two instances.
Mr. DINGELL in two instances.
Mr. VANIK in two instances.
Mr. HARRINGTON.
Mr. DANIEL of Virginia.
Mr. SCHEUER in two instances.
Mr. REUSS in two instances.
Mr. ECKHARDT.
Mr. LOWENSTEIN in three instances.
Mr. GAYDOS.
Mr. HAGAN in three instances.
Mr. TEAGUE of Texas in six instances.
Mr. DORN in three instances.
Mr. DONOHUE in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 15149. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. ROE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, January 29, 1970, at 12 o'clock noon.

COMMITTEE EMPLOYEES

JANUARY 15, 1970.

COMMITTEE ON AGRICULTURE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Christine S. Gallagher	Clerk	$14,244.24
Hyde H. Murray	Associate counsel	14,831.90
George F. Missibeck	Printing editor	8,252.04
Lydia Vacin	Staff assistant	7,616.76
Martha S. Hannah	do	7,616.76
Betty M. Prezioso	do	7,616.76
Catherine L. Bernhardt	do	7,616.76
Majorie B. Johnson	Staff assistant	$7,616.76
Louis T. Easley	Staff consultant	11,268.06
William C. Black	General counsel (through Oct. 6).	7,596 93
Lacey C. Sharp	General counsel (from Nov. 10).	4,194.14
Investigative staff:		
Fred T. Ward	Assistant staff consultant.	7,993.50
Mildred P. Baxley	Staff assistant	7,616.76
Doris Lucile Farmarco	do	5,482.02
Mary P. Shaw	do	5,482.02
Nancy McQueen	Staff assistant (through Nov. 30).	3,897.30
Doris R. Swischer	Staff assistant (from Dec. 1).	779.66
John A. Knebel	Assistant counsel	11,554.62
Funds authorized or appropriated for committee expenditures		$100,000.00
Amount of expenditures previously reported		33,367.70
Amount expended from July 1, 1969, to Dec. 31, 1969		55,063.83
Total amount expended from Jan. 1, 1969, to Dec. 31, 1969		88,431.55
Balance unexpended as of Dec. 31, 1969		11,568.47

W. R. POAGE,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Kenneth Sprankle	Clerk and staff director (to Oct. 31, 1969); special assistant (from Nov. 6, 1969).	$11,763.55
Paul M. Wilson	Assistant clerk and staff director (to Oct. 31, 1969); clerk and staff director (from Nov. 1, 1969).	15,727.68
Jay B. Howe	Staff assistant	15,572.94
Robert L. Michaels	do	12,384.86
Robert M. Moyer	do	15,572.94
Ross P. Pope	do	7,786.47
G. Homer Skarin	do	15,572.94
Eugene B. Wilhelm	do	15,572.94
Hunter L. Spillan	do	14,687.28
Aubrey A. Gunnels	do	14,458.14
Samuel R. Preston	do	14,458.14
Henry A. Neil	do	14,458.14
Francis G. Merrill	do	13,820.46
Keith F. Mainland	Staff assistant to chairman.	13,820.46
George E. Evans	Staff assistant	13,820.46
Earl C. Silsby	do	13,820.46
Peter J. Murphy	do	12,897.78
William G. Boling	do	1,852.24
John M. Garrity	do	10,895.88
Robert Foster	do	10,895.88
Milton B. Meredith	Special assistant	8,558.58
George A. Urian	do	7,680.12
Dempsey B. Mizelle	do	7,363.32
Robert C. Nicholas	do	7,204.86
Thomas Kingfield	do	7,204.86
Donald E. Richbourg	do	6,817.20
Gary C. Michalak	do	5,052.60
Samuel W. Crosby	Special assistant	15,572.94
Lawrence C. Miller	Editor	11,113.44
Paul V. Farmer	Assistant editor	7,521.72
Francis W. Sady	Administrative assistant.	5,979.18
Austin G. Smith	Clerical assistant	6,190.08
Naomi A. Rich	do	5,668.44
Gerard J. Chouinard	do	5,668.44
Dale M. Shulaw	do	5,001.30
Daniel V. Gun Shows	do	3,887.70
Judith A. Cain	do	3,007.23
Randolph Thomas	Messenger	$4,693.38
Robert C. Gresham	Clerk to minority (to December 15, 1969).	14,062.40
Gerald F. Meyer	Clerk to minority	1,041.93
Enid Morrison	Staff assistant to minority.	8,558.58
Patrick M. Hayes	Clerk-stenographer	5,979.18
William J. Neary	do	5,979.18
Mary H. Smallwood	do	5,979.18
Catherine M. Voytko	do	5,979.18
John F. Walsh	do	5,979.18
T. Robert Garretson	do	5,979.18
Joan A. Corbett	do	996.53
Jennifer J. Neilson	do	5,001.30
Robert Carrere	do	1,201.82
Leta M. Buhrman	do	4,982.65
Margaret A. Riley	do	1,707.07
Arlene G. Genther	do	5,480.92
Peggy C. Ehringhaus	do	5,979.18
Jimmy Ray Fairchild	do	5,979.18
Patricia Hutchinson	do	5,979.18
Neta C. Messersmith	do	5,979.18
Winifred A. Pizzano	do	5,979.18
William T. Reece	do	2,304.80
Adrienne Buel	do	1,196.43
Katherine D. Coupe	do	5,979.18
Barbara B. Blum	do	5,979.18
David H. Kehl	do	5,948.10
Mary Ann Bond	do	4,847.28
Elizabeth Smith	do	3,735.12
Mike Crew	do	5,979.18
Ronald A. Rash	do	3,301.48

Total amount expended from July 1 to Dec. 31, 1969, $532,099.96.

GEORGE H. MAHON,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Paul J. Mohr	Director, surveys and investigations staff.	$13,149.24
Cornelius R. Anderson	Assistant director, surveys and investigations staff.	12,361.80
Leroy R. Kirkpatrick	do	12,361.80
Lillian M. Mackie	Stenographer	6,746.64
Mary Alice Sauer	do	6,386.04
Agriculture, Department of:		
Robison, J. F	Investigator	5,345.85
Diels, M. H	do	5,605.67
Export-Import Bank:		
McNair, K. D	Editorial assistant	4,383.90
Federal Bureau of Investigation:		
Bennett, C. L	Investigator	9,400.08
Bosko, A. P	do	7,743.20
Brummitt, D. A	do	8,685.84
Carson, D. W	do	9,163.60
Currall, W. G	do	9,183.52
Davis, W. L	do	529.92
Franklin, R. M	do	8,958.96
Funkhouser, P. K	do	7,077.12
Goedtel, J. G	do	8,958.96
Groover, L. C., Jr	do	7,192.32
Hanson, J. F	do	9,183.52
Hieronymi' N. H	do	447.36
Ivy, C. M	do	8,657.20
Law, W. C	do	9,506.32
Magee, E. H	do	9,400.08
Maher, M. F	do	6,366.00
McGahey, H. B	do	9,383.52
Michalski, J. E	do	8,958.96
Sanderlin, C. H	do	8,280.00
Schaum, E. V	do	8,280.00
Scully, J. E	do	8,958.96
Shannon, A. J	do	9,400.08
Smith, H. J	do	8,280.00
Thompson, I. M	Stenographer	702.38
Torrence, R. E	Investigator	424.40
Welch, W. H., Jr	do	9,616.64

Name of employee	Profession	Total gross salary during 6-month period
Federal Bureau of Investigation—Continued		
Wood, H. B	Investigator	$9,400.08
Health benefits		986.96
Life insurance fund		720.81
Retirement fund		11,577.17
Federal Highway Administration:		
Marikle, H. J	do	2,747.58
HEW, Department of:		
Read, M. J	do	10,762.78
U.S. Tariff Commission:		
Taylor, J. A	do	2,032.45
Veterans' Administration:		
Casteel, R. T	do	9,667.98
Travel expenses		57,057.90
Miscellaneous expenses		467.49

Funds authorized or appropriated for committee expenditures	$890,000.00
Amount of expenditures previously reported	----------
Amount expended from July 1, 1969 to Dec. 31, 1969	364,501.08
Balance unexpended as of Dec. 31, 1969	525,498.92

GEORGE H. MAHON,
Chairman.

JANUARY 13, 1970.

COMMITTEE ON ARMED SERVICES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John R. Blandford	Chief counsel	$16,747.50
Frank M. Slatinshek	Assistant chief counsel	16,626.36
Earl J. Morgan	Professional staff member.	16,289.40
William H. Cook	Counsel	16,289.40
Ralph Marshall	Professional staff member.	12,897.78
John J. Ford	do	12,897.78
George Norris	Counsel	12,384.12
James F. Shumate	do	11,833.86
Mary Jo Sottile	do	8,259.72
Oneta L. Stockstill	Executive secretary	9,972.30
Berniece Kalinowski	Secretary	8,114.10
L. Louise Ellis	do	8,114.10
Edna E. Johnson	do	8,114.10
Dorothy R. Britton	do	8,114.10
Doris L. Scott	do	8,114.10
Innis E. McDonald	do	6,088.14
D. Carleen Poole	do	5,150.43
Ann R. Willett	do	5,062.86
Brenda J. Gore	do	4,652.31
Constance E. Hobart	do	4,454.70
Emma M. Brown	do	4,408.50
James A. Deakins	Clerical staff assistant	6,135.18
Issiah Hardy	Messenger	4,400.82

STAFF, ARMED FORCES INVESTIGATING SUBCOMMITTEE
(Pursuant to H. Res. 105 and 106, 91st Cong.)

John T. M. Reddan	Counsel	$16,289.40
John F. Lally	Assistant counsel	11,833.86
Richard A. Ransom	Professional staff member.	11,833.86
William H. Hogan, Jr	Assistant counsel (from Oct. 1).	4,252.47
Albert R. Simonds	Professional staff member.	4,575.77
Rose C. Beck	Secretary	6,088.14
Adeline Tolerton	Clerk	4,939.68
Joyce C. Bova	Secretary	4,238.58
William B. Short	Clerical staff assistant	6,660.42
Sanford T. Saunders	Security officer	6,135.18
Phyllis Seymour	Secretary (through July 23).	1,036.80
James Edward Humes	Clerical staff assistant (through Aug. 31).	1,007.32
Kenneth W. Tompkins	Messenger (through Aug. 31).	720.42

Funds authorized or appropriated for committee expenditures, H. Res. 106	$175,000.00
Amount of expenditures previously reported	59,963.41
Amount expended from July 1 to Dec. 31, 1969	81,194.32
Total amount expended from Jan. 1 to Dec. 31, 1969	141,157.73
Balance unexpended as of Jan. 1, 1970	33,842.27

L. MENDEL RIVERS,
Chairman.

DECEMBER 31, 1969.

COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Paul Nelson	Clerk and staff director.	$16,685.75
Orman S. Fink	Minority professional staff member.	16,685.75
Charles B. Holstein	Professional staff member.	15,541.98
Curtis A. Prins	Chief investigator	14,114.34
Benet D. Gellman	Counsel	15,541.98
Joseph C. Lewis	Professional staff member.	16,673.40
Mary W. Layton	Secretary to minority	9,211.50
Donald G. Vaughn	Assistant clerk	7,800.96
Total		112,255.66
Investigative staff (H. Res. 271):		
Jeanne Abrams	Secretary	4,724.16
Linda M. Barnes	do	4,693.38
Richard C. Barnes	Assistant clerk	4,712.02
L. Marie Chaillet	Secretary	3,869.68
Richard D. Cook	Minority staff investigator.	4,353.61
Lucien B. Crosland	Research assistant	1,469.50
Jane N. D'Arista	do	3,262.38
James F. Doherty	Counsel	14,473.38
Dolores K. Dougherty	Assistant clerk	7,299.96
Robert J. Geline	do	5,003.10
Linda Hechtman	do	5,062.86
Laurance G. Henderson.	Professional staff member.	16,673.40
Helen Hitz	Assistant clerk	7,792.98
Linda Leah Hoff	Secretary	4,393.14
Joseph J. Jasinski	Professional staff member.	12,369.24
Mary-Helen Kesecker	Secretary	3,413.52
Mary E. Kirk	Assistant clerk	4,393.14
Mildred S. Mitchell	do	8,206.08
Margaret L. Rayhawk	Secretary	6,715.26
Alicia F. Shoemaker	Minority staff secretary.	8,961.90
Elizabeth Stabler	Professional staff member.	10,342.05
Peter D. H. Stockton	do	10,179.84
Gary Tabak	Counsel	5,000.46
Robert E. Torrance	Assistant clerk	3,979.26
Total		161,344.30

Funds authorized or appropriated for committee expenditures, H. Res. 271	$442,500.00
Amount of expenditures previously reported	146,575.05
Amount expended from July 1 to Dec. 31, 1969	180,483.44
Total amount expended from Jan. 1 to Dec. 31, 1969	327,058.49
Balance unexpended as of Dec. 31, 1969	115,441.51

WRIGHT PATMAN,
Chairman.

DECEMBER 31, 1969.

COMMITTEE ON BANKING AND CURRENCY
SUBCOMMITTEE ON HOUSING

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Anita F. Allison	Secretary	$6,387.34
Terrence Boyle	Minority research associate.	3,314.91
Kenneth W. Burrows	Staff director	16,642.08
Michael T. Corbett	Assistant clerk	5,747.54
Patricia A. Eley	do	4,099.23
David Glick	Counsel	16,524.48
George Gross	do	14,435.22
Emily Hightower	Secretary	958.98
Casey Ireland	Minority staff member	16,524.48
Barbara Kling	Minority secretary	4,881.96
Margaret J. Leary	Secretary	8,206.08
John J. McEwan	Housing consultant	2,062.74
Gerald R. McMurray	Research assistant	10,736.34
John Nicholson	Minority staff member	3,834.40
Margaret J. Seeley	Research associate, minority.	1,354.80
Ellen M. Stamper	Secretary	3,271.55
Catherine Smith	Minority secretary	200.11
Doris M. Young	Assistant clerk	6,886.38
Total		126,068.62

Funds authorized or appropriated for committee expenditures (H. Res. 272)	$250,000.00
Amount of expenditures previously reported	98,339.69
Amount expended from July 1 to Dec. 31, 1969	130,382.68
Total amount expended from Jan. 1 to Dec. 31, 1969	228,772.37
Balance unexpended as of Dec. 31, 1969	21,277.63

WRIGHT PATMAN,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON THE DISTRICT OF COLUMBIA

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to January 1, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Hayden S. Garber	Counsel	$12,562.80
Clayton D. Gasque	Staff director	10,823.34
Donald J. Tubridy	Minority clerk (terminated July 15, 1969).	854.28
Leonard O. Hilder	Investigator	9,679.28
James T. Clark	Clerk	14,129.64
Othello Steinkuller	Secretary	7,792.98
Betty C. Alexander	do	7,204.86
Peggy L. Thornton	do	7,204.86
Sara Anna Watson	Assistant counsel	7,204.86
Leslie S. Ariail	Stenographer (terminated July 15, 1969).	406.51
John E. Hogan	Minority clerk	9,118.47
Temporary Investigating Committee:		
Camille G. Butler	Secretary	4,298.66
Charles E. Jackson	Investigator	3,128.92
Whitney L. Turley	do	761.99
Victor Christgau	Investigator (terminated Nov. 30, 1969).	6,339.00
Marcellus C. Garner	Temporary clerk-typist (terminated September 15, 1969)	1,531.30
Susan E. Spitler	Stenographer (terminated August 30, 1969).	1,082.42
John Peacock	Temporary clerk-typist (terminated August 31 1969).	1,148.48

Funds authorized or appropriated for committee expenditures	$100,000.00
Amount of expenditures previously reported	13,964.72
Amount expended from July 1, 1969, to January 1, 1970	23,290.77
Total amount expended	37,255.49
Balance unexpended as of January 1, 1970	62,744.51

JOHN L. MCMILLAN,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Robert E. McCord	Chief clerk and senior specialist (July 1-Dec. 31, 1969).	$16,747.50
Hartwell D. Reed, Jr	General counsel (July 1-Dec. 31, 1969).	16,747.50
William F. Gaul	Associate general counsel (July 1-Dec. 31, 1969).	16,747.50
Benjamin F. Reeves	Editor of committee publications (July 1-Dec. 31, 1969).	16,398.40
Louise Maxienne Dargans.	Research director (July 1-Dec. 31, 1969).	16,747.50
Marian R. Wyman	Special assistant to chairman (July 1-Dec. 31, 1969).	13,346.70
Austin P. Sullivan, Jr	Legislative specialist (July 1-Dec. 31, 1969).	11,261.66
Louise M. Wright	Administrative assistant to chief clerk.	10,091.91
Minority:		
Michael J. Bernstein	Minority counsel for Education and Labor (July 1-Dec. 31, 1969).	16,747.50
Charles W. Radcliffe	Minority counsel for Education (July 1-Dec. 31, 1969).	16,747.50

Funds authorized or appropriated for committee expenditures	(1)
Amount of expenditures previously reported	$131,640.80
Amount expended from July 1 to Dec. 31, 1969	151,583.67
Total amount expended from Jan. 1 to Dec. 31, 1969	283,224.47
Balance unexpended as of Dec. 31, 1969	(1)

CARL D. PERKINS,
Chairman.

[1] Contingent fund.

JANUARY 15, 1970.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE INVESTIGATING STAFF

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeannine M. Anderson	Secretary (July 1-Dec. 31, 1969).	$4,431.60
Donald M. Baker	Associate counsel (Labor) (July 1-Dec. 31, 1969).	16,747.50
Goldie A. Baldwin	Legislative assistant (July 1-Dec. 31, 1969).	5,878.20
Donald F. Berens	Administrative assistant (July 1-Dec. 31, 1969).	9,907.92
William H. Cable	Junior researcher (July 1-Dec. 31, 1969).	3,194.34
Elizabeth A. Cornett	Administrative assistant (Dec. 15-31, 1969).	692.71
Lelia T. Cornwell	Administrative assistant (July 1-Dec. 31, 1969).	5,645.16
Eydie Gaskins	do	5,645.16
Janet R. Inscore	Secretary (July 1-31, 1969).	4,131.78
Richard G. Lim	Junior researcher (July 1-Aug. 15, 1969).	742.19
Shirley R. Mills	Secretary (July 1-Dec. 31, 1969).	6,402.10
David E. Pinkard	Assistant clerk (July 1-Aug. 31, and Oct. 1-15, 1969).	963.35
Ruth A. Ruttenberg	Assistant clerk (July 1-Aug. 31, 1969).	770.68
Michael D. Sherman	do	701.08
Mary L. Shuler	Secretary (July 1-Dec. 31, 1969).	5,645.16
Jeanne E. Thomson	Legislative assistant (Ju'y 1-Dec. 31, 1969).	8,259.72
Mary P. Tkacik	Assistant clerk (Aug. 1-31, 1969).	350.54
Nancy J. Tyler	Junior researcher (July 19-Dec. 31, 1969).	2,162.92
John E. Warren	Junior researcher (July 1-Dec. 31, 1969).	3,887.65
Minority:		
Robert C. Andringa	Minority professional staff assistant (July 1-Dec. 31, 1969).	9,359.82
Sheldon J. Batchelder.	Research assistant (Nov. 10-Dec. 31, 1969).	992.87
John R. Buckley	Chief investigator (July 1-Sept. 1, 1969).	4,290.17
Glenda D. Campbell	Secretary (July 1-Dec. 31, 1969).	2,872.56
Richard W. Carlson	Research assistant (Aug. 5-Sept. 11, 1969).	747.40
Sue Ann Clark	Clerical assistant (July 1-15, 1969).	276.27
Robert L. Durst, Jr	Clerical assistant (July 1-Dec. 31, 1969).	4,491.90
Louise W. Finke	Secretary (July 1-Dec. 31, 1969).	6,166.56
Mary Jane Fiske	Research analyst (July 1-31, 1969).	1,298.83
Thaddeaus A. Garrett, Jr.	Clerical assistant (July 1-Sept. 30, 1969).	1,818.00
Anita M. Gerhardt (Kreke).	Secretary (July 1-Dec. 31, 1969).	4,627.95
Crawford C. Heerlein	Minority clerk (July 1-Dec. 31, 1969).	11,268.06
Will Henderson	Assistant clerk (July 1-Dec. 31, 1969).	4,200.48
Thomas W. Johnson	Clerical assistant (July 1-31, 1969).	440.89
Martin L. LaVor	Research consultant (July 1-Dec. 31, 1969).	9,542.94
Ruth G. Macknet	Secretary (July 1-Oct. 31, 1969).	1,094.10
James S. Nathanson	Research assistant (July 1-Aug. 31, 1969).	1,212.00
David E. Nelson	Research assistant (July 1-Aug. 18, 1969).	969.60
Stephanie A. Pedler	Clerical assistant (July 1-Aug. 31, 1969).	202.38
Thomas H. Rhodes	Research assistant (Dec. 18-31, 1969).	221.35
Walter J. Sears, III	Clerical assistant (July 1-Aug. 31 and Dec. 8-31, 1969).	$1,676.60
Dorothy L. Strunk (Livingston).	Secretary (July 1-Dec. 31, 1969).	4,120.98
Mary Ann Wagosh	do	3,792.37

Funds authorized or appropriated for committee expenditures	$409,600.00
Amount of expenditures previously reported	143,902.24
Amount expended from July 1 to Dec. 31, 1969	163,286.88
Total amount expended from Jan. 3 to Dec. 31, 1969	307,189.12
Balance unexpended as of Dec. 31, 1969	102,410.88

CARL D. PERKINS,
Chairman.

JANUARY 15, 1970.

SPECIAL SUBCOMMITTEE ON EDUCATION NO. 1

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bland Ballard	Staff assistant (Dec. 1-31, 1969)	$1,010.78
Christina L. Bitting	Secretary (July 28-Dec. 31, 1969).	3,408.28
Harry J. Hogan	Counsel (July 1-Dec. 31, 1969).	10,000.92
Sally K. Kirkgasler	Research assistant (July 1-Dec. 31, 1969).	4,662.58
Terry Eileen Shupp	Assistant clerk (July 1-Aug. 31, 1969).	523.28
Robert L. Short	Research assistant (Nov. 10-Dec. 31, 1969).	1,021.55
Marilyn Rae Stapleton	Staff assistant (July 1-Dec. 31, 1969).	6,895.98

Funds authorized or appropriated for committee expenditures	$60,000.00
Amount of expenditures previously reported	23,258.58
Amount expended from July 1 to Dec. 31, 1969	27,572.82
Total amount expended from Jan. 3 to Dec. 31, 1969	50,831.40
Balance unexpended as of Dec. 31, 1969	9,168.60

CARL D. PERKINS,
Chairman.

JANUARY 15, 1970.

SPECIAL SUBCOMMITTEE ON LABOR, NO. 2

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946," Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont	Clerk (July 1-Dec. 31, 1969)	$6,788.97
Dana F. Hubbard	Assistant clerk (July 1-Aug. 31, 1969).	501 76
Christopher J. Kennan	Assistant clerk (July 1-31, 1969).	500.51
Charles J. Lantz	Assistant clerk (July 1-Aug. 31, 1969).	701.08
Rogers Clark Martindell	Assistant clerk (July 1-31, 1969).	250.88
William George Phillips	Staff director (July 1-Dec. 31, 1969).	13,386.75
Daniel H. Pollitt	Special counsel (July 1-Nov. 30, 1969).	3,694.88
Daniel Rutledge Pollitt	Assistant clerk (July 1-Nov. 30, 1969).	601.24
Anne Williamson Risdon	do	520.58
James E. Scarff	Assistant clerk (July 1-31, 1969).	500.51
George R. Steffener	Assistant clerk (July 1-Sept. 30, 1969).	999.99
Allen Tate Wood	Assistant clerk (Sept. 1-Dec. 31, 1969).	1,111.08

Funds authorized or appropriated for committee expenditures	$60,000.00
Amount of expenditures previously reported	22,160.57
Amount expended from July 1 to Dec. 31, 1969	29,941.85
Total amount expended from Jan. 3 to Dec. 31, 1969	52,102.42
Balance unexpended as of Dec. 31, 1969	7,897.58

CARL D. PERKINS,
Chairman.

JANUARY 15, 1970.

GENERAL SUBCOMMITTEE ON LABOR NO. 3

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Adrienne Fields	Clerk (July 1-Dec. 31, 1969).	$7,014.78
S. G. Lippman	Special counsel (Oct. 1-Dec. 31, 1969).	1,501.53
Gary B. Sellers	Special consultant (Oct. 1-31, 1969).	101.19
Robert E. Vagley	Director (July 1-Dec. 31, 1969).	13,790.28

Funds authorized or appropriated for committee expenditures	$60,000.00
Amount of expenditures previously reported	21,768.48
Amount expended from July 1 to Dec. 31, 1969	23,306.91
Total amount expended from Jan. 3 to Dec. 31, 1969	45,075.39
Balance unexpended as of Dec. 31, 1969	14,924.61

CARL D. PERKINS,
Chairman.

JANUARY 15, 1970.

GENERAL SUBCOMMITTEE ON EDUCATION NO. 4

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Cynthia A. Crites	Staff director, (July 1-Dec. 31, 1969).	$8,806.56
Thomas J. Gerber	Assistant (July 1-Aug. 31, 1969).	1,464.38
Sharlene P Hirsch	Education specialist (Sept. 1-Dec. 31, 1969).	4,321.13
John F. Jennings	Counsel (July 1-Dec. 31, 1969).	11,011.86
Alexandra J. Kisla	Clerk (July 1-Dec. 31, 1969).	5,233.38
Jeff M. Schecter	Research assistant (July 1-Aug. 31, 1969).	881.78

Funds authorized or appropriated for committee expenditures	60,000.000
Amount of expenditures previously reported	22,683.54
Amount expended from July 1 to Dec. 31, 1969	33,463.79
Total amount expended from Jan. 3 to Dec. 31, 1969	56,147.35
Balance unexpended as of December 31, 1969	3,852.67

CARL D. PERKINS,
Chairman.

JANUARY 15, 1970.

SELECT SUBCOMMITTEE ON LABOR NO. 5

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Loretta A. Bowen	Clerk (July 1-Dec. 31, 1969).	$6,174.42
Daniel H. Krivit	Counsel (July 1-Dec. 31, 1969).	11,268.06
Marcia Sue Nelson (Gencher).	Research assistant (July 1-Dec. 31, 1969).	4,955.10
Catherine R. Romano	Secretary (Sept. 15-Dec. 31, 1969).	1,768.47

Funds authorized or appropriated for committee expenditures	$60,000.00
Amount of expenditures previously reported	18,071.23
Amount expended from July 1 to Dec. 31, 1969	27,203.22
Total amount expended from Jan. 3 to Dec. 31, 1969	45,274.45
Balance unexpended as of December 31, 1969	14,725.55

CARL D. PERKINS,
Chairman.

JANUARY 15, 1970.

SELECT SUBCOMMITTEE ON EDUCATION NO. 6

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jack G. Duncan	Counsel (July 1-Dec. 31, 1969).	$9,542.94
Mary K. Gillespie	Staff assistant (July 1-Aug. 31, 1969).	381.66
Arlene Horowitz	Assistant clerk (July 1-Dec. 31, 1969).	3,750.42
Ronald L. Katz	Research assistant (July 28-Dec. 31, 1969).	5,134.99
Nancy A. Neilen	Clerk (July 1-Dec. 31, 1969).	3,739.79
J. Tim Parsons	Research assistant (from Nov. 1-Dec. 1, 1969).	1,040.42
Frank Sullivan, Jr	Research assistant (July 1-Aug. 31, 1969).	751.14
Evelina P. Thompson	Assistant clerk (July 1-July 15, 1969).	147.62
Nancy J. Tyler	Special assistant (July 1-July 18, 1969).	187.63

Funds authorized or appropriated for committee expenditures	$60,000.00
Amount of expenditures previously reported	20,548.75
Amount expended from July 1 to Dec. 31, 1969	28,907.83
Total amount expended from Jan. 3 to Dec. 31, 1969	49,456.58
Balance unexpended as of Dec. 31, 1969	10,543.42

CARL D. PERKINS,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON FOREIGN AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Boyd Crawford	Staff administrator	$13,110.53
Roy J. Bullock	Senior staff consultant	16,747.50
Albert C. F. Westphal	Staff consultant	16,747.50
Franklin J. Schupp	do	15,960.24
Harry C. Cromer	do	15,727.68
Philip B. Billings	do	12,250.08
Marian A. Czarnecki	do	15,727.68
Melvin O. Benson	do	13,239.72
Everett E. Bierman	do	11,995.50
John J. Brady, Jr	do	9,564.42
John H. Sullivan	do	9,564.42
Robert J. Bowen	Clerical assistant	6,096.00
June Nigh	Senior staff assistant	11,708.94
Helen C. Mattas	Staff assistant	10,417.26
Helen L. Hashagen	do	9,571.56
Louise O Brien	do	9,296.28
Dora B. McCracken	do	7,680.12
Jean E. Smith	do	6,072.48
Nancy C. Peden	do	5,520.84
Paula L. Peak	do	7,323.72
Diane Gallagher	Clerical assistant	2,906.88

Funds authorized or appropriated for committee expenditures	$200,000.00
Amount of expenditures previously reported	62,553.00
Amount expended from July 1 to Dec. 31, 1969	70,650.25
Total amount expended from July 1 to Dec. 31, 1969	133,203.25
Balance unexpended as of Dec. 31, 1969	66,796.75

THOMAS E. MORGAN,
Chairman.

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JANUARY 12, 1970.

COMMITTEE ON GOVERNMENT OPERATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Expenses, July 1–Dec. 31, 1969:	
Full committee	$40, 476. 47
Military Operations Subcommittee	56, 441. 58
Government Activities Subcommittee	37, 352. 42
Intergovernmental Relations Subcommittee	50, 434. 75
Executive and Legislative Reorganization Subcommittee	34, 022. 79
Foreign Operations and Government Information Subcommittee	58, 075. 44
Legal and Monetary Affairs Subcommittee	41, 820. 88
Conservation and Natural Resources Subcommittee	57, 615. 25
Special Studies Subcommittee	64, 240. 82
Total	440, 480. 40

Name of employee	Profession	Total gross salary during 6-month period
Salaries, full committee, July 1–Dec. 31, 1969:		
Christine Ray Davis	Staff director	$16, 747. 50
James A. Lanigan	General counsel	16, 747. 50
Miles Q. Romney	Associate general counsel.	14, 259. 48
Lawrence P. Redmond	Professional staff member.	9, 657. 42
Dolores L. Fel'Dotto	Staff member	7, 792. 98
Ann E. McLachlan	do	7, 553. 40
Charlotte C. Bickett	do	6, 951. 42
Gene P. Spory	do	6, 895. 98
John Philip Carlson	Minority counsel	16, 747. 50
William H. Copenhaver.	Minority staff member (July 1–Sept. 30, 1969).	6, 389. 34
William P. Russell	Minority staff member (transferred from special investigative staff on Dec. 1, 1969).	1, 298. 83
Full committee, special investigative staff, Hon. William L. Dawson, chairman:		
William P. Russell	Minority staff member (transferred to full committee on Dec. 1, 1969).	5, 504. 60
Thomas H. Saunders	Minority staff member (Nov. 24–Dec. 31, 1969).	1, 285. 29
Clara Katherine Armstrong.	Minority research assistant.	6, 951. 42
Julia J. Norrell	Research assistant (Oct. 15–Dec. 31, 1969).	3, 169. 15
Catherine S. Cash	Secretary	6, 190. 08
Annie M. Abbott	do	6, 158. 70
Mabel C. Baker	Staff member	4, 608. 66
John L. Dodson	Clerical staff	4, 570. 20
Ralph T. Doty	Clerical staff (Nov. 17–30, 1969).	233. 57
John W. McGarry	Professional staff member.	607. 14
Expenses		1, 197. 66
Total		40, 476. 47
Military Operations Subcommittee, Hon. Chet Holifield, chairman:		
Herbert Roback	Staff administrator	16, 747. 50
Douglas Dahlin	Staff attorney	10, 395. 48
John Paul Ridgely	Investigator	9, 268. 02
Joseph C. Luman	Defense analyst	8, 373. 77
Catherine L. Koeberlein.	Research assistant	6, 713. 13
Mollie Jo Hughes	Clerk-stenographer (July 1–Oct. 31, 1969).	4, 126. 72
Kathryn McQuay Rosenbaum.	Clerk-stenographer (Dec. 1–31, 1969).	750. 15
Expenses		66. 81
Total		56, 441. 58
Government Activities Subcommittee, Hon. Jack Brooks, chairman:		
Ernest C. Baynard	Staff administrator	$13, 820. 46
C. Don Stephens	Research analyst	8, 259. 72
Irma Reel	Clerk	6, 190. 08
Lynne Higginbotham	Clerk-stenographer	6, 190. 08
Druenette Fleischmann.	Secretary (July 1–31, 1969).	1, 763. 56
Michael McGettigan	Investigator (Nov. 15–Dec. 31, 1969).	831. 79
Expenses		296. 73
Total		37, 352. 42
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, chairman:		
James R. Naughton	Counsel	13, 820. 46
Delphis C. Goldberg	Professional staff member.	13, 820. 46
William Donald Gray	Research analyst	7, 970. 35
Dr. Robert S. McCleery	Consultant (July 1–Sept. 30, 1969) (July 1–Nov. 30, 1969).	6,604. 77
Bebe B. Terry	Clerk-stenographer	5, 823. 84
Marjorie W. Vanderbilt.	Clerk-stenographer (Oct. 23–Dec. 31, 1969).	1, 411. 05
Maureen A. Sheridan	Clerk-stenographer (July 1–31, 1969).	782. 23
Expenses		201. 59
Total		50, 434. 75
Executive and Legislative Reorganization Subcommittee, Hon. John A. Blatnik, chairman:		
Elmer W. Henderson	Counsel	14, 435. 22
I. Warren Harrison	Legal assistant	7, 976. 16
Veronica B. Johnson	Clerk	6, 951. 42
Gilda K. Calderone	Clerk (Dec. 22–31, 1969)	187. 52
Ralph T. Doty	Clerical staff (Dec. 1–31, 1969).	500. 51
Kathleen Marie Harris	Clerk (Oct. 27–Nov. 30, 1969).	661. 91
Maryann Conway	Clerk (July 1–Oct. 22, 1969).	3, 083. 17
Expenses		226. 88
Total		34, 022. 79
Foreign Operations and Government Subcommittee, Hon. John E. Moss, chairman:		
Vincent J. Augliere	Staff administrator	13, 820. 46
Norman G. Cornish	Professional staff member.	13, 820. 46
Jack Matteson	do	12, 451. 08
James L. Nelligan	do	11, 084. 40
Elizabeth Jayne Bodecker.	Secretary	6, 1 0. 08
Expenses		708. 96
Total		58, 074. 44
Legal and Monetary Affairs Subcommittee, Hon. Dante B. Fascell, chairman:		
M. Joseph Matan	Counsel	13, 820. 46
Charles A. Intriago	Assistant counsel	8, 252. 04
Stuart E. Bossom	Legal assistant	7, 086. 06
Millicent Y. Myers	Clerk	6, 190. 08
Frances M. Turk	Stenographer (Aug. 1–Dec. 31, 1969).	2, 838. 30
Joyce E. McAbee	Clerical assistant (Oct. 9–Dec. 31, 1969).	1, 254. 05
Shirley A. Sisson	Stenographer (July 1–31, 1969).	734. 75
Leah A. Simms	Clerical assistant (July 1–Sept. 12, 1969).	1, 000. 80
Expenses		644. 34
Total		41, 820. 88
Conservation and Natural Resources Subcommittee, Hon. Henry S. Reuss, chairman:		
Phineas Indritz	Counsel	13, 820. 47
Laurence A. Davis	Assistant counsel	11, 326. 86
David B. Finnegan	Assistant counsel (Dec. 1–31, 1969).	1, 887. 81
F. Clement Dinsmore	Legal assistant (Nov. 6–Dec. 31, 1969).	1, 826. 97
Josephine Scheiber	Research analyst	7, 117. 74
Catherine L. Hartke	Stenographer	6, 190. 08
Edna Gass	Professional staff member (July 1–Oct. 31, 1969).	$7, 011. 42
Gerald Schatz	Professional staff member (July 1–Aug. 31, 1969).	2, 246. 26
Expenses		6, 187. 65
Total		57, 615. 25
Special Studies Subcommittee, Hon. John S. Mohagan, chairman:		
Louis I. Freed	Staff administrator	13, 820. 46
Jacob N. Wasserman	Counsel	12, 711. 66
Hershel F. Clesner	do	12, 659. 52
Peter S. Barash	Legal analyst	8, 806. 56
Charles P. Witter	Staff member	7, 292. 04
Marilyn F. Jarvis	Stenographer	6, 699. 60
Expenses		2, 250. 98
Total		64, 240. 82

Funds authorized or appropriated for committee expenditures, H. Res. 214, 91st Cong	$850, 000. 00
Amount of expenditures previously reported	378, 311. 53
Amount expended from July 1 to Dec. 31, 1969	440, 480. 40
Total amount expended from Jan. 3 to Dec. 31, 1969	818, 791. 93
Balance unexpended as of Dec. 31, 1969	31, 208. 07

WILLIAM L. DAWSON,
Chairman.

JANUARY 16, 1970.

COMMITTEE ON HOUSE ADMINISTRATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Julian P. Langston	Chief clerk	$16, 747. 50
Robert D. Gray	Auditor	12, 897. 78
David S. Wolman	Personnel analyst	12, 897. 78
Louis Silverman	Assistant clerk	8, 558. 58
Robert H. Frank	do	7, 204. 86
Elizabeth Melvin	do	5, 575. 20
Mary F. Stolle	do	3, 183. 38
Gurney S. Jaynes	do	5, 155. 26
Rita A. Stewart	do	4, 345. 38
Melvin M. Miller	Minority clerk	14, 007. 36
Judith M. Squires	Assistant clerk, minority.	3, 590. 22
John C. d'Amecourt	Staff director, Subcommittee on Library and Mamorials.	7, 557. 36
Thomas J. Hart	Assistant clerk	3, 921. 71
Judith K. Holes	do	4, 947. 42
Ava Jacobs	do	693. 61
Carolyn L. Jana	do	4, 040. 28
Gwenda R. Green	do	3, 963. 96
Henry L. Belky	Legislative counsel	1, 652. 08
Stephen Rosenbaum	Assistant clerk	836. 84
Margaret Ann Castor	do	3, 436. 84
Eric Honick	do	716. 12
Walter S. Hasty	do	310. 03
Thomas A. Tangretti	Printing clerk	5, 773. 23
Robert M. Kurrus	Assistant clerk	1, 005. 60
Victoria Schomburg	do	600. 91
Salig Bendit	do	3, 722. 23
Elizabeth R. Kenney	do	300. 62
Pamela K. Diab	do	1, 602. 43
Joyce Santangelo	do	859. 21
Paula Scruggs	do	1, 584. 98
Alex Sanger	do	800. 19

Funds authorized or appropriated for committee expenditures	$800, 000. 00
Amount of expenditures previously reported	16, 662. 34

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Amount expended from July 1 to Dec. 31, 1969	$67,387.19
Total amount expended from Jan. 3 to Dec. 31, 1969	84,049.53
Balance unexpended as of Dec. 31, 1969	715,950.47

SAMUEL N. FRIEDEL,
Chairman.

JANUARY 9, 1970.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Staff director and chief clerk.	$16,673.40
William L. Shafer	Consultant on mining, minerals, and public lands.	15,356.28
Lewis A. Sigler	Counsel and consultant on Indian affairs.	14,702.58
Dixie S. Barton	Clerk	8,068.08
Patricia Ann Murray	do	8,068.08
Patricia B. Freeman	do	7,109.88
Susan A. Gardner	do	6,566.34
Charles Leppert, Jr	Assistant counsel and consultant on territorial affairs.	13,609.26
Lee McElvain	Assistant counsel and consultant on national parks.	10,251.42
Kathleen Sandy	Clerk	6,566.34
Salaries paid pursuant to H. Res. 117, 91st Cong.		
Edward Gaddis	Messenger	$4,009.74
Marston L. Becker	Printing clerk	7,046.46
Mariam Waddell	Clerk	5,482.02
Jim T. Casey	Consultant on irrigation and reclamation.	12,897.78

Funds authorized or appropriated for committee expenditures	$115,000.00
Amount of expenditures previously reported	27,181.71
Amount expended from July 1 to Dec. 31, 1969	51,224.68
Total amount expended from Jan. 3 to Dec. 31, 1969	78,406.39
Balance unexpended as of Dec. 31, 1969	36,593.61

WAYNE N. ASPINALL,
Chairman.

JANUARY 19, 1970.

COMMITTEE ON INTERNAL SECURITY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Donald G. Sanders	Chief counsel	$15,410.46
Alfred M. Nittle	Counsel	12,808.44
Glenn E. Davis	Editorial director	13,760.10
Robert M. Horner	Chief investigator (transferred from Investigating Committee Nov. 1, 1969).	3,751.14
William G. Shaw	Research director (transferred from Investigating Committee Dec. 1, 1969).	1,869.99
Standing committee—Continued		
Donald T. Appell	Investigator (retired Oct. 31, 1969).	$8,484.36
William A. Wheeler	do	7,899.04
Juliette P. Joray	Recording clerk	9,822.00
Mary M. Valente	Administrative secretary.	8,129.40
Anniel Cunningham	Chief, files and reference.	7,624.68
Helen M. Gittings	Research analyst	7,600.92
Lorraine N. Veley	Secretary	5,979.18
Investigating committee:		
Margie D. Biggerstaff	do	4,269.12
Robert L. Blackburn	Assistant documents clerk (resigned Sept. 7, 1969).	1,107.58
Daniel Butler	Assistant documents clerk.	4,447.02
Mary Jo Chapman	Clerk-stenographer	2,961.84
Sara Janice Coil	Secretary	4,600.98
Susan Kay Daniels	Information classifier	3,519.30
Florence B. Doyle	Clerk-stenographer	3,773.28
David J. Duross	Clerk-typist (July 1–Aug. 31, 1969).	885.76
Elizabeth L. Edinger	Editor	6,895.98
Rochelle E. Epstein	Clerk-typist	2,975.58
Emily Francis	Information analyst (retired Oct. 31, 1969).	2,749.44
James L. Gallagher	Research analyst	7,315.80
Ruth Ann Gerbec	Information classifier	3,171.66
Christine Haynes	Information classifier (resigned July 3, 1969).	52.86
Darlyn B. Henderson	Clerk-typist (July 1–Aug. 18, 1969).	708.61
Robert M. Horner	Chief investigator (transferred to standing committee Nov. 1, 1969).	7,666.28
Isobel Hurwitz	Information classifier (appointed Nov. 1, 1969).	1,057.22
L. William Ivory, Jr	Assistant documents clerk (appointed Dec. 4, 1969)	412.92
Doris R. Jaeck	Information analyst	3,887.70
Mildred James	Clerk-typist	3,156.60
Millie Fay Lee	Secretary (appointed Aug. 6, 1969).	3,576.14
Gail B. Lewis	Information classifier (appointed Aug. 18, 1969).	2,343.50
John F. Lewis	Coordinating editor (appointed Nov. 1, 1969).	3,668.22
B. R. McConnon, Jr	Investigator	7,841.10
Kathleen C. Marche	Information classifier	3,171.66
Virginia Masino	Receptionist	3,044 28
David Muffley, Jr	Documents clerk	4,345.38
Monica Rae Munger	Clerk-typist	3,044.28
Maureen P. Ontrich	Information analyst	3,956.34
Alma T. Pfaff	Research analyst	4,547.10
Peggy Pixley	Editorial clerk	3,956.34
William T. Poole	Research analyst	4,120.16
Stuart Pott	Investigator (appointed Sept. 2, 1969).	3,306.42
Rosella A. Purdy	Clerk-typist	1,117.68
Josephine B. Randolph	Secretary	4,955.10
Herbert Romerstein	Investigator	7,585.08
Stephen H. Romines	Assistant counsel	8,259.72
Karen Sue Russell	Information classifier (appointed Dec. 1, 1969).	458.80
Jean W. Rutledge	Secretary	5,210.10
Richard A. Shaw	Investigator	7,569.24
William G. Shaw	Research director (transferred to standing committee Dec. 1, 1969).	9,493.95
Linda Spirt	Clerk-stenogrpaher	4,200.48
Barbara C. Sweeny	do	3,895.32
Katherine W. Taylor	Information classifier (resigned Aug. 22, 1969).	916.26
Neil E. Wetterman	Investigator	6,668.38
Billie Wheeler	Clerk-stenographer (resigned Oct. 31, 1969).	1,974.56
Barbara G. Bolt	Information classifier (resigned Aug. 31, 1969).	1,057.22

Funds authorized or appropriated for committee expenditures	$400,000.00
Amount of expenditures previously reported	160,955.01
Amount expended from July 1 to Dec. 31, 1969	205,094.13
Total amount expended from Jan. 3 to Dec. 31, 1969	366,049.14
Balance unexpended as of Jan. 1, 1970	33,950.86

RICHARD H. ICHORD,
Chairman.

JANUARY 19, 1970.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$16,747.50
Kenneth J. Painter	First assistant clerk	13,383.00
Marcella Johnson	Assistant clerk	7,945.50
Frank Mahon	Printing editor	8,806.56
Mary Ryan	Clerical assistant	6,284.16
Mildred H. Lang	do	6,284.16
Hazel J. Collie	Staff assistant	7,905.36
Elsie M. Karpowich	Clerical assistant	6,284.16
Edwin Earl Thomas	Staff assistant	5,917.02
Marion M. Burson	Staff assistant (minority).	13,383.00
Professional staff:		
Andrew Stevenson	Professional staff coordinator (to C.O.B. Oct. 31, 1969).	11,165.00
William J. Dixon	Professional staff member.	16,747.50
James M. Menger	do	16,747.50
Robert P. Guthrie	do	16,747.50
Kurt Borchardt	Professional staff member (from Dec. 1, 1969).	2,791.25
Additional temporary employees under H. Res. 116 and 320:		
Lewis E. Berry, Jr	Minority counsel	16,747.50
Helen M. Dubino	Staff assistant (minority).	12,547.86
Barbara L. Bullard	Clerical assistant (minority).	5,528.58
Darlene G. McMullen	do	3,590.22
Eleanor A Dinkins	Clerical assistant	6,284.16
F. Martin Kuhn	Staff assistant	11,011.86
Michael A. Taylor	do	11,011.86
Theodore H. Focht	Special counsel	12,696.78
Christine M. Fawcett	Clerical assistant (minority).	3,857.22
Walter J. Graham, Jr	Staff assistant	11,011.86
Joseph T. Kelley	Messenger (to C.O.B. Aug. 18, 1969).	660.83
William S. Townsend	Staff assistant	11,011.86
Special subcommittee on investigations:		
Robert W. Lishman	Chief counsel	16,747.50
Daniel J. Manelli	Attorney	11,598.72
James R. Connor	Staff assistant	11,348.88
Elizabeth G. Paola	Clerical assistant	6,284.16
Russell D. Mosher	Staff assistant	4,662.54
S. Arnold Smith	Attorney	11,598.72
William T. Druhan	Staff assistant	11,598.72
James P. Kelly	Chief investigator	12,540.42
James F. Broder	Special assistant	11,348.88
Robert L. Rebein	Staff attorney	11,348.88
Benjamin M. Smethurst.	Special assistant	11,348.88
Elizabeth A. Eastman	Clerical assistant	5,505.30
Lucy M. Gossett	do	5,614.08

Funds authorized or appropriated for committee expenditures	$595,00.00
Amount of expenditures previously reported	177,593.49
Amount expended from July 1 to Dec. 31, 1969	266,959.37
Total amount expended from Jan. 3 to Dec. 31, 1969	444,552.86
Balance unexpended as of Dec. 31, 1969	150,447.14

HARLEY O. STAGGERS,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON THE JUDICIARY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person em-

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ployed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Bess Effrat Dick	Staff director	$16,747.50
Herbert Fuchs	Counsel	15,541.98
Benjamin L. Zelenko	General counsel	15,541.98
Garner J. Cline	Counsel	13,300.08
R. Frederick Jett	do	12,600.00
Donald G. Benn	Associate counsel	11,341.50
Jerome M. Zeifman	Counsel	11,339.30
Frances Christy	Clerical staff	8,829.84
Jane C. Caldwell	do	8,098.74
Gertrude Clara Burak	do	7,204.86
Carrie Lou Allen	do	6,817.20
Lorraine W. Beland	do	6,817.20
Roberta E. Eisenberg	do	6,346.86

SALARIES PAID JULY 1 THROUGH DEC. 31, 1969, PURSUANT TO H. RES. 93 AND 118, 91ST CONG.

Name of employee	Profession	Total gross salary during 6-month period
Investigative staff:		
Pearl Chellman	Clerical staff	$3,963.98
Katherine L. Ely	Clerical staff (through Sept. 30, 1969).	2,204.25
James J. Faris	Counsel	8,259.72
Paul S. Fenton	Associate counsel	6,605.52
Howard W. Fogt, Jr.	Assistant counsel	6,895.98
William B. Forti	Economist	9,635.94
Austin T. Fragomen, Jr.	Assistant counsel (as of July 14, 1969).	5,655.73
Phyll.s R. Goldberg	Clerica staff	3,414.62
Alma B. Haardt	do	5,564.88
Toni T. Harrington	Clerical staff (as of Aug. 1, 1969).	3,443.15
William Thomas Hutton.	Assistant counsel	5,505.30
Mary Jordan	Cerical staff (through Aug. 31, 1969).	1,515.70
Katherine Ely Kaplan	Clerical staff (as of Oct. 1, 1969).	2,204.25
Michael Kelemonick	Clerical staff	5,875.62
John J. Lokos	Assistant counsel (through Dec. 15, 1969).	7,187.68
Florence T. McGrady	Clerical staff	5,979.18
Bernice McGuire	do	4,131.78
Thomas E. Mooney	Assistant counsel	5,505.30
Franklin J. Polk	Associate counsel	11,011.86
O'Wighten Delk Simpson.	Investigator	4,955.10
Mary G. Sourwine	Clerical staff	5,295.54
Annelie Tischbein	Clerical staff (as of Aug. 14, 1969).	2,772.43
Toni Alleyne Taylor	Clerical staff (through July 31, 1969).	688.63
Louis S. Vance	Messenger	4,200.48
Rosalie C. Werback	Clerical staff (as of Nov. 3, 1969).	1,048.77
John F. Winslow	Assistant counsel	6,895.98

Funds authorized or appropriated for committee expenditures	$250,000.00
Amount of expenditures previously reported	102,587.42
Amount expended from July 1 through Dec. 31, 1969	136,868.40
Total amount expended from Jan. 3 through Dec. 31, 1969	239,455.82
Balance unexpended as of Dec. 31, 1969	10.544.18

EMANUEL CELLER,
Chairman.

FUNDS FOR PREPARATION OF UNITED STATES CODE, DISTRICT OF COLUMBIA CODE, AND REVISION OF THE LAWS

A. Preparation of new edition of United States Code (no year):	
Unexpended balance June 30, 1969	$10,489.57
Legislative Appropriation Act, 1970	150,000.00
Total funds	160,489.57
Expended July 1–Dec. 31, 1969	32,319.33
Balance, Dec. 31, 1969	128,170.24
B. Preparation of new edition of District of Columbia Code:	
Unexpended balance June 30, 1969	$35,254.47
Expended July 1–Dec. 31, 1969	27,622.15
Balance, Dec. 31, 1969	7,632.32
C. Revision of the laws, 1970:	
Legislative Appropriation Act, 1970	38,000.00
Expended July 1–Dec. 31, 1969	16,859.42
Balance, Dec. 31, 1969	21,140.58

DECEMBER 31, 1969.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Robert J. Ables	Chief counsel	$13,956.25
Bernard J. Zincke	Counsel	15,727.68
Ned P. Everett	do	13,428.30
Richard N. Sharood	Minority counsel	11,084.40
Robert J. McElroy	Chief clerk	15,170.52
William B. Winfield	Clerk	10,562.28
Frances P. Still	Assistant clerk	8,160.06
Vera A. Barker	Secretary	7,809.00
Virginia L. Noah	do	7,394.94
Albert J. Dennis	Investigator	6,009.20
Investigations committee staff:		
Donald A. Watt	Editor	8,527.92
Norman M. Barnes	Investigator	4,508.58
Lucye L. Summers	Secretary	5,482.02
Diane G. Kirchenbauer	do	4,508.58
Jane C. Wojcik	do	6,096.00
Pauline M. Dickerson	do	6,919.74
Ernest J. Corrado	Counsel	11,004.66
Thomas A. Clingan, Jr	do	11,707.59
Joseph S. Helewicz	Investigator	2,673.18
Albert J. Dennis	do	3,004.60
Ronald L. Schwartz	Assistant clerk	944.81

Funds authorized or appropriated for committee expenditures	$135,000.00
Amount of expenditures previously reported	50,261.19
Amount expended from July 1 to Dec. 31, 1969	76,104.30
Total amount expended from Jan. 1 to Dec. 31, 1969	126,365.49
Balance unexpended as of Dec. 31, 1969	8,634.51

EDWARD A. GARMATZ,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Johnson, Charles E	Chief counsel and staff director.	$16,747.50
Bray, B. Benton	Associate staff director	16,501.02
Martiny, John H	Counsel	16,501.02
Irvine, William A	Assistant staff director	16,501.02
Standing committee staff—Continued		
Kazy, Theodore James	Senior staff assistant	$16,501.02
Fortune, Francis C	Coordinator	12,302.22
Smiroldo, Victor C	Senior staff assistant	10,744.64
Thornton, Elsie E	Clerk	9,700.38
Wells, Barbara M	Secretary	7,394.94
Simons, Blanch M	do	7,125.66
Investigative staff pursuant to H. Res. 268 and 301 of the 91st Cong. 1st sess.		
Aylward Philip John	Intern (November 1–December 14, 1969):	$477.84
Barton Richard A	Staff assistant	8,721.12
Bates, Kathryn E	Secretary	5,334.42
Bebick, Joan E	do	3,963.96
Bingaman, Deanne L	do	4,993.56
Breeskine, Steven D	Junior staff assistant (to August 24, 1969).	859.70
Brown, Lorraine L	Secretary	4,408.50
Davis, Stewart A	Staff assistant	8,497.26
Devlin, Ralph J	do	12,160.80
Dowd, Maureen B	Intern (to August 24, 1969).	644.51
Flanagan, Carol A	Secretary	5,233.38
Gabusi, John B	Staff assistant	9,915.06
Gandel, Judith R	Intern (to August 17, 1969).	603.70
Gould, George B	Staff assistant	11,011.86
Green, Thelma R	Secretary	5,979.18
Harding, Delois	Secretary (from December 15, 1969).	327.26
Hardy, Leroy C	Research assistant (to July 31, 1969).	1,447.05
Hart, Sally	Secretary	4,408.50
Hoffman, Robert Bruce	Research assistant (from Oct. 1–Oct. 31, 1969).	833.55
Howard, Alton M	Printing editor	8,259.72
Jones, Dolores D	Secretary (July 14–Aug. 3, 1969).	361.65
Kennedy, Thomas R	Staff assistant	9,077.40
Lloyd, Max T	do	14,313.00
Maginnis, Patricia A	Intern (to Aug. 17, 1969).	661.10
Matchett, Francis T	Investigator	7,757.28
Maull, Cynthia	Intern (to Sept. 12, 1969).	1,055.74
Moore, George M	Senior staff assistant (minority) (to Aug. 25, 1969).	4,982.10
Myers, Lois G	Secretary	5,497.56
Napier, Margaret G	do	4,408.50
Investigative staff, pursuant to H. Res. 268 and 301 of the 91st Cong., 1st sess.:		
Noonan, Paula E	Intern (to Aug. 17, 1969).	$603.70
Olson, Lynne	Staff assistant (to July 31, 1969).	413.02
Palmer, Fred D	Research assistant (from Sept. 8, 1969).	4,398.79
Pendleton, Maria R	Document clerk	7,117.74
Peters, Dorothy L	Assistant document clerk.	6,080.34
Quigley, Michael A	Intern (to Aug. 24, 1969).	644.51
Raymond, Anthony J	Staff assistant (minority) (from Oct. 1, 1969).	5,061.30
Short, Helen Y	Secretary (Sept. 25–Nov. 30, 1969).	1,431.08
Snipes, Justine P	Secretary	6,346.86
Tessler, Mark	Intern (to Aug. 24, 1969).	644.51
Ward, Sara L	Secretary	7,076.70
Williss, Donna Linn	do	4,408.50

Funds authorized or appropriated for committee expenditures	$412,000.00
Amount of expenditures previously reported	147,342.54
Amount expended from July 1 to Dec. 31, 1969	201,029.02
Total amount expended from Jan. 3 to Dec. 31, 1969	348,371.56
Balance unexpended as of Dec. 31, 1969	63,628.44

THADDEUS J. DULSKI,
Chairman.

DECEMBER 31, 1969.

COMMITTEE ON PUBLIC WORKS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from

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July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Richard J. Sullivan	Chief counsel	$16,634.22
Lester Edelman	Counsel	13,262.40
Lloyd Rivard	Engineer consultant	13,760.01
Clifton W. Enfield	Minority counsel	16,211.04
Stephen V. Feeley	Subcommittee clerk	10,251.42
Dorothy A. Beam	Executive staff assistant.	9,183.30
Meriam R. Buckley	Staff assistant	6,903.90
Sterlyn B. Carroll	do	6,041.16
Anne K. Gartland	Staff assistant (terminated Nov. 30, 1969).	4,723.70
Investigating staff:		
Richard C. Peet	Assistant minority counsel.	13,760.10
Thomas Smrekar	Subcommittee clerk (terminated Oct. 3, 1969).	5,547.11
Audrey G. Warren	Subcommittee clerk	9,843.48
Sheldon S. Gilbert	Associate minority counsel.	8,977.44
Augusta P. Peterson	Subcommittee clerk	7,648.56
Robert F. Spence	do	7,680.12
Joseph A. Italiano	Editorial assistant	7,434.60
Erla S. Youmans	Minority staff assistant	7,315.80
Sara B. Hilber	do	4,870.44
Linda Coberly Williams	do	4,408.50
Julie E. Wood	Staff assistant (terminated Nov. 30, 1969).	3,519.45
Harvey C. Simms, Jr	Clerical assistant (terminated Sept. 12, 1969).	1,043.78
Nancy Brayer	Staff assistant (as of Sept. 1, 1969).	2,896.92
Ronald L. Martinson	Subcommittee clerk (as of Oct. 15, 1969).	2,640.06
Maryann D. Conway	Staff assistant (as of Oct. 23, 1969).	2,070.99
Emily B. Loosier	Staff assistant (as of Nov. 4, 1969).	1,573.98
Peggy Lynn Clements	Staff assistant (as of Dec. 1, 1969).	703.89
Special Subcommittee on Federal-Aid Highway Program:		
Walter R. May	Chief counsel	16,493.16
John P. Constandy	Assistant chief counsel.	15,356.28
Salvatore J. D'Amico	Associate counsel	11,584.02
John P. O'Hara	do	11,584.02
Carl J. Lorenz, Jr	do	11,760.36
Robert G. Lawrence	do	10,647.76
George M. Kopecky	Chief investigator	14,427.54
Sherman Willse	Professional staff member.	11,584.02
Paul R. S. Yates	Professional minority staff member.	12,815.88
Kathryn M. Keeney	Chief clerk	7,299.96
Stuart M. Harrison	Staff assistant	8,775.48
Mildred E. Rupert	do	5,948.10
Agnes M. GaNun	do	5,761.68
Shirley R. Knighten	do	4,962.78
Martha E. Downie	Minority staff assistant.	5,381.04

Funds authorized or appropriated for committee expenditures	$486,000.00
Amount of expenditures previously reported	231,790.52
Amount expended from Jan. 3 to June 19, 1969	231,790.52
Total amount expended from July 1 to Dec. 31, 1969	260,953.80
Deficit as of Dec. 31, 1969	−6,744.32

GEORGE H. FALLON,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON RULES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Waller Batson (Nov. 1–12, 1931).	Professional staff member (P).	$2,986.56
Laurie C. Battle	Counsel (P)	16,747.50
Robert D. Hynes, Jr	Minority counsel (P)	14,335.86
Mary Spencer Forrest	Assistant counsel (P)	9,183.30
Winifred L. Watts	Secretary (C)	6,959.34
Jonna Lynne Cullen	do	4,955.10
Anne Battle (July 1–9, 1939).	do	1,265 94
Total		56,433.60
Funds authorized for committee expenditures		5,000.00
Amount of expenditures previous reported		852.12
Amount expended from July 1 to Dec. 31, 1969		1,555.55
Total amount expended from Jan. 1 to Dec. 31, 1969		2,407.67
Balance unexpended as of Dec. 31, 1969		2,592.33

WILLIAM M. COLMER,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles F. Ducander	Executive director and chief counsel.	$16,747.50
John A. Carstarphen, Jr	Chief clerk and counsel	15,936.72
Philip B. Yeager	Counsel	15,936.72
Frank R. Hammill, Jr	do	15,302.10
James E. Wilson, Jr	Technical consultant	14,610.90
Mary Ann Robert	Secretary	6,393.90
Emily Dodson	do	6,127.38
Carol F. Rodgers	do	5,979.18
June C. Stafford	do	5,979.18
Virginia Robison	do	5,979.18
Investigating staff:		
Richard P. Hines	Staff consultant	14,610.90
Harold A. Gould	Technical consultant	14,610.90
Philip P. Dickinson	do	12,667.02
W. H. Boone	do	15,936.72
Joseph M. Felton	Counsel (through September 1).	3,357.68
William G. Wells, Jr	Technical consultant	12,160.80
K. Guild Nichols, Jr	Staff consultant	8,259.72
James A. Rose, Jr	Minority staff	11,004.66
John M. Drewry	Special counsel (to October 31).	6,794.66
Frank J. Giroux	Printing clerk	7,442.52
Elizabeth S. Kernan	Scientific research assistant.	7,189.08
Denis C. Quigley	Publications clerk	5,979.18
Kiernan U. Cashman	Secretary	4,947.42
Martha N. Rees	do	3,428.64
Patricia J. Speed	do	4,408.50
Richard K. Shullaw	Assistant publications clerk.	1,464.96
Marion Kathleen Phair	Clerical assistant (to August 31).	601.24
Michael Torres	do	662.36

Funds authorized or appropriated for committee expenditures	$350,000.00
Amount of expenditures previously reported	187,573.18
Amount expended from July 1 to Dec. 31, 1969	155,022.71
Total amount expended from Jan. 3 to Dec. 31, 1969	342,595.89
Balance unexpended as of Dec. 31, 1969	7,404.11

GEORGE P. MILLER,
Chairman.

JANUARY 5, 1970.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff director	$16,747.50
Robert G. Allett	Senior staff member	15,131.88
Bennett Wolfe	Assistant staff director	13,375.50
Mariann R. Mackenzie	Secretary	8,474.28
Tempie W. Whittington	Assistant clerk	4,002.12

Funds authorized or appropriated for committee expenditures (H. Res. 204; Mar. 12, 1969)	$20,000.00
Amount of expenditures previously reported	170.30
Amount expended from July 1 to Dec. 31, 1969	5,485.92
Total amount expended from Mar. 12 to Dec. 31, 1969	5,656.22
Balance unexpended as of Dec. 31, 1969	14,343.78

MELVIN PRICE,
Chairman.

JANUARY 15, 1970.

COMMITTEE ON VETERANS' AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Oliver E. Meadows	Staff director	$16,673.40
Edwin B. Patterson	Counsel	15,541.98
Billy E. Kirby	Professional aide	13,790.28
John R. Holden	Professional staff member.	13,790.28
George W. Fisher	Clerk	15,541.98
Helen A. Biondi	Assistant clerk	9,650.28
Alice V. Matthews	Clerk-stenographer	6,660.42
George J. Turner	Assistant clerk	4,440.28
Morvie Ann Colby	Clerk-stenographer	6,472.26
Marjorie J. Kidd	do	6,190.08
Investigative staff:		
Philip Eugene Howard	Investigator	13,699.80
Helen Lee Fletcher	Clerk-stenographer	2,906.88
Chrystelle E. Fletcher	do	4,693.38
Audrey A. Powelson	do	4,878.12
Patricia J. Wilton	do	4,878.12
Thomas R. Link	Clerk-messenger	1,579.74
Thomas E. Laubacher, Jr.	do	677.40
Kenneth C. Levine	do	466.76
Vance L. Gilliam	Records clerk	1,409.64

Funds authorized or appropriated for committee expenditures	$150,000.00
Amount of expenditures previously reported	39,269.00

Amount expended from July 1 to Dec. 31, 1969	$55,990.86
Total amount expended from Jan. 1 to Dec. 31, 1969	95,259.86
Balance unexpended as of Dec. 31, 1969	54,740.14

OLIN E. TEAGUE,
Chairman.

JANUARY 12, 1970.

COMMITTEE ON WAYS AND MEANS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Martin, Jr	Chief counsel (C)	$16,932.84
William H. Quealy	Minority counsel (P) to Oct. 1, 1969.	8,466.42
Richard C. Wilbur	Minority counsel (P) from Oct. 1, 1969.	15,346.47
John Patrick Baker	Assistant chief counsel (P).	14,999.70
Robert B. Hill	Professional staff (P)	8,999.70
William T. Kane	do	14,313.00
James W. Kelley	do	13,699.80
Harold Lamar	do	12,897.78
Florence Burkett	Staff assistant (C)	5,567.46
Virginia Butler	do	7,600.92
William C. Byrd	do	5,085.96
Mary Clare Fitzgerald	Staff assistant (C) from Nov. 10, 1969.	1,246.92
Grace Kagan	Staff assistant (C)	7,600.92
June Kendall	do	8,359.32
Richard Kirkpatrick	Staff assistant (C) from Oct. 1, 1969.	5,000.46
Jerry Knebel	Staff assistant (C)	5,008.98
Elizabeth Price	do	5,528.58
Jean Ratliff	do	4,345.38
Gloria Shaver	do	6,967.26
Eileen Sonnett	do	6,307.68
Shirley Vallance	do	5,008.98
Caroje Vazis	do	5,008.98
Hughlon Greene	Document clerk (C)	6,041.16
Walter Little	do	6,041.16

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	2,089.12
Amount expended from July 1 to Dec. 31, 1969	3,537.48
Total amount expended from Jan. 1 to Dec. 31, 1969	5,626.60
Balance unexpended as of Dec. 31, 1969	44,373.40

WILBUR D. MILLS,
Chairman.

JANUARY 14, 1970.

JOINT COMMITTEE ON DEFENSE PRODUCTION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Clerk and counsel	$13,820.46
Charles S. Brewton	General counsel	13,579.08
George T. Ault	Professional staff member.	9,409.26
Cary H. Copeland	do	7,680.12
Thomas L. McNamara	do	1,328.71
Mattie I. Echols	Secretary	$4,870.44
Mary Donna Stone	Clerk-typist	1,112.64
Patricia Gail Abrahamson.	do	1,112.64
Robert A. McMasters	Clerk assistant	531.99
Connor W. Patman, Jr	do	448.39
Thomas B. Wheatley	do	447.99

Funds authorized or appropriated for committee expenditures	$107,950.00
Amount of expenditures previously reported	
Amount expended from July 1 to Dec. 31, 1969	54,451.14
Total amount expended from July 1 to Dec. 31, 1969	54,451.14
Balance unexpended as of Dec. 31, 1969	53,498.86

JOHN SPARKMAN,
Chairman.

JANUARY 9, 1970.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to January 1, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
L. N. Woodworth	Chief of staff	$19,999.98
Lincoln Arnold	Assistant chief of staff	16,673.40
Arthur Fefferman	Chief economist	16,508.82
Nicholas A. Tomasulo	Legislation counsel	14,969.34
Robert R. Smyers	Refund counsel	14,961.60
Dennis P. Bedell	Assistant legislation counsel.	10,736.34
James H. Symons	Statistical analyst	14,144.88
John Germanis	do	11,011.86
James M. LaMarche	Administrative assistant.	11,011.86
Harrison B. McCawley	Refund attorney	11,011.86
Herbert L. Chabot	Legislation attorney	10,460.76
Joseph P. Spellman	do	9,635.94
Joseph E. Fink	Statistical clerk	9,190.32
Anastasia Connaughton	do	9,190.32
Michael D. Bird	Economist	11,011.86
Joanne McDermott	Secretary	6,605.52
Blanche Nagro	Secretary (refund)	5,450.94
Albert Buckberg	Economist	10,997.40
Linda Savage	Secretary	5,210.10
Elizabeth L. Ruth	do	4,713.77
June Matthews	do	4,408.50
Mary W. Gattie	do	4,955.10
Linda Buckley	do	3,590.22
Bernard M. Shapiro	Legislation attorney	6,056.82
Richard Trotter	do	6,267.16
Leon W. Klud	Economist	7,196.94
John Broadbent	Legislation attorney	10,460.76
Marcia B. Rowzie	Secretary	4,124.16
Sheila Johnson	do	3,296.95
Sharon M. Feinsilber	do	3,590.22
Jamie L. Daley	do	4,739.52
F. M. Hubbard	Attorney	917.60
Hollis Dixon	Accountant	8,259.72
Carl E. Bates	Refund attorney	3,701.46
Amelia Del Carmen	Secretary	561.34
Mary Helen Breen	do	334.05

Funds authorized or appropriated for committee expenditures	$564.777.50
Amount of expenditures previously reported (Jan. 1-July 1, 1969)	253,100.47
Amount expended from July 1, 1969, to Jan. 1, 1970	297,350.04
Total amount expended from Jan. 1, 1969, to Jan. 1, 1970	550,450.51
Balance unexpended as of Jan. 1, 1970	14,326.99

WILBUR D. MILLS,
Chairman.

DECEMBER 31, 1969.

SELECT COMMITTEE ON CRIME

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Stephen N. Abrams	Press assistant (Sept. 24).	$1,753.99
Michael Amrine	Research director (Sept. 10).	5,554.18
Thomas H. Barksdale, Jr.	Special counsel (Oct. 1).	4,503.39
Avanell K. Bass	Office manager	5,505.30
Leroy C. Bedell, Jr	Staff investigator	6,505.59
Beverly Bondy	Secretary	3,857.22
Hansonia L. Caldwell	Clerk-typist (July 1-Sept. 5).	1,356.31
Arthur E. Cameron	Associate counsel/assistant to chairman.	11,011.86
Marian E. Canty	Secretary to the chairman (Oct. 1).	2,500.65
Frederick B. Collison	Investigator (Oct. 20)	2,466.37
J. Elizabeth Cremens	Research assistant (Sept. 2–Oct. 31).	917.60
Joseph M. Cribben	Associate chief investigator.	11,011.86
John B. Culverhouse	Assistant hearings officer (July 1-Oct. 2).	1,835.00
Mabel Duran	Secretary (Aug. 27)	3,445.34
Robert H. Fleming	Information director (July 11).	12,988.57
Mary M. Goulart	Finance officer	5,233.38
Julian F. Granger	Associate chief investigator.	8,806.56
Deborah Hastings	Research assistant (Sept. 9).	2,025.22
Rebecca Susanne Herman.	Secretary (July 7-Sept. 5).	1,108.09
Alberta Elise Heyman	Secretary (Oct. 13)	1,555.76
Rebecca S. Hoffert	Investigator (Sept. 1)	3,358.59
Daniel J. Hurson	Investigator (July 3-Sept. 9).	1,197.44
Kathleen M. Johnson	Secretary (Sept. 29–Nov. 4).	2,308.80
John F. Kane	Hearings officer	9,907.92
Richard W. Kurrus	Chief counsel (July 1-Dec. 31).	16,508.82
Amelia T. Lasser	Secretary to the chief counsel (July 1-Dec. 31).	5,505.30
Raphael J. Madden	Messenger research assistant (July 1-Aug. 31).	1,102.58
Thomas F. McBride	Deputy chief counsel (July 1–Dec. 31).	15,131.88
Patrick T. McGahn, Jr	Special counsel (Sept. 17–Oct. 30).	148.41
Kathleen M. Mitchell	Research assistant secretary (July 1-Aug. 15).	897.56
Joseph L. Nellis	Special counsel (Sept. 2–Nov. 6).	3,608.87
Albert W. Overby, Jr	Associate counsel	10,179.84
Michael D. Petit	Press officer	9,359.82
Mary G. Poore	Secretary	4,677.96
Andrew Radding	Assistant counsel	7,157.34
Larry Reida	Associate chief counsel (July 7).	12,454.60
Margaret M. Schauer	Secretary (July 9)	4,543.61
Michael C. Shea, Jr	Assistant counsel (Oct. 13).	2,818.24
Arnold G. Shulman	Assistant counsel (July 7).	7,533.21
James F. Southerland	Executive director (Nov. 7).	3,869.33
William W. Stoudenmire	Research assistant (July 1–Sept. 3).	1,256.58
George R. Sullivan, S. J	Research assistant (July 1–Aug. 15).	897.56
Margaret S. Thompson	Clerk-typist (July 7-Aug. 15).	260.25
Marilyn H. Yost	Secretary (Oct. 16-Nov. 30).	1,188.73

Funds authorized or appropriated for committee expenditures	$375,000.00
Amount of expenditures previously reported	17,848.87

Amount expended from July 1 to Dec. 31, 1969	$317,423.44
Total amount expended from May 1 to Dec. 31, 1969	335,272.31
Balance unexpended as of Dec. 31, 1969	39,727.69

CLAUDE PEPPER,
Chairman.

DECEMBER 30, 1969.

SELECT COMMITTEE ON HOUSE RESTAURANT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from August 1969 to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Campbell	Staff director	$7,294.97
Judy A. Crowe	Secretary	1,777.40
Total		9,072.37

Funds authorized or appropriated for committee expenditures	$40,000.00
Amount expended from Aug. to Dec. 31, 1969	9,258.65
Balance unexpended as of Dec. 31, 1969	30,741.35

JOHN C. KLUCZYNSKI,
Chairman.

JANUARY 21, 1970.

SELECT COMMITTEE ON SMALL BUSINESS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1969, to December 31, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Gregg R. Potvin	General counsel	$16,673.40
Patricia Anne Bishop	Secretary	4,408.50
Justinus Gould	Counsel	14,076.12
Howard Greenberg	Consultant	15,518.76
Thomas J. Oden	Counsel	6,234.96
Henry A. Robinson	do	14,076.12
Marlyn Wilkinson	Secretary	4,017.36
Duane G. Derrick, Jr	Research analyst	1,976.32
Myrtle Ruth Foutch	Clerk	7,434.60
Charles E. O'Connor	Counsel	15,518.76
Evelyn M. Blomquist	Secretary	4,078.38
William A. Keel, Jr	Research analyst	15,410.46
Edward D. Boyt	Staff assistant	3,443.76
Bryan H. Jacques	Staff director	16,673.40
Berry C. Williams	Counsel	14,076.12
Joanna G. O'Rourke	Secretary	4,131.78
Christine A. Santoro	do	3,037.44
Jeanne Arnow McNaughton.	do	3,590.22
Donna M. Santoro	do	3,489.12
Paul M. Geier	Research assistant	950.64
Susan E. Driggers	Secretary	428.30
Fred M. Wertheimer	Minority counsel	12,160.80
Marjorie N. Lisle	Secretary, minority	4,693.38
John M. Finn	Assistant minority counsel.	8,006.82
Bernadette O. Romanesk	Staff assistant, minority.	2,851.71
Julia G. Stivers	Secretary, minority	244.43
Gail E. Danckert	Staff assistant, minority.	346.28

Funds authorized or appropriated for committee expenditures	$390,000.00
mount of expenditures previously reported	162,563.13
Amount expended from July 1 to Dec. 31, 1969	$205,010.91
Total amount expended from Jan. 3 to Dec. 31, 1969	367,574.04
Balance unexpended as of Dec. 31, 1969	22,425.96

JOE L. EVINS,
Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1554. A letter from the Secretary of the Treasury transmitting a report of audit of the Exchange Stabilization Fund for fiscal year 1969, pursuant to the provisions of the Gold Reserve Act of 1934; to the Committee on Banking and Currency.

1555. A letter from the General Manager, United States Atomic Energy Commission, transmitting a report of the disposal of foreign excess property during fiscal year 1969, pursuant to the provisions of 63 Stat. 398 (40 U.S.C. 514); to the Committee on Government Operations.

1556. A letter from the Assistant to the President of the American Academy of Arts and Letters transmitting the report of the Academy for the year 1969, pursuant to the provisions of law; to the Committee on House Administration.

1557. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Gas Supplies of Interstate Natural Gas Pipeline Companies, 1968"; to the Committee on Interstate and Foreign Commerce.

1558. A letter from the Assistant Attorney General for Administration, U.S. Department of Justice, transmitting a report on positions in Grades 16, 17, and 18, pursuant to the provisions of section 5114(a), title 5, U.S.C.; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GALLAGHER: Committee on Canada-United States Interparliamentary Group, 12th report of meeting (Rept. No. 91–809). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY (for himself and Mr. MONTGOMERY):

H.R. 15593. A bill to provide for the production of an adequate supply of upland cotton to meet domestic and export requirements, and for other purposes; to the Committee on Agriculture.

By Mr. ANDREWS of Alabama:

H.R. 15594. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and deductibility of contributions to, certain private schools; to the Committee on Ways and Means.

By Mr. BEVILL (for himself, Mr. ANDREWS of Alabama, Mr. BUCHANAN, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. NICHOLS, and Mr. FLOWERS):

H.R. 15595. A bill to compensate States and local educational agencies for the replacement cost of all public school buildings and facilities owned by them which have been or will be closed or abandoned by such agencies by reason of: (1) any order issued by a court of the United States; (2) compliance with any plan, guideline, regulation, recommendation, or order of the Department of Health, Education, and Welfare; (3) decisions arrived at by such State and local educational agencies in good faith efforts to comply with the decision of the United States Supreme Court requiring desegregation of public schools; to the Committee on Education and Labor.

By Mr. BEVILL (for himself, Mr. ANDREWS of Alabama, Mr. BUCHANAN, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. NICHOLS, and Mr. FLOWERS):

H.R. 15596. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and the deductibility of contributions to, certain private schools; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 15597. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 15598. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. DANIELS of New Jersey:

H.R. 15599. A bill to amend title 39, United States Code, to modify the qualifying period for salary protection of certain postal field service employees; to the Committee on Post Office and Civil Service.

By Mr. DORN (by request):

H.R. 15600. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15601. A bill to increase the rates of pension and income limitations under the Veterans' Pension Act of 1959; to the Committee on Veterans' Affairs.

By Mr. EILBERG:

H.R. 15602. A bill to provide assistance to local educational agencies in constructing needed school facilities; to the Committee on Education and Labor.

By Mr. GIAIMO:

H.R. 15603. A bill to amend title XVIII of the Social Security Act so as to include chiropractors' services among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

By Mr. JARMAN:

H.R. 15604. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require that the label of drug containers, as dispensed to the patient, bear the established or trade name, the quantity and strength of the drug dispensed; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE:

H.R. 15605. A bill to provide for a National Laboratory for Environmental Science; to the Committee on Science and Astronautics.

By Mr. PRICE of Texas:

H.R. 15606. A bill to prohibit the use of the name of any certain deceased servicemen unless consent to so use the name is given by the next of kin of the servicemen; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 15607. A bill to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other place of business which operate in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNE of Pennsylvania:

H.R. 15608. A bill to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independ-

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ence National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 15609. A bill to establish a sonic boom and aircraft noise damage fund to provide for the payment of damages caused by sonic booms and other aircraft noise; to the Committee on the Judiciary.

By Mrs. CHISHOLM (for herself, Mr. Biaggi, Mr. Brown of California, Mr. Burton of California, Mr. Corman, Mr. Diggs, Mr. Daddario, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Helstoski, Mr. McClory, Mr. Matsunaga, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Preyer of North Carolina, Mr. Rhodes, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Stokes, Mr. Sisk, Mr. Taft, and Mr. Widnall):

H.J. Res. 1069. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; to the Committee on House Administration.

By Mr. MARTIN:

H.J. Res. 1070. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. Daddario, Mr. Udall, and Mr. Green of Pennsylvania):

H.J. Res. 1071. Joint resolution to establish a Joint Committee on Environmental Quality and Population Policy; to the Committee on Rules.

By Mr. PEPPER (for himself, Mr. Johnson of California, Mr. Brown of California, Mr. Kee, Mr. Flowers, Mr. Byrne of Pennsylvania, Mr. Bevill, and Mr. Rees):

H. Con. Res. 493. Concurrent resolution to express the sense of the Congress with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. TAFT:

H. Con. Res. 494. Concurrent resolution to provide early appropriations for Federal educational programs; to the Committee on Rules.

By Mr. MATSUNAGA (for himself, Mr. Adams, Mr. Ashley, Mr. Bingham, Mr. Brown of California, Mr. Button, Mr. Cleveland, Mr. Fraser, Mr. Friedel, Mr. Gibbons, Mr. Harrington, Mr. Hicks, Mr. Koch, Mr. Leggett, Mr. Lowenstein, Mr. Mikva, and Mr. Moss):

H. Res. 806. Resolution to provide for record voting in the Committee of the Whole House upon the assent of one-fourth of the Members present; to the Committee on Rules.

By Mr. MATSUNAGA (for himself, Mr. Obey, Mr. O'Hara, Mr. Olsen, Mr. Ottinger, Mr. Pike, Mr. Randall, Mr. Rees, Mr. Reuss, Mr. Rosenthal, Mr. Ryan, Mr. St. Onge, Mr. Tiernan, Mr. Tunney, Mr. Vanik, and Mr. Yates):

H. Res. 807. Resolution to provide for record voting in the Committee of the Whole House upon the assent of one-fourth of the Members present; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 808. Resolution to provide funds for the study and investigation authorized by H. Res. 17; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 15610. A bill for the relief of Jesus Cruz-Figueroa; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 15611. A bill for the relief of Mr. and Mrs. Donald Ashworth; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.R. 15612. A bill for the relief of the Lockport Canning Co.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

381. The SPEAKER presented a petition of the Metropolitan Citizens Advisory Council, Washington, D.C., urging Congress to override the presidential veto relative to the health, education, and welfare appropriation bill; to the Committee on Appropriations.

SENATE—*Wednesday, January 28, 1970*

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The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art from everlasting to everlasting, whose grace is sufficient for all our needs, renew us in wisdom and in strength. May Thy presence prompt judgments which lead to fullness of life for all men. Help us so to live that the truth of the Divine Master may be fulfilled in us—

Blessed are the poor in Spirit, for theirs is the kingdom of heaven.

Blessed are the pure in heart, for they shall see God.

Blessed are they who hunger and thirst after righteousness, for they shall be filled.

Blessed are the peacemakers, for they shall be called the children of God.

In the name of Him who incarnated the words He spoke. Amen.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

ATTENDANCE OF A SENATOR

Hon. EUGENE J. McCARTHY, a Senator from the State of Minnesota, attended the session of the Senate Tuesday, January 27, 1970.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered on yesterday, the Chair now recognizes the Senator from Wyoming (Mr. Hansen).

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield to me, without losing his right to the floor, to allow me to make some requests and to proceed for not to exceed 10 minutes, without any time being taken out of the time allotted to him?

Mr. HANSEN. Mr. President, I will gladly yield to the Senator from Montana.

The PRESIDENT pro tempore. The Senator from Montana.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 27, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ANOTHER MONTANAN GUNNED DOWN IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, last March 12, Harry P. Gelsing was gunned down as he walked to his home at 810 Tuckerman Street NW., here in the District of Columbia. Harry Gelsing was a Montanan. He was a medical researcher who had no immediate family and lived alone here in Washington. For 10 months—until January 15—Harry remained in the Washington Hospital Center paralyzed and lingering halfway between life and death. He died and he is now a statistic; a casualty of street crime; a loser in the war against crime.

It has been said that this murder stemmed from a senseless, brutal "let us get this guy" kind of attack by a gang of hoodlums. That is the kind of criminal we must deal with; that is the kind of senseless, wanton act we are seeking to prevent. In return, I think we must be absolutely relentless in our pursuit of these twisted misfits who cannot live or function normally in society; we must redouble our efforts to assist our police and law-enforcement officials. But that is not all we must do.

Harry Gelsing was a kind and gentle man. I knew him personally, and all of us who knew him can testify to the fine character of the man—to his warm and gentle nature. What a contrast he must have presented to those who attacked him, dragged him into an alley, and gunned him down mercilessly. Why? For kicks? For excitement? Or just because

Harry happened to pass by at that moment?

I am sick of these occurrences. There have been too many others like Harry Gelsing, and like Thad Lesnik, another Montanan, who was gunned down some months ago, too many who have been brutally subjected to the senseless violence that plagues this Nation.

So we must do more. We must dedicate ourselves to finding new and better ways to fight crime; to cut down the inordinate rate of violence. I have advocated stiff mandatory prison sentences for those who use guns in committing crimes. My bill—the Lesnik bill—has already passed the Senate. I supported the law that seeks to stem the flow of firearms into the hands of the lawless and untrained, the addict, the criminal, the mental incompetent, and the unfit. In the end, these measures should help, but even they may not provide the full answer. We need new and imaginative remedies. We need remedies that seek not only to restrict the number of weapons available to criminals and to impose severe penalties, but remedies that consider as well the deplorable state of the prisons and penal institutions of this Nation that now serve only as graduate schools for crime. We need remedies that consider other criminal breeding grounds—the urban areas, the ghetto, the crowded, congested, and decayed inner city, and other areas that have been neglected. We need remedies that will help us identify the twisted minds like those who attacked Harry Gelsing and Thad Lesnik; identify them before they are able to strike.

Last year, the Senate District of Columbia Committee passed all five crime bills requested for the District of Columbia by the President of the United States.

Last week the Senate passed the Organized Crime Control Act of 1970. I was happy to support that measure. It is a proposal that was carefully developed here in the Senate by the distinguished senior Senator from Arkansas (Mr. McClellan), the distinguished Senator from Nebraska (Mr. Hruska), and others. Many of its features were requested by the administration as a way of complementing the Crime Control Act of 1968. But the fact is, none of its features were designed to meet the problem faced by Harry Gelsing.

That problem concerns the quality of life in the streets of our great metropolitan centers. I am no expert in crime control, but it seems to me that just as crime has affected the quality of life on city streets, so has the condition of life on some city streets itself produced a good deal of crime and violence. In the weeks and months ahead, I would hope that in seeking a better balance among our domestic needs and our foreign and security interests, we place far greater emphasis on the need to solve the problem of crime.

This week we hope to conclude action on the pending strong drug control bill, another weapon in our fight against crime.

Mr. President, I am today directing an inquiry to the U.S. district attorney for the District of Columbia asking for a complete report on the gunning down of Harry Gelsing, just as I did in the case of the gunning down of Thad Lesnik, of Fishtail, Mont., and requesting a continuing determined investigation of the murder of this fine Montanan. May I say, incidentally, that the attackers of Thad Lesnik were captured, tried, and sentenced to prison.

A story appeared in last Sunday's Washington Star about Harry P. Gelsing. It is a very human story about a man from Montana whose tragic death was occasioned by one of the most severe problems we face today. I ask unanimous consent that the story be printed at this point in the Record.

There being no objection, the news story was ordered to be printed in the Record, as follows:

Gentle Man's Murder Leaves a Mystery

(By Harriet Griffiths)

Harry P. Gelsing was a gentle man, a medical research technician who lived alone, but not lonely amid his cultural interests and his friends.

At 62, he "had come to that part of his life when he looked toward retirement," an associate at Walter Reed Army Institute of Research said. "He was hoping to go back to Japan and stay for a year or so among all his friends there."

But last March 12, as the microbiologist walked from a bus stop to his home at 810 Tuckerman St. NW after a concert, a still-unexplained street attack destroyed those plans with gunfire.

Gelsing lingered for 10 months at Washington Hospital Center, partially paralyzed, his strength draining from the complications of his injury, faced with living out his life in a wheelchair, until Jan. 15, when he died.

Why was he attacked? His friends are at a loss. The police, who found no evidence of a robbery motive at the time, have no clues to the youthful assailant or assailants who pulled up in a car and cursed, beat and kicked the man before shooting him.

Some think it may just have been a kind of senseless, brutal, "let's get this guy" attack.

"He woudn't have hurt anyone," said Lawrence Scheewe, attorney and friend who, like Gelsing, was graduated from Carroll College in Helena, Mont. "He was confused about the whole thing. He couldn't see what the purpose was."

To a fellow scientist at the research institute, Dr. Herman Schneider, "He was a very nice man, with wide-ranging interests. He was well liked. I worked later at the same laboratory in Japan where he had worked during the Korean war and afterwards. To a man and woman, the people he had worked with there worshipped him."

Mrs. Abraham Danzig, his landlady, counted up 13 years of knowing Gelsing: "He lived in our house for three years, and next door for over 10 years. They don't come any better. That man could not have any enemies.

"He liked to walk a lot. A book was always in his hands, even when he went for a walk. Most of his friends were family men, and they would invite him to their homes. He wasn't lonely. He had a lot of friends. In winter, he went to classes.

"He kept his apartment spotless, and he cooked. He didn't use TV dinners. Sometimes, he even baked. We were just like one family."

Gelsing left no immediate survivors. Those who arranged his funeral back in Helena, with burial in Resurrection Catholic Cemetery, suggested that expressions of sympathy might be in the form of gifts to the scholarship fund at Carroll College.

His friends said Gelsing was open handed to charitable causes, and it was understood he had helped one or more Japanese students through medical school.

"He did not deserve what was done to him," Mrs. Danzig said.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Wyoming for yielding me this time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming (Mr. Hansen) is recognized for not to exceed 30 minutes.

THE NATIONAL SECURITY ASPECTS OF THE MANDATORY OIL IMPORT PROGRAM

Mr. HANSEN. Mr. President, the controversy over oil imports centers around the national security aspects of the mandatory oil import program which was established by Presidential proclamation in 1959.

During May of 1968, the Committee on Interior and Insular Affairs of the other body held hearings and published a most comprehensive report on the background leading to the establishment of the mandatory program and also its findings and recommendations for modifications in the program.

The pending report and recommendations of the Cabinet task force and oil import controls as I understand it from published reports, does not, in my opinion, adequately consider the national security provisions of the program.

In order that the national security precepts upon which the mandatory oil import program was established are fully and clearly understood, I quote the following from the report:

The Program Since 1959

The mandatory oil import program was established by Presidential Proclamation No. 3279, issued March 10, 1959, under authority of section 2 of the Trade Agreements Act of July 1, 1954 as amended (72 Stat. 678). The proclamation, as amended, has been continued under authority of section 232 of the Trade Expansion Act of 1962 (76 Stat. 877).

The overriding significance of national security is clearly brought out in House Report 1761 of the Committee on Ways and Means in reporting on H.R. 12591, 85th Congress, which was subsequently enacted as the Trade Agreements Extension Act of 1958 (72 Stat. 678). The following comments are contained in that report:

THE NATIONAL SECURITY AMENDMENT

Section 2 of the 1954 Extension Act provided that no trade agreement reduction in duty shall be made if it would threaten domestic production needed for projected national defense requirements. Section 7 of the Trade Agreements Extension Act of 1955 amended this section by adding a new subsection providing a procedure for investigation and action by the President if he agrees with the Director of the Office of Defense Mobilization that any article is being imported in such quantities as to threaten to impair the national security. The 1955 amendment provided that, if the President found such to be the case, he take such action as he deems necessary to adjust imports to a level that would not threaten to impair the national security.

These provisions were the subject of voluminous testimony to the committee and of extended committee consideration. Most of the witnesses who addressed themselves to section 7 of the 1955 act were of the opinion

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that the provision should be amended in such a way as to speed up investigations and determinations under the section, and to clarify and make more specific the standards applicable to its administration. The committee has carefully considered the points of view expressed and has concluded that any question as to the adequacy of section 7 is resolved by the amendments to that section which the committee has made.

Your committee (that is, the Committee on Ways and Means) was guided by the view that the national security amendment is not an alternative to the means afforded by the escape clause for providing industries which believe themselves injured, a second court in which to seek relief. Its purpose is a different one—to provide those best able to judge national security needs—namely, the President and the Director of the Office of Defense Mobilization, acting with the advice of such Cabinet officers as the Secretaries of Defense, Commerce, and State—a way of taking whatever action is needed to avoid a threat to the national security through imports. Serious injury to a particular industry, which is the principal consideration in the escape-clause procedure, may also be a consideration bearing on the national security position in particular cases, but the avoidance or remedy of injury to industries is not the object per se. There are other differences between the two procedures, such as that the one here under consideration applies to all imports whether or not the subject of trade agreement concessions. Again, in the choice of remedies the President is not limited in national security cases to actions which he might take under the authority delegated to him in the trade-agreements legislation. However, it should be pointed out that the actions he may take under the authority of the national security amendment are limited to actions to adjust imports. In emergencies and for such time as necessary, the President may also take any action available to him under any of his other powers. Your committee considered it paramount to emphasize, however, that any action, large or small, for a short or long time, may be taken only if warranted by national security considerations. The interest to be safeguarded is the security of the Nation, not the output of profitability of any plant or industry except as these may be essential to national security.

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Subsequently, in House Report 1818, accompanying H.R. 11970, 87th Congress, enacted October 11, 1962, as the Trade Expansion Act of 1962 (76 Stat. 877), the Committee on Ways and Means commented as follows:

SECTION 232. SAFEGUARDING NATIONAL SECURITY

Except for conforming changes, section 232 is identical to, and continues in effect, the provisions of section 2 of the Trade Agreements Act approved July 1, 1954, as amended by Section 8 of the Trade Agreements Extension Act of 1958.

Section 232(a) provides that no action is to be taken pursuant to the bill or section 350 of the Tariff Act of 1930 to decrease or eliminate the duty or to decrease any other import restriction on any article if the President determines that the reduction or elimination would threaten to impair national security.

Section 232(b) provides that upon request, application, or notice from specified sources the Director of the Office of Emergency Planning (OEP) must undertake an investigation to determine whether the article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. If he so finds, he is required to so advise the President, who is required to take such action as he deems necessary to adjust imports unless he determines that the article is not being imported in such quantities or under such circumstances as to threaten to impair the national security.

Section 232(c) enumerates various factors to which the President and the Director of the OEP are to give consideration in carrying out their functions.

Section 232(d) requires a report to be made and published on each final disposition of any request for investigation under section 232(b). It also requires the Director of the OEP to publish procedural regulations governing the exercise of the authority vested in him by section 232(b).

The House Committee on Interior and Insular Affairs wishes to point out the deep and continuing concern of other committees of Congress in the mandatory oil import program. In that respect, and without further extensive elaboration, attention is directed to the following:

1. Hearing held by the Select Committee on Small Business, House of Representatives, pursuant to House Resolution 46, 87th Congress, and House Report 2567.

2. Hearings held by the Select Committee on Small Business, U.S. Senate, 88th Congress, second session, entitled "Oil Import Allocations" and to the 14th and 15th annual reports of that committee.

3. Hearings before the Committee on Finance, U.S. Senate, 90th Congress, entitled "Import Quotas Legislation."

With respect to the last-named hearings, those before the Committee on Finance, U.S. Senate, Secretary of the Interior Stewart L. Udall, on October 18, 1967, testified with respect to oil imports as follows:

"I would like to state here my firm view that, in the present world petroleum situation, oil imports should be controlled in the interests of our national security. I think there has always been a strong case for this and there is today. This is the paramount, the only reason why such imports are controlled. In no sense does this position alter my views with respect to opposing trade barriers generally. But in the case of oil, our security would be jeopardized unless we have a strong, healthy, domestic oil industry, capable of meeting the demands of any conceivable emergency. One only has to look at the Middle East and what happened there a few months ago; Israel had to win or lose a war in a matter of days because of the fact that the mobility of their machines rested on very limited supplies of petroleum and I just use this to underscore what I mean.

"This we could not do if low-cost oil from petroleum-exporting countries were to flood this country, with consequent damage to our own energy-producing industries.

"The relationship between our national security and adequate supplies of oil is clear. On this score, it suffices to point out that oil is practically the sole source of energy for transportation—both civilian and military, and we are a highly mobile Nation.

"Adequate domestic supplies depend upon exploration and discoveries, and these activities will not be carried on in the absence of an adequate market for domestic production.

"It was with these circumstances in mind that in 1957 the President's Special Committee To Investigate Crude Oil Imports reported to President Eisenhower that, taking all factors into consideration, our national security requires the maintenance of some reasonable balance between imports and domestic production at this time, and as a result of that, the President took action that ended in 1959 in the mandatory program under Presidential proclamation."

IMPORT CONTROLS AND THE NATIONAL SECURITY

A basic question for consideration as a result of the testimony and statements given to this subcommittee is whether the same need exists today for control of imports of crude and unfinished oils as prevailed at the time that mandatory controls were adopted in 1959. It is noteworthy that none of the testimony offered during 3 days of hearings advocated discontinuance of import controls, although some parties would have exceptions made for special categories.

The report included the following Committee findings:

COMMITTEE FINDINGS

The following points summarize the findings of the Subcommittee of Mines and Mining with regard to the present status of the mandatory oil import program, its effect upon the domestic petroleum industry, and its effectiveness in the enhancement of our Nation's security:

1. The need for control of foreign crude and unfinished oils in order to assure a healthy U.S. petroleum industry is as great today, from the standpoint of national security, as when the plan was conceived originally. The steady decline in the industry's exploratory effort over recent years and demonstrable inadequacy of known petroleum reserves accumulated have rather alarming implications from the standpoint of the Nation's security in times of emergency.

2. While the voluntary and mandatory oil import program has been helpful, its stated objective of preserving a "vigorous and healthy domestic petroleum industry for purposes of national security" has not been achieved. U.S. exploration and development has been declining for the past 10 or 11 years and even more alarming are the indications that unless steps are soon taken to reverse this trend it will continue at an accelerating rate. Instead of finding more than 4.5 billion barrels per year, which the Department of the Interior indicates are needed to meet future demands and maintain a stable reserve-production ratio, only 2.6 billion barrels per year have been found and developed during the past 7 years.

3. There is substantial evidence that the import program is weakened by the injection into the program of special treatment provisions, particularly since 1965. The profusion of these special treatment provisions threatens to undermine the program by destroying confidence in its administration and by creating special situations which permit imports both within and without the controlled levels.

4. The program is plagued by instability and frequent changes which create uncertainty and lack of a sense of direction. This makes it extremely difficult for segments of the industry to arrange their long-term expansion programs or to develop long-range plans.

5. The import program legally has only one basis for its existence; i.e., to protect the Nation's security by promoting a strong domestic oil industry capable of dealing with unforeseen emergencies. We find that the program is being used for many alien purposes. Many of these are undeniably worthwhile, yet all of them should be accomplished by means other than the oil import program. These include such activities as (a) economic aid to insular possessions and territories; (b) improvement in the Nation's exports; (c) enhancement of the competitive capabilities of the petrochemical industry; and (d) abatement of air pollution.

6. The program is beset by procedural irregularities in its administration. Some actions have been taken by the Secretary and the Oil Import Appeals Board without benefit of adequate notice or public hearings.

7. Declining exploration activity and declining crude reserves are endangering the health and well-being of the domestic petroleum industry and seriously endanger the national security of this Nation.

8. The import program is becoming increasingly complex and is burdened with confusing definitions and regulations so that

> participants are never sure as to how certain regulations should be interpreted or how they might be affected by future actions. These ambiguous definitions have resulted in conflicting decisions for like situations.
>
> 9. The relationship that controlled imports bear to domestic production—12.2 percent—has been adhered to as far as controlled imports are concerned but weakened by the exceptions permitted outside the 12.2-percent limit. Thus, the effectiveness of the entire program is weakened. The exceptions tend to be increasing at a rapid rate. In addition, total imports of oil into the United States exceeded 26 percent of domestic production for the year 1966. In many respects this is a more significant figure than the 12.2-percent limitation.
>
> The Committee recommendations were as follows:
>
> COMMITTEE RECOMMENDATIONS
>
> 1. The mandatory oil import program must not be weakened by use for purposes unrelated to the preservation of national security, regardless of the merits of the alien objectives. This includes projects such as improvement of the economic conditions in any particular geographic area, improvement of competitive conditions for any industry, alleviation of air pollution, economic hardships, or any other unrelated purposes.
>
> 2. All inequities in the program should be removed so that the Government is administering a plan that is equitable and fair for all who are governed by it. Features that should be carefully reviewed include the extent of the sliding scale method of allocation, the historic guarantee feature, special provisions for northern tier refiners, allocations to refiners located in insular possessions, allocations to customers of the petroleum industry and other allocations for purposes not basic to national security.
>
> 3. The program should be simplified to the greatest extent possible to eliminate the present chaotic condition which causes serious inefficiencies in the planning and operations of the entire petroleum industry.
>
> 4. Rules of procedure should be strengthened and observed so as to eliminate decisions made without benefit of adequate notice and public hearings. Amendments and changes to the regulations should be made in a formal, uniform manner; the granting of relief by the Oil Import Appeals Board should be done in accordance with established procedures of the Administrative Procedures Act.
>
> 5. Canadian sources of crude oil should continue to be considered within the scope of our national security planning and therefore should receive special treatment. However, participation of Canadian crude oil in our growing U.S. market must not be disproportionately greater than the growth enjoyed by domestic producers. In the past, informal methods of managing such control have been arranged by the Department of the Interior and the Canadian Government. Such a method of control may well be continued but must be improved to prevent Canadian imports from consistently exceeding estimates.
>
> 6. It is the view of the committee that any program authorized under the national security provisions of the Trade Agreements Extension Act should be administered strictly in accordance with the purposes of that act and not extended to unrelated matters, notwithstanding the merit of such other programs.

Mr. President, the oil import task force staff recommends that a tariff plan should replace the mandatory quota plan and that the objective of such a plan should be "to move domestic market prices smoothly to their lower levels in all sections of the country while imports rise very gradually to their higher levels."

The committee report makes it abundantly clear that the oil import program or any program authorized under the national security provisions of the Trade Agreements Extension Act "shall be administered strictly in accordance with the purposes of that act and not extended to unrelated matters, notwithstanding the merit of such other programs."

I would certainly not include the objective of lowering domestic market prices of crude oil as anything related to national security.

I wish to make the record of congressional intent perfectly clear in respect to national security and I would further refer my colleagues to a colloquy that took place here last October 13 during consideration of a resolution to extend the interstate compact to preserve oil and gas for 2 years.

The Senator from Massachusetts (Mr. KENNEDY) had asked for consideration of an amendment to the national security clause of the Trade Expansion Act of 1962 which had adopted that clause from the Trade Agreements Extension Act and on which the mandatory oil import program is based.

On points of order as to the germaneness of the amendment, the Senator withdrew his amendment on assurances that hearings would be held as soon as practicable by the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee and by the Senate Finance Committee within their respective jurisdictions in the matter.

These hearings will, I am sure, be held in the near future. Inasmuch as the mandatory oil import program has its legal base in the national security clause of the Trade Expansion Act, I would hope that the President would defer any action on oil imports until those and other committees of Congress that may have jurisdiction in the matter have had an opportunity to hold hearings and make recommendations, or possibly amend the clause.

The Department of Defense prefaced its recommendations to the oil import task force staff with the following:

> In fact, the Middle East crisis posed the most severe test of the DOD petroleum system in recent years. It didn't last long enough to have any real impact, but we can draw some object lessons from it.
>
> For example, it showed that:
>
> Our System is delicately balanced.
>
> Prolonged interruptions cannot be tolerated.
>
> U.S. domestic petroleum capability must be available to meet military need in case normal foreign sources are denied. These denials can take many forms. For example, a denial of a supply source in a normally friendly country, which may not at the time be in sympathy with our cause, can be just as final as the destruction of those sources by enemy action.

Oil remains the No. 1 munition of war. We have learned how unreliable foreign oil is in time of emergency.

The Department of Interior has just released a report on the 1967 Middle East petroleum emergency when all imports from that part of the world were suddenly cut off along with closure of the Suez Canal. We were able, only because of our carefully preserved producing capacity, and the remarkable efficiency and expertise of the U.S. oil industry, to fill the needs of the rest of the free world, largely dependent on this oil, and also divert imports from this hemisphere to Europe to prevent a crisis in the economies of those countries.

Following are excerpts from that report:

> It has also been contended that the 1967 crisis in the Middle East has added to the relative attractiveness of U.S. producing ventures by underlining the vulnerability of foreign concessions on one hand and stressing the need for accelerated domestic exploration and investment on the other. Aggressive bidding in recent offshore lease auctions, and increased exploratory activity in Alaska, as well as stepped up activity in some of the more attractive onshore areas of the continental United States, have all been cited as indications of this renewed interest. It is too early to characterize this as a reversal in trend and one cannot say with certainty that the motivation for this activity derived from the Middle East crisis. Yet there is reason to believe that the crisis did call for a serious reappraisal of domestic and foreign producing prospects, and early signs are sufficient to provide trend watchers with a new vista on the United States producing industry.

Nothing has been settled as a result of that conflict. We are caught in the middle of one of the major power plays of today's continuing struggle between communism and the free world. France has reneged on her deal with Israel and has taken up the cause of the new Government of Libya which has just kicked us out of the giant Wheelus Air Force Base and made arrangements with France to train jet pilots for the planes France promises to furnish them. These activities will be carried on through the courtesy of the United States on facilities on which we had spent hundreds of millions under agreements that had not expired by any means. Libya has just announced her intentions to 21 major oil exporting companies to raise the price of crude oil exports.

Just previous to that announcement, Libya, Iraq, Egypt, and Algeria had signed an oil cooperation pact and called it a first step toward freeing Arab oil resources from foreign monopolies.

Although the agreement did not outline any plans to end the current concessions of Western companies, it pledged all four countries to "stand together in firm solidarity against any pressure brought by foreign monopolies against any signatory."

In our own hemisphere, we have witnessed the recent takeover in Bolivia of a U.S. company with a proclamation that she would sell her oil to any country in the world, including the Soviet Union, and the Russians are reported to have told them they are buyers.

We can be hopeful that other Latin American oil sources are more reliable, but Chile has not treated the U.S. copper industry kindly.

Are these the sources we want to become dependent on in the hope of cheaper oil?

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The New England States which, understandingly would like to have cheaper heating oil, might find themselves paying more rather than less for imported products. Four out of 10 barrels of New England oil products are imported now. During the Middle East crisis of 1967, the domestic industry quickly supplied needs of the east coast but would not be able to do so if that area became entirely dependent on imports as is the eastern area of Canada.

There is no promise, in fact, in the tariff plan proposed by the oil import task force study, for lower prices at all for that area. However, alternate proposals under a revised quota plan would include increased imports of heating oil to New England terminal operators close to the amounts they have sought, and at real savings to the consumer, rather than a rakeoff by the U.S. Treasury.

Such a plan would also preserve the economic strength of the domestic oil industry and encourage the development of increased oil and gas supplies, both in the United States and other parts of the free world. The use of petroleum in the United States rose by 4.6 percent in 1969, which means that Americans consumed an average of 600,000 barrels a day more than they did in 1968. This year, still another half-million barrels a day will be needed to meet the expected U.S. demand, to say nothing of the continuing increase in the use of gas.

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To accomplish these supply objectives, however, vast amounts of capital and exploratory expenditures will be required. This is not the time to single out and penalize an industry that has been notable for its technological achievements not only in this country but in all parts of the world. Oil product prices in the United States have remained remarkably stable during a period of inflation and are well below prices in practically all other countries.

Today's free world crude oil reserves stand at 400 billion barrels. But some 80 percent of these supplies—four out of every five barrels on which the free world depends for much of its future energy supply—are concentrated in the Middle East and North Africa. Within the total figure of 400 billion barrels, the United States accounts for only some 30 billion barrels of proved reserves. Thus, it is obviously essential to the welfare, not only of the United States, but of all the free nations of the world, that Middle Eastern and African supplies continue to be readily available. But it is also equally essential that every encouragement be given to development of increased supplies both in the United States and other areas of the world.

The only way to keep foreign oil available and cheap, is to have the reserve capacity available from reliable sources to guarantee self-sufficiency and avoid dependency on sources that could be denied us overnight.

I shall next discuss the economic impact of a 30-cent cut in the price of domestic crude oil and the adverse impact it would have on our 31 oil-producing States, independent producers, and refiners, and the companion problem of an impending gas shortage.

ORDER OF BUSINESS

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Under the order of yesterday the Senate proceeded to the consideration of routine morning business.

THE REAL CAUSE FOR INFLATION

Mr. HANSEN. Mr. President, I read with a great deal of concern last night that Dr. Gardner Ackley, a leading economist and former Chairman of the Council of Economic Advisers, sharply criticized President Nixon for vetoing the Labor-HEW appropriations bill.

Dr. Ackley is a man who has served not only in the academic world with great distinction, but he also served President Lyndon Johnson for 4 years as his top man in economic affairs. Advice from a man such as this, it would seem to me, is well worth analyzing.

But then, Mr. President, I remembered something and I took a careful look at the record.

I find that Dr. Ackley was chief prophet and seer of the Democratic administration during a period when the Federal Government managed to run up deficits totaling $39.3 billion.

And is not that pretty much what this is all about?

President Nixon is leading a courageous fight against inflation precisely because Democrats like Gardner Ackley gave the Nation such horrendous advice back in the mid-1960's. President Johnson was told by men like Dr. Ackley to keep right on spending for everything—in addition to the war in Vietnam. And the result was disastrous inflation. Even one of his colleagues, Dr. Arthur Okun, also a member of the Council of Economic Advisers, blames inflation on the policies which Ackley helped develop and sell to the President.

Now, when the Republicans are in office, trying desperately to halt the erosion of ever-higher prices, along comes Dr. Ackley again with advice. And again he says, spend, spend, spend.

I recommend strongly to my colleagues on the Democratic side of the aisle that they consider carefully before accepting the words of this threadbare prognosticator.

Furthermore, the U.S. gold stock rose a steep $688 million last month. Treasury officials said December's increase in the gold stock was by far the largest monthly rise in the past decade. The increase brought the total U.S. gold supply to $11.86 billion at the end of December, up from $11.17 a month earlier and $10.89 billion at the end of 1968.

And under a Republican administration, the U.S. trade surplus last year rose to $1.26 billion from $837 million a year earlier under a Democratic administration.

It would appear, therefore, that the absence of Democratic Party economists from the Government is having a positively beneficial effect. I would hope the country sees fit to continue this healthy trend for a long time to come.

U.S. SERVICEMEN CAN SEE THE REAL CONSEQUENCES OF THE WAR IN VIETNAM

Mr. CHURCH. Mr. President, the intense political discussion of the Vietnam war has produced a number of tragic misconceptions. One of the worst has been the invalid identification of the war's supporters as the only true friends of the Vietnamese people.

As I have tried so often to make clear, the war is even more harmful to the Vietnamese people than to ourselves. Our continued involvement in Vietnam only increases the violence of the civil conflict there; it lengthens and extends a war that the people want ended. Even President Nixon's irreducible goal of self-determination for the Vietnamese people is rendered unobtainable as long as we maintain so massive a foreign presence in that country.

This connection between our continued presence in Vietnam and the worsening political troubles of the people there is not obscure; it is obvious. American fighting men can clearly see the way in which the American military presence is eroding South Vietnam's capacity for self-government.

A petition which I have just received, written by a group of 60 GI's who are now serving in Vietnam, bears powerful witness to that fact. These servicemen have something of significance to add to our understanding of the consequences of the war, and our need to disengage from it. I ask unanimous consent that their statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

QUANG NAM PROVINCE, VIETNAM,
December 20, 1969.

DEAR SENATOR CHURCH: We call for the withdrawal of all American forces from Vietnam in 1970. This is the only way that our country can regain her honor and the people of Vietnam their self determination.

This is not a time to be silent. We speak now so that 20 years from now, we will not be those German parents of today who turn away when their children ask them, "what did you do to stop it?". This is part of our answer.

You do not prolong a tragedy. The war must end and a new and different fight for a just peace at home must be won. We want to come home and work for all of the decent things America once stood for in the past and which still can be our future.

PFC George D. Roberts, Conn., PFC David T. Hirsheim, Minn., Cpl. Everette E. Mathis, Tenn., Cpl. Robert E. Ferrie, New York, Daniel J. Kosharek, Wisc., Anthony R. Pelase, Penna., L/Cpl. Dennis E. Schafer, Wisc. Cpl. Victor O. Lee, Colo., PFC John Fireman, Mich., PVT Misheal L. Johnson, Atlanta, Ga.

Douglas W. Lange, Ill., Roger D. Comee, N.C., Terry E. Larson, Ill., Paul V. Kelley, Mass., Freddie L. Henderson, La., L/Cpl. Loren B. Garne, Pa., L/Cpl. George D. Kelly, N.Y., L/Cpl. Bruce W. Anderson, Mass., L/Cpl. Ron Henlors.

L/Cpl. Steve E. Meining, Colorado, L/Cpl. Robert L. Ingham, Pennsylvania, Pvt. David C. Morton, South Carolina, Sgt. Alan W. Cannon, Ohio, Cpl. Richard M. Staszak, Wisconsin, L/Cpl. David P. Cowelin, New York, Sgt. Michael J. Malone, Oklahoma, Pfc. Larry A. Batten, Virginia.

L/Cpl. Joseph S. Foscano, Connecticut, Pfc. J. P. Ribloor, Illinois, L/Cpl. Allen Gabe, Michigan, Cpl. Julius Brown, Pvt. Wayne J. Penton, Massachusetts, Cpl. Walter B. West, Indiana, L/Cpl. Ronald L. Bloomquist, Minnesota, L/Cpl. Dick L. Columbia, California.

Gary C. MacLean, Mass., Victor J. Gray, Calif., Sherman Ray Leensvourt, Calif./Colo., Richard Worobey, Pa., Kervin Driscoll, New York, Johnny A. Davis, Fla., Forrest S. Burnette, Jr., Pa., Lawrence D. Curtis, Tenn., Larry D. Goetz, Illinois, Edward E. Westwood, Pa., David E. Howell, Detroit, Donovan R. Mason, W. Va., Games W. Woodard, Mich.

Roger P. Bristiat, Ill., Kurt Mueller, California, Kenneth G. Krueger, Chicago, Donald J. Bery, Wisconsin, Thomas Rustman, Chicago, Michael S. Aguias, Ohio, Thomas P. Gray, Iowa, Robert Lombardi, New York, Thomas A. Jackson, Baldwin City, Kans., Peter Cullen, Boston, Mass., William B. Shrever, Calif., Herman Limberger, Chicago.

IS VIETNAMIZATION BEING UNDERMINED?

Mr. CHURCH. Mr. President, there is much evidence to suggest that the administration's own policy of Vietnamization is being undermined by the "big brother" attitude of our military leaders in Saigon, who are clinging to their command and advisory positions.

In the January 1, 1970, issue of the Christian Science Monitor, Mr. George W. Ashworth reported that—

> The unwillingness of the Americans to let go of the reins of power is a major continuing problem in Vietnam. Indeed, in terms of overall effectiveness, the abundance of Americans at the top levels—and down the chain of command—has produced what many in the field see as a major hindrance to the development of the Vietnamese.

In my own view, there is little enough reason to expect that the President's policy of Vietnamization will work. I find it hard to believe that a government which was unable to win a civil war with the aid of half a million American troops will be able to win without them. But if the policy is to have any chance of working, the South Vietnamese must be given the opportunity to stand on its own.

Our reluctance to turn the reins back to the Vietnamese—the declared objective of the President notwithstanding—is well exposed by Mr. Ashworth.

I ask unanimous consent that his article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO CUSHION GI WITHDRAWAL: WOULD MORE U.S. ADVISERS HELP SAIGON?

(By George W. Ashworth)

SAIGON.—In the midst of American withdrawals from Vietnam, the United States command in Saigon is endeavoring to convince Washington to allow still more advisers to the South Vietnamese.

On the surface, it would appear that advice to the Vietnamese is already plentiful. As an example, the Vietnamese protocol list for Saigon names nearly 100 American officers of general and flag rank. By comparison, there are fewer than 50 South Vietnamese generals and admirals on active duty with all of the Vietnamese armed forces.

The hope for more advisers is not generally held in the field.

In interviews throughout Vietnam, numerous Army officers and civilians acting in advisory capacities expressed the view that they could get by with fewer—not more.

But as the American involvement in combat has waned and the emphasis upon development of the South Vietnamese forces has constantly grown, the military and civilian advisory effort has been looked upon in many quarters as the new way to grow.

This desire for expansion marks what many American sources see as a major continuing problem in Vietnam: the unwillingness of the Americans to let go.

One American officer put it this way: "We have fought Washington on every reduction so far. And I am sure we will keep fighting them."

Despite withdrawals, American strength remains quite high in many areas of South Vietnam. In northernmost I Corps, for instance, there are nearly three times as many American fighting men as there are Vietnamese, despite the withdrawal in early fall of the 3d Marine Division. As of early December, there were still 55,589 American marines and 67,810 Army officers and enlisted men in I Corps. Vietnamese Army forces totaled 41,010.

In Saigon, the headquarters of the Military Assistance Command Vietnam (MACV) now contains about 2,400 A senior officer thought for a moment before guessing that the headquarters could be cut by about 1,000 without great difficulty.

The latest withdrawal announcement, made Jan. 12, included orders for a 10 percent cut in many headquarters staffs. It is the first major reduction in headquarters staffs, and there is general agreement that much of the American staff in Saigon, both civilian and military, is far too large.

One officer new to the field from an assignment at the Saigon MACV headquarters termed his departure an escape.

"There were seven colonels in our office," he said, "and we had almost nothing to do. Sometimes, one or the other of us would skip lunch in hopes something would come along to do while the others were out."

In some provinces, the advisory staffs number several hundred.

The abundance of Americans at the top levels—and down the chain of command—has produced what many in the field see as a major hindrance to the development of the Vietnamese.

Withdrawals so far have left the various headquarters and advisory efforts relatively untouched. Some staffs even have grown.

As the American withdrawal continues, and still more combat troops leave, the size of the so-called "tail" will become still more disproportionate, if current trends continue.

Aware of the problem, Washington ordered the military command at one point in recent withdrawals to increase the share of headquarters personnel leaving. Even then, it was but a tiny fraction of the whole.

One senior official in Saigon suggested that the overall effort could be substantially enhanced if a careful study were made to see precisely which departments could be abolished and which moved back to the United States.

One officer suggested facetiously, "we could let those in the United States put up some barbed wire around their headquarters and wear jungle boots if they would be happier."

GRAVITY SUMMED UP

While many sources who have followed the war effort closely joke about the vast continuing American presence, they carefully agree that it is a most serious problem for several reasons:

The sheer size of the bureaucracy leads to a lot of waste motion as well as dreadful slowness from time to time in matters of great urgency. And many officers, particularly younger ones, complain that mediocrity is often forthcoming when brilliance is needed.

Because there are so many Americans, the Vietnamese simply are not afforded the challenges they desperately need at this stage in their development. There are so many Americans that they often must do more than they should simply to stay busy.

And there is the continuing problem of the American belief that only the American way is best acceptable. Too often, many sources here maintain, Vietnamese ideas are shunted aside needlessly and unthinkingly.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON WORKING CAPITAL FUNDS OF THE DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on the financial condition and operating results of working capital funds at June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF AUDIT OF THE EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting pursuant to law, a report of audit of the Exchange Stabilization Fund, U.S. Treasury Department, fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for July–October 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF DISPOSAL OF FOREIGN EXCESS PROPERTY

A letter from the Deputy General Manager, U.S. Atomic Energy Commission, reporting, pursuant to law, on the disposal of foreign excess property during fiscal year 1969; to the Committee on Government Operations.

REPORT ON MIDDLE EAST PETROLEUM EMERGENCY OF 1967

A letter from the Assistant Secretary of the Interior, transmitting a report on the Middle East petroleum emergency of 1967, prepared by the Office of Oil and Gas, De-

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partment of the Interior (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the House of Representatives of the State of Kentucky; to the Committee on the Judiciary:

"HOUSE RESOLUTION No. 13

"A RESOLUTION HONORING THE LATE DR. MARTIN LUTHER KING, JR.

"Whereas, January 15 is the anniversary of the birth of the late Dr. Martin Luther King, Jr.; and

"Whereas, throughout his life Dr. King exemplified the principles of adherence to law and of bettering the law through lawful change; and

"Whereas, Dr. King has become the symbol to all Americans of the power of passive persuasion; and

"Whereas, there is now before the Congress of the United States House Resolution 7703, to designate January 15 as a legal public holiday: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That the House of Representatives of the Commonwealth of Kentucky endorses and urges the passage of House Resolution 7703 to establish January 15 as a legal holiday honoring Dr. Martin Luther King, Jr.

"2. That the House of Representatives, when it adjourns on January 15, 1970, does so in memory of the late Dr. King.

"3. That the chief clerk is directed to send a copy of this resolution to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States."

A resolution of the Urban Commission, Department of Christian Social Relations, Diocese of Long Island, Brooklyn, N.Y., praying for the declaration of the 15th day of January a national holiday in honor of Dr. Martin Luther King., Jr.; to the Committee on the Judiciary.

A letter, in the nature of a petition, from Commodore William Moss, Represa, Calif., praying for a redress of grievances with respect to the equal protection of the law; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AIKEN, from the Committee on Agriculture and Forestry, without amendment:

S. 2116. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformly of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes (Rept. No. 91–639).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

S. 2306. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes (Rept. No. 91–638).

AMENDMENT OF SECTION 302(c) OF THE LABOR-MANAGEMENT RELATIONS ACT, 1947, TO PERMIT EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS IN CERTAIN INSTANCES—INDIVIDUAL VIEWS (REPT. NO. 91–640)

Mr. WILLIAMS of New Jersey. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with amendments, the bill (S. 1369) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed as requested by the Senator from New Jersey.

SENATE RESOLUTION 326—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS FOR INQUIRIES AND INVESTIGATIONS

Mr. RANDOLPH, from the Committee on Public Works, reported the following original resolution (S. Res. 326); which was referred to the Committee on Rules and Administration:

S. RES. 326

Resolved, That the Committee on Public Works, or any duly authorized subcommittee thereof, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to flood control, navigation, rivers and harbors, roads and highways, public buildings, regional economic development, disaster relief, environmental quality, and all features of water resource development and economic growth.

SEC. 2. For the purposes of this resolution, the committee from February 1st, 1970 to January 31st, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31st, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $211,500, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

SENATE RESOLUTION 327—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS FOR INVESTIGATIONS OF AIR, WATER, AND ENVIRONMENTAL MATTERS, AND SUCH OTHER RELATED MATTERS

Mr. RANDOLPH, from the Committee on Public Works, reported the following original resolution (S. Res. 327); which was referred to the Committee on Rules and Administration:

S. RES. 327

Resolved, That the Committee on Public Works, and its duly authorized Subcommittee on Air and Water Pollution, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of the financing of waste treatment facilities, extension and amendment to the Clean Air Act, including creation of an Office of Noise Pollution Abatement; extension and expansion of the Solid Waste Disposal Act; completion of action on the Water Quality Improvement Act and the Office of Environmental Quality; limitation of underground uses of nuclear energy; potential administration proposals on amendments to the Clean Air Act and the Federal Water Pollution Control Act, the recovery and recycling of waste materials and assessment of waste disposal technology, the establishment of National Environmental Laboratories, and such other matters as may be referred to the subcommittee during this Session.

SEC. 2. For the purposes of this resolution, the committee from February 1st, 1970 to January 31st, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31st, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $163,500, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CHURCH:

S. 3347. A bill to reorganize and strengthen the U.S. Government structure for dealing with Western Hemisphere affairs; and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. CHURCH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TALMADGE (for himself, Mr. Cranston and Mr. Yarborough):

S. 3348. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Talmadge when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ERVIN:

S. 3349. A bill to amend the Internal Revenue Code of 1954 with respect to the amount of deduction allowable for casualty losses to timber; to the Committee on Finance.

S. 3350. A bill for the relief of George W. Sharman; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. Cranston):

S. 3351. A bill to provide for the termina-of mineral leases in the area of the outer Continental Shelf seaward of the Santa Barbara state oil drilling sanctuary in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 3352. A bill for the relief of Solomon Simtab; to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. Metcalf, and Mr. Mondale):

S. 3353. A bill to require the Secretary of Agriculture to make part payment to producers under the wheat and feed grain programs in advance of determination of performance; to the Committee on Agriculture and Forestry.

S. 3347—INTRODUCTION OF A BILL TO CREATE AN UNDER SECRETARY OF STATE FOR WESTERN HEMISPHERE AFFAIRS

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to reorganize the U.S. Government structure for dealing with Western Hemisphere affairs, and for other purposes, and ask that it be appropriately referred. The bill would implement a recommendation made by the President in his October 31 speech on Latin American policy.

I ask unanimous consent that the bill be printed in the Record at the conclusion of my remarks, together with a letter from the Secretary of State to the Vice President and an explanation of the bill prepared by the Department of State.

The bill would have the effect of upgrading the State Department official in charge of Latin American policy from an Assistant Secretary to an Under Secretary. This is said to be desirable for two reasons.

In the first place, it would be a recognition of the special place which Latin America holds in our foreign relations.

In the second place, it would give the new Under Secretary greater standing within our own Government. One of the problems of our Latin American policy is that of interagency coordination.

Latin American policymakers in the State Department not only have to deal with 24 countries in Latin America but also with the Department of Defense, the U.S. Information Agency, the Agency for International Development, the Central Intelligence Agency, the Department of the Treasury, the Department of Agriculture, the Department of Labor, the Department of Commerce, and the Department of Justice, among others. The Department of State is supposed to be the preeminent foreign policy agency. Representation of the Department of State by an Under Secretary, instead of an Assistant Secretary, would help to insure that this is, in fact, the case.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter and explanation will be printed in the Record.

The bill (S. 3347), to reorganize and strengthen the U.S. Government structure for dealing with Western Hemisphere affairs, introduced by Mr. Church, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. 3347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 2 of the Act of May 26, 1949, as amended (22 U.S.C. 2653), is hereby further amended by adding a new paragraph (c) at the end thereof to read as follows: "(c) There is established in the Department of State an Office of Under Secretary of State for Western Hemisphere Affairs which office shall be filled by appointment by the President, by and with the advice and consent of the Senate. The incumbent of such office shall perform such duties as may be prescribed by the Secretary of State."

Sec. 2. Section 5314 of title 5, United States Code, is amended to add the following new paragraph at the end thereof "(54) Under Secretary of State for Western Hemisphere Affairs."

The material furnished by Mr. Church follows:

The Secretary of State,
Washington, D.C., December 20, 1969.
Hon. Spiro T. Agnew,
President of the Senate.

Dear Mr. Vice President: Enclosed for consideration and action by the Congress is a draft bill to reorganize and strengthen the United States Government structure for dealing with Western Hempshire affairs.

Relations with the other nations of the Western Hemisphere are a matter of special interest and concern to the United States. This special concern has been forged by ties of geography, history, common interests and common aspirations. Given the importance and special nature of our relationship with the nations of the Western Hemisphere—and given the seriousness and complexity of the problems that face us in the decade ahead—the President has proposed that the nations of the inter-American system develop an action program, based on a mature partnership, to revitalize our relationship and to stimulate progress in the development of these societies.

To fulfill more effectively our commitment in this new partnership program in the hemisphere will require a significant reorganization and upgrading of effectiveness of the U.S. governmental structure dealing with Western Hemisphere affairs. In recognition of this need, the President announced in his speech of October 31, 1969, on Latin American policy, that he would seek legislation to establish the position of Under Secretary of State for Western Hemisphere Affairs. The proposed bill will carry out that pledge.

This proposal is thus a key element in the President's Western Hemisphere policy. It is designed to: (a) produce more effective and efficient implementation of new policy approaches in the Hemisphere by providing an authority to coordinate various U.S. Government activities in the area; (b) create one place in the United States Government where other hemisphere nations can come to discuss their problems and thus speed decisions and reactions; and (c) signify to the nations of the hemisphere the special importance we attach to our relations with them.

The President's announcement in his speech that he would propose the establishment of an Under Secretary for Western Hemisphere Affairs received wide and enthusiastic approval in the other countries in the hemisphere.

The new Under Secretary will represent the President and the Secretary of State in all matters concerning Western Hemisphere affairs. He will be concerned with a broad spectrum of problems relating to the Hemisphere and will be given authority to coordinate all U.S. Government programs and activities related to those problems. He will be responsible for developing and implementing new approaches for solving these problems. His area of involvement will include military, education, health, scientific, technological, agricultural, developmental and other programs in addition to general economic and political affairs.

The Bureau of the Budget advises that this proposal is in accord with the President's program. I request that the Congress give it favorable consideration at an early date.

Sincerely yours,
William P. Rogers.

Explanation of Proposed Legislation

Relations with the other nations of the Western Hemisphere are a matter of special interest and concern to the United States. Because of the importance and special nature of our relationship with these nations, the President—in his speech of October 31, 1969 on Latin American policy—proposed that the nations of the Inter-American system develop an action program, based on a mature partnership, to meet the pressing needs of the decade ahead.

To fulfill more effectively our commitment in this new partnership program in the hemisphere will require a significant reorganization and upgrading of effectiveness of the U.S. government structure dealing with the Western Hemisphere. In recognition of this need, the President announced in his speech his intention to seek legislation to establish the position of Under Secretary for Western Hemisphere Affairs.

The President considers the proposed legislation to be a key element in his Western Hemisphere policy. It is designed to: (a) produce more effective and efficient implementation of new policy approaches in the Hemisphere by providing an authority to coordinate various U.S. Government activities in the area; (b) create one place in the United States Government where other hemisphere nations can come to discuss their problems and thus speed decisions and reactions; and (c) signify to the nations of the hemisphere the special importance we attach to our relations with them.

The new Under Secretary will represent the President and the Secretary of State in all matters concerning Western Hemisphere affairs. He will be concerned with a broad spectrum of problems relating to the Hemisphere and will be given authority to coordinate all U.S. Government programs and activities related to those problems. He will be responsible for developing and devising new approaches for solving these problems. His area of involvement will include military, education, health, scientific, technological, agricultural, developmental and other programs in addition to general economic and political affairs.

The proposed legislation will amend Section 2 of the Act of May 26, 1949 (22 U.S.C. 2653), An Act to Strengthen and Improve the Organization and Administration of the Department of State, by adding a new paragraph (c) authorizing the position of Under

Secretary of State for Western Hemisphere Affairs. This legislation will also amend Chapter 53 of Title 5, U.S. Code, by adding the position of Under Secretary of State for Western Hemisphere Affairs to Level III of the Executive Salary Schedule.

S. 3348—INTRODUCTION OF A BILL INCREASING THE RATES OF COMPENSATION FOR DISABLED VETERANS

Mr. TALMADGE. Mr. President, yesterday I introduced a bill to increase compensation payments to disabled veterans whose disability is related to their military service. Unfortunately, the section of the bill to raise dependents' allowances was inadvertently omitted. I am, therefore, introducing a clean bill today which includes this section.

I am pleased that this bill is being cosponsored by the distinguished chairman of the Committee on Labor and Public Welfare, Senator Yarborough, and by the chairman of that committee's Subcommittee on Veterans' Affairs, Senator Cranston.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3348), to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, introduced by Mr. Talmadge (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 3348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$23" in subsection (a) and inserting in lieu thereof "$25";

(2) by striking out "$43" in subsection (b) and inserting in lieu thereof "$48";

(3) by striking out "$65" in subsection (c) and inserting in lieu thereof "$72";

(4) by striking out "$89" in subsection (d) and inserting in lieu thereof "$99";

(5) by striking out "$122" in subsection (e) and inserting in lieu thereof "$135";

(6) by striking out "$147" in subsection (f) and inserting in lieu thereof "$163";

(7) by striking out "$174" in subsection (g) and inserting in lieu thereof "$193";

(8) by striking out "$201" in subsection (h) and inserting in lieu thereof "$223";

(9) by striking out "$226" in subsection (i) and inserting in lieu thereof "$250";

(10) by striking out "$400" in subsection (j) and inserting in lieu thereof "$450";

(11) by striking out "$500" and "$700" in subsection (k) and inserting in lieu thereof "$550" and "$750", respectively;

(12) by striking out "$500" in subsection (l) and inserting in lieu thereof "$550";

(13) by striking out "$550" in subsection (m) and inserting in lieu thereof "$600";

(14) by striking out "$625" in subsection (n) and inserting in lieu thereof "$675";

(15) by striking out "$700" in subsections (o) and (p) and inserting in lieu thereof "$750"; and

(16) by striking out "$450" in subsection (s) and inserting in lieu thereof "$500".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) The increase in rates of disability compensation made by subsections (a) and (b) of this section shall become effective July 1, 1970.

Sec. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$25" in subparagraph (A) and inserting in lieu thereof "$28";

(2) by striking out "$43" in subparagraph (B) and inserting in lieu thereof "$48";

(3) by striking out "$55" in subparagraph (C) and inserting in lieu thereof "$61";

(4) by striking out "$68" and "$13" in subparagraph (D) and inserting in lieu thereof "$75" and "$14", respectively;

(5) by striking out "$17" in subparagraph (E) and inserting in lieu thereof "$19";

(6) by striking out "$30" in subparagraph (F) and inserting in lieu thereof "$33";

(7) by striking out "$43" and "$13" in subparagraph (G) and inserting in lieu thereof "$48" and "$14", respectively;

(8) by striking out "$21" in subparagraph (H) and inserting in lieu thereof "$23"; and

(9) by striking out "$40" in subparagraph (I) and inserting in lieu thereof "$44".

Sec. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding a new subsection as follows:

"(b) For the purposes of section 310 of this title, the disability of any veteran of a war or of service after January 31, 1955, shall be deemed to be service-connected for a period of not less than 180 days during his active military, naval, or air service such veteran (1) was held as a prisoner of war, or (2) while in line of duty was forceably detained or interned by a foreign government or power, unless the Administrator can show by clear and convincing evidence that such disability was not incurred in or aggravated in line of duty by such veteran while serving in the active military, naval, or air service."

(b) The catch line of section 312 of such title is amended to read as follows:

"§ 312. Presumptions relating to certain diseases and disabilities."

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

"312. Presumptions relating to certain diseases."

and inserting in lieu thereof the following:

"312. Presumptions relating to certain diseases and disabilities."

Mr. YARBOROUGH. Mr. President, I am pleased to join with the distinguished chairman of the Finance Committee's Subcommittee on Veterans Legislation, Senator Talmadge, and the distinguished chairman of the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee, Senator Cranston, in cosponsoring S. 348, which would increase compensation payments to veterans who suffer from service-connected disability.

The most significant feature of this bill is that it recognizes that economic loss should be measured in terms of the increase in average earnings and not the rise in the cost of living. The payments provided for under the present law are far too low and have needed to be increased for some time. This bill seeks to raise these payments by applying a reasonable standard: the increase in average earnings. In the case of totally disabled veterans, this bill would increase their monthly payments from $400 to $450. This bill would increase the payments to veterans with disabilities ranging from 10 to 90 percent by 11 percent. It would also increase the allowance for dependents of veterans whose disability is 50 percent or higher by 11 percent. Finally, the bill provides that disabilities suffered by veterans who were prisoners of war for 6 months or more will be presumed to be service connected unless the Veterans' Administration can show otherwise by clear and convincing evidence.

I commend the sponsors of this bill for the efforts they have put into this important legislation. I am proud to be a cosponsor of this bill and hope that it will receive prompt consideration.

SENATE RESOLUTION 328—TO PRINT AS A SENATE DOCUMENT A COMPILATION ENTITLED "MAJORITY AND MINORITY LEADERS OF THE SENATE

Mr. MANSFIELD (for himself and Mr. Scott) submitted the following original resolution (S. Res. 328), which was considered and agreed to:

S. Res. 328

Resolved, That a compilation entitled "Majority and Minority Leaders of the Senate", prepared under the direction of the Secretary of the Senate, Francis R. Valeo, by the Senate Parliamentarian, Floyd M. Riddick, shall be reprinted with revisions and certain tables as a Senate document, and that an additional two thousand copies be printed for distribution by the Secretary of the Senate.

NEWSPAPER PRESERVATION ACT—AMENDMENT

AMENDMENT NO. 466

Mr. HART. Mr. President, S. 1520, the Newspaper Preservation Act, which would exempt certain newspapers from antitrust prohibitions against price fixing, profit pooling, and market division is on the calendar awaiting debate.

I am opposed to the measure and, as I have several times said, intend to vote against it.

The bill as reported by the committee contains amendments which had been offered by the late senior Senator from Illinois, Mr. Dirksen. These amendments, in my view, made an already bad bill worse. One of the amendments grants the Attorney General the authority to approve future agreements without giving the parties the right of appeal. The other adds language to the definition of failing newspaper, language which in my view will give the courts an impossible interpretation job.

Mr. President, I, therefore, submit an amendment which would strike the Dirksen amendments giving the Attorney General the power to approve future agreements and which simplifies the definition of "failing newspaper." I am sending the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

ORGANIZED CRIME CONTROL ACT OF 1969

Mr. McCLELLAN. Mr. President, the passage last Friday by the Senate of S. 30, the Organzed Crime Control Act of 1969, by a vote of 73 to 1, will, I am sure, be recorded by history as a landmark in our Nation's response to the special challenge posed by the rapidly growing and dangerous menace of organized crime. This legislation, which is a bipartisan product of a year's hearings, consultations, and concentrated effort, embodies many of the recommendations of such distinguished groups and organizations as the President's Commission on Crime and the Administration of Justice, the American Law Institute, the American Bar Association, and the National Council on Crime and Delinquency. In addition, in two of its 11 titles, the bill implements specific items of the President's legislative program in the field of criminal justice. The evidence-gathering processes and the organized crime control features of this bill represent an embodiment of the best legal thought and judgment that could be marshaled and brought to bear on this most urgent problem.

Mr. President, the passage of S. 30 by such an overwhelming vote unequivocally records the judgment of the Senate and serves notice that it is ready and willing to provide our law-enforcement agencies with all legislative tools that can be made available within the framework of the Constitution to aid them in successfully prosecuting the war on crime.

It is also significant, I think, Mr. President, to note that since the passage of the bill by a vote of 73 to 1, 23 of the 26 Senators who were absent and not voting at the time the bill was passed have subsequently announced in the RECORD that had they been present and voting they would have supported this measure.

Mr. President, the action of the Senate in having fully met its responsibility carries with it an urgent invitation to the other body to consider immediately and move expeditiously on this measure. I recognize that fear has been expressed by some few that there are some unconstitutional provisions in S. 30—provisions that tread unduly on civil liberties. Nevertheless, I am confident that close and careful scrutiny of the measure will lead all fairminded Representatives, as it led the Members of the Senate, to conclude that its provisions are not only constitutional, but that they are prudent and sorely needed for the administration of justice and the protection of society.

Mr. President, I know that all Senators now share my hope that the House of Representatives will act expeditiously and favorably on this legislation and that the President may soon have the opportunity to sign the bill into law.

THE ARMED RESERVE FORCES

Mr. GOLDWATER. Mr. President, all too little attention has been focused upon the tremendous asset the Reserve Forces of the United States are to our total commitments both in peace and in war. Too many of our citizens are prone to look upon these forces as "weekend warriors." They do not realize that the total experience in a Reserve or National Guard organization is far, far greater than the experience found in the Regular Forces.

The Air Force Reserve, for example, is committed to many tasks such as airlift and air evacuation, both domestically and overseas, and I think it is proper to invite the attention of Congress to the fact that in 1969, when more than 11,000 missions were airlifted, including 1,500 overwater missions to Europe, Africa, the Near East, the Pacific, and Southeast Asia, totaling over 150,000 hours in eight different types of aircraft, not one single accident occurred.

These missions counted for 186 tons and close to 115,000 troops in airdrops in support of special exercises and Army airborne training. In accomplishment of these missions the Reserve pilots and crewmembers encountered many flight emergencies and adverse weather conditions which were handled skillfully, and all this reflects tremendously to the credit of these men of all ages who maintain the aircraft, schedule their operations, navigate them, engineer them, and fly them, and I, as a former Reserve officer, hope that proper recognition to the importance of the reservist will be forthcoming by this administration, this Congress, and the different branches of the military.

In further recognition of this achievement, I ask unanimous consent that a letter from the Vice Chief of Staff of the Air Force, Gen. John C. Meyer, to Maj. Gen. Tom E. Marchbanks, Jr., the Chief of the Air Force Reserve, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
U.S. AIR FORCE,
Washington, D.C.

Maj. Gen. TOM E. MARCHBANKS, Jr.,
Chief of Air Force Reserve.

DEAR GENERAL MARCHBANKS: It is a pleasure to acknowledge that the Air Force Reserve has just completed an aircraft accident free year in 1969 which is an achievement never before attained by our Reserve forces. Considering the global scope and diversity of the Reserve flying mission, this record is truly commendable. Attainment of this difficult goal attests to the high degree of professionalism existing at all levels within the command.

I congratulate you and each member of the Air Force Reserve for this truly outstanding achievement.

Sincerely,

Gen. JOHN C. MEYER,
Vice Chief of Staff.

SENATOR WILLIAMS OF NEW JERSEY CALLS FOR THE UNITED STATES TO DEMONSTRATE SUPPORT FOR ISRAEL IN WORD AND DEED

Mr. WILLIAMS of New Jersey. Mr. President, in a statement issued on Sunday, January 25, 1970, the President has recognized that peace in the Middle East can be achieved only through direct negotiations between Israel and the Arab nations. I hope that the President's statement reflects a return of U.S. policy from the disastrous course the State Department has been pursuing.

As I have stated time and time again, no foreign power can impose a settlement upon the parties to the Middle East conflict. The Arab nations must be made to understand that the only prospect for a settlement of the dispute lies in their willingness to recognize Israel's status as a member of the family of nations and their willingness to negotiate the peace directly with Israel.

In his statement, the President also said that "we will not hesitate to provide arms to friendly states as the need arises." However, it has been reported that both White House and State Department officials said that the President's comments did not signal any decision on Israel's pending request to purchase additional jet fighters.

While I deeply regret any escalation of the arms race in the Middle East, we cannot ignore the fact that Syria, Iraq, and Egypt together have almost four times as many combat planes as Israel. Nor can we ignore the recent agreement by France to sell Libya 100 jet fighters.

The United States, while making every effort to halt the arms race in the Middle East, must not hesitate to conclude an agreement to sell Israel the military equipment, including jets, she desperately needs. We must also undertake to provide Israel with economic assistance to enable her to pursue peace for all people in the Middle East.

In recent weeks, I have been meeting with various groups who are deeply concerned about the sincerity of America's commitment. This past Sunday I addressed the Jewish Welfare Council of Bergen County. In the course of that address, I read the text of a letter I sent to Secretary of State Rogers on January 19, 1970, demanding that the United States in word and in deed demonstrate to the entire world that the continued integrity of a secure State of Israel is vital not only to the national interests of the United States, but to the interests of world peace.

I ask unanimous consent that the address and text of my letter to Secretary Rogers be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATOR HARRISON A. WILLIAMS, JR.

Thank you very much for inviting me to join you this morning at this annual breakfast honoring the Presidents of Teaneck's Jewish organizations.

There are many subjects about which I could address the Jewish Welfare Council of Bergen County. I could for example talk about the severe problems facing the elderly in our society. I could talk about aid to refugees from behind the iron curtain. I know that both of these are among the most important, vital activities that the Council performs.

This morning, however, as we meet in Congregation Beth Sholom, I think it is appropriate to talk about "Peace," not only for the aged, not only for the refugees, but for all in that geographically tiny, giant of democracy in the Middle-East—Israel.

The news from the Middle East is not encouraging. For several months now we have been witnessing the gradual but nonetheless shocking erosion of U.S. support for the continued secure existence of Israel. The Arab nations each day, confirm their resolve not to negotiate a lasting peace since they see a weakening of American resolve.

The French Government demonstrates its complete disregard of the views of its own citizens as well as responsible people throughout the world by the sale of 100 Mirage Jets to Libya. The British began to negotiate the sale of tanks to Libya. Surely our Government must realize, as France must, the likelihood that these Jets are destined for Egypt.

Secretary Rogers has publicly proclaimed his desire that America be "even-handed" in its approach to Israel and the Arabs. He has underlined his concern for friendly relations with the Arab States. And he has made it crystal clear that we have to conduct our foreign policy, in his own words, "In a way that we think is best for our national interests."

Well, what is best for our national interests?

Is it best for our national interests to permit the farmers who live below the Golan Heights to be used for Syrian target practice?

Is it best for our national interests to permit Nasser to arbitrarily blockade international waters?

Is it best for our national interests to permit terrorists to return to their bases in Gaza and the West Bank?

Is it best for our national interests to permit the Holy City to be redivided with free access prohibited to Jews?

Of course, our answer must be a resounding "No" to each of these questions.

I do not suggest that the Administration wants this to happen. But it must be made to understand that the apparent weakening of American resolve may lead to just those consequences.

I have written to Secretary Rogers in the strongest terms. Permit me to share the text of this letter with you:

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C. January 19, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
State Department,
Washington, D.C.

DEAR MR. SECRETARY: For several months now, we have been witnessing the gradual but nonetheless harmful erosion of U.S. support for the continued secure existence of Israel.

In your recent press conference, you called for an "even-handed" approach to the Middle East crisis. You solicitously called for continued American friendship for the Arab nations.

Perhaps you can explain to America why it is in our national interest to be even-handed when dealing with a pro-American democracy, on the one hand, and pro-Soviet dictatorships on the other.

Let us look at the record.

Israel is the only bastion of democracy that is willing to stand in the way of Soviet domination of the entire Middle East. She is willing to do so without the aid of even one American soldier. The Arab nations at war with Israel, on the other hand, have demonstrated a willingness and even a desire to embrace the Soviet Union.

Perhaps you can explain why Americans should be willing to continue to seek friendship with Arab nations at the cost of weakened security of Israel when those same Arab nations have nothing but contempt for an America which has provided billions of dollars in aid over the past twenty years.

Let us again look at the record.

Over the past twenty years, we have given in direct grants, $917 million of economic aid to those Arabs whose military might was thrust against Israel in June, 1967. During the same period, we have given Israel only $369 million.

Viewing the parties from a purely economic sense also discloses a distorted basis for a claim of even-handedness. We have loaned these same Arab states $803 million since 1946. In that same period of time, we have loaned Israel almost the same amount, $786 million. Yet, Israel has already repaid 47% of that loan. We have generously permitted the Arab nations to repay less than 17% of their loans.

Not long ago, this country granted almost $20 million to Jordan for an irrigation project. Yet, when your Administration prepared its first Budget, you deleted President Johnson's proposed authorization for a grant to Israel for development of a desalination plant. You still have not seen fit to approve the Congressional proposal for a $20 million loan to Israel for the same peaceful purpose. Why, Mr. Secretary, does "even-handedness" always lead us down the same one-way street?

Despite this record, you equate American friendship with Israel to American friendship with nations such as Egypt and Syria. Despite this record, you call for an even-handed approach.

We can already see some of the many unfortunate consequences of the State Department's policy shift. First, the Arab nations have confirmed their own resolve not to negotiate a lasting peace since they see a weakening of American resolve. Then, just a few days ago, the French government demonstrated complete disregard of the views of its own citizens as well as responsible people throughout the world by the sale of 50 mirage jets to Libya. Surely you realize, as France must, the likelihood that those jets are destined for Egypt.

It is imperative that you clearly reiterate America's position of unrelenting support for the continued and secure integrity of Israel. You must assure the world of America's willingness to approve the sale of military equipment to Israel as well as our desire to provide economic assistance to Israel's projects of peace.

Instead of permitting the four-power talks to be the cloak for continued war in the Middle East, we must expend all our efforts to demand (1) that the Arab nations negotiate a lasting peace with Israel and (2) that all powers desist from providing the Arab nations with the tools to fulfill their maniacal dreams of destruction of Israel.

To do less, in the name of "even-handedness," signals a complete return to the disastrous Dulles policy of the 1950's.

Sincerely,

HARRISON A. WILLIAMS, Jr.

The Administration must not be misled and distracted from the real issues in the Middle East conflict.

The Administration, from the President and Secretary of State on down, must remember that the publicly proclaimed goal of Israel is to live in freedom on the shores of the Mediterranean, in the historical homeland of the Jewish people. And let us never forget that the publicly proclaimed goal of the Arab States is to destroy the State of Israel.

Once we remember these two vital facts, our national interests become clear. The United States in word and deed must demonstrate to the entire world that the continued integrity of a secure State of Israel is vital not only to the national interests of the United States but to the interests of world peace.

The Administration must be made to understand that we in the United States, and people throughout the world, must unite with Israel in her pursuit of peace.

THE NOMINATION OF COL. DANIEL JAMES, JR., OF FLORIDA, TO BE BRIGADIER GENERAL IN THE AIR FORCE

Mr. GURNEY. Mr. President, I invite the attention of Senators to the nomination, recently submitted by the President, of Col. Daniel James, Jr., to be a brigadier general in the U.S. Air Force. Colonel James is a native of Pensacola, Fla., and an outstanding member of our military. He is also a Negro.

Colonel James, who is now 49 years old, began his career in the military as an aviation cadet in January 1943, during World War II. He served with distinction during the Korean war, flying 101 combat missions in Korea. He has served with equal distinction during the Vietnamese war as the wing vice commander of the 8th Tactical Fighter Wing based in Thailand.

His rise in the Air Force has been well deserved. Beginning as a second lieutenant in 1943, he attained the rank of captain in 1950, major in 1952, lieutenant colonel in 1956, and full colonel in 1964. His awards and decorations are really too numerous to mention: He is the holder of the Legion of Merit, the Distinguished Flying Cross with one Oak Leaf cluster, the Air Medal with 10 Oak Leaf clusters, the Air Distinguished United Citation, and medals from Korea and Vietnam, including the Republic of Korea Presidential Unit Citation.

I have written a personal letter of congratulations to Colonel James, but I think it well that his record of distinguished service to his country have wider currency. We know that in the past very many of our Negro citizens have been cruelly held back and discriminated against solely because of their race. That sorry state of affairs is now coming to an end. It is much easier for a black man now to reach the limits of his capabilities than it was heretofore. This fact makes Colonel James' accomplishments all the more real and noteworthy. I take this occasion to congratulate him again publicly: in my judgment, he is a great credit to his country and to the Air Force.

COMMISSIONERS OF MONTGOMERY COUNTY, TEX., TAKE A STEP IN THE EFFORT TO CONTROL POLLUTION

Mr. YARBOROUGH. Mr. President, everyone who pays attention to current events knows that there is a growing concern in the Nation with the quality of the environment. We appear to be united as people in the desire to control air and water pollution as we have not been on any other issue in years.

Fortunately, there is also a growing awareness that the desecration of our environment cannot be stopped by the action of the Federal Government alone. If pollution is to be stopped, it must be stopped by all Americans, regardless of where they live and work.

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Recently, I received from the county commissioners of Montgomery County, Tex., encouraging evidence that they, too, are interested in helping to control air and water pollution.

Mr. President, I ask unanious consent that the resolution be printed in the RECORD, together with the signatures of the county judges and the county commissioners, and the attest of the county clerk.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A PROCLAMATION

Whereas, the County Judge and Montgomery County Commissioners Court, Conroe, Texas, on Monday, January 12, 1970, adopted a resolution reading as follows:

Whereas, the President of the United States, Richard M. Nixon, has declared a grave national crisis in the area of air and water pollution which must be corrected in this decade.

Whereas, we as officials of Montgomery County and the Citizens of Montgomery County, are becoming more and more aware of these problems of air pollution, water pollution, garbage disposal, sewage disposal and other conditions destructive to our naturally beautiful land area.

Whereas, we as officials of Montgomery County and the Citizens of Montgomery County wish to keep the air we breathe clean, the water we drink pure, and our countryside free from trash, debris, and the other garbage left by mankind in his use of our beautiful county.

Whereas, Montgomery County can expect a tremendous growth in population, industry and recreational undertakings in the next decade, and with these good things, additional problems in the areas of air pollution, water pollution and environmental pollution in general.

Whereas, we as officials of Montgomery County, realize that governmental units at all levels must work together to combat and control pollution at all levels before pollution destroys our environment.

Therefore, be it resolved by the Commissioners Court of Montgomery County, that we pledge our support to President Nixon in his efforts to clean up our air and water pollution in the United States of America.

We pledge to support governmental efforts at all levels to help make our nation and our county in particular, a better place to live in the coming decade by—

Working to control or eliminate air and water pollution in our county.

To provide adequate sanitary landfill garbage disposal areas on a county-wide basis.

Promote county-wide planning for waste and sewage disposal in an orderly and efficient manner.

Make an all out effort to remove and keep trash off of our roads and highways.

Be it further resolved that a copy of this resolution be sent to President Nixon, Governor Smith, Senators Tower and Yarborough, and Congressman Dowdy.

In witness thereof, we have hereunto set our hands and caused the seal of Montgomery County to be affixed, in Conroe, Texas, this 12th day of January, 1970.

JONATHAN THORNBERRY,
County Judge.
BO CALFEE,
Commissioner Prect. One.
BOBBY YANCEY,
Commissioner Prect. Two.
G. B. HOSFORD,
Commissioner Prect. Three.
L. D. FULTZ,
Commissioner Prect. Four.

Attest:

ROY HARRIS,
County Clerk.

SMOKING ON AIRCRAFT—III

Mr. HATFIELD. Mr. President, Senators may recall that before the adjournment of the first session of the 91st Congress, I introduced S. 3255, a bill to separate smoking and nonsmoking sections on aircraft. The bill will allow nonsmokers to fly free from many effects of other passengers' smoking. Currently, I am preparing requests for cosponsorship to circulate to Senators.

It was with great pleasure that I noted an article entitled "Pan Am to Offer Seats Just for Nonsmokers," published in the New York Times of January 27. It describes one airline that noted my comments when I introduced the bill that the airline which initiated this practice on its own would benefit from increased travel and goodwill from the many nonsmokers who now must suffer from takeoff to touchdown.

I ask unanimous consent that the Times article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, it also should be remembered that, in addition to my bill, Action on Smoking and Health petitioned the FAA to achieve this same result. It is a credit to Pan Am, which did not wait for a mandatory ruling or legislation, but realized that all its passengers should be given consideration.

I note that Pan Am is reserving only 36 economy and 12 first-class seats for nonsmokers. I hope experience will cause the airline to raise this number.

I might tell Senators what a favorable reception I have received from around the country following the introduction of S. 3255. I trust that Senators who cosponsor the bill will experience a similar reaction in their States.

I plan to enclose a copy of these remarks in response to the many persons who have written me about this condition. I think they will try to patronize this airline, for its action shows us nonsmokers that "Pan Am makes the going great."

EXHIBIT 1

PAN AM TO OFFER SEATS JUST FOR NONSMOKERS

Pan American World Airways said yesterday that it would provide a smoke-free refuge for nonsmokers in its new 362-passenger Boeing 747 jetliners.

The Federal Aviation Administration announced recently that it was considering a ban on smoking in airliners, or segregation of smokers from nonsmokers.

The F.A.A. proposal, still under study, was prompted by petitions filed by Ralph Nader, the consumer advocate, and others.

Pan American said it would voluntarily reserve 36 of the 304 economy-class seats and 12 of the 58 first-class seats in the 747 for passengers who said they did not want to be near smokers.

The airline said it would provide nonsmokers with four rows of nine seats to themselves in the economy class.

COLLECTIVE BARGAINING IN THE 1970'S—ADDRESS BY LANE KIRKLAND

Mr. WILLIAMS of New Jersey. Mr. President, on January 12, 1970, Mr. Lane Kirkland, secretary treasurer of the AFL–CIO, addressed the annual staff seminar of the Federal Mediation and Conciliation Service on the subject of "Collective Bargaining in the 70's." Since Mr. Kirkland's remarks reflect a most thoughtful analysis of the trends in collective bargaining that we may anticipate in the decade ahead, I should like to bring them to the attention of Senators and others. I therefore ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COLLECTIVE BARGAINING IN THE 70'S

(An address delivered by Lane Kirkland, Secretary-Treasurer of the AFL–CIO, to the annual staff seminar of the Federal Mediation and Conciliation Service at the Robert Meyer Motor Inn, Orlando, Florida, on January 12, 1970)

I do not pretend to be able to discern the shape of events in the next decade—any more than ten years ago. I could have foretold any significant aspect of the 60's. I have, in fact, some difficulty in penetrating the veil of next week, never mind next year.

I can, however, recall some of the circumstances and trends of recent years. And some of those trends do suggest certain features of the outline of the near future.

Or, at least, I know of no reason why they won't.

First, it seems to me that collective bargaining and trade union organization and activity will continue to be substantially affected by certain significant changes in the character of the civilian labor force.

The proportion of the work force that makes its living from private, profit-making industries will continue to decline. The proportion employed by government (federal, state and local) and by nonprofit organizations (such as colleges and hospitals) will continue to grow.

If you discount random influences such as the Viet Nam war, a case can be made that private, profit-making industry, as a whole, stopped providing the economy with new job opportunities—other than through turnover—some 20 years ago.

In large areas of manufacturing, mining, and transportation, private industry has been engaged, instead, in the process of destroying jobs—particularly blue-collar jobs.

Within the shrinking or static opportunity sectors of private industry, there has been a distinct tendency for the ratio of supervisory, technical, professional and semi-professional, sales, office and managerial personnel to increase relative to the production and maintenance force.

This trend has been clearly reflected in the membership of those unions based primarily on P&M units in manufacturing and processing.

Between the early fifties and the early sixties, the trend was very evident. While the labor force increased about 15%, there was a net decline, over this period, in full-time jobs in profit-making industries.

The slack was taken up by increases in state and local government employment, jobs in non-profit institutions and by part-time work, mainly in services and trade.

It remains to be seen whether a reduction in defense, space and related expenditures will cause this trend to re-assert itself. One thing, however, seems reasonably certain—private, mass production industry is no longer the great job opportunity frontier for an urbanized population that it was say in the twenties and thirties.

In terms of employment, the growth industries of today and tomorrow will be in the public, non-profit and service sectors.

Certainly, the increasing urbanization and mobility of the population can lead only to

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increasing pressure upon a rising demand for public services of all kinds. The new attention being paid to consumer and environmental welfare will add to those pressures and demands.

With the break-through and rapid expansion of trade union organization in these areas, that too is being reflected in the membership and vitality of the unions involved.

In the years immediately ahead, this will certainly be one of most volatile scenes of action, in terms of organization, collective bargaining and disputes.

Secondly, the main issues in collective bargaining will continue to revolve around money in the pay envelope—and the settlement of most disputes will continue to hinge, not on principle but on price.

Beyond that, however, issues relating to the division between work and leisure time will, I believe, assume a growing importance.

There has been, over the years, a steady and consistent reduction in the commitment of men to work as a way of life. That movement has accelerated in recent times.

The extension of free compulsory education and the growing emphasis on, and availability of, advanced education has reduced working time at one end of the spectrum of a man's life. Social Security plus private pension plans have done the same thing at the other.

The adoption and rapid improvement of paid vacation and holiday provisions—a relatively recent phenomenon in our history—have significantly reduced the work year below the classic 2080 hours.

Unemployment compensation, supplementary unemployment benefits, and guaranteed annual earnings have further increased the amount of paid non-work time.

This broad trend will continue and may accelerate—in part, perhaps, as a consequence of the changing moves and attitudes of the younger generations who will become an increasing part of the work force.

It may well translate, itself into a broad new movement to reduce the work day or work-week and give impetus to a drive for the four-day week.

In any event, the expansion of paid leisure time will continue and there may well be—particularly if the rise in living costs slows or stabilizes—a greater tendency to choose leisure over additions to income, where that choice can be made.

Thirdly, there will undoubtedly be a continuation of the trend toward the rationalization of the structure of the trade union movement and of bargaining units—through mergers, the broadening of jurisdictions, and through coordination of bargaining, organization and other functions among unions.

This will come in response to the costs and complexity of operating an effective modern trade union and to the realities of the economic environment—characterized by continuing concentration of industrial power and the growth of conglomerate and multinational corporations.

Finally, in closing—let me note that in this country, there are fairly close limits on what can be done by orders, directives, command decisions or judgments—even by persons deemed wise or heavily clothed with the trappings of authority. The experience of the last decade has shown how much the exercise of the police power itself depends upon voluntary acceptance and the consent of the objects of that power.

By and large, most of our ends must be gained, sooner or later, by the process of negotiation, compromise and agreement. And that includes the process by which the laws and orders we more or less observe are themselves formulated.

In our kind of a system, the role of the mediator, the middleman, the go-between, is central and vital. The greater the tendency toward so-called "polarization" in our society—the more energetic the militancy, the more rabid the commitment, the harder the positions and the less negotiable the demands—the more crucial becomes the presence of the unpolarized man—the practical person, unintoxicated with sacred principles and zealous only for a resolution of the immediate issue at hand—in short, the classic mediator, armed and guided only by a burning skepticism, a thick hide and a big tuchus.

This is a most unfashionable person today, at a time when the inflation of areas of disagreement seems a far more popular and stylish activity than the search for areas of agreement. But fashion has little connection with fact or necessity. And the fact is that the mediator's role grows ever more important and more necessary—more so, I would suggest, than that of the idealogue, the executive, the arbitrator, the judge or the cop.

That role deserves to be more widely appreciated and understood. The talents required should be more widely sought out, more fully developed and better employed.

I would hope that this proves to be one of the trends of the decade of the seventies.

UKRAINIAN NATIONAL REPUBLIC

Mr. YOUNG of North Dakota. Mr. President, January 22 marked the anniversaries of two very important events in the lives of all Americans of Ukrainian descent.

This date was the 52d anniversary of the Proclamation of Independence of the Ukrainian National Republic and the 51st anniversary of the Act of Union in which all Ukrainian lands were united into one independent nation. This year, the dual anniversaries are being observed a few days late because of the President's state of the Union message, which was delivered January 22.

These two events were proclaimed in the city of Kiev, the capital of the Ukraine, on January 22, 1918, and 1919, respectively.

The Soviet Union, despite having stated its formal recognition of the Ukrainian Republic, almost immediately invaded the Ukraine and after a struggle of 3½ years against overwhelming odds, the gallant Ukrainian people were subdued and became a puppet regime of the Soviets.

The Ukrainian people, Mr. President, have never ceased to fight, in whatever way they can, against harsh Soviet domination. They have suffered from relentless and severe persecution through all the intervening years, but have never been intimidated to the point where they have abandoned their goal of once again achieving liberty and freedom.

I think it is fitting that we join with these intensely loyal and dedicated people to observe these two anniversaries. I ask unanimous consent that the letter I received from Dr. Anthony Zukowsky of Steele, N. Dak., president of the Ukrainian Congress Committee of America, Inc., Branch of North Dakota, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC., STATE BRANCH
OF NORTH DAKOTA,
Steele, N. Dak., January 12, 1970.

Hon. MILTON R. YOUNG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YOUNG: January 22nd will mark the 52nd Anniversary of Proclamation of Independence of Ukrainian National Republic and 51st anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign Nation. The Independence and the Act of Union were proclaimed in Kiev, Capital of Ukraine on January 22, 1918 and 1919, respectively.

The Ukrainian National Republic was recognized by a number of foreign governments including that of Soviet Russia. The latter, however, almost simultaneously with recognition declared war and began invasion of Ukraine. For almost 3½ years Ukrainian people waged a gallant struggle in defense of their country, alone and unaided. The free Ukraine was subdued to a puppet regime of Soviet Socialistic Republic.

The freedom loving people of Ukraine have not accepted Soviet-Russian domination and regardless of harsh persecutions, artificial famine and genocide Russian policy have been fighting for reestablishment of their Independence by all means accessible to them for the last 50 years. During World War II the Ukrainian people organized a powerful underground Ukrainian Partisan Army (U.P.A.), which fought against Nazi regime and against the Soviets as well.

Stalin and Khrushchev unleashed bloody persecutions and reprisals against the Ukrainian people in late 1940's.

Relentless and severe persecutions of Ukrainians continued after the death of Stalin and after the ouster of Khrushchev from the top leadership in the Kremlin. Brezhnev-Kosygin leadership is bent on keeping the Soviet-Russian empire intact by persecutions and deportations of Ukrainian youth, students, scientists and Ukrainian intellectuals.

Recently the international press has been providing a vast amount of documentation of the suppression of Ukrainian culture.

Briefly, the Kremlin rule in Ukraine can be described as follows: Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Middle-East, Africa and Latin America. Genocide and systematic deportation of Ukrainians to central Asia. Arrest and trials of Ukrainian patriots including Ukrainian Communists defending freedom of their country.

Persecutions of all religions in Ukraine and enforced Russification aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people; therefore, the Russian leadership in Kremlin took brutal measure against liberal movement in Czechoslovakia, since Kremlin leaders were convinced the liberal ideas of Czechoslovakia would help Ukrainian liberals and other captive Nations.

Both the U.S. Congress and the President of the United States have expressed their concern over captive non-Russian nations in the USSR by enacting the "Captive Nations Week Resolution" in July 1959.

The American-Ukrainian community in our State and in the whole United States will observe the forthcoming 52nd Anniversary of Ukrainian Independence and 51st anniversary of the Act of Union in fitting celebration.

Therefore, since it is over 75 years since Ukrainians came to our state and made contributions to its development, we kindly request that you attend the ceremonies in the U.S. Congress in commemoration of this anniversary and make your statement on that day. This anniversary provides an appropriate occasion not only for the U.S. Government and American people but the free world to demonstrate their sympathy and understanding of the aspirations of the Ukrainian people.

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We extend our sincere thanks and appreciation for the favorable response in the past on this and other matter and we hope you will continue to help the Ukrainian Nation.

Sincerely yours,

Dr. ANTHONY ZUKOWSKY,
President.

U.S. ROLE IN NIGERIA

Mr. McCARTHY. Mr. President, recent as well as past events clearly demonstrate the bankruptcy of the policy of "one Nigeria—at any cost."

The United States did not actively participate in the Nigerian war nor did we supply arms. But we were, in fact, far from neutral. Great Britain and the U.S.S.R. were the principal suppliers of arms, but we officially accepted the Nigerian explanation of the situation and used our influence to gain acceptance for this viewpoint among other African nations.

From the beginning of the Nigerian war, the British supported the federal military government of Nigeria, partly for economic reasons and partly because of an emotional or intellectual stake in a unified Nigeria, which was represented as a triumph of the British colonial technique of indirect rule and of the successful transition from colonial rule to independence. The U.S. Assistant Secretary of State for African Affairs, Joseph Palmer, who was our first Ambassador to Nigeria, personally shared this commitment to "one Nigeria." He accepted the analogy of the secession of Biafra to the secession of the American Confederacy, entirely overlooking the fact that Nigeria, unlike the United States, was not unified by a common language, culture, and historical tradition and had no background of stable, capable government.

The U.S. State Department accepted the Palmer historical analogy without taking into account the complicated background of the secession.

The United States should have called for an arms embargo when the war began in 1967. We should have actively sought a truce. We should have used our good offices to promote negotiations for resolving the differences. We should have pressed for a deescalation of great power involvement. We should have sought to form a multinational effort to provide the logistic support required for an adequate relief effort. We should have accepted Biafra's right to a separate national existence and have looked to possible recognition of Biafra by the United States and other nations.

We should have sought to disentangle the Nigerian-Biafran war from cold war considerations and from the politics of oil and trade. We missed the chance of using Nigeria as a testing ground for reducing tensions among the great powers—since their interests were less serious here than elsewhere—and missed a chance of proving to many African countries, already resentful of the involvements of the great powers in their lands, our opposition to great power competition in Africa.

We did none of these things.

Ultimately, it was Nigeria and its people who suffered. Temporary diplomatic setbacks may be reversed, strained relations may again become cordial and oil leases will be made available. Millions of human beings have died. Almost an entire generation of an intelligent and talented people has been either obliterated or so impaired by starvation that they can never reach their full potential.

Animosities generated by the war may make the reintegration of the Biafrans into Nigeria a difficult task, the success of which depends largely upon Nigeria itself. There is not much the United States can do.

The need for immediate and massive relief assistance to the Biafrans and other victims of the civil war in Nigeria is both urgent and obvious. The United States can do something about this. For 2 years, I and others have been calling upon our Government to step in with aid to the sick and hungry. The response of our Government has always been inadequate. The war was generally used as an excuse for inaction.

Now the war is over. And again the State Department is making diplomatic excuses for inaction. This is true despite the unequivocal pledges of President Nixon to make effective relief available.

Every day more people die of starvation in Nigeria. There is scarcely an accurate count of the death toll. The Nigerian Government itself continues to demonstrate a mixed, if not contradictory, role regarding relief. The challenge to the President and to the State Department now is clear: to act positively with means adequate to the need. The old excuses no longer can be used.

THE FUNCTION OF A STATE OF THE UNION ADDRESS

Mr. ALLOTT. Mr. President, it is well known that on the seventh day God rested. Scripture does not give much detail on what He did with His Sunday spare time. But He did rest, and thus we know that He did not have to contend with anything like the hefty Sunday newspapers which we all read.

Sunday newspapers are not an unmixed curse. True, they create an awful mess in the living room. But they also bring us a bumper crop of stimulating political punditry. This is especially true on a Sunday after an important event such as a President's state of the Union address.

Unfortunately this sometimes means that we must come here on Monday to offer a correction. It is for that purpose that I offer the following remarks.

Mr. President, in his column in the Sunday New York Times, James Reston tells his readers:

> The President has proclaimed an ideal and a goal, and he should be given a chance to demonstrate that he means business.

Mr. Reston understands the nature and function of a state of the Union address. It is to state goals and priorities and general lines of action. Specific proposals are submitted to Congress separately.

Unfortunately, some of Mr. Reston's colleagues at the Times do not understand this. In its lead editorial Sunday that paper declared that the President's address "is rightly to be greeted with a very strong dose of skepticism." The Times evidently feels this way because the address did not read like a laundry list of new proposals.

The Times' editorial lists are as confused as some members of the opposition. From the opposition we hear a contradictory complaint. On the one hand they complain that the President did not enumerate all his proposals. On the other hand, they are already promising to propose more of what the President proposes.

In the confusion of the opposition, as in the impatience of some commentators, we see evidence that the President is doing just fine. A lot of people who specialize in giving gratuitous advice sense that no advice is needed. They also sense that the American people are not listening to them, but to the President.

That is understandable, considering the excellence of the state of the Union address.

Mr. President, we think Mr. Reston was on target when, the day after the President's address, he called the address "magnificent." But at that time Mr. Reston did say something we respectfully reject.

Mr. Reston reported that the President is zigzagging to the left. This is not a useful assessment.

First, the President is not zigzagging at all. He is moving on a steady course of progressive reform and he is moving just as fast as Congress permits.

Second, the President understands that the terms "left" and "right" or "liberal" and "conservative" yield more confusion than clarity when applied to American politics. Americans are too practical to worry about the labels which commentators put on policies. Americans are pragmatists, and thus they are primarily interested in the substance of policies.

In the weeks and months ahead we will be receiving from the President messages and proposals that will make this administration's policies the most substantial program of reform and progress since the days of Theodore Roosevelt. Any attempt to categorize the Nixon administration as an administration to the "left" or of the "right" will be as pointless as the old argument as to whether Teddy Roosevelt was a "liberal" or a "conservative."

President Nixon, like Teddy Roosevelt, is squarely in the tradition of mainstream Republicanism. Like the great Teddy Roosevelt, President Nixon is so busy with practical progress that he does not have time to worry about labels. And we know the American people are not worrying about labels.

In fact, Mr. President, the only people who are worrying today are some members of the opposition. I think we can understand the opposition's worry if we recall a bit of history, especially some of the history the President has been studying.

Not long ago there was a report in the press to the effect that President Nixon was reading Robert Blake's monumental new biography of a great British statesman, Benjamin Disraeli. It appears that

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this report was correct, and that the American people and the Republican Party will benefit from the President's good judgment—his good judgment in affairs of State, and in his choice of reading matter.

The fact that the President has been studying Disraeli's career tells us why some members of the opposition are worried.

What has the opposition worried is that they recognize that the President has now taken the lead in attacking the pressing problems of the day. In doing this he has taken the lead on matters that some members of the opposition wanted to treat as their own private property.

Now in England they have a political expression for what the opposition thinks the President has done. The expression dates from Disraeli's day. The expression is "dishing the Whigs." It refers to Disraeli's masterful party leadership. Under Disraeli the Tory Party took decisive action on the issues which the Whigs had hoped to use to partisan advantage. Under Disraeli's leadership, the Tory Party convinced the British people that it was the best hope for true reform. Thus began a great period of creative legislation under the Tories. And that is how Disraeli dished the Whigs.

Of course what Disraeli really proved is that issues and policies do not belong to any political party. Rather, public support belongs to that political party which earns it. And public support goes to political leadership which puts action ahead of rhetoric on the great issues of the day.

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It is understandable why some people feel that January 22, 1970, will be noted in American history as the day President Nixon dished the Democrats. The President has now firmly taken the lead in all the major issues of war and peace, crime and inflation, and especially environmental problems.

Of course it would be a mistake to think that it was only yesterday that the Republican Party seized the initiative on these issues. Let us just take one example. Consider the matter of environmental problems.

Mr. President, it is appropriate for the Republican Party to take the lead in coping with problems of the environment. It is appropriate for two reasons.

First, our environment problems are the price we are paying for our supurb industrial economy. And it was under predominantly Republican leadership, from the Civil War until the 1912, that America grew from a rural and agricultural Nation into the world's industrial giant.

Second, it was at the end of that period of explosive growth that concern for the American environment was first put on the national agenda. It was put there by a great Republican President, Theodore Roosevelt. It was under Teddy Roosevelt that the Reclamation Act was passed. This was in 1902 and it launched Federal reclamation and irrigation programs. It was also under Teddy Roosevelt that the Forest Service was established.

Most important, it was under this great Republican administration that conservation, reclamation, and a general concern for the health of our environment entered the American consciousness.

Thus, Mr. President, we can see that President Nixon's state of the Union address is in the very best American tradition. It is a bold step toward the future but it grows out of a clear understanding of our past.

However, it is true that the President is breaking with one venerable American tradition. By leading the attack on environment problems he is keeping a campaign promise. Back in February 1968, in his first speech of the New Hampshire primary campaign, candidate Nixon pledged that President Nixon would act to improve the quality of life in America. That speech foreshadowed the President's state of the Union address. Clearly Republican campaign promises are promises that will be kept.

SOUTHWESTERN ASSOCIATION OF NATURALISTS ENDORSES 100,000-ACRE BIG THICKET NATIONAL PARK IN TEXAS

Mr. YARBOROUGH. Mr. President, the Southwestern Association of Naturalists of Tempe, Ariz., recently passed a resolution endorsing my bill, S. 4, which would create a 100,000-acre Big Thicket National Park in southeast Texas. By adopting the resolution, this fine organization has joined the ever growing list of civic and conservation groups which have given their support to S. 4. I am grateful to these conservationists in Arizona who are helping us in our efforts to save this natural gem.

The need for such a park has never been greater. The Big Thicket is vanishing at an alarming rate of 50 acres a day. Once the majestic Big Thicket covered over 3 million acres. Today only 300,000 acres remain. Unless action is taken soon to stop the exploitation of this beautiful and unique area, it will be nothing more than a page in history.

My bill, S. 4, if enacted, would preserve for future generations at least 100,000 acres of the Big Thicket. We must act now if the Big Thicket is to be saved.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas an ecotonal forest area in eastern Texas, comprising parts of Hardin, Liberty, San Jacinto, Polk, and Tyler Counties, and popularly known as the Big Thicket, is a natural area of unusual ecological and conservational interest, possessing vegetational and wildlife characteristics found nowhere else in the United States, and

Whereas much of this area is still relatively unmodified and possesses no known assets of high economic value, and

Whereas this area is relatively close to large and rapidly growing population centers of the United States where natural recreational areas are increasingly in demand, and

Whereas many members of the Southwestern Association of Naturalists (SWAN) are acquainted with this area and regard it as an area, parts of which should be retained in a more or less natural condition indefinitely for the enlightenment and enjoyment of the people of the United States,

Now, therefore, be it resolved by the membership of SWAN in meeting assembled, that this organization adopt the appended Policy Statement on the Big Thicket National Area, and

That it also endorse in principle a bill introduced by Mr. Yarborough into the Senate of the United States to establish the Big Thicket National Park (S. 4) as may be modified in detail by normal legislative procedures, to comprise a "block and corridor" area of approximately 100,000 acres (out of some three million acres originally contained by the Big Thicket area), and

Be it further resolved that the president and secretary of SWAN submit copies of this resolution to the President of the United States and to his concerned administrators in the Department of the Interior; to concerned Members of the Congress of the United States; to the Governor of Texas and to his administrators of such state lands as may be involved; and to such other organizations and individuals as may express concern with this project.

THEODORE M. SPERRY,
Chairman, SWAN Conservation Committee.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

THE NEED FOR MORE NIGERIAN RELIEF

Mr. PEARSON. Mr. President, many of us who have closely followed the events of the 30-month-old Nigeria/Biafra civil war have never been more concerned than we are at this moment. Biafra's agony is ended—at least officially. But the agony of the Ibo people continues. The war is over, but the starvation goes on. Two million have already died. Yet, in a recent hearing held by the Senate Judiciary Subcommittee on Refugees and Escapees chaired by my able colleague from Massachusetts (Mr. KENNEDY), it was substantiated that perhaps as many as 1 million more may yet perish for lack of food unless massive relief reaches them within the next few days. Time is rapidly running out. We literally do not have 1 hour to waste.

Mr. President, the scope of this tragedy virtually defies description. Unless something is done soon more people will have died from starvation than live in the entire State of Kansas, which I am privileged to represent. I do not subscribe to the theory that our friends the Nigerians are deliberately anxious to see these deaths occur for 1 hour more. Thus, I do not believe that there has been any effort at genocide as some have alleged, though certainly the toll from starvation is rapidly reaching genocidal proportions if it has not done so already. What I do believe, however, as the distinguished Senator from New York (Mr. GOODELL) observed in the aforementioned hearings, is that by inaction we may become witnesses to genocide by neglect. This neglect may not be deliberate, but the result will be just as horrifying.

Mr. President, I have met repeatedly with Nigerian officials in the course of the past few years and I am of the opinion that they are sincere in their efforts to end the terrible suffering that has been the byproduct of this fruitless civil war. I have met with Mr. Asika, for example, the Nigerian Administrator for the East-Central State, which lies at the heart of the former breakaway region of Biafra, and I am convinced that he and his associates in Lagos are more than willing to expedite relief to those in need and to proceed to reintegrate the former seccessionist into the life of Nigeria once again. But good intentions are not enough when hundreds of thousands of human lives hang in the balance. And the fact is that because of the chaos that exists in the former rebel enclave, and because of various administrative inefficiencies, a lack of discipline among some combat units of the Nigerian Army, in particular the Third Marine Division, the understandable suspicions of the Ibo populace, not to mention political divisions among the Nigerian leadership, relief operations have been severely impaired. As a result, starvation still stalks the land as attested only 2 days ago by the U.N. representative to Nigeria, Gen. Said Uddin Khan. The general has called for a "major effort" to expedite relief and I wholeheartedly agree.

Mr. President, our Government has repeatedly demonstrated its humanitarian concern in this matter, and it should be commended for its splendid efforts. Even though our State Department may not have shown as much prescience and as great a sense of urgency as many of us would have liked, the fact is that the U.S. Government has made many significant contributions to the various humanitarian relief programs that operated all throughout the contested area on both sides of the front. Moreover, these contributions are still continuing. I understand that 50 jeeps and several field hospitals have already been airlifted to Nigeria and that 50 trucks will soon follow.

But we cannot let it rest there and hope to salve our consciences by trying to convince ourselves that we have done all we could. We also must concern ourselves with how these and other relief materials are delivered within the country once they arrive in Lagos. Obviously, unless they reach those in such desperate need and reach them in a hurry, all our energy will have been for nought. And, Mr. President, if the experience of the past 2 weeks since the fighting ended has taught us anything, it has taught us that reliance on relief by road alone is not enough. The disruption of vehicular traffic caused by undisciplined troops coupled with inefficiencies in the distribution system from Lagos to the areas in critical need have made the attempt to deliver supplies by truck entirely inadequate. More is needed, and the only way to get it in is by air.

Thus, we must use every diplomatic and economic lever at our command to persuade the Nigerians of the urgency of the situation before it is too late and another million souls have perished needlessly. It is true that we cannot directly intervene in the internal affairs of another State, and throughout the tortured course of the past 30 months I have never advocated that we do so. But what I have said repeatedly and what I would like to reiterate with even greater emphasis here today is that the situation is critical and that a "business as usual" attitude simply is not good enough. With every hour that passes more people die. If the truck route needs to be supplemented by a direct airlift into the heart of the starvation area—and it does—then the airstrip at Uli as well as perhaps those at Uga and Obilago should be used. The Nigerians are objecting to reopening Uli because during the seccession it had become a symbol of Biafran resistance during the rebellion. But the war is over and the Nigerians have won. They should heed the advice of Winston Churchill who advocated magnanimity in the wake of victory. Some magnanimity has indeed been shown as in the case of Lieutenant Colonel Effiong, for example. Now let it be shown on a truly meaningful scale by putting aside such past injuries to pride and allowing food to reach the starving by the most rapid and efficient means possible.

Mr. President, many Members of this body have expressed repeated concern over the gradual elimination of an entire people by starvation, regardless of who was to blame. In fact, 61 Senators signed Senate Concurrent Resolution 3 last year when I reintroduced this measure in an attempt to demonstrate to the administration our great desire to see more humanitarian help given to the innocent victims of this great tragedy. I now urge all my colleagues, but especially those 60 who lent their support to the relief resolution last year, to speak up now and let the American people, and particularly the President and the State Department know that we want to see greater efforts made to get relief into the former rebel enclave before it is too late. Let us remember what Time correspondent John Blashill cabled back from this war-torn area of the world just last week:

> If war is hell at least it is organized hell. What immediately follows war can be worse. It is not yet peace, and it is certainly not organized.

We must not stand by and let still more men, women and children wilt away when the means to save them are so near at hand. The least we can do is make a maximum effort to persuade the Nigerians to open the airstrips that lie in the center of the starvation area and then give them all the material assistance they need, including planes and pilots, to make the mercy airlift work.

Now is the time to make our concern known, particularly when Prime Minister Wilson is here and is available to be persuaded to join us in convincing our mutual friends, the Nigerians, of the enormity of the tragedy that is unfolding and of the need for a swift expansion of the relief effort. Our great humanitarian traditions ask no less and further inaction will soon lead our consciences to demand much more.

THE GRAPE WAR

Mr. KENNEDY. Mr. President, for 5 years, the United Farm Workers organizing committee has been striking grape growers in the San Joaquin Valley of California in an effort to obtain better working conditions for the men and women who pick the grapes in that valley.

Out of the small group of men who walked off the fields at Delano in 1965 has grown a union of 5,000 dues-paying members. They have secured contracts with leading growers providing farmworkers for the first time with a guaran-

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teed minimum wage and social security and retirement benefits. Still, many growers refuse to recognize the right of their workers to organize, and the strike continues.

In an article published in the Boston Sunday Herald Traveler the issues involved are presented clearly and forcefully. Despite the impasse between grower and union, the article reports that change has occurred and the author quotes union leader Cesar Chavez:

> Whether he has a union or not, the worker is going to be making a lot of demands in areas where he's only known by the last four digits of his Social Security number. Employers will learn to live with the union. And communities will learn to live with and respect the men who work in the fields.

Because of the continuing concern of many of us in Congress for improving the conditions of the farmworkers, I believe the Herald Traveler article will be of wide interest. I ask unanimous consent that the article, entitled "The Grape War," written by John Barbour, of the Associated Press and published in the Boston Sunday Herald Traveler of January 25, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GRAPE WAR

(By John Barbour)

DELANO, CALIF. He sits behind a neat desk in the simply furnished office from which he and his family manage one of the biggest grape ranches in the San Joaquin Valley. His voice is angry and frustrated.

"What do I do if Ho Chi Minh comes in and says, 'I represent your workers?' " asks John Giumarra Sr. "Do I let him in? Do I make my people join his union?"

Some 2,500 miles away in Cleveland, Ohio, in a borrowed upstairs bedroom of a church rectory, another stop on his tour of the nation to buttress the boycott against table grapes, Cesar Chavez' face is placid beneath his Indian-black hair.

"It's a good old-fashioned American union. We want bread. We want to be paid for our jobs," says the man who is leader and symbol of the United Farm Workers Organizing Committee, AFL–CIO.

In that other office, Giumarra's voice rises over the voices of his brothers and uncles, each reciting his own story of what they describe as union threats and coercion. "It's the biggest snow job, the biggest hoax ever perpetrated on the American people," says Giumarra.

Giumarra, his hair silver, his complexion fair for a Sicilian, is interrupted. Market reports come to him by telephone. But this call is different. A tank car of wine concentrate he shipped to Florida arrived partly empty. Someone had opened a petcock on the tank and wine concentrate dribbled out all the way across the country. Giumarra's first concern is sabotage. It had happened before.

Rid of a photographer who wanted to make pictures of him, Chavez resumed where he left off. Told the growers were taking some acreage out of grape production, patience left his face and his dark eyes hardened.

"What they're saying is that if grapes can't be produced with slave labor, there will be no grapes. I say the hell with it. If grapes have to be harvested at slave wages, there won't be any grapes."

In the dusty vineyards around Delano, where the leaves are rusted with the waning harvest season, 4-year-old Alejandrina Cardona plays about the feet of her father and mother, standing together at the end of a vineyard row in the fields of M. Caratan Inc. Some 50 feet away, Luis Caratan, tanned and handsome, one of the Caratan sons, moves through the pickers and packers, none of them union members, and proudly inspects the packing of his top grade Calamarias. He stops to tell one woman she is not pressing the bunches closely enough. When the box is opened in some distant city, the handiwork of packer, picker and grower will determine how well the grape sells. It is an impulse item in the trade, a luxury item in the home. The cosmetic effect is important. The grape must sell itself.

Alejandrina's father, Rafael, works deliberately, quietly. A portable radio plays modern American music. The scene is slow-paced. Hurry is wasteful. The pickers must choose only the right bunches and leave the rest.

Rafael is Mexican. He smiles and talks slowly. He likes the work, yes; he lives in the California camp, run by a labor contractor; he and his small family live in two rooms for $60 a month; he earns $1.65 an hour plus 15 cents a box. Union? No, he doesn't know the union. He will work here while there is work, and follow the grapes and other fruits north. Then he will take "a vacation," he smiles again, at home in Mexico. The money will go farther there.

In the vineyards of Perelli-Minetti, union labor harvests the wine grape under union contract, minimum wage $2 an hour, paid vacations, holidays, time off for jury duty and deaths in the family. These are the established initial goals of a union contract. But, in the wineries, most work is on the incentive scale, rather than hourly, up to $11 a ton for the grapes.

The union claims up to 5,000 members paying monthly dues at the peak harvest season, since all pickers working for the wineries must join the union. In addition, it claims some 20,000 workers have signed cards authorizing the union to represent them. But union officials admit their list is redundant, that some workers may have signed two or three cards.

How many non-union workers there are is also a matter of confusion. When local labor is short, the growers recruit pickers in Mexico, and labor contractors, some ethical and some not, bring in crews from everywhere. If Delano is the battlefield, the armies are a shifting, changing welter of people, who fly many flags, or none at all.

So goes this strange war, a war without any apparent hope of solution. The principals—grower and union—don't talk to each other. They argue separately and desperately, trying to convince that vaguely powerful third party, the American consumer.

For five years the vineyards around this farm town have been struck by the United Farm Workers. For two years the table grape has been boycotted across the nation with varying success. Still the grape is harvested, and harvested without union labor. The impasse remains as it began—a confusion of rhetoric and motive.

The union would enlist all of the workers who tend and harvest the grapes. It has already unionized those who pick for the major wineries. The growers resist. In any classic labor struggle that would be the battle line.

But the California grape strike is hardly classic. In a classic strike, the product has a brand name, an automobile, a plumbing fixture, an airplane or a computer. But the grape? The anonymous, innocent grape?

In a classic strike, men have left year-round jobs to take picket stations around or in their plants. But in the vineyards, where men may find only four months work a year, many of the pickets are strangers who never worked the vines—college students and churchmen.

In a classic strike, unions could always find their members by address or telephone. But the grape worker may be in Delano today and near Fresno tomorrow, or Salinas, or back home in Mexico, or Puerto Rico.

In the classic strike, the employer has always been identifiable by name or emotional caricature, the oppressive corporation, the president of Ford or General Motors or U.S. Steel. But the employer in the grape strike has a hundred different names, a hundred different faces.

The growers came in the years following World War I. Laws of the time discriminated against them as the least desirable of immigrants, strange-speaking people with odd cultures, odd diets from southern Europe, the Middle East, Slovenians, Armenians, Sicilians, rural people come to an industrialized world. They fled finally from the cities to the valleys of California, the Coachella, the Imperial, the Sacramento, the San Joachin.

They began as ghetto people begin, eating the same food, understanding each other in language and culture, working their first ranches as communes. Then, buying more land, they sent for their families, and their names are there still.

"People have the feeling we are land barons," says Giumarra. "But we are only families trying to make a living. Alone we'd fail. But we work together."

"They were small 25 years ago," says Chavez. "But in 25 years I've seen them build an empire out there."

"Ultimately," says the Rev. James Drake, a California migrant minister who works closely with the union, "some of the workers picking grapes now are going to be small farmers. They're already buying their own land, small tracts of a few acres, and working them."

Cesar Estrada Chavez was born on March 31, 1927, in Arizona. His grandfather had migrated to the United States from Mexico in 1889, settled a small farm near Yuma where his sons and his son's sons worked the land. They, too, were known in that earlier America as least desirable immigrants. But they lived in a Mexican-American community, and Chavez didn't know real discrimination until the loss of the farm forced them into the California valleys in the Depression.

He was molded by those years as a teenager tramping after the seasonal crops, figs, grapes, apricots, raisins, cotton, in the harsh California of not enough. At 20 he was a picket, striking cotton fields near Delano. The strike and the union that called it failed. In the California valleys, if someone does not want to work, there is always someone else who does.

In the 1950's Chavez joined the Community Service Organization, a self-help organization for Mexican-Americans living in pockets of poverty through the state. Chavez was an able organizer. But he could not convince the CSO that the time was ripe to organize a union of farm workers to achieve through economic strength what voter registration was failing to do.

In 1962, Chavez returned to Delano to begin the union on his own. Why Delano? Largely because he had family there. Why grapes? Largely because they are the largest crop around Delano.

In 1965, the union struck the vineyards. By 1967 it was apparent the strike could not succeed by itself. The boycott was begun, and with the plight of the downtrodden worker trumpeted to the echoes of John Steinbeck's novel on the plight of the downtrodden Okie, it won wide liberal support. Today, Chavez' union receives $10,000 a month from the AFL–CIO, some $7,500 a month from the United Auto Workers, and some $82,000 a year in members' dues.

"We are now into our fourth boycott," says Chavez. "And three of them have been

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effective. We're not going to do it by picket line and strike. They've got too much going for them in their own bailiwick."

In his winter swing through the country, Chavez estimated the boycott was 33 per cent effective.

An Associated Press survey last fall, a period of high grape sales, showed a spotty picture of the boycott's effectiveness. And with growers rationing out their supplies of grapes to keep the market price at a profitable level, the picture was further clouded.

But a national boycott is an innovative weapon for farm labor, where more traditional means have failed. It can affect any perishable crop. It has one serious drawback. Fruit and vegetables have no brand names. If a boycott is aimed at one grower's grapes, it is aimed at all growers. If there were only one grower, it could conceivably bring that grower to his knees. But there are many growers. And they would all have to settle at once, sign union contracts together, or the union could not afford to relax its boycott, its major weapon.

By its very nature, a boycott nationally against a product means industry-wide negotiations. As it is happening in California, many small growers who have never seen nor heard from the union are feeling the sting of the boycott more than large growers who are fighting the union. Some have gone bankrupt, because in the highly competitive game of produce buying and selling, the larger growers are the ones most likely to succeed.

The question that remains to be answered is whether this war, like all wars, will become a bore.

It is a war planned, in a sense, in middle class homes and fought in busy supermarkets, the busier the better.

In an old hilltop home in Marin County, north of San Francisco, an affluent haven built in woodlands and cliffs topping the Pacific, Delores Huerta, vice president of the union, sat over coffee and doughnuts one Saturday morning with local boycott leaders and volunteers.

Mrs. Huerta, who lives with farm worker volunteers and her daughters in a dingy San Franco apartment, is a slender woman with eyes somehow intense through their placidity. She has driven up for this meeting. It is the beginning of a day of supermarket picketing.

"The grapes are bad," says one. "Really miserable," says another. "I don't know," says a man. "I haven't seen one in so long."

They talk about the federal government buying grapes for troops in South Vietnam, and the state's plans to buy grapes for school lunches.

"We really ought to try to get some cards out that people can mail explaining that," says the lady of the house.

Mrs. Huerta interjects: "You need signs and flags too, because people can see them from the street. And you should just get a group of people to go in and see the store manager. That's very effective."

Mrs. Huerta is alert, listening quietly, smiling when someone makes a good point, evaluating the faces around her. Studying.

Finally, she makes a pitch for a permanent organization in the county, and that sets up a discussion of "telephone trees" in which one woman calls 10 or 15 persons and each of those calls more, and the message grows.

Before the meeting is over, they coordinate their picketing that day with the local police sergeant by telephone. From that point they depart and take up their scheduled posts in front of the Safeway store in nearby Mill Valley.

Some 200 miles to the southwest, well outside of Delano, the farm workers continue to build up the land they bought for a new headquarters, a dusty parcel called Forty Acres. There, too, Chavez would set up a small retirement village for workers too old for vineyard work. Most of those would be Filipinos who came to Delano to work the vineyards long before the large Mexican migrations.

In the fields of M. Caratan, Alfred is 74 years old. He came to the San Joachin after World War I. He looks much younger, taps his chest with his fingers and says: "If I didn't do this, I would grow old."

His lined, nearly Oriental face is framed by the green grapes in well-formed bunches behind him. "I get a pension and Social Security and I work here."

He points to a much younger man clipping grapes some 10 feet away. "My cousin, Manuel, he just came, he likes it." Manuel, hearing his name, smiles back.

But the cause of the Filipino, like the cause of the Mexican-American, is not solely bound to the work he does, nor to the economics of farm worker life.

Chavez explains it best.

"I get tired. It's a long time in coming. You see the price of this kind of social change is high. Some will have to pay in money. Those of us who don't have money have to pay in sacrifice. . . . Whether he has a union or not, the worker is going to be making a lot of demands in areas where he's only been known by the last four digits of his Social Security number. Employers will learn to live with the union. And communities will learn to live with and respect the men who work in the fields.

"There are two Americans out there. Two Delanos. Life is going to change on both sides of the tracks."

Many of the workers, non-union, live in the growers' camps, well-painted on the outside, barracks-like and dingy on the inside. One grower says this kind of living is not for long. It is too expensive to maintain, he says.

Squalor is in the eyes of the beholder to an extent. Rafael Cardona and his family do not think they live in squalor. Other workers think they do, and do. The Okies of John Steinbeck found the way out of squalor is tidiness in an untidy world. There are those who do still.

The growers fail to see the injustices Chavez says are there. Said one: "I could understand his viewpoint 15, 10 years ago. But today things have improved for the worker."

Chavez insists most of the improvements wouldn't have come if the union had not been there.

Said a union official: "The workers know what Chavez means. They use him as a club even as far away as Salinas. Give us what we want or we'll go to Chavez, they say."

Whatever the case, things are changing in the valley. Delano in the summer and fall is an edgy community.

The union brings in strangers to picket. The growers bring in men to investigate the strikers. There is at least an informal blacklist. There are fires in the packing sheds, and state forestry inspectors to investigate the fire, none attributable to union sabotage. Business falls off. Costs are up. The strike tends to take the blame. But as one grower said it isn't just the strike, the cotton crop has been bad, and potatoes; grape prices are down; there was a bumper crop; 500,000 boxes might have to be dumped this year.

Such are the periodic ups and downs of farming.

Yet the fertile valleys of California always beckon the poor. They bring their dreams to meet a less generous reality.

Few who come here bring the wise misgivings of Ma Joad in Steinbeck's "The Grapes of Wrath" voiced on the eve of leaving the dusty Oklahoma home lost in the Depression for the advertised paradise of the San Joaquin.

"Seems too nice, kinda," she told her son Tom. "I seen the han' bills fellas pass out, an' how much work they is, an' high wages an' all; an' I seen in the paper how they want folks to come an' pick grapes an' oranges an' peaches. That'd be nice work, Tom, pickin' peaches. Even if they wouldn't let you eat none, you could maybe snitch a little ratty one sometimes. An' it'd be nice under the trees, workin' in the shade. I'm scared of stuff so nice. I ain't got faith. I'm scared somepin' ain't so nice about it."

COST OVERRUNS ON 38 WEAPONS SYSTEMS

Mr. ALLOTT. Mr. President, 2 days ago, on January 26, the distinguished Senator from Wisconsin (Mr. PROXMIRE) spoke to us concerning cost overruns involving 38 weapons systems. He reported that these overruns total $20.9 billion.

Yesterday Senator PROXMIRE placed in the RECORD the data and testimony giving some details of these overruns. This data came from testimony before the Subcommittee on Economy in Government.

Senator PROXMIRE is to be commended on two counts. First, he has participated in the uncovering of waste. Waste is a nonpartisan matter. No one favors it and we all celebrate its discovery.

Second, Senator PROXMIRE's data also helps us understand where—and where not—to place responsibility for these scandalous overruns. Every overrun cited in Senator PROXMIRE's data concerns weapons contracts approved well before the current administration came into office, well before Secretary of Defense Melvin Laird began to tighten procedures at the Pentagon.

Mr. President, as I said, waste is not a partisan matter. Still, we should be absolutely scrupulous in emphasizing that there is a "time lag" in public affairs, and this "time lag" can be used as political ammunition.

This "time lag" operates in two ways. First, the consequences of government decisions are often felt months or years after they are made. Second, public opinion and the opinion within government often responds to these delayed consequences, rather than to the original decisions.

One result of this "time lag" is that a person may be in office when the consequences of a previous officeholder's decisions become apparent.

This now threatens to unfairly blemish the record of the current Secretary of Defense, and of the current administration generally.

Thus we must not allow these recent revelations to be used to slander the current administration. It is not clear exactly who or what is to blame for these overruns. Each case must be considered on its own merits. All that we can say for sure on the basis of the subcommittee testimony is that the search for responsibility must begin with administrations and Secretaries of Defense serving prior to 1969.

The huge sums involved indicate that there has been a shortage of accurate accounting in this town. Because the sums are so huge we should not compound the errors of inaccuracy by being slipshod in tracing responsibility for the overruns.

The $20.9 billion in overruns involves many more dollars than the Federal Government managed to spend for all purposes between 1789 and 1900. The Federal Government ran its affairs—affairs that included a 4-year civil war—for well over a century without spending the amount of money involved in the overruns on 38 weapons systems. It was not until 1942 that Federal outlays ever involved more than $20.9 billion in 1 year.

Clearly we have evidence of massive mistakes. Let us work to avoid them in the future. And let us not now make any mistakes about the origins of past mistakes.

NEW UNIFORMS FOR WHITE HOUSE POLICE

Mr. MONDALE. Mr. President, the Nixon administration has made another strike for law and order. In an article written by Nan Robertson and published in the New York Times of January 28, I read that the presidential police force has been outfitted in new "operetta-like" uniforms.

Though these suits may be too loud for the "silent majority," I must admit that I am much impressed. It is the greatest sartorial breakthrough since the Hapsburg era.

It is reported that each uniform costs $95 and that upward of 150 officers may be suited out. The expense should run more than $14,000 at that rate. The President this week said:

> There is no good time to waste the taxpayers' money but there is no worse time to waste it than today.

It must have been this philosophy which restrained him from adding plumes to the caps and sabers as side-arms. It is too bad that Roman candles, firing automatically at 3 p.m. each day, could not have been rigged on the shoulder braids. But that is the price of inflation.

The absence of these extras notwithstanding, I find the new uniforms more dignified than football jerseys and baseball caps, which I understand had been suggested.

Mr. President, it is indeed gratifying to know that some flair has been restored at the White House.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITE HOUSE POLICE DON DAZZLING NEW UNIFORMS

(By Nan Robertson)

WASHINGTON, January 27.—The Presidential police force sheepishly saluted Prime Minister Wilson of Britain in dazzling new operetta-like uniforms ordered by President Nixon and designed by a Washington tailor, Jimmie Muscatello, and the Secret Service.

The total look includes double-breasted white tunics trimmed with gold braid and gold buttons and stiff plastic shakos decorated with the White House crest. The headgear vividly resembles that worn by American drum majors and West German traffic policemen. The next boldest silhoutte is the black-holstered pistol hung from a black belt.

White House spokesmen said the uniforms, to be worn only on ceremonial occasions, had been inspired by President Nixon's exposure to foreign police dress during his European tour last winter. West Germany was one of the countries visited.

But Mr. Muscatello, whose downtown emporium bears the legend "Pants cuffed free while you wait" on the window, indicated strongly that the original idea was his. Besides, he said, "I've never been to Europe—I'm just a country fella"—from the coal-fields of Gary, W. Va., "and proud of it." He has been a tailor in Washington since 1945.

Last summer, thinking to "make something fancy" for the White House gendarmes, he thumbed through books on uniforms and designed a bright red model with "double-breasted coat overlap."

"I took it to the man in charge of police there," Mr. Muscatello said. "And he looked at me real funny. But I made up a sample anyway and took it back up there to the White House."

After several meetings with the Secret Service, during which the red was rejected as too flamboyant, he got the order for 150 uniforms. Neither he nor the White House would say how much they cost.

The belted white tunic, which bears the Presidential seal on the buckle and one sleeve, is worn with the policeman's everyday black trousers, which have a gold stripe down each leg.

When ceremonies are over, such as today's welcome to Prime Minister Wilson on the south lawn, the police don their modern black jackets and visored caps.

This morning, the White House guardians displayed nervousness mixed with a hint of pride as they sidled over to observers and muttered: "What do you think of it?"

Discussing the Shako later, Mr. Muscatello snickered and said: "I guess you thought it was funny looking. You better go up and talk to those fellas that's wearing them."

Today's fashion parade was something of a historical breakthrough. James Ketchum, the White House curator, said research indicates that the mansion's policemen, at least back to Abraham Lincoln's Administration have always worn contemporary uniforms like those of the Washington police force and police in other American cities.

Mr. Muscatello commented that maybe the officers' new clothes would make life "more interesting for them" and "help law enforcement all over the city."

THE LABOR-HEW APPROPRIATIONS BILL

Mr. HARTKE. Mr. President, President Nixon's veto of the Labor-HEW appropriations bill simply cannot be justified in the terms that he himself proposed; namely, that the fight against inflation requires it. On the contrary, it appears to me that, having failed to find a cure for inflation, President Nixon is now looking for a scapegoat. And if the scapegoat wears a Democrat coat, so much the better.

The President is correct when he states that Americans are worried about inflation today. But they were just as worried a year ago when his administration took office. Since that time, inflation has not slackened; only worsened.

Consumer prices rose 6.1 percent in the past year compared to 4.7 percent in 1968 and 3 percent in 1967. During the first year of President Nixon's stewardship, inflation did not begin, but it markedly accelerated. This inflation was in no way caused by the suggested slight increases in health and education funds.

In fact President Nixon's policies have stopped the real growth of this economy in its tracks; caused a disastrous halt in housing construction; forced interest rates to an alltime high; and, placed additional burdens on local property taxpayers.

CONGRESS REDUCES PRESIDENT NIXON'S SPENDING REQUEST

To combat inflation, we must have not only a balanced budget but a surplus. Congress has acted to insure these goals.

Congress reduced President Nixon's spending request by over $5.6 billion. The reduction in the foreign aid program alone amounted to a billion dollars and Congress felt that this money could be used for our children's health and education. Furthermore, if the President and the majority of the Members of Congress had joined with me in opposing many costly programs such as the ABM and the supersonic transport aircraft, for which President Nixon requested $96 million in this fiscal year alone, the American taxpayers would have been saved billions of additional dollars.

Most of the savings claimed by President Nixon in the defense budget were forced on him by Congress. For example, President Nixon did not insist that the frivolously unnecessary additional planes for Formosa be dropped. It was left to the Senate to exercise leadership and fiscal responsibility and demand that this expensive giveaway be eliminated.

VIETNAM: THE COSTLESS WAR, THE CAUSELESS PHENOMENON

President Nixon stated that a major reason for the increase in the cost of living is that the Federal Government spent $57 billion more than it took in in taxes during the last decade. This is true, but it is far from the whole truth. It is the cost of Vietnam and the way it is being financed that caused the present inflation and the governmental deficit. During the period 1960 to mid-1965, the U.S. economy underwent rapid growth, increased standard of living, lower unemployment, and no inflation. Until the middle of 1965, prices were stable. The rise in consumer prices was far less than in any other industrial country and wholesale prices showed almost no increase at all. It is time for longstanding supporters of the Vietnam war to honestly acknowledge the expense of the Vietnam war and its consequences for the U.S. economy.

WHAT PRICE LEADERSHIP?

President Nixon has singled out the increase in impacted aid to justify his veto. Presumably the other educational and health programs for which increases were voted are not guilty of the crimes claimed by President Nixon for impact aid. Also there is the implication that these increases are for the special interest of selected groups and are not for the general welfare of the entire people. This is a specious distinction that is utterly meaningless. In a sense, all legislation is special, providing more benefits to one group of Americans than to another. I cannot think of one Federal appropriation bill that provides the same direct benefits to all Americans. Since I am the sponsor of one amendment that increased the HEW bill by $10 million, let me explain why this country needs that legislation. My amendment would increase funds for vaccination against German measles. Without this increased program of vaccination, medical evidence clearly indicates that there will be a major epidemic in 1971 with thousands of babies being born deformed and mentally retarded. Unquestionably my amendment is for the special advantage of these babies and their mothers, but I know that the entire Nation has an interest in their health.

If President Nixon criticized the impacted aid part of the bill, why did he request any funds for it? President Nixon talks about the need for urgent reforms in education but offers none. Nor did he offer any in the past year. He mentions an educational message in the near future, but more than a year of silence has gone by. If he feels that funds for impacted aid are wasted, that funds for vocational programs are largely misdirected, then why has he not suggested improvements in our educational programs? What President Nixon said about impacted aid yesterday could have been said a year ago. Without Presidential support, Congress has tried to improve our education and health programs, and some Members of Congress are now trying, against great obstacles, to obtain more adequate funding for these essential programs. It is surely unrealistic to insist that Congress restructure these programs in the midst of the appropriation process. It is ironic that, having offered no leadership or guidance, President Nixon now criticizes those who are trying to meet some of our desperate domestic needs for being less than perfect.

To state that a billion-dollar expenditure is in excess of the administration's recommendation and therefore warrants a presidential veto of the HEW bill is to distort the realities of the economic situation. These expenditures constitute about one-half of 1 percent of the total Federal budget. They also represent about one-tenth of 1 percent of the gross national product. Inflation undoubtedly exists—but not all Federal spending is inflationary.

The issue is not who is for education or against inflation. I think we can grant that we are all for virtue and against vice. Everyone understands the need for improving education and for stopping inflation. The issue is, Who is prepared to act constructively on his belief?

Congress, by reducing President Nixon's spending request by $5.6 billion and by redistributing some of this spending to domestic needs, demonstrated its commitment to reordering our national priorities and to fighting inflation. Inflation cannot be fought by destroying the education of our children and the health of our Nation. Inflation cannot be fought by causing the insolvency of our Nation.

THE PRESIDENT'S PRIORITIES

Mr. ALLOTT. Mr. President, in the Washington Post of Sunday, January 25, columnist Joseph Kraft shared with us some worries he has concerning the fitness of Interior Secretary Walter Hickel.

Mr. Kraft is worried about Secretary Hickel's understanding of the "real" environment issues. More exactly, Mr. Kraft is worried because Secretary Hickel is a westerner. Mr. Kraft concedes that because Secretary Hickel is a westerner he can be expected to have a strong interest in clean water and recreation. But Mr. Kraft intimates that westerners cannot be expected to have much interest in or understanding of "the kind of environmental improvement vital to cities."

Mr. President, as senior Senator from Colorado, as ranking minority member of the Committee on Interior and Insular Affairs, and as a friend and admirer of Secretary Hickel, I should like to allay some of Mr. Kraft's worries.

First, why cannot westerners understand cities? Perhaps Mr. Kraft is operating on the premise that there are no cities in the West. This will come as astonishing news to the residents of Denver, Seattle, Portland, Los Angeles, San Diego, San Francisco, Dallas, Houston, Phoenix, and numerous other western villages.

Second, we in the West have been blessed with great endowments of natural beauty and resources. We feel we have a special stake in the sensible solution of America's environment problems. Hence we can be counted on, in the future, as in the past, to take the lead in encouraging all Americans to love their land as we in the West love our great region.

Neither should we forget that it is a President from California who is leading the Nation in the fight to protect the American environment.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S PRIORITIES—GIVEN DEMOCRATS' DECLINE, IT'S TIME NIXON STARTED RUNNING HIS ADMINISTRATION MORE EFFECTIVELY

(By Joseph Kraft)

The President comes off in his State of the Union message committed to a change in his own priorities. Whereas last year the focus was on foreign policy, and especially Vietnam, now the stress is on inflation, crime, the environment and other items of domestic business.

But can Mr. Nixon make his priorities stick? Well, not if he continues to make it seem that the trouble lies with the big bad Democrats. On the contrary, Mr. Nixon can get his way only if he begins to police his own administration, and the underlying bureaucracy, far more effectively than he has to date.

The Democrats, for all their talk of unity in opposition, are truly paper tigers. The Senate leadership is so unsure of itself that it postponed any concerted response to the President's address until next week. And no one yet knows what to do about the embarrassment of having as the top Democrat on the Hill the aging figure of House Speaker John McCormack.

The real challenge to a change in priorities comes from Mr. Nixon's own party, with its itch to make anticommunism the touchstone of foreign policy and its predilection for seeing all domestic issues through the glasses of conservative ideology. Consider, first, the problem of scaling down what the President called "our involvement and our presence in other nation's affairs."

It makes all kinds of sense. But Vice President Spiro Agnew has just returned from an Asian trip that featured a re-emphasis of precisely the commitments that have to be wound down. Under Secretary of State Elliot Richardson has just reiterated the old line about the need to maintain present troop levels in Europe for now, without bothering to assert the far more important truth that before long there will have to be sizable cuts. And in Saigon, Ambassador Ellsworth Bunker is far more keen to uphold the regime of President Thieu than to get Americans disengaged.

At the Pentagon, some progress is being made in cutting the military budget. But Defense Secretary Melvin Laird, eager to stand well with the brass, has adopted a policy of "participatory management" which in effect means that the military services apply the cuts. As usual, the admirals and generals are hanging on to the planes, ships and cushy installations they like so much while whittling away at manpower. Soon the service chief will be in position to stop the cutting process with an argument about the need for more men and money in order to maintain "balanced forces."

On the internal side, the administration has a heavily ideological approach to the economy. A hangup about taxes in the Treasury has meant the premature end of the best means of maintaining essential programs for fighting inflation—the surtax. A "jawboning" phobia has prevented the Council of Economic Advisers from saying anything about wages and prices. But it is plainly much easier for business executives to sell stable prices to stockholders, and for union leaders to foist modest wage increases on their members, if the government is making some noise about the wisdom of restraint.

Then there is the matter of leaving the environment largely to the mercies of Interior Secretary Walter Hickel. As a Westerner, Hickel has a strong interest in clean water and recreation. But he has little interest in the kind of environmental improvement vital to cities.

Moreover, he has close ties to producing interests. Inside the Cabinet, Hickel has been pushing with apparent success for keeping high prices on oil imports. That promotes offshore drilling in this country—which is a major source of pollution. It also promotes Alaskan development and an oil pipeline that could destroy the tundra. On top of that, Secretary Hickel, in the interest of friendship with the big cattle raisers, has halted a scheduled rise in grazing fees on public lands. That means a giveaway to the stockmen and a drop in the funds available for maintaining the range.

Even the performance on crime is not all that good. Attorney General John Mitchell has talked a lot about crime in the streets. But his chief actions have been in the fight against the Mafia—which has no direct bearing on the street crime that truly bugs most of us. And it is not clear how street crime can ever be limited given Mitchell's lack of interest in cleaning up the urban conditions that breed crime.

As a final example, there is the case of the Department of Agriculture. Farm subsidies eat up more than $3.5 billion in public money—a prime target for anybody interested in promoting rural development or fighting inflation, since most of the money goes to high-income growers for letting land lie fallow. But the Department of Agriculture has yet to present an agricultural program to Congress. It is leaving the matter up to the agriculture committees, headed by Rep. Bob Poage (D-Tex.) and Sen. Allen Ellender (D-La.). No doubt that's Southern strategy. But it's a poor way to cut subsidies.

The fact of the matter is that the President has not been all that much on top of his administration. He has held himself aloof

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and been secretive about his purposes, even with his own people. He has let the flowers bloom. And given his need to establish himself when he first took office, it is easy to see why.

But now his political preeminence is beyond question. The Democrats have had their saber-teeth pulled. And it is time the President started running his administration and the underlying bureaucracy with a firm hand.

R. S. KVAMME—MAN OF THE YEAR

Mr. MONDALE. Mr. President, the Moorhead Minnesota Valley Times has recently chosen its man of the year. This is a great honor, and reflects the respect and admiration of an entire region for Dick Kvamme. I share personally such admiration and respect for this year's winner, Dick Kvamme.

I know of few people in Minnesota who have worked more selflessly and tirelessly for their community, State, and Nation.

He is a truly remarkable American and greatly deserves this honor given to him by those who know him best.

I ask unanimous consent that the announcement of his award be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

R. S. KVAMME CHOSEN 1969 MAN OF THE YEAR

R. S. Kvamme, owner of R. S. Kvamme Construction Company of Moorhead has been chosen the Valley Times 1969 Man of the Year by former Men of the Year this week, according to Ron Slechta, Editor-Publisher.

Kvamme, 49, was selected among a field of eight candidates for the annual award. Other nominees included Orville Williamson, Dr. James L. Noonan, Dr. L. M. Dahl, Marvin Jastram, Judge Goodwin Dosland, Clifford Halmrast and Paul E. Korsmo.

Kvamme is a native of Gary, has lived in Moorhead for the past 19 years and has been in the construction business "all my life."

Kvamme has held several positions on different committees around the community. An avid aviation enthusiast, he is president of "Operation Bootstrap," a group of American businessmen desiring to help the people in Africa build schools and material for better learning. Dick's trips in his plane have included hauling such fans as Jackie Robinson, Orville Freeman and Hubert Humphrey. He owns a 260 Commanche airplane and is a member of the area Civil Air Patrol.

An avid skiing fan, Kvamme maintains a winter home in Vail Colo., along with other Fargo-Moorhead ski enthusiasts.

Other interests include the YMCA, politics and other organizations.

He was recently elected to the Board of Regents at Concordia College, served six years as a trustee at St. Luke's Hospital, a member of the Board of Neuropsychiatric clinic at Fargo, member of the Concordia College Language Camp and active in the Trinity Lutheran Church of Moorhead.

Other interests include the C–400 Club of Concordia College, St. Ansgar's Hospital, the Campfire Girls, the Jaycees, Greater Moorhead Days and the Moorhead Country Club.

In politics, the 1969 Man of the Year has been 7th District Chairman for Mondale during his 1966 campaign, Mondale's 1962 Attorney General campaign and Clay County chairman for Secretary Orville Freeman.

Dick and his wife, Evelyn, live at 1721 3rd St. S. and have two daughters who are married.

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AMERICAN MEDICINE

Mr. YARBOROUGH. Mr. President, our health care delivery system is in disarray.

Despite increasing infusions of Federal funds, it is not improving rapidly enough. It seems tragic to me that the wealthiest country on earth seems incapable of providing basic health care to large segments of the population. It need not be so. We have the best trained doctors and the finest medical facilities to be found anywhere. And we devote approximately $60 billion or about 6.5 percent of our gross national product to medical care.

We are not providing adequate medical care to the urban poor or to our rural population. In addition, only a small segment of our entire population, whether urban or rural, whether affluent or poor, is receiving adequate preventive medical care.

Despite the tremendous technological advances we have seen over the last few decades, the medical delivery system has hardly changed. Many of our medical schools follow essentially the same curriculum they followed half a century ago. Despite the proliferation of visual aids and the improvements in teaching techniques, except for rare exceptions our medical schools are not turning out an adequate number of qualified graduates faster.

The majority of doctors continue to operate as independent agents operating on a fee-for-service basis. As a result, all too often doctors are forced to undertake tasks which could better be done at less cost by medical technologists and other paramedical personnel. Our medical insurance plans are generally too limited in the services they offer. And all too often they cover only care while in a hospital. Thus, medical service which could be provided in the home or in the doctor's office is often provided at higher cost in a hospital. What is worse, only a few of these plans include preventive medical care as a part of their coverage.

Pumping additional Federal funds into the system alone is not the answer. Major reform is needed. And since it seems that the medical profession does not have the resources to do this by itself from within, the pressure and aid must come from without—from Government and the private sector. I certainly hope that such reform is not long in coming. I find it frustrating to think that despite the increasing amount of our national resources going into medical care, we rank well below a number of industrial countries in infant mortality, maternal mortality, and life expectancy.

Because I am very concerned with the current state of American health care and because I feel so strongly that before we can bring about adequate reform to get health care to the people, we need to know the full nature of the problem. I invite the attention of Senators to the January 1970 issue of Fortune, which I believe does an extremely fine job of reporting on the current status of American medicine.

Mr. President, I ask unanimous consent that the Fortune report be printed in the RECORD.

There being no objection, the Fortune report was ordered to be printed in the RECORD, as follows:

[From Fortune magazine, January 1970]

IT'S TIME TO OPERATE—BETTER CARE AT LESS COST WITHOUT MIRACLES

(By Edmund K. Faltermayer)

American medicine, the pride of the nation for many years, stands now on the brink of chaos. To be sure, our medical practitioners have their great moments of drama and triumph. But much of U.S. medical care, particularly the everyday business of preventing and treating routine illnesses, is inferior in quality, wastefully dispensed, and inequitably financed. Medical manpower and facilities are so maldistributed that large segments of the population, especially the urban poor and those in rural areas, get virtually no care at all—even though their illnesses are most numerous and, in a medical sense, often easy to cure.

Whether poor or not, most Americans are badly served by the obsolete, overstrained medical system that has grown up around them helter-skelter, without accommodating very well to changing technology, expanding population, rising costs, or rising expectations. Demand for medical service has been racing ahead at ever increasing velocity. Medicare and medicaid—the government-financed programs for paying the medical expenses of the aged and the poor—now account for one dollar out of every five spent on medical services. Other insurance plans have also fueled demand, in special distorting ways that add to already overloaded facilities. In the words of the two federal officials who are the most concerned—Secretary Robert H. Finch of Health, Education, and Welfare, and his Assistant Secretary for Health, Dr. Roger O. Egeberg—"This nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector."

To be effective, the concerted action will have to make fundamental changes in the nature of the system. Its main purpose will be to raise the supply of care to levels where it can satisfy the new needs. But in order for that very difficult balancing act to be accomplished, doctors will have to reform their ancient ways, hospitals will have to be more rationally managed and coordinated, and insurance plans will have really to bring their subscribers *insurance*—instead of merely racing the motors of inflation. Just more money will not solve anything. Right now, for all the fresh billions so recently pumped into the system, most Americans could still be financially destroyed by a prolonged and serious illness in the family—a virtual impossibility in countries such as West Germany, Sweden, and Britain, none of which devote as large a percentage of their G.N.P. to medical care as the U.S. does.

Thus, as the articles that follow make clear, the time has come for radical change. The financial distortions, the inequities, and the managerial redundancies in the system are of the kind that no competent executive could fail to see, or would be willing to tolerate for long.

The conversion to modern methods, and the institution of the same degree of efficiency that Americans have reached in other realms, would probably effect enough saving so that good care could be brought to every American—with very little increase in costs. Nobody except other physicians should tell physicians how to practice medicine. But the management of medical care has become too important to leave to doctors, who are, after all, not managers to begin with.

Our present system of medical care is not a system at all. The majority of physicians, operating alone as private entrepreneurs, constitute an army of pushcart vendors in an age of supermarkets. Most patients pay by the cumbersome "fee-for-service" or piecework method, which involves separate billing for visits to doctors, shots, x-rays, laboratory tests, surgery, anesthesia, hospital room and board, etc., etc. The American hospital system, as Herman M. and Anne R. Somers of Princeton University said in their book, *Medicare and the Hospitals,* "is largely a figure of speech," the result of a haphazard growth of isolated, uncoordinated institutions.

For a patient simply to *find* medical care can be maddeningly difficult. In poor city neighborhoods and rural areas, the supply is sometimes fatally sparse. The middle-class citizen, living in a region where doctors are statistically abundant, encounters frustrations when he seeks "access"—a suitable entry point into the medical labyrinth, where a competent person can give an accurate diagnosis of his ailment, or relay him to the proper specialist. With more and more doctors working a five-day week, access has become especially difficult on evenings and weekends. Increasingly at those hours, people are forced to resort to the overcrowded, understaffed emergency rooms of hospitals, where admissions have shot up by 250 percent in the past twenty years, and where only a third of the people waiting for attention are true emergency cases. When he is finally in what he hopes are good hands, the patient is incapable of evaluating either the quality or the quantity of the service he receives. In his ignorance he may submit to more care than is necessary—adding both to the personal risk and to the strain on an inflation-prone system.

Some of the rise in medical costs has been inevitable, because the new life-extending techniques require more manpower and equipment (see "Costly Machines to Save Lives," page 92). And some of the increase in hospital costs is unavoidable, too (see page 96). But the real propellant forcing up costs is the archaic manner in which most medical care is arranged and paid for in the U.S. Since all the components of medical care are generally paid for on a piecework basis, doctors profit by prescribing more elaborate care than is needed.

Even when doctors have the best of motives, as a majority of them doubtless do, this lax competitive climate discourages the efficiency that comes with cost-consciousness. And even if the doctor has a conscience about wasting the money of patient, government, or insurance company, the growing menace of malpractice suits may induce him to pile on precautionary tests and treatments—which he can do without restraint. "Almost nowhere else in the economy," says Victor R. Fuchs, a leading economist at the National Bureau of Economic Research, "do technologists have as much control over demand." The only parallel, Fuchs says, is the military's control of the defense budget in time of total war.

The growth of "third party" payment of medical bills through Blue Cross, Blue Shield, and group insurance policies has provided another inflationary thrust. Until very recently the Blues and the insurance companies, which now disburse about $13 billion a year, have directed very little hard scrutiny at fees or the quantity of the services that they are buying. They have contented themselves instead with the role of a largely automatic "cost-pass-through" mechanism. In the past, some check on costs came from individual patients complaining about high bills. Doctors and hospitals had to worry about the financial hardship that the larding on of services might create. But the emergence of large, "rich," impersonal insurers has removed even these controls.

Third-party laxity has unquestionably contributed to the steep rise in hospital fees. Cost controls have always been weak in many hospitals, partly because many of the doctors have no stake in promoting hospital efficiency. Today, most of a hospital's income is provided by Blue Cross and the insurance companies, which dutifully reimburse on the basis of costs *after* they are incurred, rather than agreeing on a fee in advance. This type of cost-plus reimbursement in Fuchs' words, is "an open invitation to inefficiency."

The bad effects of third-party payment do not stop there. Private health insurance covers some phases of medical care more extensively than others. About 85 percent of Americans under sixty-five have at least some hospitalization insurance, and 78 percent are covered to some degree for surgeon's fees, but only 51 percent have any insurance whatever for x-rays and laboratory tests outside the hospital, and only 40 percent for visits to doctors' offices. As a result of this uneven pattern of coverage, says Walter J. McNerney, president of the Blue Cross Association, "use tends to follow prepayment." The whole pattern of medical care is warped in favor of providing treatment in those expensive hospitals. Summing up all these influences, McNerney declares that U.S. medical care is suffering from "a serious discombobulation of the principles of the free market, with no 'invisible hand' to move resources about efficiently."

HENRY J.'S NEW MODEL

Those patterns, however, are not like the laws of the Medes and the Persians—they need not stand forever. Evidence that they can be changed, with benefits for all the parties involved—doctors, patients, and insurers—is piling up. Some eight million Americans now receive medical care under plans that work well, and that are subject to the constraints of the marketplace. These "prepaid group practice" plans are not the only model for reform. Further, even these plans have not yet been brought to the degree of efficiency that they may someday reach. Nevertheless, they represent an alternative that more Americans should be able to choose. Their expansion would exert a badly needed competitive discipline upon the rest of the medical system.

The Kaiser Foundation program is by far the largest of the prepaid systems. It has two million members and its own network of hospitals and outpatient clinics in California, Oregon, and Hawaii. The program began in the late 1930's when the late Henry J. Kaiser, then building hydroelectric dams in remote locations, felt obliged to provide medical services for construction workers and their families. After a conventional, fee-for-service payment system proved unpopular, Kaiser substituted a single fee covering all needed services, and the plan was enthusiastically accepted. In response to requests from hundreds of former shipyard workers, Kaiser kept the program going on the West Coast after 1945, and opened it to the general public. Today, employees of the various Kaiser companies and their families constitute only about 3 percent of the membership.

The Kaiser plan has made some notable improvements over the orthodox means of distributing medical care. To begin with, access is easy. Physicians of all major specialties are housed in large clinics in each of the regions covered by the plan. A middle-aged man with an abdominal pain can see his internist and can be referred within minutes to another specialist in the same building, which has its own x-ray and laboratories. If the patient requires hospitalization he is sent to one of the Kaiser Foundation's nineteen hospitals, many of which adjoin the outpatient clinics.

Unlike ordinary private "health insurance," which is really sickness insurance designed to reimburse selected medical expenses under the fee-for-service system, the Kaiser program assumes broad responsibility for keeping its members sound of body. The range of services varies according to the employer group or individual member, but a fairly typical plan offered in the San Francisco-Sacramento area currently costs a total of $35.40 a month for a subscriber with two or more dependents, including the employer's contribution. This covers all professional services in the hospital, in the doctor's office, and in the home, including surgery; all x-ray and laboratory services; all preventive care, including physical examinations; and hospital care for up to 111 days per person in a calendar year. Some nominal charges are made for drugs and for doctors' visits ($1 per office visit, and up to $5 for house calls after 5:00 P.M.), and there is a $60 charge for maternity care. Some items are excluded, notably dental care, psychiatry, and nursing-home care (though some Kaiser plans offer psychiatric and convalescent care, too). For an additional monthly payment of 15 cents, hospitalization can be extended all the way to 365 days.

A REWARD FOR CUTTING COSTS

The more liberal of the Kaiser plans probably cover about three-quarters of a family's insurable medical expenses. The very breadth of the coverage provides two important benefits. On the one hand, no paid-up member need be deterred from seeking medical care for fear of the expense. On the other hand, no built-in bias exists favoring a particular *type* of care, since most types are covered anyway. A patient does not have to be admitted to a hospital for a test or a minor operation, which could be given on an ambulatory basis, solely in order to gain insurance coverage.

The Kaiser plan also provides an incentive for efficiency. The providers of medical care—the doctors and the hospitals—*share* the financial risks of illness with the patient. Members' monthly charges are set for a year, and during that period the program must operate on the revenue generated by these charges. If costs exceed revenues during that period, the Kaiser system must absorb them.

But any reduction in operating costs below management's projections swells a bonus fund that is shared by doctors and hospitals. Doctors are not paid on a fee-for-service basis, but receive a relatively stable annual income. When they render excessive treatment, they waste their own time and risk a reduction in their bonus, which, coming atop generous regular incomes, can be sizable. In 1968 the eligible doctors in Kaiser's northern California region each collected a bonus of $7,900. Since they also received regular incomes that ranged from $20,000 to $53,000, they probably fared better, on the average, than solo practitioners in the area. And because working hours are fairly regular in group practice, with members taking turns working nights and weekends according to schedules set in advance, the doctors probably lead a more pleasant life.

Even though there is no limit to the number of times a member can see a doctor, members of the Kaiser plan make slightly *fewer* visits to doctors than the public in general. But the most dramatic savings are in hospitalization. One 1965 study, comparing Kaiser members in northern California with the population of California as a whole, showed that the average Kaiser member spent only 69 percent as much time in a hospital. Still, the Kaiser plan has been affected by the wage inflation common to the health industry. Its nurses won a 40 percent wage increase in 1966, and its hospital workers came under the federal minimum wage law in 1967. As a result, premiums in northern California have risen about 50 percent since 1960, slightly more than the rise in the nationwide index of medical care during this period. But Kaiser's health services still cost from one-fourth to one-third less than the same package of services would cost outside the system.

The Kaiser plan operates in the black. Counting depreciation and some other items, the program generated a total cash flow of $17,200,000 in 1968 on revenues of $216 million, enough to provide funds for expansion. Except for one recent federal grant under the Hill-Burton hospital program, the Kaiser Foundation has financed all of its expansion from its own revenues and from borrowings. Unlike most voluntary hospitals, the Kaiser hospitals have never had to fall back on rich trustees or public fund-raising programs to cover deficits or obtain funds for expansion.

PRACTICING "PURE MEDICINE"

Kaiser's experience refutes the widely held belief that if medical services are "free," or virtually free, the public will stampede to them. Neither does the evidence indicate that Kaiser has gone to the opposite extreme, cutting corners and denying needed medical care. This criticism is often voiced by doctors opposed to prepaid group practice, along with the familiar charge that group practice precludes the free choice of "family" physician, and that it renders care in an impersonal, "assembly-line" manner, which lowers the quality of medical services.

In fact, the Kaiser program makes possible an educated choice of a family physician, because the patient in a large clinic is in a position to compare doctors. The atmosphere at one Kaiser clinic, in suburban Walnut Creek, California, is a good deal less suggestive of an assembly line than the typical jammed office of a solo practitioner; the place has more the relaxed ambience of a resort inn. A study team from the Johnson Administration's National Advisory Commission on Health Manpower gave the Kaiser program a thorough going-over in 1967, and found the quality of services to be high. One factor raising quality, according to Dr. Wallace H. Cook, the sun-tanned physician in chief of the Walnut Creek Center, is that doctors devote themselves to "absolutely pure medicine here." They have nothing to do with the billing, and they do not have to worry about the financial impact of the type of care that they prescribe on the patient, since virtually all phases of medical care are prepaid.

"Peer review," that much-evoked but little-practiced procedure for uncovering medical incompetence, is inherent in a group operation. "We constantly look over each other's charts," says Cook. An incompetent doctor can quickly lose the respect of his colleagues. In solo practice, doctors obviously can never lose their jobs no matter how incompetent they are; with only a few exceptions, licensed doctors are in business for life regardless of performance. At Kaiser, however, even doctors who have attained relatively secure "partner" status, which comes after a three-year probationary period, can be discharged. Not long ago a surgeon too inclined to use the knife was let go.

Another advantage that Kaiser physicians enjoy over their counterparts in solo practice is access to good health records. Generally, health records are in a medieval state, with incomplete data on each individual scattered in every doctor's office and hospital that he has ever visited. Most Kaiser members' medical histories are readily retrievable, and in a growing number of cases are stored on computer tapes. The eventual goal is to give each member a lifetime electronic medical file, based in part on the periodic, multiphasic testing with which the Kaiser Foundation is now experimenting on a larger scale.

Probably the greatest spur to maintaining the quality of medical services is the fact that Kaiser does not have a monopoly over health care in the areas it serves. Once a year each group, and each individual within a group, has the chance to drop out of the program if he wishes. If enrollment figures are any guide, the consumers couldn't be happier. Membership has grown threefold in the last ten years, and the Kaiser Foundation is expanding about as fast as its financial resources will permit, currently at a rate of 200,000 persons a year. It has recently moved east of the Rockies to start a health plan in Denver, and to team up with a group plan in Cleveland.

By almost any measure, then, the Kaiser program represents a quantum leap ahead of the prevailing pattern of health care in the U.S. Edgar F. Kaiser, Henry J.'s son, who besides heading the various Kaiser industrial companies also serves as chairman of the health foundation, says the plan demonstrates "that it is possible, within our free enterprise system, to organize medical care on a private, financially self-sustaining basis so that the consumer is satisfied and the physician is professionally gratified by his role."

Savings on hospitalization and other medical costs are not unique to the Kaiser program. In recent years members of the Health Insurance Plan of Greater New York (HIP), the country's second largest prepaid group program with 775,000 members, have spent 20 to 25 percent less time in hospitals, on the average, than the general population in the New York City area. According to studies by the United Auto Workers, members of the U.A.W.-sponsored Community Health Association, a group-practice plan in the Detroit area, spent 45 percent fewer days in the hospital in 1966 than persons insured by Michigan Blue Cross-Blue Shield.

HOW TO AVOID APPENDECTOMIES

The experience of federal employees also testifies to the efficacy of group-practice plans. In many areas they have a choice of three forms of health insurance—Blue Cross-Blue Shield, "indemnity benefit plans" sold by insurance companies, and group practice. Those enrolled in the principal group-practice plans spend less than half as many days in the hospital as those covered by the other two methods. Because group practice stresses early diagnoisis and treatment, and contains no incentives for needless surgery, federal workers also spend less time on the operating table. A study comparing federal employees and their families in group-practice plans with those covered by Blue Shield surgical benefits showed that the latter had 86 percent more appendectomies and more than *two and a half times* as many tonsillectomies and adenoidectomies per 1,000 persons. Under Blue Shield, female operations, e.g., hysterectomies, were 52 percent higher.

While some of the other group plans have matched or even exceeded Kaiser's cost savings, they have not enjoyed the same rapid growth in membership. Detroit's Community Health Association, whose rolls have been static for several years, is hampered in part by its "union" label that deters white-collar and other middle-class workers from joining. New York's HIP has been stalled at approximately its present membership for the past year or so, and some unions have withdrawn from the plan. HIP has been handicapped because until recently it did not own its own hospitals; it simply referred patients to community hospitals and paid the bill. In some cases its doctors handled HIP members along with nonmembers paying on a fee-for-service basis. As a result, HIP members have often been kept waiting, and some of them, says a spokesman for a union that recently pulled out, "felt they were being treated as second-class citizens."

Elsewhere around the country, new group-practice programs are getting under way. The main impetus is coming from teaching hospitals—which until now have remained aloof from the nitty-gritty of community health services—and some of the insurance carriers. The new Harvard Community Health Plan, which hopes to attract members from the entire Boston area, is the outgrowth of years of soul searching by the Harvard Medical School on the mission of the medical school and the hospital. Jerome Pollack, associate dean of Harvard Medical School who designed the new program, has combined some existing institutions—four community hospitals that will accept patients from the new program—with a newly opened outpatient clinic operated by the plan itself and staffed mainly with salaried physicians. With premiums set at $50 a month per family irrespective of size, the coverage will be somewhat broader than Kaiser's: patients will be eligible for fairly extensive psychiatric care, as well as convalescent care in nursing homes.

Pollack expects the plan to break even in about three years, by which time he hopes enrollment will have reached 30,000. Instead of bypassing the insurance companies, as the Kaiser program does, Pollack has enlisted their help in canvassing members from among those already signed up under existing programs. Blue Cross is expected to supply 70 percent of the members and a group of ten commercial insurance companies—including such giants in the health field as Aetna, Metropolitan, Equitable, and Travelers—will supply the rest. Pollack is aiming for a cross section of all income group and races, in order to gain operating experience meaningful for the whole U.S. population. "We envision," he says, "something that the giant insurance companies and Blue Cross will be able to duplicate on a large scale."

The insurance companies have been initiating some experiments of their own. As President Charles A. Siegfried of Metropolitan Life concedes, the big carriers have until recently been "standoffish" about improving the nation's medical system. For a long time, he says, there was "a fatalistic acceptance of rising costs," and "we felt we shouldn't tell doctors how to run their services." All this is beginning to change. Following a meeting in Boston last October, the Health Insurance Association of America, representing most of the commercial carriers, recommended that the companies "exert their influence to bring about soundly conceived changes" in the U.S. health system.

Metropolitan has already supplied funds for a new ambulatory care center at Washington University Medical School in St. Louis which will include a "demonstration" group-practice program. Equitable is providing most of the mortgage money for the construction of a combined neighborhood health center and nursing home that will house a new group-practice system in a Washington, D.C., Negro neighborhood. Perhaps the most deeply involved insurance company is Connecticut General, which is putting up $3,750,000 of mortgage money for a clinic and hospital at the new town of Columbia, Maryland, which will serve members of a new prepaid group-practice plan. Connecticut General, which is also providing $500,000 of development costs, will have first crack at selling the plan, but its involvement stops short of actually setting it up and running it; Johns Hopkins Medical School in Baltimore will do that.

SELLING HEALTH, FOR A PROFIT

Some insurance companies are beginning to consider actually running health systems of their own. The leading advocate is Dr. Paul M. Ellwood Jr., executive director of the American Rehabilitation Foundation in Minneapolis. The Kaiser experience, Ellwood says, proves that comprehensive health care can be provided efficiently and profitably by corporations competing for the citizens' health dollar. The Nixon Administration is sympathetic to the idea. In their statement last July warning of an impending "break-

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down" in health care, Secretary of Health, Education, and Welfare Robert H. Finch and Assistant Secretary Dr. Roger O. Egeberg declared: "We will ask and challenge American business to involve itself in the health-care industry, including the creation of new and competitive forms of organization to deliver comprehensive health services on a large scale."

While the insurance companies are the obvious ones to enter this field because of their large pools of capital, other parts of the health industry, including hospitals, groups of physicians, and drug companies, could also evolve into medical corporations. The Upjohn Co., which already operates a network of medical laboratories in addition to manufacturing drugs, is "exploring the possibilities." Ellwood sees absolutely nothing wrong, in principle, with industrial and merchandising corporations, such as I.B.M. or Sears, Roebuck, entering what is obviously destined to be a growth industry. Two nationally known conglomerates recently asked New York's HIP for information on how to run a medical system.

The one type of business involvement that Ellwood vehemently opposes is the recent spread of proprietary hospitals and nursing homes. These offer only one phase of medical care, which the owners, who in many cases include doctors, have an incentive to promote aggressively whether it is required or not. The recent, fantastic boom in nursing-home stocks, large amounts of which are held by physicians, raise possibilities of conflict of interest that call for governmental scrutiny.

THE POTENT MEDICAL LOBBY

The biggest obstacle in the path of a more rational medical system, whether in the form of a health-care corporation or more modest innovations, is organized medicine. Even if the insurance companies or other organizations should decide that the economics of comprehensive health care are very attractive indeed, they might still hesitate to enter the field for fear of antagonizing the medical profession. The American Medical Association has recently muted its opposition to prepaid group practice, but some state and local medical societies still fight it, sometimes viciously. Some incredibly retrograde laws and regulations in seventeen states still prohibit the ownership and operation of prepaid group-practice systems by consumer-oriented groups—i.e., by those who would have the most interest in establishing them.

The legislative history of medicare and medicaid illustrates the potency of the medical lobby, as well as the danger in simply pumping more money into the existing health system. A misnomer, medicare is not a health-care program at all, but a financing mechanism under which the Social Security Administration passes out money to the insurance carriers—Blues as well as insurance companies—which in turn pay part of the medical bills for persons over sixty-five. To make medicare more palatable to the A.M.A., which had long opposed it, Congress wrote into the law a passage making clear that the financing plan would not be employed to bring about changes in the U.S. medical system. Indeed, the rather arbitrary division of medicare into Part A (hospitalization) and Part B (doctor's bills) tended to sanctify the fragmentation in the system. The law also specified that hospitals were to be reimbursed on the basis of costs rather than fixed fees, and that physicians were to be paid according to the "customary" fees in their communities.

The quantity of medicare services rendered to the aged increased roughly in line with government forecasts. The deluge that some had feared simply didn't materialize. But the inflation in hospital costs, which had already been steep, was accelerated. The same thing happened to doctors' fees. The "customary" provision, which had been intended by Congress as a sort of benign ceiling on doctors fees, actually became a floor under all doctors' fees; before medicare went into operation in July, 1966, most doctors raised their "customary" fees to *everybody*, young and old, to qualify for higher medicare payments. Partly as a result, doctors' fees, which had been rising by about 3 percent a year before medicare, started shooting up by 6 percent a year.

Medicaid, of course, was an even more potent inflator. It represented an open-ended commitment by the federal government, jointly with the states, to finance through general revenues a whole range of medical services for the poor and the so-called "medically indigent," those whose incomes are too high to enable them to receive welfare payments, but who are judged too poor to pay for medical care.

There are many reasons why the cost of medicaid skyrocketed from $2 billion in 1966 to an estimated $5 billion in 1969, and why it could easily reach $24 billion by the mid-1970's. For one thing, its potential universe is far larger than medicare's, including all the people considered poor or near poor according to the federal government's definitions—far more than are currently receiving services. Another reason is an uncredible amount of bureaucratic red tape and, until fairly recently, very little cost control by the insurance carriers. Still another is the fact that, as author Herman Somers puts it, "the availability of money doesn't produce resources where they don't exist"—in the ghetto and in rural poverty areas where the supply of doctors and medical facilities is stretched thinnest. The result was an ominous, upward pressure on costs, and outright gouging by an unscrupulous minority of doctors.

Compounding the difficulties, medicaid also missed much of its main target group, which was the young poor and near poor. To a far greater degree than its architects foresaw, it has become a device under which the aged poor have supplemented their benefits under medicare. Almost half the money is currently going to persons over sixty-five, and about two-thirds of that is going for nursing-home care, much of it of the long-term custodial type—i.e., for senile and infirm persons who are not convalescing from a serious illness, but have simply been "put away" until they die.

Having made the initial mistake of simply superimposing medicare and medicaid upon an inflation-prone, fee-for-service medical system and then pouring in money, the federal government is now trying to impose some cost controls. Under both medicare and medicaid, for example, the reimbursement of hospitals has been tightened up somewhat, and when new regulations take full effect, doctors' fees generally will be permitted to rise no faster than the cost of living. Like any form of price control, these measures can have only limited effectiveness. They do nothing, by themselves, to eliminate the fundamental causes of medical inflation. And if price control becomes too strict, doctors and hospitals may turn down medicare and medicaid patients.

SOME TEMPTING HEALTH-INSURANCE PLANS

As the sorry history of medicare and medicaid makes clear, any future national health-insurance system must be coupled with measures for imposing order on the distribution of medical care. Of all the proposals being considered, the most ill conceived and most dangerous is the A.M.A.'s "Medicredit" plan for federal income-tax credits to defray families' health-insurance premiums—with credits covering 100 percent of costs for low-income groups and tapering off to zero in the highest brackets. This is strictly a financing plan. To Herman Somers, it "is a proposal to subsidize the present system on the assumption that everything in it is just jim-dandy."

Rashi Fein, professor of medical economics at the Harvard Medical School, has a tax-credit plan somewhat like the A.M.A.'s that also contains no reforms. Unlike the A.M.A., Fein admits and deplores the great waste in the present system. But he believes that only the crisis atmosphere brought about by pumping in additional money will jolt the American people into creating a more rational medical system. This is a precarious assumption.

In contrast to such views, reform is intimately and ingeniously woven into the health-insurance proposal recently presented by Daniel W. Pettengill of Aetna to the House Ways and Means Committee. Pettengill proposed extending private health insurance to everyone in the population under sixty-five, with the federal government providing a subsidy for the poor and for non-poor individuals rated as bad health risks. Washington would establish guidelines for minimum coverage, including a strong emphasis on ambulatory care that would cut down on hospitalization, and it would use its taxing powers to enforce these requirements. Thus, employers who failed to cover their workers for ambulatory care within, say, five years would lose half their present tax deductibility for health-insurance premiums.

The Committee for National Health Insurance, headed by U.A.W.'s Chairman Walter P. Reuther, has proposed a federally run health-insurance plan that would supplant medicare and medicaid, as well as most private health insurance. Two-thirds of the cost would be shared by employers and employees, in somewhat the same fashion as social security taxes, and the rest would be financed out of general federal revenues. The objective is not merely to provide complete health insurance for all but also, in Reuther's words, to disburse the money in a manner that will bring about a "restructuring" of a medical system that is now providing "unacceptable, unsatisfactory, second-rate health-care services."

The Reuther committee does not propose a governmental take-over, or even direct regulation, of doctors and hospitals, nor does it have a precise blueprint for reorganizing the private medical system. "We don't want to lock step with any existing system" such as Kaiser's, says Max Fine, the committee's executive director. "We want to encourage competition and experimentation." For a time, doctors would have the option of solo practice on a fee-for-service basis, but the plan would contain incentives to encourage the spread of prepaid group practice. While it is easy to find fault with the Reuther committee's somewhat ideological disdain for private health insurance, it is hard to question its insistence upon reshaping the medical system.

AN AGENDA FOR REFORM

A lot must be done, and done soon, to prepare the U.S. medical system for the approaching day of universal health insurance. The most important step is for the federal government, which now pays about a third of the country's medical bill, to encourage the emergence of more efficient forms of care. The Hill-Burton program, under which Washington has made available nearly $3.5 billion in grants since 1947 to build new hospitals, has largely accomplished its mission. The task now is to modify Hill-Burton, as the Nixon Administration and some Congressmen have proposed, to make grants available for the construction of ambulatory care centers, including those operated by group-practice plans. Also, it would cost nothing for the federal government to realign the various laws of the 1950's and 1960's that encourage regional planning of medical programs and facilities—laws that now overlap in scope, and carry little more than moral force—and to make effective planning a condition for all future grants and loans. The U.S. Public Health Service,

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which has abandoned its long-standing neutrality on the matter, has allocated $1,100,000 during the past two years to acquaint community organizations, including labor unions, with the prepaid group system. But a bigger educational effort is needed.

The private insurers, too, can exert far greater control over medical costs. In New York State, Blue Cross is shifting over to a fixed-fee method of reimbursing hospitals, with fees set for two years in advance. More such innovations are needed. The insurers must also simplify health insurance, and provide broader coverage. Walter McNerney of Blue Cross, fully aware that his system has encouraged excessive use of hospitals, believes that insurance coverage must reach 80 percent of medical costs before the bias in favor of certain types of care will disappear.

ADEQUATE CARE FOR ALL

Under the existing chaotic state of affairs, the goal of adequate care for all citizens seems utterly unattainable. Although millions of people are still denied adequate care, the proportion of our G.N.P. devoted to medicine has aready climbed to 6.8 percent from 4.5 percent twenty years ago, and promises to keep right on increasing. In this situation, the public and Congress are certain to resist any proposals to shift massive new resources to medical care, especially in view of all the country's other unmet needs in such fields as housing, welfare, and urban transportation.

The only hope, therefore, is to get more value from the money spent on medical care—to remove the glaring inefficiencies, to bring the proper incentives into play, and to make a maximum effort to supplement doctors with lower-paid para-professionals, as proposed in the article beginning on page 84. If this were done, the country might save enough from the elimination of waste to do a creditable job with that same 6.8 percent of G.N.P. The strongest evidence that this is possible comes from abroad. Countries such as Sweden and Britain, which enjoy lower infant mortality rates and morbidity rates for childhood diseases than the U.S., devote only 5 percent and 4 percent of their G.N.P., respectively, to medical care.

Harvard's Rashi Fein believes that "at least 10 percent of the $63 billion we spend on medical care is wasted." Howard Ennes of Equitable Life guesses that "we're losing 40 percent of what we're putting in." One benchmark of what good care *ought* to cost is provided by the Kaiser program, whose services currently cost about $120 a year per person, counting the nominal fees paid by members when they receive treatment. Making allowance for services not provided, the Kaiser experience indicates that a good job could be done for the non-aged, non-poor population for about $175 per capita—or about one-third less than what this group currently spends for the unsatisfactory care it gets.

These figures show, among other things, that a majority of the population under sixty-five does not need a government subsidy to pay its medical costs, provided employers pay a generous share of private insurance premiums. They also suggest that if an efficient system existed right now, some $10 billion to $20 billion a year might be available, in the form of savings, to provide better coverage for disadvantaged groups. Assuming that it would cost even as much as 50 percent more per capita to care for the poor because of past neglect (or about $250 per person a year) $10 billion could pay all the medical bills for the approximately 35 million persons below or near the poverty line. For another $3 billion or $4 billion, medicare—which now pays 45 percent of the aged's medical bills—could be liberalized, and it could be extended to persons under sixty-five who are permanently and totally disabled.

To construct such a system would take at least five years, and require considerable capital investment and redeployment of medical manpower. But there is reason to believe that if the country has the will, good medical care for all is within our reach.

HOW TO SPEND $63 BILLION

In recent years the nation has been spending more on medical care than on education or social security. The $63 billion spent in 1969 even exceeded defense outlays less Vietnam. Hospitals received 38 percent of the total medical budget, or $24 billion. Doctors got a 20 percent slice of the budget—$13 billion. Even some of the smaller sectors were pretty big: medical research totaled nearly $2 billion, and supported some nationwide enterprises. Included within the category of "other services" are such big items as the purchase of eyeglasses, support of government public health programs, and some administrative costs.

	Percent
Hospital care	38
Other services and expenses	14
Drugs	11
Construction	4
Research	3
Dentists	6
Doctors' services	20
Nursing homes	4

THE SOARING U.S. HEALTH BUDGET

In less than two decades, the nation's outlays for medical care increased fivefold, to $63 billion in 1969. If the current rate of growth continues, they will reach $200 billion by the early 1980's. Both inflation and rising demand account for this extraordinary increase. Some 40 percent of the nation's health bill is now paid by government—federal, state, and local—through health programs for government employees, veterans, and servicemen and their dependents, as well as state and city hospitals and medicare and medicaid. Although the growth of private health insurance provided by Blue Cross, Blue Shield, and commercial insurers has added to the demand for health services, these insurers together pay only a third of the nongovernmental portion of the nation's medical bill. Individuals pay the other two-thirds out of their own pockets.

Private insurance has artificially stimulated the demand for hospital care because it covers this phase of medical costs more liberally than others. The biggest factor in rising health costs is the growing use of increasingly expensive hospitals.

MEDICINE'S COST-PUSH INFLATION

The price of medical care was already climbing twice as fast as the cost-of-living index when the medicare and medicaid programs went into operation in mid-1966. The introduction of those programs was like firing a booster rocket. As the chart on the left shows, physicians' fees, which had been going up by less than 3 percent annually, began rising more than twice as fast. The steep climb in hospital charges became even steeper.

The explanation for the new rises lies not only in the added demand created by medicare and medicaid, which together pumped $13 billion into the medical system in 1969, but also in the way the programs are run. Physicians are reimbursed mainly on the basis of "usual and customary fees," a provision that encouraged them to raise those fees. Hospitals are reimbursed on what amounts to a cost-plus formula. Now, with both programs running ahead of forecasts, and alarmingly so in the case of medicaid, the federal government is trying to impose some controls.

Rising prices are the biggest single contributor to the nation's growing health bill. Back in 1950 the country spent $11.1 billion for personal health services, i.e., all medical expenses except for research, construction, and other special categories of spending. By 1969 the same figure had climbed to $54.2 billion. The rise in population accounted for 18 percent of the increase, and additional medical services per capita accounted for another 35 percent. But inflation accounted for nearly half the rise.

[From Fortune magazine, January 1970]

IT'S TIME TO OPERATE—CHANGE BEGINS IN THE DOCTOR'S OFFICE

(By Dan Cordtz)

When Dr. Sidney Lee, associate dean for hospital programs at Harvard Medical School, is asked what is wrong with American medicine, he has a prompt and characteristically blunt answer: "Doctors!" He has a good point. The nation's 313,000 active physicians are quite properly the main target for the critics of the health-care system. The doctors created the system. They run it. And they are the most formidable obstacle to its improvement. It is the doctor who decides which patients will be treated, where, under what conditions, and for what fee; who will enter the hospital, for what therapy, and for how long; what drugs will be purchased and in what quantities. The U.S. alone among the world's developed countries has given the medical fraternity such freedom. The profession not only can, but should, be held accountable for the way it uses its power.

The trouble with doctors is not that they are more avaricious than other people. Indeed, many of them are dedicated men, who work hard for their high incomes. The real charge against them is that they have been shortsighted, timid, and far too slow to recognize and adapt to change. Only recently did the leaders of organized medicine reluctantly recognize the fact that Americans regard decent health care as one of their rights—not a privilege, or a commodity to be sold by medical men in the open market. Motivated by groundless fears of oversupply, doctors have discouraged the expansion of their own ranks, until now they must acknowledge a serious shortage. Even if every effort were made, that shortage could not be alleviated for at least the next decade. Yet most doctors, far from taking the lead, continue to resist innovations aimed at making the health-care system more efficient and responsive to public needs.

In recent years a small but growing band of doctors—most of them young—have begun to level these very accusations at their profession. A handful are taking direct personal action. Some are working in health centers established by the Office of Economic Opportunity; others have launched similar projects on their own. Interns and residents in several cities have forcefully called attention to deplorable conditions in public hospitals. Even more promising for the longer run, a profound change is evident in the attitudes of the nation's 37,750 medical students. Hundreds of the most earnest, intelligent, and vocal of them are clamoring for major reforms in the purpose and methods of medical education. They are demanding that the schools design both a more rational, effective health-care system, and more relevant training for a new breed of practitioner (see "Shaking Up the Curriculum".)

But it will take many years for the new generation of M.D.'s to make up a significant share of the medical fraternity, and in the meantime their influence is indirect and limited. Dr. Daniel Federman, an authority on the continuing education of doctors, asserts that "the change in student mentality has almost no counterpart among established physicians. They are more aware of the problem, but there is no evidence that they are doing anything about it." And Dr. Labe C. Scheinberg, dean of New York's Albert Einstein College of Medicine, warns, "Until the top practitioners join in the drive for change, everything else will be irrelevant." There are

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some small signs that the American Medical Association may be less resistant to change in the future. Nevertheless, most critics of the profession still believe that reforms will be forced on the A.M.A. by external pressures, not generated internally.

THE VANISHING FAMILY DOCTOR

At the heart of concern about the system is the intractable fact of shortage. Much more is involved in the nation's health, of course, than medical services. Environment, mores, and genetics also play large roles. And more is involved in the supply of medical services than the number of physicians. But their availability is extremely important, not only to the adequacy of care but particularly to perception of its adequacy. The National Advisory Commission on Health Manpower, in its report to President Johnson two years ago, cited three leading indicators of crisis: long delays in obtaining appointments for routine care; hours spent in waiting rooms, followed by hurried and impersonal attention; and difficulty in reaching a doctor at night and on weekends, except through hospital emergency rooms. All are obviously directly linked to the short supply of M.D.'s.

Since 1950, the number of physicians has grown about 25 percent faster than total population, and that margin is expected to increase as medical schools belatedly open their doors wider. But such over-all figures conceal some trends that have important implications for the availability of care. In recent years many doctors have turned away from patient care to work in research laboratories, industry, public health, and other institutions, to teach, or to serve as hospital administrators—all functions of great importance for the future. One-third of all doctors now devote themselves to such activities. As a consequence, the number of M.D.'s caring for private patients actually declined 10 percent relative to population between 1950 and 1965—to 92 for each 100,000 Americans. Specialization took a further toll. The doctor-patient ratio of those providing family care (general practitioners, internists, and pediatricians) fell by one-third—to 50 per 100,000. (In the 1930's, when almost all doctors were in patient care and 70 percent were general practitioners, a ratio of 135 per 100,000 was regarded as desirable.)

The geographical distribution is extremely uneven. In New York State, by the end of 1967, there were 200 physicians caring for each 100,000 residents. At the other end of the scale, Mississippi had but 69. Even within the most favored states, extreme distortions are common. Private physicians are as hard to find in some neighborhoods of New York City as in backward rural counties of the South. In general, doctors are plentiful only in the suburbs and in prosperous middle-sized cities; they are scarce in parts of large metropolitan centers, and in rural areas.

Most of the burden of expanding the pool of physicians falls on the country's 101 medical schools. In the past decade, sixteen new schools were opened. But the number of graduates next summer will total about 8,000—only a thousand more than in 1960. By 1975 more than 10,000 new doctors will be turned out annually. So lengthy is medical training, however, that even if the size of all schools were doubled tomorrow, there would be only an extra 9,000 fully qualified physicians seven or eight years from now. Today's shortage has resulted in a rapid increase in the immigration of foreign-trained doctors. They make up almost one-fifth of each year's new licentiates and more than one-fourth of the nation's full-time hospital staff. The Health Manpower Commission has expressed serious concern over this trend, noting that foreign-trained doctors "have a lower level of proficiency by all criteria of professional competence."

Whatever the source, the supply in 1975 is expected to total between 370,000 and 380,000 doctors—a gain of 17 or 18 percent from 1965. The trend away from patient care and toward greater specialization, however, will almost certainly continue. And, in any case, the increase in demand for medical service will far outstrip the small projected gross gains in the doctor supply. The factors that have expanded demand dramatically in the past decade—increasing affluence, new infusions of purchasing power from private and public insurance schemes, more education and consciousness of health, rapid growth in the youngest and oldest segments of the population, and continuing urbanization—will continue to work, perhaps even at a faster pace, in the future. The Health Manpower Commission has projected demand for all physician services at $24 billion in 1975—double last year's amount.

Even if the supply of doctors could be increased more rapidly than anyone now believes possible, it would not solve much. The Health Manpower Commission declared that "if additional personnel are employed in the present manner and within the present patterns and 'systems' of medical care, they will not avert, or perhaps even alleviate, the crisis. *Unless we improve the system* through which health care is provided, care will continue to become less satisfactory."

WHERE THE SYSTEM FAILS

The most glaring shortcoming of the system is the unavailability of care to the poor, the isolated, and members of minority groups. A modest start is being made to deal with the deficiency through the OEO's fifty health centers, which group doctors, dentists, and supporting people in areas that formerly lacked any facilities or were dependent on hospital out-patient departments. Dr. Jack Geiger, now chairman of the Department of Community Health and Social Medicine at the Tufts Schools of Medicine, sold the concept of health centers to OEO in 1965. He opened two centers that the OEO now operates. One of them is in Mound Bayou, Mississippi, and the other in Columbia Point, a public housing project in Boston. Eleven full-time doctors and 150 staff members serve 14,000 people at the Mississippi center. Besides providing medical treatment, they attack the environmental conditions that produce much of the illness they find. In the early days of the project, Dr. Geiger wrote prescriptions for food to deal with widespread hunger and nutritional deficiencies. Since the center was established, he estimates, infant mortality in the target area has been reduced by almost two-thirds, but Dr. Geiger gives most of the credit to environmental improvements. "If I could do just one thing to improve the health of the people," he says, "I would double their per capita income."

Operations at Columbia Point are more conventional. There six full-time physicians and three others, who donate part of their time, care for 6,000 residents of the housing project. They work closely with welfare and other social workers in an effort to provide comprehensive family treatment. The emphasis is on preventive medicine, and the results have been dramatic: in two years the number of days spent in the hospital by residents of the project has declined by 80 percent.

Similar clinics have been started under private sponsorship or by individual doctors. One of the most noteworthy is Dr. David Brooks's Salud Clinic in Woodville, California—a rural community that previously had no health facility of any kind. There three physicians and a myriad of other health people (mostly local residents trained on the job) work on a communal basis. Each is paid $250 a month. Fees for patient care come from Medical, the state's Medicaid program. Most of the money left over after salaries are paid is plowed back into improved facilities or educational programs.

Dr. Geiger asserts that 800 such centers are needed immediately across the U.S. But he acknowledges that staffing is a serious obstacle. Government health officials and others are now looking closely at the lessons learned in Vietnam, where physicians have been removed from the front lines. They remain at secure, well-equipped rear bases, and the wounded—after emergency first aid by medical corpsmen—are quickly taken back by helicopter. Investment of money in transportation between rural backwaters and strategically located large hospitals would have many clear advantages over construction and operation of understaffed makeshift medical centers. "Most small towns without doctors won't get them no matter what," insists Dr. Richard S. Wilbur, assistant executive vice president of the A.M.A. "The rural general practitioner in many areas is unsupportable and we shouldn't even try."

Others sympathetic to Dr. Geiger's aims are not sure that his should be the only approach. "We might be on the wrong track with those clinics," warns Dr. Charles E. Lewis of Harvard's Center for Community Health and Medical Care. "They might just turn into replicas of outpatient hospital clinics. It's like trying to fight this year's war with last year's weapons. And the costs of operation are phenomenal." Dr. Lewis argues for primary-care units in shopping centers and other areas where people congregate, many of them to be staffed by local people trained in taking information. The data could be fed into central diagnostic computers that would indicate whether the case seemed serious enough to warrant examination by a doctor.

HOW FEW CAN DO MORE

The poor and the isolated are by no means the only ones dismayed and discontented by the way medical care is now being distributed. Anger about medical costs and the inconvenience and impersonality of care is spreading among the majority of middle-class Americans. Given the fact that the shortage of doctors is going to continue, the medical profession must find ways to improve its productivity. Most critics have centered their attention on three potentially fruitful ways to accomplish this: more extensive use of professionals who are not M.D.'s, expansion of group practice, and broad-scale application of computer systems and other new technologies.

Technological innovations hold considerable promise. Duke University's Department of Community Health Sciences is doing research that may provide practicing physicians with the advantages of data processing in making patient-care decisions. The department sees as feasible such improvements as a computer-stored data bank of diagnostic information wired to a terminal located conveniently close to the doctor, enabling him speedily to check his diagnosis of a particular illness with the computer's data about the illness in question.

Duke has also pioneered in the so-called "multiphasic screening clinics," which are now in operation in fourteen locations across the country. As the Commonwealth Fund describes its operation, "This unit will conduct chemical and electronic tests necessary for physical examination. Since much of the equipment can now be automated, it can be operated by technicians and can process both patients and the clinical data collected on them very rapidly. Through the screening clinic, the physician, at no expenditure of his own time, can obtain an important clinical-information profile on his patient." Other uses of electronic equipment include two-way television hookups between hospitals and outlying field stations manned by nurses. One now links a medical station at Boston's Logan Airport with Massachusetts General Hospital.

XUM

CUTTING DOWN ON THE BOOKKEEPING

Group practice, if the group is of sufficient size, can relieve the physician of almost all of his nonmedical burdens. John R. Johnson, executive administrator of the Palo Alto Medical Clinic, estimates that the average doctor in private practice spends more than 25 percent of his time on business (bookkeeping, billing, ordering supplies, etc.). "If a doctor uses us right," he says, "he can reduce that to 1 percent." Economies of scale can also enable groups to provide timesaving in-house laboratory facilities and equipment. And group practice gives the doctor and his patient ready access to specialists in other fields. In spite of these advantages, however, only 12 percent of all practicing private physicians engage in any kind of group practice; just half of them are full-time members of comprehensive multispecialty groups. Many medical students express an intention to enter group practice, but the percentage of doctors doing so is not increasing much right now.

Part of the reason is money. Salaries for members of a group are usually well under what a hustling physician can earn on his own. Dr. John Knowles, director of Massachusetts General Hospital, tells of a large western group that is trying to recruit an orthopedic surgeon at a salary of $40,000—with no takers. "An orthopedic surgeon can easily make $80,000 a year on his own," Dr. Knowles explains. Further, a doctor just starting out may be reluctant to join a group because there are so few of them. If he finds his associates uncongenial, he may not be able to locate another. He will then have to launch his own practice after having wasted several years.

SPLITTING UP THE JOB

"Health-care teams" offer the brightest opportunity for improvement of productivity. At present, because of the wide gap between their education and that of others in the medical field, doctors routinely perform many tasks that are beneath their level of competence. Many of them could be handled better by persons trained less broadly but more intensively. If large numbers of such functional specialists were available, physicians could work largely as team leaders—keeping for themselves only the duties demanding the highest skills. Other members of the team, working independently or under the supervision of doctors, would be assigned responsibility commensurate with their education and training.

XUM

The mechanics of this eminently sensible idea are difficult to work out. What is required first of all is a detailed analysis of all the duties involved in caring for various types of patients. These must be evaluated in terms of their critical nature, and the kind and degree of skill required to carry out each. They must be divided up in some rational way. Then educational and training programs must be designed, and candidates recruited by the attractions of good salaries and opportunities for advancement. Doctors must be persuaded to use such assistants fully. (The history of physician-nurse relationships is not encouraging on this point.) Finally, and perhaps most difficult of all, medical licensing laws must be changed, and common standards established across the country.

A number of promising experiments are now under way. Anesthesiologists, who are among the specialists in shortest supply, have sponsored a study of their duties, and have identified six different levels of required competence. Some of those functions are being parceled out to technicians with a master's degree in anesthesiology. (About 12,000 nurse anesthetists already do 45 percent of the anesthetic work in the U.S., so splitting up the job further may not encounter too much resistance.) Pediatricians have also formally recognized that much routine care can easily be carried out by nurses or other assistants.

Many schools have already launched experimental programs to train a variety of people in services related to health care. Several are training a new category, the "physician's assistant," who will perform an array of routine chores—measuring, testing, and giving therapy—that now consume much of the doctor's time and energy. At Duke University School of Medicine, and at the University of Washington School of Medicine in Seattle, the courses of training, which do not lead to a degree, are designed for persons with some previous medical experience, most of whom are medical corpsmen returning from military service. Another school, Alderson-Broaddus College in Philippi, West Virginia, has just started a four-year baccalaureate program that will recruit students directly from high school.

Twenty-nine students have already finished their two-year course at Duke. Dr. D. Robert Howard, director of the program, says that each graduate had more than a dozen job offers. The University of Washington took in its first fifteen students last June for a three-month crash course. After classroom work in the subjects where the men were least experienced—psychiatry, pediatrics, geriatrics, and chronic disease—they were placed in doctors' offices for on-the-job training. All fifteen are now working in rural areas where physicians are most hard-pressed.

Up to now, most of the early graduates have found jobs close to their place of training. If these programs are to move beyond the experimental stage, though, legal obstacles to mobility must be removed. The new people in medicine will have to move freely across the country, without encountering serious restrictions on their ability to apply their skills.

Recruitment may also turn out to be difficult. With the exception of a few hospital administrators, nobody but the doctor makes much money or has much opportunity for advancement in medicine. Thus many abandon the profession. In spite of the severe shortage of nurses, somewhere between 500,000 and 600,000 qualified nurses are currently inactive because of low pay and the lack of intellectual stimulation. People lower down in the medical hierarchy—technicians, nurses' aides, orderlies, etc.—are even harder to attract and keep. Those who are pressing the health-team idea hope that the barriers to vertical mobility in medicine can be lowered, and that salaries can be raised substantially as better trained people take over duties now performed by those higher in the pecking order.

THE NEED FOR SUPPORTING TROOPS

Ultimately, however, the future of the health-care team concept will depend on the willingness of doctors to accept and utilize paramedical personnel. The numbers of such people have been minuscule thus far, and most have been trained in areas of severe shortage. If their numbers grow rapidly, the early enthusiasm for them may dwindle. Already, a local medical society in California has brought charges of practicing medicine without a license against a neurosurgeon's assistant who—under instructions—removed stitches from a patient's incision.

The attitudes of the doctors may be based on fear of competition. But it is also true that patients themselves may resent being handed over to assistants. Obstetricians are probably the most overtrained, underutilized doctors in the whole profession. Only a tiny number of births involve the kind of complications for which they train so arduously. But it is still difficult to visualize large numbers of middle-class women voluntarily forgoing the comforting presence of an obstetrician at the maternal bedside.

A QUESTION OF QUALITY

Doctors also resist the kind of reorganization that health teams would require out of a genuine concern for the quality of care. But many members of the profession express reservations about the quality that the present primitive system delivers. "Medical care in the U.S.," declares Dr. Jacobus Potter, associate dean of New York University School of Medicine, "is like the little girl with the little curl in the middle of her forehead. When it's good, it's the best anywhere. When it's bad, it's appalling."

Statistics suggest that there is lots of room for improvement. This country ranks fourteenth in infant mortality, twelfth in maternal mortality, and eighteenth in male life expectancy. The Health Manpower Commission found it "startling" that "despite the advances in medical science and the greater use of health services, there has been a barely perceptible increase in life expectancy in the United States since 1954. For the male population, life expectancies have actually declined in some age brackets."

That uninspiring record is partly explained by the fact that there is a wide gap between the figures for the poor and minority groups in this country and the rest of the population. If the poor are screened out (and one wonders why they should be), our ranking among nations moves up substantially. Smaller, more densely populated countries also have simpler medical logistics. As for the life expectancy of American men, doctors rightly complain that they eat and drink too much, exercise too little, work too hard, and drive too fast—then expect an annual checkup to keep them alive and well.

Granting all that, a good deal of evidence remains that many doctors are bad medicine. One of the first analyses of medical-care quality was conducted in 1956 under the direction of Dr. Osler L. Peterson, then a staff member of the Rockefeller Foundation. His team of doctors, watching North Carolina physicians treat patients in their offices, concluded that more than 60 percent of the therapy was below acceptable standards. In 1962 and 1964 a medical team from Columbia University School of Public Health and Administrative Medicine studied the care of a random sample of patients in ninety-eight hospitals in the New York City area. Forty-three percent of the treatment was rated less than "good"; 23 percent was labeled "poor."

Another sobering revelation came from the spotless, shiny operating rooms. Surgical quality, of course, is frequently a life-or-death matter. Dr. Arthur James Mannix Jr., a Fellow of the American College of Surgeons, wrote in the *New York State Journal of Medicine:* "Errors in judgment or technique concerning either the anesthesia or the surgery, or a combination of the two, contribute close to 50 percent of the mortality in the operating room." And one study rated more than 40 percent of the surgery performed as less than "good." Further, much surgery is unnecessary. One-third of the hysterectomies reviewed in the Columbia studies were judged as having been done without any justification. An official of the A.M.A. says that the rise in tonsillectomies under medicaid "verged on the scandalous." Critics have a sardonic label for such operations: "remunerectomies."

Doctors also do too little to police their own ranks. In 1968 the various state medical boards revoked the licenses of only sixty-four physicians. Fifty-nine more received revocations that were afterward stayed, allowing the doctors to continue practice. Another sixty were suspended temporarily. In the circumstances, laymen find it difficult to identify low-quality medical men. They certainly cannot go by the visible evidence of a lucrative practice. Dr. John Knowles, director of Massachusetts General Hospital, asserts that "the marginal practitioner today is sometimes making three times what the best practitioner is making."

A STERN FACE TOWARD CHANGE

If the needed changes are to come, doctors will have to encourage and support them. Too often in the past they have fought against alterations in the system that they made, belong to, and run. The A.M.A. mounted the costliest lobbying effort in history against medicare—not because it saw the weaknesses in it that have lately come to light, but because of fear of *any* change. Still, though, once medicare was inevitable, the doctors managed to relax and enjoy it. Just before the medicare bill was enacted, according to one expert researcher in the field, only 38 percent of New York State's M.D.'s favored it. After the program had been in operation for six months, 81 percent of them said that they approved. Such adaptability offers encouragement when future changes are considered.

That physicians have often set their faces so stubbornly against change is not hard to understand. It traces back to the fact that the overwhelming majority of them grow up, and later practice, in the middle and upper classes. In 1968, 41 percent of all medical students came from families with incomes above $15,000—the wealthiest eighth of the nation. Another 22 percent were from families earning between $10,000 and $15,000. The vast majority were science majors in college, and until recently few had much undergraduate education in the arts and humanities. With the rarest of exceptions, and those of recent origin, students are not exposed to the larger questions of medicine's responsibilities to society. Consideration is seldom given to innovations in the system or forms of practice. Thus it is difficult for most practicing physicians to appreciate the arguments of their critical colleagues—or even to understand what they are talking about.

During their training period, doctors go through what Dr. Lewis of Harvard calls "a greater socializing process than even the priesthood." For at least seven years they spend almost all of their waking hours with other doctors or would-be doctors, not only absorbing medical information but, in Dr. Lewis' words, "learning how to act and think as well." Consciously or otherwise, most pattern themselves after the role models set by their instructors.

HUMANE, BUT ALSO HUMAN

When they are accused of "making too much money," doctors can with some justice point to the fact that medical education is tremendously expensive—even allowing for the fact that so much of it is government-subsidized. The Association of American Medical Colleges estimates the average bill for four years of medical school at $20,000. After they get their degree, moreover, most doctors spend three or more years as interns and residents. More than 90 percent of interns and residents still receive salaries under $6,000, although some hospitals pay far more. According to a 1968 study sponsored by the Department of Health, Education, and Welfare, doctors below the age of thirty-five typically earn less than other professionals except clergymen. And this is at a time when many are still saddled with debt from their medical-school days.

Later, not surprisingly, doctors make up for the lean years with a vengeance. According to *Medical Economics*, the median net income of self-employed doctors below the age of sixty-five in 1967 was $34,700. The figure understates the income of the well-established man. For, while it excludes interns and residents, it includes young doctors just entering private practice—and many of them report net losses for a year or two. Between 1955 and 1967 physicians' median income rose a startling 117 percent—20 percent in the last two years, as medicare and medicaid poured new money into the medical marketplace. Certainly on important consideration that maks doctors oppose a reorganization of the health-care system is the fear that it may threaten their financial position. As Dr. Rashi Fein, the medical economist, recently told a congressional subcommittee, "Doctors may be humane, but they are also human."

With few exceptions, physicians are conscientious and dedicated to providing the best possible care *for their own patients*. But preoccupied with this demanding one-to-one responsibility, and limited by background and training, most are unwilling to recognize the flaws in the general system, and the unmet needs of many of their fellow citizens. The flaws, however, are now showing up everywhere—in the waiting rooms, in the hospital corridors, and in the figures on the cost of care. Change has to come. If they want to guide its direction, physicians must quickly begin to supply some leadership. As Dr. Knowles warns, "If we want to keep our profession free, we have to control ourselves, and act in the public interest."

SHAKING UP THE CURRICULUM

A major reformation is under way in the nation's medical schools. It promises to be as far reaching as the one that transformed medical education half a century ago, and could have an even more profound effect on the practice of medicine in the U.S.

The first great wave of change followed the publication in 1910 of a massive report by Abraham Flexner calling attention to the chaos that existed in medical education at the time. Flexner condemned most of the more than 160 schools then in operation as outright diploma mills, or money-making enterprises conducted by bands of poorly qualified doctors. Response to the report was prompt: within twenty years the number of schools was pared to seventy-six, and they were firmly established within the university framework. Admission requirements and curricula were standardized. Medical education was molded into its present form.

But for the past two or three decades, while the country and its medical needs changed radically, most schools have remained virtually the same. The training of a whole generation of doctors has become increasingly inadequate and frustrating. Now, as in Flexner's day, agitation for reform is spreading across the country. Critics are pressing for admission of more students, particularly from minority groups; closer attention by the schools to the health needs of their own immediate communities; and greater concern with the health-care system.

But the real fervor of the vocal new generation of medical students is directed at improvement of medical-school curricula and teaching methods. A majority of schools still follow much the same rigid curriculum that evolved after the Flexner study. First-year students, whatever their educational background, spend their time in lecture hall and laboratory studying anatomy, biochemistry, and physiology. In the second year, still restricted to the classroom, they devote themselves to microbiology, pathology, and pharmacology. Lectures are frequently lengthy and repetitious recitations of facts and terms to be committed to memory. In the lab, students follow what one labels "cookbook instructions." There is little correlation with clinical practice, and the only "patient" encountered is a dead one—the cadaver dissected in the anatomy lab.

Not until the third year do the survivors of this grind begin clinical training in the setting of the teaching hospital. Even at this clinical stage, according to an articulate student critic, "the pattern remains essentially the same: repetition, busywork, lockstep learning, conformity, passivity. The professor dispenses knowledge, the student, spongelike, absorbs it, squeezes it out on command."

A DISSATISFIED DEAN

The first steps toward changing this picture were taken by Western Reserve (now Case Western Reserve) University School of Medicine at Cleveland. When Dr. Joseph T. Wearn was asked to take on the job of dean in 1945, he insisted that he be permitted to choose eleven new department heads (out of a total of thirteen). Dr. Wearn then used his leverage to transfer power over curriculum from the departments, habitually jealous of their prerogatives, to a newly created general faculty. In 1952, after an exhaustive six-year study, Reserve introduced its new curriculum.

All teaching was made interdepartmental, with subject-oriented committees giving courses grouped around the human body's various systems—respiratory, cardiovascular, neurological, etc. The first year was generally devoted to normality, the second to abnormality. Basic science instruction was closely tied to clinical case exposure. Elective courses were introduced, and students were given two half days a week to develop their own medical interests. They were also required to complete a major independent research project. Most of the fourth year was made elective, permitting students to concentrate more intensely on clinical specialities. Many tests were eliminated, and grading was put on a "fail-pass-honors" basis.

Finally—and this was the most popular reform—students were put in direct contact with patients from the start of their first year. Each was assigned to an expectant mother. He got to know the family members, their living conditions and problems. He followed the mother's prenatal care, attended the birth, and kept track of the child's care and development. Obviously, he was given no medical responsibility (although some students helped their charges to deal with hospitals, welfare departments, and other public institutions). But the innovation put him in close contact with doctors and patients, and the interaction between the two.

Western Reserve has since made further revisions, including a "track" system that permits students with different educational backgrounds or goals to follow separate lines of study. It has provided written and audio-visual materials that enable students largely to educate themselves at their own pace. Some Reserve students do not attend lectures at all. These innovations attracted more than 1,500 observers to Cleveland, and over the years several other medical schools initiated their own curriculum reforms. Since 1967, mounting student pressure has compelled most of the rest to re-examine their educational programs.

COMMUNISTS OR COP-OUTS

As a group, medical students have displayed astonishing changes in attitude over the past three years. Some of their complaints of educational "irrelevancy" echo those made by undergraduates. But, as a natural reflection of med students' greater age, education, and maturity, their approach is generally more sophisticated and constructive. Even the most "radical" of them are, with rare exceptions, reformers rather than rebels. They are taking a larger view of the role and responsibility of the doctor, and are asking for training that will enable them to assume these expanded duties.

The Student American Medical Association, until three years ago little more than a stepping stone to A.M.A. membership, has now declared its independence. It has attracted 24,000 members, of a total medical-school enrollment of 37,750. At its convention last year delegates passed resolutions critical of the fee-for-service concept of payment for medical care, and endorsed greater participation in group practice. Under the leadership of its president, Edward Martin, a student at the University of Kansas School of Medicine, S.A.M.A. has initiated a health-care project among the poor in Kansas City. The organization, Martin says, "is right in the middle of the student attitudes. The right calls us Communists and the left calls us cop-outs. We are progressively concerned and active, not liberal or conservative."

A bit more militant are members of the Student Health Organization, a loosely connected amalgam of autonomous local chapters that is sometimes inaccurately described as the S.D.S. of the medical schools. But even they hardly sound like bomb throwers. Lambert King, a student at the University of Chicago Pritzker School of Medicine and a leader of the Chicago chapter, says, "One of our biggest goals is to get more control of the decision making in health matters into the hands of community people and hospital workers."

[From Fortune magazine, January 1970]

IT'S TIME TO OPERATE—THE MEDICAL INDUSTRIAL COMPLEX

(By Harold B. Meyers)

Looked upon as a product, medical care in many respects eludes the grasp of market forces. Price, choice, measurable performance, channels of expression for consumer discontent—all these elements are either missing or distorted because of the product's peculiar nature. But the market economy is very much present and at work in what is coming to be known as the "medical-industrial complex," the business of manufacturing and selling the varied equipment, from bandages to two-million-volt cobalt machines, that doctors and hospitals use. The demand for such products is so strong that many new companies, some of them giants in other fields, have joined the old-line manufacturers in a bid for new profits.

Fortune estimates that outlays for health care totaled $63 billion last year. An impressive share of those expenditures went for manufactured goods of all kinds. In 1967, the last year for which official figures are available, the value of medical-related items *alone* totaled more than $6 billion at the time of shipment by the manufacturers. Since then the market has been growing at a compound rate of 10 to 15 percent a year. Submarkets have reached some surprising totals: $185 million for all types of surgical dressings, about $100 million for hypodermic needles and syringes.

COMPONENTS OF A GROWING MARKET

Thousands of different products, supplied by hundreds of companies of all kinds and sizes, make up the total medical market for manufactured goods. This list shows the variety of companies being drawn to health products, and the way companies that were long in only one major market, like Abbott in drugs, are beginning to branch out. In some cases, medical products are handled by divisions of a large corporate entity, which have well-established identities of their own. Davol had long been a well-known manufacturer of surgical products before it was acquired by International Paper in 1968.

This sampler of medical markets is based on Census Bureau figures for 1967, the most recent available. The values given are as of the time of shipment by the manufacturer, and are regarded in the industry as understating the actual totals. Many of the listed companies are active in categories not included here—e.g., General Electric makes a new type of permeable membrane, and International Paper manufactures disposable gowns for surgeons.

Drugs still rank as the largest single medical submarket. But the growth of technical devices reflects the changes in medical care. According to Arthur D. Little Inc., the *total* market for medical technology, including electronic devices, probably exceeds $450 million a year.

(*Value of manufacturers' shipments*)

Drugs[1]	$4,143,029,000
Dental equipment and supplies[2]	198,100,000
Surgical instruments[3]	188,100,000
Surgical dressings[4]	184,900,000
Hypodermic needles and syringes[5]	99,400,000
Medical furniture[6]	87,500,000
Surgical sutures[7]	70,300,000
X-ray equipment[8]	66,200,000
Electronic equipment[9]	54,200,000

[1, 3] Abbott Laboratories.
[1, 3, 4, 7] American Cyanamid.
[1, 2, 3, 4, 5, 6] American Hospital Supply.
[1, 5] Baxter Laboratories.
[3, 4, 5] Becton, Dickinson.
[6] Borg-Warner.
[3, 4, 5, 6, 7] Brunswick.
[8, 9] General Electric.
[9] Hewlett-Packard.
[3] International Paper.
[1, 2, 3, 4, 5, 7] Johnson & Johnson.
[1, 3, 4] Kendall.
[1, 3, 4, 9] Parke, Davis.
[3, 7] Philip Morris.
[2, 6, 8] Sybron.
[1, 3] Smith Kline & French.
[1, 2] Warner-Lambert.
[8] Westinghouse.

A big part of this business goes to companies that have been in the field for a long time, such as Eli Lilly and Baxter Laboratories. But an array of other companies is now cutting in. When the American Hospital Association held its seventy-first annual convention in Chicago last summer, 495 commercial exhibitors took booths. Among them were companies rarely thought of as active in the health business, including Zenith and Motorola, I.B.M. and Addressograph Multigraph, Bigelow-Sanford and Monsanto. Many conglomerates—from Litton Industries to C.I.T. Financial—now have medical groups in their corporate families. Aerospace companies are involved in everything from computerized medical information systems (Lockheed) to life-support systems (United Aircraft). Even tobacco companies, for years the special target of medical researchers, are joining the chase for the health dollar Philip Morris has formed a new division, ASR Medical Industries, that numbers sutures and surgical blades among its products.

One of the fast-growing older companies in the health-care industry is its largest distributor, American Hospital Supply Corp. When President Harry K. DeWitt joined the company as a salesman in 1941, its catalogue had only 100 pages. Today the company's catalogues contain more than 3,000 pages with listings for some 60,000 items, and DeWitt says: "I am grateful that I am no longer a salesman charged with having to know what all these things do." American Hospital Supply has been gradually increasing its own manufacturing capability, and 45 percent of its sales now involve its own products, including rubber gloves, laboratory cages for animals, and an organ-preservation machine that sells for $15,300. The company's sales rose from $219 million in 1964 to $387 million in 1968. In the same period, earnings more than doubled, going from 33 to 67 cents a share. The company's stock, long a hot favorite of Wall Street, has sold at a price-earnings ratio as high as 50.

American Hospital Supply's rapid growth reflects the impact of two concurrent trends—increased government and private spending on health, and the greater complexity of modern medical science. Says DeWitt: "As treatment of diseases has become more complex, so has equipment become more complicated. There was no thought ten or fifteen years ago of cobalt machines, heart pacemakers, cryosurgical instruments for cataract removal, artificial hearts, artificial heart valves, or micro-surgical instruments for surgery performed under a microscope." In one recent five-year period the number of laboratory procedures commonly carried out in hospitals tripled, creating a demand for all kinds of arcane instrumentation in fields that DeWitt describes as the "ometries," "ologies," and "ographies" (e.g., chromatography, the separation of closely related compounds).

Johnson & Johnson, probably the world's largest maker of surgical dressings, is another old company that has changed and grown with its industry. In the 1959–68 decade, Johnson & Johnson's domestic sales went from $298 million to $580 million. Earnings more than tripled, rising from $15 million in 1959 to $50 million in 1968. Besides surgical dressings, the company makes a wide variety of well-known consumer products—baby powder, baby oil, and Band-Aids—as well as medical equipment and drugs. One of its new products, RhoGAM, is a vaccine against Rh disease, which has killed as many as 10,000 babies a year in the U.S. alone.

A TURN TO LEASING

Not long ago an x-ray machine was likely to be a hospital's single most complex piece of equipment. The medical market for such machines, dominated by General Electric, continues to be lively: an estimated $68 million a year. But today the range of electronic equipment required by a fully equipped hospital covers a broad spectrum, from patient monitoring to kidney machines and blood analysis—with computers doing the paper work.

Best known as a maker of propellers for aircraft engines, Hamilton Standard, a division of United Aircraft, came to medical electronics by way of the space industry. The company won a research contract from NASA in the early 1960's to develop and build a telemetry-type cardiac monitor for use by astronauts. Out of that research grew a variety of products for commercial sale, including a telephone monitoring system for cardiac patients. By using that $660 unit, a post-coronary patient can relay electrocardiogram data from his home to his doctor's office by telephone. A more complex version of the system enables a single nurse to keep watch over as many as four hospital patients without leaving her station.

Another outgrowth of Hamilton Standard's work with life-support systems for astronauts was the Simas pump, a computer-controlled heart pump. When a patient in the throes of a heart attack is put on the pump, the machine takes over much of the work of the heart. It was first used two years ago in Montreal on a forty-seven-year-old sales executive named Samuel London. At the time he was put on the pump—which had been under experimental study for two years by a heart specialist at the Jewish General Hospital—London's doctor gave him "less than a 5 percent chance of recovery." London was able to go home seven weeks later. Thirty-seven of the machines, which cost $9,900 each, are now in use by hospitals, and Hamilton Standard is at work, under a National Heart Institute contract, on a more advanced "circulatory assist device." This one will employ a special pressure suit, not unlike those used by the astronauts, which ambulance drivers or other relatively untrained personnel could put on a heart patient. The suit would help maintain heart action through a sequence of carefully timed pulsations.

The electronic equipment being offered to hospitals is expensive—a single x-ray unit can cost $100,000—and is subject to rapid obsolescence. To conserve their capital, some hospitals are leasing rather than buying the equipment. The chief advantage, as Milton H. Sisselman, vice president for coordination and planning at New York's Mount Sinai Medical Center, explains, is that dollars spent on leasing come out of operating funds, rather than capital funds. In addition, all costs are known in advance. When General Electric leases x-ray equipment to hospitals, G.E. provides total maintenance. Borg-Warner—which became interested in hospital furnishings after one of its executives, convalescing from an operation, studied the shortcomings of his hospital bed—recently leased furniture for 142 patients' rooms to LaGuardia Hospital in New York.

93 PERCENT DISPOSABLE

The greatest change in health-care products in recent years has been the emphasis on items that are discarded after a single use. Becton, Dickinson & Co. (1969 sales $206 million) does 79 percent of its business in health products—and about 70 percent of that segment is represented by "disposable" items such as hypodermic needles, syringes, scalpels, and gloves. The percentage is even higher for Sherwood Medical Industries Inc., which is 85 percent owned by Brunswick Corp. About 93 percent of Sherwood's annual sales, which totaled $41 million in 1968, comes from disposable products. Most of the remainder of Sherwood's business represents sales of medical equipment and furniture, including examining tables.

Behind the demand for disposables lie two inescapable facts of medical life today. One is that a re-usable instrument or product carries a hidden, but unavoidable, risk of infection; no matter how careful the sterilization process may be, some obdurate germ may be lurking out of its purifying reach. Another circumstance, just as compelling, is of economic rather than biological importance. More than 60 percent of the typical hospital's budget goes for labor costs. To make a medical item ready for re-use is a demanding, time-consuming task—one that requires a considerable investment of labor.

In a talk before security analysts, DeWitt of American Hospital Supply detailed the steps that a "simple surgical drape" must go through before it can be re-used: "After the used cloth leaves the operating room, it often is pre-soaked to help remove any blood stains. Then it has to be washed. (And if contaminated, it must be washed separately.) Next it has to be inspected on a large lighted table where every hole found must be circled and patched. The towel clips used so frequently in surgery can make eight to ten holes per clip. Each of these holes must be patched. Next, the sheeting must be inspected for lint. To remove the lint, hospital employees use either a special roller or tapes of sticky paper wrapped around the hand and moved over both sides of the entire sheet." Even after all that laborious process is completed, the surgical drape must still be folded, packed, sterilized, and stored. So hospitals buy sterile, pre-packaged surgical drapes and discard them after use.

The demand for disposable fabric products has drawn many paper companies into the health-care industry. International Paper, Scott Paper, and Kimberly-Clark manufacture items like surgical drapes and surgeon's gowns out of nonwoven fabrics. Kimberly-Clark recently doubled its manufacturing capacity for the medical-disposable market.

But disposables, whether hypodermic needles or surgeons' gowns, can also create difficulties of their own. Suppliers must maintain large, conveniently located stocks of everything they offer, thus tying up capital in inventory. American Hospital Supply has installed an intricate computer-based ordering system to link its customers with its warehouses, and in the last few years has doubled its warehouse capacity. Further, as Borg-Warner's President James F. Beré says, "disposing of the disposables" presents difficulties. A product like International Paper's Confil fabric remains strong when wet, which is important in medical use. Burning is about the only way to get rid of a Confil garment—particularly one that has been contaminated. But that adds to air pollution.

[From Fortune magazine, January 1970]

IT'S TIME TO OPERATE—COSTLY MACHINES TO SAVE LIVES

Research and innovation in this age of technology have had their most dramatic impact on human welfare in the realm of health. The new artifacts of medicine are often as complex and impressive as those on that more visible frontier of technology, space, and they are considerably more relevant to the urgent needs of mankind. A few examples of the lifesaving equipment coming into use in hospitals in the U.S. are shown on these and the following pages. Not all of the concepts are brand new: linear accelerators were first installed in hospitals in the Fifties, and a form of pressure chamber was used by the ancient Greeks.

Like space hardware, the new devices are usually expensive. The hyperbaric pressure chamber (left) cost Mount Sinai Hospital in New York City about $800,000 to install four years ago. The linear accelerator on the page opposite is valued at $200,000, a new cyclotron would cost about $300,000 today, and the neurosurgery suite at Mount Zion Hospital in San Francisco $200,000. Once the equipment is procured, the costs have just begun. Mount Sinai is spending an estimated $550,000 annually to maintain and operate its pressure chamber. The widely used kidney machine can cost $15,000 annually per patient in upkeep materials and staff. Patients are unable to cover expenses on such a scale themselves, and with hospital endowments and federal subsidies failing to keep pace, hospitals are hard pressed for funds to operate these advanced facilities. Both in rural areas and city slums, patients die each year for lack of treatment that is within technical, but not financial, reach.

Other glamorous modern facilities, such as the heart-transplant operating rooms or intensive-care units installed by well-endowed but less busy hospitals, stand idle much of the time, their purchase motivated by prestige more than necessity. More than 700 hospitals, for instance, are equipped to perform open-heart surgery. Rational distribution of services would cut costs, and a more effective system of preventive care would do away with some of the need.

[From Fortune magazine, January 1970]

IT IS TIME TO OPERATE—HOSPITALS NEED MANAGEMENT EVEN MORE THAN MONEY

(By John M. Mecklin)

Not long ago, when Americans who were not charity cases entered a hospital, they faced the prospect of serious financial loss, or even financial catastrophe. Now the advent of private insurance plans and of goverment assistance through medicare and medicaid has changed all that. The doors of hospitals have swung open virtually to everyone. Only in relatively rare cases, where hospital stays are exceptionally prolonged, need a patient fear disastrous financial consequences.

But that indisputably progressive development has brought with it a new set of dangers. The hospital system itself is straining under the weight of the new loads imposed upon it. A new kind of financial catastrophe threatens—evidenced most graphically in the national average cost per patient day in general hospitals, which jumped from $48.15 in 1966 to an estimated $67.60 in 1969. Projections indicate that the cost will reach about $74 this year. In some of our great medical centers the cost of a patient day can run as high as $166, and that doesn't include the doctors' fees.

Such increases reflect the pressure of increased demand, stimulated by insurance coverage, on relatively static supply. The trend toward shorter hospital stays that accompanied improvements in the quality of medical care has now been reversed. The average stay in a hospital is 8.4 days, almost a full day longer than it was eight years ago. Big pushes on costs have come from the increased wages of notoriously underpaid hospital employees; in three years, labor costs have climbed sharply, especially in a few unionized areas such as New York City, where they have gone up more than 40 percent. Salaries of interns and residents have shot up, as can be seen by the experience of one of the nation's leading hospitals, Boston's Massachusetts General (overleaf). At the same time, new technology (see "Costly Machines to Save Lives," page 92) requires the investment of more and more capital. In sum, this hemorrhage of rising costs has sent insurance premiums soaring, and has presented legislators and taxpayers with the prospect of larger and larger outlays for government-sponsored programs. Medicare and medicaid alone are expected to pay hospitals more than $6 billion in 1970.

The inflation of some hospital costs might have been better contained by better management. But the managers of many hospitals were ill-prepared for the explosive new demand. Accounting methods have remained inadequate. Construction of hospitals over the years has been haphazard, so that costly facilities are often duplicated by neighboring institutions. Yet the system also faces an urgent need for some $7 billion in new capital to modernize existing plant, plus about $3 billion more for some 90,000 additional beds in poorly served communities. Hospitals cannot raise anywhere near these amounts by their own efforts.

In the search for more efficient and productive use of existing facilities, some hospitals are generating imaginative new managerial approaches. They are using scientfic plannng methods, and extending their use of computers into many new areas. A few institutions, such as Baptist Memorial Hospital in Memphis, have gone into sideline business ventures to boost their incomes, and thus reduce the fees they must charge their patients.

But basic structural reforms are needed to give the system permanent stability. The immediate requirement is certainly to revise the nature of insurance coverage, rewriting insurance plans so that they reward hospital economies and penalize waste. This, in turn, must be accompanied by widespread acceleration of a trend already started—toward construction of separate, hospital-connected clinics, and other facilities for less intensive, and therefore less expensive, care. Clinics to provide ambulatory care, both in rural areas and in the core cities, could vastly relieve the pressure on hospitals. Such changes will become more urgent over the next few years, as a new wave of demand for care, mostly from the poor, breaks over the present means for distributing it.

CASCADING BILLIONS

The main cause of the upheaval in costs, wage demands from the nation's 2,300,000 hospital employees, is neither surprising nor reprehensible. Hospital employees once ranked among the most underpaid workers in the country, earning as little as 35 cents per hour in some parts of the South. Unions began entering the field in a few urban centers in the late 1950's, touching off a series of bitter strikes. Some of the consequent wage increases were reinforced by belated extension of federal minimum-wage laws into the hospital field in 1967.

With billions of new federal funds cascading into the system, hospital resistance to the unions has collapsed. In three years the minimum wage in New York City has gone from $69 a week to $100, and another big boost is likely later this year. Even nonunion hospitals have been forced to follow suit

XUM

because of worsening shortages of trained people such as nurses and laboratory technicians. The impact has been staggering, since payroll represents about 60 to 70 percent of all hospital costs.

Still another factor is the seemingly insoluble dilemma created by the dramatic advances of modern technology. A heart transplant, for example, may require a team of as many as twenty-five doctors, and costs perhaps $50,000, plus thousands more in postoperative care. Transplants are still experimental, and so far are unlikely to keep the patient alive more than a year or two. To keep a leukemic child alive for one year can cost $30,000. Hemodialysis, a remarkable technique for treating a victim of kidney failure by flushing out his blood two or three times a week, costs about $15,000 a year in a hospital, or some $6,000 a year if it can be done at home. But it often permits the patient to return to a useful life for several years. Lack of facilities for dialysis, and lack of trained people, have permitted treatment in the last four years of less than 10 percent of patients who needed it. Some 70,000 others who might have been helped were left to die.

"If we were willing," says Dr. Hugh Luckey, president of New York Hospital—Cornell Medical Center, "we could perform about 75 percent of what we are doing now at half the cost by cutting out expensive special treatments. But the idea is unthinkable." An American doctor who recently visited the Soviet Union says the Russians have developed equipment such as dialysis machines, but that they seldom use it. He says the Russians told him, "It's cheaper to make new models," i.e., let the old ones die. Americans are reluctant to do it that way if treatment is available. Nevertheless, heavy spending on exotic treatments consumes funds and medical skills that might otherwise be used for badly needed help to, say, the thousands of tuberculosis victims in U.S. poverty areas.

XUM

FROM "PESTHOUSES" TO CITADELS OF SCIENCE

The weaknesses of management and organization now coming to light in many of the nation's 7,137 hospitals have their origins back in the nineteenth century. In those days, hospitals were supported by charity and were commonly known as "pesthouses," places to dump the indigent sick while the rich were cared for in their own homes where there was less danger of infection. As times changed, hospitals were transformed into citadels of modern science. But the old economic structure remained. Today 34 percent of the nation's hospital beds are in "'voluntary," tax-free institutions that handle both paying and charity cases; 11.5 percent are in state, county, or municipal-owned establishments; and 2.9 percent are in privately owned hospitals operated for profit. The balance of 51.6 percent of the beds are in various specialized institutions such as veterans' hospitals and facilities for psychiatric and tubercular care. The voluntary hospitals have emerged as the most important segment of the industry. They are the most advanced kinds of hospitals in medical skill, but their economics often are makeshift.

Initially, the voluntary hospitals relied almost entirely on private gifts for capital needs. More recently, the main sources have been government grants, and an allowance for depreciation and interest costs in insurance payments. But this has not been sufficient to meet the requirements of a swiftly changing industry, and many hospitals have been forced to hobble along with antiquated plant and equipment, which adds substantially to their costs. Being private institutions, voluntary hospitals are not required to account to the general public, and some of them still keep their books secret. Accounting methods often are an astonishing jumble (in some cases nurses do the paper work in their spare time), although they have been improved by the standardized requirements of medicare and medicaid.

Too little of the task of managing is performed by professional managers. With a few exceptions, doctors tend to dominate hospital policy making. They often are indifferent to economic considerations, opposing moves to save money—including even such arrangements as using operating rooms on Sundays. Says one unhappy administrator: "A lot of doctors behave like fighter pilots."

The dictatorship of the doctors is particularly troublesome in small hospitals in isolated communities. Physicians are hard to recruit in such places, and they can get their way simply by threatening to leave. Management shortcomings also are frequently exacerbated by the fact that hospital trustees, who have the final say in administrative matters, are often chosen purely for their prestige and money-raising capabilities. Such men can give the hospital little of their time. Curiously, they seem to permit inefficiencies that they would never tolerate in their own businesses.

Old-fashioned empire building also stimulates needless expenses. Fancy laboratory equipment, promoted by aggressive salesmen of hospital supplies, is too often bought by hospitals that will use the equipment very little—a fault that would not exist if there were more competitive restraints in the system. A study recently published by the federal Public Health Service reported that 776 hospitals maintained facilities in 1967 for open-heart surgery, but that a surprising 31 percent of them had not used their capability for a year. That is not only wasteful of expensive equipment, but also risky; open-heart surgery is a highly exacting procedure with constantly changing techniques, and a rusty surgeon is somewhat less than desirable. In 1968 in New York City alone, no fewer than twenty hospitals offered open-heart surgery. But just five of them did two-thirds of all such operations.

Though there are critical shortages of beds in some places, hospitals on the whole are underutilized. Of the 806,000 beds in general hospitals, an average of 20 percent are always empty. That slack is much more costly even than comparable vacancy rates in a hotel, because a hospital must keep trained people on duty twenty-four hours a day no matter how many beds are filled.

The range in prices in various hospitals around the country reflects the uneven level of hospital management. Rates for comparable facilities in comparable areas can vary by 10 percent or more. Nationwide, the number of employees per patient ranges from as low as 1.5 to more than four. There are valid reasons for many of these differences. The nation's 530 teaching hospitals (where interns and residents are trained) obviously require more staff. But the variations also reflect differences in relative efficiency that could hardly be found among competitive private enterprises.

SOME FIND IT PROFITABLE

In business of, course, the profit motive spurs efficiency, and some people believe it could do the same for hospitals. Recently, a number of corporations have been acquiring and forming chains of hospitals in order to run them for profit. Such companies, which include American Medicorp Inc. and Hospital Corp. of America, are planning to build at least forty new hospitals. The stock of some of the companies has sold at remarkable price-earnings ratios of more than 100 to 1. The number of privately run nursing homes has jumped astonishingly in three years from about 13,000 to no fewer than 23,000, mainly as a result of medicare. The stock of the nursing-home companies has sold at p-e ratios just as giddy.

The emergence of for-profit hospital chains could put some badly needed competition into the system. But for the present it is putting an added load on voluntary hospitals. Most private hospitals do no teaching, accept no charity cases, and perform only routine surgery, e.g., appendectomies. Thus they are able to make a profit on rates averaging 20 percent below those of the voluntary hospitals, while delivering care of an equivalent quality. The effect is to concentrate the most serious (and most expensive) patients in the volunteer hospitals, compounding their financial woes. A few states, led by New York, have banned for-profit corporations from owning hospitals.

On a more positive note, individual hospitals all over the country have been coming up with ingenious programs for making the existing system work better—quite apart from such innovations as the Kaiser plan. One approach, pioneered by Henry Ford Hospital—a 1,050-bed voluntary institution with a large outpatient clinic in Detroit—has been adopted by about a dozen hospitals elsewhere. It departs from the usual practice, where doctors other than the top administrators are associated with the hospital, but work on the basis of the fees they charge patients. Instead, all the doctors at Ford are full-time staff members, working on salary. The hospital collects all fees. The system creates an incentive to be efficient, since the staff has a stake in the success of the hospital's over-all performance. Unlike most voluntary hospitals, Ford has been able to do without charitable contributions since 1950.

Another exceptionally well-run voluntary hospital is Baptist Memorial in Memphis, which is administered by one of the best hospital managers in the country. Frank Groner has built Baptist into the biggest non-government hospital in the U.S. in number of admissions. One of the nation's largest in terms of beds (1,500), it is also the biggest year-round employer in Memphis, with 3,000 persons on its payroll. Groner has built up for the hospital a subsidiary conglomerate including a ninety-room hotel (with half its rooms occupied by outpatients), parking lots for 1,200 cars, a drugstore, and three office buildings (mostly for associated doctors). Such outside operations contribute about $1,250,000 a year to the hospital's income, and help Groner keep hospital charges per patient down to $60 a day—or about 10 percent below the average of other large hospitals.

New York City's 1,200-bed Mount Sinai Hospital is one of the finest in the world, and one of the most harassed by the high cost of excellence. It has the city's only hyperbaric chamber, for control of certain illnesses that respond to high oxygen pressure, e.g., one type of gangrene. In five years it has been used on only about 850 patients, including 450 surgical cases, but the equipment has certainly saved a number of lives. Testifying recently before a state committee on hospital cost reduction, Mount Sinai's director, Dr. S. David Pomrinse, said: "If the state is going to reduce financial reimbursement to hospitals, the state must also tell us—specifically—which of these services to eliminate . . . which patients we are to allow to die."

Mount Sinai's costs in 1969 came to a formidable $118 per patient day (compared with $85 in 1967). Pomrinse says that about 85 percent of the hospital's costs are fixed, and cannot be reduced without elimination of such facilities as the hyperbaric chamber. Within the remaining area, where it can try to economize, Mount Sinai operates in the style of a modern business, with an annual budget of $59 million. It was one of the first hospitals to adopt computerized management of financial statements, operating reports, and its payroll of 4,000 persons, as well as some computerized diagnostic work, such as cardiogram analysis. Mount Sinai uses an internal teletype system for rapid transmission of data, ranging from patient's bills to dietary instructions.

In its hotel services, Mount Sinai manages better than most hotels. Maids are alerted the moment a patient leaves, and his room is scrubbed and prepared for the next patient no more than ninety minutes later. Food service has been expedited through installation of an optical scanner. The machine checks patients' meals three times daily to avoid errors and to watch over special diets through a color coding system. Multiple-choice menus are prepared on an assembly-line basis, delivered through tunnels on electric carts in an average time of five minutes from kitchen to bed, and spot checked with pocket thermometers to make sure they are served hot. Pomrinse proudly reports that Mount Sinai's total daily "hotel" costs, including the room, food, sheets, and the like, come to only $19.38 per patient, or considerably less than a good New York hotel for room alone.

INSTANT HISTORY

Computers, of course, have long been used in hospital accounting. Now they are being introduced more directly to serve the cause of patient care. One such system, developed by National Data Communications, is being tested at Baptist Hospital in Beaumont, Texas. Complete data on each patient is fed into a computer through a push-button console when he is admitted to the hospital. The physician or nurse thereafter registers all new information, such as prescribed treatments, so that everything about the patient can be obtained quickly by asking the computer for a display or print-out. The system also automatically performs such chores as printing the gummed label to go with medication as soon as the order is received; and telling the stock room when the supply of an item should be replenished. It can also be programmed to alert the nurse fifteen minutes before medication should be administered.

Computer technology is also being employed in an ambitious cost-information service run for the past decade by the American Hospital Association, the leading trade association. About 3,000 hospitals are subscribing to the service at fees ranging up to $480 a year. A detailed ten-page profile covering some 270 statistical indicators of the hospital's financial operations is drawn up, fed into a computer, and updated once a month. The computer print-out then provides a monthly reading on how the hospital is doing in each area, as compared with past performance. At the same time, the computer provides figures on how the hospital's operating data compare with national and regional median figures for hospitals of comparable size. The result is an instant picture of places where the hospital should be able to reduce costs or improve services. In some cases, subscriber hospitals have achieved savings of as much as $50,000 a year.

DESIGNED FOR THERAPY

Better planning and better design of hospitals also promise new efficiencies. New York Hospital recently conducted a study showing that better architectural planning could cut a nurse's daily walking distance by as much as 50 percent. Hospitals generally are switching to single-room accommodations, partly because of patient demands for greater privacy, but also because of the discovery that being in a single room helps a patient get well faster. Memphis' Baptist Hospital has determined that a patient who needs eight days in a ward usually gets well in about seven days in a single room.

E. Todd Wheeler, a prominent Chicago architect, believes that a properly designed sick room could be used to support and even speed therapy. He says the sick room should be engineered to include devices not only for control of temperature and humidity, but also with variable light colors and intensities, and sound calculated to soothe—all of which would be prescribed by a physician along with the needed medical treatment. Wheeler thinks specific degrees of atmospheric pressure and ionization should be prescribed in some cases—there are indications that low pressure tends to have a depressing psychological effect while high pressure is exhilarating. Vital body functions of patients could be monitored routinely by sensors similar to the ones used by astronauts. "We know more about a man in space," says Wheeler, "than we do about a patient."

For all the pleasing prospect of such schemes, the solution to the hospital predicament requires long-term, major reforms. The Nixon Administration is working on possible techniques to create incentives for controlling costs. Walter J. McNerney, president of the Blue Cross Association, who is a chairman of a task force that Nixon set up to study health care, says, "We must find some means to get away from the economic weightlessness of hospitals under the present system by providing controls that in effect substitute for the pressures of the market."

The Administration's idea is to give hospitals a chance to earn extra income if they hold their expenditures below the level of comparable hospitals elsewhere. The amount of money that a hospital would be paid by medicare and medicaid for specified services on the basis of advance estimates would be weighted for predictable new costs, and perhaps tied directly to the cost-of-living index. The hospital would be permitted to keep whatever it could save by performing those services at a cost lower than the estimate, without cutting the quality of care. But it would have to pay for any expenditures above the estimate. HEW is running pilot tests on three different versions of this plan in selected regions.

The federal government might also intervene in these ways:

Health insurance plans should be modified, perhaps by law, to provide the same amount of coverage for both inpatients and outpatients.

Community planning of hospital construction and renovation should be required to avoid further duplication of facilities, and to encourage mergers or conversion to other uses of unneeded plant.

Federal loans and grants should be made to replenish and maintain hospital capital needs, but only after the rationalization of facilities is assured.

CARE OF THE POOR

Studies show that today the poor usually put health at least fourth in their priorities, after a job, education for the children, and housing. One of the nation's most aggressive leaders in the battle for better care for the poor has been Dr. John Knowles of Massachusetts General Hospital. Knowles estimated in 1968 that some 40,000 people in the Greater Boston area were suffering from untreated tuberculosis.

In various public statements, Knowles has repeatedly exhorted the medical world to serve the needs of the community as a whole, instead of catering only to patients who come to the hospital door. He estimates that hospital admissions from inner-city, impoverished communities could be cut as much as 80 percent by preventing disease before it happens. The need, says Knowles, is "the development of comprehensive service, hospital based, extending all the expertise and the resources of the hospital out into community health centers in conjunction with local care institutions and stimulated through federal legislation."

Something of the kind of operation that men like Knowles are looking for can be found in the huge system of 166 hospitals and 650,000 patients run by the Veterans Administration at an annual cost of $1.6 billion. Since they are primarily concerned with the care of veterans, V.A. hospitals are far from typical, with average patient stays of three to four weeks. But the system itself is widely admired among civilian hospital administrators. Through bulk procurement of supplies and advanced, heavily computerized management techniques, it keeps its costs to an impressive national average of about $40 per patient a day. But its main contribution to hospital doctrine has been the "whole man" concept—the idea that each eligible veteran not only should be treated when he comes to the hospital, but that it is the system's responsibility to try to prevent him from getting sick in the first place. To achieve this, the V.A. gives a total examination to every man admitted, to look for troubles of which he may not be aware. It tries to get veterans to come in regularly for checkups through repeated reminders of their right to free care.

In a number of other countries the medical system, including the hospitals, provides this kind of total care. The U.S. has the economic wealth to do just as well.

THE AGE OF AQUARIUS

Mr. **MURPHY**. Mr. President, whenever the question of reclamation or flood control projects arises, so, too, does the archaic and unfounded stereotype that such issues naturally divide our population into the dam-builders at one extreme and the preservationists at the other. As a result, the causes of proper water usage and of responsible conservation have both suffered. It is encouraging, therefore, to note that positive efforts are being made to dispel the old impression that developers and protectionists are, by nature, antagonists and to show that they can and must cooperate in realistic assessments of all of the factors involved in specific situations so that full consideration is given to both the legitimate regulation of our water as well as to the necessity for avoiding undue damage to the beauties and wonders of nature.

An excellent discussion of this subject was presented earlier this month in Los Angeles when Mr. James R. Smith, Assistant Secretary, Water and Power Development, Department of the Interior, addressed the California State Chamber of Commerce. Secretary Smith's remarks are most interesting. I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

THE AGE OF AQUARIUS?

(Remarks by James R. Smith, Assistant Secretary, Water and Power Development, Department of the Interior)

Today, we are going to blow our minds and do our thing with the Age of Aquarius. If this isn't your bag or you figure you might get uptight, you can split the scene and flake out.

For you elderly folks over thirty, let me interpret that to mean that I want to discuss the future this afternoon. That future certainly includes the younger generation. In fact, more than at any other time in the history of the Nation, a bold assertive and sophisticated younger generation is asking questions and demanding answers. This they have every right to do and we who now hold the reins of leadership have the responsibility of providing those answers.

It is significant that the "Age of Aquarius" is not only a hit song from the Broadway play "Hair," but also the eleventh sign of the Zodiac derived from the Latin word for water. The constellation Aquarius in ancient mythology portrays a man pouring water. Further, the sign of Aquarius is two parallel, wavy lines signifying the banks of a stream. I hope, therefore, that the Age of Aquarius portends the 1970's as the decade for the wise conservation and use of our water and, of course the associated land resources, of this great Nation.

President Nixon has also indicated that the decade of the 70's will be the "Age of the Environment"—the time when we recognize that it is the responsibility of today's leaders to hand over to our sons and daughters a land capable of giving them the quality of life to which they are entitled.

Over the years the Federal agency most concerned with water resources development in California the West has been the Bureau of Reclamation, consonant with the developmental requirements of the last half century, the winning of the West, so to speak, the Bureau of Reclamation has done an outstanding job. It will continue to do so but in a new and more sophisticated concept, Commissioner Armstrong and I, with expertise from within and outside the Bureau of Reclamation, are now developing new thrusts for the Bureau of Reclamation. We are calling it "Reclamation for the 70's." You will hear more of that program in the ensuing months.

But the wise use of our natural resources is not merely the job of Federal and State governmental agencies. The Federal water agencies and your own Department of Water Resources can provide expertise and technical services, but the determination of the shape of this Nation's resources program and that of your own State is up to the people whom it will affect. That includes you and the generations coming up behind you.

XUM

Nowhere is the problem more crucial than here in California. You are pushing ahead with your own State water plan as well as further Federal development which Congress has authorized. There has been a temporary slowdown while we get our financial house in order. We must halt the inflation which otherwise could plunge us all into disaster. This is bitter medicine.

However, we can hope this delay is temporary and that the pace of construction will pick up. I do not consider this the major difficulty in the decade of the 70's.

The problem which we really face in the 70's is to determine what "Age" this really is. Perhaps it is the "Age of Aquarius." Certainly, it is the "Age of the Environment." Unfortunately, it is also the age of protest and over-reaction.

Let us hope that it will also be the "Age of Reason."

Only if we recognize the essential interrelationships of natural resource development and environmental considerations will we arrive at rational decisions which will permit (1) wise development of those resources necessary to a high standard of living and a good quality of life; (2) protection for future generations of those environmental treasurers which should be protected; and (3) most important of all the ability to recognize and implement the complex interrelationships of essential environmental requirements and essential resource development. If we cannot do that, civilization progress is doomed.

There are many decisions to be made. If the people are informed and knowledgeable, the decisions arrived at are usually rational.

Your most obvious questions are whether your State needs more usable water and, if so, how are you going to get it. There are predictions that California's population will increase from 20 million today to 26 million in 1980, 38 million by the end of the century and 54 million by 2020.

Against this are assertions that a widening philosophy of birth control may slow down the birth rate. No one seriously expects it to level off completely. But supposing the birth rate did slow down. California's growth has largely been the result of in-migration. This will not stop, even if you run short of water. Look at your neighboring State of Arizona. It has been well advertised for 20 years that Arizona was approaching the end of its water supply, but, during that same period, Arizona had one of the highest percentages of growth of any State in the Nation—even exceeding California's.

People heading to California, Arizona or elsewhere in this popular Pacific southwest, will continue to assume that when they get here, water will come out of their faucets when they turn them and their homes will light up when they flick a switch. It is part of the quality of life in our American society to have such necessities wherever we go. And no one foresees any slowdown in America's mobility.

Those of us charged with making sure their assumptions are correct face a responsibility which we cannot abdicate.

On the other hand, there is growing concern about man tampering with nature's environment. Much of the concern relates to pollution of water and air. We are finally accepting the challenge of checking and correcting the deterioration of elements of the biosphere on which our lives depend. But concern over our environment frequently laps over into fears that we are creating new problems by changing the natural condition of our rivers and streams in order to put our available water resources to work and that these new problems outweigh the benefits from all such man-made works.

I question the validity of this assumption. The Missouri River Basin is my home territory and the great dams across that river have saved untold millions in flood damage and many lives since they were completed in the late 1950's. Virtually all of the flooding is confined to uncontrolled tributaries. I could tell you, too, about other benefits contributing to the economic growth and prosperity of that region. Not the least of these will be major irrigation benefits from projects which are just now getting underway.

But I don't need to tell you these things for you are aware of the results which have been achieved in the Central Valley and by the control and development of the Colorado. I need merely to ask, where would California be today without these projects?

Nevertheless, in this new and sophisticated decade, if we are truly to achieve our goal of using our resources to produce the highest quality of living for mankind, all possible effects of any proposed project—or disapproval thereof—must be weighed and all alternatives must be considered. Rational decisions will require some hard confrontations.

Dr. Glenn Seaborg, Chairman of the Atomic Energy Commission, recently told the Congressional Joint Atomic Energy Committee that "today's outcries about the environment will be nothing compared to the cries of angry citizens who find that power failures have plunged them into prolonged blackouts." Dr. Lee DuBridge, the President's Science Advisor says that we are living in a high-energy civilization with a trend to more use of electricity not less. Electric power plants and associated transmission facilities must be built so as to intrude as unobtrusively as possible on the natural environment. But they must be built.

As another example, the Bureau of Reclamation is currently studying a marine aqueduct along the Pacific Coast. The first preliminary report was released only last week. A full feasibility report upon which to base a real judgment is several years away. The preliminary report is optimistic but may I point out that should an underwater aqueduct prove feasible, storage and conveyance would still be necessary to deliver water to the aqueduct.

I said here in Los Angeles last summer, in response to a question about water diversion from the Pacific Northwest, that if California's need for water becomes so acute that such a solution seems desirable, Californians would stand a better chance of success in the national political arena if they are indeed using effectively all of the available water within their own boundaries. This is merely political realism.

One major step to make most efficient use of existing waters is the proposed Peripheral Canal around the Delta where the San Joaquin joins the Sacramento and flows into San Francisco Bay. Concern has been expressed over the environmental consequence of such a project, of the effect on the Bay and particularly upon salt water backing up into that very rich agricultural Delta.

Cold facts are that during the next two or three decades the amount of water diverted southward from the Sacramento River as it reaches the Delta will increase. I suggest that the question is not whether more surplus water will be diverted, but rather how the environment and the ecology of the Delta can best be protected and enhanced while the diversion takes place. From everything I have learned, fish and wildlife experts, pollution control scientists, ecologists and engineers agree that a water quality control canal around the periphery of the Delta offers the best solution. The Department of the Interior report on that project has been transmitted, as required by law, to the State of California for comment. We understand that your State's position is currently under intensive study.

Simultaneously, water quality control standards are the subject of further study to assure that proper standards are adopted. Some day—soon, we hope—the manifold problems will be solved.

Nevertheless, debate goes on about the merits or demerits of this and other projects and of man versus nature in the management of our environment and the development of a maximum quality of life for Americans.

Some added enlightenment is expected to come out of the Western United States Water Study authorized by Congress in the Colorado River Basin Project Act of 1968. This is the so-called "Westside Study." We are tooling up for this study with appropriations made to the Bureau of Reclamation only last month. Secretary Hickel has invited and urged full State participation. I join him in urging that cooperation and have so stated to the Western States Water Council.

Possible environment changes which might result from various water supply proposals will be studied in detail as a part of the program's broad objectives. They are projects of future water supplies and requirements and the development of a general plan to meet these requirements throughout the West.

Another matter of major interest to Californians—and elsewhere in the Reclamation States—is the acreage limitation contained in Reclamation Law. I feel that a thorough review and probably overhaul of this blanket ownership limitation on Reclamation acreage is advisable. I am cautiously optimistic about the possibility of significant revisions.

A good case can be made for the land equivalency yardstick. In fact, Congress has authorized that concept repeatedly in recent years on a project-by-project basis. It is only fair to recognize, however, that any broad expansion of the 160-acre limitation will run into opposition from those who will resist any such modernization as a step toward destruction of the family farm concept.

These then are a few of the problems and questions to be considered in this decade of the 70's. You can best serve California and America if you will become well informed on the facts in order to aid in rational decisions. Man-made influences on the environment are emotional subjects, but action programs must be based on considered facts. Let us make the Decade of the 70's the "Age of Reason."

To put it in proper balance, let me paraphrase an eminent environmentalist, Rene Dubois of Rockefeller Institute. To be compatible with modern civilization, conservation's goal should be the maintenance of conditions under which man can develop his most desirable potentialities. Since man relates to his total environment and is shaped by it, conservation implies a quality of relationship rather than a static condition.

Nature is never static nor is a totally natural environment always the most suitable for civilization. Our challenge is to maintain the delicate balance between man and nature which can mean life or death to the Planet Earth and at the same time, shape our environment in such a manner as to leave a better quality of living to future generations.

SETTING THE RECORD STRAIGHT ON CRIME FIGHTING PERSONNEL IN THE DISTRICT OF COLUMBIA

Mr. PROXMIRE. Mr. President, on Tuesday, January 20, in an interview with Mike Wallace on the CBS program, "Sixty Minutes," Richard Kleindienst, the Deputy Attorney General, attributed the Nixon administration's inability to control the continued disgraceful and spiralling increase in crime in the District of Columbia to the failure of the Congress to appropriate necessary funds for the President's crime program. The following excerpt is pertinent:

> Mr. Kleindienst. We know we have a problem in the District of Columbia and the only thing that's keeping us from having a meaningful attack on the problem, essentially are more policemen, more courts and judges, more prosecutors, more public defenders, and a realistic revamping of some of the laws that relate themselves to the whole system of justice in the District of Columbia.
>
> Wallace. That means more money.
>
> Kleindienst. More money.
>
> Wallace. And you get your money from Congress?
>
> Kleindienst. And we get that money from the Congress. And we haven't gotten that money from the Congress.

I cannot imagine the source of Mr. Kleindienst's information because it is grossly misleading and highly erroneous; however, in order that the Record be clear, I ask unanimous consent to have printed in the Record, following these remarks, tables prepared by the District of Columbia Government which clearly show that Congress approved 94 percent of the operating funds, 110.5 percent of the capital outlay funds, and 101.6 percent of the personnel which were included in the revised crime package request.

Stated another way, for the current fiscal year the Congress appropriated funds for 5,698 personnel in the Metropolitan Police Department, by the end of the fiscal year, of which 929 have not been hired—722 positions for the District of Columbia courts, of which 109 have not been filled; and 1,534 positions for the Department of Corrections, of which 259 have not been filled.

I do not profess to have all the answers with reference to the problem of crime in the District of Columbia, but I do not believe that a solution is brought any nearer by such statements as those made by Mr. Kleindienst in his interview with Mike Wallace.

There being no objection, the tables were ordered to be printed in the Record, as follows:

PRESIDENT'S CRIME PROGRAM IN THE DISTRICT OF COLUMBIA

OPERATING COSTS

Department	Original estimate		Revised estimate		Conference action	
	Amount	Positions	Amount	Positions	Amount	Positions
Corrections	$3,742,400	429	$2,302,340	355	$2,302,340	355
Metropolitan police	4,341,800	[1] 1,247	4,341,800	634	4,341,800	[2] 734
Fire	37,500	2	37,500	2	0	
U.S. Courts	986,200	[3] 102	986,200	[3] 102	986,200	[3] 102
District of Columbia Bail Agency	150,900	22	100,000	22	[4] 0	
Recreation	550,000	51	389,000	51	0	
Human Relations Commission	188,000	22	121,334	22	120,000	20
Health	800,000		0		[5] 0	
Welfare	831,700	170	562,393	170	562,393	170
Total	11,628,500		8,840,567	1,358	8,312,533	[6] 1,381

[1] 1,000 policemen originally requested.

[2] Includes 100 cadets above revised request.

[3] Federal positions.

[4] Authorization for increased appropriations pending.

[5] Withdrawn by District of Columbia government.

[6] Includes 102 positions for Federal courts.

CAPITAL OUTLAY

Department	Original estimate	Revised estimate	Conference action
Corrections	$3,609,000	$3,609,000	[1] $4,481,300
Metropolitan Police	5,090,000	5,090,000	5,153,000
Courts	150,000	150,000	150,000
Total	8,849,000	8,849,000	9,784,300

[1] Previously justified project No. 22-13 "Dormitory at Lorton" was reprogramed to provide $682,000 fund for project in crime program.

Department	Number of people authorized by 1970 conference action	Number of people on board as of Jan. 26, 1970
Corrections	1,534	[1] 1,275
Police:		
Policemen	4,625 [2] (525)	3,962
Cadets	400 [2, 3] (250)	280
Other civilians	673 [2, 4] (135)	527
Courts	[5] 722	613

[1] 165 correctional officers to be taken on as soon as register is approved.

[2] Amounts allowed in 1970.

[3] 150 for crime program.

[4] 59 for crime program.

[5] Including legal aid and bail agencies.

Note: 4,625 police is the total authorization for 1970. However, an increase was requested in 1970 for 525 police. That increase is included in the total fiscal of 4,625. Before the 1970 budget 4,100 police were authorized. The 1970 budget added 525 police bringing the total to 4,625. The 525 police were a part of the President's crime program.

DOUBTS GROW ABOUT FORCED SCHOOL INTEGRATION

Mr. BYRD of West Virginia. Mr. President, on Monday, January 26, the National Observer published a front page article entitled "Doubts Grow About School Integration."

The informative article cites a number of Federal surveys and states that the situation in our schools today "is raising new doubts among many longtime integrationists about the wisdom of trying to enforce desegregation in the schools."

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

DOUBTS GROW ABOUT SCHOOL INTEGRATION

Washington, D.C.—A new word has entered the debate over segregation and integration in the nation's public schools: resegregation.

In dozens of cities, schools and school systems once almost entirely white are turning increasingly nonwhite. This trend, produced by the familiar exodus of whites to the suburbs and nonwhites to the inner cities, has been going on for more than 30 years.

Only now, however, is it becoming a matter of prime concern to Federal officials. A new Federal school survey shows that racial isolation exists in every section of the country and that its growth is most rapid in the big Northern cities. This fact is raising new doubts among many long-time integrationists about the wisdom of trying to enforce desegregation in the schools. Items:

Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Conella Coulter Brown, administrative assistant for the Cleveland schools.

Edmondson High School on the west side of Baltimore was 80 percent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harris. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere."

Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 per cent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince George's enrollments this year, however, is not that the number of new blacks is up but that the number of new whites is down. No one knows exactly why, but one administrator muses: "The whites are moving to other Washington suburbs rather than to Prince George's."

In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

The extent of resegregation in the North has never been known with any certainty. But the Department of Health, Education, and Welfare (HEW) undertook a survey of the racial composition of 90 per cent of the school districts in the country during the 1968–1969 school years, and fed the returns into a high-speed computer. The results, released Jan. 4, portray a system of segregated education that knows no regional boundaries.

The survey shows, for example, that 5 out of 10 Negroes outside the South attend schools 95 to 100 per cent Negro, as opposed to 7 out of 10 Negroes in the 11 Southern states. Only 25 per cent of the Negroes outside the South attend majority-white schools, as contrasted with 18 per cent of the Negroes in Southern schools.

The survey shows too that 10 of the largest 20 city school systems in the country have majority Negro enrollments. In 16 of those systems, 60 per cent or more of the Negroes go to schools 95 to 100 per cent Negro—almost totally segregated.

A. STENNIS CHALLENGE

Federal officials say they are deeply troubled by the extent of segregation the survey has uncovered. Sen. John Stennis, Mississippi Democrat, first previewed the findings in a series of speeches in December, in which he challenged the Government to pursue desegregation in the North with the same vigor it is pursuing desegregation in the South. "If segregation is wrong in the public schools of the South," he argued, "it is wrong in the public schools of all other states."

Mr. Stennis made the point in arguing that the Government should ease up on its efforts to promote desegregation of schools. Leon E. Panetta, HEW's chief civil-rights officer, on the other hand, told Congress two months ago that the answer is not to make segregation legal in the South but to pass legislation making it illegal everywhere.

Last week, in a pensive mood, Mr. Panetta reflected on the emerging pattern of resegregation in America and said: "Nobody really is considering what the answers to this situation are, and whether there aren't new injustices resulting from rectifying gross past injustices."

Ever since the Supreme Court held in 1954 that state-supported racial segregation was a denial of equal educational opportunity, the courts have been trying to undo the vestiges of the South's dual school system. With the passage of the 1964 Civil Rights Act, the Justice Department and HEW joined the battle to force recalcitrant school districts to adopt plans of racial balance.

TURNING ATTENTION NORTH

In the past two years, both agencies have begun turning their attention to school discrimination outside the South, but only a handful of non-Southern districts have been cited for discrimination. This is because racial separation in Northern districts is generally regarded as *de facto* segregation, a result of housing patterns, rather than—as in the South—*de jure*, the result of official law or policy.

Last week, in the second of seven suits filed by the Justice Department in non-Southern districts, a Federal district court ordered the Pasadena, Calif., school board to put into effect by next September a desegregation plan that would give none of its schools a nonwhite majority. The district—30 per cent black, 58 per cent white, and 12 per cent other minorities—was accused of discriminating in the making of school district boundaries, teacher assignments and in other ways.

So far, few courts have held that the existence of *de facto* segregation itself is proof of discrimination, and the Supreme Court has not ruled on the issue. Yet the disparity continues between what is forbidden in the South and what is tolerated in the North, and the pattern of Northern separation begins to look more like its Southern counterpart.

For example, 17 Florida school systems, with two-thirds of the state's pupil population, are currently under Federal court orders to desegregate, two of them by Feb. 1 under a Supreme Court order. Seventy-two per cent of the Negro students in Florida attend schools in which Negroes constitute 95 to 100 per cent of the enrollment.

Yet 72 per cent of the Negro students in Illinois, according to the HEW survey, also attend schools with 95 to 100 per cent Negro enrollment, and there are no court orders compelling desegregation in Illinois. In fact, it can be argued there is more segregation in Illinois than in Florida. Theoretically it should be easier for Illinois, where Negroes make up 18 per cent of the student population, to place Negroes in majority-white schools than for Florida, where they make up 23.2 per cent. Yet there are proportionately more Negroes in majority-white schools in Florida (23.2 per cent) than in Illinois (13.6).

It seems likely that the courts will not for long be able to postpone consideration of such discrepancies in the application of national law. For a few Southern school districts, which have desegregated in accordance with the law, now find themselves victims of resegregation, ostensibly as a result of shifting housing patterns. One such district is Atlanta, where integration began eight years ago as the result of court suits initiated by the NAACP and other civil-rights groups.

TWO ESCAPE ROUTES

Since that time, 25 schools that were formerly all-white have turned predominantly black, as white parents have followed one of the two legal escape routes open to them: a private school or a home in the suburbs. Today, the school system, predominantly white before integration, is two-thirds black, but adjoining, suburban school systems are 80 to 95 per cent white.

If this appears to be *de facto* segregation Northern-style, Atlanta—because it had a dual school system until recently—is nonetheless still subject to a Supreme Court order of Jan. 14, requiring desegregation of schools in Georgia and four other Southern states by Feb. 1.

Southerners have long been grumbling about what they wryly refer to as "this dual system of justice" (one for the North, another for the South), and they are beginning to organize to combat it.. Last week, Florida's Gov. Claude Kirk appealed to the U.S. Supreme Court to set national desegregation standards that would affect all 50 states. And the attorneys general of Louisiana, Mississippi, and Alabama announced a joint legal effort designed to ensure that "the same rules for administration of public schools" imposed by the Federal courts in the South apply to all other states."

The forces attempting to undermine enforced desegregtion will get an unexpected assist next month with the publication of a book by Harper & Row, which challenges the Constitutional basis of court-ordered integration.

Entitled *The Supreme Court and the Idea of Progress*, and written by Yale University's Alexander M. Bickel, a Constitutional law authority of impeccable credentials among civil-rights advocates, the book is an expanded version of the Holmes Lectures, which Professor Bickel delivered at Harvard Law School in October.

In a chapter on the Supreme Court's desegregation rulings, Professor Bickel argues the Court, beginning with the history-making *Brown v. Board of Education* decision in 1954, should have contented itself with finding that legally enforced school segregation is unconstitutional.

DUBIOUS SOCIOLOGY?

In going beyond that principle to argue that separate educational facilities are inherently unequal, says Professor Bickel, the Court based its reasoning on dubious sociology and a parochial view of American education, which holds that education's main duty is to promote assimilation. As a result, says Mr. Bickel:

"In most of the larger urban areas, demographic conditions are such that no policy that a court can order, and a school board, a city, or even a state has the capability to put into effect, will in fact result in the foreseeable future in racially balanced public schools."

Enforced desegregation, in other words, will merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in the city schools.

It should be noted that there are many successful experiments in racial desegregation of schools. Several dozen Northern school districts, according to HEW estimates, have achieved full and voluntary integration by such techniques as altering attendance zones, busing and pairing of students to achieve racial balance. In White Plains, N.Y., for example, a quota system introduced in 1964 has not resulted in an exodus of whites. No school may have more than a 30 per cent or less than a 10 per cent enrollment of minority-group students.

But such plans, officials say, generally work in small or medium-size cities (White Plains' population: 65,000), where the population is stable and the blacks are in the minority. They often require, in addition, a rare degree of local leadership.

Central cities, on the other hand, experienced an increase of 2,400,000 in the Negro population between 1960 and 1968, and a decline of 2,100,000 in the white population, according to Census Bureau figures. While the figures are open to various interpretations, they nonetheless make it clear that great numbers of whites do not consider integration a primary social goal.

CHANGING NONWHITE ATTITUDE

Integration seems to be losing its attraction among nonwhites as well, at least as a short-run goal. Civil-rights leader James Farmer, now a high Nixon Administration official, said recently he has stopped trying to "sell Negro audiences on integration." The reason: "They don't agree on it any more."

In Philadelphia, where 60 per cent of the Negro school children attend schools that are 95 to 100 per cent Negro, officials report waning enthusiasm for busing black students to white schools to relieve overcrowding. "The people want to go to their neighborhood school," says school spokesman Robert S Finarelli. "It's the state, not local people, pressing us for a desegregation plan."

The educational argument for integrated schools is based on the premise that minority-group children make their greatest achievement gains in an integrated environment. Numerous studies over the years, including the mammoth Coleman Report, issued by the U.S. Office of Education in 1966, have documented this thesis.

Conversely, there is relatively little information to indicate that spending more money in black schools in the slums does much good. "Most experiments in improving ghetto education have, quite frankly, been failures," says a U.S. Office of Education official.

That is why Government "integrationists" are so disturbed by the new findings of racial resegregation in the public schools. Leon Panetta, HEW's 31-year-old civil-rights chief, throws up his hands and shrugs. "We need a congressional examination of this whole question of the results of integration," he says. "In the meantime, we do what the law says we should do."

THE WORK OF THE SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. SCOTT. Mr. President, as one of the members of the Subcommittee on Improvements in Judicial Machinery, I have been very interested in the careful and diligent work of the subcommittee over the past several years. The subcommittee, under the chairmanship of the distinguished senior Senator from Maryland (Mr. TYDINGS), has reviewed and fashioned legislation in many areas of judicial administration. The subcommittee has, for example, reformed the U.S. Commissioner system, the Federal jury selection system, and the procedures for handling similar suits brought in diverse districts. I was pleased to work with Senator TYDINGS in bringing about these reforms.

No subject that the subcommittee has studied has been more sensitive and important than that of judicial fitness and judicial disclosure of outside activities and income.

Work on this subject began in 1966 with with subcommittee hearings. As the subcommittee reviewed the problems of judicial fitness and financial disclosure, the subcommittee chairman, Senator TYDINGS, introduced proposed legislation entitled the Judicial Reform Act, which I have cosponsored, and the judiciary itself has taken certain steps to deal with the problems.

The exact nature and course of the judiciary's action has been the subject of some intense debate. The distinguished chairman of the Subcommittee on Improvements in Judicial Machinery, Senator TYDINGS, recently discussed the entire problem of judicial fitness, disclosure, and outside activities. That speech to the Catholic University Law Alumni is, I believe, a very thorough and well-developed statement of the issues.

The speech by Senator TYDINGS was, of course, not made on the basis of an offhand reaction to the problem of judicial disclosure and fitness. It, in fact, is the latest of a long series of speeches on this subject which the Senator from Maryland has delivered. The Catholic University Law Alumni speech is really the product of the 4 years study of the problem which the subcommittee has undertaken.

Mr. President, I ask that the remarks of Senator TYDINGS to the Catholic University Law Alumni and other ancillary materials, primarily newspaper editorials, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ADDRESS BY JOSEPH D. TYDINGS

"Ever since I entered public office I have been concerned with improving the operation of our judicial system. For the past four years, as Chairman of the Senate Subcommittee on Improvements in Judicial Machinery, I have chaired innumerable hearings and moved a substantial legislative program dealing with the administration, practices and procedures of the Federal courts, including creation of the Federal Judicial Center and the Federal Magistrate system, revision of the Federal jury selection system and development of an effective approach to multidistrict litigation.

"One of my prime areas of interest has been the particularly sensitive subject of judicial fitness. I began in 1966 to hold hearings in this area. In 1968, after two years of hearings, I introduced the Judicial Reform Act which would require judges to disclose their financial interests and which would create machinery within the judiciary to deal with judges who, through their actions, have failed to meet the standard of 'good behavior' required by Article III of the Constitution, or who are unable to perform judicial duties because of disabling mental or physical infirmities.

"My interest in assuring that Federal judges clearly meet the Constitutional standard of 'good behavior' stems from the very real fact that our judiciary is the most sensitive and fragile branch of government. It has neither the power of the purse nor the power of the sword. Its ability to act as the guardian of the Constitution depends solely on its powers of reason and persuasion and upon the confidence of the American people.

"During this past year, the judiciary has suffered the strain of controversy surrounding the appointment of Justice Fortas to be Chief Justice and his resignation some nine months later; the advent of the Chandler case from the Tenth Circuit to the Supreme Court calendar; and the struggle to confirm the nomination of Judge Haynsworth. Each of these controversies in its own particular way demonstrated anew critical problems of judicial temperament and public disapproval of undisclosed outside activities of judges and undisclosed financial holdings.

"In the face of these strains, the judiciary had one shining moment. It came on June 10. Then, the Judicial Conference, led by Chief Justice Warren, clearly resolved to move in the direction of reform. The Conference prohibited certain outside compensated activities for judges, a prohibition only avoidable by prior approval of one's circuit council. The Conference resolved that judges make a financial disclosure and set May 15, 1970, as the first reporting date. Further, it instructed a Committee to prepare a code of ethics and whatever necessary legislation was required.

"The dimming of judicial resolve came shortly on the heels of the Conference's action. The Supreme Court, the unquestioned policy maker for the Federal courts, adjourned for the summer without approving for the Justice of their own Court the restraints the Conference has placed on all other Federal judges. This failure to act was a most unfortunate decision.

"Resistance to the June 10 resolutions began in several circuits, and a part of the academic community. Spokesmen for the resistance included well-respected legal figures. In fact, in the October issue of the ABA Journal, Dean Acheson belittled the need for Conference action regarding financial disclosure by judges. He wrote:

" 'The common and desirable practice of judges and justices is to file with the clerk of the court a list of investments so that they may be notified and disqualify themselves when a case involving any party in which they may have an interest may come before their court.'

"As a lawyer, I knew of no such practice. I wrote to each circuit and to the large districts and discovered that none of the eighteen chief judges who replied were aware of any such 'common' practice. Such a practice would be desirable. That even this minimal device does not exist creates the potential for obvious problems.

"These problems are not cured by backtracking upon the resolve manifested on June 10.

"Last week the Judicial Conference suspended the June 10 resolution requiring the prior approval of all compensated non-judicial activity; substituted a confidential report of such activities for the public report required in that resolution; authorized a poll of the judges for their views on the desirability of any financial disclosure; and failed to endorse legislation that would create a meaningful self-regulatory mechanism within the judiciary. All of these steps, unfortunately, give the appearance of a slowing down or, worse, a retreat from the monumental efforts made last June, a retreat that the nation can ill afford.

"I hope that we are misreading the intentions of the Conference. I am advised by some that I am.

"However, if we take the new resolutions at face value it is difficult not to conclude that the historic progress made last June is in jeopardy. The change in direction is caused, no doubt, by many crosscurrents. Surely, one of the chief factors is the failure of a majority of the Justices of the Supreme Court to follow the lead and example set by the Judicial Conference. Now, unfortunately, the lower court judges are relinquishing the position of leadership that they had established. In my opinion, they, as well as the Justices of the Supreme Court are thus demonstrating a dangerous myopia, a myopia characterized by an inability to perceive the threat to the institutional integrity of the Federal judicial system.

"That threat has not and will not pass even when the headlines about Chandler, Fortas, Haynsworth and for that matter, the judges of the Fifth Circuit, are only vaguely remembered. The threat will pass only when the members of the Federal judiciary realize that not every attempt to monitor their conduct constitutes 'hazing', and a violation of their independence. This exaggerated view of judicial independence has not only hampered efforts by the Congress to help the judiciary to help itself. It has also rendered impotent, to a large extent, efforts within the judiciary to relieve the ill effects of the rare instances of actual misconduct as well as the more frequent occasions where honest judges have demonstrated an insensitivity to the requirement that they be free even from the appearance of impropriety.

"This total freedom from even internal judicial control and any public disclosure demanded by some Federal judges endangers the confidence of the citizenry in the judicial process. A judge need not be free to misbehave in order to be free to render impartial decisions. In testimony before my Subcommittee, Judge Albert B. Maris, a great Federal judge, spoke about judicial independence:

"I agree completely with you that the judiciary should be independent of the executive and legislative branches of the government, that the whole basis of our Constitution and the only sure guarantee of our liberties and the rule of law is that the judiciary be so independent. And I would not want to do a thing that would in any way, in any actual way, impair that independence. But I do not believe the requirement that you must behave yourself well is going to impair it. I do not believe it is necessary to

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have the right to misbehave in order to be independent."

"I am not suggesting that judges should lead a monastic existence, or isolate themselves from the world. Indeed, Canon 34 of the Canons of Judicial Ethics states, 'It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion.' A knowledge of life is essential to the effective exercise of the judicial function. Moreover, judges have much to contribute to the legal profession and their communities.

"I believe judges may perform non-judicial services, I *do* believe, however, that any off-the-bench activity that a judge performs *for compensation, unless subject to scrutiny and criticism by reason of public disclosure,* is fraught with potential for undermining the appearance of rectitude that the judiciary must maintain.

"In order not to give the appearance of impropriety, nonjudicial honorariums and fees must be a matter of complete public record, at least to the extent required of members of Congress. Disclosures of non-official activities and of financial interests, in my opinion, is a salve that prevents many injuries and heals many wounds. The prophylactic effect of requiring a public official to put pen to paper and to disclose his activities and sources of income cannot be overstated. Such a requirement makes one stop and think and greatly increases sensitivity to the more subtle requirements of ethical guidelines. Moreover, it promotes the confidence of the citizenry. If the public knows what you are doing, they need not speculate as to what you may be doing, and speculation can be much worse than reality. Therefore, while I believe that the temporary suspension of the controls governing off-the-bench actvities may be subject to criticism, elimination of the public reporting requirements is a grave mistake.

"In past years, judges had resisted financial disclosure on the ground that they were being 'singled out'. In 1968, the Senate and the House of Representatives both imposed limited financial disclosure requirements on themselves. With the imposition of those requirements and the long-standing requirement of executive disclosure, the judiciary was, in fact, until June, 'singled out' for non-disclosure.

"Some have questioned the right of a Congressman to examine the propriety of any judge's actions. They suggest silence because there are many skeletons in political closets, and Congress has imposed upon itself only a narrow disclosure requirement. Certainly, the Congressional requirements should be expanded. I have cosponsored legislation that would require full and complete public disclosure by all Members of Congress. But Congressmen must face the electorate periodically, and their outside interests or financial holdings have been and undoubtedly will continue to be proper campaign fodder. Every Congressman who publicly discloses his finances is subject not only to the scrutiny of the press but also of his political enemies. Judges, on the other hand, have 'good behavior' tenure and are above politics. They assume the bench for what is, for practical purposes, a life term with no practical means for discipline or removal. This isolated independence calls, as I said at the outset, for particular care by those who possess it. Therefore, the reporting requirement adopted by the Judicial Conference last June must be considered as a minimal stricture upon the activities of Federal judges. The country will not tolerate any undercutting of that stricture.

"We live in an age when the motivations and precepts of our leaders are undergoing intense questioning by our citizenry, young and old alike. We must make every effort to relieve the clouds and shadows engulfing our institutions. Forthright action is needed on the part of all who lay claim to the mantle of leadership. The members of the Federal judiciary are no exception."

[From the Newark (N.J.) News, Nov. 4, 1969]

JUDGES AND ETHICS

The U.S. Judicial Conference, the policy-making arm of the federal judiciary, has taken a step backward in abandoning the ethics code it imposed on lower federal judges last June. The heart of that code was a stringent limitation on acceptance of fees for non-judicial activities, inspired by the unfortunate Fortas affair. Now the judges will be free to engage in lucrative outside activities, their only responsibility being to report their incomes—confidentially of course—to a panel of their colleagues. Gone is the public income-reporting procedure of the original rule.

The rule was Chief Justice Earl Warren's parting attempt to restore public confidence in the judiciary, and it was resented from the first. Its eventual doom was really foreshadowed when a majority of Mr. Warren's colleagues on the high court refused to apply it to themselves, saying they preferred to wait until a new chief justice took over. He has—in the person of Warren E. Burger—and nothing has been heard on the subject since.

Concededly, the rule was conceived in haste and virtually rammed through the conference by Mr. Warren. Nevertheless, modification—to permit such compatible activities as writing or teaching on the law, not foundation fee collecting—was indicated rather than an outright revocation that can only add to the confusion of the public, which has been affronted in recent weeks by the disclosures of the business activities of Justice-nominee Haynsworth.

[From the St. Petersburg (Fla.) Times, Nov. 5, 1969]

A SHORT-LIVED JUDICIAL REFORM

The U.S. Judicial Conference has chosen a poor time—when the subject of ethical standards is a matter of active public concern—to scrap a major move toward self-regulation that it adopted only last June.

The action can only give new impetus to pending efforts in Congress to impose stricter standards of judicial ethics by legislative action.

Last June the Judicial Conference, administrative arm of the federal judiciary, headed by then Chief Justice Earl Warren, adopted a requirement that judges obtain permission on the public record from their respective circuit councils before accepting outside pay.

The new rule, adopted last week at the first meeting of the conference presided over by Chief Justice Warren Burger, modified this to require only that off-the-bench earnings be reported to a panel of judges after the fact and with no automatic requirements for publicity.

The June reform was prompted by disclosure that Justice Abe Fortas had accepted a $20,000 fee from Louis E. Wolfson and that Justice William O. Douglas had a long-time salaried connection, which he has since resigned, with the Parvin Foundation. But the passion for self-reform in the federal judiciary seems not to have outlasted the Earl Warren regime.

In Florida, it was disclosed a few weeks ago that Chief Justice Richard Ervin of the state Supreme Court has been a long-time paid official at $8,000 to $15,000 a year of the Woodmen of the World Insurance Society. While this is a respected fraternal and benevolent organization, as contrasted with the dubious reputations of the Wolfson and Parvin foundations, the question of substantial income for judges from outside business activities is again raised.

Instead of relaxing ethical standards, the U.S. Judicial Conference and similar self-regulatory groups at state levels should be concerned with making such standards more effective and self-enforcing.

We believe that judges should be paid adequate salaries, as most already are, and prohibited from engaging in any outside money-making business activities. Only in that way can all suspicion and even appearance of conflict of interest be avoided.

If judges are unwilling to impose such restrictions on themselves it should be done by Congress and the state legislatures.

[From the Milwaukee (Wis.) Journal, Nov. 6, 1969]

JUDGES STEP BACKWARD

In an unfortunate move away from self-reform, the United States judicial conference—the policy arm of the federal judiciary—has reversed its five month old rule against judges accepting outside compensation. The regulations are not binding but do have the weight of the conference's prestige.

The move is unfortunate because the controversy over the integrity of the judiciary that produced the original rule hasn't diminished. This action does little to alleviate doubt in the public mind about how impartial federal judges intend to be.

The old rule grew out of the highly questionable ethics of former Supreme Court Justice Fortas and Justice Douglas in accepting high fees from two foundations while on the bench. Former Chief Justice Warren pushed through the rule, reportedly to show that when faced with the need for reform the judiciary could act on its own. But there was much grumbling over the speed with which Warren pursued this goal—supposedly without much prior consultation with the conference—and the fact that the rules did not apply to the supreme court where the controversy started. This latest action reflects these reservations.

Now judges need only give a confidential report of nonjudicial pay that exceeds $100 in any one quarter to a three judge committee. No permission is necessary in advance. If the panel after the fact finds that there is a conflict of interest it can take action. But that action is not spelled out.

What the conference appears to ignore is that the debate over judicial ethics continues, particularly over the supreme court nomination of Federal Judge Clement Haynsworth. Reform is needed and it is best if it comes from within the judiciary. There seems to be little justification for well paid federal judges to display blatant entrepreneurship on the bench, considering the potential conflict of interest questions. The present retreat from this prohibition only reopens this Pandora's box—a box that never was tightly closed. What the conference might find as a result is that Congress will do the reforming for it.

[From the New York (N.Y.) Times, Nov. 8, 1969]

TYDINGS CRITICIZES JUDICIARY ON OFF-BENCH RULES; IMPLIES THAT RETREAT FROM CURBS MAY LEAD TO LAW ON INCOME DISCLOSURE

WASHINGTON, November 7.—Senator Joseph D. Tydings charged today that the Federal judiciary had retreated from recent advances in judicial ethics by suspending the restrictions on off-the-bench activities that were adopted last June.

In an unusually blunt criticism of the Federal judiciary, Senator Tydings attributed part of the blame to the Supreme Court. He said that when the Justices did not adopt similar restrictions on their own outside activities, a "dimming of judicial resolve" soon followed.

Speaking to an alumni group at Catholic University Law School, the Maryland Democrat said that public confidence in the judiciary may have been shaken by the recent decision by the Judicial Conference to soften the rigid ethical rules adopted last June.

He implied that the action could lead to Congressional legislation to require judges to report their incomes to the public.

"In order not to give the appearance of impropriety, nonjudicial honorariums and fees must be a matter of complete public record, at least to the extent required of members of Congress," he said, adding:

"Such a requirement makes one stop and think and greatly increases sensibility to the more subtle requirements of ethical guidelines. Moreover, it promotes the confidence of citizenry."

The earlier rules barred judges from receiving unauthorized fees and required public disclosure of any outside fees that were authorized. It also called for filing of detailed financial reports to Washington.

Last Saturday the Judicial Conference of the United States, the policy-making arm of the Federal Judiciary, voted to lift the ban on outside fees and ordered that all reports of fees be kept confidential. It authorized a poll of the judges for their views on the desirability of any financial disclosure.

BACKER OF LEGAL MOVE

Senator Tydings has been a strong supporter of legislation to require reporting of judicial income. He is chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery.

A member of its staff disclosed today that Senator Tydings had called a hearing for Nov. 24 and had invited the Judicial Conference and the American Bar Association, which is conducting a review of legal ethics in cooperation with the Judicial Conference, to testify.

[From the Washington (D.C.) Post,
Nov. 8, 1969]

TYDINGS DENOUNCES JUDGES FOR "RETREAT" ON ETHICS RULE

(By John P. MacKenzie)

Sen. Joseph D. Tydings (D-Md.) blasted the U.S. Judicial Conference yesterday for setting aside rules against outside compensation for federal judges and said his Subcommittee on Judicial Improvements would investigate the action.

The judges showed "a dangerous myopia," said Tydings, "a myopia characterized by an inability to perceive the threat to the institutional integrity of the federal judicial system" posed by recent scandals.

Tydings said the Conference, the policy body of the judiciary, "had one shining moment" last June when it banned most outside income and required public disclosure of any approved off-the-bench services for pay, but now seemed to be in "retreat" from judicial reform.

The June resolution, pushed through by Earl Warren in his closing days as chief justice, was suspended a week ago as the Conference announced it would await a full-scale review of the American Bar Association's 50-year-old Canons of Judicial Ethics. The conference also cited conflicting interpretations of the resolution by the councils of the 11 federal circuits.

"It is difficult not to conclude that the historic progress made last June is in jeopardy," Tydings said in a speech to the law alumni of Catholic University.

Both attempts at self-reform and efforts for congressional action have been frustrated by the judges' "exaggerated view of judicial independence," said Tydings. He said the threat to the system's integrity will pass "only when members of the federal judiciary realize that not every attempt to monitor their conduct constitutes 'hazing' . . . A judge need not be free to misbehave in order to be free to render impartial decisions."

Tydings said he was not demanding that judges lead "a monastic existence" or abstain from all nonjudicial services.

"I do believe, however, that any off-the-bench activity that a judge performs for compensation, unless subject to scrutiny and criticism by reason of public disclosure, is fraught with potential for undermining the appearance of rectitude that the judiciary must maintain," Tydings said.

Public disclosure, "at least to the extent required of members of Congress," is essential Tydings said. If judges must "put pen to paper" and make disclosure, they will become more sensitive "to the more subtle requirements of ethical guidelines," he said.

Tydings said he would hold one day of hearings Nov. 24, featuring testimony from both the Conference and the ABA. Judge Robert A. Ainsworth Jr. of the Fifth U.S. Circuit Court of Appeals in New Orleans, chairman of a committee that drafted the June resolution, was designated to testify for the Conference.

[From the Washington (D.C.) Star,
Nov. 13, 1969]

INJUDICIOUS STEP

Last June, the Judicial Conference adopted a rule that barred federal judges from accepting any compensation whatsoever for off-the-bench services. Now the conference has reversed itself, asking only that the judges report their moonlighting fees to a panel of fellow judges, and promising that such reports will be guarded from public view.

It was an unfortunate step backwards.

The conference, which acts as the policy-making arm of the federal judiciary, adopted the restrictions in response, among other things, to the public dismay following the disclosures of the Fortas affair, to strong pressure from the then Chief Justice Warren and to the threat that Congress might undertake to legislate legal ethics unless the judges acted first.

The only major change that has taken place in the past five months is the advent of a new chief justice—an event that surely does not warrant complete reversal. Public interest in the ethics of the courts remains high. And congressional eagerness to undertake the ethical cleanup continues unabated.

It should be noted, however, that the conference left the way open for a re-reversal. The judges asked Congress for a law that would make adherence to any future conference rulings on ethical conduct mandatory for all federal judges below the Supreme Court. At the present time, conference rules are not legally binding.

In addition, the judicial conference has indicated an active interest in future recommendations of the American Bar Association's committee which is at work on its own code of ethics for judges. This code, which should be completed next summer, may well include a prohibition on moonlighting fully as severe as the conference's original ban.

It would have been better for the conference to have retained its original ban, to have asked Congress for the law to provide the legal teeth necessary to make the ban stick and later to have reconciled any differences that might arise between its rules and to the forthcoming ABA code.

The next preferable alternative is for Congress to provide the required law and for the conference, together with the ABA, to correct the backward step that has been taken. The final rules of conduct, ending the questionable practice of outside jobs for judges, should be applied as well to the lower courts and to the Supreme Court.

The public has a right to know that the interest of any judge is limited to the legal aspects of the case before him. And the public has the right to know that every judge is devoting his time to the bench—not to a lecture before a women's club, an article for Playboy or the interests of a secret client.

TRIBUTES TO VICE PRESIDENT AGNEW

Mr. MURPHY. Mr. President, recently a report of the Gallup poll showed that Vice President SPIRO T. AGNEW placed third in the poll's balloting on the "most admired man" for 1969, with the first place going to President Richard M. Nixon and the second place to Rev. Billy Graham.

It is obvious that this was an enormous tribute to Mr. AGNEW, especially in light of the fact that he had the distinction of ranking higher than any other incumbent Vice President in the 22 years that this list has been compiled. It was an honor which is well deserved, and it is also an encouraging indication of the fact that the people of the Nation will respond to an individual who is honest, knowledgeable, forthright, and courageous. In addition, the vote showed, I think, that our citizens now, at last, recognize the importance of the Vice-Presidency itself and the necessity for having a thoroughly qualified man in the post. This, of course, has not always been so, as we can discover in a brief study entitled "Have You Noticed the Vice-Presidency Lately?" This work was prepared by Mr. Hudson B. Drake, Director of the President's Commission on White House Fellows, who previously served as a White House Fellow with two Vice Presidents under two administrations—September 1968, through August 1969.

Mr. Drake's study is extremely interesting and informative; consequently, I ask unanimous consent that it be printed in the RECORD, so that this history of one of the Nation's most important offices may be available to as many persons as possible.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

HAVE YOU NOTICED THE VICE PRESIDENCY LATELY?

(By Hudson B. Drake)

It may be said The Office of the Vice Presidency began, or perhaps it would be more proper to say, almost didn't begin, at the Constitutional Convention of 1787. Indeed, with the convention on the brink of adjournment when the proposal came up, together with criticism of the proposal by the delegates, the Vice Presidency was very nearly scuttled then and there. To the founding fathers' great credit, however, the proposal passed by a vote of 8 states to 2 with one abstention and one absent. The Vice Presidency was thus established under the proposed Constitution as the only other office besides the Presidency to be filled by all the voters. The Vice President would preside over the Senate and succeed to the Presidency in the case of the President's death, resignation or removal from office.

In their zeal to end the lengthy and arduous convention, the delegates neglected to include any financial remuneration for the Vice President or, for that matter, even an oath of office. It is interesting to note, however, that in all their haste they did not forget to make him subject to the same impeachment proceedings as the President.

The wisdom of our forefathers in creating the Vice Presidency can best be appreciated in an historical perspective. Since the office was created, eleven Vice Presidents have

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served as President and eight Vice Presidents have ascended to the Presidency in midterm, two of these occurring within an 18-year span—that is twice in four and one-half presidential terms!

The evolution of the Vice Presidency has been greatly affected by the course of history. Two relatively new constitutional amendments in particular bear on that evolution and history. The Twenty-second Amendment, which was profoundly influenced by FDR's tenure, limits a President to two terms. This clearly enhances a Vice President's national image as heir apparent and provides a commensurate political opportunity to be his party's next Presidential standard bearer: three of the last five Presidents were previously Vice Presidents.

The impetus for the Twenty-fifth Amendment was the assassination of JFK in 1963. It insures that there "shall" be a Vice President in the event of a midterm vacancy in that office. Prior to its passage, the United States had been without a Vice President 16 times in 180 years. The amendment further provides for the Vice President to become "Acting President" should the President become disabled. In essence, the amendment reflects the modern realities of Presidential fallibility and the crucial necessity that there always be a number two man to step into the breach when necessary.

The Vice Presidency has been the object of derision and the butt of jokes over the years. Prior to 1933 there may have been some justification for such humor since the Vice President had little to do except preside over the Senate. Although those days are long over, a few writers persist in perpetuating the old image. Worse yet, others do not believe the Vice President should be an active participant in the Councils of the Executive Branch. They feel that the office was created without power and the Vice President should thus be condemned to the shadow of the wings, remaining mute and isolated until and unless fate should intervene.

It would be tragic if this country had pursued the Vice Presidential precedents of the 19th century: a virtual unknown selected to the ticket on geo-political grounds, suddenly foisted upon the people; a man draped with the mantle of leadership of a government he knows little or nothing about in terms of processes or problems; a man facing a transition from relative obscurity to absolute exposure, from limited government knowledge to facing the overwhelming problems of the country and the world.

This is hardly an optimum situation when you consider that the purpose of the Vice Presidency is to provide continuity if something happens to the Chief Executive.

It is well to remember that John Tyler served just one month as Vice President before he was propelled into the Presidency, Harry Truman served two and one-half months, Andrew Johnson, Chester Arthur and Theodore Roosevelt all served less than one year. The historical odds today have climbed to almost one in three that the Vice President will become President. In light of these facts, any philosophy is fallacious which advocates an "outsider's" role for the Vice President of this country.

Indeed, during the 20th century, while the Vice President has retained constitutional prerogatives in the Legislative Branch, his role in the Executive Branch has been expanding both quantitatively and qualitatively. A more meaningful and substantive role has evolved which requires increasingly qualified men selected on their merits rather than on mere ticket balancing or vote-getting appeal.

In 1964 President Johnson saw Hubert Humphrey as the man "best qualified to assume the Office of President, should that day come." During the 1968 campaign, President Nixon gave his views of the Vice President's role stating: "The Vice Presidency has now become an important office in its own right. The Presidency is so big, and his responsibilities in international affairs particularly are so great, that we need a Vice President that can undertake great responsibilities and that the President will trust . . . I want the man for Vice President, who, if something should happen to me, would make the best President of the United States."

These statements are not just verbal largess. One has but to look back a few years to see moves calculated to establish the Vice President as a bona fide member of the executive team in times of ever increasing pressure on the President; moves designed to place him in a position to observe, absorb, and participate in the highest councils of government.

In addition to the constitutional responsibilities of Presidential succession and President of the Senate, the Vice President has been a member of the Cabinet by custom and tradition since the 1920's. In 1949 Congress made the Vice President a statutory member of the President's highest policy advisory group, the National Security Council. This was due in large measure to Truman's traumatic experience upon the passing of FDR. The legislation is significant as the first major expansion of the Vice Presidency since the Constitution was written and the first major recognition of the Vice President within the Executive Branch.

Early in Kennedy's term, Vice President Johnson was given a suite of offices in the Executive Office Building at the other end of Pennsylvania Avenue immediately adjacent to the White House. Though he retained his traditional legislative office on the Hill as President of the Senate, the move was symbolic in that it was the first time a Vice President had been recognized as deserving of space, for whatever reason, in the Executive Branch. Not to be ignored are the executive functions such a move implied. This precedent of offices at both ends of Pennsylvania Avenue has been followed through succeeding administrations.

The locations of Vice Presidential Offices reached a controversial zenith in the Nixon-Agnew Administration when the Vice President was given prime space in the southwest corner of the West Wing of the White House just down the hall from the President's Oval Office. He still retains an office in the Executive Office Building which also houses a large part of his staff and where he spends considerable office time. Cynics believe the Vice President was installed in the White House by the President to keep him under close watch. Realists recognize that mere access is a measure of power and prestige. They see it as an adroit move to place the Vice President in a position of proximity and precept to qualify him if necessary to act with understanding and knowledge, and not visceral reaction. It is interesting that had the Humphrey-Muskie ticket been successful, serious consideration would have been given to locating the junior Senator from Maine within the hallowed halls of the White House.

Similar to his immediate predecessors, today's Vice President chairs the Marine and Space Councils, the Indian and Youth Opportunity Councils and the Peace Corps National Advisory Council. In addition he serves as a member of the Board of Regents for the Smithsonian Institution and the Cabinet Committee on Economic Policy.

Within the last 20 years, Vice Presidents have consistently played important roles in carrying and explaining the administration's policies to foreign governments. In addition, they have urged the adoption of the President's legislative program on the Hill and to the voters, stumped for party candidates across the country and performed ad hoc and task force assignments.

Since January 20, 1969, the President has assigned significant additional responsibilities to the Vice President. He was made a member of the Council for Urban Affairs, a cabinet level advisory group presided over by the President and in his absence by the Vice President. This council is the nation's top policy-making body concerning social problems and is considered the domestic equivalent to the National Security Council. Specific responsibilities of the council include assisting the President in the development of a national urban policy, promoting the coordination of Federal programs in urban areas, encouraging cooperation between all levels of government and encouraging local decision making.

Following the Council for Urban Affairs appointment, the President created a new agency, the Office of Intergovernmental Relations, to operate with a professional staff under the "immediate supervision" of the Vice President. The agency uniquely complements his Urban Affairs membership and gives the Vice President some initiative in the domestic field. Its focus is on the thorny problems of federal relations with cities and states. The Vice President acts as an ombudsman to assist state and local officials through the bureaucratic maze in solving their problems arising from federal programs. It is significant to note that the Office of Intergovernmental Relations is not only the first federal agency assigned to a Vice President, but is also the first time that one coordinative body has been established to handle both city and state problems.

In addition to being an important link between federal, state and local governments, the new agency also provides fertile ground for the Vice President to establish a strong political constituency for the future. Mayors and Governors carry a good deal of influence with the delegations to political conventions.

Most recently, the Vice President was named by the President to the new Environmental Quality Council and to chair it in the absence of the President. This council will insure federal policies and programs take adequate account of environmental effects, and develop and conserve natural resources. To enhance man's well being it will protect against pollution of the nation's air, water, land and its living resources.

There is a distinct correlation in these new Vice Presidential assignments that signals a strong and continuing role in domestic and urban areas. In the past, a lack of identity with a continuing program or field has tended to detract from Vice Presidential stature and public image.

The modern Vice Presidency is also active in a more subtle but none the less important sphere. For instance, the Vice President is briefed by the President's Assistant for National Security Affairs, and key Vice Presidential staff members are included in daily White House staff meetings. The Vice President travels at his own discretion and has the convenience of his own aircraft, Air Force Two. On occasion, some ceremonial duties traditionally performed by the President have been performed by the Vice President; for example, a recent Medal of Honor ceremony and placing the President's wreath at the Tomb of the Unknown Soldier on Memorial Day.

The growing executive role of the Vice President is good for the nation. It relieves the President of some of the ever increasing demands on his time and provides a vehicle by which the Vice President can become beneficially involved in a wide range of federal programs and activities.

When you get right down to bedrock, however, there is only one role for the Vice President, one which transcends all others real or imagined. That role is simply to learn

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all he can about the Presidency, its concepts and its realities.

It is this role which is the most difficult and the most important. The real key to his learning and understanding, the key to his very political being, is based solely on his relationship with the President.

With a close relationship his experience is rich, without it any meaningful preparation for the Presidential ascendence is absolutely nil. This situation prevails since nearly every role the Vice President has in the Executive Branch is a function of Presidential discretion. In order for the Vice President to do all that can be done, to understand all that can be described or explained, there must be an "executive alliance" between the President and the Vice President—a meeting of the minds philosophically and politically; and bonded by mutual trust, loyalty, understanding and respect. This relationship is the essence of why Presidents have the influence they do in the selection of Vice Presidential candidates. Once elected, a Vice President cannot be fired, only banished to the hinterlands of government to suffer his lonely fate.

Should something happen to the President, it is we the people who would have to live with his successor whatever his experience. For purely selfish reasons, we should applaud the framers of our Constitution for creating a Vice Presidency, welcome meaningful expansion of Vice Presidential functions, and pray that the "executive alliance" will flourish. Reality will let us do no less.

ADDRESS BY SENATOR MATHIAS BEFORE MONTGOMERY COUNTY SENTINEL LUNCHEON

Mr. SCOTT. Mr. President, the distingushed Senator from Maryland (Mr. MATHIAS) made an outstanding presentation before the Montgomery County Sentinel luncheon at the Washingtonian Motel, January 16, 1970, on the topic of inflation. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INFLATION

(Remarks of Senator CHARLES McC. MATHIAS, Jr.)

Of all the crises facing Americans today perhaps only the war in Vietnam is so perplexing as the state of the economy—the continuing inflation, the continuing decline in the value of the dollar, the continuing rise in interest rates. In many connections we speak of our country as a ship of state. But in speaking of the economy it is quite clear that the ship is airborne, and although the pilot gives continuing assurances that everything is under control—except for some minor turbulence ahead as we prepare to land—the passengers are growing increasingly uneasy. For one thing, the pilot has announced landing preparations several times now and there has been some shifting of gears and some coughing of the engines. But the economy clearly remains in flight—that is to say, inflated—as it has for several years. If the truth be known, moreover, there is even some controversy in the cockpit. Regardless of the increasing sophistication of economists about the effects of inflation—the aerodynamics of money—they remain unsure about how to assess its various causes.

Imagine, therefore, an airplane in flight—with the pilot being bombarded by experts representing several schools of thought on how to land—including some experts who don't want to land at all—imagine that one widely-recommended landing technique is simply to throw the lowest class of passengers out of the plane. Understand though that this approach can well end by throwing out the pilot. Imagine such a trip and you might well be reaching for your dramamine.

But this is only a somewhat melodramatic way of describing the state of the economy as President Nixon inherited it after several years of aerodynamic economic policies by the Johnson Administration.

I think you will agree that it is time for me to ground my metaphor on a few facts—even if their implications remain in controversy. Even the Washington *Post* and New York *Times* cannot seem to agree on this one. Yesterday the *Times* asserted flatly that the Nixon anti-inflationary approach "must be judged to have failed." Yet the Washington *Post*, which in general has supported the Administration on this issue, today reports that the real growth of the GNP has been arrested for the October-December period. This slowdown comes almost precisely as Administration economists expected. Although the price index continued to rise, the pace is slower—down to an annual rate of 4.4 percent as compared to 5.6 in the third quarter and 4.9 for the first half. If the economy continues to behave as anticipated—and the Administration holds the course—the inflationary momentum should be dampened in coming months.

The facts of inflation, however, portend major difficulties in coming months. There is a continuing determination on the part of the Nixon Administration to curb inflation; but there is also a continuing conviction on the part of both industry and labor that the Nixon effort will fail. And there are pressures for a relaxation from all sides.

The leading victims of inflation—those on low or fixed incomes—are growing increasingly desperate. Tragically these groups—the leading victims of inflation—are also gravely hurt by anti-inflationary programs. Not only are they the first to lose their jobs; but they also are deeply affected by cutbacks in federal spending—and even, indirectly, by high interest rates.

For one example, low cost housing construction has been virtually halted by tight money.

Inflation, in fact, is having a dangerous impact on the very structure of the economy. Small businesses continually lose in competition for scarce funds with larger businesses—and so this critical part of our economy, where individual initiative and creativity have contributed so much to the flexibility and growth of our country—the critical realm of small business is being slowly stifled by the cost of money.

This decline is not because of any constitutional weakness of smaller enterprises—or any exhaustion of their potential contribution to the society. Indeed, there is a persuasive school of analysis contending that many of the problems of the economy today derive from the eclipse of small business. Small business hires far more marginal workers per dollar of investment than large business; small business has traditionally been the vessel by which indigent minorities have made it in America—and made America in the process. Small businesses have provided many of the technological breakthroughs that spurred our economic growth. We need to preserve them now. Yet overall federal policies, which tend to benefit large companies in multifarious ways under the best of conditions, are gravely endangering this part of the economy under the parlous circumstances we face today.

Inflation—and anti-inflationary policies—are together buffeting the American society. Millions are suffering; and the spirit of confidence, on which both economic growth and social stability depend, is gravely shaken. What can we do about it? Is the only answer really more of the same? Or is there some magic wand—or some kingly scepter some sweeping new authority—which should be granted to government to solve this tragic problem of prosperity? We, for one example, institute wage and price controls.

In political terms wage and price controls would be an easy remedy to adopt. Every Gallup and Harris poll on the subject indicates that the people favor this approach. Yet this enthusiasm is likely to decline abruptly when the real consequences become clear: severe distortions in the economy, black marketeering, huge and intrusive bureaucracy, and, in the end, a real contraction in our economic freedom and growth. It is possible that we will ultimately be driven to this route. But we should regard it as the very last resort and should not entertain illusions about its effects.

A second easy way to deal with inflation is simply to accept it as an inevitable condition of full employment and growth. If this means an overwhelming influx of cheaper foreign imports, then high tariffs and restrictive quotas are advocated. The result would be to make the United States a kind of dollar green house in the world economy, insulated from external competition and from internal discipline. The fact that this was the course followed at the time of the depression indicates some of the dangers. The basic problem is that to accept and insulate inflation is to accelerate in—and to remove the disciplines and constraints that ensure sound and stable growth. For needless to say, the production of money brings only the illusion of wealth unless it is accompanied by production of goods.

So one returns to the basic reality that there is no easy answer and that the deflationary policies of the Nixon Administration—as unpalatable as they may seem—are necessary until inflation is brought under control.

I believe that the specific measures chosen by the Administration are in general exemplary. The President is cutting back spending on defense and public works and is in general economizing on government spending that does not principally involve the poor. At the same time he is initiating historic new programs that combine welfare reform with job training. These initiatives will help those who would otherwise be most seriously injured by deflationary policies. He is also supporting expansion of present government programs to end discrimination in employment. The Department of Housing and Urban Development is expanding its anti-discrimination activities and has developed a targeting method to assure minority employment on construction sites.

Encouraging also was the President's appointment of Arthur Burns as Chairman of the Federal Reserve Board. Burns is one of the country's most brilliant and responsible economists and his elevation gives assurance of sound and dependable policies at the Federal Reserve Board.

By such approaches the Nixon Administration hopes to curb inflation while minimizing damage to the society. It is a bold and ingenious program and I commend it. There are signs that it is having an effect, although the negative effects of deflation normally precede its impact on prices. I would add two futher points, however, in conclusion.

The first is that the chief cause of inflation has been the Vietnam War. The most important program to end inflation therefore is the Nixon plan to end the war. Let us all pray that the President acts with as much ingenuity, courage, and resourcefulness in the international arena as he is in general showing in the domestic realm. For unless the war ends it will be very difficult to halt inflation without severe social strains.

The second point is that defense spending is in general the most inflationary part of the economy, because it increases demand

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without providing goods to fulfill it. The military generates demand when it pays people to build missiles to serve in the Army. But the Army does not produce products or services that soak up demand in the market place. Thus, though not usually seen in these terms, the SALT negotiations to bring about strategic arms limitations also will aid the President's attempts to curb inflation without causing major social unrest. It may well turn out, therefore, that just as the most important ultimate effect of inflation is to halt world economic growth, the most important programs to meet the problem come in foreign, not domestic policy.

And I might add that inflation is only one of a great many reasons, many of them more important, to end the war and start building for a stable peace—the basis for stable economic growth and prosperity for all.

THE SITUATION IN POSTWAR NIGERIA

Mr. **BYRD** of West Virginia. Mr. President, the current issue of Time magazine contains an extremely interesting account of the situation in postwar Nigeria.

Entitled "Relief, Reconciliation, Reconstruction—and Rape," the Time article tells of the relief efforts being made on behalf of the defeated Ibo tribesmen in secessionist Biafra, and it mentions those offers to help that have been rejected by the Nigerian Government. The article also states that while there has been no evidence of widespread genocide, a number of incidents of rape and looting allegedly have been committed by Nigerian forces in the occupied territories.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Relief, Reconciliation, Reconstruction—and Rape

The lights came on again in Lagos last week, ending a 30-month blackout imposed to protect the Nigerian capital from Biafran bombers that never appeared. Unaccustomed to the brightness, bats swooped screeching out of trees to seek darkness elsewhere, and pedestrians stepped neatly over rain ditches they had fallen into during the war. Only half the lights went on again, however; there was not enough power available to light the rest. Plainly, peacetime conditions would not be restored with the mere flick of a switch.

BUILDING UP JERUSALEM

That was all too evident in the area of what had been Biafra, where 12 million people had sought to establish a state independent of Nigeria and its 45 million other inhabitants. Nigerian Leader Yakubu Gowon had pledged his victorious government to a program of reconciliation rather than recrimination toward the secessionists. Because of ineptitude and the war's unexpectedly sudden end, which caught relief agencies unprepared, Gowon's peace program flicked on only at half strength. Feeding programs broke down, medical supplies went undelivered and there were countless incidents of rape and looting.

No evidence could be seen of the deliberate genocide against which Biafra's General Odumegwu Ojukwu had warned before he hastily departed from his collapsing nation three weeks ago. Nigerian leaders, for the most part, made genuine efforts to see that Biafra's Ibo tribesmen were cared for. Nigerian money was rushed in to replace worthless Biafran currency. Ibo civil servants were rehired and their 30-month defection listed as "leave of absence without pay." Gowon, wearing a flowing blue African robe instead of a general's uniform, led a thanksgiving service at Lagos' Anglican cathedral. He selected and read the lesson of the service from the second chapter of Nehemiah: "Then I said unto them, ye see the distress that we are in, how Jerusalem lieth waste, and the gates thereof are burned with fire. Come and let us build up the wall of Jerusalem that we be no more a reproach."

Foreign observers, after cursory checks of Gowon's Jerusalem, returned to Lagos with airily optimistic progress reports. United Nations Secretary-General U Thant, after two days in Lagos and none in Biafra, said unqualifiedly that "there is no hint, even the remotest evidence of violence by the Nigerian Federal forces." Henrik Beer, secretary general of the League of Red Cross Societies in Geneva, doubted that there had ever been wholesale starvation in Biafra. But hunger remained a very real threat. Gowon adamantly refused to let relief groups use Uli airstrip, a symbol of Biafran resistance. One result of his decision was that many of the 3,500,000 people in Biafra were going hungry. According to some estimates by churchmen and physicians, as many as 1,000,000 Biafrans were on the verge of starvation. Ignoring pleas to stay put, perhaps 1,000,000 refugees choked the enclave's wreckage-strewn roads.

As for violence, the optimistic reports seemed true enough, although Brigadier General John Drewry, senior Canadian on the four-nation international observers' team that is monitoring the war zone for atrocities, made an astonishing statement. "I do not consider it serious," the *Daily Telegraph* of London quoted him as saying about reports of widespread rape, "until ten women are raped in the same place at the same time."

Officers of Colonel Olu Obasanjo's 3rd Marine Division were less complacent. They said they had been forced to shoot some of their men for rape and looting. Refugees reported that young girls were fading into the bush to escape "conscription," their euphemism for rape. Concerned, Nigerian authorities prepared to relieve the commandos with the "cooler" 1st Division.

No miracles

Reports of the commandos' behavior flashed worldwide through dispatches from 80 correspondents who flew into the area on an inspection trip (*see following story*). Their stories so angered Nigerian officials that the newsmen were detained at Port Harcourt for two days until diplomatic protests freed them. Later, at a press conference, Gowon defended his troops: "We don't expect miracles. Is anyone willing to say there is not misbehavior in their own armies? Haven't things been happening in Viet Nam?" At the same time, acknowledging that the situation was grimmer than he had anticipated. Gowon increased relief funds from $17 million to $45 million. He also agreed to accept additional assistance from other nations—with the proviso that Nigeria continue to direct all operations. The U.S., which had already dispatched three portable hospitals and 26 Jeeps, also promised a fleet of relief planes, portable generators, blankets and hospital lamps. Britain sent 25 doctors and 50 nurses; Russia supplied the lead contingent of what will be a 60-doctor party.

Remembering friends

The crisis is likely to last at least two more months. Only then is Nigeria likely to begin enjoying some of the benefits of a restored peace. Economically, the situation is bright. Oilfields and refineries in the Biafran enclave are already being checked for damage and restored to production; once they are, Nigeria expects total revenues to reach $1 billion by 1975.

Shortly before the war ended. Gowon said: "Our friends will not be forgotten." As a result, the Soviet Union and Britain, the chief suppliers of arms to the federal forces, will reap some benefits. Moscow already has 500 aircraft, arms and machinery technicians in Nigeria, and a Soviet-Nigerian trading company was recently organized to sell Russian-built cars and trucks. A $150 million Soviet-built steel plant may soon be started. In the Lagos government's view, the Russians deserve everything they are getting. "I would give Russia more credit than any other single country," Nigerian Ambassador to Moscow George J. Kurubu said last week.

The U.S., which did not recognize Biafra but encouraged relief efforts to aid its starving people, is in a less solid position. Secretary of State William P. Rogers, who begins a ten-nation African tour in February, will be cooly received in Lagos. Said the *Morning Post:* "No, sir, Rogers is not welcome." But Nigerian officials later insisted that Rogers would be a welcome guest.

No politics in exile

One person who has no future in peacetime Nigeria, or perhaps anywhere in Africa, is Ojukwu. After he fled the country, reports placed him in Lisbon, Paris, Geneva, Lusaka, Dar es Salaam, Libreville, São Tomé and Port-au-Prince. According to the story that emerged last week, Ojukwu was flown out of Uli to Abidjan, capital of the Ivory Coast. At the Abidjan airport, he transferred to an executive jet belonging to Ivory Coast President Félix Houphouët-Boigny and was flown 250 miles to the President's summer palace at Yamoussoukro, which is guarded by a pool of crocodiles. Ojukwu had hoped to establish a government in exile, but Houphouët-Boigny coldly informed him that there were to be no government, no political activities and no statements to the press out of Yamoussoukro. Perhaps it was just as well, for Ojukwu supporters are as scarce as food in his former enclave nowadays. An elderly Ibo, gaunt from hunger and weary from walking, was typical. Pausing on the road near Owerri and staring at the desolation around him, he said slowly: "It's Ojukwu's fault. All of it."

WHAT FOLLOWS WAR

(Note.—"If war is hell," Time Correspondent John Blashill cabled last week from Nigeria, "at least it is organized hell. What immediately follows war can be worse. It is not yet peace, and it is certainly not organized." Blashill was one of 80 foreign newsmen who were given government permission to visit the Biafran enclave. Herewith his report:)

In the silent palm forests and broken towns of the region once known as Biafra, the rape and the looting go on. Countless refugees told me this week of being stopped on the road by federal troops. The soldiers stripped them of their belongings, took their money and went off with their women.

Near Orlu, Nigerian marines invaded a Red Cross hospital, took all the food and raped the white nurses. During the brief period I was in Owerri, I saw an attempted rape and an attempt at looting. The looting took place right on the main square in front of most of the visiting newsmen. Several marine enlisted men simply entered a house and started ransacking it. They pulled out a bed and a table before an officer saw them and started shouting in Yoruba. They shrugged and carried the bed and table back inside.

The rape attempt was more dramatic. On the other side of the square, a drunken marine spotted a young refugee with his wife. Neither could have been much more than 20, and they clung together, very frightened. The marine demanded the wife and was about to make off with her when a marine lieutenant happened by. The lieutenant pulled out his .45 and shot the soldier

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in the foot. Neither rape nor looting is condoned by Nigerian officers. One marine was shot to death on the spot when he was found raping an Ibo girl near the Owerri radio station. He was not even arrested and tried. "There was no need," an officer said, matter-of-factly. "He was caught in the act."

Stampede for food

In the marketplace at Aba, where perhaps 200,000 refugees gathered, a stick-limbed girl in her teens was carrying home a few scraps of food in an old metal bowl perched on her head. A passing bicyclist jolted her, the bowl fell off, the food was spilled. The girl said nothing. She simply squatted on the ground looking at what she would have eaten that day as people trampled it. She was too numbed, too weary to retrieve it.

At a makeshift Owerri food stand where the black-market pineapples cost two Nigerian pounds ($5.60) stood a young mother with a baby wrapped African-fashion, in the robe around her back. The baby was starving, the mother had no money. She stood there for several minutes eyeing the food longingly. "We can look," she said eventually, "but we cannot buy."

The Nigerian Red Cross precipitated a riot by setting up field kitchens at Owerri. Two people were killed in the stampede to get food. At the Austrian Red Cross food-distribution center the food ran out. A thin old man, white stubble on his chin, walked away slowly, looking at his empty bowl. "Give chop? Give chop?" he muttered to nobody in particular.

Unforgettable sound

The Niger Maternity Hospital in Port Harcourt is now the home of 538 babies who were trucked down from a hospital near Orlu, and are on the point of death. They are all suffering from marasmus, the disease of advanced starvation. All have dysentery. Many carry ugly red tails hanging out of their bottoms, the medical term for which is "prolapse of the rectum." Most are too weak to stand. Some are too weak even to sit up and so they just lie there, often face down on the floor (there are not enough beds to go around), their faces resting in pools of mud and diarrhea. Those who have the strength to cry do nothing but cry, and the sound will never be forgotten by anyone who heard it.

In Port Harcourt, His Excellency Lieut. Commander A. P. Diete-Spiff, military governor of Rivers State, married Miss Ethel Potts-Johnson, also of Rivers State. The wedding cake, shaped like a ship, was flown in from Lagos. The wedding dinner for 100 guests included two suckling pigs, three turkeys, 30 cold chickens, eight ducks, one side of roast beef, two goats on a spit, 30 chickens on a spit, various fresh salads, charlotte russe, three dozen bottles of vintage champagne, three cases of Scotch. Among the guests was Lieut. Colonel Phillip Effiong, the last leader of Biafra.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 o'clock meridian today.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Thereupon (at 11 o'clock and 21 minutes a.m.) the Senate took a recess.

At 12 o'clock meridian on the expiration of the recess, the Senate reassembled, when called to order by acting President pro tempore (Mr. METCALF in the chair).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEARINGS ON OFFSHORE OIL BILLS

Mr. MOSS. Mr. President, today, January 28, is the anniversary of the beginning of the tragic oil leak off the beautiful coast of Santa Barbara, Calif. Although the situation has been under constant study, it is highly appropriate that the unit of the Senate which has initial legislative responsibility for Outer Continental Shelf mineral leasing again review the situation and consider what further measures can be taken to prevent a repetition.

Accordingly, I announce that the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee has scheduled public hearings for February 24 and 25 on three bills dealing directly with oil and gas operations under Federal lease on the Outer Continental Shelf off California. These measures are S. 3093 and S. 1219 by Senator CRANSTON, and S. 2516 by Senator MURPHY, both of California.

It will be recalled that last spring the Minerals, Materials, and Fuels Subcommittee, of which I am chairman, held 2 full days of hearings on S. 1219. This bill, in substance, would have put an end to oil and gas drilling in the Continental Shelf off California, pending complete investigation and study. The subcommittee considered this bill exhaustively, but came to the conclusion that it should be retained in subcommittee until more was known about the effectiveness of new controls and other aspects of the situation. It appears to the subcommittee that it now should again consider this measure.

The other bills which will be the subject of the hearings on February 24 and 25 are, as I have stated, S. 3093 and S. 2516. S. 3093 would direct the Secretary of the Interior to suspend leasing operations in the outer shelf off California wherever the State establishes a marine sanctuary and requests such action by the Secretary.

S. 2516 would terminate Naval Petroleum Reserve No. 1, which is on the uplands of California, and create a new Naval Petroleum Reserve No. 5 off Santa Barbara. The State would be given leasing rights in an area of former Reserve No. 1 equal to the areas in which it had suspended leasing operations.

All interested Members of the Congress and the public are of course welcome at these hearings. Hearings will start at 9:30 in the morning in room 3110, New Senate Office Building, Washington, D.C.

PRESIDENT NIXON'S VETO OF THE LABOR-HEW APPROPRIATIONS BILL

Mr. MOSS. Mr. President, in this morning's Washington Post there is published an editorial entitled "Let Us Clearly Understand" which deals with the President's veto of the Labor-HEW appropriations bill which is coming up in the House today.

The editorial states, in part:

> Now, let us clearly understand the issue. The issue is not whether some of us are for a stable economy and others are against it. Nothing is more important than putting the economy on an even keel. The question is: Are we to concern ourselves with the future of America? Are we to discharge our duty to the country's children, our last, best hope for a brighter tomorrow, or are we to think only of the present and of ourselves?

The editorial goes on to say:

> And so, reluctantly pushing to one side of our desk the editorial supporting the President which we would have liked to publish, we tap out on our typewriter instead, letter by painful letter—conscious of the nation's gaze upon us—this simple protest in the name of decency and virtue.

Mr. President, the New York Times has a similar editorial entitled "Veto on Education," pointing out that—

> The President laid great emphasis on the inflationary effect of an additional $1.2 billion in Federal spending, overlooking the fact that Congress is still approving a smaller over-all sum than his own budget recommended. In any case, the attack on inflation does not diminish the Government's duty to reorder priorities.

Finally, Mr. President, James Reston in his article in the New York Times entitled "Washington: The Power of the Presidency and Television," deals with the same subject, pointing out that the doctrine of fairness is certainly not called into play when the President can use nationwide television to speak to millions of Americans about his point of view, whereas the Senators have a half-empty Chamber in which to present the other side of the question.

Mr. President, I ask unanimous consent to have the two editorials and the article printed in the RECORD.

There being no objection, the editorials and the article were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Jan. 28, 1970]

LET US CLEARLY UNDERSTAND

This morning we would like to share with you our reasons for making one of the most difficult decisions we have ever had to face. This newspaper feels—and not without the deepest regret—an obligation to oppose the President's veto of the bill passed by Congress providing funds for the Department of Health, Education and Welfare. The issue is particularly difficult because it arises at a moment when the country is already painfully beset by burdensome taxes and by prices spiraling to new levels day by day.

Now, let us clearly understand the issue. The issue is not whether some of us are for a stable economy and others are against it. Nothing is more important than putting the economy on an even keel. The question is: Are we to concern ourselves with the future of America? Are we to discharge our duty to the country's children, our last, best hope for a brighter tomorrow, or are we to think only of the present and of ourselves?

Now, many of you may ask why, in an election year, a newspaper of general circulation would hesitate for one moment to support a President in a veto designed to maintain such a popular cause as budget balancing. Well, a newspaper, you see, has an obligation to consider all the aspects of the national welfare and with only one principle in mind: What is in the best interests of all the American people?

The easy course, the popular course for this newspaper, to take would be to advocate strict economy, urging the Congress of the United States to forget about the future, to ignore the country's children who, after all, rarely purchase newspapers and account for very little advertising lineage—and who, to be very frank about it, often in recent months have been unruly, troublesome and even disrespectful.

That would be the easy course. But you, our readers, expect something more of us than that. You expect us to look beyond the horizon, beyond the petty, commercial concerns of loss and profit, and to focus attention on the vital, long range needs of the nation, hard and painful as that course may be. Therefore we urge Congress, unpalatable and politically profitless as it may seem, to save the children, to furnish funds for those repositories of all the ripened wisdom of our civilization, the public schools.

A newspaper cannot seek the acclaim of the moment, tempting as that might be. All we ask is the applause of posterity—and a calm sense that we have done our duty, however costly and difficult that duty may prove. And so, reluctantly pushing to one side of our desk the editorial supporting the President which we would have liked to publish, we tap out on our tyepwriter instead, letter by painful letter—conscious of the nation's gaze upon us—this simple protest in the name of decency and virtue.

[From the New York Times, Jan. 28, 1970]

VETO ON EDUCATION

President Nixon's dramatic attempt on television to justify his veto of the health, education, welfare and labor appropriations bill failed to make a persuasive case. His over-simplified political appeal served only to obscure the situation with broad generalities.

The President laid great emphasis on the inflationary effect of an additional $1.2 billion in Federal spending, overlooking the fact that Congress is still approving a smaller over-all sum than his own budget recommended. In any case, the attack on inflation does not diminish the Government's duty to reorder priorities. Mr. Nixon was on shaky ground when he equated an inadequate reduction of huge military expenditures with his veto of education aid. A defense establishment with overkill capacity is hardly comparable to an education posture with long-standing and grave deficiencies. There are no stockpiles in education's arsenal.

The President claimed that his Administration has appropriated record amounts for health, education and welfare. By lumping together support of education with the largely mandated escalation of welfare costs, it was possible to conceal an actual decline in Federal aid to education alone. While the President was certainly justified in chiding Congress for its refusal to phase out the inflated subsidy of Federal-impact districts, the cure is not to wipe out the appropriation but to transfer it to more useful purposes.

Mr. Nixon contends that the veto will bring about reform of "the same old programs." In reality, the veto jeopardizes many programs which came much too late when they were enacted in 1965 and, though plagued by some growing pains, can hardly be characterized as outdated. Their reform depends on effective supervision and imaginative planning, not on budget cuts.

The President's clincher was that the school year is already more than half over and that the extra money would therefore be squandered in a five-month spending spree. The fact is that much of the money has already been spent—and, according to the United States Office of Education, at a slightly higher rate than last year. Moreover, many of the big payments must be made at the end of the year.

Ths means that if the veto is sustained, many schools will be forced to retrench. Many districts already operate on austerity budgets and, as Mayor Lindsay stressed yesterday, they will have to eliminate projects that are already budgeted. Under such conditions, the newly created programs to aid the most deprived are always the first to be curtailed.

Some Republican leaders are currently passing the word around Congress that, in return for a sustained veto, they will try to gain White House support for a new bill which, though less costly in toto, would sweeten the politically popular impact-area pork-barrel. Such an unconscionable bribe would buy more of the worst by selling out the best.

The veto has driven home the dangerous folly of forcing the schools, year after year, to live on borrowed money. It has exposed the irrationality of depriving education of the chance to plan ahead. It has put the spotlight on Congressional irresponsibility in making a bad situation worse by unwarranted delays. The crowning blow would be for Congress, having at last taken a stand on the issue of education's place among the national priorities, to now surrender to the President's unconvincing plea.

[From the New York Times, Jan. 28, 1970]

WASHINGTON: THE POWER OF THE PRESIDENCY AND TELEVISION

(By James Reston)

WASHINGTON, January 27.—President Nixon has clearly decided to use the power of the Presidency, plus the power of network television, to combat his opponents in the Democrat-controlled Congress and presumably to establish a Republican Congress in November.

This is quite a combination and quite a gamble. Thoughtful observers here have wondered, ever since the inception of nationwide television, what would happen if a determined President, who had both the will and the ability to use the networks effectively, really set out to exploit television for his political advantage.

President Eisenhower had the personality, the popularity, and the ability to use television in this way, but not the will. President Kennedy had the ability and the will to use it, but for some unexplained reason, was afraid of what he called over-exposure. President Johnson had the will, but neither the personality nor the ability to use it effectively. But President Nixon, by going to the networks to veto the money bill for health, education and welfare, has indicated both a determination and an ability to use it to appeal to the people over the head of the Congress to achieve his political objectives.

The possibilities and implications of this are worth a little reflection. The President has available in the White House a television studio hooked into the networks. This is necessary for great occasions of state or for emergencies, but it is also available to him whether he has a major controversy with the Congress: for example, when he wants to explain his veto of the H.E.W. bill to the American people. After all, it would be rather awkward, even for Frank Stanton at CBS, to say no.

This, of course, is precisely what the President did in his H.E.W. controversy. He vetoed the bill on television with a flourish. He did not deliver a balanced Presidential presentation of the problem, but a one-sided, self-serving and even self-righteous argument for his veto. It was very effective and very misleading, and it raises questions far more important than the H.E.W. bill.

THE DOCTRINE OF FAIRNESS

What about the doctrine of "fairness," which Vice President Agnew was so concerned about not so long ago? How can Senators who oppose the President get "equal time" when they are talking to a half-empty chamber, while the President is arguing his case, from the majesty of the White House, before an audience of millions?

Beyond this, there is a more immediate problem. This is that the President is now by-passing or reaching beyond the Congress to the people, and this is his gamble. He is just going into his second year in the Presidency. He has indicated the outlines of his policy—welfare, taxes, crime, conservation, and all the rest—but his major proposals have not been voted into law.

THE POWER OF CONGRESS

They have to go through the Congress. The Congress is controlled by the Democrats. The Democrats are divided, with a cooperative saint as their leader in the Senate, and a weak and tired octogenarian, or thereabouts, as their leader in the House, and a liberal Senator from a conservative state as chairman of the Democratic National Committee.

In short, the Democrats are in deep trouble. But nothing will unify them more, or arouse their partisan dander, than a President who tries to ride over their majority by partisan television appeals to the people. This is a provocation to a partisan battle at a time when the country needs a little time and unity to put through many of the sensible programs the President has suggested.

THE PARTISAN FURIES

After the President's television veto message, the partisan furies are rising. After proclaiming in his State of the Union Message that "what this nation needs is an example . . . of spiritual and moral leadership . . . which would inspire Young Americans with a sense of excitement . . ." Mr. Nixon, who has been talking about an era of quiet understanding at home, and of negotiation rather than confrontation abroad, has now gone to the television with a narrow political argument, which is building up a real confrontation in a Democratic Congress, whose support he needs for the programs he says are essential to the nation.

It is very odd: a noble generous State of the Union Message one day, and a narrow party speech on television a few days later. All this is a fairly good illustration of why there is so much distrust and cynicism in the country, particularly among the young, about American politics and politicians.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMENDATION OF THE INTERSTATE COMMERCE COMMISSION

Mr. AIKEN. Mr. President, all too often these days we hear only of the big things that make news, of the grand achievements, particularly as they relate to the Government. Seldom do we hear of an agency's day-to-day accomplishments that affect the very few, but which to the very few can be of vital importance.

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One such example of this happened just recently in my home State of Vermont, where the city of Barre was without heat due to a shortage of coal. As a result of a direct appeal of my office and the officials of Barre, the Interstate Commerce Commission, through the combined efforts of its Bureau of Operations in Washington and its regional office in Boston, was able to arrange for a shipment of coal to reach Barre within 24 hours. This was followed up with a second shipment a day later.

Mr. President, I think the Commission should be commended for its efforts in this area. More importantly, I think we should all recognize that, in performing such a service as I have described, the Commission has shown that it does function with the public interest in mind and the public includes the small communities as well as the big metropolitan complexes.

CRITICISM OF ADMINISTRATION'S ANTI-INFLATION EFFORT WITH HEW BILL

Mr. PELL. Mr. President, many times in the past year I have heard the remark that much of the unrest in the country has been the result of expectations greater than the country's abilities, new Federal programs whose previews were greater than their reviews, and hopes which were greater than commitments.

I believe we are now facing a more realistic example of that problem associated with raised voices in the battle against inflation than we were in the effort to eliminate poverty. The war against inflation is no more going to be won by the reduction of an already low level of funding for our health, education, manpower, and welfare needs than was the war against poverty going to be won by the passage of domestic programs which were not funded.

The appropriations bill for the Department of Health, Education, and Welfare, the Department of Labor, and the Office of Economic Opportunity has now been vetoed by the President. This appropriations bill, which provides funds for the majority of our major domestic programs, represents the crux of the problem of which so many people associate domestic unrest and unrealistic hopes.

The justifications for most of the programs included in that bill were the source of the soaring rhetoric which is now so quickly disclaimed. Yet, it is not because the country was misled on the goals that these domestic programs could attain that there has been unrest, it is because we have failed to appropriate the resources that these programs needed to be even minimally effective.

Now that the Congress has appropriated the somewhat slightly increased funds these programs need to match their rhetoric, we are told that such minimal increases are inflationary and will take dollars out of the pockets of the very people these programs are designed to help. The aged, the sick, the poor, and the unemployed cannot win on the basis of this logic. The programs designed to serve them are called failures because they lacked the funds needed to function effectively and they are called inflationary when they are provided with increased funds.

When the President was calling upon the Congress to pass appropriations for the Department of Defense, to provide funds for the antiballistic missiles, and to pass new authorizations for rebuilding the merchant marine, we heard little about inflationary increases from the executive branch.

Now that all the appropriations bills have passed and all that remains is the one bill that means so much to so many, especially the greater portion of the silent majority, we are told that one bill, representing only 10 percent of the overall Federal budget, is to carry the battle against inflation.

We are told that an expenditure of a mere additional $1.2 billion for the poor, for the handicapped, the uneducated, and the ill represents an inflationary expenditure in a country whose gross national product is approaching $999 billion or a trillion.

We are told that expenditures to reduce health manpower shortages in a time when health costs are increasing because of a shortage of doctors and nurses is nevertheless inflationary.

I do not accept these arguments. Inflation will not be ended by cutting back domestic programs whose cost represents so little of the source of inflation. The poor, the sick, the aged and our children should not be made targets in the war against inflation. The causes of inflation are more complex than a few extra dollars for our domestic needs.

We must be willing to take more courageous steps than cutting back on programs designed to serve the least influential elements of society. If we are going to stop inflation, we must give serious consideration, on one hand, to the control of credit, prices, and wages as a means of curbing excessive demand, and on the other hand, we must give consideration to incentives for increasing the production of goods and services in those areas, such as health, where inflation is caused by lack of supply rather than in an excess of demand.

It is for these reasons that I will be ready to vote to override the President's veto of the HEW-Labor appropriations bill, and I hope very much I will have an opportunity to do so.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, in which it requested the concurrence of the Senate.

HOUSE BILL PLACED ON THE CALENDAR

The bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, was read twice by its title and placed on the calendar.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, S. 3246.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1970—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Jan. 27, 1970, p. 1351, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McGEE. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. I thank my distinguished colleague. I have a question or two to ask him. I am referring now to page 3, item 13. I notice that the $1 million in soft currency for vocational schools for the underprivileged in Israel has been deleted in conference. I was wondering if I could have an explanation as to what happened to it and if there is any chance to have it kept in the bill.

Mr. McGEE. The conferees acted favorably on this item in our first conference. We felt the Senate's new instructions, which were adopted by a vote of

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48 to 22, just before Christmas, suggesting that we should not include unauthorized items, would require that the Senate recede on those unauthorized items included in the special Foreign Currency program. Included among these items was the vocational school. Also included, was $500,000 for the Weizmann Institute, $500,000 for the Merkaz Leckinuch Ichud School, and $1,000,000 for Hadassah medical facilities.

Because these four items were not authorized but were added during appropriations, it was agreed by the conference that we should recede at this time in order to get a conference report which conforms to the instructions and the will of the Senate.

Mr. PASTORE. In other words, all unauthorized amounts were deleted in conference.

Mr. McGEE. The Senator is correct, except for the unauthorized items approved in both Houses that were not the subject of conference. That was the Korean item, where the Senate took a stand, and another item in regard to a hospital in Israel, which had been approved by both bodies. Those were not subject to conference consideration and could not be considered in conference.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. HOLLAND. Mr. President, I want the record to clearly show what I understand to be the case; namely, that the item for military aid to South Korea which had first been inserted by the other body but was in the bill as reported to the Senate and was approved by the Senate, and therefore, was not in conference, remains in the bill, and remains in the bill as an item designated by name for the assistance of South Korea, as it had been included in both the House and Senate bills. Is that correct?

Mr. McGEE. The Senator is correct. The Korean item, because it had been approved by both Houses by a specific vote, remains in the bill.

Mr. HOLLAND. And since it had been approved by both Houses by specifically identifying it as for the aid of South Korea, the conference report could not disturb that item.

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. Even though the motion made by the majority leader and adopted by the Senate would have indicated that the conference should not identify any item of foreign aid for any named nation.

Mr. McGEE. Yes. That was the interpretation the conference placed on it, and it is still there in the original form.

Mr. HOLLAND. As a matter of fact, under the rule of the Senate, and also the similar rule of the House governing conferences, that item, having been approved in those words by both Houses, could not be in conference and could not be disturbed by the conference report. Is that correct?

Mr. McGEE. The Senator is correct. That was the judgment of the conference.

Mr. HOLLAND. On another matter, on the matter of the home for the aged in Israel, which was not different from the South Korean item, we are in that same category.

Mr. McGEE. Yes; inasmuch as it had been approved specifically by action of both bodies, and, therefore, was not a subject of conference.

Mr. HOLLAND. Then, this conference report does include two unauthorized items but they were included solely because they had been included specifically in the bill passed in the first instance by the House of Representatives and in the second instance by the Senate, and therefore, they were not in conference and could not be considered by the conference committee.

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. I thank the Senator.

Mr. McGEE. I would hasten to add that the significant item and the substantive one that was the object of greatest concern in this body, which the House receded on, the question of Taiwan, the House had acted on that but the Senate had not.

In the first conference we had yielded to the House in exchange for some of the Senate amendments, and now in this conference, just completed, the House receded completely from the Taiwan issue.

Mr. HOLLAND. Mr. President, I want to commend the chairman of the subcommittee of the Senate, the chairman of the conference, the Senator from Wyoming. I think he has adhered as nearly as could be done to the instructions given by the Senate. But I want the record to very clearly indicate that the Senator from Arkansas, in his statements made on the night of the consideration of the first conference report, was on very sound ground in calling the attention of the Senate to the fact that the conference could not consider items which had been approved by both Houses and which were not in conference, even though those items had not been previously authorized. I think that the Senate conferees and the House conferees conformed as nearly as they could to the instructions given by the Senate in its earlier action, which instructions I regretted.

Also, the conference report clearly follows the rules governing conferences by retaining items which had been approved specifically by both bodies and which were not in conference.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. Mr. President, so that the record will be clear and so we can allay the disappointment of people in the item sponsored by me, the situation is this: unauthorized added amounts whatever their merit if not approved by both Houses were deleted in conference. The only unauthorized amounts that remain in the bill were those that were beyond the jurisdiction of the conference to touch. Is that correct?

Mr. McGEE. That is precisely correct.

Mr. PASTORE. I thank the Senator very much.

Mr. McGEE. Mr. President, before moving the adoption of the conference report, I would like to offer a brief explanation of the results of the most recent conference on the foreign assistance appropriation bill, 1970.

As Senators will recall, the first conference report on this bill was tabled by the Senate on December 20, 1969, by a vote of 39 to 29. After succeeding in having the conference report tabled, the majority leader moved that the conferees be instructed to insist upon the Senate amendments and, in particular, to insist that the level of appropriations not exceed those authorized by law for this fiscal year, and that no earmarking of funds for particular countries be specified for military assistance. The majority leader continued, stating:

> That is the usual way in which this matter has been conducted. In the past, we have not named countries for very practical reasons. We have tried to avoid that because of what anyone could see would be the jealousies and competition that would be generated.

In arguing for tabling the conference report, the majority leader pointed out that an important committee principle was at stake since the Senate conferees had returned to the Senate with a conference report that appropriated more money than was authorized.

I have an extensive list in my hand showing the countless items for which appropriations have been made over the past 2 years without prior authorization. However, it would serve no useful or constructive purpose for me to insert in the record the particular items in which this has taken place. In fact, it may prove embarrassing to many of the Senators who voted for tabling the first conference report.

In this second conference on the foreign assistance appropriations bill, the Senate was able to get the House to recede on the amendments involved with military assistance, and instead of the $454,500,000 provided by the House, $350 million which was recommended by the Senate came out of the conference action. In addition, the language which earmarked funds for Taiwan was also deleted from the bill. Needless to say, the Senate could not do anything about expunging from the bill the earmarking of funds for Korea since both bodies had included this earmarking in the bill and this item was not, therefore, a matter for the conferees to consider.

In addition to the changes in military assistance, the conferees made some minor changes in the item, "American schools and hospitals abroad." These changes were made to conform to the total amount authorized by the Congress. The first conference report included $26,050,000 for American schools and hospitals abroad. This pending report has a total of $25,900,000 for this purpose, which is the same sum as the Congress authorized in the bill which passed December 19, 1969. Another minor change that was necessary in order to comply fully with the instructions from the Senate was a deletion of those items in the special foreign currency program that were not authorized. The Congress had authorized a total of $3 million for the University of North Africa at Tangier. The Senate, in addition, had included in its bill a number of items

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that were not previously authorized for a vocational school for the underprivileged in the amount of $1 million, $500,000 for the Weizmann Institute, $1 million for Hadassah, and another $500,000 for a school in Israel known as the Merkaz Lechinuch Ichud. Since these latter items were not authorized, the conferees agreed to delete them from the bill.

As presently constituted, the bill now involves a total of $2,502,413,000 for all titles, of which $1,462,380,000 is for economic assistance and $350 million is for military assistance under title I. The $2,502,413,000 of new obligational authority provided in the bill is $1,177,151,000 under the budget estimate, and $433,124,000 under the amount appropriated last fiscal year.

Title II of the bill involves funds for the Ryukyu Islands, the Peace Corps, the various refugee programs, and the international banks, in the aggregate of $690,033,000.

Mr. President, to summarize briefly, let me state merely that the House receded on the Taiwan amendment and that the totals that we brought back from the conference conform to the authorizing totals of the Senate—$350 million in military assistance. Even though there is an earmarking of $50 million there for Korea, it is still under the authorizing total in the Senate.

Likewise, the collection of four institutions in the Near East which received allocations in the first conference for soft currency allotments had to be yielded to in the interest of being consistent in the bill.

The Senator from Rhode Island was so right in summarizing the implications of what action was taken. It was not an attempt to turn down or discredit any one of those grants, but, rather, to conform to the wishes of this body; and the conferees were trying to live up to that responsibility.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. COTTON. The record will show, and perhaps the distinguished chairman has already put it in at this point, but if he has not, would he be willing to state at this point, the total of the foreign aid bill as it now stands coming from the conference?

Mr. McGEE. Yes. The total of the foreign aid bill, in all of its categories, is now $2,502,413,000. The total in the bill is approximately $1,177,151,000 beneath the request that was made by the President in foreign aid. We have cut it back $1,177,151,000.

Mr. COTTON. I thank the Senator. I commend him for his fine work.

Mr. McGEE. I thank the Senator.

Mr. DODD. Mr. President, I shall support the conference report on the foreign aid appropriation bill.

I regret that the $54.5 million to provide an extra jet fighter squadron for Nationalist China has been deleted, because I am well aware that one of the decisive factors in the Taiwan Straits crisis was the fact that the Nationalist Chinese Air Force was consistently able to outperform and outfight the Chinese Communist Air Force.

Nonetheless, I am pleased that the bill earmarks $50 million in aid for South Korea and does not provide any restrictions on aid to Greece. These two matters were of grave concern to me when the Senate debated the bill in December, and I think we can all be thankful that wise heads prevailed and the items remained intact in the bill.

I hope the Senate will approve the conference report promptly. There has already been too much delay.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the ranking minority member of the committee and one who was very instrumental in the negotiations on a successful conference report, the Senator from Hawaii.

Mr. FONG. I thank the distinguished Senator for his very kind words.

Mr. President, I rise to express my appreciation to the distinguished Senator from Wyoming for his very fine work in the committee and for his very fine work in the conference. I subscribe to the remarks made by him.

The last time the Senate considered this matter, the main controversy centered upon the appropriation of $54.5 million for Taiwan.

It was argued that these planes were never officially requested and, therefore, should not be included in the bill. Those who favored the inclusion of the $54.5 million for Taiwan will be happy to know that Taiwan is scheduled to receive a squadron of older F-104 Starfighter jets this year. Since the F-104 is a jet interceptor, which is a defensive aircraft, it is a logical replacement for the Phantoms because it was argued that the Phantoms were needed as a defense against possible attack from Red China.

Mr. President, since the $54.5 million for Taiwan was the main reason for the Senate's previous rejection of the foreign assistance bill, I hope its removal from the present conference report will make it easier for most Senators to now support the bill.

As we have carried out the intent of the Senate in this report, I ask my colleagues to vote for the report.

Mr. McGEE. I thank my colleague.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank my able colleague from Wyoming. Unfortunately when this bill was discussed on the floor, for personal reasons it was not possible for me to be here. Some appropriations had been made to the State of Israel. Without getting into merits or demerits, I understand some were taken out in conference; and wonder, based on world conditions and the sale, first, of 50, then 50 more jet planes totaling 100, to the radical Government of Libya by the French, why this was done.

Mr. McGEE. Yes. The only appropriation that we tampered with that affected Israel had to do with the addition of some soft currencies by specification for four worthy institutions in Israel. This was all after the authorizing process, and was done in the Senate.

Because of the instruction out of the first conference given to the conferees by the action of the Senate, we had to agree to recede from those four in the soft currency category.

None of the authorized allocations to a collection of Israel institutions in the Near East were tampered with in the regular authorization.

The Weizmann Institute got the largest substance of its allocation, and the Ichud School in Israel received the sum agreed upon by both Houses.

The Amana Institution received its full allocation agreed to by the two Houses.

Hadassah received all but $150,000 of its agreed upon sum. The reason for the $150,000 cut was to keep the total under the authorizing figure on the part of the conferees, in order to honor the instruction. So we receded on $150,000 out of $5 million.

I will not take the time, unless the Senator wishes me to, to enumerate the remaining groups, but they were all protected by the agreed to amount by both Houses. The adjustments were made only in the soft currency categories, where there were about $3 million in soft currencies divided among four institutions, some of which were already getting hard currency allocations under the authorizations.

Those were the only adjustments that were made.

Mr. SYMINGTON. I thank my able friend.

The United States is spending somewhere between $70 million and $80 million a day in Vietnam, the premise being that this is necessary to defend freedom against Communist nations or satellites of Communist nations. Without getting into the merits or demerits of that situation, as a member of the Foreign Relations Committee, I know we are giving arms to some of the Arab States that have been and are threatening the very existence of Israel. Does the able Senator know why we refuse to sell planes requested by the Israelis in order to protect their country? Naturally they are anxious to see these additional planes cut into production, especially after the French sale to Libya. The additional sale of 50 planes could well be at least part of the 50 the Israelis paid the French for, but which as I understand it, were never sent, nor was the money returned.

Why is it that we give arms to the Arabs, world conditions as they are, but refuse to make a definite agreement to sell more to Israel? They have been waiting for months.

Mr. McGEE. The only response I can make to the Senator's very significant question is that this matter was not under the jurisdiction of these hearings at this time; therefore, we had no official testimony on it. But I hasten to add that one of the reasons that, at this time, the conferees gave special consideration to some of the schools in Israel, which ordinarily would not be included, was that due to this great crisis in the area militarily, some of those worthwhile schools were having to be neglected because of the force of events by the Gov-

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ernment of Israel, and, in the interest of helping in this way, which is roundabout and indirect, we thought this year that was just fine, and this was one of the reasons for inclusion of moneys for an assortment of nonmilitary institutions in Israel. Beyond that, we were in no position to make an official judgment on the matter of the planes for Israel.

Some of those, of course, would come under the military credit sales; but again, in the action of this body, the Senate dropped the credit sales items, with the understanding that the Pentagon could make its own case in that category in a supplemental request, or however they wanted to go about it, as a part of our attempt to arrive at a working, give-and-take compromise, in order to get an aid bill approved by the two Houses.

Mr. SYMINGTON. I thank my friend for that clear, concise, and typically constructive answer. I would ask a further question: In the press, at the time of the sale by France of the additional 50 of this sale of 100 planes to the Libyans—which naturally disturbs some of us because it is doubtful Libyan pilots yet have the experience to fly these planes, if these 100 France-to-Libya planes move farther east to countries like Syria and the U.A.R., obviously this would disturb any estimated theoretical balance in the Middle East, a balance it is my understanding our Government wishes to preserve. To another subject, during the time I was absent—there were articles about possibly to 90 to Taiwan, which I read. Later it was stricken from the bill.

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Without getting into the merits or demerits of the problem, I would ask this question. For many years we have been defending many countries like France for example, by means of the military adjunct to NATO, SHAPE. When the French decided to sell these 100 planes to Libya, Michel Debré, Minister of Defense, stated he was not going to let the "Anglo-Saxons" to paraphrase his remarks, get all the business. Something was said about the Anglo-Saxons being hypocrites.

It happens that in my State, we make the finest plane of its type in the world today, and this was the plane in question.

I believe I have had more letters about growing unemployment in my State in the last 6 weeks than in previous years; and would ask the able chairman of this important subcommittee if there is not some strange dichotomy in a situation when allies we are supporting—and we can only support them with the taxes, that come from the work of our own people—are selling planes to countries we consider unusually friendly to countries which are primarily responible for our heavy armament program. But at the same time we are not allowed to sell planes let alone give planes to countries of the free world who pledge they would defend us against attack.

Israel is one of the few countries you can visit in the world today where there are actual or potential hostilities, where you do not see evidence of the spending of billions and billions of dollars of the American taxpayer's money and more important you do not see a lot of American uniforms, knowing that of the wearers of uniforms, some will never come home.

If countries of the free world that we support, financially as well as physically, agree not to sell arms to other countries, fair enough.

If they do, well, we live in the capitalist system. We believe it is important to defend capitalism. Therefore, I would ask the able Senator, what was the reason for striking out the planes in question?

Mr. McGEE. The reason for striking out that issue can be understood only when projected against the setting here in the Senate.

We accepted, in conference, the planes for Taiwan, in exchange for what I think was a very hard bargaining agreement that the Senate conferees extracted from the House of Representatives in exchange for that agreement on jets to Taiwan. But when we brought this back to the Senate from conference, the Senate, by its wisdom and its will, decided that it could not accept the conference report with the Taiwan planes in it.

As the Senator knows, at that time the Pentagon had not requested them, and they were not authorized by the budget. They had been legitimately authorized by the House of Representatives, but at no place along the line by Senate action.

Therefore, it was the will of the Senate, expressed by a vote of 48 to 22 if I am not mistaken, that the conferees be reinstructed to return with the specific admonishment to demand that the House recede from that item, and that is the reason why we respectfully demanded that the House recede on that particular item.

That is the full accounting for it.

Mr. SYMINGTON. Let me thank my friend from Wyoming and observe again that I am not necessarily criticizing the action. But I would present to the Senate for consideration the fact that the debt of the United States is now some $367 billion, which I am told is some $60 billion more than the debt of all other countries combined. We often hear the remark that we owe this debt to ourselves. Nevertheless, over $100 billion of that debt has been expended in protecting the countries of Europe.

At this point, I pay my respects to the wise and courageous position of the able majority leader in regard to some troop reduction. More than $100 billion has gone into Europe, and more than $100 billion of said debt has gone into Vietnam. So it cannot be said that considerably more than half of this debt is owed to ourselves. You can say that about our Interstate Highway System, or our dams, or about our Defense Department and Federal buildings, but you cannot say that about the money that has gone out of the country in these two cases. It is never coming back, at least from an economic standpoint, to the United States.

I view with increasing apprehension supporting many of these countries with our money and our children, when they are at the same time promoting arms sales to countries we do not consider friendly to ourselves.

In any capitalistic system, taxes come from income, including profits; and if we continue to expend all this money abroad and at the same time refuse to allow our industries to participate in merchandising competition with countries we support, it seems to me we are placing ourselves in what could ultimately be a serious situation financially.

I have stated on the floor of the Senate many times in the last 6 years my apprehensions about the growing problem incident to our international balance of payments and the financial position of the United States and think this particular development itself emphasizes what is causing many of us some apprehension.

Mr. McGEE. Mr. President, I would say to my distinguished colleague, the Senator from Missouri, only one thing—that I think we probably ought to distinguish between the purpose for which the money was spent in building up this debt and who holds the debt. I submit that for those who argue that we owe it to ourselves, that is essentially true. We do not have any great foreign holders of American obligations, although we have spent a great deal in foreign area, and I think that may be what the suggestion was in regard to the fact that we owe it to ourselves.

Mr. SYMINGTON. I thank the Senator. I am quite sure that we understand each other.

Mr. McGEE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

Mr. FULBRIGHT. Mr. President, I have very little to say about this matter. I commend the Senator from Wyoming for bringing back this report without the item for Taiwan, which, as he already has made very clear, was not authorized. I do not criticize the Senator from Wyoming about it, but there are two items, as he has stated, that were not authorized by the legislative committee. This is a fine distinction which is often overlooked—the distinction between authorization by action of the two Houses as a result of motions made on the floor, without consideration by any legislative committee.

It is true that two items in the measure, which the Senator has described and the Senator from Florida has referred to, are in accordance with the rules, having been put in and specifically approved by both Houses. This still does not cure the fact, as I understand it, that neither of these items was authorized by a legislative committee. Whether it is right or not is not for me to belabor today, although I think every item for which funds are appropriated should be authorized theretofore by law.

We have an established procedure by which we have legislative committees to which bills are referred for authorization. They take testimony on the substance and the merits of each of these matters and they report a bill. Heretofore, I had been under the impression that these were significant limitations—requiring authorizations before appropriations. But under the procedure in the House of Representatives, a motion can be made on the floor to put in an item in an appropriation bill on which there have been no hearings whatever. Such a motion on the spur of the moment can be adopted and is not subject to a point of order and then, if the Senate approves it, there it is, and it stays in.

I do not wish to object too much about the items in this appropriation. I do wish to raise the question, however, whether this is a procedure which legislative committees generally wish to be confronted with.

I hope that I may, perhaps with the assistance of the General Accounting Office, find a way that is not too awkward and difficult to remedy this situation in which the normal legislative procedure of authorizing funds prior to their appropriation is avoided.

I address myself to one question. Much has been made about the $50 million earmarked for Korea. It is in, and everybody agrees it is in. In the so-called illustrative, informal presentation of justification for the total foreign aid military assistance program of $350 million, a large sum tentatively was to be allocated to Korea by the administration. Under this procedure, my question is whether there is anything to inhibit those who administer the military assistance program, from taking into account the $50 million publicly earmarked for Korea and simply deducting that sum from those sums that were informally committed for military aid to South Korea?

Let us assume, for the purpose of illustration, that Korea has been tentatively allocated—when I say "allocated," what I mean is that when the administration presents these bills, they present a program and in their own minds say, "We expect to give Korea so much and other countries so much." Let us assume in this case that the administration had expected to give $150 million in military aid to Korea. Then the Congress comes along and earmarks $50 million for Korea. Is there anything in the law or in this bill to prevent the President from taking that into account and, recognizing only the $50 million earmarked, and thus in effect taking away the rest of the amount planned for Korea—thereby reducing the amount planned by $100 million?

I do not see that this earmarking of $50 million necessarily guarantees that South Korea will get any more than it otherwise would have received. It does guarantee that Korea will get not less than $50 million; but more than that was already in the illustrative program for Korea, although it was not earmarked or specified.

The problem of specifying—of live items—foreign aid bills always has been troublesome. Some Members of both Houses develop a great affection for a specific country. They like to please that country, just as we like to please our constituents in our States. We all have our special interests or special weaknesses or affection, or whatever one wishes to call it, for certain industries and activities in our States. The same thing has been true with respect to foreign countries.

The first instance I know of—and I think it was a very imprudent and improvident—occurred on the floor of the Senate with respect to the first aid we provided for Spain. In the early days of the aid program, the late Senator from Nevada introduced an amendment for Spain on the floor without it having been heard in any respect by the authorizing committee. The amendment was adopted.

That started a procedure by which, I suppose, we have spent $1 or $2 billion or more in Spain. But it began with a little $50 million item, passed by the Senate without authorization legislation. I never got over feeling that was a precedent which was very dangerous. We are a heterogeneous nation made up of people from many other countries, good people—we are a melting pot—and each one of those groups has its special interests.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. Was it $50 million in the case of Spain?

Mr. FULBRIGHT. Yes. From that grew an enormous program. The United States is a little different from almost any other country. We are made up of people who have come from all the countries of Europe and the Middle East and so forth.

We are getting to the point that we no longer have an American foreign policy. We have only a collection of foreign policies. I mean that every foreign country has its own special pleaders in the United States and its special interests. And in all these cases, where is the interest of the United States?

Is the American interest just Korea, is it Taiwan, is it Israel? Are we active only in the interest of X, Y, and Z? Does anybody talk about the interest of the United States? Does it really make any sense that we specify amounts of aid for X, Y, or Z country? I do not think it does. This is why I object to specifying funds in any of these bills for any country. A precedent is set, and if Senator X gets his pet project for his country, then Senator Y is bound to have to do the same thing. We end up with a situation in which nobody is particularly concerned about the United States and its budget problems.

The Senator from Missouri, for a long time, has been posing the question about our financial situation. Of course, I have to admit that he has a special interest in planes; but he also has a very great interest in the solvency of the United States. We all have this. I do not pretend to be immune from the same kind of interests. I only emphasize that it is a sound policy for the Congress not to earmark funds for any foreign country. The apportionment of these funds should be a job for the administrator.

There is no reason why countries or their supporters here cannot argue and present their case to the administration for a program, but Congress ought not to earmark these funds because if we do that, we will get into a scandalous situation.

Senators will recall that in the sugar bill we earmarked all those goodies, and this place was overrun by lobbyists representing each country, and it became a real scandal at the height of that business.

I am not criticizing the Senator. He was in a situation, under existing law, in which he could not do anything about the earmarked item for Korea, although I believe that if the administration is wise at all, it will not make any difference. I do not see why they cannot give the $50 million as they would have even without the unearmarking of funds.

If I can, I want to attempt to find a way, either by law, or a rule, or otherwise so that in the future, authorizations by legislative committees will be necessary to support appropriations.

It certainly should be done in this case involving foreign aid. When we are dealing with our own country, and dealing with appropriations for our own States, and so forth, I would not feel too sticky about it. We know that we have often voted for domestic unbudgeted things. But this bill is different because it involves picking up foreign countries and beginning to shoulder the primary responsibility for their development.

Mr. McGEE. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. For a question, I yield.

Mr. McGEE. I want the RECORD to show that I joined the Senator in our earlier colloquy on insisting that the Senate satisfy itself about these procedures and to set out whatever new lines of conduct should be considered, in the wisdom of the Senate.

While we are doing that, because of our concern now for an action taken by the Appropriations Committee in which it seemingly ignored authorizing legislation, I hope, in all fairness, that our review be comprehensive and we include all phases of the legislative process. At the present time, authorizing committees do bypass the Appropriations Committee through back-door spending, side-door spending, and revolving-door spending. The employment of these devices raises many questions and problems. We should look at those as a two-way street. It is not something that the Appropriations Committee invented. That has gone on for a long time. There are some excesses practiced at the legislative level. As I recall, they, too, bypass the appropriating process, which should be protected at the same time. I am sure that the Senator from Arkansas will agree with that.

Mr. FULBRIGHT. There have been cases of authorizations for borrowing, and so forth, in the past. That is true.

Mr. McGEE. Borrowing authority, contract authority and the creation of the so-called revolving funds. Through the employment of these devices the Appropriations Committee is bypassed.

Mr. FULBRIGHT. They used to do a lot more of that than they have recently. In the old days, during World War II, they always used to make shortcuts—the RFC did. There is very little of that, I think, left.

Mr. McGEE. I thank the Senator.

Mr. FULBRIGHT. Mr. President, I want to say a few words about the

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amount appropriated by the bill. One reason I want to do it is: there was a critical editorial in the Washington Post this morning about the AID bill. I should like to appeal to the editor of the Washington Post for a little more of an open mind and to reconsider his flat assertion that this bill does the Congress no honor. This bill, in the first place, is $54,680,000 greater than the amount provided last year. To read that editorial, one would get the impression there was a drastic cut in the existing program. Actually, it is larger in the amount authorized than last year's appropriation.

The other point, which is more significant to me than that, is the whole idea of continuation of bilateral assistance in this program.

The $745 to $750 million is, really, for military and military-related aid—that is, the supporting assistance aid which was originally justified as that amount of economic aid needed to help maintain the economy of a country which is supporting more arms than it otherwise would. Supporting assistance is part of the cold war. The concept of the AID program originally was that it was part of the cold war, to support the countries around the periphery of the Communist empire and to fight the cold war.

Now the great emphasis in this bill still is upon those countries, like Korea, on the periphery of a Communist country.

We also have a program in Latin America. It has never been, really, adequate. That is one of the places, I think, which has been neglected. However, we are trying to make that up through the Inter-American Bank.

Independent countries prefer to use the Inter-American Bank, IDA, the Asian Bank, or the United Nations special fund—all of these instrumentalities are gaining experience.

The International Bank has an excellent record. I have never heard any serious criticism of the way that Bank has conducted its operations. Granted, it is a conservative institution. It is not supposed to go out and make long-term, low-interest-rate loans—sometimes called soft loans. They are bankable loans. But IDA is a branch of that Bank, administered by the same people, with terms comparable to our own AID terms. It seems to me that this is infinitely better procedure. It is guided, advised, and directed by experienced managers of the International Bank itself. That Bank has never suffered a default. Every country that does business with it—and a great many do—has the greatest respect for it. Countries receiving assistance from the bank will lean over backwards to do what they can to avoid a default. The Bank helps establish not only good records in development but it establishes program of good habits, good financial habits, respect for commitments, and so forth. It has been a great organization. I think the Bank is making progress and that the same thing is happening with the Inter-American Bank in Latin America. Granted, it is a newer organization. It has not had the experience and the history of the other one, but I believe it is making progress and I think we should be supporting it.

Then, above all, this multilateral procedure avoids the United States getting into the internal affairs of the respective countries, and avoids our taking a position which is necessarily identified with some local faction, or some specific government. I know of no way to avoid that identification when we are the source of funds. Politically, AID has identified the United States with the status quo all over the world. It has made most people believe that we are in support of the existing government, no matter how bad that government may be. In the long run, I think this is bad for the United States. There is bound to be change in this Government's attitude with other countries. We surely do not wish to maintain the status quo in all the underdeveloped countries we assist. So many of them have a miserable standard of living. We profess in the AID bill that we recognize the need for change, yet the inevitable result of our doing business with established governments is bound to create the impression that what we want to do is to preserve those governments regardless of their attitudes toward change.

Unfortunately in many countries the progressive elements that seek change identify us with the status quo. I think that injures our standing. I do not think that we can afford too much of that.

The combination of the Vietnam war and this kind of policy in AID, means that we have very small influence, indeed—other than our great economic and military influence—in terms of voluntary respect and admiration. One need only compare what we formerly had in respect and admiration abroad before we got into the Vietnam war and before we sponsored this kind of AID program.

We should reconsider very much continuing the program we have had. I believe that we can do as good, and a much better job, in actual development and, at the same time, avoid becoming entangled in the internal affairs of the various countries.

Recently, I read an interesting piece about the effectiveness of the Russians in trying to give aid. They have had much the same experience we have. An outstanding example was Guinea, where they provided a lot of effort and put in a great deal of money. They finally were requested to leave.

We notice that almost weekly, these days. For instance, Malawi asked us to withdraw our Peace Corps. It is an innocuous program politically. But Tanzania has done the same thing, as well as a number of other countries. However, these bilateral programs create suspicions, in my opinion. So, I think the political implications of the aid program, a direct bilateral aid program, are against our interests.

Again, I wish to plead with the administration and others to rethink the assumptions underlying bilateral aid and consider whether it would be more in our interest to make available whatever we could afford in this field of assistance to foreign countries through organizations set up for that purpose that are in a sense professional, not political.

I think there is some basis for using the analogy of a bank as distinguished from personal loans. I think that most people know it is much better to borrow from banks than to borrow from individual friends. It is very fundamental that this practice does cause trouble between friends.

I think that is what is happening to the foreign aid program.

I again commend the Senator from Wyoming for bringing back the report without the Taiwan item contained in it. We have made some progress. I think we all understand a little better than we did before the situation with respect to appropriations and authorizations.

I believe it will be helpful in the future consideration of this and other bills.

Mr. MANSFIELD. Mr. President, what was the reduction in the conference report from the President's original request?

Mr. McGEE. The reduction is $1,177,151,000.

Mr. MANSFIELD. Mr. President, what is the increase for education and other purposes in the conference report on the HEW bill?

Mr. McGEE. The increase in that bill, I understand, is about $1.3 billion.

Mr. MANSFIELD. Generally speaking, they balance each other off. One is an increase and the other is a decrease.

Mr. McGEE. Very closely.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with reference to certain amendments which are in disagreement.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert: "$25,900,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken, amended to read as follows:

"Sec. 121. None of the funds contained in title I of this Act may be used to carry out the provisions of section 401(a)(2) of the Foreign Assistance Act of 1969.

"Sections of this title which refer to authorizing legislation are hereby amended to conform to the appropriate sections of the Foreign Assistance Act of 1969."

Mr. McGEE. Mr. President, it was necessary that the House take back in disagreement, two of the amendments of the Senate. Amendment No. 8 concerning American schools and hospitals abroad resulted in a conference amount that exceeded both the House and Senate figures. For this item, the House had provided $24,050,000 and the Senate made available $24,550,000. Because of the composition of the many items mak-

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ing up this total amount, the conferees in arriving at a figure allowed the sum of $25,900,000, which sum is the same as the amount authorized.

Mr. President, I move that the Senate concur in the House amendment to the amendment of the Senate numbered 8.

The motion was agreed to.

Mr. McGEE. Mr. President, the other amendment in disagreement is really technical in nature. When the House acted on the foreign assistance and related programs appropriations bill, references were made throughout title I of the bill to sections of the authorizing legislation that had passed the House. When the authorizing legislation was finally enacted by Congress, the numbered sections of the authorizing legislation were changed. Consequently, it became necessary for the conferees to write language into the bill providing that sections of title I of the bill which referred to authorizing legislation are amended to conform to appropriate sections of the Foreign Assistance Act of 1969.

Mr. President, I move that the Senate concur in the House amendment to the amendment of the Senate numbered 31.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that there be printed in the RECORD a tabulation summarizing the conference action.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

SUMMARY OF CONGRESSIONAL ACTION (H.R. 15149)

TITLE I—FOREIGN ASSISTANCE

Item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Recommended in the House bill for 1970	Recommended by Senate committee	Conference action
FUNDS APPROPRIATED TO THE PRESIDENT					
Economic assistance					
Technical cooperation and development grants	$167,000,000				
Technical assistance		[1] $463,120,000	$313,800,000	$398,620,000	$353,250,000
Worldwide		(224,500,000)	(150,000,000)	(186,000,000)	(166,750,000)
Alliance for Progress		(116,000,000)	(75,000,000)	(90,000,000)	(81,500,000)
Multilateral organizations		(122,620,000)	(88,800,000)	(122,620,000)	(105,000,000)
American schools and hospitals abroad	14,600,000	[1] 12,900,000	24,050,000	24,550,000	25,900,000
Special foreign currency program	(5,010,000)			(6,000,000)	(3,000,000)
Surveys of investment opportunities	(2)				
International organizations and programs	125,000,000				
International organizations and programs (U.N. Children's Fund)	1,000,000				
Loan program	12,000,000	(1)			
Indus Basin Development Fund, grants		[1] 7,530,000	7,530,000	7,530,000	7,530,000
Indus Basin Development Fund, loans		[1] 820,000			
Supporting assistance	365,000,000	[1] 514,600,000	300,000,000	439,600,000	395,000,000
Prototype desalting plant			20,000,000		20,000,000
UNRWA (Arab refugees)			1,000,000	1,000,000	1,000,000
Contingency fund	5,000,000	[1] 40,000,000	10,000,000	17,500,000	12,500,000
Alliance for Progress:					
Technical cooperation and development grants	81,500,000	(1)			
Partners of the alliance	(3)				
Development loans	255,000,000	[1] 437,500,000	200,000,000	337,500,000	255,000,000
Development loans	300,000,000	[1] 675,500,000	265,000,000	400,000,000	300,000,000
Overseas private investment corporation		[1] 75,000,000		75,000,000	37,500,000
Administrative expenses:					
Aid	51,000,000	54,250,000	50,000,000	51,250,000	51,000,000
State	3,500,000	3,800,000	3,500,000	3,730,000	3,700,000
Subtotal, economic assistance	1,380,600,000	2,285,020,000	1,194,880,000	1,756,280,000	1,462,380,000
Military assistance					
Military assistance, regular	375,000,000	[5] 425,000,000	350,000,000	325,000,000	300,000,000
Sec. 504(e)—China			54,500,000		
Sec. 504(d)—Korea			50,000,000	50,000,000	50,000,000
Limitation on administrative expenses	(21,000,000)	(6)			
Total, title I, foreign assistance	[4] 1,755,600,000	[5] 2,710,020,000	[7] 1,649,380,000	2,131,280,000	1,812,380,000

TITLE II—FOREIGN MILITARY CREDIT SALES

Item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Recommended in the House bill for 1970	Recommended by Senate committee	Conference action
Military credit sales	$296,000,000	$275,000,000	$275,000,000		

TITLE III—FOREIGN ASSISTANCE (OTHER)

Item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Recommended in the House bill for 1970	Recommended by Senate committee	Conference action
FUNDS APPROPRIATED TO THE PRESIDENT					
Peace Corps	$102,000,000	[8] $101,100,000	$95,000,000	$98,450,000	$98,450,000
Limitation on administrative expenses	(29,500,000)	(30,600,000)	(30,100,000)	(30,100,000)	(30,100,000)
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS					
Ryukyu Islands, Army, administration	20,772,000	20,651,000	14,000,000	18,790,000	18,790,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Assistance to refugees in the United States	[9] 69,774,000	87,282,000	87,282,000	87,282,000	87,282,000
DEPARTMENT OF STATE					
Migration and refugee assistance	5,511,000	5,511,000	5,511,000	5,511,000	5,511,000
FUNDS APPROPRIATED TO THE PRESIDENT					
Asian Development Bank	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000
Inter-American Development Bank	505,880,000	300,000,000	300,000,000	300,000,000	300,000,000
International Development Association	[10] 160,000,000	[11] 160,000,000	160,000,000	160,000,000	160,000,000
Total, title III, foreign assistance other	883,937,000	694,544,000	681,793,000	690,033,000	690,033,000

Footnotes at end of table.

SUMMARY OF CONGRESSIONAL ACTION (H.R. 15149)—Continued

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

Item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Recommended in the House bill for 1970	Recommended by Senate committee	Conference action
Limitation on program activity	($2, 552, 050, 000)	[12]($3, 427, 413, 000)	($2, 537, 343, 000)	($3, 427, 413, 000)	($3, 427, 413, 000)
Limitation on administrative expenses	(4, 932, 000)	[13](5, 548, 000)	(5, 280, 000)	(5, 548, 000)	(5, 548, 000)
Total, title IV, Export-Import Bank	(2, 556, 982, 000)	(3, 432, 961, 000)	(2, 542, 623, 000)	(3, 432, 961, 000)	(3, 432, 961, 000)
Grand total, all titles of bill	2, 935, 537, 000	3, 679, 564, 000	2, 606, 173, 000	2, 821, 313, 000	2, 502, 413, 000

[1] Estimates reflect estimates contained in H. Doc. 91-132.

[2] Prior year unobligated balances made available.

[3] The preceding appropriation "Alliance technical cooperation" contained not less than $350,000 for "Partners of the Alliance."

[4] Unobligated balances as of June 30, 1968, reappropriated.

[5] Estimates for programs in Vietnam, Laos, Thailand, free world forces in Vietnam, NATO infrastructure, and International Military Headquarters are now contained in defense Department estimates.

[6] Budget did not propose any limitation.

[7] Unobligated balances reappropriated.

[8] Reflects reduction of $8,700,000 for program expenses and $300,000 for administrative expenses as contained in H. Doc. 91-100.

[9] Excludes $2,700,000 derived by transfer from AID economic assistance appropriation and $35,000 derived by transfer from HEW appropriation.

[10] Contained in S. Doc. 91-19.

[11] Contained in H. Doc. 91-117.

[12] Addition of $890,070,000, contained in S. Doc. 91-43.

[13] Addition of $268,000, contained in S. Doc. 91-43.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate resumed the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Iowa. Is there objection to considering them en bloc?

Mr. HRUSKA. I have no objection.

The PRESIDING OFFICER. Without objection, they will be considered en bloc.

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Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I withdraw the amendments I laid before the Senate as the pending business last night.

The PRESIDING OFFICER. The amendments are withdrawn.

Mr. HUGHES. Mr. President, I call up amendment No. 452 at this time and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT No. 452

On page 87, line 5, beginning with "SEC. 801.", delete all through "Welfare" on line 6 and insert in lieu thereof the following:

"SEC. 801. The Secretary of Health, Education, and Welfare, with the assistance of the Attorney General,".

On page 87, beginning with line 9, delete all through line 4 on page 88 and insert in lieu thereof the following:

"(a) The Committee on Marihuana is authorized and directed to review all available information on the subject of marihuana use, and shall prepare a report which shall—

"(1) identify existing gaps in our knowledge of marihuana;

"(2) discuss the important medical and social aspects of marihuana use;

"(3) describe the extent and nature of marihuana use;

"(4) describe the pharmacology and effects of marihuana;

"(5) describe the relation of marihuana use to crime and juvenile delinquency;

"(6) describe the relation between marihuana and the use of other drugs; and

"(7) discuss the efficacy of existing marihuana laws."

On page 88, beginning with line 5, delete all through line 11 and insert in lieu thereof the following:

"(b) The report shall be completed within twenty-four months from the effective date of this Act and shall be submitted by the Committee to the President and to Congress, together with its recommendations with respect to the degree of control which should be exercised over marihuana use or possession, distribution, dispensing, or research."

On page 88, beginning with line 12, delete all through line 22 and insert in lieu thereof the following:

"(c) The Committee on Marihuana shall be composed of not less than six persons selected by the Secretary of Health, Education, and Welfare with the assistance of the Attorney General. Such persons shall be qualified as experts and have diversified professional backgrounds, including, but not limted to, the fields of law enforcement, pharmacology, psychiatry, psychology, and other behavioral sciences.".

On page 89, line 5, delete "Attorney General and the".

On page 89, line 6, immediately before "shall", insert "and the Attorney General".

The PRESIDING OFFICER. Does the Senator wish to have the amendments considered en bloc?

Mr. HUGHES. Mr. President, I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, title VIII of S. 3246 establishes a Committee on Marihuana, which is directed to review the available information on marihuana use, carry out studies in this area, and within 24 months submit a comprehensive report on its findings, together with its recommendations as to the nature of the controls which should be exercised over the use of marihuana. As you know, Mr. President, a number of bills have been introduced in both Houses to establish some form of independent commission or committee of experts to evaluate and make recommendations concerning marihuana use.

The fact that an estimated 8 to 10 million Americans have used this drug makes the appointment of such a committee a matter of vital concern. There is an unquestionable need to evaluate the scientific information, which is available, about the use and effects of this drug. We also need to reappraise the efficacy of traditional enforcement efforts to deter marihuana use. There has been ample testimony before committees of the Congress that our current techniques for dealing with marihuana use have failed. Certainly the mechanism of using an impartial commission or committee is a useful way to reevaluate our stance in this area. However, I have a number of concerns about the Committee on Marihuana established by S. 3246.

The bill as reported gives the authority to select and appoint the members of this committee jointly to the Attorney General and the Secretary of Health, Education, and Welfare. It is not clear as to how this "joint" appointment is to be carried out. It requires that the members of the committee "be qualified as experts." It does not say experts in what. It requires that they have "diversified professional backgrounds." It does not say in what professions. I am concerned about having this degree of ambiguity in the structuring of a committee of such great importance.

Mr. President, I am also concerned that the mandate given by this title of S. 3246 will result in an inefficient and unnecessary duplication of efforts which are already underway. Specifically, Health, Education and Welfare has already devised and is implementing an extensive program of research in the area of marihuana. As the Senator from Colorado (Mr. DOMINICK) pointed out on the Senate floor on December 1, Health, Education and Welfare currently has underway or has recently completed over 65 research projects in this area. HEW witnesses have testified that given adequate fiscal support, this target of research efforts will begin to produce new knowledge concerning the use and effects of marihuana within 2 years. I would prefer seeing this program expedited rather than having us develop a brandnew parallel effort.

Finally, Mr. President, I am concerned about the credibility that such a study must have with our citizens. Based on past experience, such research efforts appear to have been more objective, more scientifically and medically useful, and more respected by our citizens when they have been handled primarily by agencies having scientific and medical responsibilities, rather than by those who have the responsibility for enforcing our laws.

Therefore, I am proposing that the Committee on Marihuana restrict itself to review and assessment of current and forthcoming knowledge in developing its recommendations. This is a mechanism which has proven to be extremely successful in the task as witnessed by the achievements of the Surgeon General's Task Force on Smoking and Health.

The amendment I propose would make the following changes in title 8:

First. It would eliminate the ambiguity in the reported bill by providing that the committee shall be appointed by the Secretary of Health, Education, and Welfare with the advice and assistance of the Attorney General.

Second. It specifies that the committee's report shall cover seven specified matters. That report is required, first, to identify existing gaps in our knowledge of marihuana; second, to discuss the important medical and social aspects of marihuana use; third, to describe the extent and nature of marihuana use; fourth, to describe the pharmacology and effects of marihuana; fifth, to describe the relation of marihuana use to crime and juvenile delinquency; sixth, to describe the relation between marihuana use and the use of other drugs; and, seventh, to discuss the efficacy of existing marihuana laws.

Third. The amendment also requires that the report of the committee contain specific recommendations with respect to the degree of control which should be exercised over marihuana use; as to the degree of control which should be exercised over the possession, distribution, or dispensing of marihuana; and finally, as to the degree of control which should be exercised over marihuana research.

Fourth. The amendment requires that those selected to serve on the committee include at least members who are expert in the fields of law enforcement, pharmacology, psychiatry, and psychology.

I believe if these revisions are adopted today we can, in fact, rely on such a committee, under the auspices of the Department of Justice, to serve a very effective role in judging all questions raised. At the same time, we would be preserving the continuing research efforts already underway and those which are planned in the Department of Health, Education, and Welfare.

I think also the amendments would result in better cooperation between the Secretary of Health, Education, and Welfare, and the Attorney General in a matter which is one of the most controversial in the field of public health.

I feel that the general public is greatly concerned, as we all know, about the experimentation with, the occasional use of, and the general use of marihuana in America.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HUGHES. Yes; I am happy to yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. There are seven objectives visualized and provided for in the Senator's amendment, which shall be included in the report which is eventually made. At least three, and conceivably four, of those are legal in nature. Certainly, subparagraphs (5), (6), and (7) are of that nature.

Subparagraph (5) reads: "describe the relation of marihuana use to crime and juvenile delinquency."

Subparagraph (6) reads: "describe the relation between marihuana and the use of other drugs."

Subparagraph (7) reads: "discuss the efficacy of existing marihuana laws."

On the basis that there would not be much difference of opinion as to the legal nature of those three subparagraphs, and possibly subparagraph (3), why should we adopt an amendment that would destroy the mutuality between the Attorney General and the Secretary of Health, Education, and Welfare now provided for in the bill. Why discard the Attorney General, the chief law enforcement officer, and put only the Secretary of Health, Education, and Welfare in charge of a committee that will have to report upon at least three aspects which are legal in nature? What is the rationale behind that?

Mr. HUGHES. To begin with, I would like to say to the distinguished Senator from Nebraska that it is not my intention to discard the Attorney General in this relationship. The committee would be appointed with the assistance of the Attorney General who would be given every consideration, as is being done in previous sections of the bill we discussed yesterday, by the Secretary of Health, Education, and Welfare.

In discussing the three points the Senator from Nebraska has brought out, I would like to speak first to subparagraph (6), which reads: "describe the relation between marihuana and the use of other drugs."

I think it is debatable whether the use of marihuana in relation to the use of other drugs is simply a matter of law enforcement. It is debatable whether it is not a question of science or medicine as to whether persons progress from marihuana to methadone and from methadone to heroin, or, for that matter, from alcohol to the others in the beginning. Medical science can best make that judgment or determination.

Mr. HRUSKA. Has anyone argued that the relationship between marihuana and other drugs is simply a matter of law enforcement? I know of no one who has made that argument. I know of no one who has even asserted it. To say the least, it is a medico-legal question.

Considering the fact that other drugs are already subject to control, the Attorney General would have to make a determination of that question and if necessary assume control of it, in the same way he does with respect to other injurious substances. To say the least, it is a medico-legal question, and under this amendment the Attorney General is being pushed to one side and told, "You do not count in this."

The Senator from Iowa has asserted that it is not his intention to interfere with the Attorney General. How does he not do so by this amendment? There is now a mutuality between the Attorney General and the Secretary of Health, Education, and Welfare, which is the way the two departments want it to be. They sat down, in drawing the bill, and said, "We ought to have a commission for this purpose. How will we go about it? How will we structure it?" They came to the conclusion that there are some medical, some scientific, and some legal problems, so they decided that the best way to do it is to have the Attorney General and the Secretary of Health, Education, and Welfare have some mutuality to achieve the objective.

Now comes this strange and alien philosophy included in the Senator's amendments, all of them saying, "Now, let us not center on the Attorney General. We must center on the HEW." It destroys that mutuality.

What does the Senator say in opposition to the assertion that his amendments seek to interfere with the position of the Attorney General, as stated in the bill as written? I would like to be enlightened on it.

Mr. HUGHES. The Senator from Nebraska speaks as though the Attorney General and the Secretary of Health, Education, and Welfare were not in communication and were not going to be working for common goals.

Mr. HRUSKA. On the contrary, I assert it is on the premise that they will work together and that they will be engaged in a common enterprise that there is written into the bill a mutuality of interests.

Mr. HUGHES. If that is the assumption, then certainly the Senator could not be afraid of having the Secretary of Health, Education, and Welfare make determinations of scientific and medical factors.

Mr. HRUSKA. We are not debating that point now.

Mr. HUGHES. Will the Senator allow me to finish my statement?

Mr. HRUSKA. Surely.

Mr. HUGHES. I take it from the Senator's statement that the Senator feels the Secretary of Health, Education, and Welfare would not provide what the Attorney General desired in the way of adequate information from the more than adequate scientific and medical staffs in HEW.

Mr. HRUSKA. Oh, no; and, if the Senator will permit, when we come to debating that point, I shall quote from the testimony of Dr. Egeberg, Director of Health and Scientific Affairs, who dealt with that point during the hearings. We are now speaking about the establishment of a committee. The language of the bill is plain on this subject. It provides for cooperation between the Attorney General and the Secretary of Health, Education, and Welfare in forming the committee.

Mr. HUGHES. If the Senator will indulge me. We are dealing with the point

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of cooperation between the Secretary of Health, Education, and Welfare and the Attorney General.

Mr. HRUSKA. Yes.

Mr. HUGHES. We are dealing with that situation. The Senator says he is going to deal with it at a later point in the discussion. It is just as pertinent now as it would be later.

Mr. HRUSKA. A while ago the previous amendment pertaining to section 201 was withdrawn as the pending business on the floor, and therefore it is not now under consideration. When we come to it, we will zero in on the provision that gives the Attorney General the right to control the enforcement provisions on drugs and other dangerous substances in the context of that title. Right now we have a title that says the Attorney General and the Secretary shall appoint a committee of experts. The Senator's amendment provides only that the Attorney General will be consulted by the Secretary, but the Secretary will do all the appointing.

Here we have the heads of two great departments, who have decided that, "This is how we want it. This is how it should be. This is how we would like to have it." Now come those who apparently believe that they know how to run the internal affairs of those departments better than those charged with this responsibility, and say this is how it should be.

Mr. HUGHES. We get back to the principle, it seems to me, that the people, through their elected representatives—and I think we are performing a great service—have the right to alter any of the procedures of any department. That is the point of the debate here.

Mr. HRUSKA. I would not want to deny that right, and I have raised my voice in support of that principle on many occasions. But here those who are familiar with the problem and charged with the responsibility of correcting that problem have said, "Here is how it should be."

Mr. DODD. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. DODD. I think I can clear up this point by referring to the hearings of the Juvenile Delinquency Subcommittee. Let me point out that this language was not carelessly written into the bill. It was in April of last year that I suggested to the Senate—and the Congress as well—that such a committee be appointed. Thereafter there were many similar suggestions.

When Dr. Egeberg of the Department of Health, Education, and Welfare who was sent up here by the Secretary of Health, Education, and Welfare was asked about this proposed study by a commission, he testified that it was his opinion that:

> Such a study, whose objective would be the marshaling of existing information on marihuana as the basis for specific recommendations, would in no way conflict with the work of this Department pertaining to basic and applied research on marihuana and the dissemination of information about the drug.
>
> We believe that a review of the marihuana situation could be of considerable value to all concerned. We are exploring with the Justice Department the possibility of recommending that provision for such a study be included in S. 2637.

As a result of that testimony, we sat down with Dr. Egeberg and representatives of the Attorney General and all agreed this was the best way to do it.

The Secretary of Health, Education, and Welfare agrees, the Attorney General agrees, everyone agrees that they would jointly select a committee of experts to advise them in all respects.

I do not see how we can do it in any other way. I ask the Senator, What is he asking us to do? To propose that the Attorney General be divested of his authority is not acceptable. The Attorney General does not want that. Health, Education and Welfare does not want it. This is what everyone interested in this subject from the executive standpoint, and I think almost everyone from the legislative standpoint, believes is the best way to accomplish this; and, as the Senator from Nebraska has pointed out, it should be done this way.

I think we will get the best results if we proceed this way. Everyone will feel better if the Attorney General and the Secretary of Health, Education, and Welfare do this together. The Senator has asked, "Do you not think they will consult each other?" We do think so, and this is why we have said, "Let them do it jointly."

Mr. HUGHES. Has the Senator finished?

Mr. DODD. Yes.

Mr. HUGHES. I would ask the Senator, does he think all of the Commission responsibilities under my amendment are strictly law enforcement points?

Mr. DODD. No, I do not think they all are, but they are all so interwoven with law enforcement considerations that you must have both views.

This is very common in the field of law enforcement. It is not unusual to have a need for both viewpoints, and that is why we have them both provided for here.

Mr. HUGHES. Does the Senator from Connecticut imply that the Secretary of Health, Education, and Welfare has no business whatsoever in a scientific investigation into the progressive increase in the use of drugs and narcotics?

Mr. DODD. Is the Senator serious in asking me that? Why does he suppose we provided for coequal status in selecting the committee if we did not think that such were justified.

Mr. HUGHES. Does the Senator think the facts to be determined are basically scientific or medical facts, or legal facts?

Mr. DODD. I think they are both. I wish I could be more persuasive to the Senator from Iowa.

Mr. HUGHES. I wish I could be more persuasive to the Senator from Connecticut. I am not succeeding very well here.

Mr. DODD. Well, the Senator has a bad case.

Mr. HUGHES. I think it is a good case.

Mr. DODD. If he had a better case, he could do so, because he is a very persuasive man. But if he will think about this, I am sure the Senator will agree that this is the right way to do it. These are good, knowledgeable men on both sides. Why not let them jointly work it out?

Mr. HUGHES. The Senator from Connecticut is also a very persuasive man and very eloquent, and he and the Senator from Nebraska are probably the most knowledgeable men in this body, with respect to problems of law enforcement. I compliment them for their diligence, their expertise, their patience, and their hopes, and I share their concerns; but again I must return to the fact that we are about to transfer a large share, in this particular piece of legislation, of what I consider medical and scientific technology to the Department of Justice.

Mr. DODD. I thought after that statement the Senator was going to withdraw the amendment. I think that is what ought to be done here.

Mr. HUGHES. There have been many amendments offered on this floor that I thought should have been withdrawn. We will pursue the debate on this matter until we ultimately reach a conclusion by vote.

Mr. DODD. All right. I hope we can reach a conclusion soon.

Mr. HUGHES. I am happy to yield the floor to the distinguished Senator from Connecticut.

Mr. DODD. I believe we have said most of what can be said on this issue. The Senator from Nebraska has said it. The Attorney General and the Secretary of Health, Education, and Welfare are jointly responsible, here, for this study which everyone agrees must be made. They will jointly appoint the committee of top experts to study this problem. There is no need to alter the language; there is very need to retain it. I would like to sum it up by saying that the proposed amendments to section 801 are unacceptable. They remove the mutuality of authority between the Attorney General and the Secretary of Health, Education, and Welfare to appoint the members of the Committee on Marihuana and place this authority exclusively with the Secretary.

The proposed amendments call for the committee to conduct a study and make findings in seven areas. Four of these seven areas—that is, "third, describe the extent and nature of marihuana use," "fifth, describe the relation of marihuana use to crime and juvenile delinquency," "sixth, describe the relation between marihuana and the use of other drugs, and seventh, discuss the efficacy of existing marihuana laws," are either medico-legal or strictly legal in nature. Therefore, the composition of the committee should be balanced between the medical and legal professions. Placing the authority to determine this composition in the hands of members of one of the professions tends to preclude objectivity and presents the possibility of one-sided findings.

The very nature of the subjects covered requires joint, equal authority between the Attorney General and the Secretary of Health, Education, and Welfare.

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This amendment is again an attempt to take away authority from the Attorney General and give it to the Secretary of Health, Education, and Welfare.

Section 801 of the bill reads:

> SEC. 801. The Attorney General and the Secretary of Health, Education and Welfare shall appoint a committee of experts to advise them with respect to all aspects of marihuana use.

This was language worked out with the Justice Department and the Department of Health, Education, and Welfare. It was agreed to by both parties, and there is no reason to alter this section of the bill in any manner.

I urge Senators to reject the amendment.

Mr. HRUSKA. Mr. President, I should just like to make a brief statement on this matter, for purposes of continuity of the argument against the amendment.

I believe that the consideration of this amendment illustrates once again the difficulty of legislating on the floor of either of the bodies of Congress. It should be taken into consideration that many decisions are made in the respective committees.

Mr. HUGHES. Mr. President, will the Senator yield on that point?

Mr. HRUSKA. Surely.

Mr. HUGHES. The distinguished Senator from Nebraska well knows that I felt there was a jurisdictional dispute relating to this piece of legislation between the Committee on the Judiciary and the Committee on Labor and Public Welfare. When I decided against making my request for temporary jurisdiction by the Committee on Labor and Public Welfare, I thought we had assumed that the best way to handle the matter was by amendments. I agree that it is not the best way to handle legislation, but in the absence of a jurisdictional battle and decision, that was the only way I could handle it.

Mr. HRUSKA. Yes. I do not object to the amendments, Mr. President, but I do object to the lack of merit in the point.

The bill has been under consideration for almost a year. Extensive hearings that encompass some 1,200 pages have been held. There was this conflict of jurisdiction; and I admire the Senator from Iowa for his tenacity in advancing what he considers to be the cause on behalf of HEW.

But you know, Mr. President, we faced this conflict during the hearings. We faced it in informal conferences at the staff level as well as at Secretary-Attorney General-senatorial level. All the parties got together and decided that the alleged conflict could be resolved by an agreement that duties under this section be divided between the heads of the two departments in question.

Then a discussion arose as to what form this marihuana study group should take. It could have been a Presidential commission. Mr. President, but we did not want that. We wanted something at the legislative level. So finally it was decided it should be a committee with members appointed through agreement of the heads of both departments.

That was on the assumption, Mr. President, not of hostility between the Secretary and the Attorney General, but upon the comity which exists between them.

Now, after getting all the parties together and resolving all of these arguments, we are asked on this floor to say, "Well, let us disregard all that; it does not make sense, it is not logical, this is a medical-scientific problem, and therefore we should disregard that mutuality of authority between the Attorney General and the Secretary of Health, Education, and Welfare to appoint members of this committee on marihuana."

That does not make very good reason, Mr. President. The authority, under the amendment proposed by the Senator from Iowa, would be placed exclusively with the Secretary of Health, Education, and Welfare. It is true he would have to contact the Attorney General, but there would be only one appointing authority, and that authority would be the Secretary of Health, Education, and Welfare.

The proposed amendment calls for the committee to conduct a study and make findings in seven areas. At least four of those areas, subparagraph (3), (5), (6), and (7) are either medical-legal or strictly legal in nature. So the composition of the committee should be balanced between the medical and legal professions for the purposes of making this study and getting a meaningful report. Placing the authority to determine its composition in the hands of members of one of the professions tends to preclude objectivity, and presents the possibility of one-sided findings. The nature of the findings could best be covered by joint and equal authority between the Attorney General and the Secretary of Health, Education, and Welfare.

I believe that makes good sense and that the amendment should be rejected.

Mr. HUGHES. Mr. President, the Senator from Nebraska is very persuasive in his arguments, but I would point out that there is no desire on my part to hinder the Attorney General in pursuing the enforcement of this law. We are simply trying, at this point, to bring into focus the scientific and medical research facilities of HEW under that particular authority.

AMENDMENT NO. 465

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. MOSS. Mr. President, I have at the desk an amendment that would modify the amendment of the Senator from Iowa which is now under consideration. I should like to call it up at this time, as a modifying amendment, and I should like to have the Senator from Iowa respond as to whether or not it would be acceptable.

The **PRESIDING OFFICER.** Does the Senator from Iowa yield for that purpose?

Mr. HUGHES. Yes, I yield to the Senator from Utah for that purpose.

The **PRESIDING OFFICER.** The amendment of the Senator from Utah will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 465

> On page 3, line 6, of the amendments numbered 452, immediately after the period, insert the following: "The Director of the National Institute of Mental Health and the Director of the National Institute of Law Enforcement and Criminal Justice shall be members ex officio of the Committee.".

Mr. MOSS. Mr. President, this is amendment No. 465 to S. 3246, and it would make a rather simple addition. On page 3 of the amendment of the Senator from Iowa would be inserted the following sentence on line 6, after the words "Attorney General":

> The Director of the National Institute of Mental Health and the Director of the National Institute of Law Enforcement and Criminal Justice shall be members ex officio of the committee.

This is simply a precaution and an assurance that these two directors, who are charged by law with certain functions of direct importance in the field of control of dangerous substances and drugs, will be part of the Commission on Marihuana. The National Institute of Mental Health has a responsibility that it has been discharging in this field, and the Director of that Institute certainly should contribute to the deliberations of the Commission, and the Institute of Law Enforcement and Criminal Justice, or those parts of it that have to do with its expertise, should contribute.

I have named them ex officio so that there would not be any interference with the selection of experts by the Secretary of Health, Education, and Welfare, with the concurrence of the Attorney General. I think it does improve it, and it restores the original language in the bill I had pending, which I understand was considered by the committee, to establish a Commission on Marihuana.

During the past week I attended a work shop at the Salk Institute in La Jolla on the subject of drug control and drug abuse. One of the constantly recurring themes there was that we needed additional sophisticated research in the effects and control of marihuana, and that one reason why it was so explosive in its use in recent times was the lack of credibility of the results that had been attributed to marihuana.

So I would support the amendment of the Senator from Iowa, but I offer my modification to add these two individuals as ex officio members of the Commission.

Mr. HUGHES. Does the distinguished manager of the bill have any comment?

Mr. DODD. I have this comment. What is sought is already in the bill.

On pages 88, lines 15, 16, 17, and 18, under subsection (c), of section 801 of S. 3246:

> The Committee on Marihuana shall be composed of persons selected by the Attorney General and the Secretary of Health, Education, and Welfare. Such persons shall be qualified as experts and have diversified professional backgrounds.

Note this language:

> The Director of the National Institute of Mental Health and the Director of the National Institute of Law Enforcement and Criminal Justice shall be members ex officio of the committee.

The language of the amendment of the Senator from Utah is already in the bill.

Mr. MOSS. Mr. President, will the Senator yield?

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Mr. HUGHES. I yield.

Mr. MOSS. I point out that if the Hughes amendment is adopted, they would be dropped. So the Senator from Connecticut is correct. If the Hughes amendment is not adopted, they would remain in the bill. If the Hughes amendment is adopted, they would be omitted without my modification, and I want them to stay in.

Mr. DODD. I hope we get to a vote. I think we are discussing this thing needlessly. We have this language in the bill. We worked on this matter for a year, and the results did not come easily. Many people devoted a great deal of time to this effort. We should get to a vote on this amendment and get on. We have three or four more amendments to consider.

Mr. MOSS. If this is acceptable to the Senator from Iowa, we can come to grips with the amendment, whether it is accepted or rejected.

Mr. HUGHES. I have no objection to the suggested modifying amendment of the distinguished Senator from Utah. I am happy to accept it and incorporate it as part of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah to the amendment of the Senator from Iowa.

The amendment (No. 465) was agreed to.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum. I intend to ask for the yeas and nays.

Mr. DODD. Does the Senator intend to ask for the yeas and nays on all of his amendments?

Mr. HUGHES. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. McCarthy), the Senator from Maine (Mr. Muskie), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that the Senator from California (Mr. Cranston) is absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. Cranston) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) and the Sentator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), and the Senator from Illinois (Mr. Percy) are absent on official business.

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The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Colorado would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 32, nays 56, as follows:

[No. 18 Leg.]

YEAS—32

Bayh
Brooke
Burdick
Case
Church
Fulbright
Goodell
Gore
Harris
Hart
Hartke
Hughes
Inouye
Jackson
Kennedy
Magnuson
Mansfield
McGee
McGovern
Metcalf
Mondale
Moss
Proxmire
Nelson
Pastore
Pell
Randolph
Ribicoff
Sparkman
Williams, N.J.
Yarborough
Young, Ohio

NAYS—56

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McIntyre
Miller
Montoya
Murphy
Pearson
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—12

Cranston
Dominick
Gravel
Javits
Mathias
McCarthy
Mundt
Muskie
Packwood
Percy
Prouty
Tydings

So Mr. Hughes' amendment, as amended, was rejected.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. Nelson in the chair). The bill is open to further amendment.

The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, reads as follows:

On page 12, line 8, delete "upon his own motion" and insert in lieu thereof the following: "upon the recommendation of the Secretary of Health, Education, and Welfare, or the Scientific Advisory Committee established in title VI of this Act".

On page 12, beginning with line 12, delete all through "substance" on line 17 and insert in lieu thereof the following: "Before the Attorney General may act pursuant to the petition of an interested party, he must obtain a recommendation to so act from the Secretary of Health, Education, and Welfare or from the Scientific Advisory Committee established in title VI of this Act".

On page 14, beginning with line 7, strike out all through line 10.

On page 35, line 20, immediately after "determine", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

On page 41, line 19, immediately after the word "finds", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

On page 41, line 23, immediately after the word "finds", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

Mr. MANSFIELD. Mr. President, may we have order? Will the Chair ask that the Senators take their seats?

The PRESIDING OFFICER. Senators will please take their seats or leave the Chamber. We will not proceed until all Senators are seated. Senators will please be seated. The Senator from Iowa will not proceed until all Senators are seated.

The Senator from Iowa may proceed.

Mr. HUGHES. Mr. President, this amendment is similar to my earlier amendments, Nos. 456 and 464, or amendment No. 2 in the group which was distributed to Senators earlier. The explanatory information which was distributed to Senators earlier is the same, except language has been added to clarify the fact that the Attorney General could act to add, delete, or reschedule a substance as a controlled dangerous substance only on the recommendation of the Secretary of Health, Education, and Welfare, or the Scientific Advisory Committee established in title VI of this act.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. HUGHES. I am happy to yield to the distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 1-hour limitation on this amendment and all other amendments; 1 hour on each amendment from now on, the time to be equally divided between the sponsor of the amendment and the manager of the bill, or whomever he may designate.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HRUSKA. Including amendments to the amendment in each instance?

Mr. MANSFIELD. Yes.

Mr. HUGHES. Mr. President, reserving the right to object, I do object. I thought we were talking about this amendment.

Mr. MANSFIELD. Mr. President, I

change my request to the pending amendment and all amendments thereto.

The **PRESIDING OFFICER**. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. **HUGHES**. Mr. President, section 201(a) of S. 3246, as reported, authorizes the Attorney General to subject drugs to the special controls provided by the bill, or to change the regulatory status of a particular drug under the bill. It provides that before taking these actions he must first consider the scientific evidence of a drug's pharmacological effect, the state of current scientific knowledge regarding it, its psychic or physiological dependence liability, and generally the risk to the public health from the drug's abuse. The Judiciary Committee's report recognizes that this is a highly controversial delegation of authority to the Department of Justice. The report states:

> There has been a point of controversy evident among the professions involved in drug control and drug research on whether or not the Justice Department has the expertise to schedule or reschedule drugs since such decisions require special medical knowledge and training.
>
> This difficulty is resolved by the provision contained in this title which requires the Attorney General to seek advice from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee on whether or not a substance should be added, deleted, or rescheduled with respect to the provisions of the bill. (Report, p. 5.)

This delegation of the power to make decisions requiring special medical knowledge and training to the Attorney General is certainly one way to resolve the issue, and it was the way recommended by the Department of Justice. But it is not the only way, and it is not necessarily the best way.

This amendment would modify this section to provide that the Attorney General could only take such action upon the recommendation of the Secretary of Health, Education, and Welfare or of the Scientific Advisory Committee established in title VI of the act.

The **PRESIDING OFFICER**. The Senator will please suspend. The Chair cannot maintain order while Senators are standing at the desks of other Senators talking. The rule will be enforced and everyone will be seated or leave the Chamber.

The Senator from Iowa may proceed.

Mr. **HUGHES**. The amendment would also make other changes which would serve to insure that determinations which are essentially scientific or medical in nature are based upon the advice of the scientific agencies of the Government or of the Scientific Advisory Committee. Section 201(d) of the bill prohibits the Attorney General from moving any substance from schedule I to schedules III or IV. The committee's report indicates that the effect of this provision is to require that he first move a substance to schedule II and subsequently permits him to move it from schedule II to schedule III or IV. This restriction is deleted by the amendment. Since the effect of the amendment would be to permit such action only on the basis of a recommendation from HEW or the Scientific Advisory Committee, if that recommendation is that a substance should be moved from schedule I to schedule III there is no reason that such a transfer should not be permitted.

Section 306(a) of the bill as reported authorizes the Attorney General to determine the total quantity of substances on schedules I and II to be manufactured in each calendar year to provide for the estimated medical, scientific, and industrial needs of the United States, lawful export requirements, and adequate reserve stocks. The bill does not require that the Attorney General seek any advice in making this determination. The amendment would require that the Attorney General determinne the total quantity of drugs to be produced only after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare.

Section 401(a) of the bill as reported makes it unlawful to import any controlled dangerous substances listed in schedules I or II, or any narcotic drug listed in schedules III or IV except such amounts of crude opium, cocoa leaves, or other substance that the Attorney General finds are necessary to provide for the medical, scientific, or other legitimate needs of the United States. As in the previous provision, he is not required to seek the advice of the scientific agencies of the Government in determining the extent of those medical, scientific, and other legitimate needs. The amendment would require that in determining the extent of such need he request and consider the technical advice of the Secretary of Health, Education, and Welfare.

Mr. President, the provisions of this amendment do not make radical changes in the bill as reported. They do not transfer, as many have urged, the responsibility for such scientific determinations from the Department of Justice to the Department of Health, Education, and Welfare. All that they require is that in making decisions on essentially scientific and medical questions, the Attorney General act on the basis of recommendations from those agencies of the Government best qualified to make an expert judgment on the questions involved.

Mr. President, I believe that this amendment again attempts to give the Secretary of Health, Education, and Welfare the responsibility for medical and scientific decisions regarding drugs and narcotics—scheduling, determining the amounts to meet medical needs of this country, lawful import and export requirements, and the size of adequate reserve stocks. I think certainly this is the Department that has the greater capability of determining that there are adequate reserves of these various drugs to meet whatever medical needs might develop in this country, including those of scientific research.

Mr. **DODD**. Mr. President, this amendment is not unlike the previous amendment or the one before that. It is another effort by the Senator from Iowa to restrict the drug control authority of the Attorney General while expanding the role in this field of the Secretary of Health, Education, and Welfare. We have been over this two or three times.

We went over this yesterday and I pointed to testimony in the record that the Department of Health, Education, and Welfare has not asked for the final authority to schedule drugs.

I pointed to the testimony of the Assistant Secretary of the Department, Dr. Roger O. Egeberg which endorsed the Attorney General's control function in these matters.

I believe it is important to emphasize once more that the Attorney General must have authority that is commensurate with his responsibilities in this field.

Let me quote the Attorney General himself on the extent of the authority he requires and on the reasons why he requires it:

> Considering the complexity of the drug problem it would appear advisable for Congress to give the Attorney General the authority to quickly tailor the Federal approach to the then existing threat.
>
> The moving of a drug from schedule III for example to schedule I will only be done by the Attorney General upon advice in writing of a scientific advisory committee and of the Secretary of the Department of Health, Education, and Welfare.
>
> By giving the Attorney General this discretion the Congress will permit a quick response to the ever changing drug problem based upon relative harm and relative abuse potential of existing drugs and newly discovered drugs.

Here is the chief law enforcement officer of the Nation asking us for the drug control authority he needs to get the job done.

With all due respect for the distinguished Senator from Iowa, I have yet to hear a compelling argument why the Attorney General should not have this authority.

I have said before that the Attorney General is not asking for an absolute authority in drug control.

The entire drug law enforcement branch of the Justice Department recognizes the parallel role in this matter of the Department of Health, Education, and Welfare and the Scientific Advisory Committee.

In addition to the Attorney General this was expressly recognized by Mr. John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs.

However, Mr. Ingersoll also emphasized that the law enforcement function of the Justice Department requires the authority set forth in S. 3246.

He said:

> The ultimate decision to place a substance under control will be that of the Attorney General drawing upon the expertise of these two scientific bodies as well as the expertise and information gathered from investigations conducted by agents of the Bureau of Narcotics and Dangerous Drugs, poison control centers around the country, and other sources and other agencies. Once the decision to control is made, it will require the law enforcement and regulatory efforts to insure implementation of the law. This is the reason why the control decision is considered by the administration to be principally a law enforcement decision utilizing scientific and other expertise to reach the final decision.

As Mr. Ingersoll points out, it is the investigators of his Bureau who find out if a drug is being abused.

The Department of Health, Education, and Welfare does not have agents throughout the Nation for this purpose.

XUM

If we transferred control to that Department we would need to give them the investigators.

This would result in duplication of effort, and in financial waste and in inefficiency.

These were the reasons President Johnson carried out his reorganization plan of 1968.

To change this now would be going back to a drug control system that had to be changed because it did not function effectively.

Everybody whom we consulted, everybody who was heard at our hearings, everybody we talked to said this is the way they want to do it; this is the way they want it to be done. We did not brush by the Secretary of Health, Education, and Welfare. We asked him what he wanted. He said, "This is the way I want it." We asked the Attorney General what he wanted. He said, "This is the way to do it." We asked eminent physicians like Dr. Egeberg, "What is the right way to do it?" He said, "This is the way to do it." Everybody on the committee agreed.

We have been through this for almost a year. Now it is proposed to hand it over to another department and restrict the Attorney General.

He is the chief law enforcement officer. He must have this responsibility. He will be accountable for the way the law is enforced.

I know the Senator from Iowa has no intention to handicap the Justice Department, but these amendments will handicap the Attorney General in the enforcement of the law.

XUM

Mr. HUGHES. Mr. President, will the distinguished Senator yield?

Mr. DODD. I yield.

Mr. HUGHES. I know the distinguished Senator from Connecticut realizes that in my own subcommittee, for the past 9 months, we have also been taking the testimony of eminent medical authorities throughout the country and that, quite contradictory to the testimony just reported by the distinguished Senator, there was other testimony. With his permission, I would like to read some of the testimony before the Subcommittee on Alcoholism and Narcotics.

First, the statement in the January 12, 1970, issue of Medical Tribune by Dr. James L. Goddard, former head of the Food and Drug Administration:

> New medical authority is now being asked for an agency that has demonstrated no capability in exercising those powers it already has.
>
> The decision as to which drugs are subject to abuse should not be in the hands of the Attorney General. Every drug has a capability of abuse. This is a matter calling for the most sophisticated knowledge and the highest level of scientific precision.

I now read from the statement of Henry Brill, chairman, American Medical Association Committee on Alcoholism and Drug Dependence, before the subcommittee:

> We are strongly in favor of the philosophy of the bill which calls for a comprehensive code which makes the necessary distinction among all drugs of dependence with respect to the degree of control which they require and which distinguishes between medical and scientific use, on the one hand, and abuse, on the other.
>
> We further believe that the Secretary of Health, Education, and Welfare is in a favorable situation to provide for the necessary basic studies to evaluate recommendations for classification of the drugs.
>
> The bill provides for the transfer of certain authority from the Attorney General to the Secretary of Health, Education, and Welfare, and we believe that the designation of the depressant or stimulant drugs and other medical determinations should properly be within the Department of Health, Education, and Welfare, and we support the provisions to accomplish these purposes.

In the statement by Dr. Helen Nowlis, professor of psychology, and research consultant on student affairs, University of Rochester, appears the following statement:

> I feel very strongly that the major responsibility for this whole problem should rest in the Department of Health, Education, and Welfare. It should rest with the people who have the expertise and the experience in dealing with people in all of their aspects, not only medical, but psychological, psychiatric, social, sociological.

I cite that testimony just to point out to the distinguished Senator from Connecticut that, truly, it is controversial, as was reported in the language of his own report.

I thank the distinguished Senator for yielding.

Mr. DODD. I am glad to have yielded.

Mr. PELL. Mr. President, will the Senator yield for a comment in this connection?

Mr. DODD. I yield to the Senator from Rhode Island.

Mr. PELL. The Senator from Connecticut knows that I supported the bill, in opposition to the Senator from Iowa, on the point of whether the Department——

Mr. HUGHES. Mr. President, if the Senator from Rhode Island will forgive the interruption, I had forgotten that I was on a time limit. I used a great deal of the time of the distinguished Senator from Connecticut. I should like to have it deducted from my own time and not taken out of the time of the Senator from Connecticut.

Mr. DODD. That is very generous of the Senator.

The PRESIDING OFFICER (Mr. Stennis in the chair). Who has the floor?

Mr. DODD. Mr. President, I have the floor. I would like to have some of the time shared with the Senator from Iowa.

The PRESIDING OFFICER. The Chair believes that we had better settle that question now. How much time did the Senator want to yield for that purpose?

Mr. HUGHES. Mr. President, the Senator from Connecticut yielded to me. I must have used 3 or 4 minutes in reading a page and a half.

Mr. DODD. It seemed like 3 or 4 hours. [Laughter.]

The PRESIDING OFFICER. There will be order, please, so the Chair may hear.

The Parliamentarian informs the Chair that he has already charged the Senator from Iowa 4 minutes.

The Senator from Connecticut.

Mr. DODD. Mr. President, I want to make my answer brief. I yield myself 5 minutes.

Some of the witnesses the Senator identified as having appeared before his committee also appeared before our committee and apparently testified in contradiction to testimony given before the Senator's committee. There is much difference of opinion among the medical and scientific people. We are well aware of that. But now we are talking about law enforcement. I think we must give the Attorney General power to enforce the law.

The Senator referred to the fact that the Attorney General cannot determine whether or not a drug is being abused. Indeed he can. I suggest he is the only one who can, because he has investigators and personnel in the field, and HEW does not have such a staff. The question of whether or not a drug is being abused is determined on the streets, not here in Washington or in some department or some laboratory. Whether it is subject to abuse is another question. That is why we must have the Attorney General execute the law.

I remember when the drug percodan was a problem. The attorney general of California urged me to assist him in bringing that drug under Federal control. He said, "This drug ought to be declared dangerous." He pressed and pressed. It finally took him 4 years to obtain the control he thought necessary. The medical and scientific people in Washington would not agree. Twenty thousand people were made addicts in 4 years in California before we finally obtained recognition that, indeed, this was a dangerous drug.

Then the drug was included among the controlled narcotic drugs. But a lot of damage was done before that. I only cite that as an example of why the Attorney General must have the authority to make the decision to control specific drugs.

The Attorney General obtains medical and other scientific advice. He listens to all of them. But, as a law-enforcement officer, he has to move, and that is what this argument is really all about. That is why this amendment, like the others, as I have stated, is well intentioned, but would really impede the Attorney General in enforcing this important law.

Mr. HRUSKA. Mr. President, will the Senator yield me 6 minutes?

Mr. DODD. I yield.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 6 minutes.

Mr. HRUSKA. Mr. President, it has often been said during this debate that the thrust of this bill is in the field of law enforcement, and I must say that in this instance we are thinking in terms of preventive law enforcement, and not law enforcement after the fact. The remarks just uttered by the Senator from Connecticut certainly bring the full matter into focus. Time is of the essence, and a method is necessary which will be not only accurate, but based upon scientific and medical findings as well as capable of speedy action.

Mr. President, again I emphasize that this matter of setting up the procedures here is pursuant to the cooperation between the Secretary of Health, Education, and Welfare and the Attorney General.

I ask unanimous consent, Mr. President, that material on pages 686 and 687 of the Senate hearings, specifically from the testimony of Dr. Egeberg, the Assistant Secretary for Health and Scientific Affairs, be printed in the Record at this point.

There being no objection, the excerpt from the testimony was ordered to be printed in the Record, as follows:

> S. 2637 would retain with the Attorney General the authority he now has to determine when a dangerous drug should be brought under Federal control. The bill would improve this procedure by establishing four categories, or schedules of controlled substances on the basis of the liability for abuse and legitimate medical value of each substance. As I have indicated, we believe that this provision represents a major and necessary step toward orderly and effective control of dangerous drugs.
>
> The decision to place a potentially dangerous substance under Federal control involves both legal and scientific considerations. There are those in the Congress and elsewhere who advocate giving to the Secretary of Health, Education, and Welfare the ultimate responsibility for deciding which substances are to be brought under Federal drug abuse control.
>
> I would be less than candid if I did not acknowledge that there is merit in this suggestion. The hazard to society and to an individual posed by abuse of a drug must be assessed in the light of sound scientific information on the nature of a given drug, its physiological and psychological effects, trends in its use among various segments of the population, and other factors that are largely the province of the health sciences.
>
> But we must recognize that determination as to which drugs are to be brought under Federal control and in what manner are an essential element of the regulatory process and thus should logically be made by the agency responsible for such control.
>
> We think it is highly appropriate, indeed essential, that the Attorney General, in the exercise of his control authority, be guided by the best available scientific information, and we fully support the provision of S. 2637 requiring him to seek in writing the advice of this Department and a committee of scientists.
>
> I would remind the committee that Attorney General Mitchell, in his testimony before you on September 15 stated that he would exercise his authority to schedule controlled substance only "upon advise in writing of a Scientific Advisory Committee and of the Secretary of the Department of Health, Education, and Welfare."
>
> You have my assurance, Mr. Chairman, that this Department will promptly and fully meet its responsibility in this critically important area of control, so that the Attorney General will be able to base his determinations on the best possible scientific information that can be provided him.

Mr. HRUSKA. I read only a few sentences from it:

> We must recognize that determination as to which drugs are to be brought under Federal control and in what manner are an essential element of the regulatory process and thus should logically be made by the agency responsible for such control.

He goes on to discuss other matter, and then continues:

> I would remind the committee that Attorney General Mitchell, in his testimony before you on September 15, stated that he would exercise his authority to schedule controlled substance only "upon advice in writing of a Scientific Advisory Committee and of the Secretary of the Department of Health, Education, and Welfare."

Dr. Egeberg then went on to say:

> You have my assurance, Mr. Chairman, that this Department will promptly and fully meet its responsibility in this critically important area of control, so that the Attorney General will be able to base his determinations on the best possible scientific information that can be provided him.

There we have again concrete evidence of the desirability of putting the control in the Attorney General for this specific purpose, and the agreement on the part of Dr. Egeberg, who is now Assistant Secretary.

I further ask unanimous consent, Mr. President, to have printed in the Record at this point an excerpt from page 16 of the hearings in the House Committee on Government Operations dated March 19, 20, and 21, 1969.

This is an excerpt from the testimony of Mr. Finlator, who had been Director of the Bureau of Dangerous Drugs and Substances under the old arrangement, whereby that Bureau was in the Department of Health, Education, and Welfare.

There being no objection, the excerpt from the testimony was ordered to be printed in the Record, as follows:

> Mr. Finlator. Mr. Chairman, let me say in that respect, some people draw the analogy it is not too much different from a lawyer making those determinations such as the Attorney General and an educator who has been the Secretary of HEW. The Attorney General will have the same amount of information, the same accouterments around him, the same advice the Secretary has had in making his determinations. And it seemed to us in designing this that rather than have these two bureaus going to the Department of Justice as some people in the public and the industry might feel, that, well, here we go, we have got a cop-and-robbers outfit, that it was far better to place upon the shoulders of the Attorney General the total responsibility, the social responsibility of the drug abuse problem, giving to him and his staff the problem of not only stronger law enforcement but also forcing upon his shoulders the responsibility to determine why we are doing these things and to understand the drug abuse problem with the industry and with the public and with the scientific community.

Mr. HRUSKA. Mr. President, we can ask ourselves, why is it that this decision should be legal, this decision of deciding which of these drugs and substances is legal in nature and essence? It is hard to find.

A decision to control these drugs and substances has as many legal implications as scientific ones. This is both from the standpoint of effective enforcement and compliance with the constitutional prerequisites inherent in administrative procedures. Administrative hearings must be afforded to a party adversely affected by a control determination. These hearings are complex and intricate, and often involve delicate legal questions. I must emphasize the word "legal" since the Attorney General is the chief law officer in the United States. It is necessary for him to build a prima facie case before controlling. This takes lawyers, not physicians and scientists.

Lawyers obviously must extract the information from the scientific and medical communities in constructing their case. But since the ultimate decision to control will most likely resolve itself into a legal issue taking the form of an administrative proceeding, it takes a legal mind to make the determination of whether or not there is sufficient evidence to warrant a prima facie case for control. It would be an absurd situation to have the scientific community telling the Attorney General to control when there are insufficient legal grounds to justify it. The Attorney General must defend his actions in any event, and therefore I think it only fair that he make the ultimate decision to control.

From the standpoint of technical administration of the law, from the standpoint of the spirit of this bill, and from the standpoint of being receptive and responsible to new developments in this field as they occur, the authority should rest with the Attorney General, and that is where it is by the bill. This amendment should be defeated, Mr. President.

I yield back the remainder of my allotted time, if there is any left.

Mr. DODD. Mr. President, I shall be happy to yield back the remainder of my time, if the Senator from Iowa will do likewise.

Mr. HUGHES. Mr. President, one or two colleagues would like to make statements before I yield back my time. But before yielding some time to the distinguished Senator from Rhode Island, I should like to respond to the statement of the Senator from Nebraska by reading, again, a statement from testimony before my subcommittee by Neil L. Chayet, who is Assistant Professor of Legal-Medical Law, Medical Institute, Boston University:

> I don't think the classifications belong, and I am speaking now as a lawyer, I don't think the classification mechanism should be in the Department of Justice. I think it belongs with Health, Education and Welfare. I don't think the Justice Department should be able to say to a recipient who has been approved by HEW: "You can't have the drug, because we know something about you that HEW doesn't."

I repeat again that there are differences of opinion in the legal profession. There are differences of opinion in the medical and scientific professions on this particular point.

Mr. HRUSKA. Mr. President, will the Senator from Connecticut give me a minute to make a suggestion at this point?

Mr. HUGHES. I would like, before I yield the floor——

The PRESIDING OFFICER. The Senator has not yielded.

Mr. HUGHES. I still have the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HUGHES. I yield.

Mr. HRUSKA. Of course there is a difference of opinion, Mr. President, on this thing. The fact that the Senator from Iowa can so straightforwardly argue for his amendment shows there is a difference of opinion.

I submit to the Senate that there is a difference between the testimony of a witness from Boston University, or any university, or anyone outside of the Government, as compared with that of the Attorney General, the Secretary of Health, Education, and Welfare, the Assistant Secretary in charge of Health and Scientific Affairs, and all of these other authorities, which has resulted in that foundation and that basis for writing the bill as it has been written.

We have to go by the weight of the evidence, and I believe it will show itself to be on the side of the bill.

Mr. DODD. Does the Senator agree that the preponderance of the number of witnesses who appeared before our committee in hearings all favored this plan as now provided in S. 3246, to deal with the matter?

Mr. HRUSKA. The overwhelming preponderance. Besides, it is the philosophy and the thrust of the bill, furthermore, having contended for almost a quarter of a century that there must be a merger of all of these law enforcement agencies in this field of narcotics, on one side, and the other substances on the other, into one enforcement agency; and the man to head that agency is the Attorney General. That is the sum and substance of it.

Mr. DODD. Will the Senator also agree that this has been the law of the land since 1968?

Mr. HRUSKA. That makes sense.

Mr. DODD. Well, it is true.

Mr. HRUSKA. It is not only the law, but it makes sense.

Mr. DODD. I believe that is true. The law should always make sense. The point I was trying to make is that we were talking about existing law, under the Reorganization Plan of 1968, plan No. 1.

Mr. HRUSKA. That is right, adopted 2 years ago.

Mr. DODD. Adopted 2 years ago. So what the Senator is suggesting here is that we regress and undo what we have already done. It has been working, and HEW has not said it is not working. NIH has not said it is not working. The Attorney General does not say it is not working. Everybody seems to agree that it is working. It seems to me, therefore, that we should not rock this boat.

XUM

Mr. HUGHES. Mr. President, I point out that not everyone says that it is. I have already stated adequately in the RECORD the professional opinions of numerous people—whose opinion I value as highly as those mentioned by the distinguished Senator from Connecticut—directly disagreeing with the testimony he has just given.

I would also point out, with great respect, that the gentleman I mentioned is a professor at one of our great universities and that men appointed to high positions in Government for such as the Attorney General or the Secretary of Health, Education, and Welfare—many times have no governmental experience preceding their appointment; the fact that they are suddenly appointed to a position does not mean that they are omniscient. We must rely on the information that is readily available to us from all the experts in the field.

I am simply pointing out that there is a great deal of controversy. It certainly is a very debatable question. It has been implied that few people in the country would be concerned about it. Such is not the case. Many people in the country are concerned about it.

I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. DODD. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 13 minutes, and the Senator from Iowa has 15 minutes.

The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, as both Senators have pointed out, this is obviously a question of dual interpretation. The nub of the problem is whether addiction is primarily a crime or primarily a disease. We know that even if it is considered a disease, it certainly leads to crime. But I think we have to make up our own minds which it is, in the first instance—a crime or a disease. If, as I believe, it is a disease to be an addict, then it would seem to me logical that the determination as to what drugs produce the disease and the determination as to what quantities are permissible should be made by the agency of the Government most concerned with disease rather than with crime. Once that determination has been made, we move ahead on trying to prevent—not on trying to, but on preventing—the crimes that would result from the disease.

For this reason, I support the Senator from Iowa.

Mr. DODD. Mr. President, I just want to reply to the distinguished Senator from Rhode Island by saying that I think everyone agrees that addiction is an illness. That is true of the Attorney General and of the Secretary of Health, Education, and Welfare. I believe it. I think everyone believes it who knows anything about this problem. I do not know anyone who says it is a crime. If there is such a person, I would not be much interested in what he has to say on the subject.

The problem is not as the Senator suggested, that we decide whether addiction is an illness or a crime. That has been decided. The problem is, how do we deal with the peddlers who make a profit out of making people ill through addiction? That is the problem, and that is what we are talking about. That is why it is a job for the Attorney General, with the advice of the medical experts and the scientific experts.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PASTORE. In what way does this amendment take that authority away from the Attorney General—that is, to get after the pushers?

Mr. DODD. He has to do more than that. In the course of getting after the pushers, he has to do several other things. He has to find out how the traffic is conducted, what kind of drugs they are using, what the composition of these drugs is. He has to find out what is going on in the streets, in addition to what is discovered in the laboratory.

I hope that answers the Senator.

I would be happy to yield back the remainder of my time if the Senator from Iowa would do so.

Mr. HUGHES. I simply want to submit, if I may, from page 380 of the hearing record of my own special Subcommittee on Alcoholism and Narcotics, a question I put to Dr. Morton Miller of HEW and his answer:

> Do you agree that the Department of Justice is better equipped to engage in the classification of dangerous drugs? Should not the Department of HEW be the one that bears that responsibility?
>
> Dr. MILLER. Speaking as a professional, Senator Hughes, I would have to agree that scientific determinations relating to drugs are most appropriately vested in scientific persons in scientific agencies, primarily health agencies.

Mr. President, if the Senator from Connecticut is desirous——

Mr. PASTORE. Before the Senator yields back his time——

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. I yield to the distinguished Senator.

Mr. PASTORE. I have listened very attentively to the debate on this subject. Some things remain unclear to me. We have indulged in a great deal of rhetoric and a great measure of semantics, but things have been said here which appear to me very inconsistent.

We all realize that the enforcement of the law is up to the Attorney General. Are we questioning that? That is my first question.

No. 2, what are we trying to do by this amendment, and to what does the manager of the bill object? Is this taking away from the Attorney General authority that he presently has? Will this hinder him in getting after the pushers of these drugs?

Precisely what does this amendment intend to do and what does the manager of the bill object to? I think that could be said in 20 simple words. I have been sitting here for an hour, and it is not clear to me exactly what the point is.

Mr. DODD. For my part, I have said it before. I do not know whether the Senator from Rhode Island was in the Chamber.

Mr. PASTORE. I have been here all the time.

Mr. DODD. I say, in answer to two of the Senator's questions, that the Attorney General does have the authority now, and in the colloquy with the Senator from Nebraska I brought that out on the floor a few minutes ago.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PASTORE. Is the question here that what is a drug that constitutes a crime and a penalty should be decided by HEW or by the Attorney General? Is that the question?

Mr. DODD. Well, yes. But the Senator does not put it just the way I would. Perhaps I could answer it my way.

Two things are to be done here. The Attorney General is, as the Senator has said, the chief law enforcement officer. In the field of narcotics, he has the Bureau of Narcotics under his jurisdiction, and he has the authority to schedule drugs, such scheduling is accomplished only after a proper inquiry by several agencies. However, the Attorney General has to make the final determination of whether these drugs are being abused to a degree requiring control. The Attorney General must answer. This is a law enforcement question that he must also decide if these drugs contribute to the crime problem and to other social problems. There may be some drugs that are abused, but are not a problem to society.

Mr. HRUSKA. Will the Senator yield

for a brief observation? When a substance is determined to be harmful and subject to abuse and therefore should be controlled, the rights of other people then arise. For instance, the maker of the product. An administrative hearing must be held in order to determine whether a prima facie case has been established. This is necessary so that it will be solid in law which can be used as a basis for prosecution. When it comes to the area of law enforcement, it is the Attorney General who should make the decisions on the basis of advice from the Advisory Council, from the doctors, from the medical people, and from the Secretary of Health, Education, and Welfare.

Mr. PASTORE. As I understand it, in the Hughes amendment, he is saying that what is a narcotic is a scientific and medical question and should be decided by the scientific and medical people, and his choice of department would be the Department of Health, Education, and Welfare. Once it has been decided that it is a narcotic, then the Attorney General shall enforce it. Am I right or wrong, I ask the distinguished Senator?

Mr. DODD. I can tell him——

Mr. PASTORE. I may be wrong, according to the views of the Senator from Connecticut, but am I wrong according to the views of the Senator from Iowa?

Mr. HUGHES. According to my view, the distinguished Senator is correct.

Mr. PASTORE. There we are.

Mr. DODD. I think we are moving way off the question here.

Let me put it this way. I cited the example of the problem with percodan. That is a valid case to cite. Here was a dangerous drug that was addictive. It took a long time before we could get the scientific community to agree to that. It took 4 years. The attorney general in California was trying to get a decision on what it was. There was a dispute in the medical community, but the abuse of the drug was going up. Some 20,000 people became addicts before we could get that drug declared a dangerous drug.

I think that case is a perfect example of why we cannot leave this responsibility entirely up to the Department of HEW. It is a responsibility that basically involves law enforcement.

This is a complex area, and it is difficult, but if we think it out carefully we will agree.

We have got to give the law enforcement officer the authority to enforce this kind of law. If we do anything else, it will be impossible to achieve effective drug control. I am not pressing this issue because I have some pride of authorship about the language. I am talking about the substance of the bill.

The high motives we have—and I say this with absolute earnestness—about devising new approaches to the drug problem, are wonderful and they are right. We need scientists in all these areas. But, please, let us not restrict the Attorney General, as we ask him to carry out this great drive against the narcotics traffic in this country.

Mr. EAGLETON. Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. I yield 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. EAGLETON. Mr. President, I have listened with great interest to this discussion, since I have dealt with this problem both as a prosecutor and as attorney general of Missouri. I have dealt specifically in these official capacities with the problem of drug abuse and its criminal consequences.

In my judgment, the truly penetrating question just raised by the distinguished Senator from Rhode Island (Mr. PASTORE) goes directly to the heart of the matter. The initial determination to be made in this instance is primarily a scientific and medical one. The ultimate law enforcement consequences of this scientific determination made by HEW as to whether drugs would be scheduled I, II, III, or IV, of course, will ultimately rest with the Attorney General. Mr. President, it takes doctors, scientists, and the ones trained in such fields, to determine the psychological, physiological, and medical consequences of what a particular drug, depressant, or stimulant does.

This is a medical determination. To my knowledge, there is no medical staff or scientific staff assigned to the Department of Justice. There is such an elaborate and extensive staff, of course, in the Department of Health, Education, and Welfare. That is one of HEW's primary, ongoing, and continuing obligations. Senator HUGHES is not trying to take law enforcement away from the Attorney General. Rather, the Attorney General is given the law enforcement capacity to function, but to do so based upon the judgments—the expert scientific judgments—made by those qualified to render them.

Thus, I support the amendment offered by the Senator from Iowa.

Mr. HUGHES. I wish to thank the distinguished Senator from Missouri. I believe that what he has just said truly focuses on the point we are trying to make on this particular amendment.

Mr. DODD. Mr. President, I should like to make one observation, and I hope I can make it clear. I know of cases where certain drugs have been recommended for control. I do not want to name them because it would be unfair to the producers. I know of cases where the Attorney General, after careful investigation on his part, has said, "No, there is no evidence of abuse," and he was absolutely right.

This poses a problem, because on the other side we have the percodan case. Here the medical and scientific people said, "No, this drug should not be controlled." But it did need to be controlled because it was widely abused and addictive. This is why I think we have got to put the authority in one place and that is why I believe it belongs to the Attorney General.

Mr. PELL. Mr. President, will the Senator from Connecticut yield for a question?

Mr. DODD. I yield.

Mr. PELL. I was struck with one remark which the Senator from Connecticut made when he said that none of us believes addiction is a crime. Yet, as I read the bill as a layman, we are saying just that—certainly addiction is a disease and we accept that—but we must be saying that addiction is a crime since, to be an addict one must be in possession of a drug which means the Government can incarcerate such individual.

Mr. DODD. No. There are plenty of people who are not addicts who are still in possession of drugs. They are the subject of prosecution. One does not have to be an addict to be found guilty of possession of heroin.

Mr. PELL. That is a wide, not a narrow, interpretation. One could not be an addict without being a criminal——

Mr. DODD. We are talking about two different things. I thought the Senator was talking about addicts.

Mr. PELL. Right.

Mr. DODD. Now the Senator is talking about possession.

Mr. PELL No. How can one be an addict without possessing drugs?

Mr. DODD. All addicts do possess it to satisfy their habit, but they are not addicts through possession. One does not have to be an addict to possess drugs.

Mr. PELL. What I am saying is that an addict is automatically guilty of a crime if he violates the law——

Mr. DODD. But he is not guilty of a crime because he is an addict. He may be an addict trying to get over his addiction and not in possession of anything.

Mr. HUGHES. Mr. President, I yield back the remainder of my time if the Senator from Connecticut will.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GURNEY in the chair). All time on this amendment has now been yielded back.

Mr. HUGHES. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the Senator from Connecticut (Mr. RIBICOFF). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from California (Mr. CRANSTON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON) is absent on official business.

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD) would vote "nay."

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I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick), the Senator from Vermont (Mr. Prouty), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from Colorado would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Illinois would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 39, nays 44, as follows:

[No. 19 Leg.]

YEAS—39

Anderson
Bayh
Brooke
Burdick
Case
Church
Eagleton
Ervin
Goodell
Gore
Harris
Hart
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Magnuson
McCarthy
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Sparkman
Spong
Symington
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NAYS—44

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Cannon
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Eastland
Ellender
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Holland
Hruska
Jordan, Idaho
Long
McClellan
McIntyre
Miller
Murphy
Pearson
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Stennis
Stevens
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Mansfield, against.

NOT VOTING—15

Byrd, Va.
Cranston
Dominick
Fulbright
Gravel
Hartke
Javits
Mathias
Mundt
Packwood
Percy
Prouty
Ribicoff
Smith, Ill.
Tydings

So Mr. Hughes' amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 13111), an act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, and it was signed by the President pro tempore.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate continued with the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

AMENDMENT NO. 456

Mr. HUGHES. Mr. President, I call up my amendment No. 456 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

Amendment No. 456

On page 50, line 26, immediately before the period, insert a comma and the following: "except that in the case of possession of marihuana in violation of this section, any person who violates this section shall be sentenced to a term of imprisonment for not more than six months, a fine of not more than $2,500, or both."

On page 50, line 2, delete the comma.

On page 50, line 3, delete "if it is his first offense under this Act,".

On page 50, beginning with line 5, delete all after the period through line 7.

On page 50, line 4, delete "one year" and insert in lieu thereof the following: "six months".

On page 50, line 5, delete "$5,000" and insert in lieu thereof the following: "$2,500".

On page 50, line 5, immediately before the period, insert the following: "and any person who otherwise violates subsection (a) or (b) with respect to marihuana shall be sentenced to a term of imprisonment for not more than two years, a fine of not more than $10,000, or both".

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. HUGHES. I yield.

The PRESIDING OFFICER. Does the Senator from Iowa ask that the amendments be considered en bloc?

Mr. HUGHES. I would like to make that request in just a moment, after an explanation.

I am happy to yield to the distinguished Senator from Montana.

The PRESIDING OFFICER. First of all, is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. HUGHES. I yield to the Senator from Montana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour on this amendment and all amendments thereto, the time to be equally divided between the Senator from Iowa (Mr. Hughes) an the manager of the bill or whomever he may designate.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Who yields time?

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Dole in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I would like to modify my amendment on page 2.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Iowa is trying to get the attention of the Senator from Nebraska.

Mr. HUGHES. If I could get the attention of the Senator from Nebraska, because the Senator from Connecticut is not here. I wish to modify the amendment at the desk, on page 2 of the amendment, by striking lines 7 through 11.

Mr. HRUSKA. To delete it?

The PRESIDING OFFICER. The Chair will advise the Senator that a Senator has a right to modify his amendment, and it is so modified.

Mr. HUGHES. As a matter of information to the rest of the Senators on the floor, the amendment is modified.

The PRESIDING OFFICER. How much time does the Senator from Iowa yield to himself?

Mr. HUGHES. I yield myself 5 minutes.

Mr. President, during the past year, a strong and healthy debate has raged across the land concerning penalties which would be most appropriate in criminal cases involving violation of the laws prohibiting the possession and distribution of marihuana. By now most Members of this body are familiar with the arguments on both sides of this issue. Because of this, I do not wish to repeat all of those arguments here today, but I would like to touch on several points which come within this general area of discussion, because the amendment which I am proposing deals with those provisions of S. 3246 which relate to penalties for possession and casual distribution of marihuana. The effect of the amendment would be to lessen the penalties in this area from those provided in the bill as reported.

Stanley F. Yolles, M.D., Director of the National Institute of Mental Health, has stated that a conservative estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may be as high as 12 million people. Of all those who have tried marihuana, about 65 percent are experimenting, trying the drug from one to 10 times, and then discontinuing its use. Some 25 percent are social users, smoking marihuana on occasion when it is available, usually in a group context. Ten percent or less can be considered chronic users who devote significant portions of their time to obtaining and using the drug. It is estimated that less than 5 percent of chronic users of marihuana—and I reemphasize that, less than 5 percent—go on to heroin use—that is, less than one-half of 1 percent of those who have tried the drug.

It is clear, I think, that penalties for narcotics and drug abuse should be structured so that they are proportionate to the danger and risk to the individual and society. Certainly further research is needed to determine more clearly both the short- and long-term effects of marihuana use, but there are some things which we already know about marihuana—though many persons are still unwilling to accept the facts. Dr. Yolles has discussed some of the marihuana facts and fables that surround discussions of marihuana use. Appearing before the Subcommittee on Juvenile Delinquency of the Judiciary Committee on September 17, 1969, he stated:

> For too long, the fantasies surrounding marihuana, whether fostered deliberately or through ignorance, have clouded the facts.
>
> I would like to mention some of them here, because fallacy can only give way to fact if each is recognized for what it is.

I continue to quote from Dr. Yolles:

> Fable 1: Marihuana is a narcotic.
>
> Fact 1: Marihuana is not a narcotic except by statute. Narcotics are opium or its derivatives (like heroin, and morphine) and some synthetic chemicals with opium-like activity.
>
> Fable 2: Marihuana is addictive.
>
> Fact 2: Marihuana does not cause physical addiction, since tolerance to its effects and symptoms on sudden withdrawal does not occur. It can produce habituation (psychological dependence).
>
> Fable 3: Marihuana causes violence and crime.
>
> Fact 3: Persons under the the influence of marihuana tend to be passive. It is true that sometimes a crime may be committed by a person while under the influence of marihuana. However, any drug which loosens one's self-control is likely to do the same and relates primarily to the personality of the user.
>
> Fable 4: Marihuana leads to increase in sexual activity.
>
> Fact 4: Marihuana has no aphrodisiac property.
>
> Fable 5: Marihuana is harmless.
>
> Fact 5: Instances of acute panic, depression, and psychotic states are known, although they are infrequent. Certain kinds of individuals can also become overinvolved in marihuana use and can lose their drive. We do not know the effects of long-term use.
>
> Fable 6: Occasional use of marihuana is less harmful than occasional use of alcohol.
>
> Fact 6: We do not know. Research on the effects of various amounts of each drug for various periods is under way.

I would assume that that is the reason——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. HUGHES. I would assume that one of the basic reasons for a marihuana commission and a commission study over 24 months is to obtain a substantive report about how we should approach the handling, control, and use of marihuana in this country.

> Fable 7: Marihuana use leads to heroin.
>
> Fact 7: We know of nothing in the nature of marihuana that predisposes to heroin abuse. It is estimated that less than 5% of chronic users of marihuana go on to heroin use.
>
> Fable 8: Marihuana enhances creativity.
>
> Fact 8: Marihuana might bring *fantasies* of enhanced creativity but they are illusory, as are "instant insights" reported by marihuana users.
>
> Fable 9: More severe penalties will solve the marihuana problem.
>
> Fact 9: Marihuana use has increased enormously in spite of the most severe punitive laws.
>
> Fable 10: It is safe to drive while under the influence of marihuana.
>
> Fact 10: Driving under the influence of any intoxicant is hazardous.

For some, marihuana can be a dangerous drug. Generally, however, it is a mild drug, when compared with other hallucinogens such as LSD, or with certain amphetamines and barbiturates. To equate its risk—either to the individual or society—with the risks of hard drugs or with more dangerous drugs simply has no basis. The average young person does not believe us if we discuss marihuana in those terms—and the danger is that our young people will then not believe us when we discuss the potential dangers, the very real dangers, of stronger, more deadly drugs—the amphetamines, LSD, or hard narcotics. We must be consistent across the board. And so we must treat marihuana honestly, in proportion to its dangers as we see them.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. HUGHES. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. HUGHES. I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. HUGHES. On this basis, it does not appear to me that we ought to subject our citizens, particularly our young people, to the penalties set out in S. 3246. This is especially so in light of the horrible conditions which presently exist in many of our major jails and prisons.

We have had a judge from the District of Columbia testify that he would hesitate to put a young man in the jail here in the District of Columbia for the use of marihuana, because the young man would be abused so horribly in that jail that the penalty would be as severe as sentencing him to an institution for a term of years. The condition of many of these prisons and jails is unebilevable.

Consequently, I have introduced an amendment which would make four specific modifications in the penalties established by the bill:

The first modification would adjust the penalty for illegal possession of marihuana from not more than 1 year, a fine of not more than $5,000, or both, to not more than 6 months, a fine of not more than $2,500, or both. Penalty provisions relating to drugs other than marihuana would remain unchanged. Second offenders would continue to come within the penalty provisions of the bill, which provide up to twice the penalty set for the first offense.

The second modification would make an adjustment of the second offense penalty for distribution of a small amount of marihuana incidental to one's own use for no remuneration or for insignificant remuneration not involving a profit. The bill as reported sets the possible prison term for a second and subsequent offense of this provision at 10 times that for a first offense and sets the possible fine for a second and subsequent offense at six times that for a first offense. That is, in the bill as reported a first offense term may be up to 1 year, but a second and subsequent offense term may be up to 10 years. A first offense fine may be up to $5,000, but a second and subsequent offense fine may be up to $30,000.

This amendment would simply delete the second offense provisions, thus allowing section 508, which applies to all other second and subsequent offenses in the bill, to apply. That section provides that an offender can receive up to twice the first offense penalty when convicted of a second and subsequent offense. There is no reason for treating marihuana more harshly than other drugs in this respect.

The third modification would make an additional adjustment in the penalty for distribution of a small amount of marihuana incidental to one's own use for no remuneration or insignificant remuneration not involving a profit. It would adjust the penalty for this type of distribution of marihuana from not more than 1 year, a fine of not more than $5,000, or both, to from not more than 6 months, a fine of not more than $2,500, or both. Penalty provisions relating to drugs other than marihuana would remain unchanged.

The fourth modification would adjust the penalty for distribution of marihuana from not more than 5 years, not more than $15,000, or both, and a special parole term of at least 2 years, to not more than 2 years, not more than $10,000, or both. Penalty provisions relating to drugs other than marihuana would remain unchanged. Second offenders would continue to come within the penalty provisions of the bill which provide up to twice the penalty set for the first offense.

I believe this amendment would serve to put the penalties for usage of or experimenting with marihuana in better balance with the dangers involved in it, as far as we know them. At the same time, it would reduce the danger, as I am sure the committee has intended, of destroying the lives of many young people who are experimenting with something they know little or nothing about. Certainly that was the intention of the bill. I viewed with a great deal of appreciation the fact that the committee, in considering and bringing out this bill, altered their course from the original approaches that were taken.

Several Senators addressed the Chair.

Mr. HUGHES. I am happy to yield to the distinguished Senator from Connecticut. I might ask him to yield me a minute of his time later.

Mr. DODD. I shall. I request the Senator to yield only to get a clarification. Is the Senator familiar with the fact that there are different types and grades of marihuana?

Mr. HUGHES. I am familiar with the the fact that marihuana grown in different parts of the world has different toxic effects.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. HUGHES. I yield myself 1 additional minute.

Mr. DODD. If the Senator is aware of that, I will go into it on my own time. I only point out to the Senator that certain types of marihuana do dreadful things to people, and we have a lengthy file in the committee office with horrifying cases. Marihuana is a personality changer. It is a mind destroyer. I think we are overlooking that in this discussion. The potency of marihuana does vary.

I have some here. Here is approximately $3,000 worth of marihuana. That is what it is worth on the street. I defy anybody to take this package of marihuana and take a package of Asian marihuana and take a package of American marihuana, unless he is a very knowledgeable human being on the subject, and tell one from the other and know which is more harmful than the other and which would be more harmful to the user.

Believe me, there are differences, very grave differences, and this in itself is a reason for treating this as a gravely serious matter.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. I asked the Senator a question, really. I did not mean to make a speech. I wonder whether he is aware of this.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield 2 minutes to the Senator.

Mr. HUGHES. If the Senator wants to debate my statement, I should like him to work on his own time.

Mr. DODD. I will deal with it on my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I am glad to yield 2 minutes to the Senator to answer that question.

Mr. HUGHES. I should like to ask the distinguished Senator a question about the package of marihuana in his hands. Does he have evidence of scientific research to prove the facts he has just stated?

Mr. DODD. Yes, we do.

Mr. HUGHES. Can the Senator produce them on the floor of the Senate?

Mr. DODD. I do have the facts here. I can tell the Senator about them.

Mr. HUGHES. I have heard much debate about people going wild and frantic and undergoing a complete change of personality on marihuana. In fact, I have heard some of it in my own subcommittee. But I wonder if there is a possibility—and I raise the question as the distinguished Senator has raised the question—that he is talking about use of multiple drugs rather than marihuana alone.

Mr. DODD. I will answer the Senator on my own time.

This morning, at about 11 o'clock, a former sergeant of the U.S. Army who was in Vietnam came to my office. He told me that while he was on duty there, he smoked Asiatic marihuana, that he suffered dreadful hallucinations, that he found himself ready to shoot at imaginary humans. He called for a mortar barrage on a clump of bushes he thought was people moving. He said smoking that drug is a harrowing thing.

This is a scientific case, from the mouth of the man who was a victim of the vagaries of marihuana abuse. He related this at 11 o'clock this morning, in the Capitol.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DODD. I yield.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired. Who yields time?

Mr. HUGHES. I yield myself 2 minutes to repsond to the final statement of the distinguished Senator from Connecticut.

Mr. DODD. It was not a final statement. That was just an opener.

Mr. HUGHES. Then I will respond to the last statement of the Senator from Connecticut.

I know of the great and distinguished service of the Senator from Connecticut to his country, but I also have been in combat, under combat conditions. I also, without marihuana or any drug, have, under the right circumstances, been trigger happy. I also have been tempted to shoot at things that did not exist because of conditions that exist in combat. And this can happen without drugs or narcotics.

Mr. DODD. Of course. But we are talking about a case of a man who was a sergeant in Vietnam, who told me that he smoked marihuana and this is what happened to him.

Mr. HUGHES. The Senator knows nothing about the personality of the sergeant involved in that particular case.

Mr. DODD. Yes, we do know a good deal about it.

Mr. HUGHES. Can the Senator tell us about that?

Mr. DODD. Yes. He is a very impressive young man. I do not want to mention his name unless I have his permission to do so, but I can assure the Senator that I am very much impressed with his character and his intelligence, and the Senator would be, also.

I do not mention this in order to gain an advantage over the Senator. It is the truth, and there are additional such cases.

I plan to have this man as a witness before our subcommittee, in public hearing, very soon, because I think his experience and testimony should be heard.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. HUGHES. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 additional minutes.

Mr. HUGHES. I do not intend to dwell on the sergeant from Vietnam very much longer. That is a good way to get away from the principle of the debate.

Could the sergeant—I raise the hypothetical question—have been taking some other drug administered to him legally for fatigue or other condition while he was in the process of smoking marihuana?

Mr. DODD. No, there is no possibility of that.

Mr. HUGHES. Did he tell the Senator that was not possible?

Mr. DODD. I talked with him, and members of the staff talked with him longer than I did. He was asked whether he took other drugs either to alleviate fatigue or for other purposes and he replied that he had not. I am not trying to prove a case about that sergeant. Believe me, there is no point in this.

Mr. HUGHES. I agree with the Senator—there is no point in it.

Mr. DODD. If the Senator does not take my word for it, that is his prerogative. I tell the Senator, as his colleague, as one who has his confidence, that I would not mislead him or other Senators on this subject. I believe the Senator knows that. I only state it here, because it should be known.

Mr. HUGHES. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes remaining.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HUGHES. I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I support the Senator from Iowa in this matter.

I remember also being in combat and our ship killed a whale by mistaking it for a German submarine. I think one does get a little trigger happy at times.

I am interested in the fact that 1 in 200 users of marihuana moves on to harder drugs. What would be the statistics with regard to alcohol? How many users of beer, one-time users of beer, would become alcoholics?

Mr. HUGHES. I do not know that figures are available as to one-time users of beer. But for those who perhaps move on into alcoholism, we speculate that about one out of every 15 people who drink faces a danger of progressing into alcoholism.

Mr. PELL. Another point made by a witness cited by the Senator is that there are between 8 and 12 million people who at one time or another have tried marihuana. My view is that of those who are in college today, 1969 and 1970, probably

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the majority have tried marihuana at one time or another.

In preparation for this debate today, just as the Senator from Connecticut had the sergeant from Vietnam in this morning, I happened to be talking with a group of college youngsters yesterday, about 30. I asked them, "Will those who have never smoked a marihuana cigarette hold up your hands?" Not much more than half held up their hands.

We have reached the odd situation now, because of the law, in which in the more strict private schools an individual can be fired, and is fired, for smoking a nicotine cigarette but is not fired for smoking a marihuana cigarette because of the criminal penalties that would ensue to that young person.

My own view is that 6 months is too harsh a penalty for a first-time use of a marihuana cigarette. Why did not the Senator suggest 1 month, which would be my thought? I had an amendment to this effect ready to suggest.

Mr. HUGHES. I did not suggest 1 month, because I thought that we had a better chance of adopting a 6-month provision.

Mr. PELL. In other words, the odds of passage are impossible; it would be best to leave the amendment as is.

Mr. HUGHES. In our opinion.

Mr. PELL. I will not press any amendment to a vote, because the negative result is preordained. But I look forward to supporting the amendment of the Senator from Iowa.

The **PRESIDING OFFICER.** Who yields time?

Mr. DODD. How much time do we have?

The **PRESIDING OFFICER.** The Senator from Connecticut has 27 minutes, and the Senator from Iowa has 6 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. GURNEY in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. DODD. Mr. President, I yield myself 10 minutes.

The **PRESIDING OFFICER.** The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, first of all, I ask unanimous consent to have printed in the RECORD and article from the American Medical Association Journal of October 13, 1969, entitled "Marihuana Psychosis—Acute Toxic Psychosis Associated With the Use of Cannabis Derivatives."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARIHUANA PSYCHOSIS—ACUTE TOXIC PSYCHOSIS ASSOCIATED WITH THE USE OF CANNABIS DERIVATIVES

(By John A. Talbott, M.D. and James W. Teague, M.D.)

A clinical syndrome of acute psychosis associated with Cannabis derivatives and environmental stress has been observed in 12 soldiers seen in Vietnam. Each case was characteristic of acute toxic psychosis with organic features and ten cases had paranoid features as well. Factors unique to Vietnam and combat situations seem pertinent; treatment was conservative and supportive.

In light of the intensive contact of man with *Cannabis* it is surprising to find the literature so lacking in regard to adverse reactions to *smoking* marihuana. Ames[1] and Allentuck[2] reported psychiatric symptoms following ingestion of marihuana concentrate, and Keeler interviewed persons who had previously had adverse reactions to smoking marihuana,[3] but, to our knowledge, the only report describing individuals studied while experiencing adverse reactions to smoking marihuana is that of Bromberg in 1934.[4]

Knowledge concerning the effects of *Cannabis* derivatives is controversial if not confusing. *Cannabis* derivatives have been used for medicinal purposes since the third century BC. Shen Nung, the Emperor of China, 2737 BC, extolled Cannabis derivatives as healthful and as psychic liberators. During the 19th century more than 100 medical reports were published in the United States recommending the use of *Cannabis* derivatives.[5] Although by 1950 worldwide usage was estimated in excess of 200 million persons, only recently have medical investigators begun to study the effects of smoking marihuana.[6]

Individuals are affected by *Cannabis* derivatives on a continuum ranging from a benign intoxicating "high" to a frank schizophrenic-like psychosis. Smoking marihuana for most persons is a pleasant, nonthreatening, and ego-syntonic experience. The degree of intoxication, pleasure, and mystical experience is variable and depends on the individual's personality, the existing emotional set before and in regard to the experience, and the amount of marihuana smoked or swallowed.

Adverse reaction to marihuana are also varied, but the experiences are generally unpleasant, threatening, and ego-dystonic. Symptoms include anxiety, fear, tachycardia, dyspnea, crying, depression, suspicion, dissociation, depersonalization, disorientation, confusion, paranoid ideation, delusions, and auditory hallucinations. Most adverse reactions are treated by the individual's peers in much the same manner as belligerent drunkenness is handled—with time, patience, and sobering up. However, when symptoms persist, or the individual or his peers become frightened of the behavior, medical care may be sought.

Physicians in Vietnam have been impressed by the severity and frequency of adverse reactions to smoking *Cannabis* derivatives.[7-11] Several of the psychiatrists on active duty in Vietnam had previous experience with adverse reactions to marihuana in large metropolitan hospitals in the United States and questioned whether there was a difference between the reactions in Vietnam and the United States. During the early part of 1967 we saw several cases of perplexing psychotic reactions which cleared in one to four days, and a few which lasted a week or longer.

In order to study adverse reactions to marihuana, all patients whose diagnosis was acute toxic psychosis associated with the smoking of Cannabis derivatives were examined independently by two psychiatrists and their course followed closely. This report will present 12 cases with which we had personal contact. Three cases will be presented in detail and the others will be summarized in the Table and their common characteristics discussed.

METHODOLOGY

The case material was collected during our tour of duty as psychiatrists with the US Army in Vietnam from 1967 to 1968. All military personnel requiring psychiatric hospitalization from the III and IV Corps areas were seen as well as many persons handled through the judicial system and all stockade prisoners. This allowed clinical access to psychiatric cases requiring intensive psychiatric hospitalization from a population more than 350,000 as well as judicial cases from a population of more than 500,000. In all cases involving the question of Cannabis derivatives as a casual factor, the opinion of a second psychiatrist was sought. In six cases it was possible to secure collaborative information regarding the smoking of Cannabis derivatives by the patients.

Since the possession of Cannabis is illegal it is quite possible that we saw only those cases demanding professional intervention. Patients with less severe symptoms were probably handled in the community by nonprofessionals. The environment of a war zone makes the symptomatology potentially more dangerous, eg, walking into a mine field, or having a loaded weapon readily available, etc. Similarly, the same environment may have an effect on the nature of the symptoms.

Footnotes at end of article.

SUMMARY OF CASES[1]

Case No.	Age	1st exposure to marihuana	Physical symptoms	Impaired cognitive functioning	Mental symptoms	Delusions	Premorbid personality	Treatment	Duration of symptoms
1	26	(+)	(+)	(+)	Paranoid anxious	(+)	(−)	Chlorpromazine hydrochloride 50 mg. 4 times daily.	26 hours.
2	19	(+)	(+)	(+)	Paranoid	(+)	(−)	(−)	3 days.
3	24	(+)	(+)	(+)	Paranoid anxious	(+)	Aggressive	Chlordiazepoxide as necessary and chlorpromazine hydrochloride 50 mg. 4 times daily.	7 days.
4	21	(+)	(+)	(+)	Paranoid	(+)	Psychopathic	Chlorpromazine hydrochloride 25 mg. 4 times daily.	2 days.
5	20	(+)	(+)	(+)	do	(+)	(−)	Chlorpromazine hydrochloride 50 mg. 4 times daily.	2 to 3 days.
6	22	(+)	(+)	(+)	Anxious	(−)	(−)	(−)	1 day.
7	21	(+)	(+)	(+)	do	(−)	(−)	(−)	2 days.
8	21	(+)	(+)	(+)	Paranoid	(+)	(−)	(−)	3 days.
9	22	(+)	(+)	(+)	Suicidal paranoid	(+)	(−)	(−)	11 days.
10	22	(+)	(+)	(+)	Anxious paranoid	(+)	(−)	Chlorpromazine hydrochloride 25 mg. 4 times daily.	2 days.
11	19	(+)	(+)	(+)	do	(+)	(−)	do	3 days.
12	19	(+)	(+)	(+)	Paranoid	(+)	(−)	(−)	2 days.

[1] (+) indicated positive; (−), negative.

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REPORT OF CASES

Case 1.—A 26-year-old, single, white man, second lieutenant registered nurse, with no history of psychiatric difficulties was hospitalized after smoking his first cigarette containing *Cannabis* derivatives. Immediately after smoking, he became aware of a burning, choking sensation in his throat and following this, he went to a civilian bar. Shortly thereafter he felt apprehensive, anxious, and suspicious. The symptoms rapidly increased in intensity and the subject became fearful that the "nationals" in the bar meant him harm. He fled in terror and returned to the bachelor officers' quarters. Shortly thereafter, one of us was called to see him.

When examined the patient was anxious and disoriented as to time, but not as to place and person. Anxiety, as well as the fear of being harmed by nationals, seemed to intensify and decrease in wavelike fashion. The fear of being harmed at its intensified peak we believed to be delusional. He was unable to identify the nature of the harm he feared. Affect was judged to be appropriate but labile. Thinking was rapid and disjointed, as if he were unable to follow a line of thought and as if he were experiencing a wide variety of thoughts (in rapid fashion) dissimilar in nature except for a common apprehensive quality. Proverbs were handled adequately, but with poor concentration and he quickly returned to his fears of being harmed. He did not acknowledge loosening of associations. Judgment and insight were impaired, and any evaluation of intelligence was precluded by his general condition. There were no hallucinations.

Abnormal physical findings included the following: a generalized impairment of coordination, as demonstrated by heel-to-toe walking and finger-to-nose testing; there was a positive Romberg sign; there was some injection of the conjunctivae; reflexes were generally and symmetrically hyperactive; and vital signs reflected a psychomotor agitation or excitement.

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The patient was hospitalized and treated with phenothiazines and sedatives. He was also seen in brief psychotherapy. The patient was able to be discharged to his quarters in 36 hours and was returned to duty in 48 hours. No recurrence of symptoms was noted in the next three months.

Further work-up revealed no other evidence of psychiatric difficulties sufficient to diagnose a preexisting psychiatric condition. The patient was not seen by another psychiatrist. A second cigarette containing *Cannabis* derivatives was in his possession and was examined. The patient's condition was diagnosed as acute toxic psychosis.

Case 2.—A 19-year-old, single, white soldier, private first class, was referred for examination by another psychiatrist. He was alleged to have shot and killed an individual while on guard duty

Sworn statements and a formal judicial investigation revealed that while on guard duty the victim shared a "marihuana cigarette" with the subject, the subject's first. The victim was described as a joker whose humor was sometimes "a little sick and cruel." Shortly after having the cigarette the victim began to pick on some nearby Vietnamese children. He reportedly told them that he was "Ho Chi Minh" and fired his weapon near them. Although the subject questioned if he was Ho Chi Minh, when the victim showed him the name on his shirt, the subject became terrified and fired his rifle. He then left his guard post and entered the base camp in a confused fashion, saying that he had killed Ho Chi Minh. Upon saying this he displayed a T-shirt with that name written on it and urged those around him to accompany him to see the body. On the way, he spoke in a disjointed and confused fashion. Upon arrival at the guard post, actually an observation tower, the bare-chested body of a Negro soldier, with several gunshot wounds on the left anterior portion of the chest, was found. Due to the subject's confused state and his bizarre story, he was taken to the division psychiatrist.

Upon examination the patient was confused and apprehensive, but quite proud, in a patriotic manner, of having killed Ho Chi Minh. When confronted with the fact that the individual killed was an American Negro soldier, the subject held up the bloody, bullet-torn T-shirt, with Ho Chi Minh written across the chest, and stated rather emphatically that he had shot Ho Chi Minh, not an American soldier. He stated that the victim had told him that he was Ho Chi Minh, that the victim was disguised and had infiltrated American lines, and had proved his identity by showing his name written on the shirt. The subject then believed him, became scared, shot him, and took the T-shirt back to camp to prove that he had indeed shot and killed Ho Chi Minh. The psychiatrist's opinion was that the subject was delusional and suffering from an acute toxic psychosis, one of us (J.W.T.) concurred at a later examination.

Further examination revealed no evidence of hallucinations nor any other indication of a thought disorder. The subject was concerned and became increasingly anxious with any mention of the victim being an American soldier. He was apprehensive and unable to understand why no one believed him. He was puzzled at being seen by a psychiatrist rather than being treated as a hero for having killed Ho Chi Minh.

Following a short period of hospitalization, the subject's condition changed and he evidenced grief and depression about the preceding events.

Contact with this individual continued over the next several months without any further signs of psychotic thinking or behavior. It should be noted that the subject also stated that upon first smoking the cigarette containing *Cannabis* derivatives he experienced a burning-like irritation and an urge to cough. In addition to this he noted some mild sensations of choking and transient tingling in his extremities.

Case 3.—A 24-year-old single Negro, private first class, was admitted to the hospital on transfer from another hospital. He had smoked a pipeful of "strange tasting tobacco" two days previously and had felt lightheaded and "funny." He subsequently had feelings of depersonalization and derealization, and thought his mind was split into two parts—good and evil. He expressed the morbid preoccupation that he was dead, admitted to unusual illusions or hallucinations (clouds pulling him in, bright lights coming out of the clouds toward him), and expressed frightening fears that he would kill someone or be killed by someone. He was disoriented, confused, and forgetful. He was treated with chlorpromazine (Thorazine) hydrochloride with some improvement, and after two days was transferred to the psychiatric facility.

On admission the patient was apprehensive, worried, and preoccupied with fears, sensations, and impulses. His restlessness, tremulousness, agitation, and rapid speech alternated with staring, mutism, and inability to complete his thoughts. He continued to express the belief that his mind was split, but denied hallucinations, delusions, or other unusual sensations. He seemed adequately oriented, and denied any prior exposure to marihuana. The patient's history included the absence of a father in the family when he was growing up, aggressive outbursts in late adolescence, excessive drinking, and difficulty in being able to keep a job.

The patient was given chlordiazepoxide hydrochloride (Librium) and his anxiety abated rapidly. He was active in group therapy and presented no problems in ward management. He was discharged with no residual symptoms seven days after he had smoked marihuana.

VIETNAMESE MARIHUANA

To place the following findings in proper perspective several factors should first be mentioned. Marihuana is cheap and readily available in Vietnam, disguised in regular American cigarette packs. This is so well done that it is virtually impossible to tell the difference without either removing the filling from the cigarettes or smoking them.

Vietnamese marihuana is reported by the Army Chemical Laboratory in Japan to be about twice as potent (content of resins) as that normally sold or found in the United States. Because the resins are produced by the plant as a protective agent against the harmful effects of the sun,[12] it is easy for anyone familiar with the climatic conditions of Vietnam to understand the plant's increased resin production. South Vietnam lies between the eighth and the 17th parallels, and thus has a much more tropical climate than the United States (24°–49°) or Mexico (15°–33°), where the most potent marihuana sold in the United States is grown. The resins are concentrated in the tops and seed pods of the female plant. In Vietnam the plant is so abundant that most preparations make use of only the female tops and seed pods.

In addition, approximately 50% of the *Cannabis* contraband seized in Vietnam contains opiates. Therefore, the quality of the *Cannabis* derivatives used there is likely to produce a much stronger effect on the consumer.

The smoking of Cannabis derivatives is not uncommon in Vietnam. Several surveys indicated that more than 30% (30%–65%) of the soldiers used *Cannabis* derivatives at least once during their tour of duty in Vietnam.[10] [11] Our experience confirms this estimate.

FINDINGS

The findings in the 12 cases of acute toxic psychosis associated with *Cannabis* intoxication are presented in the Table. In all instances, this was the patient's first admitted exposure to marihuana and in each case marked physical symptoms appeared soon after the subjects began to smoke. Symptoms included burning and irritation of the respiratory tract accompanied by an urge to cough; impaired coordination and difficulty with fine movements; odd, irregular, and vague aching of the large muscles of the extremities (especially the legs); and irritation of the conjunctivae.

Impaired cognitive functioning was also present in each soldier. This included impairment of orientation to either time or place; severe impairment of memory, most particularly of recent memory; impairment of intellectual functioning manifested by confusion, short attention span, and difficulty concentrating; impaired thinking with tangential and disjointed qualities; and impaired judgment.

The 12 exhibited liability of affect and marked anxiety and fearfulness. Ten showed paranoid symptoms including suspiciousness, referentiality, and delusions or hallucinations. Expressed fear of overt homosexual assault on the patient was frequently a factor in bringing the soldier to the medical facility.

Two patients had significant psychiatric histories and diagnosis of personality disorder could be made. The remainder had a negative history and no evidence of preexisting personality disorder.

None of the cases presented any serious difficulty during hospitalization. In all cases the patient was able to return to duty within a week. Informal follow-up disclosed no further difficulties. All except the soldier involved in the shooting incident successfully completed their tour of duty in Vietnam. Initially the first patients hospitalized were treated with moderate doses of phenothiazines and soporifics. In addition they received individual as well as group therapy. It soon became apparent that the phenothiazines were doing more for the therapist and the ward personnel than for the patients. Following this realization no drugs were used.

COMMENT

The material presented above is similar to the cases originally described by Bromberg in 1934,[4] the only difference being our emphasis on the "organic" signs present and the short duration of the psychotic state. Reports and personal communications from Vietnam indicate that similar cases continue to be seen, and at about the same rate, ie, one to two per month.[8] This raises several questions. (1) Is this a valid clinical syndrome, and if so, is the involvement of Cannabis derivatives essential, or is it merely an added stress? (2) If this is a valid clinical syndrome, why has it not been reported in the past 30 years? (3) Are there factors present in Vietnam which predispose the occurrence of this condition there, but not in the United States?

It would seem that this is a valid clinical syndrome having a central core, consistent signs, and characteristic symptoms. The condition immediately followed inhalation of the smoke of a cigarette containing Cannabis derivatives and the symptoms rapidly intensified. In each case this was the first experience with Cannabis derivatives. The signs and symptoms had a definite toxic, organic quality and the condition seemed to be self-limiting. Recovery was complete and the symptoms did not recur. More than one psychiatrist made the diagnosis of psychosis in 11 of the 12 cases. In no instance was a similar case seen which did not involve the use of Cannabis derivatives.

Since the incidence of combat reactions in Vietnam is low in comparison with other wars, and since the visible incidence of marihuana psychosis seems so high, some observers have postulated that we are encountering the same syndrome, except that it is precipitated by marihuana, not combat. This study is unable to confirm or deny this postulate. However, these cases differ from most combat reactions reported.

We believe that Cannabis is directly and essentially involved in the development of the syndrome. Environmental stresses may potentiate, exaggerate, or otherwise effect the symptoms. The same environment may also have caused nonprofessionals to handle those persons less severely affected by smoking Cannabis derivatives, leaving only those severely affected with toxic psychosis to be seen in medical facilities.

While many of the environmental factors of Vietnam are not present in the United States, it is quite likely that the syndrome described above does occur here. Most cases are probably handled within the community by nonprofessionals, and only a few persons are seen by physicians. Those persons who seek a physician's care may not volunteer or admit to Cannabis usage because it is illegal. As the symptoms clear in a relatively short period of time, the physician may be satisfied and look no further into the cause. Even if the patient does admit to using Cannabis, will the physician accept this as a possible etiology?

One of us (J.W.T.) recently heard of such a case. A young woman was admitted to a university psychiatric hospital in a psychotic state with a history of having smoked Cannabis derivatives for the first time. Her symptoms were quite similar to those we observed, and she was discharged after several days. The physician in charge had no knowledge of the possibility of Cannabis producing the psychosis, and the etiology of her transient psychotic state was not determined.

Cannabis derivatives, as a causal or precipitating agent, should be considered whenever a young person presents with an acute toxic psychosis with paranoid features. Since possession of the drug is illegal, accurate histories may not be obtainable, but the physician must be alert to the possibility of marihuana psychosis in cases resembling acute schizophrenic reaction, acute paranoid psychosis, or acute toxic-metabolic psychosis.

GENERIC AND TRADE NAMES OF DRUGS

Chlorpromazine hydrochloride—Thorazine Hydrochloride.

Chlordiazepoxide hydrochloride—Librium.

FOOTNOTES

[1] Ames, F.: A Clinical and Metabolic Study of Acute Intoxication With *Cannabis sativa* and Its Role in the Model Psychosis, *J Ment Sci* 104:972–999, 1958.

[2] Allentuck, S.: "Medical Aspects" in *The Marijuana Problem in the City of New York,* 1941, reprinted in Soloman, D. (ed.): *The Marijuana Papers,* New York: Bobbs-Merrill, Company, Inc., 1966, pp. 269–284.

[3] Keeler, M.D.: Adverse Reactions to Marijuana, *Amer J Psychiat* 124:674–677, 1967.

[4] Bromberg, W.: Marijuana Intoxication, *Amer J Psychiat* 91:303–330, 1934.

[5] Maurer, D.W., and Vogel, V.H.: *Narcotics and Narcotics Addiction,* Springfield, Ill. Charles C. Thomas, Publisher, 1962.

[6] Weil, A. T.: Zinberg, N. E.; and Nelsen, J. M.: Clinical and Psychological Effects of Marijuana in Man, *Science* 162:1234–1242 (Dec. 13), 1968.

[7] Talbott, J. A.: Pot Reactions, *USARV Med Bull* 40–7:40–41 (Jan–Feb), 1968.

[8] Fidaleo, R. A.: Marijuana: Social and Clinical Observations, *USARV Med Bull* 40–8:58–59 (March-April), 1968.

[9] Heiman, E. M.: Marijuana Precipitated Psychoses in Patients Evacuated to CONUS, *USARV Med Bull* 40-9:75–77 (May-June), 1968.

[10] Postel, W. B.: Marijuana Use in Vietnam, *USARV Med Bull* 40–11:56–59 (Sept-Oct), 1968.

[11] Casper, E.; Janecek, J.; and Martinelli, H.: Marijuana in Vietnam, *USARV Med Bull* 40–11:60–72 (Sept-Oct), 1968.

[12] Walton, R. P.: *Marijuana, America's New Drug Problem,* New York: J. B. Lippincott, Co., 1938, p. 42.

Mr. DODD. Mr. President, this article contains some interesting facts about this problem. I hope that all Senators interested in this subject will read it very carefully, especially the cases involving members of our Armed Forces.

The Senator from Iowa asked for scientific cases on this subject and I say to him here it is. And I have more. But this study discusses the terrible consequences that this Vietnamese marihuana can have on our troops. Two statements from that article are vital to this debate. They are:

> Physicians in Vietnam have been impressed by the severity and frequency of adverse reactions to smoking *Cannabis* derivatives.

And further:

> The physician must be alert to the possibility of marihuana psychosis in cases resembling acute schizophrenic reaction, acute paranoid psychosis, or acute toxic-metabolic psychosis.

As the Senator from Iowa knows, these types of psychotic reactions are the most dangerous known in the field of psychiatry.

Mr. President, I believe that the entire Judiciary Committee is sympathetic to the problem of what penalties are proper and fitting and should be imposed for possession of marihuana. I have felt for a long time that it is fruitless and is not doing us any good. That is why this bill would change the offense of possession of marihuana from a felony to a misdemeanor.

Under the bill, one found guilty of possession of marihuana can be given a suspended sentence, or can be given a sentence of 1 day and a fine of $1; but, in any event, it will be up to the judge who looks at all the facts and circumstances. I think that is, at present, the reasonable thing to do; because there are many cases where more severity is indicated than in others.

A youngster who has two or three marihuana cigarettes in his possession is not indicative of the kind of case that should be punished by imprisonment for a year or 6 months, or possibly for any time at all. There has been too much of that. It should be stopped and we want to stop unjust punishment; but on the other hand, from what we know about marihuana, and the dangers and the harms that come to a good many people from smoking it, we do not believe it is wise or in the public interest, now, to say that this is a "patsy" offense, such as a schoolboy prank, and that it should be regarded as such.

Earlier in colloquy, I said that we know about cases where the personalities of human beings who have smoked marihuana have been drastically changed and they have done brutish and sadistic things to other human beings.

This is not only one case. There are more than one. My recollection is that Dr. Yolles himself indicated in his testimony before our committee that in some cases this sort of thing undoubtedly does happen.

The point is that people respond to marihuana differently, that the effect on everyone is not the same, and that the effect of one type of marihuana is not the same on everyone. There are different types of marihuana. There is Asiatic marihuana, or hashish, as it is called, which is a very, very strong type of marihuana and does harmful things to some people. This I know to be a fact. I do not believe there is any dispute about that from anyone who ever appeared before our committee.

Mr. HUGHES. Would the Senator agree that the same character changes he describes as resulting from the use of Asiatic marihuana frequently also result from the consumption of alcohol?

Mr. DODD. No, I do not. I do not think that is true, Senator. I have asked that question of a number of people who are knowledgeable in that field. That is the only answer I can give the Senator. It is my judgment that that is not true.

Mr. President, I should like to read into the RECORD at this point the statement made by Maj. Joel Kaplan, a psychiatrist who commanded one of the two neuropsychiatric specialty teams in Vietnam. When he came back to this country he told us about some of his experiences he had over there. I would like to quote from an interview with the major in which he said:

> Let me tell you then some other experiences we had over there. As you said, over here, you know, instead of today a cocktail party, it might be a pot party among people in their

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> 30's and 40's and so forth. What I saw over there, and what we all—all the psychiatrists who came over from the States felt could not be true were the following. There were murders committed under the, just simply, under the influence of marihuana. There were rapes committed, assault and robbery committed. People, from smoking marihuana, were becoming as Senator Dodd pointed out this term, toxically psychotic, which meant that they would become extremely paranoid, suspicious of what was going on around them and they'd begin to read into what people were doing something in reference to themselves.

The major then pointed out that this would lead them to do violent and brutal things.

This sort of testimony is not unique. We heard it from a lot of people. Again, the point is that we cannot take the chance of treating this problem as something that is not really very serious. It is very serious, and it does very serious and harmful things to people and they in turn do terrible things to other people.

I think that with the provision of this bill reducing the possession of marihuana down to a misdeameanor and taking away the mandatory requirement of the imposition, the penalty, that we are going as far as we should go.

I hope that after the bill is passed and the committee is appointed and makes its studies and the results are available, maybe we will find that we will be able to further reduce the penalty. However, right now there is no reason for doing so. And my suspicion is that we will not do so after the report is in.

In any event, I find nothing to substantiate the impression that this is a triviality and a thing we should avoid most of the time. I do not think the Senator wants to say that.

Mr. HUGHES. Mr. President, is there anything I have said today or at any other time that would cause the Senator to indicate that I think the question of marihuana is a triviality?

Mr. DODD. No, I am sure the Senator does not think so. But I am trying to say that people outside of this Chamber, people in the country, and particularily youngsters, will, when they read that the Senate reduced the penalty to 6 months, think it is not a very serious question.

So, for all these reasons, I hope I have spelled out sufficient reason why the amendment should not be agreed to.

I believe it is not wise to do so now.

So many times in this debate I have said to the Senator from Iowa that I share his views. I say it again. I do share his views on this problem. And I have thought about it very seriously, as the Senator knows.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for an additional 2 minutes.

Mr. DODD. Mr. President, if we agree to this reduction, I am afraid we will bring on more trouble than we already have.

It is true that these youngsters who are smoking this drug are not criminals, as the Senator has pointed out. Certainly they are not hardened criminals. They are doing it for an adventure. However, I think the thing is so bad and so potentially harmful that we have to hold the line.

Therefore, I hope the amendment will be rejected.

Mr. HRUSKA. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. HRUSKA. Mr. President, the way the section now reads, the last sentence of that section is:

> A second or subsequent offense shall be punished as a subsequent or second offense under section 501(c), subparagraph (2).

That language, according to the amendment of the Senator from Iowa, would be deleted, is that right?

Mr. DODD. The Senator is correct.

Mr. HRUSKA. That would mean that a third or fourth offense would be subject to the penalty prescribed in section 508, which is simply to double the penalty for the first offense.

Mr. DODD. The Senator is correct.

Mr. HRUSKA. And that is not considered to be within the spirit of the bill insofar as the general scheduling of the penalty is concerned.

Mr. DODD. The Senator is correct. I have not talked about that, but that is an important aspect of the amendment.

Mr. HRUSKA. If that sentence were maintained, we would have section 501(c) subparagraph 2 control which would make a sentence on a second or subsequent offense imprisonment for 5 years or not more than $5,000. This is more consistent with the situation where a man persists in this practice and keeps on bringing misery to many hundreds of people, is that not right?

Mr. DODD. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for an additional 3 minutes.

Mr. HRUSKA. This is still all subject to the tentative proposition which we had recognized from the very inception when we had this bill up originally. It was then on a felony basis. We put it back on a misdemeanor basis with the provision that the entire record could be expunged if the offender were to behave himself afterward. We were doing that in an effort to cooperate with him. Even that provision will be subject to the report of this Committee on Marihuana.

In our jurisprudence, a man is presumed innocent until he is proved to be guilty. I know of no such rule that attaches to a substance such as marihuana. The burden should not be put on us to prove that under the prima facie evidence. We put in the provision that it be a misdemeanor and then depend on the study of the Commission on Narcotics. We can then go in one direction or the other or stay on this line if that seems more desirable.

Mr. DODD. The Senator is correct. The Senator will remember—and I am glad the Senator from Iowa is listening—that Dr. Stanley Yolles, who is a very distinguished physician, the Director of the National Institute of Mental Health, and a real authority in this field, endorses this bill. The Senator from Nebraska knows that.

Mr. HRUSKA. That is correct.

Mr. DODD. That is the way it should be done. And I know the Senator read from his testimony before our committee. Dr. Yolles knows a great deal about the subject. He thinks we are on the right track here.

I know what motivates the Senator from Iowa. He is a gentle, compassionate man. He feels very acutely the suffering of these young people and many other people because of the narcotic situation. I do, too. But I feel for those fathers, mothers, sisters, and brothers across this land. And I know a lot of them have been afflicted by this.

I have calls every day from people in my State and outside of my State asking for help, asking me if there is some way I can help their son or daughter.

Most of the time there is not anything I can do. So I know about the pain involved in this. I am well aware of it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 additional minutes.

Mr. DODD. I am not one who likes to inflict pain on others. I would be the last one to do it. I really and truly believe that we have to hold the line in the interest of all those who have been afflicted or will be afflicted in the future until such time as we can find an answer to this awful problem of marihuana.

Mr. HUGHES. Mr. President, will the Senator yield for a complimentary statement to which I do not think he will object?

Mr. DODD. I yield.

Mr. HUGHES. Mr. President, I want the distinguished Senator and his entire committee to know that I appreciate and am entirely sympathetic with the approach they take. I think it was a fine thing. I think they acted on the basis of what we know. And they did it because of their own compassion and concern over marihuana.

I think that is a fine thing. My only regret is that I do not think they have gone far enough.

The Senator from Nebraska mentioned the second offense of marihuana possession. If I understand my amendment, all I propose is to treat it the same as in the case of drugs and other narcotics.

Mr. DODD. I believe that is correct. And to make clear exactly what we have done in this bill on penalties, I ask unanimous consent to have printed in the RECORD at this point a chart comparing the penalty structures in the bill with the present narcotics laws.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

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COMPARISON OF PENALTY STRUCTURES BETWEEN S. 3246 (CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969) AND PRESENT LAW

Violation	Law applicable	Maximum fine	Sentence (years)	Special parole term	Probation or suspended sentence permitted	Parole permitted
Unlawful distribution, possession with intent to distribute, manufacture, importation and exportation, etc	Present law:					
	Narcotics	$20,000	5 to 20	No	No	No.
	Marihuana	20,000	do	No	No	Yes.
	Dangerous drugs	10,000	Up to 5	No	Yes	Yes.
(1st offense)	S. 3246:					
Note: Under existing Federal law, possession with intent to distribute is not a separate offense	I and II narcotics	25,000	Up to 12	At least 3 years	Yes	Yes.
	I and II nonnarcotic and III substances	15,000	Up to 5	At least 2 years	Yes	Yes
	IV substances	5,000	Up to 1	No	Yes	Yes.
(2d offense)	Present law:					
	Narcotics	20,000	10 to 40	No	No	No.
	Marihuana	20,000	do	No	No	No.
	Dangerous drugs	20,000	Up to 5	No	Yes	Yes
	S. 3246:					
	I and II narcotics	50,000	Up to 24	At least 6 years	Yes	Yes.
	I and II nonnarcotic and III substances	30,000	Up to 10	At least 4 years	Yes	Yes.
	IV substances	10,000	Up to 2	No	Yes	Yes.

Violation	Law applicable	Maximum fine	Sentence (years)	Probation or suspended sentence permitted	Parole permitted
Simple possession (First offense)	Present law:				
	Narcotics	$20,000	2 to 10	Yes	Yes.
	Marihuana	20,000	do	Yes	Yes.
	Dangerous drugs	1,000	Up to 1	Yes	Yes.
	S. 3246:				
	I and II narcotics	5,000	do	Yes	Yes.
	I and II nonnarcotic and III substances	5,000	do	Yes	Yes.
	IV substances	5,000	do	Yes	Yes.
(2d offense)	Present law:				
	Narcotics	20,000	5 to 20	No	No.
	Marihuana	20,000	do	No	Yes.
	Dangerous drugs	1,000	Up to 1	Yes	Yes.
	S. 3246:				
	I and II narcotics	10,000	Up to 2	Yes	Yes.
	I and II nonnarcotics and III substances	10,000	do	Yes	Yes.
	IV substances	10,000	do	Yes	Yes.
Distribution of small amounts of marihuana for no profit	Present law:				
	No applicable provisions.				
	S. 3246:				
(1st offense)		5,000	1	Yes	Yes.
(2d offense)		15,000	Up to 10	Yes	Yes.
Continuing criminal enterprise	Present law:				
	No applicable provisions.				
	S. 3246:				
(1st offense)		50,000	5 to life	No	No.
(2d offense)		100,000	10 to life	No	No.

VIOLATION

Distribution to persons under the age of 18	S. 3246 provides that any person over 18 who knowingly and intentionally violates subsec. 501(a)(1) by distributing a substance classified in schedules I or II which is a narcotic to a person under 18 years of age who is at least 3 years his junior is punishable by a term of imprisonment twice that authorized by subsec. 501(c)(1), by a fine of $25,000, or both. Distribution of any other controlled dangerous substance classified in schedules I, II, III, or IV by a person over 18 to a person under 18 who is at least 3 years his junior is punishable by a term of imprisonment up to twice that authorized under subsec. 501(c)(2) or (3), by the fine authorized under subsection 501(c) (2) or (3), or both. For any of these offenses, imposition or execution of sentences cannot be suspended and probation cannot be granted. Under existing Federal law, distribution of narcotics or marihuana by a person over 18 to a person under 18 years of age is punishable by imprisonment for not less than 10 years nor more than 40 years and, in addition, may be fined not more than $20,000. Imposition or execution of such sentence cannot be suspended and probation cannot be granted. In addition, if the offense involves a narcotic drug, the parole provisions under Federal law shall not apply. Under the Drug Abuse Control Amendments of 1965, a person over 18 who distributed dangerous drugs to a person under 21 years of age is punishable by imprisonment for not more than 10 years, a fine not exceeding $15,000, or both. A second offense is punishable by imprisonment for not more than 15 years, a fine not exceeding $20,000, or both.
Conditional discharge for possession as 1st offense.	S. 3246 provides that a court may, upon finding any person guilty of possessing a controlled dangerous substance without intent to distribute, and who has not previously been convicted under any Federal or State law relating to narcotic drugs, marihuana, stimulant, depressant, or hallucinogenic drugs, defer further proceedings and place the person on probation upon such reasonable terms and conditions as it may require. Upon violation of the terms of probation, the court may enter an adjudication of guilt and proceed as provided by the respective acts. Upon fulfillment of the terms of probation, the court shall discharge the person and dismiss the proceedings. Such discharge shall not be deemed a conviction for the purposes of the disabilities imposed by law upon persons convicted of crimes. However, such discharge and dismissal under these sections is available only once with respect to any person. There are no provisions for 1st-offender treatment under present Federal law for offenses involving possession of narcotics or marihuana. There is a provision allowing for 1st-offender treatment under the Drug Abuse Control Amendments of 1965, but it is applicable only to cases involving possession of dangerous drugs.
Endeavor and conspiracy	S. 3246 provides that any person who endeavors or conspires to commit any offense under the act may be punished by imprisonment and/or fine, which may not exceed the maximum punishment proscribed for committing the offense. Present Federal law provides that any person who conspires to commit an offense under any of the acts may be punished by imprisonment and/or fine not exceeding the maximum punishment proscribed for committing the offense. Attempt to commit an offense under any of the existing acts is not punishable as an offense.

Mr. DODD. In summation, Mr. President, I believe that the one part of S. 3246 which takes the biggest and best step forward with respect to drug control is the new penalty structure we have proposed.

The main point here was to do away with the mandatory minimum sentences except for the professional criminal involved in a continuous criminal enterprise.

The basic rationale for this was the recognition that the judge should have discretion in imposing penalties that best fit the individual before the court.

In line with that rationale we gave the court all the possible alternatives for almost all drug violations and particularly for the possession of marihuana.

These include suspended sentence, probation, parole and discharge and dismissal of proceedings for first possession offenses. Of course there are reasonable upper limits for institutional commitment if the judge finds such commitment necessary.

I believe these upper limits for confinement are so reasonable including the up to 1 year sentence for possession that I cannot support any amendment in this area.

If the judge is to have true discretion it must work both ways.

In that connection I think we have sufficient support for the proposed penalties in the record of the hearings.

Even the medical people who do not favor stiff penalties were in favor of some legal controls.

Dr. Stanley Yolles, Director of the Institute of Mental Health, who supplied the bulk of our testimony on marihuana said:

> I do not at this time advocate the removal of all restrictions on the use of marihuana.
>
> Medically speaking I can not give it a clean bill of health. But penalties for its use should be lowered, in proportion to the danger and the risk to the individual and society of this drug.

Mr. President, I ask unanimous consent to have the formal statement made by Dr. Stanley F. Yolles before the Subcommittee To Investigate Juvenile Delinquency on September 17, 1969, made part of the permanent record of these proceedings.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY STANLEY F. YOLLES, M.D., BEFORE THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY OF THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, ON CONTROL OF DRUG ABUSE, SEPTEMBER 17, 1969

Mr. Chairman; Members of the Committee, I appreciate this opportunity to appear before you today as a professional involved and interested in the phenomenon of drug abuse in the United States. I would like to make clear that I am not representing the Department of Health, Education, and Welfare. The Department has not filed a report on the bills pending before you and therefore I cannot comment officially about them.

As a physician, my opinions, convictions and conclusions are based on almost twenty years of professional involvement in the development of research, treatment and rehabilitation as they relate to users of narcotics and other dangerous drugs. My professional experience at the Public Health Service Hospital in Lexington, Kentucky and through the succeeding years at the National Institute of Mental Health, has included consideration of all facets of the drug problem—from prevention to penalties. So I have some strong convictions on the subject, based on professional and scientific experience.

With your approval, Mr. Chairman, I would first like to summarize the drug situation and then talk about hard narcotics and marihuana as separate and distinct parts of the total problem.

Dr. Sidney Cohen, Director of the NIMH Division of Narcotic Addiction and Drug Abuse will speak to the hallucinogens, the amphetamines and the barbiturates.

THE DRUG PHENOMENON

The widespread social problem of drug abuse in the United States is no longer restricted to any one part of our population.

It is found at all social and economic levels: in the core city and in the suburbs. It is no longer restricted only to the young. It involves the junior executive and the housewife, the professional individual as well as the ne'er-do-well.

In this situation, there are things that need to be said on the basis of available fact and of professional and scientific experience.

There are unfortunately no totally reliable data on the prevalence of drug abuse, but it is a problem that is growing at an alarming rate.

In the case of narcotic drugs, statistics supplied by the Bureau of Narcotics and Dangerous Drugs for 1968 indicate that there are approximately 65 thousand active *hard narcotic* addicts in the United States. This is undoubtedly a minimal estimate, since it is solely based on reporting from law enforcement agencies.

A more plausible estimate is in the range of 100 thousand to 125 thousand active narcotic abusers in the United States.

The number of non-narcotic drug abusers, including those addicted or habituated to agents such as sedatives, stimulants, related drugs, and certain tranquilizers, can only be grossly estimated.

The range of persons directly affected by abuse of these drugs, based on available data on production and illicit distribution, lies somewhere between a quarter and a half million people.

The use of LSD has apparently declined during the past two years, but there is still evidence of active experimentation with LSD by some teen-agers. It remains a drug of abuse essentially for young middle-income persons.

Marihuana use has been rapidly increasing in the past five years.

A recent survey of certain high schools suggests that as many as 50 percent of students in selected urban and suburban areas surveyed have had some experience with marihuana.

A conservative estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may be as high as 12 million people.

On a worldwide basis, marihuana is an intoxicant second only to alcohol in popularity and is used by some 200 to 250 million people.

These are facts to be reckoned with in a reasoned discussion of the problem and its possible control. But because drug use and abuse touches our deepest values, our hopes, our aspirations as well as our fears, it is an emotionally-charged area.

For every false prophet advocating drug use there is a viewer-with-alarm prone to sensationalism and the advocacy of simplistic solutions. As our sensitivity to the drug problem has increased over the years, our sense of proportion seems to have diminished.

However, in recent months, there have been significant indications that we, as a population, are ready to stop defending the mistakes of the past in our efforts to control the abuse of dangerous drugs and, rather, to explore new pathways through which our society can make its decisions.

Both President Nixon and President Johnson have strongly stated this need for a new approach toward understanding the problem.

President Johnson, recognizing that a recodification and unification of the laws on narcotics and dangerous drugs was long overdue, established the National Commission on Reform of Federal Criminal Laws. The report of this Commission has not as yet been published, but its findings will include recommendations on drug legislation.

President Nixon, in his message to Congress on combating drug abuse, stated that "it has been a common oversimplification to consider narcotics addiction or drug abuse to be a law enforcement problem alone."

Pointing out that effective control of illicit drugs requires the cooperation of many agencies of the Federal, State and local governments, the President said, "At the Federal level, the burden of the Federal effort must be carried by the Departments of Justice; Health, Education, and Welfare; and the Treasury."

As a health professional, I am strongly in favor of this kind of joint approach to the problem of control. I recognize and support the need for reasonable enforcement measures to control the problem. However, means to control drug abuse must include recommendations from the medical community, as well as from law enforcement officers. Too often, in the past, the medical point of view has been neglected

Drug abuse is not a simple, unitary phenomenon. Drug use and abuse are health, legal, social, economic and moral problems.

It is necessary, in dealing with such complex phenomena, for the medical community at this time to accelerate the kind of research which will yield the basic knowledge for a more rational approach to the problem.

President Nixon has also emphasized that the solution to the problem has been hampered by lack of information.

"Proper evaluation and solution of the drug problem in this country," the President stated, "has been severely handicapped by a dearth of scientific information on the subject—and the prevalence of ignorance and misinformation."

It will take some exceedingly hard work to dispel the doubts and mistrust surrounding information on drugs, because from the beginnings of efforts to control drug use in this country there has been a long parade of what might best be called "error" and what has ranged from ignorance to misrepresentation.

Dr. Thomas Parran, while serving as Surgeon General, had this to say in 1938, during the dedication ceremonies of the PHS Hospital at Fort Worth, Texas:

"Errors were at first made in the treatment meted out to addicts. From doing nothing about the narcotic problem, we started in a sudden burst of enthusiasm to clean up the situation without proper regard for human values and without considering the suffering and distress entailed in a rigid enforcement of the law as it then stood.

"The law, in effect, made criminals out of persons who were guilty only of suffering from the effects of a weakness they could not control. . . .

"It soon became evident that we were in danger of losing by too harsh application of repressive measures what we were gaining by more intelligent attention to some phases of the addiction problem. We often completed the ruin of individuals whom it was our duty to save."

What we must realize in 1969 is that—although the drug abuse problem of today is acute—it has been with us for a long time and we have accomplished little in developing techniques that might have helped us in our current dilemma.

This situation is especially regrettable, because there is a large body of information available upon which improved methods of combating the drug abuse problem can be based.

There are few fields in which there have been so many competent and thorough investigations by committees and commissions over the years as there have been in the area of narcotics and other dangerous drugs.

They include the 1938 Mayor's Committee of New York; the 1951 American Bar Association's Commission on Organized Crime; the 1963 President's Advisory Commission on Narcotic and Drug Abuse (the Prettyman Commission); the 1967 Commission on Law Enforcement and the Administration of Justice; as well as the Wootton Committee of Great Britain.

These professional groups have reported with a unanimity not often evident in such a controversial subject area and I will refer to some of their specific recommendations later on. At the moment, I merely want to point out that the Nation has not accepted or implemented their recommendations. But the findings are available for the using, so that I see no need to establish another committee or commission to study marihuana.

Instead of favoring another commission, I find myself asking, "How long, Oh, Lord, how long are we going to suggest new committees, new commissions and new task forces in lieu of doing something?"

Certainly, studies of drugs and drug users must and are continuing, many of them supported by the NIMH. I submit that these studies serve to develop new information more expeditiously than any additional review-by-commission—at least until we have made use of the opinions and recommendations already available.

In contrast to establishment of another commission, I would favor provisions to direct the NIMH to conduct research and make a basic determination on marihuana. Some relevant studies are already under way.

Such proposals call for an end to the approach that passes restrictive laws first and then gets scientific evidence afterward.

We must put a very strong spotlight on this issue, Mr. Chairman. It is basic to any improvement in the control of drug abuse.

We cannot continue to restrict use, and legislate against the use of dangerous substances without scientific basis for control.

Senator Hughes, speaking in August at hearings of the Subcommittee on Alcoholism and Narcotics, in pleading for "open-mindedness and a willingness to make a fresh start", said:

"We are working from a prosecution, rather than a public health approach.

"The onus of the criminal association with drugs is a severe obstacle to therapy in drug addiction; and we can't even communicate with our kids about smoking pot because, under our laws, smoking marihuana and shooting heroin are in the same league, and neither we nor our kids can forget it."

This Committee is primarily concerned today with proposed Federal legislation, but the current framework of State law also illustrates the need for a more sound basis for public policies concerning drug abuse.

In the last year, State legislatures within this country have passed diverse and sometimes contradictory laws in their efforts to control drug abuse. At least 20 States have this year either passed new laws or amended existing statutes; and another 20 are debating proposed changes.

It would be tragic if these changes continue to be based on old confusions and controversies. The disparities among laws in the States need to be lessened rather than increased and this can occur only after agreement about the degree of risk associated with the use of each drug and an appropriate proscription of use based on that risk, and the Federal Government should point the way.

One of the major difficulties in efforts to arrive at effective control of drug abuse has come from the practice of grouping dangerous drugs arbitrarily, with little regard for their differing characteristics and their specific and distinct effects.

I hope that Dr. Cohen and I can clarify these differences, to help define the degree of danger in the abuse of each of the dangerous drugs.

NARCOTICS

There can be no doubt that control of narcotics is necessary, both to protect the user and to protect society. The major dangers of abuse of drugs such as heroin are known and have been repeatedly demonstrated.

The direct result of overuse may be death. Indirect results are often ill health, or death from hepatitis, pneumonia, malnutrition, or infection and disease induced by the use of dirty hypodermic syringes. And as a way of life for the individual, there is gross deterioration in a "junkie" culture.

Stronger and more effective controls of smuggling, sale and distribution of narcotics by the underworld are needed.

However, realizing that laws seeking to control personal consumption by individuals are notoriously hard to enforce, I would urge the further expansion of high quality treatment and rehabilitation programs.

The principle that treatment and rehabilitation of the addict is to be preferred over punishment has only recently become a Federal policy, with the passage of the Narcotic Addict Rehabilitation Act of 1966.

As I have mentioned, Dr. Parran's concern over the punitive bases of treatment was expressed in 1938. Other professionals had also spoken out for reforms. But civil commitment for narcotic addicts received its greatest impetus in 1962 when the Supreme Court, in the Robinson case, declared that statutes making addiction to narcotics a criminal offense were in violation of the Eighth Amendment.

The court maintained that drug addiction is an illness "comparable to leprosy, insanity, and the common cold" and that criminal punishment could not be inflicted for it.

Ironically, although the decision was a milestone for the principle of treatment and rehabilitation, it came too late to help the addict Robinson. Free while his appeal was pending, Robinson had already died in a Los Angeles alley before the Supreme Court made its ruling. According to police reports, the cause of death was an overdose of narcotics.

The passage of the Narcotic Addict Rehabilitation Act of 1966 opened a pathway to treatment of the sick addict.

The statute in no way limited enforcement of laws designed to control drug traffic, or to prosecute organized criminals. What the law recognized is the fact that the individual *addict* is sick and needs help.

The NARA legislation was adopted so that a community-based treatment and rehabilitation program could be developed in the United States. Research advances made it worthwhile to try some new approaches in solving the stubborn narcotics problem.

The NIMH is carrying out a comprehensive program in an attempt to develop the necessary understanding, manpower and improved techniques for dealing with the narcotic problem.

Through its administration of the NARA Act and the Narcotic Addict Rehabilitation Amendments to the Community Mental Health Centers Act, the NIMH is actively carrying out the Congressional mandate to treat and rehabilitate, rather than punish the addict.

The program has been in operation for a year-and-a-half. Six community treatment programs for narcotic addiction were funded in FY 1968 and are in operation. Ten more were funded in FY 1969.

I am in general agreement with legislative provisions to expand eligibility for treatment under NARA, to include those addicts charged with burglary, those who have failed after three or more civil commitments and those who have had two or more felony commitments.

However, I must point out that these patients would require more intensive individual treatment than it is now possible to provide, given the current rate of funding and the personnel ceilings imposed on the program.

Even for patients now eligible for treatment, the present capability of the two Federal Clinical Research Centers at Lexington and Fort Worth is overtaxed.

Since the inception of the NARA program, Fort Worth and Lexington have examined 2,236 patients civilly committed for treatment under Titles I and III of the Act.

Of that number, only 52 percent (1,071) were in treatment by June 30, 1969. The 48 percent (1,059) had not been accepted after the thirty-day examination and evaluation period.

The patients who were not accepted for treatment, Mr. Chairman, were patients with very difficult problems. If we were to try to treat them, it would require about twice as many staff members at Fort Worth and Lexington as we now have.

As a matter of actual fact—and one which is ignored every time we talk about the treatment program for narcotic addicts—given the funds and personnel currently available, any increase in the number of patients will result in a reduction of the ratio of treatment staff available to patients. The result will be less individual treatment and poorer care.

Almost since their establishment, Lexington and Fort Worth facilities have been financially undernourished and understaffed.

If there is to be proper treatment, the facilities must have trained people to provide it.

Our hope in the long run is that the States and communities will take a more active role in developing narcotics treatment programs—aided by Federal support for construction and staffing under the Community Mental Health Centers Act.

As of June 30, 1969, the six community treatment programs funded under the provisions of NARA had a total of 1,948 addicts in treatment. By next year, the ten community programs funded in FY 1969 expect to be treating an additional 5,400 addicts.

However, far too few of these centers have been funded so far, and until more of them can be organized, the States are unable to take on much of the task.

States and communities are having difficulty in financing operations of community mental health centers as Federal support of initial staffing costs decreases and terminates. The Act should be broadened to include support of the total cost of operation of these centers, as originally authorized, rather than only the cost of initial staffing.

Assistant Secretary Creed Black, of the Department of Health, Education, and Welfare, presented the Administration's recommendations in this regard in July, before the Subcommittee on Health of the Senate Committee on Labor and Public Welfare.

"Few communities," Mr. Black pointed out, "are able or willing initially to devote limited resources in these two problem areas. Americans have very ambivalent feelings about alcoholics and narcotic addicts. The patients are very difficult to treat. Professional interest needs to be stimulated.

"We believe, therefore, that preferential matching and a longer period of Federal support than 51 months will be necessary. The necessary matching ratio is yet to be determined; but it is clear that such preferential matching is essential."

It takes *people* to provide aftercare for addicts when they are trying to rehabilitate themselves once they have broken the habit. It takes *people* to manage these programs.

In most statements on this subject, Mr. Chairman, a need for more *enforcement* personnel is recognized but *nowhere* is there mention of the need for treatment personnel, or personnel to conduct research and training programs.

If we are to make any significant headway at all in control of drug abuse, then we must place far greater emphasis on the treatment and rehabilitation of narcotic addicts. The need for medical personnel for treatment must be recognized as of equal or greater importance than the need for people to enforce the law. I am pleased that legislative proposals include provisions to improve the narcotic rehabilitation program, because there has been significant progress in treatment programs for addicts, and these efforts should be expanded.

The development of experimental metha-

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done maintenance programs and the use of narcotic antagonists, such as Cyclazocine and Naloxone, have been both exciting and controversial.

Since methadone maintenance involves the continued use of a narcotic substitute on a long-term basis, it has been the object of some criticism. Methadone does not appear to be a "universal treatment" for all addicts, nor does it result in an abstinence from drugs.

The goal of methadone maintenance is to achieve socially acceptable behavior on the part of the addict, rather than to require abstinence, per se. This treatment approach operates under the principle that if, in fact, *any* medication permits a narcotic user to become a law-abiding and productive member of society, it should be acceptable medication.

To understand all the implications of this treatment, we are supporting a wide variety of studies in this regard. And studies are also being supported to develop new and long-acting narcotic antagonists such as a depot (long acting) cyclazocine, to block the action of narcotics.

Given the proposed methods to strengthen support for community narcotic addiction treatment and rehabilitation programs, and with a wider implementation of NARA, we have *on paper* the capacity in this country to effect a significant reduction in the abuse of narcotics and begin effective education to prevent hard drug use.

How we transform the words of the statutes into practical results depends on men and money. Without these, present enforcement techniques in the narcotic field will only continue to spin the addict around in the revolving door from jail to inadequate treatment and back again.

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MARIHUANA

Mr. Chairman, I would now like to spend the remainder of my time here in talking about marihuana.

Because of the increase in the use of marihuana and because of the confusion and controversy resulting from that use, it is of the greatest importance to present factual information about the drug itself, the effects of its use and the history of efforts to control its use.

For, unless we separate fact from fable in the public uproar over the use of this drug, our efforts to achieve effective and acceptable controls over marihuana use will indeed be just "more of the same."

The marihuana story for 1969 in the United States goes back to the 1930's.

The "great experiment" was over. The prohibition of the use of alcoholic beverages, under the Eighteenth Amendment, had ended.

For better or worse, American voters had made it clear that they considered alcohol a social beverage, and chose to limit prohibition of its use through State laws which vary to this day, in terms of "wet" and "dry" jurisdictions and the age at which individuals can legally drink beer, wine and spirits.

The experiment, which we voted to terminate, had produced at least two major results: the social usage of alcohol by adult men and women had increased and the contempt for an unpopular law had spread, bringing other legal restrictions on manners and morals into question.

At approximately the same time, however, enough hue and cry over the *reported* evils of another intoxicant—marihuana—resulted in the adoption of the Marihuana Tax Act of 1937.

We know that marihuana is not, scientifically, a narcotic drug like heroin or morphine, but is a mild hallucinogen. It should not be associated with narcotics—either medically or legally.

However, "guilt by association" with narcotics occurred for marihuana for the first time in Federal law in 1929, with the passage of P.L. 672—70th Congress—authorizing the establishment of the Lexington and Fort Worth Hospitals.

In the statute, the term "habit-forming narcotic drug" or "narcotic" was specifically defined—drug by drug—and on the list was "Indian hemp (marihuana) and its various derivatives, compounds and preparations,"

Nowhere in the Committee Hearings or in the Congressional Record was there any discussion of the rationale for this drug classification.

As States adopted the Uniform Narcotic Drug Act which included marihuana, it was more widely classified as a narcotic.

And so the stepping-stone concept got its start. Once labelled as a statutory narcotic, marihuana continued to be so labelled in succeeding years.

By 1937, the use of marihuana was reported to present so severe a health danger that Federal controls were represented as necessary. And so the Marihuana Tax Act of 1937 was enacted, even though many of the statements in testimony before Congress were substantially untrue.

The report to the Senate on the Bill quotes the following testimony:

"Under the influence of this drug (marihuana) the will is destroyed and all power of directing and controlling thought is lost. Inhibitions are released. As a result of these effects, many violent crimes have been and are being committed by persons under the influence of this drug. Not only is marihuana used by hardened criminals to steel them to commit violent crimes, but it is also being placed in the hands of high-school children in the form of marihuana cigarettes by unscrupulous peddlers. Its continued use results many times in impotency and insanity."

Elsewhere in the testimony, a witness stated, "I believe in some cases that one marihuana cigarette may develop a homicidal maniac probably to kill his brother." (sic).

At the time of the hearings on this proposal, one of the witnesses was Dr. William C. Woodward, appearing for the American Medical Association.

In speaking about newspaper accounts of abuse of marihuana, Dr. Woodward said:

"It has surprised me that the facts on which these (newspaper) statements have been made have not been brought before this Committee by competent primary evidence. We are referred to newspaper publications concerning the prevalence of marihuana addiction. We are told that the use of marihuana causes crime.

"But as yet no one has been produced from the Bureau of Prisons to show the number of prisoners who have been found addicted to the marihuana habit. An informal inquiry shows that the Bureau of Prisons has no evidence on that point. Dr. Woodward pointed to a series of agencies including the PHS who had not been consulted.

"You have been told that school children are great users of marihuana cigarettes. No one has been summoned from the Children's Bureau to show the nature and extent of the habit, among children.

"Inquiry of the Children's Bureau shows that they have had no occasion to investigate it and know nothing particularly of it.

"Inquiry of the Office of Education—and they certainly should know something of the prevalence of the habit among the school children of the country, if there is a prevalent habit—indicates that they have had no occasion to investigate and know nothing of it.

"Moreover, there is in the Treasury Department itself, the Public Health Service, with its Division of Mental Hygiene. The Division of Mental Hygiene was, in the first place, the Division of Narcotics. It was converted into the Division of Mental Hygiene, I think, about 1930. That particular Bureau has control at the present time of the narcotics farms that were created about 1929 or 1930 and came into operation a few years later. No one has been summoned from that Bureau to give evidence on that point.

"Informal inquiry by me indicates that they have had no record of any marihuana or Cannabis addicts who have ever been committed to those farms.

"The Bureau of the Public Health Service has also a division of pharmacology. If you desire evidence as to the pharmacology of Cannabis, that obviously is the place where you can get direct and primary evidence, rather than the indirect hearsay evidence."

The indictment by Dr. Woodward, who qualified both as a physician and an attorney, of the acceptance of "indirect hearsay evidence" by the Committee brought forth neither questions nor comment at that time.

The legal history of marihuana control measures is a matter of record and I will not pursue it here. The major point I wish to make is that in the case of marihuana, legal penalties were assigned to its use that are strict enough to ruin the life of a first-time offender, with total disregard for medical and scientific evidence of the properties of the drug or its effects. I know of no clearer instance in which the punishment for an infraction of the law is more harmful than the crime.

I would like to make my professional position very clear in this regard, Mr. Chairman.

I do not, at this time, advocate the removal of all restrictions on the use of marihuana. I believe that until we know more than we now do about the long-term effects of marihuana and other forms of *Cannabis* that use of the drug should continue to be controlled—Medically speaking, I cannot give it a clean "bill of health." *But*, penalties for its use should be lowered, in proportion to the danger and risk to the individual and society of this drug.

Marihuana can be for some, potentially, a dangerous drug. Generally it is a mild drug, in comparison with other hallucinogenics such as LSD, or with certain amphetamines and barbiturates. To equate its risk—either to the individual or to society—with the risks inherent in the use of hard narcotics is—on the face of it—merely an effort to defend an indefensible, established position that has no scientific basis.

It is quite understandable that law enforcement officials are concerned with the misuse of marihuana. So are physicians, educators and scientists. But the *degree* of concern must now—at long last—be equated with the degree of mental and physical risk. For too long, the fantasies surrounding marihuana, whether fostered deliberately or through ignorance, have clouded the facts.

I would like to mention some of them here, because fallacy can only give way to fact if each is recognized for what it is.

MARIHUANA

Fable

1. Marihuana is a narcotic.

Fact

1. Marihuana is not a narcotic except by statute. Narcotics are opium or its derivatives (like heroin, and morphine) and some synthetic chemicals with opium-like activity.

Fable

2. Marihuana is addictive.

Fact

2. Marihuana does not cause physical addiction, since tolerance to its effects and

symptoms on sudden withdrawal does not occur. It can produce habituation (psychological dependence).

Fable

3. Marihuana causes violence and crime.

Fact

3. Persons under the influence of marihuana tend to be passive. It is true that sometimes a crime may be committed by a person while under the influence of marihuana. However, any drug which loosens one's self-control is likely to do the same and relates primarily to the personality of the user.

Fable

4. Marihuana leads to increase in sexual activity.

Fact

4. Marihuana has no aphrodisiac property.

Fable

5. Marihuana is harmless.

Fact

5. Instance of acute panic, depression, and psychotic states are known, although they are infrequent. Certain kinds of individuals can also become overinvolved in marihuana use and can lose their drive. We do not know the effects of long-term use.

Fable

6. Occasional use of marihuana is less harmful than occasional use of alcohol.

Fact

6. We do not know. Research on the effects of various amounts of each drug for various periods is under way.

Fable

7. Marihuana use leads to heroin.

Fact

7. We know of nothing in the nature of marihuana that predisposes to heroin abuse. It is estimated that less than 5% of chronic users of marihuana go on to heroin use.

Fable

8. Marihuana enhances creativity.

Fact

8. Marihuana might bring *fantasies* of enhanced creativity but they are illusory, as are "instant insights" reported by marihuana users.

Fable

9. More severe penalties will solve the marihuana problem.

Fact

9. Marihuana use has increased enormously in spite of the most severely punitive laws.

Fable

10. It is safe to drive while under the influence of marihuana.

Fact

10. Driving under the influence of any intoxicant is hazardous.

EFFECTS OF MARIHUANA

Of all those who have tried marihuana, about 65 percent are experimenting, trying the drug from one to ten times, and then discontinuing its use. Some 25 percent are social users, smoking marihuana on occasion when it is available, usually in a group context. *Ten percent* or less can be considered chronic users who devote significant portions of their time to obtaining and using the drug. The effects of marihuana vary with the potency of the agent, the psychological set of the user, and the setting in which use takes place. Thus, it has been estimated that half of those who use marihuana the first time experience no effects at all.

The *chronic* user of marihuana or "Pothead" may encounter a number of psychological problems. If he is using it to escape life stress, his mental growth is impaired by not learning how to deal with frustration and problems. He tends to withdraw from here-and-now reality, loses ambition and drive, and sustains a loss of motivation. He is present-oriented rather than future-oriented. He may drop out of active involvement in school or work.

Further research is needed to elucidate more clearly both the short and long-term effects of marihuana use. The absence of good scientific data should not lead to the assumption that long-term use is harmless. As in the case of tobacco, it is possible that there are serious consequences of chronic use which will only become apparent through careful longitudinal studies.

One needs to be particularly concerned about the potential effect of a reality-distorting agent on the future psychological development of the *adolescent* user. We know that normal adolescence is a time of great psychological turmoil. Patterns of coping with reality developed during the teen-age period are significant in determining adult behavior. Persistent use of an agent which serves to ward off reality during this critical developmental period is likely to compromise seriously the future ability of the individual to make an adequate adjustment to a complex society.

Despite our acknowledgedly scanty information on adverse effects, there is reason to believe that the marihuana user is exposed to an increased risk of either acute or chronic psychologic damage each time he lights a marihuana cigarette. Though the incidence of serious adverse reaction appears to be low, by definition as the number of users increase, the total number of those experiencing adverse reactions will also rise. The effects of the drug on judgment and perception might very well be a factor in automobile accidents. Those users who already have significant psychiatric problems might readily be led to avoid obtaining necessary psychiatric treatment by this form of self-medication, only to wind up as one of the group of users whose entire life becomes absorbed in the drug culture.

It is obvious, therefore, that there are some things we already know about marihuana, in spite of the fact that many people are unwilling to accept this knowledge.

A youngster who smokes one marihuana cigarette is not a dope fiend, even though misguided individuals in the past have made this association.

There is probably not a single youngster today which believes that smoking one marihuana cigarette will automatically lead him to perdition.

In this situation, it is extremely unfortunate that by the continued, exaggerated emphasis on the supposed dire evils of marihuana smoking, we make it extremely difficult to tell people what the *real* risks of use of specific kinds of drugs are. And there is no doubt that we have already built up in the new generation some of what people of our age absorbed in the days of the Volstead Act. The prohibition syndrome, as applied to marihuana, has already brought about defiance of these specific laws; additionally, it has created in the new generation a credibility gap concerning other laws and law enforcement.

This Committee, Mr. Chairman, is considering various legislative proposals. Other proposals designed to improve control of drug abuse are also before the Congress and have been assigned to other Committees.

I would like to discuss the elements in both the proposals under consideration by this Committee which I would hope to see enacted, and the elements in both that I think could be improved.

I would not favor adoption of either proposal in its present form, without further consideration of medical and scientific data, as well as further consideration of statements made by judges, probation officers, prison officials and others who oppose mandatory minimum penalties on drug offenders.

The principle and the effects of mandatory penalties defeats the whole purpose of treatment and rehabilitation of drug users; it unnecessarily limits the courts and negates the traditional American expectancy that each individual will be heard by a court of law in terms of his intent, the circumstances of his alleged offense, and his potential ability to be rehabilitated.

As a result of my professional experience with drug users sentenced by the courts, I am convinced that the social and psychological damage caused by incarceration is in many cases far greater to the individual and to society than was the offense itself. Each case of drug abuse must be decided separately, from the legal as well as the medical point of view.

From this standpoint, I would favor provisions which would make possible a definite scientifically based determination of the dangers of marihuana use and of the properties of the drug itself.

In regard to the procedures suggested for placing dangerous drugs in specific schedules or classes, I prefer flexible provisions which allow for changes in the class or schedule of a drug, as additional knowledge of that drug becomes available.

Proposals have been made that in establishing drug standards and schedules, the authority to designate rests with the Attorney General. He would be required to request the advice in writing from the Secretary of Health, Education, and Welfare and from a Scientific Advisory Committee whether a substance should be added, deleted or rescheduled as a dangerous substance.

I have two main points to make here, Mr. Chairman. First, it would be preferable to specifically list the professional disciplines of the members of the Scientific Advisory Committee to be involved in decisions about scheduling dangerous substances.

There are nine criteria to be considered with respect to each substance of which the first seven are primarily within the professional competence of the medical, scientific and public health disciplines. The remaining two are primarily legal. Therefore, it would be wise to have the makeup of the committee such that its membership would have professional competence to gauge the criteria.

Changes in scheduling drugs in any piece of legislation can only have real meaning if they are based on research findings. My second point in this regard, therefore, is that social and psychological research on the use and abuse of drugs should remain a medical and health responsibility so that scientific credibility can be established.

As President Nixon has said, "In addition to gathering existing data, it is essential that we acquire new knowledge in the field. We must know more about both the short and long-range effects of the use of drugs being taken in such quantities by so many of our people. We need more study as well to find the key to releasing men from the bonds of dependency forged by any continued drug use.

"The National Institute of Mental Health has primary responsibility in this area, and I am further directing the Secretary of Health, Education, and Welfare to expand existing efforts to acquire new knowledge and a broader understanding in this entire area."

XUM

Similarly, drug abuse education in schools and for health professions should continue to be the responsibility of the health professions. We have long been involved in such education programs and public response to the expanded drug education pamphlets, TV and radio spots and other visual materials indicates that when youngsters get facts instead of hysteria, they pay attention to this information.

The Department of Justice should, of course, have responsibility for the training and education of enforcement personnel, but today's youth are unlikely to accept information on drugs presented by enforcement officials.

I am hopeful that relevant, factual educational programs will begin to become significantly effective in curbing the indiscriminate abuse of all drugs as it has been in reducing LSD use.

No matter what legal reforms are undertaken, this task will be difficult, because the whole problem has gotten out of hand, and the smoking of marihuana has become an accepted fashion among millions of our citizens.

In this situation, the first place in which legal reforms can be made is in the removal of mandatory minimum penalties, in all cases of drug abuse.

I agree with you, Mr. Chairman, as you stated at the White House Conference on Narcotics and Drug Abuse in 1962, that the time has come to correct the mistake that was made with the passage of the Narcotics Control Act of 1956. This Act radically departed from the existing trend in criminal legislation—a trend toward individual treatment of convicted offenders with a view to their eventual rehabilitation.

The Act has deprived Federal judges of discretion in sentencing and requires consideration of an individual defendant on a class basis, rather than in response to his specific circumstances.

XUM

If mandatory sentences really were deterrents to criminal conduct, then there would be little justification for limiting them only to narcotic and marihuana offenders.

Mandatory sentences bear little or no relationship to the public good, to public health or to mental health.

I think it important that the record of this Committee's current hearings include the results of the questionnaire that the *Chairman* of this Committee included in the proceedings of the White House Conference on Narcotics and Drug Abuse.

Its report stated:

"The Commission makes a flat distinction between the two drugs (narcotics and marihuana) and believes that the unlawful sale or possession of marihuana is a less serious offense than the unlawful sale or possession of an opiate.

"The Commission believes that the sentencing of the petty marihuana offender should be left entirely to the discretion of the courts. There should be no mandatory minimum sentences for marihuana offenders and no prohibition of probation or parole.

"The courts should have the discretion to impose a fixed sentence (with eligibility for parole), to suspend sentence, or to impose an indeterminate sentence. The Commission is opposed to mandatory minimum sentences even in the case of multiple offenders."

If one considers the actual application of mandatory penalties when, for example, a twenty-one-year-old College Junior who gives a Freshman a marihuana cigarette and then is subject to a *mandatory* ten years in jail, the scene becomes *absurd* in relation to the size of the problem as well as tragic for the individual person.

As a joint project of the Senate Subcommittees on Juvenile Delinquency and National Penitentiaries, the questionnaire was sent to Federal district judges, Federal chief probation officers, Federal prison authorities and U.S. attorneys, inquiring into the effects of the mandatory minimum sentence provisions, and the elimination of probation and parole in the handling of narcotics offenders.

The results of the survey showed that approximately 75 percent of all those who responded—people who lived with this law from day to day—opposed these two basic provisions of the Act.

James V. Bennett, former Director of the Federal Bureau of Prisons, has stated "there is a real danger that, in the effort to contain the problems which stem from the hopelessness characterizing the attitudes of men with mandatory sentences, much of what has been achieved in the development of constructive programs for all types of prisoners may be wiped out."

I am strongly in favor of the specific recommendations of the Prettyman Commission, made in 1963, in its report to the President. Any legislation designed to control drug abuse should include in its provisions the concepts and recommendations of that Commission.

A *conservative* estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may go as high as 12 million people.

Can you imagine what would happen to the law enforcement and corrections system of this country if each of these 12 million people had been caught by a policeman when smoking his first marihuana cigarette?

It is no wonder that law enforcement officials reportedly stay away from rock festivals and other gatherings where the marihuana smoke hangs heavy in the air and proof of possession is very easily come by.

It is time to change from a prosecution to a public health approach in dealing with drug abuse and especially in cooling the marihuana problem, and I can only repeat what I said 18 months ago to this Committee. If we are to get to the root of this problem of drug abuse, we must be prepared to identify and investigate the underlying problems which lead people to distort or ward off reality with drugs.

Until this is done, nothing said here today will achieve much more than to begin to solve the problem on paper. And since the problem is far more than a "paper tiger", we are faced with the fact that Americans must make a conscious decision relating to their acceptance or rejection of the use of dangerous drugs.

Even if it is found that there are no dire physiological effects of marihuana-smoking, the problem still remains and a decision still has to be made by our society.

To protect the few who are oversensitive to the drug, will society restrict the use of this substance by the many?

Or, in the light of scientific information, our society may choose to remove restrictions and allow the individual to decide.

In my professional judgment, Mr. Chairman, even though marihuana is certainly not the horror it was alleged to be in 1937, it is a drug having a capacity to alter mood, judgment and functional ability. For these reasons, I believe that in the interests of public health, it is necessary—at least for the present—to maintain restrictions on the availability and use of this drug.

Although there are several pathways toward alternative, conscious decisions, any valid decision, I am convinced, must involve the scientific fact of the amount of public danger which exists, and the specific range of risk involved in the use of each drug.

If one-half-of-one percent of the population is at risk, the decision could certainly be different from a situation in which from 10 to 20 percent of the population is at risk.

The most obvious pathways to decisions which must be made very soon, if the uproar over drug abuse is to achieve any significant and acceptable results, are through legal reform and through education.

In considering both of these, however, the time has certainly come to substitute a broad and realistic look at our American society for the tunnel vision on which our legal and moral attitudes to drug use have been founded until now.

We all know, for example, that marihuana-smoking is more than a fad. It is linked with student contempt for the Establishment.

Marihuana-smoking has become a symbol of rejection of things as they are, as well as a sometimes pleasurable experience in itself.

The Chairman of the House Interstate and Foreign Commerce Committee, Mr. Staggers, in commenting on the need for new legislation, said, "Unfortunately, ours seems to be, for many of our citizens, a drug-oriented, drug-taking society. Hourly, television and radio commercials assault our ears extolling the virtues of various drugs. . . . Perhaps this overall orientation contributes to drug abuse among the young.

"Perhaps the problem lies deeper. Our national rate of suicide, alcoholism, violent crime and divorce indicates that a substantial number, and perhaps the majority, of Americans find their social and human environment something less than satisfactory.

"Whether we call it anomie, alienation, or excessive concentration on material values, this dissatisfaction may lie closer to the surface in many than they would be willing (or perhaps psychologically able) to admit. If so, it seems unlikely that laws alone can accomplish what is needed, although increased research on a very fundamental level may point the way."

Dr. Dana Farnsworth, Director of University Health Services at Harvard University and Chairman of the American Medical Association Council on Mental Health, speaking at a meeting of the American Medical Association, said, "Until now, the official attitude has been 'Stamp out drug use and you'll get rid of the problem.' But the use of drugs is not the central problem—it is only a symptom, an index of the confusions and uncertainties which affect increasing numbers of young people.

"Unenforceable laws and inappropriate penalties make a mockery of the whole principle of legal control and provide one more example of the adult world's misunderstanding of the problem."

A 22-year-old former drug addict, it seems to me, expressed a rare depth of perception when he said that the problem "is a problem neither of youth nor one of drugs, but a problem of a whole society and an entire life style shared by young and old alike."

Our life style, in the 1970's, will be characterized by our ability or inability to use the products of our technical ingenuity to help bring about our happiness and well-being.

The current patterns of drug abuse are illustrative of our inability to make the results of our technological skills work for us as servants, rather than as masters.

As science continues to offer an ever-widening choice of chemicals designed to modify emotions and behavior and to enable us to cope with our environment, ways are being found to use them detrimentally. Our ingenuity, to date, has outrun our wisdom; we have yet to find the restraint to limit ourselves to constructive uses of these products.

The first place in which legal reforms can be made is in the removal of mandatory minimum penalties in all cases of drug abuse.

If this were done, it is quite possible that this one, major step toward accommodating the law to the realities of drug use might also initiate a stepping stone toward a greater respect for the law generally, if those laws were just and relevant.

Such a legal reform would eliminate one of the major causes of defiance brought on by the violent rejection by youth of what they see as our society's hypocrisies. And certainly, such a reform would capture the attention and, I am sure, a large amount of cooperation among the young people who smoke marihuana, as well as their parents, their teachers, and the courts.

If these millions of young people were convinced that efforts to reform the drug laws were sincere and based on scientific fact and evidence, I feel confident that they would be more receptive and less cynical about information about possible harmful effects of drugs.

There is no doubt that the scare techniques which have been used in the past have now been discredited. And the resultant disbelief in much of the information provided by any persons in authority on many subjects should teach us that the *abuse of known information* is worse than the lack of any information at all.

In our search for information about man's behavior, many of us at the National Institute of Mental Health are relating the problems of some types of drug abuse to a more general question. What is the best way of handling "crimes without victims"—those situations in which an individual, at most, is harming himself?

Do these belong in the criminal code, or should they be handled in another way?

This is a philosophy, in considering man's conduct, that is worthy of serious research and discussion.

As an initial step toward fundamental changes which must be forthcoming in changing the rules of our way of life, the members of Congress and others who share the authority to do so have an immediate opportunity to revise the procedures for punishment. Society can then begin to devise procedures for protection, acceptable not only to tradition but also to our restless, rebellious, but *thoughtful* young people who have had enough of rhetoric and empty promises.

1. What are the most recent trends in marihuana and dangerous drug abuse throughout the country as indicated by your studies?

Although drug abuse varies in different regions and is contingent upon many factors such as available supplies, and what is "in," certain nationwide patterns of drug abuse are discernible. The use of marihuana and, its more potent resin, hashish, is on the increase. This is true for the total numbers of people involved, and the increasing youthfulness of smokers. It is also true for numbers of arrests for cannabis violations.

In one urban university that was sampled in 1967, 21 percent had reported some previous experience with marihuana. In 1968 the same sample was retested and 57 percent had tried the drug. It was estimated by the authors that by 1969, 70 percent would have used the drug. In 1967, 4 percent reported regular use (potheads). By 1968, 14 percent indicated regular smoking of marihuana.

The psychedelics like LSD and STP are still being used. However, LSD use has leveled off or actually decreased. Many factors contribute to this change in the incidence of LSD consumption, one of the more important ones being the increased evidence from research and from medical data of the dangers of this drug.

The abuse of amphetamines is increasing. There are two major kinds of stimulant abuse, the unsupervised use of pills in relatively low doses, and the injection of large amounts intravenously. The first type of misuse occurs at all age levels. The "mainlining" activity is predominantly an abuse by young people. The dangers of injecting enormous amounts of "speed" are paranoid psychosis, assaultiveness, malnutrition, possible brain damage, and hepatitis.

Barbiturates and other sleeping pills are being taken in excessive amounts by all age groups. They are often combined with the amphetamines. We have recent reports of an increase in sedative use by the drug-using subculture, although amphetamines and marihuana remain their drug of choice.

Narcotics, predominantly heroin and opium, are increasing in use. While at one time heroin addiction was a disease to be found in the ghetto, more recently it has been observed among middle and upper class adolescents. In surveys of young people, 2.5–5 percent of *regular* marihuana users have *tried* heroin.

Social scientists who observe the drug panorama are in general agreement about the issue of multiple use of drugs. Habitual marihuana users will invariably try hashish, which is 3–4 times stronger. They are often attracted to LSD and other hallucinogenic drugs. Pep pills, like the amphetamines, are used by $\frac{1}{3}$ to $\frac{1}{2}$ of "potheads," and some of these go on to injecting amphetamines. The escalation to heroin is infrequent, but it certainly occurs. A very bizzare and dangerous phenomenon is the ingestion, injection or inhalation of all sorts of odd chemicals, not only those mentioned above, but also model airplane glue, nutmeg, Jimson weed, lacquer thinner, freon spray, cough syrup, etc. Fortunately, only a few, very disturbed individuals are involved in this smorgasbord drug taking.

2. What is the extent of marihuana usage among high school and college students during the past 18 months?

It is estimated that more than a third of all college students have used marihuana at least once. The prevalence in junior high schools and high schools vary with the locale. In the inner city schools the percentages are highest, in suburban schools they are less, but increasing. In rural and small town schools, the numbers are low. Some metropolitan grade schools are reporting occasional marihuana experimentation.

TABLE I.—ONE SURVEY OF MARIHUANA USE AMONG 30,000 HIGH SCHOOL AND JUNIOR HIGH SCHOOL STUDENTS IN A WESTERN STATE—GRADES 7 THROUGH 12 IN 1969

[In percent]

Grade	7	8	9	10	11	12
Boys:						
Once	10.9	23.9	34.9	41.7	41.5	50.1
10 plus	4.1	11.6	20.2	25.7	30.3	33.9
Girls:						
Once	10.7	21.8	31.8	35.5	38.3	37.6
10 plus	1.7	7.4	18.0	21.2	23.3	22.3

SENIORS (GRADE 12) ONLY—1968-69

[In percent]

	1968	1969
Boys:		
Once	45.6	50.1
10 plus	25.6	33.9
Girls:		
Once	31.9	37.6
10 plus	17.4	22.3

Note.—Additional nationwide and regional surveys have been funded.

3. What is the ability of the Federal government to handle narcotic addicts under the provisions of the 1966 Narcotic Addict Rehabilitation Act?

By June 30, 1969, after a year-and-a-half of operations, 1,071 addicts were in treatment in our institutions at Lexington and Fort Worth. An additional 1,059 addicts had not been accepted after 30 days examination and evaluation period. These were patients with difficult problems who could not be treated with the currently available numbers of staff personnel.

It is projected that by 1975, an estimated 10,000 patients will be in treatment under Titles I and III of the Act. Six community treatment programs for narcotic addiction were funded in FY 1968 and are in operation, and ten more were in treatment at six Centers funded under the NARA provisions. By next year, the ten Centers funded in FY 1969 will be treating an additional 5,400 addicts. By the end of calendar year 1970, about 9,000 patients will be in treatment in these community centers.

TABLE II.—PATIENT LOAD EXISTING AND PROJECTED NARCOTIC ADDICT TREATMENT FACILITIES

	Actual, June 1969	Projected, 1970
A. Centers funded under Public Law 89-793 (sec. 402):		
Philadelphia, Pa	522	
New Haven, Conn	580	
Chicago, Ill	505	
St. Louis, Mo	232	
Albuquerque, N. Mex	109	
New York, N.Y		1,300
Total	1,948	
B. Facilities funded under Public Law 90-574 (sec. 251):		
Baltimore, Md		150
Kansas City, Mo		150
Boston, Mass		750
Jersey City, N.J		1,200
Hartford, Conn		300
San Antonio, Tex		450
Eagleville, Pa		400
West Philadelphia, Pa		900
Marlboro, N.J		300
San Juan, P.R		200
Brooklyn, N.Y		600
Total		6,700
Total actual 1969 and projected 1970		8,648

Note: Obviously, State, county, city, and private agencies must continue and increase their efforts to treat the addict in addition to the Federal effort.

Commitments to NIMH narcotic addict rehabilitation program (actual and projected)

Referred for examination and evaluation	4,267
Patients committed:	
Title I	171
Title III	2,236
Total	2,407

ACTUAL AND PROJECTED COMMITMENTS TO THE NARCOTIC ADDICT REHABILITATION PROGRAM, FISCAL YEARS 1968-70[1]

	1968	1969	1970
Total addicts referred for examination and evaluation	385	2,236	4,267
Tota addicts committed for treatment and rehabilitation	210	1,126	2,407
Title I (in lieu of prosecution)	(29)	(80)	(171)
Title III (voluntary commitments)	(181)	(1,046)	(2,236)

[1] Cumulative number of patients at the end of each fiscal year.

Narcotic addict rehabilitation program (actual and projected patient loads)

In-patients	1,429
Aftercare patients	8,777
Total	10,206

XUM

ACTUAL AND PROJECTED PATIENT LOADS FOR THE NARCOTIC ADDICT REHABILITATION PROGRAM, FISCAL YEARS 1968–75

	1968	1969	1970	1971	1972	1973	1974	1975
Inpatients[1]	362	557	821	1,017	1,312	1,463	1,456	1,429
Aftercare patients[2]	20	514	1,617	3,321	5,115	6,877	8,111	8,777
Total, NARA patients	382	1,071	2,438	4,338	6,427	8,340	9,567	10,206

[1] Includes addict patients undergoing examination, evaluation, and treatment at the clinical research centers and in community contract agencies at the end of each fiscal year.

[2] Includes total number of addict patients receiving rehabilitation services in community contract agencies at the end of each fiscal year.

4. What is the capability of the Government to effectively handle the rehabilitation of increased numbers of narcotic offenders which would result from the broadened provisions of the proposed Act?

Given present funds and personnel ceilings, any increase in patients will result in a reduction of staff to patient ratio with less individual care. At present the capability of the two Federal Clinical Research Centers at Lexington and Fort Worth is overtaxed. Only 52% of those committed can be retained for treatment because of staff shortages. The remaining 48% represent the poorly motivated or unmotivated, and about a doubling of our staff would be required to deal with these very difficult problem patients. We are actively seeking inpatient community facilities to take over a part of the present hospital load. These community inpatient facilities will have to be increased along with an expansion of the aftercare program if increased numbers of addicts become eligible. If the eligibility requirements of NARA were changed as proposed in S. 1895, we estimate that an additional 350 addicts per year would be committed for examination and evaluation. This includes those addicts charged with burglary, those who have failed after three or more civil commitments and those who have had two or more felony convictions. We would anticipate that these addicts will pose challenging and difficult problems in rehabilitation.

5. In terms of your experience, what have been the effects of the increasingly permissive or tolerant attitude toward marihuana of certain segments of the public?

Neither overpermissiveness nor overpunitiveness is a helpful attitude in dealing with the marihuana problem. As indicated, increasingly large segments of our people, particularly young people, are using marihuana.

This increase in use occurred in the face of the most harsh and restrictive laws, where penalties were meted out that are equalled at no other place in the criminal code. At our level of knowledge we cannot support overpermissive attitudes, for example, the legalization of marihuana. It would be just as bad to rush into legalization as it was to rush into the overpunitive approach in 1937, without any scientific basis for the action.

6. Is there any justification for decreasing any of the presently applicable penalties for marihuana law violations?

It is evident that the very stringent penalties for possession of small amounts of marihuana have not deterred millions of users. From anonymous questionnaires we learn that legal sanctions are rarely a deterrent to marihuana use. Some young people do abstain out of fear or respect for the law, but just as many seem to smoke marihuana as an act of defiance. Mandatory prison sentences are particularly pernicious for the person who experiments with marihuana.

The recommendations made to the President by the Prettyman Commission in 1963 should be adopted. The report stated: "The Commission makes a flat distinction between the two drugs (narcotics and marihuana) and believes that the unlawful sale or possession of marihuana is a less serious offense than the unlawful sale or possession of an opiate."

The health dangers inherent in the use of narcotics and marihuana differ considerably. A reassessment of this inequity is in order. This important question merits the most thoughtful and careful consideration.

7. Should more of the overall drug abuse control problem be delegated to scientists and practitioners in the fields of medicine (particularly psychiatry), education, research and others?

Yes. Drug abuse is a public health problem and the effective control of drugs requires that decisions regarding the nature of each drug, its characteristics and its dangers should be made by medical and other scientific disciplines competent to judge the criteria for such determinations.

President Nixon, in pointing out that effective control of illicit drugs requires the cooperation of many agencies, said, "At the Federal level, the burden of the Federal effort must be carried by the Departments of Justice; Health, Education, and Welfare; and the Treasury.

"It has been a common oversimplification," the President said, "to consider narcotics addiction or drug abuse to be a law enforcement problem alone."

As proposed in the Bills under discussion here, a Scientific Advisory Committee should be involved in decisions about scheduling dangerous substances.

It would be preferable to specifically list the professional disciplines of the members of the Scientific Advisory Committee. S. 2637 establishes nine criteria to be considered with respect to each substance. The first seven are primarily within the professional competence of the medical, scientific and public health disciplines.

Therefore, it would be wise to have the makeup of the committee such that its membership would have professional competence to gauge the criteria.

Drug research has been designated as the responsibility of the National Institute of Mental Health. Such research, including psychological and social investigations and studies, should remain in medical and health responsibility so that scientific credibility can be established.

Mr. DODD. Mr. President, his testimony is of considerable importance to the bill before the Senate, the Controlled Dangerous Substances Act, as it contains the latest scientific information on marihuana at this point in time. Further, Dr. Yolles' statement substantially supports the proposed legislation.

Of course, Dr. Yolles recommended the elimination of mandatory minimum sentences.

Dr. Sidney Cohen, the Director of the Division of Narcotic Addiction and Drug Abuse at the National Institute of Mental Health, recommended that penalties for the possession and use of marihuana and other drugs be lowered to the level of misdemeanors.

Dr. Roger O. Egeberg, Assistant Secretary and the chief witness for the Department of Health, Education, and Welfare also supported the penalty structure which is now a part of S. 3246.

I believe the penalties we have proposed are neither too high nor too low.

I think they achieve the purpose of reestablishing the authority and discretion of the judges to impose penalties based on the merits of the individual case before the court.

I for one believe that these are the penalties which should be adopted in this bill.

Finally, Mr. President, I would summarize my position this way. The Hughes amendment reducing the penalties for illegal possession of marihuana to 6 months imprisonment and $2,500 in fines for first offense conviction, must be rejected.

Such an amendment cannot be substantiated from the record.

S. 3246 reduces possession violations to misdemeanors—terms of imprisonment not exceeding 1 year.

Such a reduction is reasonable and proper.

Present Federal law provides for mandatory 2-year terms upon first offense conviction for possession of marihuana.

A great stride has been made pursuant to the provisions of S. 3246 reducing these penalties to misdemeanors.

Further reduction of penalties is not reasonable, rather it is arbitrary.

Under S. 3246, the judge may suspend the sentence and impose probation.

He may impose no sentence and just fine the convicted person.

Thus there is ample latitude for judicial discretion under the possession penalties of S. 3246.

The Marihuana Study Committee authorized by S. 3246 will bridge gaps in existing knowledge about marihuana and then if the evidence justifies it, penalties can be further reduced.

To do so now is unwise.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. Mr. President, I would like to make a few additional remarks. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. HUGHES. Mr. President, although the question of alcohol is not raised here—I am not attempting to raise it; and I recall the testimony of Dr. Yolles that we could not compare marihuana with alcohol—in many cases alcohol is addictive and creates a psychological dependence. Many violent crimes in this country are carried out under the influence of alcohol. Over 25,000 people a year are dying on our highways in alcohol-related instances. Yet we treat this drug—and it is a drug—in such a way that we have a series of penalties that are not, by comparison, severe for the first offense.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which shows the penalty for possession or purchase of liquor by a minor, the penalty for falsifying age, the penalty for an adult selling liquor to minors, and the penalty for an adult providing liquor to minors.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

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State	Age	Penalty for possession or purchase of liquor by minor	Penalty for falsifying age	Penalty for selling liquor to minors	Penalty for adult providing liquor to minors
Pennsylvania	21	Fine, $100 to $300 or jail for 6 months.	Same as possession	Fine, $100 to $500 possible suspension or revocation of license.	Same.
Washington	21	Fine up to $300 or jail for 2 months	Same	Fine, same	Do.
Oklahoma	21	Fine up to $500	do	Fine up to $5,000 or jail for 5 years	Do.
Florida	21	Fine up to $250 and/or jail for 3 months.	do	Fine up to $500 and/or 6 months in prison.	Do.
Utah	21	At the discretion of the court	Fine up to $100 and/or 30 days	Not less than 30 days nor more than 6 months.	Do.
Iowa	[1] 21	Fine up to $100 and/or jail for 30 days.	Same	Fine, $300 to $1,000	Do.
California	21	Fine up to $100	do	Licence suspended for 15 days	Fine up to $500 or 6 months.
New York	18	Fine up to $500 or 1 year in jail.	$10 plus 1 year probation	Fine up to $500 or not more than 1 year.	Not more than 1 year.

[1] Some exceptions

Source: The Liquor Law Reporter, Commerce Clearing House.

Note: Major penalties are provided for people who sell or provide liquor to minors. In general lesser penalties are applied to illegal users themselves.

Mr. HUGHES. Mr. President, the chart which I have had printed in the RECORD shows that for a first offense the purchase of alcohol by a minor in Pennsylvania, the penalty is a fine of $100 to $300 or 6 months in jail; in Washington it is a fine of $300 or jail for 2 months; in Oklahoma it is a fine of up to $500; in Florida it is a fine of up to $250 and/or jail for 3 months; in Utah the penalty is at the discretion of the court; in Iowa it is a fine of up to $100 and/or jail for 30 days; in California it is a fine of up to $100, and in New York it is a fine of up to $500 or 1 year in jail. What we should do in connection with marihuana is to place the penalties correspondingly. I realize that the subcommittee of which the distinguished Senator from Connecticut is chairman and the Committee on the Judiciary attempted to do that. I compliment them for going as far as they went. I feel we should go further, and I differ with them that they have gone far enough.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I would be willing to yield back all time, if the Senator from Iowa would.

Mr. HUGHES. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUGHES. I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 456) of the Senator from Iowa (Mr. HUGHES), as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote, I have a pair with the distinguished Senator from Connecticut (Mr. RIBICOFF). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore. I withdraw my vote.

I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Californa (Mr. MURPHY), the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 24, nays 58, as follows:

[No. 20 Leg.]

YEAS—24

Brooke
Byrd, Va.
Case
Church
Goodell
Harris
Hart
Hughes
Inouye
Jackson
Magnuson
Mansfield
McCarthy
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Sparkman
Williams, N.J.
Young, Ohio

NAYS—58

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Cannon
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gore
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Miller
Pearson
Percy
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—17

Anderson
Cranston
Dominick
Fulbright
Gravel
Hartke
Javits
Kennedy
Mathias
Moss
Mundt
Murphy
Packwood
Prouty
Ribicoff
Smith, Ill.
Tydings

So the amendment (No. 456) was rejected.

Mr. HRUSKA. Mr. President, as we enter the decade of the seventies, it is natural for us to examine the problems and difficulties of the sixties and seek solutions for them so that life in the coming decade will be better than it was in the past.

What are these problems? They are, of course, legion and not subject to any broad brush approach. Each must be met directly and resolved individually.

The Senate today has before it a bill which I believe will be a significant step toward solving one of the very difficult problems of our time—the problem of drug abuse.

As you will recall, last July President Nixon sent a message to Congress which contained an aggressive and comprehensive program to combat the national problem of drug abuse. In that message, the President said:

> Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to . . . millions of Americans.
>
> A national awareness of the gravity is needed.
>
> A new urgency and concentrated national policy is needed at the federal level to begin to cope with this growing menace to the general welfare of the United States.

Based on my continuing interest in this problem over the years, I know that what the President said is true.

Mr. President, I cannot overestimate the threat that narcotics and dangerous drugs pose to the mental and physical health of the Nation; especially to our young people who are, in frighteningly increasing numbers, turning to marihuana, hard narcotics, and other dangerous drugs as a way of life.

All too many of our young people look to drugs for various reasons: for excitement, for experimentation, or for physical escape; for curiosity; or to "belong." All sections of our country are affected: the suburbs and the inner cities, the colleges, and even the high school campuses.

Most public concern is directed at the more well-known substances, such as heroin and marihuana. While these substances continue to be a real danger, there is also a rising abuse of other dangerous substances such as the barbiturates and amphetamines.

Let there be no mistake or misunderstanding about the gravity of this problem. It is extremely serious. The available statistics are shocking and more than substantiate our current fears.

The FBI Uniform Crime Reports show that the total number of narcotic and marihuana arrests in the United States have increased from 9,863 in 1958 to 162,-

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177 in 1968, the last full year available for comparison.

By age classification, the FBI reports show that in 1958, 3.8 percent of the persons arrested for drug violations were under 18 years of age, 14.7 percent were under 21, and 35.1 percent were under 25.

Ten years later, in 1968, narcotics arrests showed that 26.6 percent of those arrested were under 18, 56.5 percent were under 21 and 76.6 percent were under 25.

In 1958, there were virtually no reported drug arrests of persons under 15 years of age while in 1968, about 3 percent of those arrested were 15 years of age or younger.

The dangers inherent in drug abuse are not limited to the user but constitute a threat to society as well.

Mr. President, a person who is addicted to drugs, especially hard narcotics such as heroin, usually starts his habit by ingesting a small amount of the substance into his system for relief from the cares and problems of his world or sometimes just to try something different. These addictive drugs have an adverse effect on the individual's system which results in a degree of immunization to the drug. In order to enjoy the pleasures of past experiences, the user must ingest progressively more and more of the drug. In a very short time, he becomes absolutely dependent, physically and emotionally, on the drug. At this point, he will get more of the drug no matter what the price, and the price is high. In order to support a habit, an addict will do most anything to raise the necessary money. This usually leads to a life of crime, since an average person simply cannot support a habit which can cost $40 or $50 a day on an ordinary salary.

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The addict becomes alienated from his family, his friends and from society in general and begins to live for the drug.

Mr. President, drug abuse is a grave problem and a solution must be found or it will grow worse. The bill before the Senate, S. 3246, constitutes a giant step toward this needed solution.

The purpose of this bill is to consolidate and rationalize the patchwork of existing legislation and to bring about some needed changes so that our basic Federal statutory tool is as effective and as up to date as possible. The bill represents a codification, a modernization, and a simplification of existing Federal narcotic and dangerous drug laws. But we are not merely redecorating the existing legal structure. Rather, we have laid a new foundation; enacted thereon a sound framework within which a firm but sensible Federal drug policy may be carried out, and we have topped it all with long-needed law enforcement tools.

Yet, this new law will be flexible enough to accommodate changes brought about by increased knowledge gained through research and the development of new drugs. It will also accommodate changes in the habits, attitudes, and activities of our population and our national goals and international obligations.

This bill consists of nine titles. It constitutes a combination of the best features of S. 1895, which was introduced by the distinguished Senator from Connecticut; S. 2590, which was introduced by the distinguished Senator from Utah; and S. 2637, which was introduced on behalf of the administration by the late minority leader, Senator Dirksen, and myself. This bill also includes some provisions which were not in either. I shall now proceed to discuss briefly each of the titles of the bill.

TITLE I—FINDINGS AND DECLARATIONS, AND DEFINITIONS

Mr. President, title I of S. 3246 succinctly sets out the constitutional basis on which this legislation is to be grounded; namely, the authority of Congress to control interstate and foreign commerce and to protect the general public health and welfare. It is important to note that this is in line with contemporary thinking and a departure from many existing drug control measures which implement Congress constitutional authority to lay and collect taxes. Past experience with the Harrison Narcotic Act of 1914 and the Marihuana Tax Act of 1937 has demonstrated that taxing measures to control drugs are extremely cumbersome and quite often ineffective, if not unconstitutional.

In addition, title I also contains the many definitions necessary for the successful implementation of the bill. Many of these definitions are carried over from existing law. Others are new and are designed to clarify and distinguish those individuals who are intended to be included within the scope of the bill. Many participants in the hearings before the Subcommittee To Investigate Juvenile Delinquency voiced objection to the inclusion of certain classes of persons, pharmacists, physicians, and researchers to name a few, within the scope of coverage. However, the evidence and testimony adduced clearly indicates that many of these individuals pose a great source of diversion of dangerous substances into other than legitimate channels. The evidence gathered clearly warrants their being made subject to the regulatory controls imposed by later titles of the bill. This is particularly true in light of the fact that approximately 90 percent of all stimulant and depressant drugs found in illicit channels were legitimately manufactured here in the United States. We must bring this illicit diversion of drugs to a halt. Making all persons who in any way deal with these dangerous substances subject to the regulatory controls of the bill is one of the best ways I can think of to protect against this diversion.

TITLE II—STANDARDS AND SCHEDULES

Mr. President, title II of the bill vests the authority to control those drugs enumerated as controlled dangerous substances within the Attorney General. He may add, delete, or reschedule a drug within any one of the four schedules listed either upon his own motion or that of any interested party. However, before undertaking to bring a drug under control or remove a drug from control, the Attorney General must first consider the advice of the Secretary of Health, Education, and Welfare and that of the Scientific Advisory Committee established under title VI of the bill. This proviso should be more than adequate to insure the necessary input of scientific and medical data into the Attorney General's determination as to whether or not a particular drug should be brought within the controls imposed by the bill.

Any statement that the control of dangerous drugs under this bill is purely a scientific and medical determination is not necessarily a true one. While no one would question that a preliminary determination of abuse potential, one of the criteria to be considered in making the determination to control a particular drug, is the necessary trigger that sets in motion any decision for subsequent control, it is, however, only a trigger. This preliminary determination will be made by the Scientific Advisory Committee which is a group of qualified scientists drawn from a list prepared by the National Academy of Sciences. The input from this level comes in not only from the Department of Health, Education, and Welfare, but from the academic community and other agencies. In short, all the basic information, medical, scientific, and actual abuse flows to the committee from many diverse sources.

The committee itself, as an independent body, makes its recommendations. Once such recommendations are made, it is a policy determination as to whether or not a drug should be controlled. At that point in time, since the control of the drug will require enforcement, it is necessary to evaluate that recommendation, along with practical problems of enforcement, to determine whether the drug should be placed under control. This is not something that the Secretary of Health, Education, and Welfare is as qualified to perform as is the Attorney General.

The Department of Health, Education, and Welfare is not enforcement oriented as has been clearly pointed out in the staff papers. Yet, the control of a dangerous drug is an enforcement matter since such control results in investigations and regulations to insure against illicit diversion and illicit trafficking. The control of a particular drug also can raise antitrust considerations, as well as international questions. All these factors must be brought together and decided upon. The Attorney General is best able to make such a judgment and in point of fact, has been doing so at the present time.

As well as providing for the necessary scientific and medical input into the Attorney General's determination to control a drug, title II in addition sets out nine criteria he must consider before bringing any substance under control. These include such things as the drug's actual or relative potential for abuse, evidence of pharmacological effects, the risk to public health, obligations of the United States under international treaties and conventions, and the drug's addiction sustaining qualities.

All the drugs enumerated under title II, and thus subject to control, are listed in one of four schedules. Each schedule has its own set of criteria and any drug must meet these criteria before they can be included within the particular schedule. Examples of these criteria would be the degree of potential for abuse, acceptability of medical use in the United States, and the degree of safety involved in using the particular drug.

Schedules I and II, over which the most stringent controls are placed, contain the narcotics and the hallucinogenic drugs. These are the drugs with the highest abuse potential and little or no accepted medical use in this country. Marihuana is included in schedule I since it comes squarely within the criteria of that schedule. Bear in mind, however, and as I will point out in a moment, these schedules serve a twofold purpose. The schedules are set up to determine what regulatory controls will be applicable but, in addition, they serve to plug into the penalty structure of title V for determining what type of penalty will be imposed for violations of the act.

Schedule III contains what are presently known as the class B narcotics, which have a relatively low abuse potential, and the stimulant and depressant drugs. Schedule IV contains the exempt narcotic preparations which are the over-the-counter cough preparations and such other drugs as paregoric.

It is important to note that these schedules are flexible to a degree in that the Attorney General is allowed to move drugs within the various schedules with the exception that he cannot summarily remove a drug from schedule I, which has the most stringent controls imposed over it, directly to schedules III or IV, which contain less dangerous substances and are subject to less stringent control. The Attorney General can, however, remove a substance from Schedule I and place it in Schedule II should the need arise.

One must keep in mind, however, that a drug must meet the criteria demanded of the particular schedule before it can be placed in it.

TITLE III—INDUSTRY REGULATION

Mr. President, title III sets forth the provisions which will govern the legitimate manufacture, distribution, and dispensing of controlled dangerous substances. All persons, except those few specifically exempted, who manufacture, distribute, or dispense controlled dangerous substances must register with the Attorney General. To do so, strict standards must be met by the applicant for registration, including such things as maintenance of effective controls against diversion, compliance with State and local law, prior conviction record relating to controlled substances, and past experience in the manufacture or distribution of these substances.

I do not think anyone would seriously question the necessity for requiring registration since it is perhaps the only means of ascertaining all those individuals who are dealing in controlled drugs. If we are to protect against drug diversion it becomes vitally important to know of all those persons and establishments who are legitimately dealing in controlled substances.

There are also provisions within title III allowing for a suspension or revocation of a registration by the Attorney General. However, he is not accorded a free rein in that a registration can only be suspended or revoked if the applicant is found to have falsified his application; or been convicted of any felony relating to controlled dangerous substances under either Federal or State law or has had his State license or registration revoked and is no longer permitted under State law to manufacture, distribute, and dispense controlled dangerous substances. This provision is important since it allows the Attorney General to purify the registration lists should the need arise.

In addition to permitting revocation or suspension of a registration only on the happening of any of these three enumerated contingencies, additional safeguards require the Attorney General to give the registrant notice of his intent to revoke or suspend and afford the registrant an opportunity to be heard. This is really only a codification of those procedures required by the Administrative Procedures Act and our Constitution.

Incumbent on all registrants under the bill are the recordkeeping and biennial inventory requirements. If and when the bill becomes effective, all registrants will be required to inventory and record all stocks of controlled dangerous substances on hand. This will establish a base line for future inventories, which will be required every 2 years at the time of the registrant's regular fiscal inventory. The requirement of records and inventories will enable the Attorney General to easily pinpoint possible sources of diversion by such means as accountability audits and thus should serve as an effective deterrent against diversion.

Provisions requiring narcotic drugs to be distributed only pursuant to an order form have been carried over from existing law with the exception that hallucinogenic drugs have been included under the order form requirements of the proposed bill while the class B narcotics have been excluded since their abuse is no longer of such a degree as to warrant the imposition of order form requirements.

Prescriptions are required for the dispensing of schedules II and III substances. However, to conform with common and accepted practice, in emergency situations, oral prescriptions will be permitted for dispensing schedule II narcotics provided certain requirements are met. In addition, limitations are imposed on the number of times and the time span within which a prescription may be refilled.

TITLE IV—IMPORTATION AND EXPORTATION

Mr. President, title IV sets out the provisions relating to the importation and exportation of drugs under control. While for the first time the Attorney General will be authorized to import narcotic drugs, he will only be able to do so upon the happening of either of two specific events. He must either find that there is an emergency situation and that domestic supplies are inadequate, or that there is inadequate competition among domestic manufacturers which cannot be remedied by the registration of additional manufacturers.

In addition, new and stiffer restrictions are imposed upon the exportation of any controlled dangerous substance. Such restrictions should significantly decrease the flow of illicit drugs at this country's borders, especially in the situation which exists now where drugs are legitimately exported from this country only to be smuggled back in and distributed into illicit channels.

TITLE V—OFFENSES AND PENALTIES

Mr. President, title V sets out the penalties imposed for violations of the various provisions of the act. These changes in the penalty structure were not decided upon arbitrarily, but were the result of careful examination of the relevant facts. The Subcommittee To Investigate Juvenile Delinquency has for several years followed the drug abuse problem very closely, receiving testimony from persons knowledgeable in all aspects of the problem. In this regard, we have over the past several years heard the testimony of law enforcement officials, government officials, scientific experts, physicians, psychiatrists, college professors, and students. We have also heard from addicts and other drug abusers.

The evidence which we have received shows that the severe penalties imposed under existing laws have failed to deter drug abuse. In fact, the opposite is true. Abuse of drugs, especially marihuana, has increased dramatically in recent years.

When Attorney General Mitchell testified before our subcommittee last September, I presented him with my reservations about the effectiveness of the present severe penalties. It was pointed out that the State of Nebraska had enacted legislation to reduce a first offense for marihuana abuse to a misdemeanor, and urged him to consider following this lead.

The administration responded to these and similar arguments by agreeing to reduce and modify the penalty structure substantially. This action, by the administration, was, of course, personally gratifying. More important, however, it showed the commitment of the Nixon administration to have enacted legislation which is responsive to present day needs.

Mr. President, I hasten to add that while the penaltiy provisions contained in this bill are tough, they are also rational and credible. The penalties are tailored to fit the crime and the person who committed that crime. Harsh penalties are leveled against the person who traffics in drugs as part of a continuing criminal enterprise. These are found in section 509, which is a new concept designed to put the professional criminal out of business. If we can immobilize the professional criminal, we will take a giant step toward solving the drug abuse problem in this country.

This is what section 509 is all about. It is directed at the professional criminal and is designed to make the cost of doing business too high for him to continue in operation.

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Under the provisions of this section, when the Attorney General is able to build a drug abuse felony case against a known professional, the court can consider the special penalty provisions applicable.

After the defendant has been convicted, a separate presentencing procedure is held. If the court finds by a preponderance of the evidence that the defendant is a professional criminal, as defined in detail in the bill, it can in lieu of the normal penalty provided by law, sentence that defendant to a minimum of 5 years in prison or up to life and a fine of $50,000 for a first offense. In addition, the defendant will forfeit to the United States all illegal profits no matter how disguised or where invested.

The above section is, of course, subject to the very precise standards and the proceedings under it are subject to court review.

Mr. President, the enactment of S. 3246, with section 509, will serve notice on the professional criminal that his profession is no longer acceptable, no longer safe, and no longer profitable.

As I mentioned earlier, the drug schedules also serve the function of determining what penalties are to be imposed for particular offenses. Ordinary traffickers in schedules I and II narcotics will be subject to a term of imprisonment for up to 12 years, a fine not exceeding $25,000, or both. In addition, a judge must impose a 3-year special parole term, which is a relatively new concept, but one which will provide necessary postincarceration supervision.

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Trafficking offenses involving hallucinogenic drugs, which include marihuana, and stimulant and depressant drugs are punishable by imprisonment for up to 5 years, a fine not exceeding $15,000 or both. An additional 2-year special parole term must also be imposed.

An additional provision provides that distribution of small amounts of marihuana for no or insignificant remuneration is punishable by imprisonment for up to 1 year. This is intended to cover quasi-donative transfers such as where a friend gives another a few marihuana cigarettes for nothing or for enough money to cover the cost of the marihuana.

Possession offenses are subdivided into two types—possession with intent to distribute, which is a felony and treated the same as a trafficking offense; and simple possession for one's own use, which is accorded misdemeanor treatment, regardless of the drug involved.

Other penalty provisions of the bill relate to offenses committed by registrants. If the offense is committed unknowingly or unintentionally, only civil fines are imposed. However, for willful violations, criminal sanctions will be imposed.

Second and subsequent offenses will generally be punishable by up to twice the penalty provided for first offenses.

In achieving a more rational penalty scheme, provisions have been made for allowing first offender treatment in cases of first offense, simple possession. Under this provision a judge may, in his discretion, place a first offender on conditional probation if he pleads guilty or is convicted of simple possession. Upon fulfillment of the conditions imposed, the defendant will be discharged and the proceedings against him dismissed. If he is under 21, all official records of his arrest and conviction must be expunged and he will not have to acknowledge his prior conviction in any inquiry for any purpose.

TITLE VI—ADMINISTRATIVE PROVISIONS

Mr. President, title VI sets out the administrative provisions necessary for the successful implementation of the bill. Of key importance are the sections authorizing the Attorney General to conduct educational and research programs and establish cooperative arrangements between Federal, State, and local law enforcement agencies.

Under the former section, the Attorney General is authorized to establish methods to assess the effects of controlled dangerous substances and to identify those drugs found to have a potential for abuse. This authorization is absolutely essential since the Attorney General is charged with the responsibility of determining whether or not to bring a drug under control. We cannot allow him to operate in the dark. We must give him sufficient latitude to gather, sift, and evaluate all those facts necessary to making a rational control determination.

In an effort to prevent stifling of research, this section also permits the Attorney General to authorize the possession and distribution of controlled substances by researchers and the withholding of names or identifying characteristics of research subjects.

Section 603 will for the first time establish cooperative arrangements between Federal, State, and local law enforcement personnel. As well as making for a more unified and concerted effort in combating drug abuse, this section will also provide the vehicle by which the first accurate assessment of the total drug abuse picture can be made.

Other provisions of title VI provide for the establishment of the Scientific Advisory Committee, which will advise the Attorney General as to the merits of bringing a particular drug under control; administrative hearings; the issuance of subpenas; and judicial review.

TITLE VII—ENFORCEMENT PROVISIONS

Mr. President, this title contains perhaps the most controversial provision in the entire bill; namely, the provisions authorizing officers under certain circumstances to execute a search warrant without knocking or announcing their authority and purpose. I think my views and support of this provision were made clear yesterday, and I feel no need to reargue the matter at this time. Let it suffice to say that I think the provision is clearly within the bounds of reasonableness prescribed by the Constitution and would prove to be a very effective, if not essential, law enforcement tool.

I hasten to add that there are other provisions contained in title VII which are equally as important but which have been clouded over by the present controversy over the no-knock section.

The sections providing for administrative inspections and warrants and for the forfeiture of the vehicles used by the drug trafficker in carrying out his vicious trade all will contribute most significantly to the effective enforcement of this bill.

The section on administrative inspections and warrants is a codification of two recent decisions by the U.S. Supreme Court which held that, in general, administrative inspections must be conducted pursuant to a warrant where the person in control of the premises refuses entry to the officers. This is the case even though there is a statute authorizing such an inspection. What section 703 does is to codify the criteria laid down by the Court for establishing probable cause, and the procedures which must be followed in executing any administrative inspection warrant issued. I might add that these warrants can only be executed during normal business hours, and the officers serving them must present the warrant and appropriate credentials to the person in control of the premises before entering.

The forfeiture provisions contained in the bill were for the most part carried over from existing law except that they have been expanded to cover the dangerous drugs as well as narcotics and marihuana. We must bear in mind that the drug trafficker needs mobility to carry on his illegal business. This section will insure that he will be, in part, deprived of this much needed mobility since the vehicles he uses will be forfeited to the Government.

TITLE VIII—COMMITTEE ON MARIHUANA

Mr. President, title VIII calls for the establishment of a Committee on Marihuana to carry out a study on all phases of marihuana use. This committee is to be composed of experts with diversified professional backgrounds selected jointly by the Attorney General and the Secretary of Health, Education, and Welfare.

The study will focus on the legal, medical, pharmacological, and sociological aspects of marihuana use in an effort to arrive at some definitive answers to many of the questions about this drug which have been gnawing at us over the years.

TITLE IX—MISCELLANEOUS

Mr. President, title IX, the last title of the bill, sets out the various technical provisions such as repealers, conforming amendments, sections continuing pending proceedings and regulations, a section for authorization of appropriations, and a severability clase.

CONCLUSION

Mr. President, as we proceed into the seventies we should resolve that one of the most alarming problems of the sixties will be met head on and resolved. We can do this by enacting the Controlled Dangerous Substances Act and giving our law enforcement officers the tools they need to cope with and eradicate this drug abuse blight from our society.

While this bill is not a panacea, it is a significant step toward wiping out the drug abuse problem. It should have our resounding support and quick enactment into law.

Mr. COOK. Mr. President, one of the most serious domestic problems facing the United States today is the accelerating problem with respect to the illicit use of drugs. Between 1960 and 1968, there was a 322-percent increase in arrests for narcotics and marihuana violations. Known narcotic addicts, the majority of whom were addicted to heroin, have almost doubled since 1960.

The greatest malignancy of this situation is the alarming increase in the use of drugs by the youth of our country. Clinical evidence of the seriousness of the problems, particularly among young persons, continues to mount and this can only be considered a situation of ominous potential.

The primary orientation of enforcement by the Federal Government is toward the professional trafficker—the importer, the wholesaler, the interstate distributor, the retailer, and the pusher. These are the entrepreneurs who profit by exploiting the physical and emotional weaknesses of our citizens.

Our democratic institutions are not required to capitulate to the vicious and illegal activities of the professional traffickers. Consequently, the creation of an intelligent and responsive legal framework for eliminating these problems must be one of the highest priorities of the Congress.

The entire resources of the Federal Government must be marshaled if we are to eliminate drug abuse and its tragic consequences. I believe that the proposed controlled dangerous substances act will provide the necessary legal framework which will enable society to effectively respond to this problem.

This bill would place in one integrated statute a revised and modern regulatory scheme for the control of narcotics and dangerous drugs. It would primarily replace the following Federal statutes: the Harrison Act of 1941 and related narcotic legislation, the Marihuana Tax Act of 1837, and the drug abuse control amendments of 1965.

The bill contains a number of innovations reflecting contemporary penology but it also preserves the desirable features of the structure and concepts of the existing legislation. The necessity of consolidating the laws pertaining to narcotic and dangerous drug control has been accented by the Reorganization Plan No. 1 of 1968 in which the Bureau of Narcotics of the Treasury Department and the Bureau of Drug Abuse Control of the Department of Health, Education, and Welfare were merged into the Bureau of Narcotics and Dangerous Drugs within the Department of Justice. As a concomitant of this action, a special prosecution unit was created in the Criminal Division of the Department of Justice to supervise the enforcement of laws relating to narcotics and dangerous drugs.

The Departments of Treasury and Health, Education, and Welfare administered separate bodies of statutory law, one based upon the taxing power, and the other upon the commerce clause. The existing statutes relate to different drug classifications and provide differing regulatory mechanisms and penalty structures. There are many basic inconsistencies in the existing legislature structure. This bill will make the controls of narcotics and dangerous drugs coalesce in both logic and practice.

Since early in the 20th century, we have structured our drug control policies around the dual judgments that drug abuse was an evil to be suppressed and that this could most effectively be done by the application of criminal enforcement and penal sanctions. As a result of those judgments, our traditional response to an acceleration in drug abuse has been to increase the penalties for drug offenses. The premise has been that the more certain and severe the punishment, the greater the deterrent.

The existing statutes have established a complex pattern of offenses. The present bewildering variety of offenses also prescribe a range of mandatory minimum sentences. A minimum sentence of 2 years must be imposed where the evidence shows possession of narcotics or marihuana, a minimum of 5 years for a second offense, a minimum of 10 years for any subsequent offense. The statutes impose a minimum sentence of 5 years for a first offense of smuggling, selling or otherwise transferring narcotics or marihuana. A minimum of 10 years for a second or subsequent offense. These laws preclude the suspension of the sentence, probation, and parole for most of the convicted offenders.

Within any classification of offenses, differences exist in both the circumstance and nature of the illegal conduct and in the offenders. Mandatory provisions deprive judges and correctional authorities of the ability to base their judgments on the seriousness of the violations and the particular characteristics and potential for rehabilitation of the offender. I believe that these inflexible sentencing procedures have had discernible adverse effects. Principally, they have made the rehabilitation of the convicted narcotics offender virtually impossible since there is little motivation for rehabilitation where there is no hope of parole.

There is a broad consensus among judges and correctional authorities that discretion should be restored. A 1964 policy statement of the Advisory Council of Judges and repeated testimony by officials of the Bureau of Prisons and Board of Parole are expressions of this consensus.

The basic theory of the present penal provisions is that offenses under the narcotics and marihuana laws are, regarded collectively, offenses of equal gravity. I do not believe that it is equitable to impose the same high mandatory penalties for marihuana abuse as for heroin abuse in view of the considerable amount of evidence that marihuana is significantly less harmful and dangerous than heroin.

It has also become abundantly clear that the severity of penalties has not affected the extent of narcotic and dangerous drug abuse. The mandatory minimums which have been legislated have not produced the expected reduction in drug law violations. For example, under Federal law, and under many State statutes, marihuana convictions require the imposition of the same strict penalties that are applicable to heroin offenses. However, marihuana violations have almost doubled within the past 2 years.

A National Institute of Mental Health survey indicates that as many as 50 percent of high school students in certain areas have had some experience with marihuana. A further study of a student sample in a university showed that in 1967, 21 percent of these students had previous experience with marihuana. The same sample in 1968 revealed that 57 percent had tried marihuana.

As amended in committee, this bill will eliminate all mandatory minimum sentences for drug law violations except for a special class of professional criminals. Title V of the bill designates the offenses and penalties for unlawful manufacture; distribution; dispensing; possession with intent to manufacture, distribute, or dispense; importation; exportation; and simple possession of controlled dangerous substances.

Only professional criminals will continue to be subject to mandatory minimum sentences. A professional criminal is defined as a person over 21 years of age who has played a substantial role in a continuing criminal enterprise in concert with at least five other persons and occupied a position of organizer, a supervisory position or other position of management. A person can also be considered a professional criminal if he has substantially participated in a continuing criminal enterprise and has under his control a large amount of money not demonstrated to have been legally acquired.

The professional criminal engaged in these violations is subject to a mandatory 5-year term for a first offense. For a second such offense, the professional criminal is subject to a mandatory term of 10 years. A professional criminal, even for the first offense, can be sentenced to life imprisonment. In any case, where an individual is adjudged a professional criminal, imposition or execution of sentence cannot be suspended, probation cannot be granted, and parole is denied. All other classes of drug offenders, however, are penalized without minimum mandatory sentences.

One of the most innovative features of the penalty is that first offenders convicted of mere possession may receive a conditional discharge of the proceedings against them. Upon fulfillment of any terms and conditions the court might impose, their record will be expunged.

I believe that the increasing national problem of narcotic and drug abuse requires this type of congressional response and I strongly recommend passage of the proposed controlled dangerous substances act.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I inquire of the distinguished majority leader whether he might give us some idea of

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what we can expect next, and for the rest of the week, if we may have the attention of the Senate.

The **PRESIDING OFFICER**. Will the Senate be in order, so that we can hear the program for next week? Senators will please take their seats, and will refrain from conversation.

The Senator from Montana may proceed.

Mr. **MANSFIELD**. Mr. President, in response to the question raised by the distinguished acting minority leader, it is my understanding that the able Senator from New Hampshire has an amendment to the pending drug bill which will not take too long, perhaps 10 minutes at the most. Would the Senator be agreeable to a time limitation to that effect, when the amendment is offered?

Mr. **McINTYRE**. Mr. President, if the majority leader will indulge me, I do not believe a time limitation will be necessary.

Mr. **MANSFIELD**. The able Senator from Michigan has an amendment. He has agreed to a time limitation. And I understand the able Senator from Maryland has an amendment.

Mr. **HRUSKA**. Mr. President, that amendment will be submitted by the Senator from Connecticut on behalf of the Senator from Maryland. It is not a disputed item, Mr. President, and there is a disposition on the part of both the Senator from Connecticut and myself to accept it.

Mr. **MANSFIELD**. So that is the way it shapes up at the moment. It looks like there is a little light at the end of the tunnel.

It is anticipated that at the conclusion of the consideration and the vote on the pending measure, the Senate will then turn to the so-called failing newspaper bill, to be followed by such items as mass transportation, S. 2289, an act to amend the Interstate Commerce Act, and eventually H.R. 514, an act to extend programs of assistance for elementary and secondary education, which may well take some time.

That is about it.

Incidentally, it is the intention of the joint leadership to again have the Senate meet on Saturday, and to come in reasonably early, to try to expedite the program which the President is very much interested in as judiciously as possible. On Saturday, there will be a live quorum call, and I hope for and look forward to some possible votes on that day.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate continued with the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The **PRESIDING OFFICER**. The bill is open to further amendment.

AMENDMENT NO. 455

Mr. **McINTYRE**. Mr. President, I call up my amendment No. 455, to establish a Committee on Non-Governmental Drug Abuse Prevention and Control.

The **PRESIDING OFFICER**. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. **McINTYRE**. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. McINTYRE's amendment (No. 455) is as follows:

AMENDMENT NO. 455

On page 87, line 3, strike out "COMMITTEE ON MARIHUANA" and insert in lieu thereof "ADVISORY COMMITTEES".

On page 87, line 4, strike out "ESTABLISHMENT OF COMMITTEE" and insert in lieu thereof "ESTABLISHMENT OF COMMITTEE ON MARIHUANA".

On page 89, between lines 21 and 22, insert the following new section:

"ESTABLISHMENT OF COMMITTEE ON NONGOVERNMENTAL DRUG ABUSE PREVENTION

"SEC. 802. (a) There is hereby established a Committee on Nongovernmental Drug Abuse Prevention and Control (hereinafter referred to in this section as the 'Committee') for the purposes of (1) studying the extent to which nongovernmental organizations are involved in the prevention and control of drug abuse or addiction, and (2) advising as to how such organizations can best be fostered and encouraged.

"(b)(1) The Committee shall be composed of twenty-one members, no more than seven of whom may be Members of Congress or otherwise employed by the Federal Government, to be appointed by the President.

"(2) The Committee shall elect a chairman from among its members.

"(3) The members of the Committee shall serve without compensation but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the Committee.

"(4) The Committee shall submit a report of its findings and recommendations to the President and Congress within one year after the date of enactment of this Act. Thirty days after submitting such report, the Committee shall cease to exist.

"(c) In order to carry out the purposes of this section, the Committee is authorized—

"(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

"(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate for a grade GS–18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of their duties for the Committee. While traveling on official business in the performance of duties for the Committee such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with section 5703 of title 5, United States Code.

"(d) The Committee is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Committee and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman or any other member when acting as Chairman.

"(e) The General Services Administration shall provide administrative services for the Committee on a reimbursable basis.

"(f) There are hereby authorized to be appropriated such sums as may be necessary, not to exceed $250,000, to carry out the provisions of this section."

Mr. **McINTYRE**. I discussed this proposal and the need for such a committee in great detail last Saturday. I hope that my colleagues who were unable to be on the floor at that time have had, or will have, an opportunity to read my remarks which appear on pages 1010 and 1011 of the RECORD for January 24.

For the benefit of my colleagues, however, I would like to restate very briefly the following major points:

First. The magnitude of the drug abuse and addiction problem is so enormous that we cannot hope to solve it through governmental efforts alone. This point is well-demonstrated by the excellent committee report which documents the fact that, despite heroic efforts by the Federal, State, and local governments in recent years, the problem has continued to grow.

Second. It is evident, therefore, that the only way we can hope to deal with this problem effectively is through the involvement of concerned individuals and nongovernmental groups and organizations on a massive scale, which will reach right down to the local level.

Third. Considerable efforts are already being expended by private individuals and groups toward the solution of this problem. These include parents, teachers, ministers, and other individuals as well as private corporations, educational and civic associations, service clubs; fraternal and labor organizations, women's clubs, professional associations, church groups, hospital organizations, youth groups, and many others.

Fourth. If these efforts are to be increased and made most effective, it is necessary that we have some mechanism to provide cohesion and direction and to assure that these efforts are not dissipated through splintering or misdirection.

Fifth. The amendment which I have proposed seeks to accomplish this purpose through the establishment of presidentially appointed committee of 21 members, no more than seven of which are to come from the Federal Government. This committee will undertake the task of surveying the present nongovernmental activities in this area and making proposals for increasing such efforts and making them more effective through proper coordination with existing governmental and other activities.

The life of the committee would be for 1 year. If it is later deemed advisable to extend the life of the committee or to establish a permanent committee, this would require new legislation.

Mr. President, I urge my colleagues to give their wholehearted support to this amendment, which I believe is necessary to the eventual solution of this terrible social problem.

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I appreciate that the Senator from Connecticut is favorably disposed toward the idea behind this amendment and I would hope that he would accept the amendment and take it to conference.

Mr. DODD. Mr. President, I thank the Senator. We have studied this amendment of the Senator from New Hampshire. I have told him that I think it is meritorious, and we are ready to accept it and take it to conference.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA. I join with the Senator from Connecticut in his statement. It is agreeable with me also.

The PRESIDING OFFICER. Without objection, the amendments of the Senator from New Hampshire (No. 455) are agreed to en bloc.

Mr. HART. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Michigan (Mr. HART) proposes an amendment as follows:

> On page 59, line 20, strike the word "information" and insert in lieu thereof the word "evidence."
>
> On page 59, line 21, strike the word "information" and insert in lieu thereof the word "evidence."
>
> On Page 60, line 12, after the word "including" insert "the evidence relied upon during the hearing and."

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield, without losing his right to the floor?

Mr. HART. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour on the pending amendment, to be equally divided between the Senator from Michigan (Mr. HART) and the manager of the bill, the Senator from Connecticut (Mr. DODD), or whomever he may designate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, it is possible that we may consume substantially less time.

Mr. BYRD of West Virginia. Mr. President, may we have order so that we can hear the Senator explain the amendment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. This amendment relates to section 509 of the bill. It will be found beginning at page 58 of the bill as reported.

Mr. President, as I understand the bill, certain criminal acts are defined. A man is indicted and charged with a violation, and goes to trial.

The Government's requirement of proof is that it be established beyond a reasonable doubt that he did in fact sell, as a commercial venture, a hard drug. After the trial, he is found guilty. What happens then? In the normal proceeding, a pretrial hearing occurs, information is presented to the court, and the court makes a decision as to what the appropriate sentence shall be. However, section 509 says that if this defendant is felt by the State to have been engaged in continuing criminal enterprises of the same or similar character and that they have notified the court of this prior to the trial, then a hearing shall be had to determine whether the defendant is in fact involved in a continuing criminal enterprise.

Section 509(b) says:

> If it appears by a preponderance of the information . . . that the defendant is involved in a continuing criminal enterprise, the court shall sentence him to——

A much heavier term.

My feeling has been—indeed, continues to be—that the same degree of truth be required of the State to establish that he in fact has been involved in a continuing criminal enterprise as is required of the State before he can be found guilty of a substantive offense of another character.

What does make it "one engaged in a continuing criminal enterprise" for the purpose of this act? Well, this is what we say must be established, not by proof beyond reasonable doubt—merely by preponderance of information. This is at the bottom of page 61:

> The defendant shall be deemed involved in a continuing criminal enterprise . . . involving any violations of this Act . . . in concert with at least 5 other persons.

This fellow wants to prove that he was not involved in any activity with five other persons.

Or in "a supervisory position"—he wants to prove that he was not a supervisor—"or other position of management." He says, "I was not in a position of management."

Why should not the State be required to prove with respect to that under the same evidentiary requirements as proof that he had possession?

Or, he can be deemed involved in a continuing criminal enterprise if he "played a substantial role in a continuing criminal enterprise involving any violations of this act—and has or has had in his own name or under his control substantial income or resources not demonstrated to have been derived from lawful activities or interests."

That is almost a presumption. But at least he should be able to say, "I do not have substantial resources derived in this fashion." He wants the State to prove that. I think it is the obligation of the State to prove that in the same fashion that it must prove beyond reasonable doubt that he was in possession, if that was the substantive charge. If you want to make him, in addition, a continuing criminal violator, why not require the same burden of proof, and prove that there were five persons or more with whom he was engaged, and prove that he was in a management position?

The objection is made that this is not a trial in the traditional sense, that this is more like a presentence hearing, and that customarily in presentence hearings information may be advanced.

I would be much more comfortable if the State was required to prove beyond reasonable doubt that he fit one or more of these additional categories before he would be subjected to the additional sentencing. But at least it should be required that it be by a preponderance of evidence.

This is an adversary proceeding. He says, "I was not in a management role." But he loses, with the possibility of going to jail for a much longer time, the protection that State establish beyond reasonable doubt that he was in fact in a management role. At least, he should be entitled in this proceeding to rules of evidence and the requirement that proof by a preponderance of evidence be advanced before it can be said that he has been in a supervisory position or was with five or more.

Let the State at least meet that burden of proof before it can be said, "And in addition to being convicted just now of possession, you have been involved in a continuing criminal enterprise because you were involved with five or more in one of these actions."

Mr. President, it seems to me that this level of proof burden should be asserted against the State before anyone can be found to be a continuing criminal activist.

I ask the Senator from Connecticut if it is his opinion that S. 3246 does require that the State carry, by a preponderance of the evidence, the establishment of substantial continuing criminal enterprise or whether it is simply a preponderance of the information.

Mr. DODD. It requires a preponderance of the evidence. Yes, it does require a preponderance of the evidence.

Mr. HART. Some confusion is possible, and it is for this reason that I should like to develop in the discussion with the Senator from Connecticut his understanding of the committee's purpose.

We find on page 59, at line 20, in subsection (b), provision for the hearing: After the defendant has been found guilty of the substantive offense, the court shall hold a hearing; it shall fix a time; the defendant shall be advised; compulsory process and cross-examination is permitted.

Beginning at line 19:

> If it appears by a preponderance of the information . . . that the defendant is involved in a continuing enterprise, the court shall sentence him—

That would suggest the possibility that all that is required in order to establish the man to be in one of these special categories is a preponderance of the information, although on page 61, subsection (f), beginning on line 13, we say that a defendant shall be deemed involved in a continuing criminal enterprise for purposes of the section if the court determines by a preponderance of the evidence that the convicted person meets this.

Would the Senator from Connecticut agree that, with respect to determining whether a person has been acting in concert with at least five persons or in a supervisory position, the State must establish that by a preponderance of the evidence?

Mr. DODD. Yes. That is my understanding. I think it should be.

Mr. HART. I think it should be, too. I think we both agree that even the meanest and the cruelest person in our so-

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ciety, including commercial dope peddlers, should be given the protection at least of requiring that a preponderance of the evidence establish that he is in fact in the category of a continuing criminal enterprise because he did occupy a position of organizing.

Mr. DODD. I thoroughly agree with the Senator from Michigan. He is right.

Mr. HART. I thank the Senator from Connecticut.

Mr. HRUSKA. Mr. President, there are many very good reasons why this amendment should not be agreed to.

Mr. HART. If the Senator from Nebraska would permit me at this moment to make a comment which might shorten his remarks, it would be the feeling of the Senator from Michigan that the amendment could be withdrawn, if in fact we have agreed that this bill requires a preponderance of the evidence before a defendant shall be deemed to be engaged in a continuing criminal enterprise.

Mr. HRUSKA. Those words are plainly printed in the bill.

Mr. HART. Would the Senator agree that they should be? Would the Senator agree that they should be?

Mr. HRUSKA. What is the suggestion? What would the Senator put in there on line 20, page 59?

Mr. HART. The amendment, as tendered, would have substituted the word "evidence" for "information."

Mr. HRUSKA. Yes.

Mr. HART. But my question relates to the clause on line 15, page 61, which requires, as I read it, a preponderance of the evidence with respect to the two enumerated activities which make the man a continuing criminal. If, in fact, we are agreed that the bill requires a preponderance of the evidence with respect to that proof burden——

Mr. HRUSKA. It does so on page 61. That is right.

Mr. HART. Would the Senator agree that that is desirable?

Mr. HRUSKA. I have approved the bill. I have signed the report. To that extent, therefore, I would say yes, it is desirable.

Mr. HART. With that clear understanding of the intention of the committee, and our understanding of the reach of the bill, I would withdraw the amendment.

If I may make a brief explanation now, I first thank the Senator from Connecticut and the Senator from Nebraska. I think we have agreed that this is the sound and responsible way if we are going to deal with the Government's burden of proof.

Certainly a preponderance of the evidence is less than a proof beyond reasonable doubt in the case of this category of the continuing criminal enterprise. We should stop there. We should not go beyond that point and suggest that even the meanest person can be put away for 30 years mainly on a preponderance of the information—no evidentiary stand; yet, unhappily, it is my impression that that is precisely what this body did when it passed S. 30 a few days ago.

Therefore, I hope, given this discussion, that our friends in the House will correct our oversight in S. 30.

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Mr. DODD. I thank the Senator from Michigan.

The PRESIDING OFFICER. Would the Senator from Michigan kindly give the Chair his attention for one moment? The Chair would inquire of the Senator whether he wishes to withdraw his amendment.

Mr. HART. Mr. President, I indicated that I intended to do so, and thought I had withdrawn it. I ask now that it be withdrawn.

The PRESIDING OFFICER. The amendment of the Senator from Michigan is withdrawn.

AMENDMENT NO. 437

Mr. DODD. Mr. President, I have an amendment which I sent to the desk, and ask that it be stated. It is one proposed by the Senator from Maryland (Mr. TYDINGS), who is necessarily absent at this time, and I ask unanimous consent to insert in the RECORD at this point a statement on the subject by Senator TYDINGS.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TYDINGS

Mr. President, I would like to congratulate the Senator from Connecticut and his able staff for the fine effort they have made in preparing and bringing to the Senate floor this important drug legislation. I have considered the bill and I believe it is, in general, worthy of our support.

Mr. President, S. 3246, the Controlled Dangerous Substance Act of 1969 carries an explicit warning to professional dangerous drug merchants that the federal government is prepared to impose upon them penalties which in severity will match the depravity of their crime. These penalties will be at a level which should serve to deter large scale drug trafficking.

The severe professional criminal penalties are in large part a product of my efforts in the Judiciary Committee, where I offered the penalties in the form of an amendment. I am gratified that the amendment was accepted by the Committee. The penalties are also a reflection of the penal provisions for professional drug merchants as set forth in S. 3071, the District of Columbia Comprehensive Drug Abuse and Narcotics Crime Act of 1969, which I introduced on October 27, 1969. The Senate Committee on the District of Columbia, of which I am chairman, is currently holding hearings on this bill.

Mr. President, there is no more despicable criminal than one who engages in large scale importation and wholesale and retail distribution of addictive drugs. Not only does he debase the lives and exhaust the financial resources of thousands of addicts who fall victim to his drugs, but also, through them, he is responsible for ravaging society with countless muggings, robberies and other serious crimes perpetrated to support the addicts' habits. In this regard, a recent study of men admitted to D.C. jail revealed that 45 percent evidenced drug use immediately prior to arrrests. The major drug traffickers also rob the public purse of millions of dollars through the costs incurred in narcotics law enforcement and treatment and rehabilitation of addicts.

Unfortunately, the profits produced by this nefarious activity are great. Three hundred and fifty dollars worth of pure opium purchased abroad can be parlayed into $225,000 when sold as heroin to the addicts on our streets. For this reason, the importation and distribution of narcotics is organized crime's major illegal activity next to gambling.

Because the damage wrought upon society is so pervasive and the profits reaped in return by the criminal, so lucrative, stiff criminal sanctions are not only justified but essential to deter the activity. The past Commissioner of the Bureau of Narcotics, Henry L. Giordano, has stated that underworld drug traffickers are fearful of severe penalties and such penalties have a deterrent effect. Similarly, a Report on Organized Crime and Illicit Traffic in Narcotics by the Senate Committee on Government Operations concluded that "long prison terms for traffickers are essential to effective [drug law] enforcement."

Likewise, in 1963, the President's Advisory Commission on Narcotics and Drug Abuse recommended:

"The illegal traffic in drugs should be attacked with the full power of the federal government. The price of participation in this traffic should be prohibitive. It should be made too dangerous to be attractive."

The provisions of the Act pertaining to professional criminal penalties is in the spirit of this philosophy. As a result of my amendments accepted by the full Judiciary Committee, Section 509(b) of the Act will subject professional criminals to up to life imprisonment and a mandatory fine without limitation in an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity. The fine is designed to completely knock the professional offenders out of the drug business.

Mr. President, I believe that this provision will serve as a notice that the federal government will give no quarter to professional drug merchants.

Mr. President, in the Judiciary Committee I also offered an amendment to the penalty provisions of the Controlled Dangerous Substance Act of 1969 which made a needed distinction between the distribution of marihuana for profit and the casual distribution of marihuana for no remuneration or for small remuneration not involving a profit. An example of the latter activity would be where a college student transfers a small amount of marihuana to a friend and receives 50 cents or one dollar to cover the costs.

While casual non-profit distribution of marihuana should not, at this time, escape all criminal sanctions, clearly such conduct should not be lumped together with the continuous large-scale sale of marihuana for profit as is engaged in by drug peddlers. To this end, I recommended in Committee that casual non-profit distribution of marihuana incidental to one's own use should carry a maximum penalty of 1 year imprisonment, in contrast to the much more serious offense of drug peddling for profit which carries a maximum of 5 years imprisonment.

I was very pleased that the Judiciary Committee accepted my proposal. This is now reflected in Section 501(c)(4). The theory underlying 501(c)(4) is in complete harmony with the recent report of the Eisenhower Commission on Violence which suggested that possession and non-profit distribution of marihuana should be considered as misdemeanors.

However, I have been informed that the language of section 501(c)(4) as it emerged from Committee could present some difficulties to the Justice Department in prosecuting those who distribute marihuana for private gain. The current language would impose upon a prosecutor the extremely difficult task of proving profit as an element in all marihuana distribution offenses. For this reason, the Administration has requested the words "for insignificant remuneration not involving a profit" be deleted from this section.

I believe that this can be done without detracting from the original intent of this section and I am introducing an amendment to achieve this end.

To achieve this end, on December 18, 1969, I introduced Amendment No. 437 to S. 3246.

I wish to call up this amendment and ask unanimous consent that it be printed in the record at this point.

The record will continue to reflect that the legislative intent of section 501(c)(4) is to cover casual distribution of a small amount of marihuana for small remuneration not involving a profit as well as covering non-remunerative distribution of marihuana.

The amendment is also designed to show that penalties for second and subsequent offenders of section 501(c)(4) will be subject to twice the penalties as set forth in section 508 rather than under section 501(c)(2).

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

> On pages 49 and 50 beginning at line 23, delete the words beginning with "any person" and ending with "under 501(c)(2)" and insert in their place the words: "Any person, who, in violation of this Act, distributes a small amount of marihuana for no remuneration shall be sentenced, if it is his first offense under the Act, to a term of imprisonment for not more than one year, a fine of not more than $5,000, or both."

Mr. **DODD**. Mr. President, the amendment has been agreed to by all parties and there is no contest about it. It is merely a clarifying amendment.

Mr. **HRUSKA**. Mr. President, after canvassing the amendment, it is the joint judgment of the Senator from Connecticut and the Senator from Nebraska that it should be agreed to at this time.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Maryland, No. 437.

The amendment was agreed to.

Mr. **HART**. Mr. President, as we approach final action on this bill, I would like to state on the record two recommendations which the Commission on the Causes and Prevention of Violence made relative to the problem of young persons and drugs. Unanimously, the Commission, chaired so ably by Dr. Milton Eisenhower, made the following specific recommendations:

> We recommend that the National Institutes of Health, working with selected universities, greatly expand research on the physical and psychological effects of marijuana use.
>
> We recommend that Federal and State laws make use and incidental possession of marijuana no more than a misdemeanor until more definitive information about marijuana is at hand and the Congress and State legislatures have had an opportunity to revise the permanent laws in light of this information. (Pending further study, we do not recommend a similar reduction in the penalty for those who traffic in marijuana for profit.)

I suggest, Mr. President, that it would not burden this Record to ask unanimous consent to print an excerpt of the Commission's final report under the title "Drugs and Youth."

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

IV. Drugs and Youth

Our main concern in this chapter is to stress the importance of challenging the young people of the nation to become full partners in the enterprise of building a better society. But we must also add a word on one increasingly acute aspect of the present "generation gap"—the problem of drugs, particularly marijuana.

The development of drug subcultures among many of today's youth is particularly troubling to those who are older. Increased education about the physical and psychological hazards of the use of addictive drugs, LSD, the amphetamines, and other dangerous substances is essential if the health of young people and their children is to be properly safeguarded. In addition, the older generation must answer, in good faith and on the basis of better knowledge, the question raised by many young people as to whether present proscriptions on marijuana use go too far.

The startling recent increase in marijuana use by many young people has intensified the conflict between generations and posed enormous problems in the enforcement of drug laws. Possession and/or use of marijuana is treated severely by the law. In most states such possession or use is a felony, whereas the use or possession of the more dangerous LSD is only a misdemeanor.[1] This lack of elementary logic and justice has become a principal source of frustration and alienation contributing markedly to youth's often bitter dissatisfaction with today's society. We believe that action must be taken to put the whole situation into rational perspective.

Scientific knowledge about marijuana remains sparse, but some of its pharmacological properties have been established: marijuana is not a narcotic or an opiate and is not addicting.[2] There is as yet no evidence as to the relationship it bears to the use of harder drugs.[3]

We recommend that the National Institutes of Health, working with selected universities, greatly expand research on the physical and psychological effects of marijuana use.[4]

The Congress should enact laws and appropriate adequate funds for this purpose. Much remains to be learned about the drug's psychological effects, particularly with respect to the expectation and personality types of users and the total emotional mood of the environment and the persons in it. Many experienced users have had at least one "bad trip" and some cases have been reported of extremely traumatic reactions to marijuana. It may be that marijuana use can be damaging to individuals with a history of mental instability or other personality disorders. Similarly, little is known about its possible psychological effects, including psychological dependency, on adolescents who are in the process of learning to cope with the demands of adult life. And we most assuredly need to know if marijuana users have a predisposition to use harder drugs.

Despite all existing evidence to the contrary, state and federal laws alike treat marijuana as a narcotic, and penalties for its sale and use in some states are extreme. In one state, the penalty is two years to life imprisonment for a first offense of possession. In at least two others, the penalty for an adult convicted of selling marijuana to a minor is death. According to the latest available Justice Department figures, the average length of sentence imposed for violation of state laws was 47.7 months. In 1967 the federal government made 706 arrests for marijuana offenses, as compared to the state of California alone which made 37,513 arrests, 10,907 of them juveniles under eighteen.

Erroneously classifying marijuana as a narcotic, this patchwork of federal and state laws, inconsistent with each other and often unenforceable on their merits, has led to an essentially irrational situation. Respect for the law can hardly be inculcated under these circumstances. Since many of our youths believe marijuana to be relatively harmless and, yet, are faced with legal sanctions, they are led into a practice of law evasion which contributes to general disrespect for the law. Furthermore, enforcement of laws generally deemed harsh and unjust seem nonetheless to encourage police practices—e.g., raids without probable cause, entrapment—which infringe on personal liberties and safeguards. The situation is reminiscent of the problems encountered in enforcement of Prohibition during the 1920's. The present harsh penalties for possession and use of marijuana are a classic example of what legal scholars call "overcriminalization"—treating as a serious crime private personal conduct that a substantial segment of the community does not regard as a major offense; prosecutors, judges and juries tend to moderate the severity of the statutory sanctions, and the resulting hyprocrisy of all concerned diminishes respect for the law.

In view of the urgency of the marijuana problem, we believe that legislative reform of the existing marijuana penalty structure should not wait several years until further research is completed.

We recommend that federal and state laws make use and incidental possession of marijuana no more than a misdemeanor until more definitive information about marijuana is at hand and the Congress and state legislatures have had an opportunity to revise the permanent laws in light of this information. (Pending further study, we do not recommend a similar reduction in the penalty for those who traffic in marijuana for profit.)

Instead of the existing inequitable criminal penalties (including imprisonment) for mere possession and use of the drug, interim legislation might well provide only for civil penalties such as the confiscation of the drug and fines. If the interim legislation does provide for prison sentences, it should at least grant wide discretion to the trial judge to suspend sentence or release on probation.

We were heartened by the recommendation recently submitted to the Congress by several leading officials of the Executive Branch of the government—recommendations which seek immediate change in the provisions of federal law affecting drug use. Among other things, these officials indicated that use and incidental possession of marijuana should be declared to be no more than a misdemeanor.

The above recommendations should not, of course, be taken as suggesting either that we approve the use of marijuana, or that we favor any relaxation of society's efforts to discourage the use of the clearly dangerous drugs.

Expert testimony offered to this Commission indicates that the so-called hard drugs, such as heroin, do not in themselves make users prone to commit other crimes, but that the daily use of such drugs involves exorbitant costs; hence users often undertake lives of burglary and armed robbery in order to obtain funds for the continued purchase of drugs. Further, drug importa-

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[1] A felony is a serious crime usually punishable by imprisonment for an extended period (under federal law for a year or more); a misdemeanor is a lesser offense punishable by fine or imprisonment of less than a year. In many states, a felony conviction results in a loss of voting right, jury service, and the right to enter various professional occupations; a misdemeanor conviction does not.

[2] Addiction is a physiological and psychological dependence on a drug, with definite symptoms occurring when the drug is withdrawn.

[3] In testimony on October 14, 1969 before the House of Representatives Select Committee on Crime, Dr. Robert O. Egeberg, Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs, stated that "there is no scientific evidence to demonstrate that use of marijuana *in itself* predisposes an individual to progress to 'hard' drugs."

[4] A similar provision is contained in H.R. 10019 by Rep. Edward Koch, N.Y.

XUM

> tion and distribution, like certain forms of gambling, constitute part of the life-blood of organized crime—an empire of its own ruthless, rich, pervasive, corrupting, and skillful at avoiding the reaches of the law.
>
> We cannot usefully add to all that has been written by other Commissions, the Department of Justice, and many state authorities about the need for stopping the importation of the hard drugs, and for vigorously prosecuting the traffickers in these drugs. Nor can we add to the urgent recommendations that have been made by others to eliminate from our society the empires of organized crime.
>
> But we do most emphatically declare that classifying marijuana users with the users of the hard drugs is scientifically wrong, a wrong recognized by the young, a wrong that makes them contemptuous of the drug laws and to some extent of all law. They wonder why the federal and state governments do not insist upon more widespread research to establish facts and to change laws in harmony with the facts as developed.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. **DODD**. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall the bill (S. 3246) pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

XUM

Mr. **BYRD** of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON) is absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) would each vote "yea."

Mr. **GRIFFIN**. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 21 Leg.]

YEAS—82

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—18

Anderson
Cranston
Dominick
Fulbright
Gore
Gravel
Hartke
Javits
Kennedy
Mathias
Moss
Mundt
Murphy
Packwood
Prouty
Ribicoff
Smith, Ill.
Tydings

So the bill (S. 3246) was passed as follows:

S. 3246

An act to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Controlled Dangerous Substances Act of 1969".

TITLE I—FINDINGS AND DECLARATION, AND DEFINITIONS
Sec. 101. Findings and declaration.
Sec. 102. Definitions.
TITLE II—STANDARDS AND SCHEDULES
Sec. 201. Authority to control.
Sec. 202. Schedules of controlled substances: Schedules I through IV, criteria and lists.
TITLE III—REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES
Sec. 301. Rules and regulations.
Sec. 302. Registration requirements.
Sec. 303. Registration.
Sec. 304. Denial, revocation, or suspension of registration.
Sec. 305. Marking of containers.
Sec. 306. Quotas applicable to certain substances.
Sec. 307. Records and reports of registrants.
Sec. 308. Order forms.
Sec. 309. Prescriptions.
TITLE IV—IMPORTATION AND EXPORTATION
Sec. 401. Importation; prohibition for manufacture of heroin.
Sec. 402. Importation of coca leaves.
Sec. 403. Exportation.
Sec. 404. Transshipment and in-transit shipment.
TITLE V—OFFENSES AND PENALTIES
Sec. 501. Prohibited acts A—penalties.
Sec. 502. Prohibited acts B—penalties.
Sec. 503. Prohibited acts C—penalties.
Sec. 504. Endeavor and conspiracy.
Sec. 505. Additional penalties.
Sec. 506. Distribution to persons under age eighteen.
Sec. 507. Conditional discharge for possession as first offense and expunging of records.
Sec. 508. Second or subsequent offenses.
Sec. 509. Continuing criminal enterprises.
TITLE VI—ADMINISTRATIVE PROVISIONS
Sec. 601. Delegation of authority—rules, regulations, and procedures—bequests and gifts.
Sec. 602. Education and research.
Sec. 603. Cooperative arrangements.
Sec. 604. Scientific Advisory Committee.
Sec. 605. Administrative hearings.
Sec. 606. Subpenas.
Sec. 607. Judicial review.
TITLE VII—ENFORCEMENT PROVISIONS
Sec. 701. Powers of enforcement personnel.
Sec. 702. Search warrants.
Sec. 703. Administrative inspections and warrants.
Sec. 704. Forfeitures.
Sec. 705. Injunctions.
Sec. 706. Enforcement proceedings.
Sec. 707. Immunity and privilege.
Sec. 708. Burden of proof—liabilities.
Sec. 709. Payments and advances.
TITLE VIII—ADVISORY COMMITTEES
Sec. 801. Establishment of Committee on Marihuana.
Sec. 802. Establishment of Committee on Nongovernmental Drug Abuse Prevention and Control.
TITLE IX—MISCELLANEOUS
Sec. 901. Repealers.
Sec. 902. Conforming amendments.
Sec. 903. Pending proceedings.
Sec. 904. Continuation of regulations.
Sec. 905. Severability.
Sec. 906. Authorization of appropriations.
Sec. 907. Saving provision.
Sec. 908. Effective date.

TITLE I—FINDINGS AND DECLARATION, AND DEFINITIONS

FINDINGS AND DECLARATION

SEC. 101. The Congress finds and declares that many of the drugs included within this Act have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people.

The Congress, however, finds and declares that the illegal importation, manufacture, distribution, possession, and improper use of controlled dangerous substances have a substantial and detrimental effect on the health and general welfare of the American people.

The Congress finds and declares that the United States is a party to international conventions designed to establish effective control over international and domestic traffic in controlled dangerous substances, particularly the Single Convention on Narcotics Drugs, 1961.

The Congress finds and declares that a major portion of the traffic in controlled dangerous substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce.

(a) After manufacture, many controlled dangerous substances flow through interstate commerce.

(b) Substances distributed locally commonly flow through interstate commerce immediately prior to such distribution.

(c) Substances possessed commonly flow through interstate commerce immediately prior to such possession.

(d) Local distribution and possession of controlled dangerous substances contribute to swelling the interstate traffic in such substances.

(e) Substances manufactured and distributed intrastate cannot be differentiated from substances manufactured and distributed interstate; thus, it is not feasible to distinguish, in terms of controls, between substances manufactured and distributed interstate and substances manufactured and distributed intrastate.

The Congress finds and declares that Federal control of the primarily intrastate incidents of the traffic in controlled dangerous substances is essential to the effective control of the interstate incidents of such traffic.

DEFINITIONS

SEC. 102. As used in this Act:

(a) "Addict" means any individual who habitually uses any narcotic drug as defined in this Act so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such narcotic drugs as to have lost the power of self-control with reference to his addiction.

(b) "Administer" means to deliver, by a practitioner, in his presence, a controlled dangerous substance to the ultimate user or human research subject by injection, or for inhalation, or ingestion, or by any other means.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser, but does not include a common or contract carrier, public warehouseman, or employee thereof.

(d) "Bureau of Narcotics and Dangerous Drugs" means the Bureau of Narcotics and Dangerous Drugs, Department of Justice.

(e) "Control" means to add, remove, or change the placement of a drug, substance, or immediate precursor under title II of this Act.

(f) "Controlled dangerous substance" means a drug, substance, or immediate precursor in schedules I through IV of title II of this Act. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in section 26 of the United States Code, subtitle E.

(g) "Counterfeit substance" means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

(h) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled dangerous substance, whether or not there exists an agency relationship.

(i) "Department" means the United States Department of Justice.

(j) "Depressant or stimulant drug" means—

(1) a drug which contains any quantity of (A) barbituric acid or any of the salts of barbituric acid; or (B) any derivative of barbituric acid which has been designated by the Secretary of Health, Education, and Welfare as habit forming under section 502(d) of the "Federal Food, Drug, and Cosmetic Act" (52 Stat. 1050; 21 U.S.C. 352(d));

(2) a drug which contains any quantity of (A) amphetamine or any of its optical isomers; (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or (C) any substance which the Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system; or

(3) lysergic acid diethylamide or any other drug which contains any quantity of a substance which the Attorney General, after investigation, has found to have, and by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(k) "Dispense" means to deliver a controlled dangerous substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" is a practitioner who delivers a controlled dangerous substance to the ultimate user or human research subject.

(l) "Distribute" means to deliver a controlled dangerous substance. "Distributor" means a person who delivers a controlled dangerous substance.

(m) "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3) of this paragraph; but does not include devices or their components, parts, or accessories.

(n) "Marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(o) "Manufacture" means the production, preparation, propagation, compounding, or processing of a controlled dangerous substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacturer" also includes any person who packages, repackages, or labels any container of any controlled dangerous substance, except practitioners who dispense or compound prescription order for delivery to the ultimate consumer.

(p) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, coca leaves, and opiates;

(2) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(3) a substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in clauses (1) and (2), except that the words "narcotic drug" as used in this Act shall not include decocainized coca leaves or extract of coca leaves, which extracts do not contain cocaine or ecgonine.

(q) "Net disposal" means the quantity of a controlled dangerous substance in schedule I or II or any narcotic drug distributed, dispensed, used in the production of another narcotic drug for which the manufacturer is registered, or otherwise disposed of (as such or contained in or combined with other drugs compounded by the manufacturer of such narcotic drug) by the manufacturer during a stated period, less the quantity of any controlled dangerous substance in schedules I and II or other narcotic drug returned to the manufacturer by a customer and any quantity distributed or dispensed to another registered manufacturer of the same narcotic drug.

(r) "Opiate" means any controlled dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

(s) "Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof.

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance in the course of professional practice or research by the United States or the jurisdiction in which he practices or does research.

(v) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance.

(w) "Immediate precursor" means a substance which the Attorney General has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

(x) "State" means any State, territory, possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico), the Trust Territory of the Pacific Islands and the Canal Zone.

(y) "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

(z) "United States" means all places and waters, continental or insular, subject to the jurisdiction of the United States.

TITLE II—STANDARDS AND SCHEDULES

AUTHORITY TO CONTROL

SEC. 201. (a) The Attorney General shall control all substances enumerated in section 202 of this Act and he may, upon his own motion or on the petition of any interested party pursuant to the procedures of subchapter II of chapter 5 of title 5 of the United States Code, add, delete, or reschedule a substance as a controlled dangerous substance. Before so doing, the Attorney General shall request the advice in writing from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee established in title VI of this Act whether a substance should be added, deleted, or rescheduled as a controlled dangerous substance. Such advice shall be rendered to the Attorney General within a reasonable time. The Attorney General shall consider with respect to each substance hereafter controlled:

(1) its actual or relative potential for abuse;

(2) scientific evidence of its pharmacological effect, if known;

(3) state of current scientific knowledge regarding the substance;

(4) its history and current pattern of abuse;

(5) the scope, duration, and significance of abuse;

(6) what, if any, risk there is to the public health;

(7) its psychic or physiological dependence liability;

(8) controls required based on United States obligations under international treaties, conventions, or protocols; and

(9) whether the substance is an immediate precursor of a substance already controlled under this title. After considering the above factors, the Attorney General shall make findings with respect thereto and shall issue an order controlling the substance if he finds that the substance has a potential for abuse or that control is required by United States obligations under international treaties, conventions, or protocols.

(b) If the Attorney General designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(c) When, for the purpose of greater protection of the public, at the time a new drug application is submitted to the Department of Health, Education, and Welfare for any drug having a stimulant, depressant, or hallucinogenic effect on the central nervous system, it appears that such drug has an abuse potential, such information shall be forwarded by the Department of Health, Education, and Welfare to the Bureau of Narcotics and Dangerous Drugs for the review by the Scientific Advisory Committee prior to their advising the Attorney General whether or not to control such drug under this Act.

(d) The Attorney General shall not remove any schedule I substance of this title to schedules III or IV, nor shall he delete such substances from the controls of this Act unless specifically authorized by the Congress to do so.

SCHEDULES OF CONTROLLED SUBSTANCES

SEC. 202. The following schedules include the controlled dangerous substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

(a) Schedule I—In determining that a substance comes within this schedule, the Attorney General shall find:

(1) a high potential for abuse, and

(2) no accepted medical use in the United States, and

(3) a lack of accepted safety for use under medical supervision.

The following controlled dangerous substances are included in this schedule:

(a) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol.
(2) Allylprodine.
(3) Alphacteylmethadol.
(4) Alphameprodine.
(5) Alphamethadol.
(6) Benzethidine.
(7) Betacetylmethadol.
(8) Betameprodine.
(9) Betamethadol.
(10) Betaprodine.
(11) Clonitazene.
(12) Dextromoramide.
(13) Dextrorphan.
(14) Diampromide.
(15) Diethyliambutene.
(16) Dimenoxadol.
(17) Dimepheptanol.
(18) Dimethyliambutene.
(19) Dioxaphetyl butyrate.
(20) Dipipanone.
(21) Ethylmethylthiambutene.
(22) Etonitazene.
(23) Etoxeridine.
(24) Furethidine.
(25) Hydroxypethidine.
(26) Ketobemidone.
(27) Levomoramide.
(28) Levophenacylmorphan.
(29) Morpheridine.
(30) Noracymethadol.
(31) Norlevorphanol.
(32) Normethadone.
(33) Norpipanone.
(34) Phenadoxone.
(35) Phenampromide.
(36) Phenomorphan.
(37) Phenoperidine.
(38) Piritramide.
(39) Proheptazine.
(40) Properidine.
(41) Racemoramide.
(42) Trimeperidine.

(b) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetylcodone.
(2) Benzylmorphine.
(3) Codeine methylbromide.
(4) Codeine-N-Oxide.
(5) Desomorphine.
(6) Heroin.
(7) Hydromorphinol.
(8) Methyldesorphine.
(9) Methylhydromorphine.
(10) Morphine methylbromide.
(11) Morphine methylsulfonate.
(12) Morphine-N-Oxide.
(13) Myrophine.
(14) Nicocodeine.
(15) Nicomorphine.
(16) Normorphine.
(17) Thebacon.

(c) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Bufotenine.
(2) Diethyltryptamine.
(3) Dimethyltryptamine.
(4) 4-methyl-2,5-dimethoxyamphetamine.
(5) Ibogaine.
(6) Lysergic acid diethylamide.
(7) Marihuana.
(8) Mescaline.
(9) Peyote.
(10) Psilocybin.
(11) Psilocyn.
(12) Tetrahydrocannabinol.

(b) Schedule II—In determining that a substance comes within this schedule, the Attorney General shall find:

(1) a high potential for abuse, and

(2) currently accepted medical use in the United States, or currently accepted medical use with severe restrictions, and

(3) abuse may lead to severe psychic or physical dependence.

The following controlled dangerous substances are included in this schedule.

(a) Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium, coca leaves, and opiate;

(2) Any salt, compound, derivative, or preparation of opium, coca leaves; or opiate;

(3) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clauses 1 and 2, except that these substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecognine; and shall not include the isoquinoline akaloids of opium;

(4) Opium poppy and poppy straw.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Alphaprodine.
(2) Anileridine.
(3) Bezitramide.
(4) Diphenoxylate.
(5) Fentanyl.
(6) Isomethadone.
(7) Levomethorphan.
(8) Levorphanol.
(9) Metazocine.
(10) Methadone.
(11) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
(12) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane carboxylic acid.
(13) Pethidine.
(14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
(15) Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate.
(16) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(17) Phenazocine.
(18) Piminodine.
(19) Racemethorphan.
(20) Racemorphan.

(c) Schedule III—In determining that a substance comes within this schedule, the Attorney General shall find:

(1) a potential for abuse less than the substances listed in schedules I and II; and

(2) well documented and approved medical use in the United States; and,

(3) abuse may lead to moderate or low physical dependence or high psychological dependence.

The following classes of controlled dangerous substances are included in this schedule:

(a) Any material, compound, mixture, or preparation which contain any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

(2) Phenmetrazine and its salts.

(3) Any substance which contains any quantity of methaphetamine, including its salts, isomers, and salts of isomers.

(4) Methylphenidate.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.

(2) Chloral betaine.
(3) Chloral hydrate.
(4) Chlordiazepoxide.
(5) Chlorhexadol.
(6) Diazepam.
(7) Ethchlorvynol.
(8) Ethinamate.
(9) Glutethimide.
(10) Lysergic acid.
(11) Lysergic acid amide.
(12) Meprobamate.
(13) Methyprylon.
(14) Pareldehyde.
(15) Petrichloral.

(16) Phencyclidine.

(17) Sulfondiethylmethane.

(18) Sulfonethylmethane.

(19) Sulfonmethane.

(c) Nalorphine.

(d) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof, except those narcotic drugs listed in other schedules;

(1) Not more than one and eighty one-hundredths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than one and eighty one-hundredths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than one and eighty one-hundredths grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recogized therapeutic amounts.

(6) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams, or not more than twenty-five milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therepeutic amounts.

(8) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(e) The Attorney General may by regulation except any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (a) and (b) of this schedule above from the application of all or any part of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system: *Provided*, That such admixtures shall be included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a stimulant or depressant effect on the central nervous system.

(f) The Attorney General shall by regulation exempt any non-narcotic substance from the control under this Act if such substance may, under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), be lawfully sold over the counter without a prescription.

(d) Schedule IV—In determining that a substance comes within this schedule, the Attorney General shall find:

(1) a low potential for abuse relative to the substances listed in schedule III; and

(2) currently accepted medical use in the United States; and

(3) limited physical dependence and/or psychological dependence liability relative to the substances listed in schedule III.

The following controlled dangerous substances are included in this schedule.

(a) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than two hundred milligrams of codeine per one hundred milliliter or per one hundred grams;

(2) Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

(3) Not more than fifty milligrams of ethyl-morphine per one hundred milliliters or per one hundred grams;

(4) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(5) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams, or not more than five milligrams per dosage unit.

TITLE III—REGULATION OF MANUFACTURE, DISTRIBUTION, AND DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES

RULES AND REGULATIONS

SEC. 301. The Attorney General is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled dangerous substances.

REGISTRATION REQUIREMENTS

SEC. 302. (a) Every person who manufactures, distributes, or dispenses any controlled dangerous substance or who proposes to engage in the manufacture, distribution, or dispensing of any controlled dangerous substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.

(b) The following persons shall not be required to register and may lawfully possess controlled dangerous substances under the provisions of this Act:

(1) an agent, or an employee thereof, of any manufacturer, distributor, or dispenser of any controlled dangerous substance if such agent is acting in the usual course of his business or employment;

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled dangerous substance is in the usual course of his business or employment;

(3) an ultimate user or a person in possession of any controlled dangerous substance pursuant to a lawful order of a practitioner.

(c) The Attorney General may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety.

(d) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled dangerous substances listed in the schedules in section 202.

(e) The Attorney General is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated by him.

REGISTRATION

SEC. 303. (a) The Attorney General shall register an applicant to manufacture controlled dangerous substances included in schedule I or II of title II of this Act if he determines that such registration is consistent with the public interest and with treaty or other international obligations of the United States. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled dangerous substances and any schedule I or II substance compounded therefrom into other than legitimate medical, scientific, or industrial channels, by limiting the importation and bulk manufacture of such controlled dangerous substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, and industrial purposes;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution or dispensing of such substances;

(5) past experience in the manufacture of controlled dangerous substances, and the existence in the establishment of effective controls against diversion; and,

(6) such other factors as may be relevant to and consistent with the public health and safety.

(b) The Attorney General shall register an applicant to distribute a controlled dangerous substance included in schedule I or II unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled dangerous substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled dangerous substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

(c) Registration granted under subsections (a) and (b) of this section shall not entitle a registrant to manufacture and distribute controlled dangerous substances in schedule I or II other than those specified in the registration, or any quantity of those controlled dangerous substances in excess of the quota assigned pursuant to section 306.

(d) The Attorney General shall register an applicant to manufacture controlled dangerous substances included in schedules III and IV unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled dangerous substances and any schedule III or IV substance compounded therefrom into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) past experience in the manufacture, distribution, and dispensing of controlled dangerous substances, and the existence in the establishment of effective controls against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

(e) The Attorney General shall register an applicant to distribute controlled dangerous substances included in schedules III and IV unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled dangerous substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled dangerous substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

(f) Practitioners shall be registered to dispense substances in schedules II through IV if they are authorized to dispense under the law of the State in which they practice. A registration application by a practitioner who wishes to conduct research with schedule I substances shall be referred to the Secretary of Health, Education, and Welfare for advice. The Secretary shall promptly advise the Attorney General concerning the qualifications of each practitioner requesting registration. Registration for the purpose of bona fide research with schedule I substances by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a) or on the ground that the applicant's past practice or proposed procedures furnish ground for the belief that the applicant will abuse or unlawfully transfer such substances or fail to safeguard adequately his supply of such substances against diversion from legitimate medical or scientific use.

(g) The Attorney General shall permit persons to initially register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled dangerous substances prior to the effective date of this Act and who are registered or licensed under section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360), section 8 of the "Narcotics Manufacturing Act of 1960" (74 Stat. 62; 21 U.S.C. 506), and sections 4721, 4722, 4751, 4752, and 4753 of the "Internal Revenue Code of 1954" (68 Stat. 31; 26 U.S.C. 4721, 4722, 4751, 4752, and 4753).

DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION

SEC. 304. (a) A registration pursuant to section 303 to manufacture, distribute, or dispense a controlled dangerous substance, may be suspended or revoked by the Attorney General upon a finding that the registrant:

(1) has materially falsified any application filed pursuant to this Act or required by this Act;

(2) has been convicted of a felony under this Act or any law of the United States, or of any State, relating to any substances defined herein as a controlled dangerous substance; or

(3) has had his State license or registration suspended or revoked by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled dangerous substances.

(b) The Attorney General may limit revocation or suspension of a registration to the particular controlled dangerous substance with respect to which grounds for revocation or suspension exist.

(c) Before taking action pursuant to this section, or pursuant to a denial of registration under section 303, the Attorney General shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis therof and shall call upon the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5, of title 5, of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this Act or any law of the United States.

(d) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

(e) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306.

(f) In the event the Attorney General suspends or revokes a registration granted under section 303, all controlled dangerous substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled dangerous substances shall be forfeited to the Government.

MARKING OF CONTAINERS

SEC. 305. Commercial containers of controlled dangerous substances, where appropriate, shall be identified by a symbol in accordance with the rules and regulations promulgated by the Attorney General.

QUOTAS APPLICABLE TO CERTAIN SUBSTANCES

SEC. 306. (a) The Attorney General shall determine the total quantity and establish production quotas for each controlled dangerous substance in schedules I and II to be manufactured each calendar year to provide for the estimated medical, scientific, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks.

(b) The Attorney General shall limit or reduce individual production quotas to the extent necessary to prevent the aggregate of individual quotas from exceeding the amount determined necessary each year by the Attorney General under subsection (a). The quota of each registered manufacturer for each controlled dangerous substance in schdeule I or II shall be revised in the same proportion as the limitation or reduction of the aggregate of the qoutas. However, if any registrant, before the issuance of a limitation or reduction in quota, has manufactured in excess of his revised quota, the amount of the excess shall be subtracted from his quota for the following year.

(c) On or before July 1 of each year, upon application therefor by a registered manufacturer, the Attorney General shall fix a manufacturing quota for the controlled dangerous substances in schedules I and II that the manufacturer seeks to produce. The quota shall be subject to the provisions of subsections (a) and (b) of this section. In fixing such quotas, the Attorney General shall determine the manufacturer's estimated disposal, inventory, and other requirements for the calendar year; and, in making his determination, the Attorney General shall consider the manufacturer's current rate of disposal, the trend of the national disposal rate during the preceding calendar year, the manufacturer's production cycle and inventory position, the economic availability of raw materials, yield and stability problems, emergencies such as strikes and fires, and other factors.

(d) The Attorney General shall, upon application and subject to the provisions of subsections (a) and (b) of this section, fix a quota for a controlled dangerous substance in schedule I or II for any registrant who has not manufactured that controlled dangerous substance during one or more preceding calendar years. In fixing such quota, the Attorney General shall take into account the registrant's reasonably anticipated requirements for the current year; and, in making his determination of such requirements, shall consider such factors specified in (c) of this section as may be relevant.

(e) At any time during the year any registrant who has applied for or received a manufacturing quota for a controlled dangerous substance in schedule I or II may apply for an increase in that quota to meet his estimated disposal, inventory, and other requirements during the remainder of that year. In passing upon the application the Attorney General shall take into consideration any occurrences since the filing of the registrant's initial quota application that may require an increased manufacturing rate by the registrant during the balance of the year. In passing upon the application the Attorney General may also take into account the amount, if any, by which the determination of the Attorney General under subsection (a) of this section exceeds the aggregate of the quotas of all registrants under this section.

(f) Notwithstanding any other provisions of this title, no registration or quota may be required for the manufacture of such quantities of controlled dangerous substances in schedules I and II that incidentally and necessarily result from the manufacturing process used for the manufacture of a controlled dangerous substance duly registered under this title. The Attorney General may, by regulation, prescribe restrictions on the retention and disposal of such incidentally produced substances.

RECORDS AND REPORTS OF REGISTRANTS

SEC. 307. (a) Upon the effective date of this Act, each registrant manufacturing, distributing, or dispensing controlled dangerous substances in schedules I, II, III, or IV shall make a complete and accurate record of all stocks of such dangerous substances on hand. Thereafter, complete and accurate records of all such dangerous substances shall be maintained for two years. Each two-year period after the effective date of this Act, at the time of his regular fiscal inventory, each registrant manufacturing, distributing, or dispensing controlled dangerous substances shall prepare an inventory of each dangerous substance in his possession. Records and inventories shall contain such information as shall be provided by rules and regulations promulgated by the Attorney General. This subsection shall not apply to practitioners who lawfully prescribe or administer, but not otherwise dispense, controlled dangerous substances listed in schedules II, III, or IV of this Act.

(b) The Attorney General may by regulation require the submission of reports nec-

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essary to conform to international obligations of the United States.

ORDER FORMS

SEC. 308. (a) Controlled dangerous substances in schedules I and II shall be distributed only by a registrant, pursuant to an order form prescribed by the Attorney General.

(b) Nothing contained in subsection (a) shall apply—

(1) to the administering or dispensing of such substances to a patient or a research subject by a practitioner in the course of his professional practice; however, such practitioner must comply with the requirement of section 307 of this Act;

(2) to the distribution or dispensing of such substances by a pharmacist to an ultimate user pursuant to a written prescription issued by a practitioner authorized by State law to issue such prescription; however, such pharmacist must comply with the requirements of section 307 of this Act.

PRESCRIPTIONS

SEC. 309. (a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without the written prescription of a practitioner: *Provided,* That in emergency situations, as prescribed by the Attorney General by regulation, such drug may be dispensed upon oral prescription in accordance with section 503(b) of that Act. Prescriptions shall be retained in conformity with the requirements of section 307 of this Act. No prescription for a schedule II substance may be refilled.

(b) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in schedule III which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without a written or oral prescription in conformity with section 503(b) of that Act. Such prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription unless renewed by the practitioner.

(c) No controlled dangerous substance included in schedule IV may be distributed or dispensed other than for a medical purpose.

(d) Whenever it appears to the Attorney General that a drug not considered to be a prescription drug under the Federal Food, Drug, and Cosmetic Act should be so considered because of its abuse potential, he shall so advise the Secretary of Health, Education, and Welfare and furnish to him all available data relevant thereto.

TITLE IV—IMPORTATION AND EXPORTATION

IMPORTATION OF CONTROLLED DANGEROUS SUBSTANCES—PROHIBITING CRUDE OPIUM FOR THE MANUFACTURE OF HEROIN

SEC. 401. (a) It shall be unlawful to import or bring into the United States any controlled dangerous substance listed in schedules I or II of title II of this Act, or any narcotic drug listed in schedules III or IV of title II of this Act, except that—

(1) such amounts of crude opium and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, or

(2) such amounts of any schedule I or II substance or any narcotic drug that the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States (A) during an emergency in which domestic supplies of such substances are found by the Attorney General to be inadequate or (B) if the Attorney General finds that competition among domestic manufacturers of the drug is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 hereof,

may be imported under such regulations as the Attorney General shall prescribe. No crude opium may be imported or brought into the United States for the purpose of manufacturing heroin or smoking opium.

(b) Non-narcotic controlled dangerous substances listed in schedule III may be imported for medical and other legitimate uses only pursuant to such notification requirements as the Attorney General may prescribe by regulation.

IMPORTATION OF COCA LEAVES

SEC. 402. In addition to the amount of coca leaves which may be authorized to be imported under section 401 (a) of this title, the Attorney General may permit the importation of additional amounts of coca leaves: *Provided,* That, after entry into the United States, all cocaine, ecgonine, and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made, contained in such additional amounts of coca leaves, shall be destroyed under the supervision of an authorized representative of the Attorney General.

EXPORTATION OF CONTROLLED DANGEROUS SUBSTANCES

SEC. 403. (a) No person shall export or cause to be exported from the United States, any narcotic drug listed in schedules I, II, and III of title II of this Act to any other country except—

(1) to a country which is a party to the International Opium Convention of 1912 for the Suppression of the Abuses of Opium, Morphine, Cocaine, and Derivative Drugs, or to the International Opium Convention signed at Geneva on February 19, 1925; or

(2) to a country which is a party to the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs concluded at Geneva, July 13, 1931, as amended by the protocol signed at Lake Success on December 11, 1946, and the protocol bringing under international control drugs outside the scope of the convention of July 13, 1931, for limiting the manufacture and regulating the distribution of narcotic drugs (as amended by the protocol signed at Lake Success on December 11, 1946) signed at Paris, November 19, 1948; or,

(3) to a country which is a party to the Single Convention on Narcotic Drugs, 1961, signed at New York, March 30, 1961; and with respect to any such country in subsection (1), (2), or (3) only if—

(a) such country has instituted and maintains, in conformity with the conventions to which it is a party, a system for the control of imports of narcotic drugs which the Attorney General deems adequate;

(b) the narcotic drug is consigned to a holder of such permits or licenses as may be required under the laws of the country of import;

(c) substantial evidence is furnished to the Attorney General by the exporter that the narcotic drug is to be applied exclusively to medical and scientific uses within the country of import, and that there is an actual need for the narcotic drugs for medical and scientific uses within such country; and

(d) a permit to export the narcotic drug in each instance shall have been issued by the Attorney General.

(b) Notwithstanding the provisions of subsection (a) of this section, the Attorney General may authorize the exportation of any narcotic drug (including crude opium and coca leaves) to a country which is a party to any of the international instruments mentioned in subsection (a) if the particular drug is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(c) No person subject to the jurisdiction of the United States shall export or cause to be exported from the United States any nonnarcotic controlled dangerous substance listed in schedules I and II of title II of this Act to any other country unless—

(1) such country has instituted and maintains a system which the Attorney General deems adequate for the control of imports of such substances;

(2) the controlled dangerous substance is consigned to a holder of such permits or licenses as may be required under the laws of the country of import;

(3) substantial evidence is furnished to the Attorney General that the dangerous substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country to which exported, that it will not be exported from such country, and that there is an actual need for the dangerous substance for medical, scientific, or other legitimate uses within the country; and

(4) a permit to export the controlled dangerous substance in each instance shall have been issued by the Attorney General.

(d) Notwithstanding the provisions of section (c) of this section, the Attorney General may authorize the exportation of any nonnarcotic dangerous substance if the particular substance is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(e) No person subject to the jurisdiction of the United States shall cause to be exported from the United States any controlled dangerous substances not requiring an export permit provided by this section to any other country unless the laws of the country to which the controlled dangerous substances are consigned permit the importation into the country, and then only if—

(1) there is furnished to the Attorney General prior to export documentary proof that importation is not contrary to the laws or regulations of the country of destination;

(2) a special controlled dangerous substance invoice, in triplicate, accompanies the shipment setting forth such information as the Attorney General may prescribe to identify the parties to the shipment and the means of shipping. Two copies of the invoice shall be forwarded to the Attorney General before the controlled dangerous substances are exported from the United States.

TRANSSHIPMENT AND IN-TRANSIT SHIPMENT OF CONTROLLED DANGEROUS SUBSTANCES

SEC. 404. No controlled dangerous substance listed in schedule I shall be admitted into the United States for transportation to another country, or be transferred or transshipped from one vessel, vehicle, or aircraft to another vessel, vehicle, or aircraft within the United States for immediate exportation or for any other purpose except for scientific, medical, or other legitimate purposes in the country of destination, and then only with the prior written approval of the Attorney General, which shall be granted or denied within twenty-one days of the request. No dangerous substances listed in schedules II and III may be so admitted, transferred, or transshipped except upon advance notice to the Attorney General.

TITLE V—OFFENSES AND PENALTIES

PROHIBITED ACTS A—PENALTIES

SEC. 502. (a) Except as authorized by this Act, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance:

(2) to import a controlled dangerous substance classified in schedules I or II or a narcotic drug classified in schedules III or IV into the United States;

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(3) to export a controlled dangerous substance classified in schedules I or II or a narcotic drug classified in schedule III from the United States;

(4) to bring or possess on board any vessel, vehicle, or aircraft under the special maritime and territorial jurisdiction of the United States a controlled dangerous substance classified in schedules I or II, or a narcotic drug classified in schedule III, not constituting part of the cargo entered in the manifest or part of the official supplies of the vessel, vehicle, or aircraft; and,

(5) to create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance.

(b) It shall be unlawful for any person to manufacture or distribute a controlled dangerous substance classified in schedules I or II—

(1) intending that such substance be unlawfully imported into the United States: or

(2) knowing that such substance will be unlawfully imported into the United States. This subsection is intended to reach acts of manufacture or distribution committed outside the territorial jurisdiction of the United States. Any person who violates this subsection shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia.

(c) Any person who violates subsection (a) or (b) with respect to—

(1) a substance classified in schedules I or II which is a narcotic drug shall be sentenced to a term of imprisonment for not more than twelve years, a fine of not more than $25,000, or both. In addition to any term of imprisonment, any sentence imposed shall include a special parole term of at least three years.

(2) any other controlled dangerous substance classified in schedule I, II, or III, except as specified in section 501(c)(4), shall be sentenced to a term of imprisonment for not more than five years, a fine of not more than $15,000, or both. In addition to any term of imprisonment, any sentence imposed shall include a special parole term of at least two years.

(3) a substance classified in schedule IV shall be sentenced to a term of imprisonment for not more than one year, a fine of not more than $5,000, or both.

(4) any person, who, in violation of this Act, distributes a small amount of marihuana for no remuneration shall be sentenced, if it is his first offense under the Act, to a term of imprisonment for not more than one year, a fine of not more than $5,000, or both.

(d) A special parole term imposed under this Act may be revoked if its terms and conditions are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special parole term and the resulting new term of imprisonment shall not be diminished by the time which was spent on special parole. A person whose special parole term has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. The special term provided for in this Act is in addition to, and not in lieu of, any other parole provided for by law.

(e) It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by the Act. Any person who violates this section shall be sentenced to a term of imprisonment for not more than one year, a fine of not more than $5,000, or both.

PROHIBITED ACTS B—PENALTIES

SEC. 502. (a) It shall be unlawful for any person—

(1) who is subject to the requirements of title II of this Act to distribute or dispense a controlled dangerous substance in violation of section 309;

(2) who is a registrant to manufacture, distribute, or dispense a controlled dangerous substance not authorized by his registration to another registrant or other authorized person;

(3) to bring a controlled dangerous substance classified in schedule I, II, or III into the United States or the special maritime or territorial jurisdiction of the United States for transshipment to another country, or to transfer or transship such a substance from one vessel to another within the United States for immediate exportation or for any other purpose—in violation of section 404 of this Act;

(4) who is a registrant to omit from any container of a controlled dangerous substance the symbol required by section 305 of this Act;

(5) to remove, alter, or obliterate a symbol required by section 305 of this Act;

(6) to refuse or fail to make, keep, or furnish any record, report, notification, order form, statement, invoice, or information required under this Act; or

(7) to refuse any entry into any premises or inspection authorized by this Act.

(b) It shall be unlawful for any person who is a registrant to manufacture a controlled dangerous substance which is—

(1) not expressly authorized by his registration and by a quota assigned to him pursuant to section 306 of this Act; or

(2) in excess of a quota assigned to him pursuant to section 306 of this Act.

(c) Any person who violates this section is punishable by a civil fine of not more than $25,000: *Provided*, That if the violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person is punishable by imprisonment for not more than one year, or a fine of not more than $25,000, or both.

PROHIBITED ACTS C—PENALTIES

SEC. 503. (a) It shall be unlawful for any person knowingly or intentionally—

(1) who is a registrant to distribute a controlled dangerous substance classified in schedule I or II, in the course of his legitimate business, except pursuant to an order form as required by section 308 of this Act:

(2) to use in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) to acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this Act, or any record required to be kept by this Act;

(5) to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting an offense under any provision of this Act. Each separate use of a communication facility shall be a separate offense under this section. For purposes of this subsection, the term "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds; it includes mail, telephone, wire, radio, and all other means of communication; and,

(6) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance.

(b) Any person who violates this section is punishable by imprisonment for not more than three years, a fine of not more than $30,000, or both.

ENDEAVOR AND CONSPIRACY

SEC. 504. Any person who endeavors or conspires to commit any offense defined in this title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the endeavor or conspiracy.

ADDITIONAL PENALTIES

SEC. 505. Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

DISTRIBUTION TO PERSONS UNDER AGE EIGHTEEN

SEC. 506. Any person who is at least eighteen years of age who violates subsection 501(a)(1) of distributing a substance classified in schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior is punishable by a term of imprisonment of twice that authorized by subsection 501(c)(1), by the fine authorized by subsection 501(c)(1), or by both. Any person who is at least eighteen years of age who violates subsection 501(a)(1) by distributing any other controlled dangerous substance listed in schedules I, II, III, or IV to a person under eighteen years of age who is at least three years his junior is punishable by a term of imprisonment up to twice that authorized by subsection 501(c)(2) or (3), by the fine authorized by subsection 501(c)(2) or (3), or by both. Imposition or execution of such sentence shall not be suspended and probation shall not be granted.

CONDITIONAL DISCHARGE FOR POSSESSION AS FIRST OFFENSE AND EXPUNGING OF RECORDS

SEC. 507. (a) Whenever any person who has not previously been convicted of any offense under this Act or under any statute of the United States or of any State relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled dangerous substance under subsection 501(e) the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him on probation upon such reasonable terms and conditions as it may require. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the additional penalties imposed for second or subsequent convictions under section 508 of this Act). Discharge and dismissal under this section may occur only once with respect to any person.

(b) Upon the expiration of a term of probation imposed upon any person under this Act, such person, who at the time of the offense was twenty-one years of age or younger, may apply to the Court for an order to expunge from all official records all recordation of his arrest, trial and conviction pursuant to this section. If the court determines, after hearing, that such person during the period of such probation has not been guilty of any serious or repeated violation of the conditions of such probation, it shall enter such order. The effect of such order shall be to restore

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such person, in the contemplation of the law, to the status he occupied prior to such arrest and trial. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest or trial in response to any inquiry made of him for any purpose.

SECOND OR SUBSEQUENT OFFENSES

SEC. 508. (a) Any person convicted of any offense under this Act is, if the offense is a second or subsequent offense, punishable by a term of imprisonment twice that otherwise authorized, by twice the fine otherwise authorized, or by both. If the conviction is for an offense punishable under subsection 501 (c)(1) or subsection 501(c)(2) of this Act, and if it is the offender's second or subsequent offense, the court shall impose, in addition to any term of imprisonment and fine, twice the special parole term otherwise authorized.

(b) For purposes of this section, an offense shall be considered a second or subsequent offense, if, prior to the commission of the offense, the offender has at any time been convicted of an offense or offenses under this Act or under any statute of the United States relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

(c) After conviction of any offense the penalty for which is provided in this Act (but before pronouncement of sentence), the court shall be advised by the United States Attorney whether the conviction is the offender's first or subsequent offense. If it is not a first offense, the United States Attorney shall file an information setting forth the prior convictions, and the offender shall have the opportunity in open court to affirm or deny that he is the person previously convicted. If he denies the identity, sentence shall be postponed to permit a hearing before the court on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the court to be the person previously convicted or if he acknowledges that he is such person, he shall be sentenced as prescribed in this section.

CONTINUING CRIMINAL ENTERPRISES

SEC. 509. (a) Whenever an attorney charged with the prosecution of a defendant over the age of twenty-one years in a court of the United States for an alleged violation of this Act, the penalty for which is imprisonment for more than one year, has reason to believe that the defendant has been involved in a continuing criminal enterprise, such attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that such defendant has been involved in a continuing criminal enterprise and who upon conviction of any offense charged in the indictment shall be subject to the imposition of a sentence under this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be involved in such continuing criminal enterprise. In no case shall the fact that the defendant is alleged to be involved in a continuing criminal enterprise be an issue upon the trial of such offense or in any manner be disclosed to the jury.

(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such offense, the court shall, before sentence is imposed, hold a hearing before the court alone. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. In connection with the hearing, the defendant and the United States shall be informed of the substance of such parts of the presentence report as the court intends to rely upon, except where there are placed in the record compelling reasons for withholding particular information, and shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such offense and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is involved in a continuing criminal enterprise, the court shall sentence him to a term of imprisonment for life, or for not less than five years, a fine of $50,000, and a forfeiture to the United States of: (1) the profits obtained by any activity in violation of the Act, (2) any interest acquired or maintained in violation of the Act, and (3) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which established, operated, controlled, conducted, or participated in the conduct of, in violation of the Act. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such offense. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

(c) A second or subsequent offense under this section is punishable by a term of imprisonment for life, or for not less than ten years, a fine of $100,000, and a forfeiture to the United States of: (1) the profits obtained by any activity in violation of the Act, (2) any interest acquired or maintained in violation of the Act, and (3) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which established, operated, controlled, conducted, or participated in the conduct of, in violation of the Act.

(d) For any sentence imposed under this section, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4202 of title 18 of the United States Code and the Act of July 15, 1932 (47 Stat. 696; D.C. Code 24–201 and following) as amended, shall not apply.

(e) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

(f) A defendant shall be deemed involved in a continuing criminal enterprise for purposes of this section if the court determines, by a preponderance of the evidence, that the convicted person—

(1) played a substantial role in a continuing criminal enterprise involving any violations of this Act punishable by imprisonment for more than one year in concert with at least five other persons and occupied a position of organizer, a supervisory position, or other position of management; or

(2) played a substantial role in a continuing criminal enterprise involving any violations of this Act punishable by imprisonment for more than one year and has or has had in his own name or under his control substantial income or resources not demonstrated to have been derived from lawful activities or interests.

(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured from imposition off the original sentence.

(h) With respect to the imposition, correction or reduction of a sentence after proceedings under this section, a review may be taken by the defendant or the United States to a court of appeals. Any review by the United States shall be taken at least five days before expiration of the time for taking a review or appeal by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review by the United States after the time has expired. A court extending the time for taking a review by the United States shall extend the time for taking a review or appeal by the defendant for the same period. The court of appeals may, after considering the record, including the presentation report, information submitted during the trial of such felony and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be made more severe only on review taken by the United States and after hearing. Failure of the United States to take a review of the imposition of a sentence shall, upon review taken by the United States of the correction or reduction of the sentence, foreclose imposition of a sentence more severe than that previously imposed. Upon any withdrawal of review taken by the United States, a sentence less severe than that reviewed may be imposed but one more severe may not be imposed. Any review taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review.

(i) No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

TITLE VI—ADMINISTRATIVE PROVISIONS

DELEGATION OF AUTHORITY—RULES, REGULATIONS, AND PROCEDURES—REQUESTS AND GIFTS

SEC. 601. The Attorney General may delegate any of his functions under this Act to any officer or employee of the Department of Justice. He may promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this Act. He may accept in the name of the Department of Justice any form of devise, bequest, gift, or donation where the donor intends to donate property for the purpose of preventing or controlling the abuse of dangerous substances. He may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey any such property other than moneys.

EDUCATION AND RESEARCH

SEC. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs necessary for the effective enforcement of this Act. In connection with such programs he is authorized to—

(1) establish methods to assess accurately the effects of controlled dangerous substances and to identify and characterize controlled dangerous substances with potential for abuse;

(2) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, or special projects which bear directly on misuse and abuse of controlled dangerous substances.

(b) The Attorney General may enter into

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contracts for educational and research activities without performance bonds and without regard to section 5 of title 41, United States Code.

(c) The Attorney General may authorize persons engaged in research on the use and effects of dangerous substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any Federal or State civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

(d) The Attorney General may authorize the possession and distribution of controlled dangerous substances by persons engaged in research. Persons who obtain this authorization shall be exempt from State or Federal prosecution for possession and distribution of dangerous substances to the extent authorized by the Attorney General.

COOPERATIVE ARRANGEMENTS

SEC. 603. (a) The Attorney General shall cooperate with local, State, and Federal agencies in discharging the national and international obligations of the United States concerning traffic in dangerous substances and in suppressing the abuse of dangerous substances. To this end, he is authorized to—

(1) arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances;

(2) cooperate in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States;

(3) conduct training programs on dangerous substance law enforcement for local, State, and Federal personnel;

(4) maintain in the Bureau of Narcotics and Dangerous Drugs a unit which will accept, catalog, file, and otherwise utilize all information and statistics, including records of dangerous substance addicts and other dangerous substance law offenders, which may be received from Federal, State, and local agencies, and make such information available for Federal, State, and local law enforcement purposes;

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled dangerous substances may be extracted.

(b) When requested by the Attorney General, it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance, including technical advice, to him for carrying out the purposes of this Act: *Provided*, That no such agency or instrumentality shall be required to furnish the name or other identifying information about a patient or a research subject whose identity it has undertaken to keep confidential.

SCIENTIFIC ADVISORY COMMITTEE

SEC. 604. (a) The Attorney General shall appoint a committee of experts to advise him with respect to dangerous substances which may be subject to control under this Act, including advice with respect to whether a drug should be controlled pursuant to the criteria contained in section 201 and which schedule is most appropriate for a controlled dangerous substance in accordance with the criteria established in section 202.

(1) The Advisory Committee shall be composed of persons selected by the Attorney General after consultation with the Secretary of Health, Education, and Welfare from a list drawn by the National Academy of Sciences. Such persons shall be qualified as experts and have diversified professional backgrounds. If the National Academy of Sciences is unable or refuses to act, the Attorney General shall select the membership of the Committee from other sources. The size of the Committee may be determined by the Attorney General but shall not be less than five persons. Each member of the Committee shall serve for a term of one year and until his successor is appointed and qualifies, and shall be eligible for reappointment.

(2) Members of the Committee shall be entitled to receive compensation at the rate now or hereafter provided for a grade GS-18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of duties for the Committee, members of the Committee shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subsection (i) of chapter 57 of title 5, United States Code. The Attorney General shall furnish the Committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the Committee.

(3) The Attorney General may establish a time limit for the Committee's submission of a written report required by section 201 of this Act.

(4) Referral of a matter to the Committee shall not suspend any administrative proceeding unless the Attorney General so directs.

(b) The Attorney General may from time to time appoint other committees to advise him with respect to preventing and controlling the abuse of dangerous substances. Members of the Committee may be entitled to receive compensation at the rate now or hereafter provided for a grade GS-18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of duties. While traveling on official business in the performance of duties for the Committee, members of the Committee shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subsection (i) of chapter 57 of title 5, United States Code.

ADMINISTRATIVE HEARINGS

SEC. 605. (a) In carrying out his functions, the Attorney General may hold hearings, sign and issue subpenas, administer oaths, examine witnesses and receive evidence at any place in the United States.

(b) Except as otherwise provided in this Act, notice shall be given and hearings shall be conducted under appropriate procedures of subchapter II of chapter 5, title 5, United States Code.

SUBPENAS

SEC. 606. (a) In any matter relating to the control of dangerous substances, the Attorney General is empowered to subpena witnesses, compel their attendance and testimony, and require the production of any records (including books, papers, documents, and tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing: *Provided*, That a witness shall not be required to appear at any hearing more than five hundred miles distant from the place where he was served with subpena. Witnesses summoned by the Attorney General shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) A subpena of the Attorney General may be served by any person designated in the subpena to serve it. Service upon a natural person may be made by personal delivery of the subpena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpena to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpena entered on a true copy thereof by the person serving it shall be proof of service.

(c) In the case of contumacy by or refusal to obey a subpena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpenaed person is an inhabitant, carries on business or may be found, to compel compliance with the subpena of the Attorney General. The court may issue an order requiring the subpenaed person to appear before the Attorney General, to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

JUDICIAL REVIEW

SEC. 607. All final determinations, findings, and conclusions of the Attorney General under this Act shall be final and conclusive decisions of the matters involved, except that any person aggrieved by a final decision of the Attorney General may obtain review of the decision in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which his principal place of business is located upon petition filed with the court and delivered to the Attorney General within thirty days after notice of the decision. Findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive.

TITLE VII—ENFORCEMENT PROVISIONS

POWERS OF ENFORCEMENT PERSONNEL

SEC. 701. (a) Any officer or employee of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice designated by the Attorney General may:

(1) carry firearms;

(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpenas, and summonses issued under the authority of the United States;

(3) make arrests without warrant for any offense against the United States committed in his presence, or for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) make seizures of property pursuant to the provisions of this Act; and

(5) perform such other law enforcement duties as the Attorney General may designate.

(b) Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws.

SEARCH WARRANTS

SEC. 702. (a) A search warrant relating to offenses involving controlled dangerous substances may be served at any time of the day or night if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that grounds exist for the warrant and for its service at such time.

(b) Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the

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executing officer or another person, and has included in the warrant a direction that the officer executing it shall not be required to give such notice: *Provided*, That any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

SEC. 703. (a) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States Magistrate may, within his jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections of controlled premises authorized by this Act or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, "probable cause" means a valid public interest in the effective enforcement of the Act or regulations sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee duly designated and having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the item or types of property to be seized, if any. The warrant shall be directed to a person authorized by section 701 to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant, The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

(b) The Attorney General is authorized to make administrative inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this title only, "controlled premises" means:

(a) places where persons registered or exempted from registration requirements under this Act are required to keep records; and

(b) places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under this Act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled dangerous substance.

(2) When so authorized by an administrative inspection warrant issued pursuant to subsection (a) of this section, an officer or employee designated by the Attorney General, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, shall have the right to enter controlled premises for the purpose of conducting an administrative inspection.

(3) When so authorized by an administrative inspection warrant, an officer or employee designated by the Attorney General shall have the right—

(a) to inspect and copy records required by this Act to be kept;

(b) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (b)(5) of this section, all other things therein (including records, files, papers, processes, controls, and facilities) bearing on violation of this Act; and

(c) to inventory any stock of any controlled dangerous substance therein and obtain samples of any such substance.

(4) This section shall not be construed to prevent the inspection without a warrant of books and records pursuant to an administrative subpena issued in accordance with section 606 of this Act, nor shall this section be construed to prevent entries and administrative inspections (including seizures of property) without a warrant—

(a) with the consent of the owner, operator, or agent in charge of the controlled premises;

(b) in situations presenting imminent danger to health or safety;

(c) in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and

(e) in all other situations where a warrant is not constitutionally required.

(5) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to—

(a) financial data;

(b) sales data other than shipment data; or

(c) pricing data.

FORFEITURES

SEC. 704. (a) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) all controlled dangerous substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of this Act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled dangerous substance in violation of the provisions of this Act;

(3) all property which is used, or intended for use, as a container for property described in subsections (1) and (2);

(4) all conveyances including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in (1) or (2), except that:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this chapter unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this Act; and

(b) No conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any State; and

(5) all books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this Act.

(b) Any property subject to forfeiture to the United States under this Act may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property except that seizure without such process may be made when—

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the United States in a criminal injunction or forfeiture proceeding under this Act;

(3) the Attorney General has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the Attorney General has probable cause to believe that the property has been used or intended to be used in violation of this Act.

In the event of seizure pursuant to paragraphs (3) and (4) of this subsection, proceedings under subsection (d) of this section shall be instituted promptly.

(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under the provisions of this Act, the Attorney General may:

(1) place the property under seal;

(2) remove the property to a place designated by him; or

(3) require that the General Services Administration take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(d) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as applicable and not inconsistent with the provisions hereof: *Provided*, That such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this Act by such

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officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeatures effected by any customs officer.

(e) Whenever property is forfeited under this Act the Attorney General may—

(1) retain the property for official use;

(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, provided that the proceeds be disposed of for payment of all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising and court costs;

(3) require that the General Services Administration take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau of Narcotics and Dangerous Drugs for disposition. Such disposition may include delivery for medical or scientific use to any Federal or State agency under regulations of the Attorney General.

(f) All substances listed in schedule I that are possessed, transferred, sold, or offered for sale in violation of the provisions of this Act shall be deemed contraband and seized and summarily forfeited to the United States. Similarly, all substances listed in schedule I, which are seized or come into the possession of the Government, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the United States.

(g)(1) All species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this Act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the United States.

(2) The failure, upon demand by the Attorney General, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.

(3) The Attorney General, or his duly authorized agent, shall have authority to enter upon any lands, or into any dwelling pursuant to a search warrant, to cut, harvest, carry off, or destroy such plants.

INJUNCTIONS

SEC. 705. (a) The district courts of the United States and all courts exercising general jurisdiction in the territories and possessions of the United States shall have jurisdiction in proceedings in accordance with the Federal Rules of Civil Procedure to enjoin violations of this Act.

(b) In case of an alleged violation of an injunction or restraining order issued under this section, trial shall, upon demand of the accused, be by a jury in accordance with the Federal Rules of Civil Procedure.

ENFORCEMENT PROCEEDINGS

SEC. 706. Before any violation of this Act is reported by the Director of the Bureau of Narcotics and Dangerous Drugs to any United States Attorney for institutions of a criminal proceeding, the Director may require that the person against whom such proceeding is contemplated be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

IMMUNITY AND PRIVILEGE

SEC. 707. (a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before a court or grand jury of the United States, involving a violation of this Act, and the person presiding over the proceeding communicates to the witness an order issued under this section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. But no testimony or other information compelled under the order issued under subsection (b) of this section or any information obtained by the exploitation of such testimony or other information, may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(b) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before a court or grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, upon the request of the United States attorney for such district, an order requiring such individual to give any testimony or provide any other information which he refuses to give or provide on the basis of his privilege against self-incrimination.

(c) A United States attorney may, with the approval of the Attorney General or the Deputy Attorney General, or any Assistant Attorney General, designated by the Attorney General, request an order under subsection (b) when in his judgment—

(1) the testimony or other information from such individual may be necessary to the public interest; and

(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

BURDEN OF PROOFS; LIABILITIES

SEC. 708. (a) It shall not be necessary for the United States to negative any exemption or exception set forth in this Act in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this Act, and the burden of proof of any such exemption or exception shall be upon the person claiming its benefit.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this Act, he shall be presumed not to be the holder of such registration or form, and the burden of proof shall be upon him to rebut such presumption.

(c) The burden of establishing that a vehicle, vessel, or aircraft used in connection with the substances listed in schedule I of this Act was used in accordance with the provisions of this Act shall be on the persons engaged in such use.

(d) No liability shall be imposed by virtue of this Act upon any duly authorized Federal officer engaged in the enforcement of this Act, or upon any duly authorized officer of any State, territory, political subdivision thereof, the District of Columbia, or any possession of the United States, who shall be engaged in the enforcement of any law or municipal ordinance relating to controlled dangerous substances.

PAYMENTS AND ADVANCES

SEC. 709. (a) The Attorney General is authorized to pay any person, from funds appropriated for the Bureau of Narcotics and Dangerous Drugs, for information concerning a violation of this Act, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law.

(b) Moneys expended from appropriations of the Bureau of Narcotics and Dangerous Drugs for purchase of controlled dangerous substances and subsequently recovered shall be reimbursed to the current appropriation for the Bureau.

(c) The Attorney General is authorized to direct the advance of funds by the Treasury Department in connection with the enforcement of this Act.

TITLE VIII—ADVISORY COMMITTEES

ESTABLISHMENT OF COMMITTEE ON MARIHUANA

SEC. 801. The Attorney General and the Secretary of Health, Education, and Welfare shall appoint a committee of experts to advise them with respect to all aspects of marihuana use.

(a) The Committee on Marihuana is authorized and directed to review all available information on this subject and to execute a study to be carried out on both an intramural and extramural basis, including utilization of the resources and ongoing projects of the National Institute of Mental Health and the National Institute of Law Enforcement and Criminal Justice, covering all aspects of marihuana use.

(1) The study shall include but not be limited to—

(a) identification of existing gaps in our knowledge of marihuana;

(b) an intensive examination of the important medical and social aspects of marihuana use;

(c) surveys of the extent and nature of marihuana use;

(d) studies of the pharmacology and effects of marihuana;

(e) studies of the relation of marihuana use to crime and juvenile delinquency; and

(f) studies of the relation between marihuana and the use of other drugs.

(b) The study shall be completed within twenty-four months from the effective date of this Act at which time the Committee shall submit to the President and to Congress a comprehensive report on its findings and, in addition, its recommendations with respect to the degree of control to be exercised over marihuana use. The Committee shall cease to exist thirty days after such report is submitted.

(c) The Committee on Marihuana shall be composed of persons selected by the Attorney General and the Secretary of Health, Education, and Welfare. Such persons shall be qualified as experts and have diversified professional backgrounds. The Director of the National Institute of Mental Health and the Director of the National Institute of Law Enforcement and Criminal Justice shall be members ex officio of the Committee. The size of the Committee shall be determined by the Attorney General and the Secretary of Health, Education, and Welfare but shall not be less than five persons.

(d) Members of the Committee shall be entitled to receive compensation at the rate now or hereafter provided for a grade GS–18 of the General Schedule for employees for each day (including travel time) during which they are engaged in the actual performance of duties for the Committee, members of the Committee shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subsection (1) of chapter 57 of title 5, United States Code. The Attorney General and the Secretary shall furnish the Committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the Committee.

(e) The Committee may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed may be entitled to receive compensation at the rate now or hereafter provided for a grade GS–18 of the General Schedule for employees for each day (including travel time) during which they are engaged in the actual performance of duties. While traveling on official business in the performance of duties for the Committee such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with sub-

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section (i) of chapter 57 of title 5, United States Code.

ESTABLISHMENT OF COMMITTEE ON NONGOVERNMENTAL DRUG ABUSE PREVENTION AND CONTROL

Sec. 802. (a) There is hereby established a Committee on Nongovernmental Drug Abuse Prevention and Control (hereinafter referred to in this section as the "Committee") for the purposes of (1) studying the extent to which nongovernmental organizations are involved in the prevention and control of drug abuse or addiction, and (2) advising as to how such organizations can best be fostered and encouraged.

(b) (1) The Committee shall be composed of twenty-one members, no more than seven of whom may be Members of Congress or otherwise employed by the Federal Government, to be appointed by the President.

(2) The Committee shall elect a chairman from among its members.

(3) The members of the Committee shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Committee.

(4) The Committee shall submit a report of its findings and recommendations to the President and Congress within one year after the date of enactment of this Act. Thirty days after submitting such report, the Committee shall cease to exist.

(c) In order to carry out the purposes of this section, the Committee is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate for a grade GS–18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of their duties for the Committee. While traveling on official business in the performance of duties for the Committee such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with section 5703 of title 5, United States Code.

(d) The Committee is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Committee and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman or any other member when acting as Chairman.

(e) The General Services Administration shall provide administrative services for the Committee on a reimbursable basis.

(f) There are hereby authorized to be appropriated such sums as may be necessary, not to exceed $250,000, to carry out the provisions of this section.

TITLE IX—MISCELLANEOUS

REPEALERS

Sec. 901. The laws specified in the following schedule are repealed except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this Act:

STATUTES AT LARGE

(a) Act of February 23, 1887 (ch. 210, secs. 1, 2, 24 Stat. 409), as amended (title 21, secs. 191–193).

(b) Act of February 9, 1909 (ch. 100, 35 Stat. 614), as amended (title 21, secs. 171, 173, 174–184, 185).

(c) Section 1 of the Act of March 28, 1928 (ch. 266, 45 Stat. 374), as amended (title 31, sec. 529a).

(d) Act of June 14, 1930 (ch. 488, sec. 6, 46 Stat. 587; title 21, sec. 173a).

(e) Act of June 14, 1930 (ch. 488, secs. 7, 8), as amended (title 21, secs. 197, 198).

(f) Act of July 3, 1930 (ch. 829, 46 Stat. 850; title 21, sec. 199).

(g) Section 6 of the Act of August 7, 1939 (ch. 566, 53 Stat. 1263; title 31, sec. 529g).

(h) Act of December 11, 1942 (ch. 720, 56 Stat. 1045), as amended (title 21, secs. 188–188n).

(i) Act of August 11, 1955 (ch. 800, secs. 1–3, 69 Stat. 684; title 21, secs. 198a–c).

(j) Section 15 of the Act of August 1, 1956 (ch. 852, 70 Stat. 910; title 48, sec. 1421m).

(k) Section 1 of the Act of July 18, 1956 (ch. 629, title I), as amended (title 21, sec. 184a).

(l) Act of April 22, 1960 (74 Stat. 55; title 21, secs. 501–517).

(m) Sections 201(v) and 511 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(v) and 360a), as added by section 3 of Public Law 89–74 and amended by Public Law 90–639.

(n) Section 301(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(q)), as added by section 5 of Public Law 89–74 and amended by Public Law 90–639.

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(a) Title 18, sections 1401–1407.
(b) Title 18, section 3616.
(c) Title 26, sections 4701–4776.
(d) Title 26, sections 7237–7238.
(e) Title 26, section 7491.

CONFORMING AMENDMENTS

Sec. 902. (a) Section 1114 of title 18, United States Code, is amended by striking out "the Bureau of Narcotics" and inserting "the Bureau of Narcotics and Dangerous Drugs".

(b) Section 1952 of title 18 of the United States Code is amended by—

(1) inserting in subsection (b)(1) the words "other controlled dangerous substances," immediately following the word "narcotics".

(2) striking subsection (c) and substituting the following new section:

"(c) Investigation of violations under this section involving liquor shall be conducted under the supervision of the Secretary of the Treasury."

(c) Section 4251(a) of title 18 of the United States Code is amended by striking out the words "section 4731 of the Internal Revenue Code of 1954, as amended," and substituting "the Controlled Dangerous Substances Act of 1969".

(d) Section 584 of the Act of June 17, 1930 (ch. 497, title IV, 46 Stat. 748), as amended by section 10 of the Act of July 1, 1944 (ch. 377, 58 Stat. 722), and section 9 of the Act of March 8, 1946 (ch. 81, 60 Stat. 39; title 19, sec. 1584), is amended by striking out the last sentence of the second paragraph and substituting the following new sentence: "The words 'opiate' and 'marihuana' as used in this paragraph shall have the same meaning as defined in the Controlled Dangerous Substances Act of 1969."

(e) Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as amended, is amended by deleting subsections (a) and (b) aand inserting in lieu thereof the following new subsections:

"Sec. 303. (a) Any person who violates a provision of section 301 shall be imprisoned for not more than one year or fined not more than $1,000, or both.

"(b) Notwithstanding the provisions of subsection (a) of this section, if any person commits such a violation after a conviction of him under this section has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $10,000, or both."

(f) Section 304(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(a)(2)), as amended, is amended by striking out paragraphs (A) and (D) and the words "of such a depressant or stimulant drug or" in subparagraph (C), and relettering (B), (C), and (E) as (A), (B), and (C).

(g) Section 304(d)(3)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(d)(3)(iii)), as amended, is amended by striking out the words "depressant or stimulant drugs or".

(h) Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360), as amended, is amended (1) by striking out subsection (a)(2) and renumbering subsection (a)(3) as (a)(2); (2) by deleting from the first sentence of subsection (b) the words "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug"; (3) by deleting the last sentence of subsection (b); (4) by deleting from the first sentence of subsection (c) the words "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug"; (5) by deleting the last sentence of subsection (c); (6) by deleting from subsection (d) the "(1)" immediately after the "(d)" and by inserting a period after the words "drug or drugs" and deleting the remainder of subsection (d); (7) by deleting from the heading of such section 510 the words "and Certain Wholesalers".

(i) Section 702 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372), as amended, is amended by deleting in subsection (e) the words "to depressant or stimulant drugs or".

(j) Section 201(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(a)(2)), as amended, is amended by adding a period after "Canal Zone" the first time these words appear and deleting all thereafter.

(k) Section 801(a) of the Federal Food, Drug, and Cosmetic Act (title 21, sec. 381(a)), as amended, is amended in the last sentence thereof by striking out "This paragraph" and substituting therefor "Clause (2) of the third sentence of this paragraph," and by striking out the words "section 2 of the Act of May 26, 1922, as amended (U.S.C. 1934 edition, title 21, sec. 173)" and substituting "the Controlled Dangerous Substances Act of 1969".

(l) Section 4901(a) of title 26 of the United States Code is amended by deleting the words "4721 (narcotic drugs), or 4751 (marihuana)" and by inserting the word "or" before the number "4461".

(m) Section 4905(b) of title 26 of the United States Code is amended by deleting the words "narcotics, marihuana," and "4722, 4753".

(n) Section 6808 of title 26 of the United States Code is amended by striking out subsection (8) and renumbering subsections (9), (10), (11), (12), and (13), as (8), (9), (10), (11), and (12).

(o) Section 7012 of title 26 of the United States Code is amended by striking out subsections (a) and (b) and renumbering (c), (d), (e), (f), (g), (h), (i), and (j) as (a), (b), (c), (d), (e), (f), (g), and (h).

(p) Section 7103 of title 26 of the United States Code is amended by striking out subsection (d)(3)(D) and renumbering (E) and (F) as (D) and (E).

(q) Section 7326 of title 26 of the United States Code is amended by striking out subsection (b) and relettering (c) as (b).

(r) Section 7607 of title 26 of the United States Code is amended by deleting all words prior to the word "officers" and by capitalizing the word "officer"; and by deleting in

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subsection (2) the words "section 4731" and "section 4761" and inserting in subsection (2) in lieu thereof the words "Controlled Dangerous Substances Act of 1969".

(s) Section 7651 of title 26 of the United States Code is amended by deleting the words "sections 4705(b), 4735, and 4762 (relating to taxes on narcotic drugs and marihuana)".

(t) Section 7655 of title 26 of the United States Code is amended by deleting subsections (3) and (4).

(u) Section 7609 of title 26 of the United States Code is amended by striking out subsections (a)(3) and (a)(4) and renumbering (5) and (6) as (3) and (4).

(v) Section 7641 of title 26 of the United States Code is amended by striking out the words "opium suitable for smoking purposes,".

(w) Section 2901(a) of title 28 of the United States Code is amended by striking out the words "section 4731 of the Internal Revenue Code of 1954, as amended," and substituting "the Controlled Dangerous Substances Act of 1969".

(x) Section 3 of the Act of August 7, 1939 (ch. 566, 53 Stat. 1263; title 31, sec. 529d), is amended by striking out the words "or the Commissioner of Narcotics, as the case may be,".

(y) Section 4 of the Act of August 7, 1939 (ch. 566, 53 Stat. 1263; title 31, sec. 529e) is amended by striking out the words "or narcotics" and "or narcotic".

(z) Section 5 of the Act of August 7, 1939 (ch. 566, 53 Stat. 1263; title 31, sec. 529f) is amended by striking out the words "or narcotics".

(aa) Section 308(c)(2) of the Act of August 27, 1935 (ch. 740), as amended (49 Stat. 880; title 40, sec. 304(m)) is amended by striking out the words "Narcotic Drugs Import and Export Act" and substituting "Controlled Dangerous Substances Act of 1969".

(bb) Section 302(a) of the Act of July 1, 1944 (ch. 373; title III), as amended (58 Stat. 692; title 42, sec. 242(a)) is amended by striking out the words "Narcotic Drugs Import and Export Act" and substituting "Controlled Dangerous Substances Act of 1969".

(cc) Section 301(a) of the Act of November 8, 1966 (ch. 175, title III), as amended (80 Stat. 1444; title 42, sec. 3411) is amended by striking out the words "section 4731 of the Internal Revenue Code of 1954 and substituting "the Controlled Dangerous Substances Act of 1969".

(dd) Section 1(a) of the Act of July 15, 1954 (ch. 512), as amended (68 Stat. 484; title 46, sec. 239a) is amended by striking out the words "paragraph (a) of the first section of the Narcotic Drugs Import and Export Act, as amended (21 U.S.C. 171(a)) and substituting "the Controlled Dangerous Substances Act of 1969"; and by striking out the words "section 3238(b) of the Internal Revenue Code" and substituting "the "Controlled Dangerous Substances Act of 1969".

(ee) Section 7(d) of the Act of August 9, 1939 (ch. 618), as amended (23 Stat. 1292; title 49, sec. 787) is amended by striking out the words "Narcotic Drugs Import and Export Act, the internal revenue laws or any amendments thereof, or the regulations issued thereunder" and substituting "Controlled Dangerous Substances Act of 1969"; and striking out the words "Marihuana Tax Act of 1937 or the regulations issued thereunder" and substituting "Controlled Dangerous Substances Act of 1969".

PENDING PROCEEDINGS

SEC. 903. (a) Prosecutions for any violation of law occuring prior to the effective date of this Act shall not be affected by these repealers or amendments, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this Act shall not be affected by the repealers or amendments, or abated by reason thereof.

(c) All administrative proceedings pending before the Bureau of Narcotics and Dangerous Drugs on the effective date of this enactment shall be continued and brought to final determination in accord with laws and regulations in effect prior to the date of this enactment. Such drugs placed under control prior to enactment of this Act which are not listed within schedules I through IV shall automatically be controlled by the Attorney General and listed in the appropriate schedule.

(d) The provisions of this Act shall be applicable to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective dates.

CONTINUATION OF REGULATIONS

SEC. 904. Any orders, rules, and regulations which have been promulgated under any law affected by this Act and which are in effect on the day preceding enactment of this title shall continue in effect until modified, superseded, or repealed by the Attorney General.

SEVERABILITY

SEC. 905. If a provision of this Act is held invalid, all valid provisions that are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision shall remain in effect in all its valid applications that are severable.

AUTHORIZATION OF APPROPRIATIONS

SEC. 906. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SAVING PROVISION

SEC. 907. Nothing in this Act, except this title and, to the extent of any inconsistency, section 309 of this Act, shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of the Federal Food, Drug, and Cosmetic Act.

EFFECTIVE DATE

SEC. 908. This Act shall take effect on the one hundred and eightieth day following the date of its enactment.

Mr. **MANSFIELD**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **SCOTT**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **DODD**. Mr. President, will the Senator yield?

Mr. **MANSFIELD**. I yield.

Mr. **DODD**. Mr. President, I ask unanimous consent that in the engrossment of Senate amendments to the bill, S. 3246, the Secretary of the Senate be authorized to make technical and clerical corrections.

The **PRESIDING OFFICER** (Mr. SPONG in the chair). Without objection, it is so ordered.

Mr. **DODD**. Mr. President, I would draw particular attention to the fact that Librium and Valium, which until now were not among the controlled drugs, have been specifically included in the list of substances to come under the supervision of the Bureau of Narcotics and Dangerous Drugs.

There is good reason why this should be so. Both Valium and Librium are psychotropic drugs; both affect the central nervous system; both have a considerable potential for drug abuse and drug habituation.

The decision to include both these drugs among those enumerated in the present legislation was not taken lightly. It was made only after the Bureau of Narcotics and Dangerous Drugs and individual physicians pointed out the existing and potential abuse of these drugs; and the continuing problem of increasing numbers of people who are getting habituated to them.

The manufacturers of these drugs believe that they have a great deal to lose if they come under the control of the Bureau of Narcotics and Dangerous Drugs. They have consequently insisted that, contrary to ample medical evidence, neither Librium nor Valium has any potential for abuse.

They have, however, made no concerted effort to have these drugs deleted from the Senate bill. Their thrust is directed at the House, where they intend to undertake serious and strenuous efforts to have these two drugs deleted from the final House version.

So that Members of the House of Representatives are forewarned of this concerted lobbying effort to which they are to be subjected, I would dwell for a moment on an important aspect of the drug bill before us which is as I said the inclusion of several drugs heretofore not included in Federal statutes for control.

They are the tranquilizers, Librium and Valium. The inclusion of Librium and Valium, tranquilizers produced by the firm of Hoffmann-LaRoche, located in Nutley, N.J., have been bitterly contested by the manufacturer. I am not surprised at this manufacturer's objections. Sales of nearly $100 million on these two drugs in one recent year are sufficient reason for some of the most intensive lobbying on Capitol Hill in memory.

In fact, working the offices of subcommittee members there have been more Roche advance men than there are staff of the Subcommittee To Investigate Juvenile Delinquency. The fee reportedly paid to a Washington law firm to lobby this provision of the bill is three times the total subcommittee staff budget for this calendar year.

The Delinquency Subcommittee, which I chair, held legislative hearings on the administration's drug bill, S. 2637, and my bill S. 1895, during September and October of 1969. The facts on which the subcommittee brought these drugs under the stringent inventory and penalty controls of Federal statutes were a hotly debated part of the subcommittee hearings.

Appearing on behalf of the administration and the Justice Department's Bureau of Narcotics and Dangerous Drugs, John Ingersoll, its Director, presented before the subcommittee a limited survey on Librium and Valium abuse covering the last 2½ years. Briefly, this limited study of the Bureau's 14 regions show that 1,353 people attempted suicide using Librium and/or Valium; 97 succeeded.

Cases of accidental ingestion, which were considered to be in most cases probable suicide attempts, numbered 929.

In addition, there were 99 State charges of illegal activities involving these two drugs.

The most significant finding of the report shows that audits of 56 pharmacies in just six States uncovered inventory shortages of 753,434 doses of Librium and Valium. The six States included Massachusetts, Rhode Island, New York, Florida, Texas, and California.

I emphasize to Senators the difficulty involved in attempting to develop any statistics of this type for these drugs. Since they are not controlled by Federal law, the handlers are not subject to strict accountability. Coupled with the tendency of States to audit only those drugs which are controlled by Federal law, substantial numbers of these drugs can be and are diverted without this fact ever coming to light.

For example, the 10 pharmacies audited by the Florida authorities in the report I just mentioned, were the only drug stores in the State specifically audited for shortages of Librium and Valium.

Early in the hearings, when I first exposed the diversion of these drugs from pharmacies, the manufacturer poohpoohed the evidence claiming diversion was isolated to a few Cuban doctors operating in Miami, Fla.

The Bureau of Narcotics and Dangerous Drugs report demolished that argument as significant diversion was found everywhere they looked.

For example, accountability investigations of three pharmacies over a 6-month period in the State of Massachusetts, turned up shortages of 65,499 units of Librium and 39,959 doses of Valium, for a total shortage of 105,458 capsules.

And it was not only large cities or States where diversion and abuse was found.

In a city of 112,000 citizens, the Hammond, Ind., Poison Control Center and the Hammond police reported these attempted suicides involving only Librium or only Valium: in 1965, five with Librium; in 1966, six with Librium and one with Valium; in 1967, nine with Librium and one with Valium; in 1968, four with Librium and one with Valium; in 1969—through September—nine with Librium and two with Valium.

In 1968 the State of Iowa recorded seven cases of arrests for unlawful possession of dangerous drugs, involving Librium and Valium along with LSD and other dangerous drugs. Iowa State records also show two deaths and one attempted suicide with Librium and Valium; one of the deaths came a day after the victim obtained 100 Librium capsules on a falsified prescription.

Davidson County, Tenn., reported 20 attempted suicide with Librium and Valium in 1968.

Orleans Parish, La., police and public health officials revealed 16 cases of attempted suicide, suicide and illegal possession involving Librium and Valium during 1968.

To answer the pleas of the manufacturer's lawyers that Librium is one of the safest drugs on the market and not a drug of abuse, I would call to the attention of Senators the circumstances of some police investigations of other drug offenses. In Cambridge, Mass., in 1969, five drug raids and arrests revealed marihuana, Librium, Valium, and LSD all to be in the possession of defendants at the same time.

A speeding arrest defendant was in possession of narcotics and Librium. In a case involving forged prescriptions for Librium, five defendants were arrested in a raid that disclosed marihuana, Librium and other dangerous drugs. The defendants were previously involved with glue sniffing.

Robbery defendants were found to be in possession of Librium and marihuana, car thieves had both; drugstore robbers had narcotics, controlled dangerous drugs, Librium and Valium.

In Massachusetts alone 65 individuals tried to kill themselves with Librium and Valium, either alone or in combination with other drugs.

In my own State of Connecticut, police report 13 criminal cases where the defendants were found to possess Librium in violation of the law. And in Connecticut, the State reports cases of Librium abuse rose 480 percent in 1968 compared to 1967.

Mr. President, the examples of suicides and crimes involving these drugs cover the entire United States, and I should like to have printed in the Record at the conclusion of my remarks the entire text of the report from which my figures came. This report was compiled by the Bureau of Narcotics and Dangerous Drugs and cites hundreds upon hundreds of cases of suicides and attempted suicides as well as illegal sales involving Librium, Valium, and meprobamate or Miltown.

The manufacturer's lawyers argue that no dependence develops from use of Librium and Valium, but this report shows clearly that physical and psychological addiction have been recorded and in great numbers. No matter how persuasive the lobbyists for these drugs may be, we must distinguish their well-paid rhetoric from the simple, uncomplicated facts before us.

We have an epidemic of tranquilizer deaths directly accountable to Librium and Valium. And I mean just that, an epidemic. When public health officials speak of epidemics, they mean a rise in recorded cases above the known level of previous years' cases

New York City, for example had 173 cases of overdoses of Librium in 1967; in 1968 the figure was 205.

In 1967 that city recorded 84 overdoses of Valium; in 1968 there were 105.

Mr. President, the rates are growing, and we are asked in the honeyed tones of the manufacturer's best lawyers not to require detailed recordkeeping of the disposition of these drugs. They say it is too much trouble for the pharmacist and the manufacturer.

Trouble, the paperwork may well be. But no more trouble than accounting for the gross earnings of the manufacturer. The problem is in the manufacturer's motive for keeping records. I am sure tax accountants and accounts receivable clerks are spared no paperwork in completing their jobs. I think we can ask no less for the purpose of saving human lives by the thousands each year.

And just as the Federal Internal Revenue Service penalizes the companies for inadequate tax records and payments, so I think it is not too much to subject the same manufacturers, distributors, and dispensers to penalties should they be lax in maintaining inventory and disposition records of their products.

What would be the result if tax records were off as much as New York's pharmacies: if the tax receipts were an average of 38.14 percent short of the total amount to be paid? That State recorded shortages in drugstore inventories of 186,646 capsules out of a total of 489,250 capsules to be accounted for in less than 9 months, in just 22 drugstores.

Mr. President, I have taken this time to cite the abuse of these two tranquilizers because the opponents to this bill insist that these drugs cause no harm.

One can agree with them when they are legally dispensed under the supervision of a physician.

But I am talking about those millions of pills that are diverted to illegal channels and abused by everyone from suicidal housewives to criminal drug addicts.

I think it imperative that this Congress act to insure that manufacturers be just as concerned about the ultimate physical effect of their product as they are concerned about the ultimate financial profit they make from its sales.

They fear that these controls will intimidate doctors and reduce sales of these drugs.

If that be so, then perhaps the doctors should be aware of the drugs' propensity for finding their way into the hands of suicidal patients and into the black market.

I see no reason to protect the manufacturer's position in supplying both the druggist and the black market.

Of course, if we shut off the black market in these drugs, the manufacturer will ultimately lose the profit from those original sales: but I think the health of this Nation is worth that loss.

So that the Members of the House will be advised of the nature of the abuse problem posed by these drugs, I ask unanimous consent that the study entitled "Report on Abuse of Librium and Valium Submitted to the Subcommittee To Investigate Juvenile Delinquency by U.S. Department of Justice, Bureau of Narcotics and Dangerous Drugs" be printed at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

REPORT ON ABUSE OF LIBRIUM AND VALIUM SUBMITTED TO THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY BY U.S. DEPARTMENT OF JUSTICE, BUREAU OF NARCOTICS AND DANGEROUS DRUGS

INTRODUCTION

The evidence introduced at the original hearing dealt with examples of abuse or studies showing the potential for abuse which were developed prior to August, 1966. To determine the current status of these drugs' potential for abuse, the Bureau of Narcotics and Dangerous Drugs initiated a limited survey within each of the Bureau's 14 Regions for the years 1967 through 1969. The study was quite restricted in that generally only the headquarters city of the Region, the State agencies wherein the Regional

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headquarters is located and one additional city were covered. Great reliance was placed on the local authorities to provide information which they already had and to initiate new information gathering programs.

The following information is summarized by State, by Region. Complete back up material is on file with the Bureau.

GENERAL SUMMARY

I. Evidence relating to diversion:

State	Number of pharmacies audited	Shortages	
		Librium	Valium
Massachusetts	3	65, 499	39, 959
Rhode Island	2	2, 023	1, 989
New York	22	102, 270	84, 376
Florida	10	141, 673	190, 501
Texas	6	68, 171	17, 530
California	13	20, 800	18, 643
Total		400, 436	352, 998
Total both drugs		753,434	

II. Individuals taking Librium and/or Valium on their own initiative or not pursuant to sound medical advice: Attempted suicides, 1,256; suicides, 97; adult "accidental ingestion" 929.

III. Illegal activities involving Librium and/or Valium: 99.

REGION 1.—MASSACHUSETTS

I. Accountability audit investigations of pharmacies were conducted jointly by the Bureau of Narcotics and Dangerous Drugs and the Massachusetts Board of Pharmacy. A summary of the findings of these audits follow:

Pharmacy	Period covered	Shortages [1]	
		Librium	Valium
Medford	5/69–10/69	2, 730	1, 930
F. & E. Bailey & Co	4/69–10/69	1, 950	3, 285
Star	4/69–10/69	60, 819	34, 744
Total		65, 499	39, 959
Total both drugs		105, 458	

[1] By number of capsules. Various dosage units for each drug are combined in totals. Not all dosage units or both drugs audited in every store.

II. The following table contains a summary of some of the cases in which Librium and Valium were detected during police investigation of other drug offenses in Massachusetts:

Date	Jurisdiction	Circumstances
8/69	Cambridge	Defendant arrested for possession of marihuana. Search of premises revealed marihuana, Librium and other dangerous drugs.
4/69	do	Defendant arrested for possession of marihuana and barbiturates. Valium also seized at time of arrest.
4/69	do	Three defendants arrested for unlawful possession of marihuana. Librium also found.
2/69	do	Acting on a search warrant for marihuana and LSD, police uncovered LSD and Librium.
9/69	do	Marihuana, Librium and LSD taken in drug raid.
3/69	Medford	Defendant originally arrested for speeding found to be in possession of narcotics and Librium.
3/69	do	Case involved forged prescription for Librium and forged application for MEDICAID. Five defendants arrested in raid and marihuana, Librium and other dangerous drugs seized. Defendants previously involved with glue sniffing.
2/69	do	Defendants arrested for robbery of pharmacy in which narcotics, DACA drugs, Librium and Valium were taken. Previously been arrested in other possession of harmful drugs cases.
7/69	Somerville	Defendant arrested in connection with drug store robbery. Drugs recovered included narcotics, DACA drugs, and Librium.
4/69	Dedham	Four juveniles arrested in automobile found to be in possession of Librium and marihuana.

III. A survey of several public health facilities, poison control centers and law enforcement agencies within the State of Massachusetts revealed the following data on incidents indicative of abuse of Librium and Valium:

Drug	Suicide	Attempted suicide	Adult, accidental ingestion [2]
Librium alone		15	11
Librium plus other drugs	1	13	5
Valium alone		7	7
Valium plus other drugs		5	
Totals	1	40	23

[2] Includes ingestion by children over 12 years of age and adults under 60 which, though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with the Librium and/or Valium or for other reasons.

REGION 1.—RHODE ISLAND

I. Accountability audit investigations were conducted on two pharmacies by the State of Rhode Island Division of Drug Control. A summary of their findings follows.

Pharmacy	Period covered	Shortages [1]	
		Librium	Valium
Adams Drug Store	1/68–10/69	1, 555	636
Adams Drug Co	10/68–11/69	468	1, 353
Totals		2, 023	1, 989
Total both drugs		4, 012	

[1] By number of capsules. Various dosage units for each drug are combined in totals. Not all dosage units or both drugs audited in every store.

II. The following is a summary of incidents indicative of abuse of Librium and Valium which were received from public health officials in Rhode Island for the period 1967–68:

Drug	Attempted suicide	Suicide	Kicks	Adult accidental ingestion [1]
Librium alone	5	1		
Librium plus other drugs	4		1	
Valium alone	2			1
Valium plus other drugs	1			
Total	12	1	1	1

[1] Includes ingestion by children over 12 years of age and adults under 60 which, though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with the Librium and/or Valium or for other reasons.

REGION 1. CONNECTICUT.—Police authorities of the State of Connecticut reported for 1968, 12 criminal cases where the defendants were found to be in possession of Librium in violation of the law.

REGION 2.—NEW JERSEY

I. The Professional Board of Inspectors of the New Jersey State Board of Pharmacy initiated six investigations of pharmacies from 1968 to the present which resulted in undercover purchases of Librium (no attempt was made to purchase Valium). Each store was subsequently involved in disciplinary action for these illegal sales.

Pharmacy	Number of sales	Amount of Libium purchased	Board action
White's	3	535	$600 fine.
Lebow's Pharmacy, Inc.	8	110	$2,500 fine plus license suspended for 14 days.
Belmont	2	20	$100 fine.
Roseville Drug Center	4	50	$500 fine.
Edwards'	2	35	Do.
Phillips'	3	35	License suspended for 14 days.
Total	22	785	

II. A survey of the Newark, N.J., Police Narcotic Squad for the year 1968 revealed the following:

Case No.	Date	Number of defendants	Summary
5790	12/7/68	1	Creating a disturbance and illegal possession of Tuinal and Librium.
6032	2/20/68	2	Illegal possession of Librium and heroin.
5879	11/22/68	1	Illegal possession of Librium and marihuana.
5433	7/28/68	3	Illegal possession of Librium and loaded firearms.

REGION 2.—NEW YORK

I. An examination of the records of the New York State Board of Pharmacy from 1967 to date revealed that out of a total of 37 illegal drug sales made to inspectors of the Board of pharmacies, Librium and/or Valium were involved in 10 of the sales. Accountability audit investigations were made by the Bureau of Narcotics and Dangerous Drugs in conjunction with the State authorities in the 10 stores which had illegally sold the Librium and Valium and in 12 other stores involved in illegal sales of drugs. Twenty of these audits were conducted in New York City and two in Buffalo. The audits covered the period from January 1 to September 26, 1969. A summary of the findings of these audits follows:

Drug short	No. stores in which drug short	Amt. to be accounted for from 1/1/69 to 9/26/69	Amount short	Percent short
Librium Caps 5 mgs	14	72, 800	23, 723	32. 58
Librium Caps 10 mgs	19	217, 150	78, 547	36. 17
Valium Tabs 2 mgs	13	57, 900	21, 717	37. 50
Valium Tabs 5 mgs	16	141, 400	62, 659	44. 31
Total		489, 250	186, 646	38. 14 (average)

II. An examination of the records of the New York City Poison Control Center for the years 1967, 1968, and the first 9 months of 1969, reveals numerous incidents of excessive ingestion of Librium, Valium and other tranquilizers. Although the causes of injury are not available for the years 1967 and 1968, from the nature of the operation of the Poison Control Centers they can be attributed to either accidental or intentional (suicidal) overdoses. For the cases reported in the first 9 months of 1969, it is known that ten involved attempted suicides. One of the cases involved an accidental overdose by an adult who admitted he illegally obtained the Librium from one of the pharmacies discussed in the previous section. A summary of the results of the examination of the Poison Control Center records follows. The figures do not contain incidents of ingestion by children under 12 years of age or adults over 60 years of age.

Drug	1967	1968	1969 1/1–9/30
Librium	173	205	21
Valium	84	105	20
Unspecified tranquilizers	17	19	
Total	274	329	41

III. Information obtained from the files of the New York State Department of Health for the years 1967 and 1968 also shows 223 incidents of poisonings involving Librium and 114 involving Valium, either alone with each other or in conjunction with other harmful drugs. Although the information generally did not distinguish between suicides attempted suicides and accidental ingestions, the age of the person and other drugs ingested indicated a suicidal tendency in 55 of these cases, at least one of which resulted in death. The figures do not contain incidents involving children under 12 years of age or adults over 60.

IV. An examination of the records of the New York City medical examiners revealed several examples of deaths in which Librium and Valium were involved. These findings are summarized below:

Date of death	Sex	Age	Lab findings
11/67	F	26	Librium metabolite.
4/67	F	59	Librium.
8/67	M	46	Librium poisoning.
8/67	M	45	Librium and Placidyl.[1]
8/68	F	45	Acute barbiturate poisoning.[2]
9/68	F	27	Do.[3]

Footnotes at end of table.

Date of death	Sex	Age	Lab findings
9/68	F	57	Overdose of Seconal.[4]
12/68	F	43	Overdose of Librium.
12/68	F	35	Overdose of Librium and Darvon.
2/68	M	40	Placidyl.[5]
8/68	F	36	Darvon.[6]
1/68	M	43	Overdose of unknown drugs.[7]
2/68	F	49	Barbiturates and Placidyl found.[2]
4/68	F	58	Barbiturates found.[8]
6/68	F	39	Barbiturates and Doriden detected.[9]
9/68	F	23	Overdose of Valium.
7/68	F	35	Barbiturates and Morphine.[10]
6/68	M	25	Overdose of Librium.
1/69	F	33	Alcohol detected.[2]
1/69	M	40	Amobarbitol and Secobarbitol found.[3]
5/69	M	43	Phenothazine and Impramine found.[3]
5/69	M	26	Valium found.
6/69	F	76	Barbiturates found.[11]
6/69	M	26	Darvon found.[12]
6/69	F	51	Barbiturates found.[13]
6/69	M	50	Amobarbital and Secobarbital found.[2]
6/69	F	58	Barbiturates found.[14]
2/69	M	39	Librium and Darvon found.[15]
3/69	F	38	Overdose of Librium, Benedryl and barbiturates.
6/65	M	23	Opiates not detected.[16]

[1] Vials of Librium, Doriden, Tuinal and Placidyl found at scene of death.

[2] Librium found at scene of death.

[3] History of taking Librium.

[4] History of suicidal ingestion of Librium and Seconal.

[5] Librium, Antobuse and Chloral Hydrate found at scene of death.

[6] Two empty boxes of Librium and Darvon found at scene of death.

[7] History of taking Valium, Doriden and Thorazine.

[8] Empty bottle of Valium and barbiturate found at scene of death.

[9] History of using Valium and Doriden.

[10] History of using Valium and Seconal.

[11] Suicide note and empty bottles of Valium, Librium and sleeping pills found at scene of death.

[12] Nine empty vials of Librium, Darvon and other drugs found at scene of death.

[13] Librium, and Tuinal found at scene of death.

[14] Suicide note, Librium, Valium and Seconal found at scene of death.

[15] Empty vials of Valium, Librium and Darvon found at scene of death.

[16] History of using marihuana and Thorazine. Found dead with Valium and Mellaril nearby.

REGION 3.—DELAWARE

nformation obtained from various authorities in the State of Delaware reveal the following incidents of drug abuse indicative of the abuse of Librium:

1. One suicide attributed to Librium.
2. Four adult deaths where Librium, either alone or in conjuction with other drugs, was found in the system.
3. The F.B.I. reported the case of an individual who was found nude outside an apartment building posing as a statue. He was found to under the influence of LSD. In his apartment were found 24 hypodermic needles which were stolen from a VA hospital, and a 10-ounce bag of Librium.

REGION 3.—NEW JERSEY (MIDDLE AND SOUTHERN NEW JERSEY)

Information obtained from various public health officials in southern and middle New Jersey revealed the following incidents involving Librium and Valium which were indicative of abuse:

Drug	Attempted suicides	Adult "accidental ingestions"[1]
Librium alone	22	4
Librium plus other drugs	1	
Valium alone	14	
Totals	37	4

[1] Includes ingestion by children over 12 years of age and adults under 60 which, though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with the Librium and/or Valium or for other reasons.

REGION 3.—PENNSYLVANIA

I. A survey of several public health facilities, poison control centers, and law enforcement agencies within the State of Pennsylvania revealed the following data on incidents indicative of abuse of Librium and Valium:

Drug	Attempted suicide	Adult "accidental ingestions"[1]	Adult deaths, drugs found in system[2]
Librium alone	33	5	8
Librium plus other drugs	5	1	
Valium alone	6	2	2
Valium plus other drugs	1	1	
Total	45	9	10

[1] Includes ingestion by children over 12 years of age and adults under 60 which, though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with Librium and/or Valium or for other reasons.

[2] Information supplied by Philadelphia County medical examiner's office.

REGION 4.—MARYLAND

I. The following information was received from the Baltimore Medical Examiner's Office concerning deaths where Librium was involved:

Age	Sex	Cause of death
39	F	Intoxication, alcohol, Librium and Placidyl.
24	M	Overdose Librium and Darvon. Known to use narcotics and LSD (ruled suicide).
65	F	Overdose Tuinal, Librium, Mellaril.
35	M	Overdose Dilantin, Librium.
57	M	Overdose Librium and Darvon.
23	F	Overdose Librium and barbiturates (ruled suicide).

II. Information obtained from the Maryland Poison Information Center, Baltimore City Health Department, and several hospitals in Maryland and Virginia revealed 63 cases of adult ingestions of Librium and Valium.

REGION 5.—FLORIDA

I. During 1969, the Florida State Board of Pharmacy conducted accountability audits for Librium and Valium in 10 pharmacies only. The results of the audits follow:

Pharmacy	Period covered	Shortages[1]		Action by Board of Pharmacy
		Librium	Valium	
Corazon de Jesus	1/68–2/69	34, 581	46, 310	Pending.
Andres' Pharmacy Inc.	7/68–3/69	37, 339	37, 669	Fine.
Farmacia Continental.	1/68–3/69	23, 298	36, 296	Pending.
Williams City Drug	1/68–5/69		2, 080	Hearing recommended
San Roque	1/69–8/69	743	1, 685	Do.
Drug Center	1/68–5/69		10, 885	Hearing scheduled.
Riverside Prescription.	7/68–3/69			None.
Williams Rexall	1/68–5/69		4, 091	Probation.
Coral Way	1/69–7/69	4, 218	4, 367	Hearing scheduled.
Central	1/68–4/69	41, 494	47, 118	License revoked.
Totals		141, 673	190, 501	
Total both drugs.		332, 174		

[1] By number of capsules. Various dosage units for each drug are combined in totals. Not all dosage units or both drugs audited in every store.

REGION 5.—FLORIDA

II. A survey of numerous public health facilities, poison control centers and law enforcement agencies within the State of Florida revealed the following data on incidents indicative of abuse of Librium and Valium.

Drug	Suicide	Attempted suicide	Adult[2] "accidental ingestion"	Illegal sale, possession
Librium alone				3
Librium—no record of other drugs		23	10	
Librium plus other drugs	2	1		1
Valium alone		1	1	
Valium—no record of other drugs		4	7	
Valium plus other drugs				2
Total	2	29	18	6

[2] Does not include persons under 12 or over 60 or persons whose age is unknown. An ingestion is classified "accidental" unless a physician or competent public official has specifically ruled that it was suicidal attempt. Questionable cases classified as accidental.

REGION 5.—GEORGIA

I. A survey of numerous public health facilities, poison control centers and law enforcement agencies within the State of Georgia revealed the following data on incidents indicative of abuse of Librium and Valium.

Drug	Suicide	Attempted suicide	Adult[1] "accidental ingestion"	Illegal sale, possession
Librium alone				
Librium—no record of other drugs		2		20
Librium plus other drugs		2		23
Valium alone				
Valium—no record of other drugs		2		17
Valium plus other drugs				3
Totals		6		63

[1] Does not include persons under 12 or over 60 or persons whose age is unknown. An ingestion is classified "accidental" unless a physician or competent public official has specifically ruled that it was suicidal attempt. Questionable cases classified as accidental.

REGION 5.—SOUTH CAROLINA

A case report was received by the Columbia, South Carolina Office of the Bureau of Narcotics and Dangerous Drugs from the Office of Naval Intelligence concerning the abuse of dangerous drugs by a young Navy WAVE. The subject, a rather immature and highly emotional person, admitted to taking various dangerous drugs off and on over a period of two years. The drugs abused included Librium, Valium, Ritalin and Meprobamate. On two occasions the girl attempted suicide. Once with Librium and Darvon and the second time with Valium alone. The drugs in question were obtained both by prescription and by pilferage. She admitted to giving some of these drugs to her friends on various occasions but denied selling them. The Navy did not institute court-martial action nor was any action initiated against the girl by the Bureau of Narcotics and Dangerous Drugs.

REGION 6.—MICHIGAN

Information obtained from hospitals in Michigan indicated the following suicide attempts involving Librium:

Hospital	Circumstances
Pontiac General	2 cases of attempted suicide with Librium during 1968.
Blodgett	3 cases of attempted suicide with Librium during 1967–68.
St. Joseph (Ann Arbor).	23-year-old female attempted suicide with Librium in 1968. 52-year-old female attempted suicide with Librium in 1968. 30-year-old female attempted suicide with Librium and Donnatal in 1968.

REGION 6.—OHIO

I. The Cuyahoga, Ohio County Coroner's Office provided the following information relating to deaths involving Librium and Valium:

Age	Sex	Date	Circumstances
51	F	6/67	Suicide—Valium in combination with other drugs.
47	F	8/67	Suicide—Librium, barbiturates and other drugs.
49	M	8/67	Librium and Doriden.
58	M	11/68	Probable suicide—Valium and Elavil.

II. Information obtained from the Good Samaritan Hospital for the year 1967 revealed the following: One case of attempted suicide involving Librium and Darvon. One case of attempted suicide involving Librium, Valium, alcohol and Darvon.

REGION 7.—ILLINOIS

I. The Chicago Police Department reported 18 cases involving illegal sale and/or possession of Librium for the period Jan. 1, 1967, to Aug. 31, 1969. In 4 of the cases the persons were sentenced by the court. The remaining cases either are pending or have been discharged, usually because the evidence was obtained by a faulty warrant.

II. The Illinois Department of Public Health reported the following deaths involving Librium and Valium for the years 1967–69.

Drug	Age	Sex	Date	Circumstances
Librium	63	M	8/66	Suicide.
Do	60	F	4/66	Accident.
Librium, Teldrin	58	M	5/66	Undetermined.
Librium, Darvon, Opiate	25	M	5/67	Do.
Librium	45	M	8/67	Do.
Valium	60	F	9/67	Do.
Chloral hydrate	42	F	10/67	Suicide.
Valium, Aspirin, Thoraxine, Stelazine, Potassium Chloride, Diazide, Nardel, Dexedrine.	47	F	12/67	Do.
Librium	46	F	7/68	Undetermined.
Do	72	F	8/68	Suicide.
Librium, Meprobamate	38	M	7/68	Do.
Valium, Chlorpromazine	55	M	5/58	Accident.
Valium, Triavil	56	F	9/68	Undetermined.

III. The Illinois Department of Public Safety, Division of Narcotic Control, reported the following cases of illegal activities involving Librium and Valium during the period July 1967 to July 1969.

Case No.	Date	Circumstances
S-316-D	8/67	Large number of 25 mg. Librium and 55 cigarettes impregnated with Librium purchased by State narcotic agent.
S-333-D	1/67	Valium, illegal possession.
C-220-D	12/67	Librium, illegal possession.
S-559	12/67	Librium and Valium, illegal possession.
S-353-D	2/68	Librium, illegal possession.
S-612	5/68	Do.
S-426-D	3/69	Librium purchased by State narcotic agent from nonpharmacist in drugstore.
S-451D	7/69	Librium and Valium, illegal possession.
S-452-D	7/69	Librium, illegal possession.
S-399-D	11/68	Valium, illegal possession.
S-287-D	1/69	Librium, illegal possession.
S-426-D	3/69	Do.
S-441-D	6/69	Valium, illegal possession.
S-445-D	7/69	Librium, illegal possession.
S-451-D	7/69	Librium and Valium, illegal possession.
S-462-D	8/69	Librium, illegal possession.

IV. Police officials in Rockford, Ill., reported the following illegal activities involving Librium:

Sex	Age	Date	Circumstances
M	30	11/68	Librium—illegal possession.
M	22	3/69	Do.
M	22	6/69	Do.
M	18	10/68	Do.

The Rockford Coroner's Office also reported that a 23-year-old woman committed suicide with Librium.

V. The Northern Illinois Crime Laboratory reported the following:

1. A 37-year-old man was involved in an automobile accident while driving under the influence of Librium.
2. A 39-year-old woman was involved in a three-car accident while driving under the influence of Valium.

REGION 7.—INDIANA

I. The Hammond, Indiana Poison Control Center and the Hammond Police reported the following attempted suicides involving Librium and Valium

Drug	1965	1966	1967	1968	1969
Librium	5	6	9	4	7
Librium plus other drugs					2
Valium		1	1	1	2
Valium plus other drugs					1
Total	5	7	10	5	12
Total all drugs			39		

II. Police and public health officials in Lake County, Indiana reported the following:

Drug	Attempted suicide	Suicide	Deaths due to overdose
Librium alone	1		2
Librium plus other drugs		1	
Total	1	1	2

III Police and public health officials in Indianapolis reported the following:

Drug	Attempted suicide	Suicide
Librium alone	3	
Librium plus other drugs	2	1
Valium plus other drugs	2	
Total	7	1

REGION 8.—LOUISIANA

Inquiries made of various police and public health officials in Orleans Parish, La., with respect to incidents involving Librium during the year 1968, revealed the following:

Drug	Attempted suicide	Suicide	Illegal possession
Librium	12	1	1
Librium and Darvon	1		
Valium	1		
Total	14	1	

REGION 8.—TENNESSEE

Inquiries made of various police and public health officials in Davidson County, Tennessee, with respect to incidents involving Librium and Valium, for the year 1968, revealed the following:

Drug	Attempted suicides
Librium	16
Valium	4
Total	20

REGION 9.—WISCONSIN

A survey of public health and police officials in the greater Milwaukee metropolitan area revealed the following incidents indicative of abuse of Librium and Valium:

Drug	Adult[1] "Accidental ingestion"	Deaths	Illegal possession
Librium	44	3	5
Librium plus other drugs	1		
Valium	19		
Valium plus other drugs	1		
Total	65	3	5

[1] Includes ingestion by persons over 12 years of age but less than 60. No figures were available as to which of these constituted attempted suicides. Figures do not include 50 cases of ingestion of Librium and 33 cases of ingestion of Valium which required hospitalization but for whom the age of the patient was not reported.

REGION 10.—IOWA

I. The following information was obtained from various police officials in the State of Iowa relative to the abuse of Librium and Valium

Sex	Age	Date	Circumstances
M	?	12/68	Defendant arrested for unlawful possession of dangerous drugs. Also found to be in illegal possession of Librium.
F	22	11/68	Defendant arrested for unlawful possession of dangerous drugs. Also found to be in illegal possession of Librium.
M	21	11/68	Defendant arrested for unlawful possession of dangerous drugs Also found to be in illegal possession of Librium.
M	21	11/68	Defendant arrested for unlawful possession of dangerous drugs Also found to be in illegal possession of Librium.
F	32	7/68	Defendant arrested for unlawfu possession of dangerous drugs. Also found to be in illegal possession of Librium.
M	22	3/68	Defendant arrested by Des Moines Police Department for unlawful possession of dangerous drugs. Also found to be in unlawful possession of Librium. Defendant was subsequently arrested by agents of the Bureau of Narcotics and Dangerous Drugs for illegal sale of LSD.
M	17	2/68	Defendant arrested for unlawful possession of dangerous drugs. Also found to be in illegal possession of Librium and Valium.

II. The Iowa Poison Information Center and the Polk County Medical Examiner furnished the following information relative to the abuse of Librium and/or Valium.

1. A 45-year-old woman attempted suicide by ingesting 107 capsules of Valium—strength unknown.
2. A 50-year-old woman committed suicide with Valium.
3. A 44-year-old male died in jail following a drinking spree during which large quantities of Librium were ingested. The subject known to have obtained 100 Librium capsules on a falsified prescription the day before his death occurred.

REGION 10.—MISSOURI

I. The St. Louis County Coroner's Office provided the following information relative to adult deaths in which Librium and/or Valium were involved:

Age	Sex	Date	Circumstances
55	F	6/68	Valium and Carbrital—ruled suicide.
46	M	7/68	Librium—open verdict but probable suicide—subject very despondent
30	F	8/68	Valium and whiskey—accidental fatal overdose.
39	M	7/68	Librium and Boctin—open verdict—no witnesses.
40	F	1/67	Librium, Placidyl, Sodium Butisol—suicide.
?	M	3/67	Librium, Noludar, and whiskey.
36	F	3/67	Librium, Darvon and Preludin—suicide.
38	F	3/67	Librium, Doriden, Seconal, alcohol—suicide.
64	M	3/67	Librium, Tuinal, alcohol.
46	F	5/67	Librium, Elavil—suicide.
58	M	9/67	Librium, Tuinal, Amytal, Seconal—suicide.
77	F	9/67	Librium, Methyprylon—suicide
64	M	10/67	Librium—suicide.

II. Information obtained from various police and public health officials in Kansas City, Missouri, revealed the following incidents involving Librium and Valium:

Drug	Attempted suicide	Suicide
Librium	39	
Librium plus other drugs	19	1
Valium	6	1
Valium plus other drugs	4	
Totals	68	2

XUM

REGION 11.—OKLAHOMA

I. The following information was obtained from the Oklahoma City Police Department relative to abuse of Librium and Valium for 1967–1969

Drug	Attempted suicide	Adult "Accidental ingestion" [1]
Librium	6	14
Librium plus other drugs	1	
Valium	4	2
Valium plus other drugs	1	2
Total	12	18

[1] Includes ingestion by persons over 12 and less than 60 years old which were not officially designated as attempted suicides.

II. The Bureau of Narcotics and Dangerous Drugs received a communication from an adult male who claimed to be dependent on Librium. The habituation evolved out of P.R.N. prescription for the drug which was given to the patient by his physician many months previously. Although the patient indicated he was under the care of a physician in his attempt to break the habituation, he was experiencing considerable difficulty in doing so.

REGION 11.—TEXAS

I. The following information relative to Librium and Valium was received from authorities at Parkland Hospital, Dallas, Tex., and police officials:

Drug	Attempted suicide	Adult "accidental ingestions" [1]	Illegal possession
Librium	3		
Librium plus other drugs	2	1	1
Valium	2		
Valium plus other drugs	2		1
Total	9	1	2

[1] Includes overdoses by persons over 12 and under 60 years of age which were not officially designated as attempted suicides, but which could possibly have been suicidal.

II. The Texas State Board of Pharmacy reported that it completed a violation hearing on 20 pharmacies during September 1969. Of these cases, 12 involved the refilling of prescriptions by pharmacists, and 5 involved the refilling of prescriptions by unlicensed persons, without authorization by the prescribing physician.

REGION 11.—TEXAS

III. Accountability audit investigations of pharmacies were conducted jointly by the Bureau of Narcotics and Dangerous Drugs and the Texas Board of Pharmacy. A summary of the findings of these audits follows:

Pharmacy	Period covered	Shortages [2]	
		Librium	Valium
Drive-In Prescription Shop.	1/69–10/69	17,136	1,266
Lorrine Pharmacy	5/69–10/69	4,836	10,023
Rexall Super	1/69–10/69	29,166	1,067
St. Anthony Hotel	1/69–10/69		80
Ford-Painter	1/69–10/69	7,091	434
Dorchester	1/69–10/69	9,942	4,660
Total		68,171	17,530
Total both drugs		85,701	

[2] By number of capsules. Audit covered only Librium 10 mg. and Valium 10 mg.

REGION 12.—ARIZONA

I. The following information was obtained from the Arizona State Narcotics Enforcement Division and other Arizona law enforcement agencies:

Date of arrest	Drug	Summary
11/68	Valium	Defendant charged with possession of marihuana and dangerous drugs.
3/69	Librium	Defendant, a practitioner of naturopathy, was charged with possession of dangerous drugs including Meprobamate and Librium. Though not licensed to practice medicine, he was allegedly dispensing various drugs to his patients.
1/69	Librium	Defendant charged with sale of dangerous drugs—Librium.

REGION 12.—ARIZONA—Continued

Date of arrest	Drug	Summary
3/69	Valium	Defendant charged with possession of marihuana. He also had possession of Valium and prescriptions for Valium.
11/68	Valium	Defendant charged with possession of marihuana, Valium and numerous other dangerous drugs. He received $150 fine on dangerous drugs charges. The marihuana charge is pending.
3/69	Valium	Subject died as a result of a self-administered Valium poisoning.

II. Records obtained from the Arizona Poison Control Center University of Arizona, for the years 1967–1969, indicate numerous incidents involving Librium and Valium. A summary of the data found in those records follows:

Drug	Attempted Suicides	Adult "Accidental ingestions" [1]	Deaths
Librium alone	43	12	
Librium plus other drugs	47	2	1
Valium alone	30	7	
Valium plus other drugs	20	3	
Totals	140	24	1

[1] Does not include persons under 12 years of age or over 60 or persons whose age was unknown. An ingestion is classified "accidental" unless a physician or competent public official has specifically ruled that it was a suicidal attempt. Questionable cases classified as accidental.

REGION 12.—COLORADO

I. Data on Colorado incidents involving Librium and Valium were obtained from several hospitals in Colorado including the Denver General Hospital, Saint Luke's, Colorado General, General Rose Memorial, Valley View, Saint Mary Corwin, and Fitzsimons Army Hospital. A summary of the data, which covers the years 1967 through September 1969, follows:

Drug	Attempted suicides	Adult [1] "accidental ingestions"	Suicides	Drugs taken for "kicks"	Drug dependency
Librium alone	31	2			
Librium plus other drugs	70	9	2	1	2
Valium alone	21	6			
Valium plus other drugs	32	3			
Total	154	20	2	1	2

[1] Includes ingestion by children over 12 years of age and adults under 60 which though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with the Librium and/or Valium or for other reasons

II. Data obtained from the Denver and El Paso County Coroners revealed the following deaths:

Date of occurrence	Sex	Age	Drugs involved
12/66	F	61	Valium, Percodan, Sodium Amytal.
8/67	F	25	Librium, Barbiturates, and Alcohol.
2/67	F	44	Librium, Darvon.
3/69	M	61	Librium, Alcohol.

REGION 12.—NEW MEXICO

A review was made of the records of the Albuquerque Police Department for the period July 1967, to the present for incidents involving Librium and Valium. A summary of the findings follows:

Drug	Attempted suicide	Adult [1] overdose
Librium [2]	23	4
Valium	1	
Total	24	4

[1] No determination as to whether overdose constituted attempt at suicide.

[2] In addition, there were 43 attempted suicides attributed to unnamed tranquilizers.

REGION 12.—UTAH

On Jan. 15, 1969, a 57-year-old woman died from a self-administered overdose of Librium and Meprobamate. The decedent had a history of excessive use of meprobamate, aggravated depression and prior suicide attempts.

REGION 13.—OREGON

The Oregon Poison Control Registry provided the following information relative to reported cases of poisoning involving Librium and Valium during the years 1967–68. The figures include all age groups.

Drug	1967	1968	Total
Librium	23	24	47
Valium	19	40	59
Meprobamate	9	18	27

REGION 13.—WASHINGTON

The following information concerning incidents which occurred during 1967–68 relating to abuse of Librium and Valium was received from various police and public health officials:

Drug	Suicide	Illegal possession
Librium	2	8
Valium	2	1
Total	4	9

REGION 14.—CALIFORNIA

I. Accountability audit investigations were conducted for 13 pharmacies by the California Board of Pharmacy. A summary of the findings of these audits follows:

Pharmacy	Period Covered	Shortages [1]	
		Librium	Valium
Hidalgo Drugs	1/69–10/69		893
Million Dollar	1/69–10/69	16,216	7,956
Commerce	1/69–10/69	455	7,564
West 11th	1/69–10/69		
Walker	1/69–10/69	200	75
Serv-U Midwest Medical	[2] 1/69–10/69	1,216	
Hillside	1/69–10/69	148	
Ames Drug	1/69–10/69		97
Carella	1/69–10/69		
Frank's	1/69–10/69	51	1,362
Millard	1/69–10/69		
Eddy-Taylor	1/69–10/69	2,514	696
Total		20,800	18,643
Total both drugs		39,443	

[1] By number of capsules or pills. Various dosage units for each drug are combined in totals. Not all dosage units or both drugs audited in every store.

[2] Composite audit.

REGION 14.—CALIFORNIA

II. The following is a summary of information relative to the abuse of Librium and Valium during the period 1967–69 as reported by the Poison Information Center, Los Angeles, and the Community Hospital of San Diego County.

Drug	Suicide	Attempted suicide	Adult "accidental ingestion" [1]
Librium		146	2
Librium plus other drugs		75	2
Valium		313	15
Valium plus other drugs	3	30	5
Total	3	564	24

[1] Includes overdoses by adults which were not classified as suicides.

III. The Orange County Coroner's Office reported the following deaths associated with Librium and Valium:

Date of death	Age	Sex	Drug
1/68	56	M	Librium, Darvon, alcohol.
2/69	39	M	Librium.
7/69	72	M	Librium and Secobarbital.
3/69	62	F	Valium and Meprobamate.

XUM

IV. The California Board of Pharmacy reported the following deaths associated with Librium and Valium:

Year	Drug	Number of deaths
1965–66	Librium and combination	17
	Valium and alcohol	2
	Valium	2
1966–67	Librium and combination	17
	Valium and alcohol	2
	Valium	1
	Valium and barbiturates	8
1967–68	Librium and combination	11
	Valium	4
	Valium and alcohol	2
	Valium and barbiturates	2
	Total	68

V. The following information concerning deaths associated with Librium and/or Valium during 1967–1969, was obtained from the San Francisco and Oakland County Coroner's Offices:

Age	Sex	Circumstances
41	M	Librium and alcohol—ruled accidental.
40	F	Valium, Thorazine, Librium, Darvon, and Seconal.
51	F	Barbiturates, Valium and alcohol.
57	F	Barbiturates and Librium—suicide.
50	M	Valium and Darvon—suicide.
27	F	Valium and alcohol.
57	M	Librium and Doriden.
46	M	Barbiturates, Valium, Meprobamate—suicide.
26	M	Valium, alcohol—suicide.
Adult	F	Alcohol, barbiturates, Librium—ruled accidental.

VI. The following information concerning incidents involving Librium and/or Valium for the years 1967–1969 was obtained from the San Francisco General Hospital and the San Francisco County Department of Public Health:

Drug	Attempted suicide	Suicide	Adult [1] "accidental ingestion"
Librium	8		27
Librium plus other drugs	6	1	7
Valium	2		13
Valium plus other drugs	2		
Total	18	1	47

[1] Includes adult overdoses which were not officially designated as suicidal.

Mr. DODD. Mr. President, it is deeply gratifying to see that the Senate has come to a final vote on S. 3246, the Controlled Dangerous Substances Act of 1969.

The use of drugs, the development of the "freaked-out" generation, is one of the most dangerous, terrifying, and puzzling social problems the United States faces today.

It is dangerous because it turns us into a drugged, medicated, confused society.

It is terrifying because more and more of our young people have fallen to its prey in recent years.

It is puzzling because at a time of unprecedented prosperity in our Nation, young people want to withdraw from society through the avenue of chemistry.

The drug problem is building up at a frightening and feverish pitch.

Young people under 21 are arrested by police at the rate of one every 5 minutes, for one drug law violation or another.

Hard narcotics such as heroin and abuse of stimulants and tranquilizers cause 100,000 deaths per year. In New York City alone, there are 900 deaths caused by these drugs each year.

Increasing numbers of high school, junior high school, and even grade school children are involved in drug abuse, particularly marihuana.

Some 50 percent of high school students in certain areas have experimented with marihuana. Altogether an estimated 12 million people in this country have tried marihuana; most of them are youngsters.

But the marihuana syndrome is not the only aspect of the explosive drug picture in the United States.

There are depressants, stimulants, and tranquilizers; known at various times as goof balls, pep pills, and happy pills.

And because the pharmaceutical advertisers have over the years undertaken such a successful campaign to make these stimulants and depressants attractive to our young people, 9 billion of these pills are diverted into illegal and nonmedical channels every year. The majority of them go straight to your youngsters who pop them into their mouths much as earlier generations popped lollipops into their mouths.

It is particularly noteworthy that the proposed bill has been substantially left intact, and that it has not been encumbered by amendments which might very well have weakened what is basically a law enforcement measure.

In the years to come, I firmly believe, the measure on which we are about to vote will have the impact which we all expect. It will, I am convinced, reduce the dreadful drug epidemic in this country, return our young people to sanity and a proper respect for drugs, and drastically reduce the unconscionable profits made from drugs by the professional criminal element.

One of the great merits of this legislation is the realinement of the penalties applied to the abuse of various drugs with their potential for serious emotional and physical harm.

This is particularly so in the case of marihuana, where the Federal mandatory penalties and local or State penal provisions were often in sharp contrast which led to a bewildering jungle of judicial possibilities. As the direct result of all this confusion, our young people have, with increasing frequency expressed their contempt of the law.

The bill before us removes all of these uncertainties. It will duly punish the youngster who experiments with a marihuana cigarette; but it will not ruin him for life.

On the other hand, it imposes severe punishment for the professional criminal who makes his living by selling marihuana and other drugs to our young people.

And that is as it should be.

As the chairman of the subcommittee authoring the bill before us, I want to express my gratitude to those many Members of the Senate who have given substantial help in the formulation of this bill.

Senator HRUSKA, the ranking minority member, made major and invaluable contributions to this legislation, gave unstintingly of his time, and thoroughly researched its legal and social ramifications.

The majority whip, Senator KENNEDY, consistently supported us with his help, gave us his help, and was enthusiastic about our aims.

Senator EASTLAND was concerned about the urgency of this legislation, and as an expression of his concern, held full Judiciary Committee meetings even on Saturday.

Senator ERVIN gave us invaluable support when the constitutional implications of the proposed bill came into question.

I should like to express particular gratitude to Senator HUGHES. His decision not to ask for a vote to have the bill referred to Labor and Public Welfare avoided the possibility that a final vote on the proposed legislation might have been postponed. In foreseeing this possibility, Senator HUGHES clearly recognized the urgency of this legislation.

As Senator HRUSKA has pointed out, many of the bills before us cross the responsibilities of other committees; certainly this legislation does. The fact that Senator HUGHES did not insist on a referral of the proposed legislation to the Labor and Public Welfare Committee is a sign of his statesmanship.

This legislation before us is of extreme importance and of extreme urgency to the Nation. It is for these reasons that I hope that the bill will come up quickly for a vote in the House, and that an early House-Senate conference will be scheduled to iron out such differences as there may be.

Mr. THURMOND. Mr. President, I wish to congratulate the able and distinguished Senator from Connecticut for the outstanding leadership he has provided during the hearings and during the discussion of the controlled dangerous substances bill, known as the narcotics legislation.

The Senator from Connecticut put forth an extraordinary effort in this matter. I consider this to be one of the most important pieces of legislation that has been passed by the Senate since I have been a Member of this body. The Senator from Connecticut provided outstanding leadership in the matter of juvenile delinquency. I feel that in these two fields the Senate owes him a great debt of gratitude, and I wish to commend him for his efforts in these matters which should mean so much to the young people of this Nation and all the people of this country.

Mr. DODD. I thank the Senator.

Mr. THURMOND. I also commend the able and distinguished ranking minority member of the Committee on the Judiciary, the Senator from Nebraska (Mr. HRUSKA). He is one of the most able lawyers I have had the pleasure to know. He has been extremely helpful and active in connection with this bill as well as in connection with the organized crime bill and other matters coming before the Committee on the Judiciary. The Senate is fortunate to have such able and dedicated Members as the Senator from Nebraska and the Senator from Connecticut, who have given wholeheartedly in these efforts that are so important to the public.

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Mr. DODD. Many Senators have assisted us.

Mr. MANSFIELD. Mr. President, the passage of this bill marks another step toward the completion of the Senate's fine work in the field of crime legislation.

The President mentioned in his state of the Union address 13 crime bills upon which he wishes action. Although he did not mention what these bills were, I requested my staff to inquire from the White House and get a listing of the administration proposals.

Of the President's 13 proposals, the Senate has already passed seven and the remaining six deal with four subjects only.

First. Obscene mail and prurient advertising.

Second. Bail reform.

Third. Criminal appeals.

Fourth. Increasing penalties for antitrust violations.

The administration includes three separate bills under the obscenity category; this matter will be considered within the next month by the Senate committee. I have my own proposal in this area and am prepared to offer that proposal—requiring the labeling of all envelopes that contain matter of a potentially offensive nature and providing the opportunity for addressees to return the labeled envelope to the sender at the sender's cost.

The bail reform measure of the administration—one of the remaining crime bills—is a bill upon which the administration is not yet prepared to testify. The administration has not yet completed its study and thus has requested that the Senate Committee withhold action.

The third of the administration's crime bills, S. 3132, dealing with criminal appeal procedure will be the subject of hearings within the next month.

Thus, of the administration's proposals and requests on crime, there are but three areas awaiting Senate action. The Senate committees are prepared to move ahead on all of these measures. The last of the administration's crime bills is the measure S. 3036 to increase the penalties for violations of the Sherman antitrust laws. The chairman of that subcommittee has informed me that he anticipates passage of this measure early this session.

It is obvious therefore that the most significant and far-reaching measures dealing with the administration's 13 crime proposals have already passed the Senate.

Upon inquiring to the administration on this matter, it was learned that the administration strongly supported other measures initiated in the Congress dealing with crime. These proposals were enumerated by administration spokesmen to include the following measures: S. 2122, Federal immunity of witnesses; S. 1861, Corrupt Organizations Act; S. 2292, sources of evidence; S. 30, organized crime.

S. 2122, S. 1861, S. 2299 were all needed and incorporated into S. 30 which passed the Senate last Friday. In addition, the administration has supported and wishes to be identified with the following measures: S. 952, omnibus judgeship bill; S. 1624, wagering tax amendments; S. 1461, Criminal Justice Act amendments.

The Senate has already passed S. 952. Hearings are scheduled on S. 1624 and S. 1461 in the near future.

Thus, of the 20 measures in the broad areas of crime and obscenity, almost all the major bills have passed the Senate.

Only five areas remain for action and all of these will be considered in the Senate this session. Thus, in the field of proposals for additional laws in the battle against crime, the Senate has completed the lion's share of its work and tidying up of relatively minor proposals remain.

After the passage of these bills, we may then direct ourselves to the more difficult tasks of identifying and addressing ourselves to the task of eradicating the causes of criminal behavior.

I ask unanimous consent that a chart of these administration proposals appear at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Bill number and title	*Status*
(1) S. 2022—Illegal gambling control	Passed Senate (S. 30), January 23, 1970.
(2) S. 2637—Drug bill (S. 3246)	Passed Senate, January 28, 1970.
(3) S. 2657—Included in drug bill	Included in S. 3246—Passed Senate January 28, 1970.
(4) S. 2601—District of Columbia court reorganization.	Passed Senate, September 19, 1969.
(5) S. 2602—Public defender, District of Columbia.	Passed Senate, November 21, 1969.
(6) S. 2869—Criminal law revision, District of Columbia.	Passed Senate, December 5, 1969.
(7) S. 2981—Juvenile Code, revision, District of Columbia.	Passed Senate, December 22, 1969.
(8) S. 3036—Increase penalties, Sherman Antitrust Act.	Definite passage this session.
(9) Obscenity:	
(9) (a) (9) S. 2073—Obscene mail to minors	Hearings next month.
(9) (b) (10) S. 2074—Prurient advertising	Hearings next month.
(9) (c) (11) H.R. 10877—Obscene mail—Title II of postal rates bill.	
(12) S. 2600—Bail reform	Hearings continuing; administration has requested postponement until it completes it study.
(13) S. 3132—Criminal appeals	Hearings scheduled; February.
CRIME BILLS SUPPORTED BY ADMINISTRATION, ORIGINATED IN SENATE	
(14) S. 952—Omnibus judgeship bill	Passed Senate June 23, 1969.
(15) S. 2122—Federal immunity of witnesses.	Passed Senate, January 23, 1970.
(16) S. 2292—Sources of evidence	Passed Senate, January 23, 1970.
(17) S. 1861—Corrupt Organizations Act	Passed Senate, January 23, 1970.
(18) S. 30—Organized Crime Control Act of 1969.	Passed January 23, 1970.
(19) S. 1624—Wagering tax amendments	Hearings next month.
(20) S. 1461—Criminal Justice Act amendments.	Report in few days from subcommittee.

Mr. MANSFIELD. So I think the Senate's record in this respect is an excellent one; and with the cooperation of the committees, the remaining will be reported and if meritorious will be passed in the Senate before too long

I want to take this means to add my thanks to those of other Members of this body to the distinguished and able Senator from Connecticut (Mr. DODD) for the outstanding skill and managerial ability he has shown in carrying out his duties in connection with the measure just passed; to the able Senator from Nebraska for his many contributions, his integrity, his knowledge, his devotion, and his dedication; to the distinguished Senator from Iowa (Mr. HUGHES), who has made a weighty contribution to the discussions of this most important subject of the last 3 days; to the distinguished Senator from New Hampshire (Mr. MCINTYRE); to the distinguished Senators from Michigan (Mr. HART) and from Maryland (Mr. TYDINGS); to the distinguished Senator from North Carolina (Mr. ERVIN), who did so much in the beginning of the consideration of this bill to try to put it into proper focus; and to all those who contributed their time, their energy, and their ability in order to bring into being this long overdue and highly important drug control measure.

Mr. TOWER. Mr. President, I want to take this opportunity to commend the senior Senator from Connecticut on his fine work in connection with Senate consideration and passage of the Controlled Dangerous Substances Act.

This legislation was supported by President Nixon and I believe that it represents a significant improvement in the Federal law regulating narcotics and dangerous drugs. I believe that this bill represents a reasonable and intelligent approach to the serious problem of drug abuse.

The problem of drug abuse must be attacked first at its source—the illegal producer and the smuggler. There is also substantial evidence to indicate that a considerable amount of drugs legally produced in this country are diverted through illicit channels to nonmedical use. This bill, I think, will add significantly to the effectiveness of enforcement in this area, and reduce the volume of drugs illegally produced, diverted, and smuggled. We must place primary emphasis on our efforts to cut off the supply of illicit drugs. Considerable concern has been expressed by some to the effect that the restrictions imposed in this bill will be unnecessarily harsh upon the legal distribution of narcotics and dangerous drugs. I hope that these fears will prove to be unfounded.

The bill we have just approved classifies drugs into schedules according to chemical properties, psychological and physical effects, and abuse potential, with these schedules corresponding to the penalties applicable to violations. This is a reasonable approach and is perhaps the main thrust of the bill. Here again we have an emphasis on the source—the professional pusher of hard narcotics. It seems unreasonable to impose the same stiff penalties on the pusher of heroin as on the young first offender who has made a mistake. It is entirely possible that the more reasonable sentences contained in this bill will result in increased enforcement and more convictions. I hope that this will be the case.

The no-knock provision created considerable controversy. Like many of my colleagues, I felt that such a provision was needed; but I was also concerned over the possibility that the constitutional rights of an individual might be restricted. I was pleased with the modified provision that was offered by the junior Senator from Michigan, the distinguished minority whip. It will prevent a police officer from acting on his own unsubstantiated suspicion; and yet, at the same time, it will enable him to obtain the evidence necessary for conviction.

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In general, I was quite pleased with this bill as reported by the Juvenile Delinquency Subcommittee, and I again applaud the Senator from Connecticut on his expert handling of this complex situation.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, there come times when the leadership is faced with an excruciating decision. Tonight is one of those times because of the various conflicts which affect various Senators and various groups of Senators. As a matter of fact, there are only four items on the calendar which are available for consideration at this time. One of them has been postponed for a week at the request of a Senator, and for a very good reason; another is being held up because the Senator who has an amendment to it is not yet ready to present that amendment; another is held up because the manager of the bill is not in a position to take up that bill at the present time; and still another bill is being held up because it may well take some time in its consideration, and that is H.R. 514, an act having to do with elementary and secondary education.

So I hope Senators who will be embarrassed, perhaps, or inconvenienced, perhaps, will understand that when the leadership makes a decision of this kind it does so not from personal preference but from circumstances over which it has no control.

NEWSPAPER PRESERVATION ACT

Mr. MANSFIELD. So, Mr. President, at this time I ask unanimous consent that the Senate turn to the consideration of Calendar No. 527, S. 1520. I do this so that it may become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 3, at the beginning of line 10, insert "(i) is in probable danger of failure, or (ii)"; on page 3, after line 18, strike out:

Sec. 4. (a) It shall not be unlawful under any antitrust law for any person to propose, enter into, perform, enforce, renew, or amend any joint newspapers operating arrangement if, at the time at which such arrangement is or was first entered into, not more than one of the newspaper publications involved in the performance of such arrangement was a publication other than a failing newspaper.

And, in lieu thereof, insert:

Sec. 4. (a) It shall not be unlawful under any antitrust law for any person to perform, enforce, renew, or amend any joint newspaper operating arrangement entered into prior to the effective date of this Act, if at the time such arrangement was first entered into, not more than one of the newspaper publications involved in the performance of such arrangement was a publication other than a failing newspaper.

(b) It shall be unlawful for any person to propose, enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General of the United States. Prior to granting such approval, the Attorney General shall determine that not more than one of the newspaper publications involved in the performance of such an arrangement was a publication other than a failing newspaper: *Provided, however,* That any publication may at any time propose, enter into, perform, or enforce an agreement with any person if such agreement was not prohibited by law prior to the effective date of this Act.

On page 4, at the beginning of line 21, strike out "(b)" and insert "(c)"; on page 5, line 20 after the word "any", where it appears the first time, strike out "civil or"; and after line 23, insert:

(c) The provisions of section 4 shall have no application to any action for the recovery of damages brought before the date of enactment of this Act by any party other than the United States upon a cause of action arising under any of the antitrust laws which accrued before the date of enactment of this Act.

So as to make the bill read:

S. 1520

A bill to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Newspaper Preservation Act".

DECLARATION OF POLICY

Sec. 2. In the public interest of maintaining the historic independence of the newspaper press in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been or may be entered into because of economic distress.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "antitrust law" means the Federal Trade Commission Act and each statute defined by section 4 thereof (15 U.S.C. 44) as "Antitrust Acts" and all amendments to such Act and such statutes and any other Acts in pari materia.

(2) The term "joint newspaper operating arrangement" means any contract, agreement, joint venture (whether or not incorporated), or other arrangement entered into by two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method, and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution.

(3) The term "newspaper owner" means any person who owns or controls directly, or indirectly through separate or subsidiary corporations, one or more newspaper publications.

(4) The term "newspaper publication" means a publication produced on newsprint paper which is published in one or more issues weekly, and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion.

(5) The term "failing newspaper" means a newspaper publication which, regardless of its ownership or affiliations, (i) is in probable danger of failure, or (ii) appears unlikely to remain or become a financially sound publication.

(6) The term "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

ANTITRUST EXEMPTION

Sec. 4. (a) It shall not be unlawful under any antitrust law for any person to perform, enforce, renew, or amend any joint newspaper operating arrangement entered into prior to the effective date of this Act, if at the time such arrangement was first entered into, not more than one of the newspaper publications involved in the performance of such arrangement was a publication other than a failing newspaper.

(b) It shall be unlawful for any person to propose, enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General of the United States. Prior to granting such approval, the Attorney General shall determine that not more than one of the newspaper publications involved in the performance of such an arrangement was a publication other than a failing newspaper: *Provided, however,* That any publication may at any time propose, enter into, perform, or enforce an agreement with any person if such agreement was not prohibited by law prior to the effective date of this Act.

(c) Nothing contained in this Act shall be construed to exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise lawful operations of a joint newspaper operating arrangement which would be unlawful under any antitrust law if engaged in by a single entity. Except as provided in this Act, no joint newspaper operating arrangement or any party thereto shall be exempt from any antitrust law.

PREVIOUS TRANSACTIONS

SEC. 5. (a) Any civil action in any district court of the United States in which a final judgment or decree has been entered, under which a joint newspaper operating agreement has been held to be unlawful under any antitrust laws shall be reopened and reconsidered upon application made to such court within ninety days after the date of enactment of this Act by any party to the contract, agreement, or arrangement by which such joint operating agreement was placed in effect, whether or not such party was a party to such action. Upon the filing of any such application with respect to any such action, any final judgment or decree theretofore entered therein shall be vacated by the court. The provisions of section 4 shall apply to the determination of such action by such court upon such reconsideration.

(b) The provisions of section 4 shall apply to the determination of any civil or criminal action pending in any district court of the United States on the date of enactment of this Act in which it is alleged that any such joint operating agreement is unlawful under any antitrust law.

(c) The provisions of section 4 shall have no application to any action for the recovery of damages brought before the date of enactment of this Act by any party other than the United States upon a cause of action arising under any of the antitrust laws which accrued before the date of enactment of this Act.

SEPARABILITY PROVISION

SEC. 6. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act, and the applicability of such provision to any other person or circumstance, shall not be affected thereby.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield for a question?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Would it be the intention of the distinguished majority leader that the Senate will stay with that bill until it completes its deliberations and comes to a vote on it? I think some of us who have an interest in it would like to know what they can do with respect to schedules and would like to be given some assurance, because conference reports——

Mr. MANSFIELD. Well, we have no more conference reports that I know of. The schedule is clear in that respect. It is my intention, with the approval of the distinguished minority leader, to come in at 11 o'clock and continue until about 4 o'clock tomorrow; to come in early the next morning, if possible—I do not want to interfere too much with the hearings of the Judiciary Committee, because they are important, too—and to stay as long as possible that day; to come in early on Saturday, if need be, and to stay that day until we finish, unless an extraordinary circumstance arises, which I do not foresee at the present time, but which, if it did, I would not undertake to do anything about until I had consulted with the leadership on the other side.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. I merely wanted to ask an opinion of the majority leader as to whether we might not be able to finish the newspaper bill tomorrow. I am one of those who, unfortunately, am put in a little embarrassing situation because I have an annual meeting, to which 45 people have been invited from all over the United States, tomorrow evening. I am perfectly willing to forgo it, and I certainly will if necessary; but if I felt reasonably sure at this hour that we could finish sometime tomorrow afternoon or evening, there would be no embarrassment to me or anyone else.

Mr. MANSFIELD. May I say that the Senator is one of those I had in mind, because, to the best of my knowledge, he has never made a request that he be given personal consideration in all our years in the Senate. It was with that in mind that I made the statement I did—may I emphasize that the Senator did not make the request—to try to point out the difficulties which confront the leadership and which might force us to make unpopular decisions at a given moment, because of circumstances which exist. But it is my understanding that the bill will be considered until about 4 o'clock tomorrow afternoon, at which time I understand some Senators have to leave for engagements that evening, and among those Senators happens to be one who would be managing the bill, I assume, and another would be a Senator who, I understand, has five or six amendments ready to propose and who thinks he should have a reasonable amount of time to discuss them. I think he should have at least a reasonable amount of time.

My guess is that consideration of the bill will take 2 days, and possibly 3 days. If it takes 3 days, I would try to put off a final vote until Monday, but I would not foreclose votes on any of the amendments on any of those days, including Saturday.

That is how I view the situation at the present time.

Mr. SCOTT. Mr. President, if the Senator will yield, that is not inconsistent with the possibility that we can have a final vote before that time.

Mr. MANSFIELD. Oh, no. If we could have a vote; but if it came on Saturday, and it was late, then I think we should take care of our absent brothers who, because of official business or other business, might not be here.

Mr. SCOTT. The Senator does not foresee a vote before 4 o'clock tomorrow. Is that correct?

Mr. MANSFIELD. I do not see how we can get a vote by then, unless things speed up in such a way that it would be a miracle.

Mr. GOLDWATER. Mr. President, may I suggest that the leadership give consideration, in view of the fact that there will be some absenteeism tomorrow afternoon, to the possibility that at the termination of discussion tomorrow, we might go over until Monday? We Westerners have a little different problem. We are looking at 5,000 miles. We are not looking at it from the standpoint of New York or Michigan and back; we are looking at a whole day and back. If we have to do that, it gets a little wearing and tearing on the old bones.

Mr. MANSFIELD. I would not be in a position to make a commitment at this time. I do not think it would be good procedure or good policy to create such a precedent. All I can emphasize is that there is no other business which is in a position to be taken up at this time because of a situation which I have attempted to describe. I wish I could be more cheerful.

Mr. GOLDWATER. May I suggest that there could be a resolution eulogizing Harry Truman and we could spend the next 2 days discussing it.

Mr. MANSFIELD. Oh, yes. If a Senator wanted to do that, or even eulogizing the present President. There is nothing the leadership could do to stop that. That is a policy or procedure which I have never favored, but I recognize the right of any Senator to indulge in it if he so desires. Anything a Senator wanted to do would be all right.

Mr. GOLDWATER. May I suggest that later tomorrow, prior to 4 o'clock, we might have the possibility of having a procedure followed whereby at that time we might be in a position to know about the amendments, the seriousness of them, the intent of the offerers, and so forth, so that we might know whether we might pass it Friday or Saturday, or pass it on Monday?

Mr. MANSFIELD. I will always be glad to discuss that situation with the Senator from Arizona. We both came to the Senate the same year. I have a high regard and affection for him. But I wish the Senator would leave it flexible so that we would see how things develop and be aware that, while we have four, five, or six pieces of legislation, they are difficult to call up, and if a break appears in the armament, I will be glad to consider it, because I appreciate the importance of this matter to both Senators from Arizona.

Mr. GOLDWATER. I might facetiously suggest that we might run out of legislation for next week.

Mr. MANSFIELD. Six items will be ready. If we did run out of legislation, there would be nothing to stop us from standing in recess until the committees came forth with legislation. The committees are working diligently and they are doing the best they can. We are waiting for the budget and economic messages from the President, which I

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understand will come down on Monday. I understand President Nixon will send down his messages and subsequent proposals a little more readily this year, because he is not confronted with the situation that faced a new administration last year.

Mr. GOLDWATER. I thank the Senator.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FANNIN. For clarification, when the Senator from Montana said there would not be a vote before 4 o'clock tomorrow, was he talking about final passage? There are chances of votes on amendments before that?

Mr. MANSFIELD. I hope so. I do not intend to hold up any votes on amendments, or on final passage, except in the unlikely circumstance that something might develop over the weekend that called for renewed consideration.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I want to make it clear that the minority leader is not asking for any delays or any special arrangements with regard to laying a bill before the Senate. We are here to get work done. We are aware that excruciating conditions arise and that Senators get "excruciated" in that kind of situation, which is regrettable but unavoidable.

This session, it may be said, is running, and it has been running ever since it started, and that is a good thing. We have had about 20 votes already. I rejoice that in this session we have disposed of a number of crime bills in this body. It is my understanding that the other body, with all due respect, has not acted on a single item of crime legislation. Therefore, we cannot take credit as a Congress for having responded to the President's messages of last April and May in that regard.

I am sure the President will send up, as is traditional, the economic message and the budget message this month, or Monday, or Tuesday, and that any messages he has will be expedited.

There is, of course, legislation pending before the committees, which I am sure the distinguished majority leader and I will both welcome being further expedited, so that we could have more things on the plate, and then perhaps a better choice to accommodate Senators wherever we can.

But I intend to support the distinguished majority leader, in order to get the work done, and I would ask only that sufficient opportunity be provided for certain important committees, such as the Committee on the Judiciary to meet whenever it is possible to do so.

Mr. MANSFIELD. I appreciate what the distinguished minority leader has said, and I agree with him. We will see what the prospects are tomorrow.

There is one bill on the calendar which will take some time, in my opinion, because of amendments which have been offered to it on the floor ahead of time, and that is the bill having to do with elementary and secondary education.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENTIAL VETO SUSTAINED

Mr. ALLOTT. Mr. President, this afternoon a very important event occurred in the other body, which I believe should be commented upon briefly this evening. I know that if the circumstances had been different, this matter would have been discussed at great length this afternoon, and that this body would still be considering the Narcotics Act far into the night. I do not intend to speak at length, but I do wish to comment on the vote in the House of Representatives today, sustaining by a vote of 191 to 226 the veto by President Nixon of the HEW bill.

We all probably have mixed emotions, because all of us have things in that bill which concern our constituents, and concern them greatly. However, I must say that the telegrams which have come to my office since the President's veto message the other evening have been predominately in favor of supporting the President.

I am assured, and I am sure, that there will be no schools closed in the United States because of that veto. But to those who inflated and blew up the HEW Appropriations Act, as it was inflated and blown up, this ought to be a clear signal of how the people of the United States are thinking, because the Members of the House of Representatives do all run for office this year, and I am sure that their fingers are very much upon the pulse of the people of this country.

There is now no question, or there should be no question, of the President's intention to stop the galloping inflation which has been increasing for the last 10 years. I have spoken about this two or three times in the last few days. Part of the inflation, of course, can be attributed to many things, but we cannot underestimate the inflationary spirit that we have had, the psychology of inflation that has pervaded the American people for 10 years; and you cannot shut off this psychology and this thinking in 2 minutes.

Then, of course, we cannot forget either that for the period of the 1960's this Government ran a deficit of approximately $50 billion, which, in terms of its inflationary impact upon the economy, has to be multiplied by at least 3. In a meeting at the White House 2 years ago, with Gardner Ackley and Secretary Fowler present and with President Johnson there, those two gentlemen, Gardner Ackley and Secretary Fowler, stated that the inflationary impact of a dollar deficit was in the neighborhood of $3 or $4 to $1. In other words, if you have a $50 billion deficit, then the impact on the economy is somewhere between $150 and $200 billion.

The present economic adviser to the President is much more conservative. I think he would use a figure of 2 to 1. But whatever it is, Mr. President, nothing is going to stop this until we start looking at our budget and balancing it. Only then can we convince the speculators, only then can we convince business, and only then can we convince the public that we really mean what we say when we say we intend to stabilize the value of the dollar.

We talk often, and I have talked often, about the impact of inflation upon those people who can afford it least, the people on old-age pensions, the people on social security, the people on welfare, the people in the low-income brackets, the people who have retired on private pensions. These are the people, because their incomes do not increase in dollars, who are hit hardest by an inflationary policy; and if we pursue an intentional inflationary policy, we are being dishonest with those people. I use "dishonest" in just exactly the same sense that it is written in the dictionary. It is dishonest.

But worse than that, we see the effects of this inflationary policy on our Government. In the last few days I have had conferences with schools, I have had conferences with municipalities in my State, I have had conferences with members of county governments, and heaven knows there have been plenty with the administrative officials of this Government, relating to things that they needed to do in their communities, and which they cannot do because the inflation is keeping this Government from doing many things that it ought to be doing every day. I recall, for example, that last year, under a leasing power passed out of the Committee on Public Works of the U.S. Senate, there was a leasing program of $465 million, over a 20-year period, for post offices and postal buildings in this country. Mr. President, those buildings could have been built, and the Government would own them, for one-third of that amount; and I am grateful to the distinguished junior Senator from Delaware who, last year, gave me those figures, and they were used on the floor here during the passage of the Treasury-Post Office bill.

All in all, I say that this is a very significant thing which has occurred today. It is significant because it is an expression of the confidence of the people in the President. It is significant, I think, because it is an expression whereby the people have said, at least, that they do want to stop inflation, and they realize the essential dishonesty of an inflationary policy, and how it unfairly taxes those who are least able to protect themselves against it.

This thing that has happened today is also very important because, I hope, we will now enter a new era of monetary

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sanity. I hope the Members of this body and the Members of the other body, who have been prone to go to extremes at times, will remember this day, and will remember that the House of Representatives has spoken loudly and clearly that they support the President, and they do it upon the basis that they are going to stop inflation.

Mr. GRIFFIN. Mr. President, will the Senator yield to me briefly?

Mr. ALLOTT. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. I compliment the Senator upon his timely statement, focusing upon what will surely be a historically significant vote in the other body. I think it is particularly appropriate that he alluded to the importance of the psychological impact of today's event, because, in the battle against inflation, it is not just what the President does or does not do, it is not just what Congress does or does not do, but it is what the people think the Government is going to do, that is important.

I think that perhaps among many of those who have investment decisions to make and other decisions to make so far as money and finance are concerned there has been some question as to whether or not this Government really intended to draw the line and to do something about the rise in the cost of living. Today, I believe there was a dramatic demonstration not only that this administration is serious—which I think was believed—but also that there is support in Congress for the President's policies to be effective.

It is important that the vote was not a narrow victory, was not a vote by a slim margin. It was not by an overwhelming margin, but it was a substantial vote, which was a resounding victory in terms of a vote to override a Presidential veto. It should not be unnoticed that it was not strictly a party-line vote. While a large majority of those votes were by Republicans, I think it is noteworthy and very important that there was significant support from the other side.

I again commend the distinguished Senator from Colorado for calling the Senate's attention to this event and emphasizing its importance.

Mr. ALLOTT. I thank the Senator very much for his contribution.

Mr. President, I sincerely hope that the real effect of this and the thing that the country talks about and shows its concern about is not the political considerations which are involved, but that it will take to heart the complete sincerity of the President in stabilizing the value of the dollar and thus stabilizing the income and the purchasing power of the American people.

I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 53 minutes p.m.) the Senate adjourned until tomorrow, Thursday, January 29, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 28, 1970:

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Price, James F., 320–30–0287.

To be second lieutenants

Moore, Peter A., 249–76–1412.
Murrell, John H., 437–68–9275.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be majors

Bergeson, Del R., 519–32–2251.
Di Nardo Nicola, 199–28–0788.
Flint Robert W., 102–24–9290.
Jordan, Horace R., 428–42–8964.
Jorns, Russell L., 395–22–5489.
Kendall, Mark C., 257–46–0042.
Lawton, Willie O., 250–52–9371.
Olson, Gloria, A. S., 125–20–2200.
Pearce, Donnie D., 534–24–6018.
Reid, Alton B., 422–28–7398.
Schmidt, Harlan R., 268–26–4962.
Simmons, Jerry A., 266–38–9684.
Walrath, Burton J., Jr., 057–26–5850.

To be captains

Abolins, Ints, 441–38–2854.
Bailey, Glenn A., Jr., 222–22–3280.
Bond, Nelson B., 028–30–7793.
Brokaw, William C., 277–34–1846.
Chew, Moylan S., II, 181–28–9332.
Clanzy, Rufus F., 017–32–6369.
Coleman, James G., 444–30–5804.
Crisp, Richard A., 443–24–7825.
Di Benedetto, Anthony, 222–24–2760.
Duron, Manuel C., 458–66–9116.
French, George E., Jr., 221–24–4100.
Gay, Homer G., Jr., 190–26–0625.
Hodge, Ashley R., 248–50–8300.
Holman, Philip E., 006–30–4809.
Husnian, Azad, 548–38–6706.
Ingleright, George A., 416–48–0595.
Johnson, Robert L., Jr., 223–54–1500.
Krause, Maurice H., 502–26–5087.
Lalley, Patrick J., 205–32–3547.
McClendon, Earl H., 429–72–3359.
McNutt, Wesley A., 501–36–9973.
Murphy, Michael H., 463–54–8009.
O'Dea, Lawrence P., 132–30–6627.
Olsen, Ivan D., 506–50–6853.
Paar, Anthony R., 203–28–1953.
Rosher, Galen D., 369–36–8566.
Ross, Joseph A., Jr., 014–30–1217.
Rourke, John E., 251–66–7851.
Shulski, Fred P., 159–32–6904.
Shultz, Rudane E., 172–28–6084.
Snihurowych, Wiroslaw, 040–26–3256.
Stewart, Asa E., 431–66–2564.
Teller, Albert A., III, 044–28–5852.
Walker, John A., Jr., 437–46–8458.

To be first lieutenant

Allen, Andrew L., 004–40–0921.
Ballard, Stephen D., 513–44–2446.
Beach, John W., 205–34–8600.
Behnke, Arthur, 391–34–2162.
Bondioli, John E., 527–56–9853.
Broadhurst, Carl R., 492–44–7217.
Broome, William C., 266–60–2828.
Camia, Dante A., 151–32–5425.
Cayere, Jacques, 581–84–4087.
Chapman, William J., 537–38–5927.
Clarke, John E., III, 525–78–7828.
Conrad, Thomas F., 332–34–0825.
Couch, Deck F., 246–74–9543.
Covey, James D., 496–34–0644.
Criss, Marshall W., 410–68–2793.
Ehlinger, William N., 388–40–4080.
Faherty, Thomas S., 551–62–2397.
Getty, Kenneth W., Jr., 168–36–6282.
Gilbert, Richard H., Jr., 505–50–9025.
Goddard, Paul D., Jr., 412–80–2389.
Godfrey, Thomas J., 465–60–1038.
Goff, Lawrence E., 426–88–2073.
Guy, James M., 227–52–6050.
Haas, James F., 395–42–1670.
Harvey, Noel M., 574–13–1692.
Heath, Frederick G., 267–64–8460.
Hedrick, John A., 456–60–5903.
Hicks, Larry E., 452–56–4959.
Hieb, Roger D., 519–50–2137.
Jensen, Jerold L., 529–46–6665.
Jernigan, David S., 450–68–9050.
Jessup, Terry M., 445–40–0932.
Johnson, Joseph V., 171–32–3792.
Jones, James E., 142–28–1443.
Keown, Michael G., 541–48–9348.
Knisley, James E., Jr., 177–30–7618.
Lemieux, Elizabeth B., 357–34–1422.
Marcinkowski, Garrett, 452–48–6806.
Marsh, Clayton E., 475–44–7693.
Martine, Victor C., 548–54–3814.
McKeever, Peter J., 044–32–8049.
McMenamy, Charles W., 571–54–5016.
Miller, Arthur E., 024–28–4798.
O'Brien, Dennis E., 505–54–4301.
O'Leary, Bartholomew, 003–32–0886.
Oxford, Robert L., 443–36–0928.
Paquin, Peter L., 039–26–0867.
Proctor, Stephen M., Jr., 262–60–0364.
Puffer, Walter P., 322–38–2673.
Redwine, Philip W., 443–36–1089.
Reed, Charles L., 315–38–4059.
Renne, Roger Alan, 544–40–9924.
Richardson, John W., 405–58–7634.
Riden, Glen L., Jr., 210–28–3993.
Roberts, James A., 233–68–1783.
Scott, David D., 302–34–2254.
Smith, Carl T., 404–56–6277.
Smith, John W., 419–52–7672.
Sprout, David I., 285–32–1827.
Stewart, Thomas J., Jr., 036–26–4584.
Stonefield, Andrew J., 101–34–2430.
Swan, Robert C., 282–36–2416.
Taylor, Morris M., Jr., 407–52–8635.
Vose, Leonard C., 519–44–6699.
Wren, Charles C., 283–32–8735.
Wunsch, Rulof G., Jr., 153–32–0022.

To be second lieutenants

Alexander, Daniel E., 332–36–8565.
Brady, William H., Jr., 556–56–5338.
Conrardy, Peter R., 398–38–5175.
Cross, Zalph T., Jr., 266–64–9832.
Flanagan, Michael H., 223–54–9701.
Forsyth, Forrest P., 460–62–1799.
Harper, Ronald P., 313–42–9534.
Honsa, George L. A., 273–38–6467.
Hudson, William J., 486–46–6719.
Hulse, Melvin A., 405–62–4960.
Hutchings, Charles W., 259–58–7389.
Johnson, John F., 330–36–3841.
Jones, Malcolm W., Jr., 243–64–0585.
Kelly, Thomas J., 127–34–5717.
Knotts, Ralph D., 515–38–7594.
McManus, Philip J., Jr., 075–32–8922.
Montgomery, Daniel L., 248–76–3803.
Newkirk, William W., 566–58–6365.
Schoch, Bruce P., 167–36–7770.
Wood, Morris W., 528–54–1976.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Chaffin, John S., 445–44–2855.
Engebretson, Dennis, 468–58–1410.
Green, William C., 409–80–0815.
Liebmann, Robert E., 575–54–7627.
Roley, Allyn D., 470–54–8451.
Saltness, Gerald D., 502–48–0352.

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EXTENSIONS OF REMARKS

ADDITION TO THE WEST SIDE OF THE CAPITOL

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. HARRINGTON. Mr. Speaker, we have a continuing interest in and concern for the plans to make an addition to the west side of the U.S. Capitol.

Charles C. McLaughlin, a distinguished historian, is an authority in particular on the landscape architect Frederick Law Olmsted. Mr. Olmsted was named Landscape Architect of the Capitol grounds by the Congress in 1874.

Professor McLaughlin is an associate professor in the history department at the American University. He is a native of Massachusetts and his parents, Mr. and Mrs. Kenneth B. Murdock, now make their home in the Sixth Congressional District in Beverly.

Professor McLaughlin has studied the problems of the west front extension and prepared a paper given recently before the Columbia Historical Society. His research has disclosed significant correspondence regarding changes in the west front which were proposed in the 19th century. I have no doubt that Professor McLaughlin's paper will be of great interest to the Members of Congress who will be again considering the extension of the front and to the general public who quite rightly share our concern over whatever steps are taken for alteration of our National Capitol. I bring Professor McLaughlin's research to the attention of the Members and ask that the paper be printed in the RECORD. It follows:

THE CAPITOL IN PERIL? THE WEST FRONT CONTROVERSY FROM WALTER TO STEWART

(By Charles C. McLaughlin)

Today the United States Capitol is in peril. Almost everyone agrees to that. J. George Stewart, the present Architect of the Capitol, has shored up the crumbling sandstone of the old building's west front with timber bracing to prevent its collapse. His plans to construct new outside walls of marble forty-four feet further to the west to buttress the present walls and add interior space have alarmed some members of Congress and the press. His extension scheme and his proposal to enlarge the present terrace below the Capitol for restaurants and tourist facilities, some of the critics argue, would distort the appearance of the historic structure most unhappily.[1]

Throughout its history there has been warfare between those who would expand the Capitol to house every plausible use that has been suggested and those who wish to save the original structure from almost any alteration. President Millard Fillmore decided in the 1850's not to extend the old Capitol east and west to accommodate enlarged quarters for the Senate and House, but rather to add new wings to the north and south, leaving the original Capitol as it was except for replacing the Bulfinch dome with Thomas Walter's present one of cast-iron, completed in 1865. Like the plans for the Senate and House wings, the addition of an architectural terrace below the west front of the Capitol left the old building untouched although it added approximately 84,000 square feet of interior space, which is at present divided into 137 numbered rooms. Demands to extend the old sandstone building lessened further when the Supreme Court and the Library of Congress moved out to their own buildings and the first Senate and House Office Buildings were constructed in 1905.[2]

Many Architects of the Capitol have advocated the east and west extension of the central building in marble to provide more room and to replace the softer sandstone. Thomas Ustick Walter, who designed the new House and Senate wings in the 1850's proposed in 1865 and 1874 to extend the old building east and west. His plans became the basis for those made by later Architects of the Capitol, Edward Clark and Elliott Woods. J. George Stewart, the present Architect, was the first to persuade Congress to build onto the old Capitol. He carried out an east front extension plan in 1962 which reproduced the Latrobe facade in marble thirty-two and a half feet east of the original sandstone walls. The extension has added 50,000 square feet of interior space for offices and restaurants to the old building. This is not enough, argues Stewart. According to a survey he made in 1957, the east front extension provides only a third of the floor space the Congress wants.[3]

To gain the rest of the space and shore up the sandstone walls, the Architect of the Capitol has made preliminary plans for a new marble structure which would project 56 feet westward from the present connecting wings, 88 feet from the original House and Senate chambers, and 44 feet from the central portico. Stewart's plans for a new west front include a portico wider than that designed by Charles Bulfinch in the 1820's with a pediment similar to the one Thomas U. Walter proposed in 1874. This new front, argues Stewart, would be more dignified and appropriate for Walter's dome and his Senate and House wings of the 1850's than Bulfinch's, which went with a much smaller building and lower dome. Despite the fact that the present terrace was built in the late 1880's to accommodate Walter's proposed west front, Stewart wishes to alter and widen it to house two restaurants, two truck docks, four private dining rooms, visitors' facilities, and additional offices. Congress has not yet (in 1968) appropriated the more than 34 million dollars necessary for the scheme.[4]

The present debate over the Stewart plan is only the latest in a dispute that has gone on since 1875. In preparing an edition of the papers of Frederick Law Olmsted, whom Congress appointed Landscape Architect of the Capitol grounds in 1874, I found an exchange of letters remarkably pertinent to the present controversy. The letters record a discussion of Thomas U. Walter's extension plans of the 1860's and 70's. The brilliant civil engineer, Montgomery C. Meigs, who was superintendent of the construction of Walter's House and Senate wings and the Capitol dome, began the exchange of views by writing to Frederick Law Olmsted and Senator Justin S. Morrill, Chairman of the Senate Committee on Public Grounds. Soon Walter's successor as Architect of the Capitol, Edward Clark, and Walter himself were drawn in.

These men were aware, as perhaps all the present disputants are not, that the west front of the Capitol has always been a difficult aesthetic problem, even to the early Architects of the Capitol, Benjamin Latrobe and Charles Bulfinch, who were first concerned with it in the early 1800's. The trouble comes from the fact that the Capitol is perched further out over the brow of Jenkins Hill than was intended in 1800 so that it presents an unclassical multi-story facade to the west.[5] The aesthetic embarrassment is almost as bad as the Greeks would have faced if one front of the Parthenon inadvertently had been built over the edge of the Acropolis. In 1811 Benjamin Latrobe made plans for a structure like the Propylaea forming the approach to the Parthenon to be placed below the Capitol to provide a grand entrance to the Capitol from the west and ease the visual transition from the sloping ground to the building.[6]

Charles Bulfinch, who in 1822 designed the present west front of the Capitol, heaped up an earth terrace around the west side of the building to hide the subbasement. Features of his landscape plan anticipated the much larger stone terrace proposed by Frederick Olmsted, which was finished in 1892. Like the present terrace, Bulfinch's had two staircases at the center separated from each other by an arcade and an open courtyard between his earth terrace and the subbasement to give light and air to the lowest windows.[7] Thomas U. Walter, when called upon to suggest a design for the grounds in 1864 appropriate to the Capitol with the new House and Senate wings, did not propose any change in the Bulfinch steps and arcade, but rather extended a similar grass-covered earth terrace to the north and south around the new wings. He also retained the handsome iron fence and gates with stone gate posts which Bulfinch designed to go with the Capitol.[8]

Apparently Walter's plan was not satisfactory. At the urging of Senator Justin Morrill, Congress appointed Frederick Law Olmsted to redesign the Capitol grounds in 1874. The grounds had not had much attention and had been damaged by the construction work of the 1850's and 1860's. Everything in Olmsted's design was intended to display the building. He cleared the forest of sickly trees from the west lawn which had hidden the Capitol from that vantage point for years. He replaced the charming iron fence of Bulfinch around the grounds with unobtrusive low curbing and retaining walls which would not obscure views of the building. On the east he removed the neglected flower beds, squares of trampled grass, horse car tracks, and streets to make room for a great paved plaza for ceremonial occasions which would also provide access to the building. Many of the lamp posts, water fountains, and architectural features of the grounds, done in 1870's Romanesque for Olmsted by the Architect Thomas Wisedell, are out of keeping with the style of the Capitol, but still Olmsted's was a great landscape setting for the building.[9]

The most conspicuous and successful addition Olmstead introduced was the great architectural terrace for the building, which finally took the place of Bulfinch's in 1892. No one in the United States had yet built such a large and formal structure intended almost entirely for aesthetic effect. The Bulfinch Terrace, charming though it was, was much smaller and only partly architectural. The only place a comparable structure could be found was in New York's Central Park where in 1864 Calvert Vaux had constructed the Gothic-Romanesque Bethesda Terrace. This terrace, with which Olmstead was familiar because he was co-designer with Vaux of the park, was nearly as large as the one proposed for the Capitol, and like it had an arcade, two stairways, and blank retaining walls stretching out on either side of the

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Footnotes at end of article.

stairways. The first design for the Capitol terrace which Wisedell drew for Olmsted looked much like that in Central Park.[10]

It took Olmsted ten years to persuade Congress to build the present terrace. Not all the members understood Olmsted's argument that such a windowless base, like Bulfinch's earth terrace, was to give the effect of a solid foundation for a building perched on the brow of Capitol Hill, and avoid a multi-story facade draped over the hill. The ninety-three rooms proposed for inside the structure were to be lighted with skylights and windows facing into the courtyard. Instead, the legislators wanted these rooms to have windows in the outside wall for ventilation and a spectacular view of the Mall.[11]

The desire for outside windows was so strong that the Architect of the Capitol, Edward Clark, wrote to Olmsted: "I sincerely hope that you will consent to this change, as the leading men of both houses will demand it."[12] One of the leading men was Senator Henry L. Dawes of the Senate Committee on Buildings and Grounds. He was unpersuaded by Olmsted's testimony before his committee in the summer of 1886. He wrote up the proceedings for his wife's amusement in the following manner:

"The Senate disgraced itself yesterday, calling each other corrupt. Miss Swan brought poor Morrill up to the Capitol to save his blank walls which our Committee are determined if they can to pierce with windows—and Olmstead [*sic*] read a paper to us, so ridiculous that we begged that it might be printed, *for our use*, and he graciously condecended [*sic*]. We have all been under a delusion that the blank walls were to give hight [*sic*] to the building. "No such thing the thought never entered his head." The building appeared as if it was going to slide down the hill and these walls are "a sort of dam, as it were" to avert that awful catastrophe—"and whoever saw windows in a dam?"[13]

In spite of the opposition, the dam was finally built. The only windows Olmsted allowed in the terrace were in the archways between the staircases.[14]

Olmsted was circumspect in making any judgments about the architecture of the Capitol building itself. He was quite willing to defend his terrace idea from attack, but thought he should hold himself strictly subordinate to the wishes of Congress and the Architect of the Capitol as far as the building itself was concerned. He did, however, express himself more freely on the subject to the former Chief of Construction of the Capitol, Montgomery C. Meigs, who wrote him in 1875 complimenting his terrace proposal, but criticizing him for including the Walter east and west front extensions of 1874 in his plans. Olmsted explained himself as follows:

"My duty has been with the grounds of the Capitol and I have avoided approaching the province of the architect further than was necessary to the presentation of the proposition of the terrace and the stairways. As to the building proper, I obtained drawings from Mr. Clark representing a plan which I assumed to have been provisionally adopted and to this my plans have been strictly accommodated. I stated to him as well as to Senator Morrill and to Senator Howe that, among the various propositions which (after forming my plans) I found under discussion in regard to the projection of the central porticos, I regarded that as the best by which they would be advanced the least, and that, as to the west portico, I thought that a reduction from the assumed projection of forty feet beyond the line of the present wall would be better than any addition to it."[15]

His plan for the grounds of 1874 made room for a substantial extension of the central portion of the Capitol both to the east and to the west. He remarked in one report, "On the west it is assumed . . . the present facade of the old Capitol will eventually be replaced by a wall of marble, corresponding in dimensions and architectural character to those of the wings. . . ."[16]

Although Olmsted was not enthusiastic about the Walter extension of the west front, he did make room for it, and assumed that the addition would be of marble. His was a middle position between that of Montgomery Meigs who opposed any extension, and that of Thomas U. Walter and Senator Justin Morrill, who wished the addition in order to give the Library of Congress more room for its rapidly accumulating books. Meigs wrote to Olmsted:

"I think it an error to extend the central portions of the old building, thus hiding the further wing in oblique views and spending money to diminish the apparent magnitude and grandeur of this noble building.

"I understand that in this extension you acted under instructions of the Committee and I do not believe that on full consideration you would of yourself think it advisable."[17]

Olmsted's reply to Meigs, saying that he regarded that projection best by which the central porticos would be advanced the least, evidently pleased Meigs who answered, "I see that we concur substantially, as I supposed to be the case. . . ."[18] At the same time he queried Olmsted, Meigs had written to Senator Justin Morrill of the Senate Committee on Public Buildings and Grounds and to Ainsworth R. Spofford, the Librarian of Congress. To Morrill, he had commented that:

"To throw out the centre portion changes the plan to that of a cross in which, in many views, large and important portions of a building are concealed behind the arms of the cross.

"As the building now exists it has in the oblique views all the regularity and symmetry of classical architecture with a variety of light and shadow and of sky line not excelled by many of the best examples of Gothic architecture."[19]

Senator Morrill asked Meigs for his permission to send a copy of his letter to Thomas U. Walter, the designer of the extension. Morrill's caution was perhaps inspired by the fact that Meigs and Walter had quarreled violently about who was subordinate to whom during the construction of the dome and the House and Senate wings in the 1850's. Meigs replied:

"While Mr. Walter is probably the highest authority in Classical Architecture in this country and is an artist of great taste he has certain qualities which long since separated us. I have no objection however to your sending him a copy of my letter."[20]

Thomas U. Walter sent Morrill a note thanking him for letting him see Meigs's letter and promising a fuller reply later:

"The letter of Gen. Meigs contains many well studied points, and I am much gratified with the complimentary [way] in which he refers to me as mentioned in your note.

"I am in haste to acknowledge your kindness, and shall not now attempt a consideration of the matters you refer to; suffice it to say that I am in accord with your views, and will take pleasure at any time in communicating with you on the subject and if you think the success of the improvement will be promoted in any degree by my visiting Washington I shall be happy to do so."[21]

Senator Morrill still continued to advocate an extension of the west front along the lines proposed by Walter even though he thought that the Library of Congress should be removed from the Capitol and housed in a separate building. In a speech of 1879 he said:

"I confess that I look with some apprehension upon the idea of further patch-work on the Capitol. The last extension was intended to put a full stop to anything beyond. When the east and west centers shall each be brought out twenty or thirty feet as they will be when the soft sand-stone shall be replaced with marble, and finished in harmony with the wings, it will be all that was originally designed. It will then be the completed work of Mr. Walter, who, if not a great artist, is certainly not a mean one; and better qualified than all other men to give counsel as to any impending changes. No conceited American Bernini should be permitted to botch the Capitol."

Conceited Berninis were in abundance, proposing among other things, to accommodate the growing Library of Congress by lifting the Capitol dome fifty feet into the air and sliding the Library under it. As to a plan that would project the building two hundred and seventy-five feet further west, Morrill continued:

"Any extension which could possibly furnish one-fourth part of the room needed for a new library of Congress would not only cruelly distort the Capitol itself, utterly destroying its admirable singleness of design, but would be an equally flagrant maltreatment of the Capitol grounds.

* * * * *

"The Capitol should be let alone. Neither swag-bellied centers, nor right-angled tail-ends can be added without destroying the imposing facades of the east and west fronts. Add a pile here, and just such another there, and we should have a block suggestive of diverse uses, commercial or charitable, manufacturing or insane, but no longer stamped as the home of the American Congress."[22]

When called in to advise about lifting the dome fifty feet skyward in 1881, Meigs, like Morrill, reaffirmed the position he had taken in 1875, but left out his bouquets to Thomas U. Walter:

"I have had to study this building for years, and my admiration for the genius and skill of the architect, Latrobe, increases with the years.

"What has been added to it has been mere extension to accommodate the needs of a growing nation. The wings are of the same order and harmonize in style and detail with Latrobe's work. When the building was so greatly extended horizontally by addition of the wings, something was needed to mark more distinctly the center, and a dome rising two hundred and eighty-eight feet above ground was added. I think that this is all that was needed, and that the building is now complete."[23]

Meigs touched upon another aspect of the present controversy about the west front: the condition of the sandstone walls. In his testimony about the feasibility of an addition of two stories to the Capitol, Montgomery Meigs pointed out that the sandstone walls could not carry the extra weight. In preparation for the construction of the dome in 1856, Meigs had investigated the condition of the walls and found that no cement had been used when the building was erected. The mortar was lime and sand which was so soft that, Meigs noted, it could "easily [be] removed from the joints by the fingers without the aid of tools. . . ."[24] The keystones of the arches over the lower windows in the south wall had dropped probably, he stated, because the walls in which they were inserted were spreading apart. It must have been because of Meig's investigation that the dome was constructed to rest on its own supports carried up from the foundations. The walls are more than a hundred years older now and further deteriorated. The present Architect of the Capitol plans to enclose them and buttress them within his forty foot addition to the building. The officers of the American Institute of Architects want them restored and kept as exterior walls, a difficult and dangerous task according to Stewart.[25]

The problem of what to do about the west front is more complicated than that of fixing

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the wall. Besides the aesthetic and structural considerations there is the question of what additional space is really necessary and where it should be provided. In the correspondence I have been citing there are some interesting comments on this point as well. Both General Meigs and Senator Morrill were agreed that substantial future extensions to the Capitol might best be made following a general plan of building around the square to the east of the Capitol. As Meigs put it in 1875 in a letter to Morrill:

"The legitimate mode of extending the Capitol, when that becomes necessary, is by erecting the additions on lines ultimately to surround and enclose a great square, or cortile, to the eastward of the existing building. The final enclosure of a square of 800 ft, exterior side, would not make a building larger than some of the palaces of Europe. But, if the additions are designed & executed in the style and with the material of the wings, this building and this square will be the finest in the world." [26]

Meigs amplified this idea in a separate letter to Olmsted in which he said, "I believe that the extension of the Capitol & provision for the Library should be made on a general plan which will provide for the future filling of the sides of a great square to the East of the present building. I should prefer to see this done, not by a variety of buildings in different styles of Architecture, but in the Roman Corinthian style, of marble. . . ." [27]

Morrill paid Meigs the compliment of repeating this idea in a speech and attributing it to "an officer, creditably connected with the extension of the Capitol. . . ." Morrill quotes the officer as predicting:

"That around the entire grounds of the eastern front of the Capitol, as once were around the bounding-lines of the ancient Roman Forum, there will yet be large public buildings, such as courts, libraries, museums, and departmental offices, that will be hereafter imperatively required by the augmentation of States and the ever-increasing wants of the Government. It must be conceded that the idea is progressive and possibly too magnificent; but, if all of the Executive Departments had originally been constructed around one large square, not only would public convenience have been better consulted, but the general effect would have been more imposing than that produced by the Departments which have strayed away from both the Capitol and the Executive Mansion." [28]

This prediction of the future of Capitol Hill made in 1879 has been fulfilled, although the neo-classic buildings facing three sides of the Capitol grounds are not connected to the Capitol to form the huge square palace that Meigs suggested. Senator Morrill had a part in the fulfillment of Meigs prophecy when he succeeded in reserving the southwest corner of the Capitol square in 1886 for the Library of Congress building. In 1902 the Senate Park Commission, without referring to either Morrill or Meigs, proposed that a great square of neo-classic buildings surround the Capitol, but they considered the placing of the Library of Congress across Pennsylvania Avenue a terrible mistake, because it destroyed the view of the Capitol from the southwest. With the construction of the House and Senate Office Buildings and the new Supreme Court Building, however, the wishes of Meigs, Morrill, and the Senate Park Commission have been met.[29]

What is important for us to note today, whether or not we like Meigs's and Morrill's great Roman Corinthian court, is that both these men advocated following a general plan for Capitol Hill which would meet the needs of Congress without adding incongruous wings and fronts to the Capitol building. Down the years Congress has provided separate housing for the Library of Congress, the Supreme Court, the offices of members of Congress, and rooms for Congressional committees. The removal of these functions from the Capitol has saved the building from becoming "a block suggestive of diverse uses, commercial or charitable, manufacturing or insane, but no longer stamped as the home of the American Congress," as Morrill put it. Unfortunately, Meigs's plea that the development of the Capitol square be done following a general plan has not been consistently heeded. The Randolph Bill of May 1967 is a step in this direction, because it proposes that a comprehensive plan be made for the development of the Capitol grounds and contiguous and related areas.[30]

The present Architect of the Capitol has proposed a projection of the west front, more or less along the lines of that by Thomas U. Walter of 1874, because he thinks, as did Senator Morrill, that this will complete the Capitol building aesthetically. He also thinks that such an extension will fill the needs, which cannot be provided elsewhere, of the seven million tourists who visit it each year and the several hundred legislators who meet in it. To this end the Stewart plan would add 101 offices, five committee or conference rooms, two cafeterias, two large dining rooms, and two service docks under the staircase of the terrace. In all it would give the occupants of the Capitol the 139,250 square feet of floor space they said in 1957 they would need in twenty-five years and, in addition, a 69,634 square foot dividend.[31]

Some of the additional room would be provided by advancing the west central portico 44 feet, an extension allowed for in Olmsted's plan and in his elevations of the terrace. In his drawings of the terrace he shows the changes in the central portico proposed by Walter and by Edward Clark presumably to demonstrate how his design would harmonize with them. This is not quite the same as making studies of the west front as Architect Stewart's *Preliminary Report* says he did. I have seen no evidence that Olmsted made architectural studies of the Capitol. He would have considered such work beyond his professional competence.[32]

While we may expect opinions from Meigs, Morrill, and Walter on the architecture, we cannot hope for similar pronouncements from Olmsted. It is possible, though, to find out what Olmsted would have thought of the Stewart plan for the terrace and the grounds because he suggested the present design. The Stewart plans would make some significant changes in the design of the grounds, and much of the additional space to be gained from the Stewart plan is to be added to the terrace.

First of all, we can ask what Olmsted would think of the proposed service roadway running across the grounds directly in front of the Capitol and under the terrace at the stairways from Constitution or Pennsylvania Avenue to Independence or Maryland Avenue. This roadway is designed for semi-trailer trucks and service vehicles carrying food, freight, garbage, and trash to or from two service docks under the Capitol. The *Preliminary Report* affirms that such a service road would not intrude into the landscape composition because it will be screened from view by trees and appropriate plantings.[33]

What would Olmsted think of the introduction of a roadway on this side of the Capitol grounds? He probably would not approve of it, if he were to follow the general principle he laid down for himself in 1874:

> A building may have two fronts and most noble buildings, in fact, are designed with two, of which not unfrequently that of the carriage, or most used entrance, is the less important architecturally and in the landscape. . . . It is much better for most purposes to which a large building is to be put that one side of it should be left entirely free from the disturbance of carriages and it is on that front that any beauty of architecture possessed by the building will commonly be seen to the highest advantage and on which any landscape beauty associated with it may be best enjoyed.[34]

Now, it may be argued that carriages are not the same as garbage trucks, but I do not really think that distinction would make Olmsted want to introduce them on the west side of the building, even behind a screen of planting.

The change that would bother Olmsted the most in the Stewart terrace plan is a revival of Senator Dawes' scheme of 1886 to pierce the walls with windows. The curved, arcaded wall and the fountain at the present ground level of the terrace would be replaced in the new plan with a longer straight wall punctuated with five arched windows. Above this, on the second level of the terrace, ten square windows are to replace the present arches which contain the only windows Olmsted would allow in the terrace. These new windows would be about as wide and tall as the present arched ones. On either side of the stairways the present blank terrace walls would be pierced with windows in each panel. The twelve outside panels would be replaced with twelve windows. The twenty-two windows on the second level of the terrace are to give a view to the tourists in two cafeterias and the members of Congress and their guests in the two dining rooms proposed for this level.[35] Stewart would thus punch holes in the dam which Bulfinch and Olmsted erected to hide the bottom story of the west front.

If one decides to be a strict conservative about the Capitol—following Meigs' advice not to extend the west front and Olmsted's not to change the terrace by adding windows—the various needs of the Congress and the annual invasion of seven million tourists eager to see the Capitol remain unsolved problems. The crowding has transformed Olmsted's great east plaza into a parking lot. Tourist buses and garbage trucks reduce the monumental effect. The Architect of the Capitol, George Stewart, has written:

"The extension and reconstruction of the East Front as constructed did not allow or provide for adequate service facilities in that such provisions were to be provided in the Underground Garages which have never been approved by the Commission for the Extension of the Capitol project. The United States Capitol is still without adequate means for service. It is one of the few major buildings in the United States that is without truck docks, service elevators, or other means for the orderly handling of the necessary services of the building and for its occupants." [36]

The American Institute of Architects also suggested that ". . . an underground development for the east plaza side of the Capitol should be explored for the possible use of multi-level parking and visitor's [*sic*] facilities." [37]

To be faithful to Olmsted, Stewart's plan for service facilities under the East Plaza should be followed. Perhaps tourist buses might also have a stop there too. The present proposal is to have buses deliver their passengers at the foot of Capitol Hill to hike up to the new terrace entrances in the west front. This plan might not be popular with the infirm, especially in bad weather, and the Architect might be tempted to permit the buses to deliver their passengers to the "unassigned public space" of 9,052 square feet between the two truck loading docks planned under the stairways of the new terrace structure.[38] Then we could expect a parade of buses across the west front of the Capitol joining the delivery trucks and service vehicles.

It must be remembered, however, that since Olmsted's day, the grounds controlled

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by the Architect of the Capitol have been extended all the way to the Union Station Plaza, an addition of 6.8 acres.[39] A vast new visitors' center has been approved for the station giving Washington a chance to imitate on a much larger scale, the successful Information Center of Williamsburg where great throngs of tourists are given a preview through movies and exhibits of what they are to see in the historic restoration. Leaving their cars behind they take free buses to the points of interest in Williamsburg. The tourists coming to Washington will find that there is room for 4,000 cars over the tracks at Union Station and that they can go on foot or by minibus to the Capitol among other places.[40] Fewer people would want to park on the East Plaza. Thanks to the new facilities at the Union Station, the demands on restaurants and tourist services at the Capitol will be less.

How much guidance do the letters and documents penned by Frederick Law Olmsted and his associates, Thomas U. Walter, Edward Clark, and Justin Morrill, provide anyone trying to preserve the historic Capitol that tourists come to see and at the same time keep the increasing needs of Congress well supplied? Of these, Olmsted is unique in his conception of the grounds of the Capitol as a unified work of art serving as a dignified setting for the architectural grandeur of the building. The East Plaza must be a grand entrance to the Capitol and the stage for ceremonial occasions, not a parking lot, even by permit as it is today. The west grounds display the Capitol to the Mall and the city, and in green foliage and sweeping lawn povide a soothing contrast to the brilliant whiteness of the building. The terrace is a solid windowless base for the building rather than an extension of it going stepwise down Capitol Hill. No one else, not even Walter or Bulfinch, had this consistent and brilliant an idea for the setting of the Capitol. Olmsted's plan and the reasons behind it seem worth understanding when changes are suggested.

Thomas U. Walter and Senator Justin Morrill anticipated the aesthetic reasoning behind the Stewart proposals to extend and redesign the central porticos of the old Capitol. Walter proposed many extensions, one of them grotesque,[41] but his design of the dome and the new House and Senate wings is impressive romantic classicism. If the central portico is brought further west his drawings should be followed. The opinions of his friend, Justin Morrill, champion of the Library of Congress, are worthy of great respect. His Library of Congress Speech is full of sage remarks such as:

"Nothing more can be expected from experts and artists, selected to do a work foreordained, than a presentation of some constrained plans for the extension of the Capitol. They are to be so instructed. They will furnish the pictures. They can do no less than to supply the specific demand insisted upon by those under whose authority they are to act, and especially if there should be an undimmed prospect of finding future employment in the construction of their new plans. The answer to the Hudibrastic question: 'What makes all doctrine plain and clear?' was, 'A thousand pounds a year,' and can be understood by modern draughtsmen, I do not say architects, as well as by ancient theologians." [42]

Morrill's mistake, according to present-day disciples of L'Enfant, was his suggestion that the Library of Congress be built blocking Pennsylvania Avenue so that today, it cuts off a view of the Capitol from the southwest. Still, it was he who sought out Olmsted and was willing to listen to both Walter and his rival, Meigs.[43]

Montgomery Meigs cared enough about the Capitol to follow the work on it as long as he lived. Three years before his death he was in correspondence with Edward Clark inquiring about his list of Walter's drawings of the Capitol and expressing his concern for Walter's widow. He wrote, too, that he approved of the nearly completed Terrace. I do not think that his quarrels with Walter blinded him to the merits of the man. He was able to improve upon the latter's interior design of the Senate and House wings because he followed his own advice: "In a multitude of counselors there is safety," and consulted with eminent scientists, A. D. Bache and Joseph Henry, in making his revisions.[44] His argument against the western projection of the Bulfinch portico is well-considered as Walter admitted. Yet he did not consider what the effect of such an extension would be on the view of the building from the base of Capital Hill.

Olmsted, by contrast, did make a careful estimate of the effect his proposed terrace would have on a view of the building from the west lawn. He dropped the level of the outside walls of his terrace four feet below the height of his previous design so that the basement of the Capitol would not be obscured.[45] Meigs, on the other hand, did not consider a perspective of the extension. Yet, such a study would show more clearly than any other why the flat roof line Bulfinch designed for the central structure, which Walter duplicated on the House and Senate wings, should be kept and why a projection at the center would mar the most important view of the building.

The seated statue of John Marshall is a fixed vantage point which will not be changed should the extension be built.[46] Standing now in front of the statue one can see half of the peristyle above the drum of the Capitol dome to the top. Standing there after the proposed improvement is made one will be able to see only the rounded part of the dome over the peak of the pediment. To have a view of the dome comparable to that of the present day from the Marshall statue, one would have to go back down Capitol Hill at least 429 feet, if not further, because of the slope of the ground. From a comparable position in 1930, Bulfinch's dome was badly obscured by his west front, but his flat roof, which he may have wanted to change, works well in exhibiting the Walter dome even when one is quite close to the base of the terrace.[47] After the Stewart extension, the best close-up view of the dome would be from the East Plaza, not the west grounds.

The aesthetic mistake made by widening the terrace and projecting the central portico to the west would be similar to, but not as serious as, that made by Carlo Maderna in building his 17th century facade on the front of the Vatican by which he obscured a full view of Michaelangelo's dome from the Great Piazza. The proposed addition to the Capitol will spoil the present sight of the dome from the west and hide the wings from the north and south sides of the building. Perhaps more damaging, the graceful features of the present terrace, particularly the arcaded curve on the first level back of the fountain, will be replaced by an uninteresting straight wall with the windows which Olmsted opposed piercing his dam.

Should these aesthetic considerations be ruling, the practical problems of how to fix the sandstone, what to do with seven million tourists, and how to serve Congress better will not be solved, but other solutions may be more seriously considered than they are now, and a national architectural masterpiece will not have been altered for transitory reasons.

FOOTNOTES

[1] J. George Stewart and Associate Architects, *Preliminary Plans for the Extension of the West Central Front of the Capitol* (Washington, D.C., 1967), pp. 15–23, 111–115; Nan Robertson, "Plan to Extend the Capitol Scored," *New York Times*, June 24, 1966, p. 18.

[2] Wolf Von Eckhardt, "Lesser Minds Fiddle with What Fathers Fussed Over," *Washington Post*, July 24, 1966, p. E–5; I. T. Frary, *They Built the Capitol* (Richmond, 1940), pp. 240, 242, 246–247; Architect of the Capitol, *et al.*, *Compilation of Works of Art and Other Objects in the United States Capitol* (Washington, D.C., 1965), p. 199; Frederick Law Olmsted to E. H. Rolins, n.d., printed, Box 35, Olmsted MSS, Library of Congress.

[3] Stewart, pp. 80, 106; Von Eckhardt, "Lesser Minds Fiddle. . ."

[4] Stewart, pp. 24, 25, 33–36, 40, 89; Frederick Law Olmsted to Montgomery C. Meigs, January 15, 1875, ALS, Quartermaster General's Office Papers, Record Group 92, Entry 294, National Archives.

[5] Frederick Law Olmsted, "Memorandum," quoted in U.S. Government Printing Office, *Documentary History of the Construction and Development of the United States Capitol* (Washington, D.C., 1904), p. 1160. Compare plates 14 and 47, Frary, pages 54 and 145 to see the difference between the ground plan of 1800 and that of ca. 1818.

[6] Frary, pp. 76–79.

[7] Frary, pp. 139–155, 287–290; Charles A. Place, *The Life and Letters of Charles Bulfinch* (New York, 1925), pp. 260–263; *Documentary History*, pp. 1038–1039, 1209, 1218.

[8] Thomas U. Walter, *Report of the Architect of the United States Capitol Extension*, November 1, 1864 (Washington, D.C., 1864) with accompanying plan, pp. 5–6. See figure 4. For a slightly different Walter plan see negative 22884, Architect of the Capitol's Office.

[9] Senator Justin S. Morrill to Frederick Law Olmsted, May 6, 1873, ALS, Olmsted Associates, Brookline, Mass.; Frederick Law Olmsted, "Historical Notes of the Capitol Grounds," and "The Present Design," printed in *Appendix to The Annual Report of the Architect of the Capitol*, June 30, 1882 (Washington, D.C., 1882), pp. 13–18; John Nolen, "The Work of Frederick Law Olmsted, Part II: The Terraces and Landscape Work of the United States Capitol at Washington," *House and Garden*, IX (March 1906), 117–128.

[10] Henry Hope Reed and Sophia Duckworth, *Central Park: A History and a Guide* (New York, 1967), pp. 82–84 and jacket illustration; "Proposed Improvements at the Capitol," *Harper's Weekly*, XXIX (December 26, 1885), 860, with engraving.

[11] Frederick Law Olmsted to Mr. Perry, March 20, 1885, letterpress copy in Letter-Book dated June 1884–September 1887, pp. 178–181, Olmsted MSS, Library of Congress: Frederick Law Olmsted to the Honorable William B. Allison, n.d. (ca. July 30, 1886), typed copy in Box 35, Olmsted MSS, Library of Congress; *Documentary History*, pp. 1238–40, 1245–48, 1251.

[12] Edward Clark to Frederick Law Olmsted, February 16, 1886, letterpress copy, Letter-Book 29, pp. 201–202, Architect of the Capitol's Office.

[13] Henry L. Dawes to his wife, July 16, 1886, ALS, Henry L. Dawes MSS, Box 15, Library of Congress.

[14] Frederick Law Olmsted to Edward Clark, February 18, 1886, ALS, Architect's Office. (One of two letters the same day.)

[15] Frederick Law Olmsted to Montgomery C. Meigs, January 15, 1874, ALS, QGO Papers, Record Group 92, Entry 294, National Archives.

[16] Frederick Law Olmsted, undated draft (probably 1874), Box 35, Olmstead MSS, Library of Congress, which is quoted in Stewart, p. 80.

[17] Montgomery C. Meigs to Frederick Law Olmsted, January 13, 1875, Olmsted Associates.

[18] Montgomery C. Meigs to Frederick Law Olmsted, January 18, 1875, TLS, Olmsted Associates.

[19] Montgomery C. Meigs to Justin S. Morrill, January 11, 1875, ALS, Olmsted Associates. In a draft of this letter dated January 8, 1875 in QGO Papers, Record Group 92,

Entry 294, National Archives, Meigs directs that it be sent to Senators Morrill, Edmunds, Allison, as well as to Spofford.

[20] Montgomery C. Meigs to Justin S. Morrill, January 11, 1875. For details of the quarrel between Meigs and Walter see Letter-Book, VI, pp. 1824–1837, Architect's Office for some of the correspondence.

[21] Thomas U. Walter to Justin S. Morrill, January 20, 1875, ALS, Morrill MSS, Library of Congress.

[22] Justin S. Morrill, "The Library of Congress, the Capitol, and its Grounds," Speech in the United States Senate, March 31, 1879, printed (Washington, D.C., 1879), pp. 7, 11.

[23] Montgomery C. Meigs to Ainsworth R. Spofford, March 13, 1882 as quoted in W. W. Rice, "The National Library," Speech in the House of Representatives, June 20, 1882, printed (Washington, D.C., 1882), pp. 13–14.

[24] Rice, "The National Library," p. 13.

[25] Rice, "The National Library," pp. 9, 13; Stewart, pp. 92, 104–106.

[26] Montgomery C. Meigs to Justin S. Morrill, January 11, 1875, ALS, Olmsted Associates.

[27] Montgomery C. Meigs to Frederick Law Olmsted, January 13, 1875, ALS, Olmsted Associates.

[28] Morrill, "The Library of Congress, the Capitol, and Its Grounds," p. 12.

[29] John W. Reps, *Monumental Washington: The Planning and Development of the Capitol Center* (Princeton, N.J., 1967), pp. 108, 108n., 112–117, 179.

[30] 90th Congress, First Session, *Senate Joint Resolution 74*, May 22, 1967, p. 1.

[31] Stewart, pp. 34–36, 58–61, 80.

[32] Stewart, pp. 24, 35, 80–81. Olmsted's reluctance to practice architecture is made clear by his letter to Meigs of January 15, 1875 quoted above and also by the fact that he resigned from the supervision of the construction of the terraces on July 1, 1885 because he thought that a matter for an architect. Frederick Law Olmsted to William Mahone, draft, Box 35, December 9, 1884, Olmsted MSS, Library of Congress; Frederick Law Olmsted to Mr. Perry, March 20, 1885, letterpress copy in Letter-Book dated June 1884–September 1887, pp. 178–181, Olmsted MSS, Library of Congress.

[33] Stewart, pp. 33–36, 44, 110.

[34] Frederick Law Olmsted to Justin S. Morrill, undated draft ca. January 1, 1874, Box 35, Olmsted MSS, Library of Congress.

[35] Stewart, pp. 33, 47.

[36] Stewart, p. 28.

[37] F. D. Lethbridge, Norman Fletcher, *et al.*, "AIA Task Force Report," *A Report on Conditions of the West Front of the Capitol,* The American Institute of Architects (Washington, D.C., 1967), p. 7.

[38] Stewart, pp. 35, 46, 61.

[39] Frary, p. 254.

[40] House of Representatives, 90th Congress, First Session, "Hearings Before the House Subcommittee on Public Buildings and Grounds of the Committee on Public Works," *National Visitor Center Act of 1967* (Washington, D.C., 1967), pp. 1–2, 80–100.

[41] Frary, p. 179; Glenn Brown, *History of the United States Capitol* (Washington, D.C., 1900), II, 169–170, plates 145, 146, 274; Von Eckhardt, Lesser Minds Fiddle. . . ."

[42] Justin S. Morrill, "The Library of Congress, the Capitol, and Its Grounds," pp. 5–6.

[43] Justice S. Morrill to Frederick Law Olmsted, May 6, 1873, ALS, Olmsted Associates; Reps, pp. 61, 108n., 115.

[44] Montgomery C. Meigs to Justin S. Morrill, January 11, 1875, ALS, Olmsted Associates; Glenn Brown, *United States Capitol,* II, 126–128, 132–136; Edward Clark to Montgomery C. Meigs, July 1, 1889 and July 8, 1889, letterpress copies, Letter-Book 35, pp. 320–321, 40–41, Architect's Office.

[45] Frederick Law Olmsted to Montgomery C. Meigs, January 15, 1875, ALS, QGO Papers, Record Group 92, Entry 294, National Archives; Frederick Law Olmsted to E. H. Rollins, n.d., printed, Box 35, Olmsted MSS, Library of Congress.

[46] Stewart, p. 67.

[47] Stewart, pp. 24, 109.

SECRETARY VOLPE REVIEWS NATIONAL TRANSPORTATION NEEDS: OUTLINES PROGRAMS TO MEET THEM

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 28, 1970

Mr. RANDOLPH. Mr. President, the United States is developing a growing awareness of the burden being placed on our national transportation system and of the urgent needs to find solutions to the requirement for expanding and modernizing this system.

The facets of the transportation system are no longer viewed as separate, but as parts of a unified whole that must be considered in this light.

The Department of Transportation was created to take a consolidated approach to the problems of transportation and is coordinating the activities in a number of related fields.

On January 27, Hon. John A. Volpe, who has served for the past year as Secretary of Transportation, returned to his home State to deliver a major address outlining the major problems faced by his Department. His speech before the Worcester, Mass., Chamber of Commerce was an eloquent delineation of the situation as it exists and what is being planned to meet the needs.

Mr. President, because of the national scope and impact of Federal transportation activities, I ask unanimous consent that Secretary Volpe's address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD as follows:

REMARKS BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE

Our greatest aviation challenge is the explosive growth of the aviation industry. Airline passenger miles have doubled in the last 4 years and are expected to triple in the next decade.

General aviation—non-airline aircraft—have, at the same time been increasing their flying time by about 4-thousand hours a day. This is a phenomenal growth. It is good growth, too. It is an indication of solid economic progress. Yet at the same time, we face problems with the supporting systems—airfields, traffic control facilities and navigational aids.

Everywhere we are short. Right now we need 9-hundred new airports, and we need improvements at over 27-hundred existing airports.

I am—of course—well aware of the Worcester Chamber's efforts regarding a new regional jetport to take some of the pressure off Boston, and even New York.

And I want to congratulate you for your interest. This is the kind of community support that makes a city and a region grow and develop.

But airports are not our only shortage. We shall need to spend on the operation, maintenance and expansion of airways systems 12-billion dollars over the next ten years. That averages out about 3-million dollars per day.

To meet these needs, the President has sent to the Congress our Airport/Airways legislation which proposes new user charges to be paid by those who benefit directly from the services provided. The funds from these charges will be used to help pay the tremendous costs of operating, maintaining and expanding the supporting facilities needed by our flying public.

The Bill passed the House by the astonishing vote of 337 to 6. Hearings are completed on the Senate side and we are hopeful of final action in time to put the Bill on the President's desk as a Valentine's Day present. Passage of this legislation will do much to solve the near-crisis that has developed in our air system.

We have similar problems in land transportation. You, of course, are all aware of the tremendous job done by our Federal Highway Administration, particularly with the beginning of the Interstate Highway Program in 1956 which I was privileged to initiate for President Eisenhower.

Our highways have brought great progress, both economic, industrial and by way of safety on our highways. As a matter of fact, we know that for every five miles of interstate system that we build we save one human life—not just for that year but for every succeeding year.

Your Worcester Expressway is, of course, perhaps our best advertisement for our interstate highway system. I remember how many meetings I came to here in Worcester to resolve the location of the expressway as well as other highway improvements and I remember being pushed rather hard as Governor for commitment as to when the Worcester Expressway would be fully opened to the public. I remember well that I said that we would have the project substantially completed by the end of 1969.

I remember that day in November 1968 when we opened up the section from Brosnihan Square, Frank McGrath stated publicly that despite earlier disagreement, the city now recognized that the D-P-W and the Bureau of Public Roads were right, and that the Worcester Expressway's present location is best for the City of Worcester.

I was delighted to hear that the 11-mile section down to I-495 was opened this month, and I think that high praise is certainly in order for Governor Sargent and Commissioner Ed Ribbs and the people at the D-P-W. And despite many setbacks, including the freezing of Federal funds, work stoppages, not to mention the inescapable adversity of a very wet November and the present unfavorable snows, we made it almost right on the nose. The actual completion date is June 15, and I think all hands deserve hearty congratulations.

On the national scene, in the past year we have opened to traffic 1,774 new miles of interstate highways. This brings our total interstate mileage to nearly 30,000—or about two-thirds of the whole system. And the interstate system—I might point out, will—when completed—amount to only one percent of our mileage but will carry 20 percent of our traffic.

Notwithstanding the tremendous progress that we have made, however, in highway construction, and without a doubt we will have to build more highways, the fact remains that this has been done without a parallel effort in developing our public transportation.

In our cities, public transportation is carrying about 10-billion passengers a year. It is the life blood of our urban areas. Yet public transportation is in difficulty. In recent years, some 235 transit companies have gone out of business. And there has been very substantial reduction in the number of passengers using public transportation from about 25-billion passengers per year to less than 10-billion passengers per year. Many transit companies, consequently, are in serious financial difficulty. Many are victims of the same cycle—increased costs require increases in fares which, in turn, results in lower patronage. Yet, my friends, public transit is a vital necessity.

Our cities—and I'm talking here of even small cities in the 50,000 population bracket—cannot depend on the automobile alone. The private automobile has tremendous shortcomings in urban areas—all serious, but some more serious than others.

Never mind the fact that an automobile is some 20-feet long, weighs 2 tons, and carries, on the average, 1.6 people on each trip. Never mind the fact that the internal combustion engine (depending on whether you listen to its fans or its critics) generates from 50 to 80 percent of all the air pollution we breathe every day. Never mind the fact that the automobile kills 55,000 people every year, over 150 every day.

Never mind the fact that the leading cause of death among our young people, aged, 16 to 25, is the highway crash. Never mind the fact that in America today we have one linear mile of highway for every square mile of land, and with the automobile population growing by 10,000 vehicles every 24 hours the demand for additional pavement is enormous.

Over and above all these items, we must accept the fact that there are those in our economy for whom the automobile is far too expensive a purchase.

We must accept the fact that all our proposed social remedies, such as model cities projects, health centers, evening college classes, job centers, suburban employment opportunities, and you-name-it, just aren't going to get full utilization if we make automobile ownership an unwritten prerequisite for participation.

Because of these factors, we attach great importance to public transportation. I recommended to the President and the President proposed to the Congress last August bold new legislation in this field.

Our Bill proposes a long-term, $10-billion program to provide funds on an assured basis for the construction, expansion and improvement of public transportation in a growing America.

It is not just a big city Bill, designed to build subways and rapid transit systems. It will provide for sharply upgraded bus transportation, will enable the use of exclusive busways on urban freeways, and will provide for such things as "maxi-cabs," buses that provide door-to-door service in response to programmed demands. And it provides, too, for such things as new turbine buses, which practically eliminate the sort of air pollution we get today from conventional buses, as well as being far quieter.

Passage of this legislation can directly benefit the City of Worcester, and will tie-in efficiently with the massive urban redevelopment projects you have underway for a revitalized center city.

I hope that each of you will see fit to help us on this Bill, and pass along the "good word" to our Congressional Delegation to get this vital legislation passed.

Our other land transportation interests are covered by our Federal Railroad Administration—the sponsor of the new high speed Metroliners between Washington and New York and the Turbotrain between New York and Boston.

We are convinced at the Department that there is a definite necessity to continue a basic minimum national rail passenger service, and this Administration is hard at work—right now—drawing up legislation that will provide continued service over medium-haul distances in and between densely populated areas of the country.

At sea, out Department is represented by the men of our great United States Coast Guard. Their mission is far greater than ever—Marine sciences, oil pollution, boating safety, inspection of merchant vessels, and coastal support for our ground forces in Vietnam, to mention just a few.

Our other Maritime interest is the United States side of the Saint Lawrence Seaway—America's fourth seacoast which is making the great cities of the Midwest truly international ports.

The great thrust of our Department, however, is toward the future; research and development—the new—the different, the daring. We helped in opening up the Northwest Passage through the Arctic for supertankers to the north slope of Alaska.

We are sponsoring research on tracked air cushioned vehicles that will travel at high speeds on a cushion of air over a single track—Gravitrains that will travel in vacuum tubes underground—linear induction motors—the supersonic transport. We are developing new ways to make public transit more attractive. Every method of transportation is being scrutinized and examined for improvement.

We are looking for speedier and more efficient transportation, certainly, but we now have two equally urgent additional purposes. The first is safety. And safety on our Nation's highways comes immediately to mind.

The repetition of the number of highway fatalities may have dulled our senses. Let me tell the facts another way . . . 10,000 accidents per day . . . 10,000 persons injured everyday . . . total economic loss . . . $40-million every day. This must stop. And I intend to stop it.

I have brought into the Department of Transportation the best highway safety expert there is. He is Doug Toms, from the State of Washington. He is a recognized safety expert, well known and respected. I have put him on my staff reporting directly to me. And he and I are moving.

I am ordering here and now, tonight, that our program to build an experimental safety car begin. This car will be a mobile crash laboratory. The car we are planning must be safe in any type of crash up to 50 miles an hour. It must be able to crash into a concrete barrier at 50 miles an hour with no injury to the occupants. It must be capable of rolling over at 70 miles per hour with the passenger compartment still intact. It will offer new handling and braking capabilities superior to anything on the market today. It will provide improved visibility for the driver and it will be powered by an engine which can effectively use low pollution fuels.

Our plan is to have 14 of these cars built and tested by the end of 1972. It is our intention that the auto industry will seize on the new safety improvements we develop and will incorporate them in production models. These cars will also provide us data to be used in setting future standards of safety for the manufacture of production automobiles.

Today, in Washington, we have asked for proposals to develop, design and construct a family sedan. We shall let two contracts for prototype development. Later we shall select the best car of these two and order an additional 12 models.

This is a beginning. Our plans call for us to build additional safety cars in models other than sedans, and be capable of withstanding crashes at greater speeds.

This is an integrated *systems* approach to highway safety, and I am confident that it will result in a substantial decrease in highway fatalities.

While the knowledge and the benefits of this program may be a few years coming, there are more immediate steps that we can and are taking. One is the airbag restraint system, which automatically cushions the occupant at the instant of a crash. We are aiming at having this ready for 1973 models. Another project is the so-called "plastic hinge" flexible bumper which also is nearing the stage where it can be added to present cars and take the "crunch out of the crash," for the benefit of those inside the vehicle.

Safety, then is a priority consideration. Another is the preservation and protection of our environment.

President Nixon stated the case most eloquently in his State of the Union message last week. He said, "clean air, clean water, open spaces, these should once again be the birthright of every American." For my part, I am determined to support this cause to the fullest.

The toll of environmental destruction is horrifying—yellow blankets of smog over most of our major cities—smog so thick it shows up on aircraft radar screens. Rivers and streams so dangerously polluted that out in Cleveland, the Cuyahoga River was so oily it caught fire.

We are going to change this. And I know the good people of Massachusetts will be solidly with us. This, our State, is a miracle of nature's beauty. We shall defend it. Frank Sargent made this perfectly clear in his annual message.

And I don't mind saying that I am proud of the Inland Wetlands Bill and the Coastal Wetlands Bill, both of which I had the privilege of signing into law when I was Governor. Not to mention the $150 million water pollution measure we enacted a few years ago.

But even measures such as those are not enough. The Massachusetts spirit of conservation must become a national spirit, because drifting smog, oily rivers, noisy jet aircraft, and smoking internal combustion engines are no respectors of state lines. The President knows this, and this Administration is determined to get results, national results.

It was my privilege to be sitting directly in front of the President when he delivered his great State of the Union message last Thursday and I was very much impressed. He has the correct and best course in Vietnam. He is bringing an end to that war, honorably and sensibly.

His battle against inflation is courageous and he is winning. Friends, he is waging this battle on behalf of you and me and the 200 million other Americans. We must help him.

I could sense from that speech his great vision for this country in the decade to come. He foresees the peace and plentitude that can be ours. I hope we all share that vision. There is nothing we cannot achieve. The oportunities of the future are the greatest ever. You people here, in this city, should have special dreams of the future, for this is the home of Dr. Robert Goddard, father of American rocketry. You have been fortunate in seeing all his great dreams fulfilled. But this is only a start. There is a passage in the book, *The Promise of Space* by Arthur C. Clarke which I should like to read to you. It has an awesome sense of the infinity of opportunities that can be ours in the future He writes:

"Every age has its dreams, its symbols of romance. Past generations were moved by the graceful power of the great windjammers, by the distant whistle of locomotives pounding through the night, by the caravans leaving on the golden road to Smarkand, . . . our grandchildren will likewise have their inspiration—up among the stars.

"Our grandchildren will be able to look at the night sky and they will know that some nuclear-powered mariners has set forth once more, on the ocean whose farther shore he can never reach."

XUM

And so, my friends, the only limit for us are the limits of our vision. Let us not dream little dreams for we are moving into a most exciting decade. I recall a Cabinet meeting just before Christmas. My colleagues and I presented reports to the President on the first year of the new Administration. Toward the end of the meeting, the President turned his attention to the future and as he spoke of the coming decade of the Seventies his voice lowered as though he spoke in prayer. There was in his voice deep faith and hope and charity for all mankind.

He reminded us all that although he was impressed with the material progress made during the year, and even though we foresee great technological advances such as 1,000 mile-an-hour aircraft, education for all of our young people, the elimination of poverty, he knew that more must be accomplished.

He felt that technological progress would be meaningless unless America and its citizens captured something else—

An ability to live with faith in God;

An ability for man to live at peace with his environment;

An ability for man to live at peace with all his neighbors throughout the world.

These are our goals for the next decade. I know we can reach them for I know we shall be seeing a spiritual rebirth in America. I thank God for this America, for even with its faults, there is among our people a tremendous reservior of great faith. We must bring that faith forward. We must make its presence felt.

ADVERTISING AGAINST RESEARCH AND DEVELOPMENT—THE APPALLING PERFORMANCE OF ELECTRIC UTILITIES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 28, 1970

Mr. METCALF. Mr. President, at long last there is widespread and growing concern about the deterioration of the environment. We have on earth a sharply limited supply of resources. They are being depleted and polluted. Various methods of arresting the damage, which do not need restatement here, have been proposed. It shall be necessary to reorder priorities, to change systems and, above all, spend money, in order to assure that earth will be habitable a few generations from now.

I have studied several recent, large advertisements by components of the Nation's largest industry, electric power. One solicits readers to write for the pamphlet about how Commonwealth Edison is reducing pollution in the Chicago area. Another tells how Baltimore Gas and Electric's proposed Calvert Cliffs nuclear plant will be safe, for oysters as well as for people. A third encourages customers of Virginia Electric and Power Co. simply to use more electricity and buy more electrical equipment.

These advertisements are typical. Some encourage greater use of a product, even though it is in short supply. Others seek to assure readers that the sponsors are doing all that they can to improve the environment.

Under our regulatory system, advertising and sales promotion are included in the operating costs of investor-owned utilities, which operate on a cost-plus basis. Thus utilities, unlike unregulated companies, are privileged to have free advertising. Similarly—and again unlike unregulated companies—utilities can include all research and development in the operating costs. The State utility commissions invariably approve a rate structure which will permit the utility a healthy return after all advertising, research and development and more basic expenses have been met.

Given that kind of an arrangement, one would suppose that the utilities, in keeping with their advertised policy of environmental protection and provision of "all the power that a growing America needs," are spending a great deal of money on research and development. Electric power supply is neither adequate nor reliable. Utilities are major contributors to pollution of the environment. Surely, one would suppose, "the folks at your investor-owned electric light and power companies"—as the ads say—must be doing their part, especially inasmuch as the customers pay—and gladly, I believe—the entire cost of research and development regarding environmental protection, adequacy, and reliability.

Mr. President, I thought I was past the point of being appalled at some of the practices of the investor-owned utilities. But I was not prepared for the statistics on their research and development expenditures, from the I.O.U.'s own reports, compiled by the Federal Power Commission, which has just released them.

The 212 major electric utilities together account for one-eighth of all the investment in this country. They took in $19.4 billion in 1968. They netted 15.4 cents on the dollar, after paying all expenses, including taxes and interest. Yet almost one-fourth—51 companies to be exact—did not, according to their own reports, spend a cent on research and development in 1968, either within the company or through support for research and development by others.

Some of the 51 companies are small, in comparison with the large utility fiefdoms which dwarf some States in resources and area. Others are wholly owned generating subsidiaries of operating utilities. But among the 51 are large operating companies: Philadelphia Electric, which is a part of one of the most fragile transmission systems in the Nation; Montana-Dakota Utilities, whose service area covers probably one-fifth of the Nation's coal reserves, Commonwealth Edison of Indiana, Missouri Edison, Maine Public Service, Holyoke Water Power in Massachusetts, Florida Public Utilities, Black Hills Power & Light, and both the Virginia and Maryland Delmarva Power and Light companies.

On the average, only slightly more than 2 mills per revenue dollar were spent by I.O.U.'s on research and development in 1968, either within the company or in support of research by others; 57 percent—$21,794,000—of the research was done outside the companies. The need for reliance on help from outside the industry itself was underscored by a recent survey conducted by the Engineer Manpower Commission of the Engineers Joint Council. The survey, published in the May–June 1969 issue of Engineer, found the utilities industry the worst equipped of any for advanced research, by the important criterion of number of Ph. D.'s employed by industry—only eight among 11,800 engineers. The average number of Ph. D.'s among 11,800 engineers in this country would be 5 percent, or 590 rather than eight.

As a distinguished engineering professor told me recently:

> An industry's ability to solve pollution problems requires complicated research and development, and any group's ability to solve technical problems is proportional to the number of highly trained engineers in it.

The Nation's largest industry is ill-equipped for doing its part to improve the quality of life in America.

Furthermore, the nature of some reported research and development expenditures by I.O.U.'s is open to question. The industry exhorts itself to use university faculty members to help solve industry problems. A typical result of such faculty use appears in the current, January 15, 1970, issue of Public Utilities Fortnightly.

Did the industry go to the engineering faculty for the advice now published in Fortnightly? No, it went to a professor of marketing, Thomas R. Wotruba of San Diego State College. He called for more "market research" and suggested that State utility commissions—some of which do not have enough staff even to read the ads and quarterly reports of utilities, let alone to regulate them—get some marketing experts. These experts would look kindly upon more expenditures on promotion.

It is worth noting that this professor, who emphasized the kind of "research" utilities love, recently completed a fellowship with San Diego Gas & Electric, through the courtesy of the right-wing Foundation for Economic Education at Irvington-on-Hudson, N.Y. Power companies have liberally contributed to FEE ever since it was founded in 1946, and indeed helped set it up as one of the high-voltage lines in the utility propaganda transmission system. In turn FEE, through its monthly publication, the Freeman, consistently plugs for complete market monopoly by the few investor-owned utilities and advocates abolition of public education, public roads, and the income tax as well.

The amount of advertising and other sales expenses reported by I.O.U.'s in 1968 amounted to almost eight times as much as the industry's expenditure on research and development. For a number of major companies, the research and development annual expenditure would not pay the salary of a mediocre engineer for one summer. I shall put the utilities' own statistics in the RECORD later on in my remarks. First, let me comment on how reported advertising expenditures understate the actual amount of money and time the utilities spend generating public opinion.

The utilities reported spending $273,777,000 on advertising and other sales expenses in 1968. In another part of their report they list "National and Local Institutional Advertising Expense," which totaled more than $15.8 million. But there are many other utility expenditures in this area which show up in neither of those accounts. These are variously described as "industry dues," "professional services," "employee, customer, and stockholder information," "dues and contributions," "good will," or simply "other miscellaneous operating expenses."

These uncounted expenditures include, for example, Pacific Gas & Electric's $233,333 for "educational promotion projects" and, in Minnesota, Northern States Power's $333,727 for "industry association dues," its $293,553 for "information for stockholders," its $37,793 to retain the law firm headed by the treasurer of the Democratic National Committee and its $14,181 spent on "sporting events." These are, of course, all part of getting the lights to burn, from Minnesota to Mississippi, where the customers of Mississippi Power & Light unknowingly put up $3,122 for season football tickets.

I wonder how many of the fans who are trying to obtain Redskin tickets actually have paid for them but did not get them, when they paid their utility bills?

In these unilluminated accounts Duke Power records its $5,069 sent in 1968 to Central Surveys, the Shenandoah, Iowa, public opinion firm which always comes up with the public opinion the utilities seek, and its $1,457 sent to Industrial News Review, the canned editorial service in Oregon which each week sends 11,000 editors free editorials praising power companies.

Only the tip of such expenditures can be seen in the annual company reports to the FPC. They do not record the numerous retainers paid to legislators, or the use of company airplanes and other utility perquisites and facilities, for political purposes such as those by the board chairman of Montana Power, who doubled in 1968 as western finance chairman for the man who is now President of the United States. Nor do they show the vast expenditure of time by key company executives whose principal assignment is to join all the local organizations and keep them pleasantly misinformed about the utility industry.

So with the realization that reported advertising expenditures understate actual outlay, let us compare reported expenditures for advertising and research and development:

Florida Power Corp. spent $42,000 on research and development, both within and outside the company, in 1968. However, it spent $2,661,616 on advertising and other sales expenses.

For Florida Power & Light, expenditures in those categories were $84,636 and $5,841,985.

Illinois Power—$68,558 and $1,584,867, respectively.

Iowa Electric Light & Power—$6,102 and $1,069,882.

Iowa Southern—$1,961 and $521,845.

Kansas Power & Light—$4,960 and $649,929.

Central Maine Power—$24,030 and $1,236,561.

Brockton Edison—$6,799 and $392,295.

Cambridge Electric Light—$4,897 and $228,872.

Fall River Electric—$3,355 and $166,615.

Massachusetts Electric—$31,785 and $2,942,142.

New Bedford Gas & Edison Light—$6,390 and $432,098.

Western Massachusetts Electric—$30,497 and $1,640,474.

Mr. President, the expenditures of the six Massachusetts companies mentioned above supports the admission of a utility executive in New England that their "Big Eleven Power Loop" transmission system was developed by the advertising departments rather than the engineers.

Let us move over to the Midwest.

Upper Peninsula Power—$1,600 for research and development and $304,420 for advertising and other sales expenses.

Minnesota Power & Light—$15,624 and $984,444.

Kansas City Power & Light—$36,660 and $1,875,759.

New Mexico Electric Service—$2,008 and $118,189.

Montana Power—$23,443 and $712,129.

I noticed recently that Montana Power's board chairman, John E. Corette, is now a trustee of Edison Foundation, which the company describes as "a nonprofit organization seeking to stimulate careers in science, engineering; and technology." Yet Montana Power reduced its expenditure from $30,308 in 1967 to $23,443 in 1968. Montana Power could have increased its 1968 research and development budget more than 20-fold simply out of Board Chairman Corette's windfall profits on stock options.

Concord Electric in New Hampshire spent $5 on research and development in 1968. The company was probably trying out new heavy-duty flashlight batteries.

In New Jersey, Rockland Electric spent $135 on research and development. This was done "outside the company," and it would be interesting to know what project that financed. The company spent $238,951 on advertising and other sales expense. For Atlantic City Electric, the amounts were $25,547 and $3,187,925.

Otter Tail Power spent $16,532 on research and development. The Justice Department has filed suit against that company, accusing it of monopolizing the sale of power in 464 towns in three States. Nevertheless, Otter Tail found it necessary to spend $682,273 pushing the product on which it has such a vast monopoly.

Here are a few others, to emphasize the nationwide disinterest by I. O. U.'s in advancing energy technology, despite the cost-free nature of research and development expenditures:

Columbus and Southern Ohio Electric—$66,120 and $2,078,408.

Pennsylvania Power—$25,032 and $730,020.

Potomac Edison of Pennsylvania—$5,075 and $267,792.

Blackstone Valley Electric, in Pennsylvania—$6,570 and $690,520.

Northwestern Public Service, out in South Dakota—$30 on R. & D.—more flashlight batteries, or perhaps a lantern?—$261,017 on advertising and sales.

El Paso Electric—$21,509 and $666,655.

Washington Water Power—$1,596 and $903,525.

Northern States Power of Wisconsin—$12,365 and $806,664.

Wisconsin Public Service—$33,191 and $921,111.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the expenditures of all 212 companies for institutional advertising, advertising, and other sales expenses and for research and development, as reported by the utilities themselves and published in Statistics of Privately Owned Electric Utilities in the United States, 1968.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

National and local institutional advertising expenses 1968

Company	
Alabama Power Co	$222,435
Alaska Electric Light & Power Co	7,681
Alcoa Generating Corp	----------
Alpena Power Co	46
Appalachian Power Co	160,346
Arizona Public Service Co	4,461
Arkansas-Missouri Power Co	----------
Arkansas Power & Light Co	347,029
Arklahoma Corp	----------
Atlantic City Electric Co	----------
Baltimore Gas & Electric Co	145,295
Bangor Hydro-Electric Co	----------
Black Hills Power & Light Co	----------
Blackstone Valley Electric Co	8,858
Boston Edison Co	389,144
Boston Gas Co	----------
Brockton Edison Co	8,817
California-Pacific Utilities Co	----------
Cambridge Electric Light Co	7,457
Canal Electric Co	----------
Cape & Vineyard Electric Co	3,432
Carolina Power & Light Co	384,564
Central Hudson Gas & Electric Corp.	48,033
Central Illinois Light Co	162,679
Central Illinois Public Service Co	42,528
Central Kansas Power Co	----------
Central Louisiana Electric Co	----------
Central Maine Power Co	6,977
Central Power & Light Co	----------
Central Telephone & Utilities Corp.	----------
Central Vermont Public Service Corp.	----------
Cheyenne Light, Fuel & Power Co.	9,547
Cincinnati Gas & Electric Co	226,100
Citizens Utilities Co	48,265
Cleveland Electric Illuminating Co.	731,018
Columbus & Southern Ohio Electric Co	124,901
Commonwealth Edison Co	298,739
Commonwealth Edison Co. (Indiana)	----------
Community Public Service Co	----------
Concord Electric Co	2,568
Connecticut Light & Power	126,814
Connecticut Valley Electric Co	----------
Connecticut Yankee Atomic Power Co	----------
Conowingo Power Co	1,185
Consolidated Water Power Co	----------
Consolidated Edison of New York	266,193
Consumers Power Co	507,871
Dallas Power & Light Co	----------
Dayton Power & Light Co	201,723
Delmarva Power & Light Co	74,626
Delmarva Power & Light Co. of Maryland	12,604
Delmarva Power & Light Co. of Virginia	2,929

Company	
Detroit Edison Co	$131,629
Duke Power Co	258,927
Duquesne Light Co	387,467
Edison Sault Electric Co	526
El Paso Electric Co	----------
Electric Energy, Inc	----------
Empire District Electric Co	870
Exeter & Hampton Electric Co	----------
Fall River Electric Light Co	5,503
Fitchburg Gas & Electric Co	4,782
Florida Power Corp	322,230
Florida Power & Light	66,875
Florida Public Utilities Co	----------
Georgia Power Co	221,529
Granite State Electric Co	4,462
Green Mountain Power Corp	10,752
Gulf Power Co	121,058
Gulf States Utilities Co	228,490
Hartford Electric Light Co	247,033
Hawaiian Electric Co	67,237
Hershey Electric Co	----------
Hilo Electric Light Co	----------
Holyoke Power & Electric Co	----------
Holyoke Water Power Co	25,542
Home Light & Power Co	2,500
Houston Lighting & Power Co	281,850
Idaho Power Co	28,405
Illinois Power Co	86,883
Indiana-Kentucky Electric Corp	----------
Indiana-Michigan Electric Co	197,958
Indianapolis Power & Light Co	38,827
Interstate Power Co	98,436
Iowa Electric Light & Power Co	140,287
Iowa-Illinois Gas & Electric Co	88,953
Iowa Power & Light Co	87,322
Iowa Public Service Co	67,008
Iowa Southern Utilities Co	70,983
Jersey Central Power & Light Co	89,126
Kansas City Power & Light Co	68,766
Kansas City Gas & Electric Co	61,444
Kansas Power & Light Co	35,762
Kauai Electric Co., Ltd	200
Kentucky Power Co	21,039
Kentucky Utilities Co	----------
Kingsport Power Co	8,951
Lake Superior District Power Co	1,513
Lockhart Power Co	----------
Long Island Lighting Co	119,616
Long Sault, Inc	----------
Louisiana Power & Light Co	299,325
Louisville Gas & Electric Co	141
Madison Gas & Electric Co	1,814
Maine Public Service Co	----------
Massachusetts Electric Co	292,515
Maui Electric Co., Ltd	----------
Metropolitan Electric Co	95,867
Michigan Gas & Electric Co	1,599
Minnesota Power & Light Co	70,301
Mississippi Power Co	117,418
Mississippi Power & Light Co	$216,578
Missouri Edison Co	----------
Missouri Power & Light Co	3,217
Missouri Public Service Co	29,631
Missouri Utilities Co	----------
Monongahala Power Co	----------
Montana-Dakota Utilities Co	----------
Montana Power Co	28,848
Montaup Electric Co	----------
Mount Carmel Public Utility Co	----------
Nantahala Power & Light Co	830
Narragansett Electric Co., The	98,253
Nevada Power Co	17,354
New Bedford Gas & Edison Light Co	8,171
New England Power Co	56,919
New Jersey Power & Light Co	34,190
New Mexico Public Service Co	----------
New Orleans Public Service, Inc	174,630
New York State Electric & Gas Corp	143,448
Newport Electric Corp	2,433
Niagara Mohawk Power Co	251,276
Northern Indiana Public Service Co	71,897
Northern States Power (Minn.)	4,337
Northern States Power (Wis.)	----------
Northwestern Public Service Co	12,452
Ohio Edison Co	129,423
Ohio Power Co	238,014
Ohio Valley Electric Corp	----------
Oklahoma Gas & Electric Co	98,954
Old Dominion Power Co	----------
Orange & Rockland Utilities, Inc	8,942
Otter Tail Power Co	----------
Pacific Gas & Electric Co	341,905
Pacific Power & Light Co	1,363
Pennsylvania Electric Co	87,526
Pennsylvania Power Co	18,367
Pennsylvania Power & Light Co	3,196
Philadelphia Electric Co	(1)
Philadelphia Electric Power Co	----------
Portland General Electric Co	74,845
Potomac Edison Co., The	27,173
Potomac Edison Co. of Pennsylvania, The	6,525
Potomac Edison Co. of Virginia, The	8,778
Potomac Edison of West Virginia, The	9,704
Potomac Electric Power Co	78,763
Public Service Co. of Colorado	178,053
Public Service Co. of Indiana	170,438
Public Service Co. of New Hampshire	121,736
Public Service Co. of New Mexico	27,581
Public Service Co. of Oklahoma	25,939
Public Service Electric & Gas Co	211,381
Puget Sound Power & Light Co	9,073
Rochester Gas & Electric Corp	137,750
St. Joseph Light & Power Co	$991
Rumford Falls Power Co	----------
Safe Harbor Water Power Corp	----------
St. Joseph Light & Power Co	991
San Diego Gas & Electric Co	124,224
Savannah Electric & Power Co	----------
Sherrard Power System	----------
Sierra Pacific Power Co	4,985
South Beloit Water, Gas & Electric Co	----------
South Carolina Electric & Gas Co.	134,231
Southern California Edison Co	1,307,686
Southern Electric Generating Co	----------
Southern Indiana Gas & Electric Co.	967
Southwestern Electric Power Co	27,409
Southwestern Electric Service Co.	8,188
Southwestern Public Service Co	41,214
Superior Water, Light & Power Co.	2,407
Susquehanna Electric Co	----------
Susquehanna Power Co	----------
Tampa Electric Co	21,047
Tapaco, Inc	----------
Texas Electric Service Co	5,108
Texas Power & Light Co	----------
Toledo Edison Co	139,654
Tucson Gas & Electric Co	----------
Union Electric Co	470,442
Union Light, Heat & Power Co	34,495
UGI Corp	13,391
United Illuminating Co., The	83,942
Upper Peninsula Generating Co	----------
Upper Peninsula Power Co	5,023
Utah Power & Light Co	221,054
Vermont Electric Power Co., Inc	----------
Virginia Electric & Power Co	23,179
Washington Water Power Co., The	108,497
West Penn Power Co	56,078
West Texas Utilities Co	20,715
Western Colorado Power Co., The	11,334
Western Massachusetts Electric Co	91,372
Wheeling Electric Co	16,115
White Mountain Power Co	----------
Wisconsin Electric Power Co	296,806
Wisconsin Michigan Power Co	3,026
Wisconsin Power & Light Co	158,635
Wisconsin Public Service Co	59,122
Wisconsin River Power Co	----------
Yadkin, Inc	----------
Yankee Atomic Electric Co	6,387
Total	15,832,203

[1] Not in file.

STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES FOR YEAR ENDED DEC. 31, 1968—ELECTRIC OPERATION AND MAINTENANCE EXPENSES

Item	Albama		Arizona			Arkansas		
	Alabama Power Co.	Southern Electric Generating Co.	Arizona Public Service Co.	Citizens Utilities Co.	Tucson Gas & Electric Co.	Arkansas-Missouri Power Co.	Arkansas Power & Light Co.	Arklahoma Corp., The (A)
Sales expenses:								
Supervision	$441,702	----------	$105,506	----------	----------	$14,429	$175,542	----------
Demonstrating and selling	3,635,580	----------	171,190	----------	$18,037	25,689	1,278,976	----------
Advertising	836,715	----------	325,937	$21,740	58,903	55,730	579,224	----------
Revenues from merchandising, jobbing and contract work	----------	----------	----------	----------	107,358	78,629	----------	----------
Cost and expenses of merchandising, jobbing and contract work	----------	----------	----------	----------	99,758	80,105	----------	----------
Miscellaneous sales expenses	94,439	----------	48,442	4,812	1,805	37,753	488,381	----------
Total sales expenses	5,008,436	----------	1,197,075	26.552	71,145	133,026	2,522,123	----------
Research and development:								
Within the company	119,597	2,148	29,427	----------	----------	----------	----------	----------
Outside the company	114,225	----------	74,880	----------	9,100	26,217	251,526	----------
Total	233,822	2,148	104,307	----------	9,100	26,217	251,526	----------

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STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES FOR YEAR ENDED DEC. 31, 1968—ELECTRIC OPERATION AND MAINTENANCE EXPENSES—Continued

	California			Colorado			Connecticut	
Item	Pacific Gas Gas & Electric Co.	San Diego Gas & Electric Co.	Southern California Edison Co.	Home Light & Power Co.	Public Service Company of Colorado	Western Colorado Power Co.	Connecticut Light & Power Co.	Connecticut Yankee Atomic Power Co.
Sales expenses:								
Supervision	$549, 104	$42, 025	$82, 236		$276, 535	$7, 647	$83, 590	
Demonstrating and selling	3, 067, 464	439, 258	4, 354, 826	$2, 448	897, 716	54, 281	2, 895, 009	
Advertising	1, 344, 547	283, 292	3, 761, 625	18, 504	536, 771	20, 441	874, 463	
Revenues from merchandising, jobbing and contract work					632, 985		768, 964	
Cost and expenses of merchandising, jobbing and contract work					608, 369		869, 486	
Miscellaneous sales expenses	519, 959	54, 266	134, 902	1, 524	61, 320	7, 542		
Total sales expenses	5, 481, 074	818, 841	8, 333, 589	22, 476	1, 747, 726	89, 913	3, 953, 586	
Research and development:								
Within the company	491, 112		924, 578		54, 263			
Outside the company	316, 637	41, 509	126, 000	1, 818	86, 910		86, 608	150, 488
Total	807, 749	41, 509	1, 050, 578	1, 818	141, 173		86, 608	150, 488

	Connecticut		Delaware	District of Columbia	Florida			
Item	Hartford Electric Light Co.	United Illuminating Co.	DelMarVa Power and Light Co.	Potomac Electric Power Co.	Florida Power Corp.	Florida Power and Light Co.	Florida Public Utilities Co.	Gulf Power Co.
Sales expenses:								
Supervision	$233, 850	$230, 922	$59, 536	$72, 906	$301, 822	$568, 724	$24, 113	$51, 929
Demonstrating and selling	672, 964	1, 241, 823	291, 223	1, 456, 246	1, 323, 061	3, 244, 050	52, 872	429, 788
Advertising	465, 796	431, 112	54, 660	1, 276, 336	344, 425	1, 353, 139	6, 652	137, 057
Revenues from merchandising, jobbing and contract work	90, 128	193, 882	1, 037, 704					
Cost and expenses of merchandising, jobbing and contract work	204, 486	192, 758	1, 078, 671					
Miscellaneous sales expenses	462, 457	54, 121	13, 167	439, 610	360, 078	609, 197	2, 174	31, 020
Total sales expenses	1, 949, 427	1, 956, 854	459, 553	3, 245, 098	2, 329, 386	5, 775, 110	85, 811	649, 794
Research and development:								
Within the company	1, 637	54, 034	7, 041					
Outside the company	51, 015	44, 402	73, 437	720, 767	42, 000	84, 636		54, 490
Total	52, 652	98, 436	80, 478	720, 767	42, 000	84, 636		54, 490

		Georgia			Illinois			
Item	Florida—Tampa Electric Co.	Georgia Power Co.	Savannah Electric and Power Co.	Idaho Power Co.	Central Illinois Light Co.	Central Illinois Public Service Co.	Common-wealth Edison Co.	Electric Energy, Inc.
Sales expenses:								
Supervision	$153, 336	$307, 967	$46, 727	$200, 822	$38, 666	$109, 295	$479, 938	
Demonstrating and selling	1, 049, 003	4, 397, 991	196, 015	719, 418	224, 024	1, 059, 254	6, 773, 200	
Advertising	302, 816	1, 779, 813	102, 772	136, 880	102, 316	488, 795	2, 648, 374	
Revenues from merchandising, jobbing and contract work				−121, 159	−80, 117	−3, 491	−1, 869, 984	
Cost and expenses of merchandising, jobbing and contract work				101, 180	104, 897	2, 194	1, 826, 304	
Miscellaneous sales expenses	29, 853	459, 057	170, 157	30, 520	36, 213	155, 367	61, 384	
Total sales expenses	1, 535, 008	6, 944, 828	515, 671	1, 067, 661	425, 999	1, 811, 414	9, 919, 217	
Research and development:								
Within the company	353	372, 818		606, 985		21, 122	1, 888, 723	
Outside the company	120, 654	112, 720	6, 678		43, 087	80, 655	532, 637	
Total	121, 007	485, 538	6, 678	606, 985	43, 087	101, 777	2, 241, 360	

	Illinois				Indiana			
Item	Illinois Power Co.	Mt. Carmel Public Utility Co.	Sheppard Power System	South Beloit Water, Gas and Electric Co.	Alcoa Generating Corp.	Common-wealth Edison Co. of Indiana, Inc.	Indiana-Kentucky Electric Corp.	Indiana and Michigan Electric Co.
Sales expenses:								
Supervision	$151, 675			$2, 354				$378, 750
Demonstrating and selling	732, 558		$9	26, 670				1, 504, 497
Advertising	425, 712	$18, 030	2, 752	4, 880				684, 088
Revenues from merchandising, jobbing and contract work	−642, 972	−1, 653	−7, 408					
Cost and expenses of merchandising, jobbing and contract work	784, 988	1, 296	6, 920					
Miscellaneous sales expenses	46, 023			1, 808				1, 252, 083
Total sales expenses	1, 497, 984	17, 673	2, 273	35, 712				3, 819, 418
Research and development:								
Within the company								361, 188
Outside the company	69, 558							91, 815
Total	69, 558							453, 003

STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES FOR YEAR ENDED DEC. 31, 1968—ELECTRIC OPERATION AND MAINTENANCE EXPENSES—Continued

	INDIANA				IOWA			
Item	Indianapolis Power & Light Co.	Northern Indiana Public Service Co.	Public Service Co. of Indiana, Inc.	Southern Indiana Gas & Electric Co.	Interstate Power Co.	Iowa Electric Light & Power Co.	Iowa-Illinois Gas & Electric Co.	Iowa Power & Light Co.
Sales expenses:								
Supervision	$80,818	$111,364	$635,605	$21,701	$107,494	$51,852	$43,562	$17,170
Demonstrating and selling	717,658	126,107	658,299	81,442	369,236	365,691	124,900	119,973
Advertising	472,996	41,267	476,938	82,042	191,856	208,939	51,853	228,190
Revenues from merchandising, jobbing and contract work		−176,176	−89,769		1,099,302	−1,520,321	−876,917	
Cost and expenses of merchandising, jobbing and contract work		154,064	79,777		1,142,601	1,326,052	907,928	
Miscellaneous sales expenses	426,773	19,878	1,235,571	14,193	47,952	491,382	25,045	47,659
Total sales expenses	1,698,245	276,504	2,996,421	201,377	759,837	929,595	276,371	412,792
Research and development:								
Within the company	20,578	175,181	53,763	26,043				
Outside the company	75,234	27,761	178,117	14,296	17,137	6,102	76,938	30,004
Total	95,812	202,942	231,880	40,339	17,137	6,102	76,938	30,004

	Iowa		Kansas				Kentucky	
Item	Iowa Public Service Co.	Iowa Southern Utilities Co.	Central Kansas Power Co., Inc.	Central Telephone & Utilities Corp. (A)	Kansas Gas & Electric Co.	Kansas Power & Light Co.	Kentucky Power Co.	Kentucky Utilities Co.
Sales expenses:								
Supervision	$38,214	$79,925	$6,634	$68,448	$84,023	$57,757	$116,669	$346,020
Demonstrating and selling	184,363	251,321	2,551	129,190	855,649	221,184	426,917	840,021
Advertising	145,240	61,234	23,417	105,860	263,386	128,845	131,980	277,947
Revenues from merchandising, jobbing, and contract work	−4,088	−625,006		−154,105	−128,355	−544,180		
Cost and expenses of merchandising, jobbing, and contract work	4,241	682,985		161,432	123,386	509,805		
Miscellaneous sales expenses	56,179	503	8,016	74,449	76,230	207,752	372,060	69,914
Total sales expenses	424,149	450,962	40,619	385,274	1,274,319	581,163	1,047,626	1,513,902
Research and development:								
Within the company							40,384	2,731
Outside the company	18,470	1,961	9,289	24,348	99,903	4,960	14,141	44,555
Total	18,470	1,961	9,289	24,348	99,903	4,960	54,525	47,286

	Kentucky		Louisiana				Maine	
Item	Louisville Gas and Electric Co.	Union Light, Heat and Power Co.	Central Louisiana Electric Co. Inc.	Gulf States Utilities Co.	Louisiana Power & Light Co. (A)	New Orleans Public Service Inc.	Bangor Hydro-Electric Co.	Central Maine Power Co.
Sales expenses:								
Supervision	$10,176	$17,552	$72,280	$351,946	$209,953	$140,436		$43,441
Demonstrating and selling	84,729	179,815	255,691	2,044,161	1,390,413	740,071	24,233	1,100,696
Advertising	74,738	87,351	159,984	638,985	552,766	268,419	40,853	85,447
Revenues from merchandising jobbing and contract work		77		706,030		608,907		
Cost and expenses of merchandising jobbing and contract work		82		660,461		594,475		
Miscellaneous sales expenses	42,358	3,742	127,007	48,847	208,968	94,728		
Total sales expenses	212,001	288,465	614,962	3,038,370	2,362,100	1,229,222	65,086	1,229,584
Research and development:								
Within the company	29,157	4,053		10,144	29,157	10,018		
Outside the company	297,432	32,180	21,200	261,898	297,432	147,389		24,030
Totals	326,589	36.233	31,200	272,042	326,589	157,407		24,030

	Maine		Maryland					
Item	Maine Public Service Co.	Rumford Falls Power Co.	Baltimore Gas & Electric Co.	Conowingo Power Co.	Delmarva Power & Light Co. of Maryland	Potomac Edison Co.	Susquehanna Electric Co.	Susquehanna Power Co
Sales expenses:								
Supervision	$20,713		$176,291		$34,995	$106,761		
Demonstrating and selling	81,504		1,471,420	$80,726	166,950	433,800		
Advertising	48,664		645,816	13,257	42,972	188,020		
Revenues from merchandising, jobbing and contract work			−9,857,309	−152,873	−234,714			
Cost and expenses of merchandising, jobbing and contract work			8,910,430	149,220	242,704			
Miscellaneous sales expenses	16,926		105,161	32	6,369	367,372		
Total sales expenses	167,807		1,451,809	90,362	259,276	1,095,953		
Research and development:								
Within the company			940,670			10,999		
Outside the company			138,000			76,717		
Totals			1,078,670			87,716		

STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES FOR YEAR ENDED DEC. 31, 1968—ELECTRIC OPERATION AND MAINTENANCE EXPENSES—Continued

	Massachusetts							
Item	Boston Edison Co.	Boston Gas Co.	Brockton Edison Co.	Cambridge Electric Light Co.	Cape & Vineyard Electric Co.	Canal Electric Co.	Fall River Electric Light Co.	Fitchburg Gas & Electric Light Co.
Sales expenses:								
Supervision	$210,986		$22,573	$46,438	$100,060		$14,947	$14,754
Demonstration and selling	863,505	$4,190	292,289	150,257	347,691		76,874	72,348
Advertising	641,544		54,741	12,216	19,053		59,011	25,510
Revenues from merchandising, jobbing, and contract work								
Cost and expenses of merchandising, jobbing and contract work								
Miscellaneous sales expenses	337,437		13,875	12,504	36,781		10,280	27,263
Total sales expenses	2,053,473	4,190	383,478	221,415	503,584		161,112	139,875
Research and development within the company	1,063,738							
Outside the company	132,108		6,799	4,897	4,626		3,355	
Total	1,195,846		6,799	4,897	4,626		3,355	

	Massachusetts							
Item	Holyoke Power & Electric Co.	Holyoke Water Power Co.	Massachusetts Electric Co.	Montaup Electric Co.	New Bedford Gas & Edison Light Co.	New England Power Co.	Western Massachusetts Electric Co.	Yankee Atomic Electric Co.
Sales expenses:								
Supervision								
Demonstrating and selling			$873,275		$72,328		$197,573	
Advertising		$28,694	1,243,439		321,449	$31,261	676,047	
Revenues from merchandising, jobbing and contract work			443,253		18,198	214	365,747	
Cost and expenses of merchandising, jobbing and contract work								
Miscellaneous sales expenses		12,286	89,660		11,952		309,734	
Total sales expenses		40,980	2,649,627		423,927	31,475	1,569,102	
Research and development:								
Within the company			3,540			18,304		
Outside the company			28,245		6,390	43,314	30,497	
Totals			31,785		6,390	61,618	30,497	

	Michigan							
Item	Alpena Power Co.	Consumers Power Co.	The Detroit Edison Co.	Edison Sault Electric Co.	Michigan Gas & Electric Co. (A)	Upper Peninsula Generating Co.	Upper Peninsula Power Co.	Minnesota—Power & Light Co.
Sales expenses:								
Supervision		$693,556	$714,192	$3,779	$7,375		$73,077	$260,825
Demonstrating and selling	$18,560	2,446,794	3,670,151	91,438	47,638		87,623	371,221
Advertising	3,659	918,964	2,027,409	10,579	35,982		83,217	159,697
Revenues from merchandising, jobbing, and contract work								−511,429
Cost and expenses of merchandising, jobbing, and contract work								596,311
Miscellaneous sales expenses		1,171,940	2,814,383		3,520		55,480	37,518
Total sales expenses	22,220	5,231,254	9,226,136	105,796	94,515		299,397	914,143
Research and development:								
Within the company		1,469,683	676,874		7,467			
Outside the company		697,615	2,829,492		1,375		1,600	15,624
Total		2,167,298	3,506,366		8,842		1,600	15,624

		Mississippi		Missouri				
Item	Minnesota—Northern States Power Co.	Mississippi Power Co.	Mississippi Power & Light Co.	Empire District Electric Co.	Kansas City Power & Light Co.	Missouri Edison Co.	Missouri Power & Light Co.	Missouri Public Service Co.
Sales expenses:								
Supervision	$337,759	$38,791	$182,476	$48,401	$96,627	$2,268	$13,241	$1,698
Demonstrating and selling	4,695,421	497,263	927,651	406,386	1,277,493	30,753	80,220	54,375
Advertising	1,683,804	131,431	307,595	62,070	404,072	32,020	89,481	58,782
Revenues from merchandising, jobbing, and contract work	−3,627,880		−657,307	−138,297	−162,977			−99,525
Cost and expenses of merchandising, jobbing, and contract work	3,574,799		656,646	182,170	174,199			112,047
Miscellaneous sales expenses	244,071	67,731	54,910		17,576	16,254	99,918	88,308
Total sales expenses	6,907,974	715,216	1,471,971	560,730	1,806,993	81,295	282,860	215,685
Research and development:								
Within the company	317,016	67,558						
Outside the company	115,293	24,877	128,790	34,029	36,660		4,755	31,689
Total	432,309	92,435	128,790	34,029	36,660		4,755	31,689

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STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES FOR YEAR ENDED DEC. 31, 1698—ELECTRIC OPERATION AND MAINTENANCE EXPENSES—Continued

Item	Missouri			Montana	Nevada		New Hampshire	
	Missouri Utilities Co.	St. Joseph Light & Power Co.	Union Electric Co.	Montana Power Co., The	Nevada Power Co.	Sierra Pacific Power Co.	Concord Electric Co.	Connecticut Valley Electric Co. Inc.
Sales expenses:								
Supervision	$7,099	$45,185	$305,657	$91,160	$26,566	$39,670	$48,323	$4,337
Demonstrating and selling	3,189	200,578	3,035,709	257,980	131,497	130,315	46,457	18,922
Advertising	17,536	75,438	767,932	91,655	98,292	94,976	12,520	2,499
Revenues from merchandising, jobbing, and contract work		−36,635		−104,016	−5,516		−436,159	−133,794
Cost and expenses of merchandising, jobbing, and contract work		30,939		98,763	5,413		353,211	127,591
Miscellaneous sales expenses	585	14,948	79,476	47,739	3,708	31,442	11,949	2,504
Total sales expenses	28,409	330,453	4,188,774	483,281	259,960	296,403	36,301	22,059
Research and development:								
Within the company			1,055,663	7,500			5	
Outside the company	17,699	9,798	200,808	15,943	16,520	20,045		
Total	17,699	9,798	1,256,471	23,443	16,520	20,045	5	

Item	New Hampshire				New Jersey			
	Exeter & Hampton Electric Co.	Granite State Electric Co.	Public Service Co. of New Hampshire	White Mountain Power Co.	Atlantic City Electric Co.	Jersey Central Power & Light Co.	New Jersey Power & Light Co.	Public Service Electric & Gas Co.
Sales expenses:								
Supervision	$23,042	$15,052	$97,402	$2,086	$274,438	$107,601	$44,759	$651,968
Demonstrating and selling	47,786	46,437	257,712	14,630	656,235	612,859	360,686	1,963,533
Advertising	13,014	5,485	58,610	2,545	312,512	328,339	146,656	804,302
Revenues from merchandising, jobbing, and contract work	−306,776	−9,385	−2,184,540	−178,251	−309,712			
Cost and expenses of merchandising, jobbing, and contract work	264,719	8,797	1,959,105	167,829	382,584			
Miscellaneous sales expenses	25,188	881	662,567	6,624	841,868	292,096	125,208	129,575
Total sales expenses	66,973	67,267	850,856	15,463	2,157,925	1,540,895	477,109	3,549,378
Research and development:								
Within the company		155	41,894		2,719	104,756	36,650	573,120
Outside the company	1,261	781	26,326		22,828	94,604	14,849	358,054
Total	1,261	936	68,220		25,547	199,360	51,499	941,174

Item		New Mexico		New York				
	New Jersey—Rockland Electric Co.	New Mexico Electric Service Co.	Public Service Co. of New Mexico	Central Hudson Gas & Electric Corp.	Consolidated Edison Co. of New York, Inc.	Long Island Lighting Co.	Long Sault, Inc.	New York State Electric & Gas Corp.
Sales expenses:								
Supervision	$30,743		$16,629	$105,105	$342,696	$202,382		$298,308
Demonstrating and selling	94,667	$100,357	211,986	350,846	3,968,906	190,030		999,963
Advertising	28,255	11,117	166,937	247,698	1,881,068	261,533		324,537
Revenues from merchandising, jobbing, and contract work	−114,423					−108,472		−175,394
Cost and expenses of merchandising, jobbing, and contract work	156,499				146	84,418		176,070
Miscellaneous sales expenses	43,208	6,715	134,200	118,065	794,603	265,753		339,397
Total sales expenses	238,951	118,189	529,752	821,714	6,987,418	895,644		1,962,881
Research and development:								
Within the company				871	184,000	156,800		
Outside the company	134	2,008	18,420	243,567	1,234,855	621,355		717,284
Total	134	2,008	18,420	244,438	1,418,855	778,155		717,284

Item	New York			North Carolina				North Dakota—Montana-Dakota Utilities Co.
	Niagara Mohawk Power Corp.	Orange and Rockland Utilities, Inc.	Rochester Gas & Electric Corp.	Carolina Power & Light Co.	Duke Power Co.	Nantahala Power & Light Co.	Yadkin, Inc.	
Sales expenses:								
Supervision	$1,150,003	$93,102	$227,267	$230,841	$113,848			$50,786
Demonstration and selling	1,710,716	233,230	425,209	1,827,205	1,745,320	$996		70,541
Advertising	848,270	83,056	277,507	683,099	1,088,274	4		77,268
Revenues from merchandising, jobbing, and contract work		−1,138,999	−2,132,276	−35,417		−10,035		−780,902
Cost and expenses of merchandising, jobbing, and contract work		1,142,701	2,096,053	34,723		8,664		835,904
Miscellaneous sales expenses	886,834	134,060	143,331	29,561	471,453			111,108
Total, sales expenses	4,595,823	547,151	1,037,091	2,770,012	3,418,895	−371		364,705
Research and development:								
Within the company	25,975			430	232,756			
Outside the company	861,923	138,980	596,577	745,700	343,903			
Total	887,898	138,980	596,577	746,130	576,659			

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STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES FOR YEAR ENDED DEC. 31, 1968—ELECTRIC OPERATION AND MAINTENANCE EXPENSES—Continued

		Ohio						
Item	North Dakota—Otter Tail Power Co.	Cincinnati Gas & Electric Co.	Cleveland Electric Illuminating Co.	Columbus & Southern Ohio Electric Co.	Dayton Power & Light Co.	Ohio Edison Co.	Ohio Power Co.	Ohio Valley Electric Corp.
Sales expenses:								
Supervision	$49,048	$84,484	$297,087	$32,035	$163,112	$246,521	$557,010	
Demonstrating and selling	249,500	1,123,456	4,109,083	1,353,215	1,624,752	2,112,344	2,203,833	
Advertising	310,590	477,070	1,328,035	568,257	552,255	1,268,265	1,100,749	
Revenues from merchandising, jobbing, and contract work	−263,643	−29,740			−17,975	−4,002,465		
Cost and expenses of merchandising, jobbing, and contract work	283,754	40,404			49,914	4,278,858		
Miscellaneous sales expenses	53,024	23,066			50,812	654,630	1,432,676	
Total, sales expenses	682,273	1,718,740	5,734,205	1,953,507	2,422,870	4,558,153	5,294,268	
Research and development:								
Within the company	81	84,734	269,333		2,729	1,730	463,651	
Outside the company	16,451	178,319	210,108	66,120	89,066	140,600	130,239	
Total	16,532	263,053	479,441	66,120	91,795	142,330	593,890	

				Oregon			Pennsylvania	
Item	Ohio—Toledo Edison Co.	Oklahoma—Oklahoma Gas & Electric Co.	Public Service Co. of Oklahoma	California-Pacific Utilities Co.	Pacific Power & Light Co.	Portland General Electric Co.	Duquesne Light Co.	Hershey Electric Co.
Sales expenses:								
Supervision	$303,475	$423,063	$93,939	$5,649	$434,401	$152,956	$160,453	
Demonstration and selling	896,003	1,688,987	1,807,051	25,384	1,830,758	1,564,927	1,663,044	
Advertising	505,862	676,739	451,053	27,260	945,731	357,398	665,475	
Revenues from merchandising, jobbing, and contract work	−344,335		−31,433				−243	
Cost and expenses of merchandising, jobbing and contract work	300,489		28,492				1,822	
Miscellaneous sales expenses	50,625	185,178	81,109	71,210	217,463	128,665	200,381	
Total, sales expenses	1,712,119	2,973,967	2,430,211	129,503	3,628,353	2,203,948	2,690,932	
Research and development:								
Within the company		28,626	26,015		324,646	276,057	7,174	
Outside the company	147,019	208,511	130,790		51,698	177,552	118,358	
Total	147,019	237,137	156,805		376,344	453,609	125,532	

	Pennsylvania							
Item	Metropolitan Edison Co.	Pennsylvania Electric Co.	Pennsylvania Power Co.	Pennsylvania Power & Light Co.	Philadelphia Electric Co.	Philadelphia Electric Power Co. (A)	Potomac Edison Co. of Pennsylvania	Safe Harbor Water Power Corp.
Sales expenses:								
Supervision	$308,913	$292,294	$52,889	$523,606	$761,998		$29,857	
Demonstrating and selling	805,428	1,140,815	318,163	4,081,878	4,485,532		114,378	
Advertising	211,852	368,709	208,486	835,179	1,416,297		42,415	
Revenues from merchandising, jobbing, and contract work		−49,733	−382,176		−7,968,340		−425,745	
Cost and expenses of merchandising, jobbing, and contract work		41,484	413,226		7,783,131		405,801	
Miscellaneous sales expenses	199,677	1,037,683	101,065	502,726	603,578		94,541	
Total sales expenses	1,525,870	2,831,252	711,653	5,943,387	6,882,196		261,247	
Research and development within the company	429,925	194,979		501,831			675	
Outside the company	36,068	1,686,918	25,032	78,869			4,400	
Total	465,993	1,881,897	25,032	580,700			5,075	

	Pennsylvania		Rhode Island			South Carolina		
Item	UGI Corp.	West Penn Power Co.	Blackstone Valley Electric Co.	Narragansett Electric Co.	Newport Electric Corp.	Lockhart Power Co.	South Carolina Electric & Gas Co.	South Dakota—Black Hills Power & Light Co.
Sales expenses:								
Supervision	$22,367	$477,005	$5,204	$239,092	$2,992		$117,305	$15,214
Demonstrating and selling	110,940	2,468,948	374,936	358,998	27,864		451,219	96,118
Advertising	90,438	866,343	91,353	216,804	20,524	$1,324	245,202	63,827
Revenues from merchandising, jobbing, and contract work		−200,470						
Cost and expenses of merchandising, jobbing, and contract work		230,813						
Miscellaneous sales expenses	10,079	132,168	10,169	136,522	60,220		78,768	53,082
Total sales expenses	233,826	3,976,807	481,662	961,616	111,599	1,324	892,490	228,241
Research and development within the company		122,900		3,702				
Outside the company	3,183	197,589	6,570	15,784	2,267		243,520	
Total	3,183	320,489	6,570	19,486	2,267		243,524	

STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES FOR YEAR ENDED DEC. 31, 1968—ELECTRIC OPERATION AND MAINTENANCE EXPENSES—Continued

Item	South Dakota—Northwestern Public Service Co.	Tennessee		Texas				
		Kingsport Power Co.	Tapoco, Inc.	Central Power & Light Co.	Community Public Service Co.	Dallas Power & Light Co.	El Paso Electric Co.	Houston Lighting & Power Co.
Sales expenses:								
Supervision	$40,114	$26,891		$259,284	$27,956	$84,615	$63,380	$49,617
Demonstrating and selling	136,479	91,474		1,534,600	95,752	1,357,022	187,747	2,008,536
Advertising	40,004	59,093		512,913	533,013	795,427	129,227	1,123,489
Revenues from merchandising, jobbing, and contract work	−642,428			−311,679		−54,222		−387,513
Cost and expenses of merchandising, jobbing, and contract work	665,432			333,659		71,279		463,115
Miscellaneous sales expenses	8,964	37,410		15,081		125,589	86,101	77,930
Total sales expenses	248,565	214,868		2,363,858	656,721	2,379,710	666,655	3,335,174
Research and development within the company		13,360		430		60,078		(1)
Outside the company	30	3,674		745,700	21,459	175,661	21,509	(1)
Total	30	17,034		746,130	21,459	235,739	21,509	414,426

[1] Not categorized.

Item	Texas						Utah—Utah Power & Light Co.	Vermont—Central Vermont Public Service Corp.
	Southwestern Electric Power Co.	Southwestern Electric Service Co.	Southwestern Public Service Co.	Texas Electric Service Co.	Texas Power & Light Co.	West Texas Utilities Co.		
Sales expenses:								
Supervision	$137,619	$29,570	$91,163	$222,356	$645,735	$209,445	$176,504	$48,184
Demonstrating and selling	1,238,474	32,311	857,220	3,409,544	2,556,564	480,962	694,282	185,263
Advertising	308,289	50,850	481,861	913,383	746,125	187,371	451,457	24,520
Revenues from merchandising, jobbing, and contract work	−3,507			−196,819	−62,074	−3,016,208		−1,569,433
Cost and expenses of merchandising, jobbing, and contract work	7,763			228,490	70,614	2,884,882		1,559,807
Miscellaneous sales expenses	79,423	18,421	229,916	125,676	509,732	128,743	371,475	16,157
Total sales expenses	1,768,066	121,162	1,660,160	4,704,220	4,466,695	475,195	1,693,220	266,498
Research and development within the company	29,545		12,040	9,150	11,157		53,000	5,727
Outside the company	176,295	2,123	35,648	218,984	197,238	34,352	30,048	915
Total	205,840	2,123	47,688	228,134	208,395	34,352	83,048	6,642

Item	Vermont		Virginia				Washington	
	Green Mountain Power Corp.	Vermont Electric Power Co., Inc.	Delmarva Power & Light Co. of Virginia	Old Dominion Power Co.	Potomac Edison Co. of Virginia, The	Virginia Electric & Power Co.	Puget Sound Power & Light Co.	Washington Water Power Co., The
Sales Expenses:								
Supervision	$41,733		$9,477	$21,029	$50,255	$474,022	$291,980	$96,949
Demonstrating and selling	71,176		33,620	70,036	155,573	3,923,297	677,442	487,994
Advertising	38,790		4,951	14,263	55,951	1,829,445	490,829	179,290
Revenues from merchandising, jobbing, and contract work			16,339				9,782	60,460
Cost and expenses of merchandising, jobbing, and contract work			18,875				9,902	63,528
Miscellaneous sales expenses	32,899		993	3,582	144,540	197,701	24,863	27,727
Total Sales Expenses	184,598		51,577	108,910	406,319	6,424,465	1,485,234	795,028
Research and development:								
Within the company		$4,000			938	132,323	48,543	
Outside the company	3,882			1,400	7,426	255,385	139,814	1,596
Total	3,882	4,000		1,400	8,364	387,708	188,357	1,596

Item	West Virginia				Wisconsin			
	Appalachian Power Co.	Monongahela Power Co.	Potomac Edison Co. of West Virginia	Wheeling Electric Co.	Consolidated Water Power Co.	Lake Superior District Power Co.	Madison Gas & Electric Co.	Northern States Power Co.
Sales expenses:								
Supervision	$428,610	$338,462	$46,484	$76,744		$20,482	$7,213	$127,891
Demonstrating and selling	2,288,871	1,624,794	179,672	155,124		31,110	49,753	461,153
Advertising	891,709	395,625	59,700	82,234		17,284	20,861	180,997
Revenues from merchandising, jobbing and contract work								
Cost and expenses of merchandising, jobbing and contract work								
Miscellaneous sales expenses	2,380,840	580,520	157,092	143,718		9,559	3,439	36,622
Total Sales expenses	5,990,030	2,939,401	442,948	457,820		78,635	81,266	806,664
Research and development:								
Within the company	523,554	10,376	1,042	19,381			5,219	
Outside the company	111,795	59,220	6,787	5,347			5,767	12,365
Total	635,349	69,596	7,829	24,728			10,986	12,365

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STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES FOR YEAR ENDED DEC. 31, 1968—ELECTRIC OPERATION AND MAINTENANCE EXPENSES—Continued

Item	Wisconsin						Wyoming	Alaska
	Superior Water, Light & Power Co.	Wisconsin Electric Power Co.	Wisconsin Michigan Power Co.	Wisconsin Power & Light Co.	Wisconsin Public Service Corp.	Wisconsin River Power Co.	Cheyenne Light, Fuel & Power Co.	Alaska Electric Ligh & Power Co.
Sales expenses:								
Supervision	$12,381	$150,740	$21,604	$80,498	$119,150		$12,903	
Demonstrating and selling	55,211	1,741,875	153,834	928,956	449,465		52,198	
Advertising	16,503	1,008,909	65,784	150,979	183,647		31,447	
Revenues from merchandising, jobbing and contract work							−69,025	
Cost and expenses of merchandising, jobbing and contract work							65,578	
Miscellaneous sales expenses	18,117	115,327	20,389	50,595	109,727		4,453	
Total sales expenses	102,212	3,016,851	261,611	1,211,028	861,989		97,554	
Research and development:								
Within the company		60,600	39	83,743				
Outside the company		111,263	10,650	70,196	33,191		1,535	
Total		171,863	10,689	153,939	33,191		1,535	

Item	HAWAII			
	Hawaiian Electric Co., Inc.	Hilo Electric Light Co., Ltd.	Kauai Electric Co., Ltd.	Maui Electric Co., Ltd.
Sales expenses:				
Supervision	$35.359	$11.231	$482	$4.120
Demonstrating and selling	989.520	44.862	36.748	17.203
Advertising	174,565	11,520	11,705	11,875
Revenues from merchandising, jobbing and contract work				
Cost and expenses of merchandising, jobbing and contract work				
Miscellaneous sales expenses	$13,552	$42,436	$1,362	$28,474
Total Sales Expenses	1,212,996	110,049	50,298	61,672
Research and development:				
Within the company	460,711			
Outside the company				
Total	460,711			

Mr. METCALF. Mr. President, I shall next discuss briefly one facet on utility research and development which is of great significance regarding the quality of life in America. One of the most promising of the emerging energy technologies is magnetohydrodynamics—MHD, a technique of producing energy by direct conversion with a minimum of pollution. The January 24, 1970, issue of New Republic carries an article by Dick Gilluly, "How Much, How Soon for Anti-Pollution? which succinctly summarizes the MHD story. I ask unanimous consent to insert Mr. Gilluly's article at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW MUCH, HOW SOON FOR ANTI-POLLUTION?

(By Richard H. Gilluly)

Anti-pollution is the fashion. What we need to know is how much money the Administration (and the corporations) will invest in it. A little known—and little-funded—Interior Department agency, the Office of Coal Research (OCR), has in its files data on a half dozen or more techniques that promise to eliminate major environmental pollution. But OCR has never got more than $12 million and until recently no one in Interior or the White House has been disposed to ask for more. OCR's technologies remain undeveloped.

Take magnetohydrodynamics, MHD is a way of converting coal and other fossile fuels to electricity almost diectly, without intervening boilers, turbines or generators, it is about 50 percent more efficient than conventional coal-fired generating plants—which, in turn, are about 50 percent more efficient than nuclear plants. MHD would significantly reduce the "thermal pollution" created by most present power generation (with the exception of hydroelectric plants, which make up only a small percentage of the total and which sometimes create their own kind of environmental damage). Thermal pollution is the heating of water in streams, lakes or the ocean, often with severe detriment to the balance of life.

MHD also offers great promise for reducing air pollution. Because it is more efficient, it burns less fuel per kilowatt hour than other power-generating techniques; you get less pollution from producing the same amount of power. The fuel for MHD must be "seeded"; that is, an ionizable substance must be added to it to make hot gases electrically conductive. The seed must be removed from the leftover gases, a necessity which becomes a virtue because pollutants can be removed at the same time.

A major source of air pollution—second only to automobiles—is the fuel-burning, industrial installations, primarily power plants. Almost without exception, they give off sulfur oxide, and a fine, abrasive ash. Although the sulfur oxides or the particles alone *may* not be harmful to health (there's no conclusive evidence), in combination they are highly destructive to lung tissue, according to HEW's National Center for Air Pollution Control. Sulfur oxides, alone, are harmful to plant life. (The acrid sulfur oxides produce the foul taste in your mouth in highly air polluted areas.) HEW under the Air Pollution Control Act, has set "criteria" for the amounts of these two pollutants that can be emitted from industrial plants. But the criteria, applied by state and local governments, are flexible enough to "meet local needs." HEW's enforcement powers are minimal; the amount of money available here is in inverse proportion to the enormity of the problem.

But the criteria *plus* the techniques now in OCR's files could get the job done, if the technologies can be turned into commercial hardware. Then, instead of depending for clean air on corporate willingness to obey the law (and the willingness of state and local government to enforce it) the corporations might find it in their interest to adopt the new technologies voluntarily, because of their greater efficiencies.

MHD is not the only technique OCR has in mind. A process for dissolving raw coal in anthracene solvent, which would carry off all the potentially polluting materials, is another. The leftover would be almost pure carbon—in a form that could be extruded, ground, melted, or handled in numerous other ways. Diesel-electric locomotives and perhaps diesel trucks could burn this clean substance. But once again, the potential would be greatest for power production, especially in congested urban areas such as New York City.

There are several ways, some pioneered by OCR and others by Interior's Bureau of Mines to convert coal into producer or pipeline gas. If coal can be converted to pure methane—or pure hydrogen or pure carbon monoxide—leaving the pollutants behind in the coal residue, then the gas can be burned with little harm to the environment, in almost any kind of fuel-burning installation and with minimal conversion costs.

The Russians plan to have a part-MHD, part-conventional, plant in commercial operation in 1970; the Japanese are also advancing rapidly in this technology.

The President's Office of Science and Technology last June recommended a full-scale MHD research program, as did the Interior Department's own Energy Policy Staff a year earlier. Support for MHD in the scientific community is almost unanimous. Yet, not a penny for MHD was left by the Budget Bureau in OCR's fiscal 1970 budget request. Efforts by Montana Senators Lee Metcalf and Mike Mansfield to get money for MHD into the 1970 Interior appropriations bill failed. The 1971 budget OCR submitted to Interior officials included a miserly $400,000 for MHD, which was then entirely eliminated by a budget officer. The two Montana Senators asked that the money be reinstated. And last month, the Minerals, Materials and Fuels subcommittee of the Senate Interior Committee, chaired by Senator Moss of Utah, held hearings on MHD, at which scientists gave the new technology strong endorsement. So now the Interior Budget, as it goes to the Budget Bureau, will contain "somewhat more than" the $400,000 earlier asked, though less than the $2-million suggested by OST.

Meanwhile, with electrical needs doubling every 10 years, the electric utility industry has indicated through the Edison Electric Institute that it will make some contribution to MHD, at least for research into "peaking" or emergency plants. HEW and the Atomic Energy Commission may also ante up some funds. Meyer Steinberg, a scientist with AEC's Brookhaven National Laboratory, has suggested that giant MHD plants burning coal be built at mine-mouth in thinly populated Western coal states (including Utah and Montana), the power produced to be transmitted to population centers via "super-

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> conductors" or other ultramodern "electrical superhighways." It is possible that AEC is motivated by its awareness that nuclear plants are a serious contributor to environmental damage through thermal pollution and difficult-to-dispose-of radioactive wastes. Or the well-funded AEC ($2 billion since World War II to develop nuclear power) may see MHD as a technique applicable to nuclear fuels. AEC's entry could make MHD go, if the President gets solidly behind environmental quality.
>
> Of course, technology alone won't keep our environment clean. Scientists are coming to regard the formerly innocuous carbon dioxide as a pollutant, at least in urban "microenvironments." In these areas, higher levels of CO_2 will soon begin to cause rotting of the mortar in urban buildings. Burning fossil fuel *always* creates carbon dioxide, and the final solution to the CO_2 problem will have to be reduced burning of fuels. Moving industrial plants into thinly populated areas would help. But what would help more is fewer people and a lower per capita rate of consumption, including fewer automobiles or prohibitively high tolls for their admission into urban areas.

Mr. METCALF. Mr. President, neither the power industry nor the Congress has given MHD the attention it deserves. Nor has either the Johnson or Nixon administrations. We in Congress have voted more than $2 billion for nuclear power research, but have yet to fund an MHD pilot plant.

A record has been built on the need for expenditures in the order of $50 million to bring this promising new technology into commercial application. The record was built before the Appropriations Committees in 1968 and 1969, by the Office of Science and Technology, at the Coal Symposium at Eastern Montana College last October and at the MHD hearings conducted in December by the distinguished junior Senator from Utah (Mr. Moss), chairman of the Subcommittee on Minerals, Materials, and Fuels of the Committee on the Interior.

If this Congress means what many of its Members say about environmental protection, we will include MHD among the priority research and development programs founded this year. And if the power industry means what it advertises about environmental protection it will do the same. Surely my distinguished colleague from Montana (Senator MANSFIELD), Chairman Moss of the Minerals, Materials, and Fuels Subcommittee and the rest of us who have been attempting to encourage the new technology of MHD will be in a stronger position before the Budget Bureau and the Appropriations Committees if the industry itself, which stands to benefit from the process and which can pass on all the research and development costs to its customers, goes beyond its token support for MHD. As matters now stand, the Nation's largest industry is spending more money polluting air waves than cleaning air.

In conclusion, Mr. President, I wish to suggest a change in the regulatory process which will, I believe, benefit the entire country, including the utility industry.

It is useful to bear in mind that the system of regulation of electric utilities was devised by the utilities themselves. Sam Insull, when head of the old National Electric Light Association, predecessor of the Edison Electric Institute, urged the industry to seek State regulation, as far back as his presidential address to the industry in 1898. His proposal horrified other industry leaders at the time. A few years later they heartily endorsed the idea as a device to stop expansion of municipal electric systems, which from 1902 to 1907 had increased twice as rapidly as I.O.U.'s.

Insull and his colleagues played a leading role in formation of midwestern commissions. That pattern of industry sponsorship of utility regulation has continued with variations up to the current efforts of utilities in Minnesota and South Dakota to set up regulatory commissions designed by utilities in those States.

Free advertising by utilities, under this system, has seldom been challenged. The utilities have used this advertising, with other equally free public relations techniques, to misinform three generations of Americans. Utility regulation, despite its importance to all consumers, simply is not taught in the classrooms. It is taught through the utilities' free advertising. And in this case "teacher" does not tell the truth.

I.O.U.'s advertise that they are subject to unfair competition, when in fact they are assured large profits and are secure from competition, especially in the case of the 77 major utilities which have a monopoly on both electricity and natural gas distribution.

I.O.U.'s advertise that they are owned by plain folks on Main Street, but they in fact are controlled by relatively few men, far away, by exercise of proxies.

I.O.U.'s associate themselves in their advertisement, speeches and stockholder reports with all the symbols of rugged free enterprise. Actually they are sheltered by government, with market, price and profit assured, constituting, as Franklin D. Roosevelt said, a system of "private socialism."

Mention deceptive utility advertising to the Federal Trade Commission and it shies like a yearling colt from a rattlesnake. The Federal Power Commission is pitifully weak in its power to curb the abuse of free advertising privilege. The State commissions typically allow the utilities full rein, unless a particularly odious example is publicly forced on a commission's attention.

Two recent local examples, one in Virginia, the other in Maryland, indicate the vice of the system. As anyone who reads Washington area papers knows, both Virginia Electric & Power and Baltimore Gas & Electric have advertised profusely in the local media. Vepco persuaded thousands of its customers to install electric air conditioning and all-electric homes, citing the benefits of cheaper rates. The company also, according to the $4.5 million antitrust suit filed against it by Washington Gas Light, gave kickbacks to builders who promised to lock out Vepco's competitors in the heating market when constructing new housing developments. Now that these additional customers are locked into the Vepco system, the company—despite the fact that it nets 19.4 cents out of every revenue dollar and despite the fact that it registered another earnings increase in 1969—has requested a $25 million rate increase. Included in the proposed new rate schedule is a planned premium payment during summer months, when people turn on all the air conditioners the company persuaded them to buy. This one rate change alone would cost many customers from $8 to $14 monthly.

In essence, through use of free advertising Vepco overadvertised and oversold its product. Now it seeks to soak the customers with the costs of its error as well as the ads.

In Maryland, Baltimore Gas & Electric spent almost $200,000 assuring the public that its Calvert Cliffs nuclear plant, if built, will be safe and will not damage the environment. Some persons with qualifications in this field and without self-interest in the matter do not agree. They however, do not have access to free advertising to get their story across. The Maryland Public Service Commission has questioned the propriety of inclusion of these ads in the operating expenses. However, the commission's position, as I understand it, is that the proper time to raise the question will be in a formal rate case.

As of last fall, some 160 rate cases were pending before State utility commissions. Few cases have been settled since then and many have been filed. As of mid-December, according to the Wall Street Journal, electric, gas and telephone rate increase requests then pending totaled some $2 billion annually.

Thus the time is propitious, around the country, for the action suggested by the Maryland commission. The power industry is increasing its advertising and other public relations programs in order to put over the higher rates it seeks. Electrical World, the McGraw-Hill publication which sings harmony for Public Utilities Fortnightly, editorialized last year that the electric power industry "needs a well-conceived public relations program to prepare its own employees and their neighbors, the cop on the beat, the barber, all the citizens on the facts of its needs for higher rates."

The current January 26, 1970, issue of Electrical World carries a five-page editorially supported article on how to combat the threat of "environmentalism," by Peter M. Stern, vice president of Northeast Utilities. Mr. Stern surely must know that research and development into environmental matters, by electric utilities, is primarily a public relations ploy, rather than an engineering fact. Yet he told his interviewer of the "research and development burden that we carry," and advocated, instead of a meaningful research and development program, more public relations. Here are his words:

> Right now, too much effort is spent in firefighting tactics, and not enough time is spent by utilities in providing lively, lay-language explanations of the technology, planning, adjustments, and R&D burden that we carry, in order to bring the public the power and environment they demand.

Then he called for another stable of, not engineers, but publicists, as the communications media have.

Mr. Stern said:

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> Perhaps what utilities need are some of those interpretive science writers, who are now reporting for the communications media throughout the U.S.

Let us look at the record of Northeast Utilities itself. It is a new utility holding company, comprised of two Connecticut operating companies, Connecticut Light & Power and Hartford Electric Light, and two Massachusetts utilities, Western Massachusetts Electric and Holyoke Water Power. Those four companies together spent, as their statistics which I just put in the RECORD show, $7,983,856 on advertising and other sales in 1968. And what was their total "research and development burden"? It came to $169,757. In other words, the "research and development burden" was about 2 percent of the apparently unburdensome advertising and sales which they want to increase, even though both the Connecticut affiliates are combination gas-electric utilities, with all of the electrical and most of the heating market already locked into the system. In sum, Mr. Stern's remarkable conclusion is worthy of the same two-word commentary which John Wayne exclaimed when he was offered—and declined—the opportunity to become George Wallace's running mate.

Pick up the canned editorials which the utilities distribute free to editors and you will read how the industry pats itself on the back, at the public's expense. One of the January 26 editorials distributed by California Feature Service, produced by Whitaker and Baxter in San Francisco, is entitled "Environment, Technology." Speaking of accommodation between the demands of the environment and the social benefits of technology, the editorial concludes that:

> Few better examples of such an accommodation can be found than that offered by the investor-owned electric utilities themselves.

The industry has every legal right to advertise and propagandize, for higher rates or whatever. But that right ought to be applied on the same basis that applies to free enterprise, risk corporations.

For example, oil heat dealers compete with electric utilities—but they are not regulated; they do not operate on a cost-plus basis. They have no commission to fix their price to include profit after payment of all advertising, sales promotion, and other costs.

If commissions simply disallow advertising and other promotion as an operating expense, the utilities will still be able to merchandise their product with no great difficulty, inasmuch as they hold a monopoly on their precious and essential product. I envisage no significant change in the electric and gas utilities' domination of the lighting and heating market if they are simply required to promote their product according to the same rules that their present competitors or other merchants are obliged to follow. Furthermore, benefits may flow from disallowance of these advertising and sales costs from operating expenses. I think it likely that such expenditures would be more carefully scrutinized by management, and reduced. This would make money available for more important programs such as research and development.

To illustrate how ludicrous and inefficient the present free advertising system is, I shall cite an example regarding Vepco. A few citizens of Herndon, Va., discovered last year that they should have been on a lower rate for several years because their houses included electric water storage heaters. This situation was brought to the attention of Vepco, which verified that the customers had indeed been on the wrong rate schedule. In some cases Vepco made refunds.

Vepco complained that the customers should have read the company's advertisements, and thus learned about the lower rate schedule. The Fairfax County Public Utilities Commission suggested that the company simply include prominent notice of the more favorable rate in a bill stuffer, which of course the company should have done in the first place.

Mr. President, I shall watch with interest the extent to which State utility commissions disallow advertising and other promotional expenditure in pending rate cases, and the extent to which those commissions encourage or require the utilities to engage in research and development of the business for which they received valuable franchises, the generation, transmission, and distribution of energy.

This is an area where the States have an opportunity to exercise responsibilities on behalf of the public—or to forfeit responsibility and invite Federal action.

EDUCATION LOBBY AND HEW BILL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. RARICK. Mr. Speaker, we are indebted to columnist Joseph Kraft for an embarrassingly timely report on the self-serving lobby which has deluged Members and the public generally in the past few days in support of the controversial HEW appropriation bill.

The connection of America's most effective exponent of creeping socialism with this particular lobby and its concurrent propaganda effort is worth noting.

I include Mr. Kraft's column in my remarks:

[From the Miami (Fla.) Herald, Jan. 21, 1970]

COMPLEX FACES A VETO: EDUCATION LOBBY IS NO. 2, BUT TRIES HARDER

(By Joseph Kraft)

WASHINGTON.—Anybody who wants to understand the fight between Congress and the President on the issue of education vs. inflation should talk to Charles W. Lee, a jovial, roly-poly former Senate aide who is the chief Washington strategist of what is, after the military-industrial complex, the second most potent lobby in town—the lobby of the medical-education complex.

"We're second," Mr. Lee acknowledges, "but we try harder." And this year the try on education appropriations was so hard that the Democrats found themselves locked into a confrontation with the President they may live to regret.

Behind all this lies a decade of development in the politics of education on The Hill. Back in the Eisenhower years, when the issue of federal aid to schools first surfaced, it was relatively easy for the penny-pinchers to hold the fort. They invoked inflation and then divided the supporters of big federal outlays by introducing the issues of racial segregation and support for religious schools.

To move around that blockade, there was developed a bits-and-pieces technique by Wilbur Cohen, a professor at the University of Michigan who, during the Kennedy-Johnson years, served the Department of Health, Education and Welfare successively as assistant secretary, under secretary, and secretary. The bits-and-pieces technique substituted for across-the-board education programs highly specific measures custom-tailored to particular vested interests.

Thus, a bill for buying books would enlist the support of librarians, one for dormitory construction would engage college officials, another for school construction would be backed by local boards of education. In each case, the start-up costs for the program were almost negligible so it was hard to invoke the inflationary argument. The interested parties became organized as potent lobbies—often by being taken on HEW advisory committees. The intensity of their interest, and its narrow focus, enabled them to elude general arguments about race and religion. And thus the ground was laid for the enormous rise in educational programs and appropriations that took place in the Kennedy-Johnson years.

The lobbies whistled up by the bits-and-pieces technique did not die when the Nixon administration took office. On the contrary, they were fused by Mr. Lee into a single mechanism for defending against appropriations cutbacks.

That mechanism is the Emergency Committee for Full Funding of Education Programs. It groups some 70 interested parties—ranging in size from the giant National Education Association to such midgets as the Appalachian Education Lab and the Saranac Community Schools. On key votes, all through last summer, it mobilized a stream of doctors, teachers, principals, nuns, and librarians to work on strategic congressional leaders for full funding of all education programs.

One result was an education appropriation that went way beyond administration requests all down the line. Where the administration requested nothing for school libraries, the House and Senate agreed on $50 million. Where the administration sought $85 million for educating the handicapped, the House and Senate agreed on $100 million. Where the administration asked for $202 million to help schools in areas affected by federal projects (federally impacted areas), the House and Senate agreed on $600 million. And where the administration asked a total HEW appropriation of $2.1 billion, the House-Senate conference agreed on $3.2 billion.

The second result was that, when the President picked out the education appropriation as a place to stand and fight against inflation, the Democrats were positioned. With the medical-education complex standing behind them, they could not turn around and compromise when the President threatened to veto the HEW appropriation. Instead they have been obliged to stand behind the bill, take a veto, and then go through the effort to overturn the veto.

Some Democrats, to be sure, feel that stand is good politics. And, no doubt, some Republican senators and congressmen who are forced to come out against education will be made to pay for it in the fall elections. But very few, for in the end the veto will probably be sustained, and the appropriations whittled down, with a final difference in outlay

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so small nobody will remember what happened.

Moreover, Mr. Nixon is using the issue to swing from a soft-line, low-profile fight against inflation to a tough and highly visible stand. That stance is good economics and even better politics. And the Democrats are probably going to learn once again how cheerless it is to slug it out with a President who is doing battle against inflation.

LIBRARY OF CONGRESS FACES ROUGHEST TIME SINCE 1814 FIRE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. PUCINSKI. Mr. Speaker during the past several years, my efforts in Congress have been directed toward the establishment of a national information system to provide our country with the critically needed tool for advancing knowledge in all fields, increased efficiency is cost and to give credence to basis research that will not be a duplicate effort.

The need for such a national information system becomes even greater when we witness the crisis stage being reached by the Library of Congress because of the information explosion.

The problems facing the Library of Congress, one of the finest in the world, are discussed in an article which appeared recently in the Chicago Sun-Times. They are similar to the problems being faced by government and private industry in our technological society, and I commend this excellent article to my colleagues.

The article follows:

[From the Chicago Sun-Times, Dec. 7, 1969]

LIBRARY OF CONGRESS FACES ROUGHEST TIME SINCE 1814 FIRE

WASHINGTON.—Shirley Schwarz was mad.

The blond art history graduate student from the University of Maryland stood in the main reading room of the Library of Congress holding 11 book request slips, all marked "book not on shelf."

The books not being on the shelf didn't bother her that much; nor was she particularly riled that it had taken 90 minutes for the requests to come back. What really bothered her was that the books had not been on the shelf for four weeks—and she knew no one else had taken them out.

"Sometimes they just seem to disappear. They're lost to humanity," said Miss Schwarz.

INFORMATION EXPLOSION

Long delays and missing books are symptomatic of what is happening in the ornate Library of Congress Building, located directly east of the Capitol dome. The colonnaded, frescoed halls are no longer the secluded refuge of scholars and legislators in the leisurely search for truth and understanding.

Instead, the library has become "ground zero" for the "information explosion." A few statistics tell part of the story. Last year the library added 367,000 books to its collection, making a total of 14,800,000 booklets and pamphlets.

By the time they were classified by author, title and subject, there were 2,000,000 new cards in the library catalog, which already spills out of its assigned place in the reading room into back hallways and alcoves.

BOOKS STACKED ON FLOOR

At the current rate, which is likely to accelerate, the collection would double its present size well before the end of the century.

Books are lined up on the floor at the foot of the library stacks because there's no longer any room on the shelves. Scholars carefully step over and around them.

The library is unquestionably facing its roughest time since the British reduced its collection of books to ashes when they set the torch to the Capitol (where the library was) in 1814.

But library staff members feel that, as in 1814, the nation's greatest library is going to meet the challenge. In the earlier crisis, Congress agreed to accept Thomas Jefferson's offer to sell his personal library of 6,000 volumes for $24,000 to form the nucleus of a new library.

This time, the library is counting on a new building, automated systems and added staff to solve it.

Congress, after years of procrastination, seems about to give the $2,800,000 needed to prepare final plans for the proposed James Madison Memorial Library, which would be the new building.

The Madison addition will allow the library to call back its map collection from an office building in Alexandria, Va., and bring together collections from such locations as the Navy Yard annex and an aircraft hangar in Middle River, Md.

COMPUTERIZATION?

But finding a place to put books, manuscripts, photographs, motion pictures, microfilm reels, phonograph records, folk song tapes, sheet music and other material is just one problem. Finding the stuff again is the big headache.

Henriette D. Avram, project director in the library's Information Systems office, says the library has now received acceptance from all major U.S. library groups for a computerized library card format.

Mrs. Avram explains: "The current system of finding a book by first locating its card in a card catalog is obsolete. In a few years you might have to walk through three miles of catalogs."

A computer, she says, could look through that many cards in less than a second. Moreover, it could categorize the subjects in a more sophisticated manner.

The library is said to be more accessible to scholars than the world's two other great national libraries, the British Museum Library and the Bibliotheque Nationale in Paris. It is open to all persons above high school age.

The library is candid about the fact that individual students are its fourth order of priority (after congressmen, federal agencies and government-sponsored researchers). Still, there is a staff of some 500 to help trouble-shoot research problems for students.

BATTLING DECAY

The library is battling another enemy—decay.

Some 500,000 books, most of them dating from the early days of cheap papermaking in the last century, have become so brittle they have to be kept in a special collection, where humidity and ventilation are rigidly regulated and access is sharply limited.

The library is microfilming these books as fast as it can with the money it gets. But the current pace—about 10,000 volumes a year—doesn't make much headway.

Even more danger attends the collection of early films which, experts say, are so fragile they can deteriorate almost overnight into an unusable state. The library is working as fast as possible to transfer the old reels to more stable film.

GRAZING FEES—VII

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 28, 1970

Mr. METCALF. Mr. President, my mail on the question of whether the fees for grazing on the public lands should be increased includes letters from ranchers favoring the increase.

One such rancher sent along a copy of a letter he received from the Montana Public Land Council using the post office box of the Montana Stockgrowers Association. I ask unanimous consent that his letter and the enclosure be printed following my remarks in the RECORD.

Mr. President, Secretary of the Interior Hickel has before him the question of whether he should increase grazing fees for 1970 by 13 cents per animal unit month—AUM. Should he do so, he could, under existing policy, put one-third of that amount, or $4\frac{1}{3}$ cents, back on the land for conservation, thereby not only protecting and developing the land but also providing for more grazing.

But the stockmen, at least in Montana, are asking all ranchers who use the public lands to chip in 5 cents per AUM to fight improving the public range. This money is being sent to Washington, D.C., to pay for high-powered special representatives.

The rancher to whose letter I direct the attention of my colleagues was one of those who said he would rather put his money into a fair grazing fee and back on the land.

I find it interesting that as of December 30, when the Montana Public Land Council letter was postmarked, they were already claiming credit for persuading Secretary Hickel on the issue. They were claiming that their lobbying had cut grazing fees for 1970 by $163,000 in Montana alone.

It is odd that the council claims that the court suit, which the stockmen lost, persuaded Mr. Hickel not to raise the fees in 1970. In view of Secretary Hickel's November 25 letter and subsequent declarations of his intent, I would like to know exactly who advised him and what advice they gave him.

As far as I have been able to ascertain, the Secretary of the Interior has been sadly misled into even proposing a moratorium on the grazing fee schedule.

And conservationists, among whom I count President Nixon, will do well to note carefully the kinds of pressure that are brought to bear on the Secretary of the Interior and the Public Land Law Review Commission—PLLRC. I note that the Montana Public Land Council, which shares the same mail bag as the Montana Stockgrowers Association, says:

> We hope these benefits will be further magnified when the time comes for PLLRC to report to Congress. It will be then when skilled representation will be vital to the stockman's future.

What they are saying to conservationists about the $163,000 "saving" in grazing fees is: You "ain't" seen nothing yet.

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This administration has the issue squarely in its lap. It has a choice to make—improve the range, conserve the soil, restore the environment, or peel the fragile headwaters and let the streams run brown with mud. It may increase the grazing fees and plow more of the revenue back into the depleted range, or starve out the livestock and the game on the eroded range.

Among other things, this issue will be a test of what this administration intends to do about pollution.

I came to the Senate to represent all of our people, and their interest in all of our resources. In this case, conservation is best for the rancher, who rents the public land, and for every family downstream. Well-managed rangeland with a good cover of grass is a basic investment in controlling erosion and water pollution.

I have yet to see a cow that could live on paper money or silver dollars, and $163,000 will buy only 6,000 tons of hay. As my Montana rancher friend writes: "An increase in fees is justified—long overdue."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JANUARY 8, 1970.

SENATOR LEE: Thought you might be interested in the enclosed. These fellows are opposing not only the current grazing fee increase on Federal lands, but will oppose anything that doesn't maintain the status-quo.

We have . . . acres in all—an increase in fees is justified—long over due.

This AUM permit is a very valuable asset to those who are fortunate to have it. It is worth at least $1.50 AUM when you consider private land owners receiving from $3 to $4.50 per AUM. This does not take into account, salting, maintaining water supply etc. as they would like many to believe.

Sincerely,

———— ————.

MONTANA PUBLIC LAND COUNCIL,
Helena, Mont.

Many of us who use the public land in Montana for livestock grazing have contributed 5¢ per AUM to the Montana Public Land Council in order to finance the employment of special representation in Washington, D.C. According to the information we have, we don't believe you have sent in your contribution as yet.

Public lands have become of increasing interest to many segments of our society which serves to point up the need for an organization such as this to represent those whose livelihood comes from grazing all or a portion of their stock on public lands.

The effectiveness of the council's work to-date was recently displayed when Secretary of the Interior Hickel announced a moratorium on further grazing fee increases for BLM lands until such time as the public land law review commission had completed its studies. For example, the savings to Montana stockmen using BLM lands in 1970 as a result of the Secretary's order amounts to about $163,000. It is doubtful if he would have taken such action were there not a public land council organized and providing financial support for a court test of the original decision. We hope these benefits will be further magnified when the time comes for the PLLRC to report to Congress. It will be then when skilled representation will be vital to the stockman's future.

Based on the AUMS of BLM or forest service land allotted you it would seem that your contribution should be $—— (5¢ per AUM). Won't you take time to make out your check payable to: Montana Public Land Council in order that this work may be continued without again collecting from those who have already supported the organization once? It is planned that this contribution will support a five-year program after which time the PLLRC studies will be completed and when a decision can be made as to future operation of the council.

Sincerely yours,

———— ————,
Chairman, Montana Public Land Council.

DO WE REALLY WANT AN ALL-VOLUNTEER ARMY?

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DOWNING. Mr. Speaker, a great deal has been said in recent years about the possibility of an all-volunteer Army. Some excellent thoughts on this subject were expressed recently by Gen. Bruce C. Clarke, U.S. Army, retired, in an article for the November-December 1969 issue of Armor. I am pleased to include in the RECORD the article by this distinguished soldier so that everyone might have the benefit of his knowledge and experience:

DO WE REALLY WANT AN ALL-VOLUNTEER ARMY?

(By Gen. Bruce C. Clarke, U.S.A., retired)

Today there is much discussion about whether our country would be better served by an all-volunteer Army than by one which includes volunteers and inductees. Many of the viewpoints advanced are solidly based, while others give the appearance of being catchy slogans backed by little more than good intentions.

At first glance, the all-volunteer Army concept appears to be an attractive alternative. By permitting the elimination of Selective Service, it would do away with a target of criticism by some Americans. It is asserted that an all-volunteer Army would retain its members for longer careers thus becoming more "professional" and proficient while at the same time reducing high training costs occasioned by rapid turnover.

There are, of course, other favorable arguments for an all-volunteer military force.

My purpose here is not to attempt to destroy these arguments nor to intimate that the entire proposition does not deserve consideration. On the contrary, it seems appropriate now to introduce some further points for consideration by thoughtful military men and by American citizens generally.

At the risk of sounding less than becomingly modest, I believe that some 40 years of military service including three wars and command at nearly all levels might persuade some that what follows has a basis on fact and hard-earned experience.

If the United States adopts a policy of an all-volunteer Army in the face of the present world conditions, we may well be in for some real problems.

First off, we want a democratic Army of, and close to, our people. We want an Army that is representative of the best of all those diverse nationalities, races, creeds and conditions which make good our motto "E Pluribus Unum" —(out of many—one).

A purely professional force tends to isolate itself, and to be isolated, from the mainstream of national life. It has very little positive impact on our American society and tends to be neglected by the people and their elected representatives. When this happens, adverse effects on morale rapidly reduce the effectiveness of the Nation's defense.

We want and need an Army of men meeting the required high moral, mental and physical standards. When undue enlistment and reenlistment pressures are brought about, standards tend to be lowered in order to fill quotas. For example, during one year while I was in command in Europe, 91% of the soldiers we eliminated from the Army as unsuitable were Regular Army, and most of these were on their first enlistment.

Furthermore, there is no place today in these times of rapidly evolving military technology for an army having any aging professional privates.

Today, the draft encourages many to voluntarily enlist, enroll in the ROTC, join the National Guard and the Reserve and to consider attending one of the service academies. This results from focusing national attention on service needs for quality manpower as well as from the threat of the draft.

And now comes the very practical matter of maintaining the combat elements of the Army and the Marine Corps without Selective Service. Simply stated, the problem essentially is to get officers and men whose job it is to close with the enemy and defeat him on the ground.

The hardships and hazards of duty are not equal among the Armed Services, nor are they equal among the various branches of the Army. The Infantry of the Army and the Marines incur, by far, the greatest risk. Overall casualties of the Korean War are illustrative. For the Army these were 27,604 (of which 84% were Infantry), for the Marines 4267, for the Air Force 1200 and for the Navy 458. During World War II, 89% of the Army people killed were Infantrymen and during the Korean War 92%. While these figures are not in the minds of Americans in general, their overall import is commonly understood.

Between World War II and Korea, we tried to maintain the Army without Selective Service. And, we made an all-out effort to do this. This resulted in so much stress on enlistments in the administrative and technical elements of the Army in order to learn a trade that enlistments in the combat arms were inadequate to maintain them at authorized strength.

While an important incentive, pay alone is not the answer. In this respect, one has only to look at the recruiting picture in some of those countries which pay well considering their economies and go begging for military manpower. Or, closer to home, consider the police recruiting problems of some of our leading, modern police forces where salaries and other benefits appear to be most attractive.

Now, even assuming that we could somehow build and maintain a large all-volunteer force (an assumption which I consider to be of the type that might properly earn a "U'" on a staff study at one of our service schools), what happens if a crisis demands expansion? One can but imagine that the Selective Service system would have deteriorated so far that rapid response to vital national need would be impossible. This must not be permitted to happen. This system must be maintained fully and effectively even on a stand-by basis.

Having said all of this, it is important not to forget that we very much need to maintain a sizable and high quality volunteer career group in our Army.

And this seems a good place to point out that there are a number of things designed to increase career attractiveness which can and should be looked into:

Pay inequities.

Increase of war risk insurance (the present $10,000 figure was evolved in World War I).

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More benefits to surviving wives and minor children.

More realistic educational benefits for veterans.

Retirement benefits for those completing 10 years service.

Recomputation of retired pay, on a current pay basis, to insure that inflation does not reduce to penury those retired for long honorable service.

A discharge bonus of about $1000 per year paid after completion of three years enlisted service. This might well be paid in U.S. Savings Bonds.

Other service benefits should be examined in the light of present-day economics as well as the current practices of business and industry. Those things which might be increased or improved includes:

On-post housing.

Medical and dental care.

Post exchange goods and services.

Commissary services.

Rental and ration allowances.

And, we would be well advised to put more thought and effort into how we handle our officers and soldiers so that when they leave the services, they will be "alumni boosters." The veteran with a favorable impression is our best recruiter.

Morale is that great intangible which separates effective armies from the poor ones. The officer-enlisted man relationship in the Army is most important. Over the past years, when we have had a proper balance of professional and citizen officers, non-commissioned officers and men, we have had a fine Army. Both volunteers and selectees have made this true.

It hardly seems the time to break up a winning combination. Rather, it seems wise to reinforce success.

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THE FORGOTTEN PATRIOT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, January 28, 1970

Mr. BOGGS. Mr. President, a highly informative and interesting account of "the forgotten patriot" of the American War for Independence, John Dickinson, and his homestead appeared in the New York Times of January 11.

John Dickinson often has been termed the "Penman of the Revolution." His homestead happens to be in the State of Delaware, which was the first State of the Union, as we all know. However, because of the historical interest and nationwide plans to commemorate the 200th year of our freedom in the decade of the 1970's, I ask unanimous consent that the article be printed in the RECORD.

This excellently written account is under the byline of John Koenig, Jr., a former Associated Press correspondent with whom, I know, many of our friends in the Senate Press Gallery are acquainted. He is a gifted writer who now authors articles about the preservation of historical sites.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 11, 1970]

DICKINSON HOMESTEAD IN DELAWARE RECALLS "THE FORGOTTEN PATRIOT"

(By John Koenig, Jr.)

DOVER, DEL.—The wind blows across the open flatlands south of this capital city, and the trees and the reeds bend with it. The area is very reminiscent of the Netherlands, which sent the first settlers to the region in the 17th century.

This is where John Dickinson, the "Penman of the Revolution," had his home. The Dickinsons were not Dutch, but Quakers who had emigrated from England to Virginia in 1654. Samuel Dickinson, John's father, settled in Delaware in 1740.

John Dickinson later had other, more luxurious homes in Philadelphia, the American Colonial metropolis, but it was to his boyhood home here in Dover that he came in times of trouble. His house in the country was a place for him to think things out.

ESTEEMED BY CONTEMPORARIES

Perhaps it holds the key to the character of this great man of the Revolutionary War period. Although Dickinson was regarded by Jefferson and others of the time as one of the greatest among them, in recent years he has been looked upon as the "forgotten patriot."

Like its owner, the Dickinson mansion was nearly forgotten. It was rescued from a state of dilapidation by the Colonial Dames of America; the organization raised $25,000, purchased the mansion in 1952 and presented it to the State of Delaware, which has assumed its maintenance.

When he was 18, Dickinson went to Philadelphia to study law under John Moland, the King's attorney for Pennsylvania. After four years of additional study in London and several years of private practice, he entered politics as a member of the Pennsylvania and Delaware Assemblies. In 1765, he was a delegate to the Stamp Act Congress in New York and prepared the "Declaration of Rights Adopted by the Stamp Act Congress."

"1776" REVIVES FAME

Dickinson's fame has been revived by the hit Broadway musical "1776." The show largely concerns the antagonism between Dickinson and John Adams on issues confronting the Continental Congress prior to the Declaration of Independence.

He opposed violence as a means of righting the ills the Colonies suffered at the hands of the British Government. He was schooled in British constitutional law in the Middle Temple in London, and he believed there still was room for conciliation.

Dickinson favored a confederation of the colonies to deal with King and Parliament, and opposed the timing of the Declaration. He declined to sign, but accepted the will of the majority at the Continental Congress, and within a week had gone to Elizabethtown, N.J., to head a regiment of Pennsylvania militia.

Lawyer, legislator and writer, Dickinson was responsible for the text of practically all the important documents of the Continental Congress up to the Declaration, and he drafted the Act of Confederation. His "Letters From a Farmer in Pennsylvania," published in The Pennsylvania Chronicle in 1768, pointed out to the colonists their rights as free men and helped solidify public opinion.

Dickinson moved readily back and forth between Delaware and Pennsylvania, serving in the Legislatures of both; prior to the Revolution, the two colonies had a common Governor, although they had two separate Provincial Assemblies. After the Revolution, Dickinson served as president of the supreme executive council of both states, first of Delaware and then of Pennsylvania.

INHERITED COUNTRY HOME

His wife was Mary (Polly) Norris, daughter of Isaac Norris the younger and granddaughter of Isaac Norris the elder, both of whom served as Speaker of the Pennsylvania Provincial Assembly in Philadelphia. The Dickinsons inherited Fairhill, the Norris's country home on the northern edge of Philadelphia, which was burned by the British during the occupation of the city. A town house that Dickinson built near Independence Hall was turned into a hospital before he and his family could move in.

So it was the Delaware homestead to which he had to turn and which is the only one that has survived.

Dickinson's boyhood home took on particular importance in 1776, when he moved his family there from Philadelphia. He did this because it appeared likely that the British would take that city. Five years later, a group of 16 Tories from New York landed in the village of Kitts Hummock on the Delaware, a couple of miles from Dover, and looted the Dickinson home.

As a delegate to the Constitutional Convention from Delaware, Dickinson succeeded in securing the provision that there would be two Senators from each state, and he was instrumental in making Delaware and Pennsylvania the first states to ratify the new Federal Constitution.

Dickinson lived his last years in Wilmington, dying there in 1808, and was buried in the Friends Meeting Yard at Fourth and West Streets. But the Dover farmhouse was his real home, and the hub of his fortune. Above all, it was his sanctuary and is the most fitting Dickinson shrine for present-day Americans to visit.

Besides the Dickinson mansion in Delaware, John's father had owned land in Maryland, and for 30 years had lived at Croisadore on the Eastern Shore. By 1729, Samuel's wife and all but two of his nine children had died.

Samuel started all over again, taking a second wife, Mary Cadwallader, a Merrion, Pa., Quaker. He moved to his Delaware holdings, leaving Croisiadoré to the children of his first marriage. John Dickinson, born of the second wife in 1732—the same year as George Washington—grew up in Delaware.

GRAVE BEHIND FARMHOUSE

Samuel, who became a Delaware judge in addition to managing his large properties, died in 1760. His grave is in a brick wall-enclosed plot in the herb garden behind the Delaware farmhouse and can still be seen.

In the master bedroom of the house is a small wooden cradle that was used for John and his brother Philemon, who later attained political and military prominence in New Jersey.

The Dickinson house, strongly built of brick, faces south and was connected by a lane through the broad fields, with a landing on the nearby St. Jones River; this provided easy access, via the Delaware River, to Wilmington and Philadelphia. A sizable garden, featuring large boxwoods and believed to be in the style of Dickinson's time, now graces the south facade of the house. Its paved paths of brick provide a pleasant walk.

A disastrous fire in 1804 destroyed much of the interior woodwork of the house. The damage was repaired by John Dickinson. In the drawing room, there is a clock that belonged to him and was acquired from Dickinson College, an institution he helped found in Carlisle, Pa.

In the first-floor library is a Dickinson chair, and in an upstairs sitting room a Dickinson desk. Samuel received suggestions from the young Dickinson, then studying law in London, on a dining room wing he built in 1752 and a kitchen addition in 1754.

SOME FAMILY HEIRLOOMS

Some Dickinson family silver is in the dining room, along with a teapot bearing the names of John and Mary Dickinson. A portrait of John by an unknown painter hangs on the wall.

The home is open daily to the public, and there is no admission charge.

It is not hard to find. Follow U.S. 113 for five miles southeast of Dover; turn to the left at Kitts Hummock Road. The house and garden stand alone in the fields that formed the Dickinson plantation two centuries ago.

The country below Dover Air Force Base on the southern edge of town, appears almost unchanged from the days when the early Dutch explorers sailed up the Delaware River and founded the first settlements. It still is a land where a man can seek, and find, solitude.

THE THREAT FROM THE NEAR EAST

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. DANIEL of Virginia. Mr. Speaker, during the recess of Congress, three members of the Committee on Armed Services undertook a mission to the Near East.

As a result of this experience, I am more concerned than ever about the threat to peace caused by stepped-up activity on the part of the Soviet Union and the increased militancy of radical dictators in the countries of Egypt, Libya, Iraq, Syria, and the Sudan.

Johnny Johnson, editor of the Danville, Va., Bee, has written an objective editorial on the subject which I include in the RECORD:

[From the Danville (Va.) Bee, Jan. 23, 1970]

NEW ARAB THREAT

As if there already had not been enough to worry about in the Mid East, Libya bears watching. And so does its relationship with other countries.

Six months ago, under King Idris II, Libya was considered among the more moderate of the Arab states—something of an anchor on its neighbor to the east, Egypt. It was a deterrent on Nasser's desires of organizing all Arabs for total war against Israel.

American oil interests there were considered secure. There was talk that the agreement under which this country operates the giant Wheelus Air Force Base outside Tripoli might be continued beyond its expiration date this year.

On the theory that Libya had to have strength to avoid Egyptian domination, this country had promised to add 10 supersonic F5 fighter-bombers to the 10 already delivered to that country. Britain planned to sell King Idris heavy tanks, self-propelled guns and an air-to-ground missile system at a cost of $400-million.

Then came the military coup of September 1, led by 27-year-old Muammar Mohamed Kadafi, who is passionately dedicated to the Arab cause and who proclaimed "liberation of Palestine" among top priorities of the new regime.

At first, nationalization of American companies was feared in retaliation for any hold-up on military aid. However, the semi-official newspaper, Al Ahram, stated that nationalization would give "imperialization justification for open intervention against the revolution" . . . and would be impractical because Libya does not have the means to exploit its oil resources alone.

However, the new regime made it clear that the agreement on operation of the giant Wheelus base would not be renewed. To some, this didn't seem very important. For several years only portions of the sprawling facility have been used—primarily for training NATO pilots. And this could be done elsewhere.

Besides, Libya has no really effective air force. And British Aircraft Corporation slammed the door on a multimillion dollar deal to supply a complete "defense" system.

The 1954 Wheelus agreement stipulates that, with its termination, all permanent installations such as buildings, runways and roads will become Libyan without compensation to the United States. Only aircraft would be needed to make it an operative Arab base for strikes at Tel Aviv 1,200 miles away.

Now entering the scene: France.

The French government had agreed to sell 50 Mirage jet fighters to Israel . . . but is continuing to withhold delivery. On the other hand, France announced this week it intends to sell 30 Mirage jets and 20 training planes to Libya in addition to the 50 other Mirage fighters the revolutionary Arab state has just ordered.

Within 24 hours, the British resumed talks with Libya on the sale of more arms.

And the Soviet Union stands ready to supply heavier warplanes and technicians to operate Wheelus for Libya should the call come.

Yes, there is ample reason for concern over Libya.

CLEANING UP THE ENVIRONMENT

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, January 28, 1970

Mr. CHURCH. Mr. President, one of the greatest problems which we are currently facing is that of cleaning up our environment.

This was the subject of a speech which was recently delivered by Mr. Scott Reed, one of the leading conservationists from my State of Idaho, to a meeting of the First District Idaho Wildlife Federation in Coeur d'Alene, Idaho.

I ask unanimous consent to have printed in the Extensions of Remarks a portion of the speech, which appeared in the December 25, 1969, issue of the St. Maries, Idaho, Gazette-Record.

There being no objection, the portion of the speech was ordered to be printed in the RECORD, as follows:

WHAT IS THE COST OF GROWTH?

(EDITOR'S NOTE.—Following is a portion of a speech given by Scott Reed of Coeur d'Alene before the First District Idaho Wildlife Federation meeting there this month.)

Recently I have been reading a book published in 1903 entitled "History of North Idaho". The book was financed by the worthy residents of the area who paid to have their biographies and sometimes their pictures published as part of the history. I have never encountered so many virtuous, staunch, upright and progressive citizens or seen so many hairy faces. The history recites the enthusiasm of the time and growth and development: money raised to bring in railroads, mines encouraged, lumber mills sought, roads built, reservations taken from "shiftless and nomadic people" and opened to hard working pioneers. The theme resounding through the book reflects the spirit in the west in the 19th and early 20th century. Open up and exploit the land! Bring the people in! There is a missionary zeal. It is an article of faith that growth is good.

This zeal and faith are still part of our thinking in the west. From our local chambers of commerce to the legislature and the governor, the theme is still that growth is good. Open up and exploit the land! Bring in the people!

In my view we have reached a time here in Idaho, in the nation and in the world when that theme must be questioned and analyzed. Should the government, that is, we the people, promote growth, encourage industry, invite immigration, solicit tourists?

Let us put the matter in perspective. William A. Clebsch, professor of Religion and Humanities at Stanford, recently wrote:

"The continuation of our present path gives us a choice between four different ruins—crowding ourselves off this planet, polluting it into an unfit place to live, slaughtering one another in racial hatred, or blowing ourselves off the face of the globe."

There is an increasing and spreading recognition of the perils of reckless disregard of environment. Those who are oriented primarily to the preservation of hunting and fishing and are finding new support and help in many places and in time, are finding themselves concerned in areas not directly related to rod and gun, such as air pollution and population explosion.

What I wish to suggest to you is the use of another tool in examining governmental promotion of growth. This tool is econmics. A question we have not been asking often enough is, "What will it cost?" In our defense against accusations of being preservationists or birdwatchers we have come up with dollar values for hunting, fishing, camping, and the like. But we have not been using economics as a method of attack. We have not been asking those who want governmental assistance to open up and exploit the land to prove their case economically.

A transportation fiasco is taking place on the Snake River. The Corps of Engineers is building a series of dams to bring slack water transportation to Lewiston. We know the loss of fish, upland bird hunting and recreation values. The question that has not been asked often enough is what does slack water transportation cost. The figures based upon the estimated costs of the dams yet to be built come out to abou one million dollars per mile. That makes even an interstate look cheap. It is said that barge transportation is more economical. In this jet age do we need another Erie Canal? If it is cheaper, let the barge companies build the dams. You know how far slack water transportation would go if the million dollars per mile were being paid by private companies instead of the public taxpayer.

As another example, consider this comparison. Which will provide more economic opportunity value and utility to the citizens of North Idaho over the next fifty years: Dworshak Dam or Farragut State Park? And how do you imagine the initial cost of developing each will compare?

The economic test should be applied to the mineral development in the White Clouds. It must first be recognized that we the people are being asked to provide something of value to the mining companies. Land for roads, land for mines and water for the mining are all being given to the companies. Idaho farmers pay heavily for the land and water which would be a gift to the miners.

The great tax and employment benefits mentioned need serious analysis. First of all mining is speculative. The west is littered with "good" claims that have been abandoned. No one cleans up unprofitable mining ventures. Governor Samuelson's continuing escalation of the prospects of ASARCO looked as if he were selling stock in the company but significantly for all his enthusiasm the price hasn't risen. The investors are apparently more skeptical than the governor.

The long range economic costs are the serious question. At the same time that the governor was talking up ASARCO, Attorney General Robson was demanding action to clean up the South Fork of the Coeur d'Alene

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river. Even if public officials won't listen to conservationists, at least they ought to listen to themselves. Why is the South Fork dirty? Mining. What will it cost to clean it up? Millions. Can the land and the water be restored to the condition existing before the mining started? Never. Much has been made of the fact that the mining companies have now ceased to dump their residue in the South Fork. The cities and villages are still dumping the raw sewage in the river. The major reason they haven't stopped is because control is so expensive. Anyone who thinks mining uniformly produces prosperous workers and progressive communities should drive the back roads in Shoshone County to Burke, Gem, Wardner, Murray, Silverton, or Page. In order to finance the sewer district needed to clean the river poverty stricken people living in shacks in the back areas will be asked to pay $11 to $15 per month for sewage hookups.

The cry is made from the highest level of government that we must attract and invite industrial expansion to bring in the people and enhance the tax base with the promised result of lowering the taxes for everyone. Is this true? The plain fact is that people cost money. Take taxes on city dwellers for example. The taxes in Coeur d'Alene are higher than those in Rathdrum. In Boise, higher than Coeur d'Alene. In Spokane, higher than Boise. In Seattle, higher than Spokane. In Detroit, higher than Seattle. In New York, higher than Detroit. It does not necessarily follow that it is better to live in the small town than the big city but many public problems such as law enforcement, garbage and snow removal and transportation are much more costly in the bigger cities. In New York City the average speed of traffic in downtown Manhattan was 11 miles per hour in 1900. In 1969 it is 6 miles per hour. Perhaps one of the unrecognized advantages of living in Coeur d'Alene is that it is still possible to be arrested for speeding on Sherman Avenue.

Congress is hopefully going to appropriate $1,000,000,000 to help fight water pollution. It isn't enough. The pollution was caused by people and industry. Would it not be cheaper to prevent pollution in the first place?

Must the state government subsidize and invite industry to bring in the people? The stream of people moving into Idaho to live has been growing steadily. We call these people Californians although they come from all over the United States. Are these people moving to Idaho because they want better highways, bigger factories, larger schools? They are coming for exactly the opposite reasons. They will tell you frankly that they are refugees from the metropolis. One of these living near me is a pilot from Pan American flying to the Orient. He finds it is as easy to commute from Spokane as from San Jose, and much more pleasant. In many instances we have not planned for and are not ready or able to provide adequate public services for those who are coming.

The State of Oregon which has the finest park system in the country is now worried and concerned about the influx of campers. Oregon officials are considering cooling their tourist promotion. Governor Dan Evans told the Olympic Rotary Club recently: "The time when we may have to ration our trails, lakes and wilderness is perhaps not so far in the future". In reporting the speech, the Seattle Argus said of Washington's Department of Commerce and Economic Development that ". . . Tax supported tourist promotion makes about as much sense as buying air pollution in bags."

My approach is solid conservative free enterprise economics. Although it may be desirable, the public mood is not yet ready to restrict and prohibit new industry and development. But the government city, state and federal should stop making handouts and subsidies. To every proposal for a new industry, housing development, highway, Dam or other project requiring public financial assistance or approval by zoning or otherwise, I would propose the asking of four questions.

1. What does it cost? Let us have the actual dollar figure including the realistic amount of public money being contributed.

2. What does it cost the rest of us? Is the highway taking lakeshore land? Is the Dam destroying fishing? Will the factory pollute the air or water? Who will pay for the new schools, roads and sewers?

3. What will it cost in ten or twenty years? This land is our land but it is also the land of our children and our children's children. What are the long range economic implications?

4. What will we receive as economic benefits from the project? Let us view this from the perspective of the community, the county, the state, the nation and the world.

Suppose a proposal is made to build a large pulp mill in Kootenai county or near Sandpoint or Bonners Ferry. The instinctive reaction or the business community could be to welcome what might for example be a $5,000,000 plant to enhance the tax base and 500 new employees to spend their money in the area. Growth is good.

What is the actual cost? Will new public highways be required to service the plant? If the mill is near a city, will city sewer lines be provided and what will be the effect upon the present sewage disposal plant? Can the school system take care of perhaps 1,500 more children? The kids usually arrive about two years ahead of the increase in tax revenue. The new schools need new bond issues. Can the city provide the fire and police protection, sewers, water and roads to the new residents? It is customary to locate mills outside the city limits, so the city services must be provided without the enlarged tax base.

What does it cost the rest of us? At the present time there is no satisfactory manner to prevent air pollution from a pulp mill. The treatment for water pollution is inadequate. Any lumber mill town has a good deal of smoke in the air. At certain times of the year this smoke hangs in the valleys around all our lakes. If odor is added to that smoke it becomes intolerable. The effect of a pulp mill upon the tourist industry and upon the happiness, comfort and sense of well being of the residents in the area would be devastating in dollars. The supply demands of a large pulp mill might create excessive cutting in our forests and raise the price of logs to sawmills and plywood mills possibly to the point where they could not be competitive.

What will it cost in ten or twenty years? We do not know how close we are to the tolerance level in air pollution. We do know that some of our lakes and rivers are polluted and an increase in pollution may permanently destroy these waters. Our children may have to clean up the mess and close the pulp mill but it may then be too late.

What economic benefits will be received? Balance the tax revenues and the derivative income against the potential losses. The negative economic impact will be apparent.

Each of our northern counties should take legislative steps now to prohibit the construction of new pulp mills. This is not to say that there should not be any pulp mills anywhere. It is simply to say that a new large pulp mill is too costly in this place and at this time. At a different location or at a future time with technological improvements. A pulp mill might be economically advantageous.

The old west is dead. We do not have unlimited resources in Idaho. We do not need boosters and Babbitts to build our country. Human survival is too important to be bartered away by politicians. Price is not the only test nor is it even the most important. But before we as a people permit our natural heritage to be given away by glib salesmen or short sighted office holders, let us know the actual cost. There has been too much "free" in the free enterprise system.

Dr. Krutilla has written:

"Natural environments will represent irreparable assets of appreciating value with the passage of time."

In this capitalistic society, don't let us be spendthrifts to leave our children in environmental bankruptcy.

MARY McLEOD BETHUNE MEMORIAL

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mrs. CHISHOLM. Mr. Speaker, almost 10 years ago Congress passed a joint resolution authorizing the erection of a monument to Mary McLeod Bethune. The monument was to be erected by the National Council of Negro Women in Lincoln Park.

The national council had set for themselves a large but meaningful goal, and they went about it in their usual efficient manner. They had not reckoned with the changing priorities of black Americans that was to come in the early 1960's though. The major emphasis of most groups, the national council included, was to be on civil rights. The national council, aware of the needs, expended the largest portion of their resources and energies in that area.

They did not stop work on the Bethune memorial, but they did have to assign it a very low priority. In 1965 at the end of the original 5-year period, they were able to secure a 2-year extension. Unfortunately, it simply was not enough time.

There were many things that had to be done: Hiring a sculptor and an architect, securing the approval of the final plans from the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. Above all there was the need to raise the money. This project is to be completed without costing the Government one single cent.

The national council, in the spirit of their founder, Mary McLeod Bethune, who started a million dollar school with $2 is now prepared to finish the memorial by the end of 1970. For this reason, and because of the new consciousness and awareness among Americans to contributions of minority-group people, I and 23 of my colleagues are introducing today a joint resolution extending the extension granted in 1967 by 4 years.

Dr. Bethune justly deserves this recognition as a black, as a woman, and as a human being dedicated to helping others.

Colleagues cosponsoring: Mr. BIAGGI, Mr. BROWN of California, Mr. BURTON of California, Mr. CORMAN, Mr. DIGGS, Mr. DADDARIO, Mr. HANSEN, Mr. HAWKINS, Mr. HELSTOSKI, Mr. McCLORY, Mr. MATSUNAGA, Mr. MIKVA, Mrs. MINK, Mr. MOORHEAD, Mr. PREYER, Mr. RHODES, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. STOKES, Mr. SISK, Mr. TAFT, and Mr. WIDNALL.

IMPORTANCE OF DIRECT ISRAELI-ARAB PEACE NEGOTIATIONS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 28, 1970

Mr. SCOTT. Mr. President, the New York Times of January 27 published an excellent editorial on the importance of direct Israeli-Arab peace negotiations. I concur with their belief and hope that the President's recent remarks have eased the unfortunate apprehensions in an effort to strengthen the partnership between the United States and Israel and the cause of peace.

I submit this editorial to the Record and request my colleagues' unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial ordered to be printed in the Record, is as follows:

[From the New York Times, Jan. 27, 1970]

THE UNITED STATES AND ISRAEL

President Nixon's message of reassurance on the Middle East to American Jewish leaders is, like Secretary of State Rogers's December speech, a simple restatement of long-standing American policy. The two statements are perfectly compatible with each other and with the position taken by the previous Administration following the 1967 Arab-Israel war.

The President said that the United States believes peace in the Middle East "can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them." This is the philosophy of the Nov. 22, 1967, Security Council resolution that the Johnson Administration helped to draft and consistently supported. It was reiterated by Secretary Rogers in his Dec. 9 address when he said: "An agreement among the powers cannot be a substitute for agreement among the parties themselves."

This basic principle of American policy is in no way inconsistent with the Nixon Administration's efforts to facilitate negotiations by working with other permanent members of the Security Council to strengthen the mediation mission of U.N. Ambassador Gunnar Jarring. In the absence of progress toward a settlement by the parties themselves, the world community is entitled—indeed, obliged—under the U.N. Charter to seek to promote peace and prevent a new war that threatens all nations.

President Nixon's promise that the United States is "maintaining a careful watch on the relative strength of the forces [in the Middle East] and . . . will not hesitate to provide arms to friendly states as the need arises" is similar to a pledge President Johnson made to Levi Eshkol, the former Premier of Israel, two years ago. There has never been any reason to doubt that the new Administration would honor that pledge. Certainly there is no evidence from the fighting fronts to indicate that Israel's military position has been allowed to deteriorate.

Surely Israelis and their most ardent supporters here must recognize, as Washington has done, that arms alone cannot insure Israel's security in the long run. If the United States and Israel are to be partners in Israel's defense as they must be as long as the Arabs and their arms suppliers pursue a policy of war, they should also be partners in an unrelenting search for peace. If Mr. Nixon's statement has eased unfortunate—and we believe unjustified—apprehensions over Mr. Rogers's proposals, that partnership and the cause of peace will have been strengthened.

DOES FOREIGN AID REALLY AID?

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the February issue of the Atlantic magazine carries an excellent article by Washington Post correspondent Bernard Nossiter entitled, "Does Foreign Aid Really Aid?" Mr. Nossiter covered India for the Post in 1967 and 1968 and brings to this article his experience in that developing country.

From this perspective, Mr. Nossiter undertakes a critical analysis of the recently published Pearson Commission report, "Partners in Development," a study done for the World Bank. The report enjoins the rich nations to increase their assistance to the poor nations. Mr. Nossiter, on the other hand, attacks the assumption that there is a direct link between aid and growth, and goes on to assert that "aid has spared the Indian Government from making the harsh decisions that would do most to further economic development." After citing several examples to substantiate this contention, Mr. Nossiter comes to the following conclusion:

> I suggest that it is no longer clear that a massive increase in aid, without a concomitant hardening of soft states, will yield any great consequence for the economic development of the poor. Indeed, the one might very well frustrate the other.

Mr. Speaker, I think Mr. Nossiter has raised a provocative and controversial question which is critical to our overall foreign assistance policy. I would hope that we in the Congress will come to grips with this question as we plot a foreign aid policy for the future, and I would also hope that this point will be dealt with by President Nixon's Task Force on International Development, which will submit its report to the President sometime in March. At this point in the Record I include Mr. Nossiter's article and commend it to the attention of my colleagues. The article follows:

[From the Atlantic, February 1970]

DOES FOREIGN AID REALLY AID?

(By Bernard Nossiter)

In May of 1968, the hot season was on us in full force at New Delhi, and I had been a correspondent in that troubled capital for eight months. Late one afternoon, I sought relief over tea in the home of a wise and skilled-Indian journalist. My host led me to a high-ranking official in the Ministry of Food and Agriculture, a shrewd career official. I told him I brought some unpleasant news: the ticker had just reported from Washington that a House committee had further reduced the President's modest request for foreign aid.

"Good," he said, to my surprise. "I am only sorry they didn't cut it off entirely. Then perhaps we might do some of the things that need doing."

I was reminded of that tea party by the October release of "Partners in Development." This is the portentous report of the Pearson Commission, enjoining the rich nations to do more for the poor. It asserts that the world is a global village in which none can be indifferent to the fate of others, and that the security of the affluent in Neuilly and Grosse Pointe is somehow tied to the Kutcha hovels of Calcutta. It deplores the declining course of foreign aid, particularly in the United States, and urges a sharp reversal of this trend. More specifically, it calls on the rich to double their transfer of resources, public and private, to the poor, from $12.8 billion in 1968 to $23 billion by 1975. For the same period, the report proposes nearly a tripling in official aid, from $6.4 billion to $16.2 billion. Achievement of these levels, the document proclaims, would launch the poor on something called "self-sustaining growth."

WELL MEANING

Predictably, right-thinking persons have solemnly applauded the Pearson report, and is almost certain to become a measure of how badly the rich are failing the poor. The New York *Times* described it as a "persuasive picture of what can be accomplished by foreign aid—and how."

Certainly the report was issued with all the proper credentials. Its origin lies in a deep concern of George Woods, the former World Bank president. He saw that rich governments were becoming increasingly disenchanted with development aid, that political support could be found only for funds that subsidized the exports of the wealthy or gained them a substantial measure of political influence over the poor. Woods called for a "grand assize" on the question and charged Lester Pearson, the Nobel laureate and former Canadian Prime Minister, with the task.

Pearson chose fellow commissioners whose reputations for sobriety and calculated vision matched his own. Among them were Roberto Campos, the brilliant Brazilian economist who had labored heroically to impose a measure of respectability on the inflation-ridden economy run by his country's military dictators; Robert Marjolin, the cool Parisian economist and administrator, who had vainly attempted to bring the same degree of coherence to the plans of the six nations in the Common Market that he had achieved among the European recipients of Marshall Plan aid; and C. Douglas Dillon, a rare American finance minister because he had a feel for policy beyond an accountant's ledger and the bond market.

Their professional staff was of the same impeccable caliber, and the Commission produced 399 pages of unlovely committee prose, the hallmark of any serious international document. Reading through this high-minded effort, however, I was increasingly struck by nagging doubts and contradictions, some in my own mind and some that were evidently in the minds of the commissioners.

On page 78, for example, the report declares that "the interests of both rich and poor require that developing countries advance at the most rapid feasible rate, but, in fact, many of them face the prospect of cutting back on their planned rates of growth because they must now assume significant reductions in aid." This, of course, is the Commission theme writ large, that there is a direct relation between the volume of aid and the pace of development. But back in the appendix on page 235 the Commission observes: "Oversimplifications led both industrial and low-income countries to overemphasize aid flows and per capita GNP growth, a habit which is only slowly giving way to the realization that the impact of aid flows on GNP depends largely on the efficiency with which the recipient uses domestic resources and on the over-all economic

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and social policies which he pursues." Or, more plainly, there is no simple link between aid and growth. This notion, of course, puts in question the recommendations for a big increase in aid and was properly buried in the appendix. To be sure, the main body of the report does note that "the correlation between the amounts of aid received in the past decades and the growth performance is very weak." But this is explained away on the grounds that slow growers got the wrong kind of aid and fast growers received lots of private capital.

The Commission was understandably anxious to overcome the belief that aid is money down a rathole, that the larger poor countries in particular are making a botch of things. Thus, it asserts that "the growth record has been good" and calculates that the rate of output between 1960 and 1967 was around 5 percent, precisely the target set by the United Nations for the sixties, the so-called "Development Decade."

I was at once reminded of another ponderous report that had turned up in Delhi, one prepared by the secretariat of UNCTAD, the United Nations Conference on Trade and Development. This organ, created by the poor to air their grievances against the rich, shares many of the Pearson Commission goals, but its clientele requires a different tactic. In season and out, UNCTAD is obliged to emphasize how badly the poor are faring (due, of course, to the selfishness of the rich). Thus, its report began: "Growth achievements by the developing countries in the early years of the Development Decade have been disappointing, and the likelihood is very slight that the minimum 5 percent growth target . . . will be reached." For that 1960–1967 period, UNCTAD computes the growth of the poor at about 4.6 percent.

GETTING BY ON FAITH

The answer, of course, is that neither and both, UNCTAD and Pearson, are right and wrong. The computation of a single growth figure for widely different economies is a game that can be played to yield almost any result the players want. For one thing, the underlying statistics that compose gross product in poor nations are not worth very much. A block development officer in a remote district of Uttar Pradesh is not likely to make a close count of the millet crop in his region; he will probably send in a report that best satisfies the peculiar needs of his immediate superiors. For another, economists who translate the domestic market value of a given nation's output at the official exchange rate for dollars—which appears to be what the Pearson Commission has done—engage in a large measure of poetic license. (Officially, the rupee is 13.3 cents, yielding an income per person of about $60 at the official rate. If Indians or anyone else tried to live on the purchasing-power equivalent of little more than one American dollar a week, they would all be dead. Obviously, the rupee goes further than its 13.3 cent official rate suggests.)

Apart from these difficulties, there is the fearsome problem of weighting. In calculating a comprehensive growth rate for a group of nations—the poor in this case—what portion of the whole should be attributed to each country? Should its weight reflect its population, its output, or what? Indeed, the "disappointing" figure UNCTAD announced at its New Delhi meeting improved in the next two years. This does not mean that growth among the poor suddenly took off but that the UNCTAD aggregate heavily weights India's performance. The fact is that after two years of drought, India enjoyed two years of rains.

As a sometime India Hand, I was particularly interested in how the Commission would square the circle for the World Bank's biggest client. How would it attempt to reassure the fainthearted and still make the case for heavier doses of aid to Delhi? The report, of course, hailed what is now called the "Green Revolution," the introduction in Asia of high-yielding wheat and rice seeds. The document triumphantly observed that India's food output in the year ending June 30 was 97 million tons, 8 million more than the record four years earlier. It carefully did not note that this amounts to an annual gain of about 2 percent, or substantially less than the yearly increase in mouths to feed.

It is true that in a few districts, notably in the Punjab and Tamilnad, some farmers have achieved some remarkable yields and rupee millionaires are being created. But again, one has to turn to the appendix and page 290 to discover that "the new technology affects only a small percentage of the rural population, those with adequate holdings and access to water." Less diplomatic observers might have said that the Green Revolution is largely a matter for celebration among the happy few with the political clout or cash to bribe officials controlling the new seeds and all-important chemical fertilizer.

The Pearson document also praises India's economic planning. However, the report does not mention the fact that India has been operating without a plan for three years because the Planning Commission was faced with the Hobson's choice of proclaiming targets that were wildly unrealistic or painfully depressing. In fact, the Plan, like so many other paper schemes, bears only a marginal relationship to the way farmers, businessmen, and even the government conduct their affairs. At best, it is a guide to budget-makers in the Finance Ministry, and it is not clear how much attention they pay to it.

Perhaps the most triumphant note in the Pearson report is its announcement about birth control. "The development of intrauterine contraceptive devices (IUD's) and of oral pills has amounted to a major breakthrough in family planning techniques." This statement is separated from the report's special discussion of India and for good reason. An effort of sorts was mounted to distribute IUD's in India; for a variety of reasons, the rate of rejections has probably been as high as the insertions. Indian women just won't have them. As for the pill, apart from its expense, it requires a degree of numerical sophistication that is still beyond most villagers—and it is in villages that the bulk of India's population lives. Family planning authorities in Delhi, with a very imperfect grasp of what happens to their schemes in the field, are now quietly waiting for a miracle injection to solve their problem. The explosive birthrate remains virtually unchanged.

Most telling of all is the discussion (in the appendix) of the negative consequences of food aid. The gifts and near-gifts, donated partly for humanitarian reasons and partly to work down American surpluses, became what the Pearson report accurately describes as a "crutch." Thanks to this grain, the Indian government was able to postpone politically difficult policies to spur domestic farm output. It is too bad that this discussion is buried in the section after the report. For it raises a question that should trouble all right-minded persons. If food aid tended to impede domestic agricultural development, what of aid in general? Is there something in the argument usually ascribed to the illiberal and narrow-minded? Or, in the jargon of the bureaucrats, is aid counterproductive?

HERESY

All of which brings us back to my Indian official at the Food and Agriculture Ministry and his paradoxical delight in the aid cut. The Pearson report notwithstanding, he and some other heretics suspect that aid has spared the Indian government from making the harsh decision that would do most to further economic development. For example, many development theorists agree that investment—the plowing of resources into the means of production for future income—is the single most important ingredient for growth. Investment requires savings; someone with money income must refrain from spending it on consumption so that resources can be employed to produce investment goods.

This seems like a fearful burden to impose on impoverished nations. But there is a substantial source of income in India that goes untapped: the incomes of the new rupee millionaires and other successful farmers. Because farmers are politically powerful, the Indian government places no income tax on their earnings. Thus, India is unique among poor countries, for in India, industry subsidizes agriculture rather than vice versa. Without foreign aid, this odd state of affairs might not last.

Again, India has embraced a peculiar system of food zones. Under this arrangement, one or several of its seventeen states together prohibit the sale of food grains outside their borders. States that lack food must buy what they need from the central government. Delhi, in turn, tried to build up a stock by purchases from states with a surplus. In fact, the central government picked up very little and fed the deficit states largely with grains brought in through aid. In other words, under political pressure from the states, it created separate, balkanized markets with all the inefficiencies that this implies. Without food aid, the pressure to reverse this course might have been irresistible.

Again, the Congress Party in New Delhi and the state political parties attempt to woo vocal and articulate city voters by keeping down the price of food. Thus, the national government is reluctant to raise farm price supports to a level that would encourage more output. A price-support program that spurred farm output might, in time, turn India into a food exporter, actually earning the foreign exchange with which to buy machines and parts needed for industrial development. But aid provides foreign exchange and removes some of the pressure for a higher and more productive support policy.

The examples could be multiplied, but the point remains the same. Aid is not necessarily an engine of development, at least in India. The biggest obstacle to growth is probably what Gunnar Myrdal has called the "soft state," a concept to which the Pearson report pays only glancing attention. Development in India is frustrated by a government unwilling to make hard choices or impose its will. At the crudest level, it is a Hindu police force looking the other way in Gujarat while Muslim shops and people are set upon by mobs. It is the great paper plans for birth control at New Delhi and the lack of disciplined cadres in the villages. It is the ability of the powerful and politically connected to grab off the credit, fertilizer, and seed required for a real leap in farm output.

To be sure, I have based this critique exclusively on India, the poor country I know best. But India contains more than a fifth of the population of what is optimistically called the developing world, and as the Pearson report says, "India is a major test of whether development can be significantly accelerated through external assistance."

The authors of the Pearson report are decent and able beyond question. They did note in passing that the effectiveness of aid depends in large measure on how well it is used. But this ritual bow does not interfere with their clarion call for more aid. My tour in India, however, has left me wobbling in the ranks of the right-thinking and profoundly impressed with Myrdal's notion of the "soft state." I suggest that it is no longer clear that a massive increase in aid, without a concomitant hardening of soft states, will yield any great consequences for the economic development of the poor. Indeed, the one might very well frustrate the other.

MUTUAL FUND REFORM BILL

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, we have had before our committee a so-called mutual fund reform bill for several months. Because of the testimony and hearings, I believe the SEC is now reevaluating their position and making additional studies. I am happy to see that additional studies are being made because I have absolutely no intention of supporting measures which are antismall business, antisalesmen, or antishareholders, and precisely this is what the so-called mutual fund reform bill is.

Congress has for years adopted programs to encourage small business and at a time of inflation I cannot support any measure which will adversely affect the profitability of small business, injure its competitive business or reduce the income of the salesmen who are out on the firing line trying to earn a living. There are 4,000 securities dealers in our country which employ 152,000 salesmen who serve the interests of over 5 million mutual fund shareholders. The success of mutual funds depends on top-grade management and adequately paid salesmen. Mutual fund shareholders are entitled to determine for themselves how much they want to pay for the services which mean success or failure for their investment.

Mr. Speaker, perhaps an article which appeared in Barron's January 26, 1970, issue, most nearly states the case against this so-called reform bill as I see it. I am inserting the full text of the article at this point into the RECORD:

UNCONVINCING CASE: MUTUAL FUND "REFORMS" WOULD DO MORE HARM THAN GOOD

(By Henry G. Manne)

One of the many myths that grew up around the 1929 debate was that the development of irresponsible investment trusts and mutual funds in the 'Twenties had contributed to the crash and indirectly to the Depression. Another hazy idea was that funds further separated the ownership interests of investors from the control of their corporate assets . . . an idea popularized by Adolf Berle and Gardiner Means in "The Modern Corporation and Private Property." Consequently, when the Securities Exchange Act was adopted in 1934, the SEC was given the task of designing additional legislation to cope with the special problem of investment companies.

The unhurried result was the Investment Company Act of 1940, undoubtedly the most detailed piece of regulatory legislation ever adopted. But, as is so often the case with such law, the Act largely mandated the forms and practices already employed by the well-established firms in the industry. Thus, in 1940 the unspectacular and slightly moribund mutual funds managed withal. The problems began as change and competition arose. Then the tailor-made legislation no longer fit, and compensating adjustments had to be developed by the industry.

VAST NEW PUBLIC

Major innovations in the mutual fund industry began in the marketing end of things about 15 to 20 years ago. In spite of regulatory inhibitions, a vast new public was made conscious of this form of investment in corporate securities, and a wide range of financing arrangements was made available to them. Naturally these information-spreading services had to be paid for. But because they had to be performed within the constraints established by the 1940 Act (and, incidentally, by the Securities Act of 1933 and the Securities Exchange Act of 1934), it appeared to the SEC that the industry was charging too much for its services, gouging the public and growing rich at the expense of innocents.

What was happening in fact was that entrepreneurial vigor was reshaping the industry and many new fortunes were, quite properly, being made. This process should always continue until the last bit of innovation and new entry have occurred and the industry has become stable or stagnant. The latter conditions, however, are usually found only with the extremely mature industries . . . or well-regulated ones.

The SEC's misreading of the success of mutual funds set the stage for the campaign launched several years ago to slow down this development. Ironically the Commission claimed that new legislation was necessary because the industry had grown so large that it had the market power to affect stock prices in some undesirable fashion. Just why a fund would do anything undesirable with its power has never really been explained, nor has the argument that the aggregate size of the industry makes any difference at all.

But what the SEC really feared was a market crash, not market power. Severe declines in stock prices demonstrate the SEC's helplessness to control the economic forces which give major directions to the stock market. And scare talk about mutual funds controlling the market keeps that scapegoat alive in the case it is ever needed. Current SEC proposals for mutual fund legislation owe far less to any economic theory than to normal bureaucratic fears of change in a regulated industry.

END TO INSTALLMENT BUYING?

Perhaps the most urgent current demand by the SEC is for the total abolition of front-end load plans, even though the scheme is fundamentally identical to that long used, and never condemned, in life insurance. The agency's criticism is that some purchasers of these plans lose too much money paid in as fees when a discontinuance occurs for any reason. But the SEC seems to lack the analytical apparatus for sorting out the relevant market aspects of the phenomenon in question. For example, front-end plans allow monthly installment payments of as little as $25, whereas the minimum for other kinds of funds is generally $500 or $1,000. Thus the less affluent members of society, for whom contractual plans are often the only feasible approach to stock investments, no longer would enjoy that choice if the SEC has its way. How can the latter be so sure that it is preventing more harm than it is causing?

Management fees, both the flat percentage variety and performance arrangements, also have come under attack. The SEC seeks to arrogate to itself, perhaps using courts and civil suits as a screen, the right to regulate management fees. The Commission has taken the dubious economic position that, since it "costs" no more to make an investment decision for a billion-dollar fund than for a $10-million one, there is no basis for the end fee being 100 times more in one case than the other. But in competitive markets, costs do not determine prices in the short run. Supply and demand make prices as much for mutual fund services as for hay.

WILLINGNESS TO PAY

If the public continues to choose, and entrepreneurs to offer, large funds with the same percentage service fee as for smaller ones, there must be a reason, whether the SEC understands it or not. Perhaps the higher effective compensation per investment decision reflects the public's willingness to pay for demonstrated success, since size in mutual funds is at least some indication of management's ability to win and hold customers. Information and confidence cannot be had gratis, and any effort to interfere with free pricing of these items can only harm those firms which are most responsive to investor needs.

But the hazards of managing large sums are greater than for small sums, and the SEC, which has so strenuously encouraged the use of civil liability as an appropriate policing device, should realize this. Furthermore, the device of percentage pricing is very familiar in other areas, like brokerage commission for stocks or real estate, legal fees and corporate management compensation. The kind of barriers to competition which support the usual arguments for rate regulation do not exist in the mutual fund industry. And surely no relevant data have been offered to support the belief that rate regulation here would be in the public's interest.

Performance fees (management fees based usually on doing better than some market index) were a principal concern of SEC Chairman Budge in his recent testimony to the House Commerce subcommittee holding hearings on the Senate-passed Mutual Fund Bill. He termed such arrangements a "one-way street," with no loss to managers, if the fund fails to outperform the index. But his concern would seem misdirected: the crucial factor remains the degree of competition in the industry. Performance fees have survived the stiff competition from other forms of management compensation, thus showing some consumer preference for this arrangement. To justify a change, the Commission should have something more than an impression that fees are too high. Incidentally, recently approved mutual fund registrations suggest that the SEC has already begun requiring the possibility of a lessened fee if performance is poor, though no announcement has been made of a new rule to that effect.

DEALS WITH POLITICS

But the most interesting part of Chairman Budge's recent testimony did not concern the economics of the industry. Rather it seemed to deal with politics, of all things. The Chairman spoke with some feeling about an "agreement" which the Commission had negotiated with the Investment Company Institute and of ICI's repudiation of the pact on the eve of his House appearance. Furious that the agency's "agreement" with the industry had "come apart" somewhere between Senate and House; "dismayed" that industry acceptance had changed; and obviously frustrated by an unexpected challenge to the Commission's political power, the Chairman's tone bespoke revenge as he urged the House to adopt the Senate-passed bill without modification.

If the mutual fund industry were monolithic, perhaps the agreement would have held. It is much easier for an agency to deal with a few firms than with many, even if the public's interest is better served by greater competition. One of the anti-social results of government regulation is the tendency for all the firms in a regulated industry to look and behave exactly alike. But the mutual fund industry is not like that at

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present. There are many and varied interests which are intruded upon by the bill, and they are not all affected by it identically. Conflicts exist, of course, in any industry, but once the industry becomes politicized by regulation, the battleground becomes the halls of Congress or the Commission rather than the open market. Chairman Budge's pique tells us more about the nature of federal regulation than it does about what is best for the mutual fund business or the public.

Nonetheless, it is disquieting to be told by an SEC chairman that the Commission engages in the questionable practice of negotiating agreements with an industry it regulates. To the uninitiated, it should be made clear that this is not consultation, research or polite conferring. It is negotiation on the contents of a statute to be adopted by Congress for the presumed general welfare of us all. What was that about conflicts of interest?

DIVERGENT INTERESTS

No one should be too surprised at what happened to the SEC–ICI agreement. Divergent industry interests were making themselves felt politically. A new and more moderate mutual fund bill had been introduced by Congressman Stuckey (D., Ga.). The ICI could not have represented every industry interest in its negotiations with the SEC. A new association, the Independent Broker Dealers' Trade Association, representing broker-dealers without membership on the Big Board, had become active, and they were unhappy with ICI's agreement. IBDTA had recently completed a survey of its members on the subject of mutual fund legislation, the results of which strongly supported the view that current SEC practices and proposals benefitted established member firms and harmed the small independents.

For instance, 89% of those responding to the IBDTA survey thought that the SEC was anti-small business, while 69% felt they weren't "part of the industry" or well posted on new regulations and legislation. Comments were common that costs engendered by regulation were growing too large for small firms to bear, and that the SEC seemed to prefer controlling a few large firms without numerous small competitors.

Comments by IBDTA members told how many small businessmen had been servicing a market with financial counseling and a personal touch missing from both their competitors' efforts and the SEC's conception of the industry. Their remarks showed nicely how the free market assures that even highly specialized public demands and needs are met when businessmen can make a higher return in that activity than through an alternative use of their time.

GREATEST OUTCRY

By far the greatest outcry from the independents, however, related to the demise of give-ups and the attempt to set sales commission maximums at 5%. It is hard to understand why the SEC wants to hurt those people who will only be dealt with at commissions over 5%, but that is the necessary effect of such a limitation. It makes about as much sense as rent controls during a housing shortage or usury laws during a period of tight money. The least attractive risks will simply not be dealt with at all. And, as one dealer asked, "If the commissions are so much of a mountain of objection, why haven't the no-load funds already consumed all of our customers? How much financial advice have you ever received from your postman?"

The give-up matter is a bit more complicated than the sales commission, but it is worth understanding. As former SEC Chairman Manuel Cohen has stated: "Almost every regulatory problem we have concerning the securities markets is related in some way to the level or structure of rates prescribed by the minimum commission rules of the New York Stock Exchange." And while this might have been somewhat exaggerated, it is not too wide of the mark in connection with mutual fund legislation. The ironic, suspicious and disheartening thing is that none of the Commission's current recommendations will lessen the anti-competitive effects of the Big Board's pricing system; indeed, the SEC condones the NLSE's most recent effort to prevent competitive pricing in the form of give-ups.

Surely by now everyone has heard that give-ups were a manifestation of something the New York Stock Exchange eschews, price competition for brokerage services. In effect, mutual funds, as very big customers, were benefiting from a kind of free-market price discrimination. Since SEC-approved exchange rules already outlawed a simple lowering of price by brokers to get this business, a new way was found for exchange members to offer more competitive prices. Firms executing stock orders for the funds were required to give up part of their commissions to independent (or other) firms who, by dint of sales effort, actually sold mutual fund shares. Thus the give-up connoted (1) lower commission rates for the service provided to funds by exchange member firms; (2) compensation to a sales force which was independent rather than actually employed by the mutual fund.

In a completely free market, with no regulatory need for subterfuge, the mutual funds would (a) have joined the exchange; (b) transacted their own trades; (c) bargained with member brokers for lower commissions. And they might have paid directly for efforts to sell their shares.

CONSUMER CHOICES

The consumer, whose techniques for protecting himself against fools and scoundrels in the business world are immeasurably better than his techniques for coping with the government, would also have had choices. He could buy mutual fund shares with no commission if he knew about no-load funds and did not want the various benefits made available by fund salesmen. Or he could pay to have his financial hand held (which, SEC please note, "costs" the hand holder the amount of money he could make in some alternative opportunity) and be reassured on the telephone daily that the world was not coming to an end with the Dow below 800. Or he could pay for his shares under a variety of schemes, some of which seem almost incomprehensible to the unimaginative administrators. In the end, the honest, energetic and useful providers of services would have profited handsomely. The dishonest, lethargic and unproductive (unless employed, subsidized or protected by the government) would have fallen by the wayside.

The lesson, alas, is hard for everyone to learn, the independent broker-dealers, for instance, recognize the social harm in certain forms of regulation and the futility of other forms. Yet they too demand that Congress forbid banks to sell mutual fund shares. Their own position demonstrates the silliness of such restrictions. How long do they conceive that they can be insulated from this or other equally pressing competition? If there is economic room for banks to enter the business, there is room for someone else as well, and if profits are to be had, someone will claim them.

Businessmen should see by now that a "system" of regulated markets is not in their interest, even though a particular bit of legislation may appear to be. So long as businessmen accept nonsense notions like "mixed economies" and "regulation in the public interest," there is little chance to stay the inexorable pressures for more arbitrary economic regulation, with now one interest and then another in the saddle. It is not business that needs the "dead hand of regulation" lifted from it; it's the public.

MIAMI, FLA., VETERANS' HOSPITAL LACKS STAFF FOR PROPER PATIENT CARE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on January 27, 1970, I inserted in the RECORD a recent article from the Washington Post about the medical care budget squeeze which is being experienced by the Veterans' Administration. This article briefly mentioned a resident physician at the Miami VA hospital, Dr. Douglas J. Stewart, who has been pleading for more staffing at the 688-bed Miami hospital.

Dr. Stewart appeared before a Senate subcommittee yesterday and enlarged upon his earlier statements. I believe Dr. Stewart's testimony will be of great interest to House Members who are receiving complaints regarding VA hospitals in their areas. The full text of his testimony follows:

TESTIMONY OF DR. DOUGLAS J. STEWART

Senator Alan Cranston of California has asked me to appear before this Senate subcommittee hearing to discuss the problems that exist at the Miami Veterans Administration Hospital.

Presently, VA Hospitals are not merely inferior to their "University counterpart", but to most good community hospitals. Personnel policy and funding preclude a staff-patient ratio of greater than 1.5 to 1.7 in a VA Hospital. There is *not* a community hospital in our area where staff-patient ratio is less than 2.5. At this time a failure to meet patient care commitments can be documented for the Miami VA and traced directly to personnel ceiling and inadequate funding.

I have surveyed the recent intra-hospital Resource Requirements Reports from the various departments, the Hospital Director's report to Congressman Olin E. Teague (Chairman of the Committee on Veterans Affairs), and spoken with the Chiefs of the Nursing Service, Surgical Service and Medical Service. With the information obtained from these sources, along with my own personal experiences, I will show the gross deficiencies that exist in the delivery of adequate health care at the Miami Veterans Administration Hospital.

The Radiology Service has a critical shortage of clerical personnel. This lack of clerical personnel has resulted in many X-rays being lost or misplaced, causing considerable delays in diagnosis by physicians, the rescheduling of X-rays and reexamination of seriously ill patients.

The Ward Administration Department, responsible for transcribing physicians' orders for treatments, X-rays, and laboratory procedures and maintaining accurate, up-to-date charts of patients, suffers from an appalling lack of personnel. This frequently causes delays of 12–24 hours or more before a physician's orders for an important laboratory procedure or X-ray is removed from a chart and subsequent delays in the filing of returned reports. The institution of appropriate diagnosis and therapy of seriously ill patients is often hampered by these delays. The Ward Administration Service, with a present total of 47 secretaries, would require an additional 25 to supply adequate coverage, 24 hours a day, 7 days a week.

The Miami VA Hospital presents daily a need for the performance of some 700 inhalation therapy treatments or services for 65–70

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patients, which to perform would require the services of 26 technicians. At present, there are but 3 Inhalation Therapists to perform these duties. They are unable to do the job, or even a modest fraction of the job. Breathing circuits must be replaced at intervals of 8–12 hours with sterile equipment or patients may become infected and develop purulent tracheobronchitis and pneumonia. Automatic lung ventilators, upon whose performance the lives of patients depend, must be inspected at hourly intervals and readjusted to the patients' ever-changing requirements. Omissions of this surveillance may result in failure of the system to ventilate or cause overdistension of the patients' lungs.

The Inhalation Therapy Service estimates that they are able to perform only ¼ of the ordered intermittent positive pressure treatments required to prevent pneumonia or partial lung collapse and ⅓ of the needed inspection of the automatic lung ventilators and artificial respirators. The remainder of these services are being performed by nursing personnel, who are usually not trained to perform these techniques, or they are not performed at all.

The Laboratory Service, a large, modern, and well-equipped facility, is theoretically able to perform all the requested examinations and analyses without delay. However, during the night shift there is only one lab technician on duty. This has resulted in considerable, dangerous delays in the performance of many emergency procedures, with further delays in initiation of needed therapy by physicians. The Laboratory Service estimates that an additional 50 technologists would be needed to bring the laboratory to optimum level.

The Surgical Service, in its recent annual narrative report, states that the nursing shortage as related to Surgery is quite dangerous:

"The number of operations performed by the Surgical Service has increased by a spectacular 25%. This particular increase in activity has resulted in a clear demonstration of several deep-seated problems. The most important of these is the lack of nursing personnel. There is insufficient personnel both in the Operating Room Suite and on the wards. In fact, the increase in the numbers of the surgical procedures has bent the operating room morale to dangerous levels. Nurses and scrub technicians have worked overtime to support the increase in both regularly scheduled and emergency cases. In the Intensive Care Unit there are insufficient nurses to cover even vacation schedules. It must be appreciated that this condition is a dangerous one with respect to patient care."

The Chief of the Nursing Service has listed some of the important functions that *cannot* be performed due to a shortage of nurses:

1. Inability to staff the Operating Room with sufficient staff 24 hours a day, 7 days a week.
2. Inability to provide adequate personal hygiene to patients.
3. Acutely ill patients on ward units requiring a "Special Duty Nurse" are cared for by the limited number of ward personnel.
4. Inability to answer patient call light in a reasonable period of time.
5. Inability to make adequate observation of patient relative to his symptoms, reaction to treatment.
6. Inability to do vital signs, IPPB treatments, blood pressures, pulse, respiration, etc., as frequently as ordered by the physicians and as required by the patients' condition.

The lack of sufficient support personnel presents many sources of frustration to the ward physician, who is the person who bears the final patient responsibility. There have been multiple occasions that I have been faced with situations in which I was unable to offer appropriate, effective care for my patients. I have often stood at a patient's bedside, watching him vomit large amounts of blood and attempting to keep him alive while waiting for transfusible blood unnecessarily delayed in processing due to a lack of clerical help, transporters and laboratory personnel. I have waited as long as 3 hours for blood that in an adequately staffed hospital is made available in 30 minutes. I have written orders for my patients' therapy, not to have them transcribed from the charts for 12–24 hours or more. Once transcribed, many of the orders had not been carried out, treatments performed, or vital data recorded.

I have been called to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in their condition. I know that frequently complications could have been averted had I been notified of the changes earlier. I have had many patients with heart attacks situated in rooms with the latest, modern devices for monitering heart beat, rhythm and rate, but have seen this possibly life-saving equipment left unused due to lack of personnel.

There is often only one nurse responsible for 40 acutely ill patients if an emergency situation develops, the other 39 patients may go unseen for an hour or more. To have two emergency situations develop on a ward at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos.

I and the other ward physicians at the Miami Veterans Administration Hospital *cannot* in good conscience continue to practice this quality of medicine and offer this level of compromised medical care.

THE CABINET EDITORS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. WALDIE. Mr. Speaker, the Vice President's recent harsh words regarding the apparent lack of impartiality and fairness by this Nation's news media still echo and there is little doubt that his implied threats have had a profound effect on the ability and the willingness of news commentators and observers to freely discuss their views.

Apparently, Mr. Speaker, the Vice President's desire to act as an "editor" of the news media has proved to be catching. A recent news item in Newsweek magazine—the Periscope, January 26, 1970—revealed that Secretary Finch of the Department of Health, Education, and Welfare has also taken on some editorial duties. The article follows:

> H.E.W. Secretary Robert Finch last week quietly ordered Senator Edmund Muskie's name removed from all H.E.W. pamphlets and the former Vice Presidential candidate's picture sliced out of thousands of feet of H.E.W. film. The first result of the order was the recall of a Tuberculosis and Respiratory Disease Council pamphlet with the Maine Senator's picture on the cover. Finch's order appears to be a step in an Administration drive to undercut Muskie's stature as an environmentalist and thereby blunt a possible Muskie Presidential drive in 1972.

Mr. Speaker, I think this action by Secretary Finch is quite consistent with the views on impartial press coverage expressed by the Vice President in his criticism of the Nation's press, radio, and television news services, if not to the ideals expressed by this Nation's Founding Fathers.

One further comment, Mr. Speaker, if the administration is planning to remove names and pictures of "environmentalists" from Federal publications because of political affiliations—I foresee many of these publications having great gaps—as there are few "environmentalists" sharing the same political philosophy as the administration.

CAN A BLACK MAN FLY?

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Wednesday, January 28, 1970

Mr. BROOKE. Mr. President, much has been said in recent times about the lack of job opportunities for black men in America.

One area where discrimination has been most evident is in the training and hiring of aircraft pilots.

A foundation has recently been established in my own State of Massachusetts to provide funds for the training of young Negroes as pilots and instructors. This foundation seeks to overcome some of the problems described by a group of four Negro pilots in a recent article entitled "Can a Black Man Fly?" published in Flying magazine. I commend the efforts of this organization, founded by F. Lee Bailey and S. Douglas Bailey, and ask unanimous consent that the informative and direct account of these four pilots be printed in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAN A BLACK MAN FLY?

(By Keith Connes)

Anyone can fly, say the ads. "The only requirements are that you be in reasonably good health and possess the simple coordination necessary to drive a car." The ads do not go on to say that it is extremely helpful to be white.

How often do you see a Negro climbing out of the left seat of an airplane?

Okay, so what? If you are not a Negro, what does that mean to you?

Several things.

We'll skip the sermon on human decency. You've heard it expressed eloquently enough, and you've either gotten the message or you haven't.

From a strictly practical point of view, when you exclude a group of people from a field of endeavor, you lose out on the contributions the members of that group would be making.

In this case, contributions as pilots. Instructors. Fixed base operators. Customers. Supporters of aviation.

So let's say we have a vested interest in seeing how the black pilot is making it.

The history of the Negro in aviation, as everywhere else, is filled with chapters of rejection, frustration and the need for doing more than a man should have to do to prove himself. But that's history. The real question is, what's happening now?

To get a realistic answer, I brought four men together in the FLYING conference room: David E. Harris, captain, American Airlines; S. David Bailey, director of training for International Aviation Industries, Inc., at New York's Westchester County Airport; Pat Connell, CBS announcer and airplane owner; and Edward A. Gibbs, former fixed base operator at Wilmington, North Carolina.

These men represent different segments of aviation, but they have one thing in common. They are all black men.

Let's start with Ed Gibbs.

Ed, you've been in aviation more than 25 years, and you've gone the whole route. You have even been one of the relatively few Negro fixed base operators. How did you get into aviation?

GIBBS. I got my first real break when the Civilian Pilot training came into being. I was attending college at Hampton Institute in 1940. I got my private license at Newport News and at that time I felt as if I were Lindbergh. Then a year later, I went through an aerobatic course, again through CPT.

Were you planning on a career in aviation?

GIBBS. Actually, I was studying to be an accountant. I changed my mind when I found that after a couple of years I could look forward to making $200 a month—*provided* I worked for a Negro college or Negro newspaper. So this drove me to my other interest, which was aviation. I was lucky in that I was able to get into another CPT group taking an instructor's course at Haarlem Airport in Oaklawn, Ill.

Haarlem Airport?

GIBBS. Yes, the operator was Fred Schumacker, a Dutchman. Don't forget, Haarlem was originally a Dutch name. So I went out there and looked around, and noticed right off that there were no other fellows with my hue or anything close to it, and I said to myself, "Oh boy, I'm out." Well, the chief pilot took me up and wrung me out, and when we got down, he went into Schumacker's office and they argued back and forth for quite a while, and the walls where bulging. Then, much to my surprise, Schumacker pointed at me and I was in. So I got my flight instructor's and ground instructor's ratings.

CONNELL. Were you the first black man to get an instructor's rating?

GIBBS. No; in fact there was a fellow at that same field who'd been there about 30 years running a school of aeronautics. Name was Cornelius Coffey.

But let me go back a bit. When I took my flight instructor's test, I went up with this examiner, and I was pretty sharp that day. I gave him a damn good test and in about 45 minutes I was down. Then he began questioning me. "Why do you want to fly?" he asked me. I told him I enjoyed it and thought I'd like to pursue it as a livelihood. Then he asked, "Where do you think you're going to get a job?" At that point, my good old West Indian blood came up in me, and I told him I didn't think it was his concern where I was going to get a job; the only question was whether I showed proficiency on the flight test or not. Needless to say, I busted the ride.

Schumacker was furious and complained to the CAA, and a few weeks later they sent another inspector to give me another ride. We went up and came down and the fellow said "What was the matter with your last ride?" I played it cool and said, "I don't know, sir," and he shook his head a little and signed my ticket. I started instructing for Schumacker that very day.

Did you have any trouble?

GIBBS. Not with the students. But Schumacker had this contract with the government for the war training service program, and one day this official came to look me over and he saw me teaching white girls. He didn't like that, and he began putting pressure on Schumacker. He finally got me out of there and I wound up at—where else?—Tuskegee. I stayed there for about three years until the program got cut back and I was released.

Where did you go from there?

GIBBS. Well, I figured I'd had it with flying, so I left for the Bronx and went into a little business. But I couldn't stand it. Those four walls began closing in on me, and I became ill—physically ill. So one day I found myself at Zahns Airport on Long Island. I went up to one of the flying services there and told the man I'd like to rent his Cub for a while. He looked me over and said you need a license to fly, and I told him I'd heard about that. Well, I showed him my license and we went around the pattern once, and pretty soon I was instructing there. Business grew, and I began putting through his new flight instructors, one after the other. But when the time came to appoint a chief pilot, he brought in another guy.

Did you feel that this was because of your color?

GIBBS. Well, let's say he thought the other fellow could bring more business in. Anyway, I didn't feel that I could stay there under these circumstances. Then I heard of this opening at Atlantic Flying Service in Wilmington, N.C. They were looking for a black instructor because their white students were petering out under the G.I. Bill, and they felt that there was an untapped market in the black population down there.

Well, I took that job, and then an interesting thing happened. The flying school was owned by two partners, and they were having problems with each other—allowing the wives to meddle in the business and so forth. I saw my opportunity, took one of the partners aside and offered to buy his share. He was delighted. He thought it would be a great way of getting out from under and crossing his partner up at the same time. It worked fine. When the partner learned what was going on, he offered to sell me his share too. So I wound up owning the business.

I ran it accident-free for three and a half years.

But you went out of business.

GIBBS. Yes. Here's what happened: The World War II G.I. Bill allowed a veteran only *partial* subsistence for aviation training. You could take a course in barbering or sewing and get full subsistence, but not in aviation. This caused a hardship for the aviation schools, since the GIs would tend to go where they could get a full buck. So I decided that the key to it was to come up with a curriculum that the state board of education and the CAA would approve and get the VA to write a contract. So I submitted a plan, and it got bucked around, and I finally got approval from the state board and the CAA. Then I went to the VA for a contract. I'm still waiting. Even worse than that, when I applied to the VA for this contract, they realized for the first time that the complexion of the school had changed. Right after that, their voucher payments began getting slower and slower. I was getting squeezed out.

Were all the white people down on you?

GIBBS. Hell, no! The Pennington Flying Service on the field offered to give my boys gas; the County Commission complained to the VA that they were discriminating against me because of my color; and when word got out about the kind of training we were offering, I got some white business too. But it wasn't enough to keep me going with all the pressure that was being exerted from the VA. It was a real shame, because I was getting letters from black boys all over the country who had this desire to fly.

Ed, this is astounding. You've told us of two instances in your career where the *public* was on your side—including white students, white airport operators, white city council members. But the people who drove you out of business were the officials of the U.S. Government.

GIBBS. That's right. And it drove me out of aviation. I was so bitter that if I was driving along the road and saw an airport sign, I'd take another road. I didn't want to hear about aviation from that point on.

Ed, did it ever occur to you to get back into aviatoin business up North?

GIBBS. Keith, the discrimination is just as bad up North. Worse, because it's more subtle. Down South, at least, you know what you're in for.

Well now, Dave Bailey, you seem to be making it as International Aviation's chief pilot at Westchester County Airport in New York—any problems?

BAILEY. Plenty. I got my wings in the service—in Tuskegee. I wound up in the first Air Force integrated unit. It was an experimental group, and I taught the white boys to fly and flew some missions myself. I was separated from the service in May, 1946, after three and a half years. I was all for getting a job with the airlines—flying those DC–3s. But I got one door after another slammed in my face. Other black pilots were getting the same treatment. Including one chap I knew who got the highest score anybody had ever gotten on the psychomotive and psychological examinations. He couldn't get an airlines job either.

Did you apply to all the airlines?

BAILEY. I didn't even get to apply. I'd get as far as a receptionist, and as soon as she found out I wasn't looking for a porter's job, she'd tell me there wasn't anything available. I wasn't even allowed to fill out an application form. And this was in the North, not the South.

And you feel sure that you weren't allowed to apply because you were black?

HARRIS. I'd like to interrupt, if I may. Keith, we can't always pinpoint every instance of discrimination. But as black men, we have to live with it constantly. For example, I've had to find housing at airline bases all over this country. Many's the time I'd telephone about an apartment that was advertised, and they'd say, "Certainly Captain Harris; come right up." Then when I'd get there it would be "Sorry, someone just rented it." You don't need to be told it's because you're black.

GIBBS. Another thing; it took quite a bit of pressure for us to get the Air Line Pilots Association to remove the restrictive clause barring Negroes and Jews from membership.

They excluded Jews too?

GIBBS. Yes, but you can always change your name. It's not so easy to change your color.

Dave Bailey, let's get back to what happened to you when you couldn't get a job with the airlines. What did you do then?

BAILEY. Well, after about six months of trying, I was like Ed Gibbs about aviation—bitter. So I took a G.I. Bill course in mechanical engineering. But while working as a draftsman, I had an unpleasant experience and quit. Then I took up music and found that this was the one field where there was no immediate discrimination. Well, after about two years of professional playing, I found myself stopping by airports and watching the planes. Then, when I was playing the Newport Jazz Festival with Johnny Hodges, I wandered over to a little airport and took a plane up. At that point, I knew I had to get back into aviation again. So I went to Westchester County Airport and began taking instruction to get my ratings back.

What ratings do you now hold?

BAILEY. I now have all the ratings on up through ATR. And I attend the courses at Ohio State University every year. But I'm

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getting ahead of myself. For a time, I was renting airplanes from International Aviation and during the rest of my free time I'd hang around operations. Finally one day the owner, Bill Nichols, a Southerner, by the way, approached me and offered me a job as an instructor as soon as I got my rating. Well, I got my rating and started right in with International the very first day. And this man Nichols, realizing that I was still continuing as a professional musician, had enough confidence in me to ask me to build up the flight school so it would run whether I was there or not. So I became director of the flight school. I set up a VA program, and that took six months. We are now approved by the state board of education, the FAA and the VA for every rating from private pilot to ATR.

Have you had any problems with your students because of your color—any particular resentment?

Bailey. No.

Well, you seem to be making it pretty well in general aviation. And Capt. Dave Harris, you have made it with the airlines. How did you do it?

Harris. Well, partly because of the sweat and toil of these other gentlemen here. Because without them, we'd still be opening those doors. I came out of Ohio State in 1957. It's a land grant college; they have an ROTC program there. After my first two years, when it became time for advanced ROTC, I went knocking on the door. Well, I knocked three times. They kept trying to show me different reasons why I shouldn't go on with it, but I kept beating on the door, and they finally let me in. I got to the rank of Cadet Colonel, and I should have been Wing Commander of the outfit, but they gave me a few reasons why I should be satisfied with the group commandership.

When you say they gave you a few reasons, was it laid on the line?

Harris. No, it was subtle.

Bailey. Northern style.

Harris. That's right, Northern style. I went to Bartow, Florida for my primary training. Only black officer in the class. Then to Big Spring, Texas. I had an interesting housing situation there. The only place available to me was a lean-to on a concrete block. Well, from there I went to SAC bases in Plattsburg, New York and Springfield, Massachusetts. My big problem continued to be getting decent housing. The North was just as bad as the South in this respect. I wanted to get out of SAC anyway. The duty was too rough for a family man.

Then the airlines started advertising in the *Air Force Times*. Two carriers listed their prerequisites, all of which I met. A white buddy and I wrote to both carriers on the same day. I closed my letters with the statement that I was married, had two children and was a Negro. One of the carriers, TWA, fired me back an application within a week. I never heard from the other carrier. My white buddy got applications back from both carriers. I choose to believe that my application did not get lost in the mail.

Why did you state that you were a Negro?

Harris. To save myself a trip. I didn't want to run all over the countryside for them to look at me as they looked at Marlon Green at Continental and say maybe we made a mistake. So I told them who I was, and what I was.

Connell. How was it in the service? You say you were the only Negro in your class. Did they bring you up tight, too? Did your instructors exert more pressure on you than they did on the white students?

Harris. No. I don't think so. But this was on my back all the time. I was constantly thinking: now am I going to have to perform better than my white counterparts? Anyway, I looked at a number of carriers. One of them gave me a little Mickey Mouse test—the kind they give to all employees whether they are being hired to sweep the floor or whatever—and they told me I flunked that one. Well, I landed with American, and it's been a beautiful relationship. They may have been as bigoted as any airline in the past, but when they came around, they went all the way. It's not just tokenism. Just recently they were looking for 260 pilots, and a public relations man in N.Y. contacted me and said, "look, we're making every effort to find qualified black pilots. Pass the word around, and if you know anybody who fits the prerequisites, please get their names to us."

Did TWA offer you a job?

Harris. Yes, they did, but by that time I had joined American. I should mention that I made doubly sure that they knew who I was and what I was, because I'm a light-skinned Negro. So I told them I was black, and they said we don't care whether you're red, yellow or chartreuse. If you can fly the airplane and meet the prerequisites, we want you.

But how about ALPA?

Harris. We don't belong to it. We have a different union at American—Allied Pilots—and there isn't any discrimination there.

I've been told that American and TWA each have 10 black pilots as of now. Pan Am has eight and United has seven.

Harris. The problem now is finding black people who can meet all the prerequisites.

Have you had any problems with your fellow pilots? Any resentment, for example, from a first officer toward you as captain?

Harris. No, now I'm domiciled in Boston. I don't know how it would be if I were based in Dallas.

What about your passengers?

Harris. I haven't seen anybody get off the airplane yet. Now, I'm light-skinned, but there's a pilot named Jim Tillman who's black as the ace of spades, and he says the same thing. People buy a ticket to get from Point A to Point B, and they figure if you're up there, you know what you're doing.

Pat Connell, you're in aviation as a consumer, an aircraft owner. Have you been discriminated against in aviation?

Connell. If I hadn't been, I might be a professional pilot today instead of an announcer for CBS. I was crazy about flying ever since I was a kid, but I couldn't even get a job sweeping the planes for Western Airlines in Montana, where I lived. The other kids could get these jobs, but my brother and I couldn't. I've had the usual discrimination. Tried to fly in the service, but I was thwarted one way or another. Finally, in civilian life, I bought an old Ryan PT-22 that I learned to fly in; then I got a Waco UPF-7, and now I've got an AT-6. But I always wanted to be a professional pilot. And I'll bet I would have been a damn good one, too.

Harris. If you can get an AT-6 off the ground and on again, you're a pilot.

Ed Gibbs, you founded a group called Negro Airmen International. What's that all about?

Gibbs. Well, this group was started in February, 1967, to help black people move forward in aviation, to create job opportunities, and encourage more Negroes to go into the field.

How many members do you have?

Gibbs. Right now, 167. We have regional directors for all parts of the country, plus the Bahamas and Caribbean. Each region is expected to get its own projects under way.

What sort of projects?

Gibbs. Well, for instance, many programs for the underprivileged are concerned with teaching people to mop floors and run elevators and do other menial jobs. But I'm talking to a college president about the possibility of helping 30 Negro high school students get their private tickets. And we do things like take a bunch of kids on a tour through the NAFEC facility at Atlantic City, take them on rides, and so on. We often prevail upon Capt. Dave Harris here to talk to them. That really turns them on—when they can meet a black man who's made it as an airline captain. One more thing we're doing right now is sending a questionnaire to general aviation operators in New York State, asking them if they have Negro employees now, or if they would hire them, and in what capacities.

What do you think the results will be?

Gibbs. It's hard to say. I'm hoping.

These four men, and others like them, are doing more than just hoping. They've gone ahead, in the face of bitter humiliations only a black man can know, to make a place for themselves in aviation. The ironies are shattering.

Consider: A black man runs a flying school in the South with the cooperation of the municipal government and even his white competitors. And he is driven out of business by an official of the U.S. Government.

Consider: When qualified black pilots who had seen service with the Air Force in World War II were trying to get aviation jobs, the doors were closed. Now that the doors are opening, these pilots are too old, at least for the airlines. American Airlines has 10 black pilots out of a complement of 3,100, and is trying to hire more. But most of today's service-trained black pilots are flying helicopters in Viet Nam.

Consider: From a business point of view, the Negro represents a substantial market. He spends over $32 billion a year. Many industries are now soliciting him—as a consumer and as an employee in a responsible job.

But general aviation seems to be lagging behind.

Maybe it's time general aviation caught up.

EAGER PENSIONER'S PENALTY

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. WYLIE. Mr. Speaker, on January 28, 1969, I introduced H.R. 4873 to amend the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions.

Mr. Speaker, I would like to submit a recent editorial from the Columbus Dispatch which I consider to be a most astute analysis of the present situation concerning outside earning limitations placed on social security recipients. This editorial points up the need for congressional action in this area.

The editorial follows:

EAGER PENSIONER'S PENALTY

Inconsistency in the federal government's thinking is obvious when, on the one hand, it says the average retired couple needs a minimum of $3,400 a year for a modest living and, on the other hand, denies the Social Security beneficiary the chance to earn that minimum without penalty.

Average Social Security benefits are now about $1,200 a year and under the system's "retirement test" a recipient can earn only up to $1,680 as a part-time employe. After that, he is penalized through reduction of his pension.

Earning just $60 a week will reduce the old age benefit by $840 a year under the government's formula—$1 and $2 earned over

$1,680 and a dollar-for-dollar reduction for earnings over $2,880.

Once the pensioner reaches age 72, he is freed of this penalty. And if he had during his working years acquired rentals or securities which now yield income, he pays no penalty at all regardless of age.

The National Federation of Independent Business, a grouping of nearly 800,000 small businessmen, reports 76 per cent of its membership approves a congressional proposal raising the earnings ceiling to $4,800.

The federation obviously has a self-interest. Its members need part-time help and senior citizens are likely prospects.

But there is a deeper significance in this problem. The percentage of our population in the age 65-plus category is growing steadily. A high percentage of these pensioners is capable, talented and eager. They can make a definite contribution to their community and to themselves even though forced into retirement.

To stifle this source of energy is short-sighted.

But to force an eager segment of our population into an economic straitjacket by an inconsistency in federal government evaluations seems wholly incongruous.

We would urge that Congress give priority to a study-in-depth of this problem.

UKRAINIAN INDEPENDENCE DAY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mrs. GRIFFITHS. Mr. Speaker, January 22, 1970, marked the 52d anniversary of Ukrainian independence, a day on which we pay tribute to the valiant Ukrainian people. It is appropriate that this country, founded on the principles of freedom and liberty for all, honor the courageous people of the Ukraine on the anniversary of the day the Ukrainian nation declared its independence.

Fifty-two years ago, on January 22, 1918, the Ukrainian Rada declared the Ukraine to be an independent republic. Fifty-one years ago, on January 22, 1919, the union of both west and east Ukraine was proclaimed. For a brief period from 1918 to 1920, the Ukraine stood against a host of enemies including the Russian Bolsheviks, the Russian White armies, and the Germans. Unfortunately for the Ukrainians, their independence and freedom was short lived. In 1920, the country was attacked by the Red army, overrun, and the Ukrainian Republic vanished as quickly as it was born 2 years earlier. Subsequently, the country was incorporated into the Soviet Union, and to this day it remains a part of that union.

Over the ensuing years, the flame of national independence has continued to burn in the hearts and minds of free men everywhere in the never-ending search for national sovereignty. Each year those of us in the free world who have called attention to their oppression have helped to keep their hope for eventual freedom alive. It is up to us, as free Americans, to continue to support in whatever appropriate manner we may, the struggle of the people of the Ukraine to regain control of their own destinies so that they may live in peace and freedom in their homeland.

FIRE AND RADIATION HAZARDS IN COLOR TELEVISION SETS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. ROSENTHAL. Mr. Speaker, I have been concerned for some time that our Federal regulatory system is no match for the industries which must be regulated to protect the citizen's interest in safety, health, and economy in the marketplace. Too often we find that Federal agencies designed to protect the consumer's interest, for example, are under the influence of the industries which, under their legitimate concerns for profits, may threaten or ignore those interests.

The color television receiver is a good example of a product which was presented to the public in the marketplace only to find, much later, that certain safety problems existed which should have been evaluated and eliminated before its public sale. X-radiation and fire hazards are the two principal identified problems with color television receivers.

Ralph Nader recently wrote to Senator Magnuson, chairman of the Senate Commerce Committee, about congressional oversight of the Federal consumer protection mechanism. His letter expresses concerns which others have raised in recent months about both these hazards in color TV sets.

Congressman Koch and I held several meetings last year, for example, with both industry representatives and with the Public Health Service on X-radiation. The Product Safety Commission is still studying the fire hazard of new and existing color TV sets. But, sadly, we find these protests necessary today because we failed to act promptly and wisely to anticipate these public health problems.

I am preparing legislation which will give the Public Health Service authority to prevent future problems of this kind before the products reach the marketplace.

Mr. Nader's letters and his report on X-radiation in color TV sets follow:

JANUARY 3, 1970.

Senator Warren Magnuson,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, D.C.

Dear Senator Magnuson: The Radiation Control Act of 1968, administered by the Department of Health, Education and Welfare, is not working to protect millions of unsuspecting television viewers from unacceptable levels of radiation emissions. Despite the hearings conducted by your Committee in 1968 and the temporary attention given the radiating color TV set problem in that year, the forces of industry and bureaucracy have prevailed. The fact is that, with over 20 million color TV sets in operation in American homes, millions of people are being exposed to risk of physical, genetic and eye damage because millions of these sets exceed the present, weak standard of 0.5 MR/hr during all or significant part of their operation. All color TV sets give out some radiation, all of which can be avoided by present technology. The risk to children in later life of cataract damage, owing to their particular eye sensitivity to radiation and their practice of setting so close to the TV set, deserves special concern. The harm from such radiation exposure may appear years or decades later—such is the nature of this kind of violence—which requires the immediate application of preventive rules.

Instead, the Department of Health, Education and Welfare proceeded to appoint an advisory commmittee, composed of none of the specialists whose criticism before Congressional hearings helped pass the bill in 1968. This committee then weakened the initial proposal for a color TV standard of 0.1 MR/hr in favor of a 0.5 MR/hr which was accepted by the Department. Moreover, as discussed in the attached report "Government Regulation of Radiation from Color Television" by Dr. Margot Onek, a Washington, D.C., physician, the standards provide no pressure or inducement for rapid application of new technology or existing shielding advances. Dr. Onek's report, prepared at my request, also documents the Department's failure to do anything about the color TV sets that emit excessive radiation and were produced before the regulations went into effect. As she points out, the basic weaknesses in the Radiation Control Act of 1968, facilitate the present weak posture of government protection.

It is clear that the government has chosen to assume the role of protecting the electronics industry's investment vis-a-vis the offending color tv sets now in American living rooms. Instead of requiring corrective action to be taken and repeated "to the customer" warning by the manufacturers, press releases are issued in a manner that not one of 100,000 viewers would get the message.

On September 5, 1969, the Federal Trade Commission issued a release which stated, "Both the Commission and the Public Health Service recommend that viewers (1) sit no closer than 6 to 10 feet from their sets and avoid exposure to the sides and rear of the set in operation and (2) have color tv sets serviced only by competent personnel." I am confident that you will agree that this is almost a mockery of the responsibility entrusted to government by various statutes—a mockery of communication and policy. Is this same procedure going to be repeated for microwave ovens which will probably become a major household appliance in the Seventies and which offer possibly greater hazards than color tv sets? Here also, HEW is relying heavily on meetings with representatives of the Association of Home Appliance Manufacturers.

According to material gathered by the National Commission on Product Safety, color tv sets are presenting their owners with a significant fire hazard. Cases collected by the Commission show instances where houses were burned down and their occupants fatally burned. Once again, instead of recommending strong, repeated, warnings by the manufacturers to their customers pursuant to taking corrective action, the Commission offered the following advice to consumers: take the plug out at night, make sure the tv set is cleaned in the rear and placed in a way that allows ventilation, avoid putting the set close to drapes or other possibly flammable materials. Assuming that one of 100,000 color tv owners received this message, to follow the advice of pulling out the plug every night would weaken the plug components which are not designed to be handled in this way daily. More important, this advice illustrates the government's practice of urging the consumer to adapt to the hazards, not the manufacturer to correct these hazards and give the consumer fair value. This is particularly dismaying because the fire hazard proceeds from an attempt by manufacturers to cut their costs so as to increase their profits. Inasmuch as the Commission has declined to disclose its studies showing which brands and models represent the most hazard, I have made a formal request under the Free-

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dom of Information Act for the release of such studies and engineering reports. (attached)

Against the background of events over the past year, it is necessary for the Commerce Committee to commence oversight hearings regarding the administration of the Radiation Control Act. I believe these hearings would perform a most helpful purpose in determining where the act needs to be strengthened and how its enforcement can be enhanced by more adequate funding and procedures. The color tv situation allows a good opportunity to render solid judgments about the adequacy of the statute and the mission as performed. With its powers and authority, the Committee is in a position to obtain information from industry which the public must have for its safety.

Thank you.

Sincerely yours,

RALPH NADER.

GOVERNMENT REGULATION OF RADIATION FROM COLOR TELEVISION

(By Dr. Margot Onek)

This paper is a study of our nation's effort to deal with the problem of radiation emissions from electronic products, with particular emphasis on color television. It is hoped that such a study will yield insight into the broader question of how we can achieve effective control of the harmful by-products of our modern technology.

SUMMARY AND CONCLUSIONS

Radiation from color TV, when combined with radiation from medical and other sources, may have catastrophic long-term genetic consequences. Radiation from color TV may also cause significant somatic damage, such as cataracts of the eye.

Despite these dangers, control of radiation was for many years left to industry self-policing. But the revelation in 1967 that thousands and probably millions of color television sets did not even meet industry's own standards made clear that self-policing was inadequate.

The Radiation Control Act of 1968 gave the federal government power to establish radiation standards. The government's enforcement powers were limited however: it could not seize defective products, it could not use criminal sanctions against offenders and it could not inspect manufacturing premises except under narrow circumstances. Significantly, the Act did not apply at all to products which were already manufactured, including some 20 million color television sets. The users of these sets were left without any governmental protection.

The Radiation Safety Advisory Committee established by the Act retained the industry standard for radiation from television, although it did insist that this standard must be met under all operating conditions and even after a component or circuit failure. The Committee contended that the present state of technology made stricter standards impossible, but it generated no pressure or inducement for the industry to apply a more advanced technology more rapidly.

It is clear that color television was released on the market before adequate technological methods were developed to control radiation emission. The result may be a substantial increase in cataracts of the eye or in genetic defects. Because of their higher eye sensitivity and their practice of sitting closer to the TV set, children will have a higher risk of developing cataracts than adults. And there is every reason to believe that other products, such as microwave ovens, are also being released before their potentially harmful effects have been sufficiently studied and controlled.

RADIATION EXPOSURE: GENERAL CONSIDERATIONS

The biological effects of ionizing radiation have been appreciated almost since the discovery of the x-ray by Roentgen in 1895. Briefly, these can be divided into somatic effects and genetic effects. The immediate somatic effects, cell necrosis and the acute radiation syndrome, have been well characterized through our experience with the effects of atomic bombs, accidental exposure to fallout, laboratory accidents and chemical radiotherapy. The delayed or chronic somatic effects of radiation have also been well defined—cancer, cataracts, degenerative disorders, non-specific shortening of life, etc. Again, much of our knowledge has come from tragic experience with radiation from man-made products, increased incidence of skin cancer in pioneer radiologists, increased incidence of thyroid neoplasms in children treated with irradiation to the thyroid or thymus gland, bone sarcomas in radium watch dial painters, liver carcinoma in patients treated with thorotrast, increased incidence of cancer in children exposed to x-ray in utero, to name just a few. The medical data on somatic effects are based on fairly acute exposures to high radiation energies (greater than 100–200 rads). The outcome of any radiation exposure will vary with certain characteristics of the radiation—its specific type of energy, its magnitude, the dose rate—as well as with host characteristics—sex, age, specific tissue exposed, area of tissue exposed, general state of health. Unfortunately, we lack precise information on just how these variables effect the outcome of an exposure.

The genetic effects of radiation are also well known; radiation can produce mutations of genes and the majority of mutations are harmful. But genetic effects are difficult to quantify or qualify. Rarely is the genetic result of a radiation exposure expressed as an immediate, visible event; rather it may take many, many generations before the genetic effect is expressed and the expression often takes rather complex and subtle forms such as decreased vigor, lowered life expectancy, decreased fertility, general increase in physical and/or mental disease. There is little existing evidence on which to establish a theory of the exact relationship between genetic damage and radiation exposure. It is generally assumed that genetic damage occurs at all levels of radiation exposure and that the effects are cumulative. Although some recent experimental data suggest that perhaps not all genetic effects are cumulative, cumulativeness is still regarded as a reasonable hypothesis and certainly one which we would be prudent to accept, especially as against the momentous risks involved in adhering to an alternative view.

RADIATION EXPOSURE FROM COLOR TELEVISIONS

Radiation emitted from color TV has special characteristics—relatively low energy and low intensity. Moreover, the exposure curve is one of low dose over a long period of time. The state of the art of evaluation of the risks from this type of exposure to this type of radiation is in its infancy. Although there is no hard scientific data to establish a direct cause and effect relationship as far as somatic damage is concerned, there is no data to disprove it. The scientific community has expressed special concern about possible effects on the lens of the eye (cataracts) since there is substantial evidence that early aging of the lens may be correlated with radiation exposure. As for the genetic hazards of chronic exposure to low-energy, low-intensity radiation again we lack hard data. However, it is generally assumed that even small doses to the glands prior to reproduction might result in deleterious genetic mutations and that therefore, exposure must be kept as low as possible.

It is true that there is no documented case of radiation-induced injury from color TV. However, in the words of former Surgeon General Dr. William Stewart, "Since we cannot always offer positive proof of hazards associated with long-term exposure to low levels of a particular environmental agent we often must act upon circumstantial evidence", and in the words of former HEW Secretary John Gardner, "We are never going to be able to wait for all the evidence if we want to protect people, particularly when they are subjected to extremely complex dangers which they are now subject to from our advancing technology."

Above all, we must remember that the radiation dose from color TVs is superimposed on other exposures and that in our increasingly "radioactive" society, exposure will tend to reach calamitous proportions unless we actively seek to control it. And being a relatively recent phenomenon, color TV's impact will be an increasing one, unless preventive measures are taken.

HISTORY OF THE CONTROL OF RADIATION EMISSION FROM ELECTRONIC PRODUCTS

The history of our nation's attempts to control radiation emissions from electronic products provides a good, if unfortunate, lesson of what can happen when the potential dangers of our advancing technology are not recognized and vigorously dealt with from the onset. We have had 75 years of experience with ionizing radiation and increasing numbers of electronic products polluting our environment—yet private standard setting groups have only been in existence for some 35 years, and governmental power to set and enforce standards has only been in existence for *one* year.

Prior to the Radiation Act of 1968, standards governing radiation emission from electronic products were suggested by a *private* organization, the National Committee on Radiation Protection and Standards (established in 1929 and in 1964 given a federal charter and renamed the National Council on Radiation Protection and Standards, NCRP) which had no power to enforce its proposed standards. Industrial adherence to proposed standards was *entirely voluntary.* In addition, industry was entirely self-policed, using the *private* Underwriters Lab, Inc. to inspect their electronic products and to stamp them with compliance tags. Although the federal government was charged with a few specific regulatory powers—(e.g., control of gamma irradiation of bacon by the Department of Agriculture, control of radiation exposure in uranium mining by the Department of Labor, etc.)—and advisory and research federal organizations were established (e.g., Federal Radiation Council to advise the President, National Center for Radiologic Health in DHEW to conduct research, etc.)—none of these held responsibility for general standard setting and enforcement. The void left by the federal government in this area of consumer protection could have been filled by the state governments. However the state governments proved inadequate to the task—witness the continued *legal* use of fluoroscopy by salesmen of children's shoes in 1967 in some 18 states. In summary, the history of radiation health control in this country is one of inadequate, poorly defined, fragmented responsibility dispersed among the various federal agencies, local governments and specially established quasi-official and private groups. There has been no governmental power of enforcement. Industry has been left to follow (or not) policies of voluntary compliance and self-policing.

HISTORY OF STANDARDS

The potential dangers of x-ray exposure from electronic tubes were recognized for many years prior to the development of standards. The first standards were proposed with the aim of controlling occupational exposure; by 1946 the maximum exposure standard was 12.5 MR/hr at the surface of the tube—the equivalent of 100 MR per 8 hour day. Prior to 1959, the principal source of

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radiation from household products was the picture tube of the black and white television. The advent of color TV brought higher voltages and thus greater radiation emission—and now from shunt regulator tubes and high voltage rectifier tubes in addition to the picture tube. In response to this danger, the NCRB in 1959 recommended an exposure standard for color TV—not to exceed 0.5 MR/hr at any accessible point 5 cm (approximately 2 inches) from the surface of the set. In arriving at this standard, the NCRP aimed "to insure that the TV contribution to the population gonad dose will be only a small fraction of that due to natural background radiation." Assuming an average TV viewing time of 20 hours per week, the 0.5 MR/hr standard gives a yearly dose of radiation from color TV of 0.5 R/year which is equivalent of 5% of the ovary dose from natural background. The 5 cm distance in the standard was selected because it was considered to be the shortest practical distance at which the effective center of the measuring device could be placed for accurate measurement. The 0.5 MR/hr standard was reaffirmed by the NCRP in 1968. It should be emphasized that this was the recommended standard—it carried no force of law and industrial adherence to it was strictly voluntary. In fact, Underwriters Lab, Inc., the testing organization for TV manufacturers, used a standard of 2.5 MR/hr (which corresponds to the 100 MR/week dose for radiation workers recommended by the NCRP in 1957) until 1967 when after persuasion from Congress it adopted the 0.5 MR/hr standard.

This then was our system of standards and control of radiation emission from electronic products until 1968. Increasingly the defects of this system were becoming clear; there was absolutely no guarantee that the public health would be protected. However, it took a blatant example of irresponsible and unacceptable behavior by private industry, exposing the public to a serious potential danger to generate substantial pressure for governmental enforcement of radiation standards.

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THE GENERAL ELECTRIC CASE

The General Electric (GE) case speaks for itself: In October or November, 1966, GE discovered that a production line model involving 150,000 sets contained a type of shunt regulator tube capable of emitting x-rays at clearly excessive levels. GE discussed the problem with the Public Health Service (PHS) and not until pressured by the PHS and a New York Times article did it issue a public statement. It was not until 8 months after the initial discovery that the Surgeon General issued a public warning advising owners to turn off their sets. Meanwhile, GE continued producing the defective sets for 3 months after the initial discovery and continued selling them for 6 months. As late as 9 months after the initial discovery it was still possible to purchase defective tubes.

Clearly private inspection with voluntary compliance were not providing the public with adequate protection.

OTHER STUDIES: WAS THE PROBLEM INDUSTRY-WIDE?

The GE case led to four regional studies undertaken by local government and health departments in conjunction with the PHS and industry to assess the scope of the color TV radiation problem. In evaluating the significance of these studies several general comments can be made. First, conclusions cannot be drawn about brand names as the numbers are much too small to be statistically significant. Secondly, these studies are not representative of the country as a whole because of variations in local power supplies, servicing factors and interchangability of TV parts. With these limitations in mind, however, the studies suggest that x-radiation from color TV is an industry-wide problem.

THE SIZE OF THE PROBLEM

There is a 5–20% non-compliance rate with the 0.5 standard (5% Montgomery County and Prince Georges County; 6% Washington, D.C.; 20% Suffolk County; 29% Pinellas County). In terms of numbers, this translates to between 1 and 7 million TV sets. Averaging 3 viewers per set (Wash. study) we get a population at risk of 3–21 million persons. Given the growth of the color TV industry—the population at risk reaches huge proportions (particularly when account is taken of possible genetic damage).

THE SCOPE OF THE PROBLEM

Offending TV sets were found among a variety of makes and models. The problem is clearly industrywide.

THE HEART OF THE PROBLEM

The studies confirmed previous conclusions that there are 3 sources of x-ray from colored TV—the picture tube, the rectifier tube and high volt shunt regulator tube—with the shunt regulator tubes being the major offenders. Emission was found to occur from all sides of sets, not just from the bottom as in the original GE sets. In addition to the above component factors, it was found that certain operating parameters greatly influenced x-ray emission—especially the voltage. Service factors were also found to be important. Repairmen can increase the voltage to very high levels; they monitor the increase by the brightness of the picture rather than by any safety factor or voltage reading. Indeed they do not carry equipment to read voltage. Repairmen frequently replace components emitting at excessive levels with equally faulty components. Most repairmen are not aware of the risk to themselves due to such repeated, close exposure. (In the Washington study some components had to be replaced 2–3 times), since they have no way of knowing whether the component will emit x-rays.

Significantly, not one study reported a single case of a set which could not be corrected by service adjustments—i.e., component replacement, voltage adjustments, etc.

THE RADIATION CONTROL ACT

The legislative response to the revelations about radiation from color TV was the "Radiation Control for Health & Safety Act of 1968" (PL 90–602). This act vests in HEW responsibility for protecting the public from unnecessary radiation from electronic products—specifically by the development and administration of performance standards and by the development and support of research and investigation into the effects and control of radiation emission.

Although this legislation has been described by many persons concerned with consumer protection as the best consumer legislation to date, it is not nearly good enough. Several important amendments and provisions were deleted from the bill—largely due to active, electronics industry lobbying.

(1) Government power of inspection is minimal. HEW only has the power to review and evaluate industry records and the industry's description of its product testing program. The manufacturer's premises and operating product testing program may be inspected by the government only if the manufacturer's product has been found to be in violation of the performance standard. Thus, the primary responsibility to detect and report noncompliant products lies with the manufacturer and he is relatively immune from government control supervision within his manufacturing facility. In this area then the Radiation Control Act has done little to move forward the cause of consumer protection—the system of product compliance and testing still largely revolves around an assumed "good faith" of the manufacturer—the only difference is that now industry must have a program of testing and must submit records of this testing program to the government. The government has no way of knowing how the testing program works under operating conditions. It is true that the government does have the power to buy products on the open market, test them for compliance in its own labs and take legal action on the basis of its own tests. However, the cost of a government conducted product-by-product testing program is so high it is unlikely government would embark on such a program (see section on implementation). Moreover, the existing funding for the administration of the Act is grossly inadequate. Surely, a more practical and realistic system would be for the manufacturer to have the primary responsibility for product testing and for the government to have powers of on-the-premise inspection of testing programs, procedures and results.

(2) The government has no power to *seize* defective products: Industry is charged with the responsibility of recording sales and distribution and then notifying purchaser, distributer and HEW of any noncompliant products. Industry is then responsible for replacing its product with one that meets the performance standard. The recall provision is excellent as far as it goes. However, there may be an unavoidable delay between the time that a product is found to be noncompliant and the time it takes industry to repair it, or industry may be delinquent in meeting its legal obligations. In the meantime there is no way in which the government can protect the public from exposure to these dangerous, noncompliant products except by issuing a poorly distributed public statement that these products should not be used. Clearly this is not the most satisfactory way to combat a public health hazard.

(3) There is no provision for standards to provide protection for the worker on the assembly line.

(4) There is no provision for compulsory education and training of repairmen as to the potential dangers of the electronic products which they service. The Act merely requires that appropriate warning be affixed to components. This is not enough. We must have a guarantee that the products which are marked as in compliance as they leave the manufacturer remain in compliance throughout their lifetime. Surely proper training and alert repairmen is one easy and necessary way to approach this.

(5) There are no criminal penalties for noncompliance. According to the Act enforcement is to be through court injunction (to restrain sale of defective products) and civil penalty (not more than $100 per violation with maximum of $200,000).

(6) And finally, there is no provision for legal redress for people subjected to radiation. The consumer is left without a remedy in the event of noncompliance by industry.

These are the major weaknesses of the Radiation Control Act as they apply to electronic products manufactured after the passage of the Act. Blatantly absent from the law is any provision for the public health problem represented by some products manufactured *prior* to the Act's passage. There are some 20 million pre-Act color TV sets. These sets have a noncompliance rate of from 5% to 20% with the old standard, and the noncompliance rate with the new standard (see below) can be expected to be even higher. The individual owner has no way of knowing whether his particular set is in compliance or not. Clearly, neither industry nor the government has met its responsibility to the individual owner or to the society in general.

On the whole, industry does not even acknowledge that the existing color TV sets represent a public health problem, repeating the refrain—"there is no documented case of radiation-induced injury secondary to TV x-radiation". Many government officials readily acknowledge the problem but claim there is no practical way to attack it. They claim that the PHS has neither the staff nor the equipment to survey 20 million sets and that industry refuses to take the responsibility. They further argue that the cost of such a survey would be prohibitive and that even if a set were made compliant at the end of the survey there would be no way of knowing what radiation it would emit in the future with changes in operating parameters, changes in parts and service adjustments. But where does this leave the consumer? The consumer is essentially being told by both industry and the government, "we do not know what you can do to make sure that your TV is not potentially dangerous and moreover, we do not intend to look further into this question—we wash our hands of all responsibility."

Although the answers are not easy, we cannot afford to ignore the problem. Industry pushed color TV on to the market prematurely, fully appreciating the potential radiation problem but ignoring it for commercial considerations—and government let this happen. Now we must find some way to clean up the resulting mess.

Possible approaches to this problem include:

(1) Radiation emission survey of all sets not covered by the Act. Bureau of Radiation Health officials state that the cost to conduct such a survey would be "prohibitive"—however, cost analysis to substantiate this claim apparently had not been done. The government should supply the public with a cost analysis rather than merely handing out phrases like "prohibitive cost". Consideration should be given to sharing the cost between government and industry.

(2) Education of repairmen about the potential dangers of color TV, high voltage, etc., should be compulsory and undertaken.

(3) Repairmen should be supplied with voltmeters—if this is too expensive for the individual repairman the cost should be met at least in part by the manufacturer.

(4) Research into the development of an instrument which gives repairmen a "rough indication" of radiation emission should be supported.

(5) As color TV components with little or no x-ray emission (i.e., better shielded tubes, tubes made with a new type of glass, solid state parts, etc.) are developed the manufacturer and the government should jointly undertake a program to insure that the old components are immediately replaced by these improved components. At the very least, the manufacturer should be required to notify owners of color TV sets that these new and safer components are available.

IMPLEMENTATION OF THE RADIATION CONTROL ACT

The Radiation Control Act was passed in October, 1968. It was not until some seven months after its passage that Secretary Finch announced the formation of the 15-member Technical Products Radiation Safety Standards Committee, as required by the Act. The delay in the formation of this important committee was excused by the "change of administration", however, the events surrounding this delay are unclear. And meanwhile color TV sets which would not be subject to the new standard continued to be manufactured at a rate of approximately 600,000 per month. There are now about 24 million color TV sets in American homes.

In June, 1969, the Bureau of Radiation Health proposed a new standard for radiation emission from color TV—0.1 MR/hr "at any point accessible to an individual under any condition of operation", to be effective by July 1, 1969. One of the first actions of the newly formed Committee was to reject this 0.1 MR/hr standard; the old standard 0.5 MR/hr was accepted for an indefinite period of time—but subject to the following new conditions:

(1) Sets manufactured after January 1, 1970, must meet the 0.5 MR/hr standard with all user controls adjusted so as to produce maximum x-radiation emissions from the set.

(2) Sets manufactured after June 1, 1970, must meet the standard with both all user controls and all service controls adjusted so as to produce maximum emissions.

(3) Sets manufactured after June 1, 1971, must meet the standard even after a component or circuit failure which maximizes emission.

What does this new standard represent? First of all it represents a compromise. Bureau of Radiation Health officials state that the 0.1 MR/hr standard was selected as a "talking point" with industry. They feel that it is more important to control radiation emission under all operating conditions than to obtain an absolute lowering of the standard—thus they were willing to sacrifice the 0.1 MR/hr standard for a 0.5 MR/hr standard subject to the provision that it apply under all operating conditions as described above. This approach may be explained on several grounds. First the household surveys found that excessive radiation emission was most often related to adjustments by servicemen, changes in circuitry, etc., and the new standard must apply to sets adjusted to give maximum x-radiation emission. Secondly, the standard applies to component parts and hopefully this will provide some control of the problem of excess radiation emission following servicing of the set by repairmen. And finally, government officials feel that the new standard will force industry to come up with new design criteria—i.e., shielding, new glass, etc., and eventually solid state parts so that the radiation emissions from color TVs are minimal.

This approach that the Committee has taken is certainly good; however, it is not enough: What about the absolute standard? It must be recognized that there is nothing magic about 0.1 MR/hr or 0.5 MR/hr. We do not know that above or below any particular level of x-radiation from color TV is harmful or safe. We merely know that *any* level *might* be potentially harmful. Industry minimizes the problem by pointing out that radiation exposure from color TV is minute compared to exposure from medical and dental procedures. That is just the point: exposure from TV is superimposed on exposure from many other, often unavoidable, sources. Also, exposure from color TV is much more persistent over time even though it is at lower levels than medical x-rays. To say that medical and dental exposures need better control does not excuse us from the responsibility for trying to establish maximum possible control of color TV exposures. Our goal must surely be to reduce radiation emission from color TV to a level as low as possible. Has this been done? Commissioner Chris A. Hansen of the Environmental Control Administration, writes in the *Federal Register*, "a lowered standard is not practical because it is not possible to make reliable measurements of levels substantially below 0.5 MR/hr at the present time." According to Bureau of Radiation Health officials an instrument to measure for a 0.1 MR/hr standard would be prohibitively expensive, need constant recalibration and highly trained personnel to operate it and therefore is not "practically" suited for household survey or production line usage. One private engineer stated that while the instruments are available, it would take trained professionals to obtain and interpret meaningful data from these instruments.

Accepting the government's premise that technology is a limiting factor, the problem still merits more careful consideration. First, what would it cost for industry to have trained professionals to use existing instruments to measure at a 0.1 MR/hr standard? What would it cost to develop instruments which measure for a 0.1 MR/hr standard at acceptable levels of sensitivity and accuracy? These programs should be costed out. Secondly, there is no pressure for industry ever to develop the technology to measure for a lower standard. All the new standard says is that the standard will be reviewed as technology improves. But why should industry make any effort to develop new instruments when they can so comfortably sit behind the phrase "not practical"—a position which is supported by government statements. Further, there is no time specification as to when the standard will be reviewed, no insurance that the problem will receive constant reevaluation. Finally, and perhaps most important of all, industry claims and the government agrees that we presently have the capability of producing color TVs which emit at levels less than background radiation. If we can do this, it is criminal that we are not doing it merely because our technology to measure X-ray emission lags behind our technology to produce safe products. As we understand what design criteria provide for minimal x-ray emission perhaps these design criteria should be required by law—this would be one approach to assuring maximally safe products in spite of a technical and financial inability to measure on a product-by-product basis.

CONCLUSION

The Radiation Control Act did not grant the government adequate enforcement powers, and left users of existing products completely unprotected. Implementation of the Act with respect to color television has been less than vigorous. The Radiation Safety Committee has been too willing to emphasize limitations in present technology rather than to demand advances in technology, too focused on measurement capability, and too blurred on existing shielding capability.

It seems clear, therefore, that our society is not yet sufficiently committed to controlling radiation hazards. Industry will continue to release products such as color televisions and microwave ovens, before they have been rendered completely safe. The consequences, in terms of genetic and somatic damage, may be catastrophic for many human beings, including those yet unborn.

A BILL TO PREVENT THE OPERATORS OF PUBLIC ACCOMMODATIONS OR FORMS OF PUBLIC TRANSPORTATION FROM REFUSING ADMITTANCE TO DOG GUIDES FOR THE BLIND

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. REID of New York. Mr. Speaker, I am introducing today a bill which would prevent the operators of public accommodations or forms of public transportation from refusing admittance to dog guides for the blind. Although many States have statutes making this provision, some do not, and some of the statutes which exist are not strong enough to preclude difficulties for dog guide users.

When this bill was introduced in the 88th Congress, it received the unanimous

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endorsement of organizations for and of the blind. The need for such legislation is no less great today. The extraordinary ability of many blind people to cope with their disability does not lessen our responsibility to facilitate as much as possible their pursuit of a normal life. To exclude dog guides from public accommodations is to exclude the people dependent upon them. Surely a dog which has been trained by a recognized dog guide school and is properly harnessed and controlled, as stipulated by my bill, cannot justifiably be the cause for exclusion of any blind person from a public accomodation or mode of public transportation.

The bill which I am introducing would, without undue inconvenience, provide a valuable assurance to the blind that they can travel throughout this country without concern about inadequate protection in any State.

BUSINESSMEN AGAINST POLLUTION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. McCLOSKEY. Mr. Speaker, while it has suddenly become politically fashionable to give top priority to saving our environment, I think most of the Congress and the executive branch would confess that we do not have many specific solutions to the problems of air and water pollution, excessive jet noise, and the need to preserve our dwindling open space.

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Solutions to these problems will require the assistance and cooperation of businessmen as well as the idealism of students and the recently increased sensitivity of politicians.

A significant suggestion along these lines has just appeared in the February 2 issue of Newsweek magazine. In the Periscope section, it is reported that leading businessmen have asked the President for assistance in setting up a national business council on pollution. This would be similar to councils set up for minority employment and enterprise, as well as the attack on urban problems. Implementation of such a suggestion would also coincide with the recent creation of an Environmental Quality Council at the White House level under the National Environmental Quality Act of 1969. The Newsweek article follows:

Businessmen Against Pollution

Leading businessmen are pressing the Nixon Administration to help them set up a national business council on pollution. Like the National Alliance of Businessmen, which tries to find jobs for the hard-core unemployed, the group would act as a volunteer adjunct to the White House. It would sponsor regional offices across the country to gather information, data and complaints. This would help provide businessmen with enough expertise to deal on equal terms with both officials and environmentalists. Establishing a connection with the White House would give businessmen a voice in the formation of anti-pollution measures.

TIME IS RUNNING OUT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. DORN. Mr. Speaker, the distinguished, beloved, and honorable chairman of the Ways and Means Committee, Wilbur Mills, delivered a very timely and outstanding address recently in New York City.

Chairman Mills addressed the Market Committee of the American Textile Manufacturers Institute at their annual dinner on January 22, 1970.

I commend his splendid remarks to the attention of my colleagues and to the people of our country:

Address by Mr. Mills

It is a privilege to be here this evening to address the Annual Dinner of the Market Committee of the American Textile Manufacturers Institute. I am familiar to some extent with the half century of traditions surrounding the annual dinner of the textile merchants of Worth Street. I am honored by your request to address you. It is a personal pleasure to meet with you; I have many close friends in the textile industry, many of whom I see here this evening.

I would suppose that talks being given to business groups this month usually start out by referring to the beginning of a new decade. Unlike many such speakers, I do not intend to attempt to foretell what the decade of the 1970's will bring. I am no expert in this field, thus, I have to rely on the advice of economists from time to time. Sometimes I have found that not all forward estimates are accurate.

I hasten to add that despite some comment and political expectations to the contrary, I do attempt to see further than the proverbial "next election." For this evening I believe that the here and the now and a little bit beyond are sufficient, and I would like to share with you a few thoughts on some of the economic problems which we will be dealing with in the Congress in the months ahead.

First, I would like to recognize the importance of your endeavors and those of your associates in the textile and apparel industries. I know of no group of producers and merchants who are more competitive, who have faced greater changes in technology, in new materials, in new products and in new market forces than the businessmen in the audience this evening. Nor am I aware of any group which has adapted better to these challenges than the enterprises represented here.

In an industry in which the after-tax profit margin is just over one-half of that for all manufacturing, and in which labor is highly intensive, I am sure that inflationary tendencies in the economy have presented you with very real problems. However, from all I see, inflationary forces are still very much with us. As indicated in the President's State of the Union Message today, and as will become more evident as further proposals are sent to the Congress, we are faced with very difficult economic choices this year.

My position as Chairman of the Committee on Ways and Means affords a constant challenge to hear and to analyze the problems and prospects of our industries as they are affected by governmental policies, particularly economic policies involving taxes and other factors affecting competitive abilities. This past year, of course, has been no exception. The Committee on Ways and Means spent many hours this past year attempting to shape the various provisions of our tax law into a more equitable and a more balanced tax system.

The tax reform provisions go a long way in restoring fairness of tax burdens. The tax relief provisions provide needed adjustments in the tax base, and I would hope preserve for the taxpayer and for the private enterprise sector some return on the future growth in our economy.

In the past, the increase in the cost of old government programs and funding of new government activities have tended to prevent the average taxpayer from obtaining relief in his tax burden from the benefits of increased economic activity. The thought that increments to tax revenues stemming from overall growth in our economy should be shared with the taxpayers rather than be devoted solely to increased government expenditures was basic to the tax laws enacted in 1964 and 1965. The inordinate increase in government expenditures experienced after those tax reductions necessitated a reversal of that policy. It is my hope that, in the future, tax and expenditure policies will be better coordinated so that our tax revenues may be related to a fully ordered priority of expenditure needs.

All of us realize that our economic, social and defense needs are great and in many areas appear to be growing faster than the resources available to meet them. The Committee on Ways and Means is already engaged in an examination of the President's welfare proposals looking toward a full reorganization of our somewhat fragmented health and welfare programs. It would appear that any revision of these programs to meet yet unmet needs will be very costly. The President's program, we have found, involves at least $5.5 billion additional costs.

In addition, the rebuilding of our cities, the refurbishing of our transportation system, and the variety of other programs will be costly. For example, a number of programs are aimed at ending pollution of our environment. Many of them involve direct burdens on our industries. Certainly pollution control programs pose costs for affected industries such as the textile industry. Such costs are usually unrequitted by comparable increases in productivity and lower manufacturing costs. How these burdens of research and capital investment in pollution control will be borne has yet to be finally decided. Tax incentives may be a temporary palliative, but such a tax "expenditure" route for supporting programs which have totally desirable social objectives in themselves is a road frought with questions. If spread to the many areas proposed for tax incentive treatment, the entire basis of our tax system can be seriously eroded.

The extent to which additional costs in these and other economic and social programs will be borne by industry pose difficult problems as industries such as your own seek to improve their competitive position, to reduce cost and maximize returns. To some extent these additional costs are closely related to another area which the Committee on Ways and Means will consider and that is foreign trade and tariff policy.

Within the next two or three months, I am hopeful that the Committee on Ways and Means can take up the President's trade proposals submitted to the Congress last November and other trade proposals the Committee may wish to consider in light of developments at that time. You may recall, the Committee held extensive hearings on tariffs and foreign trade in June of 1968 but was unable to take action before the 90th Congress adjourned.

Thus, it has been seven years since the Congress as a whole has had the opportunity for an overall review of United States foreign trade policy. Indeed, the President has been without tariff negotiating authority since June 30, 1967.

In the past, the periodic extension of the President's trade agreement authority has presented the opportunity for Congress to review foreign trade and tariff matters and the operations of the trade agreement program. The last such review, which resulted in the enactment of the Trade Expansion Act of 1962, laid the groundwork for the Kennedy Round of Trade Negotiations. This Act proposed by President John F. Kennedy was carefully studied and modified in the Congress to meet the economic challenges to the growth in world trade as they were viewed at that time.

The ultimate success or failure of the great efforts initiated by the Trade Expansion Act will depend on how the United States and its major trading partners handle the existing and emerging challenges to international cooperation and expansion of world trade.

As you know, I have long been a supporter of the reciprocal trade agreements program initiated by President Roosevelt under the leadership of Cordell Hull. Along with other postwar policies, the reciprocal trade agreements program has made possible an unprecedented growth in world trade. Somewhere along the line we seemed to have dropped the word "reciprocal" in describing the trade agreements program. The approach that has been taken in dealing with some of the foreign trade problems of our domestic industries in recent years has led me to believe that we also sometimes forget the need for adhering to the idea of reciprocity.

The reciprocal trade agreements program began as carefully negotiated, bilateral trade agreements between the United States and certain of our trading partners. These agreements covered a selected list of products upon which tariff concessions were exchanged. The agreements also contained rules of conduct to protect the validity of the tariff concessions and to assure a mutuality of interest between the two countries in their trade relations.

With the end of World War II and the emphasis on international economic cooperation, the trade agreements program became multilateral, as the General Agreement on Tariffs and Trade was negotiated and as further rounds of tariff negotiations increased both the extent of United States tariff concessions and its international commitment to rules which would guide its conduct in international trade.

It is important to note that the articles of the GATT were adopted at a time when the predominance of the United States economic strength was in contrast to the need to encourage economic recovery and export opportunities for other trading nations.

I think it is obvious that basic economic conditions have changed. Certainly as the general level of tariffs has fallen, the so-called non-tariff barriers have assumed a greater importance as impediments to trade. It may well be that some of the articles of the GATT need to be revised or extended to other conditions of trade. For example, the situation with regard to the GATT rules covering the treatment of the impact of internal taxes on imports and exports—the border tax issue—must somehow be resolved to remove existing inequities.

I am more concerned in the immediate future, however, with the failure of our safeguard provision for domestic industry. Even prior to 1962, due to the importance of the United States leadership role in trade matters, on almost every occasion that domestic industries sought to obtain relief from injurious or unfair import competition, it was made to appear that the foundation of the United States policy of trade expansion was being threatened. Thus, at a time when most other countries were employing residual balance of payment quantitative limitations on selected items, the United States permitted itself little flexibility to respond to competitive hardships. This was true even after the producers involved had demonstrated such a need in procedures provided by the Congress.

Moreover, petitions for actions under other provisions of trade law, not actually involving tariff concessions obligations, also tended to be treated in the same light. I have in mind the treatment given petitions by domestic producers for action under the anti-dumping law, the countervailing duty provision, laws governing unfair competition or similar measures of domestic law concerning conditions of trade. Possible actions under such provisions have tended not to be weighed in terms of the requirements of domestic statutes. Rather, they have tended to be considered primarily in relation to the possible trade problem raised with the country or countries involved.

In retrospect, these difficulties in obtaining relief from import competition appear to have been compounded in the Trade Expansion Act of 1962, due to the formulation of the criteria for tariff adjustment and adjustment assistance provided for in the Act, and the subsequent unfortunate interpretations given the wording of those provisions.

I do not mean to give the impression that each complaint by a domestic producer that he is being put out of business by imports has validity. I am suggesting that our trade laws and the interpretation of those laws have not been responsive to the needs of some industries. In part this has been due to a failure to recognize the dynamic growth and diversified development that has taken place abroad. I would add that the repeated rebuffs that domestic industries have experienced in seeking temporary assistance in dealing with what they consider to be injurious import competitive situations has its effects on the expectation of foreign producers who produce with an eye to the United States market.

These expectations as to selling without reasonable restraint in the United States market are related to one profound development of direct interest to your industry. This is the tremendous increase in productive capacities abroad, particularly in industries adaptable to mass production techniques and technological advances.

Some years ago, United States producers for the most part competed with imports on a limited number of products within a product range. Import penetration was necessarily limited in product scope by the productive capacity abroad, market entrance costs and other factors. This is no longer true for some industries. The concern now is with significant and growing import penetration across the whole range of an industry's products.

The strength and depth of foreign productive capacity and competitive market abilities are far greater than in former years.

Finally, an aspect of the competition is the low labor cost base upon which many of these technologically advanced mass production plants were imposed. At this point I have the feeling that all this is somewhat familiar to you.

At any rate these developments and the very spectacular economic growth abroad have had their impact on the United States economy. Between 1962 and 1968, the Gross National Product of the United States increased 80 percent. Exports increased 106 percent and imports increased 112 percent. Significantly, exports have maintained a stable relationship with the gross national product over the past decade of just under 4 percent. Imports in relation to GNP have risen from about 3.0 percent to 3.8 percent. This 0.8 percent represents $7 billion in terms of today's GNP, and this is what has happened to our favorable balance of trade in the past several years.

I have followed closely over the past two or three years the fluctuations in our trade balance. It would appear from some analyses that either industrial strikes, dock strikes or inflation have accounted for all of the downward trend in our favorable trade balance. Such analyses overlook the fact that imports are gaining a greater basic access in the United States markets.

Let me hasten to add that while I am concerned with the current need to maintain an export surplus in face of the requirements of our international payments position, I see nothing wrong in increased imports—as a natural development of economic growth both abroad *and* in the United States. What does concern me is the rate of increase in imports in certain sectors of our economy at rates that exceed the growth in domestic consumption. What concerns me further is the expanding capacity abroad to continue such rates of increase in exports to the United States. Finally, what concerns me is the lack of concern abroad when a continuation of such increases in imports would necessitate economic adjustment in American industries which are as unacceptable as they are undesirable.

Our provisions for dealing with injurious import competition in existing trade law are obviously not adequate to meet these challenges in a way that will preserve both sound trading relations and sound domestic markets.

These matters will take some time to work out. Meanwhile, the special trade problem of textile imports, as has been noted by the President on a number of occasions, requires a much more immediate solution. As you know, I have firmly supported Secretary of Commerce Stans and other members of the Administration in their efforts to obtain a solution through a reasonable, comprehensive international understanding.

I understand negotiations are underway with some governments, but that others have refused to negotiate. One unfortunate result of the delays in reaching a workable solution has been a continuation of rapid increases in imports and a compounding of the already adverse impacts being experienced by the textile and apparel industry and its workers. The textile exporting countries must realize that further delay in reaching a comprehensive international solution can only deepen the problems and necessitate stronger solutions. Time is running out, and if concrete results are not forthcoming soon, the Congress will necessarily have to respond to the special needs of the textile industry at the time it considers overall trade legislation.

These are some of the problems that the Committee on Ways and Means will be dealing with in the coming months. There are other developments that must be considered as well.

There is the impact of increased operations of the multinational firms on trends in international trade and international investment. The issue of tariff preferences to developing countries has been brought to the fore by President Nixon's announcement last fall, although no concrete proposals for carrying out such tariff adjustment have been submitted to the Congress as yet. The non-tariff barrier discussions have resulted in little if any progress, but progress is essential if United States export interests are to be met.

The United States has profited greatly, as have our trading partners, from the growth in international trade that has taken place in the last quarter century. I am proud of the leadership that this country has displayed in furthering that expansion. It is my firm belief that we will continue to support expanded international trade through cooperative efforts with our trading partners. In doing so we must closely examine our own

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policies as well as those of other countries and see what changes are made where necessary in order that our own producers are not unfairly disadvantaged either in the conditions of trade or the regulations and practices supporting them.

VIOLENCE PANEL HAS PRAISE FOR CHICAGO POLICE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Police Department, one of the finest in the country, has received praise and recognition by the National Commission on Causes and Prevention of Violence.

In an article written by Carleton Kent of the Chicago Sun-Times, he discusses the findings of the Commission regarding demonstrations in Chicago and the appropriate handling of these demonstrations by the Chicago police.

The correct stance taken by the Chicago police reduced violence and they have been duly praised for their efforts.

I commend Mr. Kent's article to my colleagues.

VIOLENCE PANEL HAS PRAISE FOR CHICAGO POLICE

(By Carleton Kent)

WASHINGTON.—The Chicago police have made "encouraging progress" in their handling of anti-war demonstrators since the riotous protests during the Democratic National Convention in August of 1968, the National Commission on Causes and Prevention of Violence has found.

In its latest report issued last week on group violence, the commission headed by Dr. Milton S. Eisenhower found that "the prompt, prudent deployment of well-trained law enforcement personnel can extinguish a civil disorder in its incipiency. But history also demonstrates that excessive use of force is an unwise tactic for handling disorder."

And it contrasted the "official response" to the 1968 demonstration in Chicago with one mounted by the same groups in Washington at "counter-inaugural" in January, and with the march organized in Chicago last October by Weatherman, the extremely militant faction of the Students for a Democratic Society.

Of the "before" phase in Chicago during the Democratic convention, it has this to say:

"In Chicago, the authorities were restrictive in granting demonstration permits; some of the police, deliberately goaded by verbal and physical attacks of small militant groups, responded with excessive force not only against the provocateurs but also against peaceful demonstrators and passive demonstrators.

"Their conduct, while it won the support of the majority, polarized substantial and previously neutral segments of the population against the authorities and in favor of the demonstrators."

COMMENT ON WEATHERMAN DEMONSTRATION

Turning to the "after" facet, that of the Weatherman demonstration 14 months later, the commission commented:

"Permits for peace marchers were sought and granted in October, 1969. . . . In the course of the demonstrations, Chicago police had to face four days of intense provocation and wanton violence. This time, however, the police acted with calm and restraint. No injuries to residents, bystanders or newsmen were reported; on the contrary, the police took steps to safeguard bystanders from the violence.

(1) "As a result of the professional conduct of the Chicago police, violence was effectively contained, and blame for the damage and injuries that did occur fell squarely upon the violent group among the demonstrators, many of whom were arrested."

It also noted that in between these two events occurred the anti-war demonstrations at the time of President Nixon's inauguration, of which it said:

"In Washington, demonstration permits were liberally issued. Although there was also provocative violence by some of the demonstrators, the police used only that force clearly necessary to maintain order.

"As a result, there was little criticism of police behavior. Our analysis leads to the conclusion that the amount of violence that occurred during these demonstrations and the resulting effects on public opinion were directly related to the kind of official response that greeted them."

ENDORSEMENT OF WALKER REPORT

The latest report on violences amounted to tacit, belated endorsement of the controversial report on the Chicago convention-time demonstrations issued a year ago by a special panel headed by Daniel Walker, Chicago attorney, which the Eisenhower commission had published without evaluation or comment.

The Walker panel concluded that the actions of some police, under "exceedingly provocative" circumstances, led to disorders amounting to a "police riot" that outweighed the anti-war demonstrations as the source of violence in Chicago.

The construction of the new Eisenhower report indicates the commission felt the handling by Washington police last January of the "counter-inaugural" demonstration contributed to Chicago's handling of the Weatherman march of two months ago, cited as an example of "intelligent and restrained official response."

The commission, obviously impressed with the Washington handling of demonstrations, said officials here carefully evaluated intelligence reports, sorting out "genuine threats from theatric exaggerations." Troublemakers were identified and watched closely, but no attempt was made to interfere with the activities of a majority of peaceful demonstrators.

"Authorities negotiated conscientiously with protest leaders and arrived at agreements on the scope of permits for parades and meetings that were acceptable to all parties. The protest leaders, impressed with the reasonableness of government spokesmen, made substantial efforts to co-operate with officials and ensure peace."

Summing up its section on the Chicago and Washington demonstrations, entitled "Strategies of Control," the Eisenhower commission urged city governments to establish "formal, dependable communication links with dissident groups," but noted that few have done so, or have adequate plans for dealing with disorders.

"We therefore urge police departments throughout the nation to improve their preparations for anticipating, preventing and controlling group disorders, and to that end to study the approaches that have been employed successfully on the three most recent occasions in Washington and Chicago," it said.

The third, and most recent, occasion, was the handling of the Nov. 15 Peace Moratorium parade and rally in Washington, which the commission called "the largest single protest demonstration in history (in which) the overwhelming majority of the participants behaved peacefully. Their activities were facilitated rather than restrained by the police.

"When the few extremists did attempt violent attacks on two occasions, the police responded firmly but, on the whole, without excessive force. As a result, order was maintained, the right to protest was upheld, and it was possible to judge both the peaceful and the violent aspects of the protest in their true proportion."

MASS MAILING OF UNSOLICITED CREDIT CARDS MUST BE STOPPED

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. CUNNINGHAM. Mr. Speaker, 2 months ago I introduced legislation which would slash the number of unsolicited credit cards flooding American homes.

My bill would make it mandatory that credit cards be sent by registered and insured mail and delivered only to the addressee. And envelopes containing unsolicited credit cards would have on their face, in large letters: "Unsolicited Credit Card—Addressee May Refuse." Those requested by the recipient would have only the designation "Credit Card" on the envelope.

As a further deterrent to those stuffing the Nation's mail boxes with unsolicited credit cards, this bill also calls for the sender to pay an additional charge for any mailing returned.

Today, it was my pleasure to testify on this matter before the Postal Operations Subcommittee of the Committee on Post Office and Civil Service, of which I am a member.

Mr. Speaker, I would like to call to my colleague's attention my statement on a business which has caused many heartaches across the Nation. I know of instances where families have gone on wild spending sprees after receiving unsolicited credit cards in the mail and it took them many months, even years, to straighten out their finances. This must stop.

The statement follows:

STATEMENT BY HON. GLENN C. CUNNINGHAM

Mr. Chairman, I am the author of H.R. 14897 which I introduced on 20 November 1969.

My bill provides that credit cards shall only be forwarded in the United States Mail by Registered Mail, and insured mail, restricted in delivery to the addressee only. Violations of the sections of this legislation could result in a $1,000 fine and/or imprisonment for not more than one year.

I believe that this legislation is necessary because the credit card explosion is a permanent feature in our economy and the burdens from the fraudulent use of credit cards fall on the individual cardholder whose credit standing is endangered. The individual must turn to Congress and ask for its help against what is now a 13 billion dollar industry. In addition, it seems to me that credit cards will be used by the banking industry to replace checks, as checks have replaced cash in the market place. If this is the case, it certainly seems reasonable to me that a balance be struck between the interests of these giant credit card companies and individual consumers.

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Today in our cashless society, groceries, weddings, church dues, trips around the world, and in Phoenix, Arizona a Master Charge Card can be used to arrange bail. I would also like to point out that you can pay your Federal Income Taxes by credit card in the states of California, North Carolina, Washington, Oregon, and Arkansas. All this can be done for the payment to Credit Card Companies of 18% a year on the debt drawn up with the credit card company. Gangsters will also accept credit cards in payment of loan shark debts.

There is great urgency upon the part of those banks who have not yet cut into this 18% loan business to engage in mass mailings of unsolicited credit cards. Mail patrons get credit whether they want it or not. Why? The credit card issuers can not convince merchants that they have to join credit card plans in order to protect themselves against competitors who do, unless the bank or other issuers can show that an overwhelming number of customers in the merchant's area have the cards. The bank knows that it can not convince people to join the plan voluntarily. A survey by the Marine Midland Bank of New York showed that less than one percent of consumers responded to requests to join credit card plans but where unsolicited credit cards are forced into the mail box, 19% of the mail patrons contacted used the card within six months. It takes six months and only 19% respond through inflationary impulse buying but at least the card plan becomes active. The merchant doesn't know how many cards are in use. He is told only about the thousands and in some cases millions of cards have been sent through the mail and are in the possession of mail patrons. When the merchant joins the plan, he must pay the credit card people from 3% to 7% for discounting the debt run up in his store. He can only get this amount back by raising his prices. The merchant is not guaranteed any exclusive territory, so he finds himself raising prices without any competitive advantage. His only satisfaction is knowing that he has protected himself against a competitor, who is protecting himself against the first merchant. This fear psychology wouldn't be possible without the mass mailing technique which the banks and other credit card issuers want to make use of in selling their plan.

Individual consumers have to pay 18% on the unpaid portion of the debt they owe over thirty days. If the unsolicited credit card doesn't reach a mail patron he may be surprised to find himself being billed from a credit card company. These companies have a very weak position legally since their negligence in engaging in the mass mailing of credit cards which bring from $50 to $500 in the black market, brought about the loss. There has been testimony here that credit card companies are good guys and they are so nice, they don't sue the unfortunate consumer who doesn't owe them anything in the first place. They may not bring suit or if they do they may drop it once they do because of public relations considerations. But these considerations don't stop them from threatening collection action which would ruin the credit standing of an individual. Nor does it stop them from trying to collect from an individual's employer. What is more, the fiction of writing off $100 million worth of fraudulent debt a year, means that they only pass that loss on to their other customers or to the merchant members of the plan.

Two years ago banks had about $815 million out in credit card plans. Today through the use of the mass mailings of unsolicited credit cards, that business has reached a $2 billion mark and is climbing. There are estimates that the entire credit card industry has a $13 billion business going for it.

The answer of the industry and the Federal Reserve Board to pleas for support of regulatory legislation is that $100 million a year loss in fraud doesn't hurt the industry. Credit cards are good for the money changing and bill collecting business. It may be good for their business but it is not good for the families of America and their budgets. It is not good for the merchants who have to turn over a large share of their profit on sales. Most important of all, it is not good for the country. An Evans and Novak column which appeared early this fall, had this to say on the subject of inflation:

"There is a considerable body of opinion which feels that, while the present tight money policy is crippling the housing industry, it has done nothing to curb consumer credit aggravated by the proliferating credit cards."

In reference to the Federal Reserve Board's tight money policy clamped on the country by Mr. William McChesney Martin who is now leaving the Board, I think it is very odd that this same man can urge credit cards spending which adds up to 25% in charges on to consumer spending at the same time he pushes interest rates even higher in a so-called clamp down on other kinds of borrowing. This means to me that the credit card companies are busy tearing down the President's program against inflation.

This is the people's business and the business of the Congress. I believe that my bill will protect credit card mailings in that they will go through the mail in locked mail bags. I believe that a $100 million dollar loss a year is important to the consumer public and the individual consumer who will pay rather than lose his credit rating or job. It is important to them, it is important to the Congress. The mass mailing of unsolicited credit cards has to be controlled now.

THE PRESIDENT'S "PALACE GUARDS"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. WALDIE. Mr. Speaker, I did not know whether to laugh or cry when I picked up the Tuesday edition of the Washington Star and viewed the photograph of the White House guard in his new ceremonial uniform.

My first impression was that a visiting South American dictator had attracted enough attention to merit his photo on page 1.

Imagine my surprise to find that our own President had prompted and approved the design of this uniform for his own White House guards.

While I do not consider myself to be an expert judge of fashions—I know what I like—and I do not like the braided and shakoed "palace guards" now at the White House.

I really do not think it is necessary to have a European or South American look at the White House—if that is what the President has in mind.

Perhaps he will now want to be addressed as "El Presidente."

I would hope, Mr. Speaker, that the uniform change is just an experiment—an experiment that failed. Let us bring back the American look to the White House—and call the Chief Executive "The President" once again.

LEADERSHIP FOR THE 1970'S

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. McCARTHY. Mr. Speaker, on January 1, Stanley N. Lundine was inaugurated as mayor of the city of Jamestown, N.Y. At age 30, Mayor Lundine is one of the youngest city officials in the State. Mayor Lundine defeated the Republican incumbent by a sizable majority and his Democratic ticket captured eight of the 12 seats on the city council.

The importance, however, of Mayor Lundine's election and inauguration is not so much that he is a Democrat, rather, it is an offer to the people of Jamestown. An opportunity to meet the complex demands of the coming decade. As a graduate of Duke University and New York University Law School, Mayor Lundine brings to his office a capability that is sorely needed.

As Mayor Lundine himself said:

> I saw Jamestown going downhill. There seemed to be no long-term goals and no respect for the advice of professional planners or of a concerned citizenry. I finally concluded if we are going to take a new direction, we who have a stake in our city's future must make the sacrifice and become actively involved.

Stanley Lundine has faced that challenge and now assumes office. I know that the people of Jamestown and western New York wish him every success in governing the city of Jamestown. Under his leadership, Jamestown will move forward. I am enclosing an article from the Buffalo Evening News commenting on his election:

NEW MAYOR HOPES TO MOVE JAMESTOWN

JAMESTOWN, December 22.—"Frankly, it has not been my life's ambition to be mayor of a small city," Stanley N. Lundine confided last October to the Jamestown Jaycees but he will become exactly that Jan. 1. At 30, he will be one of the state's youngest mayors.

Heading a "blue ribbon" Democratic ticket last month, the young attorney unseated Republican Mayor Charles B. Magnuson by a vote of 7595 to 5830. The Democrats captured eight seats on the 12-member City Council.

"I saw Jamestown going downhill," Mr. Lundine declared. "There seemed to be no long-term goals and no respect for the advice of professional planners or of a concerned citizenry. I finally concluded if we are going to take a new direction, we who have a stake in our city's future must make the sacrifice and become actively involved.

CORPORATION COUNSEL'S AIDE

Mr. Lundine's interest in government was given a boost in 1959 when, at Duke University, he was chosen to accompany John F. Kennedy, then a Massachusetts senator, on a tour of the campus. "It was a day," he said, "I'll never forget."

After graduating from New York University Law School, he returned to Jamestown to practice law with Alfred G. Ford and in 1965 was named associate corporation counsel by Democratic Mayor Frederick H. Dunn.

A native of Jamestown, the mayor-elect is the son of Mr. and Mrs. G. Elving Lundine. His father is president of Dowcraft Corp. in Falconer. His wife, Karol, is an English instructor at Jamestown Community College.

XUM

WILL FIGHT FOR YOUTH

Noting that "Jamestown is getting the reputation of being a good city to be from," he declared: "To deny we have a problem with the exodus of talented youngsters is to ignore patent facts."

He has pledged to establish a youth opportunity commission to study the extent of the problem and propose solutions.

The mayor-elect already has announced he will create the post of ombudsman for Jamestown "to provide a direct link between the people and their government." He will name Sam Nalbone, a long-time labor union representative. At the same time, he said he will abolish the position of city personnel director, creating speculation that Mr. Nalbone will represent the city at employee bargaining sessions.

CALLS FOR IMPROVEMENT

The youthful Democrat advocates merging city and county Social Services. He has called on the county to provide a road system to serve urban areas including an "outer belt" connecting Lakewood and Falconer.

As Planning Commission chairman the past two years, he has charged capital projects have been mismanaged.

"There are a plethora of federal and state aid programs we have not looked into," Mr. Lundine said.

Robert Kennedy, he recalls, was fond of quoting George Bernard Shaw's comment that "some people see things as they are and ask why, I see things that never were and ask why not?"

Starting Jan. 1, Stanley Lundine plans to find out "why not."

XUM

U.S.S. "MOUNT WHITNEY"

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. BOB WILSON. Mr. Speaker, on January 8, I had the privilege of participating in the launching of a new amphibious flagship the U.S.S. *Mount Whitney*. This great new vessel, the first of its type in the U.S. fleet was christened by the beautiful wife of Adm. William I. Martin.

Naturally, we boastful Californians are pleased and proud that this new ship was named after the highest peak in the continental United States and wish her many years of safe and effective action in defense of our country.

I include as a portion of my remarks a resolution passed by the Board of Supervisors, County of Inyo, State of California, relative to this new flagship:

RESOLUTION 70-3

Whereas, the Federal Government has built an Amphibious Force Flagship (LCC-20); and

Whereas, the Federal Government has chosen to name this Flagship after the most majestic and highest peak in the Sierra Nevada Mountain Range; and

Whereas, this Mountain Peak is the highest peak in the first 48 States of the United States; and

Whereas, this beautiful Mountain Peak is situated within the boundaries of the County of Inyo, State of California; and

Whereas, the County of Inyo Board of Supervisors wish to express their appreciation to the Federal Government for naming this new Amphibious Force Flagship after this national landmark;

Now, therefore, be it resolved that the Board of Supervisors of the County of Inyo, State of California, do hereby commend the Federal Government, Department of Defense for naming the Amphibious Force Flagship (LCC-20) the "USS Mt. Whitney".

Passed and approved this 5th day of January 1970.

AMERICAN JEWISH COMMUNITY IS CONCERNED ABOUT U.S. POLICY IN THE MIDDLE EAST

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. DULSKI. Mr. Speaker, leaders of major American Jewish organizations from across the country gathered in Washington this week because of their concern over the trend of U.S. policy in the Middle East.

I met with the entire delegation and assured them that I am in complete sympathy with their concern.

Later, I conferred with two delegates from the Niagara Frontier, Samuel J. Weinstein and Donald P. Sheldon, who elaborated on the views of the organizations in my home area.

I am very familiar with the issues involved in the Middle East and I have joined with the dean of the New York delegation (Mr. CELLER) in resolutions calling for U.S. efforts aimed at obtaining peace in the Middle East.

Delegation members rightfully had taken issue with the policy statement issued earlier by Secretary of State Rogers. But the policy position was reversed in a statement sent to the conference by President Nixon. The President emphasized that:

> The United States does not intend to negotiate the terms of peace.

Mr. Speaker, I am glad that our national policy is now back on the track. As part of my remarks, I include the text of a resolution adopted at this week's conference:

RESOLUTION ON PEACE IN MIDDLE EAST

(Adopted by delegates to the National Emergency Conference on Peace in the Middle East, convened by the Conference of Presidents of major American Jewish organizations, January 25-26, 1970, Washington, D.C.)

The leadership of the American Jewish community, gathered in our nation's capital, expresses its deep anxiety over the direction of United States policy in the Middle East.

We do so as Americans profoundly concerned for our country's national interests; as Jews with a strong sense of kinship with our fellow Jews; as people who share all mankind's yearning for peace.

Since the founding of the State of Israel in 1948 the people and government of the United States have consistently affirmed that it is in America's national interest to support the sovereignty and security of Israel. We are truly gratified that we have received this day from President Richard M. Nixon a clear re-affirmation of this Administration's friendship, understanding and support for Israel. The President stated that "the United States does not intend to negotiate the terms of peace." Earlier, he made clear his belief that the Four Powers "cannot dictate a settlement in the Middle East."

We believe that the attempts of the Four Powers to draft the framework for a settlement have in fact impeded the progress toward a genuine peace.

We believe that the recent specific proposals submitted by our State Department to the Two Power and Four Power talks—which suggest: pre-determined Egypt-Israel and Jordan-Israel borders; that Jordan share in the administration of Jerusalem; and that the Arab refugees be repatriated under a formula that would flood Israel with those bent upon its destruction—endanger the security of Israel and imperil the cause of a just and lasting peace in the Middle East. These proposals should be withdrawn forthwith so that the Arab-Israeli negotiations which President Nixon has called for will indeed be undertaken without pre-conditions.

Peace in the Middle East can be attained only if Israel is recognized by her Arab neighbors as a sovereign state with mutually agreed upon secure borders; only if the nations which fought the war make the peace, negotiating freely; only if the Arab lust for vengeance is abandoned.

In light of the massive arms shipments to Arab states by the Soviet Union, France and other countries, it is imperative that the United States continue to support the security of Israel with the military equipment she so urgently requires.

We believe that the role of America in the Middle East is to bring the parties together in direct negotiations; to stand firm against Soviet pressure, and above all to provide Israel with sufficient economic and military strength to deter any Arab ruler from aggression.

We dedicate ourselves to the achievement of a just and lasting peace, fulfilling the divine promise spoken by the immortal prophet of Israel: Nation shall not lift up sword against nation, neither shall they learn war any more.

THE STAR-LEDGER SELECTED FOR AWARDS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. RODINO. Mr. Speaker, I was delighted to note that the Star-Ledger, the outstanding newspaper published in Newark, N.J., recently received the New Jersey Press Association awards for best editorial and best feature reporting. We all look to the editorials of our daily newspapers to provide informed and reasoned opinion on issues important to the people in the communities they serve. That the Star-Ledger has more than fulfilled this responsibility is evident from the citation on the editorial award that:

> Star-Ledger editorials are solid, hard-hitting and there is never any doubt as to the paper's editorial position. All are marked by a high degree of purpose, clarity and audacity, which readers respect.

I insert an article describing the awards, from the Star-Ledger of January 17, 1970, in the RECORD at this point:

TWO FIRST-PLACE AWARDS WON BY STAR-LEDGER

The Star-Ledger received awards for best editorial and best feature reporting, in the New Jersey Press Association contest for newspapers, it was announced yesterday.

The awards were presented last night at a dinner highlighting the association's annual meeting in the Dennis Hotel, Atlantic City.

An editorial entitled "Reversing the Tide" by Star-Ledger editorial page editor Neal Cocchia was awarded first place by the judges. The Verona Plan, a page one news feature on the busing of Newark school children to Verona, by Star-Ledger education writer Robert J. Braun, won first prize in the best reporting-feature category.

The judges' comment on the best editorial were: "Star-Ledger editorials are solid, hard-hitting and there is never any doubt as to the paper's editorial position. All are marked by a high degree of purpose, clarity, audacity, which readers respect, I am sure."

A special report on Today's Brides, in The Sunday Star-Ledger by staff writer Nancy Razen took second place in the category of best column of interest to women.

OUR NO. 1 PRIORITY—CHECK INFLATION

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. McEWEN. Mr. Speaker, I am today supporting President Nixon's veto of the Department of Health, Education, and Welfare's appropriations bill. I consider the veto, while it may hurt in the short run, as necessary to the long-range benefit of public education.

Within the past 5 days, I have had the opportunity to deliver two speeches in my congressional district on the subject of the HEW appropriations bill. The first was delivered before the Oswego County School Boards Association in Oswego, N.Y., and the second was before the League of Women Voters of Potsdam and Canton, N.Y., in Potsdam.

Because I feel this legislation is so crucial to all Americans, I am inserting here for the RECORD the two speeches:

SPEECH BY CONGRESSMAN ROBERT C. MCEWEN

Of overriding concern to most persons involved in our educational system—teachers, administrators, elected officials—is the matter of financing adequate educations for the children of our country.

As inflation has spiralled ever higher in the decade of the 60's, the problem has grown more and more critical. Where will the money come from? Property taxes at the local level; state aid; federal aid?

There is general agreement that in most areas property taxes have reached a peak and can go no higher without becoming confiscatory.

States, with their fairly limited access to tax sources, also are near the maximum.

The federal government? With the federal government, it is a matter of priorities—defense, education, health, welfare, highways, pollution, control of crime.

Because even at the federal level we cannot tax indefinitely. Even at the federal level we cannot continue to spend that which we do not have. So it is a matter of, as I say, priorities.

And one priority at this time, in fact, the number one domestic priority, is inflation.

Inflation will cost the average family of four $2,400 more this year to live than it did in 1960. If it is not halted, many families and many businesses will be ruined and the nation will face a major disaster.

And that brings me down to what I want to talk about specifically tonight—the HEW appropriations bill with its $1.26 billion above budget fund largely for education.

The bill will soon be sent to the President. The President has made it totally clear that he will veto it, largely because of that extra amount of money.

Let's look for a moment and see what his reasoning is. Because it certainly is different from the reasoning of the very powerful education lobby that is working hard to round up enough votes in the House and the Senate to override that veto.

Let me quote from a letter that was sent to me by Creed Black, an Assistant Secretary of Health, Education, and Welfare. I am assured that it represents the views of both Secretary Finch and President Nixon.

"Passage of the proposed HEW-Labor-OEO bill in its present form is not in the best interests of the Department or the Nation. Our opposition to the Health, Education, and Welfare portion of the bill is based on the following considerations:

1. The bill would increase inflationary pressures by adding almost $1.3 billion to the HEW budget proposed by President Nixon.

2. The proposed additional funding comes too late in the year for the additional money to be wisely spent.

3. Most of the proposed increases go to marginal or misdirected programs which need to be overhauled, not expanded.

4. Other portions of the proposed increases go to low priority programs which can be safely deferred until inflation is checked.

5. While compounding the mistakes of the past, the increases ignore the need for new directions in the future.

6. Most of the increases are in mandatory formula grant programs."

But now, let's get into specifics, namely the specific reason why the education lobby seeks to override the veto.

The reason is "impacted aid."

Impacted aid, as you know, is the short term for aid to federally affected school districts—districts which have children whose parents are federal employees.

I do not have to go into the details of what this program is all about. Suffice it to say that it has grown over the years in size and scope to the point where now it is a sacred cow. Few Congressmen dare oppose it, few dare to recommend changes.

Yet the fact is that impacted aid is an unfair program. It gives large sums of money to some quite wealthy districts. In fact, the wealthiest county per capita in the nation, Montgomery County, Maryland, gets the largest amount of impacted aid.

On the other hand, many very poor, very needy school districts get none. In fact, Montgomery County, Maryland, in 1968, received $5.8 million, and the nation's 100 poorest counties received $3.2 million.

Some school districts would go bankrupt without it, but some use it to keep property taxes abnormally low purely for frills.

The program needs reform. Period. And I can tell you tonight that HEW, which had the respected Battelle Memorial Institute of Columbus, Ohio, do a thorough study of the situation, will urge Congress to make major reforms this year.

But getting back to the program as it now stands, in 1968 the Congress appropriated 525 million dollars for it for the year ending June 31, 1969. Last year the Congress appropriated nothing. It just dragged its feet. A bill that should have been sent to the President by June 31 has not been sent to him yet, with more than half of the year already gone.

That bill contains $600 million for impacted aid, compared to $520 million last year. This is an increase of $80 million. But more than that, it is an increase of $400 million over the budget figures that had been recommended for this year by President Johnson before he went out of office and that was adhered to by the Nixon Administration.

The reason for the big budget decrease is that it provides only for school districts which have children whose parents work and live on federal land. In other words, for those people who pay no taxes either directly or indirectly toward the support of schools.

Traditionally, Congress has paid for another category, too; this is for children whose parent or parents are federal employees, but who do not also live on federal land.

And that, you see, is the rub.

The question is, should the federal government subsidize school districts whose children's parents are already providing a tax base?

HEW thinks not, although admittedly there are a few districts which really need it.

Congressmen who live in districts getting this help may have varying opinions, but all are under pressure to vote for it.

Under ordinary circumstances and in ordinary years, there might be some justification for asking for the $600 million. But these are neither ordinary circumstances nor ordinary years.

We are in the middle of an inflation. A basic part of controlling inflation is keeping federal spending under control and balancing the federal budget.

The President is determined to do this. In his State of the Union Message yesterday, he told us bluntly that "to present and stay within a balanced budget requires hard decisions. It means rejecting spending programs which would benefit some of the people when their net effect would result in price increases for all of the people."

Clearly, the President thinks the HEW budget falls within that category.

But since we have inflation, the question is asked, "Shouldn't we finance the schools adequately enough to overcome the adverse effects of it?"

The answer seems to be, "You can't, at least not at the current rate of inflation."

Let me quote from School Management magazine of this month.

I quote: "Until inflation cools down, school districts that increase spending will, in effect, simply be spinning their wheels; school districts that fail to increase spending will face program cutbacks. While many administrators complain bitterly, these days, about the adverse effect on education of the Nixon Administration's tough anti-inflation measures, the cost of education index makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control."

It seems clear then, that the President's efforts to curb inflation, while they may hurt in the short run, are necessary to the long range benefit of public education.

For that reason alone, I feel justified in supporting this veto. And I shall.

But, please, before you ride me out of here on a rail, don't think either I or the President is completely heartless.

I feel sure that if the veto is sustained the Congress will be asked to find a compromise between the figure in the President's budget and the figure in the bill. Nobody wants to see schools closed or children deprived. I am convinced it will not happen.

There is one other question that I am asked about the President's action, and that has to do with mandatory spending.

Many persons asked, "Why doesn't the President sign the bill and then just not allocate all the funds?"

Now, it is true that this can be done in some cases, but this case is different. Most of the money contained in the extra $1.26 billion is in the form of mandatory grants.

The President's own lawyers at the Justice Department have ruled that in these cases he has no discretionary powers; he must spend the money. If he does not, then the Courts can force him to.

It is that simple that it is another powerful reason for the veto.

XUM

Finally, the question is asked, "Supposing the veto is overridden, then what?"

The answer is that the President will then be forced to cut spending in the HEW budget wherever he can. Unfortunately, there is likely to be in the area of medical research and other programs that may be even more essential than the impacted aid program.

I am sure none of us here wants that.

In closing, let me repeat what I said at the beginning. It is a matter of priorities. Our first priority is solving the inflation problem.

To do that will take difficult decisions on the part of the President and on the part of those who believe like he does.

My decision, as I say, is to support the veto. In the long run, actions like these, unpleasant as they may be, heartless as they may be made to appear, will save the value of our currency and will insure the perpetuation of a sound public school system.

Remarks of Congressman Robert C. McEwen, Before the League of Women Voters

I welcomed your invitation to again meet with you, and it is, indeed, a pleasure for me to be here.

Meeting, as we are, in close proximity to four fine institutions of higher learning, and seeing before me so many who are closely associated with these colleges, it seemed to me that this would be an appropriate place to speak on the subject of education.

I believe that the time is right also, for the announced intention of our President to veto the Health, Education, and Welfare Appropriation Bill, and the anticipated vote in the House of Representatives to sustain or override such a veto, are much in the news at this time. I would also add that there are those who have high hopes of making it a political issue in the coming campaigns.

XUM

But before we do that, and in the calm and nonpartisan environment of this meeting, there are some thoughts that I would like to share with you. Following that, I shall expect your questions and comments. I know by my experience from past meetings with you ladies of the League of Women Voters, I shall not be disappointed, for while my answers will not be as edifying as we might both wish, I know that your questions and comments will be stimulating to me.

The education of our young people is a tradition which dates from the earliest days of our country. The right to an education has always been considered of the utmost importance from the days of the colonies, throughout the development of the States up through the present.

Historically, the responsibility for education has rested with the local communities. Gradually the States became involved and then in 1965 the Federal government became involved on a large scale. The Federal and State roles, however, have been and should continue to be supplementary to the efforts of the local community or school district. This practice assures us that we will have a strong voice in the education of our children—a process that is popularly known as local control of education. Local control is an all encompassing term which includes the financing of education, and some of the aspects of school administration. Today I am concerned with the financial aspects of local control because financial problems cannot be solved just merely by talking and planning—it takes action.

Each community has a responsibility to provide the best education possible for its children. As I have mentioned before, this is a tradition but it is also an obligation. America is still a country where we provide for ourselves. The role the State and Federal governments is playing is indeed large in terms of overall dollars spent, but it is not in any way designed to take the place of local initiative. In terms of education, there is a partnership which has developed and one in which the Federal government is definitely a junior partner.

I do not think it can be denied that there is a financial crisis today in education. Revenue for schools has become more and more difficult to acquire. Many school districts have taxed as much as possible. Others are reluctant to seek school bond issues because they are consistently turned down by the voters. At the 1969 meeting of the American Association of School Administrators, money was one of the top issues. Many of the nearly 30,000 school leaders attending the conference thought it was the most important issue. Speakers consistently mentioned financial problems as associated with many of the other problems in their school districts and States. The financial problems we have here are shared by a significant number of districts throughout the country. In Youngstown, Ohio, the voters refused school bond issue after another, and the result was that schools had to be closed. Who was hurt by this situation? The children made up the class hours during the summer, but I think educators will agree that a two month recess in the middle of the year should be avoided. Many families had to rearrange their summer plans because of school, teachers were inconvenienced and the life of the community was disrupted. Voters finally did pass a bond issue and the problem was resolved temporarily. Other school districts have been and are in danger of closing. Others have to be satisfied with teachers who are willing to work for an inadequate salary, and to be content with unsatisfactory physical equipment and buildings. I am confident that the number of school districts with similar or even identical problems with those here would be quite large. There are problems within every State, and I think it could be said that every State is working on solutions to them.

The Federal role in education is indeed expanding. During the school year 1967–68, the Federal government provided $2,271,909,000 to the revenues of public elementary and secondary schools. This accounted for 7.7% of the revenue of public schools. On the other hand, the State provided 40.3% of the total and local sources provided 52% of the total. It is obvious that the Federal government is definitely the junior partner in the financing of education. In the State of New York, the Federal government provided 4.4% of the total revenues. As I am sure you are aware, the Federal government has a multitude of programs for education. Each with its own set of guidelines and priorities. Probably the most ambitious in its goal is Title I of the Elementary and Secondary Act—Assistance for Disadvantaged Children. Title II of the ESEA during the first 2 years of its existence has allowed the procurement of over 45 million textbooks and library books by schools to help stock libraries and provide the latest teaching materials to even the most rural school. Bilingual programs have made breakthroughs in language barriers that previously meant many children could not understand their teachers and never achieved according to their potential.

Other programs provide assistance to school districts which are over-burdened because of non-taxable Federal property. Over the last ten years, Federal outlays for education have gone from $2 billion in 1960 to an estimated $9.8 billion for 1970. These figures include not only programs administered by the Office of Education, but those which are considered as education in other agencies, i.e., Office of Economic Opportunity, National Science Foundation, etc.

Even with an expenditure as large as nearly $10 billion, the funds spent for education amount to only 5% of the total Federal budget. This is obvious evidence that education still remains the responsibility of the State and local sector rather than the Federal government.

As important as education is in this country, we have a multitude of other problems which must be solved. Some of the most devastating are those of poverty, health and pollution. The poverty cycle which traps millions of Americans is a national problem which must receive a high priority if we are to reduce both its numbers and its severity. The breakdown in health care in this country has caused a health crisis which must be given a high priority if every American is to have an equal opportunity to live a healthy and happy life. And, of course, pollution is a menace which all of you know first hand, and one which must be given the highest priority if we are not to turn America into a wasteland. Indeed, there are many programs which must necessarily receive a higher priority than education in the Federal framework.

If we stop and think about programs which are supported by the Federal government and are operating here in St. Lawrence County, we can see worthy programs which could benefit many people if they were enlarged. For example, the manpower training programs are an essential part of our attempts to eliminate poverty. The unemployed and underemployed often need only to learn a marketable skill to be able to raise themselves out of poverty. The nurse training program here is a good example of a profession which can be learned—the result of which benefits the individual with a steady income and the rewards of self-satisfaction and the community with a supply of well-qualified people to provide the vital service.

Additional funds for water pollution would benefit the entire community. Additional funds for student loan programs would enable more of our young people to go on to college either here or away. Urban renewal programs would help our towns and benefit each one of us and especially those living in certain areas. And probably one of the potentially most effective programs to help us are those which encourage economic development. Under these programs, industry is encouraged to locate in rural areas thereby providing jobs for local people and additional revenue for businesses in the communities as well as the families involved.

Like Tennyson's brook, I have wandered. From education, I appear to have digressed to poverty, health and pollution; manpower training programs and MDTA's licensed practical nurse training program, in particular; the abatement of water pollution, urban renewal and economic development.

These, too, are priority needs. They certainly are if you happen to be the family living in poverty, or the person in need of health services, or the community with urban blight or facing the loss of potable water supply, or the man in need of training to equip himself with an employable skill, or the woman who wants to help herself and serve others as a licensed practical nurse. Depending on our own location and situation, priorities appear somewhat differently to each of us.

Thus, I should not evidence surprise if school administrators find that the road of least resistance is to blame the State or Federal governments for their fiscal problems. And consequently to sit back and wait for the State and Federal governments to solve them.

Your Congressman, from his particular location and situation, tries to see all of these priority needs, while at the same time, viewing them all in relation to what he sees as our number one domestic priority—control of inflation. For inflation has hurt us all.

For the average family of four, it now costs $2,400 per year more for living expenses than it did just ten years ago. This statement, I am sure, will come as no surprise to you ladies whose many duties include that of being the family purchasing agent.

That same inflation, the fires of which were fueled by this decade's large Federal budget deficits during prior years, has most cruelly robbed the poor, the welfare recipient and the senior citizen living upon a limited and fixed income.

So, too, this same inflation has been costly to our efforts to improve the quality of education. This month's issue of "School Management" says, "Inflation is roaring through education's fiscal forest like a fire blazing out of control. Dollars spent for books, buildings, salaries and services are going up in smoke." The article then goes on to point out that our cost of education index shows this year's increase to be nearly 13% over 1968–69. Last year, the article points out, school spending increased 11%, but, says the article, "While spending reached record heights in 1968–69, so did inflation, which rose nearly 10 index points, or almost 7%, wiping out much of the 11% increase in spending."

We must give top priority to curbing inflation. Our efforts in this are unfinished and success is still in doubt.

We must get inflation under control before it crushes those individuals most vulnerable. We must get inflation under control before it destroys the nation's capacity for social progress.

THE 52D ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DELANEY. Mr. Speaker, once again, I am glad to have this opportunity to join my colleagues in celebrating that historic day 52 years ago when the noble Ukrainian people proclaimed their independence.

These gallant lovers of freedom have been fighting Russians since 1667, when the czars first began annexing their lands, and since that time their soil has been nourished by the blood of Ukrainian patriots.

On January 22, 1918, the dreams harbored for centuries were fulfilled when the Ukrainian lands were united into one independent and sovereign nation, and the Act of Independence and Union was proclaimed in Kiev, their national capital.

It is one of the great tragedies of history that the freedom of these magnificent people was destined to be short lived. The Bolshevik government which seized power following the overthrow of the czars, moved quickly to conquer the Ukraine. For 3½ years these valiant people defended their homeland against the onslaught of the Communist hordes, but were finally overwhelmed by full might of the fanatic Red forces.

Although prisoners in their own land today, neither political repression nor religious persecution by their oppressors can destroy the intense desire for freedom which burns so brightly in the hearts of these great people.

As we celebrate this anniversary, it is a privilege to join with freedom-loving people everywhere to salute the courage, patriotism, and profound dedication to liberty which is an integral part of the Ukrainian character, and an inspiration to all mankind. I share their hope that the peaceful liberation of their homeland will be soon realized.

CONGRESSMAN CONYERS' 1970 QUESTIONNAIRE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. CONYERS. Mr. Speaker, as in the past I am sending this year to my constituents a questionnaire designed to outline for me the opinions of the First Congressional District of Michigan. A number of my colleagues have asked me for a list of the questions I will ask. For their information I am including the questionnaire at this point in the RECORD. The title of it is: "Congressman Conyers Wants Your Opinion."

The text follows:

CONGRESSMAN CONYERS' 1970 QUESTIONNAIRE

I. NATIONAL PRIORITIES

1. Do you feel we should spend more on (a) housing (b) education (c) welfare (d) job training (e) other domestic problems? (Circle)?

2. Do you feel the Federal government should make it its highest responsibility to insure that there are jobs for everyone who wants to work?

3. Has any member of your family been laid-off during the past year, and does it appear that they will be anytime in the near future?

4. Should we reduce annual spending on (a) Vietnam ($30 bil) (b) space program ($4 bil) (c) military ($70 bil) (d) foreign aid ($2 bil) (Circle)?

II. VIETNAM

A. Do you support? 1. Immediate withdrawal of all American forces; 2. Continued withdrawal at the present level?

B. Do you feel President Nixon is sincere about ending the war?

III. VOLUNTEER ARMY

1. Do you favor replacing the draft with a volunteer army?

IV. PRESIDENT NIXON

1. Do you feel President Nixon's attitudes towards blacks has improved?

2. Do you feel President Nixon has further polarized the nation?

V. LAW ENFORCEMENT

1. Do you feel that there are underlying causes that account for the increase in crime in the streets?

2. Is police abuse and brutality on the increase?

VI. VOTING

1. Should the voting age be lowered to eighteen?

VII. MIDDLE EAST

1. Do you favor direct negotiations between the Arabs and Israelis to end the conflict in the Middle East?

THE YOUNG KENTUCKIANS

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. SNYDER. Mr. Speaker, Kentucky has given some of her finest young men to the war in Vietnam. Some have paid the supreme sacrifice, their lives; others have been wounded; while others have had to undergo the grinding, behind-the-lines support action which is often so difficult because of the boredom inherent in such tasks. All these men are brave and fine representatives of the Bluegrass State and of America.

In the December 1969 Veterans of Foreign Wars magazine, there is an article by Hal Drake, entitled "The Young Kentuckians," which tells the story of a group of young men from Carrollton, Ky., whose National Guard unit was called up to war in Vietnam. These men of the 138th Artillery deserve our praise and our thanks. The article follows:

THE YOUNG KENTUCKIANS

(By Hal Drake)

They all spoke with the same dry and friendly accent about the same things—the same town, the same high school, the same girls.

One of them turned down a portable phonograph playing Hank Williams' "There'll Be No Teardrops Tonight" and offered an open can of warm beer to a visitor. "Here. We'll make a Kentuckian out of you. Kentuckians drink beer."

All the youngsters who sat behind a track-mounted 155mm howitzer—a ponderous machine that resembles a rolling pillbox—were from Carrollton, Ky. A year before, they were working on highways, raising hell at drive-ins and making marriage plans. Then they got the word—by radio, telephone or word of mouth. No more once-a-week meetings at the National Guard Armory in Carrollton. This was it; they were in. The 138th Artillery was called up—even if everybody in it had just sweated out the long *Pueblo* crisis, as their older brothers had once barely cleared the Berlin Blockade.

They were rudely and swiftly dumped into a fourth dimension called Vietnam—and now sat on a mountain that had been beheaded and stripped by bulldozers, an awful place called Fire Support Base Bastogne.

A fire base is a cocked mace of crushing firepower—a compact but powerful concentration of artillery that can throw a heavy package of steel-jacketed explosive in any direction. Below the Kentuckians, a battery of large and deafening 175mm howitzers were making life uncomfortable and perhaps very short for crouching enemy in the A Shau Valley. The smaller guns of the National Guard outfit were spidered in all directions, at the low-lying cowl of thickly-forested mountains around the fire base.

The youngsters from Carrollton had nothing to do; they had not fired since the previous afternoon, when the forward observer saw some figures moving through a nearby treeline. He instantly decided they were not friends of his. He called back and the artillerymen piled into the hot, narrow, turret-like housing of the gun. For 45 minutes, they mechanically hoisted rounds into a yawning breech, then braced and winced as the barrage went out with a loud, heavy slam. A tree-line ahead was smothered in a heave of dust and flame. They fired 150 times—hard, shirts-off, ear-battering work.

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Now—nothing. They only stood and waited to fire. They may fire one round a day or 1,000, depending on which way an unpredictable war might go. It is a formless, directionless war with no fixed lines, firmly secured flanks or pinpointed enemies—a war in which an enemy battalion can suddenly materialize in a thick, empty woods and a decisive, blood-poker battle can start after two patrols accidentally stumble into each other.

A stack of canvas-covered ammunition crates became a table for an outdoor hearts game, and a portable phonograph that had traveled 13,500 miles played Hank Williams. They wrote letters and read paperback novels. They talked of the other world they had known only a year before—the world that had changed with bewildering speed.

"I'd just got off construction work on Highway 71," 22-year-old Eddie L. Satchwell recalls. "I pulled into the teenage center, ready for a good night and a fine time. A bunch ran up and said, 'You're activated.' I told them to knock it off—don't even kid like that. I didn't believe anybody until I went back out to the car and turned on the radio. That was it; before I know what was happening, I was over here.

"Hell, it's all right. Wasn't as bad I thought. I'm kind of grateful for it now; I wouldn't have known what any of this stuff was about if I hadn't come over. It's not so much dangerous up here as it is monotonous."

True enough. The Kentuckians have never seen the face of the enemy—nor even heard the slashing whistle of an incoming round. When the first group moved into the fire base, astride a footpath that is being widened into a highway, the guns kept up a thunderous, all-hours racket. Cpl. Earl W. Wilson told of the time, "when Charlie was running all over the valley," when the guns poured out 900 rounds in 24 hours—so many that trucks went out on an insecure road, rolling back and forth to the Gia Le Combat Base to keep the smoking howitzer breeches fed. A cease fire and stand down did not come until 3 a.m.

Now the young Kentuckians are very good about keeping in touch with their families. Letter writing is a fine way to fill dead time. Even the hearts game takes on a dull, go-through-the-motions monotony.

"Fire mission!" The hearts players stuff their cards in their pockets. Satchwell lays an open paperback face down on the canvas. They run to the gun. One round screeches out. They walk back. Cards are carefully retrieved from pockets and the game resumes. Satchwell picks up his book. No need to glance at the title; it could be anything from Ernest Haycox to Aldous Huxley. It will pass through every hand in the gun section and the fire base, until the pages are thin as ancient parchment and the book falls to pieces. Reading is something to do—even if you only stare blankly at big words.

There they are—a good part of a whole generation in a small town. They are here because they have to be, doing it because it must be done. It is hard to forget any of them—Earl Wilson, Duane Marsh, Wayne Smith, Eddie L. Satchwell.

"They wanted the best Kentucky had," Satchwell grinned, "so they called us."

The Paris peace talks? Nobody took the discussions seriously; nobody expected an overnight miracle to bring them home. Walk down a dirt road and talk to 1st Sgt. Leland W. Hocutt, 43, of Wendell, N.C. His outfit, C. Btry., 1st Bn., 83rd Arty., is busier and noisier than the other units—the 175s are slamming into enemy bunkers and supply caches in the valley. There is little time to read and, to Hocutt, the negotiations are non-news anyway.

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"Now ain't that the damndest bunch of dirty boogie you ever seen?" he asks disgustedly.

There was another shattering roar from Bastogne, named by the 101st Airborne Division, which the base supports, for the little Belgian town that was a focal point for the Battle of the Bulge. On the way back to Gia Le is another thunderstorm of firepower—Fire Support Base Birmingham. It sat atop a hill overlooking roosting helicopters that swallowed loads of young paratroopers, lurched aloft and headed into the valley. The road that runs past the fire bases will thrust through the A Shau Valley when troops clear the way with rifles so the bulldozers can go to work.

At Gia Le, you meet another reservist. Sp/5 John K. Smithson is 25, newly married and from Washington, Pa.

"On 11 April, 1968," Smithson relates, "I was sitting there with my fiancee, watching TV—and it flashed over the noon news. You know what we were doing then? Talking about our wedding. It was really a blow to both of us. We got married on the 27th and I left May 13—just two weeks together.

"No, I'm not mad about anything. I drove a truck for six months, bringing everything up to the fire bases. It was a great satisfaction to see the guys out in the field and help them out. This is just something that has to be done . . ."

THE 50TH ANNIVERSARY OF THE FOUNDING OF THE UNITED STATES JAYCEES

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. FLOWERS. Mr. Speaker, this month marks the 50th anniversary of the founding of the United States Jaycees. I am privileged to join my colleagues in saluting this outstanding organization and recognizing the many services they perform, touching vital areas of American life.

The Jaycees came into existence on the strength of a very simple but valid idea—to teach civic responsibility and to express the viewpoint of the younger man; while, at the same time, promoting Americanism in general and many more specific and commendable goals.

The complete record of the Jaycees during the past half century would be impossible to recount, for it would have to contain the dreams and achievements of hundreds of thousands of young men in chapters throughout the world. The success of their projects is American democracy and ingenuity at work—the story of young men building and developing themselves and their communities.

Local problems of every kind receive the attention of Jaycees in the chapters around the Fifth District of Alabama at Tuscaloosa, Bessemer, Clanton, Demopolis, Marion, York, and Livingston. As a former Tuscaloosa Jaycee, I can be thankful for the many treasured friendships developed as we went about our work in the community.

Mr. Speaker, I am pleased to pay tribute to the Jaycees on this significant anniversary. I applaud their achievements and wish them well in future endeavors knowing that whatever project they may undertake, they will be acting as community-minded citizens, concerned with making America a better place to live.

U.S. POLICY TOWARD ISRAEL

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. ECKHARDT. Mr. Speaker, on December 22, 1969, Ted Szulc reported in the New York Times that David Rockefeller, chairman of the board of the Chase Manhattan Bank, John J. McCloy, former president of the Chase Manhattan Bank, Robert B. Anderson, former Secretary of the Treasury, and former director of Dresser Industries Co., and others met with the President on December 9 and advised him against continuing the present policy of allegedly supporting Israel in its confrontation with the Arab countries. Of course, Chase Manhattan Bank has many interests and connections with oil in the Middle East and Dresser Industries Co. has oil interests in Kuwait and Libya.

It appears from the article that the group basically argued that the oil industry was suffering because our policies toward Israel have had adverse effects on the economic and political reaction of the Arab States, that "the United States must act immediately to improve its relations with oil-producing and other Arab States."

EDWARD I. KOCH, my very able colleague from New York, immediately challenged Mr. David Rockefeller on this approach and this attempt to exert pressure on American foreign policy which pressure was so closely alined with the business interests of Chase Manhattan and Dresser. He wrote Mr. Rockefeller on December 22 pointing out that he believed it to be "in our national interest to support the State of Israel as the one democratic government in that area which from its inception has identified with the United States." He further pointed out that it is for this very reason that Israel "has gained the enmity of the Soviet Union." He then asked Mr. Rockefeller whether the thrust of Mr. Szulc's article was correct, concluding:

> While you and Chase Manhattan Bank have an absolute right to take any position you deem correct in support of your economic interests and while I have no quarrel with your having financial agreements with any of the Arab states, I want you to know that when you attempt to influence the foreign policy of the United States so as to support your economic interests, you run the risk of having those who disagree with you undertake a campaign designed to render effects which would be economically adverse for the Chase Manhattan Bank.

Mr. KOCH then stated that the survival of Israel was of utmost importance to him and to his constituents, "Jews and Christians alike." He asked for a response and a discussion of the matter.

Mr. David Rockefeller then answered on December 29 as follows:

> I appreciate your interest in my views on the current situation in the Middle East.
>
> I think you will recognize that my chief desire, which I'm sure you share, is to see that peace is achieved in that troubled region, a peace taking fully into account the legitimate aspirations of the parties involved.
>
> A recent visit to the Middle East reinforced my conviction that the continuing hostilities there could easily escalate into a full-scale war. I believe, though, that this possibility could be averted if both the United States and the Soviet Union were willing to support a balanced peace formula.
>
> Any such formula admittedly would require concessions by both Israelis and Arabs on such issues as boundaries, refugees, access to waterways, security arrangements and the like. But it would seem to me to offer both sides their best hope of achieving fundamental goals without the holocaust of another war—a war which neither they nor the rest of the world can afford to risk at this time.
>
> The deepening of Middle East tensions in the past two years and the apparent retreat of both parties from compromise undoubtedly have made it more difficult for Washington or the United Nations or anyone else to serve as peacemaker.
>
> Nevertheless, my own observations during my Middle East trip convinced me that thoughtful Arabs are beginning to question whether the current turmoil in the area really furthers their own interests. More and more of them appear disposed to explore reasonable compromises.
>
> In such explorations, the United States should not under any circumstances try to impose a dictated settlement on either side. Nor should we encourage steps that would undermine Israel's strength and security as a sovereign nation. However, we should be mindful that while Israel's short-term security might perhaps be buttressed by military superiority, her longer-term security would be far better served by cultivating Arab moderation.
>
> In view of this, it seems to me the prudent course would be to seek an accommodation—through direct negotiations between the parties—that would contribute not only to Israel's future security but to legitimate Arab goals as well, and thus to the preservation of peace in the region.
>
> Believing as I do that the situation is sufficiently critical and the stakes of war or peace sufficiently high to warrant the best thinking of all concerned citizens, I would be pleased to meet with you as you suggest to discuss this matter further.
>
> With kind regards,
>
> Sincerely,
>
> DAVID ROCKEFELLER.

Though no one can quarrel with the proposition that it would be desirable, ultimately, to bring about peace in the Middle East through voluntary agreement between the Arab States and Israel, Mr. Rockefeller's letter was not, in fact, responsive to that of Congressman KOCH. It did not clarify what he thought the position of the United States should be in the interim—before more salubrious relations for peace between Israel and the Arab States and more congenial relations for negotiation between the United States and the Soviet Union are attained.

Obviously, under present conditions, a unilateral change in U.S. attitude toward Israel and the Arab world in the direction of neutrality would result in Israel's natural democratic friend, the United States, being neutral and the Soviet Union, the long-time collaborationist with the Arab States, continuing to be these states' active and partisan ally. In the wake of the French sale of 110 planes to Libya, absolute neutrality for the United States would be like the neutrality we observed in Spain when Hitler and Mussolini were supplying Franco.

Congressman KOCH very appropriately answered in his address before the American Jewish Congress on January 11, 1970, as follows:

> On December 22, a Ted Szulc article in the New York Times described a meeting of December 9th between President Nixon, David Rockefeller and several others. I was extremely distressed by the sense of that article which implied that Mr. Rockefeller, among others, had urged that the United States alter its Mid East policy so as to have it more favorably received by the Arab States. I wrote to him asking whether the article accurately reflected his advice to the President.
>
> His letter of December 29th was not, in my judgment, responsive and I so advised him on January 5th. I personally met with Mr. Rockefeller on January 8th to further discuss the matter. On that occasion he did respond directly to my questions and stated that with one exception the article accurately reflected his point of view. The exception was that he felt there was an unfair implication that his advice to the President was motivated by his concern for the business interests of the Chase Manhattan Bank. I advised him that there is clearly a fundamental disagreement between us concerning Israel and its security and, what in fact, is in the best interest of the United States.
>
> I believe that the policies of our government are affected, not only by public office holders, but also by the opinions of respected men and women in prominent positions in the private sector. Consequently, Mr. Rockefeller's position continues to be a legitimate matter of public concern, and my constituent mail makes clear that this is so. At our meeting, I urged him to make a public statement explaining his position. On the same day he did issue a clarifying statement. Everyone interested in this subject must decide for himself whether Mr. Rockefeller's new statement is satisfactory from their point of view. From my point of view it is not.
>
> I do not believe that it is in our national interest to change the policy of our government vis-a-vis Israel so as to make it more acceptable to the Arab States. I prefer and support the position that President Nixon espoused when he was Candidate Nixon . . . and that was, "I support a policy that would give Israel a technological military margin to more than offset her hostile neighbors' numerical superiority."
>
> Unfortunately the campaign rhetoric has not been fulfilled and we have seen under the present administration a change in policy which euphemistically has been labeled a "balanced policy". Yes, the scales have been tipped, but tipped adversely, to Israel and its security. The advice given by David Rockefeller, John McCloy and those others who met with President Nixon on December 9th can only tip them further in that direction. Therefore, each of us here assembled must work doubly hard to restore that policy which was predicated on the preservation of the sovereignty of Israel by providing it with sufficient arms, planes and economic support so as to prevent an attack from any or all of the Arab States.

I applaud my colleague for pointing out so clearly the fallacious and evasiveness of Mr. Rockefeller's reply.

I agree with Chairman CELLER's statement, in his declaration in support of peace in the Middle East, that—

> All the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

But until they do in fact realize that this is the proper common goal, as Chairman's CELLER's declaration states:

> It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources.

With this viewpoint I entirely agree.

ASSAULT ON PRIVATE SCHOOL SYSTEMS BY FEDERAL JUDICIARY

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, the assault on private school systems in this country by the Federal judiciary must be repelled, and it must be repelled now.

The outrageous decision by three Federal judges in Washington, denying tax exemptions to some private schools in Mississippi, is certainly characteristic of the discriminatory nature of the court where the South is concerned.

Yet, there is another profound danger in this latest rape of the law. I have warned my colleagues more than once that letting the judicial branch write laws, simply because for the moment they have application only to the South, a favorite whipping boy since time in memoriam, is simply allowing the constitutional powers of the legislative branch to be eaten way.

Surely all in this body are aware that section 501(c)(3) of the Tax Code says that a nonprofit organization is exempt from Federal taxes if it is organized and operated exclusively for religious, charitable, scientific, literary or educational purposes. We ought to know this. We wrote the law.

If my colleagues are not concerned with the loss of their power to make laws, even the ones under which the Internal Revenue Service operate, they will be most concerned when the Federal decrees now clubbing helpless southern school boards, schoolchildren, and their parents, begin to strike their own constituencies.

As the saying goes, a hit dog hollers—and where the dog happens to be at the time makes little difference. It still hurts.

I am today introducing legislation to amend sections 501 and 170 of the Internal Revenue Code of 1954 to provide that tax-exempt status under section 501 shall not be denied to a private school on account of the admission policies, requirements for admission, or composition of the student body or faculty of such school.

If a court of the United States enters

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a final judgment that the Constitution or laws of the United States prohibit the granting of exempt status to a private school on account of the admission policies, the requirements of admission, or the composition of the student body or faculty of such school, for the period during which such judgment is in effect, then no institution organized and operated exclusively for religious, charitable, testing for public safety, literacy, or educational purposes, or for the prevention of cruelty to children or animals shall be exempt from taxation.

THE INSPIRING LIFE OF THE LATE MAJ. GEN. THOMAS F. FOLEY OF WORCESTER, MASS.

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. DONOHUE. Mr. Speaker, perhaps never before has there been a time in our history when the people of this country, particularly our youth, were more in need of and receptive to an inspiring example which, after all, represents the truest teaching.

Such an example is, indeed, provided by the life and deeds of a "noble creature" who, throughout his days, enriched the lives of all his associates and fellow citizens, and the spirit of his community by his hourly projection and daily practice of those immaterial but everlasting virtues and values upon which this Nation was founded and without which no community in our beloved land can long endure.

If ever there was a human model that warranted the admonition "be like this man" that model is personified by the story of the late Maj. Gen. Thomas F. Foley. At this point I would like to include the graphic recital of his life and activities that appeared in the January 26, 1970, issue of the Worcester, Mass., Telegram; the article follows:

MAJOR GENERAL FOLEY DIES AT 90

Retired Maj. Gen. Thomas F. Foley, who rose from Army private to National Guard general in a beribboned military career spanning nearly half a century, died yesterday in his home, 17 Circuit Ave.

He was 90.

Gen. Foley was chief of police here for 19 years—1928 to 1947—climaxing a 40-year career in the Worcester Police Department.

To the general public, he was always "Worcester's first soldier."

AWARD FOR GALLANTRY

A much-decorated hero of World War I action in France, Gen. Foley held the nation's second-highest award for gallantry—the Distinguished Service Cross.

The municipal athletic field on Chandler Street honors his name—General Foley Stadium.

For 42 consecutive years—1919 through 1960, when he was 80—Gen. Foley marched as marshal at the head of Worcester's annual Nov. 11 Veterans Day parades.

For 46 years he was guest speaker at Memorial Day exercises at Columbus Park Grammar School, at the foot of the hill near his home.

In 1967, when ill health broke the string, 600 school children climbed to the general's home to bring their Memorial Day observance to him in a touching tribute.

Gen. Foley's military career began during the Spanish-American War. He enlisted May 10, 1898. It ended during World War II. He was commander of the Massachusetts State Guard (the home-front soldiers) when he retired March 16, 1942.

He first served with the 47th New York Infantry, according to records. When the 9th Massachusetts Infantry returned from Cuba, he was accepted as a private in Worcester's so-called Emmet Guards, Company G of what was then the Massachusetts Volunteer Militia, forerunner of today's National Guard.

By 1907, when he was appointed a patrolman in the Worcester Police Department, Gen. Foley had risen to first sergeant in the militia.

He was commissioned a lieutenant in the Emmet Guards in 1908, and in 1912 he was promoted to captain.

It was Capt. Foley who commanded the Emmets during the Mexican Border incident in 1916, and March 25, 1917, he led the city soldiers overseas for duty in France with the famed 26th Yankee Division as part of the American Expeditionary Force in World War I.

The first completely American division to reach France in World War I, the YD also was the first U.S. division to go into battle without the aid of other Allied troops.

Gen. Foley participated in five offensives with the 26th Division, mostly as commander of Company G, 101st Regiment. He won a battlefield commission to the rank of major and was placed in command of the 3rd Battalion, 101st Infantry.

DSC CITATION

Machine-gunned and gassed in action, he was awarded the DSC by the commanding general of the AEF, the late General of the Army John J. Pershing.

The citation with his Distinguished Service Cross reads:

"For repeated acts of extraordinary heroism in action near Vaux, France, July 15 to 22, 1918. Throughout the four days of the advance, he commanded and led his battalion with exceptional bravery and judgment, thereby inspiring his men.

"When strong resistance was encountered, he personally went forward and reconnoitered the terrain under heavy machine gun and sniper fire, and on July 15 and again July 22, he personally led his battalion in successful attacks," concludes the DSC citation.

SILVER STAR

The 26th Division awarded the then Capt. Foley the Silver Star for gallantry in action during the Second Battle of the Marne, from July 18 to July 25, 1918.

He was awarded the French Legion of Honor by presidential decree May 14, 1919, and the French Croix de Guerre with Palm, April 24, 1919, with the following citation:

"During the advance near Vaux on July 15, 1918, he commanded his battalion with great bravery and intelligence. Leading his men on by advancing in front of them in the face of heavy enemy resistance, and making reconnaissance under violent machine-gun fire, he made two successful attacks with his battalion on July 15 and July 22, 1918."

OTHER AWARDS

For heroism in other actions, Gen. Foley was awarded an Oak Leaf for his DSC, and two palms for the Croix de Guerre in lieu of other medals of the same grade from the French government.

He was awarded numerous 26th Division citations for conduct during action in the Chemin-des-Dames sector and in other battles fought by the YD.

Gen. Foley was wounded by shrapnel in the battle at Chateau Thierry. Forced to seek hospital aid after three days of fighting, he later returned to duty to lead the 101st Battalion in its Meuse-Argonne offensive.

In making the Silver Star presentation, Gen. C. R. Edwards, commander of the 16th Division (Camp Edward was named after him), said:

"If ever there was a gamer fighter in the United States Army, I'd like to know where he is."

NAMED BRIGADIER

When Gen. Foley was appointed brigadier general in the National Guard after World War I, Maj. Gen. Edward L. Logan said:

"As a friend Gen. Foley was never anything but loyal. As a soldier he was never anything but true. In the Ninth Massachusetts, and later in the 101st, we looked forward to him and his men. No more loyal, efficient, patriotic citizen ever existed . . ."

More than 1,000 persons attended the May 1, 1923, tribute to Gen. Foley after his promotion to brigadier general.

ELECTED CHIEF MARSHAL

Gen. Foley returned from overseas April 28, 1919, and was promoted to police lieutenant that year.

On Nov. 3, 1919, Worcester Post, American Legion, elected him chief marshal for a parade to mark the first anniversary of what was then Armistice Day.

Despite the rain, the Tuesday, Nov. 11, 1919, parade was a huge success, with about 150,000 persons lining downtown strees to see 12,000 marchers in an eight-division parade.

In 1954, after World War II and the Korean War had brought about a change from Armistice Day to Veterans Day, Gen. Foley was still at the head of the parade, at age 74.

The leader of the band directly behind the general's military aides, passed word along in 1954 that the general was "too peppery," and urged, "Please ask him to slow down a little . . ."

Gen. Foley marched for the 42nd and final time in the Nov. 11, 1960 salute to veterans. The next year Clifford Benson, commander of the Worcester Veterans Council was marshal.

RODE HORSEBACK

Gen. Foley spent the day at home in 1961, recalling for a newspaperman that in 1919 and the years immediately after that he and his staff rode horseback in the big parade.

As always, the white haired blue-eyed man was interviewed on the sunporch of his home at 17 Circuit Ave. Still on the wall was the Distinguished Service Cross Citation—just below a photograph of Gen. Pershing and Capt. Foley.

Other photographs pictured encampments of troops long ago; of basketball teams of the Police Department, of friends long deceased, and a framed yellowed pencilled letter from a general, next to the DSC citation that reads:

"To Capt. Foley: Your mission is this—fight to the very end. Never retreat. Never give up."

He never did.

NAMED POLICE CAPTAIN

Promoted to police captain in 1920, and deputy police chief in 1924, Gen. Foley topped the Civil Service examination for police chief in 1928 after Chief George H. Hill retired to become manager of the Worcester Safety Council.

On May 31, Police Chief Foley retired, ending 40 years of municipal service.

In the peaceful years after World War I, Gen. Foley was active in the reorganization of the National Guard. In 1920, he was promoted to colonel and placed in command of the 101st Regiment, then in Boston.

In 1923 he was advanced to brigadier general in command of the 52nd Infantry Brigade, consisting of the 104th and 181st Infantry Regiments with headquarters here.

In 1928, when he was appointed police chief, Gen. Foley relinquished some of his duties with the National Guard, and April 4, 1935, he retired from active military duty.

When the National Guard was called into federal service, just before America's entry into World War II, the State Guard was formed as the home militia. Gen. Foley was named commander of the First Brigade on Jan. 14, 1941, at his former rank of brigadier general.

He assumed command of the State Guard Feb. 27, 1942, after Maj. Gen. Erland Fish, commandant, was killed in a Boston traffic accident.

HONORED AT REVIEW

Three weeks later, Gen. Foley retired from active duty with the State Guard at his own request, saying he felt he could not give the post the attention it required while still serving full time as Worcester's chief of police.

A year later, June 25, 1943, Gen. Foley was honored at a review of 800 officers and noncommissioned officers of the State Guard at the Massachusetts Military Academy in Concord.

Four years later, June 25, 1947, he was saluted at a testimonial dinner marking his retirement as police chief. About 550 friends attended the dinner at the former Sheraton Hotel.

The late Dr. Joseph W. O'Connor, a World War I buddy and toastmaster, said:

"Forty-nine years' service to state and country is a record not to be passed over lightly, a record we're proud of . . . No one served under Tom Foley. You served with him. As a soldier, citizen and public official, you could have no quarrel with his acts."

Twenty years later, April 6, 1967, in what was perhaps his last public function, Gen. Foley was chosen to place the ceremonial wreath in the Worcester War Memorial Auditorium's Hall of Heroes, at ceremonies noting the 50th anniversary of the United States' entry into World War I.

As part of his public service, Gen. Foley served as Worcester's fuel commissioner during the 1920 coal shortage.

During World War II, he was on a special committee that studied the city's air raid center reports, and in 1949 he was appointed chairman of the city's Military Manpower Committee named to aid Army and Air Force recruiting.

He was a founder of the Armed Forces Dinner Organization. In 1959, he was presented the Award of Merit scroll at the 32nd annual dinner, the second recipient of the award.

EMERALD CLUB HONOR

In 1961, he was presented the Emerald Club's annual award—a plaque and shillelagh—as Worcester's outstanding Irish-American.

On Nov. 11, 1953, the Worcester Veterans Council presented Gen. Foley a plaque as the city's outstanding citizen, and April 28, 1962, he was honored for his contributions to the city's civic life at Worcester State College's annual scholarship tea.

Worcester Barracks, World War I Veterans Association, presented Gen. Foley its past commander plaque and jeweled pin Oct. 2, 1962. He had organized and served as commander of the Barracks from its inception, Oct. 4, 1955, until 1961.

He long was chairman of the trustees of GAR (Grand Army of the Republic) Hall on Pearl Street, and in 1957 was appointed a trustee of the World War I Veterans Memorial Fund.

ATHLETIC FIELD

Post 5, American Legion, suggested on Nov. 19, 1962, that the World War I Memorial Fund be donated toward refurbishing the schoolboy athletic field on Chandler Street, and that it be named in honor of Gen. Foley.

The city accepted the gift of $200,000 on Jan. 17, 1963, and on June 14, 1965, in Flag Day ceremonies, the field was dedicated. Gen. Foley was a guest at the ceremony.

Gen. Foley was a charter member of Worcester Post, American Legion, and Homer J. Wheaton Post, Veterans of Foreign Wars.

He was a charter member of Alhambra Council, Knights of Columbus, and a past grand knight of the order. He also was a member of Bishop O'Reilly Assembly, Fourth Degree, K. of C.

He was a member of the Purple Heart Association, Worcester Chapter, Yankee Division Veterans Association, and Worcester Lodge of Elks.

He was a founder of St. Andrew the Apostle Church and a member of the Holy Name Society at St. Andrew's parish.

Gen. Foley was born in Worcester Dec. 27, 1879, son of John and Mary (Carroll) Foley, at 184 Maywood St.

In 1909 he married Mary E. O'Donnell, the girl whose books he once carried home from the old English High School, later Classical High. The general was graduated with the class of 1897.

Mrs. Foley died July 4, 1947, at the family summer home at Misquamicut, R.I.

The Foleys had six children, Thomas F. Foley, Jr. died of a heart attack March 30, 1939, at Boston Garden, while watching a Stanley Cup hockey playoff game with his parents. He was 26, a graduate of Dartmouth College.

SURVIVORS

The general leaves four sons, Dr. Robert E. Foley of Wellesley, associated with the Lahey Clinic in Boston, John J. Foley of Farmingham, assistant vice president of New England Power Service Co., Paul E. Foley of Auburn and Vincent D. Foley of Worcester; a daughter, Miss Kathleen A. Foley, with whom he made his home; a brother, Edward J. Foley, a retired district fire chief; 13 grandchildren, and five great-grandchildren.

The funeral will be held Wednesday from his home with a High Mass at 10 a.m. in St. Andrew the Apostle Church, 16 Vineyard St. Burial will be in St. John's Cemetery.

Calling hours at his home, 17 Circuit Ave., are 7 to 9 tonight and 2 to 4 and 7 to 9 p.m. tomorrow.

The John J. Fay Funeral Home, 2 Woodland St., is in charge of arrangements.

LEGENDARY "DOC" HILL RETIRES AFTER 40 YEARS IN HAWAII LEGISLATURE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. MATSUNAGA. Mr. Speaker, for the first time in nearly 40 years, the grand old man of Hawaii's "Grand Old Party," Senator William Hardy "Doc" Hill, was not a member of the Hawaii State Legislature when it convened last week.

In early January, at age 79, the Big Island's legendary "Doc" Hill retired from the legislative arena where he had served since 1929, when he first took a seat in the then territorial legislature.

The colorful Republican orator will be greatly missed by his legion of friends from both political parties, and indeed it is with regret that we view the passing of a unique era in the history of Hawaii with the departure from the State senate of this distinguished statesman.

Sometimes irascible, ofttimes flamboyant, but always keenly analytical and astute in his approach to the problems of the day, Senator Hill contributed greatly to the work of the legislature and to the development of the 50th State.

It is hoped that "Doc" Hill, although officially retired from his legislative duties, will still be available to give counsel to those who seek it.

As a personal friend and as Hawaii's Congressman, I extend to "Doc" Hill a fond Aloha, and wish for him and Mrs. Hill many more years of the good life.

I know that my colleagues in the Congress would wish to join me in saluting this very special citizen of Hawaii. I believe the Members will also enjoy reading a delightful feature article about Senator Hill from the Honolulu Advertiser of January 16, 1970. The article by Advertiser politics writer Gerry Keir follows for the CONGRESSIONAL RECORD:

THE SENATE'S LOSING A LOT OF CHARM

(By Gerry Keir)

"Mr. President?"

"Senator Hill is recognized."

When those words were spoken, the Senate would settle back, ready for a flow of wit, humor and the finely-tuned oratory in which William Hardy Hill savored the English language and tickled the fancy of his listeners. Now, after 35 years in the legislative halls of Hawaii, the "Doc" has retired at the age of 79.

If ever the term Elder Statesman fit a man, it fit Doc. After many years in the inner circle of power in Hawaii government, age and the Democratic ascendancy in the Senate moved him back into the ranks during the late 1960s.

But really, Doc Hill never took a back seat to anyone in speaking his piece on the Senate floor. And age which slowed his step hasn't yet worked its way up to the quick mind beneath that Caesar-like haircut.

He could be slashing, mellow, philosophical.

In his days as Senate president he was quick to take up the cudgels against members of both parties. He often matched words with a fellow Big Island orator, former Democratic Sen. Nelson K. Doi, now a Circuit Court judge in Hilo.

He also had a lingering feud with Republican Sen. Randy Crossley during which Crossley considered resigning from the party.

As Democrat majorities in the Senate proved unable to resolve factional differences during the 1960s, it was Hill who seemed best able to pick the perfect time and battleground to rub salt into open Democratic wounds.

He criticized their sometimes faltering attempts to organize the Senate. He lambasted their procedures on the floor.

Once, when the Democratic-run Senate couldn't reach agreement on a new reapportionment plan, Hill offered to bring his pet mynah bird—"Little Doc"—from Hilo to help.

"Little Doc," said Big Doc, was more capable of coming up with a solution than were the wrangling attorneys in the Senate. You see, Big Doc had a thinly-veiled disdain for the legal profession.

What will be missed most around the Senate will be the little touches that Doc provided. His talking mynah bird was one such flamboyance.

Every year until the bird died in 1965, "Little Doc" was brought from Hilo by his master to sit caged outside of the Senator's Iolani Palace office—whistling at the wahines and saying "Vote for Doc Hill" in true campaign style.

Doc's hearing problems also were legend. Because of them, he had a special electronic

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arrangement through which he could hook his hearing aid into the Senate public address system and hear proceedings on the floor. The only problem occurred when other senators didn't turn on their microphone switches before speaking.

"Flip your flipper," Doc would roar irascibly, and the offending lawmaker would comply.

But perhaps Doc's unique contribution to the Senate was his habit periodically of taking the floor to assess the situation, philosophically putting current events in the Senate in the perspective of his decades of service.

He loved to give advice to the younger lawmakers, some of whom weren't even born when Doc first took the boat from Hilo to Honolulu in 1929 to sit for the first time in the Territorial Legislature. And the others loved to listen to the orator—who generally had some pointed barbs concealed in the full-flowing commentary.

Perhaps the ceremonial highlight of Doc's Senate career came in 1967, when he appeared during one of the extended days of the session dressed in a kimono.

"Mr. President," he said. "I have been humiliated, insulted and shunned the past few days and it's all your fault.

"Last Thursday, Mr. President, I arose on this floor to tell you of rumors that the Senate might not adjourn as scheduled the next day.

"I told you that my wife was going back home to Hilo in a few hours and wanted to know how many shirts she should leave for me in Honolulu. And you told me—before this body—that she should leave only one shirt.

"Along about Saturday, I began to notice that when I would approach a group of senators I thought were my friends, they would scatter or else get upwind of me.

"I wondered what was wrong. Had I voted wrong on one of their pet measures?

"Finally, a Democratic senator put it to me simply—'You smell like a goat,' he said."

Once he missed the opening day of the Legislature because of illness. But, on his return, it was the same Doc.

"It has been rumored in the newspapers that Doc Hill has been sick," he said.

"I was at death's door. Gabriel was blowing his horn—but my hearing aid gave out and I didn't hear him."

When the Senate voted to disband the State Subversive Activities Committee in 1969, it was Doc who provided the most rousing defense.

"I want to say, shame on you," he told his fellow senators. "Shame and double shame. . . .

"When you turn on the lights, the cockroaches run."

Next week, when the Senate turns on its lights for the 1970 session, Doc won't be there. The cribbage players and the peanut-munching crowd (two of his favorite leisure-time activities when proceedings dragged) will miss him.

And so will the Capitol reporters, for whom he spiced up many an otherwise intense, humdrum moment of lawmaking in Hawaii.

PEACE CORPS CALLED SLOVENLY, BAD INFLUENCE—MALAWI ASKS WITHDRAWAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. RARICK. Mr. Speaker, another "emerging nation" has become sufficiently civilized to recognize and react to the regression from civilization and decency of some of our do-gooders. This time the African state of Malawi, which has demonstrated in other ways its superiority to its black neighbors, has asked that we withdraw our Peace Corps personnel, because their bad conduct and behavior, and their slovenliness are bad influences on the nation's children.

A pertinent news clipping is included in my remarks:

MALAWI OUSTS PEACE CORPS

BLANTYRE, MALAWI, January 26.—All U.S. Peace Corps volunteers will be withdrawn from this country by the end of 1971 following requests by the Malawi government and the ruling Malawi Congress Party, it was announced.

There are about 150 Peace Corps volunteers working here with the ministries of health and education.

A resolution passed by the Congress Party's annual convention demanded that recruitment cease and that all volunteers leave within 18 months. Delegates cited "complaints by our people against the influence which Peace Corps volunteers have over our children and because of their bad conduct and behavior and their slovenliness."

MORE SUPPORT FOR FLEXIBLE EXCHANGE RATES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. MOORHEAD. Mr. Speaker, a Wall Street Journal editorial of January 23 points out that all countries stand to gain by a more flexible system of exchange rates by which we can follow our own internal financial policies without posing so much danger to the system as a whole.

I include the editorial, "The Time Is Now" for the attention of my colleagues at this point in the RECORD:

THE TIME IS NOW

The best time to fix a leaky roof, the ancient adage goes, is when it isn't raining. It's the sort of obvious fact that homeowners are said to overlook, although we don't know that many actually do.

National governments, anyway, should fix their currency roofs in good weather. As central bankers held their latest gathering in Basel, the weather was clearer than it had been through most of the past couple of years.

At a number of earlier meetings the bankers had struggled to find ways to keep the U.S. from losing all its gold, a development that could have had shattering repercussions for the world monetary system. At present, though, the U.S. is gaining gold and the free-market price of the metal has fallen to around the official level of $35 an ounce.

Earlier, too, West Germany's market was so strong that it was positively embarassing other governments, which had been much less careful to guard the value of their currencies. Now the official value of the mark has been pushed high enough that Germany has been losing, instead of consistently gaining, currency reserves.

The true sources of the recurring monetary troubles, the U.S. dollar, the British pound and the French franc, all appear relatively stable—for the time being, at any rate. In each case there are lingering or looming troubles that could abruptly change the situation.

In the U.S., the balance of payments is still deeply in deficit. In each country inflation remains very much a factor, despite efforts to overcome it. The future, in other words, is highly uncertain, no matter how placid the present.

Right now, then, would seem a fine time to move away from the current inflexibility of currency exchange rates. Exactly how far such a movement goes, or precisely how it's effected, would appear to be less important than a decision for some increase in flexibility.

Wolfgang Schmitz, president of the Austrian National Bank, argues that the details can be safely left to the International Monetary Fund, working in cooperation with member governments. At the moment the IMF happens to be in the midst of a study of monetary reform.

Currently the IMF can approve changes in exchange rates only when a country's balance of payments is in "fundamental disequilibrium." Whatever this meant in theory, in practice it has meant that changes have been made, and approved, only in times of severe national crises.

Maintaining fixed rates has become a matter of national pride. Governments resort to borrowing and all sorts of restrictions on world trade before they will ever concede that their currency is overvalued.

In Dr. Schmitz' view, "Today there is widespread and growing understanding that it has become necessary to ease our exchange rate system, which has become too rigid, and to make the original Bretton Woods idea of sufficient flexibility effective again."

More flexible exchange rates would not lessen any nation's responsibility for guarding the value of its own currency. In fact they conceivably could put more pressure on a country's financial policy-makers, since the results of profligate policies might show up more quickly in rate changes.

The chief potential gain from greater flexibility, however, is that it could permit any country to follow whatever internal policy it chose without posing quite so much danger to the world monetary system. Central bankers might not have to meet so often to head off an impending cataclysm.

Those bankers thus should have an incentive to favor change. Only fools delay their roof-fixing until it rains.

FEDERAL FUNDS TO HELP FIGHT CRIME ALLOTTED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. RODINO. Mr. Speaker, the Federal Government recently announced the allocation of funds to the States for action programs to be conducted under the Omnibus Crime Control and Safe Streets Act of 1968. The State of New Jersey will receive $7 million to carry out the excellent plan which has been developed with the initial planning funds. As a January 20 editorial in the Evening News points out, these action projects "range from relatively simple undertakings like improvement of law-enforcement personnel and crime prevention to sophisticated studies in communications and use of computers in crime fighting." Hearings will begin February 18 in the House Judiciary Committee to assess the effectiveness of the act and our study will also consider the need for increased

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funds, such as I have proposed in H.R. 15532, to authorize the appropriation of $750 million in fiscal year 1971.

I include the editorial from the Evening News commenting on this matter in the RECORD, as follows:

CASH VERSUS CRIME

The $7 million in federal funds allocated to New Jersey under the Safe Streets Act will provide the state and its county and municipal governments an excellent opportunity to undertake programs to improve law enforcement. The federal grant will be matched by about $3 million in contributions from the state and local governments. The $10 million thus available will be used to find a variety of programs this year under the aegis of the State Law Enforcement Planning Agency (SLEPA), which channels the federal grants to programs it has approved.

The federal contribution represents an eightfold increase in the money made available last year. Indeed, even with a mere $860,000 in federal money, some worthwhile programs were undertaken, including a project in Willingboro that took a narcotics education program directly into the schools and another that sought to improve the response time of police to radioed calls in Fort Lee. The money also enabled the state police to hold a unique school on organized crime last October.

These and similar projects fall within 10 categories of action programs created by SLEPA, which range from relatively simple undertakings like improvement of law enforcement personnel and crime prevention to sophisticated studies in communications and use of computers in crime fighting.

The grant to New Jersey for action programs and planning is part of $268 million in funds to be distributed, primarily among the states. It is a sizable amount for a starter and represents an overdue federal commitment to state and local governments in providing the kind of programs they could not possibly afford on their own.

In the spending of such a sum there is, of course, a danger that wasteful and inefficient programs could eat up a substantial part of the money. Both the Justice Department and such state agencies as New Jersey's SLEPA are, we trust, committed to a continuing evaluation of programs to make sure that the money is spent toward the goal of reducing crime and making streets safe once again.

THE CLEAR AIR CRISIS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. KASTENMEIER. Mr. Speaker, despite the growing lipservice paid to the problem of water and air pollution, all too many persons, particularly those in largely rural areas who do not face the fumes every day, act as if they believe that this is a reckoning to be faced in the future. But this is not the case; the crisis is upon us now. It is no longer confined to our cities and industrial areas, and it grows with each day's delay in undertaking the measures necessary to combat it.

I would like to insert in the RECORD the following perceptive editorial appearing in the December 27, 1969, issue of the Watertown, Wis., Daily Times. Although the Watertown paper serves a predominantly rural area, the editorial clearly expresses the urgency of the pollution question for all Americans; we have literally run out of clean air. It follows:

THE CLEAN AIR CRISIS

There was a grim bit of news from New York City the other day. A group created to fight air pollution confronted Christmas shoppers in Herald Square with signs that said: "This is an air pollution poison pocket. Danger. Breath at your own risk."

That has its humorous overtones, but they give away to the serious import of this reminder that one of the city's highest pollution readings was made in this busy square faced by two enormous department stores. One gets to thinking that perhaps in the not very distant future this will have to be standard practice in big cities—warnings that this or that area is a "poison pocket" dangerous to health.

Reading about that "breath at your own risk" sign in New York, one may fondly assume that most of the air in this broad land is still pure. That is an illusion. Specialists at the Atmospheric Sciences Research Center in Scotia, N.Y., say that the last pollution-free air in this country was detected near Flagstaff, Ariz., six years ago. A spokesman for the Research Center put it thus: "We ran out of clean air, so to speak. For six years we have been looking for some in the remotest parts of the United States."

The message is clear: Air pollution is no longer a problem that only city dwellers need worry about. More and more, airborne poisons generated in the great population centers are spilling out into the adjoining countryside—in some cases for hundreds of miles.

This phenomenon has become so prevalent that some scientists now think air throughout the Northern hemisphere will be dangerously poisoned by 1990 unless the present trend is halted. That trend, in starkest terms, is that air pollution is increasing much faster than the air can cleanse itself.

It is wearisome, no doubt, to be reminded of this again and again. Such reminders are, however, a necessary part of alerting the public to the urgency of this threat. We are no longer dealing with some hazard of the vaguely distant future. It is not an exaggeration to say that in this highly industrialized and transportation-oriented society we stand on the verge of a grave peril. Whatever is being done to curb air pollution is not enough. Efforts by industry and government alike must be redoubled if we are to avert disaster.

UKRAINIAN RESOLVE LAUDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. NELSEN. Mr. Speaker, January 22 marked the 52d anniversary of the independence of the Ukraine. I would like to join my colleagues in paying respect to the brave, but still captive people of the Ukraine and also to their relatives and descendants who are now citizens of this free country. The 47 million people of the Ukraine represent the largest non-Russian nation both in the U.S.S.R. and in Eastern Europe. These strong people whose freedom was so short lived, crushed by the Bolsheviks, remain strong in their resolve to remove the Soviet yoke of oppression. Their continued resistance can be seen in the reports which come out of this region—reports which tell of discontent among intellectuals, farmers, and workers. Of course, these sentiments are echoed by all the enslaved peoples of Eastern Europe. Only by brute strength was the Soviet Union able to crush the move for freedom and sovereignty in Czechoslovakia. Their purpose and hope remain steadfast as does that of the Ukrainian people.

Therefore, it is our duty and privilege to affirm our moral support for these people in their quest for self-determination. It is our duty because we live in a land where freedom and liberty are constitutional rights which have been strengthened over almost 200 years. It is our privilege because we already have by birthright what the captive peoples seek through resistance and sacrifice. Their plight should serve as a reminder to us all that many still fight for the opportunities which we have been given freely.

Let us look to the day when the subjugation of these people and will be terminated through a recognition on the part of the Soviet Union of the rights of the sovereign people of the Ukraine. In the meantime, let it be known that I continue to support the cause of Ukrainian independence.

POPULATION COMMISSION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. BUSH. Mr. Speaker, the House Republican Task Force on Earth Resources and Population of which I am chairman, has spent the past year studying the problem of population growth. Through our hearings and research, we became aware of the urgency of this insidious problem. Our analysis of population growth eventually led us to the production of our family planning report.

In this morning's Washington Post, January 27, there is an editorial by Mr. David S. Broder in which he commends President Nixon's efforts to deal with the population problem. Mr. Broder makes note of President Nixon's objective of a balanced growth for America, and his desire for a Commission on Population Growth. There is presently a measure designed to create this Commission, and Mr. Broder urges that Congress bring this measure to a vote. For the benefit of my colleagues I will reprint this article in the RECORD:

PRESIDENT TAKES MAJOR STEP IN URGING POPULATION DISPERSAL

(By David S. Broder)

CAMBRIDGE, MASS.—In a generally overlooked section of his State of the Union address, President Nixon called on Congress to join him in developing "a national growth policy" aimed at channeling the 100 million additional Americans who will join the population by the end of this century away from our overcrowded big cities and into more habitable sections of the country.

Now celebration of the joys and virtues of small town and rural life has been a presidential tradition since Jefferson's time. But if

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administration officials are right in saying that this passage of the President's address was no casual bit of rhetoric, it could signal as significant a development in the national policy as any recent President has initiated.

There is no lack of evidence of what awaits us if we continue to let population trends continue as they have for the past three decades. But, as James L. Sundquist of the Brookings Institution points out in an article in the current issue of The Public Interest, it has been very difficult to engage the federal government in serious planning to change this trend.

Now the Nixon administration—so unlike the stereotype of a Republican laissez faire government in its penchant for long-range planning—appears ready to launch the first serious effort in this direction.

About time, too. For as Sundquist notes, if current trends continue to the end of the century, 77 per cent of the predicted 300 million Americans will then be jammed into just 11 per cent of our continental land area. Only 36 million citizens will live outside urban areas of at least 100,000 population, and 187 million persons (equal to our total population only eight years ago) will be concentrated in "four huge urban agglomerations" facing the Atlantic, the Pacific, the Gulf of Mexico and the Great Lakes.

It is this grim prospect that Mr. Nixon seeks to avert by consciously using governmental policy to change the trend that saw "a third of our counties lose population in the '60s," as he said, while "the violent and decayed central cities of our great metropolitan complexes (became) the most conspicuous area of failure in American life today."

The President suggested that the federal government:

Make its future decisions on buying and selling land, building highways, airports and other public facilities "with the clear objective of aiding a balanced growth for America."

Assist in the building of new cities, as well as rehabilitating old ones.

Seek to "create a new rural environment which would not only stem the migration to urban centers but reverse it."

These prescriptions in themselves are neither novel nor specific nor adequate. What is important is simply the fact that the President chose to highlight the problem of population balance and has committed his administration to act on it.

As Sundquist, himself an able official of the Kennedy and Johnson administrations, noted in his article, the problem, though evident to scholars, never won a place on the national agenda in the 1960s. Orville Freeman, as Secretary of Agriculture, made a lot of speeches on rural development but President Johnson offered little more than moral support. The only major outline of a substantive program for population distribution came in a 1968 report from the Advisory Commission on Inter-government Relations, called "Urban and Rural America: Policies for Future Growth." Unfortunately, like many other studies done by that useful group, it received virtually no attention from the press and the policy-makers.

Now Mr. Nixon, who last year gave the most comprehensive message any American President has delivered on the general problem of population growth, has put this matter near the top of the national agenda and has instructed his Urban Affairs Council staff to make it the major area of study for the coming year.

That by itself will help mobilize the research capacity of government in the academic community, and, as Sundquist notes, research is the first and most obvious requirement for developing a population distribution policy.

But if action is to follow from research, it will take a commitment from Congress as well as the President. An earnest of Congress' awareness of the need would be a move by the House Democratic leadership to bring to a vote the measure creating a Commission on Population Growth and the American Future. This legislation, requested by the President in his population message last summer and approved by the Senate, has been languishing in the House Rules Committee. The Democratic Party and House Speaker John W. McCormack have a clear obligation to speed its passage.

Redirecting policy on population growth will not be easy, for, as Sundquist notes, there will be strong political pressures against a policy that is avowedly designed to halt the further concentration of people in the big cities. The real estate and commercial interests of those cities, influential in both parties, have a large stake in their continued growth, whether or not such growth is desirable for anyone else.

But if we are at all serious about improving the environment in which the next generations of Americans will live, no cause is more compelling than the one to which the President summoned Congress last week.

FLYING INTO THE 1970'S

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. EILBERG. Mr. Speaker, as the American traveler and tourist increasingly looks to air transportation to get him where he is going more quickly and more comfortably, some critics of air travel have contended that some cities still have their heads in the ground.

Some do not.

I can report that one city is doing something about the anticipated explosion of air travel predicted for the next decade. That city is Philadelphia, which I am proud to represent.

The city administration has vigorously moved to improve the facilities at Philadelphia International Airport and to keep pace with the jumbo jets and their concomitant passenger service problems.

I applaud the foresighted action of the city administration and, with the unanimous consent of my colleagues, I offer, for the RECORD, a release from the office of the city representative describing the airport modernization program:

TEXT OF RELEASE

Signs and more signs, painted in the city colors of blue and gold, stand outside Philadelphia International Airport today to focus public interest on the airport's extensive interim development program.

The multi-million dollar project, instituted by Mayor James H. J. Tate to keep Philadelphia among the nation's leading commercial airports, is the forerunner of eight planned permanent terminal buildings with the first two scheduled to be placed in service in 1974. The interim construction calls for:

Expansion of three passenger concourses, including the addition of 39 passenger departure lounges, an increase in the loading gate total from 23 to 39, and the subsequent relocation, modification and expansion of ticketing, baggage claim and check-in facilities.

Construction of Cargo City, a huge freight center, on 217-acres west of the main terminal, to meet the airport's steady growth in cargo traffic.

Final site preparation for a 10,500-foot east-west instrument runway and taxiways, extension of the north-south landing strip, and the building of three high speed exists from both the new and the existing east-west strip to expedite aircraft clearance.

Director of Commerce S. Harry Galfand said completion of the new runway, a $16 million project, will insure additional landing area for the 400-passenger Boeing 747 superjet and increase the runway system's operational capacity by an estimated 85 percent.

Following commissioning of this undertaking, the existing 9,500-foot runway will be closed for complete modernization, Galfand said.

Also planned are two additional self-service parking lots. These will provide 3300 extra parking spaces and expand the total figure, including valet and employees' parking, to 8300.

Another part of the intervening modernization will be the installation of a mechanized baggage conveyor system to serve the baggage claim room to be built on the terminal's west side. An internal roadway linking with the Industrial Highway will offer direct access to the facility.

The interim departure lounges will be formally opened next summer. They will be enclosed with wall to wall carpeting, heating, air-conditioning, modern rest rooms, lighting, contour-seating and other accomodations. A loading bridge for aircraft boarding will be linked to each lounge and will enable travelers to be completely protected from unfavorable weather.

A series of smaller signs, one of which reads: "Sorry about the mess: We're really making improvements!" are mounted inside the terminal to describe projects and direct passengers to aircraft loading points.

More than 6.5 million passengers were served by Philadelphia International Airport last year compared to 5.1 million in 1967 and only 400,000 in 1950. Air traffic studies indicate the airport could have an annual passenger turnover of 25 million by 1985 with unusually large gains in cargo shipments.

Situated on 2800 acres, the airport is the national and international gateway for three million residents of the Delaware Valley.

Vincent G. Kling, nationally known architect who prepared the master modernization plan for Washington International Airport, is handling the new look in passenger terminal facilities at Philadelphia International, in keeping with anticipated needs and the expansionary signs of the times.

THE PRICE IS WRONG

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. BUSH. Mr. Speaker, many people sincerely believe that an easing of the restrictions on oil imports will lower prices. They are entitled to their opinion. But, I wish more attention would be given to the views of those who are experts in the oil business. The essential fact is that once the United States imports substantial amounts of foreign crude, our domestic industry will not find it profitable enough to explore for new fields. In a very short time the United States would be dependent upon foreign sources. And when this happens, this country will be at the mercy of the Mideast—prices will be jacked up and the price will go up at home.

The Dallas Times Herald editorialized on this controversy on January 13, 1970. The editorial, "The Price Is Wrong," graphically points out the flaws in the idea that increased imports will reduce the price of crude. Mr. Speaker, I include this editorial in the CONGRESSIONAL RECORD at this point:

THE PRICE IS WRONG

From the East Coast interests seeking an end to the present oil import program, there proceeds one relentlessly recurring argument: More foreign oil will mean cheaper petroleum product prices for American consumers.

To today's penny-conscious, inflation-harassed consumer, the argument is bound to be impressive. But alas, it doesn't hold water—as a recent event in the Near East tends to prove.

In Baghdad last week, representatives of national oil companies or organizations in Iraq, Libya, Algeria and Egypt met to see what they could do about jacking up the asking price for their oil.

Mark now—this is not the action of one Arab bloc nation, but rather of four. And even more may join up as time goes on.

The Arabs at the Baghdad meeting would doubtless be tickled to sell more oil to the United States—something a special presidential task force studying the oil import program is believed to favor their doing. But they'll do it at their own price.

Ultimately, as major oil company spokesmen keep contending (is anyone at all paying attention?), imported foreign oil is likely to get just as expensive as domestic oil. Maybe more so.

Moreover, as the companies also point out, supplies of foreign oil are notoriously unreliable. Consider the events two years ago, when the Arabs, seeking a scapegoat for Israel's lightning victory in the Six-Day War, embargoed oil shipments to the United States.

Could it happen again? Indeed it could. And where would we be then? Gasping for the oil upon which we are dependent to turn our wheels and run our machinery.

For the simple fact is that an increase in oil imports—with its resulting (if temporary) effect of lowering oil prices—would deal a heavy blow to domestic oil exploration.

As one spokesman for independent oilmen puts it, "With domestic exploration and reserves declining and already inadequate, and with oil prices already low relative to costs and to prices of all other commodities, the nation soon will face a critical shortage of both oil and natural gas."

It's not a pretty thought. But, then, neither is increased foreign oil imports a pretty idea. Just pretty lousy.

GREEKS ALLOW INSPECTION OF PRISON CAMPS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. PUCINSKI. Mr. Speaker, in an article written by Sam Modiano of the Chicago Tribune, he describes an unprecedented step taken by the present Greek regime of allowing the International Red Cross free access to detainees in prisons and detention areas.

Some have been quick to flood this country with one-sided propaganda concerning alleged tortures of prisoners in Greece, conveniently overlooking the absence of any kind of civil liberties in Communist bloc countries and other parts of the world.

The Greek caretaker government has allowed the Red Cross, through a signed agreement, to inspect conditions in Greece of detainees.

The regime in Greece has demonstrated its good faith by allowing the Red Cross free access in their inspection of detention areas, and I commend the following article to my colleagues:

[From the Chicago Tribune, Nov. 26, 1969]

GREEKS ALLOW INSPECTION OF PRISON CAMPS—RED CROSS WILL HAVE FREE ACCESS

(By Sam Modiano)

ATHENS, November 25.—The Greek revolutionary government will let the International Red Cross supervise the living conditions of political prisoners here.

The agreement, which sets a precedent, was signed in Athens following a wide-spread campaign against the Greek military regime claiming that the political detainees are subjected to inhuman treatment and even medieval torture.

Foreign Minister Panayiotis Pipinellis who signed on behalf of the Greek government said the powers granted to Red Cross "afford guarantees of objective and impartial judgment which cannot but serve the principles of bumanitarianism and justice." The agreement allows Red Cross representatives free access to detainees in prisons and detention areas.

More than 6,000 persons, suspected of being potential enemies of the revolution, were arrested on the night of the "colonel's coup," April 21, 1967. Since then about 4,000 prisoners, including elderly persons and women have been freed thru repeated amnesties and by decisions of special judiciary security committees.

Of the 2,200 Greek citizens still detained, about 1,700 are former members of the outlawed Greek Communist party or leaders of the disbanded "United Democratic Left party." They are confined on the Dodecanese island of Leros.

Several women, suspected of being Communists, are being held in Halicarnassos prison on the island of Crete. Other prisoners, charged with criminal offenses or accused of pro-communist leanings, are detained in military and civilian jails thruout the country. An undisclosed number of civilans, suspected of endangering public security, have been deported to remote villages on the Greek mainland.

In addition to civilian prisoners, about 150 retired high ranking army officers are detained under guard in hotels near Athens. The officers, most of whom sided with King Constantine in his abortive coup against the colonels in December, 1967, are said to be under arrest pending investigation regarding an alleged right-wing conspiracy to overthrow the army-backed regime led by Premier George Papadopoulos.

YALE STUDENTS PETITION FOR TITLE II REPEAL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. MATSUNAGA. Mr. Speaker, the keen awareness of our college students about the important issues which confront our Nation is nowhere better evidenced than by a Yale University student petition, bearing more than 1,000 signatures, seeking the repeal of title II of the Internal Security Act of 1950—the infamous concentration camp authorization law. I received this petition today.

This commendable action was spearheaded at Yale by an outstanding young political science senior, Don Nakanishi. The petition points out that the repeal of the Emergency Detention Act is necessary "to deter and prevent the repetition of the injustices" suffered in World War II by 110,000 Japanese Americans who "experienced life in American concentration camps."

It was greatly encouraging to me, as I know it will be to many other Americans who would like to see the repeal of the Emergency Detention Act during this session of Congress, to know of this strong student support.

I submit the text of the student petition for inclusion in the CONGRESSIONAL RECORD:

PETITION FOR THE REPEAL OF TITLE II OF THE INTERNAL SECURITY ACT OF 1950, THE EMERGENCY DETENTION ACT

The provisions of Title II of the Internal Security Act of 1950 permit the indiscriminate detention and incarceration of citizens based upon speculation, conjecture, or suspicion without due process of law.

During the Second World War, over 110,000 Japanese American citizens of these United States, experienced life in American concentration camps. Much has been written since then, expounding upon the unconscionable deprivation of their constitutional rights. However, it merely stands as a condemnation of the "panic" decisions made at that time.

To deter and prevent the repetition of the injustices in the 1940's we, the undersigned, strongly and firmly support the repeal of title II of the Internal Security Act of 1950.

THE SIXTH DISTRICT SPEAKS OUT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. BRAY. Mr. Speaker, in October 1969, I sent out my annual public opinion poll, something that I have done for some years. The questionnaires were returned in the closing months of the first session of the 91st Congress. It was at the end of the first year of a new administration, and the last year of the decade widely known as the "Soaring Sixties."

I have waited a few weeks longer than usual to publicize the final tabulations. One very good reason was that there was still a relatively heavy return of cards up until the end of 1969. Second, there was much unfinished congressional business in December, which was commented on in the letters that accompanied the cards. Third, and possibly most important of all, is the fact that I believe I was able to detect a different mood on the part of those answering the poll. The rate of letters accompanying the cards, as well as marginal comments written on the cards, was much higher than in past years. There were many comments on longstanding issues, but there were new issues, and new approaches to old ones. I believe these fac-

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tors just may be indicative of a new American national mood and attitude for the decade of the 1970's.

For these reasons, then, I have delayed issuing the results until now, the beginning of the second session of the 91st Congress and also the opening month of the decade of the seventies. For, rightly or wrongly, we Americans have a way of reckoning changes in mood, interest, and overall national life in terms of decades.

TABULATED RESULTS OF POLL

The following is given in percentages of those who responded to the questions. Approximately 21,000 replied:

[In percent]

1. Do you favor construction of an anti-ballistic-missile system?

Yes	80
No	20

2. Do you favor a federally financed guaranteed annual income?

Yes	9
No	91

3. Do you favor expansion of trade with East European Communist countries?

Yes	17
No	83

4. Should the Federal Government assume total responsibility (administration and costs) for all welfare programs, and let States, cities, and local units drop them?

Yes	9
No	91

5. On student disorders at universities and colleges:

Stop Federal aid to students convicted by civil court or disciplined by school authorities for disorder:

Yes	95
No	5

Stop Federal aid to schools where administration fails to curb disorders:

Yes	80
No	20

6. Which of the following world "hot spots" do you think holds the greatest danger to world peace?

Vietnam	20
Middle East	68
Russian-Chinese frontier	12

7. In Vietnam, should we:

Continue present course: limited military action and peace talks in Paris	34
Pull out of peace talks; push for military victory (but no nuclear weapons)	63
Immediate and unconditional U.S. withdrawal	3

8. How do you assess the present overall course of the administration?

Too far left	24
Too far right	7
About the course I prefer	69

What do the returns themselves show on the basis of the figures just submitted?

For foreign policy, a definite "hard" line; go ahead with the ABM to keep our defenses strong; do not, through expanded trade, give our sworn enemies the possible support to turn on us at some future date; and, for Vietnam, by almost two to one, fold up the table at Paris and get on with steps for a military victory.

On my "hot spot" question, the major source of concern is the Middle East. It is feared by many that this battleground is in danger of flaming again. We are dealing there with centuries-old animosities and hatreds, in an area that has resounded almost constantly to the clash of arms and the tramp of conquering or retreating armies.

Domestically, patience is short with student disorders at colleges and universities. There is considerably more sympathy with the officials of the schools than with the students themselves. At the same time there is a very real sentiment for some "get-tough" tactics before the entire higher educational system is put in any further jeopardy.

It was significant that on the two questions dealing with "the welfare problem," the percentages were exactly identical. The idea of a federally financed guaranteed annual income is not new by any means; I asked that question in a previous poll and I asked it again this year to see if sentiment had changed. It had not. The prospect of the Federal Government taking over all responsibility for all welfare programs—handling both cost and administration—letting all other governmental units drop such responsibility—is relatively new. It is also every bit as unpopular as a guaranteed annual income.

Opposition to this idea, I noted, was based primarily on two things. First, there was the easily understood and often-correct mistrust of the Federal Government's being able to handle welfare properly. The present example of the war on poverty is foremost in many minds. Second is the reluctance to see yet one more instance of State-local responsibilities and duties surrendered to Washington.

Framing the very last question of the poll, "How do you assess the present overall course of the administration?" was difficult. Asking for a "yes" or "no" on specific courses the administration was taking would have meant a lengthy and unwieldy question card. So I turned to my congressional mail for comments on the administration and noted that while writers would generally comment on one specific thing, there were many instances when the writer would conclude by saying in effect, "Overall, the administration's course is about what I prefer," or "Too far left" or "Too far right." These are generalities but were frequently used. On this basis, then, I used them on the poll card.

The figures on the returns on this question were quite consistent, with small variation, but with one very notable exception. Prior to the President's November 3, 1969, speech on Vietnam, responses to this question had been:

	Percent
Too far left	23
Too far right	7
Course I prefer	62
No answer	8

Cards returned that were obviously marked and sent after the speech were separated and carefully checked to see if the speech itself had a bearing on the replies. It did; immediately after the speech the figures were:

	Percent
Too far left	18
Too far right	7
Course I prefer	74
No answer	1

The result of this tally on question No. 8 was immediately communicated to the President. The "silent majority" in the Sixth District of Indiana had spoken out, and their support was obvious.

ISSUES AND ACTIONS RELATING TO THE POLL

One of the main functions of a poll is to generate mail from constituents on whatever subject they care to write. An amazingly large number of letters contained somewhere in their text this sentiment: "I have been going to write you for a long time, and your poll is a good incentive to do just that," or "I've marked my choices on the card; now here's how I feel on something else."

Among the matters most frequently emphasized in additional comments were crime, welfare, pornography, pollution and inflation. I want to point out what is being done and not being done to solve these problems.

CRIME

Few problems confronting the American people today are viewed more seriously than the spreading crime rate. This, together with concern over the failure of Congress to act, was reflected very strongly in the comments received with the questionnaire.

President Nixon has requested Congress to enact more than 20 pieces of legislation to enable the law enforcement officials to better enforce the laws and to protect the American public. For reasons that are difficult to understand, the Judiciary Committees of the House and the Senate in which these bills are languishing, have only reported one measure to date.

There is a growing call for Congress to act. Crime legislation and law enforcement should cease to be a political football. President Nixon and his administration, should be given the tools that they need.

WELFARE

A growing disenchantment with the mounting costs and seeming futility of the entire welfare program was clearly expressed in comments accompanying the returned questionnaire.

Nothing can so dramatize the sorry welfare situation as the following shocking paragraphs from a story in the Washington Post of June 1969, reporting the convention of the National Social Welfare leaders:

> The platform had been taken over by dissident students, new organizations of militant workers, and welfare mothers . . .
>
> In stunned silence, those who had devoted decades to helping the poor heard themselves called "racist pigs," and "fat cats," and member of the "white imperialistic oppressive society."
>
> The full, obscene demand was shouted over a seized microphone last Sunday night as more than 5000 of the Nation's social welfare leaders convened to hear an opening address by their president.

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The antipoverty program took $24 billion of the Federal budget in fiscal year 1969. But, again to look at the very broad use of the term, "welfare" cost a truly astounding $112.4 billion in calendar year 1968, when State, local, and Federal spending programs are added together. Our national concern is only intensified by figures such as those in New York City where the number of people on welfare has increased by around 75 percent in the last 3 years, and the welfare budget has doubled. The scene is set for a major social explosion unless some hasty defusing is done.

The problem was not helped one bit by a Supreme Court decision in April 1969, which struck down residency requirements in State welfare programs. The main effect of the Court's decision was to encourage the mass migration of indigent poor from one State to the other where they could get more pay with less incentives to work. This solves no problems and causes many more.

On August 11, 1969, the first major attempt at reforming the national welfare system since it began 35 years ago was presented by President Nixon. The President noted welfare costs have doubled since 1960, and welfare rolls have risen from 5.8 million to over 9 million—all at a time when unemployment was low. If such a pace continues, the President said:

> By 1975 this would result in 4 million more Americans on welfare rolls at a cost of close to $11 billion a year, with both recipients and taxpayers short changed.

The President pointed out the choices:

> We could tinker with the system as it is, adding to the patch-work of modifications and exemptions. That has been the approach of the past, and it has failed.
>
> We could adopt a "guaranteed minimum income for everyone," which would appear to wipe out poverty over night. It would also wipe out the basic economic motivation for work, and place an enormous strain on the industrious to pay for the leisure of the lazy.
>
> Or, we could adopt a totally new approach to welfare, designed to assist those left far behind the national norm and provide all with the motivation to work and a fair share of the opportunity to train.

There is nothing really new about the welfare problem itself, but it demands new approaches. Really, though, the question was answered centuries ago, by the great 12th century Jewish philosopher, Moses Ben Maimon. From his "Charity's Eight Degrees":

> Anticipate charity by preventing poverty; assist the reduced fellowman, either by a considerable gift, or a sum of money, or by teaching him a trade, or by putting him in the way of business so that he may earn an honest livelihood and not be forced to the dreadful alternative of holding out his hand for charity. This is the highest step and the summit of charity's golden ladder.

"So that he may earn an honest livelihood"—the summit.

There is the summit, so let us get it out of the hands of demagogic radicals, and avoid the temptation to make it a partisan political issue.

As yet, Congress has not acted on the President's recommendations.

PORNOGRAPHY

About 50 million pieces of pornographic material are mailed annually. There are 60.4 million households in the United States. It is an odds-on chance, then, that sooner or later your household is going to be subjected to unsolicited and unwanted pornographic mailing, and almost an equally good chance that most of our American youth are standing in danger of exposure to this vile torrent, whose content would make the great sewer of Ancient Rome, the Cloaca Maxima, which was synonymous with filth, seem clean by comparison.

Under present Supreme Court decisions, material cannot be considered obscene unless it is totally without redeeming social importance, appeals solely to prurient interests, and affronts all contemporary community standards. A recent Court decision, however, found the new Chief Justice taking a definite strong stand against pornography; this portends welcome changes for the future.

The Post Office Department received almost a quarter of a million complaints about pornographic material in the mails, in the period June 1968–July 1969; 95 percent of these complaints were against 18 major distributors. One has been convicted, 11 have been indicted, and U.S. attorneys have in their hands the cases of the remaining six. In the last 9 months the Post Office Department has also issued 170 orders against foreign obscenity dealers. The Department of Justice says that at present pornography dealers are being indicted at the rate of one a month.

In addition, the Post Office Department is using legislation permitting families to remove themselves from pornographic mailing lists. Any recipients may request a "prohibitory order" in which the postmaster directs the mailer to remove the name from any list he owns, controls, or rents. If this is not obeyed, then, when it is called to the postmaster's attention, legal proceedings are invoked. About 200,000 such orders have been issued in 1969, and 2,000 cases of violations have been referred to the Justice Department for prosecution.

Over 200 antiobscenity measures have been introduced in the Congress this year. President Nixon has asked adoption of three new legislative proposals. First, prohibit outright mailing of such material to children under 18; second, prohibit mailing of advertising designed to appeal to prurient interests in sex; third, give the citizen the right to file notice with the Post Office Department that no sexually oriented advertisements should be delivered to his home.

The administration is preparing to move on another front, too. I have received complaints from individuals disturbed and outraged over some of the dialog found at times in television shows.

The Chairman of the Federal Communications Commission, Dean Burch, disclosed just recently that the Department of Justice may prosecute radio or television stations that broadcast profanity. Chairman Burch told a Senate subcommittee that he had recently met with Deputy Attorney General Richard Kleindienst and Assistant Attorney General William D. Ruckelshaus on the matter, and found them willing to prosecute such a case, criminally or civilly, if FCC referred one to them. Assistant Attorney General Ruckelshaus commented later that one element to be considered would be a possible invasion of the sanctity of the home if offensive language were broadcast into a home, especially if children were present.

I believe the sentiment of the great majority will be "It's about time." It seems to be the trend in the media—art, movies, theater, literature—to come up with material that would send the hard-bitten viewers of a stag smoker reeling and retching into the streets. The American people want no part of this in their homes, and there is no reason in the world why they should have to put up with it.

POLLUTION

The depth of the problem of waste disposal and avoiding pollution of the lands and seas can be expressed in one stunning fact given me recently: It costs the city of New York more to dispose of one Sunday's discarded New York Times than it costs the Times to print it.

It is no accident that "America the Beautiful" is one of our favorite and most beloved songs, and it is equally no accident that more and more persons, keenly aware of the great natural beauties and resources of our Republic, are deeply concerned over their preservation.

There's no problem as such due to lack of money. Right now, today, total national expenditures for disposing solid wastes, public and private, run about $4.5 billion a year. Since 1957, 9,400 waste-treatment projects have been constructed, with help of $1.2 billion in grants from the Federal Water Pollution Control Administration, and total value of these projects is set at $5.4 billion.

There was a great deal of controversy in Congress recently over attempts to appropriate a full $1 billion of Federal money for construction grants for waste treatment plants for this fiscal year. However, the Secretary of the Interior himself pointed out, and I quote from his letter to the Appropriations Committee:

> State, local and private sectors could support no more than $1.5 billion-worth of new municipal waste-treatment plant construction during . . . 1970, so that no more than $600 million in Federal grants effectively could be used.

In spite of this, the bill that went to the White House contained $800 million. We can increase the amount of money that can be effectively spent in succeeding years. But States and local communities need time to prepare to carry out their part of the project.

It is easy, very easy indeed, to approach the pollution problem with the simple sentiment that "more money" will end it all. We always have those who would solve every problem by merely appropriating more and more of the taxpayer's money.

Today many industries are cooperating with the Federal, State, and local

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effort to curb pollution. The American Iron and Steel Institute says its member companies have authorized $327 million in air and water pollution control spending—$100 million more than a year ago. In Indiana the Bethlehem Steel plant at Burns Harbor "programed" air and water control devices into its original construction. Its water quality project cost $37 million and today game fish are caught in Lake Michigan within sight of the mill.

The complete solution to the problem is, admittedly, still a long way off. But at the same time I believe that "America the Beautiful," so long such a national joy and treasure to all of us, will be preserved, and will not disappear in the mists of smog and exhaust gases, be strangled by polluted streams and rivers, nor be buried under mountains of waste.

INFLATION

Letters accompanying the poll returns show few problems are causing the American people more trouble than inflation. Inflation hits everyone; it is fools' gold, in a sense, giving a false sense of financial security. And it may be compared to an economic drug: once taken, it requires increased dosages to retain that euphoric sense of well-being.

Perhaps no single factor is more responsible than Government deficit spending—spending more than it takes in. The last year we had a balanced budget, that is, more receipts than expenditures, was fiscal year 1960. For fiscal year 1961, the national deficit was $3 billion and fiscal year 1968 it had soared to $25 billion.

A tax cut in 1962 reduced Government income by about $9 billion. This increased the deficit; the Government had to borrow more, at a rising interest rate.

Each year, the annual deficit, together with renewal of Government bond issues coming due—which the Government could not pay—forced more debt, and higher interest. Today, Government interest has risen from about 3 to 8 percent; the end probably is not yet in sight.

The debt has gone from $290 billion in 1960 to $369 billion today; over the same period of time, annual interest on this debt has gone from $9 billion in 1960 to $17 billion today.

In the past 10 years the Federal Government has spent $79 billion more than it has taken in. President Nixon has insisted Congress meet its responsibility and work toward a balanced budget.

However, some Members of Congress vote to increase all appropriations, and lower all taxes. Unless Congress resists demands for spending money we do not have, then we are on a certain collision course with disaster. In spite of this, Congress did appropriate—to name just one instance—$1.3 billion more than the administration requested for Labor-Health, Education, and Welfare appropriations, which the President did not request, did not want, and yet would be forced to spend. It was the largest increase made by Congress in any of President Nixon's budget recommendations for 1970, and the largest excess over a Presidential request ever provided by Congress for HEW.

And this was also done in spite of the fact that outlays for HEW were estimated to increase in fiscal 1970 by $6.1 billion over those of 1969. So all the talk about the administration cheating the Nation's schoolchildren is misleading propaganda.

This feeds the fires of inflation, this excess appropriation. It contributes to an inflation that means you have not received a real increase in wages or salary since late 1965. And your real take-home pay in December 1969 was 1.1 percent lower than in December 1968.

Now, there is a choice, both for Congress and the administration. Yet, it is not really a choice at all when the two alternatives are considered. Taking needed measures to stop inflation means temporary unpopularity with some segments of the population. Retaining popularity and doing nothing about it means certain financial disaster for every last citizen of the American Republic. I believe the American people recognize what has to be done, support those who have the courage to do it, and will register their approval of actions, and persons, who put long-range economic stability of the country over short-range personal interest.

GOLDEN EGGS FOR ALL WILL KILL THE GOOSE

No country on the globe has an economy that could furnish to all deserving people all the things they might need. There are limits to what can be done and there are limits to the number that can be reached. It is irresponsible, demagogic, misleading and cruel for persons to infer otherwise.

It is easy to say, for instance, that "this is good, but something more will be better." However, it is not always true and it is not always sound, either. There are wide and usually unbridgeable gulfs between what a person really needs and what he thinks he needs. And the gulf is equally vast between what persons think should be done and what can be done with the resources at hand.

You do not, as the old fable pointed out so well, get more golden eggs by killing the goose. If the peasant had been less eager for instant wealth—if he had put aside his ax and been more concerned with the long-range health of the goose—he would have been a rich man.

So it is with the economies of nations and that of the American Republic is no exception. Observe the limits of your Nation's wealth, wisely use its available resources to do what can and must be done, and takes measures to keep the economy strong, and the Nation will remain strong. Ignore the limits, though, and squander the resources, and the result is disaster for the Nation and every one of its citizens.

SPIRIT OF THE SEVENTIES: QUALITY, NOT QUANTITY

The sixties might come in time to be known as the Decade of Quantity—the time when more things were promised to more people than ever before in the history of the American Republic. It was also a time when quantity overrode quality. If one dared question the assumption that merely because more persons would be brought under more Federal programs—and more money would be spent—and would ask, from time to time, "But is this sound? Is it thought out in advance?" he opened himself to being attacked as a foe of progress and humanity.

To paraphrase Sir Winston Churchill we might speak of the decade of the sixties and say: "Never before in the history of the American Republic had so few promised so much to so many." And, I might well add, "delivered so little."

Quantity? To be sure; for instance, quantity is evident when we compare $19.9 billion spent by the Federal Government in fiscal year 1960 for programs dealing with health, welfare, education, and manpower, compared with its increase of $30.6 billion to a total of $50.5 billion in fiscal year 1968. But is there any quality involved when the number on welfare rolls for ADC—aid to dependent children—alone increased in this same period from 3.1 million in 1960 to 6.1 million in 1968?

Quantity? In 1960, the Federal Government spent $291 million on law enforcement; in 1968, $531 million. Quality? In 1960, offenses against persons totaled 285,000; in 1968, 589,000—an increase of 106.5 percent. In 1960, offenses against property were 1,729,000; in 1968, 3,878,000—an increase of 124.2 percent.

I have long believed that for the great majority of our citizens, the "How" something gets done is equally if not more important than the fact of getting it done in the first place. Results do not automatically follow good intentions. As the irrepressible Dr. Samuel Johnson once snapped: "Sir, Hell is paved with good intentions" and promises never guaranteed paradise for anyone, nor for any society.

The watchword of the sixties, "quantity," was conceived by the Federal Government and thrust upon the American people whom, I believe, were by and large basically cautious and skeptical of the theories behind it. What I believe will be the watchword of the seventies, "quality," has been generated by the people and presented to their Government.

We enter, then, into a new decade with this new spirit, which I believe heralds an era of mutual trust between Government and governed. This, we must have, if we are to hope to leave a strong and goodly heritage to those who will come after us. I have faith in my fellow Americans, and I believe we will.

THE MAIL SERVICE—WHO DO YOU BELIEVE AT TIME, INC.?

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. DULSKI. Mr. Speaker, the subject of U.S. postal service is a convenient football for many members of the media.

This is notwithstanding the fact that the media generally is one of the greatest beneficiaries of day-in and day-out mail service with a lot of special concessions, including rates.

A recent issue of Life magazine featured a front page picture and story about "The U.S. Mail Mess."

This was an excellent opportunity for this publication to tell the American public the real story of what is troubling our postal service. And, furthermore, to point out that the postal service is delivering the mail in spite of its handicaps. But the editors did not do that.

When the story was called to my attention, I took the liberty of calling the editor of Life and asking him if he would care to hear the other side of the mail story.

He said he would and arranged to send a senior editor to spend half a day trying to catch up with the fountain of information—and recommendations—which our Post Office and Civil Service Committee compiled during 8 months of hearings and executive sessions last year.

This senior editor assured me that there was indeed another side of the story which needed to be told. He assured me he would make every effort to find a way to present it to Life readers in the near future.

Interestingly, just to show that the departments of Time, Inc., obviously are not always in communication with one another, I would like to call the attention of Members to a letter which a Time executive sent to many postmasters last month. Following is the text:

TIME, INC.,
Chicago, Ill., December 10, 1969.

DEAR POSTMASTER: A change will be made in the publication schedule for Sports Illustrated and Life Magazines that would normally be delivered the last two weeks of December 1969 and the first two weeks of January 1970.

Sports Illustrated will again combine the year-end issues so that your office will not receive an issue of Sports Illustrated the week of December 21.

Life will also combine the year-end issues plus two issues in January so that your office will not receive Life the week of December 28, 1969 nor the week of January 11, 1970.

Your continued fine cooperation in providing prompt handling and on-time delivery of Time, Inc. publications in your area is greatly appreciated.

Our staff joins me in best wishes for a happy and successful holiday season.

Very truly yours,
F. R. STRUPECK,
Traffic Manager, Subscriber Division.

The criticism in the Life feature story and the commendation to postmasters by the Time executive make an interesting story in itself which is featured, with a photocopy of the letter to a postmaster, in the current issue of the Postal Supervisor, published by the National Association of Postal Supervisors. Following is the text from the January issue:

THE U.S. MAIL MESS

Life magazine (November 28, 1969 issue) joins in the popular indoor sport of shooting at the post office. The shooting took place in a front-page featured article bearing the above title. Open season for this unsportsmanlike type of hunting obviously extends from January 1 to December 31 of each year.

Although it has been a popular sport for many years with members of the press (who seem to always have the right answers for everything), the pastime has won even more devotees the last year or two thanks to two of the last three Postmasters General.

Postal employees have been accustomed over the years to the blasts from the newspapers and magazines (which, incidentally receive the largest mail subsidy of all), but the criticism and dire predictions of "collapse" and "catastrophe" from officials who head the postal establishment are very hard to take.

The article in Life begins with an unqualified statement that it requires nine days for an airmail letter, properly ZIP-coded, to go from Seattle, Washington to Washington, D.C.

This statement is a bald-faced lie. It is quite possible that it took a letter nine days to make this route.

It could take nine days for a letter to go nine miles or to go anywhere when it has been mishandled or distributed in error, but to imply that it takes nine days for all airmail letters to go from Seattle to Washington, D.C. is a deliberate misrepresentation of the facts.

For the past eleven years N.A.P.S. has had a National Vice President residing in Seattle, Washington. This officer corresponds with N.A.P.S. national headquarters in Washington, D.C. on an average of once or twice each week.

In eleven years it has *never* taken one of his letters nine days to reach Washington. We challenge anyone—magazine and newspaper writers included—to mail an airmail letter from Seattle to Washington every day for one month and to then publish the results.

The misstatement of fact in the first paragraph of the Life article is not the only misrepresentation. Articles like this would not be read if they were not filled with exaggerations. Another side of the question which readers of the article would never know indicates without a doubt that the Production and Traffic Department of Time, Inc., publishers of Life, does not share the opinion of the post office which its Editorial Department does.

The following letter from Time, Inc., received by a number of postmasters throughout the country last month, tells an entirely different story.

Maybe some day a reporter who is getting ready to retire will write an article on the inconsistencies of the magazine publishing business entitled "The Time and Life Mess!"

DR. JAMES A. VAN ALLEN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, I submit for the RECORD the statement on the future of U.S. space programs by Dr. James A. Van Allen of the University of Iowa at the 11th annual meeting of the Panel on Science and Technology of the House Committee on Science and Astronautics, on January 28, 1970. Dr. Van Allen is the discoverer of the Van Allen earth radiation belt, and one of United States outstanding scientists and astronomers:

STATEMENT OF DR. VAN ALLEN

The Panel on Science and Technology had its beginnings in 1959 at the time that the Hon. Overton Brooks of Louisiana was the Chairman of the then newly formed House Committee on Science and Astronautics. In the first fumbling efforts of the Panel, I believe that *all* of us found it both exciting and strange to be on a man-to-man footing with Congressmen within their own exalted precincts.

During the subsequent ten years under the powerful and genial leadership of Chairman George P. Miller, this relationship has flourished and become progressively more significant. I am personally very grateful to him and to his able colleagues for the opportunity to be a small part of this operation.

About 15 years ago my good friend Ed Ney of the University of Minnesota gave a popular lecture on the use of large balloons for scientific research at high altitudes. And he made brief mention of recent manned balloon flights by Jean Picard, by Col. Simon and by Cdr. Malcolm Ross—each one a very considerable achievement of skill and courage.

At the end of the lecture a polite old lady arose to ask a question:

"Professor Ney, I have a question for you. Is there anything that a man can do at high altitude that an instrument can *not* do?"

He replied as follows:

"Yes, Madam, there is! But I see no reason why a man should wish to do it at 100,000 ft. in the gondola of a balloon!"

The wisdom of this remark has been amply demonstrated by the hundreds of unmanned scientific balloon flights that have been made since that time and are continuing at the present date.

I submit that an analogous remark is relevant to the current situation in *space exploration* in this year, 1970.

The culmination of the manned space flight programs of the United States in the dramatic successes of Apollo 8, 11 and 12 has discharged in *full measure* the romantic aspiration of man to set foot on the moon and the nine-year old commitment of the United States to be the agency for this accomplishment.

All honor to the thousands of devoted persons who have done this job!

No less impressive to many of us, though not nearly as widely known, has been a 12-year procession of automated and commandable spacecraft of immense capability and spectacular success in scientific discovery and in the performance of utilitarian functions in communications, navigation and meteorology. Some of the more noteworthy ones in the scientific area are the soft-landed Surveyors to the moon, the Lunar Orbiters, the Mariners to Venus and Mars, the far ranging Pioneers and the Orbiting Astronomical Observatory. The latter, during some thirteen months of earth-orbiting lifetime, has responded obediently to thousands of commands, has done hundreds of remarkable angular maneuvers with great precision and has thereby made impressive contributions to knowledge of the ultra-violet spectra of hundreds of celestial objects. My fellow panelist, Fred Whipple, has had a central role in this achievement. Also, I cannot refrain from mentioning an heroic little fellow, Explorer 35, which has been orbiting the moon since 22 July 1967—now over 30 months—and which is still ticking along beautifully. I am especially devoted to a little package on Explorer 35 that was devised and built in 1965–67 by several students at Iowa and myself. Two students have earned their Ph.D's from study of its data and three more will likely do so during the present year. The package weighs 2.2 pounds and uses 7/10 of one watt of electrical power. It does not sleep, it requires no oxygen, no food, no toothpaste *and no sanitary facilities*. It now appears likely that its useful life span may be terminated only by administrative decision rather than by technical failure.

With these brief remarks as background and in consideration of the prevailing era of governmental austerity with regard to science, I urge the re-examination of our operations in space with two, and only two, central objectives firmly in mind:

First: The fullest economically feasible exploitation of our space capabilities for useful applications in rapid and efficient

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communications, in navigation, in the analysis and forecast of the dynamics of the world's weather, and in terrestrial reconnaissance and survey in the broadest sense.

Second: The enlargement and extension of scientific knowledge and human perception of the larger physical universe. Here I am thinking especially of the study of our earth itself as a planet, of the moon, of each of the other planets in turn, and of other elements of the solar system by direct approach; and of the sun and other celestial bodies by remote means—basically in the historical tradition of astronomy. I may say here that I am devoted especially to the planets, each one of which is different from every other one and each of which is a complex and distinctive new world of great intrinsic fascination. All are available to direct in-situ study within the current state of space technology.

If, on a purely pragmatic basis, one or more men in the spacecraft is the cost effective technique for conducting any one of these missions, let it be done in that mode.

But if, as I anticipate, this is not the case, let us not grieve nor devote ourselves to the invention of specious and inane reasons to the contrary. Rather let us get on with our two basic objectives in the most sensible and rational framework that we can devise.

This is my stand! It has been for many years—at least twenty.

Thank you.

RETIREMENT WITH WORK

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. OBEY. Mr. Speaker, Judge Gerald J. Boileau, dean of Wisconsin's circuit court judges, has retired—after a fashion.

Judge Boileau reached retirement age this month after presiding over the 16th judicial circuit for more than 27 years. He stepped down from that post but did not step out of the public life that began in 1923. Indeed, he assumed new duties as a reserve judge in Milwaukee, where he has agreed to sit this month and next to help clear the criminal docket.

Among his many achievements, Judge Boileau won election to Congress from Wisconsin's Seventh District in 1930 and represented it until 1938, returning to Marathon County to practice law. In 1942 he ran for circuit court judge to fill an unexpired term, won election, and then reelection ever since.

Mr. Speaker, there are several Members still serving in the House who were colleagues of Gerry Boileau's during the years from 1930 to 1938. I know they remember him for his integrity and firm convictions. I should like to insert an article from the Wausau Daily Record-Herald concerning Judge Boileau for the benefit of those who served with him.

JUDGE BOILEAU TO CELEBRATE RETIREMENT WITH WORK

(By Win Freund)

Judge Gerald J. Boileau, dean of Wisconsin's Circuit Court judges, reached retirement age Jan. 15 and he will celebrate by presiding in one of Milwaukee's criminal courts.

Judge Boileau, who presided over the state's 16th Judicial Circuit for more than 27 years, swore in his successor, Judge Ronald D. Keberle, Friday, and begins his duties as a reserve judge in Milwaukee Monday.

He has agreed to sit through January and February to help clear the Milwaukee criminal docket.

The jurist's public life began here in 1923 when he went to work in the district attorney's office. He accepted the position a few months after arriving in Wausau following his graduation from Marquette University Law School.

In 1926 he was elected district attorney of Marathon County. He was the first full-time district attorney in the county and the first in Wisconsin outside Milwaukee County.

Recalling that election, Judge Boileau admits he could have done without the honor.

"I would have preferred to be a part-time district attorney because as a fulltime official a lawyer couldn't build a law practice," he said.

However, the job gave him an opportunity to meet many persons and officials, which stood him in good stead when he sought election to Congress from the Seventh District in 1930.

Having sought office on a non-partisan ticket the past 27 years, Judge Boileau doesn't like to use party labels when discussing his early political life. He will admit to still being a liberal.

He ran for Congress in 1930 as a Republican and won. He was 30 years old and, like the present congressman from this district, David R. Obey, was the youngest man in the house.

Boileau was on the Republican ticket when he was reelected in 1932, but with the organization of the Progressive Republican party he won on that ticket in 1934 and 1936.

There was a liberal bloc in Congress at that time, made up of Progressives and Farmer Laborites, which numbered about 22, and about 25 liberal Democrats.

Judge Boileau was recognized as the floor leader of this Progressive group, taking over from Fiorello La Guardia, who left Congress to gain fame as New York City's mayor.

When regular Democrats and Republicans split along party lines, this Progressive bloc often held the power of decision.

In those earlier days the Democratic party wasn't even considered in the Seventh District. The voters just decided which Republican they wanted.

However, with the coming to power of Franklin D. Roosevelt, the Democrats in the district began to flex their muscles and began looking to Washington for postmasterships and other plums. Some became so bold they put up a Democratic candidate for Congress in 1938. This split the vote three ways, Republican, Democrat and Progressive, and it was Boileau's undoing.

He lost and returned here to practice law.

He remained popular with the electorate. Judge Boileau remembers that in 1938 the Marathon County Board of 72 members and unanimously supported him.

When he ran for Circuit Court judge in 1942 to fill an unexpired term he was elected and he has been re-elected without opposition ever since.

As a native of Minocqua he had many friends in his Circuit, which includes Lincoln, Vilas and Oneida counties, besides Marathon.

Judge Boileau has won a reputation as a trial judge and a student of the law. In years past he presided over grand juries in Milwaukee and Kenosha which returned indictments for malfeasance against officials.

The jurist played a major role in the revision of the state's criminal code, serving as chairman of the advisory committee to the Legislature on the revision of the criminal code. The committee of 16 men spent several years bringing up to date the statutes which had not been revised since 1848. All decisions of the Supreme Court, many of which had the effect of changing the statute through interpretation, were incorporated with the revised statute.

Judge Boileau is also chairman of the committee preparing uniform jury instructions in criminal cases and he has been asked to continue in that capacity. With the flow of decisions from the U.S. Supreme Court it is likely this committee will never reach the end of its role.

It has drawn up instructions now used by all judges and directed to defendants before they make a plea of guilty. They are long and detailed and, hopefully, are so inclusive a trial judge will not make a mistake.

"You must not only make sure a defendant is aware of his constitutional rights," Judge Boileau said, "but the court must be convinced of the man's guilt before he can accept a plea of guilty. The new instructions will save considerable money in the long run because there will be very few appeals."

He has served as chairman of the Board of Circuit Judges, as chairman of the Board of Criminal Court Judges and as the Circuit Court representative on the State Judicial Council.

Speaking of justice, Judge Boileau said he believes people get the kind of justice they demand. If a law is not popular, he said, it will be difficult to enforce. He pointed to the prohibition laws and currently the marijuana laws with their stiff penalties for first offense users.

He said he believes Wisconsin's court system is efficient and serves well in the administration of justice. The work done in preparing instructions for juries in criminal and civil cases has helped to remove errors and eliminated the terrific expense of new trials.

CONGRESSIONAL HEARING ROOM PROVIDED HANOI AGENTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. RARICK. Mr. Speaker, I have previously called to the attention of the House the national shame of our spineless betrayal of those Americans who were taken captive while fighting for our country in Vietnam.

For the first time in our history, the wives of captured Americans are required to treat with the enemy in their desperate attempts to afford to their men the protection which our country finds it politically inconvenient to provide.

We have sunk to such depths that these valiant women are even forced to treat with the enemies at home—to plead with Hanoi's "dear American friends" for word of their loved ones.

Now press reports indicate that two of these brave wives appeared at a press conference arranged by three of our colleagues in a hearing room here, again to defend and protect their men.

To our shame, our colleagues had arranged the conference as a platform for the use of Hanoi's "dear American friends" and to further the subversive aims of the enemy in this country.

I include the newsclipping in my remarks:

A MISSING FLIER'S WIFE SOFTLY BEGGED TO DIFFER

The wife of a captured U.S. flier stood up in a congressional hearing room yesterday and emotionally contradicted an anti-war leader who had just reported on her visit to a prisoner-of-war camp in North Vietnam.

"Mrs. Weiss, you're so very wrong on so many things," Mrs. Martha Doss said, in a soft quivering voice.

Cora Weiss, of Women Strike for Peace and one of the leaders of the New Mobilization Committee to End the War in Vietnam, was one of three American women who traveled to North Vietnam in December. They visited a detention camp and spoke with three U.S. prisoners.

In a congressional hearing room provided by three New York congressmen, Mrs. Weiss and Mrs. Ethel Taylor met with reporters and local Women Strike for Peace members to describe their trip.

Mrs. Weiss, of New York City, spoke of relatively healthy and satisfied Americans in what she acknowledged might be the best detention camp in North Vietnam. She said the prisoners lived in a spotless camp lined with palm shade trees and followed a routine that included daily exercises and afternoon naps.

When reporters had asked Mrs. Weiss the last of their questions, Mrs. Doss arose, was recognized and made a brief statement.

She said her husband, Navy Lt. Cmdr. Dale Doss, was shot down more than two years ago. A few months later, she told Mrs. Weiss, she saw a picture of her husband and his appearance shocked her.

Mrs . Doss, an attractive and slender brunette from Virginia Beach, Va., sat down. She was surrounded by reporters.

"Oh God, I can't believe the things she is saying," Mrs. Doss said. "I know better."

She said the North Vietnamese "did a beautiful job" on Mrs. Weiss. "We heard the same things in Paris," when Mrs. Doss and several other POW wives made a fruitless trip to Paris to learn something of their husbands from the North Vietnam delegation to the Vietnam peace talks.

Mrs. Sue Shuman, also of Virginia Beach, said of Mrs. Weiss: "She's pro-communist." Her husband, Cmdr. Edwin Shuman, was shot down with Ross.

FROM KATYN FOREST TO SOUTH VIETNAM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. PUCINSKI. Mr. Speaker, for more than 50 years the Communists have adhered to their same tactics of the end justifies the means. Only the names and places of the innocent victims have changed.

We are constantly reminded of the Katyn Forest massacre where 15,000 gallant Polish officers were slaughtered at the hands of the treacherous Russians and the brutal methods employed. We are also reminded that toward the end of World War II, the masters of deceit called the Polish underground army to arms against the Nazis with promises of support from the Russian Army. The support never came and as a result, 250,000 patriotic Poles were slaughtered by the Nazis and every building in Warsaw was reduced to rubble, save those buildings which housed the Nazis.

With virtually all vestiges of the intelligentsia removed by these two incidents, the hordes of Stalin were free to take over Poland and set up a Communist regime, and the rape of Poland was complete.

For more than a decade, we have been witnessing the same prolog to the epilog in South Vietnam. The Communists have systematically slaughtered many thousands of the South Vietnamese leadership and intelligentsia—not to forget the innumerable other victims—in preparation for a Communist takeover. The Hue massacre, similar to the Katyn massacre, was merely a culmination of Communist strategy to divide and conquer. We know the bloodbath that will ensue if we leave South Vietnam at the mercy of the Communists—the same type of bloodbath that is rife throughout Communist history.

Today, I should like to place in the RECORD an excellent article which appeared in the magazine, the Immaculate. The article compares the similarity between Katyn and Hue and the continuing Communist tactics of terroristic assassinations as a means to achieve their ends. We must never be beguiled by those who would have us believe that the Communists are civilized people; at best they are huns.

Mr. Speaker, the article follows.

FROM KATYN FOREST TO SOUTH VIETNAM

Although the Russians vehemently denied the charge of the Germans in 1942 that they had killed over 14,000 Polish officers and intellectuals in the Katyn Forest in the Soviet Union, there was plenty of evidence to prove they were lying. When the Polish government in exile in London demanded that the international Red Cross should examine the graves of the murdered Poles, the U.S.S.R. broke off diplomatic relations with the Polish Government in exile.

It is, of course, a well established fact today that Stalin ordered the Red army to kill these elite of the Polish nation—lawyers, educators, doctors, and businessmen who were army reserve officers. For they would inevitably supply the leadership that would oppose a Communist takeover of Poland.

The same tactics are being used in South Vietnam by the Viet Cong. The former Secretary of State, Dean Rusk, noted that "in 1960 alone, terrorists assassinated 1,400 local government officials and kidnapped 700 others, while armed guerrillas killed 2,200 military and security personnel." In 1964, from January to October, 429 village and hamlet officials were assassinated and 1,482 kidnapped. These were all local officials elected by the villagers. Not only civil servants, village officials but the natural leaders (who do not hold office, but because of age, sagacity or strength of character, are the ones the people turn to for advice) are selected for elimination. As the U.S. Mission magazine puts it, "Steadily, quietly and with a systematic ruthlessness, the Viet Cong in six years have wiped out virtually a whole class of Vietnamese villagers. Many villages today are virtually depopulated of their natural leaders."

In this underdeveloped country, sapped by a continuous war of over twenty years, the most valuable asset is good, dedicated and qualified personnel in every aspect of life. There is an acute shortage of teachers, doctors and medical technicians. Yet, from 1959 to 1965, the Viet Cong destroyed 123 schools, and killed 240 teachers, 115 nurses, and 27 doctors. Fr. Cletus Haly, S.J. concludes:

"Here is manifest evidence of the Communists' lack of genuine concern for the people. However, if it is not welfare of the people that they seek but political control (and it is!), it must be admitted that their operation is very shrewd. Without leadership the people are reduced to an amorphous mass, incapable of organized resistance, helpless in the presence of a well-organized ruthless enemy."

If official leadership and natural leadership are the prime targets for elimination by the Communists, the local inhabitants in general are secondary targets. In December, 1962, the "National Liberation Front" (NLF) issued orders for an increased use of terror on the hapless people. A State Department document describes the resulting terrorism:

"Its application takes many forms: . . .

"Grenades lobbed into cars stopped for traffic lights;

"Grenades set in the night with trip-wires across the common paths where peasants and school-children walk in the morning;

"Village men and boys kidnapped and forced into Viet Cong military service;

"Villages harassed night after night with sporadic gunfire and loudspeakers taunts and threats;

"Schools and health stations bombed;

"Busloads of civilians blown up by electrically controlled mines. . . .

"Harassing villages probably has been the most common form of terror used by the Viet Cong. The most common form of harassment is small-arms fire. . . . It creates a great sense of anxiety within the village, keeps villages awake at night, impairing their farming and normal daytime activities. And it builds confidence within guerrilla ranks."—State D., July, '67, p. 1, 3.

The greatest single act of terrorism occurred when the Viet Cong gained temporary control of the city of Hue in 1968. More than 1,000 men and women were executed. So far only 350 victims have been found, identified and given proper burial.

Democratic Congressman, Roman C. Pucinski, from Illinois, who was the chief investigator of the Katyn Forest massacre back in 1952 for the House Select Committee on Communist Aggression, was struck by "the tragic similarity between the methods used by the Communists in the Katyn Forest in 1940, and the methods used by the Communists against the South Vietnamese in Hue." The victims at Katyn, as in Hue, were killed with a single bullet in the back of the head, while kneeling with their hands tied behind their backs. They were then pushed into mass graves, in some cases while still alive.

The discovery of the mass graves in Hue is dramatic evidence of what the Communists have planned for the one million refugees (over 700,000 Catholics) who fled North Vietnam to join the hundreds of thousands of South Vietnamese in clearly establishing their opposition to the Communists.

May the United States abandon these people to such a cruel fate, after we have definitely promised them our protection and aid? Hardly, if we still wish to be considered Christian. For as Pope Pius XII so aptly put it:

"A people threatened with an unjust aggression, or already its victims may not remain passively indifferent if it would think and act as befits Christians. All the more does the solidarity of the family of nations forbid others to behave as mere spectators, in an attitude of apathetic neutrality."

SENATE—*Thursday, January 29, 1970*

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, who has given us this good land for our heritage, forsake us not when the way is difficult and the goal is far distant. But come upon us with a new visitation of Thy spirit that we may know whose we are, whom we serve, and the destiny Thou hast ordered for us. Rekindle in all the people a new and lofty patriotism and pure religion. Set before us the goal of Thy kingdom, the law of which is love and the ruler of which is the sovereign God. Guide by Thy wisdom the Members of this body that their daily service may be rendered in Thy name and each action be according to the divine intention that Thy kingdom comes and Thy will is done on earth as it is in heaven.

Through Jesus Christ our Lord. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 28, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF A SENATOR

Hon. JACOB K. JAVITS, a Senator from the State of New York, attended the session of the Senate today.

RECOMMENDATIONS BY JOINT LEADERSHIP FOR SPEEDING UP SENATE PROCEDURES

Mr. MANSFIELD. Mr. President, the Democratic policy committee, and the Democratic caucus last week considered ways and means by which procedures of the Senate and Congress as a whole might be speeded up so that the possibility of an early adjournment, at least earlier than usual, hopefully around Labor Day, would be enhanced.

Suggestions advanced in the policy committee met with the approval of the Democratic conference. I then contacted the distinguished minority leader (Mr. Scott) and he said he would be glad to take up the suggestions made by the majority party with his colleagues in conference.

He did so. They agreed to go along, I believe unanimously. Then, on the basis of these recommendations the distinguished minority leader and I, the distinguished President pro tempore of the Senate (Mr. Russell), the chairman of the Appropriations Committee, and its ranking Republican member, Mr. Young of North Dakota, met with our counterparts in the House.

There the House Members agreed to the proposals set forth at that time.

It was thought, at the conclusion of that meeting on Monday last, that it would be possible to meet with the President the next morning to give him a copy of what we had agreed to, and to ask his advice as to what he could do to bring about a closer degree of cooperation between the departments of Government under his control and the appropriate committees in Congress.

That meeting did not take place, but after a discussion of the meeting with the distinguished minority leader, we have come to the conclusion that these recommendations should be made a matter of public record on which there is wholehearted agreement and cooperation.

Therefore, Mr. President, I ask unanimous consent to have printed in the Record a statement to that effect.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Memorandum of Democratic Policy Committee

On the opening day of the session, the Democratic Policy Committee discussed the problem of orderly and expeditious handling of legislation during the Second Session of the 91st Congress. It was the unanimous position of the Policy Committee that initiative should be taken by the Leadership to preclude a recurrence of an extended session this year. The Majority Leader was directed by the Committee to take the following suggestions to the Conference for discussion and approval:

(a) The Leadership should request a bipartisan meeting between the House and Senate leadership to include the Chairman and ranking minority member of the House and Senate Appropriations Committees. The purpose of this meeting would be to discuss a compatible method of expediting legislation in this session.

(b) Following that meeting, it was suggested that the joint Congressional leadership should meet with the Director of the Budget and bring to his attention the advisability of a cooperative and orderly approach to the President's recommendations between the Executive Branch and the Congress.

(c) Further, if it was then felt advisable, that the Congressional leadership should make a direct overture to the President on this matter.

At the Democratic Conference on Tuesday, January 20, the above recommendations were unanimously approved. The goals as discussed by the Conference were as follows:

(a) An early submission of the President's budget to the Congress.

(b) Immediate identification from the budget of new authorizations which must be enacted prior to appropriations action.

(c) Early submission of messages on annual authorization bills by the Executive.

(d) An agreement that Executive witnesses would be available to testify immediately after submission of those messages.

(e) Scheduling of hearings by appropriate legislative committees in both Houses, to be followed by early passage of these authorizations.

(f) Concurrently, the initiation of early hearings on appropriations bills. These could be ready for markup immediately after passage of the necessary authorizations.

(g) Adjournment sine die not later than Labor Day.

It was pointed out that there is a mutual responsibility between the Executive and each House of Congress in the passage of the Nation's legislation. The Congress cannot act until the Executive submits its proposals. In like manner the Senate cannot act on Appropriations measures until the House has completed its action. In fairness, the Senate is entitled to a reasonable period of time to act on Appropriations bills. In the past, however, there have been occasions when these measures were late in reaching the Senate. The end result has been adjournment late in the fall. As an example, the first session of Congress did not adjourn until December 23, 1969.

In an election year, all Members of Congress are interested in early adjournment. Each Member of the House is up for reelection and 36 Members of the Senate. There was a consensus that the longer we are in session, the more difficult it is for incumbents to be reelected. There was a strong feeling that there should be a "must" list of authorizing legislation identified and a strong effort to pass this legislation as early as is practicable. Some of these measures are controversial and will require extensive hearings. One example is the Farm Bill which expires this year and must be renewed.

Senate Committee Chairmen concurred in a procedure of announcing opening and closing dates of hearings as early as they can be determined. The tradition of accommodating witnesses on scheduling may have to be altered. In the same vein, there was a strong feeling that once a recommendation had been received from the Executive, that should be the measure acted upon. The practice of constant changes and add-ons throughout the session should be discouraged.

One Chairman pointed out that in consideration of the pending business of the Senate, 17 items totaling $5.5 billion were received after the basic bill had been sent to Congress. This situation does not permit an orderly and judicious legislative process.

> At the same meeting, the Conference approved a policy of Saturday sessions until the Calendar is cleared of important measures; further, that recess periods be held to a minimum length during this session.
>
> It was made clear that the Conference expected the Leadership to ensure that insofar as the Senate is concerned it is not going to be a source of delay in legislating and, if anything, that it will seek to expedite the appropriating process. Until a substantive change can be made in the fiscal process, for example, changing the fiscal year to the calendar year, something must be tried to improve the situation.
>
> It was the consensus that by taking an initiative at the outset of this session it would be hoped that the entire appropriations process can be expedited perhaps even to the point of establishing some kind of tentative schedule from its inception at the Budget Bureau to its conclusion with the final adoption of Conference Reports in the Congress before Labor Day.

Mr. SCOTT. Mr. President, I am in accord with the statement of the distinguished majority leader. I would add one small amendment; that is, that the Republican conference, without taking any formal vote, expressed the sense of general agreement that we should expedite the business of the Congress, as suggested by the majority party.

We did recommend that instead of setting a target date, as suggested, of Labor Day, that we set as the target, the legal sine die adjournment date for Congress—July 31. It is my understanding that that was generally acceptable in the meeting with the distinguished Speaker of the House and others.

There will be other meetings. I understand that the majority leader has some thought—if I may suggest it at this time—of meeting with the chairmen of the legislative committees and the ranking members of the legislative committees in order to expedite authorizations, and in that way assist in expediting the appropriating procedure.

Indeed, I have indicated that I think it would be desirable, if the President is so minded, that at some point we meet with him to express our common desire to expedite the work of the second session of this Congress.

Perhaps it may be desirable to meet with the Director of the Bureau of the Budget in advance of that. There will perhaps be other meetings with the Vice President and others, all directed to the same common purpose, that of getting the people's business out of the way as quickly as we can in a genuinely bipartisan effort.

I thank the Senator from Montana.

CRIME LEGISLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized for the next 5 minutes or so.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the passage of the drug control bill on yesterday marked another step toward the completion of the Senate's fine work in the field of crime legislation.

The President mentioned in his state of the Union address 13 crime bills upon which he wishes action. He said that none of them has, as yet, reached his desk. Although he did not mention what these bills were, I requested my staff to inquire from the White House and get a listing of the administration proposals.

Of the President's 13 proposals, the Senate has already passed seven and the remaining six deal with four subjects only.

First. Obscene mail and prurient advertising.

Second. Bail reform.

Third. Criminal appeals.

Fourth. Increasing penalties for antitrust violations.

The administration includes three separate bills under the obscenity category; this matter will be considered within the next month by the Senate committee. I have my own proposal in this area and am prepared to offer that proposal—requiring the labeling of all envelopes that contain matter of a potentially offensive nature and providing the opportunity for addressees to return the labeled envelope to the sender at the sender's cost.

I am happy, as the Senate well knows, to be assured by the distinguished chairman of the Committee on Post Office and Civil Service, the Senator from Wyoming (Mr. McGee), that this matter will be reported from the committee within a month.

The bail reform measure of the administration—one of the remaining crime bills—is a bill upon which the administration is not yet prepared to testify. The administration has not yet completed its study and thus has requested that the Senate committee withhold action.

The third of the administration's crime bills, S. 3132, dealing with criminal appeal procedure will be the subject of hearings within the next month.

Thus, of the administration's proposals and requests on crime, there are but three areas awaiting Senate action. The Senate committees are prepared to move ahead on all of these measures. The last of the administration's crime bills is S. 3036 to increase the penalties for violations of the Sherman antitrust laws. The chairman of that subcommittee has informed me that he anticipates passage of this measure early this session.

It is obvious therefore that the most significant and far reaching of the administration's 13 crime proposals have already passed the Senate.

Upon inquiring of the administration on this matter, it was learned that the administration strongly supported other measures initiated in the Congress dealing with crime. These proposals were enumerated by administration spokesmen to include the following: S. 2122, Federal immunity of witnesses; S. 1861, Corrupt Organizations Act; S. 2292, sources of evidence; S. 30, organized crime.

S. 2122, S. 1861, S. 2292 were all needed and were incorporated into S. 30 which passed the Senate last Friday. In addition, the administration has supported and wishes to be identified with the following Senate bills; S. 952, omnibus judgeship bill; S. 1624, wagering tax amendments; S. 1461, Criminal Justice Act amendments.

The Senate has already passed S. 952. Hearings are scheduled on S. 1624 and S. 1461 in the near future.

Thus, of the 20 measures in the broad areas of crime, drugs, and obscenity, almost all the major bills have passed the Senate.

Only five areas remain for action and all of these will be considered in the Senate this session. Thus, of proposals for additional laws in the battle against crime, the Senate has completed the lion's share of its work and only the tidying up of relatively minor proposals remains.

After the passage of these bills, we may then direct ourselves to the more difficult, much more difficult, tasks of identifying and addressing ourselves to eradicating the causes of criminal behavior.

I ask unanimous consent that a chart of these administration proposals be printed at this point in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

Bill number and title	*Status*
(1) S. 2022—Illegal gambling control	Passed Senate (S. 30), January 23, 1970.
(2) S. 2637—Drug bill (S. 3246)	Passed Senate, January 28, 1970.
(3) S. 2657—Included in drug bill	Included in S. 3246—Passed Senate January 28, 1970.
(4) S. 2601—District of Columbia court reorganization.	Passed Senate, September 19, 1969.
(5) S. 2602—Public defender, District of Columbia.	Passed Senate, November 21, 1969.
(6) S. 2869—Criminal law revision, District of Columbia.	Passed Senate, December 5, 1969.
(7) S. 2981—Juvenile Code, revision, District of Columbia.	Passed Senate, December 22, 1969.
(8) S. 3036—Increase penalties, Sherman Antitrust Act.	Definite passage this session.
(9) Obscenity:	
(9)(a)(9) S. 2073—Obscene mail to minors	Hearings next month.
(9)(b)(10) S. 2074—Prurient advertising	Hearings next month.
(9)(c)(11) H.R. 10877—Obscene mail—Title II of postal rates bill.	
(12) S. 2600—Bail reform	Hearings continuing; administration has requested postponement until it completes its study.
(13) S. 3132—Criminal appeals	Hearings scheduled; February.

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CRIME BILLS SUPPORTED BY ADMINISTRATION, ORIGINATED IN SENATE

Bill number and title	*Status*
(14) S. 952—Omnibus judgeship bill	Passed Senate, June 23, 1969.
(15) S. 2122—Federal immunity of witnesses.	Passed Senate, January 23, 1970.
(16) S. 2292—Sources of evidence	Passed Senate, January 23, 1970.
(17) S. 1861—Corrupt Organizations Act	Passed Senate, January 23, 1970.
(18) S. 30—Organized Crime Control Act of 1969.	Passed January 23, 1970.
(19) S. 1624—Wagering tax amendments	Hearings next month.
(20) S. 1461—Criminal Justice Act amendments.	Report in few days from subcommittee.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Montana yield; and if so, to whom?

Mr. HRUSKA. Mr. President, I defer to the minority leader.

Mr. SCOTT. Mr. President, I thank the distinguished Senator. I asked the distinguished majority leader to yield only to point out that I agree that the administration is anxious to have these acts acted upon expeditiously.

I think the Senate is to be praised for what it has already done as to the Bail Reform Act. If there is any information not yet available from the administration, I would hope that, too, would be expedited.

I would point out that the District of Columbia judicial reform bill has been pending for many months in the other body. I say that without any derogation. They have much work to do. But we have been waiting for some solution to a very much needed piece of legislation while the District of Columbia crime situation is rising steadily to new heights and our streets continue to be much less safe than many foreign capitals. The omnibus crime bill, which the Senate passed many months ago, is pending in the House. I believe there is an intention to hold hearings on the matter soon. I understand the committee is working on it. But as long as we have this tremendous backlog in many of our courts, we do seriously need additional judges.

I am most anxious that we have from the other body the same cooperation which the Senate extended to the administration in an effort to staff the courts which needed judicial personnel so that we could get at this backlog and use that and other tools contained in the entire package for the purpose of really attacking and massively reducing the level of crime which is serious and affects us all so greatly.

Mr. MANSFIELD. Mr. President, may I say, before yielding to the distinguished Senator from Nebraska who has done considerable outstanding work in this field, that it will take a good deal more than we have at present.

Much needs to be done in the way of prison reform, rehabilitation of the criminals, creating a better situation and restoring people to decent citizenship rather than making them hardened criminals and thus adding to the criminal population.

Mr. HRUSKA. Mr. President, I congratulate the majority leader for bringing to our attention the progress made by Congress in this very field.

By and large the record made in the Senate has been a good one, and substantial progress has been made.

Failure in this body of the Congress has not been notable. In fact it is limited to a very few bills. I might say on behalf of some of them with respect to the administration not having gotten its final views to the Senate and the House, that some of those delays are occasioned because of the very difficult constitutional limitations with which we must work.

One is a bill in which the distinguished majority leader is so greatly interested, and that has to do with obscenity and pornography in the mails.

We were about ready to report two bills to the Senate that had been introduced by the late departed senior Senator from Illinois, Everett McKinley Dirksen. This was one of the fields in which he took great personal interest.

The senior Senator from North Carolina pointed out that both of these bills, because of the entire subject matter, should be referred to the Subcommittee on Constitutional Rights for a further canvassing of the constitutional limitations and restrictions in this field—and they are many, and they restrict the field considerably—in order that when we get a measure, it will be an effective one and will stand up. And those hearings the Senator from North Carolina (Mr. ERVIN) indicates will be held very shortly.

We could, I expect, barge ahead and proceed, but that is not enough. We have to have a law that will stand up.

We know the difficulties we have encountered in that regard. We know the situation that exists with respect to the bail reform law, where a baleful eye has been cast on the constitutionality of that law.

With respect to dealing with the District of Columbia criminal situation, I want to make the observation that we have been working very hard on crime legislation. This has had true bipartisan support that has been lent to all of the bills.

I am confident that the Senator has witnessed and observed it.

As a member of the Judiciary Committee, I thank the Senator from Montana, the distinguished majority leader, for having brought this matter to our attention in the capsule form in which he has so well expressed it.

Mr. MANSFIELD. Mr. President, I thank the Senator from Nebraska. I did this for the purpose of showing what the Senate and its committees have actually done, because there seems to be an idea prevalent throughout the land that we have been sitting down on much of this legislation, whereas the Senate has been facing up to it and we have been assuming our full responsibility.

I think this record should be known and publicized and spread throughout the land.

Mr. SCOTT. Mr. President, let me make the observation that the late Bruce Barton, who was a Member of the House, once proposed that for every bill Congress enacts, it should repeal one. That is not a bad idea.

Mr. MANSFIELD. He only served one term, though, did he not?

Mr. SCOTT. He was repealed unfortunately too quickly. However, I did learn from the press and other sources that the President will ask Congress to discontinue outmoded programs which are no longer needed but which cost $2 billion. This suggestion might well be contained in the President's proposed budget message.

I am sure the distinguished majority leader agrees that often we enact programs for a certain purpose and that later most people have forgotten about them except the people who are holding jobs there.

I think that any programs that are no longer needed ought to be abolished. I shall support the program.

Mr. MANSFIELD. Mr. President, I will look forward with anticipation and interest to what the President proposes. I will give it most earnest consideration. But we might well consider the possibility of examining the field of foreign affairs, as well as the situation at home, and consider abolishing some programs, or at least reducing some of the outmoded foreign policies which have been in effect since the end of the Second World War, policies in which certain individuals seem to have a vested interest, policies which have outworn their usefulness, policies which cost this country billions of dollars.

So I would hope that the President would carry on a two-pronged attack, and maybe a three-pronged attack, not only in the field of domestic programs, but also in the field of foreign policy, and do something about this tremendous cost overrun—a conservative figure, I understand, is $20.9 billion—which has become rampant in the Department of Defense. There are many areas in which the question of expenditures can be attacked, and appropriations, too. I can assure my distinguished colleague, the able minority leader, that the troops on this side of the aisle will be delighted to help him on a one-, two-, or three-pronged basis, by means of which we can reduce expenditures and do away with the old programs and old policies in the field of foreign affairs.

In that respect I think the President has made a good start through the enunciation of the Nixon doctrine, which applies not only to Asia, but the whole world, and, I assume, including Western Europe.

Mr. SCOTT. If the Senator will yield I wish to add one further comment.

Mr. MANSFIELD. I yield.

Mr. SCOTT. What I said has full application to foreign affairs as well as domestic affairs, as far as I am con-

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cerned. I was about to cite the Nixon doctrine on Guam.

Mr. MANSFIELD. The Nixon doctrine based on the Guam declaration.

Mr. SCOTT. I think we have, at least, sealed in the designation. That is a change in foreign policy that should save us untold billions of dollars, but, more importantly, untold numbers of Americans who might otherwise become casualties on some foreign battlefield. Therefore, that is economy in the wisest and noblest sense.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Mr. President, I desire to advert briefly to the prior discussion relative to the laws against crime that we have passed and other moves to be taken to create a more lawful atmosphere in this country. I have voted for every one of these laws redefining our criminal laws and extending their scope and purpose. I voted for the law to create these new judges.

However, I must say I do not think any of those laws will be effective until we have absolute assurance of their enforcement and more especially until there is certain and effective punishment meted out against offenders brought into the courts.

In my opinion one of the chief reasons for the great increase in crime, particularly here in the District of Columbia, has been the lack of certainty of real punishment for many of these offenders—until judicial officers are willing to improve genuine punishment upon those who are apprehended, and many of them are, it will be impossible for our Nation's Capital to enjoy the peace and security of other capital cities of the world.

Mr. MANSFIELD. I thank the distinguished President pro tempore of the Senate.

Mr. President, I yield the floor, which I have held too long.

(At this point, Mr. ALLEN assumed the chair.)

THE PENTAGON VERSUS FREE ENTERPRISE—THAT BLOATED DEFENSE BUDGET

Mr. YOUNG of Ohio. Mr. President, the United States today is the world's largest military-industrial complex. Ten percent of the American labor force is involved in either military or defense-related employment. Approximately 22,000 of our largest manufacturing corporations are prime military contractors, while more than 100,000 firms contribute some type of output of defense production. Our annual expenditures for defense purposes, so-called, far exceed the total amount spent for the welfare, education, and poverty programs.

During the past year one case after another has come to light involving excessive profits by defense contractors and cost overruns, so-called.

Furthermore, it has been proven over and over again that the unwarranted influence of the military-industrial complex has resulted in excessive costs, procurements scandals, and skyrocketing military budgets. Quite often taxpayers do not receive the weapons and productions for which excessive prices were paid with their tax dollars. With only 25 corporations receiving nearly 50 percent of prime defense contracts, with important officials in the Defense Department willing to accept serious delays, changing project deadlines, and adding charges well above original estimates, defense contractors are under very little pressure to perform efficiently. This fact and the startling lack of competition for defense contracts have cost taxpayers billions of dollars in excess of original estimates. Also, unfortunately, this results in astounding inefficiency on the part of defense contractors. It results in a small "in" group of favored corporate officials more interested in promoting new business and acquiring new contracts than in successfully completing obligations of contracts entered into previously.

Mr. President, it is obvious that defense spending has grown out of control. It is manifest that the power of the military-industrial complex to write its own ticket and dictate its own terms is one of the most serious and pervasive threats to our Republic and to our free enterprise system.

Mr. President, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE), vice chairman of the Joint Economic Committee and chairman of the House-Senate Subcommittee on Economy in Government, has taken leadership in seeking to eliminate waste and duplication in defense spending and to assure that taxpayers receive fair value for their defense dollars. He deserves the gratitude of all Americans for his persistent efforts and outstanding leadership in trying to reduce the bloated defense budget.

In the Saturday Review of January 31, 1970, there appeared an outstanding article by our distinguished colleague from Wisconsin (Mr. PROXMIRE), entitled "The Pentagon Versus Free Enterprise." This should be read by all Americans concerned with the need for restructuring our national goals and priorities. I ask unanimous consent that the article by the Senator from Wisconsin (Mr. PROXMIRE) be printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PENTAGON VERSUS FREE ENTERPRISE

(By Senator WILLIAM PROXMIRE)

The military-industrial complex has a great and pervasive influence on the life of the United States. Everyone agrees on that. But whether its influence is unwarranted or unhealthy is, of course the question that has provoked heated national debate. The size and influence of the complex have given rise to legitimate concern, because of the military's tendency to identify national security with ever-larger arsenals, and because of its growing and heretofore unchallenged claim on the natural and human resources needed to combat the country's domestic ills. Compounding this concern is the documented evidence that the military and defense industries are guilty of inefficient and otherwise questionable business practices—particularly in the area of procurement—that not only are wasteful but stifle the principle of open competition that is basic to our free enterprise system.

Military and military-related spending now totals more than $80-billion annually and consumes a tenth of the Gross National Product. Because the defense budget has not been as thoroughly scrutinized and debated as budgets for civilian programs, and because of past experience with national security costs greatly exceeding initial estimates, the allocation of these funds is of primary importance. The defense budget should not be allowed to just "grow," but should be subject to the same control as the rest of the budget.

In the past, only one-tenth of the total staff of the Bureau of the Budget has been assigned to review the military budget. In all fairness, Robert Mayo, the present director of the bureau, has testified that in the future military expenditures will be subject to the same scrutiny as are civilian programs. This review is absolutely essential, and I hope that it will be accomplished. My own investigations and those of Congress's Joint Economic Committee reveal that approximately $10-billion could be cut without diminishing national security in the least, and the Subcommittee on Economy in Government in its report *The Military Budget and National Economic Priorities* has formally recommended that such a cut be made.

In fiscal year 1969, $42-billion was awarded in contracts for defense procurement, making it the largest single item in the military budget (about 25 per cent of the total federal budget), and most important, therefore, to those concerned with rising military costs. Procurement includes defense contracts and all purchases or rentals of supplies, equipment, and services. Procurement is often referred to as the lifeblood of defense contractors.

The most efficient and economical way to approach procurement is through competitive bidding; the Congress has repeatedly and consistently directed the Department of Defense to buy competitively. The Pentagon, however, increasingly resorts to practices that reduce competition, and relies more and more heavily on negotiated procurement. Formally advertised competitive military contract dollar awards dropped from 13.4 per cent in fiscal year 1967 to 11 per cent in fiscal year 1969. Single source procurement increased to 57.9 per cent. Last year, about 90 per cent of the Pentagon's and 98 per cent of NASA's contract awards were negotiated under "exceptions"—too often broad and vague exceptions.

The Defense Department, of course, defends negotiated procurement as being comparable to competitive bidding, but only competitive procurement can really give the desired emphasis to dollar cost. Negotiation on nonprice elements cannot completely or successfully substitute for price competition. Experts who have appeared before the Subcommittee on Economy in Government have indicated that procurement costs in the absence of competition can be from 25 per cent to 50 per cent higher than they would have been had competition been present.

Negotiated arrangements can also lend themselves to repeated dealings with certain favored and trusted suppliers. If desired, there are practically effortless ways to get around the regulations requiring competitive bidding. As a part of these regulations, the 1962 Truth-in-Negotiations Act was designed to protect the taxpayer in the absence of true competition, but if a procurement officer determines that competition is adequate or that a standard catalogue price is in effect, the act does not apply. It is also possible to waive the requirements (again under the Truth-in-Negotiations Act) for a contractor to supply cost data. Defense firms, fully aware of the existence of these loopholes, may refuse to supply the cost data even at the risk of a loss of a sale. This amounts to a gamble that the government

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needs their product enough to waive the requirements eventually and proceed with the purchase.

When a firm has actually won a contract to do the research on a major weapons system, it occupies a favored position and is more likely to be chosen to do the work on actual production of the system. In the jargon of defense spending, this is known as being "locked into" a contract. The knowledge gained during the research phase undoubtedly provides a competitive advantage in subsequent negotiations—an advantage that usually means the production contract.

Another way for the firm to improve its position over the life of the contract is commonly referred to as "buy in, get well later." Once a contractor has won the contract, if his costs increase or he cannot meet the agreed delivery date, the government will "get him well" by meeting the higher price or accepting later delivery.

Gordon W. Rule, a civilian procurement officer with responsibility for the F-111, the attack plane whose production has been cut back drastically because of mechanical problems and soaring costs, has told the subcommittee, "No matter how poor the quality, how late the product, and how high the cost, they [the defense contractors] know nothing will happen to them." Thus, the contractors attach the greatest importance to submitting low estimates in order to win the contract even if they suspect at the time that costs will have to be raised later.

Prices and costs can be easily increased during production through the numerous change orders issued (which can potentially number in the thousands on a major system). Referred to as "contract nourishment," these change orders can be initiated by either the government or the supplier, and are not adequately controlled or audited—a point I will elaborate on in my discussion of defense firm accounting practices.

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The Subcommittee on Economy in Government has again recommended (in its report of last May) that the Defense Department make greater use of competitive bidding in order to eliminate these problems. If necessary, further legislation should be enacted to make the submission of cost and pricing data mandatory under the Truth-in-Negotiations Act for all contracts awarded other than through formally advertised price competition procedures, and in all sole-source procurements whether or not formally advertised.

Under the conditions just outlined, it does not take much imagination to see how defense suppliers might come to occupy a secure position. Indeed, some companies do almost all of their business with the Department of Defense. In fiscal year 1968, the 100 largest defense contractors were awarded 67.4 per cent of total defense contracts, the highest percentage since 1965. The largest firms hold "entrenched" positions: eighty-four of the firms on the list of 100 largest firms in 1968 had also been on the list in 1967; eighteen of those on the list of the largest twenty-five were on this list in both 1967 and 1968. The five firms doing over $1-billion worth of business with the government in 1967 maintained this volume in the subsequent year.

In spite of their key positions with respect to defense procurement, some of these large firms, such as Lockheed, Boeing, General Dynamics, North American Rockwell, and Litton Industries, refused to appear when invited to testify at recent hearings of the Subcommittee on Economy in Government. To say the least, it appears curious that they would not want to present their views, unless of course they have nothing to add.

In addition to repeated dealings with these same firms, the involvement or relationship between the Pentagon and its suppliers is reinforced by the common practice of interchanging personnel. Many retired officers leave their procurement responsibilities to take positions with the very firms with which they have been negotiating. At present, more than 2,100 retired officers of the rank of colonel or higher are holding jobs with firms doing defense work. The ten companies employing the largest number of them had 1,065 on their payrolls, an average of 106, three times the average number employed in 1959.

The Subcommittee on Economy in Government, recognizing this conflict-of-interest potential, recommended that the Government Accounting Office compile a defense-industrial personnel exchange directory—a kind of catalogue of the officials who have moved from the Pentagon to defense industries or vice versa. My amendment to the military authorization act calls for yearly Pentagon disclosure of the names of all retired military procurement officers, all those of the rank of major or higher, and all former civilian personnel who occupied high positions (GS-13 or above) in the Department of Defense who go to work for the big contractors. It also calls for annual disclosures of the names of former defense contractor employees who now occupy high positions in the Department of Defense.

What this lack of competitive procedure and poor business practices means to the government and taxpayers is higher bills to pay for inefficiencies and waste. The higher costs simply do not buy more security. The extensive and pervasive economic inefficiency and waste in military procurement have been well documented by the investigations of the Subcommittee on Economy in Government, by other committees of the House and Senate, and by the General Accounting Office.

Assistant Secretary of the Air Force Robert H. Charles testified that "the procurement of our major weapons systems has in the past been characterized by enormous cost overruns—several hundred per cent—and by technical performance that did not come up to promise." He attributed a substantial portion of the waste to cost reimbursement type contracts, and to the absence of price competition.

Richard A. Stubbing, a defense analyst at the Bureau of the Budget, in a study of the performance of complex weapons systems, concluded: "The low overall performance of electronics in major weapons systems developed and produced in the last decade should give pause to even the most outspoken advocates of military-hardware programs."

It has been repeatedly pointed out that the greatest cost overruns occur in negotiated contracts. Even in the absence of overruns, however, evidence has been presented that prices are being negotiated at too high a level from the beginning. Further, a retired Air Force officer, Col. A. W. Buesking, a former director of management systems control in the Office of the Assistant Secretary of Defense, summarized a study he had conducted by saying that control systems essential to prevent excessive costs did not exist.

The cost overruns on the C-5A cargo plane (recently grounded with a wing crack) are the most shocking example of the defense industry's inefficiency and mismanagement. The total cost overrun in the C-5A program has been revealed to be as much as $2-billion. The program originally called for 120 C-5A planes to cost the government $3.4-billion, but because of cost overruns, mainly experienced in the performance of the Lockheed C-5A contract, actual costs will total $5.3-billion. Last November the Air Force finally conceded that the cost increases made at least part of the program too expensive to continue, and it announced it would buy only eighty-one of the planes.

Still another example is a more than $200-million overrun on the Mark II Avionics program—the radars, computers, and inertial equipment for the F-111. The original contract price was $143-million, and former Secretary Charles has revealed that the actual costs may go as high as $360-million. On the Mark XVII program, the reentry system for the Minuteman, the original contract price was $36.4-million, but the actual costs had reached $70.2-million at the time the contract was ended.

In December 1969, the General Accounting Office reported that the costs of fifty-seven major weapons systems had increased by $21-billion. However, this figure is seriously understated, in my judgment, because of the inadequacies of the Pentagon's cost-information system. GAO found that the Pentagon still does not maintain a central inventory of the major weapons systems that would show their costs and other information.

The cost to the government and taxpayers is further increased, because the government encourages inefficiency. Let me elaborate on this incredible statement. The Department of Defense supplies both fixed and working capital to many contractors. DOD often owns the plant in which the contractor will work. Too frequently the amount of property owned by the government exceeds that of the defense company. Further, a disproportionate amount of this government equipment is held by the larger contractors.

In fiscal year 1968, the amount of industrial plant equipment costing over $1,000 that was used by the defense suppliers totaled $2.7-billion—a $100-million increase over the $2.6-billion of 1967.

The Pentagon supplies working capital by making "progress payments" that can reimburse contractors for as much as 100 per cent of incurred costs. Incurred cost reimbursement payments might be a better name, however, since progress payments have no correlation to the amount of work actually completed. Under these circumstances money advanced as progress payments really amounts to a kind of no-interest government loan that inflates contractors' profits. Given this "free" working capital, a contractor is in a position to bid low for other government work or to finance commercial work. It is possible for a contractor to incur costs equal to 75 per cent of the original contract price while completing only 50 per cent or less of the job. Not only is the Department of Defense providing a negative incentive for a firm to use its own working capital, but at the same time it is developing a financial stake in the contractor.

In the C-5A case, Lockheed received progress payments of $152 billion on reported incurred costs of $1.57 billion, as of May 30, 1969. In addition, the contract is being performed in a government-owned plant. The plant and the government-owned machinery employed at the plant have an original acquisition cost of $113.8-million.

Yet another instance of these most unusual business practices is the government's policy with regard to patent rights. It permits contractors to obtain exclusive patent rights, free of charge, on inventions produced in the performance of their contracts. Admiral Rickover and Murray Weidenbaum (now Assistant Secretary of the Treasury) both contend that this practice further reduces competition because it gives the "ins" a competitive advantage over the "outs." Legislative action should be taken to establish uniform guidelines for all federal agencies on the use of patents obtained for inventions made under government contract.

Admiral Rickover also testified that $2-billion of excessive costs results from the absence of uniform accounting standards alone. It is difficult to accurately determine costs and profits. "In one case," reported Admiral Rickover, "the Navy allowed a shipbuilder to charge salaries and other pay directly on government contracts, while similar costs on commercial contracts were charged as overhead and allocated to both government and commercial work. The government was thus paying directly for work done on commercial contracts. The Navy had accepted these costing methods because, it said, the contractor's system conformed to generally accepted accounting principles. In this particular case the GAO eventually found that the government had been overcharged by more than $5-million."

To quote Admiral Rickover further on the problems of accounting standards, "Thus, contractors can use change orders as a basis for repricing these contracts. They have almost unlimited freedom in pricing change orders, because their accounting system will never show the cost of the work. The government can never really evaluate the amounts claimed, or check up to see if it paid too much."

The Subcommittee on Economy in Government has recommended that the Department of Defense require contractors to maintain books and records on firm-fixed-price contracts showing the costs of manufacturing all components in accordance with uniform accounting standards.

Not only should there be tighter control on cost records, but something must be done in the area of profits. The Department of Defense cannot accurately state what profits are in defense procurements. First, it defines profits as a percentage of costs, and does not report profits as a return on investment. Second, the Department of Defense does not obtain complete information about profits on firm-fixed-price contracts. Third, without uniform accounting standards, it is difficult, if not impossible, to discover the costs and profits in defense production unless months are spent to reconstruct contractors' books.

Many witnesses have told the subcommittee that profits in defense are higher than nondefense profits. Murray Weidenbaum found in his study "that between 1962 and 1965 a sample of large defense contractors earned 17.5 per cent net profit (measured as a return on investment), while companies of similar size doing business in the commercial market earned 10.6 per cent."

Profits should also be considered both as a percentage of costs and as a return on investment. Since the Department of Defense supplies fixed and working capital in many cases, defense contractors would show an enormously high return on investment if it were computed.

Another recommendation of the subcommittee is that the GAO study the feasibility of incorporating into its review of contractors the should-cost method of estimating costs on the basis of industrial engineering and financial management principles. In this way, cost estimates could be freed from being based on original estimates that may be inflated.

Finally, we can point to a relation between defense spending and inflation. Both the Korean war period and the Vietnam era have been accompanied by price increases; this suggests that defense expenditures have made significant contributions to inflationary pressures. The consequent reduced value of savings and fixed income assets during periods of inflation and the 10 per cent income tax surcharge are certainly taxpayer burdens as much as the high cost of the defense budget.

High interest rates may eventually stop the inflation, but they hurt the homeowner, the aged, the consumer, and the small businessman in the process. A more intelligent way to curb the price spiral would be to cut defense costs.

The record is clear. Our priorities as a nation need to be restructured, and the place to start is with the bloated defense budget. Only when Congress is again in control of the entire budget can we make progress on the domestic front.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT, OFFICE OF CIVIL DEFENSE

A letter from the Director of Civil Defense, Department of the Army, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ending December 31, 1969, covering items acquired pursuant to the authority transferred to the Secretary of Defense by Executive Order 10952, effective August 1, 1961; to the Committee on Armed Services.

REPORT OF SUMMARY DESCRIPTION OF ANTIDUMPING ACTIONS TAKEN BY OTHER COUNTRIES AGAINST THE U.S. EXPORTS AND THEIR RELATIONHIPS TO PROVISIONS OF THE INTERNATIONAL ANTIDUMPING CODE

A letter from the Special Representative, Office of the Special Representative for Trade Negotiations, Executive Office of the President, transmitting, pursuant to law, a supplementary report setting forth all available information regarding antidumping actions taken by other countries against U.S. exports during the period prescribed by section 201 (b) (with an accompanying report); to the Committee on Finance.

REPORT ON POSITIONS IN GRADES GS–16, GS–17 AND GS–18, DEPARTMENT OF JUSTICE

A letter from the Assistant Attorney General for Administration, U.S. Department of Justice, transmitting, pursuant to law, a report to Congress on positions in grades GS–16, GS–17, and GS–18, January 1, 1969, through December 31, 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF COMMITTEES

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. 3207. A bill relating to the liabilities of Federal National Mortgage Association to the United States (Rept. No. 91–644).

AMENDMENT OF THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS—(REPT. NO. 91–641)

Mr. TALMADGE. Mr. President, from the Committee on Agriculture and Forestry, I report favorably, with an amendment, the bill S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from South Dakota (Mr. McGOVERN).

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed as requested by the Senator from Georgia.

SENATE RESOLUTION 329—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING AND CURRENCY FOR INQUIRIES AND INVESTIGATIONS (REPT. NO. 91–642)

Mr. SPARKMAN, from the Committee on Banking and Currency, reported the following original resolution (S. Res. 329), and submitted a report thereon, which was referred to the Committee on Rules and Administration:

S. RES. 329

Resolved, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) banking and currency generally;

(2) financial aid to commerce and industry;

(3) deposit insurance;

(4) the Federal Reserve System, including monetary and credit policies;

(5) economic stabilization, production, and mobilization;

(6) valuation and revaluation of the dollar;

(7) prices of commodities, rents, and services;

(8) securities and exchange regulations;

(9) credit problems of small business; and

(10) international finance through agencies within the legislative jurisdiction of the committee.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 330—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING AND CURRENCY FOR A STUDY OF FEDERAL HOUSING AND URBAN DEVELOPMENT PROGRAMS (REPT. NO. 91–643)

Mr. SPARKMAN, from the Committee on Banking and Currency, reported the following original resolution (S. 330), and submitted a report thereon, which was referred to the Committee on Rules and Administration:

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S. Res. 330

Resolved, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to public and private housing and urban affairs, including urban mass transportation.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $160,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 331—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES FOR INQUIRIES AND INVESTIGATIONS

Mr. **STENNIS**, from the Committee on Armed Services, reported the following original resolution (S. Res. 331), which was referred to the Committee on Rules and Administration:

S. Res. 331

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) size and composition of the Army, Navy, and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

Sec. 2. For the purpose of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The expenses of the committee under this resolution, which shall not exceed $300,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 332—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE AERONAUTICAL AND SPACE SCIENCES COMMITTEE FOR INQUIRIES AND INVESTIGATIONS

Mr. **ANDERSON**, from the Committee on Aeronautical and Space Sciences, reported the following original resolution (S. Res. 332), which was referred to the Committee on Rules and Administration:

S. Res. 332

Resolved, That the Committee on Aeronautical and Space Sciences, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the aeronautical and space activities of departments and agencies of the United States, including such activities peculiar to or primarily associated with the development of weapons systems or military operations.

Sec. 2. (a) For the purposes of this resolution the committee is authorized, from February 1, 1970, through January 31, 1971, inclusive, (1) make such expenditures as it deems advisable, (2) employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants, and (3) with the prior consent of the head of the department or agency of the Government concerned and the Committee on Rules and Administration, utilize the reimbursable services, information, facilities, and personnel of any department or agency of the Government.

(b) The minority is authorized to select one person for appointment as an assistant or consultant, and the person so selected shall be appointed. No assistant or consultant may receive compensation at an annual gross rate which exceeds by more than $2,700 the annual gross rate of compensation of any person so selected by the minority.

Sec. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $40,600, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON:

S. 3354. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. YARBOROUGH (for himself, Mr. Jackson, Mr. Anderson, Mr. Burdick, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Hughes, Mr. Kennedy, Mr. McCarthy, Mr. Magnuson, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Nelson, Mr. Pell, Mr. Randolph, Mr. Williams of New Jersey, and Mr. Young of Ohio):

S. 3355. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the field of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MONDALE (for himself, Mr. Burdick, Mr. Hughes, Mr. Mansfield, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Nelson, Mr. Proxmire, Mr. Yarborough, and Mr. Symington):

S. 3356. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Mondale when he introduced the bill appear in the Record under the appropriate heading.)

S. 3354—INTRODUCTION OF THE NATIONAL LAND USE POLICY OF 1970

Mr. **JACKSON**. Mr. President, I introduce, for appropriate reference, the National Land Use Policy Act of 1970.

The National Environmental Policy Act of 1969 which the Congress enacted in December and which the President signed into law on January 1 goes far toward providing a congressional declaration of national goals and policies to guide Federal actions which have an impact on the quality of man's environment. That act makes a concern for environmental values and amenities a part of the charter of every agency of the Federal Government. It provides a model for State government. It enhances coordination and better planning by establishing new decisionmaking procedures and by creating an overview agency—a Council on Environmental Quality in the Office of the President.

A national land-use policy is, in my judgment, the next logical step in our national effort to provide a quality life in a quality environment for present and future generations of Americans. Intelligent land-use planning and management provides the single most important institutional device for preserving and enhancing the environment, for ecologically sound development, and for main-

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taining conditions capable of supporting a quality life and providing the material means necessary to improve the national standard of living.

To be effective in giving direction to the shape of future events, a national land-use policy must recognize the potential and the limits of Federal control. It must encourage State government to assume a position of leadership in developing plans and implementing land-use management powers over matters which are of multicounty, regional, State, and National concern.

The measure I introduce today, the National Land Use Policy Act of 1970, proposes a specific plan of Federal and State action for meeting the challenge of the land, the competing demands which are made upon it, and the needs and aspirations of present and future generations.

Meeting the challenge of the land promises to be a difficult task. It will not be resolved by one act in one legislative session. It will require experimentation and the refinement of many programs over a long period of time. It will cost money. It will require hard decisions about what is to be conserved and what is to be lost in the tides of social and technological change which sweep this country. And most important, it will require a national effort based upon a high level of State and Federal cooperation.

The National Land Use Policy Act of 1970 as introduced today does not purport to be a final product or to provide final answers to all of the relevant questions which may be raised. It does, however, provide a starting point for review and for analysis. It furnishes a working draft which Federal, State, and local officials, planners, and representatives of industry, business, and public interest groups may comment upon.

This measure recognizes the direct responsibility which the Federal Government has with respect to the development and administration of national land use policies governing the public lands and federally acquired lands. It also recognizes that at the present time neither the Nation nor the respective States have established a consistent policy with respect to the management of the Nation's land resource base or with respect to the many grant-in-aid programs designed to assist and, often, influence various aspects of land-use planning and management activities at the State, regional, and local levels.

I am hopeful that hearings on this measure will bring to bear the recommendations of the Nation's best experts on national land-use policies. Fortunately, the excellent studies and the final recommendations of the Public Land Law Review Commission will also soon be available to provide data and guidance. I am also hopeful that hearings and additional staff studies will result in useful legislative recommendations for consolidating and avoiding inconsistent requirements between existing Federal grant-in-aid programs in the area of State and local land-use planning and management.

At the Federal level we are already beginning to see and to reap the results of our past failure to have developed a consistent national land-use policy. Increasingly we are finding instances where Federal funds which have been expended to preserve a part of our natural heritage or to create new recreational opportunities are coming into serious and, often, totally unnecessary conflicts with other federally funded programs such as highway and airport construction, communications, national defense facilities, and water resource development.

I am not too concerned that there is occasional conflict between these different Federal programs. The wide range of goals and objectives which the National Government seeks to achieve will, of necessity, involve some competition and conflict over priorities, over funding, and over the use of a specific land resources. Our political system was designed to resolve conflicts of this nature. I am confident that it is capable of doing so in an intelligent manner.

I am, however, very concerned that many of these conflicts which have centered around incompatible uses of the same land resource have been totally unanticipated and unintended. These conflicts have simply been the result of poor planning procedures. They have not placed at issue important questions of national priorities, goals, and objectives. These conflicts have resulted from a lack of coordination; a failure to relate national programs to local aspirations; and an institutional inability to factor in the full range of national and local values as a part of the planning process for specific Federal projects.

It is my view that the need for a more orderly, systematic program of National, State, and local land use planning is clear. The need may be seen in the extensive hearing records the Senate Interior Committee compiled earlier this year on the proposed 800-mile trans-Alaska oil pipeline system and on the Everglades National Park superjet airport and water shortage controversy.

The Nation's land-use planning and management problems may also be seen in the committee's hearing records on virtually every one of the four new national parks; the eight new national recreation areas; the nine new national seashore and lakeshores; and the almost 100 new wilderness areas, national monuments, and historic sites that have been enacted into law since 1960.

Each time a major decision is made concerning the utilization of scarce and valuable lands, competition among uses must be recognized, conflicts resolved, and priorities established. It is time that we faced these issues nationwide. It is time that we establish some basic goals and requirements to improve present planning and, therefore, the world of future generations.

The dramatic land-use conflicts we have faced in recent years—the Grand Canyon Dam controversy, the Everglades situation, the proposed trans-Alaska pipeline, the confrontation between highway builders and parks, the issue of reservoirs versus wild and scenic rivers, open beaches versus private and commercial development, industry versus scenic preservation, and commerce versus wilderness—should not have become public cause celebres.

Individual cases should not have occupied so much of the limited available time of the Congress, of the President, and of Cabinet officers. Questions of National and State land-use policy can be, and should be resolved by prior planning based upon national goals, values, and aspirations. They should not be resolved on an expedient, after the fact, case-by-case basis which requires undoing prior decisions and which result in a waste of money and manpower.

Let me cite one example. In 1934, the Congress established the Everglades National Park. This represented a national land-use decision that the Everglades should be preserved for all time for the enjoyment of all future generations. In 1948, the State of Florida and the Corps of Engineers, pursuant to a congressional authorization, initiated construction of a flood control project. Today this flood control project imposes artificial controls upon the historic flow of water to the park and, to a major extent, threatens the park's very life and existence. In 1968, the Dade County Port Authority, with Department of Transportation funding and assistance, initiated construction of a super jet airport within 6 miles of the park. This jet airport also threatens the life of the park and all of the values for which it was preserved in 1934 by the Congress. If the jet airport were to be constructed as planned it would create a serious noise problem, it would cause grave water pollution problems, and, finally, it would encourage and greatly accelerate residential, commercial, and industrial developments which are in direct conflict and totally incompatible with maintenance of the park as a great national recreation and scientific asset.

There were no villains in this conflict and controversy. There were different groups of public officials, representing different constituencies, seeking to attain and maximize different public goals which had been institutionalized and given legitimacy in a series of authorization and appropriation acts of Federal, State, and local government.

The Congress and the Park Service sought to preserve the Everglades. The Corps of Engineers sought to enhance flood control, to conserve and to make available for municipal, commercial, and recreational uses the water which the wildlife and the ecology the Everglades had for years depended upon. The Dade County Port Authority sought to relieve pressure on the existing Miami International Airport and to develop a transportation facility which would be adequate for local needs for the foreseeable future. The Department of Transportation sought to and did fund a transportation demonstration project involving rapid transit systems and a new concept in airport design—away from the cities, but convenient and accessible. The position of the State of Florida, like that of many States today in the face of Federal programs which bypass State government and treat directly with agencies of local government, was, at best, ambivalent.

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The Everglades jet airport controversy is a classic study in the deficiencies of present land use policy at the State and National levels. The extensive hearings by the Senate Interior Committee on this situation revealed the following:

Three Departments of the Federal Government pursuing programs which are in direct conflict.

Three counties of the State of Florida seeking to conduct planning and made decisions which are of statewide and national significance.

A State whose greatest industry is tourism, but which has not exercised the land use planning and management powers to protect one of its greatest tourist attractions.

Important conflicts and breakdowns in communication between State and local government and between the Federal Government and agencies of State government.

One of the most important lessons to be gained from the Everglades controversy, and one of the reasons it is a classic case, is that millions of dollars were authorized by different Committees of the Congress, and spent by different agencies of the Federal Government, and by State and local agencies in the pursuit of separate goals and objectives, totally without any recognition that success, that attainment of the goals sought at the same point in time and place by these different groups would involve serious and, in many cases, irreconcilable land-use conflicts.

In this case a satisfactory resolution has apparently been achieved if the recently announced intentions of Federal, State, and local government are affectuated. But the victory is a minor one when it is considered against the magnitude, the depth, and the pervasiveness of the Nation's pending and future land use problems.

Look at these other examples of State and national land use planning problems:

Transportation and utility systems which are planned and constructed on a single purpose basis without considering other public values.

The inability of private enterprise to get decisions from State and local government within a reasonable time for the siting and location of heavy industrial activities such as refineries, thermal powerplants, utilities, and factories.

Damage caused to commonly owned assets—estuaries, beaches, and public parks, forest and recreation areas—by unregulated and incompatible developments on the boundaries of these areas.

These are only a few of the problems we presently face. It is clear that these problems will become more serious in the future. Look at these growth projections:

Our population will grow by 100 million people in the next 30 years.

Our gross national product, barring a recession, will double in the next 10 years, going from $942 billion to $1.8 trillion.

Both of these factors, population and economic growth, will bring unprecedented pressures to bear on our Nation's finite land resource base. If a consistent, future oriented national land-use policy is not established, conflicts will multiply, unbalanced development will take place, and irreversible decisions will have been made without proper consideration of alternatives.

Here are some of the problems I see at the Federal level.

At the present time a whole host of agencies are deeply involved in land-use planning. For example, the Bureau of Outdoor Recreation, in conjunction with State government, is currently preparing a nationwide recreation plan. Other agencies of the Federal Government are preparing highway plans, airport plans, water resource plans, and navigation plans. The Department of Housing and Urban Development is deeply involved in urban planning. The Department of Commerce is involved in regional planning. Other departments are actively engaged in various aspects of land-use planning related to their areas of program responsibility.

Most of these plans are necessary and desirable. The problem is this however: To date, no one in the Federal Government has ever put these plans together to see if they are consistent, to see if they make sense, and to see if they are compatible with local goals and aspirations.

As a result, there are needless and costly conflicts between agencies and departments of the Federal Government, between State and Federal Government, and between State and local government.

One of the basic problems at the Federal level is that many agencies and departments of the Federal Government are pursuing separate, single-purpose missions—highway building, dam construction, urban redevelopment, and others—without adequate land-use information, without coordination, without considering alternatives, and without proper environmental and land-use guidelines.

At the State level a different, and in my view, a more difficult set of land-use problems are faced. Under our system of government the States have the basic constitutional authority for land-use management. Federal powers in this area are very circumscribed and, in a real sense, limited to federally owned lands.

Historically the States have delegated their land-use management authority to units of local government—to counties, to cities, to port authorities and to other special purpose units of government. My State, the State of Washington alone, has more than 1,600 local governmental entities of which nearly 1,400 have property taxing powers. All of these, and many private groups as well, directly and indirectly, influence land-use decisions.

This broad delegation of power to local government is in keeping with the sound philosophy of control by the people at the local level. But, it has also created some very important problems.

For example, the proposed superjet airport which, if constructed, would have threatened the existency of the Everglades National Park as planned, financed, and scheduled for construction by a unit of local government, the Dade County Port Authority. This raises the following question: Should decisions such as this which clearly involve the life or death of a great national park owned by all of the 200 million people of this country be left to the decision of the commissioners of a local port authority?

In virtually every community and certainly in every major city, every State, and every region of the country, similar, if less dramatic, land-use conflicts are being faced daily. The continued growth of the Nation in terms of population; expanding urban areas; proliferating transportation systems a dynamic economy; the growing number of governmental entities; and the increased size, scale, and impact of private actions, have created a situation in which many, if not most, land-use management decisions are not being rationally made. Instead, land-use planning and management decisions are being made at all levels of government on the basis of expediency, tradition, archaic legal principles, short-term economic considerations, and other factors which are often unrelated to what the real concerns of National, State and local land-use management should be.

Many small cities or counties all across the Nation do not have land use management plans. They have not inventoried their land resources or taken action to protect them. When major industries move into these areas, they locate where it is cheapest and most convenient. And often, this means they locate in areas which, with the benefit of planning and foresight, should have been reserved for other uses such as recreation, parks, or low-density housing.

Industrial development is not, of course, the only problem. A similar situation exists with respect to residential land development, the location of utility and transportation corridors, commercial development, and the siting of public facilities such as thermal power plants.

Most local instances of poor land-use management and planning do not present critical national, regional, or statewide problems. But sometimes, as in the Everglades, they do. It then becomes a problem of broad public concern when a lack of planning or poor planning causes irreparable damage to assets of statewide, regional, or national importance.

The Nation's ocean beaches, for example, are such an asset. The American public has a valid interest in how they are developed and managed. The management of areas adjoining and on the periphery of our national parks, forests, and recreation areas greatly affects the value of large national investments in unique natural assets. Should such areas be developed according to the unilateral decisions of private developers or the lack of decisions of State and local jurisdictions? Or should these decisions be shared with the State?

By the same token, there are many land use decisions made by the Federal Government which require greater participation by State and local government. Often the Federal Government is seeking the use of a local community's most valuable asset: its land and environment. We must guarantee not only that the use

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of this asset is necessary, but that it is made in accord with the highest and best standards of land use and environmental management.

Mr. President, the National Land Use Policy Act of 1970 is designed to deal with many of the problems to which I have referred.

As introduced today, this measure has three major aspects. First, it would establish a grant-in-aid program to assist State and local government in hiring and training the personnel, and developing the competence necessary to improve land-use planning and management at the State level.

Second, action forcing provisions are included which are designed to encourage every State through an agency to be designated by the State's Governor, to inventory their land resources and develop a statewide environmental, recreational, and industrial land-use plan within 3 years. The States would be encouraged to assume appropriate land-use management powers over those assets and land resources which are of regional, statewide, or national significance. These might include undeveloped ocean beaches; portions of major river systems and lakes; buffer zones around existing State and National parks and recreation areas; areas involving multicounty and interstate environmental problems such as air, water, and noise pollution; transportation and utility corridors; and areas which are compatible for heavy industries such as refineries, major metal processing plants, and thermal powerplants. The legislation would not affect areas located within incorporated cities which have exercised land-use planning and management authority.

Development and implementation of a statewide land-use plan may require the creation of a new governmental agency in some States, and a restructuring of existing institutions in other States. The legislation sets forth certain minimal standards on environmental, recreational, and industrial land-use planning which the statewide land-use plan will have to meet to qualify for continued grant-in-aid eligibility.

Within 4 years of the date of enactment of the act, the statewide land-use planning agency must have the authority to implement the statewide environmental, recreational, and industrial land-use plan. This would include the authority to acquire land; to control the types of development which may take place in areas subject to the plan; to conduct hearings allowing for full public participation; and to make changes in the statewide plan when required by changed conditions.

The legislation provides that if a State should fail to adopt an acceptable land-use plan within 4 years, the State's entitlement to certain additional Federal assistance programs, which shall be designated by the President, may be reduced at the rate of 20 percent per year until the State has complied with the act. Programs to be designated by the President would be those which tend to create land-use problems unless they are properly planned. These might include Federal highway construction trust funds and other public work programs.

Third, the act will assign to the Land and Water Resources Planning Council—formerly the Water Resources Council—the responsibility of administering the grant-in-aid program, working with State and local government, and reviewing State land-use plans.

In addition, the Council would have important responsibilities for coordinating Federal land-use planning, for improving Federal-State relations in this area, and for maintaining a data and information center on all Federal and federally assisted activities which have land-use planning and management ramifications.

Because the Water Resources Council already administers similar programs concerning the water and related land resources of the Nation, the National Land Use Policy Act of 1970 has been drafted as an amendment to the Water Resources Planning Act of 1965. The experience, the established communications network, the river basin commission system, and staff organization of the Council will provide an excellent base for the development of this broader function.

Mr. President, the hour is late and much has already been lost, but I believe we still have time to meet the challenge of the land. We still have a choice about the shape of America's future. We have a land worthy and capable of preservation and proper development.

Mr. President, I ask unanimous consent that the text of the National Land Use Policy Act of 1970 be printed in the RECORD.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3354), to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land-use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land-use planning, introduced by Mr. JACKSON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered printed in the RECORD, as follows:

S. 3354

A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadcasting the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Resources Planning Act (79 Stat. 244), as amended (82 Stat. 935), is further amended by adding a new title IV to read as follows:

"TITLE IV—A NATIONAL LAND USE POLICY

"FINDINGS AND DECLARATION OF POLICY

"SEC. 401. (a) The Congress hereby finds that there is a national interest in a more efficient and comprehensive system of national and statewide land use planning and decisionmaking and that the rapid and continued growth of the Nation's population, expanding urban development, proliferating transportation systems, large scale industrial and economic growth, conflicts in emerging patterns of land use, the fragmentation of governmental entities exercising land-use planning powers, and the increased size, scale, and impact of private actions, have created a situation in which land-use management decisions of national, regional, and statewide concern are being made on the basis of expediency, tradition, short term economic considerations, and other factors which are often unrelated to the real concerns of a sound national land-use policy.

"(b) The Congress further finds that all across the Nation a failure to conduct competent, ecologically sound land use planning has required public and private enterprise to delay, litigate, and cancel proposed public utility and industrial and commercial developments because of unresolved land use questions, thereby causing an unnecessary waste of human and economic resources and a threat to public services and often resulting in decisions to locate utilities and industrial and commercial activities in the area of least public and political resistance, but without regard to relevant ecological and environmental land use considerations.

"(c) The Congress further finds that many Federal agencies are deeply involved in national, regional, and State land-use planning and management activities which because of the lack of a consistent policy often result in needless, undesirable, and costly conflicts between agencies of Federal, State and local government; that existing Federal land-use planning programs have a significant effect upon the location of population, economic growth, and on the character of industrial, urban, and rural development; that the purposes of such programs are frequently in conflict, thereby subsidizing undesirable and costly patterns of land-use development; and that a concerted effort is necesary to interrelate and coordinate existing and future Federal, State, and private decisionmaking within a system of planned development and established priorities that is in accordance with a national land-use policy.

"(d) The Congress further finds that while the primary responsibility and constitutional authority for land use planning and management of non-Federal lands rests with State and local government under our system of government, it is increasingly evident that the manner in which this responsibility is exercised has a tremendous influence upon the utility, the value, and the future of the public domain lands, the national parks, forests, seashores, lakeshores, recreation and wilderness areas and other Federal lands; that the interest of the public in State and local decisions affecting these areas extends to the citizens of all States; and that the failure to plan and, in some cases, poor land-use planning at the State and local level pose serious problems of broad national, regional, and public concern and often result in irreparable damage to commonly owned assets of great national importance such as estuaries, ocean beaches, and other areas in public ownership.

"(e) The Congress further finds that the land use decisions of the Federal government often have a tremendous impact upon the ecology, the environment and the patterns of development in local communities; that the substance and the nature of a national land use policy ought to be formulated upon an expression of the needs and interests of State, regional, and local government as well as those of the Federal Government, private groups and individuals; and that Federal land use decisions require greater participation by State and local government to insure that they are in accord with the highest and best standards of land-use management and the desires and aspirations of State and local government.

"(f) In order to promote the general welfare and to provide full and wise application of the resources of the Federal government in strengthening the environmental, recreational, economic and social well-being of the people of the United States, the Congress

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declares that it is a continuing responsibility of the Federal Government, consistent with the responsibility of State and local government for land-use planning and management, to undertake the development of a national policy, to be known as the national land-use policy, which shall incorporate ecological, environmental, esthetic, economic, social and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of environmental, recreational and industrial growth and development on the Federal lands, and shall provide a framework for development of interstate, State, and local land-use policy.

"(g) The Congress further declares that the national land-use policy should—

"(1) favor patterns of land-use planning, management and development which are in accord with sound ecological principles and which offer a range of alternative locations for specific activities and encourage the wise and balanced use of the Nation's land and water resources;

"(2) foster the continued economic growth of all States and regions of the United States;

"(3) favorably influence patterns of population distribution in a manner such that a wide range of scenic, environmental, and cultural amenities are available to the American people;

"(4) contribute to carrying out the Federal responsibility for revitalizing existing rural communities and encourage, where appropriate, new communities which offer diverse opportunities and a diversity of living styles;

"(5) assist State government to assume responsibility for major land-use planning and management decisions which are of regional, interstate, and national concern;

"(6) facilitate increased coordination in the administration of Federal programs so as to encourage desirable patterns of environmental, recreational, and industrial land-use planning; and

"(7) systematize methods for the exchange of land-use, environmental and ecological information in order to assist all levels of government in the development and implementation of the national land-use policy.

"(h) The Congress further declares that intelligent land-use planning and management provides the single most important institutional device for preserving and enhancing the environment, for ecologically sound development, and for maintaining conditions capable of supporting a quality life and providing the material means necessary to improve the national standard of living.

"PURPOSE

"SEC. 402. It is the purpose of this title—

"(a) to establish a national policy to encourage and assist the several States to more effectively exercise their constitutional responsibilities for the planning, management, and administration of the Nation's land resources through the development and implementation of comprehensive 'Statewide Environmental, Recreational and Industrial Land Use Plans' (hereinafter referred to as 'Statewide Land Use Plans') and management programs designed to achieve an ecologically and environmentally sound use of the Nation's land resources;

"(b) to establish a grant-in-aid program to assist State and local government to hire and train the personnel, and gain the competence necessary to develop, implement, and administer a Statewide Land Use Plan which meets Federal guidelines and which will be responsive and effective in dealing with the growing pressures of conflicting demands on a finite land resource base;

"(c) to establish reasonable and flexible Federal requirements to give individual States guidance in the development of Statewide Land Use Plans and to condition the distribution of certain Federal funds on the establishment of an adequate Statewide Land Use Plan;

"(d) to enlarge the responsibilities of the Land and Water Resources Planning Council (formerly the Water Resources Council) to include the administration of the Federal grant-in-aid program, the review of Statewide Land Use Plans for conformity to the provisions of this title, and the issuance of a biennial report on national land use policies, trends, projections and problems; and

"(e) to exercise the Federal Government's responsibility to maintain, develop, and refine a coherent national land use policy with respect to the planning, management and administration of all federally owned lands.

"STATEWIDE ENVIRONMENTAL, RECREATIONAL AND INDUSTRIAL LAND USE PLANNING GRANTS

"SEC. 403. (a) In order to carry out the purposes of section 402, the Land and Water Resources Planning Council (herein referred to as the 'Council') is authorized to make land use planning grants to—

"(1) an appropriate single State agency, designated by the Governor of the State, which has statewide land use planning responsibilities and which meets the criteria and guidelines set out in section 406 of this title; and,

"(2) any interstate agency which is authorized by Federal law or interstate compact to plan and regulate land use development.

"(b) The Council is authorized to make land use planning grants in accordance with the provisions of this title to assist and enable eligible State and interstate agencies—

"(1) to prepare an inventory of the State's land and related resources;

"(2) to collect and analyse information and data related to—

"(A) population characteristics, migration, trends and densities;

"(B) economic trends, location patterns, and projections;

"(C) directions and extent of urban and rural growth and changes;

"(D) public works, public capital improvements, land acquisitions, and economic development programs, projects, and associated activities;

"(E) ecological, environmental, geological, and physical conditions which are of relevance to decisions concerning the location of new communities, commercial development, heavy industries, transportation and utility corridors, and other land uses;

"(F) the projected land use requirements of the State for recreation, urban growth, commerce, transportation, the generation of energy, and other important uses for at least the next fifty years;

"(G) governmental organization and financial resources available for land use planning and management within the State and the political subdivisions thereof; and

"(H) other information necessary to conduct statewide land use planning in accord with the provisions of this title.

"(3) to provide technical assistance and training programs for appropriate personnel on the development, implementation and management of statewide land use planning programs;

"(4) to develop, use, and encourage common information and data bases for Federal, State, regional, and local land use planning;

"(5) to establish arrangements for the exchange of land use planning information among State agencies, and among the various governments within each State and their agencies; between the governments and agencies of neighboring States as appropriate; and with interstate compact agencies, river basin commissions and regional commissions established pursuant to Federal law;

"(6) to establish arrangements for the exchange of information with the Federal Government for use by the Council in discharging its responsibilities under this Act; and

"(7) to conduct other related planning and coordination functions as may be approved by the Council.

"PROPOSALS FOR GRANTS

"SEC. 404. (a) To receive a State land use planning grant a State shall submit to the Council a proposal in such form and in accordance with such procedures as the Council may specify, indicating the program of State land use planning it proposes to undertake, the planning assistance that it will require, the period during which such activities will be conducted, and their estimated costs, and designating those functions which qualify for Federal assistance pursuant to this title.

"(b) From the sum appropriated pursuant to section 410 the Council is authorized to make State land use planning grants to agencies whose proposals are approved in an amount not to exceed two-thirds of the estimated cost of the planning for the three fiscal years after the date of enactment of this title. Thereafter, grants may be made in an amount not to exceed one-half of the new planning costs and one-fourth of the State agencies operating costs.

"(c) Planning grants shall be allocated to the States with approved programs based on regulations of the Council which shall take into account the amount and nature of the State's land resource base, population, pressures resulting from growth, and other relevant factors.

"(d) Any grant made for the purpose of this title shall increase, and not replace State funds presently available for State land use planning activities. Any grant made pursuant to this title shall be in addition to, and may be used jointly with, grants or other funds available for land use planning surveys, studies, and investigations under other federally assisted programs.

"DUTIES OF THE COUNCIL

"SEC. 405. (a) The Council shall promulgate rules and regulations to administer the provisions of this title, including the detailed terms and conditions under which State land use planning grants may be made.

"(b) In order to carry out the provisions of this title, the Council—

"(1) is authorized to make advance, progress, or other payments pursuant to any State land use planning grant made under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

"(2) is authorized to provide technical assistance to any eligible State or interstate agency and to River Basin Commissions as specified in sections 403 and 404;

"(3) is authorized, by contract or otherwise, to make studies and publish information on problems related to State and National land use planning;

"(4) shall consult with other officials of the Federal Government responsible for the administration of Federal land use planning assistance programs to States, their political subdivisions, and other eligible agencies in order to enhance coordination; and

"(5) is required to periodically review provisions of the Statewide Land Use Plans for conformity to the provisions of this Act.

"FEDERAL GUIDELINES AND REQUIREMENTS

"SEC. 406. (a) A State agency specified in section 403 (a) must meet or be able to give assurances that it will meet the following requirements in the development of the Statewide Land Use Plan to be eligible for statewide land use planning grants under this title—

"(1) a single State agency, designated by the Governor, shall have primary authority and responsibility for the development and administration of the Statewide Land Use Plan and other appropriate State agencies will assist, where appropriate, in the development of the plan;

"(2) a competent and adequate interdis-

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ciplinary professional and technical staff as well as special consultants, will be available to the State agency to develop the Statewide Land Use Plan;

"(3) to the maximum extent feasible, pertinent State and Federal plans, studies, information, and data on land use planning already available, shall be utilized in order to avoid unnecessary repetition of effort and expense; and

"(4) such records shall be kept and made available and such reports and evaluations shall be made as the Council may require regarding the status and application of Federal funds made available under the provisions of this title.

"(b) During the three fiscal year period following the date of enactment of this title, State Land Use Plans must, as a condition of continued grant eligibility, meet or be designed to meet, as additional information is developed, the following guidelines and requirements—

"(1) identification of the boundaries of the portions of the State subject to the Statewide Land Use Plan;

"(2) identification of the areas of the State which are not subject to the Statewide Land Use Plan: Such areas shall include—

"(A) lands which are located within the boundaries of any incorporated city which has exercised land use planning and authority, and

"(B) such other lands as the Council may specify pursuant to section 405;

"(3) identification of those areas of the State—

"(A) where ecological, environmental, geological, and physical conditions dictate that certain types of land use activities are incompatible and undesirable,

"(B) whose highest and best use, based upon projected State and National needs, on the Statewide Outdoor Recreation Plan required under the Land and Water Conservation Fund Act, and upon other studies, is recreational oriented use,

"(C) which are best suited for natural resource, heavy industrial and commercial development,

"(D) where transportation and utility corridors are or should, in the future, be located, and

"(E) which furnish the amenities and the basic essentials to the development of new towns and the revitalization of existing communities;

"(4) appropriate provisions designed to insure that regional requirements for material goods, natural resources, energy, recreation and environmental amenities given consideration;

"(5) provisions and procedures designed to insure that the plan is consistent with local, State, regional, and Federal standards relating to the maintenance and enhancement of the quality of the environment and the conservation of public resources;

"(6) provisions to insure that transportation and utility corridors do not damage Federal lands dedicated to the maximization of declared public values, and are established in compliance with regional and State needs, State policies, and policies and goals set forth in other Federal legislation;

"(7) measures such as buffer zones, scenic easements, prohibitions against nonconforming uses, and aesthetic standards to insure that federally designated, financed, and/or acquired areas including, but not limited to elements of the national park system, wilderness areas, and game and wildlife refuges are not damaged or degraded as a result of inconsistent or incompatible land use patterns in the same immediate geographical region.

"(c) To retain eligibility for statewide land use planning grants after the end of three fiscal years from the beginning of the first fiscal year after the date of enactment of this title, the State land use planning agency designated by the Governor pursuant to section 403(a)(1) must meet the following Federal guidelines and requirements—

"(1) the agency must have the authority necessary to implement the Statewide Environmental, Recreational and Industrial Land Use Plan;

"(2) the agency's authority shall include but need not be limited to—

"(A) authority to acquire interests in real property if deemed to be necessary under the Statewide Land Use Plan;

"(B) authority, under the State police powers, to place restrictions on the type of land use activities which may take place in areas designated for a special use under the Statewide Land Use Plan; and

"(C) authority to conduct public hearings, allowing full public participation and granting the right of appeal to aggrieved parties, in connection with the dedication of any area of the State as an area subject to restricted or special uses under the Statewide Land Use Plan;

"(3) the agency must have procedures for modification and change in the State Land Use Plan, including public notice and hearing, to meet changed future conditions and requirements.

"(d) The Council shall have authority to terminate any financial assistance extended under this title if, after the State has been given notice of a proposed termination and an opportunity to present relevant evidence, the Council finds that—

"(1) the State agency has failed to adhere to the guidelines and requirements of this title in the development of the land use plan; or

"(2) the State has not enacted State legislation which meets the requirements of section 406(c).

"OTHER GRANT-IN-AID PROGRAMS

"SEC. 407. Any State whose entitlement to statewide land use planning funds under the provisions of this title has been terminated pursuant to section 406(d), or who fails to develop an acceptable Statewide Land Use Plan by the beginning of the fourth fiscal year after the date of enactment of this title, shall—

"(1) have its entitlement to certain additional Federal assistance programs, which shall be designated by the President, reduced at the rate of 20 per centum per year until such time as the provisions of this title are complied with; and

"(2) be denied the issuance of any right-of-way permits or other permits available under the public land laws and other Federal laws to use or to cross the public domain or other Federal lands until such time as the provisions of this title are complied with.

"STATE-FEDERAL COORDINATION

"SEC. 408. (a) The Council shall not approve the land use plan submitted by a State agency until it has solicited the views of the Federal agencies principally affected by such plans or has evidence that such views were provided the State agency in the development of the plan.

"(b) All Federal agencies conducting or supporting public works activities in an area subject to a State Land Use Plan shall make such activities, unless there are overriding considerations of national policy which require departures from the plan, consistent with the approved plan for the area. State and local governments submitting applications for Federal assistance for activities in areas subject to State Land Use Plans shall indicate the views of the State land use agency as to the relationship of such activities to the approved plan for the area. Federal agencies shall not approve proposed projects that are inconsistent with the plan.

"FEDERAL PLANNING INFORMATION CENTER

"SEC. 409. (a) The Land and Water Resources Planning Council or such other appropriate agency as the President may designate, shall—

"(1) develop and maintain an information and data center which has on file, on both a geographical and a functional basis, an up-to-date set of all federally initiated and federally assisted plans for activities which involve any use of lands under State or Federal jurisdiction, which are of more than local significance;

"(2) seek cooperation in placing on file the plans of State and local government and, where appropriate, private enterprise, which have more than local significance for land use planning; and

"(3) develop and maintain statistical data and information on past, present and projected land use patterns which are of national significance.

"(b) All Federal agencies are required, as a part of their planning procedures on projects involving a major land use activity, to consult with the agency designated pursuant to section 409(a) for the purpose of determining whether the proposed activity would conflict in any way with the plans of other Federal, State, and local agencies.

"SEC. 410. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this title."

SEC. 2. (a) Section 1 of the Water Resources Planning Act, as amended, is further amended to read as follows:

"SECTION 1. This Act may be cited as the 'Land and Water Resources Planning Act'."

(b) Section 2 is amended to read as follows:

"SEC. 2. In order to meet the Nation's rapidly expanding demands for water resources and in order to insure that the Nation's limited land resource base is properly planned and managed, it is hereby declared to be the policy of the Congress to encourage the conservation, development, and utilization of the water and land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned."

EFFECT ON EXISTING LAWS

(c) In subsection 3(b), delete the last phrase "water and related land resource projects;" and insert instead the following: "projects for the development of land and water resources."

TITLE I—LAND AND WATER RESOURCES PLANNING COUNCIL

SEC. 3. (a) Amend section 101 to read as follows:

"There is hereby established a Land and Water Resources Planning Council (hereinafter to be referred to as the 'Council') which shall be composed of the Secretaries of the Interior; Agriculture; the Army; Health, Education, and Welfare; Transportation; and Housing and Urban Development; the Chairman of the Federal Power Commission. The Chairman of the Council shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council. The Chairman of the Council shall be designated by the President."

(b) Amend section 102(a) by deleting the phrase "or at such less frequent intervals as the Council may determine,".

(c) Amend section 102 by adding the following new subsections:

"(c) Maintain a continuing study and prepare an inventory of the land resources of the United States, and issue biennially a report on land resources and uses, projections of development and uses of land, and analyses of current and emerging problems of land use.

"(d) Maintain a continuing study of the adequacy of administrative and statutory means for the coordination of Federal programs which have an impact upon land use and of the compatibility of such programs with State and local land-use planning and management activities; it shall appraise the adequacy of existing and proposed Federal policies and programs which effect land use; and it shall make recommendations to the President with respect to such policies and programs."

(d) Amend subsection 104(1) by deleting the word "related".

(e) Amend subsection 201(a) by deleting the word "related" before the phrase "land resources commission".

TITLE II—RIVER BASINS COMMISSIONS

SEC. 4. (a) Amend subsection 201(b)(1) by deleting the word "related".

(b) Amend subsection 201(b) by inserting a new clause (3) as follows:

"(3) prepare and keep up to date, to the extent practicable, a comprehensive coordinated joint plan for Federal, State, interstate, local, and nongovernmental plans which significantly involve land use or have significant impacts upon land-use patterns; zoning or other land-use regulation; and, to the extent possible, nongovernmental land-use plans. It should specifically indicate the relation of planned or proposed Federal projects to land-use development in the region.

(c) Renumber clause (3) of subsection 201(b) to become clause (4).

(d) Delete clause (4) of subsection 201 (b) and insert instead a new clause (5) as follows:

"(5) foster and undertake such studies of water resources and land-use problems in its area, river basin, or group of river basins as are necessary in the preparation of the plans described in clauses (2) and (3) of this subsection."

(e) Amend section 201 by adding a new subsection (c) as follows:

"(c) River Basin Commissions which have been established under the provisions of the Water Resources Planning Act (79 Stat. 244) prior to the date of enactment of this amendment may extend their jurisdiction to encompass the land-use planning provisions of this Act, (1) by the request of the Council or, (2) by written request addressed to the Council by the Governor a participating State: *Provided*, That the request is concurred in writing by not less than one-half of the participating States.

(f) Amend the first phrase of subsection 202(c) to read as follows:

"(c) Two members from each State * * *"

(g) Amend subsection 202(d) by inserting after the phrase "* * * and whose jurisdiction extends to the waters" the words "or lands."

(h) Amend clause (3) of subsection 204 by deleting the final word "and."

(i) Amend subsection 204 by deleting clause (4) and by inserting a new clause (4) as follows:

"(4) submit to the Council for transmission to the President and by him to the Congress, and the Governors and the legislatures of the participating States a comprehensive, coordinated, joint plan, or any major portion thereof or necessary revisions thereof, for land-use planning in the area, river basin, or group of river basins for which such commission was established. Before the commission submits such a plan or major portion thereof or revision thereof to the Council, it shall transmit the proposed plan or revision to the head of each Federal department or agency, the Governor of each State, and each interstate agency, from which a member of the commission has been appointed. Each such department and agency head, Governor, and interstate agency shall have ninety days from the date of the receipt of the proposed plan, portion, or revision to report its views, comments, and recommendations to the commission. The commission may modify the plan, portion, or revision after considering the report so submitted. The views, comments, and recommendations submitted by each Federal department or agency head, Governor, interstate agency, and United States section of an international commission shall be transmitted to the Council with the plan, portion, or revision; and"

(j) Amend subsection 204 by adding a new clause (5) as follows:

"(5) submit to the Council at the time of submitting the plans called for in clauses (3) and (4) of this subsection any recommendations it may have for continuing the functions of the commission and for implementing the plans, including means of keeping the plans up to date."

TITLE V—MISCELLANEOUS

SEC. 5. (a) Redesignate "TITLE IV" as "TITLE V".

(b) Amend section 401 to become a new section 501 as follows:

"SEC. 501. There are authorized to be appropriated to carry out the provisions of this Act—

"(a) $3,000,000 annually for the administration of this Act; and

"(b) not to exceed $8,000,000 annually to carry out the provisions of title II: *Provided*, That not more than $1,000,000 annually shall be available for any single river basin commission."

S. 3355—INTRODUCTION OF THE HEART DISEASE, STROKE, CANCER, AND KIDNEY DISEASE AMENDMENTS OF 1970

Mr. YARBOROUGH. Mr. President, heart disease, cancer, stroke, and kidney disease are by far the leading causes of death in the United States today. These diseases accounted for well over 1 million deaths in 1969, more than 70 percent of the deaths in the United States last year.

This country must enter an important new era in the struggle against disease. The last decade has seen tremendous advances in research on the nature of disease processes and means for preserving and extending life. Now we are determined that all Americans shall reap the benefits of these advances. We must move effectively to insure that all Americans do secure high quality health care. We must improve efficiency so that it may be done at a cost which bears a reasonable relationship to the benefits received.

We rightfully pride ourselves on our leadership in developing new ways of diagnosing and treating illness. Surely the same success which we have achieved in research can be ours in the delivery of services if we set our minds to it. We have a long way to go. This Nation ranks 15th among the nations of the world in infant mortality. We are sixth among nations in the death rate of males aged 40 to 60, the prime productive years of a man's life.

A major element in the solution to any problem is a precise identification of the problem. We see clearly that our health care system must be brought together to function in a more efficient and effective manner. We must overcome the fragmentation which currently exists in the provision of services.

We must reduce fragmentation in health care, but we must do so in a way that will not reduce its quality. We need to raise standards of care, not lower them.

An important national program was initiated in 1965 which shows great promise of dealing effectively with the problem of fragmentation. The program arose out of recommendations of a Presidential Commission chaired by the eminent heart surgeon, Dr. Michael DeBakey, of Baylor Medical College in Houston, Tex. This Commission, after pointing out the importance of heart disease, cancer, and stroke as causes of death and disability in this country, emphasized the need for efforts to promote the application of new knowledge arising from our extensive biomedical research effort. To achieve this objective, the Commission recommended a pattern of regionalization which would promote the rapid diffusion of new knowledge and skills to help physicians treat patients more effectively.

After examining the means for achieving outreach from the medical centers in order to bring the latest advances in diagnosis and treatment to patients, the Congress in 1965 passed a law, Public Law 89–239, establishing regional medical programs. Emphasis was placed on the development of cooperative arrangements among the providers of health care to improve the quality and availability of care. The law gave full recognition to the role of the medical center in promoting the application of improvements in methodology of health care, it gave equal recognition to those on the firing line—the doctors and other health personnel engaged in providing care who must be actively involved both in the planning and the carrying out of the programs to improve care.

In less than 4 years, 55 regional medical programs have been established; they cover the entire country. Active planning is going on in all of these regions, and as of this time, 44 of these programs have moved from the planning stage to the conduct of operational programs. Their activities are carefully designed to help physicians and other providers of care to bring the latest advances in diagnosis, treatment and rehabilitation to patients suffering from heart disease, cancer, stroke, and related diseases.

Concern has been expressed that this program has moved more slowly than had been originally projected. Various interpretations have been made of this situation, but it seems to me that the explanation is quite obvious. Setting the wheels in motion to bring together the separate elements of the health care system into regional medical programs involving cooperative arrangements is no easy matter. If it could be accomplished quickly and easily, there very probably would have been no need for this program at all.

The complexity of health care creates fragments that are very strong, and I think the progress which has been made to initiate the process of bringing these elements together to plan together, is impressive. The extent to which the various elements of the health care system are involved in this program is, to me, quite significant. For example, some 2,600 institutions and organizations are participating in regional medical programs—all of the medical schools; all of the State health departments; all of the State affiliates of cancer and heart associations; very significantly, all of the State medical societies—indeed, five State medical societies have taken the leadership and are the grantee institution; and over 800 hospitals are involved in operational projects.

Early evidence of what can be accomplished in operational projects is similarly impressive. For example, my home State of Texas has sponsored an extensive screening program for the early detection of cervical cancer. It involved additional education for practicing doctors, laboratory technologists and the public. It provides financial support for laboratory facilities; and for patient care facilities; it insures that women with evidence of cancer can obtain a thorough and complete diagnostic study and, if necessary, prompt treatment and followup. This past year more than 38,000 women were screened. While this project is sponsored by the University of Texas Medical School at San Antonio, there are 109 clinics in 20 counties who are participating in the project. Also cooperating are the Texas Department of Public Health, the Bexar County Hospital District, the San Antonio Metropolitan Health District, and many other health agencies in the south Texas area.

All regional medical program activities authorized under the present legislation are concerned with heart disease, cancer, stroke, and related diseases. Title IX only authorizes training that can be accomplished within an individual regional medical program. The proposed legislative extension, which authorizes a new and separate training grant authority will give regional medical programs greater latitude to foster training programs to meet national demands for certain types of critical health manpower, for example, the training of cytological technicians, which is no longer being supported by other Federal health legislation. This training, unfortunately, has been phased out.

The new legislation will also extend the boundaries of the regional medical programs mandate beyond the diseases originally specified, to include kidney disease, specifically, and all "other major diseases and conditions." This specific inclusion reflects a growing concern over the national status of kidney disease, which has affected nearly 8 million persons in the United States. About 60,000 of these afflicted individuals will die each year if life-sustaining treatment is not made available to them. Kidney disease ranks as the fourth cause of death in the United States, and it is a chronic disease that tends to strike in the middle, most productive years of life.

Under this legislative extension, kidney disease will be attacked within the context of the existing regional arrangements of regional medical programs. Methods will be tested and evaluated at the community level for prevention and control of the disease, and improved treatment will be instituted in the local treatment centers. The broadened grant authority will also promote and support the organization of kidney disease programs on an interregional basis across the Nation. Additionally, the grants will be especially useful in stepping up the end-stage kidney disease program as it moves into the realm of kidney transplantation. And to insure that the kidney disease program does not lag, the proposed legislation stipulates that a maximum of $15 million of the appropriation for fiscal year 1971 may be used for such purposes. It further specifies that outstanding individuals in the study or care of kidney disease be added to the membership of the National Advisory Council on Regional Medical Programs.

There has been a growing concern about the development of an adequate system of primary health care in this country. The extended legislation recognizes that regional medical programs can make an important contribution in this direction. Explicitly, the extended legislation provides that regional medical programs concern itself with improving the organization and delivery of all health services, and strengthening our primary health care system.

Forty-four of the 55 regional medical programs have received operational grants. However, for those regions recently becoming operational, the level of funding has been drastically cut because of reduced appropriations.

In each of the operational programs, the success of their initial activities generated high levels of expectations, and subsequent requests for supplemental funds to carry out additional projects. A great deal of initial planning and development of Federal, State, and local cooperation was required before a region could become operational, and there was slow acceleration in spending. An increase in funds now will serve to exploit the initial momentum and to maintain the commitment of the many health interests and groups that have become involved. The interest and participation of these individuals will quickly erode if there are not reasonable expectations for adequate, orderly and sustained program growth. The 11 regions still in the planing stage will find it difficult to become operational in any meaningful sense, given the current funds available.

Mr. President, I am introducing today, along with Senators JACKSON, ANDERSON, BURDICK, CRANSTON, EAGLETON, HART, HUGHES, KENNEDY, MCCARTHY, MAGNUSON, METCALF, MONDALE, MONTOYA, NELSON, PELL, RANDOLPH, WILLIAMS of New Jersey, and YOUNG of Ohio, the Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970, which extends title IX of the Public Health Service Act for 5 years and increases the appropriation authorizations over this period from $120 million in 1970 to $250 million in 1975.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the text of the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 3355), to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970".

SEC. 2. (a) Section 900(a) of the Public Health Service Act is amended—

(1) by inserting "and contracts" immediately after "grants";

(2) by striking out "related demonstrations" and inserting in lieu thereof "demonstrations";

(3) by striking out "related diseases" and inserting in lieu thereof "kidney disease, and other major diseases and conditions".

(b) Section 900(b) of such Act is amended by striking out "diagnosis and treatment" and inserting in lieu thereof "prevention, diagnosis, treatment, and rehabilitation".

(c) Section 900 of such Act is further amended by—

(1) striking out "and" at the end of subsection (b) thereof;

(2) redesignating subsection (c) thereof as subsection (d); and

(3) inserting after subsection (b) thereof a new subsection (c) which reads as follows:

"(c) to promote and foster regional linkages among health care institutions and providers so as to strengthen and improve primary care and the relationship between specialized and primary care; and".

(d) Section 900(d) of such Act (as redesignated by subsection (c)(2) of this section) is amended by striking out "the health manpower and facilities to the Nation" and inserting in lieu thereof "the quality and enhance the capacity of the health manpower and facilities available to the Nation and to improve health services for persons residing in areas with limited health services".

SEC. 3. (a)(1) The first sentence of section 901(a) of such Act is amended by striking out "and $120,000,000 for the next fiscal year, for grants" and inserting in lieu thereof "$120,000,000 for the fiscal year ending June 30, 1970, $150,000,000 for the fiscal year ending June 30, 1971, $200,000,000 for the fiscal year ending June 30, 1972, $250,000,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years, for grants".

(2) The second sentence of section 901(a) of such Act is amended to read as follows: "Of the sums appropriated under this section for the fiscal year ending June 30, 1971, not more than $15,000,000 shall be available for activities in the field of kidney disease."

(b) Section 901(a) of such Act is amended by striking out the period after "title" and inserting "and for contracts to otherwise carry out the purposes of this title".

(c) Section 901 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) At the request of any recipient of a grant under this title, the payments to such recipient may be reduced by the fair market value of any equipment, supplies, or services furnished to such recipient and by the amount of the pay, allowance, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when such furnishing or such detail, as the case may be, is for the convenience of and at the request of such re-

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cipient and for the purpose of carrying out the regional medical program to which the grant or contract under this title is made."

SEC. 4. Section 902(a) of such Act is amended by striking out "training, diagnosis, and treatment relating to heart disease, cancer, or stroke, and at the option of the applicant, related disease or diseases" and inserting in lieu thereof "training, prevention, diagnosis, treatment, and rehabilitation relating to heart disease, cancer, stroke, or kidney disease, and, at the option of the applicant, other major diseases or conditions".

SEC. 5. Section 902(f) is amended by inserting between the words "includes" and "alteration" "new construction of facilities for demonstrations, research, and training when necessary to carry out regional medical programs,"

SEC. 6. Section 903(b)(4) of such Act is amended—

(1) by striking out "voluntary health agencies, and" and inserting in lieu thereof "voluntary health agencies, official health and planning agencies, and"; and

(2) by striking out "need for the services provided under the program" and inserting in lieu thereof "need for and financing of the services provided under the program, and which advisory group shall be sufficient in number to insure adequate community orientation."

SEC. 7. That part of the second sentence of section 904(b) of the Public Health Service Act preceding paragraph (1) is amended by striking out "section 903(b)(4) and" and inserting in lieu thereof the following: "section 903(b)(4), if opportunity has been provided, prior to such recommendation, for consideration of the application by each public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan area, or other local area plan referred to in section 314(b) covering any area in which the regional medical program for which the application is made will be located, and if the application".

SEC. 8. Section 905(a) of such Act is amended—

(1) by striking out "The Surgeon General, with the approval of the Secretary," and inserting in lieu thereof "Secretary":

(2) by striking out "the Surgeon General" and inserting in lieu thereof "the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs";

(3) by inserting "health care administration," immediately after "the medical sciences,";

(4) by striking out "study, diagnosis, or treatment of cancer" and inserting in lieu thereof "study or care of cancer"; and

(5) by striking out "and one shall be outstanding in the study, diagnosis, or treatment of stroke" and inserting in lieu thereof "one shall be outstanding in the study or care of stroke, one shall be outstanding in the study or care of kidney disease, and three shall be members of the public".

SEC. 9. Section 907 of such Act is amended by striking out "or stroke," and inserting in lieu thereof "stroke, or kidney disease,".

SEC. 10. Section 909(a) of such Act is amended by inserting "or contract" after "grant", each place it appears therein.

SEC. 11. (a) Section 910 of such Act is amended to read as follows:

"SEC. 910. (a) To facilitate interregional cooperation, and develop improved national capability for delivery of health services, the Secretary is authorized to utilize funds appropriated under this title to make grants to public or nonprofit private agencies or institutions or combinations thereof and to contract for—

"(1) programs, services, and activities of substantial use to two or more regional medical programs;

"(2) development, trial, or demonstration of methods for control of heart disease, cancer, stroke, kidney disease, or other major disease and conditions;

"(3) the collection and study of epidemiologic data related to any of the diseases and conditions referred to in paragraph (2);

"(4) development of training specifically related to the prevention, diagnosis, or treatment of any of the diseases or conditions referred to in paragraph (2), or to the rehabilitation of persons suffering from any of such diseases or conditions; and for continuing programs of such training where shortage of trained personnel would otherwise limit application of knowledge and skills important to the control of any such diseases or conditions; and

"(5) the conduct of cooperative clinical field trials.

"(b) The Secretary is authorized to assist in meeting the costs of special projects for improving, and developing new means for the delivery of health services concerned with the diseases and conditions with which this title is concerned.

"(c) The Secretary is authorized to support research, studies, investigations, training, and demonstrations designed to maximize the utilization of manpower in the delivery of health services."

(d) The heading to section 910 of such Act is amended to read as follows:

"MULTIPROGRAM SERVICES".

SEC. 12. The heading to title IX of such Act is amended by striking out "STROKE, AND RELATED DISEASES" and inserting in lieu thereof "STROKE, KIDNEY DISEASE, AND OTHER MAJOR DISEASES AND CONDITIONS".

SEC. 13. Sections 902(a), 903(a), 903(b), 904(a), 904(b), 905(b), 905(c), 906, 907, and 909(a) (as amended by the preceding provisions of this Act) are each further amended by striking out "Surgeon General", each place it appears therein, and inserting in lieu thereof "Secretary".

The section-by-section analysis offered by Mr. YARBOROUGH follows:

SECTION-BY-SECTION ANALYSIS OF THE HEART DISEASE, CANCER, STROKE, AND KIDNEY DISEASE AMENDMENTS OF 1970

Section 1 states that the Act may be cited as the "Heart Disease, Cancer, Stroke and Kidney Disease Amendments of 1970."

Section 2 would: (1) Amend Sec. 900(a) so as to broaden the scope of Regional Medical Programs to explicitly add "kidney disease" to heart disease, cancer, and stroke as one of the diseases to which the program is specifically addressed; and also to include "other major diseases and conditions" (e.g., arthritis, trauma) as well. Sec. 900(a) would also be amended to provide specific contract as well as grant authority in carrying out the purposes of the legislation.

(2) Amend Sec. 900(b) to make explicit that "prevention" and "rehabilitation," as well as diagnosis and treatment of heart disease, cancer, stroke, kidney disease, and other major diseases and conditions, are clearly within the program's scope and concern. This is particularly appropriate in view of the increasingly important role of prevention with respect to these and other diseases.

(3) Add a new Sec. 900(c) to give additional emphasis to regionalization of health care resources and services in order to strengthen and improve primary care and the relationship between it and specialized care for heart disease, cancer, stroke and kidney disease as an objective of the program.

(4) Renumber the present Sec. 900(c) and 900(d) and amend it to emphasize that increasing the capacity as well as improving the quality of the nation's health manpower and facilities generally, is a proper concern of the program.

Section 3 would: (1) Amend Sec. 901(a) to extend the program for a five-year period, commencing in fiscal year 1971. Appropriations authorizations are $150 million in 1971, $200 million in 1972, and $250 million in 1973, 1974 and 1975, respectively. This would include funds for contracts as well as grants.

Add a requirement in Sec. 901(a) that a maximum of $15 million of the amount appropriated in fiscal year 1971 be available specifically for activities in the field of kidney disease.

Delete the present authority contained in Sec. 901(a) that allows funds appropriated for one fiscal year to remain available for obligation in the succeeding fiscal year. As a result, any amounts appropriated for Regional Medical Programs would be available for awarding grants and contracts only in the fiscal year for which they were appropriated.

(2) Add a new Sec. 901(e) providing authority to reduce grants by an amount equivalent to the value of equipment, services, or supplies furnished directly and/or the costs of personnel assigned to a Regional Medical Program, if such is requested.

Section 4 would amend Sec. 902(a) to make the expansion of the scope of any Regional Medical Program to encompass other major diseases and conditions at the option of the applicant.

Section 5 would amend Sec. 902(f) to permit grant funds to be used for the construction of such new facilities as may be necessary for carrying out Regional Medical Programs. Presently grant funds may be used only for alterations, major repairs, remodeling and renovations of existing facilities.

Section 6 would amend Sec. 903(b)(4) relating to the composition of Regional Advisory Groups, to require official health and health planning agency representation on such advisory groups; and to require that public members include persons familiar with the financing of, as well as need for services, and that such public members be sufficient in number to insure adequate community orientation of Regional Medical Programs.

Section 7 would amend Sec. 904(b) to require that the appropriate regional, metropolitan, or local areawide comprehensive health planning agency authorized under Sec. 314(b) of the PHS Act have had an opportunity to consider (e.g., review and comment on) any operational grant proposal or application of a Regional Medical Program involving services, facilities, or activities within that areawide agency's jurisdiction before such an application could be approved by the Secretary.

Section 8 would amend Sec. 905(a) relating to the composition of the National Advisory Council on Regional Medical Programs, to designate the Assistant Secretary of Health and Scientific Affairs as Chairman; to require that one member be outstanding in the study or care of kidney disease; that it include leaders in the field of health care administration, as well as in the fundamental and medical sciences; and that at least three of its sixteen members shall be members of the public.

Section 9 would amend Sec. 907 to require that a listing of the most advanced facilities for the diagnosis and treatment of kidney disease, including the availability of advanced specialty training in such facilities, be established and maintained. This is identical to the present requirements with respect to heart disease, cancer, and stroke.

Section 10 would amend Sec. 909(a) and Sec. 909(b) to permit the Secretary to require that contractors keep the same or similar kinds of records presently required of grantees for purpose of audit.

Section 11 would amend Sec. 910 to:

(1) Provide specific contract authority that would permit the conduct of coopera-

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tive clinical and field trials and demonstrations relating to the development of improved methods for the prevention, diagnosis, treatment, and rehabilitation in heart disease, cancer, stroke, kidney disease, and other major diseases and conditions.

(2) Provide training grant authority that would allow the training of manpower required to help meet the national needs in these areas.

(3) Permit the support of research, studies, investigations, and demonstrations designed to maximize the utilization of manpower in the delivery of health services.

(4) Specifically permit funds to be used in meeting the costs of special projects for improving, and developing new means for, the delivery of health services concerned with heart disease, cancer, stroke, kidney disease, and other major diseases and conditions. This could include the costs of care and hospitalization when necessary to carry out the purposes of the program.

Section 12 establishes the title of this bill as "Title IX—Education, Research, Training, and Demonstrations in the Fields of Heart Disease, Cancer, Stroke, Kidney Disease, and Other Major Diseases and Conditions."

Section 13 substitutes the Secretary of Health, Education and Welfare for the Surgeon General throughout Title IX with respect to such matters as approval of grants and contracts, appointment of members of the National Advisory Council on Regional Medical Programs, and prescription of regulations.

S. 3356—INTRODUCTION OF A BILL MAKING ADVANCE PAYMENTS TO PRODUCERS UNDER THE FEED GRAIN PROGRAM

Mr. MONDALE. Mr. President, I introduce for appropriate reference a bill requiring the Secretary of Agriculture to make advance payments to producers under the feed grain program.

Joining with me as cosponsors is a distinguished group of Senators who share my concern that a recent decision by the Nixon administration might well cause the program's effectiveness and popularity to fade.

Cosponsors include Senators BURDICK, HUGHES, MANSFIELD, MCCARTHY, MCGEE, MCGOVERN, METCALF, NELSON, PROXMIRE, YARBOROUGH, and SYMINGTON.

Last year slightly more than 97,000 Minnesota farmers were enrolled in the popular feed grain program administered by the Department of Agriculture.

I am convinced that the decision announced by the Secretary of Agriculture to eliminate advance payments to farmers participating in the 1970 program is wrong for a number of reasons.

First, halting such payments is not a cost savings to the Government, but simply a shift in funding to another fiscal year.

Second, it will place a new financial burden on our farmers who must now borrow money at today's high interest rates in order to finance crop planting and operating costs.

Last year Minnesota farmers received over $31 million in advances and about $39 million in late summer. For farmers to borrow the equivalent of $31 million for 6 months—assuming they could find 9 percent loan funds—would saddle them with nearly $1.4 million in interest charges. The on-paper savings to the Federal Government in the current fiscal year does not seem adequate reason for imposing a new financial burden on family farms.

Third, the advance payments program has been working well for 7 years. It is directly responsible for encouraging many farmers to sign up and divert acreage. Under the program those farmers who elect to participate receive an advance on their diversion payments in the spring, with the balance paid in August. Without benefit of advances, farmers may well choose not to sign up, thus planting heretofore diverted acres, with resultant lower grain prices this summer and fall.

In 1969 a total of 97,009 farms with a base of 7,009,171 acres participated in the feed grain program. Over 3 million acres were diverted which brought Minnesota farmers $69,984,893 in diversion payments. Some 3,274,742 acres were under price support which yielded an additional $70,336,619. Thus, the feed grain program meant income of $140,321,512 in Minnesota farmers.

A change in the advance payment portion is wrong. Earlier, I wired Secretary Hardin urging, in the strongest possible terms, that he reconsider the decision.

I have not heard from the Secretary of Agriculture.

We did receive a press release in which he promised to make all final payments as early as possible, hopefully in July in certain areas.

I feel this does nothing to solve the problem and I am therefore introducing legislation to require the Secretary of Agriculture to make advance payments to producers under the feed grain program. My bill would amend existing legislation requiring the Secretary to make not less than 50 percent of any payments under the program to producers in advance of determination of performance.

Farmers in my State of Minnesota are equally concerned over any elimination of advance payments for wheat. Legislation similar to that which I am introducing today, but pertaining to wheat, is being offered by the able Senator from North Dakota (Mr. BURDICK). I will join as a cosponsor of that measure.

Mr. President, to illustrate the vital and deep impact which a termination of advance payments will have on Minnesota farmers, small businessmen and our communities, I ask unanimous consent to have printed in the RECORD a cross section of letters received on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, to show the effectiveness of the feed grain program in Minnesota, I ask unanimous consent to have a county-by-county summary of this program for 1969 printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MONDALE. Mr. President, I hope that this bill will be acted on promptly. Action is required immediately and I welcome the cosponsorship of my colleagues on this important measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3356), to require the Secretary of Agriculture to make advance payments to producers under the feed grain program, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

EXHIBIT 1

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURE STABILIZATION AND
CONSERVATION SERVICE,
Farmington, Minn., January 14, 1970.
Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Dakota County Agricultural Stabilization and Conservation Committee called on the Community Committeemen to aid in developing the conservation program for the year and also to train or inform these committeemen of all programs carried out in the county.

The annual Feed Grain and Wheat progam was discussed and the announcement of no advance payment brought a quick discussion and a motion that the advance payment be restored. The motion was seconded. A further discussion followed. It was pointed out that the advance payment received by farmers would not mold in the pockets of that farmer, but would be used to pay for some of the high cost of planting a crop. The local townspeople would benefit and on down the line to the processors or manufacturers. A vote was taken of the fifty (50) people in attendance and it was unanimous that the advance payment be made available.

We, the County Committee, have seen reduction in farm income in many areas such as reduction in diversion payment, reduction in Price Support loan rates, increased diversion with no payment for Wheat program eligibility, increased interest rates on storage structures and an increase in loan fees. All these, coupled with higher cost of farm operation and production cost, are leading the way for America's loss of private enterprise. We need to explain that farm programs are far more than farm programs. These programs are really "The People's" program administered at the farm level.

The farmer is really the starter of our whole economy, and the family farmer has proven the world over to be the efficient one. But, if he is squeezed out, then all Americans are in trouble.

We urge you to take a good look at farm programs and maybe think of them as not costing the government but as stimulus to the economy of our country.

Sincerely yours,

A. T. SCHAFFER,
Chairman, Dakota County ASC Committee.

CO-OPERATIVE OIL CO.,
Minneota, Minn., January 22, 1970.
Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SIR: Our Cooperative has taken action to request that the advanced payment under the feed grain program be reinstated as it has been operating since 1961. We believe this can only be a handicap and hardship on the American farmer. In most cases the farmer has geared his operation to use these funds for his seasonal farm purchases. In our opinion these funds are not inflationary because of the nature in which they are used, such as buying seed, fertilizer and fuel for farming operation.

With the increased rate of interest and the short money problem, this exemplifies the problem to a greater degree. How is the farmer and the small town businessman going to survive under these circumstances? Farmers that are operating under a heavy financed operation now, how is he to get additional credit? The businessman will either have to find a means of providing credit or carry the farmers account on accounts receivable.

We are a strong Cooperative, but we are in no position to increase our accounts receivable. While visiting with some of the other businessmen in Minneota, they feel as we do, something's got to be done and now.

We unanimously request and urge you to restore the advance feed grain payment immediately.

Sincerely,

J. H. GISLASON,
President.
S. FRANK JOSEPHSON,
Vice President.
NORBERT LANNERS,
Secretary.
ALBERT BORSON,
Director.
DONALD BOERBOOM,
Director.

JANUARY 15, 1970.

DEAR SENATOR MONDALE: I am enclosing clipping from the Belle Plaine Herald pertaining to Feed Grain Program stating we will not receive any advance payment this spring. The Feed Grain participants need this payment to help finance the crop in the spring. Hoping you can do what you can for us in this.

One of the *many* farmers that has looked forward to this. I know you are a friend of the farmer and labor.

Best wishes,

WILLIAM DIERS.

FARMERS AND MERCHANTS SUPPLY CO.,
Minneota, Minn., January 24, 1970.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SIR: Our Cooperative is very concerned and have taken action to request that the advanced payment under the feed grain program be reinstated as it has been operating the past years. In most cases we believe it can only be very detrimental to the farmer who has a heavy finance load at this time. We believe also that this included a very high majority of American farmers according to our conversation with them. In our conversation, our farmers have been telling us this money is used for purchasing their spring operating needs such as feed, seed, fertilizer and fuel for their operation.

By cutting this payment off, they are going to have to look elsewhere for credit. In this period of high interest and tight money, where are they going to get this money necessary for their operating capital?

Accounts receivable is our greatest problem in our elevator operation. This can only make it a lot tougher. We are not able or are we capitalized to extend more credit than we are at this time without putting us in a financial bind.

We unanimously request and urge you to restore the advance feed grain payment immediately.

Sincerely,

O. J. WIGNESS, *President.*
JOE BREWERS, *Vice President.*
MARVIN HELEGSON, *Secretary.*
HARRY MOORSE, *Treasurer.*
FRED GUDMUNDSON.
ELMER FURGESON, *Director.*
JOE JOSEFSON, *Director.*

WATERVILLE, MINN.,
January 8, 1970.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I was very disappointed to hear that there will be no advance payment on land diverted from feed grain for the year 1970. Do to the tight money and very high interest rate it is going to cause hardship to the already hard pressed farmers.

If it would at all be possible to fit this in the farm program it would be a great help.

Sincerely,

ROLAND CRAM.

January 22, 1970.

DEAR SENATOR MONDALE: Am writing in regards to advance feed grain payments. If we don't get advance payments in Big Stone County this spring this could amt to $250,000 and it would be a hardship to our farmers if they don't get this payment.

Thank you for any help you could give us.

Yours truly,

ALFRED SCHIRM,
Vice Chairman, Big Stone County A.S.C.

WELLS, MINN.,
January 12, 1970.

Senator WALTER F. MONDALE,
U.S. Senate.

SENATOR: Thank you very much for the reports to Minnesota you sent me and a bit late I want to wish you a happy New Year. I hope you can continue your good work you are doing for us, in particular about the advance payments from the Farm A.S.C. program. We all need the money to pay for our spring work expenses and I should think the government can advance this payment rather than wait till next Sept. Thanking you again and may you have much success in your work. I remain

Sincerely,

NORBERT CHIRPICH.

HAMEL, MINN.,
January 2, 1970.

Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: We are writing to express our concern on the matter that the Department of Agriculture may discontinue the eight-year practice of prepayment for participating in the soil conservation program.

As one who lives and works among farmers it is our observation that many of them are concerned about the discontinuance of this practice which would create a hardship for them in paying for seed and taxes in the spring.

Whatever assistance you can give in this area will be appreciated.

Rev. ARTHUR G. EMERSON.

JANUARY 10, 1970.

Senator MONDALE,
Washington, D.C.

DEAR SIR: This is an individual protest against the Presidents rejection of advance payments for agriculture program this year.

Farmers have been depending on that payments for putting in their crops and lot of farmers have to borrow at 8 or 10% to keep going, if they can't, they just have to quit.

I am 62 years and farmed all my life. This is the only way we the silent majority can show our feelings.

Thank you,

BENNIE C. VEUM.

MINNEOTA BUSINESSMEN'S
ASSOCIATION, INC.,
Minneota, Minn., January 22, 1970.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SIR: The Minneota Businessmen's Association, has taken action to request that the advanced payment under the feed grain program be reinstated as it has been operating since 1961. We believe this can only be a handicap and hardship to the American farmer. In most cases the farmer has geared his operation to use these funds for his seasonal farm purchases, but this also saps his financial structure to purchase other things regardless of their nature.

With the increased rate of interest and the short money problem, this exemplifies the problem to a greater degree. How is the farmer and the small town businessman going to survive under these circumstances? Farmers that are operating under a heavy financed operation now, how is he to get additional credit?

We are a strong community, but this can only weaken our position to continue as we have in the past, giving service to the people of our area.

We unanimously request and urge you to restore the advance feed grain payment immediately.

Sincerely,

HAROLD JACKSON,
President.

JANUARY 22, 1970.

DEAR SIRS: Please try to get farmers an advance for signing up in the Feed Grain Program. It is going to be very hard to get a crop in the ground if we can't get the money in the spring.

Yours sincerely,

Mr. and Mrs. CARL WITTELSTADT.

EXHIBIT 2

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

1969 FEED GRAIN PROGRAM—MINNESOTA—FEED GRAIN, PARTICIPATING FARMS, BASE, DIVERSION AND PRICE SUPPORT ACRES AND PAYMENT, TOTAL PAYMENT, PLANTED ACRES AND SUBSTITUTION

	Participating		Diversion								Price support		Total diversion and price support payment	Planted acreage	Substitution (acres)	
			For which payment computed (acres)			For which no payment computed (acres)	Total (acres)	Payment computed (dollars)								
	Farms No.	Base acres	At 20 percent	At 50 percent	Total			At 20 percent	At 50 percent	Total	Acreage	Payment			Feed grain for wheat	Wheat for feed grain
County	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Aitkin	220	2,465	444	1,659	2,103	35	2,138	$5,975	$50,562	$56,537	192	$3,264	$59,801	211		
Anoka	652	17,100	1,502	8,185	9,687	1,737	11,424	23,140	296,740	319,880	4,114	84,319	404,199	4,402		
Becker	1,078	51,445	1,882	12,867	14,749	8,107	22,856	20,031	330,278	350,309	20,418	203,418	553,727	25,247	93	793
Beltrami	216	2,778	465	1,814	2,279	61	2,340	4,000	36,312	40,312	217	2,400	42,712	247		9
Benton	809	26,840	1,664	9,743	11,407	3,560	14,967	23,523	320,342	343,865	9,214	166,708	510,573	10,862		1
Big Stone	943	84,777	347	19,657	20,004	16,431	36,435	4,487	602,645	607,132	41,527	650,263	1,257,395	46,770	2	15
Blue Earth	1,982	168,327	909	35,466	36,375	31,579	67,954	20,650	1,973,060	1,993,710	82,894	2,398,935	4,392,645	98,420	41	3
Brown	1,662	149,653	281	33,903	34,184	29,101	53,285	5,745	1,689,118	1,694,863	74,077	1,914,216	3,609,079	83,258	10	1

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EXHIBIT 2—Continued

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

1969 FEED GRAIN PROGRAM—MINNESOTA—FEED GRAIN, PARTICIPATING FARMS, BASE, DIVERSION AND PRICE SUPPORT ACRES AND PAYMENT, TOTAL PAYMENT, PLANTED ACRES AND SUBSTITUTION

	Participating		Diversion								Price support		Total diversion and price support payment	Planted acreage	Substitution (acres)	
			For which payment computed (acres)			For which no payment computed acres	Total (acres)	Payment computed (dollars)							Feed grain for wheat	Wheat for feed grains
County	Farms number	Base acres	At 20 percent	At 50 percent	Total			At 20 percent	At 50 percent	Total	Acreage	Payment				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Carlton	29	287	58	217	275		275	$718	$6,371	$7,089			$7,089			
Carver	846	37,823	1,379	9,188	10,567	5,875	16,442	27,808	423,245	451,053	15,620	$377,052	828,105	19,276	8	9
Cass	511	9,690	1,256	5,652	6,908	547	7,455	15,266	158,147	173,413	1,394	21,975	195,388	1,455		
Chippewa	1,567	142,625	414	27,368	27,782	27,537	55,319	7,687	1,183,498	1,191,185	70,594	1,568,550	2,759,735	85,556	95	103
Chisago	1,075	23,989	2,338	11,462	13,800	2,329	16,129	41,554	466,306	507,860	6,102	133,634	641,494	7,029		
Clay	1,127	107,651	921	17,057	17,978	20,437	38,415	9,786	487,472	497,258	49,625	489,226	986,484	59,318	47	5,291
Clearwater	353	8,173	724	3,392	4,116	848	4,964	6,067	69,011	75,078	1,879	17,448	92,526	2,076		179
Cottonwood	1,714	175,093	301	42,203	42,504	34,200	76,704	5,546	2,057,224	2,062,770	86,803	2,220,067	4,282,837	96,297	5	
Crow Wing	301	7,711	776	3,619	4,395	683	5,078	10,127	111,585	121,712	1,800	34,626	156,338	1,999		
Dakota	1,055	65,910	1,326	18,337	19,663	11,262	30,925	21,393	751,431	772,824	29,187	625,543	1,398,367	33,966	116	7
Dodge	1,092	73,177	1,067	19,030	20,097	13,258	33,355	22,637	964,601	987,238	33,827	887,674	1,874,912	38,347	3	6
Douglas	1,218	51,032	2,043	15,216	17,259	7,834	25,093	25,988	462,853	488,841	20,191	307,407	796,248	23,386	43	174
East Otter Tail	1,495	57,280	2,738	20,415	23,153	8,253	31,406	32,461	560,905	593,366	21,100	304,707	898,073	23,259	15	7
East Polk	928	37,149	1,742	12,063	13,805	5,520	19,325	15,296	275,314	290,610	13,047	132,332	422,942	14,506	54	1,439
Faribault	1,794	181,012	205	34,050	34,255	34,289	68,544	4,984	1,958,710	1,963,694	90,082	2,706,622	4,670,316	110,630	12	5
Fillmore	1,395	80,930	1,335	20,484	21,819	14,686	36,505	27,323	1,016,825	1,044,148	37,233	960,929	2,005,077	43,437	8	
Freeborn	2,104	176,489	1,003	41,223	42,226	33,476	75,702	21,371	2,178,800	2,200,171	85,893	2,383,208	4,583,379	99,075	17	9
Goodhue	1,407	70,214	1,649	17,618	19,267	11,878	31,145	32,625	856,158	888,784	31,430	785,139	1,673,923	37,620	61	2
Grant	969	99,406	639	22,744	23,383	19,072	42,455	8,258	719,995	728,253	47,329	575,635	1,303,888	52,825	17	1,580
Hennepin	915	28,050	2,124	11,550	13,674	3,214	16,888	38,162	477,886	516,048	7,941	176,554	692,602	8,976		
Houston	791	32,001	1,085	7,480	8,565	5,274	13,839	25,795	418,076	443,871	14,065	407,786	851,657	17,489		
Hubbard	463	13,648	875	5,787	6,662	1,717	8,379	9,354	145,185	154,539	4,209	56,337	210,876	4,397		
Isanti	1,038	23,336	2,436	11,888	14,324	2,044	16,368	43,079	485,488	528,567	5,547	126,776	655,343	5,988		
Itasca	24	350	57	216	273	10	283	573	4,653	5,226	27	315	5,541	32		
Jackson	1,907	199,575	233	39,214	39,447	39,297	78,744	4,650	2,055,826	2,060,476	99,319	2,750,443	4,810,919	118,499	3	
Kanabec	684	14,045	1,755	7,309	9,064	954	10,018	27,019	256,194	283,213	2,875	57,241	340,454	3,312		
Kandiyohi	1,787	139,958	1,237	33,835	35,072	26,113	61,185	20,741	1,537,752	1,558,493	66,471	1,611,234	3,169,727	76,668	55	2
Kittson	724	93,508	618	22,698	23,316	17,864	41,180	4,028	370,489	374,517	37,524	285,822	660,339	41,378	10	5,860
Koochiching	71	1,045	177	724	901	16	917	1,023	10,069	11,092			11,092			
Lac qui Parle	1,939	166,893	489	37,081	37,578	32,316	69,886	7,777	1,414,001	1,421,778	82,209	1,657,635	3,079,413	94,308	42	90
Lake of the Woods	131	2,519	271	1,275	1,546	166	1,712	1,524	16,170	17,694	219	1,381	19,075	269	3	90
Le Sueur	1,281	73,960	1,527	19,116	20,643	12,686	33,329	35,092	1,049,132	1,084,224	33,980	960,471	2,044,695	39,019	32	13
Lincoln	1,243	119,392	279	30,000	30,279	23,386	53,665	4,205	1,044,370	1,048,575	58,674	1,073,642	2,122,217	64,080	7	1
Lyon	1,584	199,733	240	42,052	42,292	39,265	81,557	3,826	1,612,554	1,616,380	99,287	1,995,470	3,611,850	116,189	26	
Mahnomen	441	29,098	522	6,230	6,752	5,152	11,904	4,836	162,527	167,363	12,733	128,964	296,327	14,769	53	1,124
Marshall	1,585	129,229	1,940	27,609	29,549	23,518	53,067	13,974	481,511	495,485	51,637	389,137	884,622	56,555	8	11,559
Martin	1,843	218,420	203	44,306	44,509	43,388	87,897	4,830	2,483,085	2,487,915	108,769	3,206,484	5,694,399	127,881		
McLeod	1,313	72,056	1,178	15,372	16,550	12,758	29,308	23,639	726,233	749,872	34,223	833,198	1,583,070	41,401	46	
Meeker	1,340	90,333	1,087	22,473	23,560	16,605	40,165	18,282	993,289	1,011,571	42,518	988,125	1,999,696	48,635	18	13
Mille Lacs	679	14,598	1,598	7,235	8,833	1,226	10,059	21,963	226,259	248,222	3,297	59,940	308,162	3,772		
Morrison	1,466	40,980	3,132	16,562	19,694	4,763	24,457	44,425	539,170	583,595	12,766	227,383	810,978	14,811	7	
Mower	1,924	152,361	1,187	39,301	40,488	28,790	69,278	24,324	1,889,604	1,913,928	73,097	1,799,419	3,713,347	81,177	23	2
Murray	1,743	180,823	186	39,491	39,677	35,667	75,344	2,913	1,506,107	1,509,020	89,949	1,802,774	3,311,794	103,760	1	
N. St. Louis	7	174	15	101	116	20	136	103	1,529	1,632	4	22	1,654	4		33
Nicollet	1,051	98,272	253	22,059	22,312	18,760	41,072	5,710	1,209,534	1,215,244	48,542	1,372,254	2,587,498	56,123	7	3
Nobles	1,808	176,632	259	29,039	29,298	34,638	63,936	4,867	1,302,207	1,307,074	87,643	2,057,303	3,364,377	110,222	24	
Norman	1,083	110,364	869	20,853	21,722	21,004	42,726	9,062	586,586	595,648	50,939	495,108	1,090,756	59,603	112	5,158
Olmsted	1,315	75,239	1,702	20,869	22,571	13,058	35,629	35,161	1,032,335	1,067,496	32,944	845,691	1,913,187	38,166	6	11
Pennington	584	23,051	1,154	8,156	9,310	3,289	12,599	8,098	144,657	152,755	7,346	55,791	208,546	7,910	8	843
Pine	875	14,774	1,980	8,366	10,346	885	11,231	31,350	301,793	333,143	2,541	50,598	383,741	2,829		
Pipestone	857	104,038	149	18,824	18,973	20,540	39,513	1,993	631,110	633,103	51,628	917,155	1,550,258	62,718		
Pope	1,146	75,617	1,292	19,193	20,485	13,090	33,565	16,711	605,676	622,387	33,834	578,712	1,201,099	39,769	91	183
Ramsey	33	831	93	473	566	65	631	1,718	18,525	70,243	21	521	20,764	21		
Red Lake	500	22,509	928	7,140	8,068	5,391	11,405	1,750	161,328	169,078	7,696	75,831	244,909	8,240	39	974
Redwood	2,229	229,878	388	49,648	50,036	44,505	94,541	7,064	2,270,444	2,277,808	114,084	2,707,786	4,985,594	133,313	52	6
Renville	2,261	242,070	465	51,534	51,999	46,626	98,625	9,651	2,545,328	2,554,979	119,424	3,046,155	5,601,134	138,769	124	94
Rice	1,461	66,504	1,977	17,944	19,921	10,859	30,780	39,234	86,272,375	901,609	29,123	737,879	1,639,483	34,615	8	1
Rock	932	111,444	86	16,317	16,403	21,966	38,369	1,482	680,596	682,078	55,462	1,207,596	1,889,772	71,872		
Roseau	959	32,326	2,650	15,063	17,713	2,886	20,599	14,886	199,153	214,039	3,383	21,111	235,150	3,454	6	1,232
S. St. Louis	5	65	13	34	47		47	125	699	824	18	204	1,028	18		
Scott	987	43,048	1,502	12,155	13,657	6,771	20,428	28,075	529,710	557,876	17,727	410,417	968,202	21,196	5	
Sherburne	752	26,533	1,542	10,788	12,330	3,498	15,828	21,730	399,505	377,235	8,233	146,060	523,295	8,749		
Sibley	1,513	116,018	768	25,873	26,641	21,630	48,271	16,089	1,271,025	1,237,114	56,135	1,417,210	2,704,324	65,260	68	
Stearns	2,016	100,268	2,532	23,616	26,148	16,895	43,043	35,588	780,490	816,078	43,121	770,400	1,586,478	53,430	18	
Steele	1,263	83,600	838	19,863	20,701	15,520	36,221	17,537	1,024,474	1,042,011	39,668	1,066,015	2,108,026	45,891	26	
Stevens	990	121,408	166	25,830	25,996	23,905	49,901	2,273	837,879	840,152	60,144	948,790	1,788,942	69,849	42	227
Swift	1,519	149,623	658	35,988	36,646	28,769	65,415	10,243	1,376,139	1,386,382	72,515	1,446,923	2,833,305	82,208	45	4
Todd	1,875	59,853	3,966	23,646	27,612	7,588	35,200	54,220	742,212	796,432	19,850	330,312	1,126,744	21,860	6	
Traverse	859	94,833	407	22,564	22,971	18,119	41,090	5,216	721,639	726,855	45,847	622,266	1,349,121	51,158	8	261
West Otter Tail	1,574	68,498	2,677	19,557	22,234	10,558	32,792	31,413	549,894	581,307	27,722	338,570	919,877	32,895	162	290
Wabasha	794	41,706	872	9,850	10,722	7,224	17,946	18,413	507,545	525,958	18,675	499,498	1,025,456	22,860	23	1
Wadena	698	24,558	1,421	9,533	10,954	3,354	14,308	14,788	242,650	257,438	8,086	121,659	379,097	8,728		
Waseca	1,135	96,036	374	21,872	22,246	18,142	40,388	8,334	1,277,282	1,285,616	47,408	1,431,470	2,717,086	54,427	12	4
Washington	773	28,376	1,636	11,140	12,776	3,835	16,611	25,872	435,411	461,283	9,495	210,570	671,853	10,319	3	6
Watonwan	1,157	122,433	184	24,365	24,549	24,095	48,644	3,776	1,229,549	1,233,325	60,739	1,611,970	2,845,295	71,552		1
West Polk	1,119	171,681	471	20,273	20,744	33,693	54,437	3,836	424,288	428,124	79,086	641,963	1,070,087	91,916	18	16,695
Wikin	1,063	118,938	445	26,734	27,179	23,191	50,370	4,898	839,099	843,997	57,161	554,115	1,398,112	63,525	28	1,090
Winona	732	37,703	999	9,851	10,850	6,423	17,273	21,947	508,070	530,017	16,614	436,332	966,349	19,755	10	
Wright	1,657	70,083	3,072	20,735	23,807	10,483	34,290	52,335	832,581	884,916	27,916	610,507	1,495,423	32,734		1
Yellow Medicine	2,025	195,250	413	41,158	41,571	37,536	79,107	7,013	1,623,096	1,630,109	96,843	1,999,929	3,630,032	115,255	69	40
State total	97,009	7,099,171	93,060	1,674,440	1,767,500	1,295,601	3,063,101	1,409,042	68,575,851	69,984,893	3,274,742	70,336,619	140,321,513	3,814,052	2,001	55,545

Mr. YARBOROUGH. Mr. President, I am pleased to join with the distinguished junior Senator from Minnesota in cosponsoring the bill which would require the Secretary of Agriculture to make advance payments of at least 50 percent to farmers participating in the feed grain program for 1970. This legislation has been made necessary because of the Secretary of Agriculture's decision on January 16, 1969, to eliminate the advance payment program for feed grain producers. If this decision is allowed to stand, it will force another financial hardship on the already overburdened American farmer.

The Secretary of Agriculture's decision to eliminate advance payments clearly demonstrates a lack of understanding of farm problems, or a lack of concern for the financial plight of our

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farmers. In past years, a farmer who decided to participate in the feed grain diverted acreage program would receive approximately 50 percent of his payment during the spring and the balance at harvest time. Farmers rely on the advance payments as a means of financing their planting operations and to carry them over until harvest. Without advance payments, farmers will be forced to borrow the money they need to plant their crops and finance their operations from the banks and financial institutions that are charging 8 to 9 percent interest on the money they loan. Many smaller farmers will have difficulty finding a bank to loan them money at all, regardless of the interest rates the farmer must pay. What will result is that the financial vice will be tightened even further on the farmers of this country causing many of them to go out of business altogether.

The elimination of advance payments is but one of a long string of actions by the administration which are contrary to the best interest of the American farmer.

In August of 1969, the Secretary of Agriculture announced a 12 percent cut in wheat acreage for 1970. This decision will result in a reduction in the wheat acreage allotment from 51.6 million acres to 45.5 million acres. Furthermore, the Secretary of Agriculture has announced a cut in the price support on cotton seed of almost $5 a bale. In November, the Department of Agriculture announced that it was calling the 1967 and 1968 reseal loans on grain sorghum. Fortunately after strong congressional protest, this ill-advised order was rescinded. In December, the Secretary of Agriculture announced a cut in the rice allotment of 15 percent for 1970.

The desperate condition of the American farmer is clearly dramatized by a report prepared by the Lubbock Production Credit Association of Lubbock, Tex., concerning cotton farmers in the High Plains area of Texas. According to their report, out of the total of 888 production loans which were made to cotton farmers in 1968, only 45 percent or 394 of these farmers made a profit. Fifty-five percent of these farmers who obtained loans from the Lubbock Production Credit Association either lost money or made such a small net profit in 1968 as not to justify their staying in agriculture.

Information that I have received from bankers and others involved in advancing farmers credit have indicated that the same desperate situation was present in 1969. Unless a reasonable and fair cotton program is enacted soon, many cotton farmers of Texas and other parts of the Nation will soon go broke.

Now the Secretary of Agriculture has taken this untimely and unwarranted action with regard to advance payments. In the official news release of the Department of Agriculture, an attempt is made to justify this action because of "the extreme financing problem faced by farmers." I submit that the "extreme financing problem" is the very reason why advance payments should be continued. Not since the Civil War have the interest rates on bank loans been higher. Credit is becoming almost impossible to obtain by the average farmer. The only segment of our society that can possibly benefit from the elimination of advance payments will be the large banks who charge high interest rates.

Mr. President, the record of this administration in Agriculture has been consistent, that is, consistently bad for farmers. The only groups that have benefited from the agricultural policies of the Nixon administration have been large banks and processors. The average farmer is day by day being forced off the farm. Farmers in my State of Texas are equally concerned over elimination of advance payments for wheat. Similar legislation has been introduced by the able Senator from North Dakota (Mr. BURDICK), pertaining to wheat, of which I am a cosponsor.

Mr. President, it is the duty of Congress to take affirmative action to reverse this unfortunate trend. The bill we introduce today is a step in the right direction. I am proud to be a cosponsor of this bill, and I commend the junior Senator from Minnesota for introducing it.

Adlai Stevenson once said:

> A society can be no better than the men and women who compose it. The heart of any farm policy must therefore be the life of those who work the farms. Our objective is to make that life full and satisfying.

Let us today redicate ourselves to that belief. I urge swift approval of this bill.

ADDITIONAL COSPONSOR OF A BILL

S. 746

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Montana (Mr. METCALF), I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of S. 746, to amend title XVIII of the Social Security Act so as to include chiropractors' services among the benefits provided by the insurance program established by part B of such title.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FAMILY ASSISTANCE ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 467 AND 468

Mr. SAXBE. Mr. President, I would like to say a few words today about the "forgotten Americans."

If any term is overused, it is that one. Depending on who is doing the talking, a forgotten American can be deserving or undeserving, praised or maligned, ethnic white or urban black, rich or poor, and all the rest. You name it and someone can find a forgotten American to fill it.

So the question persists: Who, really, are we talking about when we refer to forgotten Americans?

Is he the poor dirt farmer somewhere in Appalachia, plugging away on somebody else's half-acre with scant chance of getting ahead? Is he the hard-working laborer in some big-city plant, a blue-collar guy who minds his business, pays his taxes, and seems forever in debt? Perhaps the forgotten American is a young black man already imprisoned in some festering slum, a youth whose future is as bleak as his surroundings.

I submit, Mr. President, that the forgotten American very much on my mind today is none of these. Who then is he? Go to any of America's great cities, and you will find him. Chances are he will be sequestered behind old gray walls in an old gray building in the oldest, grayest part of town. Or go to a rural backwater and he is there, too, nested perhaps behind walls as old as he is and in buildings as old and gray as their urban counterparts.

The forgotten American, Mr. President, is the old American. He is that individual who helps make up the faceless army numbering nearly 10 million today. He marches to a distant, fading drum. He is too old to work, too young to die, too proud to beg.

Mr. President, the amendment I am submitting today is at best a beginning—an initial step in providing relief to these forgotten millions. Put simply, my amendment will provide an increase in the guaranteed income provision of S. 2986, the Family Assistance Act of 1969.

Already present in S. 2986 is a guarantee of $90 a month to those having reached age 65. My proposal increases this figure to $155 a month for the 72-year-old, the amount necessary to lift an individual above the poverty line. The poverty line for a single individual as established by the Bureau of Census and adjusted to allow for price increases through August 1969 is $1,846.

Therefore, I have decided to concentrate my efforts on this critical area where circumstances are most trying. Those above age 72 have virtually lost their earning power; they either lack the opportunity or they have severe physical limitations. The very aged are unable to provide for themselves and therefore must have some relief. My amendment would provide their relief to nearly 10 million elderly and would assure that at least half our aged population is living out of poverty.

Unfortunately, this bill comes during a period of extreme inflation. However, the additional Federal spending can be justified to preserve the dignity and security of our older citizens. If this measure is favorably considered by my colleagues, I am prepared to offer a bill amending the income tax rate to cover the entire cost of this Federal expenditure.

Mr. President, I would like to submit a second amendment to S. 2986. This one is to encourage the employment of the elderly in the day care centers provided for in this bill. The amendment calls for preference in hiring those over age 60.

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I ask unanimous consent that the text of both amendments be printed in the RECORD following my remarks.

The **PRESIDING OFFICER**. The amendments will be received, printed, appropriately referred; and, without objection, will be printed in the RECORD.

The amendments were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

On page 62, immediately after the word "month" on line 16, insert ", in the case of an individual who has not attained age 72, and $155 per month, in the case of an individual who has attained age 72"

On page 65, line 12, strike out the period and insert in lieu thereof "; plus".

On page 65, between lines 12 and 13, insert the following:

"(4) with respect to expenditures incurred in providing such aid to individuals age 72 or over, 100 per centum of so much of the expenditures so incurred as exceeds the product of $90 multiplied by the total number of individuals who have attained such age and are recipients of such aid for such month, but not counting so much of any expenditures so incurred with respect to such month as exceeds the product of $155 multiplied by the total nmber of individuals who have attained such age and are recipients of such aid for such month."

On page 42, between lines 3 and 4, insert the following:

"(e) The Secretary of Health, Education, and Welfare, in providing assistance to any project under this section for child care or services, shall impose such conditions thereon as may be appropriate to assure that such project, in the selection of personnel to provide such care or services, will make a special effort to employ individuals over 60 years of age and, in considering applications for employment, will give preference to applications submitted by such individuals."

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary.

Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri for the terms of 4 years, vice Olin N. Bell, Sr.

John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years, vice Francis M. Wilson, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, February 5, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

A SALUTE TO THE STAFF OF THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

Mr. DODD. Mr. President, I am very pleased with the Senate's action yesterday in passing, unanimously, S. 3246, the Controlled Dangerous Substances Act of 1969.

I believe that this bill will be considered one of the most important pieces of legislation passed by the 91st Congress and may well become a landmark.

I cannot let the occasion pass without saluting Mr. Carl Perian and the staff of the Subcommittee To Investigate Juvenile Delinquency.

Carl, Gene Gleason, Bill Mooney, and their very able colleagues have been at my side throughout the years as we have sought to find remedies for a host of social problems.

They have worked diligently on the subject of drug abuse and misuse for several years, and the passage of yesterday's bill is as much a tribute to them as anyone.

I applaud Carl Perian and the Subcommittee To Investigate Juvenile Delinquency, and I state, without reservation, that this staff is one of the best that the Senate has ever known.

VETO AND HOUSE FAILURE TO OVERRIDE A CRIPPLING BLOW TO EDUCATION

Mr. YARBOROUGH. Mr. President, the Republican administration has snatched $63 million from Texas schoolchildren on the ground that education is inflationary. Texas will lose this amount in Federal funds that had been appropriated by Congress. Yesterday, the House of Representatives failed to override that veto by the required two-thirds vote, although the majority was clearly in favor of doing so. The appropriation bill for health, education, and welfare was vetoed by President Nixon on Monday, January 26, 1970, and the House's failure to override occurred on Wednesday, January 28, 1970, with a vote of 226 to 191 in favor of overriding the veto.

The effect of the President's veto on Texas education is devastating. Of the $63 million total Texas lost in education funds caused by the veto, 43 percent, or $26,908,000, is in impacted school aid funds.

This administration is demonstrating daily its utter disregard for the hopes and needs of the people to educate their children properly. This veto makes it clear that the administration is willing to sacrifice our children's education for the sake of its misguided and mistaken priorities. It is unbelievable that the President takes the position that it is inflationary to educate our children. I do not believe that all the Madison Avenue advertising firms working together could package this bitter pill so that the people of this country will swallow and believe it.

The wisest and most sensible investment this Nation can make is that of educating our children with the highest quality programs we can provide. As Texas' senior Senator and chairman of the Senate Labor and Public Welfare Committee, I pledge to the people of Texas and the Nation that I will not retreat in this battle; I will not concede defeat to the forces of regression and less education. While this is a serious setback to those of us who consider education a high national priority, we cannot give up trying to provide the necessary funds to educate the children.

Congress fought inflation by slashing the administration's overall budget by $5.6 billion, and only made modest increases in education and a few other areas to reflect Congress' views on the appropriate national priorities.

When the President vetoed the Health, Education, and Welfare appropriation bill with a great flourish on his dramatic nationwide television show, he took $63 million from the Texas schoolchildren and hundreds of millions from schoolchildren over the Nation. That was one of the most costly television extravaganzas ever presented, and the parents, teachers, children, the aged, the handicapped, and the poor will have to pay the price. I ask the people of America: Was that show worth the $1,129,000,000 loss to education and health over the Nation?

THE ODDITIES OF AIRLINE FARES

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD a particularly interesting article, written by Washington Post Columnist Nicholas von Hoffman.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEING TAKEN FOR A RIDE

(By Nicholas von Hoffman)

According to the economics taught in school, last week would have been the time for Pan Am to announce a cut in the cost of a ticket to England. It was last week that the airline's huge jetbus made its maiden voyage at a lower per-passenger-mile cost than possible before. According to free enterprise theory, Pan Am should grab hold of this competitive advantage, cut its prices, attract more customers and make more money by increasing its volume of business.

You don't have to be told that nothing like that was in danger of happening. Instead, television news had a spate of stories pointing out that no airport in America is presently equipped to service these Boeing 747 monsters, but that work is under way to remedy the defect. Most of the stories did not mention the fact that it would be the taxpayers, not the airlines, who will pay for these improvements.

This situation prompted Charles Murphy, the chairman of the Texas Aeronautics Commission, to pose this question: "What if General Motors decided it would build a 1,000-foot-long bus that was 80 feet wide? Would we immediately redesign every highway and every automobile underpass to accommodate it?

Murphy exemplifies the large number of people who are unhappy about air service and not much impressed by announcements of the departures of new types of airplanes. They feel they haven't gotten their money's worth out of the old ones yet. And it is their money because, from drawing board to takeoff and touchdown, every aspect of flying is subsidized.

Yet there was some motion in the economics of the air transport last week. The Civil Aeronautics Board decided that it would be a good time to crack down on charter airline companies which are underselling the big guys. There'll be none of this free enterprise competition, it said in effect, and started proceedings against charters that sell tickets to anybody who walks in the door. Under the board's regulations, only "affinity" groups may take advantage of charter fares, which can cut as much as two-thirds off the regular price. An "affinity" group isn't a sabotage team, but any organization that exists for a purpose other than enabling its members to travel cheaply.

Why you should have to be an Elk or an Odd Fellow or a member of the plumber's union to enjoy the savings of a cheap competitive fare to Europe was explained by a chappie over at the Aeronautics Board: "Why, if you didn't have to be an organization to charter a plane, you or I could advertise and say we were renting a plane and anybody could go at one-third the regular price. It would be like going out and starting a competing city bus company."

That would be terrible, too, the ugliest violation of the free market, free enterprise system that has made American urban and suburban transportation the envy of the world.

The same Aeronautics Board chappie was definite in denying that there could be any connection between the action against the charter companies and the possibility that Pan Am is going to be stuck with a lot of empty seats on its huge new airbuses unless the tariffs are lowered or people are forced off cheaper, sneak competition. Maybe so, but the board runs the airline business so that the companies never compete for the passenger dollar by offering the best service at the lowest price.

"All airlines are free to spend millions of dollars in socially wasteful, non-price competition. Instead of reducing fares, they provide unnecessary luxury services, insult the consumers with deceptive and expensive advertisements about the superior quality of food, liquor and stewardesses, and offer free gifts and souvenirs," writes K. G. J. Pillai in *The Air Net, The Case Against the World Aviation Cartel* (Grossman Publishers, New York, 1969, $5.95), a book that will tell you why you can't afford to go to the world's fair in Japan this summer.

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If you stop to think about the airline company ads on TV, you'll agree that Mr. Pillai isn't exaggerating. Fly Zilch International Airways and get drunk outta your skull. Fly the Besotten Skies of Wonder Lines and eat yourself into a coronary. Take Trans-Oceanic and pinch our stewardesses. Judging from the ads, your average airplane passenger is a gluttonous, sex-crazed souse.

Nowhere do we see a TV spot that tells us to consider buying a ticket on Thrifty-Nifty Airlines—We take you where you want to go comfortably and cheaper than anybody else. The one thing they don't like to talk about is the price of tickets, and when they're driven into a corner and have to discuss how much they charge, they use the language of non-Euclidean geometry. As an example, here are excerpts from an exchange of letters between George F. Galland, a Washington lawyer who made the mistake of trying to take his wife on a vacation to Puerto Rico, and E. J. Kuntzmann, customer relations manager for Pan American World Airways. Mr. Galland leads off:

On Nov. 23 I flew from Baltimore to San Juan with my wife . . . We had been ticketed through Dupont International Travel, Inc. at a cost of $132.00 for my ticket and $115.00 for my wife's. At the Baltimore checkin desk your clerk extorted an additional $16 for my wife's transportation—a gesture which tends to make the going much less great than your PR people would like the public to think it is . . . On checking with a long succession of people in your own muddled organization, they found someone who confirmed the decision of your Baltimore clerk—on the theory that the kind of family plan which would have resulted in a $115.00 fare was available only in tourist class, whereas seats in the rear compartment of your Puerto Rico flights are designated as 'thrift class' . . . The only distinction, other than cost, observable to the public between tourist and thrift is that thrift food is a little worse than tourist food. The difference in fares between tourist and thrift classes is apparently that thrift fares are lower.

". . . I find myself disconcerted to observe that family plan transportation under the thrift label turns out to be more costly than the equivalent plan under the tourist label. Only the malign ingenuity of a tariff shark could contrive a rate structure which attaches a price premium to austerity."

"DEAR MR. GALLAND: It does seem odd that an economy-class fare in an excursion would be lower than a 'thrift fare' for the same sector . . . The family plan fares cannot be applied when travel is thrift class, as in your case. I certainly realize that fare restrictions and computations are extremely complex and I can only assure you that the charges you have paid are proper for the transportation provided."

"DEAR MR. KUNTZMAN: . . . you concluded in your letter that I should accept your verdict on the grounds that tariffs are technical . . . I have suffered a fair measure of exposure to tariffs (Mr. Galland specializes in transportation law) and know quite as well as Pan Am that they serve as a handy legal cover for a variety of outrages against the public . . . The doctrine that tariffs have the force of law permits carriers to cram them with absurdities and oppressions, which the carriers then deplore to their customers as mandates which they abhor but which some nameless super-power requires them to enforce. . . . An interpretation which results in a higher charge for an inferior service does not make sense. Any one who thinks it does should visit his psychiatrist . . . the company should at least correct the spelling of its slogan. The proper version is: Pan Am makes the going grate."

"DEAR MR. GALLAND: I appreciate your writing me again regarding the fare charged for your trip to San Juan. The crux of the matter is that . . . your travel agent erroneously used the formula for computing family-plan fares between those points and charged your wife 75 per cent of the regular thrift fare. The travel agent erred again when he charged $115.50 for Mrs. Galland's ticket, as the fare shown on her ticket for the return trip does not exist. To summarize, there are no family plan fares applicable on thrift class from either Baltimore or Washington to San Juan . . . I apologize that a better explanation was not offered you previously and hope that you will not allow this incident to permanently damage your opinion of us."

"DEAR MR. KUNTZMANN: Thank you for your last installment in our mutual recrimination series. The dispute seems good for an indefinite sequence of future exchanges, which should be all right with both of us since it provides you with a career and me with a hobby . . . the process of extorting extra money from travelers at the instant of takeoff is an outright business atrocity . . . My closing suggestion is that the company buy a large incinerator—with suitable pollution controls—and break it in on the Puerto Rico tariffs."

The statistics show that only 15 per cent of the American population ever flies. Now you know why.

DESTRUCTION OF THE ENVIRONMENT MUST BE HALTED

Mr. PELL. Mr. President, it is becoming increasingly clear that the destruction of the environment must be halted. It is also clear that the great effort needed to accomplish this end cannot be mounted unless an enlightened citizenry insists that it be done. With this in mind, I wish to commend to the attention of the Senate a very fine address by Dr. James E. Allen, Jr., the U.S. Commissioner of Education.

In his address, Dr. Allen said:

In all our history we have found no better way than through the process of education for equipping citizens—you and me and our children—with the knowledge and understanding needed to make these choices and take these actions.

The adults of today and the children of today—who will be the leaders and teachers of coming generations—must be taught that man is not a thing apart from the natural world, and that the destruction of nature means the destruction of man as well.

The thoughts so ably expressed by Dr. Allen are shared by a growing number of people. For example, S. 3151, the Environmental Quality Education Act, introduced by the Senator from Wisconsin (Mr. NELSON), deals with many of the points Commissioner Allen spoke of. With this in mind, I am tentatively scheduling hearings on the bill by the Education Subcommittee of the Committee on Labor and Public Welfare late in March or early in April.

Mr. President, I ask unanimous consent that Dr. Allen's thoughtful speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EDUCATION FOR SURVIVAL

(Address by James E. Allen, Jr., Assistant Secretary for Education and U.S. Commissioner of Education)

In the course of the past few weeks we have been treated to every conceivable kind of review of the 60's and prediction for the 70's that hindsight and foresight together could reduce to words.

One of the most troubling things we have learned from this inventory is that our world—which once we believed would endure for almost anyone's casual definition of "forever"—is in acute danger of becoming the subject of a premature obituary notice.

As President Nixon said in his State of the Union address yesterday, "The great question of the 70's is shall we surrender to our surroundings or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land, to our water."

If the tragic state of the environment seems a rather inappropriate subject for an address by the United States Commissioner of Education, let me assure you that it is not. Indeed, everything we have been alerted to about the perilous condition of our planet comes under the heading of "education."

Granted, it is an unusual form of education. Instead of learning it as a matter of course from our earliest classrooms on through the educational process, we are having it sledgehammered into our heads rudely and with little warning. It is education nonetheless, and in the light of history, it may prove to have been the most valuable we have ever been exposed to.

Though this may seem at first to be education for catastrophe, it can also provide the catalyst for creating *education for survival.* For the human species, all of whom share a steadily worsening environment, there can be no more important consideration.

At the outset, let me say this: there is nothing whatever that is remotely political or even partisan in what I am saying to you tonight. The environmental deterioration in which we find ourselves knows neither Republican nor Democrat, white or black, rich or poor, young or old. To experience it, to suffer from it, to be concerned with it, to be committed to do something about it—all that is required is that you be alive. All else is quite literally irrelevant.

The plain fact is that the technology of living that we have created has gotten—we hope, only temporarily—out of control. Our mere existence is creating dangerous changes in the delicate balances by which we have thus far survived on earth. Our technology has so far been used primarily in ways which aggravate these changes. Only now are we learning how to measure the changes we know about—and to be wary of the subtle long-range changes of which we are not yet even aware.

I need not belabor you with statistics. You have read them, and heard them, and flinched at them, and perhaps wearied of them.

Who, after all, can really visualize 142 million tons of pollutants discharged into the air of this country every year?

What does it really mean to say that $20 billion is the estimated cost of the havoc wrought annually by these pollutants?

Eight million junked automobiles, 26 billion discarded bottles and 48 billion cans, 150 million tons of solid wastes, 2,100 communities dumping billions of gallons of raw sewage into our waterways—these are statistics that boggle the mind, and they are repeated like clockwork every year, inching higher and higher toward the point that reads "human extermination." It takes something really different—like a river so filthy it actually catches fire—to engage our jaded attention.

We created this technology by exploiting our talent for invention, our dedication to learning, and willingness to work and work hard. Now we face the ultimate challenge of using these same national characteristics to regain control of our technology—lest uncontrolled it exterminates us.

The time we have to achieve this reversal may be no longer than the few years remaining in this century. In any event, there is no time to lose. *The key to human survival is education.*

Why do I say that education is the key to survival? Why not new laws? Why not new rules and regulations and codes and all the rest of the complex apparatus of government which regulates nearly all human endeavor? Why is education more important than all of these admittedly important measures?

The answer is that in a free society it is always the citizen who must bear the ultimate responsibility for the choices that are made and the actions that are taken. In all our history we have found no better way than through the process of education for equipping citizens—you and me and our children—with the knowledge and the understanding needed to make these choices and to take these actions.

What we desperately need is not ingenious tinkering with the surface of our culture but a new vision of the possibilities of human life in our age. To whom should we turn for such a vision, and who can persuade our citizens to pay the price for carrying it to fruition?

Not so long ago, many people were confident that science could solve such problems, but such confidence is no longer as pervasive as it used to be. The scientists themselves are frequently known to express pessimism. All of the threats to human existence ironically derive, to a greater or lesser degree, from the extraordinary flowering of science-based technology in the twentieth century. That this flowering has brought many benefits to man, few will deny. That it also extends his power beyond his demonstrated wisdom to use it to his collective advantage is also hard to deny. There is growing conviction in this country that science is now too portent-laden to be left to scientists alone. In this regard, I am reminded of the prophetic words of Lord Snow in his book, *Two Cultures*, some years back.

It is at this point—at the last millisecond before midnight—that the humanist and social scientist are being invited to help salvage our society. It is ironic because, like Churchill under the clock in Parliament thundering unheeded warnings of disaster prior to World War II, the social scholars have long predicted the state of affairs to which we have come. Yet like Churchill, they must now assume a major responsibility for averting the impending doom.

There is only one way to do so, and that is to reassert the primacy of a man-centered culture which subordinates technology to the human condition. That is what the new national environment policy is really all about—a Renaissance of Man in the decade of the 70's.

This Renaissance takes as its paramount issue the quality of life. And who is better equipped to speak on the quality of human existence than the man of humane letters and social concerns? Who else has devoted his life to the most productive and liberating ways of approaching the human condition? I charge each of you with the burden of leadership, of speaking to the creation of exemplary men.

In this regard, I cite Classics Professor William Arrowsmith of the University of Texas whose views on education should constitute a statement of goals for us all:

"It is men we need now, not programs. It is possible for a student to go from kindergarten to graduate school without ever encountering a *man*—a man who might for the first time give him the only profound motivation for learning, the hope of becoming a better man. Since the humanities aim at humanization, their meaning and end are always, I believe, an exemplary man. Hence the humanities stand or fall according to the human size of the man who professes them."

It is clear, then, that scientists are not alone responsible for the woes of our civilization. Humanists and social scientists by their indifference must share with other citizens some responsibility for the current state of our world too. But the times are now suddenly ripe for a fruitful intercourse between the humanities and the sciences. The surge in inter-disciplinary team research and study represented by the concern for ecology constitutes a major opportunity for an impact upon public policy by the humanities and social sciences.

A major thrust will be made through the agency of education. I hope that you will not neglect the challenge presented to you to participate in the reorientation of American education toward man-centered environmental study. The newly awakened social conscience in our country demands a response by educational authorities. We ask that you join us in shaping an educational policy consonant with that Renaissance.

The responsibility of the government is to lead.

That is why the President, on January 1, 1970, marked the start of a new decade by signing the bill establishing a Council of Environmental Advisers. It is why he said, "The 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never." It is why he has dedicated this Administration to the saving of our fragile, threatened environment—on which our survival depends.

It is also the responsibility of government to set an example—to encourage the growth of public understanding of its activities, of public concern, of public participation. "Until he has been part of a cause larger than himself, no man is truly whole," the President said in his inaugural address.

Above all, it is the responsibility of all government—not just national or state, but every local unit that operates a public school system—to educate . . . to replace confusion with knowledge . . . to replace concern with commitment and action.

It is at this point that the humanists and social scientists should be "doing their thing." The problems we have are not just scientific. They are social and they bear directly upon human interaction with the total environment. What we need desperately from the cognoscenti such as you here tonight is help in posing the right questions. If the growing surge of citizen concern is to give rise to new human survival techniques and attitudes, a leadership role for the humanities is essential.

Learning about environment and ecology and all that affect it is admittedly complicated. Even today, when we know how dangerously threatened our environment is, we have only a small corps of qualified professionals to call upon. But if government at any level should take the attitude that this is all too complicated for the average citizen to understand—that he is needed merely to pick up the bill—then we shall be inviting public apathy, and even the most ambitious programs will eventually fail.

We simply cannot afford failure.

We must therefore begin immediately to use our full educational capability to learn as much as we can, as fast as we can, about how to save our environment. At the same time, we must begin to teach not just one but two generations of Americans, simultaneously, all that they must know in order to revive the earth on which we live.

Why do I say two generations? Simply because you and I and every other adult American must learn all this, just as must every American whose age puts him in the student population. We must learn it so we can understand it—and we must learn it in order to be able to teach it on a vastly greater scale than anything we have so far envisioned.

The teacher we intend to send into our public schools in 1980 is today a sixth grader somewhere in America. He or she must be taught—beginning right now—along with every American boy and girl, about environmental quality, about ecology and about all of the complex and interacting elements that go to make them up.

We and they must learn together—and in the spare time we have left, we must begin to write the textbooks for this new educational enterprise. We must think about America as it will be in 1980—a nation with some 235 million citizens with different kinds of schools and different kinds of teaching and learning programs, and we must do this right now. That future teacher will enter college in 1976 and textbooks will have to have been written and published, courses mapped out and instructors trained in these new disciplines.

When we turn these brand-new teachers loose in 1980, they had better know much more than any of us do right now about the problems involved in human survival—or else the war may well be lost, although the battles may go on for a few decades longer.

What are the specific tasks to be assigned to this new environmental/ecological education? They can be summed up briefly: *awareness, concern, motivation and training:*

Awareness of how we and our technology affect and are affected by our environment;

Concern for man's new and unique responsibility to re-establish and to create beneficially balanced relationships among all forms of life within the closed earth system;

Motivation and training to enable us to acquire and spread the knowledge and skills that will help us solve interrelated environmental problems and prevent their future occurrence.

The end product of this kind of education—and it must take place at every level of the educational enterprise—will be to create, within the decade that has just begun, a citizenry with a clear understanding that man is an inseparable *part* of the system and that, as such, his continued existence is totally dependent on its continued functioning.

Departments devoted to the environmental

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sciences are being started at many of our nation's universities. This is an excellent beginning—but we must also begin now to develop similarly oriented programs in our grade schools, in our high schools and in our junior colleges. It is essential for students reaching the university level—and just as urgent for those whose education will not take them that far—that they already know the basic facts about environment just as you and I learned addition and subtraction.

These same basic courses must be developed and put into action at every stage of adult education. Logically, this should include not only adult education sponsored by formal school systems, but also the educational enterprises conducted by business and industry, by unions and by other organized groups. The future of society lies in its ability to react and respond to situations and events—and we are in a situation with regard to our environmental preservation that calls for a clear and vigorous response by every sector of American life. Eventually, as we gain ground, we should become able to *act* rather than merely *react*.

It is a matter of urgent necessity that we develop in both young and old an understanding of the society in which they live—an increasingly urbanized society with all the problems that this creates. We need to develop ecological studies designed to make everyone aware of the fragile and interacting relationships of land, air and water—and to give new understandings of the eco-concepts—that must govern the development of society, encompassing the demands of increasing urbanization.

We need in our schools to counteract the idea of environment as being something "out there" that can be visited and then left behind at the end of the field trip. Our goal must be to see that every school has access to an environmental study area where youngsters of all ages can grow up with the concept of environment as being everything that makes up their world, and with an understanding of the interdependency of all its numberless elements.

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Through the development of EEE—environmental/ecological education—at every level of learning, I see some very exciting things:

Pre-schoolers will be using the out-of-doors as a classroom—for it is a matter of urgent necessity that our children early begin to understand their environment.

High school students will use civics courses to engage in work-study programs with city planners and environmental quality professionals. They will focus on all sorts of urban problems to which solutions must be found—waste disposal, water supply, pollution and population.

Undergraduates will participate in multidisciplinary classes under the guidance of master teaching teams to allow them to work out the great intellectual synthesis of the 1970's—the newly emerging coalescence of the humanities, the natural and social sciences, and the broad-based environmental studies that are being undertaken.

Graduate students will work in special study programs directed to creating new and different approaches to solving ecological problems.

Teachers will be given opportunities to acquire the knowledge and the methods of teaching EEE.

Out-of-school adults will learn to understand how and why the ecology and the environment interact; and while the professionals and the para-professionals work toward finding the immediate solutions we *must* have, all of us will acquire the kind of knowledge we can no longer do without. The entire level of mass citizen understanding and participation must be raised if we are to reverse the environmental skid. In this effort, we must rely on educational television, on community colleges, on business, on labor—in fact, on a total fusion of individual and group effort.

If our communications do not fail us in this crisis, all Americans will, to some degree, become eco-activists.

Let me illustrate what this can mean.

In California, voters in San Bernardino County recently turned down a proposed coal burning plant despite the increased tax revenues it would have contributed. Residents in a Seattle suburb chose to preserve a wooded park area instead of clearing it for a golf course.

A recent example of the effectiveness of the working meld provided by mass communications, citizen response, and various levels of government working in partnership was the halting of the Everglades Jetport. An irreversible ecological tragedy was averted and we lighted a beacon of hope and inspiration for a nation of environmental underachievers.

The decisions to be made by each of us in the future will be on both small and very large environmental issues, but, whatever their degree, they will be more and more numerous in the years ahead. It is vital that we and our children be equipped with the wisdom and understanding that reject haphazard or emotional choices in favor of informed, reasoned decisions.

Undertaking this vast new educational enterprise will have far reaching and highly beneficial implications for American education. It will be a catalyst whose impact will register in every classroom and, I hope, in every home and office and plant in America.

Scholarship will benefit by the development of the essential inter- and cross-disciplinary studies that will be needed. The active involvement of our educational system in problems that pervade the lives of all will help to make the educational process more relevant and responsive.

This new emphasis in American education will help to make every individual more aware of how dependent each of us is upon the other. We shall—we must—learn that in the highly complex structure which is human society, survival depends on self-control (which includes control of technology—that mammoth extension of "self.")

The simple goal of all this educational effort is the realization that the acts of one react on all. If we can learn this lesson, we shall live in a better society. If we do not learn it, we may well have no society at all.

What is the Office of Education going to do to help American education implement the environmental challenge outlined by the President and alluded to here today? A number of things:

Promote EEE as a major activity of the Office in the 1970's.

Set up a special environmental studies staff to coordinate existing programs, redirect existing resources, and plan new programs and activities. This can be done by drawing creatively on all the relevant resources in O.E., without creating another bureaucratic unit.

Support appropriate legislation for Federal initiatives in environmental education.

Call a major conference in June on the challenge of EEE to the American educational community.

Support wholeheartedly the Environmental Teach-In scheduled nationally for April 22. I urge all American educators, at elementary, secondary and higher levels throughout the nation, to concern themselves with this effort and to give this environmental event the impact it deserves.

Proposed that teachers follow up the National Teach-In by organizing and planning regional *Ecological Environmental Teach-Ins for Teachers* in the Summer of 1970. The Office of Education and the Department of the Interior would assist these efforts in cooperation with State and local groups and organizations.

Cooperate with the Department of Interior to put to the highest educational use the cultural and natural environmental resources of the National Park Service. The Department of Interior's National Environmental Education Landmark program represents a major step in the direction that education for survival must take.

And finally, begin to plan for our participation in the 1972 UN International Environmental Year. Since we are the leading industrial nation, we must take leadership in countering industrial violence to the environment. The spread of our industrial technology has brought with it the spread of its rot. As John Gardner recently said: "The problems of nuclear warfare, of population, or the environment are impending planetary disasters. We are in trouble as a species."

Before us stands a great challenge. Arnold Toynbee has told us that the essence of the story of mankind and the survival of civilizations is to be found in the cycle of challenge and response. Those that respond survive; those that do not decline and die.

I believe America contains the seeds of response. Some are disturbed by the enormity of the challenge—but the very fact that we are willing and anxious to focus on our environmental problems is the best assurance that we do indeed still possess the energy to tackle them and the ability to forge the tools to conquer them.

In just six years, this nation will enter upon its third century of independence. How our children and their children will live in that century—or even if they will—is almost totally dependent on the commitment we must now make and the dedication with which we carry it out.

If we are committed and steadfast, then we can in good time step aside and make room for the future, with the reassurance that we have kept the faith . . . that in the brief but eloquent words of Eccelesiastes:

"One generation passeth away and another generation cometh, but the Earth abideth forever."

FOREIGN POLICY AND POLITICS—TWO ADDRESSES BY SENATOR MATHIAS

Mr. SCOTT. Mr. President, the Senator from Maryland (Mr. MATHIAS) made two outstanding speeches in recent months on the subjects of foreign policy and politics. I ask unanimous consent that the two speeches be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CHARLES MCC. MATHIAS, JR., BEFORE THE MONTGOMERY, MD., COUNTY MEN'S REPUBLICAN CLUB, NOVEMBER 18, 1969

The Republican Party—as is usual for vibrant and growing political organizations—has been embroiled in debate ever since its Presidential victory. Most of the discussion within the Party has revolved around the question of how to expand its narrow Presidential plurality into a durable national majority.

One school of thought focuses on the supporters of George Wallace who comprise over one-third of the electorate in the South and seven percent elsewhere. These analysts suggest that the country is moving toward a realignment of the two major political parties, with all the conservatives and Wallacite radicals in the Republican Party and all the liberals in the Democratic Party. One spokesman for this position, who serves as an adviser to a high Administration official, contends that it will cost several million moderate Republican votes. But he says the losses will be more than made up by the movement of Wallace voters into the GOP. This approach—also supported by the engineers of Barry Goldwater's nomination in 1964—is supported by elaborate statistical analysis showing that the country's old political alignments are being overthrown by broad resentment against black militancy and youth protest.

One might have expected the Democrats to have expressed alarm at these predictions of doom for their Party. Outside some Administration circles, however, Democrats are—and long have been—the leading advocates of this realignment. From former Kennedy associates like Theodore Sorsenson, Arthur Schlesinger and Adam Walinsky, to backers of Senator Eugene McCarthy like Richard Goodwin and Paul O'Dwyer, leading Democratic strategists and intellectuals have long urged a reformation of the two parties on strict ideological lines. Liberal Democratic Congressman Bertram Podell of New York recently wrote an article that was virtually indistinguishable in its argument from the approach of realignment Republicans. Such Democrats regard the continued Republican flirtation with these ideas a dream coming true. These Democrats, moreover, wrongly allege that the Nixon Administration is already following their advice.

Well, I for one hate to have the daydreams of our opponents interrupted. Dreaming after all is a usual prelude to sleep. And in politics few things can put a man to sleep so quickly—and separate him so surely from the bracing pulse of public sentiment—as the dream of ideological inevitability. Especially soporific is the recurrent fantasy that tides of history are irresistibly channeling public opinion into a couple of neat ideological categories, with your own assuming dominance. Neat ideological nooks are the cubicles to which politicians often retreat before a rude awakening at the hands of the voters.

I hope, therefore, that those of our opponents who dream of rigid ideological realignment slept through the latest elections. But I hope that those Republicans currently lost in reveries wake up and closely study the returns. They will find a pattern of dramatic triumphs by a style Republicanism that eschews narrow categories and truly promises an emerging Republican majority.

It is not a majority that will emerge for those who write off large sections of the country, or vituperate broad segments of the electorate. It is not a majority that rises to the incantation of simple emotional slogans or blindly succumbs to the tides of history—or of silent consensus. Since its members tend to think for themselves, they don't always think alike. It is thus a pluralistic majority. It is not strictly speaking of a "new" majority at all. It is the same kind of majority that has brought the Party most of its greatest victories—the kind that elected and reelected President Eisenhower, that won for President Nixon, that put Republican Governors into state-houses across the country—that keeps in office the Republican leadership in both Houses of Congress.

It is a majority that emerges for those who reject dogma and adopt an approach of integrity, pragmatism and service; who—as President Nixon urges—lower their voices, speak intelligently, and act responsibly. Because it is a thinking majority, it is not fickle, does not shift with every surge of emotion that sweeps through the electorate. It spoke out loud and clear on November 5.

The three most conspicuous Republican winners were Bill Cahill, the new Governor of New Jersey, Linwood Holton, the new Governor of Virginia, and John Lindsay, the fusion Mayor of New York City. Lindsay's case is interesting because as a Mayor trying to keep peace in a racially embroiled city he became identified with some of New York's more strident ideologues and with old liberal programs that he actually opposed. As a result, he narrowly lost the Republican primary and it was assumed that with a bigger turnout he would have lost by a larger margin. But after the primary he reached out to all the citizens of New York in a moderate responsible tone while his opponents attempted the politics of ideological polarization. Though Mario Proccacino tried to make Lindsay's Republicanism a key issue in the campaign and though Lindsay was under intense pressure to repudiate the Party, he doggedly refused. After the primary defeat when everyone expected him to keep silent and court the Democrats, the Mayor immediately asserted his determination to remain a Republican.

In a sense Lindsay's campaign was in fact more Republican than that of the GOP nominee. The winner of the Republican primary endorsed the Conservative Party candidates for controller and city council president and refused to support the Republican nominees. But Lindsay stuck by his Republican running mates. At the same time he pursued the basic principle of winning Republicanism—to eschew rigid ideology and reach out for new supporters.

The results were a victory for the Mayor and a larger victory for his Republican—liberal running mate for city council president. Though in the midst of putting together a fusion administration, Lindsay has once again indicated to the press he is staying a Republican. Indeed, despite the fact he was not on the Republican line, he was estimated by election statisticians to have split the Party's vote evenly with the official Party candidate.

Like Lindsay, Bill Cahill of New Jersey was a friend and colleague of mine in the House and an early member of the Wednesday Club. He followed a similar strategy of reaching out to gain new supporters for responsible and pragmatic Republicanism. The diverse coalition, including normally Democratic metropolitan labor leaders, Catholics, and blacks, most closely resembled the grouping achieved in previous years by Senator Clifford Case in New Jersey and by Governor Rockefeller in New York. Cahill's monumental victory contrasts strikingly with the equally overwhelming defeat suffered in 1965 by a Republican gubernatorial candidate—Wayne Dumont. Dumont attempted the politics of ideological polarization by basing nearly his whole campaign on the presence of a communist professor at Rutgers.

But the best news of all for responsible Republicanism came from the South, for the South is the region where the politics of ideological stridency and racial exclusion is supposed to be irresistible. This theory has always been weak, because Eisenhower greatly improved his performance in the region in 1956 despite his support for the Supreme Court's desegregation ruling. The two incumbent Republican Governors in the South, moreover, Winthrop Rockefeller and Claude Kirk, both were racial moderates who supported Nelson Rockefeller at Miami Beach.

Now Linwood Holton's victory in Virginia—with the support of blacks and labor—and after an admirably responsible and constructive campaign—offers splendid new vindication for those of us who advocate a southern strategy that reaches out to embrace all the people of the region. The impact of the President's personal participation and of his November 3 Vietnam speech must be assessed. It must be assumed that the President's political foray into Virginia had a measurable beneficial effect. The standard of measurement is somewhat obscured, however, by the fact that the force of the President's national posture was totally ineffective to avert Republican disaster in neighboring Kentucky where the moderate pattern set by Thruston Morton, John Sherman Cooper and Marlow Cook was abandoned.

It must also be assumed that the President's activities in New Jersey contributed to the landslide victory there. Again, the attempt to measure the Presidential impact is complicated by the unexplained and perhaps inexplicable lack of response in neighboring New York and in communities of comparable character such as Pittsburgh. With this imponderable identified, it is then possible to consider other factors that contributed in some way either to Republican difficulties or Republican success.

In closing I would like to comment on the allegation of our opponents in the other party that President Nixon has already adopted a sectional or racially exclusive political strategy. Although I have criticized the Administration for a tendency to overemphasize the South at times, the idea that the President is a captive of the far right is obvious nonsense, as anyone can see who analyzes the President's whole domestic program or saw the intensity of his campaigning for Cahill and Holton.

The President's chief domestic programs in fact embody the two leading themes of national moderate Republicanism: revenue sharing with states and cities and massive welfare reform. The revenue sharing formula is based on population and tax effort and thus is enormously favorable to the cities; the welfare reform exceeds all the Democratic poverty programs in boldness of conception, in responsiveness to the real problems of the poor, and in adequacy of financing. These are not the programs of a President who has resolved on a racially or sectionally exclusive strategy. If they are enacted, in fact, the Nixon Presidency will have done more for the poor—and for the metropolitan states—than any of his recent predecessors.

This is the approach I think the Party should follow. Holton and Lindsay and Cahill all showed the way in their campaigns. I trust the Party in Maryland and throughout the nation will follow their examples—diverse in style and circumstances—but unified in rejecting the politics of polarization, unified in adopting the politics of responsibility and reconciliation—and unified in achieving victory. I hope and trust that their achievement will be repeated often by Republicans in years to come.

AMERICAN FOREIGN POLICY

(Remarks of Senator CHARLES McC. MATHIAS, JR., at St. John's College, Annapolis, Md., January 14, 1970)

Almost six weeks ago, I introduced in the Senate—with the co-sponsorship of Majority Leader Mike Mansfield and the encouragement of Minority Leader Hugh Scott—a major initiative on the Congressional role in American foreign policy. A joint resolution, to be acted upon by both Houses, it was designed, in Senator Mansfield's words, "to break with the past, to face up to the present, and to prepare for the future"—the future American role in international politics.

The resolution has five sections. The first would repeal four foreign policy resolutions enacted during cold war crises over the last two decades. Technically still in effect, these enactments have been interpreted as relinquishing broad authority to the President to intervene militarily around the world—despite the emphatic constitutional reservation of war powers to the Congress. Included in the repealer would be the Formosa Resolution of 1955, the Middle East Resolution of 1957, the Cuban Resolution of 1962 and the Tonkin Gulf Resolution of 1964. All these resolutions are to some extent based on the principle that the United States is faced with an essentially monolithic international communist movement. They further assume that international communism can be effectively resisted by military intervention whenever a country associated with communism poses a significant threat to the present international order. In the belief that such assumptions should be reexamined before more American lives are lost in their behalf, I am recommending that the four cold-war resolutions be rescinded as of the end of this Congress.

The second section of my resolution would create a special Congressional committee to confer and consult with the President on termination of the national emergency proclaimed by President Truman in 1950 without Congressional endorsement or ratification. This proclamation is still in effect and activates extensive executive powers—some associated with the Korean Conflict, some with the depression of the 1930's and some with more recent cold war exigencies.

In creating the national emergency concept, however, Congress never intended a state of emergency to be the normal state of affairs. Yet since 1933 when Congress first provided one President with national emergency powers, to be activated at his discretion, this authority has lapsed only from 1946 to 1950, and even during this brief period some depression powers were retained.

My proposal on the Korean emergency is designed to initiate a general effort to restrict the President's "emergency" powers to genuine crises which arises too suddenly for Congressional response, and to purposes related to the specific emergency.

The last three sections of my resolution are designed to achieve formal Congressional replacement of the Johnson plan for a military solution in Vietnam with the Nixon plan for a political solution and accelerated withdrawal of American troops. These sections also urge measures to broaden the political base of the South Vietnamese regime; advocate creation of a U.N. peace keeping force to prevent reprisals in Vietnam and propose multilateral programs for reconstruction of war-ravaged areas in Southeast Asia.

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In Chile, the communist party, dominated by middle class workers in American owned companies, cooperates with the right to block the radical programs of the Christian Democratic government of Eduardo Frei, backed by the United States. The communists are among the wealthier and more conservative elements. In Europe the communists are looking more like just another socialist party, enjoying affluence, and horrified by the excesses of "revolutionary" youth. Almost everywhere the split between Russia and China is reproduced by internal splits in national parties.

Meanwhile, it is non-communist governments that have recently been expropriating American companies in Latin America. And many non-communist governments trade with North Vietnam, while communist leaders in eastern Europe, afraid of the Chinese, confide to American journalists their sympathy with U.S. policy in southeast Asia.

My point is that what communists say—that is, mere rhetoric—is an increasingly uncertain guide for American military action overseas. If we use it as the justification for intervention we will find ourselves intervening continually, as in Vietnam, in ways that may not contribute to and may conflict with the national interest. My further point is that such an automatic anti-communist policy will isolate us more surely from a world in constant change—the world of the seventies—than any deliberate isolationism we could adopt. In terms of the American form of government, these resolutions as well as unreviewed "emergency" proclamations pose a further danger. They relinquish to the President the war power specifically delegated to the Congress by our founding fathers in the Constitution. Only Congress was empowered to raise armies or declare wars; the President could act independently in his executive role as Commander-in-Chief only to repel attack. From the earliest days of the Republic, and in the debates shaping the Constitution, Congressional war powers were interpreted as applying to limited as well as declared wars. It is only in recent years that Presidents have asserted "inherent powers" and Congress has been lax in maintaining its constitutional prerogatives. I do not believe that Congress should be isolationist—should isolate itself from responsibility for the foreign policies of this country.

This country will inevitably become more, not less embroiled in world affairs as time passes and transport and communication improve and international commerce expands. Congress must participate in this process, or it will effectively abrogate its constitutional role and abdicate from history. No isolation is as complete as obsolescence and atrophy.

My resolution is designed to lead the Congress back into the historic arena of foreign policy—the realm of decisions on war and peace. I do not think this effort is as dangerous as the alternative risk: an increasingly powerful executive, using national emergencies as stepping stones to omnipotence.

I will conclude by quoting the last paragraph of a book, *The Way We Go To War* by Merlo Pusey, which presents these arguments with passion and authority and which I recommend to all of you here.

"If Congress will not authorize a war, limited or full-fledged, after reasonably full knowledge of the facts and sober deliberations, the American people should not be in it. Our first and largest constitutional obligation in the late sixties is to move toward restoration of that principle."

We are now in the seventies. We have had a year more to contemplate the undeclared and ambiguously authorized war in Vietnam. Let us now move to carry out the principle that Pusey declares "our first and largest constitutional obligation."

In future speeches I will discuss these sections on Vietnam policy. Today I want to explore with you the sections dealing with previous cold war resolutions and with the President's emergency powers. I shall discuss the issue of neo-isolationism. And I shall raise the general problem of foreign involvement after Vietnam. For it is my conviction that despite the need for increasing American involvement in world affairs, the slogans of the fifties will never again suffice to persuade the young people of this country to risk their lives in war. We will have to develop foreign policies based on current perception of international reality rather than on ideological preconceptions of it.

I have said that the four cold-war resolutions are based to some extent on the assumption that international communism is a monolithic force—a force that can be effectively resisted by U.S. military intervention, whenever a country associated with communism poses a significant threat to the existing international order. I do not se that all advocates of these resolutions hold these positions. In fact it is difficult to find anyone in authority today who seriously believes in a centrally and effectively directed international communist conspiracy—or advocates U.S. intervention whenever it produces conflict. But these resolutions—as well as many of our international treaties—embody such assumptions.

After all it is only communist aggression or subversion that invokes instant American response without Congressional consultation. And why is it only communist aggression—and in some cases even communist subversion—that is seen as justifying precipitate U.S. military action? Clearly because communism is regarded as a coherent and centrally directed international movement. Otherwise an aggression by a communist state—or communist subversion of an allied state—would occasion no more apprehension than one of the revolving military coups d' etat in any underdeveloped country—or in a developed country like Greece; and U.S. military action would be no more seriously considered than in the case of the civil war in Nigeria.

Still there will be sophisticated analysts who grant that communist is not monolithic or centrally controlled but nonetheless believe that communist associated movements are psychologically inter-connected. These observers, sometimes known as domino theorists, contend that a Vietcong triumph, by a kind of political telepathy, would bring other communist victories around the world. Political telepathy is a hard concept to deal with. I can only point out that experience does not bear it out.

For one example, China was clearly the biggest domino in Asia. Yet when China fell to the communists no other Asian country followed in its wake until Tibet more than a decade later. Furthermore, I would contend that Vietnam is unique. It is the only country in the world where the communists from the beginning led an anti-colonial war against a western power, namely, France; won the war; and then were faced with yet another western power, namely the United States. This point cannot easily be overemphasized. For all the communist talk of wars of national liberation Vietnam is the only anti-colonial war led by a communist; and Ho Chi Minh was a very independent leader who regarded himself as a more important communist spokesman than Mao, and who was friendly to the United States until we started supporting the French colonialists.

Beyond the domino telepathy theory there are several further grave flaws in these resolutions. Communism—communist rhetoric, ideology or trained political leadership—exists in virtually every country in the world today. Almost every significant movement of political change will contain a communist element or will be exploited by communists. Communism—like socialism, democracy, imperialism and other such political designations—is so widespread, so diverse, so fragmented as to evade simple classification or even definition.

HIGH INTEREST RATES

Mr. GORE. Mr. President, the Nixon administration announced yesterday that it would offer a choice of three U.S. securities with interest rates ranging from 8 percent to 8¼ percent.

These new high interest rates are to be offered in replacement of U.S. securities that bear interest ranging from 2½ to 4 percent. This, Mr. President, illustrates the disastrous rise of interest rates on U.S. Government bonds and the tragic and unnecessary burden upon taxpayers.

Recently while visiting in Johnson City, Tenn., I was advised that within that week several hundred thousand dollars in deposits in local banks had been withdrawn and promptly invested in U.S. Government bonds at interest rates exceeding by as much a 2 percent interest which the local banks could pay. This, of course, meant a reduction in credit availability in that community.

These new high rates but worsen this problem in communities throughout the country.

Our democratic society and our free enterprise economic system have achieved for our country a productive capacity unequalled by any people anywhere at any time. We have the resources and the technical skills to bring decent housing and adequate diet; better health services; better educational facilities and the other indexes of a more abundant life to the great mass of our people.

This progress is attributable in large measure to the phenomenal increase in productivity of American men and women, and to the investment potentials and dynamics of our traditional low interest rate policy.

But these dynamic forces are quelled by the mistaken administration policies of high interest rates.

Though the wages of those who produce goods and provide services have increased substantially in recent years to reach all-time high levels, it is sometimes surprising—and always frustrating—to realize that inflation has wiped out the gains from the pay increase that was so enthusiastically anticipated.

Many who have looked forward to the purchase of a home or perhaps to the enlargement or improvement of an existing home find that they must defer their plans, not because their income is low but because financing is not available at all or is available only on terms that are utterly unreasonable and beyond the reach of the average American.

For many, the dream of a college education for their children fails to materialize because the college loans that have been so widely publicized cannot be found.

Those in the moderate income group must sometimes remind themselves that the prosperity they read about does not exist at all for many of our older citizens in the twilight of their lives and for the disadvantaged who are not equipped for a technological age.

But they do not have to be reminded that all too often for themselves, also, prosperity continues to be a goal not yet achieved.

Inflation, high interest rates and an inequitable Federal income tax structure have eroded the prosperity our system has achieved and threaten the economic growth and stability that we have enjoyed in the 1960's.

Inflation is a complex problem and there is no single solution—no simple formula to bring it under control. I am in no sense unmindful of these difficulties and complexities. It does seem to me, however, that policies that have been followed and which are still being followed by the Federal Government in the name of combating inflation are misguided and actually intensify the spiral of rising prices that must be paid by the consumer. This administration continues to offer as its primary weapon against inflation a policy of tight money and high interest rates. This, I submit, has not worked, it is not working.

Former Secretary of the Treasury, George Humphrey, during the Eisenhower administration had a simple explanation for inflation. He said it was caused by too large a supply of money "chasing," too small a supply of goods. His theory was that if Government acted to reduce funds available for spending, demand would go down and prices would be sure to follow. His theory did not work then, and it will not work under conditions we face today. Moreover, the situation is not the same. What commodity, for instance, is in short supply?

Yet the Federal Government continues to follow a policy of restricting the availability of credit and of pushing interest rates higher and higher. This does not bother the giant corporations too much. As the best and strongest customers, they can borrow what is available in the largest banks and simply add the exorbitant interest charges to the price of what they sell. This, of course, directly boosts the price to the consumer.

Meanwhile, the small business man cannot find credit at all on terms he can afford to pay. Home purchases cannot be financed and serious dislocations develop in our economy.

Eight percent and 10 percent or still higher interest rates have not stopped inflation and they will not stop it. Higher carrying charges on credit purchases and stretched out payments are just as much a part of the cost of living as is the purchase price of the article itself. Too, interest on borrowed money is an important cost of doing business, thus forcing upward the prices of commodities as well as the cost of consumer credit. No economist can gainsay this elementary fact.

Our economy is based upon the availability of credit at reasonable terms. I hope that present policies will be changed before it is too late.

Fully mindful and deeply concerned about these dangers and about these hardships, the Congress last month enacted a bill that gives President Nixon unprecedented power to regulate, roll back and control interest rates. I call upon the President to use the powers in the public interest.

THE SUCCESS OF THE DEBBIE FUND

Mr. DODD. Mr. President, last year, it was my privilege to serve as chairman of the Debbie Fund, which was organized to raise funds to provide a kidney transplant operation for 7-year-old Debbie Krasowski of Milford, Conn.

The people of Connecticut contributed more than $38,000 to give this little girl the priceless gift of life, and I salute the warmth and generosity of the many Connecticut citizens who responded to our call for help for a desperately ill child.

Debbie's father, Eugene, furnished the transplant, and I am very pleased to report that the operation appears to have been a complete success, and both Debbie and her father are recovering nicely.

In addition, I can report with pleasure that, since the money collected was more than enough to pay for Debbie's operation, the surplus was used to purchase a kidney machine for the Yale-New Haven Hospital kidney clinic.

Everyone who contributed so generously in this humanitarian effort deserves our warm thanks, and I regret that I cannot personally thank them all. However, I do want to express my particular appreciation for the time, work, and dedication that Mr. Charles F. O'Dowd and Mrs. Patrick O'Neill of Milford devoted to this project.

Again, my congratulations to the people of Connecticut who made this heartwarming story a reality.

POLLUTION OF THE ENVIRONMENT—ESSAY BY MISS CAROLYN REINES

Mr. PERCY. Mr. President, at a time when so many Members of Congress are concerned about pollution of the environment, the population problem, and the need for agreements to control and cut back the nuclear arms race. I am encouraged by the support we are receiving in these efforts from young people all across the country. Our young men and women obviously understand the urgency of these problems, and they call on us to act before it is too late.

One young person, Miss Carolyn Reines, a senior at Walt Whitman High School in Bethesda, Md., has written an essay in which she states the problems clearly and dramatically. I commend this essay to the attention of the Senate.

I ask unanimous consent that Miss Reines' essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

> Speculating about his future has long been a favorite occupation of man. But until the turn of the century, the prediction that man might not survive the next thirty years would have received little serious consideration. That man had inhabited the earth for one million years was proof that he would survive all future contingencies. Today, however, the extinction of the human species is not so alien an idea. Time has been compressed, insofar as technological progress is concerned, so that we have accomplished more in the last seventy years than in the whole history of mankind. But the same technology that has furthered man's knowledge, increased his life span, and enabled him to live in greater comfort has brought in its wake adverse effects that may destroy all the miracles it has wrought.
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> We are now confronted with such problems as overpopulation and the existence of weapons capable of decimating the entire population, a shortage of natural resources and the use of substitutes and additives that render those remaining resources unfit for human consumption and the environment hostile to life itself. If we do not grapple with these problems now, it is likely that thirty years hence, the human race will no longer exist or that the quality of its life will be so poor as to be worthless. On the other hand, if we marshal the great ingenuity, intelligence, and determination that we possess and direct it towards the solution of these problems, perhaps the era starting three decades from now will come to be known as one of the great ages of mankind.
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> One of the not so gentle ironies of the contemporary environmental crisis is that man, for all his technological prowess, has been oblivious—through ignorance or through choice—of one of the fundamental laws of nature: that changes do not occur in one part of the complex web of life without engendering changes elsewhere.
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> Man thought it good to use the land's lush verdure and the dark, silent riches beneath it to build his homes, furnish them, heat them. But he worked indiscriminately and bared the soil so that it could no longer stem floods but only silt the waterways, bared the soil so that the habitats of many living things were gone, resulting in the depletion and extinction of entire species. To process his goods with speed and accuracy, man developed vast industries that operate with harnessed natural energy. But with a rush of ingratitude, the wastes inevitably generated by industrial processes are poured into the water, spewed into the air, and buried in the soil, wherein they do little to ameliorate the chemical content. Man, in an effort to produce larger and better crops, nourishes the soil with fertilizers and treats his plants with pesticides. His tampering with the careful balances in natural systems does indeed kill one predator, only to result in the unnatural proliferation of another. And while his crops

flourish, a man may die from the excess nitrogen in his drinking water, produced by the fertilizer that seeped into the water supply. Man would do well to put the stick of ecological knowledge between the cogs of his machine for environmental alteration before it can arrive at its inexorable destination, the wholesale destruction of man himself.

In quite a different sense, man is now upsetting nature's ecological balance by demonstrating his fecundity at an extraordinarily fast pace unmatched by the death rate. Malthusian logic indicates that within the next generation, an already crowded world will triple its population. It is a matter of equal scientific certainty that the earth cannot support a population numbering six or seven billion. Even up to this point, man has failed to provide adequate solutions to the problems posed by the spread of his own numbers. There is ample evidence even now of how overpopulation can destroy the quality of human life. It gives rise to shortages of housing, water, professional services. It breeds unemployment, crime, illness, and ugliness, in short, the slum and its attendant miseries. In not too many more decades, starvation will not be a phenomenon confined to India or Biafra but a universal situation. All the known applications of agricultural technology will be inadequate in postponing world famine because they will serve only to wreck the biosphere with chemical pollution and bring death to all living things. Posting a "full to capacity" sign on the earth has not reduced the surging tide of new human beings. Only if we give substance to this message with multimedia dispensation of information about birth control and the consequences of overpopulation will it prove effective.

What more eloquent testimony to the versatility of man than the fact that he is gripped in a self-made vise that threatens extinction by overpopulation on the one hand and death en masse by nuclear weapons on the other! Man has been developing techniques of organized warfare for nearly 6,000 years, but only recently has he been able to kill with such efficacy. With a few effortless motions, perhaps provoked by a mistaken radar sighting, man can activate missiles that within moments will decimate a large segment of the world population and condemn the rest to a less precipitate death by nuclear fallout. If man wants to insure his survival, he must halt the production of, and eventually dismantle his nuclear weapons. Yet this most potent threat to survival is less likely to spur remedial action than a slower killer such as environmental pollution. We have, first, no evidence of its presence, no reminder like periodic deaths caused by smog-induced asthmatic attacks. Then, too, we drink from the River Lethe and say that no man would dare to unleash a nuclear holocaust under any circumstances. So we negotiate with the ritual, the hedging, and the deliberation that push a settlement years away despite the fact that expenditures for arms become insupportable, despite the fact that any day, may, any minute, the forces we seek so casualty to ban may descend upon us.

And so the macabre shadows of our own extinction dance on the wall. Only by flooding the room with the bright, often harsh, light of realistic thinking and action can we lay them to rest. A world of health, plenty, and individual creativity, perhaps a halcyon world, awaits us.

THE 52D ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. DODD. Mr. President, January 22 marked the 52d anniversary of the establishment of an independent Ukrainian State.

It was my privilege, on Saturday, January 24, to address a meeting commemorating this anniversary, convened under the auspices of the New Haven branch of the Ukrainian Congress Committee of America.

In my statement I said "the demand for national freedom has become so strong and so universal in the Ukraine that the Soviet terror apparatus can no longer control it."

I related a few cases case histories from the long log of modern martyrs to the cause of Ukrainian freedom.

And I said that I consider it scandalous that the free world and the United Nations have, by and large, remained completely silent about the inhuman persecution of the Ukrainian people and of other national minorities by the Soviet Government.

Mr. President, I ask unanimous consent to have printed in the RECORD the complete text of the speech I made last Saturday before the New Haven branch of the Ukrainian Congress Committee of America.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE 52D ANNIVERSARY OF UKRAINIAN INDEPENDENCE

(By Senator THOMAS J. DODD)

It is always a pleasure to get together with my many Ukrainian friends, and it is, at the same time, always an inspiration to meet with fellow Americans who truly understand the meaning of freedom.

We meet today to celebrate a somber anniversary.

We also meet to renew a solemn commitment.

Fifty-two years ago, taking advantage of the overthrow of the Czarist regime, the Ukrainian people declared their freedom from Moscow's rule and established an independent democratic government.

Their freedom unfortunately was short-lived.

On December 17, 1917, Lenin issued a proclamation recognizing the Ukraine as a completely sovereign and independent state. But one week later, on December 25, the Bolshevik army invaded the Ukraine in force.

In the bitter war that followed, the Red Army emerged triumphant and the Ukrainian people once again became the subjects of a Muscovite tyranny, a far crueler tyranny than they had ever known before.

The persecution of the Ukrainian people under the Communist regime constitutes one of the blackest chapters of recorded history.

Hundreds of thousands of innocent Ukrainians were executed..

Millions more were deported to the slave labor camps of Siberia.

At least five million were deliberately starved to death by Stalin in breaking the resistance of the Ukrainian peasants to forced collectivization.

A systematic effort was made to destroy all sense of Ukrainian nationality by settling the Ukraine with Russian colonists and by discouraging the use of the Ukrainian language.

But despite the ruthless efforts of the Moscow regime to destroy the Ukrainian sense of nationhood, the Ukrainian people, in their overwhelming mass, continued to adhere to their language and their culture and to their centuries-old desire for national freedom.

And today the demand for national freedom has become so strong and so universal in the Ukraine that the Soviet terror apparatus can no longer control it.

In recent waves of arrests, thousands of Ukrainian nationalists have been sentenced to long terms of exile in Siberia.

But new voices have arisen to take their place.

And instead of remaining silent, those who have been exiled have managed to smuggle out of Siberia to the free world hundreds of letters and petitions and statements and documents. Indeed, the Ukrainian resistance movement of recent years has given birth to a massive new literature of freedom, a surprising amount of which has been translated into English and other languages.

The fact that so many documents are reaching the West from the depths of the prison camps of Siberia, not only indicates the existence of an effectively organized resistance movement, but also strongly suggests that high-ranking Soviet officials, including members of the secret police and diplomatic service, are involved in this movement. That is why the Soviet terror apparatus can no longer deal with the situation.

I have recently had occasion to thumb through some translations of the literature of the new Ukrainian resistance movement, and I must say that I found it a very moving experience. It is impossible not to be impressed by the spirit and heroism of these new martyrs for the cause of Ukrainian freedom. To me, it is incredible that crimes of this magnitude could take place and that the world should remain so indifferent to them.

One of the documents which I recently read was the petition addresed to the Ukrainian Supreme Soviet from Siberia by the imprisoned Ukrainian historian, Valentyn Moroz. I would like to quote a few words from this petition:

"The present events in Ukraine are also a turning point: the glacier of terror which had firmly bound the spiritual life of the nation for many years is breaking up. As always they put people behind bars and as always deport them to the East. But this time, these people did not sink into obscurity. To the great surprise of the KGB, for the first time in the last decade public opinion has risen: for the first time the KGB felt powerless to stifle all this."

The Ukraine is supposed to have a parliament of its own and it sits as an independent member nation in the ranks of the United Nations. But when Ukrainian nationalists are sentenced for opposition activities, they are not imprisoned in the Ukraine, but are, instead, deported to the most remote areas of another member state of the United Nations, the U.S.S.R.

No member of the Ukrainian parliament, as Moroz pointed out in his petition, has ever risen to protest against this ridiculous situation, which violates the most elementary rule of national sovereignty.

Moroz is serving a sentence of five years at hard labor. This is lenient as sentences go for the crime of "Ukrainian" nationalism.

The well-known Ukrainian poet, S. Karavanski, who has translated both Shakespeare and Byron into the Ukrainian language, spent from 1944 to 1960 in Soviet concentration camps. In November of 1965 he was arrested again and sentenced to an additional eight years and seven months of hard labor.

But one of the most heart-rending stories I have read involves a young Ukrainian by the name of Yuri Shukhevych who was first arrested on the suspicion of nationalism in 1948 when he was only 15 years old, and who has spent almost all of his life in prison since that time.

Shukhevych was first sentenced to ten years in prison. He was released in 1956; but almost immediately he was rearrested and sentenced to another two years in prison. To me, it was an interesting personal footnote that the man responsible for sending

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him back to prison was none other than my Soviet counterpart at the Nuremberg trial, the Soviet Prosecutor General, M. Rudenko.

When Shukhevych was released for the second time in 1958, he was rearrested on the very day of his release and sentenced to an additional ten years in prison.

What terrible crime led the Soviet authorities to sentence a 15-year-old boy to a virtually endless term of life imprisonment? The answer may be known to you, even though his name does not mean anything to most Americans.

The one crime and the only crime of which young Yuri Shukhevych was guilty was that he was the son of General Taras Chuprynka, who commanded the Ukrainian underground resistance movement from 1944 to 1950.

Twenty years in prison has not broken the spirit of this modern day Ukrainian hero.

In July of 1964, the Soviet secret police called Shukhevych in and promised him a pardon if he would write a statement condemning Ukrainian nationalism and also condemning his own father. This he flatly refused to do.

All of these facts were set forth in a stubbornly defiant letter which Shukhevych wrote to the chairman of the Ukrainian Supreme Soviet on the 28th of July, 1967. The text of this letter, too, found its way to the free world with the help of the resistance movement.

The epic heroism displayed by the Ukrainian freedom fighters of today is all the more remarkable when one considers the inhuman conditions under which they are kept in prison.

For example, a recent letter smuggled to the West by a group of Ukrainian political prisoners in a Siberian concentration camp, reported that most of the male prisoners in the camp were seriously ill; that in the sick bay there were only seven beds for 225 invalids; that there are no medicines and prisoners have no right to receive them from their relatives; and that when one prisoner had a heart attack, the camp administration took seven days to transfer him from the barracks to the sick bay.

Valentyn Moroz, in his "Report from the Beria Reservation," told the story of two escaped prisoners who surrendered to a search posse with their hands up. They were mercilessly gunned down, and their bodies were brought back to camp and thrown down inside the gates to frighten other prisoners.

This is the kind of treatment that the Soviet Communist regime metes out to those who are rash enough to demand that it live up to its own constitutional guarantees of freedom of speech and freedom of self-determination!

One would imagine that others would at least be frightened by terror applied in so ruthless a manner and on such a scale. But the terror, as Moroz pointed out, no longer terrorizes people.

When the Fifth Congress of Ukrainian Writers convened in 1965, all of the participants were supposed to be loyal and carefully screened Communists, but the Congress nevertheless became a rostrum from which speaker after speaker rose to defend the right to a national culture and to protest against the great Russian chauvinistic oppression to which the Ukrainian people are subjected.

I consider it scandalous that the free world and the United Nations have, by and large, remained completely silent about the inhuman persecution of the Ukrainian people and of other national minorities by the Soviet government and that they have voiced no protest worthy of the name against the mass imprisonment of intellectuals who demand more freedom for the individual or more freedom for their people.

It may be that there has been no protest movement because the facts are not as well known as they should be. This is something that those of us who know the facts must seek to rectify.

One can have nothing but contempt, however, for those hypocritical liberals who will protest to high heaven against the imprisonment of any suspected Communist by an anti-Communist regime, but who systematically close their eyes to all the crimes of Communism against the dignity of the individual.

On this day, therefore, it is particularly appropriate that those of us who do know the facts should honor the memory of the millions of Ukrainian victims who have fallen prey to Soviet tyranny, and of the hundreds of thousands more who have given their lives in the cause of Ukrainian freedom, and that we should pay tribute to the scores of thousands of modern Ukrainian heroes who are at this moment risking their lives in the resistance movement or serving the cause of freedom in the prisons and concentration camps of Siberia.

The United Nations Charter is supposed to assure the right of self-determination to every people, large and small, primitive or cultured. The United Nations has in fact taken measures to assure this right to primitive African societies, some of them with a total population no greater than the city of Hartford.

I say it is an outrage that this basic human right should still be denied to the great Ukrainian people, a people who are over 40 million strong, who have a proud history and who possess a rich cultural tradition, and who have over the centuries manifested their will to freedom in an unending battle against their oppressors.

But the Ukrainian people *will* be free.

I am not only certain that this is so, but I am confident that the day of liberation is not too far away.

I know that the Ukrainian people will persevere in their efforts; and I hope that we in the free world will have the wisdom and courage to stop kow-towing to Moscow's sensitivities and to give the Ukrainians and the other captive peoples the moral support to which they are entitled.

A SEPARATE AGENCY FOR FEDERAL CREDIT UNIONS

Mr. SAXBE. Mr. President, currently a bill, H.R. 2, to provide for an independent agency supervising federally chartered credit unions is on the Senate calendar. Before this measure comes to the floor of the Senate, I should like to comment upon it and the proposed amendment No. 271, bringing out some facts I feel pertinent to the consideration of the bill by Senators.

The Federal Credit Union Act was passed by the 73d Congress on June 26, 1934. During the past 35 years the organizations created as a result of this act of Congress have grown in terms of assets from a net balance of zero to an estimated $7.8 billion.

Supervision of these membership-owned credit unions has shifted from the Farm Credit Administration to the Federal Deposit Insurance Corporation, and then to the Bureau of Federal Credit Unions.

Today we find credit unions supervised by a bureau in the Social Security Administration which is, in turn, a part of the Department of Health, Education, and Welfare. Such an arrangement is no longer adequate to meet the needs of our Federal credit unions; and H.R. 2 proposes to establish an independent agency.

For the past several years the Federal Credit Unions Bureau has reported:

> The Bureau of Federal Credit Unions is self supporting. It is financed through fees charged to Federal credit unions for chartering, supervision, and examination services.

The Bureau of Federal Credit Unions is one of the few self-sustaining Government agencies. And the creation of a National Credit Union Administration would not increase the national budget 1 cent. Credit union people everywhere are proud of the fact that they pay more into the Bureau than is expended for services rendered.

Ohio has approximately 750 credit unions which have, independently and through their State organization, expressed their desire to have H.R. 2 enacted by the 91st Congress. Credit unions have a far greater stabilizing effect on our national economy than is generally recognized. Leaders of industry, commerce, education, labor, church, and government agree that credit unions have been good for our people. We in government have the need to clear the way for the creation of a supervising authority which will be responsive to the needs of the people and to insure the future growth of this great program.

The amendment No. 271, sponsored by the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. TOWER), and the Senator from Massachusetts (Mr. BROOKE), proposes to establish a Federal system of insurance for credit unions. Opposition to this amendment should not be directed to the merits of the amendment, but to the fact that the amendment is of such magnitude that it should stand as a separate piece of legislation. When the standing committees of the House and Senate considered H.R. 2, the subject was casually referred to, but the question was never weighed on its merits.

Legally, the shares—savings—in a credit union represents an investment in the stock of the credit union, and no company insures the value of a share of stock. This is a departure from the concept of the relationship of the credit union and its members. There is a precedent for the shares of a corporation to be insured. This occurs when a mutual savings and loan association participated in the FSLIC insurance program.

A comprehensive study of the need of share insurance for credit unions should be made. The experience of efforts to insure credit union shares is inadequate to accelerate the implementation of such a program.

During the 1960's there was an effort to create a share guarantee program in the State of Illinois. The assets of this corporation were liquidated without loss to the supporters of the fund. Massachusetts has had such a program for a limited period of time—about 2 years. To date no bad experience has challenged the ability of the fund to meet the demands made upon it. The Wisconsin State Legislature has recently enacted such a statute—no experience to date. Information has reached my office that the formation of such a plan may be

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forthcoming in my own State in the very near future.

Further, FDIC and FSLIC have powers not bestowed upon credit union insurance corporations. They can control deposits and accounts, mitigating their losses and extending them over a period of years.

The dramatic development of credit unions since the Korean war gives reason for us to examine the question of share insurance for credit unions on a national basis instead of on a piecemeal basis by individual States. Reliable sources of information indicate that this is a highly controversial question on which strong voices from both sides seek an opportunity to be heard.

I hope Senators will give the bill careful attention and, following the recommendation of the majority of Senators on the Committee on Banking and Currency, vote to provide an independent agency to care for the affairs of the Federal credit unions; and that they will allow insurance for the financial institutions to be provided by separate legislation rather than as a rider to this bill.

EDUCATION FOR ALL—I

Mr. PROXMIRE. Mr. President, recently the U.S. National Commission for UNESCO unanimously endorsed a resolution supporting U.S. ratification of the UNESCO Convention Against Discrimination in Education. As I support and urge ratification of other Human Rights Conventions, specifically those dealing with forced labor, women's rights, and genocide, I am equally convinced that the United States should soon ratify the Education Convention.

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Basically, the convention follows the generally accepted American tradition of guaranteeing equal educational opportunities for all without discrimination as to sex, race, or religion.

Prefacing its analysis of the Education Convention, the National Commission for UNESCO delves into the American position on the human rights conventions in general. The Commission finds that the U.S. position on human rights has been "an anomaly." The United States has been a leader in drafting human rights conventions; and we have taken bold steps to insure that all our citizens are in fact given equal rights and equal opportunity. But for some unexplained reason, we have lagged far behind in ratifying the human rights conventions.

I ask unanimous consent to have printed in the RECORD excerpts from the U.S. National Committee for UNESCO's discussion of the historical background for America's posture on the human rights conventions. At a later time, I shall discuss the Convention on Education in some detail and argue why I feel this body should ratify it.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE U.S. POSITION

The position of the United States on human rights treaties by the United States generally has been an anomaly. The United Nations Charter, adopted in 1945 and ratified by the Senate made recognition of human rights a basic principle of the new international organization. Its purpose clause asserts that it is to promote human rights "without distinction as to race, sex, language or religion". To achieve this purpose the members "pledge themselves to take joint and separate action".

UNESCO's constitution has a similar provision. The support of UNESCO for education of a non-discriminating basis is basic. The United States, one of the original members of UNESCO, has been a consistent supporter of its purposes and objectives.

In 1948, the United Nations adopted the Universal Declaration of Human Rights. This document to a large extent was the handiwork of the United States Delegation and particularly of Mrs. Eleanor Roosevelt. It provided that "Everyone has the right to education without distinction as to race or colour."

The Universal Declaration of Human Rights was, as its name indicates, solely a declaration of principles. It was a written recognition of the objectives of the international community. Like our own Declaration of Independence, it was not law but a statement of principles. Specific treaties had to be drafted, just as the Bill of Rights and statutes had to be drafted in our own country.

A series of these treaties (or conventions) have been drafted over the years. The United States was an active and leading participant in their drafting. But for a number of years, despite the leadership of the United States in the matter of equal rights in its own national history and despite its leadership in the preparation of human rights treaties, it had been a laggard in the ratification of these treaties.

Much of the failure in our own country to act can be traced to the opposition by Southerners to the Genocide treaty. This dates back to 1948. The history of this opposition and its effect on subsequent treaties is set out in more detail in a paper presented by the chairman of this committee at the University of California in April 1969.

Suffice to say that it was not until 1967 that the Senate finally ratified a U.N. human rights treaty, one respecting slavery. A second one, dealing with refugees, was subsequently ratified in 1968. The failure to ratify these treaties has usually been justified by raising constitutional questions but the real reason appears to be political. This committee considered both the constitutional and the political objections. It believes there are no sound reasons for not ratifying these two treaties from a constitutional viewpoint.

If it appears desirable to assert an understanding or even a reservation as to the race treaty for reasons hereafter noted, this can be done. As to the education treaty which does not recognize reservations, if it were indicated, an understanding might accompany its ratification. In the past, reservations or understandings have been used by governments to clarify their understanding of provisions open to different interpretations and even to except themselves from specific language they construe as conflicting with their own legal system or historic traditions.

The U.N. treaty specifically provides for reservations. The Unesco treaty does not recognize reservations but this should not bar the United States from conditioning its ratification on certain understandings if they are really essential.

The Special Committee of Lawyers of the President's Commission for Human Rights Year, although dealing with the broad problem and not a particular treaty, concluded as follows:

"It may seem almost anachronistic that this question continues to be raised. It is nearly a quarter of a century since this country used the treaty power to become a party to the U.N. Charter one of whose basic purposes is the promotion of human rights for all. The list of parties to the various human rights treaties proposed by the U.N. has become longer each year. In each of the last 2 years the U.S. Senate has approved a human rights treaty without a single dissenting vote. In December, 1968, the Chief Justice of the United States noted that, 'We as a nation should have been the first to ratify the Genocide Convention and the Race Discrimination Convention.' And yet the suggestion persists that this Nation is constitutionally impotent to do what we and the rest of the world have, in fact, been doing."

With respect to the constitutionality of the education treaty, it is the expectation of the committee that a separate law memorandum will become available.

On the question of political considerations, the committee feels that this is a matter which can be appraised by the whole Commission. The committee, however, believes that this should not be a factor in determining the merits of the recommendation.

This leads to a more specific consideration of the two treaties.

SURRENDER OF WHEELUS AIRBASE TO LIBYAN GOVERNMENT MAY ENDANGER ISRAEL

Mr. YOUNG of Ohio. Mr. President, our Government constructed and maintains at great expense the Wheelus Air Base in Libya. This major airbase cost American taxpayers more than $77 million. It has been maintained over the years at huge expense.

At the present time there are approximately 3,000 airmen, mechanics and office personnel of our Armed Forces stationed at Wheelus Air Base. In addition, there are some thousands of civilian personnel. Also, dependents of officers and men of our Armed Forces live at and close to this airbase.

Nearly 10 years ago, officials of our Government signed an agreement with King Idris of Libya whereby we agreed that in event our Government withdrew its Armed Forces from Wheelus Air Base we would give over to the government of King Idris all permanent nonmovable buildings without any cost whatever.

Well, late last year King Idris who had been regarded as one Middle East potentate who was exceedingly friendly to the United States was suddenly overthrown in a midnight coup conceived, so it is said, by President Nasser of Egypt and a group of army officers of Libya who are militantly pro-Nasser. Almost immediately after these officers commenced governing Libya, that country, in the dictatorial manner army officers invariably govern as is evident in Athens and elsewhere, made it crystal clear that our nation should remove its officers and men from the Wheelus Air Force Base and that the Libyan Government would take over. Then, in late 1969, our Government yielded to this duress on the part of the Libyan officers then in power and agreed to abandon Wheelus Air Base by June 30, 1970.

Americans should know that the treaty agreement made with the government of King Idris nearly 10 years ago should not be considered as binding upon our Government as his government has been overthrown. Yet, officials in the executive branch of our Government are proposing to turn over and give to the new military Government of Libya all permanent buildings at this airbase without any compensation whatever.

Unfortunately, instead of receiving substantial payment for some 985 large buildings on and adjacent to this air base our Government officials are proposing to abandon this entire base and the buildings intact without even moving more than a small fraction of the contents receiving no compensation or payment for permanent structures. However, American taxpayers although suffering a great financial loss due to this take over by the pro-Nasser government of Libya may find slight comfort in the fact that our officials are asking for some payment even if at a huge discount for radio equipment, transmitters and the contents of a high radio tower there and also for some of the readily movable equipment. Apparently, everything else will be abandoned and given free to those pro-Nasser generals now governing Libya.

Mr. President, I feel that Americans should know that we are continuing the policy pursued over recent years of training Libyans in technical airbase training and in military operations. Since we are so generous in giving these permanent buildings at Wheelus Air Base intact to the generals now governing Libya, they will be free commencing next July 1 to give over the use of this airbase to the Egyptian Air Force if they so desire. They certainly may feel free to operate the Wheelus Air Base in conjunction with the air force of President Nasser of Egypt as a joint operation and make this a huge base for training exercises for Egyptian and Libyan air personnel in operations against the state of Israel which we Americans helped create and have an obligation to help maintain, not to help destroy.

Mr. President, in my view, administration officials should receive ironclad guarantees from the ruling junta in Libya that Wheelus Air Base will not be used to further the cause of Nasser's aggression. Otherwise, we should demand compensation for the buildings and material left behind or see to it that they cannot be used for military purposes in the future. If the Libyan Government does not accede to this, then we should forthwith stop training any Libyan Air Force personnel and return those now in our country to their homeland.

There is no threat whatever to Libya's security. The only possible purpose for training these future pilots is for their use in another war of aggression against the valiant nation of Israel, the only true democracy in that troubled area of the world.

A SALUTE TO MARY BRANNEGAN

Mr. DODD. Mr. President, a wonderful woman who has devoted her life to public service was recently honored by her friends and associates, and it is a privilege for me to bring this achievement to the attention of the Senate.

Mrs. Mary Brannegan, of Pawcatuck, Conn., has been chosen as "Woman of the Year" by the Napatree Professional Business Women's Club, Westerly, R.I./Pawcatuck, Conn.

Mrs. Brannegan is an old and dear friend. She is a delightful person, a kind and generous woman, and a competent and efficient worker, who gets things done.

She is well known in eastern Connecticut and has made many friends through her years of service as clerk of the probate court. She has long been deeply involved in civic affairs and now serves as president of the Democratic Women's Club of Stonington.

"Woman of the Year" is an honor that Mary Brannegan richly deserves.

THE PEOPLE SUPPORT THE PRESIDENT

Mr. GRIFFIN. Mr. President, the latest Gallup poll shows support for President Nixon's Vietnam policy has reached its highest level to date.

Thus, while some continue to carp, or criticize, or complain that the President is not doing this or that, it is significant that the Nation as a whole seems to be in remarkable agreement with Mr. Nixon.

This is far too important a point to be allowed to slip into yesterday's newspaper files. This Nation has survived—but just barely—a period of deep divisiveness and of national bickering and tension seldom witnessed in the 20th century. And we have done it by following Mr. Nixon's admonition to lower our voices, to stick with reason and not allow ourselves to be carried away with rhetoric.

The surveys undertaken by the Gallup organization indicate that most Americans support the President in Vietnam policies and the way he is handling the situation.

Mr. President, I ask unanimous consent that a New York Times article entitled "Sixty-Five Percent in Poll Support Nixon Policy on Vietnam," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 29, 1970]

SIXTY-FIVE PERCENT IN POLL SUPPORT NIXON POLICY ON VIETNAM

PRINCETON, N.J., January 28.—Support for President Nixon's Vietnam policies is holding firm, the Gallup Poll reported today.

Sixty-five per cent of Americans interviewed in the latest survey said they approved the way Mr. Nixon was handling the situation.

Disapproval came from 24 per cent, while 11 per cent did not express an opinion.

Interviewing for the latest survey, in which 1,460 adults were reached in personal interviews, was conducted Jan. 16 to 19. The previous survey on the subject, conducted Nov. 14 to 17, followed the President's Nov. 3 speech to the nation on Vietnam, produced the closely comparable approval rating of 64 per cent.

The approval ratings given the President in the January and November surveys represent his highest scores to date.

NOT TOTAL ENDORSEMENT

President Nixon's announcements of troop withdrawals have won him considerable support. The surveys indicate that Americans for the most part believe the President is doing everything he can to bring about an early end to the war.

However, the high vote of approval currently accorded Mr. Nixon does not necessarily represent total endorsement of his Vietnam policies.

A recent Gallup survey showed 41 per cent of people interviewed in favor of the immediate withdrawal of all troops or their withdrawal by the end of the current year. Eleven per cent favored sending more troops to Vietnam and stepping up the fighting, while 40 per cent said that troops should be withdrawn at a rate commensurate with South Vietnam's ability to take over the fighting.

Following is the question asked in the current survey in about 300 localities across the nation:

"Do you approve or disapprove of the way President Nixon is handling the situation in Vietnam?"

Following are the latest results and trend:

	Percent		
	Approve	Disapprove	No opinion
Latest	65	24	11
November [1]	64	25	11
October	58	32	10
September (late)	52	32	16
September (mid-)	45	40	15
August	54	28	18
July	53	30	17
June	52	24	24
May	48	27	25
April	44	24	32
March	44	26	30

[1] Nov. 3 Vietnam speech.

Most likely to express approval were men, persons with a college background, respondents who were 30 years of age and older, persons living in the Midwest or South and Republicans.

ASSOCIATION RECOMMENDS HALT FOR PLEDGE OF ALLEGIANCE

Mr. BYRD of West Virginia. Mr. President, according to an Associated Press story, principals in New York City's 63 academic high schools have been asked to eliminate the Pledge of Allegiance as a school-opening ceremony.

The request was made by the city's High School Principals Association, following a Federal court ruling that gave students the right to refuse to recite the pledge.

Mr. President, I feel that the association's decision to eliminate the Pledge of Allegiance was a most unfortunate one. In an effort to appease the few students who refuse to recite it, the association has decided to take away from all the students the opportunity to openly pledge allegiance to the flag of their Nation.

Just as unfortunate as the principals' decision, however, was the court ruling that precipitated it. New York State law requires that the pledge be recited in each classroom before the start of each school day—or, at least, that was the law until the Federal court decided otherwise.

Mr. President, perhaps the most telling line in the news story explains that the city has not yet appealed the ruling of the Federal court. City officials, no doubt, are aware of how futile an appeal to a higher Federal court would be—at this time.

The story to which I refer appeared in the Charleston Daily Mail on Monday, January 26.

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I ask unanimous consent that the news story be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

NEW YORK PRINCIPALS URGED TO HALT PLEDGE TO FLAG

NEW YORK (AP).—The High School Principals Association has called on principals of the city's 63 academic high schools to discontinue use of the Pledge of Allegiance each school day.

In a letter mailed to principals today, the association's executive board said the confused legal status of the mandatory pledge made it difficult to conduct the daily ceremony.

About 240,000 students attend the 63 academic high schools.

State law requires that the pledge be recited in each classroom each school morning. But a recent ruling in federal court gave students the right to refuse to recite the pledge.

U.S. Dist. Judge Orrin G. Judd ruled last month that two 12-year-old girls who did not recite the pledge and remained seated during the ceremony were within their rights. Judd said the girls had the right to remain seated until the school could prove their dissent "materially infringed" on other students' rights.

The city has not appealed Judd's ruling.

A spokesman for the city's elementary schools said no suspension of the ceremony was planned.

C. HOWARD HARDESTY SPEAKS ABOUT THE COAL INDUSTRY

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Mr. BYRD of West Virginia. Mr. President, a West Virginian, Mr. C. Howard Hardesty, Jr., senior vice president of the Continental Oil Co., recently made a speech in which he discussed both the opportunities and responsibilities that lie ahead for the coal industry. The executive made his remarks in London, at a meeting of the British Coal Industry Association.

Mr. Hardesty predicted that coal consumption will continue to increase, and that expanded research will result in new uses for coal. However, he also called on industry leaders to throw their weight solidly behind the fight against pollution, and said that a good portion of the future research should be devoted to the development of antipollution programs.

This call was very timely, Mr. President, because the United States today finds itself embroiled in a battle for survival against air and water pollution. If we are to win that battle, then we must enlist the aid of industry. Mr. Hardesty's speech and previous efforts put forth by the coal industry show an awareness of the problem that confronts our society—an awareness that technological advancements that result in environmental pollution represent artificial progress at best, and could, in fact, ultimately bring about the end of society as we now know it.

To be sure, the coal industry has already made significant progress in combatting pollution. For example, new uses have been found for fly ash, tons of which are sent annually into the air we breathe. I am hopeful that this progress will continue, and that the Federal Government and the industry will move forward together in the field of coal desulfurization.

The time has come for all of us—Government, industry, and the individual citizen—to realize that our responsibilities regarding pollution go much further than simply putting our trash into litter baskets.

Mr. President, Mr. Hardesty's speech is most informative.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY C. HOWARD HARDESTY, JR., THE COAL INDUSTRY SOCIETY, LONDON, JANUARY 5, 1970

While in Australia this past year, I participated in the Third International Conference on Clean Air. I was introduced by the Head of Victoria College where our meetings were held, who said: "I can't quite figure out the relationship between Continental Oil Company and Consolidation Coal Company, but since we are talking about air pollution, Mr. Hardesty should wear his coal hat." Having served Consolidation Coal for several years prior to its acquisition by Continental, I defensively replied that I didn't think the coal industry had a monopoly on pollution and I hoped that during the course of our meetings I could clear the air of that impression.

That little colloquy will serve to paint the backdrop for my talk today. There are still too many people in this world who think of the coal industry as "pick and shovel," "sooty chimneys", "belching smokestacks" and far too few who recognize it for what it is—a vibrant, aggressive, modern, mechanized provider of vast amounts of low cost energy. It constitutes a compatible part of modern society. Its main problem today is to keep pace with demand.

It's not only my pride of the coal industry that brings me here. Our new 80,000 bpd refinery at Immingham, our joint venture with the Coal Board in the North Sea gas reserves, our chemical interests and our outstanding group of British managers make London a second home. For these reasons, I am grateful for your invitation to be here today.

Let's take a moment to place the operations of Consol in proper perspective. It is the world's largest coal company. Last year its production exceeded 60 million tons against reserves of approximately 9 billion tons. The company has 50 mining operations in 7 states and Canada, and as a result of capital commitments annual production will increase to over 80 million tons in 1975. It is this size and growth, fostered by an insatiable demand for energy from fossil fuels that fires our desire to alter the 19th Century image—the horse and buggy image—of the coal industry.

It has not always been so. When World War II ended, coal supplied slightly more than half of America's energy needs. Only 15 years later that shrank to 23 percent. At that time the future of coal in the energy industry reminded me of an incident that Harold MacMillan related in his memoirs. He was a young officer in the Brigade of Guards which has always mounted at St. James Palace. He said: "The fact that the monarch had thought fit, more than a hundred years before, to go and live elsewhere, at Buckingham Palace, did not seem to the Brigade of Guards any reason for altering their own habits."

That's the way some people felt about the energy industry and the place for coal in it. The industry had gone somewhere else and only an unlikely return to the halcyon days of comfortable habits would bring back a market for coal. But the prognosticators were quite wrong. Their doubts and fears were reminiscent of Mark Twain's cable from London: "The reports of my death are greatly exaggerated."

When Continental Oil and Consolidation Coal merged in 1965, Consol was producing a record 49 million tons annually. Five years earlier, the Company's output had been only 29 million tons, and so its increase was 68 percent compared to the healthy, but smaller, industry gain of 20 percent.

Looking still farther ahead, we are projecting a growth rate for Consol exceeding the Bureau of Mines forecast for the industry as a whole. The Bureau predicts that the 1980 tonnage will be 737 million short tons or an increase of 57% over 1965's production.

Now, what caused such a dramatic turn around in the coal industry? The answer is, of course, directly related to the massive needs of the electric utility industry for coal as a power source. The annual growth rate for consumption by electric utilities in the United States between 1963 and 1968 was a little over 7 percent per annum—a little higher than your own rate of increase. For us, that increase made the difference in consumption between the 1963 needs of 209 million short tons and the 1968 need of 295 million.

Granted, during the same period, we were losing retail sales at the annual rate of nearly 9 percent, but that drop involved a loss of only 8 million tons while at the same time we were gaining 86 million tons of sales to the electric utilities.

At the time Consol became a part of Continental, its growth rate was outdistancing the growth rate of the United States economy—which was itself at one of its own high points in history. The Federal Power Commission expects per capita consumption of kilowatt hours to reach 10,600 by 1980 as opposed to 6,000 in 1965. To meet this burgeoning demand, the electric generating capabilities must double by 1980.

I apologize for burdening you with so many statistics at the very outset. I do so, however, not so much for the figures themselves but because they provide a perspective on some thoughts about the future of the coal industry. And that future must, of course, be with quantities, but equally, I believe, there must be a concern about industry direction.

The quantitative need is going to grow. Taking 1960 as a base year, Japan more than doubled her imports of coal by 1965. In the same five year period. Canada increased her imports by 25 percent; Belgium by 75 percent; Spain by 80 percent. The need for coal is world-wide.

I spoke a moment ago of the losses of important coal markets. It is not my intention today to suggest that those losses could have been avoided. What I will suggest is that we *could* have done a better job in projecting the public's needs. We *could* have done—and now *must* do—a better job of preparing our industry to meet future needs.

Coal has, I fear, been slow to sense the direction of change. The coal industry has failed to understand the vital need for what might be called an "Early Warning System" for the major environmental forces which will confront us in our business planning for the next decade. There has—at least in the United States—been a tendency to merely *react*. In my opinion, the leaders of an industry should be able to anticipate and, by so doing, help to shape the course and the character of our business environment, rather than be shaped by a tide of public opinion. We ought to have imaginative ideas coupled with practical action. We ought, in short, to be more attuned to what the people who make up our business environment want from us.

Everyone of us knows that the public demands for cleaner air and water are sincere and deep-seated. In the States there is already good evidence that the anti-war fervor will soon focus on anti-pollution goals. Recently at a football rally at the University of

California, a cheer went up: "We want out of Vietnam, we want to end pollution, and we want to beat Stanford." While "Three cheers for so-and-so" may be easier to pronounce, the messages of today's generation come through sharp and clear.

In short, we cannot rest comfortably about the future of our industry. There are constant as well as changing challenges to the viability of our industry. I believe that the image of the mining industry has grown out of a failure to recognize the rapid change and evolution of society's desire before they became demands. The rosy picture painted by increased demand must not blind us to the problems ahead as it has done so frequently in our cyclical past.

If we have the capacity for an Early Warning System, what would it be telling us now? I think the message is two-fold:

First, we must improve the mining process in today's context—in other words, *as it is*. We must identify and define the problems and then move to improve them.

Second, and here is where the Early Warning System really begins to function, we must approach the mining process from the point of view of what it *should be*. We must attack the roots of the problems and go far beyond what has in the past been considered as normal research. These considerations apply to all phases of the mining cycle.

In a sense, these two approaches might be described this way:

First, what the industry can do by itself.

Second, what the industry, government, and the academic community can do together.

There is mounting pressure in the States to develop the breeding ground for the second—cooperative—approach. What that proposal foresees is the development of a "Systems Approach" not unlike the overall effort that has made the Apollo flights to the moon possible. And, again, not unlike the moon effort, it will involve research and monies that individual companies find impossible to allocate.

Presently, our government spends at least $150 million a year on development of civilian nuclear reactors. One United States Senator has suggested that a third of that amount spent over the next ten years would fully develop the energy potential of coal.

What would a Systems Approach to coal entail? Basically, it means that we would accept as common goals, the need to produce, transport, and use coal at low cost, in high volume, and with minimal threats to the nation's environment and the industry's own workers.

It rejects the notion that a problem like mine safety is the inevitable result of industrialization. It recognizes such problems as the byproduct of past technology.

Why a Systems Approach? I believe that this is no time to settle into a comfortable and carefree marriage with electric power. At some point this market will be largely occupied by atomic generation. Thus, our real challenge is in the area of conversion to liquid and gaseous fuels and we must be working harder in that direction.

But this is no time to think in terms of one problem and one solution. If, for example, we take the problem of mine safety, we could approach it two ways: in terms of present technological opportunities or in terms of developing a whole new mining system. The first produces interim solutions which are subject to change. The second assumes that inherently safe systems can be developed if we are willing to rethink the process *and* have the money to do so. The first assumes that mining technology is evolutionary and not subject to pre-planning. The second says that technology can be directed.

But mine safety is only one vital issue which an Early Warning System would have alerted us to. Other crucial problems include:

1. Pollution abatement.

2. Our ability to improve working conditions.

3. The recruitment of more supervisors and managers in the industry.

Let's take them in that order. First, the pollution issue. The plain fact is that the quality of our lives is bringing us into closer contact with our outdoor environment. We are no longer quite so dedicated to our jobs as were our grandfathers or our fathers. We achieve a higher degree of material security at a fairly early age. Suddenly we find outdoor pursuits open to us in a way that was not previously known, whether it be in golfing, swimming, boating or fishing. Each activity brings us in closer contact with nature. Each makes us more aware of the increasing assault on the environmental quality of our lives—be it in the city or a favorite weekend retreat. That is why pollution abatement must lead any list of environmental factors that affect each of us and our industry.

From one coast of America to the other, there has been a so-called "new wave" of people—of conservationists and environmentalists turning to action programs. A co-founder of the Yippee movement put it this way: "There is a role for everybody in ecology." University students are writing and distributing environmental newsletters. What is already lost in the anti-pollution frenzy is a realization that industry itself is a major *victim* of the pollution problem. It is an economic liability to us. We must not lose the perspective that industry can be a major contributor to the solution of the problem, but we cannot *alone* solve the problem.

One example is worth a plethora of conjecture (every American should be entitled to one pompous statement before any British audience). Let's turn around the cries for ending sulfur dioxide emissions. Today's slogan is simple: "More energy!" The public demands it, but we in the coal industry are as shy as babes in the woods about consequences.

The great blackout of the Atlantic states a few years ago produced more than its share of vehement protests. But, they all sang the same tune: "The electric utilities had failed their publics." No one observed that in many cases the publics had failed their industry. New sites for generating facilities had been rejected by the public. Pollution—be it SO_2 or nuclear waste—had to be kept out of the suburbs, so said the suburbanites. Alternatives were not mentioned—much less considered. Now, I grant you, perspective is seldom a stable thing. But someone had better start working to make it more stable.

It is nearly impossible to predict accurately fuel and energy availability and requirements, technological advances or economic and environmental acceptability over the next 50 years. However, some significant trends can be identified, and coal is very much a part of them.

1. The U.S. Federal Power Commission now states that the 1970 requirement, including reasonable reserves, for electrical generating capacity is nearly 344 million kw. This requirement is expected to nearly double by 1980 and exceed 1.25 billion kw in 1990.

2. There is an upper limit to the amount of energy generation that can be accommodated. Some factors must cause a decline in growth. For example: (a) Heat rejection—since ultimately all fuel used ends up as heat given up to man's environment, we shall one day, perhaps in the twenty-first century, reach the point where continued increase in energy consumption will dramatically change the earth's temperature. (b) Pollutant buildup—as with heat rejection, even allowing for the most advanced control methods, the slow increase in concentration of materials ejected into man's environment during energy generation will ultimately result in the need to curtail expansion. (c) Space limitation—local problems with cooling water, air pollution, and plant siting (and transmission systems) are even now becoming inhibiting factors in the growth of energy generation.

3. Fuel availability and use patterns are dependent upon supply and certain technical developments. Projections indicate a reduced availability of natural gas supplies in the United States within 20 years and petroleum products in 30 years.

Nuclear generation is growing but not as rapidly as previously expected. It will not account for a major portion of the energy generation for another 30 years.

If we begin to think in terms of energy alternatives in conjunction with anti-pollution alternatives, we will have made a major step forward in viewing the quality of our lives in proper perspective. The same type of analysis will apply to our other mining needs.

As still another example, safety of our employees has prompted a new mine and safety bill to be adopted by the Congress of the United States. Having participated actively in drafting the legislation, I believe we have run out of the time for passive compliance; it is a time of aggressive programs.

And, even beyond the intrinsic value of the programs themselves there is the need for progress as an incentive to find the best supervisors and the best managers for our industry. Recruitment depends upon a turnaround in public opinion as much as a turnaround in the need for the product—neither is accidental, both are the result of intensive and well planned work.

There is no question but that the mining industries have lost some of their glamour as career opportunities. The fact that you and I know that the glamour is basically still here doesn't mean that others have the same insight. You and I can predict that through expanded and imaginative research efforts we will reach the point of liquidfaction and gaseous conversion—at least by the time that nuclear power is available in realistic quantities at down to earth prices. We are looking ahead to an innovative time in our industry—a time when we move in the public interest and ahead of public opinion. But so far we have failed to communicate that story.

We are looking ahead to new communication systems from mine to surface, to new roof support systems, to innovations in long wall systems and to high velocity hydraulic mining. Each and every one of these developments could be part of a Systems Approach to this industry.

In short, we face the need to improve the image of the industry so that it will more accurately reflect the modern conduct of our activities. I think that improvement could be more systematic than it is at present. Certainly image and conduct are not divisible. If our conduct is found wanting, no skillful public relations man will be able to put our house in order. But, if our image is negligible, we may find ourselves incapable of progress. We have the capacity to do part of the job. To achieve the best results we will need the commitment and the help that can be provided by government and the academic community joining our partnership. Today we think of those other two forces as providing the demands on our conduct as an industry. With a new orientation, I believe they can share the opportunities of our industry. As for the responsibilities, you will find as a playwright once observed: "The fault is not in our stars but in ourselves." I see no reason to be stingy about sharing those responsibilities with our publics—be they consumers or academicians or government leaders. I do believe that in an age when satellites fill the skies, when the President talks to the moon, when computers speak and lasers flash, that we, in the energy industry, can achieve goals undreamed of by our fathers. I know we have the capacity, I trust we have the determination.

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Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NEWSPAPER PRESERVATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate resumed the consideration of the bill.

Mr. HRUSKA obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor, so that I may suggest the absence of a quorum?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator from Nebraska for yielding.

The VICE PRESIDENT. The Chair recognizes the Senator from Nebraska.

Mr. HRUSKA. Mr. President, in S. 1520 we have a bill which, as amended, has for its purpose the granting of limited anti-trust exemptions to past agreements which meet the tests of this bill and to make available this method of insuring newspaper stability to other newspapers in danger of financial collapse, after the passage of the bill.

Before I go into the history and the circumstances that gave rise to this legislation, I should like to recall to the Senate the fact that it was the one-time senior Senator, for many, many years, from the State of Arizona who introduced this bill 3 years ago. It was Senator Hayden who introduced, sponsored, and advocated the enactment of this legislation. It was not completed before he left the Senate and retired to his well-earned rest after his wonderful and very fruitful career as a Member of Congress for so many years.

However, the occasion for this bill and for legislation in this direction has been occasioned by the heavy fatalities in the field of newspapers. The statistics are to be found in the report. I shall not detail them at this time. It became increasingly clear, however, as time went on, that unless some steps were taken to effectively deal with the economics and the financing of newspapers, many more would drop by the wayside and would be completely obliterated.

A number of factors entered into this situation. One was the spiraling of labor cost increases. Another was the greatly increased cost for the replacement of machinery and equipment. Still another was the substantially increased cost of newsprint and other materials necessary. The fourth factor was the tremendous growth of suburban newspapers, regional editions of national magazines, and the growth of radio and television as major media of communication.

These forces of competition, of course, actually worked hand in hand toward the elimination of many newspapers.

In due time, and starting in about 1933, there was an effort by newspapers in various parts of the country to enter into joint printing and publication arrangements with one another. The normal situation would be one where there was a strong newspaper, and a second or third newspaper was in rapidly failing circumstances. The economic curve that was drawn showed that as soon as they entered below a certain percentage of circulation and of advertising in a given community, as compared with the competitor, then the die was cast and the boat would have reached that part of the stream where the pull of the waterfall would inevitably take it down.

Instead of suffering that fate, agreements and arrangements were made between newspapers for operating situations. Two newspapers would be published with the same equipment, lodged in the same building, but not in the same quarters. They would not use the same news-gathering and editorial policies, but would otherwise join their resources, which, again, are detailed in the report and in the testimony.

This process started back in 1933, in Albuquerque, N. Mex. Then it proceeded in some 21 cities in which two newspaper voices were able to survive by reason of this type of arrangement.

I ask unanimous consent that a list of those cities which I submit for that purpose be printed at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

Cities With Joint Operating Arrangements and Dates Entered Into

Albuquerque, New Mexico; 1933.
El Paso, Texas; 1936.
Nashville, Tennessee; 1937.
Evansville, Indiana; 1938.
Tucson, Arizona; 1940.
Tulsa, Oklahoma; 1941.
Madison, Wisconsin; 1948.
Fort Wayne, Indiana; 1950.
Bristol, Tennessee-Virginia; 1950.
Birmingham, Alabama; 1950.
Lincoln, Nebraska; 1950.
Salt Lake City, Utah; 1953.
Shreveport, Louisiana; 1953.
Franklin-Oil City, Pennsylvania; 1956.
Knoxville, Tennessee; 1957.
Charleston, West Virginia; 1958.
Columbus, Ohio; 1959.
St. Louis, Missouri; 1959.
Pittsburgh, Pennsylvania; 1961.
Honolulu, Hawaii; 1962.
San Francisco, California; 1965.
Miami, Florida; 1966.

Mr. HRUSKA. Mr. President, for a long time—almost a third of a century—these arrangements were either approved by the Antitrust Division of the Department of Justice or were acquiesced in. They were noted. They were observed. The Division was either notified or knew of this arrangement, and there was either approval—express or implied—or acquiescence in this type of arrangement.

Upon the basis of those arrangements, vast sums of money were invested. They were invested, first of all, in buildings that would house two newspapers. They were invested in the tens of millions of dollars in new press and equipment.

Then, all of a sudden, in 1964, the Department of Justice filed a lawsuit against the two newspapers in Tucson, Ariz., and said, "Regardless of what the attitude and policy and view has been in the Department of Justice, we are suing under the antitrust statutes and we want to put you out of business under this arrangement."

Mr. President, it is often said that the king can do no wrong. But I believe that in this country we have long, long ago determined that the Government should not use its majesty, its power, and its prerogatives in a way that would visit great inequity, hardship, and vast change on the media of this country, in a way that would be highly detrimental.

It is for that purpose that, in the bill, we have included a declaration of policy, which declares that it is the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been or may be entered into because of economic distress.

The bill as originally filed was quite sweeping. In its section 4, for example, it would have exempted all existing arrangements and all future arrangements of this type from the operation of the antitrust law.

That was considered, in due course, by the Committee on the Judiciary, as being too sweeping, as too broad; and therefore it was modified, as will be found in the present sections 4(a) and 4(b) on page 4 of the bill that was filed here on November 18, 1969, and also in section 4(c) of the original bill.

In another respect, there was the matter of pending lawsuits, and the ability to institute and prosecute lawsuits seeking treble damages against several newspapers on account of the restraint of trade, and so on; and the problem arose as to what we should do with those. Among those of us who drew the original bill, there were those who favored it—and Senator Hayden was among them—who said that all lawsuits based upon this situation should be barred. That was on the basis that certainly the newspapers that had entered into such arrangements

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were warranted in going ahead as they did, on the basis of either express or implied approval by the Department of Justice, or their acquiescence in this situation, and it would be inequitable for any lawsuits to be instituted on that account.

Now that has been modified in the bill which is before us, Mr. President. It has been modified to this extent: That lawsuits now pending will not be interfered with, but any additional lawsuits brought from now on would be barred. It is hoped, however, that the effective date of such a policy and such a prohibition of further lawsuits will be moved from the date of enactment back to November 4, when this amendment was first adopted in the Committee on the Judiciary, for the obvious reason that unless that is done, there could well be, and there is a likelihood that there will be, a plethora of lawsuits filed, even if there is no cause of action, much to the distress of situations which would be detrimentally affected. That will be the subject of an amendment which we will get to in good time; and it is my hope that the situation will be taken care of in that fashion. There will also be an amendment for the benefit of a class on whose behalf a lawsuit now pending was brought.

We believe that, with perhaps some additional amendments of a clarifying nature, the bill is a good one, and has for its purpose the achievement of a national policy which would be very beneficial.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HRUSKA. One more observation; then I shall be happy to yield.

We pride ourselves on a free press in this country, Mr. President. But there have been shackles—in fact, shackles is a mild term—there has been oblivion suffered by hundreds of newspapers in the last 30 or 35 years. Unless this bill is passed, we are apt to witness the disappearance of at least these 44 newspapers which are now under the protection and operation of these arrangements. It would be a sad day indeed if those separate editorial voices were stilled, if the picture as we now know it, as restricted and as shrunk as it is, were made even worse.

It is my earnest hope that the bill will be promptly passed, with these few amendments to be submitted in due time, which I hope will not be resisted by those who have been successful in getting their amendments attached to the bill.

I yield now to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, the Senator referred to an amendment of section 4 of the bill. This amendment as I understand, was proposed by the committee.

Mr. HRUSKA. Yes, that is right.

Mr. President, I ask unanimous consent that the committee amendment be agreed to en bloc and that the bill as thus amended be considered as original text for purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INOUYE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Going back to section 4, under (b), it is stated:

> It shall be unlawful for any person to propose, enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General—

And so forth.

As I interpret that language, it means that any newspapers that are now operating, let us say, with separate editorial staffs, but using the same presses, will remain in business and will not be affected at all by this legislation?

Mr. HRUSKA. That is correct, and that is covered in section 4(a), as the Senator will remember from his reading of that section.

Mr. ELLENDER. Yes. Does it in any manner affect any of those newspapers that own, let us say, a television or a radio station?

Mr. HRUSKA. No, it does not. But I might say to the Senator from Louisiana that an amendment is pending—which is, as I understand, sponsored by the Senator from New Hampshire (Mr. McINTYRE)—the purpose of which would be to put that prohibition into the bill.

Mr. ELLENDER. I understand that that amendment is printed.

Mr. HRUSKA. But the bill as it is before the Senate as original text now does not include any such prohibition.

Mr. ELLENDER. The committee does not endorse the amendment proposed by the Senator from New Hampshire?

Mr. HRUSKA. That is correct.

Mr. ELLENDER. Have there been any hearings on that amendment?

Mr. HRUSKA. Not that amendment. There have been some hearings on general holdings of newspaper companies, but we had not considered the particular approach included in the amendment proposed by the Senator from New Hampshire.

It seems to members of the committee—certainly to this Senator—that because that subject is so far reaching and would have such a big impact, and is based upon other considerations than are found in this bill and in the thrust of this legislation, that amendment should be defeated.

Mr. ELLENDER. That was what I was going to ask the distinguished Senator. It is the purpose of the committee, or of the manager of the bill, to oppose that amendment?

Mr. HRUSKA. The Senator from Hawaii can speak for himself, but this Senator will vigorously resist it.

Mr. ELLENDER. I assume the Senator from Hawaii will follow through with that. In fact, I hope so, because I doubt that sufficient consideration has been given to the matter.

Mr. HRUSKA. The Senator is absolutely correct. It would not be sound legislative policy to get into that vast subject on the basis of the information we now have.

Mr. ELLENDER. The Senator has stated that the record shows that newspapers in 22 cities now operating in such a manner will not be affected; that is, where there has been an agreement entered into, established between certain newspapers that have different editors and editorial writers, and so forth, but have found it economically feasible and proper to have their newspapers printed on the same presses, sharing the expenses of the printing.

Mr. HRUSKA. That is right.

Mr. ELLENDER. That could be continued?

Mr. HRUSKA. They would continue as they have heretofore operated.

Mr. ELLENDER. I thank the Senator.

Mr. HRUSKA. I yield the floor.

Mr. FANNIN. Mr. President, as one of the original sponsors of S. 1520, the Newspaper Preservation Act, I am most pleased that it has been favorably reported by the Senate Judiciary Committee after extensive hearings by the Antitrust Subcommittee, and I would hope, the Senate will pass this landmark legislation today.

I originally joined with my former colleague, the then beloved dean of the Senate, Senator Carl Hayden, in introducing during the 90th Congress S. 1312, the predecessor to the Newspaper Preservation Act. With several of our colleagues, we introduced that bill because of the action brought by the Justice Department against the two newspapers in Tucson, Ariz., seeking to break apart a joint operating arrangement which had existed there for over 25 years. In that case, the Antitrust Division had challenged what before had been considered to be a proper arrangement, a commercial merger which retained two separate and competing news and editorial voices. Similar joint operating arrangements have been in existence since 1933, and now are in effect in some 22 major cities. Their existence had been known to the Department of Justice and to the Congress, and no one had questioned their legality or propriety before the action in Tucson.

We from Arizona were immediately concerned because we had been advised that the two papers in Tucson could not both exist if they were forced into commercial as well as editorial competition. Then the attorneys for the Antitrust Division let it be known that Tucson was a test case, and that they intended to bring like actions against the other 21 cities with joint operating arrangements if they were successful in their case in Tucson. This danger was apparent to a number of our colleagues who joined us in sponsoring S. 1312 in the last Congress and S. 1520 on March 12 of this year.

Mr. President, the Antitrust and Monopoly Subcommittee of the Judiciary Committee held 21 days of hearings in the 90th Congress and 3 days of hearings this year on this legislation. All sides have been heard from and I feel that I can safely state that the case made for this legislation is overwhelming.

S. 1520 was introduced, with 25 sponsors, just 2 days after the Supreme Court's decision in Citizen Publishing Co. against United States, because the Court's decision made it eminently clear that the existence of 22 papers was in immediate danger. We introduced this bill to correct the law and thereby reverse the Supreme Court, and we have since been joined by eight additional sponsors and have been heartened by the favor-

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able consideration given this bill by the Antitrust Subcommittee and the Judiciary Committee.

The Newspaper Preservation Act overrules the Supreme Court by changing the antitrust laws in two areas. First, it provides recognition in the law for a commercial merger by two newspapers, at least one of which was in a failing condition, with the preservation of two separate and competing news voices. Second, it provides a definition as to when a newspaper is "failing," and thereby amends the judicially created "failing company" doctrine. The changes made in the antitrust laws, therefore, have a limited scope and do damage to the intent and purposes of the antitrust laws. In fact, the bill is consistent with the antitrust laws by preserving the only competition which can exist—and that is a competition in news and editorial news. Such competition is vital to our Republic. As that eminent jurist, Learned Hand, said of the press:

> It serves one of the most vital of all general interests, the dissemination of news from as many different sources, and with as many different facets and colors as is possible. That interest is closely akin to, if indeed it is not the same as, the interest protected by the first amendment; it presupposed that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is, and always will be, folly, but we have staked upon it our all.

Today, however, we must sadly acknowledge that the number of newspaper voices has been decreasing in our major metropolitan areas. The competition from radio, television, magazines, and other media have steadily diminished the diversity in the printed press we had so long cherished.

Mr. President, the enactment of S.1520 is absolutely essential if we are to forestall the continued diminution of separate voices. Right now, 22 papers in 22 cities hang in the balance and we must act to preserve them. The Supreme Court's decision in the Tucson case is nothing less than an epitaph for 22 points of view.

I am most pleased to note that this bill is not a partisan issue. It is sponsored by Republicans and Democrats, and from every shade of political opinion on both sides of the aisle. This is as it should be. The newspapers involved cover this broad range of views. Moreover, past joint operating arrangements, dating back to 1933, have been entered into during Democratic and Republican administrations, and were well known to Attorneys General of both parties.

I am gratified, Mr. President, to note that the present administration has determined to support this legislation.

The issue before us is clear. By correcting the law in the two particulars I just mentioned—as to commercial mergers and the definition of a failing newspaper—we can undo the damage done by the Supreme Court in the Tucson case. We can maintain separate news and editorial voices in the 22 cities where joint operating arrangements now exist.

Tucson has two papers, presenting two diverse points of view. Carl Hayden stated in support of this legislation, and I agree with what he said:

> Their different philosophical positions do not enable both papers to endorse me or my point of view. But that, too, is in the broad public interest. All sides of a question must be available to the public.

In concluding, I can only tell the Senate that if the two papers in Tucson, the Citizen and the Star, are forced apart, only one can untimately survive. The people of Tucson would be the losers if that should happen.

Mr. President, I am certain that the Senate will pass the Newspaper Preservation Act, and thus strengthen and maintain a free and vigorous press in the United States.

Mr. INOUYE. Mr. President, on March 12, 1969, I was joined by 24 Senators in introducing S. 1520, the Newspaper Preservation Act. Since then, eight additional Senators have joined as cosponsors of this legislation.

The bill was introduced 2 days after the Supreme Court affirmed the decision of the U.S. District Court in Tucson, Ariz., and held, on March 10, 1969, in Citizen Publishing Co., against United States, that a joint operating arrangement between two newspapers in the same city constituted per se violations of the antitrust laws.

Mr. President, the obvious and clear effect of the Supreme Court's decision on newspaper operations in Tucson, Honolulu, and 20 other cities would be to put one paper in each city, with its independent news and editorial voice, out of business. That is why we, the sponsors, joined in offering a bill to reverse this decision of the Supreme Court and correct the law.

Such action was not taken lightly and I can assure the Senate that it was not taken without full consideration of the consequences involved. The situation, however, required corrective legislation in order to protect and preserve the public interest in a free and diverse press. Further, this action conformed to the procedure suggested by the Department of Justice on this matter in argument before the Court that redress be sought through the Congress.

Let me review briefly what the Supreme Court did, and why we feel it necessary to correct the law to accommodate joint newspaper operations. The Supreme Court has now interpreted the antitrust laws as prohibiting an agreement between two newspapers in the same city, at least one of which was failing, from entering into a commercial merger, while maintaining separate and independent news and editorial voices. The Court held that the actions by the two papers in setting advertising and circulation rates, market allocation, and revenue pooling constituted per se violations of the antitrust laws. The anomaly, however, is that if the two papers in the same city had fully merged and operated under single ownership, then such actions would not be illegal. The one owner would set his advertising and circulation rates for both morning and afternoon papers, have a reasonable noncompete clause for stockholders, and divide the profits in any way he saw fit.

Thus, one owner of two papers, with only one news and editorial voice, is preferred by the antitrust laws to a joint operating arrangement which has competing editorial and news voices. No competition at all is preferred to competition in the area most vital to our democratic form of government—the free interchange of ideas and points of view.

Mr. President, it is obvious that this does not make good sense. The first amendment to our Constitution recognizes the importance of a free press, and the Newspaper Preservation Act is consistent with this by correcting the law so as to encourage the continuance of editorial and news competition. While preserving editorial diversity, we are making a very limited exemption to the antitrust laws.

S. 1520 provides that these joint operating arrangements—a commercial merger—be treated the same as a full merger. The newspapers involved would still be subject to the same prohibitions under the antitrust laws as are applied to one-owner situations. Moreover, the bill provides safeguards against predatory practices by joint operators. The exemption provided by S. 1520 is limited in scope, but is of tremendous importance in maintaining news and editorial competition.

The second area in which this bill affects the Supreme Court's decision by correcting the law is in the definition of what constitutes a failing newspaper.

In the Tucson decision, the court extended its judicially created "failing company" doctrine, generally applied to manufacturing concerns. The Court held that for a newspaper to be "failing," it had to meet all of the following: First, the paper had to be facing liquidation, not just consistently losing money over a sustained period of time; second, an attempt at reorganization through a receivership under the bankruptcy act must have been made; and third, an attempt must have been made to sell the paper to someone other than the local competitor.

These criteria were not made known to the publishers when they entered into their arrangements—some as long as 36 years ago—and would thus be ex post facto and inequitable for the existing joint operators.

A newspaper receives some 75 percent of its revenue from advertising, and the remaining 25 percent from circulation. When one paper obtains an edge in circulation, it will attract advertising from the other paper. That paper will then have to cut back on news and editorial features, with a resultant loss of circulation, which brings about further losses in advertising. This vicious cycle moves with increasing rapidity. Once the downward cycle has begun, there is no opportunity for corporate reorganizations, or to find a possible buyer.

A newspaper has no inventory or merchandise. Once an edition is printed, it has a very brief lifespan, and then the news and advertising it carries become obsolete. The qualities of an entire newspaper offered for sale are its circulation, which provides a base for advertisers, and its staff. A failing paper which attempts to comply with the conditions established by the Supreme Court would soon see a desertion by both advertisers and staff, and, once a paper stops publishing, it has neither circulation, advertisers nor staff, and its only value in a sale would be its mechanical equipment.

Mr. President, it is less than reasonable to require a newspaper owner, whose paper is losing money, to continue to invest money in it until he, as well as the newspaper, is failing. We must recognize that the number of separate editorial voices in our major cities has been decreasing at a startling pace. Cities which had three, four, or five independent papers a few years ago are now lucky if there are one or two papers. There is no market for independent ownership of a failing newspaper, and, contrary to the hypotheses raised by some, there are no successful new entries of newspapers in these cities.

If as large and powerful an organization as Cowles could not make a go of it in a growing area like New York's Suffolk County, with the Suffolk Sun, there can be little doubt that the chances for new metropolitan daily newspapers being started are slim indeed.

Those are the reasons, Mr. President, why we must correct the situation created by the courts. These two changes in the law, allowing for a commercial merger, and providing a reasonable definition for a failing newspaper, are essential if we are to preserve our newspapers.

Today we have but 59 cities remaining in our Nation with more than a single news and editorial voice. Should this legislation fail to be enacted that number will soon be reduced to 37. With prior approval from the Department of Justice this legislation provides further the vehicle for the preservation of news and editorial competition in any of these remaining 37 where it cannot otherwise survive.

In 1945 there were 117 cities enjoying the benefits of fully competing daily newspapers. Twenty-five years earlier the residents in 550 of our cities were thus blessed. Should we now by our inaction reduce that number to 37? I hope not and urge my fellow Senators therefore to support this legislation—to permit our people in these 22 cities to continue to exercise a free choice and be exposed to competing views in their search for truth and knowledge.

Thomas Jefferson once remarked that if he had a choice between no newspapers and no government, he would choose the latter, since he felt that the flow of ideas in the newspapers would keep us on a stable course. I do not know if I would go quite that far, but I am convinced that our form of government receives its strength and vitality from the interplay of ideas.

I know that in Honolulu, we would be much the poorer if one of our two newspapers were to go out of business. The Advertiser and the Star Bulletin are both excellent papers, each with its own point of view. These two papers are in a daily competition in ideas, which is beneficial to the public and to the elected representatives of the public. Yet, prior to the present joint operating agreement, the Advertiser was failing. It could have gone out of business, or sold out to its competitor. Instead, the two papers entered into a joint operating arrangement in 1962 which has preserved both papers.

Mr. President, if this legislation, the Newspaper Preservation Act, is not enacted, one of our two papers will die. I am advised that the same will occur in 21 other cities, including other State capitals such as Madison, Wis.; Nashville, Tenn.; Columbus, Ohio, Salt Lake City, Utah; Lincoln, Neb.; and Charleston, W. Va. We would all be the poorer if this were to occur.

We in the Senate have a responsibility to do the best we can with the situation that confronts us. The Newspaper Preservation Act does this. It is in the public interest, is consistent with the first amendment to the Constitution, and does no harm to, but is also consistent with the antitrust laws by preserving essential competition—competition in thought and ideas.

I urge the Senate to enact S. 1520, the Newspaper Preservation Act.

Mr. TOWER. Mr. President, the distinguished junior Senator from Hawaii, the primary sponsor of this bill, has well stated the need for this legislation. I rise briefly to associate myself with his remarks. As members of opposing parties, he and I are in disagreement in several areas, but this legislation is matter which crosses party lines and in which we are in complete harmony.

I am a cosponsor to S. 1520, just as I was a cosponsor to the similar proposal offered in the previous Congress by our distinguished former President pro tempore Mr. Hayden, because I believe it is vital that we enable the continuation of dual and competitive newspaper editorial and reporting voices in every community possible.

The economic pressures of publishing a newspaper have been becoming greater for many years and there is no indication these pressures will lessen in the future. If this legislation can enable a dual editorial voice to continue in even a single city where such competition would not otherwise be possible, then it is worthwhile.

I will vote for passage of S. 1520 and I urge my colleagues to do the same.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I believe the Newspaper Preservation Act recognizes the unique role of newspapers in our society and applies practical and reasonable criteria to preserve newspaper competition. I support the passage of this bill.

Historically, antitrust laws were originated and enforced to foster and encourage competition. Unique economic forces thrust upon the newspaper industry and the application to that industry of mechanistic and indiscriminate antitrust doctrine may serve to cause a substantial lessening of competition and a disastrous loss in our communities of distinct news reporting and separate editorial voices.

May I point out that the newspaper industry is different in this respect from an ordinary industry selling products or services. The newspapers supply not only a need for information about goods which are for sale but they also supply the daily information about happenings around the world. In addition, uniquely, they speak editorially to express opinions and to help form and guide public opinion.

If, under the theory of competition that exists in ordinary business, we in fact force a newspaper out of business, we not only create a monopoly in advertising—which is bad—but we also create an editorial monopoly, which is infinitely worse.

Our concept of freedom and our system of government is based on the need to have a choice and a need for an enlightened electorate. And since the newspapers in their editorial capacity can have great influence on public opinion, it would be tragic if we were to force many cities in this country to be in a position where they could hear only one editorial voice.

The Supreme Court of the United States, in the case of Citizen Publishing Co. against United States, ignored these economic forces and refused to apply and interpret the antitrust laws to foster this kind of competition in editorial viewpoints. Tied to mechanistic and inflexible rules the "failing company doctrine" developed under the antitrust laws was not deemed applicable to newspaper operating arrangements. The court failed to articulate a doctrine which recognized the fundamental importance of placing a failing newspaper on a sound financial basis in order to preserve these two voices before there is a grave possibility of failure; newspaper stability and continued life of a newspaper cannot be achieved by requiring an exhaustion of all available resources before the failing company doctrine is deemed applicable.

The Newspaper Preservation Act fairly meets these needs and makes the failing company doctrine applicable to joint newspaper operating arrangements under practical circumstances designed to recognize the difference between the role a newspaper has to play in the life of a community and that which may be played by a commercial enterprise.

The new test defines a "failing newspaper" as one "which, regardless of its ownership or affiliation, appears unlikely to remain or become a financially sound publication."

The factors which are to be considered by the courts in determining whether a newspaper is failing would vary with the particular circumstances of the newspaper involved. The language of the bill does make it clear that courts are not to adhere to the established antitrust "failing company doctrine" which requires that a company be virtually teetering on the brink of bankruptcy.

Because of the unique status of newspapers, the bill is designed specifically to reverse the Supreme Court in the Citizen Publishing Co. case and apply a more realistic test. Some of the factors a court of law would consider in determining whether a newspaper was failing are: First, net loss or declining net income; second, whether accounting ratios showing instability, including net income as a percentage of invested capital, net income as a percentage of gross revenue, gross income as a percentage of invested capital, current assets to current liability, long term indebtedness, and so forth.

In other words, the court should be able to recognize the trend toward failure and not be required to wait until it is irreversible. Third, declining circulation trends; fourth, increasing cost trends, including operational costs, circulation and subscription costs and solicitation costs; fifth, increasing advertising rates without corresponding increases in income; sixth, declining trends in the percentage of newspaper columns used for advertising purposes; seventh, factors showing strengthening of a competitor, including his increased circulation and advertising trends; eighth, price war conditions, promotional activities and premiums used as a means to maintain circulation or advertising, demonstrating inherent instability; ninth, instability and insecurity of personnel, including rapid increased employee turnover, loss of key personnel, and so forth; tenth, the extent of investments required in fixed assets, equipment, and machinery; eleventh, demands on capital apart from newspaper operations; twelfth, adverse legal developments; and thirteenth, basic instability shown by the necessity of reliance upon the financial strength of stockholders or the financial capacity and operations of parent companies or other related newspaper publications rather than on the inherent strength of the paper itself.

With respect to the last factor mentioned, the availability of capital from shareholders would not show that a newspaper was not failing. Rather, the fact that it had been necessary for shareholders to make additional capital available to a failing newspaper would indicate basic instability, in that the newspaper had to rely upon the financial strength of shareholders rather than upon the newspaper's own viability. In short, under the pending bill the court would consider those factors which would determine whether a newspaper could remain or become viable.

Thus, the Newspaper Preservation Act provides a realistic and practical test of failing—if you will, a businessman's test—because it is necessarily on business considerations that a publisher makes a decision as to the continuation of publication when the newspaper is no longer profitable.

Mr. President, the hearings on this bill fully document the need for the limited relief provided. The Senate should recognize the economic facts of newspaper publication and enact this legislation.

I represent the people of Utah in the Senate. Salt Lake City, which is Utah's capital, is vitally interested in this legislation because we have in Salt Lake City one of the 22 situations to which this law would apply and for which it is very greatly needed.

If the pending bill passes, it will be assurance to the people of Salt Lake City, and to the people served from Salt Lake City, of the continuation of our two daily newspapers, the Salt Lake Tribune and the Deseret News, both excellent newspapers. They compete effectively in news and editorial opinion. It will, therefore, provide the readers with the needed difference of opinion, difference of information, and difference of point of view which is necessary to maintain a choice.

It is this competition in ideas, so precious to this democracy, which will be preserved by the enactment of the pending bill.

And in my opinion this competition of ideas is so vital that it is worth reapplying.

The principle that underlies our antitrust laws is that for the newspaper industry this principle can be beneficial in the case of the situation where one newspaper is not as strong as the other, rather than have the effect which the application of the decision in the Citizens Publishing Co. case inevitably would have of speeding the day when the second editorial voice would have to disappear.

Mr. FONG. Mr. President, as a cosponsor of the pending bill, S. 1520, the Newspaper Preservation Act, I rise to urge passage of this measure on the ground it is essential to the preservation of an enlightened citizenry and our form of government.

It will help keep alive distinctive and differing editorial and news reporting competition in newspapers serving millions of Americans in at least 22 major metropolitan areas. Included in these areas are such State capitals as Honolulu, Hawaii; Madison, Wis.; Nashville, Tenn.; Columbus, Ohio; Salt Lake City, Utah; Lincoln, Nebr.; and Charleston, W. Va.

Indispensable to our democracy are the fullest possible reporting of news events and the widest possible dissemination of these reports, together with editorial comment and analyses. No industry is more important in these functions than the newspaper industry. Within our system of competitive enterprise, the newspaper's ability to perform these essential roles in our society depends not only on its journalistic excellence, but also on its ability to succeed as a commercial venture.

To assure the free flow of information and to assure public access to a variety of editorial voices, we must see to it that first amendment principles are rigorously adhered to. But, just as important, we must foster editorial competition and diversity as much as possible in every community.

NEWSPAPER FINANCIAL WOES LED TO JOINT OPERATIONS

For more than 3 decades, many metropolitan daily newspapers with fiercely competing newspapers have had financial difficulty. Many newspapers folded; others merged. Still others developed a plan whereby separate news and editorial staffs were maintained, while other operations, such as printing, advertising, and circulation—commercial operations—were performed jointly.

In January 1965, however, the Department of Justice sued publishers of two daily newspapers in Tucson, Ariz., for violations of section 1 of the Sherman Antitrust Act and for monopoly in violation of section 2. The district court in April that year ruled the joint agreement under which the two papers were operated constituted a per se violation of section 1.

In 1967, the Department of Justice interpreted Federal antitrust laws in such a way that where two or more newspapers are merged—and one of these newspapers is a failing newspaper—such mergers are clearly consistent with the antitrust laws and will be judged on their individual merit, on a case by case basis. But if two newspapers, one of which is failing, engage in a joint operating arrangement to preserve competing editorial voices, such an arrangement may be subject to prosecution under the antitrust laws.

Those of us supporting the Newspaper Preservation Act believe newspapers with joint operating arrangements that preserve competing editorial voices should be given the same consideration as newspapers which merge.

LEGALITY OF JOINT OPERATIONS QUESTIONED; LEGISLATION PROPOSAL

The Department of Justice position and the district court rulings raised serious questions of legality about joint operating agreements between newspaper publishers throughout the Nation.

As a result, on March 16, 1967, a remedial bill, S. 1312, was introduced by former Senator Hayden of Arizona and 14 other Senators, including myself. Actually, this was more than remedial legislation. It was survival legislation for newspapers which otherwise faced the grim alternatives of inevitable death or being swallowed up by a stronger newspaper.

Lengthy hearings were held by the Antitrust and Monopoly Subcommittee and in October 1968, the subcommittee amended and reported S. 1312 favorably to the full Judiciary Committee. Congress adjourned before the full committee could act.

In January 1968, in the Tucson case, the district court in its judgment and decree found violations of section 2 of the Sherman Antitrust Act and section 7 of the Clayton Act. On March 10, 1969, the Supreme Court affirmed the district court judgment and decree.

S. 1312 was reintroduced 2 days later as S. 1520, with 34 sponsors in the Senate including myself. Companion bills were sponsored by more than 100 Members of the House of Representatives. Additional hearings were held, as a result of which S. 1520 was amended as it is now pending before the Senate.

Bearing in mind that the purpose of this legislation is to keep alive differing editorial views and ideas for our major urban communities, the provisions of S. 1520 are understandable and reasonable. The very limited exemption from certain features of our antitrust laws is carefully circumscribed and restricted.

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PROVISIONS OF S. 1520

In summary, S. 1520 provides as follows:

Section 2 sets forth a congressional declaration of policy:

> In the public interest of maintaining the historic independence of the newspaper press in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been or may be entered into because of economic distress.

Section 3(1) defines "antitrust law."

Section 3(2) defines "joint newspaper operating arrangement" and states explicitly just what lawful conduct parties to a joint arrangement may engage in. The definition makes the creation of a valid joint operating arrangement dependent on establishing "joint or common production facilities." Establishment of a common plant is prerequisite to all other permissible action.

The limitation is to insure that this bill applies only to newspapers serving the same market area which are attempting to save money through combined facilities. The exemption from antitrust laws would not be available to two publishers who use different plants and seek only a price-fixing agreement.

Under the arrangements contemplated, publishers might be expected to print a morning paper, an evening paper, and either one or two Sunday papers. If the agreement between the publishers includes complete elimination of either the morning or afternoon newspaper when daily papers are involved, or all but one weekly paper in the case of weeklies, the bill would provide no exemption because the resulting arrangement could not preserve established editorial voices under separate corporate control.

Section 3(4) defines "newspaper publication" so as to exclude magazines and other "slick paper" publications as well as free circulation "shopping newspapers," and advertising circulars. Unless a reasonable portion of the publication eligible for exemption is devoted to news dissemination, the intent of the bill—to give financial stability to editorial voices—cannot be served.

Section 3(5) defines "failing newspaper" more broadly than the Supreme Court has defined failing business. As the committee report states:

> In the International Shoe case, the (Supreme) Court reasoned that a merger between two competitors, one of which is failing, cannot have an adverse effect on competition because whether or not the merger occurred the failing company would disappear as a competitive factor. It is the committee's view that the reasoning of the Court is sound, but that the economics of the newspaper industry make it more likely for newspapers to fail when faced with competition than other businesses; that when a newspaper is failing it is harder to reverse the process and it is almost impossible to find an outside buyer. The Committee wishes to establish a less stringent test than that applied in the case of *Citizen Publishing Company* v. *U.S.* (394 U.S. 131 (1969)).
>
> In applying this definition the Court should consider the impact of competition on newspapers as it determines whether a paper is likely to disappear as a competitive factor.
>
> In determining whether a newspaper publication is "likely to remain or become financially sound" the Court may consider the operating results of the newspaper and other relevant factors such as return on invested capital, cost and income trends, circulation trends, advertising-news ratios and trends, competitive factors in the relevant market area, availability of personnel, availability of capital from shareholders, investments in fixed assets, population of the relevant market area, the population trends, and all other relevant economic evidence.

The bill also contains language intended to preclude artificial creation of "failing" newspapers by fancy bookkeeping devices.

Section 4(a) describes the antitrust exemption allowed under the bill. Under this section, one or more failing newspapers may enter an agreement with each other or with a financially sound newspaper. The agreement may only include a single successful newspaper. If the agreement would result in the suspension of the only morning or afternoon newspaper, then it is not exempted.

The purpose of this section is to provide that joint operating arrangements permitted by the bill shall not constitute a violation of the antitrust laws. This section would prevent the Department of Justice or any private party from suing under the antitrust laws. It would prohibit any department or regulatory agency of the U.S. Government from imposing sanctions or taking any other action on the ground that such a joint operating arrangement violates or is inconsistent with the antitrust laws or contrary to the public interest.

Section 4(c) is to protect the competitive position of newspapers which share the market with a joint operating arrangement. It provides that nothing in the bill should be construed to exempt any predatory pricing or any other predatory practice of conduct.

This section also provides that nothing in the bill should be construed to exempt any person or joint newspaper operating arrangement from the monopolize or attempt to monopolize prohibitions of section 2 of the Sherman Antitrust Act. It is the intention of this section that the antitrust exemption in no way changes the liability of the jointly operating parties—considered a single entity—for conduct affecting others under the antitrust laws.

HEARINGS DEVELOPED NEED FOR REMEDIAL LEGISLATION

Mr. President, these provisions evolved from a series of hearings on S. 1312 and S. 1520 in the 90th and 91st Congresses, conducted very ably by the distinguished Senator from Michigan (Mr. HART), as chairman of the Subcommittee on Antitrust and Monopoly. The hearings were thoroughgoing in the investigation of this very complex problem. Considerable evidence was presented showing that, although the total number of newspapers in operation has not changed radically over the years, nevertheless, economic conditions have created a situation in which a very large majority of American communities have already become one-newspaper communities.

In 1910, there were 2,202 English language dailies in the United States, an all-time high. By 1968, while the population more than doubled only 1,753 daily newspapers remained.

The number of one-newspaper towns had risen sharply by then, reflecting an important change in competitive conditions. Of the 1,500 cities served by a daily newspaper, 85.6 percent were one-newspaper towns. Although another 150 communities were served by two dailies, these dailies were under single ownership. Thus, in total, over 95 percent of the communities of the country at the beginning of 1968 had newspapers that were controlled by a single owner.

As of early 1968, only 45 of the 1,500 daily newspaper cities had two or more competing dailies. Editorial competition between different publishers has been maintained in 22 cities only by resort to joint operating arrangements. Thus, only by resort to these joint arrangements have separate editorial voices been preserved in the 22 communities, including Honolulu in my State.

The subcommittee hearings also revealed that this startling trend away from multiple-newspaper cities and the trend toward centralization of control of the printed news media have been produced by economic conditions which have made it increasingly difficult for many newspapers to coexist in the same community under conditions of all-out economic competition.

ECONOMIC PLIGHT OF NEWSPAPERS

One of the witnesses before the Senate Antitrust and Monopoly Subcommittee, on which I serve, described the plight of newspapers, which is peculiarly different from most other businesses. Mr. Thurston Twigg-Smith, publisher of the Honolulu Advertiser, told me in the 1967 hearings:

> A newspaper's economic strength depends largely on its advertising revenues, which in turn depend on readership. Since readership depends on content, which includes advertising as well as news matter, the process is almost a vicious cycle; a drop in advertising dollars means a drop in money that can be spent for promotion and editorial content, which leads in turn to a drop in circulation, which leads to a further drop in advertising and so forth. Thus, if you examine the trend lines for an otherwise well-managed newspaper and find it to be on a descending curve in the key indicator areas of percentage of the field for advertising and circulation, you know it is going to be only a matter of time before the death knell sounds, unless of course the situation can be corrected with massive and continuing infusion of capital.
>
> * * * * *
>
> A newspaper, once dead, is really dead. There is nothing to revive, as you can easily see among the ashes in New York.

NEWSPAPER EFFORTS TO OVERCOME COST-PRICE SQUEEZE

In response to these economic pressures, the newspaper industry developed the joint newspaper operating arrangement in order to achieve two goals—one, to reduce costs and thus eliminate potential losses, and, two, to maintain editorial independence. In this way two newspapers, one of which was in a threatened economic condition, combined their production and business operations, thereby reducing expenses, yet maintained their editorial independence.

The joint arrangement permitted a substantial reduction in costs by eliminating duplicate equipment and manpower and especially by allowing more efficient use of expensive printing plant facilities.

Mr. President, the then dean of the U.S. Senate, Carl Hayden, the original sponsor of S. 1312, testified as the first witness on July 12, 1967. This excerpt is most pertinent at this point:

> It should be made clear that for a quarter of a century these two newspapers (Tucson, Arizona) have published through a joint printing and business operation. It should be made equally clear that these two newspapers have remained editorially separate and distinct. Mr. Chairman, joint newspaper operations similar to that in Tucson exist in more than 20 cities and presumably the Department of Justice has long been aware of this fact. . . .

No reason has been given why the Department decided that the Tucson newspapers in particular were in violation of the antitrust laws.

I do not believe this is a healthy situation in our competitive society. It is the purpose of the antitrust laws to foster competition rather than stifle it.

Mr. President, I agree that the action of the Department of Justice stifles competition. I echo Senator Hayden's words and his statement that this bill is needed to remove the legal cloud that hangs over these 22 cities having joint newspaper agreements, especially since they have been permitted by our Government to so operate since 1933.

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Many publishers relied on such precedents, one of which was Mr. Thurston Twigg-Smith, whose testimony is a perfect and succinct example of what causes a newspaper publisher to consider a joint operating agreement, not only in 1933, but as late as the 1960's. He told the subcommittee candidly that he had three choices: First, liquidation; second, sale to his competitor, the Star-Bulletin; or third, the formation of a joint operating arrangement.

In the 5 years prior to this decision he showed losses of $47,500 in 1957; $110,615 in 1960; and $72,395 in 1961. He stated that in 1958, a profit of $191,927 was due entirely to a drastic cutback in expenditures in view of the loss suffered in 1957, which, however, caused substantial deterioration in the advertising and circulation position of the Advertiser newspaper. He also noted that there was a profit of $56,981 in 1959, which was due almost entirely to the $56,171 profit made from a special statehood edition that year. He further noted that both advertising and circulation were on a down spiral—68 percent Star-Bulletin to 32 percent Honolulu Advertiser; that the Advertiser bank loans were on short term and that it was almost impossible to obtain a long-term loan. On top of this the Advertiser's equipment was antiquated and required a minimum of $1.5 million for replacement costs.

It should be noted that this same type of story was told by the publishers of the Tucson, Ariz., and Tulsa, Okla., newspapers in the early 1940's. There are 22 cities in the United States who have had two papers that have entered into joint arrangements. If this bill is not enacted or if the Justice Department does not change its position, which was upheld by the Federal Court in Tucson and the U.S. Supreme Court, these joint arrangements would be declared illegal and divestiture ordered, and at least one of the two papers would have to return to the precarious position that Mr. Twigg-Smith related in his testimony.

PRIOR EXEMPTIONS FROM ANTITRUST LAWS ENACTED BY CONGRESS

Mr. President, the Congress does not consider lightly exemptions from the antitrust laws. However, the Congress has, in the past, granted exemptions from the antitrust laws when it recognized a countervailing economic, political, or social value which justified the relaxation of certain antitrust prohibitions. We Senators and Congressmen who sponsor the Newspaper Preservation Act recognize such countervailing values, especially since the relief—that of continuing joint operating agreements—had been considered as legal and proper from 1933 to 1967.

Here are examples of previous exemptions granted by Congress:

First, Sherman Act exemption for vertical minimum resale price maintenance agreements covering brand names;

Second, section 7 of the Clayton Act covering mergers which exempts acquisitions of stock solely for investment, etc.;

Third, certain activities of labor organizations;

Fourth, agricultural cooperatives are exempted in supplemental Federal antitrust statutes;

Fifth, the Webb-Pomerene Export Trade Act grants exemptions under stated circumstances for associations engaged in export (foreign) trade;

Sixth, exemptions in the Small Business Acts of 1953 and 1958;

Seventh, exemptions in the Bank Merger Act of 1966;

Eighth, exemptions granted to professional baseball, football, basketball, and hockey leagues which pool their separate rights in TV sponsorship;

Ninth, exemption from antitrust laws permitting the American Football League and the National Football League to merge into one league; and

Tenth, exemptions under the Defense Production Act of 1950.

Mr. President, certainly the preservation of nepspapers in S. 1520 which would otherwise fail and cease publication is of as great, if not greater, economic, and social value as the exemptions above noted, thus requiring Congress to grant similar relief.

Having discussed other exemptions from the antitrust laws enacted by Congress, I should reemphasize that the exemption requested in S. 1520 is a limited exemption and all activities, other than the exempt act of combining for the specifically designated purpose, would be subject to the antitrust laws. All activities beyond those specifically approved by the bill would continue to be subject to the full force and effect of the antitrust laws.

PREDATORY PRACTICES NOT EXEMPT

It should be noted here, Mr. President, that the bill has been amended to explictly state that predatory practices shall not be exempted herein. This should eliminate fears expressed that the bill would help strong newspapers gobble up weaker ones.

NO NEW PAPERS IN CITY WHERE PAPERS FAILED

Mr. President, it was suggested at the hearings that it would be better to permit a failing newspaper to die than to enact the exemption because a new daily newspaper would enter the void created by the demise of that failing newspaper.

The fallacy of that argument is reflected by the hearing record, which reveals that there are no new entrants into a city where a failing newspaper had ceased operations. Let me cite from that record:

At page 274 of the printed hearings, (1967), on S. 1312:

> Mr. CHAMBRIS. For example, let us say two newspapers wanted to get together and they were not able to consummate an agreement and for that reason one of the papers either failed or was taken over by a merger. What has been your experience of a new paper moving in under those circumstances?
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> Mr. HOWARD. (President of Scripps-Howard Newspapers). Well, we sold in Houston, Texas, and despite a lot of talk, nothing has happened in four years. No new paper has started. And in Indianapolis, Indiana, again, where we beat the business literally trying to find somebody who would buy the paper and . . . nobody wanted it, and nobody has started (a new one). In New York City . . . I do not think any outsider is going to come in. It does not happen.

At page 592 of the printed hearings, 1964, Mr. G. O. Markuson, executive vice president of Hearst Corporation, stated:

> It has been suggested by some witnesses at these hearings that there are many new potential entrants anxious to establish newspapers in urban areas where existing newspapers are declining or failing. This is a myth. New publishers have neither earnestly nor actively sought entry into a distressed urban newspaper market, and, in the few instances where attempted, failure usually has resulted. A major metropolitan newspaper is not born solely of good wishes and fond expectations—in addition to able personnel, considerable financial resources are required. It is true that many investors are willing to buy an offset press and publish a suburban paper, but the metropolitan paper is a far different and more costly story. The recent demise of the New York World Journal Tribune confirms that would-be entrants are not attracted to a losing newspaper market.

Mr. President, there is more that I could say today in reviewing the testimony of 24 days of public hearings, in which I actively participated in the colloquies. However, as there will be other sponsors who will speak urging passage of this bill, in the interest of time I ask unanimous consent that the attached concise statement of Mr. Twigg-Smith and colloquies through questions by Chairman HART and me, as noted on pages 611 to 625, be printed at the conclusion of my remarks. Answers to key issues are clearly revealed as reasons why S. 1520 should be enacted into law.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FONG. Mr. President, I can speak from firsthand knowledge of the results of a joint operating agreement such as would be permitted under S. 1520, for such an agreement has existed since June 1962 between the Honolulu Star-

Bulletin, an evening daily, and the Honolulu Advertiser, a morning daily. Both papers serve the entire State of Hawaii, not just Honolulu.

BENEFICIAL RESULTS FROM JOINT OPERATIONS IN HONOLULU

The operating economies permitted under the joint agreement have resulted in survival for the Advertiser, which could not have continued to publish in view of the large losses it had been sustaining. Not only has the joint agreement permitted the Advertiser to remain alive, but it also has resulted in profits instead of losses for this paper as well as for the Star-Bulletin.

According to Mr. Twigg-Smith:

> Newspaper profits for the years of the plan, before taxes, were as follows: 1962: $43,912, all of it in the last 3 months incidentally; 1963: $53,066, and in that year we had a 44-day strike; 1964: $366,738; 1965: $300,123, the drop coming about because we adopted a double declining depreciation process on our machinery program; 1966: $398,479.

Economic strength means the Advertiser can provide jobs for reporters, delivery men, editorial writers, the whole staff. Had the Advertiser folded, these employees would have been out of work. Where would they have found jobs? As it is, the Advertiser has been able to hire more editorial people than before.

Economic strength means the Advertiser could attract high caliber reporters, even from well-regarded mainland newspapers—and it did.

Economic strength means national and international news coverage could be expanded by the Advertiser—and it did, by adding a second wire service to its basic UPI service.

Economic strength means an average of two additional pages of news daily in the Advertiser.

What is more, economic strength means there has been no diminution of competition in advertising or in editorial writing. There continues an aggressive scramble for advertising dollars among the Advertiser and Star-Bulletin, the small neighborhood newspapers, the many radio stations and television outlets.

Actually, economic strength fostered greater editorial independence. The two papers maintain very vigorous editorial positions, often differing sharply, as they constructively scrutinize government operations, business, and life in our island community, in our Nation, and in the world.

Competition shows up not only in the editorial columns but also in the news pages. For the Star-Bulletin and Advertiser journalists are keenly competitive. Competition keeps them on their toes and the result is better news coverage for the people of my State.

As Mr. Twigg-Smith told the Antitrust and Monopoly Subcommittee:

> Where newspapers are stagnant, there you will usually find a stagnant community. Where newspapers are vibrant, their coverage fair-minded, and their editorial pages alive, they are vital factors in community advancement.

I can testify here today that Hawaii is a viable, dynamic, alert, progressive State, thanks in large measure to the invaluable services of our two Honolulu daily newspapers, who compete in everything but production, operation, advertising, and distribution.

I am convinced the people of Hawaii are better served by this arrangement than they would be by a monopoly of a single major newspaper.

Enactment of S. 1520 is essential to the progress and future of Hawaii, as well as other areas of the Nation.

Mr. President, the thrust of our antitrust laws is against monopoly and in favor of competition.

As presently construed by Department of Justice and the courts, however, these antitrust laws applied to joint operating arrangements promote monopoly in newspapers—an effect quite contrary to the basic intent of these laws.

S. 1520 PROMOTES COMPETITION IN IDEAS

On the other hand, the effect of S. 1520 is to promote vital competition, instead of monopoly. S. 1520 is thoroughly consistent with the purpose of the antitrust laws.

Mr. President, in closing I want to say this. Our complicated republican, representative form of government, with it delicate checks and balances and its precious freedoms for its citizens, is the most difficult form of government to operate. Its success depends upon an enlightened and informed citizenry.

In today's complex and technical society, no man is an expert on all subjects. To understand public issues, it is essential that citizens have ready access to different ideas, different analyses, and different points of view on these issues.

America is a pluralistic society. We believe in economic choice in the marketplace. We believe in political choice at the election polls. Freedom of choice is a hallmark of the American system.

By fostering differing news and editorial services, as would occur under S. 1520, we give our citizens a choice in the marketplace of ideas. I truly believe thereby we are strengthening our system of government.

I strongly urge my colleagues to support this measure and to pass it overwhelmingly.

Exhibit 1

The Failing Newspaper Act

The subcommittee met, pursuant to recess, at 10:10 a.m., in room 1114, New Senate Office Building, Senator Philip A. Hart (chairman) presiding.

Present: Senators Hart and Fong.

Also present: Senator Inouye.

Also present: S. Jerry Cohen, staff director and chief counsel; Jack Blum, assistant counsel; Peter N. Chumbris, chief counsel for the minority; James C. Schultz, counsel for the minority; Gladys E. Montier, clerk; and Patricio Bario, editorial director.

Senator Hart. The committee will be in order.

We welcome our first witness who is better defended and presented than any other witness we have had in this whole series of hearings.

Senator Fong. Mr. Chairman, I wish to welcome warmly Mr. Thurston Twigg-Smith as a witness before this subcommittee, and to introduce this distinguished citizen of the State of Hawaii to you.

Mr. Twigg-Smith is the president and publisher of one of the two major daily newspapers in my State, the Honolulu Advertiser, a newspaper which is more than 100 years old. It was established in 1856. Mr. Twigg-Smith is a fifth generation descendant of one of the most eminent families of Hawaii who helped to build the foundations of our modern Hawaii. He is one of the most highly regarded leaders of my community.

His newspaper, the Honolulu Advertiser, has over the years achieved a position of great distinction in American journalism. Its news columns are unfailingly objective and fair in reporting all "news fit to print." Its coverage of all the newsworthy events is thorough and complete on the local, national, and international levels. Its independent editorial voice has been loud and clear, and always responsible.

In all respects the Honolulu Advertiser has established itself not only as a great newspaper but also as a leader in the State, whose viewpoint is one of the most highly respected and whose voice is always heard.

Mr. Twigg-Smith appears before the subcommittee this morning representing both his newspaper and the Hawaii Newspaper Agency, a joint operating arrangement between the Advertiser and the other great Honolulu daily, the Honolulu Star-Bulletin. This highly successful joint operation has existed since 1962.

Mr. Twigg-Smith, I am pleased and delighted to welcome you to these proceedings. We look forward to your testimony, which I am sure will be of significant assistance to the subcommittee in consideration of the important piece of legislation before us.

Mr. Chairman, I am also very happy that my colleague, Senator Inouye, is here, to give us moral support in this manner. I am quite sure that he would like to say something.

Senator Hart. Senator Inouye.

Senator Inouye. Senator, I wish to join my distinguished colleague to present to this subcommittee a very distinguished Hawaiian, Mr. Thurston Twigg-Smith. I, as a cosponsor of this measure, am especially pleased because Mr. Thurston Twigg-Smith is here in support of this measure and I do hope that this subcommittee will give this bill not only serious consideration but very favorable consideration. It is very important to Hawaii.

Thank you very much, sir.

Senator Hart. Thank you, Senator.

If Senator Inouye is free to stay, we would be delighted to have him sit through. I know his schedule.

Senator Fong. Mr. Chairman, to show you how well regarded Mr. Twigg-Smith is, he has an audience here with him, Mr. and Mrs. Richard Thacker from Honolulu. Will you stand, Mr. Thacker and family?

STATEMENT OF THURSTON TWIGG-SMITH, PRESIDENT AND PUBLISHER OF THE HONOLULU ADVERTISER

Senator Hart. Sir, we welcome you and having heard about you now, we await your testimony.

Mr. Twigg-smith. I appreciate all the kind comments. Mr. Chairman and members of the subcommittee, my name is Thurston Twigg-Smith and I am the publisher of the Honolulu Advertiser. It is a privilege and a pleasure to appear before you and present my views on S. 1312. As my statement will show, I think this proposed legislation is the long-sought solution to the difficult problem of preserving independent, competitive newspaper voices in major American cities.

This statement will give some of the background that led the Advertiser into becoming one of the 44 newspapers now engaged in joint operating arrangements in 22 cities in America. It also will try to answer some of the questions that have been asked of us, and in summary will set forth some thoughts which have evolved to this writer in many years of worrying about survival and 5 years of living with such a joint operating arrangement.

The Advertiser was founded in 1856 and had survived as an independent voice

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through several monarchies, a provisional government, a republic, a territorial government, and finally a State government, before I became its president in 1961. It had been losing money most of the years immediately prior to that time, and in terms of standing within the field, it had shown a continuous decline in percentage-of-the-field figures for advertising and circulation for the period 1929 up to the time that the joint operating arrangement was organized in June of 1962.

Parenthetically, percentage-of-the-field figures have always seemed to me a better clue in determining the economic health of a newspaper than mere financial figures. Trend lines are life and death lines to a newspaper. As other witnesses have developed for you, a newspaper's economic strength depends largely on its advertising revenues, which in turn depend on readership. Since readership depends on content, which includes advertising as well as news matter, the process is almost a vicious cycle: a drop in advertising dollars means a drop in money that can be spent for promotion and editorial content, which leads in turn to a drop in circulation, which leads to a further drop in advertising, and so forth. Thus, if you examine the trend lines for an otherwise well-managed newspaper and find it to be on a descending curve in the key indicator areas of percentage of the field for advertising and circulation, you know it is going to be only a matter of time before the death knell sounds, unless of course the situation can be corrected with massive and continuing infusions of capital.

In 1961 we were at the bottom in all categories. In only one other market in America where two independent newspapers then existed, was the second so far behind the first as we were behind the Honolulu Star-Bulletin.

Between 1950 and 1958 the Star-Bulletin had gained advertising lineage at 4 times the rate of the Advertiser. By 1958 the Advertiser was down to only 37 percent of the total advertising appearing in the two newspapers and to only 32 percent of the total circulation. The Star-Bulletin had more than twice as much circulation and nearly twice as much advertising.

The net profit or loss before taxes, to Advertiser Publishing Co., Ltd., from its newspaper operations for each of the 5 calendar years preceding the establishment of the joint arrangement was as follows:

1957 (loss)	$47,514.34
1958 (profit)	191,927.62
1959 (profit)	56,981.17
1960 (loss)	110,615.40
1961 (loss)	72,395.35

The profit shown in 1958 was due entirely to the drastic cutback in expenditures instituted by the then management of the Advertiser in view of the loss suffered in 1957. This cost cutting was so drastic that it caused substantial deterioration in the advertising and circulation position of the advertiser. As soon as the Advertiser began to spend the money necessary to keep up its circulation and advertising, which began in the latter part of 1959, substantial losses were incurred. This is illustrated by the large losses in 1960 and 1961 mentioned earlier. In 1959 the Advertiser published a special statehood edition which netted $56,171—almost exactly the amount of its entire profit for that year.

Commencing the latter part of 1959, the circulation of the Advertiser improved. This improvement was achieved only by engaging in heavy promotion expenditures and reducing advertising rates to get volume to attract readers. This inevitably resulted in the substantial newspaper losses in 1960 and 1961. The Advertiser could not afford to maintain the expenditures that were necessary to maintain, much less increase, the gains in advertising and circulation which it enjoyed in the latter part of 1959 and in 1960 and in 1961. In fact, the advertising lineage and circulation of the Advertiser dropped, both absolutely and as a percentage of the combined Advertiser-Star-Bulletin total, in the first part of 1962 because the Advertiser could no longer afford to keep its extensive promotional activities going. For example, by the spring of 1962 the morning circulation had fallen to 61,000 as compared with 70,000 in the fall of 1961. Even with 70,000 the Advertiser had been unable to get the advertising of two major local department stores, Gem and Wigwam. The Star-Bulletin's advertising lineage and circulation, on the other hand, increased slightly during the first 6 months of 1962. By May of 1962 the Advertiser's circulation and advertising were dropping alarmingly, and an early consummation of the contract with the Star-Bulletin was essential to the Advertiser's survival.

It should be noted that the longtime owners of the Star-Bulletin had sold the paper to a local group in 1961 and the new owners were saddled with the largest debt load of the purchase price and were faced with requirements for a new plant site and new equipment.

The Advertiser's equipment was antiquated, and it did not have the resources to make the necessary replacements. Its news press was more than 30 years old, and there was some kind of breakdown almost every week. Management had no equipment replacement program. The production manager in a letter to the board of directors of the Advertiser in March 1962, concerning the condition of equipment and the printing plant of the newspaper, concluded that $1,458,000 would be required to replace antiquated equipment.

When the Advertiser's circulation reached a 70,000 level, the newspaper was inviting production disaster every night. The equipment was simply being pushed beyond its capacity. The Star-Bulletin, on the other hand, had an adequate news press with a running speed of more than three times that of the Advertiser. In addition to the news press, the engraving equipment of the Advertiser was completely outmoded and noncompetitive with that of the Star-Bulletin.

The Advertiser could not expand and could only maintain its existing circulation if there were no serious equipment breakdowns. The possibility of obtaining financing to purchase new equipment was remote. Institutional lenders had refused to make long-term loans.

Another factor contributing to the decline of the Advertiser was the requirements of the labor unions. The Advertiser had been compelled to pay the same wages as those paid by the Star-Bulletin. During the negotiations with the unions in 1961, the union negotiators demanded that the Advertiser institute the same kind of pension program that the employees of the Star-Bulletin had enjoyed for many years. This program would have cost about $750,000 to fund. Of course, the Advertiser did not have the money to engage in any such funding program. As a consequence, it was compelled to agree during the union negotiations that the matter of pensions would be subject to continuing study, and in the meantime the Advertiser would continue to pay pensioners on its old informal basis. By the end of 1961, about $50,000 a year was required for pensions. At the next negotiations with the unions in 1963, this factor alone would have presented an insurmountable financial problem to the Advertiser.

This brief review of the major causes of the financial losses sustained by the Advertiser makes clear, I believe, why there was no sound reason to believe that the large, continuing losses suffered in 1960 and 1961 were merely a temporary phenomenon, capable of being reversed by sound operating economics or by an achievable increase in circulation or advertising. There was simply no money available at the Advertiser to purchase adequate presses, to continue to meet union demands for pensions, and so forth, to increase circulation and advertising revenue, or to withstand the mounting competition to the Sunday Advertiser from the relatively new Sunday Star-Bulletin. To do the job would have required millions of dollars to support an all-out fight against insurmountable odds presented by the Star-Bulletin which, we understood, had gross annual profits of around $1 million a year and a physical plant and equipment in far better condition to wage such a war.

By the end of 1960, it was clear to me and to a majority group of stockholders that the newspaper was headed for extinction. We effected a change in management in the spring of 1961. The situation then was this:

1. We were in our second year of operating losses.

2. We had paid no dividends for 2 years after 7 years of merely paying a token dividend.

3. We had a precarious position in the field: Both advertising and circulation were dependent on heavy, costly, continuing promotion.

4. Our bank loans were all short term and totaled some $200,000.

5. We had tried unsuccessfully to get long-term financing from two insurance companies, Prudential and Occidental, and had been turned down on the basis of too poor an operating picture; too low a cash flow.

6. We had no working capital and had been turned down by the banks for any further short-term advances.

7. Our equipment was antiquated and had been pushed to the limit in our circulation drives. We had frequent breakdowns and extra runs. In line with its cost-cutting, short-term approach to the facts of corporate life, the previous management had not replaced or funded for new equipment. Our needs there totaled $1.5 million.

Nevertheless, we decided to attempt to continue as we had been. We conducted another phone room campaign for circulation in May of 1961 that brought in over 6,000 new subscribers.

We brought in a new advertising director to begin a new sales approach.

But our losses by that time were running at the rate of about $25,000 a month. We could not continue the investment in promotion and the charts in 1962 showed we were headed down again. The gap between the two papers was simply too wide to close or even substantially narrow.

It appeared certain we had only three alternatives:

A. Liquidation.

B. Sale to the Star-Bulletin.

C. Formation of a joint operating arrangement.

The idea of sale to the Bulletin was abhorrent and liquidation was the easy way out. Our directors agreed to let me pursue the possibilities of a joint operating arrangement and I toured the mainland in early 1962 to learn more about such arrangement.

This kind of a program was the only kind that fitted our needs and philosophies. We had a dying newspaper on our hands but we wanted to keep its voice alive. I am a fifth-generation Hawaiian, I had always lived in the islands, and frankly, I wanted to stay there and stay in the newspaper business, which is the only line of work I have ever been in except for military duty. The Advertiser had survived several near-deaths in its earlier life and we were hopeful of keeping it as a strong constructive factor in Hawaii. We want it to continue that way and I am convinced that a joint operating arrangement is the only way in which we can have two daily newspapers in Honolulu.

The press in Honolulu has seen, and covered, the transition of these islands from monarchy to territory to State. It has written of the sailing ship and of the nuclear submarine; of the evening star on a velvet sky, and of the manmade satellites in orbit. It has reported and, journalistically, helped to accelerate the growth of Honolulu from sleepy town to bustling city.

It has been said, and with considerable justification, that a city is no better than its press.

Where newspapers are stagnant, there you will usually find a stagnant community. Where the newspapers are vibrant, their coverage fair-minded, and their editorial pages alive, they are vital factors in community advancement.

The future of Hawaii and of our Nation, in a time of crisis whose end is beyond view, depends upon the ability of the citizenry to make intelligent judgments on vital issues and then to act on those judgments.

This requires a constant dialog, a constant flow of information covering the whole spectrum of ideas.

Mr. Justice Holmes once wrote in a famous dissent that the "ultimate good desired is better reached by free trade in ideas" that "the best test of truth is the power of the thought to get itself accepted in the competition of the market," and that "the truth is the only ground upon which men's wishes can safely be carried out."

In recent years, the forces of economics and technology have tended to narrow the competition of ideas in the newspapers of many cities.

In this book "America as a Civilization," Max Lerner writes:

"Since the newspaper to be popular must be kept cheap in price the burden of keeping it going under conditions of rising labor and newsprint costs falls on advertising revenue, which in turn depends on large circulation, which in turn depends on heavy investment both in plant and features and distribution and on the capacity to bear losses until circulation can be built.

"This gives the competitive advantage to the big corporation. It means also that the competition becomes intolerable to the weaker papers, and they drop out or are bought out."

What has been the result?

In many cities, some larger than Honolulu, newspapers have responded to the economic pressures of the time by going into single ownership.

But to us in Honolulu, this solution was unacceptable—unacceptable because it could have put an end to the diversity of viewpoint that had characterized our newspapers and is so sorely needed in our society today.

Putting together a joint operating agreement in our case was not an easy matter. The negotiations which finally resulted in the agreement were conducted in a series of meetings in March and April 1962. At times the negotiations became so disputatious they were on the verge of being abandoned. Finally, agreement was reached late in May 1962, and the arrangement went into effect June 1, 1962.

The resultant savings have turned the Advertiser from a dying entity into an increasingly healthy one under a program benefiting both readers and advertisers.

Newspaper profits for the years of the plan, before taxes, were as follows:

1962: $43,912, all of it in the last 3 months, incidentally.

1963: $53,066, and in that year we had a 44-day strike.

1964: $366,738.

1965: $300,123, the drop coming about because we adopted a double declining depreciation process on our machinery program.

1966: $398,479.

The story has not been without its problems, however. We have had to borrow $1.5 million to put into new equipment and building renovations, and it will be some 15 years before this borrowing is paid off.

The additional revenues have meant opportunities to improve editorial staff, both in number and quality. Our total editorial budget increased from $545,815 in 1958 to $1,048,263 in 1966. It will be considerably higher for 1967.

There has also been a marked increase in quality. New or recent employees have come from such places as the Kansas City and Dallas bureaus of UPI and from such highly regarded newspapers as the Milwaukee Journal, the Minneapolis Star, the Louisville Courier-Journal, the Los Angeles Times. Their interest in joining the Advertiser is in itself an endorsement of the paper's independent policy and meaningful standards of craftsmanship.

We have added to our basic UPI service the Washington Post-Los Angeles Times News Service to provide better national and international coverage. This contrasts with our inability to pay even a modest sum for the New York Times Services prior to the joint arrangement thereby losing the service to the afternoon newspaper.

We now have a part-time Washington bureau to assure better coverage of the Hawaii delegation. When economics permit, we would like to have full-time representation in Washington, with wiring of daily dispatches.

Last to be listed, but of obvious importance, we now carry an average of 16 more columns of news a day than we did before the joint operating agreement. This represents a 15-percent increase in the amount of news being received by the Advertiser's readers.

With all this, there has been no lessening of the competition for advertising dollars in Honolulu. The Scripps League maintains an aggressive number of small neighborhood newspapers whose circulation in the aggregate exceeds ours. They announce this loudly over many of the 19 radio stations that exist in our city. There are also four commercial television channels, two language dailies, four or five weeklies, and a growing number of direct mail companies.

While these media all offer competing outlets for the advertising dollar, none can match the editorial and news service provided by a major daily newspaper. The housewife may put her classified ad in her neighborhood weekly, but she wants the story of her daughter's wedding in the Sunday newspaper. And, of course, neighborhood papers do not bring her national and international news.

Nor has the joint arrangement decreased editorial competition between the two newspapers. It has increased it as any study would show. Economic strength breeds editorial independence in the best sense, and two competing editorial staffs lead to continuing constructive scrutiny of all agencies and departments of Government, of business, of life around a city.

As other witnesses have also undoubtedly stated to you, the problem to which S. 1312 is addressed is not an academic one. The Justice Department is apparently of the view that joint arrangements are per se illegal under the antitrust laws.

To the best of my knowledge, the Justice Department has never acted against the acquisition by a strong paper of a failing second paper. If the failing company doctrine permits a complete acquisition, involving a juncture of editorial, advertising, and circulation functions, why should it not permit something less than a complete acquisition? This paradoxical situation goes right to the heart of the matter, in my opinion.

Whatever the technical rationalization, a grave disservice will be done to the general welfare as well as to the papers of the 22 communities involved if joint operating arrangements are disallowed. Apparently the only sure way to prevent this is for the Congress to provide relief.

The problem in newspaper operations is complicated further, as you doubtless know, by the determination of "failing." If the criteria, as they are usually applied to industrial firms, are applied to newspapers, it is already too late. A newspaper, once dead, is really dead. There is nothing to revive, as you can easily see among the ashes in New York.

The important goal of this proposed legislation is continuance and strengthening of the historic independence of the press. In a world grown fantastically complex, major American cities need outlets for diverse written opinion. The public interest will not be served by any of us standing by while legal technicalities lead to the demise of 22 major American daily newspapers. These are now active, leading instruments for public good in more than a third of the few remaining American cities that still have independent, competitive, editorial voices. Nothing could take their place that could do anything comparable to the job they are doing every day in keeping millions of Americans informed.

Thank you again for the opportunity to give you my views on S. 1312.

This concludes the formal part of my statement but I was asked yesterday by Senator Fong if I would jot down a few of the editorial positions on which we have differed diametrically with the Star-Bulletin and I have made a few notes here that come to mind right off the bat. These are in no way critical of the philosophy of the Star-Bulletin. They have their philosophy and we have ours.

On fluoridation, for example, they adopted an attitude of wait and see. We came out swinging for it.

On political endorsements, as Senator Fong and Senator Inouye both know, we came out foursquare in support of candidates whose records, in our opinion, merit support, and it is a mark of our independence that of these two, one is a Democrat and one is a Republican, we supported both of them. The other paper does not endorse candidates at all.

The 1967 legislature produced a landmark bill in Hawaii, a land reform bill that is going to have far-reaching sociological changes. We endorsed this. The other paper did not.

We have a tidal wave warning system out there that frequently sends people scampering to the hills and the other paper has ridiculed the system because of the inconvenience to the people. We have supported it.

We have a "little thing" called Diamond Head out there that is a national symbol of Hawaii. The other paper would like to see apartment hotels built around the base of it. We strongly oppose this.

On politics, in general we have a moderately liberal attitude, they have a moderately conservative attitude, and readers thus get two clearly different points of view.

We are relatively active on national and international issues and they tend to devote themselves more to local issues editorially.

On reapportionment, we were in favor of a system of at-large elections for city councils; they proposed a combination of the two. And this sort of thing extends to news coverage, too. We both crusade to a degree. We tend to do more of it than they do, but I think the interaction stimulates the other paper into action.

Thank you.

Senator Hart. Thank you, Mr. Twigg-Smith. Protocol requires that Senator Fong be first to make comments and ask questions.

Senator Fong. Thank you, Mr. Chairman.

I want to commend Mr. Twigg-Smith for a very, very frank and clear and detailed statement of his operations.

Now, I think this the frankest statement we have received yet in this committee of the operations of a newspaper and the problems that faced him before he went into this joint operation and for that I would like to commend Mr. Twigg-Smith because it gives us a very clear picture of what really happened and why his operating agreement went into effect.

With this statement, I think we now gather, we now have the very fine, very good and clear idea as to what forces a newspaper to get into a joint operation.

Now, Mr. Twigg-Smith, you have now been

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in operation jointly for approximately 3 years?

Mr. TWIGG-SMITH. Five years, sir.

Senator FONG. Five years. If the Antitrust Division of the Justice Department says this is against antitrust laws and we do not pass such a bill and you are forced to go back to what you were before, what would your financial situation be?

Mr. TWIGG-SMITH. I do not think our financial situation is strong enough at this point to give any assurance that we would emerge as the successful paper. One paper or the other has got to fold under the relatively tough laws of newspaper economics in a city this size, in my opinion. So, I would have to say at this point that we probably would face, still face extinction.

Senator FONG. You would have to face extinction?

Mr. TWIGG-SMITH. Right.

Senator FONG. You are quite sure of that?

Mr. TWIGG-SMITH. Positive.

Senator FONG. And, you stated that prior to the time that you went into the joint operation you were losing tremendously large sums of money, and the Star-Bulletin was making over a million dollars a year.

Mr. TWIGG-SMITH. We were losing large sums for us; yes, and they were making money.

Senator FONG. How long could you have kept that up?

Mr. TWIGG-SMITH. Frankly, I think we had reached the end right then which is why we had to really push to get this thing into effect on June 1, 1962. I do not think we could have lasted through the end of that year. We had no resources to fall back on.

Senator FONG. And you could not borrow any more money?

Mr. TWIGG-SMITH. We could borrow no more money.

Senator FONG. And, your presses were used to such an extent that you just could not print more papers?

Mr. TWIGG-SMITH. The only way we could gain any strength would have been to increase our circulation and there was no feasible way to increase circulation with our existing equipment and we could not buy any new equipment with our existing resources, so we really were in a bind.

Senator FONG. Did you at that time, think seriously of liquidation?

Mr. TWIGG-SMITH. Not seriously, no.

Senator FONG. Because there was the alternative of this joint operation and alternative of selling; is that right?

Mr. TWIGG-SMITH. Right.

Senator FONG. Now, you stated here that there are other newspapers in the city. How are they doing? Has the joint agreement between you the the Honolulu Star-Bulletin interfered with the growth of the other papers?

Mr. TWIGG-SMITH. I do not believe so. As a matter of fact, the Scripps League, which is a pretty sophisticated group of newspapers, as you probably know, operating in the West mainly, well-financed and well-experienced in the field, bought into the area after this venture started. I forget the exact year they moved in there, but they bought an existing group of weeklies that a man by the name of Stewart Fern had started there. They bought these and also a neighboring island property so I would think they must be doing all right.

Senator FONG. You have daily newspapers on each island?

Mr. TWIGG-SMITH. There is a——

Senator FONG. The larger islands of the group?

Mr. TWIGG-SMITH. Right. Kauai and Maui are still in the twice-a-week stage, but I understand they are thinking about going daily. The Scripps League people are taking over Kauai and are planning to go daily in there. They are installing new offset presses and I understand they are thinking of going daily.

Senator FONG. On Kauai with a population of 30,000?

Mr. TWIGG-SMITH. Yes.

Senator FONG. How about on the island of Hawaii?

Mr. TWIGG-SMITH. There is a daily newspaper over there that was bought by a mainland owner from the Star-Bulletin which used to own it. It is a paper of about 11,000 or 12,000 circulation. That island has, as you know, about 60,000, 65,000 people.

Senator FONG. And on the island of Maui? With 35,000, twice weekly?

Mr. TWIGG-SMITH. Twice weekly, yes.

Senator FONG. How is the financial health of all these newspapers?

Mr. TWIGG-SMITH. As far as I know they are all in good shape.

Senator FONG. You stated that after the joint operating agreement, you added 16 columns to your newspaper.

Mr. TWIGG-SMITH. Yes. That is, two more pages of news.

Senator FONG. Would that mean that every day on an average you had 16 more columns?

Mr. TWIGG-SMITH. On the average we have about two more pages of news every day, yes.

Senator FONG. And what about the Sunday paper? Did that increase in size?

Mr. TWIGG-SMITH. That increased in news space also; yes.

Senator FONG. And what about the number of men that you now employ? Do you have more editorial people than you had prior to the joint operating agreement?

Mr. TWIGG-SMITH. Yes. I do not have the exact figures with me but they are somewhere in the range of—let us say we had 63 people before the thing started. We now have about 68 plus a number of part-time people. There has also been an increase in the salary scale paid to these people, so I would have to say they are of higher quality than before but I also would say we can afford this group now and we could not afford them before.

Senator FONG. And you say you were able to induce men from the Milwaukee Journal, the Minneapolis Star, the Louisville Courier-Journal, the Los Angeles Times, and other papers?

Mr. TWIGG-SMITH. Right.

Senator FONG. That means you have a better caliber of men now.

Mr. TWIGG-SMITH. Yes.

Senator FONG. I want to thank you for your additions, showing where you have differed with the Star-Bulletin in the matter of seeing things in the community and when you say that you did endorse one Democrat and one Republican for the U.S. Senate, I want to vouch for that, Mr. Chairman. I want to say that I was fortunate to get the endorsement of the Honolulu Advertiser, although it is supposed to be a very liberal paper.

Mr. TWIGG-SMITH. Certainly, more a tribute—

Senator HART. I do not want to get Senator Fong in trouble on how I regard him, but I think it is good endorsement.

Mr. TWIGG-SMITH. It is certainly more a tribute to his strength than our support that he got elected, but I like to think we helped him.

Senator FONG. I have no further questions, Mr. Chairman. I think the statement is very very complete and gives a very good idea as to what really transpired. We have a better picture of how to proceed on this bill.

Senator HART. I agree. The evolution of the fiscal problems that you describe is detailed and interesting as Senator Fong says, and helpful. But, as I read that statement, it seemed to describe a property that was suffering because of poor management. What is Congress' responsibility to protect a business which fails just because of sloppy management?

Mr. TWIGG-SMITH. I do not think that sloppy management is ever the sole factor in the problem. I think that nobody would condone poor management. I do not think the owners of a paper would sit by year after year and do this.

I think the main point I am making is that this sort of thing, the failing newspaper predicament, does not develop overnight. It takes a number of years, maybe a decade to develop, and certainly over that period of time if the owners are at all aware of that, the management is going to be improved. If the management was a problem at one point, it is not going to be a problem forever.

Senator FONG. I do not seem to find in this statement where Mr. Twigg-Smith talks about poor management prior to the time he got in; is that right?

Senator HART. Let me explain why I developed that feeling as I listened to the testimony. Mr. Twigg-Smith did not become the commanding general until 1960, was it?

Mr. TWIGG-SMITH. 1961.

Senator HART. I would have used more gentle words in my question if you had been there before. But, I raise it as bluntly as I do because implicit in this bill is a commitment that, notwithstanding inadequacy of management, because there is no reference to whose fault this is, we are going to make an exception in the antitrust laws. And, I think we ought to raise it bluntly; do you not?

Mr. TWIGG-SMITH. Yes, I do.

Senator HART. Because it raises a very basic question that the public has a very direct interest in. Editorials across the country are always lecturing Congress on our insistence on propping up the weak and this bill is a prop. At least it does not say anything about whose fault it is. I wanted to make this point and get a publisher's reaction to it.

Mr. TWIGG-SMITH. Well, I think of the bill more as a way of opening the way for survival rather than a prop for weakness. I do not think Congress has any responsibility for poor management and I do not think it should offer any support for poor management or condone it at all. But by opening——

Senator HART. But this does. If there is a property that is folding because of poor management, this bill says: "Well, we will make an exception."

Mr. TWIGG-SMITH. Well, I submit, sir, that the poor management is never the sole factor. Poor management may exist from time to time, but I would not single it out as being the sole factor for the failing condition of a newspaper. There have got to be other factors. If poor management is the only problem, the owners will have or should have taken care of that themselves. I do not think you can have a situation where poor management can exist for a long enough period to be the sole reason for a newspaper's being a failing newspaper.

Senator HART. Well, do you apply that to other businesses, too?

Mr. TWIGG-SMITH. I would believe so, yes. I do not think that anyone condones poor management, certainly not——

Senator HART. Do you suggest that failure is never wholly the result of poor management?

Mr. TWIGG-SMITH. That is what I am suggesting with respect to newspapers, yes.

Senator HART. And, you would extend that to other industries and businesses?

Mr. TWIGG-SMITH. I would not suggest any condoning of poor management.

Senator HART. No, but do you suggest that there is never a failure because of poor management alone?

Mr. TWIGG-SMITH. There may be an occasion failure when poor management might be the final factor, perhaps, but I do submit that poor management never is the single factor that leads to the problem and there is a difference, I believe, between newspapers and other industries. I think in the newspaper situation we have a kind of a built-in problem, a market problem. There are conditions that have become apparent over the years that preclude two newspapers existing competitively in the current sense of the term in markets of certain sizes and I am talking about metropolitan newspapers that can bring to people the international news reports and other things that they need on which to make judgments and, I believe this is the basic problem facing us here, that the issue may be confused by existence occasionally of poor management but there have been some splendidly managed newspapers that have been failing newspapers.

Senator Hart. We have been told that one of the unique features in this business is that a market area of x population can support only one newspaper, not two. We have reached no conclusion, but assuming it to be true, this bill would have the effect of saying that it shall be the fellow who is there rather than somebody who might come in afterward.

Mr. Twigg-Smith. I do not think that it necessarily does that because up until the time that the two newspapers are going to go into a joint operating venture, there can be a succession of owners who might believe they can make a change. There are always optimists who feel they can fight against the economic rules that eventually get to them, and this may occur in the cases of two newspapers. But, I do think that the problem we are wrestling with here is not who is going to operate the newspapers or whether some new newspaper can come in and enter the field. The problem is that without something of this type we are not going to have two newspapers to worry about because the problem will resolve itself in favor of a single ownership unless some law to permit these operating ventures is laid down by the Congress. Then, you have a single ownership situation where it is almost impossible for another owner to venture into the field. I do not know of any metropolitan areas in recent years that have been successfully invaded, if we can use the word, by some outside interest in the newspaper field. The economics just deny that sort of thing happening.

Senator Hart. But, where joint ownership is permitted, you are right, the outside fellow is not going to come in. The new fellow will not. He cannot.

Mr. Twigg-Smith. The point I am trying to make is that he is not going to get in anyway, but by allowing a joint operating venture to set up, you do end up with two owners in the city. If you do not have a joint venture you end up with one owner and no opportunity for anyone else to get in anyway. So, at least under this system, if it is true that nobody else is going to get in, at least you have preserved what does exist, and dual ownerships are fast disappearing, as you well know.

Senator Hart. You say if it is true. It is certainly truer that if you permit the two to stay, the arrival of a new one is much less likely.

Mr. Twigg-Smith. That is——

Senator Hart. We can agree on that.

Mr. Twigg-Smith. I will finally submit it is also true that nobody is going to get in anyway, as history will show.

Senator Hart. Your market area is in excess of 350,000?

Mr. Twigg-Smith. Oh, yes. Our city and county is now past the 600,000 mark, approaching 650,000. The city alone is 352,000.

Senator Hart. And a 500,000 city could not support two well-managed newspapers?

Mr. Twigg-Smith. I do not believe so—I think the figure is somewhere between 650,000 and a million. I tend toward the million figure myself from what I have been able to observe.

Senator Hart. I know what Senator Fong will say. It is going to reach a population of 2 million. There will be a day when you have more than 650,000 and a day when you have more than a million.

Senator Fong. In 1980 we are going to expect 6 million tourists a year.

Senator Hart. 6 million tourists.

Senator Fong. Yes, just tourists alone, a year. By the next 5 years——

Senator Hart. But they will not subscribe.

Senator Fong. The next 5 years we are going to expect the doubling of our hotel facilities, 2 million tourists a year. We now have 760,000 tourists. This figure is going to grow. But I would like to explore this particular thought that Mr. Twigg-Smith had. You said they are not coming in anyway, what do you mean? You mean it has been shown that in the big cities, even very big cities, newspapers have not been able to start, is that correct?

Mr. Twigg-Smith. I think it is important here to emphasize again that we are talking on the one hand about metropolitan types of newspapers that try to offer broad news coverage, international coverage, and all the other things that make up what we talk about when we talk about metropolitan newspapers, on the one hand, and suburban newspapers on the other. I can see many suburban newspapers moving into the Hawaiian Islands. They are doing this already. They are doing this in many other cities throughout America and they perform a neighborhood service but they do not offer the things that American people need to get the information on which to make judgments that are necessary in our daily activities. So, therefore, I would say against that background that nobody is moving into the metropolitan newspaper field. Nobody is coming into a big city; I do not see anyone coming into New York. I do not see people moving into the areas like Milwaukee, for example, among single ownerships, large areas like Atlanta, large areas like New Orleans. It just is not economically feasible to move into big cities with a metropolitan newspaper. There will be people coming in with small offset presses in suburban areas, fighting for the same advertising dollar and making things tough for the metrooplitan papers along with radio and TV but not serving the people in the same sense.

What this bill seeks to do, as I understand it, is to preserve these major metropolitan voices that are disappearing.

Senator Fong. What you are saying, and what we have heard from time to time from other people who have come here, is that where one paper leads in advertisement linage they continue to get stronger and the one way behind continues to get weaker?

Mr. Twigg-Smith. Absolutely.

Senator Fong. And it is not easy to start a metropolitan newspaper. There is the possibility of starting suburban papers but the starting of a metropolitan newspaper is a very different thing.

Mr. Twigg-Smith. Right. And, I think that the economic laws are such that if you are able to put large amounts of capital into what might be a failing newspaper at the moment or a paper tending toward failure, the end result would be that the other paper would fail. I do not think two newspapers can survive in these cities. So if you argue that all that is needed in one case is a little extra capital, what you are talking about is that if you put enough capital into that second paper, the then first paper will eventually become a second paper and fail. The thing is—unless you make some major change in the cycle, the cycle is self-defeating and the second paper gets worse and worse because as you know from previous discussions, it begins cutting costs, reducing its editorial news space, reducing the quality of its editorial people and then begins losing readers and then loses advertising and spirals downward.

If it tries to break that cycle by bringing in new capital, new money, and if it breaks through, then the other paper gets the downward trend. All this takes years, of course.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, to my mind there are strong reasons for granting limited exemption from the antitrust laws to newspapers which have entered into joint operating arrangements of the kind, and for the reasons, involved in the case of the Tucson Daily Citizen and the Arizona Daily Star.

As everyone knows by now, the measure before us arises out of the Federal Government's action challenging the joint operation that had been in existence in Tucson for 25 years. The Tucson example is typical of the manner in which competing newspapers are operated in 22 cities in 20 States, and for this reason the Government's move has a nationwide effect. Indeed it threatens to upset the working agreements in all of these cities, ranging from Honolulu to both coasts of the mainland.

Mr. President, I shall take only a few minutes of the Senate's time to review the situation which led to the creation of the Tucson joint operating agreement so that Senators can better see the need for, and equity in, the pending legislation.

Prior to 1940, as today, Tucson had two daily newspapers of general circulation—the Star and the Citizen. From 1932 to 1940, the Citizen had been operating at a substantial loss. For many consecutive years prior to 1940, the Citizen had been unable to pay a dividend.

In fact, the only way Citizen Publishing kept going at all was through sizable capital contributions made by its stockholders. This was true even though its publisher, William Small, Sr., worked without any salary at all.

By March of 1940, Citizen Publishing owed debts of more than $109,000. The Citizen was losing advertising and circulation to the Star and obviously was on the brink of collapse. Newspaper professionals who are familiar with the Tucson situation have sworn under oath that the Citizen was only salable on a distress basis.

On the other hand, the Star was thriving. It sold 50 percent more advertising space than the Citizen and had an annual profit averaging nearly $26,000—about the same figure as the Citizen's annual loss.

In this setting, one possibility loomed large; and this was merger, the complete consolidation of the Citizen with the Star. But this did not appeal to the owners of either paper. Both desired and believed that Tucson should continue to have two independent, locally owned newspapers in order to serve the community with the broadest contrast of opinion and range of news. Therefore, the papers entered into a special arrangement designed to preserve the identities of each but to share their costs jointly. The agreement achieved this by spe-

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cifically providing that the news and editorial departments of each would remain separate, while the other operations of their business would be integrated. This meant a single typesetting room, a single proofroom, combined printing press facilities, one fleet of delivery trucks, and so forth. It has not, I wish to add, meant one crew. Two full crews of employees have been retained for different shifts of these operations.

Mr. President, the joint arrangement in Tucson has been successful. Both newspapers gained a sound financial footing. Costs to readers became lower per page than in 1940, when the agreement was made, and costs to advertisers became lower per number of readers than formerly. At the same time the Citizen and the Star retained separate news and editorial staffs and engaged in vigorous competition with each other in the presentation of news and editorial material.

Then in the mid-1960's, after a quarter century of operations under this arrangement, the Antitrust Division suddenly saw something about the procedure that they had never noticed before. Tucson was made the test case in a suit charging a violation of the antitrust laws. Please note, if you will, Mr. President, that by this time similar arrangements had been allowed in 21 other cities and had been in effect in six of these cities for more than 20 years.

As Senators are aware, the district court held that the arrangement did violate the law, and the Supreme Court sustained this decision.

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Regardless of this ruling, however, I cannot believe that justice or fairness has prevailed. As the district court stated during the proceedings in this case, if the papers had merged into one paper, and printed morning and evening editions, the Government would not have thought of attacking that arrangement. But because they left the news and editorial departments separate, the newspaper ran into the new rules thrown up by the Government.

Therefore, I believe the bill which is before us today is a fair bill. It treats fairly the newspapers that are already operating under this type of arrangement. It treats the communities fairly by assuring them of receiving separate editorial voices and news presentation.

In my opinion, this bill is a better bill than the one that was before the Senate in the 90th Congress. The provision in section 4(b) which expressly prevents the bill from being used to allow discriminatory practices is an especially wise addition.

Mr. President, speaking as one of the sponsors of S. 1520, I can assure the Senate that we who support the measure have tried to sharpen its terms so that it would apply only to a strictly defined situation. We did not want it to be suspectible of having application to unintended, unforeseen conditions. For my part, I am well aware that the granting of an exemption from the antitrust laws, in any industry, must be carefully limited.

Caution is particularly necessary when the exemption applies to the news media. A free press with free entry into the field is a basic principle which must not be abused. But where, as here, the choice plainly narrows down to the survival of independent, competing news voices operating under a joint agreement, or a single viewpoint, single owner situation, then I must opt for the joint agreement.

Mr. President, there are only 59 cities where separately owned newspapers exist. Twenty-two of these are joint operating cities. If we allow the demise of one competing paper in each of these cities—which is an unquestionable risk should S. 1520 not be passed—we shall truly have caused a severe impediment to the free flow of challenging, competing viewpoints.

If the first amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the public welfare, then surely it is necessary that we pass the pending bill.

It will go no further than to treat the joint operating newspaper on an equal basis with newspapers that are permitted to merge into a single entity. It will prevent the unnecessary demise of failing papers and will preserve separate editorial voices and news sources in communities which would otherwise be unable to support two commercially competing papers.

Mr. President, I urge that the Senate give its approval to this legislation.

Mr. BAKER. Mr. President, there appears to me a very basic proposition in the Newspaper Preservation Act. That proposition is whether Congress will keep available to the general public of this country a diversity of printed news and editorial opinion, or whether it will help silence half of that voice in several major cities.

History clearly shows that year by year there are fewer independent newspapers in this country. The record shows that there has been a steady increase in the number of newspapers being absorbed by other newspapers and in the single ownership of all newspapers in a community.

The Newspaper Preservation Act affects 44 dailies in 22 cities, involving morning and afternoon editions. The act permits them to combine certain mechanical and business operations as a means of saving money. There was a testimony that of the 44 newspapers involved in such a contractual arrangement, virtually half of them would now be out of businss without such agreements.

While I am familiar with most of the 44 joint operations, I know first hand what these arrangements have meant in Tennessee. In Tennessee the citizens of three of the State's largest cities have the benefit of a wide variety of competitive opinion as a result of joint operations.

Even casual observers of newspapers in Nashville, Knoxville, and Bristol recognize and freely admit that while the operations are joint, the political philosophies, the editorial opinions, and the competitive voices are as far apart as California and New York.

The question then is whether the citizenry of these three metropolitan centers will have the benefit of these diversified views or whether the editorial voice of the printed media will be controlled by a single individual or group in each city.

We are debating the possible survival of only 22 independent voices among the country's great newspapers. I ask Senators to compare this figure with the 155 to 160 cities which now have newspapers owned by one individual or company. I do not suggest that this is not in the public interest, for I am an advocate of a citizenry that is as well informed as possible. The point is that completely within the legal structure are joint operations in between 155 and 160 cities of this country which produce some 300 newspapers, while there is some legal question involving the joint operations of 44 other newspapers.

There has been considerable discussion about these 44 newspapers requiring advertisers to use both publications or none and that they, because of this so-called exclusive printing and distribution privilege, can and do set rates higher than they should.

It should be known that in the 155 or 160 cities where both newspapers are individually owned, the advertising rates can be changed every morning and every evening. The profits from these operations can be divided any time and any way.

What has this diversity of views meant in Tennessee? It has assured that Democrat, Republican, and independent philosophies and Democrat, Republican, and independent candidates for office have had their day on the editorial pages. It has also guaranteed that every candidate has had his point of view extensively distributed through the news columns.

And the result, in my judgment, has been better government in Tennessee. There was a time in Tennessee when one party was in complete control of the State election machinery. There was absolutely no hope for the election of a Governor, a U.S. Senator, or of a candidate in any other statewide race from the other party.

Today in Tennessee there is a Democrat U.S. Senator and a Republican U.S. Senator. There are five Democrat Members of the House of Representatives and four Republicans. The Tennessee Senate is controlled by the Democrat Party and the Tennessee House is controlled by the Republican Party.

There will be a Governor's race in Tennessee this year, and in my judgment out of a bevy of possible candidates on both sides, Tennesseans will select the best possible man for the job. It is the first time in my memory that the primary in one party was not tantamount to election to the Governor's chair.

I am positive that Senators will agree with me that this is a healthy condition. I hope that they will agree that the diversified views of the newspapers in Tennessee were a major factor in bringing this about.

I cannot agree 100 percent with Thomas Jefferson's statement:

> Were it left to me to decide whether we should have a government without newspapers or newspapers without government, I should not hesitate a moment to prefer the latter.

But I think his point is well taken, for, in my judgment, without newspapers this country would not be where it is today. The benefits we derive from the newspapers are too many to set down here, now, but I personally believe in more communication, not less.

Significant too, in my judgment, is the history of the total number of daily newspapers in this country. In 1930 there were 2,248 dailies; in 1940 there were 2,015; in 1950 there were 1,894; in 1960 there were 1,854, and in 1969 there were 1,833. There has been a steady decline in the number of daily newspapers. The prospects are for this decline to continue.

If this bill will help stop that trend; if it will keep just one more voice alive; if it will help to continue the circulation of different views and philosophies; if it will help to motivate the people; if it will help to improve government and if it will bring us all closer together, it is worth it. I believe it will do those things.

Mr. HART. Mr. President, first I apologize for my absence from the floor when the pending business was called up, and for my delay in getting here. The Committee on the Judiciary has been in session considering the nomination of Judge Carswell to the Supreme Court, and I was delayed for that reason.

I apologize to my colleagues who addressed themselves to the pending business in my absence, and assure them that I will carefully read the RECORD.

I rise to suggest, Mr. President, that the wisest course that the Senate could now take would be to recommit S. 1520, the failing newspaper bill, to the Committee on the Judiciary. That committee should undertake to determine whether the court-approved joint operating agreement in the Tucson case will permit savings sufficient to insure survival of both those newspapers. Very briefly, Mr. President, the bill that is now before us was introduced because of a suit that had been filed in Tucson and which was pending against the newspapers in Tucson. It was a suit filed by the United States against the Citizens Publishing Co., Star Publishing Co., Tucson Newspapers, Inc., Arden Publishing Co., and William W. Small, Jr., as defendants in an antitrust action. That case was appealed to the Supreme Court.

The Supreme Court ruled that a newspaper joint operating agreement in Tucson violated the law because it included price fixing, profit pooling, and market division. All these, of course, are traditionally antitrust violations. The Supreme Court went to great length to say that it was not, however, condemning all forms of joint newspaper operating agreements.

That decision of the Supreme Court did not end the case. Rather, the case was remanded to the District Court in Tucson so that the parties could work out a joint agreement which would conform to the Supreme Court order. That Supreme Court order was issued March 10 of last year. Since then, the parties have been at work intensively on a settlement plan and have reached agreement.

On January 23, the judge of the district court in Tucson heard the proposals and issued his ruling. As of today, reflecting that ruling, the Department of Justice and the newspapers have agreed that two newspapers jointly may do the following things—five in number—and be within the law:

First, they may use jointly all mechanical facilities, including typesetting equipment, composing room equipment, presses, warehouses, buildings, trucks, and other machinery.

Second, they may share a joint circulation system, including a single staff, down to the carrier-boy level; share the use of trucks and racks and other facilities for distribution. The Justice Department asked, and the parties agreed, that each paper maintain its own circulation, sales, and promotion staff personnel.

Third, permitted is the publication of a joint Sunday newspaper, the profits of which would be divided between the papers to the agreement, the two papers in question.

Fourth, they may share a single business department with common bookkeeping and common billing.

Fifth, they may set up a joint rate structure which would permit the sales force on both papers to offer a cost justified combination rate.

Mr. President, the only major issue on which the parties were in disagreement was whether there would be a single joint advertising sales force or whether each paper should have its own. The Justice Department argued that unless each paper has its own salesmen, there can be no real competition. Putting it conversely, if the salesmen work for both, how are you going to have competition? This was resolved in favor of the newspapers, and a joint advertising sales department nonetheless was allowed.

These legal joint activities should provide the publishers in Tucson with very substantial savings. As a matter of fact, the savings should permit the continued survival of both newspapers, with handsome profits to their owners.

But if these activities are not sufficient, other avenues may be open to the publisher—avenues not requiring legislation. The parties will have 90 days from the date of the order, which is January 23, to implement the final plan. Because both parties in Tucson are under common ownership, implementing the plan will mean modification of internal operations. The owner will then have 18 months to divest himself of one of the two papers. If at any point prior to divestiture it becomes apparent that the plan will not work, he may return to the court and seek whatever modifications may be necessary.

In effect, the new joint agreement will have a trial period, giving the parties, the court, and, importantly, Congress the opportunity to study its operation. The Department of Justice has assured the Subcommittee on Antitrust and Monopoly Legislation that it will not undertake suit, will not file suit, will not proceed against any other joint operating newspaper until a reasonable time has elapsed and the issue of survival of the papers is resolved. In addition, no private suits which seek equitable relief could come to trial for a matter of 2 years.

Mr. President, relaxing the antitrust laws to permit newspapers the right to fix prices, to pool profits, and to divide markets is a serious departure from our basic principle as it reflects a competitive enterprise system. The case for this departure, the argument in justification for it, rests on the proposition that without this change in the law, disaster for some papers is imminent; that 44 papers in 22 cities will be driven to bankruptcy at the insistence of the Department of Justice.

It is my feeling that this is not the case. It seems to me, rather, that we should wait to see whether, under existing law, the joint agreement worked out by the Tucson court will permit the survival of the papers and will retain our traditional marketplace approach to business questions. When the results of the test run are in, we will then have opportunity to consider and experience on which to base our judgment as to whether there is any need for legislation of a character such as that which is pending. If there is need, we will be able to act before anyone has been injured, before a single editorial voice has been lost.

Mr. President, the order of the court in the Tucson case, which was filed on January 23, with an amendment to that order filed January 26, should be made a part of the RECORD, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the District of Arizona, No. Civil–1969 Tuc.]

(*United States of America, Plaintiff, v. Citizen Publishing Company, Star Publishing Company, Tucson Newspapers, Incorporated, Arden Publishing Company, and William A. Small, Jr., Defendants*)

AMENDED ORDER FOR MODIFICATION OF OPERATING AGREEMENT AND DECREE OF DIVESTITURE

PRELIMINARY STATEMENT

This cause came on for trial before this Court on April 5, 1966. The Court filed its findings of fact and conclusions of law, and entered its judgment and decree herein, on January 31, 1968.

The Court's judgment and decree ordered defendants Arden Publishing Company and William A. Small, Jr., to divest themselves of The Arizona Daily Star, either by defendant Arden Publishing Company selling the assets acquired by it from Star Publishing Company or by defendant William A. Small, Jr., selling and disposing of all of the stock of Arden Publishing Company.

The judgment and decree further ordered defendants, other than Star Publishing Company, to lodge with the Court and serve upon plaintiff a plan which would provide for such divestiture and for the continuation of The Arizona Daily Star under ownership wholly free from any interests of or control by said defendants, or any of them. The Court further ordered that such plan should provide, as well, for the modification of the "Operating Agreement" so as to eliminate those provisions found to constitute price fixing, market allocations, and profit pooling.

Enforcement of the aforesaid judgment and decree was stayed by this Court, pend-

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ing an appeal by defendants to the Supreme Court. On March 10, 1969, the Supreme Court affirmed said judgment and decree, and remanded the case for further proceedings.

Thereafter, pursuant to the judgment and decree of this Court, defendants submitted successive plans for modification of the operating agreement. They also submitted a tentative plan for divestiture, and a proposed form of "Order for Modification of Operating Agreement and Decree of Divestiture." Plaintiff opposed certain aspects of defendants' plans for modification of the operating agreement; it also filed a plan for divestiture and a proposed form of order and decree.

On October 28–29, 1969, this Court held a hearing, at which it heard testimony and received documentary evidence on the proposals for modification of the operating agreement. The Court received in evidence a Third Revised Operating Plan submitted by defendants. This plan eliminated all traces of price fixing, profit pooling, and market allocation. During the hearing, certain changes were made in the plan, dealing with matters apart from elimination of the per se restraints.

After the hearing, the parties submitted briefs on the proposed modification of the operating agreement. Defendants also filed, on December 10, 1969, updated copies of their Third Revised Operating Plan and proposed order and decree, which incorporated the above-noted changes made at the hearing. Thereafter, this Court heard argument by plaintiff and defendants on modification of the operating agreement and on divestiture.

Now, therefore, after consideration of such argument and of the aforesaid testimony and documentary evidence, and of all prior proceedings—all being considered in light of the decision of the Supreme Court herein, it is hereby further

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ORDERED, ADJUDGED, AND DECREED

I. Definitions

As used in this order and decree:

A. "Arden" means defendant Arden Publishing Company, a corporation organized and existing under the laws of the State of Arizona, with its principal place of business in Tucson, Arizona, and the publisher of a newspaper of general circulation known as "The Arizona Daily Star" (hereinafter "Star").

B. "Citizen Publishing" means defendant Citizen Publishing Company, a corporation organized and existing under the laws of the State of Arizona, with its principal place of business in Tucson, Arizona, and the publisher of a newspaper of general circulation known as "The Tucson Daily Citizen" (hereinafter "Citizen").

C. The "joint Sunday newspaper" means a Sunday newspaper of general circulation published by Arden and Citizen Publishing pursuant to an agreement approved by this order.

D. "TNI" means defendant Tucson Newspapers Incorporated, a corporation organized and existing under the laws of the State of Arizona, with its principal place of business in Tucson, Arizona, which under the provisions of this order will be engaged in the business of (a) conducting all operations in connection with the production and distribution of Star, Citizen and the joint Sunday newspaper, and (b) acting as agent for Arden and Citizen Publishing for the sale of combination advertising, and as agent for the joint Sunday newspaper for the sale of all advertising.

E. "Combination Advertising" means identical advertising which (a) appears in Star and Citizen, or in either of such newspapers and the joint Sunday newspaper, and (b) is reproduced in each newspaper by use of the same type, plate, or other device.

II. Persons bound

The provisions of the Judgment and Decree entered January 31, 1968, and the provisions of this Order applicable to the defendants shall also apply to each of their officers, agents, servants, employees, subsidiaries, successors and assigns, and to those persons in active concert or participation with any of them who receive actual notice of the Judgment and Decree or of this Order by personal service or otherwise.

III. Injunctive provisions

A. Effective upon divestiture of the Arizona Daily Star as hereinafter ordered, the defendants are enjoined and restrained from:

(1) Offering to sell or selling advertising space in the Star and the Citizen, or in either of them and a joint Sunday newspaper, at a combination rate, unless said combination rate is optional and is calculated by adding the individual rates of the newspapers and subtracting from the total the actual cost savings;

(2) Charging or allocating the expenses of common or shared facilities, equipment or personnel on any basis or formula which does not result in Star, Citizen and the joint Sunday newspaper each paying only those expenses that it is responsible for; provided, however, that

(a) the discount resulting from the sale of a combination advertisement may be charged in equal shares to the newspapers in which it appears; and (b) property taxes and interest on real property assessments, fire and casualty and all other general insurance, and utilities other than electrical power may be charged equally to Star and Citizen;

(3) Distributing operating revenues on any basis which does not result in Star, Citizen, and the joint Sunday newspaper each receiving only those revenues which are derived from its individual operations.

B. Neither Arden nor Citizen Publishing shall prohibit or attempt to prohibit the joint Sunday newspaper from publishing combination advertising with their respective weekly editions.

IV. Approval of agreements and by-laws

The Third Revised Operating Plan for Star, Citizen and Tucson Newspapers, Incorporated, attached hereto and made a part hereof, together with all acts of the defendants necessary or appropriate for the preformance of said Operating Plan, are hereby approved. Said Operating Plan shall be put into effect not later than ninety (90) days from the date of this Order.

V. Divestiture

A. In accordance with the Court's Judgment and Decree of January 31, 1968, defendants Arden Publishing Company and William A. Small, Jr., are directed to divest themselves of the Star within Twenty-One (21) months from the date of this Order, either by defendant Arden Publishing Company selling the assets acquired by it from Star Publishing Company or by defendant William A. Small, Jr. selling and disposing of all of the stock of Arden Publishing Company. Such divestitures shall be to a person who will continue publication of the Star, and shall result in total separation of the ownership of Star and Citizen.

B. Defendants shall make generally known the availability of the Star for sale and shall furnish to bona fide prospective purchasers all appropriate information regarding the Star, the joint Sunday newspaper and T.N.I. and shall permit them to make such inspection of the facilities and operations of the Star, of the joint Sunday newspaper and T.N.I., as is reasonably necessary for a prospective purchaser to properly advise himself.

C. At least sixty (60) days in advance of the closing date in any agreement for the sale of the Star, defendants shall supply plaintiff with the name and address of the prospective purchaser, and with a copy of such agreement. At the same time, defendants shall make known to plaintiff the names and addresses of all other persons, corporations, or other legal entities that have made an offer of purchase, together with a general description of the terms and conditions thereof. Plaintiff must make known to the defendants and to the Court any objection it may have to such sale within thirty (30) days following receipt of the aforesaid information. Within said period, defendants will furnish any additional pertinent information requested by plaintiff. If plaintiff does not file with the Court a notice of objections within said 30-day period, such sale may be accomplished without further proceedings herein.

D. Any contract of sale pursuant to this Order shall require the purchaser to file with the Court its representation that it intends to continue publication of the Star and at the same time to submit to the jurisdiction of the Court and to be bound by the applicable terms of this Order and of the Judgment and Decree of this Court entered on January 31, 1968.

VI. Right of visitation

For the purpose of determining or securing compliance with this Order and for no other purpose:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its or to his principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of any defendant to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession, custody or control of any defendant which relate to any matters contained in this Order; and

(2) Subject to the reasonable convenience of any defendant, but without restraint or interference from it, to interview officers, directors, agents or employees of any defendant, who may have counsel present, regarding any such matters.

B. Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit such reports in writing with respect to the matters contained in this Order as may from time to time be reasonably requested; provided, however, that no information obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of plaintiff, except in the course of legal proceedings in which the Department of Justice is a party for the purpose of securing compliance with this Order, or as otherwise required by law.

VII. Continuing jurisdiction

Jurisdiction of this cause is retained by this Court for the purpose of enabling any party to this Order to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the modification, construction, or carrying out of the provisions of this Order and for the enforcement of compliance therewith and the punishment of violations thereof.

JAMES A. WALSH,
Judge, U.S. District Court.

Dated: January 26, 1970.

THIRD REVISED OPERATING PLAN FOR STAR, CITIZEN, AND TUCSON NEWSPAPERS, INC.

1. Agreement between Star and TNI providing for printing and distribution of newspapers by TNI, and for sales of combination advertising.

2. Agreement between Citizen and TNI

providing for printing and distribution of newspapers by TNI, and for sales of combination advertising.

3. Joint venture agreement for joint and Sunday newspaper.

4. Revised by-laws of TNI.

AGREEMENT

This agreement by and between Arden Publishing Company, a corporation, publisher of the Arizona Daily Star and Tucson Newspapers, Inc., a corporation;

Witnesseth that: Whereas Arden Publishing Company, hereinafter called "Star," is the publisher of The Arizona Daily Star and desires to provide for the daily printing and distribution of The Arizona Daily Star Monday through Saturday commencing with the effective date hereof by Tucson Newspapers, Inc., hereinafter called "TNI"; and

Whereas Citizen Publishing Company, hereinafter called "Citizen," is the publisher of the Tucson Daily Citizen; and

Whereas Citizen and Star intend to publish a joint Sunday newspaper; and

Whereas Star is the owner of an undivided one-half interest in all of the equipment, machinery, vehicles and other properties necessary to print and distribute The Arizona Daily Star and has heretofore placed TNI in possession of said property; and

Whereas Star desires to employ TNI to print The Arizona Daily Star, to sell advertising space for Star in combination with the sale of advertising space for Citizen and/or the joint Sunday newspaper owned by Star and Citizen (hereinafter referred to as the sale of "combination advertising"), and to distribute The Arizona Daily Star;

Now, therefore, for and in consideration of the mutual promises of the parties, it is agreed as follows:

I

TNI is hereby given the right to possession of all Star's Equipment, machinery and properties necessary to print The Arizona Daily Star, to sell combination advertising for Star, to distribute The Arizona Daily Star, and to operate business and accounting functions for Star necessary to the performance of such services. TNI shall determine the gross revenue allocable to Star from advertising and circulation sales made on behalf of Star as follows:

a. TNI shall determine and allocate to Star the gross revenue from national, local display and classified advertising sold on behalf of Star.

b. TNI shall determine and allocate to Star its gross revenue from the sale and circulation of The Arizona Daily Star.

c. The total of subparagraphs a and b, together with any other revenue from any sources derived by TNI on behalf of Star shall constitute the total revenue allocable to Star by TNI.

TNI after deducting its expenses allocable to Star shall pay over to Star the net revenue allocable to Star and any other revenue from any source derived by TNI on behalf of Star.

II

TNI shall perform the following functions on behalf of Star:

a. TNI shall act as combination advertising sales agent and as agent for the distribution of The Arizona Daily Star. All advertising and subscription rates shall be established by Star. TNI shall furnish Star such cost and accounting data as may be necessary or appropriate to enable Star to establish such rates. TNI shall offer each purchaser of combination advertising a discount rate which reflects the cost savings resulting from the composition of advertising material previously used or to be used by Citizen and/or the joint Sunday newspaper owned by Star and Citizen. The discount used as the basis for determining the combined advertising rates billed by TNI shall be accumulated by TNI and periodically charged equally against the revenues of the newspapers participating in the combination advertising, that is, Star and Citizen or Star and the joint Sunday. The discount rate shall reflect direct and indirect cost savings arising from combination advertising and shall be determined from time to time by a national accounting firm in accordance with generally accepted principles of accounting.

b. Star alone shall sell its single paper advertising and shall have the right to obtain orders for combination advertising directly (referring all such orders to TNI for processing) and shall be responsible for the promotion of the advertising and circulation of Star. Star is entitled to make sales of subscriptions and sell newspapers separately from the carriers under contract to TNI.

c. TNI shall independently determine the expenses to be charged to Star in the manner hereinafter set forth in Article IV.

III. PRODUCTION AND DISTRIBUTION OPERATIONS OF TNI

TNI shall perform the following operations as printing company for Star:

a. Purchase its supplies and all equipment required for replacement and shall print Star's newspapers and distribute them.

b. Carry on the general business affairs for the commercial functions of TNI and Star.

c. Keep all machinery and equipment in repair.

d. Bill and collect all accounts receivable of Star.

IV. ALLOCATION OF PRODUCTION AND DISTRIBUTION EXPENSES

TNI in its operations shall allocate the production and distribution expenses of all of its operations as follows:

a. Except for the expense items set forth on Exhibit A, TNI shall allocate to Star in accordance with generally accepted principles of cost accounting the actual expenses incurred by TNI in acting as combination advertising sales agent, distribution agent and as printing company for Star.

b. TNI shall allocate as additional expense to Star the actual cost of newsprint used by Star and an amount which will reflect costs in excess of production norms as shall be established from time to time by TNI.

c. In addition to the above set forth specific surcharge items, TNI shall charge the actual costs of any unusual expense caused by and incurred on behalf of Star.

d. TNI shall furnish its accountants with all information necessary to produce where feasible a factor or factors which may be used to reflect the additional costs giving rise to any of the foregoing surcharges and which may be used by TNI in charging said extra expenses to Star.

e. TNI shall keep sufficiently detailed records of all of its activities in order that the same may be verified as conforming to the terms and principles of this Agreement by periodic audits by such national certified public accounting firm.

V. SEPARATE ACCOUNTINGS

Inasmuch as TNI will be acting as an independent agent in connection with the performance of printing, distribution and other services for Star and Citizen, TNI shall maintain an independent and separate accounting of its activities on behalf of Star.

VI. TERMINATION

This Agreement shall terminate June 1, 1990; provided, however, that this Agreement shall automatically extend for additional periods of twenty-five (25) years unless Star gives to TNI written notice of its intention not to renew this Agreement, which written notice shall be given by registered mail not less than two (2) years prior to the termination of the original term of this Agreement or not less than two (2) years prior to the expiration of any renewal period hereof.

VII. MISCELLANEOUS

The parties to this Agreement each agree with the other to take any corporate or other action that may be necessary at any time to carry out and give full force and effect to the provisions of this Agreement, including renewal of its corporate charter as may hereafter become necessary during the term of this Agreement.

The provisions of this Agreement shall be binding upon and inure to the benefit of the parties to this Agreement, their successors and assigns, whether individual or corporate, including, but not limited to, any assigns hereafter created by virtue of any reorganization, merger, or other transactions.

In witness whereof, the parties have hereunto executed these presents this — day of ———, 1969.

ARDEN PUBLISHING COMPANY.
TUCSON NEWSPAPERS, INC.

EXHIBIT A

Expenses to be allocated equally between Star and Citizen:

1. Real and personal property taxes and interest on real property assessments.

2. Fire and casualty and all other general insurance.

3. Utilities including water and gas but excepting electrical power (which is primarily attributable to press use and shall be allocated proportionately between users).

AGREEMENT

This agreement by and between Citizen Publishing Company, a corporation, publisher of the Tucson Daily Citizen, and Tucson Newspaper, Inc., a corporation;

Witnesseth that: Whereas Citizen Publishing Company, hereinafter called "Citizen," is the publisher of the Tucson Daily Citizen and desires to provide for the daily printing and distribution of the Tucson Daily Citizen Monday through Saturday commencing with the effective date hereof by Tucson Newspapers, Inc., hereinafter called "TNI"; and

Whereas Arden Publishing Company, hereinafter called "Star," is the publisher of The Arizona Daily Star; and

Whereas Citizen and Star intend to publish a joint Sunday newspaper; and

Whereas Citizen is the owner of an undivided one-half interest in all of the equipment, machinery, vehicles and other properties necessary to print and distribute the Tucson Daily Citizen and has heretofore placed TNI in possession of said property; and

Whereas Citizen desires to employ TNI to print the Tucson Daily Citizen, to sell advertising space for Citizen in combination with the sale of advertising space for Star and/or the joint Sunday newspaper owned by Citizen and Star (hereinafter referred to as the sale of "combination advertising"), and to distribute the Tucson Daily Citizen.

Now, therefore, for and in consideration of the mutual promises of the parties, it is agreed as follows:

I

TNI is hereby given the right to possession of all Citizen's equipment, machinery and properties necessary to print the Tucson Daily Citizen, to sell combination advertising for Citizen, to distribute the Tucson Daily Citizen, and to operate business and accounting functions for Citizen necessary to the performance of such services. TNI shall determine the gross revenue allocable to Citizen from advertising and circulation sales made on behalf of Citizen as follows:

a. TNI shall determine and allocate to Citizen the gross revenue from national, local display and classified advertising sold on behalf of Citizen.

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b. TNI shall determine and allocate to Citizen its gross revenue from the sale and circulation of the Tucson Daily Citizen.

c. The total of subparagraphs a and b, together with any other revenue from any sources derived by TNI on behalf of Citizen shall constitute the total revenue allocable to Citizen by TNI.

TNI after deducting its expenses allocable to Citizen shall pay over to Citizen the net revenue allocable to Citizen and any other revenue from any source derived by TNI on behalf of Citizen.

II

TNI shall perform the following functions on behalf of Citizen:

a. TNI shall act as combination advertising sales agent and as agent for the distribution of the Tucson Daily Citizen. All advertising and subscription rates shall be established by Citizen. TNI shall furnish Citizen such cost and accounting data as may be necessary or appropriate to enable Citizen to establish such rates. TNI shall offer each purchaser of combination advertising a discount rate which reflects the cost savings resulting from the composition of advertising material previously used or to be used by Star and/or the joint Sunday newspaper owned by Citizen and Star. The discount used as the basis for determining the combined advertising rates billed by TNI shall be accumulated by TNI and periodically charged equally against the revenues of the newspapers participating in the combination advertising, that is, Citizen and Star or Citizen and the joint Sunday. The discount rate shall reflect direct and indirect cost savings arising from combination advertising and shall be determined from time to time by a national accounting firm in accordance with generally accepted principles of accounting.

b. Citizen alone shall sell its single paper advertising and shall have the right to obtain orders for combination advertising directly (referring all such orders to TNI for processing) and shall be responsible for the promotion of the advertising and circulation of Citizen. Citizen is entitled to make sales of subscriptions and sell newspapers separately from the carriers under contract to TNI.

c. TNI shall independently determine the expenses to be charged to Citizen in the manner hereinafter set forth in Article IV.

III. PRODUCTION AND DISTRIBUTION OPERATIONS OF TNI

TNI shall perform the following operations as printing company for Citizen:

a. Purchase its supplies and all equipment required for replacement and shall print Citizen's newspapers and distribute them.

b. Carry on the general business affairs for the commercial functions of TNI and Citizen.

c. Keep all machinery and equipment in repair.

d. Bill and collect all accounts receivable of Citizen.

IV. ALLOCATION OF PRODUCTION AND DISTRIBUTION EXPENSES

TNI in its operations shall allocate the production and distribution expenses of all of its operations as follows:

a. Except for the expense items set forth on Exhibit A, TNI shall allocate to Citizen in accordance with generally accepted principles of cost accounting the actual expenses incurred by TNI in acting as advertising sales agent, distribution agent and as printing company for Citizen.

b. TNI shall allocate as additional expense to Citizen the actual cost of newsprint used by Citizen and an amount which will reflect costs in excess of production norms as shall be established from time to time by TNI.

c. In addition to the above set forth specific surcharge items, TNI shall charge the actual costs of any unusual expenses caused by and incurred on behalf of Citizen.

d. TNI shall furnish its accountants with all information necessary to produce where feasible a factor or factors which may be used to reflect the additional costs giving rise to any of the foregoing surcharges and which may be used by TNI in charging said extra expenses to Citizen.

e. TNI shall keep sufficiently detailed records of all of its activities in order that the same may be verified as conforming to the terms and principles of this Agreement by periodic audits by such national certified public accounting firm.

V. SEPARATE ACCOUNTINGS

Inasmuch as TNI will be acting as an independent agent in connection with the performance of printing, distribution and other services for Citizen and Star, TNI shall maintain an independent and separate accounting of its activities on behalf of Citizen.

VI. TERMINATION

This Agreement shall terminate June 1, 1990; provided, however, that this Agreement shall automatically extend for additional periods of twenty-five (25) years unless Citizen gives to TNI written notice of its intention not to renew this Agreement, which written notice shall be given by registered mail not less than two (2) years prior to the termination of the original term of this Agreement or not less than two (2) years prior to the expiration of any renewal period hereof.

VII. MISCELLANEOUS

The parties to this Agreement each agree with the other to take any corporate or other action that may be necessary at any time to carry out and give full force and effect to the provisions of this Agreement, including renewal of its corporate charter as may hereafter become necessary during the term of this Agreement.

The provisions of this Agreement shall be binding upon and inure to the benefit of the parties to this Agreement, their successors and assigns, whether individual or corporate, including, but not limited to, any assigns hereafter created by virtue of any reorganization, merger, or other transactions.

In witness whereof, the parties have hereunto executed these presents this — day of ———, 1969.

CITIZEN PUBLISHING COMPANY.
TUCSON NEWSPAPERS, INC.

EXHIBIT A

Expenses to be allocated equally between Citizen and Star:

1. Real and personal property taxes and interest on real property assessments.
2. Fire and casualty and all other general insurance.
3. Utilities including water and gas but excepting electrical power (which is primarily attributable to press use and shall be allocated proportionately between users).

JOINT VENTURE AGREEMENT

This agreement by and between Arden Publishing Company, a corporation, publisher of The Arizona Daily Star, hereinafter referred to as "Star," and Citizen Publishing Company, a corporation, publisher of the Tucson Daily Citizen, hereinafter referred to as "Citizen," and Tucson Newspapers, Inc., a corporation hereinafter referred to as "TNI";

Witnesseth that:

I

TNI shall print and perform all other commercial operations for a Sunday newspaper as a joint venture on behalf of Star and Citizen and shall keep a separate account of all of its activities with respect to the joint Sunday newspaper.

II

TNI shall keep a record of and charge the joint venture with the direct costs incurred by TNI in connection with the joint Sunday paper and in addition shall charge a factor thereof fairly representing direct costs that cannot be separately accounted for and a factor fairly representing indirect expense of operating TNI in connection with the joint Sunday newspaper. The foregoing factors shall be determined by a national accounting firm and filed with the Secretary of TNI.

III

The net revenues from the joint Sunday operation shall be determined by TNI and verified by a national accounting firm and paid in equal shares to Star and Citizen.

IV. EDITORIAL MANAGEMENT OF THE SUNDAY NEWSPAPER

A. All live news, sports content and feature sections shall be under the direction of a Sunday editor who shall be appointed jointly by Star and Citizen, which shall provide such staff assistance as they may mutually determine.

B. The comic sections shall consist of all comic sections provided by Star and Citizen.

C. The editorial pages of the joint Sunday newspaper shall be under the direction of the Sunday Editor and Star and Citizen shall have the right to equal space for editorial comment.

V

Each joint venturer shall keep an accurate record of its payroll expense and any other direct expense it incurs in the production of the joint Sunday newspapers. A national accounting firm shall determine factors for Star and Citizen to reflect their respective indirect expense in producing the Sunday newspaper, which factors shall be filed with the Secretary of TNI. The direct and indirect expense of the Star shall be reimbursed to Star from the gross Sunday revenues and, in like manner, the direct and indirect expenses of Citizen shall be reimbursed to Citizen by TNI from the gross Sunday revenues.

VI

All expenses for syndicated columnists, syndicated news magazines, and any other expense customarily incurred in connection with a Sunday issue shall be paid by TNI from Sunday revenues.

VII

This Agreement shall terminate June 1, 1990; provided, however, that this Agreement shall automatically extend for additional periods of twenty-five (25) years unless either Star or Citizen gives to the other written notice of its intention not to renew this Agreement, which written notice shall be given by registered mail not less than two (2) years prior to the termination of the original term of this Agreement or not less than two (2) years prior to the expiration of any renewal period hereof.

VIII

The provisions of this Agreement shall be binding upon and inure to the benefit of the parties to this Agreement, their successors and assigns, whether individual or corporate, including, but not limited to, any assigns hereafter created by virtue of any reorganization, merger, or other transactions. By way of explanation and not by way of limitation, it is agreed that this Agreement shall bind the stockholders of Star and Citizen, any successor organization of those corporations and the stockholders of such successor organization.

In witness whereof, the parties have hereunto executed these presents this — day of ———, 1969.

ARDEN PUBLISHING COMPANY.
CITIZEN PUBLISHING COMPANY.
TUCSON NEWSPAPERS, INC.

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REVISED BYLAWS—TUCSON NEWSPAPERS, INC.

ARTICLE I. NAME AND LOCATION OF CORPORATION

The name of this corporation is Tucson Newspapers, Inc. Its principal office is located in Tucson, Pima County, Arizona.

ARTICLE II. PURPOSES OF THE CORPORATION

The purposes of Tucson Newspapers, Inc., are:

1. To act as agent for conducting the business affairs and for the printing and distribution of newspapers for each of its principals, Arden Publishing Company (hereafter "Star") and Citizen Publishing Company (hereafter "Citizen"), which publish separate newspapers on a daily basis, Monday through Saturday of each week, and a joint Sunday newspaper.

2. To act as agent for the sale of combination advertising for Star and Citizen.

3. To print, distribute and to make advertising and circulation sales for a Sunday newspaper published pursuant to a joint venture agreement among Star, Citizen and Tucson Newspapers, Inc.

ARTICLE III. CAPITAL STRUCTURE

1. Tucson Newspapers, Inc., shall have such capital as its stockholders shall contribute to it, provided, however, that such contributions of cash or property to Tucson Newspapers, Inc., shall be in proportion to stockholdings.

2. Tucson Newspapers, Inc., shall rent from its stockholders at prevailing commercial rental rates all machinery and equipment, office furniture, furnishings and other properties necessary to perform the printing, advertising, circulation, business and accounting services pursuant to separate contracts with Star and Citizen.

3. Tucson Newspapers, Inc., shall rent the real property used in its operation from its stockholders at a rental which shall not exceed a percentage of the appraised value of each principal's interest in said real property as heretofore appraised by Coats and Burchard and as may hereafter be appraised from time to time, which percentage shall not exceed one and one-half times the prime interest rate charged by New York banks from time to time.

ARTICLE IV. ALLOCATION OF EXPENSES AND DISTRIBUTION OF REVENUES TO PRINCIPALS

Tucson Newspapers, Inc., shall allocate its receipts and expenses between its principals, as provided in its agreements with Star and Citizen.

ARTICLE V. STOCKHOLDERS

1. *Stockholders.*—The stockholders of this corporation shall be the holders of one or more shares of the capital stock entitled to vote as shown by entry on the books of the corporation.

2. *Annual Meeting.*—The annual meeting of the stockholders of the corporation shall be held at the office of the corporation, or other designated place, in the City of Tucson, Arizona, at two o'clock in the afternoon of the first Tuesday after the first Monday in February of each year, commencing 1970, if not a legal holiday, and if such day is a legal holiday, then on the next succeeding day that is not a legal holiday.

3. *Special Meetings.*—Special meetings of the stockholders may be called at any time by the President, or by the Board of Directors, or by a majority of the stockholders. Special meetings shall be held on the date and at the time and place specified in the notice thereof.

4. *Notice of Meetings.*—It shall be the duty of the Secretary to cause notice of each annual and special meeting of the stockholders to be mailed to each stockholder of the corporation entitled to vote at such meeting. Notice of each regular meeting shall be given at least ten (10) days before such meeting and notice of each special meeting shall be given at least five (5) days before such meeting. Notice shall be given by ordinary mail, directed to the last known address of said stockholder as the same appears on the records of the corporation; and in computing said notice, the date of mailing shall be considered as the first day of the period. The notice shall specify the place, day and hour of the meeting. Notice of any meeting may be waived.

5. *Quorum.*—The majority of the issued and outstanding stock of the corporation must be represented in person or by proxy to constitute a quorum. Only those shall be entitled to vote who appear as stockholders upon the books of the corporation. Those who attend a meeting where a quorum cannot be obtained may adjourn from time to time until the meeting shall be regularly constituted.

6. *Organization.*—At each annual meeting the stockholders shall elect directors who shall hold office until the next annual meeting, but in any event until their successors are elected and qualified. The President and Secretary of this corporation shall act as Chairman and Secretary of each stockholders' meeting, unless the holders of a majority of the issued and outstanding shares of stock shall elect some other stockholders to act in their place and stead.

7. *Voting.*—At such meeting all questions with the exception of the election of directors shall be determined by a majority vote of the stockholders present in person or by proxy, each stockholder being entitled to one vote for each share of stock in his or its name as it appears upon the records of the corporation. In all elections for directors of the corporation, each stockholder shall have the right to cast as many votes in the aggregate as he owns shares of stock appearing upon the books of the corporation multiplied by the number of directors to be elected at such election, which shall be four in number unless otherwise provided by the By-Laws.

ARTICLE VI. BOARD OF DIRECTORS

1. *General Powers.*—The property and affairs and business of the corporation shall be managed by the Board of Directors. The directors need not be stockholders. They shall be elected at the annual meeting of the stockholders, and each director shall be elected to serve until his successor shall be elected and qualified.

2. *Number, Qualifications and Term of Office.*—The number of directors shall be five, four of whom shall be elected by the stockholders. The fifth director shall be elected by the other directors and the fifth director shall be Chairman of the Board and President of the corporation. The directors shall be elected annually in the manner provided herein and each director shall hold office until the annual meeting held next after his election or until his successor shall have been elected and qualified or until he shall resign or until his death. At each meeting of the stockholders for the election of directors at which a quorum is present, the persons receiving the greatest number of votes shall be the directors.

3. *Quorum.*—Except as otherwise provided by statute or by these By-Laws, not less than the four directors elected by the stockholders shall constitute a quorum for the transaction of business at any meeting, and the act of the majority of the directors present at any meeting at which a quorum is present shall be the act of the Board of Directors, except as provided in Section 10 hereafter of this Article VI. In the absence of a quorum, the directors present may adjourn any meeting from time to time until the meeting shall be regularly constituted as hereinabove required. Notice of any adjourned meeting need not be given. The directors shall act only as a Board and the individual directors shall have no power except with respect to Actions by Resolution as provided in Section 11 hereinafter.

4. *Place of Meeting.*—The Board of Directors may hold its meeting and keep the books and records of the corporation at such place or places within or without the State of Arizona as the Board from time to time may determine, or as shall be specified or fixed in the respective notices or waivers of notice thereof.

5. *Regular Meeting.*—A regular meeting of the Board of Directors shall be held immediately after each annual meeting of stockholders, for the election of officers and the transaction of other business, and other meetings of said Board shall be held at such times and places as said Board shall from time to time determine. No notice shall be required for any regular meeting of the Board of Directors.

6. *Special Meetings.*—Special meetings of the Board of Directors may be called at any time by the President or by any two directors. The Secretary shall give notice of the time and place of each special meeting by mailing a written notice of the same to each director at his last known post office address at least two days before the meeting, or by causing the same to be delivered personally, or to be transmitted by telegraph at least twenty-four hours before the meeting, or meetings may be had without notice if such notice is waived by all of the Directors.

7. *Organization.*—At each meeting of the Board of Directors, the President, or in his absence, the Vice President, or, in the absence of both the President and Vice President, a director chosen by a majority of the directors present shall act as Chairman. The Secretary, or in his absence any person appointed by the Chairman, shall act as Secretary of the meeting.

8. *Resignation.*—Any director of the corporation may resign at any time by giving written notice to the Board of Directors, or to the President, or to the Secretary of the corporation. The resignation of any director shall take effect at any time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

9. *Vacancy.*—In the case of any vacancy in the Board of Directors caused by death, resignation or any other cause as concerns any director elected by the stockholders, then the stockholders who elected the director whose office became vacant shall have the power to fill that vacancy by written notice thereof to the Board of Directors. In the case of a vacancy in the office of the Chairman of the Board (who is elected by the four directors elected by the stockholders) that vacancy shall be filled by a special election held by all of the four remaining directors (who have been elected by the stockholders).

10. *Controversy.*—In the event of a controversy arising pertaining to the affairs of the corporation, wherein the members of the Board of Directors representing Star and the members of the Board of Directors representing Citizen are evenly divided, then:

A. A special meeting of the stockholders of Tucson Newspapers, Inc., shall be called for the purpose of determining such controversy, and if at such meeting the stockholders shall also be evenly divided on the matter or matters involved, it is agreed that the stockholders shall mutually appoint one disinterested third person, hereinafter called Commissioner, to resolve the dispute, who shall render his decision in writing within the time period hereinafter set forth. The decision of said Commissoner shall be final and shall be binding upon the stockholders and Tucson Newspapers, Inc.

B. If the stockholders of Tucson Newspapers, Inc., are unable to agree upon a Commissioner, then said stockholders shall provide for the appointment of a Commission of three persons to resolve the dispute: Star shall select a disinterested Commissioner and submit his name to Citizen for its written approval and, in like manner, Citizen shall nominate a disinterested Commissioner and submit his name to Star for its written approval. The Commissioners so nominated by Star and Citizen shall be persons of personal and business integrity; they need not be from the community of Tucson or from the State of Arizona, but preferably should have experience in the problem involved. The two Commissioners so appointed shall appoint a third Commissioner, who shall be a disinterested person who has been an active newspaper publisher or manager and preferably who operates or who has had experience in joint managements of newspapers. In the event that the two Commissioners so appointed are unable to agree upon a third Commissioner, then said Commissioners shall each prepare a list of three persons who possess the qualifications above required for the third Commissioner, and from the list of six names so submitted by the parties, the presiding Judge for the United States District Court for the District of Arizona, or if he refuses then such Federal Judge as he shall designate, shall be requested to choose a third Commissioner from the list of six names so submitted. The decision of a majority of the Commissioners shall be final and shall be binding upon the stockholders and Tucson Newspapers, Inc.

"Disinterested person," as used herein, means a person who is not related by affinity to stockholders or directors of Star or Citizen, and who has no business relationship, directly or indirectly, with Star, Citizen, or their respective stockholders or directors.

C. In the event said three party Commission is not appointed within the time limits hereinafter required, either because Star or Citizen or both fail to approve the nominee of the other, or for any other reason, then the issue shall be resolved by a single Commissioner, who shall be appointed in the following manner: Three persons shall be nominated by Star and three persons shall be nominated by Citizen. Each nominee shall be an individual of personal and business integrity in the community wherein he resides. The Commissioner to be selected from said panel of six names shall be determined by lot, and his decision shall be final and shall be binding upon the stockholders and Tucson Newspapers, Inc.

D. The appointment, nomination, or approval of any Commissioner shall be made in writing by the appropriate party within fifteen days after the event requiring such appointment, nomination, or approval. The decision of a Commissioner when only one is acting shall be rendered in writing within thirty days after his appointment, and where three Commissioners are acting said decision shall be rendered in writing within thirty days after the appointment of the third Commissioner; provided, however, if for good cause the circumstances involved require delay beyond said thirty-day period, such additional time to render a decision may be taken by said Commission or Commissioner as is reasonably necessary under the circumstances. All expenses incurred in connection with any decision to be rendered by a Commissioner or Commission shall be paid by Tucson Newspapers, Inc.

11. *Action by Resolution.*—The Board of Directors shall, except as otherwise provided by law, have the power to act in the following manner: A resolution in writing, signed by all members of the Board of Directors, shall be deemed to be action by such Board to the effect therein expressed, with the same force and effect as if the same had been duly passed by the same vote at a duly convened meeting, and it shall be the duty of the Secretary of the corporation to record such resolution in the minute book of the corporation under its proper date.

ARTICLE VII. OFFICERS

1. *Officers.*—The executive officers of the corporation shall consist of a President, Vice President, Secretary and Treasurer, all of whom shall be elected by the Board of Directors. The offices of Vice President and Treasurer may be held by one and the same person. Assistants to each of said offices may also be elected by the Board. No officer need be a director.

The Board of Directors may appoint such business and department managers as they may deem necessary, and such managers shall have authority to perform and shall perform such duties as from time to time shall be provided by the Board of Directors.

2. *Powers and Duties of the President and Vice President.*—

A. The President shall preside at all meetings of the Board of Directors. He shall submit to them at the regular meetings of the Board a comprehensive report of the business matters of the corporation, and he shall have general management and control of the business affairs of the corporation, subject at all times to the direction and approval of the Board of Directors. He shall have power to employ and discharge such employees as he deems to be for the best interests of the corporation, except that he shall not have the power to remove an executive officer of the corporation who is elected by the Board, or any other employee specifically hired by the Board.

B. The Vice President shall assume all of the duties of the President in the event of the absence of the President, his incapacitation, death or whatever cause may make it impossible for him to carry on and perform his executive duties.

3. *Powers and Duties of the Treasurer.*—The Treasurer shall have the custody of all the funds and securities of the corporation which shall come into his hands. When necessary or proper, he shall endorse on behalf of the corporation for collection, checks, notes and other obligations, and shall deposit the same to the credit of the corporation, in such bank or depositories as the Board of Directors may designate. He shall sign receipts and vouchers for payment made to the corporation and shall perform all other duties usually incident to the office of Treasurer, or that may be required of him by the Board of Directors. All checks, orders, drafts, notes, etc., of this corporation shall be signed by the person or persons thereunto authorized by the Board of Directors.

4. *Powers and Duties of the Secretary.*—The Secretary shall keep the minutes of all meetings of the Board of Directors and the minutes of all stockholders' meetings in books to be provided for that purpose. He shall attend to the giving and serving of all notices of the corporation. He may, jointly with the President, sign the name of the corporation to all contracts authorized by the corporation. Jointly with the President or, in his absence, the Vice President, he shall sign all certificates of the shares of the capital stock of the corporation. He shall have charge of the certificate books, transfer books and stock ledgers, and such other books and papers as the Board of Directors may direct, all of which at all reasonable times shall be open to the examination of any director, upon application at the office of the corporation during business hours, and he shall, in general, perform all of the duties incident to the office of Secretary.

5. *Salaries.*—The Board of Directors, by a majority vote, may set the salaries of all officers and such other employees as are hired by the Board.

ARTICLE VIII. CAPITAL STOCK

1. The certificate of stock may be transferred, sold, assigned, or pledged by an endorsement to the proper effect in writing on the back of the certificate, and delivery of such certificate by the transferor to the transferee; provided, however, that until notice given of such transfer to the Secretary of the corporation, and the surrender of the certificate of stock for cancellation, and the issuance of a new certificate in lieu of that surrendered, this corporation may regard and treat the transferor as being still the owner of the stock.

2. All surrendered certificates shall be marked "cancelled," with the date of cancellation, by the Secretary and shall be immediately pasted into the book opposite memorandum of their issue.

3. All certificates of stock shall be signed by the President or Vice President, and the Secretary or Treasurer, and attested by the corporate seal, if available.

4. A duplicate certificate of stock may be issued for such as may have been lost or destroyed upon the applicant's furnishing affidavit that he is the owner of such certificate and that the same has been lost or destroyed, together with bond of indemnity, with satisfactory security to the corporation conditioned upon loss in consequence of issue of said duplicate certificate.

ARTICLE IX. AMENDMENTS

These By-Laws may be amended, added to, or altered by a majority vote of the stockholders at any annual meeting or any special meeting called for that purpose. The Board of Directors on the unanimous vote of all of the directors shall also have the power to adopt and amend the By-Laws for the government of this corporation.

ARTICLE X. DISSOLUTION OF TUCSON NEWSPAPERS, INC.

1. In the event of the termination of Star's agreement with Tucson Newspapers, Inc., or in the event of the termination of Citizen's agreement with Tucson Newspapers, Inc., which agreements were executed concurrently with the adoption of these By-Laws, then Tucson Newspapers, Inc., shall be dissolved. In the event of the dissolution of Tucson Newspapers, Inc., except as hereinafter provided, such dissolution shall be effected in accordance with the laws of the State of Arizona. The cost and expenses of the dissolution shall be paid from such funds as Tucson Newspapers, Inc., shall have on hand or, in the absence of such funds, at the equal expense of the stockholders. Any property other than cash or accounts or notes receivable which may be in the custody of Tucson Newspapers, Inc., shall be delivered to the stockholder or stockholders which is or are the owner or owners of such property if delivery is necessary. Any property owned by Tucson Newspapers, Inc., shall be divided or sold and property or proceeds, as applicable, distributed among the stockholders in accordance with their stock interests. Any remaining cash on hand not required for the payment of accounts or obligations owing by Tucson Newspapers, Inc., or required to be set aside for liquidation of commitments shall be distributed to the stockholders in accordance with their stock interests. All accounts receivable shall be collected by an agent to be appointed by the stockholders and the cash received therefrom distributed in accordance with the respective contract commitments of Tucson Newspapers, Inc., with Arden Publishing Company and Citizens Publishing Company.

Mr. HART. This order was actually not available until yesterday.

Is it not the wise course, given the existence of the issuance of this order, with its very broad grant of authority to these newspapers, to return the bill to the committee, permitting the committee to have the benefit now of what we did not have at the time this bill moved

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through—the decision of the court, the reflection of this opinion, the position of the Department of Justice and the identification of those areas where common activity is clearly to be permitted? Mind you, Mr. President, joint mechanical facilities in the whole range of facilities, including presses, warehouses, buildings, trucking, and other machinery and typesetting equipment, clear authority covers the joint circulation system with a single staff down even to the boy peddling the papers on the corner and sharing the rack.

The publication of a joint Sunday paper pooling the profits from that, authorization that a single business department with common bookkeeping and billing is permitted and, finally, establishment of a joint rate structure which will permit a sales force on both papers to offer a cost justified combination rate is legal.

We know now what we did not know when the bill was moving through, that these activities are permissible. Let us find out, in the months that will follow, the extent to which, with these authorized activities whether a successful operation, a successful joint agreement is possible.

It is for this reason, Mr. President, that my motion, which I now make, is to recommit the bill to the Committee on the Judiciary with instructions to the committee to determine the effect in this area where the problem is alleged to exist of new guidelines established by a court agreement.

I would hope, Mr. President, that we could agree that this is the responsible, wise, and thoughtful course for the Senate to take.

Mr. HRUSKA. What is the proposal of the Senator? Because of the reasoning in which he has just indulged and expressed, what is the next parliamentary step?

Mr. HART. A vote on the motion to recommit the bill.

Mr. HRUSKA. Mr. President, as I understand it, the Senator from Michigan makes a motion to recommit the bill primarily upon the proposition that the Supreme Court, or the court in the Tucson case, has spoken as recently as last Friday in the Tucson case.

I do not conceive and I think no other Senator can conceive of this as a bill which is just trying to dispose of the destiny of the Tucson case. This is a bill which applies to the newspaper industry. It applies to about 44 newspapers.

Mr. President, it is regrettable that the Tucson case is in the background here, and that the San Francisco case is also here; but they are only proof positive of the uncertainty and the lack of any orderly procedure that governs the future destinies of 44 newspapers in the 22 cities involved.

For the life of me, I cannot understand why it is that we would hold up something just because the court might do something further, maybe, in the Tucson case.

There is not a newspaper in this land that is involved in any of these arrangements but what is confronted with this situation. They do not know whether they will have to go out of business or not. They do not know whether the arrangements will be tossed out of the window. They do not know whether they will face suits which may number in the hundreds. They have presses which have to be renewed and replaced with new equipment. They have other equipment. They have other items of capital investment, such as additions to buildings, that they must make to keep their newspapers going. They have had other worries since former Senator Hayden of Arizona, in March of 1967, first introduced a bill on this subject.

Now, we are asked, just because a court has made another order in an individual case, to say, "Let us not legislate now. Let us seek further light."

Mr. President, it does not make any sense to me. It was agreed to take up the bill. Here we are. We are a continuing body. We are in business here. I would suggest that the way to consider the bill and vote on it, if anyone thinks there is a scarcity or a paucity of material, is to look at the five volumes I hold in my hand. There is a lot of reading material here. There is a great deal of wisdom, and a great deal of expert testimony. These volumes are a result of a series of protracted hearings. Yet now we are being asked to recommit the bill so that we can await the further pleasure of a segment of an independent, coequal branch of government.

Mr. President, I say, let us go ahead and legislate.

Mr. FONG. Mr. President, if the Senator from Nebraska will yield, is it not a fact that this problem has been before the American public for the past 20 to 30 years?

Mr. HRUSKA. That is right.

Mr. FONG. Is it not a fact that we have debated and debated and debated this subject? It is about time we stopped talking about it and tackled the problem, is it not?

Mr. HRUSKA. I would certainly think it is about time.

Mr. FONG. Does not the Senator believe that the newspaper industry is faced with tremendous losses of newspapers in the cities and therefore should be given the opportunity to have two editorial voices rather than one, because we all know that just one editorial voice merely creates a monopoly in that city.

Mr. HRUSKA. What the Senator says is true, but more important than that, as he knows—perhaps I am anticipating—but the public also has a right.

Mr. FONG. Is it not a further fact that this delay will affect not only Honolulu, but also Salt Lake City, and other cities which have joint operating agreements?

Mr. HRUSKA. What will be decided in the Tucson case by the court will be the facts and the law pertaining to the particular set of circumstances which prevail in the Tucson agreement and the Tucson arrangement. But a recommital will affect Salt Lake City, Utah, Lincoln, Nebr., or Honolulu, Hawaii, or any of the other situations. We will gain nothing.

Mr. FONG. The Antitrust Subcommittee has already delayed this legislation to allow time to work out the Tucson case, has it not.

Mr. HRUSKA. That is right.

Mr. President, unless there is any further discussion at this time, I would propose to make a motion to lay the motion to recommit on the table. I shall not do it now, out of fairness to anyone who wants to speak further on the subject; but if there are no other speakers, I would propose to make that motion.

Mr. HART. Mr. President, my strong feeling is that when history gets around to this, it will establish the fact, as I suggest, that this bill is a reaction to the problem in Tucson. Of that judgment of history, I am rather sure.

The Senator from Nebraska says that merely resolving the Tucson problem does not ease the pain in Hawaii, Utah, or Tennessee.

Mr. President, the order that is now in hand and available to those publications makes clear the broad reach of the joint activity which they would be permitted to engage in. This, they always argue, they were unsure of. But now it is in black and white and the Department of Justice has made clear, indeed—I shall not use the word entreat—but has been seeking to encourage these joint publications to come in, even before the court order was at hand, to develop and plan the joint operation which would be permitted and which would assure economic success.

Now we have a clear indication of the area in which a joint agreement may be permitted to operate. Let those other papers now go to the Department of Justice and establish ground rules. It is my feeling that the reach permitted, the sweep of authority, if you will, Mr. President, the exemptions from antitrust principles that this court order would permit, exceeds substantially the authority which publishers and their counsel ever felt would be permitted. But it is at hand now. Why not, before mailing in an exemption to the antitrust laws—and not for the weakest members of our society—let us try to take a position which will enable the committee to evaluate what is possible under the order and permit publishers, knowing what is possible and permissible, to develop a plan which will have immunity, not under an exemption from the antitrust law, but under an agreement with the Department of Justice within the reach of this court order.

That is the reason I think the delivery of the order makes rational a responsible return of the bill to the committee. It will enable them—for this not altogether impoverished corporate situation—to attempt to incorporate the order in their consideration.

Interestingly, the public figures on some of these joint agreements show rates of returns and profits which would be the envy of a great many people who would never dare suggest that they should be given special treatment under the antitrust laws.

Mr. HRUSKA. Mr. President, it has been suggested that the pending legislation is a reaction to the Tucson case. If it is, it is only by way of a catalyst.

The determination of the Tucson case will not determine the standing of other cases. It will be established in other places which may or may not be applicable to any of the antitrust cases that the Antitrust Division will bring.

The Tucson case was filed in January 1965, only 5 years ago. Last Friday another order of the court—not by the Supreme Court, but by the trial court in Arizona—was entered.

It is an appealable order. It is not final. It is not determined. We cannot put this in a state of limbo. This question that has been with us all this time affects not a legal situation, it is much more broad than that. It is a political thing in the major sense. It relates to the fashion in which the media of this country will be allowed to function. It is that big a problem.

The suggestion is made that we should let the Tucson case establish ground rules. I submit that the place to make ground rules for a matter as big as this is in the Congress. If there is a request inherent to have the antitrust laws exempt the 22 cities involved, that is a part of the situation. There is no other way to get to it. We have done it for others. This is of sufficient national interest and has sufficient impact upon national policy and is in the national and public interest that they should get public treatment. Special circumstances prevail, and they are entitled to special treatment.

In due time, I want to make a motion to table the motion of the Senator from Michigan.

Mr. BENNETT. Mr. President, I shall take about 3 minutes to put some figures into the RECORD.

Mr. President, when I learned that the Federal district court in Tucson had issued its order regarding the joint newspaper operating arrangement in that city, I endeavored to determine just how that arrangement would affect the other 21 joint operating arrangements, including Salt Lake City. It is now my understanding that the order in Tucson has no chance of preserving two editorial voices in Salt Lake City or the remaining cities with joint operating arrangements. Moreover, the order will probably reduce the Tucson newspapers to a weakened financial state where they must necessarily cut back on expenditures for news and features.

The order issued by the court in Tucson replaces a single advertising sales force with no less than three sales staffs, one for each paper, and a special one for the Sunday edition. Similarly, one circulation department will be replaced by three circulation departments. Obviously, this will not reduce costs, but will make advertising and subscription rates increase. Such an inflationary trend does not benefit the public in any imaginable way.

To be sure, the order does allow the two papers, or the three advertising staffs, to sell advertising under combination rates—allowing a reasonable discount for repeating the same ad in the morning and evening papers. The order has just increased the cost of doing business. I might note that much of the opposition to the Newspaper Preservation Act came from weekly newspapers who objected to combination rates, and yet the court considers such discounted rates to be proper.

The court's order also contains one rather novel twist—while outlawing the existing joint operating arrangement 6 days a week, it prescribes just such an arrangement on Sundays. This hypocrisy would be humorous if it were not for the fact that it will—unless we enact S. 1520—put over 20 newspapers out of business.

It is interesting that in reverse of the usual point of view, it permits sin on Sunday, but denies it for the other 6 days of the week.

The only reason why the court's order has any chance of succeeding in Tucson is because the two newspapers in Tucson have almost identical circulation figures. The morning paper has a circulation of 45,000. The afternoon paper has a circulation of 49,000. Thus, they can just about split costs and profits down the middle. But, in Salt Lake City and just about every other city where there are joint operating arrangements, there is a vast difference in the circulation figures of the two papers.

In Salt Lake City the morning paper has a circulation of 107,000, and the afternoon paper has a circulation of 84,000.

There are some that are much more divergent. In California, the San Francisco morning paper has a morning circulation more than twice as large as the circulation of the afternoon paper. The dominant paper, with the greater circulation, would benefit from the Tucson formula, but the paper with lower circulation would immediately incur operating losses.

Mr. President, while some may suggest waiting to see the results in Tucson of the court's order, I consider this to be totally irrelevant. Even if it might work in Tucson, it cannot work in Salt Lake City. Moreover, the court's formula is not in the public interest. It is bound to increase costs without benefitting the product. It is hypocritical by requiring on Sundays what the court has already held to be illegal every other day of the week.

Mr. President, we believe a solution to the problem lies in the passage of the Newspaper Preservation Act.

I shall vote to table the suggestion of the Senator from Michigan.

Mr. FONG. Mr. President, the distinguished Senator from Michigan asks for a recommittal of the bill so that we might have more time. More time will not clarify the issue. We have granted exemptions from the antitrust laws in many instances. As I have stated in my prepared statement, we have done it in about 10 cases. We have done it for labor unions, securities, basketball, baseball, hockey, and football setups, as well as for cooperatives.

We are asking for an antitrust exemption for newspapers because we feel it is necessary for the preservation of two editorial voices in a community. We know this is a big problem that is facing the newspaper industry because it cannot survive competition if it does not get into a joint agreement.

Mr. HART. Mr. President, the Senator from Utah used a phrase that can work both ways. He is appalled that we would permit sin on Sunday. I suggest that what the bill does is to make sin permissible every day of the week.

What occurs to me is that this discussion has indicated the value not of a legislative, across-the-board, universal treatment by way of exemption from the antitrust laws for these publications, but it is indicated there may be differing circumstances in each of these communities. It is better that we not legislate with specificity broad exemptions for all 22 cities—but rather, as the Tucson order reflects, permit an agreement to be developed between the Department of Justice and the 22 joint publications within the range that is outlined here. It would be a much more flexible method of operation. It would be this kind of experience that would be permitted if we returned the bill to the committee to see what the reactions of development, opportunity, and possibility are, now that we have enhanced, in the last few days, the reach of the authorization that is reflected in the Tucson order.

Mr. President, as far as I know none of the joint operating agreements are at the moment to be labeled "weak sisters" economically. The subcommittee received in confidence operating figures covering most of the joint operating agreements. I think it is permitted that I report, not by name any one set of figures, that in all cases rates of return after taxes at the moment seem to make them very attractive investments. That is the kind of enterprise we are now proposing to exempt from the antitrust laws.

This would also be the only exemption from the antitrust laws, if we take this action, of an industry that also has a constitutional exemption. The first amendment gives these enterprises a "leg up" to begin with, and by reason of that special treatment—a treatment with which I do not quarrel; their right freely to express themselves—we should assure against granting an exemption at least until the committee has had the opportunity to evaluate the 22 situations in light of the ground rules here presented.

Further, it is my understanding that the Department does not intend to appeal the order. Given the reach of the authorization contained in it, I have my serious doubts that the Tucson publisher would be in the business of offering.

Incidentally, while it would not be correct to print in the RECORD the financial figures furnished the subcommittee in confidence, from public figures, the SEC prospectus, there are some figures that are available. For example, in the case of Lee Enterprises, Inc., where the Journal Star Printing Co., the Madison Newspapers, and the chain of Lee Enterprises were involved in connection with a stock offering, the prospectus reflects their current financial condition. The 1968 rate of return on stockholders' equity was $3 million, net income $500,000, rate of return after taxes in Lincoln, Nebr., 16.4 percent. That is not a discouraging undertaking or effort. There was a rate of return after taxes of the joint agreement in Madison, Wis., of 22 percent.

Mr. President, I ask unanimous consent that the prospectus figures be printed in the RECORD.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

JOURNAL-STAR PRINTING CO.—BALANCE SHEETS

	Sept. 30, 1968	Dec. 31, 1968 (unaudited)
ASSETS		
Current assets:		
Cash	$211,008	$212,114
Trade receivables, less allowance for discounts and doubtful accounts Sept. 30, 1968 $25,000; Dec. 31, 1968 $25,630	492,413	537,603
Inventories, at lower of cost or market [1]	162,273	132,343
Prepaid expenses	42,565	44,580
Deferred income tax charges [1]	22,650	16,163
Total current assets	930,909	942,803
Investments:		
Stock of KFAB Broadcasting Company, at cost [1]	273,896	273,896
Cash value of life insurance	11,492	11,492
Total	285,388	285,388
Property and equipment, at cost: [1]		
Land and land improvements	217,274	217,274
Buildings	1,776,578	1,777,034
Equipment	2,167,724	2,178,501
Total	4,161,576	4,172,809
Less accumulated depreciation	1,170,826	1,214,629
	2,990,750	2,958,180
	4,207,047	4,186,371

	Sept. 30, 1968	Dec. 31, 1968 (unaudited)
LIABILITIES AND STOCKHOLDERS' EQUITY		
Current liabilities:		
Note payable, bank, unsecured	$100,000	$100,000
Accounts payable	197,584	122,113
Compensation and other accruals	168,091	169,783
Dividends payable	151,080	85,681
Federal and state income taxes	130,500	182,524
Unearned subscription income	93,053	96,775
Total current liabilities	840,308	756,876
Deferred items [1]:		
Income tax credits	127,830	148,382
Investment credit	102,146	100,988
Total	229,976	249,370
Stockholders' equity:		
Capital stock, common, $100 par value authorized and issued 6,000 shares at par	600,000	600,000
Additional paid-in capital, no change during the periods	353,354	353,354
Retained earnings	2,183,409	2,226,771
Total	3,136,763	3,180,125
Commitments and contingent liabilities [1]	4,207,047	4,186,371

[1] The notes to financial statements are an integral part of this statement.

JOURNAL-STAR PRINTING CO.—STATEMENTS OF INCOME

	Year ended Sept. 30					3 months ended Dec. 31 (unaudited)	
	1964	1965	1966	1967	1968	1967	1968
Operating revenues:							
Newspaper advertising	$3,560,913	$3,790,328	$3,978,385	$4,057,411	$4,193,158	$1,138,750	$1,149,178
Newspaper circulation	1,310,296	1,364,865	1,410,863	1,464,923	1,567,561	393,126	405,327
Other revenue	291,627	283,499	292,046	302,917	302,876	88,515	81,116
Total	5,162,836	5,438,692	5,681,294	5,825,251	6,063,595	1,620,391	1,635,621
Operating expenses:							
Payroll costs	2,162,291	2,246,696	2,340,997	2,520,837	2,715,522	674,597	706,620
Newsprint and ink	806,410	848,863	874,302	898,146	904,002	242,407	239,248
Depreciation [1]	108,411	113,446	130,628	170,193	175,422	42,525	43,803
Other operating expenses	1,225,580	1,262,792	1,308,814	1,348,705	1,407,032	359,126	373,541
Total	4,302,692	4,471,797	4,654,741	4,937,881	5,201,978	1,318,655	1,363,122
Operating income	860,144	966,895	1,026,553	887,370	861,617	301,736	272,499
Other income (expense):							
Dividend income, KFAB Broadcasting Co. [1]	49,170	98,340	49,170	98,340	98,340		
Interest income	17,686	19,505	20,811				
Interest expense				(17,580)	(20,970)	(7,028)	(1,597)
Total	66,856	117,845	69,981	80,760	77,370	(7,028)	(1,597)
Income before taxes on income	927,000	1,084,740	1,096,534	968,130	938,987	294,708	270,902
Federal and state income taxes [1]:							
Provision on currently taxable income	405,950	422,196	456,925	248,286	295,160	108,817	115,978
Net increase (decrease) in deferred investment credit				107,500	(5,354)	(1,388)	(1,158)
Net increase in deferred income tax (charges) credits, net	41,500	46,400	43,800	69,480	129,600	31,481	27,039
Total	447,450	468,596	500,725	425,266	419,406	138,960	141,859
Income before extraordinary item	479,550	616,144	595,809	542,864	519,581	155,748	129,043
Extraordinary charge, net of applicable income tax of $170,600 [1]	159,500						
Net Income	320,050	616,144	595,809	542,864	519,581	155,748	129,043
Per share of common stock:							
Income before extraordinary charge	79.92	102.69	99.30	90.48	86.60	25.96	21.51
Extraordinary charge	26.58						
Net income	53.34	102.69	99.30	90.48	86.60	25.96	21.51

[1] The notes to financial statements are an integral part of this statement.

JOURNAL-STAR PRINTING CO.—STATEMENTS OF RETAINED EARNINGS

	Year ended Sept. 30—					3 months ended Dec. 31, (unaudited)—	
	1964	1965	1966	1967	1968	1967	1968
Balance, beginning	$1,788,621	$1,582,111	$1,770,455	$1,953,404	$2,038,348	$2,038,348	$2,183,409
Add net income	320,050	616,144	595,809	542,864	519,581	155,748	129,043
Deduct cash dividends on common stock $87.76, $71.30, $68.81, $76.32, $62.42, $17.57 and $14.28 for the years ended Sept. 30, 1964, 1965, 1966, 1967 and 1968 and the 3 months ended Dec. 31, 1967 and 1968	(526,560)	(427,800)	(412,860)	(457,920)	(374,520)	(105,443)	(85,681)
Balance, ending	1,582,111	1,770,455	1,953,404	2,308,348	2,183,409	2,088,653	2,226,771

Note: The notes to financial statements are an integral part of this statement.

JOURNAL-STAR PRINTING CO., NOTES TO FINANCIAL STATEMENTS FOR THE 3 YEARS ENDED SEPT. 30, 1968 AND (UNAUDITED) 3 MONTHS ENDED DEC. 31, 1968

NOTE 1. INVENTORIES

[Inventories are summarized below. Newsprint was priced at cost, determined on the last-in, first-out method. Supplies were priced at current cost, not in excess of replacement market]

	Sept. 30—				Dec. 31, 1968
	1965	1966	1967	1968	
Newsprint	$137,098	$113,106	$118,914	$151,633	$121,716
Supplies	9,734	8,723	11,011	10,640	10,627
Total	146,832	121,829	129,925	162,273	123,343

NOTE 2. INVESTMENT IN KFAB BROADCASTING COMPANY

The Company owns 48.86% of the outstanding capital stock of KFAB Broadcasting Company. The cost of the Company's investment in KFAB Broadcasting Company exceeded its equity in net assets by $100,982 (audited) at September 30, 1968 and $71,770 (unaudited) at December 31, 1968. The Companys' equity in the net income of KFAB Broadcasting Company was $24,426, $(12,439), $(4,242) and $29,212 more (less) than the dividends received as shown in the statements of income and retained earnings for the fiscal years 1966 through 1968 and the three months ended December 31, 1968, respectively.

NOTE 3. PROPERTY AND EQUIPMENT

Property and equipment are stated at cost. It is the policy of the Company to provide for depreciation of depreciable properties at rates to write off the cost of the properties on a straight line method over their estimated useful lives. A summary of rates in use follows:

	Percent
Land improvements	5–10
Buildings	2–10
Equipment	5–25

Upon retirement of property and equipment, the items are removed from the asset accounts and appropriate adjustments to reserves for depreciation are made to cover the depreciation written off on the properties retired and any loss or gain realized upon sale or other disposition is charged or credited to profit and loss. Maintenance, repairs and renewals are charged to profit and loss. The cost of additions and betterments to property is charged to property accounts.

A new press and building was completed in 1967 at a total cost of approximately $2,000,000. Nonrecurring depreciation of approximately $52,000 was recorded in the year ended September 30, 1967, to reduce the carrying value of the replaced press equipment to realizable values.

NOTE 4. INCOME TAXES

On October 1, 1966 the Company adopted the policy of deferring the investment credit allowance and amortizing it over the productive lives of the related facilities. Prior to that time the investment credit allowance was immaterial. The amortization of the deferred investment credit allowance has not had a material effect on net income.

The deferred income tax charges and credits arise from the differences between the periods in which depreciation and pension costs affect taxable income and the periods in which they enter into the determination of accounting income.

NOTE 5. PENSION PLAN

The Company's Retirement Plan is a noncontributory, funded, trusteed plan and covers substantially all full time employees. The plan provides for normal retirement and early retirement under certain circumstances.

The Company made no provision for pension costs in years ended September 30, 1966 and 1967, however, costs paid or accrued of $38,800 for the year ended September 30, 1968 and $9,700 for the three months ended December 31, 1968, include the actuarily computed current normal cost plus interest on the unfunded prior service cost. The latest actuarial valuation, October 1, 1967, indicated that the pension fund exceeded the actuarily computed value of vested benefits by approximately $235,000.

NOTE 6. CONTINGENT LIABILITIES

The Company is defendant in litigation involving alleged libelous statements published by Journal-Star. In the opinion of counsel, the plaintiff's suit is without merit.

The Company has agreements with affiliated companies to furnish it with certain editorial services. The amounts paid for these services are stated in Note 8.

See "Litigation" elsewhere in this prospectus.

NOTE 7. EXTRAORDINARY CHARGE

Effective September 1, 1964, the pension plan was amended to double the benefits payable to retired employees. Prior to the amendment, the pension plan, including all past service costs, was fully funded. During the year ended September 30, 1964, the Company contributed $358,534 to cover the actuarially determined current year's normal cost and a portion of the past service cost of the amended pension plans. Of this amount, $28,534 was charged to operating expense as representing the normal cost of the plans for the year, and $330,100 net of the $170,600 of related deferred income tax expense has been treated as an extraordinary charge in the income statement.

NOTE 8. SUPPLEMENTAL PROFIT AND LOSS INFORMATION

	Year ended Sept. 30—			3 months ended Dec. 31, 1968
	1966	1967	1968	
Maintenance and repairs, charged to other operating expenses	$41,084	$37,118	$33,438	$10,206
Depreciation	130,628	170,193	175,422	43,803
Property taxes, charged to other operating expenses	53,179	61,897	79,074	21,000
Payroll taxes, charged to payroll costs	58,494	80,228	83,929	17,162
Other taxes, charged to other operating expenses		513	4,034	821
Editorial service fees paid to affiliated companies:				
Charged to payroll costs	447,033	481,957	505,748	132,008
Charged to other operating expenses	395,236	422,835	433,581	115,298

Note: Rents paid in the above periods were not material.

MADISON NEWSPAPERS, INC.—BALANCE SHEET

	Sept. 30, 1968	Dec. 31, 1968 (unaudited)
ASSETS		
Current assets:		
Cash	$172,755	$810,025
Certificates of deposit and savings and loan accounts	110,000	110,000
Marketable securities, U.S. Treasury bills, at cost plus accrued interest (approximates market)	1,575,483	1,377,918
Trade receivables, less allowance for discounts and doubtful accounts (Sept. 30, 1968—$72,723; Dec. 31, 1968—$60,143)	767,927	877,899
Inventories, at lower of cost or market (Note 1)	335,139	319,427
Prepaid expenses	25,882	21,183
Total current assets	2,987,186	3,516,452
Property and equipment, at cost:[1]		
Land	102,761	145,363
Buildings	1,371,489	1,371,489
Equipment	2,360,552	2,415,856
Total	3,834,802	3,932,708
Less accumulated depreciation	2,176,747	2,233,746
	1,658,055	1,698.962
	4,645,241	5,215,414

	Sept. 30, 1968	Dec. 31, 1968 (unaudited)
LIABILITIES AND STOCKHOLDERS' EQUITY		
Current liabilities:		
Accounts payable	$257,457	$352,371
Compensation and other accruals	238,104	281,200
Dividends payable	85,000	70,000
Federal and state income taxes[1]	191,972	409,873
Unearned subscription income	170,663	170,663
Deferred income tax credits[1]	175,199	192,172
Total current liabilities	1,118,395	1,476,279
Commitments and contigent liabilities:[1]		
Stockholders' equity:		
Capital stock, common, no par value, authorized and issued; class one, 2,500 shares; class two, 2,500 shares[1]	500,000	500,000
Retained earnings	3,026,846	3,239,135
	3,526,846	3,739,135
	4,645,241	5,215,414

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[1] The notes to the financial statements are an integral part of this statement.

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MADISON NEWSPAPERS, INC., STATEMENT OF INCOME

	Year ended Sept. 30					3 months ended Dec. 31, (unaudited)—	
	1964	1965	1966	1967	1968	1967	1968
Revenue:							
Newspaper advertising	$4,985,924	$5,533,059	$6,086,714	$6,546,930	$6,995,227	$1,821,451	$2,000,120
Newspaper circulation	1,879,389	1,902,178	1,934,737	2,393,344	2,633,131	674,662	778,146
Other income—net	39,362	42,474	52,216	56,116	65,351	20,924	20,949
Total	6,904,675	7,477,711	8,073,667	9,996,390	9,693,709	2,517,037	2,799,215
Operating expenses:							
Payroll costs	2,831,821	3,052,226	3,267,034	3,517,908	3,967,240	947,265	1,060,530
Newsprint and ink	1,491,470	1,609,773	1,755,263	1,838,729	1,946,680	561,544	531,962
Depreciation [1]	228,234	193,323	219,306	204,194	221,053	8,000	57,000
Other operating expenses	1,619,184	1,631,516	1,783,948	1,972,633	1,999,859	521,296	520,325
Total	6,170,709	6,486,838	7,025,551	7,533,464	8,134,832	2,033,105	2,169,817
Operating income	733,966	990,873	1,048,116	1,462,926	1,558,877	483,932	629,398
Financial income (expense):							
Interest income	19,421	38,366	49,271	60,837	84,000	16,030	18,886
Interest expense	(3,123)	(1,847)	(1,214)	(4,423)	(2,700)		
Total	16,298	36,519	48,057	56,414	81,300	16,030	18,886
Income before taxes on income	750,264	1,027,392	1,096,173	1,519,340	1,640,177	499,962	648,284
Federal and State income taxes: [1]							
Provision on current taxable income	392,700	494,664	534,179	762,624	831,970	207,934	349,022
Increase in deferred income taxes	15,290	31,107	12,240	9,666	33,980	32,606	16,973
Total	407,990	525,771	546,419	772,290	865,950	240,540	365,995
Net income	342,274	501,621	549,754	747,050	774,227	259,422	282,289
Net income per share	68.46	100.32	109.95	149.41	154.84	51.88	56.46

[1] The notes to the financial statements are an integral part of this statement.

MADISON NEWSPAPERS, INC., STATEMENT OF RETAINED EARNINGS

	Year ended Sept. 30—					3 months ended Dec. 31 (unaudited)—	
	1964	1965	1966	1967	1968	1967	1968
Balance, beginning	$1,541,920	$1,734,194	$2,035,815	$2,305,569	$2,702,619	$2,702,619	$3,026,846
Add net income	342,274	501,621	549,754	747,050	774,227	259,422	282,289
Deduct cash dividends on common stock: $30, $40, $56, $70, $90, $14, and $14 for the years ended Sept. 30, 1964, 1965, 1966, 1967, and 1968 and the 3 months ended Dec. 31, 1967 and 1968	(150,000)	(200,000)	(280,000)	(350,000)	(450,000)	(70,000)	(70,000)
Balance, ending	1,734,194	2,035,815	2,305,569	2,702,619	3,026,846	2,892,041	3,239,135

Note: The notes to the financial statements are an integral part of this statement.

MADISON NEWSPAPERS, INC. NOTES TO THE FINANCIAL STATEMENTS FOR THE 3 YEARS ENDED SEPT. 30, 1968 (AUDITED) AND 3 MONTHS ENDED DEC. 31, 1968 (UNAUDITED)

NOTE 1. INVENTORIES

[Inventories are summarized below. Newsprint was priced at cost, determined on the last-in, first-out method. Supplies were priced at current cost, not in excess of replacement market]

	September 30—				Dec. 31, 1968
	1965	1966	1967	1968	
Newsprint	$127,083	$220,003	$289,457	$334,019	$318,551
Supplies	733	609	1,024	1,120	876
Total	127,816	220,612	290,481	335,139	319,427

NOTE 2. PROPERTY AND EQUIPMENT

Property and equipment are stated at cost. It is the policy of the company to provide for depreciation at rates which are estimated to write off the cost of the buildings principally on the sum of digits method and the cost of the equipment mainly on the double declining balance method over the estimated useful lives. A summary of rates in use follows:

	Percent
Buildings and improvements	5 to 10
Publishing and other equipment	6⅔ to 18⅙

Upon retirement of property and equipment, the items are removed from the asset accounts and appropriate adjustments to reserves for depreciation are made to cover the depreciation written off on the properties retired and any loss or gain realized upon sale or other disposition is charged or credited to profit and loss. Maintenance, repairs and renewals are charged to profit and loss. The cost of additions and betterments to property is charged to the property accounts.

NOTE 3. INCOME TAXES AND CHANGE IN ACCOUNTING

During the year ended September 30, 1968, the Company accrued certain newspaper revenue which had previously been recorded both for financial and tax purposes on the basis of cash receipts. The financial statements have retroactivity been adjusted for this change and provision has been made for the resulting deferred income taxes. As a result of this change, the balance in retained earnings at October 1, 1963 was increased in the amount of $48,782. The effect on net income during the period was not material.

Investment credits, which were not material, were applied as a reduction of the federal income tax provisions.

NOTE 4. PENSION PLAN

The company has a noncontributory, funded and trusteed pension plan that covers all regular full-time employes. It provides for normal retirement at age 65, automatic retirement at age 70, and early retirement at age 60 if retirement results from disability. The pension plan expense of $37,500, $37,500, $33,959 and $7,500 for the years ended September 30, 1966, 1967 and 1968 and the three months ended December 31, 1968 is being funded and includes amortization of past service costs over approximately 10 years. The unfunded past service costs at September 30, 1968 and December 31, 1968 was approximately $98,500.

NOTE 5. CONTINGENT LIABILITIES

At September 30, 1968 and December 31, 1968, contract negotiations were in progress with certain union representatives. The provision for possible retroactive pay adjustments included in the accompanying financial statements is considered adequate by the management.

The company has agreements with affiliated companies to furnish it with certain editorial services. The amounts paid for these services are stated in Note 7.

See "Litigation" elsewhere in this prospectus.

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NOTE 6. CAPITAL STOCK

Both classes of the common capital stock have equal rights in all respects. 50% of the stock, or 2,500 shares, are each held by Capital-Times Company and Wisconsin State Journal, a division of Lee Enterprises, Incorporated. There are no shares reserved for options, warrants, or other rights for officers, employes or others.

NOTE 7. SUPPLEMENTAL PROFIT AND LOSS INFORMATION

	For the year ended September 30—			For the 8 months ended
	1966	1967	1968	Dec. 31, 1968
Charged to operating expenses:				
Maintenance and repairs	$88, 191	$78, 966	$60, 934	$15, 315
Depreciation	219, 306	204, 194	221, 053	57, 000
Property taxes	58, 001	83, 434	83, 000	21, 000
Payroll taxes	78, 121	95, 619	110, 094	17, 877
Editorial service fees paid to affiliated companies	1, 507, 423	1, 666, 114	1, 828, 802	449, 253
Equipment rentals	16, 200	16, 603	23, 021	10, 010
Royalties	1, 233	1, 260	1, 515	391

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. McINTYRE. I would like to ask a question based on something the Senator said awhile ago. What other areas do we exempt from the effect of our antitrust laws?

Mr. HART. The Senator from Hawaii, in my absence—and I have already apologized for not being present in the Chamber—included in his presentation 10 instances, I believe.

Mr. FONG. At least 10 instances.

Mr. McINTYRE. One of those would be the insurance industry; another would be the transportation industry.

Mr. HART. Certain agriculture co-ops, labor unions.

Mr. FONG. Baseball and football.

Mr. McINTYRE. I would like to ask the Senator a question with respect to the important areas of transportation and insurance. Those industries are exempt from the effects of the antitrust laws. Are they in any way regulated?

Mr. HART. Indeed, they are. As the Senator from New Hampshire so well knows, the transportation industry is subject to regulation by agencies at the Federal level and at the State level. Included in their authority is the right to insure against combination activities which affect the public interest. Certainly, the insurance industry is exempt from the antitrust laws. I think the record shows that those which are exempt are subject to regulation at the State level.

Indeed, if we get into the business of granting immunity from antitrust laws to newspapers, the day may come when the logic of the point made in the question of the Senator from New Hampshire could come back to haunt the publishers. If they were exempt from antitrust laws and an agency we were to designate was to ride herd on them, they would say the first amendment would prevent that. It is a consequence all of us would hope to be able to avoid.

Mr. McINTYRE. The Senator has anticipated the point very well because it is my understanding that proponents of the bill want to write into the law an exemption from the effect of antitrust laws. If an exemption from the effect of antitrust laws were written into the law concerning newspapers, could the newspapers be regulated, such as is true in the case of transportation or insurance, to which the Senator referred?

Mr. HART. Well, I think we would be kidding ourselves; I think I would be kidding myself. I know what the answer eventually would be. In the event we gave antitrust immunity and then, because of abuses, foreseen and perhaps unforeseen, the request developed that there be a regulation, the situation would be quite different. There is a fairness doctrine argument that has some applicability. Perhaps the first amendment would require creating a fairness doctrine for newspapers because we would be inhibiting new entry. I am not prepared to state what the court eventually would do if the request to regulate were made.

Mr. McINTYRE. I may suggest that if we attempted in the Halls of Congress to regulate newspapers there might be a slight uproar.

Mr. HART. Unless the regulation was to be unregulated of antitrust laws, I am sure the uproar would be very great.

Mr. McINTYRE. One last question. It seems to me if the proponents of the bill have their way, what they would be creating would be an unregulated public utility.

I thank the Senator.

Mr. HART. With really more long-term influence on our society than the utility that provides gas or electricity or bus service. It is a source of ideas. It is a profession on which the course of a society such as ours is based. I agree with the Senator from New Hampshire.

Mr. McINTYRE. Could the Senator from Michigan enlighten me as to what is the position of the administration with respect to this bill?

Mr. HART. Well, we have what is, not a silent majority; it is a conflicting response. The Department of Justice testified against or in opposition to the bill. The Department of Commerce later testified in support of it. The Federal Trade Commission—not the administration in that sense—opposes it. The Bureau of the Budget cleared the responses of all three.

An intriguing doctoral paper, I am sure, would be what wheels within wheels produced that chaff.

I think, of course, that the Department of Justice understands perhaps more fully the implications of tinkering with the antitrust laws than does the Department of Commerce. But that is the best answer I can make.

Mr. McINTYRE. I thank the Senator.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. GORE. The able Senator has seen fit to refer to the profitable operations of certain joint publication enterprises. I do not think the enterprise should be condemned because it is profitable. Indeed, without profitable undertaking by our free enterprise system, the system itself would fail.

What I wish to suggest to the Senator and what I wish to call to the attention of the Senate is a different kind of result from a different kind of undertaking. I have the honor in part to represent a State that has both examples. Though I have not seen their tax returns, I take it that the two daily publications in Nashville, Tenn., that have a joint economic publishing enterprise, operate profitably. Indeed, I believe the publishers of both newspapers so testified.

In another Tennessee city, two newspapers dissolved a joint publishing enterprise with the result—I believe it to be of common knowledge—that both newspapers are losing heavily. This is at Chattanooga, Tenn.

If the choice is between a losing proposition and a profitable proposition, it seems to me, I may suggest, that the profitable operation commends itself rather strongly to sympathetic consideration.

I believe it was testified before the committee so ably chaired by the distinguished senior Senator from Michigan that without such a joint publishing enterprise in Nashville, Tenn., the capital city of my State would now have one newspaper, as may soon be the result in Chattanooga, Tenn.

I submit that the joint publishing enterprise need not—and indeed, as anyone who passes through Nashville almost any day in the year and buys both newspapers will testify—mean a common editorial policy or the espousal of a joint political view.

The publishing of a paper, the printing, the purchase of newsprint, the distribution, the sale of advertising are not political matters. That is a business undertaking. It should be permitted and should be encouraged to achieve the maximum of efficiency.

I do not wish to ask the Senator to yield long enough for me to make a speech upon the principles involved, but I felt justified in asking him to yield to make these statements in view of the references the Senator made to the profitable joint enterprises.

Mr. HART. Mr. President, the Senator from Tennessee suggests that there are aspects of the newspaper industry which are business and that they should be allowed maximum efficiency in their operations. That argument could be used to justify antitrust exemption for every business, because nothing is more efficient than the sitting down with one's competitor and figuring out how he will spread his profits. We do not allow that even in the manufacture of automobiles. While automobiles kill more people than newspapers, they certainly do not affect the judgments of as many people as newspapers do.

The conclusion is reached also that if one of two newspapers now in joint operation failed as a result of being denied the joint opportunity, the people of that community would be left with only one

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newspaper. There are instances when failure is a reflection of third generation ownership which is not as aggressive or alert or imaginative or even as energetic as the grandfather. But so long as that second newspaper is permitted to survive under joint operation, no new entrant with the same vigor as the grandfather is going to be able to get in. This is another aspect that all of us are concerned about.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. GORE. The able Senator, in drawing his comparison between the automobile and the publishing of a newspaper, asserted that automobiles do not affect the judgment of citizens; newspapers do. But it is the editorial policy, it is the policy of news display and portrayal, not the purchase of the paper, the printing of the paper, the distribution of the paper, or the sale of advertising that affect judgments of opinions of people.

I submit to the able Senator that it is not realistic to compare a newspaper with an automobile. We are dealing here not particularly with a theory, though theories are involved, but with a circumstance.

On yesterday we found a compromise. On the one hand, there was the rigid, deeply held principle of freedom, that a man's home is his castle and into his home he can repair and be free from fright and free from intimidation and free from forcible or unwanted entry.

On the other hand, we had the public necessity for controlling the sale, the pushing, the addiction to narcotics. The Senate finally found a compromise by leaving to the decision of a judge of a court of record whether to issue a permit for an officer to enter without knocking.

Maybe none of us was happy that we found it necessary to compromise, but in the course of a free society, what is a right for one may be a trespass of another, and what is a trespass by one may be an intrusion upon the right of another.

Here we have a necessity drawn out of the practical economics of our technological age, because it is just more economical, more efficient, and more reasonable to permit one printing press to be used twice a day than to have two printing presses each used once a day.

That may oversimplify the issue, but I am mindful that in my State there is an example of two newspapers in a city which once faced the possibility of having only one newspaper, now operating with a mutual enterprise for publishing, with the two newspapers fiercely competitive in editorial policy and political points of view, and vigorously espousing their respective identities, while, on the other hand, in another city two newspapers going their separate ways are in a fight to the death, perhaps with the untoward prospect of soon having only one newspaper in that city.

Mr. HART. Mr. President, I appreciate the comments of the Senator from Tennessee, and I agree that the compromise we reached yesterday may be analogous to the proposition I am raising now.

Yesterday we decided we would leave it to the judge to determine, under the specific circumstances of the case, how it ought to be handled.

That is what happened in Tucson. That is what I suggest we should anticipate to be the most prudent and effective way to respond to the problem of these newspapers. Let the court decide. Let us not, by a sweep of antitrust immunity, treat all as the same.

It is for that reason, Mr. President, that I urge the Senate to recommit this bill, to permit the committee to analyze it in the light of the Tucson case and what the facts revealed.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I rise for the purpose of making a motion.

Mr. JAVITS. I know. I just wanted to make a comment before the Senator does that.

Mr. HRUSKA. We have been a long time in reaching this point, and if the Senator will forgive me, I would like to proceed to that step now.

Mr. JAVITS. I will, of course, abide by what the Senator from Nebraska does. He has the right to move.

Mr. HRUSKA. Mr. President, I move to lay on the table the motion of the Senator from Michigan to recommit the bill.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to lay on the table the motion to recommit of the Senator from Michigan (Mr. HART). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Connecticut (Mr. RIBICOFF). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting the Senator from Indiana (Mr. BAYH), and the Senator from Utah (Mr. MOSS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Nebraska (Mr. CURTIS), the Senator from Florida (Mr. GURNEY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Nebraska (Mr. CURTIS), the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 67, nays 18, as follows:

[No. 22 Leg.]

YEAS—67

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Gore
Griffin
Hansen
Harris
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
Miller
Montoya
Murphy
Pastore
Pearson
Proxmire
Randolph
Russell
Saxbe
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—18

Burdick
Byrd, W. Va.
Cotton
Fulbright
Hart
Hughes
Javits
Kennedy
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pell
Percy
Yarborough

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—14

Allott
Bayh
Curtis
Gravel
Gurney
Hartke
Mathias
Moss
Mundt
Packwood
Prouty
Ribicoff
Schweiker
Tydings

So the motion to table was agreed to.

Mr. RANDOLPH. Mr. President, Kipling once listed his six honest servingmen: What, why, when, how, where, and who. Now five of those are seldom troublesome. But the sixth—why—is the very core of evalution and interpretation.

Without it, one has merely the bare bones of fact, unfleshed with the context of motivation that makes the facts meaningful. But in asking why, we too often drive the facts out of the bright light of reason, and into the deceiving shadows of subjectivity.

People are often prouder of their deeds than of their motives.

Over the past few years, in our consideration of Senator INOUYE's bill and its predecessor, first introduced by Senator Hayden in 1967, we have been given hundreds of facts for evaluation. In the lengthy hearings on this bill, hundreds of thousands of emotion-charged words have been spread on the record.

We must, above all else, ask ourselves: Why?

On the face of the record, we are asked to believe that—in 22 of our great American cities—there exist monopolistic combines which have conspired to choke off debate, stifle competition, constrict the individual freedoms of our citizenry.

These are, we are asked to believe, greedy giants of the media who have gaily thumbed their noses at the law for three decades or more. Opponents of this measure would have us believe, too, that its approval by this body would mean the very end of freedom.

The newspaper is one of the oldest forms of mass communication. It is the most powerful force in public opinion today. It is the only medium which talks directly to each reader in terms of himself, his family and his community. It is the only medium which remakes its product every day.

Hence, the newspaper is always in focus—always in direct, immediate and intimate touch with both the people and the changing times. This is what gives newspapers their tremendous influence and efficiency. True, competitors have come into being and found their place. But the newspaper's preeminence as an influence remains.

In the testimony on this measure opponents have charged that the newspapers which have combined their production and marketing facilities stand alone as examples of perfidious purveyors of shabby products.

Mr. President, as a former active newspaperman myself, on daily and weekly publications, I can testify that over the years, the news fraternity itself has consistently voted the newspapers in these very cities under consideration as being among the best in the business. Ask any newspaperman his opinion of the papers in such combination arrangements in St. Louis, San Francisco, and Milwaukee.

I represent a State in which one of the newspaper combinations is located. The Charleston Gazette and the Charleston Daily Mail have, since 1958, operated under just such a working arrangement as we have been discussing. The necessity of this arrangement was created by the economic upheaval in the coal industry during the 1950's. Faced with a dwindling population and sagging circulation, these two newspapers had no other choice for survival but to combine their facilities to effect economies and to increase efficiencies.

These two newspapers were the victims of a technological revolution just as surely as the great coal industry in West Virginia suffered in the transition from shovel to machine.

But now these two newspapers are told that they should not have fought back, yes, that they should not have battled back in the way they did, that they should not have struggled to maintain their individual identities which they had cherished for 100 years, and that they should have sold out and gone under.

They did not do that. They were realistic. They were creative. They were resourceful. They acted affirmatively. They did not fold. They kept the presses rolling.

Total average circulation of the morning Gazette is a little more than 61,000 daily, and the evening Mail is about 58,500.

I ask you, Mr. President, and Members of the Senate, is this the monopolistic monster that some would have us believe enters into the discussion of this proposal?

What about editorial independence, the separability of opinions of these two not big giants but little giants?

Mr. President, I tell you from personal experience that this economic marriage does not insure political harmony.

Mr. PASTORE. Mr. President, may we have order in the Senate? This is a very interesting speech and I should like to hear every word of it.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. RANDOLPH. I am very grateful to my colleague from Rhode Island.

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Does the Senator from West Virginia yield to the Senator from Arizona?

Mr. RANDOLPH. I yield to the Senator from Arizona.

Mr. GOLDWATER. It might be interesting, in view of the point the Senator is making——

Mr. PASTORE. Will the Senator please speak a little louder?

Mr. GOLDWATER. I think it would be interesting, in view of the point that the Senator from West Virginia is making, to invite attention to the fact regarding the stars of this show, the Tucson papers, that one is a morning paper which backs the Democrats, and the other is the evening paper which backs the Republicans.

That has been the form, historically, their independence has taken, and those newspapers have been run independently insofar as editorial comment goes.

Mr. HART. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. HART. And they both back the newspaper antitrust immunity.

Mr. GOLDWATER. Quite naturally.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PASTORE. Mr. President, all of us realize that the pending bill is rather unusual. Possibly it could be characterized as being unprecedented. But I compliment the distinguished Senator from West Virginia (Mr. RANDOLPH) for the splendid philosophical manner in which he is developing his argument in defense of the pending bill.

As a matter of fact, the rapid extinction of industrial newspapers in this country has been of grave concern to me. And this has become a national problem. And woe be the day to America when the newspaper begins to lose its primacy in the world of communication.

That is fast happening. And we are now approaching the low level where, unless someone is dedicated enough and possesses wealth enough to undertake this sort of adventure and financial risk, these newspapers will finally fail. They are failing and going out of business today.

We have to realize that there has been a tremendous evolution in communication media in our time which, in large measure, accounts for this situation. That is the advent of television and radio. There is no question about that. Today, one turns on his radio or television set and receives the news. He might not receive it in the same depth that he would from a newspaper. But it is good news. It is instant news and it is welcome news.

The result has been that because of these new instrumentalities, the newspapers of this country have become hard pressed to stay in business. This must be taken into account.

I think the times require that while we may be indulging in something that may be characterized sincerely as being revolutionary, we must be pragmatic, we must be practical enough to realize that unless we take some salutary action, if we do not do something to preserve the newspaper industry in this country, we will end up without newspapers altogether. And that will be a disastrous day in American history.

Mr. RANDOLPH. Mr. President, I agree with the observations and deductions which the able Senator from Rhode Island makes in a moving manner.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. INOUYE. I am sure that the distinguished Senator will wish to know that in 1920 there were 520 cities with two editorial voices. In 1925 it was reduced to 117. And today, in 1970, there are just 59 remaining cities with two or more voices. And if the pending bill is not passed, we will have only 37 remaining.

As the Senator from West Virginia (Mr. RANDOLPH) has eloquently and effectively set forth in his remarks today, we want two or more voices to be heard.

Mr. RANDOLPH. Mr. President, I thank the Senator.

I wish for Senators to indulge me a moment of memory. The first newspaper I took the responsibility of publishing was called the Message. That was in my hometown of Salem, W. Va. And I placed at the masthead, "Published now and then when occasion demands."

My colleagues, very frankly that was when I could corral sufficient money to publish. There has always been a cost problem in publishing a newspaper.

I tell the Senators from personal experience with the Charleston Gazette and the Charleston Daily Mail that no economic marriage within newspapers insures what we call political harmony. I assure Senators from personal experience, that the editorial viewpoints of these two newspapers are widely divergent. This is good for the community. I believe that the Senator from Michigan (Mr. HART) will agree with that statement.

I, and other members of the West Virginia congressional delegation, are alternately praised and damned by these two newspapers almost every day, depending on our viewpoints, our actions, our work here on the Hill. But, without two such vigorous opposition views in the capital city of West Virginia, the citizens of the State will suffer, not a member of our delegation, but the citizens of the State. And without the efficiencies of an operating agreement such

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as now exists, one or the other of these vital newspapers will cease to exist.

My colleague, Edmund Burke. Excuse me. He was not my colleague.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PASTORE. The Senator from West Virginia is eloquent enough to have been his colleague.

Mr. RANDOLPH. Mr. President, I am grateful to the Senator.

Yes, the truly great English statesman, Edmund Burke, was quoted as saying that there are three estates in Parliament—the church, the peerage, and the commoner. And Thomas Carlyle, looking at the reporters' gallery yonder and pointing to the press gallery, added slowly, "But in the reporters' gallery, there sat a fourth estate, more important far than they all."

When Carlyle spoke these words more than a century ago, he was looking shrewdly into the future. He could see despotism on the march in countries with newspapers and the news media under the thumb of government. Make no mistake about it. He could see freedom on the march, where the press was free. Make no mistake about it.

He could, perhaps, even see ahead to this day, when we stand as spectators at the Colosseum, our fists thrust forward, with the power to destroy—or let live—those gallant gladiators who stand waiting on our decision.

I beseech the Senate to allow these two newspapers, of which I speak, and others, to live with their voices always vital and virile.

Mr. COOK. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOK. Mr. President, I associate myself with the remarks of the Senator from West Virginia. I point out to the Senator from Michigan that in many respects I would have liked to vote with him.

I appreciate hearing from Members of the Senate who have two newspapers in their community that have divergent views, because that day has long since gone in the major community in my State. We have had the same morning and evening publications in my community for many years.

It has been a long time ago since there has been another editorial voice in a community of 700,000 people.

Let me say with all fairness that I have great respect for both of those newspapers. However, I think when a community finds itself, for instance, in a position with, let us say, the industrial and political conditions such that the same editorial appears in the morning newspaper as in the evening newspaper, word for word, picture for picture, and paragraph for paragraph, then I am concerned.

There are many weekly newspapers in my State that are very much opposed to it. And I think they may very well have some merit. But for those cities attempting to hang on to two voices, I can only say to them, "I come from a community that had one voice for a long time." When the distinguished Senator from Vermont first came into the Chamber he was attacking the greatness of organizations that included major newspapers, television stations, and radio stations. This argument fell in the same category as the group in my community. But I could not be for that. I could not be for that because of the divergent political views of those newspapers in my home community. It would almost be, in my state of mind, retribution to try to break up something that has been built on soundness, with an eye to investing a great deal of money, and creating something that has been good and progressive. To say, by reason of this greatness and consolidation, that this effort, enthusiasm, and capability to see the future of the community and make that investment, somehow or other should be broken up, I could not favor that.

But I say this in all fairness. One voice in a community is pretty tough. One voice to a majority of a State is pretty tough. In the city of Lexington, for instance, we have a newspaper that comes out in the morning and a newspaper that comes out in the evening. Those newspapers have designated themselves as political opposites. The newspaper that is published for subscribers in the morning has an editor who is the president of the Young Democrats in the State of Kentucky, and the editor of the afternoon paper has been a member of the Republican State Central Committee of Kentucky for many years. Obviously, they disagree with each other editorially, but in a large community with large circulation there is no disagreement between morning and evening. There is no disagreement between the endorsement of candidates. For those communities that still have an opportunity to have that disagreement, for those communities that still have that opportunity to make up their minds and evaluate between morning and evening and weigh that decision, I say, "I hope you take the opportunity to hang onto it."

The papers that, in a way, I am being critical of are extremely fine papers and they probably feel themselves they would be hypocrites to make that distinction between a morning and evening newspaper.

The president of that corporation thinks it would be the wrong thing to do that and I must respect his wishes. But I say this does not upset the balance in my community because it will continue to have one voice. However, for those communities where there are two voices I would only suggest you do your best to hang on to them.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. McINTYRE. Mr. President, the Senator from Kentucky states wistfully and longingly that the voice of the past has disappeared and now the Senator hears only one editorial voice in the morning and one in the afternoon. I wish to say, as wistful as the Senator is, nevertheless, he is supporting this bill.

Mr. COOK. Yes, I am.

Mr. McINTYRE. Then, the Senator is making it less and less possible that some enterprising new newspaper may find its place in the Senator's hometown. It is the purpose of this bill, to create immunity from the antitrust laws, and bring into being a comfortable and profitable setup, where two newspapers share the profits, fix prices, and manage the markets to which they can sell, and get fatter and fatter. It is the opinion of those who oppose the bill that the editorial voice which the Senator now proclaims, which echoes through Charleston, W. Va., and other cities, will be eroded away. We will have a situation so strong, from a financial standpoint, that the entrepreneur who enters into that city will never succeed because the opposition will be controlling and much too difficult to overcome.

Mr. COOK. That day has already been reached in my community where all profits are divided down the middle, where all the billing is done from the same office, where all the things the Senator talks about have occurred, and it is in existence.

I say with respect to that enterprising individual who may want to create a newspaper in that community in opposition, and everything is so tied up, where it is impossible for him to do so, when he finds himself in a position where there is no need to be enterprising because the enterprising efforts would be useless, I say if there is a community, even if the newspapers come out of the same building, that they represent divergent views for the people of that community. The newspaper that can give the individual the right to make up his own mind on issues is already established, and if someone else wants to come in, I think with the political system in this country, he would have to side himself with either the morning or the evening newspaper. I suggest for those communities where there is that one institution that deals in both morning and evening newspapers, if a new enterprising individual wants to come in and establish a newspaper, the first thing he better do is make up his mind that he is going to have a morning newspaper and an evening newspaper, and not just one, because the advertising rates made available by the monopolized price in the major cities of this country will make it impossible for that individual to make a dime unless he comes out with both competing morning and evening newspapers, so he will be out of business before he starts.

Mr. McINTYRE. My good friend from Kentucky has lived through this and I can imagine his dismay at the situation. But the point remains that by contributing a vote for this bill he would be starting many other communities down the road; many of the communities that are proclaiming two voices; and the Senator would be placing them in the dismal situation he faces in his hometown.

The thing to do is to oppose this legislation and start on a different road to keep as many diverse voices and as many media publishing as possible.

Mr. COOK. I am not sure I am happy with this bill but I am also not sure what other road we can take to preserve the two voice system in this country.

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Mr. HRUSKA. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

> On page 5, beginning with line 24, strike out all through line 4, page 6 and in lieu thereof insert the following:
>
> "5(c) The provisions of Section 4 shall have no application to any action for the recovery of damages brought before November 4, 1969 by any party other than the United States upon a cause of action arising under any of the antitrust laws which accrued before such date, provided that this Subsection (c) shall apply to the recovery of damages only by the named parties plaintiff who filed or intervened in such action by such date, and not by any other members of any class on behalf of whom such action purports to be filed who have not so filed or intervened by such date."

Mr. HRUSKA. Mr. President, section 5(c) of the bill excludes from the application of the act actions for damages brought by private parties prior to the date of enactment. As I understand it, the addition of section 5(c) was motivated by two concerns: First, that it was inequitable to cut off rights of action from private litigants who had prosecuted claims; and second, that the U.S. Constitution would not permit such a limitation on presently existing suits.

As I have made clear in my individual views to the committee report, I strongly disagree with both these concerns. Nevertheless, the amendment I offer today does not go so far as to strike out section 5(c). Rather, it offers a sensible compromise upon which both proponents and opponents of that section can agree.

As it stands, section 5(c) does more than simply protect the rights of existing party plaintiffs in treble damage cases. First, the section offers an open invitation to other persons to bring new actions in every city where a joint operating agreement exists between now and the effective date of the act. Surely there is no equitable reason to protect those who have not yet prosecuted their claim. Second, wholly apart from any future actions, several of the existing treble damage suits are in the nature of class actions, which purport to be brought on behalf of large classes of persons who themselves have not chosen to sue. Under such class actions, damage claims can be asserted on behalf of large numbers of persons at any time before final judgment. There is no limitation on the number of claims that may eventually be asserted or the amounts of damages which may eventually be sought. Once again, there surely is no equitable reason to protect unnamed persons who have not yet seen fit to prosecute their claim, but who may seek at some subsequent date to benefit from those plaintiffs who have brought suit.

My amendment would correct these deficiencies in 5(c). Despite my misgivings, it would permit treble damage actions brought prior to the date the bill was reported from committee to be maintained. However, it would limit those who may recover damages to named parties plaintiff who filed or intervened before that date, and would exclude other members of a "class" who have not so filed or intervened.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. INOUYE. If the amendment of the Senator from Nebraska were not adopted, would it not be true that the bill, if enacted into law, might be an open invitation for a whole series of harassing suits?

Mr. HRUSKA. Yes.

Mr. INOUYE. Mr. President, I want the RECORD to show that I wholeheartedly support the amendment, and I hope my colleagues will do likewise.

Mr. HRUSKA. Mr. President, I yield the floor.

Mr. HART. Mr. President, the Senator from Nebraska has accurately described the evolution of the language and the action that was finally taken by the Committee on the Judiciary.

I hope very much the action of the committee will be supported and that the amendment will be rejected.

Except in one city, all of the pending civil suits are against the joint agreement parties in San Francisco. That agreement was made several months after the Department of Justice had filed suit in Tucson. The San Francisco papers were on notice that what they were doing would be subject to antitrust attack.

The Antitrust and Monopoly Subcommittee was told specifically by the Deputy Attorney General in charge of antitrust that no clearance had been given to the San Francisco agreement by the Department of Justice. In fact, the exchange between the Assistant Attorney General and the chairman of the subcommittee at that time went as follows:

> Senator HART. There were several joint agreements that the Department of Justice cleared after the Tucson action was filed, as I understand it, San Francisco and Miami. What was the rationale for that action?
>
> Mr. TURNER. I will first say, Mr. Chairman, that those arrangements were not cleared. The parties in both cases were told that whereas we would not take action to enjoin their proposed arrangements at that time, that the whole matter would be left open pending a study of the whole situation, and specifically pending the outcome of litigation.
>
> Senator HART. I see. Well, my question was based on the testimony that we had received earlier from one or both of those parties.
>
> Mr. TURNER. I could, if you care, Mr. Chairman, read to you the talking statement of the Department of Justice which was issued in response to questions from the press with regard to the San Francisco arrangement.

Here is what the Department of Justice cautioned these newspapers prior to the execution of the joint agreement, which is the basis for all but one of the civil actions now pending:

> The Department of Justice decided not to institute antitrust action at this time to prevent the execution of the Hearst-San Francisco Chronicle joint production agreement because of the large operating losses incurred by the Hearst papers in San Francisco, and other factors peculiar to that case.
>
> The Department of Justice is carefully reviewing the difficult antitrust problems involved in joint newspaper production agreements. The legality of one such agreement is now the subject of litigation, and others may well come before the courts in the future.
>
> Attorneys for the papers involved in the San Francisco joint production agreement have been advised that the Department's decision not to sue is subject to reconsideration in the light of future court decisions and the Department's continuing review of such arrangements.

That concludes the statement of the Department of Justice. The private suits were filed after the Government failed to act, but before the decision of the Supreme Court.

The injured parties should have the opportunity to recover their damages. They were injured by the conscious act of publishers who were on notice that they were violating the law.

There is an argument that Congress constitutionally can end pending private causes of action.

I have my doubts. All the cases that are cited involve suits by individuals against the Government. I am not aware of any case in which Congress has cut off the private right of one person against another retroactively. Even if it could constitutionally be done, it is not good policy.

I think that the action of the committee in this case was soundly taken. I hope that the amendment will be rejected.

Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. HART. Mr. President, I suggest the absence of a quorum, in the hope that we may be able to find sufficient support for the yeas and nays; and this will be the final vote today as far as I am concerned.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska (Mr. HRUSKA). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. HUGHES (after having voted in the affirmative). Mr. President, on this vote I have a pair with the senior Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would

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vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). Mr. President, on this vote I have a pair with the senior Senator from Connecticut (Mr. Dodd). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Utah (Mr. Moss), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that the Senator from Montana (Mr. Metcalf) is absent on official business.

I further announce that, if present and voting, the Senator from Utah (Mr. Moss) would vote "yea."

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Maryland (Mr. Mathias), and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The result was announced—yeas 62, nays 20, as follows:

[No. 23 Leg.]

YEAS—62

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Church
Cooper
Cotton
Cranston
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gore
Griffin
Gurney
Hansen
Harris
Hatfield
Holland
Hollings
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
McGee
Miller
Montoya
Murphy
Pearson
Percy
Proxmire
Randolph
Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—20

Brooke
Burdick
Case
Cook
Fulbright
Goodell
Hart
Jackson
Javits
Magnuson
McCarthy
McGovern
McIntyre
Mondale
Muskie
Nelson
Pastore
Pell
Saxbe
Yarborough

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Hughes, for.

NOT VOTING—16

Allott
Bayh
Curtis
Dodd
Dole
Gravel
Hartke
Kennedy
Mathias
Metcalf
Moss
Mundt
Packwood
Prouty
Ribicoff
Tydings

So Mr. Hruska's amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

Mr. MURPHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 131) to welcome to the United States Olympic delegations authorized by the International Olympic Committee.

The message also announced that the House insisted upon its amendment to the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Rogers of Florida, Mr. Satterfield, Mr. Springer, Mr. Nelsen, and Mr. Carter were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, protect grants for graduate training in public health and traineeships for professional public health personnel, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Rogers of Florida, Mr. Satterfield, Mr. Springer, Mr. Nelsen, and Mr. Carter were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Rogers of Florida, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Springer, Mr. Nelsen, Mr. Carter, Mr. Skubitz, and Mr. Hastings, were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Rogers of Florida, Mr. Satterfield, Mr. Springer, Mr. Nelsen, and Mr. Carter were appointed managers on the part of the House at the conference.

NEWSPAPER PRESERVATION ACT

The Senate resumed the consideration of the bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers.

Mr. MURPHY. Mr. President, may I ask the leadership what the status of the bill is at the moment—if there are other amendments and how many, what expectation we may have about a vote on final passage, and whether or not we can get to it today?

Mr. INOUYE. Mr. President, if I may be so bold as to speak for the leadership, we have an understanding that this will be the last vote on this measure this afternoon.

Mr. MURPHY. Mr. President, will the distinguished Senator yield for a question?

Mr. INOUYE. I yield.

Mr. MURPHY. Are there further amendments?

Mr. INOUYE. The Senator from New Hampshire (Mr. McIntyre) has an amendment to present. He will call it up now, and it will be ready for a vote tomorrow.

Mr. MURPHY. I thank the distinguished Senator.

Mr. INOUYE. I have been advised that the Senate will meet at 12 noon tomorrow, and I believe that after the morning hour we should be able to proceed expeditiously to vote on the McIntyre amendment.

Mr. JAVITS. Mr. President, I have arranged with the Senator from New Hampshire (Mr. McIntyre) that I may speak for a few minutes before he starts, and I understand it is agreeable to him.

Mr. President, I rise in respect to this bill because I think it epitomizes a very deep problem in the country: that is that the antitrust laws of the United States are almost completely out of date. Unquestionably, this bill in some form will pass, and it will thus become a part of the patchwork we have been creating for years.

It has been half to three-quarters of a century since our basic antitrust laws were enacted. In that period of time, Congress has never undertaken a complete review of these laws to ascertain how will they serve our modern economic system. I, for one, have already expressed my belief that the vast changes which have taken place in the past 75 years have made our antitrust laws antiquated in many respects. This is true with respect to newspapers, it is true with respect to many other lines of business in our country, and it is true in respect of competition between foreign corporations and our own all over the world.

For some time now, a number of us, including the late, lamented Senator Dirksen of Illinois, have sponsored a measure to establish a commission to review the antitrust laws of the United States.

I rise to invite the Senate's attention to the bill, S. 1478 which is sponsored by myself, and was sponsored by former Senator Dirksen, and also by the Senator from Maryland (Mr. MATHIAS), the Senator from Kentucky (Mr. COOPER), and the Senator from Indiana (Mr. HARTKE).

Mr. President, I ask unanimous consent to have the bill printed in the RECORD, together with a speech I made supporting it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1478

A bill for the establishment of a Commission on Revision of the Anitrust Laws of the United States

Whereas the antitrust statutes of the United States are, in certain major areas of their application, in need of revision; and

Whereas there exist under the antitrust statutes of the United States conflicts in policy as to the proper standards of conduct required to be observed by American business; and

Whereas a thorough examination is essential in order to determine the impact of such statutes upon the productivity and long-range economic growth of the United States and upon United States foreign trade, investment, and economic policy: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on Revision of the Antitrust Laws of the United States (hereinafter referred to as the "Commission") constituted in the manner hereinafter provided.

PURPOSE OF THE COMMISSION

SEC. 2. The purpose of the Commission shall be to study the effect upon competition (including competition between American business and foreign business), price levels, employment, profits, production, consumption, foreign trade, economic growth, and the capability of the economy to best sustain the Nation at home and abroad of—

(1) existing antitrust statutes (including enforcement proceedings thereunder), as interpreted by judicial, executive, and administrative decisions;

(2) existing price systems and pricing policies of trade and industry in the United States; and

(3) the extent and causes of concentration of economic power and financial control.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of twenty-four members, as follows:

(1) Eight appointed by the President of the United States, four from the executive branch of the Government and four from private life.

(2) Eight appointed by the President of the Senate, four from the Senate and four from private life.

(3) Eight appointed by the Speaker of the House of Representatives, four from the House of Representatives and four from private life.

(b) POLITICAL AFFILIATION.—Of each class of four members mentioned in subsection (a), not more than two members shall be from each of the two major political parties.

(c) VACANCIES.—Vacancies in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Thirteen members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress, who are members of the Commission, shall serve without compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—Notwithstanding section 5533 of title 5, United States Code, any member of the Commission who is in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, plus such additional compensation, if any, as is necessary to make his aggregate salary not exceeding $30,000; and he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive not exceeding $100 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

POWERS OF THE COMMISSION

SEC. 7. (a) (1) HEARINGS.—The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) OFFICIAL DATA.—Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

SEC. 9. The Commission shall transmit to the President and to the Congress not later than three years after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable. The Commission may also submit interim reports prior to submission of its final report.

EXPIRATION OF THE COMMISSION

SEC. 10. Sixty days after the submission to Congress of the final report provided for in section 9, the Commission shall cease to exist.

ANTITRUST REFORM: CONGRESS RESPONSIBILITIES

(By Senator JACOB K. JAVITS before the Antitrust and Trade Regulation Committee, Chamber of Commerce of the United States, Washington, D.C., February 4, 1969)

The role of antitrust legislation in the modern industrial economy has been the subject of endless debate in recent years. Though many academicians, businessmen and legislators are unhappy with various aspects of our current antitrust policy as formulated and administered by the Courts, the Justice Department and the Federal Trade Commission, antitrust has proven to be much like Mark Twain's aphorism on the weather—nobody has really done anything about it.

There is no question in my mind that something should be done about it. Our basic antitrust precepts were formulated three-quarters of a century ago to apply to a very different kind of economy than exists today. At that time the economy was not highly centralized and subject to practically no government controls. The antitrust laws were necessary to insure at least a degree of regulation through the preservation of competition.

I am not suggesting that we scrap our antitrust laws or that competition is an anachronism. But it is evident that the antitrust laws are only one of a whole series of devices presently available to government to control excesses in our economic system. These controls include the amount and type of government lending and guarantees, government licensing, tax policy, interest rates and labor-management relations, to name just a few.

I feel that many of the criticisms—which have been made of the Courts, the Federal Trade Commission and the Justice Department for failing to take into account in the administration of the antitrust laws this fundamental change in the nature of the economy—are justifiable. I particularly deplore the tendency to rely more and more on per se rules of illegality and the tacit abandonment in such cases of the rule of reason. But even if criticism of particular decisions may be merited, such criticism is not going to accomplish the needed reforms. *The essence of the problem is that we have allowed the Courts, the FTC and the Justice Department to make our antitrust policy, whereas in my view this responsibility is in the Congress.*

That is why for the last several years I have introduced a bill to establish a high-level Commission to study all aspects of our antitrust policy and make appropriate recommendations to Congress for amending the law. I believe that it is only on the basis of the recommendations of such a Commission that Congress is likely to be moved to action. I intend to reintroduce my bill this year, and I hope and expect that the new Administration will be considerably more sympathetic to it.

It is true that President Johnson did appoint a task force to study conglomerates. But the Commission I have proposed would be given a much broader mandate and called on to recommend action—changes in antitrust law and policy. The support of the business community in this effort will, however, be essential.

What I am driving at is, perhaps, best illustrated by the case of bank mergers. The Supreme Court, after deciding—rightly or wrongly—that such mergers were subject to Section 7 of the Clayton Act, proceeded to judge the legality of the mergers solely from the standpoint of their effect on competition. In a rare example of its kind since the 1880's, pressure—legitimate pressure—from the banking community led Congress to step in, through the Bank Merger Act, to broaden the criteria of legality to take into account other interests in addition to the preservation of competition.

I suggest that there is nothing really unique about banks and that the same technique might well be applied in other cases.

We need to rethink, from scratch, what it is we really want our antitrust laws to do—where they should lead us, if you will—at this point in our economic development. The Courts and the FTC are not going to do this job of rethinking for us, and neither is Congress unless it gets some support for the kind of Commission I have proposed and from the business community.

I am, of course, not so naive as to think that the Commission will resolve all the deeply-held views about the role of antitrust policy into one broad consensus. Thus, whatever the Commission concludes about conglomerates and the current merger-trend (and that will sure be one of its prime subjects of inquiry) I have no doubt that there will continue to be sharp differences of opinion as to just what, if anything, the government should do about it.

However, there are many areas where I think the Commission might make recommendations that would find broad support in Congress. Let me just mention a few of them:

One of the areas in which the Commission clearly could make a most valuable contribution is in the application of our domestic antitrust laws to foreign trade and investment. For many years, experts have been pointing out how the rigid application of the antitrust laws has put our exporters at a serious competitive disadvantage abroad. That is not a matter to be taken lightly in these days of concern with our balance of payments and our poor export showing last year.

No less pressing is the need to encourage the investment of private capital of the United States and other developed countries in the developing countries. Again it is widely felt that our antitrust laws are an inhibiting factor, particularly to the establishment of consortia of United States and other private companies from industrialized countries grouping to invest in less developed countries. In both instances, there is a deep conflict between our antitrust philosophy and other major national policies when there should be coordination and thoughtful accommodation between them.

Another extreme valuable contribution the Commission could make would be to determine if the Robinson-Patman Act forbidding price discrimination continues to serve any purpose and, if so, to rewrite the Act so that the Courts who must interpret it, and the businessmen who must obey its abstruse commands, can make some sense out of it. For years now the Courts have been extending pointed invitations to Congress to do something about this problem, and it is time the invitation was accepted.

Still another way in which the Commission could perform a valuable service is to clarify the relationship between the Justice Department and the FTC in the enforcement scheme. At present, there is a good deal of overlap in their functions, particularly under the Clayton Act, which seems quite unnecessary. Similarly the relationship between private suits and government suits could be clarified and strengthened.

Yet another area which the Commission could profitable give its attention to is marketing techniques. With the growth of the economy a number of novel marketing techniques have evolved, and with them have come, inevitably, antitrust problems. These problems include resale price maintenance, fair trade laws, limitations on competition between distributors and a whole panoply of problems connected with franchising.

In conclusion I would like to point out that, regardless of the change in administration here in Washington, my bill to establish a Commission, and the cause of antitrust reform in general, will be possible only if the business community can, in an organized way, address itself to this problem and push for the requisite action from Congress. The business community has a perfect right to be concerned about the manner in which our antitrust laws have been administered in recent years. Indeed, given the broad scope of many recent Supreme Court decisions, the fate of many business ventures is really decided in the Justice Department rather than in the Courts.

Businessmen should lose their reluctance to raise antitrust problems for fear of bringing the Justice Department down on their heads. As the ones most affected by the antitrust laws, it is clearly up to businessmen to make known their problems and to ask Congress to make the necessary reforms. The history of the Bank Merger Act proves that this can in fact be done.

I am also convinced that there is a great deal of sentiment in Congress for antitrust reform and that what is necessary to bring out and to translate it into action is a united effort by the business community toward that objective.

Mr. JAVITS. Mr. President, I urge the committee, especially the subcommittee dealing with antitrust laws, to hold an early hearing upon this measure, and on many of the problems which are being argued here today. This should not be dealt with piecemeal or on the concept of restraint of trade which is now out of date, but some new standards, and some new criteria should be adopted.

I point out especially that one of the great problems with this bill which is troubling its opponents is the fact that there will be no followthrough once this exemption from the antitrust is granted, no matter how it works out. What will have to happen is that Congress will have to be called upon to act again, if it turns out to be a grave mistake.

The antitrust laws have built-in difficulties with respect to adaptation to the economics of the country. But one thing they do have, as long as they are in the courts, there is continuous adaptability to changing conditions.

Incidentially, I am not arguing necessarily against the bill. I may very well end up voting for it, depending on its final form. But once we start in on piecemeal amendment, we will find deficiencies which can be repaired only by a completely new antitrust concept which the United States needs to adopt in its own interest, both at home and abroad.

I hope very much that this measure, S. 1478, in which I have joined with other Senators, and in which former Senator Dirksen took such a very profound interest, may have early consideration by the antitrust committee of which the Senator from Michigan (Mr. HART) is chairman.

Mr. HART. Mr. President, will the Senator from New York yield for a brief comment?

Mr. JAVITS. I yield.

Mr. HART. There has been concern over a long period of time by the Senator from New York with respect to this matter, of which all of us have been aware. I am sure that the Antitrust Committee will make every effort to schedule hearings, at which time he and those he would like to be present will have ample opportunity to develop testimony. I share with him the feeling that the antitrust laws, which bear dates of 1906 and 1912, with an occasional amendment, may or may not be the best response to the marketplace of the 1970's.

Really, this is, in part, what persuades me, and other Senators like the Senator from New York, to pursue this objective.

Mr. JAVITS. The antitrust laws, to which the Senator from Michigan has just given the dates, with interpretations by the courts, are still the laws. Considering the way they are written, they date from the time of the beginnings of the major industrialization of this country; that is, about 1890. They certainly ought to be looked at again in the light of today's economy.

I am very grateful to my colleague from Michigan and hope very much that this will be undertaken. He has been opposing the newspaper bill now before us out of a deep sense of sincerity with vigor. I really must point out to him that the time and effort he spends on this could be much better expended in developing a general policy to make this a proper bill.

I thank my colleague from Michigan.

AMENDMENT NO. 442

Mr. McINTYRE. Mr. President, I call up my amendment No. 442 and ask that it be stated.

The bill clerk proceeded to read the amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

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The amendment offered by the Senator from New Hampshire is as follows:

AMENDMENT No. 442

On page 2, beginning with line 24, strike all up to and including page 3, line 2, and insert in lieu thereof the following:

"The term 'newspaper owner' means a person who owns or controls a single newspaper publication, but who—

"(A) does not own or control directly, or indirectly through separate or subsidiary corporations, any other newspaper publication or any radio or television station engaged in radio communication within the meaning of section 3 of the Communications Act of 1934 (47 U.S.C. 153), and

"(B) is not a party to or a participant in any joint venture with any other person who owns or controls directly, or indirectly through one or more separate or subsidiary corporations, any other newspaper publication or any such radio or television station."

On page 3, line 9, strike "regardless of its ownership or affiliations,".

On page 4, line 2, strike the word "person" and insert in lieu thereof the words "newspaper owner".

On page 4, line 9, strike the word "person" and insert in lieu thereof the words "newspaper owner".

On page 4, line 18, strike the word "person" and insert in lieu thereof the words "newspaper owner".

Mr. McINTYRE. Mr. President, I rise today to reiterate my opposition to S. 1520.

This is not a newspaper preservation act; it is a publishers' enrichment act.

Its serious consideration by the Congress is a sad commentary on our failure to perceive the growing concentration of our mass communications media.

And its backing by the administration is added proof of its own myopic vision where media problems are concerned.

Let us examine the arguments urged in support of this dangerous bill, which would authorize ostensibly competing newspapers in a community to enter into joint operating agreements with each other and to engage in price-fixing, market-sharing, and profit-pooling practices now forbidden by the antitrust laws.

According to supporters of the bill, the newspaper industry is in dire financial straits. Industry economics are such that all but our largest cities can no longer support two or more competing dailies. Papers are folding left and right, and we are fast becoming a nation of monopoly newspaper towns.

Joint operating agreements are essential, supporters of the bill argue, if this trend is to be reversed. While they will result in an end to commercial competition between those party to them, the cost savings they will entail will enable both parties to stay in business. Thus it will be possible to save editorial voices which would otherwise fall by the wayside.

Such is the case made in the bill's behalf. It simply does not withstand analysis.

To begin with, the newspaper industry is now experiencing unprecedented prosperity. This may not be true in a handful of large cities, where the middle-class readers sought by advertisers have deserted to the suburbs and where unions have been successful in resisting modernization. But by and large, it is true elsewhere.

This is the simple truth which emerges from 24 days and eight volumes of testimony before the Senate Antitrust and Monopoly Subcommittee. It is concurred in also by Forbes magazine, which concluded after its own recent check on the industry's condition:

> The fact is that, on the whole, the newspaper industry has never been healthier, not even in the heyday of Joseph Pulitzer and William Randolph Hearst.

Nor is it true that industry economics prevent all but the largest cities from enjoying the benefits of two competing newspapers. As of 1967, there were 64 communities with two competing dailies. Slightly less than half—29—were under 100,000 in population and almost a third—20—had less than 50,000 people. If Murray, Ky., with a population of 15,000, can support two competing dailies, surely such cities as Milwaukee, New Orleans, San Diego, and Memphis should, with proper management, be able to do so also.

But let us forget the newspaper industry as a whole for a moment and focus our attention on those 44 newspapers in 22 cities which are already parties to joint operating agreements. Were they, at least, marginal enterprises saved from bankruptcy because they entered such agreements?

Very few of the companies owning these papers make detailed information regarding their operations available to public scrutiny. A number of these companies, however, have shown rather clear-cut signs of economic health.

Consider the situation in St. Louis, where the Post-Dispatch and the Newhouse chain of newspapers have entered a joint operating agreement. In 1968, the Post-Dispatch had excess funds with which to purchase two television stations—KVOA–TV in Tucson, Ariz., and KOAT–TV in Albuquerque, N. Mex.—for a combined price of $18 million. Newhouse, meanwhile, in 1967 paid a record price for a single newspaper property—$53.4 million for the Cleveland Plain Dealer.

Or consider the Cox and Knight chains which have entered a joint operating agreement in Miami, Fla. Cox in 1964 paid $20.5 million for WICC–TV in Pittsburgh, then the highest price ever paid for a single television station. Knight in 1969 bought the Macon, Ga., Telegraph & News for $13 million. And both companies have made several other acquisitions in recent years.

I could multiply my examples, but one more will suffice. That is the joint operating agreement in Tucson, Ariz., between the Arizona Daily Star and the Tucson Daily Citizen. It is one agreement the pertinent facts surrounding which are public information, for it has been challenged successfully in the courts. In fact, the success of that court challenge has been the major single impetus behind S. 1520, the pending bill.

The trial judge in the case made the following finding as to the economic condition of the weaker of the two papers at the time their agreement was entered into in 1940:

> At the time the agreement became effective, Citizen Publishing was not then on the verge of going out of business. Nor was there a serious probability at the time that Citizen Publishing would terminate its business and liquidate its assets unless Star Publishing entered into the operating agreement.

Neither the Citizen nor the Star, then, was a failing newspaper back in 1940. And in years subsequent their joint profits grew enormously, reaching 25.8 percent of revenues in 1944. These large profits eventually attracted the attention of the Internal Revenue Service, which contended that they were due to unusual wartime conditions and hence subject to the special tax then in effect on war related profits. The response of the two companies to this charge is interesting, for few parties to joint operating agreements have had the same incentive to speak openly about their economic effects. None of the profits were due to war related activities, the two newspapers said. They were due in their entirety to the cost savings and advertising rate hikes made possible by the elimination of competition from the local newspaper market.

I have little doubt that the Tucson situation has been duplicated in many other joint operating agreement cities. Such agreements have been used less, I feel sure, to keep failing newspapers from dying, than to transform stable but unspectacular enterprises into bonanzas for their owners.

And it should be clearly recognized that S. 1520 would legitimatize this situation. Its exemption from the antitrust laws would be available to any paper which "appears unlikely to remain or become a financially sound publication." If it were really the purpose of the bill's sponsors to restrict its application to truly dying newspapers, surely a tighter standard could have been found than "appears unlikely to remain or become a financially sound publication."

In fact, when I hear all this talk about the dire economic straits in which the newspaper industry finds itself, I am reminded of the arguments raised about 3 years ago at the time of the proposed merger between that giant ITT and ABC. ABC's most effective argument in twice getting FCC approval for the merger was that ABC needed ITT financial support to compete with CBS and NBC. ABC officials all but predicted bankruptcy unless the sale was consummated.

I wonder how many people swayed then by that argument noticed that ABC at its last annual meeting reported its first quarter earnings up 86 percent over the year earlier period, or that ABC's shareholders were told at the time that their company was "in the strongest cash and working capital position in its history."

Not only are few newspapers in the industry really in need of the cure provided by S. 1520, but there is also no guarantee that the cure will in fact work.

The most basic assumption underlying the bill is that the parties to a joint operating agreement will continue to exercise truly independent editorial voices. I seriously question how valid this assumption

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is. Parties to a joint operating agreement will have to work together very closely in making all business decisions affecting their papers. They will have to agree on the proper advertising rates to be charged their customers, in which areas and at what price their papers are to circulate, and perhaps most importantly, on what basis their profits are to be split between them. I find it very difficult to believe that two publishers, who disagree strongly on matters of public policy, will be able to make such decisions amicably. I think it far more likely that there will be friction between them, and that eventually one will want to sell out. And when that time comes, he will be allowed to do so only to someone acceptable to the other.

One can do more than merely speculate in this regard. The testimony presented to the Antitrust and Monopoly Subcommittee was directed in considerable part to this very question. And several instances were cited in which one newspaper, party to a joint agreement, had in fact influenced the news and editorial policies of the other.

Let me cite just one example, from the testimony of a former member of the editorial staff of Columbus, Ohio, Citizen-Journal, which is party to a joint operating agreement with the Columbus Dispatch, a Scripps-Howard controlled paper. Let me quote from his comments on the relationships between the two papers:

> For example, I learned that the advertising department of the Columbus Dispatch (which handled advertising for both papers) attempted, on a small scale, to control certain parts of the editorial matter appearing in the Citizen-Journal, although there were many protestations on the part of both papers that the Citizen-Journal was a completely independent paper editorially. I learned that the advertising-to-news-space ratio of both papers was cut in a manner that seriously affected the available news space of the Citizen-Journal without making any appreciable difference to the Dispatch. I learned that the Dispatch effectively frustrated the desire of the (Citizen-Journal's) managing editor . . . to use ROP color for editorial matter, an increasingly common practice in the newspaper business. I learned that the Dispatch business office furnished the Citizen-Journal with a list of firms barred from receiving publicity in either paper.

This testimony goes on, but my point, I think, is made. Protestations of joint operating papers to the contrary, they have no clear history of editorial independence.

And even if, in some instances, men of opposing political views are able to work together on economic matters while retaining editorial freedom, their competition is almost certain to be ended in at least one respect—as regards any public issues in which they have a mutual financial interest. I wonder, for example, whether the papers party to a joint operating agreement in Nashville, Tenn., would have been more active in uncovering the shenanigans of a local franchise company—shenanigans which have led to current investigations by the SEC and the Senate itself—if they had not themselves been stockholders of the company. An end to editorial competition only on matters of direct financial interest to the parties to a joint agreement is, it seems to me, a serious danger worth preventing.

But there are other dangers as well. However problematical the editorial independence which may follow the creation of a joint operation agreement, there is a virtual certainty of bad economic effects.

There can be no mistaking the fact that joint operating agreements, by ending all advertising and circulation between those party to them, do result in an increase of economic power. This increased power can be used to raise rates both to advertisers and subscribers. It was so used by the Tucson papers. And it has been reported that a forthcoming study by the Brookings Institute will show advertising rates in joint operating cities—just like those in monopoly newspaper towns—to be 15 percent higher than in cities where competition between papers exists.

Not only can this increased economic power be used to produce a higher short-run return; it can also provide leverage against other media voices in a community, be they existing voices or potential new entrants. In the long run the use of this power—or even the threat of its use—will probably result in the death of far more independent editorial voices than will ever be lost if joint agreements remain unlawful.

Consider the position of a potential new entrant into the newspaper business. He would be far more likely to begin operations in a one newspaper market than in one where competition ostensibly exists. In the first place, he would be less likely in an ostensibly competitive market to find subscribers looking for a change. He would also need advertising dollars to survive, and these could be denied him by the joint agreement papers. Advertisers, of course, have a limited number of dollars with which to reach as many people as possible. These dollars could be lured away from potential new entrants by joint agreement papers which set a combination rate which presented advertisers with reader per dollar efficiencies no new entrant could match. In fact, it would probably be unnecessary for most joint agreement papers ever to incur the dimunition of profits which the use of low combination rates would temporarily entail. The mere threat of their use would enable most publishers to effectively deter entry while continuing to amass high monopoly profits.

The potential of low combination rates and other abuses of economic power as a weapon against smaller competition cannot be overemphasized. It is no answer to say that there have been few new entrants into the newspaper business in recent years, that barriers to entry are already so high as to make any increases in them of theoretical significance only. For one thing, there have been some entries. But far more important, the main reason entries have been few and barriers already high is the fact that powerful publishers throughout the country have amassed market power and then used that power to eliminate their competitors.

Some publishers have done this by selling advertising or subscriptions below cost, others by refusing to accept advertising from those who patronize competing papers. And large newspaper chains and multimedia companies have had advantages when engaging in such practices not available to even the strongest single unit predators. They have been able to subsidize any losses temporarily incurred in one operation with profits earned elsewhere. Like joint agreement papers, they have been able to sell advertising for two entities in combination at rates much lower than for each separately, and to refuse to accept advertising except in such combination packages.

It is not really clear how many publishers have engaged in predatory practices, either legal or illegal. It is because many have, however, that entry barriers are so high.

The answer, I submit, is not to raise them nonchalantly higher. The answer, quite clearly, is to cut them down. A bill I have introduced is designed to do just that. It would bar further acquisitions by the owners of five or more daily newspapers, and it would place a ban on the ownership in a single community of press and broadcast interests simultaneously. If this bill, either in its present or in modified form, is passed by the Congress the rise in entry barriers will be effectively curtailed. If Congress is really interested in the preservation of independent media voices, it will reject this publishers enrichment act and pass my Independent Media Preservation Act instead.

But the order of business today and tomorrow is the former act. And there is one more danger inherent in its passage which should not be overlooked—its precedential effect.

According to an article which appeared in the Nation some months ago, there are newspaper publishers in some 14 different cities who are watching our action on this bill very closely. If it is passed, the article suggests, they, too, will seek to grab some of the riches it offers up.

And passage of the bill would no doubt invite pleas for similar special treatment from others, such as book and magazine publishers, the broadcast industry, and motion picture producers. If newspapers are entitled to antitrust exemptions because engaged in the expression and dissemination of ideas, these other groups will argue, then why not we who are similarly situated.

But perhaps the clearest indication of what this bill is all about emerges from an examination of its supporters and its opponents within the newspaper industry itself. The simple fact of the matter is that the bill is opposed by almost everybody in the industry except those companies with a money vested interest in its passage.

It is opposed by the National Newspaper Association, a trade association with 7,000 member newspapers from coast to coast. Editorials attacking the bill have appeared in the New York Times, the Washington Post, the Wall Street Journal, the Louisville Courier-Journal, and the New York Post. And they have appeared also in a host of similar papers, from the Santa Monica, Calif., Outlook to the Bayonne, N.J., Times.

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Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Competition, Not Monopoly," published in the New York Times on March 13, 1969; an editorial entitled "A Dubious Newspaper Bill," published in the Courier-Journal on July 14, 1969; and an editorial entitled "Preserving an Independent Voice," published in the Wall Street Journal on July 2, 1969.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Without objection, it is so ordered.

The material, ordered to be printed in RECORD, is as follows:

[From the New York (N.Y.) Times, Mar. 13, 1969]

COMPETITION, NOT MONOPOLY

A combination of rising production costs and the inroads on circulation and advertising of television and other communications media has made it difficult for newspapers to stay alive in many cities. Out of that difficulty has come a trend toward preserving diversity in news presentation and editorial expression through the pooling of publishing facilities by separately owned morning and afternoon papers. This cost-cutting device is now in use by 44 papers in 22 cities, but specific business arrangements vary in each case.

A 7-to-1 decision of the Supreme Court has now declared illegal the arrangement worked out by two newspapers in Tucson, Ariz., but it would be an error to conclude that its ruling dooms all joint publishing ventures. On the contrary, the Court says explicitly that its decree "does not prevent all forms of joint operation," even though the precise boundaries of what is permissible are not defined. Instead, the decision lays down some healthy guidelines designed to make certain that a device intended to guard against a monopoly in news and opinion is not perverted into one that fosters monopoly.

The Court held that the Tucson agreement, which brought into being a new corporation to handle publishing, advertising and circulation, violated the anti-trust laws through illegal price-fixing, profit-pooling and market control. Nothing in the history of the case impelled the Court to believe that either of the two papers was in such dire financial straits at the time of the compact as to make the joint arrangement a "last straw" indispensable to its survival. The absence of such proof ruled out reliance on the "failing company" doctrine under which latitude in the application of antitrust standards is allowed where the alternative is certainty that an enterprise will collapse.

The constitutional guarantee of freedom of the press provides the press with no warrant for seeking exemption from the laws prohibiting monopoly. If anything, the sanctity attached to press freedom by the First Amendment makes it the special obligation of the press to fight for the broadest extension of that freedom. Joint publishing arrangements, carefully drafted to avoid the kinds of illegality proscribed by the Court, can be a valuable aid to that freedom. By helping to keep alive more voices in an independent press, they will contribute to the vitality of American democracy.

[From the Courier-Journal, July 4, 1969]

A DUBIOUS NEWSPAPER BILL

Legislation giving a number of metropolitan newspapers special anti-trust exemptions has won approval from a Senate subcommittee. It is dubious legislation in itself, and not in the long-range interest of a free press. In effect, the government is being asked to create a privileged sanctuary for certain newspaper operations; it would set a precedent of government intervention that the press may later rue.

The bill's chief backer is that old special-interest specialist, Senator Everett Dirksen. The purpose of the bill is to get around a Supreme Court decision involving newspapers in Tucson, Arizona.

The court held that joint operating agreements are illegal if they include profit-pooling and joint fixing of advertising and circulation rates. The decision did not forbid competing newspapers joining in a mutual printing arrangement.

It would be far better to try to work out the problem in the context of the Supreme Court decision rather than through special legislation.

[From the Wall Street Journal, July 2, 1969]

PRESERVING AN INDEPENDENT VOICE

It's always sad to see a newspaper fail, and the sadness obviously is greatest among those in the business. Even a newpaperman, however, may wonder just how far the Government should go to help.

The Government already goes pretty far. As existing antitrust law is interpreted, a newspaper in financial straits can share printing, circulation and similar facilities with another paper. Such an arrangement permits each paper to retain its editorial identity, its independent "voice."

Some papers, though, have done a good bit more. In addition to merging printing and circulating arrangements, they have combined to set advertising and circulation rates and have pooled their profits. The Supreme Court last March held those added steps illegal, and Congress now is considering a bill that would in effect reverse the court.

The Supreme Court's view, it seems to us, should prevail. With growing competition from television and elsewhere, newspapers do have many problems. Yet if a newspaper needs more help than the economies of a joint printing and circulation setup, there is a real question as to just how well it is and has been serving its market.

Perhaps the problem is the common one of management. In that case the best solution, as Federal antitrust chief McLaren suggests, may be to sell the paper to fresh management or to merge it outright with another.

It can be assumed, said Mr. McLaren in opposing the pending Congressional legislation, "that new competition will be more likely to enter a newspaper market occupied by one publisher, even though he publishes morning and evening papers, than it will a market with separate and ostensibly independent publishers bound together in an agreement to eliminate commercial competition."

Even if a newspaper's management is excellent, its market may have changed materially. Some cities may simply be unable to support as many papers as they once did; in others, many readers may have been siphoned off by strong suburban papers. In any case, when two newspapers are completely inseparable commercially there is bound to be doubt that they can remain forever independent editorially.

One opponent of the Congressional bill has suggested that an open Federal subsidy would be preferable to such sweeping antitrust preference. Either way, extensive dependence on Government seems a dubious means to preserve newspaper independence.

Mr. McINTYRE. Mr. President, these publishers have been joined by their printing trades unions. Resolutions opposing the bill have been passed by the American Newspaper Guild, the International Typographical Union, the Pressman's Union, and the Amalgamated Lithographers.

The only reason the bill is still alive is the enormous political clout—let me say that again, the only reason the bill is still alive is the enormous political clout—of the media barons whose profits would be bolstered by it.

The total number of media holdings controlled by these companies is simply staggering. They now own 127 daily newspapers in 86 cities in 34 States, 109 broadcasting stations in these and an additional three States, one of the two major world news services—United Press International—and 22 national magazines. These are the total holdings of the men whose ostensibly dying voices this bill is designed to save.

Let me repeat, Mr. President, that these are totals. There are some joint agreements the publishers party to which own no media voices other than the papers directly involved. This is true, in fact, of six of the 22 joint agreements now in existence, those in the cities of Bristol, Tenn.-Va.; Honolulu, Hawaii; Nashville, Tenn.; Oil City-Franklin, Pa.; Tucson, Ariz., and Tulsa, Okla.

The amendment I have called up provides that the antitrust exemption provided by the bill itself shall not be made available to any papers owned by a newspaper chain or in any way affiliated with broadcast entities. Under its terms only those six joint agreements to which I referred a moment ago, as well as future agreements involving similarly independent voices, would be granted and legitimatized by the bill.

I have offered the amendment for two reasons.

First, the alleged purpose of this bill is to save dying editorial voices. It being unlikely as it is to accomplish this purpose, the least we can do is to restrict its application to instances in which such voices are in danger of total extinction.

Second, my amendment is a way of limiting the economic pressures generated by joint agreements. These pressures, for reasons I have discussed earlier, have the potential for killing off far more media voices than such agreements will ever save. If newspaper chains and multimedia companies were permitted to take part in such agreements, these pressures would be generated in a host of communities throughout the country, and the already serious trend to media concentration within our country would only be intensified.

So tomorrow, when I have an opportunity to speak again to reemphasize and reiterate these arguments to the Senate before Senators have an opportunity to vote on the question, I shall point out that I offer it to help preserve the multiplicity of diverse and antagonistic media voices on which the welfare of all of us so sorely depends.

LEGISLATIVE PROGRAM—NO SATURDAY SESSION IF CERTAIN MEASURES ARE ACTED UPON

Mr. GRIFFIN. Mr. President, so our colleagues may be advised, I ask the majority leader if he can indicate what is ahead in terms of the schedule for the rest of the week.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished acting

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minority leader has raised this particular question at this particular time. I made an announcement yesterday, in response to a similar request as to what I thought the schedule would be for the rest of the week and going into next week, as well.

At that time I anticipated it would take at least 2 days on the pending proposal, very likely 3, and perhaps would go into next week. On the basis of the progress made today, it appears it is quite possible that we may be able to complete action on this bill tomorrow.

If we finish action on the pending bill tomorrow and on S. 2289—which I think will be adjudicated between the Senator from Wyoming (Mr. Hansen) and the distinguished chairman of the Committee on Commerce (Mr. Magnuson)—and on S. 1862—which has been cleared on both sides—and if the distinguished acting minority leader would look into the possibilities of clearing S. 2306 and S. 2116—the two bills at the top of page 9 of the calendar—by tomorrow night, there would be no need to come in on Saturday.

I do not believe in coming in on Saturdays just for the purpose of making a showing. I want to come in on Saturdays only when there is business to be done. But if this suggestion of mine could be worked out, it would foreclose the possibility of a Saturday session. If that occurred, it would be the intention of the joint leadership to lay before the Senate S. 3154, the mass urban transit measure, and to make it the pending business before the Senate when it convened at 12 o'clock noon Monday.

However, if we do not finish all of these measures by tomorrow night, I think we have to look forward to a Saturday session.

It appears, I reiterate, that if this era of cooperation and accommodation between and among the parties continues, the chances are reasonably good that the bill now before us will be completed tomorrow.

I want to thank the acting minority leader for raising the question, so that if there are Senators who have plans and who are considering the cancellation of them because of a possible Saturday session, it will be advisable for them to read the Record and govern themselves accordingly.

Mr. GRIFFIN. Mr. President, I know the distinguished majority leader does not seek to leave an impression that concerns me a little. I do not even know very much about the two bills which he asked me to try to get clearance for; but if there is serious objection to those bills, of course, we would want them handled in the regular way and not try to force them through because of the threat of a Saturday session. I know that is not the idea.

Mr. MANSFIELD. No; because the Senator will note, by looking at the calendar, that I exempted the last two. I knew there would be some controversy about them, but I think there may be no controversy about S. 2306 and S. 2116.

I am glad the Senator raised the question, because if there was a controversy about them, we would confine ourselves to the first two.

Mr. GRIFFIN. I assure the majority leader that I will make every effort to see if those bills can be cleared, if there is no serious objection. I appreciate the announcement.

Mr. MANSFIELD. May I say that I do not believe in the use of the carrot and stick, nor do I believe in holding a club over anyone's head, because if we cannot operate here on an honorable basis, then I think the meaning of the Senate is lost and the dignity of the Senate as an institution is undermined.

Mr. GRIFFIN. I have always appreciated the way the majority leader has conducted himself in his office.

FOREIGN PRESS PRAISES VICE PRESIDENT AGNEW

Mr. GRIFFIN. Mr. President, it is a pleasure to learn that the foreign news media have generally credited Vice President Agnew with high marks in connection with his recent Asian tour.

While a few commentators, notably in Taiwan, indicated some uneasiness about U.S. policy, on balance, the reaction reveals that Mr. Agnew explained the Nixon doctrine to the satisfaction of our friends in Asia.

It is noteworthy that many editors laid heavy stress to Mr. Agnew's assurances that the United States will honor its treaty commitments, and that America is not withdrawing from Asia and the Pacific.

His public appearances and his presentations of moon rock samples drew extensive coverage. There were many expressions of respect and admiration for the Vice President and Mrs. Agnew. He was described as "courageous, outspoken, friendly, quick to learn, tactful."

When there was negative news coverage in itinerary countries, it was usually focused, not upon the Vice President, but upon anti-U.S. demonstrations in a few capitals.

I am informed that the Communist media gave unprecedented attention to the Vice President's trip, using it as a peg for repetition of attacks on U.S. Asian policies. Nevertheless, it is noteworthy that Hanoi and Moscow treated the trip as an event of major international significance.

In West Germany, independent-conservative Muenchner Merkur asserted that Mr. Agnew "will find his popularity curve has risen considerably. He remained the kindly diplomat in the face of provocations. America's press gave good marks to its former enemy."

Finally the pro-Christian Democratic Frankfurter Neue Presse thought the tour had been "a political success inasmuch as he helped clarify the intentions of the Nixon administration in a convincing manner and has set right distortions."

Mr. President, it is obvious that the Vice President has fully lived up to the expectations of his many admirers and has performed a great and distinguished service for his country.

The extensive news play devoted to Mr. Agnew's public statements in various capitals indicate that awareness and understanding of the Nixon doctrine has been significantly increased as a result of the trip. Moreover, there is every indication that Mr. Agnew's prestige as a world figure has been enhanced considerably.

Of particular interest is the fact that the independent, and frequently anti-Western, Eastern Sun of Singapore credited Mr. Agnew with "success in bolstering the sagging confidence which various Asian countries have been showing toward American willingness to contribute to Asian security." It described the Vice President as "suave in his manners, polished in his speeches, cautious in his relations with the press."

The independent Canberra Times judged that the visit left an "important impression—that the Nixon administration is sensitive to the opinions of its allies in Asia and the Pacific." The moderately conservative Sydney Daily Telegraph asserted that the visit "gives the lie to a propagandists in this country who claim Australia cannot depend on the United States if attacked."

The Auckland Star remarked that "Mr. Agnew has clearly left the impression that regional defense arrangements may expect more than moral support from the United States."

London's independent Financial Times judged that following the tour "there is ample evidence that America's Far Eastern allies are feeling less worried about the outcome of the war than they have done for months if not years."

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 39 minutes p.m.) the Senate adjourned until Friday, January 30, 1970, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 29, 1970:

Council on Environmental Quality

The following-named persons to be Members of the Council on Environmental Quality—new positions:

Robert Cahn, of the District of Columbia.
Gordon J. F. MacDonald, of California.
Russell E. Train, of the District of Columbia.

Diplomatic and Foreign Service

The following-named Foreign Service officers for promotion in the Foreign Service to the classes indicated:

Foreign Service officers of class 1:
Harry G. Barnes, Jr., of Maryland.
Adolph Dubs, of Illinois.
John I. Getz, of Illinois.
William C. Hamilton, of Connecticut.
Arthur A. Hartman, of New Jersey.
Cleo A. Noel, Jr., of Missouri.
Normand W. Redden, of New York.
John Church Renner, of Ohio.
William E. Schaufele, Jr., of Ohio.
Talcott W. Seelye, of Maryland.
Dr. Willard F. Shadel, Jr., of Washington.
William Perry Stedman, Jr., of Maryland.

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John M. Thomas, of Virginia.
Terence A. Todman, of the Virgin Islands.
Foreign Service officers of class 1 and consular officers of the United States of America:
Hugh G. Appling, of California.
John Campbell Ausland, of Pennsylvania.
James J. Blake, of the District of Columbia.
Henry C. Boudreau, of Maine.
Thomas D. Bowie, of Virginia.
Jonathan Dean, of New York.
James B. Engle, of the District of Columbia.
John W. Fisher, of Montana.
William J. Galloway, of Texas.
George R. Jacobs, of Illinois.
Walter E. Jenkins, Jr., of Texas.
William G. Jones, of Maryland.
David Klein, of California.
Irvin S. Lippe, of Michigan.
Matthew J. Looram, Jr., of New York.
Edward E. Masters, of Ohio.
Edward W. Mulcahy, of Arizona.
Bernard Norwood, of New Jersey.
John P. Shaw, of Maryland.
Lee T. Stull, of Pennsylvania.
Miss Jean M. Wilkowski, of Florida.
Foreign Service officers of class 2:
Arthur P. Allen, of California.
Miss Leona M. Anderson, of Iowa.
Robert A Bishton, of New Jersey.
Robert T. Burke, of New York.
Frank C. Carlucci, of Pennsylvania.
Herman J. Cohen, of New York.
Willis B. Collins, Jr., of Alabama.
Victor H. Dikeos, of California.
Morris Draper, of California.
William A. Hayne, of California.
Theodore J. C. Heavner, of Virginia.
Robert Kirk, of Michigan.
John L. Loughran, of California.
John B. McGrath, of Rhode Island.
Clarence J. McIntosh, of Florida.
Robert Marden Miller, of California.
James W. Missibeck, of New York.
Donald R. Norland, of Iowa.
John G. Oliver, of Texas.
Peter J. Peterson, of California.
Francis X. Ready, of Massachusetts.
Joseph A. Tambone, of New York.
Jean R. Tartter, of Florida.
Charles P. Torrey, of California.
Foreign Service officers of class 2 and consular officers of the United States of America:
Harold Aisley, of Texas.
James E. Akins, of Ohio.
Nicholas G. Andrews, of Maryland.
Howard J. Ashford, Jr., of Kansas.
William J. Barnsdale, of California.
John L. Barrett, of Texas.
Carl E. Bartch, of Ohio.
John Q. Blodgett, of Rhode Island.
David B. Bolen, of Colorado.
Phillip B. Dahl, of Illinois.
Elden B. Erickson, of Kansas.
Hunter L. Estep, of Texas.
John M. Farrior, of Connecticut.
Arva C. Floyd, Jr., of Georgia.
Robert T. Hennemeyer, of Illinois.
Edward C. Ingraham, Jr., of Maryland.
Daniel J. James, of Illinois.
William C. Jones III, of Texas.
William S. Krason, of Virginia.
Ralph E. Lindstrom, of New Jersey.
Earl H. Lubensky, of California.
Alan W. Lukens, of Pennsylvania.
Philip W. Manhard, of Florida.
Robert J. Martens, of Maryland.
Dudley W. Miller, of Colorado.
James D. Moffett, of Iowa.
Leo J. Moser, of California.
Robert L. Mott, of California.
Robert C. Mudd, of Virginia.
Harvey F. Nelson, Jr., of California.
Harry I. Odell, of the District of Columbia.
Harry M. Phelan, Jr., of Tennessee.
Edward P. Prince, of New Hampshire.
James F. Relph, Jr., of California.
H. Earle Russell, Jr., of Maryland.
Robert K. Sherwood, of Maryland.
Robert P. Smith, of Texas.
C. Melvin Sonne, Jr., of Pennsylvania.
Heywood H. Stackhouse, of Florida.
Thomas C. Stave, of Washington.
David R. Thomson, of California.
M. Gordon Tiger, of Virginia.
Frank S. Wile, of Maryland.
Daniel L. Williamson, Jr., of North Carolina.
Wendell W. Woodbury, of Iowa.
Foreign Service officers of class 3:
Morton I. Abramowitz, of Massachusetts.
Madison M. Adams, Jr., of Florida.
David Anderson, of New York.
Alfonso Arenales, of Texas.
Diego C. Asencio, of New Jersey.
Peter S. Bridges, of Illinois.
Everett E. Briggs, of Maine.
James E. Briggs, of Maryland.
Harry A. Cahill, of Virginia.
Peter D. Constable, of New York.
James P. Farber, of Florida.
John A. Ferch, of Ohio.
Robert E. Fritts, of Illinois.
Robert H. Frowick, of Connecticut.
Alan A. Gise, of Indiana.
Harold E. Horan, of Texas.
Hume A. Horan, of New Jersey.
Ernest B. Johnston, Jr., of Alabama.
Miss Helen E. Kavan, of Ohio.
Lowell C. Kilday, of Wisconsin.
James E. Kiley, of California.
Stephen J. Ledogar, of Virginia.
Nelson C. Ledsky, of Ohio.
Herbert Levin, of New York.
Gifford D. Malone, of West Virginia.
Charles E. Marthinsen, of Pennsylvania.
Richard C. Matheron, of California.
Francis Terry McNamara, of Vermont.
Hawthorne Q. Mills, of California.
Jay P. Moffat, of New Hampshire.
John C. Monjo, of Connecticut.
Richard B. Moon, of Connecticut.
Robert J. Morris, of the District of Columbia.
Daniel A. O'Donohue, of Michigan.
Ronald D. Palmer, of Michigan.
Michael B. Peceri, of Florida.
Ernest H. Preeg, of New York.
A. Irwin Rubenstein, of Florida.
Carl W. Schmidt, of New Jersey.
Walter John Silva, of Texas.
Roger A. Sorenson, of Utah.
Charles R. Stout, of California.
Miss Constance V. Stuck, of Arkansas.
Herbert D. Swett, of California.
George H. Thigpen, of California.
Donald C. Tice, of Kansas.
Albert N. Williams, of Michigan.
John E. Williams, of Florida.
Larry C. Williamson, of California.
Foreign Service officers of class 3 and consular officers of the United States of America:
Martin H. Armstrong, of Washington.
Eugene H. Bird, of Oregon.
William A. Brown, of New Hampshire.
Ward Lee Christensen, of the District of Columbia.
Theodore B. Dobbs, of Virginia.
Robert W. Drexler, of Wisconsin.
Harland H. Eastman, of Maine.
Miss Sharon E. Erdkamp, of Nebraska.
Arthur W. Feldman, of Washington.
Robert E. Ferris, of Nevada.
Mrs. Shirley M. Fine, of Florida.
Miss Eleanor Van Trump Glenn, of Georgia.
John W. Gordhamer, of California.
Alfred Harding IV, of New York.
Ashley C. Hewitt, Jr., of California.
George Borman High, of Illinois.
Shepard C. Lowman, of the District of Columbia.
Herbert S. Malin, of Maryland.
Francis J. McNeil III, of Florida.
Philip C. Narten, of Ohio.
James C. Nelson, of Illinois.
Harry A. Quinn, of California.
Virgil P. Randolph III, of Virginia.
Robert A. Remole, of Minnesota.
G. Edward Reynolds, of Maryland.
Miss Lillian A. Ross, of North Carolina.
Miss Brynhild C. Rowberg, of Virginia.
William W. Sabbagh, of the District of Columbia.
Melville A. Sanderson, Jr., of Florida.
Robert W. Skiff, of Florida.
Warren E. Slater, of the District of Columbia.
Jack M. Smith, Jr., of Virginia.
Jackson L. Smith, of Florida.
John Sylvester, Jr., of the District of Columbia.
John R. Vought, of New York.
John P. Wentworth, of Washington.
Richard W. White, of Maryland.
Foreign Service officers of class 4:
Richard W. Aherne, of Pennsylvania.
Carl A. Bastiani, of Pennsylvania.
David E. Biltchik, of New York.
C. Thomas Bleha, of Michigan.
John A. Boyle, of New York.
Werner W. Brandt, of New York.
George E. Brown, of Texas.
Richard C. Brown, of New Mexico.
Ralph H. Cadeaux, of Florida.
John Franklin Campbell, of California.
Donald D. Casteel, of Wyoming.
Glenn Richard Cella, of New York.
Warren Clark, Jr., of New York.
Carl John Clement, of Minnesota.
Harry L. Coburn, of New York.
Donald I. Colin, of Nevada.
Michael V. Connors, of Washington.
James Ford Cooper, of Michigan.
Miss S. Marguerite Cooper, of California.
Anthony S. Dalsimer, of New York.
Richard C. Devine, of Connecticut.
Peter Jon de Vos, of New Mexico.
William H. Egdar, of the District of Columbia.
Frederick D. Elfers, of the District of Columbia.
Ollie B. Ellison, of Illinois.
David A. Engel, of New Jersey.
Otho Evans Eskin, of the District of Columbia.
Robert E. Ezelle, of California.
Guido C. Fenzi, of California.
Robert M. Fouché, of South Carolina.
Miss Alta F. Fowler, of Virginia.
Jay P. Freres, of Illinois.
Sidney Friedland, of Wisconsin.
Stephen R. Gibson, of California.
Philip C. Gill, of California.
Harry J. Gilmore, of Pennsylvania.
Terrence G. Grant, of Illinois.
Allen S. Greenberg, of the District of Columbia.
Philip J. Griffin, of the District of Columbia.
Kurt F. Gross, of Virginia.
William H. Gussman, of New York.
Donald Keith Guthrie, of New Mexico.
Donald F. Hart, of Virginia.
Kenneth Allen Hartung, of New York.
Douglas James Harwood, of Connecticut.
Donald D. Haught, of Virginia.
Stephen J. Hayden, of Oregon.
Peter T. Higgins, of California.
Richard Holbrooke, of New York.
Robert W. Holliday, of Texas.
Sean M. Holly, of New York.
Robert G. Houdek, of Illinois.
Richard B. Howard, of Florida.
George Merwin Humphrey, of Pennsylvania.
Arnold M. Isaacs, of Illinois.
Miss Harriet W. Isom, of the District of Columbia.
Curtis W. Kamman, of Arizona.
Jay K. Katzen, of New York.
Kenneth C. Keller, of the District of Columbia.
John E. Kelley, of Hawaii.
Francis M. Kinnelly, of Maine.
Eugene Klebenov, of Massachusetts.
Roland Karl Kuchel, of New Jersey.
Thor H. Kuniholm, of the District of Columbia.

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Denis Lamb, of Ohio.
Robert E. Lamb, of Georgia.
David F. Lambertson, of Kansas.
James S. Landberg, of Washington.
Perry W. Linder, of California.
Walter A. Lundy, Jr., of Virginia.
Robert A. Martin, of Pennsylvania.
Philip R. Mayhew, of the District of Columbia.
Richard L. McCormack, of Florida.
Jack W. Mendelsohn, of Illinois.
James M. Montgomery, of New Jersey.
Bert C. Moore, of Ohio.
Ralph R. Moore, of Massachusetts.
Robert B. Morley, of New Jersey.
Mrs. Lillian Peters Mullin, of Illinois.
George Clay Nettles, of Alabama.
David G. Newton, of Massachusetts.
Thomas M. T. Niles, of Kentucky.
Nuel L. Pazdral, of California.
John D. Perkins, of Indiana.
Miss Emily Perreault, of Illinois.
Robert F. Pfeiffer, of New York.
Homer R. Phelps, Jr., of New York.
Miss Anne Pinkney, of California.
Robert L. Pugh, of Washington.
J. Brayton Redecker, of Connecticut.
Reynold A. Riemer, of California.
Philip J. Rizik, of the District of Columbia.
George L. Rueckert, of Wisconsin.
Ernest C. Ruehle, of Missouri.
Charles B. Salmon, Jr., of New York.
Cornelius D. Scully III, of Virginia.
Raymond W. Seefeldt, of Illinois.
Pierre Shostal, of New York.
Richard J. Smith, of Connecticut.
Charles Steedman, of Rhode Island.
Robert S. Steven, of Rhode Island.
Paul E. Storing, of New York.
Roscoe S. Suddarth, of Tennessee.
Peter Bird Swiers, of New York.
Charles T. Sylvester, of Rhode Island.
Peter Tarnoff, of New York.
Carl Taylor, of Vermont.
Clyde Donald Taylor, of Maine.
Andrew G. Thoms, Jr., of New Jersey.
William Graham Walker, of California.
W. Robert Warne, of California.
Miss Winifred S. Weislogel, of New Jersey.
Walter Frederick Weiss, of California.
Martin A. Wenick, of New Jersey.
James O. Westmoreland, of Tennessee.
Thomas Edward Williams, of Virginia.
Ronald E. Woods, of Michigan.
H. L. Dufour Woolfley, of Louisiana.
Roderick M. Wright, of California.

Foreign Service officers of class 4 and consular officers of the United States of America:

Richard P. Bailor, of Delaware.
Frank C. Bennett, Jr., of California.
Jere Broh-Kahn, of Ohio.
Miss C. Patricia Junk, of Ohio.
Reese A. Lewis, of California.

Foreign Service officers of class 5:

Alvin F. Adams, Jr., of New York.
James A. Allitto, of California.
Michael I. Austrian, of New York.
Richard W. Baker III, of New Jersey.
William E. Barreda, of Texas.
Miss Elizabeth A. Bean, of Connecticut.
Joseph F. Becelia, of New York.
Alan H. Bergstrom, of North Dakota.
Robert D. Blackwill, of Nevada.
David L. Blakemore, of New York.
Robert B. Boettcher, of Texas.
Richard W. Bogosian, of Massachusetts.
Miss Janina Bonczek, of California.
William J. Boudreau, of Massachusetts.
L. Paul Bremer III, of Connecticut.
William R. Brew, of New York.
David E. Brown, of Virginia.
G. Gardiner Brown, of Ohio.
Robert D. Brown, of Idaho.
Timothy C. Brown, of Nevada.
Miss Edith Louise Bruce, of Illinois.
Edward A. Casey, Jr., of New Jersey.
Emil Castro, of New York.
Hervey Parke Clark, Jr., of California.
James L. Clunan, of Connecticut.
Wat T. Cluverius IV, of Illinois.
L. Selwyn Coates, of Ohio.
Herbert A. Cochran, of North Carolina.
Larry Colbert, of Ohio.
Thomas M. Coony, of Connecticut.
Donald E. Crafts, of Georgia.
Carl C. Cundiff, of Oklahoma.
Carl B. Cunningham, of California.
John H. Curry, of Michigan.
Charles L. Daris, of the District of Columbia.
James C. Dean, of Illinois.
T. McAdams Deford, of Maryland.
V. Raymond Dickey, of South Dakota.
James P. Dodd, of Kentucky.
Conrad M. Drescher, of New York.
Edward S. Dubel, of New Jersey.
Michael L. Durkee, of New York.
Albert E. Fairchild, of North Carolina.
Dan W. Figgins, Jr., of New York.
John D. Finney, Jr., of Missouri.
Alan H. Flanigan, of Tennessee.
Charles W. Freeman, Jr., of Massachusetts.
Leon S. Fuerth, of New York.
Frederick H. Gerlach, of Virginia.
John A. Graham, of Washington.
Maurice N. Gralnek, of Illinois.
Marvin Groeneweg, of Iowa.
Michael J. Habib, of New York.
Francis S. Hall, of New York.
Scott S. Hallford, of Tennessee.
Dennis G. Harter, of New Jersey.
Frederick H. Hassett, of Missouri.
James M. Hawley III, of West Virginia.
Arthur Houghton, of the District of Columbia.
Arthur H. Hughes, of Nebraska.
Donald E. Huth, of California.
Lars H. Hydle, of California.
Richard L. Jackson, of Massachusetts.
Donald L. Jameson, of California.
Larry Craig Johnstone, of Washington.
D. Lowell Jones, of Mississippi.
M. Gordon Jones, of California.
Philip S. Kaplan, of California.
Frank P. Kelly, of New Jersey.
Dennis W. Keogh, of West Virginia.
Robert Allan Kohn, of New York.
John C. Kornblum, of Michigan.
Gilbert D. Kulick, of California.
James W. Lamont, of Maryland.
Lawrence B. Lesser, of New York.
Ira H. Levy, of Missouri.
Miss Bonnie M. Lincoln, of Minnesota.
Raymond B. Lombardi, of Rhode Island.
Mark Lore, of New Jersey.
David W. Loving, of Virginia.
Lewis R. Macfarlane, of Washington.
Arturo S. Macias, of Wisconsin.
Edward M. Malloy, of New York.
David C. McGaffey, of Michigan.
Doyce R. McNaughton, of Texas.
Roger B. Merrick, of Colorado.
Joseph W. Moyle, of Minnesota.
Dennis P. Murphy, of Washington.
Dennis R. Papendick, of California.
Alan Parker, of the District of Columbia.
David D. Passage, of Colorado.
John H. Penfold, of Colorado.
Chester F. Polley, Jr., of Illinois.
Gene R. Preston, of California.
Robert Maxwell Pringle, of Virginia.
Mark S. Ramee, of New York.
Douglas K. Ramsey, of Nevada.
Randolph Reed, of the District of Columbia.
Denis R. Regan, of New York.
Thomas R. Reynders, of Massachusetts.
Floyd A. Riggs, of Virginia.
Erik S. Ronhovde, of Montana.
William Frederick Rope, of New York.
Richard J. Rosenberg, of Nebraska.
Theodor Rumme, of Massachusetts.
William E. Ryerson, of Pennsylvania.
Miss Ruth M. Schimel, of New York.
C. Michael Schneider, of Ohio.
James T. Schollaert, of Pennsylvania.
William F. Schrage, of Illinois.
Richard E. Schwartz, of Missouri.
James W. Shinn, of Maryland.
Frederick Owen Shoup, of California.
Daniel H. Simpson, of Ohio.
Robert S. Simpson, of California.
Michael M. Skol, of Illinois.
Dane F. Smith, Jr., of New Mexico.
Peter G. Smith, of Michigan.
Denman T. Snow II, of Georgia.
David A. Sousa, of Massachusetts.
Samuel D. Starrett, of Indiana.
Steven E. Steiner, of Pennsylvania.
Byron R. Stephenson, of Kansas.
Michael D. Sternberg, of New York.
David H. Swartz, of Illinois.
W. Kenneth Thompson, of the District of Columbia.
Ward C. Thompson, of New Hampshire.
Miss Elizabeth R. Thurston, of Indiana.
James E. Thyden, of California.
Thomas F. Timberman, of Maryland.
James C. Todd, of California.
Peter Tomsen, of Ohio.
Kenneth H. Torp, of Connecticut.
Frank Tumminia, of New York.
Miss Caroline Marr Turtle, of New Jersey.
Edmund van Gilder, of Pennsylvania.
Anthony H. Wallace, of New York.
Phillip J. Walls, of Michigan.
Ralph Claiborne Walsh, of Texas.
John Kendall Ward, of Florida.
Louis B. Warren, Jr., of New Jersey.
John H. Will, of Texas.
James Alan Williams, of Virginia.

Foreign Service officer of class 5 and a consular officer of the United States of America:

Miss JulieAnn McGrath, of Illinois.

Foreign Service officers of class 6:

Paul E. Barbian, of Wisconsin.
Richard M. Bash, of Oklahoma.
Charles R. Bowers, of California.
David H. Burns, of Massachusetts.
Timothy Michael Carney, of the District of Columbia.
Robert K. Carr, of California.
Thomas H. Carter, of Florida.
Gary E. Chafin, of Texas.
Lawrence E. Christmas, of Texas.
Victor D. Comras, of Florida.
Martin W. Cooper, of New Hampshire.
James B. Corey, of Michigan.
John B. Craig, of Pennsylvania.
Richard D. Cummins, of New York.
James F. Dobbins, Jr., of Pennsylvania.
Michael W. Donovan, of Indiana.
Robert F. Dorr, of California.
Stanley T. Escudero, of Florida.
Robert P. Gallagher, of Rhode Island.
Thomas Humphrey Gerth, of New York.
Ben. F. Harding, of Alaska.
Miss Genta A. Hawkins, of California.
William D. Heaney, of California.
Delmar Karlen, Jr., of New York.
Douglas R. Keene, of Massachusetts.
Allen L. Keiswetter, of Kansas.
Edward Gibson Lanpher, of Virginia.
Larrie D. Loehr, of California.
Stevenson McIlvaine, of Virginia.
Robert C. Myers, of Virginia.
Harold T. Nelson, Jr., of Nebraska.
Jerome C. Ogden, of New York.
Miss Shirley E. Otis, of Pennsylvania.
Wesley H. Parsons, of Arizona.
James J. Reid, of Texas.
Algirdas J. Rimas, of Virginia.
Dennis A. Sandberg, of Minnesota.
Miss Ernestine H. Sherman, of Oregon.
Kirby L. Smith, of Florida.
Miss Marsha D. Smith, of Maryland.
Kenneth A. Stammerman, of Kentucky.
Luis G. Stelzner,of California.
Donald J. Sutter, of New Jersey.
J. Richard Thurman, of Kentucky.
Miss Rosa Lee Unger, of Ohio.
Miss Dena-Kay E. Wade, of Virginia.
David M. Walker, of California.
Richard LaVerne Williamson, Jr., of California.

Foreign Service officer of class 6 and a consular officer of the United States of America:

J. Guy Gwynne, of Arkansas.

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HOUSE OF REPRESENTATIVES—*Thursday, January 29, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If you believe in goodness, if you value the approval of God, fix your mind on the things which are holy and right and pure and beautiful and good.—Philippians 4: 8 (Phillips).

Our Father God, who hast taught us that only the pure in heart can see Thee, cleanse our hearts of all impurity, all impenitence, and all impatience. Give to us such a love for that which is good and true and beautiful that we may be made strong in temptation and give strength to those who are tempted as we are.

Let not our strength fail, our steps falter, or our spirits faint as we labor for the good of our beloved America.

This day, and every day, may we place our hands in Thine, look up to Thee, and face the hours with faith and fortitude knowing Thou art with us and we are with Thee as we endeavor to lead our people in the ways of justice and the nations in the paths of peace.

We pray in the spirit of Him whose life is the light of men. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3246. An act to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

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REQUEST FOR SUPREME COURT TO REVIEW ITS ORDER TO CHANGE THE FLORIDA SCHOOL SYSTEM

(Mr. FREY asked and was given permission to address the House for 1 minute.)

Mr. FREY. Mr. Speaker, today the longest telegram in the world, over 2,360 feet long, containing 350,000 words and more than 56,000 signatures, is being delivered to the U.S. Supreme Court. This telegram, started by State Senator Tom Slade, of Duval County, Fla., respectfully requests the Supreme Court to review its order requiring, in essence, the Florida school system to completely change its operation on February 1.

The issue in Florida is not one of segregation. Most of the Florida counties have achieved integration and have orderly plans to finish within the near future. Rather, the issue is arbitrary court orders requiring unrealistic changes that we are unable to carry out, orders made without regard to the needs of education and most importantly, without regard to the problems of students.

The telegram represents the views of the vast majority of people in Florida of all races, colors, and creeds. We will obey the law. We believe in the rule of law. We ask only that it be applied fairly to us and to all Americans.

REQUEST FOR PRESIDENT TO VETO FOREIGN AID APPROPRIATION BILL

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, this morning I sent the following telegram to the President of the United States:

The PRESIDENT,
The White House,
Washington, D.C.:

Good start made yesterday in the war on deficit spending and inflation. Consistency and financial crisis now calls for veto of $1.8 billion foreign aid appropriation bill. There are more than ample funds in pipeline. Veto of this bill would have overwhelming support of American people and would easily be sustained in House of Representatives. It will be most difficult for you to justify cuts in domestic spending, including new construction, and approve an increase over last year in the foreign handout program. Moreover in your state of the Union message last week you stated that: "We shall reduce our involvement and our presence in other nations' affairs."

H. R. GROSS.

APPOINTMENT OF CONFEREES ON S. 2523, COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1969

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2523) to amend the Community Health Centers Act to extend and improve the program of assistance under that act for Community Health Centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SATTERFIELD, SPRINGER, NELSEN, and CARTER.

APPOINTMENT OF CONFEREES ON H.R. 6543, PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SATTERFIELD, KYROS, PREYER of North Carolina, SPRINGER, NELSEN, CARTER, SKUBITZ, and HASTINGS.

APPOINTMENT OF CONFEREES ON S. 2809, PUBLIC HEALTH SERVICE GRANTS TO SCHOOLS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health, and traineeships for professional public health personnel, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees, Messrs. STAGGERS, JARMAN, ROGERS of Florida, SATTERFIELD, SPRINGER, NELSEN, and CARTER.

APPOINTMENT OF CONFEREES ON H.R. 14733—MIGRANT HEALTH SERVICES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SATTERFIELD, SPRINGER, NELSEN, and CARTER.

PERSONAL ANNOUNCEMENT

Mr. NICHOLS. Mr. Speaker, I was necessarily absent from the Chamber on Tuesday of this week when the foreign aid conference report was brought up. Had I been present, I would have voted "nay."

CALL OF THE HOUSE

Mr. GOODLING. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 8]

Adams
Anderson, Ill.
Anderson, Tenn.
Annunzio
Baring
Berry
Blackburn
Blanton
Bow
Brademas
Brown, Calif.
Broyhill, N.C.
Burke, Fla.
Bush
Celler
Clark
Clausen, Don H.
Clay
Conte
Conyers
Corman
Coughlin
Cramer
Cunningham
Davis, Ga.
Dawson
Dennis
Dent
Diggs
Eckhardt
Esch
Evans, Colo.
Evins, Tenn.
Findley
Frelinghuysen
Fulton, Tenn.
Gallagher
Gray
Haley
Hansen, Idaho
Hansen, Wash.
Hathaway
Hawkins
Hays
Hébert
Heckler, Mass.
Howard
Jacobs
Karth
Kirwan
Kluczynski
Kuykendall
Leggett
Lipscomb
Lloyd
Long, La.
Lujan
Lukens
McCloskey
McMillan
Marsh
Martin
Mayne
Mills
Minshall
Mize
Monagan
Moorhead
Morton
Moss
Obey
O'Hara
Ottinger
Podell
Pollock
Powell
Pucinski
Rarick
Reid, N.Y.
Rivers
Rooney, N.Y.
Rostenkowski
Scheuer
Sebelius
Shriver
Skubitz
Smith, N.Y.
Stokes
Stratton
Taft
Teague, Calif.
Tiernan
Tunney
Van Deerlin
Watson
Winn
Wolff

The SPEAKER. On this rollcall 335 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE LATE HONORABLE W. C. "BILL" LANTAFF

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I regret to have to make the announcement that a former colleague of ours, with whom many of us have worked, who was my immediate predecessor in the Congress, today passed away, the Honorable W. C. "Bill" Lantaff.

I just wanted to notify those friends who are here that we in the Florida delegation on Monday will seek some time to make appropriate remarks.

TO WELCOME TO THE UNITED STATES OLYMPIC DELEGATIONS AUTHORIZED BY THE INTERNATIONAL OLYMPIC COMMITTEE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 131) to welcome to the United States Olympic delegations authorized by the International Olympic Committee.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object, as I understand it, this is a joint resolution which was approved by the other body last November.

Mr. FASCELL. The gentleman is correct.

Mr. GROSS. To extend an invitation to the Internatonal Olympics Committee to invite the winter olympics to Colorado—Denver, to be specfic—and the summer olympics to Los Angeles in California.

In the Foreign Affairs Committee this morning I opposed the passing out of this legislation, not because I am opposed to the extension of an invitation to bring the olympics to this country but because of the precipitate manner in which this legislation is being brought to the floor of the House.

I am not unaware of the legislation which was enacted about 1959 with respect to Squaw Valley and the winter olympics in California that followed. At the time that invitation was extended, as I remember the record, we were told that bringing the winter olympics to California would not cost the U.S. Treasury any money. I will say to the Members of the House that we wound up with a cost of several million dollars.

I am not going to oppose this joint resolution, but I wish to say that this is probably opening the door to another multimillion-dollar expenditure. I regret that there was not more time. I do not find a copy of the joint resolution or report at the desk on the floor. I am sorry there was not more consideration given to the implications of this, particularly as to who is going to determine what nations will be allowed to participate in the summer and winter olympics. In 1959 we had a situation wherein the international committee tried to outlaw participation by the Republic of China, in other words, by Nationalist China. This resolution apparently vests completely the right as to who may or may not participate in the international committee, as I recall from a hasty reading of it late yesterday. I greatly regret that this joint resolution is being called up after having laid dormant since last November and is being passed under these circumstances today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 131

Whereas, the city of Los Angeles has been duly authorized to seek the Summer Olympic Games of 1976; and

Whereas, the city of Denver has been duly authorized to seek the Winter Olympic Games of 1976; and

Whereas, these games will afford an opportunity of bringing together young men and women representing more than seventy nations, of many races, creeds, and stations in life and possessing various habits and customs, all bound by the universal appeal of friendly athletic competition, governed by rules of sportsmanship and dedicated to the principle that the important thing is for each and every participant to do his very best to win in a manner that will reflect credit upon himself or herself, and the country represented; and

Whereas, the people of the world in these trying times require above all else occasions for friendship and understanding, and among the most telling things which influence people of other countries are the acts of individuals and not those of governments; and

Whereas, experiences afforded by the Olympic games make a unique contribution to common understanding and mutual respect among all peoples: and

Whereas, previous Olympic games have proved that competitors and spectators alike have been imbued with ideals of friendship, chivalry, and comradeship and impressed with the fact that accomplishment is reward in itself; and

Whereas, this nation wishes to express its desire that all men and women on Olympic delegations from every country throughout the world are welcome to the United States of America for these Olympic games; and

Whereas, this nation wishes to make the arrivals and departures of all concerned as convenient and expeditious as possible:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the President of the United States is authorized and requested to issue a proclamation welcoming all Olympic delegations from throughout the world authorized by the International Olympic Committee and asking them to come and actively participate in the 1976 Olympic games, if they are to be held in the cities of Los Angeles and Denver, and to pledge to all nations and authorized Olympic delegations that the United States will provide appropriate entry procedures assuring convenient arrivals and departures.

The joint resolution was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

IS THE NATIONAL EDUCATION ASSOCIATION ENTITLED TO TAX EXEMPTION?

(Mr. GUBSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUBSER. Mr. Speaker, this morning at 7 o'clock I heard a very startling radio newscast and accordingly called the network news desk of WRC to ask for a quotation from that newscast. It pertained to the attempted veto override of yesterday. I quote what WRC had to say.

> George Fisher of Des Moines, Iowa, President of the NEA, said "We want to beat five or ten Congressmen who switched their votes and upheld the veto." Fisher said the NEA would put the fear of God in politicians all over the country.

Mr. Speaker, I am the proud holder of a valid general secondary teaching credential in the State of California. I am proud of my profession, and I am sorry that Mr. Fisher of the National Education Association, as a professional man, has stooped to the indignity of blackjack politics.

Eighteen years ago, when I came to this body, we enjoyed the luxury of being able to consider what we honestly felt was good for the country. Today I am sorry to say that public policy is made as a result of a coalition of pressures. I do not think this is good for the country.

We have one weapon to fight back with, and that is tax exemption. A few years ago the Sierra Club in my State made its views known regarding certain measures before this Congress, and the Internal Revenue Service withdrew

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the organization's tax exemption. I respectfully suggest now that the Internal Revenue Service should do its duty in this instance and investigate what Mr. Fisher had to say, the operations of the National Education Association, and determine whether they are entitled to continued tax exemption.

NATIONAL BLOOD DONOR MONTH

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, this is National Blood Donor Month. Tomorrow those of us who are physically able are invited to give blood to the American Red Cross at the first aid room of the Rayburn Building starting at 9:30 a.m.

I am asking those of you who are able to participate. A gift of blood may save a life.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, on rollcall vote No. 5 on Tuesday, concerning passage of the bill H.R. 860, authorizing employer contributions for joint industry promotion of products, I was away from the Capitol on official committee business. Had I been present and voting, I would have voted "yea."

DEFENSE FACILITIES AND INDUSTRIAL SECURITY ACT OF 1970

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 792 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 792

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14864) to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Internal Security, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the minority, the very able and distinguished gentleman from Tennessee (Mr. QUILLEN), and pending that I yield myself such time as I may consume.

Mr. Speaker, as the reading of the resolution indicates, this is an open rule with 2 hours of general debate on the bill H.R. 14864 with reference to an amendment to the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and classified information released to industry against acts of subversion, and for other purposes.

Mr. Speaker, this bill is reported from the Committee on Internal Security by the able gentleman from Missouri (Mr. ICHORD).

Mr. Speaker, in that connection I should like to pay my personal respects to that committee and particularly to the very able gentleman from Missouri (Mr. ICHORD) who is in my judgment doing an excellent job in the conduct of this committee.

This committee has in the past, of course, had a rather controversial existence and I understand there is still some controversy about even this bill, which of course I favor.

In brief, the bill would provide necessary legislation for the maintenance of three basic national security programs relating, first, to the protection of industrial facilities and production essential to the defense of the United States; second, to the protection of classified information released to contractors; and third, to the safeguarding of vessels and waterfront facilities.

The bill would authorize the President to institute a personnel security screening program to determine eligibility of individuals for access to, or control of, sensitive positions, places, or areas of employment in designated defense facilities, as defined, for the safeguarding of such facilities against sabotage, espionage, or acts of subversion.

It gives express congressional sanction for the institution of measures and regulations to safeguard classified information released to contractors against unauthorized disclosure.

It amends the Magnuson Act to give express congressional authority for the institution of a personnel security screening program for the safeguarding of vessels, harbors, ports, and waterfront facilities.

The legislation establishes procedures for the administration of the foregoing programs by authorizing specific investigation, hearing, and review procedures, together with authority for the issuance of compulsory process for attendance of witnesses and production of evidence, the granting of immunity for compelled testimony, penal sanctions for violation of area restraints, the regulation of jurisdiction of courts, and authority for reimbursement to persons under certain circumstances for loss of earnings.

It authorizes the President to develop a voluntary program in cooperation with business and labor to protect facilities of importance to defense mobilization against destructive acts and omissions, including the development of standards of security for such facilities; cooperative action in consultation with industry, labor organizations, State agencies, trade and professional security associations; the institution of training and educational programs; the furnishing of advice and assistance to the management of such facilities; and the dissemination of appropriate intelligence information to representatives of management and labor.

Mr. Speaker, the minds of the people of this country have been so occupied with controversial domestic issues in recent years that there seems to be a disposition on the part of our people to lose the sense of awareness which prevailed heretofore of the danger of communism. I am not sure that it is not possible that the Communists themselves are responsible for this fact. The people of this country should not permit this situation to exist. There is no question but that the present Communist leaders still adhere to the hardline of Lenin and Stalin. In fact, if I read correctly about what is going on in that country, it is evident that the hardliners are back in power and their goal still continues to be the destruction of governments of free men and a world dominated by the Communists.

Certainly, Mr. Speaker, the price of freedom is still eternal vigilance.

Mr. Speaker, I know of no controversy about the rule, and therefore I shall not go into any discussion on either the rule or the bill, and I reserve the balance of my time and urge the adoption of the resolution and the overwhelming passage of the bill.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume and ask unanimous consent to revise and extend my remarks and include extraneous matter.

Mr. Speaker, H.R. 792 makes in order for consideration H.R. 14864 under an open rule with 2 hours of general debate. The distinguished gentleman from Mississippi (Mr. COLMER) has ably pointed out the provisions of this measure.

For many months now I have visualized and worked hard to gain this opportunity—that is, Mr. Speaker, to speak in behalf of a bill which I feel, if enacted into law, will be a giant step toward thwarting efforts of Communist elements in this country to overthrow our Government.

As many of you know, I have long been a supporter of legislation designed to protect our Nation's defense facilities from infiltration by subversive forces. I have attempted to secure passage of this measure through many channels.

Thus, it is indeed a pleasure for me to speak on behalf of H.R. 14864, the Defense Facilities and Industrial Security Act of 1970.

I feel entirely confident that the Committee on Internal Security, of which my good friend and colleague the Honorable RICHARD ICHORD is chairman, has reported for passage a bill which will stand on four legs legally and at the same time provide the steps necessary for closing the doors of our defense facilities to those who would advocate and attempt to overthrow our Government or undermine our national security. I am a cosponsor of this bill with the gentleman from Missouri (Mr. ICHORD) and others.

I have perhaps, Mr. Speaker, a par-

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ticular interest in the security of our defense facilities, since a "spy story" of international interests and repercussions came out of a defense plant in my own hometown of Kingsport, Tenn.

According to the known facts as revealed in 1950, please let me give you a thumbnail history of this bizzare spy case. I will submit for the RECORD an article from the U.S. News & World Report for November 24, 1950, and news stories from the Kingsport Times-News to follow my remarks.

During World War II, Alfred Dean Slack, an employee of Eastman Kodak Co. laboratories, was transferred to Holston Ordnance Works, an Eastman subsidiary, in Kingsport. A new, superpowerful explosive was to be developed there; Slack became a department supervisor with access to information about the development of this explosive.

While with Eastman in Rochester, Slack had met and become friends with a Russian agent and had turned over much information concerning chemical development to the agent in the interest of "helping the People's Republic" and picking up some extra money. Not a member of the Communist Party itself, Slack justified his treachery by telling himself that Russia was at peace with the United States and that the information he was selling at $200 a report was of an industrial nature and was not involved with weapons.

When he was transferred to Kingsport, however, the situation changed. The information he had access to had become, according to published reports, of more importance—he was a principal in the development of a new explosive said to be second in power only to the atom bomb.

Slack's original contact had been replaced by a man named Harry Gold, who would not rest until he had that information. One day, Slack brought a sample of the explosive out of the plant and gave it, along with a sketch of the manufacturing technique, to Gold. The "secret" was soon on its way to Russia.

That was in 1943. Slack was arrested in 1950 and sentenced to 15 years in prison. Gold was sentenced to 30 years, but was released in 1966.

I will not attempt to give you every detail of the bill because I know this task will be ably handled by the gentleman from Missouri (Mr. ICHORD).

H.R. 14864 would vitalize, strengthen and improve three basic and necessary national security programs for the purpose of safeguarding, first, selected industrial facilities essential to the defense of the Nation against espionage, sabotage and acts of subversion; second, classified information released to contractors; and, third, vessels and waterfront facilities.

In some form, programs to accomplish each of these objectives have been administered by the executive. Over the years, these programs have undoubtedly made a substantial contribution to our Nation's security in this troubled world. However, the principal statutory basis for the first and third programs were recently struck down by the Supreme Court, and important deficiencies have appeared in the administration of the second program which only the Congress can remedy. The bill will provide an explicit legislative base for the restoration and maintenance of the foregoing programs.

The principal legislative base for the maintenance of our industrial defense facilities program was section 5 of the Subversive Activities Control Act of 1950. Under that section of the act, members of Communist-action organizations were prohibited from employment in certain facilities designated by the Secretary of Defense as "defense facilities." However, on December 11, 1967, the Supreme Court of the United States voided that section of the act in the case of *U.S.* v. *Robel* (389 U.S. 258) on the ground of "overbreadth." The program was thus struck down.

The bill would replace the former program by authorizing the institution of a personnel screening program for determining access to sensitive positions or areas of employment within selected facilities which the Secretary of Defense may designate pursuant to the standards set forth in the bill. Indeed, we believe that this program will operate more effectively than that formerly maintained under section 5, and will provide that degree of flexibility for performing, with due regard for the rights of individuals, that difficult and subtle task of excluding those persons from access to defense facilities who would use their positions to disrupt the Nation's defense production.

The program relating to the security of vessels and waterfront facilities was maintained under the Magnuson Act of 1950, which had its beginning in the Korean war. Under this act, the President was authorized to issue rules and regulations to safeguard vessels and waterfront facilities of the United States when he determined that the security of the United States was endangered by subversive activities. Pursuant to this authority, the President on October 20, 1950, issued Executive Order 10173 by which he initiated a program addressed to the physical security of such facilities and authorized a personnel screening program with respect to personnel.

This program, initiated by President Truman, was maintained in the administration of four successive Presidents until January 16, 1968. On that date, the Supreme Court struck down the personnel security screening program. It did so in the case of *Schneider* v. *Commandant, U.S. Coast Guard* (390 U.S. 17), on the ground that this program was not expressly or impliedly authorized by the Congress. The bill would remedy this result by an amendment to the Magnuson Act which would expressly authorize the President to maintain and restore the program.

On the other hand, the industrial security program for the protection of classified information against unauthorized disclosure has had no express legislative base. The current program has been maintained pursuant to Executive Order 10865, issued in 1960 by President Eisenhower, following a 1959 decision of the Supreme Court in the case of *Greene* v. *McElroy* (360 U.S. 474), which struck down certain procedures applied by the Secretary of Defense allegedly without Presidential or congressional authorization.

However, present procedures suffer from several pressing deficiencies which are clearly beyond the authority of the President, acting alone, to remedy. The need for congressional support in this field has become increasingly apparent.

While expansive hearing procedures and other benefits are accorded to individuals in proceedings for determination of access to classified information under the Executive order, the benefits granted by its generous and detailed provisions cannot be fully realized due to the absence of congressional authority for supporting process and procedures. The weaknesses and deficiencies under the present order are fully set forth in the report.

Although I do not deem it appropriate at this point to enlarge upon them, I would like to point out that the order particularly suffers from the absence of authority for the issuance of process to compel the attendance of witnesses and the production of evidence. The absence of such authority, together with the ancillary power to grant immunity to witnesses for testimony compelled over claims of self-incrimination, is not only a disadvantage to the Government, but also to the applicant who has no assurance of means to procure evidence on his own behalf. This and other deficiencies are remedied by the bill.

Mr. Speaker, I want to make clear that the bill is carefully drafted to establish a much-needed legislative base for the maintenance of each of the three programs I have mentioned. It does so in strict conformity with the expressions of the courts and with a most meticulous regard for individual liberties in relation to the national security interests.

While one may with reason disagree with the decisions of the courts which make this legislation imperative, the fact remains that the courts in no instance have ever denied the existence of congressional power to accomplish the basic objectives to be served by these programs. Indeed, they could hardly do so in the face of powers expressly conferred on Congress by the fundamental charter of our Government, to provide for the common defense. This is a judgment and a responsibility confided by the Constitution to the Congress. The courts, in effect, have shifted the burden to the Congress to come up with appropriate legislation. The enactment of the bill, H.R. 14864, will give us an opportunity to sustain this burden.

The material referred to follows:

[From U.S. News & World Report, Nov. 24, 1950]

INSIDE STORY OF A NATIVE AMERICAN WHO TURNED SPY

(NOTE.—Can an American of average circumstances, happy with job and family, be turned by blackmail into a spy for the Communists, willing to give or sell his country's secrets to Russia?

(Could this really happen to a normal, hard-working man, an active church worker, a home-loving man with a charming wife and family?

(The answer is yes. And it is based on the facts in this article, which have just been gathered from official sources.)

Alfred Dean Slack seemed as nearly normal and average as an American could be. Now he is serving a term in prison for giving war secrets to Russia. And his friends and neighbors at Clay, N.Y., just outside Syracuse, are trying to figure out how it happened.

Until one day last June, Slack fitted snugly into the community at Clay. He merged easily with the crowd. He was 44, of medium height, a little too heavy, like many others of his age. He wore rimless glasses, looked a little like a preoccupied college professor.

Slack had a good job. He had a new Cape Cod bungalow that he had built with his own hands. He was proud of it, and proud of his wife and two young children. His spare time went into work on the house. In idle moments, he liked to play the organ in his living room, or work at wood carving, or thumb through the chemical and scientific books in his little library. He was at home and loved it. He had been born within a dozen miles of the place where he lived.

Neighbors tabbed him as "a nice guy." One said: "He's a quiet fellow, but I like him." The justice of the peace called him "a home man." His grocer thought him "one of the nicest fellows I ever met."

This was the picture the community had of Slack when he climbed into his car on the morning of June 15, 1950, and drove off to his work as assistant production superintendent of a paint factory. A day later, the people at Clay knew Slack as a man who had given American war secrets to Russia. Two men from the Federal Bureau of Investigation had arrested Slack that morning when he reported for work.

Soon, the details came to the people in the home community. Six years before, while working at a war plant in Tennessee, Slack had told a Russian agent how to make a new explosive. He even had given the Russian agent a sample. And he had known the information was destined for Russia.

The neighbors at Clay puzzled over the story as they set about raising funds for Mrs. Slack and the children. The thing was hard for them to understand. Slack was not a parlor sophisticate or a college-bred Communist. He had not turned to Communism because of joblessness. He was not even a member of the Communist party.

All through his working life, Slack had worked at pretty good pay. He had no criminal record. He had been a quiet, well-behaved youth. There was nothing sinister in his background. He was just a quiet man who liked to potter about the house and play the organ.

On the surface of Slack's placid life, there seemed to be no clue as to how it could have happened. He had grown up in a self-respecting, middle-class family in Syracuse. He had a natural liking for chemistry. His father was a chemist. Slack had one brother and two sisters.

Young Slack had gone through school at the normal rate. He had finished North High School in Syracuse when not quite 18. Then had followed various jobs and two semesters at Syracuse University. Soon after he turned 21, Slack went to Rochester, got a job in the Eastman Kodak Co. laboratories, and enrolled in night school. For two years he carried the double load of working by day and going to school at night.

Just before entering night school, Slack married. His work at the Eastman laboratories settled into permanency. He continued to dig into chemical and mechanical subjects in spare time at home after he finished school.

The great depression did not disturb Slack. All through this period, he had a regular job with the Eastman Co., growing in knowledge and responsibilities.

When the war came, Slack was one of the young men transferred to the Holston Ordnance Works of an Eastman subsidiary at Kingsport, Tenn. A new, superpowerful explosive was to be developed here. Slack became a department supervisor, with access to information about the development of the explosive. He worked here, and at another Eastman subsidiary at Oak Ridge all through the war years.

With the war over, Slack left Oak Ridge and war work. He tried engineering research, worked on various projects. Finally, he went back to Syracuse, took the job with the paint company, and settled back into his native environment.

His work history gave no clue to why Slack had turned spy. There had been good jobs—as chemist, engineer, plant manager—at fair pay. He had seemed to be happy. His first marriage had ended in a divorce in 1939, but this seemed to have left no scars. He had remarried. This happened to many men.

It is only in a study of Slack's friends that the pattern of intrigue begins to become apparent.

As an eager young student, working in the Eastman laboratories, Slack had met an older man named Richard Briggs. This new friend was a skeptic about the American economic system. This was in 1928. Briggs thought they were doing things better in Russia, the people's state.

Slack listened eagerly to Briggs. He felt much the same way. His own friendly feelings toward Russia, which were to grow through the depression years, already were beginning to flower.

In 1936, eight years after their meeting, Briggs left the Eastman plant and went to St. Louis. But he kept up his contact with Slack and soon was back in the East. And it was not long before he was calling on Slack again.

Slack was well on the upgrade now. He not only knew the Eastman processes, but by his outside studies of mechanics and general engineering he had picked up a good knowledge of many industrial techniques.

Briggs began to mine this vein of information. He asked Slack all sorts of questions: What is the way to do this? What is the formula for that? What are the processes for making this? He hinted that he needed the information for use in his own job. But some of the things Briggs said were vague. They set Slack to asking questions.

Briggs admitted that he was collecting the information for Russia. He was eloquent: Russia was the people's republic. It was behind the United States in industrial development. It would be a service to humanity to help Russia bridge this gap. Slack listened.

Soon, Briggs was suggesting that Slack might pick up some extra money for spare-time work. Slack could work out explanations and outlines of how things were done in the chemical field, with formulas and such things and sell them to Russia. Briggs would put him in touch with the right man.

Slack was interested. Here was a chance to do something to help the people's republic. And he could pick up some spare money for doing it. At first he gave information to Briggs. Then Briggs brought a man named "George," who became a regular contact. "George" explained what he wanted and Slack worked out the information. He got approximately $200 for each report. Briggs died, but Slack went ahead with the work.

It all seemed simple. Russia was at peace with the United States. And this was industrial information, having nothing to do with weapons.

In 1940, about a year after the death of Briggs, Harry Gold took the place of the first Russian agent as a contact with Slack. The work continued.

Then America went to war and Slack tried to break off relations with Gold.

Slack had been picked for an important new job at Kingsport. He was married again, and happy. And he realized that there was a vast difference between giving industrial information in peace and providing military information in war.

There were constant reminders of this at Kingsport: restrictions on plant workers; security regulations; posters warning against giving information to an enemy. Russia was not an enemy, but Slack decided not to give Gold any more information.

Gold made several trips to Kingsport, demanding to know about the new explosive. Slack could tell him about it easily. But he refused, flatly.

Finally, Gold cracked down and began to threaten. He would tell about the other things Slack had done. No one would believe this work was as innocent as it sounded. Slack would be fired from the war plant, barred from work in any other, blacklisted everywhere.

Then Gold became persuasive again: Russia was an ally of the United States. It was up to Americans to help. He spoke of Stalingrad, and the stand before Moscow and a devastated Ukraine.

Slack bent under the pressure. He brought a sample of the explosive out of the plant and gave it, with a sketch of the manufacturing technique, to Gold. The latter hurried it off toward the upper levels of the Russian pyramid.

That was in 1943. The crime lay on Slack's conscience for six years, through half a dozen different jobs, before it caught up with him in his home environment at Syracuse.

Because of the threats Gold had used, the Justice Department proposed a 10-year sentence for Slack. But Federal Judge Robert L. Taylor waved aside the recommendation. He said 15 years was not too much for conspiring to commit espionage for a foreign Government.

And Alfred Dean Slack, a rumpled man with a worried face, wiped his rimless glasses, put them on again, and went off to prison.

[From the Kingsport (Tenn.) Times-News, May 18, 1966]

FREED: HARRY GOLD, SPY WHO CAME TO KINGSPORT

Harry Gold, the middleman in a real-life spy drama which involved Kingsport and the secret of RDX explosives in the late 1940s, became a free man Wednesday.

Gold, 55, who was convicted as a courier for the spy ring which also gave Russia the secret of the atom bomb, was paroled from the federal penitentiary at Lewisburg, Pa., after serving 16 years of a 30-year term.

Gold made several trips to Kingsport in the late 1940s to pressure Holston Ordnance Works employe Alfred Dean Slack, who had cooperated with Russian agents earlier, into providing the formula for RDX . The explosive, manufactured at the plant here, was said to be second in power only to the atom bomb.

It was disclosed during his trial, that Slack first refused to cooperate with Gold, but did cooperate after Gold made a trip to Kingsport to threaten Slack with disclosure for information he turned over in past years.

Slack served a 10-year term in federal prisons and has not been heard of since 1960.

Gold was sentenced on Dec. 9, 1950 on a conviction of conspiring to transmit national defense information to a foreign government from Dec. 1943 to Nov. 1947.

The Kingsport case wasn't Gold's only activity.

A central figure in the atom bomb spy trial of the 1950's, Gold gave testimony that led to the conviction and execution of Ethel and Julius Rosenberg, leaders of the far-flung ring. The Rosenbergs were executed June 19, 1953.

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Gold was the first member of the spy ring arrested.

He was implicated by British scientists Dr. Emil Julius Klaus Fuchs, who worked on the atom bomb project in the United States, as the man to whom he passed atom secrets.

Gold worked as a biochemist at Philadelphia General Hospital during the period he worked with the ring, from December, 1943 to November, 1947.

Gold walked out of the prison with his court-appointed attorney, Augustus B. Ballard, who had represented him since his conviction. It was raining but the slender parolee said, "It's a bright day in my life."

He must remain under supervision of the Federal Board of Parole until July, 1980. Gold plans to live in Philadelphia with his brother, Joseph, 49, and seek financing for production and distribution of a diabetes test kit he patented while in prison. Ballard said several weeks ago that several job opportunities are waiting for Gold in research organization as a biochemist.

[From the Kingsport (Tenn.) Times-News, June 16, 1950]

KINGSPORT IN CENTER OF SECOND SPY STORY

(By Jack Marshall)

Kingsport again became the center of nationwide interest Thursday with the arrest by the Federal Bureau of Investigation of Alfred Dean Slack, former resident here accused of supplying Communist Agent Harry Gold with Holston Ordnance Works war secrets.

Slack, arrested Thursday in Syracuse, N.Y., was employed at Holston Ordnance Works in the Nitric Acid Department in 1943 and 1944, according to H. G. Stone, vice-president and works manager of Tennessee Eastman.

FIRST REPORTED

Alleged spying activities in Kingsport were first brought to public attention with the arrest during World War II of Dr. Raymond Boyer, assistant professor of chemistry at McGill University.

The Canadian Royal Commission said Boyer admitted giving RDX secrets to Russia on his work, both here and in Canada.

Dr. Boyer assisted in the development of the RDX process used at Holston Ordnance Works and visited the plant during the war years, HOW officials said at the time.

ROSE ARRESTED

At the same time, Canadian Parliament Member Fred Rose was arrested and charged with transmitting confidential information concerning the details of RDX manufacture to the Russians.

Capt. J. V. Lester, present security officer at HOW, said Thursday that Slack was not listed as a government employe at HOW.

"He apparently worked with one of the contractors on the job at the time," Capt. Lester said.

Eastman Director of Public Relations Tom Divine said: "HOW had in its employ in the Acid Department during the war a man called Alf D. Slack. Without further checking, we can't be sure if he was the same man referred to by the F.B.I."

Ed Guenther, wartime supervisor of the HOW explosive plant said he recalled Slack as a "slight, blond fellow."

Guenther said the Slack employed at the munitions plant was in what he termed a "subtechnical position."

Now a division superintendent, Guenther said he didn't think Slack could have obtained any secret information of real value by virtue of his (Slack's) particular job.

Tennessee Eastman operated the Holston Ordnance Works munitions plant during World War II for the production of the explosive RDX and its incorporation into Composition "B." The latter is considered the most powerful known explosive outside the Atomic bomb.

Although used for bombs, RDX, in the form of Composition "B," was the main factor contributing to the winning of the Battle of the Atlantic against Axis submarines.

Development of HOW by Tennessee Eastman Corporation began on November 4, 1941, when TEC was asked to work on one phase of an RDX process by the Chief of Ordnance Office. Seventy-nine days later, Eastman accepted a National Defense Research Committee assignment to build a pilot plant for the production of the powerful weapon.

Using the RDX process developed by Michigan University scientist Dr. W. E. Bachman, Eastman made the first pilot plant run on February 17, 1942.

Operation of the munitions plant got under way on April 29, 1943, some five months before Slack apparently went to work there.

The first carload of the revolutionary explosive was shipped less than a month after operations started. A short time later, the plant became the largest manufacturer of high explosives.

In 1947, Holston Ordnance Works was named as one of 43 war plants which the War Department intends to keep on a standby status for quick use in event of a national emergency.

[From the Kingsport (Tenn.) Times-News, June 16, 1950]

GOLD VISITED IN CITY IN 1943–44—NEIGHBORS RECALL ALFRED SLACK, WIFE

(By Virginia Davis)

Alfred Dean Slack, 44, accused spy arrested Thursday in Syracuse, N.Y., by the Federal Bureau of Investigation, is known to have contacted Harry Gold, confessed carrier of Communist information, in Kingsport during 1943 and 1944.

Reliable authorities said last night that Gold visited Kingsport during the two-year period Slack worked in Kingsport defense work.

Alf D. Slack was listed in the 1943 city directory as a supervisor at Holston Ordinance Works residing at 1100 Midland Drive, Winston Terrace. His wife was listed as Gennevive Slack.

NEIGHBORS RECALL

Neighbors of the Slacks recalled they were "not too friendly" and that Slack "stayed in the house a lot when he was at home". Woodworking was remembered to have been Slack's hobby.

HOUSE OCCUPIED

The house Slack and his wife occupied in Kingsport is now occupied by the William Thaxter King family, who moved there shortly after Slack "moved suddenly in 1944", supposedly for Oak Ridge.

Al W. Kelly, 1101 Midland Drive, said Slack had hooked up some mechanical equipment he thought was woodworking machinery in a third bedroom of the small five-room residence. He said his family now and then heard "machines" or "saws" in operation but none of the Kellys ever saw anything Slack might have made with the equipment.

The Slacks seldom had visitors, although Mrs. Slack was remembered as active in the Girl Scout organization in Kingsport.

A small boy from Brooklyn visited them one summer and came over across the street to the Kelly residence to play, but the two Slacks were "not the social type". Mrs. Kelly said they were not included in collective neighborhood gab and social fests.

Slack, the Kellys said, worked mostly at night at what they assumed was shift work at HOW and also worked in the day time. The Slacks lived alone in a rented defense home for war workers.

At the time the Slacks were in Kingsport, the city was flooded with newcomers, war workers, and nobody made much effort to be neighborly or unduly friendly, the Kellys said.

When the Slacks moved, the Kellys remembered "it was in a hurry. They were here today and gone the next", the Kellys described their moving.

Another Slack family residing in Kingsport in 1943 was listed as Thomas D. and Helen Slack, 618 Watauga St. Slack was termed a chemist at Holston Ordinance Works by the 1943 city directory.

Mrs. J. M. Cross, of that address, said she remembered renting an apartment to a couple of middle-aged people with that name.

A former HOW employe, Mrs. Frank Gross of 209 Douglas St., Bristol, said Al Slack's father worked in the chemistry department at HOW and that he was transferred to Canada by the government after a short time here.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the distinguished chairman of the committee, the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. I compliment the distinguished gentleman from Tennessee, a coauthor of this legislation, for the statement that he has just made.

I believe, Mr. Speaker, it would not facilitate the debate for me to go into the merits of the legislation at this point in the discussion of the rule. However, I wish to state that the committee reported this bill out with only one dissenting vote. I have circulated to the Members a response to the statement in the dissenting opinion which I think amply answers the conclusions that are made in that dissenting opinion. I would ask unanimous consent at this time, in order to establish a legislative history of this measure, that my response be inserted in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The response is as follows:

REPORT ON H.R. 14864: A RESPONSE BY CONGRESSMAN ICHORD TO THE DISSENTING VIEW OF CONGRESSMAN STOKES

The exordium of the dissent (page 57 to top of page 58) consists of vague, conclusory allegations in derogation of the bill without specification of matters of substance. In this portion of his dissent, Mr. Stokes appears to rely principally on invective rather than on reasoned argumentation.

Quoting an extract from Robel, in which the court in fact made clear that Congress can exclude subversives from sensitive positions in defense facilities, Mr. Stokes nevertheless charges that the framers of the bill have attempted to "rehabilitate" in a "barely disguised" fashion principles which the court found "patently offensive". He describes the bill as broad and vague, a step "backward in progress"; that its provisions are capable of "nearly infinite expansion"; that they contain the "dangerous" potential for an "unprecedented assault" on fundamental rights. Likewise quoting only an extract from the preamble of Executive Order 10865, he charged that the objective therein expressed, to protect the interests of individuals against unreasonable or unwarranted encroachment, has been "abandoned" in the bill, but obscures the fact that the bill embraces the provisions of the Executive Order which the President, in subsequent language of the preamble, expressly found "recognize the interests of individuals affected thereby and provide maximum possible safeguards to protect such interests." (See E. O. 10865, p. 51 of Report.)

While appearing to pay deference to the thought that no one would "seriously" advocate "that the doors to the Nation's pro-

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ductive facilities should be thrown open to those bent on destroying them," nevertheless Mr. Stokes seems to object to a principal means of accomplishing this, namely, by barring subversives from access to sensitive positions in defense facilities. This is evident when he says, "In addition to revitalizing the direct bars against employment in defense industries to individuals espousing unpopular political beliefs, this bill puts on a legislative footing the right of the executive to impose indirect employment disabilities previously authorized by E. O. 10865 (1960) by restricting access to classified information released to defense industry." The employment of the broad and loose euphemism—"individuals espousing unpopular political beliefs"—should not be permitted to obscure the issue. This expression, embracing subversives, who are properly the subject of legislation, as well as others who are not, has often served that purpose or has had that effect.

Such generalities cannot be specifically answered. They often deserve, in response, equally conclusory answers. Mr. Stokes' view of the constitutionality of the bill is not shared by many competent lawyers. For example, in the hearings on the bill, Mr. Stokes sought to press his point, and he asked whether Mr. Yeagley had "examined this bill thoroughly with respect to its constitutionality, that is, keeping in mind first amendment rights, constitutional right to be confronted by one's accuser, and that sort of thing?" Mr. Yeagley replied as follows:

"Mr. Yeagley. Yes, we think we have. We have spent a lot of time on it. We have had lawyers working on this bill, incidentally, who are also lawyers who argue the cases in court and prepare the briefs.

"Mr. Stokes. Have they expressed to you any qualifications with reference to the constitutionality of any of the sections of the bill?

"Mr. Yeagley. No, only insofar as we have made suggestions and recommendations. We have no way of knowing in any case whether we are going to win a constitutional test. The same would be true of this program with or without congressional authorization.

"We think that it would be held constitutional." (See page 1229, Hearings relating to H.R. 12699.)

I would also note that I had submitted the original bill, H.R. 12699, to the Legislative Reference Service of the Library of Congress for an opinion on its constitutionality. An opinion was likewise rendered to the effect that, "Appraised in the aggregate this measure would appear to be immune from challenge as being unconstitutional on its face."

IMPOSITION OF EMPLOYMENT DISABILITIES IN CERTAIN AREAS

In this subheading of his dissent, commencing at page 58, Mr. Stokes seeks to attack the bill on a more plausible and somewhat more specific basis. He argues, first, that there is an unconstitutional delegation of power to the President because of the failure "to provide any meaningful standard by which the President can make determinations with which he is charged." This view, of course, was not shared by the Department of Justice or the Legislative Reference Service of the Library of Congress.

It must be conceded, however, that in any instance of congressional delegation of power to the executive, the question whether the delegation is a proper one is always an inherent issue and one which, in many instances, can be argued pro and con. While this issue has frequently been raised, there have been few instances in which statutes have been struck down on this basis. As a matter of fact, since the founding of our Constitution to the year 1963, of the thousands of statutes enacted by the Congress of the United States, only 74 have been held unconstitutional on any basis. (See "Constitution of the United States of America," U.S. Government Printing Office, 1963, page 1387.) The remarkable fact is, that of this very limited number only 5 have been held unconstitutional on the basis of improper delegation. (Act of Oct. 6, 1917, by 253 U.S. 149; Act of June 10, 1922, by 264 U.S. 219; Title I, except section 9, Act of June 16, 1933, by 295 U.S. 495, and section 9(c) of that Act, by 293 U.S. 388; and the Act of Aug. 30, 1935, by 298 U.S. 238.)

To attempt to review the vast body of law on this subject would unduly prolong this critique. I should point out, however, that none of the cases cited by Mr. Stokes gives any specific support for his charge that the delegation of authority in the bill is too vague or meaningless to be supported. The court in *Greene* v. *McElroy*, 360 U.S. 474 (1959), had no problem with the question of delegation of authority, even on the basis of implied ratification, except with respect to the question of authority for limitations on the safeguards of confrontation and cross-examination, an issue not in question in the bill because of its specification. (See page 506.) The case of *N.A.A.C.P.* v *Button*, 371 U.S. 415 (1963), from which Mr Stokes quotes, did not turn on the question of delegation of authority (pages 432–433). In this case the N.A.A.C.P. sought to enjoin the enforcement of a barratry-type statute of Virginia regulating and prohibiting the solicitation of legal business in the form of "running" or "capping". The statute, challenged in a declaratory judgment proceeding in the courts of Virginia and held applicable to the activities of the N.A.A.C.P., was on certiorari held invalid *as construed* by the Virginia court. The only issue in the case, said Mr. Justice Brennan, who delivered the opinion for the Supreme Court, was the constitutionality of Chapter 33 of the Virginia Act *as applied* to the activities of the N.A.A.C.P. (Page 419.)

On the other hand, *Yakus* v. *United States*, 321 U.S. 414 (1944), another case on which Mr. Stokes principally relies, and from which he quotes, was in fact a case involving the issue of delegation. However, Mr. Stokes should derive little comfort from this decision, for the delegation was upheld against the claim of vagueness. The case offers no support for his claim against the bill.

In *Yakus*, the validity of the Emergency Price Control Act of 1942, as amended, came into question. The declared purpose of that Act was to prevent war-time inflation and establish The Office of Price Administration under the direction of a Price Administrator (appointed by the President) who was authorized, after consultation with representatives of industry so far as practicable, to promulgate regulations fixing prices of commodities which "in his judgment will be generally fair and equitable and will effectuate the purposes of this Act" when, in his judgment, the prices "have risen or threatened to rise to an extent or in a manner inconsistent with the purposes of this Act." Yakus was tried and convicted of a violation of the Act by the sale of beef at prices above the maximum prescribed by the Administrator. On certiorari to the Supreme Court, Yakus questioned the validity of the Act on due process grounds, challenging the adequacy of the standards within which the Administrator was to act. In sustaining his conviction, the court held that the statute did not involve an unconstitutional delegation of the legislative power of Congress to control commodity prices in time of war.

Mr. Chief Justice Stone, speaking for the court, pointed out that the essentials of the legislative function are the determinations of the legislative policy and its formulation and promulgation as a defined and binding rule of conduct (p. 424). He continued:

"As we have said, 'The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicality . . . to perform its function.' *Currin* v. *Wallace, supra,* 15. Hence it is irrelevant that Congress might itself have prescribed the maximum prices or have provided a more rigid standard by which they are to be fixed; for example, that all prices should be frozen at the levels obtaining during a certain period or on a certain date. See *Union Bridge Co.* v. *United States,* 204 U.S. 364, 386. Congress is not confined to that method of executing its policy which involves the least possible delegation of discretion to administrative officers. Compare *M'Culloch* v. *Maryland,* 4 Wheat. 316, 413 *et seq.* It is free to avoid the rigidity of such a system, which might well result in serious hardship, and to choose instead the flexibility attainable by the use of less restrictive standards. Cf. *Hampton & Co.* v. *United States, supra,* 408, 409. Only if we could say that there is an absence of standards for the guidance of the Administrator's action, so that it would be impossible in a proper proceeding to ascertain whether the will of Congress has been obeyed, would we be justified in overriding its choice of means for effecting its declared purpose of preventing inflation.

"* * * * *

"The directions that the prices fixed shall be fair and equitable, that in addition they shall tend to promote the purposes of the Act, and that in promulgating them consideration shall be given to prices prevailing in a stated base period, confer no greater reach for administrative determination than the power to fix just and reasonable rates, see *Sunshine Coal Co.* v. *Adkins, supra,* and cases cited; or the power to approve consolidations in the 'public interest,' sustained in *New York Central Securities Corp.* v. *United States,* 287 U.S. 12, 24–5 (compare *United States* v. *Lowden,* 308 U.S. 225); or the power to regulate radio stations engaged in chain broadcasting 'as public interest convenience or necessity requires,' upheld in *National Broadcasting Co.* v. *United States, supra,* 225–6; or the power to prohibit 'unfair methods of competition' not defined or forbidden by the common law, *Federal Trade Commission* v. *Keppel & Bros.,* 291 U.S. 304; or the direction that in allotting marketing quotas among states and producers due consideration be given to a variety of economic factors, sustained in *Mulford* v. *Smith, supra,* 48–9; or the similar direction that in adjusting tariffs to meet differences in costs of production the President 'take into consideration' 'in so far as he finds it practicable' a variety of economic matters, sustained in *Hampton & Co.* v. *United States, supra;* or the similar authority, in making classifications within an industry, to consider various named and unnamed 'relevant factors' and determine the respective weights attributable to each, held valid in *Opp Cotton Mills* v. *Administrator, supra.*"

Nor was the majority in *Robel* concerned with the question of delegation, although indeed, the concurring opinion of Mr. Justice Brennan went off on that ground. While recognizing that the area of "permissible indefiniteness narrows . . . when the regulation invokes criminal sanctions and potentially affects fundamental rights," Justice Brennan found no problem in the barring of *all* party members, whether or not "active" or "passive", from employment in defense facilities irrespective of whether or not the member occupied a sensitive position. His difficulty on the issue of delegation was the absence of standard for the designation of *defense facilities*. Reciting the principles enunciated in *Yakus* (p. 273–275), he felt that the standard delegated to the Secretary of Defense for the designation of "defense facilities" was "so indefinite as to be meaningless." This defect has been remedied by section 404 of the bill. Moreover, the bill invokes no criminal sanctions.

The Department of Justice, we will recall, found no problem in the bill with respect to the question of conforming to the standards of *Robel*, or on the question of vagueness of the delegation. It did make one suggestion for the inclusion of an ultimate standard that the granting of the access be "clearly consistent with the national interest". This standard has been supplied in the clean bill, although expressed in the terms of the "national defense interest". Moreover, even as the original bill stood, H.R. 12699, the Library of Congress likewise supported the bill on the question of delegations and concluded that:

"The definitions contained in § 402, more particularly the endeavor to define 'defense facilities' with a measure of specificity in § 404, coupled with the statement of objectives to be subserved in § 405, when read in conjunction, would appear to be adequate to provide the standards requisite for sustaining the delegation of authority to the Executive Branch to administer the above mentioned screening programs. According to established precedents, 'the Congress may not delegate its purely legislative power to' an executive agency; 'but, having laid down the general rules of action under which' the executive agency 'should proceed, it may require of that' agency 'the application of such rules to particular situations and the investigation of facts. With a view to making orders in a particular matter within the rules laid down by the Congress . . . if Congress shall lay down by legislative act an intelligible principle to which the executive agency vested with rule-making authority is directed to conform, such legislative action is not a forbidden delegation of legislative power' (*Field* v. *Clark*, 143 U.S. 649, 694 (1892); *Hampton Co.* v. *United States*, 276 U.S. 394, 408, 409 (1928). Although the Court has asserted that 'procedural safeguards cannot validate an unconstitutional delegation,' the nature of the proceedings appears to be one of the elements weighed in determining whether a specific delegation is constitutional. In cases where the delegated power is exercised by orders directed to particular persons after notice and hearing, with findings of fact and law based upon the record made in the hearing, the Court has displayed considerable liberality in sustaining vaguely phrased or abbreviated statutory expressions of purpose or standards as sufficient to meet constitutional requirements."

A recent case, decided on December 12, 1969, concurrently with the preparation of my report on the bill, is clearly in point and would seem specifically to dispose of Mr. Stokes' contention. That case, *Adam* v. *Laird*, (U.S. Court of Appeals for the District of Columbia Circuit, Wright, McGowan, and Tamm, Circuit Judges,) was a case expressly attacking the sufficiency of the standard for security clearance in proceedings under the Industrial Security program (E.O. 10865). It was charged that the standard authorizing denial of access to classified information unless "clearly consistent with the national interest," was not an identifiable standard. The court was unanimous in sustaining the adequacy of the standard, although Judge Wright dissented on another ground not relevant to this question. In the opinion for the court, Judge McGowan said:

"Appellant's final appeal to the Due Process Clause is formulated in terms of an asserted absence of (a) any adequately enunciated standard for evaluation of conduct disqualifying one for security clearance, and (b) findings showing a need for denial. Both of these claims take their departure from a substantive concept which appellant professes to derive from *United States* v. *Robel*, 389 U.S. 258 (1965), and their weight largely turns upon the validity of this premise.

"*Robel*, of course, did not involve the Industry Personnel Access Authorization Review Program. It was a criminal prosecution under the Subversive Activities Control Act of a Communist Party member for remaining in the employ of a defense plant after the Party had been found to be a Communist-action organization. The Supreme Court reversed the conviction on First Amendment grounds because, in its view, the statute swept too broadly and did not take into account such considerations as whether the individual's job was a sensitive one in terms of national security. The Court was, however, at some pains to recognize the power, and indeed the duty, of the national government to protect its secrets. It declared that '[t]he government can deny access to its secrets to those who would use such information to harm the nation.' Fastening upon the phrase 'would use,' appellant insists that security clearance may be withheld only when the government can 'point to a clear and present danger that a breach of security is actually threatened,' and that it is not enough that an applicant 'may be subject to coercion, influence or pressure.

"* * * * *

"We know of no constitutional requirement that the President must, in seeking to safeguard the integrity of classified information, provide that a security clearance must be granted unless it be affirmatively proven that the applicant 'would use' it improperly. We are not in an area of knowledge or experience where absolutes obtain, and the grant or denial of security clearances is an inexact science at best. Those who have that responsibility have to do the best they can with what they have, and the discretionary determinations they must inevitably make are not, as a matter of due process at least, required to conform to any such alternative standard as appellant advances. Appellant is not being sent to jail; he is being told rather that, on the information developed and the facts found after hearings, appellee cannot make a finding that giving him access to secret information is 'clearly consistent with the national interest.'

"The prescription of the standard to be observed in this field is for the President to make in the discharge of his executive functions. We do not second-guess that choice unless the Constitution commands us to do so. The one actually chosen in this instance falls, in our view, within the range of rational choice vested in the President by the constitutional concept of his office."

Although Mr. Stokes would prefer "more detailed guidelines," he does not specify what he would include. His fear that the bill in the absence of further guidelines can become a vehicle for "arbitrary and capricious actions" I do not believe that it is justified from the constitutional standpoint. Nor do I believe that it is justified from the practical standpoint. Certainly his fears cannot be justified on the basis of the administration or implementation of the existing program under E.O. 10865, or the prior program under the Magnuson Act. The details he seeks will be supplied by the President under the delegated power, which he may properly exercise "to fill up the details of the statute." *Wayman* v. *Southward*, 10 Wheat. 1 (1825). Moreover, no matter how detailed and specific the guidelines may be, there is always a possibility that those charged with the administration of any program may exercise their power arbitrarily or capriciously. However, any excess of this sort under the bill may be corrected by the courts, as in any other instance of arbitrary or capricious action.

Passing from his assertion that the bill fails to provide *any* meaningful standard, Mr. Stokes then claims that what standards the bill does set forth "produces more confusion than clarification." He cites the statement of purpose in section 404 setting forth the intention of Congress to protect certain facilities against the risk of "sabotage, espionage, and other acts of subversion." While finding no difficulty with the terms sabotage and espionage which he said are accorded conventional meanings by section 402(6), he quarrels with the definition of "act of subversion" contained in section 402(5). He does not quote the definition as a whole, but only a selected extract. He charges that the range of activity which would constitute an act of subversion "is boundless"; that from a constitutional standpoint the definition comprehends "protected as well as prohibited conduct," and that under it the President "would be justified in barring a worker employed in a defense industry because he took part in peaceful picketing of a chemical company in protest of its manufacture of napalm." In response to these claims, I would reply that his conclusions are not justified in any respect.

The definition in itself is not an operative provision of the bill, but is defined to give specific content to its use in connection with the screening programs authorized under other sections of the bill. The term is defined to embrace only intentional *acts* of unauthorized disclosure of classified information or of *damage* or *injury* to a facility or to its production and services, with specified motivations which are subversive in nature. The term neither in itself or when used in context in other sections of the bill makes punishable or proscribes any activity. It does, however, serve as a standard for implementation and makes the defined activities relevant to a determination for exclusion of access either to a sensitive position in a defense facility or to classified information.

The activities set forth in the definition are acts of intentional injury or intentional acts tending to cause damage or injury—matters totally divorced from pure speech—and, as such, may indeed be properly the subject even of penal prohibition. If they may be the subject of penal sanction, then indubitably they may form the basis for the application of lesser sanctions, namely, exclusion from access to sensitive positions in defense facilities or to classified information. (See *Giboney* v. *Empire Storage*, 336 U.S. 490, hereinafter briefed.) The specific intent with which the acts must be accompanied, expressed in four alternative categories, one of which includes that the act be committed with the intent to effect a plan of subversive organizations as described, does not bring the activity or the objectives of the bill within any category of "protected conduct". This is particularly true where the activity, accomplished with such intent, may even be made a criminal offense.

Hence, Mr. Stokes' suggestion that the language would "justify" barring a worker from employment for "peaceful picketing of a chemical company in protest of its manufacture of napalm" is obviously a misrepresentation of the effect of the definition, and is a charge without support in its language.

This is not to say, however, that neither "political strikes" nor "picketing" which causes *damage* or *injury* to any facility, or which would tend to cause damage or injury, if conducted with any of the four alternative intents set forth in the definition, may come within the ambit of the definition.

In *American Communications Association* v. *Douds*, 339 U.S. 382 (1950), a provision of the National Labor Relations Act withholding various benefits under that Act from labor organizations for failure of union officers to file a non-communist affidavit, was sustained on the basis that the Congress could legitimately employ the commerce power to prevent political strikes which would disrupt commerce, and could reasonably find that members of the Communist Party would utilize their positions to foment disruptive political strikes. Although the decision in this case was subsequently overruled in part on other grounds in a prosecution under an amendment to the Act, *United*

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States v. *Brown*, 381 U.S. 437 (1965), Mr. Chief Justice Warren, speaking for the court in the latter case, declared, "Congress undoubtedly possesses power under the Commerce Clause to enact legislation designed to keep from positions affecting commerce persons who may use such positions to bring about political strikes." (Page 449f.)

In *Giboney* v. *Empire Storage and Ice Company*, 336 U.S. 490 (1949), a unanimous court upheld the action of a state court enjoining union members from *peacefully picketing* the company's place of business, finding that the purpose of the picketing was to induce the company not to sell ice to non-union peddlers. It was found that the picketing reduced the company's business by 85%, although conducted peacefully and without violence. A State of Missouri statute prohibited combinations in restraint of trade or competition. Justice Black, writing for a unanimous court, said that the states have a constitutional power to prohibit competing dealers from combining to restrain freedom of trade; that this statute could be validly applied to combinations of union workers, as well as business men who used their joint power to prevent sales to non-union workers; that the State of Missouri was not bound to exempt unions from its anti-trust laws; that the injunction against picketing in this case was not an unconstitutional abridgement of free speech, although the picketers were attempting peacefully to publicize truthful facts about a labor dispute.

Citing *Giboney*, Mr. Justice Douglas (in *Communist Party* v. *Control Board*, 367 U.S. 1, 173) said: "Picketing is free speech *plus* . . . and hence can be restricted in all instances and banned in some." For similar reasons, he indicated, the provisions of section 7 of the Subversive Activities Control Act of 1950, requiring registration of the Communist Party and its members were not, in his opinion, in violation of First Amendment rights. He said:

"We have, however, as I have said, findings that the Communist Party of the United States is 'a disciplined organization' operating in this Nation 'under Soviet Union control' with the aim of installing 'a Soviet style dictatorship' here. These findings establish that more than debate, discourse, argumentation, propaganda, and other aspects of free speech and association are involved. An additional element enters, *viz.*, espionage, business activities, or the formation of cells for subversion, as well as the use of speech, press, and association by a foreign power to produce on this continent a Soviet satellite."

In addition to misconceiving and misinterpreting what I believe to be the clear import of the language of the definition on "act of subversion," Mr. Stokes goes on to employ another *in torrorem argument*, likewise without support in the language of the bill, with respect to the designation of defense facilities. He says it is "conceivable" that a university might be designated as a defense facility because its science department is under government contract to provide "important classified military projects" and that the executive would be authorized to limit access to the entire university, as to each student and professor, unless such access would be clearly consistent with the national defense interests, and that "students and faculty members who express their disagreement with the university's involvement in defense work could be barred from campus." Suffice to say that this fanciful possibility has never, in fact, occurred even under the application of the vague provisions of section 5 of the Subversive Activities Control Act voided in *Robel*, or in the administration of E. O. 10865. There is no authority to be found in the provisions of the bill which, because its science department is engaged in a classified project, will authorize the denial of access to a university or to its campus. Nor is it conceivable that any such action would be undertaken, even by the most abtuse administrator.

Equally fanciful and without substance or support in the provisions in the bill is Mr. Stokes' charge that section 405(c) of the bill permits "an imposition of employment disability upon a worker in a defense industry merely because of his membership in groups expressing unpopular political and social ideas." This charge scarcely deserves an answer. It should be clear enough on the face of the bill and the language of the section, that section 405(c) permits no such result. In authorizing the President to establish criteria and to make investigations *relevant* to determinations to be made under the provisions of the bill for the purpose of controlling access to classified information and to sensitive positions in defense facilities, that section imposes no employment disability because of membership in a group expressing "unpopular political and social ideas" to any greater degree than that the espionage statutes would penalize the political ideas of the late Julius Rosenburg, a Communist who had filched the Nation's secrets to deliver them to the Soviet Union, or that a burglary statute would penalize the social ideas of a Willie Sutton, the notorious bank robber who was just released.

Here again, Mr. Stokes employs the vague euphemism of groups who "express unpopular political and social ideas," when it becomes apparent in his subsequent language of the paragrpah (on page 60) that he is referring to membership in the Communist Party or similar organizations seeking to overthrow constitutional government by unlawful force. Mr. Stokes is especially concerned that the effect of the authority contained in section 405(c), taken in connection with other provisions of the bill authorizing the screening program, would be to authorize the barring of current members of the Communist Party or of similar organizations seeking to overthrow constitutional government by unlawful force, from employment in sensitive positions in defense facilities and from access to classified information. He construes *Robel* as prohibiting that result. He takes the position that *Robel,* and such cases a *Scales* which involved a prosecution under the membership clause of the Smith Act, prohibits the application of criminal sanctions for membership in the Communist Party unless there is additional proof that the person has a "specific intent" to further the illegal goals of the organization, and that he is an "active" member of it. He argues that the denial of employment is likewise "a penalty", discouraging the exercise of "freedom of association protected by the First Amendment", and concluded that the bill would likewise be unconstitutional.

His conclusion is a *non sequitur,* resting on a misconception of the holding and effect of *Robel* and of *Scales.* Both cases involved the application of penal sanctions: applied in *Robel* as a "prophylactic" measure to screen subversives from defense facilities, in this instance without regard to the alleged "sensitivity" of the position of employment; and applied in *Scales* as a criminal prohibition to protect the government against activities in furtherance of a purpose to destroy it. In case of violation of either statute, the individual was liable to jail. This situation is clearly to be distinguished from the provisions of the bill which impose no penal sanction. Such a difference is, indeed, even conventionally manifested in the standards of proof, trial, and consequences attached to civil as distinguished from criminal proceedings.

Moreover, we should not only on this basis distinguish the situation between the bill, on the one hand, and *Robel* and *Scales* on the other. We may also distinguish the terms of the statutes and the situations in which penal sanctions are applied as between *Robel* and *Scales.* In *Scales,* we have the application of a pure criminal prohibition, whereas in *Robel,* the statute has a "regulatory" purpose which the penal sanction is intended to serve. The standards first established in *Scales* pursuant to the provisions of the Smith Act, with respect to the requirement of proof of "active and purposive" membership, are not *necessarily* relevant to the statute in *Robel.*

With such considerations in mind, it seems to me, we must evaluate the actual rationale and effect of the decision in *Robel.* Mr. Chief Justice Warren, speaking for the court in *Robel,* struck the prohibition down because of the comprehensive scope of its application. He said:

"It is made irrelevant to the statute's operation that an individual may be a passive or inactive member of a designated organization, that he may be unaware of the organization's unlawful aims, or that he may disagree with those unlawful aims. It is also made irrelevant that an individual who is subject to the penalties of § 5(a)(1)(D) may occupy a nonsensitive position in a defense facility. Thus, § 5(a)(1)(D) contains the fatal defect of overbreadth because it seeks to bar employment both for association which may be proscribed and for association which may not be proscribed consistently with First Amendment rights." (Page 267)

What he said in this respect must be read carefully. While pointing out relevant considerations to sustain such a prohibition as was employed under section 5, not *one* of which was incorporated in the section as a condition for the application of the penalty, he did not say that all of these considerations had to be found in the *conjunctive.* Indeed, in the subsequent paragraph he hastened to add:

"We are not unmindful of the congressional concern over the danger of sabotage and espionage in national defense industries, and nothing we hold today should be read to deny Congress the power under narrowly drawn legislation to keep from sensitive positions in defense facilities those who would use their positions to disrupt the Nation's production facilities. * * * Spies and saboteurs do exist, and Congress can, of course, prescribe criminal penalties for those who engage in espionage and sabotage. The Government can deny access to its secrets to those who would use such information to harm the Nation. And Congress can declare sensitive positions in national defense industries off limits to those who would use such positions to disrupt the production of defense materials."

The language of the decision was in fact expressly construed by two of the Justices as authorizing the barring of Communist Party members, both "active" and "passive," from employment in sensitive positions in defense facilities. Mr. Justice White with whom Mr. Justice Harlan joined, said, "the court would seem to permit barring respondent, although not an 'active' member of the Party, from employment in 'sensitive' positions in the defense establishment." (Dissenting opinion, page 284f.) Indeed, this appears to be the general conclusion reached by competent lawyers who have examined the decision. The Library of Congress (Legislative Reference Service) has said on this question in its report to me, "That an inactive passive Communist might be barred from a sensitive position in a defense facility was the only concession suggested by the majority" in Robel. Likewise, in the recent Ellis report (Dec. 1, 1969) to Secretary Finch on government employment, the same position was taken with respect to the effect of cases of this tenor as applied to government employment. (Page 19f.) Moreover, since the provisions of the bill, H.R. 14864, would (1) limit the application of such a bar to sensitive positions, (2) narrow those facilities which may be defined as defense facilities,

(3) establish specific standards for the determination of such facilities, and (4) specify detailed procedures for making determinations, I think it can be said with reasonable assurance that the bill is such narrowly drawn legislation as will support the exclusion of current members of the Communist Party, although "passive", from sensitive positions in defense facilities and from access to classified information.

Nevertheless, it must be made clear that while this is the intent of the sponsors of the legislation, the bill does not limit itself on this point. The bill does not establish a penal or other prohibition. The bill authorizes a *screening* program with the objective, to borrow the language of Robel, of keeping "from sensitive positions in defense facilities those who would use their positions to disrupt the Nation's productive facilities." As such, it is clearly within the authority of Congress under any view that may be taken on all the decided cases. The executive in specific cases must make an ultimate determination whether an individual's access to sensitive positions is "clearly consistent with the national defense interest". Thus, the bar is not, as was section 5 voided in *Robel*, directed specifically to mere membership, but requires a determination upon the totality of the circumstances of a particular case in the light of specific criteria and implementing rules established by the President. The bill is thus not committed to a specific requirement on this point and leaves the door open ultimately to a consideration of all the facts of a particular case and, indeed, even to further judicial clarification on facts to which the screening program may be applied.

In a sense, the bill "keeps its options open" on the issue of "mere" membership, although authorizing determinations under ultimate standards to which the question of membership is one of the relevant factors. Hence, the bill is not subject to Mr. Stokes' claim that it is unconstitutional on its face. The claim of unconstitutionality must await the application of the President's implementing regulations to specific circumstances. Whatever the result of such a case may be, the bill will not suffer, since the claim must then be directed to the implementing regulations or their application, and these, of course, can be adjusted readily to such action as the court may then specifically require. (See *McBride* v. *Roland*, 369 F2d 65, cert. denied, 387 U.S. 932.)

Finally, Mr. Stokes argues that although section 405(c) makes permissive rather than mandatory the "imposition of employment disability upon the basis of certain associations and affiliations," it does not cure alleged constitutional defects which he charges would arise on the basis of "vagueness". He claims that you are unconstitutionally delegating to an administrative agency "not only the power to implement policy, but the very right to formulate that policy."

However, the very case which he has cited in support of his general contention on this issue of delegation, namely, *Yakus* v. *U.S.*, *supra*, appears to be clearly to the contrary. It was there said (at page 425):

"It is no objection that the determination of facts and the inferences to be drawn from them in the light of the statutory standards and declaration of policy call for the exercise of judgment, and for the formulation of subsidiary administrative policy within the prescribed statutory framework. See *Opp Cotton Mills* v. *Administrator, supra*, 145–6, and cases cited."

Moreover, the charge of vagueness is undercut by the fact that the subsection of the bill requires that the "associations and affiliations" to which Mr. Stokes refers must be relevant to the determination to be made, and thus preclude the administrative agency from wandering far afield into associations which might properly be held in violation of the First Amendment.

Mr. Stokes seeks to fortify his general claim by the additional argument that the "possibilities for mischief" created by the bill are "expanded" by the limitations on the jurisdiction of courts contained in section 416. He says this section would permit an "incorrect determination" to stand until the administrative process has been allowed to run its course, and that by then the "stigma" of being declared "a security risk" would be "indelible." I cannot envision any specific circumstances where the operation of section 416 would in any material way have the result for which Mr. Stokes contends. Nor does he become specific on this subject or make any demonstration of the validity of his objection. What does he mean by "incorrect determination"? The "stigma" would not attach except on a final denial of clearance. If so, then the administrative process has run its course, and the individual is not barred from applying to the courts. On the other hand, if a suspension of clearance rests on an alleged failure of the applicant to conform to regulations, such as his refusal to cooperate in the inquiry, the applicant may assert his claim against the basis of suspension and is not barred by the section from testing his claim in the courts. In any event, the section only requires prior "exhaustion of administrative remedies," and in this respect merely establishes as a statutory requirement that which is already a well settled matter of common-law doctrine. (See *Remenyi* v. *Clifford*, 391 F. 2d 128, cert. denied Sept. 9, 1969.) Hence, it clearly appears that Mr. Stokes' argument on this point is also without substance.

INVESTIGATIONS

In this section of his dissent, Mr. Stokes likewise has several complaints. His preface to these, in which he makes the generalized complaint that the investigations spell an end of "privacy" in the lives of many, need not be answered in any detail. Quite obviously, in those areas of employment where investigations are needed, they must be made. Moreover, it is generally the guilty who are fearful of them, and not the innocent who seem quite happy to adjust to the needs of national security. Where the inquiry is relevant to the issue to be determined, the objection of Mr. Stokes is clearly not a valid one. The bill requires that the investigation be confined to relevant areas.

His specific complaints relate to section 413, with respect to the granting of immunity for compelled testimony; section 406, with regard to "obstruction of inquiry" under which a *willful* refusal to respond to relevant inquiries may be considered sufficient to justify suspending the further processing of an applicant's case until compliance is made; section 407(b), which limits confrontation and cross-examination; and section 416, relating to jurisdiction of courts.

He argues that section 413 "does away with the right of self-incrimination" by extending immunity to witnesses from criminal prosecution. He says the granting of immunity from criminal prosecution does not make this denial "any more constitutionally acceptable." I do not understand what he means by suggesting that such provisions are not "constitutionally acceptable." Immunity statutes of this type have been repeatedly upheld since Brown v. Walker, 161 U.S. 591, decided in 1894. Since that time, the Congress has adopted more than 40 such statutes, most of which have been made applicable to proceedings before administrative agencies. What Mr. Stokes apparently is saying, is simply that he does not like immunity statutes. In this respect he is not in accord with the law or policy.

Indeed, the course of the history of the law of evidence has been to expand the area of compelled testimony rather than to constrict it. Nor has our judicial system recognized a privilege against the giving of testimony on the basis that it will tend to "degrade or disgrace," as distinguished from incriminate. This is well settled in proceedings before the courts. In Brown v. Walker, supra, the court expressly rejected the argument that the validity of an immunity statute should depend upon whether it shields "the witness from the personal disgrace or opprobrium attaching to the exposure of his crime." See 161 U.S. 605–606. Moreover the Congress of the United States has by statute enshrined a similar rule with respect to the giving of testimony and production of papers before Committees of either House of Congress. The Act of June 22, 1938, 2 U.S.C. 193, has expressly provided that no witness shall be privileged to refuse to testify or produce papers before committees of Congress "upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous."

Finally, his argument that immunity may be granted only upon judicial permission has not received support in any decision of the courts. Most of the immunity statutes do not make the granting of immunity contingent upon judicial permission, and have been upheld. See, for example, *United States* v. *Monia*, 317 U.S. 424 (1943).

With respect to section 406, which authorizes the suspension of the processing of an applicant's case when he willfully refuses to respond to relevant inquiries in the course of investigation, Mr. Stokes alleges this provision to be "patently unconstitutional," as a violation of Fifth Amendment rights, because it puts such a person to the choice "between self-incrimination or job forfeiture," citing *Garrity* v. *New Jersey*, 385 U.S. 493 (1967).

Mr. Stokes' claim that section 406 is "patently unconstitutional" is without support in the language of the section. Nor is the *Garrity* case authority for this conclusion. When section 406 was drafted, we did so fully aware of the issue now raised by Mr. Stokes, and with the *Garrity* and subsequent relevant decisions in mind.

Section 406 of the bill, unlike the provisions of the New Jersey statute which was indirectly involved in *Garrity*, and a similar provision of a Department of Defense directive under E. O. 10865 involved in *Shoultz*, does not expressly require, although it would in general terms authorize, a removal or denial of clearance for refusal to answer questions on a claim of the self-incrimination privilege. This section of the bill authorizes a refusal further to process a case when there is a "willful refusal" to answer relevant inquiries, but it goes no further. Thus, apart from the question as to what supporting effect may be given to the immunity provisions included in section 413 of the bill, the bill leaves open the question of the propriety in a particular security clearance case of the refusal to process an application because of a refusal to respond on the basis of the Fifth Amendment privilege, and is hence not *on its face* invalid.

Nevertheless, it is our intent that section 406 will be *implemented* and *applied* to suspend the processing of clearance when the applicant persists in his refusal to respond to relevant inquiries on the claim of the Fifth Amendment privilege. We assume that the President will thus implement and apply the provision, at least in the absence of any binding decision of the courts to the contrary. Indeed, the Secretary of Defense has applied such a rule in implementing the present E. O. 10865. It has been approved in *Shoultz* v. *Clifford*, cert. denied December 8, 1969, a decision to which I shall hereinafter refer.

Garrity is not a case to the contrary. In *Garrity*, the appellants were police officers in New Jersey. The Attorney General, being invested with powers of inquiry and investiga-

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tion, was ordered by the Supreme Court of New Jersey to investigate and report on alleged irregularities in handling cases in the municipal courts, particularly matters concerning the fixing of traffic tickets. Before being questioned, each appellant was warned that anything he said may be used against him in any state criminal proceeding; that he had the privilege to refuse to answer if the disclosure would tend to incriminate him; but that if he refused to answer, he would be subject to removal from office (under a statute of New Jersey which permitted the removal from office of any public employee who refused to testify on the ground of self-incrimination before a state body having the right to inquire into matters relating to his office). No immunity statute was applicable under these circumstances.

The police officers objected to the compulsion of their testimony, but nevertheless answered the questions. The response made by them was subsequently used in a prosecution of them for conspiracy. They were convicted and appealed to the Supreme Court of the United States. The Supreme Court reversed the conviction on the ground that their testimony was compelled in violation of the Fifth Amendment. The court, however, refused to pass upon the validity of the forfeiture of employment statute, for they said that was not directly involved and only bore upon the voluntary character of the statements used to convict the appellants in their criminal prosecutions.

The *Garrity* case does not support Mr. Stokes' charge that section 406 violates the Fifth Amendment. The *Garrity* case is authority only for the proposition that a person's testimony compelled over the claim of self-incrimination in one proceeding may not be used against him in another and subsequent criminal proceeding. This was made clear in the case of *Spevack* v. *Klein,* 385 U.S. 511, decided the same day, in which Mr. Justice Fortas, concurring, said that "this court has never held, for example, that a policeman may not be discharged for refusal in disciplinary proceeding to testify as to his conduct as a police officer. It is quite a different matter if the state seeks to use the testimony given under this lash in a subsequent criminal proceeding." Later cases, *Gardner* v. *Broderick,* 392 U.S. 273 (1968) and *Uniformed Sanitation Men Association* v. *Commissioner,* 392 U.S. 280 (1968), are not to the contrary.

In the latest case, *Shoultz* v. *Laird,* U.S. Court of Appeals for the Ninth Circuit, decided June 29, 1969, cert. denied by the Supreme Court on December 8, 1969, the precise question raised by Mr. Stokes was involved with respect to a Department of Defense regulation issued under E. O. 10865, providing as follows:

"In the course of an investigation, interrogation, examination, or hearing, the applicant may be requested to answer relevant questions, or to authorize others to release relevant information about himself. The applicant is expected to give full, frank, and truthful answers to such questions, and to authorize others to furnish relevant information. The applicant may elect on constitutional or other grounds not to comply. However, such a wilful failure or refusal to furnish or to authorize the furnishing of relevant and material information may prevent the Department of Defense from reaching the affirmative finding required by [Executive Order 10,865] in which event any security clearance then in effect shall be suspended by the Assistant Secretary of Defense (Administration), or his designee, and the further processing of his case discontinued."

This regulation was upheld over the claim that the DOD rule violated Shoultz's privilege against self-incrimination, although his refusal to answer inquiries found to be relevant were on the generalized ground that the questions were "incompetent, irrelevant, and immaterial." In so doing, the court said:

"In *Gardner* v. *Broderick,* 392 U.S. 273, 20 L. Ed. 2d 1082, 88 Sup. Ct. 1913 (1968), and in *Uniformed Sanitation Men Ass'n.* v. *Commissioner of Sanitation,* 392 U.S. 280, 20 L. Ed. 2d 1089, 88 Sup. Ct. 1917 (1968), the Supreme Court held that it was impermissible for a public employee to be discharged for his refusal to waive his right to immunity from subsequent prosecution in light of his fifth amendment right to avoid self-incrimination. The Court stated, however, that a public employee may be discharged from his job if, without being required to waive immunity, he refused to answer questions specifically, directly, and narrowly relating to the performance of his official duties. An employee's invoking of his constitutional privilege against self-incrimination would not, in such a case, be a bar to his dismissal from public employment. 392 U.S. at 278 and 283–84. There is no saving difference between these public employee cases and the situation wherein an industrial employee seeks to maintain, for the sake of keeping his job, his privilege of access to classified information involving matters relating to our national security.

* * * * *

"Since the failure upon ground of constitutional privilege to answer questions directly relevant to the performance of official duties may be proper cause for dismissal from public employment, *Gardner* v. *Sanitation Men, supra,* and since the refusal to answer similarly relevant questions upon ground of constitutional privilege may be cause for suspension of a security clearance upon which employment depends, Shoultz, *a fortiori,* must accept the consequences of his refusal to answer relevant questions upon the grounds that they are 'incompetent, irrelevant, and immaterial.' "

Finally, on this subject, it should be noted that the provisions of section 406 should not operate as a hardship on the applicant. They are drafted to give him the opportunity to make compliance, even in cases where his initial refusal is based on erroneous grounds. On compliance, he may have a resumption of the processing of his application which had been suspended by reason of his prior refusals.

The remaining objections, in relation to section 407(b), with respect to limitations on cross-examination, and section 416, with respect to the limitation on the jurisdiction of courts to issue injunctions having the effect of granting access to classified information or to sensitive positions, are, I believe, adequately dealt with in my report on the bill, and need not be further pursued here.

SECURITY OF VESSELS AND WATERFRONT FACILITIES

Mr. Stokes does not deny that the provisions of the bill are adequate to establish authority for the restoration of a personnel security screening program for personnel on merchant vessels and waterfront facilities. Needless to say, he could hardly do so in the light of the provisions of section 2 of the bill, which expressly authorize it. Nor can he deny that the Congress has a constitutional power to do so. "Needless to say, Congress has constitutional power to authorize an appropriate personnel screening program and to delegate to executive officials the power to implement and administer it." (Mr. Justice Fortas, concurring in *Schneider* v. *Smith,* 390 U.S. 17, 28, and citing *Robel* in support of this conclusion.)

Fearing principally that such a screening program may stray into forbidden areas, and citing instances in the dicta of *Schneider* where that question has been raised, he then assumes that section 2 of the bill would authorize the President to institute "broad" and "improper" inquiries. Indeed, the relevancy of some of the questions asked of Schneider and to which the justices adverted, does not clearly appear on the face of the majority and concurring opinions. Nevertheless, his conclusion that the bill would authorize "improper" inquiries is not supported in its provisions.

On the contrary, section 2 of the bill authorizes only the application of the procedures of Title IV. In turn, section 405(c) of Title IV authorizes and specifies only such inquiries as are *relevant* to the determination to be made. No sworn essays or statements of "belief" or "philosophy" are authorized. Indeed, the "associations" into which inquiry may be made, limited by section 405(c) to those which are relevant, are further limited by definition of that term in section 402(8) to *activities* objectively manifested. Thus conduct, not "beliefs" or "philosophy," may be the subject of inquiry under the provisions of the bill.

His final claim, that the section, in contrast to employees in defense industry, "does not trouble to grant any semblance of procedural due process to prospective seaman," likewise rests on a misapprehension of the clear terms of the section. By this section, the procedures authorized with respect to determinations for access to sensitive positions in defense facilities and to classified information are expressly made applicable to seamen. The procedures of Title IV are thus incorporated by reference. It is difficult to understand how this fact escaped the attention of Mr. Stokes.

CONCLUSION

Mr. Stokes concluded that H.R. 14864 "is flawed in nearly every provision by problems of constitutionality and legislative wisdom." The logic of this statement escapes me. I doubt whether one may logically conclude that legislation is "flawed" simply because there are "problems" of constitutionality and wisdom which may be argued with respect to it. In practically every piece of legislation, one has to inquire whether it is within constitutional limits and whether it is wise to enact it. It is hence not the existence of the problem which is in issue, but how one solves it. As appears from this critique, Mr. Stokes has cited no case which makes his conclusion imperative.

Nor does his final citation of alleged authority, *Shelton* v. *Tucker,* 364 U.S. 479 (1960) justify his conclusion. In this case, the Supreme Court considered the validity of an Arkansas statute, which compelled every teacher, as a condition precedent to employment in a state-supported school or college, to file annually an affidavit listing without limitation every organization to which he belonged or regularly contributed within the preceding five years. The statute was held invalid on Fourteenth (First) Amendment grounds.

It is important to note that the statute in this case did not establish the purpose for which his affidavit was required, except to declare that "It is hereby determined that it *will be beneficial* to the public schools and institutions of higher learning and the State of Arkansas, if certain affidavits of membership are required as hereinafter provided." What was the purpose of the statute? To prevent subversion? To bar employment to members of the N.A.A.C.P.? To determine whether the teacher was dissipating his time and energy on other than his occupation as a teacher? This did not appear.

Shelton refused to execute the affidavit required by the statute, and his contract for the ensuing year was not renewed. He then applied to the courts, challenging the validity of the statute. At trial, evidence was offered showing that he was not a member of the Communist Party, or any organization advocating the overthrow of the Government by force. On the other hand, it was shown that he was a member of the N.A.A.C.P.

The Supreme Court divided 5–4, with

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Justices Frankfurter, Clark, Harlan, and Whittaker dissenting. Justice Stewart, speaking for the majority, pointed out that there can be "no doubt" of the right of a state to investigate the competence and fitness of those whom it hires to teach in its schools. He said:

"This controversy is thus not of a pattern with such cases as *N.A.A.C.P.* v. *Alabama*, 357 U.S. 449, and *Bates* v. *Little Rock*, 361 U.S. 516. In those cases the Court held that there was no substantially relevant correlation between the governmental interest asserted and the State's effort to compel disclosure of the membership lists involved. Here, by contrast, there can be no question of the relevance of a State's inquiry into the fitness and competence of its teachers."

However, as Justice Stewart pointed out, this was not the question. He said:

"The question to be decided here is not whether the State of Arkansas can ask certain of its teachers about all their organizational relationships. It is not whether the State can ask all of its teachers about certain of their associational ties. It is not whether teachers can be asked how many organizations they belong to, or how much time they spend in organizational activity. The question is whether the State can ask every one of its teachers to disclose every single organization with which he has been associated over a five-year period. The scope of the inquiry required by Act 10 is completely unlimited."

This situation is thus clearly distinguishable from the terms of the bill. The bill makes clear its purpose to control subversive activities, and authorizes only such inquiries as are relevant thereto. It by no means authorizes or requires a searching inquiry into *all* organizational relationships, but only those relevant to the purpose of the bill and, of course, to the President's implementing regulations. The bill authorizes a screening program, and hence, unlike the Arkansas statute, makes no specification of particular inquiries, except the general rules and limitations within which the President is to implement the program. And it does so within the constitutional authority of the Congress. Other questions arising on the application of the program to particular circumstances, must await its application.

Mr. QUILLEN. Mr. Speaker, I compliment the gentleman from Missouri (Mr. Ichord), and each member of his committee, for their diligent work.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ICHORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of Union for the consideration of the bill (H.R. 14864) to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14864, with Mr. Natcher in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Missouri (Mr. Ichord) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Ashbrook) will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri (Mr. Ichord).

Mr. ICHORD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at the outset I would like to take this opportunity to pay tribute to the members of the committee for their patience and for the long and hard work which they performed in bringing this bill to the House. Particularly does my tribute apply to the members of the subcommittee and is applicable not only to the four members who voted for the bill, but also to the single member who voted against the measure, the distinguished gentleman from Ohio (Mr. Stokes) because this bill does bear the imprint of many of the suggestions the gentleman made in the committee. As a matter of fact, I do not recall that the gentleman from Ohio offered a single amendment which was not adopted. He did offer several suggestions which I put in the form of amendments that were later adopted by the committee.

As a matter of legislative history, I should point out to the House that a great many hours and a great many days have gone into the consideration of this bill, not only in the committee but outside the committee. For example, there were, I believe, six preliminary drafts that were submitted to me before the original bill, H.R. 12699, was introduced. The committee then held hearings, very extensive hearings. During the hearings some 50 specific changes were suggested by witnesses and members. In the markup of the bill by the subcommittee, 30 amendments were adopted, and H.R. 14864 is a clean bill that was introduced by me and the other sponsors at the instruction of the subcommittee that finalized the legislation.

The gentleman from Ohio has filed a dissenting opinion. I have every respect for the ability and the competence of the gentleman from Ohio as an attorney. However, his conclusion that the measures of this bill are unconstitutional escapes me by way of logic. I doubt if this opinion is held by many competent lawyers in this field.

Before the bill was introduced I submitted the same to the Library of Congress. The Library of Congress advised me that this measure was constitutional on its face. I share that opinion.

This is also the opinion of the Department of Justice. I bring to the attention of the Members of Congress the exchange between Congressman Stokes and Mr. Yeagley, the Assistant Attorney General of the Department of Justice. In the hearings on the bill Mr. Stokes sought to press his point that this measure was unconstitutional, and he asked whether Mr. Yeagley had examined this bill thoroughly with respect to its constitutionality; that is, keeping in mind first amendment rights, the constitutional right to be confronted by one's accuser, and that sort of thing. Mr. Yeagley replied as follows:

> Mr. Yeagley. Yes, we think we have. We have spent a lot of time on it. We have had lawyers working on this bill, incidentally, who are also lawyers who argue the cases in court and prepare the briefs.
>
> Mr. Stokes. Have they expressed to you any qualifications with reference to the constitutionality of any of the sections of the bill?
>
> Mr. Yeagley. No, only insofar as we have made suggestions and recommendations. We have no way of knowing in any case whether we are going to win a constitutional test. The same would be true of this program with or without congressional authorization.
>
> We think that it would be held constitutional.

That is the statement of Mr. Yeagley.

I have no doubt, Mr. Chairman, about any of the provisions of this bill. I submit that they are not only constitutional but that they also represent an effective and fair means of balancing the interests of the individual against the security interests of the Nation.

This was the challenge of the committee, to balance the rights and the interests of the individual against the security interests of the Nation.

Some of the specific provisions of the bill may be earnestly debated. I believe there is room for difference of opinion. In some cases the Members may believe that we leaned too far to the rights of the individual, and in other cases the Members may believe we leaned too far toward the security interests of the Nation. But in balance, in its totality, it does represent a measure which will effectively and fairly bar subversives in this Nation from having access to sensitive positions in defense facilities, from having access to classified information.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman, the able chairman of the Internal Security Committee, for his splendid presentation.

Mr. ICHORD. I have not gotten into the specific provisions yet, I will say to the gentleman from Oklahoma.

Mr. EDMONDSON. May I ask the gentleman if he intends to put into the Record the opinion obtained from the legal division of the Library of Congress when we go back into the full House?

Mr. ICHORD. Yes. I shall do that when we go back into the full House.

Mr. EDMONDSON. I believe that would be helpful.

Mr. Chairman, I support the bill.

Mr. Chairman, it is inconceivable to me that this Nation should be without legal means to bar the employment of security risks in sensitive positions in our defense plants. It is equally inconceivable that we should be unable to protect, by legal means, our defense secrets.

The Committee on Internal Security has worked hard on this matter and has reported a bill which appears to me to be both constitutional and necessary.

I hope and trust it will be approved by an overwhelming vote.

Mr. ICHORD. Mr. Chairman, let me get to the specific provisions of the

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legislation which we are now considering.

The need for the legislation came to public attention in 1967, when the U.S. Supreme Court decided the case of United States against Robel. The case of United States against Robel dealt with the employment of an admitted Communist in a defense facility.

He was prosecuted under section 5 of the Internal Security Act for holding such employment while a Communist Party member. The Supreme Court of the United States held that section 5 of the Internal Security Act of 1950 was unconstitutional, which resulted in his continued employment.

Let us look at section 5, title I, of the Internal Security Act. It reads as follows:

> When there is in effect a final order of the board determining any organization to be a Communist-action organization or a Communist-front organization, it shall be unlawful (1) For any member of such organization, with knowledge or notice of such final order of the board (C) in seeking, accepting or holding employment in any defense facility, to conceal or fail to disclose the fact that he is a member of such organization or (D) if such organization is a Communist-action organization, to engage in any employment in any defense facility;

The Supreme Court of the United States in the case of United States against Robel voided section 5 on the ground of overbreadth. The Court pointed out that section 5, which provided both penalty sanctions and job disability sanctions did not distinguish between sensitive and insensitive positions; it did not distinguish between passive and active members of the Communist Party. However, Chief Justice Warren in his opinion in United States against Robel did a very unusual thing. Speaking for the Court, Justice Warren said this:

> We are not unmindful of the congressional concern over the danger of sabotage and espionage in national defense industries, and nothing we hold today should be read to deny Congress the power under narrowly drawn legislation to keep from sensitive positions in defense facilities those who would use their positions to disrupt the Nation's production facilities. We have recognized that, while the Constitution protects against invasions of individual rights, it does not withdraw from the Government the power to safeguard its vital interests. *Kennedy* v. *Mendoza-Martinez*, 372 U.S. 144, 160 (1963). Spies and saboteurs do exist, and Congress can, of course, prescribe criminal penalties for those who engage in espionage and sabotage. The Government can deny access to its secrets to those who would use such information to harm the Nation. And Congress can declare sensitive positions in national defense industries off limits to those who would use such positions to disrupt the production of defense materials.

Here, Mr. Chairman, the Supreme Court itself has actually implored the Congress of the United States to legislate within this field. H. R. 14864 is, I submit, narrowly drawn legislation that will protect the rights of the individual and will successfully bar subversives from employment in sensitive defense positions. It is not a matter of avoiding the decisions. It is merely a matter of drafting effective and institutional legislation.

This is the way it is done. First, the bill has four main objectives. One, it establishes what is called an industrial defense program.

We have no industrial defense program at the present time. That was voided by the case of United States against Robel.

We define in the bill what are "facilities."

We further define what are "defense facilities."

We further define what is a "sensitive position."

We lay down standards for the executive in defining "sensitive positions" in defense facilities. Then, we authorize a screening program laying down standards for the executive to follow in carrying out the screening of individuals who are seeking employment in such sensitive positions.

Second, the bill lays a legislative base for an industrial security program which is now being operated by the executive under Executive Order 10865 setting forth procedures for the granting of access to classified information. This program, however, Mr. Chairman, is filled with deficiencies.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. ICHORD. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman is recognized for 5 additional minutes.

Mr. ICHORD. I think the Congress has been remiss in not legislating in this field because there are several deficiencies in that program which do not adequately protect the rights of the individual. For example, let us say that a person has a top secret clearance and access to top secret information, information that has been designated by Executive order as top secret. Suppose someone makes a charge against him that he has been, for example, carrying on negotiations with known spies or saboteurs? Under the present program this gentlemen does not have the compulsory process in order to make a defense if he does have a valid defense. The present program does not provide for compulsory process. This legislation would make available to the applicant the power of subpena in order to prepare and present his defense.

Under the present program most of the people testifying against the individual will be Government employees. The Government can pay their transportation to the place of hearing. However, the individual who is called upon to make a defense does not have compulsory process at his disposal.

This bill establishes a legislative base for the continued operation of that program. It is much more carefully drawn than that which the executive is now operating under, Executive Order 10865.

The third objective which the bill seeks to accomplish is to establish procedures to be followed in granting an individual access or in denying an individual access. In all cases the individual is entitled to a court review of the administrative proceedings in order to meet due process requirements.

The fourth principal objective of the bill is to set up a screening program for access to merchant marine facilities, which was voided by the 1968 case of Schneider against Commandant. The case of Schneider against Commandant held that the Magnuson Act did not authorize the executive to conduct a screening program, to determine access to vessels, ports, harbors and waterfront facilities and therefore the applicant for security clearance could not be denied clearance under such a program.

So H.R. 14864 gives explicit authority to the executive to conduct a screening program under the Magnuson Act for access to merchant marine facilities.

In closing, Mr. Chairman, may I say this: I do not contend that this is a perfect bill. I have yet to see a bill come before this body which is perfect, but this measure has been drafted in the light of all of the court cases surrounding the problems in this area. I submit that it is constitutional, it is effective. It does provide the individual with fair hearings, fair treatment, and if the Members of this House will study the provisions of this bill I believe each and every Member will give it his wholehearted support.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. ICHORD. Mr. Chairman, I yield myself 3 additional minutes.

Mr. ECKHARDT. Mr. Chairman, would the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, will the distinguished gentleman clarify one point with respect to the procedure by which one may bring a hearing where he has been denied access to certain facilities? Take, beginning on page 9 of the hearing procedures, on page 10——

Mr. ICHORD. The gentleman is referring to section 407 of the bill?

Mr. ECKHARDT. This is section 407. On page 10, section (b), the applicant is given generally the right to cross examination of his accusers, and to in that way, of course, have access, I assume, to the information upon which his exclusion from facilities has been based, or I understand that that is the purpose of section (b) of the section I have referred to.

And paragraph (b) at the bottom of page 10——

Mr. ICHORD. The gentleman is referring to the restrictions upon the right of the individual to confrontation of witnesses, and the right to cross examination; is that correct?

Mr. ECKHARDT. If the gentleman will pardon me, I had not gotten to that. I simply said that section (b) generally gives the right of interrogation and cross examination of those who had given oral or written information.

Mr. ICHORD. Right.

Mr. ECKHARDT. Then under section (b) (1) and (2), there is provision for certain exceptions to such cross examination, as I understand it.

Mr. ICHORD. That is correct, and I would point out to the gentleman that those exceptions are narrower than under the present program operated under Executive Order 10865. I would further point out that there is no constitutional right of confrontation guaranteed by the sixth amendment of the Constitution. The sixth amendment only applies to criminal procedures. There are no criminal sanctions provided for in this bill.

What we are concerned about, if I may continue, is the case, where the Government, if it is required to present an intelligence agent to be cross examined by the applicant might be forced to bare the whole intelligence apparatus of the United States.

Mr. ECKHARDT. I understand that.

Mr. ICHORD. We do generally provide for the right of confrontation. This is only the very exceptional case. We put very severe restrictions upon these cases. This decision can only be made by the head of the department.

Mr. ECKHARDT. This is the point I want to get at.

Mr. ICHORD. This also should be taken into consideration—if there is a denial of the right of confrontation, that decision can only be made by the head of the department.

Also the applicant will still be permitted a court review of those administrative proceedings and we provide that the matter of denial of confrontation must be considered in making the final decision.

Mr. ECKHARDT. How does he get his court review?

Mr. ICHORD. He would be required first of all to exhaust his administrative remedies. Let us assume that this is a case where the Government fears that if the individual is given the right to cross-examine an intelligence agent, the whole intelligence apparatus might be exposed.

The decision not to permit confrontation will be made by the screening board—the adjudicatory hierarchy will be the screening board, the field board—the review board. He will exhaust his administrative remedies just as under the administrative procedures act. Then, of course, he would be entitled to go into court.

Mr. ECKHARDT. How does he get his cross-examination, if he does go into court?

Mr. ICHORD. There would be no cross-examination under those circumstances. But the court would look to see if this hearing has been fairly and lawfully conducted. I would state to the gentleman that this is being done presently under Executive Order 10865. I would say to the gentleman that this matter has been considered by the U.S. Supreme Court just a few days ago in the case of Remenyi against Clifford, where the Supreme Court denied certiorari.

I will say to the gentleman that these are very exceptional cases. They should be exceptional cases. The fact that the applicant is not entitled to the right of confrontation should be taken into consideration in the decision that is made and the bill requires such consideration. I do not expect many of these cases to arise but it will arise.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman.

Mr. YATES. In whose discretion is the question of whether or not evidence upon which the action is taken should be made available to the person involved?

For example, suppose the Department acts and decides that in the interest of national security, no information should be given to the respondent—can he then go to court and ask the court to make that evidence available?

Mr. ICHORD. No, he cannot. Not at that point. He would have to exhaust his administrative remedies. He could go to court and seek appropriate relief after he had exhausted his administrative remedies.

Let us consider the procedures now being followed under Executive Order 10865. At the present time the head of the Department has only to make a decision that the party affected shall be denied confrontation for reasons that he himself considers good. We clarify that. We nail it down for the reasons set out in the legislation, and I think it should be nailed down. I am sure the gentleman will support the restrictions we have placed upon the Government in order to protect the rights of the individual.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. ICHORD. I yield to the gentleman from Illinois.

Mr. YATES. In connection with crime bills that are now pending before the Congress, applications for "no-knock" proceedings, for example, or applications for search warrants have to be made by application to the court in the absence of the defendant. But the case has to be made out by the court. Why would it not be well to provide that the Department must represent to the court that the national security requires that no further inquiry be made into the case, in which case the court would be bound by that assertion. In such instances that representation would be made to the court, a modest additional safeguard, but a safeguard nevertheless.

Mr. ICHORD. I will say to the gentleman from Illinois that I would not only consider it unwise to require the executive to go to the courts in the cases he mentioned, first, because it is not the responsibility of the judiciary to determine who shall have access to top secret information; second, I would say it would also be unconstitutional under the doctrine of the separation of powers. This is a decision to be made by the executive. It is not, in this case, a decision to be made by the judiciary. Why should the judiciary be given the power to order the executive to reveal state secrets? No, I think that in and of itself is unconstitutional.

However, there have been some decisions of the courts getting into the field with their injunctive proceedings that do ignore this serious constitutional question. We deal with that in the bill.

Mr. YATES. The point I was making was that perhaps there ought to be a protection of the rights of the individual as well, to the extent that is possible. If the court were presented with a question as to whether or not making the evidence available were a violation of the security of the country, the court could not make it available.

Mr. ICHORD. Yes, but let me give the gentleman one example that happened recently. I refer to the Shoultz case, who held a classified clearance. Information was obtained which indicated that security clearance should no longer be granted. He was asked certain questions about his connection with the Castro regime. He refused to answer those questions on the ground that they were irrelevant and immaterial.

The Board then refused to further process his case. Shoultz then went into the district court. Listen to this, Members of the House, Shoultz went into the district court, and the district court ordered the DOD to grant Shoultz a clearance.

The case then went up to the circuit court of appeals. The circuit court of appeals reversed the district court, but they kept the injunction in effect, still retaining his secret clearance. It was not until just the other day that we got a final decision from the Supreme Court where they refused certiorari in the Shoultz case. All the time his clearance remained in effect.

Here is what the DOD is concerned with. They are faced with a choice of either discontinuing that project or risking the revelation of Defense secrets. That is the reason why the position of the gentleman from Illinois cannot be sustained.

The material referred to follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., August 27, 1969.

To: House Internal Security Committee, Attention: Hon. Richard H. Ichord, Chairman.

From: American Law Division.

Subject: Appraisal of constitutionality of H.R. 12699 (91st Congress).

The following is submitted pursuant to your request of July 15, 1969. Appraised in the aggregate this measure would appear to be immune from challenge as being unconstitutional on its face. As hereinafter noted, however, the abstract wording of several of its provisions leaves open the prospect that issues of constitutionality more likely will be generated not so much by the adoption of the measure as by the manner in which it will be enforced. Inasmuch as this proposal was drafted with a view to eliminating certain deficiencies recently detected by the Supreme Court in national security programs, specifically, a want of congressional sanction for the administration thereof by the Executive Branch, consideration is devoted at the outset to a review of those provisions of H.R. 12699 which are designed to supply adequate legislative authorization.

I. ADEQUACY OF STATUTORY DELEGATION OF AUTHORITY TO THE EXECUTIVE BRANCH

(a) *Statutory authority for conduct of screening program barring disloyal personnel from access to various defense facilities and to classified information therein—Greene* v. *McElroy*, 360 US 474, 492–493, 499, 504–508 (1959); *United States* v. *Robel*, 389 US 258, 272–282 (1967).

The definitions contained in § 402, more particularly the endeavor to define "defense facilities" with a measure of specificity in § 404, coupled with the statement of objectives to be subserved in § 405, when read in conjunction, would appear to be adequate to provide the standards requisite for sustaining the delegation of authority to the Executive Branch to administer the above mentioned screening programs.

According to established precedents, "the Congress may not delegate its purely legislative power to" an executive agency; "but, having laid down the general rules of action under which" the executive agency "should proceed, it may require of that" agency "the application of such rules to particular situations and the investigation of facts. With a view to making orders in a particular matter within the rules laid down by the Congress . . . if Congress shall lay down by legislative act an intelligible principle to which the executive agency vested with rule-making authority is directed to conform, such legislative action is not a forbidden delegation of legislative power" (*Field* v. *Clark*, 143 US 649, 694 (1892); *Hampton Co.* v. *United States*, 276 US 394, 408, 409 (1928). Although the Court has asserted that "procedural safeguards cannot validate an unconstitutional delegation," the nature of the proceedings appears to be one of the elements weighed in determining whether a specific delegation is constitutional. In cases where the delegated power is exercised by orders directed to particular persons after notice and hearing, with findings of fact and law based upon the record made in the hearing, the Court has displayed considerable liberality in sustaining vaguely phrased or abbreviated statutory expressions of purpose or standards as sufficient to meet constitutional requirements. Appraised in terms of these established tests, §§ 402, 404, 405, and the procedural protection afforded by §§ 407 and 409, subject to one qualification hereinafter noted, may be viewed as adequately empowering the Executive Branch to establish and administer effective screening programs (*United States* v. *Rock Royal Co-op.*, 307 US 533, 576 (1939); *Sunshine Coal* v. *Adkins*, 310 US 381, 398 (1940); *Opp Cotton Mills* v. *Administrator*, 312 US 126, 144 (1941); *American Power Co.* v. *S.E.C.*, 329 US 90, 107, 108 (1946)).

(b) *Statutory authority for conduct of a screening program under Magnuson Act (50 USC 191) barring disloyal personnel from access to American merchant vessels and port installations—§ 2, pp. 22–23—Schneider* v. *Smith*, 390 US 17, 22–23, 25 (1968).

For the reasons hitherto set forth, there are sound grounds for concluding that the congressional sanction to be added to the Magnuson Act by § 2 of this measure will prove adequate for purposes of overcoming the deficiency noted in *Schneider* v. *Smith*, specifically, the absence of a grant to the President of "express authority to set up a screening program for personnel on merchant vessels of the United States." Standing alone, § 2 appears to be devoid of the standards by which executive officers are to be guided in utilizing a delegation of statutory authority; but this deficiency may be eliminated by the incorporation in § 2 of a reference to the preceding provisions of Title IV. If the "service facilities" to be designated as "defense facilities" by the Secretary of Defense under § 404(c)(4) are open to interpretation as including the relevant facilities enumerated in § 402(1); namely, vessels, piers and waterfront installations, then the standards and objectives together with the procedural protection set forth in these provisions as well as in §§ 405, 407–408 will suffice to supply the guidelines requisite for sustaining the validity of the delegation of authority conferred upon the President by § 2.

II. INTERPRETATION TO BE ACCORDED DEFIFITIONS AND TERMS

(a) *"Facilities"* (§ 402(1)) as distinguished from *"defense facilities"* (§§ 402(2); 404).

Although the initial § 402 suggests that the terms, "facility", and "defense facility" are distinguishable, a reading of § 404 indicates that "defense facility" is a broader term; and, as construed and applied by the Secretary of Defense, may comprehend items in all the categories enumerated as "facilities" in § 402(1). If that be the case, questions may be raised as to the accuracy of his interpretation of such terms and phrases as (1) "service facilities" (§ 404(c)(4)) and "substantial portion of total national capacity" (§ 404(c)(4)—page 6, line 6). Whether the term, "service facilities", even as qualified by lines 8–12 on page 6, comprehend specific vehicles, aircraft, or highways may be open to challenge no less than whether a certain defense facility "accounts for a substantial portion of total national capacity." By virtue of this prospect that the Secretary's interpretation of these terms and phrases may be productive of dispute, an observation made by Justice Brennan in *United States* v. *Robel*, op. cit., pp. 278–281, may be deserving of consideration. To attribute finality, according to Justice Brennan, to a determination (§ 404(d)—page 6, lines 20–21) by the Secretary of Defense that a specific service facility is a defense facility or that a defense facility accounts for "a substantial portion of total national capacity" would deprive an employee of an opportunity to controvert the accuracy of such conclusion (and also, perhaps, the Secretary's conclusion under § 404(e)—page 7, lines 7–9) at any hearing accorded to him under the terms of §§ 407, 408; and such deprivation, in his estimation, gives rise to procedural unfairness. Whether the privileges accorded to the employee at such hearings (§ 407(a)(2)) negative this possibility cannot be determined with assurance.

Inasmuch as §407(d) provides for consultation by the Secretary of Defense with management and organized labor prior to his designation of a facility as a defense facility, the concurrence of management and labor in such designation may well render the Secretary's decision noncontroversial or practically immune from challenge as to its accuracy; but the fact that the Secretary, notwithstanding objections from either labor or management, nevertheless may proceed to effect the designation of a defense facility would seem to provide all the more reason for affording an opportunity to the employee at his hearing to question the Secretary's decision.

(b) *Sensitive* (§402(4); *act of subversion* §402(5); *association* (§402(8); *affiliation* (§402(9); *presidential criteria* (§405(c)).

Whether these provisions, when read in relation to each other, will prove adequate to overcome the result reached in the *Robel* case cannot be determined with assurance. Although the personnel of the Court has undergone alteration; and although the majority of five in *Robel* did assert that "nothing we hold today should be read to deny Congress the power under *narrowly drawn* legislation to keep from sensitive positions in defense facilities those who would use their positions to disrupt the Nation's production facilities", the one inescapable fact is that only three Justices (White, Harlan, Brennan) believed that the Constitution, especially Amendment I, interposed no obstacles to enforcement of a determination by the Congress that dangers to national security warranted exclusion from employment in defense facilities, sensitive or otherwise, of inactive, passive members of the Communist Party. That an inactive, passive Communist might be barred from a *sensitive* position in a defense industry was the only concession suggested by the majority (*United States* v. *Robel*, op. cit., pp. 266–267, 271–273, 281–282).

Without effecting the repeal of any existing legislation, the proposed measure, if adopted, would empower the President, through reliance upon the provisions and sections cited at the outset, to exclude from defense facilities, from sensitive posts within defense facilities, or from access to classified information within such defense facilities persons guilty of committing "acts of subversion" or, presumably, persons guilty of affiliation with organizations engaged in the commission of such acts of subversion, sabotage, or espionage. As presently drafted, the provisions concerning "association" and "affiliation" are devoid of any mention of the specific organizations to which the association or affiliation pertains; and one is left to assume, from a reading of the provisions of § 405, that affiliation or association encompasses organizations engaged in, or intent upon committing, acts of subversion, sabotage, or espionage.

Inasmuch as these provisions, excepting those embracing acts of espionage and sabotage, are new, and several are not as precise as might be desired, they may be expected. upon enactment of H.R. 12699, to generate a new round of litigation calculated to amplify their meaning and the scope of their application. For the latter computation the only tools that are readily available are the past precedents in which legislation regulating subversive activities have been construed. Unless the Court, as presently composed, is prepared to record an appreciable departure therefrom; and, by liberal utilization of the balancing test, to attribute greater importance to congressional determination of what is necessary to promote internal security than to considerations of individual liberty, it is difficult to foresee that exclusions of other than subversives from defense industries, will be achieved by the proposed measure. Amplification of subversives to embrace passive, inactive Communists as well as Communists pledged to effectuate the objectives of the Party might be the maximum point of departure from past holdings. The rejuvenation of the "clear and present" danger test (*Brandenburg* v. *Ohio*, 395 US 444 (1969)) conceivably might contribute in some undefined way against imposition of the disabilities authorized by this measure upon ex-Communists and individuals whose affiliations do not extend beyond organizations engaged, not in overt acts of violence, but in the advocacy of revolution as an ethical or philosophical concept (*Communications Associations* v. *Douds*, 339 US 846, 421–422, 443–444 (1950)).

III SECTION 406—PAGES 8–9; OBSTRUCTION OF INQUIRY

As indicated in *Shoultz* v. *McNamara*, 282 F. Supp. 315, 520 (1968), an employee or applicant for employment might refuse to answer certain questions, not on the ground that his responses might tend to incriminate him, but because he deems the specific questions to entail invasions of his privacy, freedom of association, or freedom of belief, and therefore violative of rights protected by Amendment I. If the hearing authorized under this section proves to be adequate and is afforded promptly, the latter probably will suffice to overcome the contentions of the employee applicant. Moreover, precedents such as *Konigsberg* v. *State Bar*, 366 US 36, 44 (1961) and In *Re Anastaplo*, 366 US 32, 84, 86, 95 (1961) are authority for the proposition that if the hearing accorded is otherwise procedurally adequate, responses to unprivileged but relevant questions deemed to constitute invasions of Amendment I rights nevertheless may be demanded as a means of testing the veracity and credibility of the individual subject to interrogation and of determining his qualifications.

IV. SECTION 407—PAGES 9–13; HEARING PROCEDURES

Notwithstanding concessions to the "applicant," set forth in subsections (c) and (d) (2), to compensate for denials, dictated by considerations of national security, of his right to confront and cross-examine witnesses against him and to inspect records admitted into evidence, it is not possible, as of this date, to assert definitively that these denials will be sustained as constitutional. In

GREENE v. MCELROY, 360 US 474, 506–507 (1959), a bare majority of five Justices intimated that they would condemn, on grounds of denial of due process, any enactment which sanctioned a security clearance program whereunder an executive employed by a defense contractor could be deprived of employment by revocation of his security clearance *without a hearing* at which he had no opportunity to confront, examine, and cross-examine *confidential informants* who had supplied information impugning his loyalty. Acknowledging shortly thereafter that the Due Process Clause of Amendment 5 does not require a trial type hearing in every conceivable case of governmental impairment of private interest, the Court, again by only a bare majority of five Justices, upheld the summary exclusion on security grounds, without hearing or advice as to the basis for the exclusion, of a concessionaire's cook from the Naval Gun Factory in Washington. Deemed to lead support to this ruling was the historically unquestioned power of a commanding officer to exclude civilians from the area under his command. Only recently, in a scarcely analogous precedent, a criminal prosecution involving prospective utilization of evidence seized illegally by electronic surveillance, the Court, by a vote of five to three, refused to grant any concessions to the government in deference to national security; and ruled that the government either must forego prosecution or permit defendants, suspected of espionage, to inspect before trial the recordings of illegally overheard conversations (ALDERMAN v. UNITED STATES, 394 US 165 (1969) CAFETERIA WORKERS v. MCELROY, 367 US 886 (1961).

Admittedly, if the validity of the procedures described in § 407 were challenged subsequently to the enactment of H.R. 12699, the controversy presented would differ substantially from those discernible in the aforementioned precedents. The hearings conducted in conformity with § 407 would embrace no criminal prosecution to which the constitutional guaranty of confrontation (Am. 6) is expressly applicable. The installation from which an employee was confronted with a denial of access very probably would not be a facility under the command of the military. Finally, two of the deficiencies which contributed to the holding in *Greene* v. *McElroy* would not be present; namely (1) the absence of a hearing, and (2) want of statutory authorization for the security procedures employed. Perhaps, by recourse to the balancing test, whereunder the competing interests of national security and the rights of the individual are assessed, the Court might be persuaded to conclude that the significance of the former outweighs the latter, and warrants a ruling upholding the constitutionality of the hearing procedures described in § 407. However, the inadequacy of favorable relevant precedents scarcely affords any cause for undue optimism as to fulfillment of the latter forecast. While conceding that confrontation hitherto has been sacrificed in the interests of national security in administrative proceedings affecting government employees, employees of government contractors, and maritime workers, a number of commentators have predicted that in the future the Court will not countenance the suppression of such individual rights. The views of several are set forth in articles appended to Hearings on Security and Constitutional Rights, conducted by Subcommittee on Constitutional Rights of the Senate Judiciary Committee in 1959; 86th Cong., 1st Sess., (pts. 3–4).

V. SECTIONS 413(A)—PAGES 16–17; AND 2—PAGES 22–23—IMMUNITY PROVISIONS

As disclosed in the response to part III of this report, certain questions which an applicant or an employee may refuse to answer may be unprivileged; that is, his refusal is rested, not on the ground that his response may tend to incriminate him, but rather upon the contention that the questions invade rights protected by Amendment I, such as freedom of association or freedom of belief. Apart from the fact that persistence in such refusal may cost him a job or denial of access to classified information or employment in a sensitive area, it is believed that such refusal could not be made the basis of a criminal prosecution under the terms of these immunity provisions.

VI. SUBDELEGATION ISSUE—DELEGATION OF DISCRETION TO PRIVATE EMPLOYER TO ENFORCE SCREENING REGULATIONS—§§ 405, 415, 2.

If executive officers charged with administering these provisions are disposed to transfer a portion of the rule-making authority conferred upon them to private corporations or institutions as employers for the purpose of expediting effectuation of the screening and clearance programs sanctioned by this measure, it is conceivable that a constitutional issue might arise. In precedents established during the Depression of the 1930's, the Supreme Court ruled that private trade groups could not be empowered to issue regulations having the binding force of law (*Schechter Corp.* v. *United States,* 295 US 495, 537 (1935); *Carter* v. *Carter Coal Co.,* 298 US 238, 311 (1936).

NORMAN J. SMALL,
Legislative Attorney.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ASHBROOK. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana (Mr. ROUDEBUSH), the ranking member of the committee that considered the bill.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. ROUDEBUSH. Mr. Chairman, I rise in strong support of H.R. 14864 which is designed to strengthen the internal security of our Nation.

As we know, during recent years there has been an erosion of our internal security laws.

This decline of legal means to prevent subversion, espionage and sabotage has derived in some degree from the effects of Supreme Court decisons.

I happen to be one of those Members of Congress who believes that the Court has leaned too far in the direction of leniency in this area which has stripped our defense-oriented industry of minimum security safeguards.

It is to strengthen this area of internal security that the House Committee on Internal Security, under the dedicated leadership of Chairman ICHORD, has prepared H.R. 14864. At this juncture, I wish to commend Congressman ICHORD for his leadership.

There are five major provisions of this bill which will amend the Internal Security Act of 1950.

These provisions will enable our Government to establish and maintain a reasonable and effective industrial and port security program, in conformity with constitutional requirements, and do so in a manner consistent with the interests of labor, industry and Federal security requirements.

These principal provisions will:

First. Authorize the President to institute a personnel security screening program to check individuals in sensitive positions consistent with an objective of preventing acts of espionage, subversion, and sabotage.

Second. Provide congressional sanction for the safeguard of classified information released to contractors.

Third. Give congressional authority for the screening of personnel in our ports and harbors and on ships and other waterfront facilities. These safeguards were in effect under four successive Presidents until struck down by the Supreme Court in 1968.

Fourth. Establish procedures for the administration of the above programs.

Fifth. Authorize the President to develop a voluntary program in cooperation with business and labor to protect facilities of importance to the defense of the United States, including the dissemination of appropriate intelligence information to responsible officials of industry and labor.

It is the heavy responsibility of Congress to provide for the maintenance of our defense posture.

Adequate safeguards are not possible if subversives are not screened from these sensitive installations.

It is no secret that there is a constant struggle for access to classified information by enemies of this Nation.

Our defense-related industrial plants and laboratories are and have been a prime target for Communist espionage, subversion, and quite possibly, sabotage.

One of the great turning points in history, and quite possibly the crime of the century, was the theft of America's atomic bomb secrets by persons who should have never been permitted access to this information.

We are told by our intelligence agencies that a large percentage of Soviet nationals in this Nation ostensibly as foreign service officers or diplomats, are actually here for espionage purposes.

I believe it is time to start rebuilding our defense security position, and repairing the damage to these efforts by recent court decisions.

Your House Committee on Internal Security recommends H.R. 14864 as an urgently needed safeguard, and I am pleased to be associated with this legislation, as one of its sponsors.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I am happy to join the gentleman from Indiana (Mr. ROUDEBUSH), in support of this legislation.

We have heard some comment today about constitutional provisions. We know that the Supreme Court has ruled in this area a number of times, and on one of its most recent occasions the Court did in fact invite the Congress to pass legislation of this kind. If I read that record of the Court correctly, I interpret that decision and the comment made attendant thereto as an expression of the Court that something would indeed have to be done but that the Congress had to pass additional legislation so that the job could be accomplished properly.

I am very happy to join in support of this legislation.

Mr. ROUDEBUSH. I will say, in response to the gentleman's observation, what he says is indeed correct. The Court

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in fact, as was stated by the chairman of the committee when he made his presentation just a few moments ago, commented about congressional prerogatives and the need for this supplemental legislation. I appreciate very much the gentleman's observation.

Mr. KYL. I thank the gentleman for yielding.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Indiana.

Mr. BRAY. I want to congratulate the gentleman for his remarks.

I congratulate the entire committee for bringing this important matter before the Congress.

A country which does not take steps to protect itself from its enemies is guilty of stupidity, and I trust our country will not be so guilty.

Mr. ROUDEBUSH. I thank the gentleman for his comment.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from California.

Mr. WIGGINS. I appreciate the gentleman's yielding.

I wish only to clarify some language which disturbs me. Specifically, I am concerned about one of the definitions in section 402 of the bill, the definition of an "act of subversion."

That definition includes any act which causes, and the precise language is, "damage or injury" to any facility.

I should like to know whether or not the words "damage or injury" encompass only physical damage and physical injury or whether they include the interference with production, for example, which might result from a demonstration?

Mr. ICHORD. Mr. Chairman, will the gentleman yield to me so that I might answer that particular question.

Mr. ROUDEBUSH. I yield to the gentleman from Missouri.

Mr. ICHORD. I did personally frame the language in this particular section.

First I should like to point out that this is a definition section. It is not an operative section of the bill. It is set up to serve as a standard for the President in establishing the criteria and determining the extent of the investigation.

There is no penalty whatsoever provided in the bill for the definition of subversion. It is merely a guideline for the people who are called upon to make the decision of granting clearance to sensitive positions or access to classified information.

That could possibly be something other than physical damage or physical injury. If the individual is concerned about innocent acts which might be considered as subversion, I believe that is cured—I am very sure it is cured by the language:

> When committed with the intent to impair the national defense, or to advantage a foreign power, or to prejudice the security of the United States against its enemies,

Or "when committed" under certain other circumstances that are provided for in the bill.

I appreciate the question of the gentleman. It is a good question. I believe it is necessary to clarify the definition. I would also refer the gentleman to my response to Mr. Stokes for a further elaboration of the effect of this definition section.

Mr. WIGGINS. I appreciate the chairman's clarification. I will now ask the ranking Republican member if he shares the chairman's view that the words "damage or injury" include more than physical damage or physical injury?

Mr. ROUDEBUSH. For the sake of legislative history here, I would be happy to say, as the ranking Republican member of the subcommittee, I concur with the statement of our chairman 100 percent.

Mr. WIGGINS. I thank the gentleman.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Virginia.

Mr. SCOTT. I thank the gentleman for yielding.

I rise merely to commend the gentleman for the statement he has made and the committee for bringing this proposal before the Committee of the Whole for consideration today.

I hope that we will have a rollcall vote on this measure, because I believe those of us who feel strongly about matters such as this will be able to publicly be recorded as favoring this type of legislation.

I thank the gentleman.

Mr. ROUDEBUSH. I certainly join with the other members of the committee in thanking the gentleman for his support. I assure him it is the intention of the committee to secure a rollcall vote.

Mr. ASHBROOK. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa (Mr. Scherle).

Mr. SCHERLE. Mr. Chairman, the passage of the defense facilities bill is absolutely necessary for the survival of our Nation. There are in the United States today a number of subversive and extremist organizations which are prepared to overthrow our Government by force and violence. We must have legislation to effectively meet and defeat the challenge which these groups present. The Federal Government has an obligation to provide a means to defend our Nation from the constant threat posed by the subversive elements in our midst. In this connection, I want to briefly review some conditions and incidents we have experienced in the last few years to show the nature of the threat and why we so urgently need passage of the defense facilities bill of which I am a cosponsor.

The emergence of the so-called New Left movement in this country in recent years has attracted much public attention because of its flagrant resort to violence. The New Left consists of many radicals, anarchists, socialists, Communists, and malcontents. This movement, which is best typified by its primary component, the Students for a Democratic Society—SDS—has targeted what it defines as the "military-industrial" complex. Some examples of recent plans and incidents are as follows:

In December 1967, Greg Calvert, a national representative of the SDS, announced that the SDS and other New Left groups were organizing and planning efforts to disrupt the national "warmaking efforts" all over the country.

In January, 1968, a pamphlet entitled, "What Must We Do Now?—An Argument for Sabotage As the Next Logical Step Toward Obstruction and Disruption of the U.S. War Machine," was prepared in Canada and copies mailed to organizations in this country opposed to U.S. involvement in Vietnam. The pamphlet referred to the need for increased radicalization of the antiwar movement and urged the utilization of incendiary devices to immobilize war industries. The pamphlet strongly emphasized the clandestine nature of such violent activity and urged that only two or three persons be knowledgeable of any action in order to preclude compromise.

We must take cognizance here of the May 1968 fire which caused $45 million worth of damage at the Rocky Flats, Colo., plant of the Atomic Energy Commission. Federal security officers are conducting an intensive investigation of possible sabotage in the mysterious blaze which interrupted the manufacture of plutonium and disrupted nuclear warhead production.

The militant mood of the SDS was certainly obvious at its national convention held in East Lansing, Mich., at Michigan State University, in June 1968. At this convention, methods to disrupt Government installations were discussed in a sabotage and explosives workshop. Suggestions included flushing bombs in toilets to destroy plumbing; using sharp, tripod-shaped metal instruments to halt vehicles; firing Molotov cocktails from shotguns; jamming radio equipment; and dropping thermite bombs down manholes to destroy communications systems.

Five persons active in various phases of the New Left were charged with a number of bombings in the San Francisco, Calif., area, including the destruction of three Pacific Gas & Electric Co. towers in June 1968.

The underground press has played a prominent role in preparing malcontents for sabotage. For example, a June 1968 issue of The Rat, a New Left underground newspaper published in New York City, carried an article and diagram describing the manufacture of a homemade bomb out of ammonium nitrate and a length of pipe. This particular issue concluded by promising that a subsequent issue would contain detailed plans for making thermite bombs.

In September 1968, three ROTC establishments were sabotaged and a fourth threatened within a 5-day period across the country. In the same month, the Naval ROTC building at the University of California at Berkeley was damaged by explosives which caused damage in excess of $25,000. Two previous attempts were made to firebomb this building in 1968.

On September 29, 1968, the local CIA office at Ann Arbor, Mich., was bombed. Ann Arbor is the home of the University of Michigan where there has been an abundance of New Left activity in the

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past several years. The New Left at the university, and specifically the SDS, has claimed credit for the bombing of this CIA office.

At a SDS national council meeting in Boulder, Colo., during early October 1968, a six-page leaflet bearing the title "Sabotage" was made available to the delegates. It contained detailed instructions for making fire bombs, booby traps, incendiary time bombs, and train mines. It also had detailed directions on how to make two types of hand grenades. One section of the leaflet dealt with the placement of booby traps, as in books, behind doors, and under wooden planks. Another section dealt with making incendiary time bombs to destroy railroad tracks, and tells where the charges can be set to make repairs most difficult. Further, the leaflet gave instructions on the destruction of iron and steel beams.

There have been widespread instances of bombings and arson of public facilities since the pamphlet became available.

An outstanding example was the dynamiting of four high-powered transmission towers in January 1969, in and around Denver, Colo. Following an extensive investigation, Cameron David Bishop and Steven Lester Knowles, both reported to be associated with the SDS, were indicated on charges of sabotage. Bishop is presently a fugitive from justice.

On December 3, 1968, Michael Suskind, a student at Washington University, St. Louis, Mo., and a member of the SDS, was seized by authorities as he placed a fire bomb at the campus headquarters of the university ROTC. He was later convicted in Federal court on a charge of sabotage and sentenced to 5 years' imprisonment.

A bomb exploded on the fifth floor of the criminal courts building in New York City on November 12, 1969, causing extensive damage. Some 250 persons at the night criminal courts, three floors below, fled the building and several persons were treated for shock. Shortly thereafter, the FBI and police arrested three men and a woman in connection with a series of bombings, attempted bombings and bomb threats that have swept New York. Of particular interest was the fact that the woman arrested, Jane Alpert, was identified as an employee of The Rat, the underground newspaper to which I previously made reference. According to an announcement by the FBI, two of the men were caught while putting dynamite time bombs into U.S. Army trucks at a National Guard armory in Manhattan. Earlier in the week, three Manhattan skyscrapers were bombed. On November 12, 1969, alone, police in New York City said they had more than 150 bomb scares.

In Wisconsin, on January 6 of this year, an unsuccessful attempt was made to bomb an Army ammunition plant from a stolen airplane as part of a wave of terrorist attacks on area military and selective service installations. Three undetonated bombs had been found at the Badger Army Ammunition Plant, north of Madison. Discovery of the bombs was made after an anonymous caller, who identified himself as "the vanguard of the revolution," said members of his group had stolen a two-seater Cessna 150 plane from a suburban Madison airport.

The summer of 1969 witnessed a systematic program by SDS to make contact with workers in industry. SDS used what it called a "work-in" project designed to link its student revolutionaries with workers. The SDS issued literature setting forth suggestions on how to research the job situation, what jobs to look for, how to approach employers, and what to expect on the job. After obtaining summer jobs in industry, the brochure told SDS members how to contact and establish rapport with the workers. Although this project was not successful in accomplishing its objectives, it points out the potential that revolutionary groups, such as the SDS, have for infiltrating defense industries for the self-avowed purpose of "smashing the military-industrial complex."

Today, there are over 100 different black extremist groups in the United States with many thousands of members and additional thousands of sympathizers. The major black extremist group is the Black Panther Party—BPP—based in Oakland, Calif. A year ago this group had only about 125 members in Oakland. Today, with a phenomenally expanding membership, it is operating in some 24 cities with approximately 1,200 hardcore members. The BPP is self-described in its literature as "the armed body for carrying out the political tasks of revolution."

In early April, 1969, 21 members of the BPP were indicted in New York City on charges of conspiring to commit murder and arson and for the possession of weapons and explosives. It was alleged that these individuals had conspired to dynamite the tracks of the New Haven branch of the Pennsylvania Central Railroad in New York City; that they had planned to place bombs in midtown department stores; and that they had plotted to bomb a police station to assassinate police officers.

Another example of black extremist groups preparing for disruption of our economy occurred in April 1968 in a Southern State, where a black student conference sponsored by the Student Nonviolent Coordinating Committee was held. Among the items discussed at a "defense workshop" at this conference were the following: Use of Vietnam war veterans to train black people in demolition, use of booby traps, location of vulnerable spots on armored vehicles; and the use of black college students to instruct black people in adjacent communities in the preparation of Molotov cocktails.

Revolution for the Communists is a "science" of which sabotage is an important element. The Communist Party's underground has long pursued a program called colonization designed to place concealed party members in strategic positions in basic industries and defense facilities. Colonization is part of the party's industrial concentration program, which aims at increasing Communist influence in industry and labor. This always has a high party priority. In the event of an emergency, these colonizers, because of their key positions and concealed capacities, would be in position to commit sabotage. A trained Communist, by a flip of a switch, the pull of a lever or the release of an incendiary device has the potential to impair a significant phase of our country's defense efforts.

During the Stalin-Hitler pact of 1939–41, the line of Moscow and, therefore, of the Communist Party, U.S.A., was that everything possible must be done to sabotage defense preparations and production in this country. The aim here was to prevent the United States from giving effective military aid to free nations which were then fighting Hitler and also to delay our defense production so that this country would be unprepared, or inadequately prepared, to take part in the war against the Axis Powers.

A wave of sabotage strikes hit U.S. defense industries during this period. These strikes, for weeks and months, tied up the Allis-Chalmers plant in Milwaukee, Wis.; the International Harvester plant in Chicago, Ill.; the Aluminum Co. of America plants in Cleveland, Ohio; the North American Aviation Co. plant in Inglewood, Calif., a strike which was so serious that it compelled the President to order the Army to take over the plant; and the Vultee Aircraft and Harvill plants in Los Angeles. Additional strikes were called by the Transport Workers Union in New York City, by the International Woodworkers of America, and by the Mine, Mill & Smelter Workers Union. A congressional investigation found that each one of the strikes had been engineered by a Communist union official. Although most of the men who took part in them were not Communists, the strikes served the interests of the Soviet Union and Nazi Germany. It should be noted that the Mine, Mill & Smelter Workers Union was expelled from the CIO in 1950 because of its Communist domination. The Transport Workers Union and the International Woodworkers of America were described by a congressional committee in 1944 as having "Communist leadership—strongly entrenched."

In the summer of 1951, at the height of the Korean war, the Mine, Mill & Smelter Workers Union, which had been labeled as Communist-dominated by the CIO itself, called for the first strike in the history of this Nation against the big four of the copper industry—Kennecott, Anaconda, Phelps-Dodge, and the American Smelting & Refining Co. The strike affected 100,000 workers and shut down 95 percent of U.S. copper production at a time when copper was in shortest supply of all strategic materials vital to the Korean war and our general defense production. When the Mine, Mill & Smelter Workers called this strike, the Daily Worker, official organ of the Communist Party, praised it and held it up as a model for all other unions. There can be no question about the fact that this strike, staged by Communist union leaders, served the interests of the Soviet

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Union, Red China, and the entire Communist-bloc and that it posed a serious threat to the United States. Yet, it was basically loyal, non-Communist American trade unionists who made this sabotage action possible and took part in it.

We must not be unprepared for a recurrence of such incidents. The Communist Party has recently reorganized its plans to infiltrate industry. In what it calls its program of concentration in industry the party has targeted the auto, steel, and electrical supplies industries. The party's strategy was laid out at a meeting of the party's national committee held in New York City last September. At this point, I insert an article from the November 15, 1969, issue of Human Events, captioned "Communist Party Reorganizes To Infiltrate Industry," written by Victor Riesel. This article certainly shows that the party is prepared to sabotage defense preparations and production in this country.

Within recent years we have noted a substantial increase in the membership of the Communist Party, of which its general secretary Gus Hall, has boasted. There has also been a marked proliferation of other Communist and Marxist oriented organizations and groups. It is clear that our Nation shall face increasing problems and dangers in the critical years ahead. During 1969, there were approximately 100 cases of sabotage, or suspected sabotage, reported to law-enforcement authorities. To limit our shield of protection to penal statutes on sabotage and espionage—punishing the act, after it is done—is comparable to locking the barn door after the horse has been stolen. Preventive measures are of primary utility. H.R. 14864 gives legislative authority and direction for such measures.

As additional material of great significance, I want to insert for the Record pertinent portions of the testimony of Mr. John Edgar Hoover, Director, Federal Bureau of Investigation, before the House Subcommittee on Appropriations, on April 17, 1969, covering "Espionage and Counter-Intelligence."

The House Committee on Internal Security gave this bill searching and comprehensive consideration. This legislation is sound and essential to the welfare of our Nation. I urge my colleagues to enact this important amendment to the Internal Security Act of 1950.

The material referred to follows:

[From Human Events, Nov. 15, 1969]

COMMUNIST PARTY REORGANIZES TO INFILTRATE INDUSTRY—WILL COMPETE WITH SDS, BLACK PANTHERS

(By Victor Riesel)

PITTSBURGH.—Old revolutionists never die. They don't even fade away. They churn up new committees and head for the troubled waters in the nation's mainstream. Perhaps jugular would be the better word.

Thus the news of a new strike wave has swung the Communist Party, U.S.A.—and its hard-core 10,000 to 12,000 members—into action. Its leaders and their followers are skilled "undergroundists." They know that timing is everything. Now they're moving into what they call their "Program of Concentration in Industry." It will be a professional operation with no digression for SDS unprogrammed, amateurish—albeit bloody—street fighting and cop baiting.

These revolutionists are realists. They have no mass base. The heavy recruiting of the '30s is their own impossible dream and they know it is part of their memoirs.

They have urbanized Mao's guerrilla tactics. They now seek but 500 strategically placed young new activists in three industries, in a handful of concentration points (such as this Iron City) in such carefully selected areas as Michigan, Illinois, Ohio, Indiana as well as here in western Pennsylvania where the comrades have been running a sex mill.

The target industries are "auto, steel and electrical supplies." Up for special smearing are AFL–CIO President George Meany and United Steelworkers leader I. W. (Abe) Abel.

Up for infiltration are the picket lines of today and tomorrow, the General Electric strikers and the mass formations expected in the almost inevitable auto confrontation next fall and the national steel stoppage a year later.

It has all been developed like a battle plan. Step by step the strategy was laid out by the Communist party's National Committee. Some hundred of the party's carefully screened National Committee met secretly in New York City's Hotel McAlpin for three days beginning September 20. They were ignored, for they called their gathering the Socialist Workers Seminar.

There it was decided that the three top party leaders would each lead a concentration—America's own Brezhnev, Gus Hall, assigned himself to command of the industrial concentration in steel, centered here in Pittsburgh. His black comrade, Henry Winston, was assigned the auto industry because of the concentration of black workers in the car factories. And Daniel Rubin, third in the party's hierarchy, since he is national organization secretary, was given the electrical industry.

They will work out of their 26th Street party headquarters in New York, but will constantly shuttle between there and Michigan, Illinois, Ohio and Pittsburgh.

These veteran revolutionists are long-term strategists and smart short-term strategists. First things first. They know that the black community has passed them by. They know, for example, that they have no worthy communication pipeline into such huge concentrations of black workers as the membership of the big Ford Local 600, United Auto Workers, in Detroit.

They know the Black Panthers have out-romanticized them. They know the SDS has the majority of the way-out-left street actionists.

So they have infiltrated the Black Panthers, split them and now have many of their cadres fighting along class and not color lines. This was not difficult, since at most now there are 1,200 Black Panther members in some 40 chapters. The figures are J. Edgar Hoover's. They are, therefore, scientifically accurate.

So the party leaders have decided to put their own show on the road. They have created the "Temporary Organizing Committee for a New Marxist-Leninist Youth Organization."

While most Americans will be Yuling it up the day after Christmas with the man in the white beard, the Communists will be paying homage to old black beard, Karl Marx, in Chicago. There the new Marxist-Leninist Youth Organization will open its three-day founding convention on December 26.

Its objective is the uniting of black and white working class youth for infiltration in industry. Thus with a single maneuver the party hopes to broaden its base among the black youth, bring white young people in as their comrades and start seeding industry with strategically placed "sleepers."

At the same time party headquarters in New York has directed all "party districts to hold conferences in industrial concentration by January 1970." All leading party officials have been ordered to "assist industrial concentration clubs in person." Top leaders of the party will assume responsibility for various industries. By April 1970 the "concentration" is to be rolling.

Obviously the party has been directed by the "American Desk" of the Soviet's Central Committee to get swinging. And just as obviously the party cannot produce the kind of industrial mass base which almost gave it control of the CIO in the late '30s and early '40s.

But it can disrupt. It can send small cadres onto the picket lines to provoke violence. It can provoke police reaction as strike after strike wave hits thousands of plants. It can "image" America as a land where the police "shoot down the workers." It can provide its fraternal parties abroad with anti-American propaganda that could inflict deep political hurt on our friends during elections being fought by forces friendly to the U.S. from Santiago, Chile, to Ceylon—from Paris to Singapore.

You can be sure, Moscow always gets its money's worth.

ESPIONAGE AND COUNTERINTELLIGENCE

Reports from a host of reliable FBI sources clearly indicate no letup on the part of the Communist countries in their intelligence attacks against the United States for the purposes of penetrating our national defense interests. As all Americans know, it is the intent and objective of Russia and the other Communist countries to spread their brand of the Communist system wherever possible.

The coverage and thwarting of these foreign intelligence activities have over the years resulted in a steadily increasing workload for the FBI.

SOVIET UNION AND OTHER COMMUNIST COUNTRIES

Bases for the intelligence operations of the Communist bloc continue to be their official establishments including their diplomatic establishments and their delegations to the United Nations. The intelligence services of the Communist-bloc countries continue to make full use of all of these as a cover for their operations. Many of the officials assigned to these establishments are actually intelligence officers engaged in the clandestine direction of intelligence agents and sources in our country.

In carrying out their aims we find the Communist intelligence services attempting to penetrate such key U.S. agencies as the FBI, CIA, State Department, and Department of Defense.

SOVIET-BLOC OFFICIAL PERSONNEL

The official personnel of the Soviet-bloc countries openly in this country play an important role in this vast intelligence-gathering operation. The number of official personnel of the Soviet bloc here on April 1, 1969, totaled 2,537, including dependents. Some idea of the number of intelligence personnel involved can be obtained from the fact that a Soviet defector has stated that 70–80 percent of all personnel assigned to Soviet diplomatic establishments work in the intelligence field.

This chart shows the total Soviet-bloc official personnel in this country on July 1 for the years 1963 through 1968 and the current complement here on April 1, 1969. It also illustrates the fact that over the years the number has increased substantially.

Most of the official personnel of the Soviet bloc in this country are from Russia. This chart gives a breakdown by countries of the Soviet-bloc official personnel in the United States as of April 1, 1969.

In addition to the officials, there are those deep-cover intelligence agents operating in our country who have no ostensible connection with their foreign principal. Once a

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deep-cover agent has gained entry to our country, he easily becomes assimilated into our vast population under an assumed identity. His detection and identification at this point become a counterintelligence problem of extreme magnitude.

CUBA

Since Fidel Castro established a Communist beachhead in Cuba in 1959 he has from that point forward spared no effort to expand the Communist takeover to the remainder of Latin America. As a result, Cuba represents the greatest potential threat to peace in the Western Hemisphere. In this regard, Castro has not only publicly supported open rebellion by Communist-led groups in most of Latin America, but he has supplied men, materiel and logistical support in a further effort to overthrow existing democratic regimes in Latin-American countries.

Significantly, in addition to the training of guerrillas for the exportation of Castro's revolution to other Latin-American countries, information has come to our attention that Negroes are being trained in Cuba for infiltration into the United States. This is particularly important when viewed in the light of open support given during several recent international Communist conferences held in Havana to the concept of armed insurrection by black power advocates and other black extremist groups in the United States.

Since Castro took over Cuba in 1959, over 400,000 Cubans have left their homeland for refuge in the United States, the flow since December 1965 having been at the rate of over 3,700 a month. This adds to our work in two areas. On one hand, many of the refugees carry on activities to overthrow Castro. These activities have ranged from the bombing of Cuban establishments as well as establishments of countries carrying on trade with Cuba, to sea and air attacks against the Cuban mainland. This continued militancy necessitates our keeping track of Cuban refugee activities and conducting appropriate investigations where there are indications that Federal statutes have been violated.

On the other hand, the possibility of Cuban intelligence agents being infiltrated into this country through the refugee stream is always present and requires continuing investigative attention.

Cuba, of course, as in the case of other Communist bloc countries, relies heavily on its only diplomatic establishment in the United States, the Cuban Mission to the United Nations in New York City, to serve as a legal base of operations for clandestine intelligence gathering activity.

CHINA

The potent threat to our national security posed by Red China still exists. In fact, the blatant, belligerent and illogical statements made by Red China's spokesmen during the past year leave no doubt that the United States is Communist China's No. 1 enemy. This bitterness towards the United States and other Western countries—even the Soviet Union—is a factor in Red China's ambition to equal other major powers economically, militarily and, especially, in scientific endeavors.

This Red Chinese goal has resulted in Chinese Communist intelligence activities in this country, overt as well as covert, to obtain needed material, particularly in the scientific field.

In one clandestine effort in 1967, which we thwarted, a Chinese American attempted to send electronic equipment to Hong Kong by way of Canada. This Chinese American headed an electronic company in the United States and the components involved, which could have been used in aerospace research, missile tracking, and radar, were sent to a Hong Kong businessman, temporarily in Toronto, Canada. Based on information furnished by the FBI, he was arrested by Canadian authorities in Toronto for making a false customs declaration, the electronics components being declared as replacement parts for printing machines. He was convicted and served a 60-day sentence.

We are being confronted with a growing amount of work in being alert for Chinese Americans and others in this country who would assist Red China in supplying needed material or promoting Red Chinese propaganda. For one thing, Red China has been flooding the country with its propaganda and there are over 300,000 Chinese in the United States, some of whom could be susceptible to recruitment either through ethnic ties or hostage situations because of relatives in Communist China.

In addition, up to 20,000 Chinese immigrants can come into the United States each year and this provides a means to send illegal agents into our Nation. There are active Chinese Communist sympathizers in the Western Hemisphere in a position to aid in operations against the United States.

The Chinese Communists do not have a legal base in the United States from which to conduct intelligence operations. In Canada, however, there is an office of the New China News Agency which poses as a legitimate news-gathering organization. Actually, its real function is to serve as a base for Red Chinese propaganda activity.

A growing problem which threatens to place a heavy burden on our investigative resources concerns the approximately 40,000 Hong Kong based Chinese seamen, many actually residing on the China mainland. We are aware of situations where they have served as couriers in intelligence operations. There have also been instances of mutinies on foreign ships by Chinese crews waving the book "Quotations From Chairman Mao Tse-tung."

Of the 40,000-odd crewmen, on any given day three-fourths of them are on vessels throughout the world. Some 27,000 of the total crew complement are members of the Chinese Communist-dominated Hong Kong Seamen's Union. In respect to the United States, there are thousands of entries made by these crewmen into the United States cities each year when their ships dock here. Although it is not necessary for a seaman to desert ship to perform an intelligence assignment, it is noted that there were over 700 desertions by Chinese crewmen in the United States in fiscal year 1967, and this accounted for more than 80 percent of the total desertions by Chinese crewmen throughout the world during that year. It is significant to note that desertions by Chinese crewmen jumped to some 930 during the fiscal year 1968.

SOVIET ESPIONAGE ACTIVITIES

Mr. Lipscomb. Mr. Hoover, I believe it would be very helpful if you could discuss with the subcommittee what is occurring in the area of what I am sure are continuing efforts of the Soviet Union to obtain U.S. industrial information, secrets, data and so forth, and how should the U.S. businessmen handle situations where they come in contact with Soviet representatives?

Mr. Hoover. There has never been any lessening in the Soviet effort to cultivate American businessmen and obtain from them industrial data and trade secrets. Now socially aggressive, the Soviets push themselves upon their targets in the business world with varied gestures of friendship. It is important for all businessmen to recognize that the "friendly" Soviet, buying drinks and dinners and expensive gifts, is a potential threat. I, of course, recognize that there are legitimate business dealings between Soviet-bloc officials and American firms. The FBI is not interested in such dealings. The FBI is interested, on the other hand, in those Soviets who abuse their presence in our country and try to buy, steal or otherwise obtain our secrets. Businessmen suspecting Soviet acquaintances of such activity should immediately advise the FBI.

Mr. Lipscomb. How active is the Amtorg Trading Corp., the Soviet trading organization, at this time in establishing or attempting to establish relations with business contacts to carry on its activities, including industrial espionage, in the United States?

Mr. Hoover. The Amtorg Trading Corp. continues to be used by the Soviet intelligence services as a cover for placing intelligence personnel in the United States. The case of the Soviet, Igor A. Ivanov, is in point. Ivanov, here as an Amtorg employee, was sentenced in 1964 to 20 years' imprisonment for conspiracy to commit espionage. He remains free on $100,000 cash bail, put up by the Soviet Government, while his case is being appealed. Soviet trade representatives here with Amtorg have legitimate cover to travel and meet Americans. They have great freedom for espionage, and, as the Ivanov case illustrates, make use of it against us.

Mr. Lipscomb. What about Soviet espionage activities carried on through cultural exchange programs and similar activities in which the Communist Party may be active? How serious is the problem?

Mr. Hoover. The intelligence agencies of the Soviet Union do, of course, use the cultural exchange programs to infiltrate intelligence personnel into our country. The Soviet diplomat, Valentin Revin, who was expelled from our country in 1966 for his espionage activities, is the best example. He first entered the United States in 1958 as an exchange student and was here 1 year. He came back in 1963 to the Soviet Embassy. The espionage mission which led to his expulsion involved efforts to obtain sensitive information about our space program from an American businessman. There is no doubt Revin was from the beginning, from his student exchange days, here to prepare himself for his intelligence work.

Insofar as the Communist Party is concerned, each member is politically motivated to assist the Soviets in every way. For years I have warned of the danger of the Communist Party. My concern stems from the fact that its members are ideologically oriented, not to the United States, but to the U.S.S.R. The problem remains a very serious one for all of us.

Mr. ICHORD. Mr. Chairman, I yield to the distinguished gentleman from Texas (Mr. Eckhardt) 5 minutes.

Mr. ECKHARDT. Mr. Chairman, I wish it were possible when dealing with a problem upon the broad aspects of which we can all agree that we could hammer out a piece of legislation that would satisfy both the interests of national security and the right of an individual to due process.

I like to think we have moved in that direction under the able chairmanship of the chairman of this committee.

At the proper time I shall attempt to get the committee to consider favorably an amendment which I believe would recognize these two interests and would bring judicial due process into this entire field. The amendment I have and which I will offer later is very much in line with the questions and the discourse between myself and the gentleman from Missouri. I shall, of course, supply him with a copy of the amendment, as well as supplying the minority side, prior to the time that it is offered.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield, I was going to ask the gentleman to do that since I have not seen a copy of the amendment and it is very difficult to pass upon the merits of the amendment on the spur of the moment here on the floor.

Mr. ECKHARDT. Surely, I certainly understand that.

My concern is as to page 3 of the bill, where the act of subversion is defined. The language goes something like this and I shall partly quote and partly paraphrase this because it is a long and difficult sentence.

The term "act of subversion" is any act which causes or would tend to cause damage to the services of a facility with the intent to effect any plan which is promoted by one of the subversive organizations.

Now if this test is subjected to careful scrutiny and cross-examination with respect to the accusations against the individual, the test may be adequate. If not, however, a difficult question to decide is whether or not, for instance, an innocent strike with the intent to shut down an aluminum plant, for instance, does in fact effect a purpose which may be joined in by those who are not so innocent. And without an opportunity for cross-examination and without an opportunity for a court to determine the scope of consideration of the facts, it would be quite easy to convict an individual and exclude him from the premises and therefore denying him his job, when his action was wholly innocent but coincided with activity for a wrongful purpose.

I am not here attacking the standard that has been stated here because I think that many shortcomings of a standard can be corrected if due process is afforded and there is a winnowing out through a court's action precisely what the standard means.

But on the other hand, if a department head gets a final determination of whether or not the facts placed in evidence against the individual are considered, and the only place that an individual gets to bring his case up on a review of the appropriateness or inappropriateness of the action is long after the event, then a character is assassinated; and the act is corrected sometime, so far in the future, that the remedy then is wholly inadequate.

What I desire to do is to apply the judicial process within 30 days after the exclusion. I am not saying by this that Federal authorities may not immediately deny access to the sensitive facilities. They may do that. But within 30 days they must afford due process with cross-examination, unless the determinations contained in section 2 of paragraph (b) of, I believe, section 407, those determinations, those exceptions, are approved and defined, and the process is advocated by a court exactly in the same manner that the court would go about the problem in a pretrial procedure.

Mr. ASHBROOK. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, the pending bill is, I am convinced, worthy of the support of those of my colleagues who are fearful that it may interfere with constitutional guarantees.

I reach this conclusion after a careful consideration of the contrary views of others, particularly the distinguished gentleman from Ohio (Mr. STOKES).

It is especially incumbent upon us to study this measure with care. Prior, hastily drafted, legislative efforts to regulate employment in Defense facilities by those dangerous to national security have been overturned by the Supreme Court. The immediate reaction by the press and a large segment of public opinion was that the Supreme Court, predictably, had authorized the employment of Communists in defense plants. Such a characterization of the decision in the Robel case was grossly inaccurate.

Nevertheless, the view is widely held and the reputation of the Court has suffered accordingly.

The Congress, not the Court, was responsible in this case for the erosion of public confidence in the Federal judiciary. A regrettable lack of precision in legislative draftsmanship forced the Court to its holding in Robel.

We must exercise particular care not to repeat the same error today.

Words are not capable of absolute specificity when defining concepts as inherently vague and imprecise as the "national security" and the infinite ways in which it may be jeopardized. But words are our only tools. Under all of the circumstances, I am convinced we have done a constitutionally acceptable job, given the tools available.

The general format of the legislation is that access to specific sensitive areas of designated defense facilities shall be made available to individuals only if "clearly consistent with the national defense interest." Broad investigatory power is necessary and has been granted. Reasonable protection to employees and potential employees granting a hearing, procedural safeguards, and to a review of the results of that hearing are accorded. Any limitation on the full disclosure of information and the production of witnesses reflects the reality that the very issue involved is the security of the Nation.

The problems of an improper delegation of legislative authority to the Secretary of Defense, which troubles Mr. STOKES, has been handled realistically in my view. Clearly, the intent of the law is to protect defense facilities. It is not possible to enumerate all such facilities. Section 404 sets a commonsense standard which should pass constitutional muster.

Also, the broad language, "clearly consistent with the national defense interests," troubles some. It is the national defense which we have the constitutional authority and duty to protect. Section 404(a) as supplemented by statutory definitions, is a reasonable legislative effort, in a difficult field, to be specific.

It has been a further source of concern to some that the definition of an "act of subversion" is sufficiently broad to encompass certain lawful activities, such as a peaceful demonstration which results in "damage to production" of a defense facility engaged in with a certain requisite intent.

It must be remembered that this bill does not prohibit any such lawful conduct, unfortunately designated an "act of subversion." It merely declares that the national interest requires that highly essential defense production be protected against such activities even though lawful, and the Secretary of Defense may consider such fact in designating defense facilities and determining access thereto.

Finally, Mr. Chairman, it must be admitted that this bill or any other may be unconstitutionally applied by overzealous administrators. There is no way for a legislative body to protect its acts from maladministration so long as any discretion is granted under the act. It is to correct such abuses that the courts exist, and we should not assume their inability or unwillingness to act promptly in appropriate cases.

Although I intend to support constructive, perfecting amendments, under all the circumstances, Mr. Chairman, I support the bill as reasonable effort to protect defense facilities and urge its passage.

Mr. ICHORD. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the bill, and I address my remarks primarily to my good civil libertarian friends and to disturbed liberals in the House.

Security is like liberty in that many are the crimes that have been committed in its name. Because there have been so many abuses in security programs in the past, there is great resistance on the part of civil libertarians and liberals to enact legislation in the national security field. Yet there is no group that ought to be more concerned or which benefits more from the ground rules of our Bill of Rights under which anyone can freely criticize those defects in our society—and that is the liberals' business—there is no group who ought to be more concerned therefore that these ground rules are not abused.

In America we give our enemies a head start, and properly so, but we do not want to give away the race to them. In the last political campaign, it seems to me the liberals and civil libertarians allowed the issue of crime to be taken away from them by the conservatives. So I think the issue of national security would be taken away from them, and by those who would not always be so tender about the rights of individuals as the civil libertarians would like.

Why should the devil be given all the best tunes? Why should the civil libertarians not be as heavily involved in the important issues of crime and of national security as in many other aspects of our life?

Some of my civil libertarian friends have muttered darkly about the shades of Joe McCarthy returning if this bill is passed. I think the civil libertarians ought to be especially sensitive to the source of McCarthy's support, which was, it seems to me, the public concern about the apparent indifference to national security on the part of the administration that was then in power.

I am not arguing that liberals should not be quick to attack abuses in security

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programs. This is a sensitive area, and abuses are very easy. But I am arguing that they should recognize that such programs are necessary even if they regard it as an unpleasant necessity, and that they ought to be taking the lead in framing the programs and in administering the programs. I welcome the contribution from the gentleman from Texas (Mr. ECKHARDT) along this line.

Sidney Hook stated:

> A liberal attitude is necessary for the reasonable administration of a security program. Just as only those who love children can be trusted to discipline them without doing psychological harm, so only those who love freedom can be trusted to devise appropriate safeguards without throttling independence or smothering all but the mediocre under blankets of regulations.

Mr. FRASER. Mr. Chairman, will the gentleman yield for a question?

Mr. PREYER of North Carolina. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I want to say at the outset I am impressed with both the skill and the ability which the gentleman brings to the subject matter and the kind of statement he has made so far.

I wonder, however, what the gentleman's response is to the statements which appear in the committee report in the submissions by the Department of Justice and the Department of Defense, which suggest that neither the Department of Defense nor the Department of Justice found any compelling need for this legislation?

They said that the present program was working satisfactorily. Why is it we cannot let matters stand that way? Why can we not let their satisfactory program go on and avoid some of the complications which some of us feel this legislation does bring to the problem?

Mr. PREYER of North Carolina. That is a good question. It does not apply, of course, to the vessel and screening program, for one thing.

The Departments expressed the general belief that they were doing a good job in carrying out the program which they have been conducting for some 9 years. Really, this bill just authorizes them officially to continue to do what they have already done.

They, naturally, think they are doing a good job, but there are some specific things which are gained by this legislation. There are gains which apply to the individual as well as to the agency.

For example, the agencies, the Department of Defense and the Department of Transportation, at the moment do not have the authority to compel the production of evidence. They cannot subpena witnesses. This is a drawback to the person involved as much as it is to the agency.

So there are some practical effects of that kind.

Mr. FRASER. But is it not true they did not ask for this legislation?

Mr. PREYER of North Carolina. I am not sure whether they asked for it or not. I would have to let the chairman respond to that question.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. PREYER of North Carolina. I yield to the gentleman from Missouri.

Mr. ICHORD. I would refer the gentleman to the position of the Defense Department. The Defense Department did favor the industrial defense program that is aimed at barring subversives from sensitive positions in defense facilities.

It is true, as the gentleman stated, that the Department of Justice said, as to the industrial security program, there was a program being operated under Executive Order 10865. The gentleman from North Carolina has stated that this has deficiencies.

If the gentleman is interested in protecting the rights of the individual, he would be interested in giving the individual compulsory subpena process in order to protect his rights.

Actually, I believe we lean more toward protecting the rights of the individual by laying down this legislative base rather than the security interests of the Nation. Would not the gentleman from North Carolina agree with that generalization?

Mr. PREYER of North Carolina. I believe that would be accurate.

Mr. FRASER. I thank the gentleman. I will not take more time now. I have some other questions we can pursue later.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. PREYER of North Carolina. I yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman.

Pursuing the question raised by my colleague from Minnesota, could the gentleman clarify for the Committee just exactly what this bill does do, except for the hearing requirements the chairman referred to, which is not presently allowed, or what it does forbid which is not presently forbidden? How does it change existing law and the President's authority?

Mr. PREYER of North Carolina. It reinstates one program which has been defunct, the vessels and ports program.

Mr. NEDZI. Is not the President authorized to institute this program without this legislation?

Mr. PREYER of North Carolina. There is a question whether he is or not.

Mr. NEDZI. Has the Justice Department made any report on this?

Mr. PREYER of North Carolina. On the question of whether the President has authority?

Mr. NEDZI. As to whether the President has authority to do this.

Mr. PREYER of North Carolina. I believe their report on this was that there is a question whether he would be able to or not. The President feels he has that authority. The gentleman is correct in that particular.

Mr. ICHORD. Mr. Chairman, will the gentleman yield for a clarification?

Mr. PREYER of North Carolina. I yield to the gentleman from Missouri.

Mr. ICHORD. I would point out to the gentleman from Michigan that there is presently being operated a security program under Executive Order 10865.

Now the Department of Justice believes that the Executive has the inherent authority without legislation to operate this program. Personally I do not agree entirely with the Department of Justice. I think the case of Green against McElroy, which was decided in the year 1959, did cast doubts upon the validity of important aspects of the industrial security program, with regard to access to classified information, because a legislative base has not been laid down. However, the Remenyi case could have reached the Supreme Court where that issue would have been directly raised, but the Supreme Court just the other day denied certiorari.

Mr. NEDZI. What change does the gentleman see happening if this bill becomes law?

Mr. ICHORD. There are many changes. First of all, there is no industrial defense program being operated at all at the present time.

Mr. NEDZI. This bill does not mandate one.

Mr. ICHORD. No. The bill does not mandate one, but it authorizes the President to set it up.

Mr. NEDZI. The gentleman agreed that the Department did not think it was necessary.

Mr. ICHORD. No, the Department does not agree. The gentleman is in error on that. The gentleman has in mind the statement of the Department of Justice to the effect that it did not consider there was a compelling need for the industrial security program as one was being operated without legislation under what is considered the inherent power of the President.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ICHORD. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. PREYER of North Carolina. This bill, then, and the whole screening program deals with a sensitive area, which is, how do we distinguish between dissenters or heretics, whose criticism of society is essential to the health of it, and the secret enemies of democracy, the conspirators who are playing outside the rules of the game and who are not simply dissenters or heretics.

There is no such thing as absolute security or absolute safety any more than there is such a thing as absolute safety on our highways. The man who drives too slowly endangers the liberty of others. So here the problem is not absolute security but the question of achieving more and better security in meeting specific hazards in the particular area of risk and uncertainty and meeting them in such a way that we do not lose more by the methods we use than we gain by the disasters we prevent.

It is a question of striking a balance between two legitimate demands—the demands of national security and freedom of the individual.

Does this bill do that? Let me take a specific example. The fear—and it is a proper one—of all civil libertarians is that such a bill opens up the possibility of a witch hunt. That it will catch unpopular people and ideas in its net along with subversives.

Now, how does this bill handle this problem? Take the specific example of whether it would bar a worker employed

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in a defense industry because he took part in peaceful picketing of a chemical company in protest of its manufacture of napalm. This example was used in the dissent. As I understand the bill, the answer to that question is, "No, it would not." Only picketing which caused intentional damage or injury to a defense facility and which was done with subversive intent can be considered in granting clearance. When I say "considered" it is not automatic that clearance would be denied on the basis of that. It is one of the factors you consider. The subversive intent with which the picketing must be done is spelled out in four ways in the bill. It must be done with the intent, first, to impair national defense; second, advantage a foreign power; third, prejudice the security of the United States against its enemies; or fourth——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ASHBROOK. Mr. Chairman, I yield the gentleman from North Carolina 5 additional minutes.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. PREYER of North Carolina. Yes, sir.

Mr. ECKHARDT. I am very interested in what the gentleman was saying at the end of his discussion and I am glad that additional time has been allocated to him because I think this subject should be gone into very thoroughly.

As I read section 5 on page 3 it is directed toward someone who desires to effect a plot or plan for a bad purpose; that is, for a subversive purpose. But it would appear to me that the only intent required in order to find a person engaged in subversion is to find an intent to effect a plan. It would seem to me that the case of the strikers at the chemical plant which might effect the shutting down of the plant which existed is in juxtaposition to the intent of those who want to disrupt the Government in its activities at that plant.

What is the gentleman's view with respect to this point?

Mr. PREYER of North Carolina. I think I see the gentleman's point and I think it is a very good one. It is certainly not the intent of this act that the innocent picketer's action would be tainted by association with a subversive picketer or by joint union action which would make it appear that he would meet the requirement of subversive intent. I think the gentleman's point is well taken and I will state to the gentleman that I will follow with interest his amendment although I have not had an opportunity to read it.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield further, I tend to agree with the gentleman. I think the question urged here is perhaps a forced one. The key is that if intent is to be considered with precision it may be necessary to get a court to determine it and it may be necessary to bring out certain documents at some place where the facts are being developed in order to establish that fact in its initial phases.

Mr. PREYER of North Carolina. I think we are after the same point. Perhaps, we are approaching it from a different angle.

Let me inquire briefly into one other example. Can you inquire into a person's reading habits? Can we inquire into his beliefs concerning civil rights, for example, under this bill?

Well, section 405(c) does use some broad language. It says that the President may set up a screening program which authorizes inquiry into "behavior, associations, facts and conditions, past or present." Those words sound very sweeping indeed, but these inquiries can only be made under criteria established by the President and the inquiries must be relevant to the criteria. Now, "relevant" is a word which carries a legal meaning. For example, let us say that the criteria established by the President for access to vessels, for example, is "advocacy of the overthrow of the Government by unconstitutional means"—that happens to be one of the criteria under the old Magnuson law. Now, it is not "relevant" to that determination to ask a person about his reading habits or whether he is a member of the NAACP or something of that sort under that criteria. So, the requirement of relevance is a restricting provision and wide-ranging inquiries are not authorized. If there is abuse there is recourse to the courts. It is better that the courts determine the limitations of the program on a case by case basis rather than trying to set out elaborate detail or inflexible rules in the legislation. This is the pattern which this bill follows.

Mr. ICHORD. Mr. Chairman, at that point, if the gentleman will yield, I wish to take this opportunity to compliment the gentleman in the well for the excellent statement he is making.

He is one of the outstanding constitutional lawyers of this House, a former member of the Federal district court, and I personally, as chairman of the committee, want to thank the gentleman for the many hours of work he has done in sitting down with the committee and in going over this legislation, word by word, and section by section. I not only wish to compliment the gentleman for the statement he is making, but especially for the work that he has done, and the contributions that he has made.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. ICHORD. I yield 1 additional minute to the gentleman from North Carolina (Mr. PREYER).

Mr. Chairman, I would also point out in the discussion the gentleman from North Carolina has just carried on in regard to inquiry into political ideas and political beliefs, that I agree with the gentleman that this is not permitted by the terms of the bill. I would also refer to the members of the committee to page 23 of the report where it is made clear that political ideas and political philosophies are not a legitimate area of inquiry. I will read from page 3, beginning in line 8:

> It does not relate to the generally fruitless, unreliable, and objectionable inquiry into what he "believes." Inferences are to be drawn only from what he actually does and says, although, of course, he may, under appropriate circumstances, be accorded the privilege of himself volunteering such information as may elucidate conduct otherwise objectively manifested.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. ICHORD. Mr. Chairman, I yield 1 additional minute to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, since the gentleman raised a question about the constitutionality, I wish to say that I am not an expert in this field, and perhaps the Washington Post is right, and that the bill is "grotesque and dangerous," to quote them. Maybe I do not understand it, but applying commonsense to it, it seems to me reasonable, and it seems to me constitutional.

Difficult constitutional questions are going to arise under this bill; they will under any security program, but they will arise not from the bill itself but from the way in which the program is administered.

Now, the delegation of authority in this bill is broad enough so that regulations can be drawn under it that are unconstitutional, and I do not see any way to avoid that, and we have the courts as a recourse against this. But I believe that on the whole the bill strikes a fair balance between the rights of the individual and the national security. We should not let examples of stupidity and folly in the administration of these programs in the past prevent us from taking steps to thwart the systematic efforts by our enemies to undermine our free institutions.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. ASHBROOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are many points that can and probably should be made in support of this bill. I will direct myself to such of those that relate to points which have been raised by some of the opponents of this bill. In particular, the theory has been presented that since the executive branch of the Government does indeed have some program in effect at the present time, we need therefore not look legislatively into this area, it is already taken care of.

I would say, first of all, this is a spurious argument. Second, it is not valid constitutionally. If you research the cases relating to the executive usurpation of authority that is delegated to the legislative you will find a rather steady stream of cases which indicate the Chief Executive in fact does not have the authority to act in areas where the Congress specifically is mandated the authority under the Constitution.

Take just one case, which is not so old. In 1948, by a 6-to-3 decision, the Supreme Court clearly indicated in very definite language that the Chief Executive did not have the authority to seize the steel mills in absence of specific right given to the Executive by the Congress.

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Let me read to you just one statement that equally well applies to the defense facilities bill, and I quote from the 6-to-3 decision:

> Authority to issue such an order in the circumstances of the case was not deductible from the aggregate of the President's executive powers under Article II of the Constitution; nor was the order maintainable as an exercise of the President's powers as Commander in Chief of the Armed Forces. The power sought to be exercised was the lawmaking power, which the Constitution vests in the Congress alone.

It is very clear that the power we are talking about here is one that very clearly vests in the Congress alone. The fact that the President's Executive order has not been challenged does not necessarily mean that at the present time the Supreme Court would uphold it.

The pivotal proposition in the famous Youngstown steel case as a matter of fact was that inasmuch as the Congress could have ordered the seizure of the steel mills, and did not, the President had no power to do so without prior congressional authorization.

I think exactly the same situation is maintainable here—inasmuch as the Congress can act but has not—that this does not give the President, even as the Supreme Court indicated, under his broad powers as Commander in Chief—does not necessarily give the Chief Executive the authority or the right to act.

So I think to start out with that assumption simply because the Chief Executive has under Executive order set out some effort in this area that we should not therefore move in, is in the first place dead wrong, in my opinion, because the Constitution clearly gives to this branch of the Government, the Congress, the authority to act.

So I think quite opposite of the point that was raised by the gentleman from Minnesota (Mr. Fraser)—quite opposite of this fact—we not only are constitutionally mandated to act but in effect, as legislators dealing with the field of legislation, we feel we should act.

Again looking at the history that has been built up over the last 10 or 15 or 20 years in an effort to honestly try to resolve the difficulties in this area, I would take you back, to an act of the U.S. Congress—the 84th Congress, under Public Law 304, recognizing this problem and setting up a Commission on Government Security.

The Commission on Government Security was established by the Congress consistent with the legislative power to which I have just referred and not by the executive—but by the legislative.

The Commission on Government Security was established by Congress in 1955 to study the many laws, Executive orders, regulations, and so forth, intended for the protection of national security. In addition, the Commission was mandated to establish fair, uniform, effective and realistic measures to safeguard both the national security and the rights of individuals. Headed by Mr. Loyd Wright, former president of the American Bar Association, with Senator John Stennis as Vice Chairman, the Commission included my colleague, the gentleman from Ohio (Mr. McCulloch), Senator Norris Cotton, and the late Chairman Francis Walter. Broken down into four subcommittees, the Commission began its operation in January 1956, and submitted its report to the President and Congress on June 21, 1957, one and a half years later.

A Citizens Advisory Committee was established as the work of the Commission progressed to obtain the views of private citizens who were experienced in many of the problems facing the Commission. On the committee was our colleague, Congressman Louis Wyman, then president of the National Association of Attorneys General, Dr. Lee DuBridge, now with the present administration, Irving Ferman, of the American Civil Liberties Union, W. C. Daniel, commander of the American Legion, Cmdr. Cooper T. Holt of the VFW, to name but a few.

In general, the membership of the committee was drawn from all parts of the Nation, and comprised prominent educators, industrialists, clergymen, scientists, newspapermen, State officials, attorneys, jurists, and representatives from both labor and management. Some 1,500 letters were written by the Commission to individuals and to labor, industrials, and other organizations having special interest in the Federal security programs soliciting information, advice, and suggestions.

I think it is fair to say that the Commission on Government Security was the most comprehensive, thorough, and widely based effort in recent times to review the many facets of Federal security matters.

The House Committee on Internal Security had the benefit of hearing Mr. Loyd Wright, the Chairman of the Commission on Government Security, who testified on this legislation, the bill now under consideration. Mr. Wright in his testimony offered certain suggestions and stated:

> I am fully in accord with the purposes set forth in the bill. I believe it is constitutional as proposed.

In addition to Mr. Wright, Mr. Stanley J. Tracy, an Assistant Director of the FBI for 13 years prior to his retirement in 1954 and later an associate counsel of the Commission on Government Security, also testified before the committee. Mr. Tracy stated:

> The Commission on Government Security staff went not only into the security programs themselves, but into the history and the need for those programs. The Commission determined that we did desperately need legislation in this field.

Needless to say, the need for legislation still exists today, for although legislation was introduced in the ensuing years after the Commission's report, none was ever enacted.

For those who might feel that Congress lacks the constitutional basis to initiate an industrial security program, the Commission on Government Security provided ample legal proof to the contrary. I insert in the Record at this point that section of the Commission's report which deals with the constitutional basis of the program:

CONSTITUTIONAL BASIS OF THE PROGRAM

Aside from questions as to the statutory basis of the industrial security program, serious questions have been raised as to whether Congress has the constitutional authority to enact legislation authorizing an industrial security program, particularly where such a program provides for the exclusion or removal of designated employees of private defense facilities from those jobs in which they have access to classified information or material. Such questions do not, however, attack the constitutionality of the four statutes and the Executive order discussed above as supplying the legal basis of the industrial security program, for, as was emphasized above, these statutes and the Executive order do not deal directly with the subject of an industrial security program nor do they expressly authorize such a program.

Legislation expressly authorizing an industrial security program similar to that now in operation by the Department of Defense could be supported constitutionally as an exercise of Congress' power to: Declare war, raise and support armies, and provide and maintain a Navy—article I, section 8, clauses 11, 12, and 13; dispose of and make all needful Rules and Regulations respecting the Property belonging to the United States—article IV, section 3, clause 2; and the "inherent right of self-preservation."

The power of the Federal Government to wage war and provide for the Army and Navy—the "war powers"—is very broad in scope and authorizes Congress to enact all measures which are necessary and proper for carrying into execution such powers. As stated in *Hirabayashi* v. *United States*, 320 U.S. 81, 93 (1943):

> "The war power of the National Government is the 'power to wage war successfully.' . . . It extends to every matter and activity so related to war as substantially to affect its conduct and progress. . . . It embraces every phase of the national defense, including the protection of war *materials* . . . from injury and from the dangers which attend . . . war." [Emphasis added.]

The war powers have been cited by the courts as the constitutional basis for a great variety of legislation covering many subjects including:

Legislation authorizing the exclusion (removal) from designated areas of persons of Japanese descent, although there was no allegation that all such persons or any specific ones were disloyal to the United States. (*Korematsu* v. *United States*, 323 U.S. 214 (1944)); the Magnuson Act, which is the basis of the Coast Guard port security program. (*U.S.* v. *Gray*, 207 F. 2d 237 (1953) (C.A. 9th Cir.).) (*Parker* v. *Lester*, 227 F. 2d 708 (1955) (C.A., 9th Cir.)); legislation authorizing the construction of Wilson Dam. *Ashwander* v. *Tennessee Valley Authority*, 297 U.S. 288 (1936)); legislation requiring the recovery of excess war profits. (*Lichter* v. *United States*, 334 U.S. 742 (1948)); legislation authorizing Federal housing for persons engaged in national defense activities (*United States* v. *City of Chester et al;* 144 F. 2d 415 (1944) (C. A., 3d Cir.)); rent control legislation. (*Woods* v. *Miller Co.*, 333 U.S. 138 (1948).)

In *Von Knorr* v. *Miles*, 60 F. Supp. 962 (1945) (D. C. Mass.), the court upheld on the basis of the war powers a statute and Executive order pursuant to which the commanding general of the First Service Command had directed a Government contractor to remove from employment on and access to work under War and Navy Department contracts the plaintiff Von Knorr, about whom derogatory information had been received by the Government. The court stated, in language very appropriate to the present industrial security program:

"Cities Service Oil Co. was operating what was in essence a private arsenal of our democracy. The supplies it was preparing were de-

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signed for the use of the Armed Forces of the United States. The processes which it was applying may have involved Government secrets, and, at the least, the data on volume and type of production, on transportation, and on like matters were confidential. Interference with such production processes, or disclosure of such confidential data, were dangers against which Congress was empowered to provide. And an obvious and logical provision was an order excluding from areas where there were such processes and data any person or persons in whom the Government lacked confidence.

"Such an exclusion order is as plainly within the war power as the more drastic orders excluding persons from the public streets at nighttime, sustained in *Hirabayashi's* case, from an entire city, sustained in *Korematsu's* case, or from the Pacific Coast States, sustained in *Endo's* case, 323 U.S. p. 302, lines 16–20, 65 S. Ct. 208. All those orders interfered with employment, and on a much wider scale than here where plaintiff remains free to work for his former employer in jobs having no connection with war contracts and free to work for other employers in Massachusetts or elsewhere. It is true that the orders in those three Supreme Court cases were orders directed to an entire group on the basis of a military commander's doubts as to their loyalty, whereas here the order is directed to a particular person. But if that be a distinction, it would seem that the order here was more not less justifiable because it rested on views as to an individual's loyalty rather than a group's loyalty.

"Moreover, quite apart from the precedents supplied by the cases of *Hirabayashi, Korematsu,* and *Endo,* it is clear on broad grounds of constitutional principle that an order excluding any person from a defense plant in war time is valid.

"Two interests are in competition and must be considered: the Government's concern to prevent both sabotage and disclosure to the enemy of secret processes, statistics, and information; and the private individual's concern to go where he pleases and engage in such work as is offered him.

"It is not mere rhetoric to say that the Government's interest in avoiding sabotage and espionage in wartime is one of its most vital concerns. National survival is quite literally at stake. Every schoolboy knows that the experience of this Nation during the last war and of continental countries during this war shows how easily a country's military efforts may be hampered by the admission to war plants of persons who on their face appeared unobjectionable. Saboteurs do not parade with foreign credentials of professional competence. And arsenals are not guarded if watchmen exclude only those in whose satchels they have already found bombs. To avoid grave risks, a prudent government may rationally favor a policy denying access to war plants not only by a person proved dangerous but also by any person in whom the Government lacks absolute confidence." (Pp. 969–70.)

This case would be on all fours with the present industrial security program except for the fact that it arose during wartime and the Court's decision refers to that fact in several places. The reasoning of this decision, however, is probably as applicable to an industrial security program in time of national emergency or international crisis as it is in time of war.

Although some of the cases cited above were limited factually and by the decision to wartime situations, there is reason to believe that only in the *Korematsu* case is the decision applicable exclusively to an actual war situation. In any case, the courts have generally held that the war powers are not limited to wartime but may be utilized in preparing for war or in dealing with problems created by war. See *Ashwander* v. *Tennessee Valley Authority et al., supra,* in which the Court sustained the power of the Government to construct Wilson Dam as an exercise by Congress of its war powers, that is, for the purposes of national defense, although construction was not begun until 1917 and was completed in 1926. The Court stated:

"While the district court found that there is no intention to use the nitrate plants or the hydroelectric units installed at Wilson Dam for the production of war materials in time of peace, 'the maintenance of said properties in operating condition and the assurance of an abundant supply of electric energy in the event of war, constitute national defense assets.' This finding has ample support." (Pp. 327–328.) (See also *U.S.* v. *City of Chester et al., supra,* and *U.S.* v. *City of Philadelphia,* 56 F. Supp. 862 (1944) (E.D.Pa.).)

There would seem to be little doubt, therefore, but that a statute establishing an industrial security program would be held to be a necessary and proper execution of the war powers of Congress, particularly during the present critical international situation and the resultant national emergency.

A second source of congressional power in this field is article IV, section 3, clause 2, which empowers Congress to make all needful rules and regulations respecting the property belonging to the United States. The industrial security program has as its subject matter the protection of property belonging to the United States (classified information) or being produced for sale to the United States (defense production). A statute enacted by Congress to set up an industrial security program would certainly constitute a rule or regulation respecting property belonging to the United States.

In *Von Knorr* v. *Miles, supra,* the court said:

"In considering the constitutional authority of Congress in time of war to exclude a person from a plant having a Government contract for war supplies, it would perhaps be possible under some circumstances to invoke either the power of Congress to 'make all needful Rules and Regulations respecting the * * * Property * * * of the United States,' U.S. Constitution, article IV, section 3, clause 2. . . . However, the former alternative is unavailable in the case at bar since there has been no showing as to what contracts there were between Cities Service Oil Co. and the Government, as to when the Government had acquired or would acquire title to the supplies being furnished, as to the extent to which the Government had any property on the premises of the company, or as to the employment contracts of the company. I, therefore, leave unresolved the question whether the order of August 13, 1943, can be supported by the power of Congress under article IV, section 3, clause 2."

It should be noted that the present industrial security program affects only those private companies which do have a procurement contract with the United States and then only when Government classified information (property) is or will be furnished the contractor.

The opinion in the case of *Ashwander* v. *Tennessee Valley Authority, supra,* in which the Court relied upon article IV, section 3, clause 2, to support the constitutional authority of Congress to provide for the disposal of electric energy generated at Wilson Dam, referring to Story on the Constitution, the Court said:

"The grant was made in broad terms, and the power of regulation and disposition was not confined to territory, but extended to 'other property belonging to the United States,' so that the power may be applied, as Story says, 'to the due regulation of all other personal and real property rightfully belonging to the United States.' And so, he adds, 'it has been constantly understood and acted upon.' " (P. 331.)

The power of Congress to enact legislation authorizing an industrial security program may also be found in an extra constitutional source, namely, *the "inherent right of self-preservation"* which exists among all sovereign powers, i.e., the protection of the national security from internal revolt or foreign domination. The industrial security program has as its objective the preservation and protection of classified defense information so as to prevent sympathizers or agents of foreign governments from obtaining such information and disclosing or transmitting the same to a foreign entity. Such a program is clearly designed to and is necessary in order to protect the national security from internal revolt or foreign domination.

The court stated in *Communist Party of the United States* v. *Subversive Activities Control Board,* 223 F. 2d 531 (1954) (C.A.D.C.):

"Antipathy to domination or control by a foreign government, or even to interference on the part of a foreign government, is a basic policy in this nation. . . .

"Self-preservation is a high prerogative of any sovereignty. . . . It seems to us that, however high in priority the right of self-preservation is among the prerogatives of sovereign powers in general, it is peculiarly so in respect to the Federal Government presently established in this country. As we conceive the matter, the government established by our Constitution is an instrument for service, particularly for the protection of the people whose servant it is; it is a working tool, the value of which lies in its usefulness. Since it was created by the people for the security of the people, especially against foreign encroachment, it has supreme duties to protect its own existence and insure that unidentified efforts on behalf of foreign agencies devoted to its disestablishment do not occur." (P. 543.)

In this connection, see also *Dunne et al.* v. *United States,* 138 F. 2d 137 (1943) (C. A., 8th Cir.), where the court declared:

"Appellants state that 'This statute must seek its validity and force in the vague and undefined "right of self-preservation" '. No such extremity exists. The statute is grounded upon specific constitutional grants of power. The preamble, setting forth the purposes of the Constitution, includes to 'insure domestic Tranquillity' and 'to provide for the common defence,' as well as to 'secure the Blessings of Liberty.' Article 1, section 8, clause 1, specifically grants to Congress the power to 'provide for the common Defence.' Clause 18 grants the power 'To make All Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.' Article IV, section 4, is 'The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion' and, upon application, 'against domestic Violence.' Thus, the Constitution expresses clearly the thoughts that the life of the Nation and of the States and the Liberties and welfare of their citizens are to be preserved and that they are to have the protection of armed forces raised and maintained by the United States with power in Congress to pass all necessary and proper laws to raise, maintain and govern such forces." (P. 140.)

"Congressional enactments having the purposes of raising or *maintaining* armed forces have high standing because of their importance." (P. 141.) [Emphasis added.]

This language would seem appropriate with reference to the industrial security program, which is concerned with the production of defense materials for the use of and by the Armed Forces.

It may be concluded, therefore, that Congress does have the constitutional authority to enact legislation expressly authoriz-

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ing an industrial security program for the protection of our national secrets and defense production. Aside from procedural questions under the due-process clause, there is little doubt but that an exclusion or removal program such as is currently in operation under the Department of Defense industrial security program would be considered as a reasonable means of achieving the congressional objective.

A conclusion that Congress has the constitutional authority to authorize an industrial security program does not constitute a determination that all of the means (procedures) utilized in the present industrial security program of the Department of Defense, or of any other such program, are or would be immune from constitutional attack based upon the due process clause. Questions of due process have actually been raised with respect to this program, for in the field of security legislation and regulation such concepts as the right to work and the right of confrontation have run headlong into the concept of national security. This problem was well expressed by the Court in *Dunne* v. *United States, supra,* when it stated:

> "At the same time they [congressional enactments having the purpose of raising or maintaining Armed Forces] must not limit the constitutionally protected individual liberties of the citizen to any greater extent than is reasonably necessary and proper to accomplish the important allowable ends of preserving the life of the Government and the States and their orderly conduct."

Needless to say, the need for legislation still exists today and is, in fact, more urgently required than ever before. Let me quote statements from publications of the Students for a Democratic Society—SDS—and the Progressive Labor Party, both radical revolutionary groups which will be mentioned later. The first quotation is from New Left Notes, January 8, 1969, the publication of SDS and concerns the working youth, some of whom in the future will no doubt be working in industrial facilities related to our national defense effort:

> We can organize young working people into our class-conscious anti-capitalist movement. . . . Because we see a revolutionary youth movement as an important part of building a full revolutionary working class movement we must shape our own strategy self-consciously now with a view to that youth movement. This means that, in addition to expanding our base to include more young working people, we must insure the class consciousness of our movement now, and we must attack the class nature of the schools we are organizing against.

The next three statements appeared in publications of the Progressive Labor Party which advocates a student-worker alliance, that is, a uniting of students on campuses and workers in industry for revolutionary purposes. Following Marxist teachings, the PLP views the "working class"—proletariat—as the vehicle whereby the revolution will be brought about:

> Revolutionaries, while recognizing that there are fierce struggles among rulers, must be clear on the unity of these wolves against the workers. We must . . . unite the workers and all those who can be united under working class leadership to smash the bosses' state and to build a workers' dictatorship that will once and for all shatter and destroy each and every one of these interest groups and put their stolen property back in the hands of the people. (Progressive Labor, Feb. 1970, p. 33.)
>
> For our people to go onto the offensive and fulfill the aspirations of millions of U.S. workers, black and white, students and intellectuals and other sections of the people whose interests run counter to U.S. imperialism's aims, the involvement of U.S. workers is essential; to secure a revolutionary base and to successfully wage revolutionary struggle to defeat U.S. imperialism means that U.S. workers must participate actively and lead in the struggle. (Progressive Labor, July-Aug. 1967, p. 1.)
>
> The boss class will oppress the working class until workers make a revolution and smash the bosses' state. When the working class rules, there can be real democracy *for the workers,* and a *dictatorship over* the bosses. We call this the Dictatorship of the Proletariat. That is our goal. [Emphasis in original.] (Challenge, Jan. 1970, p. 15.)

How would you like workers with motivating principles such as the above laboring in defense-related facilities and especially in sensitive areas? Nor is this mere rhetoric when one reviews the havoc created by SDS and PLP on campuses throughout the country in the recent past. The preceding remarks of Congressman SCHERLE amply demonstrate the wild and destructive actions of extremist groups in the past several years. Suffice it is to say that these two factions of the New Left movement are, in the words of FBI Director Hoover, militant, nihilistic, and anarchistic.

In the 1969 Appropriations Committee testimony of Mr. Hoover, to which Congressman SCHERLE referred to previously, there are mentioned a number of other organizations which are inimical to the American system. These included the Communist Party, U.S.A., and other Communist splinter groups such as the Socialist Workers Party and its youth arm, the Young Socialist Alliance; the Progressive Labor Party mentioned above; and the Workers World Party.

Other groups listed which seek to subvert the American way of life in one way or another include the 14 major Klan-type organizations, the American Nazi Party, the National States Rights Party, and the Minutemen. Extremist militant black nationalist groups include the Student Nonviolent Coordinating Committee, the Black Panther Party, the Republic of New Africa, the Nation of Islam, and the Revolutionary Action Movement.

When one reviews the principles and activities of the above-mentioned groups, the urgent need for a security system which cannot be altered at the whim of an incoming President is readily apparent. With such groups now operating in the Nation it is imperative that the physical security of our industrial defense facilities be adequate along with a workable personnel security screening program to determine eligibility for access to positions within which are determined to be sensitive.

I cannot believe that any Member of this body could honestly say that people who advocate the views expressed above or belong to the organizations listed herein should be in sensitive positions in our Government at the present time. I cannot help but raise a few questions, and maybe we could turn the tables around, and let some of the opponents of our bill answer those questions. I would raise the following questions:

Would the opponents maintain that Communists should be entitled to employment in defense facilities, in ports, or aboard merchant ships, that they should have a right to access to secret information?

I doubt this.

Should a man who had advocated revolution by force or violence be entitled to employment in Defense facilities or have access to secret information?

I doubt that anybody would advocate that.

If this is the case, then how are we going to exclude such persons without a Federal personnel screening program? This was the exact point to which the original Commission on Government Security addressed itself. It indicated that we do need such an apparatus as we are setting up today. Would our opponents deny that the Federal Government has the prerogative—indeed, the obligation to its citizens—to enact measures by which it can assure the continuity of its existence as a viable society in periods of emergency?

I would presume that there would be no one who would expect the Congress or who would assert that the Congress was without authority to enact legislation to provide for the common defense of our land. This is basically what we are endeavoring to do in a most difficult constitutional area, sensitive area. I think what we have done is to set out the necessary standards. It is not as broad as many would like. I think, if anything, it has been restrictive. I happen to believe that we need this legislation.

I can well understand the concern of those who are vitally interested in the rights of individuals, but I think, viewed from every angle, the legislation that is sent before the Congress today does take into consideration the transcendent value of national security, at the same time recognizing the rights of individuals.

Mr. ICHORD. Mr. Chairman, I yield 7 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, our colleague, the gentleman from Ohio (Mr. STOKES), who is a member of the committee, had expected to be present today and to take part in this debate. He was the only member of the committee to file a dissent, which is found in the committee report. The reason our colleague cannot be with us today is that he had a longstanding commitment in which he and his brother, the mayor of Cleveland, Carl B. Stokes, were to be honored today by the Cleveland Marshall Law School as the outstanding alumni of 1970.

Mr. Chairman, this is the first time in the history of that school that a Negro has been accorded that honor and it is the first time two brothers have been honored in that way. It is for that reason our colleague, the gentleman from Ohio (Mr. STOKES) felt he should be present in connection with the honor which is being accorded to him and to his brother.

Mr. Chairman, I have with me the statement which the gentleman from Ohio would have given had he been present, and I submit it for inclusion in the RECORD.

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(Mr. STOKES (at the request of Mr. FRASER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. STOKES. Mr. Chairman, I rise to speak in opposition to H.R. 14864. Prior to discussing this bill, however, I would like to make some initial observations.

For me, it has indeed been a meaningful and educational experience to have served under the chairmanship of the distinguished gentleman from Missouri. During the entire year that I have served on this committee, the chairman has at all times extended to me every courtesy and every consideration.

In addition thereto, I would want it clearly understood by all who are in this Chamber that I also have deep admiration and respect for my colleagues on this committee. At all times, they have been willing to engage with me in meaningful dialog on the issues—and we have been able to do so in an arena of mutual respect and high regard.

Now I fully realize the onus placed upon me as a freshman in this House—and as the lone opponent of my committee's bill. I can only say to you that it is a responsibility which I accept and is based upon nothing other than my own firm conviction that the bill now under consideration is unconstitutional as presently constituted.

Our committee spent 3 days of intensive hearings on this piece of legislation prior to the markup in the subcommittee and in the full committee. At the outset of these hearings, our distinguished chairman set the tone for our inquiry by this very perceptive statement:

> To a considerable degree in this legislation, we are compelled to engage in a balancing process in the consideration of its provisions, that is, a balancing of the national security against the rights of the individual.

Certainly he was correct in this analysis—and this was the vein in which our entire committee approached this legislation. Much searching inquiry was made of each witness before our committee relative to both the legislative history and the constitutionality of the bill before us.

My own inquiries during the hearings were in the nature of ascertaining the necessity for such legislation and secondly the constitutionality of the proposed legislation. Both as a Member of Congress and a member of this committee, I certainly have no quarrel with properly drawn legislation, the purpose of which would be "to keep from sensitive positions in defense facilities those who would use their positions to disrupt the Nation's productive facilities."

After a conscientious study of all of the testimony before our committee and full consideration of the ramifications of this proposed legislation, I cannot in good conscience vote for this bill. Now, I fully realize that this is a decision which each of you must make as individuals.

As a member of this committee, I feel an obligation to this body to bring to your attention those matters which do not square with my notions as to balancing the interests of society against those of the individual.

It is for that reason that I have filed with the committee report my own dissenting view. I tried to base this dissent upon rational and legalistic premises and conclusions supported by judicial decisions. For that reason, I shall not now endeavor to repeat those arguments. Instead I shall, at this time, attempt to highlight matters which I deem important in one's considerations as to whether to vote up or down the legislation now pending before us.

Now, I think you ought to know for instance that at no time during our hearings did we receive any testimony from the Federal Bureau of Investigation relative to the infiltration of saboteurs or those bent upon sabotage or other subversive acts in our defense facilities around the Nation. In fact, we were not provided with any specific information from anyone from any governmental bureau relative to this precise question—which, in my opinion, bears directly upon the question of necessity.

Now, you have been told that the Schneider decision had the effect of eliminating the personnel screening portion of the port security program and leaves the Coast Guard without authority to effectively prevent the presence of those merchant mariners or other persons on board vessels and in waterfront port or harbor facilities whose presence presents a threat to the security of the United States.

The logical question, it seems to me, which you would now pose is, "In the absence of legislation, what security measures are the Coast Guard presently utilizing to screen out those who pose a threat to the security of the United States?"

Mr. Albert E. Green, spokesman for the U.S. Coast Guard, told us that notwithstanding the Schneider decision, the Coast Guard still had what he called "a very limited program." This prompted the chairman to inquire of him as to the nature of the limited screening program. At this point, the following colloquy took place between the chairman and Mr. Green, at page 1200:

> Mr. GREEN. We would screen persons from merchant vessels or from waterfront facilities if we have found that they had committed acts of sabotage or were preparing or attempting to commit acts of sabotage.
>
> The CHAIRMAN. Don't you have to inquire into their background? How does this limited screening program operate?
>
> Mr. GREEN. Well, we make the initial inquiry to determine whether or not they have committed sabotage or other subversive acts or are attempting or preparing to do so, and in that event, under the decision of the Schneider case, we would be permitted to screen these persons off. However, we would not be able to inquire, under the Schneider decision, into their ideas, beliefs, political opinions, or associations or affiliations.
>
> The CHAIRMAN. You mean the only person you could exclude from employment on a merchant marine vessel is one who has committed a prior act of sabotage?
>
> Mr. GREEN. Well, there are several grounds. One who advocates the overthrow or alteration of government by unconstitutional means; commission of or attempt or preparation to commit espionage, sabotage, sedition, or treason; one who is serving the interests of a foreign government to the detriment of the United States; one who has deliberately and without authorization disclosed defense information, and that is it, persons who have committed such acts or who are in the process of attempting or preparing to commit such acts.

Thus it is my contention that the present procedure is obviously working and gives wide latitude to the Coast Guard in screening off undesirable personnel in the absence of this legislation. In addition thereto, the enactment of this bill which would permit inquiry into ideas, beliefs, political opinions, associations or affiliations is the very essence of the wrong complained of in the Schneider decision.

Now, in this connection, if I were you, I think I would want to be informed as to how many people were affected by such a screening program. Mr. Green testified that in the last 10 years, the Coast Guard processed roughly 250,000 applications from merchant mariners for endorsement of their documents. In about 1½ percent of these instances, derogatory information sufficient to cause a study of the background of these individuals in depth has been received. Mr. Green then said that this would give them about 4,000 instances, out of which nine-tenths of these persons have been cleared after review.

He then said this leaves us with some 300 persons against whom we felt that proceedings might be warranted. He then said:

> On the basis of this, we have made further inquiry into their background asking these persons to answer certain questions and interrogatories. About 50 per cent of these 300 persons have responded satisfactorily and they too received clearance.

Thus, from the starting point of 250,000 men, over a 10-year period, we come down to the minuscule amount of 150 men, all of whom were cleared in the absence of the presently proposed legislation.

Now, a witness who provided us with a great deal of insight into this legislation was Mr. J. Walter Yeagley, Assistant Attorney General, Department of Justice, concerned with internal security. The main thrust of the illumination which he provided was that the Department of Defense's industrial security program, which is now conducted under the authority of Executive Order 10865, is operating satisfactorily and that there is no compelling need for the section of this bill relating to statutory authority for the safeguarding of classified information which must be released to industry. This statement on his part was further tempered, however, by his acknowledgment that since this is an area in which the Executive and Congress can act, that the additional authority provided by this bill, while not essential, is appropriate.

It was this testimony which prompted our chairman to query Mr. Yeagley further. At page 1222:

> The CHAIRMAN. In your statement you say that "in view of the satisfactory operation of that program, we cannot suggest there is a compelling need for such legislation. I suppose the basis for that statement is that you believe that the Executive in this situation has inherent authority to protect classified information dealing with the defense of the Nation?

Mr. Yeagley's reply was:

> Yes, we do, Chairman Ichord. In our view this is squarely in the middle of an area of inherent authority of the Executive, of the President, similar to his right to hire and fire. He has not only a right, we believe, but an obligation to protect the national defense.

Mr. Yeagley further told us that they were prepared to defend this Executive order and to argue its constitutionality in the courts. It was also Mr. Yeagley who told us that there has been no case directly holding that the Executive does not have this authority even in the absence of congressional action. This, of course, was the foundation for his being able to say that there is no compelling need for this legislation which comprises over one-half of the bill.

Similarly, Mr. Niederlehner, Acting General Counsel for the Department of Defense, filed testimony with the committee, in which he also said:

> We would invite attention to the fact that the present industrial security program of the Department of Defense established under the authority of Executive Order 10865, is operating satisfactorily.

This gentleman, in fact, was quite proud of the fact that the Executive order is providing substantial uniformity in the executive branch inasmuch as most of the agencies of the Government use their program. He specifically cited the fact that 11 other departments and agencies use their industrial security program.

Now, referring back for a moment to the testimony of Mr. Liebling of the Department of Defense, it is interesting to note—at page 1263—that the Robel decision did not void their personnel screening program. When the chairman inquired of him, "What do you have left since United States against Robel," he replied, "I don't think it voided the screening program, it voided the criminal provisions of the act."

Pursuant to this reply, then the chairman further inquired, "Are you still conducting a screening program?" To which the witness replied, "For industrial defense, no, we do not. We do this for industrial security, but the court indicated that, for industrial defense, the Congress could provide narrowly drawn legislation."

I think that I should also note for your attention the fact that our hearings do not reflect how much additional manpower or funding will be required to effectuate the provisions of this act.

The Department of Defense advised us that it is reasonable to assume that the Defense facilities program proposed by the bill will require additional resources, both in terms of manpower and funding. They stated that they would need some time to initiate this program and funding would be required in fiscal year 1971.

We do know from the testimony that at the present time there are 3,500 facilities designated as industrial defense facilities. Within this category, there are some 400,000-plus sensitive positions out of some 3 million employees. In fact, under the presently existing Executive order, some 2.3 million people have been cleared for the industrial security program. The enforcement end of this program now has some 900 persons operating nationwide. Thus, the committee did not have before it any projections relative to total manpower needs or costs relative to implementation of the provisions of this bill.

Now, in addition to the points which I have highlighted, both here and in my dissenting view, I call your attention to the fact that during the course of our hearings, over 50 amendments were suggested. At our last subcommittee meeting, over 30 amendments were adopted. This I think gives you some scope of the constitutional problems inherent in this bill.

For all of the reasons which I have set forth, I cannot vote for this bill. I am in complete accord with the statement made by Mr. Yeagley of the Justice Department when he said to our committee:

> Mr. YEAGLEY. That has been the effort here, I know, and a great deal of thought, time, and effort has gone into achieving those objectives of not only protecting the governmental interest, the security interest of the government, but of still assuring to the applicant or the employee, as the case may be, or the individual involved, every right that can be accorded him within the constitution and in light of the existing circumstances.

In my opinion, the bill which our committee brings to you today does not, in the final analysis, strike the desirable balance between the needs of national security and the rights of the individual.

Mr. FRASER. Mr. Chairman, speaking for myself, I am impressed with the fact that both the Department of Defense and the Department of Justice said there was really no need for this legislation. I am impressed with the fact that one of the objectives of this legislation is to reinstate a program of screening for security purposes of those who would like to serve as seamen.

It is interesting to note in this regard that, when the Deputy Attorney General appeared before the committee, he made the point in connection with the earlier screening process, which was to some extent impaired by a decision of the U.S. Supreme Court, that the Court had been loath to assume that Congress in its granting of authority to the President to safeguard vessels and waterfront facilities from sabotage and other subversive acts undertook to reach into the first amendment area. Section 2 of the bill, he said, would provide such authority.

In other words, the Deputy Attorney General of the United States in the statement that appears in the committee report says that section 2 of the bill provides authority to reach into the first amendment area of the U.S. Constitution. The first amendment, of course, is one of the most fundamental of all our constitutional rights in its protection of the right to free speech and to free assembly and to petition our Government for the redress of grievances. The Deputy Attorney General is saying that by this bill we are going into these areas which the Constitution sought to carve out as beyond Government encroachment, as dear to the individual who seeks to exercise his full rights of citizenship as an American.

There are problems with this bill that center on constitutional rights. Earlier this afternoon we discussed whether or not somebody who is picketing a defense plant in protest of that plants activities in connection with the production of napalm or production of war materiels might not come within the proscription or under the coverage of section 402 of the bill under the definition of "act of subversion."

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Missouri.

Mr. ICHORD. Is the gentleman serious in that contention that such a picketing might come under the definition of "subversion" as defined on page 3?

Mr. FRASER. If the gentleman will stay with me, perhaps we can engage in a dialog. Perhaps we can pursue this.

Clause (5) of section 402 defines an "act of subversion" as "any act." That clearly would embrace the act of picketing.

Mr. ICHORD. Does the gentleman disagree with that definition of "subversion"?

Mr. FRASER. I want to take these items step by step.

Picketing is an act.

It goes on to say, "which causes or would tend to cause damage or injury to any facility or its production."

Would the gentleman agree that throwing up a picket line to protest the activities of a company might have the effect of impairing the production at the facility?

Mr. ICHORD. I can conceive of the situation. But the gentleman still has not complied with the definition of "subversion" here.

Mr. FRASER. I am taking each element in turn.

Let us suppose that in fact the Communist party or some other group wanted to have the production of that plant impaired. Whether they were active in the group that was picketing, or whether they had formed such a plan independently, let us assume that nevertheless this was one of their intentions.

Under a reading of this measure, where it says, "to effect any plan, policy, recommendation, directive, tactic, or strategy of any Communist," or other similar organization, would not the gentleman agree it might fall within this language?

Mr. ICHORD. I would not. I depart, in our interpretation of subsection 5.

First of all, subsection 5 is not an operative provision. It merely sets a guideline for using subversion as a possible means of disqualification for job employment.

What the gentleman has overlooked is that this requires specific intent. The gentleman has to have a specific intent to impair the national defense, et cetera.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. ICHORD. Mr. Chairman, I yield the gentleman 2 additional minutes, even

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though I am getting dangerously close to the end of my time.

Mr. FRASER. What the gentleman is arguing is that there needs to be an intent to effect a plan. Is that what he is saying?

Mr. ICHORD. Yes, an intent to impair the national defense, an intent to advantage a foreign power, an intent to prejudice the security of the United States against its enemies, an intent to effect the plan, and so forth.

This is a specific intent on the part of the individual who might be indulging in the picketing.

As I stated before, if the gentleman is concerned about inquiries into ideologies or political beliefs, it is made clear by the report that it is not intended.

I want to be perfectly honest with the gentleman from Minnesota. I do not want to deceive him as to what is intended by this bill. Let me set up a hypothetical situation.

I would say that this bill would prohibit the clearance for access to a sensitive position on the part of a member of the Communist Party if he does not sufficiently explain his membership in the party, regardless of whether he is a passive member or an active member. I want that made perfectly clear for the record.

It does not preclude a member of the Communist Party as such, but if he does not explain that relationship certainly it is the intent of the legislation to exclude him from clearance.

Mr. FRASER. The gentleman is saying, perhaps in specific terms, if a person engages in activity which is protected by the first amendment of the Constitution this may have the effect of disqualifying him?

Mr. ICHORD. I am not saying that.

Let me ask the gentleman a question. Let me put a hypothetical question to the gentleman. Does the gentleman believe that a member of the Communist Party should be cleared for access to top secret information in view of the history of the Communist Party in the United States of America?

Mr. FRASER. Mr. Chairman, I would want a little more information, I think.

Mr. ICHORD. That is the same thing I want when I talk to the gentleman.

Mr. FRASER. But let us be clear about this. You are saying the person may have a right to do something within the meaning of the first amendment to the Constitution, and you would find such activity might disqualify him for a sensitive position.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York, the chairman of the Committee on the Judiciary (Mr. CELLER).

Mr. ASHBROOK. Mr. Chairman, I yield the gentleman from New York 2 additional minutes.

The CHAIRMAN. The gentleman from New York (Mr. CELLER) is recognized for 5 minutes.

Mr. ICHORD. Mr. Chairman, would the distinguished gentleman from New York yield to me for a moment?

Mr. CELLER. Yes. Of course I yield.

Mr. ICHORD. I state to the gentleman from New York that I had told the gentleman from New York (Mr. RYAN) I would yield to him for a unanimous-consent request. Would the gentleman from New York yield to him for that purpose?

Mr. CELLER. I certainly yield.

Mr. RYAN. I thank the gentleman for yielding to me.

Mr. Chairman, I oppose this bill on constitutional grounds, which I have explained.

Mr. Chairman, on previous occasions I have said that the Internal Security Committee's predecessor, HUAC, "serves no useful legislative purpose" and that it "flaunts our constitutional principles." H.R. 14864, reported out over the trenchant dissent of our able colleague from Ohio (Mr. STOKES), all too well confirms my earlier assessment.

Virtually every section of H.R. 14864 is objectionable for its infringement upon individual liberties. It ostensibly is aimed, according to its preamble, at instituting "measures for the protection of defense production and of classified information released to industry against acts of subversion." To achieve this end—to which of course, no one, should object—it uses insupportable means. It gives unduly broad powers to the President and the Secretary of Defense and fails to protect individual liberties.

Examination of just a few of the sections of H.R. 14864 will make clear its vices.

Section 404 authorizes the Secretary of Defense to designate "defense facilities." Section 404(e) mandates the Secretary "to designate the positions, places, and areas of employment" in such facilities "which he determines to be sensitive."

Under section 405, the President is authorized to issue regulations and to prescribe procedures governing access to, and employment in "sensitive" places and positions. Authorization for this access and employment will be granted only if "such authorization is clearly consistent with the national defense interest." In other words, some administrator will be required to make an affirmative finding. If history teaches anything, it is that any doubts or questions will be resolved against the prospective employee.

Considering the perversions which protection of our national defense interest supposedly justified in the McCarthy era of the 1950's, such a vague and broad standard is unwise, even dangerous.

This overbreadth of coverage is equally apparent in the bill's definition of "facility," in section 402:

> The term "facility" means any manufacturing, producing, or service establishment, enterprise, or legal entity, any plant, factory, industry, public utility, mine, laboratory, educational institution, railroad, pier, highway, vessel, aircraft, vehicle.

The definition of "act of subversion" in section 402(5) is similarly a catchall:

> The term "act of subversion" means any unauthorized disclosure of classified information, or any act, omission to act, conspiracy, or solicitation to commit any act or omission, which causes or would tend to cause damage or injury to any facility or its production and services, when committed with the intent to impair the national defense, or to advantage a foreign power, or to prejudice the security of the United States against its enemies, foreign or domestic, or to effect any plan, policy, recommendation, directive, tactic, or strategy of any Communist, Marxist-Leninist, revolutionary, socialist, anarchist, nihilist, Nazi, Fascist, or other organization which has as a purpose the destruction of the constitutional form of government of the United States by any means deemed necessary to that end, including the unlawful use of force or violence.

No one would claim that the country's defenses should be compromised, or that its military secrets should be turned over to our enemies. But, self-protection cannot justify repression of rights, and the later sections of H.R. 14864 make even clearer that this bill is a product of paranoia, not prudence.

Section 405(c) authorizes the President to establish "criteria" and to conduct "inquiries and investigations concerning any person or organization." Note this—not just suspected subversives, but "any person or organization." Moreover, section 405(c) authorizes inquiries and investigations about anybody seeking a job in a "sensitive position, place, or area of employment." The unfair manner in which such investigations are to be conducted is drawn clearly by section 406:

> The willful refusal of such person to answer any relevant inquiry directed to him, or to authorize others to release relevant information about him, or to take a psychiatric examination when a question of mental illness has been raised, may, unless compliance is made, be considered sufficient to justify a refusal further to process his case, or to justify suspending, or revoking any such eligibility or authorization.

The bill, which so exhaustively defines "facility" and "act of subversion" conveniently omits any delineation of what is meant by "relevant." But this is the least of the problems. Section 406 establishes that silence is sufficient to justify a man's loss of his job. An employee, or applicant for a job, must sacrifice his claim to the privacy of the confidences he has told his doctor, his minister, and his attorney. And if someone—anyone—suggests that an employee has a mental problem—even if only by making a joking reference to the employee being a "screwball"—the employee must undergo a psychiatric examination.

Given this section, the objectionable features of the hearing procedures prescribed in section 407 are certainly expectable, although no more tolerable. The right to cross-examine an accuser is restricted. The right to be apprised of relevant evidence is limited under section 407(e).

Section 2 of the bill authorizes much the same practices in regard to merchant vessels and waterfront facilities, except that, in contrast to employees in defense industries, no semblance of procedural due process is given to prospective seamen whose eligibility for employment is at stake.

H.R. 14864 is an offense against individual liberties. The words of Chief Justice Warren, speaking for the Court in *United States* v. *Robel*, 389 U.S. 258

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(1967), which the bill seeks to overturn, in effect, are exactly on point here:

> "National defense" cannot be deemed an end in itself, justifying any exercise of legislative power designed to promote such a goal. Implicit in the term "national defense" is the notion of defending those values and ideals which set this Nation apart.

I include at this point in the RECORD an editorial which appeared today in the Washington Post:

SUBVERSION SYNDROME

The first bill to emerge from the House Internal Security Committee is precisely what you would expect: it is grotesque and dangerous. If any evidence were needed to demonstrate the folly of perpetuating the old Un-American Activities Committee under its current alias, it is abundantly presented in this legislative monstrosity, the Defense Facilities and Industrial Security Act of 1970.

The bill would give unreasonable power to the Secretary of Defense to determine who can hold a job at—or who can have access to—all manner of defense projects and facilities, *whether or not classified information is involved*. It would give the President almost unlimited power to order investigations of persons or organizations *whether or not they are under consideration for access to classified matter*. And under its sweeping, ambiguous language, the President, as Rep. Louis Stokes has pointed out, "would be justified in barring a worker employed in a defense industry because he took part in peaceful picketing of a chemical company in protest of its manufacture of napalm."

The bill is an undisguised attempt to overturn—or, to employ a more apposite term, to "subvert"—two Supreme Court decisions of recent years. Both decisions struck down so-called security screening procedures which flagrantly ignored the rights of individuals. Lawrence Speiser of the American Civil Liberties Union was right when he said about this in a letter to congressmen opposing the bill, "It is time that Congress ceased to view Supreme Court decisions protecting constitutional rights of American citizens as the actions of an enemy institution. Upholding the rights of American citizens is something to be applauded, not deplored." But this is a view never comprehended by the Internal Security Committee either in its old or its new incarnation.

Behind this malevolent and maladroit piece of legislation lies the misconception that lay behind the McCarthy hysteria of the 1950s—the misconception that the way to promote national security is to mistrust all Americans and to judge their suitability for employment in terms of the conventionality of their ideas.

But security is not fostered by hysteria. In one of the decisions which the Internal Security Committee is trying to overturn, the Supreme Court said: "For almost two centuries, our country has taken singular pride in its Constitution, and the most cherished of those ideals have found expression in the First Amendment. It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties—the freedom of association—which makes the defense of the nation worthwhile."

Mr. CELLER. Mr. Chairman, I want to thank the gentleman from Missouri and the gentleman from Ohio for their kindness in yielding this time to me.

Mr. Chairman, I think it was William Ewart Gladstone who said:

> I have always regarded that Constitution as the most remarkable work known to me in modern times to have been produced by the human intellect, at a single stroke (so to speak), in its application to political affairs.

That was a remarkable tribute paid to our Constitution by a very great and distinguished statesman.

Mr. Chairman, in these days of "sturm and drang" as the Germans say, we all too often hear these horrible statements, "To hell with the Constitution. Let us get on with Draconian remedies." Well, the Constitution is sacred and here to stay, and the Supreme Court that interprets the Constitution is a time-honored body and its decisions are worthy and compelling and binding. Some benighted ones characterize that Court as an enemy when it upholds the right of the citizens and when it proclaims that the Constitution is a sword and a shield in peace as well as in war—a sword against the excesses of government and a shield against its cruelties. Upholding citizen rights, gentlemen, is to be applauded and not derided.

The Supreme Court struck down the so-called screening procedure of the old internal security law, and properly so. Unfortunately, this bill now subverts those decisions of the Supreme Court and again thumbs its nose, if I may use that crude expression, at the Constitution.

I am for national security, but I am against national hysteria that sees an enemy under every bed and a subversive in every closet. I feel that this bill is a result of national hysteria. This bill gives uninhibited power, without direction or standard, to the Secretary of Defense to tell who can hold a job or have access to defense projects and facilities, whether or not classified information is involved.

Mr. ICHORD. Mr. Chairman, would the gentleman yield to me at this point?

Mr. CELLER. Yes. I yield to the gentleman.

Mr. ICHORD. The gentleman has implied that the committee in bringing this bill before the Congress is yielding to hysteria. I want to assure the gentleman from New York that I am no more subject to hysterical impulses, I believe, than the distinguished gentleman from New York is if you say that this bill permits the Secretary of Defense to exclude persons from defense employment for any reason that he wishes.

Mr. CELLER. Oh, yes. Almost that——

Mr. ICHORD. Would the gentleman please explain that to the Members of the Committee?

Mr. CELLER. Yes. Just let me read carefully what facilities can be designated as defense facilities. Sections 402(a) and 404 include:

> (a) any plant, factory, industry, public utility, mine, laboratory, educational institution, research organization, railroad, airport, pier, waterfront installation, canal, dam, bridge, highway, vessel, aircraft, vehicle, pipeline.

Such a facility need not have anything to do with classified information, but can come within the bill's provisions merely if the Secretary of Defense determines it to be an important "utility and service" whose "disruption or damage would cause a serious delay in essential services in times of emergency" at some uncertain and unspecified time in the future.

The bill does not just cover employment. It would give the Secretary of Defense the power to decide who can have "access" to any highway, vehicle, streetcar, or school. The bill would grant virtually dictatorial powers to the Secretary of Defense. The standards necessary to guide him are nonexistent or, where written into the act, are too loose to provide the slightest bit of direction.

Now, if you put standards in there, I would have no objection. But, this untrammeled, ineluctable, unrestrained power given to the Secretary of Defense, I just cannot swallow that and I am sure that the Supreme Court will not uphold these provisions. You will again have labor for your pains—with no appreciable results, except havoc, annoyance and disservice.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ICHORD. Mr. Chairman, I yield the 1 additional minute which we have remaining on this side of the aisle to the gentleman from New York.

Mr. CELLER. That is very kind of the gentleman from Missouri.

Mr. Chairman, I just want to point out that the proposed legislation contains such vague criteria as the following:

> Present or past membership in, or affiliation or association with, any organization, and such other activities, behavior, associations, facts and conditions, past or present, which are relevant to any determination to be made under this section.

Now, while it is true, as the committee report states, that this bill gives express congressional sanction to a Federal screening program, it utterly fails to provide concrete or meaningful standards. It suffers from the same constitutional infirmities that were uncovered by the Supreme Court in United States against Robel and which were struck down.

Quoting from that case is the following:

> That statute casts its net across a broad range of associational activities, indiscriminately trapping membership which can be constitutionally punished and membership which cannot be so proscribed. It is made irrelevant to the statute's operation that an individual may be a passive or inactive member of a designated organization, that he may be unaware of the organization's unlawful aims, or that he may disagree with those unlawful aims.

In other words, he may be unaware that the organization is subversive.

Also, the President would have untrammeled power to investigate persons or organizations whether or not they are under consideration for access to classified material.

Such sweeping power should not be accorded even to the President. The President must rely upon subordinates. Thus an underling would exercise such inordinate power. An investigation could be inaugurated in the nature of thought control—dissent in Vice President Agnew's version could trigger an inquiry. This bill smacks of witch burning.

Those who are for this bill are adherents of the past, those opposed are partisans of the future.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BINGHAM. Mr. Chairman, I am

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strongly opposed to H.R. 14864. In my judgment, the arguments presented by the gentleman from Ohio (Mr. STOKES) in his dissent from the committee report, are persuasive. I also was impressed by the letter of opposition sent to every Member by the American Civil Liberties Union. I believe the ACLU's letter should be included in the RECORD, and I include it herewith under unanimous consent:

AMERICAN CIVIL LIBERTIES UNION,
WASHINGTON OFFICE,
Washington, D.C., January 27, 1970.

Re H.R. 14864, Defense Facilities and Industrial Security Act of 1970.

DEAR CONGRESSMEN: Once again, Congress is being called on to sacrifice individual freedom in the never-ending pursuit of that elusive goal, national security. The impetus for the latest onslaught on the Constitution is two decisions by the United States Supreme Court.

One, *Robel* v. *United States*, 389 U.S. 258 (1967), held that still another section of that hysteria-induced legislative monstrosity, the Subversive Activities Control Act of 1950, was unconstitutional because it attempted to bar all members of so-called Communist-action groups from *all* employment in any facility that had a defense contract, even though the individual had no access to classified material, and was in no position to affect national security in even the slightest way.

In the other decision, *Schneider* v. *Smith*, 390 U.S. 17 (1968), the Court struck down the personnel screening program covering all merchant marine personnel and dock workers on the perfectly correct grounds that the Magnuson Act of 1950 (50 U.S.C. 191) had not expressly or impliedly authorized any such broad program. The Magnuson Act was designed to protect our maritime industry from acts of sabotage or espionage. It has never been shown that screening the reading habits, beliefs, or associations of seamen or longshoremen is a useful, efficient or practical way of predicting who is likely to be a saboteur or an espionage agent.

H.R. 14864 is designed specifically to overturn these two court decisions. It is time that Congress ceased to view Supreme Court decisions protecting constitutional rights of American citizens as the actions of an enemy institution. Upholding the constitutional rights of American citizens is something to be applauded, not deplored.

For all of the Congressional furor, not a single spy or saboteur has ever been uncovered by any of the loyalty-security programs which sprang up during the McCarthy period. Congress should begin to view the problem of national security with a cold unemotional eye—and perceive that the past loyalty-security programs which H.R. 14864 seeks to reinstate are not really protective of national security, but, instead, greatly undermine confidence in the government's commitment to the Constitution's guarantee of rights to all citizens.

A security program which takes proper account of these individual liberties should be restricted in two ways: (1) to apply only to limited physical facilities or materials actually needing protection, and (2) to cover the smallest number of people possible.

These restrictions would insure that no time, manpower, or money are wasted on a diffuse, inefficient program, as was the case in the programs invalidated in *Robel* and *Schneider*, that national security is not protected by a shotgun approach, and that the constitutional liberties of all citizens are respected.

Yet this is exactly what H.R. 14864 proposes. In fact it would go beyond even the coverage that existed prior to *Robel*.

EVERYTHING IS A DEFENSE FACILITY

Read carefully the definition of the facilities which can be designated as defense facilities (§§ 402(a), 404). They include "any plant, factory, industry, public utility, mine, laboratory, *educational institution*, research organization, railroad, airport, pier, waterfront installation, canal, dam, bridge, *highway*, vessel, aircraft, *vehicle*, pipeline."

Such a facility need not have anything to do with classified information, but can come within the bill's provisions merely if the Secretary of Defense determines it to be an important "utility and service" whose "disruption or damage *would* cause a serious delay in essential services in times of emergency" at some uncertain and unspecified time in the future. (§ 404)

The bill does not just cover employment. It would give the Secretary of Defense the power to decide who can have "access" to any highway, vehicle, streetcar, or school. (§ 405 (a)) This bill would grant virtually dictatorial powers to the Secretary of Defense. The standards necessary to guide him are nonexistent or, where written into the Act, too loose to provide the slightest bit of direction.

EVERYONE CAN BE INVESTIGATED

If the powers given to the Secretary of Defense are broad, the powers given to the President are unlimited. The bill authorizes the President to cause the investigation of "any person or organization", not just those who are being considered for employment or for access to classified materials. (§ 405(c))

And the scope of those investigations is limitless—"present or past membership in or affiliation with *any* organization." Not just communist association, but *any* organization, religious, fraternal, Boy Scouts, YMCA, etc. could be grist for the investigative mill.

Privacy will come to an end not just for those who apply for positions which require access to classified information, but for all United States citizens who may be investigated regarding anything or everything in their lives, past or present. 1984 will come, blessed by Congressional authorization.

ACTS OF SUBVERSION

The bill defines an "act of subversion" among other things as "any act which causes or would tend to cause damage or injury to any facility or its production and services, when committed with the intent . . . to advantage a foreign power . . . or to effect *any* plan, policy, recommendation of any Communist, etc. . . . or other organization which has as a purpose the destruction of the constitutional form of government *by any means deemed necessary* to that end, including the unlawful use of force or violence." (§ 402(5))

This almost unlimited definition could even encompass any organization advocating the peaceful, nonviolent change of the United States government by means of the ballot. It is not fanciful to suggest that the following goals would fall within the definition of "acts of subversion":

(1) To work for a Super Court of State court judges which could overrule Supreme Court decisions,

(2) To call for a constitutional convention to overturn Supreme Court decisions in the reapportionment field or to change the organization of the Congress,

(3) To attempt "massive resistance" to court decisions,

(4) To work toward nationalization of railroads (revolutionary socialist), governmental ownership of municipal buslines and street car lines, public utilities (Communist), autobahns (Nazi), the operation of trains which run on time (Fascist), the elimination of governmental regulation of certain industries (anarchist) etc., or

(5) To demonstrate peacefully against the war in Vietnam.

Other defects in the bill are spelled out persuasively and at length in Congressman Louis Stokes superb dissenting views. They include:

(1) denying a witness the right to refuse to incriminate himself in exchange for immunity granted without any judicial safeguards, (§ 413)

(2) treating assertion of Fifth Amendment rights as an "obstruction of inquiry" sufficient to justify denial or revocation of eligibility, thus forcing an individual into a clearly unconstitutional choice between self-incrimination or forfeiting his job, (§ 406)

(3) severely limiting the individual's right to cross-examine adverse witnesses or evidence, (§ 407)

(4) denying federal courts the jurisdiction to enjoin even blatant administrative errors or even to hear complaints from aggrieved persons until the entire administrative process has run its course, (§ 416)

(5) re-vitalizing a maritime and waterfront personnel screening program which authorizes investigations into reading habits, philosophies, and beliefs of prospective seamen and which totally lacks any procedural due process or other safeguards. (§ 2)

There can be no doubt that this bill totally disregards any meaningful protection for cherished individual freedoms. In the words of the Supreme Court in *Robel:* "It would, indeed, be ironic, if in the name of national defense, we would sanction the subversion of one of those liberties . . . which makes the defense of the nation worthwhile." (389 U.S. at 264.)

We urge you to unequivocally reject H.R. 14864.

Sincerely yours,

LAWRENCE SPEISER,
Director, Washington Office.

Mr. LOWENSTEIN. Mr. Chairman, I am opposed to this proposed legislation and commend to the attention of the House the following editorial from today's Washington Post:

SUBVERSION SYNDROME

The first bill to emerge from the House Internal Security Committee is precisely what you would expect: it is grotesque and dangerous. If any evidence were needed to demonstrate the folly of perpetuating the old Un-American Activities Committee under its current alias, it is abundantly presented in this legislative monstrosity, the Defense Facilities and Industrial Security Act of 1970.

The bill would give unreasonable power to the Secretary of Defense to determine who can hold a job at—or who can have access to—all manner of defense projects and facilities, *whether or not classified information is involved*. It would give the President almost unlimited power to order investigations of persons or organizations *whether or not they are under consideration for access to classified matter*. And under its sweeping, ambiguous language, the President, as Rep. Louis Stokes has pointed out, "would be justified in barring a worker employed in a defense industry because he took part in peaceful picketing of a chemical company in protest of its manufacture of napalm."

The bill is an undisguised attempt to overturn—or, to employ a more apposite term, to "subvert"—two Supreme Court decisions of recent years. Both decisions struck down so-called security screening procedures which flagrantly ignored the rights of individuals. Lawrence Speiser of the American Civil Liberties Union was right when he said about this in a letter to congressmen opposing the bill, "It is time that Congress ceased to view Supreme Court decisions protecting constitutional rights of American citizens as the actions of an enemy institution. Upholding the rights of American citizens is something to be applauded, not deplored."

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But this is a view never comprehended by the Internal Security Committee either in its old or its new incarnation.

Behind this malevolent and maladroit piece of legislation lies the misconception that lay behind the McCarthy hysteria of the 1950s—the misconception that the way to promote national security is to mistrust all Americans and to judge their suitability for employment in terms of the conventionality of their ideas.

But security is not fostered by hysteria. In one of the decisions which the Internal Security Committee is trying to overturn, the Supreme Court said: "For almost two centuries, our country has taken singular pride in its Constitution, and the most cherished of those ideals have found expression in the First Amendment. It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties—the freedom of association—which makes the defense of the nation worthwhile."

Mr. OTTINGER. Mr. Chairman, I rise today in opposition to H.R. 14864, the Defense Facilities and Industrial Security Act.

The hearing record on this legislation clearly indicates that it is not necessary and neither the Departments of Defense nor Justice could find any compelling need for the industrial security program established by it. The current program established by Executive Order 10865 is reported to be operating satisfactorily and H.R. 14864 essentially represents a backward step.

Furthermore, this measure constitutes an extremely serious threat to those personal liberties guaranteed by the Constitution. Some of this legislation's more repugnant provisions deny a witness the right to refuse to incriminate himself in exchange for a meaningful immunity, severely limit the individual's right to cross-examine adverse witnesses, and deny Federal courts the jurisdiction to enjoin even blatant administrative errors or even to hear complaints from aggrieved persons until the entire administrative process has been completed.

This distasteful legislation—harking back to the witch hunts of the Joseph McCarthy era—makes no attempt to furnish any specific or detailed guidelines for the President to determine who may work in certain defense industries and it could easily become a vehicle for arbitrary and capricious actions. It also authorizes investigations into reading habits, and personal philosophies and beliefs. It lacks any procedural due process provision or other safeguards.

Mr. Chairman, I commend our distinguished colleague from Ohio (Mr. STOKES) for his fine dissenting views on this undesirable legislation and I am pleased to associate myself with his remarks.

Not only has this bill strayed too far in the area of vagueness but, as an attorney, I believe it is subject to invalidation on any number of constitutional grounds in its poorly disguised attempt to reverse or circumscribe some eight existing Supreme Court decisions in the field of civil rights and liberties.

Almost every provision of H.R. 14864 is defective. Particularly repugnant is the provision permitting investigation that may probe into every aspect of an individual's life, limited only by some bureaucrat's concept of relevancy.

I feel very strongly that we should not relax our efforts to combat internal subversion and effectively safeguard our defense facilities. However, there seems to be no convincing evidence that our present security measures are inadequate to fulfill their task. This legislation is certainly distasteful to those principles and ideals for which our country stands, and it clearly violates the most fundamental of constitutional rights. I, therefore, urge its defeat.

Mr. FARBSTEIN. Mr. Chairman, I rise in unequivocal opposition to H.R. 14864, the Defense Facilities and Industrial Securities Act of 1970 reported from the Committee on Internal Security.

Once again, Congress is being called on to sacrifice individual freedom in the never-ending pursuit of that elusive goal, national security. The impetuses for the latest onslaught on the Constitution are two decisions by the U.S. Supreme Court. One Robel against United States held a section of the Subversive Activities Control Act of 1950 unconstitutional because it barred all members of so-called Communist-action groups from all employment in any facility that had a defense contract, even if the individual had no access to classified material. The other, Schneider against Smith, struck down the personnel screening program of merchant marine personnel, because it was not authorized by law.

H.R. 14864 is designed to overturn these two Court decisions. It is time that Congress ceased to view Supreme Court decisions protecting constitutional rights of American citizens as the actions of an enemy institution. Upholding the constitutional rights of American citizens is something to be applauded, not deplored.

For all the furor, not a single spy or saboteur has ever been uncovered by any of the loyalty-security programs which sprang up during the McCarthy period. We should realize that the past loyalty-security programs this legislation seeks to reinstate are not really protective of national security, but, instead, greatly undermines confidence in the Government's commitment to the Constitution's guarantee of rights to all citizens.

A security program which takes proper account of individual liberties should be restricted in two ways: First, to apply only to limited physical facilities or materials actually needing protection, and second, to cover the smallest number of people possible.

These restrictions would insure that no time, manpower, or money are wasted on a diffuse, inefficient program, as was the case in the programs invalidated in Robel and Schneider, that national security is not protected by a shotgun approach, and that the constitutional liberties of all citizens are respected.

Yet, this is exactly what H.R. 14864 proposes. In fact it would go beyond even the coverage that existed prior to Robel.

It defines a defense facility to include anything the Secretary of Defense determines affects "essential services in times of emergency." It would give him the power to decide not just who can be employed, but who can have "access" to any highway, vehicle, streetcar, or school.

It authorizes the investigation of anyone by the President, "any person or organization," and not just those who are being considered for employment or for access to classified materials. And the scope of those investigations is not limited to just Communist associations, but includes "present or past membership in or affiliation with any organization."

And the definition of "act of subversion" is almost limitless, including "any act—to effect any plan, recommendation or any—organization which has as a purpose the destruction of the constitutional form of government by any means deemed necessary." This almost unlimited definition could even encompass any organization advocating the peaceful, nonviolent change of the U.S. Government by means of the ballot.

Other defects in the bill include: First, denying a witness the right to refuse to incriminate himself in exchange for immunity granted without any judicial safeguards; second, treating assertion of fifth amendment rights as justification for denial or revocation of employment; third, limiting the right to cross-examine adverse witnesses or evidence; fourth, denying Federal courts the jurisdiction to enjoin even blatant administrative errors until entire administrative process has run its course; and fifth, revitalizing the maritime personnel screening program which authorizes investigations into reading habits, beliefs, et cetera, of prospective seamen, and without any procedural safeguards.

There can be no doubt that this bill totally disregards any meaningful protection for cherished individual freedoms. I urge my colleagues to join with me in rejecting it.

Mr. MIKVA. Mr. Chairman, I am voting against H.R. 14864 because it is unnecessary, because it is unconstitutional, and because it is a step toward Government control over the associations and beliefs of Americans. I cannot support such a bill.

No one opposes a program to provide reasonable security for defense facilities or for industrial installations which handle classified projects. But we already have such a program and it is working well. It has been established pursuant to Executive Order No. 10865 and it is entirely adequate. Even Deputy Attorney General Kleindienst, not noted as a soft-liner on matters of internal security, told the committee:

> In view of the satisfactory operation of the present Industrial Personnel Security Program under Executive Order 10865, we de not suggest that there is a compelling need for legislation in this area. (House Report No. 91–757 at P. 32.)

Since we already have an adequate and satisfactory industrial security program, what is the purpose of this legislation? It is to extend the scope of the present program both as to the kinds of facilities and jobs for which clearances are required—including facilities and jobs where no classified material is ever used—and as to the kinds of associations and beliefs which may be investigated and used as a basis for denying such clearances. Mr. Kleindienst admits:

> The Bill would provide the statutory authority necessary for limited inquiry into an individual's affiliations, memberships,

> and beliefs. . . . proposed Section 405(c) would specifically touch on associational freedoms, and First Amendment issues would no doubt be encountered in its administration. (Report at p. 33.)

With such a purpose, this bill is clearly unconstitutional.

In the case of *United States* v. *Robel*, 389 U.S. 258 (1967), the Supreme Court struck down sections of the Internal Security Act of 1950 which attempted to do almost precisely what the present bill attempts to do. In Robel, the Court pointed out the first amendment problems with such legislation:

> It is precisely because the statute sweeps indiscriminately across all types of associations with Communist-action groups, without regard to the quality and degree of membership, that it runs afoul of the First Amendment. . . .
>
> The operative fact upon which the job disability depends is the exercise of an individual's right of association, which is protected by the provisions of the First Amendment.

Despite the fact that this bill is unnecessary, several Members and I have honestly tried to take out some of the more flagrantly unconstitutional and unwise provisions. We tried to insure that a worker who was required by the Secretary of Defense to obtain a clearance would at least have the right to confront persons who gave derogatory evidence against him. We tried to insure that the right of confrontation and cross-examination, so fundamental to our concepts of due process of law, was safeguarded. But this amendment was rejected.

We tried to insure that no activities which are constitutionally protected by the first amendment could be used as the basis for denying a security clearance so that a man's freedom of speech and freedom of association could not be used as a club against him. But this amendment was rejected.

Finally, in an amendment which I offered, we tried to limit the scope of organizational affiliations which could be considered in denying a clearance to active memberships in illegal organizations. The absence of such a limitation is precisely the ground on which this bill's predecessor was struck down by the Supreme Court as unconstitutional. In the Robel case the Court said:

> That statute casts its net across a broad range of associational activities, indiscriminately trapping membership which can be constitutionally punished and membership which cannot be so proscribed. . . . Thus, [that statute] contains the fatal defect of overbreadth because it seeks to bar employment both for association which may be proscribed and for association which may not be proscribed consistently with First Amendment rights.

This same indiscriminate proscription of all kinds of memberships and associations with all kinds of organizations is what I attempted to limit in my amendment. But that amendment was also rejected.

The bill in its present form unnecessarily enlarges the kinds of facilities covered and it unconstitutionally enlarges the kinds of associations and beliefs to be investigated. Hundreds of thousands of workers in defense-related plants, laboratories, educational institutions, transportation services—railroads, vessels, aircraft—and even public places—pier, bridge, highway—will be covered. They will have Government investigators prying into their private lives, checking whom they talk to and what they read, and compiling dossiers on them. Hundreds of thousands more citizens will have Government bureaucrats passing judgment on the propriety of their associations and activities. Hundreds of thousands of Americans will be brought under the scrutiny of "big brother." Since the existing industrial security program already covers anyone who has access to classified material, the workers now added by this bill are workers who will never touch or see classified material.

As the Supreme Court said in rejecting the earlier attempts to enact such unnecessarily broad and sweeping security legislation:

> It would, indeed, be ironic, if in the name of national defense, we would sanction the subversion of one of those liberties—the freedom of association—which makes the defense of the nation worthwhile.

So this bill is both unnecessary and, by the standards the Court has already clearly enunciated, unconstitutional. But that is not all that is wrong with it. It is also diversionary and wasteful.

It is diversionary because it so broadens the industrial security effort beyond the admittedly adequate program now operating that it will diffuse the limited resources which can be devoted to the program. It will divert attention and effort from those areas where real danger may exist—the areas where classified material is dealt with—to areas which are of no defense significance. My view is that this bill will actually reduce the effectiveness of the present industrial security program because it will spread the limited resources of that program over a far broader group, making it just that much more difficult to concentrate on areas of real concern.

And the bill is wasteful because it would greatly expand the scope of the present program—at a tremendous cost in dollars and man-hours—with no increase in security for really important and sensitive activities. As an example, the Chief of the Personnel Security Branch of the Directorate for Security Policy, Department of Defense, Mr. James Casey, told my office yesterday that latest estimates of the number of additional workers who would be covered by this bill is 430,000. These 430,000 workers, who never see classified material, will have to be "cleared" before they can retain their jobs. And the cost of these clearances? There are no cost estimates in the committee's report, but every background investigation the Government makes costs the taxpayers $280. If every one of these 430,000 workers needs a background investigation at $280 a shot, you can figure out for yourself what that will cost. And this is supposed to be a time to worry about inflationary Government spending. At least so we were told yesterday when we voted on the President's veto of money for education.

We are asked to vote today for a bill which the administration admits is not necessary, which it did not ask for, which is unconstitutional under standards clearly announced by the Court, which is diversionary and wasteful, and which is another erosion of those liberties—privacy and freedom of association—which make our country worth living in.

The bill is not worthy of this Congress and I will not vote for it.

Mr. RIVERS. Mr. Chairman, I rise in support of H.R. 14864.

First, I want to commend the distinguished chairman, the gentleman from Missouri (Mr. ICHORD), and his committee on the work that they have done in preparing this legislation. They have put a great deal of effort into its preparation and the result is a fine piece of legislation.

It is obvious that the protection of our defense facilities is essential to our national security. However, since 1967 that protection has been jeopardized and legislation such as H.R. 14864 has been vitally needed. In 1967 the Supreme Court decided the case in United States against Robel which held that section 5, title I, of the Internal Security Act of 1950 was unconstitutional. This section denied employment in a defense facility to a member of the Communist Party. While voiding section 5, the Court was careful to point out that they were not striking the concept but rather found that section 5 was too broad and vague in its denial. The Court indicated that the section did not distinguish between sensitive positions and insensitive positions at defense facilities nor did it distinguish between passive and active, knowing and nonknowing members of the Communist Party.

Mindful of this distinction in the Robel case and mindful of all other recent Supreme Court cases of a similar nature, the distinguished gentleman from Missouri (Mr. ICHORD) has prepared a bill which meets the constitutional tests established by the Court. H.R. 14864 is a narrowly drawn piece of legislation. It clearly protects the rights of the individual while successfully protecting the security of our defense facilities by barring subversives from employment in sensitive defense positions. The bill establishes sufficient standards to guide the executive branch in defining sensitive positions in defense facilities and in carrying out the screening of individuals who seek employment in such positions.

In addition, H.R. 14864 improves upon the industrial security program now being operated by the executive branch under Executive Order 10865. We are well aware of the deficiencies that exist in this program as operated under the Executive order and as the chairman so accurately points out, Congress has been remiss in not legislating to remove these deficiencies and thus protect the rights of the individual.

In all respects, I find this bill to be true to its aim of protecting our defense facilities, while guaranteeing fair treatment of individuals connected with, or seeking employment with, such defense facilities.

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It is with pleasure that I give to this bill my wholehearted support.

Mr. ASHBROOK. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Internal Security Act of 1950 is amended by adding at the end thereof the following new title:

"TITLE IV—DEFENSE FACILITIES AND INDUSTRIAL SECURITY

"SEC. 401. This title may be cited as the 'Defense Facilities and Industrial Security Act of 1970'.

"DEFINITIONS

"SEC. 402. For the purposes of this title—

"(1) The term 'facility' means any manufacturing, producing or service establishment, enterprise or legal entity, any plant, factory, industry, public utility, mine, laboratory, educational institution, research organization, railroad, airport, pier, waterfront installation, canal, dam, bridge, highway, vessel, aircraft, vehicle, pipeline, or any part, division, department, or activity of any of the foregoing.

"(2) The term 'defense facility' means any facility designated as such under section 404.

"(3) The term 'classified', as applied to information, or to any project, production, or service, includes any information, regardless of country of origin, which in the interest of the defense of the United States is specifically designated pursuant to law or Executive order by an agency of the United States Government for limited or restricted dissemination, distribution, or access.

"(4) The term 'sensitive' means, with respect to a position, place, or area of employment, a person's special and enlarged opportunity or capacity, by reason of his position, place, or area of employment, to commit, or to aid or abet another to commit, an act of sabotage, espionage, or any act of subversion which would impair the military effectiveness of the United States, or the production and development of essential materials and services of importance to the national defense, or would endanger the safety of military personnel or the security of classified information.

"(5) The term 'act of subversion' means any unauthorized disclosure of classified information, or any act, omission to act, conspiracy, or solicitation to commit any act or omission, which causes or would tend to cause damage or injury to any facility or its production and services, when committed with the intent to impair the national defense, or to advantage a foreign power, or to prejudice the security of the United States against its enemies, foreign or domestic, or to effect any plan, policy, recommendation; directive, tactic, or strategy or any Communist, Marxist-Leninist, revolutionary socialist, anarchist, nihilist, Nazi, Fascist, or other organization which has as a purpose the destruction of the constitutional form of government of the United States by any means deemed necessary to that end, including the unlawful use of force or violence.

"(6) The terms 'sabotage' and 'espionage' mean those offenses punishable as such under Federal law.

"(7) The term 'contractor' means any individual or any industrial, commercial, educational, or other entity which has executed a contract or agreement with the Department of Defense or with any agency of the Government of the United States.

"(8) The term 'association', as applied to a person's conduct, means a person's activities, or other objective manifestation of conduct, in relation to another person or organization.

"(9) The term 'affiliation', when applied to a person's relation to an organization, means the existence between such person and the organization of such a close working alliance or association that the conclusion may reasonably be drawn that there is a mutual understanding or recognition between such person and organization that the organization can rely and depend upon such person to cooperate with it and to work for its benefit for an indefinite future time. A practice of giving or loaning money or any other thing of value, or of providing security for the repayment of any such loan, to any organization, other than by a commercial bank or lending institution in the usual course of business, shall create a rebuttable presumption of affiliation with such organization. Nothing in this paragraph shall be construed as an exclusive definition of affiliation.

"SEPARABILITY OF PROVISIONS

"SEC. 403. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"DESIGNATION OF DEFENSE FACILITIES

"SEC. 404. (a) In the interest of providing for the common defense of the United States and to that end to provide adequate protection for facilities highly essential to this Nation's defense production, whose loss or injury would impair this Nation's defense and mobilization capabilities, it is the purpose of this section to secure such facilities against the dangers of sabotage, espionage, and other acts of subversion.

"(b) Under such regulations as the President may prescribe, the Secretary of Defense shall designate as defense facilities such facilities of the kind specified in subsection (c) as are engaged in whole or in part in furnishing defense materials or services for the use of the Government of the United States whose designation the Secretary determines is necessary to effectuate the purposes of this section.

"(c) Facilities authorized to be designated as defense facilities under subsection (b) shall be limited to—

"(1) facilities engaged in important classified military projects,

"(2) facilities producing important weapons, weapons or defense systems, their subassemblies and components,

"(3) facilities producing basic material and raw material which are essential to the support of military production or mobilization programs and in limited supply, or

"(4) important utility and service facilities:

Provided, however, That no facility described in paragraph (3) shall be designated unless its productive capacity accounts for a substantial portion of total national capacity or unless its production would be in critical demand in times of emergency, and no facility described in paragraph (4) shall be designated unless its disruption or damage would cause a serious delay in essential services in times of emergency or would substantially affect the national defense capability.

"(d) The Secretary shall promptly notify the management, and any labor organization (as the term is defined in section 2(5) of the National Labor Management Relations Act, 1947, as amended), of any facility which he proposes to designate as a defense facility, of the opportunity of the management and such labor organization to oppose such designation by written objection and oral argument. In the absence of objection to the proposed designation or upon final determination in favor of such designation, the Secretary of Defense shall give notice of such designation to such management and labor organization and may cause the management to post (in such place or places within or upon the premises of such facility as shall be likely to give knowledge or notice of such designation to affected employees of, and applicants for employment in, such facility) a conspicuous notice of such designation of such facility. Nothing in this section shall be construed to require the Secretary to disclose information which he determines will impair the national interest or security.

"(e) The Secretary of Defense shall designate the positions, places, and areas of employment in any defense facility which he determines to be sensitive.

"PROTECTION OF DEFENSE FACILITIES AND CLASSIFIED INFORMATION

"SEC. 405. (a) To effectuate the purpose of section 404(a), the President is authorized to issue such regulations and to prescribe such procedures as may be necessary for determining eligibility and authorization for access of individuals and for controlling such access to positions, places, or areas of employment in defense facilities which the Secretary of Defense determines to be sensitive under section 404. Authorization for access to, or control of, such positions, places, or areas may be granted only upon a finding that such authorization is clearly consistent with the national defense interest.

"(b) The President is authorized to institute such measures and issue such regulations, standards, restrictions, and safeguards as may be necessary to protect against unauthorized disclosure classified information released to any contractor, or subcontractor, including procedures for determining eligibility and authorization for access to classified information so released. Authorization for access to classified information may be granted only upon a finding that such authorization is clearly consistent with the national defense interest.

"(c) The President may establish criteria and authorize inquiries and investigations concerning any person or organization, as well as inquiries directed to any person whose eligibility and authorization for access to, or control of, any such sensitive position, place, or area of employment or access to classified information is to be determined, regarding any such person's present or past membership in, or affiliation or association with, any organization, and such other activities, behavior, associations, facts, and conditions, past or present, which are relevent to any determination to be made under the provisions of this section.

"(d) The security programs established in subsections (a) and (b) of this section shall be implemented at the facility level after consultation with facility management and, so far as practicable, shall accommodate differences in degrees and types of security required, different types of facility organization and operation, and such other considerations as may be pertinent to the effective, economical, and well-balanced administration thereof.

"OBSTRUCTION OF INQUIRY

"SEC. 406. In the course of any inquiry, investigation, proceeding, or hearing to determine the eligibility or authorization of any person for access to, or control of, a sensitive position, place, or area of employment in any defense facility or for access to classified information, whether or not on review of any such eligibility or authorization previously granted, the willful refusal of such person to answer any relevant inquiry directed to him, or to authorize others to release relevant information about him, or to take a psychiatric examination when a question of mental illness has been raised, may, unless compliance is made, be considered sufficient to

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justify a refusal further to process his case, or to justify denying, suspending, or revoking any such eligibility or authorization. Should a refusal further to process any such case be made or should any eligibility or authorization be denied, suspended, or revoked for such reason, the person adversely affected shall be entitled on request to a review of such action as the President by regulation shall provide.

"HEARING PROCEDURES

"SEC. 407. (a) Except as provided in subsection (f) of this section, a person's eligibility for access to, or control of, a sensitive position, place, or area of employment in a defense facility or access to classified information may not be finally denied, suspended, or revoked under this title unless such person (hereafter also referred to as 'applicant') has been given—

"(1) a written statement of reasons for the denial, suspension, or revocation stated as comprehensively and detailed as the national security permits;

"(2) an opportunity, after he has replied in writing within a reasonable time under oath or affirmation in specific detail to the statement of reasons, for a personal appearance at which time he may present evidence in his own behalf;

"(3) a reasonable time to prepare for the proceeding;

"(4) the opportunity to be represented by counsel; and

"(5) a written notice advising him of final action, which notice, if final action is adverse, shall specify either the finding has been for or against him with respect to each allegation in the statement of reasons.

"(b) The applicant shall be afforded an opportunity to cross-examine, either orally or through written interrogatories, persons who have made oral or written statements adverse to the applicant relating to a controverted issue except that any such statement may be received and considered without affording such opportunity if—

"(1) the head of the department of the United States supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national security interests; or

"(2) the head of the department conducting the hearing, or his principal deputy, has preliminarily determined, after considering information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and such head of the department, or such principal deputy, has determined that failure to receive and consider such statement would, in view of the level of clearance sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (A) due to death or severe illness, or because such person is beyond the jurisdiction of the United States and his appearance cannot be compelled, or such person is by law exempt from the command of process and refuses to appear on request, or after due and diligent search such person cannot be found, in which case the identity of the person and the information shall be made available to the applicant, or (B) because such person's appearance and identification may result in grievous bodily harm to him, or members of his family, in which case the information to be considered shall be made available to the applicant.

Nothing contained in this title shall be deemed to support a claim by an applicant to inspect or have access to the investigative reports of any agency of the Government.

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"(c) Wherever procedures under paragraph (1) or (2) of subsection (b) of this section are used, the applicant shall be given a summary of the information which shall be as comprehensive and detailed as national security permits, appropriate consideration shall be accorded to the fact that the applicant did not have an opportunity to cross-examine such person or persons, and a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

"(d) Reproduced copies, or summaries of relevant entries, of records, compiled in the regular course of business, including but not limited to records of hospitals, practicing physicians, courts, police arrests, debts, and credit, may be received and considered without authenticating witnesses but subject to rebuttal, provided that such information has been furnished to the department concerned by the organization or individual maintaining the record or by an investigative agency pursuant to its responsibilities in connection with assisting the head of the department concerned with carrying out his security responsibilities.

"(e) Documentary, physical, or other real evidence relating to controverted issues, which because it is classified may not be inspected by the applicant, may be received provided that (A) the head of an executive department, or his special designee for that purpose, has made a preliminary determination that the evidence appears to be material, (B) the head of such department, or his designee, has made a determination that failure to receive and consider the evidence would, in view of the level of clearance sought, be substantially harmful to the national security, and (C) to the extent that the national security permits, a summary or description of the evidence is made available to the applicant. In every such case, information as to the authenticity and accuracy of the evidence shall be considered. In such cases, a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

"(f) Nothing contained in this title shall be deemed to limit or affect the responsibility and powers of the head of a department of Cabinet rank to deny, suspend, or revoke access to classified information if the security of the Nation so requires when such head of the department personally determines that the procedures prescribed in this section or section 408 of this title cannot be invoked consistently with the national security, and such determination shall be conclusive. Such authority may not be delegated.

"SUMMARY SUSPENSION OF CLEARANCE OR ACCESS

"SEC. 408. The measures instituted or regulations issued by the President pursuant to section 405 of this title may operate summarily to suspend or revoke any person's access to, or control of, a sensitive position, place, or area of employment in a defense facility or access to classified information: *Provided,* That (1) he shall be notified in writing of the reasons for the action taken against him within thirty days from the time such action is taken, except that the furnishing of such statement of reasons may be postponed, from time to time, for good cause, but shall not be postponed for a period in excess of ninety days from the time such action is taken, and (2) such person, if he so requests, shall be given a hearing thereon in accordance with applicable procedures set forth in section 407 of this title.

"SEPARATION OF DECISION FUNCTION

"SEC. 409. In any hearing, requested by the applicant on review of agency action taken against him under section 406, or granted pursuant to sections 407 and 408, no employee or agent of the Government who has performed an investigative or prosecuting function for the agency in that case shall participate in the agency decision, recommended decision, or review of that case, except as witness or counsel.

"PRIVACY OF PROCEEDINGS

"SEC. 410. Under such regulations as the President may prescribe, members of the general public may be denied access to the whole or any part of the proceedings and hearings conducted under sections 406, 407, and 408: *Provided, however,* That hearings conducted under such sections shall be public if the person requesting a hearing so demands.

"TRAINING OF ADMINISTRATIVE PERSONNEL

"SEC. 411. The President shall cause to be established or maintained within the appropriate agency or agencies charged with the administration of this title, a program for the special training of investigative personnel, screening or hearing officers, counsels, examiners, and members of boards assigned or authorized for the execution of their duties under this title, including but not limited to training on the subject of the origin and history of Communist and other subversive organizations, domestic and foreign, their diversity and identification, leadership, their organizational recruitment, and indoctrination techniques, conflict doctrines, tactics and strategy.

"REIMBURSEMENT FOR LOSS OF EARNINGS

"SEC. 412. The President shall, in accordance with such regulations as he may prescribe, provide for the reimbursement of all or any part of an applicant's net loss of earnings resulting directly from the suspension, denial, or revocation of clearance pursuant to the provisions of this title if thereafter a final determination is made that (1) the applicant has been determined to be eligible for such clearance, and (2) after considering all of the facts and circumstances under which the suspension, denial, or revocation occurred, it is fair and equitable that the United States, rather than the applicant, bear the loss for which reimbursement is to be made. Reimbursement may not exceed the difference between the amount the applicant would have earned as an employee of the same employer had he continued in the same position as that held at the time of suspension, denial, or revocation and his interim earnings, if any, during the period commencing on the date of suspension, denial, or revocation and ending with date of giving notice to the applicant by regular first-class mail addressed to his last known address of his eligibility for clearance. Due regard shall be given to the duty of the applicant to minimize damages during the period of any such suspension, denial, or revocation, by reasonably seeking and accepting other employment for which he may be qualified.

"COMPULSORY PROCESS AND IMMUNITY

"SEC. 413. (a) Under such regulations and limitations as the President may prescribe, the President (or his designee for such purpose) shall have power to administer oaths or affirmations and, for good cause shown, shall issue process to compel witnesses to appear and testify or produce papers or material at any designated place and at any stage of any inquiry, investigation, hearing, or proceeding entered upon pursuant to the provisions of this title. Any process so issued may run to any part of the United States and its possessions, including the Commonwealth of Puerto Rico. No person, on the ground or for the reasons that testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture, shall be excused from testifying or producing papers or material, but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he, after claiming such privilege against self-incrimination, shall be compelled to testify, or produce papers or material, nor shall testimony or evidence, so compelled, nor any fact or information which may be discovered as a result of such testimony or evidence, be used as evidence in any criminal proceeding against him in any court; but no natural person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying. Any of the district courts of the United States within the jurisdiction of which such inquiry, investigation, hearing, or proceeding is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear (and produce books and material if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(b) Witnesses subpenaed or called to testify or produce evidence at any inquiry, investigation, hearing, or proceeding are authorized travel expenses and per diem as provided by law for witnesses in courts of the United States. The President may, in accordance with such regulations as he shall prescribe, provide that such fees and expenses of witnesses subpenaed or called by or on behalf of the applicant shall, under certain equitable circumstances and in the interest of justice, be borne in whole or in part by the United States: *Provided, however*, That if the applicant be the prevailing party, such fees and expenses shall be borne in whole by the United States.

"RESTRICTED AREAS

"SEC. 414. For the further safeguarding of defense facilities, and of classified information released to any facility, the President may, under such regulations as he shall prescribe, authorize the Secretary of Defense, or his designee for such purpose, to establish area restrictions and prohibitions limiting access to any such facilities and areas adjacent thereto against intrusion by unauthorized persons. Notice of such restrictions or prohibitions shall be posted within or upon the premises of such facility at such places as shall be likely to give notice of such restrictions or prohibitions, and shall include a notice of the penalty provided by this section for violation thereof. Whoever, contrary to the restrictions or prohibitions applicable to any such area, willfully enters, or remains in, any such restricted or prohibited area shall be fined not more than $500 or imprisoned not more than six months, or both.

"PROTECTION OF FACILITIES IMPORTANT TO THE NATIONAL DEFENSE

"SEC. 415. To protect facilities essential to defense mobilization against sabotage, espionage, acts of subversion, and other destructive acts and omissions, the President is authorized to develop and execute, under such regulations as he may prescribe, programs and measures for such purpose, including—

"(1) the development and promulgation of standards of security to be applicable to the foregoing facilities which shall as far as practicable accommodate differences in degrees and types of security required, different categories of facilities, different security ratings, and such other considerations as may be pertinent;

"(2) the development of security measures and cooperative action with respect thereto in consultation with the representatives of industry, labor organizations, agencies of State governments, trade associations, professional security associations, and other technically qualified persons;

"(3) the institution of training and educational programs in cooperation with industry and labor;

"(4) the furnishing of advice and assistance to the management or the owner of such facility with respect to administering and executing a security program therefor; and

"(5) the dissemination of appropriate intelligence information to representatives of management or labor.

"JURISDICTION OF COURTS

"SEC. 416. (a) In any case where a person's access to, or control of, a sensitive position, place, or area of employment in any defense facility or access to classified information has been denied, suspended, or revoked pursuant to this title, no court of the United States shall have jurisdiction at any time to issue any restraining order or temporary or permanent injunction having the effect of granting or continuing such access or control. Nor shall any court of the United States have jurisdiction of any action or proceeding on the complaint of any person adversely affected by the enforcement, execution, or application of the provisions of this title, except after exhaustion of the administrative remedies authorized or provided pursuant to the provisions of this title.

"(b) The authority of the President under this title includes the right to seek in any Federal court a temporary or permanent injunction, restraining order, or other order against any facility, or the management thereof, or against any other person, to prevent access to, or control of, any sensitive position, place, or area of employment in a defense facility or access to classified information by any person whose access thereto or control thereof has been suspended, denied, or revoked pursuant to the provisions of this title."

(b) Section 3 of title I of such Act is amended by striking out paragraphs (7) and (17).

(c) Section 5 of title I of such Act is amended—

(1) by striking clauses (C) and (D) of subsection (a)(1);

(2) by striking the words "or of any defense facility" from subsection (a)(2); and

(3) by striking subsection (b).

(d) Subsection (k), of section 13 of title I of such Act, is amended (1) by striking the last comma therein between the word "final" and the word "and", (2) by inserting a period in lieu of said comma, and (3) by striking that which follows in said subsection.

Mr. ICHORD (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the first section of the bill be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. Are there any amendments to the first section of the bill?

AMENDMENTS OFFERED BY MRS. MINK

Mrs. MINK. Mr. Chairman, I offer two amendments, and, Mr. Chairman, I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

The Clerk read as follows:

Amendments offered by Mrs. MINK: Amend section 402, paragraph (2), to read as follows:

"(2) The term 'defense facility' means any facility designated as such under section 404: *Provided, however*, That with respect to any educational institution only that part thereof which is engaged in a classified military project shall be so designated under section 404."

Amend section 414, at page 19, line 5, by (1) striking the period following the word persons; insert a colon in lieu thereof; and (2) adding the following: "*Provided, however*, That with respect to educational institutions, such area restrictions and prohibitions limiting access shall be limited to those areas of such facilities directly involved in classified military projects."

Mrs. MINK. Mr. Chairman, I rise to offer two amendments to H.R. 14864, the Defense Facilities and Industrial Security Act of 1970.

Under the provisions of this bill, the President is authorized to control access to positions, places, or areas of employment in defense facilities. Facilities however are defined to include, among other things, educational institutions. The President in exercising this authority may consider a person's "present or past membership in, or affiliation or association with any organization, and such other activities, behavior, associations, facts and conditions, past or present, which are relevant."

Clearly, we do not want the President of the United States endowed with the power to prevent students and faculty from access to their own campuses because their university has contracts to do defense research and has been designated a defense facility by the President.

Under the loose provisions of this act, our professors and students would be threatened with denial of their right to enter the campus, to teach, and to obtain an education—for undefined present or past associations, behavior, facts or conditions, whatever they may be.

It is patently absurd to turn loose this massive blunderbuss of Federal thought control onto our Nation's colleges, universities, and other educational institutions. Among distinguished institutions currently having defense studies and which therefore might be subject to the tampering with academic freedom entailed in this bill, are Harvard, MIT, Yale, University of California, University of Wisconsin, Princeton, Dartmouth, and Johns Hopkins University, to name only a few.

A professor at a university would be well advised to watch his statements and associations if this bill became law as it stands. Of course it would be too late to cover up past associations and past conduct. His employment at the "defense facility," that is, his university, could be controlled by the President's military designees, who might conceivably exercise their discretion based on their own whims, political beliefs, or personal prejudices. This is clearly an unwarranted invasion into academic life.

If this bill passes without my amendments I envision our Nation's best colleges and universities turning their backs on further work for the military, lest their students and faculty be subjected to the surveillance practices which are proposed. Who would like to see guards posted at the entrances to these schools and classrooms, denying entrance to any student with anything whatever in his background that the Federal officials deemed suspicious?

My two amendments would limit the

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coverage of this bill to only those specific projects on a university campus which are classified military projects. I urge the support of my amendments.

Mr. ICHORD. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman.

Mr. ICHORD. Mr. Chairman, I would point out to the Committee that it was not intended by the members of the committee to give the Department of Defense or the President the authority to declare a whole educational institution a defense facility. Of course, the committee cannot be responsible for any abuse of executive authority that could possibly happen and I think under the terms of the bill, as written, any abuse such as feared by the gentlelady as would be capricious and arbitrary, would be stricken down.

The gentlewoman is concerned that this might happen and I have looked over the amendment offered by the gentlewoman from Hawaii and so far as this side is concerned, I do not think it is particularly necessary, but if there is any fear in this regard, we will accept the amendment.

Mr. ASHBROOK. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman.

Mr. ASHBROOK. Mr. Chairman, I would agree 100 percent with what the chairman indicated, that it is certainly not our intent in the act to grant such authority. There is no objection on this side to the amendments offered, and we urge their adoption.

Mr. YATES. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman.

Mr. YATES. I was going to ask the question, What would happen if a Russian professor were invited to deliver a lecture at one of the universities under this bill, would he be banned?

Mrs. MINK. I would hope not. Under the limitation which I have provided in my amendment, the limitation of access would be restricted to that specific area directly concerned with classified military projects.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Hawaii (Mrs. MINK).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Amend section 407 by striking section (b) and inserting in lieu thereof the following:

"(6) an opportunity to cross-examine, either orally or through written interrogatories, persons who have made oral or written statements adverse to the applicant relating to a controverted issue except in cases where the disclosure of such written or oral statements or of the name of any person giving such a statement would be substantially harmful to the national security interests. If opportunity to cross-examine respecting any such oral or written statements is denied, or is to be denied, the head of the department of the United States which initiates or asserts the denial shall summarize the information in such comprehensive and detailed a manner as national security permits and which, to the extent that national security permits, state the reason why any witness' name is withheld, and shall file a petition in the federal district court in the district where the applicant resides petitioning the court to grant an exception to these provisions respecting cross-examination. At any time that applicant has reason to believe that information or witnesses against him are being withheld so as to deny him an opportunity to know the nature of the matter which is being used against him or to face his accuser, he may file a petition in the federal district court where he resides so alleging and praying for appropriate relief. In either case the district court shall determine the question of whether or not full cross-examination in the circumstances would be substantially harmful to the national security interests. If such substantial harm to the national security interests is involved, the court shall devise such proceedings for administration and consideration of evidence, and for cross-examination and process, as may do justice in the premises, protect the national security, and afford to the applicant due process of law."

And by relettering sections 407 (c), (d), (e), and (f) accordingly.

The CHAIRMAN. The gentleman from Texas is recognized in support of his amendment.

Mr. ECKHARDT. Mr. Chairman, I think that we have made progress in that the judicious voices of pragmatism on the side of the committee have replaced the raucous voices of demagogy that at some earlier times may have rung in these Halls.

For those reasons, I appear here, not as an antagonist to the committee, but rather as one who desires to put into the language of the section affected provisions which would, in fact, protect due process and judicial process.

I have not changed the original language in the first sentence substantially. All I have done is to use an item (6), as a qualifying item for finally withdrawing the security clearance. For some reason, in the original form, the right to cross-examine is contained in a separate paragraph and is not stated as a condition to final withdrawal of security clearance.

Then, instead of permitting the exception to cross-examination to be determined ultimately by department heads—we all know department heads are Joe Zilch, who speaks for a department head—instead of having Joe Zilch determine the sensitive question of the right to cross-examine, I have required the department to go into the court and make the same type of presentation with respect to the necessity for withholding information that it may do without any review under the provisions of the existing bill.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Illinois.

Mr. YATES. In colloquy with the gentlewoman from Hawaii, the chairman of the committee said that neither the committee nor the Congress could be responsible for the actions of department heads. Would not the gentleman's amendment protect in measure against unwarranted action by department heads? As I understand the gentleman's amendment, it would not permit the court to go into the question whether national security were involved if the Government insisted upon that position before the court.

Mr. ECKHARDT. That is precisely correct. I am not asserting that a department head would himself, if he addressed his attention carefully to the question, intentionally deprive one of his right to cross-examine. But I know, as well as all of you know, that when a department head is asked whether or not this matter is a sensitive question that can be brought forward and subjected to cross-examination, he is more likely than not to say that it is sensitive, and that wipes out the whole right of cross-examination with respect to that witness' testimony; it wipes out the right to confrontation; and, in fact, no intelligent, precise attention has been given to the question of weighing security interests against the interest of affording cross-examination.

What my amendment would actually do is to provide a kind of pretrial process to determine what facts can be brought out and under what circumstances. And the court would do it. It would not compel the release, even to the court, of information so sensitive that no one should know it except those engaged in the secret process.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Missouri.

Mr. ICHORD. It is quite difficult to fully understand the thrust of the amendment when it comes before us here on the floor of the House without sitting down and weighing the effect of the language in the light of all the court cases in this field.

Is the effect of the amendment offered by the gentleman to substitute the court for the department head?

Mr. ECKHARDT. Not precisely. The department head could still appear before the court and urge that the matter was too sensitive to be revealed. He might even insist that the information should not be disclosed at all—as, for example, if we were engaged in developing the atom bomb, as we were in Chicago—and the matter was so secret that not even the court should know about it. But if he did so, if he did make such a contention, he would have to do it to the court and, of course, he would be doing it under his sworn statement to the court. He would be considering it seriously, and he would be appearing either as the department head himself or as an agent who could speak responsibly for the department head.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask the Committee to vote down the amendment offered by the gentleman from Texas. I asked the gentleman from Texas as to whether his amendment would be substituting the court for the department head as we have provided in the bill. It is rather difficult for me to understand the full thrust of the amendment, but I submit that is exactly what the amendment does—substitute the court for the department head—because the amendment

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strikes out all of the language relating to the authority of the department head.

Let me explain to the Members on the floor the situation as it now is. This amendment relates to the protection of the rights of the individual when he is denied access to classified information or when his clearance is removed. This relates to a program that is now in existence, at the present time being operated by the Department of Defense under Executive Order 10865. We have written a legislative base for the program operated under Executive Order 10865, but we narrow considerably the flexibility of the Department of Defense in operating this program and lean more toward the rights of the individual.

The amendment offered by the gentleman from Texas deals with the right of restriction of confrontation of witnesses. The present order even gives the department head—and this is going on at the present time—the right to deny the applicant the right of confrontation of witnesses for any reason that the department head believes to be good and sufficient.

Again this is a matter of weighing the rights of the individual against the security interest of the Nation. I want to make here some legislative history to the effect that we expect the Department of Defense in practically all cases, wherever possible, to permit the applicant to cross-examine witnesses and to be confronted with his accusers. But here we are dealing only with the very exceptional cases. We realize that in some cases the Government would be required to expose its whole intelligence apparatus if it were required to confront the individual with his accusers. So we set up for those very rare exceptions this provision and give the department head—in this case the Secretary of Defense—the right in certain limited cases, to restrict the right of confrontation.

I would point out there is no constitutional requirement of the right of confrontation. The sixth amendment only applies to criminal sanctions, criminal cases. We are dealing here merely with clearances for access to sensitive defense positions and to classified information.

I am greatly concerned that the gentleman from Texas by his amendment might be requiring the Executive to reveal state secrets. I submit that as a matter of constitutional doctrine it would not be constitutional to require the Executive to reveal state secrets to the judiciary. This is a matter of separation of powers.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 5 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Texas.

Mr. ECKHARDT. In answer to the gentleman's last proposition, is the gentleman conversant with the second sentence of the amendment, which says:

> If opportunity to cross-examine respecting any such oral or written statements is denied, or is to be denied, the head of the department of the United States which initiates or asserts the denial shall summarize—

Incidentally, this language was taken from the bill of the able gentleman from Missouri, in precise terms—

> shall summarize the information in such comprehensive and detailed a manner as national security permits

That was in the original bill for the very purpose the gentleman is pointing out here. That was the information that had to be given to the individual if he were not given the documents themselves.

All I have done is require that such a petition be presented to the court. There is nothing in this amendment that requires the executive department to reveal that which it feels is too sensitive to reveal anywhere.

Mr. ICHORD. Let me point out to the distinguished gentleman from Texas that the applicant does have the right of court review under this bill. After he has exhausted his administrative remedies he can go to the courts. If the court finds that due process has been violated, his rights can be corrected.

But here the gentleman is taking away the right of a departmental head to make this decision. He is requiring him to go into the court. How can the court make any better decision at that time than it could later on, after the man had exhausted his administrative remedies?

Mr. ECKHARDT. Will the gentleman yield for me to answer what really is two questions?

Mr. ICHORD. I will yield in just a moment.

How would the court be permitted to make any better decision unless they revealed the particular agent that might be involved?

Mr. ECKHARDT. I believe the answer is this. As I said earlier, actually when an agency is called on either to permit or not to permit the revealing of information gathered upon which the exclusion was based, there is not likely to be attention to this very important question by a high level of administrative authority.

Besides that, the decision that the information is secret or should not be revealed is made and is stated not under oath but on the opinion of whoever in the agency ultimately made the decision. This may go out over the name of the Secretary.

If the matter of whether or not cross-examination is to be denied is a matter which is presented to the court, I believe that this compels the agency to act with candor and with seriousness. The agency may still come in and say, "This is even too sensitive for the court to consider," but I believe in many, many circumstances, when the matter got to the highest level of the agency, the Secretary or his designated authority would not come in and make that contention unless it were really true.

Mr. ICHORD. I cannot see how the gentleman would greatly improve the status of the applicant by requiring the Government to go into court at that particular time. I can see it is a matter of time.

He does have to exhaust his administrative procedural rights.

I am greatly concerned about this. As an example, I remember that just a number of months ago, when I was down at the White House, after the *Pueblo* affair, one of the Cabinet officers said something about a great number of intelligence agents just disappearing off the face of the earth.

This is what I am concerned about: that you might require the Department of Defense to reveal and the President to reveal State secrets, and I do not believe they should be revealed to the courts any more than to the general public.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. Yes. I am glad to yield to the gentleman.

Mr. YATES. The committee is rightfully concerned that the Executive order is too strict in denying rights to individuals who may be brought to a hearing under that order.

Mr. ICHORD. But at that point does not the gentleman feel that we have narrowed the right to restrict confrontation of witnesses?

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 3 additional minutes.)

Mr. YATES. The committee rightfully decided in certain instances an individual who was brought to hearing is entitled to the right of confrontation.

Mr. ICHORD. Right. This is only a very rare exception.

Mr. YATES. Right.

Mr. ICHORD. An exceptional case where the security of the United States is involved.

Mr. YATES. Where questions of national security are involved.

Mr. ICHORD. That is right.

Mr. YATES. In that kind of a case the committee says we will let the department head have complete discretion.

Mr. ICHORD. No, we do not. The gentleman is in error. We do not.

Mr. YATES. What is provided, then?

Mr. ICHORD. The instances in which he may exercise that discretion are set out in the bill.

Mr. YATES. What does that mean?

Mr. ICHORD. Let me ask the gentleman to read section 407(b).

Mr. YATES. I have read the bill. What does it say?

Mr. ICHORD. It says:

> (b) The applicant shall be afforded an opportunity to cross-examine, either orally or through written interrogatories, persons who have made oral or written statements adverse to the applicant relating to a controverted issue except that any such statement may be received and considered without affording such opportunity if—

Under certain circumstances.

We require this to be a decision only made by the department head, that is, the Secretary of Defense.

Mr. YATES. I point out to the gentleman in cases of national security that the department head, even under the language you have just read, has total discretion.

Mr. ICHORD. I should go on and read to the gentleman, and I think I have to go on and read the instances under which

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the Secretary of Defense can restrict the right of confrontation:

(1) the head of the department of the United States supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national security interests; or

(2) the head of the department conducting the hearing, or his principal deputy, has preliminary determined, after considering information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and such head of the department, or such principal deputy, has determined that failure to receive and consider such statement would, in view of the level of clearance sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (A) due to death or severe illness, or because such person is beyond the jurisdiction of the United States and his appearance cannot be compelled, or such person is by law exempt from the command of process and refuses to appear on request, or after due and diligent search such person cannot be found, in which case the identity of the person and the information shall be made available to the applicant, or (B) because such person's appearance and identification may result in grievous bodily harm to him, or members of his family, in which case the information to be considered shall be made available to the applicant.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent (at the request of Mr. Yates) Mr. Ichord was allowed to proceed for 2 additional minutes.)

Mr. ICHORD. I would also point out that we require that this restriction of the right of confrontation be taken into consideration before making a final decision. Also, a decision adverse to the applicant can only be made by the Secretary of Defense personally. It is very narrowly drawn.

Mr. YATES. I still insist on my original contention that in certain cases of national security where conditions you have just read are met and where there are cases of the death of a witness or the revealing of information would harm the national security that the person is not entitled to delve into the action of the Department head.

Mr. ICHORD. The gentleman is in error. He is entitled to a court review of the action of the Department.

Mr. YATES. A court review of what? What does that entitle him to? It entitles him only to a review by the court of the procedures.

Mr. ICHORD. Right.

Mr. YATES. It entitles him only to question whether or not the Department has followed the processes set forth in the law. That is all he would be entitled to.

Mr. ICHORD. They have to comply with due process requirements in denying his right. Again, this is a matter of balancing the interest of the individual against security interest. There is no constitutional right of confrontation.

Mr. YATES. In my opinion all the Department has to do in responding to court review is to follow the procedures set forth in the statute and, the court will have no jurisdiction.

What the amendment offered by the gentleman from Texas seeks to do is to get a final statement by the executive department on the record before the court that the national security is involved in the case. In that case if the department says, "No, we cannot make this information available," the court cannot require it to be made available. It cannot upset the stated position of the Department.

Mr. ICHORD. I refuse to yield further to the gentleman from Illinois.

I would say this: The amendment which has been offered by the gentleman from Texas would keep the DOD in the courts from here on out if we have learned anything from the experience of the past.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have looked with considerable interest at the amendment which has been offered by the gentleman from Texas because I yield to no man in my belief in the right of confrontation and cross-examination and the importance thereof. If this were a question of a criminal matter—criminal prosecution—there could be no possible question that such a right would have to be unfettered. The Constitution would require it.

We are dealing here with not quite the same thing. We are dealing with the entitlement to a specific type of employment.

The question really is—and I would agree to this extent with the gentleman from Illinois as to who should make the ultimate determination as to what is vital in the national interest in this particular type of case; whether the executive or the courts—there can be no manner of doubt under this amendment that it is left up to the court, completely. If the department head feels that this right of confrontation and cross-examination should not be extended because it may be dangerous to the national defense—this is by reason of revelation which it may involve—under the bill he can determine that. Under the amendment he has to go to court and petition the court to issue an order, an exception, allowing no cross-examination in this case. There is no question about that.

If the individual on the other hand thinks he should have the right of confrontation, he goes to the court and, the amendment says, in either case that the district court shall determine the question. So, there is no question but what the amendment takes that right away from the executive and gives it to the court.

What you have to do is to determine where you think that ultimate power ought to lie in this particular type of case.

I grant you that the Secretary could say to the judge, "This is so important and vital we are not even going to tell you why; that is about all we can do." That does not give the court much to go on. If the court then says, "You have not shown anything and I am not going to make an exception, you are going to have to let this man cross-examine," then that would have to be the case. Then the Executive has two choices. He can either obey the court and take his chances about what the cross-examination may reveal about national defense or he can drop the case and let the employee continue on.

It seems to me, in all due deference, and granted that this is a difficult and very delicate field, that you are coming to a decision here with reference to a matter, not as to whether or not a man goes to jail, but as to whether he is to have access to certain types of employment which give him access to national defense information, and as to whether the ultimate decision, in such a case, will lie with the judiciary or with the executive.

I believe, balancing the situation, that this decision always has lain with the executive, and it has got to lie with the executive. Therefore, much as I admire the right of cross examination, I have to oppose the amendment offered by the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. Certainly I will yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I believe that the gentleman has not fully apprehended the meaning of the amendment, although I think that his preface certainly shows great sensitivity to the importance of cross-examination.

The right to assign or reassign the employee to a sensitive job or to another portion of the plant under this amendment still remains with the employer or with the Government. And as the author of the bill, the able chairman of the committee, has explained, there are only a very few cases in which the question of cross-examination is denied. But I submit that in those very few cases, not the question of assignment—I think that should be left to the department head or with the employer—but the question of the right to cross-examination should be determined by the court.

Now, mind you, the court does not necessarily uphold the right to cross-examination. That is not an absolute condition for the person remaining on the assignment, but the court would determine the matter that would be considered and the scope of cross examination.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt).

The question was taken; and on a division (demanded by Mr. Eckhardt) there were—ayes 13, noes 37.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mikva: On page 8, line 14, strike out all after the word "determined," through and including line 19, and insert in lieu thereof the following: "regarding any such person's illegal activities, and regarding any such person's active membership in any organization engaging in illegal activities, which are relevant to a determination to be made under the provsions

> of this section. For the purposes of this subsection, 'active membership' in an organization means such active participation in and support of its activities as evidences a knowledge of the organization's goals and a specific intent to support and further those goals."

Mr. MIKVA. Mr. Chairman, I would like to add my commendation to the chairman of the committee, and to the committee, for seeking very energetically to correct some of the procedural defects that have been obvious in previous procedures dealing with internal security. I think that on the hearing procedure, with the exception of the Eckhardt amendment for which I recently voted, I think the hearing procedures by and large are vastly improved over anything that has ever been offered in an internal security act.

Having said that, however, I think the act fails dismally in what is set forth as one of its important purposes, and that is to meet the conditions of the Court in the Robel case.

You have heard a great deal of discussion about that case. What the case stood for is the proposition that if there are to be standards by which people's conduct is to be proscribed, those standards must be narrow, they must be precise, and they must be weighed on their face—not in terms of how they are actually enforced or applied—but in terms of what they say. The Court said:

> It is precisely because that statute sweeps indiscriminately across all types of associations with Communist-action groups, without regard to the quality and degree of membership, that it runs afoul of the first amendment.

Mr. Chairman, I suggest to you that this statute, that is the proposed statute, has that same defect because it says in its proposed wording that "the President may establish criteria" relating to a person's eligibility and authorization for access to, or control of, any such sensitive position regarding any such person's past or present membership in, or affiliation or association with, any organization, and such other activities, behavior, associations, facts, and conditions, past or present, which are relevant.

That is precisely the evil that the Court held in the Robel case could not pass constitutional muster.

My amendment would limit the situations in which the President could establish criteria to those in which there is active, knowledgeable and knowing membership in an organization. Unless it is so narrowly defined, we are again going through the same exercise that the Congress went through in passing the original act.

Unless the decision of the Court is changed by apostasy or death, you are going to have another decision like the Robel case which says you cannot delegate to the President—even to the President—the power to make inquiry, or set criteria of a person's associations, affiliations and membership which might be passive and which are not specifically limited to those which deal with illegal activities in support of the organization that is proscribed.

I suggest to you that under the language that is in the bill, unamended, the President could make inquiry and set criteria having to do with Vietnam war opponents, draft resisters, student activists, civil rights workers, labor organizers or just political partisans.

It is not enough to say that the President would not do that because what the Court said in the Robel case and if this language cannot pass muster on its face, then it is going to go down the drain.

I suggest, Mr. Chairman, if you want a constitutional statute, you will support this amendment.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. ICHORD. Mr. Chairman, do I understand that the gentleman believes that the United States against Robel case decided that you can only prohibit an active member of the Communist Party from employment in a defense facility in a sensitive position?

Mr. MIKVA. No, what I said was that you cannot inquire into or proscribe a person's affiliation or association indiscriminately. You have to have standards which would measure those which could be proscribed as against those which could not be proscribed. I suggest that there are no such standards in this bill.

Mr. ICHORD. Let us take a specific case. Section 405 sets up the screening program for both access to sensitive positions in a defense facility and also for access to classified information, confidential, secret, and top secret information.

Section 405(c) lays down some criteria for the Department of Defense in carrying out this screening program.

As I understand the amendment offered by the gentleman from Illinois, this would preclude inquiry into whether the member was an acting member or a passive member.

Does the gentleman from Illinois actually believe that even a passive member, if it is not explained, should have access to top secret information?

Mr. MIKVA. I am suggesting that under the standards you have set forth, the bill runs afoul of the same points as raised in the Robel case.

Let me put it this way, Mr. Chairman: You and I are associated on this bill. That does not mean that we are in agreement on the bill. Association is defined in the bill, and the basis on which the President is allowed to set criteria dealing with associations. The fact that we are on opposite sides would not preclude him from setting a criterion which states that since I was associated with you on this bill, and he did not like this bill, therefore, I could be barred from employment.

That is exactly the evil the Court stated must be struck down. You must set standards for certain kinds of associations.

Mr. ICHORD. The gentleman deals in broad generalities. I remember an old adage which I believe originated in the Mideast somewhere which states that—

> Words without deeds are like trees without roots.

You talk of civil liberties and you speak noble concepts and principles about the liberty and the freedom of the individual. I subscribe to those also. But is the gentleman saying that we cannot even look into an association when we are making an investigation to clear an individual for access to top-secret data?

Suppose the individual concerned had been associated with a known spy or saboteur, widely known. Suppose he had been seen drinking with him in several bars, and that he had been seen in several night clubs with such a person. Are you meaning to tell me that the screening board could not inquire into the full ramifications of that association?

Mr. MIKVA. I am saying to you what the Supreme Court has said over and over and over again. When you are dealing with first amendment liberties, the right of association is a first amendment liberty, and you must have narrowly drawn, specifically described guides for the exercise of power. The Supreme Court said it in the Robel case:

> It has become axiomatic that precision of regulation, must be the touchstone in an area so closely touching our most precious freedoms.

We have not been given that kind of regulation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ASHBROOK. Mr. Chairman, I rise in opposition to the amendment. I shall not take the 5 minutes allotted to me. I would ask the gentleman from Illinois to answer a question. I think it is absolutely unbelievable how narrow the amendment would be. Let me ask you one question: If I were a member of the Communist Party, an active member, advocating overthrow of the country 6 months ago, but no longer belonged to the Communist Party, as I read your amendment, former active participation could not even be considered by the screening board, is that correct?

Mr. MIKVA. No, it is not correct. According to the language, that is active membership. It has no proscriptions on it. It would have to be acting, knowing membership. It could not be passive, such as waving to a proscribed organization while they were on parade. It could not be an association which might deal only with the fact that they were walking down the street together.

Mr. ASHBROOK. Suppose a man says, "I am not a member of the Communist Party at the present time. I was 6 months ago. I advocated the overthrow of the country 6 months ago. I am not, therefore, now a member of illegal, subversive organization, nor am I an active member, nor am I advocating overthrow of the country." As I read your amendment, the screening board could not look into that particular activity.

Mr. MIKVA. I can only say again that there is nothing in the amendment which would limit the time or which would put in a statute of limitations as to time. What it does is limit it to active, knowing membership; so you cannot look to innocent associations or affiliations. That was precisely the evil that the court struck down in the Robel case. I say that we would be engaging in an unfruitful exercise in failing to set up such standards. It is not my fault that some

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assistant attorney-general does not like the Court decisions in this area. The Court has clearly stated that affiliations and associations cannot be used as a basis for proscription unless you separate the bad from the good, and we have not done so in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 25, noes 35.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 8, line 19 after the word "section." insert the following: "*Provided*, That nothing in this subsection shall authorize an adverse finding with respect to any person based upon constitutionally sanctioned activities, including, but not limited to, First Amendment rights of free speech, peaceable assembly, and petitioning the Government for the redress of grievances."

The CHAIRMAN. The gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes in support of his amendment.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, will the gentleman provide us with a copy of the amendment?

Mr. FRASER. I will give the gentleman my copy.

Mr. Chairman, this amendment seeks to get at the problem my colleague, the gentleman from Illinois, was trying to get at in a different way just a few minutes ago. One of the problems with the bill as it is now drafted is that section 405, subsection (c) authorizes inquiry into a whole range of matters involving an individual. The language says in effect that it is relevant to inquire into "present or past membership in, or affiliation or association with, any organization, and such other activities, behavior, associations, facts, and conditions, past or present, which are relevant to any determination to be made under the provisions of this section."

Mr. Chairman, that is a very broad statement, a very broad grant of power to give to the executive branch with respect to an inquiry into the life of a person who seeks to have a job. But my amendment is very limited. All it suggests is that the statement contained in this subsection—and I want to emphasize it is just this subsection—does not form a foundation or shall not be construed to be a grant of authority to the executive that an adverse finding with respect to any person may be based on constitutionally protected activities such as free speech, peaceful assembly, and so on.

I emphasize the amendment is limited just to the very broad grant of the language in subsection (c) of section 405. My amendment does not go to the standards which the President may set or the executive branch may set under subsections (a) and (b). That is, the President may establish standards, and we would have to hope they would be carefully drawn standards in accordance with the decisions of the U.S. Supreme Court. But what I want to do is to circumscribe any inference that could be drawn from subsection (c) that constitutionally protected activities standing alone could become a basis for an adverse finding with respect to some individual.

I would like to read from the last part of the letter submitted on behalf of the AFL–CIO in opposition to this bill. Their letter can be found in the record of the hearings, on pages 1335 and 1336, but I shall read only the last five or six paragraphs.

Here is what Mr. Thomas E. Harris, associate general counsel of the AFL–CIO said:

> Firm and sensitive Congressional guidance is especially necessary in the area covered by H.R. 12699 because it bristles with substantial First Amendment problems. In this connection, since there can be no doubt that the internal security program has not afforded the right of association the degree of protection the Constitution demands, H.R. 12699 is most disappointing in its failure to require the Executive to comply fully with the principles set out by the Supreme Court in *United States* v. *Robel*, 389 U.S. 258 (1967), and the prior precedents there cited.

He goes on in his statement to point out that in that Supreme Court decision the Court struck down section 5(a)(1)(D) of the Internal Security Act of 1950, which provided that when a Communist-action organization is under a final order of the Subversive Activities Control Board to register, it shall be unlawful for any member of the organization to engage in any employment in a defense facility.

Then he quotes from the Court, as follows:

> "[The] concept of 'national defense' cannot be deemed an end in itself. Implicit in the term 'national defense' is the notion of defending those values and ideals which set this Nation apart. For almost two centuries, our country has taken singular pride in the democratic ideals enshrined in its Constitution, and the most cherished of those ideals have found expression in the First Amendment. It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties—the freedom of association—which makes the defense of the Nation worthwhile.

Then Mr. Harris goes on to point out that the bill as drawn does not circumscribe the impact of the legislation in accordance with this Supreme Court decision.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. FRASER was allowed to proceed for 2 additional minutes.)

Mr. FRASER. Mr. Harris goes on then to point out that the bill lacks protections to assure that these very fundamental values which we hold most dear are in fact protected.

Going back to my amendment again, all it tries to do is to say that when we give the executive branch this blank check to inquire into anything about a person and his past, that particular authorization should not be construed as permitting an adverse finding with respect to someone based on constitutionally protected activities such as free speech, peaceful assembly, and so on.

So, Mr. Chairman, while this amendment does not go as far as amendments ought to go in trying to protect the American people who may become involved in this machinery of security, it still would provide a modest restraint upon one clause which otherwise reads so broadly as to suggest that anything may be relevant—anything a person ever said, any organization he ever belonged to, any association he ever had, no matter what kind or nature.

It suggests that such a broad grant of authority should not be permitted to impair a person's constitutional rights.

I would hope, Mr. Chairman, because of the modest nature and the limited reach of this amendment, this Committee would find it a useful addition to make this bill more consistent with those standards which I like to think this House adheres to when it deals with these very sensitive matters of security, our national interest and the constitutional rights of our people.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have just had the opportunity to review the amendment, as the gentleman presented it. As I interpret the amendment, it would prohibit any inquiry—being inserted in the inquiry section of the bill—into a person's attending meeting after meeting of the Communist Party, U.S.A. There is nothing illegal as such about attending such a meeting.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Minnesota.

Mr. FRASER. I just want to call attention to the fact that this does not attempt to limit the authority to investigate into these matters set out in subparagraph (c).

That kind of inquiry the gentleman just discussed would not be limited, but all we do say is this very broad grant of authority should not be construed as saying the constitutional activities alone could become the basis for an adverse finding. In other words, we do not want the broad grant——

Mr. ICHORD. But the gentleman inserts the amendment in connection with the authorization to the President to establish criteria governing the extent of the inquiry and investigation. That is what concerns me.

Mr. FRASER. It is in that area, because while the President may set out criteria with respect to investigations, we do not want that grant of authority to be construed as providing a foundation for an adverse finding just because of lawful activities by a person.

Mr. ICHORD. I decline to yield any further, because I do want to answer

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some of the statements that the gentleman made.

The amendment, coming where it is placed by the gentleman from Minnesota, I feel would have the effect, as I just stated, but I did want to correct what I think may be a misimpression about the position of the AFL–CIO. The gentleman read only a part of the letter of the associate general counsel, one Mr. Thomas E. Harris. It is true that the AFL–CIO, as represented in the letter of Mr. Harris, did state it was opposed to the bill originally drafted, H.R. 12699. Let me read some of the statements from the letter of the AFL–CIO.

> The Federation opposes the enactment of HR 12699—

Not H.R. 14864—

> We do so, however, with a measure of regret for in many respects this bill is a conscientiously drafted and fair minded attempt to deal with the subject of internal security. As such, it is a significant improvement on its predecessors.
>
> In addition, the sponsors of H.R. 12699 are to be especially congratulated for eschewing the hostile posture toward the labor movement.

The only specific objection of Mr. Harris went to the provision in section 405(a). I think that this was a legitimate objection of labor. 405(a) in the original bill read as follows:

> The President is authorized to institute such measures and institute such regulations, standards, restrictions, and safeguards as may be necessary to protect defense facilities against sabotage, espionage, and acts of subversion.

I agree with the position of the AFL–CIO in that respect. There was no limitation upon the steps that the President might take in the original bill H.R. 12699.

But let us look at the language in H.R. 14864. The language now reads:

> SEC. 405. (a) To effectuate the purpose of section 404(a), the President is authorized to issue such regulations and to prescribe such procedures as may be necessary for determining eligibility and authorization for access of individuals and for controlling such access.

The only specific objection that I see in the letter of Mr. Harris from the AFL–CIO has been cured.

Now let me state to the Members of this body that I have no way of knowing how——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 2 additional minutes.)

Mr. ICHORD. I have no way of knowing how the AFL–CIO makes up its mind, I say to the gentleman from Minnesota, on political matters, but I do know something about the historical position of the president of the AFL–CIO, President George Meany. He has had an unalterable stance in opposition to totalitarian communism. I have every reason to believe—and I would be greatly surprised indeed if I were to hear from Mr. George Meany to the effect that he was—in opposition to this bill after the change in section 405(a) had been effected. Now, if I am wrong, perhaps the gentleman has a communication from Mr. George Meany. If he does, I wish he would say so.

I think the objections of the AFL–CIO have been cured. I think they had a legitimate objection. I would believe that the AFL–CIO, if they carefully considered the terms of this bill, would support it, now that we have removed their specific objection.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I think it is important to note that the objections of the AFL–CIO were not cured insofar as anyone can reasonably apprehend by the changes which were made in the bill with respect to section 405. In the statement of the associate general counsel, speaking for that organization, he referred to the broad language of the associational activities which are encompassed in the language of this bill. As far as I can see and as far as anyone has thus far demonstrated, there has been no curtailment of that broad language. The provisions of the bill are not adequate at this point to take care of these objections.

I might also say that I am aware of the job which the AFL–CIO has done with respect to the threat of communism. I think it is a job which is deeply appreciated by most of us in the United States. The labor movement has done very effective work abroad in seeking to promote the free trade union concept in Latin America, in Africa, and in other areas. It is for that reason that we should give particular weight to their expressions of concern about this legislation. They not only have taken an anti-Communist position, an anti-totalitarian position, if you will, but also have expressed some sensitivity about the need to protect the rights of the American people. They have always been sensitive to the need to preserve these rights. They have stood up for civil rights and human rights as well as civil liberties. I think they have made a good record.

Mr. Chairman, I feel it is important that their letter be read here because I think it deserves the careful consideration of this Committee of the Whole House on the State of the Union.

Mr. Chairman, my amendment does not cure all of these defects. It is a very short and simple amendment. It simply attempts to negate a possible, unfortunate inference from subsection (c).

On that basis, Mr. Chairman, it seems to me that it is a reasonable amendment and one which I thought, perhaps, the chairman of the committee might agree to accept.

Mr. Chairman, I do appreciate the manner in which the chairman of the committee has conducted the debate on this legislation. The gentleman has been generous in allocation of time. I think in many respects the way this committee has gone about its business reflects great credit upon the chairman. However, I think when we have a matter of this kind before us which is not asked for by the administration, we ought to look at it very carefully.

Mr. Chairman, the provisions of the Executive order under which the executive branch today is operating is in my opinion adequate. I think we ought to be as careful as we can when we consider this new proposal.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Mr. Chairman, I would like to make a couple of quick comments. I was somewhat dismayed at the reference of the chairman of the committee to Mr. Meany, because while I too respect the efforts of the chairman to be fair and judicious in the conduct of the affairs of his committee, it seems to me he made a mistake which has frequently been made in the past of equating opposition to communism with support of any particular legislation which is aimed at subversive activities and the like.

I would not suppose that any Member of this House would want to make any such accusation and I am sure that the gentleman from Missouri (Mr. ICHORD) would agree.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Missouri.

Mr. ICHORD. Does the gentleman in some way interpret my remarks as casting aspersions upon the integrity or activities of any Member of this House? I think the gentleman misunderstood me. I would not do that.

Mr. BINGHAM. No. My point is that Mr. Meany is known for his strong opposition to communism.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I think the gentleman came in a little late, because what I have stated is that I have cured the objections in the letter from the attorney for the AFL–CIO. Since that objection has been cleared up I have every reason to believe, knowing of the strong position of the president of the AFL–CIO against communism, that he would support this bill.

If the gentleman from New York has any communication to the contrary——

Mr. BINGHAM. No; I have not. I would state to the gentleman from Missouri that I heard the colloquy——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. BENNETT. Mr. Chairman, the bill before the House today, H.R. 14864, is needed to fill recognized gaps in our internal security laws.

In December 1967, the Supreme Court declared an important section of the

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Subversive Activities Control Act unconstitutional. The Court told us that we could not prohibit a member of a Communist organization from being employed in a defense facility if the sole ground for the prohibition is such membership. This decision—United States against Robel—brought to the public's attention the urgent new need for effective legislation to combat subversives in our defense plants.

Thirteen members of the House Armed Services Committee joined me in introducing on February 1, 1968, in the 90th Congress, H.R. 15018, to close this security gap. My bill, the objectives of which were supported by the Department of Defense, was similar to H.R. 15626, which was reported from the committee on July 3, 1968, but not acted upon by the full House.

In the 91st Congress, on the first day of the session, I introduced H.R. 400, identical to the legislation reported in the 90th Congress. I joined with the chairman of the committee in introducing H.R. 12699 and H.R. 14864, similar measures. I congratulate the chairman of the committee and the Committee on Internal Security on bringing it to the House of Representatives.

This is a good bill and it strikes a balance between freedom of expressed political beliefs and the requirements of national security.

The purpose of the legislation before the House today is to make sure our Government has adequate security programs to prevent sabotage and other acts of subversion in our defense facilities.

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There is a constant threat from our country's enemies to sabotage vital national production and to commit espionage undermining the U.S. interests. The objective of most of these subversive groups, including the Communist bloc of Russia, Cuba, and Red China, and some of the new movements, is the overthrow of our democratic institutions with the substitution of a totalitarian, communistic, Marxist-Leninist society. Michael Klonsky, the Students for a Democratic Society national secretary, has stated:

> Our primary task is to build a Marxist-Lenin revolutionary movement.

In his testimony before the House Appropriations Committee last year, Federal Bureau of Investigation Director J. Edgar Hoover said:

> Reports from a host of reliable FBI sources clearly indicate no letup on the part of the Communist countries in their intelligence attacks against the United States for the purpose of penetrating our national defense interests.

The legislation before the House instructs the Secretary of Defense to designate as a defense facility those plants which have important classified military projects and produce weapons and programs vital to national security. The President is authorized to initiate a security clearance program for determining eligibility of persons for access to sensitive areas in defense facilities. A security clearance program for the protection of classified information to the U.S. industry would be developed, and cooperative security training and educational programs with industry and labor would be established. Another provision of the bill would allow the institution of a personnel security screening program for the safeguarding of vessels, harbors, ports and waterfront facilities.

Adequate safeguards for an individual's rights are included in the bill, insuring fairness to the individual, as applied by the Supreme Court.

Congress should be entitled to take suitable precautionary measures to exclude persons from sensitive positions, Justice White declared in his dissent on the Robel case. James Madison warned us:

> Security against foreign danger is one of the primary objects of civil society.

Mr. Chairman, we have an obligation to pass legislation protecting our national security. We need a strong program in the Federal Government to protect defense production and classified information, and I believe this legislation would accomplish this.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The amendment was rejected.

Mr. **HALL**. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to compliment the distinguished chairman of the Internal Security Committee for reporting this timely and much-needed legislation. As a member of the House Committee on Armed Services I have been gravely concerned in regard to the security problems that have developed within our defense plants. There is no doubt that our free and open society will always have such problems. However, the security problem has been more than compounded since the U.S. Supreme Court rendered its decision in United States against Robel. I do not wish to delve into all the various aspects of this decision, but suffice it to say that its effect is to allow subversives to infiltrate and have access to highly classified and sensitive material.

H.R. 14864 would remedy the results of this Court decision. This Defense Facilities and Industrial Security Act of 1970 would establish a personnel security screening program to determine eligibility of individuals for access to, or control of, sensitive positions, places, or areas of employment in designated defense facilities for the safeguarding of such facilities against sabotage, espionage, or acts of suversion. I feel confident, Mr. Chairman, that this new screening procedure will meet the constitutional tests as enunciated by the Supreme Court. My belief is predicated on Chief Justice Warren's majority opinion where he felt that the Robel case does not bar Congress, under narrowly drawn legislation, from keeping those persons from sensitive positions in defense facilities who would use their position to disrupt the Nation's production facilities.

How much better to have the right to withhold classified security information in the national interest.

Finally, Mr. Chairman, the burden and duty has been placed upon the Congress to protect the vital security and interests of this great country. We must not fall short in performing what is required of us. Therefore, I strongly urge the passage of H.R. 14864. We owe nothing less to the American people as their elected representatives.

The **CHAIRMAN**. The Clerk will read.

The Clerk read as follows:

> SEC. 2. Section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191), is amended as follows:
>
> (1) The last paragraph of such section is amended by striking out the period at the end of subparagraph (b) and inserting in lieu thereof a comma and the following: "and for such purposes the President shall have authority (1) to deny to any person, or to revoke or suspend any person's authorization for, access to vessels, harbors, ports, and waterfront facilities of the United States, (2) to establish criteria and to authorize inquiries, investigations, hearings, and proceedings for determining eligibility for access authorization in such manner and form (and to the extent the President deems appropriate) as he is authorized to prescribe under the provisions of title IV of the Internal Security Act of 1950, and (3) at any designated place and at any stage of any inquiry, investigation, hearing, or proceeding authorized for such purposes, to administer oaths or affirmations and, for good cause shown, and subject to such regulations and limitations as he shall prescribe, to issue process (running to any part of the United States and its possessions, including the Commonwealth of Puerto Rico) to compel witnesses to appear and testify or produce papers or material. No person, on the ground or for the reasons that testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture, shall be excused from testifying or producing papers or material, but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he, after claiming such privilege against self-incrimination, shall be compelled to testify, or produce papers or material, nor shall testimony or evidence, so compelled, nor any fact or information which may be discovered as a result of such testimony or evidence, be used as evidence in any criminal proceeding against him in any court; but no natural person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying. Any of the district courts of the United States within the jurisdiction of which such inquiry, investigation, hearing, or proceeding is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear (and produce books and material if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Witnesses subpenaed or called to testify or produce evidence at any inquiry, investigation, hearing, or proceeding are authorized travel expenses and per diem as provided by law for witnesses in courts of the United States. The President may, in accordance with such regulations as he shall prescribe, provide that such fees and expenses of witnesses subpenaed or called by or on behalf of the applicant shall, under certain equitable circumstances and in the interest of justice, be borne in whole or in part by the United States: *Provided, however,* That if the applicant be the prevailing party, such fees and expenses shall be borne in whole by the United States."

Mr. **ICHORD** (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes. I do want to say, in response to the comments of the committee chairman just now, that I was indeed present during the debate earlier, and I did hear the letter read by the gentleman from Minnesota (Mr. Fraser), and the remarks of the chairman with respect to it.

Also I should like to make this general comment. While I respect the chairman and members of the committee for their efforts to correct some of the abuses in the past, listening to the debate and reading the reports and the material about this bill have confirmed my view that a bill of this kind, which raises extremely complex and difficult questions of constitutional law, should be within the jurisdiction of the Committee on the Judiciary. I would wish that we had here available the views of the Committee on the Judiciary, and the distinguished jurists who sit on that committee, to help us in the consideration of this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14864) to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes, pursuant to House Resolution 792, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. REID of New York. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Reid of New York moves to recommit the bill, H.R. 14864, to the Committee on Internal Security.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, and the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 274, nays 65, not voting 93, as follows:

[Roll No. 9]

YEAS—274

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Aspinall
Baring
Beall, Md.
Belcher
Bennett
Betts
Biaggi
Biester
Boggs
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Coughlin
Cowger
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Fallon
Feighan
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Foreman
Fountain
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gray
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Hall
Halpern
Hammerschmidt
Hanley
Hanna
Harsha
Harvey
Hastings
Hechler, W. Va.
Henderson
Hicks
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Keith
King
Kleppe
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Long, La.
Long, Md.
Lujan
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
Madden
Mahon
Mailliard
Mann
Marsh
Mathias
May
Melcher
Meskill
Michel
Miller, Ohio
Minish
Mizell
Montgomery
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Ullman
Utt
Vigorito
Waggonner
Wampler
Watkins
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Wold
Wright
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion

NAYS—65

Addabbo
Ashley
Barrett
Bingham
Blatnik
Boland
Bolling
Brasco
Burton, Calif.
Button
Byrne, Pa.
Carey
Celler
Chisholm
Clay
Cohelan
Culver
Diggs
Eckhardt
Edwards, Calif.
Eilberg
Farbstein
Foley
Ford, William D.
Fraser
Friedel
Gilbert
Gonzalez
Green, Pa.
Harrington
Helstoski
Holifield
Johnson, Calif.
Kastenmeier
Koch
McCarthy
McFall
Macdonald, Mass.
Matsunaga
Meeds
Mikva
Miller, Calif.
Mink
Morse
Mosher
Nix
O'Neill, Mass.
Ottinger
Pike
Rees
Reid, N.Y.
Reuss
Rooney, N.Y.
Rosenthal
Roybal
Ryan
St Germain
Scheuer
Thompson, N.J.
Tiernan
Vanik
Waldie
Whalen
Wyatt
Yates

NOT VOTING—93

Adams
Anderson, Calif.
Annunzio
Ayres
Bell, Calif.
Berry
Bevill
Blackburn
Blanton
Bow
Brademas
Brown, Calif.
Broyhill, N.C.
Burke, Fla.
Clark
Conte
Conyers
Corman
Cramer
Cunningham
Daddario
Dawson
Dent
Esch
Evins, Tenn.
Fascell
Findley
Frelinghuysen
Fulton, Tenn.
Gallagher
Gettys
Goodling
Griffiths
Haley
Hamilton
Hansen, Idaho
Hansen, Wash.
Hathaway
Hawkins
Hays
Hébert
Heckler, Mass.
Horton
Howard
Karth
Kirwan
Kluczynski
Kuykendall
Leggett
Lipscomb
Lloyd
Lowenstein
Lukens
McCloskey
MacGregor
Martin
Mayne
Mills
Minshall
Mize
Mollohan
Monagan
Moorhead
Moss
Obey
O'Hara
O'Konski
Pepper
Podell
Pollock
Powell
Rivers
Rostenkowski
St. Onge
Schneebeli
Sebelius
Shipley
Shriver
Sikes
Skubitz
Stokes
Stratton
Taft
Teague, Calif.
Tunney
Udall
Van Deerlin
Vander Jagt
Watson
Wilson, Bob
Winn
Wolff
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Annunzio against.
Mr. Shipley for, with Mr. Hawkins against.

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Mr. Bevill for, with Mr. Brown of California against.

Mr. Martin for, with Mr. Leggett against.

Mr. Adams for, with Mr. McCloskey against.

Mr. Evins of Tennessee for, with Mr. St. Onge against.

Mr. Fulton of Tennessee for, with Mr. Corman against.

Mr. Gettys for, with Mr. Conyers against.

Mr. Sikes for, with Mr. Dawson against.

Mr. Rivers for, with Mr. Lowenstein against.

Mr. Broyhill of North Carolina for, with Mr. Moss against.

Mr. Winn for, with Mr. Podell against.

Mr. Cramer for, with Mr. Powell against.

Mr. Bob Wilson for, with Mr. Stokes against.

Mr. Watson for, with Mr. Wolff against.

Until further notice:

Mr. O'Hara with Mr. Ayres.

Mr. Pepper with Mr. MacGregor.

Mr. Daddario with Mr. Lukens.

Mr. Dent with Mrs. Heckler of Massachusetts.

Mr. Blanton with Mr. Berry.

Mr. Howard with Mr. Conte.

Mr. Monagan with Mr. Taft.

Mr. Moorhead with Mr. Esch.

Mr. Fascell with Mr. O'Konski.

Mr. Gallagher with Mr. Minshall.

Mr. Hamilton with Mr. Lloyd.

Mr. Haley with Mr. Lipscomb.

Mr. Mills with Mr. Horton.

Mr. Hathaway with Mr. Kuykendall.

Mr. Hays with Mr. Bell of California.

Mr. Kluczynski with Mr. Blackburn.

Mr. Van Deerlin with Mr. Pollock.

Mr. Brademas with Mr. Skubitz.

Mr. Clark with Mr. Goodling.

Mr. Karth with Mr. Schneebeli.

Mr. Kirwan with Mr. Mize.

Mr. Anderson of California with Mr. Mayne.

Mr. Tunney with Mr. Sebelius.

Mr. Udall with Mr. Burke of Florida.

Mr. Obey with Mr. Findley.

Mrs. Griffiths with Mr. Bow.

Mrs. Hansen of Washington with Mr. Cunningham.

Mr. Rostenkowski with Mr. Teague of California.

Mr. Mollohan with Mr. Shriver.

Mr. Frelinghuysen with Mr. Hansen of Idaho.

Mr. Stratton with Mr. Vander Jagt.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ICHORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have taken this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the business for the week, and we will ask to go over until Monday upon the announcement of the program.

Mr. Speaker, Monday is Consent Calendar Day. There will be one suspension, a House joint resolution, making continuing appropriations for fiscal year 1970.

Tuesday is Private Calendar Day.

For Wednesday and the balance of the week we have the bill H.R. 12025, the National Forest Timber Conservation and Management Act of 1969, which is under an open rule with 2 hours of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, I would like to ask the distinguished majority leader when he believes the HEW-Labor OEO appropriation bill, not the continuing resolution, will be on the floor of the House? It seems to me there is time in the legislative program for next week as announced here, and it is important to get that legislation on its way. Any information the distinguished gentleman from Oklahoma could give us would be appreciated.

Mr. ALBERT. Mr. Speaker, if the distinguished gentleman will yield further, of course we have been in consultation with the distinguished chairman of the Committee on Appropriations, and as the chairman is present I would prefer that he comment upon this.

Mr. MAHON. I would say to the distinguished gentleman that we had hoped to find a way to bring before the House early next week an acceptable substitute for the Labor-HEW appropriation bill which was passed earlier but which the President vetoed and which the House failed to repass yesterday. But there just simply has not been enough time to determine whether or not there can be a meeting of the minds among the interested Members of Congress—and we are all interested, as to what should be done about the matter of a new bill.

The members of the Subcommittee on Labor-HEW appropriations have been meeting informally most of the day. We have a meeting of the subcommittee scheduled for 10 o'clock on Monday next. We have also been in consultation with members of the Executive Branch in regard to the situation as well as with the leadership on both sides of the aisle today. So it seems to me under all the circumstances that we should on Monday pass a continuing resolution to put us in a better stance, and then launch immediately into a way to bring before the House a substitute for the vetoed bill. The present continuing resolution expires on January 30.

I would hope that we could move rapidly, but I do not think anybody can predict how long it will take to bring in a substitute bill. Certainly, the Committee on Appropriations wants to move as fast as possible to get this behind us so that we can take up proposals for new appropriations in the President's budget which will be submitted on Monday.

Mr. GERALD R. FORD. I share the views expressed by the chairman of the Committee on Appropriations, that we want to get this out of the Committee on Appropriations and we want to get it through this body so that the other body can act on it so we can find an answer to the dilemma that we are in at the present time.

As I look at the schedule here for next week, next week is an ideal time for us to do just that.

Let me ask the majority leader, is it possible to include in the whip notice for next week the possibility that such legislation might be brought to the floor for this appropriation bill?

Mr. ALBERT. In answer to the distinguished gentleman, we do make always the reservation that any program may be announced later. There is no disposition so far as I know on the part of anybody to delay the consideration of that bill. I would prefer not to list it on the whip notice until I am certain that it is going to come up next week. I hope it does. That is all I can say to the distinguished gentleman.

Mr. GERALD R. FORD. Let me ask the distinguished chairman of the Committee on Appropriations another question.

Any continuing resolution that is programed for Monday would have to be a different kind of continuing resolution than the one we have had in the past, because one of the criteria in the past has been the bill passed by the House. There is no bill passed by the House under the current circumstances. Can the gentleman give us some information as to what you are thinking of in the drafting of that continuing resolution?

Mr. MAHON. Mr. Speaker, if the gentleman will yield, I think we would be tying the new continuing resolution to the action taken last November when the current continuing resolution first went into effect. We provided a certain spending level for all agencies and especially an innovation in regard to educational programs which have been embraced in the so-called Joelson amendment. That is the type of resolution I think we would propose. In other words, we have proposed a continuation of the resolution which had been in existence prior to the veto of the President's bill.

Mr. GERALD R. FORD. I am sure the distinguished chairman knows that a continuing resolution that follows that pattern is contrary to the action taken by the House yesterday in sustaining the President's veto.

We do not believe a continuation of spending in the month of February at that level is right. If the decision of the chairman or the committee is that that should be the case, and with no promise that we are going to get a bill out of the committee that has some different provisions from the bill that was vetoed, with the veto sustained, we have to take into consideration what we can do to get some changes.

Mr. MAHON. Undoubtedly we have to make some changes in whatever new bill is reported. The Committee on Appropriations is very anxious to work out changes that will be reasonable and acceptable to the House and, hopefully, acceptable to the other body and the Administration.

Mr. GERALD R. FORD. The situation is such that if it comes up under suspension, an affirmative two-thirds vote would be required. We have to have some assurance by Monday of some committee action before we can say that we are going to support a continuing resolution under the terms the gentleman has described.

Mr. MAHON. If the gentleman will yield further, I understand the ranking minority member of the Committee on Appropriations (Mr. Bow) is out of town. I have conferred with others who are authorized to speak in his stead. They can acquaint the gentleman from Michigan with the fact that we are striving mightily to come to some sort of agreement. We recognize that we have to make some kind of accommodation in the light of the circumstances.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois, a member of the committee.

Mr. MICHEL. I would like to make it abundantly clear, so far as I am concerned, I have expressed myself as being opposed to continuation for another 30 days or another month of spending at this high level, which the President himself has opposed, and the action of the House yesterday, I think, concurs with. Frankly, another 30 days takes us two-thirds of the way through the fiscal year, and we know there are those who frankly would just as soon that we go through the balance of the fiscal year with continuing resolutions. I think we have got to have it unmistakably clear that we will not engage in that kind of game here, and we must get some kind of commitment.

As our leader has said, next week is an appropriate time to consider the matter, and there is no reason why we should not bring everything to bear to get something firmly in hand for next week.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the Chairman of the Appropriations Committee.

Mr. MAHON. The gentleman from Illinois has been present in various meetings that we have had today, and is expected to be present Monday.

It is abundantly clear that there is a feeling of great urgency with regard to the whole matter, and there is a desire to move as rapidly as possible. I do not think there is any indication of unnecessary delay. In fact, I was hopeful that we could come to some arrangement today, but it has not been possible to have a meeting of the minds.

Mr. GERALD R. FORD. The only way we can get a meeting of the minds is to press for action on the basis that the matter is urgent. I know that meetings and discussions have been held today, but I do not want the opportunity to slip by so that, in effect, we would nullify the action of the President with his veto and action of this body yesterday.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the majority leader.

Mr. ALBERT. I think the gentleman should bear in mind that we are not undertaking to pass the proposed continuing resolution as a delaying device. We hope to get the appropriation bill itself through the House as soon as possible. But it must still pass the other body, and perhaps even go to a conference. We do have the Lincoln Day recess ahead of us. We are merely trying to take into account all contingencies. That is all we are endeavoring to do. The leadership cannot preempt the jurisdiction of the Committee on Appropriations. The chairman has been working on this matter ever since the vote yesterday.

Mr. GERALD R. FORD. I should like to make a suggestion to the gentleman from Oklahoma, the distinguished majority leader, and I do not make the suggestion because of any allegation that there is any desire to delay, on the one hand, or as an alternative to go the continuing resolution route for the rest of the fiscal year.

I think we need some protection, and here is a suggestion. Why not make the continuing resolution to February 15? Then we know that between now and then there will be some action out of the Committee on Appropriations, and then we have the assurance that a bill will come up and will go to the other body. Then if there is need for another 15 days after that, we would certainly be accommodating. Is there any difficulty with that?

Mr. ALBERT. I should think the gentleman would want 30 days, but this is something that is not within the power of the majority leader to decide. The matter of a suspension is one for the Speaker and the Member who is recognized for the motion to suspend the rules—in this case, it would be the chairman of the Committee on Appropriations.

Mr. HUNGATE. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I want to ask a question of the majority leader if I may at this time. Would it be in order, if the President desired, to veto the continuing resolution?

Mr. ALBERT. Of course, he can veto the continuing resolution.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, it seems to me it is of paramount importance to get the continuing resolution through. That concerns every Member of the House, because if we do not act on that matter, in about a week or 10 days there will be very sad results flowing from that failure. In addition to the Federal employees who will not be able to receive their salary checks, all the programs or activities covered by the Labor-HEW appropriation bill will be adversely affected.

The distinguished gentleman from Michigan made a suggestion about providing 15 days or thereabouts as an extension. I respect my friend's views, but it seems to me a 30-day extension of the continuing resolution would be in our own best interest, without regard to the side of the aisle on which we might sit. The chairman of the Appropriations Committee has been working very diligently, I can assure the gentleman, as have the chairman of the subcommittee and the other members of the subcommittee and the full committee on both sides.

However, we have to be very practical. We realize that when the bill comes out it will take some debate, according to the procedure under which it is considered, and it must then go to the other body. It would seem to me that a continuing resolution for 15 days would be unwise, because the Appropriations Committee is going to do everything possible to get a bill out, and the leadership will cooperate in bringing it up at the earliest possible date for consideration. We cannot control what might take place in the other body, but we will do everything we possibly can.

We have a situation where the chairman and the members of the Appropriations Committee are working very hard to get a bill out, but it is vitally important to pass the continuing resolution. It seems to me we must take care of first things first. That is why we are putting it down for consideration under suspension of the rules on Monday. I agree with the resolution the chairman of the committee has indicated he will offer. I think it is a fair one. I hope that is the one he will submit, and I hope Members on both sides of the aisle will vote to pass the resolution. If the resolution fails to receive the necessary two-thirds vote, the results that flow from that would be unnecessarily drastic. It seems to me the first step we have is to consider the responsibility of both parties and of Members on both sides of the aisle to assure a continuation of the programs covered by the Labor-HEW appropriations bill.

Mr. GERALD R. FORD. Mr. Speaker, there is an urgency to get this matter settled once and for all. I believe the atmosphere is such that we can achieve a reasonable and responsible compromise. I bring the matter up because we have time next week to do something about it in light of the legislative program that has been announced here, and also, the atmosphere being what it is, I think it is now time to try to get committee action on this matter.

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If we could have some assurance that the committee is going to act Monday and that if they do there would be programing, this would ease our fears very greatly.

Mr. ALBERT. If the gentleman will yield, Mr. Speaker, there will be every effort to program the appropriation bill just as soon as it is ready and sufficient notice can be given to the Members, which, in view of the colloquy we have had today and in view of the whip notice itself, should not require very many days.

Mr. GERALD R. FORD. The gentleman from Oklahoma knows when he tells me that, that is assurance enough we will act in good faith in trying to get the matter out of the committee and on the floor. I did think it important to bring the matter up and to try to clarify it here today.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished Speaker.

Mr. McCORMACK. I believe the colloquy which has taken place is very helpful and very constructive.

In connection with the period of time the continuing resolution would be extended, might I refresh my friend's memory that Lincoln's birthday is just around the corner. The leadership has agreed that the House, out of respect for Lincoln, who would be a great Democrat today if he were alive——

Mr. GERALD R. FORD. Mr. Speaker, I heard that speech before.

Mr. McCORMACK. Yes; and it is true. We have agreed that there will be no business from the close of the House on Tuesday, February 10, until the following Monday, February 16. I just call attention to that—I know my friend had overlooked it temporarily—in connection with the resolution to continue appropriations.

Mr. GERALD R. FORD. Mr. Speaker, I would merely say, first, we appreciate the willingness on the part of the Speaker and the leadership on the other side to help us recognize a great President of the United States. Second, I believe the dates the Speaker indicated indicate quite clearly that we have time to bring the matter up in the House and to finish the bill on the other side prior to February 10. All I am urging is that we do it if we can next week. I believe it is important to do so.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. ARENDS. I appreciate the gentlemen yielding to me.

I speak now as just one Member of this fine body. My only hope is that by Monday there will be some indication of the kind of compromise we might expect on the resolution when it comes up for discussion. Whether we can get a finality on it or not is another thing.

I hope there will be some indication, Mr. Speaker, that along the way this is going to be the resolution of reasonable men sitting down and saying, "The period of compromise has come; now let us have it."

Mr. McCORMACK. If the gentleman means, by compromise, capitulation, then there is a matter of disagreement.

ADJOURNMENT TO MONDAY, FEBRUARY 2, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The **SPEAKER** pro tempore (Mr. SYMINGTON). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE 1970 CENSUS

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON. Mr. Speaker, as this House knows, the 1970 decennial census of the United States begins this coming April 1. It is my purpose here to provide to the Members a summary description of the new procedures developed by the Bureau of the Census in their efforts to ensure a more complete and accurate census than has ever been enumerated previously.

It is important, I believe, to point out that these new procedures were developed because the Census Bureau—as a truly professional organization dedicated to the continuing improvement in the quality of its statistical output—is its own severest critic. These procedures were developed to overcome an under-enumeration in the 1960 census, which the Census Bureau reported on the basis of its own studies to be approximately 3 percent nationwide, concentrated in the largest cities, especially in predominantly black areas.

Recently some of my colleagues have been critical of the planned procedures for taking the Census in our metropolitan areas—particularly in those areas where our minority citizens live. The concern of my colleagues is indeed understandable, it is a concern I share. In my own 31st Congressional District of California I represent a large black population whose fears and apprehensions I can fully understand; nevertheless, I know that it is imperative that they be accurately counted.

Additionally, as chairman of the Census and Statistics Subcommittee, I am familiar with the Census Bureau's efforts to overcome the potential under-enumeration problems of the 1970 census. Because of my interest and concern I have formally requested the Secretary of Commerce and the Director of the Bureau of the Census to provide me with statements covering the Census Bureau's community and publication information programs and the procedures to be used to insure coverage in the census of minority groups—particularly in the large cities. Their replies are set forth at the conclusion of this statement. I have also attached a list of the test censuses conducted by the Census Bureau in preparation for the 1970 census. These test censuses were designed to perfect and verify the effectiveness of the new procedures being developed for 1970. They began in August 1961 and were not completed until September 1968. They covered a population of almost 2,800,000 persons in 20 different cities located in various parts of the country.

In 1970, the census will be conducted by mail in the larger metropolitan areas—covering about 60 percent of the population of the United States. The heart of a successful census of this type is the understanding and cooperation of the public. In my latest newsletter I have alerted my constituents to the importance of being counted in the census. Because of its relevance, and because I have already urged the distinguished Members of this body to consider utilizing their newsletters similarly, I wish to read it now. It is entitled, "You Must Be Counted If You Want To Count":

YOU MUST BE COUNTED IF YOU WANT TO COUNT!

As you know, the House Subcommittee on Census and Statistics, of which I have the honor to be Chairman, recently completed an exhaustive review of the forthcoming 1970 Census of Population and Housing. The bill we developed—H.R. 12884, to guarantee the confidentiality of the Census—has passed the House and is now awaiting Senate action. It further insures the privacy of Census information without any exceptions whatsoever.

The Census begins on April 1, 1970. Much of the information-gathering will be done by mail and I want to point out to everyone how important it is to respond to the questionnaire when it arrives. The Census provides the statistics which are the basis for your

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elected representation and for hundreds of Government programs which benefit you directly.

Ethnic and minority groups should be especially concerned with giving the Census their careful attention, in order that all groups will be fully and fairly represented in the years ahead. If you are uncounted you will be unheard, and underrepresentation or the underfunding of needed Government programs is the last thing our minorities need in these difficult times.

Billions of dollars in funds, goods and services from the Federal Government are allotted on the basis of Census information, as is the number of local, state and Federal representatives you will have. The Census is not some sort of "plot" and the information is absolutely confidential—my Subcommittee's bill sees to that. So I urge you to spread the word and make sure that you and your neighbors are not left out. Be counted so you will count!

The other essential ingredient of a mailout/mailback census is the completeness of the address listings which are being used. Here the Census Bureau, with the wholehearted cooperation of the Post Office Department has been able to produce a better base for counting the population than has ever existed heretofore. The outline of the procedures which have been developed follow. I want particularly to call your attention to the special listing, which begins next month, February, of the inner-city portions of some 20 large cities to make certain that the address registers for these difficult areas are complete and correct.

With the goodwill and cooperation of all, the 1970 census can be the most accurate ever enumerated.

The aforementioned materials follow:

OUTLINE OF PROCEDURE FOR PREPARING THE ADDRESS REGISTER AND MAILING LIST FOR THE 1970 CENSUS

February–September 1969: Approximately 35 million commercially purchased addresses were checked for completeness and accuracy by local postal carriers (more than 10 million of these addresses had also been checked previously during 1967 and 1968 in connection with some special surveys being conducted at that time by the Census Bureau).

2. March–December 1969: The 35 million addresses were corrected and up-dated on the basis of the postal carriers' information, coded to indicate geographic location, and serialized for enumeration control.

3. December 1969–February 1970: The 35 million addresses are then printed as follows: (1) a control register of addresses for each enumeration district and (2) individual address labels which are affixed to the census questionnaire mailing pieces.

4. September 1969–February 1970: Approximately 8 million additional residential addresses are being listed by census personnel to obtain complete mail coverage in areas, which were only partially covered by the commercially-purchased addresses. A control register of these addresses is also made of each enumeration district and appropriate questionnaire mailing pieces are prepared.

5. February 1970: In addition to the above operations, in the inner-city portions of 20 large cities, enumerators will make a structure-by-structure listing, *including the living quarters within each structure*, covering about 7 million addresses, to make certain that the address registers for these "difficult" areas are complete and correct. New addresses and missed addresses will be added to the address registers and the appropriate questionnaire mailing pieces.

6. February 25–March 5, 1970: All questionnaire mailing pieces, now totalling 43 million, will be turned over to the Post Office Department.

7. March 11, 1970: All 43 million mailing pieces will again be checked by the letter carriers to make sure that each address on his route has been accounted for. The letter carriers will inform the local census office of missing addresses, if any, which will then be added to the address registers and the appropriate mailing pieces prepared.

8. March 28, 1970: All 43 million mailing pieces will be delivered and the letter carriers will inform the local census office of any address for which they have no questionnaire mailing piece. These addresses, if any, will be added to the address register and the appropriate mailing pieces mailed out.

Undeliverable mailing pieces (if any) are returned to the Census Bureau for review and action as required.

9. April 1970: Every householder is asked to note on his questionnaire how many other households live at this same street address. Cases where a householder indicates that more units exist for this same street addresses than are listed in the address register will be followed up and any extra households discovered by this check will be enumerated also.

The enumerator must receive a completed questionnaire for every unit on his address register except for those units which may no longer exist.

And finally, upon completion of the census in each area, a "Were You Missed" Form will be published in the local newspaper to provide individuals who think they may not have been counted with a convenient way to notify the Census Bureau so that action to include them in the census can be taken as necessary.

DECEMBER 16, 1969.

Hon. CHARLES H. WILSON,
House of Representatives, Chairman, Subcommittee on Census and Statistics, Committee on Post Office and Civil Service, Washington, D.C.

DEAR MR. WILSON: In accord with your recent request to know more about the Census Bureau's community and public information program looking towards a successful count next year in the 1970 Census, I am sending to you the attached summary of steps already taken and some of our plans for the coming months.

We would welcome any comments you have at this time. We also look forward to your continued interest in our efforts to carry to success the intensive planning and testing that have gone into the 1970 Census.

With best wishes.

Sincerely,

MAURICE H. STANS.

PUBLIC INFORMATION PROGRAM FOR THE 1970 CENSUS

Effective public information programs offer greater rewards in the 1970 census than in any previous decennial census, principally because more than 60 percent of the population will be asked to fill out and return their questionnaires by mail. Even though census enumerators will be prepared to collect in person census reports that are not filed by mail, the level of public cooperation and response to the mail-back plan has a substantial bearing on the cost and efficiency of the census. The Census Bureau estimates that each percentage point in the rate of mail response affects census costs by $1 million. An information program that increases the mail response rate by 5 points would save $5 million in total census costs.

The public information program for the 1970 census involves all major media of communication and the active cooperation of many national organizations.

ADVERTISING COUNCIL

The census has been adopted as a public service project of The Advertising Council, and a leading advertising agency, Fuller & Smith & Ross, began work on the campaign in 1968. A symbol for "Census '70," a stylized hand holding a pencil, was developed by the agency. It has been used by the Census Bureau on envelopes going to respondents and on training materials, in addition to the extensive use that it will receive in the information campaign.

The Advertising Council campaign includes: spot announcements on film, to be distributed to all television stations and network; radio spot announcements to go to all radio stations; print ads of several different sizes, some of which will go to all newspapers and others to daily newspapers; ads for all magazines of general circulation; an ad offered to business and trade publications; a poster to be placed in buses and subways cars in all major cities; a poster to be placed on all mail trucks.

Time and space for this material is contributed by the media. The only cost to the Bureau of the Census is for production of the materials involved.

A central theme is used throughout the Advertising Council campaign: "We can't know where we're going if we don't know where we are."

The campaign will begin in January, peaking in late March, and tapering off by mid-April, when the mail-return phase of the campaign will be over.

Because the Advertising Council was founded and is supported by newspapers, magazines, and broadcasters, as well as by the advertising industry, it is anticipated that the census materials will be widely used.

CENSUS BUREAU INFORMATION ACTIVITIES

The Public Information Office of the Census Bureau has focused its attention on the 1970 census over a period of more than two years.

A number of leaflets have been prepared describing how the census will be conducted, who uses census data, the electronic equipment, the questionnaire, history of census taking, unusual experiences of census takers, a map showing mail-back areas for the 1970 census, and a catalog of photos. These are included in a kit of materials provided to writers, editors, and broadcasters.

A 48-page booklet in the Department of Commerce economic education series, *Do You Know Your Economic ABC's?* was prepared for use by media and organizations. Titled "Uncle Sam Counts, The Story of Census '70", it is on sale for 35 cents from the Superintendent of Documents.

Each of nearly 400 district office managers will be provided with a kit of materials for local press, radio, and television, and a supply of envelopes addressed to all newspapers and broadcasting stations in his census district. Because residents of some areas will be asked to return their questionnaires by mail and others will be asked to hold questionnaires until a census taker calls for them, localized information is an important part of the census campaign. Each district office will have about 15 news and feature stories and several sets of spot announcements to distribute. Some of the items are to be released on specific dates; others are left to the discretion of the district manager.

In five large cities, the Public Information Office will assign members of its Washington staff to the Bureau's regional offices to coordinate public information efforts, acting as assistants to the regional directors. In four other cities the Department of Commerce field office will assign one of its staff

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members to serve as information coordinator. The 10 cities involved are Boston, New York, Philadelphia, Detroit, Chicago, Cleveland, Dallas, Los Angeles, and San Francisco.

These assignments will be effective during the period February 15 to April 15.

NEWSPAPERS

The National Newspaper Association has carried several census stories in its membership publication which goes to editors and publishers of several thousand newspapers. In addition, a lengthy Census presentation was made to the NNA convention in Denver in October, explaining means by which publishers may aid the 1970 census.

The National Cartoonists Council and several of the major syndicates cooperated with the Bureau in inviting syndicated cartoonists to develop cartoons dealing with the census. More than a dozen cartoonists indicated interest and have been provided with information about the census.

An advertising service, which provides newspapers with art work and other materials to be used in local advertising, is developing a series of ads related to Census Day, April 1. A similar proposal to local merchants is being made by the American Retail Federation. These two efforts will give businessmen an opportunity to include census messages as a public service in their advertising programs.

TELEVISION

A number of network television stars have recorded or are committed to record brief announcements in support of the census. The Bureau will reproduce these on film and distribute them to TV stations throughout the United States.

It is hoped that a short program, perhaps two minutes, can be developed for Sunday evening. March 29, 1970, to be carried by all television networks, in which all households will be urged to cooperate in the census by filling out their questionnaires and having them ready, or mailing them back, on April 1.

All TV networks have been asked to run spot announcements prepared by the Advertising Council and to have stars make announcements about the census at the conclusion of network programs. One favorable response to the latter request has already been received.

Such network television programs as "Today" on NBC and "The Morning Show" on CBS have featured Congressman Charles H. Wilson, Chairman of the House Subcommittee on Census and Statistics and spokesman from the Census Bureau.

The Census Bureau has arranged the production of two 5-minute films emphasizing the usefulness of census statistics to communities. These films will be distributed to television stations throughout the United States with the suggestion that they be shown as often as feasible from February 15 through April 10.

The Television Bureau of Advertising has urged its member stations to support the 1970 census by carrying announcements from the Advertising Council and the Census Bureau, and by developing special local programs of several different types. Similar encouragement is expected from the National Association of Broadcasters.

MAGAZINES

Editors of virtually all magazines of general circulation have expressed interest in the 1970 census. These include Time, Life, Look, Newsweek, Readers Digest, U.S. News and World Report, McCalls, Woman's Day, Family Circle, and Good Housekeeping. In several instances, writers have been assigned to prepare articles.

A full page ad donated by the D'Arcy Advertising Company, urging support of Census '70, ran in the October 31 issue of *Time* magazine.

Several hundred magazines published by organizations for their members or by corporations for their employees or customers have requested and have been provided with census information.

REACHING HOUSEHOLDS THROUGH SCHOOLS

In several test censuses, the Bureau distributed a flyer to school children. This method of reaching parents ranked behind television, newspapers and radio, but substantially ahead of posters, bus ads, billboards, movies theaters, and other media in effectiveness. In 1970, school systems in about 30 large cities will distribute flyers containing a census message and a simple exercise in answering a census question.

Virtually all news publications circulated to children in school have promised to carry census stories.

Several magazines circulated among teachers by the National Education Association and the American Federation of Teachers have carried or will publish stories about the census.

INFORMATION AIMED AT MINORITY GROUPS

Because a substantial number of black persons may have been missed in the 1960 census, the Census Bureau began in 1968 a campaign to reach the black population by means of the 150 or more "soul music" radio stations. A leaflet "We The Black People" was prepared to provide background on the importance of census data to the black population. Special recorded announcements by black personalities are planned for distribution in 1970.

A similar leaflet "We The Mexican Americans" has been prepared and will be given similar promotion by means of Spanish-language broadcasts in areas with large Mexican-American population.

A Spanish-language version of a leaflet "The Census and You" and a Spanish soundtrack on a 5-minute film for television have been prepared, aimed principally at the Puerto Rican population in the United States.

Various news releases, radio spot announcements, and cut lines for a photograph will be translated into 24 foreign languages (including Chinese, Japanese, Portuguese, Italian, German, Polish, Ukrainian, Dutch, French, Norwegian, Swedish, Arabic, etc.) and distributed to newspapers and radio stations serving different nationality groups.

SPECIAL RELATIONS

Understanding of the census has also been generated through a community and special relations program, developed to secure the active cooperation of minority and other groups. Contacts have been made with organizations and agencies in and out of government whose activities put them directly in touch with people. These range from community action and civil rights groups to women's federations; veterans and service organizations; business, labor, and trade associations.

Minority groups with a recognized stake in the census stand ready to lend their own channels of communication to support of the census, to assist in recruiting census workers in critical areas, and to set up assistance centers for persons seeking help in filling out questionnaires.

Census Regional Offices have assigned community education specialists to follow through locally on contacts made at the national level and to gain the support of any others with a popular standing in the inner cities.

These represent a sampling of minority-group organizations which have given evidence of support:

National Association for the Advancement of Colored People.
National Urban League.
Congress of Racial Equality.
National Business League.
National Medical Association.
National Dental Association.
National Association of Television and Radio Announcers.
Progressive National Baptist Convention.
National Baptist Convention of America.
American GI Forum of the U.S.
League of United Latin American Citizens.
Puerto Rican Forum.
Puerto Rican Community Development Project.
Chinese Consolidated Benevolent Association.
National Congress of American Indians.

ENDORSEMENTS

One objective of the public information program has been to demonstrate the breadth of support by organizations representing persons from every walk of life. A number of national organizations already have endorsed Census '70 by way of resolutions, editorials, and public statements emphasizing the need for complete, reliable data on the makeup of the population.

In September 1968 directors of the National Association for the Advancement of Colored People urged "the full and accurate enumeration of Americans of black African descent or origin as a paramount national goal," to be accomplished through the decennial census. A month later the American Civil Liberties Union's national board backed the legal requirment that all items be answered, expressing only a reservation with respect to the question on race. Since then, a wide variety of ethnic, social, business, and professional groups have called for full participation in the 1970 census by formal action, publications, or leadership statements. These include:

The Chamber of Commerce of the United States.
The National Association of Manufactures.
The AFL–CIO's *American Federationist*.
The U.S. Conference of Mayors.
National League of Cities.
National Association of Counties.
International City Managers' Association.
American Public Health Association.
American Association of Advertising Agencies.
Federal Statistical Users' Conference.
American Institute of Planners.
National Association of Housing and Redevelopmnt Officials.
National Council of Senior Citizens.
Parents Without Partners.

Included also are a number of the minority-group organizations mentioned earlier.

Among publications aimed primarily at black readerships, *Ebony* magazine called "For An Accurate Black Count" in its January 1969 issue.

A number of other nationally known groups have indicated they will go on record urging public cooperation as census time approaches.

DECEMBER 19, 1969.

Hon. CHARLES H. WILSON,
House of Representatives,
Washington, D.C.

DEAR MR. WILSON: This is in response to your request for information on the procedures to be used in the 1970 Census with special reference to minority groups, particularly in our large cities.

As you know, this has been a matter of concern to the Bureau for many years. Our evaluation studies of the 1960 Census show that the underenumeration was especially severe among Negroes and in the largest

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cities. We then developed and tested field procedures to avoid a similar situation in 1970. At our request, the Congress approved an amount of $10 million for the specific purpose of applying special techniques in the enumeration of groups and areas where the regular procedures would not be adequate. Recognizing the special problems in California, with its rapid growth and the presence of a number of ethnic groups, we have given special attention to the enumeration in that State. These matters have been discussed with representatives of minority groups, with community leaders, and with other interested persons.

An essential element of the 1970 procedures in major metropolitan areas is the fact that we have established in advance of the census an up-to-date list of all residential addresses in the area. This comprehensive list is a better control for an accurate count than lists created solely by enumerators during a house-to-house enumeration, as was done in 1960. A copy of the census questionnaire will be mailed to each residential address with the request that the form be filled out and returned to the Census Bureau. Enumerators will endeavor to secure a questionnaire for every address from which one has not been received and will also call upon every household which returned a questionnaire that is incomplete or otherwise defective. One advantage of the mail procedure which we will use is that it gives us an indication very early in April of the areas within a city where mail returns are low and special action will be required to complete the census. As a result we will be able to concentrate our field resources there.

The address list was developed by starting with a list from commercial sources and correcting and updating it with the help of the Post Office on three different occasions. In addition, we are also doing an independent listing (the February precanvass) in the more densely populated areas in advance of the census, utilizing local personnel familiar with the area and able to speak the language commonly used in the area. This is designed to provide additional assurance that the list of residential units takes into account the many special situations which may exist. It is not limited to what is externally evident, but is designed to probe for situations where what appears to be a 1-family structure may actually house more than one family, and for similar cases. Hotels, lodging houses, and similar establishments will be separately identified and will receive special treatment. Finally, each census questionnaire asks, "How many living quarters, occupied and vacant, are at this address?" The replies to this question are used as a cross-check for those structures which include more family units than are shown on our lists.

Experience in the testing of the census methods indicates that it would be a mistake to withhold the mailing of questionnaires to any area because the residents might have difficulty in filling them out. The people in these areas are aware of the procedures used elsewhere in the city and are likely to express resentment at the presumed second class treatment implied if they are not handled like everyone else.

The questionnaire and the instructions enclosed with it are printed in English. However. leaflets explaining the questions and the procedures to be used in filling out the schedule are printed in both Spanish and in Chinese. They are available to every enumerator and will be widely distributed in the areas where they will be most useful.

The foreign language press, radio and TV stations will provide information about the census, including the availability of these leaflets, the location of places where assistance can be had in the local language, and a telephone number where a person speaking the language will be available. The telephone company's information service will also give out the telephone numbers at which assistance can be obtained.

The Advertising Council has again volunteered its service in behalf of the census and has developed an extensive informational campaign for use by the press, TV, and radio.

Census manned assistance centers will be available, located in the neighborhoods where they can be most useful. They will be open at times convenient to the public and their availability will be publicized through the press and radio and TV.

Enumerators will be recruited from the areas in which they will work. Insofar as possible they will be persons who speak the language which is commonly spoken in their area. In cases in which it is not possible to secure enumerators who meet these requirements, paid interpreters will be available.

Payments to enumerators will be on a piece rate basis, ranging from $1.30 for a short form to $2.50 for a long form completed interview. In the central city areas, the piece rates are set so as to yield approximately $2.50 per hour for an average worker.

Each of the major regional offices of the Bureau has at least one staff member who has been devoting full time to "community education." Most of these staff members are black, but where appropriate, they include Mexican-Americans or Puerto Ricans. We are in process of employing such a person of Chinese extraction for the San Francisco office. The work of these persons is in addition to the general publicity concerning the census which will reach the entire community.

We have established working relations with many national groups which are concerned with the interests of minority groups. Some of them have already taken effective steps to inform their constituents about the census. They, as well as others, are planning active campaigns in behalf of the census at the appropriate time early in 1970. Some of these efforts are still in the initial stages. Their major impact will become evident as the census date approaches. Federal agencies which have community programs are taking steps to inform their local representatives about the importance of the census and to encourage cooperation with the census by the people with whom they are in contact.

Our objective is a complete census of every community and every part of the country, for only in that way can the census be made to serve the many purposes for which a census is needed.

If you wish any additional information, please call on us.

Sincerely,

GEORGE H. BROWN,
Director, Bureau of the Census.

LIST OF 1970 CENSUS PRETESTS

(NOTE.—SMSA means Standard Metropolitan Statistical Area; population and housing unit counts shown are approximate.)

August 1961: Fort Smith city, Arkansas (57,000 population)—Test of a mail-back system wherein census enumerators listed all addresses and simultaneously left a short Fosdic questionnaire to be completed and mailed back.

June 1962: Fort Smith city, Arkansas (63,000 population) and Skokie city, Illinois (65,000 population)—Two identical tests of a mail-out/mail-back system based on the addresses from the 1961 special census and the 1960 census schedules respectively, updated by post-census building permits; and utilizing a short Fosdic questionnaire.

April 1963: Huntington Town, New York (150,000 population)—Test of a mail-out/mail-back system based for city-type areas on the addresses on the 1960 census schedules updated by residences added to the tax rolls since 1960, and for rural-type areas on a listing of addresses by census enumerators; and utilizing both short (90%) and long (10%) Fosdic questionnaires.

May 1964: Louisville, Kentucky, SMSA (770,000 population)—First of the two major feasibility tests of the mail-out/mail-back system, this one based on the addresses on the 1960 census schedules updated by post-census gas and electric meter installations and corrected by postal carriers for city-type areas, and on a listing of addresses by census enumerators for rural-type areas; and utilizing both short (75%) and long (25%) Fosdic questionnaires.

April 1965: Cleveland city, Ohio (805,000 population)—Second major feasibility test of the mail-out/mail-back system this one based on addresses from a commercial mailing list corrected by the postal carriers; and utilizing both short (75%) and long (25%) Fosdic questionnaires.

May 1966: First Content Pretest—Two long Fosdic questionnaires containing variations in question wording and layout tested in St. Louis Park city, Minnesota and Yonkers city, New York; the questionnaires were mailed on an alternate basis to a sample of about 2,500 housing units in each area.

May 1966: First Questionnaire Format Test—Two differently designed long Fosdic questionnaires were mailed on an alternate basis to a national sample of 2,300 housing units.

October 1966: Wilmington, Delaware, SMSA Listing Study (26,500 housing units)—Test of the comparative completeness of coverage of address listings in rural-type areas prepared by postal carriers and by census canvassers.

January 1967: Ohio Counties Listing Study (11,500 housing units)—Test of the completeness of coverage and cost for address listing by census enumerators in rural-type areas, using two different kinds of listing procedures.

March 1967: Memphis city, Tennessee (25,000 population)—Test in a small, purposely selected section of a city of 540,000 using special enumeration procedures designed to improve coverage in the congested areas of large cities.

March 1967: Second Content Pretest—Two long Fosdic questionnaires containing variations in question wording and layout were mailed on an alternate basis to a sample of 3,600 housing units in Gretna city, Louisiana.

April 1967: New Haven, Connecticut, SMSA (350,000 population)—Test of the mail-out/mail-back system based on addresses from a commercial mailing list corrected by the postal carriers for city-type areas and on a listing of addresses in rural-type areas prepared by the postal carriers; and utilizing both short (75%) and long (25%) Fosdic questionnaires.

May 1967: Second Questionnaire Format Test—Three differently designed long Fosdic questionnaires and one long non-Fosdic questionnaire were mailed on an alternate basis to a national sample of about 4,900 housing units.

August 1967: Detroit city, Michigan, Multi-Unit Study (810 housing units)—Test of a procedure for controlling and improving the quality of the numbering or other identification of the individual housing units in multi-unit structures as reported by postal carriers, using a small sample of such structures in a city of 1,700,000.

September 1967: Philadelphia city, Pennsylvania (16,000 population)—Test in a small, purposively selected section of a city of 2,000,000 using special enumeration procedures designed to improve coverage and enumerator performance in congested areas of large cities.

October 1967: Kalamazoo, Michigan, SMSA Listing Study (16,500 housing units)—Test of the efficiency of a revised method of determining boundaries between city and noncity postal delivery areas for address listing purposes.

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May 1968: Madison, Wisconsin, SMSA (265,000 population)—A dress rehearsal of the mail-out/mail-back census based on addresses from a commercial mailing list corrected by the postal carriers in city-type areas, and, on a listing of addresses prepared by census enumerators in rural-type areas; with check-in review, and telephone follow-up of the mail returns handled by enumerators; and utilizing a short (75%) and two long (20% and 5%) Fosdic questionnaires.

May 1968: Chesterfield and Sumter Counties, South Carolina (125,000 population)—A dress rehearsal of the conventional direct-enumeration procedure with postal carrier distribution to all households of a short Fosdic form four days prior to Census Day; enumerators collect the forms, complete them by interview as necessary, and at every fourth household also interview on one of the long (20% or 5%) Fosdic forms.

May 1968: Housing Quality Study—Using a sample of 900 housing units in three cities, a comparison is made of three independent classification systems to refine the measurement of quality of housing in the 1970 census.

September 1968: Trenton City, New Jersey (100,000 population)—A dress rehearsal of the mail-out/mail-back census based on addresses from a commercial mailing list corrected by the postal carriers; with check-in, review, and telephone follow-up of the mail returns handled by a clerical staff in the local census office; and utilizing a short (75%) and two long (20% and 5%) Fosdic questionnaires.

REPORT BY ANTHONY LEWIS ON BIAFRA

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, many Americans continue to be concerned about what is in fact taking place in what formerly was called Biafra. We hear a great deal of talk and are recipients of "official" assurances that all is well or is being taken care of to ease the hunger and suffering of the victims of the unsuccessful efforts of the Biafrans.

It is disconcerting to read reports, such as the following by Anthony Lewis. We must not use words to cover up the lack of meaningful attempts to ease the suffering of the people:

U.N.'s THANT WENT TO NIGERIA TO TALK—NOT TO LOOK OR HEAR

(By Anthony Lewis)

ABA, NIGERIA.—U Thant, United Nations secretary general, flew into Nigeria the other day for what was described as a look at the relief situation after the war. He was tired, so he spent the afternoon resting in Lagos. That night he attended a dinner.

The next day he was supposed to visit Port Harcourt, which would have put him only 50 miles from the area of real damage and suffering. But he canceled that trip and, after some morning meetings with relief officials, he flew to Paris. At the airport he told the press that the relief situation was well in hand and that Nigeria was doing a fine job.

Thant did not see the 20-year-old girl in Awo-Omamma hospital burned all over the breasts and legs when she refused to go with six federal soldiers and they threw flaming gasoline over her.

GET NO RELIEF FOOD

He did not go into the densely populated center of what was Biafra, around Orlu and Ihiama, and discover that people who were being fed regularly by relief planes into Uli airport have had virtually no relief food for two weeks.

He did not interview one of the hundreds, probably thousands, of penniless refugees who have had their few sad possessions stolen by the undisciplined 3d marine commandos which occupied the southern portion of Biafra.

He did not talk to any Red Cross workers, foreign and Nigeria, whose mercy trucks the Landrovers were seized by the same marines.

Perhaps most important, he did not observe the pervading sense of confusion, disorganization and therefore of insecurity, in a land where no man knows how he is to get food or where he can look for protection against looting and rape.

There are many examples of kindness in the occupied area as well as horror stories.

The picture is mixed, then. But no one with any sense could look closely at the scene on this side of the Niger river without realizing how skimpy and chaotic the relief effort has been so far.

HE SEES NOTHING

Of course, Thant does not know about any of this, because he saw nothing. The only question is why he bothered to come to Nigeria.

Perhaps he thought it politic to say a good word for the winning side in a civil war—the side favored by most U.N. members. Perhaps he thinks things will be wonderful if he says they are.

All wars produce horror, and the Nigerians understandably insist that this post-war crisis is primarily their problem. But the world outside does have a legitimate concern.

There are times to be angry. One of them is when an international civil servant uses his position to suggest that there is nothing to worry us in a situation actually stinking of human misery.

PRESIDENT NIXON'S NO-WIN WAR AGAINST INFLATION

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, yesterday the Board of Labor Statistics released the latest battle communique in President Nixon's no-win war against inflation.

The report: Another disaster. It shows wholesale prices surging upward at an 8.4 percent annual rate this month. The January rise was the second sharpest increase in 4 years, exceeded only by that of last May. The past month saw processed foods jump by 2 percent while a broad range of industrial raw materials increased 0.3 percent.

Mr. Speaker, these figures clearly portend the clear and unmistakable prospect of a further increase in this Nation's worst inflation binge in 20 years. We can now look forward with certainty to another sharp rise in consumer prices, prices which we saw skyrocket by over 6 percent in 1969. The President has said that prices increased 25 percent in the decade of the 1960's. He fails to point out that more than one-fourth of that 10-year increase came in the first year of his administration—and it now appears it may be worse in the second year.

This then, Mr. Speaker, is the dismal economic record compiled during the last 12 months by the executive branch. The Nation's economy has literally been strangled by a monetary policy justified by its proponents as the most effective of anti-inflationary tools. It has resulted in tight money and the highest interest rates in over a century. The homebuilding industry has been brought to its knees.

On the fiscal front, Congress has more than cooperated with President Nixon. We have acted to reduce his overall appropriations request for 1970 by some $5.6 billion. The revenue provisions of last year's tax reform bill will produce $6.4 billion more in revenue during 1970 than in 1969.

Mr. Speaker, the results have proven beyond a shadow of a doubt that high interest rates and tight money are demonstrably incapable of curing our present inflation. Quite the contrary, an excellent case has been made that in key areas of the economy, notably housing, they have contributed to that inflation. It is also obvious that a budgetary surplus, while of great importance, will not of itself guarantee anything approaching price stability.

Once again, I call upon the President to use the great moral and symbolic power of his office to protect the American consumer against the administered price increases of the giant monopolies. I further urge him to activate the enormous but now dormant powers of the Justice Department and the Federal Trade Commission under the antitrust statute to reverse the ever-accelerating rate of financial concentration by fewer and fewer giant corporations, whose pricing policies have been a major factor in the accelerated inflation under the present administration. Finally, Mr. Speaker, I implore the President to abandon his stubborn refusal to utilize the authority to impose selective credit controls which this Congress gave him last year.

Mr. Speaker, abdication of Presidential responsibility to protect the Nation against the ravages of inflation has become intolerable.

If inflation is to be halted and the present downward trend in the economy is to be reversed it is imperative that the President act and act promptly.

INFLATION

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, the attention of this Nation is sharply focused on the rising cost of living and our efforts to cope with it. Inflation is a problem of utmost urgency. It reaches, literally, into the pocketbook of every American family, particularly those in the middle- and lower-income brackets.

The American people are demanding some realistic and decisive steps to stop inflation. One area where we could reduce spending and help stabilize the economy is in the area of foreign aid spending.

The President now has on his desk, awaiting his signature, a $1.8 billion foreign aid appropriation bill.

Let it be recorded, Mr. Speaker, that I urge the President, in the strongest possible terms, to veto this foreign aid

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appropriation measure. And I urge my colleagues in the House to join me in calling upon the President to veto it.

I can think of no better way to initiate a real fight against inflation.

Mr. Speaker, I believe that foreign aid spending, as developed by this country through the years, accomplishes absolutely nothing. I believe it has outlived its usefulness and only serves to take away money needed by American families pressed to meet the very basic needs of life.

In 25 years, the American taxpayers have given away $182.5 billion—including the interest on money we have borrowed to give away.

And what has been the result? In 1950 only 32 countries were producing steel. Money from the United States helped build steel plants in 33 additional countries. These plants were equipped with modern American machinery. This has resulted in too much steel being imported into the United States, at one point creating a serious threat to this vital industry.

In recent months, steel imports have been reduced but the threat remains.

Studies of our foreign aid spending over the last 10 years point very strongly to the possibility that U.S. spending in foreign countries has done more harm than good.

A Presidential veto of this bill would be a major step in reducing inflation and putting the U.S. economy on a sound footing.

CONGRESS SHOULD PASS A NEW HEW APPROPRIATION BILL NOW

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, the action of the House yesterday in sustaining the President's veto by the substantial margin of 52 votes indicates the concern of the Members of this body over spiralling inflation. But, Mr. Speaker, it should not be interpreted as a lack of concern for the needs of education.

The controversy and the basic cause of the President's veto was not the amount of the appropriation. Rather, it was language in the HEW appropriation bill which made most of the $1.2 billion increase of the President's budget mandatory. In other words, the President would have been forced to spend money in some instances where there is no justification. In this case Montgomery County, Md., has been pointed out as being entitled to $6 million. On the other hand 100 poor counties would have only received $3 million. What the President wants and should have is flexibility to determine on the basis of need where this money should be spent.

Under the mandatory language of the HEW appropriation bill the President would have been compelled to expend funds and at the same time under the ceiling on spending imposed by the Congress on him he would have had to reduce other essential and vital programs to stay within the ceiling. These programs would have included medical research, aid for the handicapped, and other such programs.

Mr. Speaker, I know the distinguished chairman of the House Committee on Appropriations is calling his committee together to consider this situation. As such, I hope that the committee will consider that President Nixon has said if the mandatory language is eliminated he will increase funds for impacted areas where they are needed, and I know this is the case in my congressional district. Therefore, Mr. Speaker, I urge the committee to report a bill back forthwith with the same amounts contained in the legislation which the Congress had previously appropriated and at the same time striking the language which calls for mandatory payment. Thus, giving the President the flexibility which he wants.

Finally, Mr. Speaker, let me emphasize that education is going to have priority insofar as I am concerned.

ADVANCE FEED GRAINS PAYMENTS SHOULD BE MANDATORY

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CULVER. Mr. Speaker, I am introducing legislation today with the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Montana (Mr. MELCHER) to make mandatory advance payments under the feed grains program.

As the law is presently written, the Secretary of Agriculture may pay farmers up to 50 percent of their contracts when they sign up for the progam in the spring. However, he is not required to do so.

Nevertheless, those payments have been made each year, and the farmer has come to depend upon them to help meet the heavy planting costs he faces in the spring.

Few farmers are fortunate enough to have the cash on hand for that kind of major outlay, and if advance payments are not available, then the only alternative is borrowing money at punitive interest rates.

This year, for the first time, the payments will not be made until July or August, at the earliest. There is no good reason for refusing those payments. It does permit the Department to keep that money on its books for several months, past the end of the fiscal year, to show a more favorable budget picture on paper, perhaps. But it has no real impact on the economy.

As a result of the strong objections made by many of us in the Congress who represent agricultural interests, as well as by the farmers themselves, the administration adjusted its original decision to refuse advance payments and has said instead that it would begin making payments in July.

The effect of that adjustment, at best, would be to move up payments by a few weeks in July and August, long after the farmer has been forced into debt to meet his costs this spring because the advance payments were not available when he needed them.

This is budgetary manipulation which will fool no one, particularly not the farmer.

By making advance payments mandatory rather than discretionary, we will remove the political pressures which are placed on the Secretary of Agriculture at times like this, to withhold the money for nonagricultural reasons.

And it will help to inspire the type of confidence in Federal commitments which is necessary if we are to expect farmers to participate in this voluntary program to maintain the orderly supply of agricultural commodities.

ACTION OF HOUSE IN SUSTAINING PRESIDENT'S VETO OF LABOR-HEW-OEO APPROPRIATION BILL WAS TIMELY AND A RESPONSIBLE MOVE

(Mr. KLEPPE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, the action of the House in sustaining the President's veto of the $19.7 billion Labor-HEW-OEO appropriations bill was a timely and responsive move against further inflation and therefore a victory for the Nation's public school system which has been among the principal victims of rising costs.

The vetoed bill called for expenditures of nearly $1.3 billion more than the President had recommended, including $1.1 billion more than the House Appropriations Committee approved for HEW alone.

As the President pointed out in his veto message:

> Over four-fifths of the increase in H.R. 13111 is for education. Even without this large increase in education funds, the Federal Government in 1970 will spend over $10 billion for education—the most in our history.

The President added:

> Another 6% rise in prices this year would add more than $2¼ billion to the costs of public schools without any improvements in either quality or quantity. Twice as much as the $1.1 billion in increases for education proposed by the Congress will be swept away if we do not hold firm in our resolve to curb inflation.

Had the veto been overridden, funds for health and welfare could have been drastically cut. Expenditure of such funds was not mandatory and the President could have impounded them.

Contrary to many reports which had been circulated, education will continue to progress.

Federal assistance to impacted school areas in my State of North Dakota would total $2,664,000 under the Nixon request—exactly the same amount as was available last year. For the Minot School District, which receives the largest single share of these funds, the Nixon request would provide $1,134,000, slightly more than last year.

Now that the Nixon veto has been upheld, the Congress will take up a new appropriations bill for Labor-HEW-OEO. This will almost certainly represent a compromise between the President's position and the position of the

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Congress. For education, this will mean an increase. What emerges will be something less than the total $1.3 billion increase proposed by the Congress and somewhat more than recommended by the President.

Many North Dakotans expressed to me the fear that Federal assistance for vocational education and adult education would be reduced or even eliminated. Not so. The amounts proposed for North Dakota by the President would be higher than last year for both programs.

During the 3 years I have served in Congress, I have consistently supported strong funding for education—four times in the last year alone—because I believe the soundest investment this Nation can make is in improving the education of its young people. I have voted for substantial cuts in many other programs in order to make it possible to increase spending for education.

At the same time, we must bring inflation under control and this can be done only if total Federal spending is brought under control.

Schools are among the principal victims of inflation. The cost of everything our schools buy, including the services of teachers, has shot upward. State and local taxes have been boosted time after time to meet these increased costs.

That is why I support the President in his determination to bring inflation under control.

During the 1960's, the Federal Government spent $57 billion more than it collected. Huge budget deficits caused prices to rise 25 percent in a decade.

The President reduced the 1970 budget proposed by President Johnson by $7.5 billion. But increases in spending approved by the Congress, together with increases in such uncontrollable items as interest on the public debt and health costs, are pushing the 1970 budget upward to an estimated $198 billion—some $6 billion above the spending ceiling imposed only a few months ago by the Congress itself.

The budget for fiscal year 1970 seems certain to exceed $200 billion—substantially more if the Congress and the President do not keep a tight rein on expenditures. Moreover, the so-called "uncontrollables" in the budget cannot be brought under effective control until inflation is brought under control.

I would especially emphasize the need to reduce interest rates which today not only lay an extremely heavy burden on Federal, State, and local governments but which are also stifling business, including the construction industry in general and homebuilding in particular. I look hopefully toward some change in Federal Reserve Board policies in the months ahead. A shift toward lower interest rates will come sooner if inflation is clearly brought under control.

I received a number of communications from members of the education profession urging me to vote to sustain the President's veto. Following is a typical one from an associate professor of economics for the University of North Dakota at Minot:

> I know that you have been a leader in the Congress in the fight against inflation. It is my sincere hope that you will not weaken on the issue of the HEW bill, but that you will instead vote to sustain the President's veto.
>
> I personally recognize the critical need for improvement in both our educational system and in our system of health care. As an Associate Professor of Economics for the University of North Dakota. I am, however, also conscious of the crisis which our economy faces at this time with respect to price stability. Furthermore, I know that there is much that can be done to improve the effectiveness of both our educational and health systems without greatly increased expenditures.
>
> As a consequence, I want to assure you of my support, both as a voter and as a molder of public opinion in my professional capacity, for your action if you do support the President in this issue.

ADMINISTRATION SHOULD MAKE KNOWN AGRICULTURAL POLICIES

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, I would like to remind the Department of Agriculture that the time has come to fish or cut bait in connection with agricultural legislation.

I want to commend Secretary Clifford Hardin for what I consider to be a most cooperative attitude in attempting to work out some of the very grave problems concerning American agriculture and in cooperating with the members of the Agriculture Committee. The Secretary has personally devoted a lot of time to meetings and conferences with the members of the committee and has generally demonstrated a most helpful desire to come to grips with our farm problems.

Notwithstanding Mr. Hardin's desires, however, we have not been able to get from the administration a definitive statement of its policies, spelled out in legislative language. The Agriculture Committee worked hard on this all last year. Hearings were held over a period of many months, and in addition to that there were literally dozens of informal conferences and meetings between members of the committee and the Secretary and his staff, many of them lasting into the evening hours.

It seems to me that after all of this time, the administration should be in a position to state rather firmly its policies in connection with food stamps, feed grains, cotton, wheat, and a dairy program. The wheat farmers in the Midwest are going to need to know before too long what the future holds for them. The cottongrowers are going to have to know what the farm program is because they must arrange ways to finance their operations many months in advance.

And I know that my colleagues from New York and Illinois and the other industrial States will want to look at any proposed farm legislation not only from the standpoint of payment limitations—which I feel certain will be part of any bill that comes out of the agriculture committee—but also on the effect a farm depression could have on their machinists and steelworkers and lithographers and food processors. Agriculture is desperately ill in this country right today, and the sooner we get a bill reflecting the administration's position, the sooner we can begin to deal meaningfully with these problems.

I am unable to determine why the administration has not come forward with any legislation. As I have previously indicated, Secretary Hardin and his top staff have demonstrated a willingness to move ahead. I hope that whoever is delaying a decision on this matter—whether it is the Bureau of the Budget or some other part of the administration—will face this issue head on and come to some kind of a decision. It simply will not do for the administration to hang back and take potshots at the Congress if it fails to bear its responsibilities in this area.

THE OIL IMPORTS PROGRAM

The SPEAKER pro tempore (Mr. SYMINGTON). Under previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, it is my understanding that the study conducted by the President's Cabinet Task Force on Oil Imports has been completed and will be transmitted in the immediate future to the President. According to the task force report, the present quota system should be replaced by a tariff system. The system would have as its objective "to move domestic prices smoothly to their lower level in all sections of the country while imports rise gradually to their higher level."

This basic objective would be accomplished by a plan containing five basic measures:

First, by the end of a 2- to 3-year transition period, the southern Louisiana well-head price for 30-degree crude oil would be lowered to $2.50.

Second, over a suitable period, the subsidies embodied in the current quota system would be phased out.

Third, tariffs rather than quotas would be employed as the basic means of achieving import restrictions. They would be coupled with a reserve mechanism designed to prevent any sudden or excessive increases in the volume of imports from the Eastern Hemisphere.

Fourth, the application of the tariff system would be variable. It would be extended to Canadian imports on the basis of negotiated common policies on related energy matters. Latin America would receive a lesser preference initially—this would be subject to later expansions, as U.S. import requirements increased.

Fifth, in both the short run and the long run, an oil import management system would be created for the purpose of monitoring both the mechanics and the administration of the new tariff system.

Although the task force study was supposed to be a nonpublic one, much of the recommendations and proposed changes in the present mandatory oil imports program has been leaked to the press. Since the recommendations and proposals became public knowledge, a storm of protest and reaction has ensued.

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Fortunately, however, the published proposals do not represent the views of all the task force members. Five of the members are reported as favoring a modification whereby domestic crude prices would be lowered to $3 rather than the recommended $2.50—two other members opposed the plan, as such.

In perspective, it would appear that any alterations in the present quota system would have as their prime objective the reduction of domestic crude oil prices. In my judgment, an objective of this sort takes too narrow a view of the cost-price-value relationship of domestic oil to our economy and our way of life.

I believe I can speak with some insight on this subject, because I am from a major oil producing area of the country. In addition, as part of my continuing personal education, I have engaged in extended and ongoing dialogs with both independent and major oil and gas producers. As a result, I realize full well the major role the petroleum industry plays in our society, a role I would now like to discuss at some length for the benefit of those of my colleagues who are less than well acquainted with this vital subject.

The United States is the greatest consumer of energy in the world, and oil and gas are the single largest sources for this energy. Americans depend on oil and gas for approximately 75 percent of their energy requirements. Oil products fuel virtually all of our transportation systems, they heat our homes, they are intensively employed in manufacturing and production, and they power our military forces.

The extent of our national oil consumption is demonstrated by the fact that presently, the United States consumes more than 13,000,000 barrels of oil daily. Moreover, forecasters predict that our present rate of consumption will increase 50 percent by 1980, and will double by 1990.

I think it is clear that because of our great consumption of oil, it is absolutely essential for the United States to have a proven reserve of oil supplies capable of satisfying any national emergency, plus a supply of oil sufficient to supply our foreseeable normal oil consumption requirements. The stakes involved are very large; they center on our national security, our national self-sufficiency, and the economic well-being of all Americans.

As regards foreign oil, it seems that by virtue of an accident of geology, crude oil from primary foreign sources such as the Middle East, South America, and Africa, can be produced much cheaper than domestic oil. This cost differential is not related to technology or know-how. It arises merely from the differences in output between domestic and foreign wells. For example, an average U.S. well produces approximately 14 barrels of oil per day, while a very active well may produce up to 2,000 barrels a day. In contrast, an average well in the Middle East produces about 4,000 barrels a day, while very active ones generate more than 40,000 barrels daily. This marked disparity is due primarily to geological differences in oil bearing rock formations. Be that as it may, however, these differences create the disparate conditions whereby foreign crude oil can be delivered to the United States for about 40 to 50 percent cheaper than the cost of our domestic crude production.

Mr. Speaker, I would agree that in the short run, it would profit domestic refiners to use foreign crude oil. I would also agree that some of the resulting profit could be passed on to the final consumer in the form of lower prices for petroleum products. However, if one examines this condition from a larger perspective, it becomes readily apparent that these momentary pecuniary gains created by the tariff system are overshadowed by the larger problems that the tariff system creates for the United States and the free world.

Even at current restricted levels, the value of U.S. oil imports exceed $1 billion annually. This is the largest single cause for an unfavorable balance of trade. If the level of imports were enlarged, as is contemplated under the tariff system, it will undoubtedly cause an alarming crisis in the U.S. balance of foreign payments.

Turning to the domestic scene, it is rather obvious that an increase in the importation of foreign crude oil would have dramatic and undesirable consequences. Thousands of oil wells, most of them owned by small and independent operators would be forced to close. Domestic production would drop approximately 500,000 barrels a day. This would ultimately create an unrecoverable oil reserve loss of at least 6 to 8 billion barrels. In addition, the closing of the wells would drive out of work thousands of individuals who directly or indirectly owe their livelihood to the petroleum industry.

As a result of this unfortunate chain of circumstances, oil-producing States and the Federal Government would lose considerable tax revenue. In an effort to recapture this loss in revenue, the States affected and the Federal Government would be forced to levy more taxes from other already overburdened taxpaying segments of society. In the fiscal sense then, we would, by eliminating the quota system, be biting off our nose to spite our face.

In my opinion, exchanging the present oil import controls for a tariff system would have even graver implications for our national security. As I previously stated, the tariff system, in operation, could deal a lethal blow to our domestic petroleum industry by forcing certain producers to close down operations. An equal threat is presented by the tariff system, because as to the extent it increased oil imports, to that extent and even more, it would reduce the incentives needed for domestic exploration for new sources of supply. If such a condition were to endure for any appreciable length of time, it would set in motion forces that would cause the destruction of the domestic oil-producing industry, and compel the United States to depend on foreign nations for oil.

Mr. Speaker, every beginning student in economics soon learns that there is an inverse relation between supply and price; the scarcer the supply, the higher the price. In the case of domestic versus foreign oil, if the United States were to become dependent on foreign oil, foreign producers would naturally raise their selling prices. With our newly self-created vulnerability, we would have no other alternative than to purchase our needed supplies of petroleum at the higher prices. In such a situation, we would not be able to tap our domestic reserves, because we would have no reserves. They would have been exhausted and not renewed by reason of the tariff system of oil imports control.

In addition to being made vulnerable to the price-setting policies of some foreign potentate, reliance on a tariff system would place the United States in an extremely unenviable position in the event of another international war, or a local war in an oil-producing area of the world. The Middle East war of 1967 illustrates the situation aptly. At that time several oil-producing nations placed an embargo against oil flowing into the United States. These nations then produced approximately two-thirds of the oil moving in international commerce. Fortunately, the United States felt but little effect from the embargo because we had at the time sufficient spare producing capacity and adequate reserve capacity to compensate for the loss in oil imports. However, were a similar situation to develop, say in 1975, and if the United States had been operating under a tariff system for the preceding 3 years, I would daresay that the embargo would strike a crippling, if not fatal blow to our national security and that of our free world allies.

Mr. Speaker, I believe that on balance, trading the workable and equitable mandatory oil imports system for an untested and somewhat marginal tariff system would create more problems than it would solve. For this reason, I implore my colleagues to raise a chorus of concern about the task force report to the President. I urge you all to take swift action. International peace, national self-sufficiency, and domestic well-being dare not be sacrificed in the interest of short-term pecuniary gain.

WHAT PRESIDENT NIXON COULD DO TO STOP INFLATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. REUSS), is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, the beginning of a new calendar year and the beginning of a new session of the Congress is an appropriate time to assess the progress to date of the administration's war on inflation and to inquire into what lies ahead.

If one were satisfied to evaluate economic policy solely in terms of the administration's goal of achieving a gradual slowdown in the level of economic activity and output, one could judge its policy a success. The growth of output has now been brought to an approximate standstill.

But if policy is evaluated in terms of the behavior of prices, we have as yet no evidence that inflation is slowing down. There may be some slowing of inflation

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in the year ahead. But I remain quite skeptical that any really significant reduction in the rate of inflation will be achieved through continued reliance on present policies.

If a more severe recession developed it would doubtless eventually have a salutary price effect. But the cost of thus achieving price stability would be far too high. I hope that the administration will not choose this course.

What I do foresee in the absence of new policy initiatives is continuing inflation and a continuing stranglehold of high interest rates on residential construction, on State and local government, and on small business. I do not regard this as a satisfactory outlook. I think there are policy steps we can take which would substantially improve this outlook.

WE NEED A SOUND FISCAL POLICY

The first step is a sensible fiscal policy. The President has announced his intention of achieving a "credible" budget surplus for fiscal year 1971. This is a laudable objective. I commend him for it. Nonetheless, preoccupation with discussion of budget totals for the coming fiscal year may have distracted attention from the fact that at the present moment, the budget for the current fiscal year is moving in the wrong direction. The substantial rate of budget surplus which we had achieved at the beginning of fiscal 1970 is gradually being eroded. The budget surplus for fiscal year 1970 will be substantially below the latest official estimate of $5.9 billion. The surplus will at best be in the neighborhood of $3 billion, and this will represent the averaging of a large surplus early in the year and a deficit or near deficit by the end of the year.

A sensible budget must have not only the right totals, but also the right allocations among programs. I only hope that when the 1971 budget reaches Congress, it not only will contain a surplus of the appropriate size but one achieved through appropriate weighting of many individual budget components. Important as a sound fiscal policy may be, I would not wish to see it achieved at the expense of vital social programs. There is plenty of room for budget-cutting in other areas, politically unpalatable though this may be. In addition to the military budget, where I believe there continues to be room for a substantial further cutback, one can identify numerous civilian programs of highly questionable public benefit. The supersonic transport would certainly be near the top of my list of totally inappropriate Federal expenditures. Highway expenditures, maritime expenditures, subsidy payments to wealthy farmers are other prime candidates for budget savings.

On the question of the proper allocation of Federal expenditures, the Congress has built a more responsible record over the past year than has the administration. Congress cut the administration's military budget requests by more than $5 billion. Appropriations for health, education, social security, and aid to the residential mortgage market were increased. I hope that in the administration's 1971 budget a better balance among programs will have been obtained. If not, Congress will have to do that job, too.

MORE TAX LOOPHOLES SHOULD BE PLUGGED

A firmer budget surplus can be achieved through revenue increases as well as through expenditure reductions. I am disappointed to learn that the administration apparently plans to make no recommendations for new sources of revenue. Despite the reforms achieved during the last session of Congress, there remains ample opportunities for improving the equity of our tax structure through revenue-raising reforms. The capital gains tax is the obvious first candidate, and its reform should be a high priority order of business during the current session of Congress. The time to continue revising our revenue structure is now. In addition to improving our tax system in the capital gains area, we should restructure the estate and gift taxes with the aim to eliminate loopholes. There is still ample room to impose user charges on those who are now subsidized by the present tax system. I am not content that we slapped the oil industry on the wrist—we should eliminate the oil depletion allowance beyond that which permits a normal write-off for the use of capital.

This is a reform-minded Congress. Let us remain so. Through the judicious use of reform of taxes and cutbacks of unwise spending programs, we can achieve a budget surplus which will permit a sensible monetary policy and other efforts to achieve sound economic growth.

SUPER-TIGHT MONEY CAN CAUSE A RECESSION

Our monetary policy in the past year has been unfortunate. It seems that the Federal Reserve is bound to a policy of keeping interest rates at a 10 percent or higher level. While there appears to be an erratic but small increase in money in the last few months, it still seems to be "policy" to permit no systematic increase in money, even if, as it should be, the increase is at a moderate rate. The result is that we have a very discriminatory monetary policy—hitting those areas, such as small business, municipalities, and housing, which we should be now seeking to promote.

Our glaring ignorance today seems to lie in our limited understanding of how to control inflation at full employment. The difficult economic question with which we will be repeatedly faced in the years ahead is that of getting rid of inflation without resorting to slowdown and unemployment. Exclusive reliance on fiscal and monetary policy, however skillfully this policy is conceived and executed, simply does not achieve this objective.

We cannot afford a recession to control inflation. Any added unemployment is an unnecessary price to pay in the name of fighting inflation. We do not need it, and should not have it. But to get "over the valley" to a more responsible economic policy for growth and improved standards of living, we need to use all the weapons in our arsenal: monetary policy, fiscal policy, credit control policy, price-wage policy, and selective support for critical areas of expansion of products and services now in the shortage category.

This country could end the phony war against inflation, and instead launch a real war, if President Nixon would tomorrow announce the following action program:

WHAT PRESIDENT NIXON SHOULD SAY

We have gone astray. We thought we could fight inflation with nothing but tight money and a balanced budget. As a result, 1969 has seen the worst inflation in a generation—6.1 percent on the consumer's price index. Economic growth and productivity have been forced to a halt, while prices keep going up.

I am today using the full powers of the Presidency to stop inflation. In addition to the inadequate monetary-fiscal measures so far employed, I shall use the powers Congress has given me to achieve the following social contract:

First. For 6 months, starting today, I ask all sellers of goods and services not to increase their prices. The 6-month standstill will enable price-wage guideposts for the future to evolve.

Second. As a symbol of the social contract, I am returning 10 percent of my salary to the Treasury for this period. I ask Members of Congress, of the Federal judiciary, and top grade executive branch officers and employees similarly to remit 10 percent of their salaries to the Treasury. I request all Americans of equivalent income in business, the professions, or elsewhere, to do likewise.

Third. I am appointing Mr. Ralph Nader as price ombudsman to keep prices down. Members of my Cabinet are to work closely with Mr. Nader, in such actions as: First, increasing beef import quotas so as to lower the price of hamburger and oil import quotas so as to lower the price of gasoline and heating oil; second, developing programs for lowering the cost of health services; third, eliminating inflationary governmental purchases.

Fourth. I am requesting the Federal Reserve Board forthwith to stop the increase in bank lending for business inventories and investment which has proved such an inflationary force. In addition to lowering prices by cooling off inflation, this action, by blocking off wasteful extensions of credit, will increase the credit available, and thus lower interest rates, for housing and State and local governments.

Fifth. I ask wage earners, in the light of the sacrifices I have asked of other elements of our society, to contribute toward ending the inflationary spiral by holding wage increases in the period ahead to a minimum such as will not result in a price increase.

These five measures, together with measures already taken, should signal to all that this administration means business in fighting inflation. With your help, we can restore price stability now.

USING THE FULL ARSENAL OF WEAPONS

Such an action program would add vital price, credit, supply, and income elements to the administration's present inadequate fiscal-monetary approach.

Unless we develop an effective mechanism for influencing the discretionary price and wage decisions of big business and big labor, and unless we remove some of the structural economic inefficiencies which keep prices artifically high, I see little hope that our record of inflation control will improve in the years ahead.

One of the things that concerns me most about the present administration is not so much its failure to develop an effective set of wage-price guidelines but its reluctance even to try. On first taking office, this administration not only abandoned the guideline concept, but abandoned it with enthusiasm. There is little doubt that this enthusiastic disavowal of "interference" in the economy provoked price increases that could otherwise have been avoided.

The experience of the past year is clear proof, if proof is needed, that Government "neutrality" with respect to wage and price decisions is simply not possible in a modern economy. A few months back, the administration ventured a timid appeal to business and labor to be public-spirited in their decisions. This has now been followed by the promise of an investigation of one specific industry—copper.

While applauding these steps by the administration, I do not find myself applauding very hard. The need is for a much more vigorous and specific wage-price policy. The distinguished immediate past chairman of the Council of Economic Advisers, Arthur Okun, has recently published his thoughts on this subject. In his new book, Mr. Okun suggests the following essentials for effective wage-price guidelines: First, a specific set of guideposts; second, full consultation with business and labor; third, exposure of violations to the spotlight of public opinion; and fourth, creation of a competent "umpire." Mr. Okun is kind enough to mention that he sees "great merit in Congressman HENRY REUSS' proposal that the umpire should be a small special advisory board on price and wage standards." He goes on to say that this special advisory board "should be explicitly authorized to issue public statements and reports without clearing them through the administration."

I hope that the present administration is listening and heeding the suggestions of someone who has had recent experience with this difficult problem.

In order for sound price-wage guideposts for the future to evolve, the 6-month price standstill I have recommended is needed. So are the other elements of the proposed "social contract," including qualitative credit controls.

REMEDYING STRUCTURAL DEFICIENCIES

In contrast to its views on wage-price guidelines, the present administration has, I presume, no objection in principle to efforts to remove structural inefficiencies which keep prices higher than they need to be. Indeed, those most devoted to free enterprise ought logically to be those most enthusiastic about removing barriers to its efficient operation. In practice, however, one can hardly conclude that the administration has moved with outstanding vigor to improve economic efficiency.

The list of inefficiencies and impediments in our economy is a long and familiar one. Many of them are the direct consequences of Federal policies—policies such as import quotas, an irrational system of farm price supports, excessive restriction of competition in the transportation industries, inefficient Government procurement practices, unnecessary stockpiling of "strategic" commodities. I want to comment on just a couple of specific areas which seem especially timely at the moment.

One is the question of oil imports. To its credit, this administration has at least raised the possibility of changing or abolishing the present quota system—a system which costs the American consumer several billion dollars a year in unnecessarily high prices for oil and oil products. It now appears highly doubtful, however, that the administration is prepared to act in the decisive manner necessary to achieve a significant consumer benefit. A simple abolition of the present quotas, an action which could be taken by Executive order, would benefit the consumer most. The administration proposal to move to a tariff system, could, if the tariff were not excessive, serve as a first step toward a phased elimination of import restrictions. I urge the administration to fulfill the hopes it has raised in the mind of the public by significantly relaxing restrictions on oil imports.

Another area in which the administration has raised hopes is that of health care. Some months ago the administration informed us of something most of us already knew—that we face a crisis in the health care industry, a crisis composed of spiraling costs and inadequate services. I have hoped that this public recognition of a state of crisis would be a prelude to vigorous action—action to increase our supply of critical medical personnel, and action to improve the incentives to hold down costs under Federal health care programs. Where is this action? The Secretary of Health, Education, and Welfare was recently quoted in the press as saying:

> Right now the only thing we can do is mend and patch.

Why is this the only thing we can do right now? What is wrong with moving energetically to remove the supply shortages and correct the inefficiencies which are pushing up the costs of medical care and denying adequate medical care to large segments of the population?

I hope that in the economic report, the budget, and the other Executive messages which will shortly be coming to the Congress, attention will be given to these and other areas of inefficiency and unnecessary price inflation. The problems are stubborn. Few of them can be easily solved. But if the Nation is ever to enjoy noninflationary prosperity, they must be solved.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I shall be glad to yield to the gentleman from California.

Mr. HANNA. Mr. Speaker, I want to commend the gentleman for the statement that he has brought forth to the House and for the soundness of some of the measures which he has suggested which would really bring us into a fiscally balanced stance that would be meaningful with the result of inflation.

Mr. Speaker, I join with the gentleman in urging serious consideration of some of the suggestions which he has made.

I have noted that the gentleman has been outstanding in his service here in bringing constantly to the attention of the Members of this body this kind of attention to these matters whom very few have had the opportunity to study and who possess the background and ability to do as does the gentleman from Wisconsin. I think he has done a great service to the House in bringing these matters to the attention of his colleagues.

I would like to take this opportunity, if the gentleman will yield further to me, to ask the gentleman if in truth we have not seen some pretty dramatic demonstrations as to why the interest rate approach alone has not been an effective fighter against inflation. I want to review with the gentleman some figures on an actual home purchase situation by the ordinary American.

If we look at a $20,000 home sold in 1966, at which time the prevailing rate of interest was 6.5 percent, the monthly payments would be $126.42.

Now, I have tried to project that into 1970. Assuming that the demon inflation is the villian and assuming in the 5 years since 1966 to 1970 you have inflation at the rate of 5 percent which, thank heavens, has not been greater, I assume that a $25,000 home would appreciate in value sufficiently to take care of the 5-percent inflation over the 5 years, making the $20,000 home now worth $25,000. If the interest rates were the same, the payments would now be $158.03, or a growth of $32 a month just to take care of inflation. But, on the other hand, that did not happen. However, some inflation did occur. If we assume the same house at the same $20,000 price, at 8.5 percent, which is the lowest interest rate about which I know available to anyone with which to buy this kind of house, this would make the payments $153.79, or $28 in added monthly cost in interest alone.

This would then make the payments $157.79, or $28 in added monthly costs on interest alone. The assumption I made of a 5-percent inflation. Does the gentleman not agree with me that when you have a fighter in the field who is bringing this onerous result to the home buyer that the inflation itself is bringing that it is pretty difficult for the American people to accept that this is the way they want to fight the demon?

Mr. REUSS. The gentleman is exactly right. I would add to what the gentleman said this: He has pointed out—and I do not think there is a Member of this body who is a more close student of the homebuilding industry than the gentleman from California—the gentleman has pointed out the catastrophic effect of the interest rate increase on homeownership. It means that for all practical purposes the ordinary wage earner or the moderate income maker cannot under present costs afford to buy a home.

In addition to that, I can think of no finer way of sopping up the potentially inflationary purchasing power of the American people than to provide them in greater numbers with probably the most beloved physical possession that a family can have in its lifetime, a home. And it is ironic indeed that present housing starts in this country are down from 2 million where they ought to be, down to I believe something like 1.5 million a year. That means that the housing industry could produce hundreds of thousands more homes, but does not do so, and to the extent it does not do so we are failing to sop up purchasing power, and this is helping inflation, not fighting inflation.

Mr. HANNA. The gentleman is correct. And I would underscore what we have said here, and bring to the attention of the House the fact that if you add up the inflation and the interest together, and assume that under the 1970 conditions the buyer now is faced with paying a $25,000 price tag on the $20,000 house at 8.5-percent interest, and he would have to make payments at $192.24, or an increase of $66 a month in just this 5-year period, and out of that interest charges would be $38.54, and inflation costs $27.50. So at this point where he goes up that two points in interest rates, and a 5-percent-a-year increase in inflation, the interest already increased the cost and there are greater costs with the inflation than the inflation itself.

So what the gentleman I think is saying is most important. First of all, we are not directing people into the purchase of homes, because they simply cannot meet the cost of the acquisition of a house.

Second, the mechanism of the market to sell homes is virtually destroyed. There is a need for homes, and there are no homes passing, not because there are no buyers, and not because there are no potential sellers, but because there are people who will not sell their homes because they have to turn the equity over to the money loaners. So rather than just sell themselves down the creek, so to speak, and lose the equity that they have sweated over for so long, they are holding on to their homes, hoping that there will soon be better days, and a more suitable approach by the administration and the Congress.

But in the meantime there is no mechanism for home sales. It is a defeat mechanism. We have not lost the value in the homes. We have lost the mechanism to pass that value from one ownership to another ownership. Am I not correct?

Mr. REUSS. The gentleman from California has made a real contribution, and I commend the gentleman for it.

Mr. HANNA. If the gentleman will yield further, another point that the gentleman has made, and that I would want to underscore, is that the gentleman has said that if you are going to fight inflation you have to pass value for the dollars that are involved. And the gentleman has made the point that in home ownership you not only have the ability to pass value, but you also have a forced savings, in that as people make payments on their homes. They are, we hope, setting aside some equity, and in a sense, besides, purchasing space to dwell in, they are in effect building some kind of equity, a savings for the family. Is that not correct?

Mr. REUSS. That is correct.

Mr. HANNA. Therefore, if it is appropriately done as in the past, it would certainly not be a demon of inflation but rather an instrument of saving. Is that correct?

Mr. REUSS. That is correct—I believe that is exactly correct and I thank the gentleman for his constructive contribution.

Mr. HANNA. I thank the gentleman and I will support him in urging legislation that will reach the goals he has outlined.

Mr. REUSS. I thank the gentleman.

MEDICARE FOR TEACHERS AND OTHER STATE EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I have joined in sponsoring legislation which I would like to bring to the immediate attention of my colleagues: a bill which would allow States, under Federal-State agreements, to provide hospital coverage under medicare for teachers and other public employees whose services are not otherwise covered by social security. This permissive legislation is strongly backed by the National Education Association as well as the education associations of the affected States, and is one which I have advocated strongly in the past.

Under law now, a person must be covered by the social security retirement system to be eligible for medicare hospitalization insurance. Although most employees in the United States are now automatically covered by social security, this is not true with regard to employees of State and local governments. About one-fourth of the States and Puerto Rico do not allow social security coverage and in several other States, as in my own State of Texas, only part of the teachers and public employees are covered. In the city of San Antonio—part of which I represent—only two of the 13 school districts participate in social security.

Those not covered by social security, although members of State or local retirement systems, do not have programs similar to the hospital insurance program available to them. Many are willing to pay for such insurance, but under present law are precluded from doing so. What could be fairer than to permit these employees the opportunity to pay for the security so desperately needed in old age?

There is no reason why these employees should not be brought under the basic hospital insurance program without requiring them to participate in the social security retirement program. The insurance program is financed by a payroll tax completely separate from the regular social security tax. Income from the hospital insurance payroll tax will go into a separate trust fund to pay the benefits and administrative expenses of the hospital insurance program. It is a completely separate insurance program. Allowing these public employees to participate in the hospital insurance program will actually improve that program by broadening the number of persons covered.

I am particularly concerned about the over 689,000 public schoolteachers who do not have the protection afforded for their old age having spent their lives helping shape our country's future in educating our young people at low pay scales. The plight of our retired teachers and other public employees who face high medical costs, without the coverage of medicare available to other senior citizens, is a tragic one. I urge support for my bill, H.R. 15636, and companion bills as a means to supply a reasonable and fair solution to this unfortunate situation.

SOME BANKERS STILL HOLDING STUDENTS HOSTAGE IN ORDER TO INCREASE PROFITS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, when the student guaranteed loan program legislation was before this body in the last session, I was bitterly opposed to a provision in the legislation that would have allowed lenders to receive a subsidy of up to 3 percent for each loan that they made under the student guaranteed loan program. I pointed out at that time that the payments were nothing more than a banker's subsidy and would not solve the problem of providing education funds for college students to begin or finish their education.

I further pointed out that the bankers would use the interest subsidy in order to force higher payments for the student loans. The subsidy is paid each quarter and the amount of the subsidy, up to 3 percent on top of the 7-percent interest rate charged by the lenders, is determined by the Secretary of Health, Education, and Welfare. The initial subsidy was pegged at 2 percent for the first quarter, which meant that the bankers had a full 1-percent untapped subsidy. Recently the Secretary of Health, Education, and Welfare announced that the subsidy for the second quarter of the new program would be 2.25 percent.

These two subsidy payments have amounted to millions of dollars but they have not done the job of helping deserving students.

Almost daily, I receive letters from students throughout the country who complain that banks in their area will not grant student loans. For instance, I recently received a letter from the president of the Constituent Assembly of the University of Texas at Arlington. He pointed out that a check of financial institutions in the Dallas-Fort Worth area revealed that there were 49 financial institutions that would not make student loans. I have received letters from other parts of the country revealing similar results.

The letter clearly outlines the plight of the student at the University of Texas at Arlington who seeks a student loan.

At the same time these letters are coming in, the Office of Education is paying out $150,000 to a private consulting firm to determine whether or not banks are refusing to make student loans. The study is not only a waste of time but a

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waste of money which could be better used to help students finance their education. One thing that you can be certain will happen is that after the study is completed, HEW will release a grand pronouncement that the banks would like to participate more in the program but are not getting rich enough from student loans. Following that, HEW will propose a new bankers' bonanza designed to increase the subsidy for the banks. But while the study is going on, it must be remembered that there is still three-quarters of 1 percent of untapped subsidy and it is only a matter of time before the banks and HEW, working hand and pocketbook together, make all of the remaining subsidy available.

I would like to quote from a statement that I made on the student guarantee legislation when it was considered during the first session.

> True, HEW may start out with only a 1 percent or 1½-percent subsidy payment to the banks but it will not be long before the American Bankers Association puts on its guns and masks and tells HEW that unless the banks receive the full 3-percent subsidy, there will be no more student loans.

This is exactly what has happened and now HEW is gladly participating in the holdup rather than searching for a meaningful alternative that would help the students instead of helping the banks.

It is my understanding that HEW is considering a student loan bank program to be financed by the Federal Government.

I welcome HEW's interest in a plan which I proposed more than 2 years ago. However, unlike my plan, HEW's version would have the Government foot the bill but once again allow the banks to make the profit since they would be the institutions to dispense the loans. Thus, as a reward for wrecking the student loan program, HEW is now considering a Government-sponsored program that would guarantee the banks a profit.

It must be remembered that the Small Business Administration was created because banks would not make funds available to small business. That agency operated successfully for a number of years but recently it has become virtually defunct as far as helping people because it has turned over the operation of its programs to the bankers. Now it appears that HEW wants to follow the lead of SBA and allow bankers to take over its position in the Cabinet. When that happens, I propose that we rename the agency the "Department of Health, Education, and Welfare of the American Bankers Association."

The letter referred to follows:

LIBERAL ARTS CONSTITUENT ASSEMBLY, UNIVERSITY OF TEXAS AT ARLINGTON,
Arlington, Tex.

Representative WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR SIR: It has come to the attention of this body that a disproportionate number of students at the University of Texas at Arlington are encountering difficulty in obtaining loans under the Federally Insured Student Loan Program (Public Law 91–95). The problem is that very few lending agencies in the greater Dallas-Fort Worth area are cooperating with the program despite a Congressional increase in the interest rate payable. Enclosed is a list of financial institutions contacted by various students within the last thirty days, all of which have declined these loans.

Any assistance you can provide in correcting this situation will be greatly appreciated.

Sincerely,
THE SCHOOL OF LIBERAL ARTS CONSTITUENT ASSEMBLY,
MIKE GROCE, *President.*

CREDIT UNION MAGAZINE SPOTLIGHTS YOUTH MOVEMENT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, from time to time I have brought to the attention of this body the outstanding work that credit unions throughout the country are doing to encourage young people to develop good habits of thrift. Credit unions are also helping young people obtain a better economic education by sponsoring some form of credit union activity which directly involves young people.

Of course, the student-operated credit union at Fort Knox, Ky., is an outstanding example of how young people are being drawn into the credit union movement. But there are a number of other credit unions which are also active in the youth field.

The January issue of the Credit Union magazine, a publication of CUNA International, contains an article "Credit Unions and Youth—They Learn From Each Other," in which a number of credit union youth activities are discussed.

I am including a copy of the article in my remarks because it is my firm belief that credit unions can be of vital assistance to our school systems throughout the country in providing practical economic education to students at every grade level.

CREDIT UNIONS AND YOUTH—THEY LEARN FROM EACH OTHER

There are any number of reasons why credit unions are working with youngsters. Basically, though, they boil down to just two: Young people need credit unions, and credit unions need young people.

Both reasons are apparent in two programs currently under way in Philadelphia.

On the city's west side the GSMI Federal Credit Union is putting teenagers on the board and committees with full voice and voting powers.

Across town, in the oldest part of the city, credit union philosophy, practice and literature are course materials in a junior high school class.

The accompanying stories explain how and why these two methods are working.

"All of us are 10 years older now than when we started," Leon Taylor Jr. said. "We need young people to keep our credit union going. About half our officers have been with us since organization."

Although he was describing the GSMI Federal Credit Union in Philadelphia Taylor summed up a problem common at all levels of the credit union movement.

"These young people are better prepared today than we were because of the mass media and the schools," the GSMI treasurer continued. "There's no more of this being seen and not heard. They have a confidence we didn't have at that age. And if this credit union is to survive we'd better bring them into it."

In analyzing the situation, the board decided that youngsters are not only good credit risks but in need of loans. "All our worldly possessions are bought early in life," president Howard K. Lowber explained. "Young people are actually a better loan risk than most realize because every year they increase their earning capacity."

Using himself as an example, Taylor pointed out that "I'll keep my bedroom set till I die. If there's no borrowing, there is no potential for the credit union. The youngsters still have to buy those things. Youth: here is our potential!"

To involve these young people, the credit union increased the board from seven to nine members and made room on the education committee.

Filling the newly created directorships are Linda Booker, 18, and Barbara Dennis, 22. John Lawson, 17, and Leon Taylor III, 16, are both on the education committee.

All four of these new credit union officials have completed the league-sponsored bookkeeping course at St. John's College in Philadelphia. Classes were held once a week for three hours, for nine weeks.

Now the board is considering a young person on each committee and as a loan officer with authority to grant loans up to say $100.

The purpose, of course, is to have young people talking to young people.

Of the credit union's 475 members, 60 of them are under 21. Most of these young people save and borrow like the adults—with share and loan accounts showing much activity.

One boy joined the credit union two years ago at age 17. His share account has grown to $400, with numerous withdrawals as he needed money.

Another fellow borrowed $100 to tide him over until pay day when he got a summer job at the shore. A group of boys formed their own combo and needed money for shirts and other odds and ends for their first job. The money was paid back in 30 days and they have savings accounts with the credit union.

An 18-year-old girl borrowed $400 for a trip to Bermuda. A teen-age boy borrowed $50 for the high school prom.

In 1969, youngsters borrowed more than $1,500 with not one loan becoming delinquent.

"We have no delinquency problem with them," Taylor said. "Go through our delinquency list and you'll find most of it in families in the 35 to 40 age group; both working and trying to live on $18,000 while making only $14,000.

"The very young and the very old are almost religious about making their commitments," he said.

For this reason the credit committee has shown about as much hesitation in lending to members over 70 as it has to youngsters.

The needs of the elderly are very real, too, explained Alfred Taylor, a loan officer and education committee member. They borrow to meet medical expenses, repair a furnace, or for tuition for their grandchildren. Although these loans are not covered by loan protection insurance, only one has ever been written off—and that for $56.30.

Youngsters were once required to have cosigners for their loans, but this was changed about a year ago. Although parents are still advised of these loans, the decision is left to the youngster and the credit committee. Most have either part-time jobs or allowances, so loans are made on ability to repay, reason for the loan, and the character of the borrower—but not necessarily in that order.

Just how does one go about getting youngsters into the credit union?

"By treating them like adults," is treasurer Taylor's answer. "Basically, we just asked them to come in. Their opinions are just as important—and oftentimes more valuable—than any other member of this credit union. They've helped bridge the generation gap. We ask them to bring in others who are reliable. We approach the kids in the Sunday schools, and we make regular appeals through the church."

The Greater St. Matthew Independent Church has backed the credit union from the beginning, and continues to give it assistance without interference, president Lowber explained. "The church paid the credit union's organizational costs because the Rev. Mahlon M. Lewis saw the credit union as a service for the congregation. In fact, the credit union began with a substantial deposit by the church."

And now Mr. Lewis is helping the credit union attract the younger members of the congregation.

As far as service in an official capacity, young people "are being brought in with an eye toward replacement," Lowber explained. "They'll know just what to do and how to carry on as we older folks leave board of directors and committee assignments."

Eighteen-year-old Linda Booker has learned to keep the credit union's books, while 16-year-old Leon Taylor III handles collections on Monday night and Sunday.

Their activities within the credit union, however, have not developed without resistance, or at least apprehension. Many older members are reluctant to discuss their financial affairs with younger people.

"But this is gradually disappearing," the treasurer explained. "Members tend to see them as children they knew, not as the maturing adults they now are. I keep reminding the older members that 'Mr. Taylor is not the credit union. The credit union will be here after Mr. Taylor is gone. At the bank you don't ask for a certain clerk when transacting business.' "

But the biggest reason for the change in attitude on the part of the older members is the young people themselves.

"The youngsters have proved that they can accept responsibility," the treasurer said. "They are convincing the older members of the church that they are good, sound citizens. They are worthy of our trust and our respect."

The credit union is many things to many people. At Philadelphia's Penn Treaty Junior High School it is becoming an English course.

Teaching "See Judy run" to his students is totally irrelevant to their way of life, English teacher S. J. Strigari believes. Instead, he uses credit union materials to teach the basics of the English language. And as a by-product, youngsters are getting something else they can use the rest of their lives.

Strigari's students attend a big city school in the oldest part of town, an area sociologists term a zone in transition. Parts of the surrounding neighborhoods are breaking up, with families moving out and others moving in—usually those on the lower rungs of the economic ladder.

Often a student's motivation to learn and put into practice what he gets in school ends with the final bell of the day. Consumer education and wise money management are rare—if not non-existent—in their daily lives.

So Strigari feels it is his duty as a teacher to be concerned with the whole boy, not just his ability to diagram a compound sentence.

His efforts began some years ago when he started a Money Management Club, a credit union owned and operated by students, but not chartered by the state or federal government (see June, 1967). The idea came after watching the CUNA film "People of Kolevu." "If the credit union can work with primitive people, it should work with American school kids," he thought.

So each spring Strigari starts a number of these clubs—one for each class he teaches—as an extracurricular activity, and disbands them in the spring when classes end. He is constantly refining the operation and ideas under which they function, but now Strigari's enthusiasm is directed toward all students in his classes, not just those who join the club.

He is fitting credit union literature and ideas into his English curriculum.

"It is my belief that a credit union lends itself beautifully to the four separate disciplines kids have to have," Strigari explained. "Number one: In any big city they must learn human relations; get them to live and work together. Number two is English, communications. Three is math. And four, social studies."

Credit union operating forms, the book *It's Not Just Money*, the Scholastic magazine insert *Managing Your Money*, and other credit union literature are the textbooks of Strigari's English class.

When students fill out membership and loan applications in the classroom, they are learning to read and write, and to understand what they are reading and writing. Putting down the reason for the loan is equivalent to writing a composition for these teenagers.

They give the loan applications to other students for approval or rejection of the fictitious loan. Here again the student must write a reason. The spelling composition and thought are all gradable by the teacher.

The youngsters also work up their own regulations, constitution and bylaws, hold board meetings, dabble in elementary bookkeeping, and learn the rudiments of public speaking.

"I'm trying to make school as relevant as I know how," explained the English teacher who is also treasurer of Local 628 I.B.T. Federal Credit Union.

"The kid's credit union, then, becomes a practical extension of what I teach in the classroom. Each section I teach—five of them—gets an individual club."

A glimpse of the loan applications from last year's money clubs gives an idea of the type of youngsters Strigari is working with and how well he is succeeding.

"Pay for lost math book—$1.80." "Repair broken glass and car fare—$5.50." "Down payment for ring for a girl—$3." "Birthday gift for mother—$1." "Pair of pants and pay Mr. Blake (principal, for lost property)—$5." "Because I have to have it for a baseball team dues and if I don't have it by Thursday I won't be able to get on the team—$3."

One senior with only 25 cents in shares wanted to borrow $25 to buy an amplifier for his guitar. He needed co-signers for that one, but—being a good looking kid—had no trouble getting them. "Every girl in the class co-signed for him," Strigari said. The 14 co-signers had $16.90 in shares.

Stragari admits he is also thinking of the credit union movement as a whole in teaching these youngsters about credit unions.

"The credit union movement is built on volunteer labor; it's built on little volunteer movements," he said. "Many of these credit unions will die off when these volunteers die off. Credit unions become one-man organizations very quickly."

What Strigari hopes to accomplish is to "train kids so when they grow up they will know what credit unions are all about, that they'll be able to take their places as members and directors."

He also points out the reason why the movement needs the reservoir of talent he envisions.

"Fifteen per cent of the federal credit unions that liquidated last year did so because of lack of interest. Smoldering below the attitude these kids show us is a desire to serve. All we have to do is bring it out.

"Let me have a kid and expose him to the credit union idea when he's young and I'll make a credit unionist out of him for the rest of his life," Strigari promises. "And by doing this I'll have made a contribution to the future of the movement."

Strigari dreams big, but he is working at a level and in a manner that makes such dreams a practical reality.

HIGH INTEREST RATES THREATEN CREDIT DEBACLE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, as my colleagues know, I have been concerned for many months that the misguided monetary policies of the Federal Reserve System and the Nixon administration were leading this country toward a severe recession, if not a full-blown depression.

Already, the homebuilding industry is in a depression. There can be no mistake about that. And the small business community generally is little better off.

At long last, the national news media is beginning to pay some attention to dangerous warning signals. This morning, January 29, the Wall Street Journal carries a lengthy article detailing the possibility of a real credit debacle.

The article quotes a bank economist as stating:

> Ten years ago, the thought of a 1929-style collapse never entered my head. Five years ago it was something that seemed highly unlikely. Now I still don't expect a debacle, but I think about the possibility a lot.

Mr. Speaker, another firm indication of the state of the economy are the automobile repossessions which are climbing all over the Nation. A recent story in the Dallas Morning News illustrates this growing problem, another result of high interest rates.

Mr. Speaker, I insert both articles in the RECORD:

[From the Wall Street Journal, Jan. 29, 1970]

WORRY OVER DEBT: SOME ECONOMISTS FEAR SOARING CREDIT VOLUME POSES A DIRE THREAT—THEY CLAIM MANY BORROWERS MIGHT FAIL ON PAYMENTS IF A MAJOR SLUMP COMES—COMFORTING 1929 COMPARISON

(By Alfred L. Malabre, Jr.)

While economists ponder whether the economy is sliding into a recession, a far more ominous question is looming: Would a recession trigger a major credit collapse?

Most economists doubt it, unless a very severe business slump should develop. But most believe the danger of a collapse—with major corporate bankruptcies and widespread failure of consumers to pay their debts—appears much greater now than at any other time since World War II.

The explanation essentially is that debt of all sorts has soared in the postwar years, a fabulously prosperous time of economic expansion punctuated only by four recessions that were exceedingly mild by prewar standards. So long as prosperity has prevailed, consumers and businesses have been able to shoulder their soaring debt burden without much difficulty. But a sudden end to prosperity now, many analysts fear, could lead quickly to serious trouble.

Some economists, to be sure, have been annually forecasting an imminent credit collapse for a decade or more, right through the longest economic expansion in U.S. history. Until recently, however, these Cassandras represented only a miniscule minority of economic opinion. Such forecasters are still in the minority, but their gloomy views are gaining broader acceptance, as signs of a business downturn grow.

PONDERING A DEBACLE

The head economist of a large New York City bank offers the sort of comment heard much more frequently nowadays. (Like many business economists when they speculate about the possibility of a financial collapse, he requests anonymity on the ground that his superiors at the bank frown on such publicity.) "Ten years ago," the analyst says, "the thought of a 1929-style collapse never entered my head. Five years ago it was something that seemed highly unlikely. Now I still don't expect a debacle, but I think about the possibility a lot."

Evidence that the debt load has soared pervades the economy. Money owed by all levels of government, all varieties of businesses and individuals now is nearing the $2 *trillion* mark. The total is about twice the size of the country's gross national product. At the start of the 1960s, total debt was about 70% larger than GNP.

Federal Government debt has grown relatively slowly, despite all the talk over the years about Washington's penchant for spending. If this debt is removed from the total, the borrowing boom appears still more dramatic, as the following table shows. The 1969 debt figure is an estimate based on mid-year statistics, the latest available. The totals are in billions, stated in current dollars for the years specified.

	Non-Federal debt	*GNP*
1969:	$1, 347	$933
1960:	633	504
1946:	167	209
1929:	176	103

The GNP figures, of course, provide the broadest possible statistical measurement of the size of the U.S. economy. In 1969, non-Federal debt exceeded GNP by 45%. In 1960, just before the start of the record-smashing economic expansion of the 1960s, the debt figure was 26% greater than GNP. In 1946, after the wartime years of rationing and wage-price controls, GNP actually topped debt. In 1929, at the end of another economic boom, debt was 71% larger than GNP—a fact that may provide some comfort to those who fear another credit collapse impends.

Of the more than $1.3 trillion of non-Federal debt, corporate debt accounts for $642.5 billion, easily the largest share. In 1960, this debt totaled $302.8 billion, less than half the latest sum. The 1969 figure amounts to 69% of last year's GNP. In 1960, the comparable percentage was 60%, and in 1946 it stood at 45%. In 1929, corporate debt came to 86% of GNP, considerably above the 1969 figure.

Few economists view the rise of corporate debt as signaling another 1929 debacle. But many regard the present situation as worse than the so-called credit crunch of 1966–67.

Alan Greenspan, president of Townsend-Greenspan & Co., a New York City economics consulting firm, declares that "corporate liquidity is obviously eroding." In addition, Mr. Greenspan says, corporations' loan commitments from banks "appear to have run down very sharply," although there are no official statistics to document this. Within the next six months or so, the economist says, "I wouldn't be at all surprised to see at least a couple of major corporate bankruptcies." Also, he fears, "we will probably see some small and medium-sized financial institutions in deep trouble."

A COMPARISON WITH 1966

Altogether, Mr. Greenspan concludes, "this is definitely a worse situation than the 1966–67 crunch." In 1966, he says, most executives were unfamiliar with a severe credit squeeze. Accordingly, "there was perhaps more public expression of concern in 1966 than now," he says. "But the underlying figures are worse today."

There are various ways to look at the figures—and most lend support to Mr. Greenspan's appraisal.

In 1966, corporate debt amounted to 67% of GNP, two percentage points below the 1969 level. In 1966, corporate cash—including Government securities as well as actual cash—stood at about 26% of corporations' current liabilities—obligations that must be paid within a comparatively short time, generally within a year. In 1969, the cash-to-liabilities ratio was 21%. In 1966, corporate profits totaled $29 billion, after tax and dividend payments. In 1969, the total was some $3 billion less.

The most obvious significance of the corporate cash squeeze is that it clearly increases the risk of major bankruptcies. But if such bankruptcies do not materialize, many analysts envisage other troublesome repercussions.

A. Gary Shilling, chief economist of Merrill Lynch, Pierce, Fenner & Smith Inc., believes that general economic activity will respond more slowly now to any easing of Federal Reserve monetary policy, which has been highly restrictive since early last year. "When the Fed starts to ease up, everyone will be busy rebuilding liquidity," Mr. Shilling says. "This will tend to delay the economic impact of renewed monetary growth."

A similar appraisal comes from Smilen & Safian Inc., a New York investment advisory firm. In an economic review, the service warns that "the problems of illiquidity so pervade all sectors of our financial structure that . . . a more permissive (monetary) policy . . . can only allow time to work out problems, but will not induce increased economic growth."

Smilen & Safian, among other observers, also believes that the cash shortage may tend to further depress stock prices in coming months. Rebuilding "financial balance," the firm's report states, probably will require "a massive infusion of equity capital into the aggregate corporate capitalization"—in other words, corporations most likely will be forced to turn increasingly to the stock market to raise cash. The trend, the report predicts, will disabuse investors of the "popular belief" that stock prices must rise in the long run because an "infinite" supply of investment money always chases a "finite" supply of stocks.

Smilen & Safian shares the view that the credit situation today is shakier than in the 1966–67 crunch. Reviewing various measures of bank liquidity, for example, the investment service warns that "the situation today is more serious" than in 1966–67. "If the economy and corporate profits turn down in the near future," as many economists believe is in fact happening, "we may be confronted with a series of business failures on a scale not seen in some time," the firm concludes.

ANOTHER WORRY

While the big climb of corporate debt constitutes the number one concern of many analysts, the rise of noncorporate private debt also is causing worry. This debt, mainly made up of consumer borrowing and mortgages, stands now at about 58% of GNP. This percentage is about unchanged from the comparable 1966 figures, but considerably higher than the 52% rate of 1960.

Statistics compiled by John Gorman, a Commerce Department economist, show the persistent rise of the consumer debt burden. In 1960, some 19% of consumers' after-tax income was consumed by interest charges and repayments on mortgages and instalment loans, according to Mr. Gorman. By 1966, the figure reached 21% and it now is close to 23%, about double the ratio of 20 years ago.

The present consumer debt load, while worrisome, probably won't lead to widespread trouble unless "unemployment gets up near the 8% range," Mr. Gorman says; the December rate was 3.4%. Mr. Gorman notes that various tax changes will tend to increase consumer incomes in coming months. "One can make the argument that consumers are actually better off financially than many big corporations and institutions," the economist remarks.

TOUGHER COLLECTIONS

Statistics that bear on credit difficulties suggest both businesses and consumers are beginning to encounter increasing trouble. Current liabilities of businesses that failed rose 16% in a recent 12-month period, and the percent of consumer instalment loans delinquent for 30 days or more also climbed, though not quite so sharply. In addition, the American Collectors Association, a trade group, recently reported a sharp increase in the number of consumer credit accounts turned over to agencies for collection.

Further evidence of mounting trouble was contained in a report this week by Dun & Bradstreet Inc. that commercial and industrial failures rose to 185 in the week ended Jan. 22, up from 182 a week earlier and 162 a year earlier. Dun & Bradstreet has counted 670 failures in 1970, up from 593 in the comparable 1969 period.

Some analysts caution against attaching too much importance to such statistics. "There's no doubt that credit problems have increased recently," says William F. Butler, a vice president and economist for Chase Manhattan Bank. "But I feel it would be extremely premature to conclude that these problems are any sort of prelude to a major credit collapse." Mr. Butler notes that retail sales generally have been sluggish in recent months and claims that traditionally such slowdowns bring "a shakeout of the smaller, unstable businesses."

Some economists who remain relatively unconcerned about the rise of debt note that savings also have climbed substantially in recent years. Just since 1966 public holdings of savings-type assets—time deposits at banks, savings bonds, short-term Government securities and savings and loan deposits—have climbed nearly $100 *billion* to $526 billion. Such assets amount to about 55% of GNP, slightly below the 1966 level but appreciably above the 52% rate of 1960.

Analysts who find little comfort in such saving statistics contend, among other things, that most savers are not greatly in debt. Statistics that would confirm this argument are sketchy. But studies by the Survey Research Center of the University of Michigan do suggest that savings in the U.S. indeed are highly concentrated. For example, one Resarch Center survey found that fully half of the nation's families have less than $1,000 in savings, even including stocks and bonds.

[From the Dallas Morning News, Dec. 27, 1969]

Auto Repossessions Soar—Rate Considered Barometer of Economy

(By Earl Golz)

The repossession rate for cars has gone up to almost 200 vehicles a month at First National Bank here, a spokesman said Friday.

Repossessed cars amounted to 119 of the 193 cars on the lot last week when Boedeker-Verner Motors went out of business after more than 20 years, the general manager said.

The boom in repossessed cars is a good barometer of the economy in Dallas and in other large cities, for that matter, people in the banking and auto dealers' business who were interviewed said Friday.

"It's hard to put your finger on it and say this is the reason," said Kenneth G. Davidson of the First National Bank. "But I would say it's the economy in general. Money is tight and it has a bearing on it, no doubt."

XUM

Davidson, assistant to the bank's collection manager, said repossession of cars at his institution was 25 to 30 per cent greater in the last three months of 1969 than it was in the same period a year ago.

The repossession rate is now "almost 200 a month," Davidson said. A spokesman at Republic National Bank didn't have a monthly total available, but he said the 25 to 30 per cent increase in auto repossessions is "probably generally true" for his bank in recent months.

"It has generally resulted in the reclaiming of collateral everywhere when you are in a delinquent situation," the officer at Republic said.

Roy L. Stack, Jr., general manager of Boedeker-Verner when it sold out to the Dodge factory, said the 119 repossessed cars crowding his lot was a "big factor" in closing out business.

"Let's face it, it didn't help any, fighting to keep your head above water," Stack said. "On repossession, nobody loses but the dealer. What this state needs is tougher financing laws."

Stack said he has repossessed as many as 10 cars a day and some cars "a sixth and seventh time. . . . You'd be surprised how many first payment defaults there are."

"In Dallas now, I'll guarantee you, repossessions will run into thousands a month," Stack said. "I've seen as many as 46 cars repossessed in one month at our place. You can't keep enough cars going out the front door to offset those coming in the back door."

William Foster, used car manager at Van Winkle Motor Co., said his firm "is retailing about eight repossessed cars a month." But the loss dealers are absorbing is more significant to Foster than the number of cars.

The average loss of about $1,000 for each car repossessed, Foster said, "is about twice as much as it was a year ago." Most of the repossessed cars are "pretty banged up because if you're not going to pay for it, you aren't going to care for it."

A popular point at which a car is repossessed is when the third and fourth payments aren't made, Foster said. Davidson said his bank has seen "lots of people run into trouble on the fourth, fifth and sixth payments . . . at two payments due, constituting 30 days, we repossess."

Davidson said people in the building trades profession, which has been hit hard by the building lag, have had cars repossessed more than any others.

"To a certain extent people are moving around more extensively than in the past," Davidson said. "I don't know if it is the slowdown in the building trades industry or not. In a lot of cases we've had to trace them by one address to another. Quite a few repossessions are in other states."

Foster said increasing interest rates are causing many repossessions. Stack said it is "just the increased economy in general—the rising cost of autos, increased finance rates and higher costs of insurance."

TENNIS WORLD SHOULD BOYCOTT SOUTH AFRICAN MATCHES IN LIGHT OF ASHE VISA REJECTION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the decision by the Government of South Africa to exclude Arthur Ashe from the South African open tennis championships is not surprising, but nonetheless an outrage. It is equally wrong whether the denial of a visa was on racial grounds or was, as stated by the South African authorities, because of Mr. Ashe's open criticism of the doctrine of apartheid.

Such exclusionary policies should not be condoned either by governments or by the athletes who participate in international sports competition.

I urge the American Davis Cup team to refrain from playing in South Africa as long as Ashe is excluded from competing as a private individual in that country. I would hope that the U.S. Lawn Tennis Association will support this idea by urging all its members to boycott tennis tournaments in South Africa until this odious ban is revoked.

I believe that all members of the tennis world and, moreover, all those who believe in freedom and equity, and who share my anger at this injustice done to Mr. Ashe, should stand up together against this further evidence of South Africa's intolerable policies.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, output per man-hour in the U.S. economy more than doubled in the period from 1947 to 1968.

FORWARD TOGETHER IN SPLENDOR AND STYLE

(Mr. CHARLES. H. WILSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CHARLES H. WILSON. Mr. Speaker, although the doctors consistently warn against it, I am afraid I had no choice the other night as I watched the late news but to let my heart swell with grand and glorious pride as I watched the opulence, the splendor, the pageantry, and the pride of my country's highest officer surrounded grandiloquently by a bevy of palace guards decked out in such resplendence and majesty as to move the hearts and minds of the most exalted and revered emperors in all the world's history.

Mr. Speaker, let me assure you and my distinguished colleagues that Gilbert and Sullivan are alive and well, tucked neatly away within the confines of the White House or, as it soon may be called, the Alabaster Palace.

The pirates of Penzance had nothing on the newly refurbished White House Police guard uniforms. In their softly shaded buttermilk tunics, topped with ebony vinyl caps fit for a Kaiser's fondest dreams, they are worthy to line the Grand Canal for the passage of a royal barge—perhaps even the H.M.S. *Pinafore*.

Certainly we are all familiar with the stories of President George Washington's difficult decision as to how he, as the leader of a newly independent land settled largely by refugees from imperial Europe and the British monarchy, should be addressed. What title would be proper? Most exalted ruler? Too gushy. King? That reeked of rulers past. President. President was perfect—thoroughly adequate, carrying all the dignity necessary for the new leader without alluding to any of the less savory characteristics of nations fled. Having now seen President Nixon's latter-day palace guard, I feel I must ask, will George Washington's humble decision stand? Or will San Clemente cease to be affectionately known as the "Western White House" and soon be dubbed the "Summer Palace"? Might the President contemplate trading his bombproof Lincoln for a coach and four? Who can say?

One thing is clear. President Nixon apparently brought back more than foreign policy ideas from his trips around the globe last year. While Charles de Gaulle may have now faded from earlier prominence, the historical rulers of imperial Europe are obviously on the comeback trail. Judging from Tuesday's reception on the White House lawn for British Prime Minister Harold Wilson, Mr. Nixon evidently has some very definite ideas about what "splendor in the grass" can mean to a foreign dignitary.

If we are to believe the pundits who claim that Prime Minister Wilson can use the favorable publicity of an impressive Washington welcome in his next election campaign, and if we are to believe the historians who tell us that the British people have always had a soft spot for pomp and circumstance, it appears as though Mr. Wilson could be headed for a cream-colored vinyl-topped landslide with a generous side order of ruffles and flourishes.

It is most difficult to refrain from imagining what manner of pomp the President may be reserving for future visitors to the shrine at 1600 Pennsylvania Avenue NW. Perhaps the circle drive, paved with Aztec gold for the leader of our Mexican neighbors to the south. Maybe richly woven oriental rugs stretching across the less resplendent crabgrass for our Asian friends. And why not an orange roof for weary travelers and Astroturf for the Nation's No. 1 football team—if such a distinction will ever be ventured again. Surely the horizons of hospitality are broad and limitless.

It is said that we have passed into the era of a pastel, cloth coat administration. Our mistake, of course, was to fail to realize that this was to be a universally applied characteristic. The Nixon doctrine may not be all things to all men, but it is certainly some things to some men—including the White House Police.

In all seriousness, let me state that I do not for a moment question the President's right to add a few personal touches to his surroundings. He is not the first President to do so and he is unlikely to be the last. And the White House is certainly the place for class and dignity. Let me be very clear about that.

At $95 apiece these 100 uniforms are perhaps less inflationary than such outrageous items as hospital construction, library books, and cancer research. If the President feels more secure requesting more antiballistic missiles and vetoing Health, Education, and Welfare measures from an oval throneroom, safely protected by an elite corps of elegantly attired guardsmen, this is clearly his privilege. And if the policemen feel a bit strange eating such simple fare as baloney sandwiches while dressed to the teeth, then let them eat cake. After all, he is the President. Make no mistake about that.

ROGERS POINTS TO CONSUMER GAP, ASKS INDUSTRIES TO RECALL DANGEROUS TV SETS

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Florida. Mr. Speaker, the National Commission on Product Safety released a report which points out that certain television models represent a potential fire hazard.

As many as 122 models of color television sets were found that might be hazardous. Eleven companies manufacture these 122 models. RCA, I am pleased to learn, has started to recall those models which are faulty and I commend this action. But the other 10 have remained silent on this matter.

I feel that these 10 companies should immediately start a recall program, either directly or through their dealers, to return and repair those sets which were identified in the Commission report.

This entire incident is another example of the consumer gap between the public and the Government agencies and departments which are supposed to be protecting the public.

When we try to trace down the agency or department which has the responsibility, we can find none. The Bureau of Radiological Health says it has no jurisdiction because the problem is not one of a radiological nature.

Food and Drug Administration says that this type of product is outside its jurisdiction of the Hazardous Substances Act.

About the only entree we have left is the Federal Trade Commission, which might stretch its jurisdiction and say that selling televisions which prove to be fire hazards is a deceptive practice. I am encouraged to learn that FTC is meeting to see just how this situation fits into the deceptive practices law.

The American public should have confidence in the products they buy, because of industry integrity and because of Federal regulations designed to protect them. But each month we find another example of the consumer gap.

The range goes from food additives to warranties on products to the food we eat.

There must be a halt to the haphazard manner which the Government has taken to protect the American consumer.

BRUTAL SLAUGHTER OF SEALS MUST CEASE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I have today introduced a concurrent resolution, the purpose of which is to urge the Secretary of the Interior to prescribe and implement, immediately, regulations for the quick and painless killing of northern fur seals, who are annually hunted for their fur.

Present harvesting methods involve the use of large clubs to kill—or at least stun—the animals. While in most instances the seals, even if alive, are unconscious while being skinned, this whole process is one of brutality. Clubbing causes needless pain and suffering to these animals, whose only reason for dying is to provide pelts for clothing.

The process of seal harvesting—from the hiring of the harvesters to the prescribed method of slaughter—is conducted pursuant to the authority of the Secretary of the Interior under powers granted to him in the Fur Seal Act of 1966, Public Law 89-702.

My resolution would instruct the Secretary of the Interior to prescribe and implement, at the earliest time possible, regulations for harvesting of the seals. A quick and painless method for doing so—using carbon monoxide gas—has been devised. This method would be inexpensive, and because of its simplicity, would require no retraining of the harvesters. None of the Pribilof Islanders who now participate in the harvesting would be put out of work.

I understand that the Department of the Interior is aware of the carbon monoxide procedure, and has been working in cooperation with the Humane Society in investigating it. Thus, there is no excuse for continuing the brutal slaughtering methods now being employed. I, therefore, urge my colleagues to support this resolution, and thereby make clear to the Secretary of the Interior our will.

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

(Mr. SYMINGTON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SYMINGTON. Mr. Speaker, the Honorable Congresswoman from Missouri, Mrs. LEONOR K. SULLIVAN, has joined with me in the following statement concerning the Middle East:

> We, the undersigned Members of the United States Congress, declare: A just and lasting peace in the Middle East is essential to world peace.
>
> The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.
>
> It would not be in the interest of the United States or in the service of world peace if Israel were left unarmed in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.
>
> All the people of the Middle East should have the common goal of striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

INFLATION AS A FIRST-PRIORITY ITEM

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, yesterday this House showed overwhelmingly its recognition of inflation as a first-priority problem.

It made that recognition so plain and in such a bipartisan fashion that there should be no room for doubt, either in the minds of the heavily financed education lobby or in the minds of those who have sought to twist the President's reasons for vetoing the HEW appropriations bill.

Mr. Speaker, the President's veto and the action of this House in sustaining it were not political.

They were not anti-education.

Neither were they anti-children or anti-teacher.

But they were anti-inflationary. And they were pro all-Americans.

We all know that. Certainly the honorable majority leader knows it when he speaks out about the right of the Congress to appropriate money, even though I decry his choice of words and politically inspired railing invectives against the President of us all.

The former Vice President, who still hopes to ride the votes of special interest groups to the Presidency knows it, when he talks about the children and the sick and the needy.

Mr. Speaker, I think we can do without much more of this political nonsense. And I know we would be better off if we buckled down now, and voted out an appropriations bill the President can sign without abdicating his responsibilities to all the people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PRICE of Texas (at the request of Mr. BEALL of Maryland), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DANIEL of Virginia) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

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EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Donohue (at the request of Mr. Daniel of Virginia) in two instances and to include extraneous matter.

Mr. Colmer and to include extraneous matter.

Mr. Ichord and to include a study made by the Library of Congress on the constitutionality of the legislation considered in the Committee of the Whole today.

Mr. Hagan in three instances.

(The following Members (at the request of Mr. Beall of Maryland) and to include extraneous matter:)

Mr. Martin.
Mr. Devine.
Mr. Scherle in two instances.
Mr. Zwach.
Mr. Keith.
Mr. Conable.
Mr. Fulton of Pennsylvania in five instances.
Mr. Wyman in two instances.
Mr. Utt.
Mr. Robison in four instances.
Mr. Hogan in two instances.
Mr. Derwinski in two instances.
Mr. Findley.
Mr. Hosmer in three instances.
Mr. Landgrebe.
Mr. Talcott in three instances.
Mr. Brotzman.
Mr. Hunt.
Mr. Quillen.
Mr. Blackburn.
Mr. Pirnie in two instances.
Mr. Steiger of Wisconsin.
Mr. Whalley.
Mr. Coughlin.
Mr. Wold.
Mr. Brown of Michigan.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Long of Maryland.
Mrs. Griffiths in two instances.
Mr. Gonzalez in two instances.
Mr. Carey in two instances.
Mr. Celler.
Mr. Hungate in four instances.
Mr. Nichols in two instances.
Mr. Matsunaga in two instances.
Mr. Gallagher.
Mr. Charles H. Wilson.
Mr. O'Neal of Georgia in two instances.
Mr. Gibbons.
Mr. Albert.
Mr. Rodino.
Mr. Vanik in two instances.
Mr. Brown of California in four instances.
Mr. Murphy of New York in two instances.
Mr. Galifianakis.
Mr. Rarick in three instances.
Mr. Ashley.
Mr. Fountain in five instances.
Mr. Symington in two instances.
Mr. Fraser.
Mr. Fisher in three instances.
Mr. Edmondson in three instances.
Mr. Teague of Texas in 10 instances.
Mr. Bingham in three instances.
Mr. Stephens.
Mr. Pickle in three instances.
Mr. Pucinski in two instances.
Mr. Rooney of New York.
Mr. Ryan in three instances.

XUM

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on January 28, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 15149. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, February 2, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1559. A letter from the Secretary of Commerce, transmitting a report relative to obligations made in excess of appropriations by the Maritime Administration, pursuant to the provisions of 31 U.S.C. 665(1)(2); to the Committee on Appropriations.

1560. A letter from the Secretary of Labor, transmitting the report for calendar year 1969 relative to exemplary rehabilitation certificates, pursuant to the provisions of Public Law 89–690; to the Committee on Armed Services.

1561. A letter from the Chairman, Water Resources Council, transmitting the Council's views on the National Water Commission's Annual Report for 1969, pursuant to the provisions of Public Law 90–515; to the Committee on Interior and Insular Affairs.

1562. A letter from the Chairman, Interstate Commerce Commission, transmitting a report of the final valuations of properties of carriers subject to the Interstate Commerce Act, pursuant to the provisions of section 19a of the act; to the Committee on Interstate and Foreign Commerce.

1563. A letter from the Executive Director, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases in the Federal Communications Commission as of December 31, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1564. A letter from the Postmaster General, transmitting a draft of proposed legislation to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services; to the Committee on Post Office and Civil Service.

1565. A letter from the Postmaster General, transmitting a draft of proposed legislation to correct certain provisions of law relating to the postal service; to the Committee on Post Office and Civil Service.

1566. A letter from the Comptroller General of the United States, transmitting a report for calendar year 1969 concerning positions in the U.S. General Accounting Office in grades GS–16, GS–17, and GS–18, pursuant to the provisions of 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

1567. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on proposed actions by NASA to conduct certain programs at levels in excess of those authorized in the National Aeronautics and Space Administration Authorization Act, 1970, pursuant to section 4 of the act and Rule XL of the House of Representatives; to the Committee on Science and Astronautics.

1568. A letter from the Special Representative for Trade Negotiations, Executive Office of the President, transmitting a report summarizing antidumping actions taken by other countries against U.S. exports for the period July 1, 1968–June 30, 1969, pursuant to the provisions of section 201(b), title II, Public Law 90–634; to the Committee on Ways and Means.

1569. A letter from the Postmaster General, transmitting a report of the estimated losses or costs during the current fiscal year in the performance of public services, pursuant to the provisions of section 201 of Public Law 87–793; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. S.J. Res. 131. Joint resolution to welcome the U.S. Olympic delegations authorized by the International Olympic Committee; without amendment (Rept. No. 91–810). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 15613. A bill to amend the Clean Air Act to ban pollution-causing internal-combustion engines in motor vehicles after January 1, 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. COLMER:

H.R. 15614. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 15615. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOCH:

H.R. 15616. A bill relating to the tax treatment of transfers of rights to copyrights and literary, musical, and artistic compositions; to the Commitee on Ways and Means.

By Mr. MARTIN:

H.R. 15617. A bill to make certain revisions in Public Laws 815 and 874, 81st Congress, relating to Federal assistance for the construction and operation and maintenance of public schools in federally impacted areas; to the Committee on Education and Labor.

By Mr. O'NEAL of Georgia:

H.R. 15618. A bill to define the application and effective date of court orders effecting desegregation of faculty and students in public school systems; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 15619. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 15620. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SPRINGER:

H.R. 15621. A bill to provide Federal financial assistance to opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 15622. A bill to provide for the establishment of a memorial at the National Arboretum to Benjamin Henry Boneval Latrobe; to the Committee on Public Works.

By Mr. CELLER:

H.R. 15623. A bill to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 15624. A bill to convey certain federally owned land to the Cherokee Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. FRASER:

H.R. 15625. A bill to provide certain height restrictions on towers erected in the District of Columbia for broadcasting stations; to the Committee on the District of Columbia.

By Mr. HARSHA:

H.R. 15626. A bill to amend title 5 of the United States Code to provide for the immediate retirement of Federal personnel employed in Veterans' Administration neuropsychiatric hospitals or facilities after attaining 50 years of age and completing 20 years of such service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN:

H.R. 15627. A bill to provide for the fair and impartial letting of public contracts; to the Committee on the District of Columbia.

By Mr. MORGAN:

H.R. 15628. A bill to amend the Foreign Military Sales Act; to the Committee on Foreign Affairs.

By Mr. OBEY (for himself, Mr. Culver, and Mr. Melcher):

H.R. 15629. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. STAGGERS (for himself, Mr. Springer and Mr. McCloskey):

H.R. 15630. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require that the label of drug containers, as dispensed to the patient, bear the established or trade name, the quantity, and strength of the drug dispensed; to the Committe on Interstate and Foreign Commerce.

By Mr. ALEXANDER:

H.R. 15631. A bill to incorporate the National River Academy of the United States of America; to the Committee on Judiciary.

By Mr. CHAPPELL:

H.R. 15632. A bill to require the payment of interest on escrow accounts held in connection with residential real estate mortgage loans; to the Committee on Banking and Currency.

By Mr. CRAMER:

H.R. 15633. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

By Mr. CRAMER (for himself, Mr. Harsha, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. McEwen, Mr. Duncan, Mr. Schwengel, Mr. Schadeberg, Mr. Snyder, Mr. Denney, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, and Mr. Miller of Ohio):

H.R. 15634. A bill to provide that the Federal office building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969; to the Committee on Public Works.

By Mr. DAVIS of Georgia:

H.R. 15635. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 15636. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 15637. A bill to prevent further increases in the monthly premium payable for supplementary medical insurance under part B of the medicare program established by title XVIII of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 15638. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning ecological-environmental education, and to establish a National Advisory Commission on Technology and the Environment; to the Committee on Education and Labor.

By Mr. NICHOLS:

H.R. 15639. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts (for himself, Mr. Boland, Mr. Donohue, Mr. Philbin, Mr. Burke of Massachusetts, Mr. Harrington, Mr. St Germain, Mr. Delaney, and Mr. Murphy of Illinois):

H.R. 15640. A bill to amend the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. PRYOR of Arkansas:

H.R. 15641. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Florida:

H.R. 15642. A bill to provide that no funds appropriated by the Congress may be used to force busing of students, the abolishment of any school, or the attendance of students at a particular school; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 15643. A bill to provide supplemental appropriations to fully fund the urban renewal, model cities, rent supplement, and low-income homeownership and rental housing assistance programs for the fiscal year 1970, and for other purposes, including jobs in housing; to the Committee on Appropriations.

H.R. 15644. A bill to amend the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1970, to increase to the full authorized amount the maximum annual interest reduction payments which may be contracted for through the fiscal year 1970 under section 236 of the National Housing Act; to the Committee on Appropriations.

By Mr. TIERNAN:

H.R. 15645. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST:

H.R. 15646. A bill to amend title 38 of the United States Code to provide that the amount of any statutory or administrative general increase after November 1969 in benefits under a Federal retirement or other annuity program shall be excluded in determining eligibility for veterans' compensation and pension; to the Committee on Veterans' Affairs.

By Mr. RYAN:

H. Con. Res. 495. Concurrent resolution expressing the sense of Congress that the Secretary of the Interior prescribe and implement regulations for the harvesting of northern fur seals to insure quick and painless death before skinning; to the Committee on Merchant Marine and Fisheries.

H. Con. Res. 496. Concurrent resolution creating a Joint Congressional Committee on the Environment; to the Committee on Rules.

By Mr. BUCHANAN (for himself, Mr. Derwinski, Mr. Crane, Mr. Bevill, Mr. Bray, Mr. Camp, Mr. Denney, Mr. Foreman, Mr. Goldwater, Mr. Hansen of Idaho, Mr. Roudebush, and Mr. Schadeberg):

H. Res. 809. A resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mrs. HANSEN of Washington (for herself, Mr. Flynt, Mr. Dingell, Mr. McDade, Mr. Rogers of Florida, and Mr. Reifel):

H. Res. 810. A resolution to provide for a select committee to investigate oil and pipeline operations in Alaska; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HICKS introduced a bill (H.R. 15647) for the relief of Mr. and Mrs. Ralph W. Smith, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

276. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to continuation of Federal price supports for burley tobacco; to the Committee on Agriculture.

EXTENSIONS OF REMARKS

GRAZING FEES—PART VIII

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, January 29, 1970

Mr. METCALF. Mr. President, one can easily get lost on Secretary of the Interior Hickel's big ranch over near Foggy Bottom. In fact, there are times when I suspect the Secretary himself is not sure where the ranch is, or who is supposed to be doing what chores.

On October 8, 1969, Secretary Hickel's top hand on the legal side of Foggy Bottom Ranch wrote to the Director of the Public Land Law Review Commission on the subject of user charges. He held forth at length on how the budget circular A–25—developed away back in 1959 under Budget Director Maurice Stans, President Eisenhower, and Vice President Nixon—is still alive and well.

When the Solicitor got around to grazing fees, he did not mention any legal impediment that ought to be considered by the Commission. He did state that "the Department has undertaken a general review of grazing charges." And he promised that at least some of the results of this review would be available to the Commission before it completes its study. Let me quote the text of the pertinent paragraph:

> You are aware that the Department has undertaken a general review of grazing charges as applied to the grazing districts. At least some of the results of that review are expected to be announced before the Commission completes its study.

However, on November 25, 1969, Secretary Hickel wrote Senator JACKSON, in a letter already read into the RECORD:

> As you are aware, the Public Land Law Review Commission is presently studying the matter and will, during calendar 1970, make its recommendations thereon. This Department, of course, is awaiting with great interest the results of the Commission's work.
>
> Meanwhile, we think it appropriate to delay implementation of the next increment until the views of the Commission have been made known and evaluated. At that time, my Department will take such further action as it may determine to be proper.

Secretary Hickel's press release writers followed through with this observation for public consumption:

> The Secretary said he had directed his Department's Bureau of Land Management to delay implementation of further scheduled increases for one year.
>
> This action, he explained, will allow the Department of the Interior to evaluate a study and report by the Public Land Law Review Commission on the subject.
>
> The 19-member Commission, composed of Congressional and Presidential appointees, is due to issue its final report in mid-1970 on a wide range of public land matters, including grazing fees.
>
> Secretary Hickel made it clear that he will take into account the Commission's recommendations prior to any future increases, but that his Department will not necessarily be bound by such recommendation.

On December 19, 1969, Assistant Secretary Loesch wrote to the Senator from Washington (Mr. JACKSON), enclosing a review made by the Bureau of Land Management. In the language of a Foggy Bottom rancher, Mr. Loesch made it clear that the BLM review "does not bear the imprimatur of the Department."

Meanwhile, back at the Public Land Law Review Commission, the work presumably is close to being done.

Attorney General Mitchell's men have won every court test so far hands down. So it does not look like Secretary Hickel can snag his britches on the cowboys' legal barbed wire.

But it does look like Assistant Secretary Loesch and his crew have cut some pretty big holes in Secretary Hickel's conservation fences.

The Secretary of Agriculture had a report from his Forest Service that is almost identical to the one prepared by the Bureau of Land Management. So far, I have not heard that either Secretary Hardin or Assistant Secretary Cowden has discovered that the Forest Service report does not have the Department's approval.

Secretary Hickel will have a mighty short time to put his imprimatur on the Department report for the Public Land Law Review Commission. In his December 23, 1969, letter to me, which already is a part of the record, Assistant Secretary Loesch listed and enclosed 23 items considered at the staff level on the grazing fee issue. He stated flatly that:

> No formal report approved by this Department was developed on this subject after January 14, 1969.

As far as I can figure it out, Secretary Hickel's top hands are playing the old shell game with the Senate Committee on Interior and Insular Affairs, the Public Land Law Review Commission, and the American people, who own the public lands.

Mr. President, I ask unanimous consent that the letter of October 8, 1969, to Director Milton A. Pearl of the Public Land Law Review Commission from Department of the Interior Solicitor Mitchell Melich be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 8, 1969.

Mr. MILTON A. PEARL,
Director, Public Land Law Review Commission, Washington, D.C.

DEAR MILT: Responding to your letter of September 29, I am glad to submit brief comments on the five questions listed in the letter. These comments, however, should be viewed as tentative, inasmuch as our reviews of the studies of nonfuel mineral resources, outdoor recreation, and use and occupancy have not been completed. Reconsideration may also be necessary following review of other studies, such as criteria to judge the facts; organization, administration, and budgetary policy; and appraisal techniques and procedures.

1. Whether generally the United States should receive, but not necessarily monetarily, fair-market value for the goods and services of the public lands.

As you know, Bureau of the Budget Circular A–25 (September 1959) has not been superseded as the Executive Branch policy directive on natural resources user charges. The Bureau's publication "Natural Resources User Charges: A Study" (June 1964) was issued as "further guidance to insure that agencies carry out the policies more consistently."

The 1964 study's general principle applicable to resources or property being leased or sold is that a fair market value should be obtained. "Charges are to be determined by the application of sound business management principles, and so far as practicable and feasible in accordance with comparable commercial practices."

The study's general principle applicable to services or privileges which provide special benefits to an identifiable recipient above and beyond those which accrue to the public at large is that a charge should be imposed to recover the full cost to the Federal Government or rendering that service including the cost of collection and administration.

2. Whether any user or user group should be excepted from the general rule, whatever your answer to "1" above may be.

The general principles, referred to under No. 1 above, provide that less than fair market value or full cost may be recovered in the following cases:

a. Where the full payment would significantly impair a federally sponsored public program;

b. Where full payment by a State or local government would not be in the interest of the program;

c. Where the user is engaged in a semi-public nonprofit activity designed for the public health, safety, or welfare; or

d. Where the incremental cost of collecting the charge would be unduly large in relation to the return to be received.

3. Whether generally the United States should give credit, against a fair-market value dollar sale, lease, permit, or other right or privilege to use the public lands or its products, for any improvements or rehabilitation work placed on the public land by the user (a) pursuant to a requirement by the government; or (b) voluntary.

This question seems to assume that the sale, lease, permit, or other right or privilege is to be granted to a party who has theretofore used the land. Such a situation arises for example under the Color of Title Act, Mining Claim Occupancy Act, and the Public Land Sale Act of 1968 (omitted lands). However, situations also develop in which the sale, lease, or permit is to be granted to a different party.

"Fair market value," under a general or usual public land management concept in the Department, refers not to the value of all of the property interests in the described real estate, but rather to the value of the Government's property interests being transferred or conveyed. Where the Government's appraisal omits consideration of the value, if any, added by reason of private improvements, such added value would, of course, not be given credit against a fair-market value dollar sale.

However, if "fair market value" means the combined value of the Government's interest and the private interest, then "credit" generally has been and should be given in recognition of the party's equity.

Little or no significance in these respects would seem to exist as between improvements and rehabilitation work that are (a) required by the Government, or (b) voluntarily and reasonably developed by the user under the authority of the permit.

Where the tenure of an existing user is to be terminated, and the sale, lease, or permit is to be granted to a new party, obviously no "credit" for the existing user's investment would be allowed to the new party unless that party has agreed to purchase the terminating user's equity. As you know, the Departments' regulations generally require a purchaser or new user to reimburse a terminating user for the fair value of authorized improvements on the land. In any event, the terminating user is authorized to remove or salvage the improvements.

4. Whether, and to what extent, the general principle enunciated by you in response to the last question can or should be applied to various users together with some information as to how this would be applied.

In case of unauthorized agricultural use, where damages are being appraised or where an agricultural lease or permit is granted to a formerly unauthorized user, the general practice has been to observe applicable landlord-tenant customs in the area. For example, the custom in some newly irrigated areas has been to defer full scale crop-share payments (one-fourth or one-third) until water and land developments have been completed.

The Mining Claim Occupancy Act (76 Stat. 1127; 30 U.S.C. 701–709) requires the Secretary, prior to any conveyance, to determine the fair market value, as of the date of the appraisal, of the interest to be conveyed exclusive of the value of any improvements placed on the lands by the applicant or his predecessors in interest.

The regulations under the Color of Title Act, 43 CFR 2214.1–5(a), provide on the hand that the land applied for will be appraised on the basis of its fair market value at the time of appraisal, but that value resulting from improvements or development by the applicant or his predecessors in interest will be deducted from the appraised price.

Timber sale appraisals by the Bureau of Land Management take into account the costs that may be involved on the part of the successful bidder by virtue of required improvements and rehabilitation work. However, where competition is exhibited, the price to be paid is set by the bidding process.

As you know, the administration of domestic livestock grazing on the Federal Range has not reached a point at which improvements or rehabilitation work placed on the lands by individual users is separately taken into account. Instead, a uniform use charge and range improvement fee is assessed against all users at a specified rate per animal unit month. It is generally thought that the basic data that would be needed to support an accounting in each instance for forage added respectively by Governmental and user costs or investments could not be reasonably acquired at the present level of management.

You are aware that the Department has undertaken a general review of grazing charges as applied to the grazing districts. At least some of the results of that review are expected to be announced before the Commission completes its study.

5. Any other general comment that you may have concerning the establishment and payment of user fees and charges.

In his letter of August 29 to Chairman Aspinall, Secretary Hickel suggested that the Commission consider, among other things, the following change in the Mining Law of 1872:

Provision for realistic increases in the purchase price per acre for mining claims upon patenting. Such increases should adequately reimburse the Federal Government for expense incurred in issuing the patents.

Secretary Hickel also recommended that a careful study be made of revenues resulting from mineral claims to determine whether the Federal Government should receive any compensation from the minerals extracted from such claims. The Secretary added, however, that consideration should not be given to revisions which would deter exploration for and development of our mineral resources, nor which would render unfeasible or uneconomical the removal of vitally needed minerals from public lands.

In regard to leasable minerals, comments previously submitted have generally suggested the use of competitive bidding where competitive interest is exhibited by the market.

This ends my general comment at this time. I have noted your invitation to submit revised or further views after the meeting of October 9–10 and by a date you will later establish.

Thank you for this opportunity to assist the Commission.

Sincerely yours,
MITCHELL MELICH,
Solicitor.

FORCED SCHOOL INTEGRATION ENDANGERS CHILDREN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. RARICK. Mr. Speaker, those of us who see the cost of the illegal operations of Secretary Finch and the tyranny of courts which use their powers and their processes to violate the law have constantly called the situation to the attention of our colleagues, trying to make them understand that what they regard as impossible in a free America.

Sometimes the actions of average Americans are more eloquent than our words. I include newsclippings regarding such actions in the States of Florida and Oklahoma, as a part of my remarks:

[From the Fort Myers (Fla.) News-Press, Jan. 24, 1970]

GIRLS GET UNRULY: SCHOOL BUS DRIVER QUITS DURING ROW

(By Dave Schmirler)

An altercation among girls on a school bus in front of Fort Myers Senior High School Friday afternoon led the driver, Harold Santini, to ask for a police guard aboard the bus—and to resign on the spot when his request was denied.

His departure left the 60 students on the bus, girls and boys, to make their way home as best they could.

Officers carted about 15 girls to police headquarters when they failed to obey orders to quiet down and clear the area. All were released except two who were charged with disorderly conduct and turned over to juvenile authorities who held them in the detention home.

City Detective Don Bennett said the incident began over a pushing incident on the bus but apparently had been brewing for some time. One of the girls arrested, he said, had told others she was going to "get" a certain girl and if she could not get her, "she'd get any other white girl she could find."

A girl was attacked on the bus and Santini stopped to settle the fight, Bennett said.

"This thing has been simmering for a week and I don't think anybody really wants to do anything about it," Santini said later. He said the incident started when "one of the girls squared off at a white girl. She had a big smile on her face. I stopped the bus and asked her to come up front and exchange seats so I could keep an eye on her and she refused.

"I got off the bus and went to get Mr. Barker (Asst. Principal C. R. Barker) and when we got back, they had knocked the white girl down and she was crying."

Several officers responded to a call for assistance and the incident momentarily appeared to be settled. Santini got back into his bus and started it.

As the bus started rolling, about 15 girls left their seats to lean out the windows shouting and cursing. They called officers "pigs" and various obscenities.

Santini again stopped the bus and got off to request that an officer accompany him on his route covering the eastern area of Fort Myers in the area of Seaboard and Marsh Streets, Michigan Avenue and Ballard Road.

Bennett radioed the request to Capt. Morgan House. It was decided that police could not place armed guards on school buses but Bennett offered to have a marked police car follow the bus. Sheriff Lt. Paul Palumbo said a sheriff's car could follow the bus beyond the city.

Santini said that would not do and offered the ignition key to Bennett, who declined it. Santini and Barker then went into the school building.

The students, who by that time had vacated the bus, were told they would have to find their own way home and most either set off on foot or went into the school to telephone for a ride.

The 15 or so girls who were ultimately taken to the police station, however, stood in a group yelling and screaming. They asked how they were to get home and Bennett again told them they would have to find their own way.

Several girls then held out their hands and asked for dimes to telephone their parents. Bennett said he would give them one dime if they could call the parents of one girl and have them contact other parents. This precipitated another clamor and the girls said they each needed a dime.

Bennett then told them they would have to do something else and the girls surged into the street, shouting and yelling. Several officers ordered them to get out of the street and quiet down.

The girls, in a loose knot, began wandering slowly down the middle of the street toward Cleveland Avenue, yelling insults to police and turning to make various gestures toward the officers.

They stopped and congregated about a block from the school to raise another clamor, and it was then that they were loaded into cars by police and sheriff's officers.

"A lot of them are pretty straight kids. They get nasty sometimes when they're in a group, but when we talked to them one at a time, they settled right down. There are only one or two troublemakers, but we're trying to straighten that situation out," Bennett said.

Santini agreed that there were few troublemakers but said he could not drive the bus and act as referee at the same time.

"I've tried to get along. There 's just a couple that cause trouble, but I'm just not going to drive that bus and have those kids fighting," he said.

"It seems that the powers that be are getting a big kick out of what is going on and they don't want to stop it—from the Supreme Court right on down. It's just an impossible situation."

[From the Miami (Fla.) Herald, Jan. 25, 1970]

SCHOOL DEFIANCE COSTLY FOR PARENTS IN OKLAHOMA

OKLAHOMA CITY.—Two parents have been sentenced to 30 days in jail and $1,000 fines for defying a court desegregation order.

U.S. District Judge Luther Bohanon sentenced Mr. and Mrs. Raymond York for violating a court injunction prohibiting their son Raymond, 14, from attending the junior high school he attended last year.

"I won't bow and scrape to please the Supreme Court or federal judges," Mrs. York said.

Bohanon's court ordered Raymond to attend Harding Junior High this year, rather than Taft Junior High, which he attended last year and which is two blocks farther from the Yorks' home.

But Mrs. York sent the boy to Taft anyway, even though he was not enrolled and could not take part in classes there. He is an eighth grader.

She said it was not a matter of which school was the better institution, but "a matter of principle of not being told what to do."

Since a U.S. deputy marshal removed the strawberry blond, freckle-faced boy from Taft Monday, he has not been attending any school at all.

Mrs. York said he would "never, never, never go to Harding."

PREMIER GOLDA MEIR PRAISES PRESIDENT NIXON'S REMARKS ON MIDEAST

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, January 29, 1970

Mr. SCOTT. Mr. President, the New York Times of January 27, contains a most informative article on Israeli Premier Golda Meir's warm reception of President Nixon's remarks on the Mideast. In comments the President sent to American Jewish leaders, he said that the United States is prepared to send military aid to friendly countries like Israel and urged direct Israeli-Arab negotiations. I could not be more in agreement with the President's position. I commend this article to the attention of the Senate and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. MEIR WARMLY GREETS NIXON'S MESSAGE ON ISRAEL—PREMIER'S REPLY IS SEEN AS AN EFFORT TO REDUCE DIPLOMATIC TENSION

(By James Feron)

JERUSALEM.—Premier Golda Meir said tonight that President Nixon's message yesterday on American-Israeli relations was a clear expression of concern for Israel's security and integrity.

Responding warmly to the message Mr. Nixon sent to a conference of American Jewish leaders in Washington, Mrs. Meir said in a statement issued by her office that she also "noted with gratification" Mr. Nixon's remarks on arms.

The Nixon message said that the United States was prepared to supply military equipment to support friendly Governments such as Israel's, and it reiterated the Administration's assurances that the United States believed peace in the Middle East was attainable only through negotiations between the parties concerned. Direct negotiations are a basic tenet of Israeli policy.

Mr. Nixon's message and Mrs. Meir's statement appeared to some observers here to represent an effort on both sides to eliminate the tensions caused by American diplomatic initiatives and Israel's reaction to them.

Recent proposals by the United States to the Soviet Union for peace pacts between Israel and two neighboring states, the United Arab Republic and Jordan, were rejected by Israel as completely unacceptable.

The Israeli rejection was accompanied by statements that the proposals, which included restoration of the pre-1967 boundaries in the area, represented American appeasement of the Arabs and an erosion of United States support for Israel.

The American proposals also involved withdrawal of Israel from occupied territories, a "civic" role for Jordan in the administration of Jerusalem and the right of compensation or repatriation to Israel of Arab refugees from the 1948 war.

American Jewish leaders expressed particular concern that United States-Soviet talks and four-power meetings on the Middle East might replace direct Arab-Israeli negotiations.

The dispute led to the meeting of the Conference of Presidents of Major Jewish Organizations.

FEARS ON TERMS DISCUSSED

In his message, Mr. Nixon declared that the United States would not impose the terms of peace in the Middle East. This was an attempt to quiet Israeli fears that the major powers were seeking to draft peace terms. The Israelis say peace terms should be left to the disputants.

President Nixon's statement was received here with warmth and gratification. Many observers saw the reaffirmation of American policy as more important diplomatically than the tenets outlined in the statement.

Mrs. Meir said Mr. Nixon's message had given "eloquent expression" to American friendship for Israel and concern for Israeli peace and security. She noted that Mr. Nixon had expressed these attitudes during their talks in September in Washington.

"Being deeply concerned over certain U.S. diplomatic initiatives," she said, referring to Secretary of State William P. Rogers' proposals in the Soviet Union, "we never lost sight, and always gave expression to, the broad range of interests and objectives that our two countries have in common."

She said she was hopeful that the Nixon message would convince "all concerned" that "only through a freely negotiated agreement between the parties to the conflict" can a "lasting peace be established."

Some observers considered Mrs. Meir's response to be unusually enthusiastic, but they suggested that it might have been so to erase what they thought was the overly severe reaction earlier.

ERLE STANLEY GARDNER'S STATEMENT ON THE DELTA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. WALDIE. Mr. Speaker, millions of Americans are well acquainted with the works of Erle Stanley Gardner. His books featuring the attorney, Perry Mason, have repeatedly sold over a million copies—a most extraordinary feat.

Mr. Gardner is also famed for his books dealing with the wonders of nature. He has written five books on Baja, California, and three others dealing with the marvelous delta region in California which I am proud and privileged to represent.

Although he is now recuperating from a recent illness, Mr. Gardner was so profoundly concerned about the perils to this magnificent delta area posed by State and Federal water development projects that he wrote a statement to be read before hearings of the State Water Resources Control Board.

Mr. Speaker, I found this statement to be most informative and I would like to take this opportunity to enter it in the CONGRESSIONAL RECORD:

AFFIDAVIT—STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

Erle Stanley Gardner, being first duly sworn, deposes and says:—

Having only recently been released from the Riverside Community Hospital, I find it impossible to travel to Sacramento and be a witness in connection with the Delta hearings. I therefore make this affidavit.

I am a professional writer and have been for more than forty years. As such, it is a part of my work to appraise the areas in which the public will take an active interest.

Until 1932 I wrote generally for the so-called woodpulp magazines, writing of matters in which there was manifest a public interest in the magazine field.

In 1932 I became convinced that there was a broad field of undeveloped public interest in a certain type of detective story, one in which a practicing lawyer would be the hero. I, therefore, created the character of Perry Mason and wrote the stories for the most part in book-length episodes.

That I was correct in this assumption is shown by the success achieved in this field.

From 1932 on to date I have written some eighty books featuring Perry Mason, and pocket books alone has sold over a hundred million of these books.

I also created a firm of private detectives of Bertha Cool and Donald Lam which was written in books under the pen name of A. A. Fair.

In addition to these books I have created other characters in the detective field and have been highly successful in that field.

According to actual count my books have sold in the United States and Canada alone more than a hundred and sixty-five million copies in all editions.

In a book entitled, "70 Years of Best Sellers" by Alice Payne Hackett, published by R. R. Bowker Company in 1967, a survey is made of best sellers from 1895 to 1965.

In the department of this book featuring crime and suspense it is stated that the records show that there have only been one hundred and fifty-one best sellers during this seventy-year period.—The best seller is defined as a book which has sold over a million copies.—Of the one hundred and fifty-one titles which have been best sellers in that seventy-year period, it is stated that ninety-one of these titles have been written by me, either under my own name or under the pen name of A. A. Fair.

The character of Perry Mason has also appeared in nationwide radio daytime drama, Monday through Friday, sponsored by Procter & Gamble, and, as I remember it, this lasted for some twelve years.

The character of Perry Mason, as portrayed by Raymond Burr, appeared in television, was exceedingly popular over a nine-year period, and is still proving immensely popular in re-

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runs in various television stations throughout the United States.

The books dealing with Perry Mason have been translated into many foreign languages and have appeared in television in several foreign countries, even including Japan and Mexico where the sound track is so arranged that Raymond Burr, as Perry Mason, seems to be speaking in a foreign language.

I also created other book characters which were highly successful.

Later on I decided that a certain type of travel book profusely illustrated with photographs would have a sale and, particularly, would be of interest to public libraries where each volume would be exposed to many rentals and would attract many readers.

I decided that three places would be of particular interest—the desert of the Southwestern United States, the peninsula of Baja California and the Delta region fed by the Sacramento, the San Joaquin and the Mokelumne Rivers.

The success of my books dealing with these fields vindicates my judgment and the books have not only attracted a large reader following but, because of these books, an increased public interest has been reflected in the territories mentioned.

My first book on Baja California was entitled "The Land of Shorter Shadows". That book is now entirely out of print. A book of various adventure stories entitled "Neighborhood Frontiers" has enjoyed a good sale and only a few remaining copies are available in the hands of the publishers.

"Hunting the Desert Whale", "Hovering Over Baja", "The Hidden Heart of Baja", "Off the Beaten Track in Baja" and "Mexico's Magic Square" deal with areas in Mexico which I felt would result in good book sales and rentals.

"The World of Water", "Gypsy Days on the Delta" and "Drifting Down the Delta" deal with the Delta region above mentioned. These books have resulted in an increasing interest in the Delta region on the part of many readers and I have been advised that many people have either purchased or rented houseboats because of what I have written about the Delta region in these books.

In order to get material for these books on the Delta I have spent considerable time in houseboats on the Delta, in getting acquainted with various points of interest and making a survey of the natural beauties of the Delta region.

I mention my record in connection with anticipating public interest in order to show that, as a professional writer, I have been able to predict public tastes and reader demand.

It is not easy to do this. Subjects must be selected which have a strong potential for reader enjoyment.

I have been advised by my publishers and various other sources that my books on Mexico and Baja California in particular have resulted in an increase in tourism. I have also been advised by my publishers that no other author either living or dead has even approached my sales record in the book field.

In addition to the characters of Perry Mason, Donald Lam and Bertha Cool, I have created the characters of Terry Clane, "Gramps" Wiggins, and Doug Selby, the District Attorney of Madison County.

All of these books have enjoyed a wide sale, and reference is hereby made to the book, "70 Years of Best Sellers", in order to show the actual sales figures as of 1965 and the seventy-year period prior to 1965. My sales record indicates that in gauging and anticipating public interest I am something of an expert and a very successful author.

It is my opinion that the Delta country has potential possibilities far in excess of the possibilities that are presently considered.

I don't believe that the cities in the Delta country, such as Sacramento, Stockton, Rio Vista, Antioch, etc., etc., realize even today the terrific potential possibilities or what the recreational possibilities of the Delta country are going to mean.

In the relatively short time I have been writing about the Delta, I have seen at first hand an increase in public interest and I feel that the latent possibilities are such that it is impossible to overestimate what the Delta assets will mean to the cities and the resorts that are in this area.

Our whole economic system is undergoing a change with Medicare, Social Security, etc., etc. People are retiring at a time when they have a lot of life ahead of them. With the increase in automobile traffic and the congestion of our highways people are naturally going to turn to the waterways of the Delta as a source of recreation and amusement once they realize the full recreational possibilities of the territory.

As a nation we have always been prone to emphasize material results and have frequently overlooked natural beauties.

It will, of course, be possible to utterly ruin the Delta country as a valuable asset to recreational possibilities that are even yet unappreciated just as it is possible to preserve and enhance the recreational possibilities if intelligent action is taken.

What with congested traffic, smog and atmospheric garbage we are only now beginning, and barely beginning, to appreciate the dollars and cents value of our scenic assets.

I consider the latent possibilities of the Delta region to be similar to those of Yosemite. The beautiful trees which still exist in parts of the Delta region, with the color and beauty of reflections in the calm Delta waters, represent a potential which is, for the most part, unappreciated.

Trees that have been growing for many, many years can be smashed within a relatively short period of time. The levees can be turned into rock-strewn dikes, the fresh water can be drained out so there will be an intrusion of salt water and the entire region can be so ruined that the beautiful places remaining can be subjected to such pressure that the recreational facilities can be lost.

If too great an area is devastated by ruining the beautiful trees and levees are turned into rock-ribbed, monotonous dikes, the yachting pressure upon such limited facilities as remain available, such as the area known as "The Meadows", will cause these areas to lose much of their charm.

In my opinion what the Delta area needs at the present time is to have the natural beauties enhanced, a protection of the remaining esthetic assets, and an increase in boating facilities.

In the future, if the country is not devastated of its natural charm and beauty, the rental of houseboats, the sale of pleasure craft, and the increased money which will come pouring into the territory as the result of a recognition of the esthetic beauties, will be of the greatest benefit.

In order to protect the potential assets there must be a sharp about-face in the treatment of the scenic advantages and a realization of the tremendous potentials which are involved.

The Delta country needs a large dose of human understanding. There must be people with vision sufficient to realize the possibilities and the dollars and cents harvest which will come from preserving and increasing the natural beauties of the place.

On the other hand, a relatively shortsighted policy in connection with the natural beauties of the place can result in devastating ruination, the possibilities of which are only now beginning to be recognized.

I have written three books dealing with the Delta country and a few magazine articles, discussing the potentials. I have no hesitancy in predicting that the factors are already in existence which will make the Delta country one of the greatest scenic attractions in California if the people who are destined to be the most benefited will join forces and protect those natural beauties.

It has been said that there are a thousand miles of inland waterways in the Delta region. It is going to need an appreciation of the esthetic possibilities and a willingness to fight to preserve the beauty of the Delta in order to exploit those possibilities.

If people would become determined to preserve the natural beauties, the day will surely come when the waterways will be a national asset with marinas, high-class restaurants, docking facilities, stores to cater to the influx of yachtsmen, increased facilities for fishing, water skiing, camping and lazy days in houseboating recreation.

I believe that only a small percentage of the people in the Delta region have seen the beauty of early morning reflections of the towering shade trees along the waterways. The manner in which the assets of the Delta country are being ruined is a crime, and the worst of it is that once the levees have been stripped bare of shade trees it is going to take many, many years before the beauty can be restored.

I have traveled extensively in this country and abroad. I have made it a point to appraise the public interest potential in the various places where I have been. I feel absolutely certain that the Delta country is at the threshold of a great development if the people who should be mainly concerned can organize and present a united front.

My record shows that I have been able to anticipate public tastes in various fields and, in my opinion, if the Delta country can present an organized front to persons who would destroy the natural assets, another decade will convince even the most skeptical that these waterways are an asset far beyond the present concept of their possibilities.

ERLE STANLEY GARDNER.

Subscribed and sworn to before me this 31st day of December, 1969.

M. DOWNS,

Notary Public in and for the County of Riverside, State of California.

THE CENTURY OF PROGRESS

HON. ROMAN L. HRUSKA

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Thursday, January 29, 1970

Mr. HRUSKA. Mr. President, in the highest tradition of the American Newcomen Society, Mr. Edd H. Bailey, president of the Union Pacific Railroad Co., and a member of the society, delivered an interesting address reviewing the history and service of that great company which first served as the all-important link between the Atlantic and Pacific Oceans.

The Newcomen Society, a group interested in material history, as distinguished from political history, had the pleasure of hearing from one who has been referred to as "a railroader's railroader."

None is more qualified to review the history of this great railroad, celebrating the 100th anniversary of the completion of its construction, than Mr. Bailey who has served the company well for 47 of those years. Mr. Bailey went to work for the Union Pacific at the age of 17 as a helper in the car department at Cheyenne, Wyo. He has advanced in the company, working in nearly all aspects of the railroad's operation, and was elected president of the railroad and a director on January 1, 1965.

In an interesting combination of history and personal experiences, he has outlined the growth and service of the railroad from the time it was created in 1862 to the ultramodern, computerized railroad of the 1970's.

I wish to commend the Newcomen Society on its choice of a speaker and the Union Pacific on its choice of a president who is leading the Union Pacific in meeting the challenge of today's railroad.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks the speech by Mr. Bailey entitled "The Century of Progress, a Heritage of Service, Union Pacific 1869–1969," and the introductory remarks by Mr. Morris F. Miller.

There being no objection, the speech and introductory remarks were ordered to be printed in the RECORD, as follows:

THE CENTURY OF PROGRESS; A HERITAGE OF SERVICE, UNION PACIFIC 1869–1969

INTRODUCTION OF MR. BAILEY AT OMAHA ON SEPTEMBER 9, 1969, BY MR. MORRIS F. MILLER, CHAIRMAN OF THE BOARD OF THE OMAHA NATIONAL BANK, MEMBER OF THE NEBRASKA COMMITTEE IN THE NEWCOMEN SOCIETY IN NORTH AMERICA

My fellow members of Newcomen:

It is undoubtedly trite but it is also very true to say that I am deeply honored to have the privilege of introducing our honoree and principal speaker.

If any one of us were asked this evening to name that business concern which over the past century has had the greatest economic impact on Omaha, on Nebraska, and indeed on much of the West, he would unhesitatingly and rightly name the Union Pacific Railroad Company. As a matter of fact, the Union Pacific has influenced far more than just the economic fortunes of the region it serves. But I don't want to steal from Edd Bailey's script, so I will confine my introduction to telling you something about Edd and let him tell you about the Union Pacific.

Mr. Bailey was born in the northwestern corner of Missouri and then, when still a youngster, moved with his parents to northeastern Colorado, where the Baileys homesteaded. Forty-seven years ago, at the age of seventeen, Edd Bailey went to work for the Union Pacific as a helper in the Car Department at Cheyenne, Wyoming. Over the next two plus decades, until the end of World War II, Edd Bailey advanced through a number of different jobs in maintenance, in operations and in security. Between 1945 and 1950 he was superintendent of the Nebraska and Wyoming Divisions respectively and in 1950 became General Superintendent of the entire Eastern District with headquarters in Cheyenne.

In 1952 he moved to Portland, Oregon, as General Superintendent and in the following year was named General Manager of the Northwest District. In 1954 he came back to Omaha as General Manager of the Eastern District, and in 1957 became Vice-President in charge of Systems Operations.

On January 1, 1964, Edd Bailey was named Chief Executive Officer, Transportation Division, and was elected President of the railroad and a Director on January 1, 1965.

Somewhere along the way, or perhaps I should say somewhere along the right-of-way, he married Mabel Parker of Grover, Colorado. Mr. and Mrs. Bailey are parents of a son, Hugh, who lives in San Francisco, California, and a daughter, Mrs. Laura Richardson, who lives in North Platte, Nebraska.

Edd Bailey is active in his own industry as a director of the Association of American Railroads and a member of the Executive Committee of the Association of Western Railways. He serves on the boards of the First Security Corporation of Salt Lake City, Guarantee Mutual Life Insurance Company of Omaha, and I am proud to say, of The Omaha National Bank.

How a man as busy as Edd Bailey has obviously been can find time for civic activities I do not know, but Edd Bailey has more than his share of these. The list of specific assignments is long and covers a broad scope of educational, social and community service. These activities were recognized two years ago by a grateful citizenry, when Edd Bailey received Omaha's highest civic honor and was made King of Ak-Sar-Ben.

But I think probably the accolade that best describes Edd Bailey was the one printed in the May issue of *Modern Railroads* and which simply describes him as Edd Bailey—a railroader's railroader.

Gentlemen, it is with extreme pleasure that I present to you Mr. Edd H. Bailey, President of the Union Pacific Railroad Company.

ADDRESS BY MR. BAILEY

My fellow members of Newcomen:

I am most happy to be invited here tonight. I am well-familiar with the activities of The Newcomen Society in North America, its standards and its purposes.

I am also pleased, but not surprised, that so respected a group as the Newcomen fellows should do honor to the company for which I have worked for forty-seven years. In a very real sense, you honor not only Union Pacific, but also me and every one of some thirty-two thousand of my fellow officers and employees.

In all of the history of civilization, the balance of truly important accomplishments was foreseen and discussed by generations of men. The construction of the Union Pacific was no exception. This enterprise, which has occupied so much of my life, is rooted deeply in the heart of the finest American tradition.

I think the reasons for building the railroad were good ones. Ours was a young country then. The states of California, Oregon and Washington were separated from the rest of the Union by many days of hard travel. In order to insure the proper growth of the fledgling nation, an easy and convenient means of transportation had to be established. With construction of the Panama Canal still many years away, it was apparent that the overland route was the only practical approach.

The men who early supported this great project sound like a "Who's Who" of the day: John C. Calhoun, Henry Clay, Daniel Webster, Stephen A. Douglas, and Congressman Abraham Lincoln of Illinois. It has always been a source of satisfaction for me to realize that I have spent nearly half a century working for a cause that had such supporters.

It remained for a Civil War and President Lincoln to clear the way for the events which are still unfolding today. Union Pacific was created by the Enabling Act, signed by Lincoln in 1862. This Act of Congress settled, once and for all, the question of where the transcontinental railroad was to be.

Ground was broken on a cold, snowy December 2, 1863, and a year passed before any further work was done towards building the road. The Civil War was raging and the iron and machinery upon which construction depended were sorely needed for the war effort.

Construction finally started in July 1865. The first rail was laid on the tenth of that month, with the first locomotive being operated over two miles of track on the twenty-first.

In May of 1866, Major General Grenville M. Dodge became chief engineer of the line. He is high on the list of those rugged men who deserve notice for what was then called "The Work of the Age."

The constructon army was under the direction of General Jack Casement and his brother Daniel. It was a strange collection of ex-soldiers from both Union and Confederate armies, ex-convicts, Irish and German immigrants, and an occasional settler from along the way. As many as ten thousand people came to be involved in grading the line, building the bridges and laying the track. Their pay ranged from $2.50 to $4.00 per day—excellent wages at that time. These hardy men lived on buffalo meat, bacon, beans, hardtack, and coffee.

The term "construction army" is no exaggeration. The chief of each of the units was usually a former Union officer and his men worked near stacks of rifles held in readiness for defense against surprise Indian attacks. Shovels and rifles were equally important during the construction days.

Following the completion of construction in 1869, the company endured twenty-eight difficult years. Finally declared bankrupt, Union Pacific was sold at auction on November 1, 1897. That auction was held on the steps of the UP freight house, here in Omaha. The defunct property was purchased by Edward Henry Harriman. After assuming control of the railroad, Harriman set forth on one of the most ambitious improvement projects ever undertaken. The railroad was virtually rebuilt, using materials and standards considered superior even today. It is his genius and his remarkable sons that have guided Union Pacific so successfully to the present day.

E. H. Harriman's oldest son, W. Averell, served as Chairman of the Board of Directors from 1932 to 1946. It was during this period of time that the streamlined train and world famous Sun Valley, Idaho, became a part of Union Pacific. This distinguished man served not only UP, but also his country in a number of public offices and diplomatic posts.

The younger son, E. Roland, Chairman of UP's Board of Directors from 1946 until this last January, is an equally distinguished man. He is chairman of the American Red Cross and co-sponsor with his brother, of the E. H. Harriman Memorial Award program. They are both great Americans.

The time of the Harrimans has been a time of great change and development. What the life of E. H. Harriman meant to this great company could not have been told better than the address delivered to The Newcomen Society in November, 1949, by fellow-member Robert A. Lovett. Mr. Lovett, son of an early UP President, has been a member of the board of directors of the company since 1926 and has, in the past, served as Chairman of the Executive Committee. Mr. Lovett, another great American, is also widely recognized for his distinguished career in the public service of his country.

After Union Pacific had been reorganized and rebuilt and after the United States Railway Administration had relinquished control of the road, things began to go along just fine, at least until 1929. Then, along with everyone else, we were faced with some mighty lean years. As the drought of the 1930's spread across the land, our business dropped off. Painful decisions had to be made concerning priorities. We had to become more efficient.

However, the Great Depression was, in a large measure, responsible for what was to become a mechanical revolution. To help improve service, UP designers developed roller-

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bearing equipped steam locomotives that could run all day long at eighty miles per hour. But this still didn't seem to be the answer. Mechanical engineers began to wonder whether internal combustion engines might not be more efficient than steam. Ensuing events proved them right. The diesel locomotive became our mainstay.

Coming out of the depression, we were all faced with World War II. Short of equipment, short of manpower, and short of spare parts, the "Strategic Middle Route," as Union Pacific was called, performed with speed and efficiency never before seen. Literally millions of men and machines were moved across our lines during those very difficult days. I can personally vouch for the fact that during this period it was not uncommon to handle fifty trains in each direction, daily, over our double track main line. It was also during this time that the trucking industry actually started in a big way. World War II left us with a competitor we had not been faced with before—the trucker.

The end of World War II let us finally catch our breath and take a good look at the changes that were happening around us.

The very nature of our business was changing. It was becoming more specialized than ever before and we had to meet these changes. Among other things, management recognized a public trend away from the long-haul passenger train. That trend has continued to the present. Today, Union Pacific continues to operate first class passenger service for the few who desire to use it.

To keep abreast of our shippers' demands for more speed and more complete and dependable transportation services, it has been necessary to continually improve and modernize our facilities, our equipment and our operations.

As schedules became faster, it was necessary to install heavier rail, new ballast and ties. Curves were straightened and grades reduced, allowing us to cut a few minutes here and there from our schedules. Millions of dollars have been spent for this purpose.

Total use of diesel locomotives was a major step. Diesels didn't have to stop periodically for coal and water, they allowed greater concentrations of horsepower for more speed, and they eliminated much of the need for helper locomotives on heavy grades.

While we formerly served our shippers with a half-dozen basic types of freight cars, today Union Pacific can supply cars of every conceivable type, size, shape, capacity, and purpose.

In former times, there were unavoidable delays in our major terminals. These delays were the result of engine and caboose changes, as well as train reclassification. These procedures were repeated a number of times as the train progressed across the system to its final delivery point.

Today, things are different. In cooperation with other carriers, we operate what is known in the trade as "pre-blocked, run-through trains." We assemble trains of one hundred or more cars that can be handled as a unit—all of the cars having a destination in common. Since neither locomotives nor cabooses now need to be changed, the entire train can now move through a terminal in five minutes. The savings involved and the benefits brought from a schedule standpoint are tremendous.

Early in 1960, Union Pacific was the first to pioneer this "preblocked, run-through" concept with another railroad. In cooperation with the Burlington, an arrangement was initiated allowing solid trains, including engines and cabooses, to operate from Galesburg, Illinois, to Green River, Wyoming. This modern practice has reduced the time and handling required in train operations. It has also allowed Union Pacific to centralize many of its operations at North Platte, Nebraska.

The installation of a new and modern classification yard at North Platte, last year, has made possible the efficient and expeditious handling of a great volume of transcontinental traffic. There, traffic, both east and westbound is classified for through movement to distant terminals on our line and to those of connecting carriers.

In addition to the computer-operated retarder yards already in service at North Platte, new magnificent locomotive shops have been recently authorized. The net result will be increased efficiency.

Union Pacific's faith in the future as well as its progress has always been marked by capital expenditures of great amounts of money and today is no exception. We are continuing to make huge investments in order to keep our equipment in the best possible condition. In fact, the past five years have seen UP spend over one-half billion dollars for new equipment. That's a great deal more money than it cost to initially construct the entire railroad.

Union Pacific has been unique among railroads in many of the methods it has chosen to meet the challenges of the future. We are forever searching for new and better ways to simplify the safe and speedy handling of volume freight traffic.

However, transportation wasn't the only facet of Union Pacific which was undergoing change. The company began to diversify. A land division was established to insure more profitable use of our lands and properties. The primary job of this division, along with the transportation division, is to attract traffic-producing industries to the railroad.

Union Pacific's interest in natural resources dates back a long while, in fact in 1937 Union Pacific owned about 3,000 acres of swamp land in Wilmington, California. Today there are about 1,300 oil producing wells replacing that swamp. In order that exploration of natural resources be further emphasized, a natural resources division has been established that is continually developing new oil and gas reserves; overseeing the mining of the world's largest deposit of trona, located in Wyoming; and carrying on constant exploration for new and different mineral reserves. The future holds exciting new development for this important part of our present holding company.

To fit the changing patterns of American railroading, Union Pacific, in 1963, voiced its desire to merge with the Rock Island. If such a merger is permitted, we will then provide single-line service to the important terminals of Chicago and St. Louis. There is little doubt that this merger is of paramount importance to the economy of the western half of the United States.

Early this year, the Union Pacific Corporation was formed. The new organization will allow UP's various interests such as Land Division, Union Pacific Natural Resources, and Union Pacific Transportation to each develop to its fullest potential. Under the leadership of our Chairman of the Board and Chief Executive Officer, Mr. Frank E. Barnett, the Chairman of the Executive Committee, Mr. Elbridge T. Gerry, and the President of the new Corporation, Mr. James H. Evans, the Union Pacific Corporation will carry our great heritage of service to new and broader fields.

As you can well understand, Union Pacific has meant a very great deal to me, personally. I first went to work for the company in 1922, as helper in the car department at Cheyenne, Wyoming. In retrospect, I can clearly see that the railroad of that era is remote from the company of today.

In 1922, we car department helpers at Cheyenne were paid the princely wage of 47¢ per hour. Times really have changed!

Railroading, to me, has been and always will be a fascinating business. And one of the most remarkable characteristics of Union Pacific is that over the years, the company has inspired a great sense of loyalty and pride among its employees. It's not difficult today to find UP employees with more than fifty years of service to their credit. You are looking at one who hopes to reach that goal.

Some years ago, these old-timers were full of tales about Indian raids, buffalo stampedes and train robberies. They were more than happy to spin yarns for any young man willing to take the time to listen.

Speaking of train robberies, there is a story which comes to mind that I'd like to tell you about. William L. Carlisle, a bold, lone robber, was UP's equivalent of Jesse James. His short, but noisy, career has always been of interest to me for two reasons. The first reason is that he started robbing trains in 1916, at a time when train robbery was going out of style. The second reason is that I knew and worked for the men who brought about his final demise.

Bill Carlisle was a young man—today he'd probably be called a "product of his environment." To the UP special agents, he was an out and out crook. During the months of February and April, 1916, Carlisle held up and robbed three Union Pacific passenger trains.

His favorite technique was to swing aboard the observation platform of the last car as the train left the station. Then, he'd work his way forward through the train, systematically robbing the passengers of their valuables. As a practical demonstration that chivalry was not dead, he robbed only the men and didn't bother the women and children.

Carlisle's most daring robbery occurred on April 4, 1916, when he swung on the observation car as the Overland Limited was leaving Cheyenne. He robbed the occupants of the car of $567 and jumped off the train before it was out of the city limits.

He was captured on April 22, 1916, after a train robbery the night before, by the sheriff and a posse from Carbon County, Wyoming. Justice was swift—Carlisle was sentenced to life in prison on May 11th that same year.

But that's not the end of the story. On November 15, 1919, Bill Carlisle escaped from prison and on the eighteenth, he robbed another train. Shortly after, he was finally wounded and captured in a western-style gun battle with the Sweetwater County posse which included UP chief special agent John C. Gale and special agent W. J. McClement.

A few years later, I became very well acquainted with both of these men. No matter how often they told the story of Bill Carlisle, I was always a willing listener.

During my time I have had the occasion to inspect every mile of track on the railroad and once was even asked how many ties there were. "Thirty-eight million," I answered. Then I was asked the number of spikes. I replied that I wasn't sure—I hadn't had the time to count them.

I've served the company during some of its most exciting years. Since becoming an officer, I have had the occasion to move twelve times, in fact, our children have been in as many as three different schools in one semester. In those days you were told to go—nobody asked if you wanted to go. Sometimes a move was an advancement, sometimes just the opposite—but all times were great experiences.

I have been present at numerous disastrous happenings—derailments and washouts and storms. One of those times that I recall, but wouldn't want to experience again, was the winter of 1949. That winter was just one blizzard after another. During the seven weeks beginning with the week of January 2, and ending with the week of February 23, Union Pacific was faced with unbelievable conditions. On the Wyoming Division, where I was superintendent at the time, we had eighty mile per hour winds, drifts of snow sometimes thirty feet deep, and temperatures as low as twenty degrees below zero. One storm, in particular, lasted eight long

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days. Finally, the sub-zero temperature was replaced with a Chinook wind. In twenty-four hours, instead of ice and snow, there was water. The only evidence of this freak storm was the large accumulation of snow in the cuts which had drifted full.

Snow would pack into a cut or around cars and locomotives so firmly it was like cement. You could drive a large caterpillar tractor on top of the snow drifts without fear of breaking through. Much of the work had to done by hand. Along with our regular section force we had a gang of 100 Indians, who were excellent workers. I recall they had been told not to lose their shovels and believe me until I had been associated with them for some time they refused to even loan me one. You can rest assured, I tried not to exercise that authority too often.

I recall on many occasions seeing a man attempt to walk from a railroad outfit car to a lineside telephone. The wind blew him along as if he were an empty sack. If anyone would have said that we were faced with a crisis. I would have been relieved. It probably would have meant that the situation had improved!

All things considered, I feel I have been fortunate. I've had privileges that few other men have had. Not only did I have an opportunity to view these things first hand, but I also had the opportunity to participate in them. I pay tribute to those who taught me the business and to those who supported me along the way—those officers and men whose loyalty was unquestionable and who stayed on the job regardless of the circumstances, cleaning up a wreck or repairing a washout. The conditions—weather, or length of time required—were beside the point. Restoring service was the objective.

A centennial year is a good year for memories. As you are aware, we celebrated the driving of the Golden Spike in May of this year. I happened to be at Promontory, Utah, to witness that celebration. You should have seen the number of people in attendance at this out-of-the-way place—there were over 12,000 of them. It bears out the fact that people are interested in their heritage. I wonder if 12,000 people will attend the centennial of the moon landing. It's probably not very likely—but then again, who knows?

Those of us whose careers are closely linked to the operation and development of western railroads look back with a good deal of nostalgia. More important, we look back through the years toward Promontory with a feeling of considerable pride in the accomplishments of our railroad and our fellow railroaders.

It is not our policy at Union Pacific to look back except to recognize accomplishments of the past. We are grateful for the knowledge gained, enabling us to look into the future with clear foresight in meeting the challenges of tomorrow.

Five times in the past century, our railroad has been called upon to serve the country in times of armed conflict. Five times, three in my lifetime, alone, we have answered the call. Our industry is proud of this record. I hope circumstances will not develop that make necessary a repeat performance.

The original Golden Spike carried this inscription on one side: "May God continue the unity of our country as the railroad unites the two great oceans of the world." The importance of this statement cannot be over-emphasized in our world today. The railroad was, and still is, important to the lives and the fortunes of every American.

Our plans for the future are exciting to say the least. For example, we recently announced the expansion of our Headquarters Building. A twelve-story addition comprising 190,000 square feet will be built.

Another announcement was made concerning our new Corporation's purchase of two subsidiaries of Celanese Corporation, namely Champlin Petroleum Company and Pontiac Refining Corporation.

As time goes on, I am sure there will be many more exciting announcements.

Gentlemen, thank you for the invitation to visit with you tonight. It is indeed an honor I shall long remember.

CONCERN OVER ALCOHOL PROBLEMS INCREASING

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. HANNA. Mr. Speaker, over the past few months a good deal of material on the dangers of alcohol have been printed. It has been interesting to me to follow the renewed public interest in the dangers of alcohol consumption.

Over the past two sessions, I have introduced legislation which has been designed to regulate the advertising of alcoholic beverages. It seems very logical to move in this area when we consider the national concern over other substances that physically and emotionally damage the human body.

I have been concerned that problems connected with alcohol abuse have been relegated to a domain of less priority than the more politically sexy issues of drug abuse and cigarette advertising. Possibly because drinking has become so socially acceptable, people are less willing to understand the dramatic problems alcohol is causing.

Although there are still a few who contend that "the demon rum" has and always will continue to be a social affliction of men, leaders in medicine, the social sciences, industry, and government are learning alcohol consumption and its attendant problems are seriously affecting our societal fabric.

In 1969, Senator HAROLD HUGHES held a comprehensive series of hearings on alcohol during which dramatic evidence was presented. Among the more important accomplishments of these hearings was the forum which brought many previously whispered concerns to the attention of the public. Also, Congress has become more concerned as demonstrated by its insistence that OEO funds for alcoholic rehabilitation be earmarked.

However, there still is not enough concern. While we are perfectly willing to restrict and regulate dangerous drugs that affect and damage men in the same manner as alcohol, we are still unable to overcome the inertia in dealing effectively with alcohol regulation legislation.

An impressive amount of media concern may change this unfortunate situation. I am attaching to my remarks certain articles which have been published over the past few months, and tend to demonstrate the growing awareness over the wide range of problems attributable to alcohol.

The Washington Post reports on some recent statistics which the alarming effects of drunk driving and related problems are having. State law enforcement agencies and courts are showing an increasing awareness of dealing with drunk drivers by concerning themselves with the causes and aiming at stopping the drinking rather than the driving. This is an important new thrust. Those dealing with drunk driving offenses are realizing that their most effective methods to reduce the rising rates involve stopping or, more realistically, limiting drinking.

The costs to the economy through casualty losses, and the personal losses resulting from accidents caused by those under the influence of alcohol, has long been known. Methods to reduce the carnage will be unsuccessful until we deal effectively with the entire question of drinking, and I am encouraged that this is the direction in which we are moving.

Another interesting component of this growing recognition was an excellent article that appeared in the Wall Street Journal. The article documents the serious costs to industry resulting from "on-the-job drinking." Millions of dollars are lost each year, both through workdays lost and on-the-job injuries.

Businessmen recognize that it is now necessary to develop employee rehabilitation programs. While this is still a new field, more and more businesses are moving into it. And as business leaders become increasingly concerned we can anticipate pressure developing for some meaningful Government action.

Many in Congress have been talking at length about the serious effects drugs have been causing in terms of job injuries and workdays lost. The Wall Street Journal article points out that alcohol presents as serious if not more serious problems in this area.

I also want to shatter another related myth. Many young people have been justifying drug abuse with the argument that it is no more dangerous than alcohol abuse. Well, the facts show that alcohol is very dangerous—to a man's physical health, his emotional health, his livelihood, and his very life as traffic statistics will demonstrate.

A recent article, which I am also attaching to this statement, reports on some of the latest medical research into the dangers of alcohol. Once again we are made aware that alcohol is damaging to our physical well being. Dr. Knisely's article is excellent and I recommend it highly.

I believe these three articles highlight arguments I have made in the past urging Congress to take a more aggressive concern on this issue. One of the most effective things we can do immediately is regulate the advertising of alcoholic beverages. It is my hope that the House will not wait any longer to take action on the measure I have authored.

I cannot conceive how more clearly the case has to be made for the Congress to realize we are in the midst of a growing social problem. We must devote as much attention to the dangers from alcohol as we are devoting to the dangers from drugs.

Mr. Speaker, the Wall Street Journal article, the article by Dr. Knisely, and two other articles on alcoholism follow:

ONE FOR THE PLANT—DRUNK EMPLOYES RISE BUT LABOR-SHORT FIRMS OFTEN DON'T FIRE THEM—CONCERNS TRY REHABILITATION, SCORE STARTLING SUCCESS; A $4-BILLION-A-YEAR PROBLEM—COSTLY CAPER OF DRUNK SANTA

(By Ralph E. Winter)

COLUMBUS, OHIO.—Something was wrong. The crane operator was operating his crane erratically, so his supervisor at Buckeye Steel Castings Co. signaled him down. "What's the trouble?" the supervisor wanted to know. And, he asked, why couldn't the crane operator walk a straight line—and why did he smell of alcohol so early in the morning?

"I had a beer before I came to work," the operator answered bellicosely.

Indeed he had. And he hadn't stopped with just one, an on-the-spot check with a breath analyzer disclosed. In fact, the test indicated the man was roaring drunk. And so the crane was idled and the people at Buckeye Steel Castings chalked up a few more hours lost to drink.

But the crane operator wasn't fired, as he almost surely would have been a few years back. Rather, under threat of firing he enrolled in the company's problem-drinker program. Thus, company officials hope to help the man salvage his life—and, somewhat less altruistically, to help themselves salvage a worker in these times of severe labor shortage.

THE CORPORATE CONSCIENCE

A drunken worker, of course, is not a new problem. But it is an increasing one, and it is especially troubling employers now because many of them have developed corporate consciences and hate to fire a worker for what they now view as a disease—and because if they did fire a worker it would be very difficult to find a replacement now that the unemployment rate is so low. One result is that there now are formal drinker-rehabilitation programs at an estimated 1,000 companies, 10 times the number a decade ago.

The dimensions of on-the-job alcoholism are elusive because most drunks are able to conceal their problem. "It's an iceberg, with the biggest part hidden from management," says an official of Anchor Hocking Corp. of Lancaster, Ohio. Buckeye Steel, a Buckeye International Inc. subsidiary that discusses the problem more candidly than most companies estimates that 18% of its employes have a drinking problem that affects the company. That rate is probably higher than average, because Buckeye studies have found that the rate tends to run high in the foundry industry, where the labor pinch is particularly acute.

There's no question the problem is worsening. Officials at the National Council on Alcoholism estimate that alcoholism costs American employers $4 billion a year in lost time and ineffectiveness. That's up from an estimate of $1 billion five years ago, although officials now say that the 1964 estimate was too low.

"Alcoholism is more prevalent in industry than it was five years ago," agrees J. J. Davis, president of Esco Corp., a Portland, Ore., alloy steel foundry. "It may be the result of greater affluence in that people have more money to buy booze. And they know employers can't fire them so readily in a tight labor market."

A JOLLY SANTA'S CAPER

Whatever the reason a worker shows up drunk, it can foul up operations. Efficiency experts reckon that North American Rockwell Corp. lost 500 man-hours of production as employes gathered to gawk and talk one December day after a drunken worker donned a Santa Claus costume and romped for an hour through an aircraft plant.

Excessive drinking is the biggest single factor in absenteeism, itself industry's biggest personnel headache, according to L.R. Price, executive vice president of the American Society for Personnel Administration. Records at North American Rockwell's division here in Columbus indicate that employes with drinking problems average an extra 30 days of absence annually, most of which must be made up by other employes on overtime. Counting only the 310 hourly workers that have entered the company's problem drinker program, this figures out to added costs of $125,000 a year unless their drinking can be controlled.

What's more, when a drunken worker does show up he's often aware he isn't functioning properly and thus slows down to avoid accidents or mistakes. A heavy drinker may reduce his output by 50% or more, authorities say. Mistakes made by on-the-job drunks add thousands of dollars more to companies' costs.

KEEPING AN EYE PEELED

One result of all this costly boozing by all these scarce workers is that companies are making a bigger effort to spot the alcoholics early, when there's considerably more opportunity for rehabilitation. "I tell supervisors to be alert for any change in behavior, such as the jovial employe who becomes morose or the gregarious guy who turns into a loner," says Dr. Luther A. Cloud, senior associate medical director for Equitable Life Assurance Society of the U.S. and president of the National Council on Alcoholism.

Other signs Dr. Cloud looks for: "Any irresponsible behavior or general loss of efficiency, chronic lateness, prolonged lunch hours and leaving early on Friday." He says that "the typical pattern of Monday absences and physical symptoms like tremors and sallow complexion come later—when we see a man at that stage, it's late."

Surprisingly, even though companies are on the watch for alcoholics, the average employed alcoholic isn't discovered until he has had a drinking problem for 10 years, one study said.

Once discovered, the drunk is usually turned over to a company doctor and an "employe alcoholism counselor," which is a new specialty at many major companies. The hardest problem for these doctors and counselors is getting the employe to admit he's an alcoholic. "Sure I drink, but I can control it," the man often says. Or, "I don't have a drinking problem. My problem is paying the rent."

After that barrier is broken, most companies with formal rehabilitation programs follow a common pattern of treatment. They generally insist on a thorough physical examination, with hospitalization in alcoholic wards if the case is severe. Almost invariably, the employe is urged to join Alcoholics Anonymous for group therapy, with other AA members at the company taking him to the first few meetings. North American Rockwell sponsors AA meetings on company premises, and other companies, such as Equitable, give time off to attend meetings outside the office.

Corporate specialists also enlist the assistance of community resources, including church groups, public clinics, welfare agencies and social workers. The companies sometimes arrange loans to help solve financial crises, which all alcoholics seem to have. "I've never known an alcoholic who wasn't in debt," says one doctor who works with alcoholics, "and that includes two company presidents with incomes of over $100,000 a year."

"When a man has lost his house and his family, is living in his car in the parking lot and has had his paycheck garnisheed, he needs more than a lecture," says one employee alcoholism counselor.

Some companies also insist that a worker take medicine, frequently a drug called Antabuse that remains dormant in the body until the person drinks alcohol. Then he gets violently ill. "My ears burned, the veins on my hands stood out and my heart jumped out like this," recalls one reformed alcoholic, holding his hands six inches in front of his chest. "Then my legs got rubbery and I went down."

But making sure workers take the drug is difficult. Some companies insist the workers take the pill each day in the presence of a supervisor or company nurse. Even that isn't foolproof. Frank Marsh, chairman of the United Auto Workers alcoholic committee at a Fisher Body plant here, says that some workers try to pass off other, similar pills as Antabuse.

But once a worker is on the way to kicking his habit, he is usually grateful for the help he has been given. Don Harris is the alcoholism counselor at Buckeye Steel Castings here, and he has a Spartan office by the plant gate where workers periodically stop in to see him. (Workers wouldn't come to a fancy office with a receptionist, he says.) He sees lots to encourage him.

On one recent day, a gold-shirted man in his 40s came in with a big smile and a firm handshake. He had just come out of 14 days in a hospital's alcoholic ward, the longest period in recent years that he had gone without a drink. He felt great, he said, and he was confident that, with the help of Alcoholics Anonymous, he could whip his problem. A father dropped by to say he had been sober for 30 days.

Indeed, big companies say they have a startling success rate of 55% to 70% in returning problem drinkers to sobriety. This is far higher than the recovery ratios at hospitals and treatment centers for alcoholics, but doctors say there is a reason.

Explains Dr. Gordon M. Hemmett of Eastman Kodak Co.: "Alcoholics need some sort of crisis to break through the wall of denial that they have a drinking problem. Threat of job loss is a very potent means of creating a crisis for the purpose of getting the alcoholic's attention." And once the worker recognizes his problem, doctors say, a company has effective leverage in that he either must cooperate in rehabilitation or be fired.

HOW ALCOHOLIC BEVERAGES DAMAGE BRAIN, LIVER, AND HEART

(By Dr. Melvin H. Knisely, professor of anatomy, Medical University of South Carolina)

Medical research carried out by Doctors Herbert A. Moskow, Raymond C. Pennington and Melvin H. Knisely of the Medical University of South Carolina at Charleston have shown how alcoholic beverages damage the brain, liver and heart. For over 50 years specialists in the study of the brain have been known that at autopsy persons who have consumed alcohol show moderate to extensive brain damage. Damage to the liver and the heart caused by alcohol is also well documented in research publications.

The late Professor Courville of the Los Angeles County Hospital brought together the details of medical knowledge about the damage found in the brains of alcoholics, in a book which should be in every public library of the world. The book is entitled "The Effect of Alcohol on the Nervous System of Man." Published by San Lucas Press 1966. Microscopic studies of every part of the brain of moderate to severe alcoholics have shown that every part, the cerebrum which has to do with thinking, the cerebellum which has to do with muscular coordination and balancing, and even the peripheral nerves show significant damage.

In many such brains smaller or larger percentages of the brain cells are gone. Also and most significant, some of the cells which survive are badly damaged. After early childhood the human body does not make any new brain cells. Nerve cells once gone are never replaced. The studies at South Carolina show one series of steps whereby alcohol damages and kills nerve cells.

It must be remembered that the internal cells of the body can receive oxygen only by

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having them brought to them by the red cells which are carried in the circulating blood. Nerve cells live beside capillaries through which blood is pumped. These capillaries ordinarily are so narrow that the red blood cells have to pass through in single file. In healthy people who have not had alcohol red cells are separate from each other and are carried easily and rapidly in single file through the capillaries. Each red cell brings in its load of oxygen. The blood flows rapidly enough through the capillaries to supply those nerve cells living near the upstream end of the capillaries all along them and those near the downstream end.

Upon the ingestion of alcohol chemical reactions are set up which change the outer surface of the red cells making them sticky to each other, and the red cells then stick together in wads which are much too large to go through the narrow arterioles and capillaries easily. The South Carolina investigators studied 30 adult humans (13 females, 17 males) by focussing microscopes into the small blood vessels in the side of the white of the eye of each, and simultaneously taking a sample of the blood from the arm with which to measure the concentration of the alcohol in the blood. The alcohol concentrations found in the subjects ranged from 0 to 328 milligrams per 100 c.c. of blood. These 30 people were periodic drunks brought to the hospital less or more intoxicated. Every intoxicated person who came to the hospital during a 17 month period was so studied. When the data was brought together it was found that with increased concentration of alcohol in the blood the sizes of the wads of red cells progressively increased and rates of flow of blood through all small vessels progressively slowed down. With the higher concentration of alcohol in the blood and the more severe reduction in the flow rates, vessels began to be plugged and increasing numbers were plugged so that no more blood flowed through each plugged vessel. Hence no oxygen could enter. With the extreme upper concentration of alcohol in the blood (225 and 328 milligrams per 100cc.) some small vessels were ruptured, producing microscopic hemorrhages into the neighboring tissues of the eye. The blood coming to the side of the eye is a strategically valid sample of the thoroughly mixed blood coming from the heart, hence we know that the same types of wads of blood cells are being carried into the blood vessels of the brain, spinal cord and nerves.

Brain cells, also called nerve cells or neurones, need a continuous supply of oxygen. Psychiatrists, Clinical Neurologists and Neurophysiologists have known at least since 1935 that lack of oxygen kills neurones. If the oxygen supply to a neurone is shut off for as little as 3 to 5 minutes the neurone quits functioning and in a few more minutes is permanently dead and later breaks down chemically and disappears from the nervous system. Remaining fragments of the neurone may be eaten by special cells which ordinarily eat bacteria. Microscopically the brains of moderate to severe drinkers show scattered nerve cell losses. Sometimes rather large areas have most all of the nerve cells gone. This can be so severe that at autopsy areas of the brain (the convolutions) are visibly shrunken which can be easily seen the moment the brain is exposed to view.

The microscopic observations carried out by Moskow, Pennington and Knisely, which showed that in the intoxicated person very small vessels could be plugged by wads of red cells sticking together shows how the ingestion of alcohol by plugging small vessels directly causes the anoxia which kills the nerve cells. (It must be remembered that oxygen can come to the nerve cells only through the capillaries which therefore must never be plugged.

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By a complicated chemical engineering analysis carried out by Dr. Dan Reneau of the Louisiana Polytechnic Institute at Ruston, Louisiana and Dr. Duane Bruley of Clemson University, Clemson, South Carolina, who work with Dr. Knisely, computer calculation has shown that anoxic areas (small areas of tissue without oxgyen) develop between the venous ends of the capillaries when the rate of blood flow is slowed down. Vessels need not be plugged to give tissue anoxia. This is most important for it means that some nerve cells are deprived of oxygen even though their neighboring capillaries are not plugged.

Chemical engineering mathematical computer anlayses have shown that we can expect that similar minute anoxic volumes of tissue develop in the liver around the central veins of lobules and in the heart around the small veins which drain the heart muscle fiber fasicles. Enormous numbers of these minute volumes of anoxic tissues of liver and heart provide a seemingly satisfactory explanation for at least part of the damage the drinking of alcoholic beverages does to liver and heart muscles.

Health—Alcoholism Growing

(By Dr. T. R. Van Dellen)

Alcoholism, one of our most pressing medical problems, ranks high as a cause of disability and death. For every heavy drinker there are approximately five other people who suffer, including employers, wives, husbands, friends, parents, and children. Do not underestimate the problem, as 5 million Americans are now or are on their way toward becoming alcoholics.

Alcoholism is now the fourth most common cause of death. Statistics such as these are difficult to evaluate because the condition is seldom listed on death certificates. Too much liquor contributes to many physical conditions including liver trouble (cirrhosis), stomach ailments, heart disease, and a variety of nervous system disorders. In many instances, booze is the main culprit in bringing on death from these maladies.

Untreated alcoholism shortens the life span by 12 years. Furthermore, alcohol is implicated in 50 per cent of all fatal accidents. This includes deaths on our highways. Many drunks step off the curb and are killed by motorists. Studies show that 40 per cent of pedestrian fatalities had high blood alcohol levels when injured.

The suicide rate of alcoholics is 58 times that of the normal population. Many of these people also are addicted to sleeping pills. Alcohol is said to be the most common cause of death from fire. The victim has had one too many and decides to smoke his last cigarette (and it is) in bed or on the couch.

Only 5 per cent of confirmed alcoholics live on skid row. The others do the best they can and may hold a job for many years. Alcoholism among women is said to be rising. The pantry drinker may escape detection for decades, especially if she does not have an outside job.

[From the Washington Star, Jan. 11, 1970]

The Woman Alcoholic Is the Hidden Alcoholic

(By Dee Wedemeyer)

New York.—After years of drinking behind closed doors, having excuses made for her "nerves," protected until she quietly drank herself to death, the woman alcoholic is coming out into the open.

In some cases, she's just doing her drinking publicly, but more and more she's seeking help and discovering she's not alone. The National Council on Alcoholism estimates there are more than one million women alcoholics in the United States.

Alcoholics Anonymous says that about one in four of its members are women.

"Today there are probably as many women alcoholics as men," said Harvey Fiske of the National Council on Alcoholism. "And they may be doing more damage and be even further away from help than men. We are doing a great deal for men in industry but we are not even touching women."

DOUBLE STANDARD

Ironically, at a time when women are drinking publicly more than ever before, the old double standard for women still makes people hesitant to label women as alcoholic, Fiske said.

"We don't like to think of women as drunks," said Fiske. "We don't want anyone but the mother taking care of the children. We don't think of women on skid row. That's because they arent there. I'll tell you where they are. They are behind the picket fence, behind the picture window. The woman alcoholic is basically the hidden alcoholic."

Getting women to admit they are alcoholics is sometimes not as difficult as getting their husbands to admit their wives are, Fiske said.

One Cincinnati, Ohio, man told his wife she could call Alcoholics Anonymous "over my dead body" and then was surprised when in a drunken stupor, she tried to kill him. A Philadelphian, whose wife had lost her driver's license for drunken driving, instead of submitting her for treatment, hired a chauffeur.

"Women aren't on skid row because they have husbands paying the bills," Fiske said.

Typically, a husband's first reaction to his wife's alcoholism is to hide or throw away the liquor supply, an action easily overcome by women who have been known to keep secret liquor caches in perfume bottles. One woman kept her Scotch in a steam iron, another put bottles in a toilet water tank.

Women also can count on having drinks bought for them in bars, said Mrs. Marty Mann, founder of the National Council on Alcoholism and a recovered alcoholic for 30 years.

"I used to say if I had a quarter I could drink all day,' Mrs. Mann said. "The quarter was for my first beer."

Experts say treating women is no different than treating men, but there are less than a dozen * * *. During that time, he can lose his job, his family, his financial resources. A woman at home all day has more time to devote to drinking and can hit bottom faster, often with her resources still intact.

The damage a woman can do to her family during that time, however, is immeasurable. Two statistics stand out—51 percent of alcoholics are children of alcoholics; 50 percent of juvenile delinquents are from alcoholic homes.

"Very often if the father is coming home drunk, the mother can keep it from the children, but if mother's tippling all day, their inner stability is shattered," said Mrs. Mann. "They don't know how she is going to be. They won't bring other children home."

TYPICAL ALCOHOLIC

Mrs. Mann describes a typical woman alcoholic as "someone who begins to get into trouble in her late 20s or early 30s. She still has small children. She had a career and gave it up after the first child was born. Her husband travels a lot."

The reasons women say they drink run the gamut—to ease boredom, to overcome a sense of inferiority or inadequacy, to help cope with problems, to face a social situation.

"I drank as a tranquilizer for my husband's drinking," said Tilly E., the divorced mother of three, a housekeeper from a Philadelphia suburb.

"I started drinking when I was 15 in school uniform. Later when my husband, a naval officer, was away, the cocktail became more and more important. Navy life is very social," said Pamela A., a pretty, 32-year-old divorcee.

Others gave tales of real human tragedies.

"If there's anything tangible that is responsible, it was in 1961 when my mother died of cancer," said Irene M., a Washington widow whose husband died seven years later of the same disease, followed by the death of her brother-in-law and suicide of her sister.

At 51, she's attractive. She lives alone in a Connecticut Avenue apartment where she said, "It's the loneliness that gets you the most."

Since January, 1969, she's been in and out of hospitals and detoxification clinics nine times for periods of five days to two weeks. Now, she's just completed five days in a D.C. detoxification center and 28 days of extensive therapy at Chit Chat Farms in Warnersville, Pa.

For the first time, she's begun to see her drinking not as a moral weakness but as an addiction. She was guilt-ridden with memories of a strict Baptist upbringing and her husband's death-bed plea not to drink.

She can't remember how she lost control of her drinking. As a young married couple, she and her husband, a meat manager, began having two cocktails before dinner. She began having drinks before special events, drinks before cocktail parties, drinks after dinner.

She began lying to herself, saying she could take it or leave it. She made promises to cut down and was frightened when she couldn't keep the promises. She made small alibis for being late for work, missing appointments. She began to believe the lies, was indignant if questioned.

She has now stopped drinking and wants to return to Washington, look for a job and stay sober. With tears in her large brown eyes, she doubts her ability to do it.

"They tell me apprehension is normal but I'm not just apprehensive. I'm scared to death. It's much too overwhelming to think about not drinking for the rest of my life, but just for 24 hours I think I can. I hope I can."

A NOTE OF APPRECIATION

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. STEIGER of Arizona. Mr. Speaker, I believe a special note of thanks is due to the members of the Arizona State Association of Four-Wheel Drive Clubs for their tremendous efforts in cleaning up several heavily littered areas of Arizona. These people spent days of back-breaking labor removing tons of trash which has accumulated along our roads.

The clubs participating in this worthy endeavor were the Buckeye Four Wheelers and their helpers, Boy Scout Troop 193; the Flagstaff Four Wheelers in collaboration with employees of the Coconino National Forest; the Creepy Crawlers 4WD Club helped out by 14 members of the All-Indian Boy Scout Troop; the Four by Four Scouters of Scottsdale who combined forces with Boy Scout Troop 442; the Phoenix Four Wheelers; the Phoenix Jeep Club together with Boy Scout Troop 264; the Mesa Four Wheelers; the Wickenburg Four Wheelers in conjunction with the Wickenburg Sportmens Club and the local Boy and Girl Scout Troops and the local 4–H Club; the Yuma Four Wheelers and Yuma Trail Blazers; and also participating in this ambitious undertaking were the Tucson Four Wheelers.

I cannot adequately express my appreciation to all the people who made this drive the success it was. We are proud of these hard working citizens who have done much to restore and maintain the natural beauty of our State. Their efforts are to be applauded, their example is a great one.

MODERN LITTLE RED HEN

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD, I wish to include a new version of the story of the Little Red Hen, which I think deserves wide attention:

MODERN LITTLE RED HEN

One of our readers sent us a modern version of the Little Red Hen which was printed in the Waltsburg, Wash., Times, which received it from a western Washington reader, who said the capitalistic author was unknown. The "mod" version reads:

Once upon a time there was a little red hen who scratched about and uncovered some grains of wheat. She called her barnyard neighbors and said, "If we work together and plant this wheat, we will have some fine bread to eat. Who will help me plant the wheat?"

"Not I," said the cow. "Not I," said the duck. "Not I," said the goose.

"Then I will," said the little red hen—and she did.

After the wheat started growing, the ground turned dry and there was no rain in sight. "Who will help me water the wheat?" said the little red hen.

"Not I," said the cow. "Not I," said the duck. "Not I," said the pig. "Equal rights," said the goose.

"Then I will," said the little red hen—and she did.

The wheat grew tall and ripened into golden grain. "Who will help me reap the wheat?" asked the little red hen.

"Not I," said the cow. "Not I," said the duck. "Out of my classification," said the pig. "I'd lose my ADC," said the goose.

"Then I will," said the little red hen—and she did.

When it came time to grind the flour, "Not I," said the cow. "I'd lose my unemployment compensation," said the duck.

When it came time to bake the bread, "That's overtime for me," said the cow. "I'm a dropout and never learned how," said the duck. "I'd lose my welfare benefits," said the pig. "If I'm the only one working that's discrimination," said the goose.

"Then I will," said the little red hen—and she did.

She baked five loaves of bread and held them up for her neighbors to see.

"I want some," said the cow. "I want some," said the duck. "I want some," said the pig. "I want my share," said the goose.

"No," said the little red hen. "I can rest for a while and eat the five loaves myself."

"Excess profits," cried the cow. "Capitalistic leech!" screamed the duck. "Company fink," screamed the goose. "Equal rights," grunted the pig.

They hurriedly painted picket signs and marched around the little red hen, singing, "We shall overcome," And they did.

For when the owner came to investigate the commotion, he said, "You must not be greedy, little red hen. Look at the oppressed cow. Look at the disadvantaged duck. Look at the underprivileged pig. Look at the less fortunate goose. You are guilty of making second-class citizens of them."

"But-but-but I earned the bread," said the little red hen.

"Exactly," the wise owner said. "That's the wonderful free enterprise system: anybody can earn as much as he wants. You should be happy to have this freedom. In other barnyards, you would have to give all five loaves to the owner. Here you give four loaves to your suffering neighbors."

And they all lived happily ever after, including the little red hen, who smiled and smiled and clucked, "I am grateful. I am grateful."

But her neighbors wondered why she never baked any more bread.

WORLD WAR I PENSION DUE

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. WHALLEY. Mr. Speaker, the Stars and Stripes-The National Tribune of January 29, 1970, has published an excellent editorial on why veterans of World War I should receive a pension.

This paper, which was established in 1877, is the recognized representative of all veterans and their families.

I commend this article to the attention of my colleagues:

WORLD WAR I PENSION DUE

Over recent months The Stars and Stripes-The National Tribune has received an increasing flow of letters from World War I veterans setting forth their financial plight, and crying for relief through enactment of a pension. A study of general facts concerning this block of veterans throws light on their unhappy situation.

Today World War I veterans are around 75 years of age. Most of them have reached that level in their lives where they have had to retire because of age or for the reason that younger men were hired to take over the jobs they held. Their income channel has dried up.

Veterans of 1918 did not have the education level of veterans of today, and with it the opportunity to be more successful in life. It is probably safe to assume that most 1918 men in uniform had on the average less than a seventh grade education.

When Uncle Sam discharged them in 1919–20 he gave them $60.00, which seemed like a windfall. They had entered service to fight, and promptly get out when the war was won. Career service was in the mind of very few of them. They were happy to shed their uniforms, and head home from the discharge centers with $60.00 unexpected money in their pockets.

With the shutdown of shipyards and munitions plants, jobs vanished. Many a World War I man found himself in a rough going economy in the early twenties and in a worse one when the stock market crash came in 1929, followed by the depression years. Need, hard, cold, desperate need prompted many of them to ask for a war service bonus. A few thousand hitchhiked and rode the "rods" across the land to Washington in what became known as the bonus march. Men with guns and bayonets drove them out of the mudflats of Anacostia when their presence became too unpleasant for members of the Congress and the President to bear.

Discouraged and despondent, the marchers

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headed back to the corners of the country from which they had come. A later Congress re-assessed the pleas for a bonus, and came up with one that based cn length of service gave an average of some $800.00 to those who had been in the war.

Quite a contrast this figure is with around $5,000 that is available to men stepping out of uniform today and wishing to continue their schooling. Along with it, job training in many fields is available. The training and education that many of these current veterans are getting can not but lead them to financial success in life.

The World War I veterans do not begrudge this generosity to later veterans. They are too old to head for school and job training. But many of them would find a way of making ends nearly meet if they had a pension of around $100 a month.

Stars and Stripes feels they should have an unrestricted pension of some modest amount. Some 120 billion dollars has been given away in foreign aid, and other billions spent in domestic projects, much of it needlessly. We have a feeling that the time is ripe for the dwindling numbers of men of 1918 to unite in a push for a pension.

We have a feeling that a substantial number of senators and representatives must be aware of the fact that the World War I veteran has enjoyed the least of any veterans in the way of reward for his service.

DR. CHUNG-MING WONG COMES TO WASHINGTON

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. WOLD. Mr. Speaker, increasing attention is being paid to the environmental problems which face mankind and, in particular, to those who live in highly developed affluent nations such as the United States. Most often these problems are conceived in terms of pollution or degradation.

There is, however, a problem associated with the ecological balance of nature that is basically a matter of supply and demand although it is compounded by man's pollution.

It is: Where are we to obtain enough clean water to meet the demands of an expanding population which is making increasingly large individual demands upon what is becoming a relatively scarce resource—water.

The average American of today will personally pollute 3 million gallons of water in his lifetime, and industry and agriculture will use 10 times that amount in his behalf. If all the water on the globe were fresh and potable, it would not constitute such a problem, but 99.4 percent of this vast supply is salt water or glacier ice, and the remainder is not always distributed where man needs it.

Today, therefore, I would call the attention of this body to a man who is doing something about the problems.

He is Dr. Chung-ming Wong, Director of the Office of Saline Water. Many already know him as the man responsible for the engineering and development of the first American reentry vehicle heat shield—vital to the U.S. space program.

I am confident that Dr. Wong will be just as successful in coming up with practical and economical ways of converting salt and brackish water to fresh. This is vital not just for the day when 300 million persons will live in the United States, but for today. The current need is already attested by a survey which reports 3.5 million people in 1,150 communities in the United States use water which is defined as saline. Millions of acres of potentially fertile land are lost to cultivation because of a shortage of fresh water or the presence of brackish and salten water.

One of the communities whose residents utilize water classified as saline is in my district, the great State of Wyoming. I am pleased to report that the Office of Saline Water, with the cooperation of the citizens and public leaders of that community, are moving along with an experimental program that may provide valuable new information on how to economically solve the problem.

The Office will move three experimental water desalting plants into the community in the near future. These plants utilizing a reverse osmosis process have a combined capacity of 7,500 gallons a day.

This will not solve all the community's water needs, but it will help. Even more important, it will contribute greatly to the knowledge necessary for application of the method on a large scale.

It should also contribute valuable knowledge as to whether the reverse osmosis process of saline water conversion can be economically successful and compete with other water sources.

Dr. Wong has taken a sincere personal interest in the water problems of Gillette, Wyo.—and those of the Nation and the world. The Nation is fortunate to have his enthusiasm, talent, and intellect as we search for a better environment for all our citizens.

Mr. Speaker, I insert an article entitled "Dr. Wong Comes to Washington" written for the magazine Presbyterian Life by Donovan Kelly in the RECORD with my remarks:

DR. WONG COMES TO WASHINGTON

(By Donovan Kelly)

What does a good Presbyterian need to become a good bureaucrat in Washington? There are some political and technical qualifications that help:

For instance, he should be the head of some active political group, such as the ten-thousand-member Professional Citizens for Nixon/Agnew.

He should also be a prominent member of a minority group, preferably one that is not too well represented in Washington, like perhaps the quarter-million Chinese Americans.

If he is going to work in a scientific bureau, such as the Office of Saline Water, he should have an academic background that is adequate enough to impress Congress and to quiet critics. Degrees in mechanical engineering from Purdue, in business administration from Harvard, studies in human relations at the University of California, and a ph.D. in physics from Columbia University should be more than adequate.

He also should have some administrative experience to go along with his academic background; twenty-five years of such experience would be more than enough, especially if he contributed directly to the success of the Apollo space program.

Finally, he should have a touch of something like charisma that makes people under his command take to him and work hard for him. As proof that he has the touch, he might, for example, have been elected "Best Professor" for four consecutive years at the University of Bridgeport in Connecticut.

All of these qualifications and more Dr. Chung-ming Wong brings to the Office of Saline Water as its new director. The "more" is what strikes the visitor when talking to Dr. Wong.

Dr. Wong might be mistaken for the genial owner-host of a Chinese restaurant; at least he smiles more than one might expect of a bureaucrat. But the people running in and out of his office are undeniably bent on government business. (While I awaited my turn, Dr. Wong himself dashed out several times to give me more of the background material I had already read; he reminded me of the harried mother in a house full of kids, who doesn't hear a youngster protest that he has already been scrubbed three times.) The smile, the nod of greeting, and the friendly solicitousness Dr. Wong expresses tend to give him a veneer of gentleness. But the more he talks, the more steel he reveals.

On his appointment as director of the Office of Saline Water: "I am honored by the assignment and by the great future it offers me. I intend to run this office with an honest and sincere attitude; I must be honest because I don't have a good memory to cover previous lies with more lies."

On his guidelines for his new staff: "If we work together and go forward together happily, and bring forth the best of every individual and the highest degree of cooperation, I promise you that you will win my respect. Please bear in mind as our guideline. 'Do unto others as you like others to do unto you.'"

On temporarily leaving his family behind in California while he came to Washington: "It is God's will and my duty that I serve my country." (When Dr. Wong says "God" in his throaty Chinese way, the word explodes like a German exclamation.) "It was not easy to leave my family, but I needed time to learn my job. I was happy to stay a bachelor for a time, but now, after two months in Washington, I need my family to give strength and to help me meet friends. I need friends very dearly and for this my wife, Irene Kia-Yu, will be an asset."

Once before, and for a much longer time, Dr. Wong knew the loneliness of being separated from his family. Although he is technically a fourth-generation American, his father, Tong Wong (one of the three founders of the Chinatown Presbyterian Church in San Francisco), returned to China to serve in Sun Yat-sen's Republic of China government. Tong Wong eventually became vice-president under Sun Yat-sen, but he gave up his American citizenship in the process. His son was born in Hong Kong forty-nine years ago, a citizen of China.

So it was as a Chinese that Dr. Wong came to the United States in 1947, after he had served as a lieutenant in the air force of Nationalist China. Because the immigration quota was filled, he was forced to leave his wife behind in Shanghai. Two days after he left, their first child, a daughter, was born. Dr. Wong did not see his daughter or his wife for nine long years.

"It was a very hard time," says Dr. Wong. "I kept myself very busy by taking on three full-time jobs—working in industry during the day, teaching three nights a week, and doing all my research on the weekends." Then he adds, with another smile, "Since I neither gamble, smoke, or drink, there was nothing left for me to do but work.

"Finally, with the help of Congress, to whom I am most grateful, I was able to bring my family over." Dr. Wong also expresses gratitude for the host of Presbyterians who helped him during that hard period; they include a missionary couple the Reverend and Mrs. M. Gardner Tewksbury; and the Reverend Donn D. Moomaw, pastor of Dr.

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Wong's home church, Bel Air Presbyterian in Los Angeles. ("Mr. Moomaw has a funny name," said Dr. Chung-ming Wong. "Let me check the spelling.")

Despite his varied background, Dr. Wong admits that none of his previous experience specifically involved converting salt water to fresh, the research and engineering function of the Office of Saline Water. "But the desalting process involves nothing more than using heat energy and heat transfer efficiently, subjects I've taught and worked with for twenty-five years."

What may be more important is that his previous jobs taught him how to work with and use his staff people efficiently. "For example, on my aerospace projects we used a system methodology," Dr. Wong explains. "We concentrated our staff and resources on the one or two approaches that looked most promising in solving a particular problem rather than on attempting to investigate a great number of approaches." Using this methodology, Dr. Wong was responsible for the engineering and development of the first American reentry-vehicle heat-shield, a basic step leading to the Apollo moon landings.

Dr. Wong plans to use the same methodology to engineer a breakthrough in the technology of converting saline water to fresh. "I expect to have concrete, practical results in two years rather than in the ten years originally planned. And I am not given to making overoptimistic predictions and promises."

Results couldn't come any too soon for the millions of people who are waiting for a practical method of turning their salty-water supplies into usable fresh water. One survey reports that in the United States alone, 3.5 million people in 1,150 communities use water which is defined as saline, that is, containing a salt concentration of more than one thousand parts per million. The U.S. Public Health Service recommends a maximum of no more than five hundred parts per million. Some hardy people can drink as much as two thousand parts per million, but any concentration over the Public Health Service minimum is harmful to many crops. Thus a poor-quality, saline water-supply limits the economic growth of many areas of the country and of the world. If desalting technology could be improved to the point where large quantities of desalted water could be produced as cheaply as natural fresh water, then vast areas of the world would get a much-needed boost in their economies.

Seeing more than just dollar signs, President Eisenhower and former Atomic Energy Commission Chairman Lewis L. Strauss envisioned the large-scale desalinization of seawater through the use of atomic energy as the key to peace in the Middle East.

Explaining the Eisenhower-Strauss plan, the late President said: "The purpose of the plan is not only to bring large arid regions into production and to supply useful work for hundreds of thousands of people, but also, we hope, to promote peace in a deeply troubled area of the world through a new cooperative venture among nations. I am optimistic enough to believe that the proposal when implemented—as it is sure to be some day—may very well succeed in bringing stability to a region where endless political negotiations have failed . . . I can think of no scientific success that would equal [the development of atomic desalting technology] in its boon to mankind."

As if improving living standards and helping to maintain peace weren't reasons enough for existence of the Office of Saline Water, there is a third: we may not be running out of water, but we are running out of usable fresh water.

There are about 326 million cubic miles of water on the earth, but somewhat more than 99.4 percent of this vast supply is tied up as salt water and glacier ice. This still leaves a very large supply of fresh water, but it is a limited supply, and one that is not always distributed when and where man wants it. In the United States, demands on this limited supply are increasing at the rate of twenty-five thousand gallons per minute, and pollution has already made much of the natural supply unusable. Without some help from technology, the point will one day be reached when our faucets will run dry.

Desalting saline water is not a new solution to water shortages. Aristotle has owned a patent on a simple and workable distillation process since the fourth century B.C. Where the needs are critical for even small supplies of fresh water, any workable method will still do, no matter how expensive it is. The goal of the Office of Saline Water is to develop economical methods for converting saline water into fresh water—the emphasis is on the economics. To be feasible economically, fresh water made from saline water must cost as little as water from conventional sources.

Since the early 1950s, the cost of desalting seawater has dropped from about five dollars per thousand gallons to one dollar, and the cost of desalting brackish (water with less salt than seawater, though still undrinkable) groundwater to as low as forty cents per thousand gallons. In the next ten years, the cost of desalting seawater should drop to between twenty-five and fifty cents per thousand gallons, about what we are paying now to gather, convey, and distribute water in many of our large cities. Thus the day may be near when desalted water can compete with conventional water supplies.

To bring that day closer, Dr. Wong and his staff of 135, with an annual budget of $25 million, will use system methodology to concentrate on two methods of desalinization.

For desalting large quantities of seawater, they will concentrate on a method that combines heat and flash distillation. Heat distillation is a refinement of Aristole's basic method of boiling seawater and condensing the steam to produce the pure "distilled water" still used in automobile batteries and steam irons. The Office of Saline Water has improved the efficiency of the heat-distillation process by hooking a chain of distilling units together so that the steam produced in one will heat the incoming seawater in the next. The cold seawater condenses the steam and in turn is heated through several units until most of the heat energy added in the first unit is recovered. The process has been further improved by the use of flash distillation. If the pressure in the distilling unit is lowered enough, some of the seawater will boil instantly, or "flash," at a lower temperature than is normal. By progressively reducing the pressures in the chain of distilling units, seawater is made to boil at lower and lower temperatures.

For desalting smaller quantities of the better-quality brackish groundwater, the Office of Saline Water will concentrate on improving a method of reverse osmosis. Osmosis is the process by which a semipermeable membrane, such as the skin of plant roots, will admit slightly mineralized water to pass through the membrane on one side but will not allow the mineralized plant juices to flow out the opposite side. Under normal conditions, the membrane allows only a one-way flow of fresh water to the salt-water side, as if there were a pressure pushing the fresh water. In reverse osmosis, pressure is applied to the salt-water side of the membrane and the process is reversed. Fresh water in the salt water is pushed through the membrane, leaving most of the minerals.

"We are going to concentrate on these two methods of desalting," says Dr. Wong, "but we are not going to make the common bureaucratic mistake of just refining what has been done before. Rather, we will tackle research and development projects that private industry finds too risky or too expensive. I'm looking for more than just steady progress; I want quantum jumps."

In the long list of the world's problems, one single item, even a basic necessity such as "enough fresh water of good quality," can easily be overlooked or ignored. But with more and more people demanding more and more fresh water—per capita use of water in the United States increased 15 percent in the first half of this decade alone—and with more people demanding that water from a limited freshwater supply, the problem of freshwater shortages seems likely to become more acute. Dr. Wong appears to be the right man to lead the Office of Saline Water in making the quantum jumps of developing efficient methods of desalting water to slacken the world's growing thirst.

SPEECH OF SENATOR TALMADGE AT ADAS YESHURON SYNAGOGUE, AUGUSTA, GA.

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. STEPHENS. Mr. Speaker, on January 4, 1970, the Honorable HERMAN E. TALMADGE, distinguished Senator from the State of Georgia, delivered the keynote address at a testimonial dinner of Adas Yeshuron Synagogue in Augusta, Ga. A copy of Senator TALMADGE's remarks was sent to me by my good friend Mr. Maurice Steinberg of Augusta. In sending a copy of this speech to me, Mr. Steinberg stated that Senator TALMADGE presented a very clear analysis of the situation in the Middle East. I agree and recommend the reading of the remarks of Senator TALMADGE:

REMARKS OF SENATOR TALMADGE

I am honored indeed to share this important occasion with you.

I know all of you are very proud of this moment, as you have every right to be. I congratulate you on your outstanding record of service and on the splendid work you are doing in this community.

And I join you tonight in paying tribute to two of your most outstanding members—Abe Fogel and Hill Silver—who have distinguished themselves by a combined total of some 75 years of service and leadership.

Abe Fogel and Hill Silver have been in the forefront of all your endeavors. They have provided inspiration, hard work, and energy and have given of themselves above and beyond the call of duty. They have served not only this community, but the city of Augusta and the entire State of Georgia.

It is a pleasure tonight to offer them my heartfelt congratulations for a job well done.

Three years ago, at this time of year, Israel and Syria were about to begin a series of meetings to discuss intrusions into Israeli territory by Syrian-based commandos.

The meetings accomplished little, if anything. The Syrian delegation persisted in using the talks for verbal attacks against the Israelis.

The situation got worse. A few months after the meetings ended early in 1967, Syria increased its support of the commando aggressions against Israel and the Israelis were forced to defend themselves in major air battles in April of that year.

The events of April were an ominous prelude to what took place in the Middle East in May and June of 1967.

I need not recount the details of the war of June 1967. All of us, indeed the whole world, lived through those trying days in anxiety and consternation. We all know the results. It was perhaps one of the shortest conflicts in the grim history of warfare. But it was probably one of history's most significant and dramatic wars.

When the last of the Arab armies capitulated and accepted the United Nations ceasefire, we received this news with joy and relief. We believed the crisis had passed. The war was over and a time of peace could begin.

How wrong we were!

Instead of a time of peace and order, we saw the beginning of another stalemate of intransigence. There came more talking, more threats, and finally even more violence. Following the war in 1949, after the war of 1956 and again after the war of 1967, the instigators still were not satisfied to end hostilities. Instead, they preferred to continue the confrontation on other battlegrounds. They prosecuted a battle of words and a war of terror.

Arabs have rejected the peace conference in favor of verbal sabre rattling. They spurn negotiations in favor of terrorism and ambush.

So, the war of 1967 has not ended. The battle goes on in the daily exchanges and the incidents that have come to characterize the Arab-Israeli conflict.

The Secretary General of the United Nations has suggested that the war has entered a new phase—that of limited war. He has also said that the cease-fire along the Suez Canal has been so continually violated that it is no longer a ceasefire. . . . It is in fact a condition of hostility.

Virtually everyday, there are incidents along the Jordan River, in the Jordan valley, and the Bait Shan Valley . . . that maim and kill, not just the soldiers who are trained and prepared for war, but innocent civilians as well.

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On the Golan Heights, an area that was a Syrian shooting gallery for 20 years that is now under Israeli control, there are an increasing number of raids and incidents perpetrated against the Israelis by commandos and their tutors, the Syrian army. Moreover, the war has extended to the Lebanese-Israeli border . . . an area that had known relative peace for 20 years.

Within Israel, the people are plagued by the so-called Freedom Fighters, or the Resistance, or the Army of Liberation—whatever name they wish to call themselves. But the name that best seems to fit is the one used by Israel. They are Terrorists, and they are a threat to every citizen of Israel. You are all painfully familiar with incidents of the past three years.

A bomb in the Hebrew University cafeteria.

Several bombs in the main bus depot of Tel Aviv.

A car rigged like a mammoth time bomb in the market of Jerusalem.

Hand grenades thrown into the tomb of Abraham.

All these and more are designed and executed with the simple but direct purpose of killing Israeli citizens.

These Terrorists have even taken their brand of warfare outside the Middle East and gone into international airports of the world . . . Athens, Zurich, Rome, and the hijackings of Damascus and Algiers.

Terrorists have attacked Israeli establishments in Europe. They have attempted to intercept Israeli statesmen in South America. They have tried to intimidate Israelis and other people of the world in major cities all across the globe, including some in the United States.

These acts, and the open threats of future acts of the same nature are not warfare. They are savage and barbaric gangsterism of the lowest kind.

It is only natural that Israel has not remained silent or inactive through these attacks. If the nation and the people of Israel did nothing to answer aggressions against their homes and their lives, I would have serious doubt about their good sense and their fortitude. I have never had to entertain such doubts, for Israel strikes back. The retaliatory raids aginast the commando bases and against the training camps and staging areas of the Arab countries are the only form of preventive warfare open to Israel. Out of necessity, Israel has demonstrated to the Egyptians that they are as vulnerable as the Israelis to hit-and-run warfare.

A major factor in the continuing hostilities of the Middle East is the replacement of arms. The Soviet Union apparently has no qualms against furnishing arms to the Arab states and the Terrorists, and in providing an unlimited number of technicians and military advisers for training Arab armies and guerrillas.

In my judgment, at some day in the future, the Soviets will call in those I.O.U.'s. The next obvious step is for the Soviet Union to furnish economic and political advisers as well . . . and the Arabs may wake up some morning to find they are no longer in control of their own national destiny.

United States interest in the Middle East . . . expressed both verbally and through the presence of the Sixth Fleet in the Mediterranean . . . acts as a constant reminder to the Communists that the Free World is not willing to allow the Middle East to fall under the influence of the Soviet Bloc.

As for American involvement in the so-called arms race, our course should be extremely clear to everyone. We must continue to insure a balance in the arms situation. That means that the United States is obliged to furnish whatever weaponry is necessary for the defense of Israel, if such weaponry is not available through any other source.

Inasmuch as the French have apparently decided to cast their lot with the Arab nations, the United States should provide the jet aircraft needed by Israel for its defense.

But we are going to have to go further than just reaffirming United States interest in the Middle East through the availability of arms for Israel. The United States must make it clear in every possible way that this nation will not tolerate . . . will not abide . . . will not condone . . . and will not allow the death of the State of Israel

We cannot straddle the international fence on this issue. In the interest of democracy and decency, we have to be committed to the continued life and prosperity of Israel as a free and sovereign nation.

This brings us to what the United States is prepared to do and what it should do to find a peaceful settlement and to insure that it will not be violated and brushed aside at the whim of the Arab countries.

The first step is to insist upon a direct, face-to-face negotiation of a peace settlement. Neither we, nor any other nation, can impose a peace on the nations of the Middle East. That peace must come from the nations themselves.

All the talks and conferences between the various powers, and through the United Nations, cannot act as a substitute for an Arab-Israeli peace conference. All the many suggestions of guidelines and recommendations, formulas or international mediators cannot replace the absolute necessity of a peace treaty, signed by the Arabs on the one hand, and the Israelis on the other.

I also question the validity of beginning a search for compromises or territorial concessions even before the primary parties in the conflict . . . all the Arab governments . . . have agreed to negotiate. Such an effort is, in fact, counter-productive. As long as there are all these suggested "peace plans" floating around, the Arabs can use their rejection of one clause or another to delay the inevitable fact that sooner or later they are going to have to sit across the table from the Israelis and settle their own problems.

This is why I disagree with the recent statement by the Secretary of State that a line should be drawn in the Sinai region prior to any meeting between the State of Israel and Arab leaders.

It had the effect of serving notice to the Arab governments that the United States was committed to that line . . . and therefore undercut any negotiating that might have emerged at a peace conference.

If the Israelis offered anything less than the American line in the Sinai, the Arabs have only to point to the statement by Mr. Rogers and say, "We will start negotiating with that line." And that line only. In effect, we disarm Israel statesmen in any diplomatic exchange they may have attempted.

It has also become apparent who makes the policies for the Arab nations. Within days after the Secretary's speech in Washington in December, a delegation was on its way from Cairo to Moscow. This was supposed to be a hasty trip to discuss trade and more arms shipments. No doubt arms were discussed. But it seems to me that the Egyptian delegation was running to Moscow to ask what to do next in light of the change in American policy.

The idea that Israel would be able to find secure borders in the Sinai area is as uncertain as the wind that sweeps that barren desert.

A quick review of the history of 1948, 1956, and 1967 would demonstrate the insecurity of the boundary line in the Sinai which Mr. Rogers stated was the most appropriate border between the Egyptians and the Israelis.

I also find it difficult to accept the reasoning behind the several proposals that have been advanced on the unified city of Jerusalem. It is bewildering to me how the city can remain in its present status, that is under Israeli administration, and still be jointly controlled by Israel and another government. Either it will remain an Israeli city or it will not.

I do agree that free access for all religious pilgrims, no matter what their nationality or what their confession, is a necessity. But thus far, I am not convinced that such a condition does not already exist. Jews, Christians, and Muslims, regardless of their denominational differences or disagreements, are going to Jerusalem, to all the holy places, to pray and to worship as their consciences dictate. Until one faith or one sect cannot enjoy that freedom, I see no reason to change the status of the city of Jerusalem.

It is ironic indeed that the city of peace and the land of peace should not have peace. But we are involved in a time of the unreasonable and the illogical.

One day, Arab terrorist organizations say that their future aim for what they call Palestine is to create a federation of Arabs and Israelis, of Christians, Muslims and Jews. The next day, they say that their aim is to rid the land of all Jews. The Arabs meet at Cairo and other capitals to reaffirm that they will seek a political solution to the Middle East tangle. And then, leaders of the Arab states make speeches calling for total war and a military solution.

In one breath, the Arabs state that the real enemy is imperialism . . . a foreign power controlling their land and their lives. And the next moment, they run to the Communists for guidance . . . surrendering their independence to a political force which they claim is contradictory to their religion.

They see only what they want to see. And they cannot see the Soviet imperialism that threatens their nation and the freedom of every man, woman, and child on earth.

Arabs say that the Jew is his brother, and then they sneak into the home of their brother and plant a bomb that leaves him crippled or dead. It is a tragic situation. Israel faces two enemies . . . Arab soldiers and the vacuum of reason in the Arab mind.

On three occasions in the past two decades, the Israelis have proven that they are a match and more for the Arab soldier. Heavily armed and mobilized Arab armies have fallen before the brilliance and the determination of the Israeli defense forces.

During those same 20 years, the Israelis have remained steadfast in their quest for a reasonable peace . . . in spite of the worst kind of adversity, continuous harassment, and almost unbearable pressure from the outside.

It is incumbent upon all of us, as citizens of the United States and as citizens of the Free World, to give the Israeli people all the moral, intellectual, and material support they need in this quest.

Israel does not want war. She desires peace. She wants only to be left to live and grow in freedom.

I hope that we—as a nation which pursues the same course of freedom and democratic government—will continue to do everything possible to help her attain this goal.

COST OF BUYING A HOME VAULTS SKYWARD

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. ZWACH. Mr. Speaker, a shortage of adequate housing is one of the weaknesses of America, especially countryside America where urban housing projects have not reached.

But at today's high interest rates, building a new home is a questionable project, economically.

Recently, I read an editorial written by Gordon Duenow in the Little Falls Daily Transcript in our Minnesota Sixth Congressional District.

Mr. Duenow graphically illustrates what high interest rates are doing to homebuilding costs.

Mr. Speaker, with your permission, I herewith include Editor Duenow's editorial in the RECORD and recommend its reading to all of my colleagues:

COST OF BUYING A HOME VAULTS SKYWARD

Action taken last week by the Federal Housing Administration (FHA) and the Veterans Administration (VA) increasing the interest rate for home loans was a "shocker" to many. While it may help to "ease the money market" for mortgages as the announcement claimed, it won't help ease the path for those who want to buy a home of their own. In fact, there won't be very many persons in Little Falls who will be able to take advantage of this "easier money" as they just can't afford the monthly payments. This is especially the case for those trying to buy their first home and don't have a large down payment.

We wonder how many realize what an extra per cent of interest amounts to on the purchase of a $20,000 home—and there are few today which can be built for that amount.

For instance, a person buying a $20,000 home with four per cent interest money would pay $29,088 for the house over a 20-year period. If the mortgage was spread out over a 25-year period, the total cost would be $31,670. A $20,000 mortgage at four per cent over a 30-year period would bring the cost up to $34,474.

With the addition of other built-in charges on FHA loans, the interest rate now in effect of 8½ per cent could easily total nine per cent.

Using nine per cent interest on a $20,000 mortgage, we find that a home at this price would cost a total of $43,187 over a 20-year period—or $14,099 more than the same mortgage for the same number of years at four per cent interest.

If the payments for a 20-year mortgage were too high, the prospective home-owner possibly would require 25 years to repay the debt. This would bring the total cost for a $20,000 mortgage to $50,332—or $18,662 more than it would have cost at four per cent interest. Cost for a $20,000 mortgage over a 30-year period would be $57,933—or $23,559 more than if the rate had been four per cent.

When you divide the figures listed by 240, 300 or 360 months it can easily be seen that the market for home buyers is considerably reduced. There just aren't many around here with that kind of money to spend for a home.

And these figures don't include one cent for insurance or taxes which add a considerable amount to the monthly payment.

Unless the government steps in with some kind of a program to help people become home owners, the "easing" of the money market won't help at all in making it possible to buy a home.

A BLOW AGAINST INFLATION

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. CONABLE. Mr. Speaker, all of us are concerned about the harmful effects which inflation has in particular on those elderly people who are retired on fixed incomes. As with all our national problems there is some contribution which every citizen can make to improve inflationary conditions in the country, and there has recently been called to my attention the efforts of Mr. Gerry Simmons, a barbershop proprietor in my area at Brockport, N.Y., who has found a way in which he can provide some assistance for the elderly in the fight against inflation. This was brought to my attention in a letter from one of the customers of this barbershop, Mr. Robert Pritchard of Brockport. The letter is as follows:

DEAR CONGRESSMAN CONABLE: I enjoy your newsletter and the comments you have on inflation and economic conditions in particular. For this reason I pass on an item which is part of the sign listing prices in Gerry Simmons' Barber Shop in Brockport Plaza, Rts. 19 and 31A. It reads "Over 65 Haircut—$2.00." The regular price is $2.50.

Simmons explains that, "these are the people who built the country. Now inflation blows the American dream for them. Perhaps they get a pack of cigars with the extra fifty cents, and the quality of life goes up."

I thought you might be interested in using this to make a point. Perhaps the idea will spread; it could be more useful than the Federal Reserve Board.

Sincerely,

BOB PRITCHARD.

It has been said that the course of our economy is based on thousands and thousands of decisions by individual businessmen and customers, as well as government, corporations, labor, and financial institutions. I am sure Mr. Simmons' decision is the kind we all would like to see emulated.

ADULT PROBATION IN RURAL TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PICKLE. Mr. Speaker, 1 year later, we are in a position to begin analysis of the Texas adult probation project, a pilot program to test the applicability of expanding into rural areas the professional probation services from the center-core urban area.

This unique project has a simple design; to take the rehabilitation services into areas where the people need the help, into areas where help was nonexistant until the program was initiated.

Too, this is a joint Federal-local partnership using funds from the Safe Streets Act.

Judge Terry L. Jacks of the 22d Judicial District in Texas sums up the program a year later in the January issue of the Texas Bar Journal. Judge Jacks is eminently qualified to make the analysis. He has served with great distinction on the district court since 1964. Prior to that time, he was county attorney of Hays County for 10 years, coming from a most successful private law practice in San Marcos.

At this time, Mr. Speaker, I would like to reprint his analysis in the RECORD:

AN EXPERIMENT IN CRIMINAL CORRECTION

(By Terry L. Jacks)

The Texas Adult Probation Project is a pilot project designed to test the feasibility of extending professional probation services from an urban area into adjacent rural areas.[1] Another facet of the project is to test and experiment with the use of volunteers and subprofessionals as assistants to professional probation officers. The geographical area of the project is Travis County and five counties in the 22nd Judicial District—Comal, Hays, Caldwell, Fayette, and Austin.

The project is unique in that it functions in the rural areas where probation services were generally lacking. It is probably because of this unique feature that inquires have come from over the state and nation concerning the function and problems and the measure of success experienced in the project. This paper concerns experiences in the rural counties where professional probation services were non-existent before the introduction of the project.

PROBATION BEFORE THE PROJECT

Before 1967, there were no professional probationary services of any kind in the 22nd Judicial District; still probationary sentences were frequently granted.[2] The sentences were generally the result of plea bargaining between the defendant and the state; and frequently the arresting officer and the victim of the crime participated in the bargaining process. When probation was granted, there was little or no supervision of the probationer, other than the requirement that he report to the count twice a year, pay his court

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costs and make restitution or reparation. On occasion a follow-up was made to collect court costs, restitution or reparation and much of the time such a follow-up was not successful. The probationer was responsible to no official for his whereabouts and no official was responsible for keeping a record on whether he did or did not report as directed.

Under such circumstances it is common knowledge that the part of the probationary sentence specifying semi-annual reports to the court was not regarded as an absolute condition of continuing probationary status. Indeed, it was probable that the probationer would not be seen again officially unless he became involved in a serious crime and it was brought to the attention of the law enforcement officials. Except for payment of court costs, restitution and reparation, probation was very much the same as the suspended sentence.

In 1967, an experiment with a limited use of volunteers was begun in one rural county. The probationers were required to report to the court on the first Saturday morning of each month for group counseling by the volunteers.[3] This procedure seemed to add an essential element to the probated sentence and would probably have been continued and expanded to other counties in the district if an opportunity had not arisen to replace it with a plan that seemed to promise a greater measure of success.

PROBATION UNDER THE PROJECT

The Texas Adult Probation Project began in fact in April of 1968, when professional probation officers first became available in the rural areas. The major functions of the project were to prepare pre-sentence reports on each guilty defendant where punishment was to be fixed by the court[4] and to provide supervision of probationers.

Professional probation services injected a new and different concept of criminal correction in the courts in rural areas. The use of the pre-sentence report involved the police, the attorneys and all interested court officials, most of whom had little or no experience with such reports, or their use by the courts. The supervision of probationers involved the use of citizen groups, volunteers and sub-professional probation technicians, most of whom were unfamiliar with the functions of the police, the courts and the probation officer.

For effective use of the pre-sentence report and supervision of probationers, it became essential that the volunteers, subprofessional probation technicians, police, defense attorneys, prosecutors and court officials all understand the objectives of criminal correction and proposed techniques for accomplishing the objectives.

It goes without saying that some opposition to such an innovative project can be anticipated, particularly in a period in which many urge more severe punishment as a solution for the increase in crime rates. Considerable thought and effort were given to the introduction of the project to the community. Major emphasis was given to the orientation of the law enforcement team. In some cases a well-established citizens discussed probationary concepts with an official before the project was presented formally by a colleague on the local level.

The economic advantages of probation over incarceration proved with greatest frequency to elicit most favorable responses. Perhaps it is unfortunate that this should be true, for this society can clearly afford to finance the most efficient system of law enforcement and justice that it can devise, but the economic advantage of probation as compared with incarceration is an established fact.[5] The economic argument has gained a measure of support for the project from many whose basic tenets in penology make it inevitable that they are less than sanguine in anticipating the results of the project.

ATTORNEYS AND PROJECT OBJECTIVES

A few days before the project began to function, a letter was sent to practicing attorneys in the counties involved.[6] The attorneys were invited to respond to certain relevant questions concerning probation generally. Also, they were referred to materials on probation and sentencing that were placed in each county library.

Most of attorneys responded, some in writing and some orally. Though the responses were helpful, they revealed a unanimity of opinion only on the desirability of retaining the plea bargain as a practical instrument in the criminal process. Some respondents declined to offer suggestions because of previous lack of experience with a court in which a professional probation officer and the pre-sentence report were used. The replies as a whole gave evidence of openmindedness on the part of the attorneys. The principal benefit of this series of communications was probably the stimulation to constructive thinking. Subsequent events give evidence that the active bar has responded favorably in fact to the project.[7]

The mechanics of using a pre-sentence report was a question that needed to be resolved. When should the report be made—before the plea of guilty or after the verdict of guilty has been returned? The custom in some jurisdictions is to make the pre-sentence report before a plea is made or verdict returned; and if the report did not recommend probation or, if for any reason, the punishment recommended was unacceptable to the defendant, he could demand a jury.

After some thought and discussion among the judges, lawyers, and probation officers, it was resolved to adopt the alternate pattern of requesting the report after a verdict of guilty.[8] At this point in the proceeding, the case is now recessed and a date set for hearing evidence on punishment and consideration of the report. This procedure, apparently used with success by other courts in the nation, appears well adapted to the needs posed by the project. The prime objective for providing a pre-sentence report in every case where punishment is fixed by the court has emerged here.

Experience in the project has presented no serious problem in connection with the preparation and use of the pre-sentence report. Although no serious problems have been presented, the pre-sentence report and its use continue to be a source of much debate among legal scholars and many questions raised have not been answered.[9] It is submitted that the matter of punishment is still a critical stage of an adversary proceeding and extreme care and adequate safeguards should be employed when the pre-sentence report is used.

Plea bargaining is a major part of the judicial process generally and it was thought by some members of the bar that plea bargaining would not be adaptable with the pre-sentence report and the recommendations of the probation officer. Although experience with the use of the report and recommendations has, in fact, tended to reduce the negotiations for guilty pleas, the incidence of guilty pleas has not been perceptibly diminished. The parties apparently are more willing to leave the matter of punishment with the court if it is guided by a non-partisan probation officer.

COMMUNITY INVOLVEMENT

The project needed wide community interest and support if it were to attract competent volunteers and accomplish desired goals. In order to gain such interest and support, an Advisory Council of civic leaders from a cross section of economic and ethnic groups was organized. The Council was instructed as to the goals and the problems and challenges that were to be expected. Generally, keen interest was shown by most individuals, but actual involvement in the project was not as enthusiastic as was hoped. However, there is reason to believe that the information gained by the Council members will be passed on to the community as recruitment of volunteers continues. The Advisory Council, collectively and as individuals is an important factor in creating a climate whereby the project is rendered more acceptable to court officers who are working with the project.

The volunteers are recruited from service organizations, religious organizations, Alcoholics Anonymous, university sociology departments and others who are concerned with the welfare of people, believe they can be led to change their behavior patterns and are motivated to become involved with those who need to be changed. Some of the volunteers are ex-offenders who have successfully rehabilitated themselves both with and without the aid of supervision. These ex-offenders have been quite effective in group counseling sessions.

The volunteer serves in a variety of ways and may be what Judge Keith Leenhouts calls "that inspirational personality who is ten feet tall that walks across the pages of the history" of the offender who may not have had much hope for a better life.

The volunteers have been of considerable assistance to the probation officer in gathering material for the pre-sentence report. They are sometimes particularly effective when conferring with the victim of a crime and frequently establish a better rapport with the guilty defendant than a paid professional can.

Some volunteers have come from sociology departments of a university with majors or minors in a related subject. The university administrators have cooperated by giving credit for participation by students as interns in the sociology field. At the end of a semester, the students have written papers about their work with adult probation and some have written pre-sentence reports as a term paper. Perhaps a far-reaching contribution has been recruiting candidates for the criminal correction field as a career.[10]

The volunteers are urged to attend training sessions where they are given orientation about the functions of the police, the courts and other officials. They become familiar with abnormal behavior and character disorders in individuals and are taught some of the basic techniques in counseling groups and individuals.

PROBATION TECHNICIANS

One of the goals of the project is to experiment in the use in criminal corrections of sub-professionals from poverty-stricken neighborhoods. These sub-professionals are called Probation Technicians. Their principal qualifications are personal integrity and an ability to establish good relationships with probationers and the community at large. One ex-offender who served time in the Texas Department of Corrections who has rehabilitated himself was employed as a technician. He is particularly effective with some young offenders. All applicants for employment as technicians were interviewed, screened and chosen by members of the Advisory Council and the probation officer.

The use of the technician is probably the unique feature of the project, particularly the personal development of these sub-professionals. The use of such persons in criminal corrections could be an important sociological breakthrough and is being studied carefully by professionals in the correctional field.

In addition to performing a myriad of details for the probation officer, the technician renders a needed service in relating the probation services to the poverty-stricken community and relating that community at-

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titude to the court and law enforcement personnel.

In the preparation of the pre-sentence report he is especially apt in understanding the true attitude of the offender and the attitude of the defendant's family toward the defendant. His value to the program in this jurisdiction is greatly enhanced if he is fluent with Spanish and English.

CONCLUSION

The function of the project for over a year has brought both additional responsibilities and has produced extra dividends.

Now in its second year, the project is beginning to highlight some dividends as compensation for the myriad problems posed by the program. Most everyone involved identifies the problems—recruitment and training of personnel, competition for office space in crowded courthouses, and additional duties imposed on the peace officer, the jailer, the prosecutor and the court. Assured dividends may be evident only to the more perceptive. Chief among them is a new access of moral support for the law enforcement team. The volunteers have become familiar with the problems that the court and the law enforcement team face. They have related these problems to the communities and they help bring a new attitude into the courthouse. As they look over the shoulders of the clerks, jailers, peace officers, prosecutors and judges, they unwittingly induce more exacting standards of efficiency. As they try to rationalize the roles performed by public officials, the roles become more rational and relevant to the persons performing them.

Has the Adult Probation Project been a success in the rural areas? It is too early to give a final answer. Only an extended period of experimentation will demonstrate whether a probationary system similar to this one can make a valued contribution to communities willing to make the effort such a program requires. A most important feature is that it has moved a part of criminal correction to the community where the criminal was spawned and nurtured. This is as it should be.

FOOTNOTES

[1] The project was funded by initial grants from the Office of Law Enforcement Assistance, has been supplemented by grants from the Moody Foundation and Hogg Foundation and is presently being funded through the Texas Criminal Justice Council. The project is being administered by the Adult Probation Department of Travis County and The Law School Foundation of the University of Texas.

[2] The term "probation" may mean different things to different people. Indeed, it may mean different things to different judges. Probationary sentences may be considered by the court for a variety of reasons, among such reasons are: (1) a means of surveillance to assist law enforcement officers to keep the proverbial hammer over the head of the probationer; (2) a rehabilitative process to accomplish one of the objectives of the Penal Code "to reform the offender"; (3) an "act of Grace to one convicted of crime"; and (4) a convenient method to "let him off on probation." Probabilities are that most of the bench and bar have participated in more than one of these concepts of probation. Still, the term is used by professionals and the public as though it is understood by all to mean the same thing.

[3] The volunteers were from the Job Corps, Travis County Probation Department, Alcoholics Anonymous and concerned ex-offenders. The judge took no part in these counseling sessions other than to be seen by the persons in attendance. If a probationer was absent without excuse, an order was issued for his immediate arrest. The defaulter was generally held in jail over the weekend. This had a stabilizing effect on the other probationers. There were few defaulters even as the number of participants increased several fold within a few months.

[4] The pre-sentence report is said to be the "keystone to good probation services" and in addition to use by the court and the probation officer in supervision of probationers, a copy of such report may be sent to the Texas Department of Corrections when an offender is committed to that institution. The report contains a social history, character references, a prior criminal record and other backgound materials whereby a rehabilitation program can be implemented at the same time institutionalization begins. Without such materials, the rehabilitation program may be delayed sixty or ninety days until such materials can be gathered by the staff of TDC.

[5] 13 Crime and Delinquency 174 (1967); also a Report by the President's Commission on Law Enforcement and Administration of Justice—Corrections 159.

[6] The attorneys were encouraged to make suggestions and observations for the administration of the project, to comment on philosophy of probation generally and on the mechanics and problems in the use of the pre-sentence report.

[7] American Bar Association Project on Minimum Standards for Criminal Justice—Standards Relating to Sentencing Alternatives and Procedures 208 (hereinafter cited as ABA Standards Sentencing Alternatives).

[8] In this jurisdiction the report is authorized by the Texas Code of Criminal Procedure Annotated, Art. 42.12, Sec. 4.

[9] ABA Standards—Sentencing Alternatives 214.

[10] One of the project goals was to find new effective community resources and additional correctional manpower to meet the growing need in the field of criminal corrections.

H.R. 13055—TO PROVIDE SURVIVORS' BENEFITS TO THE FAMILIES OF POLICE AND FIREMEN KILLED IN THE LINE OF DUTY

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. SYMINGTON. Mr. Speaker, last Friday, January 23, Detective James Boevingloh was killed in the line of duty in University City, which is part of my home district in St. Louis County. Officer Boevingloh, who lived in University City with his wife and three children, was the second police officer in the past 2 months to be killed while on duty in that community.

This incident underscores H.R. 13055, which I cosponsored last year, and which would extend survivors' benefits to the families of all policemen and firemen killed in the line of duty. Under present law, Federal benefits are only provided for the families of officers killed while enforcing Federal law; and the benefits are reduced by amounts received from the local government. H.R. 13055 would provide Federal benefits to policemen and firemen totally disabled, and to the families of those officers killed in the line of duty, whether or not a specific Federal criminal law is violated.

It is my understanding that the administration opposes this legislation, perhaps on budgetary grounds, or because it would operate in the area reserved for local or State responsibility. I would hope the administration would reconsider its position. Nothing has been made more manifest today than the fact that effective law enforcement transcends State and local boundaries. We are a people of great mobility. The criminal who shoots a policeman in St. Louis County may have just arrived from Chicago. Likewise, the would-be victim who is protected by Missouri police or firemen may just be traveling from Los Angeles to New York.

We have had brought home to us that law enforcement and public safety are national problems. When any public safety officer in the land loses his life in the line of duty, he does so in the service of the Nation. Thus, when any law is broken the Nation suffers; when an officer dies upholding it, the Nation grieves. It can express its pride, grief and gratitude by reassuring the bereaved family that this country, which pleads for public safety, is not indifferent to the tragic loss of those who die defending it.

KEEL-LAYING OF THE U.S.S. "CALIFORNIA"

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. HOSMER. Mr. Speaker, as a Californian and a member of the Joint Committee on Atomic Energy, it was my pleasure to attend the keel-laying ceremonies for the Nation's newest nuclear-powered surface ship the U.S.S. *California*, last Friday at Newport News, Va.

We were all especially proud that the U.S.S. *California* will be the first frigate to bear the name of a State. With the recent decommissioning of the U.S.S. *New Jersey* and the demise of the battleship as an active part of our fleet, the frigate becomes the bearer of the State names.

Participating in the ceremonies were three very close friends of mine—our former colleague, Defense Secretary Melvin Laird; the first lady of another colleague, Mrs. Virginia Lipscomb; and Vice Adm. H. G. Rickover, who has done so much for his country in the field of nuclear ships.

I am including in the RECORD the prepared remarks of Secretary Laird and Admiral Rickover, who had the pleasure of introducing Mrs. Lipscomb. Their remarks follow:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD, SECRETARY OF DEFENSE, AT KEEL LAYING CEREMONIES OF THE U.S.S. "CALIFORNIA", NEWPORT NEWS, VA., JANUARY 23, 1970

It is a great pleasure to participate in this historic ceremony.

And it is indeed historic. Because we do much more here today than simply lay the keel of another warship. That act in itself, of course, is always a significant and impressive one.

What we do today is to begin a vitally needed and continuing program. We are building nuclear-powered frigates for the Navy of the 70's, the 80's and the 90's.

The *California* will be the first such ship of seven which have been authorized by the Congress. When speaking of the *California*, we can use the word "class" in two senses, for this ship will have "class," and she will be the first nuclear-powered "class" surface ship. This is an indication of how far we have come in the intricate technology of nuclear marine engineering. She will incorporate in her nearly 600 feet and 10,000 tons all the lessons learned from the worldwide operations of her nuclear-powered predecessors, *Bainbridge*, and *Truxton*. She will also incorporate the engineering knowhow inherited from the seasoned power plants of the Carrier *Enterprise*, the Cruiser *Long Beach*, and several score of successful submarines.

She will be a significant step forward from her elder sisters. The *California* will be equipped with anti-submarine, anti-air, and anti-surface weapons. These will enable her to operate, either independently or in concert with other units, in any or all of those roles.

As an escort to the nuclear aircraft carriers of the present and future, *California* and her successors will greatly extend the range of attack carrier striking forces.

The additional radius of action which *California* and her successors will provide to naval forces will be of great value to the defense of our country and our allies. This is particularly important as we face the inescapable reality of a growing Soviet Navy expanding its seapower around the world. The Soviet Navy is now second in power only to our own.

As we make major reductions in the Defense budget, we must guard against impairing our research and development programs and endangering a ship modernization program that is vitally needed as we face the challenge of the 1970's.

Today's ceremony has historical significance in another sense because of the name of this ship.

As many of you know, the law requires that all U.S. Navy battleships be named for the states of our Union. However, with the recent decommissioning of the *New Jersey*, there is no active battleship in our fleet. The realities of modern naval conflict preclude the building of any more of those great old warriors. As a result, the mantle of the largest surface combatant ships now being constructed—exclusive of aircraft carriers—falls on the nuclear frigate.

And *California* is the first of these to carry the proud name of one of our states.

I think the choice of the name of our most populous state to set this new precedent is especially fortunate. California is the home state of our President. It is also the home state of the gracious lady who will today authenticate the laying of this keel. That lady, Mrs. Glen Lipscomb, is the wife of a great Congressman who deserves the nation's gratitude for his effective advocacy of a strong and efficient defense force.

The choice of the name, *California*, has even more significance. *California* will be the sixth commissioned warship of the U.S. Navy to bear that name since the propeller-driven *California* of a century ago. The last *California*, for twenty years a fleet flagship, recovered from her wounds at Pearl Harbor to earn seven battle stars in the Pacific.

On an occasion like this, recognition is due to many far-sighted people who can see in today's ceremony one fruit of their labors to provide nuclear propulsion to the fleet. Among them are the late Admiral Chester Nimitz, who authorized the start on the *Nautilus;* Vice Admiral Hyman Rickover, the dynamic exponent of nuclear accomplishment in the Navy; Admiral Arleigh Burke, who with Vice Admiral William Raborn, put together the *Polaris* system; and the current Chief of Naval Operations, Admiral Thomas Moorer, who has persuasively acclaimed the advantages of nuclear power in the surface fleet.

I congratulate all those whose varied skills and talents have brought us to the milestone we reach as we lay the keel of this ship—particularly the management and workers of the Newport News Shipbuilding and Drydock Company.

I congratulate the Navy and its able Secretary, John Chafee.

May the new *California* follow in the distinguished tradition of her namesakes. May she proudly take her place in the force that exists so that free men may live in peace.

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INTRODUCTION OF MRS. GLENARD P. LIPSCOMB, LOS ANGELES, CALIF., BY VICE ADM. H. G. RICKOVER, USN, ON THE OCCASION OF THE KEEL LAYING OF THE NUCLEAR FRIGATE CALIFORNIA, AT NEWPORT NEWS SHIPBUILDING AND DRY DOCK COMPANY, NEWPORT NEWS, VA., JANUARY 23, 1970

I have the privilege and pleasure of introducing a most gracious lady from California who has the leading role in the ceremony for which we are assembled.

We are honored by her presence—a woman who has devoted her adult life to being a partner and an helpmeet of one of the great members of our House of Representatives—a patriot, a statesman, a gentleman, a dedicated American: Congressman Glenard P. Lipscomb.

Virginia Lipscomb was born in Binghamton, New York but moved to California as a child. She attended Belmont High School in Los Angeles where she met her husband.

The Lipscomb's have two daughters: Diane, who will assist her mother in the ceremony today, and Joyce who lives in California.

In 1947 Congressman Lipscomb was elected to the California State Legislature where he served until elected to Congress in 1953. As is typical of Congressional wives, Mrs. Lipscomb campaigned actively with her husband and has remained close to his Congressional activities. In addition, she has devoted considerable time to Red Cross work and to the Florence Crittenton Home for unwed mothers of Washington, D.C. She is an active member of the Congressional Club and has served as its Vice President.

Congressman Lipscomb could not be with us today. I cherish his friendship; I know of no finer gentleman. He has the spirit of compassion and understanding; he inspires one. No words can express the energy and the wisdom he has devoted to his country.

Nine consecutive terms in the House speak eloquently of his success. Since 1958 he has served on the powerful House Appropriations Committee which appropriates money to operate the Federal Government. He is ranking Republican Member of its Defense Subcommittee and serves on the Subcommittee handling appropriations for the Departments of State, Justice, Commerce, the Federal Judiciary and related agencies. In addition he is the ranking Minority Member of the Committee on House Administration. He is a Member of the Joint Senate-House Committee on Printing. Since 1959 he has also been Chairman of the California Republican Delegation in Congress.

His success can be measured by his accomplishments and by the high esteem and great affection he holds among his Congressional colleagues. His keen intellect and diligent research have resulted in better programs for America, especially America of the future. His voice is a steady one—a voice of decency, of conservatism, of patriotism. He renders great service to his District, to his State and to the Nation.

It has been my privilege to know him for many years; to know how much he has helped the Naval Nuclear Program. He has had a great impact upon me because of the force of his character, the quality of his mind, his integrity. He is forthright, without guile, outspoken in his convictions, strong in his faith and love of country. He consistently speaks and fights for what he believes to be right. It has been a great comfort to me to be able to go to so fine a man for his help and kindly advice I am grateful that our Congress has a man like Congressman Lipscomb, who has done so much for the United States. It is only through the intense efforts of such men that our form of Government can be preserved.

I have always admired and appreciated his concern and tenderness for his wife—who has contributed so much to his accomplishments.

Ladies and gentlemen, it is with a deep sense of pride that I introduce to you Glenard Lipscomb's lifelong partner, Virginia Lipscomb. She honors the Navy and the State of California by authenticating the keel of this ship which will bear the name of her great state.

THE NATIONAL ASSOCIATION OF LIFE UNDERWRITERS, UNIFYING AND BUILDING OUR NATION

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. GALIFIANAKIS. Mr. Speaker, the National Association of Life Underwriters, headquartered here in Washington, D.C., has a membership of 103,000 life insurance agents, general agents, and managers. It is an effective organization concerned with the well-being of those who own and sell life insurance and with improving the quality of American life.

The elected president of the national association this year is Raymond E. King, Jr., CLU of Charlotte, N.C., who is a general agent for Lincoln National Life Insurance Co., and a civic and political leader in North Carolina. Mr. King is devoting much of his presidential term to addressing life underwriter and business groups throughout the country. He is telling the uses and advantages of life insurance, encouraging the practice of individual thrift and self-reliance, urging the continued professionalism of the life insurance salesman and, perhaps above all, calling on his associates and his business to fulfill the highest responsibilities of good citizenship.

It is most rewarding to note the leadership of the business community, as exemplified by individual life insurance salesmen and the National Association of Life Underwriters, in unifying and building our Nation.

Because there is so much of merit in Mr. King's comments, I take opportunity to place in the CONGRESSIONAL RECORD an extract of an address he recently delivered to the District of Columbia Association of Life Underwriters:

ADDRESS BY RAYMOND E. KING

There is evidence that we in America enjoy the highest standard of living that the world has ever known because of a free competitive economic system, which among other things, makes possible the creative art of selling. Every warehouse and storage bin would soon be filled to capacity were it not for the salesman of America who create a demand and a desire for services and products and bridge the gap between needs and their fulfillment.

It's not the industrial capacity of this nation that makes us great, as important as that is. Absolutely essential is salesmenship that brings products and buyers together in rewarding relationship. I sincerely believe that one of the great differences between the Communist countries of the world and the free enterprise system of America is the fact that the Communist countries have no salesmen and, of course, we have.

We in life insurance are living today in great times, in record selling times. We are lucky that we are part of this tremendous forward thrust in our great and growing business. Naturally, there are frustrations and vexations. We suffer the problems of growth, of inflation, of rapid and complex change. Let us not feel sorry for ourselves. Let's stop criticizing ourselves and each other. Let us stop worrying and wondering what the future holds for our country, our business and our jobs. Instead, let us do something about making it a still better future and tell people what we're doing in a forceful and positive way. Let all segments of this great business join hands and rededicate themselves to unselfish principles that are for the benefit of all people.

Someone said many years ago, I know not whom, "upon the plains of hesitation bleach the bones of countless millions who, when they had victory in their grasp, sat down to wait, and waiting they died." This generation of Americans can not be guilty of bleaching its bones upon the plains of hesitation. A similar responsibility falls on the life insurance business. It must not only fulfill its thrift and security mission, but also take leadership in all things that are for the public good.

We are living today in a changing society. We live in a time of great affluence but of national uneasiness. Because life insurance is a business that is intimately concerned with everything that affects people, we are most definitely involved in the struggle of this generation to adjust to the demands and the tensions of the space age.

We cannot stand on the sidelines any longer in the never-ending struggle to make the promise of America come true for all our citizens regardless of race, religion, or station in life.

We cannot afford longer to stand by indifferently while our great cities decay and our physical environment becomes polluted almost beyond redemption.

In short, with our business and professional progress has come a responsibility of understanding, empathy, and leadership that we must accept in our community. We must accept as leaders in our industry our responsibility to build good products, good men, and a good world. We must work hard, think big, and have a dream.

The involvement of the life insurance industry with the general welfare is graphically illustrated by our concern with the state of the economy and the quality of life in our infected, slum-ridden metropolitan areas. The squalor and degradation of the life of millions who live in slums of our great metropolitan centers demand the attention of our business. The commitment of two billion dollars by our industry to improve housing conditions and create jobs in the problem areas is absolute proof that this great business has recognized its responsibility and is acting accordingly.

We are a country with grave problems; but I feel these problems are no more grave or no greater than they have been many times before in our history. There is much to be confident and reassured about in America if enough of us concern ourselves with purposes and if that concern is deep and compassionate, unsullied by arrogance or hostility to other people or delusions of superiority or notions of greatness.

Critics of the life insurance industry claim that ours was a status-quo industry, resisting changes except those imposed by external forces. But things have really changed during the past 20 years, and particularly in the last decade. Our industry is no longer satisfied simply to adapt to the changes in its environment. Rather, it is actively seeking to shape its own destiny through innovations in management and administrative techniques, new products, and new marketing methods. Above all, it is trying to be relevant and responsible as a corporate citizen.

The truth of the matter is we have changed . . . and are continuing to change. As a consequence, we are one of the great growth industries of the world today. And while we are making these changes, I believe we are fulfilling our commitment to assume a rightful share of responsibility to make this a better world for all people. "Some people measure their lives by days and years, others by heartthrobs, passions, and tears. But the truest measure under the sun is, what in your lifetime for others you've done."

DR. WONG COMES TO WASHINGTON

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. HOSMER. Mr. Speaker, few men who have met him have failed to be impressed with the dynamic personality and enthusiasm of Dr. Chung-ming Wong, the new Director of the Interior Department's Office of Saline Water.

A recent article in Presbyterian Life magazine has captured the spirit of this man. It traces his career from his birth in China through his appointment last year to head up the Nation's desalting program.

I enjoyed reading the article and would like to share it with others by having it inserted in the RECORD. The article follows:

[From Presbyterian Life magazine, Jan. 1, 1970]

DR. WONG COMES TO WASHINGTON

(By Donovan Kelly)

What does a good Presbyterian need to become a good bureaucrat in Washington? There are some political and technical qualifications that help:

For instance, he should be the head of some active political group, such as the ten-thousand-member Professional Citizens for Nixon/Agnew.

He should also be a prominent member of a minority group, preferably one that is not too well represented in Washington, like perhaps the quarter-million Chinese Americans.

If he is going to work in a scientific bureau, such as the Office of Saline Water, he should have an academic background that is adequate enough to impress Congress and to quiet critics. Degrees in mechanical engineering from Purdue, in business administration from Harvard, studies in human relations at the University of California, and a Ph.D. in physics from Columbia University should be more than adequate.

He also should have some administrative experience to go along with his academic background; twenty-five years of such experience would be more than enough, especially if he contributed directly to the success of the Apollo space program.

Finally, he should have a touch of something like charisma that makes people under his command take to him and work hard for him. As proof that he has the touch, he might, for example, have been elected "Best Professor" for four consecutive years at the University of Bridgeport in Connecticut.

All of these qualifications and more Dr. Chung-ming Wong brings to the Office of Saline Water as its new director. The "more" is what strikes the visitor when talking to Dr. Wong.

Dr. Wong might be mistaken for the genial owner-host of a Chinese restaurant; at least he smiles more than one might expect of a bureaucrat. But the people running in and out of his office are undeniably bent on government business. (While I awaited my turn, Dr. Wong himself dashed out several times to give me more of the background material I had already read; he reminded me of the harried mother in a house full of kids, who doesn't hear a youngster protest that he has already been scrubbed three times.) The smile, the nod of greeting, and the friendly solicitousness Dr. Wong expresses tend to give him a veneer of gentleness. But the more he talks, the more steel he reveals.

On his appointment as director of the Office of Saline Water: "I am honored by the assignment and by the great future it offers me. I intend to run this office with an honest and sincere attitude; I must be honest because I don't have a good memory to cover previous lies with more lies."

On his guidelines for his new staff: "If we work together and go forward together happily, and bring forth the best of every individual and the highest degree of cooperation, I promise you that you will win my respect. Please bear in mind as our guideline: 'Do unto others as you like others to do unto you.' "

On temporarily leaving his family behind in California while he came to Washington: "It is God's will and my duty that I serve my country." (When Dr. Wong says "God" in his throaty Chinese way, the word explodes like a German exclamation.) "It was not easy to leave my family, but I needed time to learn my job. I was happy to stay a bachelor for a time, but now, after two months in Washington, I need my family to give strength and to help me meet friends. I need friends very dearly and for this my wife, Irene Kia-Yu, will be an asset."

Once before, and for a much longer time, Dr. Wong knew the loneliness of being separated from his family. Although he is technically a fourth-generation American, his father, Tong Wong (one of the three founders of the Chinatown Presbyterian Church in San Francisco), returned to China to serve in Sun Yat-sen's Republic of China government. Tong Wong eventually became vice-president under Sun Yat-sen, but he gave up his American citizenship in the process. His son was born in Hong Kong forty-nine years ago, a citizen of China.

So it was as a Chinese that Dr. Wong came to the United States in 1947, after he had served as a lieutenant in the air force of Nationalist China. Because the immigration quota was filled, he was forced to leave his wife behind in Shanghai. Two days after he left, their first child, a daughter, was born. Dr. Wong did not see his daughter or his wife for nine long years.

"It was a very hard time," says Dr. Wong. "I kept myself very busy by taking on three full-time jobs—working in industry during the day, teaching three nights a week, and doing all my research on the weekends." Then he adds, with another smile, "Since I neither gamble, smoke, or drink, there was nothing left for me to do but work.

"Finally, with the help of Congress, to whom I am most grateful, I was able to bring my family over." Dr. Wong also expresses gratitude for the host of Presbyterians who helped him during that hard period: they include a missionary couple, the Reverend and Mrs. M. Gardner Tewksbury; and the Reverend Donn D. Moomaw, pastor of Dr. Wong's home church, Bel Air Presbyterian in Los Angeles. ("Mr. Moomaw has a funny name," said Dr. Chung-ming Wong. "Let me check the spelling.")

Despite his varied background, Dr. Wong admits that none of his previous experience specifically involved converting salt water to fresh, the research and engineering function of the Office of Saline Water. "But the desalting process involves nothing more than using heat energy and heat transfer efficiency, subjects I've taught and worked with for twenty-five years."

What may be more important is that his previous jobs taught him how to work with and use his staff people efficiently. "For example, on my aerospace projects we used a system methodology," Dr. Wong explains. "We concentrated our staff and resources on the one or two approaches that looked most promising in solving a particular problem rather than on attempting to investigate a great number of approaches." Using this methodology, Dr. Wong was responsible for the engineering and development of the first American reentry-vehicle heat-shield, a basic step leading to the Apollo moon landings.

Dr. Wong plans to use the same methodology to engineer a breakthrough in the technology of converting saline water to fresh. "I expect to have concrete, practical results in two years rather than in the ten years originally planned. And I am not given to making overoptimistic predictions and promises."

Results couldn't come any too soon for the millions of people who are waiting for a practical method of turning their salty-water supplies into usable fresh water. One survey reports that in the United States alone, 3.5 million people in 1,150 communities use water which is defined as saline, that is, containing a salt concentration of more than one thousand parts per million. The U.S. Public Health Service recommends a maximum of no more than five hundred parts per million. Some hardy people can drink as much as two thousand parts per million, but any concentration over the Public Health Service minimum is harmful to many manufacturing processes and to many crops. Thus a poor-quality, saline water-supply limits the economic growth of many areas of the country and of the world. If desalting technology could be improved to the point where large quantities of desalted water could be produced as cheaply as natural fresh water, then vast areas of the world would get a much-needed boost in their economies.

Seeing more than just dollar signs, President Eisenhower and former Atomic Energy Commission Chairman Lewis L. Strauss envisioned the large-scale desalinization of seawater through the use of atomic energy as the key to peace in the Middle East.

Explaining the Eisenhower-Strauss plan, the late President said: "The purpose of the plan is not only to bring large arid regions into production and to supply useful work for hundreds of thousands of people, but also, we hope, to promote peace in a deeply troubled area of the world through a new cooperative venture among nations. I am optimistic enough to believe that the proposal when implemented—as it is sure to be some day—may very well succeed in bringing stability to a region where endless political negotiations have failed . . . I can think of no scientific success that would equal [the development of atomic desalting technology] in its boon to mankind."

As if improving living standards and helping to maintain peace weren't reasons enough for existence of the Office of Saline Water, there is a third: we may not be running out of water, but we are running out of usable fresh water.

There are about 326 million cubic miles of water on the earth, but somewhat more than 99.4 percent of this vast supply is tied up as salt water and glacier ice. This still leaves a very large supply of fresh water, but it is a limited supply, and one that is not always distributed when and where man wants it. In the United States, demands on this limited supply are increasing at the rate of twenty-five thousand gallons per minute, and pollution has already made much of the natural supply unusable. Without some help from technology, the point will one day be reached when our faucets will run dry.

Desalting saline water is not a new solution to water shortages. Aristotle has owned a patent on a simple and workable distillation process since the fourth century B.C. Where the needs are critical for even small supplies of fresh water, any workable method will still do, no matter how expensive it is. The goal of the Office of Saline Water is to develop economical methods for converting saline water into fresh water—the emphasis is on the economics. To be feasible economically, fresh water made from saline water must cost as little as water from conventional sources.

Since the early 1950s, the cost of desalting seawater has dropped from about five dollars per thousand gallons to one dollar, and the cost of desalting brackish (water with less salt than seawater, though still undrinkable) groundwater to as low as forty cents per thousand gallons. In the next ten years, the cost of desalting seawater should drop to between twenty-five and fifty cents per thousand gallons, about what we are paying now to gather, convey, and distribute water in many of our large cities. Thus the day may be near when desalted water can compete with conventional water supplies.

To bring that day closer, Dr. Wong and his staff of 135, with an annual budget of $25 million, will use system methodology to concentrate on two methods of desalinization.

For desalting large quantities of seawater, they will concentrate on a method that combines heat and flash distillation. Heat distillation is a refinement of Aristotle's basic method of boiling seawater and condensing the steam to produce the pure "distilled water" still used in automobile batteries and steam irons. The Office of Saline Water has improved the efficiency of the heat-distillation process by hooking a chain of distilling units together so that the steam produced in one will heat the incoming seawater in the next. The cold seawater condenses the steam and in turn is heated by the steam. The process is repeated through several units until most of the heat energy added in the first unit is recovered. The process has been further improved by the use of flash distillation. If the pressure in the distilling unit is lowered enough, some of the seawater will boil instantly, or "flash," at a lower temperature than is normal. By progressively reducing the pressures in the chain of distilling units, seawater is made to boil at lower and lower temperatures.

For desalting smaller quantities of the better-quality brackish ground-water, the Office of Saline Water will cóncentrate on improving a method of reverse osmosis. Osmosis is the process by which a semipermeable membrane, such as the skin of plant roots, will admit slightly mineralized water to pass through the membrane on one side but will not allow the mineralized plant juices to flow out the opposite side. Under normal conditions, the membrane allows only a one-way flow of fresh water to the salt-water side, as if there were a pressure pushing the fresh water. In reverse osmosis, pressure is applied to the salt-water side of the membrane and the process is reversed. Fresh water in the salt water is pushed through the membrane, leaving most of the minerals.

"We are going to concentrate on these two methods of desalting," says Dr. Wong, "but we are not going to make the common bureaucratc mistake of just refining what has been done before. Rather, we will tackle research and development projects that private industry finds too risky or too expensive. I'm looking for more than just steady progress; I want quantum jumps."

In the long list of the world's problems, one single item, even a basic necessity such as "enough fresh water of good quality," can easily be overlooked or ignored. But with more and more people demanding more and more fresh water—per capita use of water in the United States increased 15 percent in the first half of this decade alone—and with more people demanding that water from a limited freshwater supply, the problem of freshwater shortages seems likely to become more acute. Dr. Wong appears to be the right man to lead the Office of Saline Water in making the quantum jumps of developing efficient methods of desalting water to slacken the world's growing thirst.

PREVENTIVE DETENTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. HUNGATE. Mr. Speaker, I thought that the following two articles on the subject of preventive detention would be of concern and interest to my colleagues:

[From Trial magazine, December–January 1969–70]

PREVENTIVE DETENTION: SOCIAL THREAT

(By Alan M. Dershowitz)

President Nixon recently proposed that Congress enact a preventive detention statute under which "dangerous hardcore recidivists could be held in temporary pre-trial detention when they have been charged with crime and when their continued pre-trial release presents a continued danger to the community."

The conditions giving rise to this call for preventive detention are not difficult to understand. A person suspected of committing a crime cannot stand trial on the day of his arrest; he must be given time to consult with his lawyer and prepare a defense.

Although this should rarely take more than a few days, the delay between arrest and trial has been growing, until it is now almost as long as two years in some cities and a year in most other cities.

This is the consequence primarily of our unwillingness to pay for needed increases in judicial machinery.

At the same time there has been a growing sensitivity to the plight of the indigent accused, who are unable to raise even modest bail; this is reflected in a 1966 bail reform law which authorizes federal judges to release most defendants without requiring money bail. The net result of bail reform and increased delays in court has been that more criminal defendants spend more time out on the street awaiting their trials than ever before.

This has led to an increase—or at least the appearance of an increase—in the number of crimes committed by some of these defendants between arrest and trial.

And so, in an effort to stem this tide of increasing crime, many political leaders, including as diverse in views as Roman Hruska and Joseph Tydings, have focused their attention on the defendant awaiting trial for the crime he is accused of.

The slogan "crime in the streets" has found its first political victim.

The proponents of preventive detention hope thereby to identify and isolate those defendants awaiting trial who account for, at least in part, the apparently high incidence of serious crime.

The opponents of preventive detention, a heterogeneous group including not only the American Civil Liberties Union but also Senator Ervin of North Carolina, maintain that, under our system of criminal justice,

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which is characterized by "the presumption of innocence," conviction for a past crime is the only legitimate basis for confinement. They are fearful that acceptance of this "novel" approach to crime prevention might be an opening wedge leading to widespread confinement of persons suspected, on the basis of untested predictions, of dangerous propensities.

For example, a recent decision of the United States Court of Appeals for the District of Columbia held a vagrancy statute unconstitutional on the ground that "statistical likelihood" of a particular person's or group's engaging in criminality "is not permissible as an all-out substitute for proof of individual guilt."

But "statistical likelihood"—gross and impersonal as that sounds—is all we ever have, whether we are predicting the future or reconstructing the past. When we establish rules for convicting the guilty, we do not require certainty; we only require that guilt be proved "beyond a reasonable doubt." And that means that we are willing to tolerate the conviction of some innocent suspects in order to assure the confinement of a vastly larger number of guilty criminals.

We insist that the statistical likelihood of guilt be very high: "better ten guilty men go free than one innocent man be wrongly condemned." But we do not—nor could we insist on certainty; to do so would result in immobility.

What difference is there between imprisoning a man for past crimes on the basis of "statistical likelihood" and detaining him to prevent future crimes on the same kind of less-than-certain information?

The important difference may not be so much one of principle, as it is one of degree. The available evidence suggests that our system of determining past guilt results in the erroneous conviction of relatively few innocent people.[1] We really do seem to practice what we preach about preferring the acquittal of guilty men over the conviction of innocent men.

But the indications are that any system of predicting future crimes would result in a vastly larger number of erroneous confinements—that is, confinements of persons predicted to engage in violent crime who would not, in fact, do so.

Indeed, all the experience with predicting violent conduct suggests that in order to spot a significant proportion of future violent criminals, we would have to reverse the traditional maxim of the criminal law and adopt a philosophy that it is "better to confine ten people who would not commit predicted crimes, than to release one who would."

It should not be surprising to learn that predictions of the kind relied upon by the proponents of preventive detention are likely to be unreliable. Predictions of human conduct are difficult to make, for man is a complex entity and the world he inhabits is full of unexpected occurrences.

Predictions of rare human events are even more difficult. And predictions of rare events occurring within a short span of time are the most difficult of all. Acts of violence by persons released while awaiting trial are relatively rare events (though more frequent among certain categories of suspects), and the relevant time span is short. Accordingly, the kind of predictions under consideration begin with heavy odds against their accuracy. A predictor could spot and imprison a large number of persons who would actually commit acts of violence only if he is also willing to imprison a very much larger number of defendants who would not, in fact, engage in violence if released.

This brings me to an obvious fact that is often overlooked in evaluating the accuracy of predictions. In order that the evaluation be fair, there must be information about both sides; we must not only know how many crimes committed by defendants out on bail were prevented; we must also know how many defendants were erroneously imprisoned.

Either of these alone tells you very little. It is no trick at all to spot a very high percentage of defendants who would commit acts of violence while awaiting trial: you simply predict that all or almost all will do so. (Of course, the number of erroneous confinements would be extraordinarily high, but most or all of the crimes would have been prevented.)

Conversely, it is easy to avoid erroneous confinements if that is your only aim: simply predict that few or none of the defendants will engage in violence pending trial. (In that case, you would prevent very few, if any, of the potential crimes, but the number of erroneous confinements would be minimal or non-existent.)

The difficult task is to select a category which includes the largest number of defendants who would commit violent crimes and the smallest possible number who would not. If it were possible to select a category which included all those and only those, who commit such crimes, there would be little problem. But since this is impossible, a choice must be made.

It must be decided how many defendants we should be willing to confine erroneously in order to prevent how many acts of violence. This will in turn depend on the nature of the violence to be prevented and the duration of the contemplated confinement: we should be willing to tolerate fewer erroneous confinements to prevent predicted purse-snatching than predicted murder; and fewer again if the trial is a year off than if it can be over within two weeks of the arrest.

Another reason why predictions of the future are less reliable than reconstructions of the past concerns the processes by which human beings make decisions.

Participants in judicial decisionmaking—lawyers, judges, even jurors—have some sense of what it means to decide whether a specifically charged act probably was or probably was not committed. The participants bring to their decisions some basis for sorting out the relevant from the irrelevant, the believable from the incredible, the significant from the trivial. And this basis—though often rough and intuitive—is far more than the judge is likely to bring to the process of predicting the future.

It is true that all judgments about human events, whether past or future, rest upon a superstructure of assumptions about how people behave; all decision-making requires a theory.

What I am suggesting is that participants in the judicial process are better equipped by their experience to construct and employ theories about what probably occurred in the past than theories about what is likely to occur in the future. Put another way, we are all historians, but few of us are scientists. Perhaps Lewis Carroll's Queen had a "memory" that worked equally well both ways: she remembered "things that happened the week after next" even better than things that happened yesterday. But Alice spoke for most of us when she said that her memory "only works one way . . . I can't remember things before they happen."

The most serious danger inherent in any system of preventive detention is that it always seems to be working well, even when it is performing dismally; this is so because it is the nature of any system of preventive detention to display its meager successes in preventing crime while it hides its frequent errors. This has been demonstrated in other areas where detention rests on predictions of dangerousness. One such area—which I have studied in detail and about which I have written elsewhere[2]—is the confinement of the mentally ill on the basis of psychiatric predictions of injurious conduct.

It has long been assumed that these psychiatric predictions are reasonably accurate; that patients who are diagnosed as dangerous would have engaged in seriously harmful conduct had they not been confined. The accuracy of these predictions has never been systematically tested, since patients predicted to be dangerous are confined and thus do not have the opportunity to demonstrate that they would not have committed the predicted act if they were at liberty.

Accordingly, the psychiatrist almost never learns about his erroneous predictions of violence. But he almost always learns about his erroneous predictions of non-violence—often from newspaper headlines announcing the crime. The fact that the errors of underestimating the possibilities of violence are more visible than errors of overestimating inclines the psychiatrist—whether consciously or unconsciously—to err on the side of confining rather than of releasing. His *modus operandi* becomes: When in doubt, don't let him out.

Recently the accuracy of psychiatric predictions has been called into considerable question. A decision of the United States Supreme Court in 1966, *Baxtrom v. Herald*,[3] resulted in freeing many mentally ill persons predicted to be dangerous. Grave fear was expressed for the safety of the community. But follow-up studies now indicate that the predictions of violence were grossly exaggerated, and that very few of the patients have done what the psychiatrists predicted they would do if released. Similar studies in Baltimore support this end of extreme overprediction.

The same phenomenon is likely to plague efforts to predict violence pending trial if a preventive detention statute is now enacted. Judges, like psychiatrists, will rarely learn about their erroneous predictions of violence; for those defendants, being confined, will not have an opportunity to demonstrate that they would *not* have committed the predicted crime. But every time a judge makes an erroneous prediction of *non*-violence—every time he decides to release someone who then does commit a violent act—he learns about his "mistake" swiftly and dramatically.

Thus, if a statute is enacted authorizing pre-trial preventive detention on the basis of judicial predictions of violence, we will never know how many defendants are being erroneously confined. And as more and more information is accumulated, most of it concerning defendants who were erroneously released, judges will keep expanding the category of defendants to be detained.

There is evidence that this is already being done by some judges today. During its recent hearings, the Senate Subcommittee on Constitutional Rights considered a study of decisions of two trial judges in the District of Columbia on pre-trial release and detention; one judge routinely, if unlawfully, detained all suspects whom he regarded as "bad risks"; the other judge routinely released most suspects. Over the period studied, the "tough" judge detained, about half the defendants who came before him (144 out of 285); while the "lenient" judge detained only about one fifth (46 out of 226). Of those released by the tough judge, twelve were charged with offenses—either felonies or misdemeanors—while awaiting trial; while of those released by the lenient judge, sixteen were accused of such offenses.

In other words, in order to prevent about four more crimes (some of them misdemeanors), the tough judge had to confine almost a hundred more defendants. Moreover, of the 144 persons detained by the tough judge, thirty-six subsequently had their cases dismissed and another "large percentage of them" were acquitted. Most of the

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Footnotes at end of article.

defendants in this latter group were therefore the victims of a compounded legal error: not only did they not commit the predicted crimes; they were not even guilty—so the process determined—of the past crime with which they stood charged.

Now it may be that eventually criteria for confinement can be refined to the point where such errors are minimized. Perhaps the high rate of violent crime by certain categories of released defendants will permit a high degree of crime prevention without too many erroneous confinements. It is claimed, for example, that a very high percentage of defendants charged with armed robbery in the District of Columbia—some place the figure as high as 34%, others as low as 11%—commit new felonies while awaiting trial. But if a statute were to be enacted now authorizing the confinement of all persons awaiting trial who, on the basis of specified criteria, were predicted to commit violent crimes, then the development of such refined criteria would be seriously retarded.

It must never be forgotten that many years of experience administering an untested system will not always increase the accuracy of that system. Many years of experience are often only one year of experience repeated many times. The unknown mistake of the past becomes the foundation for a confident, but erroneous, prediction of the future. This was demonstrated many years ago, in a famous "experiment" conducted by the Harvard psychologist Thorndike, who had a student throw darts repeatedly at a board to test the thesis that aim improves with experience. But he blindfolded the student and never told him when he hit or missed the target. Needless to say, his aim did not improve with "experience." Nor would the accuracy of judicial predictions necessarily improve simply as a result of judges spending more and more years meting out preventive detention without any accurate way to test their predictions.

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The time is not yet ripe for resolving definitively by legislation the dilemma of pretrial preventive detention. We have just begun to understand what the problem is but we do not yet have enough information to know what the optimal solutions are. We have not even tried other—less drastic amelioratives, such as speedier trials, more supervision for released defendants, and perhaps even increased penalties for crimes committed while out on bail.

If such solutions were tried, the problem of crimes committed by released defendants might become a very small one indeed. What must be avoided is a simple solution that freezes knowledge at its existing low state. And this is precisely what would occur if Congress now enacted a statute authorizing confinement of all defendants predicted to commit acts of violence while awaiting trial. What must be encouraged is an approach that is tentative; that continues to gather information; and that is in the nature of an experiment.

What I suggest is that any proposed criteria for confinement be tested to determine how accurate—or inaccurate—they are in predicting violence. This could be done in a number of ways. Judges might be asked to apply the criteria being tested—for example, those in the statute proposed by Senator Tydings[5]—and to predict on the basis of those criteria which defendants awaiting trial would engage in violent crimes. All of the defendants would then be released, even those who the judges think should be detained.

Careful studies should then be conducted to determine how accurate the judges were in their predictions. There is, however, a serious problem with this kind of test. If the judges know that everyone will be released and their actions observed, they might be extremely cautious about predicting violence, more cautious than if they knew that the predicted criminals would be safely confined.

This suggests a variation which would increase the accuracy of the test, but at a substantial cost in human liberty. The judges would again decide who should be detained on the basis of the criteria being tested, but, this time, only some—say half—of those selected for detention would be randomly released and observed. The other half would be detailed. This suggestion is not free of difficulties either, for the status of experimentation under the law is far from clear. But I am confident that a workable and constitutional approach can be devised.[6] Then we can see how many of these defendants would, in fact, fulfill the predictions.

What we learn about our ability to predict may be discouraging to those who advocate preventive detention. But it is far better to know the discouraging truth than to build a house—especially one with bars—on untested assumptions.

Would preventive detention reduce recidivism? The answer is probably "yes"; a system of preventive detention might well reduce recidivism (at least in the short run). But that answer is a misleading half-truth. The cost of any such system—in terms of unnecessary confinement—would be extremely high; too high, in my view, to justify preventive detention.

FOOTNOTES

[1] That there are occasional tragic convictions of innocent men was well documented many years ago in Edwin M. Borchard's *Convicting the Innocent* (Yale, 1932), and more recently in Jerome and Barbara Frank's *Not Guilty* (Gollanez, 1957), but as Borchard observed: there are still "about nine cases of unjust acquittal to one case of unjust conviction . . ." (p. 407). And as Frank warned: "The horrors portrayed in this book, however, should induce no belief that most convicts are guiltless. On the whole our system works fairly and most men in prison are almost surely guilty." (p. 38).

[2] E.g., Dershowitz, "The Psychiatrist's Power in Civil Commitment," *Psychology Today*, (February, 1969), p. 43.

[3] 383 U.S. 107 (1966).

[4] See Rappeport, *The Clinical Evaluation of the Dangerousness of the Mentally Ill* (Thomas, 1967).

[5] Tydings would permit confinement if the defendant is charged with any of the following: (1) armed robbery of a related offense; (2) a felony involving serious bodily harm committed while the defendant was out on bail; (3) a felony involving serious bodily harm where the government alleges that if released he will inflict such harm or pose, because of his prior pattern of conduct, a substantial danger to others or the community.

[6] Perhaps the proposed criteria for confinement could first be tested on records of past cases before they are applied—even experimentally—to live defendants. This could be done by giving to judges the past records of defendants, some of whom did and some of whom did not commit crimes while out on bail; they would then be asked to "predict"—or more accurately, postdict—which defendants fall into which category.

PREVENTIVE DETENTION: PUBLIC SAFEGUARD

(By Jack Landau, Director)

Professor Alan Dershowitz has expressed his opposition to the enactment of a statute "authorizing confinement of all defendants predicted to commit acts of violence while awaiting trial." The principal basis for his opposition is the lack of sufficient information available to judges for such a prediction.

Rather than take what he considers the present unwarranted high risk of detaining defendants who will not, if released, commit such acts of violence, the Professor recommends other solutions: speedier trials, more supervision of defendants on release, and increased penalties for crimes committed on release.

These solutions are all sound, and steps are being taken to effectuate them.

For example, in the District of Columbia, where the Bail Reform Act of 1966 has had its greatest impact, a proposal has been submitted to the Congress for a complete reorganization of the local courts. The proposal calls for (1) a large increase in the number of judges, (2) readjustment of their salaries and tenure, and (3) the most modern administrative techniques to permit the local court system to administer criminal justice more fairly, expeditiously and effectively.

The Administration has also proposed an expansion of the District of Columbia Bail Agency for the express purpose of enabling it to provide more supervision of defendants released prior to trial. Finally the proposed amendments to the Bail Reform Act of 1966 include a provision for increased penalties for crimes committed while on pretrial release.

Assuming no delays caused by court congestion, however, with preliminary motions, hearings, discovery, grand jury presentation, lineups, preparation of transcripts, conducting of scientific tests, assembling of evidence, etc., trials cannot reasonably be expected within less than 30 to 60 days following arrest. The bail agency, even with increased manpower, cannot provide 24-hour per day supervision. The prospect of increased penalties for a crime committed while on pretrial release will deter some, not all.

Thus, even were the other solutions proposed by Professor Dershowitz to become legislative and administrative realities—and absence of court delay is certainly a long way off—society still would be confronted with the prospective pre-trial release of some defendants whom reason, experience, and available but limited data strongly indicate would commit additional serious crimes prior to trial.

It is also important to note, as a practical matter, that a defendant charged by strong evidence with a serious crime for which he is likely to go to jail if convicted, has no interest in a speedy trial within 30 to 60 days as long as he is on pre-trial release. Delay in trial means delay in confinement and also the ever-increasing possibility that the prosecution will lose its witnesses. With the endless number of different kinds of pre-trial motions available, a defendant, who wishes to do, can, with the aid of skilled counsel, easily postpone the trial for months.

Thus the speedy trial panacea advocated by opponents of pre-trial detention is in reality no panacea at all. Viewed in this regard, the proposed amendments to the Bail Act encourage speedy trial by requiring trials of detained defendants within 60 days. Detention beyond 60 days is permitted only if caused by the defendant. The onus of delay and continued pre-trial detention, accordingly, is placed squarely on the defendant, where it rightfully belongs.

Nor is it adequate to try to implement the professor's solutions and, as he suggests, at the same time conduct studies to obtain "refined criteria" which will enable judges to predict with scientific accuracy propensities for criminal activity. First, the crime problem now is too acute to permit delay, and second, the information necessary for the development of such "refined criteria" is not available now, nor will it be available in the foreseeable future.

Professor Dershowitz incorrectly tends to equate rearrest while on pre-trial release with commission of crime on such release. This ignores the unfortunate reality of crime control.

Recent surveys demonstrate that only about 50% of serious crime is reported to the police. Furthermore, for the major crimes included in the FBI Crime Index, the police in Washington, D.C., make arrests in under 20%, a figure commensurate with arrest rates in other large cities. Thus, police make arrests in less than 10% of committed crime; those who commit crime on bail are rarely apprehended. This low arrest rate forecloses the possibility of precise documentation of crime by specified individuals on pre-trial release and also the consequent development of scientifically refined criteria, since the identity of those responsible for over 90% of committed crime, including those on pretrial release, remains unknown.

Moreover, a study of the characteristics (assuming they exist) of those rearrested while on pre-trial release is likely to produce misleading or completely inaccurate predictive criteria, particularly if the study assumes that those rearrested are the most dangerous. It may well be that many of those not rearrested are actually more dangerous but smart enough not to get caught.

With such a low arrest rate of 10%, there simply is no way of knowing whether those rearrested after pre-trial release, who would have to be the prime subjects of any study, are truly representative of the class of arrested.

The impossibility of developing statistical evidence which permits predictability with precise mathematical accuracy leaves only two options: either release all defendants prior to trial no matter how clearly dangerous, or detain the most dangerous defendants, as is the practice in the law, on the insight and experience of trial judges applying appropriate, relevant statutory guidelines. The Administration has chosen the latter.

The proposed bail amendment for pre-trial detention does not thrust upon the courts a responsibility for predicting future conduct not heretofore exercised. Courts have regularly predicted the dangerousness or likelihood of flight of all defendants charged with capital crimes in setting conditions of release, some of which purposefully resulted in detention. Indeed when the Bill of Rights was ratified, most violent felonies were capital crimes and therefore detention of defendants charged with such crimes was routinely allowed.

Even today, courts in ostensibly considering likelihood of flight, *sub rosa* consider dangerousness, and in setting conditions of release which defendants cannot meet do so without the procedural safeguards provided for in the proposed amendments, amendments which face the issue of dangerousness squarely and openly. Courts have also committed to institutions on grounds of dangerousness the mentally ill sexual psychopaths, and narcotics addicts, among others.

Never have they had statistical evidence to guide them and rarely, if ever, have they had a statute which imposes on them as strict a set of procedural and substantive guidelines as the Administration's proposed statute permitting pre-trial detention.

It is this strict set of guidelines which should control what Professor Dershowiz fears would be the tendency of judges to detain more defendants than necessary to protect themselves against the adverse publicity from crimes solved by the arrest of persons released on bail. For, even granting the existence of such a tendency, the specific findings required by the proposed bill before a judge can order detention, together with supporting reasons, reviewable on appeal, should prevent unwarranted detention.

To support his expectation of the tendency, Professor Dershowitz argues that psychiatrists have in the past diagnosed as dangerous and committed many more mentally ill persons than necessary to protect themselves from similar adverse publicity. It must be recognized that, notwithstanding the absence of evidence, some mentally ill should be held as dangerous.

In the same vein, some defendants in criminal cases should be confined prior to trial and the Administration's proposed legislation contains procedural safeguards to limit such detention to those whose release would expose society to an unwarranted high risk of serious violent crime.

Contrary to the fear of Professor Dershowitz, the proposed bill does not apply to all defendants in criminal cases but only to those defendants charged with serious violent felonies: (1) narcotics addicts, or (2) those previously convicted of a violent felony or on bail for a serious violent felony or charged with crimes such as robbery and rape, which by their very nature are not likely to be one-shot affairs.

Moreover, before a judge can detain such a defendant for a period not to exceed 60 days, he must make two additional findings.

First, he must conclude that no other available condition of release—including all those but money bond available under the Bail Reform Act of 1966—will reasonably assure the safety of the community. In other words, pre-trial detention is plainly a remedy of absolute last resort.

Second, he must find at a hearing at which the defendant is present and represented by counsel, a substantial probability that the defendant committed the crime charged—a provision designed both to eliminate so far as possible the detention of the innocent and to provide a firm basis for a finding of continuing dangerousness. (There is no more reliable evidence of future criminal dangerousness than a dangerous felony committed in the immediate past.)

And as a further safeguard, the courts are required to give reasons for their conclusions.

Obviously pre-trial detention of such a limited number of defendants will not afford a cure-all for the present intolerable crime rate. Nor, as explained above, does the Administration consider it as such. Rather, it is one of many reasonable steps which, together with the other solutions recommended by Professor Dershowitz, society can and should take in its attempt to protect itself from the incursions of crime.

TED KACZMAREK AWARDED ARMY MEDAL IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Theodore Kaczmarek, a fine young man from Maryland, was recently awarded the Army Commendation Medal for meritorious duty in Vietnam. I wish to commend his courage by including the following article in the Record:

Ted Kaczmarek Awared Army Medal in Vietnam

Specialist 4 Theodore Kaczmarek, son of Mr. & Mrs. Ralph Poland of 1617 Four Georges Court, has been awarded the Army Commendation Medal by the secretary of the Army for meritorious duty in Vietnam.

Kaczmarek, now 19, is a graduate of Patterson Park High School & he was employed at Eastern Stainless Steel Co. before entering the Army in 1967.

A member of the 1st Battalion, First Infantry Division, Kaczmarek's citation read in part:

"He distinguished himself by exceptionally meritorious service in support of Allied counter-insurgency. He astutely surmounted extremely adverse conditions to obtain consistently superior results."

ABOLITION OF PRIVATE SCHOOLS?

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. COLMER. Mr. Speaker, the people of my State, as well as the people of many other States, are very much concerned, saddened, and sometimes downright angered about the acts of the Congress and the decisions of the Supreme Court in the matter of dealing with their most precious possessions—their children. While many acts of regimentation of their lives have been sources of irritation, nothing has concerned the parents of our children as has the extent to which the Congress and the courts have gone in dealing with their children. I think I can truthfully state that both the white parents as well as the black ones in many instances strongly resent the arbitrary and cruel action that has been taken in forcing the integration of children in our public schools.

Of course, one of the most objectionable directives has been to require the busing of their children great distances from their neighborhood schools to some other school across town—in some instances, up to 4 or 5 miles—to insure that the schools are thoroughly integrated. Again, it is difficult for them to understand, as it is for me, why, under our form of government, a child or parent is not permitted to choose their own school under the freedom-of-choice formula. One wonders whether the liberties of the people under our muchly prized form of government are to be completely destroyed and where it will all end. Mr. Speaker, witness the action of an Oklahoma Federal judge threatening to jail a 14-year-old boy because he refuses to attend a certain integrated junior high school, even though his parents were responsible for his actions.

In this connection, the courts now seem to be headed toward the abolition of private schools. Certainly, this is the implication of a decision by three Federal judges here in Washington who rendered a decision denying tax exemptions to certain private schools in Mississippi.

Columnist James J. Kilpatrick has written a very interesting and, I think, a very proper article on this subject which appeared in the January 20, 1970, issue of the Evening Star. I hope that not only will the three judges who rendered this decision, but the Supreme Court itself, read Mr. Kilpatrick's article and answer for themselves the questions that he raises. I certainly agree with him that action must be taken to undo this ruling.

Mr. Kilpatrick's article follows.

Congress Must Undo Private-Schools Ruling

(By James J. Kilpatrick)

The decision by three federal judges here in Washington, denying tax exemption to certain private schools in Mississippi, comes as one more intolerable judicial usurpation of power. The action cannot be condoned; and it must be swiftly undone by the Congress.

The law could not be more clear. Under

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Section 501(c)(3) of the Tax Code, a nonprofit organization is exempt from federal taxes if it is organized and operated exclusively for religious, charitable, scientific, literary "or educational" purposes, provided only that it stays out of lobbying and politics. Roughly 50,000 such institutions have qualified formally for the cumulative list of exempt organizations maintained by the Internal Revenue Service.

These exempt organizations include institutions that are all black, all white, all Christian, and all Jew. Until the moment of this autocratic court decree, the act of Congress prevailed: It was necessary to ask only if the institution in question met the requirements of law. If so, it qualified automatically, and gifts to such institutions became deductible in computing one's income tax.

The effect of last week's injunction is to elevate the whims, caprices and obsessions of federal judges to a level never contemplated under our form of government. If a drastic change were to be made in the interpretation of Section 501 (c) (3), such a change might first be the prerogative of the commissioner of Internal Revenue. No commissioner ever has sought such power. More precisely, such a change involves a profound question of legislative policy: It is the business of Congress. And in its recent comprehensive revisions of the Tax Code, Congress made no move whatever to limit tax exemptions to racially integrated institutions only.

Why did the three judges rule as they did? I do not challenge their sincerity, integrity or competence. Doubtless they felt they were following dutifully upon the obsessions of their masters, the Supreme Court of the United States. The high court repeatedly has commanded integration now, integration everywhere, integration without regard to law, common sense, or the Constitution.

Make no mistake: This profoundly complex question of public affairs has come fully under the sway of a judicial oligarchy. It might be possible, through ordinary political processes, to remove or to reverse a commissioner of Internal Revenue. It still is possible to elect a House and Senate that will insist upon a "Whitten amendment" positively to prohibit the busing of pupils and the closing of schools under the Civil Rights Act. But the judges are unreachable.

In a free country, it ought to be possible for parents in Mississippi, or anywhere else, to set up any kind of educational institutions they please, and to be entitled to the same privileges, immunities, and benefits of all other parents. If they choose to educate their children in factories, Sunday schools, private homes, or pup tents, subject merely to the general police powers of the state, this is—or was—their right.

No longer. Last week's decree was deliberately punitive, deliberately calculated to achieve a certain sociological end regarded by the judges as desirable. The decree, to repeat, is part of a pattern. In Atlanta, parents by the thousands have petitioned the judges for relief from arbitrary action. In Oklahoma City, a federal judge has threatened to jail a 14-year-old boy and his parents if the boy refuses to attend a certain integrated junior high. The high court itself, in royal disdain for practical problems of the real world, last week insisted on a Feb. 1 deadline for the integration of 300,000 children in five Deep South states.

It is just as Plato said. "The people always have some champion whom they set over them and nurse into greatness. . . . This and no other is the root from which a tyrant springs; when he first appears, he is a protector." So with the high court. An acquiescent people, having surrendered their liberties to the judges in what seemed a good cause, have watered the roots. We harvest tyranny now.

STATE OF THE UNION MESSAGE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. QUILLEN. Mr. Speaker, not enough has been said about the President's state of the Union address of last Thursday.

Many in the Congress had high praise for the President's speech and rightly so.

Now we find that praise echoed in the press throughout the Nation. Typical of the editorials lauding the President is the one from the Nashville Banner:

[From the Nashville Banner, Jan. 23, 1970]

STATE OF THE UNION MESSAGE WAS NIXON AT HIS BEST

A President "must lead," said Richard M. Nixon during the 1968 campaign. The Presidency, he added, "is a place where priorities are set and goals established. A President must tell the people what cannot be done immediately as well as what can be done."

He did that yesterday. It was his first State of the Union address as such—having made no such inventory at the outset of his term, and electing to base it on the year in office just concluded; with the pattern of events clarified by closer acquaintance, and legislative requirements charted with this precise orientation in mind as a prime objective. In terms of accounting he touched all bases.

That the President knows the subject and deals in facts is evident to any who has watched his press conferences—noting frank and factual answers to pertinent questions. With equal frankness and informed judgment, processing pertinent disclosures and recommendations on the broad field of domestic and foreign policy distilled into yesterday's message, he lived up to the standards of a Chief Executive with trust in the people keeping faith with the people.

He does not sugar-coat bitter facts such as policy frustration, business unfinished—and objectives not quite achieved. Neither does he seek to exaggerate missions accomplished. As a Chief Executive sensitive to the necessity of team work, he does not berate, accuse, and recriminate. His references to congressional footdragging, or to legislative excesses in some cases, were a reminder of mutual responsibility in areas of national interest where that interest assuredly outweighs considerations of partisanship.

The President is not on the defensive respecting the problems candidly surveyed—the bulk of those problems, foreign and domestic, inherited with no solution a year ago in sight. He has come to grips with most of them, as in the case of his administration's war on crime; and, as another notable case, the steps taken by realistic address on taxes and spending, to reverse the ruinous course of government-induced inflation. He spelled that out in terms of red ink in the added amount of $47 billion incurred by predecessors in the '60s.

He has not hesitated to confront realistically the problems, multifold, of air and stream pollution—an outline, studiously determined, of what can be done toward improving the environment. It was a recognition that there is no miracle in sight to undo overnight the damages of decades; but it also stressed the essential of an intelligent start.

To finance adequately the war on crime, and to provide the facilities for cleansing the environment, he advocated enlarged appropriations.

The setting of priorities is essential, too—to establish not only the order of importance, but the order of call on resources for these several programs. One other thing distinguishes Richard M. Nixon from his immediate predecessors. Though he knows that the matters thus faced as responsibilities DO entail expenditures, he also knows that Treasury outpourings are not in themselves an answer to everything. As a matter of fact, he is well aware that the fiscal irresponsibility of the latter aberration has through the years vastly compounded the nation's most devastating present threat. Thus it is that he has admonished again of the urgent necessity to fight inflation by getting and keeping the public budget under control.

For that he has supplied initiative—and leadership; backed with veto powers on excessive spending for use if necessary.

On the cherished objective of world peace he also stressed the mutual responsibility.

"I would be the last to suggest that the road to peace is not difficult and dangerous, but I believe our new policies have contributed to the prospect that America may have the best chance since World War II to enjoy a generation of uninterrupted peace. That chance will be enormously increased if we continue to have a relationship between Congress and the Executive in which, despite differences in detail, where the security of America and the peace of mankind are concerned, we act not as Republicans or Democrats—but as Americans."

In three domestic areas he called for legislative priorities:

"We cannot delay longer in accomplishing a total reform of our welfare system. When a system penalizes work, breaks up homes and robs recipients of dignity, there is no alternative to abolishing that system and adopting in its place the program of income support, job training and work incentives which I recommended to Congress last year.

"The time has come to assess and reform all of our institutions of government at the federal, state and local level. It is time for a new federalism, in which, after 190 years of power flowing from the people and local and state governments to Washington, it will begin to flow from Washington back to the states and to the people.

"We must adopt reforms which will expand the range of opportunities for all Americans. We can fulfill the American dream only when each person has a fair chance to fulfill his own dreams. This means equal voting rights, equal employment opportunity and new opportunities for expanded ownership. In order to be secure in their human rights, people need access to property rights."

Thus did the Chief Executive address himself to the life and welfare of every citizen, irrespective of race, creed or color; pledging enlightened efforts for national progress, peace and prosperity, not only for the year but for the decade ahead.

It was a State of the Union message ranking with the greatest of state papers.

It was President Richard M. Nixon at his best.

WORD OF ENCOURAGEMENT FROM GRATEFUL CONSTITUENTS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. DEVINE. Mr. Speaker, occasionally the Members receive a word of encouragement from grateful constituents,

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and this week such an expression crossed my desk.

I cannot identify the author of the following; however, I would urge all Members to read it, and, indeed adopt the philosophy:

> The world today needs men who believe that this is a good world and who will work to make it a better one; men to whom honesty is not a policy but their normal state of being; whose consciences respond to right and truth with the steadiness of the needle to the pole; men who have the courage of their convictions and dare to proclaim them though the heavens totter and the earth yawns; men who prefer honor to wealth, truth to sophistry, kindness to covetousness, modesty to vaingloriousness, service to recognition, humility to grandeur, usefulness to reward, men who know their places and fill them; who have found their business in life and attend to it; who neither lie, shirk, dodge nor meddle; who have a definite aim, go straight for it, master details, and treat failures as stepping-stones to success; men who dare to think for themselves, to drink out of their own wells and to eat their own sweet bread earned by the toil of willing hands and brains; men who surrounded by barnacles, bores, busybodies, croakers, fanatics, knaves, pests, triflers and wiseacres, manage to maintain faith in God, in the high destiny of the human race, and an indestructible sense of humor.

Further, Mr. Speaker, in the same vein, Josiah Gilbert Holland is credited with "God Give Us Men," as follows:

God Give Us Men!

(By Josiah Gilbert Holland)

God give us men! A time like this demands
  Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
  Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
  Men who have honor; men who will not lie;
Men who can stand before a demagogue
  And damn his treacherous flatteries without winking!
Tall men, sun-crowned, who live about the fog
  In public duty, and in private thinking;
For while the rabble, with their thumb-worn creeds
  Their large professions and their little deeds,
Mingle in selfish strife, lo! Freedom weeps,
  Wrong rules the land and waiting Justice sleeps.

COURAGE DESPITE CANCER

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. NICHOLS. Mr. Speaker, every Member of this House has, I am certain, been touched with the brave and courageous way a resident of his district has fought against some crippling disease. I experienced this recently when the football coach at a high school in Wadley, Ala., lost his fight against cancer. While I did not know Carter Mays personally, I found the story of how he carried on his duties to the very end most inspiring, and I would like to share it with my colleagues:

[From the Birmingham News, Jan. 15, 1970]

Cancer Claims Carter Mays: Wadley Says a Sad Goodbye to Courageous Football Coach

(By Ben Cook)

Wadley.—It was a quiet, football-type day in Wadley, Ala., Wednesday afternoon.

The clear blue sky capped a brilliant sunny afternoon that saw traces of last week's freeze melting slowly into eternity.

Down around city hall a few people shuffled about the sidewalks of this sleepy little Alabama town that sits so quietly on the side of Highway 77, just 46 miles south of Talladega.

But Wadley was quieter than usual this beautiful January day. For that afternoon, Carter Mays, one of the town's most beloved citizens was laid to rest on a little hillside only a few hundred yards from the football field and school that he loved so deeply.

Cancer was the culprit and the townfolk of Wadley felt the greatest sorrow and loss.

The First Baptist Church overflowed with those who came to pay lasting, not last, respects. The service was presided over by Rev. John Christian, a man who at times, drove the team bus for the Carter Mays-coached Wadley Bulldogs football team.

The active pallbearers were six of the Wadley football players and honorary pallbearers included the entire team and the present day coaching staff.

Mays, a graduate of Jacksonville State University, came to Wadley courting in 1963 and wound up not only with a wife but a coaching job. He became head basketball coach and assistant football coach after only one meeting with Wadley principal W. Z. Hassell.

After only a year and a half he left for a coaching job in Georgia before returning to Alabama to coach in the Sand Mountain area.

"Then one night he called me and wanted to come back to Wadley," remembered Hassell Wednesday afternoon. "I rehired him on the phone.

"Carter picked up where he left off," he continued. "He was a strict disciplinarian both in the classroom and on the football field.

"He could get by with it," Hassell said, "because kids liked him and they sensed that he was trying to help them."

This time, however, Mays was the head football coach. His first year the Bulldogs posted an average 4–4–0 season but better things were coming for the football team.

Then in June of 1968 while serving as a pallbearer in a relative's funeral, Carter felt a sting on the bottom of his foot and, after a checkup a few days later, the doctor cut into what he thought was an ordinary tumor. It wasn't.

It was discovered that Carter Mays had cancer and his left leg was amputated.

But he was back on the job for pre-season football in July coaching on crutches with the help of his newly hired assistant, Mike Langley.

He spent the 1968 season on crutches while leading Wadley to an 8–1 record. He conducted spring practice in 1969 before discovering just after the school year that the cancer doctors thought they had controlled had spread throughout his body.

"He was terribly sick," Hassell said. "But he never gave up hope. We put him on sick leave at the beginning of the last school year but after 14 days we had to dismiss him and hire Langley as the head coach."

But Carter Mays was not to miss a Wadley football game. An ambulance brought him to every game and he sat in his wheelchair and watched the Bulldogs continue to win in the tradition he had set forth one year earlier.

"He sort of gave us inspiration to play harder," said halfback Craig Elliot, a senior who spent two years under coach Mays.

"I remember once against Reeltown I was not sure about which defense to call so I looked over to him and he would always shout out and let me know."

Carter Mays watched his last Wadley football game from the ambulance, too weak to even sit in his wheelchair. Monday he died at the age of 30 ending a long and courageous struggle.

Wednesday the town of Wadley took time out to say goodbye to one of its biggest supporters and dearest friends.

His wife Millie, his three-and-a-half year old daughter Salina, and almost the entire Wadley population of 400 attended the service in the First Baptist Church.

He had asked to be buried near the school and so, as the late afternoon sun sank behind the deserted Wadley football field just a few hundred yards away, Carter Mays was buried in the little graveyard that overlooks Wadley High School.

The townpeople finally drifted off into the evening and Wadley settled down to another wintry night.

But none would ever forget this still, quiet Wednesday afternoon.

A day when the entire town combined saying thanks with saying goodbye near the football field, where the only sound was the quiet of many memories.

PEANUTS

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. O'NEAL of Georgia. Mr. Speaker, since only 16 Members of Congress represent districts in which peanuts are grown, there is much misunderstanding about this valuable commodity which is the basis of the country's most popular sandwich.

There are many Members, for instance, who think peanuts grow on trees. Even those who know that they are not really nuts but legumes, which grow underground, still labor under the misconception that they form on the roots of the plant, like a potato or tuber.

The peanut story is interesting. It is especially well told in the latest issue of Oklahoma Today, in an article by Melba Daniel.

With apologies to my Oklahoma colleagues for "stealing" it so that it might be shared with all readers of the Congessional Record, I offer it at this time:

The Peanut Vendor

If your concept of the peanut vendor is the classic one of a mustachioed man colorfully garbed, wearing a pointed hat, with a grind organ and a monkey on a leash, you'd never recognize him. For this fellow may be driving a pick-up truck. He may be wearing western jeans and a broad brimmed sombrero or drillers boots.

When he gets out of the pick-up, he carries no leash, but he may be carrying a rope with which to secure his irrigation hook-up to the truck for he must tow that monster apparatus to its next location where it will spray its liquid sunshine over another several acres.

Or you might see him delivering his crop to Anadarko, Holdenville or Wetumka. This

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fellow is the real peanut vendor and he sells more peanuts in one season than the man with the monkey sold in his entire life.

There are some 7,000 such men in Oklahoma and they move into the production line-up, following closely behind wheat and cotton, occupying third place in total cash income of all crops produced in Oklahoma. Farming has never offered men guaranteed riches. There is always a considerable element of risk, but with an increase of 10,000 tons over the record crop of 1967, the value of the 1968 peanut crop was placed at more than 26.5 million dollars.

Used to be that anything low in price or insignificant was bought for "peanuts." But those days are gone forever. Peanuts are big business today—big business and big cash In the past decade, they have nearly doubled in sales as a cash crop. Peanuts produce the highest gross income per acre of any field crop grown in Oklahoma and Oklahoma ranks sixth in peanut acres in the nation. The peanut farmer occupies this position in the market by design, not accident. Take a look at the image of today's Oklahoma peanut farmer. He is an educated, responsible man who actually spends from sixty to eighty hours a week in the field during planting and harvest. He keeps abreast of current developments, attends meetings, demonstrations, field days and reads articles on peanut production. He studies the soil, and sinks his savings into the ground.

After he has harvested his crop, he does not go into hibernation until spring. He plants cover crops of rye, vetch or wheat to build organic matter and protect his land from erosion. He checks and repairs his equipment, has his soil tested and remedies any faults, and makes arrangements for planting seed. He prepares the soil with fertilizers, with chemicals to control weeds and insects, mixing some into the soil before planting and some he sprays on from airplane, helicopter or tractor.

Ideally planted in sandy soil, peanuts grow where water flows and irrigation is becoming more popular every year. Having planted between May 20 and June 4, the grower usually starts irrigating about July 15 and continues until the middle of September. His water comes from creeks, flood control structures, farm ponds and wells.

There is more than one way of irrigating. Many still use pipes they move by hand but many are changing to the wheel move, a labor saving system. It has a motor and rolls from one area to another without the farmer having to move joints. The peanut plant uses about one-fourth inch of water a day and he tries to cover each area every seven days.

The peanut (hypogaea arachis) is not a nut but a relative of the bean and pea. The plant bears many small yellow blossoms which look like tiny butterflies. They wilt, angle down into the earth like geometric figures, and develop pegs of ovaries. The peanuts evolve on these and are formed underground.

These little goobers got their start a lot farther south than Dixie. When the Spanish reached South America in the early days of Conquest, they discovered peanuts. They shipped some home with the rest of their loot and later carried good supplies when they went raiding in Africa. There the sturdy little globe-trotters flourished, finally coming to the New World as one of the staple foods served on slave ships. Goobers? That's "ground nuts" in African.

George Washington Carver, in his agricultural revolution, made more than 300 products from peanuts. Peanuts traditionally have been used for nibbling, by everyone. They are fed to pigeons by old men, nibbled at the ball park, in peanut butter by boys and girls, etc.

Peanuts contain no cholesterol but comprise as much muscle building protein as an equal amount of good cooked hamburger or cheddar cheese, seven times as much protein as milk, twice as much as the same weight of cottage cheese or fresh eggs. About two-thirds of the peanuts produced are used in edible products—chiefly peanut butter, candy, salted or roasted in the shell, served in various dishes at school lunch programs and ground into meal.

The remaining third is first crushed for the rich oil. The peanut contains more edible oil per ton than any other commercially grown crop. The uses for this oil include salad oils, dressings, margarine, vegetable shortening, and for packing fish. Low grades of the oil are used for making everything from machine oil to soap, cosmetics and even nitroglycerine. After the oil has been removed, the solids that remain are processed to make glue and textile fiber. Nothing of the peanut is wasted. The remaining residue is moistened and baked into peanut "cakes." These "cakes" make a valuable fertilizer, and cattle food. Even the shells are ground and used for making plastics and soil conditioners. Farmers use the peanut vines, shells, and the thin skins to feed their stocks. An acre of peanut plants yields about a ton of hay.

The peanut's versatility shows up even in the pharmaceutical world. Researchers report that flu vaccine which gives immunity for only one season may soon be replaced by a vaccine containing refined peanut oil that appears to provide protection for several years. The Merck Institute for Therapeutic Research has been testing this theory for seven years and is now seeking a license to make it available commercially.

Probably more All-American than apple pie, peanut butter outranks all other spreads as the favorite sandwich "fixings" for children. Although peanuts had been ground and mixed with honey or cocoa in South America for centuries, peanut butter as a North American food was apparently invented independently in 1890, by a St. Louis physician seeking an easily digested, high-protein food for some of his patients. Friends and relatives of the patients found they liked the new "health food" so well that by the early 1920's it had become a staple food throughout the nation. Now nearly one-fourth of all peanut butter is made from peanuts grown by Oklahoma farmers.

There was a time—and not so long ago either—when a peanut farmer was just another farmer, and cultivation was the crude "dig, polestack and thrash" method. That's all changed, but he still has his problems. Life would be much simpler if he could forecast the weather and had x-ray eyes. It is important that the peanut plant be in the ground long enough to permit maximum yields to be reached through proper maturity before the fall frost. Peanuts continue to produce until stopped by the fall freeze, therefore, the longer the farmer can wait to harvest, the greater his yield.

Careful attention must be given to each part of the harvesting and drying process to prevent deterioration of quality. Today, a peanut digger, with flat-running blades clips the tap root just below the pod zone, lifts the peanuts from the ground and drops them in the row—digging, shaking and placing in windrows all in one operation. The inverter digger even drops them with the peanuts in an upright position. The peanuts dry in the windrow two or three days, then a combine picks the nuts off the vine, discards the vine (to be later baled for hay) and drops the peanuts in a bin. When the bin is full, it dumps them into a truck.

They are then hauled to a warehouse, where with more shaking and blowing the peanuts are cleaned and dried in carefully controlled conditions. There are a number of on-farm dryers, but the bulk of artificial drying is done by commercial dryers. When the peanuts are dry, a monstrous machine hovers over each load and plunges its long arm down into them, taking random samples for grading.

It takes money, equipment, and technical know-how to grow peanuts profitably. It is estimated that the total cost of raising 25.5 acres of peanuts is $2,682.75, not counting the necessary equipment. Important peanut research is being carried on at research stations located near Fort Cobb, at Oklahoma State University, and the University of Tulsa.

The lowly goober pea which spends its growing life underground, finally meeting the light of day when it is harvested, receives the attention it so richly deserves at annual festivals honoring the peanut and the peanut farmer. Caddo County, Bryan County, and Hughes County all have annual peanut festivals and an annual Farmer's Field Day is sponsored in Madill.

The peanut vendor with the monkey had a decided nostalgic charm. Unfortunately he is disappearing, being replaced by vending machines. The Oklahoma Peanut Vendor, too, has outlived old-fashioned farming methods. He is a fascinating example of the resourcefulness that characterizes modern-day farming.

SAD PERFORMANCE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. HELSTOSKI. Mr. Speaker, the House of Representatives has accepted the specious veto message dangled before it by the President in regard to the HEW appropriations bill. It was a sad performance on the part of the House.

Talking in platitudes, as is usual with the President, he shouted to the four corners of the Nation that the appropriations bill adopted by the Congress was inflationary. His laments about inflation are not unusual for him.

He just talks and talks and does nothing meaningful about inflation. In fact, during his administration we have seen inflation grow, grow, and grow. He wanted to cut Government spending to help brake inflation. The Congress agreed and went along with him by reducing his budget for the current fiscal year by $5.6 billion.

In so doing, Congress restructured his budget by cutting expenditures in areas where cuts could best be borne. At the same time, it upped his requests for education and health by about 6 percent. All thinking people must agree that the Federal Government cannot be cheap or picayune about the education and health of our people. Even the President on occasion has clearly stated these are areas of Federal spending that we cannot afford to use the meat-ax approach on if many of the Nation's ills are to be corrected and cured.

So, in vetoing the necessary appropriations for education and health the President used the meat-ax approach under the guise of fighting inflation. Once again the President has reversed his field. We all know that is not unusual for him.

But more important than his reversal is the fact that the President is not fighting inflation or cutting Government expenditures by his veto. He is just shifting the scenery.

Programs of education and health will be carried out by the States and municipalities without the Federal Government paying its fair share of the costs. Because of the Presidential veto, and the action of the House in sustaining it, the States and municipalities will be forced to dig deeper and deeper into the pockets of those they tax through the means available to them; and, in New Jersey, the great burden will fall on the already overburdened property taxpayers.

Through his veto the President has not taken a step to fight inflation. He is just shifting the costs from the Federal Government to State and local governments and virtually requesting them to put bigger tax bites on their people.

The American people have been given a fast shuffle by the President as he desperately tries to head off criticism because of his failure to halt or even brake inflation.

A BILL TO AMEND PUBLIC LAWS 815 AND 874

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. MARTIN. Mr. Speaker, I am today reintroducing a bill I first introduced in September of 1963 and again in January 1966 which would amend Public Laws 815 and 874 in order to bring them more in line with their original purpose.

I went back and researched the history of this program very carefully and have studied all of the hearings since the initial one in 1950. Proposed amendments to this legislation have been recommended at various times by Commissioners of Education who have served under both Republican and Democratic Presidents in testifying before the House Education and Labor Committee.

These laws had their genesis in late 1949 and early 1950 when the Subcommittee on Education of the House Education and Labor Committee conducted extensive hearings all across the country, the printed record of which extends to some 2,400 pages. In the report of that committee, it was stated that—

> Federal assistance as called for in these recommendations is restricted to meeting the Federal responsibility only in these affected school districts; it is not intended to provide assistance that would be available under proposals for general Federal aid.

Over the years since 1950, however, due largely to various amendments, the program has become a kind of general aid to education, "under a poor formula" as one authority put it. While I would be opposed to a Federal program of general aid to education on principle, if we are to have such a program it should be drawn up, introduced, and debated on its own merits. It should not be foisted off on this Congress and on the public by hacking up, amending, and distorting a bill designed to meet a limited and specific problem. It is with an eye toward eliminating some of the more serious inequities and unjustifiable provisions of these laws that I am proposing the following changes.

ELIMINATE ONE-HALF OF NATIONAL AVERAGE CONTRIBUTION RATE

First of all, my bill would eliminate the one-half of national contribution rate as an alternative basis for computing the "local contribution rate." At present, the local school district can use as its "local contribution rate" any one of three different figures—the amount spent per pupil from local revenue sources in "generally comparable" school districts within the State, one-half of the State average per pupil cost, or one-half of the national average per pupil cost in the continental United States.

This latter alternative should be eliminated since—

> Such a rate bears no reasonable relation to the revenue losses or financial burdens occasioned for a particular school district by Federal property tax exemption. Its effect, indeed, is a Federal payment of the full cost per "A" category pupil to many school districts which receive in addition substantial State aid for these same pupils. (Statement of Francis Keppel, Commissioner of Education before the Select Subcommittee on Education, House Committee on Education and Labor, Apr. 2, 1963.)

The original purpose behind the one-half of national average contribution rate was to make the payments to school districts throughout the Nation more nearly equal. Before the amendment, there was a very wide discrepancy among payments to school districts in different States. This was due to the fact that Federal payments were based on local contribution rates, and in States where the State contribution to education was high, the local rates were low, and vice versa. It was felt by many to be inequitable for a State which contributed highly to education to be penalized by the terms of the act. Again, however, the present act is being confused with a program of general Federal aid to education.

As was said by Elliot L. Richardson, Assistant Secretary of Health, Education, and Welfare in 1958:

> The relevant measure is that amount which will put the school district in the same situation as other school districts in the State.

The purpose of Public Laws 815 and 874 is to alleviate the burden caused by Federal activities; its purpose is not to equalize the quality of American education or to provide a gratuitous boon to fortunate school districts.

REDUCTION OF PAYMENTS FOR 3(B) "OUT" CHILDREN

The second change would provide that, in a situation where the parents work on tax-exempt Federal property but live in a school district other than the district in which the property is located, payment for each child would be reduced from 50 to 25 percent of the local contribution rate. Under the existing laws, all B category pupils are compensated for at the 50-percent rate, whether the Federal property is located within or without the district of residence. Yet, it is obvious that the burden is greater in the one case than in the other.

When both the Federal property and the residence are in the same school district—the B "in" pupil—school revenue per B pupil is cut one-half which comes from the residential property. On the other hand, when the Federal property is located outside the district of residence, there is no reduction due to Federal tax exemption. In many States, however, the contribution to local school districts from State tax funds is fairly substantial. Tax-exempt Federal property located anywhere in the State would reduce this State contribution to the local district. To compensate for this reduction, this bill does not entirely eliminate payments for B "out" pupils, but rather provides that they will be compensated for at a rate of 25 percent of the local contribution rate.

In addition, if payments were reduced when the Federal installation is not in the school district, there would be an incentive to consolidate school districts, a procedure generally supported by educators and others who have concerned themselves with the problems of the American school system.

THREE-PERCENT ABSORPTION REQUIREMENT

A third change would revive the 3-percent absorption requirement. In Public Law 874, as it stood in 1951, it was provided that the school district should absorb a number of federally connected students equal to 3 percent of average daily attendance, the theory being that the Federal installation brings certain benefits to the district which should offset to a certain extent the burden caused by the federally connected pupils. Implementation of this provision was postponed for a year in order to give the local school districts time to prepare for its effects. Yet, when it came time to put this section of the law into effect, the opposition of school district superintendents throughout the country was loud and vocal, since it would, of course, cut down, or in some cases eliminate, their allotment. As a result, the provision was again postponed and eventually eliminated. In its place, it was provided that there should be a 3-percent eligibility rather than an absorption requirement. Thus, a school district would receive payment for all federally connected pupils as soon as their number reached 3 percent of all pupils in average daily attendance. This provision is both inequitable in its effect and unjustifiable in terms of the original purpose of the laws. It is inequitable in that a district which has 3-percent federally connected pupils is compensated for all of them, while a district with 2.99 percent receives no help at all. What has been done, in effect, is to eliminate the absorption requirement in some cases and retain it in others. If the absorption requirement were revived, this inequitable situation would be remedied.

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The provision is unjustifiable, since it fails to take into account the benefits which a Federal installation brings to a community. In the words of M. L. Reese, county manager, Montgomery County, Md., testifying in 1958 before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare:

> The loss of assessable base resulting from incoming Federal installations is, to a great extent, offset by a general tendency of stimulation to local commerce and area property values.

Reviving the 3-percent absorption requirement would recognize these benefits.

ELIMINATION OF PAYMENTS UNDER PUBLIC LAW 874 WHEN PRESCRIBED ELIGIBILITY CONDITIONS ARE NOT MET

A further provision of my bill would eliminate the so-called Purtell amendment. This amendment, approved in 1958, provided that a school district that has met the 3-percent—or 6-percent—eligibility requirement in any year but fails to meet the requirement in the next 2 succeeding years is still eligible for payment for the actual number of federally connected children in average daily attendance in the school district the first year, and for 50 percent of such payment the second year. This is designed to lessen the strain on the school budget which would result from a sudden elimination of Federal funds. With a 3-percent absorption requirement substituted for the present 3-percent eligibility requirement, such a phasing out would, of course, no longer be necessary. The school district would only be receiving payments for those students in excess of 3 percent, not for all students or for none as at present.

Yet, even if the 3-percent eligibility requirement were to be continued, the Purtell amendment could not be justified. According to L. G. Derthick, Commissioner of Education, testifying on June 9, 1959, before the Subcommittee on Education of the House Committee on Education and Labor:

> This amendment is manifestly discriminatory as respects a school district which barely meets the 3-percent condition of eligibility in a given year and barely fails to meet that condition in a subsequent year, as against another school district which barely fails to meet such eligibility condition in either year.

Furthermore:

> Such phasing out of Federal payment is unnecessary since Section 3(f) of the law permits a one-year continuance of payments in the case of a decrease in the number of Federally-connected children for which a school district had reasonably prepared in anticipation of eligibility for Federal payment when such decrease is due to a cessation in Federal activities. (Statement of Francis Keppel, Commissioner of Education, before the Select Subcommittee on Education, House Committee on Education and Labor, April 2, 1963.)

Thus, the Federal Government would aid the local school district only when the need is a direct Federal responsibility. Again, it should be remembered that this is not a general Federal aid to education program based on need, but, rather, it is a limited program to fulfill a specific Federal responsibility.

TO PREVENT THE REDUCTION OF STATE PAYMENT TO IMPACTED SCHOOL DISTRICTS

Finally, there are a number of States that reduce the local school district's entitlement from State funds when these local districts receive aid under the impacted areas program. The State of California is the best example of this. Under California law, 60 percent of the funds received by the local school districts under Public Law 874 are considered to be "local resources." Since the State contribution to the local school district is based on the local resources of the district, this provision has the effect of cutting down the State contribution to the local district by an amount equal to 60 percent of their entitlement under Public Law 874. As a result, the Federal Government is not only aiding the impacted school district, but may be providing a form of general aid to education in the State if the State funds that would have been available to the impacted school districts, if they had received no Federal payments, are used for other education purposes in the State.

My bill provides that Public Law 874 payments to the local school district are to be reduced by an amount equal to the reduction in the State entitlement. The State would thus be deterred from reducing its payment to federally impacted school districts.

I firmly believe that if these changes in the impacted areas legislation are adopted, a long step will have been taken toward making these laws both more equitable and more in line with their original purpose.

IMPORTS THREATEN TEXTILE INDUSTRY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. NICHOLS. Mr. Speaker, one of the problems facing the textile industry in Alabama and throughout the Nation is the growing number of imports from other nations. Many mills in my State have had to severely reduce both the number of employees and the number of hours of operation because of this problem. An outstanding spokesman for the textile industry, President Craig Smith of Avondale Mills, has written a timely editorial which appeared in his company's newspaper. I include the editorial from the Avondale Sun in the RECORD at this point:

MR. PRESIDENT, PLEASE DON'T FALL INTO A JAPANESE TRAP

President Nixon, during his campaign for the Presidency, sent a telegram to Republican members of the Congress in which he spoke of "the impact of dramatically increasing imports on the 2.4-million people directly employed in the nation's textile and apparel industries and countless additional thousands involved directly or indirectly in related activity."

In the same telegram, the President also said: "As President, my policy will be to rectify this unfair development and to assure prompt action to effectively administer the existing Long-Term International Cotton Textile Arrangement. Also, I will promptly take the steps necessary to extend the concept of international trade agreements to all other textile articles involving wool, manmade fibers and blends."

Since Mr. Nixon was elected President, he has publicly reaffirmed his intention to deal constructively with the textile import problem. I have complete confidence that he intends to do what he said he would do. During the past year, however, nothing has been done and the situation has worsened.

The imports which are doing the most damage to our industry, and which hold the threat of the most serious future damage, are coming from Japan. The booming Japanese economy has caused a labor shortage. Their rich textile industry is now building textile mills in other low-wage countries of Asia, Africa, and Central and South America. They expect to add a major part of this production to the flood of imports now coming to this country from their own country. Every yard of these textiles comes to the United States for one reason, and one reason only: They are made by people who are paid a wage which, by a wide margin, is illegal in the United States.

The Japanese completely rebuffed Secretary of Commerce Stans when he asked them to agree to some reasonable restraints. Now, because they are afraid the Congress may take action, the Japanese have indicated that they might be willing to discuss restraints on selected textile items. If our Government falls into this trap, the result will be worse than nothing. It will be worse than nothing because such an agreement will lead the public to think that the problem has been helped when it hasn't.

Most mills, here and abroad, can manufacture a range of fabrics and yarns. Suppose, for example, the Japanese should agree to restraints on the import of print cloths. They could then proceed to disrupt the sheeting market. American mills making sheeting would be forced off that fabric. The former sheeting mills would try to make something else, maybe print cloths. Whatever they were forced into, the effect on the American industry would continue to be disastrous. Unless limitations on specific textile items also include reasonable limitations on total textile imports, the specific restraints are worthless. They are worse than worthless. They are a snare and a delusion.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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DOMESTIC OIL INDUSTY APPEALS TO PRESIDENT

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. EDMONDSON. Mr. Speaker, a dark cloud of unknown destructive force is hanging over America's oil industry in the form of the report of the Cabinet Task Force on Oil Import Controls. The task force has completed a lengthy study of our present oil import control program—a program which has worked well for years in maintaining a stable supply of petroleum in the United States while guaranteeing some measure of health to the domestic industry.

The task force has submitted its report to the President, and, apparently, to selected members of the press, because its provisions have been generally reported in the press, although I know of no one who personally has seen a copy. If the press accounts are correct, implementation of the report's recommendations would be ruinous to our domestic industry.

The case for the domestic industry was stated logically and eloquently by the Independent Oil Producers and Land Owners Association of Indiana, Illinois and Kentucky, Inc., in an open letter to the President carried as a full-page advertisement in the Washington Post of January 20, 1970.

Mr. Speaker, I would like to have this open letter appear in the RECORD, and I hope all of my colleagues, whichever side of the issue they represent, take note of this strongly stated case.

The open letter follows:

TO OUR PRESIDENT, RICHARD M. NIXON
EVANSVILLE, IND.

Volumes of testimony have been presented to your Task Force on Oil Imports. You have received hundreds of letters and telegrams. All generally following the same line of thought.

We the Independent Oil Producers and Refiners from America's heartland, Indiana, Illinois, and Kentucky, take this opportunity of calling the attention of yourself and the American oil consumer to a few facts and realities which others have probably heretofore not had the temerity to face.

Some forces and influences have, knowingly or otherwise, falsely misled the American laborer, labor unions, the public generally, and now are making misleading representations to yourself, after having intimidated Congress with a vote threat. Many Senators and Representatives have been so beset with pressure from these sources that they have already adopted tax measures very detrimental to us. They are now pressing for a lifting of limitations on crude oil imports and for tariffs.

Why? They try to convince the public and laboring man that it would mean cheaper gasoline for his automobile. There was never a greater fallacy.

Premium gasoline today sells out of the refinery at 12c to 13c per gallon, depending on location. This includes our expenditure of untold millions looking for oil, wildcatting if you please, with 80 to 90% of our attempts to find being failures; it includes our cost of drilling production wells when once a discovery is made and a large percent of discoveries prove to be financial failures in the end; it includes the cost of completion of wells; equipping wells; treating the crude; transporting crude to the refineries; the cost of refining; the cost of blending and treating with additives and the cost of storage. For all these costs and many others incidental and not enumerated, we the producers and refiners receive 12 to 13c per gallon for high grade gasoline.

Sure, the consumer pays over 40c per gallon. Why? In Indiana for example, and it is typical, 12c per gallon is immediately added for taxes. This equals the cost of search and discovery, production and refining. Next the jobber adds his cost. After that, the retailer adds his margins. We in the aggregate who do the lion's share of work and spend most of the money, receive 12 to 13c per gallon. Yet, the Independent producer and refiner in particular have become the whipping boys. Tax benefits which helped furnish capital for wildcatting, drilling and production have been repealed in part. The gospel is preached that if import limitations are removed or greatly relaxed, crude oil will go down as much as $1 per barrel. It may temporarily. They say gasoline would reduce 2c per gallon, this too would be temporary at the most. Do not forget, gasoline leaves the refinery now at only 12 to 13c per gallon. You pay over 40c per gallon, but the great bulk of this money does not go to us as they would lead you to believe. Is anyone so naive as to think that if crude were reduced $1 per barrel, that the 2c reduction in the price of gasoline would ever reach the consumer except temporarily. The odds are heavy that from the beginning it would be absorbed somewhere along the line. The governments themselves are already talking of raising the tax on gasoline 2c per gallon or more. Labor leaders who have been misled into putting pressure on their Senators and Representatives must further realize that wildcatting, production and refining employs thousands of men and women.

The wildcatter, producer and refiner receive scarcely any more for their product than they did during World War II and all the years subsequent. The loud proclamation of inflation has not found its way to them.

So bad has the financial squeeze and threat of an uncertain future become that hundreds of drilling rigs have been and are being scrapped and stacked; drilling crews have and are finding their way into other industry and more leave the oil fields and refineries every day because of the pending governmental threat to our industry; stripper wells are being plugged; wildcatting and production have and are losing their incentive. We operate on a narrow margin now and the lifting of import limitations, thus lowering the price of crude, will destroy us. We are not the "fat cat" of the industry as we so often hear. If any of this breed of cat exists, we do not know where they are and at best they would be the relics of an already bygone age. More properly, we could be called the "alley cats" if anyone desires to characterize us with a feline expression.

Consumption of petroleum has now exceeded 14,000,000 barrels per day. We are without a doubt an importing nation, such importing must be orderly and with restraint commensurate with the need. We cannot become a wholly importing nation of petroleum. This not only from the standpoint of national security as we so frequently hear, but also from the standpoint of peace. If we are destroyed as an industry, many large international producers (there are some exceptions) and the governments of those countries from whence comes so-called cheap crude, would jump to the opportunity and crude would no longer be cheap. Foreign cartels and monopolies, over which our government would have no control, would rapidly develop and the American consumer could soon look forward to the day when he would pay 80¢ to $1.00 per gallon for gasoline, as they did in Europe for many years and still do in many parts of the world. No, neither would we have petroleum for defense. Alaska is still conjecture and myth, far away, and presently and for many years to come, impractical to many parts of the United States.

Natural gas shortage is already being widely discussed. This because gas in the past has been discovered by the oil wildcatter largely by accident and not design. Gas price itself made drilling for it unattractive. When wildcatting for oil ceases, gas discovery will cease. Transportation of gas by tanker from foreign lands would cause it to be priced beyond the reach of most of us.

How will those in labor who are helping destroy us feel when that day arrives? How will the Senators and Representatives, wherever they may be, who have helped destroy us feel when that day arrives?

America can only survive by keeping a strong domestic producing and refining industry. The domestic search for oil must continue. The lifting of important limitations will be the death of American wildcatting and production. By the same token such could well be the death of America. To say the least, it would mean economic disaster to the petroleum consuming public.

We are small people but it is we who have traditionally found over 80% of America's new oil. We are not rich people but we know how to find oil and have the guts to try if we can be allowed to have just enough money to do so.

We are pleased that some major International oil companies have seen fit recently to come forward and declare that the Independent Oil Producer and the Independent Refiner must be preserved for the welfare of our nation and its Petroleum Industry.

We, the Independent Producer, cannot subsist on $2.50 or even $3.00 crude oil based on acceptable gravity. At such prices, we simply must quit the business of search and production. This is not argumentative but an economic statement of fact.

Mr. President, you alone can save us as an industry and to you we appeal for the opportunity to continue our work and help you save America as an economically independent and secure nation.

Respectfully,
THE INDEPENDENT OIL PRODUCERS AND LAND OWNERS ASSOCIATION OF INDIANA, ILLINOIS AND KENTUCKY, INC.,
D. F. MCKEITHAN,
President.

LOOK WHO'S CRITICIZING INFLATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. HUNT. Mr. Speaker, as many here know, the chairman of the Democratic National Committee, Fred Harris, is adept at having it both ways.

Most will recall when he was demanding instant withdrawal from Vietnam and at the same time warning that the Republicans would be held responsible if such a withdrawal resulted in defeat.

Nobody involved in the tax bill of last year can forget how the national chairman weaseled on the oil depletion allowance. As a self-professed liberal, he ran squarely into the fact that oil is vital to the economy of his home State.

Nobody has ever seen any evidence, either, that the national chairman has in the past taken any active step in fighting crime. But now he wants to make the rising crime rate, brought on by 8 years of Democratic permissiveness, an issue in this year's election.

And finally, the national chairman, bless his thrifty soul, is suddenly against inflation, an interesting switch since his party's economic policies and irresponsible spending are the major cause of that inflation.

Mr. Speaker, the Democratic national chairman apparently thinks he can fool enough of the people enough of the time to help his party in this election year. That may be so, but he is having a tough time fooling the newspapers in his home State. This is an editorial from the Daily Oklahoman, which I submit now for the RECORD.

The editorial asks the pertinent question, which I doubt that the Democratic national chairman can answer.

> Where in the Democratic Congress is there any convincing evidence that the Spartan austerity necessary to control the runaway budget can be found?

The editorial follows:

[From the Daily Oklahoman, Jan. 16, 1970]

LOOK WHO IS CRITICIZING INFLATION

(By E. K. Gaylord)

It's too much to expect a rational discussion of governmental finance within a political context, but the Democrats plainly are trying to have it both ways in making inflation their top election issue.

Speaking in his role as party chairman, Oklahoma's Sen. Fred Harris is condemning both the inflation and the Nixon administration's efforts to cope with it.

He draws a bead on the administration's monetary policy and says the resulting high interest rates are hampering rather than helping the fight against inflation. He points to the effect these high interest rates are having on the cost of carrying the national debt.

It's true that rising interest costs affect the federal government along with everybody else, and an increasing portion of the huge national debt is going into high-interest short-term paper because of the unrealistically low rates Congress prescribed for the government's long-term securities. It's true also that interest payments are mandatory and thus are part of a lengthening list of "uncontrollable" items in the budget.

But the basic reason for the higher federal interest burden is the towering growth of the debt itself. Its constant enlargement is attributable to an almost uninterrupted succession of deficits dating back to the New Deal. The responsibility for all this deficit financing rests almost wholly on Democratic administrations.

When President Eisenhower bowed out, the old administrative budget then in use was less than $100 billion and the national debt was something over $284 billion. During the Kennedy-Johnson years, federal spending more than doubled to $200 billion as reckoned under the new "unified" budget which includes the receipts and disbursements of the various federal trust funds supporting social security and other governmental functions. The debt had grown to $370 billion.

With this mushrooming growth of the debt, the cost of carrying it was bound to rise. Moreover, investors didn't need to be told that the dollar's future purchasing power would diminish drastically if the government continued to accumulate debt during the ensuing 10 years at the rate it had accumulated debt during the Kennedy-Johnson years. With that certainly in view, they demanded rates of interest that promised to yield not only a reasonable immediate return but compensation as well for the dollar's anticipated future loss of purchasing power.

President Johnson's ill-starred effort to have both guns and butter resulted in a tremendous $25 billion deficit in fiscal 1968. Even at a modest 3 per cent, the interest increase attributable to that single deficit would have added three quarters of a billion annually to the cost of carrying the debt.

In embracing what he calls the new populism, Sen. Harris indicates that the Democrats will campaign for easier money. But monetary ease unaccompanied by extreme fiscal restraint would result predictably in a new inflationary surge comparable to the one resulting from President Johnson's guns-and-butter budgets.

Where in the Democratic Congress is there any convincing evidence that the Spartan austerity necessary to control the runaway budget will be found? When all the political posturing and shouting has subsided, it will be a miracle if any real savings emerge in a federal spending rate now exceeding $200 billion.

THE ARMS TRADE—PART X

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. COUGHLIN. Mr. Speaker, on December 2 of last year, I, along with 29 of my colleagues, introduced a resolution calling on the President to seek ways to curtail and control the $5 billion yearly international trade in conventional weapons of war.

The need for international agreements to control this trade, for the airing of problems the trade creates, and for curing the failures of our own military aid program has never been more evident. Nearly every day since we introduced our resolution there has been a leading article in the press detailing some provocative act involving the transfer of military equipment from one country to another. Since I and many others believe that it is in our national interest to bring some semblance of order to this field, I thought it might be helpful to my colleagues if the significant arms transactions and developments which have occurred or which have come to light since last December 2—a mere 2 months ago—were noted for the RECORD.

For a start, the U.S. Senate in mid-December overruled its own Foreign Relations Committee by voting to remove all restrictions on military aid to the Greek military dictatorship. In the same month, the Saudi Arabian Government, largely armed by the United States and Great Britain, decided to resume military aid to the Yemeni Royalists, thus reviving the near-dormant Yemini civil war.

Also in December, it was revealed that Japan's heavy military buildup—largely encouraged by the United States—was frightening some of our Asian allies; that West Germany's largest military aircraft manufacturer, Vereinigte Flugtechnische Werke, plans to merge with Fokker, Holland's largest military aircraft manufacturer, in order to "be in a much better position to compete worldwide"; and that West Germany was, in addition, developing a modern arms industry whose end products will soon find their way into the world's arms markets.

Also in December, the House of Representatives approved plans to sell $54.4 million worth of F–4 Phantom jet fighter-bombers to Nationalist China. The Senate and, later, the House-Senate conference, however, rejected the scheme. Yet, in spite of this deadlock, Taiwan still got its jets: Namely, 18 F–104 Starfighters taken from United States "excess stocks." Apparently "excess" equipment such as this can be exported quite freely by the Defense Department without the need for prior approval from Congress.

In the last 8 weeks we have also learned that the Soviet Union plans to continue supplying arms to Castro; that France has broken its own embargo against belligerents in the 1967 6-day war by selling weapons and munitions to Iraq; and that another flaw was found in the U.S. Air Force's F–111 swing-wing attack jet fighter-bomber which has resulted in all F–111's in our arsenal being grounded indefinitely. It must be recalled that our Government, in its haste to improve its balance of payments, sold this aircraft to two of our most loyal allies, Britain and Australia. Our first sale so strained Britain's Exchequer that it contributed to the devaluation of the pound in 1967, and our other sale to Australia has already provoked several parliamentary inquiries seeking to find out why the Australian Government has been putting its financial resources to such poor use.

Furthermore, the State Department also published a study during this period which said, in effect, that arms embargoes generally fail to alter the embargoed country's policies. One possible reason the State Department could reach such a conclusion is that for at least the last 25 years embargoes placed on a country by the United States are invariably broken by the U.S. Government itself. For example, in 1965 the United States broke its own embargo against Pakistan and India less than 1 month after it was imposed. We also broke our arms embargo against the current Greek regime—before the Senate voted to remove all restrictions—and, technically, we have broken the 1963 United Nations embargo, which we supposedly support, against supplying arms to South Africa.

I cite these instances here not so much to question whether they are right or wrong, but rather to illustrate the crazy-quilt pattern of our policy.

But all these events and revelations are, in a sense, minor compared to the two big stories of the month, specifically the French-Israel "Gunboat Affair" and Libya's fevered arms buildup. Both stories have received widespread coverage in the press and I only wish to add a few thoughts of my own here.

As for the gunboat affair, Mr. Speaker, I believe Israel should have these boats and any other equipment she might need to defend herself. What bothers me in this instance is France's behavior and, by extension, the behavior of all arms suppliers in the world. It is clear that the French arms embargo against belligerents in the 6-day war has been a sham from the start—see above; and that, like other countries, she is quite willing to break any embargo she imposes in order to make an arms sale. If, however, the Pompidou government was, in fact, ignorant of the affair from the start, as it claims it was, then we can only conclude that the entire arms trade is far more out of control, far more capable of provoking large-scale violence and conflict, then we ever dared think.

As for Libya, she is currently embarking on an estimated $500 million arms buildup. Libya recently canceled many of the arms contracts she had with her old suppliers, Britain and the United States. Into the void has stepped none other than France, which just this month concluded several deals whereby Libya will buy—for a sum of money estimated in excess of the canceled American and British contracts—no less than 100—I repeat, 100—of France's latest jet fighters, including supersonic Mirages.

Mr. Speaker, Libya's air force in 1966—the latest year for which figures are available—numbered no more than 30 planes all told: Transports, trainers, light observation aircraft, and helicopters. Recently it received 10 U.S. F-5 freedom-fighter jets, three of which have already been destroyed by incompetent Libyan pilots. Somehow, France and Libya would like us now to believe that increasing the size of the Libyan air force by 300 percent with one of the most sophisticated jet aircraft in the world is a wise and prudent move.

France also claims that it has received a promise from Libya that the planes will not be reexported for use in the continuing Arab-Israeli conflict. This promise, I am convinced will be broken within 6 months after the first planes are delivered. To what possible use will the Libyans put these planes? Their borders are not threatened. Who will fly them? They have no properly trained pilots. Who will maintain them? They have no trained mechanics. I am convinced that these panes will end up being flown by Egyptian or Syrian pilots, or other mercenaries, against Israel.

Mr. Speaker, all this activity over the last 8 weeks emphasizes anew the need for the great powers, with the United States leading the way, to seek a large reduction in and increased control over the international trade in conventional arms. Again, I ask that the President of the United States do everything he can to bring some semblance of order to this field.

In these same weeks, many observers and publications have cited the madness of the current international trade in arms. Below are listed some of the more noteworthy instances:

First. In December 1969, the Stockholm International Peace Research Institute began distributing its first annual "Yearbook of World Armaments and Disarmament, 1968–69."

Second. Look magazine, in its December 2, 1969, issue, published an article which dealt in part with the arms trade entitled "The Wars in Your Future," by Senator J. WILLIAM FULBRIGHT.

Third. The January 1970 issue of Foreign Affairs carried an article entitled, "Dilemmas of the Arms Trade," by Geoffrey Kemp, one of the world's foremost authorities on the arms trade.

Fourth. The January 1970 issue of Washington Monthly magazine carried a cover story on the arms trade entitled "American Arms Abroad," by George Thayer.

Fifth. On January 1, 1970, His Holiness, the Pope, gave a speech on world peace in which he called attention to the many powerful nations who have established their own economic stability by trading arms to poor countries lacking plows, schools, and hospitals.

Sixth. Roscoe and Geoffrey Drummond wrote a column published on January 2, 1970, entitled "The Shocking Costs of World Arms Race."

Seventh. The January 19, 1970, issue of Time magazine carried an article entitled "The Armorers of Araby."

CATFISH FARMING NEW MONEY CROP

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. O'NEAL of Georgia. Mr. Speaker, the flavor, texture, and general quality of the true Georgia channel catfish is almost beyond comparison. When attempting to compare it with the ordinary catfish, it is like comparing the light from the headlight of a giant locomotive with the feeble glow of a firefly.

And, Mr. Speaker, the catfish are coming because recent discoveries and developments in the breeding of these catfish in captivity is bringing a new money crop our way.

Hopefully, we will be able to share them with the world through franchise restaurants.

In the meantime, I want my colleagues to have the opportunity of reading a fine article in the Market Bulletin, published by the Georgia Department of Agriculture, Tommy Irvin, Commissioner.

The article follows:

CATFISH FARMING NEW MONEY CROP

(NOTE.—This article was compiled from information obtained from the following sources: "A Synopsis of Catfish Farming, U. of Ga., College of Agriculture Experiment Station; "Catfish, the Coming Crop," October 1969 Monsanto Magazine; Report of the Committee of One To Study Catfish Farming at Skidaway, Senator Roscoe Dean; and Catfish Farming, An Agricultural Enterprise, U.S.D.A. Soil Conservation Service.)

The lowly, big-mouthed, bewhiskered lunker known as the catfish is being discovered as a major food crop and money-maker for Georgia farmers. And the new raised, fed, and coddled cat is tasty and not so lowly as his older brothers.

Many people, especially in the South, have been enjoying catfish and hushpuppy suppers for years, but only recently have the possibilities of mass producing and processing the catfish been considered.

ECONOMICALLY IMPORTANT

Channel catfish farming is becoming an important element in the economy of several southern and midwestern states.

The state of Georgia is in a strategic location to take advantage of the demand for catfish that now far outstrips the supply.

GEORGIA WELL SUITED

The climate, topography and other production factors are ideal in Georgia for commercial catfish production. At the present time, less than 300 acres are under production in Georgia (excluding fish-out ponds) but there exists an estimated 15,000 acres that could be converted to commercial catfish production.

It was in the early 1900's that the culture of channel catfish began. But today, in Georgia, there are still only 16 commercial producers of catfish. The fledgling industry is, however, catching on fast.

NEW POPULARITY

There are several reasons for the new popularity of catfish as a farm enterprise. One is the consumer demand. Companies have expressed interest in franchising catfish restaurants as well as making fresh fillet and frozen dinners available.

Another reason is often land unsuited for any other type of farming lends itself well to catfish.

And too, there is the return on your investment. (See chart accompanying this article.)

FARMING FOR FISH

A farmer generally selects that land which is best suited for the crop he wishes to plant. The same principle should hold true for the fish farmer when he selects a pond site. If there is any question whether a site is suitable the county agent or Soil Conservation Service technician should be consulted.

Good quality water is essential for successful channel catfish farming. A deep well or spring is usually the best source of water, but a stream may be used.

UTILIZE TOPOGRAPHY

The 16 channel catfish producers in Georgia all minimize construction cost by utilizing the natural topography of their land. The biggest problem encountered by producers using older ponds was the lack of harvest basins.

Channel catfish feed on plants, animals and bottom mud, but they can and are being trained to accept pelleted feed.

RESEARCH

There is presently research being done in Georgia on catfish culture at Skidaway Institute of Oceanography, located on Skidaway Island, near Savannah.

The main goal of this research is to develop a system of rearing catfish in intensively stocked round tanks as opposed to the conventional pond culture method.

Further research in this area may help the catfish industry to develop as has the poultry industry by utilizing little land for big production.

Southerners have taught people from other parts of the country and world to enjoy many foods. Perhaps the catfish and hushpuppy supper will soon be as popular as southern fried chicken.

PER-ACRE RETURNS FROM FISH AND AGRICULTURAL CROPS

Crop	Gross returns per acre	Net returns per acre
Rice	$191.25	$107.70
Soybeans (irrigated)	70.50	31.25
Soybeans (nonirrigated)	56.40	26.50
Oats	35.00	17.50
Catfish (intensive)	450.00	150.00
Catfish (fingerlings)	1,000.00	500.00
Golden shiners	307.00	200.00
Fathead minnows	300.00	200.00
Goldfish	1,000.00	500.00
Fee fishing (catfish)	1,000.00	350.00

Source: Meyer, Fred P., D. Leroy Gray, William P. Mathis, J. Mayo Martin, and B. R. Wells, "Production and Returns From the Commercial Production of Fish in Arkansas During 1966," University of Arkansas Agricultural Extension Service, 1967.

XUM

MARY SWITZER: WELFARE, WORK, AND WISDOM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PUCINSKI. Miss Mary Switzer, head of the U.S. Department of Health, Education, and Welfare's Social and Rehabilitation Service, has announced her retirement after 48 years of Government service.

Mary Switzer is truly one of the most outstanding women of our time and certainly of the Federal Government. After a long and illustrious career in various agencies of Government, she has brought to her present position those rare administrative attributes recognized nationally by both the Federal Government and private agencies: Integrity, honesty, an eleemosynary character, all wrapped in hard work and wisdom.

Although we will miss the rare qualities and abilities of Miss Switzer, we wish her the best of everything in her retirement years and take comfort in the fact that she will continue her work in a private capacity as vice president of the World Rehabilitation Fund.

Mr. Speaker, I would like to place in the RECORD today the excellent tribute paid to Miss Switzer written by Mary Wiegers of the Washington Post.

The article follows:

MARY SWITZER: WELFARE, WORK AND WISDOM

(By Mary Wiegers)

Since Mary Switzer "came to Washington with the Harding gang," eight Presidents have come and gone.

Through all those administrations, Mary Switzer was making a steady climb from a clerk's post in the U.S. Treasury Department to the job she holds today as head of the U.S. Department of Health, Education and Welfare's Social and Rehabilitation Service.

The SRS is an agency organized in 1967 with Miss Switzer as its first head. It combines welfare and social service programs with a total annual budget exceeding $8 billion, and distributes funds to the needy, disabled, children and the aged. It also makes Miss Switzer the executive with the largest administrative responsibility of any woman in government.

Now at the age of 69, the tough-minded bureaucrat with the Boston accent is retiring. HEW Secretary Robert Finch announced yesterday that he is accepting her resignation "with regret," to be effective in mid-February.

As the announcement was being released, the gray-haired, sparkling-eyed Miss Switzer sat at a conference table outside her office and talked about her 48 years of government service.

She reflected on the future of the welfare program, and the landmark decision which merged welfare, rehabilitation and social services and what it could mean.

She recalled highlights from her career, the jobs she didn't get, the ones she did—like becoming the first person to organize a bacteriological and chemical warfare program, and the first to head federal programs for rehabilitation of the disadvantaged.

The beginning, she recalled, was pretty inauspicious. "I came in at the bottom as a junior economist in the division of statistics in the Treasury Department. If there's one thing I have no gift for, it's research." On the day the Graf Zeppelin flew over Washington, she was fired. But the Treasury Department is "paternalistic" and took her back as a mimeograph operator.

That first setback didn't last long. By 1928, Mary Switzer was handling press intelligence for the Secretary of the Treasury. By 1934 she was assistant to the assistant secretary, who supervised the Public Health Service.

In '39, when the Public Health Service was transferred to the Federal Security Agency, forerunner of HEW, Miss Switzer became assistant to the administrator. During the war, she managed the Procurement and Assignment Services for Physicians, Dentists, Sanitary Engineers and Nurses. For her work she received the President's Certificate of Merit, the first of many honors.

She also organized a research program on bacteriological and chemical warfare. "I had to do it because, strangely enough in today's light, the Army and Navy wouldn't do it. They thought it was contrary to the Geneva Convention. I've often thought how terrible it was, that I did that though I didn't know. I don't see much difference between one weapon and another, though on the scale they're doing it today, it's unnecessary and unreal. Anyway we developed some good medical information valuable to researchers later on, so I suppose some good came out of it."

In 1950, Miss Switzer become head of the federal-state program for the rehabilitation of the disabled. Thirteen years later, she was made commissioner of the vocational rehabilitation administration, when HEW Secretary Anthony Celebreze thought that rehabilitation ought to be co-equal with welfare. In 1967, Secretary John Gardner sold her on the idea of merging the two areas and she was appointed head.

That merging, she felt, was an important and wise step. What she'd like to see now is a merging of services for the individual on the local level.

"The next five years are years that need the thrust in the field to get much closer interaction of these services in the community." She would like to see the individual get medical needs, welfare assistance, disability training, and so on, all in the same place, and with all the bureaus working together.

"There has to be a willingness to give up sovereignty on everybody's part to give people what they have to have. There must be decentralization of authority to regions. This big government has to have some glue—has to put things together."

The SRS, she believes, is the part of HEW that is concerned about the individual. "It's like a southern mansion with three pillars. There's health on one side, education on the other and us in the middle.

"Health and education deal mainly with institutions. And sometimes the institutionalized structure stops before they ever see a person. SRS reaches down to the individual.

"One of the most exciting exposures to involvement was with the National Welfare Rights Organization people. During the Poor People's march, we met with them or their representatives every day for a month.

"The greatest eye opener of that was the difficulty they had getting something done on the local level."

Miss Switzer lives in Alexandria and has made it a point to take part in community affairs there. "It's essential if you have a job like mine, where you are telling people what to do in the communities. It's one thing to tell people what to do, but to do it yourself is to find out how difficult it really is.

"In the Rehabilitation Administration, I had every letter of complaint followed up immediately. Now I've adopted that program in welfare, but I've found the welfare people are not as responsive. I suppose after years in the field they become kind of tough."

On the welfare program, Mary Switzer is a firm believer that "people shouldn't get something for nothing. I think we made the biggest mistake when we saw the welfare load growing, when we didn't emphasize work."

She added that work must be made dignified and meaningful again, as it's not been "in this age of permissiveness."

"I think that one good part about Mr. Nixon's welfare program is that it doesn't put a premium on breaking up homes." In the past, she explained, a man didn't work if, for instance, he had a wife and three children, because he could get more money for his family by deserting them and letting them get welfare.

"I don't see anything else that will change the present psychology of not minding dependency, except to make it more attractive to be employed."

Miss Switzer, herself, is going to continue to be employed after her retirement. On Dec. 2, she was elected vice president of the World Rehabilitation Fund, and when she leaves government service in February, she'll set up an office at 1 Dupont Circle for the fund.

She'll also work with the Association of schools for Allied Health Professions in Washington.

"But if I want to take a day off, I'll be able to. When I feel like cooking my spiced gooseberry preserves and yellow tomato preserves, I can."

Her HEW office is filled with more than 40 awards she has received, among them the Albert Lasker award and the National Civil Service award. Sixteen colleges have given her honorary degrees. She is the first woman to serve on the board of directors of Georgetown University, and the first woman to be appointed trustee of Assumption College.

Miss Switzer was born in Newton, Mass. Her parents came from Ireland. About the one disappointment in her life was that she didn't become assistant director of the mint, a job she badly wanted at the time. "Nellie Tayloe Ross was director then, and she said no. She didn't want another woman around her. When I think of what a dead end that job would have been . . ." said Miss Switzer, her voice trailing off.

BIPARTISAN MAJORITY OF HOUSE OF REPRESENTATIVES SIGN DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. CELLER. Mr. Speaker, 228 Members of the House of Representatives, both Republicans and Democrats, have signed a declaration in support of peace in the Middle East. The text of the declaration and the names of the signatories follow:

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

We, the undersigned Members of the United States Congress, declare: A just and lasting peace in the Middle East is essential to world peace.

The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

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It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

All the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

Abbitt, Watkins M. (Va.)
Adams, Brock (Wash.)
Addabbo, Joseph P. (N.Y.)
Albert, Carl (Okla.)
Alexander, Bill (Ark.)
Anderson, Glenn M. (Calif.)
Annunzio, Frank (Ill.)
Ashley, Thomas L. (Ohio)
Aspinall, Wayne N. (Colo.)
Baring, Walter S. (Nev.)
Barrett, William A. (Pa.)
Beall, J. Glenn, Jr. (Md.)
Bell, Alphonzo (Calif.)
Bevill, Tom (Ala.)
Biaggi, Mario (N.Y.)
Biester, Edward G., Jr. (Pa.)
Bingham, Jonathan B. (N.Y.)
Blanton, Ray (Tenn.)
Blatnik, John A. (Minn.)
Boggs, Hale (La.)
Boland, Edward P. (Mass.)
Bolling, Richard (Mo.)
Brademas, John (Ind.)
Brasco, Frank J. (N.Y.)
Brock, W. E. (Bill) (Tenn.)
Broomfield, William S. (Mich.)
Brown, George E., Jr. (Calif.)
Broyhill, Joel T. (Va.)
Buchanan, John (Ala.)
Burke, James A. (Mass.)
Burton, Phillip (Calif.)
Button, Daniel E. (N.Y.)
Byrne, James A. (Pa.)
Cabell, Earle (Tex.)
Carey, Hugh L. (N.Y.)
Casey, Bob (Tex.)
Cederberg, Elford A. (Mich.)
Celler, Emanuel (N.Y.)
Chisholm, Shirley (N.Y.)
Clark, Frank M. (Pa.)
Cohelan, Jeffery (Calif.)
Collier, Harold R. (Ill.)
Conable, Barber B., Jr. (N.Y.)
Conte, Silvio O. (Mass.)
Conyers, John, Jr. (Mich.)
Corman, James C. (Calif.)
Coughlin, R. Lawrence (Pa.)
Cowger, William O. (Ky.)
Cramer, William C. (Fla.)
Cunningham, Glenn (Nebr.)
Daddario, Emilio Q. (Conn.)
Daniels, Dominick V. (N.J.)
Davis, John W. (Ga.)
Delaney, James J. (N.Y.)
Denney, Robert V. (Nebr.)
Dent, John H. (Pa.)
Devine, Samuel L. (Ohio)
Dingell, John D. (Mich.)
Donohue, Harold D. (Mass.)
Dorn, Wm. Jennings Bryan (S.C.)
Downing, Thomas N. (Va.)
Dulski, Thaddeus J. (N.Y.)
Duncan, John J. (Tenn.)
Dwyer, Florence P. (N.J.)
Edmondson, Ed (Okla.)
Edwards, Don (Calif.)
Edwards, Edwin W. (La.)
Eilberg, Joshua (Pa.)
Eshleman, Edwin D. (Pa.)
Fallon, George H. (Md.)
Farbstein, Leonard (N.Y.)
Fascell, Dante B. (Fla.)
Feighan, Michael A. (Ohio)
Fish, Hamilton, Jr. (N.Y.)
Fisher, O. C. (Tex.)
Flood, Daniel J. (Pa.)
Flowers, Walter (Ala.)
Foley, Thomas S. (Wash.)
Ford, Gerald R. (Mich.)
Ford, William D. (Mich.)
Fraser, Donald M. (Minn.)
Friedel, Samuel N. (Md.)
Fulton, James G. (Pa.)
Fulton, Richard (Tenn.)
Galifianakis, Nick (N.C.)
Gallagher, Cornelius E. (N.J.)
Garmatz, Edward A. (Md.)
Gaydos, Joseph M. (Pa.)
Gettys, Tom S. (S.C.)
Giaimo, Robert N. (Conn.)
Gibbons, Sam (Fla.)
Gilbert, Jacob H. (N.Y.)
Green, William J. (Pa.)
Griffiths, Martha W. (Mich.)
Grover, James R., Jr. (N.Y.)
Gubser, Charles S. (Calif.)
Gude, Gilbert (Md.)
Hagan, G. Elliott (Ga.)
Halpern, Seymour (N.Y.)
Hanley, James M. (N.Y.)
Hanna, Richard T. (Calif.)
Harvey, James (Mich.)
Hays, Wayne L. (Ohio)
Hechler, Ken (W. Va.)
Helstoski, Henry (N.J.)
Hicks, Floyd V. (Wash.)
Hogan, Lawrence J. (Md.)
Holifield, Chet (Calif.)
Horton, Frank (N.Y.)
Howard, James J. (N.J.)
Hull, W. R., Jr. (Mo.)
Hungate, William L. (Mo.)
Hunt, John E. (N.J.)
Hutchinson, Edward (Mich.)
Johnson, Albert W. (Pa.)
Johnson, Harold T. (Calif.)
Jonas, Charles Raper (N.C.)
Jones, Ed (Tenn.)
Karth, Joseph E. (Minn.)
Kastenmeier, Robert W. (Wis.)
King, Carleton J. (N.Y.)
Koch, Edward I. (N.Y.)
Kuykendall, Dan (Tenn.)
Kyros, Peter N. (Maine)
Landrum, Phil M. (Ga.)
Langen, Odin (Minn.)
Leggett, Robert L. (Calif.)
Long, Clarence D. (Md.)
Lowenstein, Allard K. (N.Y.)
Lukens, Donald E. (Ohio)
McCarthy, Richard D. (N.Y.)
McClory, Robert (Ill.)
McCloskey, Paul N., Jr. (Calif.)
McCormack, John W. (Mass.)
McDade, Joseph M. (Pa.)
McDonald, Jack H. (Mich.)
McFall, John J. (Calif.)
McKneally, Martin B. (N.Y.)
Macdonald, Torbert H. (Mass.)
MacGregor, Clark (Minn.)
Madden, Ray J. (Ind.)
Meeds, Lloyd (Wash.)
Meskill, Thomas J. (Conn.)
Mikva, Abner J. (Ill.)
Miller, George P. (Calif.)
Minish, Joseph G. (N.J.)
Mink, Patsy T. (Hawaii)
Moorhead, William S. (Pa.)
Morgan, Thomas E. (Pa.)
Morse, F. Bradford (Mass.)
Mosher, Charles A. (Ohio)
Murphy, John M. (N.Y.)
Murphy, William T. (Ill.)
Nelsen, Ancher (Minn.)
Nix, Robert N. C. (Pa.)
O'Hara, James G. (Mich.)
O'Neill, Thomas P., Jr. (Mass.)
Ottinger, Richard L. (N.Y.)
Passman, Otto E. (La.)
Patten, Edward J. (N.J.)
Pelly, Thomas M. (Wash.)
Pepper, Claude (Fla.)
Perkins, Carl D. (Ky.)
Philbin, Philip J. (Mass.)
Pickle, J. J. (Tex.)
Pike, Otis G. (N.Y.)
Podell, Bertram L. (N.Y.)
Pollock, Howard W. (Alaska)
Price, Melvin (Ill.)
Pucinski, Roman C. (Ill.)
Quie, Albert H. (Minn.)
Quillen, James H. (Tenn.)
Randall, William J. (Mo.)
Rees, Thomas M. (Calif.)
Reuss, Henry S. (Wis.)
Rhodes, John J. (Ariz.)
Riegle, Donald W., Jr. (Mich)
Robison, Howard W. (N.Y.)
Rodino, Peter W., Jr. (N.J.)
Roe, Robert A. (N.J.)
Rogers, Byron G. (Colo.)
Rooney, Fred B. (Pa.)
Rooney, John J. (N.Y.)
Rosenthal, Benjamin S. (N.Y.)
Roth, William V. (Del.)
Roudebush, Richard L. (Ind.)
Roybal, Edward R. (Calif.)
Ryan, William F. (N.Y.)
St Germain, Fernand J. (R.I.)
St. Onge, William L. (Conn.)
Sandman, Charles W., Jr. (N.J.)
Saylor, John P. (Pa.)
Scheuer, James H. (N.Y.)
Schneebeli, Herman T. (Pa.)
Shriver, Garner E. (Kans.)
Sikes, Robert L. F. (Fla.)
Sisk, B. F. (Calif.)
Slack, John M. (W. Va.)
Smith, Henry P., III (N.Y.)
Stokes, Louis (Ohio)
Stratton, Samuel S. (N.Y.)
Stubblefield, Frank A. (Ky.)
Teague, Charles M. (Calif.)
Thompson, Fletcher (Ga.)
Thompson, Frank, Jr. (N.J.)
Tiernan, Robert O. (R.I.)
Tunney, John V. (Calif.)
Udall, Morris K. (Ariz.)
Utt, James B. (Calif.)
Vanik, Charles A. (Ohio)
Vigorito, Joseph P. (Pa.)
Waggonner, Joe D., Jr. (La.)
Waldie, Jerome R. (Calif.)
Watkins, G. Robert (Pa.)
Watts, John C. (Ky.)
Weicker, Lowell P., Jr. (Conn.)
Whalen, Charles W., Jr. (Ohio)
White, Richard C. (Tex.)
Whitehurst, G. William (Va.)
Widnall, William B. (N.J.)
Williams, Lawrence G. (Pa.)
Wilson, Bob (Calif.)
Wolff, Lester L. (N.Y.)
Wright, Jim (Tex.)
Wydler, John W. (N.Y.)
Wyman, Louis C. (N.H.)
Yates, Sidney R. (Ill.)
Yatron, Gus (Pa.)

TWO OUT OF THREE SUPPORT NIXON ON VIETNAM

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. LANDGREBE. Mr. Speaker, the Gallup poll continues to show that the President has a high level of public support for his policies in Vietnam.

It is clear from the poll that most Americans continue to prefer a just and honorable peace and are opposed to any withdrawal that would see the United States failing to live up to its commitments.

The poll, which appeared in the Washington Post today, follows:

THE GALLUP POLL: TWO OUT OF THREE SUPPORT NIXON ON VIETNAM

(By George Gallup)

PRINCETON, N.J.—Support for President Nixon's Vietnam policies is holding firm, with 65 percent of Americans interviewed in the latest Gallup survey saying they approve of the way he is handling the situation.

Disapproval comes from 24 percent, while another 11 percent do not express an opinion.

Interviewing for the latest survey, in which 1460 adults were reached in personal interviews, was conducted Jan. 16–19. The previous survey on the subject, conducted Nov. 14–17 following the President's Nov. 3 speech to the nation on Vietnam, produced the closely comparable approval rating of 64 percent.

The approval ratings given the President in the January and November surveys represent his highest scores to date.

President Nixon's announcements of troop withdrawals have won him considerable support. In addition, Americans for the most part feel he is doing everything he can to bring about an early end to the war. However, the high vote of approval currently accorded him does not necessarily represent total endorsement of his Vietnam policies.

A recent Gallup survey showed 41 percent of people interviewed in favor of the immediate withdrawal of all troops or their withdrawal by the end of the current year. Another 11 percent favored sending more troops to Vietnam and stepping up the fighting, while 40 percent said that troops should be withdrawn at a rate commensurate with South Vietnam's ability to take over the fighting.

Following is the question asked in the current survey in approximately 300 localities across the nation:

Do you approve or disapprove of the way President Nixon is handling the situation in Vietnam?

[In percent]

	Approve	Disapprove	No opinion
Latest	65	24	11
November [1]	64	25	11
October	58	32	10
September (late)	52	32	16
September (middle)	45	40	15
August	54	28	18
July	53	30	17
June	52	24	24
May	48	27	25
April	44	24	32
March	44	26	30

[1] November 3 Vietnam speech.

Most likely to express approval are men, persons with a college background, respondents who are 30 years of age and older, persons living in the Midwest or South and Republicans.

SPECTRUM CONGESTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. HUNGATE. Mr. Speaker, land-mobile radio communications have become increasingly important to small businesses and services throughout our Nation. Fair allocation of the radiofrequency spectrum must be made to meet their needs. I believe my colleagues will be interested in the following analysis of the controversial Stanford research report on spectrum congestion:

SRI REPORT ANALYSIS: AN EXAMINATION AND APPRAISAL OF THE CONTROVERSIAL STANFORD RESEARCH REPORT ON SPECTRUM CONGESTION

Stanford Research Institute complicated rather than simplified the FCC's problems with *A Study of Land Mobile Spectrum Utilization.*

The SRI report can be stated succinctly. By monitoring all land mobile channels SRI has found some frequencies occupied the majority of the time while other available frequencies appear to be used only a small percentage of the time. By moving some licensees from heavily uesd channels to lightly used channels, the time of occupancy can be distributed evenly among all channels. Thus, says SRI, congestion will be relieved. This reasoning appears straightforward and easily acceptable.

The positive tone of the report will create pressures for the FCC to solve land mobile congestion within the Stanford framework. Policy makers may assume reallocation of spectrum for land mobile can be avoided or deferred indefinitely.

Before jumping on the SRI bandwagon, or under it, one should be aware of three caveats. First, the spectrum management proposals advanced by SRI would sharply increase the FCC's annual budget requirements, perhaps to double today's levels. Second, the complex computerized management system required to implement this proposal could take three to five years to develop. Thus, given budget approval in 1971, the FCC might not produce its *first* results until 1976.

Third, SRI recognizes this sytem could be merely a temporary means of stemming "today's critically congested spectrum in the New York City region," and, "tomorrow's certain congestion in other cities."

While the importance of these factors varies with partisan position in the spectrum controversy, the scientific value of SRI's effort deserves independent judgment.

This critique attempts to answer two questions regarding SRI's approach to the problem:

1. Is even distribution of the occupancy of land mobile channels achievable or practical?

2. Are all 1,854 land mobile channels available for assignment in a given region to complete the redistribution of users?

MALDISTRIBUTION A MALADY?

SRI uses the term "maldistribution" to mean that land mobile channels, bands and services do not have an equal level of occupancy, i.e., time in which the channel was monitored to be in use. The 247,000,000 data bits accumulated by SRI are sufficient evidence of variations in distribution. Before characterization of this inconsistency as "maldistribution", it must be proven or assumed that even distribution is the correct or best state.

It is important to recognize that SRI assumes rather than proves this point perhaps ignoring pertinent factors which justify variable channel occupancy. Can a fire channel even occupied during normal periods be useful when a fire occurs? Should a police frequency used for stake-out periods and surveillance have the same occupancy as a general police dispatch channel? Should occupancy of a taxicab channel be reduced (to obtain even occupancy) although this service operates efficiently with over 100% occupancy?

These and many similar questions arise to challenge the SRI assumption that equalized occupancy is meritorious. Can occupancy be simplified to consider only one level for public safety and another for other land mobile users? Can power level and special use restrictions be eliminated or ignored?

SRI may not have reached an improper conclusion, but it has not probed sufficiently to justify its position on equalized occupancy or to characterize existing conditions as a malady.

ARE 1,854 LAND MOBILE CHANNELS AVAILABLE?

Another SRI assumption akin to the "maldistribution" idea is that all 1,854 land mobile channels are "available" for user redistribution in any urban area. SRI thus reasons that occupancy levels on all land mobile channels should be equalized to eliminate congestion. By using 1,854 "available" land mobile channels to redistribute users for even occupancy, congestion will be relieved.

For this reasoning to be valid SRI must demonstrate that all 1,854 channels *are* "available" and any current deviations represent improper spectrum management.

SRI must eliminate five "causes of maldistribution" in order to provide "availability" of all 1,854 channels:

Low Band Procedures—SRI assumes that FCC rules regarding the geographical allocation plan for low band (30–54 MHz) channels preclude their use in the urban area. Ergo, change the procedure on low band assignment and the low band channels are *available.*

Comment: SRI should have determined if reasons other than FCC procedures limit the use of low band frequnecies in the urban environment. If urban noise, buildings and terrain factors would limit or preclude use of low band channels in the city, these channels cannot be considered part of the *available* pool.

Excessive Coverage—SRI notes that the "excessive coverage" of systems outside the urban area precludes use of these channels in the urban area. Providing coverage control, says SRI, will make these channels *available* for reassignment in the urban area.

Comment: The term "excessive coverage" is never defined, and only one reference suggests how SRI determines excessive coverage. (Final Report, Part A, pgs. 40–41.)

The assumption is made that when a channel not assigned in Manhattan was monitored with significant peak and average occupancy it "indicates that the coverage areas of some of these systems were excessive."

As an example of the type of situation which could fall under this concept of excessive coverage, a 150 MHz band system with 100 foot base antenna height and 60 watts RF power provides a nominal base-to-mobile range of 15 miles, certainly not excessive. The appearance of excessive coverage results from SRI's monitoring location—in its Manhattan test—790 feet above ground. From this vantage point SRI would monitor our hypothetical station's transmissions at a distance of 50 miles. Rather than excessive coverage, this factor should be considered as a limitation to any monitoring procedure which does not consider all transmitters out to the horizon.

Unassigned Tertiaries—SRI identifies many unassigned "tertiary" frequencies with low occupancy within the urban area. SRI considers these tertiary channels *available* as part of the 1,854 channels.

Comment: It does not appear that SRI takes cognizance of the accumulated evidence that, at present day state-of-art, physical separation between adjacent channels (30 KHz) and (15 KHz) tertiary frequencies is required to preclude mutually destructive interference.

Only US Designators—SRI does appropriately describe a variable channel loading factor in stations licensed for use within the continental United States. The extent of this practice is not sufficient to create a severe problem in any one locale.

Grossly Different Occupancy Patterns in

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450 MHz (split channel) Base and Mobile Segments—SRI notes that monitoring establishes a relatively high rate of occupancy for base station frequencies while there is little or no occupancy on the mobile frequencies. SRI suggests diversion of a quantity of channels from mobile to base usage, increasing their *availability* for the redistribution process.

Comment: Logic should have warned the SRI research team that something was "rotten in Manhattan." The 450 MHz split channels are generally used for mobile relay operation. A base station frequency such as 462.275 is paired with mobile frequency 467.275. The mobile relay station rebroadcasts mobile transmissions on the base station frequency. A control station receives the mobile's message on the base frequency, responding on the mobile frequency. Again this message is rebroadcast by the relay station. In other words, in the majority of 450 MHz split channel systems the base station transmission is a rebroadcast of a mobile frequency transmission. Alternate system design would place all base and mobile transmitters on the base frequency. The disproportionate occupancy rates developed by SRI's monitoring should have been an immediate warning that the monitoring system was not adequate to receive all mobile or control station transmissions.

It should be remembered that the majority of 450 MHz mobile equipment has a power output of from 15–18 watts rather than the 30 watts assumed in the SRI detection model. In all bands, portable, industrial, motorcycle, handcarried and low-powered mobile equipment with 3–10 watts output are common.

There is no way to duplicate the time and circumstances under which these data were developed. It is impossible to determine the extent to which similar errors in the probability model or the actual monitoring may have affected the data base. The data probably shows less channel utilization than actually occurred.

SRI's exploration of these five "causes of maldistribution" is insufficient to justify a conclusion that considerably greater channel availability can be achieved through improved spectrum management techniques, monitoring, occupancy equalizing, etc.

Further comment on the details of the study can be expected from serious students of spectrum utilization and professional frequency coordinators. This general critique should not foreclose detailed, service-by-service investigation.

Despite its faults, this study is significant. Its shortcomings illustrate the constraints imposed by a limited objective. Its strength rests on a pioneer effort to develop new data for frequency management.

The limited study objective—develop concepts for frequency assignment procedures "that would significantly improve the utilization of the radio spectrum assigned to the land mobile services"—reduces the value to the study. This objective forces SRI to assume significant improvement was possible and that no additional spectrum space would be made available to land mobile.

At the same time SRI has pointedly established that congestion does in fact exist, and that block allocations and standardization of radio channels and radio equipment should be continued.

It is important to note that Stanford says, ". . . the study did not consider the question of additional spectrum space for the land mobile services. . . ."

SRI goes on to hypothesize that a national policy of extensive exploitation of all aspects of land mobile, "would necessitate freeing blocks of VHF and UHF spectrum from other uses and allocating them to the land mobile services."

A national policy encouraging full scale use of mobile radio is not achievable with the system proposed by Stanford Research Institute. Considering the technical deficiencies noted earlier, it is unlikely the SRI proposal can achieve its limited goal of providing temporary relief from congestion.

Additionally, the cost and time frame to implement these proposals defeat their intended purpose of providing interim relief for congestion.

Thus, on serious analysis it is evident that *A Study of Land Mobile Utilization* fails to provide a ready answer to the spectrum problem.

THE NCAA—MASTER OR SERVANT?

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. GIAIMO. Mr. Speaker, earlier this week our colleague, the gentleman from Illinois (Mr. Michel) and I introduced House Resolution 802, which calls for the creation of a Select House Committee to conduct a thorough investigation of the National Collegiate Athletic Association. We intend to reintroduce this resolution on Monday, February 2, and we urge all those who care about the future of intercollegiate athletics in this country to join us at that time.

Mr. Speaker, no one can deny the value of amateur athletics in America as a builder of men and as a bridge to better understanding among the peoples of the world. How often have we seen the disadvantaged young man or woman achieve success through athletic ability and desire? How often have we seen our schools and our communities forget their inner divisions and differences to unite in support of athletic teams? How often have we said, while watching the Olympic Games or the U.S.-U.S.S.R. track meet, for instance, "How wonderful it would be if all people could live in the atmosphere of respect and friendship in which these athletes compete?"

The foundation of amateur athletics in the United States is, of course, the college campus. It is here that the athlete may receive his finest training and face his greatest athletic challenges. It is here that Olympic champions are developed. Most importantly, it is here that athletes learn lessons that will help them all through their lives.

Unfortunately, intercollegiate athletics have become "big business" in certain places. This has resulted all too often in a multitude of evils; recruiting infractions, illegal payments to athletes, exploitation of stars, commercialism, and a general athletic overemphasis have occurred more and more frequently in recent years. In light of this, an organization such as the NCAA is needed in order to oversee athletics and punish those who violate the standards of amateurism and fair play.

With this power, Mr. Speaker, the NCAA can exert tremendous influence on its member colleges and universities. Its punitive actions can have an overwhelming effect on the financial condition and overall morale of these institutions.

Recent developments have caused many people to question whether the NCAA is using its power properly and fairly. I am concerned because the NCAA has seemingly forgotten that the primary purpose of intercollegiate athletics is the betterment of the individual athletes and their schools.

The recent case of Jack Langer, a basketball player at Yale University, involves an apparently arbitrary refusal by the NCAA to sanction the basketball tournament of the Maccabiah Games in Israel, despite the fact that the tournament is sanctioned by the International Olympic Committee and the fact that similar amateur tournaments held during the summer have received NCAA approval. It also involves the placing of Yale on athletic probation for 2 years; a punishment many consider unusually severe and one which is normally reserved for schools found guilty of much more serious infractions.

An even more disturbing development is the continuing feud between the NCAA and the Amateur Athletic Union. While I do not propose to take sides in this dispute, it has become obvious that this struggle has hindered many of our finest athletes and threatened our participation in international athletic events. All too often, these organizations have used individual athletes as the pawns in a game of power politics.

Because of these and other questions, the gentleman from Illinois (Mr. Michel) and I have decided that all aspects of NCAA operations should be examined. We want to insure that this powerful organization continues to operate as the servant of its member colleges and universities, not as their master.

Considering the power of the NCAA in the realm of intercollegiate athletics, the large part athletics play in our system of higher education, and the importance of higher education in the future of this country, we believe that an investigation is warranted. We trust that our colleagues will agree.

As an example of recent criticism of the NCAA's action in the Langer case, I wish to include an editorial from the New Haven Register and a column from the Connecticut Jewish Ledger at this point in the Record:

[From the New Haven (Conn.) Register, Jan. 24, 1970]

The Crude Criterion of the NCAA

While it punishes Yale University for protecting the interests of its students, the National Collegiate Athletic Association tolerates commercialism in college athletics and permits inexcusable exploitation of college sports stars.

What a mockery for the NCAA to place Yale on probation for allowing one of its basketball players to perform during the summer in the respected Maccabiah Games in Israel when it ignores appalling overemphasis on sports at other colleges.

Yale insists that its athletes live up to academic standards. But Texas University allowed its quarterback, James Street, to continue playing though he did not keep up with his studies while the Longhorns' team became the so-called No. 1 team in the nation.

After the season was over, the Texas star dropped all his courses six days before final examinations. Texas U. officials frankly ad-

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mit the Street fell behind because of the pressure of the Arkansas and Notre Dame games.

The NCAA surprised no one by voting to permit colleges to play an 11th football game—one more than has been permitted. One would think the wear-and-tear of ten games of football is more than enough for a college student, but an eleventh game will provide money for college treasuries and make the NCAA a bigger deal, so why should the NCAA object?

Yale athletic director DeLaney Kiphuth justifiably protests that the NCAA is treating Yale, by imposing two-year probation, as though it were one of those institutions that subsidizes athletes who can't read and write and gives them cars and other aid not permitted under the NCAA constitution.

Not-so-fine distinctions are disregarded when the NCAA cracks down on colleges that do not join in its power struggle against the AAU.

[From the Connecticut Jewish Ledger, Jan. 22, 1970]

A Matter of Principle

(By Berthold Gaster)

Much has been written in recent days about what the N.C.A.A. has tried to do to Yale. We say "tried to do," because we firmly believe that the men of principle who make Yale's athletic policies will be around long after the shortsighted moguls of the N.C.A.A. sports dictatorship have left the scene.

Putting Yale on two years' probation for playing Jack Langer because he competed in the Maccabiah Games without N.C.A.A. sanction was strictly a power play in the N.C.A.A.-A.A.U. war we have mentioned in recent columns. It was the kind of punishment reserved for schools found guilty of serious infractions in recruiting, in illegal payments to athletes, and so forth.

It is not an easy thing for Yale—whose outstanding swimming teams are thus barred from major competition—to stand by its guns. But it is doing so unflinchingly and with the support of the other Ivy League schools.

The fact that the N.C.A.A. picked on the Maccabiah Games in Israel—which are sanctioned by the International Olympic Committee—is puzzling. And seven American Jewish basketball players were forced to withdraw from our team in the "Games" before Langer—with Yale's full encouragement—decided to ignore the senseless N.C.A.A. ban.

And why the Maccabiah Games? Why Israel? We intend to find out and will report back to readers of this column.

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RICHARD A. SHAFTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. RODINO. Mr. Speaker, I was deeply saddened to learn of the passing last Thursday of an old and dear friend of mine, Richard Shafter, of Belleville, N.J. Mr. Shafter was a native of Berlin, Germany, who came to the United States after World War I and worked as a reporter for several newspapers in New Jersey, Michigan, and New York. In 1949 he joined the public relations department of CARE, Inc., the overseas aid agency in New York, and was a vice president of the CARE employees union.

Dick Shafter was a man whose lofty ideals provided me with a great source of inspiration over the years, and whose wise counsel was gratefully taken. He was a person who cared deeply for his fellow man, and though there is little that one can say to ease his family's sorrow, I know that they can take consolation in the sure knowledge that Dick's compassion and dedicated service touched all who knew him, and made all our lives more meaningful.

SUCCESSFUL LOCAL EFFORT COMBATS WATER POLLUTION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, last November I spoke before this body about the success of the Cedar Creek Restoration Council and one man in particular, Del Cook, in cleaning up a stream which runs through my district.

I received so many requests for more detailed information on how the council accomplished its task that I asked the secretary of the council, John Hazelwood, to prepare a historical report on the council's activities.

This report and the notes of sample meetings of the council should become required reading for all who want to do something about water pollution. It was no easy task and the job is still not over. But it can be done.

I would like to include the report as part of my remarks at this point:

Historical Report of Cedar Creek Restoration Council, Inc.

INTRODUCTION

The Cedar Creek Restoration Council is a private citizen's group formed in 1964 and incorporated in 1965 for the purpose of restoring Cedar Creek which is a 32-mile navigable stream running from Little Cedar Lake in a generally easterly direction to a confluence with the Milwaukee River east of Cedarburg and south of Grafton, Wisconsin. The Cedar Creek Restoration Council recently has been subject to favorable publicity in the Milwaukee Journal for its successful effort in restoring Cedar Creek to a level of purity so that at the large majority of the stream, full-bodied human contact is considered safe.

The author of this report is John Hazelwood, Secretary of the Cedar Creek Restoration Council. This report was specifically requested by William Steiger, M.C.

FORMATION

The Council was formed in October, 1964 for the express purpose to restore and clean up the Creek. Earlier in that year, there had been two large fish kills allegedly originating from a canning source in Jackson, Wisconsin. The Village of Jackson is about one-third of the way downstream along the 32-mile Creek.

The chief protagonist in the fight for a cleaner stream was and is Delbert J. Cook, Chairman of the Council. He, along with interested people from 4–H groups, Boy Scouts, "conservationists" and certain influential private citizens, formed the Council. There were about a dozen "key" people.

Additionally, and very importantly, the State of Wisconsin had a water pollution control committee at the time of formation which was of enormous help. Also, the Southeastern Regional Planning Commission gave the Council a certain liaison with other local groups who were interested in clean water.

Most of the key people in the Council came from the Cedarburg-Grafton area, about 65%–70% of the way downstream. Additionally, small groups from Big and Little Cedar Lake rallied to the Council's cause in an effort to keep their own two lakes clean.

The Wisconsin State Pollution Control Committee designated a technical adviser to the group—the regional engineer assigned to the area of Wisconsin which contains Cedar Creek. This technical adviser, Floyd Stantz, set up four basic water quality tests to determine progress of the Council's effectiveness in fighting the stream's pollution.

Floyd Stantz and Delbert Cook personally confronted known polluters with remarkable success. Both persons have strong personalities. Stantz was promoted to a different district in 1968 and was replaced by Thomas Kroehn a softer dealing man. The change in personnel was concurrent with reorganization of Wisconsin's natural resources administration. The State's Water Pollution Control Committee at that time had less enforcement powers than the comparable agency, the Environmental Protection Division, does today and yet was more successful in the opinion of the Cedar Creek Restoration Council.

ANNUAL SURVEY

Each year the Council organized a survey of the entire Creek from its origin, including both Big and Little Cedar Lakes, to the Milwaukee River. Up to 50 people (Boy Scouts, adults, etc.) paddled or walked down assigned stretches of the Creek noting possible pollution sources, deteriorating conditions and natural and man-made hindrances to navigation.

CITY OF CEDARBURG CLEAN-UP

Beginning in June of 1966, the Cedar Creek Restoration Council at the invitation of the Cedarburg Park Board and with the help of all citizens' groups and area schools and Explorer and Boy Scout units inaugurated the first of four very successful clean-ups in the Cedar Creek within the city limits of Cedarburg. In 1966, enough debris was dragged out of the Creek to fill 26 city dump trucks. This debris consisted of everything from skeletons of cows to bed springs to rubber boots, etc. Of course, there was a great deal of clogged logs and natural material which became snagged in the Creek. In 1966, approximately 500 citizens of Cedarburg and the area worked to clean up the Creek. The only compensation for the cooperation was a free lunch supplied by the American Legion group and a "Certificate of Appreciation" given to each worker. Additionally, the City of Cedarburg's maintenance crews and the local power company used their equipment. Certain local businesses and the Fire and Police Department supplied other equipment to help drag things out of the Creek.

In 1967, 12 truckloads of debris were taken from the Creek pursuant to a similar clean-up project. In 1968 and 1969, additional truckloads were taken out. The total volunteers on the 1969 drive were 100.

It is the present hope of the Restoration Council that intensive clean-ups may not be required. Now the City of Cedarburg's maintenance crews, by keeping an eye on the Creek, can easily haul the debris out as it accumulates. This, in fact, is happening already as a result of accomplishments of Roger Butt, a vice president of the Cedar Creek Restoration Council and a city Park Board member.

One of the advantages of the annual clean-ups which might be lost is the community and school spirit that was created by it. Adults and school children could each do their part and participate in a tremendous accomplishment for the community which each individually could enjoy.

A most active part was undertaken by Cedarburg Boy Scout Troop 3, under the leadership of the late scoutmaster "Mike" Neve. In surveys, stream improvement work and clean-up projects, members of Troop 3 were always in attendance in large numbers and great enthusiasm.

INDUSTRIAL PROBLEMS

Friendly persuasion was not Del and Floyd's calling card. Violators knew they were up against dedicated persons even though, procedurally, a violation could have stalled enforcement out a number of years. One of the first plants Del and Floyd approached was Justro Packing Co. in the Town of Cedarburg. The packing company processed livestock parts each day allowing the blood and the other waste to run into the stream due to a faulty settling lagoon. Despite the fact that there would be a considerable capital investment required, when confronted with the law and the facts, Justro Packing Co. operates what is now a very well-run treatment process. Periodic tests now show that water down the stream from Justro is acceptable. Justro took about one year to correct its violations. Justro employed about 20 people. The company is a subsidiary of Wisconsin Packing Company. The property is owned by Huiras and Gerold. Ralph Huiras is chairman of the Town of Cedarburg.

A national canning firm, Libby, McNeil & Libby, was dumping vegetable canning waste straight from its lagoon into the creek. It was never clearly established whether this was done intentionally or as a result of a "helpful" watchman or bad discharge valves from the holding lagoon. A large portion of the problem was solved by management putting a lock on the valve controlling the discharge into the creek, thereby preventing the watchman from turning the valve without management knowledge.

Libby, McNeil & Libby continues to be a substantial problem. In 1968, two significant fish kills resulted from a break in Libby's equipment and a direct discharge into the stream. Additionally, Libby attempted to put in a pickle brine spray irrigation system, which would have caused a large amount of brine to damage a wild life preserve near the creek and, in the event of any malfunction in the spray irrigation system, could have ruined the stream. Libby attempted to put this system in without getting a state permit and now, as a result of influences brought to bear by Del Cook and others on the state, may only use the spray irrigation system for the spraying of vegetable juices. A broken pipe from the system still can kill fish at any time as it did in 1968, but at least the wild life preserve, and the agricultural land, is safe from the effect of the brine.

Another national company, Kiekhaefer, in 1964, had oil-type discharges from both plants in the Cedarburg area. Water used for testing outboard motors which contained oil was dumped right into the creek causing a serious fire hazard and large buildups of muck. From the other plant a white plastic-like material for sealing out blow holes castings was discharged straight into the creek.

Substantial headway was made by Del and Floyd regarding the discharge of the white sealer. The plant manager simply assigned more men for maintenance of the equipment. Unfortunately, the oil discharge has not been corrected even though the State of Wisconsin has issued orders in 1968 requiring the plant to correct this violation. The company attempted to solve the oil discharge problem during the vacation period in July of 1969, but a strike and picket line prevented the maintenance men from coming in.

The fourth and last major industry along the creek was the Level Valley Dairy, a locally owned business. In 1952, the state had issued orders under what was then known as the "voluntary program" in an attempt to get the dairy to correct its pollution.

Yet, at the first survey of the creek in 1965, problems were noted at the dairy, and, during the 1966 spring survey, council members noted large quantities of whey hanging on the rocks. It was completely untreated waste.

The Milwaukee Journal and Milwaukee Sentinel each wrote stories about this pollution. Floyd Stantz and Delbert Cook went out to see the owner of the Dairy who was furious over the unfavorable publicity and the suggestion that he should stop polluting the stream. At that time he had a septic tank that was plugged to capacity and overflowed into a small tributary that emptied into the creek. Nevertheless, now the Dairy has a primary and secondary treatment plant that works very well.

It may be interesting to note that the two locally owned companies completely corrected their system. The Council has not achieved total success with the two national concerns, although they are now under State orders for correction.

MUNICIPALITIES

There are two municipalities on Cedar Creek. Furthest upstream is the Village of Jackson whose sewage treatment plant was built in 1939 for 250 people. In 1960, it became overloaded with the sewage of 500 people.

The CCRC observed a high B.O.D. and fecal count in the creek downstream from Jackson. B.O.D. count (biological oxygen demand) is designed to measure the amount of oxygen needed in the decomposition of impurities within a liter of water at 21° centigrade; fecal coliform count is designed to measure the amount of bacteria in the water, which bacteria are derived from the intestinal tract of warm-blooded animals.

The State Division of Health tested the water downstream from the Jackson treatment plant, but thought "it wasn't so bad". The inspector, Oscar Egger, said that the Village was doing the best it could and refused to get tough with the Village. The Council, through statements in local papers and speeches made by Delbert Cook, put pressure on the Village. Finally, the Village President called in the State Division of Health for another test. After another six months, the State issued orders to the Village of Jackson, which then hired an engineer and designed a new treatment plant. Jackson is now waiting for State and/or Federal funds to build the new plant.

Needless to say, the local village will not or cannot put up the dollars to build it itself. The problem here is the State and local Government by once having granted funds to a certain municipality to perform the function that the municipality should have performed themselves, has set a precedent. Villages like Jackson simply now will wait.

Jackson's present treatment plant is less than 60% effective. The net result is equivalent to 200 people (40% × 500) emptying their sewage directly into stream. The stream beneath the Jackson plant is in sad shape.

The City of Cedarburg, in 1956, built a new treatment plant to accommodate 20,000. Now 6,500 people live in Cedarburg, yet the plant is overloaded. The basic reason for this is the incredible increase in the amount of water used by people today and lack of provision for storm run-off.

Although the plant is extremely well run, it is only seventy to eighty per cent effective. Additional capital expenditures simply must be made for a proper plant.

Additionally, Cedarburg now has the problem of a storm sewer's by-pass system which causes raw sewage to run into the creek during a rainstorm.

It is fortunate for Cedar Creek that the Cedarburg treatment plant is almost at the very end of the stream so that the pollutants running from the plant affect only a small portion of the creek but do affect a major portion of the Milwaukee River and eventually Lake Michigan. The attached map is misleading, and the treatment plant is located just before the confluence between the creek and the river.

DOMESTIC SEWERS AND SEPTIC SEEPAGE

At the present time, to the best of the Council's knowledge, there are no private domestic sources of sewage on the creek. As of now, domestic sources of sewage (e.g., the toilets flushing directly into the Creek or via faulty septic systems) have been corrected as a result of the efforts of Del Cook and his pressuring the State Division of Health and local authorities to do their jobs.

One of the most difficult problems involved was an extremely stubborn tavern owner who abused the creek in just about every way possible from building an illegal dam, to running raw sewage into the stream, and to wanting to build a dance hall in the conservancy District adjacent to Cedar Creek. Unfortunately, the tavern owner was mislead by local politicians with whom he was "buddy-buddy" and reportedly ended up having to spend approximately $12,000 to date in order to accomplish what he could have done with better judgment and better advice for substantially less than that amount. To obtain its goals here, the CCRC hired one of the leading municipal lawyers in the State in a show of strength to the Cedarburg Town Board and state officials. The ensuing legal action was effective.

Perhaps the greatest accomplishment of the CCRC has been the development on the part of property owners of a consciousness of clean water. The presence of an organization with definite vigilante characteristics has tended to encourage those people who would prefer not living on an open sewer to obey the golden rule. It is very tempting for a person living along the stream to be only concerned about the problems upstream and not downstream.

Attached to this report are copies of the meetings of the Executive Committee of the CCRC in January and February of this year with various representatives from the State of Wisconsin. The meetings discussed some lingering difficult problems along the creek, some of which have been solved through pressure applied by Delbert Cook on State officials to do their job.

FUTURE OF THE CCRC

The Council plans to remain active in policing Cedar Creek in the future. We feel we have tackled 90% of the problems and have solved them.

The Council will annually make a survey of the creek to spot obvious pollution problems and other conditions and report them to the State and respective local authorities. As in the past, the Council will "stay on the State officials' back" until they do the job they are supposed to do.

There is some question as to whether annual "clean-ups" will be conducted in the City of Cedarburg. The City of Cedarburg's maintenance department may be able to handle the job adequately as foreign materials occasionally get deposited and jammed up in the stream.

The Council will continue to take steps to remove illegal dams and cut trees obstructing navigation of the stream. We will work with local groups and conservationists to accomplish these goals.

SOME CONCLUSIONS

It is important to emphasize that the Cedar Creek Restoration Council accomplished its goals by spending about $2900, including the production of a movie "Cedar Creek 1966—A Small Fight in a Big War", which cost about $1,400.

The Council achieved much of its goals

only by constantly hounding state and local officials to do the jobs they are being paid for. The biggest problem in Wisconsin is not that there are inadequate laws to tackle the problems, but that the state and local officials do not enforce these laws.

As a result of accomplishments widely publicized, the Cedar Creek Restoration Council has assisted groups in other communities to organize similar programs. Restoration Councils were established in the Root River area and along the Milwaukee River watershed. Other communities which have taken steps toward organization are Fond du Lac, Appleton, Sheboygan, Racine, Fort Atkinson, Hartford, Kewaskum, West Bend, Waukesha, Berlin, etc.

The accomplishments of the Cedar Creek Restoration Council are dependent solely on the driving influence of its Chairman, Delbert Cook, who refused to compromise at the expense of water quality on the creek. As a result today, we have an amazingly clean creek. A copy of the latest state report is attached hereto. Fishing in the creek is reasonably good and improving. People who live along it are proud and are fixing up their stream banks, which are now a nice place to be. In fact, land values along the creek have *quadrupled* since the stream has overcome its reputation as being a "stinking creek" and has become a beautiful and wholesome waterway.

MINUTES OF SPECIAL MEETING OF EXECUTIVE COUNCIL OF CEDAR CREEK RESTORATION COUNCIL, INC., JANUARY 7, 1969

INTRODUCTION

A meeting of the Cedar Creek Restoration Council, Inc. Executive Committee was held at 7:30 p.m. at the Woods Hotel in Grafton. This meeting was called by the secretary at the request of the chairman in order to discuss certain specific problems that the Council has had, with Thomas G. Frangos of the State of Wisconsin Department of Natural Resources. He is the acting administrator of the Environmental Protection Division.

Mr. Frangos brought William Sayles, acting head of the Bureau of Water and Shore Land Management of the State Department of Natural Resources—Environmental Protection Division.

Besides various members of the Executive Committee present at the meeting, were representatives from the League of Woman Voters, Milwaukee Restoration Council, Town of Jackson, various schools, West Bend Sportsmen's Club and Daniel Boone Hunter's League.

Del Cook, chairman of the CCRC and chairman of the meeting, opened the meeting with general comments. He outlined the procedure of the meeting which would be first, to watch certain slides and then to follow the printed agenda. He noted that the state senator for the CCRC's district, Senator Ernest Kepler, requested that Frangos and Sayles make a note of the conditions discussed at the meeting and make recommendations for their solution and report them to him. A similar request was made in writing of the Secretary of the Council and Secretary of the meeting, John A. Hazelwood, by Ozaukee County Assemblyman Herbert Schwolter.

INTRODUCTORY REMARKS

Cook noted that the Council had been in existence for four years and that many of the problems that were had four years ago regarding specific sources of pollution exist on the Creek today.

Cook noted that although there seemed to be adequate laws on the books, the administration and enforcement of the laws was extremely frustrating and complex. Our Council would be fussing with the same problem it was fussing with two or three years ago and one state agency would pass us on to another.

Cook said the purpose of this meeting was to try to narrow the gap between a private citizen's group like the CCRC and the responsible state agencies.

Tom Frangos stated that he shared our frustrations in not being able to move fast enough as the result of legal requirements—statutory and court-made laws. He stated, however, that he believed his agency had most of the responsibility for the solution of our problem regarding the creek and was willing to talk about them at the meeting. He noted that he had held up our Council as a model citizen's group who had been able to get results in stream betterment. He also noted that one of the reasons for his being there with us was that he wanted to make sure that there was no credibility gap coming out of Madison and if the state agency had no way of solving the problem he was going to be quite frank about it.

Regarding the slides, Frangos stated that he didn't want to get into specifics and that it would be inappropriate for him to make judgments on the specific questions raised. He said he would be happy to report to Senator Kepler with the information requested but he would leave it up to the field man for the division to make judgments regarding what law applied to the specific case. In general, he would comment on the slides and other matters in an unspecific way and tell us which portions of the law generally applied and which do not.

Following these introductory remarks Cook showed about twenty-five slides showing the following items: typical homemade rubble dams put in for the purpose of creating a wading pool and skating, (people are not aware of the damage these dams do to the streams); up-rooted trees (including one on the Conservation Department's land) which trees blocked the stream flow; barbed wire fences crossing the creek in order to fence in cows; erosion of stream bank by livestock; John Blank's dump alongside of the creek; private out-fall and junk pile on the side of the creek by other individuals; before, during and after slides of the Cedarburg Power Plant's bank improvement; out-fall of Jackson sewage plant; out-fall from Kieckhefer plant; typical domestic out-fall in Cedarburg; algea coating on creek due to over-fertilization; creek showing recent fish kills as a result of oxygen demand material coming out of the Jackson area; workers working on creek clean-up (annual drive); bank showing farmer who used fieldstone to protect bank to prevent erosion; bank protection as a result of work done by clean-up volunteers; section of Covered Bridge Park in which big boulders from road excavation have been used to improve the bank; Oak Creek volunteers helping Cedarburg; crew which worked at creek survey.

Following the slides the meeting proceeded to the items on the agenda.

I. STREAM BED AND BANK DAMAGE

A. *Livestock.*—Cook explained that the Council was aware of the law which prevents cows from wandering off a farmer's land and required the farmers to fence that land area, but the problem with regard to the Creek was the running of fences across the Creek and the allowing of cows to wander back and forth through the Creek and destroy the bank. Cook pointed out that farmers in the Cedar Creek area had not reacted to the state's offer to provide cost sharing (50–80%) in order that the farmers build fences along the Creek to prevent the cows from walking into the Creek.

Bill Sayles commented that his regulatory agency was limited to the laws on the books and there was no law which prevented the pasturing of cows on a stream. Sayles stated that one means of solving the problem is to pave the bank where the cows are pastured, either with stable gravel or concrete—by this means creating a ford. Of course, the bank must be cut down gradually and the paving put in. Work plans for such arrangements are available to the farmers from the state agency.

Cook stated that he felt that the state soil conservation should discuss this matter with the farmers involved. Cook noted that we could not understand why it was proper for a private property owner to butcher his bank with cows, but it is improper for another private property owner to build a beach on his land by placing materials on the bank and in the stream. Sayles' comment to this was that pasturing the cows is simply not illegal but the other is. He noted that in order to correct the problem that it would have to be a financial contribution to the land owners. One way of doing this problem is the leasing of land arrangement which other state agencies have done, or the taking of scenic easements in property as the highway commission has done.

Sayles noted that friendly persuasion was the best way of getting the job done, at the moment. Cook commented that friendly persuasion just doesn't get the job done and that it is impossible to educate people in this manner. Frangos commented that pure education is always a tough way to do things in this area but that generally speaking all state agents such as agricultural agents, resource development agents and ASCS agents were putting a concern for stream improvement into their various programs for discussion with departments and other figures.

Ollie Fick, the chairman of the Milwaukee River Restoration Council, stated that the cattle are seriously damaging the streams and that we might be 50 years too late in our attempt to correct the problem. He noted that talking to farmers about an expensive proposition such as fencing a stream or putting in a ford doesn't work and some legislation in this area just has to be passed. Sayles stated that regarding education in this type of area, in the past sportsmen's groups through an attorney have prepared legislation of this type. He noted that riparian rights were very important in this state and in many ways has made the state what it is.

Cook suggested that the Division of Environmental Protection pass regulations regarding stream bank fencing. They should do so under their general ability to have regulations for the protection of water quality. Frangos commented that the division has never done anything like this before but did not specifically state whether or not it could do this.

B. *Shore Land Filling and Dumping.*—The problem of filling and dumping within flood plane was generally discussed. Sayles noted that the division's jurisdiction only applied in the navigable stream and that the rest of the flood plane was covered by local zoning. Del stated that the problem with local zoning was that even though the Town of Cedarburg had excellent local zoning the Building Inspector and the owners were not aware of the requirements and that there was no enforcement of the regulations. Sayles noted that the state had no jurisdiction over the town ordinances and that the state statutes only give the state the right to enforce a county ordinance. Ozaukee County does not have a county zoning ordinance. Sayles noted that the town may have a more vigorous zoning than the county and in any event it is up to the town board to give the answer to any questions we would have or enforcement problems we would have in this area.

1. John Blank's Dump: Tom Kroehn, of the Division of Environmental Protection, noted that John Blank has put nothing in his dam for over the last 9 months. Cook stated that even after Blank received a recent letter from Tom regarding the use of dump materials for a fill that Blank was still using garbage. Cook stated that Blank used the garbage fill so that he could raise the level of land for the subdivision of his prop-

erty and since he was the chairman of the town dump he could easily get the materials from the dump.

2. Kilroy: Kilroy had a problem that his septic tank was overflowing and was seeping out onto his grass. He took fill from an excavation for a gas line and covered up the leakage. It was noted that now the overflow seeps underground in the Creek, rather than in a direct flow.

II. NAVIGATION

A. *Man-made Dams and Islands.*—Collection of trash, junk, algae. Cook noted that man-made dams and islands were a serious problem to the streams for they collected trash, junk, algae, because the flush of the stream was impaired. Bill Sayles stated that the department would not allow the placement of these rubble dams when they had word of one in advance. The reason for this is that stream levels cannot be maintained and the dams become unmanageable. Sayles stated that when we knew of any illegal dams we should get the local warden who could make a follow-up investigation of the problem. Then if there wasn't a solution, he could arrest the land owner and turn the case over to the County District Attorney for prosecution.

2. Kilroy: Kilroy won't remove his dam because he says it makes the fishing better. The fact that it causes the deterioration of water quality is no concern to him. Cook stated that as far as we know he has no license to have this dam in place. The local warden and D.A. are following up on this matter.

Sayles and Frangos were quite clear in the procedure to follow: when we found a violation a department man should be called and he will make an investigation. He will try to get compliance but failing that he would bring in the local D.A. for prosecution. If the D.A. did not think the facts were sufficient to prosecute, of course, the D.A. could veto any further action. Frangos and Sayles noted it was difficult to get any compliance with the law after the obstruction had been in place for a long period of time. This was due to the fact there was a difficult question of proof as to how it got there in the first place.

3. Stone Island Near Cook's Property: Regarding the stone island near Cook's property, Tom Kroehn stated that Cook's neighbor now knows the dam is illegal but Kroehn doesn't know whether he's willing to do anything about it.

B. *Fallen Trees and Natural Debris.*—A land owner whose trees by natural causes fall into the stream is under no obligation to remove it. People who are using the stream for navigation purposes have a right to remove any obstruction. They can restore navigation to the stream. This information was given to us by Bill Sayles.

Sayles was uncertain as to whether wood could be stacked on the bank which had been cut out of the stream. It is possible that this could be trespass.

Cook noted the procedures the Council uses in getting land owners implied permission as a result of putting an ad in the paper that the Council is going to be cutting trees in certain areas and that anybody should object if they do not want the Council to do so.

C. *Fences.*—Sayles discussed the problem that the law requires an owner to fence in his cattle but a fence may not interfere with navigation. Cook pointed out that there are many fences illegally interfering with navigation on the Creek, but that farmers were, generally speaking, cooperative about placing them in such a way so as to minimize the danger to canoeists and others. It was noted that an illegal obstruction to a navigable stream can cause serious liability to the land owner.

III. WATER WITHDRAWAL

A. General discussion was had regarding riparian rights and the rights of a land owner to use water for domestic purposes. Sayles said that riparian rights gave any property owner the right to use water flowing by his premises for human consumption—cattle—power. Toward the bottom of the list of his riparian rights are the use of water for agriculture. For any large scale use of water (such as a truck garden), the land owner must obtain a permit. Cook noted that the withdrawal of water from the streams was a serious problem since it had a low water mark of only 4.6 cu. ft. per second (equivalent to about thirty-five gallons per second flowed in the stream and that one of these small gasoline pumps can withdraw approximately one gallon of water per second from the stream.)

IV. WATER QUALITY

1. Fehring Farm: On the Fehring farm there is a domestic outflow right into the Creek which Oscar Egger of the State Department of Health, has known about for over two years and will not issue the proper orders in order to get the problem solved.

2. Sherman Road and Cedar Creek: Again for two years Egger has known about the domestic outflow from his property and has done nothing effective to get compliance.

3. Roland Kison: Again for two years Egger has known about the domestic outflow from this property and has done nothing effective to get compliance.

4. Lemkee's Tavern: This problem is now apparently corrected. It involved direct sewage and overflow of filter beds.

5. Cedar Creek Estates: Via underground tiles it is believed that sewage seeps into the creek. There is a 4,000–6,000 chloroform count in the water near Cedar Creek Estates. This matter should be studied in detail by the department.

6. Bridge at Highway I: Tom Kroehn said from the floor that he has investigated the problems at this point and has determined that it is not flowing from Ott's residence but from some other source and he can't figure it out.

7. Kilroy's Ditch: Again there is domestic discharge into a ditch which flows into the creek. It has been uncorrected and Oscar Egger has been informed of it.

8. Western Avenue: Four or five homes discharge into a storm sewer which flows directly in the creek. This problem is three years old and has not been corrected. State officials are aware of it and no help is given.

9. Kieckhefer Plant No. 2 and Plant No. 1: Oil flows from Plant No. 2 into the storm sewer. There is also a vast amount of discharge from Plant No. 1. The state has helped here and Kieckhefer is under state orders to correct these illegal discharges.

10. Hempleman's Tavern: There is domestic discharge here and there is no place for a septic system.

11. Covered Bridge: There are three homes near Covered Bridge without septic systems. Regarding the Department of Health and problems of direct pollution and septic runoffs, Frangos told us that the best our group can do is to try to correct it by keeping pressure on the Division of Health. Del pointed out to Frangos that the Division of Health just wasn't doing its job and it was seriously hurting the stream.

12. Libby, McNeil, Libby: Frangos briefly discussed the fact that the department was bringing judicial action against Libby, McNeil, Libby. As yet there has been no brine discharged into the creek and it is scheduled to come this spring. Cook discussed the two serious fish kills on the creek. He stated that in order to cause a fish kill of that magnitude something had to go wrong in either the Libby or the Jackson Municipal Plant. Nothing irregular happened at the Jackson Plant and it appeared that Libby was the violator. Hazelwood stated that in his opinion the state should have done a much more extensive investigation for certain hear-say evidence had come to the executive committee of the CCRC and it was obvious that this evidence had not been discovered by the state investigating team. Hazelwood referred to the burst pipe on the Libby premises which fact Roger Butt verified.

Cook said he was concerned due to the fact that there wasn't even a serious letter written to Libby, McNeil & Libby following the investigation of the case.

V. ENFORCEMENT

There was a brief discussion of the problems of having a six signature petition followed by a prosecution handled by the complaining witnesses in a pollution case. Frangos informed us that this was much too elaborate a procedure for us to follow and suggested that if we had proof of a violation of the law we should simply write a complaining letter to him stating what the violation was and a State Investigator would follow through. For example, regarding our rubble dams someone from the Division of Fish, Game & Law Enforcement would come and investigate the alleged violation and could write a report suggesting that the division itself take and instigate a proceeding.

Frangos said regarding enforcement, what is needed is someone at the local level who can make an immediate investigation of alleged sources of pollution and other illegal actions to destroy water quality. Frangos asked that we send in individual complaints on each one of the alleged violations and the department would then proceed to investigate.

The meeting was adjourned.

JOHN A. HAZELWOOD,
Secretary.

MINUTES OF SPECIAL MEETING OF EXECUTIVE COUNCIL CEDAR CREEK RESTORATION COUNCIL, INC., FEBRUARY 13, 1969

A meeting of the Cedar Creek Restoration Council Executive Committee was held at 8:00 p.m. at the Cedarburg State Bank in Cedarburg. This meeting was called by the Secretary at the request of the Chairman in order to hold a sequel to the January 7 meeting but this meeting being with representatives of the State Conservation Division, Fish Management Section, Division of Health, and Conservation Department.

The meeting was called to order by Delbert Cook, Chairman. A quorum was present. Present on the Executive Committee were Cook, Hazelwood, Held, Butt, and Hetts.

The first order on the agenda was the introduction of the state representatives present who were Bill Selvig of Horicon, Fish Manager; Oscar Egger, Division of Health, Fond du Lac; Charles E. Olson, Conservation Warden for Washington County; and Albert Wilke, Conservation Warden for Ozaukee County.

Then Delbert Cook proceeded to show a series of slides of Cedar Creek showing some of the problems now present on the creek and some of the problems which have been corrected.

Cook announced that there would be a creek clean-up on Saturday, February 8, 1969, relating to the removal of dead trees that were up-rooted and blocking navigation in the creek.

Cook announced that CCRC would cut only those trees which interfere with navigation. The healthy trees are left in place.

There was a question from the floor as to why we just don't leave the fallen trees in the creek because such fallen trees make good fish habitat. The answer was that junk and rubble close the stream and that we only take out trees which are seriously interfering with navigation and that have a lot of branches and twigs which collect the junk and rubble. Other fallen trees are left in the stream for the benefit of the fish.

The fish manager from Horicon, Bill Selvig, stated that he agreed with our approach and he thought that we were using good judgment in this matter.

The meeting then turned to a discussion of bed and bank deterioration and deposits. Cook stated that the rubble dams which are placed in by individuals were permanently done to provide swimming holes, fishing holes, or skating ponds. Cook announced that the conservation warden for Ozaukee County, Al Wilke, has been a big help here. Cook also stated that Bill Sayles at the last meeting had told us those who wanted to navigate the stream should remove the obstruction and it was the intention of CCRC to find these dams in their spring survey and take steps toward removal of the dams sometime this summer.

Cook pointed out that a great deal of discretion must be used in taking out these rubble dams, for if too much of the dams were removed at once, too much of the bottom may be exposed leaving too little channel for the stream to run through. Cook stated that it was necessary to keep the stream navigable for unless it was navigable we would lose the benefits of a stream so identified.

The meeting then discussed the general problem of bank erosion from livestock.

The meeting then discussed fish stocking with Bill Selvig. Selvig announced that his predecessor's survey had indicated that stocking in the Cedar Creek area had questionable results. Nevertheless, he stated that we could privately develop fish for the creek as was done in the case of Green Lake. The way to do it was to build cement raceways and to raise the fish privately. As to this, we should ask him for details and get his help if any individuals wanted to do this.

Norman Huth of the Milwaukee County Conservation Alliance stated that if streams water quality and environment are all right there will be plenty of fish, and that in his opinion fish stocking was often unnecessary. Selvig agreed with this conclusion.

Albert Wilke stated that the planting of Northerns in the creek had been highly successful. Selvig earlier had pointed out that the planting of Rock Bass had not been successful. However, Roger Butt pointed out that there were plenty of Rock Bass at Hy I.—undoubtedly as a result of the stocked fish moving downstream.

The next item discussed was the agricultural pollution and in particular animal pollution. Cook told this group there was a farm south of Mayfield which allowed the barnyard waste and duck waste to wash right out into the creek. A principle item here is the run off from the manure piles in a rainstorm which could then wash into a ditch and in turn into the creek. Egger told the meeting that the normal procedure in a situation like this was to send a letter to the farmer and encourage him to move his manure pile to higher ground and a different place so that the run off of the manure pile would not be directly going into the creek. Egger stated that such pollution was now really under the discretion of the Department of Resource (Environmental Protection Division). The meeting determined that we now should write Frangos a letter in the event we find such types of pollution.

Next item on the agenda was the domestic waste. Regarding the Kison property, Egger stated that he went out to see Rolan Kison last fall. Kison promised to fix the domestic discharge. Regarding the Fehring farm, Egger stated that he had sent a letter saying what had to be done. Egger stated that the procedure was that the town board was to take action and it was his policy to give the farmer all the reasonable time necessary for him to get the job done before pressing him further. Regarding Kilroy's sewage problem, Egger stated that he had not been there to check it out. Regarding the houses on Western Avenue in Cedarburg, Egger stated he wrote another letter but nothing has been done about it. Cook announced that Ralph Huiras, the Town Chairman of Cedarburg stated that the state wasn't pushing the matter so that the obvious solution of the problem—annexation of these properties into the city of Cedarburg sewer system would not be coming forthwith. Egger retorted by saying he was pushing the matter but he thought that perhaps the Environmental Protection Division was not pushing the matter.

The Conservation Warden, Al Wilke, stated that the wardens would be glad to help in persuading such violators but they have to get the information of the violation before they are in a position to act.

Regarding Libby, McNeil, and Libby plant in Jackson, Conservation Warden Charles Olson stated that he recently thought he had a case against Libby, signed a complaint against that company, the case was set for trial in the middle of February, and the DA refused to prosecute. DA's name is Robert Kaufman and the lawyer for Libby, McNeil and Libby is the former DA of Jackson who used to be Kaufman's boss when Kaufman was assistant DA.

Town chairman of Jackson was at the meeting and stated that it was almost impossible for the town board to get compliance regarding pollution in small domestic outflow matters when a big giant like Libby gets away with major violations. He cited the recent fish kills as an excellent example and Libby's building of additional facilities without a permit.

Norm Huth of the Milwaukee County Conservation Alliance stated that in the event individuals on the CCRC are interested in pushing legislation we should contact him to utilize the Milwaukee County Conservation Alliance as a paid lobbyist in Madison. He acknowledged the fact that of course CCRC being a tax exempt organization couldn't lobby itself.

It was then announced that Assemblyman Herbert Schwolter of Ozaukee County was going to speak at the County Board Room in Port Washington Courthouse in the evening of February 17, 1969.

The meeting then briefly discussed the matter of insecticide pollution. The conservation wardens were asked the limit of their authority in investigating pollution cases and the wardens referred us to Section 29.288 and 29.29 of the Wisconsin Statutes. A copy of that law is attached hereto and is a part of the minutes.

Regarding local health officers, Cook announced that it was a tough job getting the local health officers to do their job with the exception of Roger Butt of Cedarburg who was extremely helpful and a member of the CCRC. The meeting then adjourned.

JOHN A. HAZELWOOD,
Secretary.

CEDAR CREEK STREAM SURVEY RESULTS

	Aug. 13, 1968						Aug. 19, 1969				
	pH	B.O.D. mg./l	Temperature, °C.	D.O. mg./l	Fecal coliform per 100/ml	June–July 1969	pH	B.O.D. mg./l	Temperature, °C.	D.O. mg./l	Fecal coliform 100/ml
CTH "NN" below Big Cedar Lake	8.4	<2	21½	8.1	210		8.2	3	23	6.5	75
Tn Rd. bridge below Little Cedar Lake	7.8	<2	21	6.4	1,000		7.3	3.7	17	4.0	180
Tn Rd. bridge-Vill. Cedar Creek	8.0	1.2	21	7.0	20		8.0	5	20	6.9	100
STH "60" below Mayfield	8.3	<2	20½	8.7	500		8.0	6.5	19	8.0	200
Sherman Rd. so. of Jackson	8.2	<2	20½	8.7	2,200		8.2	4.5	20	6.6	<10
						June 18	8.4	4.6	21	10.6	7900 MFCC
						July 17	8.1	1.5	19	9.1	7000 MFCC
						July 25	7.8	1.2	21	7.4	700 FEC
Lagoon discharge (Libby, McN.Libby)	7.4	160	18					15			
						June 18		25			
						July 17	8.2	45	21		
						July 25	8.2	47	23		
STH "60" bridge above STP	8.1	9.2	21½	4.4	3,000		8.4	2.5	21	11.5	100
						June 18	8.4	1.8	20	12.5	83,000 MFCC
						July 17	8.1	<.8	19	8.3	21,000 MFCC
						July 25	8.0	1.2	22	6.5	200 FEC
STP outfall Jackson	7.6	>16	20½					42			
						June 18	7.8	78	16		
						July 17		27			
						July 25	7.6	23	20		
CTH "G" bridge	8.6	6.1	23	14.9	430		8.2	3	22	8.1	70
						June 18	8.1	6	20	8.1	200,000 MFCC
						July 17	7.8	4.9	19	6.9	26,000 MFCC
						July 25	7.8	2.9	23	4.4	200 FEC
CTH "M" bridge	8.2	2.5	23	7.8	160		8.2	4.3	23	5.5	95
CTH "Y" bridge	8.1	2.5	23½	7.9	55		8.1	4.3	25	6.1	140
STH "143" bridge	8.1	1.2	23	7.3	25		8.3	3.0	23	7.2	20
Covered Bridge Park	8.6	<2.0	26	12.9	130		8.4	3.0	23	10.4	45
CTH "I" bridge	8.5	<2.0	24½	10.6	50		8.4	3.5	23	8.8	95
STH 60 bridge	8.6	<2.0	24	10.2	100		8.4	2.0	22	8.4	160
Iron Bridge Cedarburg	8.6	5.2	23	10.5	15		8.2	3	25	4.6	60
Storm sewer at Iron Bridge								70			
Storm sewer at mill tail race	8.5	5	23					8.3			
CTH "T" bridge	9.0	<2	26½	17.4	600		8.4	3	26	17.5	75
STP outfall Cedarburg	7.7	36	21					28			
Bridge at Hamilton	8.0	1.7	24½	7.0	1300		8.0	3.5	23	6.3	800

Note: < indicates less than; > indicates greater than.

HEW VETO

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. KEITH. Mr. Speaker, my decision to vote with those who are supporting President Nixon's veto of the HEW appropriations bill was unquestionably one of the most difficult decisions I have faced in this Congress.

I have in the past week listened and read to scores of meritorious arguments on both sides. I have met with and talked to dozens of school administrators, principals, and interested citizens as well as officials from HEW and other branches of the administration.

And in addition I have kept very much in mind the results of my most recent newsletter questionnaire, in which I asked my constituents to list their priorities for national action. The results of that poll I find to be of great significance, and of great relevance to this question. For education was ranked second in priority by my constituents—but inflation was rated first.

This, I think, is an accurate reflection of the national mood, and it was one of the prime factors in my decision to support the veto. I would not have done so, however, had not the President, in yesterday's message to the Congress, made promises that essential education programs will be continued and supported with adequate funds.

He has promised that "no school will need to be closed, no child need to have his education interrupted or impaired as a result of this veto action."

He has come out in favor of a guarantee that no school district, as a result of changes in the impacted school aid program, will have a school budget less than 95 percent of what it had in 1969.

He has promised, in short, to cut out the fat and leave the meat in this measure—and no one denies that there is a great deal of wasted money involved here, specifically in the impacted aid section of the bill.

Impacted aid funds serve a legitimate function when they go to towns that educate the children of our military men, who in many cases do not support the local schools through property taxes. This money, the President pledges, will continue largely unaltered.

Some of the impacted aid money, however—that goes for those who work at Federal installations—is not justifiable. Montgomery County, where I live while in Washington, collects thousands of dollars from Congressmen whose children are educated in this county where the schools are second to none. And yet much more deserving neighboring counties are hard-pressed to pay their teachers from the tax revenues of the relatively poorer residents who work in the private sector. Such a system is indefensible, as the President says, and I support his aim of removing these funds in a manner that causes the least possible hardship to any school district.

Presidents Eisenhower, Kennedy, and Johnson all saw the unfairness in this kind of aid, and all tried to change it. Only now, with the pressures of inflation greater than ever before, has a President been able to succeed in challenging the pork-barrel aspects of this impacted area aid.

I wish that he had moved earlier to face up to the inequities involved here and in other programs. But no one can legitimately deny that parts of this program are unfair and inflationary—and that the inflationary spiral is just too devastating for us to be parochial in our interests.

The President has indicated his willingness to compromise, and so should we. For if we lose the battle against inflation, all Americans will be the losers—including our educational institutions. The cost of school construction, of equipment and supplies, as well as educators' salaries—all would suffer greatly by continued inflation.

In July, I voted in favor of this legislation. Since then, the price of living has risen 3 percent, and the economic picture has worsened. The President needs flexibility in controlling Government spending at this crucial time—and, as it stood, the HEW appropriation bill gave him none. The rigid mandatory spending provision was bad legislation that would have forced cutbacks in other areas.

Inflation is largely psychological. People who make management decisions still are thinking in terms of further inflation, because they are not yet convinced that this Congress has the courage to make the hard decisions necessary to stem the inflationary tide. This vote will be a clear signal to them—and to the world—that the United States is at last beginning to face up to the problem of inflation.

Out of this struggle over the veto has come a renewed realization of the needs and problems of our Nation's schools.

I am now looking forward to the proposals the President has promised to send to the Congress. His plans will certainly be subject to alteration, but I am confident that we will work out a program which will allow for greater flexibility, so that our resources can be allocated where they are most needed and so that the whole system of funding will be more equitable. This will enable us to enact legislation that will best serve my constituents and the national interest, serve our educational system, and even more importantly, our economy.

JAYCEES CELEBRATE 50TH ANNIVERSARY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. ROBISON. Mr. Speaker, last week, the U.S. Jaycees celebrated their 50th anniversary. This event gives us all an excellent opportunity to salute the 300,000 young men in over 6,000 chapters throughout the Nation who are giving their time and talent to the service of their communities. A good many people think of our time as a "selfish age" but the Jaycees prove otherwise through their wide-ranging activities. This fine group of interested citizens is making the kind of contributions today which will continue to profit communities for decades in the future.

In my own district, the Evening Press of Binghamton, N.Y., recently devoted a center supplement to the Jaycees and interviewed some of the local chapter presidents. Their comments sum up the worth of the Jaycees better than anything further I could add.

Frederick Doolittle, president of the Binghamton Jaycee chapter indicated that work in the health area was highlighted by his chapter this past year:

> Last year the Binghamton Jaycees received an 11th Hour Award for our volunteer services at the Binghamton State Hospital.
>
> The Binghamton Jaycees have accumulated about 1,600 man hours at the hospital running a record hop which is always well attended with as many as 150–200 patients.
>
> This year we are coordinating a program of instruction to be offered to interested patients at the hospital in an attempt to offer some training in technical vocational areas which they might otherwise not be exposed to.
>
> This project is chaired by Jaycee Joseph Kilmer, a Link employe.

John Checchia, president of the Endicott-Endwell chapter made this statement:

> In this our 50th year we are pledged to bring Jaycees to the young men of our communities. They will be the second generation of Jaycees.
>
> They will begin the next 50 years of community service.
>
> Today with such problems as the population explosion, race relations, poverty, drug abuse and countless thousands of other problems which face us, the Jaycees stand ready to roll up their sleeves and step in to do what is necessary to solve these problems.
>
> They are working to solve them now, but they can use more young men to meet the challenges of a rapidly changing world. So if you're a young man between the ages of 21 and 36 and you want to do something to help make this a better community, a better nation, a better world, then join the Jaycees today.

And Donald Bouchard, president of the Vestal chapter added:

> Vestal joined the other Broome County Jaycees in supporting the auditorium issue and this effort continues. Talk of a new hospital has already stirred discussion and a plan of action forthcoming. Education is always of prime interest.
>
> Another group of Vestal Jaycees devote their energy and enthusiasm to community service. In the past, much work has been done in Arnold Park. Continuing projects have been the Halloween parade, the town Christmas tree, the Christmas shopping tour, and Junior Champ.
>
> Many other projects are under consideration such as a contest for naming the park at Five Corners and a traffic safety board to be placed there.
>
> All Vestal Jaycees are interested in self improvement. The purpose of the Jaycee Organization is leadership training through community service.

All of these comments point out again something all of us who have followed Jaycees activities already knew—that

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the local Jaycees are bettering their communities in positive ways all over the country. It is a pleasure to salute them; it is even a greater pleasure to wish them another 50 years of success.

THE AMERICAN STAKE IN DEVELOPMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. BINGHAM. Mr. Speaker, the Foreign Policy Association recently published a very useful booklet entitled "American Foreign Aid: Strategy for the 1970's." The author is the late Max F. Milliken, former director of the Center for International Studies at the Massachusetts Institute of Technology and a widely recognized scholar and expert on problems of foreign assistance and economic development.

While this publication contains many useful observations, I found the chapter entitled "The American Stake in Development" especially relevant to the issues faced by the Congress in the aid field. This chapter appears below, and I commend it to all readers of the RECORD, particularly those who may have doubts about the impact or the wisdom of continued American aid to foreign nations:

The American Stake in Development

From the enunciation of the Truman Doctrine of aid to Greece and Turkey in 1947 to the present, it has been conventional to distinguish sharply between a hard-nosed concern with the United States national interest and a moral and humanitarian concern with poverty. In the writer's view, emphasis on this distinction has led to some distortion of the foreign aid-development problem. Analysts of the United States interest have often focused quite narrowly on the short-run impact of the international distribution of power on our security position. Recent changes in our perception of the forces at work in the world have rendered the cold war security arguments of a decade ago decreasingly persuasive.

Moreover, doubt has also been raised in some quarters as to the validity of United States intervention in the political and social affairs of other countries. This doubt has led us to focus our humanitarian concerns on the war on hunger and disease and to depoliticize the rhetoric of aid activities by shying away from discussions of the quality of political and social life abroad. Meanwhile, the force of our humanitarian motivation to help abroad has been weakened by the recognition of our crucial moral and welfare problems at home.

Our sense of disquiet about our activities in the underdeveloped world has been greatly increased by the feeling that pursuit of our alleged security interests through military assistance, counterinsurgency activities and even open warfare in Vietnam has been in sharp conflict with our professed moral concerns for people and their welfare, for open societies and for government by consent of the governed. Both at home and abroad a gap has been perceived between our actions in defense of our security interests and the rhetoric with which we define our moral purpose. We have at times supported regimes that are repressive, engaged in military programs that restrict rather than expand popular participation, and strengthened the resistance of some traditional regimes to the kinds of changes that social and political development in fact require.

RESOLVING OUR MORAL AND POLITICAL INTERESTS

One response to this gap is to urge, as some now do, that we cease our actions, which many no longer perceive as necessary, and that we abandon our rhetoric, which in view of past actions is no longer credible; that is, we are urged to withdraw or greatly reduce our activities in the underdeveloped world, concentrate on reconstructing our own society and suspend all but token efforts in the third world until we understand better the revolution of modernization that is in progress there.

The alternative to this response, and the one this writer would strongly support, is a reexamination in the light of an updated appraisal of the world situation and of both our national interests and our moral and humanitarian values, as a result of which most of the problem disappears. Properly understood, United States long-term security interests, economic interests, cultural and social interests, and historical moral concerns with the welfare of common men everywhere can be jointly advanced by the right kinds of policies toward low-income countries. There will, of course, continue to be conflicts in particular places and at particular times among our detailed objectives. We will have to live with these. We will have to tolerate for a long time to come a high level of instability and frequent outbreaks of local violence and political unrest in the underdeveloped world, which may impinge unfavorably on a number of our short-term interest. But over the next few decades we have a compelling interest, both national and moral, in the emergence of a compatible and congenial world environment.

U.S. SECURITY INTEREST

As a result of Vietnam, United States security policy toward the less-developed world has perhaps been more severely criticized than any other aspect of our foreign relations. Mutual security has been such an important component of past United States development efforts that any changes in the security rationale of our foreign aid program must be carefully reviewed. In the bipolar postwar world of the 1950's, as Europe stabilized politically and exhibited vigorous growth economically, both the United States and the Soviet Union came to look upon the underdeveloped world as an important—perhaps as the most important—arena of conflict between what was viewed as a monolithic international Communist movement and a reasonably cohesive free world. While even the largest of the underdeveloped countries did not then and does not now possess the resources to pose a serious, direct security threat to either of the superpowers, even a marginal addition of manpower and economic resources to one bloc was regarded as dangerous by the other. More important, it was believed that the shift of even a relatively small country would have symbolic and psychological consequences which might set off a chain of dangerous reactions. Whether this was a correct appraisal even then is not at issue here. It was widely enough held to have a significant impact on United States policy and in particular on the allocation of American military and economic aid.

Several developments of the past decade have changed this picture markedly. The first and most frequently noted is the fragmentation and dispersion of power among countries in both the Communist world and the free world. Fragmentation in both camps has meant that the capacity of each to control those believed to be its clients in the underdeveloped world has been greatly reduced. The Soviet move into Czechoslovakia in August 1968 reflected a rather desperate attempt to retain control over a situation that was rapidly slipping away from the comfortable subservience of an earlier period. It is too soon to tell whether the attempt will succeed, but the developments that prompted the invasion are symptomatic of the trend away from bipolarity. Further, the psychological consequences of additions of states to either fragmenting group are now less clear and less serious.

Second, both Americans and Communists have discovered painfully that their supposed clients in the underdeveloped world are much more resistant to outside influence and much less subject to outside control than was once expected. In some cases, as with Fidel Castro of Cuba, Seku Touré of Guinea, Abdel Nasser of Egypt and Ayub Khan of Pakistan, the leadership, pursuing its nationalist objectives, has refused to follow dutifully the sponsor's line. In other cases, leaders regarded by one side or the other as potential clients have been unable to maintain their own positions of authority, as happened with Sukarno of Indonesia, Kwame Nkrumah of Ghana and Ngo Dinh Diem of South Vietnam. It is interesting to note that several autocratic and repressive leaders, whether of the left like Sukarno or the right like Rafael Leonidas Trujillo, were forced out of office by pressures for popular participation from elements of the population which a few decades ago would have been apathetic or powerless. Popular participation has sometimes been anarchic, has frequently produced conflict and has seldom been channeled in constructive directions. But it has been growing, and it has frequently thwarted Communist and traditional authoritarian efforts to control or suppress it.

THE END OF BIPOLARITY

The conclusion that increasingly emerges is that the "two-camps" model does not apply as we once thought it did. The United States, the Soviet Union and Communist China have experienced great difficulty manipulating their presumed clients; hence the security interests of each are much less likely to be affected by switches in the international posture of individual countries, particularly of the smaller ones, than was believed. This suggests that we can afford to take a much cooler view of particular threatened or actual shifts of leadership in individual underdeveloped countries, even when the shift is in a strongly leftist and anti-Western direction. There are likely to be many more such instabilities in the underdeveloped world over the next two or three decades, and we no longer have a cold-war case for rushing in on what appears to be the anti-Communist side of every struggle.

This change in our perception of the international environment does not mean that we no longer have any security interests in the third world. In the first place, there are a few cases like South Korea and Taiwan—and some would add South Vietnam—where we have commitments of such long standing that to retreat from them now would severely damage our reputation for reliability and constancy in our dealings with other countries.

Second, there are a number of larger underdeveloped countries each of which has the capacity over the next decade or two to acquire significant nuclear capabilities. None of these has the means in the foreseeable future to pose a direct threat to the United States. Nevertheless, the consequences of the deployment of nuclear weapons anywhere in the world are so unpredictable and the risks of even a slight chance of escalation are so perilous that it would seem urgent we do everything in our power to avoid the alienation of such countries from the international community. Economic development will not insure their cooperative behavior, but great-power assistance in their development efforts, combined with an increased effectiveness of international peace-keeping machinery, will greatly reduce any risk that they will behave in internationally irresponsible ways.

Third, it is in our interest to reduce the level of tension and violence in the world, particularly between states. The fact that the outcome of a particular dispute might be of limited interest to us does not, of course, mean that we are indifferent to processes by which disputes are adjudicated to avoid violence. It does mean that in pursuing our security objectives in the third world we can and should place much greater stress on operating within and through the UN and other international organizations than we thought possible a decade ago. The effectiveness with which these international institutions can operate, however, will continue to depend on the extent, quality and cooperativeness of bilateral relations between each of the superpowers and the majority of states in the underdeveloped world. We can afford to be cool and avoid involvement on one side or the other in certain disputes, but we cannot afford to be indifferent or unconcerned.

THE LESSONS OF NATIONALISM

Similar considerations apply to our concern with internal stability and civil violence within the borders of underdeveloped states. Experience should have taught the United States and the Communist states that effective insurgency can seldom be generated from outside unless there are genuinely serious tensions and frustrations within the target country. We should also have learned that where such tensions exist, our active participation in countersurgency programs runs a serious risk of increasing rather than reducing these domestic tensions and frustrations. Again, this does not mean that we should be indifferent to the level of civic disorder or violence within countries of the underdeveloped world. The distinctions between internal disorder and external aggression, always obscure, are getting harder and harder to draw in an increasingly interdependent world. Whatever our degree of involvement in particular disputes, the danger that internal violence may spill over into the international arena will continue to be severe. While there is profound truth in the current cliché that we cannot and should not be the world's policeman, there is equal validity in the observation that we have a deep interest in helping to channel the changes that modernization inevitably brings toward orderly and constructive rather than violent and anarchic ends.

We may frequently be faced with a choice between long-term tension reduction and short-term stability. Modernization requires revolutionary change in the structure and distribution of power, and stabilization measures which inhibit or delay change may make an ultimately destructive explosion more likely. In these cases we should be much more relaxed about short-term instabilities and much more concerned about long-term tension reduction than we have been in the past.

This view of our long-term security interests implies that we should adopt somewhat different priorities than were inherent in our earlier cold war focus on short-run stability. Given this reinterpretation, our security interests are less likely to be in conflict with other economic and social goals. Because of changes in military technology, our security requirement for military and communications bases in the low-income world is no longer overriding, and history has largely destroyed whatever case there might have been for great-power competition in pursuit of loyal clients. Thus we can and should support those regimes in underdeveloped countries that are dedicated to the economic development of their countries, to the diffusion of popular participation in decision-making and to the wider sharing of social and economic benefits, whatever their international political posture. More important, we need no longer support for security reasons regimes which are neither interested in these goals nor capable of promoting them.

AMERICA'S INTEREST IN ECONOMIC DEVELOPMENT

United States support for the economic development efforts of the low-income countries has, since 1947, been based in part on the notion that development is a worthy end in itself which deserves American attention and resources. It began with the notion, enunciated in the Point Four program of the Truman Administration, that a major requirement, in addition to an expanded flow of private capital, was for a transfer of American technical know-how. During the Eisenhower and early Kennedy administrations, we moved to a fuller recognition that in some countries substantial capital assistance was important. There followed a phase in which emphasis was placed on human and institutional development, and most recently the favored focus has been transferred to agriculture, nutrition, population control and education.

But the defenders of aid have always felt that they had to build their case on a presumed relation between economic development and other United States security and political goals. When the two-camps model was at the forefront of our foreign policy thinking, there was a presumption that if we could create a few showcases demonstrating how productive our system could be, this would discourage fence-sitting neutrals from opting for a Communist development strategy. As the two-camps model began to lose its persuasive force, the rationale for our aid was modified to a vaguer argument that economic development would bring with it a reduction of tensions and of the disposition to violence. The case was even made in some official and private statements that economic development by itself would result in an almost automatic growth of democratic institutions and a rapid spread of popular participation.

Unquestionably, some part of whatever disillusionment currently exists with our aid programs is attributable to these exaggerated expectations about both the speed and extent of the favorable effects of economic growth. Continued crises in the underdeveloped world have forced a recognition of the fact that the roots of conflict both within societies and between nations are often traceable to forces unrelated to economic conditions. Beyond this, economic growth itself, by shaking up the stable patterns and expectations of traditional society, may in the short run prove to be destabilizing. There have been cases like Stalin's Russia or pre-Castro Cuba in which substantial economic growth, as measured by the conventional indicators, has been accompanied by increased repression and autocratic measures. In other instances, the Middle East, for example, growth has provided resources for the more vigorous conduct of international conflict. One conclusion some observers would draw is that, since economic growth has so far failed to provide the miracle cure for third-world ills that some of its advocates had suggested, the case for devoting substantial United States attention and resources to it has been largely demolished.

A RATIONALE FOR AID

In the writer's view, this reaction goes much too far. While we badly need increased sophistication about the difficulties and limits of economic growth and its complex relation to our other long-run international goals, development still deserves a high priority as an international objective of United States policy.

In the first place, the argument against aid leaves untouched the case for economic development as an end in itself. Most Americans would be ill at ease living in a world in which two-thirds of mankind does not have access to the most elementary material requirements of civilized life, especially if they feel the United States can do anything about it. The level of family income that the United States government defines as drawing the boundary between intolerable poverty and minimal access to basic necessities at home—about $3,000 in most American communities—is five to ten times the average family income of most countries in the underdeveloped world. The least we can do in such an international environment is to devote a modest share of our resources and a more substantial amount of effort and energy to the promotion of economic growth in the underdeveloped world. Even the narrowest interpretation of our moral responsibility to the rest of the international human community—namely, to help combat hunger and permanently crippling malnutrition—would call for economic development assistance substantially larger than we are now supplying. In fact, many Americans would think our responsibilities are even broader. And, indeed, as will be explained later, significant nutritional improvements in most of the low-income world can be accomplished only in the context of vigorously expanding economic activity.

Our short-term foreign policy lenses have led us frequently, in the past, to write off too casually our long-term economic interest in the growth of the low-income economies. It is, of course, quite true that European markets, investment opportunities and sources of supply are at present quantitatively much more crucial to the welfare of the American economy than those of the underdeveloped world. Given the present levels of income in underdeveloped countries, opportunities are limited for mutually beneficial trade and investment. This is especially true in the poorer of the low-income countries. But if in the next 20 or 30 years per capita incomes in some of the larger of these countries were to double (a wholly achievable target), the world economic environment for the United States could be substantially improved. We have seen in parts of Latin America and most notably in Japan, now our second most important trading partner (after Canada), how rapid dommestic growth can, in a decade or two, radically expand trading opportunities. If, on the other hand, economic growth stalls or is retarded in a large part of the third world, prospects for the expansion of trade, for access to new markets and investment opportunities, and even for international monetary stability are bleak. Even if third world growth rates are accelerated, an improved international economic climate is far from assured. Political disruption, restructive practices and a breakdown of international cooperation would still be possible and would unquestionably occur at certain times in some places. But without growth these unhappy prospects are much more than possible—they are virtually assured.

U.S. INTERESTS IN SOCIAL AND CIVIC DEVELOPMENT

Our final interest in the modernization process revolves around our concern with the fuller participation of the common people of low-income countries in political, social and economic activities and with an atmosphere of freedom and opportunity. The dichotomy between national interests interpreted narrowly in power and security terms and humanitarian interests interpreted equally narrowly in terms of feeding and housing the

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miserable has led to a neglect, both at home and abroad, of a rich dimension of our national purpose. This dimension has something to do with the spread of the idea of democracy, a word that has been identified by some with too narrow a range of peculiarly American institutional forms and has been used by others, as in the various people's democratic republics, to label societies in a way which violates its spirit. It also relates to what is sometimes called "political development," but this term has also acquired many inappropriate overtones. Congress has set forth our interest in social and civic development in provisions of the various foreign assistance acts, perhaps most notably in Title IX, Section 281, of the Foreign Assistance Act of 1966, which directs that "emphasis shall be placed on assuring maximum participation in the task of economic development on the part of the people of the developing countries, through the encouragement of democratic private and local governmental institutions."

This notion of expanded popular participation as an aspect of modernization has become increasingly important. Three elements in particular may be noted: (1) the element of broadened participation in decisions affecting the quality of life of the people, whether they be political, economic or social decisions; (2) increased opportunities for people to acquire and use productively the full range of modern skills, to participate in the psychologically satisfying processes of modernization; (3) the notion that there should be the widest possible participation in the distribution of the economic and social fruits of development by elements in the world's population.

American policy-makers and their colleagues abroad in both developed and underdeveloped societies are only beginning to gain some understanding of what this participatory dimension of our common goal requires. At a minimum, we are beginning to see that it demands a greatly enriched pattern of institutions for channeling creative energies in constructive rather than destructive directions. It requires rapid progress in education, a massive expansion of facilities for communication, transport and sources of energy. It requires greatly increased responsiveness by both governmental and private institutions at national, regional and local levels to the demands that popular participation generates. And it requires, if it is not to be disruptive, that a rough balance be struck among the economic and the social and civic priorities in the modernization process.

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By accepting the goal of expanded popular participation, we broaden our moral and humanitarian objectives beyond the elimination of hunger, disease and material deprivation to a deeper concern with the widespread diffusion of fundamental human satisfactions. Most Americans share with many people abroad a faith that in the long run this multidimensional human development will greatly increase the prospects for a world of more open, more cooperative and more liberated societies. Interaction with such societies can enrich our own culture intellectually, aesthetically and socially, as well as economically. Those who would have us promote participatory goals more vigorously in the low-income countries, as Title IX of the Assistance Act of 1966 enjoins us to do, must recognize that in many traditional societies such goals have profoundly revolutionary implications. Their effective pursuit may well be resisted by present power holders who regard themselves as our friends. Where they are so resisted, we have little option but to keep our distance and wait for internal historical forces to change the situation. But where, as in an increasing number of countries, our help in social and civic development is sought, there is much we can do in cooperation with the existing leadership to promote it.

In any case, we can be reasonably sure that in the underdeveloped world, as in our own cities, if the increasing deamnds for participation in the development process and in its benefits are not met for significant numbers of people, the prospects for an improved international environment during the rest of this century are slim indeed. To be sure, the resource base of low-income countries is likely to remain too small to permit even high levels of frustration and disaffection among them to pose any direct challenge to the physical security of the United States. But the possibility that the low-income world might splinter into a series of mutually hostile, closed societies with restricted human access and interchange must be viewed as a potential disaster. We should be willing, in our own interest, to devote substantial resources toward avoiding that disaster, whether it touches our consciences as members of the world community or not.

Fortunately, we have been moving in the last decade away from and not toward the world described by George Orewell in *Nineteen Eighty-Four*. Societies everywhere, including those in which totalitarianism appeared to be in the ascendancy ten years ago, are showing increasingly vigorous signs of decentralization and dispersion of influence. The troubles that low-income countries have been recently experiencing are ascribable more to their political and economic difficulties in effectively handling the growing demands for popular participation than to their attempts to suppress it. But with a slowing of growth and development, rather than an acceleration, this trend could easily be reversed.

ORCHESTRATING OUR LONG-RUN INTERESTS

That our long-run security interests, our interests in economic growth and our interest in social and civic development are strongly interconnected should have become apparent by now. We are increasingly recognizing that short-run stability in certain situations or the antirevolutionary bias of certain traditional leadership groups may be inconsistent with the growth of a more stable world environment in the long run, and that the latter is our true interest. This recognition changes not only our military assistance priorities but our economic assistance priorities as well.

Actually, if we look at the recent distribution of our economic aid resources, we are not likely to find that—apart from Vietnam, where our large economic aid program is closely related to a United States war effort—the altered appraisal of our security interests suggested here would change the distribution of funds very much. Ten years ago our economic aid was rather heavily concentrated in countries around the periphery of the Communist world, believed to be in danger of falling into the enemy camp. A number of our major aid recipients were countries whch did not then look either economically or politically promising. The pattern has changed in the last decade in two respects. In the first place, both Latin America and Africa, each of which has been less menaced by threats of incipient Communist take-over than many Asian countries, have received a significantly larger share of our attention and resources. In the second place, several countries which received aid primarily on short-term security grounds a decade ago and which did not look economically or politically promising—South Korea, Taiwan, Pakistan and Turkey—have, in the last few years, exhibited an extraordinary acceleration in economic growth and a substantial rise in popular participation.

The fact that such a change in the rationale of our aid program would result, Vietnam aside, in only limited changes in existing priorities of attention does not mean that the change is unimportant, however. Altering our explicit rationale for doing the things we are now doing would help to resolve some popular and congressional doubts about the wisdom of our present course of action. It would also serve to alter the image held abroad of the objectives of the United States foreign policy.

To a confirmed skeptic, of course, concurrence between our long-term strategic interests and widespread economic and political development cannot be proved. Indeed, many historical instances of the failure of this relationship can be cited. Cuba was relatively prosperous when Castro took over, and while the Italian and German fascist aggressions followed severe economic depression, they were preceded by substantial histories of democratic development. Similar instances are bound to occur in the future whatever our posture.

BALANCING ECONOMIC GROWTH AND PARTICIPATION

Nevertheless, on balance, the prospects for a stable, orderly and cooperative international environment are substantially better if most of the underdeveloped world is prospering economically and exhibiting a widening range of civic participation. This is so partly because a leadership successfully coping with internal economic and political development problems is under less pressure to divert attention to foreign military adventure; and it is so partly because there will be fewer groups in the population whose economic or political frustrations threaten to explode into violent revolt.

There have been instances in the past in which substantial economic growth has not brought with it much improvement in the quality of life—in the opportunities for widened participation—for the bulk of the population. Economic growth has sometimes been confined to a limited sector of the economy and benefited a narrow class of the population, as in several of the oil-rich countries. Indeed, there are many circumstances in which pursuit of the goals of equitable distribution and widened participation in decision-making could slow the growth of the economy as a whole. These conflicts between equity and rapid growth are fundamental conflicts of values which must be resolved by the political process of the host country. Outside expertise can help formulate alternative policies, but the final choice is a domestic political responsibility.

Nevertheless, one conclusion is beyond serious question. In the very low-income countries, effective social and civic development is impossible in the absence of vigorous economic growth. While improvements in the quality of life of the average man involve much more than increases in his material standard of living—such items as more and better education, the acquisition of new skills, increased opportunities for social and economic mobility, an increased role in the making of social decisions—they also require resources and expenditures beyond the capacities of a subsistence economy. Nutrition, health, jobs, schools, roads, communications, governmental services cannot be supplied or equitably distributed at the levels of income and productivity presently characteristic of the bulk of low-income nations. Continued and accelerated economic growth is thus a *sine qua non* for the expanded range of goals which should be encompassed by future United States policy toward the third world. But the objective of economic growth must be pursued in the context of greatly expanded American and international attention to the requirements for broader effective popular participation in all its forms.

EXTENT AND LIMITS OF U.S. INFLUENCE

Before the question of whether or not United States foreign policy should continue to help promote economic, social and civic development in the low-income countries can be answered affirmatively, two more questions must be posed. One concerns our capabilities to affect significantly the development of the low-income world, and the other concerns the willingness of the peoples and governments of that world to work with us toward these ends.

With respect to economic growth, the record of the past decade or so is conclusive. In the face of an unprecedented population expansion at a rate of 2 to 3 percent a year, the less-developed countries on which reliable statistics are available—and these constitute the bulk of those in the non-Communist world—have achieved an average rate of growth in per capita incomes of about 2 percent a year. Indeed, for the decade of the 1960's, it looks as though the average growth rate in the gross national product (GNP) of the underdeveloped countries as a group will be about 5 percent, which is approximately the same as that of the developed countries as a group and which meets the target set by the UN at the beginning of the decade. Because population growth has been a percentage point or so higher for underdeveloped than for developed countries, the per capita growth for the former has been correspondingly smaller. But these growth rates are much higher than these countries as a group have ever experienced before and, indeed, better than the United States and most of the other developed countries were able to sustain over comparable periods in their history of development.

The overall average in the underdeveloped world was high partly because of a few remarkable success stories—sustained per capita growth rates of over 6 percent a year in Taiwan, South Korea, Thailand, Mexico and Israel. Nonetheless, in the face of this impressive record, the widespread impression that the rate of development has been disappointing is puzzling. Some of the large countries, like India, did not meet the ambitious targets they set for themselves, but even India has grown much more rapidly in the last 20 years than ever before.

A significant fraction—a fifth to a sixth—of the investment throughout the less-developed world which made this growth possible was financed by foreign aid, supplied either bilaterally or through international institutions. In countries where United States aid has been concentrated, the fraction of investment financed by aid is much larger. In short, no serious doubt seems to have been raised by anyone who has carefully studied the problem that the aid contribution of the developed countries, constituting a relatively light burden on their economies, has made a substantial difference between stagnation and growth in many of the low-income countries.

AID FOR SOCIAL AND CIVIC DEVELOPMENT

Regarding American capabilities to help with social and civic development, we must be more modest. The institutional forms with which we are familiar are in many cases not well-suited to the circumstances of low-income countries. Beyond this, many of our own social, political and economic institutions are currently undergoing reexamination here at home. Nonetheless, our efforts in education, public administration, community development, local government, cooperatives and the development of transportation and communication have already had important effects on the quality of life in a number of developing countries and could have much more significant effects if we cooperated more actively with recipient governments in pursuing these goals.

This brings us to the second question—whether the less-developed countries would welcome a more active concern on our part with the other-than-strictly-economic problems of their development. They will not do so, in most cases, if they feel we are trying to export institutional arrangements which are not performing well within our own society. On the other hand, the peoples and even the governments of many low-income countries share our interests in social and civic development. So long as we do not presume to have all the answers to precisely how their development is to be accomplished, they would doubtless welcome our advice. The charter of the Alliance for Progress underlined the noneconomic goals of development in Latin America with relatively little controversy. There is reason to believe that the same extension of the development concept might be welcomed elsewhere.

For our part, we must recognize that sometimes these goals can be as effectively promoted in single-party as in multiparty systems, in socialist as well as capitalist states, and that even states which call themselves Communist, like Yugoslavia and Czechoslovakia, have pushed some distance in the direction in which we are interested. The fact that Americans are now aware of their own problems with regard to restricted participation by elements of their own population should make discussion of these problems with foreigners easier rather than harder.

NEED FOR A DIVERSITY OF COUNTRY STRATEGIES

In concluding this discussion of the rationale for our concern with underdeveloped countries, it is important to emphasize the wide differences among them. They can be discussed as a group because they all share in one form or another a common concern, for the most part of recent origin, with the modernization process—economic, social, political and cultural. But they differ so radically in so many fundamental ways that the effort to design and legislate a common strategy for all is doomed to failure at the outset. They range in size from ministates like Guyana and Mauritius, with less than a million people each, to a subcontinental state like India, with over half a billion. They include still predominantly subsistence economies, like Somalia and Paraguay, and countries with thriving modern industrial sectors, like Brazil and Turkey. They include countries with ample foreign exchange resources, like Venezuela and Libya, and countries with chronic shortages of foreign exchange earnings, like Pakistan and Jordan.

The policies of these countries defy a simple classification along a spectrum of left to right or from dictatorship to democracy. Some countries have a strong sense of national integration, a common language and a long democratic tradition, like Chile, and others, like the Congo, are hardly yet countries at all. In some, power is held by a small elite, as in Liberia and Burma. In others, the regime is dedicated to expand popular participation, as in India and Tanzania. There are those in which United States influence and advice is eagerly sought, as in contemporary Indonesia, and others in which it is suspect, as in Cambodia. This is only an illustrative sampling of the range of country variation that must be taken into account in the design of United States and international policies. This diversity has profound implications for the organization and orchestration of the various instruments of United States and international policy to which we now turn.

SYMPOSIUM ON BALTIMORE METROPOLITAN TRANSPORTATION PROBLEMS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. LONG of Maryland. Mr. Speaker, on February 20 the Baltimore chapter of the Society of Logistics Engineers is sponsoring a daylong symposium on Baltimore metropolitan transportation problems in the next decade. With today's congested transportation networks and the increasing prevalence of urban sprawl, it is important that we plan now to meet the needs of tomorow. I should like to commend the Society of Logistics Engineers for their efforts to meet the challenges of the future. Since our newspapers in Baltimore have been on strike since early January, this fine symposium with its outstanding speakers has not received the publicity that it deserves. I should like to share with my colleagues the details of the conference by including the schedule for the day and information on the speakers in the CONGRESSIONAL RECORD:

SYSTEMS OF TRANSPORT, METROPOLITAN BALTIMORE, 1979

INTRODUCTION

The Society of Logistics Engineers is sponsoring a one day symposium at the Statler Hilton Hotel in Baltimore. The theme of this symposium is "Systems" of Transport—Metropolitan Baltimore 1979". The city's road, rail, air, and sea transportation profiles and problems will be foretold for the era of Baltimore's two hundred fiftieth anniversary.

The Society of Logistics Engineers is a recognized professional group whose major concentration has been the technical logistical systems of the U.S. Department of Defense. Technologies learned in this experience are now being applied to the total field of logistics. Baltimore logistics problems are of great interest to the Baltimore Chapter of the Society of Logistics Engineers.

A systems engineering approach will be used to develop the overall presentation of the program. In this manner, the most relevant matters in the entire field of transport will be aired and discussed at the symposium. Recognized authorities associated with each of the transportation modes will make presentations reflecting the state of the art in this field, and what is envisioned as the problems of 1979. Preceptive discussions as to the technological progress toward meeting the 1979 challenges will be included.

At the end of the technical program, a panel composed of the speakers will be convened to discuss the interactions between the various modes of transport and to sum up the technological advances needed to keep pace with the ever increasing needs of a dynamic metropolitan area.

PROGRAM

8:30 a.m.: Registration.

9:00 a.m.: Convene symposium, J. L. Carpenter, General Chairman.

9:05 a.m.: Welcome, Honorable Thomas D'Alesandro, Mayor, Baltimore City

9:15 a.m.: Program introduction, G. Thomas Chambers, Chairman, Technical Activities.

9:25 a.m.: "General Transportation Survey and Forecasts," Edmund Rovner, Executive Assistant to the Governor (Heads Task Force Study—Maryland Department of Transportation).

9:50 a.m.: "Port Requirements," W. Gregory Halpin, Deputy Director, Maryland Port Authority.

10:15 a.m.: Coffee break.

10:30 a.m.: "Truck Terminals and Truck Routes," Albert Mascaro, General, Manager, Maryland Motor Truck Association.

10:55 a.m.: "Railroads and Their Facilities," G. M. Leilich, Vice President, Operations, Western Maryland Railroad.

11:20 a.m.: "Maryland Air Transport," Alfred Lipin, delegate, Ann Arundel County.

11:45 a.m.: Luncheon, James M. Beggs, Under Secretary, U.S. Dept. of Transportation.

2:00 p.m.: "Road Network," Mr. David H.

Fisher, Chairman-Director, State Roads Commission of Maryland.

2:25 p.m.: "Urban Mass Transportation," Walter Addison, General Manager, Metropolitan Transit Authority.

2:50 p.m.: Coffee break.

3:05 p.m.: "A User Predicts," John N. Highfield, Distribution Manager, McCormick and Company, Inc.

3:30 p.m.: Panel discussion and question interval.

4:45 p.m.: Adjournment.

COMMITTEE

Chairman, J. L. Carpenter, Martin Marietta Corp.

Technical Activities, G. T. Chambers, Tate Technical Service, Inc.

Arrangements, F. R. Tucker, Westinghouse Electric Corp.

Public Relations, E. T. Kreiner, Tate Technologies, Inc.

Invitations, Dr. B. H. Wetzel, Westinghouse Electric Corp.

Registration, G. R. Levitt, Westinghouse Electric Corp.

Historian, G. N. Cowie, Tate Technical Service, Inc.

Finance, C. Daniels, Westinghouse Electric Corp.

INFORMATION ON SPEAKERS

James M. Beggs, U.S. Under Secretary of Transportation, will deliver the keynote address when transportation experts assemble February 20th for a day-long symposium on Baltimore metropolitan transportation needs and problems in the next decade.

The Baltimore Chapter of the Society of Logistics Engineers is sponsoring the symposium beginning at 8:30 A.M. in the Statler Hilton Hotel.

The event comes at a time when the Maryland General Assembly is considering legislation proposed by Governor Mandel to create a State Department of Transportation, which would coordinate planning and development of various modes of transportation for a unified state system.

Edmond F. Rovner, Chief of the Governor's Administrative Staff, will present an overview and forecast of Maryland's transportation system.

Other speakers will include W. Gregory Halpin, Deputy Director of the Maryland Port Authority; Albert Mascaro, General Manager of the Maryland Motor Truck Association; G. M. Leilich, Vice President of Operations for Western Maryland Railroad.

Also scheduled to speak is; David H. Fisher, Chairman-Director of the State Roads Commission; Walter Addison, General Manager of the Metropolitan Transit Authority, and John N. Highfield, Distribution Manager for McCormick and Company, Inc. Mr. Alfred Lipin will speak on Maryland's State Aviation.

At the conclusion of the presentations, a panel composed of the speakers will discuss relationships between the modes of transport and the technological advances needed to cope wih the needs of the metropolitan area.

Mr. Beggs, the Under Secretary of the recently created federal Department of Transportation, will address a noon luncheon.

Edward T. Kreiner, Chairman of the Baltimore Chapter of the Society of Logistics Engineers, said its extensive experience with problems of military and space logistics is increasingly being applied to civilian problems.

"The technologies we have learned and applied for the U.S. Department of Defense can be of great value as the urban areas attempt to cope with truly massive problems of transportation," he said.

For Information Contact: Mr. E. T. Kreiner, Chairman, Society of Logistics Engineers, Baltimore, c/o Tate Technologies, Inc., 91 Aquahart Road, Glen Burnie, Maryland 21061; phone 301-768-3300.

NEW LIFE FOR THE BROOKLYN NAVY YARD

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. ROONEY of New York. Mr. Speaker, 4 years ago when the Defense Department, in a misguided economy move, abandoned the Brooklyn Navy Yard, Brooklyn and the entire city of New York suffered a major economic and social blow. At that point many wrote off the navy yard and its people. We did not. The people of Brooklyn, their elected city and Federal representatives, and industry have been fighting continuously over that period to restore the navy yard site to its productive self. The fight has not been an easy one, but at last we have achieved a major victory in the campaign. It is not over yet, but I think the following release from the Department of Commerce shows the tremendous step forward that has been achieved.

Under permission heretofore unanimously granted, I include the release of the Secretary of Commerce, the Honorable Maurice H. Stans, at this point:

NEWS RELEASE BY MR. STANS

Seatrain Lines, Inc. has received approval from the Maritime Administration, U.S. Department of Commerce, for Federal loan guarantees of almost $100 million, which will permit Seatrain's shipbuilding subsidiary to build two 230,000-ton tankers in the company's new shipyard at the former Brooklyn Navy Yard.

The guarantee consists of Federal ship mortgage insurance granted under Title XI of the Merchant Marine Act of 1936.

Details of the Government action were announced today by Secretary of Commerce Maurice H. Stans following a briefing of the project with Rep. John J. Rooney, Chairman of the House Appropriations Subcommittee, which has jurisdiction over the Maritime Administration, and in whose district the shipyard is located, and with New York Senators Jacob Javits and Charles Goodell.

The building of the ships will create a large number of job opportunities during the period of their construction. It is estimated that the construction will provide some 5,520 man-years of employment at the shipyard, with an equal number of man-years of employment among the various suppliers.

Stans said the guarantee would permit the start of the ships' construction possibly as early as this summer. The two ships will each be twice the size of the S.S. Manhattan, the largest tanker presently in the U.S. merchant fleet. The 115,000-ton Manhattan, also Seatrain-owned, recently became the first ship to successfully navigate the Northwest Passage to Alaska.

Mr. Stans said the Federal action was "an outstanding example of how the Maritime Administration and the Department of Commerce have been able to act emphatically in an area of vital national interest." The Seatrain subsidiary's facilities in the Brooklyn Navy Yard are financed in part by $12 million in grants and loans from the Economic Development Administration of the Department of Commerce.

He noted that the importance the Government attributed to the Seatrain shipbuilding program was underscored by the size of the loan commitment, which is among the largest ever granted under the Title XI program.

The Administration's approval of the loan guarantee advances two important goals, he said.

"The tanker building program will create a demand for new jobs in an area of large scale unemployment particularly among minority groups, and it will be a major benefit in developing skills that will insure greater employment opportunities for these groups. Construction of the two supertankers will also signal a move to bring substantial shipbuilding back into U.S. shipyards and to compete with giant supertanker shipbuilding programs currently under way in foreign ports." Mr. Stans said the giant ships will afford economies of scale to the oil industry which will also benefit the American consumer.

Cranes, steel assembly equipment and other facilities for the Seatrain shipyard are already on order and training of shipyard personnel is expected to begin shortly, Mr. Stans said. "We are hoping that the shipyard could begin cutting steel for the ships by late spring."

Representative Rooney said he was extremely pleased by the Seatrain-Maritime agreement. "It is a solid achievement for the Nation and its maritime industry, as well as for the company involved and for the thousands of people who will be a part of these ship constructions," he said.

DRUG ABUSE A MAJOR PROBLEM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, as we move into the second session of the 91st Congress, most of the problems which we confronted during the past session remain with us, continuing to demand our thoughts and attention. One major problem is surely the continuing menace of drug abuse and narcotics traffic in the United States today.

I have pointed to the staggering increases in this area many times in the past, as I believe we must all be cognizant of the very real dangers which abused drugs and narcotics present to our society at all levels and especially among our most important resource, the young people of this country.

The unanimous passage last session of the landmark Drug Abuse Education Act of 1969 was, I think, an encouraging sign that the distinguished Members of this body are facing the serious challenges of excessive drug use and moving decisively to do something about it. I look forward to a widening effort in the months ahead to turn back the rising tide of drug abuse and narcotics traffic through concerted efforts at the Federal, State, and local levels.

I am convinced that we can effectively work together in the battle to rescue our citizens from the destructive and demoralizing forces of abused drugs and narcotics. Consequently, I am pleased to include at this point a recent resolution passed by the Los Angeles County Board of Supervisors concerning the extremely serious nature of drug abuse in this country. This unanimously passed resolution was authored by my good friend, Supervisor Kenneth Hahn, representing my own district area in Los Angeles County.

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The resolution follows:

RESOLUTION OF BOARD OF SUPERVISORS, COUNTY OF LOS ANGELES

Whereas, Dr. Gerald A. Heidbreder, health officer of Los Angeles County—the most populous County in the nation—has declared there is a narcotics epidemic in Southern California; and

Whereas, last year in Los Angeles County there were 50,000 arrests for narcotics, 6,000 cases of drug overdose requiring hospitalization and 2,000 deaths; and

Whereas, the drug plague is spreading into every college and school campus, including junior high and high schools; and

Whereas, President Nixon should immediately enforce the law at the United States-Mexico border to stop the flow of drugs and should instruct the Department of Justice to investigate the drug manufacturers and pharmaceutical houses to see that drugs are not distributed into our schools:

Now, therefore, be it resolved by the Board of Supervisors of the County of Los Angeles that every state in the Union, the Congress and the President of the United States be urged to join in declaring an all-out war on narcotics—treating it as just as deadly a health plague as typhoid or malaria; and

Be it further resolved that the Clerk of the Board be instructed to send copies of this resolution to President Richard M. Nixon, Governors of all 50 states and all members of Congress.

STATE OF CALIFORNIA,
County of Los Angeles, ss:

I, James S. Mize, Executive Officer and Clerk of the Board of Supervisors of the County of Los Angeles, do hereby certify that the foregoing is a full, true and correct copy of the Original Minutes of Board Order No. 2 of January 22, 1970 on file in the office of the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts for which said Board so acts.

In witness whereof, I have hereunto set my hand and affixed the seal of the County of Los Angeles this 22nd day of January, 1970.

JAMES S. MIZE,
Executive Officer and Clerk of the Board of Supervisors of the County of Los Angeles.

THE OIL IMPORT REVISIONS POSE THREAT TO NATIONAL SECURITY

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. EDMONDSON. Mr. Speaker, I wish to commend the Oklahoma State Legislature on its recent enactment of House Concurrent Resolution 1037, expressing that body's opposition to weakening of the present oil-import control program.

I think the recommendations contained in House Concurrent Resolution 1037, coming as they are from responsible and knowledgeable public officials within a State closely related to one of our Nation's most important industries, should receive the most careful consideration of the President and members of his Oil-Import Task Force. It is my personal belief that continuation of the present quota system is absolutely necessary if we are to retain the adequate sources of fuel so vital to our national security and defense.

The legislature has provided each member of the Oklahoma congressional delegation with a copy of House Concurrent Resolution 1307, and has also sent a copy to President Nixon. I feel the recommendations of our State Legislators will also be of benefit to my colleagues here in the House, and I submit the text of House Concurrent Resolution 1037 for inclusion in the RECORD, as follows:

ENROLLED HOUSE CONCURRENT RESOLUTION No. 1037

A concurrent resolution expressing the opposition by the Oklahoma Legislature to any change in the oil import control program which would have the effect of placing direct Federal control on the price of crude oil or reduce price incentive; and directing distribution.

Whereas, the United States is dependent upon the State of Oklahoma, among other sources, for supplying its energy needs; and

Whereas, the economy of the State of Oklahoma is heavily dependent upon the oil and gas industry which provides approximately seventy percent (70%) of the state's revenues, directly and indirectly; and

Whereas, a drop in the value of oil or gas would cause a heavy loss to the State of Oklahoma, where it is estimated that a per barrel price of Two Dollars and fifty cents ($2.50) would cause a loss to the state of more than Two Hundred and Thirty Million Dollars ($230,000,000.00).

Now, therefore be it resolved by the House of Representatives of the 2nd session of the 32nd Oklahoma Legislature, the Senate concurring therein:

SECTION 1. That the Legislature strongly opposes any change in the import control program which would have the effect of placing direct federal control on the price of crude oil or would reduce the price incentive for the search for needed domestic oil and gas reserves so vital to our national security.

SEC. 2. Copies of this Resolution, after consideration and enrollment, shall be distributed to President Nixon and the Members of the Oklahoma Congressional Delegation.

Adopted by the House of Representatives the 12th day of January, 1970.

REX PRIVETT,
Speaker of the House of Representatives.

Adopted by the Senate the 14th day of January 1, 1970.

FINIS SMITH,
President pro tempore of the Senate.

WE NEED A JOINT COMMITTEE ON ENVIRONMENTAL QUALITY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. BIAGGI. Mr. Speaker, I am pleased that the President, in his state of the Union message, put the fight against pollution at the top of his national agenda for action in the 1970's.

Truly the task is herculean. By no means is the $10 billion that Mr. Nixon proposed for a "clean waters" program an overprojection of the amount of Federal aid that will be necessary if we are to cleanse our polluted waters that have long ago lost the ability to cleanse themselves. We will need much more money before we are through.

The innovative methods of financing these projects that the President hinted at must be implemented as soon as possible. We are presently confronted with a contaminated environment resplendent with such pollution problems as noise pollution, thermal pollution, chemical pollution, water and air pollution, and the problem of treating and disposing of our solid wastes.

Now it is time for the Congress to do its part to make this national effort possible. A concerted legislative attack against these problems can only be effective if we establish the legislative machinery in the House and Senate to deal solely with pollution problems and problems of the environment.

Last December I introduced a bill, H.R. 15342, which would establish a Joint Committee on Environmental Quality here in the Congress. I think this is an appropriate time to reappraise the value of such a joint committee since it is such a capable vehicle for carrying out the programs that the President outlined in his state of the Union message.

As you know, Mr. Speaker, until now various committees in the House and Senate have made a valiant effort to cope with pollution problems under their particular jurisdictions. However, this lack of sole jurisdiction has not enabled any one committee to deal with the problems of environmental quality as a cohesive whole.

We simply cannot continue to deal with the massive problems of pollution in a fragmented and sporadic manner. If we do, our programs will have the same medicinal value as a bandaid has for a broken arm.

A joint committee would be able to tackle these problems comprehensively. It could marshal the knowledge needed to cope with poisoned air, poisoned water, and poisoned land. The dynamic committee system is our best tool to investigate and suggest programs and plans on a national level.

Therefore, Mr. Speaker, I earnestly urge you and my colleagues in the House to begin a concerted attack against pollution by establishing a Joint Committee on Environmental Quality as soon as possible.

OUR FINNISH FELLOW-AMERICANS AND THEIR CONTRIBUTIONS TO AMERICA

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein a very remarkable, interesting, and learned lecture on Finland's contributions to American civilization by His Excellency, Richard R. Seppala, one of Finland's greatest diplomats and leaders.

This brilliant lecture is extremely well done and it provides for all those who read it a very comprehensive understanding of the great debt we owe to

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Finnish-Americans for their memorable contributions to American life, American freedom, and American civilization.

I am very proud and grateful to represent a district where there are so many upright, loyal, talented, industrious people of Finnish heritage, who through the years have so beneficially bestowed their rugged character, courage, loyalty, and industry upon our great free system and all its institutions.

These noble, dauntless people are Americans of the best type, and we are deeply indebted to them for their 300 years of faithful support and loyalty to the Western world and our great free Nation.

The lecture follows:

FINLAND'S CONTRIBUTION TO AMERICAN CIVILIZATION

A granite monument in Chester, Pennsylvania, and a memorial plaque on the opposite shore of the Delaware River at Finn's point, New Jersey, commemorate the arrival of the first Finnish pioneers on this continent more than 300 years ago.

As Finland was then a part of Sweden, the colony founded in 1638 was named New Sweden. From 1638 to 1654 the land along both shores of the Delaware was the colony's territory and a succession of ships brought additional settlers of which at least half were Finns. Many settlements developed along the river. One was on the present site of Philadelphia and was called "Sauna", a Finnish word meaning Finnish steam bath or bath house. From earliest times the Finnish settlers have always built saunas first, using them as temporary dwellings until a more spacious house was built. As the Finns were the first pioneers to settle where Philadelphia is now, it is not surprising that the place was once called Sauna.

Other Finnish settlements were called Finland and Upland and were at the site of what is now Chester, Pennsylvania. A sizeable colony of Finns settled in present-day New Jersey around what is still known as Finn's Point. The Finns built their log cabins and saunas like their forefathers in Finland had done for more than a thousand years. The log cabins became the pride and symbol of prioneer life as the Finnish sauna baths are today, becoming more and more popular in this country.

We learn from a history of this colony, published in 1702, that in the settlement called Finland, the Finns lived without fortifications, at peace with the Indians. Together with the Swedes, they founded the first town, built the first schools and roads, established the first courts and constructed the first churches in the Delaware Valley, and in so doing, made an important and lasting contribution to American civilization.

Although 16 years after its founding, the colony of New Sweden passed under Dutch rule and 8 years later to the British, the settlers remained and were even increased by newcomers. They retained their identity—linguistic, religious and cultural—but ultimately merged with the main stream of American nationality. The historical fact remains, however, that the Finns were one of the nationalities that helped to settle the original thirteen states of the Union, the others being the English, Dutch and Swedes. Even today, some old names in Pennsylvania and Delaware could be traced back to their Finnish origin. Only a few are found in history books, because history in those days was not so much written as it was made by the work and toil of these early settlers. Some of them, however, are still remembered like Long Finn or John Finn, who was maybe the first true rebel against the Colonial rule. But he lived too early and suffered for it.

John Morton, the man who cast the deciding vote in favor of the Declaration of Independence, was luckier. It seems that his great-grandfather was Martti Marttinen, born in Rautalampi, Finland in 1606. He came with his young son, Martti Marttinen, Junior, through Sweden to Delaware in 1641. Their name, Marttinen, was later changed many times in Swedish and British official records to Martenson, Marten, Martin, and finally Morton. What Morton, with the other "Founding Fathers", accomplished was foreseen many years earlier by another well-known Finn, the naturalist, Peter Kalm. He was son of a Finnish pastor and professor in the University of Turku, then the capital of Finland, traveled widely in America from 1748 to 1751 as the first investigator of plant and animal life here. This famous scientist prophesized: "If the French can be driven from the American continent and the Indians defeated, then the American colonies will fight Great Britain and win their independence".

After the death of the main promoter in Sweden of the Delaware colony, a Finnish nobleman named Klaus Fleming, and the passing of the settlement to the Dutch rule and some years later, to the British, interest in emigration to America faded in Finland and Sweden for a long time. Occasionally, Finnish sailors arriving at the ports of the North, South and West Coasts, would be found searching for their fortunes in the New World during the following century.

As a consequence of the Napoleonic wars in Europe, Finland was separated from Sweden and passed under the rule of Russian Czars in 1808. Then from 1830 to 1840, a considerable number of Finns immigrated to Alaska, which also belonged to Russia at the time. Alaska even had two Finnish governors; Admiral Etholen in 1840, and Captain Furuhjelm in 1859. A considerable amount of trade developed between Finland and Alaska and numerous Finish ships transported goods and emigrants around Cape Horn to Alaska. Later, when Alaska was sold in 1867 to the United States, many Finns stayed on and settled, particularly around the Sitka. The descendants of these early Finns and those who came later, played an important part in the development of this territory, which now, a century later, has become the 50th state of the Union. The Finns in Alaska were not only early pioneers, hunters and fur traders, fishermen and gold diggers, but also administrators, mayors and officials who advanced law and order in this (at the time) faraway land.

LARGE NUMBER OF FINNS BEGIN ARRIVING

The great flow of emigration from Finland over the Atlantic began, however, in the latter part of the last century. In 1865, a group of 35 Finns arrived in upper Michigan. From then on, more and more came to Michigan and Minnesota where they found work in mines and iron furnaces, lumber camps and in agriculture. Some remained on the East Coast in New York and in the New England States where there are today several Finnish communities, particularly here in Massachusetts, Connecticut and Maine. Between 1871 and 1873 Finns were pushing their way to the furthermost western points of the country; to Astoria, Oregon (where they have since held an important place as fishermen) and to the State of Washington. The depressions which occurred in the United States in the years 1873 and 1893 temporarily slowed down emigration from Finland. It increased later and reached its peak at the turn of the last century and continued to be high until the outbreak of the First World War and soon thereafter.

Finnish immigration to the United States remained, however, rather modest in comparison to that of many other European nationalities. The number of Finns in the United States—immigrants and second generation (one of the parents being a Finn)—never exceeded 150,000 in any given year according to the official American statistics. Several unofficial estimates included all people of Finnish origin who still knew Finnish or Swedish or who otherwise could be counted as Finns. These estimates vary between three and four hundred thousand as maximum on any given year. This is understandable if we take into account the fact that the total population of Finnland was, at the turn of the century when immigration was at its highest, only about two and a half million, and today, when immigration has slowed down, four and a half million.

During these past decades, the Finns settled mainly in the middle east and northernmost states of the East and West Coasts as already indicated. In these areas, the immigrants toiled mainly in the mines, lumber camps and railway construction works, and later, as pioneers. It has been said that no nationality of comparable size dug more iron and other metals out of the earth of this country than the Finns.

As Finland is still today a country of forests, the Finnish immigrants were used to heavy forest work and carpentry of every kind. In this respect, professor Van Cleef from Ohio University writes about the Finns: "In efficiency in the mines, the Finns rank close to the top. They make good timbermen in the underground mines for they are reputed clever and ingenious with the axe and the log."

The majority of the Finnish immigrants came originally from agricultural life. It is not surprising, therefore, that they found their steps leading back to farm life in America.

It was the aim of most of those who began working in the mines and lumber camps to obtain homesteads or to buy farms as soon as they had the means to do so. They generally obtained 40 to 120 acres, often cut-over land in Michigan, filed for a homestead in Minnesota, or bought a run-down farm in western New York, Connecticut or elsewhere. Then they settled down to work and often cleared the stumpy land, acre after acre, making of these virgin or run-down lands flourishing farms. They were not only handy in tilling the soil, but they built their own homes, shoed their own horses, and showed skill in different kinds of manual work. In the Scientific Monthly, May, 1923, professor Van Cleef writes that "the Finn is thrifty and independent. Both of these qualities are the consequence of his life upon the farm in his native country where isolation and the struggle against the odds of nature challenge the strongest and bravest of men. He has consequently developed a penchant for work, a tenacity of purpose, and a skill in farm management which may well be the envy of the peer of America's best farmers."

Most of these emigrants came here with little means to search for a better life or to earn money to return home and buy a farm. Therefore, the first generation, except in a few cases, could not start industries or commercial enterprises. From early times, however, the Finnish emigrants have been pioneers in establishing cooperatives in such fields as agriculture, dairy farming, retail stores, and insurance. It has been said that if two Finns meet they are either on their way to their cooperative or their sauna bath! Both these, even today, are most important; one to the economic and the other to their physical well-being! Thanks in part to these institutions in their life, many Finns from later generations have reached the top even in private business and industry. There are many outstanding engineers of Finnish descent and Finland has given this country several outstanding architects of which the Saarinens—father and son—are the most famous. Our best living architect, Alvar Aal-

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to, who last year received the Gold Medal of the Institute of American Architects, has been both lecturing and teaching in this country.

FINNS RICH IN FOLKLORE

Finns are an artistic race also, having one of the richest traditions in folklore and popular music. Since 1880, nearly every Finnish temperance and church society has had a choir, orchestra, or amateur theatre group. The American Journal of Folk-lore wrote in October, 1934: "The Finns in Minnesota have maintained much of the folk-lore of their homeland and have greatly enriched the musical life of the state." Finnish folklore had a special influence on Longfellow when he wrote "Hiawatha". He had read with great interest the German translation of the Finnish national epic, "Kalevala". Nathan Haskell Dole wrote in his introduction to "Hiawatha" in February, 1898: "But it is not extravagant to claim that just as Virgil imitated Homer, so Longfellow more or less consciously imitated the Suomi epic (Kalevala), nor does it detract from the value or interest of the poem."

In other artistic fields, as well, there has been a rich exchange between our countries to this day. Both Finnish-American and American choruses, orchestras and conductors have visited Finland as have similar Finnish groups, conductors, singers and actors visited this country. Our distinguished composer and conductor, Oskari Merikanto, visited this country in 1900 and many artists and conductors have followed since. In 1914 our famous composer, Jean Sibelius, made an extensive visit to this country, and not long afterwards, the conductor of the Minneapolis Symphony Orchestra, Mr. Oberhof, introduced the traditional presentations of Sibelius' music here.

In recent years, Finnish designers of furniture, glass, ceramics and textiles have had an important influence on contemporary American design and living as part of the recent Scandinavian revival in this country.

Physical education, gymnastics, wrestling and track and field sports were very popular in Finland at the time of the largest immigration to the United States. Therefore, it was only natural that young Finns in this country founded sports clubs which have given a valuable support even to American Olympic Teams. Particularly, Finnish long distance runners, who visited America (some settling here) have been an inspiration to the youth of this country. The most famous of these sportsmen is "the Flying Finn," Paavo Nurmi, who during the 1920's and 1930's held most world records on distances over a mile. Recently, Nurmi visited this country again as a sports veteran and was received by the President of the United States and welcomed by all sportsmen, particularly by those who remembered him from his days of glory.

Today, as American citizens, descendents of Finnish immigrants are university professors, educators, lawyers and others, have achieved success and high positions in business and industry. Although most of them no longer speak our language, they have their roots in Finland and form a firm link between our two countries. This bond, which was established by early settlers from Finland, has widened and strengthened since Finland became an independent country in 1917. The best known and most popular American in Finland from this time on, is President Herbert Hoover. It was mainly thanks to his support and insistence at the Paris Peace Conference that the Allied Government recognized our independence; and it was the relief action led by him after the First World War, that saved Finland from starvation in 1918. We are still paying the war debt which came out of this American action; but, as we are the only nation that paid our war debt from that time, the payments have been made available in the form of scholarships for students and young scholars from both countries. Some Americans have gone to Finland to study but most of the funds have benefited Finnish youth wishing to study here. Thanks to these and other funds, about 100–150 of our young scholars study in American universities or other institutions each year, strengthening the cultural relations between our countries.

Soon after the First World War, permanent trade relations between Finland and the United States were established which were interrupted only by the last war. We export mainly paper, pulp, plywood, furs, ceramics and glassware and buy from this country machinery, grain, tobacco, chemicals and fruits. Our mutual trade is well balanced—about 50 million dollars annually each way. There is also an increasing tourist trade, which benefits both countries materially as well as culturally.

Political relations between Finland and the United States are traditionally friendly. Finland is a neutral country, like Sweden, maintaining good relations with both West and East. Finland's policy is to remain outside great power conflicts and today this is understood and accepted in the East as well as in the Western World. This was confirmed by President Kennedy when our President visited the United States in 1962, and again by President Johnson, when he, as Vice President, with Mrs. Johnson, visited Finland last year. Both of these visits were highpoints in the long tradition of friendship between our countries, the development of which I have tried to describe. There is an inscription on one of the many Finnish monuments in this country: "A strong will takes a man through gray granite stone." It is this will that has helped build both our nations, our civilizations and our freedom, which we shall defend, if necessary, with the same strong resolve.

UKRAINIAN INDEPENDENCE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DULSKI. Mr. Speaker, this week marks the 52d anniversary of the short-lived independence of the Ukraine.

The observance could be much more significantly observed if the Congress approved creation of a Special Committee on Captive Nations as proposed for several years by myself and other Members of Congress.

My resolution was introduced nearly a year ago and is pending before the Committee on Rules. Such a special committee would make recommendations for assistance, and provide an important sounding board which would be of inestimable aid in boosting the morale and adamant position of these oppressed people.

This year's anniversary of Ukrainian independence is an occasion for rededicating ourselves to assisting these people in every way possible in their valiant struggle.

The annual observance of Captive Nations Week, started in 1959, is an important step that has given continued inspiration to the 45 million oppressed peoples.

The drive for independence by the Ukrainians from Russian domination has surfaced appreciably in the past 5 years—a hopeful sign.

The Ukraine is the largest captive non-Russian nation in all of Eastern Europe. Interestingly, Russians have admitted that more than half of the population of U.S.S.R. is non-Russian.

I continue to be hopeful that the Rules Committee will hold hearings on the resolution to create the Special Committee on Captive Nations.

MIDDLE EAST POLICY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. BIAGGI. Mr. Speaker, the recent turnaround in the President's Middle East policy proposal was a cogent indication that this administration sometimes heeds the call for international justice made by concerned legislators and millions of citizens of our Nation.

It is also an indication that we in the House have a rightful role in the establishment of foreign policy by the executive branch of our Government. To permit a unilateral implementation of such policy without legislative scrutiny is highly dangerous and could well lead this Nation down a path of tragedy and conflict.

I call upon my colleagues to take note of this role and ask them to exercise it more often—especially in situations of such crucial proportions as the Middle East crisis.

I also wish to commend my colleagues in the House whom I joined in speaking out against the Roger's proposal for a Mideast settlement. My own efforts in this regard were as direct and concise as I could possibly have made them and I offer, for the RECORD, copies of the letters I forwarded to the President and the Secretary of State on behalf of promoting justice to Israel.

Finally, I must express my satisfaction with the reaction we in the Congress have elicited from the administration in regard to the Arab-Israeli crisis. Hopefully, the Secretary and the President will see fit to maintain this course until an equitable solution is reached.

The letters follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In the interest of lasting peace and co-existence in the Middle East, I would like to take this opportunity to urge you to reconsider your position on the settlement of the Middle East conflict as outlined by Secretary of State Rogers in his December 9, 1969 statement.

The concessions called for in this newest peace proposal offered by the United States are far too harsh on Israel. To move away from Israel now in search of a "middle of the road" policy in the Middle East can only serve to invite polarization and escalation on the part of the disputants.

I believe that the United States has a vital interest in the survival of Israel as a Nation in the Middle East. She is the last bastion of democracy in that part of the world.

Might I respectfully suggest that the wiser way in the Mideast might be to seek an accommodation which would guarantee Israel's security instead of jeopardizing it, as the Rogers proposal does. Face-to-face negotiations between the parties involved in the conflict is the only just solution to a lasting peace settlement in the Middle East.

With kindest regards.

MARIO BIAGGI,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 19, 1970.

Hon. WILLIAM P. ROGERS,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I would like to take this opportunity to express my deep concern over the new policy position on the Middle East that you outlined for this Nation in your December 9, 1969 statement.

Although the United States has traditionally had a proposal for peace in the Middle East, we have always recognized the right of the parties involved to iron out their differences in face-to-face negotiations. Your peace plan precludes this. It attempts to impose upon Israel an outside settlement of the terms of peace, which is totally inconsistent with our past statements on a Mideast settlement.

France. Britain and Germany have all moved away from Israel. America remains her sole ally in a hostile world. Israel is the last bastion of democracy in the Middle East. To move away from her now in search of a "middle of the road" policy can only invite further polarization and escalation in that sector of the world. The wiser way, Mr. Secretary, would be to seek an accommodation which would guarantee Israel's security and contribute to the attainment of legitimate mutual goals as well.

The doctrine of "even handedness" can never apply where Israel is concerned. The United States has a vital interest in her survival and certainly a moral commitment to that end. I respectfully urge you to reconsider this new policy in the interest of lasting peace and co-existence in the Middle East.

Sincerely,

MARIO BIAGGI,
Member of Congress.

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YOUNG WORLD DEVELOPMENT PROGRAM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PICKLE. Mr. Speaker, I support my colleague from across the aisle, Congressman FRED SCHWENGEL, to support the dedicated young people in the walks for development, which is sponsored by the American Freedom From Hunger Foundation.

I have a firsthand knowledge of the success of these untiring young people. Last year in Austin, Tex., they conducted a walk, carried off with support from community leaders and without any incident, in which they raised over $7,000.

These people have created a dynamic force behind a simple purpose—to eliminate hunger. Perhaps the best hope offered is that the money is not handed out in blank-check fashion, rather a strict accounting procedure is followed and every penny is accounted for.

Granted, these young folks are activists, but they are bent on progress and not destruction. For example, the money raised in Austin was split for domestic and foreign use in projects selected by the young people themselves. They chose the St. John's Community Center in Austin and the Texas Partners for Alliance chapter in Peru.

I congratulate these foot-weary, bighearted folks and offer them my encouragement.

CHARACTER EDUCATION PROGRAM LAUNCHED

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. FISHER. Mr. Speaker, a research project on character education is underway in the Northeast Independent School District in San Antonio. This is a most significant development, and will interest people throughout the country who are aware of the urgent need for more attention to be given to youngsters, particularly at the elementary and high school level.

This project is on the move. It is directed and supported by some very capable and dedicated people. A "Freedom's Code" was prepared by that group, and is an indicator of basic rules of conduct and morality which is being championed.

In order that all who are interested may have a better understanding of what is involved, I include an article which appeared on January 18, 1970, in the San Antonio Light. I also include a copy of "Freedom's Code."

The two inclusions follow:

NORTH EAST DISTRICT: CHARACTER EDUCATION PROGRAM LAUNCHED

(By Doris Wright)

The goal of educators is to educate, but few are interested only in imparting to children the knowledge found between the covers of textbooks.

Most are interested in developing character to go along with reading, writing and arithmetic.

Their goals are to uplift every child and turn each into adults who have the basic foundations of truth, honesty, courage, tolerance and other strengths of character.

PILOT SCHOOLS

A character education program has been launched in the North East Independent School District. Its pilot schools are Oak Grove and Walzem Elementary Schools.

The story of the success of the program so far is best told by a story which came from Jay Mulkey, character education project assistant, who last year taught the fifth grade at Walzem.

On the first day of school last year Mulkey saw sitting in his class the "holy terror" of the fourth grade, a boy whose IQ was slightly below average, who couldn't read and who had "a terrible attitude."

Mulkey treated him as if he were an "A" student. He listened when the boy talked; he encouraged him to study, subtly leading him through first second and third grade reading books. The boy thought he had the teacher fooled. No one ever thought he was smart before. No one had ever listened to him before.

NO FAILING

Mulkey conducted his class in ways that became the personification of character education. He allowed the brighter students help the slow ones. He gave no failing grades.

"I don't believe any child is a failure. I think the teacher should get the F if a child doesn't learn," Mulkey said.

The "holy terror" became the opposite of that and successfully completed the fifth grade with good grades and a new attitude toward himself.

The teaching of character in young children is often subtle, a part of the broader curriculum in which the positive attitude of the teacher enforces a program into which is fed the character-building elements of generosity, honesty, kindness, truthfulness.

The program begin in the first grade in the pilot schools and gradually increases in scope each year. Teachers do not tell students "You will be honest" or truthful or tolerant. They show by doing, by allowing open discussions, by listening to children, by allowing children to assume responsibility.

HELPED JANITOR

Children at Walzem last year went without lunches, sold newspapers and bottles and donated their allowances to help a janitor who broke a leg and was off the payroll for a time.

Writing has disappeared from restroom walls, fewer windows are broken, attendance is better, morale is higher.

The program is to be extended into other schools within the North East School District and in schools in East Central Harlandale, and Northside School Districts.

The concept of character education was first launched by Russell C. Hill, founder of The Children's Fund of San Antonio, who authored the "Freedom's Code" on which the program is based.

Hill established the fund in memory of one of his children who died. Later Hill enlisted the help of Ray S. Erlandson, who became president of The Children's Fund. The two sought to pilot the character education program in the North East School District. The plan was accepted by Billy Reagan, superintendent, and by Dr. M. G. Bowden, associate professor of elementary education at Trinity University, who agreed to train teachers for the pilot schools.

HAD $500,000

In 1968 the Lilly Endowment, Inc., of Indianapolis endowed the project with $300,000, to which The Children's Fund added $60,000. With the assistance of Trinity and the North East School District, the project had about $500,000 to develop materials and methods for teaching character and citizen responsibility in the schools.

Dr. James A. Forester was named director of the project. He is presently developing curriculum guides for the program which extend from the first through the twelfth grades.

Erlandson and Forester point out that San Antonio is becoming the center of character education. Forester has spoken to parent-teacher groups and has been requested to speak to groups in other states, in colleges and in other school districts.

SEEK GRANT

The Children's Fund has applied for a $282,008 grant for elementary character education and $285,959 for secondary school programs from the U.S. Department of Health, Education and Welfare.

Seminars for teachers will be conducted this year at Trinity University, the University of Texas at El Paso and at Butler University in Indianapolis.

Erlandson and Forester have been invited to the 18th annual Presidential Prayer Breakfast sponsored by members of the U.S. Senate and House of Representatives in Washington, D.C., on Feb. 5.

Erlandson, a strong supporter of the character education program, said, "You can't stop vandalism by putting in a burglar alarm system. This is really sound education. It isn't just a dream."

FREEDOM'S CODE: THE STANDARDS OF INFORMED AND RESPONSIBLE MEN OF GOOD WILL

Be Honest—Be Generous—Be Just—and Live Honorably among your Fellow Men—

Be Kind to Those who Lives you Touch and Do your Fair Share to Help Those in Need—

Have Convictions and Courage and yet be Tolerant of Other People's Faults and Opinions—

Make Creditable Use of your Time and Talents and Provide Reasonable Security for Yourself and your Dependents—

Understand your Obligations as a Citizen and Fulfill Them Creditably—

Stand with Men of Good Will Everywhere for Truth and Be an Unyielding Defender of the Basic Human Rights that provide Freedom, Justice, and Equality for the People under an Honest Government of Law—

This is the Measure of a Good Life among Free Men—These are the Standards Men Must Live By to be Free.

OUTSTANDING TEENAGER OF AMERICA

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. SNYDER. Mr. Speaker, Mr. Steven Jaeger, of 111 West 31st Street in Covington, Ky., has recently been singled out for honors by two different groups. Steven resides in the Fourth Congressional District, which I have the pleasure of representing, and I thought it appropriate that he be given recognition here in the House of Representatives.

Steven was named an Outstanding Teenager of America for 1970—for his school—by the Outstanding Teenagers of America just recently, and as such is eligible for State and nationwide competition.

Also, the Washington Crossing Foundation, of Washington Crossing, Pa., in December selected Steven as an honorable mention winner in the third annual national Albert W. Hawkes Patriotic Essay Contest. The award carried a cash prize and certificate of recognition.

Sometimes many Americans have doubts about our younger generation. Steven Jaeger's essay serves to bolster my confidence that at least some of our young people are concerned and patriotic. I congratulate Steven for his achievements and patriotism. His essay follows:

WASHINGTON CROSSING FOUNDATION,
Washington Crossing, Pa., Dec. 8, 1969.

Mr. STEVEN JAEGER,
Covington, Ky.

DEAR STEVEN: The Trustees of the Washington Crossing Foundation are happy to enclose your check for $25.00 as an Honorable Mention winner in the Third Annual National Albert W. Hawkes Patriotic Essay Contest.

We are also enclosing a copy of my book, *George Washington Crossed Here*, together with a program of our Award Ceremonies.

Thank you for your fine essay and for your interest in Washington Crossing State Park and the important event in our nation's history which is memorialized here.

Sincerely yours,

ANN HAWKES HUTTON,
Chairman of the Board.

WHAT WAS THE "SPIRIT OF 1776" AND WILL IT STILL HAVE VALUE IN 1976?

(By Steven Jaeger)

The Spirit of 1776 is sewn deep into the heart of America. Perhaps today, in our troubled times, as American troops once again defend our homes on foreign soil and unrest looms on the streets of our own country, it might behoove us to take a better look at the true meaning of 1776. In so doing, let us pray to God that we may gain insight and guidance so that once again we may kindle the real meaning of what it means to be an American.

The years preceding 1776 had been spent in tyranny. Now the time had come to break the bands of a tyrannical leader and to establish new ideals. The people who had suffered under the stubborn rule of King George III wanted and needed independence. They possessed unanimity of purpose, concurrence of thought, and harmony of action. They were willing to give their lives so that others might be free. A spirit had been sweeping through the colonies for many years. Finally, in 1776, that spirit broke forth. Many values were exemplified by several valiant men such as Benjamin Franklin, Thomas Jefferson, and George Washington. Of these values, the most important was their desire for freedom.

In their hearts, as in ours today, the words "America" and "Freedom" remain synonymous. Visualize the word "America" and analyze each of its letters.

The capital "A" represents the great adventure—an adventure of creating a new nation of free people. This nation would become the symbol of freedom throughout the world.

The "m" could be the broad shoulders of the minutemen as they faced hardship and danger at the hands of a mighty British army in order to develop this young and fertile country. This young country was destined to become the most prosperous on the face of the earth. It was to grow into a large nation consisting of fifty states, existing side by side in peaceful coexistence.

The small letter "e" is the symbol of enthusiasm—a national state of mind needed to face a task as large as revolution. This state of mind has existed throughout the two-hundred year history of our country. From Valley Forge, through the sands of Normandy, and into the jungles of Vietnam, the people of this nation have answered their country's call because of their enthusiasm.

The letter "r" might picture a man with his right hand outstretched in friendliness to people of all races and nationalities who wish not only to share our many blessings, but also to contribute to the American dream. Because America is the "melting pot" of the world, we have become a nation rich in culture. This mixed culture helps deepen our understanding of each other. This understanding strengthens the framework of our country.

The letter "i" represents the individual citizen, so important to a republic, and above it is a halo, blessing man with the rights to life, liberty, and the pursuit of happiness.

The small "c" resembles a broken circle, and symbolizes thousands of American homes from which husbands, fathers, brothers, sons and daughters have gone forth—many never to return—because they considered the United States of America more dear than life itself. In the years to come, many more will be called upon to give the supreme sacrifice. They will answer this call with a sense of pride, for they will be upholding their belief in freedom.

The last letter—a small "a"—could be a man kneeling with his head bowed in prayer, asking God for wisdom and guidance, in order that the true principles of a Christian Nation may not perish from this earth.

These seven ideals contained in the word "America" clearly outline the "Spirit of 1776." They put forth the various aspects of our dreams which have made this country great. Today, this spirit exists as it did in 1776.

Our true American Heritage has survived these many years and has served us well. It has made us a united people, a people willing to work for the advancement of all mankind. It is because of our heritage, a belief in the common man, and a belief in individualism, that enabled this country to first place its flag on the surface of the moon. This same spirit will be with us in 1976 and on into the next decade. We shall continue to exemplify the ideals of a free nation in the future. Our spirit of unity will serve as an example for freedom-loving men everywhere. We should all be eternally grateful for the foundation of our Heritage. It may some day prove to be the source from which the world and its people truly become one.

OUTSTANDING TEENAGERS OF AMERICA,
Chicago, Ill.

DEAR STUDENT: Congratulations on having been selected by your school as an Outstanding Teenager of America for 1970.

You will receive an official certificate in recognition of this high honor in February. Having been selected in your school, you are automatically in competition for the title of your state's Outstanding Teenager for 1970. The winner of this state honor will receive a trophy, to be presented by your Governor.

Each of the fifty state winners will compete for one of the Two National Outstanding Teenagers of America awards. The recipients of these awards will each receive a $1,000 college scholarship as well as recognition in national newspapers and magazines.

The state and national competitions will be judged from the biographical information submitted on the enclosed form. Please fill out this form completely and return immediately. Be assured, you are under no obligation whatsoever by participating in this program.

Your accomplishments will be featured, along with other Outstanding Teenagers of America, in an annual publication. This publication will be placed in libraries throughout the country.

The Outstanding Teenagers of America awards program is sponsored annually by the nonprofit Outstanding Americans Foundation. The enclosed brochure describes the program and introduces the 1969 national and state winners.

Congratulations again on receiving this honor. I will look forward to receiving your biographical information in the next two weeks.

Sincerely,

MORRIS DEES,
Director.

TOP INSURANCE AGENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mrs. GRIFFITHS. Mr. Speaker, Hugh McCann of the Detroit Free Press salutes a top insurance salesman. Naturally, I want you to observe that he points out

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how much better women are than men.

The article follows:

TOP INSURANCE AGENT: SALESLADY AIRS SECRETS

(By Hugh McCann)

Don't ever let Dorothy Austell hear you say you don't believe in insurance.

By responding to challenges like she became the No. 1 "salesman" for the Pilot Life Insurance Co. in 1964 in the U.S., Puerto Rico and Western Europe, and Agent of the Year in 1967 for the North Carolina Underwriters Assn.

"You see," says Miss Austell, a pleasant-looking woman in her late forties with a honey-suckle-and mint julep accent, "a woman has a built-in radar that gives her a sensitivity to problems, and she has no hesitancy in giving solutions. We instinctively know what to say and when to say it."

It takes visceral fortitude to make such a declaration before the Detroit Association of Life Underwriters, a predominantly male-dominated organization. Yet Miss Austell, an ex-WAC from Raleigh, N.C., told them such "truths"—and more. And by invitation, no less.

"Men aren't organized as well as women," she continued. "They have a plan, all right, but they don't work at it like women. Men have a kind of a plateau that they work toward. They reach a point and they stay there.

"A woman just keeps on going. A man makes a sale and he sits around and talks about it for 10 days. I go out and make another sale. Women are much better than men at following up, at giving service."

Those gentlemen of the Detroit underwriters group who sat through this ego-drubbing were made privy to a few of this North Carolinian's trade secrets.

For example, when a prospective customer asks her: "Who do you work for? What company do you represent?" she invariably responds: "I work for you, my friend. I represent you."

And another: "Insurance isn't sold, it is bought."

And still another is her personal approach: she employs a part-time secretary to clip the Raleigh newspapers for every item pertaining to her policyholders.

The secret of success of Dorothy Bell Austell, former executive with the North Carolina agriculture department, is her consummate ability to combine personal warmth with an almost clinical directness.

You may disagree with her, but you can't get mad at her.

Her list of affiliations and offices held is as lengthy as a housewife's shopping list and is an indication of the drive and activity which has characterized her life.

When she was 16 months old, her father died, leaving her mother with six children. She worked her way through high school and college.

As a freshman at Shelby High School, she approached the manager of a Charles store in town and asked for a job selling ice cream. The ice cream counter in these stores, she recalls, were too high for her—I was a little shorty," she says—and he turned her down.

"If you build me a platform, I'll guarantee to sell you more ice cream than has ever been sold in any stores of the Charles chain."

He gave her the job.

In those days, she recalls, Gardner-Webb College did not have its own laundry and drycleaning facilities. This was done by a local firm in Bowling Springs and by another firm which came in across the border from South Carolina and made pick-ups on campus.

She sat on the steps of a campus building one day and watched the South Carolina man make his pick-ups. Then she approached the local launderer and dry cleaner and proposed that if he cut her in for 10 percent, she would get him all the business on campus.

He agreed, and Dorothy Austell was in business—which meant getting all the business in the boys' dormitories. Years later (1964) the college chose her as one of the most outstanding of its 21,000 graduates.

More recently, she devised a key way of combatting the common objection of potential insurance customers: "I don't believe in insurance. I'm saving my money for my retirement."

She got the cooperation of six people, each of whom put $50 into an insurance policy and $50 into a savings account. At the end of one year, only one of the six had not touched his $50. "The other five," she says, "had taken some of it out."

She uses this as demonstration of the relative stability of insurance as contrasted to savings. "I would say to a person: 'If you don't believe me, call up any one of these people. Here are their phone numbers.' You see, I already had got permission from them to use them as references."

Dorothy Austell has been associated with Pilot Life Insurance for 14 years. It is a national company (except for Michigan and New York) "in the top ten," she says.

Asked if she aspired eventually to some executive role in management, she replied: "I insure about 200 lives a year. That figures out to about two a week.

"I just want to do what I do and be what I am."

THE PRESIDENCY AND TELEVISION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. FRASER. Mr. Speaker, James Reston, writing in the New York Times this week, has questioned the President's use of the public air waves for partisan debate. Mr. Reston cogently delineates the twofold danger in indiscriminate use of public service air time: It violates the traditional doctrine of fairness; and it needlessly divides and frustrates the Congress as it seeks unity in the conduct of the Nation's difficult business.

"The Power of the Presidency and Television," which I include in the RECORD at this point, deserves thoughtful consideration by every Member:

WASHINGTON: THE POWER OF THE PRESIDENCY AND TELEVISION

(By James Reston)

WASHINGTON, January 27.—President Nixon has clearly decided to use the power of the Presidency, plus the power of network television, to combat his opponents in the Democratic-controlled Congress and presumably to establish a Republican Congress in November.

This is quite a combination and quite a gamble. Thoughtful observers here have wondered, ever since the inception of nation-wide television, what would happen if a determined President, who had both the will and the ability to use the networks effectively, really set out to exploit television for his political advantage.

President Eisenhower had the personality, the popularity, and the ability to use television in this way, but not the will. President Kennedy had the ability and the will to use it, but for some unexplained reason, was afraid of what he called over-exposure. President Johnson had the will, but neither the personality nor the ability to use it effectively. But President Nixon, by going to the networks to veto the money bill for health, education and welfare, has indicated both a determination and ability to use it to appeal to the people over the head of the Congress to achieve his political objectives.

The possibilities and implications of this are worth a little reflection. The President has available in the White House a television studio hooked into the networks. This is necessary for great occasions of state or for emergencies, but it is also available to him whenever he has a major controversy with the Congress: for example, when he wants to explain his veto of the H.E.W. bill to the American people. After all, it would be rather awkward, even for Frank Stanton at CBS, to say no.

This, of course, is precisely what the President did in his H.E.W. controversy. He vetoed the bill on television with a flourish. He did not deliver a balanced Presidential presentation of the problem, but a one-sided, self-serving and even self-righteous argument for his veto. It was very effective and very misleading, and it raises questions far more important than the H.E.W. bill.

THE DOCTRINE OF "FAIRNESS"

What about the doctrine of "fairness," which Vice President Agnew was so concerned about not so long ago? How can Senators who oppose the President get "equal time" when they are talking to a half-empty chamber, while the President is arguing his case, from the majesty of the White House, before an audience of millions?

Beyond this, there is a more immediate problem. This is that the President is now by-passing or reaching beyond the Congress to the people, and this is his gamble. He is just going into his second year in the Presidency. He has indicated the outlines of his policy—welfare, taxes, crime, conservation, and all the rest—but his major proposals have not been voted into law.

THE POWER OF CONGRESS

They have to go through the Congress. The Congress is controlled by the Democrats. The Democrats are divided, with a cooperative saint as their leader in the Senate, and a weak and tired octogenarian, or thereabouts, as their leader in the House, and a liberal Senator from a conservative state as chairman of the Democratic National Committee.

In short, the Democrats are in deep trouble. But nothing will unify them more, or arouse their partisan dander, than a President who tries to ride over their majority by partisan television appeals to the people. This is a provocation to a partisan battle at a time when the country needs a little time and unity to put through many of the sensible programs the President has suggested.

THE PARTISAN FURIES

After the President's televised veto message, the partisan furies are rising. After proclaiming in his State of the Union Message that "what this nation needs is an example . . . of spiritual and moral leadership . . . which would inspire Young Americans with a sense of excitement . . ." Mr. Nixon, who has been talking about an era of quiet understanding at home, and of negotiation rather than confrontation abroad, has now gone to the television with a narrow political argument which is building up a real confrontation in a Democratic Congress, whose support he needs for the programs he says are essential to the nation.

It is very odd: a noble generous State of the Union Message one day, and a narrow party speech on television a few days later.

All this is a fairly good illustration of why there is so much distrust and cynicism in the country, particularly among the young, about American politics and politicians.

INCREASE OF VOTER REGISTRATION AND PARTICIPATION ENCOURAGED

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. GIBBONS. Mr. Speaker, having heard so much of the "silent majority"—a term which has been in use quite a bit since the last general election—I decided to take a close look at this so-called "silent majority" in my own congressional district, the Sixth District of Florida.

I would like to insert in the RECORD those figures which I am sure you will agree point to the fact that the silent majority is indeed a very silent majority and in fact speaks not at all.

From the figures which I will enclose, you will see that in my congressional district, of those who were eligible to vote—namely, those over 21 years of age—only 49 percent voted in the U.S. Senate race in 1968. As a matter of fact, further study showed that there were over 70,000 who were eligible to vote that were not even registered.

I feel that we in Congress, as well as all elected representatives in our Government, have a responsibility to encourage increased voter registration and voter participation.

A cursory examination of the election rolls in most urban districts and those districts that have been affected by urban renewal, highway construction, and the closing of military installations, and so forth will show that these voter registration rolls are in great need of correction and revision. In this regard, I am cooperating with the supervisor of elections in my district in an effort to help update our voter rolls.

I will also introduce shortly legislation that will authorize supervisors of elections or officials who have the responsibility of maintaining voter registration rolls the right to free mailing privileges for the purpose of updating their lists when pertaining to Federal elections.

The right to vote in our society is a most precious one. We as Americans have not exercised this right, and I for one would like to do everything I possibly can in an effort to encourage the people of my district to register and to vote.

I would also like to include in the RECORD a copy of a letter I am sending to all registered voters in my district in conjunction with the effort the supervisor of elections and I are making in Hillsborough County, Fla. Also included is a copy of the card being used in the updating of our elections rolls:

VOTER STATISTICS FOR GENERAL ELECTION OF 1968, SIXTH CONGRESSIONAL DISTRICT OF FLORIDA

1. Total vote in presidential election, 149,827.

Total figure represents 68% of registered voters.

Total figure represents 52% of those eligible to vote (over 21 years of age).

2. Total vote in senatorial election, 140,885.

Total figure represents 64% of registered voters.

Total figure represents 49% of those eligible to vote (over 21 years of age).

3. Total vote in congressional election, 132,754.

Total figure represents 61% of registered voters.

Total figure represents 46% of those eligible to vote (over 21 years of age).

4. Total number registered in Sixth District, 218,885.

5. Total population over 21 years of age in 6th District (those eligible to vote), 288,000.

6. 58% of population in Sixth Congressional District as of the 1968 election were over 21 years of age.

7. 69,115 who were eligible to vote were not registered in the 6th Congressional District.

HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIEND: Like all Americans, I am sure you value your right to vote.

The voter registration rolls in Hillsborough County are in great need of updating.

In this regard, I am cooperating with Mr. Jim Fair, the Supervisor of Elections, who is required by law to correct and revise these lists on a periodic basis.

Enclosed you will find a card which is addressed to the Supervisor of Elections.

You should fill out this card and return it immediately.

While all matters pertaining to voter registration come entirely within the jurisdiction of the Supervisor's office, I am cooperating with him in this endeavor.

Sincerely,

SAM M. GIBBONS,
U.S. Congressman.

DEAR AMERICAN CITIZEN: Thousands haven't voted, and thousands have moved. Now, after over 15 years, the voter rolls are being corrected—thanks to the help of our Congressman.

Please do your part by advising your elections supervisor of changes. (Law requires it!) Your address changes can be made by mail, but any party or name changes must be made in person.

To stay registered to vote, please fill in this card and mail it now. If not returned in 30 days, law requires that your name be removed from voter rolls.

Your friend,

JIM FAIR,
Supervisor of Elections.
HILLSBOROUGH COUNTY, Fla.

[*Return card*]

To vote mail this if legal residence is in County or if eligible to be elector.

By the map, I think this is my precinct number ------.

OK as on card ------------------------------.
(check above if no change)

If moved locally, fill in below:

I live at ------------------------------.
(number, street)

If none, give legal description (City or post office) (can't live in post office box) (zip code).

If can't get mail at residence, give post office address and zip code.

Birthdate: ----------.

Signature might help ----------.

Phone number to voter ----------.

Can help:

Voter ----------

Driver ----------

Part-time ----------

Volunteer ----------

For pay ----------.

"HIS MIGHTINESS" AND THE KEYSTONE COPS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. MURPHY of New York. Mr. Speaker, on the day that President Nixon's veto of the Health and Education appropriations bill was upheld, Ted Lewis turned his erudite scalpel on the new White House palace guard—a $23,000 waste of the taxpayers' money. In his ever-excellent "Capitol Stuff" column in the New York Daily News, Mr. Lewis deftly chips away at the President's yen for a self-styled "tight legion of white uniformed musketeers." I speak, of course, of the poor White House policemen who have been dandied up by the President in "student prince" uniforms at taxpayers' expense. It is ironic that the President can veto as inflationary a measure vitally affecting the welfare of American children, the American elderly, and the American sick, yet waste tax dollars on a palace guard.

Under the leave to extend my remarks in the RECORD, I include Mr. Lewis' column on "His Mightiness" and the Keystone Cops:

PALACE GUARD GETS NIXON A HORSE LAUGH

(By Ted Lewis)

WASHINGTON, January 28.—President Nixon has the reputation of being a most smart politician. Lyndon Johnson once had that reputation, too, but he began to lose it quickly when he picked up two beagles by the ears.

What we are getting around to saying is that the real smart politicians are those guys who recognize the ingrained ability of voters to seize on a picky little issue and distort it into a big one which changes the whole shape of a national election.

Nixon has been around in politics long enough so that he should know that. For that very reason, he should have realized what troubles he was making for himself and his party by redecking for ceremonial occasions a cadre of White House policemen in garish white uniforms and vinyl caps.

Not even LBJ would have been so daring or insensitive to the risk of being laughed at, rather than with.

Sure, these prettified cops are going to be labeled the "palace guard." They look exactly like they were supposed to look—protectors of the throne of the mythical kingdom of Ruritania.

And to think that those elegantly overdressed guardians of 1600 Pennsylvania Ave. got their uniforms because a President who has very simple personal tastes (due to his Quaker background) thought the executive mansion required more pomp and panoply in the 1970s!

So, at last, perhaps, the nation is finally getting a glimpse of the real Nixon! He could not visualize himself as the leader on a white horse, but he could see himself in personal command on occasion, of a tight little legion of white uniformed musketeers.

How many votes will the Republican Party win or lose in the crucial November congressional election by the coup d'etat?

No Republican member of Congress would dare to admit it publicly and neither would GOP National Chairman Rogers Morton, but there is general agreement that the "great silent majority" is composed of stable citizens who want normalcy, not innovations of any kind.

So the chances are that with one sartorial decision, Nixon has made it harder to elect more Republicans this year at least.

This side of Nixon, nevertheless, reveals his ability to make a decision which he considers best for the country, even if his stand is not in response to public demand.

The fact is that Nixon has thrown his weight around the White House environs with considerable daring, if not political skill, since he took over a year ago. He did not ask for time before acting in that area, although he may well later regret he didn't.

With a minimum of ecclesiastical criticism, even from the Bible Belt, he has used the historic East Room of the mansion for church services on most Sunday mornings. The switching from one denomination to another was done gracefully, and there was more good political fallout than bad.

CORRESPONDENTS OUST THE BATHERS

Harry Truman got into great trouble with the arty set by having carpenters put a second-floor porch half way up the pillars on the south exposure. But, so far, Nixon had not been criticized significantly for boarding over the famous indoor swimming pool so the space may accommodate correspondents, not bathers.

On the other hand, there was much political fallout when, last November, barricades of buses were erected around the White House complex to protect the mansion from the Vietnam moratorium demonstrations. The youthful agitators were supposed to be unruly but were fully instead, and the "banana republic" cordon around the "presidential palace" ended up being ridiculous, except in the opinion of Mrs. John Mitchell.

The attorney general's wife still thinks that the "liberal Communists" were a hairbreadth away from trying to seize the seat of government.

It should be pointed out that the elite corps of Nixon Keystone Cops in gaudy uniforms adds considerably to the "banana republic" flavor of the White House compound. But the idea that 1600 Pennsylvania Ave. might be better labeled the address of the "president's palace" is not really gaining hold, at least not significantly.

The same issue was threshed out when the republic started, with a lot of conservative patriots very much in favor of a palace tag.

SHOULD HE HAVE BEEN GEORGE I?

Some members of the first Congress thought George Washington should have all sorts of royal titles. There was even a snide effort to pass the word that the father of our country at heart wanted to be addressed as "His Mightiness, the President of the United States and Protector of Their Liberties."

Washington, however, wanted dignity but no royal folderol. And Congress ended up with the same sentiments after pragmatic members reminded that the revolution was aimed at throwing off the yoke of "His Britannic Majesty."

Imagine calling President Nixon "His Mightiness!" On the other hand, a seed of suspicion has been planted that Nixon is up to something in the way of bringing the White House into the last third of the 20th century.

No president puts out $23,000 of the taxpayers' money for a well-dressed palace guard while inflation is rampant unless he thinks that is one way to convince Congress and foreign heads of state where the power center of this government is located.

IT IS GOOD ECONOMICS TO HIRE WOMEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. PICKLE. Mr. Speaker, in Austin, Tex., there is a Federal-local partnership with the high principle—the elevation of women in society, the elimination of wasted woman-power, and the increased effectiveness of the Nation's economy.

Recently, at the invitation of Mayor Travis LaRue, Mrs. Elizabeth Duncan Koontz, Director of the Women's Bureau, U.S. Department of Labor, revealed some rather interesting facts. Accordingly, I ask to reprint the article written for the Sunday, January 25, Austin American Statesman by Miss Cynthia Joyce:

HIRING OF WOMEN "GOOD ECONOMICS"

(By Cynthia Joyce)

"The most important point in favor of women having employment equality is that it is just economics," Mrs. Elizabeth Duncan Koontz, director of the Women's Bureau, U.S. Department of Labor, said today.

"Fifty-one per cent of our population is female and during the 70s that figure is going to increase," she said. "This is a largely untapped source of employment because of the negative status women hold in today's society."

Mrs. Koontz spoke to a press conference in the Speaker's Committee Room at the Capitol. She came to Austin in support of Mayor Travis LaRue's proclamation that a Mayor's Commission on the Status of Women is to be established here.

Mrs. Koontz said that many women do not work because they fear their husbands' disapproval. Others who do work are disillusioned because they are not paid as much as men who hold similar jobs, even when they are equally qualified. Still others, who are not well trained or educated, prefer to accept welfare.

"They have no chance," said Mrs. Koontz. "One-third of the families on welfare are headed by women and most of them are only capable of household employment. They cannot earn enough to support their families and that kind of work rarely includes health insurance." She said that welfare (because it includes free hospitalization and dental care) is an improvement.

Speaking of more highly trained and educated women, Mrs. Koontz said, "They contribute to the problem of discrimination because they act out the role prescribed by the middle-class Puritan ethic that a woman's place is in the home, not in the business world.

"Even when they do work, they hold themselves back," she said. "They are afraid to compete, to outshine their male counterparts. This is the way they have been brought up."

Mrs. Koontz said that the only way to change this dependence to independence is for both male employers and their female employees to become more aware that women are capable.

Mrs. Koontz said that this could be done "by women joining forces. Agitation that has brought change has always come from the discriminated against," she said.

Such a joining of forces is the mayor's proposed commission on the status of women. At a dinner Saturday night at the Austin Women's Club, attended by Mayor LaRue, Mrs. Koontz outlined the advantages of such a commission, these included:

Bringing women's problems to the community.

Narrowing issues to apply to local situations.

Having access to local officials such as the mayor and city council.

Being a rallying point for coordinating programs, presenting a united front in common goals and being a clearing house for information and ideas.

Being a channel of communication between local and state groups.

A DEDICATED TEACHER'S RESPONSE TO THE CLASSROOM CHALLENGES OF OUR MODERN YOUTH

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. DONOHUE. Mr. Speaker, there is no greater challenge to American adulthood at all levels than the necessity of finding more persuasive and effective methods of inspiration to our restless and questioning youth, to recognize and accept the true and everlasting ideas and ideals upon which this country was founded, and without which it may not long endure.

In recognition and acceptance of this challenge, a distinguished and dedicated gentleman residing in my district, Mr. Arthur I. O'Brien, who has been a beloved teacher for nearly 40 years of his own personally inspiring life, has written a fascinating and instructive article about current teaching methods, with recommendations for new approaches as a compelling need to a compelling problem in today's society. I desire to include the article by Mr. Arthur I. O'Brien at this point, in order to contribute to the vastly wider reading and attention it so obviously merits:

NEW APPROACHES: A COMPELLING NEED TO A COMPELLING PROBLEM

Since college days when several "psych" courses pointed out the astonishing fact that it was primarily "C" students who went out from the "hallowed halls" and proceeded to "set the world on fire," or make a million dollars, or achieve some creative success somewhere between the two—only recent California and a few subsequent studies have attempted to explain this by identifying what they choose to label as the "creative" student. For this individual, whatever his description, the school format historically has held little real challenge and appeal, and "under-achievement" simply reflected a negative attitude.

It has not occurred to the "professional bulk" yet, but a complete overhaul is needed, not only in the curriculum, but its whole physical means of presentation, in order to "sell" these middle-of-the-groupers the idea of being "top bananas in the bunch" while sharing a school experience. Rather than wait on science, et al., to analyze the "complete child," why cannot educators be as practical as businessmen and come at the youngster from every possible selling angle? Certainly the profession has heard enough, ad nauseam, concerning "individual differences." The businessman has known that his customers, buying-wise, have differed almost infinitely, but this only heightened the challenge. Recall your car salesman with some of the best "pitches" in the selling game.

Our prospects in school are far more available because, unlike the visitors to the showroom, students are captive participants who must "drop out" to escape the tortures of their incarceration. Most changes or solicitations which the profession may initiate hopefully can only be for the better.

First, our whole curriculum must begin and end with the student—not with publishers, book salesmen, superintendents, department heads or teachers. This whole, complete change will not be easy to come by because, unlike the buying public and car salesmen, the student does not pay the school personnel's teaching and administrative salaries. Were we catering to the needs and senses of the student as completely as our selling profession does to its respective clientele, the present hue and cry as to our lack of educational efficiency perhaps would be reduced to a whisper and a whimper.

The writer, for eight years, has been working on a year's unit on, for lack of a better name, called "Computer Math." This material, gearing it properly for speed, is presently being enjoyed and assimulated by the very "slowest" of the present Ninth grade in a 2000-student, four-year high school. This is total reassessment and reorganization of material to link with the outside work arena of real activity, will take time and creative ingenuity to achieve.

Before leaving the curriculum side of the fence—the "victuals" of the learning experience—may one horrible example of present practice be cited: reference is made to our national one-year course in American History. Ninety-nine per cent of our student personnel shut (or slam) their books in June with a sigh of great relief that never again will they have to revive this material. What a horrible commentary on a unique history not even second to the whole historic "run down" surrounding the twelve apostles!

Appealing to the various interest types of students, five or six tracks might be developed in this wealth of material; biographical, military-political, home economics, literary, art and crafts, educational, athletic—the successive time reference frame and sequence of national events would be a common backbone for all tracks. In high school, two tracks per year might be offered. It is certain that catering to the "buying interests" of the students would produce a June reaction of "Boy, I've got to give this 'American History bit' a lot of future time and attention: there's too much to be missed if I don't!"

Secondly, there is the whole matter of school surroundings, particularly the "cellular" or classroom environment, in its multiphysical aspects. For too many it has become more of a prison "cell" than a producing "organic cell" as found in the natural animal state. For the past months, the writer, in cooperation with Dick Stephens, Program Director for WKOX, Framingham, has been using specially selected and taped background music (tape recorder) to implement taking tests, study periods, starting in on next day work assignments, and even as background music to explanations of new math units as they are given meaning and sense by the teacher at the board.

The success of these experiments is based not only on Mr. Stephens' genius, but on the fact that 99% of the high school students do home assignments with some form of musical background reassurance in the same room. Studying is a "Lonesome George" undertaking at best, and the comforting stimulation of music, properly selected, does not detract from cerebration but rather encourages it. It is an attempt to repel the coldness of a four-wall classroom to capture in part the friendly environs of a students' study nook at home.

A short multiple response questionnaire was given to the writer's five math classes (approximately 115 students). A summary of the results follows.

Of the hundred (plus one or two) who reacted to five questions, the vast majority took a definite stand on the positive effect which proper background music had on their production in the teaching-learning situations.

Question I—Dealt with what their home study set-up was. Only five declared "no music." Of course, three were not allowed to have any accompanying "sounds" at home at all. Ten seldom had music, while the rest of the group (approximately 100) had some form of background music; records, tapes, radio, stereo, etc.

Question II—"When taking a quiz in the classroom and the music is properly selected and tuned in, I find that:"

(a) 10 said "less inclined to think the effort a 'big deal.' "

(b) 17 responses "that test results should be better."

(c) 61 responses that "nerves were less tense."

(d) 67 responses that "I am in more of a relaxed mood."

(e) 6 responses "it distracts me from my test work."

(f) 46 responses "I feel more 'at home' conditions."

(g) 12 responses "no effect one way or the other."

Question III—"A musical background during teacher explanation and accompanying class discussion."

(a) 9 said of "little value" but this was the most controversial, as many had suggestions as to how it should be toned down as as not to interfere with teacher's or students' voices.

(b) 61 said it "can be effective if held in quiet and reserved background."

(c) 55 said it had been "irritating" but most added that it had not been properly adjusted to be a quiet, unobtrusive background.

Question IV—"At end of period, when starting on advanced homework, background music."

(a) 59 said "it can be very stimulating and helpful."

(b) and (c) 13 said it didn't have any effect, could "take it or leave it."

(d) 60 stated "it had a friendly effect to remove tensions felt."

(e) 36 stated "it made one imagine he was in his own home study situation."

Question V—"Music is used today in many business offices, banks, supermarkets, factory areas, etc."

(a) 11 thought there might be "little opportunity to use in school learning situations." Of the eleven, five were negative, but the rest thought school administrative resistance would be too great.

(b) 73 thought "there might be wide and varied uses for music in our total school picture."

(c) 27 thought there "may be limited but important uses for the sounds of music in the schools."

(d) 11 thought "the difference in musical tastes too great to allow very much use."

Summing up, we must join together and attack this number one national problem on two broad fronts:

1. Within the classroom and total school environment, to relate it more directly to flesh and blood.

2. Within the student himself, by engaging every possible one of his sensory perceptions to attack, digest, and assimilate a curriculum which is continuously being related to an exciting, changing and challenging world just outside that classroom window and door, which are costing more to the taxpayer with each passing day!

Every attempt should, of course, be made to interest and excite the student through the usual classical intellectual channels but, as in the above, through sound and also through the other senses as well: sight, touch, and smell. One of the reasons our elementary teachers have been credited through the years with doing a better teaching job is, because through their personal touches, including decorations, plants, exhibits, etc., they have made the four-wall enclosure a situation of great interest and challenge to all the senses—not just the not-too-interesting (sometimes) sound of a teacher's voice, or cold words on a colder piece of paper.

Finally, even with all this important gadgetry added, nothing can ever replace the quiet, firm, kindly, human understanding personality of the dedicated teacher. It is sometimes frightening to think of, but the student can read a teacher's face, actions, and exterior behavior and in the first one or two classes can make a 99% accurate appraisal of what the "course" holds in future store for him.

Truly the changes—creatively for the greater good—that are in store for both education and religion in the next two decades are so great and far-reaching, so exciting and challenging, that the writer hopes for an additional twenty years of life in order to "not miss the first show!"

HOUSE ASSISTED DENVER OLYMPIC BID

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. BROTZMAN. Mr. Speaker, earlier today the House concurred with Senate Joint Resolution 131, which will enable the President officially to assure Olympic athletes of entry into the United States with a minimum of redtape.

I understand that the President may sign the resolution yet today.

In behalf of the people of Colorado I would like to express appreciation to this body for its expeditious handling of the resolution, for in so doing the House kept alive the bid of the city of Denver for the 1976 Winter Olympics, as well as that of the city of Los Angeles for the 1976 summer games.

Had this resolution not been brought to the floor and adopted, both of these bids would have been disqualified on February 5 by the International Olympic Committee, which is meeting next week in Switzerland.

My State, which has the finest skiing in the world, last year won the right to make the bid for the 1976 winter games for the United States. To site the games in Colorado would be particularly appropriate because not only is 1976 the U.S. bicentennial year, but it is Colorado's centennial year, as well.

The decision will be made next summer, and should Denver's bid be successful, it will be due in no small part to the action taken here today.

THE PLASTIC JUNGLE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. OLSEN. Mr. Speaker, at this time I would like to submit for the RECORD, an article on the unsolicited mailing of credit cards which I referred to in my previous statement before the House Post Office Committee. I believe that this informative article, written for the Montana Law Review by my good friend, Mr. Tom Kennedy, well expresses the pressing need for legislation to protect the rights of individual citizens from such practices.

The article follows:

THE PLASTIC JUNGLE

INTRODUCTION

Tony Benitez of Tampa, Florida was never able to use either of his unsolicited credit cards. One of his credit cards was a Master Charge card which he could have used to finance a trip to Europe or buy a new wardrobe. Tony is five years old and he can't sign his own name, although his credit rating is excellent according to the bank that mailed the credit cards to him.

Roger Gelpey of Marblehead, Massachusetts was able to use his unsolicited credit card. He bought a dollar tie after he had been turned down for a three hundred dollar loan. He is nine years old.

A Lima, New York widow didn't buy anything with her unsolicited credit card. She had never received it. Someone else used it and she received a bill for $1,661. She is 96 years old and leaves her house once a month to cash her social security check of $114.

The stealing as well as the mailing of unwanted and unsolicited credit cards is a big business. In Brooklyn, New York, according to testimony by District Attorney Eugene Gold before the Federal Trade Commission on September 9, 1969, twenty stolen credit cards were used to run up bills totaling $175,000. An unsolicited credit card is easily used by organized crime because the person in whose name it is issued is unaware of its existence. Credit cards obtained through assaults are sent across the country for immediate use because the victim will realize immediately that his card has been stolen. In the case of a stolen unsolicited credit card, thieves may use it at leisure as it will take up to six weeks for the bills to arrive in the victim's mailbox.

The losses that occur as a result of the mailing of unsolicited credit cards to adolescents, alcoholics, bankrupts, and financially overburdened families are paid for by the general public in the form of higher prices.

Individuals cannot pass on the expense of resisting erroneous claims against them as a result of the fraudulent use of unsolicited credit cards.

What can a lawyer in Billings, or Butte, Missoula or Great Falls tell his client when he has been billed because of the fraudulent use of an unwanted and unsolicited credit card which he never received?

LEGAL LIABILITY AND THE LOST CREDIT CARD

A lawyer can advise his client that his legal position is strong. He can say that even if he requested the credit card and had been using it before it was lost he would be liable for fraudulent use between the time of loss and the time of notification to the credit card company. Since he never received the unsolicited credit card and did not use it, he is not bound by the terms of any agreement which imposes any liability on him for fraudulent use. The credit card company will have to prove, if it brings suit, that the card had been used by the defendant in order to show that he is bound by any of the contract terms associated with the use of the card. These terms are for the most part printed on the card. A comparison of the signatures on the charge slips with the actual signature of the client should clear the matter up.

In addition they may allege negligence on the part of the merchant for not obtaining proper identification.

The client could be advised that regardless of the abusive credit collection letters he has been receiving, credit card companies almost never bring such suits on the basis of unsolicited mailings as a matter of public relations and their poor legal position.

With this advice in mind, can the case file be closed with an exchange of correspondence between the lawyer and the credit card company. The answer is no.

AGREE FOR THE LAW IS COSTLY

Estimates of collections on unpaid credit card debts without suit vary from 30% to 50%.

Financially responsible families would rather pay an unjust debt than have a lawsuit filed against them with the possibility of garnishment and/or a ruined credit rating, as well as possible difficulties resulting from telephone calls to the breadwinner's employer.

An average American family cannot afford the payment of legal fees in defending a lawsuit over an amount of money which may very well be less than the cost of a defense. A good credit rating is a matter of necessity in obtaining decent housing and, in the land of the automobile, transportation. Certainly no wage earner can afford the damage resulting from a garnishment which brings about the failure to meet monthly payments. Garnishments are the number one cause of bankruptcies.

We live in a cashless society in the midst of a credit explosion and we may even see the end of personal checks as a regular means of payment. The debtor, because he lives from check to check and from monthly payment to monthly payment, is not in fact able to refuse to pay even unjust bills. Thus the law has not been kept in balance between debtor and creditor rights.

WHAT'S THE PROBLEM

American consumer debt stood at $5 billion in 1945. Today consumer debt stands at $118 billion and it is growing. The expansion of consumer debt has now reached some final stage with the mass mailings of millions of credit cards with no credit check of the addressees.

Credit card companies charge merchants from 4% to 7% in discounting credit card bills. The credit card customer pays a monthly interest rate of 1½% or 18% a year as a charge on the portion of his bill that is unpaid at the end of 30 days. Some credit card companies in addition charge their customers fees for membership and additional services. The merchant may raise his prices to compensate him for the 7% discount on his sales.

Many people derive an emotional satisfaction from credit card ownership. According to motivational research expert Dr. Ernest Dichter, the credit card is a "symbol of inexhaustible potency. . . . It gives its owner the wonderful feeling that he has Aladdin's omnipotence in thousands of famous restaurants, hotels and shops throughout the world, even though the chances are that he will never see the inside of a hundred of them."

According to the National Petroleum News of March 1967 (Page 92), "American business is creating credit faster than certain Roman emperors minted money." It seems that the flood of credit has created a cashless society, and at the same time easy credit for some items has led to limited credit for major items such as housing, and harsh collection procedures have resulted in order for some creditors to be the first in line to be paid by the overcommitted debtor.

THE CREDITOR'S WEAPONS

In the new cashless society creditors have protected themselves by the expansion of a computerized, highly organized and until now unregulated credit bureau system. With credit a necessity to consumers, and taking into account that one out of every five Americans moves each year, it is natural that this has come about. There is a vast need for credit information and it is sold like any other commodity.

Credit collection agencies have found a position of great power in the fact that almost every American is an employee in a highly industrialized society. The loss of a job is far more devastating to Americans than the payment of a bill, just or unjust. The use of "garnishments" has become a perfected weapon, since almost no consumer can safely fail to meet his monthly payments without facing financial disaster.

In order to redress the balance to some extent it is vital that new regulatory legislation be passed by the Congress and State legislatures. This has begun to happen.

THE GARNISHMENT SANCTION

Since garnishment is one of the chief sanctions against debtors, and the threat of garnishment is a means of collection of disputed bills, it is important to note, in reference to claims resulting from the fraudulent use of unsolicited credit cards, Public Law 90–321, better known as the "Truth in Lending" Law.

Title III of the Act entitled "Restriction of Garnishment" applies federal regulations to all garnishment proceedings and sets up federal standards for future proceedings. This title will take effect on July 1, 1970 (Sec. 504).

The findings in section 301 of the Act stated that the unrestricted garnishment of compensation due for personal services encourages the making of predatory extensions of credit and that such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce; that the application of garnishment as a creditor's remedy frequently results in loss of employment by the debtor; and the resulting disruption of employment, production and consumption constitutes a substantial burden on interstate commerce. Further, "the great disparities among the laws of the several states relating to garnishment have in effect destroyed the uniformity of the bankruptcy laws and frustrated the purposes thereof in many areas of the country."

The Secretary of Labor, through the Wage and Hour Division of the United States Department of Labor, shall enforce the provisions of the Act (Sec. 306).

Section 303 limits the amount of wages that can be garnished through a percentage figure and/or a mathematical formula based on the Federal Minimum Hourly Wage prescribed by the Fair Labor Standards Act of 1938.

Only 25% of the weekly wages of an employee would be subject to garnishment or the amount of disposable earnings for that week which exceeded thirty times the federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, whichever is less. If wages are other than weekly wages, the Secretary of Labor by regulation shall set up a formula that achieves the same result.

These restrictions do not apply to court orders for support, an order of any court in bankruptcy under Chapter xiii or any debt due for any state or federal tax. No court of the United States or of any state may

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make or enforce any order or process in violation of this section.

Section 304 provides that no employer shall discharge an employee as the result of garnishment for one indebtedness, and willful violation of the section shall subject the employer to a fine of not more than $1,000 or imprisonment for not more than one year, or both. State laws which are more restrictive shall not be annulled.

THE CREDIT BUREAU SANCTION

A reporter for the Columbia Broadcasting System, claiming to represent a non-existent firm, obtained credit reports on 10 individuals out of a random list of twenty names. His investigation was the basis of a televised report on credit bureaus, which generally claim that their information is kept confidential.

Credit bureaus have dossiers on 110 million Americans or almost the entire adult population of the United States. Most credit bureaus belong to the Associated Credit Bureaus of America, which has over 2,200 individual members serving 400,000 creditors in 36,000 communities. These credit bureaus issued 97 million credit reports in 1967. This information is freely transferable between the association's membership and the information is used for extensions of credit and employment purposes. Massachusetts and New Mexico passed statutes regulating credit bureaus in 1969. Until this year, the only state statute regulating credit bureau activities was one passed in Oklahoma in 1916 and that was inadequate.

Credit reports include such items as age, race, marital status, opinions of neighbors of personal habits as well as financial information. In addition information goes into credit reports and remains on file without being corrected or updated. Information is not evaluated and wholly false information has the same status as correct and relevant information.

Senator Proxmire in his explanation of S. 823, an amendment to the Consumer Protection Act, outlined seven problems and then gave seven solutions his amendment would provide. These are shown below by enumerated paragraphs with the proposed S. 823 solution in letter paragraphs.

1. Consumers do not know that they are being damaged by adverse credit reports.

(a) The bill provides that where a person is refused a loan, employment or insurance because of an adverse credit report, those who make the decision upon the written request of the disappointed applicant must disclose the name and address of the credit bureau from which they obtained the information. Present contracts between creditors and the bureaus forbid revealing the identity of the credit bureau. A person would then have the opportunity to correct misleading information in such credit files (Sec. 615).

2. A consumer is rarely given access to his own file, even if he knows the name of the credit bureau which has it on record.

(a) Under the Proxmire bill, S. 823, credit bureau reporting agencies must interview complaining consumers during normal business hours and on reasonable notice disclose all information in the consumer's file. A complaining consumer may bring one other person with him when he asks to examine his file. This could be helpful generally but especially so in poorer areas (Secs. 609–610)

3. Consumers have great difficulty in correcting inaccurate information.

(a) Debtors would, under S. 823, have the right to file explanatory information or to have incorrect or unverifiable information deleted as the result of the right to demand reinvestigation of allegations. Frivolous consumer statements need not be included (Sec. 611).

4. Information in credit files is not kept confidential.

(a) Those who request credit reports must certify as to the purpose for which they are requested and agree not to use the information for any other purpose. A person who obtained a credit report under false pretenses would be subject to a fine of up to $5,000 or imprisonment up to one year, or both (Sec. 619).

5. Credit bureaus gather highly personal information based on the subjective opinions of others, whether or not such information is relevant to credit standing.

(a) Investigations of a personal nature must be revealed to the consumer as well as the nature and scope of such investigation, if he makes a written request. His right to make such a written request must also be disclosed to him (Sec. 615b).

6. Public record information such as arrests are not updated and do not show eventual disposal of cases.

(a) This problem will be solved upon passage of the Proxmire bill (S. 823) by the requirement that public records information be kept up to date. If this cannot be done, the consumer must be notified that an inquiry has been made and of the identity of the person to whom a report was sent. The consumer would then have the opportunity to have updated information forwarded to the inquirer and the file corrected (Sec. 613).

7. Old information on past credit deficiencies is not updated to show improved performance on any regular basis.

(a) Section 605 provides that obsolete information from official records such as suits and judgments, unpaid tax liens, records of arrest, indictment, conviction and matters such as accounts placed for collection or charged to profit and loss, shall not be made part of consumer reports beyond 7 years. In the case of bankruptcies the limit is 14 years (Sec. 605a). Section 605b provides that transactions involving more than a principal amount of $50,000 or more, the underwriting of life insurance policies involving a principal amount of $25,000 or more, or the employment of any individual whose yearly compensation amounts to more than $20,000, is exempt from these restrictions.

MASS MAILING KEYS CREDIT CARD OPERATIONS

There are 300 million credit cards in use in the United States. About 1.5 million of these credit cards are stolen each year and the annual loss from fraudulent use has reached a figure of $100 million.

In an article in the Christian Science Monitor, entitled "Mass Mailing Keys Credit Card Operations," dated November 4, 1969, it was noted that "In the past month, member banks of the New England Bankcard Association, Inc. (NEBA), have mailed over two million unsolicited Master Charge Cards to customers. This practice has also been common in other areas." With large mailings of this kind, it is inevitable that unsolicited credit cards are stolen.

The lead time given to thieves through the theft of unsolicited credit cards makes them valuable to them, not only in providing funds, but in providing identifications.

As a direct result of hearings held in the Postal Operations Subcommittee of the U.S. House of Representatives, Congressman Arnold Olsen introduced H.R. 15103, which provides for restricted conditions for the mailing of credit cards.

H.R. 15103

Section 4001 would be amended upon passage of the Olsen bill by adding credit cards to the category of nonmailable matter under subsection (b). Subsection (c) contains the exceptions to the mandate of Subsection (b).

Subsection (c) provides that credit cards may be mailed.

(1) by registered mail, return receipt requested, with restricted delivery to the person in whose name the card is drawn;

(2) in response to a written application; and

(3) the credit card bears a term on its surface, in eight point type, that liability for fraudulent use is assumed by the sender, unless the credit card bears a photograph and signature of the person in whose name the credit card is issued. In that case liability to the cardholder will be limited to $50; and that

(4) the sender agrees to pay an additional charge for any mailing returned to him covering the cost to the Department of such return as established by the Postmaster General.

A criminal fine of $1,000 per mailing of each nonmailable card is added as a sanction in Subsection (d). Subsection (e) provides that nonmailable matter under the bill may be seized and disposed of as the Postmaster General shall direct in postal regulations.

The Olsen bill is a combination of approaches, that are now before the Congress.

For example, Senator Proxmire's bill, S. 721, introduced for himself and Senators Dodd, Eagleton, Inouye, McGee, McIntyre, Mondale, Moss, Nelson, Yarborough and Young of Ohio would amend section 103 of the Truth in Lending Act (82 Stat. 146).

It would limit the liability of the cardholder for unauthorized use of an unaccepted credit card (Sec. 132). An accepted credit card is defined, in what will be a new subsection (1) of section 103 of the Truth in Lending Act (82 Stat. 146), as "any credit card which the cardholder has requested in writing or has signed or used, or authorized another to use."

Also a "Renewal card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used"; and "A new credit card issued in substitution for an accepted credit card as a result of a change in the corporate structure or ownership of a card issuer shall be deemed to be an accepted credit card."

Section 2(b) of S. 721 would be added to Section 105 of the Truth in Lending Act, and it would require that the Board of Governors of the Federal Reserve System shall prescribe regulations under which card issuers may issue credit cards not requested in writing by a prospective cardholder, in the matter of minimum credit standards for such prospective cardholders in order to limit overextension of credit by consumers and protect the financial stability of banks insured by the Federal Deposit Insurance Corporation.

H.R. 13244

This bill introduced by Congressman James Hanley, Democrat of New York, provides that unsolicited credit cards must be sent by registered mail restricted to addressee only and that otherwise the mailings of unsolicited credit cards would be a criminal offense, subject to penalties of not more than two years imprisonment and/or a fine of not less than $1,000 or both.

H.R. 14346

This bill introduced by Congressman William Scott of Virginia, would bar unsolicited credit cards from the mail as being nonmailable. The criminal sanction in the Scott bill is a misdemeanor, with a maximum imprisonment of one year and a fine of not less than $1,000, or both.

H.R. 14897

Congressman Glenn Cunningham, Republican of Nebraska, introduced H.R. 14897 which would require that all credit cards be forwarded by registered mail and bear the words on the envelope "credit card" or "unsolicited credit card—addressee may refuse" in the appropriate case.

OBJECTIONS

The Federal Reserve Board and the Credit Card industry object to all of these bills on the basis that there is no serious problem involved in the mailing of unsolicited credit cards that cannot be corrected by better screening of mailing lists. They also maintain that the barring of unsolicited credit card mailings would prevent other credit card companies from entering the field because they cannot procure sufficient credit card holders to support a plan and solicit participation in a credit card plan by merchants unless large numbers of consumers have credit cards in their possession. A bank that attempted to obtain cardholders by forwarding credit card applications received less than a 1% response. The same bank found that by mailing unsolicited credit cards a 19% use rate was established within a few months.

The Olsen bill, H.R. 15103, and the Cunningham bill, H.R. 14897, are objected to because of the cost of sending all credit cards by registered mail. Registered mail in the case of credit cards would cost .80 per piece, and a restricted delivery requirement would cost an additional .50, a total of $1.30 per credit card mailing.

THE OLSEN POSITION

Congressman Olsen and the authors of other bills are in agreement that unsolicited credit card mailings should in effect be barred from the mails because of the danger of theft. Credit cards are instant cash to persons who take them. They are sold, for instance, by criminals at rates from $25 to $500. In our larger cities apartment mail boxes are regularly rifled and some postal employees who have fallen into the hands of loan sharks are induced to pilfer mailed credit cards as repayment. The passage of credit cards through the postal system in locked mail bags with a limited number of individuals responsible for the entire process would cut down on the opportunity for such theft. A restricted delivery insures proof of receipt in the form of the cardholder's signature.

Cardholder liability for fraudulent use of credit cards should be restricted and in the case of unsolicited credit cards eliminated altogether. The main concern of credit card companies is that without some liability cardholders will be negligent about prompt notice to the issuer of the loss. While this is a consideration, a credit card carrying the photograph and signature of the cardholder would prevent much of the fraudulent use of such cards. Merchants would have to be grossly negligent to accept credit cards when they are being used by a third person. If a credit card company did perfect its credit cards so that the card itself identified the person seeking to make a purchase, it would seem reasonable that limited liability on the part of the cardholder be provided for in order to assure prompt notification of loss.

SUMMING UP

The ending of unsolicited mailings is the issue on which the Members of Congress who have introduced bills and the Federal Reserve Board, the banks and the credit card companies cannot agree.

Unsolicited credit card mailings are under attack in the state legislatures, before the Federal Trade Commission, and before committees of the Congress. Eleven states have already passed laws restricting unsolicited mailings and limiting liability for the fraudulent use of credit cards. Most states have enacted criminal statutes for fraudulent use of credit cards.

It is true that legislation banning unsolicited credit cards from the mail will stabilize the credit card industry insofar as new companies will find it difficult to enter the field. But the entry, beginning in 1966, of giant new bankcard operations has not resulted in competitive pricing or cost cutting on the part of credit card companies. Their charges for bills over 30 days are on the average 18 percent and that is attractive to those who enter the credit card business. The consumer has seen no benefit in lowered costs of this form of credit. In fact, there is every indication it has raised the cost of maintaining his family's budget. He continues to pay 1½ percent a month on his credit card purchases and most people seem to stretch out such purchases beyond the "thirty days to reality" period. In fact, this is the source of the great profitability of credit card operations. In addition, the discounts charged merchants for the sale of bills run up under the credit card plans are significant and are as high as 7 percent. Moreover, the switching of funds from consumer loan investment and small business loans has the tendency to raise interest rates on funds remaining and available for those purposes.

The mailing of millions of unsolicited credit cards is a hard sell device that has been used to excess. The excesses of past operations do not justify continuing the same practices. What is more, building credit card operations on the basis of applications and the well thought out decisions of consumers to participate in one or two plans will cut down on ill considered impulse spending, which is inflationary.

The main opposition to curbs on the mailing of unsolicited credit cards comes from the banking industry and the Board of Governors of the Federal Reserve System. Bankcards are the latest arrivals in the credit card field. They are the "everything" cards and they have great competitive advantages over the more specialized credit card operations such as the airline companies and the oil companies who use credit cards as a selling device for their product; or the entertainment cards issued by the Diners Club and the American Express Company. Out of 300 million credit cards there are now 60 million bank credit cards in use. The future belongs to the bank credit cards because they seem to be more convenient. Half of all the banks in the United States now offer a charge plan, either as part of a larger operation or individually.

A Mr. Edward E. Bontema, president, Eastern States Bankcard Association, said in an Atlantic City Conference on Consumer Credit:

"By 1975 almost every bank depositor in the U.S. also will be a bankcharge card holder.

"This will result in a decline in the volume of checks handled by banks and at the same time reduce the number of operations needed to process checks.

"According to a Federal Reserve System survey nearly 20 billion checks were processed in 1967. It cost almost $4 billion to process those checks through some 20 operations."

It may be easy to understand why the banks of this country are in a hurry to establish credit card plans. But although a soft sell through applications may take longer, it will probably take place nonetheless. Legislation which protects the consumer from liability for fraudulent loss and which provides for credit cards which in fact do accurately identify people are worth the trouble and time to the public. If the Olsen bill and bills like it delay the switch from checks to credit cards by protecting the consumer, it may be worth doing.

CONCLUSION

Technology has changed forever the American's way of borrowing and spending by the mass issuance of the credit card.

The law in the nature of things develops much more slowly than technology. Legislation balancing once more the rights and duties of individuals and organizations, debtors, and creditors, has developed very slowly. But the time has come for the passage of such legislation.

The Truth in Lending Law, the Proxmire bill on arbitrary credit reporting, and the Olsen bill limiting liability resulting from lost credit cards and the mass mailing of unwanted credit, are all steps on a road toward protecting individual rights in a computer civilization.

This legislation and more like it must be enacted. The market place cannot become a lawless place where only the buyer has to beware. A computer civilization and the applied technology resulting therefrom will not reach its full promise if individuals do not share in that promise. A sense of fairness resulting from new rules in a new society is essential.

REFERENCES

1. England, "Mass Mailing Keys Credit Card Operation," *Christian Science Monitor*, November 4, 1969.

2. United Press Release, *Los Angeles Times*, October 23, 1969. See also England. *op. Cit.*

"In the past month, member banks of the new England Bankcard Association, Inc. (NEBA) have mailed over two million unsolicited master charge cards to customers. This practice has been common in other areas."

"Robert C. Rier, President of NEBA, defends the practice. 'Each bank decided from their own accounts who would get cards,' he said of the operation here. 'We spent months and months to do the proper thing. In Chicago, they literally handed them out on the street.' "

Subcommittee staff study on Chicago incident. Testimony of Eric E. Bersten, professor of law, University of Iowa, before Subcommittee on Financial Institutions of the Committee on Banking and Currency, U.S. Senate, 90th Congress, October 10, 1968, pp. 90–128. Mrs. Betty Furness, Special Assistant to the President for Consumer Affairs, p. 63, October 10, p. 64 same committee.

The reference to Chicago by Mr. Rier, referred to the first mass mailing engaged in by American Banks of unsoliciated credit cards. They picked the Christmas rush of 1966 to begin this practice. In addition, the Chicago banks are quite competitive and they all sought to build up the most massive lists possible in order to convince merchants that the credit plan individuals were trying to sell individual merchants was the best. Large numbers of cards were stolen. Credit cards were sent to children and the deceased and entire neighborhoods were flooded with the new bankcards from rival Chicago banks. One man received 18 credit cards from the same bank addressed to himself and three each of his sons, aged 9, 11 and 13. The Chicago banks had issued millions of credit cards during the height of the 1966 Christmas rush.

3. *New York Times*. November 26, 1969, "State Attorney General Louis J. Lefkowitz, reported another incident yesterday, which he said should dispel any doubt that the legislature should pass a law to prohibit the forwarding of unsolicited credit cards."

4. Testimony of Gold, Eugene F., District Attorney, Kings County, New York, Transcript of Federal Trade Commission Hearings, September 10, 1969, p. 76.

Testimony of Rotker, Seymour, Executive Assistant to District Attorney, Bronx County, New York at hearings before Subcommittee on Postal Operations, U.S. House of Representatives, October 19, 1969, p. 114, unpublished transcript.

5. Miraglia, "My $10,000 Credit Card Binge," *Life*, October 26, 1959, p. 53. A 19 year old took a one month trip across the United States by means of an all purpose credit card. He purchased $10,000 worth of goods and services, including U-Drive It cars, a silver mink coat for a girl friend, and a puppy for himself.

6. McDonald, "Credit Cards—Our Funny Money," *Detroit News*, November 4, 1969, p. 1.

7. Jackson, Royal E., Chief of the Bankruptcy Division, Administrative Office U.S. Courts, at Hearings before Subcommittee on Financial Institutions, Committee on Bank-

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ing and Currency, U.S. Senate, October 9, 1968, p. 31 *et seq*.

8. *Ibid.*, p. 33.

9. McDonald, *op. cit.*, In San Francisco, California, Mrs. Lucille Vitorelo received a bill for $368.78 from a department store. A credit card in her name, sent without her knowledge or request, was apparently stolen from the mails. The store threatened to sue her for the unpaid bill, her credit rating was damaged and she had to pay a lawyer $175 to prove she was not liable.

10. If there is no contract placing liability for unauthorized purchases on one of the parties and if neither of the parties has been negligent or acted in bad faith, the credit card holder will not be liable even though he does not report the loss promptly. The only implied duty in the absence of a contract is to exercise due care in handling the card. *Thomas* v. *Central Charge Service, Inc.*, (1965 District of Columbia, Court of Appeals), 212 A2d 533, 15 ALR 3rd 1083, in which a judgment for the plaintiff was reversed.

The holder may be liable for fraudulent use if he authorizes a third party to make purchases and such a state of facts raises a jury question as to liability. *Jones Store Co.* v. *Kelly,* 225 Mo. App. 833, 36 S.W. 2d 681. (1931).

Under a contract for complete liability on the part of a cardholder prior to giving the issuing company notice of loss such terms may be enforced, according to a decision in New York in the case of *Texaco, Inc.* v. *Goldstein,* 34 Misc. 2d 751, 229 N.Y.S. 2d 51, affd 39 Misc. 2d 552, 241, N.Y.S. 2d 495. The facts of this case involved not only the contract term which placed complete liability for fraudulent use on the cardholder but the credit card was an oil company credit card which had no identification but a card number and the court took the position that only the cardholder could save the company from loss by prompt notice.

In *Union Oil Company* v. *Lull,* 220 Or 412, 349 P2d 243, 1960, the court relied on an analogy between a bank passbook where there is a duty by the issuer to ascertain the identity of the person presenting the passbook, even though a contract term existed which placed all liability for fraudulent use of the passbook on the holder, since the bank as an indemnitee has the duty of exercising reasonable care to protect the indemnitor.

On the other hand, a case involving a contract term placing all liability on the cardholder until surrender of the card was upheld in *Socony Mobil Oil Company* v. *Grief,* 10 App. Div. 2d 119, 197 N.Y.S. 2d 522 (1960).

The standard clause now used limits cardholder liability for fraudulent use until the card is surrendered or written notice is given the issuer that the card has been lost or stolen. Where a "hot list" of missing cards is issued by the credit card company and the merchant still accepts the card for credit, the contract between the merchant and the credit card company may require the merchant to assume liability. Bergsten, v. "Credit Cards: Distributing Fraud Loss," 77 *Yale Law Journal,* 1418, 1420 (1968).

11. *In Humble Oil and Refining Company* v. *Waters* (1963) La App. 7, 159 S. 2d 408, the one whose negligence occasioned the loss must bear the loss. In this case a card was mailed as the result of a telephone request from a person claiming to be a cardholder who had lost her credit card and asking for a replacement. The replacement card was stolen from the cardholder's mailbox. The court held that it was negligent for the credit card company not to ascertain the identity of the caller and that the credit card had been obtained by fraudulent means, and the record of the case was devoid of any fault on the part of the holder.

12. Pollock, Earl R., Attorney, Midwest Bank Card System, Inc., Postal Operations Subcommittee Hearings, U.S. House of Representatives, November 19, 1969, p. 153 *et seq*. Transcript.

13. The credit card transaction which we are discussing is new to the law and unique. It involves a credit card issuer, an honoring merchant who sells diverse products to cardholders. There is virtually no authority, judicial or statutory, that is controlling. The problems arising from the use of this device are discussed in Fafly & McDonald 49 Calif. Law Review 459, 465 (1960). In addition, legislation has been enacted in each state but relating only to criminal penalties for fraudulent use. Montana's statute is 94 R.C.M. 1823 through 94 R.C.M. 1830.

Staff Study, Postal Operations Subcommittee, U.S. House of Representatives. Filed, September 1969.

17. Meade, Robert L., Legislative Director, Office of Special Assistant to the President on Consumer Affairs, at Hearings before Subcommittee on Postal Operations, U.S. House of Representatives, November 19, 1969, p. 88 *et seq*. Mr. Meade also stated that credit card losses are over $100 million a year, stolen credit cards sell in New York City for at least $50 and that mail fraud cases involving stolen credit cards has risen over 700% in the last four years. According to a United Press International release the consumer debt of the United States has jumped from a figure of $110 billion that Meade used on November 19, 1969 to a figure of $118 billion as of December 4, 1969 according to end of October figures issued by the Federal Reserve System.

18. Patman, Wright, M.C., Chairman of the Banking and Currency Committee of the U.S. House of Representatives, before the Subcommittee on Postal Operations of the U.S. House of Representatives on October 29, 1969.

19. Brean, "Charge Plans Make Cash Unstylish," *Life,* June 1, 1959, p. 120 *et seq*.

20. "Credit Card Frauds: What You Need to Know About this Growing Danger," *National Petroleum News,* March 1967, p. 92.

21. Jackson, Royal E., Hearings on Bank Credit Card and Check Credit Plans before the Subcommittee on Financial Institutions, U.S. Senate, October 9, 1968, p. 33.

22. Proxmire, William, U.S. Senator, Statement on Senate Floor, *Congressional Record,* vol. 115, pt. 25, p. 33410.

23. Wattenberg and Scammon, *"This U.S.A."*, p. 112. (1960 Census Figures)

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26. 15 U.S.C. 1601, *et seq.*

27. 15 U.S.C. 1673.

28. 15 U.S.C. 1676.

29. 29 U.S.C. 201, *et seq.*

30. 15 U.S.C. 1673.

31. 15 U.S.C. 1675.

32. 18 U.S.C. 891.

33. 15 U.S.C. 1677.

34. Williams, Harrison, U.S. Senator. Remarks, *Congressional Record,* vol. 115, pt. 25, p. 33412.

35. Proxmire, William, U.S. Senator. Remarks, *Congressional Record,* vol. 115, pt. 25, p. 33409.

36. Massachusetts General Laws, Ch. 93, amended by addition of Sections 44–47, 1969.

New Mexico, 50–18–2 through 6h 50–19–1, General Laws 1969, Ch. 259, Sec. 1.

Oklahoma, 24 Oklahoma 81 through 85, 1910.

37. Brenton, "The Privacy Invaders," p. 38, 43, 1964.

38. Proxmire, William, U.S. Senator, explanation of amendment to the Consumer Protection Credit Act, *Congressional Record,* vol. 115, pt. 25, pp. 33408–33411.

39. Dallos, "Fighting Credit Card Fraud," *Washington Post,* December 7, 1969, p. 1.

40. England, "Mass Mailing Keys Credit Card Operation", *Christian Science Monitor,* November 4, 1969.

41. Brimmer, Andrew F., Member of the Board of Governors of the Federal Reserve System, "New Horizons in Credit Card Banking", before Seattle Clearing House Association, September 23, 1969, p. 10.

42. Martin, William Mc., Jr., Chairman of the Board of Governors of the Federal Reserve System, Letter to Chairman Robert N. C. Nix., M.C., dated October 28, 1969.

43. McNeal, Edward J., Chairman of the Consumer Credit Issues Committee of the American Retail Federation, Proceedings Federal Trade Commission, Docket No. 215–20, pp. 185, 186. "The Marine Midland Trust Company of New York made a promotional mailing soliciting applications for credit cards, and received a return of .007, of a total mailing of 33,000. An unsolicited mailing to a control group of 731 indicated that 139, or about 19%, had been used within a 90-day period.

44. P.O.D. Notice 59, Domestic Postage Rates, Fees and Information, July 14, 1969.

45. United Press International, "Mafia Strikes Gold in Credit Cards," *St. Paul Sunday Pioneer Press,* November 26, 1967, p. 4.

Rotker, Seymour, Executive Assistant to the District Attorney, Bronx County, Bronx, N.Y., Credit Card Hearings, Postal Operations Subcommittee, U.S. House of Representatives, November 19, 1969, p. 138. Transcript.

46. United Press International, "Mafia Strikes Gold in Credit Cards," *St. Paul Sunday Pioneer Press,* November 26, 1967, p. 4. "Traditional 'shylocking' techniques are also being streamlined by the shift from cash demands to credit. When syndicate collectors need to pressure these days," said Huntel (former District Attorney, Queens County, New York City), "they'll collect their pound of flesh not by beating on his noggin but by getting his credit cards . . . and if he doesn't have one, they tell him 'Get one, get two, get three . . .' "

Cotter, William J., Chief Postal Inspector, Credit Card Hearings, Postal Operations Subcommittee, U.S. House of Representatives, November 19, 1969, p. 112. Transcript.

47. Cotter, William J., Chief Postal Inspector, Credit Card Hearings, Postal Operations Subcommittee, U.S. House of Representatives, November 19, 1969, pp. 113, 114. Transcript.

"From the enforcement standpoint, unsolicited credit cards present several problems to the Postal Inspection Service. As unsolicited mailings are promotional mailings, regardless of the extent of screening the mailing lists, address reliability is apt to be lower in comparison with credit cards mailed in response to an application. Wrong deliveries, forwarding and multiple handling increase the exposure of an unsolicited mailing to theft and loss."

"As unsolicited mailings are unwanted by some percentage of the addresses, perhaps as high as 75%, that percentage of a given mailing is needlessly exposed to loss or theft in postal transit and otherwise until the cards are either destroyed or returned to their issuer."

* * * * *

"The addressee of an unsolicited card, not anticipating it, usually finds out about its misuse when he receives an invoice, perhaps six weeks after the date of mailing. The delay in initiating the investigative process is an impediment to its success."

"Postal employees and others can usually spot unsolicited mailings and one inclined to theft will reckon an unsolicited mailing as a safer and more desirable target than regular customer mailings."

48. Pollock, Earl E., Attorney, Midwest Bank Card System, Inc. Credit Card Hearings, Postal Operations Subcommittee, U.S. House

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of Representatives, November 19, 1969, p. 153 *et seq.* Transcript.

49. H.R. 15103, Subsection (c), is not impractical or futuristic. The Marine Midland Grace Trust Company of New York advertises a Master Charge Card with photograph and signature and has done so for several years. Advertisement, *New York Times,* December 9, 1969, p. 36. The advertisement read in part: "If you grow a mustache we'll give you a new card." "We have to." "We're the only bank in town that puts your picture on the back of a charge card." "At no cost to you."

50. State Statutes Limiting Liability in matters involving the fraudulent use of unsolicited credit cards. (Citations from Commerce Clearing House Service.)

Alaska

Sec. 06.05.209. Issue of credit cards. A bank is not prohibited from issuing unsolicited credit cards or other similar credit granting devices but the bank may not hold the customer liable for charges made on a credit card or other device before its acceptance by the customer. Before an unsolicited card is considered accepted by the customer, the customer shall execute and furnish to the bank a written statement of acceptance. (Sec. 06.05.209, as added by Laws 1969, S.B. No. 173, approved May 5, 1969, effective August 3, 1969)

California

Sec. 1718. (Definitions—Cardholder's liability limited.) (a) as used in this section: (1) "Credit Card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by a card issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

(2) "Accepted credit card" means any credit card which the cardholder requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used. A credit card issued in connection with a merger, acquisition, or the like of card issuers or credit card services in substitution for an accepted credit card shall be deemed to be accepted credit card.

(3) "Card issuer" means the business organization or financial institution which issues a credit card, or its duly authorized agent.

(4) "Cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by a card issuer.

(5) "Unauthorized use" means a use of a credit card by a person, other than the cardholder, who does not have actual, implied, or apparent authority for such use and from which use the cardholder receives no benefit.

(b) The cardholder is not liable for any unauthorized use of a credit card which has not become an accepted credit card.

(c) If an accepted credit card is lost or stolen after the credit card has reached the cardholder, and the cardholder notifies the card issuer within a reasonable time by telephone, telegraph, letter, or any other reasonable means after discovery of the loss or theft or after the time in which a reasonable man in the exercise of ordinary care would have discovered the loss or theft, the cardholder is not liable for any unauthorized use of the credit card.

(d) This section applies only to credit cards originally issued or renewed on or after the effective date of this section. (Sec. 1718, as added by Laws 1969, A.B. No. 1763, Ch. 904, approved August 23, 1969, effective November 10, 1969.) Sec. 1719 (Disclosure of Charges). Whenever fees, charges, or penalties are assessed against a cardholder for the use of a credit card, the card issuer shall separately state and label all such fees, charges and penalties.

The terms "credit card," "card issuer," and "cardholder" in this section shall have the same meaning as prescribed in Section 1718. (Sec. 1719, as added by Laws 1969, A.B. No. 1764, Ch. 905, approved August 23, 1969, effective November 10, 1969.)

Connecticut

Sec. 1 (Acts 1969, P.A. No. 136) (Distribution of unsolicited credit cards.)

(a) No person, company, partnership or corporation shall engage in the practice of mailing or the distribution in any form of any credit card, charge plate or any like instrument or device in any other person, firm or corporation unless such other person, firm or corporation has previously made a request therefor in writing or verbally.

(b) Any person, company, partnership or corporation which violates the provisions of subsection (a) of this act shall be fined not more than one hundred dollars for each card, plate, instrument or device so mailed or distributed.

(c) The provisions of this act shall not apply to the renewal of any credit card, charge plate or like instrument or device unless the recipient has previously indicated in writing his intention that such renewal not be effected nor shall it apply to the replacement of any such instrument or device by the issuer thereof during the period such instrument or device is in effect. (Approved May 15, 1969, effective January 1, 1970.)

Illinois

Credit Cards—Act of July 27, 1967.

Sec. 1 (Rev. Stat. 12½ Sec 381) Unsolicited credit cards—Liability to issuer—Burden of proof—Fees and costs.

(a) No person in whose name a credit card is issued without his having requested or applied for the card or for the extension of the credit or establishment of a charge account which that card evidences is liable to the issuer of the card for any purchases made or other amounts owing by a use of that card from which he or a member of his family or household derive no benefit unless he has indicated his acceptance of the card by signing or using the card or by permitting or authorizing use of the card by another. A mere failure to destroy or return an unsolicited card is not such an indication. As used in this Act, "credit card" has the meaning ascribed to it in Section 17-1 of the Criminal Code of 1961 (6381), except that it does not include a card issued by any telephone company that is subject to supervision or regulation by the Illinois Commerce Commission or other public authority.

(b) When an action is brought by an issuer against the person named on the card, the burden of proving the request, application, authorization, permission to use or benefit as set forth in Section 1 hereof shall be upon plaintiff if put in issue by defendant. In the event of judgment for defendant, the court shall allow defendant a reasonable attorney's fee, to be taxed as costs.

Sec. 2. (Rev. Stat. 121½ Sec 382) Requested or accepted credit cards—Liability to issuer—Burden of Proof—Fees and Costs.

(a) Notwithstanding that a person in whose name a credit card has been issued has requested or applied for such a card or has indicated his acceptance of an unsolicited credit card, as provided in Section 1(6835) hereof, such person shall not be liable to the issuer of the card for any amount hereinafter set forth, resulting from a use of that card from which he or a member of his family or household derives no benefit or which he has not authorized or permitted:

Card without signature panel, $25.00.

Card with a signature panel, $75.00.

(b) When an action is brought by an issuer against the person named on a card, issuance of which has been requested, applied for, solicited or accepted and defendant puts in issue any transaction arising from the use of such card, the burden of proving benefit, authorization, use or permission by defendant as to such transaction shall be upon plaintiff. In the event the defendant prevails with respect to any transaction so put in issue, the court may enter as a credit against any judgment for plaintiff, or as a judgment for defendant, a reasonable attorney's fee for services in connection with the transaction in respect of which the defendant prevails.

Maryland

Art. 83, Sec. 21B. (Unsolicited Credit Cards—Liability of Issuer—Renewals.)

When a credit card or card of identification for credit is issued to a person in the absence of a prior request or application for such card by that person or an authorized agent of that person, such card shall not be deemed to have been accepted until such person signifies acceptance in writing or uses such card to obtain credit. Until such acceptance takes place, the person issuing the card shall be presumed to have assumed the risk of loss, theft, or unauthorized use in any action against the person to whom the card is issued. The provisions of this section shall not be applicable to the cards issued to renew or replace existing cards originally applied for or accepted by the cardholder. (Sec. 21B, as added by Laws 1969, Ch. 252, approved April 23, 1969, effective July 1, 1969.)

Massachusetts

Chap. 255, Sec. 12E (Credit Cards—Cardholder Liability)

(Series of definitions. Relevant definitions)

"Accepted Credit Card", any credit card which the cardholder has requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used. A credit card issued in connection with a merger, acquisition or the like of card issuers or credit card services in substitution for an accepted credit card shall be deemed to be an accepted credit card.

* * * * *

"A provision imposing liability on a cardholder for the unauthorized use of a credit card shall be effective only if the card is an accepted credit card, the liability imposed is not in excess of one hundred dollars, the card issuer gives adequate notice to the cardholder of the potential liability, the unauthorized use occurs before the cardholder has notified the card issuer of the loss or theft of the card or of any unauthorized use, and the card issuer has provided a method whereby the user of the credit card can be identified as the person authorized to use it, including without limitation a place on the card for the photo or signature of the holder.

"Except as hereinbefore provided, a cardholder incurs no liability from the unauthorized use of either an accepted or an unaccepted credit card." (Sec. 12E, as added by Laws 1968, Ch. 394, approved June 11, 1968, effective January 1, 1969, and applicable only to credit cards issued after the effective date.)

Minnesota

(Credit Card Liability)—Laws 1969, Ch. 1004. Approved June 6, 1969, effective June 7, 1969.

Sec. 2. (Unsolicited credit cards.) No person in whose name a credit card is issued shall be liable for any amount resulting from use of that card from which he or a member of his family or household derives no benefit unless he accepted the card by (1) signing or using the card, or (2) authorizing the use of the card by another. A mere failure to destroy or return an unsolicited credit card is not such an acceptance.

New Mexico

(Credit Card Liability)—Laws 1969, Ch. 172.

Sec. 1. Unsolicited credit cards—Liability of issuer—Burden of proof—Attorney fee.

A. No person in whose name a credit card is issued is liable to the issuer of the credit card for any amount owing because of a use of the credit card if: (1) he did not apply for the credit card; or (2) he has not indicated his acceptance of the credit card; or (3) he or a member of his family or household desires no benefit from the use of the credit card. If the person named in the credit card has indicated his acceptance of the credit card by signing or using it or by permitting or authorizes another person to use it, he is liable to the issuer. The failure to destroy or return an unsolicited credit card is not an indication of acceptance.

B. In any action brought by the issuer against the person named in an unsolicited credit card, the burden of proving the application, authorization, permission to use or benefit is on the plaintiff if put in issue by the defendant. If the defendant prevails, the court shall award the defendant reasonable attorney fee. (Approved April 1, 1969, effective 12 o'clock noon, June 20, 1969.)

New York

General Business Law—Ch. 20, t. 29-A. Credit Cards.

Sec. 512. Limitations on liability for use of lost or stolen credit cards. A provision to impose ability on an obligor for the purchase or lease of property or service by use of a credit card after its loss or theft is only if it is conspicuously written or printed in a size at least equal to eight point bold type either on the card, or on a writing accompanying such a card when issued, or on a writing accompanying the card when issued or on the obligor's application for the card, and then only until written notice of the loss or theft is given to the issuer. Such a provision either in a credit card issued prior to the effective date of this article, or in a writing accompanying such a card when issued, or in the obligor's application for such a card is effective, on or after the effective date of this article, only if the issuer mails to the obligor, properly addressed, written notice of the provision conspicuously written or printed in a size at least equal to eight point bold type. Such a provision is effective only if the obligor has requested in writing the issuance of a credit card; the signature of the obligor or of a person authorized by him upon a sales slip or memorandum evidencing a purchase or lease of property or services by use of a credit card is the equivalent of the obligor's request in writing for the issuance of a new credit card and for the issuance of a new credit card to replace or renew a credit card previously issued to him.

North Dakota

Credit Cards. Enacted by Laws 1969, S.B. No. 345, approved March 17, 1969, effective July 1, 1969.

Sec. 1. Definition of credit cards and other terms and imposition of liability on cardholder.

4. "Accepted credit card" means any credit card which the cardholder has requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued one year after a prior card has been paid for or used. A credit card issued in connection with a merger, acquisition, or the like of card issuers or credit card services in substitution for an accepted credit card shall be deemed to be an accepted credit card."

7. "Unauthorized use" means a use of a credit card by a person other than the cardholder who does not have actual, implied, or apparent authority for such use and from which the cardholder receives no benefit.

A provision imposing liability on a cardholder for the unauthorized use of a credit card shall be effective only if the card is an accepted credit card, the liability imposed is not in excess of one hundred dollars, the card issuer gives adequate notice to the cardholder of the potential liability, and the unauthorized use occurs before the cardholder has notified the card issuer of the loss or theft of the card or of any unauthorized use.

Ohio

Sec. 1319.01. (Unsolicited credit cards—Liability)

A cardholder who receives a credit card from an issuer, which such cardholder has not requested nor used, shall not be liable for any use made of such credit card which has not been authorized by such cardholder, unless such credit card is in replacement or renewal of a credit card previously requested or used by the cardholder. (Sec. 1319.01, as added by Laws 1969, S.B. No. 326, approved August 19, 1969, effective November 18, 1969.)

South Dakota

Laws 1968, H.B. No. 721, effective July 1, 1968.

Sec. 4. (Issuance—Unsolicited—Nonliability) No credit card shall be issued unless its issuance was requested nor shall any person who has not so solicited or has not accepted or utilized any unsolicited credit card be liable to the person who issued it or honored it for its misuse by others.

Wisconsin

Sec. 895.45. Exemption from civil liability for lost or stolen credit cards. Notwithstanding any provision contained on a credit card, no person shall incur civil liability for the fraudulent use of a credit card by another, as defined in Sec. 943.41 which was issued without the former's written application or acceptance therefor and which was used without the former's knowledge or consent. (Sec. 895.45, as enacted by Laws 1967, Ch. 155)

ATTORNEY GENERAL'S OPINION

Washington. .02. Credit Cards. The regulatory provisions of the Credit Card Disclosure Act pertaining to maximum service charges, collection of delinquency charges, disclosure, etc., that apply to retail charge agreements as defined by the Act apply to situations where the holder of a bank credit card used the card to purchase goods or services from a participating vendor. Opinion of Attorney General of Washington, (February 8, 1968.)

51. 94 R. C. M. 1823 through 94 R. C. M. 1830. Those provisions applying criminal sanctions to the fraudulent use of credit cards is typical of statutes now part of the law in almost every state.

52. Patman, Wright, M.C., Chairman of the House Banking and Currency Committee, in testimony before the Postal Operations Subcommittee of the U.S. House of Representatives, October 29, 1969, p. 9, referring to bank credit cards. "The bank is collecting 18% from the consumer and 7% from the merchant, or a total of 25% in the form of interest on discounts."

53. Gulan, Jerome R., Legislative Director, National Federation of Independent Business, in testimony before the Postal Operations Subcommittee, U.S. House of Representatives, November 19, 1969, p. 83. "While the example of the South Atlantic States shows up the most dramatically, there appears to be a relationship between bank interest rates to independent business, and the degree of acceptance of bank credit cards."

54. Martin, William Mc., Chairman of the Board of Governors, Federal Reserve System, in a letter to Chairman Robert N. C. Nix, M.C., Postal Operations Subcommittee, U.S. House of Representatives, dated October 28, 1969.

55. Bontema, Edward E., President of Eastern States Bankcard Association, in *Philadelphia Evening Bulletin*, October 30, 1969, p. 10.

AUSTIN OAKS AIDS IN HOUSING PROBLEM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PICKLE. Mr. Speaker, more than a year ago we dedicated the Austin Oaks project, which has proven again to have been the forerunner of HUD's Operation Breakthrough.

Ten low-cost homes were built and the foundation was laid for the University of Texas to monitor the families with an eye toward comfort, utility, and expenses.

At the time of the first round contracts, HUD selected two of our builders in the Austin Oaks project in the list of some 35 finalists. From this list, HUD will select the first builders to construct the new low-cost housing using mass production techniques. Prior to awarding the contracts, HUD gained valuable user information directly from the Austin Oaks experiences.

Recently, the University of Texas held a conference on engineering and the problems of our urban society and again, Austin Oaks provided valuable insights as is explained in the following article from the University of Texas news and information service:

AUSTIN, TEX.—What The University of Texas is doing to help solve the nation's housing problems was described at a recent conference on "Engineering and the Problems of Our Urban Society."

Prof. J. Neil Thompson, director of the University's Balcones Research Center, reported more than 15 faculty members in engineering, psychology, architecture and business at UT Austin have been involved in active low-cost housing research. Their work is connected with Austin Oaks, begun in 1968 by UT Austin with a grant from the U.S. Department of Housing and Urban Development (HUD).

Austin Oaks consists of 10 low-cost houses of various designs and materials. The research deals not only with the buildings themselves, but the families that occupy them.

"Technologically, we in engineering at the University have been concerned with housing for over 25 years," Professor Thompson added, "but only recently have we become concerned with the total aspect."

Prof. Thompson pointed out that the national housing goal of a decent home and suitable living environment for every American family has been given as a goal of this country.

"But," he added, "the facts are that today there are 20 million Americans living in substandard housing."

"New family formations and demolition of existing housing generates a need for 2.1 million living units per year," Professor Thompson said. "Last year this country produced only 1.6 million units."

He listed as factors contributing to the inability to meet housing needs for present and future citizens: limited availability and high cost of land; high cost of labor and materials; high interest on loans; obsolete housing and building codes; zoning and

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restrictive land use patterns; patterns of discrimination, and processing delays in the U.S. Department of Housing and Urban Development.

Professor Thompson said HUD is carrying out a program it calls "Operation Breakthrough," which is aimed at developing an approach to meet the nation's housing needs.

"If HUD can mobilize the resources of this country effectively it may achieve this goal of increasing production of houses and control of costs," he said.

"To utilize this ability effectively this country must create a working partnership of federal, state and local government, labor, industry, the financial community, home builders and the consumers," he emphasized.

Another speaker at the conference, Dr. Earnest F. Gloyna, director of UT Austin's Environmental Health Laboratories, talked about providing environmental quality.

"Obviously engineers are capable of planning and contributing to the social improvement, but we as engineers must develop a better understanding of the human element as a part of the problem," said Dr. Gloyna.

"When we talk about man, ecology, science and engineering, we must ask, can it be that man's requirements will change faster than it's possible to preserve our existing resources?"

Dr. Gloyna emphasized that environmentalists cannot avoid the question of cost or use of resources for beneficial purposes.

"Man shapes his own future, and acts as well, by what he does, as by what he fails to do," Dr. Gloyna said.

FUND FOR DENTAL CARE FOR RETURNING VETERANS INADEQUATE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. TEAGUE of Texas. Mr. Speaker, I have previously advised my colleagues that the Committee on Veterans' Affairs is undertaking an investigation to determine whether the VA medical program is receiving enough funds and is properly staffed to deliver first-class medical care to our ex-servicemen. From the facts developed thus far, it appears that mammoth backlogs of applications by Vietnam veterans for dental exams and treatments exist at most VA facilities responsible for dental care.

A member of the Armed Forces when discharged may be eligible to receive dental treatment if the application for treatment is filed within 1 year after discharge or release from active duty. Due to an apparent shortage of dentists in the military services, many servicemen who are serving in Vietnam are not receiving proper dental care and are being told that the Veterans' Administration will fix their teeth after they are discharged. Last year over 1 million veterans were discharged from the armed services.

Mr. Speaker, about 75 percent of the applications being received for dental outpatient treatment by the VA today are from Vietnam veterans. A few days ago a typical complaint was brought to my attention by the mother of a Georgia veteran who felt that her son was not receiving proper treatment, and the excuse given was that the Atlanta VA hospital lacked funds to authorize the care.

A check of the situation, Mr. Speaker, indicated that she was right.

Atlanta has an excellent VA hospital and it is capable of delivering outstanding service to the veterans which it serves. However, this hospital, along with many others, is not being allocated sufficient funds to deliver prompt and proper medical and dental care. Since 1966, the applications for outpatient dental treatment has almost doubled. During the first 6 months of fiscal year 1970 almost 2,500 eligible Georgia veterans received dental treatments by their private dentists, costing about $169,000 because VA dental staffs could not handle the huge workload. The Atlanta hospital's funds for the entire fiscal year for fee basis dental care are now almost exhausted and I understand that very few new treatment authorizations have been issued since October. Based on the workload for the first half of this fiscal year, it is estimated that almost 800 more cases will need treatment during the remaining months in fiscal year 1970 at the Atlanta hospital at a cost of over $200,000. I have been advised that some cases at the Atlanta hospital have been awaiting treatment as far back as March of 1969.

Mr. Speaker, from what I have been able to determine, it appears that there is very little relief in sight for the Veterans' Administration to give returning Vietnam veterans prompt dental care. This is but one facet of the critical situation being revealed by our committee's investigation of underfunding and understaffing of the VA medical program. As soon as our investigation is completed, we will hold hearings and with the help of my colleagues in Congress, I hope that it will be possible to insist that a higher priority be given to the medical care program for our Nation's veterans.

Mr. Speaker, the letter from Mrs. Margy G. Robinson, mother of Vietnam veteran, Robert G. Robinson, of Lawrenceville, Ga., follows:

LAWRENCEVILLE, GA.,
January 20, 1970.

Congressman OLIN E. TEAGUE,
Chairman, Veterans Affairs Committee,
Washington, D.C.

DEAR CONGRESSMAN TEAGUE: I would like to call to your attention a situation which I think should be corrected immediately.

My son returned from Vietnam last September. While there he had considerable trouble with one tooth and was told to wait until he got back to the States, that it would probably have to be crowned. On his return he made application for this dental work. After weeks of waiting to hear from V. A. I telephoned today and was told that Veterans Administration *had no funds whatsoever* to take care of dental work. She said they had thousands of claims pending and that she was unable to handle her office work because of the calls which she receives daily from veterans. She said many were writing their Congressmen and advised me to do so.

I am of the opinion that whatever is done now will be too late for my son, and his bill would amount to close to $200. I do hope that something can be done soon, however, to help the thousands of other boys out. My son, like the others, has just gone to work, and after having to buy entire new outfits of clothing, besides other immediate expenses, he just does not have this kind of money, but it means he will have to pay for this crown or have it extracted. The dentists at VA Out-Patient Clinic are booked for at least two months, so that is out of the question.

Our Government is spending too much money for other things and I certainly don't think Viet Nam veterans should be neglected.

Please see that something is done for these boys at once.

Respectfully yours,
MRS. MARY G. ROBINSON.

PRESIDENT NIXON'S VETO OF HEW BILL

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. TALCOTT. Mr. Speaker, the House of Representatives yesterday voted to not override the President's veto of the HEW appropriations bill for 1970, by a vote of 226 to 191. Only 139 "no" votes were needed to sustain the President's veto. Even more "no" votes could have been garnered if necessary.

Nevertheless this was a tremendous victory for President Nixon in his rather courageous effort to curb inflation.

Members of the Congress were subjected to the most energetic and expensive lobbying effort I have experienced since being elected to the Congress by the so-called education lobby.

I was disappointed in the techniques used by the education lobby. There was too much threatening, too many intentional misrepresentations, too little appreciation of other demands upon the U.S. taxpayer.

Generally, the mass media also was careless in their presentation of this issue and the facts. The media and the lobbyists tried to convey the idea that a veto, signed by the President and sustained by the Congress, would result in no appropriation for health, education, and welfare programs for 1970.

Actually, these programs already have been funded for 7 months of the fiscal year and another appropriations bill will be enacted and signed into law, or a continuing resolution will provide funds for these departments. Obviously, in our legislative process, some compromises must be made.

The debate over the veto should provide some light as well as heat. The column of Frank Mankiewicz and Tom Braden should be part of the debate. Their liberal credentials and Kennedy organization connections are well known.

I include their column from the Washington Post of January 27, 1970:

HILL DEBATE OVER VETO SHOULD FOCUS ON HEW BILL'S WASTEFUL DEFECTS

(By Frank Mankiewicz and Tom Braden)

It will be unfortunate if the debate over President Nixon's veto of the Health, Education and Welfare appropriation turns only on the issue of inflation. High HEW officials are anxious that the occasion be used to strike a major blow at what is wrong with our schools.

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The President's veto is courageous, since it pits him against one of the nation's most powerful lobbies, and is risking the chance that he will be called "anti-education" by his own Silent Majority. But it will be even more courageous if Mr. Nixon chooses to tell the truth about this bill, which is that like much of the money we spend on education, it allocates resources to the wrong places and does little or nothing for our children, the quality of whose education seems to deteriorate in direct proportion to the money spent on it.

The HEW bill, asking for one billion more educational dollars than the President budgeted, is only part of what the government spends on education, but it reflects what is wrong with the whole.

$400 million extra goes to so-called "impacted areas." These are school districts with a high percentage of federal employees. But only those who actually live on federal land penalize the local schools (they don't pay property taxes)—and they are too few to justify the windfall.

Thus in Fairfax County, Virginia, a booming Washington bedroom community, $229,000 will go to school districts in lieu of taxes for federal employees who live on federal installations. But more than $10 million will be paid for "off base" children, whose parents own property, pay taxes and contribute to the general business expansion.

A truly scandalous increase is $200 million in funds for vocational education. A sounder move would have been to strike out the more than $200 million already in the bill.

The vocational education program is the most entrenched of the school lobbies, dating back to the early years of the century, and consists largely of the purchase of shop equipment and the training of students for long-vanished jobs.

The increase in Title I funds is at least arguable, but even here, the President has sound reasons for a veto based on educational grounds. Title I money is supposed to be spent on the direct benefit of poor children. But in the South as well as the North, educational administrators have swindled the Congress and the taxpayers by withholding from these children ordinary expenditures that would otherwise be made. The result is that poor children get Title I money, middle class children in the same districts get the major share of funds raised by local taxes, and the only beneficiary is the property taxpayer.

Finally, liberals hot to override the Nixon veto will have to answer the argument that these extra funds are for the fiscal year that ends July 1. Thus they would have to be spent in three or four months. It is in order to prevent the inevitable mountain of slide projectors and band uniforms, that HEW officials support the veto and ask for an orderly study of how these funds could be profitably spent over twelve months instead.

But a measure of the pressures at work lies in a little-noticed cut put through by Congressmen who fear being savaged by the education complex. HEW had asked for $25 million, to test whether intelligent people who knew their subject could teach their subject, without having to go through the dreary years of teacher education. This picks at the iron lock held by teachers colleges on the profession. The appropriation went out—fast.

The extra education money, in short, reinforces existing inadequacies in public education, fattens needless programs to appease powerful lobbies, acts as a bonanza to upper middle-class property taxpayers, and will be sold somehow as an "investment in America" by the people who otherwise think it wrong to waste public funds.

A SEARING SYMBOL IN THE CAPITAL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on April 5, 1968, I drove up Seventh Street and down 14th Street in Northwest Washington. What I saw was an element in a tragedy—what anger, frustration, sorrow, and years of unredressed wrongs can produce.

Those streets today are not too different from their appearance 2 years ago. The litter has been cleared away, the smell of burning wood is gone, there are no soldiers on the streets, but the devastation, the hopelessness remain.

We are privileged to work in Washington—the public areas of this city are among the most beautiful in the world. But the private areas, where Washington's people live, are blocks of despair.

Martin Nolan, Washington Bureau Chief of the Boston Globe, has little patience for the rhetoric of "rebuilding cities" when those cities remain the stepchildren of the Federal Government. And Washington is the least favored, the most easily ignored.

I would like to share Mr. Nolan's article with my colleagues. Perhaps one of them might remind the President urban rebuilding is more than providing new uniforms for the White House Police. It follows:

A SEARING SYMBOL IN THE CAPITAL

(By Martin F. Nolan)

WASHINGTON.—On April 5, 1968, George Neely, 18, left his home here to register for the draft.

He never returned. Instead, he died during the riots that swept Washington after the assassination of Martin Luther King Jr.

George Neely died in a fire that engulfed the G. C. Murphy Variety Store on 14th st. Police assumed the youth was looting the store when a Molotov cocktail struck.

Today, almost 22 months after the capital's inferno, the blackened hulk of G. C. Murphy's still stands, a monument of sorts to George Neely.

In fact, Murphy's is one of more than 30 burned-out stores on 14th st a two-block stretch that remain as monuments to trauma, their twisted girders poorly camouflaged by plywood.

The people along 14th st. don't care for such monuments. Unemployed men lining up at a hiring hall on Harvard st. find only obscenities to describe the situation.

A middle-aged lady (who would not give her name to anyone who might be a cop) told of having to take a crosstown bus (32-cent fare and exact change only) to buy thumbtacks or a spool of thread.

This was the case until Woolworth's reopened a few months ago in a style called "riot rennaissance"—mostly brick frontage.

Almost a year ago, on Jan. 31, 1969, President Nixon visited one of D.C.'s riot-torn neighborhoods at 7th and T sts. The visit was his first outside the White House and seemed symbolic.

He wanted to make the capital "a place of beauty, neighborliness and decency," Mr. Nixon said.

"I was shocked by the sight of those rotting, boarded-up structures barely 30 blocks from the White House," he said two months later as he announced a clean-up program "to improve the physical environment and meet the needs of riot-troubled neighborhoods."

"This is a short-range, immediate effort," the President added.

There stands now at 7th and T a bandbox-sized playground, flanked by a half-dozen burned-out stores and facing a dozen more. Much of 14th st. is still a boulevard of despair.

The President ordered $9 million diverted from other projects of the Housing and Urban development Dept. to clean up the riot areas of 20 American cities.

This was necessary, according to his urban affairs adviser, Daniel Patrick Moynihan, to keep city governments from "drifting away" from troublesome neighborhoods to "neighborhoods where people are easier to work with."

A year later, Moynihan agrees that the situation is still "a scandal, a disgrace." He blames the Federal anti-poverty program "which has financed 236 separate citizens groups in the Washington model cities area."

The groups have been battling among themselves and are unable to come up with a plan, Moynihan says.

Moynihan has toured the riot sections again with another presidential adviser, and commissioned another series of photographs of the conditions.

Introducing a photographic survey last year at the White House, President Nixon said, "This is a pictorial essay of the impotence of modern government at all levels . . . There could be no more searing symbol of governmental ability to act than those rubble-strewn lots and desolate decaying buildings."

So now, after a HUD grant of $14.1 million to the 14th st. area, little has been done. In the D.C. government, the excuses almost outnumber the derelict buildings.

At the White House, the buck is passed back to the people—a neat piece of work, which blames the previous administration as well.

The buck-passing act is a "searing symbol" of the Nixon White House at work.

Any recent visits by the President to the site of his "short-range immediate effort" have gone unrecorded by the White House.

Perhaps Mr. Nixon's attention has "drifted away" to other subjects—the ABM, the SST, Judges Haynsworth and Carswell, or the style of Student Prince uniforms for the White House Police.

DDT ACTION IN MICHIGAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent letter from the Honorable Ralph A. MacMullan, director of the department of natural resources of the State of Michigan, regarding DDT, together with enclosures sent by Dr. MacMullan to the U.S. Department of Agriculture, not only setting out the wise action of the State of Michigan with regard to DDT but also urging that the Department of Agriculture follow the same intelligent course of action.

The following letter sets out hazards of DDT and lack of benefit therefrom in

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the light of other substances which can, in most instances, fully and satisfactorily substitute for DDT:

State of Michigan,
Department of Natural Resources,
Lansing, Mich., January 5, 1970.

Mr. Harry W. Hays,
Director, Pesticides Regulation Division,
Agricultural Research Service,
U.S. Department of Agriculture,
Washington, D.C.

Dear Mr. Hays: This statement is made in response to the "F. R. DDT Notice" published by the U.S. Department of Agriculture in the Federal Register for November 25, 1969. This notice announces "Proposed Cancellation of Registration" for "Economic Poisons Containing DDT for Certain Uses," briefly:

(1) All uses on shade trees.

(2) All uses on tobacco.

(3) All home use except for disease vector control.

(4) All aquatic use except for essential disease vector control.

The notice further indicates that the U.S. Department of Agriculture is considering cancellation of all other uses of DDT except those essential to protection of human health and welfare, and will continue only those uses for which there are no effective and safe substitutes.

I applaud the proposed withdrawal of the four classes of uses of DDT listed in the notice. They are long overdue. However, I deplore that the U.S. Department of Agriculture is only "considering" the withdrawal of the remaining uses. The evidence has been painfully clear for years that there is no excuse for continuing the use of environmental pollutants such as DDT.

The grounds for deregistering nearly all uses of DDT are readily available in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under this act DDT clearly should be declared misbranded and therefore should be deregistered on the following grounds, quoted from FIFRA:

(1) Under Sec. 2z(2)(c) "if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public";

(2) Under Sec. 2z(2)(d) "if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals"; and

(3) Under Sec. 2z(2)(g) "if, when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or to other vertebrate animals, or vegetation except weeds, to which it is applied, or to the person applying such economic poison."

The evidence is overwhelming that DDT is causing harm to vertebrate and useful invertebrate animals. The evidence is not as strong with regard to living man, but there is strong evidence that DDT is a cancer-producing agent and that it is present in the tissue of all people. There is also evidence that DDT interferes with photosynthesis of oceanic phytoplankton. There seems to be no way that any labeling can prevent all this harm if DDT is used in large amounts out-of-doors. Therefore, under all three FIFRA clauses cited above, DDT should be declared misbranded.

Furthermore, there are "effective and safe" substitutes for DDT for nearly all registered uses. Agricultural Handbook No. 331, "Suggested Guide for the Use of Insecticides To Control Insects Affecting Crops, Livestock, Households, Stored Products, Forests, and Forest Products," published by the Agricultural Research Service and the Forest Service of the U.S. Department of Agriculture, for nearly every use of DDT, mentions one or more substitute chemicals, usually non-persistent ones. Certainly these others would not be suggested if they were not also "effective and safe." This handbook states that there are other registered uses of insecticides than those suggested, so there are undoubtedly other alternatives to DDT than appear in the handbook.

I would strongly suggest that the U.S. Department of Agriculture follow the lead of the State of Michigan. On April 28, 1969, the Director of the Michigan Department of Agriculture issued a "Notice to Manufacturers, Distributors, and Registrants of Economic Poisons" (see attached copy) stating that the Michigan Commission of Agriculture had withdrawn approval of all registered uses for DDT, and that all DDT registrations were cancelled effective June 27, 1969. Provision was made for appeal. Following a hearing in June, 1969, the Commission of Agriculture cancelled all DDT registrations, effective midnight, June 27, 1969, with the following minor exceptions: "limited registration of DDT formulations for use by government agencies in the performance of their duties involving public health and by professional structural pest control operators for indoor control of house mice, bats, ecto-parasites of house mice, bats, and rats, and lice of humans."

This action prohibits DDT formulators and manufacturers from selling DDT for use in Michigan with the exceptions noted above. This action was taken on the basis of Section 2z (2) (g) of Act No. 297, Public Acts of 1949, as amended, State of Michigan, which is identical with the similarly identified clause in FIFRA cited earlier in this letter, and on the basis of a report from the Michigan Agricultural Experiment Station that pesticides less hazardous than DDT were now available and that they were not recommending further use of DDT. This report further stated that suitable alternatives had recently been found for the last uses of DDT in agriculture formerly recommended by the experiment station.

Similar action has been taken by the State of Massachusetts, and marked restrictions on the use or registration of DDT have been instituted recently in the states of Arizona, California, Massachusetts, Maine, and Wisconsin, and in Canada, Sweden, Denmark, and Hungary.

The Department of Agriculture "F. R. DDT Notice" dated November 20, 1969, has the unmitigated gall to cite the May 15, 1963, report of the President's Science Advisory Committee, entitled "Use of Pesticides," which recommended "an orderly reduction in the use of persistent pesticides with their elimination being the goal." DDT is one of these persistent pesticides. Why the U.S. Department of Agriculture has taken six years to even begin this "orderly reduction" of DDT defies the imagination—and taxes the patience—of concerned and informed scientists, ecologists, conservationists, and just plain, ordinary citizens the country over.

Current evidence warrants withdrawal of all registrations of DDT. If there are to be exceptions, let the manufacturers and users defend their use. If such exceptions are made, require them to have the unanimous approval of the Secretaries of the departments of Health, Education and Welfare, Agriculture, and Interior, as proposed by the recent HEW "Commission on Pesticides and their Relationship to Environmental Health," cited in your "F. R. DDT Notice." Finally, I urge you to proceed immediately into similar withdrawal of registrations on the same basis for all of the persistent, chlorinated hydrocarbon insecticides.

Sincerely,

Ralph A. MacMullan,
Director.

Notice to Manufacturers, Distributors and Registrants of Economic Poisons

State of Michigan,
Department of Agriculture,
Lansing, Mich., April 28, 1969.

The Commission of Agriculture has withdrawn approval of all registered uses for DDT and has authorized the Director of Agriculture to refuse new applications for registration of DDT as provided in Section 4 of Act No. 297, Public Acts of 1949, as amended, and to implement the orderly cancellation of existing registrations of DDT as provided in Section 5 of the Act.

Approval of the use of DDT was withdrawn based on a report of the Michigan Agricultural Experiment Station that there are pesticides now available that are less hazardous to vertebrate animals and are not recommending further usage of DDT products at this time.

The Director has determined in view of recent findings of existing residue levels in wildlife environment, that these levels pose a serious potential hazard to vertebrate animals and therefore determines that all DDT products are misbranded by virtue of Section 2z (2) (g) of Act No. 297, Public Acts of 1949, as amended. Because of this decision, all registered products carrying DDT are cancelled effective 60 days from date of this notice.

Registrants desiring to appeal cancellation of an economic poisons registration may avail themselves of the appeal provisions of Section 5 of Act No. 297, Public Acts of 1949, as amended. The intent to appeal must be filed with the Director of Agriculture, Lewis Cass Building, Lansing, Michigan 48913, before May 28, 1969.

Copy of the Michigan economic poison law and copy of ruling R. 285.900 adopted under authority of the Administrative Procedures Act. No. 197, Public Acts of 1952, as amended, Procedure for Conducting Hearings Held by the Director of Agriculture, are enclosed for your information.

B. Dale Ball, *Director.*

POSITION ON H.R. 13111

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. BROWN of Michigan. Mr. Speaker, in anticipation of the motion made yesterday to override the President's veto of H.R. 13111, a bill providing for appropriations for the Departments of Health, Education, and Welfare, Labor, and Office of Economic Opportunity, I prepared a statement of my position for use in connection with my responses to constituents regarding this issue.

In order that my colleagues and others may know the reasons I felt the motion should not prevail and that the President's position should be sustained, I am inserting at this point in the Record such statement.

The statement follows:

Statement by Garry Brown

Approval by the Senate of the Conference Report on the 1970 HEW-Labor-OEO Appropriations bill in the face of a promised veto by President Nixon means that shortly the House will be called upon to decide whether or not the Presidential Veto will be overridden.

After giving the matter substantial thought and after becoming as well informed

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as possible with respect to all aspects of this issue, I have decided to withhold my support from any attempt to override the President's Veto, which action on his part appears inevitable.

Having been one who supported the proposition that some increases in appropriations should be voted by this Congress to meet the needs of educating our nation's children, I supported the so-called Joelson amendment to this appropriations bill while it was under consideration by the House although, frankly, I preferred more modest increases and supported the more limited substitute to the Joelson proposal when it was offered. As indicated, when the substitute proposal making more modest increases and appropriations than the Joelson amendment failed, I then thought on balance that the Joelson amendment should be supported. After passage by the House of this appropriations bill, the Senate significantly increased the total appropriation provided for by this legislation and, as a result, I did not support the Conference Report when it was approved by the House.

The factors which caused my reluctance to support the Joelson amendment and the House bill not only still exist, but have been compounded. The Congress has authorized expenditures and increased funding in several other areas contrary to the budget wishes of the President and even the expenditure control ceiling adopted by the Congress itself. Certainly, the action on the Social Security benefit increase is one that stands out. Although the President had advocated a 10% increase in benefits across-the-board to become effective April 1, 1970, the Congress adopted a benefit increase level of 15% and made it effective for three additional months of this year by establishing January 1, 1970, as the new benefit level effective date. I do not criticize this action because of all those who are feeling the damaging effect of inflation our senior citizens and retirees are feeling it the most.

A further factor and one which I probably consider to be the most significant, is the delay which has occurred in accomplishing final passage of this appropriations bill. House action on this legislation was tardy enough when one considers that its funding relates to the Fiscal Year July 1, 1969, to June 30, 1970, but the expiration of several months from the time of House action to the time of final action further shortened the time during which any increases in funding could be expended for the purposes of improving educational programs. As a consequence, we now find ourselves taking action on an appropriations bill, the increases in which, though intended for use over a twelve-months' period, will be thrust into an available expenditure period of four months.

An additional distressing feature of this appropriations bill is that much of the funding provided is tied to a mandatory expenditure provision, thereby denying to the President the right to withhold expenditure of these funds even if, because of the short time remaining during which they could be committed, it became apparent they could not be effectively utilized. In this regard, threats have already been made that passage of the bill and approval of the same by the President or a successful overriding of his Veto will be accompanied by legal action to enforce the mandatory expenditure provision should the President subsequently seek to curtail or postpone such expenditures.

It has been said that a veto of this bill by the President will result in serious cutbacks in educational programs, and it has even been facetiously suggested that a veto of this bill by the President and the sustaining of that veto will mean no Federal assistance for education. Answering these allegations in inverse order, no one can seriously believe that the Congress will not continue Federal assistance to education by Continuing Resolution or otherwise should the President veto this bill and his action be sustained by either body of the Congress; nor, can anyone honestly claim that failure to approve the appropriation levels of this bill as incorporated in the Conference Report will result in serious cutbacks in programs because it must be remembered that President Nixon's budget for HEW was some $2.1 billion higher than the Department's Fiscal 1969 budget and the bill approved by the Congress would appropriate $700 million more for education alone than President Johnson requested in his last budget.

I seriously doubt that responsible school authorities have been expending funds for education programs within their districts at a level which contemplated passage of the level of appropriations for education incorporated in the bill approved by the Congress. Since the Conference Report was not acted upon by the House until the last days of the first session of this Congress, December 22 to be exact, no one could assume with any real justification that this new level of appropriations from the Federal Government would be available for programs until that date, and even at that time a Presidential Veto had been suggested.

It hardly seems necessary to mention the increase in inflationary pressures which would follow the addition of the $1.3 billion to the HEW budget. Much has been said already about this distressing consequence in the news media and elsewhere. The criticality of this inflationary pressure is compounded when one considers that these funds would have to be hastily expended within the remaining four months of this fiscal year if they were to be utilized at all.

As the January issue of *School Management* magazine reports, record increases in school spending are being burned up by inflation with "little effect on the quality or quantity of education." It further states, "While many administrators complain bitterly, these days, about the adverse effect on education of the Nixon Administration's tough anti-inflation measures, the Cost of Education Index makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control."

Before concluding, I would be remiss if I did not mention that I am not oblivious to the many criticisms which have been lodged by lay people and experts in the field to some of the programs and formulae to which, and under which, Federal funds are allocated. At a time when this criticism is very prevalent, it does not seem appropriate to me that we should pour a substantially increased number of dollars into these programs or distribute a substantially increased number of dollars under these formulae when few are satisfied with the effective utilization of present levels of expenditures. The taxpayer is entitled to more responsible action from his government.

I think it is regrettable that this issue has reached its present stage of confrontation. Had there been an attitude of cooperation rather than an apparent desire for confrontation, significant, but not unrealistic, increases could have been approved by the Congress and endorsed by the President in time to be effectively utilized this fiscal year. I am satisfied that the President's Veto will be sustained and that ultimately, but still at an even later date, an intelligent compromise will be effected.

It has been said that our partisan adversaries intend to make much political "hay" out of this issue. I have too much confidence in the electors of my district, and of the nation, to think they will be gullible enough to swallow the political antics of such partisans.

CONSERVATION VALUES IN THE 1970'S

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD a timely, thoughtful, and moving editorial comment appearing in the Michigan Department of Natural Resources official publication, volume VII, No. 2, dated January 15, 1970, by the distinguished director of that agency, the Honorable Ralph MacMullan, about conservation values in the 1970's.

Time is short for establishment of a meaningful and intelligent relationship of man to his environment in this Nation and in the rest of the world. Hopefully, that will be done in the 1970's.

The editorial follows:

MEMO FROM MAC

President Nixon announced on New Year's Day that he is dedicating the decade of the 1970's to wiping out pollution, and made his first official act of 1970 the signing of a bill to create a new federal Council on Environmental Quality.

This combination of action and words at the highest level of leadership in the land is the most encouraging kind of New Year's greeting for all Americans. It is tangible evidence that we are beginning to listen and pay heed to warnings that we, in this nation and the world over, face an environmental crisis of monumental magnitude.

The President's words expressed my own thoughts perfectly when he said:

"It is literally now or never. I have become convinced that the 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and living environment."

In the November-December issue of our Department magazine, I made the statement that we have ten years to save mankind. By that I didn't mean that we will all be dead by 1980, but rather that the 1970's will be the decade of decision. During these next ten years we will take—or fail to take—the actions which will determine whether people will inhabit this Earth very far into the future.

I hope all of you read that article, and will read its sequel in the January-February magazine. That second article deals specifically with the awesome problem of population growth and control, and the implications of continuing the present reckless multiplication of human numbers until we ultimately overwhelm the environment which must sustain them.

My first two speeches of the New Year—to the Michigan Bear Hunters Association convention last Saturday and to the MUCC Leadership Training Conference this weekend—deal with this same theme. I think it is safe to predict that environmental quality will be my personal keynote not only this year but during the next several years and very likely as long as I live.

Let me quote just a few paragraphs from what I said to the Bear Hunters:

"The stark fact is that this planet and its human inhabitants are in grave danger of irreversible catastrophe. Four basic threats point to this ominous possibility. They are:

(1) Over-population.
(2) Pollution.
(3) Resource depletion.
(4) Nuclear war.

"The probability is that the ultimate disaster, if it comes, will result from some combination of those threats, rather than from any single one of them, because they are closely interrelated. I suggest, however, that over-population constitutes the greatest single threat, simply because it is people who cause pollution, deplete resources and make wars.

"I will be accused by some of being an alarmist for even talking about these problems. There will be those who will argue that population control in particular is none of my business. I devoutly hope that history will prove that I was an alarmist, and a false-alarmist at that. However, I would be ducking my responsibilities as a biologist and government administrator if I did not add my voice to the growing chorus of scientific concern over the threats to our environment which in turn threaten mankind's very existence.

"I have faith that Man, as the only reasoning creature on Earth, has the intelligence, the courage, the spirit and the will to solve his environmental problems within the shortening time allotted him and thus insure his future existence. This decade of the 1970's will be crucial, a make-or-break period with survival as the stakes. We will meet this challenge because we must. The alternative is extinction."

A frightening note to open the New Year and a new decade? Yes. A realistic note? Fifteen or even ten years ago, I would have said no, but I've changed my mind. There have been too many warning signals, too many ugly indications of danger. Almost every day brings to light some new and sinister sign that we are in serious trouble indeed.

I do not see how we can ignore what virtually every student of world population, of conservation, of ecology and of the environment is saying loud, clearly and unequivocally. The challenge is the greatest mankind ever has faced. We can conquer it, and I am optimistic that we will. The President's commitment is a hopeful sign.

THROOP MEMORIAL CHURCH, PASADENA, CALIF., SUPPORTS TITLE II REPEAL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. MATSUNAGA. Mr. Speaker, in ever-increasing numbers, concerned American citizens are expressing their support for legislation to repeal the Emergency Detention Act of 1950—an act which is basically contrary to our American belief in freedom and justice.

In this regard, I am pleased to report the adoption of a resolution by the board of trustees of the First Universalist Parish of Pasadena—Throop Memorial Church—urging the repeal of title II of the Internal Security Act of 1950.

The resolution states in part:

> The incarceration of over 70,000 American citizens of Japanese ancestry during World War II reminds us that if our land of the free is to remain so, we can not allow the Constitutional rights and freedoms of any citizen to be abrogated, or else none of us can be secure in them.

To the 96 members and friends of the Throop Memorial Church who signed this resolution, I extend my commendation on their expression of individual concern for the preservation of individual liberty.

The Throop Memorial Church resolution of November 18, 1969, is submitted at this point for insertion in the RECORD:

RESOLUTION: REPEAL OF TITLE II OF THE INTERNAL SECURITY ACT OF 1950

Whereas (A) Title II of the Internal Security Act of 1950 threatens the right of freedom of expression of belief and exchange of information through implied intimidation by authorizing detention of any person who "*probably* will engage in, or *probably* will conspire" to commit traitorous acts, and

Whereas (B) the implementation of Title II would violate the Constitutional guarantee of due process of law, and

Whereas (C) there already exist effective statutes and procedures to safeguard internal security, and

Whereas (D) the incarceration of over 70,000 American citizens of Japanese ancestry during World War II reminds us that if our land of the free is to remain so, we can not allow the Constitutional rights and freedoms of any citizen to be abrogated, or else none of us can be secure in them, therefore be it

Resolved (A) that the Board of Trustees of the First Universalist Parish of Pasadena (Throop Memorial Church) go on record as opposing Title II of the Internal Security Act of 1950, and as favoring its repeal (qq 1. U.S. Senate Bill 1872 and U.S. House of Representatives Bill 11825), and that it inform those members of the U.S. Congress wherein members of the Parish reside of its position, and be it further

Resolved (B) that the Board of Trustees calls upon the members of the California State Legislature and of the municipal governments wherein members of the Parish reside to draft and/or support resolutions for repeal of Title II, and be it further

Resolved (C) that the Board of Trustees asks the members and friends of Throop Memorial Church to join with it in these resolutions by signing the attached sheet.

——— ———,
Secretary of the board.

DR. WILLIAM SCHMIDT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. HOGAN. Mr. Speaker, I recently received a letter from Dr. William Schmidt, superintendent of schools for Prince Georges County, Md., who very ably served as chairman of my Academy selection board to nominate young men from the Fifth District of Maryland to the U.S. service academies. I would like to share with my colleagues the remarks which Superintendent Schmidt made to me concerning the young men he and the other members of the selection board interviewed:

> I believe I also speak for all members of the evaluation committee. We were very much impressed with the caliber of the young men who had made application for appointment to the four service academies. Certainly these are not the young men who seem to be getting most of the attention in the communications media, with their contemporary hair styles and with their opinions regarding many of the activities of our government. Most of these young men were highly motivated and regarded the opportunity of appointment to one of the service academies as a real challenge, not only for a very fine educational program but for an opportunity to serve the country which in their judgment had made possible many of the things which they as young citizens were already enjoying.
>
> I believe all of us came away from an evening of interviewing with renewed faith in the young people of our country and in the belief that the country will be well served if these are the young men who seek to perform this service through the Armed Forces.
>
> I also want to commend the excellent cooperation which I received from the citizens who served on the evaluation committee. Every one of these men was most interested in the young men who appeared before them and gave very willingly of their time to interview them and to make an evaluation and recommendation to your office for possible consideration and appointment.
>
> Sincerely yours,
>
> WILLIAM S. SCHMIDT,
> *Superintendent of Schools.*

Mr. Speaker, I suggest that we are still fortunate in America to have so many parents doing such a fine job—quietly and without praise. We are fortunate, too, to have citizens such as Dr. William Schmidt; Mr. H. M. Merritt; Rear Adm. J. W. Waterhouse, retired; Comdr. Robert L. Cutts; Mr. Joseph Kuntz, Jr.; Mr. Joseph Jochum; and Mr. Allen J. Neave, who gave unstintingly of their time in helping me to select academy nominees.

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS, FEBRUARY 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to place in the CONGRESSIONAL RECORD the calendar of events for the National Gallery of Art for the month of February 1970.

The National Gallery has again scheduled outstanding events for the month of February, and I urge my colleagues and the American people to take advantage of the opportunity to participate in these events:

The calendar of events follows:

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS, FEBRUARY 1970

African sculpture: Continuing through February on the ground floor is the premiere showing of 200 African figures and ceremonial masks from private collections and museums in the United States, Europe, and Africa. The exhibition has been selected by William Fagg of the British Museum and is circulated by the International Exhibitions Foundation.

The exhibition includes a historical section containing the sculpture of earlier African cultures. One of the most interesting examples is the impressive stone monolith from the Cross River area of Nigeria. In other display areas some 170 figures and masks are arranged in regional groupings.

A topic as vast as African art is necessarily complex. Accordingly, the Gallery's Education Department is offering an extensive program of lectures and tours, as detailed in the weekly listings, to explore var-

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ious aspects of the subject. In addition, J. Carter Brown, Director of the Gallery, has recorded an "Acoustiguide" tour of the exhibition which is available at the entrance to the exhibition for a rental fee of 25c. The fully illustrated catalogue, with historical introduction by William Fagg and notes on each object, is $4.95 postpaid.

Recognizing the temporary nature of this exhibition, the Gallery's Extension Service has developed a permanent photographic version entitled *The Creative Past: Art of Africa* for use by schools, cultural centers, and other groups throughout the United States.

A. W. Mellon lectures: Sir Nikolous Pevsner will give the nineteenth in the annual series of A. W. Mellon Lectures in the Fine Arts, beginning Sunday, February 15, in the Auditorium. The subject of this year's expanded program of eight consecutive lectures is *Some Aspects of Nineteenth Century Architecture*. Dr. Pevsner is editor of *The Pelican History of Art* and author of *An Outline of European Architecture* and the 36-volume *The Buildings of England*. This past year he was Slade Professor of Fine Art, University of Oxford, and Professor of History of Art, Birkbeck College, University of London.

Wright of Derby: Continuing on the Main Floor is an exhibition of paintings and drawings by Joseph Wright of Derby from the collection of Mr. and Mrs. Paul Mellon. Catalogue with introduction and notes by Ross Watson, 10" x 7½", 40 pages, 21 black-and-white illustrations, $2.25 postpaid.

Civilisation book: Order forms for the American edition of *Civilisation* by Kenneth Clark, based on the BBC Television series, are available through the Publications Service. The publisher is Harper and Row. Color and black-and-white illustrations, 400 pages, $15.00 postpaid.

Prints handbook: *A Guide to the Collecting and Care of Original Prints* by Carl Zigrosser and Christa M. Gaehde is now offered by the Publications Service. Sponsored by the Print Council of America and published by Crown Publishers, Inc., this authoritative handbook is in its fifth printing. 120 pages, $3.00 postpaid.

Recorded tours: Acoustiguide. A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director Emeritus. Portable tape units rent for 25¢ for one person, 35¢ for two. Available in English, French, Spanish, and German.

LecTour. A discussion of works of art in 28 galleries. 15-minute talks in each room may be taken in random order. The small radio receivers rent for 25¢.

Gallery hours: Weekdays 10 a.m. to 5 p.m. Sunday 12 noon to 10 p.m. Admission is free to the building and to all scheduled programs.

Cafeteria hours: Weekdays, 10 a.m. to 4 p.m., luncheon service 11 a.m. to 2:30 p.m. Sundays, dinner service 1 p.m. to 7 p.m.

MONDAY, JANUARY 26, THROUGH SUNDAY, FEBRUARY 1

Painting of the week: Leonardo da Vinci. *Ginevra de'Benci* (Ailsa Mellon Bruce Fund), Lobby B, Tuesday through Saturday, 12:00 and 2:00; Sunday, 3:30 and 6.00.

Tour of the week: *Techniques of Sculpture*. Rotunda, Tuesday through Saturday, 1:00; Sunday, 2:30.

Tour: *Introduction to the Collection*. Rotunda, Monday through Saturday, 11:00 and 3:00; Sunday, 5:00.

Sunday lecture: *African Art: History and Context. Guest Speaker:* Roy Sieber, Chairman, Department of Fine Arts, Indiana University, Bloomington. Auditorium, 4:00.

Sunday concert: Christine Edinger, *Violinist*; Neil Stannard, *Pianist*. East Garden Court, 8:00.

MONDAY, FEBRUARY 2, THROUGH SUNDAY, FEBRUARY 8

Painting of the week: William Merritt Chase. *A Friendly Call* (Chester Dale Collection), Gallery 68, Tuesday through Saturday, 12:00 and 2:00; Sunday, 3:30 and 6:00.

Tour of the week: *African Sculpture: Introduction*. Central Gallery, Tuesday through Saturday, 1:00; Sunday, 2:30.

Tour: *Introduction to the Collection*. Rotunda, Monday through Saturday, 11:00 and 3:00; Sunday, 5:00.

Sunday lecture: *Meanings in African Art. Guest Speaker:* Daniel P. Biebuyck, Chairman, Department of Anthropology, University of Delaware, Newark. Auditorium, 4:00.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor;* Mark and Nancy Ellsworth, *Violinists*. East Garden Court, 8:00.

MONDAY, FEBRUARY 9, THROUGH SUNDAY, FEBRUARY 15

Painting of the week: Signorelli, *Eunostos of Tanagra* (Samuel H. Kress Collection), Gallery 9, Tuesday through Saturday, 12:00 and 2:00; Sunday, 3:30 and 6:00.

Tour of the week: *African Sculpture: The Niger and the Guinea Coast*, Central Gallery, Tuesday through Saturday, 1:00; Sunday, 2:30.

Tour: *Introduction to the Collection*. Rotunda, Monday through Saturday, 11:00 and 3:00; Sunday, 5:00.

Sunday lecture: *Some Aspects of Nineteenth-Century Architecture (I). Guest Speaker:* Professor Sir Nikolaus Pevsner, A.W. Mellon Lecturer in the Fine Arts. Auditorium, 4:00.

Sunday concert: George Harpham, *Cellist;* Kyung Sook Lee, *Pianist*. East Garden Court, 8:00.

MONDAY, FEBRUARY 16, THROUGH SUNDAY, FEBRUARY 22

Painting of the Week: Gilbert Stuart. *George Washington* (Vaughan portrait) (Andrew Mellon Collection), Gallery 62, Tuesday through Saturday, 12:00 and 2:00; Sunday 3:30 and 6:00.

Tour of the week: *African Sculpture: The Congo Basin*. Central Gallery, Tuesday through Saturday, 1:00; Sunday, 2:30.

Tour: *Introduction to the Collection*. Rotunda, Monday through Saturday, 11:00 and 3:00; Sunday, 5:00.

Sunday lecture: *Some Aspects of Nineteenth-Century Architecture (II). Guest Speaker:* Professor Sir Nikolaus Pevsner, A.W. Mellon Lecturer in the Fine Arts. Auditorium, 4:00.

Sunday concert: Alan Mandel, *Pianist*. East Garden Court, 8:00.

DR. JAMES B. DONOVAN

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. CAREY. Mr. Speaker, on January 19, the country lost one of its truly great and beloved citizens in the death of Dr. James B. Donovan. I knew him intimately as a distinguished American, a resident and constituent of my district in Brooklyn, and as a personal friend.

Dr. Donovan was a man of many careers—a leader in cultural affairs, the arts, education, politics, and in the faith he professed as well as in his own field, the law. Although a friendly and humorous man, he was, nevertheless, a fearless and stalwart defender of some of the most unpopular causes of our time.

Dr. Donovan gave of himself without reservation toward the betterment of the community in which he lived—and there was scarcely an area at that local level that escaped his attention. Nationwide, he championed the cause of justice and social improvement for the poor and disadvantaged. He was, indeed, an intellectual of the first magnitude and his country and community are immeasurably better because he lived.

I include the account of Dr. Donovan's death which appeared in the January 20, 1970, issue of the New York Times, at this point in the RECORD:

DR. JAMES B. DONOVAN, 53, DIES; LAWYER ARRANGED SPY EXCHANGE: PRESIDENT OF PRATT INSTITUTE—EX-BOARD OF EDUCATION CHIEF RAN FOR SENATE

Dr. James Britt Donovan, the lawyer and educator who arranged the trade of a Soviet spy for the U-2 pilot Francis Gary Powers and negotiated the ransom of prisoners taken by Cuba in the Bay of Pigs invasion, died early yesterday. He was 53 years old.

Dr. Donovan, who had been president of Pratt Institute since Jan. 1, 1968, entered Methodist Hospital in Brooklyn last week for treatment of influenza. He suffered a heart attack at 2 A.M. Monday. His home was at 35 Prospect Park West in Brooklyn.

For 16 years after his admission to the New York Bar, Dr. Donovan's successful legal practice kept him well out of the limelight. But in 1957, his appointment as defense counsel for Col. Rudolf Ivanovich Abel, the Soviet spy, catapulted him into the public eye.

Between the Abel case and his job as the president of Pratt, Dr. Donovan:

Negotiated the exchange of Colonel Abel for Mr. Powers and Frederick Pryor, an American student;

Wrote a book about the experience called "Strangers on a Bridge" (New York: Atheneum, 1964);

Arranged the release from Cuban prisons of 1,163 survivors of the Bay of Pigs invasion, of nearly 5,000 relatives of the survivors and other political prisoners, and of 35 Americans and their families detained on various charges;

Ran an unsuccessful race in 1962 as a Democrat for the Senate seat of Jacob K. Javits, New York Republican;

Served on the Board of Education, to which he was appointed in 1961, first as vice president and then as president.

Dr. Donovan's approach to these assignments was unorthodox and highly personal. He once compared his brand of unofficial diplomacy to playing poker: "You have to know your man and be willing to risk all."

TOOK HIS SON TO CUBA

On one of his last visits to Cuba, in April, 1963 Dr. Donovan took his 18-year-old son, John, along, ostensibly for the skin diving.

"What I needed was something to make Castro really trust me," Dr. Donovan said, adding, "I was a little worried, but it was worth it."

In a letter to Dr. Donovan after the release of Mr. Powers, President Kennedy called the character of the negotiations "unique." Fordham University, in conferring an honorary degree in 1962, used the word "metadiplomacy" to describe his style of negotiating "beyond diplomacy."

Dr. Donovan entered the public arena as an unpopular figure, the defender of the highest ranking Soviet intelligence agent ever tried in the United States. Although he was appointed to the task by a committee of the Brooklyn Bar Association, Dr. Donovan was subjected to abusive telephone calls and letters addressed to "the Commie lover."

He said he had accepted the assignment "as a public duty," and donated his $10,000 defense fee to the law schools of Fordham, Columbia and Harvard Universities.

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CONVICTED IN 1957

Colonel Abel was found guilty of conspiracy in 1957 and was sentenced to 30 years in prison and fined $3,000. But before sentence was passed, Dr. Donovan had asked that the possibilities of future exchange of condemned spies with the Soviet Union not be eliminated by the taking of Abel's life.

His plea was to prove prophetic when, five years later, Abel was returned to the Soviet Union in exchange for Mr. Powers.

When Dr. Donovan appealed Colonel Abel's conviction before the Supreme Court in 1959 and lost, Chief Justice Earl Warren said:

"I think I can say that in my time on this court no man has undertaken a more arduous more self-sacrificing task."

The last chapter in the Abel story was undertaken by Dr. Donovan in secret, at the request of the United States Government. After Mr. Powers' U-2 plane was shot down in the Soviet Union, his father suggested the exchange. At the same time, Abel's wife was pleading with Dr. Donovan to secure clemency for her husband.

As a result the Justice Department authorized Dr. Donovan to go to East Berlin to "explore the situation."

CITED BY THE CIA

The story leading up to the cold and cloudy February day in 1962 when the prisoners were exchanged is told in Dr. Donovan's book. The sequel came some months later, when Colonel Abel, knowing of his lawyer's extensive collection of illuminated manuscripts, sent him two 16th-century legal volumes, "with gratitude."

For his work on the Abel-Powers exchange, Dr. Donovan was awarded the Distinguished Intelligence Medal by the Central Intelligence Agency, at the direction of President Kennedy.

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Several months after his success with semiofficial negotiations in the Soviet Union, Dr. Donovan was asked by the Cuban Families Committee for the Liberation of Prisoners of War to argue their case with Premier Castro. In this case, however, the negotiations were entirely unofficial.

For months, Dr. Donovan shuttled between New York and Havana where, he said, "Castro and I talked about everything under the sun; I found him a rather fascinating fellow."

The visits continued during the missile crisis of September–October, 1962, and by December an exchange of prisoners for baby food and drugs was arranged. The men were released on Christmas Eve, 1962.

Between flying trips to Havana, the State Democratic party nominated Dr. Donovan as its candidate for the Senate in 1962. To the despair of party workers, Dr. Donovan campaigned like a man with more important things on his mind. Senator Javits won by 975,000 votes.

Dr. Donovan continued the flying trips through the spring of 1963, holding all-night conversations with Premier Castro that eventually brought the release of a total of 9,700 Americans and Cubans from Cuban jails.

NAMED BOARD PRESIDENT

In December, 1963, the burly, white-haired lawyer was elected president of the Board of Education. He had been appointed in 1961 when a "reform" board was created by the State Legislature.

He became involved in controversy from the day he became president. Civil rights groups said that Dr. Donovan was not committed to integration. He said he was committed, first, to education.

When the school system announced preliminary plans for correcting racial imbalance, the program was severely criticized and Dr. Donovan, as president of the board, drew most of the fire.

The controversy grew hotter when nearly 45 per cent of the city's school children stayed home in a concerted boycott, demonstrators chanted, "Donovan must go!" alternating with "Jim Crow must go!"

By mid-March of 1964 civil rights groups had joined in an effort to force Dr. Donovan's removal or resignation. However, he replied that he had no intention of leaving and eventually the campaign died quietly. His re-election as president was considered a vote of confidence by his fellow members.

At Pratt, Dr. Donovan, like so many of his fellow educators in recent years, had to face campus disruptions over black students' demands and antiwar protests.

At first he threatened to have arrested and expelled any students who committed vandalism or denied others access to classes or incited nonstudents to action. After the 400-member faculty went on strike to protest the Donovan policy, he modified it.

In recent months Dr. Donovan had encouraged student membership on Pratt's administrative council and had begun discussions designed to lead to a new student-faculty senate.

SON OF A SURGEON

Dr. Donovan was born in the Bronx on Feb. 29, 1916. His father was a prominent surgeon and the family's roots in New York City go back to 1837. An only brother, John D. Donovan Jr., a lawyer and New York State Senator, died in 1955.

The younger Donovan was educated at All Hallows Institute, Fordham College and Harvard Law School, which last year awarded him a Doctor of Jurisprudence.

His early ambition was to become a newspaperman and he took his first job in 1940 with a New York law firm that had a large number of newspapers as clients.

But Dr. Donovan said he soon became irretrievably "hooked" in the practice of law. He left private practice in 1942 to become associate general counsel of the United States Office of Scientific Research and Development, handling legal matters relating to the development of the atomic bomb.

In 1943, he entered the Navy as an ensign. By 1945 he was a full commander who had won the Legion of Merit, Commendation Ribbon and other decorations.

During this period he was general counsel to the Office of Strategic Services, the wartime intelligence agency commanded by the late Maj. Gen. William J. (Wild Bill) Donovan. They were not related.

TRIBUTE TO MARS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. FINDLEY. Mr. Speaker, the Evening Capital, a daily newspaper published at Annapolis, Md., in its January 17 issue carried an editorial referring to efforts in behalf of a federation of the major free nations and calling attention to the trillion dollar "Tribute to Mars." It is gratifying to report that nearly 100 Members of the House of Representatives are cosponsors of a resolution which would authorize the exploration of the federation proposal.

Here is the text of the editorial:

OUR $960 BILLION TRIBUTE TO MARS

In the past 100 years, the United States has spent 1 trillion and slightly more than 325 billion dollars on defense. The "slightly" is $320 million.

In a figure, that's $1,325,320,000,000.

The total excludes payments made to veterans, interest on the national debt arising from wartime deficits, military aid to foreign nations or the cost of nuclear weapons. (The latter comes under the budget of the Atomic Energy Commission.)

There is no adjective that can describe this vast sum. It is simply mind-numbing. It can, however, be broken down into somewhat more comprehensible—if no less staggering—figures.

In fiscal 1969, for example, defense spending amounted to $76.5 billion, second only to the record $80.5 billion spent in the wartime year of 1945. By contrast, in 1870, a mere $79 million went for defense.

Lest it be said that the factor of inflation is being neglected, almost that much was "discarded" in rounding off 1969's figure. The full amount for 1969 was $76.56 billion.

Fully three-quarters of this $1.325 trillion—nearly $960 billion—has been spent in the past 21 years alone.

An even more provocative way of looking at our multiplying monetary homage to Mars has been made by Clarence Streit, editor of "Freedom & Union" magazine:

From 1896 through 1916—the first 21 years in the lives of today's grandparents—the nation spent $35.1 billion on defense.

From 1921 through 1941—the youth of today's parents—we spent $25.65 billion on defense.

But from 1949 through 1969—the entire lifetime of today's 21-year-olds—defense spending soared (zoomed, rocketed?) to $959.86 billion.

Put still another way, in the past 21 years the United States has spent on arms 37 times more than it did when dad was reaching manhood and 181 times more than when granddad was growing up.

It was not until he compiled these tables that he really appreciated "the appalling difference" between life in his youth and that of today's young people, says Streit. The difference is more than statistics.

The draft, for instance, was unknown during his boyhood and student years. Until shortly before World War II, compulsory military service in peacetime was unknown in America.

Before World War II, the United States had resorted to the draft only twice: First in the Civil War for about two years, and in World War I for about two years—a total of less than four in 166 years.

"That may suffice to show how alien to America was the draft, until the rising generation was born," says Streit.

"It is only too obvious," he concludes, "that we grandparents and parents have not builded better than we knew (in Emerson's phrase) but much worse."

Rep. Paul Findley, R-Ill., is another who is impressed—or distressed—by the disparity in this country's spending on armed power "to the neglect of idea power, moral power."

"We are justly concerned," says Findley, "by the unrest among our youth, the tumult on campus and in high school, the rising rebellion of students against ROTC and all the forms of strength through arms, their growing tendency to echo the Communist charge that our country is 'imperialistic' . . .

"Yet to understand them, their parents and grandparents must remember that no previous generation has ever seen, through their entire lifetime, the overwhelming U.S. accent on armed power that has been the lifelong experience of all Americans under 21."

Both Streit and Findley believe that an Atlantic federation between the United States and Western Europe could have saved half of future defense spending.

Whether this is true or not is another argument. So is the question whether the Cold War, the Korean war and the Vietnam war could have been avoided.

But there can be no argument that $960 billion in 21 years is—well, you supply the adjectives.

PRESIDENT OF THE REPUBLIC OF POLAND SPEAKS ON JUSTICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. DERWINSKI. Mr. Speaker, in his annual New Year's speech on January 4, 1970, addressed to members of the Polish Government-in-exile, the Council of the Republic of Poland, and representatives of Polish organizations and the Polish community in Great Britain. His Excellency August Zaleski, President of the Republic of Poland, gave a very effective and penetrating commentary on the situation in Poland and the World. His message follows:

NEW YEAR'S SPEECH BY THE PRESIDENT OF THE REPUBLIC OF POLAND

On New Year's Day we tend to look back over the years that have passed, and to look forward towards the hopes of our future.

This year it will be twenty five years since the end of the Second World War. The unprecedented advances in science and technology which mankind has made in this stretch of time have had a marked impact on international relations. Interdependence between men, between social classes and states has become more pronounced than ever before. Not so long ago we witnessed the emergence of independent states from what were once the colonial territories of Africa, but we witnessed also a process of integration of a number of European countries into bigger economic units which enabled them to achieve greater welfare and a higher standard of living of their peoples.

Throughout the same period, however, the peoples of Central Europe, each of them with a long tradition of statehood behind them, were forced into the sphere of influence of Soviet Russia. Peoples which belong to the circle of Western civilization have found themselves against their will under the yoke of Russian colonialism. The Republic of Poland, alas, is among those. So we have to say again that Poland is not independent, and that Poles are not masters in their own country. They have not given their assent to the changes wrought, but they are unable to change this state of affairs with their own strength.

The outcome of the last war not only failed to restore the independence of our Fatherland; it also failed to give mankind a much-desired peace.

A cursory glance over our globe reveals that there is hardly a place where open armed conflict is not in progress or a new international tangle in the making. The Russo-Chinese frontier dispute, the war in Vietnam, the civil war in Nigeria, the conflict of Israel with Arabs—in all these conflicts old Russian imperialism in its new Communist guise is involved. It is a continuation of the imperialism of the Tzars which fought under the slogans of unification of all Ruthenian lands, defence of Orthodoxy and pan-Slavism.

And all this is dominated by fear of those forces which the human mind has unlocked in its continuous probings into the mysteries of nature.

The two atomic super-powers—the United States of America and Soviet Russia—stand diametrically opposed to each other. One is a constitutional structure where the Executive is subjected to the unceasing supervision of representational bodies, where every citizen has the right to criticise the government and the right to personal freedom. The other is a state where the Executive, under control of the Communist Party, determines the personal lives of its citizens often in minutest details. It is a state of totalitarian tyranny.

No line of direct communication between Washington and Moscow can protect mankind from the threat of an atomic holocaust, if there is no common language which alone can secure mutual understanding. For the most elementary concepts of public life have totally different meanings in the West and in Moscow. In the circumstances, there is no guarantee for the man in the street on either side of the barricade that there will be no new world war.

The only way to secure world peace is the rule of law, justice and good will. Only in this way can new conflicts be prevented. What is necessary is a return to the lofty aims and ideals which have found their expression early in the last war in the Atlantic Charter and which were later forgotten.

Poland throughout her history has always stood by the principles of law and justice, of respect for international agreements, of personal freedom and truly human relations between people. Poland has been, and wants to be now, a champion of the rights of nations, even the smallest, to enjoy an independent existence, or to enter into free associations, not associations imposed from above by force.

I am sure that Poles everywhere, wherever they find themselves in the world, will, with God's help, rightly uphold these ideas which they have inherited from their forefathers.

It is especially important, Mr. Speaker, that we emphasize the existence and vitality of the Polish Government-in-exile at a time when the Communist dictatorship in Warsaw is increasingly subservient to Moscow as evidenced by the Polish Communist Government's participation in the seizure of Czechoslovakia, its encouragement of radical Arab groups and even the obvious political antics practiced by the Polish Communist officers in the Nigerian-Biafran conferences.

INSIGHT ON DRUGS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. VANIK. Mr. Speaker, the critical problem of drugs and narcotics which currently plagues our country has been the subject of a perceptive and informative series in the Sun Papers of my Cleveland area congressional district. These articles are so well done I felt that they should have the widest possible readership. I commend these articles to the attention of every Member of this body and to the country. The articles from the Sun Papers on narcotics and marihuana are as follows:

USE OF POT COULD BRING TRIP TO OHIO PENITENTIARY

(By Jean McCann)

Smoking marijuana may seem like a lark, but if you're caught at it, look out.

Penalties in Ohio are among the severest in the nation. And it's a sure thing that if you're convicted on a first offense, and put on probation, you'll still lose your civil rights. For life.

These warnings were sounded by state, county and suburban court officials this week, in the wake of mounting concern over drug abuse, particularly marijuana, by young people.

Justice William O'Neill of the Ohio Supreme Court said:

"I'm sure most adults don't know how tough the law is. I know a good case can be made that it's too tough. But it is the law. And I think it's an understatement to think that in the foreseeable future the law will be made any weaker in this state . . . public opinion being what it is, and politicians being what they are . . ."

The harsh law "scares parents," the judge told a recent symposium on Drug Use and Abuse sponsored by the Cleveland Academy of Medicine.

"I'm also familiar with what bright young people think on the subject. And many of them are bright enough to be encouraged to right decisions."

"Mere possession" of narcotics, including marijuana, is a felony in Ohio. It carries a penalty of one to five years in the penitentiary, and/or a $500 fine. If marihuana is possessed to sell, or even to give away, the penalty is 10 to 20 years, and inducing another to use narcotics (generally opium synthetic derivatives, heroin, cocaine, and marijuana) carries a penalty of 10 to 25 years. Selling to a minor, or involving him in the manufacture or transporting of drugs, involves a mandatory sentence of 30 years to life in the first instance, or 10 to 25 years in the second.

The justice reported that in Franklin County, where he comes from, some of the charges have been reduced from narcotics violations to disorderly conduct on a first offense. This is because of the severity of the law, and because of the large numbers of students at Ohio State University there who have been involved in drug offenses, he said.

However, he continued, "I understand that the judges are going to start making examples of a few students to bring home the danger to all."

In the Cleveland area, however, municipal prosecutors in two large East and West side suburbs said that they charged the young people under the narcotics statute and did not reduce the charges to disorderly conduct on a first offense.

Such felony cases are then referred to the Grand Jury for possible indictment, since municipal courts handle only misdemeanors. If the Grand Jury does hand down "true bills," which one municipal prosecutor said it has been doing at a higher rate than he expected, the offender must appear before one of the 28 judges sitting in the criminal division of the Common Pleas Court in Cleveland.

Chief Justice John V. Corrigan said that there have been instances where charges of marijuana possession were reduced at the county level to charges of possessing "hallucinogenic drugs," which is only a misdemeanor. However, he stressed, no offender should "count on that."

The Justice said that "in view of the severity of the sentence, the judge does take a long, hard look at youthful offenders accused of mere possession of narcotics," partly because of the possible deleterious effects of sending them to over-crowded, under-staffed penal institutions.

But there are always, "examples" that have to be made, especially if more than mere "possession" is involved. Like the boy, a senior in a large public suburban high school, who had "no record, and came from a good, solid family." He is now serving two years for "selling one-half of a marijuana cigarette in the halls of the high school."

The justice and county prosecutor John T. Corrigan also pointed out what happens to a young person who is convicted of a felony, but gets probation. By being branded a "felon," he can never again vote (unless the judge decides to lift this particular restriction), be a juror, hold any responsible

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position in government, or be a lawyer, doctor, engineer, architect, accountant, dentist or postal worker.

And, as Justice O'Neill put it, "on every employment blank he fill out, he'll have to write about his conviction. The American public will go right on punishing him for the rest of his life."

If the offender is under 18, he continued, "the juvenile judge may send him to Common Pleas court to be tried as an adult, or he may try him as a juvenile delinquent." Prosecutor Corrigan said that in the Cleveland area most would be tried as juveniles. While this means that they would have no permanent record if convicted of "delinquency," it does mean that the judge can confine them to institutions or impose other penalties.

The justice said that the Ohio law was purposely made harsh to drive out the professional drug peddlers, and that in this respect it had done the trick, with an 80 percent drop in violations the first year. The professionals "made unbelievable profits (on drugs), and they regarded the small fines (under the previous law) as a cost of overhead. But they're unwilling to face the penitentiary. So they moved elsewhere. If you now relax the marijuana law, then you open the loopholes for the commercial peddling of drugs again."

He also said that almost all heroin addicts started with marijuana, and that "a substantial number go from it to speed and LSD"—other reasons for not relaxing the law.

Detective Leslie Thompson, a member of the Narcotics Unit of the Cleveland Police Department, asserted that people who smoke marijuana, just like people involved in the "harder" drugs, are likely to commit crimes.

He said a recent murder was committed by a man "high on marijuana," and that "when you arrest people for other crimes, the odds are in favor of your finding "joints" (marijuana cigarettes) or pills on them. The people most likely to commit violent crimes are those under the influence of amphetamines (such as "speed", cocaine and marijuana, the detective said.

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Do Courses Warn of Danger or Stimulate Interest?

(By Jean McCann)

Education about dangerous drugs is replacing sex education as number one touchy topic in suburban school systems.

Educators have been jolted by reports of the spreading use of drugs by high school, junior high, and in rare cases even by elementary students. Many school systems are now going over what they teach, with a view to improvement. Many plan to do more on the elementary (usually, sixth grade), level—before the students run into temptation in the junior high.

A focus to educators interest was given when about 600 of them recently attended a symposium on Drug Use and Abuse sponsored by the Cleveland Academy of Medicine.

There, they got these messages:

Education about drugs isn't only for "kids". Parents and many teachers have a lot to learn, too.

Teachers had better know what they're talking about when they discuss drugs, or the "turned on" generation will turn them off.

Teachers should have a real interest in their students as individuals. If they expect to convey messages like "speed kills", and have them believe that it could happen to them.

Parents had better start learning about drugs, too, so they know when their children might be in trouble—or when they're even in trouble themselves.

Adults had better stop doing what they preach to their children not to do. If dad is often "sloshed" on whisky, and mom keeps popping diet pills, tranquilizers and sleeping pills all day—what can they expect, but that junior might turn into a pot head, and head speed freak, or junkie (Translation: marijuana smoker, LSD user, amphetamine addict, or heroin addict).

Young people themselves can help with the drug curriculum, on the high school level at least. They can help counteract "peer pressure" to try drugs, and they know the kind of information the students will "buy".

Adults should live meaningful lives themselves, and have standards and values, so that they will have a good influence on their children.

John F. Kreppein, special agent of the Federal Bureau of Narcotics and Dangerous Drugs in Cleveland, estimated that $10 billion is spent annually on drugs "and many times the family medicine cabinet is the initial source of supply for experimenters".

"Too many people", he told the educators, "go in for self-administered chemotherapy". "Drugs have become a social crutch to housewives and businessmen as well as to social dropouts".

Dr. Allen Y. Cohen of Berkeley, Calif., consulting psychologist, told the educators "I think life is the problem. When you solve the problem of life, you solve the problem of drug abuse".

He recommended that whenever possible "kids should be involved in the community and school programs on drugs. And use printed and audio-visual materials which have been screened by these kids".

"You should provide meaningful alternatives to drugs", he continued, "nonchemical ones. We should reemphasize the real problems of living. We've been scared talking about emotional and spiritual growth, but we have to do it. There ought to be courses for credit where we just discuss life's concerns".

While no suburban educators reported that they were planning courses "Just to discuss life's concerns", it's plain that many of the systems are becoming involved in much more board-based "family living" and "health" course than they ever were before.

Three suburban systems, at least (Westlake, Shaker Heights and Mayfield), are phasing in complete health programs from kindergarten through twelfth grade which will include discussion of "mood modifiers" on the primary level. But most school systems now pick sixth grade, and then one or two grades each in the junior and senior high, to cover the subject of drugs. Commonly, learning about narcotics and hallucinogenic drugs is covered along with information about such other "mood modifiers" as alcohol and tobacco.

Many school officials, however, report that they are now taking a "second look" at what they're doing. Are they teaching about drugs at the right time—at the "teachable moment", when the child is ripe to learn?

Are the people teaching the course able to "relate" to the children in the right way, and do they have enough knowledge to teach the subject?

They're also concerned about how the information should be given, with the emphasis on motivating the child, of his own free will not to take drugs.

"There are two main theories in education, said Neal Hesche, who is health co-ordinator for the Berea school system. One is the fear tactic.

"This would be like a film that some community leaders and school people looked at this morning," he said. "It showed a 46-year-old woman, hooked on drugs for 23 years, talking to a group of high school students. She told how she had to become a prostitute to support her habit." (Or it would be like the film shown at the Drug Abuse Seminar, which showed monkeys having convulsions from heroin withdrawal).

"Then there's the tactic of getting at the motivation which causes you to do something.

"I don't think we can preach any more that things are bad. I think what we have to do is to provide the kids with the information and understanding on which they can make their own wise decisions."

"The time to educate is before they've had contact. Some people don't think anything should be taught about drugs in the elementary school, but I feel this is wrong. Some people say, 'My kid doesn't know anything about it, so don't tell him.' But I say that, with TV and reading material on the subject around, he does know. Just the other day, a fifth grade teacher called me for information on LSD, because some of her students had seen a reference to it on TV, and wanted to know what it is".

Miss Mildred McFarland, co-ordinator of elementary education in Shaker Heights, concurred: "I know that some people say the more you talk about such things to young children, the more you make them aware of them and likely to try them. I tend not to believe that."

A Strongville school spokesman, however, was opposed. He said: "I feel that if you do this, you may cure two or three, but you may start 50 more".

Several educators mentioned the need for students to be able to discuss the issues involved in drug-taking, not just sitting listening to words from "on high".

Stephen Varga, a Brecksville junior high principal mentioned that such education is "more effective, too, in small groups, where the students have a chance to discuss, than in large assemblies."

In South Euclid-Lyndhurst schools, elementary education director Fred W. Reigler, Jr., said that sixth grade teachers are being involved in discussing whether to use a more directive approach.

"So far the matter of drug abuse has come up sometimes as a natural outgrowth of an extensive unit that we have on smoking and health. When drugs are talked about, the teachers have told us that they get blank looks from some students, but other are vitally interested", he said.

What Brush High School juniors learn about marijuana and hallucogenic drugs is included in a 10-day unit of the health course entitled "The Use of Mood Modifiers."

Alcohol and tobacco are also classified under this heading.

The program has been the same for a number of years. Now it is becoming more free and open, because the students are relatively well-acquainted with the subjects when they enter the classroom.

The same teaching unit of mood modifiers is included in health programs at the ninth grade level at Memorial and Greenview Junior High Schools. There the approach is simpler. The mood modifier unit goes into the motivation behind stimulants and depressants.

Dr. Allan Holland, assistant superintendent of the Rocky River school system, said that "There is always a teachable moment. Some don't need the information early, and to tell about it may call it to their attention unnecessarily.

Several educators mentioned also that PTA groups—even on the elementary level—are now interested in having speakers on the subject of drugs. There's also parent education going on in a program inaugurated by the Kiwanis Clubs, called "Operation Drug Alert".

In the Parma school system, junior high students accompanied their parents to a film program on dangerous drugs.

"This experience opened up channels of communication between children and parents that were always there, but had not been used much before", said Dr. Wilbur

Lewis, assistant superintendent of schools. "Before that, the parents had tended to ignore the problem," he said.

Dr. Lewis said that 20 educators from Parma had attended the Drug Use and Abuse Seminar, and he had asked them to look around for other educators there who had good programs going in their school systems.

"They came back and told me", he said, "that nobody feels they have an adequate program."

Although educators will no doubt keep on looking for it, "the biggest problem is that when it comes to drug education, there is no pat answer", Dr. Lewis said.

Principal James J. O'Toole of the Cleveland Heights High School, where drug education goes on in the 10th, 11th and 12th grades, agreed. "We're not happy with what we're doing", he said, "But I don't think anybody in the country is".

O'Toole said that school officials in the Cleveland Heights-University Heights system are now discussing the possibility of involving parents in a drug education program.

His belief is that "many of the kids who do experiment, have a lack of affection and attention at home—or else perceive of this as being the case."

Beachwood schools include units on drug education in the eighth-grade Family Living and tenth-grade health courses. A series of talks by authorities in the field of drug abuse also is given during the school year at the senior high school.

Students at Laurel School in Shaker Heights heard a talk by Dr. J. Thomas Ungerleider, a staff member of the UCLA Medical Center and an internationally-renowned authority on drugs and drug abuse, at an assembly last September. They also received information on danger of drugs in seventh grade Life Science classes and in tenth grade biology studies.

At University School in Shaker Heights there are no programs in drug education and none contemplated. However, a special program was held last year for the faculty, with three authorities in the field of drugs and drug abuse discussing the problem and informing the teachers as to how drugs are used and why. Since the faculty is the same as last year, the program is not planned again for this year.

At Orange schools, the educators try to inform pupils through class discussions in biology for ninth-graders and health education for tenth graders.

John P. Stafford, Orange High principal, said the school has always included classes about drugs in its health-ed classes and that Orange has such classes before they were required by the state last year.

Other areas of drug enlightenment for the Orange school community include parent orientation to the problem—carried out independently by a group of parents who are trying to educate themselves and spread the word to the rest of the parents.

The faculty is also getting stepped-up hints about drug abuse during faculty meetings. Most recent example is a talk this week by health-ed teacher, Mary Fortman, after she attended the Cleveland Academy of Medicine seminar.

At Hawkins' upper school, a lecture program on all aspects of drug abuse was started last year. The school felt an in-depth program would consider legal medical, and social effects of drug use. Clergymen and ex-addicts were speakers at assembly programs. Ethics class included drug discussions. Hawken also held a session with parents. The program is being continued this year.

At Gilmour, Principal John Gale said there has been no program about drugs till now, but one is being planned for this year. He is in charge of curriculum at Gilmour.

The program, he said, will probably take the form of a two-day seminar on class time. The decision to plan this grew out of the Cleveland Academy of Medicine seminar, Gilmour had representatives at the seminar. Guidance counselors and the school physician will be the on-campus directors of the seminar. Outside speakers, including a psychiatrist, will be sought.

Units on drug education and abuse are taught at Mayfield High School and Mayfield Junior High School in the ninth, eleventh, and twelfth grades.

Three units on drugs are taught at the Junior High School—the first to all students in the eighth-grade science class on identification, general effects, and social problems. The second, an elective course deals with the biological effects of drugs, and is taught in the ninth-grade, three-module biology course. The third, a ninth-grade unit in social studies and an elective, studies drug use as a social problem and looks at drug users and the social problems they create.

An eleventh grade unit is a thorough study of drugs, their uses, and effects. It is current and kept up to date through use of material in newspapers and magazines.

A twelfth grade elective phychology course delves into the psychological implications of drug use and abuse. All seniors take either senior social studies or senior sociology in which a unit is taught on the sociological implications of the drug user in society.

Is Marijuana Really Bad for You? Consensus Is Yes

(By Jean McCann)

Is marijuana really bad for you?

This was the nagging question in the minds of many of the 600 educators attending a recent seminar on Drug Use and Abuse sponsored by the Cleveland Academy of Medicine. They were all mindful of the growing demand that marijuana should be legalized.

It is said that 8 to 12 million Americans have tried marijuana. In contrast, there are only an estimated 125,000 to 250,000 heroin addicts.

A sifting of speeches and interviews with medical experts who addressed the seminar permits consensus on the subjects of both marijuana and dangerous drugs.

The term "drugs" includes everything from aspirin to opium, but what the doctors are concerned about are the so-termed "dangerous drugs" which can or cannot have some medical uses.

These include narcotics which produce insensibility or stupor by their depressant effect on the central nervous system and which are physically addictive. Common narcotics are morphine, codeine, and heroin, which are opium derivatives, plus synthetic opiates such as meperidine and methadone.

Marijuana is legally considered a narcotic for enforcement purposes but actually it belongs to the category of the hallucinogenic drugs which have the effect of distorting perception and creating hallucinations. Some other hallucinogenic drugs are LSD, DMT, mescaline, psilocybin, and STP, which are not physically but psychologically addictive.

The other two categories of dangerous drugs which are most likely to be abused are the depressants which include barbiturates, the bromides, choral hydrates, and paraldehyde, and the stimulants which include amphetamines ("speed"), caffein, benzphetamine, and others. Cocaine is also a stimulant. There can also be abuse of tranquilizers and in the sniffing of glue and solvents, but these are considered secondary abuses.

The experts generally agreed on two points.

First, that stimulants, barbiturates and opiates, should not be used, unless prescribed by a doctor for medical reasons.

Second, that the so-called "hallucinogenic" drugs (LSD, STD, mescaline, peyote, marijuana, etc.) have neither a medical nor non-medical reason for use.

In the case of marijuana, the doctors said that:

There can be a strong psychological dependence, although it is possible to be a "casual experimenter" with it.

No one knows what the ultimate physical effects might be of inhaling smoke from the cannabis weed. Little research has been done. (No one definitely knew 15 years ago that smoking tobacco could be a cause of lung cancer.)

Use of marijuana can result in disorientation which can cause the individual to perform dangerous or anti-social acts.

Habitual use can lead to disinterest in studies, appearance, or other ordinary concerns of life.

About 5 to 10 percent of marijuana users will graduate to heroin, because smoking "joints" exposes the user to other elements in the drug culture.

Some people may think they're buying marijuana, when it may actually be only ground-up tea, oregano, or some other substance.

Smoking "pot" can lead an individual to habitually try to escape, rather than face, the unpleasant situations in his life.

And, as other speakers also pointed out, use of marijuana is illegal with felony sentences for use or possession in Ohio.

Dr. William V. Trowbridge, who is head of the Committee on Drug Abuse of the Cleveland Academy of Medicine, said: "I can't see making marijuana legal on the grounds that we older folks are hypocrites, because we abuse alcohol, and alcohol is legal while 'pot' is not. I can't see adding six million pot heads to six million rum heads. Hypocrisy is not a felony, but using marijuana is a felony."

He also discounted testimony of many young users, because, he asserts they only think they've smoked marijuana.

"Some will say, 'I used marijuana, and it doesn't do a thing.' That may be true, as far as the product they got, or it may be that they don't know how to smoke it," the doctor said.

"A lot of what's sold to young kids is not marijuana. They trust a supplier, who's a felon, and they expect him to be honest," he added.

Dr. Trowbridge told of a boy who stole a tape recorder out of a car to exchange for six marijuana cigarettes. When he was caught the marijuana turned out to be green tea and shredded brown paper.

As far as extreme reactions from marijuana go, however, Dr. David E. Smith, medical director of a free clinic for drug users in the Haight-Ashbury district of San Francisco, maintained that "marijuana is the least of my problems."

He said that "for every thousand bad barb (barbiturate) or speed (an amphetamine stimulant) reactions I get, I get one bad marijuana reaction."

Dr. Charles W. Gorodetzky, who also spends all his time on drug problems, commented that "the use of marijuana by an adolescent may be a poor introduction to facing the problems of living and can lead to poor ways of adjusting in later life." Dr. Gorodetzky is on the staff of the federal government's Addiction Research Center in Lexington, Ky.

Dr. Gorodetzky said, that "underlying psychopathology" is the most common reason for drug abuse.

"It's hard to tell whether this was the cause or the result of the misuse of drugs," he added.

There is also a hypothesis that in the case of opiate abusers, he said, there might be a metabolic defect in the individual which cause him to get "hooked." Such errors of metabolism have also been advanced as a cause for alcoholism, he noted.

"Perhaps drug addiction should be treated

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as a chronic relapsing disease, with periods of remission," he suggested.

Dr. Gorodetzky and other doctors discussed treatment available for drug abusers.

The doctors emphasized that there were two main types of dependence on drugs, physical and psychological.

Physically—addictive drugs include heroin, and other opiates, and the barbiturates. Sudden withdrawal causes severe, painful physical reactions, and in the case of barbiturate addiction, convulsions that can be fatal.

Drugs like the amphetamines and the hallucinogens (LSD, marijuana, mescaline, peyote are psychologically-addictive only. They generally produce no withdrawal symptoms. They can have bad after-effects, like the recurrance of a "bad trip" on LSD months after the original ingestion of LSD. Use of LSD has also been held to be a cause of chromosome breaks, which some scientists associate with birth defects or cancer. Amphetamine use has also precipitated heart attacks. Its abrupt withdrawal from depressed people has led to suicide attempts.

Treatment provided for the various kinds of drug addiction was outlined by Dr. Gorodetzky, speaking for the federal government, and by Donald E. Kribbs, chief of the Alcohol and Drug Abuse Section of the Department of Public Health and Welfare of the City of Cleveland.

Both said there is a dire shortage of both national and local treatment centers. They predicted more centers in the near future.

Dr. Smith said that one of the big problems is the difficulty of treating minors who don't want their parents to know of their troubles. A new California statute now allows so-called "emancipated minors" to approve their own treatment. But California is the only state in the nation with such a law.

A similar law is needed in Ohio, Kribbs said.

"A 17-year-old boy was in my office the other day, and he needed treatment for barbiturates," he related. "But he didn't want his mother to know. This poses a dilemma for the individual trying to help because you skirt the law if you treat minors without their parents' consent. On the other hand the minor just refuses to be treated if his parents are to be told about the problem."

Suburban, middle-class youngsters, he said, are especially limited for places to go for help, even when the parents do know. They can visit a private psychiatrist for help, but if they need hospitalization, they're usually admitted for some reason other than the addiction itself.

Kribbs hopes to remedy this situation soon. In the early planning stages are drug abuse clinics to be operated by the city health department in much the same manner as the city operates its neighborhood alcoholism clinics.

"Things are really mushrooming," he said. He reported meetings with various student and professional groups who are concerned about establishing drug abuse treatment centers.

Under discussion are such aids as drop-in centers, encounter groups, volunteer street workers, half-way houses, and free clinics, such as the one in the Haight-Ashbury section of San Francisco.

Also under consideration is a telephone answering service similar to the Poison Control Center or the Suicide Prevention Center, which are run by the Cleveland Academy of Medicine. Such a center would provide emergency help for anyone suffering from a "bad trip" upon the placing of a phone call.

Dr. David Smith said that was how his facility in San Francisco got started.

"But we were forced to expand into a clinic when we had 350 high-dose intravenous 'speed' reactions in three months in 1967. And how can you treat all this over the phone?", he asked. His clinic now gets 25,000 patient visits a year.

Cleveland, will soon have a new laboratory setup at a health department headquarters in city hall. It will be used to identify the drugs affecting a user.

"Too often the users are taking a mixture of things, and they don't know what they're taking. LSD, for example, is sometimes laced with strychnine," Kribbs explained.

Also projected is the establishment of a methadone treatment center at University Hospitals for hard-core heroin addicts who have made repeated attempts to "kick the habit" and have been unsuccessful.

Already operating is a group psychotherapy program for drug users at the Warrensville House of Correction, which is run by the city health department.

Describing the situation nationally, Dr. Gorodetzky said that there are now three main places for addicts to go for help. One is a large institutional center in Lexington operated by the National Institutes of Health with which he is associated.

Another is a small, self-help center such as the privately-operated Synanon House. There are four in California and one Synanon House in Detroit. In addition there are similar houses named Odyssey, Phoenix, and Exodus in New York. The federal government operates a self-help house in Fort Worth, Texas. In Cleveland, the Salvation Army has begun confrontation seminars for addicts, similar to those for alcoholics.

Synanon House, which is now nationally-known, derives its name from the continued mispronunciation of the word seminar by an addict.

The third is the methadone treatment centers for heroin addicts, in which daily oral doses of this drug have enabled many former addicts to keep away from heroin and return to jobs or schooling.

Describing the institutional treatment at Lexington, Dr. Gorodetzky said that the place is losing its "revolving door" reputation now that it has been changed from a combination penal-volunteer institution to one in which selected addicts are civilly committed for rehabilitation.

Previously, Lexington was used for treatment of those "busted" by the law for using narcotics, and for volunteers who used Lexington for temporray purposes. These merely went there for withdrawal to the point where they could then take up their habit again, requiring much lower dosages of the drug to get their "kicks."

Now, he said, the hospital is a clinical research center run under the provisions of the Federal Narcotics Addiction and Rehabilitation Act (NARA). Those admitted must be users of hard narcotics, although most admissions are of the mixed variety. This means the patient has been using LSD, marijuana, barbiturates, or amphetamines, in addition to heroin or cocaine.

Acceptance is also based on the individual's motivation, past history, and psychological functioning. These criteria plus the shortage of beds lead to a current rejection rate of from 50 to 75 percent of applicants.

"I think that's temporary since there are plans to set up similar programs at hospitals around the country," Dr. Gorodetzky said.

He explained that a prospective patient is first examined for 30 days to see if it's probable that he can be rehabilitated. If accepted, he stays for six months and gets individual treatment, which can include taking part in encounter groups, getting vocational counselling, or perhaps taking a few educational courses. He's also given a job to do in the hospital.

After his six months are up, he spends three years as an outpatient. There are already some 70 agencies in 39 states, he said, that offer outpatient care on a contractual basis with the National Institute of Health. Such care may include individual and group psychotherapy, vocational help, and sometimes "urinary surveillance," to make sure the addict is not relapsing.

In the self-help type of communities, the doctor said, self-help carries its own treatment in helping others, and people learn to handle their anxieties without the use of drugs. These places have a strict, self-enforced behavior code, with abstinence from drugs being part of it.

Often these places also use encounter groups and sensitivity training, the patients progress through a number of levels until they're ready to leave.

"Sometimes it's hard to determine when a resident is ready to enter society. I think these places prove useful for some users," the doctor said.

The third type of treatment center substitutes other drugs, as in the oral methadone treatment plan which will begin soon at University Hospitals. Dr. Gorodetsky said that an experiment in New York with 871 patients showed 80 to 90 percent success in getting the addicts back to school and jobs.

"But methadone is not a panacea," he continued. "Right now there's no plan to withdraw addicts from the methadone treatment, although there's no proof of the allegation that perhaps these people have a metabolic deficiency which causes them to need drugs much as a diabetic needs insulin. Also, we're not sure of what the long-term effects of taking methadone daily might be."

The drug cyclazocine is also being tried. When given instead of the narcotic, it has an antagonistic effect to the narcotic. This makes it good for treatment of overdoses and for withdrawal symptoms, he said. But it can also encourage abstinence from the narcotic, because it prevents the euphoria the user would get from the narcotic alone.

Despite all he has seen of the drug scene, Dr. Gorodetzky said he was hopeful.

"The pessimists are sounding the trumpets of doom," he declared, "but I refuse to listen. The concerns of our youth for peace and brotherhood are good signs. We just have to convince them to use non-drug alternatives."

GHETTO TEENS WIN OUT OVER OFFICE-TYPE SILENCE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mrs. GRIFFITHS. Mr. Speaker, at this time I would like to insert in the CONGRESSIONAL RECORD a recent article from the Detroit News on a program of Michigan Blue Shield to hire hard core "unemployable" young people as well as a Blue Shield report on this program from which the newspaper article was drawn.

In Congress we are looking at the President's welfare reform proposals. The President is asking for a guaranteed income. There are no real evidences of what guaranteed income will do. We do not have a good understanding of poverty and how to get people to work. This is one example. The above-mentioned material follows:

GHETTO TEENS WIN OUT OVER OFFICE-TYPE SILENCE

(By Don Tschirhart)

It was the sound of silence that bugged them most.

Youngsters, raised in the harsh world of Detroit's inner-city ghetto—with its noise and confusion—found themselves in a quiet business office.

It happened last summer during an experi-

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ment by Blue Shield of Michigan at its Detroit office, 441 East Jefferson.

They hired 45 teen-agers from the city's slums to see how they would react to the somewhat boring and mentally tedious world of business. All were school dropouts and social misfits. Several had police records.

The thing that got to them was the silence of the office.

One 17-year-old described the experience to his counselor.

"Man, we've got noise where I live. The street is alive.

"Cars are honking their horns. Drunks are cursing. Down the hall from your apartment, people are shouting. You can hear the man's hand cracking across his wife's face.

"Now I sit here and shuffle papers. I can see the clock. Everything is so quiet that I can hear it ticking. You know damn well exactly what is going to happen every minute."

Frustrated, tension building up and needing an outlet for his bottled-up energy, the youth rose from his chair, walked to his desk, reached out and threw all the papers across the office.

Only seven of the 45 youths "graduated" to permanent positions at Blue Shield.

Nevertheless, the experiment was considered a success by John C. McCabe, the firm's president.

He said that some of youths who no longer work at Blue Shield are back in school. Two are in the armed services. Some have found new jobs. Three have been rehired at Blue Shield.

Blue Shield soon will start hiring a new group of "hardcore" teen-agers. This time they'll be hired as permanent employes.

"Our program is no longer experimental. The results of last summer's program indicate with a full-line program."

The idea for the program started early last year with a discussion among top management officials concerning Blue Shield's commitment to help inner-city people.

Joseph M. Lughermo, of management development and training, told those at the meeting:

"Ghetto kids were born poor, go to poor schools, live in violent, dangerous neighborhoods and in broken, despairing homes.

"What happens to them is not the result of their own effort or lack of effort, but of blind fortune."

Lughermo and James Jackson Jr., of the eligibility adjustment department, planned and coordinated the program.

"We knew we weren't going to solve any big problems," Jackson said. "But we were going to get a look at ourselves and we were going to give these young people a fair chance."

They named the effort Project 40—intending to employ only 40 people. Recruiting was made through several ghetto contacts who sent more than 45. All were hired.

Long before the first person was hired, Blue Shield managers and supervisors studied the ghetto and ghetto thinking by reading books and visiting the area.

When their regular day ended they stayed late to meet in unique "confrontations" with long-time associates. They bought Halloween masks (to avoid personalities), and exchanged views in shouting matches.

Volunteer employes were trained to act as "big brothers" to the 45 so that each of them had a "friend in the house" who knew something about him or her and could lend lunch or haircut money.

In May, the day came for hiring.

The oldest of the teen-agers was 18. Most were 16 of 17. All were school dropouts. The biggest family income, where there was a family, was $3,000 a year.

Prehiring interviews disclosed some of their ambitions.

One 16-year-old politiely summed up his ambitions as "getting some women to support me."

Employment records disclosed that one 17-year-old had 13 brothers and sisters and was on probation for burglary.

A 16-year-old boy's father was in the hospital, his family had been on ADC since 1964 and four other children had allergy problems.

Blue Shield spread its new workers selectively through 14 departments—but not in offices where their big brothers worked. It was hoped they would adjust individually.

The first few months of the experiment were frustrating for department heads. No matter what the new employes did, the company refused to fire them. They were given as much chance to prove themselves as possible.

But there was trouble. Tardiness and absenteeism were commonplace. The youths had difficulty understanding why an office had to be open the same hours every day and why you had to stay awake in an office when you were sleepy.

One manager finally told a young man that he had to stop sleeping at work or be fired. The boy succeeded in staying awake at work for several days.

Then he sought out his big brother with a grievance.

"I've been staying awake and no one congratulated me," he said. He was promptly congratulated—and he went back to work.

Three young men decided to celebrate the Fourth of July early by setting off firecrackers. The trouble was they were using them to blow open a public telephone coin box.

Big brothers were kept busy solving problems. They counseled youngsters on budgeting their pay for bus fare and lunches and explained social security and income taxes.

One big brother even bailed a youth out of jail.

Another youth's father murdered a woman and was wounded seriously himself. Although the boy hadn't seen his father in 10 years, he asked his big brother to help him find his mother, who also was missing, and visit the father. This was done.

One militant black youth was absent from work for a few days. His big brother discovered the boy was being pressured by an activist group to "bust up" the Blue Shield program. Rather than do this the youth feigned illness.

Three months after the program began, Blue Shield decided to crack down on the rules which had been stretched during the educational period.

The rest left for various reasons . . . family move, military service, boredom, another job. And school.

Success of the program also was seen at the management level.

Jackson said many managers and supervisors were initially skeptical of the program.

"Many felt it wasn't a good program," he said. "And its working out well didn't change some of their opinions.

"But most really gave their all to Project 40 and these deserve praise for their patience and fortitude."

The new program, expected to start in a few weeks, will have only minor changes. It will continue to provide youngsters with a period of adjustment to their new environment before company rules are enforced.

"We bridged a gap," Lughermo said. "We showed that hard-core kids can be helped if employers have enough patience."

By September, when the program ended, the company had discharged 11 of the 45, mostly for repeated absences. Twenty-one had been offered permanent employment. The firm presently has seven of them on the payroll.

SUCCESS STORY

"They were born poor, to go to poor schools, to live in violent, dangerous neighborhoods and in broken and despairing homes. What happened to them did not seem the result of their own efforts or lack of them, but of blind fortune . . ."—Joseph M. Lughermo

Only seven of the 45 high school dropout "unemployables" who were hired last summer in Michigan Blue Shield's independent job program to prove that label false are still with the company—but if you think that statistic means failure you should talk to Blue Shield's president, John C McCabe.

Don't use the word unemployable, by the way. McCabe doesn't believe in it. He has ordered a second, stronger and no-longer-experimental program for this summer.

You need to hear the stories, too, of the permanent Blue Shield employees who helped the 45 and found themselves involved not only on the job but sometimes in ghetto homes—and sometimes in court help and jail visits.

Most of all you can not say success or failure until you take a full and open-minded look at the 45 themselves and their very different world, and remember in measuring them that their first step into the everyday world of business was as drastic a venture for most of them as that first step on the moon.

The oldest was 18, and most were 16 or 17.

The highest family income, where there was a family, was $3,000 a year.

A police record was commonplace.

Resignation to defeat in the Establishment world had come with the dropout for most; success in the ghetto world was dreamed of in terms realistic to that world.

One 16-year-old politely summed up his ambitions as consisting of "getting me some women to support me." He was mannerly about it, and he was matter of fact. All he was doing was envying a road to a sort of success which he saw being traveled daily, in those big, shiny cars.

As for resignation, it lay so heavy over the usual dreams of youth that failure was considered predestined by many. When it became necessary to discharge one of the first of the 45, the young man's departmental manager said the firing was accepted not so much phlegmatically as impersonally, as if the young man being fired did not understand that this was he, himself, an individual person, who was being spoken to.

"It was as if he only happened to be present to witness some inexorable working of his fate, and there was nothing he could have done to avoid it," the manager said.

(Blue Shield actually had to discharge only 11 of the 45 for cause, and that was usually constant tardiness or absences. The 45 did receive special training and special personal consideration, but they were required to work standard hours.)

Hundreds of companies made efforts similar to that of Blue Shield last summer. What makes Blue Shield's story somewhat different is, first, the fact that the company was an original participant in the continuing Detroit Public Schools "co-op" program and, second, the circumstance that as a non-profit corporation it did not undertake its program under any umbrella of government financial assistance or the restrictions of pre-planned rules.

Blue Shield would work "loose," as the 45 would say, and it had the benefit of 10 years of prior experience in usefully absorbing completely inexperienced young people, if entirely different kinds of young people, into its work force.

There are always 40 to 50 "co-op" at Blue Shield, going to school half time and working half time, and many have stayed with the company after graduation, some reaching supervisory positions. Youngsters, and underprivileged youngsters, are nothing new at Blue Shield. The difference is that the "co-op" are almost always anxious to make it. Most of the 45 had given up, if they ever really had a chance to start.

The first 15 of the 45 came at the end of May. Number One was 17 years old. He had 13 brothers and sisters and was on two years probation for breaking and entering and quit school in the tenth grade. Number Fifteen was almost identical in background, including the probation status, except that he had only nine brothers and sisters. Both family incomes were below the $3,000 level.

Here are some excerpts from some of the papers of the rest of the 45.

"Male, 16, family on ADC since 1964, father hospitalized past two years, four other children with allergy problems . . . Male, 17, history of truancy, quit in eighth grade, referred by policewoman who has helped mother, father said to be in California . . . Male, 16, on probation since he was 13 for breaking and entering, has been forced away from home . . . No father, has tried to stay in night school and help supplement ADC, 17 . . . Age 16, very slow learner, six brothers and sisters, father gone, minor police record . . .

"On probation for assault and battery in purse snatching, 16 . . . Age 18, parents 'missing,' taken in by grandmother, no income, will need even bus fare . . . Father blind, two years probation A&B, 10 days Whitmore Lake . . . Girl's age 18, has child, not married, father dead . . . Ward of court, father at Northville, mother incapable of care . . . Has record of car theft, possession of marijuana . . .

"Father on trial for manslaughter . . . Age 17, seven in family, father left, record of robbery, carrying concealed weapon . . . Age 18, father of twins, not married, police contact for suspect B&E."

And on.

Blue Shield began planning its program last March, and McCabe told a special meeting of his vice-presidents and managers that this was to be no pleasant little do-gooder exercise but an honest exposure to gainful, steady employment for the participants, on one hand, and an equally honest exposure of management to "unemployables," a term Blue Shield never used, on the other.

A tough-minded young (29) black man, James Jackson, Jr., manager of Blue Shield's Eligibility Adjustment Department, was named project manager, and a just-as-tough-minded young (32) white man, Joseph M. Lughermo, assistant manager of Management Development and Training, a former Roman Catholic priest with strong social convictions, was assigned to plan and coordinate the program.

"We are not going to solve any big problem here," Jackson and Lughermo agreed, "but we are going to get a look at it ourselves and we are going to give these young people a fair chance.

"We are in the business of community service, and that means community involvement. These people are a part of that community, a growing part, and let's see what we can learn."

They called the effort "Project 40," intending to employ 40 people. Recruitment was made through some two dozen persons with ghetto contacts who sent in 45 persons instead of 40, but by the time the recruits came the Blue Shield people were too busy to bother changing the name. The company accepted all 45.

Long before the first person was hired, Blue Shield managers and supervisors were studying the ghetto and ghetto thinking, not only in books and articles but in after-hours confrontations across their desks. One man or woman would play the role of the Establishment at those, while another played "unemployable." Both wore dime store Halloween masks to avoid personalities, and they exchanged views not in soft debate but in screaming shouts. The nitty-gritty in the academic articles came through.

Meanwhile volunteer permanent employees were trained to act as "Big Brothers" to the 45. There was no Orwellian dictatorship in this concept. The idea was, rather, to be sure that each of the 45 had a friend in the house who knew something about him or her, who could loan him lunch or haircut money.

Big Brothers played the mask game, too, and they took (and 80 percent flunked) intelligence tests based upon ghetto language and ghetto values, with questions like Whether or not a "gas head" is a person who had a "stable of lace," and what is facing down if the dice show a seven up and what does a "short dog" cost?

The Brothers had many duties. There was the matter of how and where to cash that first check, for example, how to budget bus fare and lunches and get used to the idea that the same amount was going to come round again next pay, and you could count on that, but not to count on anything else. And what was Social Security, on the paying end, and withholding tax?

Wednesday was the first work day, so that there could be a quick pay Friday, and the usual business practice of holding back the first week's pay was not followed. The first day was spent meeting the Brothers and "rapping" over coffee, getting some basic orientation as to what Blue Shield was all about and filling out the most simple employment forms which Blue Shield's personnel department could devise (even so, one of the recruits looked at the blank spaces on the form and fled in fright, to be coaxed back next day by his Brother who found him hiding at home). There were no Horatio Alger promises.

Blue Shield spread the 45 carefully through 14 departments, not the departments in which their Brothers worked, seeking individual attempts at adjustment, although the Brothers were kept informed by individual managers. One expected type of trouble started fast.

That trouble was boredom. The business of Blue Shield is the processing of records which result in payment for health care. In its volumes of millions of these each year, it is easy for even veteran employees to lose sight of the fact that each bit of paper represents a human experience, and often misery and rescue. That transfer of concept was impossible for almost all of the 45, at first.

"Look," a 17-year-old told his Brother at a coffee break, "on the street at night there is noise and things are going on, people moving around and doing exciting things. You don't know just what is going to happen next.

"Now I got to sit here and shuffle papers where I can see that clock, and it is so quiet I can even hear it, and you damn well know exactly what is going to happen every minute. Hell yes, I got trouble coming back the next day. I even got trouble coming back from lunch."

There was trouble, also expected, in such simple matters as why you had to be on time or why the office had to be open the same hours every day, and even why you had to stay awake when you were sleepy.

One young man's manager finally told him he had to stop nodding off or be fired, and the young man did stay awake at work for several days and then sought out his Brother with a grievance.

"I been staying awake and no one even congratulated me," he said. He was congratulated. Then it was all right.

There was trouble which was not expected, including some crime, although none occurred in Blue Shield offices. One ridiculous instance was that of three young men who celebrated the Fourth of July a few days early by setting off firecrackers. The trouble was they were using them to try to blow open a public telephone coin box. The Brothers were able to help the 16-year-old involved obtain probation, but the older ones were jailed.

There was crime not committed by the young and not ridiculous. One young man's father killed a woman in a crime of passion, and was himself gravely wounded, and although he had not seen his father in 10 years the young man asked his Brother to help him find his mother, who was also "missing," and visit the father. And this was done.

There was one young man near the breaking point, under the pressure of poverty and responsibilities too old for him before he was hired, who did break shortly after. Not only his Brother but his fellow employees in his department sent get well cards and letters to him in his psychiatric ward, and contributed money for gifts. He is recovering.

There was one militant who chose chicken pox as an excuse not to come to work but who, his Brother reported, was really being pressured by the Black Panthers to "bust up" the Blue Shield project. He said he could find no reason to do that, but he decided to stay away. The Brother offered to take him to an Ann Arbor sit-in to see white and blacks not much older than he in common cause, but he refused. Eventually he quit to take a job with another activist organization—but he refused to disrupt the Blue Shield program.

There were successes, many. Blue Shield offered employment to 21 upon conclusion of training. It had discharged 11, as mentioned, mostly for repeated absence. The rest had left for various reasons such as a family move, to enter military service, a pregnancy, another job, the boredom mentioned, or, and certainly a success, to return to school.

Eleven of the 21 accepted the offer. Five of these have left in the ensuing months, all discharged because of poor attendance, and again it was boredom and inability to adjust to routine which was chiefly responsible. Two, by the way, want to come back, and possibly they will be employed.

Many lessons were learned and McCabe is considering how best to apply them to this year's program. Probably Blue Shield will attempt to secure more young women (90 percent were male last summer) and more white youths (almost all were black).

One big lesson comes from the evaluation Blue Shield people made of the 45. Earlier you saw some background sketches of participants which came from their actual records, but their on-the-job evaluations had contrary terms such as:

"Eager to please but does not understand . . . He is beginning to look farther forward than tomorrow morning . . . Bright and adaptable but wants variety . . .

"Finally believed we were honestly interested . . . Got the idea that what she did made a difference . . . Saved $150 in the Credit Union and discovered a new life . . . Did an excellent job once he understood how the parts fitted together . . . Came in with a hell of a hangover but stuck to it."

An incidental: the Brothers who loaned recruits money have been almost completely repaid, with no pressure.

An incidental: some, such as the young man who was complained about because of dress and because "he reeks," became Dialed dandies.

An incidental: those who stayed have been as completlely absorbed as are the "co-ops" and are taking part in such employee activities as the Ski Club. Some brought in canned goods for the Christmas charity basket drives.

What is success and what is failure?

"Success is such a relative term," McCabe said, "and sometimes it conflicts with failure.

"We failed, perhaps, in the young man we lost to the psychiatric ward, but we succeeded when his mother called at what must have been considerable bravery and said:

"Thank you for what you have been doing for Mitch. He never had anyone to talk to, before."

Mitch may be back. Whether he is or not, others will.

And possibly the greatest success of all is the fact that this time the Brothers in Blue Shield know a great deal more about what they are going to do and why, even to congratulating a young man on staying awake.

Lughermo put it this way:

"Bridging the gap, many of the managers and personnel staff found that they were learning along with the dropouts. They were learning, of course, what would work and what wouldn't, but also, as they learned about the world and problems of the hard core dropout, they experienced a change in their own expectations and approach.

"What motivates the hard core? It becomes more evident that those who failed did not see much point in succeeding, because they had never tasted success. Where they do succeed, it is so, basically, because they personally see some point to their working."

THE PASSENGER SHIP LAYUP IS A TRAGEDY FOR AMERICA

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PUCINSKI. Mr. Speaker, in a very timely and excellent article written by Mr. Joseph Curran, president of the National Maritime Union, he quite properly points out the dilemma we face in letting our passenger ships remain idle.

To keep our country strong and great we need, among other things, a strong merchant marine. Mr. Curran discusses with clarity the problems facing the merchant marine and offers the National Maritime Union's program for solving these problems.

Mr. Speaker, I would like to call to the attention of my colleagues Mr. Curran's article, as follows:

THE PASSENGER SHIP LAYUP IS A TRAGEDY FOR AMERICA

(By President Joseph Curran)

As we write this column we are approaching the end of 1969. It was a year in which NMU faced tremendous problems and we demonstrated beyond any question our Union's strength, unity and ability to move forward as long as we remain united.

But 1969 also was a year of tremendous problems for the American merchant marine. Those problems have not been solved and they will not be solved until the growing threats to jobs and security of our American seamen have been met.

The great tragedy we face right now, of course, is the layup by our companies of all the passenger ships except the Grace Line Ships. None of the companies have been able to justify this arbitrary and destructive action. They prattle away about "competition of airlines," "high labor costs," "cut rate competition from foreign lines"—but none of the companies has demonstrated any sincere desire to work out a solution to the problems and find a way to keep these great ships operating.

THE AMERICAN FLAG BOWS OUT

It is a ridiculous situation. Here we have a big and booming ocean cruise industry out of American ports with tremendous promise of expansion for years to come—and the American flag is bowing out.

Every maritime country in the world is building passenger ships to take advantage of our cruise industry—and the American companies tell us nothing can be done.

One of the countries building fastest and biggest for cruise operations is the Soviet Union. They know the "luxury" ships (1) bring in millions of dollars to strengthen their trade balance, (2) form a reserve fleet for the Red defense forces that adds tremendously to their power and (3) these ships with the Hammer and Sickle at the masthead will convince millions of people around the world that the Soviet Union is big and strong and really knows how to live. Wherever there is a world's fair, Olympic games, great international conferences, you will find at least one Soviet passenger ship used as a showplace by the Soviet delegations.

And yet the United States, the greatest nation on earth, champion of the free enterprise system—our nation lets these great ships lie idle. The companies responsible for them act like they cannot put into effect a single constructive idea. The ideas that are put forward from the few dedicated individuals in the companies and from the unions have been stalled. Every obstacle has been put in the way of these ideas.

Our Union has fought for years to make the companies take a constructive attitude toward these ships. We have developed ideas for them; we have made adjustments; we have made every effort to get some positive cooperation from the companies on their passenger ship problems.

We never hesitated to go before our membership and tell them the facts of life. Yes, we had our problems in our own ranks with so-called dissidents who had no interest except to cause disruption and division and aimed most of their disruption at the passenger ships. But that never stopped us from making adjustments if that had to be done and a company gave us some solid indication that it sincerely wanted to keep its ships sailing. But for the most part the companies showed very little willingness to cooperate on passenger ships; they showed very little sincerity about keeping them sailing and this is particularly true of U.S. Lines.

THE WORST OF THEM ALL

United States Lines has been the worst of them all. Since that company was taken over by the Walter Kidde interests, the only impression we can get is that the new owners are looking for a windfall by liquidating the company. In the kind of mixed up economy these conglomerates operate, they seem to have found ways to make money by wrecking companies and everything we've seen since Kidde came into the picture indicates that the company has little or no interest in continuation of this very important steamship company, the U.S. Lines.

One important indication is the fact that U.S. Lines has made arrangements for the 20-year time charter of their modern automated container fleet. This is a time charter, so the ships will continue as U.S. Lines and NMU contracts will not be disturbed. But a shipping operator who has real plans for the future would not let his best ships work for a competitor, as U.S. Lines wants to do.

U.S. LINES DID NOT WANT SUBSIDY EXTENSION

In the case of the "Big U," the company did not consult with us about how it could solve its problems. It did not tell us what economies it felt were needed and try to work something out. Mr. McMullen, the head of U.S. Lines, just went to the Maritime Board and declared the company would need a crew reduction of at least 30 per cent plus an increase in its operating subsidies from the present 62 per cent to at least 92 per cent to break even! The company didn't want an extension of its subsidy on the ship, it was just going through the motions and wanted to make sure the Maritime Board could not approve.

When the Maritime Board threw up its hands, McMullen quickly announced the cancellation of cruises of the United States, pleading that the company could not get the help it needed from the government.

High finance is not our business. We are concerned about jobs and the people who work at them and the ability of this country of ours to remain strong and free. We don't expect Walter Kidde or U.S. Lines or any of their officers to know about those things, that isn't their business. But there are many dedicated people in the companies, sincerely anxious to do a job for passenger ships. They have ideas, know-how, dedication. They have been prevented from using their talents in most cases by the money men at the top who care about nothing but the profit-and-loss figures at the end of the year.

There is only one way to get the companies to take a constructive attitude—that is for the administration in Washington to insist that they fulfill their responsibilities and get the passenger ships back in operation.

THE MARITIME UNIONS PROGRAM

The maritime unions have projected a program calling for a tri-partite partnership—companies, unions and government—to operate the bulk of U.S.-flag passenger ships as a single company. This would mean great savings in overhead for the companies; it would mean more effective management, new ideas, new methods, etc. It would mean a company that could go out aggressively and capture a fair share of the American cruise market for American-flag ships.

The unions have agreed to negotiate separate passenger ship agreements which would represent great savings to the companies in such an operation.

As for the government, it would have to lift the restrictions on the ability of these ships to cruise. Some added assistance by government in the form of waivers of mortgage interest and promotion of cargo and passengers and this could be a going operation.

That is the kind of thing that is needed to save these ships and save our country from the ridiculous situation of having to tell the world that we cannot provide this kind of service for our own people. This is something our government ought to consider very carefully.

The government has been pleading for cooperation of Americans in strengthening our international trade balances—and yet we allow a situation in which our country destroys thousands of American jobs and cuts itself out of this great ocean cruise market, making our own citizens pay millions of dollars to foreign companies for inferior service.

We set strict standards of safety for American-flag passenger ships because we believe our people should be protected against such tragedies as the Yarmouth Castle, the Andrea Doria and others and yet we make it impossible for thousands of Americans to sail on anything but floating firetraps.

We invest billions of dollars in preparation for any conceivable emergency anywhere in the world and yet we deny our military a reserve of transport ships which were the first thing the Pentagon turned to when they thought we would have to invade Cuba during the missile crisis just a few years ago.

CONTRADICTORY PROGRAMS

We spend billions to develop new job opportunities and eradicate discrimination and yet we deliberately and violently collapse an industry that provides thousands of jobs, that has for long years past provided an example for this nation and the world of how people of all colors, religions and national backgrounds can live and work together, doing a job around the world that builds pride and confidence in our nation and in our way of life.

This free enterprise system and this free government of ours can do better than this. They must do better. The administration tells us the single-company proposal for passenger ships is still "under study." We are sure

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they will have to decide it is a sound, workable and necessary solution to a very serious problem.

In the meantime, every member can be sure that our Union is now working to develop every possible resource in industry, in the community and in government to get action in this situation. We are not overlooking anything that offers any constructive possibility. Every member in every part of the country and on every ship also has to work in every way to make this problem known. Talk to or write your Congressman and Senators, governors, mayors, local veteran and community groups, etc.

We are going to have to make some sacrifices, make no mistake about that, in order to get the passenger ships sailing. We have made clear that NMU is ready to. We are going to determine what has to be done and we are going to come to you, the membership, and put the facts on the line. The licensed officer unions, too, have expressed their readiness to make adjustments. We have no doubt about what the response of our membership will be. NMU members have never ducked their responsibilities. Just let the government and the companies fulfill their responsibilities the same way the seamen are ready to fulfill theirs and the American flag can take its place again in this service which promotes respect and understanding around the world.

NIXON'S MARITIME PROGRAM

As for the program outlined by President Nixon for the rest of the merchant marine, it is a ray of hope—the first in a long time—but it is going to take plenty of battling to make that hope a reality.

The administration knows by now that our organization and our members can provide tremendous dedication and service in the rebuilding of the U.S. merchant marine. We ask only that other parties—government and industry—demonstrate comparable dedication and service and that they give up any idea that the U.S. merchant marine can be rebuilt on the blood and sweat of seamen alone.

We don't want to paint a dismal picture at the start of the new year. But we want everybody to know that NMU is going to have to fight next year and right on in the '70s the same way we have fought since we began in the '30s.

EVERY MEMBER MUST CARRY THE MESSAGE

In the years to come, our membership has to be more united, more active, better informed than ever before. Every member has to help carry the message about the opportunities our country is missing home to every public official—national, state and local.

A good deal of time and energy in recent years had to be devoted to defending the Union against a vicious and unprincipled attack. A handful of irresponsible dissidents were used by enemies of the Union and this hampered the program to defend jobs. Now we must make up for lost time.

We must recognize our responsibilities as a Union in the solution of the immediate problems of all our members and in the larger problems that affect our communities. NMU has always had an influence in the nation and in our communities far beyond what our size seemed to justify. That is because we have been true to the principles our Union was founded on—serving our membership and serving the community; never making any concessions to bigotry and hyprocrisy; never letting ourselves be turned off course.

As we go into the 1970's with the great battles we now face let us resolve to continue on that true course. For myself and my fellow officers, the best of the New Year to all our members and their families.

EAST DOES MEET WEST IN HONOLULU KABUKI PLAY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. MATSUNAGA. Mr. Speaker, an eight-performance run of the famous Japanese Kabuki drama, "Sukeroku, Flower of Edo," opens tomorrow, January 30, at the University of Hawaii's Kennedy Theater.

The unique feature of this event is the fact that a Caucasian, Ken Frankel, will be playing the leading role in the Kabuki drama—regarded by many as the most exacting of the ancient traditional Japanese arts. This indeed illustrates that East does meet West in Hawaii.

Ken Frankel has just recently celebrated his 27th birthday; however, the brilliant young actor is already an authority on Japan, its culture and its language.

In a recent interview with Honolulu Star-Bulletin entertainment editor, Ben Wood, Frankel said he felt that he was doing the "impossible" by playing the lead in one of the greatest Kabuki dramas ever written. He commented that:

> Hawaii is the only place where a Caucasian can perform in the Kabuki under perfect conditions . . . I mean directions, costuming, make-up and technical assistance.
>
> We have all of this here at the University of Hawaii and the East-West Center. Under the International Technical Interchange Program, a specialist in, let's say, Eastern lighting comes to the East-West Center to learn the Western style. We help him (achieve his goal) and he helps us with our Kabuki.
>
> I, a Caucasian, am doing the impossible now by playing the lead in one of the greatest Kabukis ever written.

I believe my colleagues and others devoted to the arts will enjoy reading more about one who has achieved the "impossible" dream—Hawaii's Ken Frankel.

I, therefore, take pleasure in inserting in the CONGRESSIONAL RECORD the feature article, "Caucasian Playing Kabuki Drama Lead," from the Honolulu Star-Bulletin of January 20, 1970:

CAUCASIAN PLAYING KABUKI DRAMA LEAD

(By Ben Wood)

Ken Frankel feels that he is doing the "impossible" by playing the lead in a Kabuki drama.

"Hawaii is the only place where a Caucasian can perform in the Kabuki under perfect conditions," Frankel said. "By perfect conditions, I mean directions, costuming, make-up and technical assistance.

"We have all of this here at the University of Hawaii and the East-West Center. Under the International Technical Interchange Program, a specialist in, let's say, Eastern lighting comes to the East-West Center to learn the Western style. We help him (achieve his goal) and he helps us with our Kabuki.

"I, a Caucasian, am doing the impossible now by playing the lead in one of the greatest Kabukis ever written.

"This one is being done technically correct, exactly as it would be done in Japan."

"Sukeroku, Flower of Edo," is the English title of the drama which will open an eight-performance run at the University's Kennedy Theater Jan. 30. James R. Brandon is directing.

"This is probably the most famous property of the Ichikawa Danjuro family," Frankel said. "We've been rehearsing since the start of December."

The actor, who will be 27 two days before the play opens, admits he is nervous as well as excited over his role.

"At one part I do a six-minute dance all alone on the hanamichi, the pathway into the audience. Yes, I'm nervous."

Frankel became interested in Kabuki after graduating from high school in Newport Beach, Calif., in 1960. Before leaving for Carnegie Institute of Technology in Pittsburgh, he saw and was impressed by a performance of the touring Azuma Kabuki troupe.

Frankel studied acting and directing at Carnegie Tech and wrote a term paper on Kabuki in his sophomore year.

"I read every book on Kabuki I could find and was soon an authority on the subject in Pittsburgh. I got to know more about it than the professors.

"That summer I visited Japan and I studied Noh drama as I had studied Kabuki. I lived with a Japanese family in Kyoto and had to learn the language, as they spoke only Japanese.

"I learned the Noh dance, chanting, and began to learn something about Japanese culture and aesthetics. For example:

"The elegant style and simple movement, getting the most out of movement; the tea ceremony; flower arranging; how to tie the obi; I studied temples and learned how to throw (make) pottery. All of this helped me in the theater."

After graduation from Carnegie Tech in 1964, Frankel came to Hawaii and became a graduate assistant at the University.

"I studied under Dr. Earle Ernst, one of the foremost authorities on Japanese theater, especially Kabuki."

Frankel perfected his Japanese so well he was able to land a job on KZOO, a Japanese radio station.

He later switched to KOHO, where he had his own show, and was an announcer for KAIM.

Frankel is now publicity director for the Honolulu Symphony Society and is writing a thesis for a master of fine arts degree on Shingeki, another form of Japanese theater.

"I started with the traditional and have now moved into the modern Japanese theater," Frankel said.

He had roles in 33 main stage and experimental theater productions at the University.

"Acting to me is an awful lot of fun," he said.

PROTEST POLITICAL ACTIVITIES BY TAX-EXEMPT ORGANIZATIONS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. BLACKBURN. Mr. Speaker, many times I have come before this body to protest political activities by organizations that are tax-exempt under section 501(c) of the Internal Revenue Code of 1954. One of the clearest examples of this misuse of the tax-exempt privilege is being carried on at this very moment.

As all Members of this body are aware, there is a great deal of controversy over President Nixon's veto of the HEW-Labor Appropriations Act. Also, it is a well-known fact that one of the organizations leading the opposition to President Nixon's veto is the National Education Association. This group is tax-exempt under section 501(c)(3) of the Internal Revenue Code. The National Education Association, the National School Board Association, and the American Federation of Teachers—AFL–CIO—have combined to pool their funds in order to fight President Nixon's veto. These funds are all being channeled into a group called The Emergency Committee for the Full Funding of Educational Organizations. I would like to again bring to the attention of the Members of this body the fact that the Internal Revenue Code specifically states that tax-exempt organizations shall not use a substantial part of their funds in promoting legislation or propaganda. I feel that this activity of the National Education Association is clearly in violation of this section of the code.

Furthermore, I would like to bring to my colleagues' attention a Congressional Contact Procedure Sheet, which was issued by the emergency committee. This procedure sheet gives detailed information on how groups are to attempt to intimidate and influence Members of Congress. Furthermore, the emergency committee has had the audacity to instruct their members to request the Members of this body to be absent from the voting on the veto if their position is unfavorable to that of the emergency committee.

Second, the Internal Revenue Code specifically states that tax-exempt organizations shall not engage in any activity for or against any candidate for political office. August Steinhilber of the National School Board Association, which is a tax-exempt organization, and a member of the emergency committee, was reported in the Wall Street Journal of January 20, 1970, as telling his members to "remind your Congressman that the veto override vote is a record vote which will be circulated in the State." It is quite obvious that the emergency committee intends to use any Congressman's vote which is unfavorable to their position against him in the next election. This is most clearly in violation of the law. I have contacted the Commissioner of the Internal Revenue Service, the Honorable Randolph Thrower, concerning these activities and requested that he investigate the political activities of the National Education Association.

Finally, Mr. Speaker, I would like to insert a copy of the tax return of the National Education Association for 1967. When examining this document you will see that it in effect is nothing more than a blank return. In the return, the NEA does give an explanation of its political activities by stating that it "suggests ways by which these individuals may express their opinions on the matter at hand." However, when one examines the NEA's activities with regard to President Nixon's veto, we see that this organization is doing more than "suggesting."

For the information of my colleagues, I am hereby inserting into the RECORD a copy of the Congressional Contact Procedure Sheet and the article which appeared in the Wall Street Journal. I hope that all Members of this body will have the integrity to stand up against this most blatant form of political arm-twisting:

HOW EDUCATORS BUILD SUPPORT IN CONGRESS FOR FATTER SCHOOL AID—THEY DRAFT A BILL, ORGANIZE PRESSURE FROM HOME, GET LAWMAKERS TO FLOOR TO VOTE—VETO WILL POSE CRUCIAL TEST

(By Norman C. Miller)

WASHINGTON.—At 7:30 a.m. tomorrow, 40 or more persons will gather for a breakfast meeting in the National Education Association building cafeteria here. In this unpretentious setting, they will plot final tactics for an extraordinary campaign to bend the President of the United States to their will.

The men are lobbyists for education groups that are applying intense pressure on Congress to add nearly $1.3 billion to the budget of the Department of Health, Education and Welfare. Disregarding President Nixon's unqualified promise of a veto, the Senate seems certain to give final Congressional approval, probably today, to a $19.7 billion appropriations bill containing the extra school-aid money the education lobby demands.

The subsequent veto will provoke a dramatic battle, probably next week when the Democratic-controlled Congress attempts to override the President. Education lobbyists already have opened a high-pressure drive to corral the necessary two-thirds vote.

"The kind of pressure I'm getting from Illinois is absolutely fantastic," says GOP Sen. Charles Percy of that state. "I think I've heard from every school board and school district in the state."

WELL-ORGANIZED AND POWERFUL

Still, Sen. Percy says he intends to vote to sustain a veto, because he agrees with the President's argument that inflation is an overwhelming threat. As the Percy intention indicates, the odds favor the White House. But Nixon lieutenants say they have no easy job. "We are facing a superbly organized and very powerful lobbying group," says Bryce Harlow, chief White House lobbyist.

The immediate battle centers on the House because it will act first on the veto. Whatever the outcome, Congress and the Nixon Administration seem headed for continuing combat over the school-aid issue. It is a prime symbol in the increasingly partisan debate about "reordering priorities," with Democrats charging the President with skimping on education while Republicans retort that the need to control inflation is paramount. The pivotal role of education lobbyists and their union allies in this struggle—from its little-noted inception nine months ago to its blossoming as a major national issue—is a classic example of how a well-organized lobby influences legislative policy.

Key education lobbyists have done everything from drafting the controversial money bill to hauling some Congressmen out of their offices and delivering them to the House floor to cast crucial votes for the educators' package.

In the first place, the lobbyists shrewdly concocted a package that added a sort of pork-barrel allure to the general Congressional interest in education. In the basic package, which has since been expanded, the lobbyists tied together $895 million for several education programs to be added to the Nixon Administration budget request. They thereby dangled a promise of more money for schools in almost every Congressional district even though almost half the total was allotted to one long-entrenched program that even some of the lobbyists admit has doubtful merit—special aid to school districts with large concentrations of Federal employes.

FORMING A COALITION

Over 80 education groups and allied organizations, including the AFL–CIO, formed a coalition to push the package through Congress. The cause even brought peaceful cooperation between the oft-warring National Education Association and the American Federation of Teachers. The coalition's success in organizing intense pressure from teachers, school administrators, librarians and college trustees was the key to this campaign.

In the current confrontation, which was signaled just before Christmas when President Nixon announced his veto plan, each group in the coalition urged its state and local units to begin prodding lawmakers while they were home for the recent three-week recess. A memo circulated by August Steinhilber, lobbyist for the National School Board Association, was typical:

"Remind your Congressman the veto-override vote is a record vote which will be circulated in the state. . . . Send out press releases on what Federal cuts will mean in terms of increased local property taxes, the dropping of programs etc. . . . Send me a list of school board members or association staff members who can be wired if there is a need to flood Washington with people in favor of education."

PICKING THE TARGETS

Washington will indeed be flooded with school people from around the country to pressure House members before the showdown vote on the veto. They'll descend on the Senate too, if the bill gets through the House.

At tomorrow morning's meeting, the coalition's professional lobbyists will swap reports from the field on what lawmakers have told educators who have contacted them back home. Then they'll decide which Congressmen need further pressure. The 86 Republicans who voted for the bill in December are sure to be targets. Among these are men who have been close to school organizations: John Dellenback of Oregon, William Steiger of Wisconsin, Marvin Esch of Michigan and Albert Quie of Minnesota.

Special effort will be made to import educators from the districts or the states of shaky Congressmen. William Simmons, assistant superintendent of the Detroit school system, is organizing a contingent of big-city educators to come to Washington. The total goal is to bring in at least 435 educators, one for each House member. In anticipation of a House vote next week, the plan is to have the out-of-town group assembled here by Sunday.

Specific assignments will be handed out at a briefing session planned for Sunday night at the Congressional Hotel near the Capitol. The big group will be split into lobbying teams of a half-dozen persons, each including representatives of key parts of the coalition, such as teachers, librarians, college and school administrators. The teams will begin calling on Congressmen Monday.

The professional lobbyists will brief the amateurs on how to make their pitch. One pro's advice, boiled down, goes like this: Stick to facts. Show him the importance of the funds in specific cases back home. Ask for a specific commitment, but don't threaten him. If you get nasty, you'll only make him mad. But impress on him that this is one vote that is going to be remembered back home."

The lobbying teams will give written reports on lawmakers' positions to coalition headquarters in the Congressional Hotel. Ken Young, one of the savvy lobbyists on the AFL–CIO's staff, will analyze the reports, deciding which Congressmen seem firmly committed for or against and which might be won over with further persuasion.

Charles Lee, a specialist in education leg-

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islation who's the coalition committee's only full-time staffer, will supply data aimed at swaying hesitant Congressmen. A lawmaker particularly concerned about higher education, for example, will almost surely hear a Lee-inspired claim that "over 135,000 students won't be able to get loans they need to return to college for the spring semester unless the bill passes." (The message includes an unbudgeted $40.8 million for student loans.)

SHOWING UP TO VOTE

Mr. Young will head the effort to make sure that all lawmakers who say they support the bill show up to vote. But since it will be a roll call vote, on a heavily publicized issue, most members doubtless will show up without urging. Thus, Mr. Young doesn't plan to set up an elaborate "whip system" like the one that helped give the education coaliation its first major victory in the House last July. (Actually, he will be trying to deter some lawmakers from voting, sounding out sympathetic conservatives who feel they can't vote against the President to see if they can arrange to be absent.)

Then, as frequently happens in the House, the problem for the educators was that the crucial votes were non-roll call votes occurring on short notice in a confusing parliamentary situation. Senior members of the powerful Appropriations Committee strongly opposed the $895 million package amendment.

To avoid antagonizing powerful committeemen, it's common for House members who ostensibly support a higher appropriation to miss non-roll call votes or even vote the other way. Consequently it's extremely difficult to defeat the committee during the often lightly attended amendment process.

But Mr. Young organized an operation that left Congressmen who had promised to support the educators little excuse to miss important votes. He stationed one or two men in a friendly lawmaker's office on each floor of the three House office buildings. Each agent had a list of the nearby lawmakers who had promised to vote the educators' way.

PASSING THE WORD

Mr. Young, keeping tabs on House-floor action from a corridor outside the House chamber, had an aide in a nearby telephone booth holding open a line to coalition headquarters. When a vote neared, Mr. Young passed the word to headquarters aids who, in turn phoned the agents in the House office buildings. Then these people dashed into offices to urge the Congressmen to rush to the House chamber to vote.

Arriving on the floor, any of these lawmakers who might have been tempted to vote with the Appropriations Committee, against the education coalition, were quickly discouraged by a glance at the galleries. There the coalition had stationed many of the 300 educators who had come to Washington. Thus, the lawmakers had to line up for "teller" votes, for or against extra school money, under the scrutiny of educators from home.

"We made some eleventh-hour conversions to the cause right there," says Mr. Lee.

By comfortable margins, a series of votes nailed the $895 million package into the bill in a victory that astonished veteran House members. "Our committee on appropriations has been rolled for more money than I can recall in my 14 years as a member," lamented GOP Rep. Robert Michel of Illinois, a leader of the forces opposed to the package.

After that, it was easy to persuade the more liberal Senate to approve extra school money. Indeed, Senators voted still more increases for education and health. On the final bill, the $4.2 billion allotment for education went nearly $1.1 billion above the Nixon budget and health programs got an extra $200 million.

The education coalition's success to date guarantees that it will continue pressing for higher appropriations no matter what the outcome of the immediate battle. "We look upon this as a long-range project," says Stanley McFarland, a National Education Association lobbyist who's the chairman of the coalition committee.

Few thought the coalition could quickly become powerful when it was organized just last April. It was born out of the dismay of several education groups when the relatively austere education budget proposed by the Johnson Administration was cut by the Nixon team.

HIRING AN EXECUTIVE SECRETARY

Many lawmakers in both parties also considered the $3.2 billion Nixon budget too low. But there was little agreement on which programs should be increased. A half-dozen lobbyists for major education organizations, together with Mr. Young of the AFL–CIO, decided it was imperative to unite. They found widespread agreement when they broached the idea to other education groups. The coalition was dubbed the Emergency Campaign for Full Funding of Education Programs.

A key decision was hiring the affable Mr. Lee as executive secretary. A former staffer on the Senate Education subcommittee, "Charlie had worked with everyone without cutting anyone's throat," says one education lobbyist.

Working through friendly lawmakers Mr. Lee got the U.S. Office of Education to supply much of the data supporting the coalition's case for higher appropriations. At the request of Texas Democratic Sen. Ralph Yarborough, for example, the Office of Education compiled figures on certain actual and potential Federal education allotments in each Congressional district . . .

To emphasize its "nonpartisan" character, the coalition committee enlisted Arthur Flemming, HEW Secretary in the Eisenhower Administration, to testify before the House Appropriations Committee. Officially, the coalition asked for $4.6 billion for education, almost $1.4 billion more than the Administration had proposed.

Unofficially, coalition lobbyists were willing to settle for a good deal less. After consulting with key Congressional allies, they reached a political decision to reduce the proposed increase to below $1 billion. "When you go over $1 billion you're just asking for trouble," counseled Mr. Young of the AFL–CIO.

The elements of the package were put together with surprisingly little dispute. The biggest share, representing a $398 million increase over the Nixon budget, was assigned to the program providing aid to school districts "impacted" by high concentrations of Federal employees. Successive Administrations, Democratic and Republican alike, have attacked this program as a boondoggle, but it has irresistible appeal to lawmakers because it provides funds to schools in no less than 355 Congressional districts.

"We beefed up impacted aid for an entirely pragmatic reason," says Mr. Lee. "This is where you can get the votes."

A $131.5 million increase was allotted to vocational education, which has particularly strong backing among Republican Congressmen. Another $110.4 million went to various equipment and library programs commanding broad support. Higher education got $73.8 million for construction and student loans. Finally, $180.8 million was assigned to the aid program for school districts with large numbers of pupils from poor families.

After the $895 million package was ready, the lobbyists faced a crisis finding an Appropriations Committee member to manage it on the floor. They had been relying on Democratic Rep. Jeffery Cohelan of California, an Appropriations Committee member who had worked closely with them. But Mr. Cohelan was needed to lead a separate fight on a civil rights issue that had become entangled in the HEW money bill.

Democratic Rep. Charles Joelson of New Jersey was pressed into service, even though his contributions to floor fights had previously been limited to tension-easing quips. A few lobbyists spent all day Sunday briefing Mr. Joelson, and he managed well enough during the three-day tussle over the bill. The fight provided a grand finale to the Congressional career of the New Jerseyan, who retired recently to become a state judge.

The education lobby has paid a price for its success by antagonizing some powerful Congressional figures, including at least one who has a strategic position in all school legislation. Democratic Rep. Edith Green of Oregon, chairman of the House Education subcommittee, has deplored the rise of what she calls an "educational-industrial complex" to pressure Congress.

Mrs. Green charges that corporations and consulting groups with a stake in the school market are the real powers behind the education lobby. "There is an inherent danger if we allow decisions to be made on the educational priorities of this country by the pressures of lobby groups that have a personal financial stake in the outcome," she maintains.

Mr. Lee of the coalition committee strongly denies Mrs. Green's charge. Less than 15% of the $53,000 the committee received in 1969 came from profit-making publishers or equipment makers, he says.

All the committee's $75,000 budget for 1970 will come from noncommercial education interests, adds Mr. Steinhilber of the National School Boards Association, who serves as treasurer of the emergency committee. This will cover Mr. Lee's $100-a-day fee and routine office expenses, he says.

FORM 990-A
U.S. Treasury Department
Internal Revenue Service

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX—1966
or other taxable year beginning June 1, 1966, and ending May 31, 1967

Section 501(c)(3)
of the Code

Please type or print. National Education Association of the United States, 1201 Sixteenth Street, N.W., Washington, D.C. 20036

Employer Identification No.
53-0115260

PART II: Part II information required pursuant to Section 6033(b) and other applicable sections of the Internal Revenue Code must be submitted in duplicate as part of your return. This part wil be made available to the public.

Line No.
1. Gross sales or receipts from business activities
2. Less: Cost of goods sold or of operations (attach schedule)
3. Gross profit from business activities

XUM

FORM 990–A
U.S. Treasury Department
Internal Revenue Service

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX—1966
or other taxable year beginning June 1, 1966, and ending May 31, 1967

Section 501(c)(3)
of the Code

Line No.
4. Interest
5. Dividends
6. Rents
7. Royalties
8. Gain (or loss) from sale of assets, excluding inventory items (See Instruction 8)
9. Other income (attach schedule.—Do not include contributions, gifts, grants, etc. (See line 17.))
10. Total gross income (lines 3 to 9, inclusive) (See schedule 1 attached)
11. Expenses of earning gross income from column 3, Schedule A

DISBURSEMENTS MADE WITHIN THE YEAR OUT OF CURRENT OR ACCUMULATED INCOME FOR PURPOSES FOR WHICH EXEMPT, AND ACCUMULATION OF INCOME

12. Expenses of distributing current or accumulated income from column 4, Schedule A
13. Contributions, gifts, grants, scholarships, etc. (See Instruction 13) (see schedule 2 attached)
14. Accumulation of income within the year (line 10 less the sum of lines 11, 12, and 13)
15. Aggregate accumulation of income at beginning of the year ( )
16. Aggregate accumulation of income at end of the year ( )

RECEIPTS NOT REPORTED ELSEWHERE

17. Contributions, gifts, grants, etc., received (See Instruction 17)
18. Less: Expenses of raising and collecting amount on line 17, from column 5, Schedule A
19. Net contributions, gifts, grants, etc., received

DISBURSEMENTS MADE OUT OF PRINCIPAL FOR PURPOSES FOR WHICH EXEMPT

20. Expenses of distributing principal from column 6, Schedule A
21. Contributions, gifts, grants, scholarships, etc.: (a) Paid out in prior years ( )
(b) Paid out within the year (See Instruction 21)

Schedule A—Allocation of Expenses (See Instructions for Attachments Required)

1. Item	2. Total	3. Expenses of earning gross income	4. Expenses of distributing income	5. Expenses of raising and collecting principal	6. Expenses of distributing principal
(a) Compensation of officers, etc					
(b) Other salaries and wages					
(c) Interest					
(d) Taxes					
(e) Rent					
(f) Depreciation (and depletion)					
(g) Miscellaneous expenses (attach sch.)					
(h) Totals					
		Enter on line 11	Enter on line 12	Enter on line 18	Enter on line 20

Schedule B.—BALANCE SHEETS (See instructions)

	Beginning of Year		End of Year	
	Amount	Total	Amount	Total
ASSETS				
1. Cash (See exhibit I, page 23, of attached report of independent auditors)				
2. Accounts receivable (See instructions)				
Less: Reserve for bad debts				
3. Notes receivable (See instructions)				
Less: Reserve for bad debts				
4. Inventories				
5. Investments in governmental obligations				
6. Investments in nongovernmental bonds, etc				
7. Investments in corporate stocks (See instructions)				
8. Mortgage loans (Number of loans ______)				
9. Other investments (attach schedule)				
10. Depreciable (and depletable) assets (attach schedule)				
Less: Reserve for depreciation (and depletion)				
11. Land				
12. Other assets (attach schedule)				
13. Total assets				
LIABILITIES AND NET WORTH				
14. Accounts payable (See instructions)				
15. Contributions, gifts, grants, etc., payable				
16. (a) Bonds and notes payable (See instructions)				
(b) Mortgages payable				
17. Other liabilities (attach schedule)				
18. Capital stock: (a) Preferred stock				
(b) Common stock				
19. Membership certificates				
20. Principal or other capital				
21. Reserves (attach schedule)				
22. Accumulated income or earned surplus:				
(a) Attributable to ordinary income				
(b) Attributable to gains from sale of assets				
23. Total liabilities and net worth				

1. Date of current exemption letter October 9, 1934, reaffirmed by letters of April 28, 1938, November 1, 1941, June 5, 1950.
2. Attach a detailed statement of the nature of your business, charitable, and all other activities. (See attached statement.)
3. Have you attached the information required by:
   (a) Instruction I? ☒ Yes ☐ No
   (b) Instruction J? ☒ Yes ☐ No
4. Have you filed a tax return of Form 990–T for this year? ☐ Yes ☒ No
   If "Yes," where filed?
5. In what year was your organization formed?
   In what State or country? (See attached statement.)
6. If successor to previously existing organization(s), give name(s) and address(es) of the predecessor organization(s) (See attached statement.)
7. If you have capital stock issued and outstanding state with respect to each class of stock—
   (a) The number of shares outstanding. No capital stock
   (b) The number of shares held by individuals
   (c) The number of shares held by organizations
   (d) The number of shareholders at end of year
   (e) Whether any dividends may be paid ☐ Yes ☐ No
8. If you acquired capital assets out of income, attach itemized list and amount thereof. (See attached statement.)

9. Have any changes not previously reported to the Internal Revenue Service been made in your articles of incorporation of bylaws or other instruments of similar import? ☒ Yes ☐ No
If "Yes," attach a copy of the amendments.

10. Have you had any sources of income or engaged in any activities not previously reported to the Internal Revenue Service ☐ Yes ☒ No
If "Yes," attach detailed statement.

11. Did you hold any real property for rental purposes with respect to which there is an indebtedness incurred in acquiring the property or in making improvements thereto or which was acquired subject to a mortgage or similar lien? ☐ Yes ☒ No
If "Yes," attach detailed statement.

12. Have you during the year either advocated or opposed (including the publishing or distributing of statements) any legislation, national, State, or local? ☒ Yes ☐ No
If "Yes," attach a detailed description of such activities and copies of any such statements.

13. Have you during the year participated in, or intervened in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office? ☐ Yes ☒ No
If "Yes," attach a detailed description of such activities and copies of any such statements.

14. After July 1, 1950, did—
The creator of your organization, or
A contributor to your organization, or
A brother or sister (whole or half blood), spouse, ancestor, or lineal descendent of such creator or contributor, or
A corporation owned (50 percent or more of voting stock or 50 percent or more of value of all stock) directly or indirectly by such creator or contributor—
(a) Borrow any part of your income or corpus? ☐ Yes ☒ No
(b) Receive any compensation for personal services from you? ☐ Yes ☒ No
(c) Have any part of your services or assets made available to him? ☐ Yes ☒ No
(d) Purchase any securities or other property from you? ☐ Yes ☒ No
(e) Sell any securities or other property to you? ☐ Yes ☒ No
(f) Receive any of your income or corpus in other transactions? ☐ Yes ☒ No
If answer to any question is "Yes," attach detailed statement unless previously reported. If previously reported, give year(s).

15. Do you hold 5 percent or more of any class of stock in any corporation? ☒ Yes ☐ No
If "Yes," you must submit the information required by the instructions for Schedule B.
☐ Yes ☐ No

National Education Association and its operating departments, Washington, D.C.

(Schedule No. 1, form 990–A, fiscal year ending May 31, 1967)

INCOME

Membership dues	$11,591,782
Life memberships	347,933
Grants, gifts, and contributions (see schedule 3)	3,255,326
Investment income	321,684
Sales of publications	2,252,632
Advertising	671,704
Annual exhibits and conventions	554,149
Other earned income	1,565,641
Sundry	377,346
Total	20,938,197

National Education Association and its operating departments, Washington, D.C.

(Schedule No. 2, Form 990–A, fiscal year ending May 31, 1967)

EXPENSES

Salaries, including employee benefits	$7,691,658
Travel, staff, officers, and committees	1,397,300
Printing and distribution of publications	3,902,974
Operation and maintenance of plant	540,342
Promotion and maintenance of membership	401,826
Operating expenses of divisions and other NEA units	956,433
Operating expenses of NEA departments	822,213
Special projects	3,914,913
Conventions and exhibits	707,613
Capital outlay	1,108,781
Miscellaneous	556,960
Total	22,061,013

NATIONAL EDUCATION ASSOCIATION, WASHINGTON, D.C.

(Form 990–A, fiscal year ending May 31, 1967—schedule of officers (instruction I) as at May 31, 1967)

NONCOMPENSATED OFFICERS

The following persons serve as officers of the National Education Association and most hold full time positions as teachers, superintendents, principals, college presidents, etc., in educational systems throughout the United States. Some are retired educators. They all serve without compensation, but are reimbursed actual travel expenses while traveling on official association buisness.

Braulio Alonso, Vice-President

Richard D. Batchelder, Immediate Past President

Lyman V. Ginger, Treasurer

EXECUTIVE COMMITTEE

Irvamae Applegate, Braulio Alonso, Richard D. Batchelder, Lyman V. Ginger, F. L. Schlagle, Mrs. Helen Bain, Alfred G. Cordova, Mrs. Thelma Davis, George D. Fischer, Mabel M. McKelvey, G. Baker Thompson.

BOARD OF TRUSTEES

F. L. Schlagle, Clarice L. Kline, Irvamae Applegate, Lois V. Edinger, W. W. Eshelman, A. C. Flora.

BOARD OF DIRECTORS

Irvamae Appelgate, Braulio Alonso, Richard D. Batchelder, Lyman V. Ginger, F. L. Schlagle, Mrs. Helen Bain, Alfred G. Cordova, Mrs. Thelma Davis, George D. Fischer, Mabel M. McKelvey, G. Baker Thompson, Frank Newel;

S. J. Whisenhunt, Mrs. Doris Ray, Maria L. Urquides, Mrs. Maxine L. Chapman, Wilbert Bolliger, Donald Morrison, Jesse D. Moses, George O. Staley, Mrs. Freda K. Walker, Thomas H. Pickens, Mrs. Bernice C. Niejadlik, George E. Glynn, Jr.;

Helen E. Samuel, H. Phil Constans, Jr., Mrs. Edna Tait, Charles L. Butler, Zach Henderson, Hubert V. Everly, Ezra H. Moore, Florence A. Cook, E. H. Mellon, Clifford H. Sweat, Herschel C. Heritage, Donalda Tillett, James A. Harris;

Mrs. Bernice L. Reida, Helen Case, Thedore R. Palmquist, Virginia H. Murrell, T. K. Stone, N. B. Hackett, Mrs. Grace Dodge, Thomas G. Bush, Elmer T. Hawkins, Joseph A. Letorney, Nelson L. Kreuze, Mrs. Lucile P. MacArthur, L. E. Mortensen;

C. E. Hayman, Mrs. Mildred Leaver, Julia B. Schmidt, Gladys V. Johnson, Howard F. Schroeder, Mrs. Marian R. Conrad, James M. Lynch, Jr., Kathryn E. Stilwell, William B. O'Donnell, Mrs. Catharine O'C. Barrett, James A. Cullen, Bert Ishee;

John Harding Lucas, Mrs. Anna L. Neese, Philip Rognlie, Jennie Leone Davis, Dickinson T. Guiler, Donald D. McIlroy, Garland Godfrey, Mrs. Lucy Ellen Wessling, A. Clair Moser, Henry J. Stoudt, G. Baker Thompson, James P. Walker;

Jose Joaquin Rivera, Mary A. Shea, Gladys Robinson, Mrs. Ellen Lee, Donald G. Sahli, Roy W. Wallace, Mrs. Louise Emmett, James T. Ogg, Mrs. Grace M. Scott, Moroni L. Jensen, Mrs. Mary B. Naylor, John B. Madden, Joseph B. Van Pelt;

Gerald L. Saling, John Terrey, John F. Montgomery, David E. Schulz, David G. Gates, Charl O. Williams.

COMPENSATED OFFICERS

Irvamae Applegate—on leave from St. Cloud State College, St. Cloud, Minnesota, to serve as NEA President for one year. Compensation at rate equal to her salary at St. Cloud State College was provided by the NEA.

William G. Carr—full time Executive Secretary, $50,000 annual compensation plus reimbursement of actual travel expenses when traveling on official business for the association.

Lyle W. Ashby—full time Deputy Executive Secretary, $29,250 annual compensation plus reimbursement of actual travel expenses when traveling on official business for the association.

National Education Association and its operating departments, Washington, D.C.

(Form 990–A, fiscal year ending May 31, 1967)

MARKET VALUE OF ASSETS—INSTRUCTION J

(a) Securities traded in over-the-counter market or on a stock exchange (approximate)	$4,633,236
(b) Other assets (estimated)	17,381,868
(c) Total of (a) and (b)	22,015,104

NATIONAL EDUCATION ASSOCIATION AND ITS OPERATING DEPARTMENT, WASHINGTON, D.C.

(Form 990–A, fiscal year ending May 31, 1967)

QUESTION NO. 2

All activities carried on are intended only to serve the purpose for which the Association was chartered by the Congress of the United States, that is, to promote and advance the cause of education and the effectiveness of education in the schools, including the elevating of the character and standards of the teaching profession and the improvement of teaching in the schools.

Research findings and studies of its divisions, departments, committees, commissions, etc., are used widely by teachers and school administrators in improving instruction and are made freely available to (usually on request), and are used by, city and state boards of education, city councils, state legislators, federal officers, members of Congress and their committees, the press and the public in connection with legislation relating to education improvement and economic programs to assure meeting the increasing need for qualified teachers.

NATIONAL EDUCATION ASSOCIATION AND ITS OPERATING DEPARTMENT, WASHINGTON, D.C.

(Form 990–A, fiscal year ending May 31, 1967)

QUESTIONS NOS. 5 AND 6

Organized in 1857, but first incorporated in 1886 under the general corporation laws of the District of Columbia; present corporation (declared to be a District of Columbia corporation) created by Act of Congress approved 1906, ratified by organization in 1907.

NATIONAL EDUCATION ASSOCIATION AND ITS OPERATING DEPARTMENTS, WASHINGTON, D.C.

(Form 990–A, fiscal year ending May 31, 1967)

QUESTION NO. 8

The following capital assets were acquired from income of life membership payments:

Land	$112
Building	1,108,669
Total	1,108,781

XUM

National Education Association and Its Operating Departments, Washington, D.C.

(Form 990–A, fiscal year ending May 31, 1967)

QUESTION NO. 12

The National Education Association speaks for more than one million professional educators and is interested in all federal legislation which may affect public education directly or indirectly.

Newsletters, pamphets, and other printed materials are sent regularly to local and state leaders of the Association and a select group of individuals representing allied interests. These materials explain the position of NEA on federal legislative proposals and enactments. In addition, an educational index of the Congressional Record is compiled daily for internal staff use and for the use of NEA officers and other educational organizations requesting it.

From time to time, as circumstances indicate, a one-page newsletter, the Flash, is sent to approximately 1300 persons within the Association or other related organizations to report current developments and to suggest ways by which these individuals may express their opinions on the matter at hand.

The Association's legislative program derived from goals promulgated annually by its Representative Assembly is conveyed to the Congress and to the federal agencies. This was accomplished this year by the distribution of the Association's pamphlet entitled, 1966–67 Federal Legislative Policy (copy attached). Any statements made to the Congress during the year in opposition to or in favor of specific legislation were made at the request of members of Congress. The NEA professional staff consults with members of Congress, the committees and their staffs, at their requests, to present the Association's views of pending legislation and offer information on issues of concern to the teaching profession.

From time to time, the Association is asked to present testimony at hearings on pending legislation. In response to such requests, members of the headquarters staff and NEA members who are specialists in certain fields often file statements or present oral testimony before House and Senate Committees.

National Education Association and Its Operating Departments, Washington, D.C.

(Form 990–A, Fiscal Year Ending May 31, 1967)

QUESTION NO. 15

(Information required by instructions for Schedule B(1))

(a) Educators Fund Management Corporation common capital stock (voting).

(b) 500 shares owned at beginning and at end of year.

(c) 2,665 shares outstanding.

(d) $50,000.

(e) Fair market value estimated at between $25,000 and $50,000.

(f) 150 shares in July, 1965; 100 shares in August, 1965; 150 shares in October, 1965; and 100 shares in December, 1965.

(g) Purchased for cash.

(h) No dividends received.

Instructions to Participants in "Operation Override," Washington, D.C.

Educators, school board members, librarians, parents, taxpayers and businessmen and all others concerned with the future of American education are encouraged to come to Washington for the fight to override President Nixon's anticipated veto of H.R. 13111, the HEW-Labor appropriations bill for 1970. The presence of substantial numbers of concerned individuals in Washington during the veto fight is critically important.

When to come.—Plan to arrive in Washington on Sunday, January 25 and to stay through January 30, if necessary.

What to do upon arrival.—After checking in to your hotel, go to the offices of the Emergency Committee for Full Funding of Education Programs in Suite 302 of the Congressional Hotel, New Jersey Avenue and C Streets, S.E., Washington (Telephone 202/547–8383). There you should register, and receive instructions about the briefing scheduling and other matters. If possible, try to check in at the Emergency Committee office by 4:30 P.M., Sunday, January 25.

Hotel reservations.—The Congressional Hotel is sold out beginning January 25. Other Washington hotels generally have space available during the period. The other two hotels which are located closest to the House of Representatives are the Skyline Inn, 10 I Street, S.W., Washington, D.C., Telephone 202/547–7500 and the Capitol Hill Hotel, 301 First Street, N.E., Washington, D.C., Telephone—202/543–3140.

Daily briefings—Briefings will be held twice a day, beginning at 5:30 P.M., Sunday, January 25. A complete schedule of the briefings, with times and locations, will be provided to you when you check in at the Emergency Committee office on arrival. Be sure to attend each of these briefings; only in this way can you be fully informed and in position to particapte effectively.

State-by-state meetings.—State-by-state meetings of persons present in Washington from the various states will be held throughout the day on Monday, January 26. At these meetings, the positions of individual members of the state delegations will be reviewed and additional contacts and activities agreed upon. A schedule of these meetings will be provided to each participant upon arrival.

Payment of expenses.—This entire operation is on a "dutch treat" basis. Neither the Emergency Committee or its constituent organizations are in position to pay the expenses of participants.

Instructions for contacting members of Congress.—On your way to Washington, please review the instructions for contacting members. These instructions appear on the reverse side of this sheet.

CONGRESSIONAL CONTACT PROCEDURE

1. To locate a Member's office, ask the guard inside the door of any of the three House office buildings.

3-digit room numbers are in the Cannon Building;

4-digit numbers beginning with 1 are in the Longworth Building;

4-digit numbers beginning with 2 are in the Rayburn Building.

2. It is a good idea to telephone for an appointment before you go to the Congressional office. Call CApitol 4–3121 and ask for the Member's office.

3. You should make it clear that you want to see the Member himself and that you are entirely willing to wait, to come back, or to go to see him on the House floor, if necessary.

4. In your interview with the Member, be sure to express appreciation for his support of education legislation in the past.

5. Then tell him that you are concerned about the President's impending veto of H.R. 13111, the Labor–HEW appropriations bill. Ask him to vote to override the President's veto.

6. Give him any special local reasons why he should vote to override—shortages of school funds, etc. This is important.

7. Ask him for a commitment as to how he will vote. Try to avoid accepting noncommittal wording such as a promise to "consider the matter"; tell him that you need to know what he will do.

8. If he is unable to make a favorable commitment in the first visit, ask him if there is any information you can obtain for him and tell him you would like to come back and discuss the matter with him again prior to the vote.

9. If he is unable to make a favorable commitment, ask if he will commit himself to be absent during this vote.

10. Tell him that you plan to be in the gallery throughout the debate and the voting on the veto override.

11. Thank him for taking the time in his busy schedule to see you and (if the visit has been favorable) tell him that you and your associates will do everything you can to assist him locally.

12. Fill out a Congressional Contact Report and turn it in at the office of the Emergency Committee, Suite 302 in the Congressional Hotel. This is very important.

PUBLIC SCHOOLS DESTROYED BY DEMAGOGS—CHILDREN ENDANGERED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. RARICK. Mr. Speaker, the tragedy of public education sacrificed to the power lusts of the demagogs continues.

From every part of the country where the schools have been taken away from the teachers and educators to become the toys of the leftists and the ploys of the rabble rousers, the story is the same. Where the parents and the local responsible citizens have lost control of their schools, public education has been destroyed.

Not only is it impossible to teach under such circumstances, but the children forced to attend—and the teachers—are subjected to very real and very unnecessary dangers. They are physically endangered, mentally harmed, and exposed to grave moral risks. The spiritual hazard of prayer has been eliminated.

The heartless and insane argument that it may be necessary to "sacrifice" a generation of decent, normal children in order to bring about the hashish dream of total equality of unequals has run out of time. No parent worth his salt will permit his children to be victims of such an idiotic experiment—and fewer and fewer of our qualified teachers and educators remain connected with public schools.

Members who represent districts in which these tragedies have not occurred should learn from the experience of the District of Columbia—and understand why it is that the people of my district do not intend to surrender their children to leftist planned, HEW programed, judicially enforced tyranny.

I include pertinent newsclippings from Chicago, New York, and Washington, relating to the results of sociological race mixing in my remarks:

[From the Chicago Tribune, Jan. 21, 1970]

Principal of Crane Tells of Death Threats, School's Problems

(By Casey Banas)

James P. Maloney, principal of the troubled Crane High school, said yesterday that his life has been threatened, but added he rejected protection offered by police.

Maloney said he did not accept protection because he felt the threats were the same as unfounded "bomb threats." He appeared at a press conference, making his first public statements on the school's problems since leaving Crane two weeks after an attempt was made to carry him out of the building.

ASKS FOR TRANSFER

This was the incident that led Maloney to ask for a transfer to another school. Altho technically the principal of Crane, he has been working in the board of examiners office and is expected to be assigned shortly to another school.

Maloney spoke out against critics of the Crane faculty.

"You have to be the best to survive in a school in which students are reluctant to attend and to learn," he said. "Some of the best teachers are in the inner city."

Maloney said that a constant problem was the easy access into the school by persons who are not students.

"Crane is a vast building with 36 doors," he explained. "Anyone could open the doors from the inside to let people in, and they did."

LACKS COMMUNICATIONS

Another problem, Maloney said, has been the lack of a communications system to contact the entire faculty and student body. In emergencies, student runners were sent from room to room with messages.

Julien D. Drayton, an area associate superintendent, said 10 security guards will be on duty thruout the school day and Crane will receive a public address system. He added that an intercom system donated by Illinois Bell Telephone company will be installed shortly.

Maloney said Crane's problems stem from a changing social climate over the last 10 years. But the current wave of turmoil started last October after John and Michael Soto, two former Crane students, were killed in clashes with the police.

REJECTS MEMORIAL ASSEMBLY

After the first Soto brother was killed, Maloney said, he rejected a request for a memorial assembly. He said he decided against the assembly because Soto died in "an altercation with the police" and because "sufficient recognition" was given to his death.

Maloney said that he went to the funeral home to console the family, and that any students who wanted to attend the funeral were given permission to do so.

Two weeks ago, a community meeting was called to discuss the school's problems.

"An individual asked that I resign," Maloney said. "I said I had no intention of resigning."

PICK UP HIS CHAIR

Maloney said three persons surrounded him, asking him to leave the stage. They lifted the chair in which he was sitting, but Maloney fell, injuring his back on the chair.

"I then felt the meeting had ended," he said.

In his eight years as principal of three inner city schools, Maloney has been beaten twice.

CONFLICT AT HARRISON

In another school conflict, teachers at Harrison High school pleaded for help yesterday to end the turmoil in their building.

"No student, white or black, is safe from the predatory efforts of the gangs that prowl in and about the building," the teachers say. "No teachers can conduct a meaningful class while the present conditions exist."

In their statement, they said student gangs and intruders roam corridors at will, students defy all authority and refuse to attend class, and continual physical assaults cause an alarming dropout rate.

"All efforts by administration and faculty have proved fruitless," the statement said. "We need help! Words cannot describe the tension and terror that exist."

[From the Washington Evening Star, Jan. 29, 1970]

SCHOOLS IN NEW YORK GET BABY-DELIVERY DIRECTIONS

NEW YORK—Emergency instructions on how to deliver a baby in school have been sent to all city public school principals by the Department of Health.

The instructions said each school should have "an appropriate room with a high table or bench" and two persons trained in delivery procedures to help until a doctor reaches the school.

The new procedures, made public yesterday, apparently were a response to the Board of Education's action last fall to encourage pregnant students to remain in school instead of dismissing them.

There were 2,487 reported pregnancies last year among unmarried girls in 7th through 12th grades in city schools.

Dr. Olive E. Pitkin, director of the Health Department's bureau of school health, said he knew of only two cases in the last 15 years in which a girl gave birth in school.

[From the Washington Post, Jan. 29, 1970]

SHAKEDOWNS INTIMIDATE D.C. STUDENTS

(By Carl Bernstein)

On Tuesday, police arrested a 12-year-old student at Simon Elementary School in Southeast Washington and accused him of robbing a classmate, Ernest Powell, 11, of a quarter.

The suspect was charged with a crime called "robbery fear"—meaning that fear was the weapon used in the alleged robbery.

Robbery-fear, which a layman might call extortion, is an accepted fact of public education in and around many of Washington's schools, according to police, students and school officials.

The problem has become so acute in at least one school—Shaw Junior High—that some students stay home out of fear, according to the principal.

"Essentially these incidents are shakedowns," says Officer James Gainer of the Washington police youth division.

"It's a continuous problem at all levels in the schools. The only thing unusual about the Simon case is that there was an arrest. Usually, the kids are too scared to complain about it."

Ernest told police he became frightened Tuesday when he saw a schoolmate walking toward him on the Simon playground at Mississippi Avenue and 4th Street SE.

The same boy had taken money from him before, after threatening to beat him, Ernest reported. Ernest also was beaten and robbed several weeks ago by three boys as he walked home from school, according to his grandmother.

So, on Tuesday, he handed his 25-cent daily allowance to a friend when he saw the same schoolmate walking toward him.

The student later charged with robbery then approached both boys and demanded the quarter he had seen Ernest pass to his friend, assistant principal Gloria S. Ingram said.

Kenneth Mathis, Ernest's 12-year-old companion, wasn't about to argue: In December, another student had taken $1.50 from him after threatening to beat him, his mother said yesterday.

"A quarter just isn't worth getting messed up over," she observed.

Police report that Anacostia—where Simon Elementary is located—has been particularly hard-hit by student shakedowns, although there seem to be few schools in the District unaffected by the problem.

"There's even a bridge near here that the children call the toll bridge," Principal James Carter of Hart Junior High School said yesterday. The school is located at 601 Mississippi Avenue SE.

The bridge, which crosses Oxon Run near Valley Avenue, takes its name from older students who "shake down smaller children before they let them go across," Carter said.

The Hart principal, who recently testified before Congress on safety problems in Distric schools, said shakedowns have become less frequent since increased police protection was ordered for schools in Anacostia two months ago.

"I'm sure it's still going on though," he added. "And it's going to get worse when the weather gets warmer."

According to police, most student shakedowns are committed either by older or bigger students or groups of three or four who will pick on a lone student.

"We could do something about it," says Officer Gainer of the youth division, "but the victims are afraid to complain. They know that kids have been beaten up for talking."

Even when students complain to school officials, Gainer says, a shakedown rarely results in an arrest.

"When it comes time for a confrontation, the kid who has done it says, 'I didn't take anything; I asked for a loan.' And then the one who got robbed gets scared and says maybe it was a loan after all."

Conversations with principals, students and teachers at a dozen schools in all areas of the city yesterday resulted in assertions that students at all 12 schools have been experiencing shakedowns.

In addition to Simon, the schools checked were Carver (in Northeast), Congress Heights (SE) and Langston (NW) elementaries; Alice Deal (NW), Hart (SE), Shaw (NW), Stuart (NE) and Randall (SW) junior highs; and Western (NW), Eastern (NE), and Ballou (SE) high schools.

"We need everybody on duty in the halls all day because of the problem," said Principal Percy Ellis of Shaw Junior High at 7th Street and Rhode Island Avenue NW.

"At lunch time it's terrible . . . We have at least one (shakedown) reported every day but there are a lot more than that going on. Some of the girls do it, too.

"We've had complaints where students wouldn't come to school. The mother would go to work and then the student would slip back home because he was afraid he'd lose his money or get beaten up," Ellis said.

At Alice Deal Junior High in Upper Northwest, a teacher reported that lunchtime shakedowns are becoming more frequent.

"Sometimes if a student won't turn over money he'll get his lunch tray snatched," the teacher said.

At Western High in Georgetown, students who take buses to school from the inner city say they have been shaken down by schoolmates who ride with them.

"It goes on all the time," said a sixth grader at Congress Heights Elementary School, 5th Street and Nichols Avenue SE "There's nothin' you can do about it if there's a bunch of them or if somebody's bigger than you are . . . If you report it to the principal, they'll beat you up."

Leroy Dillard, a former principal who now is assistant to Acting School Supt. Benjamin Henley, says shakedowns "are nothing new . . . but like everything else they've taken a turn for the worse."

"Many people have considered them a minor problem before," Dillard says, "but they're a frightening and traumatic thing for many of our children . . .

"I really believe it's a way of life for some of these kids. It's survival of the fittest; it's a reflection of our whole community. They know they're wrong, yet it is part of their living."

The shakedown will stop, Dillard believes, "only when we get people aroused to the point where they want to make their communities, neighborhoods and schools safe."

XUM

UKRAINIAN INDEPENDENCE DAY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. ROBISON. Mr. Speaker, recently, in his state of the Union message, President Nixon called upon the American people to direct their attention to our internal difficulties, such as air and water pollution and increasing crime. We are indeed faced with serious internal problems which we must all strive to overcome. However, today it seems appropriate that we remind ourselves that at least one battle we have already won, a battle which others must still fight. I refer to the battle for freedom.

Today, in the "land of the free" and throughout the world, Ukrainian Independence Day is being marked. A little more than 52 years ago, the independence of the Ukrainian National Republic was proclaimed. After 4 following years of war with Soviet Russia, the Republic ceased to exist, subdued to a puppet regime. Though defeated, the Ukrainian people continued an underground struggle for their freedom. The evidence available through Western observers shows that these people have been cruelly exploited, their resources utilized solely for the purposes of Moscow, their efforts to increase their freedom repulsed. But it also shows that despite constant intimidation, the Ukrainian people have not given up their hopes of eventually being free, that they still yearn to escape the yoke of Soviet Russia's domination.

Today, I wish to join with those who are participating in Ukrainian Independence Day in applauding the courage and will of the Ukrainian people, and in joining with their hope for eventual freedom. We who are free would do well to always keep in mind that there are brave men of other lands who must still struggle to achieve the freedoms we in our fortunate Nation have come to take for granted.

One of my constituents in a recent letter to the Binghamton, N.Y., Press recalls in eloquent terms the hard and proud struggle which this day commemorates. His letter follows:

To the EDITOR:

In observance of the "Ukrainian Independence Day" of Jan. 22, it is only fitting to reflect on the struggle of the Ukrainian people to regain their freedom and independence.

The Russians claim to have invented just about everything. According to them, Marconi and Edison made their inventions years after the Russians showed them how.

The Russians are masters of deceit and treachery. In 1713, Peter the Great, by official decree, changed their original name of Muscovites to Russians in order to claim the early history of Ukrainian people who used the name Russ.

The Muscovites began to call themselves the Great Russians and called the Ukrainians "Little Russians."

The Western World was naive to accept the Moscovites as Great Russians despite the fact that Ukrainians had developed a high level of civilization and culture before Moscow was even built.

In the Czarist Russian Empire, the word Ukrainian was thrown out of the dictionary. The Ukrainians were the first to find out what it is like to coexist with the Russians. In 1654, the Ukrainian Hetman Bohdan Hmelnytsky concluded a military alliance with Tsar Alexis.

The Russian tsar used this treaty to move his troops into Ukraine, not for military action against Ukraine's enemies, but in order to gain control of the Ukrainian people and turn Ukraine into a colony.

The Ukrainian people tried in many instances to break away from under the Russian rule, but with no success until 1917 when the Russian empire was crumbling.

On Jan. 22, 1918, the independence of Ukraine was proclaimed in Kiev, the capital of Ukraine. The young Ukrainian democratic republic was immediately recognized by a number of foreign governments including that of Soviet Russia under Lenin.

Only several days later, Lenin ordered the Red Russian army to invade Ukraine. The Russian empire was once again being restored except this time with a fresh coat of red paint.

By 1920, Ukraine could no longer oppose the superior forces of Communist Russia, and in 1923 became a part of the Soviet Union.

The freedom-loving people of Ukraine have not accepted Soviet Russian domination and have been fighting for the reestablishment of their independence by all means at their disposal.

On this memorable occasion, let us tell the captive people of Ukraine that they are not forgotten. The aspirations they had in 1918 are still their goal.

Millions of Americans are conscious of their tragic plight. Let us earnestly pray that it will soon be relieved.

JOHN NAHORNYJ.

THE INVISIBLY HANDICAPPED

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PUCINSKI. Mr. Speaker, in view of our failure to override the President's veto of the HEW-Labor appropriations bill yesterday, I wish to underscore the very critical needs of the education community at all levels. We must enact legislation that will meet those needs. At the present time, one of the unmet needs concerns children with learning disabilities who, with proper teaching techniques and programs, can be taught to learn in a classroom environment.

The Education and Labor Committee appoved legislation which was written by my subcommittee earlier this year to include these learning disabled children under aid to handicapped children. This measure is deserving of renewed attention.

Following is a speech that I delivered on this subject in Chicago at the Illinois Council for Children With Learning Disabilities Award Dinner, in the Sheraton-Chicago Hotel, on January 24, 1970:

THE INVISIBLY HANDICAPPED

Ladies and gentlemen, it is always a pleasure to meet with you, but today I am particularly proud and happy to be here. 1969 has been a banner year for advancing opportunities to help the child with learning disabilities. Thanks to the combined efforts of parents, educators and politicians throughout the land, specific learning disabilities have finally been accorded formal recognition as a condition requiring urgent action at the national level.

On October 6, 1969, H.R. 13310, the Children with Specific Learning Disabilities Act of 1969, passed the House of Representatives by a vote of 350 to 0. The rare dispatch and unanimity of purpose which has characterized the congressional response to this bill, serves as a sure indication that we are dealing with an idea whose time has come. The bill, which I introduced in March of last year, was welcomed enthusiastically by the majority of those who testified in the hearings held by my Subcommittee in July. The full Committee on Education and Labor reported H.R. 13310 to the House on September 11 and it was passed unanimously less than a month later. The bill is now in the hands of the Senate and it is my understanding that its provisions have been incorporated in the Elementary and Secondary Education Amendments. The Senate will soon be voting on these amendments and I am confident that our fight to authorize aid for children with specific learning disabilities will soon be won.

For those of you who are not familiar with the provisions of the proposed Act, I should like to summarize it briefly. A new three-year program for children with specific learning disabilities has been added to Title VI of the Elementary and Secondary Education Act. The program will authorize Federal aid in the following areas, as they relate to children with specific learning disabilities:

Research, including surveys and demonstrations;

Training for teachers and other educational personnel;

Establishing and operating model centers which will provide testing and educational evaluation services, develop and conduct model programs, and assist other institutions in making such model programs available.

Special consideration will be given to applicants proposing creative new ways to educate the child with specific learning disabilities, and to those emphasizing the prevention and early identification of this handicap. $6 million is authorized for fiscal 1971, $12 million for fiscal 1972 and $18 million for fiscal 1973.

Children with specific learning disabilities are defined as those with a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language. Such a disorder may result in an imperfect ability to listen, think, speak, write, spell, or calculate. Learning problems caused by visual, hearing, or motor handicaps, mental retardation, emotional disturbance, or environmental disadvantage are *not* included.

The addition of this definition of Title VI of ESEA makes clear the intent of Congress: children with learning disabilities are to be specifically included in the State grant program, which allotted more than $680,000 to Illinois alone in 1968; children with learning disabilities will be a specific concern of the regional resource centers authorized under the Act; teachers for children with learning disabilities are to be actively recruited and information about these programs disseminated.

Under existing legislation, these programs were theoretically available to the child with a learning disability, but a glance at the statistics reveals the extent to which their needs were ignored. The category of aid known as "crippled and other health impaired children," in which the child with learning disabilities has been included, received only 8% of all funds available to the handicapped in fiscal 1968 under Titles I and VI of ESEA. In Illinois this meant that only 486 children in this category were served—in a State where over 69,000 children are conservatively estimated to be suffering from learning disabilities.

The Illinois State Department of Public Instruction has assessed the return on its investment in special education as ten to one for every dollar spent. I think it is safe to assume that the personal dividends for those participating are even greater. Therefore, I contend that we cannot afford to economize on the education of the handicapped—particularly when dealing with learning disabilities which prevent so many of our most potentially productive citizens from realizing their full promise.

Specific provision for children with learning disabilities will not be limited to Title VI of ESEA alone. Under the proposed legislation State agencies which are directly responsible for the education of handicapped children may receive funds under Title I of ESEA for children with such disorders. The various laws relating to the training of teachers of the handicapped will be amended to include the educational personnel so badly needed in the field. The Vocational Education Act and the Handicapped Children's Early Education Assistance Act will also include special reference to learning disabilities.

The picture from Capitol Hill is an encouraging one, particularly when we reflect that in 1957, the first year in which parents began to organize on a Statewide basis, there were so few people who were aware of the existence of implications of the 1 to 3% of our school children afflicted by various learning disorders. The passage of broad Federal legislation for the handicapped in the past decade has helped create an atmosphere conducive to better understanding of the plight of those whose suffering is less visible but no less intense.

XUM

Recognition of specific learning disabilities is but a beginning, however. Despite nearly unanimous agreement on the effects of such disorders, there is little accord concerning cause and cure. A recent text on the subject concludes a summary of research with this statement: "If there is one word that characterizes the research that bears on learning disabilities, it is 'inconclusive'." The complexity of the problems involved have baffled many of our finest minds. On the basis of existing studies no one approach can be acclaimed as a complete success nor dismissed as a total failure.

Our inability to grasp the essential nature of learning disorders is not necessarily a drawback, however. The subtle network of perceptual handicaps and complex symptoms which indicate a specific learning disability is forcing educators to place more emphasis on the unique needs of the individual child. Scientists are expanding their methods of research and treatment to include information and techniques from other disciplines. Many professionals in the field of special education consider this new approach to be a portent of change for all exceptional children. An interdisciplinary approach focused on the individual needs of the handicapped child may well prove to be the most effective means of overcoming a variety of disabilities. Dr. Sam Clements of the National Easter Seal Society testified on this subject before my Subcommittee, commenting:

"Children with learning disabilities have served as no other group to emphasize the fact that exceptional children, in the general sense, are a social issue, and hence, become the concern and responsibility of everyone. Their difficulties and their amelioration cannot be in the singular custody of a particular profession . . . The child with learning disabilities has succeeded where all other exceptional children before him have failed, in that he has acted as a catalyst in bringing together such groups as parents, educators, child psychiatrists, pediatricians, pediatric neurologists, child psychologists, optometrists, language pathologists, social workers, occupational therapists, physical therapists, child development specialists, nurses and others, all willing to work as a team in helping to solve the many puzzling problems. The multidisciplinary approach to diagnosis and treatment has reached a new level of inclusion and efficiency with children with learning disabilities, and a much better job is being done for them and their parents."

The positive effects of multidisciplinary action can only be as great as the number of trained professionals in the field. If research findings and diagnostic and treatment procedures are to be translated into effective classroom practice, we must have teachers who have been specially trained in these techniques. Unfortunately such teachers are in short supply.

As of 1968, there were only 20 colleges offering courses on the education of the learning disabled child. Robert Russell, representing the Association for Children with Learning Disabilities, has estimated that we need a minimum of between 44,000 and 66,000 teachers in the area of specific learning disabilties. The growth of professional opportunities in this field has been rapid during the past five years or so. However, when one stops to consider that of 125 colleges and universities in Illinois, only 8 offer programs in learning disabilities, it becomes apparent that we have far to go.

Our State is one of the acknowledged pioneers in the field. The teacher training program at Northwestern University, the formation of this Council in 1957, Article 14 of the Illinois School Code making educational programs for the handicapped mandatory as of last July—all serve as landmarks in the struggle to maximize the potential of each handicapped child. And yet we must also look at facts such as those presented by your Council's representative, Mr. Gartner, to my Subcommittee last July:

"The latest available figures show that in the entire state, there were 283 learning disabilities programs which serviced 2,711 youngsters. As stated earlier, over 69,000 of the Illinois school population are estimated to have learning disabilities. Of this number, the state has set the number of children who are so severely handicapped that they must have a special self-contained classroom at 1% or 23,000. Our programs don't even begin to cover just the most severely handicapped, not even considering the remaining 46,000 youngsters who could be remediated with only part of their school day spent in a resource classroom or with an itinerant teacher."

School programs at the national level were characterized by a survey published in 1968 as being "widely divergent and seemingly inadequate." Of the 49 States responding, only 13 States had classes for children with learning disabilities representing about 600 programs in all with approximately 10,000 children enrolled. While all the States agreed to the need for special programs, only 19 of the States not having programs reported the existence of enabling legislation at the State level.

It is my belief that the model centers proposed in the Children with Specific Learning Disabilities Act will not only serve to upgrade current school programs and extend the resources available to improve teacher education, but it will also prove to be a major stimulus to the creation of new programs at both the State and local level.

At this point I wish to emphasize that none of the progress which has characterized this decade could have occurred without your help. The survey which I have mentioned found that: "Public awareness of the needs of this group was emphasized by contributors to the survey as the most important potential influence in the development of programs, and parental pressure in particular is recognized as a major influence on legislation." In more than half of the States reporting programs, parental pressure was cited as the basic impetus for the program's implementation.

I wish to stress, however, that there is still much to be done. The pending Federal legislation which I have described is a dramatic breakthrough, but once it is passed we must exert every effort to insure that it is fully funded in 1971. Pressure at the State and local level can help to expand the number of programs available to the child with learning disabilities. Cooperative efforts with counterpart groups in other States can provide an interchange of ideas and experiences which can be of mutual benefit to all. States just entering the field of learning disabilities can profit greatly from your vast experience in the field. The role of the Illinois Council for Children with Learning Disabilities has been a major one; your past accomplishments, however, are but a measure of the potential influence you can exert now that your cause is beginning to receive its due.

Henry David Thoreau once wrote of the mass of men who "lead lives of quiet desperation." Children with learning disabilities and their parents have personally known the pain of this observation for generations. For truly the lives of the invisibly handicapped have been characterized by a desperate search for help and understanding. As those dark ages come to an end, let us greet the dawn of a new day, resolved to renew and strengthen our efforts to insure each child the right to learn and develop his potential to the full.

WASHINGTON POST PROPOSES REGISTRATION FOR CITIZENS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. RARICK. Mr. Speaker, a current editorial of the leftwing Washington Post is a typical example of the fuzzy thinking of the intellectual boneheads responsible for the current state of our great Nation.

It seems that the welfare recipients in the District of Columbia are having trouble cashing their checks—some of the liquor stores charge as much as 50 cents, an obvious discrimination. Even the banks will not cash checks unless the identification of the person presenting a check is suitable.

So, reasons the Post, we must encourage the "poor" to open their own checking accounts and then we must give them suitable identification cards. But if the card identified them as welfare recipients, it might hurt their sensitivities—or cramp their style—so the bright social planner suggests that everyone else carry personal identification cards issued by the District of Columbia.

At the moment in the District we are having a "tattle on your neighbor" program, since the assinine law for the registration of firearms has not produced sufficient registrations. A much advertised telephone number is available to call and anonymously set, not only the District police, but the Treasury Department firearms agents on anyone at whom you are irked.

And in the heart of this drive, we observe two brutal knife murders of a schoolgirl and a schoolteacher—from unregistered knives, no doubt.

I include the editorial in my remarks:

[From the Washington Post, Jan. 29, 1970]

THE POOR CARRY CASH

It is unarguable that crime thrives on the availability of ready cash. Yet, the very rich often make poor holdup targets because they rarely carry large sums of money with them. They tend to use checks, credit cards and charge accounts to pay their way. Conversely, the very poor are likely to carry large sums of money around at certain times—on payday or once a month when welfare checks are issued. Thus, because they function in a cash economy outside the milieu where checks and credit cards and charge accounts are primary mediums of exchange, the poor make attractive robbery targets. And, in the process, so do the more affluent who must supply the cash—the paymaster on a construction job, the housewife to pay the domestic worker, the stores in the inner city that customarily cash welfare checks for the poor.

An atmosphere must be created, not only to encourage poor persons to use checks as a means of reducing the amount of ready cash they carry, but to accept checks as well in payment for personal services. Admittedly, the reluctance to accept checks is not merely a matter of their inconvenience. For some persons, there is a tax avoidance element, although this is less of a consideration for poor persons now since the new income tax law does not dip below the poverty level.

The problem, simply stated, is to reduce the amount of cash the poor must carry, thereby reducing the total amount of free floating cash and the consequent opportunity for crime. (Since bus drivers stopped carrying cash to make change, the problem of bus driver holdups in the District has virtually vanished.) The checking account is one obvious answer and the charge account which some stores have made available to poor persons on a limited basis is another answer. Columnist Bill Raspberry has suggested that welfare checks be deposited directly into bank accounts. Or they could be deposited in any of the nine poverty area credit unions for withdrawal from time to time in smaller amounts or as money orders. Welfare checks could be issued more frequently, making the individual check totals smaller. Businesses could authorize payment of bills through banks, credit unions and other financial institutions, reducing the cash-carrying problem for themselves as well as their customers. In some cases, longer banking hours might be required.

For the shift to checks to work, ways must be found to make it easier for poor persons to get checks cashed without being demeaned. At present, some inner city food and liquor stores will cash government checks for customers they know, but a personal check may be another matter. Some liquor stores will charge as much as 50 cents to cash a check unless a purchase is made. Curiously, for the person without a driver's permit or other acceptable identification, the most difficult place to cash a check may be a bank.

One major step that could be taken would be to create a system of identification cards similar to driver's permits which banks and stores would accept. These cards could be issued to all citizens who do not drive, not merely to the non-driving poor. This is something the city council might tackle when it opens its hearings on consumer credit problems.

If ways can be found to reduce the amount of cash the poor must carry to survive in our society, more will be gained than just a reduction in the opportunities for crime, important as that is. A form of subtle discrimination against the poor would be eliminated in the process.

BIAFRA—THANT CAME TO TALK, NOT LOOK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. DERWINSKI. Mr. Speaker, Anthony Lewis, foreign correspondent of the Chicago Tribune, in an article January 27 which speaks eloquently as an editorial, reports on the disappointing performance of United Nations Secretary General U Thant on his recent visit to Nigeria. The article follows:

BIAFRA—THANT CAME TO TALK, NOT LOOK

(By Anthony Lewis)

ABA, NIGERIA.—U Thant, United Nations secretary general, flew into Nigeria the other day for what was described as a look at the relief situation after the war. He was tired. so he spent the afternoon resting in Lagos. That night he attended a dinner.

The next day he was supposed to visit Port Harcourt, which would have put him only 50 miles from the area of real damage and suffering. But he canceled that trip and. after some morning meetings with relief officials, he flew to Paris. At the airport he told the press that the relief situation was well in hand and that Nigeria was doing a fine job.

Thant did not see the 20-year-old girl in Awo-Omamma hospital burned all over the breasts and legs when she refused to goff with six federal soldiers and they threw flaming gasoline over her.

GET NO RELIEF FOOD

He did not go into the densely populated center of what was Biafra, around Orlu and Ihiama, and discover that people who were being fed regularly by relief planes into Uli airport have had virtually no relief food for two weeks.

He did not interview one of the hundreds, probably thousands, of penniless refugees who have had their few sad possessions stolen by the undisciplined 3d marine commandos which occupied the southern portion of Biafra.

He did not talk to any Red Cross workers, foreign and Nigerian, whose mercy trucks and landrovers were seized by the same marines.

Perhaps most important, he did not observe the pervading sense of confusion disorganization and therefore of insecurity, in a land where no man knows how he is to get food or where he can look for protection against looting and rape.

There are many examples of kindness in the occupied area as well as horror stories.

The picture is mixed, then. But no one with any sense could look closely at the scene on this side of the Niger without realizing how skimpy and chaotic the relief effort has been so far.

HE SEES NOTHING

Of course, Thant does not know about any of this, because he saw nothing. The only question is why he bothered to come to Nigeria.

Perhaps he thought it politic to say a good word for the winning side in a civil war—the side favored by most U.N. members. Perhaps he thinks things will be wonderful if he says they are.

All wars produce horror, and the Nigerians understandably insist that this post-war crisis is primarily their problem. But the world outside does have a legitimate concern.

There are times to be angry. One of them is when an international civil servant uses his position to suggest that there is nothing to worry us in a situation actually stinking of human misery.

CONSUMER PROTECTION?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. HUNGATE. Mr. Speaker, an old story that has been making the rounds, has been updated for the space age.

First fellow: "Why does the chicken cross the road?"

Second fellow: "To get a cobalt treatment."

In these days, hardly a day passes without some proclamation from a Government official, about his concern for the consumer. I think that the following AP story may give a better idea of just how well the consumer is being protected.

WOULD END BAR ON SALE OF CHICKENS WITH CANCER

WASHINGTON, January 26.—A Government panel says that safety no longer requires federal inspectors to reject chickens containing cancer viruses.

The panel has recommended a change in poultry inspection standards to limit condemnation to chickens that might look untempting to buyers.

Department of Agriculture officials say the basis for the recommendation is the failure of recent experiments to show that poultry cancer viruses present any danger to humans.

Department officials are awaiting an opinion from the surgeon general before making any decision on the recommendation of eight veterinarians and animal disease specialists.

The panel's report involves two forms of poultry viruses, avian leukosis and Marek's disease, usually lumped together as leukosis.

Virtually all birds harbor the virus in differing degrees. When the virus gets out of control, birds become diseased. Some die. Those that survive often develop lesions and tumors as an after-effect.

Traditionally, inspectors accept the tumors as evidence of excess virus and reject the chicken.

Under the proposed new standard, only chickens whose internal organs showed that the disease was active would be considered unsafe for human consumption.

A bird with tumors on one wing, for instance, is now considered unsafe. The new recommendation says it would be safe to cut off the wing and use it in such products as hot dogs and sell the rest of the bird as cutup chicken.

Rodney E. Leonard, administrator of Agriculture's consumer and marketing service until last year, says the recommendation is a sign the poultry industry is making progress in what he calls a continuous campaign to ease inspection standards.

SESAME STREET—IMPROVES CHILDREN'S SKILLS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PUCINSKI. Mr. Speaker, early in November nearly 200 television stations throughout the Nation began broadcasting Sesame Street, a program designed to reach and teach pre-school-age children.

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Tests were made in three States on selected groups of children who watched the program regularly as contrasted with children who did not see the program. The results were significant and vastly encouraging to those of us who have fostered the idea of preschool education and who have strenuously advocated its adoption on a nationwide basis.

Mr. Speaker, I wish to include a story which appeared in the New York Times regarding these tests as well as a brief item from the Christian Science Monitor describing a Sesame Street learning kit which is available for teachers and parents who wish to pursue this successful experiment in early education with preschoolers.

Mr. Speaker, the articles follow:

TESTS INDICATE TV PROGRAM IMPROVES CHILDREN'S SKILLS

(By William K. Stevens)

"Sesame Street"—a brisk tickling television program that is designed to improve the language, numerical and reasoning skills of preschool children, particularly those from poor families—appears to be achieving many of its goals.

According to preliminary tests in three states, poor children who viewed "Sesame Street" regularly in the program's first six weeks of daily hour-long, presentations made gains two and one-half times as great as those made by poor children who did not watch the program.

Others surveys indicate that the program is reaching about five million children, including substantial numbers of those from poor homes.

The results of the tests and surveys were disclosed yesterday in a report by the Children's Television Workshop producer of "Seasame Street," to its sponsors—the Carnegie Corporation, the Ford Foundation, the United States Office of Education, the Markel Foundation and the Corporation for Public Broadcasting. The report was made at a meeting at the Essex House.

HOPE FOR ANOTHER YEAR

After the meeting, Mrs. Joan Ganz Cooney, executive director of the workshop, said that she hoped the test results would persuade the sponsors to support the experiment for another year and that she was optimistic about this. The initial 26-week, 130-program series began last Nov. 10 and will end on May 29. It cost $8-million to produce.

Although the program has been widely acclaimed for its high degree of professionalism, originality and general level of quality, and although there was evidence that many children had become enthusiastic devotees, no evaluation of "Sesame Street's" educational impact had been available until yesterday.

In the preliminary evaluation conducted by Dr. Edward Palmer, the workshop research director, 3-, 4- and 5-year-olds in three day-care centers for poor children of working mothers in Maine, New York and Tennessee were randomly divided into two groups in each center. One group watched "Sesame Street" regularly for its first six weeks. The other group never watched it.

Before "Sesame Street" went on the air, each child in each group was asked 217 test questions to find out how well he could recognize letters, numbers and geometric forms, and how well he could sort out objects.

After six weeks of "Sesame Street," the same test was given again. The regular viewers, as a group, could answer 10 per cent more of the 217 questions than they could at the start. The nonviewers could answer 4 per cent more.

In the ability to name letters, the viewers made a 9 per cent gain, against a 3 per cent gain for the nonviewers. In naming numbers, there was a 12 per cent gain for the viewers against a 4 per cent gain for the nonviewers.

Substantial gains, sometimes 25 per cent or more, were made by regular viewers in their ability to sort, differentiate and classify objects and group them by twos and threes.

But, in one important area—recognizing sounds of letters—there was no difference between the performance of viewers and that of nonviewers, leading Dr. Palmer to suggest that "Sesame Street's" approach in that area may have to be modified.

"Sesame Street" is broadcast each weekday by nearly 200 television stations from Maine to American Samoa. In about 100 communities it is seen both in the morning and the late afternoon. Five stations carry it a total of six times a day in the New York area—WLIW (Channel 21), WNDT (Channel 13), WYNE (Channel 25), in WNYC (Channel 31) and WPIX (Channel 11).

The program is considered the first major national effort to harness the most effective of contemporary television techniques to the task of preschool education. In particular, it adapts to the teaching of letters and numbers the fast-paced, high-impact, repetitive commercial techniques that have been successful in selling toys.

SESAME KIT DUE

Even the electronic media can use a little old-fashioned help from print now and then.

"Sesame Street," the new television series for preschoolers, has produced a byproduct called "The Sesame Learning Kit" which will contain, in addition to a record and wall posters, five books. Books! The titles: "Numbers," "Letters," "Shapes," "Puzzlers," "People and Things."

Time-Life Books will be offering the kit by mail at $19.95.

Another case of electronics-print partnership: an organization called Writers: Free-Lance, Inc., which is a pool of more than 2,000 professionals in the United States and 40 other countries, has just merged with a company called Venture-Data Corporation.

Computer, computer on the wall, who is the fairest writer of them all?

HEW AND THE AUSTIN SCHOOL BOARD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. PICKLE. Mr. Speaker, through months of tenuous negotiations with representatives from the Department of Health, Education, and Welfare, the Austin School Board members have displayed the remarkable ability to discuss the facts and the merits of their case—not the emotions.

Last week, the Austin School Board and HEW officials met again to discuss the ruling to change the structure of the Austin public school boundaries—a ruling that may abolish some tradition: rich, meritorious neighborhood schools.

On Sunday, January 25, the Austin American Statesman wrote an editorial which, I think, mirrors the approach of the Austin School Board. I insert the editorial at this time:

SCHOOL BOARD STATES CASE TO HEW

There was nothing stormy or emotional about the four-day hearing in Dallas by a Health, Education and Welfare examiner on Austin's efforts to comply with a mandate to integrate the city's public schools.

The Austin School board and administrators presented their case factually, supported by what they believe to be adequate documentation. Several weeks, perhaps two months, will pass before the HEW examiner makes his decision.

There has been no change in the Austin school board's position that their freedom of choice plan is sound, and is the proper approach to desegregation in this city. They pointed out to the best of their ability that the problem in Austin has been brought about by housing, and is not a specific discriminatory act on the part of the board.

None would hazard a guess on the action the examiner might eventually take. However, there has been no substantial change in the position of HEW. On this basis a layman could take license to guess there will be none.

Following the hearing, School Board Chairman Roy Butler told a reporter: "We've presented our case well and we've gotten a fair hearing, but I really can't say what will happen."

It will be pleasing to Austin citizens that their representatives presented their case well, and that decorum, if not agreement, prevailed at the important hearing.

Since there is a system for appeal of the examiner's finding, it would appear that a final decision in the Austin school board desegregation effort is a long way off.

HEW APPROPRIATION VETO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. RARICK. Mr. Speaker, during the furor over the now dead HEW appropriation bill, the gentleman from Ohio (Mr. AYRES) did us the service of making available to Members the instructions given the lobbyists.

This morning's local newspaper includes a bylined story of interest to Members, which I ask be included in my remarks. It seems that as the lobbyists gathered for a drink before leaving town, they were loud in their announced intention to do better on the bill which will replace the defeated pork barrel measure.

It is also of interest to note that most of these people are on the public payroll, and were here lobbying instead of doing the job for which they were hired in their school districts. This emphasizes the point that it was not the schools or the children in which they were interested, but in their own pocketbooks.

Another story in this evening's local paper quotes both the head of the education lobby and of the pseudo-professional National Education Association to the effect that if they do not get the money they want, they intend to get some Congressmen. I wonder if these people ever heard of the Hatch Act?

I include the news clippings following my remarks:

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[From the Washington Post, Jan. 29, 1970]

UNDAUNTED SCHOOLS LOBBY TO PUSH VIEWS ON HEW BILL

(By David R. Boldt)

The Emergency Committee for Full Funding, the education lobby that had become a legend in its own time, sampled its first taste of defeat with reasonable good grace yesterday.

After the House had failed by 52 votes to override President Nixon's veto of the Labor-HEW appropriations bill, the lobby's executive secretary, Charles W. Lee, was putting on a cheerful front.

Sitting in his office on the third floor of the Congressional Hotel, he told a reporter, "There won't be any 'losing locker room scenes' here."

The committee, formed nine months ago, had run up three straight victories in key votes on education money bills before it came a cropper yesterday.

They did it by sending legions of teachers, school administrators, school board members, nuns, college students and others from office to office cajoling, arguing, and bullying legislators into seeing things their way.

The effort to override the veto was the biggest push so far, with about 600 people wearing the yellow "Save Education & Library Funds" crowding elevators, blocking hallways and taking up office chair space.

Lee said the defeat had "charged up" his forces and vowed they'd be out with a vengeance to fight for increasing the appropriations bill Congress will have to substitute for the one the President vetoed.

One Midwestern School administrator had told him to "just call collect" and he'd be on the next plane, Lee said, adding he thought that characterized the morale on his team.

"They're also going to be taking back what happened here. The guys (Congressmen) who voted with us are going to have no problem," Lee said. The others better have a "good reason" when the election campaign starts next fall, he added.

Outside Lee's door a woman in a blue dress was reading off the vote to a woman in a brown dress. The woman in brown, in turn, was noting, by state who was "with us" and who was not.

"Henderson (Rep. David N. Henderson of North Carolina) was with us," noted the woman in blue, "and we got all three Joneses." The balloting of the Joneses, the woman in brown confirmed, had been a high point.

The lobbying methods of the committee won the disapproval of at least Rep. William H. Ayres (R-Ohio), who read into the CONGRESSIONAL RECORD the committee's instructions to participants in this week's "Operation Override."

Ayres was particularly nettled by "No. 10," which reminds lobbyists to tell each Congressman "that you plan to be in the gallery throughout the debate and the voting on the veto override."

"In other words," Ayres told the House, "Big Brother will be watching." He called the lobbying effort "a disgrace to the good name of education."

There was no sign of any intimidation among the committee's Michigan adherents who had gathered after the vote in the Filibuster Room of the Congressional for a drink before leaving for the airport.

"This wasn't a one-shot deal," said Mrs. E. C. Farmer of Muskegon, director of the Michigan Association of School Boards. "This was just the beginning."

"We forced the other side to be honest," said Richard E. Pretzlaff, an administrator from Farmington, Mich. "The bill substituted for the vetoed one will be better because of what we did," he added.

But Lyle Layer, administrator from Oscoda, Mich., admitted he was disappointed. Wurtsmith Air Force Base sends its kids to his school and the loss of the impact aid for areas such as his was going to hurt, he said.

[From the Washington Star, Jan. 29, 1970]

THERE COULD BE FUTURE VETOES OF THE SAME BILL

Charles Lee, who headed a massive lobbying effort on behalf of scores of education organizations backing the extra funds, said the fight will not be abandoned.

"There could be future vetoes of the same bill," he said.

And in Buffalo, N.Y., George D. Fischer, president of the National Education Association, the nation's largest teachers' group, says, "We want to beat 5 or 10 congressmen who switched their vote on the HEW veto.

"We will use them as an example. We will put the fear of God in politicians all over the country," he told a teachers' meeting yesterday.

SENATE—*Friday, January 30, 1970*

The Senate met at 12 o'clock meridian and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

The Reverend J. Hodge Alves, D.D., rector, the Falls Church Episcopal Church, Falls Church, Va., offered the following prayer:

O God, loving and holy Father, who has made all men and all things, we gladly acknowledge our dependence upon You. Help us to open our spiritual eyes and ears humbly to be guided of Thy Holy Spirit.

We thank You for this good land in which we live; for all its concerns for persons; and for all its freedoms. Make us wise and loyal enough to preserve them. Make us humble and loving enough to share them everywhere. Bless and guide our Nation, each of us, and especially these strong sons of this Nation who have been chosen to serve and to lead before You in this Senate. Make them conscious of the awesome responsibility and glorious opportunity that is theirs. Guide them in this work today; and grant that they may always listen to others and to You. Give them strength to do the right as You lead them to know the right without fear or favor. May they lead our Nation into ways of peace, good will, and right dealing with all mankind.

All this we ask in the name of Him who came to serve all men. Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 30, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Armed Services.

(For the nomination received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 14864) to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14864) to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 29, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees

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be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEW DEFENSE BUDGET

Mr. MANSFIELD. Mr. President, I would like to call to the attention of the minority leader, and to the senior Senator from Delaware (Mr. WILLIAMS), a statement I am about to make concerning an article on next year's budget, published in the Washington Post this morning.

This article concerns the budget which the President intends to send to Congress next week, in which the following statement appears:

> Defense spending in fiscal 1971 will drop $5.8 billion to $73.6 billion.

Mr. President, it should be pointed out that that statement, in my judgment, is subject to correction. First of all, it implies that defense spending in fiscal 1970, this fiscal year, reached $80 billion. That is incorrect.

It should be noted that, in round figures, President Nixon himself requested defense funds for fiscal 1970 of $75.3 billion and that Congress approved an appropriation of only $69.64 billion, an overall reduction by Congress of $5.6 billion.

Even if we add to the $69.6 billion for defense, which is what this Congress allowed, the $1.56 billion for military construction, which this Congress allowed, and $350 million for military assistance out of foreign aid, which this Congress allowed, the total will then come to only $71.6 billion.

So the total appropriations for fiscal 1970—with all of these additional items included—are $2 billion less than what the Washington Post says President Nixon will ask for in 1971. Thus, if my figures are correct, the Nixon request is up by $2 billion.

And even if we added in the total appropriation for the AEC—$2.2 billion—and really not all of this should be in that category—the proposed total defense spending by President Nixon would reflect virtually no cut—I repeat—no cut in defense spending for the next fiscal year.

Mr. SCOTT. Mr. President, I shall be making a statement on this matter later, but this reference to a $5.6 billion saving by Congress, as I recall it, includes something over $1 billion of future spending which was canceled out in one of the appropriation bills and, really, should not be counted. I think it is about one and a quarter billion dollars.

But I do respectfully submit that, difficult as it is, cuts are being made in the budget. This reportedly is one of the tightest budgets ever submitted to Congress. Proof of that is in the sparks which will undoubtedly fly within the Cabinet membership—and I do not mean that any Cabinet member would be anything but totally loyal—but I would assume that they are undoubtedly aggrieved considerably they cannot carry on all the programs which their agencies would desire to carry on for the public good in order to hold down, very tightly, this oncoming budget.

I imagine, too, when we get into criticism of whether the President is making sufficient savings, that we will be hearing on this floor, and on the floor of the other body, from a very large number of concerned Members of Congress who will say, indeed—and this, of course, does not include the distinguished majority leader or the minority leader because I am sure that we are both above any political suspicion—but there will, of course, be voices heard to the effect that the President should continue cutting and cutting and cutting. They will be saying that to him again and again and again. Then the same Members of Congress in both the House and Senate will be pleading for increases in appropriations, one after the other, busting the budget daily, and doing it ever so merrily, with an absence of that consistency which has marked political life since political life became consistent with humanity.

I suppose we should recognize, right at the beginning of this session, that our concern for a balanced budget will often be offset by our concern for our constituencies, or our understandable desire to return to the happy privileges and prerogatives of life as public officials serving under the franchise of the electorate.

Mr. MANSFIELD. I appreciate the remarks made by the distinguished minority leader, but may I say that consistency is not always a jewel. Neither, by the same token, is inconsistency.

Mr. SCOTT. Yes, if the Senator would agree with what we say in Congress, that consistency is not a jewel but, rather, a semiprecious stone.

Mr. MANSFIELD. I thought the Senator was going to say it was the hobgoblin——

Mr. SCOTT. I am not quoting Emerson today. I am misquoting him.

Mr. MANSFIELD. I would say, after all, that Congress should stand up on its own hind legs and take credit for what it did in the way of cutting appropriations.

The facts speak for themselves. For fiscal year 1970, the reduction in the defense budget was $5.604 billion. And as for the advance funds already considered for the fiscal year 1971, there will be a further reduction of $1.437 billion based on the action of this Congress with the cooperation of both parties. Let me reiterate: This reduction for 1971 funding has already been made by the Congress.

I raise these questions ahead of time so that if what I have said is incorrect, it can be corrected so that we will all be aware of what the situation is and avoid if possible any sort of political hassle of this sort which is of transcendent importance.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I have not had access to the budget figures. I understand they will not be released officially until this Monday. Therefore, I cannot really comment on the accuracy of the pipeline information which the Washington Post may or may not have or how much of their news article is speculation.

I will say that the figures, of course, speak for themselves. And I agree with the majority leader that we should state them as they are, whether favorable or unfavorable to this administration or the preceding administration.

I will mention, however, that there is one explanation for some of the inconsistency. Appropriations figures can be compared only with appropriations and should be. Then we have the item of expenditures, and very often the expenditures can differ substantially from the amount actually appropriated by Congress, because of the amount in the pipeline from the year heretofore.

It could be possible that in some instances the Washington Post was comparing an expenditure item in one instance, whereas it used the amount appropriated in another. I do not know. But to get a true picture we should compare expenditures with expenditures and appropriations with appropriations, and they should be laid on the record factually and let the figures speak for themselves, whether they are uncomplimentary or complimentary to this or the preceding administration.

Once the budget has been submitted, I and others will be commenting on it. I assure the majority leader that as far as I am concerned I hope we can keep the figures on a straight basis. Whether we differ with the amount of authorization and expenditures is one point. But we should at least be able to agree on what the figures represent. They cannot be changed.

Mr. MANSFIELD. Mr. President, I agree with the Senator, who is a financial watchdog of the Senate and has been during all of the years of his service. He is a man of fiscal integrity and integrity in all other senses.

The Senator knows what financial responsibility means. The headlines in the Washington Post may or may not be correct. In any case, they need more specificity in labeling what moneys they are comparing. We will have to wait until the official budget comes down this next Monday.

Hopefully, what we have said this morning will be helpful to the administration.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PLANNED ACTIONS IN THE NASA FISCAL YEAR 1970 PROGRAM

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report indicating proposed actions by NASA to conduct certain programs at levels in excess of those authorized in the National Aeronautics and Space Administration Authorization Act, 1970 (83 Stat. 196), together with the facts and circumstances related to those actions (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT ON EXEMPLARY REHABILITATION CERTIFICATES

A letter from the Secretary of Labor, reporting, pursuant to law, on the Exemplary Rehabilitation Certificates for the calendar

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year 1969; to the Committee on Armed Service.

Report on Semiannual Experimental, Development, Test, and Research Procurement Action

A letter from the Secretary of the Air Force, transmitting, pursuant to law, the Air Force report entitled "Semiannual Experimental, Development, Test and Research Procurement Action Report," July 1, 1969 through December 31, 1969 (with an accompanying Report); to the Committee on Armed Services.

Gas Supplies of Interstate Natural Gas Pipeline Companies, 1968

A letter from the Chairman, Federal Power Commission, transmitting for the information of the Senate, a copy of a publication entitled "Gas Supplies of Interstate Natural Gas Pipeline Companies, 1968" (with an accompanying document); to the Committee on Commerce.

Report on Final Valuations of Properties of Carriers

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a report on final valuations of properties of certain carriers (with an accompanying report); to the Committee on Commerce.

Report Concerning the Use of Funds by the Maritime Administration for Construction, Equipping and Furnishing a Library Building at the U.S. Merchant Marine Academy, Kings Point, N.Y.

A letter from the Secretary of Commerce, reporting in response to a report from the Comptroller General dated November 14, 1969 (B–118779), concerning the use of funds by the Maritime Administration for construction, equipping and furnishing a library building at the U.S. Merchant Marine Academy, Kings Point, N.Y. (with an accompanying report); to the Committee on Government Operations.

Report Concerning Activities Carried on by the Geological Survey

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on activities carried on by the Geological Survey during the reporting period July 1 through December 31, 1969; to the Committee on Interior and Insular Affairs.

Report of Views Concerning Final Report of the National Water Commission

A letter from the Chairman, Water Resources Council, reporting, pursuant to law, the views of the council on the National Water Commission's Annual Report for 1969; to the Committee on Interior and Insular Affairs.

Report of the Atomic Energy Commission

A letter from the Atomic Energy Commission, transmitting, pursuant to law, the annual report for 1969 of the U.S. Atomic Energy Commission (with an accompanying report); to the Joint Committee on Atomic Energy.

Report Pertaining to Fair Labor Standards in Employments in and Affecting Interstate Commerce

A letter from the Secretary of Labor, transmitting, pursuant to law, the January 1970 report pertaining to fair labor standards in employments in and affecting interstate commerce (with an accompanying report); to the Committee on Labor and Public Welfare.

Report Pertaining to Activities in Connection With Age Discrimination in Employment Act of 1967

A letter from the Secretary of Labor, transmitting, pursuant to law, a report pertaining to activities in connection with Age Discrimination in Employment Act of 1967, for January, 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of Losses or Costs Incurred by the Postal Service in the Performance of Public Services During the Current Fiscal Year

A letter from the Postmaster General, reporting, pursuant to law, the estimated amount of the losses or costs (or percentage of costs) incurred by the postal service in the performance of public services during the current fiscal year; to the Committee on Post Office and Civil Service.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on positions in grades GS–16, GS–17, GS–18, for the calendar year 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

Proposed Legislation Correcting Certain Provisions of Law Relating to the Postal Service

A letter from the Postmaster General, transmitting a draft of proposed legislation to make technical corrections in certain provisions of laws relating to the postal service (with accompanying papers); to the Committee on Post Office and Civil Service.

Proposed Legislation To Permit the Acceptance of Checks and Nonpostal Money Orders in Payment for Postal Charges and Services

A letter from the Postmaster General, transmitting a draft of proposed legislation to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services (with accompanying papers); to the Committee on Post Office and Civil Service.

Report of the Four Corner Regional Commission

A letter from the Federal Cochairman, transmitting, pursuant to law, an interim report of the Four Corners Regional Commission, U.S. Department of Commerce (with an accompanying report); to the Committee on Public Works.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Wayne County, Mich., Board of Supervisors, in tribute to the memory of the late Dr. Martin Luther King, Jr., praying for the declaration of the 15th day of January as a national holiday in memory of Dr. King; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on the Judiciary, without amendment:

S. 2707. A bill to consent to the Interstate Compact on Air Pollution between the States of Ohio and West Virginia (Rept. No. 91–645).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week" (Rept. No. 91–646); and

H.J. Res. 1051. Joint resolution designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes (Rept. No. 91–647).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 297. Resolution authorizing the printing of additional copies of 19th annual report of the activities of the Joint Committee on Defense Production (Rept. No. 91–648); and

S. Res. 315. Resolution authorizing additional expenditures for Committee on Appropriations.

SENATE RESOLUTION 333—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR A STUDY OF ADMINISTRATIVE PRACTICE AND PROCEDURE—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 333); which was referred to the Committee on Rules and Administration:

S. Res. 333

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation of administrative practices and procedures within the departments and agencies of the United States in the exercise of their rulemaking, licensing, investigatory, law enforcement, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act and the study of the recommendations of the Administrative Conference of the United States, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions.

Sec. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $246,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

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SENATE RESOLUTION 334—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR AN INVESTIGATION OF ANTITRUST AND MONOPOLY LAWS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 334); which was referred to the Committee on Rules and Administration:

S. Res. 334

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a complete, comprehensive, and continuing study and investigation of unlawful restraints and monopolies, and of the antitrust and monopoly laws of the United States, their administration, interpretation, operation, enforcement, and effect, and to determine and from time to time redetermine the nature and extent of any legislation which may be necessary or desirable for—

(1) clarification of existing law to eliminate conflicts and uncertainties where necessary;

(2) improvement of the administration and enforcement of existing laws; and

(3) supplementation of existing law to provide any additional substantive, procedural, or organizational legislation which may be needed for the attainment of the fundamental objects of the laws and the efficient administration and enforcement thereof.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970 to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $643,500, shall be paid from the contingent fund for the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 335—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR A STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 335); which was referred to the Committee on Rules and Administration:

S. Res 335

Resolved, That the Committee on the Judiciary or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its activities and findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $173,300 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 336—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR A STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 336); which was referred to the Committee on Rules and Administration:

S. Res. 336

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the Committee, under this resolution, which shall not exceed $230,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 337—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR AN INVESTIGATION OF CRIMINAL LAWS AND PROCEDURES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 337); which was referred to the Committee on Rules and Administration:

S. Res. 337

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of criminal laws and procedures.

Sec. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. The expenses of the committee under this resolution, which shall not exceed $152,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

SENATE RESOLUTION 338—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR THE CONSIDERATION OF MATTERS PERTAINING TO FEDERAL CHARTERS, HOLIDAYS, AND CELEBRATIONS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 338); which was referred to the Committee on Rules and Administration:

S. Res. 338

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to consider all matters pertaining to Federal charters, holidays, and celebrations.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants

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and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $9,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 339—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR A STUDY OF MATTERS PERTAINING TO IMMIGRATION AND NATURALIZATION—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 339); which was referred to the Committee on Rules and Administration:

S. RES. 339

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to immigration and naturalization.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $213,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 340—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR A STUDY AND EXAMINATION OF THE FEDERAL JUDICIAL SYSTEM—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 340); which was referred to the Committee on Rules and Administration:

S. RES. 340

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a study and examination of the administration, practice, and procedures of the Federal judicial system with a view to determining the legislation, if any, which may be necessary or desirable in order to improve the operations of the Federal courts in the just and expeditious adjudication of the cases, controversies, and other matters which may be brought before them.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1970 to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis professional, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of departments and agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $220,200, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 341—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR AN INVESTIGATION OF THE ADMINISTRATION, OPERATION AND ENFORCEMENT OF THE INTERNAL SECURITY ACT—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 341); which was referred to the Committee on Rules and Administration:

S. RES. 341

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate insofar as they relate to the authority of the committee, to make a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended; (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States; and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force or violence.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants:

Provided, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee: and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $555,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 342—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR AN INVESTIGATION OF JUVENILE DELINQUENCY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 342); which was referred to the Committee on Rules and Administration:

S. RES. 342

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to juvenile delinquency in the United States, including (a) the extent and character of juvenile delinquency in the United States and its causes and contributing factors; (b) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws; (c) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (d) the extent to which juveniles are violating Federals laws relating to the sale or use of narcotics.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $257,500 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 343—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR AN EXAMINATION AND REVIEW OF THE STATUTES RELATING TO PATENTS, TRADEMARKS, AND COPYRIGHTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 343); which was referred to the Committee on Rules and Administration:

S. Res. 343

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a full and complete examinatiion and review of the statutes relating to patents, trademarks, and copyrights.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970 to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the department or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $132,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

SENATE RESOLUTION 344—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR AN INVESTIGATION OF NATIONAL PENITENTIARIES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 344); which was referred to the Committee on Rules and Administration:

S. Res. 344

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under section 134 (a) and 136 on the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and inspect national penitentiaries.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $35,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 345—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR A STUDY OF THE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 345); which was referred to the Committee on Rules and Administration:

S. Res. 345

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 1936 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the problems created by the flow of refugees and escapees.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1970 to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. The expenses of the committee under this resolution, which shall not exceed $128,900, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

SENATE RESOLUTION 346—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR A STUDY OF MATTERS PERTAINING TO REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 346), which was referred to the Committee on Rules and Administration:

S. Res. 346

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to revision and codification of the statutes of the United States.

Sec. 2. For the purpose of this resolution the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That if more than one counsel is employed, the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $55,800, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 347—AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR A STUDY OF SEPARATION OF POWERS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 347); which was referred to the Committee on Rules and Administration:

S. Res. 347

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent if any to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, infor-

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mation, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $130,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 348—RESOLUTION TO PAY A GRATUITY TO LENA M. KETTLER—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 348), which was placed on the calendar, as follows:

S. Res. 348

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lena M. Kettler, widow of Edward L. Kettler, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE CONCURRENT RESOLUTION 52—CONCURRENT RESOLUTION REPORTED AUTHORIZING THE PRINTING OF A COMPILATION OF HEARINGS, REPORTS, AND COMMITTEE PRINTS—REPORT OF A COMMITTEE

Mr. JACKSON, from the Committee on Government Operations, reported the following original concurrent resolution (S. Con. Res. 52); which was referred to the Committee on Rules and Administration:

S. Con. Res. 52

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations three thousand copies of a compilation of the hearings, reports, and committee prints of its Subcommittee on National Security and International Operations entitled "Planning-Programming-Budgeting," issued during the Ninetieth Congress and the first session of the Ninety-first Congress.

SENATE CONCURRENT RESOLUTION 53—AUTHORIZING THE PRINTING OF THE NATIONAL ESTUARINE POLLUTION STUDY AS A SENATE DOCUMENT (REPT. NO. 91-649)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Con. Res. 53), and submitted a report thereon, which was placed on the calendar, as follows:

S. Con. Res. 53

A concurrent resolution authorizing the printing of the National Estuarine Pollution Study as a Senate document

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, in one volume, with illustrations, the National Estuarine Pollution Study, submitted to the Congress by the Federal Water Pollution Control Administration, Department of the Interior, in accordance with section 5(g)(3), Public Law 89-753, Clean Water Restoration Act of 1966, and that there be printed three thousand five hundred additional copies of such document, of which two thousand five hundred copies shall be for the use of the Senate Committee on Public Works and one thousand copies shall be for the use of the House Committee on Public Works.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSS:

S. 3357. A bill to provide reemployment rights for certain Department of Defense personnel in the excepted service; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Moss when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HANSEN:

S. 3358. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. YARBOROUGH:

S. 3359. A bill to amend title 38, United States Code, so as to provide that social security benefits shall be disregarded in determining eligibility for or the amount of dependency and indemnity compensation of dependent parents or in determining eligibility for or the amount of non-service-connected pension of veterans and widows of veterans; to the Committee on Finance.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BAYH:

S. 3360. A bill to amend section 770 of title 38, United States Code, to provide for the payment of servicemen's group life insurance benefits directly to a minor widow or widower where State law prohibits payment of insurance to minors; to the Committee on Finance.

(The remarks of Mr. Bayh when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HATFIELD:

S. 3361. A bill to create one additional permanent district judgeship in Oregon; to the Committee on the Judiciary.

(The remarks of Mr. Hatfield when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3357—INTRODUCTION OF A BILL PROVIDING REEMPLOYMENT RIGHTS FOR DEFENSE PERSONNEL

Mr. MOSS. Mr. President, I introduce for appropriate reference, a bill to give reemployment rights to certain civilian Defense Department employees who accept overseas assignments in excepted service.

The need for this bill was called to my attention by the experience of a constituent of mine who left a position of attorney-adviser at Hill Air Force Base in Ogden, Utah, to accept a similar position with the U.S. Air Force in England, and who now finds that even though he was a career employee at Hill, the appointment he accepted was excepted and he will have no reemployment rights when he completes his 5-year overseas assignment and returns to this country. He has been advised he is eligible to receive placement assistance, but nothing more.

It seems to me that this discriminates against the career employee who accepts an overseas post which happens to be excepted. He returns to this country after a number of years abroad with no assurances of a job. If he has a family and other obligations this puts an extra burden on him, and the period of uncertainty he must go through works a hardship on them as well as on him.

The bill I am introducing today would go far toward eliminating this inequity. If a full-time Defense Department career employee with continuous civil service tenure accepts overseas assignment at the request of the Department he would, in most instances, retain his reemployment rights.

This bill would apply only in the case of persons in civilian employment of the Department of Defense on or after the date of enactment of the bill.

I ask that the full text of the bill be printed at the close of the statement.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3357) to provide reemployment rights for certain Department of Defense personnel in the excepted service, introduced by Mr. Moss was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 3357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1586 of title 10, United States Code, is amended—

(1) by striking out "career-conditional and career" in the section caption; and

(2) by striking out clause (1) of subsection (b) and inserting in lieu thereof the following:

"(1) who, while serving as a full-time employee under an appointment with continuous tenure in the civil service (other than an excepted appointment of a confidential or policy-determining character), is assigned at the request of the department concerned to duty outside the United States,".

(b) The analysis of chapter 81 of such title is amended by striking out "career-conditional and career" in item 1586.

Sec. 2. The amendments made by the first section of this Act shall become effective as of July 5, 1960, and shall apply only in the case of persons in the civilian employment of the Department of Defense on or after the date of enactment of this Act.

S. 3359—INTRODUCTION OF A BILL ELIMINATING SOCIAL SECURITY BENEFITS FROM ANNUAL INCOME REQUIREMENTS FROM VETERANS PENSIONS AND DEPENDENCY AND INDEMNITY COMPENSATION

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill which would cure a glaring inequity in our present veterans pension laws by disregarding social security benefits in determining eligibility for or the amount of:

First, dependency and indemnity compensation for parents of deceased veterans; and

Second, non-service-connected pen-

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sions for veterans and widows of veterans.

Our present veterans laws provide monthly dependency and indemnity compensation to the parents of a deceased veteran if the parents' income does not exceed a certain yearly amount. In the case of only one surviving parent, compensation is paid to that parent on a sliding scale so long as the parent's total annual income does not exceed $2,000. Where both of the veteran's parents survive him, they are entitled to monthly compensation so long as their total combined income annually does not exceed $3,200.

These compensation payments are not large. On the contrary, these payments in the case of one surviving parent range from $87 a month to $10, depending on the amount of annual income of the parent or parents.

In determining the total annual income of parents of deceased veterans, all the income received by the parent or parents is included unless it falls within one of the 12 types which are expressly excluded from total income by the law. In the case of social security benefits, only 10 percent of these payments are excluded from the computation of total income. Because of the inclusion of 90 percent of social security benefits as part of total annual income, many parents of deceased veterans who are presently drawing dependency and indemnity compensation will be penalized rather than helped by the recently enacted 15 percent increase in social security benefits.

The problem is even more acute in the case of veterans and widows of veterans receiving pensions under chapter 15 of title 38 of the United States Code. Under this chapter veterans of World War I, World War II, and the Korean conflict may receive monthly pensions if they are over the age of 65 or totally and permanently disabled from non-service-connected causes and provided they meet the service and annual income requirements of the law. Surviving children and widows of veterans are also entitled to monthly pensions under this chapter provided they also meet the income tests provided by this law.

As in the case of parents of deceased veterans, the amount of pension a veteran or his survivor receives under chapter 15 is determined by his total annual income. In the case of a single veteran, the amount of his monthly pension will range from $110 to $29 depending on his annual income. However, should his annual income exceed $2,000, he will lose his pension.

A veteran who has dependents may receive a monthly pension ranging from $130 to $34 depending on his annual income and the number of dependents he has. However, should his annual income exceed $3,200 he will also lose his pension.

The pensions payable to widows and surviving children are also based on total annual income. For a widow, the maximum income she can make and still be eligible for a veterans pension is $2,000 with no children and $3,200 with children. In cases where the veteran's widow does not survive him but his children do, the children are entitled under the present law to a monthly pension if their earned income does not exceed $1,800 a year.

Like dependency and compensation payments, annual income for pensions to veterans or their survivors includes 90 percent of the recipient's social security benefits. Therefore, in many cases the 15 percent social security increase which Congress provided in the Tax Reform Act will actually work to the disadvantage of individuals drawing these pensions instead of to their benefits.

In some instances, the 15-percent increase in social security benefits will have no effect on the amount of pension the veteran or his survivor receives. For example, a veteran who receives the minimum social security benefit of $55 per month and has only $107 of other income will have a total income for pension purposes of $701. Thus he is entitled to a pension of $96 per month because his total annual income is between $700 and $800. The increase in his social security benefits to $64 per month only increases his total annual income to $798, which is still within the $700 to $800 category. Thus his veterans pension remains the same.

In other cases, however, the increased social security benefits will actually result in a net loss for the veteran or his survivor. For instance if the social security increase raises the veteran's or his survivor's total annual income above the limitation mark of $2,000 or $3,200, the loss of the veterans pension will be greater than the increase in social security benefits thus causing a net loss. For example, a single veteran with a total annual income of $2,000 is entitled under present law to a monthly pension of $29. If this veteran receives a monthly increase in his social security benefits of $9 this will increase his total annual income above the $2,000 mark thus making him ineligible for any veterans pension. The net effect of this would be that the veteran would give up $20 a month in veterans pension benefits for $9 a month in social security benefits. Thus, the veteran will actually lose $240 a year because of this increase in social security benefits.

A net loss can also result even if the veteran remains eligible for pension if the amount of the social security increase and the amount of his other income are such that he moves across two of the $100 income brackets in the pension tables. For example, a veteran may be getting monthly social security payments of $75.10 a month and have other income of $688 per year. For pension purpoes, this would make his total annual income $1,499 making him eligible for a pension of $63 per month. Under Public Law 91-172, his social security would be increased to $86.40 per month raising the total income on which his pension is based from $1,499—in the $1,400 to $1,500 bracket—to $1,611—in the $1,600 to $1,700 bracket—and lowering his monthly pension from $63 to $51. Thus his total annual income would be reduced since his monthly social security goes up by $11.30 while his pension goes down by $12.

The effects of the increase in social security benefits on veterans' pensions will not be felt until 1971 since an increase in total annual income is not reflected in the amount of pension a veteran or his survivor receives until the year after the increase in income occurs. However, I have a table which shows examples of the effects on the 15 percent social security increase on the amount of pension the veteran receives. The last column of this table shows the increase, if any, in social security benefits the veteran actually will receive after his veterans' pension is reduced. Mr. President, I ask unanimous consent that this table be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

THE EFFECT OF THE SOCIAL SECURITY BENEFIT INCREASE UNDER PUBLIC LAW 91-172 ON THE INCOME IN 1971 OF VETERANS ENTITLED TO PENSIONS UNDER SECTION 521(b) OF TITLE 38, UNITED STATES CODE—EXAMPLES

Example number	Annual income			Total income	Effective social security increase (percent)
	Social security	Other income	Veterans' pension		
1. Prior law	$660	0	$1,248	$1,908	9.1
Public Law 91-172	[1] 768	0	1,200	1,968	
2. Prior law	660	$200	1,152	2,012	9.1
Public Law 91-172	768	200	1,104	2,072	
3. Prior law	660	600	948	2,208	9.1
Public Law 91-172	768	600	900	2,268	
4. Prior law	660	1,200	540	2,400	1.8
Public Law 91-172	768	1,200	444	2,412	
5. Prior law	1,206	0	1,008	2,214	6.1
Public Law 91-172	[2] 1,387	0	900	2,287	
6. Prior law	1,206	200	900	2,306	3.1
Public Law 91-172	1,387	200	756	2,343	
7. Prior law	1,206	600	612	2,418	1.1
Public Law 91-172	1,387	600	444	2,431	
8. Prior law	1,496	0	828	2,324	5.5
Public Law 91-172	[3] 1,722	0	684	2,406	
9. Prior law	1,496	200	684	2,380	5.5
Public Law 91-172	1,722	200	540	2,462	
10. Prior law	1,496	600	348	2,444	([4])
Public Law 91-172	1,722	600	0	2,322	

[1] Annual equivalent of minimum social security benefit (for a worker retiring at or after age 65) of $55 increased to $64 by Public Law 91-172.

[2] Social security benefit of $100.50 increased to $115.60 by Public Law 91-172.

[3] Social security benefit of $124.70 increased to $143.50 by Public Law 91-172.

[4] No increase; annual income decreases by $122, in effect a social security decrease of 8.2 percent.

Mr. YARBOROUGH. Mr. President, in summary, this 15-percent increase in social security can have three possible effects on veterans pensions:

First, in some cases, there will be no reduction in pension income since the increase in social security benefits will leave the veteran or his survivor in the same income bracket.

Second, in some cases, the veterans

total income will rise despite a reduction in pension benefits. There the veteran or his survivor will receive an increase in his net income of less than 15 percent.

Third, finally, in some cases the reduction in pension income will be greater than the 15-percent increase in social security benefits thus causing the veteran or his survivor to suffer a net loss in income.

This perplexing problem arises every time social security benefits are increased. Several approaches have been taken in the past to lessen the impact of these increases on veterans pensions and dependency and indemnity compensation. One method that has been resorted to is to provide more and smaller income brackets so that an increase in annual income would not cause large reductions in the amount of the veterans pensions. Another way to cope with the problem is to reduce the pension in steps rather than all at once. None of these approaches are satisfactory.

I firmly believe that Congress must face the basic fact that social security benefits should not be considered in calculating annual income for veterans pensions and dependency and indemnity compensation. Social security was never intended to be the equivalent of private income. On the contrary, social security was intended to be a means by which our Government can provide our senior citizens with a measure of protection against the hazards and hardships of old age. To allow social security benefits to be used as a tool to weaken other Government pension laws is to distort the purpose of the Social Security Act. Social security is an independent program and should be treated as one.

As of October 31, 1969, there were 1,118,112 veterans entitled to pensions based on non-service-connected disabilities. On that same date, there were 1,134,253 survivors of deceased veterans receiving pensions based on non-service-connected deaths. These people are all in the twilight of their lives and are living in poverty or near poverty conditions. Their social security and veterans pensions are all that keep many of them going. It is cruel, heartless, and grossly unfair to offer them a 15-percent increase in social security with one hand and reduce their pensions with the other.

The bill I introduce today offers the only realistic solution to this dilemma. This bill would exclude all social security benefits from the computation of annual income for veterans pensions and dependency and indemnity compensation for parents of deceased veterans. My bill, if enacted, would allow these citizens to receive the pensions to which they are entitled and the social security benefits which rightfully are theirs under our laws. This is the only approach which is fair and in keeping with the spirit and purpose of the Social Security Act. I urge my colleagues to join with me in this fight to better the lives of our senior citizens. I request unanimous consent that this bill be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3359), to amend title 38, United States Code, so as to provide that social security benefits shall be disregarded in determining elgibility for or the amount of dependency and indemnity compensation of dependent parents or in determining eligibility for or the amount of non-service-connected pension of veterans and widows of veterans, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Finance, and ordered printed in the RECORD, as follows:

S. 3359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (G) of section 415(g) of title 38, United States Code, is amended to read as follows:

"(G) all payments to an individual under section 202 or 223 of the Social Security Act and 10 per centum of the amount of payments to an individual under any other public or private retirement, annuity, endowment, or similar plans or programs;"

SEC. 2. Section 503(6) of title 38, United States Code, is amended to read as follows:

"(6) all payments to an individual under section 202 or 223 of the Social Security Act and 10 per centum of the amount of payments to an individual under any other public or private retirement, annuity, endowment, or similar plans or programs;"

SEC. 3. In determining annual income for purposes of payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, all payments to an individual under section 202 or 223 of the Social Security Act shall be disregarded.

S. 3360—INTRODUCTION OF A BILL PROVIDING FOR PAYMENT OF SERVICEMEN'S GROUP LIFE INSURANCE BENEFITS DIRECTLY TO A MINOR WIDOW OR WIDOWER WHERE STATE LAW PROHIBITS PAYMENT OF INSURANCE TO MINORS

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a bill to authorize payment of servicemen's group life insurance benefits directly to a minor widow or minor widower.

At present, servicemen's group life insurance payments are settled in accordance with State laws. While the Veterans' Administration oversees the administration of the servicemen's group life insurance program, the benefits are paid by a private insurance company under a group life policy purchased by the VA from the insurance company. As a result, the rules and regulations governing the settlement of the policy are State rules and regulations. In most cases, as a survey of State insurance laws reveals, the States limit direct payments to minors to $3,000 in any one year. In my own State of Indiana, for example, minors may not receive more than $2,500 directly from an insurance claim.

Mr. President, these State statutes are well intentioned. They are based on the assumption that a minor is not fully capable of handling large sums of money and is more susceptible to the blandishments of unscrupulous people than an older person. In the case of a minor widow, however, this arbitrary limitation could work a great hardship on the widow, particularly at a time when financial assistance is most needed—immediately following the death of the husband.

In addition to limiting the size of benefits payable directly in any one year, most States require the minor to establish a guardianship in order to receive more than the statutory limit. This additional requirement results in unnecessary expenses, delay, and needless depletion of the benefits that would otherwise be available to the widow.

It is interesting to note, Mr. President, that in every program administered directly by the Veterans' Administration, full payments can be made to a minor widow directly. The Veterans' Administration has indicated to me that their experience with this policy has revealed no unusual dissipation of benefits. I simply do not see any reason to continue denying to minor widows, many of them responsible for the support of children, their rightful and full benefits under servicemen's group life insurance.

Mr. President, I ask unanimous consent that a letter to me from one of my constituents, Mrs. Donna Glover, which first brought this inequity to my attention be included in the RECORD, along with a survey of State insurance laws prepared by the Library of Congress.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and survey will be printed in the RECORD.

The bill (S. 3360), to amend section 770 of title 38, United States Code, to provide for the payment of servicemen's group life insurance benefits directly to a minor widow or widower where State law prohibits payment of insurance to minors, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Finance.

The material furnished by Mr. BAYH follows:

NOVEMBER 24, 1969.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: First, let me thank you for your letter that I received after the death of my husband, S. Sgt. Larry Ray Glover, in Viet Nam on October 7. I found it comforting to know that you too, had feelings of sympathy for us as his surviving family. In your letter, you said that if there was any possible way that you could help, you would be willing to do so. I am writing in hopes that you may be able to correct a difficult situation for me—or at least, give me some helpful information on the matter.

The military helped us in every possible way. I was blessed with an efficient and understanding Survival Assistance Officer, Captain Thomas Boyce Pozniak, stationed at Fort Harrison. He did everything he could as an Army Representative and friend to help us through this tragic time.

I have been confronted with one problem that the Army is not able to answer, though, and I hope you may be able to help me in some way. I realize that you are a federal legislator and my problem concerns a state law, but will you please look into the matter for me?

Since I am the widow in this case, I am also the beneficiary of the insurance benefits. The state of Indiana has a law which states that I cannot receive more than $2500 in one year from an insurance claim until I am 21 years of age. I am 19 years old, and this means that a guardianship must be appointed for me to sign the insurance company's release for payment, or the company can hold the money at a loss of interest on my part. Either way, to me, it is an expense and an inconvenience.

To be truthful, I am not in desperate need because I am working and able to support myself. But every widow is not in my position and that is why I would like for you to see if this law could be altered. Many widows of servicemen are under 21 years of age because most of our men dying in service are not older than 21, themselves. Many of these same widows have children to support. In other words, the insurance benefit is a definite need to them and I feel they are entitled to the payment their husbands had set aside for them without legal involvement.

I believe the law that Indiana has regarding this matter is very good at a time when a parent has his minor children as beneficiaries but this law is very improper in the case of a widow. We are of legal age to have the responsibilities of marriage (and widowhood) at 18, but the law says we are not capable of managing our own financial affairs. I believe you will agree that this does not make sense.

I have not made a decision concerning the receipt of the insurance payment yet. I will wait to see if an alteration could possibly be made in this law because even though I do not need the money presently, I am responsible for making my own living for the rest of my life since my husband passed away in service to his country. I do not want to spend more than $200 unnecessarily in getting a guardianship appointed or lose interest that I could accumulate before I reach the age of 21; so I will wait for a reply concerning my request that you check on this State Law for me.

Please answer as soon as possible because it is a matter that not only concerns me, but also two insurance companies waiting for signed releases and many other young widows. I will appreciate any information or help that you can give.

Sincerely,

Mrs. DONNA S. GLOVER.

NEW WHITELAND, IND.

[From the Library of Congress Legislative Reference Service]

STATE REGULATION OF LIFE INSURANCE PAYMENTS TO MINORS

(Compiled by Stephen C. Orenstein)

ALABAMA

Alabama Code tit. 28, § 4(3)—Any minor who has reached the age of 18 is competent to receive payments not exceeding $3,000 in one year. If a guardian has been appointed over the property of the minor and written notice to this effect has been given then payments must be made through the guardian.

ALASKA

Alaska Stat. § 21.42.290—Any minor who has reached the age of 16 is competent to receive payments not exceeding $3,000 in one year; unless, a guardian has been appointed and written notice given.

ARIZONA

Arizona Rev. Stat. Ann. Tit. 20, § 1126—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,000 in one year.

ARKANSAS

Arkansas Stat. Ann.—None.

CALIFORNIA

California Codes—None.

COLORADO

Colorado Rev. Stat. Ann. § 72–1–56 (cumm. supp. 1965 vol. 4)—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,500 in one year; unless, a guardian has been appointed and written notice given.

CONNECTICUT

Connecticut Gen. Stat. Rev.—None.

DELAWARE

Delaware Code Ann. tit. 18, § 2723—Any minor who has reached the age of 18 is competent to receive payments not exceeding $3,000 in one year. If a guardian has been appointed over the property of the minor and written notice to this effect has been given then payments must be made through the guardian.

DISTRICT OF COLUMBIA

D.C. Code Ann.—None.

FLORIDA

Fla. Stat. § 627–0123—Any minor who has reached the age of 16 is competent to receive payments not exceeding $3,000 in one year. If a guardian has been appointed over the property of the minor and written notice to this effect has been given then payments must be made through the guardian.

GEORGIA

Ga. Code Ann. § 56–2425—Any minor who has reached the age of 18 is competent to receive payments not exceeding $3,000 in one year. If a guardian has been appointed over the property of the minor and written notice to this effect has been given then payments must be made through the guardian.

HAWAII

Hawaii Rev. Laws § 431–438—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,000 in one year.

IDAHO

Idaho Code Ann.—None.

ILLINOIS

Illinois Rev. Stat.—None.

INDIANA

Ind. Ann. Stat. § 39–4210–a—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,500 in one year.

IOWA

Iowa Code Ann. § 633.574—A general section not specifically dealing with insurance. Where money due a minor is not more than $1,000 and no conservator has been appointed, the money may be paid to a parent. See 16 Iowa Law Review 419 for the insurance aspect.

KANSAS

Kan. Stat. Ann.—None.

KENTUCKY

Ky. Rev. Stat. Ann. § 304.689—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,000.

LOUISIANA

La. Rev. Stat. Ann. § 22.644—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,000.

MARYLAND

Md. Ann. Code art. 93A, § 501—A person under a duty to pay money to a minor may pay not more than $5,000 per annum to the minor if he is at least 18 or is married. If the minor is not 18 or married then the payments should be made to the guardian of the minor if he has knowledge of one. If there is no guardian or knowledge of one, then payment should be made to a parent or other relative with whom the minor resides. If there are none then payments should be made to a financial institution and the minor can withdraw only with the permission of the court.

MASSACHUSETTS

Mass. Gen. Laws Ann. Ch. 175 § 128A—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,000 in one year; unless, written notice that a guardian of the minors property has been appointed.

MICHIGAN

Mich. Comp. Laws Ann. § 500.2206—Any minor who has reached the age of 18 is competent to receive a single payment not exceeding $2,000 in one year.

MINNESOTA

Minn. Stat. Ann. § 61A.12 Subd. 3—Where there is no qualified quardianship and the minor is at least 18 he is competent to receive $100 per month.

MISSISSIPPI

Miss. Code Ann. § 5687—If the beneficiary is at least 15 years old and one of the enumerated persons (certain close relatives to insured), he may receive unlimited benefits. If he is under 15, it appears he would be required to receive the payments through a guardian. Also he must be the purchaser of the insurance.

MISSOURI

Mo. Ann. Stat.—None.

MONTANA

Mont. Rev. Codes Ann. § 40–3731—Any minor who has reached the age of 16 is competent to receive payments not exceeding $3,000 in one year; unless, written notice of the appointment of a guardian over the property of the minor has been received.

NEBRASKA

Neb. Rev. Stat. § 44–705—A minor who has reached the age of 14 is competent to give a valid discharge for benefits provided a parent or guardian gives written approval.

NEVADA

Nev. Rev. Stat. § 690.080—A minor can give a valid discharge for any money payable to him, but if he is under 16 he needs the written approval of a parent or guardian.

NEW HAMPSHIRE

N.H. Rev. Stat. Ann.—None.

NEW JERSEY

N.J. Rev. Stat. § 17:34–30—Any minor is competent to receive payments not exceeding $2,000 in one year if he is less than 15 years old and payments not exceeding $5,000 in one year if he is less than 18 years old; unless, written notice of the appointment of a guardian has been received.

NEW MEXICO

N.M. Stat. Ann. § 58–8–1.5—Any minor who has reached the age of 18 is competent to receive payments up to $3,000 in one year; but if written notice of the appointment of a guardian is given payments must be made to the guardian.

NEW YORK

Ins. Law § 145—same as N.M.

NORTH CAROLINA

N.C. Gen. Stat. § 2–52—Payments may be made to the Clerk of the County Court, as long as the total proceeds of the policy are not over $1,000, for the benefit of a minor. The Clerk then makes payments to the minor.

NORTH DAKOTA

N.D. Cent. Code—None.

OHIO

Ohio Rev. Code Ann. § 3911.08—A minor who is 15 years old, or older may give a valid discharge for benefits accruing under a policy. The insurance must be issued for the benefit of the minor.

OKLAHOMA

Okla. Stat. § 3627—A minor who has reached the age of 16 is competent to receive payments not exceeding $2,000 in one year.

OREGON

Ore. Rev. Stat. § 743.090—A minor who has reached the age of 18 is competent to receive payments not exceeding $3,000 in one year provided no written notice that a guardian has been appointed is received. If writ-

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ten notice was given, payments are to be made to the guardian.

PENNSYLVANIA

Pa. Stat. tit. 40 § 572—A minor who has reached the age of 18 is competent to receive payments not exceeding $3,000 in one year.

RHODE ISLAND

R.I. Gen. Laws Ann.—None.

SOUTH CAROLINA

S.C. Code Ann. § 10–2551 (1968 Cumm. Supp.)—When a minor becomes entitled to a sum not exceeding $2,500 and no guardian has been appointed, the court may make an order of payment to the minor or his parent if he decides the sum is too small to warrant the appointment of a guardian. § 10–2552—When a guardian has been appointed and the sum is $1,000 or less the court may order the sum paid to the minor or parent after which the guardian may be discharged. (2552 appears to apply to benefits under a will.)

SOUTH DAKOTA

S.D. Code—None.

TENNESSEE

Tenn. Code Ann.—None.

TEXAS

Tex. Ins. Code Art. 3.49–2—Minors over 14 years old can receive benefits under a policy they own insuring the life of certain relatives or his own life.

Tex. Prob. Code § 144—Debtors who owe a minor a sum not exceeding $500 may deposit the sum with the Clerk of the Court.

UTAH

Utah Code Ann. § 31–19–31—Same as Oregon.

VERMONT

Vt. Stat. Ann. tit. 8 § 3711—Same as Oregon.

VIRGINIA

Va. Code Ann. § 8–751—Where a judge or court has control over a fund (whether a suit is pending or not) and a minor is entitled to not more than $2,500 in one year the Court may order payment made to a parent or if there is no parent a person deemed by the Court to be competent for the education, maintenance and support of the minor. If the Court in its discretion feels the minor is of sufficient age, it may order payments directly to the minor.

WASHINGTON

Wash. Rev. Code Ann. § 48.18.380—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,000 in one year.

WEST VIRGINIA

W. Va. Code Ann. § 33–6–23—Same as Washington.

WISCONSIN

Wis. Stat. Ann.—None.

WYOMING

Wyo. Stat. Ann. § 26.1–329—Any minor who has reached the age of 18 is competent to receive payments not exceeding $2,300 in one year. If a guardian has been appointed over the property of the minor, payments shall be made to him.

S. 3361—INTRODUCTION OF A BILL TO CREATE ONE ADDITIONAL PERMANENT DISTRICT JUDGESHIP IN OREGON

Mr. HATFIELD. Mr. President, I introduce a bill to create a fourth U.S. district court judge position for the District of Oregon. I do this because I am concerned that justice afforded by a prompt trial must not be jeopardized by a long delay before a case can be heard.

Currently, Oregon has three hardworking district court judges. The senior and chief judge, Judge Gus J. Solomon, is known throughout judicial circles as one of the hardest working district court judges in the country. In fact, when one examines the caseload of the Oregon court, it is a tribute indeed that three men can handle the caseload as expeditiously as they do.

Mr. President, Oregon enters the 1970's facing predictions of rapid population growth. The addition of a fourth judge would guarantee that Oregon citizens will be afforded prompt access to the Federal courts.

Although I am not a lawyer, I am aware of the growing complexity of Federal court cases. A glance at the docket shows many cases dealing with very complex and difficult issues. This means that a judge is removed from normal case disposal, often for weeks at a time, to hear and decide these multifaceted and hydraheaded lawsuits.

Mr. President, I ask the Congress to act in a prompt way to insure that we will act before Oregon faces a crisis situation in its Federal courts. In closing, I draw attention to a recent article in the Portland Oregon Journal, by Ken Jumper, which discusses the caseload problem. I ask unanimous consent that this article be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the article will be printed in the RECORD.

The bill (S. 3361), to create one additional permanent district judgeship in Oregon, introduced by Mr. HATFIELD, was received, read twice by title, and referred to the Committee on the Judiciary.

The article presented by Mr. HATFIELD follows:

FOURTH FEDERAL JUDGE DUE IN 1970'S TO EASE HEAVY WORKLOAD IN OREGON

(By Ken Jumper)

Some time in the 1970's Oregon probably will acquire a fourth federal judge.

It needs one now, according to statistical evidence and to the testimony offered by persons who are intimately involved in the federal judicial system as it pertains to Oregon.

The awareness that Oregon does need an additional federal judge is not new but it has received little public discussion. Last November, during ceremonies renaming the Old Pioneer Post Office, Chief U.S. District Court Judge Gus J. Solomon made a fleeting reference to the impending need. Other than his brief statement, there has been virtually no "on-the-record" talk about it.

But statistics, coupled with the evaluation offered by persons who run the courts and practice in them, point to a steadily increasing caseload which to some extent mirrors a corresponding rise in the state's population.

In brief, Oregon's three federal judges are, and have been for some time, overworked. The pressure on them is reflected in tight courtroom procedures and a corps of lawyers who are not permitted the luxury of rhetoric.

Oregon's third judgeship was created in 1949–50 when the state's population stood at 1,511,200, according to U.S. Bureau of Census figures.

By 1960 the population had climbed to 1,768,687, a 17 per cent increase. And it is projected that by 1975, the population will have swollen to 2,239,000.

With more people come more court cases.

In 1962, Oregon's three federal judges presided at 137 civil and criminal trials and each judge had a weighted caseload of 237.

Those figures have mounted steadily since and in 1968, the three judges presided at 205 trials and each had a weighted caseload of 305.

A statistical method of evaluating and rating various cases based on a formula with several integral parts is used to weigh each case. A zero to four scale is used and the more complicated a case is, the higher it is ranked on that scale. A Dyer Act Violation, for instance, would rate lower than a complicated antitrust case in the area of weighting.

But despite the high number of trials and large weighted caseload, Oregon judges are doing good work—and more of it—than many of their peers in the nation's 89 districts which have 323 judgeships. In fact, Oregon's judges rank among the highest in the nation when it comes to productivity.

Take New Jersey, for instance. That district now has eight judges and is seeking one more on a fulltime basis and one in a temporary position. Yet in 1968, those eight judges handled only 170 criminal and civil trials and had a weighted caseload of 225 each, both figures considerably lower than Oregon's.

Ohio is another example. Seven judges (the state wants another judge) in 1968 presided at 196 trials and had a weighted caseload of 255, statistics that again are substantially lower than Oregon's.

There are many other instances where the same condition prevails.

Admittedly, Oregon's federal courts do not get as many or large complicated cases as do some districts in the East or other large metropolitan areas. And because traffic problems in Oregon are not as serious as in larger metropolitan districts, the courts here can work juries longer hours.

Where other districts may take two or three days for a jury trial, Oregon's federal courts find that one day is usually sufficient.

This means, of course, that "the judge must run a good, tight court," Solomon says.

"We can't enjoy the luxury of letting a lawyer talk ad infinitum, nor can we spoonfeed them," Solomon notes.

Judge Robert C. Belloni says that "his schedule is so tight that he has no time for outside and necessary scholarship. Maintaining this kind of a schedule eventually results in a judge losing his effectiveness," Belloni says.

U.S. attorney Sidney I. Lezak says the pressure under which the judges operate here is "reflecting in the sometimes frantic efforts of lawyers to comply with standards of performance that are extremely high. The atmosphere in the courts here cannot frequently be described as relaxed," although there are individual differences between judges in this respect.

"We joke a lot about the speed with which things are required to be done here, but the humor is a veneer for more tension than is experienced in most courts," Lezak says.

Lawyers who have a great deal of practice in federal court tend to agree with Lezak's appraisal.

"They call Solomon 'Fast Gavel Gus' and he's probably the fastest in the West," one lawyer quips. "But he turns serious and adds But I don't see that he has any choice with the amount of work that he has to do."

And, says another attorney, "it's going to get worse before it gets better." In addition to burgeoning population, we're getting more and more government participation and impingement in virtually all areas of experience.

"Look back to 1949 when Oregon's last judgeship was created and see how many new types of cases that we have in the courts now that were never even heard of then," he notes.

Creation of a fourth judgeship for Oregon is the responsibility of Congress. It is a slow and cumbersome process and to date there has been no concerted drive on the part of any interested parties to get the ball rolling.

But if the state is to get the court it needs, that drive had better be initiated soon if it is to come within the next decade. A study shows that the average time between the initial drum beating and final creation of the judgeship is six years.

ADDITIONAL COSPONSORS OF BILLS

S. 2658

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Texas (Mr. Yarborough), I ask unanimous consent that, at the next printing, the name of the senior Senator from Wyoming (Mr. McGee) be added as a cosponsor of S. 2658, to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

S. 3154

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts (Mr. Kennedy) be added as a cosponsor of S. 3154, to provide long-term financing for expanded urban public transportation programs, and for other purposes. His name was inadvertently omitted.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

S. 3356

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Minnesota (Mr. Mondale), I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. Eagleton) be added as a cosponsor of S. 3356, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

Mr. SCOTT. Mr. President, at the request of the Senator from Oregon (Mr. Packwood), I ask unanimous consent that, at the next printing, the names of the Senator from Washington (Mr. Magnuson), the Senator from Oregon (Mr. Hatfield), the Senator from Alaska (Mr. Stevens), the Senator from Idaho (Mr. Church), and the Senator from California (Mr. Cranston) be added as cosponsors of Senate Resolution 313, relating to the detoxification and destruction of chemical warfare weapons.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

THE ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 469

Mr. ERVIN (for himself, Mr. Allen, Mr. Eastland, Mr. Holland, and Mr. Sparkman), submitted an amendment, intended to be proposed by him to the bill (H.R. 514), to extend programs of assistance for elementary and secondary education, and for other purposes, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 449

Mr. CRANSTON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. Murphy), the Senator from New Jersey (Mr. Case), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), and the Senator from Connecticut (Mr. Ribicoff) be added as cosponsors of amendment No. 449 to S. 3154, to provide long-term financing for expanded urban public transportation programs, and for other purposes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING OF REPORT OF SENATE SPECIAL COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the time for filing the report of the Senate Special Committee on Aging be extended from January 31 to March 15, 1970.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

CORRECTION OF ANNOUNCEMENT OF PUBLIC HEARINGS ON OIL SPILL PROBLEM AT SANTA BARBARA, CALIF.—ANNOUNCEMENT OF HEARINGS ALSO ON S. 3351

Mr. MOSS. Mr. President, earlier this week I announced public hearings on several bills before the Minerals, Materials, and Fuels Subcommittee, which bills deal with the oil spill problem at Santa Barbara, Calif. I overlooked in that announcement S. 3351 by the Senator from California (Mr. Murphy), which will be considered at the public hearing along with the other bills which I mentioned.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Whitney North Seymour, Jr., of New York, to be U.S. attorney for the southern district of New York for a term of 4 years, vice Robert M. Morgenthau.

Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma for the term of 4 years, vice Jackie V. Robertson.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, February 6, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

STATEMENT CONCERNING HEARINGS ON VIETNAM POLICY PROPOSALS

Mr. FULBRIGHT. Mr. President, all Americans have reason to be gratified by President Nixon's actions to deescalate the Vietnam war. After 4 years of constant buildup, the policy has been changed to a point where there are now more American boys coming home than are being sent over. But still replacements are being sent, some 750 casualties are being inflicted on our troops each week, and the war is draining $70 million a day out of the taxpayers' pockets. Although the public temper has, fortunately, subsided, a final end to the war does not seem to be any closer today than it was a year ago. Indeed, my fear is that the current policy will keep the United States bogged down in Vietnam—with the killing and cost continuing—indefinitely.

It will be recalled that the Committee on Foreign Relations had scheduled public hearings for the week of October 27 on a number of pending Vietnam policy proposals. Shortly after those hearings were announced, the President scheduled a speech on Vietnam policy for November 3. The committee then announced that its hearings were being postponed, explaining that "as a matter of courtesy, it seemed proper for the committee to defer its hearings until after the President has spoken."

Since that time, other policy proposals have been introduced in the Senate and there are now nine separate Vietnam policy measures pending before the committee. The committee cannot ignore them or pretend that the proposals have not been made. The introduction and consideration of these proposals is in keeping with the best traditions of our constitutional system, which assign to the Senate a special responsibility in the formulation of foreign policy. The committee, following normal procedure, asked for the views of the executive branch on the proposals and, with the exception of Senator Mathias' resolution—Senate Joint Resolution 166—the comments on them have been received and made public. The next step will be to hear testimony on the proposals from the sponsors and other interested Senators. These hearings are scheduled for Tuesday and Wednesday of next week. In preparation for the hearing the committee, in December, sent two staff members, James G. Lowenstein and Richard M. Moose, to South Vietnam to study the situation there. Their report will be released on Monday.

I hope that the hearings result in producing new policy initiatives which assist in bringing the bloody conflict in Vietnam to an end. The executive branch does not have a monopoly on ideas or judgment.

The hearings will be held on February 3 and 4, beginning at 10 a.m. each day, in the Caucus Room of the Old Senate Office Building. The witnesses scheduled for February 3 are Senators Goodell, Hughes, Eagleton, and Mathias. Sena-

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tors scheduled to testify on the 4th are Scott, Dole, Hartke, McGovern, and Young of Ohio, in addition, Senator Javits will testify on one of the 2 days.

THE WRONG VETO, FOR THE WRONG PURPOSES, AT THE WRONG TIME

Mr. McINTYRE. Mr. President, the President of the United States has vetoed the Labor-Health, Education, and Welfare appropriation bill and his veto has been sustained.

In vetoing this bill, the President said the increased funds in it were for "the wrong amount, for the wrong purposes, and at the wrong time."

I respectfully must disagree with the President. I believe his action was the wrong veto, for the wrong purposes, at the wrong time.

The President said in his state of the Union message, we must not as a people have too many visions and not enough vision.

I do not believe that increased assistance for our schools, our hospitals, our libraries, our health facilities, our vocational education institutions, our college students is visionary, nor do I believe we lack vision in providing these funds. These programs are among the major ones at the heart of our needs in this Nation.

Furthermore, I do not believe that the funds the President vetoed for these programs were inflationary. Congress cut $7½ billion from the President's own requests for Federal spending this year. This cut was on top of the additional funds for the programs the President vetoed. About $5.6 billion of the cuts were in military spending and $1.2 billion were in foreign aid. I think cuts in unnecessary military spending and in foreign aid can be justified and I voted for them.

I cannot justify cuts in education, and health, and libraries. I do not believe the $1.1 billion increase we tried to provide for education, health, and libraries is inflationary in face of a $7½ billion cut in total spending.

I had a great outpouring of opposition to the veto from New Hampshire. I was deeply impressed with the sincerity of this opposition and the constructive and informative views expressed by these people from throughout the State.

In order that Senators may have a flavor of the broad range of this opposition to the veto, I ask unanimous consent to have printed in the Record a list of those who have contacted me.

There being no objection, the list was ordered to be printed in the Record, as follows:

Mrs. Neil Atkins, Conant Public Library, Winchester, N.H.
Mr. Donald R. Bourke, Greenville, N.H.
Mr. Victor H. Bowen, Laconia, N.H.
Mr. Norman R. Brown, Administrator, Concord Hospital, Concord, N.H.
Mr. Jason Boynton, Executive Secretary, New Hampshire School Board Association.
Mrs. Edward C. Brummer, Jaffrey, N.H.
Sister May Callista, Administrator, Sacred Heart Hospital, Manchester, N.H.
Mr. Donald E. Chick, City Manager, Dover, N.H.
Hon. Clyde Coolidge, Mayor, Somersworth, N.H.
Mr. James J. Cusick, Ass't. Superintendent of Schools, Portsmouth, N.H.
Mr. William R. Deutsch, Administrator, Morrison Hospital, Whitefield, N.H.
Mr. William P. Doherty, Sunapee, N.H.
Mrs. David T. Eckels, Howe Memorial Library, Hanover, N.H.
Mr. William Elliot, Executive Vice President, Retail Merchants Association of New Hampshire.
Mr. and Mrs. James Falconer, Seabrook, N.H.
Mr. Paul E. Farum, Concord, N.H.
Mr. Robert Finley, Tamworth, N.H.
Major Carl P. Foster, Alice Peck Day Memorial Hospital, Lebanon, N.H.
Mr. Llewelyn Franklin, Joy Manufacturing Co., Claremont, N.H.
Mrs. Sylvia Gray, Plainfield, N.H.
Mr. Paul Guilderson, Department of Resources and Development, Concord, N.H.
Mr. Paul O. Johnson, Superintendent, Salem School District, Salem, N.H.
Mr. Paul Keefe, City Manager, Exeter, N.H.
Mr. Robert E. Kelly, Salem, N.H.
Mrs. Russell M. Kimball, Chamberlain Free Public Library, Greenville, N.H.
Mr. Louis Keroack, New Hampshire Vocational Technical College, Berlin, N.H.
Mr. George Knox, Director, Vocational Technical College, Berlin, N.H.
Hon. John Maglaras, Mayor, City of Dover, N.H.
Rep. Ralph C. Maynard, Portsmouth, N.H.
Mr. Peter V. Millham, Laconia, N.H.
Mr. Andrew J. Moynihan, Executive Director, New Hampshire Advisory Council, Concord, N.H.
Mr. Richard W. Mulcahy, New Hampshire Vocational-Technical College, Claremont, N.H.
Mrs. Kenneth Perry, Winchester, N.H.
Mrs. Irene Peters, Consultant, Department of Education, Concord, N.H.
Mrs. Grant Powers, Center Sandwich, N.H.
Mr. Harvey M. Radey, Jr., Frisbie Memorial Hospital, Rochester, N.H.
Mrs. Ralph Riley, Littleton Public Library, Littleton, N.H.
Mr. Charles W. Roberts, Winnisquam, N.H.
Mrs. Elizabeth W. Sampson, Ingalls Memorial Library, Rindge, N.H.
Mrs. Leslie Seamans, Granfton, N.H.
Mrs. Erwin Shaw, President, New Hampshire Library Association.
Mr. Wallace Smith, Administrator, Lakes Regional Hospital, Laconia, N.H.
Mrs. Robert Sondrol, Amherst, N.H.
Mr. Gordon R. Tate, Department of Education, Concord, N.H.
Mr. J.A.G. Theriault, Alexander Eastman Hospital, Derry, N.H.
Mr. Arthur E. Toll, Administrator, Laconia State School, Laconia, N.H.
Mrs. W. Fred Tuttle, Wolfeboro Brewster Memorial Library, Wolfeboro, N.H.
Mr. Frederick C. Walker, Superintendent, Dover School Department, Dover, N.H.
Mr. John F. Waters, Administrator, Huggins Hospital, Wolfeboro, N.H.
Mr. T. Harrison Whelan, Administrator, Nashua Memorial Hospital, Nahsua, N.H.
Mrs. Elizabeth M. Wight, Amherst, N.H.
Mr. William L. Willson, Administrator, Mary Hitchcock Memorial Hospital, Hanover, N.H.
Mr. Robert K. Wood, Administrator, Elliot Community Hospital, Keene, N.H.
Mrs. Donald Young, Byron G. Merrill Library, Rumney, N.H.
Mrs. William Burdett, Ashuelot, Winchester, N.H.
Mrs. John Colony, Harrisville, N.H.
Mrs. J. Devine, Manchester, N.H.
Mrs. J. Arthur Doucette, Jackson, N.H.
Mr. William C. Greene, Center Sandwich, N.H.
Mr. George R. Hanna, Keene, N.H.
Mrs. Carlton Jones, Meriden, N.H.
Mr. Louis Miller, Manchester, N.H.
Mrs. Douglas Navish, Keene, N.H.
Mrs. Albert Parker, Hollis, N.H.
Mr. Gilbert Pike, Littleton, N.H.
Mr. Robert Rhodes, Walpole, N.H.
Judge John Sheehan, Manchester, N.H.
Mrs. Helen Joiner, Hampton, N.H.
Mr. Joseph G. Sakey, Nashua Public Library, Nashua, N.H.
Mrs. Ruth S. Pratt, Gilford Public Library, Laconia, N.H.
Mr. Robert P. Lambert, 13 Cricket Lane, Concord, N.H.
Mrs. Marjorie G. Hastings, 20 Grafton St., Lisbon, N.H.
Mrs. Joyce Hanrahan, Little Harbour School, Portsmouth, N.H.
Mr. Donald M. Wilson, Center Sandwich, N.H.
Rev. Hollis Hastings, Lisbon, N.H.
Mr. & Mrs. Raymond C. Swain, Chester, N.H.
Mrs. Bess L. Reed, Woodsville, N.H.
Mr. D. L. Reynolds, Londonderry, N.H.

Mr. McINTYRE. Mr. President, these citizens were as concerned as I was over the loss of funds in New Hampshire. This veto means apparently that our schools will lose $763,522, federally affected districts in the State will lose $1,550,000; vocational education institutions will lose $729,904; hospitals will lose $187,336; and our libraries will lose $154,905.

It is clear to me from the comments of those individuals I have identified above that these funds are needed if our schools, our libraries, and our hospitals are to continue to meet the needs of the people of New Hampshire.

I intend to give these comments serious consideration when I examine the proposal which I assume will be forthcoming from the House to replace the bill that was vetoed.

Our country has desperate priority needs. I include among them the needs of our health and education institutions. We must not fail them now.

CARWASH COUNCIL DOING SOMETHING ABOUT POLLUTION

Mr. SYMINGTON. Mr. President, there is no longer any doubt that our usable supply of clean fresh water is declining at an alarming rate. Recent reports indicate that although we are making significant strides in municipal water pollution control, industrial contamination is still increasing, and today our waters are dirtier than ever before.

In this era when some large industries would appear insensitive to the need for pollution control, many smaller businesses are showing their concern. As but one example, spokesmen of the carwash industry recently wrote me that they are developing a positive program to minimize water pollution from carwash installations.

The National Carwash Council, 2330 South Brentwood Boulevard, St. Louis, has sent copies of a publication called "Waste Water Treatment Report and Guidelines" to all its members. This report is designed to assist the owners of carwash installations to do their part in reducing pollution. The publication advises carwash operators of State and Federal regulations governing waste water and encourages installation of equipment which reuses waste water.

If we are to improve our environment, then all businesses, regardless of size, will have to develop positive programs, just as the National Carwash Council is doing. This trade association deserves our commendation.

NOMINATION OF JUDGE G. HARROLD CARSWELL TO THE SUPREME COURT

Mr. GURNEY. Mr. President, President Nixon is fulfilling another promise to the American people—his promise to restore balance to the Supreme Court and to appoint a Justice who will "strictly interpret" the Constitution.

The nomination of Judge G. Harrold Carswell is being acclaimed by people throughout the United States, who recognize and appreciate the President's determination to carry through with this important obligation.

Editorials from newspapers across the Nation attest to the support Judge Carswell is receiving. I ask unanimous consent that a sampling of the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Akron Beacon Journal, Jan. 21, 1970]

THE SUPREME COURT APPOINTMENT

Our Knight Newspapers colleagues in Tallahassee and Macon give Judge G. Harrold Carswell the highest marks for character and they are in a position to know what kind of man he is, for he was born near Macon and has lived in Tallahassee since 1949.

Chosen by President Nixon to fill the vacancy on the Supreme Court, Carswell has a background of Navy service in World War II, four years of private law practice, five years as U.S. attorney for Northern Florida, 11 years as a federal district judge and slightly less than seven months as a judge of the Fifth Circuit Court of Appeals.

In view of this record, the nominee would appear to be amply qualified as far as experience is concerned.

As to participating in decisions involving companies in which he owned stock—the issue raised against Judge Clement F. Haynsworth Jr.—Carswell has the perfect answer to Senate inquisitors. He doesn't own any stock. Or bonds, either. He does own some real estate, and his wife owns some shares in her father's crate factory, but these holdings are unlikely ever to figure in litigation before the Supreme Court.

Carswell's friends say he fits the President's widely-advertised specifications calling for a "strict constructionist" in interpreting the Constitution. Some Senators may object to the nomination on this score, but they surely will find themselves in the minority in the vote on confirmation unless more relevant grounds for rejection turn up in the meantime.

If our Florida and Georgia conferees aren't being carried away by pride in a hometown boy, Carswell will be a credit to the Supreme Court.

[From the Columbus Dispatch, Jan. 21, 1970]

NOMINEE TO SUPREME COURT

Initial reaction to the nomination of Harrold Carswell to be an associate justice of the United States Supreme Court must be based on only one criterion—he must be fair. No more. No less.

We urged this requirement before President Nixon vainly sought Senate appproval of Clement Haynsworth to fill that still vacant ninth chair of the nation's highest tribunal.

While we expect there will be some opposition—no nominee could possibly satisfy everyone— to Mr. Carswell, there seems little probability he will run into the same buzzsaw that cut down Mr. Haynsworth.

Mr. Nixon has said he believes the Supreme Court should "strictly interpret" the Constitution in all its deliberations. And he has said he agrees with the late Mr. Justice Frankfurter that our Congress should have great leeway in writing our laws and that the Supreme Court should be very conservative in overthrowing a law passed by the elected representatives of the people.

Mr. Carswell has described his own judicial philosophy this way: "A judge is neither pro nor con. I want to approach the law fairly."

We can ask no more.

Simple fairness in interpreting our laws should bring a badly needed balance to our highest court which has been criticized for being legislative rather than judicial.

We do not want a Supreme Court labeled either too conservative or too liberal. We want judges to be fair and honest, who follow no particular social or political philosophy.

We need a high court which will protect the rights of the body politic as a whole.

[From the Orlando Sentinel, Jan. 23, 1970]

CARSWELL'S NOMINATION

Everything we know about Judge G. Harrold Carswell of Tallahassee indicates President Nixon made the right choice in nominating him for the U.S. Supreme Court.

Some nit-picking has begun already about his stand on civil rights issues, but an examination of Carswell's record shows he has followed integration rulings of higher courts. The charge that he is anti-civil rights cannot be justified.

Floridians are proud, not only because Nixon selected one of our number for the highest bench in the land, but because he picked a man with the temperament and judicial ability of Harrold Carswell.

The Fifth Circuit Court of Appeals judge is an outstanding example of an independent jurist who hews to the law and is ruled by it rather than by his own emotions or ideas.

Called a moderate-conservative, Carswell is just that in politics. But trying to pin a label on him where judicial decisions are concerned is impossible.

As one of his friends said, where civil rights cases are involved, he pleases neither black nor white. This indicates his impartiality more than anything which can be said.

Putting Harrold Carswell on the Supreme Court will help give more balance to that body. His nomination should certainly be confirmed by the U.S. Senate.

[From the Cincinnati Enquirer, Jan. 21, 1970]

JUDGE CARSWELL UP

In choosing Judge G. Harrold Carswell of Tallahassee, Fla., to fill an eight-month-old vacancy on the U.S. Supreme Court, President Nixon indicates that he has not retreated from his concept of what a Supreme Court justice should be—or of the niche the court itself should occupy in U.S. political life.

Judge Carswell, who has served since last spring on the U.S. Court of Appeals for the Fifth Circuit, prudently refrains from categorizing himself. But those who have assessed his service on the bench since President Eisenhower named him a Federal district judge a dozen years ago characterize him as one who believes that the Constitution should be applied, insofar as possible, as it is written, not as we might be tempted to wish it had been written.

Judge Carswell becomes, accordingly, the very kind of jurist Mr. Nixon pledged to appoint to the Supreme Court.

"The question," Mr. Nixon declared during the 1968 campaign, "is whether a judge in the Supreme Court should consider it his function to interpret the law or to make the law. Now it is true that every decision to some extent makes law; however, under our Constitution the true responsibility for writing the law is with the Congress. The responsibility for executing the law is with the executive, and the responsibility for interpreting the law resides in the Supreme Court.

"I believe," Mr. Nixon concluded, "in a strict interpretation of the Supreme Court's functions. In essence this means I believe we need a court which looks upon its function as being that of interpretation rather than of breaking through into new areas that are really the prerogative of the Congress of the United States."

There is a substantial body of opinion, of course, that differs with Mr. Nixon's view of the Supreme Court and its role. Many of its spokesmen, we may be certain, will challenge Judge Carswell's projected elevation to the Supreme Court just as they opposed the President's earlier effort to appoint Judge Clement F. Haynsworth Jr. to the court.

But Judge Carswell appears to be devoid of business interests of the sort that became a convenient handle for Judge Haynsworth's opponents.

The fact, moreover, that the Senate saw fit to confirm Judge Carswell last year for elevation to the Fifth Circuit Court of Appeals means that its members cannot, with any consistency, find him suddenly unfit.

We foresee for Judge Carswell a long, useful and constructive career on the nation's highest tribunal.

[From the Milwaukee Sentinel, Jan. 21, 1970]

YEARS ADDED

The most significant difference between President Nixon's new Supreme Court justice nominee and the one who was rejected is age.

Judge G. Harrold Carswell of Tallahassee, Fla., named to fill the seat vacated by Justice Abe Fortas, is 50. Judge Clement F. Haynsworth Jr., whose nomination was rejected by the Senate last year, is 56.

Thus, looking at it from an actuarial standpoint, the replacement of Haynsworth with Carswell represents a probable gain of six more prime years of judicial service and voting on the side of strict constitutional construction.

This is an advantage that the opponents of Haynsworth hardly had in mind when they trumped up their case against him. Nevertheless, the effect of their rejection of Haynsworth may be to give the Supreme Court a half dozen extra years of representation from a justice who appears to be of similar philosophy.

This was, of course, to be expected. Mr. Nixon was bound to look for a like candidate, with the exception that this one would not be vulnerable to specious charges of the appearance of a conflict of interest because of large investment holdings.

Those who are determind to keep the Supreme Court prejudiced toward socialism and the welfare state may try to thwart Mr. Nixon's appointment again. But it appears unlikely that they will be able to muster a majority against the nomination a second time, particularly if nothing in Carswell's record gives renegade Republicans the slightest excuse to vote against him.

At last, it appears, the will of the people, who did vote for change in 1968, including restoration of a better balance on the Supreme Court, stands to be more nearly realized.

[From the Chicago Today, Jan. 21, 1970]

NEW SUPREME COURT CHOICE

Since the Senate's rejection of F. Clement Haynsworth of South Carolina, a new question has to be asked about any Presidential nominee to the Supreme court: Whether he's going to make it. In the case of Judge G. Harrold Carswell of Tallahassee, that can be answered with a great deal of confidence. He'll make it.

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Carswell, 50, has been a federal judge since 1958 and a judge of the 5th circuit Court of Appeals since last summer. He appears to meet all the qualifications President Nixon wanted without rubbing any of the senatorial nerves that were so jangled by Haynsworth. The administration apparently checked his background with an electron microscope to make sure of that.

Carswell is known as a "strict constructionist" in interpreting the Constitution. In its best sense, the phrase means a judge who refuses to make the Constitution a vehicle for his own views, and that's the meaning that seems to apply to Carswell. His record in civil rights indicates that he does not try to "use" the Constitution, either for or against the civil rights cause; he has followed Supreme court interpretations without trying to break new ground.

That won't make him popular with liberals, but it makes him just right for Mr. Nixon's strategy of giving the court a more conservative tinge while making the south feel wanted again.

In a refreshing contrast to Haynsworth and former Justice Abe Fortas, Carswell owns no stocks or bonds at all—his holdings seem to consist of his house and some inherited land. So he should have no worries about confirmation on the score of possible "impropriety"—and that's about the only one that counts.

In temperament and philosophy, Carswell appears to fit in admirably with Nixon's first Supreme court nominee, Chief Justice Warren E. Burger. With them on the bench, the "activist" approach of finding new ways to apply the Constitution is in for substantial changes.

THE ALCOHOLISM EPIDEMIC

Mr. HUGHES. Mr. President, it is understandable that Americans have differences of opinion about the conduct of the war in Vietnam. It is incredible that we cannot agree to face realistically the alcoholism epidemic in this country, which costs us more lives each year than Vietnam and untold billions of dollars in economic and social destruction.

If we were willing to spend a tenth of what we spend on Vietnam to save people from dying of a controllable disease and from causing wholesale slaughter on our highways, we could work miracles toward meeting this problem.

An article published in the National Enquirer of February 1, 1970, graphically describes one aspect of the problem of Alcoholism, U.S.A. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Automobile and the Alcoholic—Surveys Reveal That Alcoholics Drive One Mile Out of Every 10 Driven and Cause 37 Percent of Fatal Accidents

One out of every 10 miles driven on the road is driven by an alcoholic. And it is the alcoholic—not the casual social drinker—who frequently gets involved in car crashes causing death, his own and other people's.

These frightening facts, little understood until now, have been brought out in recent studies.

One study was made by Dr. Melvin L. Selzer, a physician and teacher of psychiatry at the University of Michigan Medical School. Another comes from Dr. Julian Waller, also a physician, who was formerly associated with the California Department of Public Health's Division of Alcoholism. Currently he teaches at the University of Vermont College of Medicine.

Dr. Walter said in a recent interview: "Because driving after drinking is common, it has been widely assumed that most highway crashes are the result of social drinking. Laboratory experiments show that some persons begin to be adversely affected by the equivalent of only one drink, say two ounces of 100 proof alcohol.

"But evidence of high alcoholic concentrations shows that most people who have highway incidents after drinking are not mere social drinkers, but problem drinkers.

"In California, we found that almost 75 percent of severe and fatal accidents in which the principals had been drinking involved alcoholics or people with drinking problems.

"In studies we made in cooperation with the California Division of Motor Vehicles and the courts, we estimated that at least 650,000 alcoholic persons drive. This represents 6.5 percent of the state's 10,000,000 drivers. But we found that they actually drove 10.4 percent of the mileage driven in California in a year.

"This means one mile in 10 is driven by an alcoholic.

"I see no reason why our findings cannot be applied across the nation. It can be assumed that alcoholics form quite a considerable proportion of the national driver population and account for a still higher proportion of miles driven."

Dr. Selzer declared, "Contrary to popular belief, most alcoholics avoid solitary drinking and will weave their intoxicated way long distances to enjoy drinking companionship."

Slogans, billboards, and the usual cautions against driving while under the influence of alcohol are useless with these people, he asserted.

"Many alcohol-involved traffic mishaps and violations are incurred by alcoholic persons whose abnormality immunizes them against the usual educational appeals and legal devices intended to curb intoxicated driving."

Asking why such drivers were not stopped before they could harm themselves and others, Dr. Selzer and his investigators learned of almost incredible attitudes:

"The alcoholic fatality drivers in this study often drove in an intoxicated state, a fact known by their families, their friends and, not infrequently, by local police officers.

"In two cases, our interviewers were told by family members that the deceased alcoholic driver had often driven because he was 'too drunk to walk.'

"Families are often fearful of calling the police because a high-speed pursuit may result which increases the likelihood of a serious accident. Two of the alcoholic fatality drivers were killed during such pursuits.

"There is also the unpleasant possibility that no one cared very much—and that consciously or unconsciously, the alcoholic's demise was not unwelcome. Given the hostility that the alcoholic's drunken behavior often engenders, particularly in family members, this possibility cannot be discounted."

Dr. Selzer does not go along with the sometimes-heard theory that alcohol, releasing tensions, allows people to drive better than they would without it.

He noted, "Ethyl alcohol, the essential ingredient in beer, wine and whiskey, is classified pharmacologically as a volatile anesthetic. Two other drugs in this group are ether and chloroform.

"Since alcohol is essentially an anesthetic, even small amounts may impair driving ability and judgment. This is often accompanied by a feeling of well-being and an illusion of increased competence.

"Furthermore, alcohol depresses the higher brain centers, often permitting behavior that would otherwise be suppressed or deferred until better judgment prevailed."

Dr. Selzer took note of the many taverns and bars along the highways, usually reachable only by car.

Then he examined the personality of the problem drinker. He said, "The alcoholic is basically egocentric and self-centered. This egocentricity may have the quality of an absolute conviction of omnipotence and invulnerability.

"One need not elaborate on the menace posed by an intoxicated individual with these characteristics seated behind the wheel of an instrument as potentially lethal as an automobile.

"In addition, many alcoholics are chronically depressed. A sense of loneliness, sadness and futility are often present. The facade of joviality and gaiety which the alcoholic may wear bears no relationship to the depth of the underlying depression.

"A disproportionate number of suicidal gestures and attempts have long been observed in the alcoholic population.

"Psychoanalytic theory regards alcoholism itself as an unconscious form of self-destruction.

"Finally, the alcoholic is said to be chronically hostile.

"Hence we see the alcoholic described as having underlying feelings of omnipotence, invulnerability, chronic rage, depression, and self-destructiveness. To this can be added the effect alcohol has on driving ability and judgment, plus the realization that there are some 5,000,000 alcoholics in the country—and one can appreciate the need to further investigate and rehabilitate the alcohol-addicted driver."

Selzer's major study, reported in Behavioral Science of January 1969, concerned the 96 drivers who were judged by police to be responsible for 96 fatal traffic accidents resulting in 117 deaths, all in Washtenaw County, Mich., from late 1961 to the end of 1964.

Of the drivers, 71 died and 25 survived.

It was established by questioning relatives, friends and survivors that 36 of the drivers were known to be alcoholics.

The study summed up, in Dr. Selzer's words:

"In the present study, 37 percent of the fatal accidents were caused by alcoholics.

"It appears that a relatively small group of drivers accounts for an excessive number of fatal accidents," Dr. Selzer said.

"Since it is unlikely that the alcoholic driver can resolve his emotional or drinking problems unaided, he will remain a traffic menace unless his alcoholism is treated.

"The need for developing effective and enforceable means of detecting and rehabilitating alcoholic drivers is obvious."

Dr. Selzer cited other studies whose results back up his own findings about alcoholic drivers.

He said a study of convicted drunken drivers in Sweden showed that of 1,956 such drivers, 72 percent had a blood alcohol level of 0.15 percent or higher at the time of arrest—or enough to make a difference in reaction time—and 45 percent of them were known alcoholics.

Additionally, 58 percent had committed earlier traffic violations, often serious ones.

An Ontario, Canada, study showed that 98 alcoholics, compared with the general driving population, accounted for 2½ times as many accidents as normal drivers.

The Ontario alcoholics also had nine times as many convictions for drunken driving and six times as many license suspensions.

A BRILLIANT NEW PRESIDENT FOR DARTMOUTH COLLEGE

Mr. McINTYRE. Mr. President, I want to add my voice to the many voices of the educational community, the Dartmouth alumni and student body, the media, and the general public who are expressing their commendation at the recent announcement that the distinguished mathematician and humanist, Dr. John G. Kemeny, has been named as the 13th president of Dartmouth College.

As a Dartmouth alumnus myself, of course, I have a special interest in Dr. Kemeny's appointment. But his elevation to the presidency of Dartmouth I know has a special national interest because this great New Hampshire institution has rightfully taken its place as one of the Nation's topmost educational institutions.

Dr. Kemeny follows in the footsteps of John Sloan Dickey, who has retired after 25 years as the Dartmouth president. I have spoken many times of the brilliant career which John Sloan Dickey had at Dartmouth. His will not be an easy presidency to follow.

But I am strong in my belief that Dr. Kemeny's brilliance as an educator, his enormous drive and ability which has been demonstrated in his decade and a half as a member of the Dartmouth faculty will bring to the president's chair a competence that will take the Big Green to new heights.

Mr. President, I ask unanimous consent to have printed in the Record a newspaper article and an editorial from the Concord, N.H., Monitor which will complement my remarks concerning this great appointment.

There being no objection, the items were ordered to be printed in the Record, as follows:

XUM

[From the Concord (N.H.) Monitor, Jan. 24, 1970]

Hungarian-Born Philosopher New President of Dartmouth

Boston.—The trustees of Dartmouth College Friday named Dr. John G. Kemeny, 43-year-old, Hungarian-born philosopher and mathematician, as 13th president of the liberal arts school.

Dr. Kemeny was named at a meeting here to succeed John Sloan Dickey who is retiring after 25 years as president. He will take over officially March 1.

The fourth non-alumnus to head Dartmouth since it was founded in 1769, Dr. Kemeny is a Princeton graduate who began his academic career as a research assistant to Dr. Albert Einstein.

He has been chairman of the Dartmouth mathematics department for 12 years and has been a pioneer in developing computer time-sharing as an educational tool.

He has had a key role in shaping the modern curriculum of Dartmouth and for the past two years has been coordinator of educational plans and development.

Dr. Kemeny joined the Dartmouth faculty in 1953 and currently holds the chair established a year ago to encourage innovation in teaching.

Lloyd Brace, chairman of trustees, termed the president-designate "one of the truly creative minds in America today." He said more than 200 persons were considered by trustees before a decision was reached.

Dr. Kemeny indicated he plans to continue to teach one or two courses after becoming president.

He has been chairman of the college's Committee on Equal Opportunity to advise on aiding disadvantaged minorities to attend Dartmouth, and a member of the trustees' ad hoc committee studying the school's programs and priorities, especially the education of women at the now all-male school.

Dr. Dickey commented, "Prof. Kemeny has long since demonstrated his devotion to this college and I make bold to assure him that all sectors of the Dartmouth community will make a response in kind to his leadership."

HUNGARIAN-BORN

Dr. Kemeny was born in Budapest, Hungary, the son of an export-import broker, and was brought to the United States by his family in 1940 to escape the Nazi expansion.

He graduated summa cum laude from Princeton in 1947 after World War II military service in which he, while still in his teens, was mathematician in the theoretical division of the Manhattan atomic bomb project at Los Alamos, N.M.

After winning his doctorate in mathematics in 1949, he joined the Princeton mathematics faculty, specializing in logic, but in 1951 changed to the philosophy department.

He was named to the Dartmouth faculty with the chore of rebuilding its mathematics department, which had been hit by a series of retirements.

Dartmouth's President Kemeny

Dartmouth College has a new president. He is Dr. John G. Kemeny, a mathematician and philosopher who for the past 16 years has been the driving force behind the College's explosive emergence in the fields of mathematics and computers.

Kemeny, 44, will take office March 1, replacing John Sloan Dickey who has served as Dartmouth's 12th president for nearly 25 years. Dr. Dickey announced in September 1968 that he would retire this year.

Thus Dartmouth's trustees reached "in-house" to pick a new leader for the institution which is celebrating its 200th anniversary this year. The trustees considered more than 200 persons for the job.

Kemeny was born in Hungary and came to the United States with his parents in 1940. He is a graduate of Princeton and thus is the fourth non-alumnus to hold the presidency since Dartmouth was founded in 1769.

He is a man of tremendous energy and intellectual capability. While still in his teens, he worked during World War II as a theoretical mathematician on the atomic bomb project at Los Alamos, N.M. In 1948 he was a research assistant to Dr. Albert Einstein at Princeton's Institute for Advanced Study.

Dartmouth's president-to-be has a list of accomplishments and successful projects to his credit as long as your arm—among them the College's computer time-sharing program for secondary schools.

But one that particularly impressed us was that he was a member of the Hanover School Board for three years.

This may seem insignificant in light of Kemeny's massive impact on the national educational community.

But to us, it is promising. For if there is one area in which we could fault our alma mater it is in the College's relationships to the state in which it is situated and the problems that beset New Hampshire.

With some exceptions, Dartmouth, with its priceless intellectual and research resources and heritage of educational excellence, has stood a world apart from the rough-and-tumble of New Hampshire's public affairs.

Its former dean, Thaddeus Seymour, was active in politics. One of its government professors, Laurence Radway, is a member of the state legislature. Some of its faculty served on the Task Force. But as an institution, Dartmouth has been isolated from New Hampshire.

We hope that will change in coming years. An institution of Dartmouth's character, quality and tradition has much to contribute to New Hampshire.

And we think a man of Dr. Kemeny's intensity and wide interest range could be a leader toward this end. He has proved himself extraordinarily capable in comprehending not only the complexity of theoretical, mathematical and social problems, but the practical aspect as well.

He has shown this not only by his development of the secondary school time-sharing program on Dartmouth's computers, but by his inspiring chairmanship of the College's Committee on Equal Opportunity, which developed the summertime ABC program for minorities.

We applaud the selection of Dr. Kemeny as Dartmouth's 13th president.

WHO FIXES OIL PRICES?

Mr. PROXMIRE. Mr. President, within the next few weeks, President Nixon will decide on the future course of U.S. oil policy. He will act upon the recommendations of the Cabinet Task Force on Oil Import Control, chaired by Secretary of Labor George Shultz, which has conducted an intensive study of the U.S. oil industry and the oil import control program. The majority of the task force recommends, as I understand it, replacement of the current quota system with a new tariff system. The minority, consisting of Secretary of Commerce Stans and Secretary of the Interior Hickel is reported to favor retention of the present quota system.

Mr. President, assuming an oil import control system is necessary for our national security—the only justification for such a program, my only concern is that the system we adopt is the most efficient available. This means the system must protect our national security at the least cost, with the least anticompetitive effect and with the most benefit to the consumers.

In order to ascertain the efficiency of any oil import control we must look through the confusion of charges and counter-charges and focus on some of the realities of oil imports. We have heard a lot of loose talk about the proposed tariff system. The most basic charge of the opponents of the tariff system is that it is "price fixing" and that the tariff system somehow introduces a new element, "Government control of prices."

The opponents of changing the oil import control program overlook the fact that the present program also fixes prices; the difference being that, under the present program, prices are fixed in Texas and Louisiana, while under the tariff system, prices would be fixed in Washington where consumers have at least a chance of influencing the price level.

I do not know how well acquainted the opponents of the tariff system are with basic economics but controlling the quantity of imports of a product through quotas affects and "controls" the price of that product just as controlling the tariff level of imports of a product also affects and controls prices. It is called the law of supply and demand. In fact, if the oil spokesmen would read some of their past statements, they would see that they have argued for quota controls on the grounds that the price of crude oil needs to be kept at a high enough level to encourage domestic exploration and production. I know of no more direct, bald admission that quotas affect and control prices.

Let us cut through the fog to see what the oil industry is really saying. The real reason they oppose the tariff system is not because it involves fixing of prices, but because it may involve fixing of prices at a lower level, and might prevent them from raising prices whenever they want. The quota system, of course, involves price fixing, but they like that because it fixes prices at a higher level and allows them to increase those prices whenever they want.

The market demand prorationing systems in States such as Texas and Louisiana also fix prices but they are for that because it involves fixing prices at a higher level than if the free market were allowed to operate.

So the reality is this: The quota system controls prices, but keeps them at a high level, a level the oil industry likes, and makes price rises possible; therefore, they defend the quota system as essential to national security. A tariff system will also fix prices, but may bring about some reduction in those prices, so they attack that system as an attempt at price fixing by the Federal Government. They have had price fixing all along. They know it. The only question is whether the price will be fixed merely to benefit the oil industry or to benefit the entire Nation which includes consumers and taxpayers.

The present control system, along with all the other benefits the oil industry has had been able to get, represents a massive intervention in the market system, and the oil industry knows this too; they are the ones who thought it up and they are the ones who benefit from it at the expense of the rest of us.

All that we in the consumer States ask is that the industry be as honest about its motives as we are honest about ours. Their motives are prices and profits; they want to make more money. Our aim, of course, is to restore competition and get the lower prices that result from competition. Naturally we want to pay less money and, just as naturally, they want to charge us more money.

What is really wrong about the whole system is that one industry has become so powerful that they were able to get the Federal Government to intervene in the marketplace on their behalf at the expense of the consumers who lack the organized power of the oil industry. Government intervention thus acts to destroy competition, and makes it impossible to seek a balance between our desire for lower prices and the industry's desire for higher prices. The Government, for the past 10 years, has simply fixed prices at a high level and allowed them to go higher with little regard for their inflationary impact.

Mr. President, that is why we are seeking changes in the oil import program that will redress the balance. We do not wish any ill to the oil industry, but they have certainly not attempted to meet the legitimate needs of the consumers. Therefore, in assessing national security needs, we must ask that the Federal Government's control system be changed to benefit all the people and not force one section to bear a disproportionate burden of the cost.

Further, we ask to hear some plain talk on the part of the oil industry. We would like to hear some consistent talk. If they are against price fixing then they should be against a tariff system and quota control system and the State prorationing systems tied to market demand.

If they are for free enterprise and a free market, then they should be against any form of import controls. In particular, they should be against the present quota system which, as the Justice Department pointed out, is destructive of competition. For example, the present system limits imports of finished products to those who happened to be importers in 1957.

National security would be far better served by a program designed to protect our national security needs for oil directly rather than relying upon the indirect fallout of a scheme to maintain high domestic oil prices.

I am confident that President Nixon will recognize these facts. I am sure he will realize that the real question is not price fixing or Government control, because these result from quotas or tariffs; rather he will recognize that the real question is the impact of any system on prices, inflation, and competition.

THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. GRIFFIN. Mr. President, yesterday President Richard M. Nixon took an important and far-reaching step in the fight to restore high quality to our environment. He selected three outstanding men to serve as his Council on Environmental Quality.

The men selected by the President for this tremendously important assignment have had long experience in the area of conservation, resource management and development. They will bring to the job a balanced approach, dedication and deep concern. They are men who know the problem—both in its broadest outlines and in its specifics.

Russell Train, as Chairman, brings to the job a lifetime of work in the area of preserving our natural resources and in trying to get man to live more in harmony with nature. He has an outstanding record as Under Secretary of the Interior where his greatest concern has been the proper management of our resources.

Robert Cahn's qualifications as an expert on the problem of environment quality cannot be challenged. His great service to the Nation through articles he has written was recognized by the award of the Pulitzer Prize for journalism. The series which appeared in the Christian Science Monitor was an outstanding piece of work.

Dr. Gordon J. F. MacDonald, as vice chancellor for research and graduate studies at the University of California at Santa Barbara has demonstrated his outstanding ability at organizing and directing numbers of high-caliber research groups. He brings that administrative ability in the research area to his new post. It will take a great deal of intense research to develop the kind of program we need to solve our environmental problems without at the same time creating new problems for the future.

The President is to be commended on the fine men he has chosen to act as his chief advisers in the battle to reclaim our Nation so as to pass it along to the next generation in better shape than it was when we inherited it.

SMOKING ON AIRCRAFT—IV

Mr. HATFIELD. Mr. President, on Wednesday, I applauded the decision by Pan Am to offer separate areas on airplanes for smokers and nonsmokers. An article written by Al Karr and published in the Wall Street Journal of January 29 discusses the entire problem of smoking in public areas. I ask unanimous consent that, at the conclusion of my remarks, the article be printed in the RECORD. I had not realized that my friend, Chief Justice Warren Burger, was an ally in fighting for the rights of the nonsmoking aircraft passengers.

With the current universal concern about pollution, it is ironic that although a person may be 20,000 feet up in a plane, he is as subject to smoke pollution as if he were sitting in any traditional smoke-filled room.

I ask unanimous consent that a companion article published in the Wall Street Journal, in which Mr. Steve Allen discusses the plight of entertainers, be printed in the RECORD.

I think this all points to the need for legislation, so that the rights of nonsmokers are protected. My bill, S. 3255, would accomplish this. I hope for prompt action on it.

There being no objection, the articles were orderd to be printed in the RECORD, as follows:

PRESSURE BUILDS TO CURB SMOKERS IN AIRLINERS, OTHER PUBLIC PLACES—BANS OR SEPARATE SECTIONS SOUGHT—ALLERGY VICTIMS COMPLAIN OF HEALTH PERIL—ANGRY SMOKER FIGHTS BACK

(By Albert R. Karr)

WASHINGTON.—Warren E. Burger regards tobacco smoke in close quarters as "intolerable," yet on a flight from Washington to Minneapolis-St. Paul he counted 37 fellow passengers puffing away. "The stewardesses were as red-eyed as I was," he said later.

So Mr. Burger got off the smoke-filled plane at Madison, Wis., and stayed overnight completing his flight the next day. Then he fired off a complaining letter to the president of the offending airline—and "was not even accorded the courtesy of an answer." Ever since, he says, he and his family have made a point of avoiding that airline, and they figure their little boycott has deprived the carrier of more than $3,500 in fares in the past five years.

Mr. Burger recounted this story (never naming the airline) in a recent letter to the head of the Federal Aviation Administration suggesting Government curbs on smoking aboard airplanes. Mr. Burger made a point of asking to be treated just like any other traveler, but because he is the Chief Justice of the United States he received a personal reply from FAA Administrator John H. Shaffer.

"Responsive action" by the Government is being taken, Mr. Shaffer promised, revealing that he has asked airline presidents to try to restrict smoking on their planes.

XUM

A NEW FRONT

Unlike the Chief Justice, many nonsmokers have long suffered without complaining while others around them puffed in public. But more voices are being raised these days as a broad new front is opened in the war against tobacco.

Smoking in public, especially in confined places, is being attacked as irritating to nonsmokers and injurious to their health. It is also being criticized as a fire hazard and as a risk in unexpected ways—it's said, for example, that smoke can gum up the controls of an airplane.

Consumer crusader Ralph Nader asks Federal agencies to forbid smoking on airliners and intercity buses, where cigarets and pipes generally are permitted now. Smoking foe John Banzhaf, whose "equal time" campaign led to the antismoking commercials now carried on radio and television, isn't for an outright ban in planes and buses, but he wants the Government to order smokers there to be physically segregated. Both intend to carry their cause to court if the Government doesn't act fast.

For the future, Mr. Nader envisions asking state authorities to ban or limit smoking in waiting rooms at hospitals and railroad and bus stations. He also suggests a rule prohibiting smoking in taxicabs here in Washington if either the driver or passenger objects.

BILLS INTRODUCED

Mr. Banzhaf, an associate professor of law at George Washington University, promises to push for curbs on smoking in restaurants, meeting rooms and elevators, plus enforcement of oft-violated no-smoking rules in some sections of passenger trains. One possible tactic: Lawsuits on behalf of persons claiming their privacy or health is affected by tobacco smoke.

Some lawmakers are waging antismoking campaigns of their own. Legislation to restrict smoking aboard public transportation has been introduced in Congress by Sen. Mark Hatfield, Oregon Republican, and Rep. Andrew Jacobs, Indiana Democrat. Similar proposals are pending in the legislatures of at least two states, Illinois and Indiana. New York State Sen. Edward Speno likewise intends to seek legislation curbing smoking on buses and trains and in places of public assembly.

"People are becoming aware of their right to have clean air to breathe, uncontaminated by clouds of tobacco smoke," Sen. Speno says.

Since nonsmoker Richard Nixon's first Presidential press conference, smoking has been banned at those traditionally smoky White House sessions. A merchant seaman recently wrote his union magazine insisting that something be done to protect nonsmokers from smokers in cramped ship quarters. A Maryland supermarket shopper says that when she couldn't avoid the smoke from an employe's cigar at the produce counter, "I felt like shouting obscenities at him." The District of Columbia Medical Society wants hospitals here to segregate patients who smoke.

When the American Medical Association's AMA News published a complaint from a Spokane doctor about smoking aboard an airliner, it evoked an unprecedented reader reaction. Of the 34 responses from the doctors that the periodical later printed, 33 bitterly criticized smoking on planes. Dr. David Warden Jr. of Kaysville, Utah, described two 13-hour flights between Hawaii and Vietnam, where he was an Army medic; to ward off the tobacco smoke, he said, he wore a gas mask.

The complaints aren't being entirely ignored. The Federal Aviation Administration and the Public Health Service have begun a one-year study of the effects of tobacco smoke on airplane passengers. First step: An analysis the other day of the smoke clouds in a military plane carrying 165 passengers—armed forces personnel, dependents and Government officials—from Travis Air Force Base in California to Tokyo. Also, the FAA promises to start proceedings soon that might lead to a smoking ban or smoker segregation on commercial flights; the conclusion is six months or more away.

Several airlines are considering steps to mollify nonsmokers. Pan American World Airways says it soon will set aside no-smoking sections in economy class aboard the spacious Boeing 747s it is starting to put in service. American Airlines says it may take a similar step when its 747 service starts March 2. Some other lines figure they may do likewise.

But one airline spokesman sees a marketing dilemma: Whether it's wiser to continue catering to the smoking passenger or risk offending him by bending to the nonsmoker's increasing complaints. (Under pressure from tobacco foes, the airlines a year ago made one move in the latter direction; they quit handing out free packs of cigarettes to passengers.) Some people who won't fly say their main reason is the smoke in the passenger cabin.

The smoker, for his part, is easily offended. Seeking solace from advice-giver Ann Landers, a heavy smoker wrote of his infuriation when, upon inquiring of his airline seatmate whether she would mind if he lit up, she said yes. He asked the woman to find another seat, because, he told Miss Landers, "I felt she was interfering with my rights." Miss Landers said he was wrong.

Railroads are outdistancing airlines in demonstrating concern for the nonsmoker, among the relative handful of passengers they still carry. A Penn Central survey found that 77.6% of its New York commuters preferred no-smoking cars; accordingly, two months ago the Harlem & Hudson division increased the ratio of no-smokers to smokers, making it three cars to one instead of two to one. Penn Central hands out a brochure chiding "the minority of daily riders who gain gratification from smoking in nonsmoking cars much to the annoyance of their nonsmoking brethren."

To the nonsmoker, tobacco fumes can be more than a mere annoyance. Foes of smoking point to an Italian medical team's conclusion that the amount of cancer-suspect tar and nicotine is greater in a cigaret's uninhaled smoke than in the smoke inhaled. The cited reason: Although the tar-nicotine concentration is denser in the inhaled smoke, a typical cigaret is inhaled for a scant 24 seconds altogether, while its total burning time is 12 minutes. A survey of families in Denver and Detroit indicated a direct link between parents' smoking and children's respiratory diseases.

Allergy sufferers recount horror stories about tobacco. A New Haven man tells of two "narrow escapes" from death by shock and throat closure on no-smoking cars of the New Haven Railroad; he carries cortisone and other medicine to combat such smoke-allergy attacks. Henrietta Walker of Clinton, Md., complains of fatigue and other ill effects from tobacco smoke and says that she once required a week to recover from a cross-country flight. Ashton B. Collins Jr., of Greenwich, Conn., describes "eyes reddened and watering and nasal and sinus passages painfully inflamed as a result of exposure to tobacco smoke from where there is absolutely no escape."

Proclaims tobacco foe Banzhaf: "If you convince people that somebody is inflicting a health hazard on them, they'll get mad and try to do something about it."

Mr. Banzhaf is organizing Citizens to Restrict Airline Smoking Hazards (CRASH for short) and Ralph Nader cites airplane accidents for which smoking may have been to blame. Eighty-two persons died when a Piedmont Aviation airliner collided in midair with a private plane that had wandered out of its proper flight path; Federal investigators said there was evidence that the Piedmont crew had been distracted by an ashtray fire in the cockpit, and, in their report, the investigators wondered if the collision might have been avoided if the airliner crew had seen the other craft sooner.

The crash of a United Air Lines Viscount, killing 39, may have resulted from a fuselage fire fueled by lighter fluid. A cabin fire in a Trans World Airlines 707 apparently was caused by a cigaret butt (the plane was on ground and the passengers escaped).

Other critics say there is evidence that substances in cigaret smoke collect with lint to form a layer on airplane ventilation ducts and on some controls, affecting the plane's operation. The FAA acknowledged the collection process but says it can't confirm a safety hazard. However, a major aircraft maker, in a letter to Sen. Hatfield, says its big new jets will have electronic pressure controls instead of pneumatic controls, "which experience has shown are adversely affected by tobacco tar."

Cigar-Smoking in a Plane Makes Steve Allen Fume

Washington.—Though many public places already proclaim prohibitions on smoking, enforcement is a sometime thing.

Entertainer Steve Allen was just starting to munch an airliner snack when the man in the seat ahead lit up a pungent cigar. Hoping to have it put out, Mr. Allen asked the stewardess if cigar-smoking was allowed on the plane.

"Actually it isn't, Mr. Allen," she replied, "but if you want to smoke a cigar, go right ahead."

Once Mr. Allen had made his wishes perfectly clear, the stewardess had the man douse the stogie. "Outside of genocide," Mr. Allen declares, "the worst thing a person can do is light up a cigar when someone else is eating."

He says cigar-smoke is a particular bother because he's allergic to it. He also says he is allergic to dogs, adding: "If I ever meet a dog smoking a cigar, I'm in real trouble."

RELIEF SUPPLIES FOR BIAFRA

Mr. HARRIS. Mr. President, it has been reported from Biafra this morning that once again obstacles are being placed in the way of the International Committee of the Red Cross in its efforts to expedite the flow of relief supplies into the Ibo areas of the country which were so devastated in the recent civil war. It has been announced that the committee is unable to continue its airlift from Cotonou, Dahomey, with aircraft provided by the United States pending an agreement with the Nigerian Government.

While all of us who have been concerned with the Biafran situation are sympathetic to the problems of rebuilding the country and the difficulties of reaching all of those who are in need of immediate help, such delays and obstructions are intolerable. It is especially unfortunate when stubborn pride precludes the acceptance by the Nigerian Government of the use of supplies and facilities which were assembled for use in the Biafran airlift, when these are closest to the location of the most pressing needs. The failure to allow use of the Uli airstrip for relief flights, and the blockage of supplies which are collected at Port Harcourt and at São Tomé are causes for great concern.

XUM

It is clear, now that the war is over, that the Nigerian Federal Government is the only agent which can ultimately insure that all those who suffered on both sides are adequately cared for, and that with the proper action now the future of that nation will be brighter than its past.

I call upon General Gowon to expedite delivery of relief supplies, from whatever source, to those who need it most using all available channels and facilities. No nation can stand alone, and the benefits of a more favorable attitude toward the Nigerian Government and an improved public image which these steps would insure would be great. All concerned must approach the problem of binding up and rebuilding the country in a dispassionate and responsible fashion.

AIRPORT AND AIRWAYS DEVELOPMENT

Mr. COOK. Mr. President, in December the Committee on Commerce reported S. 3108, the Airport and Airways Development Act of 1969. The House passed a similar measure, H.R. 14465. This legislation represents a major effort on the part of the Federal Government to keep pace with the tremendous growth of aviation. Both the proposal for a trust fund, and the large sums authorized demonstrate an awareness of the future demands on our airport facilities.

However, at the same time that we were applying the trust fund concept in this field, the industry has been manufacturing and designing a new generation of jumbo and supersonic jets which will certainly render obsolete many existing airports. The cost of expanding airfields and developing new ones is well beyond the economic ability of a majority of our State and local governments. As long as the Federal Government continues to tax most sources of revenue, the proposed 50–50 Federal-State matching formula is insufficient to meet these future needs. In my own State, the local tax resources will not be adequate to take advantage of this Federal program.

In view of this very serious situation, I would urge the Senate to consider alternate methods of financing this program. A possible solution would be an increase of the Federal share of the matching funds. The 90–10 matching formula of the highway trust fund is a classic example of a full commitment by the Federal Government. Our dangerously overcrowded airports deserve no less a commitment.

An alternative to increased Federal participation would be permissive language allowing the State or local taxing authority to assess a "boarding charge" on each passenger originating from within that State. Montana, New Hampshire, New Jersey, and Evansville, Ind., now levy such a tax. However, all of these laws have been appealed to the courts. The Montana Supreme Court recently declared a $1 "user charge" unconstitutional as a burden on interstate commerce and a violation of the equal protection clause of the U.S. Constitution. However, a State supreme court is not the final arbiter in matters affecting interstate commerce.

Therefore, while neither of the foregoing suggestions may be the final solution, Congress has a responsibility to explore all avenues of possible relief for our already overburdened State and local governments.

EDUCATION FOR ALL—II

Mr. PROXMIRE. Mr. President, the General Conference of UNESCO adopted the Convention Against Discrimination in Education at its 1960 meeting. In broad terms, the convention defines discrimination as: depriving any person or group of access to education of any kind at any level; limiting a person or group to an inferior standard or inflicting educational conditions incompatible with human dignity because of race, religion, sex, national origin, or political beliefs.

The convention prohibits separate educational institutions except in specific circumstances for reasons of sex, religion, or language. Private educational institutions are fully accepted provided participation is optional, they conform to minimum standards, and they are not designed to secure the exclusion of any group.

The convention further provides equal access to education for alien residents as well as nationals.

I ask unanimous consent that the text of the Convention Against Discrimination in Education be printed in the Record.

There being no objection, the convention was ordered to be printed in the Record, as follows:

I. Convention Against Discrimination In Education[1]

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 14 November to 15 December 1960, at its eleventh session,

Recalling that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that every person has the right to education,

Considering that discrimination in education is a violation of rights enunciated in that Declaration,

Considering that, under the terms of its Constitution, the United Nations Educational, Scientific and Cultural Organization has the purpose of instituting collaboration among the nations with a view to furthering for all universal respect for human rights and equality of educational opportunity,

Recognizing that, consequently, the United Nations Educational, Scientific and Cultural Organization, while respecting the diversity of national educational systems, has the duty not only to prescribe any form of discrimination in education but also to promote equality of opportunity and treatment for all in education,

Having before it proposals concerning the different aspects of discrimination in education, constituting item 17.1.4 of the agenda of the session,

Having decided at its tenth session that this question should be made the subject of an international convention as well as of recommendations to Member States,

Adopts this convention on the fourteenth day of December 1960.

ARTICLE 1

1. For the purposes of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

a. Depriving any person or group of persons of access to education of any type or at any level;

b. Of limiting any person or group of persons to education of an inferior standard;

c. Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or

d. Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

2. For the purposes of this Convention, the term "education" refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

ARTICLE 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article I of this Convention:

a. The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;

b. The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;

c. The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

ARTICLE 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

a. To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education.

b. To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;

c. Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;

d. Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or pref-

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[1] As adopted at the thirtieth UNESCO plenary meeting, 14 December 1960.

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erence based solely on the ground that pupils belong to a particular group;

e. To give foreign nationals resident within their territory the same access to education as that given to their own nationals.

ARTICLE 4

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

a. To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;

b. To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the equality of the education provided are also equivalent;

c. To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;

d. To provide training for the teaching profession without discrimination.

ARTICLE 5

1. The States Parties to this Convention agree that:

a. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;

b. It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions;

c. It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

2. The States Parties to this Convention undertake to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this Article.

ARTICLE 6

In the application of this Convention, the States Parties to it undertake to pay the greatest attention to any recommendations hereafter adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization defining the measures to be taken against the different forms of discrimination in education and for the purpose of ensuring equality of opportunity and treatment in education.

ARTICLE 7

The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, including that taken for the formulation and the development of the national policy defined in Article 4 as well as the results achieved and the obstacles encountered in the application of that policy.

ARTICLE 8

Any dispute which may arise between any two or more States Parties to this Convention concerning the interpretation or application of this Convention, which is not settled by negotiation shall at the request of the parties to the dispute be referred, failing other means of settling the dispute, to the International Court of Justice for decision.

ARTICLE 9

Reservations to this Convention shall not be permitted.

ARTICLE 10

This Convention shall not have the effect of diminishing the rights which individuals or groups may enjoy by virtue of agreements concluded between two or more States, where such rights are not contrary to the letter or spirit of this Convention.

ARTICLE 11

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

ARTICLE 12

1. This Convention shall be subject to ratification or acceptance by States Members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 13

1. This Convention shall be open to accession by all States not Members of the United Nations Educational, Scientific and Cultural Organization which are invited to do so by the Executive Board of the Organization.

2. Accession shall be affected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 14

This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

ARTICLE 15

The States Parties to this Convention recognize that the Convention is applicable not only to their metropolitan territory but also to all non-self-governing, trust, colonial and other territories for the international relations of which they are responsible; they undertake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Director-General of the United Nations Educational, Scientific and Cultural Organization of the territories to which it is accordingly applied, the notification to take effect three months after the date of its receipt.

ARTICLE 16

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation.

ARTICLE 17

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States Members of the Organization, the States not members of the Organization which are referred to in Article 13, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 12 and 13, and of the notifications and denunciations provided for in Articles 15 and 16 respectively.

ARTICLE 18

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession as from the date on which the new revising convention enters into force.

ARTICLE 19

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this fifteenth day of December 1960, in two authentic copies bearing the signatures of the President of the eleventh session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 12 and 13 as well as to the United Nations.

DEVASTATING EFFECT OF RISING TAXES AND INFLATION

Mr. HATFIELD. Mr. President, an article written by Oregonian reporter Gerry Pratt is illustrative of a problem which greatly concerns me; that is, the devastating effect rising taxes and inflation are having upon our older citizens, especially those living on the meager social security allotments.

We must do something to ease the property tax burden of these people now.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIXED INCOME ROUGH FOR ELDERLY WIDOW

(By Gerry Pratt)

This is about Alice Roney. Alice Roney is 73 years old and she lives in a house in Scappoose. I don't have any picture of Alice, just a letter and it's about housing.

Housing is important now. George Romney is worrying about how we can build 2 million new units a year to keep abreast of the current housing demand. And Fortune Magazine just came along and reported:

"A housing crisis is building up in the United States. The shortage of acceptable shelter that has long been afflicting the poor and the black is spreading to the white middle class and even to affluent families."

And costs are going through the roof. "Families with incomes of around $8,000 are being left high and dry because in most parts of the country houses at $15,000 or less are no longer being built. In many areas houses costing $30,000 and more are hard to find," the magazine reports.

And here in Portland Pierre Rinfret who once advised President Nixon on the economy before he was President Nixon, says that the best investment you have my friend is your house. Keep it in good repair because the cost of repair, too, is going through the roof and the price of another one is out of sight.

So here is Alice L. Roney, a crippled widow with a crisis of her home.

LIVED TOO LONG

"I am one of the far too many people who have lived too long through no fault of my own," says the widow Roney. But living as long as she has, she remembers the promises of the "Soaring Sixties" and thinks a lot, too, about the low income housing that seems to be in such great shortage.

"Each time I read or hear the words, 'low income housing,' I do a mental flip," she says. "We are rushing like all get out to build cheaply for the old and the poor, creating the slum areas for the next decades, the like of which it is difficult to imagine."

But in all this talk of helping the "old" and the "poor," she says, we have lost sight of the "poor old owners of old homes." That is the widow Roney, or as she puts it, "the guy down the street."

When the widow lost her husband and then found herself crippled and in a wheel chair, she began making over the little house in Scappoose so it would be a refuge and a base for her to work.

1—The roof leaked. "So I put on a new roof that will last as long as I will." 2—She put in a concrete walk from the garage. "So I can wheel supplies in from the car." 3—She installed grab bars and an elevated toilet and bathroom aides so she could handle things herself. 4—She put in an oil furnace so that she wouldn't have to stoke the wood heater. 5—She had wooden awnings built. "So that I wouldn't have to repair and replace the canvas ones." 6—She had the garden kept free from brambles and junk.

It's still not much of a house.

TAX BILL DOUBLED

"But it's clean, neat, a home," she says of the place now. "And it has increased the value until I will never make it next year. The new appraisal will double my tax bill. You would never believe the evaluation the appraiser found to tax onto my tax bill. Now it is beyond me."

Widow Roney says that while we are raising money to build the so-called low cost housing, we are taxing the oldsters out of their homes, homes they already own and hope to keep in decent repair for their own lifetimes.

"Do I put pans under the leaks if I cannot afford to pay more taxes? I have put more money into repairing the torn canvas awnings than my wooden ones cost. Why does that raise my taxes? Am I supposed to let the home go to pot in order to keep my taxes down? Is that what the legislators expect me to do? Or suffer the consequences?"

The widow's income is her social security and "the little I earn in my home, sitting in my chair. What do I do now?"

The alternatives, she suggest, are putting her out of her home for nonpayment of taxes. "That would literally destroy me. Next step? Welfare—another burden on the badly bent welfare funds. How much would it cost the county to care for me in a senile condition? How much would tax relief amount to?"

She talks while in her letter about a tax revolt with all the owners of homes worth $25,000 or less dumping their little houses on the state, "for the legislators to collect revenue for whatever they use the money for."

FIXED INCOME STIFLING

And she talks about the President's salary being doubled and the senators and the congressmen getting more, too, all those things that bother old people on fixed incomes. And there is an idea in her letter that we try to handle home ownership like we tax income, some kind of a scale with age, income and family responsibility worked into the tax you have to pay for owning a home.

"Of course property taxes were never designed to be fair," she says. "It seems hideous that we are penalized by tax increases when we try to keep our homes from falling down on us through disrepair.

"So tell me—what is the sense of taxing us old and poor out of homes into low cost housing units, or onto welfare when we have a home we can maintain in peace and dignity if some consideration is given to property taxes—when we reach retirement age?"

THE ROCKEFELLER LATIN AMERICA REPORT

Mr. HARRIS. Mr. President, the January 31, 1970, issue of Saturday Review of Literature contains an excellent article concerning the report of Gov. Nelson Rockefeller on the trip he made throughout Latin America at the request of President Nixon.

The article, written by Dan Kurzman, rightly expresses serious concern that under the Rockefeller recommendations we are returning to the pre-Kennedy policies which caused us to be alined in the minds of so many of the people of Latin America on the side of military dictators and against the social, political, and economic progress of the people.

Latin America is the area of the world with which I am most familiar and in which I have most extensively traveled since coming to the Senate of the United States. From this background, I find Mr. Kurzman's criticisms of the Rockefeller recommendations incisive and justified. I am seriously disturbed that we seem to be going backwards in our policy in respect to this vital area of the world within our own hemisphere and in regard to these millions of people whose vast problems we cannot ignore.

In the hope that Senators may find this article useful, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ROCKY WAY TO LATIN LIAISON

(By Dan Kurzman)

Since Fidel Castro established the first communist state in Latin America a decade ago, the United States has taken an interest in that region which she had never previously shown. The Latin American nations could no longer be considered simply a source of quick, easy profits and guaranteed support for Washington's international policies.

Castro opened Yankee eyes to the fact that Latin America, finally awakened from a long sleep, had begun to churn with social, economic, and political ferment; that unless the United States could funnel the burgeoning forces of revolution into peaceful, moderate channels, more Castros would move into power.

President Kennedy, on taking office, therefore began building on a policy of cooperation that had its roots in Franklin Roosevelt's Good Neighbor Policy. FDR had ended the tradition of "gunboat diplomacy" and open intervention in Latin American domestic affairs that had characterized United States domination of the hemisphere in her own economic and political interests.

In inaugurating the Alliance for Progress in 1961 as a spur to "peaceful revolution" in Latin America, Kennedy said, "We must not forget that our Alliance . . . is more than a doctrine of development—a blueprint of economic advance. . . . It says that in our hemisphere no society is free until all its people have an equal opportunity to share the fruits of their own land and their own labor. And it says that material progress is meaningless without individual freedom and political liberty."

The Alliance, in a sense, was a negation of the Good Neighbor Policy, from which it sprang. The latter permitted the United States to embrace any fawning dictator who might come to power. (Typically, Roosevelt is reported to have said of the Dominican Republic's Rafael Trujillo: "He may be an S.O.B., but he's *our* S.O.B.") The Alliance enabled Washington to exert pressure for the establishment of constitutional governments. Kennedy thus reintroduced the principle of intervention, but this time mainly in the service of the Latin American people rather than of U.S. special interests. He firmly tied economic aid to strings intended to extract from the ruling regimes vital social, economic, and political reforms, and in his fervor went so far as to suspend aid to and to withhold recognition from juntas that had ousted constitutional governments—in line with suggestions made by Dr. Milton Eisenhower, brother of the late President, that the United States remain aloof from the dictators.

When President Johnson took office he gave lip service to the same principles, but in fact let Thomas C. Mann, his powerful Assistant Secretary of State for Inter-American Affairs, concentrate more on the economic aspects of the Alliance and less on the social and political goals. Mann ordered his ambassadors to stop harassing the stubborn oligarchs, and listened more closely to private American interests, in one case suspending aid to the then constitutional government of Peru because it would not come to "acceptable" terms with U.S. oilmen in that country. Bogged down in apathy and red tape, the "peaceful revolution" became "pragmatically" evolutionary, little more than the "doctrine of development" Kennedy had rejected.

In spring and summer 1969 President Nixon sent New York Governor Nelson Rockefeller on a quick tour of Latin America to prepare recommendations to guide him in revitalizing United States relations with that region. Accompanied by some twenty advisers, Rockefeller flew from capital to capital, where they were greeted mainly by nervous Latin American strongmen (the democratic leaders of Venezuela and Chile and the reform-minded military chiefs of Peru asked that he skip their countries). The Rockefeller party, which was also confronted by crowds of anti-American rioters and demonstrators, was impressed by the messages of both groups: it became convinced that the Castro-communist threat was rapidly growing. Appropriately, Rockefeller in this report urges an upgrading of Latin America in United States policy considerations, which would include the appointment of a new Secretary of Western Hemisphere Affairs. At the same time he recommends that future policy be determined largely by one guideline: more "pragmatism."

"The United States," the report maintains, "cannot allow disagreements with the form or the domestic policies of other American governments to jeopardize its basic objective of working with and for their people to our mutual benefit." If this recommendation, which in effect calls for a reversion to the central principle of the Good Neighbor Policy, is adopted, Washington will presumably no longer impinge on the sovereignty of Latin American nations in carrying out its aid program.

In some respects this doctrine might greatly improve United States relations with Latin America, especially in so far as it applies to the principle (also backed by the report) that "United States national interests must supersede those of any domestic special-interest group in the conduct of Western Hemisphere relations." Thus Rockefeller—who has considerable economic interests of his own in Latin America—courageously seeks, together with a general loosening of trade restrictions, the suspension or modification of the Hickenlooper Amendment, which calls for a cut-off of aid to any country expropriating American property without "just" and "prompt" compensation.

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Other "sepcial-interest" strings attached to aid would also be eliminated: the provision that half the exports financed by the United States must be shipped in American freighters; the requirement that imports must be purchased in the United States regardless of price. Such restrictions, the report indicates, may have profited American companies—but at the expense of the nations being helped.

Unfortunately, those requirements originally meant to serve United States as well as Latin American *national* interests would also be removed, if they have not already been—to the probable benefit of the communists, whom such policy is supposed to counter. For one thing, the report would have the United States no longer press for democratic government but deal with dictators and democrats on an equal basis—formalizing Mann's more subtle regression to the past.

This recommendation is likely to disappoint many Americans who have felt, as President Kennedy did, that the Alliance for Progress should be more than a simple aid program. And it will surely seem callous to numerous Latin Americans who have long suffered under brutal dictatorships and blame the United States for supporting them. These people reason that even if American unfriendliness to dictators did not always produce free elections, it placed an unrelenting pressure on such rulers to ease their oppressive policies, and gave the oppressed an ideological objective other than communism on which to pin their hopes. Certainly the communists must have enjoyed the much publicized photograph showing Nelson Rockefeller and Haiti's gangsterlike President Francois Duvalier linking arms in Port Au-Prince.

Nor is it clear that "pragmatism" is the only factor behind this recommendation. Fear is probably another. Ever since Kennedy announced the Alliance, Washington has found itself on the horns of an uncomfortable dilemma. On the one hand, it wants to promote democracy as an alternative to Castro-communism. But, on the other, it fears democracy, particularly in the less-developed Latin American countries, since it feels in many cases subconsciously that inexperienced democratic régimes will prove less resistant to communist infiltration than the rightist military régimes with which American diplomats have dealt for so long.

Conditioned by the diplomat's ingrained reluctance to gamble on unknown quantities—and democracy in Latin America is largely an unknown quantity—many American officials, when they perceive the slightest danger of a communist advance, veer almost reflexively toward the strongman rather than the democrat for suppression of the threat. And they are encouraged in most cases by the natural tendency of the democrats to assume a more independent and nationalistic attitude than the rightist dictators, who usually, lacking popular support, must often depend on American backing to stay in power.

But even on grounds of pragmatism the Rockefeller proposal appears shaky. It might make sense in theory: after all, the Latin Americans have no democratic tradition, and anyway why deprive hungry, impoverished people of aid simply because they are led by a tyrant? The trouble is that this question is usually irrelevant, since aid must be funneled through the existing government, and experience has shown that little remains for the people by the time it trickles through the totalitarian machinery. Corruption, of course, is no stranger to constiutional Latin American régimes, but most of them have tended to make far more efficient use of aid funds, if only as a means of winning the next election.

Moreover, the problem of waste—and outright theft—would be further aggravated by another provision in the report, which calls on the Latin American nations to "assume direction of their own development efforts." The United States, the report says, has only caused resentment in these countries by intervening in their economic policies and programs. The provision suggests that Rockefeller and his advisers did little research in the field on this question, which is not surprising in view of the lightning nature of their tour.

Certainly the Latin leaders and bureaucrats have been resentful of American "intervention" in their affairs, particularly where money is concerned. But this reviewer, while covering Latin America for several years, listened to dozens of people with no pockets to line—workers, peasants, shopkeepers, slum-dwellers, and others for whom American aid is presumably earmarked—complain that the United States makes too little effort to see that this aid reaches down to them. The proposed new policy would reduce this effort even further than did Thomas Mann's, at the expense not only of the intended recipient but of the hard-pressed American taxpayer.

Nor is the proposal for fewer controls conducive to the social and economic reform necessary to render aid funds effective, particularly in countries with traditionalist dictators. The Kennedy policy of using aid as a carrot to achieve such reforms, long dormant anyway, would be killed outright by the report. Once again it must be asked whether this is fair to the American taxpayer.

Is it fair for him to finance economic projects in a nation whose wealthier citizens stash away their own tax-free money in Swiss banks while blocking all efforts at tax reform? Is his contribution helping to contain communism if used, say, for an irrigation system that adds to the wealth of some absentee landlord but only to the working hours of the hungry, sickly, landless peasant?

It would, of course, be intervention for the United States to insist on agrarian reform that would give such a peasant a stake in the improved land. But who would complain other than those resistant to reform? Not likely the peasant. Or the American taxpayer who wants something to show for his money. Moreover, is not such minor, constructive intervention on behalf of the people preferable to the military brand Washington thought necessary during the 1965 Dominican revolution—the brand that results from popular revolt against the status quo? It is interesting to note that President Kennedy was probably the most popular United States President in history among the Latin Americans, despite—or, perhaps more accurately, at least in part because of—the pressures he exerted on Latin governments, pressures which had begun in some cases to crack the feudal mores that dominate the continent.

A particularly controversial aspect of Governor Rockefeller's plan for greater pragmatism is his recommendation that the United States be permitted to sell modern aircraft, ships, and other major military equipment to Latin American armies without the aid-cut penalties currently imposed. Such sales should be allowed, his report says, "when these nations believe this equipment is necessary to protect their land, patrol their seacoasts and airspace, and otherwise maintain the morale of their forces and protect their sovereignty."

It is understandable that the United States should supply the Latin American military with such items as trucks, Jeeps, helicopters, and communications equipment needed to fight guerrillas. But it is hard to envision the use of such sophisticated weaponry as jets, tanks, and warships—except for regional conventional wars like the recent Honduras-El Salvador conflict, or to keep a hostile, oppressed populace in check. Must the American taxpayer, simply to maintain the morale of a bloated, privilege-loving military class, also pay for such expensive, unnecessary, lethal playthings—in effect, subsidizing their purchase by contributing aid for other projetcs? Is such a policy pragmatic in terms of American interest—even on the morally questionable grounds that the generals might buy arms elsewhere—when possibly the bitterest factor in Latin anti-Americanism is the belief that the United States is helping to maintain in power suppressive military dictatorships?

This question assumes an added dimension in the light of a new, highly distressing dilemma now facing the United States, one that is perceptively stressed in Tad Szulc's excellent introduction to this *New York Times* edition of the report. Rockefeller's willingness to supply the militarists with modern arms is consistent with the traditional American policy of depending on the Latin American armies, even in the few democratic states, as the ultimate safeguard against a communist takeover. But in recent months a new kind of reformist military leadership has emerged in Latin America, the kind that expropriated American property in Peru and Bolivia. This leadership is enjoying the popularity that goes with ultra-nationalism and anti-Americanism. And its influence may well spread—not unlikely, in proportion to American support for the champions of the status quo. The old military, which has traditionally allied itself with the feudalistic oligarchies, may not hold power much longer. Can the United States pin her ultimate hopes for resistance against communism on military establishments that thrive on anti-Americanism?

Actually, such armies might prove more effective than the conventional ones as a barrier to communism—if they really implement the reforms they decree. For communism feeds best not on reform but on reaction, as was so dramatically demonstrated when an American-backed Batista paved the path to power for Castro. Yet the dilemma is real to Washington. And there is considerable truth in the Rockefeller observation that such "authoritarian governments, bent on rapid change, have an intrinsic ideological unreliability and a vulnerability to extreme nationalism. They can go in almost any doctrinal direction."

One recalls the Eisenhower administration's offer of arms in the 1950s to Middle Eastern countries willing to join a pro-Western Baghdad Pact. In 1958 a group of ultranationalist officers took over Iraq in a bloody coup, using the American weapons to destroy all pro-Western leaders. It is to be hoped that the Nixon administration will keep that ironic event in mind when considering the recommendations of the *Rockefeller Report*, some of which are wise, but some of which have been spawned from superficial and dangerously outdated logic.

LADIES OF SIGMA DELTA CHI

Mr. HANSEN. Mr. President, I feel it is proper that Senators commend an organization of professional newsmen for its recent action in recognizing the outstanding abilities of women in the field of journalism.

Sigma Delta Chi recently opened its rolls to women journalists, after having historically refused membership to women.

One of the women initiated into Sigma Delta Chi under the new bylaws is Mrs. Frances Seely Webb. Mrs. Webb, at 76, may well be the oldest woman initiated into the society, according to an article published in the Casper, Wyo., Star-Tribune of January 26, 1970.

In recognition of Mrs. Webb's long service in the newspaper field and in recognition of the progressive move taken by Sigma Delta Chi. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

After 52 Years, She Still Thinks Reporting Is Fun

(By Phil McAuley)

"How do you like newspaper work?"

"Fine, I'm sure having fun."

That question was put to Frances Seely Webb back in 1917 when she worked a summer as society editor on the Casper Independent, a daily newspaper. Today, 52 years later, Frances is still a working newspaper woman. And she claims she is still having fun.

Sunday Mrs. Webb, as she is known to thousands of Wyoming women, earned a singular honor in her long and varied newspaper career. She was asked and was initiated into Sigma Delta Chi, journalism fraternity which recently opened its rolls to women journalists.

Mrs. Webb may well be the oldest woman initiated into the fraternity, which dates back to 1909 and limits its members to working journalists.

Born Frances Seely on June 25, 1893, in her parents' home at the present site of the store at 225 South Center in Casper, Frances, in addition to her heavy working load as women's editor, spends a considerable amount of time collecting and writing about Casper's past. She is, in fact, the ex-officio historian of the newspaper.

Her father, Lewis Cass Seely, was a gunsmith on Center Street and one of Frances' first visits away from home, she recalls, was for dinner at the CY Ranch west of Casper. She attended at the invitation of Give-a-Damn Jones, ranch foreman, and his wife, the cook. Another memorable trip, she tells about, was when as a little girl she and her parents rode a railroad handcar to Glenrock to dine with family friends.

After attending Park School in Casper (known in 1907 as the high school), Frances completed regular high school in Olean, N.Y., and attended Pratt Institute in Brooklyn for a year studying dress design.

In the summer of 1917, Edness Kimball, then society editor of the Casper Independent, asked her friend Frances to fill in on the society desk while Edness took a vacation. Frances took up the offer and thrived on it."

In 1918, she left to marry Ambrose Eugene Biglin. "Big," as he was known, was assistant cashier of the Casper National Bank. The couple had a son, Gene, now with the Labor Dept. in Washington, D.C., and a daughter, Anne Biglin Metro, of Tucson, Ariz.

After divorcing "Big" and a later marriage to Rayburn Stokes Webb, an architect. Frances was back on the Tribune with a few years out to work as a case worker in the county welfare dept. She returned to the Tribune permanently in 1939.

In 1956, when Frances was 63, she retired—for good she thought—and took a long trip to Europe. She was persuaded to write for the Tribune the following summer, however, and the job turned out to be "permanent" again, as she puts it.

Her plans for the future?

"To continue to get the women's pages out for the Casper Tribune."

THE PROPOSED BIG SOUTH FORK, TENN., NATIONAL PARK

Mr. GORE. Mr. President, in his eloquent state of the Union message, President Nixon spoke of "opening up new parks."

And I have a suggestion to make.

The Big South Fork area of Tennessee and Kentucky possesses scenic beauty unparalleled by any to be found in the Eastern United States, if indeed, by any to be found in any area in United States. This area possesses not only scenic beauty but a natural wilderness character that should be preserved for posterity.

It is an area of innumerable streams, named and nameless. These many small, clear streams race in magnificent turbulence to a gathering in the Cumberland Fork tributary which, joining with New River, becomes known as the Big South Fork of the Cumberland River. Flowing wild through mountainous terrain for eons, it has cut its way through the precipitous ranges, forming dramatic canyons 500 feet deep with varicolored walls.

Sometimes the water is placid and still and clear pooled, its progress impeded by huge room-size boulders characteristic of its unusual sandstone geology; and, then, again races with white spray through narrows and over precipices, finally roaring into union with the North Fork into what is now Cumberland Lake.

Mr. President, visitors already come from far and near to enjoy the majestic beauty of this region. The national canoe races are annually held on the Big South Fork. Like others I have journeyed there to tarry upon the sandy beaches, peer into mirrorlike pools, ride the trails on the horse of a friend, gaze with admiration upon virgin trees still straining to share the sunlight. Millions of our people now and forever more should be privileged to enjoy these undisturbed river gorges, to share these beauties of nature.

I have heretofore suggested to Senators that this area be constituted a major national park.

Tennessee Citizens for Wilderness Planning, a nonprofit organization of citizens with common interest in the preservation and enjoyment of our wild lands and waters, has asked that this area be preserved and designated "as a national park or national recreation area." This organization has prepared an eloquent statement of the peculiar attributes of this area. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

1. Dramatic scenery: sheer, varicolored cliff walls, buttes, "rockhouses" (shallow caves), arches, successions of rapids and deep pools, huge moss-covered rocks along shores and in streambeds, sandy beaches, rich vegetation.
2. Wilderness character: no habitations, very few road crossings, no paralleling roads within gorges (except primitive roads along Pine Creek, North Whiteoak Cr., and a few miles along Big South Fork).
3. Geology: sandstone canyons very rare in East; unusual rock formations and large rocks along streambeds characteristic of sandstone geology and not found in limestone and other rivers.
4. Ecology: extreme diversity of vegetation; biota unique and unlike Highland Rim to west of Valley and Ridge Province to east; relics of more tropical floras surviving in microclimes of gorges; several plants otherwise restricted to Coastal Plains; combinations of unusual habitats within gorges, ranging from extremely xeric to highly mesophytic, to hydric; area of persistence, since Tertiary, of mixed mesophytic forest which, after Pleistocene glaciation, formed source of the present deciduous forest of eastern U.S.; several unusual and possibly unique species of fish.
5. Recreational opportunities: wilderness experience; whitewater sport (canoe, kayak, rubber-raft) or placid floating (depending on river segment); wilderness camping; hiking; swimming in deep pools and sun-bathing on sandy beaches; fishing (muskellunge, walleye, trout); nature study; photography.
6. Archeology and history: remains of prehistoric Indian cultures in "rockhouses" and village sites; Rugby colony restoration, integrally related to Clear Fork and Whiteoak Creek.

Mr. GORE. Mr. President, Congress has directed the study of "alternative plans for the use of the Big South Fork of the Cumberland River and its tributaries, Kentucky and Tennessee, and necessary contiguous areas for recreational, conservation, or preservation uses."—Public Law 90–483, section 218.

This study has now been underway for months. Its conclusion and release is anticipated with keen interest.

Once again, I call attention to President Nixon's state of the Union reference to the desirability of "opening up new parks."

Mr. President, 53 organizations with a membership of more than 200,000 citizens have affirmed that the goals of recreation, conservation, and preservation in the region of the Big South Fork of the Cumberland River can be best achieved by the following congressional actions:

XUM

First and foremost, the entire free-flowing Big South Fork of the Cumberland, its entire Clear Fork stem, and at least the lower portions of the New River should be preserved in their free-flowing state and protected by designation as national wild or scenic rivers under the provisions of Public Law 90–542—National Wild and Scenic Rivers Act—or by other designation giving at least equivalent protection.

In addition, surrounding land areas and tributary streams, if possible, be included in a more comprehensive plan, preferably through national park or national recreation area designation.

I ask unanimous consent that the names of these organizations, together with the names and address of the signatory authorities, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Organization	Name and position of signatory	Residence of signatory
Tennessee:		
Tennessee Citizens for Wilderness Planning.	L. B. Russell, president	Oak Ridge.
Tennessee Conservation League	Louis M. Doney, president	Knoxville.
Tennessee Federation of Garden Clubs.	Mrs. H. W. Caldwell, president	Ashland City.
Tennessee Scenic Rivers Association.	Donald A. Bodley, president	Chattanooga.
Middle Tennessee Conservancy Council.	Glenn Gentry, president	Donelson.
Holston Valley Conservation Congress.	Z. Earnest, president	Kingsport.
Upper Cumberland Tribe of American Indians.	T. H. Troxel, chief	Oneida.
Rugby Restoration Association	Stanley Warner, director	Lookout Mountain.
Appalachian Anglers	F. Callaway, Jr., president	Knoxville.
Association for the Preservation of Tennessee Antiquities.	A. W. Milton, president	Lookout Mountain.
Bluff City Canoe Club	S. H. Hall, Chairman of Waterways Commission.	Memphis.
East Tennessee White Water Club	R. E. Reed, president	Oak Ridga.
Highland Sportsman Club, Inc	Hal Siegel, secretary	Chattanooga.
National Campers & Hikers Association, Talahi Chapter.	R. B. Martin, president	Oak Ridge.
National Speleological Society, East Tennessee Grotto.	D. Irving, chairman	Do.
Ozark Society, Memphis Region	E. Riddick, regional director	Memphis.
Smoky Mountains Hiking Club	L. G. Fox, president	Knoxville.
Tennessee Archeological Society, Knoxville Chapter.	J. M. Bobb, president	Oak Ridge.
Tennessee Valley Canoe Club	W. F. Popp, Vice president	Chattanooga.
Troup Unlimited, Tennessee Chapter.	F. J. Moses, Jr., president	Knoxville.
Fort Loudon Association	Alice Milton, executive director	Lookout Mountain.
Hamilton Sportsman	R. E. Prichett, president	Hixson.
Kiwanis Club of Atomic City of Oak Oak Ridge.	H. B. Pruden III, president	Oak Ridge.
Knoxville Science Club	28 members, individually	Knoxville.
Nocturne Garden Club, Knoxville	E. L. Robbins, president	Do.
Greater Knoxville Area Audubon Chapter.	J. H. Burbank, president	Do.
National and regional:		
The Wilderness Society	Stewart M. Brandborg, executive director.	Washington, D.C.
Citizens Committee on Natural Resources.	Spencer M. Smith, Jr., secretary.	Do.
Ecological Society of America	S. I. Auerbach, secretary	Oak Ridge, Tenn.
United States Canoe Association, Inc.	C. W. Moore, president	Indianapolis, Ind.
American White-water Affiliation	O. Hawksley, president	Warrensburg, Mo.
Southeastern Outdoor Press Association.	D. D. Dickey, chairman	Knoxville, Tenn.
Sierra Club	National Board of Directors	San Francisco, Calif.
Association of Southeastern Biologists.	Prof. E. E. C. Clebsch, Chairman, Conservation Committee.	Knoxville, Tenn.
National Speleological Society, Inc	J. A. Stellmack, President	State College, Pa.
Other States:		
South Fork National Park Association.	H. J. Evans, executive vice president.	Lexington, Ky.
Sierra Club, Kentucky Section, Great Lakes Chapter.	W. R. Holstein, chairman	Louisville, Ky.
National Speleological Society, Blue Grass Chapter.	W. M. Andrews, chairman	Lexington, Ky.
Lexington Climbing Club	D. H. Andrews, chairman	Do.
Southeastern Kentucky Credit Bureau.	R. A. Blair, owner	Corbin, Ky.
Middletown Audubon Society	A. J. Kopp, president	Middletown, Ohio.
Mansfield Nature Club	Mrs. L. S. Barr, Conservation chairman.	Mansfield, Ohio.
Sierra Club, Ohio Chapter	J. W. Martin, chairman	Cincinnati, Ohio.
Little Miami, Inc	George Henkle, President	Lebanon, Ohio.
Canoe Trails	B. & J. Morgan, directors	Cincinnati, Ohio.
Warren County Canoe Association	Dr. J. Davenport, President	Lebanon, Ohio.
Kellogg Audubon Club	E. C. Barr, Conservation Chairman.	Mansfield, Ohio.
Elyria Audubon Society	Dr. O. Davies, Vice President	Lakewood, Ohio.
The Georgia Conservancy, Inc	Don Nichols, Executive Director	Decatur, Ga.
Georgia Sportsmen's Federation	J. L. Adams, Executive Secretary	Atlanta, Ga.
Lida Edwards Audubon Society	Wm. R. Woods, Secretary	Evansville, Ind.
Blatchley Nature Club, Inc	E. H. Chamberlain, President	Lapel, Ind.
Champaign County Audubon Society.	H. M. Parker, Conservation Chairman.	Urbana, Ill.

FUNDS FOR INDIAN HEALTH PROGRAM

Mr. HARRIS. Mr. President, I joined with more than 90 Members of the House and Senate last week in a letter to the President requesting that the funds for Indian health programs, which have been withheld by the administration, be released immediately. Other Members of the House and Senate have written to Health, Education, and Welfare Secretary Finch requesting that these funds be released.

It is noteworthy that the National Council on Indian Opportunity in a recent report recognized the seriousness of the action taken by the administration. The pertinent part of the report reads as follows:

> It is a recognized fact that despite considerable improvement the health status of the American Indian is far below that of the general population of the United States. Indian infant mortality after the first month of life is 3 times the national average. This means, in plain language, that children are dying needlessly. The average life span of an Indian is 44 years, one third short of the national average of 64 years; in Alaska it is only 36 years. In light of the dire need for all health facilities and health needs, it is criminal to impose a personnel and budget freeze on Indian health programs. Even without a freeze, Indian hospitals are woefully understaffed and undersupplied, even to the extent of lacking basic equipment and medicine. We deplore the budget decisions that have caused this state of inadequacy.

In December 1969, I successfully proposed an amendment to a supplemental appropriations bill, which contained $1 million for Indian health programs, to provide an additional $2 million. The conference committee cut back the funds provided in the supplemental appropriations bill as passed by the Senate, which included the funds provided for in my amendment, to $2,048,000.

At that time, I called to the attention of my colleagues the fact that critical shortages exist in basic drugs such as aspirin and insulin in many of the Indian Health Service hospitals in Oklahoma and that the hospitals were greatly understaffed.

Statements made by Senators from other States having Indian populations indicated the critical health needs of the American Indian.

It is beyond comprehension why funds for the basic needs for Indian health would be frozen when Indians are dying daily from lack of proper treatment. The needs have been documented by a congressional investigation and by an impressive number of House and Senate Members. These funds must be released immediately and I again today call upon the administration to remove the freeze.

* * *

MAJORITY OF AMERICANS FAVOR VOLUNTEER ARMY

Mr. HATFIELD. Mr. President, a recent poll by Louis Harris I find very encouraging. Its conclusions were that 52 percent of the American public favor a volunteer military. This survey is particularly timely. The Gates Commission appointed by the President to study the feasibility of a volunteer armed force is preparing its final draft for presentation to the President, and the Senate Committee on Armed Services, per Senator JOHN STENNIS' assurances last session, will be holding hearings on the Selective Service System in the near future.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HARRIS SURVEY: 52 PERCENT FAVOR VOLUNTEER ARMY PLAN

(By Louis Harris)

Although three out of every four support the recent draft lottery plan instituted by the Nixon administration, by 52 to 38 per cent the public would like to see the entire draft system scrapped and a volunteer army substituted for it.

Easily the most appealing argument made in behalf of a volunteer army is that then "only young men who want to serve in the armed forces will have to." This argument receives the support of 67 per cent of the American people.

Recently, a cross section of 1,615 households was asked:

"Would you favor a volunteer army as a substitute for the present draft lottery system or would you favor keeping the present draft system?"

VOLUNTEER ARMY

[In percent]

	Favor	Oppose	Not sure
Nationwide	52	38	10
By age:			
Under 30	54	37	9
31–49	51	41	9
50 plus	50	38	12
By education:			
Grade school or less	47	37	16
High school	49	41	10
College	59	34	7

Younger people, especially those subject to the draft, and the more affluent favor the volunteer army idea most. They most often observed that the trouble with the present system is that it compelled many young men not in sympathy with the war effort to be subject to the draft. They frequently volunteered that even though the lottery was an improvement, the most equitable system would be to make the armed forces entirely voluntary.

The survey said to the cross section:

"Let me read you some statements which have been made about a volunteer army. For each, tell me if you tend to agree or disagree."

STATEMENTS ABOUT VOLUNTEER ARMY

[In percent]

	Agree	Disagree	Not Sure
Positive:			
A volunteer army is good because only young men who want to serve will be in it	67	23	10
A volunteer army would make it easier for the U.S. to fight a war such as Vietnam, and that is good	42	40	18
Negative:			
A volunteer army would destroy the American tradition of civilians defending the country in time o: war	29	56	15
A volunteer army would create a professional military force that would be a real threat in a democracy	24	55	21

Clearly, the appeal of a volunteer army is that it satisfies those who dislike military services as well as those who would like to see a professional army. Today, both groups make up a majority of the American public.

FINANCIAL STATEMENT OF SENATOR MONDALE

Mr. MONDALE. Mr. President, I ask unanimous consent that a statement of my estimated net worth as of December 31, 1969, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Financial statement of Senator Walter F. Mondale, Dec. 31, 1969

ASSETS	
Residence in Washington	$60,000.00
Stock (current value):	
IBM (12 shares)	4,374.00
Viatron Computer Systems Corp. (200 shares)	6,100.00
Scott Paper Co. (23 shares)	782.00
Total	11,256.00
Automobiles:	
Chevrolet	2,920.00
Oldsmobile	3,350.00
Total	6,270.00
Cash in deposits	2,400.00
Household and personal goods	$5,000.00
Cash value of life insurance	1,714.62
Personal contributions to Federal employees retirement system	12,027.39
Total assets	98,668.01
LIABILITIES	
Mortgage on residence in Washington	39,839.20
Personal loan (C. A. Nickloff Agency, Hibbing, Minn.)	5,500.00
Miscellaneous personal bills	750.00
Total liabilities	46,089.20
Estimated net worth	52,578.81

DISCONTINUANCE OF PUBLIC TRANSPORTATION SERVICE

Mr. CRANSTON. Mr. President, on Monday, February 2, the Senate is scheduled to consider the Mass Transportation Assistance Act of 1969.

Although mass transit is generally thought of as solely a big city problem, nothing could be further from the truth. From Watsonville, Calif., to Calais, Maine, 124 small towns have discontinued their public transportation service since 1954. Thus, citizens residing in these towns who do not have access to an automobile are literally immobile.

Mr. President, I ask unanimous consent that a list of cities where public transportation service has been discontinued since 1954, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. CITIES WITH NO TRANSIT SERVICE (SERVICE DISCONTINUED SINCE 1954)

City	Population (1960)	Year transit service discontinued
CITIES OVER 25,000 POPULATION		
Selma, Ala	28,385	1965
Tuscaloosa, Ala	63,370	1968
Mesa, Ariz	33,772	1954
El Dorado, Ark	25,292	1955
Fort Smith, Ark	52,991	1968
Fort Collins, Colo	25,027	1959
Fort Pierce, Fla	25,136	1956
Athens, Ga	31,355	1956
Valdosta, Ga	30,652	1967
Idaho Falls, Idaho	33,161	1955
Pocatello, Idaho	28,534	1965
Kankakee, Ill	27,666	1959
Anderson, Ind	67,366	1969
Bloomington, Ind	31,357	1966
Elkhart, Ind	40,274	1958
Kokomo, Ind	47,197	1962
Fort Dodge, Iowa	28,399	1966
Hutchinson, Kans	37,574	1959
Bowling Green, Ky	28,338	(1)
New Iberia, La	29,062	(1)
Tanton, Mass	41,132	1959
Ann Arbor, Mich	67,340	1969
Midland, Mich	27,779	1955
Greenville, Miss	41,502	1954
Laurel, Miss	27,889	1956
Billings, Mont	52,851	1966
Great Falls, Mont	55,357	1961
Missoula, Mont	27,090	1962
Reno, Nev	51,470	1965
Carlsbad, N Mex	25,541	1968
Roswell, N. Mex	39,593	1963
Santa Fe, N. Mex	33,394	1966
Watertown, N.Y	33,306	1967
Concord, N. C	28,991	1965
Goldsboro, N.C	28,873	1965
Alliance, Ohio	28,362	1969
Findlay, Ohio	30,344	1963
Springfield, Ohio	82,723	1969
Warren, Ohio	59,648	1969
Bartlesville, Okla	27,893	1956
Sharon, Pa	25,267	1958
Rapid City, S. Dak	42,399	1963
Oak Ridge, Tenn	27,169	1960
Big Spring, Tex	31,230	1960
Denton, Tex	26,844	1961
Harlingen, Tex	41,207	1969
Kingsville, Tex	25,297	1966
Midland, Tex	62,625	1954
Odessa, Tex	80,338	1965
Orange, Tex	25,605	1967
Victoria, Tex	32,047	1955
Provo, Utah	36,047	1964
Casper, Wyo	38,930	1967
Cheyenne, Wyo	43,505	1959
CITIES UNDER 25,000 POPULATION		
Camden, Ark	15,823	1956
Conway, Ark	9,791	1955
Fayetteville, Ark	20,274	1956
Jonesboro, Ark	21,418	1957
West Memphis, Ark	19,374	1956
Watsonville, Calif	13,293	N.A.
Derby, Colo	10,124	1957
Trinidad, Colo	10,691	1962
Fort Myers, Fla	22,523	1958
Lake Worth, Fla	20,758	1960
Melbourne, Fla	11,982	1962
LaGrange, Ga	23,632	1958
Jacksonville, Ill	21,690	1955
Marion, Ill	11,724	1954
Ottawa, Ill	19,408	1957
Rantoul, Ill	22,116	1959
Savanna, Ill	4,950	1958
Columbus, Ind	20,778	1958
Logansport, Ind	21,106	1965
Peru, Ind	14,453	1958
Vincennes, Ind	18,046	1962
Wabash, Ind	13,000	1961
Washington, Ind	10,846	1956
Boone, Iowa	12,468	1960
Keokuk, Iowa	16,316	1956
Pittsburg, Kans	18,678	1961
Hopkinsville, Ky	19,465	1954
Bogalusa, La	21,423	1964
Calais, Maine	4,223	1960
Houghton, Mich	3,393	1955
Monroe, Mich	22,968	1956
Brainerd, Minn	12,898	1966
Detroit Lakes, Minn	5,633	1954
Hannibal, Mo	20,028	1957
Hastings, Nebr	21,412	1959
Ralston, Nebr	2,977	1957
Berlin, N.H	17,821	(1)
Hornell, N.Y	13,907	1957
Little Falls, N.Y	8,935	1954
Salamanca, N.Y	8,480	1959
Elizabeth City, N.C	14,062	1957
Henderson, N.C	12,740	(1)
Kinston, N.C	24,819	1957
East Liverpool, Ohio	22,306	1955
Marietta, Ohio	16,847	1964
Tiffin, Ohio	21,478	(1)
Klamath Falls, Oreg	16,949	1960
Roseburg, Oreg	11,467	1960
Carbondale, Pa	13,595	1954
Ellwood City, Pa	12,413	1955
Latrobe, Pa	11,932	1958
Oil City, Pa	17,692	(1)
Aberdeen, S. Dak	23,073	(1)
Borger, Tex	20,911	1954
Brownwood, Tex	16,974	1964
Gainesville, Tex	13,083	1957
Greenville, Tex	19,087	1957
Lufkin, Tex	17,641	1954
McKinney, Tex	13,763	1956
Pampa, Tex	24,664	1956
Paris, Tex	20,977	1962
Rutland, Vt	18,325	1966
Bedford, Va	5,921	1956
Waynesboro, Va	15,694	1958
Chehalis, Wash	5,199	1959
Follansbee, W. Va	4,052	1958
Williamson, W. Va	6,746	1959
Beaver Dam, Wis	13,118	1955
Hurley, Wis	2,763	1961
Two Rivers, Wis	12,393	1954

[1] Not available.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. SCOTT. Mr. President, President Nixon recently signed into law Senate bill 740. This measure, by establishing a Cabinet Committee on Opportunities for Spanish-Speaking People, is intended to assure that Federal programs are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Spanish-speaking and Spanish-surnamed Americans and providing the assistance they need. It will also seek out new programs that may be necessary to handle problems that are unique to such persons.

This is a vitally important measure because it could do much to increase the Federal Government's responsiveness to the particular needs of an important segment of our society.

I ask unanimous consent that excerpts from the Senate report on this measure be printed at the conclusion of my remarks.

There being no objection, the excerpts from the report (91–422) were ordered to be printed in the RECORD, as follows:

ESTABLISH A CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

PURPOSE

S. 740, as amended, is designed (1) to insure that Federal programs are reaching and providing the necessary assistance for all Spanish-speaking and Spanish-surnamed Americans, including Mexican, Puerto Rican, and Cuban Americans; (2) to provide for the development of new programs which may be necessary to meet the problems which are unique to such persons; and (3) to give impetus to an integrated, Government-wide effort of assistance to such groups by providing for the establishment by law of a permanent body—the Cabinet Committee on Opportunities for Spanish-Speaking People—to replace the Interagency Committee on Mexican-American Affairs, established by Presidential memorandum in 1967.

The principal functions of the proposed Cabinet Committee would be to advise Federal departments and agencies regarding (1) appropriate action to be taken to assure that Federal programs are providing the assistance required by such Spanish Americans, and (2) the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of the Spanish-American community. In connection therewith, the Committee would be authorized to foster such surveys, studies, research and demonstration, and technical assistance projects and establish and promote such relationships with and participation by State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of the people concerned. The Committee would be required to meet at least quarterly each year and to submit to the President and the Congress an annual report of its activities during the preceding year, including appropriate recommendations.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

NEWSPAPER PRESERVATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. A bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Senate will proceed to its consideration.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New Hampshire (Mr. MCINTYRE).

Mr. INOUYE. Mr. President, I oppose the amendment offered by the Senator from New Hampshire to the Newspaper Preservation Act.

This amendment would deny the benefits of the act to joint operating arrangements where one of the papers owns or controls any other newspaper or any radio or television station. The very simplicity of the amendment is its undoing, for this amendment would result in denying the benefits of S. 1520 to 18 of the 22 cities where there are now joint operating arrangements. This includes Honolulu.

If adopted this amendment would exclude the two newspapers in Honolulu from the exemption provided by S. 1520. Why? Not because either paper, the Advertiser or the Star-Bulletin, owns a radio or television station, or because either paper is part of a large chain, but simply because one of the two papers, the Star-Bulletin, has entered into arrangements to purchase control of the newspaper on Guam. Let me note further that the Star-Bulletin was and is the financially dominant paper in Honolulu—the Advertiser having been the failing newspaper when they entered into their joint operating arrangement in 1962. But, because the Star-Bulletin will control another newspaper, the amendment would deny the benefits of S. 1520 to both the Star-Bulletin and the Advertiser. The result would be the likely demise of the Advertiser. That is about as inequitable a result as can be imagined.

And, Honolulu is not the only city where such unfair results would ensue from this amendment. One of the two joint operators in 20 of the 22 cities with such arrangements is an independent—nonchain—newspaper. More likely than not, the independent is the financially weaker paper. Yet, this amendment would mitigate against such weaker papers, eventually putting them out of business.

In like manner, the amendment would eliminate from the benefits of S. 1520 the St. Louis Post-Dispatch, the only paper owned by Joseph Pulitzer, because there is an ownership of radio or television.

I believe it should be noted that this amendment is offered by someone opposed to this legislation. It is also significant to note that it is offered by a Senator from a State where there are no joint operating arrangements, and, in fact, where there is no city with competing newspapers. In all of New Hampshire, there is but one daily morning paper, and one Sunday paper. I ask the Senator from New Hampshire not to deprive the citizens of Hawaii, under the guise of preserving competition, editorial and news competition which has already disappeared from the cities of his great State as from so many others.

I also call to the attention of my esteemed colleague, the Senior Senator from Michigan, the fact that there is only a single morning paper in his entire State. If there was ever fertile ground for new entries, for new daily newspapers to come into being, it is certainly present in Michigan's market of 9 million inhabitants, and yet we see no takers. However, we now witness the opponents of S. 1520 encouraging the bill's defeat and the demise of 22 of the 44 news voices involved upon this specious premise.

The Senator from New Hampshire has rehashed in his statement, in support of his amendment to limit the application of this bill to four of the 22 cities involved, all of the arguments presented during the hearings and in committee during the consideration of this measure.

Now, I share the Senator's concern over the increased media concentration which we have witnessed. Instead, it is for this very reason that I sponsored S. 1520. The effect of the McIntyre amendment if adopted, would be to accelerate such concentration. And while I believe the increased concentration of media power not only in newspapers but in radio and television is a matter requiring our legislative attention, this bill is hardly the proper vehicle. The adoption of this amendment would not deny further media acquisition with resulting concentration to newspapers and newspaper chains where these already own both papers in the community as they now do, in Milwaukee, for example, which the Senator mentioned in his remarks.

In reviewing the record of the hearings before the Subcommittee on Antitrust and Monopoly on S. 1520, I was particularly interested in the testimony given by Mayor Henry W. Maier of Milwaukee. Mayor Maier complained of the lack of news and editorial competition in the two Milwaukee papers—both owned by the same company, the Journal Co. He stated:

> One of the earmarks of the monopoly in Milwaukee to me is the fact that there is no editorial competition between the two voices of the Journal Company. Never do we see, as we do in the two newspapers in Madison, for instance, our State Capital, one newspaper flailing editorially against the other to reinforce freedom of expression and inform the public.

Mr. President, I cannot improve on the endorsement given by Mayor Maier to the real competition between the papers in Madison which have been published under a joint operating agreement since 1948. I am for the Newspaper Preservation Act because I want this freedom of expression and interchange of ideas to continue.

As I have indicated, joint operating arrangements are commercial mergers, but if you are to support this amendment, I think you must answer the question: Why are the full mergers which we now find in most two-newspaper towns, not to be denied the right to other-media ownership or acquisition? Why should we use this bill as a vehicle to deny to those in joint operating arrangements, maintaining competition in the most essential and vital area of news and ideas, rights not denied their more powerful and monopolistic brethren?

This amendment, if adopted, would be highly discriminatory. It deserves defeat in the name of equity. It must be defeated to preserve that competition of ideas and editorial expression which is the purpose of the Newspaper Preservation Act.

Hopefully, my good friend, the Senator from New Hampshire, will provide us with a future opportunity to give proper legislative attention to the overall problems of media concentration.

One of the arguments presented by the Senator in support of his amendment relates to the general prosperity of the newspaper industry. I would merely like to point out that the generally good health of the industry is of little help to the newspaper which is going broke.

The trend is unmistakable and has been of long standing. Fewer and fewer communities exist with competing news voices. To concede that newspapers which found it necessary to enter into a joint operating agreement at an earlier date does not justify the inference that this arrangement could now be severed and either or both parties remain in healthy and sound financial condition. Indeed, it is the economies of a commercial merger which has made this an effective substitute for the more common full mergers which have so long been the unfortunate trend in this industry.

Mr. President, I do pray that Senators will support me in rejecting the amendment.

Mr. HRUSKA. Mr. President, I rise in opposition to the amendment proposed by the Senator from New Hampshire.

There are ways to legislate that should apply to any and all subjects. There are those ways that assert themselves as being commonsense when an amendment is proposed on the floor that had not been considered by the committee in any normal situation. This situation, however, is one that involves a multibillion-dollar industry; as a matter of fact, the media of the Nation. It involves the very complex subject of economic concentration and has its rationale, if there is any, on economic concentration and also the sociological impact that might be had by reason of that economic concentration.

Economic concentration, as such, has been studied very intensively and extensively for the past 3 years by the Subcommittee on Antitrust and Monopoly; and it is not so simple a proposition that it would lend itself to an amendment of this kind. However, it not only involves a multibillion-dollar industry, and the television and radio industries of the Nation, but it would also filter down into multiple ownership of county newspapers and smalltown newspapers, something we should very carefully consider in its full implications.

In addition to the studies of the Antitrust and Monopoly Subcommittee on economic concentration generally, and even in this field specifically, the Federal Communications Commission has recently undertaken to consider and study this subject, and debate whether or not there should be further limitation or different limitations on multiple ownership of radio or TV, and including newspapers. It would ill become the Senate, as a deliberative and careful body in considering legislation, to adopt an amendment of this kind in a manner which can almost be characterized as out of hand.

It is my hope that the amendment will be defeated.

Mr. McINTYRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, in rising in support of my amendment, I must refer to the remarks of my distinguished colleague from Hawaii, the floor manager of this bill and one of its principal sponsors, to the effect that in my great State of New Hampshire we have no newspapers either presently party to or looking forward to joint operating agreements. I do not think this detracts from my understanding of this bill. I wonder, in fact, whether, on the contrary, the understanding of some of my colleagues who do have such papers is not impeded by the fact that these papers are now breathing down their necks.

I would like once again to voice my opposition to this bill. I talked at some length yesterday about the growing trend toward media concentration in this country and about why the bill would accentuate that trend. Preventing this is my main concern. And that is why I was very happy to hear the distinguished Senator from Hawaii say he will keep his mind open, as to the merits of my Independent Media Preservation Act, the purposes of which is to avert such concentration.

I would like today to focus my remarks on three principal points.

First, yesterday we heard considerable testimony about the difficulty of new entries into the newspaper business.

The fact of the matter is that technology is improving and, unlike the past, we are now in an era when newspapers can be and are being founded on relatively modest investment. No longer must a would-be publisher invest in expensive typesetting machinery and a newspaper press. As a result of the rapid development of offset printing and cold-type composition, a newspaper can actually be launched with a few typewriters, some scissors, a paste-pot, and a lot of gall.

The newspaper can contract its presswork to one of the many offset press owners now readily available and eager for work to keep their press busy. Granted the new venture cannot emerge full-blown as a metropolitan competitor. But newspapers are being launched to serve smaller geographic areas, and in some instances have found acceptance that has propelled them into full metropolitan competition. I would cite the Oklahoma Journal at Oklahoma City as an example.

These newcomers are truly "independent editorial voices," and their acceptance undoubtedly stems in part from a desire on the part of the community—both readers and advertisers—to have news and advertising competition within their area. The so-called joint newspaper operations constitute something of a hybrid, with ostensible editorial competition, but an absence of any advertising competition. They present the most formidable competitive barrier of all to would-be newcomers into the local newspaper market.

A survey of the 22 cities in which the joint operations are located shows that these metropolitan areas are barren ground for newcomers. Relatively few suburban newspapers survive in these "joint operation" cities, and the reason is obvious: The two daily newspaper owners can and do manipulate advertising and circulation sales to their best advantage. In the case of advertising, this includes pricing their two products in such a way as to discourage merchants from spending advertising dollars anywhere but in the jointly operated newspapers.

Continuing this competitive advantage, or maybe it might better be termed an "anticompetitive" advantage, is one way of discouraging "independent editorial voices," the would-be newcomer to the market. Of what value to the public is this new printing technology and new ease of startup for newspapers if we give the established "joint operators" a special competitive advantage which makes entry into the market foolhardy? The public interest is better served here, as elsewhere in our economy, by encouraging, not discouraging, free and open competition.

Mr. President, the second point I want to discuss is the overall economic condition of the newspaper industry. The present supporters of this bill would have us believe that the industry is in grave trouble, that papers are folding right and left, and that enactment of this bill is the only way to save them.

Anyone who believes this has been seriously misled. The simple fact of the matter is that the newspaper industry is now experiencing unprecedented prosperity. This is the simple truth which emerges from 24 days and eight volumes of testimony before the Senate Antitrust and Monopoly Subcommittee. And it is concurred in also by Forbes magazine, as a result of its own recent study of the industry's condition.

Let me take a few minutes to quote some of the more pertinent passages of the Forbes article. Here is a brief description of the industry's condition:

> The fact is that, on the whole, the news paper industry has never been healthier, not even in the heydey of Joseph Pulitzer and William Randolph Hearst. Advertising revenues and circulation are increasing. Net income in recent years has represented a far greater return on revenues than those in other manufacturing industries.
>
> Look at the statistics:
>
> Since 1949, television advertising revenues have risen from a paltry 57.8 million dollars to 3.2 billion dollars last year. This is a sensational increase. Surely, TV must have cut into newspaper advertising revenues.
>
> Look again: Newspaper advertising revenues have risen, too, from 1.9 billion dollars to 5.3 billion dollars, and this rise has almost exactly paralleled the rise in TV revenue. Newspaper advertising revenue today is almost as great as television, radio and magazine advertising revenues combined. Meanwhile, circulation has been in-

creasing, too, from 51 million in 1946 to 62.5 million last year. The population has expanded more rapidly, but this, as John G. Udell, director of the Bureau of Business Research and Service of the University of Wisconsin, pointed out in a recent study "does not provide a fair and meaningful comparison because babies and small children do not read newspapers."

Also included in the Forbes' article, Mr. President, are some interesting figures as to the profitability of individual companies. Again I quote:

> Most newspapers in the U.S. are privately owned; in fact, most newspaper publishers are the sons and even the grandsons of newspaper publishers. It's a family business. Since these publishers don't issue annual reports, it's almost impossible to figure out just how profitable are the newspapers they own. What is more, most publishers of privately owned newspapers habitually cry poverty. And, even when they admit to making profits, they grumble. They insist they're just getting along. And, typically, when asked for the kind of figures that every publicly owned corporation supplies as a matter of course, they refuse to give them.

Publishers' secrecy notwithstanding, the article goes on, there is ample evidence that newspapers are today an excellent investment. Again I quote:

> One (source of evidence) is the annual studies that Editor & Publisher, the weekly news magazine of the newspaper industry, makes of medium-sized dailies and of dailies with a circulation of 250,000 or more. These studies are based on top-secret reports from the newspapers themselves.
>
> Examine first the last statistical analysis of what E&P calls the "medium-city newspaper." Operating expenses in 1968 amounted to 3.5 million dollars, $131,300 more than in 1967. Operating profit was 1.4 million dollars versus 1.2 million dollars, a very nice 28.6 percent. Profit after taxes was $660,900, an increase of 5.6 percent over the year before. In other words, E&P's medium-city newspaper netted close to 14 percent on revenues.
>
> E&P's study of newspapers with a circulation of 250,000 or more is equally revealing. On the average last year, they had revenues of 16.5 million dollars. This study does not disclose what the operating profit was or what the newspapers paid in taxes, but it does reveal how much they made after taxes. It was 3.7 million dollars, 22.4 percent of revenues.
>
> In contrast, according to a study made by the First National City Bank, the average net profit on revenues for all manufacturing industries last year was 5.8 percent. Even the drug industry netted only 9.5 percent on revenues.

Lest it be thought that these figures, however apt a description of the industry generally, present a warped picture of the profitability of those companies directly affected by this bill, let me supplement them with some other figures of my own. For the simple fact of the matter is that these companies, too, have shown rather clear-cut signs of economic health.

Consider the situation in St. Louis, where the Post-Dispatch and the Newhouse chain of newspapers have entered a joint operating agreement. In 1968, the Post-Dispatch had excess funds with which to purchase two television stations—KVOA-TV in Tucson, Ariz., and KOAT-TV in Albuquerque, N. Mex.—for a combined price of $18 million. Newhouse, meanwhile, in 1967 paid a record price for a single newspaper property—$53.4 million for the Cleveland Plain Dealer.

Or consider the Cox and Knight chains which have entered a joint operating agreement in Miami, Fla. Cox in 1964 paid $20.5 million for WIIC-TV in Pittsburgh, then the highest price ever paid for a single television station. Knight in 1969 bought the Macon, Ga., Telegraph & News for $13 million. And both companies have made several other acquisitions in recent years.

Consider, also, the actual operating record of two joint agreement papers which would be aided by this bill. Because these papers are owned by Lee Enterprises, Inc., itself a publicly owned company, actual operating figures are in fact available. The companies in question are Madison Newspapers, Inc., in Madison, Wis., and the Journal-Star Printing Co., in Lincoln, Nebr. The former company in 1968 had a rate of return on shareholders' equity of 22 percent. The latter, a return of 16.4 percent. At the same time, the overall rate of return for Lee Enterprises, Inc., itself was "only" 11 percent. Both of these ostensibly dying papers had a higher rate of return than their very profitable parent company itself.

I have said enough, Mr. President, to document beyond dispute this industry's profitability. There is obviously no need for enactment of this bill.

The only other point I would like to make, is that the absence of any need for and the danger from this bill are clearly perceived by most men and women within the newspaper industry itself.

The simple fact of the matter is that the bill is opposed by almost everybody in the industry except those companies with money interests in its passage.

It is opposed by the National Newspaper Association, a trade association with 7,000 member newspapers from coast to coast. Editorials attacking the bill have appeared in the New York Times, the Washington Post, the Wall Street Journal, the Louisville Courier-Journal, and the New York Post. And they have appeared also in a host of similar papers, from the Santa Monica, Calif., Outlook to the Bayonne, N.J., Times.

These publishers have been joined by their printing trades unions. Resolutions opposing the bill have been passed by the American Newspaper Guild, the International Typographical Union, the Pressmen's Union, and the Amalgamated Lithographers.

There is but one reason that this bill is still alive—the enormous political clout of the media barons whose profits would be bolstered by it.

The total number of media holdings controlled by these companies is simply staggering. They now own 127 daily newspapers in 86 cities in 34 States, 109 broadcasting stations in these and an additional three States, one of the two major world news services—United Press International—and 22 national magazines. These are the total holdings of the men whose ostensibly dying voices this bill is designed to save.

Mr. President, I have already spoken long enough and, if yesterday's votes are any indication, I am doing nothing more than belaboring an obvious truth. There are some joint agreements now in existence—those in the cities of Bristol, Tenn.-Va.; Honolulu, Hawaii—although the Senator from Hawaii has taken exception to this; Nashville, Tenn.; Oil City-Franklin, Pa.; Tucson, Ariz.; and Tulsa, Okla.—the publishers party to which own no media voices other than the papers directly involved. Under the terms of my amendment only those six joint agreements, as well as future agreements involving similarly independent voices, would be legitimized by this bill.

I offer this amendment essentially for two reasons.

First, the alleged purpose of this bill is to save dying editorial voices. It being unlikely as it is to accomplish this purpose, the least we can do is to restrict its application to instances in which such voices are in danger of total extinction.

Second, my amendment is a way of limiting the economic pressures generated by joint agreements. These pressures, for reasons I discussed yesterday, have the potential for killing off far more media voices than such agreements will ever save. If newspaper chains and multimedia companies were permitted to take part in such agreements, these pressures would be generated in a host of communities throughout the country, and the already serious trend to media concentration within our country would only be intensified.

Mr. President, I offer this amendment to help preserve the multiplicity of diverse and antagonistic media voices on which the welfare of all of us so sorely depends.

I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, it is not my purpose to argue either for or against the amendment offered by the distinguished Senator from New Hampshire. I will explain why in a little while.

First, I should like to get a better understanding of the amendment offered by the Senator from New Hampshire. As I understand the amendment, it would eliminate from the pending bill any newspapers which are considered by the amendment to be chain newspapers, and that is defined by the amendment as being any individual or group that owns two or more newspapers or owns a newspaper plus a broadcast facility.

Is my understanding of the Senator's amendment correct?

Mr. McINTYRE. The Senator's understanding is correct. This bill grants an exemption from the antitrust laws of the United States to all the joint operating agreements now in existence. My amendment cuts back on the scope of this exemption and makes it available only to truly independent media voices.

It would be denied, in other words, to the Newhouse chain, the Hearst chain, and other media barons who in my opinion are in the process of gobbling up all the independent media voices left in the country.

The Senator's understanding of my amendment is indeed correct.

Mr. BYRD of Virginia. I thank the distinguished Senator from New Hampshire.

I feel that I should make a statement

in regard to this bill and to the pending amendment. I find myself——

Mr. McINTYRE. If the Senator from Virginia will permit me to interrupt him at this point, I would like to ask for the yeas and nays on my amendment. Then I shall yield the floor.

Mr. BYRD of Virginia. Of course.

Mr. McINTYRE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were not ordered.

Mr. McINTYRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. McINTYRE. Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I feel it appropriate to make a statement in regard to the pending amendment and the pending legislation.

I shall not argue for or against either the amendment or the legislation.

Perhaps I am the only Member of the Senate who is closely associated with the newspaper business. For most of my adult life I have been a newspaper publisher. I think that the record should show, during debate on this legislation, that I have and do now own a substantial interest in two daily newspapers. One of those newspapers owns a third newspaper.

So far as the pending legislation is concerned, I see no conflict of interest. The newspapers are separated and operate in different communities. They do not operate jointly.

Insofar as the amendment offered by the distinguished Senator from New Hampshire is concerned, I feel that I do see a conflict of interest. His amendment would specify that where a group or an individual owns more than one newspaper, or a newspaper and a broadcast facility, that under those conditions the provisions of the bill would not apply.

Under the definition of the amendment offered by the Senator from New Hampshire, I suppose that I would be considered a chain newspaper owner. But I believe that would not be in the accepted sense, since my papers are small papers, and are separated by many miles from one community to the next.

Nevertheless, I do see in the wording of the Senator's amendment a possible conflict of interest.

Therefore, when the vote is called on the amendment offered by the Senator from New Hampshire, I shall ask to be recorded as being "present."

Mr. President, regarding the pending legislation, I do not see any possible conflict of interest. The newspapers which I own have no operating arrangements such as do the 22 newspapers which the pending bill would specifically cover.

Let me say a word about the newspaper business. I regret very much to see the disappearance of newspapers throughout the Nation. It is tragic that in the greatest city of our Nation and one of the greatest cities in the world—New York City, there are only three daily newspapers; namely, the New York Times, and the New York Daily News in the morning, and the New York Post in the afternoon.

It was only 20 years ago, give or take a couple of years, that there were eight daily newspapers in New York.

In the intervening years—which is a short period of time—the New York World Telegram, the New York Sun, the New York Herald-Tribune, the New York Journal-American, and the New York Mirror have all gone out of existence.

Thus, where that great city of 8 million population once had eight daily newspapers as recently as 20 years ago, they now have only three. The economics of the newspaper business eliminated the other five.

Mr. President, I think that the distinguished Senator from Rhode Island yesterday, in his speech, pointed out that one of the great problems facing the newspaper industry is the extent to which television has cut into the revenues of newspapers.

In regard to the joint operating arrangements which have been entered into by some 22 newspapers—and since two are involved in each case, we might say that is 44 newspapers—I do not know the situation in all of those cases, but I do know the situation in some of them.

In Nashville, Tenn., there are two newspapers, the Nashville Banner and the Tennesseean, where the editorial and news competition between the two is, perhaps, greater than in any city that I know of. They are entirely competitive.

Of the two newspapers in Miami, Fla., if the joint arrangement referred to had not been entered into, the strong paper, the Miami Herald, very likely would be the only remaining newspaper in Miami.

The Miami Herald has had, for a long time, the second highest volume in advertising lineage of any paper in the country. It is a strong newspaper.

What the operating arrangements tend to do is to help the weak newspaper and not the strong newspaper. It keeps the weak newspaper in the community in business.

As I mentioned at the outset, I do not propose to argue for or against the McIntyre amendment. I shall vote "present" when the vote is taken on it.

As to the bill itself, I do not propose to argue its pros and cons, but I do think it appropriate to make these few remarks in regard to the newspaper industry in general.

My own philosophy of a newspaper is that it ought to be handled as a public trust. I feel it is a semipublic utility and ought to be handled in such manner.

I submit that over a long period of time the best way for a newspaper to prosper, and the best way for the owners to prosper is to put out a good product. It must have the confidence of the public. If a newspaper's publisher does put out a good product, I believe that his paper over the years will prosper.

I believe very strongly that a newspaper should be handled as a public trust and operated as a public trust.

I, along with many other Senators, regret to see more and more newspapers falling by the wayside.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I rise to urge defeat of the amendment of the distinguished Senator from New Hampshire. The amendment provides that the antitrust exemption provided in the pending bill, S. 1520, shall not be available to any paper that is owned by a newspaper chain or is in any way affiliated with radio and television stations.

For all practical purposes, this amendment would gut the bill, which is designed to provide antitrust exemption, under certain narrowly prescribed circumstances, for newspapers that are financially failing or in danger of failing who enter into joint operating agreements with another newspaper in the same community so as to reduce expenses and preserve independent news and editorial voices for the people of the community.

At present, there are joint operating agreements in 22 cities throughout the Nation.

The pending bill, as recommended by the Senate Judiciary Committee, seeks to provide a remedy to help keep alive newspapers that would be in precarious financial straits and would fold if they had to abandon their joint operations.

With S. 1520, the committee proposes a way to preserve separate and distinct news and editorial services for the millions of Americans in 22 communities.

The pending amendment, offered by the junior Senator from New Hampshire (Mr. MCINTYRE) would afford antitrust exemption only to six communities, according to the sponsor. Yesterday, he listed these as Bristol, Tenn.-Va.; Honolulu, Hawaii; Nashville, Tenn.; Oil City-Franklin, Pa.; Tucson, Ariz., and Tulsa, Okla.

Actually, under the amendment the joint operating agreement between Hawaii's two leading dailies, the Honolulu Star-Bulletin and the Honolulu Advertiser, would not be exempt. For very recently the Honolulu Star-Bulletin purchased a newspaper on Guam.

Thus, because the Star-Bulletin owns the Guam paper its joint operating agreement would not qualify for antitrust exemption. For the McIntyre amendment defines a newspaper owner entitled to exemption as "a person who owns or controls a single newspaper publication, but who A does not own or control directly, or indirectly through separate or subsidiary corporations, any other newspaper publication or any other radio or television station."

If the joint operating agreement between the Advertiser and the Star-Bulletin is not accorded antitrust exemption, the two papers will have to separate their production, printing, advertising, and distribution operations.

In the 5 years that these two papers operated separately prior to their joint operating agreement, the Advertiser showed substantial losses in 3 of those years, according to testimony before the Antitrust and Monopoly Subcommittee.

The book profits shown in the other

2 years were due in one instance to sale of a special statehood edition and in the other to drastic cuts in expenditures. These cuts produced a profit on the books but actually further weakened the advertising and circulation position of the Advertiser, according to its publisher.

So precarious was the Advertiser's financial posture that the publisher had only three choices: liquidation, sale to his competitor, the Star-Bulletin, or function with a joint operating agreement.

If the joint operating agreement cannot continue, the Advertiser's choices may well be only two: Liquidation or sale to the Star-Bulletin.

This would mean Honolulu would lose its morning daily newspaper, leaving only the afternoon paper, the Star-Bulletin.

Just because the Star-Bulletin owns the Guam paper—located 3,300 miles from Hawaii—the people of Honolulu would be deprived of one of their two excellent daily papers, which offers differing news and editorial comment from the Star-Bulletin. Indeed, all 800,000 people of my State would be deprived of the Advertiser, for the Advertiser and Star-Bulletin serve all the Islands of Hawaii.

The McIntyre amendment would, therefore, afford antitrust exemption to only five communities, instead of 22 as the bill recommended by the Judiciary Committee provides.

Mr. President, as I said yesterday, I believe Hawaii is a viable, dynamic, alert, progressive State, thanks in large measure to the invaluable services of our two Honolulu daily newspapers. Under the joint operating agreement, the Advertiser and Star-Bulletin are keenly competitive in news reporting and editorial analysis. Such competition serves the people of Hawaii well.

I am convinced the people of Hawaii are better served by this arrangement than they would be by a monopoly of a single major newspaper, which would result if the McIntyre amendment carries.

But I do not urge my colleagues to reject the McIntyre amendment solely because it would hurt Hawaii.

I urge them to reject it because the testimony before the Senate Antitrust and Monopoly Subcommittee, on which I serve, showed that just because a failing newspaper is owned by a prosperous chain is no insurance against its demise.

The testimony of Mr. Jack R. Howard, president and general manager of Scripps-Howard Newspapers, makes clear a chain newspaper that is in the black overall cannot forever underwrite one of its newspapers that is failing.

In 1967, Mr. Howard testified as follows:

> Scripps-Howard is aware, painfully aware, of what happens to a newspaper caught in the squeeze between rising costs and declining revenues. During the past three years (July 1967) we have reluctantly suspended three newspapers: The Houston Press, the Indianapolis Times, and the New York World Telegram and Sun.
>
> In Houston, Texas, the Houston Press lost substantial and increasing amounts of money from 1958 through 1963. . . . We made efforts over a period of time to work out some sort of joint arrangement with each of the other papers but were unable to do so. The alternatives that remained were either to suspend publication or to sell the newspaper. We sold to the Houston Chronicle in 1964.
>
> In Indianapolis, Indiana, the Indianapolis Times, an evening and Sunday paper, lost money for more than a decade. Discussion which might have led to a joint arrangement came to naught. The same result attended our efforts to sell the newspaper, and finally the paper was suspended in the fall of 1965.
>
> In New York City, Scripps-Howard's New York World Telegram and Sun had experienced heavy losses for a number of years.

A consolidation was effected with the New York Journal American and the Herald Tribune.

So there we see, Mr. President, that even Scripps-Howard, which overall was in the black, could not save some of its affiliate-newspapers who were in the red.

If the McIntyre amendment carries, the joint operating arrangements that Scripps-Howard now has would be in jeopardy in Albuquerque, N. Mex.; El Paso, Tex.; Evansville, Ind.; Birmingham, Ala.; Knoxville, Tenn.; Columbus, Ohio, and Pittsburgh, Pa.

Those are communities which may lose one of their daily newspapers if the McIntyre amendment passes.

The testimony of Mr. G. O. Markuson, executive vice president of the Hearst Corp., related to our Antitrust Subcommittee the similar experience of the Hearst chain.

On page 592 of volume 2 of our 1967 hearings, Mr. Markuson said:

> The Hearst Newspapers have been, and presently are, located in metropolitan centers. They have, therefore, been subjected to the same economic pressures which generally have plagued other urban newspapers. These extreme economic factors initially transformed certain of the Hearst Newspapers into unprofitable ventures, and ultimately, into failing newspapers. It was only after every reasonable alternative was explored and exhausted that business necessity and prudence caused the Hearst organization: to sell the Chicago American in 1956; to sell the Pittsburg Sun Telegram in 1960; to sell the Detroit Times in 1960; to suspend publication of the Morning Los Angeles Examiner in 1962; to sell the Milwaukee Sentinel in 1962; to suspend publication of the New York Mirror and to sell certain of its assets in 1963 to enter into a joint newspaper operating arrangement in San Francisco in 1965; and to consolidate the New York Journal-American with the New York World Telegram and Sun and the New York Herald Tribune, forming the New York World Journal Tribune in 1966, which thereafter was forced to suspend publication in 1967.

It is precisely because of such testimony that the judiciary made controlling in S. 1520 the fact of whether or not a newspaper in a particular given city is failing and, if it is failing, to accord that newspaper the opportunity to save itself through a joint operating arrangement, regardless of its ownership or affiliation.

Mr. President, an amendment was offered during Judiciary Committee consideration of S. 1520 to strike from the definition of "failing newspaper" the phrase "regardless of its ownership or affiliation."

This would have had much the same effect as the McIntyre amendment; that is, it would not provide antitrust exemption for a failing newspaper that was affiliated with or owned by other newspapers. The amendment was rejected by the committee.

The question of whether a newspaper is failing should be based upon the financial operations of that paper and not upon the presence or absence of financial help from other newspaper activities of the owner or from other newspaper activities of other cities.

If the words "regardless of its ownership or affiliations" are stricken from S. 1520 as the McIntyre amendment proposes, a court could find that a newspaper was not "failing" as long as the owners of a paper had other resources which could be invested in that newspaper. To follow that to its ultimate conclusion, the owners would have to invest all other funds in the failing newspaper until there was nothing left to invest.

The test would be not whether the newspaper was failing, but whether the owners of the newspaper were themselves failing.

As the testimony showed, even the big newspaper chains cannot afford to go on and on indefinitely pouring money into one of their papers that is losing money.

As a practical economic matter, the chains—just like the single owners—eventually confront the decision of whether to continue to waste their assets in a losing paper, or sell out to a competitor, or close down the paper itself.

Mr. President, we should recognize the McIntyre amendment for all practical purposes negates the purpose of the pending bill, S. 1520, which is to help give the people of 22 communities an opportunity for choice of ideas and analyses by preserving differing news and editorial newspaper voices in the community.

If the McIntyre amendment is approved, only five cities could receive such assistance in preserving one of their major daily newspapers.

The capital city of Honolulu in my State would face deprivation of its morning English-language daily.

For all these reasons, I urge Senators to vote against the McIntyre amendment.

Mr. McINTYRE. Mr. President, I would like to take issue on this point with the Senator from Wisconsin (Mr. NELSON). While I agree with him that further legislation is necessary, I feel that my amendment itself is essential if we are to come to grips with media concentration.

I do not know whether the antitrust exemption afforded by this bill is needed to save dying newspapers. I frankly doubt it. I do know that it will transform newspapers taking advantage of it into highly profitable enterprises, enterprises with enough excess cash to go out and gobble up other media voices. That is what has just happened in Hawaii. Two weeks ago one of the papers there bought out an independent paper on the island of Guam. If this use of excess cash to gobble up independent voices continues obviously media concentration will be accentuated.

My amendment would prevent this.

First, it would say to papers which are now independent: "Go ahead, enter a joint agreement, but you will not be able

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to use the profits to buy additional media outlets."

Second, it would say to companies which have already bought up many independent outlets: "You may not enter such agreements unless you sell off all your other properties. And if you do this, you will also be denied later the use of the resulting profits to ever get them back."

Mr. President, I think this is a good amendment. It would keep small companies small and it would also directly affect the big boys. I must take issue with the Senator from Wisconsin (Mr. NELSON) when he says it does not affect these big boys.

(At this point, Mr. GORE assumed the chair as the Presiding Officer.)

Mr. NELSON. Mr. President, I wonder if the Senator from New Hampshire will yield for a question?

Mr. McINTYRE. I yield.

Mr. NELSON. Just so I understand the amendment of the Senator from New Hampshire, to take a hypothetical case—I am not thinking of anyone in particular—if two independents had a joint operating agreement and one of those independent newspapers owned a radio station, do I understand that in order to take advantage of the benefits of the law, if the bill passes, and continue the joint operating agreement, the one that owned the radio station would have to give up the radio station or sever the joint operating agreement?

Mr. McINTYRE. That is correct.

Mr. NELSON. What puzzles me about it is that we could name a whole series of situations in this country where giant concerns own radio, TV, and two newspapers at the same time. From the standpoint of media, and control of information that is a much more serious situation than the case of two newspapers with a total circulation of 10,000 and a tiny radio station. Yet they are to be told, "You have to give one up," while the much larger combinations remain unaffected.

I just want to express my view that the Congress really is not facing up to the issue at all, and that we are running around with a sledgehammer slugging at gnats. As a matter of fact, there ought to be a bill before the Senate that provides no newspaper can own any other news media. If we are striving for independent editorial voices, if we are trying to secure in the public of this country a sense of fairness, and the knowledge that they are having diverse opinions presented, then we had better tell every newspaper that it must within a certain period terminate its relationship to any other media. I think a radio station should be independent from a TV station or newspaper, and a TV station should be independent from radio or newspapers and newspapers ought to be independent from radio and TV. If that were done, then there would be true independence of the media. Then we would be sure we are hearing independent voices.

If we are going to successfully defend freedom in this country we must do all in our power to assure that the news sources and media are independent and competitive.

On the day when a bill is enacted on the floor that will require all newspapers in this country to give up their interests in all other news media, we will have accomplished something.

I cannot see telling one tiny newspaper with a circulation of 10,000 that owns a little radio station, "You have to get rid of it," while at the same time we allow the giants to own radio and TV stations just because we are afraid to tackle them. The Federal Communications Commission could have prevented this from happening in the first place. Unfortunately it did not have the courage to stop it and the Congress does not have the courage to require the big newspapers to terminate their interests in competing media. If we did that, we would be doing something significant about guaranteeing the preservation of independent editorial opinion.

Mr. McINTYRE. Mr. President, there is much in the remarks of the Senator with which I agree. I am very concerned with the broader problem of media concentration to which he refers and have introduced a bill in this session, called the independent media preservation bill, designed to get at the heart of it.

I am not wedded to the particular terms of this bill. I would welcome any modifications which the Senator from Wisconsin (Mr. NELSON) might wish to suggest.

Mr. NELSON. All I am saying is that what concerns me is, we talk and talk about monopoly in the news media but we do not undertake to do anything about the really big fellows. I would like to see a bill come out on the floor of the Senate that does that.

I think we are shooting at the wrong target at the moment. I would be glad to endorse the amendment if it were to be applied to all newspapers in America.

Mr. McINTYRE. I am sorry the Senator cannot support my amendment. I at least hope he will vote against this bill. If he is against the monopolization of media voices, he can help prevent it by voting "nay" on this bill.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senator from Michigan is recognized.

Mr. HART. Mr. President, I am encouraged by the remarks just made by the able Senator from Wisconsin, who is now, in a sense, estopped to say I am not interpreting him correctly because he is in the chair.

As I understand the Senator from Wisconsin, he opposes the proposition that is reflected in this bill, and he regards the McIntyre amendment as not an improvement sufficient to persuade him to support the amendment, with the implication, later, of having to vote yes or no on the bill.

I share with the Senator from Wisconsin the belief that what we are asked to do by this bill is establish a sort of poverty program for the rich. One of the traditional hangups of many Members of this body, when we talk about welfare programs, is, "Well, we are not sure it is a good idea, but if we are going to have a welfare program, let us at least require that the beneficiaries of the program prove that they are entitled to it; namely, that they are in tough straits." The beneficiaries of this welfare program cannot make that case.

Just who is it that seeks this antitrust exemption? How feeble, how weak, how greatly in need are they?

We have been told that 44 newspapers in 22 cities urgently require its passage. We are told that its passage will preserve independent editorial voices.

Of course, along with motherhood and the flag, the preservation of independent editorial voices is a philosophy that all of us can share. The problem is procedural. How do you do it? I think that the mere statement of the objective of the preservation of independent editorial voices is not enough. Let us get a little more specific. Let us identify who it is that we are now assigning a relatively high priority, as we open this new Senate year, to taking care of.

In two cities with joint operating agreements, the publishers have disassociated themselves with efforts to pass this legislation. The advocates of the legislation themselves have said as much in testifying before the House Judiciary Committee. So I am omitting from my description of the beneficiaries of this program those two publishers. They are in Miami, Fla., and Shreveport, La. They say, in effect, "We're big boys. We have got the first amendment protection, and we do not need this. We'll compete, whether or not we are permitted to operate jointly and split profits."

I think they reflect a very high sense of responsibility. They practice, in this situation, all of the high aspirations that the press assigns to itself.

So, for purposes of my comments, then, the identification of the publishers in the 20 remaining cities of the 22 that operate under this agreement which they want to immunize is relevant.

In seven joint agreements, it is Scripps-Howard. They are in Albuquerque, El Paso, Evansville, Knoxville, Birmingham, Columbus, and Pittsburgh.

Scripps-Howard, at the last count that I had, owned 17 newspapers, United Press International, the United Features Syndicate, the Newspaper Enterprise Association, and a handful of broadcast licenses, to wit, in Cincinnati WCPO–TV; in Knoxville KNOX–AM; in Memphis WMC–AM–FM–TV; in West Palm Beach, Fla., WPTV; and 2 percent of WWJ–AM–FM–TV in Detroit, Mich. Not an unimpressive assembly of economic power, or influence, including political.

In two of the agreements, it is Newhouse. One of his is with Scripps-Howard, in Birmingham, and the other with Pulitzer, in St. Louis.

The St. Louis situation deserves, I think, special comment. Both publishers in St. Louis own television stations. Newhouse, which publishes the Globe-Democrat, owns KTVI–TV; Pulitzer, the publisher of the Post-Dispatch, owns KSD–AM–TV.

Until the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary held those hearings, the eight parts of which are at Senators' elbows, no one knew there was a joint agreement with illegal features in St. Louis. It had been kept secret. At my request, attorneys for the newspapers furnished the committee with a chronology of the events leading up to the agreement, and that chronology indicates clearly that neither newspaper was losing money. Senators can find that at page 3441 of part seven of the hearings.

In 1959, the papers agreed to joint printing, and we all know that that is perfectly legal. The contract called for a fixed price, and it became clear that it favored the Globe-Democrat, the Newhouse paper. So the Pulitzer Publishing Co., the Post-Dispatch, threatened to terminate the printing contract at the end of its term unless adjustment was made. What was the adjustment? It was a profit-pooling agreement.

Neither Pulitzer nor Newhouse can be said to be in failing condition. In the last 2 years, Pulitzer Publishing Co. has purchased VHF TV stations in Albuquerque and Tucson. The purchase price was over $18 million. It tried to purchase the San Bernardino, Calif., Sun, but was outbid. Two years ago, Newhouse publishing purchased the Cleveland Plain Dealer. That was a cash transaction—$52 million. Newhouse is now attempting to buy the Denver Post.

In addition to the joint agreements in which Newhouse participates, he owns—I am reciting some of holdings of the failing publisher we are concerned about—the Portland Oregonian and Journal, the Huntsville Times and News, the New Orleans Times Picayune and States Item, the Harrisburg Patriot and News, the Jersey City Journal, the Newark Star-Ledger, the Staten Island Advance, the Long Island Press, the Springfield, Mass., Union News and Republican, and the Syracuse, N.Y., Post Standard.

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In addition to this economic base, he is the licensee of five UHF stations, seven AM stations, and seven FM stations. Most of them are in markets with a Newhouse newspaper monopoly.

In part 7 of the committee hearings, facing page 3104, there is a map that might be of interest to those who are still evaluating the validity of the proposal reflected in the bill. It shows the pattern of newspaper-television-radio and their interlocks in the cities where these joint operating agreements that we are asked to immunize exist.

I have recited the newspapers and recounted the television and radio licenses that Newhouse owns. Newhouse also is the publisher of Vogue, Mademoiselle, House & Garden, Glamour, Bride's, Analog Science Fact and Fiction, Air Progress, and American Modeler.

I do not want to confuse the debate. We are not asked yet to give immunity to magazines, which also have editorial pages in some cases. It is just joint newspaper agreements which at the moment we are asked to immunize.

The balance sheets and operating statements for the two joint agreements in which Newhouse is a party have not been made public. In fairness, it must be said that the other publishers also have refused to document their poverty. I do not know whether this is from an embarrassment of riches or not. But it would make more logical a case if we had operating figures here to show that there is economic necessity. But I have the feeling that, considering the size of this company, as an example, Congress ought not take this talk of poverty on faith. We really should have the operating figures for this and all others.

The Hearst Corp. is a party to a joint operating agreement in San Francisco. Let us see to what degree this is an element of an economic enterprise that lacks strength or durability. What is the projection of survivability for this one?

Hearst owns the Seattle Post-Intelligencer, the Los Angeles Herald-Examiner, the San Antonio Light, the Baltimore News American, the Boston Record, the Albany N.Y., Times-Union, and the Knickerbocker News.

It publishes these magazines—and again I do not want to mislead; we are not being asked yet to give antitrust immunity to the function of magazines—the American Druggist, Bride-Home, Cosmopolitan, Eye, Good Housekeeping, Harper's Bazaar, House Beautiful, Motor, Motorboating, Popular Mechanics, Science Digest, Sports Afield, and Town and Country.

Hearst owns Avon Books and 5 percent of United Press International. This reminds me to correct my statement that Scripps-Howard owns United Press International. It owns 95 percent of United Press International, and Hearst has the balance.

Hearst holds AM, FM, and TV licenses in Pittsburgh, Milwaukee, and Baltimore. It holds an AM license in San Juan, P.R.

I do not list the foreign magazine interests of the company. Hearst is said to be one of the largest private corporations in America, with interests in real estate, mining, ranching, timber, and farming. But we are told that we had better pass this bill in order to insure the survival of the San Francisco Examiner, which, if anyone has forgotten, is part of this rather impressive recital of economic durability.

The Paul Block Co. shares the Pittsburgh joint agreement with Scripps-Howard. The Block Co. owns WFW–AM–FM in Pittsburgh, the Toledo Times and Blade, and the Red Bank, N.J., Register.

The next of these joint operating agreements, of the 20 I have said we ought to be sure we understand, is Lee Enterprises. Lee is party to two joint agreements, one in Lincoln, Nebr., and the other in Madison, Wis. Lee also owns six newspapers in Montana. In addition, it owns the Mason City, Iowa, Globe Gazette; the Clinton, Iowa, Herald; the Davenport Times Democrat; the Muscatine, Iowa, Journal; the Ottumwa, Iowa, Courier; the Hannibal, Mo., Courier-Post; the La Crosse, Wis., Tribune; the Racine, Wis., Journal-Times; four television stations; and seven radio stations. But we should pass this bill in order to secure the survival of one element in this rather impressive array of economic and political power.

In Columbus, Ohio, the joint operating Columbus Dispatch is owned by the Wolf family. It is my understanding, and study confirms, that the family is the largest landholder in the State of Ohio. It controls Bankohio Corp., which is a bank holding company. The family also owns AM, FM, and TV stations in Columbus, Ohio.

The other party to the Columbus agreement is Scripps-Howard. There is a real "lulu," and are told that unless we pass this bill one of these will fail.

Now I address myself—as I rarely do—to the press gallery, because clearly they are more knowledgeable in this area—although I am sure most Senators would hate to confess it—than perhaps even we. They have a fairly strong "feel" for the forces which are operating at the moment, even though there was little reporting of the hearings contained in the seven volumes of the antitrust proceedings. Perhaps I am not able to make a news judgment. Perhaps their judgment is that unless testimony in the hearings is in favor of the bill, there is very little news value in the recital by the opposition. But, that is the way the news columns work out.

Now one of these 20 joint agreements that we should identify is in Utah, in Salt Lake City. One of the papers is owned by the Mormon Church, which owns also KSL–AM–FM–TV, in Salt Lake City, and the Tribune Co., the other party to that joint operation, which owns 35 percent of KUTV in Salt Lake City.

The remaining 65 percent of KUTV is owned by the Glassman Hutch family which owns the Ogden Standard Examiner, too.

In summary, therefore, of the 20 cities with publishers pressing for this bill, 11 have chain ownership and in seven of those cities, one or both of the parties to the joint agreement own one or more broadcasting license or television license in that same city.

In the remaining nine cities, one has two publishers, each of whom owns a broadcasting station in the same market, and one of which owns an AM station in the same market.

Thus, if my arithmetic is correct, seven of them remain who could be said to be independent—that is, independent of all the auxiliary activities.

The McIntyre amendment recognizes the economic facts of life with respect to the 13 who are in an economic position which would be envied by most Americans. Given the economic strength of those 13 in any other activity, we would not expect them to come in and ask for antitrust immunity. Indeed, most of them would be wondering whether the Justice Department is worried that they have exceeded the proper limits.

Mr. President, I offer for the RECORD the following list of joint agreement newspapers identifying their ownership and their broadcast properties and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF JOINT AGREEMENT NEWSPAPERS

ALBUQUERQUE, N. MEX.

Scripps-Howard: Tribune (mS).
C. T. Lang: Journal (e).

BIRMINGHAM, ALA.

Newhouse: News (eS); Newhouse Broadcasting Co., licensee of WAPI–AM–FM–TV.
Scripps-Howard: Post-Herald (m).

BRISTOL, TENN.

Eugene Worrell: Herald Courier (mS).
Herman Giles: Virginia Tennessean (e).

CHARLESTON, W. VA.

Charles Mail Assoc. (Lyell Clay): Daily Mail (e); Clay Bcstg. Co., licensee of WWAY-TV, Wilmington, N.C.

W. E. Chilton III: Gazette.

COLUMBUS, OHIO

Scripps-Howard: Citizen Journal (m).

Dispatch Printing (Robert Wolfe Family): Dispatch (eS); Radio Ohio Inc. (98%), licensee of WBNS-AM-FM; WBNS-TV Inc. (100% subsidiary), licensee of WBNS-TV.

EL PASO, TEX.

Scripps-Howard: Herald-Post (e).

Dorrance Roderick: El Paso Times (mS).

EVANSVILLE, IND.

Scripps-Howard: Press (e).

William Caddick: Courier (m).

FORT WAYNE, IND.

News Publishing Co., Inc. (Helene Foellinger): News Sentinel (e); News-Sentinel Bcstg. Co. (100% subsidiary), WGL-AM.

Journal Gazette Co. (James Fleming): Journal-Gazette (mS).

HONOLULU, HAWAII

Advertiser Publishing Co. (Twigg-Smith): Advertiser (m).

Honolulu Star Bulletin, Inc., (Chinn Ho): Star Bulletin (e).

KNOXVILLE, TENN.

Scripps-Howard: News Sentinel (eS); Scripps-Howard Bcstg. Co., licensee of WNOX-AM.

Roy Lotspeich Pub. Co., Inc.: Journal (m).

LINCOLN, NEBR.

Lee Enterprises: Star (m).

Joe Seacrest: Journal (e).

Journal-Star Printing Co.: The joint operating agreement, owns 48.86% of KFAB Broadcasting Co., Omaha, Neb., licensee of KFAB-AM-FM.

MADISON, WIS.

Lee Enterprises: Wisconsin State Journal (mS).

Capital Times Co. (William Evjue): Capital Times (e); 100% owner of Badger Bcstg. Co., Inc., licensee of WIBA-AM-FM.

MIAMI, FLA.

Cox Bcstg Corp.: Miami News (e); Miami Valley Bcstg Corp. (100% subsidiary), licensee of WIOD-AM-FM.

Knight: Herald (mS).

NASHVILLE, TENN.

Banner Pub. Co. (James Stahlman): Banner (e).

Nashville Tennessean (Amon C. Evans): Tennessean (mS).

OIL CITY-FRANKLIN, PA.

News Herald Printing Co.: News Herald (e).

Derrick Pub. Co.: Derirck (m).

PITTSBURGH, PA.

Scripps-Howard: Press (eS).

Post Gazette Pub. Co. (Block Family): Post Gazette (m): WWSW Radio, Inc. (100% subsidiary), licensee of WWSW-AM-FM. P.G. Pub. Co. is subsidiary of Toledo Ohio Blade Co.

SALT LAKE CITY, UTAH

Mormon Church—Deseret Pub. Co.: Deseret News (e); Bonneville International Co.: KSL, Inc. (92.7% subsidiary), licensee of KSL-AM-FM-TV; KMBZ & KMBR-FM, Kansas City, Mo.; Kiro, Inc. (98.81%), licensee of KIRO-AM-FM-TV, Seattle; N.Y. Worldwide, Inc. (100%), licensee of WRFM-FM & WNYW (international short wave), New York City; Idaho Radio Corp. (41%), licensee of KID-AM-FM-TV, Idaho Falls; Boise Valley Broadcasters, Inc. (6.2%), licensee of KBOI-AM-FM-TV, Boise, Idaho.

Kearns Tribune Corp. (65% Glassman Family): Salt Lake City Tribune (mS); KUTV, Inc., Licensee of KUTV-TV.

ST. LOUIS, MO.

Newhouse: Globe Democrat; Newhouse Bcstg Co., licensee of KTVI-TV.

Pulitzer Pub. Co.: Post Dispatch; Licensee of KSD-AM-FM; 100% owner of KVOA Television, Inc., licensee of KVOA-TV, Tucson, Ariz.

SAN FRANCISCO, CALIF.

Chronicle Publishing Co.: Chronicle (m), licensee of KRON-FM-TV.

Hearst: Examiner (e).

SHREVEPORT, LA.

Times Publishing Co.: Times (mS); International Bcstg. Corp. (100% subsidiary), KWKH-AM-FM.

Journal Publishing Co.: Journal (e); 59% owner of KSLA-TV.

SPOKANE, WASH.

Cowles: Spokesman Review (mS).

Spokane Chronicle Co.: Daily Chronicle (e); KHQ, Inc. (100% subsidiary), licensee of KHQ-AM-FM-TV.

TUCSON, ARIZ.

William Small Jr.: Citizen (e); Star (mS).

Mr. HART. Mr. President, as we all well know, it is the first amendment to the Constitution which gives the firm order to Government not to take any steps which limit the freedom of the press.

It is the banner flying at the top of the standard of those who support the so-called Newspaper Preservation Act.

But it is another section of that amendment—and how that section applies in this situation—which has bothered me greatly since the father of this bill was introduced in the last Congress. This is the guarantee of the "right of the people to petition the Government for redress of grievances."

If it is possible to equate such things, this "right" may be more important than the "right" to a free press. For it assures that the voice of one individual will be heard by his representatives. It is one of the keystones that makes this a democracy—a government of, by, and for the people.

The goal of this section of the amendment was that there need be no "silent majority" in the United States. Each citizen would have equal access to his representatives and each man's opinion would be given equal weight.

But things have been a bit different during the "petitioning" that has been going on for this bill. Principal petitioners have not been individuals. They have been spokesmen for corporations. And we have been dealing with special corporations—those which controlled the megaphone which politicians must use these days to get their message through to the voters.

While I allow that this Congress is composed of noble men—men who would wrestle mightily to be fair in all circumstances—I cannot ignore that we still all are men, with the attendant frailties.

And I know that newspaper publishers—television station owners—magazine publishers—it is important that in this situation they are frequently one in the same—none of them are exempt from the same frailties.

So I have been wrestling with a question a good bit during these past 2 years.

The question is: How close can reality come to the ideal in some circumstances? The nuances are subtle—and this may explain why I have not yet come up with an answer.

But let us pause to contemplate two vignettes.

In the first, an elected representative is seated in his office. A visitor is announced. He is a private citizen—perhaps the journalism professor from a high school back home.

His visit is brief and his "petition" succinctly put. He would like the representative to oppose the Newspaper Preservation Act because for reasons he spells out he feels the bill "restricts" rather than "broadens" the freedom of the press.

The representative promises to consider his views and ushers the guest out.

A second visitor is announced. This time he is an internationally known columnist for a large newspaper syndicate. He chats with the representative—raises the possibility of mentioning some of his work is an upcoming column and prepares to leave.

As he rises to go, almost as an afterthought, he inquires if the representative has had a chance to study the Newspaper Preservation Act. Informed, the man has taken more than a casual glance at it, the visitor slides away from the topic but in doing so mentions how much the home office hopes the bill will be enacted since they feel it means survival for them.

Both of these visitors, we know are equal under the Constitution. But the tough question is whether the second man was not "more equal" than the first. Another question is what decision will the elected representative come to on the newspaper bill when he is weighing the arguments which have been presented to him.

Perhaps the more basic question is whether the guarantee of "freedom of the press" does not bear with it the responsibility not to use that freedom to intimidate—directly or otherwise.

Or, maybe it is only another question of conflict of interest—something frequently discussed in newspaper editorial pages.

Mr. President, why blink the fact. The "fantasy" visit of the columnist to the politician's office was no "fantasy." Nor was this example an exception to prove the rule.

The lobbying which has been going on for this bill on Capitol Hill could well have set new records. Maybe that is as it should be—maybe newspapers are not only corporations but collections of individuals. Maybe they should be wandering the Halls of Congress fighting for a bill which serves their self-interest. Maybe we cannot say "you are guardian of a very special constitutional guarantee and you must be circumspect in how you use that responsibility."

Maybe we cannot expect them to lecture politicians from the editorial pages—in public view—instead of in closed rooms.

Maybe we are unrealistic to question news judgment which in the majority of the cases deemed the hearings on this bill were news only when publishers supporting it testified. Maybe their readers do not have any interest in a bill which would lock in existing publications and lock out newcomers.

Maybe a politician is being sold a bill

of goods when he thinks how a newspaper back home feels about him affects the final vote count. Maybe newspapers which support this bill are just as eager to give banner play to views—on this or other subjects—of politicians who oppose it.

Maybe I will never figure out the answers to these questions.

And just maybe I am foolhardy to do my thinking out loud.

Mr. President, I believe the McIntyre amendment deserves our support. At least it will improve the bill to the extent that it will narrow the granting of antitrust immunity to those without the independence resources of Scripps-Howard, Hearst, and Lee, Newhouse and the other mass media owners which I have listed.

Mr. President, I had taken the position that the bill could not be redrafted so as to achieve the goal of preserving free editorial voices without stifling would-be new voices coming into these communities.

I am not persuaded, even now, that with the McIntyre amendment we will have avoided that danger. But, if we are going to have a bill the amendment will improve it. And, given the batting order I have just recited, one would not be surprised if the majority agreed that we should have the bill.

We can improve it by trimming it back to those somewhat less affluent, to those somewhat less broadly based to the really independent voice rather than those who might be included within the reach of the bill as the committee reported it.

I am reminded that the Antitrust Committee heard from a young publisher who was attempting to compete in a market which had a joint agreement. He said:

> If you plant a flower on the University of California's property, or loose an expletive on Vietnam, the cops run out of the chute like broncos, but if you are a big publisher and you violate the antitrust laws for years and you emasculate your competition with predatory practices and drive the newspapers out of business, then you are treated as one of nature's noblemen.

Mr. President, let us not be in a position of enacting legislation which would confirm that young man's impression. We can make it less likely by adding the McIntyre amendment to the pending bill.

I support the amendment and urge its adoption.

Mr. GRIFFIN. Mr. President, I must say that, in many respects, the McIntyre amendment holds out considerable appeal.

I, too, am concerned about the proliferation of situations where there is common ownership among newspapers, radio, and television stations.

But, in this bill, it seems that we are beginning to mix apples and oranges.

The control and regulation of radio and television stations is under the Federal Communications Commission. In the Senate, it is under the control of the Committee on Commerce.

I am, therefore, reluctant to support the amendment under these particular circumstances.

Mr. President, if the debate has run down and there is no one else who wishes to speak further on the McIntyre amendment, it would be my intention, because of these considerations and the fact that procedural questions are involved, as well as jurisdictional questions, and that it does not seem to be appropriate to vote on the merits, I intend to offer a motion to table the pending amendment.

Mr. President, I do move to table the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New Hampshire.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Sentor from New Hampshire. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Arizona (Mr. GOLDWATER). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Connecticut (Mr. DODD). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. PROUTY), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from South Dakota (Mr. MUNDT), the Senator from Texas (Mr. TOWER), the Senator from Kansas (Mr. DOLE) and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The pair of the Senator from Arizona (Mr. GOLDWATER) has been previously announced.

The result was announced—yeas 63, nays 13, as follows:

[No. 24 Leg.]

YEAS—63

Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Cannon
Case
Cook
Cooper
Cranston
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goodell
Gore
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
Miller
Montoya
Moss
Murphy
Pastore
Pearson
Percy
Proxmire
Randolph
Russell
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Thurmond
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—13

Aiken
Burdick
Cotton
Hart
Hughes
Kennedy
McGovern
McIntyre
Mondale
Muskie
Nelson
Pell
Talmadge

ANSWERED "PRESENT"—1

Byrd of Virginia.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Mansfield, against.

NOT VOTING—21

Allott
Church
Dodd
Dole
Eagleton
Fulbright
Goldwater
Gravel
Mathias
McCarthy
McGee
Metcalf
Mundt
Packwood
Prouty
Ribicoff
Saxbe
Schweiker
Smith, Ill.
Tower
Tydings

So Mr. GRIFFIN's motion to table Mr. MCINTYRE's amendment was agreed to.

AMENDMENT NO. 466

Mr. HART. Mr. President, I call up amendment No. 466.

The PRESIDING OFFICER (Mr. BAYH in the chair). The amendment will be stated.

Mr. HART. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 466 is as follows:

AMENDMENT NO. 466

Beginning with line 8, page 3, strike out all to and including line 11, page 3, and insert in lieu thereof the following:

"(5) The term 'failing newspaper' means a newspaper publication which is in probable danger of failure."

Beginning with line 1, page 4, strike all to and including line 20, page 4, and insert in lieu thereof the following:

"ANTITRUST EXEMPTION

"SEC. 4. (a) It shall not be unlawful under any antitrust law for any person to propose, enter into, perform, enforce, renew, or amend any joint newspaper operating arrangement if, at the time at which such arrangement is or was first entered into, not more than one of the newspaper publications involved in the performance of such arrangement was a publication other than a failing newspaper."

On line 21, page 4, strike the designation "(c)" and insert in lieu thereof "(b)".

Mr. HART. Mr. President, for those of my colleagues who are concerned about the schedule, I think this amendment can be explained rather briefly. It is my hope that I may be able to make a brief explanation and such reply as seems in order, and that a vote on the amendment can then occur rather quickly.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HART. Mr. President, the amendment would have two effects. First, it would clarify the definition of "failing newspapers." Language added in the committee, in the judgment of those of us advancing the amendment, makes it impossible for a court, with any reasonable confidence, to determine what in fact is meant by a "failing newspaper."

This change in definition would bring the language of the bill in line with the desires expressed by the committee in its report. A court would be able to apply as precedent decisions under the Bank Merger Act which uses similar language.

The committee report seeks to clarify the unclear language. But we are always lectured, "Well, a committee report is useful, but there is the language of the bill." Here is an opportunity to eliminate what could become an enormously difficult problem for a court in the event it was confronted with a case arising under this act.

Second, it would remove language added in the committee by the Dirksen amendment which provides that any future joint operating agreement must first, be approved in writing, by the Attorney General. The approval of the Attorney General in writing is required before any future joint operating agreement will be permitted, but there is no provision for an appeal from that decision of the Attorney General. In this sense, I think I speak the concern of publishers who may in the future seek to obtain approval of a joint operating agreement.

The Department of Justice, the Federal Trade Commission, and the Department of Commerce opposed the Dirksen amendments. Commenting on the portion of the Dirksen proposal relating to future agreements, Assistant Attorney General McLaren said:

> It would as I read it give antitrust immunity to agreements already in effect, but would make prospective agreements unlawful unless first approved by the Attorney General on a finding that a failing newspaper was involved.
>
> We oppose this bill for the same reason we opposed S. 1520 and for the additional reason that as a matter of principle we oppose vesting regulatory authority in the Attorney General.
>
> Whether or not particular conduct violates the law, we think, should be decided by the courts and not by a prosecutor.
>
> We also note that under Senator Dirksen's proposal there would be no recourse to the courts from an adverse ruling by the Attorney General.
>
> We know of no precedent for this, and if this bill were adopted as we hope very much that it will not, it certainly would seem that a judicial review of the Attorney General's decision should be provided.

The Commerce Department in its comment had this to say about the Dirksen amendment:

> While we would not object to a requirement that newspapers notify the Justice Department in advance of entering into a joint operating agreement, we believe that a requirement of prior written consent could so delay the implementation of such agreements as to preclude timely relief in situations when a failing newspaper is in need of prompt assistance to survive. Moreover, such a requirement would add nothing essential since the Attorney General under S. 1520 in its original form, would be free to act at any time if he believed that a joint operating agreement was in violation of a provision of antitrust law to which the exemption does not apply.

We would strike that section of the bill and return to the language of the bill as initially introduced, which had no requirement for written approval by the Attorney General.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. JAVITS. Mr. President, I think Senators ought to listen very carefully to the Senator from Michigan. We are going to vote this bill, and amendments which might have tightened it up, as I and other Senators thought, have been snowed under. We had better not go too far, because this is a piecemeal exemption from the antitrust laws, which is unwise. It could place some special group in the country in a unique position, with very wide implications, because this is the communication media.

I think all Senators who intend to vote for the bill ought to vote for the amendment of the Senator from Michigan and listen to him very carefully, in their own interest and in the interest of the security of this piece of legislation, which could turn very sour.

I think the Senator from Michigan is proposing to the Senate, in a lawyer-like way, a method by which at least criterion can be established intelligently for both parties to any such agreement and so there would be protection against serious improvidence which could result from exemption and a cutting out from the antitrust laws in a completely unregulated business.

I say this because there is a technique here—the Senator from Michigan and I have been here a long time—whereby when amendments get snowed under the theory is, "Forget about it; let us vote down this one." I think this amendment is one that is very important, especially for those who want to vote for the bill. I know Senators want to get away, but this is an important measure. I know Senators want to deal with it with the important consideration which it deserves, but it is more vital that Senators listen to the Senator from Michigan, especially those who want to vote for the bill.

Mr. HART. Mr. President, I can only thank my colleague from New York for very graciously touching on the practicalities of the problem. It is likely, except for the voice raised by the Senator from New York, that Senators who feel the bill before the Senate represents a desirable goal will automatically oppose any suggested amendments. As the Senator from New York cautions us, perhaps particularly for Senators who favor the bill, adoption of the amendment would be appropriate and prudent. Do not give the Attorney General an opportunity to say "No," and provide no opportunity for appeal. At least as important, do not define "failing newspaper" in a fashion that will give no relief because of the obscurity to those who, in their judgment, will feel a need for relief under the provisions of the bill.

For those reasons, I hope Senators will vote for the amendment.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MILLER. Unless I misread the amendment, a problem I can see with respect to it is that the amendment would leave the bill applicable only to agreements already in existence. If it does that, then it leaves hanging in the air future agreements.

It is my understanding that subparagraph (b) on page 4 is designed to not leave future agreements up in the air, but to enable future agreements to be cleared by the Department of Justice. However, if the amendment of the Senator from Michigan is adopted, subparagraph (b) will be dropped.

I would appreciate the comments of the Senator from Michigan on the problem I have suggested.

Mr. HART. Mr. President, as I understand it, the adoption of the amendment would require that any future agreement be the subject of decision by the court as to whether it does, in fact, meet the term of a "failing newspaper."

Mr. MILLER. Mr. President, if I may respond, I can see where that interpretation might be placed upon it, but the bill seeks to cover that phase by subparagraph (b). If the Senator from Michigan knocked out paragraph (b), we would then have a bill which would validate preexisting agreements, but someone who might have similar problems to those who have present agreements, which came up a year or 2 years from now, would not know what to do.

Mr. HART. The amendment restores the original language of section 4 as introduced. At the bottom of page 3, the section 4, that which is stricken, would be reinserted. The printed amendment has the language on page 2, which language is identical with the stricken language of the bill before us.

In both cases, and in the case of the new proposed language, which is the language which was contained in the bill when first introduced, we find the words "It shall not be unlawful for anyone to enter into."

I am satisfied that those who drafted the bill initially seeking antitrust exemptions intended by that phrase "enter into" to insure that agreements that would be entered into, which met the test of the definition here, would be approved. Certainly, those who introduced this legislation initially anticipated that future joint agreements would, under that phrase, be permitted to be entered into, provided the standards established in this bill were met.

Mr. MILLER. I thank the Senator from Michigan.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 466) of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia (when his name was called). Present.

Mr. BYRD of West Virginia (when his name was called). Mr. President, on this vote I have a pair with the Senator from Connecticut (Mr. Dodd). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. FULBRIGHT (when his name was called). Mr. President, on this vote I have a pair with the Senator from Arizona (Mr. Goldwater). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from Connecticut (Mr. Ribicoff), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough), are necessarily absent.

I further announce that the Senator from Montana (Mr. Metcalf), is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) would vote "yea."

I further announce that, if present and voting, the Senator from Missouri (Mr. Eagleton), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), the Senator from Vermont (Mr. Prouty), the Senator from Pennsylvania Mr. Schweiker), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Kansas (Mr. Dole), the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) would each vote "nay."

The pair of the Senator from Arizona (Mr. Goldwater) has been formerly announced.

The result was announced—yeas 16, nays 61, as follows:

[No. 25 Leg.]

YEAS—16

Aiken
Brooke
Burdick
Case
Cook
Goodell
Hart
Javits
Kennedy
McGovern
McIntyre
Mondale
Moss
Muskie
Pell
Percy

NAYS—61

Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Cannon
Church
Cooper
Cotton
Cranston
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Miller
Montoya
Murphy
Nelson
Pastore
Pearson
Proxmire
Randolph
Russell
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

ANSWERED "PRESENT"—1

Byrd of Virginia

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, for.
Fulbright, for.

NOT VOTING—20

Allott
Dodd
Dole
Eagleton
Goldwater
Gravel
Mathias
McCarthy
McGee
Metcalf
Mundt
Packwood
Prouty
Ribicoff
Saxbe
Schweiker
Smith, Ill.
Tower
Tydings
Yarborough

So Mr. Hart's amendment (No. 466) was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, as we finish our work on this bill, since I am not a member of the Committee on the Judiciary, which considered it and worked so long on it, I want to claim the personal privilege of expressing my sincere thanks to Senator Inouye, Senator Hruska, and Senator Fong, who have taken the leadership in steering this bill through the committee and here on the floor.

In addition, I would like to express my appreciation to Senator Hart, who, even though he was on the other side in this debate, was very thoughtful and considerate of me and of the witnesses who came from Salt Lake to appear in support of the bill before his committee. He has been so gracious and so helpful from that point of view that I would be ungrateful if I did not acknowledge it.

I would also like to thank the chief counsel for the minority on the subcommittee, Mr. Peter Chumbris, who provided excellent service and assistance, as the bill made its way through the legislative mill, to those of us on the outside of the committee as well as to those of us on the committee who have been so interested in the passage of this bill.

Mr. HRUSKA. Mr. President, it is well that there be retained in this bill the language contained in sections 4 (a), (b), and (c).

This language is designed to offer a means of protection to the small suburban and weekly newspapers, and to newspaper employees and their unions, while preserving the separate editorial voices now flourishing in the 22 cities with joint operating arrangements. It offers a compromise solution which should meet the immediate needs of all involved: those papers now in joint operating arrangements; newspapers which may some day have to turn to joint operations as their only chance for survival; suburban newspapers which compete with the metropolitan papers for advertising revenue; workers who are employed by newspapers; and, most significantly, the public interest.

The language in (a) provides for a grandfather clause of sorts. But it is not a complete "grandfathering" of all joint operating arrangements now in existence without regard to the circumstances and situations which led them to enter into these arrangements. The existing joint operating arrangements would be subject to a testing by the courts under the definitions provided in this bill. If a court were to determine that one or more papers did not, at the time of entering a joint operating arrangement, meet the test, then such papers would be subject to existing antitrust law.

It should be noted that there have been joint operating arrangements since 1933. The Department of Justice has known right along of their existence, but, prior to the Tucson case, took no steps to break up such arrangements. In point of fact, the Department has been advised in advance of the formation of such arrangements, and has even issued release letters concerning them. Such joint operating arrangements were not unknown to the Congress, but were discussed in the debates of the Celler-Kefauver Act, and also came up in hearings before the House Antitrust Subcommittee a few years ago.

It was, therefore, generally assumed that joint newspaper operating arrangements were not in violation of the antitrust laws. Then came the Tucson case, and the courts made clear that under existing law, such arrangements do violate the antitrust laws. But, to now test the joint operating arrangements pursuant to a test devised over 30 years later is both unrealistic and unjust.

The test to be used for such existing joint operating arrangements is a reasonable one. In fact, it was approved during the 90th Congress by the Antitrust and Monopoly Subcommittee. This test recognizes the public benefits provided by having two editorial voices in a city where commercial competition between two newspapers would be impossible. And, the test properly recognizes the injustice which would be done to the newspapers, the public, in belatedly attacking arrangements which had been entered into in good faith and with the knowledge of the authorities. Thus, a separate test has been devised for the 22 joint operating arrangements now in existence.

There has been some concern expressed regarding the possibility of new joint operating arrangements being established under the terms of S. 1520, as introduced. There are still some 36 or 37 cities where two or more papers are competing commercially as well as editorially. And, there has been a genuine fear expressed by suburban papers, newspaper unions, and some segments of the public, as to the dangers inherent if some of these other papers were to improperly enter into joint operating arrangements—resulting in what might be a stronger competitive force, the loss of jobs, and maybe, eventually, a loss of independent viewpoints.

This is what I had in mind in favoring

XUM

section 4(b). Before any new joint operating arrangements could come into being, the papers involved would be required to come before the Attorney General for his approval. This is not really an unusual situation, since the Department of Justice now receives prior notice of many impending mergers by the parties, who themselves are seeking "release" letters. I envision the procedures under section 4(b) to be akin to the "release" letter technique now employed by the Department. Before authorizing such arrangements in the future, the Department could hear from other interested parties—competing papers, unions, and so forth—as well as make its own investigation, in order to be certain that the new arrangement is essential and is justified.

Further, section 4(b) will act as a brake upon other newspapers which might otherwise prematurely turn to joint operating arrangements, without testing other means of maintaining full commercial and editorial competition.

The proviso at the end of section 4(b) is just to make sure that we have not inadvertently made illegal, in fact or by implication, arrangements which are now lawful. For example, if two commercially competing newspapers in one metropolitan area make joint use of some mechanical facilities, or both employ a single distribution service, this bill is not intended to affect such arrangements.

Finally, the language of section 4(b) of the bill, as introduced, is retained intact, but now as section 4(c). This is the section which guards against predatory practices.

The bill, S. 1520, with my proposed amendments, would provide only a limited exemption to the antitrust laws. This exemption would cure an anomaly in the existing law, and would be in the public interest.

Mr. President, it is also well that section 3(5) of the bill was retained intact as reported by the Judiciary Committee.

It had been the subject of an amendment which would strike from the definition of a "failing newspaper," in section 3(5), the following language: "regardless of its ownership or affiliations," and also "or (ii) appears unlikely to remain or become a financially sound publication."

The purpose of including this language is to insure the judicial interpretation that each newspaper which claims to be, or has been, a "failing newspaper" is a separate entity. The question of whether a paper is failing should be based upon the financial operations of that paper, and not upon the presence or absence of financial support from other newspaper business activities in other cities or from other financial activities of the owners of the failing newspaper.

If we were to eliminate the language suggested, then a reviewing court could find that so long as the owners of a paper had other resources, they would have to continue to invest all other funds in the failing paper until there was nothing left to invest. Thus, the test would not be whether the newspaper was failing, but whether the owners of the newspaper were themselves failing.

Such a test would pervert the purpose of the bill. The intent is to maintain and continue separate news and editorial voices. If, however, the owners of a failing newspaper had to make a choice as to whether they should continue to waste all of their assets in a losing paper, or simply sell out to a competitor—or close down the paper itself—then there would be a loss of editorial voices—see quotes from printed hearings below. The owners would be most unlikely to "send good money after bad," as this would be a rather irresponsible business practice. In other words, deleting the language here proposed would destroy, to considerable extent, the intent and purposes of the bill.

Further this deletion would produce inequitable results for a number of the existing joint operating newspapers, which are a part of newspaper groups, or are owned by corporations which have today other successful enterprises. Many of these newspapers have been in joint operating arrangements for over 20, and as high as 36 years. Some have received release letters from the Department of Justice.

Quotes from the printed hearings on S. 1312, the predecessor bill in the 90th Congress, substantiate the need for the language in Sec. 3(5) to be retained, if the purposes of this legislation are to be achieved. At page 267, Mr. Jack R. Howard, President and General Editorial Manager of Scripps-Howard Newspapers, testified as follows:

> Scripps-Howard is aware, painfully aware, of what happens to a newspaper caught in the squeeze between rising costs and declining revenues. During the past three years (July 1967) we have reluctantly suspended three newspapers: The Houston Press, the Indianapolis Times, and the New York World Telegram and Sun.
>
> In Houston, Texas, the Houston Press lost substantial and increasing amounts of money from 1958 through 1963. . . . We made efforts over a period of time to work out some sort of joint arrangement with each of the other papers but were unable to do so. The alternatives that remained were either to suspend publication or to sell the newspaper. We sold to the Houston Chronicle in 1964.
>
> In Indianapolis, Indiana, the Indianapolis Times, an evening and Sunday paper, lost money for more than a decade. Discussion which might have led to a joint arrangement came to naught. The same result attended our efforts to sell the newspaper, and finally the paper was suspended in the fall of 1965.
>
> In New York City, Scripps-Howard's New York World Telegram and Sun had experienced heavy losses for a number of years.

A consolidation was effected with the New York Journal-American and the Herald Tribune.

From the above quotes, one can readily see that even a multi-millionaire corporation, whether a chain or an individual, cannot constantly pour money into a failing newspaper in a given city, and if Senator HART's amendment were to pass, it may prejudice the joint operating arrangements that Scripps-Howard now has in Albuquerque, N. Mex.; El Paso, Tex.; Evansville, Ind.; Birmingham, Ala.; Knoxville, Tenn.; Columbus, Ohio; and Pittsburgh, Pa.

Mr. G. O. Markuson, executive vice president of the Hearst Corp., at page 592, volume 2 of said hearings, stated as follows:

> The recent demise of the New York World Journal Tribune (the consolidation of three newspapers) confirms that would-be entrants are not attracted to a losing newspaper market. To the best of my knowledge, no financially able person was interested in acquiring that newspaper property. In view of the tremendous cost of initiating a newspaper operation in New York City and the local labor situation which contributed to the death of five major newspapers in New York City since 1963, no entrant appeared and no one as yet has entered the New York City afternoon field. . . .
>
> The Hearst Newspapers have been, and presently are, located in metropolitan centers. They have, therefore, been subjected to the same economic pressures which generally have plagued other urban newspapers. These extreme economic factors initially transformed certain of the Hearst Newspapers into unprofitable ventures and, ultimately, into failing newspapers. It was only after every reasonable alternative was explored and exhausted that business necessity and prudence caused the Hearst organization: to sell the Chicago American in 1956; to sell the Pittsburg Sun Telegram in 1960; to sell the Detroit Times in 1960; to suspend publication of the Morning Los Angeles Examiner in 1962; to sell the Milwaukee Sentinel in 1962; to suspend publication of the New York Mirror and to sell certain of its assets in 1963; *to enter into a joint newspaper operating arrangement* in San Francisco in 1965; and to *consolidate* the New York Journal-American with the New York World Telegram and Sun and the New York Herald Tribune, forming the New York World Journal Tribune in 1966, which thereafter was forced to suspend publication in 1967.

Again in reading the above quotes, it is evident that, if the Hart amendment were to pass, the Hearst organization would be in jeopardy as to their joint operating arrangements in existence or as to any prospective ones in the future.

We do not have the testimony of other chain newspapers too numerous to detail at this point, but it is crystal clear that, as some of the members of the subcommittee stated during the debate on the Hart amendment in the subcommittee's executive session, what should be controlling is whether the newspaper in a particular given city is failing or not, and, if it is failing, then it should have the opportunity of saving itself through a joint arrangement irrespective and regardless of its ownership and affiliations.

The PRESIDING OFFICER (Mr. COOK in the chair). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

NEW DEFENSE SPENDING

Mr. SCOTT. Mr. President, earlier today the distinguished majority leader called attention to the story on defense spending for fiscal 1971 that appeared in today's Washington Post.

The distinguished majority leader has been apprised of this statement of mine. He had some serious reservations regarding the figures used in that story. He also indicated that he believed that if the figures contained in the story were accurate, then, based on the figures on appropriations which he had, the reported Nixon budget on defense spending would be an increase over fiscal 1970 rather than a decrease.

XUM

I am now able to say to my good friend the majority leader that I think he will find that when the budget message is delivered on Monday, and he has a chance to look it over, he will find that the President has, in fact, recommended substantial decreases in national defense functions.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. May I say that this is good news, indeed.

I was disturbed, as I think the whole Senate was disturbed, by the apparent contradiction in figures based on the article published in the Washington Post.

Thus, I am assuming, on the basis of the statement just made by the distinguished minority leader, that there will be a $4 billion, $5 billion, or $6 billion reduction in defense requests for this fiscal year.

That is good news for all of us, but most important for the people of the country.

Mr. SCOTT. I can only say that the budget and the economic message are privileged. I have not seen it and I therefore cannot make any statement as to its figures; but, I am authorized to make the statement I have just made.

Mr. MANSFIELD subsequently said: Mr. President, first I would like to make some additional comments in relation to what the distinguished minority leader said earlier today about the budget to be presented on Monday by the President of the United States. He indicated then that when the budget message is delivered and after we have a chance to look it over, we will find the President has, in fact, recommended substantial decreases for the functions of national defense.

XUM

It is hoped that the budget requests of President Nixon for Defense for the coming fiscal year will reflect requests for appropriations well below that amount appropriated this year by the Congress. The appropriated funds for this year were $5.6 billion less than what the President requested. I hope that President Nixon, for the coming year, will even outdo the Congress of last year by requesting less than we gave in fiscal 1970, and that the Congress in turn will, in the coming year, further reduce those requests.

There has been talk in the past, with relation to defense spending, of a mad momentum inherent in each new weapon system.

I hope that the Congress and the President have reversed the inertia of the past and the new momentum will inure to the benefit of the Nation and all mankind.

I want to say that we will do our best to help the President reduce Government spending, and we think that, working together, we will be able to bring that about.

Mr. SCOTT. I thank the distinguished majority leader.

THE USE OF WIRETAPPING BY THE DEPARTMENT OF JUSTICE

Mr. McCLELLAN. Mr. President, approximately a year and a half has passed since the enactment of title III of the Omnibus Crime Control and Safe Streets Act of 1968, which gave the Federal and State Governments authority to conduct organized crime electronic surveillance under a careful warrant procedure.

Now, data gradually are becoming available on the experience of prosecutors and courts with the use of that law. We in the Congress have a duty continually to study and evaluate that experience, in order to determine whether the provisions of title III are used effectively but without undue invasion of individual privacy and to search for areas in which those provisions might require refinement.

It was in this connection, therefore, when the first reports on the use of title III, required by the act to be filed annually by Federal and State authorities with the administrator of the U.S. Courts, became available last year, that I placed copies of them in the CONGRESSIONAL RECORD and discussed their implications at some length. (CONGRESSIONAL RECORD, volume 115, part 17, pages 23238–23251.) Those first reports, however, reflected only State experience, since during 1968 the administration under the then Attorney General had refused to make use of its powers under title III. In 1969, of course, the new administration reversed that policy and promised to employ title III in investigating organized crime cases. For that reason, those who feel special concern for law enforcement, and particularly for the Federal response to the threat of organized crime, have eagerly awaited the filing of the title III reports for 1969.

The first Federal report under title III has now been filed by the Attorney General. When all the 1969 State reports have been filed as well and made public, I intend to study them and make a full report to the Senate on their significance and implications. Today, however, I wish to bring to the attention of the Senate a preliminary analysis in today's New York Times of the Federal report, since it offers tentative confirmation of the predictions made by those of us who supported title III when Congress was considering its enactment.

First, the report indicates strongly that the former Attorney General and others who claimed that electronic surveillance under court order would not be effective against organized crime were completely wrong. In the first year of the Federal Government's use of title III, six electronic surveillances of a gambling conspiracy centered in Newark led to arrests of 55 persons, including several leaders of La Cosa Nostra, and one wiretap on a Washington, D.C., heroin wholesaler led to arrests of 57 defendants, including two Mafia leaders and a police officer.

Second, the report provides powerful evidence that opponents of title III who spread fear that it would lead to massive and indiscriminate overhearing of innocent conversations were incorrect. In 1969, the Federal Government conducted only 31 organized crime electronic surveillances, all of which the Attorney General stated were "personally approved" by him as well as by the Federal courts. In selecting and conducting those surveillances, the Justice Department and the judges appear to have been most discriminating in their use of title III's authority, under which eavesdropping may be conducted for up to 30 days and, where an extension is justified, for an additional 30-day period. According to the Times article, "often the Government asked for 15 days or less, and frequently its agents said they removed the devices early," even before the periods specified by the courts had expired. The result of this discriminating application of title III appears to have been the interception of relatively few innocent conversations. For example, the Washington narcotics wiretap, according to the New York Times, "picked up 5,889 calls over 39 days. Of these, 5,594 were said to be incriminating."

The data in the report suggest one factor limiting the use of title III which had been overlooked by opponents of the measure: The maintenance of a wiretap or device, and the recording and analysis of conversations overheard on it, are extremely expensive. Using the Washington wiretap again as an example, that surveillance cost the Federal Government $45,554. In that case the expenditure, of course, was fully justified by the excellent results of the wiretap. However, the likelihood that such a large sum would be wasted, if a surveillance were conducted for inadequate reasons and therefore led to no evidence or to evidence which was inadmissible because improperly obtained, apparently is a major deterrent to abuse of title III. In addition, the selective and limited Federal use of title III's authority suggests that not only the cost factor but also the elaborate safeguards of individual privacy written into title III are functionng effectively to protect citizens from excessive Government intrusion upon their private lives. I have not heard any complaints these days about private investigators using wiretapping to invade the privacy of citizens.

Of course, Mr. President, we must remain vigilant to insure that Government use of electronic surveillance remains a servant of the public and not a threat to it, so I look forward to examining the full reports for 1969 and for later years as they become available. Nevertheless, I am most gratified that the first returns appear so very favorable both for civil liberties and privacy and for the cause of effective law enforcement.

Mr. President, I ask unanimous consent to have printed in the RECORD todays' New York Times' article on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 30, 1970]

U.S. WIRETAPPING RESTRAINED IN 1969—MITCHELL SAYS IT WAS USED 31 TIMES IN 15 CITIES

(By Fred P. Graham)

WASHINGTON, January 29.—The first public accounting of the Justice Department's wiretap activities against organized crime, made public today, shows that electronic eavesdropping under the Nixon Administration's law-and-order regime has been limited and restrained.

In his report on the Federal Government's use of eavesdropping in anti racketeering investigations in 1969, Attorney General John N. Mitchell disclosed that only 31 electronic surveillances were used last year, in 15 cities.

Most of them were in investigation of illegal gambling. Six were installed in Newark,

where they were instrumental in the arrests of 55 persons on Dec. 18 on gambling conspiracy charges.

The report contained several indications that Mr. Mitchell, despite his frequent public statements about the benefits of electric surveillance, has been using it sparingly and with care. He stated that he "personally approved each of the reported applications" to judges for authority to use listening devices.

Under the Omnibus Crime Control Act of 1968 the Federal Government was given the authority for the first time to use electronic eavesdropping in criminal investigations. The law requires an annual report of all eavesdropping, which Mr. Mitchell filed yesterday with the administrator of the United States courts.

Copies were sent to legislative leaders on Capitol Hill and were made available there.

One indication of efforts to avoid invasion of privacy was the high number of wiretaps and the relativly few "bugs"—hidden microphones that usually prove more violative of privacy because they can be planted in unexpected places and overhear all that goes on.

Of the 31 surveillances, 30 involved wiretaps. In two of these, "bugs" were also planted. Only once was a "bug" used without a wiretap.

According to the records most of the wires tapped were in homes or apartments, where they were being used for bookmaking. The report shows a high percentage of incriminating interceptions, compared to innocent calls.

ONE TAP, 57 ARRESTS

One wiretap on a narcotics wholesaler in Washington, D.C., picked up 5,889 calls over 39 days. Of these, 5,594 were said to be incriminating. The device resulted in the arrest of 57 people, one of the most massive roundups of narcotics violators on record.

That wiretap also indicated one reason why wiretapping is used more sparingly than many people have assumed. The cost of manning the listening posts around the clock and transcribing the conversations can be high. The Washington wiretap cost the Government $45,554, indicating that the Government is probably precluded by finances from attempting pervasive electronic surveillance.

The report shows that wiretapping by the Federal Government was concentrated in the major cities, mostly in the North and East. Aside from the Newark taps, the number of listening devices used was: New York, Cleveland, Philadelphia and District of Columbia, three each; Buffalo, Miami and Chicago, two each; and Detroit, Pittsburgh, Albany, New Haven, Kansas City, Camden, N.J., and Muskogee, Okla., one each.

So far, these surveillance have resulted in 137 arrests, but the report says that more are expected. Under the law, judges may authorize eavesdropping for up to 30 days. Often the Government asked for 15 days or less, and frequently its agents said they removed the devices early.

The law went into effect in June, 1968, but the Federal Government reported no wiretapping for 1968. The Johnson Administration refused to use the new law on the ground that it could lead to a widespread fear of government snooping.

However, the state that use court-approved wiretapping filed reports for their activities in the last six months of 1968. In New York alone, state prosecutors obtained 167 court orders to permit electronic surveillance.

Mr. Mitchell's report shows that the Federal Government's wiretapping in criminal cases was much more restrained. However, the report does not include wiretapping in national security investigations, which can be done under the statute without court approval and without subsequent reporting.

Mr. Mitchell has asserted that this "national security" authority includes the authority to eavesdrop at his own discretion on domestic groups that he considers dangerous. The Government is believed to be eavesdropping on black militant groups, extreme right-wing organizations and far left groups, but no one has been able to say how widespread this eavesdropping might be.

NEWSPAPER PRESERVATION ACT

The Senate resumed the consideration of the bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers.

Mr. PERCY. Mr. President, I want to see a dynamic and growing newspaper industry, as I am sure we all do. We know that there are certain weaknesses in the industry now but for the most part it is strong and healthy, financially and editorially. The American press is the freest press in the world; it has withstood the onslaughts of vigorous competition and Government quite well.

I have seen through the years special pleas made by many industries to the effect that "our case is different." Always this "difference" warranted some special treatment. In one case it might be a tariff, another an absolute import quota, in another a Government subsidy or an exemption from some Government law. Once the flood gates of special treatment and privilege are opened the avalanche of special exemptions from proven economic principles and laws is endless.

Too often the reasons given for failure or lack of growth are never even close to the real reasons. Rarely does management admit to poor management decisions or practices, overcrowded markets, poor customer appeal. Seldom does labor admit to monopolistic practices, wage increases that far exceed increases in productivity, or slow-down practices that wreck an otherwise healthy enterprise. And so cures are improvised but the real ailment is never actually treated.

I would not want to see the legal stamp of approval of the Congress of the United States put on such abhorent business practices as price fixing, pooling of profits, and market allocation by competitors in a free economy in an unregulated industry. There is no telling where this might lead. We might well be opening a pandora's box.

I am not sure that the legislation before us actually will save any newspaper or strengthen an independent editorial voice that would otherwise be stilled.

I am not convinced that the advantages granted under this legislation will not be abused so that already prosperous newspapers could not simply use its special exemption from antitrust legislation to add further to their already existing prosperity. I am not sure that practices already permitted to the newspaper industry such as joint printing, joint circulation facilities, joint Sunday edition, cost justified combination advertising rates, and partial joint accounting and billing and certain merger rulings already agreed to in failing situations are not as far as we should go in permissiveness between competitors.

As I understand it, these practices I have mentioned are not changed by this legislation.

I am aware that, because of the overwhelming support I see for this bill on the floor of the Senate, it will probably pass. But in good conscience, for the aforementioned reasons, I cannot support it.

Mr. MOSS. Mr. President, newspapers are businesses which are and should be subject to the antitrust laws. But in our democratic society they are much more than economic units. In disseminating news and editorial opinion they serve a function that is indispensable in a free society. To preserve competing editorial voices, the cloud of illegality must be removed from joint newspaper operating arrangements.

I am familiar with one such joint operating arrangement which has been very beneficial to the citizens of my State. In Salt Lake City—a city of only moderate size—we are fortunate to have two separately owned daily newspapers. The Salt Lake Tribune and the Deseret News are in strong competition with each other and have often taken diametrically opposed positions on public issues. To this I can personally testify since my own legislative proposals have on more than one occasion received mixed reviews.

But this is as it should be. The Salt Lake press corps is not one of Mr. AGNEW's elites who talk only to each other and speak with only one voice. During the 1968 political campaign, the opposing positions by Salt Lake City's two newspapers was in large part responsible for making liquor by the drink a major issue.

In fact, if any criticism is to be leveled at Salt Lake City's newspapers it is that they may have lost their news objectivity in trying to outdo the other from opposite sides of the liquor-by-the-drink issue.

These possible excesses are, of course, rare and, in any event, such problems of divergent editorial newspoints are far preferable to a single monotonous voice.

But Salt Lake City could be faced with a monotonous voice if our two newspapers are not allowed to continue to operate joint production facilities. If they cannot continue their cost-saving procedures, Salt Lake City could lose one of its major newspapers. That is why I support the Newspaper Preservation Act.

Basically, the Newspaper Preservation Act provides an antitrust exemption which is designed to permit a "failing newspaper" within the meaning of the act, to take steps short of an outright merger or consolidation so that it may continue as an independent source of news and editorial opinion. To accomplish this result and cut its cost of operation, a "failing newspaper" may combine some or all of its business functions with another newspaper. Joint operations may include the things commonly existing when there has been a merger, including unified business operations, joint or common establishment of rates and division of revenue.

The conduct which is allowed by the term "joint newspaper operating arrangement" found in section 3(2) of the act is only that which is appropriate for the successful operation of a joint arrangement. The joint activities mentioned in section 3(2) are incidents of viable and effective operation and do not encompass predatory conduct. For example, the authority for two newspapers to agree as to the "time, method and field of publication" includes such things as the ratio of news and editorial opinion to advertising and whether and when any newspaper publication or an issue thereof should be published.

As stated in the report of the Committee on the Judiciary, the purpose of the act is to preserve editorial voices under separate control. For example, prior to the operation of a qualified joint newspaper operating arrangement, one publisher may have published an evening daily and Sunday morning newspaper and the other publisher may have published a morning daily and Sunday morning newspaper and an evening daily newspaper. The joint newspaper operating arrangement may result in one daily morning newspaper, one daily evening newspaper and one Sunday newspaper. This recogizes and implements the basic principle that the exemption is permissible because survival of the failing newspaper can be facilitated by the cost savings that would result from unified business but at the same time separate editorial voices are retained. There could not be a complete elimination of both evening daily newspapers, or both Sunday morning newspapers, or the morning daily newspaper, and still satisfy the policy of the law that separate editorial voices be preserved.

Subsection 4(b) of the bill delineates the boundaries of the exemption. The basic principle is that a joint operating arrangement constitutes a partial merger and is to be treated as a single entity is treated under the antitrust laws. This limited exemption clearly maintains prohibitions against any predatory pricing or predatory practice. In other words, though the partial merger would be lawful, the operating arrangements would not then be in any superior antitrust position to newspapers under single ownership. A lawful newspaper operating arrangement would still clearly be subject to the single entity "attempt to monopolize and monopolize" prohibitions of section 2 of the Sherman Act, just as single ownership situations are now subject to these prohibitions.

By recognizing an economic fact of life the legislation truly helps to preserve newspapers. Without this legislation we will have less, not more, competition and the public will suffer for it.

Therefore, I urge the Senate to pass S. 1520, the Newspaper Preservation Act.

Mr. BYRD of Virginia. Mr. President, I feel that I should make a statement before the roll is called on the failing newspaper bill.

During most of my adult life, I have been a newspaper editor and a newspaper publisher. And in recent years I have had—and do have now—a substantial ownership in two daily newspapers in Virginia. One of these newspapers owns a third newspaper. I think the record should show these facts.

I do not see any way in which the pending legislation could benefit any of these newspapers. Although there is no conflict of interest, insofar as I can determine, being a newspaper owner, I have concluded to withhold my vote, and when my name is called, I shall answer "present."

Mr. INOUYE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I am reluctant to vote against the pending bill because there are some joint operating agreements which are, in my judgment, beneficial to the public. One of these beneficial joint operating agreements includes the Capital Times and the Madison State Journal in Madison, Wis.

These two papers have maintained an honest, vigorous, and healthy editorial policy for a half century, both before and since the joint operating agreement was made some 20 years ago.

Madison is a two-newspaper town in the best sense of the word. These two papers have made an invaluable contribution to the quality of government in the capital city of our State.

If it were ever to become a one-newspaper town, that exceptional spirit of ferment, debate, and political creativity that has distinguished our capital city across this Nation would be gravely in danger.

I might add parenthetically that the publisher of the Capital Times, William T. Evjue, has a national reputation as one of the great liberal editorial voices in this country.

Heaven knows, we need more independent papers, more editorial voices like that of Bill Evjue, and more two-newspaper cities like Madison, Wis. Nevertheless, I cannot vote for the pending bill.

It seems clear to me that the evils of this wholesale exemption from the old antimonopoly principles outweighs its benefits. In the long haul, this measure will simply continue to concentrate more power in the rich newspaper chains at a time in history when we should be pursuing a vigorous course that will multiply the number of editorial voices in all media, radio, television, and the press, rather than a course that will concentrate more power in fewer hands .

As a purely personal matter, I am further reluctant to vote against the pending bill because in my 20 years in public office, both of these papers have treated me with eminent fairness. One of these papers has been my most vigorous supporter throughout the whole of my public career.

If the only issue were as to whether the bill should apply to these two papers in Madison, Wis., I would support it. However, it involves a much broader issue, and I cannot support it.

Mr. HART. Mr. President, this is a rollcall vote to which no attention attaches as to the outcome.

I want very briefly to salute my friend, the Senator from Wisconsin. It is not an easy vote when joint agreements exist in one's own State.

I believe that the wise course for those of us who do believe that there is some form of joint agreement which will permit the survival of two newspapers, such as in Madison, Wis., is not to vote for the bill and, as the Senator from Wisconsin says, give carte blanche to the richest and the strongest as well as to the less secure, but rather to realize what the order in the Arizona case has permitted—making available to those few joint agreements some security in terms of survival, and affording the opportunity of having a court selectively determine the reach and the extent to which anticompetitive practices may be permitted.

Any court, I believe, has the competence to sense and understand the distinction between a Newhouse, a Scripps-Howard, a Hearst, and that other litany of giants, and the other few, one of whom the Senator from Wisconsin, commented on.

We are in a great debate over priorities. We have to reorder our priorities. We are spending our time now focusing on how we can continue the economic health of the great publishers, who rank among the richest and certainly the most powerful men in America, a group that on the basis of figures that are available—although not for publication in the RECORD—show them to own perhaps the most profitable class of business in the Nation, better even than the pharmaceutical concerns about which the Senator from Wisconsin has told us so much.

There is a hard-hitting weekly newspaper publisher in Denver, Gene Cervi. When he testified he labeled this bill a millionaire-crybabies-publishers' bill. And in large measure it is not an inappropriate label.

It is a poverty program for some of the richest in the country, to be financed not by the general revenue of the Treasury, but by those who advertise in newspapers and those of us who want to buy a paper.

In my book, poverty programs should be reserved for the deserving poor. If we are going to have a poverty program, let us at least attach a provision to it that the beneficiaries should prove they are entitled to assistance.

The pending bill does not even provide for ending the exemption once health has been restored, if we can find such a situation.

Mr. President, all the Newspaper Preservation Act will preserve are the monopoly profits of a small group of publishers who have achieved those profits by price fixing, profit pooling, and market division. If the objective of the Congress is to preserve newspaper competition and encourage a multiplicity of editorial voices it should insist on strict enforcement of the antitrust laws and should not permit them to be weakened.

This bill was precipitated by the Government suit against the newspapers in Tucson, Ariz. A brief examination of the history of the agreement in Tucson will be helpful in demonstrating why this bill should not pass.

In 1936 William Small, then a resident of Chicago, purchased the Tucson Daily Citizen from its previous owner. The paper lost money when he purchased it, but then so did many businesses in those depression years. In each succeeding year the losses of the Tucson Citizen diminished and in 1940, the year the competition-ending agreement was made, the paper was about to show a profit.

Was the Tucson Citizen a "failing newspaper?" The district court judge found:

> At the time Star Publishing and Citizen Publishing entered into the operating agree-

> ment and at the time the agreement became effective, Citizen Publishing was not then on the verge of going out of business, nor was there a serious probability at that time that Citizen Publishing would terminate its business and liquidate its assets unless Star Publishing and Citizen Publishing entered into the operating agreement.

The Supreme Court said:

> The evidence sustains the finding. There is no evidence that the owners of Citizen were contemplating a liquidation. They never sought to sell Citizen and there is no evidence that the joint operating agreement was the last straw at which Citizens grasped. Indeed, the Citizen continued to be a significant threat to the Star. How otherwise is one to explain the Star's willingness to enter into an agreement to share its profits with Citizen? Would that be true if as now claimed the Citizen was on the brink of collapse?

Mr. President, if your competitor is going broke would you not be a fool to respond to his dilemma by offering him one-half of your own profits in perpetuity?

The Tucson of 1969 is a far cry from the Tucson of 1940. Population has grown tenfold. The circulation of the newspapers has risen from 8,000 each in 1940 to 40,000 each in 1968. Yet, this bill does nothing to take the changed conditions into account. The 1940 situation provides exemption in perpetuity.

Two other specific items suggest that what we are asked to preserve is not, "an independent editorial voice," but rather the monopoly profits of a few privileged publishers. The first is a prospectus dated March 19, 1969, filed with the Securities and Exchange Commission by Lee Enterprises, half owner of joint agreements in Lincoln, Nebr., and Madison, Wis. The prospectus notes the Supreme Court's decision in the Tucson case and says that to the extent a modification of the two joint agreements may mean an increase in costs "profits may be decreased." There is no suggestion made that a modification of the agreement would lead to the certain death of one newspaper.

Finally, page 223 of the committee hearings is a reprint of a document prepared by the newspapers now asking Congress for an antitrust exemption. It was an exhibit in the antitrust trial and was referred to in hearings. The profits of the Tucson papers are shown as a pile of money. The pile is divided into three parts labeled, Normal Profits, True Excess Profit, and Profit Gained by the Elimination of Competition. Mr. President, we are asked to preserve the profit gained by the elimination of competition; we should say no.

Ben Bagdikian, now the national news editor of the Washington Post, then speaking as a newspaper consultant, told the Subcommittee on Antitrust and Monopoly that when newspapers have died, the most usual cause of death was the failure of the paper to relate to the needs and wants of the community, a community that has in many cases changed since the foundation of that paper. But in many cases, the paper failed to change with the community.

The Constitution gives publishers an unlimited right—and I defend it—to be as narrowminded, opinionated, and bigoted as they wish.

The Constitution does not give them the right to be as narrowminded, opinionated, and bigoted as they wish and make money at it. And we should not attempt to broaden that constitutional grant.

In my book, there is a grave danger that that is precisely what the adoption of the pending bill would do.

I hope we reject it.

Mr. President, I wish to thank the able Senator from New Hampshire (Mr. McINTYRE) for his assistance on this bill. His diligent work added unmeasurably to the debate.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Pi in the Sky" published in Barron's on November 17, 1969; an article entitled "The Press Dummies Up" published in the Nation on June 3, 1969; an article entitled "SPIRO AGNEW's Candle's," published in the New Republic on January 17, 1970; and excerpts from an article entitled "The Newspaper Industry," published in Forbes in October 1969.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PI IN THE SKY: NEWSPAPERS SELL AT RECORD HIGHS ON MAIN STREET AND WALL STREET

(By Dana L. Thomas)

What's the Times Herald Printing Co. of Dallas worth? To the acquisitive publisher of the Los Angeles Times, it's worth a cool $91.4 million—an astonishing fact which became known recently when California-based Times-Mirror Corp. announced the negotiated merger terms. Times Herald happens to own not only a daily Sunday newspaper but also a TV and radio station, an offset printing plant and other assorted chunks of downtown Dallas real estate. In exchange for all these assets, Times-Mirror has agreed to issue (pending IRS approval) a new preferred stock, convertible into 1.9 million shares of common. At current market value, that works out to the highest price ever paid for a newspaper company.

It dwarfs even the big deal announced last month by John S. Knight's expanding empire (Detroit Free Press, Miami Herald, Akron Beacon Journal, etc.), which overnight has made Knight Newspapers the nation's third-largest chain in total weekly circulation—behind the Chicago Tribune group and the Newhouse organization. From the new Ambassador to the Court of St. James, Walter H. Annenberg, Knight purchased two of Philadelphia's three papers (the morning Inquirer and afternoon Daily News) for the princely sum (in cash and notes) of $55 million. According to the latest circulation figures, that's something like $77 per reader.

MAN BITES DOG?

The newspaper business, in short, is making "upbeat" financial news these days. Long the subject of doomsday stories—as one industry obituary followed another, and as labor demands and other soaring costs combined with declining markets to threaten the very survival of print media—the trade has come very much to life. Moreover, concentration of the business into ever larger chains (an innovation in journalism limited for decades to the Hearst and Scripps-Howard combines) has put in the hands of multiple-property, usually multiple-market publishers, control of 58% of total U.S. daily circulation and 63% of the Sunday readership.

Accordingly, the chains are bidding high for a diminishing supply of independent, established dailies in both urban and suburban territories; new mastheads, meanwhile, keep cropping up on the newsstands even as some old and cherished names drop out of sight. Most strikingly, all the dither has forced some off-the-record secrets out into the open. The industry, perhaps less communicative than any other about its own financial affairs—mainly because newspapers by tradition have been the private business of family interests—increasingly is becoming public property. Today, no fewer than 15 leading U.S. companies are publicly held (with six on the Big Board), publishing the news for one U.S. reader in every seven and issuing financial reports for the stock market at large. At least three more recently filed initial offerings with the SEC, and the word in the trade is that there's more to come.

Small wonder. Poohbah Marshall ("Medium Is the Message") McLuhan, and others who pooh-pooh the printed word, just haven't checked their data. Since World War II, despite the exploding Age of Electronics in communications, newspapers overall have gone nowhere but up. U.S. circulation has risen from 51 million to 63 million; advertising revenue has soared from less than $2 billion to more than $5 billion; hardly least, employment has shot up at double the pace of manufacturing industries generally.

Along with pi in the sky, to be sure, the Fourth Estate also has had its share of widely publicized woes (Barron's, July 1 and 8, 1968). Payroll and distribution costs continue their equally inexorable rise, while management efforts to modernize inevitably are met by union resistance; here and there (as in New York) interminable strikes have led to permanent job losses, where weak papers ultimately have folded. Meanwhile, America's trek from city to suburb has diluted—or at least shifted—the market in many areas; some publishers adeptly have pursued their readers with expanded operations or acquisitions of outlying papers; others merely have lost ground to the suddenly affluent exurban sheets.

PAPER PROFITS

In big towns and whistle stops alike, however, it's the concentration of profitable U.S. dailies and weeklies in strong hands—fewer but better-capitalized (and frequently "monopoly") publishers—that rates banner headlines today. To show graphically just how prosperous newspapering has become, Editor & Publisher (the trade bible) worked up a composite, medium-sized paper of 53,800 circulation—a "dummy" based on actual industry statistics. Over the past decade, its circulation revenues would have jumped to $1.2 million from $607,000; its ad revenue to a whopping $3.7 million from $1.7 million. Most eye-opening, of course, is that figure hitherto largely off-the-record. Net profit would have more than trebled, to $660,000 from $218,000—proof of a viable "dummy" indeed.

Last year, in real life, 1,753 daily and some 8,000 weekly papers rolled off the nation's presses, sporting black ink aplenty. Their ad billings topped $5 billion for a new record, while total daily circulation (up 1.5%) peaked at 62.5 million. This year, the story thus far has been more of the same. Despite hikes in the price of newsprint, and built-in labor-contract escalations, combined with the impact of tight money which has caused advertising to level off somewhat, profits seem headed for higher ground—owing to offsetting boosts in both newsstand prices (including subscriptions) and advertising rates. Through the first eight months of 1969, indeed, ad revenues alone climbed another 11.7%. True, there are labor problems ahead; in some localities new contracts will have to be negotiated next spring. But the overall trend is "go."

Much of the concentrated publishing power responsible for this surge remains in private hands, of course. Such ink-stained family firms include the industry's Big Two—the Chicago Tribune organization and the Newhouse Papers. Other press lords still privately held, and boasting weekly circulations of a million or more, are Field Enterprises, James M. Cox, Central Newspapers, Robert McLean, the Kansas City Star, Copley Press

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and the national best-seller, the New York Daily News.

Public ownership, though, looms increasingly large on the industry masthead. Thus, leading publishers well-read by investors from Main Street to Wall include Los Angeles' Times-Mirror, the New York Times Co., Gannett Co., Media General, Boston Herald-Traveler Corp., Cincinnati Enquirer (part of the Scripps-Howard chain but operated independently), Federated Publications, Post Corp. and Booth Newspapers.

MORE HEADLINERS

Then there are the broadly diversified giants in newspapering: Cowles Communications (whose flagship is Look Magazine); Time Inc. (Time-Life-Fortune, plus some new entries in newsprint); Thomson Newspapers Co. of Canada (traded in Toronto), which owns the U.S. Brush-Moore chain; Capital Cities Broadcasting (a TV-radio network that now embraces the trade papers of Fairchild Publications); and Dow Jones & Co. (which, in addition to its ticker service, and nationally circulated Wall Street Journal and National Observer, publishes a profitable weekly called Barron's).

Joining the publicly held ranks during 1969, moreover, have been some notable new names. Lee Enterprises, with a string of 16 papers stretching from Montana to Missouri, sold 310,000 shares on the market last March. In April, Knight Newspapers went public, with a 950,000-share offering; it listed on the New York Stock Exchange in August. Multimedia, still another chain published (based in the South), filed a public offering earlier this year, then postponed it "pending a strengthening in the market."

Currently in registration with the SEC, finally, are Communications Corp. (Com Corp), and Ridder Publications. The former, with 17 papers in northeastern Ohio, plans to offer 210,00 shares publicly. The latter, jointly underwritten by Goldman, Sachs and Lehman Brothers, will offer around 617,000 shares. Ridder, it should be noted, is no stranger on either Wall Street or Madison Avenue. Besides the New York-based Journal of Commerce, it publishes the only dailies in St. Paul, Minn., and Long Beach, Calif., along with a slew of others; astonishingly, its San Jose (Calif.) Mercury last year was the nation's sixth-largest in morning-paper advertising linage, while its San Jose News stood third among evening papers. All told, Ridder, the industry's most important underwriting since Knight, ranks eighth in the nation in total weekly circulation.

LOOSENING THE GRIP

In this connection, even the publicly held retain strong family ties—if not outright control. Thus, 34.5% of the stock in Gannett belongs to the Frank E. Gannett Newspaper Foundation, Inc. Knight Newspapers still is 51%-owned by the heirs of John Knight. Again, the selling shareholders in Ridder Publications—nine members of the family and a trust—are relinquishing only 10% of the shares slated to be outstanding when the offering is completed.

Some managements, however, are urging dominant owners to loosen the grip a bit further, thereby increasing the floating supply of shares and improving the market for all. Accordingly, new secondary offerings may be expected. Last fall, as an early indicator, the New York Times moved to firm up its thin and volatile Class A common stock. A trust (created under the will of Adolph Ochs) offered 640,000 shares, to improve the liquidity of its assets. (The trust retains 51% of outstanding Class A stock, and 65% of the Class B.) Also, amendments to the company's certificate of incorporation were introduced, providing a 4–for–1 split of both the Class A and B, and granting the Class A shareholders (i.e., the public) the right to vote as a class to elect 30% of the board of directors.

What all the financial fuss is about, then, is a promising outlook for the sturdy survivors in U.S. newspapering. (As it happens, a number of publishers also have a stake in other fields. Multimedia distributes films; it and Knight operate trucking businesses; the New York Times is in microfilming and non-fiction books; Times-Mirror, deriving over half of revenues from non-newspaper ventures, ranges from the educational field to forest products.) Aside from the usual run-of-the-press problems, however, there's one cloud hovering over the distant horizon: cable television, or CATV (Barron's, November 13, 1967).

As of now, the newspaper has little advertising competition from the local airwaves; its forte, after all, is the display ads of neighborhood merchants. Just this month, the FCC finally relented and authorized cable-TV broadcasters (heretofore sponsored only by subscribers) to carry paid advertising. In many local markets, accordingly, the small screen well may loom as a direct rival to the broadsheet for such all-important revenues. Irving Kahn, chairman of Tele-PrompTer Corp., hailed this and related FCC rulings as a "step toward establishment of a total broadband communications system, of which cable will be an important part." In today's electronics Newspeak, what he and his industry really could be threatening is the ad-sponsored electronic "newspaper-in-a-box" in every home.

DISTANT THREAT

The threat's a distant one, at worst, but several alert publishers have perked up their ears. (Many already own standard TV-radio operations, of course, but the Justice Department has forced Gannett to sell a station in Rockford, Ill., where it owns the newspapers, and the FCC has refused the Boston Herald-Traveler a renewal of a TV license.) In the case of cable as well as regular TV publishers are carefully selecting their acquisitions to avoid anti-trust action. The Times-Mirror, which, as noted, has obtained a TV outlet in Dallas, through the Times Herald purchase, also has acquired Co-Axial Systems Engineering Co., a CATV operator which serves subscribers in communities south of Los Angeles, as well as a second firm in the Long Beach area. Gannett has a subsidiary called Ontario Cable TV serving channels in Rochester, Syracuse and New York City, while Media General recently tuned in with CATV systems in Virginia and Florida.

If the cable-TV picture bears watching, far more intriguing at the moment is the progress of newspaper publishers in modernizing their basic business. Last year 710 of the nation's top papers, representing 51% of total daily circulation, poured a record $161.2 million into plant modernization and expansion, compared with $143.3 million spent by 715 U.S. dailies in 1967. Currently, 492 daily papers are being printed by offset or are due to change to offset (a system that eliminates the traditional need for molten metal) by the end of this year. Moreover, 357 papers now use computer systems for typesetting.

Publicly owned publishers are quite naturally in the forefront of technical experimentation. The most aggressive innovator in this regard is undoubtedly Dow Jones, which is currently building a printing plant—its ninth for The Wall Street Journal—designed to be the last word in producing a major daily paper using offset printing technology and facsimile transmission. In 1968, the company installed a five-unit Goss press at its Highland, Ill., plant, marking the first time The Wall Street Journal has been printed on a high speed offset press. Moreover, the company has installed twin computers as the basis of a nationwide communications network to transmit news from its bureaus to editing headquarters and from there to tape punching centers and to the printing plants. Moreover, Dow Jones has signed a contract with General Electric to equip the DJ News Service with variable-speed printers to expand coverage for its customers.

One area in which particularly promising steps are being taken is in the development of plastic printing plates to replace the traditional metal ones. W. R. Grace has developed an extremely thin plate that can be made from a photographic image of a newspaper page. A competitive process, turned out by Union Carbide and Sta-Hi Corp, is being tested by the New York Daily News. Whatever version becomes commercially feasible, production men feel that ultimately it will contribute substantially to saving time, manpower and material handling costs.

The front-page story in newspapering today, of course, is financial. Why the rush to go public? There are several reasons. In some cases, the skein of family descendants willing to assume responsibility for newspaper properties, has run out. With latter-day generations growing more numerous, and more diverse in their interests, the scions are anxious to sell out and want a market value placed on their holdings. Then, too, expansion of operations, coupled with the revolution in technology, requires vast sums—and new sources of capital.

Additionally, publishers whose ego demands that the enterprise be perpetuated—even if no heirs exist to carry it on—must be able to sell equity to new management and the latter demand liquidity. Finally, publishers, long suspicious of outsiders, are discovering at last that the open disclosure of highly profitable returns—far from hurting their image—greatly enhances it, as well as the equity behind it.

In any case, seeking public funds is one way to finance an aggressive expansion program. David Gottlieb, executive vice president of Lee Enterprises, explains: "The main reason Lee decided to go public was that people wanted to join us, to bring in their newspapers and be acquired by Lee." Philip Adler, president of the firm, adds: "The problem was how to place a value on our stock in relation to the stock of a paper being absorbed by us. So far, we had taken our earnings and expenses and compared them with the earnings and expenses of papers coming in." This had provided a rule-of-thumb for mergers, but still left open the means for assuring a ready price and market for the stock. Only a public offering could provide this. "We thought about it and talked about it for about three years," says Mr. Adler, "before the board voted to take action."

BEATING THE BUSHES

Currently, publishers literally are beating the bushes, seeking independent owners who may want to sell. Recently, when the Justice Department ordered E. W. Scripps to divest itself of a 60% interest in the Cincinnati Enquirer (because it also owns the Cincinnati Post and Times-Star) more than 30 publishers rushed to bid. (Scripps has until May 1970 to dispose of the paper; it's taking its time sorting out the offers.)

Clearly, then, under today's conditions, purchase prices have swollen to heady proportions. One yardstick employed to estimate the value of a successful daily is about $30 times the daily circulation figure (in a competitive area) or $100 in a "monopoly" situation. But in recent years, actual bids have shattered the guidelines. In March 1967, when Samuel Newhouse paid $51 million to obtain control of the Cleveland Plain Dealer, he, in effect, was shelling out $120 per reader. That December, Lord Thomson paid $72 million for the dozen Brush-Moore dailies—almost 200 times their combined circulation. Just last September, the Times-Mirror made the Thomson deal look like small potatoes. As noted, it's paying $9.14 million for the Dallas Times Herald. Although other sizable assets are involved, that's 360 times the daily circulation of the newspaper.

RESTRUCTURED ITSELF

Other chains, expanding into the growth markets, have used an assortment of finan-

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cial means. Richmond Newspapers went public in 1967, then restructured itself this year as the wholly-owned subsidiary of a new holding company called Media General. Shortly thereafter, Piedmont Publishing Co., publishers of the morning, evening and Sunday papers in Winston-Salem, N.C., joined the fold in return for Class A stock from Media General. Explains Gordon Gray, Piedmont's publisher: "I am mortal, and there are no members of my family interested in exercising the responsibilities I have assumed here."

Following the Piedmont merger, Media General—which through Richmond already had a controlling interest in Tribune Co. of Tampa, Fla.—upped its stake to 84% of the stock. Thanks to the merger of these papers, together with their radio and TV properties, Media General now emerges as a diversified communications group, with holding valued in the market at some $70 million.

Or take the new Communications Corp. In the greater Cleveland area, three newspaper publishers merged their 20 weekly newspapers into a complex. ComCorp reaches 300,000 homes in the outlying suburbs. (Suburbia has also attracted Time, Inc., which entered the newspaper business this year by snapping up a string of weeklies in the greater Chicago area.)

Still another example is Gannett. Last year it made its first move west of the Mississippi, snapping up three of the Sun Co. (San Bernardino, Calif.) papers which the Times-Mirror (its parent) was forced to dispose of by government antitrusters. This year, then, Gannett strengthened its foothold in Florida, by acquiring the Pensacola Newspapers, largest of the Perry Group.

STRATEGY FOR GROWTH

The trend to public ownership is changing not only in the structure of this venerable newspaper industry but also its way of doing business. Confronted with the need to disclose—and earn—a maximum return, management has had to concentrate harder on money-making. Ironically, then, they will pay what seems a highly inflated price for a family-run newspaper, on the assumption that improved methods will boost the latter's earnings enough to make the deal, eventually, a bargain. One way to boost earnings, obviously, is by expanding into areas where no competitive papers exist—yet where population is growing. Such happy opportunities seem to abound, and bigger chains are making the most of it. The "monopoly" paper in a suburb, accordingly, is particularly attractive. Since 1950, according to an ANPA study, circulation of suburban (and other community papers)—published for five to 50 miles from a city center—has risen 52% in 20 out of the 21 major U.S. metropolitan areas. What's more, daily newspapers in 97% of the nation's 1,500 cities today enjoy a "monopoly" status—excluding the competition from magazine and television, of course.

Nearly half of these in turn are owned by a group or national chains. Indeed, only three cities—New York, Washington and Boston—can claim more than two separate owners of daily newspapers.

Contrariwise, the dangers in starting a new paper today, in a market already competitive, are manifest. Take Cowles Communications. Ten years ago, it launched the San Juan Star as the only English-language paper in Puerto Rico—and made a success of it. By contrast, in 1966, it launched another in Suffolk County, N.Y., against the competition of highly successful Newsday (in adjacent Nassau County) as well as the Long Island Press, a Newhouse paper in Queens. After three years, and heavy losses, it gave up the ghost.

One publisher making a specialty of finding non-competitive growth areas is Gannett. All but two of its 34 papers—the Hartford Times and Binghamton (N.Y.) Evening Press—operate in noncompetitive communities. Retail sales in eight of its prime markets have increased by 59% over the last eight years. In 1968, as noted, Gannett went west to buy the Sun papers of San Bernardino, published in a "monopoly" area, where population growth is projected over 50% in the next seven years.

More recently, Gannett's purchase of the Perry papers in Pensacola added markets expecting to grow by 40% over the same period. Meanwhile, in 1966 the firm had started Today, the only newspaper serving the Cape Kennedy area. Last year, Today went into the black—two years ahead of projections. While there's a likelihood that the Cape's growth rate will decline—as government spending is curtailed—commercial business already is picking up some of the slack. Three major industrial companies there expect employment needs to triple over the next five years. Near Today's main plant, moreover, Disney World is going up.

Another on the look-out for such properties is Times-Mirror. While its Los Angeles Times is substantially ahead of the rival Herald-Examiner in both ads and circulation, management anticipates a leveling of population growth in L.A. So it had been shopping around in neighboring Orange County, one of the fastest-growing areas in the whole country. The market region already served by the Times is enormous; to speed distribution last year, it built a satellite plant at Costa Mesa (40 miles from the Times city desk), enabling Orange County subscribers to receive virtually the full news-editorial coverage of the regular paper, plus local features and advertising. This venture, which management hoped to see in the black within two years, broke even within a couple of months.

Perhaps the classic example of the benefits enjoyed from a near-nonopoly position is the New York Times. With the folding of the Mirror and Herald-Tribune, followed by three afternoon papers, The Times is left as the only standard-sized general paper in town. Recently, a stockholder—apparently unappeased by a four-year earnings jump to $1.64 a share from 46 cents—asked the publisher why the Times couldn't strive to become more of a regional newspaper. (Mr. Sulzberger replied that the Times already had a substantial circulation in Boston.) Since it would take $50 million by some estimates to launch a competitive paper in New York City with any chance of success, the paper seems to be sitting pretty.

In short, the structure and psychology of the newspaper business has been changing in tune with the economic and sociological trends in America. And today the printed word is more powerful than ever.

LEADING PUBLICLY OWNED COMPANIES

	Revenues (in millions)		Net per share	
	1969	1968	1969	1968
9 mos. ended Sept. 30:				
Capital Cities	$62.4	$53.2	$1.19	$0.95
Cowles	124.6	121.4	[1,2] .06	[1,2] .24
Dow Jones	91.7	78.0	2.26	1.76
Knight	119.3	78.6	1.75	.79
Lee	23.8	20.2	1.09	.97
Media General	37.3	31.7	1.30	1.06
New York Times	173.3	157.0	1.18	1.07
Time Inc	437.3	405.3	[3] 1.31	[3] 2.40
Times Mirror	287.0	264.9	[4] 1.55	[4] 1.32
39 weeks ended Sept. 28:				
Gannett	107.5	89.4	.92	.81
6 mos. ended June 29:				
Boston Herald-Traveler	22.8	20.0	2.16	1.65
6 mos. ended March 31:				
Cincinnati Enquirer	(5)	21.8	1.35	1.14

[1] Before extraordinary items of 13 cents a share in 1969 and six cents in 1968.

[2] Deficit.

[3] Before special credit of 74 cents in 1969 and 70 cents in 1968.

[4] Based on income before special credit.

[5] Not reported.

[From the Nation magazine, June 30, 1969]

THE "FAILING" NEWSPAPER PROBE: THE PRESS DUMMIES UP

(By Arthur E. Rowse)

WASHINGTON.—The daily press, the business with the most privileges of any in this country, is about to get one more after nearly two years of Congressional hearings and lobbying notable for both their newsworthiness and scarcity of mention in the news media. The new privilege will be special immunity from antitrust prosecution for separately owned newspapers that have joint operating arrangements, a sort of halfway house between competition and monopoly of local papers. Such immunity would be granted by a bill entitled "The Newspaper Preservation Act," the successor to one called "The Failing Newspaper Act," which was talked to death in the previous Congress. The pressure that has pushed this little-known bill ahead of countless more important measures in the past few months is silent tribute to the power of big publishers to get almost anything they want from publicity-hungry politicians.

The ostensible purpose of the revived measure is laudable enough. It is to preserve "the historic independence of the newspaper press in all parts of the United States" by allowing two or more newspapers, one of which may be failing, to enter into joint operating agreements without risk of antitrust prosecution. Proponents of the bill contend that it would slow the relentless march of local press monopolies that now grip 97 per cent of all cities having daily papers. Opponents say that preserving morning and afternoon papers under the same roof can be worse than letting one die or be sold, because it is more difficult to establish and maintain competition against an all-day combination than against one paper.

But despite twenty-three days of hearings, the final one on June 13, and more than 2 million words of testimony and exhibits, solid evidence has been noticeably lacking on both sides. With one possible exception, none of the newspapers interested in the proposal has provided financial data to prove that any newspaper was failing before it entered a joint operating arrangement. And no formal study was undertaken or presented to prove or disprove the contention that news and editorial operations in such arrangements are in fact any better for the public than they would be under one ownership. The members and staff of the Senate Antitrust and Monopoly Subcommittee, which has conducted the hearings, have scrupulously avoided stumbling into the political thicket of news policies for fear of being accused of transgressing the First Amendment of the Constitution. News and editorial matters are inextricably intertwined with economic matters, but the questioning of witnesses has been aimed only at the latter.

The line-up of powers for and against the bill tells much of the story. Chief backers of the measure have been the American Newspaper Publishers Association and the big chains of Scripps-Howard, Hearst, Newhouse, Knight, Block and Cox, each of which has at least one paper involved in a joint operating agreement. Principal opponents have been the Justice Department, Federal Trade Commission and the National Newspaper Association, a group of weeklies and small dailies.

Joint operating agreements involve forty-eight newspapers in twenty-four cities with a total population of 14.5 million. They include Albuquerque, N. Mex.; Birmingham, Ala.; Bristol, Tenn.-Va.; Charleston, W. Va.; Columbus, Ohio; El Paso, Tex.; Evansville, Ind.; Fort Wayne, Ind.; Knoxville, Tenn.; Honolulu, Hawaii; Lincoln, Neb.; Lynchburg, Va.; Madison, Wis.; Miami, Fla.; Nashville, Tenn.; Oil City-Franklin, Pa.; St. Louis, Mo.; Salt Lake City, Utah; San Francisco, Calif.;

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Spokane, Wash.; Shreveport, La.; Tucson, Ariz., and Tulsa, Okla. Some fourteen cities of the remaining thirty-eight with separate dailies are reported to be on the verge of such mergers.

Scripps-Howard, the third largest chain in total daily and Sunday circulation, has six papers involved in joint operations, and Hearst, the fourth largest, has two. In most cases, these papers have joint advertising, circulation, production and business departments plus a profit-sharing arrangement. In St. Louis, the joint agreement includes only printing and profits, a situation revealed first by a staff investigator at the final hearing last year. All the papers insist that their news and editorial departments are separate and vigorously competitive.

But few of the papers bothered to obtain approval of the Justice Department before entering into such arrangements. In fact, few details were publicly known about them until the Justice Department stepped into Tucson with an antitrust suit aimed to break up the agreement there between the *Citizen* and *Arizona Star*. The Tucson arrangement, third oldest of its type, dates back to 1940. In January 1965, William A. Small, Jr., owner of the *Citizen*, exercised an option to buy the *Star* in order to block its sale to the Brush-Moore chain. The Justice Department, which had sat by for almost three decades while the joint operating schemes spread from city to city, filed suit the same month to prevent Small from taking over both papers and force him to break up the joint operation of their advertising and circulation departments, as well as the pooling of profits.

Specifically, Small and the papers were charged with violating the Sherman Act by combining to restrain interstate trade and conspiring to monopolize interstate trade through the joint operating agreement. Small and his wholly owned Arden Corporation, which was set up for the purpose of buying the *Star*, were also charged with violating the Clayton Act, which forbids one corporation to acquire another when the effect would be "substantially to lessen competition." The suit did not state any objections to the combination of printing facilities, nor have Justice Department officials since then said anything to indicate that joint production agreements violate any antitrust laws.

But Small, feeling that he had been singled out unfairly for a test case, laid plans to fight the suit both in the courts and legislative halls of Congress. He lost the first round in U.S. District Court when Judge James A. Walsh found that the joint agreements violated the Sherman Act. The judge also found that the acquisition of the *Star* by Small violated the Clayton Act. He thereupon directed Small to divest himself of the *Star* within ninety days and modify the operating agreements "so as to eliminate price fixing, market allocations and profit pooling." Judge Walsh's decision was upheld on each point by the Supreme Court last March 10.

But the battle for special legislative immunity from such prosecution continues. If anything, the speed has picked up since the Supreme Court decision because of the deadline it imposed on Small. The court directed him to come up with a plan for divestiture of the *Star* and modification of the joint operating agreements by July 3. As a result, hearings that were originally planned for late summer or early fall by subcommittee chairman Philip A. Hart were moved up to this month and limited to only three days. At a recent closed session of the subcommittee, Hart was outmaneuvered by Sen. Everett Dirksen when the latter asked for a vote on the bill. Realizing that he did not have the votes to block subcommittee approval at that point, Hart asked for hearings of at least a few days. But the only effect of that postponement may be to delay progress of the bill by a few weeks. With more than thirty Senators already signed up as co-sponsors, the bill is expected to sail through that body in short order. The only possibility of trouble exists in the House where some 100 Congressmen have already indicated their support. The key man there, Chairman Emanuel Celler of the Judiciary Committee, has said he will not seek to delay or block progress of the bill. His antitrust subcommittee held a few perfunctory hearings last year, but may approve it this year without hearings.

From the beginning, this bill has had the support of key legislators. Arizona's venerable Carl Hayden, former president pro tempore of the Senate, introduced the original bill in March 1967, almost a full year before Judge Walsh's District Court decision. Hayden, whose state includes the Tucson papers, was joined by fourteen other Senators, most of whom also came from states with similar joint newspaper operations. The man who has spent more time on the legislation than any other Senator except Hart is Hiram L. Fong, the millionaire businessman from Hawaii where the two largest Honolulu papers have such an agreement. Fong has participated in nearly every hearing, arguing strongly for the bill. "We're trying to save a failing newspaper," he said at the recent hearings, "so we can have a diversity of opinion in the community."

But the most important reason for the improved prospects for the bill is the new role of Senator Dirksen of Illinois, where no newspapers would be directly affected by the measure. Only last fall, the oily voiced champion of special interests stood opposed to S. 1312, perhaps largely because of strong opposition voiced by publishers of two large and powerful suburban newspaper chains around Chicago. His vote in the subcommittee was enough to keep the bill bottled up with hearings until the last days of the session when the subcommittee finally approved it. By then, however, it was too late for it to get further.

Since the first of this year, however, Dirksen has been pushing the bill. And he has been questioning witnesses with a vigor he has rarely exerted in recent years. What happened during this time to change his mind? First, he was re-elected and apparently no longer needs the friendship of weekly publishers. Second, he has begun making more than $12,000 a year on a once-a-week syndicated column that now runs in about sixty papers, including many vitally interested in passage of the controversial bill. Dirksen not only has taken the leadership in the questioning of witnesses—staying through more hours of testimony than he had done in years—but he has also offered several amendments designed to make the legislation more palatable than it has been to date.

One of his amendments attempts to clarify what is meant by a "failing" newspaper that would qualify for antitrust immunity. The bill defines a failing paper as one that "appears unlikely to remain or become a financially sound publication." He would add: "or is in danger of probable failure." His wording, which he contended was "no broader nor vaguer" than the language of the antitrust laws, is designed to qualify the Tucson *Citizen*, among others, as a "failing" paper, despite Judge Walsh's finding that Small's father in the year before the agreement was "prepared to finance the losses . . . for some little time thereafter."

Dirksen's second amendment would act like a grandfather clause, validating any joint agreement in effect prior to enactment of the bill. It would also require advance approval by the Attorney General of any new agreement. This language, he explained, "is designed to offer a means of protection to the small suburban and weekly newspapers, and to newspaper employees and their unions, while preserving the separate editorial voices now flourishing in the twenty-two cities with joint operating arrangements."

Amended or not, the bill has been the subject of some of the most intensive lobbying ever seen on Capitol Hill. It is not often that newspaper editors and publishers travel to Washington to twist arms on any matter before Congress. In most cases, their editorial pages—and sometimes their news columns—are enough to get results. But newspaper executives and even some reporters have been reported actively lobbying for this bill.

Among the newspaper men who have been seen buttonholing key legislators on Capitol Hill and in other sections of Washington have been John Siegenthaler, editor and vice president of the *Nashville Tennessean;* George Chaplin, editor and vice president of the *Honolulu Advertiser;* Charles Thierot, editor and publisher of the *San Francisco Chronicle* and Joseph Ridder, publisher of the *San Jose Mercury*. In addition, Hearst and Scripps-Howard executives from around the country have written letters and otherwise approached legislators on behalf of the bill. These contacts, plus occasional editorial pleas, have had a powerful effect. Like members of a private club, editors of many papers have been rallying to the cause of a few, often regardless of whether they themselves may be affected. Not since the press crusades of earlier decades against the Child Labor Act, National Recovery Act (NRA), Social Security Act and other pieces of progressive legislation has so much journalistic pressure been applied on Congress. And rarely has such a blatant grab for special privilege by any group received so much attention on Capitol Hill—and so little attention in the nation's news media.

In plotting their campaign, newspaper executives apparently decided on two types of public deception to gain their ends. One has been to make the government's case against the Tucson papers appear to be an attack against joint printing facilities, despite the fact that neither the District Court nor the Supreme Court expressed any criticism of combined printing facilities. Successive antitrust chiefs in the Justice Department also have clearly indicated that such arrangements are within the law, since they do not involve price fixing, market allocation or profit pooling. The impression left by many news stories, editorials and letters from editors and publishers has been that the government seeks to eliminate any and all joint operating arrangements.

The other tactic has been to give the public as little information as possible about the whole issue, apparently for fear that public opinion might interfere with the course of the bill through Congress. In view of the sometimes scandalous and sensational information disclosed at the hearings, the printing of so little about them has required a conscious effort on numerous occasions. The result has been almost complete public ignorance of the controversy and of the enormous expense and energy going into it from journalistic and Congressional sources. The bill itself is still so vague that many politicians have been talked into endorsing it without understanding it. For such legislators, suddenly it's 1984 when success means failure, illegal actions are legal, the rich are the poor and news is not news.

Normally, the commercial aspects of a daily newspaper operation would not be considered a major public issue, but any time such a privileged institution as the press lobbies so intensely and so extensively for another privilege, it becomes a matter of public interest and concern.

For example, it is not news when the one institution that investigates all others is itself finally investigated by politicians who have more reason to fear the press than any-

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one else? Is it not news when some of the most powerful publishers in the nation seek legislative immunity from the antitrust laws for commercial operations that are essentially no different than those of other businesses? And is it not news when all this is asked in the name of "preserving" editorial freedom?

To be sure, the hearings have received some coverage. The major wire services have occasionally sent routine reports about the testimony, particularly when there has been a local angle for a particular paper. But almost all the stories have been brief and superficial, with roundup and think pieces almost nonexistent. The only newspaper to provide regular and sizable accounts of the hearings and the lobbying has been *The Washington Post*.

For most of the nation, the coverage has been extremely sporadic and brief, if indeed some areas have received any reports at all. The area of Tucson, where the whole thing started, is a striking example. The city and its newspapers were mentioned frequently in the seven-volume, 3,461-page hearing record, and much of the testimony has had a direct bearing on the Tucson situation. Yet according to Tucson's Mayor James N. Corbett, there has been "not one word in the papers about this bill. The papers have not found these hearings newsworthy." He told Senate investigators recently that the publishers "don't want to let people know they are asking special relief from Congress." Before he left Tucson to testify against the bill, he said, he was interviewed by all the local news media there. But, according to him, "not one word appeared in the papers," though radio and television carried reports.

Corbett disputed Small's claim that there have been divergent editorial voices in Tucson. He said both papers had opposed nearly every phase of a drive to attract more industry to the area, had effectively killed an urban renewal project and had consistently seen their political candidates and points of view rejected by the voters in local elections. On the other hand, Small had testified earlier that his papers had won the Community Services Award of the Arizona Newspaper Association for ten out of thirteen years.

The most serious thing, said Corbett, is "the control of a man's mind." He said he less feared a single monopoly, for its bias is usually clear to all and there usually are checks and balances. But when one newspaper appears as two, "it strikes right at the heart of the basic rights of man." He said the two papers had a "stranglehold" on Tucson.

David J. Leonard, a Tucson attorney who testified the same day, called the city "the best model" of what would happen in other cities if the bill were passed. Leonard has filed a class action for several merchants and the city of Tucson, seeking damages for overcharges for advertising in the two papers during the joint operation. He said passage of the bill would eliminate grounds for damages and thus remove a vested right guaranteed by the Constitution. For this reason, he called the bill unconstitutional.

Accompanying Leonard was a department store owner, Louis Cohn, who said Tucson advertising rates were approximately twice those charged by monopoly papers in similar situations elsewhere in the country. His statement disputed an earlier statement by Small that Tucson's advertising rates were about average for U.S. dailies of similar size.

Leonard presented copies of one of the oddest documents ever seen in Washington. He referred to it as the "Pig Document" because of the cartoons with which the Tucson papers depict themselves as pigs. The exhibit which was entered into the subcommittee record, was a "Presentation" by the Arizona *Star* to the Internal Revenue Service in 1946 to prove that "excessive excess profits" earned by the papers during World War II were not taxable because they were "not purely" due to the war boom but to the "elimination of competition," the very thing that the papers denied having done in the government case against them.

One page of the "Presentation" depicts the *Star* and *Citizen* as two pigs in 1939 tugging vainly in opposite directions but unable to reach the troughs of "advertising" and "circulation." A second drawing immediately below depicts the war period of 1940 to 1945 when the joint operating agreement was in effect: the pigs are growing fat at the troughs.

Despite the bizarre nature of this document, revealed in public for the first time, it was not apparently mentioned in any wire service report of the hearing that day. *The Washington Post* was apparently the only paper in the country to run a photograph.

Almost as sensational testimony had occurred the previous day with almost the same lack of interest by the news media. It concerned a television cameraman who had been a victim of spying in circumstances that recalled the experience of Ralph Nader with General Motors. Albert Kihn told the subcommittee that he began to be trailed by two-way radio-equipped cars seven days after writing a letter to the Federal Communications Commission accusing his employer, Station KRON–TV, with managing the news to suit the coporate interests of its parent, the *San Francisco Chronicle*. Kihn, who said he was tricked into quitting his job, said other radio-equipped cars parked for long periods outside his home. And he said his friends and former wife were questioned by mysterious investigators seeking personal information. Kihn said the detectives had been hired by a law firm that does business with the *Chronicle*, a paper with a stake in the Newspaper Preservation Act.

Scripps-Howard's UPI wire service mentioned his damaging testimony, but buried it near the end of a long story, leading with far less sensational statements from Milwaukee's Mayor Henry W. Maier. However, the story omitted Maier's strong criticism of the Milwaukee *Journal* for alleged inadequacies in reporting local news.

Another witness that day, Bruce Brugman, publisher of the monthly *San Francisco Bay Guardian*, presented clippings of a story from his paper about the alleged spying. He said that only his paper and *Variety* had reported the news. He said he had personally handed the details to local managers of the two wire services and several radio stations, but that nobody used it or attempted to check it out. Both he and Kihn said after the hearing that they had told several radio and television stations in advance about their testimony, but none, including the *Chronicle*, even bothered to send a reporter or cameraman to the hearings. The *Chronicle* sent a lawyer to observe. Both Brugman and another witness, San Francisco lawyer Michael N. Khourie, testified that neither of the two major papers in that city had been reporting previous Senate sessions on the bill.

Brugman also told an incredible story about an alleged coin-minting operation in the *Chronicle* building two years ago, but never reported beyond the confines of his small periodical. According to the article presented by Brugman from his issue of August 10, 1967, *Chronicle* editor Scott Newhall developed a strange fascination that year for the tiny Caribbean island of Anguilla, 3,000 miles from San Francisco. At one point, said Brugman, Newhall had two copy boys spend a Sunday afternoon with a hydraulic press in the *Chronicle* building over-stamping Peruvian and Mexican silver coins with the words, "Anguilla Liberty Dollar." Brugman printed a photograph of the coin in his paper. The plan, according to Brugman's account, which was never refuted, was for Newhall, a coin collector, to mint 10,000 to help shore up Anguilla's sagging economy. The coins costing about $1 each were to be sold to private collectors for as much as $10, with all profits going to the island of Anguilla. This is another remarkable story that has been completely ignored by the nation's news media (though a bank took a full-page ad in *The New York Times* to promote the scheme).

The press has gained a reputation for prying secrets out of nearly every corner of life; and selling the news to all who are willing to pay for it. But, as the Senate hearings have shown once again, the watchdog that watches everyone else is reluctant to tell secrets about itself. Apparently not even the power of Congress can expose the full story or slow the quest for still more privileges for the press.

[From the New Republic, Jan. 17, 1970]

What the Vice President and the Press Kept Dark—Spiro Agnew's Candles

(By Morton Mintz)

There isn't much reason to doubt that Vice President Agnew has tried to intimidate the news media; and among newsmen there isn't much doubt that in many places, and in ways not always perceptible, he succeeded. What hasn't been sufficiently noticed, however, is that the media virtually ignored or blacked out significant and revealing aspects of the story.

Consider Agnew's speech in Montgomery. The Vice President anguished about "the trend toward monopolization of the great public information vehicles and the concentration of more and more power over public opinion in fewer and fewer hands." No one made much of the fact that Agnew had not a word to say about the very obvious examples of news media concentration surrounding him when he spoke. In Alabama the giant Newhouse Newspapers chain owns both dailies in Huntsville and Mobile, WAPI–TV–AM–FM in Birmingham and a CATV (community antenna television network) in Anniston. Newhouse and another giant chain, Scripps-Howard, share ownership of the daily papers in Birmingham. Close by, Newhouse owns the dailies in New Orleans and Pascagoula, Miss., and Scripps-Howard owns the papers and WMC–TV in Memphis. Along with the Hearst Corp., which according to reliable sources has enlisted cerain correspondents in a lobbying effort, the Newhouse and Scripps-Howard chains are highly active proponents of the proposed Newspaper Preservation Act. This bill, which would repeal a Supreme Court decision declaring a joint newspaper operating agreement in Tucson, Ariz., illegal, would legalize *per se* violations of the antitrust laws—especially profit-pooling and price-fixing. For years, such violations have been part and parcel of the joint operating agreements which unite separate ownerships, including Newhouse, Scripps-Howard and Hearst, in 22 cities.

But in Montgomery Mr. Agnew chose to savage two newspapers that happen to be among the extremely few to have the editorial courage to oppose the newspaper bill—*The New York Times* and *The Washington Post*, which are in two of the last three major cities to have three separately owned daily papers. To go to Montgomery (itself a monopoly newspaper town) to attack the *Times* and the Washington Post Co. was "like going to Cairo to attack Arthur Goldberg," Sen. Philip A. Hart (D. Mich.) remarked. Hart is the principal opponent of the bill in Congress. As chairman of the Senate antitrust subcommittee, he presided over two years of hearings on the measure.

Although it is noteworthy that Mr. Agnew did not mention the newspaper bill in his Montgomery speech, the almost universal failure of the print and broadcast news media to call attention to the omission is inexcus-

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able. The Vice President, if he has a taste for irony, might point this out some time. After all, as he said in Montgomery, he is "opposed to censorship of television and the press in any form." And if he has a taste for candor he might also deal with the split over the bill in the Nixon Administration—another newsy but widely ignored aspect of the matter.

With Budget Bureau—meaning White House—clearance the Justice Department has testified strongly and even eloquently against the bill before the Senate and House antitrust subcommittees. In June, Richard W. McLaren, Assistant Attorney General for antitrust, told Hart's unit that the bill would free a publisher making an undocumented claim of financial distress "to agree with his competitor to eliminate all commercial competition and share with him the fruits of an absolute monopoly." *Absolute monopoly.* Strong words. Was Mr. Agnew listening?

Practices such as profit-pooling and price-fixing "are illegal in and of themselves," McLaren continued. By legalizing them "the bill would flout the basic principles of the free enterprise system," he warned. "If a company, including a newspaper, can be saved only by eliminating all competition between it and its competitors, *we doubt that any good case can be made for the preservation of so lifeless an enterprise.* In these circumstances we believe it would be better to permit its disappearance from the market, thus making room for its replacement by a more robust competitor." (Emphasis supplied.) In addition, McLaren cited "the lack of any indication that such extreme measures as price fixing or profit pooling are in fact necessary to permit the independent existence of today's newspapers."

With this total rejection of the rational for the bill—that the "extreme measures" are necessary in order to preserve the independent editorial voices of failing newspapers—McLaren turned to a fundamental issue of public policy. Saying that newspapers "serve a vital function in acting as a watchdog on government," he declared: "To perform this function effectively, newspapers must remain independent of government and deal with it at arm's length, affording government no immunity and seeking none from it. I do not personally believe that, in the long run, government promotes newspaper independence by granting newspapers special favors. To exempt newspapers from the most well-established of antitrust prohibitions . . . would without doubt invite pleas for similar special-interest treatment from others, such as book publishers, magazines, and the motion pitcure industry . . . Having sought such exemption itself, the newspaper industry will be in no position to deal with such efforts in an objective fashion, and thus to perform its basic public service function."

But McLaren was to be caught utterly by surprise—and embarassed and saddened—by a series of events that began on a September day when Richard Berlin, president of the Hearst Corp., went to the White House to see Mr. Nixon, possibly at something less than arm's length. A couple of days later, the Commerce Department gave a surprise endorsement to the bill at a hearing of the House antitrust subcommittee. In 47 years in Congress, Chairman Emanuel Celler (D, N.Y.) said, he never knew of a case in which anyone but the Justice Department could speak for the White House on an antitrust bill. The Commerce Department, like the Justice Department, had Budget Bureau clearance. But it turned out that the Budget Bureau in the Nixon Administration resembles George Orwell's *Animal Farm* in that some clearances are more equal than others. In this case, McLaren had to admit to Celler on Sept. 25, not Justice but Commerce spoke for the President, even though his close adviser, Attorney General John N. Mitchell, had backed the antitrust chief. Celler's on-the-spot characterization of the situation was illuminating: the Administration was trying to "light one candle for Christ and one for the Devil and take no chances."

Aides to Mr. Nixon and Mr. Agnew, responding to a query about the Vice President's position on the bill, said that "the Administration" supports it. Sen. Hart, suggesting that Mr. Agnew really ought to talk to Mr. Mitchell, said "the Administration" is "half-right." What it comes down to is that Mr. Agnew lit one candle for deconcentration and one for concentration. But by failing to point out the inconsistency the news media as well as Mr. Agnew took no chances.

Similar issues are raised by the bill sponsored by Sen. John O. Pastore (D, R.I.) and zealously sought by the very networks Mr. Agnew denounced in Des Moines and Montgomery, as well as by concentrated ownerships with both broadcast holdings and "failing" newspapers. The Pastore measure would protect and advance concentration by making it almost impossible for anyone—including aggrieved minorities and groups that would offer more programming in the public interest—to have a hearing to protest and compete against existing licenses at renewal time. The Vice President, in his speeches, did not take a position on the bill, although it cannot be reconciled with his complaint about "the growing monopolization of the voices of public opinion." The President, at his press conference on Dec. 8, was questioned by network reporters about the speeches (he endorsed Mr. Agnew's position on fair reporting and commentary without specifically reaching the concentration issues) but not about the Pastore bill. Of course, the President left no doubt that concentration does not really trouble him when—after getting clearance from the broadcast industry—he named Dean Burch chairman and Robert Wells, who came from an outfit with multiple newspaper and broadcasting interests, a member of the Federal Communications Commission. On Dec. 17, they both voted against sending questionnaires to six conglomerates about connections between their broadcasting and their other business activities.

Mr. Agnew did not protest the immense contribution to concentration that the Pastore bill, which has every chance of success, would make. The broadcasters failed to tell us about that, and the print media—with very few exceptions—failed to tell us, too. Some in the business chalk up such omissions to "news judgment."

[From the Guild Reporter, Jan. 23, 1970]

The Newspaper Industry: Kill the Obituary! the Corpse Is Very Much Alive

Lord Thomson of Fleet, who owns more newspapers than anyone else in the world, 173 in all, including 62 daily, weekly and Sunday papers in the U.S., recently was asked why he keeps buying them whenever and wherever he can.

"Obviously," he replied, "because there's money in them. I'd be a fool—wouldn't I?—if I bought them for any other reason."

He was reminded that nearly all the prophets of the electronic age, and especially his fellow Canadian, Marshall McLuhan, insist that radio, television, CATV, communications satellites, computers and other electronic marvels soon to come are making the printed word obsolete.

Thomson, who, at 75, sometimes forgets that he's now a peer of the realm and not just plain Roy Thomson, the son of a Toronto barber and a chambermaid, snapped: "McLuhan's craz—." Then he caught himself: "No, don't say that. Just say I disagree with him."

It may come as a surprise to many, but Lord Thomson unquestionably has the better of the argument.

Actually, since 1945, the newspaper industry has been remarkably stable. There were 1,749 dailies in the U.S. then, three less than there are today. Of course, they are not all the same dailies. Papers did fail, but for every one that failed another was born.

By and large, the newspapers that failed were either in communities too small to support them in this era of constantly rising costs or else in cities like New York, Boston, Detroit and San Francisco, where the middle class has been leaving for the suburbs. The people replacing them are, for the most part, the poor and even the indigent. These people, naturally, are not an ideal target for advertisers.

Meanwhile, however, suburbia has been flourishing. That is where the new papers are being started. And that's where the money is.

At the end of World War II, the population of Marin County, Calif., was 50,000. It's now more than 200,000. As a result, the circulation of the San Rafael Independent-Journal has risen from 6,000 to 45,000. Does Publisher Wishard A. Brown have problems? Certainly.

"A problem for us," he says, "is that we have too much circulation and our circulation is too effective. People respond to our advertising to such a degree that advertisers don't have to buy as much advertising."

The fact is that, on the whole, the newspaper industry has never been healthier, not even in the heyday of Joseph Pulitzer and William Randolph Hearst. Advertising revenues and circulation are increasing. Net income in recent years has represented a far greater return on revenues than those in other manufacturing industries.

Look at the statistics:

Since 1949, television advertising revenues have risen from a paltry 57.8 million dollars to 3.2 billion dollars last year. This is a sensational increase. Surely, TV must have cut into newspaper advertising revenues.

Look again: Newspaper advertising revenues have risen, too, from 1.9 billion dollars to 5.3 billion dollars, and this rise has almost exactly paralleled the rise in TV revenue. Newspaper advertising revenue today is almost as great as television, radio and magazine advertising revenues combined.

Meanwhile, circulation has been increasing, too, from 51 million in 1946 to 62.5 million last year. The population has expanded more rapidly, but this, as Jon G. Udell, director of the Bureau of Business Research and Service of the University of Wisconsin, pointed out in a recent study "does not provide a fair and meaningful comparison because babies and small children do not read newspapers."

The market for newspapers, says Udell, is concentrated almost entirely in the population between the ages of 21 and 65. And the rise in newspaper circulation has exceeded the growth in that segment of the population.

Most newspapers in the U.S. are privately owned; in fact, most newspaper publishers are the sons and even the grandsons of newspaper publishers. It's a family business. Since these publishers don't issue annual reports, it's almost impossible to figure out just how profitable are the newspapers they own. What is more, most publishers of privately owned newspapers habitually cry poverty. And, even when they admit to making profits, they grumble.

James S. Copley, who runs a chain of 14 dailies based in San Diego, Calif., recently was asked: "Can the publisher of a small-town newspaper make as high a return on his investment as he would, say, if he put his money into a savings and loan account?" S&Ls in California now pay 5.25 percent.

Copley replied: "That's going to vary from market to market, but generallly I'd say he could make more money elsewhere."

Robert Letts Jones, president of the Copley Newspapers, interjected: "To us, newspapering isn't just money." Copley resumed: "In some towns it would be impossible to make as much from newspapering as from putting the money into an S&L, in Southern California especially."

Copley and Jones are typical of those publishers who run privately owned newspapers. They insist they're just getting along. And, typically, when asked for the kind of figures that every publicly owned corporation supplies as a matter of course, they refuse to give them.

Across the continent, in Allentown, Pa., Donald P. Miller, who, with his family, owns 90 percent of the company that publishes The Morning Call, the Evening Chronicle and the Sunday Call-Chronicle, burst out laughing.

"I don't even tell my stockholders the kind of figures you're asking for," he said. "I have 27 of them. All I ever tell 'em is that we did very good or that we didn't do quite as good as I'd hoped."

Characteristically, the publishers, who constantly talk about "the public's right to know," bar their own reporters from the annual conventions of the ANPA.

Despite this, there is ample evidence that newspapers, Copley's included, are a far better investment than an S&L account. One is the annual studies that Editor & Publisher, the weekly news magazine of the newspaper industry, makes of medium-sized dailies and of dailies with a circulation of 250,000 or more.

These studies are based on top-secret reports from the newspapers themselves. Examine the last statistical analysis of what E&P calls the "medium-city newspaper":

Operating expenses in 1968 amounted to 3.5 million dollars, $131,300 more than in 1967. Operating profit was 1.4 million dollars versus 1.2 million dollars, a very nice 28.6 percent. Profit after taxes was $660,900, an increase of 5.6 percent over the year before. In other words, E&P's medium-city newspaper netted close to 14 percent on revenues.

Since the publishers of privately owned newspapers are so passionately secretive, there's no way of knowing what the medium-city paper returned on stockholders' equity.

E&P's study of newspapers with a circulation of 250,000 or more is equally revealing. On the average last year, they had revenues of 16.5 million dollars. This study does not disclose what the operating profit was or what the newspapers paid in taxes, but it does reveal how much they made after taxes. It was 3.7 million dollars, 22.4 percent of revenues.

In contrast, according to a study made by the First National City Bank, the average net profit on revenues for all manufacturing industries last year was 5.8 percent. Even the drug industry netted only 9.5 percent on revenues.

Another indication of how profitable newspapers can become from the annual reports of those newspapers that are publicly owned. Lord Thomson's newspapers in the U.S. and Canada are run by a company in his empire called Thomson Newspapers Ltd. Last year, they had revenues of 92.9 million dollars. Operating profit was 28.7 million dollars, 31 percent. After depreciation, interest on long-term debt, income taxes and similar costs, Thomson Newspapers Ltd. netted 9.1 million dollars, 9.8 percent of revenues. It returned 16.9 percent on stockholders' equity.

No wonder Lord Thomson doesn't take Marshall McLuhan very seriously.

The Gannett newspaper chain has nothing to sob about, either. Gannett Co., Inc., owns newspapers in 25 cities and towns, mostly in New York State but also in Connecticut, Florida, Illinois and New Jersey.

Gannett went public in December 1968. Its first annual report shows that, in 1968, revenues from circulation amounted to 31 million dollars, up from 28.1 million dollars in 1967 and 20.6 million dollars in 1964. Advertising revenue was 84.2 million dollars, up from 74.5 million dollars in 1967 and 53.1 million dollars in 1964. Total revenues: 115.2 million dollars, an increase of 12 percent over 1967, 56 percent over 1964.

Perhaps the best indication of how profitable newspapers are is this: Try to buy one.

It's not completely impossible. Newspapers do change hands, but, considering the size of the industry, rarely.

In December 1968, Walter B. Kerr, formerly president of the Santa Fe New Mexican, published a study of just how many had changed hands in the preceding year. The grand total: 37 of the nation's 1,749 dailies. In the first ten months of 1968 only 18 changed hands. Of these 55 papers, eight had circulations of less than 5,000; 13 were in the 5,000-to-10,000 bracket; 17 in the 10,000-to-25,000 bracket, and 14 in the 25,000-to-50,000 bracket.

"Only three of the 243 papers in the U.S. with sales of more than 50,000 to more than 500,000 were sold in this two-year period," Kerr reported. This, he said, was not because of a lack of would-be buyers but "because . . . few of the medium-to-large enterprises are for sale."

George Romano and his partner, Vincent J. Manno, are two of the leading newspaper brokers in the U.S. Romano says: "We have a dozen buyers for every seller. We've gone as long as a year without closing a deal. No one has to put up a 'For Sale' sign. People will come knocking on his [the seller's] door anyway."

How does one evaluate the worth of a newspaper? Everyone agrees: There's absolutely no way of doing so.

One Eastern publisher, when asked how much he thought his paper was worth, answered: "How much do you think your wife is worth?"

Another Eastern publisher, who permits his executives to buy stock in the paper, which they must sell back to him when they leave, was asked how much he pays for it when he buys it back. He recited a formula complicated enough to make a nuclear physicist's mind reel. Just as the questioner had figured out that he pays roughly 25 times earnings, he added: "Of course, the stock is worth a helluva lot more. If I ever decided to sell, and I can't imagine why I would, I'd ask a helluva lot more."

Publishers usually are in a position to bid far more for a newspaper than nonpublishers. In part, this is because they know the business and can hope to make considerably more from the newspaper than someone who still has to learn it. The newspaper they seek, moreover, may fit in with the properties they already own. By purchasing it, they may be able to establish a monopoly of a circulation area.

Most important of all, buying other newspapers is a way for publishers to retain earnings without paying excess-profit taxes; the tax laws view it as a legitimate form of expansion, and therefore publishers can use retained earnings for this purpose.

Almost invariably, therefore, when a newspaper changes hands it goes to another publisher. That is why newspaper chains are growing. Almost half the newspapers in the U.S. are now owned by chains.

From the few hard-and-fast statistics that have become public, newspapers seem to sell usually for about twice revenues; that is, E&P's typical medium-city newspaper should be worth about 10 million dollars. However, there are papers that have gone for three and even four times revenues.

Publisher Wishard Brown of the San Rafael Independent-Journal says he knows of a paper roughly in the same class as his that sold four years ago for 12 million dollars. Brown's paper last year had revenues of 4.5 million dollars. Assuming that four years ago the paper he's talking about had revenues of 4 million dollars, this means it went for three times revenues. Brown says:

"The price some papers are going for, regardless of what price I put on mine, somebody would pay it."

There is a reason for these prices:

Monopoly is the key to profitability in the newspaper industry generally. The industry today is healthier than ever before precisely because the number of newspapers in the U.S. declined from 1920 through 1945. It left the industry what William Lobe, the maverick right-winger, who publishes the Manchester (N.H.) Union-Leader, calls "an unregulated public utility."

In most communities, one publisher owns all the dailies in the county. Elsewhere, one publisher may own the morning paper while another owns the evening paper, they compete but they do not compete head-on.

In many cases, these monopolies extend far beyond the cities where the newspapers are published. Gannett's monopoly extends for 100 miles in every direction from Cape Kennedy. Media General's Richmond, Va. newspapers blanket 40 counties. The Allentown (Pa.) Call-Chronicle Co.'s newspaper blanket nine counties. Loeb has the only Sunday paper in the whole state of New Hampshire.

Many newspaper publishers, though not all, hate that word, "monopoly." Says Don Miller [of the Call-Chronicle]: "What monopoly? Why, the Philadelphia Inquirer comes into my circulation area, and so does the New York Times. I have radio and television stations competing with me, and the weeklies are tough competition, too."

Such talk cannot be taken seriously. And the reason is the very same reason the newspaper industry has been able to prosper despite the miracles of the electronic age. They serve a purpose no other medium can.

In simple fact, the only real competition metropolitan newspapers have comes from suburban newspapers; the only real competitors small-city newspapers have are the surrounding weeklies. And both the metropolitan newspapers and the small-city newspapers have been meeting this challenge. They are buying suburban newspapers; they are publishing special editions that can compete with the weeklies both in specialized news and in advertising; they are publishing weekly inserts geared to a particular community as part of their regular editions.

Profitable as newspapers are today, the chances are they will be more profitable still in the years to come. For they are discovering the 20th Century. For one thing, they have learned that electronics can be added to printing to make the manufacture of newspapers more efficient and less expensive.

Along with the virtues of technological development the newspaper industry also has discovered the virtues of public ownership. Although most newspapers still are privately owned, an increasing number are going public.

One reason is the problem of inheritance taxes. Another, says Chairman Tennant Bryan of Media General, "is the fact that families have a tendency to proliferate. You take a newspaper owned by the same family for three generations. Just think of how many descendants there are. Ownership and control have become so fragmented that going public is a necessity."

A third reason is the expansion of the chains: This requires more money than many of them have; the stock market is the place to get it.

Media General's Alan Donnahoe believes that "public ownership eventually is going to give us more profitable newspapers because stockholders won't stand for the sloppiness and inefficiency of some publishers who are now answerable to nobody but themselves."

The newspaper industry does, of course, have problems. In the larger cities, the labor unions have been a perennial problem, for they have resisted technological change. The Antitrust Division of the Justice Department is a major problem, too, for it has become increasingly concerned about the lack of competition in the industry. It has won a

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court decree against an agreement by the morning and evening newspapers in Tucson, Ariz., to operate jointly, sell advertising jointly and pool profits. This could destroy similar agreements in 22 other cites.

Problems? Every industry has problems. It can stand a few of them when it's as profitable as the newspaper industry.

But Barron's found that such recent acquisitions as Newhouse's purchase of the Cleveland Plain Dealer for 51 million dollars amounted to a purchase price of as much as $120 per reader. And when Lord Thompson paid 72 million dollars for a dozen Brush-Moore dailies he was paying almost 200 times their combined circulation, Barron's said.

But the Los Angeles Times Mirror Co.'s recent purchase of the Dallas Times Herald made these look like "small potatoes," Barron's adds. The Times Mirror paid out about 360 times the daily circulation of the Dallas paper.

One publisher told Forbes that he estimates his stock is worth 25 times earnings.

"Of course," he added, "the stock is really worth a helluva lot more. If I ever decided to sell, and I can't imagine why I would, I'd ask a helluva lot more."

Another publisher told Forbes, "The price some papers are going for, regardless of what price I put on mine, somebody would pay it."

"Currently," Barron's adds, "publishers are beating the bushes seeking independent owners who may want to sell."

More and more newspapers are switching from family or private ownership to public ownership—and the trend will continue. Forbes and Barron's agree.

This means, of course, that the public is getting a peek at newspaper profits, formerly hidden from view.

It also means that newspaper publishers are under more pressure to increase their profitability, whether by expanding or by operating more efficiently, the two magazines agree.

Barron's says that expansion-minded publishers "will pay what seems a highly inflated price for a family-run newspaper, on the assumption that improved methods will boost the latter's earnings enough to make the deal, eventually, a bargain."

Forbes quotes a Media General (formerly Richmond Newspapers) executive who believes that "public ownership eventually is going to give us more profitable newspapers because stockholders won't stand for the sloppiness and inefficiency of some publishers who are now answerable to nobody but themselves."

"Finally," Barron's reports, "publishers, long suspicious of outsiders, are discovering at last that the open disclosure of highly profitable returns—far from hurting their image—greatly enhances it as well as the equity behind it."

Every indication, then, is that the newspaper business is highly profitable. But, *why* it is so profitable goes beyond the rising circulation and ad-revenue figures, the two magazines agree.

"Monopoly is the key to profitability in the newspaper industry generally," writes Forbes.

"The industry today is healthier than ever before precisely because the number of newspapers in the U.S. declined from 1920 through 1945," it declares.

Dailies in 97 percent of the nation's 1,500 cities "enjoy a 'monopoly' status," Barron's says, adding that "the 'monopoly' paper in a suburb is particularly attractive."

"Perhaps the classic example of the benefits enjoyed from a near-monopoly position is the New York Times, now the only standard-sized general paper in town," Barron's says. When a stock-holder "unappeased by a four-year earnings jump to $1.64 a share from 46 cents" asked Publisher Arthur Ochs Sulzberger why the Times couldn't strive to become more of a regional newspaper. Sulzberger replied that the Times already has a substantial circulation in Boston.

A West Coast example of growth is the Los Angles Times, Barron's adds, citing the fact that a recent Orange County edition, "which management hoped to see in the black within two years, broke even within a couple of months."

The situation in Canada is also rosy, with an industry spokesman estimating that the next five years should be the most successful ever for newspaper advertising in Canada, according to Marketing. Steven Sohmer, vice president of the American Newspaper Publishers Association, said during a speaking tour in Canada that ad dollars lost to television in recent years were beginning to return to newspapers, Marketing reports.

Clyde McDonald, general manager of the Canadian Daily Newspaper Publishers Association, predicts an adlinage increase of nine percent, or 10 million lines this year, an increase he terms "fantastic." McDonald added that there has been a 10-percent rise in Canadian newspaper ad revenues, up seven million dollars.

The portrait painted by Barron's and Forbes depicts a thriving, growing industry that has achieved, as Barron's puts it, "Pi in the Sky."

Blue Chip Investment: News Stocks Bullish

For the past two years, Forbes reports, Donald P. Miller of the Call-Chronicle Co., which is family-owned, has been investing his reserves in the stock of publicly owned newspapers. He says: "They're just as liquid as Treasuries and a good deal better."

His portfolio now includes the New York Times, the Gannett newspapers, Media General, Capitol Cities Broadcasting (which owns the Fairchild newspapers), Corinthian Broadcasting, the Times Mirror Co., the Knight newspapers, the Lee newspapers and Dow-Jones. It represents a total investment of $277,800.

"The other morning," Forbes writes, "sitting in his office in Allentown, Pa., Miller did some quick calculating on a machine behind his desk.

" 'Since we started buying these newspaper stocks,' he said, 'the market has gone down about 20 percent. Our newspaper stocks are now worth $302,600, which means they're up 8.9 percent.'

"Miller has been wise in his choice of newspaper stocks. Not all of them managed to rise in a declining market.

"On the other hand, Miller's basic point is right: Newspaper stocks generally have been going up despite the 11.5-percent decline of the market this year. Recent quotations showed the New York Times up 7 percent since Jan. 1; the Knight newspapers, 28 percent; the Times Mirror Co., 3 percent; Media General, 20 percent; Dow-Jones, 3 percent."

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. AIKEN (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Arizona (Mr. Goldwater). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Connecticut (Mr. Dodd). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from Connecticut (Mr. Ribicoff), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Montana (Mr. Metcalf) is absent on official business.

I further announce that, if present and voting, the Senator from Missouri (Mr. Eagleton), the Senator from Texas (Mr. Yarborough), and the Senator from Connecticut (Mr. Dodd) would each vote "yea."

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Connecticut (Mr. Ribicoff) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), the Senator from Vermont (Mr. Prouty), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Kansas (Mr. Dole), the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) would each vote "yea."

The pair of the Senator from Arizona (Mr. Goldwater) has been previously announced.

The result was announced—yeas 64, nays 13, as follows:

[No. 26 Leg.]

YEAS—64

Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Cannon
Case
Church
Cook
Cooper
Cranston
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Miller
Montoya
Moss
Murphy
Pastore
Pearson
Pell
Proxmire
Randolph
Russell
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—13

Burdick
Cotton
Fulbright
Goodell
Hart
Javits
Kennedy
McGovern
McIntyre
Mondale
Muskie
Nelson
Percy

ANSWERED "PRESENT"—1

Byrd of Virginia.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Aiken, against.
Byrd of West Virginia, against.

NOT VOTING—20

Allott
Dodd
Dole
Eagleton
Goldwater
Gravel
Mathias
McCarthy
McGee
Metcalf
Mundt
Packwood
Prouty
Ribicoff
Saxbe
Schweiker
Smith, Ill.
Tower
Tydings
Yarborough

So the bill (S. 1520) was passed, as follows:

S. 1520

An act to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Newspaper Preservation Act".

DECLARATION OF POLICY

SEC. 2. In the public interest of maintaining the historic independence of the newspaper press in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been or may be entered into because of economic distress.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "antitrust law" means the Federal Trade Commission Act and each statute defined by section 4 thereof (15 U.S.C. 44) as "Antitrust Acts" and all amendments to such Act and such statutes and any other Acts in pari materia.

(2) The term "joint newspaper operating arrangement" means any contract, agreement, joint venture (whether or not incorporated), or other arrangement entered into by two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method, and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution.

(3) The term "newspaper owner" means any person who owns or controls directly, or indirectly through separate or subsidiary corporations, one or more newspaper publications.

(4) The term "newspaper publication" means a publication produced on newsprint paper which is published in one or more issues weekly, and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion.

(5) The term "failing newspaper" means a newspaper publication which, regardless of its ownership or affiliations, (i) is in probable danger of failure, or (ii) appears unlikely to remain or become a financially sound publication.

(6) The term "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

ANTITRUST EXEMPTION

"SEC. 4. (a) It shall not be unlawful under any antitrust laws for any person to perform, enforce, renew, or amend any joint newspaper operating arrangement entered into prior to the effective date of this Act, if at the time such arrangement was first entered into, not more than one of the newspaper publications involved in the performance of such arrangement was a publication other than a failing newspaper.

"(b) It shall be unlawful for any person to propose, enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General of the United States. Prior to granting such approval, the Attorney General shall determine that not more than one of the newspaper publications involved in the performance of such an arrangement was a publication other than a failing newspaper: *Provided, however,* That any publication may at any time propose, enter into, perform, or enforce an agreement with any person if such agreement was not prohibited by law prior to the effective date of this Act.

(c) Nothing contained in this Act shall be construed to exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise lawful operations of a joint newspaper operating arrangement which would be unlawful under any antitrust law if engaged in by a single entity. Except as provided in this Act, no joint newspaper operating arrangement or any party thereto shall be exempt from any antitrust law.

PREVIOUS TRANSACTIONS

SEC. 5. (a) Any civil action in any district court of the United States in which a final judgment or decree has been entered, under which a joint newspaper operating agreement has been held to be unlawful under any antitrust laws shall be reopened and reconsidered upon application made to such court within ninety days after the date of enactment of this Act by any party to the contract, agreement, or arrangement by which such joint operating agreement was placed in effect, whether or not such party was a party to such action. Upon the filing of any such application with respect to any such action, any final judgment or decree theretofore entered therein shall be vacated by the court. The provisions of section 4 shall apply to the determination of such action by such court upon such reconsideration.

(b) The provisions of section 4 shall apply to the determination of any criminal action pending in any district court of the United States on the date of enactment of this Act in which it is alleged that any such joint operating agreement is unlawful under any antitrust law.

(c) The provisions of section 4 shall have no application to any action for the recovery of damages brought before November 4, 1969, by any party other than the United States upon a cause of action arising under any of the antitrust laws which accrued before such date: *Provided,* That this subsection (c) shall apply to the recovery of damages only by the named parties plaintiff who filed or intervened in such action by such date, and not by any other members of any class on behalf of whom such action purports to be filed who have not so filed or intervened by such date.

SEPARABILITY PROVISION

SEC. 6. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act, and the applicability of such provision to any other person or circumstance, shall not be affected thereby.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BENNETT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, issues dealing with the antitrust laws are as complex as any that are presented to the Senate. This bill is no exception. It was handled with great skill by the principal sponsor of the legislation, the distinguished Senator from Hawaii (Mr. INOUYE). To him and to the distinguished Senator from Michigan (Mr. HART), the chairman of the Subcommittee on Antitrust and Monopoly, who had raised significant reservations and objections to the import of this bill, the leadership wishes to express its sincere thanks as well as admiration. The arguments were presented succinctly and forcefully by them and the expeditious manner that has been set on this measure should set a fine example for the remainder of the session.

To them and the distinguished Senators from Nebraska (Mr. HRUSKA), from New Hampshire (Mr. MCINTYRE), from Hawaii (Mr. FONG), from Arizona (Mr. GOLDWATER and Mr. FANNIN), the leadership is indebted for assisting in the orderly disposition of the Senate's work.

THE 25TH ROLLCALL VOTE THIS SESSION

Mr. SCOTT. Mr. President, if I am correct, the vote on the passage of the bill is the 25th rollcall vote taken this session. I think it is interesting to note that in the first session of this Congress it was not until the 13th of May that the Senate reached its 25th rollcall vote. Therefore, this is indeed progress. It shows the beneficial results of the fact that we are reminded by others, and frequently remind ourselves, of the necessity of expediting the work of the Congress. I am delighted to be able to make this report.

The PRESIDING OFFICER. The Chair is delighted to be so notified.

Mr. MOSS. Mr. President, if I may observe, in view of the statement made by the minority leader, this is the second session of the 91st Congress, and I would think we would be starting to vote earlier this time than we did last year.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, may I now inquire as to the order of business for the remainder of the day and for the immediate future?

Mr. MANSFIELD. Four bills will be taken up this afternoon. Three of them are noncontroversial. There will be some discussion on one of them. Then it is intended to lay before the Senate the mass transportation bill as the business on Monday.

I had thought that we would go into Saturday on the pending measure. Fortunately for all of us, this will not be necessary and, therefore, with no business before us, we will not meet tomorrow; it is not the intention of the joint leadership to hold sessions on Saturday just for the purpose of making an appearance here.

Mr. SCOTT. I thank the Senator.

PROJECTS FOR PAID ADVERTISING UNDER MARKETING ORDERS APPLICABLE TO TOMATOES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 628, S .1862.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1862) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937 to permit projects for paid advertising under marketing orders applicable to tomatoes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, in line 4, after the word "Act", strike out "of 1933"; so as to make the bill read:

S. 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(6)(I) of the Agricultural Adjustment Act as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An act to amend section 8c(6)(I) of the Agricultural Adjustment Act to permit projects for paid advertising under marketing orders applicable to tomatoes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, No. 91-637, explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill is identical to title II of S. 1811, which passed the Senate on October 16, 1969, and again on October 20, 1969. S. 1181 contained rather detailed legislation with respect to potatoes in addition to this simple provision for tomatoes. On November 12, the House rejected H.R. 2777, which was a companion bill to the potato provisions of S. 1181; and there is therefore now no possibility of enactment of S. 1181. There has at no time been any opposition to the provisions of S. 1181 dealing with tomatoes.

This bill amends section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c (6)(I)) to add tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. Promotional programs under marketing orders are already authorized, but paid advertising can be included in them only if specifically authorized. At present paid advertising is authorized for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. The bill would add tomatoes to this list.

Before an order can be issued, hearings are held, and all its terms must be approved by the Secretary of Agriculture and by two-thirds in volume or number of the producers.

The committee amendments are of a purely technical nature. They amend the bill and its title so that they correctly cite the act being amended by the bill.

INTERNATIONAL ANIMAL QUARANTINE STATION

Mr. MANSFIELD. Mr. President I ask unanimous consent that the Senate turn to the consideration of Calendar No. 629, S. 2306.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2306) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 2, line 6, after the word "station," insert: "The Secretary of Agriculture, on behalf of the United States, is authorized to accept any gift or donation of money, personal property, buildings, improvements, and other facilities for the purpose of conducting the functions authorized under this Act.";

So as to make the bill read:

S. 2306

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is authorized, in his discretion, to establish and maintain an international animal quarantine station within the territory of the United States. The quarantine station shall be located on an island selected by the Secretary of Agriculture where, in his judgment, maximum animal disease and pest security measures can be maintained. The Secretary of Agriculture is authorized to acquire land or any interest therein, by purchase, donation, exchange, or otherwise and construct or lease buildings, improvements, and other facilities as may be necessary for the establishment and maintenance of such quarantine station. The Secretary of Agriculture, on behalf of the United States, is authorized to accept any gift or donation of money, personal property, buildings, improvements, and other facilities for the purpose of conducting the functions authorized under this Act. Notwithstanding the provisions of any other law to prevent the introduction or dissemination of livestock or poultry disease or pests, animals may be brought into the quarantine station from any country, including, but not limited to, those countries in which the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists, and subsequently moved into other parts of the United States, in accordance with such conditions as the Secretary of Agriculture shall determine are adequate in order to prevent the introduction into and the dissemination within the United States of livestock or poultry diseases or pests. The Secretary of Agriculture is authorized to cooperate in such manner as he deems appropriate, with other North American countries or with breeders' organizations or similar organizations or with individuals within the United States regarding importation of animals into and through the quarantine station and to charge and collect reasonable fees for use of the facilities of such station from importers. Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 2. The provisions and penalties of section 545 of title 18, United States Code, shall apply to the bringing of animals to the quarantine station or the subsequent movement of animals to other parts of the United States contrary to the conditions prescribed by the Secretary in regulations issued hereunder.

SEC. 3. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HRUSKA. Mr. President, on June 5, 1969, I introduced S. 2306, entitled "The International Livestock Quarantine Station Act." This bill provided that the Department of Agriculture would have the authority to establish and operate an international animal quarantine station on an island within the territory of the United States, and, in connection with the station, permit the movement of animals into the United States which would otherwise be prohibited or restricted under the animal quarantine laws.

Many livestock producers and organizations have written to me expressing their strong support for S. 2306 and urging prompt action. The interest in this bill has continued to grow, as both consumers and producers have realized the benefits that can accrue.

I am deeply gratified for the action of the Senate Agriculture and Forestry Committee in recommending this bill favorably. The hearings held by Senator JORDAN's Subcommittee on Agricultural Research and General Legislation were conducted by the chairman with keen interest and very complete examination of the witnesses. Senator JORDAN, and other subcommittee members, displayed their great knowledge of the livestock industry and its needs during those hearings. They covered fully the many aspects of this proposed animal quarantine station, and the hearings were an education for all of us who attended.

Mr. President, our livestock industry is the most efficient and productive in the world. It provides our growing population with an ample supply of wholesome and inexpensive meat and dairy products and provides numerous allied industries with the basic supplies for their ultimate products. Cash receipts from sale of meat animals in 1968 were $15.4 billion, and cash receipts from dairy products amounted to $6 billion, a total of over $21.4 billion. There can be little doubt then that the livestock industry is a major industry, and vital to our economic as well as our physical health.

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A great challenge faced by the livestock industry today is increasing its productivity at the necessary rate to keep up with the demand, and to do so on increasingly smaller amounts of land. One answer to this challenge is to improve the quality of the animals so that fewer animals can provide a greater quantity of produce.

Seeking to improve the quality of American animals, the livestock producers have become vitally concerned with "hybrid vigor," which is the description used for new germ plasm for breeding stock.

Hybrid vigor from new blood lines can have many salutary advantages for the stock. It can improve productivity, that is, the ratio of the number of births to the number of head of breeding stock each year. New germ plasm can greatly improve the survival rate, and reduce the loss of young stock.

This crossbreeding can promote more rapid growth of livestock, and enable producers to market them sooner. And finally, crossbreeding can improve the feed conversion rate of the livestock, which means that they can put on weight more quickly with less amounts of feed. For these reasons, American livestock industries are vitally interested in obtaining new bloodlines.

The demand for new bloodlines has directed attention to importing into the United States new and different breeds from foreign countries. Importing new bloodlines is not an easy task, however, because of the threat of foot-and-mouth disease.

Only a few countries are free of foot-and-mouth disease—all of North America and Central America, most of the countries or islands of the Caribbean area, Australia, New Zealand, Japan, Republic of Ireland, North Ireland, Channel Islands, and Norway. All other European countries, Soviet Union, South America, and African nations and the Middle and Far Eastern countries are recurring sources of the disease for the rest of the world.

After the United States eradicated the remnants of the disease in 1929, and poignantly aware of the resulting losses, the Congress in 1930 passed a law to regulate strictly importation of products which are potential carriers of foot-and-mouth disease. This legislation was embodied in the Tariff Act of 1930. It prohibits importation of susceptible animals and fresh-chilled or frozen meat from countries where foot-and-mouth disease exists. Since its enactment, this disease has been effectively precluded from this country. But, the restrictions under this law, while once wholly effective, do not provide the same protection today, in an era of increasing efforts of other nations to export their livestock to the United States to meet the breeding needs of our livestock industry.

The Canadian Government has created two animal quarantine control centers to receive livestock from countries with foot-and-mouth disease, and has established a strict procedure of maximum quarantine for those animals.

U.S. livestock interests have then been able to purchase livestock from the Canadians after the animals were declared safe by the Canadian Government. This total procedure, however, has become very costly. It has been estimated to cost at least $5,000 per head for this quarantine procedure.

The Canadian Government deserves to be commended for its high standards. Requiring very thorough, extensive, and elaborate controls on livestock coming from countries such as France, and then requiring a period of quarantine, the Canadian Government has been able to exclude completely any animal carrying foot-and-mouth disease from ever being released from the center.

The United States has relied upon the Canadians to apply the strictest controls and the Canadians have not breached that trust. This relationship has been, and I am confident would continue to be, satisfactory and wholly responsible. The Canadians, of course, have reason enough to be dissatisfied with this as a permanent arrangement because many of the livestock head are ultimately sold in the United States even though Canada supervises the importation and quarantine. In fact, the Canadians have recently imposed a 3-year embargo on export of livestock which has come into Canada through the quarantine procedure.

Also the United States has reason to be concerned if only for the fact that although many of the livestock head do come to the United States, the United States does not control the apparatus of importation and quarantine. The Department of Agriculture has considered this lack of control as a minimal risk. In order to eliminate any doubts, however, it has ordered American veterinarians to meet any livestock shipments from foreign lands to Canada which would ultimately be bought by U.S. interests. This, the Department concedes, is expensive and a burdensome procedure. These are not the major reasons, though, for seeking United States control of importation and quarantine.

Other countries, such as Japan and Ireland, which are considered free of the disease under the tariff law of 1930, are now also seeking to establish quarantine centers for foreign livestock from afflicted countries for ultimate export to the United States.

The Department of Agriculture cannot continue to send American veterinarians to these nations to accompany those foreign livestock through all of the elaborate quarantine controls. Nor can the Department afford to take the risk of not sending those veterinarians.

The more disease-free countries that seek to do this, the greater the expense to the American Government, and the more difficult it is to supervise the increasingly diverse systems of quarantine control of other countries.

So, a U.S. livestock quarantine station will bring two major benefits to the livestock industry. It will permit more breeding livestock to be brought into the United States in volume considered necessary and it can be brought in more economically. Of equal importance, the U.S. Government will be in control of the facilities and we can assure that the veterinary tests and quarantine facilities will always be of the highest quality.

The potential benefits in our livestock production, especially of meat-producing animals, from the importation and organized use of exotic breeds of animals can be expected to promote more rapid growth of livestock and enable producers to market them sooner. Some of the improvements in livestock production would include beef cattle—an increase in weaning weight, postweaning growth rates and muscularity, a decrease in carcass waste fat, and improved fertility and calf survival; dairy cattle—an increase in milk production, fertility, and calf survival; sheep—an increase in lambing rate, lamb growth rate and muscularity and a decrease in carcass waste fat; and swine—an increase in prolificacy and muscularity, and improved efficiency of gain.

The Agricultural Research Service of the Department of Agriculture has carefully studied this matter and has determined that an international livestock quarantine station is feasible and desirable.

Among the reasons cited by the ARS to explain why an international livestock quarantine station is needed are the following:

First. Livestock products, particularly beef, are in high demand by consumers.

Second. Consumer desires in meat and milk are changing. There is interest in less fat but high content of other desirable nutrients.

Third. Producers are under stress from high production costs and they need to find ways to reduce costs and to increase efficiency and returns.

Fourth. The nature of production makes it difficult for producers to adjust quickly and to respond to consumer desires by patterning products to meet those consumer desires.

Fifth. Opportunities to adjust production practices, types of animals, and product characteristics are limited and require time.

Sixth. One important course of action is to breed and develop animals which are more productive and which can efficiently produce more desirable products.

Seventh. The genetic base of some classes of livestock now available in the United States is narrow. It is based on only a few of the many breeds of the world. In some cases our present breeds are based on a relatively few animals introduced from northern Europe 60 to 80 years ago.

Eighth. Science has demonstrated high potential of cross-breeding to increase reproduction, vigor, growth, and efficiency in production. In some cases it can also bring about, more rapidly than any other breeding procedure, changes in the character and composition of the product.

Ninth. Science has further shown that the wider the genetic diversity of the parent stock used in crossing the greater the benefits from hybrid vigor and the greater the possibility for changing production and product characteristics.

Tenth. Exotic germ plasm of plants from all over the world introduced in the United States has been a most important factor in bringing about the phenomenal new varieties of high-yielding crops of

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numerous kinds that are in every day use on farms and ranches.

Eleventh. Observations and preliminary investigations suggest that potential benefits are probable in livestock, especially the meat-producing species, in the order of magnitude observed with crops through the importation and organized use of exotic breeds of animals.

Twelfth. The use of certain exotic breeds likely can bring about desirable changes much faster than the same changes could be achieved within present U.S. breeds through long years of selection.

Thirteenth. The United States needs to provide a safe, orderly way to make the world's livestock population available for use in improving its livestock and livestock products.

Mr. President, the report of the Department of Agriculture, which recommended enactment of the bill, estimates that $2.5 million would be required for construction of the facilities and $1.3 million would be required annually for operating and maintaining the facility. After the first year, however, it is expected that expenses for operating the quarantine station would be financed largely by the collection of user fees from importers.

These costs are very reasonable when compared to the possible benefits. On the basis of available information, the Agricultural Research Service has estimated that by the year 1980 and thereafter annual benefits to the livestock producers and the public could amount to in excess of $1 billion.

Mr. President, the Agriculture Committee added a committee amendment to S. 2306 which would authorize the Secretary to accept gifts for the purpose of carrying out the purpose of the act. The Department recommended this amendment, and the committee found it reasonable and proper. I have no objection, either.

Mr. President, in an age when population growth of our Nation and of the world requires a constantly increasing demand on protein sources for healthy people, and when America is so blessed with a livestock industry capable of meeting the needs of our people with the greatest source of high protein meats and dairy products, which are a luxury and unattainable commodity in many lands, we must provide that industry with the necessary new bloodlines to improve its livestock, but, on the other hand, we cannot, and we must not expose this great industry to, and must protect it from all risks of this smallest of virus which could cause the greatest of tragedies.

A quarantine center owned and operated by the United States for all livestock imports from diseased areas of the world would be an ideal solution.

I ask unanimous consent to have a statement by the Senator from Kansas (Mr. DOLE) printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOLE

Mr. President, my home state of Kansas is well known for its production of wheat. Through recent years Kansas has also become a leader in the cattle industry. Increasing numbers of beef cattle are being bred, fed and processed in Kansas to the point that Kansas State University recently disclosed facts that the cattle and beef industry in Kansas is the number one contributing element in the Kansas economy—nearly $1.2 billion in 1968.

With the growth of industry in our state, we have become aware of the importance of constantly improving its quality and efficiency. There is a considerable potential for improvement of cattle and other livestock through the introduction of new genetic configurations and blood lines into the strains common to the U.S. Throughout the world varieties of livestock and other domesticated animals exist which possess characteristics of heartiness, fertility and slaughterweights unknown to animals bred in the United States.

Although these foreign strains may hold great potential for the improvement of American livestock, a serious and, therefore, almost insurmountable barrier has existed to their introduction into this country. Because of the grave and justified concern for the control and elimination of animal diseases, especially foot and mouth disease and rinderpest, U.S. laws regulating the importation of breeding animals have effectively barred all imports of breeding stock.

Recognizing both the desirability of improving U.S. stock and the necessity for insuring continued freedom from disease, S. 2306 embodies a highly desirable approach to the importation of foreign breeding stock. By establishing an island quarantine station where animals bound for the United States may be thoroughly examined and observed, this bill will enable our country to take advantage of the breeding advances made in other parts of the world while maintaining the same strict safeguards against disease that have been the hallmark of our national livestock production.

Mr. President, I urge my colleagues to act favorably in behalf of S. 2306.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–638), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill provides for the establishment of an international quarantine station, and the movement through it into the United States of animals which might otherwise be excluded by the animal quarantine laws. Such movement could be made only under conditions adequate to prevent the introduction of disease into the United States, and the Department of Agriculture advises that it regards such prevention as its prime responsibility. The bill would make it possible to bring in breeding stock to improve the U.S. livestock industry.

The station would be located on an island within U.S. territory. The Secretary would be authorized to acquire land by purchase, donation, or otherwise, to construct necessary improvements, and to charge user fees.

The committee amendment, which was recommended by the Department of Agriculture, would authorize the Secretary to accept gifts for the purpose of carrying out the act.

The committee's Subcommittee on Agricultural Research and General Legislation conducted hearings on the bill on December 8, 1969. All witnesses supported the bill.

The report of the Department of Agriculture, which recommends enactment of the bill, estimates that $2.5 million would be required for construction of the facilities and $1.3 million would be required annually for operating and maintenance costs. The latter amount would largely be recovered through user fees from importers.

The prime consideration in operation of the station should be prevention of the entry of livestock and poultry diseases. To this end—

1. The Department should make full use of current knowledge of foot-and-mouth disease, derived from both research and experience, and apply without deviation all necessary requirements to prevent introduction of these diseases into any part of North America.

2. Access to the quarantine facility should be restricted to surface carriers. Shipment of animals by air inevitably creates problems of availability of alternate landing sites, none of which would be equipped to provide the necessary safeguards against disease transmission.

3. No animals should be brought to the quarantine facility until all necessary buildings, equipment, and staff are available.

4. Provision should be made for the immediate destruction and disposal of all susceptible animals exposed to any outbreak of foot-and-mouth disease or rinderpest that may occur at the quarantine station.

5. Adequate measures should be provided to protect against the introduction of other important communicable diseases including, but not limited to, tuberculosis, brucellosis, scabies, trichomoniasis, vibriosis, anaplasmosis, and piroplasmosis.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the joint resolution (S.J. Res. 131) to welcome to the United States Olympic delegations authorized by the International Olympic Committee, and it was signed by the Acting President pro tempore.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, January 30, 1970, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 131) to welcome to the United States Olympic delegations authorized by the International Olympic Committee.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 634, S. 3207.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3207) relating to the liabilities of Federal National Mortgage Association to the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was

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considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) In accordance with the provisions of section 303(a) of the National Housing Act concerning payment of a prescribed part of the general surplus and reserves of the corporation, the Federal National Mortgage Association shall pay to the Secretary of the Treasury $52,386,117.

(b) In accordance with the provisions of section 309(c) of the National Housing Act as it existed prior to September 1, 1968, the Federal National Mortgage Association shall pay to the Secretary of the Treasury the remaining income tax equivalent of $16,479,604, plus interest on $2,977,442 at the rate of 6 per centum from September 16, 1967, until the date of payment, on $13,442,424 at the rate of 6 per centum from September 16, 1968, until the date of payment, and on $59,738 at 6 per centum from November 16, 1968, until the date of payment.

(c) The receipt by the Secretary of the Treasury of the amounts required to be paid by subsections (a) and (b) of this section shall constitute a full and final settlement of all matters affected by such subsections. The United States shall be made a party defendant in any case against any person who is, has been, or may be a director, officer, employee, or agent of the Federal National Mortgage Association because of any action taken pursuant to subsection (a) or (b) of this section, and any judgment awarded the Federal National Mortgage Association shall be paid in the same manner as a judgment against the United States.

SEC. 2. Section 302(a) of the National Housing Act, as amended, is further amended by adding at the end thereof the following new paragraph:

"(3) The partition transaction effected pursuant to the foregoing paragraph constitutes a reorganization within the meaning of section 368(a)(1)(E) of the Internal Revenue Code of 1954; and for the purposes of such Code, no gain or loss is recognized by the previously existing body corporate by reason of the partition, and the basis and holding period of the assets of the corporation immediately following such partition are the same as the basis and holding period of such assets immediately prior to such partition."

SEC. 3. Section 810(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following sentence: "For the purposes of the Internal Revenue Code of 1954, no gain or loss is recognized by the holders of such stock on such change, and the basis and holding period of such stock in the hands of the stockholders immediately after such change are the same as the basis and holding period of such stock in their hands immediately prior to such change."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-644), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of this bill is to clarify the payment of certain accounts owed by the Federal National Mortgage Association to the Secretary of the Treasury in connection with the reorganization of the FNMA.

BACKGROUND OF BILL

The preferred stock of Federal National Mortgage Association, all of which was held by the Secretary of the Treasury was retired on September 30, 1968. At that time FNMA was required by section 303(a) to "pay to the Secretary of the Treasury for covering into miscellaneous receipts an amount equal to that part of the general surplus and reserves of the corporation (other than reserves established to provide for any depreciation in value of its assets, including mortgages) which shall be deemed to have been earned through the use of the capital represented by the shares held by the Secretary from time to time." That part of the general surplus and reserves of the Corporation deemed to have been earned through the use of preferred stock and carried on the books of the Corporation as representing the earnings attributable to the portion of the capital supplied by the United States, approximated $52 million. At the time payment of this amount was due to be paid to the United States, FNMA asserted a claim against it based upon a contention by its counsel that it should establish a reserve for depreciation in the value of its mortgages which would wipe out its entire surplus and leave nothing to be paid to the United States. Pending resolution of the issue the $52 million was placed in a special status account in the Treasury, subject to withdrawal upon the joint order of the Secretary of the Treasury and the Corporation.

Subsequently, on December 12, 1968, after the preferred stock had been retired and after FNMA ceased to be a Government corporation, its Board of Directors attempted retroactively to transfer all its surplus to an account called surplus reserves. The resolution stated that instead of the Board endeavoring to resolve legal questions or ambiguities, it would be more appropriate that such legal questions or ambiguities be resolved either by clarification from the Congress or by authoritative interpretation from the courts.

Shortly before its becoming a private corporation, FNMA had changed its accounting procedures in such a way as to reduce its surplus and the tax equivalent payments made to the Treasury by approximately $16 million. This change in accounting procedures was disallowed by the Treasury Department so that the total indebtedness of FNMA to the Treasury now exceeds $68 million.

After several consultations between Counsel for the Treasury and Counsel for the Corporation, it was concluded by the Treasury that there is no alternative but to bring suit against the Corporation to recover the amounts due. Before suit could be brought, however, the President of the Corporation indicated a willingness on the part of the Corporation to pay the full amount due but, because of an alleged concern over possible potential liabilities of officers and directors of the Corporation, the President of the Corporation requested that Treasury Department sponsor legislation. The Treasury Department agreed to this approach but made clear that if legislation is not enacted it sees no alternative but to pursue the matter in the courts.

DISCRIMINATORY STATE TAXATION OF INTERSTATE CARRIERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 623, S. 2289.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2289) to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 2, line 14, after the word "the", where it appears the second time, strike out "taxing district" and insert "assessment jurisdiction in which is included such taxing district and"; after line 22, insert:

"(2) As used in this section:

"(a) The term 'transportation property' means transportation property as defined in the regulations of the Interstate Commerce Commission.

"(b) The term 'assessment jurisdiction' means a geographical area, such as a State or a county, city, or township within a State, which is a unit for purposes of determining assessed value of property for ad valorem taxation."

On page 3, at the beginning of line 7, strike out "(2)" and insert "(3)"; in line 18, after the word "paragraph", strike out "(2)"; in line 19, after the word "enactment", strike out the period and quotation marks, insert a colon and "*And provided further,* That no relief shall be granted hereunder unless the assessment percentage applied to carrier transportation property exceeds by at least 5 per centum the assessment percentage applied to all other property in the assessment jurisdiction."

So as to make the bill read:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Commerce Act, as amended, is amended by inserting after section 25 thereof a new section 25a as follows:

"SEC. 25a. (1) Notwithstanding the provisions of section 202(b), the following action by any State, or subdivision or agency thereof, whether such action be taken pursuant to a constitutional provision; statute, or administrative order or practice, or otherwise, is hereby declared to constitute an unreasonable and unjust discrimination against and an undue burden upon interstate commerce and is hereby forbidden and declared to be unlawful; (a) the assessment (but only to the extent of any portion based on excessive value as hereinafter described), for purposes of a property tax levied by any taxing district, of transportation property owned or used by any common or contract carrier subject to economic regulation pursuant to the provisions of the Interstate Commerce Act at a value which bears a higher ratio to the true market value of such transportation property than the assessed value of all other property in the assessment jurisdiction in which is included such taxing district and subject to a property tax levy bears to the true market value of all such other property; (b) the collection of any tax on the portion of said assessment so declared to be unlawful or (c) the collection of any ad valorem property tax on such transportation property at a tax rate higher than tax rates applicable to any other property in the taxing district.

"(2) As used in this section:

"(a) The term 'transportation property' means transportation property as defined in the regulations of the Interstate Commerce Commission.

"(b) The term 'assessment jurisdiction' means a geographical area, such as a State or a county, city or township within a State, which is a unit for purposes of determining assessed value of property for ad valorem taxation."

(3) Notwithstanding the provisions of section 1341, title 28, United States Code, or of the constitution or laws of any State, the district courts of the United States shall have jurisdiction, upon complaint and after hearing, to issue such writs of injunction or other proper process, mandatory or otherwise, as may be necessary to restrain any State, or subdivision or agency thereof, or any person from doing anything or performing any act declared by paragraph (1) hereof to be unlawful: *Provided, however,* That such jurisdiction shall not be exclusive of that which any Federal or State court may otherwise have: *And provided further,* That the provisions of this paragraph shall not become effective until three years after the date of enactment: *And provided further,* That no relief shall be granted hereunder unless the assessment percentage applied to carrier transportation property exceeds by at least 5 per centum the assessment percentage applied to all other property in the assessment jurisdiction."

Mr. MAGNUSON. Mr. President, while this is a somewhat complicated bill to read, it is not so complicated as might first appear. It is a bill which we in the Commerce Committee think is long overdue, and which has been the subject of consideration by the Congress and the States for many, many years. To facilitate understanding of this legislation. I think it is well at this time to put in the RECORD an excerpt of the report of the Commerce Committee appearing on page 15, enumerated "Conclusion." I ask unanimous consent to do so.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

CONCLUSION

The committee wishes to emphasize that this bill would in no way alter the freedom of a State to tax its taxpayers so long as interstate carriers are accorded equal tax treatment with other taxpayers. In the majority of States that now grant equal justice to all taxpayers, State property tax assessments, collections or rates would in no way be affected by passage of this bill. In the remaining States, 3 years would be provided for adjustment, and thereafter, no change would be required unless and until an affected carrier has proved his case in court that State discriminatory tax practices exist. Absent such proof in a court of law, this statute would have no effect whatsoever on any act of any State regarding any tax at any time.

Year after year the States have asked for postponement of action on legislation such as S. 2289 to put their house in order. The committee agrees with the views of the Department of Transportation that "it has been demonstrated in the several studies and hearings on this subject that discriminatory taxation of surtax carrier property is widespread whether under color of law or not. While the States, often on the basis of a decision from either their own courts or the Federal courts, have made some progress in the area of discriminatory assessments, backsliding is always present unless there is a positive national policy in the picture."

Mr. MAGNUSON. Mr. President, we had long hearings on this matter. The Senator from Indiana held hearings over 2 or 3 years on this subject. The States understand the problem. I think there is practically unanimous agreement on the bill with the exception of what I think will be a clarifying amendment, to be offered by the Senator from Wyoming.

Mr. HANSEN. Mr. President, I send to the desk an amendment to S. 2289, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Wyoming is not in order until the committee amendments are agreed to.

Mr. HARTKE. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were considered and agreed to en bloc.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Wyoming.

The assistant legislative clerk read as follows:

On page 3, line 6, insert the following:

"(c) The term 'all other property' means all property, real or personal, other than land used primarily for agricultural purposes or primarily for the purpose of growing timber."

Mr. HANSEN. Mr. President, the amendment I have sent to the desk has been examined by the distinguished Senator from Indiana (Mr. HARTKE) and by the distinguished chairman of our committee, and I think we are in accord that the amendment is acceptable. I ask my distinguished colleague if that is not correct.

Mr. HARTKE. Mr. President, the Senator from Wyoming is correct. We discussed this matter. This amendment is in the nature of a clarifying amendment. But I do think it adds materially to the bill. I am willing to accept the amendment.

Mr. HANSEN. Mr. President, the distinguished chairman of the Commerce Committee has pointed out the action taken by his committee in reporting out S. 2289. When hearings were held on this legislation I was privileged to be a member of the Senate Commerce Committee, and carefully followed those proceedings. As Chairman MAGNUSON has pointed out, S. 2289 faces up to a problem pointed out by the President's task force on rail transportation in its report in 1962.

In principle, Mr. President, I think all of us can agree the taxation by State and local government should be fair and equitable. At the same time, Mr. President, I think that we can also agree that in a vast majority of cases ad valorem taxes are fairly assessed by States and localities.

S. 2289, as amended by the committee, will encourage fair and equitable taxation in those few instances where localities either overtly or covertly tax transportation property at a higher rate or assessed valuation than for other segments of the community. However, Mr. President, I think we must be careful not to discourage those States who for good and proper reasons establish different classifications of property.

Mr. President, in a letter to the committee dated September 12, 1969, George Kinnear, the director of the department of revenue for the State of Washington, pointed out that one of the effects of the bill before us could create an entirely new set of inequities. He pointed out that S. 2289 offered carriers an opportunity to claim title to lower tax assessment by reasons of State or local policy decisions which are completely unrelated to any deliberate discrimination against common carriers.

The director of the Washington State Department of Revenue cites some examples of sound policies which would create this unfair and improper result:

First, a number of States have adopted so-called "Greenbelt" legislation which provides for lower taxation for certain types of property. The usual principle involved is that properties used for recreational or agricultural purposes shall be taxed on the basis of their "current use" instead of "highest and best use" which is otherwise generally applied. This type of legislation insofar as it concerns agricultural lands is enacted as a matter of public policy to retain the maximum acreage possible in farm lands even though industries or other developments in the area are forcing values and the resulting taxes up to higher levels—level which cannot be carried by farmers. Under the proposed bill a State would be unable to enact such a program for the benefit of all its people without permitting common carriers to receive the same low tax assessment. There is no reasonable public policy that could approve of this result.

In addition, Mr. President, the Department of Transportation, in a letter dated December 8, 1969, shares the view expressed by the director of the department of revenue for the State of Washington. Let me quote from that letter, Mr. President:

The Department of Transportation supports S. 2289 as amended by the Committee subject to a further amendment which would limit the standard of comparison for the assessment and taxation of carrier property to "industrial and commercial" property in the taxing district rather than to all other property generally as presently provided in S. 2289.

The further amendment would permit the States to continue a measure of classification, if State law so permits, for purposes of differentially assessing property unrelated to business or commercial use. While the measure of relief to the carriers would not be as great as that under S. 2289 as introduced, some limited form of classification would not necessarily be unduly discriminatory in nature. In the Department's view, this compromise approach is justified in the public interest.

Mr. President, I was fortunate to serve as Governor of Wyoming for 4 years, and we had a State board of equalization charged constitutionally with the responsibility of trying to equalize unjust taxes. I am sure you know, Mr. President, that all of us realize that it is no easy task, and it is something that has to be worked on continously. At the same time, Mr. President, I recognize that in the past there have been some instances where transportation property has been unfairly overtaxed.

Mr. President, to the extent that S. 2289 provides an impetus for fair taxation of transportation property, I support it. However, Mr. President, we have to ask ourselves a basic question of what would constitute fair taxation of transportation property. In other words, Mr. President, against what yardstick would we measure the tax assessed on transportation property? That yardstick should not include agricultural and timber property. In most States there is significant justification for assessing agricultural land, and tree farms, for example, at a lower evaluation and/or tax rate.

Mr. President, my amendment simply changes S. 2289 to reflect the reliance by

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many States on different classifications as an inherent part of ad valorem taxation. Passage of S. 2289 with my amendment will assure just, fair, and equitable taxation for transportation properties, and I hope that Members of this body will adopt my amendment before it passes this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was agreed to.

Mr. HARTKE. Mr. President, the purpose of S. 2289 is to eliminate the longstanding burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carrier transportation property. S. 2289 has both a substantive and a procedural aspect. Substantively, it would amend the Interstate Commerce Act to declare unlawful, as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district. Procedurally, it would provide a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate.

To provide the States with adequate opportunity to eliminate discriminatory taxation policies, the provision allowing for suit in a Federal court does not become effective until 3 years after enactment of the bill. Certainly if the States are ready and willing to provide equal justice in taxation to all their taxpayers, another 3 years should be sufficient for them to adjust their practices and laws.

I want to emphasize that this bill would in no way alter the freedom of a State to tax its taxpayers so long as interstate carriers are accorded equal tax treatment with other taxpayers. In the majority of States that now grant equal tax justice to all taxpayers, State property tax assessments and rates would in no way be touched by this bill. In the remaining States, three years would be provided by this measure for the States to adjust their tax practices. Even at the end of 3 years, no change would be required of any State unless and until an affected carrier could prove in court that State discriminatory tax practices exist. Only when a carrier proves in court that a State is discriminatorily taxing carrier property would this statute have an effect on State tax practices.

In the last 9 years, the railroads alone have been assessed more than $900 million in discriminatory taxes. If discriminatory State and local taxation of transportation property of other carriers—oil pipelines, common and contract motor carriers, motor bus companies, water carriers, and freight forwarders—were added, the total sum for the last 9 years could be more than $1 billion.

Ultimately, the shipper and consumer pay the bill for discriminatory taxation of transportation. Not only are such taxes reflected in the transportation costs of goods purchased by the consumer, but also the consumers of States which do not discriminate are forced to share the cost of these burdensome tolls.

Basically, what the bill provides is that in the assessment of property in any State, there shall be equal treatment, and no discrimination with regard to the ownership of the property in question. This specifically deals with a long-standing inequity concerning railroad property, which has been the subject of special treatment by some States.

I think at this time there is no controversy, and I urge that the bill be passed.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 626, S. 3154. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 626, S. 3154, a bill to provide long-term financing for expanded urban public transportation programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that new directions in the Federal assistance programs for urban mass transportation are imperative if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved; and that success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended by—

(1) redesignating subsection (c) as subsection (e); and

(2) striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within 30 days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within thirty days thereafter the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary

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must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b). Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased which have maturity dates in excess of forty years.

"(d) Any State or local public body or agency thereof which makes applications for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall certify to the Secretary that it has held public hearings, or has afforded the opportunity for such hearings, has considered the economic and social effects of the project for which application for financial assistance is made and its impact on the environment, and has found that the project is consistent with any plans for the comprehensive development of the urban area. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the certification."

Sec. 3. (a) Subsection 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended by—

(1) striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. Sums, so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1969. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

Sec. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following sentence: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

Sec. 5. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"Sec. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made on or after July 1, 1970, under section 3 for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under subsection 4(c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded.

Sec. 6. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

Sec. 7. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1969".

Mr. MANSFIELD. Mr. President, nothing will be done on this bill until Monday.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. MONDAY, FEBRUARY 2, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS

Mr. MANSFIELD. I ask unanimous consent that, immediately following the approval of the Journal on Monday next, the distinguished senior Senator from New York (Mr. Javits) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished minority leader for bringing to the attention of the Senate the fact that the Senate, up to this time, has already had 25 rollcall votes, in comparison with a like number of votes not reached until mid-May——

Mr. SCOTT. May 13 of last year.

Mr. MANSFIELD. Of 1969. I think that speaks well for the activities of the Senate this year, the diligence with which it is attacking the various pieces of legislation, and the very good spirit of cooperation between the two parties in the presentation of that legislation.

Mr. SCOTT. I thank the distinguished majority leader.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11:30 A.M., MONDAY, FEBRUARY 2, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 o'clock on Monday morning next.

The motion was agreed to; and (at 3 o'clock and 58 minutes p.m.) the Senate adjourned until Monday, February 2, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 30, 1970:

IN THE MARINE CORPS

Lt. Gen. Herman Nickerson, Jr., U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title 10, U.S. Code, section 5233 effective from the date of his retirement.

EXTENSIONS OF REMARKS

REUBEN H. MILLER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. MOORHEAD. Mr. Speaker, Reuben H. Miller is president emeritus of the Pennsylvania State Employees Council.

Mr. Miller has been instrumental in upgrading both the salaries and working conditions of many thousands of government employees in my State.

His tireless efforts on behalf of the working men have long been recognized by those for whom he toils.

Recently the Pennsylvania Senate recognized Mr. Miller's long campaign for employee benefits and honored him with a resolution.

I would like to introduce this document into the RECORD now and add my congratulations to Reuben Miller, for 30 years a tireless worker for employee welfare.

The document follows:

RESOLUTION

Reuben H. Miller, President Emeritus of the Pennsylvania State Employees Council, AFL–CIO, has devoted more than thirty years of dedicated service to the Commonwealth and to the welfare of its employes. His record is unexcelled. He has been commended by many Democratic and Republican administrations for his excellent record of real accomplishment on behalf of State employes. The conditions under which State employes perform their tasks have been greatly improved, in part because of Reuben Miller's efforts.

During Reuben Miller's service, there have been twelve salary increases, ranging from five to ten per cent, for all State employes through January, 1967. There are now forty-hour weeks for fifteen thousand State institutional employes who were earlier working fifty to sixty hours a week, Social Security coverage for all State employes, a classification survey of all positions, and a policy of equal pay for equal work.

The Office of Administration has been created, there are uniform working conditions for all employes, and rules and regulations covering sick leave and vacation for all State employes. There has been an increase in Civil Service coverage and career employment for State employes, from eight thousand in 1938 to fifty-six thousand in 1968, of the total one hundred five thousand employes. Accumulation of sick leave (ninety days) and vacation (thirty days) and a service rating for all State employes, both Civil Service and patronage, are a few of the other benefits of recent years.

Group liability insurance now covers all State employes for accidents or losses that might occur in connection with the performance of the employe's job, and group life insurance covers all State employes at a cost of five dollars and twenty cents per thousand per year, regardless of age or health. Reuben Miller has helped secure for the twelve thousand employes of the Highway Department all benefits but holidays, and in 1967 there was a change from per diem to full-time employes, thus securing holiday benefits. The Commonwealth contributes part of the cost toward hospitalization coverage for State employes. A Statewide and uniform grievance procedure for employes in all departments was instituted by the State Executive Board after ten years of effort by the Council.

Reuben H. Miller should be commended by the Senate for his assistance in securing the welfare of the employes of this Commonwealth; therefore be it

Resolved, That the Senate congratulate and commend Reuben H. Miller, President Emeritus of the Pennsylvania State Employees Council, AFL–CIO, for his accomplishments on behalf of the Commonwealth of Pennsylvania and its employes over the past thirty years; and be it further

Resolved, that a copy of this resolution be transmitted to Reuben H. Miller.

I certify that the foregoing is a true and correct copy of a Senate Resolution introduced by Senators Geo. N. Wade, Wilmot E. Fleming, William B. Lentz, Albert R. Pechan and Ernest P. Kline and adopted by the Senate of Pennsylvania the twenty-fourth day of June, one thousand nine hundred and sixty-nine.

MARK GRUELL, Jr.,
Secretary, Senate of Pennsylvania.

[From the Harrisburg (Pa.) Sunday Patriot-News, June 29, 1969]

CITED FOR LONG SERVICE: SENATE RESOLUTION COMMENDS MILLER

Reuben H. Miller, President emeritus and legislative representative of the Pennsylvania State Employees Council, AFL–CIO, was honored by a Commendatory Resolution adopted unanimously by the state Senate.

The resolution, sponsored by Sens. George N. Wade, Wilmot E. Fleming, William B. Lentz, Ernest P. Kline and Albert R. Pechan, called Miller's record, after 30 years of "dedicated service" to the commonwealth and to the welfare of its employees, "unexcelled."

"The conditions under which state employees perform their tasks," the resolution said, "have been greatly improved, in part because of Reuben Miller's efforts."

The resolution recognizes Miller's efforts in securing 12 salary increases ranging from five to 10 per cent for all state employees through January, 1967.

It speaks of Miller's efforts having secured social security coverage for state employees, the creation of the Office of Administration, uniform working conditions, increased Civil Service coverage for employees, accumulation of sick and vacation leave, service ratings, group life and liability insurance and uniform grievance procedure.

Miller is the only state employee in the history of the Legislature who has been honored by resolutions of both the House of Representatives, 1965, and the Senate of Pennsylvania, 1969. He has also been honored in the U.S. Senate and by many governors.

CONGRESSMAN WALTER FLOWERS REPORTS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 30, 1970

Mr. FLOWERS. Mr. Speaker, I offer for inclusion in the RECORD the text of my yearend report to the residents of Alabama's Fifth Congressional District, highlighting significant legislative issues considered by Congress during 1969.

The report follows:

YOUR CONGRESSMAN WALTER FLOWERS REPORTS

JANUARY, 1970.

DEAR FRIENDS: Looking back on the 1st session of the 91st Congress and forward into the decade of the 70's, now is a particularly appropriate time for this report. As your Congressman, it has been my purpose to represent you to the best of my ability at all times—to speak up for you when the situation so dictated—to handle your requests promptly—always to keep you informed on major issues and let you know what my positions are.

This first year as your Congressman has been an exciting and fulfilling time for me, my wife Margie and our three children. The move from Alabama, the many round trips back and forth to the District, my being gone so much of the time from the family, meetings and speeches in various places—all this contributed to making it a pretty hectic year as well.

A first responsibility of a Member of Congress is to legislate and my voting record during the 1st session was near 90%. The process and procedures of Congress go back many years, and you have to be present to observe and participate in order to learn.

I intend to continue with my regular weekly reports, District-wide questionnaire, and periodic reports such as this in the coming year. I hope you will let me hear from you also and call upon me or any of my qualified staff members, if we can be of assistance at any time.

With your continued interest and support, I will do my best to represent you, our District and our State in the manner you expect and deserve in the United States Congress.

QUALITY, NOT QUANTITY: THE CONGRESS 1969

The First Session of the 91st Congress has been criticized for not passing enough laws. Actually, a total of 190 general bills were signed into law during 1969. Much important legislation still awaits action—veterans benefits, postal reform, revision of social security laws, to mention a few.

I believe that a legislative session should be judged on quality rather than on the quantity of the work completed. Significant action was taken in many fields—authorization to construct the Anti-Ballistic Missile, vital to this Nation's security; approval of a 15% social security increase designed to benefit the elderly and the disabled; the Draft Reform Act of 1969 which reduced much of the uncertainty surrounding a young man's military commitment; laws dealing with the problems of air and water pollution; comprehensive coal mine safety legislation. And there are many other examples.

Recent Congresses have rushed questionable, and even dangerous, bills through the legislative process. I do not believe that this is good for the country. The American people are tired of their Federal government expanding day after day through the creation of new agency upon agency. We have more than enough government now—it is time to make it work more effectively and efficiently.

REDUCING FEDERAL EXPENDITURES

I let it be known early that I strongly favored a balanced Federal budget as a means to curb inflation. While I advocate reduced Federal expenditures wherever possible, we still have the necessary requirements of national defense and essential domestic programs.

THE ADMINISTRATION

President Nixon has generally received good marks and bi-partisan support in his

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conduct of foreign policy. His trip to Europe in February and the Far East in July appear to have increased United States prestige.

However, the Administration's domestic policies deserve sharp criticism in certain fields. With a great deal of help from the Supreme Court, this Administration may go down in history as the destroyer of public education in the South. During the 1968 campaign, President Nixon said that he was for "freedom of choice" and against "forced busing of school children". Yet we receive no help for our embattled schools and school boards in Alabama. It would take only the power of the Executive Branch to begin the reversal of trends established by the Warren Court and the return of our schools to local authority.

CRIME AND CIVIL DISORDER

The mounting rate of crimes of violence gives us all cause for alarm. It is no wonder that this occurs during these times of wholesale disregard for lawful authority. The problem calls for handling at a local level if possible, but there still must be a total national commitment to fight crime and restore civil order.

Our Constitution provides for freedom of speech and the right of every citizen to disagree with the policies of their leaders. However, such disagreement must be kept within the bounds of the law, and the person and property rights of the non-protestor must always be protected.

TAXES, TAXES, TAXES

The most important legislation adopted during the First Session of the 91st Congress was the Tax Reform Act of 1969. Few bills are perfect—and this is no exception. Widely acclaimed as the most comprehensive tax reform measure to pass the Congress since enactment of the Federal income tax in 1913, the Act goes a long way toward a fairer distribution of the tax burden for all U.S. citizens.

For example, parents with two children and a $5,000 annual income will pay $150 less in Federal income taxes in 1973 (when the Act becomes fully effective) than they did in 1969. The same family earning $8,000 will save $263, and one earning $10,000, will save over $320.

I was a strong advocate of tax reform from the beginning in 1969. Early in the session, I sponsored a bill (H.R. 6618) to double the present $600 personal exemption to $1,200. The $600 figure was set in 1947, and it is ridiculous to assume that it is still an adequate personnel exemption. The figure of $1,200, even though it may be low, is much more realistic in light of the present economic situation in this country.

THE WAR IN VIETNAM

The great overriding concern of most Americans in January 1969 is still very much with us in January 1970. Because of the tremendous importance and effect of our participation in the Vietnam War, I visited the Far East (including South Vietnam, South Korea, Taiwan and Japan) during the August Congressional recess to gain a firsthand knowledge of the fighting and America's commitments in that part of the world. Literally covering much of South Vietnam by helicopter, I was able to see and discuss the situation with American commanders, troops in the field and government and civilian personnel. Generally I found a higher morale and dedication on the part of our servicemen than has been generally recognized by the people at home.

Many believe that the decision to send American combat forces to South Vietnam was wrong. And many others, including myself, have been critical of the way the War has been conducted, but we cannot simply turn back the clock at this point and have this terrible situation go away. Let us not forget either that with the help of the United States, the people of South Vietnam have blocked the externally directed Communist attempt to overthrow their government by force. From what I was able to see over there and from what I have been able to learn before, during and since my trip, it seems abundantly clear to me that a great deal has been accomplished by our Nation in this regard.

It may be destined that the War simply wind itself down, so to speak, without any formal declaration of a cease fire or truce by either side. If this can be accomplished under the President's policy with relative safety for our men who are still there, and without disregarding our basic commitment that freedom and democracy shall have an opportunity to exist in South Vietnam, then to this extent the policy has my complete support, and I believe it should have the complete support of every American citizen.

NATIONAL DEFENSE AND THE MILITARY

Because of the tremendous expense of fighting the Vietnam War and otherwise maintaining our national defense, demands are coming in from all points that careful consideration and analysis be given to further expenditures on weapons systems and defense installations. Furthermore, this nation cannot allow itself to wake up some day in the future embroiled in another Vietnam-like situation without fully intending and supporting such action.

Although I have favored every measure vital to our Nation's security, I also feel that Congress should look closely at defense spending. In this time of mounting costs, it is obvious that enormous sums will have to be spent in maintaining and forever improving our system of national defense, but as in the other areas, the American people are entitled to a dollar's worth of value for each dollar spent.

TAX MONEY COMING BACK HOME

In 1969, over $5 million in Federal funds was channeled back into the 5th District through grants and loans. These projects covered a wide range, including funds for water systems, sewage treatment plants, industrial park development, water pollution control, public housing, research projects at colleges and universities, and airport development. One of the most rewarding aspects of my job has been the opportunity to work with many local officials, chambers of commerce and interested citizen groups in obtaining much needed Federal funds for community improvement.

If your community is interested in obtaining Federal assistance for projects such as those mentioned, you should contact one of my District Representatives or write to me in Washington.

LEGISLATION

Other bills sponsored by Walter Flowers are:

H.R. 132 & H.R. 12505—To protect American jobs by limiting the importation of textile goods and steel products.

H.J. Res. 452—A Joint Resolution to amend the Constitution and override the Supreme Court's ruling forbidding prayer and Bible reading in Public schools.

H.R. 13421 & H.R. 13259—Bills that would impose stiff jail sentences on the convicted "smut peddler" and prevent the distribution of pornographic materials through the mail.

H.R. 14830—This bill would provide a tax break for parents who are paying for their children's education in college, junior college, or trade school.

H.R. 10503—A bill to require that all meats imported from foreign countries be clearly labeled so that the consumer will know its origin.

AS YOU SEE IT

Walter Flowers knows that he can better serve as your Representative if he has the benefit of your views and opinions concerning matters which will come before the Congress. Write him as follows: Congressman Walter Flowers, House of Representatives, Washington, D.C. 20515.

His Washington telephone number is [202] 225-2665.

In addition you may contact either of his District offices: Federal Building, Tuscaloosa, Alabama 35401, Telephone: [205] 752-3578, or Bessemer Court House, Bessemer, Alabama 35020, Telephone: [205] 425-5031.

Congressman Flowers also has a Representative who travels throughout the District. A visit can be arranged by contacting the Tuscaloosa Office.

THE GROWING THREAT OF A CREDIT COLLAPSE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 30, 1970

Mr. ULLMAN. Mr. Speaker, one of the great dangers on our present economic course is the real possibility of a financial panic and a collapse of credit. Corporations and consumers are heavily in debt today. Federal monetary policy has forced interest rates on borrowing to historic highs and dried up nearly all monetary liquidity in the marketplace.

On top of this, the Federal Reserve Board persists in holding tight on the money supply, long after many economists and Government officials have recommended that the Fed should ease up.

The possible consequence is discussed in an excellent article in yesterday's Wall Street Journal by Alfred L. Malabre, Jr. This reporter says most economists now believe that—

> The danger of a collapse—with major corporate bankruptcies and widespread failure of consumers to pay their debts—appears much greater now than at any other time since World War II.

Malabre notes that indicators pertinent to credit difficulties show that both business and consumers are increasingly in deeper trouble.

He says:

> Current liabilities of business that failed rose 16% in a recent 12-month period, and the percent of consumer installment loans delinquent for 30 days or more also climbed, though not quite so sharply.

All this is only one more reason for an immediate change in our monetary policy.

The article follows:

[From the Wall Street Journal, Jan. 29, 1970]

WORRY OVER DEBT: SOME ANALYSTS FEAR CREDIT VOLUME POSES THREAT

(By Alfred L. Malabre, Jr.)

While economists ponder whether the economy is sliding into a recession, a far more ominous question is looming: Would a recession trigger a major credit collapse?

Most economists doubt it, unless a very severe business slump should develop. But most believe the danger of a collapse—with major corporate bankruptcies and widespread failure of consumers to pay their debts—appears much greater now than at any other time since World War II.

The explanation essentially is that debt of all sorts has soared in the postwar years, a fabulously prosperous time of economic expansion punctuated only by four recessions that were exceedingly mild by prewar standards. So long as prosperity has prevailed, consumers and businesses have been able to shoulder their soaring debt burden without much difficulty. But a sudden end to prosperity now, many analysts fear, could lead quickly to serious trouble.

Some economists, to be sure, have been annually forecasting an imminent credit collapse for a decade or more, right through the longest economic expansion in U.S. history. Until recently, however, these Cassandras represented only a minuscule minority of economic opinion. Such forecasters are still in the minority, but their gloomy views are gaining broader acceptance, as signs of a business downturn grow.

PONDERING A DEBACLE

The head economist of a large New York City bank offers the sort of comment heard much more frequently nowadays. (Like many business economists when they speculate about the possibility of a financial collapse, he requests anonymity on the ground that his superiors at the bank frown on such publicity.) "Ten years ago," the analyst says, "the thought of a 1929-style collapse never entered my head. Five years ago it was something that seemed highly unlikely. Now I still don't expect a debacle, but I think about the possibility a lot."

Evidence that the debt load has soared pervades the economy. Money owed by all levels of government, all varieties of businesses and individuals now is nearing the $2 *trillion* mark. The total is about twice the size of the country's gross national product. At the start of the 1960s, total debt was about 70% larger than GNP.

Federal Government debt has grown relatively slowly, despite all the talk over the years about Washington's penchant for spending. If this debt is removed from the total, the borrowing boom appears still more dramatic, as the table below shows. The 1969 debt figure is an estimate based on midyear statistics, the latest available. The totals are in billions, stated in current dollars for the years specified.

	Non-Federal debt	Gross nationa produc
1969	$1,347	$933
1960	633	504
1946	167	209
1929	176	103

The GNP figures, of course, provide the broadest possible statistical measurement of the size of the U.S. economy. In 1969, non-Federal debt exceeded GNP by 45%. In 1960, just before the start of the record-smashing economic expansion of the 1960s, the debt figure was 26% greater than GNP. In 1946, after the wartime years of rationing and wage-price controls, GNP actually topped debt. In 1929, at the end of another economic boom, debt was 71% larger than GNP—a fact that may provide some comfort to those who fear another credit collapse impends.

Of the more than $1.3 trillion of non-Federal debt, corporate debt accounts for $642.5 billion, easily the largest share. In 1960, this debt totaled $302.8 billion, less than half the latest sum. The 1969 figure amounts to 69% of last year's GNP. In 1960, the comparable percentage was 60%, and in 1946, it stood at 45%. In 1929, corporate debt came to 86% of GNP, considerably above the 1969 figure.

Few economists view the rise of corporate debt as signaling another 1929 debacle. But many regard the present situation as worse than the so-called credit crunch of 1966–67. Alan Greenspan, president of Townsend-Greenspan & Co., a New York City economics consulting firm, declares that "corporate liquidity is obviously eroding." In addition, Mr. Greenspan says, corporations' loan commitments from banks "appear to have run down very sharply," although there are no official statistics to document this. Within the next six months or so, the economist says, "I wouldn't be at all surprised to see at least a couple of major corporate bankruptcies." Also, he fears, "we will probably see some small and medium-sized financial institutions in deep trouble."

A COMPARISON WITH 1966

Altogether, Mr. Greenspan concludes, "this is definitely a worse situation than the 1966–67 crunch." In 1966, he says, most executives were unfamiliar with a severe credit squeeze. Accordingly, "there was perhaps more public expression of concern in 1966 than now," he says. "But the underlying figures are worse today."

There are various ways to look at the figures—and most lend support to Mr. Greenspan's appraisal.

In 1966, corporate debt amounted to 67% of GNP, two percentage points below the 1969 level. In 1966, corporate cash—including Government securities as well as actual cash—stood at about 26% of corporations' current liabilities—obligations that must be paid within a comparatively short time, generally within a year. In 1969, the cash-to-liabilities ratio was 21%. In 1966, corporate profits totaled $29 billion, after tax and dividend payments. In 1969, the total was some $3 billion less.

The most obvious significance of the corporate cash squeeze is that it clearly increases the risk of major bankruptcies. But even if such bankruptcies do not materialize, many analysts envisage other troublesome repercussions.

A. Gary Shilling, chief economist of Merrill Lynch, Pierce, Fenner & Smith Inc., believes that general economic activity will respond more slowly now to any easing of Federal Reserve monetary policy, which has been highly restrictive since early last year. "When the Fed starts to ease up, everyone will be busy rebuilding liquidity," Mr. Shilling says. "This will tend to delay the economic impact of renewed monetary growth."

A similar appraisal comes from Smilen & Safian Inc., a New York investment advisory firm. In an economic review, the service warns that "the problems of illiquidity so pervade all sectors of our financial structure that . . . a more permissive (monetary) policy . . . can only allow time to work out problems, but will not induce increased economic growth."

Smilen & Safian, among other observers, also believes that the cash shortage may tend to further depress stock prices in coming months. Rebuilding "financial balance," the firm's report states, probably will require "a massive infusion of equity capital into the aggregate corporate capitalization"—in other words, corporations most likely will be forced to turn increasingly to the stock market to raise cash. The trend, the report predicts, will disabuse investors of the "popular belief" that stock prices must rise in the long run because an "infinite" supply of investment money always chases a "finite" supply of stocks.

Smilen & Safian shares the view that the credit situation today is shakier than in the 1966–67 crunch. Reviewing various measures of bank liquidity, for example, the investment service warns that "the situation today is more serious" than in 1966–67. "If the economy and corporate profits turn down in the near future," as many economists believe is in fact happening, "we may be confronted with a series of business failures on a scale not seen in some time," the firm concludes.

ANOTHER WORRY

While the big climb of corporate debt constitutes the number one concern of many analysts, the rise of noncorporate private debt also is causing worry. This debt, mainly made up of consumer borrowing and mortgages, stands now at about 58% of GNP. This percentage is about unchanged from the comparable 1966 figures, but considerably higher than the 52% rate of 1960.

Statistics compiled by John Gorman, a Commerce Department economist, show the persistent rise of the consumer debt burden. In 1960, some 19% of consumers' after-tax income was consumed by interest charges and repayments on mortgages and installment loans, according to Mr. Gorman. By 1966, the figure reached 21% and it now is close to 23%, about double the ratio of 20 years ago.

The present consumer debt load, while worrisome, probably won't lead to widespread trouble unless "unemployment gets up near the 8% range," Mr. Gorman says; the December rate was 3.4%. Mr. Gorman notes that various tax changes will tend to increase consumer incomes in coming months. "One can make the argument that consumers are actually better off financially than many big corporations and institutions," the economist remarks.

TOUGHER COLLECTIONS

Statistics that bear on credit difficulties suggest both businesses and consumers are beginning to encounter increasing trouble. Current liabilities of businesses that failed rose 16% in a recent 12-month period, and the percent of consumer installment loans delinquent for 30 days or more also climbed, though not quite so sharply. In addition, the American Collectors Association, a trade group, recently reported a sharp increase in the number of consumer credit accounts turned over to agencies for collection.

Further evidence of mounting trouble was contained in a report this week by Dun & Bradstreet Inc. that commercial and industrial failures rose to 185 in the week ended Jan. 22, up from 182 a week earlier and 162 a year earlier. Dun & Bradstreet has counted 670 failures in 1970, up from 593 in the comparable 1969 period.

Some analysts caution against attaching too much importance to such statistics. "There's no doubt that credit problems have increased recently," says William F. Butler, a vice president and economist for Chase Manhattan Bank. "But I feel it would be extremely premature to conclude that these problems are any sort of prelude to a major credit collapse." Mr. Butler notes that retail sales generally have been sluggish in recent months and claims that traditionally such slowdowns bring "a shakeout of the smaller, unstable businesses."

Some economists who remain relatively unconcerned about the rise of debt note that savings also have climbed substantially in recent years. Just since 1966 public holdings of savings-type assets—time deposits at banks, savings bonds, short-term Government securities and savings and loan deposits—have climbed nearly $100 *billion* to $526 billion. Such assets amount to about 55% of GNP, slightly below the 1966 level but appreciably above the 52% rate of 1960.

Analysts who find little comfort in such saving statistics contend, among other things, that most savers are not greatly in debt. Statistics that would confirm this argument are sketchy. But studies by the Survey Research Center of the University of Michigan do suggest that savings in the U.S. indeed are highly concentrated. For example, one Research Center survey found that fully half of the nation's families have less than $1,000 in savings, even including stocks and bonds.

ACTIVISTS STOPPED

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 30, 1970

Mr. MOLLOHAN. Mr. Speaker, in these days when headlines tell of student demonstrators who forcibly occupy university buildings and administrators who relent to their demands, it is refreshing to see a college president who will not be intimidated.

Such a man is Dr. James Harlow, president of West Virginia University who, as the following excellent editorial from the Weirton Daily Times indicates, stood his ground and told the 20-member Student Activist League they had no authority or mandate to act as spokesman for the university's 10,000 students.

Combining an acknowledgment of student rights with his responsibility to the people of West Virginia, Dr. Harlow listened to the dissident students, accepted some of their ideas and rejected others.

He said the concept of a black studies program already was in the planning stage and that an African studies program has been in existence for 3 years.

He rejected as illegal a demand that Reserve officers training programs—ROTC—be abolished, explaining that West Virginia University is a land-grant college. He added, however, that the program is voluntary.

While I am a firm believer in student rights, I also am a firm believer in the rights of all people, especially their right to an unimpeded and complete education.

Dr. Harlow, by refusing to capitulate to student demands but agreeing to study the areas of concern, brought respect to his office and his profession.

The following is the editorial which appeared in the Weirton Daily Times:

ACTIVISTS STOPPED

Dr. James Harlow, president of West Virginia University, acted promptly and decisively when he told the 20-member Student Activist League that they held no authority and no mandate to speak for the more than 10,000 students at West Virginia University.

Dr. Harlow let it be known the handful of students wasn't going to dictate how to run West Virginia University.

Some of the 13 "demands" presented by the group have merit and should be investigated and reviewed by the administration, faculty and student council.

There are more than 300 residents of Hancock and Brooke counties enrolled in the university and they are there to take advantage of the educational facilities which will prepare them for their future careers and also to assume responsibility in shaping the country's social, welfare and economic development.

One of the demands of the 20 students was for the abolition of the ROTC program. The ROTC is a vital function of the military system in the United States and provides capable and intelligent officers for the military establishment. Many Hancock-Brooke students at WVU have received officer commissions through the ROTC and have served with honor and distinction in the armed forces.

The ROTC program should not be abandoned because of the bleating of a handful of so-called activists.

Dr. Harlow said that the university is a land-grant institution and must have the program, but he said it was voluntary.

Dr. Harlow explained that a black studies program is being developed and that the university has had an African studies program for three years.

Dr. Harlow has an obligation to the people of West Virginia to operate West Virginia University as a free and progressive institution with the rights of the majority as well as the minority honored.

Acid heads should not be permitted to distort and destroy WVU's educational program.

YOUNG WORLD DEVELOPMENT CONFERENCE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. DULSKI. Mr. Speaker, I am pleased to associate myself with the remarks of the gentleman from Iowa (Mr. SCHWENGEL).

My attention has been called by several of my constituents to the recent Young World Development Conference which is closely associated with the Freedom From Hunger Foundation.

The young people who are part of the Young World Development movement are marchers, like many of our young people. Their marches, however, unlike some, have a rather specific and worthwhile goal: They march to raise money to feed the hungry around the world.

They also work toward finding solutions to the problems of pollution and poverty.

The gentleman from Iowa, who spoke at the recent conference, has expressed his strong impression of these young people and their sincere desire to attack the problems facing the world in an orderly manner.

Our young people in Buffalo, nearly 20,000 strong, staged their own march last May. It was an inspiring demonstration, not only for the participants, but also for those who observed from the sidelines.

My hometown Buffalo's story was related in first-person terms by a young Buffalo Evening News reporter who joined in the walk. Following is her report in the May 5, 1969, edition:

THOUSANDS JOIN 20-MILE MARCH, RING UP FOOT-BLISTERING ATTACK ON WORLD HUNGER

(By Karen Brady)

Hunger took a blistering it won't forget Sunday from nearly 20,000 Buffalo folk—mostly young, all at least young at heart.

They took a 20-mile hike through Buffalo streets in an unprecedented and gruelling but almost thoroughly happy March on Hunger.

And for every dollar of the estimated $150,000 amassed, they came away with about 20 blisters.

I've got two big ones, four medium-sized, maybe 12 minis. . . . But that's only the visible parts. Inwardly, I feel I may never walk again.)

"It is important to remember this signifies only the beginning of community efforts to combat hunger," Paul Hollender, 19, State University of Buffalo sophomore and organizer of the event, told marchers at the starting line—Buffalo State University College's Elmwood Ave. campus.

ENTHUSIASTIC BEGINNING

Thousands of elementary, high school and college students (plus a handful of adults and young career people) swarmed to hear him—in bell bottoms, dungarees, headbands, white march-armbands, loafers, sandals, sneakers, bare feet. . . .

Their enthusiasm, all but drowned out Mayor Sedita and Buffalo State President F. K. Fretwall Jr., as they bid the brave marchers bon voyage at 9 AM.

"I'm marching—but I'm not walking," explained Irwin Weinstein, dandelion-carrying 18-year-old UB freshman who appeared at the march, a broken leg in a cast, in a wheelchair that had to be pushed.

And then it all began—complete with Dr. Fretwall, sporting a black Give a Damn button as he marched A WAPS.

(I had a cigarette, listened to a transistor, and thanked the gods for smiling sun.)

SPECTACULAR PLEDGES

The first of eight checkpoints was D'Youville College, where volunteer "checkers" in a long line of lecture chairs stamped marchers' "passports." The heavy paper documents were proof for their sponsors that they had walked a certain distance, for this was the payoff—sponsors who guaranteed marchers a negotiated per mile sum.

(I heard all sorts of rumors about what kind of money was coming in—like a girl who was pledged a total $120 a mile by 30 sponsors, a boy who hit the $240 mark before he reached UB.)

"Freedom from tyrannous hunger" read a sign held high. "Watch out—people are liable to step on you," called a tiny red-haired girl. "Look at those first guys—those sprinters—go," called a lagger. And everyone cheered while passing through a string of red lights illegally.

Abe Katz, 58, of Kenmore, a retired post-office clerk and part-time pharmacist, claimed he was the oldest of the marchers (he made it to the end) and Kimberley Rash, 9 months, was undoubtedly the youngest, pushed in a stroller by her bead-wearing parents, Don and Sue Rash of the Roanoke Hotel.

NUNS JOIN THE PARADE

There were guitarists and singers, nuns, like D'Youville College's Sisters Alice McCollester and Kathleen Sholette GNSH—who "wouldn't miss marching for the world"—and seminarians, teachers, rollerskaters (looked on as unethical) and countless sidewalk watchers.

There were screams and squeals—as if the Beatles were coming—when Caesar & the Romans began to play rock beside a gold and red antique WBEN fire engine in front of City Hall.

A tiny gentleman with an accordion serenaded the marchers on Elmwood. The area at McKinley Monument became a dance center for the time, and the first real resting place.

FIFTEEN BAREFOOT MILES

(It was here my shoes came off.)

It was here, five miles out, some of the first marchers began to get tired. Lots of shoes and socks came off, tinted glasses started to hurt noses, clothes were too hot all of a sudden—but the marchers went on including a clergyman carrying a "hunger" cross, bedecked with magazine pictures depicting hunger.

Sharon Ceccato, a sophomore at Buffalo Academy of the Sacred Heart, went at least 15 miles in bare feet. Alan and Kevin Hayes told fellow walkers they'd come 60 miles from the Marian Child Care Center for Migrant Workers. Somebody called, "Has anybody lost a passport?" And stores en route made record

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business on cold drinks, donuts and potato chips.

At St. Mary's School for the Deaf on Main St. a whole smiling contingent of students was out—to shake hands or give the V for Victory or Peace sign, a sign marchers, passersby and homeowners exchanged all day.

THE PERILS OF STOPPING

Then the blister cars, or wagons, and the Red Cross First Aid truck swung into full action—mostly to soothe blisters, ease stomach pains and sun headaches. Rosary Hill nuns at Canisius College Checkpoint Four dispensed cold water. There were rest rooms available there, and a place to sit, or lie, for a moment.

(I soon learned that stopping was anathema—a muscle relaxed too long wasn't going to come back at all . . .)

And as the miles grew longer the march down Main St. continued—perhaps the largest Main St. march Buffalo has ever known. Marchers at the start were strung out over some three miles; now it was 12. There was noise and singing, and laughing and shouts, but dead silence as the troops filed by St. Francis Hospital.

BLISSFUL FOUNTAINS

"I know a short cut here," a tiny miss confided in her friend. "Well I'm not taking it," was the quick reply. "I'd feel too bad." And the pair went on the long way, making friends at every street corner, becoming more and more swept by the marching spirit.

The contingent reached UB—12.3 miles out.

(I climbed into the fountain outside Norton Union. Illegal or no, and it saved my blisters, stamina and marching life.)

And then, just when it seemed impossible, almost all the walkers picked up again. They'd come to march, as one of them put it, and they were going to.

(I was of the same mind, despite my feet.)

As things got slower, though, the lines strung out more; the police escort was gone, and not every comfortable driver felt like letting a tired stream of marchers through. But Starin Ave., about the friendliest street of all, was filled with free lemonade offerers, citizens with cool water and cups at street corners, residents with hoses to spray on stifled marchers, and pools or buckets of water for stricken feet. Free rides were available throughout the day for marchers who needed to rest.

"ONLY 4½ MILES TO GO"

But bit by bit, they made it to St. Mark's Church on Amherst St. near Colvin Ave., where really exhausted specimens lay prostrate but happy on cots, on the grass, under trees and on the concrete parking lot.

"After all, there's only 4½ miles to go," cried incentive-givers, among them pretty Bennett High Schooler Anne Chambers a march organizer.

Long before transistor bearers had heard that WKBW's Dan Nevereth, an athlete as well as disc jockey, had finished the entire march by 2:45 P.M.

"We're just bein' slowed down," Ken Mergenhagen, 16, Bishop Newman sophomore, explained of his lying flat on the ground at St. Mark's. "I'm definitely making it the rest of the way because I can't feel anything anymore" added a companion, Tom Kraus, also 16.

(I, too, couldn't resist that under-five-mile lure, despite being almost defeated. Like everyone else's, my progress was slower now, and less convincing.)

SOME HELPING HANDS

At some houses, thoughtful residents had put outside stereo speakers close to the street—playing their best rock records. Sunburns were becoming more evident, several marchers were rumored to be passed out from sun and heat; others to have serious foot troubles.

But everyone had a cause—and the cause apparently conquered all. An estimated 12,000-plus—a few carried the final furlongs by fellow marchers—made it back to Buffalo State, where the campus loomed hazily like a desert oasis.

A huge number of Bennett High School students were in the final numbers—like Kathy Vozga, 17, a senior in a floppy hat and mod glasses who said "it wasn't so bad, but I won't do it again," and Judy Unger, also 17, a junior, who thought "anything's possible—for a worthy cause."

Senior Christopher Pfohl, 18, was feeling "kinda squeaky" and couldn't exactly spell his name right the first time asked, and senior Bob Kazmierczak, 17, marveled that "he didn't see any unpleasant incidents—just some sick kids."

NATIONAL MOVEMENT

(So I gimped away in pain, and found the more relaxed a marcher became, the worse his or her feet felt. It was time to die.)

But it was a big thing—the Buffalo March on Hunger—a project of the International Walk Program, under the Food & Agricultural Organization of the United Nations, and developed nationally through the American Freedom from Hunger Foundation.

Proceeds of the march—which won't be known until all the pledges are collected—will be distributed in this manner to benefit the hungry:

20 per cent to Buffalo's East Community Co-operative Organization, 10 per cent to a medical clinic in Blufton, S.C.; 35 per cent to Biafra Relief Services Foundation; 20 per cent to the Andean Foundation for Peruvian peasants; and 15 per cent for educational projects of the American Freedom from Hunger Foundation.

Not the end of hunger, perhaps, but the first steps, however painful.

"FICKLE FINGER OF FATE" FLIES AGAIN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 30, 1970

Mr. MOORHEAD. Mr. Speaker, last week it was announced that A. Ernest Fitzgerald would be providing assistance to the Joint Economic Committee on which I serve. This week Mr. Fitzgerald announced his association with the Businessmen's Educational Fund. These endeavors should prove worthwhile both in providing continuing information and expert analysis to Members of Congress and education of the American public in the problems involved with military procurement.

It is gratifying that the Congress and businessmen interested in economical weapon system procurement have found a good use for Mr. Fitzgerald's talents since the Department of Defense was unable to do so after having searched vigorously for a suitable position for him.

Mr. Fitzgerald has performed invaluable services for the Nation's taxpayers in the past and I am sure his ideas will contribute greatly to more efficient weapon system acquisition in the future.

Without objection, I would like to insert in the RECORD, at this point, the statement delivered by Mr. Fitzgerald at his press conference announcing his association with the Businessmen Educational Fund:

BACKGROUND STATEMENT BY A. ERNEST FITZGERALD ON HIS ASSOCIATION WITH BUSINESS EDUCATION FUND

INTRODUCTION

The basic motivations behind my accepting the appointment as Deputy for Management Systems in the Air Force in 1965 were very simple and uncomplicated. In my work as an industrial engineering and general management consultant on major military programs, I had become increasingly concerned at the enormous waste that was evident in these programs, particularly in the Air Force's tremendously expensive ballistic missile systems.

The large contractors appeared to have been told by the buying agencies of the Defense Department not to worry about costs during the "missile gap" days of the early 1960's, when the pace of the nation's buildup of strategic systems was clearly the governing consideration. Consequently, in the period from 1961 to 1964, a time of relative price stability, overhead rates of Air Force ballistic missile contractors approximately doubled and labor efficiencies plummeted. In the factories of the contractors, labor efficiencies of only 20 to 50 percent of normal industrial efficiencies became commonplace. In engineering and test operations, labor efficiency was generally even lower with some organizations having little or no necessary work for long periods.

In the absence of countervailing pressures from the Government, average overall wages and salaries in Air Force ballistic missile work increased approximately 50 percent between 1960 and 1965. In the permissive atmosphere of those free-spending days, cost controls in the operations of big weapons contractors, which were never strong, practically collapsed. To compound the problem, the general collapse of cost management discipline was accompanied by more permissive attitudes in technical areas and weapon performance and quality suffered accordingly.

In retrospect, it is clear that these developments were the precursors of today's inflation in the economy. Encouraged by the generally permissive climate for cost growth, the higher prices spread throughout the large military contract community. Smaller suppliers and non-military producers were forced to follow suit to remain competitive for employees, services and materials. This situation compounded the inflationary effect of increases in military procurement that came with escalation of the Vietnam war in 1965. Diversion of manpower to the war made matters worse, as the military budget further expanded and a scarcity of workers resulted. General inflation followed and the Government borrowing, reflected by the fiscal 1968 budget deficit of $25 billion, and imposition of the surtax were necessary to pay the bills.

Despite the obvious need, no effective actions were being taken in the Pentagon to control this rapidly deteriorating situation. Consequently, I welcomed the opportunity to help control the run-away costs I had observed in my consulting work. I accepted the appointment in the Pentagon with high hopes that the enormous wastes of our nation's resources in the procurement of big weapons systems could be controlled.

REACTION TO WASTE

The developing financial disasters in the big weapons programs had not passed unnoticed in the early and mid-1960's. Most of the top-level Defense Department officials I talked to before and shortly after going to work in the Pentagon were generally aware of the problem and expressed concern and interest in making improvements.

A funny thing happened, however, on the way to capturing savings for the taxpayers.

Even though most top officials expressed interest in capturing the latent savings potential in the big weapons programs, they resisted the hard means necessary to get a

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real handle on spending. All kinds of philosophical objections were raised to direct cost reduction actions. Bureaucratic stalling and obstruction prevented any real corrective action. The most competent cost reduction people in the country were largely diverted to superfluous studies and to the development of complicated but toothless "management systems." Top Pentagon management simply didn't want to go to the trouble of locking horns with the big military contractors and their allies in each of the Services.

All attempts to make the newly developed management systems truly effective as cost control devices were resisted stoutly by the ruling factions within the uniformed military, the civilian procurement bureaucracy and the giant defense contractors. As Col. A. W. Buesking (USAF ret.), a former Pentagon cost analyst, told the Joint Economic Committee in 1968, those "competent people (in the Pentagon) who did attempt to stimulate major change in the cost environment are no longer working in that environment."

In spite of these obstructions, cost control advocates working inside the military acquisition community persisted in their efforts. Problems were defined, causes were pinpointed, and temporarily successful corrective actions were taken in some instances. But the success of these efforts smoked out the root cause of the cost overrun problem: *Key men in the Government did not want to solve the problem!*

In short, the military budget was high because the people who mattered wanted it high. Threats by potential enemies were magnified out of proportion in order to justify higher expenditures. Some contractors were given new business simply because of a need to "maintain a capability." The economic myth that military spending made us rich was widely cited as a rationalization for allowing costs to escalate with minimum constraints. Above all, it became important for the cost analyst to become a "team player", and the sensitivities of defense contractors were certainly important to the "team."

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Once the true intent of key managers in the defense community was exposed, the Pentagon's internal debate over spending levels quickly degenerated. The principal tactic of defenders of the status quo was to smear the perservering cost control advocate. Their attacks became vicious and personal, and in some cases even involved aspersions on the cost advocate's patriotism. A few examples of these attacks will, I believe, illustrate the poor intent of the Pentagon hierarchy:

The Air Force Colonel who assisted me in the initial disclosures of cost and technical problems in the C–5A aircraft program was suddenly found by Air Force Headquarters to have absolutely unique qualifications to be Air Attaché in Addis Ababa. Fortunately, that appointment was blocked.

The cost analyst who detected a deliberate understatement of $300 million in the cost estimate for the Mark II electronics system for the F–111 Aircraft was isolated, socially and professionally ostracized, and given no assignments at all for a long period of time.

The consulting firm that detected and reported $500 million of excessive costs on the engines for the F–111 airplane was blackballed by the defense procurement community and forced to suspend operations.

Civil service material inspectors were labeled "traitors," fired, hounded and shut off from responsible employment for telling Congress about acceptance and use of faulty material procured for the Vietnam war.

Charges of favoring "unilateral disarmament" and other reflections on loyalty were leveled at Members of Congress who questioned waste in the defense budget. One very powerful Senator attempted to link the budget-cutting effort to the machinations of an "interlocking directorate" organized by extreme left-wingers who included vigorous opponents of the war. These attacks, which had utterly no foundation in truth, scared off a number of moderate Congressmen who had been working to cut military spending.

As a result of committing truth before a Congressional committee on the C–5A cost overruns, I received the full smear treatment, including false accusations by the Secretary of the Air Force that I had divulged classified information and an elaborate investigation by Air Force security men to dig up anything incriminating they could about my private life.

"THE NEW M'CARTHYISM"

The determined and ruthless attacks on military economy advocates have had a frighteningly repressive effect. The climate created by these attacks has been compared by some to the climate of unreasoning fear generated during the McCarthy era, though admittedly, the effect has not been as widespread. Nevertheless, this "New McCarthyism" has been sufficient to cause some Members of Congress to find all sorts of weird rationalizations to vote for highly questionable military items in the fiscal 1970 budget.

In the case of my own adventures, at least three Members of the House of Representatives have apparently lost their memories regarding one completely implausible explanation of my firing given them by an Air Force Assistant Secretary. Strangely, this same Assistant Secretary lost *his* memory when questioned on the subject while he was appearing as a witness before Sen. William Proxmire's Subcommittee on Economy in Government. Perhaps the ailment is contagious.

The reactions of the bureaucrats, both civilian and military, to the Pentagon's tough new approach to neutralizing economy advocates are entirely predictable.

In general, the proponents of continued high spending and wasteful practices exude confidence. They have openly and blatantly squelched economy advocates with impunity. Despite some trimming of the military budget around the edges, total spending has not yet begun to decline. For the first six months of fiscal year 1970, Bureau of the Budget figures indicate that the rate of Pentagon spending is the same as last year's $78.6 billion per year. Many of the largest and most wasteful programs are intact and growing. Management practices are not only unimproved, they have degenerated. Most importantly, advocates of continued waste believe that they can successfully ignore public reaction to the outrages of the past year or so.

Most former and would-be proponents of improvement actions and cost reduction are frightened out of their wits. The climate of fear has erected a class of individuals called "secret patriots" by one knowledgeable Congressional staff assistant. These officials are sufficiently disturbed by the outrages they observe to discuss them privately with Members of Congress and their staffs. They literally beg, however, that their identity not be cited in any Congressional investigations or demands for corrective actions.

The demands for anonymity by these officials, of course, severely limits any effective action by Members of Congress who might be inclined to take it. The climate of fear is indeed taking its toll.

PUBLIC ATTITUDES

Thus far, the general public has been largely ignorant of the poor stewardship of their tax dollars, and consequently has not complained too much. Among the visible reactions, however, many taxpaying Americans have expressed cynicism and have tended to accept corruption as the natural order of things. At the other extreme is the increasing sense of alienation among the black community and the very poor, many of whom were already hostile to Government or fast becoming so. Blatant waste in military procurement, at a time these people are mired in poverty, has not helped to cool their tensions.

One of the most prominent political campaign managers in Washington recently told me that the prevailing mood of our people, as he sensed it, is one of despair. Having seen elected and appointed officials of the Government perform scandalously in office with apparent immunity, the prevalent attitude toward Government is one of mistrust. The historian, William L. Shirer, recently compared the nation's malaise, including its attitudes toward government officials, to that of France before its fall in 1940.

POTENTIAL SAVINGS AND OBSTACLES TO SUCCESS

Based on my experience in both private consulting, commercial industry and military programs, I am convinced the prices of major weapons, which amount to about $15 billion a year, could be cut by about one-third without jeopardizing our defense posture and in some cases actually improving it. I see no indications that other Pentagon activities are any less susceptible to improvement. Certainly, the staffing of the military's support organizations is at least as fat as that of the major contractors. Furthermore, there is considerable justifiable suspicion that unneeded services and hardware are being bought, and that much of the hardware is overly complicated, resulting in unnecessary costs and decreased effectiveness. There is little question that operational military forces are bogged down by an excessive logistical tail or that aircraft, missiles and other weapons systems can function better without unnecessary "gold-plating" so often pedalled by military contractors.

Overall, it would appear that a reduction of around $20 billion in military expenditures below the level of $78.6 billion spent in fiscal 1969 is an attainable goal. Naturally, the beneficiaries of excessive spending will fight like tigers to stave off economics of this magnitude.

Economy advocates may expect continued personal attacks and slurs on their motives. Moreover, most realistic appraisals conclude that there is insufficient political muscle to capture the latent savings potential through conventional political means. This means that the fight must be carried to the people.

Alerting the American public to the dangers of inadequate or improper military management is an enormous job. My own education in the Pentagon is a case in point. Starting with a simple distaste for the waste in military procurement, I required nearly four years of personal exposure to the system to become convinced of the full dimensions of the problem. I am still convinced that high military boondoggles threaten the very foundations of our traditional liberties.

The false and irrelevant "dirt files" of the sort compiled by the Air Force in an effort to discredit me can be and are used in ways which deprive the citizen of the protection of due process. The same goes for false, defamatory remarks of high officials sheltered by the traditional immunity of their offices. Such tactics are completely foreign to our nation's traditions. Yet they appear to have become commonplace in dealing with dissent, even when the dissent is nothing more than advocacy of good stewardship of tax dollars.

POTENTIAL OF BEF

Fortunately, we have substantial numbers of people in this country who are still concerned about Government misconduct and are willing to commit time and money to correct it. I believe that the Trustees of B.E.F. are such people.

B.E.F., in my view, can serve as a natural rallying point for community and national business leaders who are concerned about poor stewardship, threats of repressive government, and other symptoms of governmental decay. In addition to being natural leaders in most communities, businessmen represent the only group likely to provide sufficient resources to make an effective fight against entrenched special interest groups.

Moreover, defenders of military waste will have a difficult time indeed in pinning left-wing labels on our top business leaders. BEF's trustees include some of our country's most outstanding and successful capitalists. I believe their examples can make true patriotism popular again.

Too often in the emotionally-charged atmosphere of the recent past, defense of inexcusable bungling, waste and mendacity by a bureaucracy accountable to no one has been mistaken for patriotism. This misconception should be rejected. Bungling, waste and mendacity are not good for our country, and therefore, are not patriotic.

Bad performance and poor stewardship in government should be exposed and corrected. The trustees of BEF have recognized their leadership responsibilities in educating the public in the effects of past mistakes and in the relative importance of new alternatives. They see this role not only as a patriotic duty, but also as good business.

I hope to help BEF convince the public, and through them, our top government officials, that forthrightness, honesty and financial integrity are also good politics.

MIRV: WHAT'S THE HURRY?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. FRASER. Mr. Speaker, several months ago the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments held hearings on the diplomatic and strategic impact of multiple-warhead missiles. The record of these hearings and the report of the subcommittee are available.

I am a member of the subcommittee and was a participant in the hearings.

An editorial appearing January 30 in the Wall Street Journal is impressive in light of these hearings. The final sentence of "MIRV: What's the Hurry?" is especially pertinent in view of the President's "anti-inflationary" veto of the HEW appropriations measure:

> It would be both ironic and tragic if the imminence of talks prevented an inflation conscious administration from asking why it's necessary to start this expenditure (for MIRV'S) this year. No administration can afford to buy weapons for which we have no present need.

Mr. Speaker, the complete editorial follows:

MIRV: WHAT'S THE HURRY?

The Administration is preparing its positions for the second round of arms limitations talks with the Soviet Union, and obviously one of the central questions is what to do about MIRV, the multiple warheads that would allow one missile launcher to attack several targets at once.

The multiple warhead question is especially pressing because U.S. deployment of the weapon is imminent. Deployment would vastly complicate if not foreclose agreements with the Soviets to restrict multiple warheads, and these complications would in turn affect consideration of anti-ballistic missiles and whatever else might come up at the talks. The resulting climate of uncertainty would probably significantly erode the chances of reaching any arms limitation agreement whatever.

Now, arms talks with the Soviets are an object for hope but not for faith, and we would certainly oppose taking them as reason to delay any weapon necessary to U.S. security. The Administration quite properly has adopted a no-unilateral-concessions attitude toward the talks. The MIRV question, also, has considerable implications for what kind of agreement the U.S. can and ought to seek with the Soviets.

None of these factors, though, should prevent the Administration from taking the same hard-headed look at strategic posture it would take if no talks were impending. There is a danger that the no-unilateral-concessions attitude will not only prevent unwise concessions but also freeze the strategic gears entirely, preventing even those readjustments in national posture we would otherwise make. Talks or no, the Administration still needs to ask the simple question: Why, precisely, are we about to buy MIRV today?

A few years ago there did seem to be a compelling reason for multiple warheads to offset the ABM system the Soviets seemed to be building. They were deploying ABMs around Moscow, and were starting an extensive further system that became known as the Tallin line. The indications suggested they were going all-out on a missile defense to protect their cities. If they had done so, or if they do so in the future, some U.S. counteraction would be absolutely necessary to maintain a deterrent posture. MIRV, which would overwhelm a missile defense with its huge number of separate warheads, is a logical choice.

But the Soviets suddenly stopped building those ABMs around Moscow, stopping with a number easily penetrated without multiple warheads. The Tallin line turned out to be a defense against aircraft, not against ballistic missiles. The threat that seemed to necessitate MIRV simply did not materialize. Yet U.S. deployment of MIRV remains scheduled to go on apace, as if we had learned nothing further about what the Soviets are doing.

It remains possible, of course, that the Soviets will change again, renewing their work on missile defense with updated weapons. However, all public indications are that MIRV can be deployed far more quickly than an ABM system can be built. The Pentagon's research chief has testified, for example, that a heavy Soviet ABM would not be operational until about five years after the first signs of construction appeared. In other words, we can wait to see what the Soviets do, and if they decide to build a missile defense we can still have multiple warheads ready by the time they will be needed.

Quite possibly that need will never arise, at least if the logic of the situation prevails. Trying to read Russian minds is an especially risky endeavor, but they may have stopped building their ABMs precisely because they could see a U.S. MIRV would easily penetrate them. Similarly, it would not now be logical for them to start construction of a heavy missile defense knowing the U.S. could deploy multiple warheads before they finish. And if they prove illogical, we still have time to buy MIRV. What's the hurry?

You can argue about the effect of multiple warheads on the arms talks, but indisputably their deployment will cost Americans billions of dollars. It would be both ironic and tragic if the imminence of talks prevented an inflation-conscious Administration from asking why it's necessary to start this expenditure this year. No Administration can afford to buy weapons for which we have no present need.

INTERVIEW OF CONGRESSMAN RYAN WITH ISRAEL AMBASSADOR RABIN CONCERNING ISRAEL AND THE MIDEAST

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. RYAN. Mr. Speaker, the critical situation in the Middle East should be a matter of deep concern to all of us. Any meaningful resolution of the conflict there requires the parties to sit down and face each other, air their problems, and resolve them through negotiation. Thus far, the Arabs have refused to enter into such direct negotiations, which Israel insists—and rightly so—must take place for a lasting peace to be achieved.

To enable myself and the public to better understand the problems of the Middle East—and particularly the problems of Israel, which continues to defend her very existence—I interviewed the Ambassador from Israel to the United States, Lt. Gen. Yitzhak Rabin.

It was my honor and privilege to discuss the principal issues which must be resolved with Ambassador Rabin in a taped interview on January 26, 1970, a portion of which is to be broadcast on WNYC radio station, in New York City, on February 2.

I am presenting here the full transcript of that interview. I believe it presents a penetrating analysis by Ambassador Rabin of the problems of the Middle East, and a compelling explanation of Israel's position on negotiations, on the status of Jerusalem and the refugees, on the role of the major powers and the United Nations, and on Israel's economic and military situation.

Again, I want to express my appreciation to Ambassador Rabin, whose own experiences so well epitomize the bravery of his people, and who so well represents his nation.

The material referred to follows:

Congressman RYAN. Throughout her 22 years as a nation, Israel has been threatened by violence and invective from her Arab neighbors. She has had to fight three wars for her survival and existence. The most recent, in June, 1967, followed the Egyptian ejection of UN forces which acted as a buffer between the two states, and the closing of the Straits of Tiran by Egypt to Israeli shipping.

As we know, Israel won a quick and stunning victory and found herself in possession of the west bank of the Jordan, the Sinai Peninsula, the Golan Heights, and all of Jerusalem. For the first time, Israel had relatively secure borders, and for the first time since 1948, Jews could pray at the Wailing Wall in Jerusalem.

Since the Six Day War, there has been no peace; steady terroristic attacks by the Palestine liberation organizations and by the Arab governments themselves, have maintained a continued state of war.

The United States position following the

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Six Day War was articulated by President Johnson, who called for direct negotiations as an essential for a meaningful peace. Following the inauguration of President Nixon, reliance on major power talks became a keystone of United States policy, and in the past several months, several peace proposals have been advanced by the United States, chiefly to the Soviet Union. None has been fully revealed by the State Department.

Throughout this period, Israel has insisted upon direct negotiations, and has regarded the United States maneuvers as decreasing their likelihood by encouraging the Arab states to hold out for better and better terms.

In light of this background, and the background of increased fighting in recent weeks in the Middle East, it is my pleasure to be able to present to our listening audience today the Ambassador to the United States from Israel, Lt. General Yitzhak Rabin. Ambassador Rabin was born in Jerusalem, the son of American pioneer Zionists, and fought in the Jewish underground during the years of British rule over Palestine, and rose by the time of the Six Day War, in 1967, to Chief of Staff of the Israel Defense Forces and commander of the Israeli Army during the war. Presently, the Ambassador holds the rank of Lt. General in the Israeli reserves.

It is a great pleasure to have you with us today, Ambassador Rabin, and I know that our listeners will be very much interested to hear your views on the situation as it presently exists in the Middle East, and the prospects as you see them for peace in that troubled area.

Let me begin, if I may, by asking a question which may open the door to our discussion, and that is: What do you regard as the essentials for a peace settlement in the Middle East? That's a pretty wide-open question, and gives us an opportunity to explore some of the problems confronting Israel as she strives for peace.

Ambassador RABIN. Well, first I would like to thank you very much, Congressman Ryan, for your inviting me here to talk on your program. In regard to your question, we believe that essential for peace is a decision by the parties to the conflict today to put an end to the war and to establish a real peace—peace in the terms that every man in the street would be able to call it a peace. We believe, therefore, that first there has to be a declaration by the Arab countries that they are ready to make peace with Israel and, second, ready to solve all the differences that have existed in the past, and exist today, through negotiations.

We stress direct negotiations because we don't believe that problems that have been accumulated by the past can be solved by any but the parties themselves; otherwise, it would be an imported solution, rather than a solution that has been evolved by the parties themselves.

Congressman RYAN. I take it what Israel seeks to avoid is an imposed settlement, and I take it from what you have said, and statements of the Premier of Israel and other Israeli representatives, that the fear is that unless the Arab states are willing to recognize the existence of the state of Israel—and recognize it in the sense of sitting down and negotiating face-to-face—you feel there can be no implementation of whatever proposals might come out of negotiations.

Ambassador RABIN. No, we wouldn't call a political solution which has not been made by the parties to the conflict a peace, because we don't believe that unless the parties themselves to the war would decide to put an end to it, and to enter into meaningful negotiations, and to work out by themselves a solution in which there will be place for each of them to live, and to let live the other one, it wouldn't be called peace. And this is what the Arab countries try to evade. None of their leaders has said, ever, that he would be ready to make peace with Israel and recognize it, and therefore, they don't want to enter into any sort of negotiations face to face with Israel. We have never stressed that we'll sit alone. We are more than ready to have these meetings between ourselves and our neighbors under the auspices of the United Nations, being under the chairmanship of the Special Representative of the United Nations. We don't claim that they have to sit alone with us. All that we stress is that a solution which can be called peace can be achieved only through negotiations between the parties to the present conflict.

Congressman RYAN. Of course, even if there were a settlement theoretically reached through direct negotiations, it's possible for the Arab states to repudiate it, is it not?

Ambassador RABIN. Well, we are ready to take the risk that they might repudiate the settlement that they would sign, but we don't believe that we are, at the present, in a position even to argue about it, because for the time being they have refused to make peace with Israel; they refuse to sit together with us and to discuss and negotiate the problem. I would say even more than that: as a result of it, Israel asks for peace and certain security arrangements that should take the form of establishing secured and recognized boundaries. This is what the Security Council resolution of the 22nd of November calls for—"secured and recognized boundaries." Our interpretation is that these boundaries should give security to Israel, and to the Arab countries, at the same time.

Congressman RYAN. At the present time, does Israel have any preconceived notion as to what those boundaries should be?

Ambassador RABIN. We believe that the best way is to enter negotiations without any preconditions. I don't believe it will be advisable on one hand to come up and to say, "Well, we want to negotiate," and on the other hand to put preconditions on these negotiations. Therefore, what we say is that the purpose, the goal, of the negotiations should be peace between the Arab countries and Israel. The only way to bring about such a peace is through direct negotiations.

What should we negotiate? I think each party has got the right to put up whatever issue it wants to, and I don't believe it would be advisable to say from the very beginning that, "Well, this is not negotiable." We have nothing which is not negotiable but the existence of Israel as a sovereign and independent country.

Congressman RYAN. On Sunday, January 25, President Nixon issued a statement. At the time, there was a meeting in Washington of the National Emergency Conference on Peace in the Middle East. He restated the position of the United States as being for direct negotiations. Do you regard his statement as consonant with the principles of direct negotiations?

Ambassador RABIN. Well, I think that at least I, personally, was encouraged by the statement of the President. We always believe that he, in the long run, will come up and support the cause of Israel. But of course, this was a general statement, and we have to see to what extent this statement will be translated into the activities of the various departments, either in the political field or in other practical things.

Congressman RYAN. If the Arabs continue to refuse to negotiate directly, do you think anything can be achieved through indirect negotiations? What about the Rhodes Formula, which has been discussed—that is, there would be negotiations through an intermediary, such as Representative Jarring of the UN?

Ambassador RABIN. Well, first, as you know, the Rhodes Formula came about as a result of the war that happened there in '48–49. It happened that I was on the Israeli mission to the Rhodes negotiations, in which we succeeded in bringing about an armistice agreement between Israel and Egypt. It's not true that the negotiations in Rhodes were indirect. The first meeting was a joint meeting in which both parties, both delegations participated. There were joint meetings through the whole negotiations.

I would say, therefore, that Israel has publicly agreed to accept the Rhodes formula on two conditions—that this time the purpose should be peace and not armistice; second, since the United Nations staff did all the clerical work, the conduct and the procedures will be directed according to the UN records. We don't want everybody to rely on my own or my country's delegation's memory, or on the Egyptians' memory. There should be a record of what happened. Let's take the U.N. records as the guidelines for how these negotiations should take place. And, therefore, we are ready tomorrow, if not yesterday, to enter negotiations according to the Rhodes Formula.

As you know, the Egyptian government, officially after coming up with this suggestion, repudiated it, and officially, by now, the Egyptian government is against any negotiations, even along the Rhodes Formula.

Congressman RYAN. This is Congressman William F. Ryan and I'm talking to the Ambassador from Israel to the United States, Ambassador Rabin, about the situation in the Middle East. Ambassador, the United States in the past several months has been engaged in Four Power talks, and has made a number of proposals as part of that series of meetings, to the Russians. Do you think that the Four Powers, particularly the United States and Russia, can help to bring together Israel and the Arab states?

Ambassador RABIN. I believe that the decision to shift the efforts of peace-making from the Middle East into dialogues and discussions or talkings among the powers was a big mistake. It encouraged the Arabs to believe that they would be able to evade the need to make peace with Israel; and that they would be able to evade the need to negotiate with Israel. Therefore, it was a mistake from the very beginning to do it.

By now, I believe, after ten months or eleven months of experience, the dialogue—intensive dialogue—between the Soviet Union and the United States within the framework of the Two Powers, with the other so-called powers, Britain and France, in the framework of the Four Powers, has not produced anything. I would say the opposite. They have put aside more and more the prospects of achieving peace.

You have to remember that from the very beginning, if we take the Two Powers, you have got on one side the Soviet Union, which is an enemy of Israel. The Soviet Union will never agree to anything which is not acceptable to the Arabs, and I think what has happened with the Rhodes Formula is surely an example of this. The Russians agreed to the Rhodes Formula, after getting the permission of the Egyptians. When the Egyptians withdrew their agreement to the Rhodes Formula, the Russians, even though they had said that they would accept it, had to withdraw it, because they can't agree to anything which is not acceptable to the Arabs—especially to the Egyptians. The United States, on the other hand, I still believe is a friend of Israel. But, at the same time, it's a friend also of the Arab countries—at least of some of them. Therefore, the United States from the very beginning will try to find out a fair solution. Therefore, when you have got two parties to negotiate—one totally committed to one side, one trying to find out the fair solution, the pendulum always will turn some way which Israel can never accept.

Congressman RYAN: So, as long as Russia

is really doing the bidding of its client states, it can't, in your view, really participate in a fair and objective settlement?

Ambassador RABIN: By no means do I believe that any settlement that would be acceptable to the Russians can be for peace to end the real tension there, and therefore, acceptable to Israel. You have to remember that the Soviet Union, for its own interests in the Middle East, will not agree to a real peace, to the elimination of the tension. What the Russians tried—tried in the past, tried today, and will continue to try—is to keep tension, because tension has become a pre-condition for themselves to advance their interests in that part of the world.

Congressman RYAN: The United States apparently has made two major proposals to the Russians—One for a settlement between Egypt and Israel, the other for a settlement between Jordan and Israel. Neither Arab government has made any formal response to these proposals, but the Russians recently rejected the proposal for an Egypt-Israel settlement. In view of what you've said do you regard this as, in fact, a rejection by Egypt of this proposal? In other words, was Russia speaking for Egypt when that was rejected?

Ambassador RABIN: Well, first, no doubts that Russia speaks for Egypt. And, therefore, we know that the Arabs have not accepted these proposals. But, regardless of their rejection by the Arabs, Israel has rejected them because Israel doesn't see how they can serve as a basis for any settlement in the future. The main point why Israel has rejected these proposals is because these proposals have undermined Israel bargaining power in any future negotiations. You can't come up and say, "We are for negotiations," and on the other hand agree to a basis for these negotiations which leaves no room for any negotiations.

You have to remember that the only card that we have got in our hands to bargain for peace with is the territories that have been taken in the Six Day War. Without these territories under our control, not one of the Arab leaders, and no doubt, the Soviet Union, will try even to argue or to enter into any form of talks about the possibility of finding a political settlement.

Unfortunately, the U.S. government in its last proposals undermined our position by starting to draw maps between the Powers and not leaving it to the parties. Because, once the Powers will decide about the map—and according to the American proposals there is a clear-cut drawing of maps—nothing will be left for the negotiations. And as a result of this, there will be no need for negotiations.

Congressman RYAN. In other words, the United States is trying to specify this point—what concessions or compromises Israel should make—before there have been negotiations?

Ambassador RABIN. Exactly.

Congressman RYAN. I am critical—I don't expect you to comment—of the Secretary of State for those proposals because they seem to have undermined the Israeli position on negotiations. You can correct me, but my understanding of those proposals as you outlined—you talked about drawing maps—is that, on the one hand, as to the Egypt-Israeli border it was suggested to go back to the borderline which existed before the Six Day War along the Sinai peninsula. And in the area between Jordan and Israel, they apparently called for practically the borderline as it existed then. I think the term was "insubstantial alterations" in the Jordan-Israel line, which doesn't leave much room for negotiation, it seems to me. I wonder if you have any comment on exactly where the map would place the lines, as you understand it.

Ambassador RABIN. Well, you have to understand my position. I can't come out and talk about the details of the American proposals, as long as the United States government will not decide to make them property of the public. But I think, first you are not wrong in your assumptions and, second, what is in our opinion even more important is the fact that the United States in its proposals has drawn lines, instead of leaving the actual working out of maps to the parties.

We always have accepted that the international community has got the right to lay down the principles according to which a settlement between the Arab countries and Israel will be achieved. What should be the goal? What should be the principles? They all are laid down in the Security Council resolution that was passed unanimously in the Security Council of the United Nations on the 22nd of November, 1967. The only operative paragraph called upon the Secretary-General to designate a special envoy—Ambassador Jarring, as you mentioned—to go over to the area and to promote agreement between the parties. Therefore, what we say: the principles that are laid down in the Security Council resolution are the basis of the settlement; the working out of the peace agreement between Israel and each one of its neighbors has to be left to the parties themselves, under the auspices of the United Nations, under the chairmanship of Ambassador Jarring, as the representative of the United Nations, and should not be done by the Powers without the participation of the parties themselves.

Congressman RYAN. I think you made a very important point, of course, about the fact that the United States government has not made public the specifics of the proposals, although there have been any number of newspaper articles based upon information concerning what they are, and a number of leaks to the press. And, in that connection, I have called upon Secretary of State Rogers to make public the proposals. I think the American people, and certainly the United States Congress, are entitled to know exactly what the United States advanced as proposals to the Soviet Union.

Ambassador RABIN. Well, I am in no position to say nothing about it.

Congressman RYAN. I appreciate that. This is Congressman William F. Ryan. I am talking to Ambassador Rabin, the Ambassador to the United States from Israel. I think we do have a few minutes more, Mr. Ambassador, and I would perhaps like to get into a minute or two of your filling me in, and our listening audience, on what the military situation is today in the Middle East—the Arabs vis-a-vis Israel. There are constant reports, many of them verified, about the increasing number of Soviet military advisors aiding the Egyptian army. Egypt is clearly dependent upon Russia for its military hardware and assistance. What do you understand the relative balance to be, to the extent that you can inform us?

Ambassador RABIN. Well, as you, Congressman, just mentioned, it is true that the Soviets went out of their way, immediately after the Six Day War, in their efforts to rebuild the armed forces of Egypt, Syria, and Iraq. They have supplied these countries with arms in the value of about $3 billion, and practically for nothing. In addition to that, there are 5,000 Russian military advisors, technicians, and instructors in these three Arab countries—over 3,000 in Egypt; about 1,500 in Syria, and 500 in Iraq. They are trying their best to retrain and reorganize the Arab countries' armed forces. There are no inhibitions or any limitations on their efforts. And I think the only limiting factor is the Arab countries' capability to absorb them.

Even so, Israel believes that we can stand and defend ourselves alone, without asking anybody to send one instructor or one soldier to be involved in our wars. All that we ask of friendly countries is to allow us to purchase—and I stress, to purchase—the required weapons, in view of the influx of armaments by the Soviet Union.

In the meantime, as long as peace has not been achieved, we are trying to keep the cease-fire resolution. And, you know, the Arab countries were more than eager to accept and to agree to the cease-fire resolution that was passed by the Security Council of the UN at the end of the Six Day War. If they'll keep their obligation under the cease-fire resolution—it is to say, not to cross cease-fire lines—we also keep our obligation. But since they don't, we feel that we have got the right to defend ourselves and to destroy any attempt by them to interfere and to violate the cease-fire resolution. It's a burden on us, but this is the price of being alive and independent.

Congressman RYAN. What kind of help do you think the United States can give that it isn't giving? What would you like to see in terms of military assistance, or making available for purchase—as you put it—military equipment in order to maintain the balance in the Middle East and to offset the armaments which have been flowing into that area from the Soviet Union, and even including from France, in view of the recent delivery—or promised delivery—of the Mirage jets to Libya, which really means, I assume, to Egypt?

Ambassador RABIN. No doubt that the French planes—which are a big deal, over 100 jet planes—will be delivered in the next 3 years to Libya. And Libya by no means is capable of using them, and therefore one can assume, for sure, that they will be handed over in one way or another to the disposal of Egypt.

As you have just mentioned, Congressman Ryan, what we are trying is to get the permission to purchase the required amount of weapons here to prevent the change of balance of power. We believe that as long as Israel will be strong, there is a possibility to deter any attempt to bring about a local war. And as long as the war will be postponed, the better the prospects for peace.

I can't say that we are satisfied at the present with the response that we have got from the United States. We haven't got a negative response, but I can't say that we have got a positive response to the last request submitted by our Prime Minister to the President of the United States.

Congressman RYAN. I'm sure, of course, that the continuing state of war in the Middle East and its effect on Israel has been a real drain on the Israeli economy. In addition to some military assistance, is there some economic help that you can foresee that the United States could provide to help Israel in this time of stress and peril?

Ambassador RABIN. Well, of course, you have to remember that for the time being, for the arms that we buy, and have bought, in the United States, we have to pay a lot of money, most of it in cash, even without getting enough credits. First, we want to get better credits, and second, of course some other forms that would allow us to pass the critical time. We don't ask for much.

For the time being we don't get any economic aid from the United States.

Congressman RYAN. That's been so for several years, hasn't it?

Ambassador RABIN. No question. Since 1965 we have not been given any grants or any economic aid, except a certain amount that we are allowed to purchase under Public Law 480, which we repay in dollars.

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Congressman RYAN. I've been very much interested over a period of years in urging the United States to participate in a desalinization plant in Israel. Finally, there is money in the Foreign Aid Appropriation bill this year—I believe $20 million—for that. Of course, the United States would help, but Israel would also contribute a major share of that program. Do you think that this would be a useful program—the United States participating in a desalinization plant to help develop water in the Middle East, particularly in Israel?

Ambassador RABIN. I believe that it's vital to our economic development, because at the present time the limiting factor in Israel agricultural development is water, or to put it rightly, the shortage of water. Israel has achieved the highest degree of exploitation of its natural water resources, and the only way to increase the waters at its disposal is by the desalinization process. Therefore, to start such a project is essential for our further development.

Congressman RYAN. I certainly do appreciate your comments on these very vital questions, Mr. Ambassador. Of course, Ambassador Rabin, one of the festering problems in the Middle East ever since 1948 has been the question of refugees. The Arab refugee camps have been a source of instigation and indoctrination of young people against Israel. I recall my own visit in Jordan to a refugee camp there, and how indoctrinated the young people seemed to be—how indoctrinated they were even in their classes. Now it's our understanding that these refugee camps are a source of recruitment to the Palestine liberation forces. So, it's been a problem all the way through. What solution, in the long run, do you see to this refugee question? Of course, we're not only talking about the refugees of 1948, but now we're talking about refugees as the result of the Six Day War, also, I suppose—those who have fled from the west bank of the Jordan, particularly.

AMBASSADOR RABIN. Well, I think that the refugee problem is one of the most difficult problems of the Middle East. And it's not so easy to answer it in a very short time. First, one has to remember that the whole problem was created by a war that was enforced on Israel. Had the Arab Palestinian community then in Palestine and the Arab countries accepted the UN partition resolution that passed in 1947, as Israel did, and not tried to destroy the resolution, including the Jewish community in Palestine, by now not one Palestinian refugee would be in existence. Their decision to go into the war, their decision not to accept the UN partition resolution, created the refugee problem.

But, another refugee problem was created in 1948 as a result of the war. The Arab countries and the Muslim countries expelled about ½-million Jews who lived in these countries. And the Middle East was confronted with two refugee problems. The one—6 to 7 hundred thousand Palestinian Arab refugees. And about ½-million Jewish refugees. Israel, on its part, regardless of the fact that we were tiny in area; small in the number of our population—then we had less than 1 million people in Israel; limited in our resources vis-a-vis the big oil resources of the Arab countries; decided that first and foremost it was our responsibility to solve the refugee problem. Israel undertook, under a very austere regime, to find ways—and we were supported by friends of Israel from all over the world—by which to support ½-million Jewish refugees. The government of Israel supplied them free housing, free education, free medical care, job training, and jobs.

The Arab countries, on the other hand, tried to clean their hands of the fate of the Palestinian refugees. They didn't contribute any money—even to the maintenance of the refugee camps. Till today, for the last almost 21 years, these camps are maintained by UN funds. The United States alone has contributed over ½ billion dollars to the maintenance of these refugees. By the way, the Soviet Union has not given even $1 for the maintenance of the refugee camps. And the Arab countries don't lack any resources—their revenue of oil is something unbelievable.

We believe, therefore, that the refugee problem should be solved on a regional basis, by every country in the area taking its own share in its solution. We believe that Israel can take a certain number—a very limited number of the refugees. But the bulk of the problem has to be solved by resettlement of these refugees where there are places, where there are waters. Israel is ready to participate in some sort of compensation for the Palestinian refugees, but it should be solved by all countries of the area on a regional plan.

I believe once the Arab countries will decide to make peace with Israel, there will be a solution, also, to the refugee problem. Because there were many refugees all over the world in the last 30 years; but when the countries in which, as a result of the struggle or the problems of war among themselves these refugee problems were created, decided to put an end to war, to establish peace, they found ways to solve the refugee problems.

Congressman RYAN. The proposals advanced by the United States to the Soviets, which we referred to earlier, apparently also included some specific recommendations regarding the refugee question. It is my understanding that these proposals talked about a choice of repatriation or resettlement. I wonder if you have any understanding as to what specifically was called for in those proposals, from any information that you are able to discuss at this time?

Ambassador RABIN. Well, I believe that, still, the basis of the United States approach to the solution of the refugee problem is the free choice of the Palestinians between repatriation and compensation. We cannot accept this principle as a basis for the solution of the refugee problem. You have to remember that over 20 years have passed. These refugees today have been indoctrinated for the last 20 years in hatred of Israel and with the desire to destroy Israel. It would be real stupid for Israel to accept a fifth column back into its own country while, I believe, we were not the party to blame for the creation of this refugee problem.

We did not foster hatred in their hearts and minds against Israel, and, therefore, we cannot bear the responsibility of the present situation—and the difficulties that face Palestinian refugees. Those who were responsible for its creation, those who were responsible for the continuation of fostering hatred against Israel, should take the largest part in the share of the solution of this problem.

Congressman RYAN. One other question, and that's the future status of Jerusalem. There have been some suggestions—I think in some of these proposals, in fact—that Jordan should have a role in the future administration, or government, of Jerusalem. Have you any comments on how the Jerusalem question should be resolved, or is that simply, you feel, a matter of open negotiation?

Ambassador RABIN. I can say what Israel's position is. You have to remember that on the eve of the Six Day War—and today—the total population of Jerusalem is 280,000, of which 210,000 are Jews and 70,000 are Arabs. That is to say, 75% of the total population of Jerusalem, prior to the Six Day War, and today, are Jews.

Second, we believe Jerusalem, as a holy city for Muslims, Christians, and Jews, should be one city, united, and not divided by barbed wires, machinegun nests, and artillery emplacements. It's very strange to hear people talk about the holiness of the city, and calling for its division by the same kind of division that existed for 19 years. I believe there is one city in this world which is divided by a wall; there is no need for another city to be divided.

No question that Israel is ready to give a certain role to the Muslims in running their holy places, and I'm stressing—their holy places. If the Arab world will decide that King Hussein is the man that should represent them, it's up to them. We have no right to decide. If they want any role in the maintaining and upkeeping of the holy places of the Muslims, it's more than negotiable.

Congressman RYAN. Thank you. This is Congressman William F. Ryan. I've been talking to the Ambassador to the United States, Ambassador Rabin, the Ambassador from Israel. We have been talking about the situation in the Middle East. And in summation, now, giving the Ambassador a chance to report to our listening audience, let me ask one final question: and it's this, Mr. Ambassador: how do you envision the future? What do you think it holds for Israel and for peace in the Middle East?

Ambassador RABIN. I'm not very optimistic about achieving peace in the near future, because we have to face a coalition of the Soviet Union and, especially, Egypt and some other Arab countries, who are not interested whatsoever in achieving a real peace between the Arab countries and Israel, and in eliminating the Arab-Israeli conflict. And as long as they'll maintain the present position and will continue to pursue a policy of war and belligerency, I don't see how peace can be achieved.

On the other hand, I'm entirely confident that regardless of the lack of peace, that Israel can maintain its position, can defend itself, can cope with the daily military—limited military—activities, and continue its economic, social, and educational development. Therefore, I believe that we'll have in the future more of the same.

I don't believe there will be another war in the near future, even though I wouldn't dare to be a prophet about the future. But as long as Israel will be strong, the Russians and the Egyptians will not dare to attempt to make another war because they know that they might lose it—they know for sure they would lose it. And the Russians can not afford to suffer another defeat for their clients.

They wouldn't allow them to make peace and we'll have a long period of tension in the area. But, in the long run, it might take 5, 10, 15 years, in the long run, I believe, the Arab people will realize that their real interests lie in developing their own countries, raising their own standards of living, allowing themselves to live in a free society. This will bring about a change in their mind, a change in the direction of the Arab countries' policies. We have never lost our hope that peace will be achieved, and we'll never lose it.

Congressman RYAN. Thank you very much. That was a very stirring statement and certainly Israel has a right to be proud of her splendid representative to the United States, and the wonderful way in which you are representing that valiant and courageous nation in Washington, D.C. It's an honor and privilege, Ambassador Rabin, to have you on our program today. This is Congressman William F. Ryan, and I've been talking to the Ambassador to the United States from Israel, Lt. Gen. Yitzhak Rabin.

Ambassador RABIN. Thank you very much, Congressman Ryan.

HOUSE OF REPRESENTATIVES—*Monday, February 2, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Bless ye the Lord, all ye hosts; ye ministers of His, that do His pleasure.—Psalm 103: 21.

Almighty and Eternal God, at the beginning of International Clergy Week, we pause in Thy presence to pray for the clergymen of our land and our world. Give them grace to walk worthily in the calling to which they have been called, to serve Thee with all humility and patience, to help our fellow men with all sympathy and love, to promote integrity and good will in our Nation with all eagerness and enthusiasm, and to pave the way to peace in our world with all earnestness and sincerity. In all they plan may Thy thoughts guide their thinking, Thy wisdom make wise their minds, Thy love warm their hearts, and Thy purposes purify their lives.

Our lives are richer by reason of the ministry of those who minister in Thy name. Accept our gratitude for their presence in our midst.

Our Father, another of our colleagues has gone home to be with Thee. Receive him into Thy heavenly glory and bless his family with the comfort of Thy presence and the love of Thy spirit. Strengthen them for this experience and guide them step by step as they face the days ahead.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, January 29, 1970, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1520. An act to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers;

S. 1862. An act to amend section 8c(6)(I) of the Agricultural Adjustment Act to permit projects for paid advertising under marketing orders applicable to tomatoes;

S. 2289. An act to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes;

S. 2306. An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; and

S. 3207. An act relating to the liabilities of Federal National Mortgage Association to the United States.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, January 29, 1970, he did on January 30, 1970, sign the following enrolled joint resolution of the Senate:

S.J. Res. 131. Joint resolution to welcome to the United States Olympic delegations authorized by the International Olympic Committee.

THE LATE HONORABLE GLENARD P. LIPSCOMB

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, it is with deep sadness in my heart that I announce to the Speaker and to the Members of the House that Congressman GLENARD P. LIPSCOMB, who represents the 24th District of California, died yesterday afternoon of cancer.

Mr. Speaker, GLEN and I have been like twin brothers for the past 20 years. I know that GLEN was admired and respected by the Speaker and by every Member of the House of Representatives.

On behalf of the Speaker and on behalf of the Members, I extend our deep sympathy to his wife, Virginia, and to their two daughters, and to the other members of their family.

Mr. Speaker, in connection with the services, the memorial service for Congressman LIPSCOMB will be at 10:30 a.m. Tuesday morning at the Fourth Presbyterian Church, 5500 River Road, Bethesda. Funeral services and interment will be at Forest Lawn Memorial Park, Hollywood Hills, Los Angeles, Calif., on Wednesday, February 4, at 1 p.m. California time. Transportation will be provided for the Members who will wish to attend the services in California, leaving from the office of the Sergeant at Arms in front of the Capitol at 8:30 a.m. and returning the same evening to Washington.

Mr. Speaker, I will ask at a separate time for a special order during which all of us may have the opportunity of extending or paying tribute to and eulogizing Congressman LIPSCOMB.

Mr. Speaker, I knew him so well I am sure he would not want us to adjourn today and not carry on with our business. I would not, and I am certain he would not, but a resolution will be offered subsequently today, at an appropriate time, to adjourn out of respect for our late colleague, GLENARD P. LIPSCOMB.

SPECIAL ORDER GRANTED

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that tomorrow afternoon, Tuesday, at the close of business I be permitted to address the House for 1 hour for the purpose of eulogizing our late colleague, Congressman LIPSCOMB.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRIBUTE TO THE LATE HONORABLE GLENARD P. LIPSCOMB

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute.)

Mr. HOLIFIELD. Mr. Speaker, I join with my friend, the gentleman from California, Congressman SMITH in his remarks. At the proper time I will speak at some length on the demise of our colleague, and my beloved friend, GLENARD P. LIPSCOMB.

He served on my Subcommittee on Military Operations for a number of years. I know of no more dedicated person than was GLENARD LIPSCOMB in his work on that committee. I know his subsequent work on the Appropriations Committee was equally diligent and dedicated.

Mr. Speaker, I will speak later, at the proper time designated for all Members on this matter.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE 1971 BUDGET—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed, with illustrations:

To the Congress of the United States:

I have pledged to the American people that I would submit a balanced budget for 1971. This is particularly necessary because the cost of living has been rising rapidly for the past five years.

The budget I send to you today—the first for which I bear full responsibility as President—fulfills that pledge.

Outlays are estimated at $200.8 billion, with receipts at $202.1 billion, yielding a surplus of $1.3 billion.

This anti-inflationary budget begins the necessary process of reordering our national priorities. For the first time in two full decades, the Federal Government will spend more money on human resource programs than on national defense.

A budget must be a blueprint for the future. In the 1971 budget, I seek not only to address today's needs, but also to anticipate tomorrow's challenges. Only with a plan that looks to the years ahead can we gain control over the long-range use of our resources, and mark a clear course for meeting national goals. Most worthwhile objectives are costly. Therefore, we must pursue our purposes in an orderly fashion, measuring our efforts to accord with the budget resources likely to be available.

A balanced plan for resource allocation does not require Federal domination. On the contrary, by placing greater reliance on private initiative and State and local governments, we can more effectively mobilize our total resources to achieve national purposes over the long run.

This comprehensive perspective was instrumental in shaping the 1971 budget.

THE BUDGET AT A GLANCE

[In billions]

Item	1969 actual	1970 estimate	1971 estimate
Receipts	$187.8	$199.4	$202.1
Outlays	184.6	197.9	200.8
Surplus	3.2	1.5	1.3

With this budget we will move ahead to:

Meet our *international responsibilities* by seeking an honorable peace in Vietnam, by maintaining sufficient military power to deter potential aggressors, by exploring with the Soviet Union possible limitations on strategic arms, and by encouraging multilateral aid, expanded trade, and a greater measure of economic self-help for developing nations of the world.

Help restore *economic stability* by holding down spending in order to provide another budget surplus and to relieve pressure on prices—and to achieve that surplus without income or excise tax increases.

Launch a major effort to improve *environmental quality* by attacking air and water pollution, by providing more recreation opportunities, and by developing a better understanding of our environment and man's impact upon it.

Inaugurate the *Family Assistance Program,* fundamentally reforming outmoded welfare programs, by encouraging family stability and providing incentives for work and training.

Provide major advances in our programs to *reduce crime.*

Foster *basic reforms* in Government programs and processes by making entire program systems operate more effectively, and by encouraging responsible decentralization of decisionmaking.

The proposals in this budget are important steps toward these goals. Even so, taking these steps requires difficult choices.

The need to choose among alternative uses of our resources is a basic fact of budgetary life. In the past few years, too many hard choices were avoided. Inflation was permitted to steal purchasing power from us all, and to work particular hardship on the poor and the millions of Americans who live on fixed incomes, as well as on the housing industry, small businesses, and State and local governments.

Indeed, the willingness to make hard choices is the driving force behind my 1971 budget proposals.

OVERVIEW OF THE 1971 BUDGET

All Government spending flows from budget authority that is enacted by the Congress. Budget authority for 1971 is estimated at $218.0 billion. Of the total, $148.1 billion will require current action by the Congress, with the balance becoming available automatically as the result of past congressional actions.

Budget outlays for 1971 will be held to $200.8 billion, which is only $2.9 billion more than in 1970. The 1971 total consists of $200.1 billion in expenditures and $0.7 billion for net lending.

Revenues are estimated to be $202.1 billion in 1971, exceeding 1970 levels by only $2.7 billion. The small size of the increase reflects the termination of the income tax surcharge and the provisions of the recently enacted Tax Reform Act of 1969.

The surplus for 1971, an estimated $1.3 billion, is essential both to stem persistent inflationary pressures and to relieve hard-pressed financial markets.

Budget surpluses enable us to keep Federal *debt held by the public* from rising. This measure of debt will decline slightly from $279.5 billion at the end of fiscal year 1969 to $278.5 billion at the end of 1970, and drop still further to an estimated $277.3 billion by the end of 1971.

Federal civilian *employment*—as measured by those in full-time, permanent positions—will decline for the second consecutive year. This decline reflects the tight rein I am holding on employment, despite sharp increases in workload. Within this reduced total, selective increases will be permitted to meet such high priority needs as: more effective law enforcement, improvement of the quality of our environment, expansion of airway capacity, medical care of veterans, and payment of social security benefits.

SUMMARY OF THE BUDGET AND FINANCIAL PLAN

[Fiscal years. In billions]

Description	1968 actual	1969 actual	1970 estimate	1971 estimate
Budget authority (largely appropriations):				
Previously enacted		$133.2	$133.9	....
Proposed for current action by Congress			5.1	$148.1
Becoming available without current action by Congress		75.9	84.0	86.7
Deductions for offsetting receipts		−12.9	−13.9	−16.8
Total budget authority		196.2	209.1	218.0

SUMMARY OF THE BUDGET AND FINANCIAL PLAN—Con.

[Fiscal years. In billions]

Description	1968 actual	1969 actual	1970 estimate	1971 estimate
Receipts, expenditures, and net lending:				
Expenditure account:				
Receipts		187.8	199.4	202.1
Expenditures (excluding net lending)		183.1	195.0	200.1
Expenditure account surplus		4.7	4.4	2.0
Loan account:				
Loan disbursements		13.1	9.5	8.6
Loan repayments		11.6	6.6	7.9
Net lending		1.5	2.9	0.7
Total budget:				
Receipts		187.8	199.4	202.1
Outlays (expenditures and net lending)		184.6	197.9	200.8
Budget surplus		3.2	1.5	1.3
Budget financing:				
Net repayment of borrowing to the public		−1.0	−2.6	−1.2
Other means of financing		−2.2	1.1	−0.1
Total budget financing		−3.2	−1.5	−1.3
Outstanding debt, end of year:				
Gross Federal debt	$369.8	367.1	374.7	382.5
Debt held by the public	290.6	279.5	278.5	277.3
Outstanding Federal and federally assisted credit, end of year:				
Direct loans [1]	55.3	46.9	52.2	53.8
Guaranteed and insured loans [2]	97.6	105.1	107.6	119.0
Direct loans by Government-sponsored agencies	10.9	27.2	38.5	46.6

[1] Including loans in expenditure account.

[2] Excluding loans held by Government or Government-sponsored agencies.

FISCAL HIGHLIGHTS

The 1971 budget was framed in a period of persistent price rises and is designed to help curb the inflation that has gripped our economy too long.

Economic setting.—In the years preceding my inauguration, total demands on our productive capacity increased too rapidly to maintain price stability, largely because of Federal deficits. Government spending rose by more than 50% from 1964 to 1968, fanning the flames of inflation with a 4-year deficit of $39 billion. As a result, increases in consumer prices accelerated during this period, with a rise of almost 6% during the past year.

When I took office last January, the only responsible course was to design a policy that would curb the rising cost of living while avoiding recession and an excessive increase in unemployment.

In our first six months in office, we revised the 1970 budget inherited from the previous Administration to reduce defense expenditures by $4.1 billion, and controllable civilian programs by $3.4 billion more.

We also recommended needed additional revenues, including:

Continuation of the income tax surcharge at 10% until December 31, 1969, and at 5% until June 30, 1970—yielding $7.6 billion in revenues; and

Repeal of the investment tax credit and extension of selected excise taxes and user charges, for an additional $2.4 billion.

Responding to inflation, interest rates rose sharply. The restrictive monetary policy of the Federal Reserve System limited the flow of money and credit and created further upward pressure on rates.

Monetary and fiscal policies succeeded in moderating economic expansion as we progressed through calendar year 1969, bringing some reduction of corporate profits and the first signs of a slowing in the rate of price increases. We know from past experience that prices react slowly to changes in economic activity. Thus, it is not surprising that it is taking time to translate anti-inflationary actions into price relief.

To contain inflation, we must maintain a policy of fiscal restraint in the current fiscal year and continue it in 1971.

For 1971, total outlays can be held to an estimated $200.8 billion only if marginal programs are reduced or eliminated, and some desirable new programs postponed.

Demanding and unpopular actions are essential to a responsible fiscal policy in today's economic setting. They must be taken to:

Reduce inflationary pressures and expectations; and

Relieve the pressure in financial markets.

Only in this way can we hope to:

Improve our balance of international payments position; and

Achieve a rate of economic growth that is compatible with our longer range objective of high employment with price stability.

Revenues and tax policy.—Total receipts are estimated at $202.1 billion for 1971.

The small increase, only $2.7 billion above 1970, reflects offsetting forces. Aside from the income tax surcharge, receipts would have risen $9.7 billion under tax rates in effect through December 1969. This amount includes $1.2 billion from planned administrative steps to speed up the collection of excise taxes and income taxes withheld by employers. Another $1.6 billion results from the proposed revenue recommendations discussed in Part 3 of the budget.

On the other hand, total receipts will be sharply reduced by the expiration of the income tax surcharge on June 30, 1970, and by various tax reductions included in the Tax Reform Act of 1969—reductions that will depress revenues $2.9 billion below my tax proposals in April.

BUDGET RECEIPTS

[Fiscal years. In billions]

Source	1969 actual	1970 estimate	1971 estimate
Individual income taxes	$87.2	$92.2	$91.0
Corporation income taxes	36.7	37.0	35.0
Social insurance taxes and contributions	39.9	44.8	49.1
Excise taxes	15.2	15.9	17.5
All other receipts	8.7	9.4	9.5
Total budget receipts	187.8	199.4	202.1
Under existing law	187.8	199.4	200.5
Under proposed legislation		(1)	1.6

[1] Less than $50,000,000.

The recently enacted *Tax Reform Act* meets some—but not all—of the objectives sought by the Administration. It provides:

A low-income allowance that removes the burden of paying Federal income taxes now borne by more than 6 million people with incomes below the poverty level, and reduces the tax burden of an additional 8 million people with incomes only slightly above the poverty level;

A minimum tax on income, which insures that taxpayers heretofore using certain preferences in the law to eliminate their tax liabilities will bear some tax burden; and

An increase in the personal exemption from $600 to $650, effective July 1, 1970 (eventually rising to $750), and also an increase in the standard deduction.

I urge the Congress to enact the following revenue proposals:

Additional user charges in the field of transportation, so that those who benefit directly will pay a fairer share of the costs involved (as I proposed last year);

An increase in the maximum taxable wage base for social security from the present $7,800 to $9,000; and

Extension of the excise taxes on automobiles and telephone services at their present rates through December 31, 1971.

Controlling Government spending.—The Federal budget must meet the objectives of many individual programs at the same time that the expenditure total must conform to the resources available.

Current fiscal year.—The Congress set a spending ceiling for the Executive Branch for 1970, with provisions allowing the ceiling to be changed by congressional actions that relate to the budget.

The original ceiling set in the law was $191.9 billion. The Congress recognized, however, that a substantial part of Federal spending in any one year is determined by prior legal obligations and is, therefore, beyond the immediate control of the Executive Branch. For this reason, the law provides that the overall ceiling can be raised by up to $2.0 billion to take account of increases above the estimates of selected *uncontrollable* expenditures such as social security and interest on the public debt. Actions of the Congress already taken or projected in this budget are expected to add another $1.8 billion to the ceiling, thus raising the overall ceiling to $195.7 billion. (A more detailed analysis of the factors affecting the budget ceiling is found in Part 2.)

I support the intent of the Congress to maintain firm control of Federal spending. But the $2.0 billion allowance for increases in uncontrollable spending now appears completely unrealistic. Spending for these uncontrollable programs is now expected to be $4.3 billion higher in 1970 than estimated last April. *This is $2.3 billion above the amount allowed for this contingency by the Congress.*

On the other hand, we have held *controllable* spending firmly within the limits set by the Congress. Nonetheless, total 1970 spending is now estimated at $197.9 billion, which is $2.2 billion above the legal ceiling. The excess results entirely from the $2.3 billion increase in outlays for the designated uncontrollable programs. There is a margin of only $0.1 billion under the ceiling on all other spending.

I believe that an overall spending target provides a useful discipline to guide individual actions by the Congress and the Executive Branch. However, an outlay ceiling should include adequate provision for spending on uncontrollable programs.

I recommend, therefore, that the 1970 ceiling be amended in two ways. First, the fixed allowance for uncontrollable outlays should be removed for those outlays that the Congress has already placed beyond the Executive's control. Second, the ceiling itself should be amended so that the extremely slim margin between the revised ceiling and the current estimate of total outlays is sufficient to permit prudent management of the Government without forcing crippling cuts in vital programs during the few remaining months of this fiscal year. I further suggest that the Congress reconsider the real utility of having a flexible ceiling apply to the Congress while a rigid ceiling is applied to the Executive Branch.

The dedication of this Administration to expenditure control has been demonstrated by the $7.5 billion of reductions we have already made this year. We will continue our vigorous efforts to contain Federal spending. With the cooperation of the Congress, we are determined to hold total spending for 1970 to the revised target of $197.9 billion.

I also recommend that congressional attempts to control outlays in the future focus on the earliest stages of Government spending—authorization of programs and enactment of budget authority.

Based on our experience this past year, I believe that Congress can improve its contribution to better budgeting of national resources by taking steps to:

Make individual appropriations and other legislative actions consistent with its wishes on overall budget totals;

Provide a closer link between legislative consideration of receipts and outlays; and

Enact appropriations before the fiscal year begins, phasing the authorization and appropriation processes in a more orderly way. Many of the appropriations for the fiscal year that began last July were not enacted until December. Two appropriation bills—totaling $22 billion—were not enacted when Congress adjourned in December. The Executive Branch will speed its processes wherever feasible to help make more timely action possible.

It is many years, indeed a generation, since the Congress was able to finish its work in a session lasting 3 to 4 months. The Congress now works the year round. All too often, major appropriation bills are not acted upon until the final weeks of the session, perhaps as long as half a year after the beginning of the fiscal year. Obviously, this causes inefficiency and uncertainty within the executive departments and throughout the country. To bring the appropriation and the administrative cycles back into harmony, suggestions have been made to change the fiscal year to correspond to the legislative year, perhaps with new appropriations scheduled to begin January 1 rather than July 1. However, even if this change were deemed desirable, by itself it would not achieve the desired result. The Congress would also have to revise or speed its authorizing actions, which, by the Congress' own rules, must precede appropriations. I urge Congress to consider this question.

Budget year.—Outlays for 1971 will reach approximately $200.8 billion, only $2.9 billion, or 1.5% more than in 1970. This is substantially less than the 6% increase in the consumer price index during the past calendar year.

The rise in total outlays in 1971 is also *substantially less* than the increase in outlays that are virtually mandatory under present laws. For example, social insurance trust fund outlays (including Medicare) and public assistance grants (including Medicaid) alone are estimated to increase in 1971 by $6.8 billion.

Aside from these outlays, I have reduced the total of other Federal spending below its 1970 level.

New pay raises for Federal civilian and military employees are budgeted for $175 million in 1970 and $1.4 billion in 1971. These increases reflect (1) the pay adjustments accompanying postal reform, (2) the principle of pay comparability of civilian jobs with similar jobs in private industry, and (3) the legal requirement that military salaries be increased in pace with the compensation of Federal civilian employees. The annual survey of the Bureau of Labor Statistics indicates that a civilian pay raise averaging 5.75% would be consistent with the present legal comparability principle. Because the need to control and contain the inflationary spiral is of paramount importance at this time, however, I recommend that the comparability pay raises (which require congressional action) be deferred six months beyond the recent pattern, and be made effective January 1971.

The 1971 budget shows a significantly different set of priorities from those contained in the budget presented by the previous Administration a year ago. Although 1971 outlays are $5.5 billion higher than the total originally proposed a year ago for 1970, outlays for national defense and space activities have been reduced by $10.8 billion. The current estimate of 1970 spending for defense and space is $4.4 billion less than that recommended last year by the outgoing Administration, and a further reduction of $6.3 billion is proposed for 1971.

A substantial increase in postal revenues is necessary in order to avoid an excessive postal deficit, which would otherwise consume a large part of the resources made available by the difficult cuts we are making in other programs. Enactment of the pending bill to raise postal rates, in addition to other measures currently under study, will cause net outlays for the Post Office to decline by an estimated $866 million from 1970.

The reductions I am proposing make it possible to provide funds for some of our most urgent domestic needs. This is appropriate policy. Burdened by overcommitments of the past, we must pursue our goals prudently. My budget for 1971 includes *increases* of:

$500 million for starting the *Family Assistance Program,* to replace an unworkable and often inequitable system with one that encourages family stability, provides incentives for work and training, and offers expanded opportunities for day care.

$275 million for the first quarterly payment under my proposed *revenue-sharing* plan, to go into effect before the end of 1971.

$310 million for improved *crime reduction* efforts.

$330 million for air and water pollution control, and for additional parks and open spaces, as integral parts of our efforts to enhance *environmental quality.*

$764 million for *food assistance* programs, to help eliminate malnutrition and hunger.

SELECTED BUDGET OUTLAYS

[Fiscal years. In millions]

Description	1969 actual	1970 estimate	1971 estimate	Change 1970–1971
Social insurance trust funds	$39,849	$45,681	$51,667	+$5,986
Public assistance (including Medicaid)	6,281	7,479	8,277	+798
Civilian and military pay increases		[1] 175	[1] 1,400	+1,225
Subtotal	46,130	53,335	61,344	+8,009
National defense	81,240	79,432	73,583	−5,848
Space	4,247	3,886	3,400	−486
Post Office	920	1,247	382	−866
Family Assistance Program			500	+500
Control of air and water pollution, and increased parks and open spaces	644	785	1,115	+330
Crime reduction	658	947	1,257	+310
Revenue sharing			275	+275
Food assistance	1,192	1,514	2,278	+764
Transportation	6,319	7,019	7,487	+468
Manpower training	1,193	1,368	1,720	+352

[1] Includes the projected costs of certain pay adjustments in the Postal Field Service related to postal reform.

$468 million for *transportation* facilities and services, important ingredients in continued economic growth and job development.

$352 million for *manpower training,* to help more of our people to become productive and self-supporting.

Budget authority.—Budget authority—generally in the form of appropriations—must be provided by the Congress before Federal agencies can commit the Government to spend or lend funds.

I am recommending a total of $218.0 billion of budget authority for fiscal year 1971. This includes $216.8 billion of new obligational authority and $1.3 billion of lending authority.

Not all budget authority requires current congressional action. For example, existing laws provide that the receipts of social insurance trust funds be automatically appropriated as budget authority each year. Similarly, whatever is needed for interest on the public debt is automatically provided under a permanent appropriation. For activities of this nature, $86.7 billion of budget authority for 1971 will become available automatically.

BUDGET AUTHORITY

[Fiscal years. In billions]

Description	1969 actual	1970 estimate	1971 estimate
Available through current action by the Congress:			
Previously enacted	$133.2	$133.9	
Proposed in this budget			$136.8
To be requested separately:			
For supplemental requirements under present law		4.4	0.3
Upon enactment of proposed legislation		—([1])	8.2
Allowances:			
Revenue sharing			0.3
Civilian and military pay increases [2]		0.2	1.4
Contingencies		0.5	1.2
Subtotal, available through current action by the Congress	133.2	138.9	148.1
Available without current action by the Congress (permanent authorizations):			
Trust funds (existing law)	53.1	60.6	64.5
Interest on the public debt	16.6	18.8	19.0
Other	6.2	4.6	3.2
Deductions for offsetting receipts	−12.9	−13.9	−16.8
Total budget authority	196.2	209.1	218.0

[1] Less than $50,000,000.

[2] Includes the cost of certain pay adjustments in the Postal Field Service related to postal reform.

The remaining $148.1 billion is proposed for consideration during this session of Congress. The outlays associated with the budget authority requiring current congressional action are estimated to be $93.5 billion in 1971.

Federal debt.—This budget provides for a reduction of *Federal debt held by the public* of $1.2 billion from the level on June 30, 1970, and $2.2 billion lower than on June 30, 1969. These repayments of debt out of budget surpluses will afford some modest relief to financial markets to help meet heavy demands for housing and State and local government financing.

At the same time, federally assisted financing outside the budget—both guaranteed and insured loans and loans of Government-sponsored agencies—will be substantially higher both in 1970 and in 1971. This expansion in federally assisted credit programs helps to cushion the impact of tight money on housing.

Gross Federal debt differs from debt held by the public in that the former also includes debt held within the Government, such as the investments of the social security trust funds in special Treasury issues. Gross Federal debt will continue to rise, from $367.1 billion on June 30, 1969, to an estimated $382.5 billion on June 30, 1971. The increase is more than accounted for by investments by trust funds and other Government agencies of their surplus receipts. In 1971, the surplus in the trust funds will be an estimated $8.7 billion, compared with $8.6 billion in 1970.

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FEDERAL DEBT AND BUDGET FINANCING

[Fiscal years. in billions]

Description	1969 actual	1970 estimate	1971 estimate
Federal debt held by the public (at end of fiscal year)	$279.5	$278.5	$277.3
Plus: Debt held by Federal agencies and trust funds	87.7	96.3	105.2
Equals: Gross Federal debt	367.1	374.7	382.5
Consisting of:			
Treasury debt [1]	352.9	362.1	370.3
Other agency debt	14.2	12.6	12.2
Budget financing:			
Net repayment of borrowing (−)	−1.0	−2.6	−1.2
Other means of financing	−2.2	1.1	−0.1
Total budget financing	−3.2	−1.5	−1.3
Total budget surplus	3.2	1.5	1.3

[1] Excluded notes issued to the International Monetary Fund.

The *statutory debt limit* covers almost all of the gross Federal debt, but it excludes most borrowing by Federal agencies other than the Treasury. The present temporary debt limit of $377 billion will expire on June 30, 1970, and the statutory maximum will then revert to the permanent level of $365 billion.

An increase in the statutory limit will be necessary even though the past two budgets and the one proposed for 1971 all show surpluses of receipts over outlays. These surpluses reflect the rise in accumulated balances of trust funds that are invested in Treasury issues—thus increasing the amount of debt subject to the statutory limitation. I will recommend appropriate increases in the statutory limit prior to the end of the fiscal year.

A STRATEGY FOR THE SEVENTIES

I am pleased to present a budget that demonstrates a shift in priorities; we now begin to turn in new directions.

Changing priorities.—About 41% of estimated outlays in the 1971 budget will be devoted to human resources—spending for education and manpower, health, income security, and veterans benefits and services. Spending for national defense, despite continued improvements in our military forces, will claim a smaller percentage of the budget than in any year since 1950. Although still comparatively small, other major programs of this Administration—pollution control, crime reduction, transportation, and housing—are planned to grow substantially in the years ahead.

CHANGING PRIORITIES

[Fiscal years. Percentage distribution of total budget outlays]

Program	1961 actual	1969 actual	1971 estimate
National defense	48	44	37
Human resource programs [1]	30	34	41
Other	22	22	23
Total budget outlays	100	100	100

[1] Includes the following functional categories: education and manpower, health, income security, and veterans benefits and services.

Reducing outmoded or uneconomic programs.—I believe strongly that the Federal budget process can no longer confine itself to marginal increases or decreases. Much of the budget is the outcome of program decisions made in years past, or even decades ago. Today, more than two-thirds of Federal outlays are relatively uncontrollable in the near term.

We must begin to cull from the budget mass those programs that are ineffective or poorly designed and those where the original need has long since vanished. Since needs and technology change rapidly, Government programs must keep pace.

Therefore, I propose to restructure, reduce, or terminate a number of outmoded or uneconomic programs that will save $2.1 billion in 1971. These proposals, discussed in detail in Part 2 of the budget, envision that:

Fundamental *restructuring* of programs will save nearly $1.4 billion in 1971. For example, the basic concept underlying the present objectives of the Nation's stockpile of strategic and critical materials must be re-examined and modernized. Many commodities in the stockpile are now far in excess of foreseeable needs. Expanded authority will be sought to permit the disposal of $750 million of these materials in 1971.

Program *terminations* will save about $300 million from lower priority activities in 1971. Much of the total is accounted for by eliminating certain agricultural programs which have accomplished their purposes or are no longer high priority.

Reductions in uneconomic programs will total $436 million in 1971. The largest reduction stems from actions taken in manned flight activities of the space program.

These actions will provide more than $2 billion each year to help meet high-priority needs of today and pressing problems of the future.

Preparing for the future.—This Administration is placing heavy emphasis on the long-range implications of current decisions. We must become increasingly aware that small decisions today often lead to large cash outlays in the future. Past failure to recognize this fact is responsible for much of the current budgetary inflexibility, hampering our present progress.

The future holds great promise. But looking ahead, we can also foresee that:

The expected increase in Federal tax revenues will not be sufficient to meet all meritorious claims—a reduction in taxes, a budget surplus with high employment, the initiation of new programs, and the expansion of existing programs—that will be made.

It will be necessary to evaluate *existing* programs and proposed new programs to ensure that Federal funds are raised and spent in the most effective way. We will have to shift funds from uses with relatively low effectiveness or prority to those uses that now have higher priorities.

Growth of the economy.—From fiscal years 1970 through 1975, the labor force is expected to grow from 85 million to 92 million, a net addition equal to the total employment in the State of California. Coupled with rising productivity and a return to more modest price trends, our gross national product could increase from $960 billion in fiscal year 1970 to nearly *$1.4 trillion* in 1975. It took the Nation 19 decades to reach a total output of $700 billion, but we will double that amount by our Bicentennial.

The growth of our productive capacity will be matched by growth in demand. Population will rise from 205 million to 218 million, a net addition greater than the present population of New England. There will be 4 million new family units formed.

Pressures on the Federal budget.—This growth and change will be reflected in Federal Government finances. During fiscal years 1971–1975:

On the basis of my tax recommendations last April, and those contained in this budget, the increase in personal income, corporate profits, and other sources of revenue would have increased the yield of the tax system to $278 billion in 1975.

However, the new Tax Reform Act will reduce that potential increase in 1975 by $12 billion. As a result, Federal revenues will be a smaller proportion of gross national product in 1975 than in 1970.

Growth will also require additional Government services and generate greater spending. By 1975 we estimate that:

The increases in population, wages, and other factors would seem to necessitate growth in many existing Federal services, causing outlays to rise by $28 billion—unless further economies are found.

Program terminations and restructuring recommended in this budget will reduce the growth in the budget base, however, by $2 billion. Further cuts will be sought in the future.

New initiatives that I have already proposed or am proposing in this budget are estimated to rise to $18 billion in outlays.

In the past, the Federal Government has been unwilling to pull all the pieces together and present the results of projecting Government finances into the future. I feel that this is an essential part of an enlightened discussion of public policies even though precise figures are, of course, impossible.

Looking ahead, the margin of discretionary Federal resources left over—in a sense, a national nest egg—for distribution to private citizens through tax reduction, for distribution to State and local governments as we move forward with the New Federalism, or for new Federal Government programs, is small. Furthermore, the inherent uncertainty in projecting the future rate of economic growth and unforeseen international tensions could easily alter these projections to show no future resources for discretionary action.

With these qualifications in mind, we can estimate that anticipated revenues are likely to exceed projected outlays by $22 billion in 1975—a margin equal to only 1.5% of our gross national product. Furthermore, our current estimates indicate little, if any, margin for 1972.

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BUDGET PROJECTIONS[1]

[Fiscal years. In billions]

Description	1971 estimate	1975 projected
Revenues:		
Tax structure proposed by administration (April 1969)[2]	$205	$278
Less effect of 1969 Tax Reform Act	−3	−12
Total	202	266
Outlays:		
Current program	200	228
New initiatives reflected in this budget	3	18
Less program termination, restructuring, and reduction currently proposed	−2	−2
Total	201	244
Margin remaining		22

[1] The assumptions and procedures underlying these projections are described in Pt. 2 of the budget.

[2] Includes revenue effect of legislation proposed in this budget.

Decisions to include new spending programs in this and future budgets will recognize long-run savings that would be lost if action is not taken. For example, the proposed Family Assistance Program is designed to reform our outmoded welfare system. If enacted, it would cost an estimated $4.4 billion in the first full year of effect. However, the incentives to preserve families intact and increase gainful employment will eventually mean a long-run increase in economic self-sufficiency, which I believe far outweighs these substantial, but essential, public costs.

The path to our goals.—Among the meritorious claims on our resources are:

Protecting our physical environment by taking further actions to reduce air and water pollution, and by providing additional parks, open spaces, and other recreational opportunities.

Maintaining our physical and economic base by improving transportation systems, and by stimulating the construction of additional low- and moderate-income housing.

Bringing better health to all, by reforming the health care delivery system, by increasing the Nation's corps of needed health personnel, and by emphasizing areas that promise important breakthroughs in medical research.

Equalizing career opportunities by investing in new methods of education, in aid to low- and middle-income college students, and in job training.

Renewing the American education system by emphasizing research and experimentation, by investing in teacher training and new community colleges, and by redressing inequities in educational financing.

Obtaining budget surpluses in order to generate additional savings so housing and State and local construction can be financed without undue reliance on Federal aid. The absence of such surpluses would tend to keep interest rates high and to make capital markets less efficient.

Reducing and realigning tax burdens further in a fair and judicious manner, when such action is prudent and desirable in the light of all other national priorities.

As long as the growth of revenues exceeds the growth of "built-in" expenditures we will be able to make some genuine progress toward these goals.

The progress that we make in pursuit of these goals must depend on their relative priority, our ability to design workable programs, and our willingness to raise the required resources.

THE SEARCH FOR PEACE

We seek a world in which all men can live in peace, freedom, and dignity.

Peace and national security.—The best way to achieve this goal is through maintaining sufficient strength to deter aggression—and cope with it where necessary—supported by effective and verifiable international agreements, and by collective security and cooperation.

One of my first official acts as President was to direct a comprehensive and orderly review of our national security policies and the programs required to carry them out. This was the most thorough re-examination of its type ever undertaken, designed to bring our strategies, forces, and priorities into proper balance.

This budget reflects the transition from old policies and strategies to the new ones stemming from our review. I have:

Initiated a plan designed to bring a just and honorable peace to Vietnam. Our approach involves a two-pronged effort to negotiate in Paris and to effect an orderly transfer to the South Vietnamese of the major responsibilities the United States has assumed in that country. We will do so in a manner that will help maintain that country's right of self-determination. While negotiations have been disappointing, progress in Vietnamization has been encouraging and has enabled Vietnamese forces to assume a greater burden on the battlefield. In accord with this plan, I have already announced a series of troop withdrawals that will reduce our authorized forces in Vietnam by 115,500 below that existing when this Administration took office.

Begun strategic arms limitations talks with the Soviet Union.

Signed the Nuclear Nonproliferation Treaty.

Begun construction of the Safeguard missile defense system, intended to protect the United States from limited nuclear attacks, including an accidental missile launch, and to protect some of our retaliatory forces.

Renounced biological weapons and initiated disposal of existing bacteriological weapons.

Appointed an advisory commision to develop a comprehensive plan for eliminating the draft and moving toward an all-volunteer military force.

Signed into law my proposal for draft reform, to shorten the maximum period of draft vulnerability to one year, thereby reducing uncertainty for millions of our young men.

Looking to the future, both our strategy and forces must be designed to honor our international commitments and to insure our national security. We must make realistic and continuing assessments of the programs required to support these objectives.

The strategy of this Administration, as I stated at Guam, is based on the expectation that our allies will shoulder substantial responsibility for their own defense. With this posture, we can safely meet our defense requirements with fewer resources.

International relations.—Early in my Administration, we sought to identify more effective ways to encourage international development and stability with a limited availability of Government funds.

I have concluded that the answers lie in greater initiative by the countries we assist, more trade, a larger role for private enterprise, and increased reliance on cooperative, multilateral efforts. I strongly support international organizations as effective channels for development assistance.

We are urging all industrialized countries to reduce trade barriers against products of special importance to developing countries. I urge enactment of trade legislation now before the Congress that would reduce trade barriers and provide more equitable adjustment assistance to industries, companies, and workers injured by import competition.

We are encouraging private enterprise, both locally based and American, to bring its dynamism to the challenge of economic development. To enlarge the role of private enterprise still further, I will establish the Overseas Private Investment Corporation—a recommendation already approved by the Congress.

Trade and private enterprise by themselves are not sufficient. I am also proposing budget authority of $1.8 billion for the Agency for International Development to provide direct aid to developing countries. I will make further proposals to strengthen our aid programs based on a review by my task force on foreign aid.

THE QUALITY OF THE ENVIRONMENT

One of the most important new initiatives that I am proposing for the first time in this budget is to enhance the quality of life—the legacy of one generation of Americans to the next.

Our environment is becoming increasingly unpleasant and unhealthful. We are hampered by polluted air, contaminated rivers and lakes, and inadequate recreation opportunities.

Despite current budget stringency, we must find a way to move aggressively on these problems *now*. Delay would make our environment more unlivable, and raise the costs of what we must do in any event. I will send a Special Message to the Congress setting forth major proposals to improve and protect our surroundings.

Highest priority will go to elements of the program designed to attack water pollution and air pollution—those problems that most directly impinge on our health and well-being.

The major responsibility to reduce pollution rests appropriately with State and local governments and the private sector. However, the Federal Government must exert leadership and provide assistance to help meet our national goals.

Clean water.—I am proposing a sus-

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tained national commitment to meet our water quality goals. I will seek legislation for a 5-year program providing grants to communities for the construction of sewage treatment facilities. This effort will grow in momentum as communities complete their plans and begin construction. When combined with State and local matching funds, this program will provide $10 billion of construction beyond that already appropriated by the Congress.

The proposed environmental financing authority, discussed later in this Message, will help local communities finance their share of the projects.

I am proposing a fundamental reform of the municipal waste treatment program to assure that Federal funds go to areas where the benefits are clear and where State and local governments have developed adequate programs to achieve stated goals. We must also assure that cost sharing for treatment works is equitable and creates incentives for reducing the amount of waste that would otherwise have to be treated in municipal systems.

I am recommending increased assistance to State water pollution control agencies and a strengthening of enforcement provisions.

Clean air.—We are now asking the States to set standards for two major air pollutants—sulfur oxides and smoke particles. Standards for additional pollutants will be set shortly. I am proposing additional funds and manpower to help the States with this difficult task.

To help control air pollution, we will accelerate efforts to control sulfur and nitrogen oxides. We will call upon private industry to help solve the problem. The airlines have already agreed to abate aircraft smoke emission by 1972. We will increase our own spending for air pollution control by more than 30% in 1971.

Open space.—Improving the environment will also require increased efforts to provide adequate park and recreation open space—particularly in and near cities, where the need is the greatest and land prices have been escalating most rapidly. I am recommending appropriation of all the funds presently authorized for the Land and Water Conservation Fund to speed acquisition of Federal park lands and increase assistance to States to provide more recreation opportunities. Wilderness, open space, wildlife—once gone—are lost forever.

Contribution of science and technology.—Where technology has polluted, technology can purify. Solutions to many of our problems can be found only through greater understanding of our environment and man's impact upon it. We must also augment our ability to measure and predict environmental conditions and trends.

I am confident that this challenge can be met by our leading research institutions and scientists. To encourage research related to environmental and other national problems, I am recommending that appropriations for the National Science Foundation be increased.

REFORMS AND NEW DIRECTIONS

Reform is the watchword of this Administration. In years past, Federal programs all too often have failed to deliver even a reasonable share of their promises.

Reform touches on nearly ever aspect of Government activity. It is demonstrated in this budget by proposals to introduce new, more effective program systems, and to modernize and make responsive Government organization and processes.

Income security programs.—When this Administration took office, many of our income security programs were in disarray and in need of long-overdue reforms. Welfare programs were discredited in the eyes of both the recipients and taxpayers. Many of our citizens were going without adequate food and nutrition. Social security benefits had become eroded by inflation. Unemployment compensation failed to cover millions of workers, and payments in many States were inadequate.

I set into motion fundamental reforms in each of these areas. I urge the Congress to move promptly on my proposals which are now awaiting action:

The Family Assistance Program would replace an inequitable and unworkable dole that often disrupts family life, with a comprehensive system for aiding all low-income families with children—including the long-neglected working poor. It features national benefit standards, promise of greater family stability, and requirements and incentives for work and job-training. This program would be closely integrated with manpower training and with the food benefits made available under the augmented food stamp program.

Social security legislation enacted in December provides an across-the-board benefit increase. I have made other proposals to correct inequities in the program, including a liberalization of the "retirement test" (the current earnings that may be allowed without reducing or eliminating social security benefits), and an increase in widows' benefits to make them comparable with what their husbands would have received.

The *unemployment insurance proposals* would extend coverage to an additional 5.3 million workers (including many farmworkers), increase the duration of benefit eligibility during any period of high national unemployment, and reform the financing of the system by increasing the taxable wage base.

For the Family Assistance Program, I have included outlays of $500 million in the budget for 1971. This estimate is significantly lower than the $4.4 billion first full-year cost of this program for a number of reasons. Time is required for the various levels of government to prepare to administer elements of the Family Assistance Program that can be put into effect during fiscal year 1971. Many State legislatures will be unable to meet in time to implement the program. Rates of participation in a new program of this scale take time to build up, causing a delay before the program can reach its full operating level. We intend to make every effort now and after the Congress has acted to initiate this high priority program on a responsible and workable basis.

The Family Assistance Program is an essential element of the *income strategy* adopted by this Administration. This approach of directly providing income and work opportunity for the poor is based on the proposition that the goal of self-sufficiency requires continuing emphasis and that the best judge of each family's particular needs is the family itself.

Federal aid system.—The old system for providing financial aid to State and local governments has become bogged down in an administrative morass. It breeds excessive centralization of decisionmaking, and tends to sap local initiative.

This Administration has begun to decentralize domestic programs. We seek to reinvigorate institutions close to the people, and to enlist their support in the solution of local problems before they become national problems. I hope to see new life in local institutions and a new vitality in voluntary action.

Federal *revenue sharing* with State and local governments is one vital element of our decentralization efforts. Revenue-sharing funds will not be frozen into specified program areas. Policy officials at the State and local level will have the responsibility for using these funds to meet high-priority needs. Revenue sharing is based on a formula that encourages State and local governments to increase their own fiscal efforts. I urge prompt action on this important effort to restore balance to our federal system.

Including revenue sharing, total Federal aid to State and local governments will rise to an estimated $28 billion in 1970, nearly four times the amount in 1961.

Recent experience has made it clear that many State and local government units are having serious difficulty securing funds in the municipal bond market. To assure more adequate access of these governments to financial markets, I shall propose the creation of an environmental financial authority to enable such governments to borrow money needed for their share of federally assisted projects for water pollution abatement.

Action is also underway to simplify administrative and technical requirements in Federal assistance programs. By cutting red tape, we can reduce processing time and decentralize decisionmaking. I urge completion of congressional action on my proposals to authorize joint funding of closely related grant projects and grant consolidation.

To achieve better coordination of Federal programs in the field, we have established uniform regional boundaries and regional office locations for the principal agencies involved in urban programs. This action will provide focal points for State and local officials to deal with these Federal field offices. I have also created 10 regional councils, composed of the regional directors of the main grant-making agencies, to mesh Federal activi-

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ties more closely with State and local programs.

Improved organization.—There is great need for better organization and management of the Federal governmental system. I refer to the legislative branch and the judicial branch as well as to the executive branch. The Advisory Council on Executive Organization is hard at work on plans to strengthen the ability of the Executive Branch to insure that government programs produce the results intended by the Congress and the President.

The Congress has recently established, by law, a Council on Environmental Quality to coordinate efforts to improve our surroundings—an objective which I share.

We have reorganized the Office of Economic Opportunity to strengthen its capacity for innovation and experimentation in developing programs that effectively meet the needs of the economically disadvantaged. Other agencies, such as the Departments of Labor, Agriculture, and Housing and Urban Development, have been reorganized internally to increase their effectiveness.

A blue ribbon panel is studying the Department of Defense, its organization, research and development programs, and procurement practices. I have formed a Defense Program Review Committee to insure that major defense policy and program issues are analyzed in their strategic, economic, diplomatic, and political context.

The Nation's postal system is in need of basic reform. I have recommended complete reorganization of the Post Office along businesslike lines, and repeat my request to Congress for prompt approval.

I have also proposed strengthening our programs dealing with consumer affairs, including creation of an Office of Consumer Affairs in the Executive Office of the President and an Assistant Attorney General for Consumer Protection in the Department of Justice.

Education and manpower.—I place high priority on expanding the use of manpower programs as a means of getting people off welfare rolls and into productive employment. I have proposed a new comprehensive Manpower Training Act that will bring together a variety of separate programs and will enable State and local units to make more manpower decisions for themselves. These steps will give increased responsibility to State and local governments for planning and operating manpower programs to meet local conditions and the specific needs of each trainee. In the meantime, major operating reforms are taking place in nearly all manpower training programs to increase their effectiveness.

Computerized Job Banks will be in operation in 81 cities by 1971, providing a daily listing of available jobs to help match jobseekers with employment opportunities more rapidly.

We will continue our efforts to insure equal employment opportunities to all Americans, I have already requested the Congress to grant enforcement powers to the Equal Employment Opportunity Commission. I reiterate that request. Under the concept of the "Philadelphia Plan," we will help provide minority groups with fair access to training and jobs with Federal contractors.

The Federal Government is making a substantial investment in the Nation's education system. In 1971, counting all the education-related efforts of Federal agencies, we will spend an estimated $10.7 billion—the largest amount in our history.

This Administration is committed to improved performance in education programs. I have initiated proposals to provide broader support for education, including grant consolidation, and other steps to improve the effectiveness of Federal aid. I am also recommending major new efforts to raise student achievement through research and development projects. We are evaluating and redirecting other programs to assure that Federal assistance is targeted on high priority purposes, such as disadvantaged children, and that it achieves the results we expect.

In the coming weeks I will send further recommendations to the Congress, outlining proposals for educational reform.

Crime reduction.—Some of my most important legislative proposals still awaiting congressional action are designed to launch a determined attack against crime. The budget for 1971 provides about $1.3 billion for crime reduction, nearly double the outlays in 1969. This budget represents a first step in a comprehensive program for improving all parts of our criminal justice system—at every level of government.

To accomplish this objective, I am proposing:

A $190 million increase in outlays for the Law Enforcement Assistance Administration for broad-purpose block grants to States. The responsibility for reducing local crime rests with agencies of State and local governments, but the Federal Government must provide effective assistance when the need is so great.

Reforms in correctional programs. Outlays will reach $177 million for these purposes in 1971.

An intensification of the war on organized crime. I propose increasing our strike forces against organized crime to 20 in 1971, and continuing experimentation with strike forces also using State and local enforcement officers.

An enlarged and more vigorous effort to control the traffic in narcotics and dangerous drugs.

The development and testing of more effective methods for controlling and preventing crime. For the future, we must have a better understanding of criminal behavior, particularly juvenile crime and delinquency.

Transportation.—Mobility of people and goods is important to economic growth and personal satisfaction. Today, our mobility is threatened by increasing congestion and aging facilities. This Administration has proposed legislation to:

Assist urban transportation through a 12-year, $10 billion program of grants to communities to modernize and expand public transit facilities and services. The 1971 budget includes budget authority of $3.1 billion to cover the first 5 years of the program.

Expand our airways and airports and maintain a high level of safety. We will accomplish this through a 10-year, $3.1 billion program of research and investment in our national airway system, and a $2.5 billion grant program for airfield construction and improvement. These added costs will be financed through increased *user charges*.

Revitalize our merchant marine through improved techniques of Federal aid for ship construction and operation. This 10-year program envisions building as many as 30 new ships each year, with a gradual reduction in the Federal subsidy. The approach is conditional, challenging the industry to become more efficient and less dependent on Government subsidy.

Housing.—The budget includes a substantial effort to help meet our housing needs. In 1971, over 1.9 million low- and moderate-income families will be living in good homes and apartments because costs have been kept within their reach through the Federal Government's actions. Moreover, we are requesting enough authority for new commitments in 1971 to help provide almost 600,000 additional housing units for such families.

We can meet the housing needs of the Nation only if we are able to effect basic reforms in the way we now go about the task. There is growing doubt that the Nation's homebuilding industry has the resources essential to build the needed volume of housing. The housing industry suffers disproportionately from credit shortages. More plumbers, electricians, and other construction workers are needed. Vital materials like lumber may not be available in sufficient quantities at reasonable prices.

We have been actively working to solve these underlying problems. We have inaugurated *Operation Breakthrough*. This experimental effort is designed to link the development of new methods for high-volume housing production with the assurance of housing markets large enough to make volume production feasible.

Health.—In the Sixties, the Federal Government embarked on a number of new health care programs. Medicare currently covers hospital costs and physician services for 20 million aged. Medicaid provides coverage for over 10 million poor.

Serious problems remain. Foremost among them are the rapid rise in medical care prices, inadequate health services for the poor, and other health problems only recently recognized.

To cope with fast-rising demand and health costs, we need to increase the efficiency and supply of our medical resources—both physical and human. We must provide more practicing physicians, dentists, nurses, and other health manpower. I have proposed revisions in the Hill-Burton program to increase construction of facilities for outpatient care as a means of easing the pressure on hospitalization or inpatient treatment facilities. Modernization needs will be met by a new loan guarantee program. Revisions will also be proposed in Medicaid to stimulate the use of proper, but less expensive, medical treatment outside hospitals and long-term care institutions. Increased emphasis will be given to programs to assess and demonstrate more efficient ways of providing health care.

To provide better health care to the poor, I am increasing the number and services of comprehensive health centers in low-income areas.

To combat growing health problems, I have proposed significant increases in community-based programs for the prevention or cure of drug addiction, rehabilitation of alcoholics, and family planning services and research. Last year I announced a 5-year goal to reach 5 million women who want, but are not receiving, family planning services. The new National Center for Family Planning Services, working with the Office of Economic Opportunity, will reach 2.2 million women in 1971, almost halfway toward our goal.

While continuing general support for medical research, I am also recommending substantial increases in research on cancer, heart disease, serious childhood illnesses, and dental health—where current findings promise significant advances in the future.

Space.—Man has ventured to the moon and returned—an awesome achievement.

In determining the proper pace for future space activities, we must carefully weigh the potential benefits of:

Scientific research by unmanned spacecraft;

Continued exploration of the solar system, including manned exploration of the planets; and

The application of space and aeronautics technology to the direct benefit of mankind.

I have reviewed many exciting alternatives for the future. Consistent with other national priorities, we shall seek to extend our capability in space—both manned and unmanned. I intend to do this within total space outlays 12% smaller than in 1970. In our current efforts, we will continue to stress additional uses of space technology. Our actions will make it possible to begin plans for a manned expedition to Mars.

Effective program planning and evaluation.—The American people rightly demand that Government spending be subjected to tough-minded evaluation so that their tax dollars are used in the most effective way.

I am revitalizing our Government-wide system for program planning and evaluation. Several steps have already been taken this year. I have encouraged the analysis of major policy issues to identify Federal programs that should be redirected, terminated or expanded. This process provided helpful information for many of the major problems addressed by the Executive Branch this year, and helped frame my program proposals for Family Assistance, Food Stamps, and Space.

Long-range planning is receiving increased emphasis in the Bureau of the Budget, and has provided a basis for the longer-range perspective of this budget. To help anticipate future needs, I created a National Goals Research Staff to examine long-term trends and to explore what America's goals and priorities might be in the years to come. It is my hope that the forthcoming Bicentennial will also focus public attention on the ideals of our American heritage.

I have also taken some first steps to increase the amount of information upon which effective program planning and evaluation must be based. At my direction the Bureau of the Budget instituted a continuing audit of the timeliness of major Federal statistical series. They are now being issued more promptly than a year ago. Still further efforts to strengthen the statistical program are also underway to provide the Executive Branch, the Congress, and the public with data adequate to meet today's needs.

CONCLUSION

We have begun to travel a new road.

I am confident that this new road will lead us to an honorable peace in Southeast Asia and toward peace and freedom in the years ahead. As we travel that road of responsibility, our economy will overcome its inflationary fever and return to a sustainable rate of growth.

Domestic programs are being reshaped and revitalized to reach and involve the individual American. Guiding us in this effort are five central themes, which are essential elements of the New Federalism:

An awareness of the growing desire for fairness and equal opportunity in every facet of American life;

A recognition of the importance of the interests of the individual in the decisions that determine his destiny;

An emphasis on restructuring basic program systems to ensure that Government efforts deliver the full measure of their promise;

An understanding that national unity is needed for the setting of goals, and national diversity must be respected in the administration of services; and

A willingness to return power to the people and dignity to the individual, through financial help to State and local governments and renewed reliance on private, voluntary action.

This budget reflects these principles; it expresses the *shared purposes* of the Nation.

This budget imparts to our goals a sense of timing and commitment appropriate to a vigorous, free people seeking constantly to expand the Nation's potential and improve its performance.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1970.*

THE PRESIDENT'S BUDGET FOR FISCAL YEAR 1971

(Mr. MAHON asked and was given permission to address the House, to revise and extend his remarks, and to include extraneous matter and tables.)

Mr. MAHON. Mr. Speaker, it is traditional that following the reading of the President's budget message, the chairman and the ranking minority member of the Committee on Appropriations make some remarks in regard to the content of the message.

Mr. Speaker, I have in mind some remarks which I should like to make at this time but in view of the passing on yesterday of a very distinguished member of the Appropriations Committee, Mr. LIPSCOMB, with whom I worked so closely through the years, I do not think it would be appropriate for me to speak at length at this time.

On Monday next, February 9, the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Chairman of the Council of Economic Advisers will be before the Committee on Appropriations to discuss the overall budget and economic situation.

Following this meeting, I will very probably have more to say about the President's budget. Under these circumstances we will have more time to consider in more depth the important document which has just been presented to the House. The President's budget is, of course, a very important communication and it will be considered in great depth in the coming weeks and months by the Appropriations Committee and by the Congress as a whole.

THE PRESIDENT'S BUDGET—FISCAL YEAR 1971

(Mr. BOW asked and was given permission to address the House, to revise and extend his remarks, and to include extraneous matter and tables.)

Mr. BOW. Mr. Speaker, only 11 days ago the Members of this Congress and the citizens of our Nation heard President Nixon speak on the state of the Union. In that address the President set forth plans and national priorities for an entire decade. Today we have received the first step in these plans—the budget for fiscal year 1971—and I am personally pleased to commend our President for the budget he has recommended.

A BALANCED BUDGET

Certainly the most significant aspect of the 1971 budget is that it is balanced. It estimates receipts of $202.1 billion and outlays of $200.8 billion. It projects a surplus, not a deficit.

This is important because in 1960, at the end of the last Republican administration, the national debt amounted to $290.9 billion. And, during 8 subsequent years of Democratic administration this has been increased by $78.9 billion. Every person in this country has been subjected to the vicious 25-percent increase in the cost of living that has resulted.

This year the interest alone on the national debt will cost $18.8 billion—more than twice the cost in 1960. That is $35,769 with every minute of the day and night—every day of the year. This is what it means for the Federal Government to spend more money than it receives. These $18.8 billion could have helped immeasurably to resolve many of our pressing national problems, and a balanced budget is a mandatory first step in the right direction.

CONSIDERATION OF NATIONAL PRIORITIES

The President has said many times that our No. 1 priority must always be world peace, including especially disengagement from Vietnam in a way that will preclude other Vietnams for generations to come. In addition to the personal consideration this means for us and our children, there is yet another consideration associated with this issue. Through progress in scaling down military conflict abroad we can release more funds for our needs at home.

This budget calls for the smallest percentage of Federal spending for national defense in 20 years. As we continue to work toward peace these reductions in the portion of our budget committed to Defense can facilitate a further reduction in taxes and provide assistance for the necessary attacks on poverty and hunger, the pollution of water and air, narcotics and crime, and ill health and disease.

A CURB ON INFLATION

Also of critical importance to the President, the Congress and all Americans is the need to reverse today's inflationary trend. In recent weeks we have begun to see the first tangible evidence of progress in relieving pressures on an economy that had been adding fuel to the fire of inflation. Mr. Speaker, those whom we represent, our citizens at home, are expected to meet their obligations and within their means. Certainly our Government has the same responsibility, and this is a critical point in time for us to demonstrate it.

In a recent message just before adjournment of the first session, the President eloquently described the impact of imprudent Federal expenditures. He stated:

> A dollar of spending does not add just one dollar to the spending stream: It is spent, and in turn provides income to someone else to spend again, multiplying its effects . . . A billion dollars of Federal spending . . . can add many times that amount to the escalation of our rising price levels. And inflation—the hole in everybody's pocket—is the most unfair tax of all.

This budget request finally slows down the rate of increased Federal spending. It is a Republican commitment to stable growth for a nation whose economic health has been threatened.

POLLUTION, CRIME, AND FEDERAL REFORM

Although many reductions have been made, appropriate recognition has been given to those programs whose priority can no longer be deferred. This includes the vital resource of our waters and streams. There is hardly any body of water in our Nation, or for that matter the world, that is today untouched by pollution. When Thor Heyerdahl returned from sailing the Atlantic Ocean, he stated that "It looked like a sewer." The Cuyahoga River in Ohio is so foul that it caught fire last year, and the only fish that can live in Lake Erie are a mutant species of carp that have learned to survive in the presence of filth and poison.

We have the thinnest grasp on the control of our environment and we must act to conserve now or there will be nothing left to conserve in the future. The technology to improve the quality of our water already exists, and the President's proposal for sufficient contract authority to sustain a $10 billion effort during the next 5 years is a giant step. This budget permits us to accelerate an effort that will result in returning our lakes, rivers, and streams to the condition in which we found them many years ago.

The President also reminded us of the unpleasant truth associated with crime and narcotics that overshadows our cities and has begun to spread through our suburbs. Last year the President requested a fivefold increase over the amount previously provided for law enforcement assistance. This year this budget provides $1.3 billion for crime reduction—almost double the outlays in 1969.

Our citizens should not have to be victimized by drug addiction or terrorized by crime. The President has done his part in identifying this problem, and it is up to us to provide necessary legislation and funds.

The common theme reflected throughout this entire budget—the element of Federal reform—should also be apparent. Billions of dollars have been spent on well intentioned but poorly conceived programs that do not accomplish the purpose intended. Last year the key arguments centered on tax loopholes. This year our target must be spending loopholes. The 1971 budget is structured in this direction. It identifies programs that should be reduced, terminated, or fundamentally changed. It recommends reductions that will save $436 million, changes that will save $1.4 billion, and terminations that would have cost $300 million. This kind of reform will provide for the beginning of a new trend in the size and shape of our Federal Government.

PREPARATION OF THE BUDGET

Mr. Speaker, I must point our that this was not an easy budget to prepare. During the past session this Congress approved certain measures that will reduce revenue next year and failed to act on other requests that would have provided income. Congressional action on appropriation bills was so delayed that in many cases our President was forced to make his decisions for 1971 without even knowing the final figures for 1970.

And, as in past years the President was subjected to the same pressures for increased Federal funding. He could have followed the tradition of previous administrations and called for sharply increased taxes, but it was the difficult choice that had to be made. The only steps that could be taken in the development of this budget was steps the administration could control itself. That is why we have a reduced budget that contains amounts we can all believe.

CONGRESSIONAL RESPONSIBILITY

Finally, I call to the attention of my colleagues the fact that this budget presents to us both a challenge and a responsibility. The challenge is to respond promptly to these requests in a way that will permit our Government to function with maximum effectiveness instead of prolonged uncertainty. The responsibility is to send to the President appropriation bills that provide for spending within the revenue available.

To be certain we have an obligation to review these estimates in the most careful manner. We must identify areas where adjustments are necessary or further savings can be obtained in order to fulfill our responsibility to those whom we represent. This must be our contribution to the development of a better life for the people of this country and our friends throughout the world.

At this point I wish to comment in further detail on some of the specific items contained in this budget.

The President has requested new obligational authority of $218 billion. Although this is more than the estimate for 1970, there is a significant change in priorities. For the first time since 1950 the budget will provide more funds for human resources than for defense.

CHANGING PRIORITIES

[Fiscal years. Percentage distribution of total budget outlays]

Program	1961 actual	1969 actual	1971 estimate
National defense	48	44	37
Human resource programs [1]	30	34	41
Other	22	22	23
Total budget outlays	100	100	100

[1] Includes the following functional categories: education and manpower, health, income security, and veterans benefits and services.

At the same time it contains an almost unprecedented effort to improve the performance and efficiency of the Government. Through terminating programs that have accomplished their purpose, restructuring others to make certain their efforts are attuned to current needs and making selective reductions where priorities permit, it has been possible to reduce outlays by $2.1 billion.

Examples of this kind of Federal reform include—

First, not holding in a national stockpile quantities of materials beyond what is necessary for our security based on an up-to-date evaluation of what is considered strategic and critical—this will result in a savings of $751 million;

Second, reducing outlays for space research consistent with the completion of the expensive development phase of the lunar landing program and current budgetary constraints—this will result in a savings of $400 million;

Third, changing the medicaid program to discourage the over-utilization of long-term institutional care and encourage greater use of more efficient and effective means of providing medical assistance to those in need—this will result in a savings of $215 million;

Fourth, changing the program providing payment to schools in federally affected areas so that education assistance is more closely attuned to local needs—this will result in a savings of $196 million;

Fifth, changing programs designed to assist veterans to meet real need such as providing for new and improved hospitals, and eliminating programs such as those which provide compensation to persons with arrested tuberculosis or duplicate benefits provided by other Federal programs—this will result in a savings of $159 million.

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Sixth, eliminating programs in the Department of Agriculture that are no longer necessary such as the special milk program which has been superseded by other food assistance programs that include milk and have a broader application—termination of these programs in the Department of Agriculture will result in a savings of $130 million.

Seventh, sale of the Alaskan Railroad because this kind of activity is more appropriately carried out by the private sector—this will result in a savings of $100 million.

REDUCTION IN EMPLOYMENT

And perhaps, the most significant evidence of the administration's resolve toward Federal reform is to be found in the table concerned with Federal employment. For the second consecutive year progress is made in reducing the number of full-time employees.

FULL-TIME PERMANENT EMPLOYMENT IN THE EXECUTIVE BRANCH

Department or other unit	End of year 1969 actual	1970[1] estimate	1971[1] estimate
Defense and Post Office:			
Defense—Military and military assistance	1,225,877	1,165,900	1,110,100
Post Office	562,381	567,000	585,000
Subtotal	1,788,258	1,732,900	1,695,100
Civilian agencies other than Post Office:			
Agriculture	83,425	83,000	85,300
Commerce	25,364	25,600	26,700
Defense—Civil	31,214	30,700	31,000
Health, Education, and Welfare	102,941	102,500	105,100
Housing and Urban Development	14,307	14,900	16,000
Interior	58,156	59,300	61,100
Justice	35,106	37,600	39,100
Labor	9,723	10,300	10,800
State	24,658	23,900	23,400
Transportation	60,386	63,600	70,300
Treasury	79,982	86,700	93,500
Atomic Energy Commission	7,047	7,000	6,900
General Services Administration	36,176	36,400	36,800
National Aeronautics and Space Administration	31,733	31,400	30,600
Veterans' Administration	147,606	148,500	150,200
Other agencies:			
Agency for International Development	15,753	15,000	14,400
Civil Service Commission	4,970	5,300	5,500
Office of Economic Opportunity	2,856	2,400	2,500
Selective Service System	6,584	6,600	6,500
Small Business Administration	4,099	4,100	4,100
Tennessee Valley Authority	11,987	12,300	13,300
The Panama Canal	14,731	14,700	14,900
United States Information Agency	10,500	10,200	10,100
Miscellaneous agencies	26,200	27,800	28,900
Subtotal	845,504	859,900	887,100
Allowance for contingencies[2]		10,000	15,000
Total full-time permanent employment	2,633,762	2,602,800	2,597,200

[1] Excludes disadvantaged worker-trainees in the public service careers program.

[2] Subject to later distribution.

Note.—Totals may not add due to rounding. The figures for 1970 and 1971 include tentative estimates for employment under appropriations proposed for later transmittal. More detailed information on employment is contained in Special Analysis H, Civilian Employment in the Executive Branch, Special Analyses—Budget of the United States.

This reduction is achieved in spite of the significant increase in employees in the Department of Transportation necessary to improve air traffic safety.

NEW DIRECTIONS

But this year's budget is not just a series of reductions. As I described above, new and increased commitments have been made to restore the quality of our environment and reduce crime.

A new approach toward family assistance and a substantial expansion of food assistance programs are also budgeted. A new program—Operation Breakthrough—has been designed to demonstrate the economic feasibility of high-volume housing production techniques—in order to remove current market constraints that inhibit their use. In this way we can begin to prepare for the expanded housing requirements of our growing population.

And many of these programs—water pollution, family assistance, manpower training, and the proposed revenue sharing plan all demonstrate the commitment of this administration to involve State and municipal governments in the management of programs that affect them.

Thus Mr. Speaker, this budget properly addresses itself to the issues of paramount concern to all of our citizens in a way that manifests both imagination and commonsense.

NECESSARY LEGISLATIVE ACTION

The Appropriations Committee must now commence its review. And, as in past years, we very much need the cooperation and assistance of the legislative committees. Substantial action is required by them before the Appropriations Committee can complete its business. The amounts of money that are involved follow:

Recommended 1971 budget amounts[1] *requiring additional authorizing legislation*

[In thousands of dollars]

Funds appropriated to the President:	
Military assistance: Foreign military credit sales	$272,500
Economic assistance: Supporting assistance	100,000
Peace Corps	98,800
Total	471,300
Agriculture:	
Food and nutrition service:	
Child nutrition programs	12,500
Food stamp program	1,080,000
Foreign Assistance and special export programs (P.L. 480)	230,000
Forest Service: Forest roads and trails (contract authority)	100,000
Total	1,422,500
Commerce:	
Economic Development Administration:	
Development facilities	162,800
Industrial development loans and guarantees	56,400
Planning, technical assistance, and research	22,200
U.S. Travel Service: Salaries and expenses	1,800
National Bureau of Standards: Research and technical services	3,379
Commerce—Continued	
Maritime Administration:	
Ship construction	$199,500
Ship operation subsidies	32,993
Liquidation of contract authority	(160,008)
Research and development	20,700
Salaries and expenses	4,675
Maritime training	6,800
State marine schools	2,325
Total	513,571
Defense—Military:	
Procurement of equipment and missiles, Army	1,655,500
Procurement of aircraft and missiles, Navy	3,427,700
Shipbuilding and conversion, Navy	2,578,900
Other procurement, Navy	2,789
Procurement, Marine Corps	78,900
Aircraft procurement, Air Force	3,314,900
Missile procurement, Air Force	1,530,600
Research, development, test and evaluation:	
Army	1,717,900
Navy	2,197,300
Air Force	2,909,700
Defense agencies	470,700
Emergency fund, Defense	50,000
Military construction:	
Army	657,800
Navy	287,450
Air Force	261,455
Defense agencies	43,600
Family housing, Defense	718,500
Special foreign currency program	2,621
Total	21,906,315
Health, Education, and Welfare:	
Consumer protection and environmental health services:	
Air pollution control	106,003
Environmental control	14,336
Health Service and Mental Health Administration:	
Mental health	76,000
Health services research and development	57,403
Comprehensive health planning and services	247,178
Regional medical services	96,502
Medical facilities construction	89,321
National Institutes of Health:	
Health manpower	22,549
National Library of Medicine	5,792
Office of Education:	
Elementary and secondary education	1,470,643
Education for the handicapped	84,500
Vocational and adult education	55,000
Education professions development	7,000
Social and Rehabilitation Service: Rehabilitation services and facilities	9,215
Total	2,341,442
Housing and Urban Development: College housing (increase in limitation on debt service contract commitments)	(9,300)
Interior:	
Bureau of Land Management:	
Public lands development roads and trails (contract authority)	3,000
Office of Territories: Trust Territory of the Pacific Islands	10,000

Footnotes at end of table.

Recommended 1971 budget amounts[1] *requiring additional authorizing legislation*—Continued

[In thousands of dollars]

Interior—Continued	
Bureau of Commercial Fisheries: Anadromous and Great Lakes fisheries conservation	2,168
Bureau of Sport Fisheries and Wildlife: Anadromous and Great Lakes fisheries conservation	2,311
National Park Service: Preservation of historic properties	6,950
Bureau of Reclamation: Construction and rehabilitation	13,838
Office of Saline Water: Saline water conversion	29,373
Total	67,640
Justice: Law enforcement assistance	480,000
Transportation:	
Coast Guard: Acquisition, construction, and improvements	100,000
Federal Highway Administration:	
Highway beautification:	
Appropriation	800
Contract authority	25,000
Traffic and highway safety	33,024
Forest highways (contract authority)	33,000
Public lands highways (contract authority)	16,000
Highway trust fund (contract authority)	1,425,000
Federal Railroad Administration: High-speed ground transportation research and development	21,688
Total	1,654,512
Atomic Energy Commission:	
Operating expenses	2,010,900
Plant and capital equipment	259,600
Total, Atomic Energy Commission	2,270,500
National Aeronautics and Space Administration	3,333,000
Other independent agencies:	
American Revolution Bicentennial Commission	375
Arms Control and Disarmament Agency	8,300
Commission on Civil Rights	550
Commission on Revision of the Criminal Laws of the District of Columbia	150
National Foundation on the Arts and the Humanities	35,000
National Science Foundation	513,000
Total	557,375
Grand total:	
Budget authority	[2] 35,018,155
Liquidation of contract authority	(160,008)

[1] These amounts are recommended in the 1971 Budget, not proposed for separate transmittal following enactment of the authorizing legislation.

[2] Includes $1,602,000 thousand for contract authority recommended for provision in highway legislation.

I sincerely hope we will have the prompt action of these committees to help us complete the work of the Congress. This is simply our responsibility toward a more efficient government.

CONCLUSION

Mr. Speaker, in closing I must remind my colleagues what happened to the budget submitted last year. A $5.8 billion surplus projected last April for fiscal year 1970 is now estimated to be only $1.5 billion. A large part of the responsibility for that change rests with this Congress.

In acting on the 1971 budget we must remember that this Congress has taken action to reduce revenue in the coming year. Therefore, we must recognize our need to join the administration in reducing spending. The margin of a $1.3 billion surplus estimated for 1971 will only permit the most responsible action by this body. The President has met his obligation toward stable economic growth. We must pursue the same goal.

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's proposed balanced budget and his economic message are marked by courage and candor.

It is particularly gratifying that the President proposes to achieve a budget surplus without new or additional Federal taxes.

He is moving deliberately and decisively to slow down and stop the ravages of inflation as he is to slow down and stop the ravages of Vietnam. Both are difficult and dangerous situations still, but years of drift have been checked and we are now moving in new directions.

I have not examined the new budget recommendations in detail, but I have great confidence in the Secretary of Defense and in the other Cabinet officers who have been called upon to make sharp cuts in their departmental costs for the coming fiscal year. The Congress will, as always, have an opportunity to study, adjust, and finally work its will on the President's proposed budget, but the House has just demonstrated that we can sustain his promised veto of inflationary increases. The American people will support such prudent concern for their savings, the buying power of their earnings, and their tax dollars.

Mr. ALBERT. Mr. Speaker, tell me where a man puts his treasure and I will tell you where his heart lies.

President Nixon's budget message addresses itself eloquently to the Nation's environmental problems and needs. I find myself in wholehearted accord with the sentiments which he has expressed, and it is this area of the budget message to which I will direct my remarks. A careful examination of the more prosaic budget tables, however, reveals a wide disparity between the rhetoric of his message and the cold hard figures as to recommended appropriations, indicating what he actually plans to spend, for various environmental programs during the coming fiscal year.

Open spaces, a program by the way enacted by the Democrats in 1961 over vigorous Republican opposition—they voted 158 to 7 to kill it. The message states:

> Improving the environment will also require increased efforts to provide adequate park and recreation open space—particularly in and near cities, where the need is the greatest and land prices have been escalating most rapidly.

The budget itself reveals plans for an expenditure of but $75 million, a sum identical to that provided by the Congress for the current fiscal year and some $10 million below the authorization level for 1971 provided in last year's housing legislation.

Clean water—the President proposes "a sustained national commitment to meet our water quality goals." We of course already have on the statute books a Federal Water Pollution Control Act. This measure was first passed by Congress in 1960 only to be vetoed by President Eisenhower. It was enacted under President Kennedy in 1961 and expanded under President Johnson in 1965. This legislation authorizes an appropriation of $1¼ billion for 1971. During the past year, over the opposition of the administration, Congress funded this program at its highest level ever, $800 million. The President nevertheless fails to recommend the appropriation of a single dime for this proven program. While it is not exactly clear as to just what he is proposing in this area, I gather he is urging the enactment of some type of contract and guaranty program to replace congressional appropriations. Similar proposals have been pending in the Congress for years and have been rejected. They are strongly opposed by mayors, conservationists, and experts in the antipollution field.

Time of course has not permitted a detailed examination on my part of the budgetary recommendation on every environmental-type program; but in the case of those which I have studied, the story is without exception the same. For example, in 1965, Congress authorized a water and sewer grant program to be administered by the Department of Housing and Urban Development. Last year's housing legislation raised its authorized level for 1971 to $500 million; the President's budgetary recommendation calls for only $150 million.

Urban renewal which the President describes as "the primary tool for helping cities and towns convert slums into attractive areas" is authorized pursuant to title I of the Housing Act of 1949, a measure which by the way the President as a Member of the House voted against. Last year, Congress authorized an appropriation for 1971 of $1.7 billion for this program. President Nixon's budget request of $1 billion, the same sum appropriated for this year, would reduce this by 70 percent. A $105 million authorization for comprehensive urban planning has been provided for the coming year. The President's proposed budget would reduce this to $60 million. The President refers approvingly to the neighborhood facilities program yet requests an appropriation of but $40 million against congressional action last year in authorizing $66 million for 1971.

Two programs in the environmental area have been of particular assistance to smaller communities, pubilic works planning, and advance land acquisition for public works.

The President recommends the termination of both.

The Democratic leadership of both House and Senate, at the outset of this session, pledged themselves to vigorous and expeditious action to protect our environment. We have of course welcomed the President's support. Candor, however, requires an expression of deep regret on my part over the President's failure to translate the noble generalities which he has uttered into a firm financial commitment to wage the necessary all-out attack, if our environment is to be saved.

Mr. ARENDS. Mr. Speaker, the President's budget message today is more than just a budget message.

Instead, it lays out clearly and concisely the issues the President thinks are of the highest priority this year and in coming years.

Issues such as inflation, improvement of environment, improvement of our welfare system, and other major social programs.

Perhaps the most significant lines in the budget message are the ones that say:

> For the first time in two full decades, the Federal Government will spend more money on human resource programs than on national defense.

It is obvious, Mr. Speaker, that the President and his advisers are as conscious of the need to reorder our priorities as any Member of this Congress. They have made this clear in preparing this budget. It is up to the Congress now to give meaning to the President's programs—to give the Nation the new directions the President points out and to do it within the framework of a spending program that is not only realistic, but also anti-inflationary.

Mr. HOLIFIELD. Mr. Speaker, this morning a copy of President Nixon's budget for fiscal year 1971 was delivered to my office. I note that the Madison Avenue tactics of the administration have also been applied to this document.

On page 30 of the "Budget in Brief," it is stated:

> Outlays for military functions for the Department of Defense in 1971 are estimated $9.5 billion below the amount requested for 1970 by the prior Administration and $5.3 billion less than presently estimated for 1970.

This item will no doubt be picked up by the news media and elaborated upon as a great Nixon administration economy move.

The truth is, Mr. Speaker, that President Nixon himself requested defense funds for fiscal year 1970 in the amount of $75.3 billion. Congress appropriated only $69.64 billion, reducing his request by $5.6 billion.

The Nixon administration's request for defense funds for fiscal year 1971 is $73.6 billion. Even if we add to the fiscal year 1970 appropriations the items for military construction—$1.56 billion—and $350 million for military assistance, the total comes to $71.6, an amount $2 billion less than the President is now requesting. Mr. Speaker, even if we add the entire AEC 1970 appropriations of $2.2 billion, and certainly all of this does not go toward defense, we arrive at a figure which still amounts to no decrease in defense spending for fiscal year 1971. I submit, Mr. Speaker, that this year's budget is not only a political document, but a sales pitch only slightly more subtle than the usual Madison Avenue-produced television commercial. We have seen this technique used in the case of air and water pollution, when the President recently announced a $10 billion program for clean water. In his fiscal year 1970 budget request, however, he asked for only $214 million—the Congress provided him with $800 million. He has refused to use these additional funds. I note that he asks for only $330 million for air and water pollution for fiscal year 1971.

I need not, Mr. Speaker, elaborate upon the fallacious arguments used by the administration in recently killing educational and health programs.

Mr. Speaker, it is up to the Democrats in this House to get the truth to the public. The truth about this budget, the truth about education, about inflation and interest rates. Otherwise the public will be misled by oversimplified statements on television and invalid comparisons such as those contained in the administration's budget documents.

Mr. GROVER. Mr. Speaker, those who have accused the President of being anti-people and anti-the-people's welfare because he has insisted on holding down unnecessary Federal spending in order to fight inflation should look closely at his budget for fiscal 1970–71.

Obviously, there is no time to go over it in detail at this moment, but there are some things that should be pointed out in order to give the lie to those who have accused the President falsely.

For instance, in 1971 the Federal Government will spend an estimated $10.7 billion on education—the largest amount in our history.

For instance, to provide better health care to the poor, the President is increasing the number and services of comprehensive health centers in low-income areas. In addition, he has proposed "significant increases in programs for prevention and cure of drug addiction, rehabilitation of alcoholics, and family planning and research."

For instance, he is recommending "substantial increases in research on cancer, heart disease, serious childhood illnesses, and dental health."

Mr. Speaker, one could go on and on, talking about welfare reforms, manpower training, funds for transportation, pollution, and many other things the President proposes.

But I think I have made my point. In the first budget that is entirely his own, the President has made it very clear—this is a people-oriented administration. Republicans in the House and Senate will work with him to insure that this is also a people-oriented Congress.

Mr. HARSHA. Mr. Speaker, we have been presented today by the President a balanced Federal budget, one in fact that even provides a slight surplus.

A quick look shows us that despite its austerity, the budget contains funds for making a start at some of the President's priority programs.

These include the family assistance program which is designed to replace the unworkable and dignity-destroying welfare programs now in effect; Federal revenue sharing which is designed as a step in returning responsibility and initiative to State and local governments; new directions in manpower training that once again will give increased responsibility to local governments and new sums for combating crime.

Mr. Speaker, it is now up to the Congress to implement this budget, to pass appropriations bills this year in time to make them truly effective, to give the President's new programs the support and funds they need, and, above all, to stay within the President's budget limitations.

Mr. Speaker, with two balanced budgets in a row and with this one projected as balanced, it is obvious that a major start has been made in the war on inflation. It is up to us to help the President insure that that war succeeds. One way we can do it is to make sure that when we are through with the appropriations process, we have given the President a budget surplus.

GENERAL LEAVE TO EXTEND

Mr. BOW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the budget submitted by the President today.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

BUDGET MESSAGE SUBMITTED BY THE PRESIDENT

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, from initial review of the 1971 budget request of the President, it appears that the administration's talk on pollution was just so much sham.

It appears that contrary to public statements, the construction grant program for public waste treatment systems will be $650 million—or $150 million less than Congress appropriated in fiscal 1970. It further appears that water pollution research funds, so vital and important to this program, are being cut back from $50.7 million in 1970 to $44.6 million in 1971.

As far as water pollution is concerned, the President's proposed budget indicates more puff than performance.

BUDGET MESSAGE SUBMITTED BY THE PRESIDENT

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I would be much more persuaded by the President's estimate that he will have a $1.3 billion surplus in the 1971 fiscal budget if the track record for both Democratic and Republican Presidents was better in predicting budget surpluses.

Let us look at this year. President Nixon had predicted that for his first year in office he would show a $5.5 billion surplus. The fact of the matter is that Treasury is now predicting only a $1.5 billion surplus, for fiscal 1970 even after we have

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eliminated more than $6 billion of expenditures in the 1970 budget.

I believe that even the $1.5 billion estimate of surplus will disappear when all the figures are in.

When we look at the disappointing corporate profit reports for the last quarter of 1969, and when we look at the vast wave of tax selling that went on during the month of December because the stock market failed to halt its downward spiral, I am willing to bet, when all the figures are in, this administration will find itself with a deficit for fiscal 1970. And I believe they may very well have a deficit in fiscal 1971 unless we are able to substantially trim the President's budget request.

The fact of the matter is that this morning Mr. Milton Friedman, President Nixon's No. 1 financial adviser, said that we are now in a full scale recession and that he is afraid "that the President is overly optimistic" as to the Nation's ability to work its way out of the economic problem we now have.

I do not believe the income the President had predicted for 1970 is going to materialize. Accordingly, it seems to me that these projections of surpluses and profits by this administration for 1971, are also subject to very careful scrutiny in view of the past performance records.

DEFICITS AND SURPLUSES

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I am very interested in the remarks of my colleague from Illinois with respect to the prospects for deficits rather than surpluses as we conclude the fiscal year 1970 on June 30, and fiscal 1971 a year beyond that.

The gentleman makes great claims about what he has contributed to cutting the level of expenditures, but I suspect the gentleman voted for the move on the public works bill to add $800 million for waste treatment disposal plants in the country. That is way over and above the President's budget, and that is an increase in expenditures.

I believe the gentleman probably supported the increase in social security benefits to 15 percent rather than 10 percent, to be effective January 1 rather than April 1. That involves another $1.2 billion increase in outgo not counted upon in the September budget review showing a $5.8 billion surplus.

How does the gentleman piously claim he is a great one for trying to help achieve a surplus when he votes for those increases he has voted for?

How about the $1.3 billion increase in the HEW bill the gentleman voted for?

Then there are the uncontrollables that come from bad fiscal policies of the past. Interest on the public debt is up $800 million. Medicare payments are up $350 million. Unemployment benefits are up $500 million. We are really suffering from those back to back $25 billion deficits in the latter Johnson years and the gentleman contributed to it by voting for practically everything that came down the pike in those days.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman raised a beautiful question. The President had every right and opportunity in the world to veto that public works bill. Why did he not? He had every right to veto the $1 billion for additional naval ships. Why did he not? He had every right to veto the $40 million extra for agriculture. Why did he not? He took it out of the school kids. That is what he did.

Mr. MICHEL. And that is so much hogwash. The President is actually proposing substantial increases in the field of education and health services as a compromise on the recently vetoed HEW bill. Our big gripe is with the outmoded formulas for so-called impacted aid and that is where the big reduction in the education field appeared in the budget.

WATER POLLUTION EXPENDITURES

(Mr. McFALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McFALL. Mr. Speaker, with reference to the remarks just made and the $800 million which the Congress provided for water pollution, I think it was quite clear from the remarks made that the President is now going to spend the $800 million which the Congress proposed for water pollution in the coming year. This is some $600 million above what he wanted in the first place. It is obvious now to everyone that this is the level of spending necessary to conquer water pollution in this country and it is gratifying to see the President following the lead of the Congress.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed with illustrations:

To the Congress of the United States:

For many years the American people have been seeking, through their Government, the road to full employment with stable prices.

In the first half of the 1960's we did have price stability—but unemployment averaged 5½ percent of the civilian labor force.

In the second half of that decade, we did have relatively full employment—but with sharply rising prices.

After 5 years of sustained unemployment followed by 5 years of sustained inflation, some have concluded that the price of finding work for the unemployed must be the hardship of inflation for all.

I do not agree.

It is true that we have just passed through a decade when the economy spent most of the time far off the course of reasonably full employment and price stability. But if we apply the hard lessons learned from the sixties to the decade ahead, and add a new realism to the management of our economic policies, I believe we can attain the goal of plentiful jobs earning dollars of stable purchasing power.

Those lessons are plain:

1. We have learned that Government itself is often the cause of wide swings in the economy.

2. We have learned that there is a human element in economic affairs—habit, confidence, fear—and that the economy cannot be managed mechanistically and will not suspend its laws to accommodate political wishes.

3. We have learned that 1-year planning leads to almost as much confusion as no planning at all, and that there is a need to increase public awareness of long-range trends and the consequences for future years of decisions taken now.

My 1970 Economic Report reflects these lessons. The current actions we are taking are designed to help the American economy regain its balance; the plans we are making are designed to build on that balance as our free economy grows and responds to the needs of its citizens.

"Stability of economic policy," Theodore Roosevelt pointed out, "must always be the prime economic need of this country. This stability should not be fossilization." Stability is a means to an end. The end we seek is steady growth, predictable Government action in maintaining a sound economic climate, and constant involvement of the people in setting their own priorities.

Accordingly, this Economic Report "opens up the books" as never before.

We are making available the facts and figures that will enable the people to make more intelligent judgments about the future. If we are to improve the quality of life in this Nation, we must first improve the quality of debate about our national priorities. In this Report, and in the Budget Message, long-range projections are made that will enable the people to discuss their choices more effectively in the light of what is possible.

In the real world of economics, there is a place for dreams—dreams that are realizable if we make the hard choices necessary to make them come true.

THE USES OF OUR NATIONAL OUTPUT

We have placed the Nation's larger decisions in the context of a picture of the total resources available and the competing claims upon them. A summary of this analysis is contained in Chapter 3 of the Annual Report of the Council of Economic Advisers; I hope it will be studied carefully and its precedent carried forward in future years.

That analysis is neutral about which options and claims should be chosen. The purpose of the analysis is to help everyone observe the discipline of keeping claims and plans within the limits of our capacity, and to make sure that excessive claims do not prevent us from achieving our most important goals.

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Even in our own highly productive and growing economy, resources are limited. There will be competition between private and government uses for our national income, competition among programs within government budgets, and competition among borrowers for the limited national savings.

Our problem, in short, will be to choose wisely what to do with our output and incomes. Large as they are, the claims upon them, what people expect of them, are even larger. If we add the expenditures that consumers will want to make with larger incomes; the investment that businesses must make to assure rising productivity; the housing construction needed to meet the current shortage and the demands of a growing population with rising incomes; the likely expenditures of State and local governments; the costs of present Federal programs plus the proposals already recommended by this Administration—we find that the total would nearly exhaust the national output until 1975. And that total would not include tens of billions of dollars of new programs that are commonly urged upon the Government.

We shall have to think carefully about how to choose the claims upon the national output that will be met, since we cannot meet them all. This choice is not made exclusively or even mainly by the Federal Government. It is mostly made by the individuals who produce the output, earn the income, and decide how it should be spent. Nevertheless, a Federal Government with a budget of $200 billion has a great influence on how the national output is used. This influence is not confined to the output the Federal Government uses itself. The taxes the Federal Government collects, the grants it makes to State and local governments, its borrowing or repayment of debt, influence the purchases of private citizens and of State and local governments.

Personal freedom will be increased when there is more economy in government and less government in the economy. Economic domination, like any other government domination, is dangerous to a free society, no matter how benevolent its aims. Freedom depends on our recognizing the line between domination and influence, between control and guidance. The quality of life in America depends on how wisely we use the great influence that Government has.

We know that existing programs of Government and probable demands of the private sector could use up all the output we can produce for several years to come. This does not mean that we cannot do anything new. It does mean that we have to choose. If we decide to do something new, or something more, in one direction we will have to give up something elsewhere. There is no unclaimed pool of real resources from which we shall be able to satisfy new demands without sacrificing or modifying some existing claims.

If we fail to tailor our demands consciously to resources available, the likely consequences would be both misdirection of resources and inflation. We have seen this in the past 5 years. Beginning in mid-1965 the Government imposed on the economy a large increase in nondefense spending and the demands of the Vietnam war effort. It did not, however, face up soon enough to the need to cut back other demands by raising taxes or by following an adequately restrictive monetary policy. Of course, failing to take these steps did not relieve us of the necessity of cutting back. It only meant that the cutback was imposed unfairly by inflation, rather than in a more deliberate and equitable way.

THE PRESENT INFLATION

The inflation unleashed after mid-1965 had gathered powerful momentum by the time this Administration took office a year ago. The expectation of more inflation was widespread, as was skepticism of the determination of Government to control it. Businesses, anticipating rising prices and costs, were eager to invest as early as possible and were willing to incur high interest charges that they would pay later in presumably cheaper dollars. Workers demanded large wage increases to catch up with past increases in the cost of living and to keep up with expected future increases. Prices were being boosted to catch up with past cost increases and to keep up with the future.

Inflation was in full tide.

The inflationary tide could not quickly be turned. At least it could not be turned quickly without a serious recession. Such a recession would itself have brought hardship to millions of people. Moreover, it would have been another episode in the history of stop-go economic policy, when the need was to introduce an era of steadiness in policy that could yield stability in the economy.

Our purpose has been to slow down the rapid expansion of demand firmly and persistently, but not to choke off demand so abruptly as to injure the economy. The greater price stability that all desired could not, given a concern about unemployment, come quickly. This transition would take place in several steps, each of which would require time, and only at the end would increases in the price level slow down.

1969 was a year of progress in the fight against inflation. For the first time since the price spiral began, there was a sustained period of combined fiscal and monetary restraint. During 1969 the rise of Federal expenditures was slowed to an increase of $9 billion, compared with an annual average of $20 billion in 3 preceding years. Instead of the rising budget deficits of earlier years there was a surplus in 1969. Instead of the money supply expanding by 7 percent, as in 1968, it grew at a 4.4-percent annual rate in the first half of 1969 and at a 0.7-percent rate in the second half.

The growth of total spending, public and private, which was the driving force of the inflation, slowed markedly, from 9.4 percent during 1968 to 6.8 percent during 1969 and an annual rate of 4.4 percent in the fourth quarter of 1969. This decline in the growth of spending was inevitably accompanied by what in October I called "slowing pains." Gains in real production slowed down. Industrial production declined. Profits drifted lower as margins were squeezed. All of these slowing pains were increased, and the inflation prolonged, by the failure of productivity to rise, for the first time in many years.

And in the latter part of the year there were the first faint signs of gain on the price front. Instead of continuing to accelerate, the rate of inflation itself began to level out.

THE OUTLOOK FOR 1970

As we enter 1970 continuation of a low rate of growth of sales, production, and employment for several months seems probable. Thereafter, the performance of the economy will depend on both the continued resolve of the Government and the difficult-to-predict behavior of the private sector.

Government policy must now avoid three possible dangers. One is that after a brief lull the demand for output would begin to rise too rapidly and rekindle the inflationary process, as happened in 1967. This possibility cannot be ignored. The tax bill passed in December reduced revenues for the next fiscal year by close to $3 billion, compared to my original proposals, requiring the Administration to reduce spending plans further in order to retain a surplus. Pressures for increased spending threaten to shift the budget from the surplus position to a deficit by the latter part of calendar 1970 unless the responsible fiscal course urged by the Administration is accepted by the Congress.

A second danger we must consider is that the moderate and necessary slowdown may become more severe. The highly restrictive stance of monetary policy is one reason for considering this possibility. Moreover, there is a question whether the rate of real output can long remain essentially flat without more adverse consequences than we have so far experienced. Until now the unemployment rate has remained low, partly because employers have retained workers despite growing signs of sluggishness in sales. However, they may be unwilling to do this for long with profits shrinking.

A third danger is that although the economy remains on the path of slow rise, and avoids either serious recession or "revived" inflation, this is achieved with such tight credit conditions as to paralyze the housing industry, preventing needed additions to the supply of homes and apartments. A Federal budget deficit, which would require the Treasury to become again a net borrower in the capital markets, taking funds that would otherwise go to other users, might bring this about. This is one reason why I continue to stress the importance of a strong budget position.

Our objective is to avoid these dangers as we achieve stability. A necessary condition for doing this is to keep the Federal budget in balance in the coming fiscal year.

A prudent fiscal policy, avoiding the risks of returning to budget deficits, and a prudent monetary policy, avoiding the risks of overly long and overly severe restraint, offer the best promise of relieving strains and distortions in financial markets, bringing interest rates down, and encouraging a sustainable and orderly forward movement of the enonomy.

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After some months of slow expansion of sales, output, and employment, which seems likely, a moderately quicker pace later in the year would be consistent with continued progress in reducing the rate of inflation.

The goal of policy should therefore be moderately more rapid economic expansion in the latter part of 1970 than we have recently been experiencing or expect for several months ahead. Keeping the Federal budget in balance, as I have recommended, and a moderate degree of monetary restraint will help achieve this result. This combination of policies would also permit residential construction to revive and begin a rise toward the path of housebuilding required by our growing number of families needing homes and apartments.

As far as can now be foreseen, this pattern of developments through the year could be achieved with a gross national product for 1970 of about $985 billion. This would be 5½ percent above that for 1969. A slowdown in the rate of increase of consumer prices is a reasonable expectation in this economic outlook.

An unfortunate cost of having allowed the inflation to run for so long is that it courts the risk of some rise in unemployment. The policy of firm and persistent disinflation on which we have embarked, however, holds out the best hope of keeping that risk low.

This risk emphasizes the importance of promptly enacting the legislation this Administration has recommended for manpower training, unemployment compensation, and welfare systems:

—The proposed Manpower Training Act would not only bring about better planning and management of training programs; it would also trigger an automatic increase in appropriations for these programs if the national unemployment rate reaches 4.5 percent for 3 consecutive months.

—The unemployment compensation legislation would increase coverage, encourage States to improve benefits, and provide for Federal financing of extended benefits if unemployment of insured workers exceeds 4.5 percent for 3 consecutive months.

—The proposed Family Assistance Program would provide income support for poor families with children, whether headed by a male or a female, while providing strong incentives and assistance for those who can do so to find and accept employment.

Because our expanding and dynamic economy must have strong and innovative financial institutions if our national savings are to be utilized effectively, I shall appoint a commission to study our financial structure and make recommendations to me for needed changes.

In 1970, we are feeling the postponed pinch of the late sixties. If responsible policies had been followed then, the problems of 1970 would be much easier. But we cannot undo the errors of the past. We have no choice now but to correct them, and to avoid repeating them.

STRENGTHENING THE WORLD ECONOMY

The achievement of greater balance and stability in our own economy is also important for international finance and trade. The dollar is not only our currency; it provides the principal vehicle for world trade and payments. We are the world's largest exporter and importer, and instability in the United States—whether it involves inflation or recession—has unsettling effects on the world economy. Inflationary pressures arising in the United States have added to inflationary problems in other countries in recent years. The long inflation has also weakened our trading position. However, with the restraining of excessive demand in 1969, the deterioration in our trade balance has been arrested.

I am particularly gratified to note improvements in the international monetary scene during the past year with the introduction of Special Drawing Rights and with the realignment of several important currencies. In cooperation with other countries, we are actively investigating other ways to make the international monetary system more stable and orderly, and to give more attention to international coordination and synchronization in the management of domestic economic policies.

Although a high and rising level of international trade can add to the prosperity of the United States and other countries, imports from time to time may cause domestic dislocations. Since the gains from international trade are enjoyed by the country as a whole, it is appropriate that the costs of trade-associated dislocations be spread more evenly. The trade bill presented to the Congress in November contains practical adjustment assistance and escape-clause provisions that would soften the impact of import competition in cases where it harms our own workingmen. It also includes the repeal of the American selling price method of tariff evaluation, a step which is important in reducing the nontariff barriers to U.S. exports.

Trade is vital to the progress of the less developed countries of the world. With other industrialized nations, the United States is exploring ways of enabling less developed nations to participate more in the growing volume of international trade.

SEVEN BASIC PRINCIPLES

Since this is my first Economic Report, it is in order for me to set out the basic principles that will continue to guide the management of economic policy in my Administration:

First, *the integrity and purchasing power of the dollar must be assured.* To re-create confidence in a secure future, we must achieve that reasonable stability of the price level which has been so severely eroded since mid-1965. The unfairness of a steeply rising cost of living must not again be inflicted on this Nation.

Second, *our economic policy must continue to emphasize a high utilization of the Nation's productive resources.* We must maintain a vigorous and expanding economy to provide jobs for our growing labor force.

Third, *we must achieve a steadier and more evenhanded management of our economic policies.* Business and labor cannot plan, and consumers and homebuyers cannot effectively manage their affairs, when Government alternates between keeping first the accelerator and then the brake pedal to the floor.

Fourth, *Government must say what it means and mean what it says.* Economic credibility is the basis for confidence, and confidence in turn is the basis for an ongoing prosperity.

Fifth, *we must preserve and sustain the free market economy in order to raise the standard of living of every American.* The most basic improvement in our national life during the last three decades has come through the doubling of real purchasing power that our free competitive economy has delivered to the average American family. No Government programs during that period begin to approach this doubling of real income per family as a source of our improving economic well-being. Government now has both the ability and the duty to sustain a general climate for stability and growth, but it must do so in the firm conviction that only a free economy provides maximum scope for the knowledge, innovativeness, and creative powers of each individual.

Sixth, *we must involve the American people in setting goals and priorities by providing accurate, credible data on the long-range choices open to them, making possible much better informed public discussion about using the resources we will have in meeting the needs of the future.* The 1970 Annual Report of the Council of Economic Advisers is a long first step in that direction.

Finally, *the free economy of the future will rest squarely on the foundation of genuinely equal opportunity for all.* Some, because of race or national origin, find themselves situated far back of the starting line in our economy. Others by the happenstance of health, accidental injury, education, or economic background are unable to participate fully in our economic life; still others become casualties of obsolete skills. We are deeply committed to make a reality of the promise of an equal opportunity in life, so that the fruits of our economic progress and abundance will become available to all. The national conscience demands it, human dignity requires it, and our free and open economic system cannot be fully effective without it.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1970.*

THE PRESIDENT'S ECONOMIC REPORT

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ALBERT. Mr. Speaker, a lack of a sense of urgency as to this Nation's current economic dilemma best characterizes President Nixon's 1970 economic report. The country continues to experience its worst inflationary binge in 20 years. We witnessed a 6.1 percent rise in the cost of living in 1969. Real take home pay of factory workers which had risen steadily during 8 Democratic years, declined during last year's fourth quarter. Last week, BLS further reported that January saw wholesale prices surging upward at an 8.4 percent annual rate, a sure sign of a new sharp escalation in retail prices in the immediate future.

Key economic indicators, on the other hand, point an ever starker picture of an economy deteriorating at a rapidly accelerating pace. The growth rate declined during the fourth quarter of 1969, durable goods orders are off, industrial production has dropped steadily since August, consumer confidence as reflected in buying plans has weakened. Car sales down in 1969 are headed lower this year. We have heavier unsold inventories, retail sales are sluggish and housing starts have declined 35 percent since President Nixon took office. So serious has become the current downturn that an economist with such impeccable conservative credentials as Prof. Milton Friedman, of the University of Chicago, now flatly labels it a recession.

I continue to search both the President's Economic Report and that of the Council of Economic Advisers in vain for any realistic proposals aimed at coping with either our inflation, or the Nation's economic stagnation. Their absence I fear may require future historians to cite 1970 as that year in which the United States achieved that previously regarded as economically unattainable: full blown inflation and widespread unemployment at one and the same time.

Equally disturbing I find the traditional Republican economic myopia with which the President and his economic advisers apparently view the long-term economic needs of the coming decade. The phrase "stability of economic policy" which receives the President's approbation bears a most unfortunate similarity to that economic nostrum of the 1950's "sustainable economic growth." The "sustainable economic growth" doctrine of George Humphrey, Maurice Stans, Raymond Saulniers, and company, resulted in a sluggish growth and three recessions during the years from 1953 to 1961. The cramped economic philosophy of the Eisenhower administration resulted in starvation for the public sector of the economy. Schools, mass transit, housing, parks and community facilities were all short-changed, our cities deteriorated and next to nothing was done about pollution. Not only did the Nation's economic pie fail to grow but of equal importance, partly because of that failure, the slice of that pie required for healthy community life in an increasingly urbanized society actually declined. We thus failed tragically to keep pace with expanding needs. In retrospect, it is clear that the 1950's represent one of the saddest chapters in American economic history, second probably only to that of the Hoover administration. The blame for many of the problems which beset our society today is clearly the result of the 8 years this Nation spent becalmed on an economic dead sea during the 1950's. George Humphrey's class "B" production was most assuredly an economic flop when released in the fifties. Its rerun at this late hour could very well mean economic disaster for this Nation and the entire free world.

Mr. McFALL. Mr. Speaker, the Members of this body have had little opportunity to personally review the President's Economic Report to the Congress. News stories in the weekend papers provide the majority of information available because we did not receive the message until today.

However, a reading of the President's statement of transmittal is deeply disappointing. It is disappointing because of its obvious return by this administration to the past and discredited economic policies of the 1950's which brought on recessions and unemployment. It is disappointing because of its partisanship, and the failure to responsibly recognize the problems of inflation and rising costs. Instead of showing the needed leadership, the President's message seeks to blame someone else for the country's economic troubles. It is true that there was inflation when he took over, but not nearly so severe as now. It is true prices were rising when he took over, but not nearly so rapidly as under this administration. It is true that interest rates were too high, but not approaching today's excess rates that favor big interests.

The old political trick of setting up strawmen as the cause of one's own failures will not work in the 1970's. There must be real recognition of the problems, and understanding of the failures of 1969, if this administration is to make any progress in fighting inflation. No matter how the administration seeks to cover up its mistaken policies with smooth phrases, the facts are not changed—we are in a recession, we have policies that favor the big concentrated industries and big money interests at the expense of the low- and middle-income Americans, and the small businessman is at a terrible disadvantage because of the highest interest rates in over 100 years. And the housing industry is in a depression at a time when millions of homes are needed. We must remind Mr. Nixon that he is now the President, and the repeated references to the past and the continuing effort to blame Lyndon Johnson, John F. Kennedy, or previous policymakers is a refusal to face up to the real problems confronting this country.

I await some Presidential leadership. I am not really interested in excuses, I am interested in a change in attitude that will right the economy that is tilting toward even greater problems under current administration policies.

Mr. O'HARA. Mr. Speaker, the President's Economic Report to Congress contains what must be one of the most incredible statements in the annals of economic history. In the message transmitting the report, President Nixon stated: "1969 was a year of progress in the fight against inflation."

If, indeed, 1969 was a year of progress in the fight against inflation, heaven help us in 1970 and into the future. For if the biggest rise in prices since the Korean war, which came in 1969 is progress; if the increase in interest rates in 1969 to the highest level in over a century, is progress; if the greatest profits for money lenders since the panic of the 1800's is progress, then by Webster's dictionary is sadly outdated.

How anyone can look at the record of 1969 and claim progress in the fight against inflation is beyond the comprehension of those who know the record. Mr. Speaker, that statement is patently false, and one more example of this administration's effort to substitute rhetoric for reality.

In 1969, the cost of living rose 6.1 percent, about one-third faster than in 1968 and over twice as fast as the previous 8 years' average. In 1969, the increased cost to the Federal Government alone in interest on its debt was about $1 billion—all due to the excessive interest rates which were raised again and again during the year. In 1969, the cost of basic raw materials rose 11 percent, compared to only 2 percent in 1968.

That is progress? That is fighting inflation?

Mr. Speaker, I submit that such incredible head-in-the-sand reasoning is the major shortcoming of the Nixon administration policies which are creating the worst inflation in two decades. It is the same faulty reasoning which causes the President to reject the use of his powerful Office in the fight against inflation. It is the same reasoning which favors the big interests at the expense of the millions of American taxpayers.

This Congress gave the President a budget surplus in 1969, and cut the President's own appropriations budgets requests by $5.6 billion to give him another balanced budget in 1970. This Congress also gave the President strong anti-inflation legislation to control credit and push down interest rates, and he refused to use it.

It is time for the administration to admit its own errors, and get down to the serious business of trying to restore sanity in the economy.

Mr. REUSS. Mr. Speaker, the President, 7 days after he assumed office, gave a green light to the concentrated industries to start raising prices. He said that the Federal Government would not intervene in pricing and wage determinations.

After one of the most inflationary years in modern history, one would think the President would recognize his mistake, and try to do something about soaring prices, to use his own office and the powers of the Presidency to fight inflation. But he reiterated his position at a Friday press conference, and again in his Economic Report to the Congress.

The President is wrong in his assessment of what he can do with the powers and moral suasion of his office. Both President John F. Kennedy and President Lyndon Johnson proved that the powers, effectively used, could have a restraining effect on prices by concentrated industries. This use of Presidential powers is certainly no cure-all, but it is one of the strongest tools in the hands of an activist and decisive President.

Whatever is said about the years 1961 through 1966, facts will not change. It cannot be denied that real income went up, purchasing power of the average wage earner advanced, and the inflationary pressures were contained much better than under this administration. Every index—cost of living, productivity, the stock market, interest rates, basic materials prices, cost of services, inflation—every single one shows the result of the timidity of this administration.

Now, as we enter the 1970's, with the indicators pointing to even more inflation, even higher interest rates, and even greater declines in productivity, this administration refuses to recognize its inflationary mistakes. It is playing the same old game that did not work in 1969. It is basing all its hopes on a policy of tight money and a budget balanced by some recognizable gimmicks, while it refuses to use some of its strongest anti-inflation powers.

Mr. Speaker, I submit for insertion in the RECORD a thought-provoking article written by Arthur M. Okun, now a senior fellow at Brookings Institutions and former chairman of the economic advisers for President Johnson. Mr. Okun does not seek to alibi the mistakes of the past administration, but lays out the facts for all to clearly see—and the overpowering fact is that Presidential power, used properly, can have a tremendous effect on the economy and restraining prices. I call special attention to some of the comparisons in price rises in the year 1969 and previous years.

If, indeed, the blame for the astronomical increase in prices in 1969 could be placed on spending alone in prior years, then why were prices accelerating only at a fraction of the 1969 rate in 1968 and in previous years?

I submit this article for perusal of my colleagues, and for comparison of years past and the excessive inflationary year of 1969:

The Controlled Experiment of 1969

(By Arthur M. Okun, senior fellow, Brookings Institution[1])

In January 1969, President Nixon made clear his intention not to attempt to influence particular price (and wage) decisions in the private economy. This pronouncement represented a discrete shift from the policies of the Johnson administration. During 1969, a very marked acceleration of prices took place in those industries which had been responsive to Government appeals and criticism during 1966–68. According to the evidence set forth below, somewhere between ½ and 1 percent of extra inflation in the industrial wholesale price index may be attributed to the shift in policy. Since the index of industrial wholesale prices rose 4.0 percent during 1969 as compared with 2.5 percent during 1968, that extra price increase represents between one-third and two-thirds of the *acceleration*.

In the table, I have listed those published components of the wholesale industrial price index which I believe were directly responsive to administration persuasion in one or more specific instances during 1966–68. Obviously, some judgment was required to compile that list, but inclusion or exclusion of borderline cases does not change the results appreciably. The big items—steel, copper, aluminum, petroleum, automobiles—are not on the borderline.

Specific instances of White House appeals for restraint to these industries and several others are on the public record. Naturally, I was aware that 1969 price performance was not an appropriate criterion for inclusion. Nonetheless, I wish I had formulated the list (and had it notarized!) in January 1969. For lack of a better term, I shall call these "responsive prices"—i.e., responsive to White House persuasion during 1966–68.

The list of responsive prices is confined to "jawbone" cases; it excludes such items as lumber and hides where prices were influenced, in my judgment, by other structural policies. Finally, the list is limited to the product prices that were responsive in a fairly direct manner. For example, I did not include machinery made of steel, although its price is affected indirectly by steel prices.

The responsive list accounted in December 1968 for 22½ percent of the total weight in the index of *industrial* wholesale prices, or 16½ percent of the comprehensive wholesale price index (which includes farm, food, and feed products as well as industrials). The relative importance of the listed items varies greatly—passenger cars get 100 times the weight of alloyed aluminum ingot.

During 1961–65, prices of the responsive group were especially stable. Between December 1960 and December 1965, the index for the responsive group rose only 0.1 percent a year, on average, while the index for all other (i.e., nonlisted) industrials crept up at an average annual rate of 0.5 percent. No clear inference about the impact of price guideposts can be drawn directly from this differential in overall price performance.[2]

The responsive group is not a typical or random selection of industrial products in any sense; and their prices, as a group, cannot be expected to behave exactly like other industrials. During the early sixties, some of the listed products displayed exceptional productivity advances, which could account for the better price record. The appeals from the Government during the period were broad rather than pinpointed, apart from the celebrated episode of April 1962 involving steel prices.

During the inflation of the next three years, 1966–68, the price index of the responsive group rose at an annual rate of 1.7 percent; meanwhile all other industrials advanced at an annual rate of 2.3 percent. In each of those three years, the percentage increase of the price index of the responsive group was no more than that of all other industrials, even though demand grew especially strongly for many of the listed items. Again, the overall differential cannot be reliably attributed to Government appeals for restraint, although several specific rollbacks and reversals of announced price increases provided evidence of some stabilizing impact.

The events of 1969 provide a much better basis for making a judgment. The distinct shift in White House posture produced a situation about as close to a controlled experiment as we are ever likely to find in observing the inherently complex relationship between private decisions on prices and the attitudes of Government officials. In light of the three—indeed eight—previous years of experience, anyone who believed that the responsive prices, as a group, had not been influenced by White House persuasion should have expected them to rise no more rapidly than other industrials in 1969.

However, during 1969, they advanced 6.0 percent, substantially faster than the 3.5 percent average increase of all other industrials. The acceleration of prices for the responsive group was 4.3 percent over the average of 1966–68, while that for all other industrials was only 1.2 percent. To put it another way, the index of responsive prices rose 3½ times as rapidly during 1969 as during 1966–68, while the index for other industrials increased 1½ times as fast as previously. And the pattern of marked acceleration was widespread, extending to petroleum, steel, copper, aluminum, passenger cars, glass containers, cigarettes, newsprint, photographic supplies, and paperboard. The exceptions were sulfur products, tires, tin cans, and laundry equipment. There were exceedingly few new wage settlements that could have accounted for any acceleration. To be sure, special supply forces encouraged price rises in some areas—just as they generated a major decline in sulfur. But the pronounced and pervasive pattern cannot be reasonably explained as resulting from "bad breaks."

I have heard it conjectured that moral suasion was beginning to lose its grip in any event before the change of administration. The facts of 1968 do not fit that conjecture. During 1968, the differential between the responsive group and other industrials was especially wide: the former rose 1.0 percent while the latter advanced 2.9 percent. Surely, the 1968 result was a typical—benefiting particularly from price declines in important petroleum and copper products, when supply eased. But any reading of the 1968 record will reveal no emerging tendency for the price performance of the responsive group to deteriorate relative to other industrial products.

Indeed. in light of the facts of 1968, skeptics may be tempted to embrace an alternative hypothesis, which I have never heard so far. It would conjecture that 1968 was an unusually "lucky" year in the price performance of the responsive group, and that the 1969 acceleration represented an unwinding of favorable transitory factors. But on that hypothesis, the acceleration in 1969 should have been concentrated in those commodities whose price performance had been especially favorable in 1968. It was not.

I conclude that the shift in Government policy is central and crucial to the explanation of the especially large speedup of the responsive prices during 1969.[3]

It is exceedingly difficult—and yet essential—to convert this judgment into an estimate of the effect on the overall level of industrial prices. Obviously, the issue is whether and how much overall inflation was stimulated by the shift in policy. Paul McCracken has said: "We are concerned with restraining the average level of prices, and restraining even a significant number of individual prices and wages may not restrain the average level but may only divert inflationary pressure and make other wages and prices rise more."[4]

One can, indeed, conceive of full diversion of inflationary pressure as an extreme possibility. But I suggest that *no* diversion of inflationary pressure is a much more realistic working assumption.

First of all, *no* spillover of spending will occur unless, as a result of price restraint for some items, fewer dollars are spent on those products (and hence some part of a given total of spending is diverted elsewhere). Fewer dollars will be spent on the

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[1] The views expressed are my own and are not necessarily those of the officers, trustees, or other staff members of the Brookings Institution.

[2] In the case of wage behavior, however, the strong evidence of a guidepost influence during the 1962–65 period is presented by George L. Perry, "Wages and the Guideposts," *American Economic Review*, Vol. 57 (September 1967), pp. 897–904.

[3] Of course, the especially inflationary performance of the responsive group during 1969 may not be typical of the longer run. The abandonment of the jawbone may have unloosed a particular flurry of price increases that had been contained by persuasion. That would merely demonstrate the effectiveness of the persuasion, so long as it was maintained.

[4] Statement of Paul W. McCracken, Chairman, Council of Economic Advisers, before the Executive and Legislative Reorganization Subcommittee of the Committee on Government Operations, House of Representatives, September 23, 1969.

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items with restrained prices only if either (a) the price restraint makes it unprofitable for suppliers to meet demands; or (b) demand is price-inelastic so that quantities demanded respond less than proportionately to lower prices of the listed items. Copper and sulfur were the only ones, to the best of my knowledge, which fit condition (a)—they showed excess demand at times in recent years. Elsewhere suppliers continued to meet and greet all demands for their products, indicating that prices still exceeded costs on the margin. Hence, sales and output were stimulated because prices were held down.

Cigarettes are the one item on the list where I am aware of statistical research demonstrating that (b) applies, i.e., demand is price-inelastic. It would be most hazardous to judge that the listed items have, on the average, price-inelastic demands. And only on such a judgment would there be a presumption that *any* spillover of spending occurs.

Even if some spending spilled over onto other industries, that diverted spending would add to output and employment as well as to prices in those areas, so long as firms were not operating at an absolute ceiling of their productive capacity. The full benefit of the restraint would then be split between some favorable net movement in overall prices and some more favorable path of output and employment.

Finally and most important, any undesired spillover can, in principle, be mopped up by fiscal-monetary action. Whatever the ideal criteria for monetary policy may be in a period of gradual disinflation, an effective program of restraining some prices allows the Federal Reserve to aim for a slightly lower level of aggregate dollar spending than otherwise, without any greater sacrifice of output and employment. A selective program of restraint will generate a "tradeoff dividend"; just how that dividend is divided between lower prices and more output depends on monetary-fiscal decisions.

An assessment of the overall effect must take into account several forces which tend to magnify or multiply the direct benefits of restraint on the responsive prices. As I noted above, many industries not on my list use steel, copper, aluminum, and other responsive items as inputs; their costs, and presumably their average prices, would have been lower if the responsive prices had been restrained. Similarly, because wage increases are influenced by the cost of living, restraint on selected prices will tend to hold down average wage costs, and hence other prices. Furthermore, a policy of seeking restraint in price decisions can be accompanied by, and reinforced by, an effort to restrain wage settlements. Finally, concern with public opinion and with the public interest may exert a deterrent effect on the pricing decisions of some industries which are never identified as responsive to appeals. I am prepared to judge that, if the responsive prices had been restrained, the other industrial prices would probably have risen somewhat less than they actually did during 1969.

In summary, while I would not hazard a pinpointed estimate of the overall cost of the policy change, I can reasonably offer a plausible lower and upper limit. To get the lower end of the range, let me suppose that, if the policy of Government persuasion had continued:

(a) the nonlisted prices would not have been affected at all during 1969—even though I believe they would have been favorably affected, on balance; and

(b) prices in the responsive group would have matched the pace of other industrials—even though they had consistently risen less rapidly prior to 1969.

Under those conditions, the industrial wholesale price index would have risen 3.5 percent (rather than 4.0 percent) during 1969, reflecting a 3.5 percent rise of nonlisted prices (as actually occurred) and a matching 3.5 percent advance of the responsive group (rather than 6.0 percent).

I regard this half of a percent as a reasonable lower limit. It seems equally plausible on the higher side that a continued policy of persuasion might have held down the rise in the industrial wholesale price index by a full percentage point; a 3.0 percent advance would have resulted if

(a) prices in the nonlisted group had increased 3.2 percent, improving by 0.3 percent as a result of somewhat lower material and wage costs and some deterrent influence, and

(b) responsive prices had risen 2.4 percent, maintaining their average 1966–68 relationship to the increases in other industrial prices.

Whether the better estimate is 0.5 or 1.0 percent or something in between, it represents a significant handicap in our vital national effort to achieve noninflationary prosperity. And that handicap is continuing and influencing prices and wages generally as 1970 begins.

CHANGES IN WHOLESALE PRICES OF SELECTED INDUSTRIAL COMMODITIES—1969 COMPARED WITH PRIOR PERIODS

	Relative importance [1] (percent)	Percent change (annual rate) [2]					
		1969	1966–68	1968	1967	1966	1961–65
Selected petroleum products:							
Gasoline	2.772	3.5	−0.6	−0.9	−3.6	2.8	−0.9
Crude	.843	4.8	1.0	.7	.9	1.2	−.1
Middle distillate	1.053	3.7	2.0	−1.3	5.9	1.6	.4
Sulfur products:							
Sulfur	.104	−33.3	18.1	7.7	39.3	9.8	1.6
Sulfuric acid	.085	0	9.9	3.7	21.0	6.0	1.7
Tires and tubes	1.221	2.2	3.0	1.7	4.2	3.1	−.2
Paperboard	.669	5.1	−1.8	−2.8	−3.3	.7	−.1
Glass containers	.375	5.3	3.3	9.1	0	1.1	.6
Cigarettes	.890	6.6	3.6	1.6	5.0	4.2	.8
Newsprint, standard	.426	3.3	2.2	0	2.1	4.6	−.3
Photographic supplies	.346	3.4	2.2	2.0	5.1	−.5	.8
Passenger cars	5.818	1.9	1.2	1.2	1.9	.3	−.7
Tin cans	.301	2.7	2.3	3.0	4.1	0	2.3
Laundry equipment	.242	1.2	1.7	2.4	2.8	−.1	−1.3
Selected steel products:							
Finished	4.247	6.8	1.6	2.2	1.3	1.3	0.4
Semifinished	.272	5.7	1.4	.3	2.9	1.0	.3
Selected nonferrous metals:							
Aluminum ingot	.143	8.7	1.7	3.0	2.0	0	−1.2
Aluminum ingot, alloyed	.058	7.2	2.5	4.6	1.9	1.0	....
Aluminum shapes	.660	6.7	1.2	2.4	1.1	.2	−2.5
Copper wirebar	.386	24.3	5.3	10.2	5.9	0	3.7
Copper and brass shapes	.743	27.9	4.1	−4.2	5.7	11.5	3.6
Wire and cable	.809	22.2	1.7	−3.8	2.3	7.0	3.5
Listed items	22.463	6.0	1.7	1.0	1.9	2.1	.1
All other (nonlisted) industrials	77.537	3.5	2.3	2.9	1.9	2.3	.5
All industrials	100.0	4.0	2.2	2.5	1.9	2.2	.4

[1] Fraction of industrial wholesale price index in December 1968 accounted for by commodity.

[2] Year figure represents change during year—e.g., 1969 is period from December 1968 to December 1969. 1966–68 is thus December 1965 to December 1968.

Mr. SIKES. Mr. Speaker, our Nation is confronted with economic problems which must have action at the highest levels. They are problems which are of increasing moment in many important areas of our national economy and they are affecting an increasingly larger number of people. I refer to high interest rates, declining productivity, flattening real income, low profits, and ever-increasing cost of living. Not to be overlooked as a major contributor is the lagging construction program, including housing in particular.

It is time for action which I do not see reflected in the Economic Report of the President. There is much in the report that is hopeful but specific programs with which to treat these problems are lacking.

The choices are not easy. There is the damage of inflation on one hand and of recession on the other. Nevertheless, those in positions of authority have a responsibility to act, and not to hope, and not to let the economy drift. I am afraid it is the latter policy which predominates. The President has great authority, and I believe the people want this authority exercised. I am sure he is concerned that the rate of inflation during the past year has been at its highest point in a long, long time. But industries continue to boost prices and this, alternating with wage increases, gives no promise of a real slowdown in costs. All of this is at the expense of the consumer who already suffers from the worst inflation since 1951.

Tight money policies, which already are causing trouble, are not an answer or a solution. The Nation needs long-range stability, and we should seek to avoid stop-and-go tactics. Price escalation must be deflated but care must be taken to avoid steps which will produce substantial unemployment. It will be exceedingly unfortunate if, instead of facing up to the problem, the administration seeks to blame today's conditions on the policies of previous years or previous administrations. Instead, it will be well to recall that the workingman saw his real income increased very substantially during the years immediately prior to the present administration. The small businessman could borrow money to operate at much less than the cost of money at today's excessive interest rates. The housewife knows that the grocery bill and household costs have escalated alarmingly since the beginning of 1969. There is something to be learned from those years.

It will be much more appropriate if the President will undertake a team effort which encourages the support of the top leaders on both sides of the political aisle and utilizes their combined talents to seek a sound economic climate in which the Nation can seriously undertake to overcome the problems of inflation, high interest rates, and possibly impending recession.

Mr. SMITH of Iowa. Mr. Speaker, the Economic Report of the President to the Congress of the United States came to us only today. In the fashion that has become so typical of this administration, the report is designed for its maximum Madison Avenue-contrived advertising impact. It was released to the press on a Friday before it was transmitted to the Congress on a Monday. Apparently, it was given to selected members of the press even before Friday, with an embargo on its publication.

Whatever the excuse, this is not the first time that this administration has made available to the press, before transmission to Congress, reports and Presidential messages to the Congress. This practice is just one more example of the complete public relations and advertising orientation of the White House, abundantly staffed by advertising executives. It also reflects an abominable ignorance of Government by some of the White House staff, and the responsibility of the executive branch to the legislative branch.

I suppose a certain amount of Madison Avenue packaging of the President and his statements is necessary in this age of electronic media. However, I do not agree that it should be uppermost in the planning and execution of the policies in the economic field, as is apparent in this report and the White House handling of it.

Persuasion, and good communication, are part of the art of governing. But there has to be some substance, something other than rhetoric and design to gain political advantage. My reading of the President's message failed to reflect much except an effort to deny blame for the failing economic policies of this administration.

For my part, the public release of a report to the Congress 3 days before it is submitted to this body is sufficient reason to make it suspect, and its content verifies that judgment. The argument that someone broke a press release date is not sufficient explanation. The entire handling of the matter was mismanaged, and was evidence that this administration, like some previous ones, will try to manage the news by limitng advances to friendly reporters and will put emphasis on form rather than substance, on phrasemaking in place of policymaking, and on words rather than action.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I have requested this time for the purpose of making an announcement in connection with the legislative program.

Mr. Speaker, the Members will recall that we have programed for Wednesday and the balance of the week H.R. 12025, the National Forest Timber Conservation and Management Act of 1969.

In view of the fact that funeral services for our late colleague, the Honorable GLENARD P. LIPSCOMB from California, will be held on Wednesday, this bill will not be called up until Thursday.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR THE ADMISSION TO THE UNITED STATES OF CERTAIN INHABITANTS OF THE BONIN ISLANDS

The Clerk called the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO SELL RESERVED PHOSPHATE INTERESTS OF THE UNITED STATES IN CERTAIN LANDS IN FLORIDA TO THE RECORD OWNERS OF THE SURFACE THEREOF

The Clerk called the bill (H.R. 9882) to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to the record owners of the surface thereof.

There being no objection, the Clerk read the bill, as follows:

H.R. 9882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, sell, and quitclaim all phosphate interests now owned by the United States in and to the hereinafter described lands located in Highlands County, Florida, to the present record owner or owners of the surface right thereof:

The northeast quarter of section 28, township 37 south, range 30 east, Highlands County, Florida.

SEC. 2. In the event that the Secretary of the Interior determines that the lands described in the first section are not prospectively valuable for phosphate, he shall convey the reserved phosphate interests to the present record owner or owners of the surface rights upon the payment of a sum of $200 to reimburse the United States for the administrative cost of the conveyance; otherwise, the phosphate interests shall be sold to the present record owner or owners of the surface rights upon the payment of a sum equal to $200 plus the fair market value of the phosphate interest as determined by the Secretary after taking into consideration such appraisals as he deems necessary.

SEC. 3. Proceeds from the sale made under authority of this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

With the following committee amendment:

Page 1, strike out all of lines 3 through 9 and insert in lieu thereof the following:

"That the United States hereby quitclaims to the record owner or owners of the surface thereof, as of the date of this Act, all phosphate interests now owned by the United States in and to lands in Highlands County, Florida, described as:

"The northeast quarter of section 28, township 37 south, range 30 east."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Page 2, after line 5, strike all of lines 6 through 20.

Mr. ASPINALL. Mr. Speaker, I wish to give an explanation for the amendment that I have just offered to H.R. 9882.

This amendment deletes lines 6 through 20, page 2, of H.R. 9882 and thus eliminates sections 2 and 3 of the printed bill.

When this bill was reported out of the Interior and Insular Affairs Committee, sections 2 and 3 were deleted. Through an inadvertance the committee's action was not accurately reflected in the printed bill, or in the first section of the committee report. However, it was, and is, the intent of this committee to recommend enactment of H.R. 9882 without the inclusion of those two sections of the bill. Therefore the amendment I have just offered does nothing more than conform the printed bill to the position taken by the committee. This position is in full accord with the recommendations of the Department of the Interior.

The reasons for the committee's amendments to H.R. 9882 are fully explained in the report accompanying H.R. 9882. Briefly, the reasons are as follows: First, as the land involved in H.R. 9882 is clearly without value for phosphate there is no reason to make provision for payment to the Government for nonexistant phosphate. Second, because H.R. 9882 is self-executing there are no administrative costs involved and the usual requirement for reimbursement for the administrative cost is not necessary.

The amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, the bill now before us, H.R. 9882, relates to reserved phosphate interests in 160 acres of land located in Highlands County, Fla.

These phosphate interests are now reserved to the United States and were so reserved many years ago when it was thought the land contained phosphate of commercial value. However, subsequent information obtained and recent examinations made by the U.S. Geological Survey clearly show that this 160 acres does not, in fact, contain any phosphate of value. The nearest commercial phosphate field is about 19 miles away.

The surface of the 160 acres is owned by Mr. and Mrs. Wilbur Dorance and William Dorance, of Lake Placid, Fla. While the lands are presently used as an orange grove they are entirely surrounded by real estate and subdivision developments. Several homes have been built nearby and others are contemplated.

Due to the federally reserved phosphate interest it is not practicable or feasible to undertake subdivision de-

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velopment and the construction of homes on this land. While the possibility of mining phosphate is extremely remote the phosphate reservation does constitute a cloud on the title. Enactment of H.R. 9882 would permit the land to be devoted to its highest and best use, which is subdivision development.

Because there is a complete absence of commercial phosphate in this land the Department of the Interior advised the committee that the reserved phosphate interest has no value. Additionally, as H.R. 9882, as amended, is self-executing and will not require any further administrative action, such as issuance of a supplemental patent, there will not be any expenditure of funds or time by the Federal Government. For this reason the Department recommended, and the committee adopted an amendment to H.R. 9882, which does not require the usual appraisal and the payment of the fair market value of the nonexistent phosphate. The usual requirement for payment of a sum of money, usually $200, to cover administrative costs was likewise eliminated as there are no administrative costs involved in this particular situation. It is only because of these factors that the committee departed from its usual practice of requiring full payment for the conveyed mineral interests.

The committee recommends enactment of H.R. 9882, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to convey reserved phosphate interests of the United States in certain nonphosphate lands in Highlands County, Florida."

A motion to reconsider was laid on the table.

EXTENDING FOR 3 YEARS REQUIREMENTS WITH RESPECT TO APPLICATIONS FOR A LICENSE FOR AN ACTIVITY WHICH MAY AFFECT THE RESOURCES OF THE HUDSON RIVERWAY

The Clerk called the bill (H.R. 13106) to extend for 3 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask a question or two concerning this bill.

Has there ever been a report made to the Congress concerning the review of the work done by those who seek to establish the compact between the several States?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, there have been no formal reports as yet. One of the reasons of course is the way in which this legislation expired this last year in September.

May I in explanation of the situation explain to my friend, the gentleman from Iowa, and our colleagues, that the staff on the Federal operations report that the Federal expenditures in 1967 were $38,000; 1968, $35,700; 1969, $34,000, and in 1970, this fiscal year, $8,600, for a total of $116,300.

But in the same time the office of the comptroller of New York made expenditure in the amounts of $383,711.13 in 1966; $777,609.67 in 1967; $779,397.74 in 1968; and $460,635.37 up to December 10, 1969.

So the record shows that of the three States involved, the State of New York spent an additional $780,100, and the State of New Jersey spent $99,700 in this time, making a total of $2,617,353 for total expenditures of the States.

The report is not ready as yet. The agreement has not been arrived at. I think the gentleman from New York (Mr. OTTINGER) will be able to explain for you the operation to date if the gentleman wishes.

Mr. GROSS. I appreciate that my friend from Colorado, the distinguished chairman of the Committee on Interior and Insular Affairs, has put in the RECORD the expenditures on the part of the Federal Government as well as the States, which are joined in this endeavor. But, of course, I am interested in the amount of money which has been put in by the Federal Government. What the States do is upon their own responsibility, as far as I know. I am interested in the money put into this review by the Federal Government, and what we have received in return for it. I do not particularly care how much the State of New York has put in.

Mr. ASPINALL. Would my friend from Iowa yield further?

Mr. GROSS. I am glad to yield further to the gentleman from Colorado.

Mr. ASPINALL. Of course, this legislation had to be justified before our committee, and the committee was unanimously of the opinion that the Federal Government's share had been well spent, and that we would get value out of it, and that the results of the total operation would in time be worth many, many times what the Federal Government put into it.

Inasmuch as the States have already spent almost 22 times as much as the Federal Government has, we thought this was a pretty good operation so far as the U.S. interests were concerned, where you have a dual State area involved.

Mr. GROSS. Will the chairman of the legislative committee agree with me that after 3 years it is about time someone in the executive branch of the Government sent a report to the Congress? In the future, if we are going to expend any money at all, it seems to me that we are entitled to some kind of report concerning this endeavor.

Mr. ASPINALL. The gentleman is correct. As soon as this session gets under way, I know they will follow our wishes in this matter.

Mr. GROSS. I thank the gentleman. The gentleman has answered the questions that I wanted to propound.

Mr. Speaker, I withdraw my reservation of objection.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point.)

Mr. ASPINALL. Mr. Speaker, H.R. 13106 by our colleague from New York (Mr. OTTINGER) provides for the renewal of certain provisions of the act of September 26, 1966. That act contemplated that the States of the Hudson River Basin and the Secretary of the Interior should enter discussions leading toward the establishment of a compact for the development of the natural resources of the riverway.

According to information supplied to the Committee on Interior and Insular Affairs, there have been numerous meetings between representatives of the States of New York, New Jersey, and the Secretary of the Interior, but Vermont, Massachusetts, and Connecticut elected not to participate since they have only a peripheral interest in the Hudson River Basin. To date, there has been no agreement on the precise terms of the compact, but a working document has been formulated and discussions are continuing.

Until agreement is reached, the mechanism developed under the act should be continued. That mechanism required all Federal agencies considering plans or programs affecting the resources of the river basin to submit them to the Secretary of the Interior for review and comment. Without this safeguard, the effectiveness of the negotiations themselves might be undermined.

Since the negotiations commenced, this provision of the act has proven itself to be a most useful tool. Almost 350 different matters having some aspect of Federal interest have already been reviewed with an eye toward the future of the riverway. It has been an important tool in maintaining the river's resources while negotiations on the compact proceeded. At the same time, it has enabled the area to make needed, progressive improvements. It should be emphasized that no public agency or private entity has made known to the committee any opposition to this extension.

The other aspect of H.R. 13106 involves the reporting feature of the act. As the Members of the House may recall, the 1966 act required the Secretary of the Interior to submit a report to the President on July 1, 1968. This report, together with his comments and recommendations, was to be forwarded by the President to the Congress. No time limit was established with respect to the transmittal of the report, and I regret to announce that neither the former nor the present occupant of the White House has chosen to honor that provision of the law. In an effort to assure the transmittal of future reports within a reasonable period of time, H.R. 13106 requires annual reports to the Congress through the offices of the Chief Executive.

As the Members will note, there are no appropriations authorized under the terms of this act, but it would be erroneous to conclude that this means that this legislation involves no cost. The fact is: any time any agency of Government is directed to carry on reviews, there are going to be some associated expenses. According to data supplied to the committee, some $116,300 in Interior Department expenses are attributable to the staff work carried on pursuant to the provisions of this legislation. If H.R. 13106 is enacted, and if the full 4 years expire prior to the execution of the compact, we can expect another $140,000 in Federal expenditures to be utilized in carrying out its provisions.

These expenses are not the only ones associated with this undertaking. Considerable sums are being invested in related programs being carried on by the States of New York and New Jersey. Their efforts will continue to play a significant role in this program.

Mr. Speaker, while I wish it were possible for me to rise before the House today in support of a Hudson River compact, I must say that we have not yet arrived at that point. These negotiations are extremely complex and time consuming; consequently, a continued effort is necessary. For this reason, the extensions provided in H.R. 13106 should be approved. I recommend the approval of H.R. 13106, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 13106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of September 26, 1966 (Public Law 89-605; 80 Stat. 848), is amended by striking out "three years after the date of this Act" and inserting in lieu thereof "six years after the date of this Act".

SEC. 2. Section 3 of such Act of September 26, 1966 (Public Law 89-605; 80 Stat. 848), is amended by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1970".

With the following committee amendments.

Page 1, line 6: Strike out "six years" and insert "seven years".

Page 1, line 10: Strike out "1970'." and insert "1970, and annually thereafter,'."

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. OTTINGER. Mr. Speaker, I rise in support of H.R. 13106 which I sponsored to extend for 4 years the provisions of the Hudson River Compact Act—Public Law 89–605.

As the Representative of a district which borders the Hudson River and the author of the original legislation, which was passed in 1966, I am particularly aware of the importance of the program.

The Hudson is one of our Nation's greatest and most abused rivers. Seven hundred and fifty seven billion gallons of sewage daily is dumped into its waters, refuse litters its shores, the once abundant marine life has dwindled alarmingly. Yet, in spite of man's abuses, it still remains one of our most valuable potential resources not only for fresh water to meet the growing needs of the greater metropolitan area but also as a natural, scenic, and recreation resource. The Hudson River Compact Act, which the legislation here today would extend, was the first Federal effort to make that potential a reality. It was, in fact, the first Federal effort to take leadership in coming to grips with problems of the urban river.

It did this in two ways.

First it encouraged New York, New Jersey, and such other States as may be interested, to join in the formation of a Federal-interstate compact.

Second it vested the Secretary of the Interior with certain authority to protect resources of the Hudson from adverse effects as a result of Federal program or projects while the compact is being formed.

The original act allowed 3 years for the States to work out a compact, a period of time which expired in September of last year.

While we have not made as much progress as we had hoped over the past 3 years toward our first goal, the formation of the compact, the signs are very good for the future and I am optimistic that we will be able to achieve it within the 4 years allowed under this extension. For this reason alone, the act merits extension.

The second provision of the act is perhaps its most important feature. It has opened new avenues for dealing with the very complex problems of the new conservation and the urban river.

In 1967, pursuant to the authority of the act, the Interior Department established a special Hudson River compact staff drawing upon the very best of the Department's resources to discharge the Department's responsibilities to protect the riverway.

After several months of negotiations with other Federal agencies by the staff, the Secretary of the Interior concluded memorandums of agreement with the six other Cabinet departments and the three independent agencies with responsibilities bearing upon the riverway. Under these agreements, the Hudson staff reviewed all Federal projects which could conceivably affect the resources of the Hudson Riverway and made such recommendations as were deemed necessary to protect and enhance its resources.

Let me give you some examples of what has been achieved under this arrangement. In 1969 the Board of Education of the City of New York proposed the construction of a badly needed new school facility, the Beach Channel High School on Jamaica Bay, a tidal estuary within the Hudson Basin as defined in this act. The construction involved substantial dredging of an area known as Giant Bar Marsh in the bay. Before the enactment of the Hudson River Compact Act there would have been no question as to the impact of this project on the natural resources of the Hudson. However, under the authority of this act, the staff investigated and discovered that the marsh area was extensively used for wild fowl feeding and was vital to the maintenance of the Atlantic coastal fisheries.

In addition, after an onsite inspection, Interior officials pointed out that the plans as drawn up would have done away with one of the few available recreation fishing sites along Jamaica Bay.

I want to stress that, in the absence of the Hudson River Compact Act, these issues would probably never have been raised. Had they been raised the entire project could have bogged down in a protracted public dispute with no promise that the conflict could be resolved. The role of the Hudson River compact staff, however, did not end with merely pointing out the existence of the problems. The staff worked jointly with the officials of the city of New York and the Corps of Engineers to revise the plans so as to protect and actually enhance the resource.

Under the new plan, the amount of dredging of the Giant Marsh was vastly reduced and the city and the corps agreed to use fill material obtained to expand the marsh and thus make the entire project a cooperative effort with the Fish and Wildlife Service to demonstrate the practicability of improving existing marine feeding resources.

In addition, the layout of the school was changed so as to provide a new, more readily accessible public fishing access thus vastly enhancing the recreation value of the area for the low-income families in the vicinity.

This is an outstanding example of the new conservation, but it is only one of many successes.

In reviewing over 340 projects over the past 3 years pursuant to this legislation, the Hudson staff has won important conservation and environmental victories throughout the entire 300-mile stretch of the Hudson.

At Little Falls in the northern stretch, it saved an island with rare geological and historical significance from destruction by a State highway.

At Buchanan in suburban Westchester it won the first conditions on a corps permit that provide protection from thermal pollution from a nuclear powerplant.

Twice it has prevented a utility from desecrating the famed Hudson Highland with overhead powerlines.

Mr. Speaker, this promising first step toward solving the problems of the urban river, must be given more time; this valuable protection must be extended. On behalf of all those throughout the Nation who value the incomparable natural assets of the Hudson, I urge favorable action on H.R. 13106.

Mr. RYAN. Mr. Speaker, H.R. 13106 would extend for 3 years the Hudson River Basin Compact Act of September 26, 1966 (Public Law 89–605; 80 Stat. 848).

In 1966, I was a strong supporter of the act, having introduced in the 89th Congress a bill to create a Hudson River National Riverway. As finally enacted, the act included all of the Hudson River from its mouth to its source as proposed in my original bill.

The act provided Federal protection for one of our Nation's most magnificent, but also most abused, rivers. Unfortunately, that protection expired on September 26, 1969, 3 years after the date of its enactment.

In this Congress, I introduced H.R. 13944 to extend the authority of the Secretary of the Interior to review projects of other Federal agencies to assure that the Hudson's resources will suffer no adverse impact as a result of Federal actions taken while the compact is being negotiated. The bill before us, H.R. 13106, introduced by our colleague, Congressman OTTINGER, is similar; the committee has recommended an amendment to extend the authority for four additional years.

Since 1966, there has been important progress toward the negotiation of the compact. Governor Rockefeller has changed his position and no longer insists that New York State have nine out of 15 votes on the Compact Commission, removing a major roadblock to the formation of a compact.

I have long been concerned with the progressive deterioration of the Hudson River's resources through abuses and neglect. When Congress first enacted the Hudson compact legislation, I had strong hopes that this first Federal legislation to attempt to deal comprehensively with the great challenges of an urban river would be a major breakthrough. When legislation passed the House of Representatives I hailed it as "a strong start."

This legislation broke new ground in conservation legislation. It created a new and very promising role for the Secretary of the Interior by giving him the authority to consult with Federal agencies with authority over projects affecting the resources of the riverway. Giving one Federal official such responsibility in regard to the jurisdiction of other Federal agencies is a very delicate matter, but the combination set forth in the Hudson bill has succeeded.

The aim of the review authority was to avoid projects that would irreparably damage riverway resources until a Federal-interstate compact could be worked out. State and local projects were not covered because the State of New York undertook responsibility to prevent adverse actions in these jurisdictions.

Immediately upon passage of the Hudson River Basin Compact Act, a special Hudson River project was set up within the Department of the Interior and a full-time staff with extensive background in resources management was assigned to work out standards and review procedures.

As a result of patient negotiation, the Secretary signed memorandums of agreement with the six other Cabinet departments and three independent agencies that have responsibilities bearing upon the river.

Each agency now notifies the Secretary of the Interior of any program or project that could "conceivably" affect the resources of the riverway. The project or program is then reviewed by the Hudson River compact staff, who have full authority to call upon expertise from any other agency such as, for example, the Fish and Wildlife Service of the Department of the Interior, or the air pollution experts at HEW.

At least, 341 projects have been reviewed and more than half have been subjected to onsite review by the staff. This kind of cooperation between the Secretary of the Interior and Federal agencies is essential not only to protect the Hudson River from further despoilation, but also for the enhancement of the river's resources.

I urge passage of H.R. 13106, to continue the important conservation work that has begun.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks with respect to this legislation in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I move to suspend rules and pass the joint resolution (H.J. Res. 1072) making further continuing appropriations for the fiscal year 1970, and for other purposes.

The Clerk read as follows:

H.J. RES. 1072

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of November 14, 1969 (Public Law 91-117), as amended, is hereby further amended by striking out "January 30, 1970" and inserting in lieu thereof "February 28, 1970".

The SPEAKER. Is a second demanded?

Mr. BOW. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, this resolution makes funds available to continue activities for which provision was made in the Departments of Labor, and Health, Education, and Welfare appropriation bill which was vetoed last week. The resolution provides for continuation of operations from January 30, 1970, to not later than February 28.

As Members of the House know, the Committee on Appropriations is intensively involved in trying to work out and present a substitute bill for the vetoed measure. The subcommittee in charge has been in session today. It will meet again tomorrow. It was in session last week. We are going to move just as rapidly as reasonably possible to bring out a new bill.

Mr. Speaker, in the light of the circumstances of the day and the fact that, insofar as I know, we are all generally agreed that this resolution is necessary, I have no further remarks to make at this time.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I wonder if my distinguished chairman might agree with me that there is every reason to believe we will not need the 30 days provided in this resolution—that the subcommittee is now hard at work and we are hopeful that we may be able to bring out a bill perhaps even this week.

Mr. MAHON. I see the gentleman from Pennsylvania (Mr. FLOOD), the chairman of the subcommittee, and the ranking minority member of the subcommittee, the gentleman from Illinois (Mr. MICHEL), here on the floor. I know they are trying hard to work out something this week; certainly, to try to work something out as soon as reasonably possible. It is devoutly hoped that it will not be necessary to consume a major portion of the month before we will have this problem resolved and behind us.

Mr. BOW. In other words, I believe my chairman will agree that the committee is hard at work, that every effort is being made to report out a bill, and it is the intention of the committee to bring that bill to the floor as soon as possible. I think the chairman and the ranking minority member can almost assure the House we will make progress, and that this will undoubtedly be the last continuing resolution we will have for fiscal year 1970.

Mr. MAHON. I certainly hope so.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to my friend from Missouri.

Mr. HALL. Mr. Speaker, I full well understand the spirit in which the House acts here today. But if we are going to continue to act instead of following our usual custom, I think we should not pass legislation without having a thorough understanding, certainly not by unanimouse consent.

No. 1, in the opening statement the chairman of the Committee on Appropriations said that the resolution applies only to the appropriation bill for the Department of Labor and HEW. Am I to conclude from that statement, as I understood it, that this is included in clause (c) of section 102 of the joint resolution of November 14, 1969, which is now Public Law 91-117, and would not allow the expenditure at a higher rate than last year's appropriation in other departments?

Mr. MAHON. The gentleman is correct. All we do in this resolution is to extend the previous resolution by changing the date from January 30, 1970, to February 28, 1970. We do not make any change in the scope of the resolution. The resolution has ceased to apply to

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all the appropriation bills that have been signed into law.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BOW. Mr. Speaker, I yield myself an additional 3 minutes.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. BOW. I shall yield further to the gentleman, but I think it should be pointed out that this continuing resolution does not confine itself only to Labor-HEW, but it also provides for the related agencies, including OEO. I did not want the gentleman to have any misunderstanding about which agencies were included.

Mr. HALL. Mr. Speaker, if the gentleman will yield further——

Mr. BOW. I am delighted to yield further to the gentleman from Missouri.

Mr. HALL. I would rephrase my question in this manner. Does it include any continuing appropriations for other Cabinet branches of Government than those covered in the bill on which the Congress worked its will last week in sustaining the Presidential veto?

Mr. BOW. To the best of my knowledge, it does not.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to the distinguished chairman of the committee.

Mr. MAHON. The continuing resolution at one time applied to the entire Government, we have now enacted all the other appropriation bills, and under the resolution, as a practical matter, all that will be involved are those agencies embraced in the Labor-HEW appropriation bill.

Mr. BOW. In other words, those agencies which were in the bill that was vetoed last week?

Mr. MAHON. That is correct. All the other agencies of Government have been provided for by regular annual appropriation bills.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, that answers my question. I did want to make a legislative record in that regard to assure there would not be increased expenditures over and above the appropriations passed in this Congress or continued from the appropriations in the fiscal year 1969.

I have only one other question. In view of the statements of both distinguished gentlemen on the Committee on Appropriations that we will undoubtedly have acted, by virtue of subcommittee action and the plan to let the House work its will before this date of February 28, why do we not just extend it for 15 days, in view of all the assurances given?

Mr. BOW. I will say to the gentleman that I gave that matter very serious consideration. In fact, I had an amendment so prepared. But, after meeting with the subcommittee and seeing the action being taken, I thought it would be a mistake for us to get into a serious disagreement here on whether the resolution is for 15 or 30 days. I am convinced the distinguished gentleman from Pennsylvania (Mr. FLOOD), is moving as rapidly as possible, and that it is his intention to bring out a bill. I hope we will have a new bill before the end of the 15 days. Consequently, there is no reason for controversy today on this point in relation to the continuing resolution.

Mr. HALL. Mr. Speaker, I thank the gentleman, but I would say that this comes under the entitlement of "blessed assurance."

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, am I correct though in understanding that this continuing resolution does include the additional money that was written in on the so-called Joelson-Cohelan amendment and does include the very items that the President found objectionable in his veto message?

Mr. BOW. I regretfully must reply that it does.

Mr. PUCINSKI. It does not?

Mr. BOW. It does. I said that I regretted that it did. The gentleman would not expect me to be pleased about this, would he?

Mr. PUCINSKI. But the President objected in his message to the fact that those expenditures were mandatory and therefore he had no choice but to veto. Would the gentleman as a member of the committee explain why the Department is not spending this money and why it has not spent the money in November and December and January?

Mr. BOW. I believe the gentleman's question should be directed to the Department.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, the gentleman from Illinois talks about the mandatory language in the bill which the President vetoed Wednesday last. The continuing resolution has no mandatory language, does it?

The SPEAKER. The time of the gentleman has expired.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield further?

Mr. BOW. I yield further to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker. I asked the gentleman to yield again so I could try to get an answer as to whether or not the continuing resolution has mandatory language. I would like to have an answer from either the gentleman from Ohio or the gentleman from Texas.

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, the continuing resolution from the committee, of course, just changes the date of the previous continuing resolution and thus continues the status quo.

Mr. WAGGONNER. Mr. Speaker, this prompts one other question. Did the previous continuing resolution have mandatory language?

Mr. MAHON. No, the previous resolution did not have mandatory language, but I believe several of the basic laws do have language which has been interpreted by the administration to be mandatory.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield further?

Mr. BOW. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Does the gentleman, Mr. Speaker, say the basic law which was vetoed had mandatory language, or the basic law which is being continued has mandatory language?

Mr. MAHON. The continuing resolution does not contain mandatory language. Neither did the bill vetoed by the President contain mandatory language.

As I understand it, the President has been advised that the basic law makes it mandatory that he allocate certain funds. The basic law does say that certain funds shall—and I underline the word shall—be allocated for certain purposes.

In any event, Mr. Speaker, that question is not involved in the pending resolution.

Mr. BOW. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL) to close the debate on this side of the aisle.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding. I just want to make it clear at this particular point, that out of respect to our late departed friend and colleague, GLEN LIPSCOMB there has not been very much debate. I am sure there would have been a much more spirited debate otherwise.

However, the fact there has been so little participation in this debate does not mean this is unimportant. The gentleman from Louisiana makes a very important point, and I am sure the gentleman from Illinois, Mr. PUCINSKI, also wants to make that same point, for different reasons.

Under the terms of this continuing resolution, the spending level will undoubtedly be at the higher level that is repugnant to the President and is repugnant to me. I do not want the fact that I have agreed to the resolution in an emergency situation to be construed as giving any kind of tacit agreement that I think this is a good resolution. I am opposed to it in principle for at the end of February we will be two-thirds of the way through the fiscal year and still spending at this higher level.

As I pointed out last Thursday in the colloquy, we might then find ourselves in the switches, where there is an attempt on the other side to go the rest of the way through the fiscal year with continuing resolutions. We have to make it abundantly clear before we pass this continuing resolution, that we are not just going through the motions, but our committee will try to come out with something substantial real soon that more properly meets the President's request.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the joint resolution (H.J. Res. 1072).

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

PRESIDENT'S VETO OF THE HEW APPROPRIATION BILL

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUPPE. Mr. Speaker, I wish to address myself to the recent veto of the appropriation bill for Health, Education, and Welfare. The decision on whether or not to support the veto was extremely difficult for me. I voted to override the President's veto and I would like to share with my colleagues some of the reasons which lead to my decision.

To my mind, the most basic factor to be considered was the effect that a veto would have on the school children in my district. After examining the implications, school district by school district, I found that the reduction in educational assistance would have an especially severe impact in northern Michigan.

In the impacted aid program alone, there are some 64 school districts receiving such assistance in the State of Michigan; 27 of those 64 school districts are in the 11th Congressional District. In dollar amounts, fully 40 percent of program cuts for Michigan will hit schools in my district. To emphasize how important the impacted aid program can be, in Chippewa County, program payments amounted to $819,521 last year. As a result of the veto, the city of Sault Ste. Marie alone could lose as much as $135,000, a serious blow to any school district.

I would not deny that there are faults with the impacted aid program. In fact, I propose that extensive changes be made in the formula by which school districts are now funded, so that payments would be based solely on need. However, I do not feel that we can change the formula midway through the school year. Rather I would hope that the Congress will face its responsibility during the remainder of this session and undertake those necessary changes in the program to make the formula more equitable for all school districts involved.

There is another important factor to consider. All of the Nation's schools which receive Federal assistance have been operating under the assumption—however false—that they would be receiving some increases in Federal funds this year. This includes not just impacted aid but the Elementary and Secondary Education Act and the National Defense Education Act as well. Certainly, the overwhelming support which education was given last year when the appropriations measures were considered by the House and the Senate indicated that additional moneys would be forthcoming. Even the most prudent of school administrators felt that at the very least, the figure would remain at last year's level. Now, suddenly, with less than half the school year remaining, they face substantial cuts.

My decision to vote in favor of overriding the veto was difficult for another extremely important reason. The President has said that the fight against inflation holds the highest priority and I agree. One of the vital keys to that fight is Federal spending. We simply have to bring the Federal budget under control and eliminate nonessential spending. The Congress and the administration must decide where and how those cuts will be made.

For example, during the past session of Congress, the Defense budget was trimmed of over $5 billion. I fully supported the effort to eliminate future purchases of the controversial C-5A aircraft as well as new and unnecessary aircraft carriers. I also worked to cut more than $1 billion from our foreign aid authorization. In my view, we have just begun to shape a lean, effective Federal budget, but the task must continue indefinitely. It is unfortunate that the education bill had to become one of the battlegrounds of this effort.

The ultimate failure of the HEW appropriations rests with the Democratic leadership of the 91st Congress. The leadership has continually refused to restructure programs and budgets so that ample funds could be made available to the truly essential areas of Federal assistance. They are also responsible for the fact that the HEW appropriation was the last appropriation measure to pass the Senate for fiscal year 1970. The bill did not reach the President's desk until more than half the fiscal year had passed, leaving little room, in my view, for major funding adjustment. It is wrong to wait until our education system has reached the crisis point before devising legislation which is so vital to its existence. School systems throughout the country cannot properly budget their expenses or administrate if they cannot anticipate the amount of Federal assistance they will receive. Seven months of the fiscal year have passed, and the Nation's school administrators still do not know how much Federal assistance they can expect. There is no excuse for the excessive delay, and the onus must be placed on the Democratic congressional leadership which failed to move such an important appropriation measure through the legislative mill which they control.

It is indeed regrettable that an issue as important as the education of our young people should become wrapped in partisan politics. Just a few days before the crucial vote to override the veto, the chairman of the House Education and Labor Committee, a man of 21 years service in the Congress, charged that the administration lacked concern for education. I rose to indicate that I, too, was interested in education and wondered aloud why so many who were supporting the HEW bill had also voted against the President's tax program, which provided the desperately needed funds for education and other important Federal programs. The chairman admitted that he had voted against the tax increase for the first time in his career. This suggests to me that the education fight was motivated more out of partisan politics than a genuine concern for the Federal education effort. In truth, the Government is operating under an extremely tight budget because many Members of the Democratic opposition were unwilling to vote for the necessary tax revenues.

JOINT CONGRESSIONAL COMMITTEE ON ENVIRONMENTAL QUALITY AND POPULATION POLICY

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, last Wednesday I was honored to be joined by the gentleman from Connecticut (Mr. DADDARIO), the gentleman from Arizona (Mr. UDALL), and the gentleman from Pennsylvania (Mr. GREEN) in introducing a bill to establish a Joint Congressional Committee on Environmental Quality and Population Policy (H.J. Res. 1071).

The need for this legislation derives from serious threats to the quality of our environment which are pronounced by the clash between the growth of population and the growth of new technologies. Among the larger policy issues that have grown out of this interrelationship are these:

First. Can we plan effectively to achieve an environment of an acceptable quality in a given area without indicating the maximum number of people a plan contemplates in that area?

Second. Will continued population growth in an urban, industrial society result in a parallel or even greater increase in the percentage of that society's resources (in terms of scientific manpower as well as funds) that must be allocated to restoring environment quality to a healthy level?

Third. Can the distribution of new technologies (some common past examples being detergents and pesticides) be effectively controlled until their potential effect on the environment has been adequately assessed?

As we are painfully coming to recognize, the progression of American technology is a somewhat mixed blessing. The problem is that agricultural, industrial, transportation, mining, and other complex technologies have been designed essentially to solve rather narrowly defined problems of physical wants and needs, with insufficient attention to the spin-off effects of these decisions on man's environment. The result has been that such technologies, while rather effective in meeting our additional needs for food, transportation facilities, fuels, and other tangible goods that accompany an ever-expanding population, have tended also to carry adverse effects that have cumulated into a serious threat to the quality of the air, water, land, and other elements of our natural environment.

Of course, no one would suggest that we forgo the fruits of technology because its impact is not totally beneficial. But what we can and should do is to adapt the problem-solving mechanisms of science and technology to include the detrimental effects on the quality of the environment. In our decentralized society, private enterprises, individuals, and State and local governments bear the primary responsibility for this undertaking. The Federal Government, in cooperation with private groups and State and local governments, can facilitate explicit and focused debate on the environmental policy spectrum, toward the end of clarifying policy alternatives and crystallizing the will of the American people to support and sustain action on preferred alternatives.

Within the Federal Government, we took significant steps during 1969 to prompt maximum feasible action along these lines. President Nixon by Executive order created a Cabinet-level Environmental Quality Council to coordinate ongoing governmental policies and programs toward the end of environmental quality control. And the Congress, in the National Environmental Policy Act of 1969, established a Council on Environmental Quality in the Executive Office of the President continually to analyze environmental trends and to plan and recommend new and revised policies to promote the improvement of the environment.

The legislation we introduced yesterday is designed to take a logical and useful additional step beyond these actions of last year. The essential precedent for establishment of the Council on Environmental Quality in 1969 was the Employment Act of 1946 and the Council of Economic Advisers instituted by that statute. Our bill would extend this use of the 1946 Employment Act as precedent, by creating a Congressional Joint Committee on Environmental Quality and Population Policy. We are all familiar with the important functions performed through the years by the Joint Economic Committee that was established by the Employment Act. Indeed, in looking over the history of the 1946 act, we could reasonably conclude that the Joint Economic Committee has done at least as much as the Council of Economic Advisers toward promoting the goals of maximum production, employment, purchasing power, and balance-of-payments equilibrium. We cannot afford to forgo the challenge of similarly strengthening the ability of Congress to contribute to a quality environment, by creating a joint Senate-House committee in this field also.

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Our bill intendedly does not limit the duties and activities of the joint committee in the environmental quality and population area. Thus the joint committee would evolve and adapt in response to changing conditions. However, we would strongly emphasize what in our judgment are four essential elements of any such congressional study and advisory organ:

First. Population policy, which is an integral part of promoting and maintaining environmental quality, is included in the title of the joint committee. The joint committee is also mandated to consider population trends and policies.

As former Interior Secretary Stewart L. Udall pointed out:

> Is it not time to give serious consideration to the "ecology of man"—the relation of human population to its environment? Is it not time to ask whether man, as part of nature, is subject to the laws that govern other species, particularly the law that for every species in a particular environment there is an optimum population?

Today's problems of environment policy revolve around the core phenomenon of swiftly rising numbers of human beings.

As the 1966 Spilhaus report of the National Academy of Sciences—National Research Council stated:

> It is manifestly impossible for the human species to continue present rates of population increase, present rates of increase in per capita consumption of goods, and simultaneously maintain an environment in which waste products do not become ultimately totally inhibitory to life.

Among the policy proposals on population policy requiring close scrutiny and study by our proposed joint committee would be the 1969 recommendation of the Committee on Resources and Man of the National Academy of Sciences—National Research Council:

> That efforts to limit population increases in the nation and the world be intensified by whatever means are practicable, working toward a goal of zero rate of growth by the end of the century. Healthy and intelligent people are man's greatest resource. If limitation of population is not eventually achieved at some reasonable level, moreover, food and other resources will surely be inadequate. With limitation of populations the objective can be shifted from combating starvation and want to the improvement of the human resource and its level of living. Although this recommendation is by no means novel, it emerges again from our study . . . that population control is the absolute primary essential without which all other efforts are nullified. Our Departments of State and of Health, Education, and Welfare should adopt the goal of real population control both in North America and throughout the world. Ultimately this implies that the community and society as a whole, and not only the parents, must have a say about the number of children a couple may have. This will require profound modification of current attitudes toward parenthood.

In less-developed nations, spectacular population growth results in a declining level of nutrition. In highly developed societies, even a "moderate" rate of population growth creates severe waste-disposal difficulties, and may, under some conditions, ultimately also threaten the nutrition standard as well as lessen the availability of usable open space.

The 1966 National Academy of Sciences—National Research Council Thimann report on the plant sciences notes that:

> The cities with their suburbs, airports, and shopping centers are consuming land at a rate of about a million acres a year. Much of this is potentially first-class farming land. The population, which is growing at the rate of 8,000 persons per day, is projected to double in 40 years. By that time it will have to be fed on 40 million fewer acres (a decrease of about 10 percent in the cultivated area), and this assumes a linear and not the more probable expotential rate of land consumption. Thus the two curves, one for decreasing land and the other for increasing people, are on a collision course. What then?

Second. The joint committee is authorized to examine research and development efforts into nonpolluting sources of energy.

Can sufficient nonpolluting energy sources be developed to supplement fossil and present fissile energy sources? Do not such panaceas for the waste-management problem as recycling materials overlook the presumably fossil or current fissile—and thus polluting—energy requirements therefor?

A representative of the Office of Science and Technology testified before the Daddario subcommittee:

> It might also be suggested that we avoid the possibility of these changes [world-wide greenhouse effect from burning of fossil fuels] in the future by the vigorous development of other sources of energy such as nuclear power, solar energy, and the gravitation energy of the tides.
>
> Increasingly power requirements must be met by efficient use of nuclear energy, and other sources should be utilized such as solar energy, the tides, and perhaps the heat of the earth's core.

The Spilhaus report also spoke to this general point:

> However, the anticipated increase in atomic power reactors by the year 2000 will pose a serious challenge in the safe disposal of highly dangerous waste products.

Third. The joint committee would be authorized to analyze the international aspects of environmental pollution. As Prof. Barry Commoner recently wrote:

> One of the great, humane ideas of the technological age is that those nations that have created it should share their knowledge with the worldwide movement to export technology has begun to achieve significant proportions. It has been in this same period of time that we have begun to discover—in the more advanced countries—the hidden environmental costs so often incurred by new technology. Clearly, it would be prudent to examine the record of the technological developments exported to the underdeveloped nations of the world, and to determine how their varied environments have responded to this new intrusion.

The interaction between national-security questions and environmental problems is often overlooked. Both are essentially exercises in humanizing the employment of technology, either through arms control or through waste management. This interaction is particularly significant when considering alternatives to fossil fuels. The threat of a spreading nuclear-weapons-production capability to other nations should, perhaps, be a kind of additional cost to be added to the more strictly environmental costs of nuclear power.

As British Defense Analyst Leonard Beaton pointed out:

> It (the International Atomic Energy Agency) shall, under its statute, "seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world," ensuring, so far as it is able, that its assistance is not used "to further any military purpose." These objectives make it the United Nations version of the expensive national atomic energy agencies which appear so often to be lobbies maintained at public expense to stimulate the spread of atomic energy. Its governors and advisers seem in many cases to belong to that honourable but naive school of opinion which believes as a matter of faith that the advance of atomic energy must be beneficient and non-military whatever the facts of the case may be. If the I.A.E.A. is to form part of a concerted effort to stop the spread of nuclear weapons, it may have to cast its weight onto the other side of the scales. Resources will have to be spent by it or someone else to prove that conventional fuels are more, not less, economical for power; to improve the efficiency of desalination techniques which do not involve the production of plutonium, not those that

> produce large quanities of plutonium; and to find how plutonium-producing facilities which must inevitably spread around the world can be organized so as to prevent the accumulation of pools of this immensely powerful substance in country after country.

In short, the joint committee might well address itself to such issues as these relating to both nonpolluting sources of energy as well as to the interaction of environmental policy and international affairs:

Is atomic-energy research fully geared to the development of efficient reactors that minimize environmental hazards?

What kind of national investment should we be making to harness for safe and peaceful uses the tremendous power of thermonuclear energy?

In the long run, are the environmental hazards from coal-fired or from nuclear-powered sources easier to handle? What international and resource issues must also be considered in making this decision?

Moreover, the adverse ecological effects of foreign-assistance programs would come within the joint committee's purview. Some of these effects were well documented at the December 1968 conference entitled "Ecological Aspects of International Development" sponsored by Washington University's Center for the Biology of Natural Systems and the Conservation Foundation.

Russell Train, then president of the Conservation Foundation and now Interior Under Secretary, summed up the theme of the conference when he said:

> Developing countries are defenseless before the self-assured wisdom of Western planners. We have a very heavy moral obligation to assess the full range of consequences of those international development programs, both bilateral and multilateral, which we have undertaken so confidently.
>
> The adverse environmental consequences of much well-accepted technological progress are perhaps most readily and dramatically seen in international development programs where alien technology and alien goals interact with a traditional culture and values.

Mr. Luther J. Carter, of Science, summarized one study given of Egypt's Aswan High Dam presented at the conference:

> Egypt's Aswan High Dam, with its hydropower, irrigation, navigation, and flood-control potential, has been considered one of the most promising of the great postwar developments. Yet, in a conference paper, Henry van der Schalie, of the University of Michigan's Museum of Zoology, viewed this project (completed only last year) pessimistically. He said that it is virtually certain to lead to a disastrous spread of schistosomiasis along the upper Nile, a region where heretofore the incidence of this debilitating, often fatal parasitic disease has been comparatively low. This is predictable, van der Schalie explained, because the project to bring year-round irrigation to the upper Nile provides the canals and ditches preferred by the schistosome's snail host. In the Nile delta, where year-round irrigation has long been practiced, the incidence of schistosomiasis is high, nearly all the inhabitants of some villages being infected. Moreover, attempts to combat schistosomiasis by snail eradication and sanitation measures, or by the treatment of infected persons, are said to have had only limited success.

Again, the joint committee would be in a position to emphasize the crucial importance of considering ecologic factors in all U.S. foreign-aid efforts.

Fourth. Finally the joint committee would require an annual posture briefing—similar to those briefings instituted by Secretary McNamara on Defense policy—from the Budget Director. The purpose of this briefing would be to give a meaningful account to the Congress of how much of the Federal budget, including all Federal agencies, is actually being allocated to restoring and maintaining the quality of our environment.

The joint committee would be uniquely situated to prompt the Presidency, through the Bureau of the Budget, annually to provide information on amounts and kinds of expenditures by executive branch agencies to promote and protect our physical environment. Today we have little in the way of systematic knowledge on budgeting for environmental programs and elements of programs, comparable to the increasingly sophisticated program delineations in such policy areas as education, health, and defense. The joint committee could work to institutionalize environment quality as one of the major, overriding analytic and funding categories in the national budgetary process.

The Joint Committee on Environmental Quality and Population Policy, as instituted by our bill, would not impinge in any way upon the legislative functions and responsibilities of the several committees of the Senate and House of Representatives with jurisdiction over resource, conservation or other environmental matters. The bill contains explicit language to the effect that no legislative measure shall be referred to the joint committee and that it shall have no authority to report any such measure to the Senate or the House of Representatives. The joint committee would serve and supplement rather than compete with our existing legislative committees.

The Joint Committee on Environmental Quality and Population Policy would doubtless conduct public hearings, outcontract studies, and publish, for wide distribution, hearings and related documents. This would be to facilitate congressional and public understanding of environmental and population trends and potential environmental disasters that threaten the right of all Americans to a healthy physical environment. Equally important, the joint committee would be able to outline the various policy alternatives needed to alleviate or prevent environmental degradation.

It would be hoped, finally, that the joint committee could bring a new perspective to environmental-quality control. Even among those learning to become professionally concerned with environment-policy problems, there are habits of thought which make wise policymaking difficult. One analyst before the Daddario subcommittee put it very well when he said:

> The goals must not be to find out how much filth a stream can be made to accept, nor the limits on emissions into our air, nor the extent the land can be brutalized. Pollution abatement management—at every level, in public or private service—spends too much time in figuring out how much it can get away with, when it should be figuring out how properly to remove and handle as much of the pollution load as it can. The way matters stand now, both production management and also abatement management are interested in getting the environment to accept as much untreated or poorly-treated contamination as it can.
>
> The goal must be to clean up after ourselves to the point that any escaping pollutants are the result of accidents, or naturally occurring phenomena, or because their cleanup is clearly still outside present science and technology. The goal must be clean air and clean water, not tolerances and limits, and not how much we can get away with for a while longer. Unless the philosophy and goals are reassessed, the brightest technological advances won't pay off any more than present practice is paying off in keeping our environment clean.

Mr. Speaker, enactment of our proposal during this session of the Congress is, in our judgment, essential to help public and private institutions meet the challenge of restoring the quality of our environment.

We hope for serious and timely consideration of this measure by the Committee on Rules, and we welcome comments for its refinement from Members on both sides of the aisle.

SOUTHERN STRATEGY—JUDICIAL TYRANNY IMPOSED UPON THE SOUTH

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, history will record today as the date on which judicial tyranny was imposed on the South.

We have heard much about the "law of the land" from the propaganda agents. Decent Americans have been exhorted since 1954 to obey the law of the land—and they have tried to do so. The demagogs and agitation agents, on the other hand, have been preaching that people need obey only the laws which they like, and should violate all others in support of a revolutionary tactic called civil disobedience.

Now, to aid in the enforcement of judicial decrees which are in direct violation of the law—the Civil Rights Act of 1964—and to further the disruptive schemes of bureaucrats who are in flagrant violation of the law—the current HEW Appropriations Act—the President is going to appoint a Cabinet-level committee, chaired by Vice President AGNEW, to aid in the new rape of the South.

We have heard much of the so-called southern strategy—mostly from the far left. It now has surfaced completely. But it is apparently only another chapter in the strategy of the left to use and abuse the South for the purpose of gaining cheaply bought political blocs elsewhere.

If the President is to be honest—if he is to live up to his constitutional obligation and to his oath of office—his course is quite simple.

All he need do is instruct his own appointees, the Attorney General and the Secretary of Health, Education, and Welfare, to obey the law. He need not

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even have the Vice President involved in such instruction.

The radical Republican idea of the "conquered provinces" is no longer tenable. The people of the South—patient beyond belief in the face of malicious intervention in their internal affairs—have very nearly had enough.

Make no mistake. Decent Americans will still protect their children.

The silent majority recently has been discovered in the Nation by those politically astute. Let it be known that there is a silent majority in the South also, and that it is about to be heard from.

This majority is of both races—it is not a question of racial conflict. The great majority of each of the races wants to have and to exercise their own freedom of choice—the very freedom which this Congress sought to guarantee them, but of which the Supreme Court, the inferior—and I use the word advisedly—Federal courts, and the bureaucrats of the executive branch have now succeeded in unlawfully and temporarily depriving them.

For the convenience of Members, I include a current newsclipping, followed by the pertinent sections of the Constitution, the Civil Rights Act of 1964, and the current HEW Appropriation Act, in my remarks, as follows:

[From the Washington (D.C.) Post, Feb. 2, 1970]

AGNEW UNIT TO AID SOUTH'S INTEGRATION

Vice President Agnew said yesterday that he will be chairman of a Cabinet-level group that will work to carry out "in the least disruptive way" the Supreme Court's order to desegregate Southern schools at once.

Agnew, observing that "it is not always easy to decide what is compliance" with the high court's decision, described the group as a "council to reach accord through discussion and dialogue." He added:

"This is a top-level group to attempt to bring the restoration of quality education to those districts who feel that in the construction previously given to the decisions of the court that they suffered to some extent."

The Vice President said the group "is not meant to replace" enforcement machinery now residing in the Departments of Justice and Health, Education and Welfare. The Attorney General, John N. Mitchell, and the Secretary of HEW, Robert H. Finch, will be members of the group, he said.

The Vice President's disclosure that Mr. Nixon "will shortly announce the formation" of a Cabinet-level group to help Southern school districts carry out the Supreme Court's decision came in response to a question on how the administration "is going to make life a little easier for the Southerners" in an election year.

Agnew said firmly, "We are not trying to make life easier for anybody . . . when the courts of this country speak, the Executive Branch of the government and this administration will perform its obligations under the Constitution.

"It is ridiculous," he said, "to be an advocate of law and order in one sense and attempt to circumvent it in another sense."

Agnew said that much of the difficulty arising from the Supreme Court's orders "has been through misunderstanding of what the court really meant and what the people have taken out of the court's statements and what the Department of HEW and the Attorney General's office may have promulgated in the way of regulations."

He said a task force on education will be forced to "work with the school districts having the most difficulty to achieve the spirit and the letter of the court decisions in a way that might least impair the continuance of quality education in those districts." He said the task force would be made up of "distinguished Southern educators of both parties and both races."

The Vice President would not elaborate on the methods of the Cabinet-level group other than that it would receive reports of the task force and would attempt "to guide the district into coming into conformity with the decisions."

Observing that there has been dispute on just what "compliance" is, Agnew said the group would try to bring all differing parties together—HEW officials, citizens, such outside groups as the NAACP—to "sit down and reach accord through a dialogue and a discussion."

The Supreme Court's "at once" decree has met stiff resistance in many of the school districts in the Deep South. Desegregation has been met by boycotts by both blacks and white and by the establishment of many all-white private academies. More problems are expected this week when 40 of the more recalcitrant districts desegregate.

Agnew repeated his opposition to busing of students as a way to achieve racial balance in schools. But he pointed out that there are all kinds of busing, and "we have got to look at each busing situation on its own merits and make our decision as a result of what we see."

On his own image and appeal, Agnew admitted candidly, "I would be dishonest if I said I didn't think I . . .do have an appeal in the South.

"I think it comes about," he said, "not because I am expressing any extremist philosophy, but because I have not been quite as careful about being misunderstood and exploited by certain left extreme groups who utilize any compassion for the unique problems of the South, and for what I consider the undue, untoward victimization of the South at the expense of achieving the objectives that we all know we must achieve in the field of desegregation of our society."

The Vice President also had these comments:

[From the Constitution of the United States of America]

ARTICLE VI

* * * * *

CONSTITUTION, LAWS AND TREATIES OF THE UNITED STATES TO BE SUPREME

2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constiution or Laws of any State to the Contrary notwithstanding.

[Public Law 88–352, title IV, par. 401, July 2, 1964, 78 Stat. 246, 42 United States Code 2000c—Civil Rights Act of 1964]

DEFINITIONS

* * * * *

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

[From the HEW Appropriations Act]

Section 409 of the Appropriations Act under which the HEW employees are paid reads as follows:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

CLEAN WATER

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, I am amazed after all the administration rhetoric on the state of our environment and the vehement protests against the polluters of our Nation's waters emanating from the White House, that the President's budget contains no request for funds under the Clean Water Restoration Act for fiscal year 1971. Instead, President Nixon refers to a $10 billion, 5-year program which he says will be detailed in a special message to Congress.

The Clean Water Restoration Act of 1966 authorizes appropriations of $1.25 billion in fiscal year 1971 for Federal grants to State and localities for construction of sewage treatment facilities. However, it is clear from what the President says elsewhere in his budget message that his new program will really amount to a substantial reduction in the Federal effort far below that provided in the Clean Water Restoration Act. President Nixon's proposal provides that the direct Federal contribution will be only $4 billion of the $10 billion program, or $800 million a year, which is what the Congress itself appropriated this year to clean up the Nation's waters.

Just recently I joined with six Members of this body in circulating a letter to all our colleagues calling for their assistance in appropriating the full $1.25 billion in fiscal year 1971 for the construction of the sewage treatment plants. Acting in the anticipation that water pollution would not be a high-priority item in the President's budget, we asked for your support in making our $1.25 billion goal a reality. I call upon you again now, to please join our efforts to achieve full funding.

The President's antipollution program has been touted as a long-awaited solution for dirty water, but at $800 million a year we would be actually regressing. We must look ahead—we must increase the Federal effort, not retard the progress we have made.

TO BAN UNAUTHORIZED USE OF WAR DEAD'S NAMES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Texas. Mr. Speaker, recently I read a compelling statement by a father whose son was killed in Vietnam fighting for the cause of freedom. The father was deeply distressed by the use of his son's name in the November anti-war demonstrations. He decided that one way he could manifest his feelings was to write an open letter to all Americans regarding his intense sentiments on this matter.

I would like to share this letter with my colleagues in the Congress. The letter follows:

"When they read my son's name to advocate peace at any price—the price being defeat, let them remember that he whose name they read did not surrender," wrote an anguished Malcolm Thompson.

"When they read the name of Gregory M. Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them . . .

"When those hypocrites read the list of dead who defended South Vietnam, let them know that they have reached the ultimate low in the world record of human infamy, in that they willingly and cunningly utter a dead man's name to achieve the defeat of the cause for which he died".

Thompson's son, Gregory, was an 18-year-old Army PFC who was killed in combat in Vietnam May 17, 1969. The father's words, in a letter sent the day after Moratorium Day, mirrored the other side of America's continuing Vietnam debate.

"It is the ones who saw his body returned in a flag-draped coffin who should be heard—not the protestors," Thompson wrote.

"These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave. . .

"It is we the parents who said goodbye to him when he went away to fight—not the peace agitators. It is we the parents who wrote long, anxious letters to him during his three months of almost continuous combat—not the agitators. . . . My son was killed while fighting for his country. America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed him".

This father is not alone in his anguish or distress. Gold star mothers and concerned individuals throughout the State of Texas have written to me and expressed their unalterable opposition to the use of the names of fallen soldiers by those who would dishonor our national commitment of honor in Vietnam.

Mr. Speaker, I am also greatly disturbed by the use of the names of our war dead by extremists, Communists, anarchists, and militant leftists. Not only does it tarnish the names of our fallen soldiers, it is an insult to the valiant Americans who are daily risking their lives to bring peace and freedom to the struggling people of South Vietnam.

In an attempt to put a stop to this ill-conceived activity, I have introduced for appropriate reference, legislation which would prohibit individuals and organizations from using for any purpose, on Federal or public property, the names of soldiers killed since August 5, 1964, in Vietnam or any other combat zone without being authorized to do so. Under my bill, before any individuals or organizations, with the exception of the news media, could use a dead soldier's name, they would have to receive written permission from the soldier's next of kin. Violators would be subject to up to a $500 fine, and/or sent to prison for up to 1 year.

I have used August 5, 1964, as a cutoff date because it was at that time that the war in Vietnam started to radically escalate and our casualty rate began to rise significantly. I have excluded the news media from the coverage of my bill so that reporting of the names of war casualties would not be impeded. I have made the penalty for violating clear and substantial in an effort to deter would-be wrongdoers.

I regret that circumstances have dictated that I take such drastic action. I regret more deeply, however, that certain elements of our population have so alienated themselves from the American mainstream that they oppose, in such a despicable way, the policies of our President and the wishes of a great majority of the American people.

Mr. Speaker, I include my bill to be reprinted in the RECORD:

H.R. 15606

A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, other than the news media, whoever publicly uses for any purpose on public or Federal property the name of any member of the armed services, if such member was killed on or after August 5, 1964, while on active duty in a combat zone, without first obtaining the consent of the next of kin of such member to so use the name shall be fined not more than $500 or imprisoned not more than one year, or both. For the purpose of this Act, the term "next of kin" means that individual officially listed as such in the service records of the deceased member.

PUBLIC SUPPORT FOR PRESIDENT'S VETO OF LABOR-HEW APPROPRIATION BILL

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, I have here some information that may surprise those who think Federal deficit spending is still good politics.

Last Monday night the President went on television to tell the people of America why he was vetoing the Labor-HEW appropriations bill.

His message came through loud and clear.

Since then more than 55,000 wires have come into congressional offices regarding the veto.

A spot check of more than a dozen offices shows that the wires ran overwhelmingly in favor of the veto. In some offices the figure was 95 percent.

This was a dramatic outpouring of public opinion. It was a clear indication that the public, when it has the facts, will usually make the right decision. The so-called great silent majority stepped forward and spoke clearly.

Incidentally, the White House informs me that its mail and wires were outstanding in support after the speech. Whereas pressure groups have been strongly advocating that the President sign the bill, the speech brought a great outpouring of wires and letters in support of the President's position.

Mr. Speaker, I am sure that those who voted with the President on Wednesday will long feel a supporting glow in the Nation's interest.

POSTAL CORPORATION?

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, in the February 1970 issue of the Postal Supervisor, official publication of the National Association of Postal Supervisors, there appears an interesting letter from an assistant postmaster in the heart of Tennessee Valley Authority land.

The letter, from Mr. Jim Farley of Lebanon, Tenn., is addressed to Mr. Donald N. Ledbetter, secretary of NAPS, and appears in Mr. Ledbetter's column, "The Secretary's Report."

Bear in mind that Postmaster General Blount and other proponents of a postal corporation point to the TVA as a shining example of how wonderful our postal service will be if only we reorganize the Post Office Department along corporate lines.

In his letter, Mr. Farley raises some very pointed and pertinent questions. For the enlightenment of my colleagues—particularly those who might be leaning toward conversion of the Post Office Department into a postal corporation—I am pleased to reprint the text of his letter to Mr. Ledbetter in the RECORD, as well as Mr. Ledbetter's introductory and concluding comments:

TVA, IT'S WONDERFUL!

Being a native Tennessean and having spent most of my life in the area served by the Tenessee Valley Authority, I have always been a strong defender of T.V.A. And I still am. But when people start comparing the postal service with T.V.A. and saying that the postal service would be vastly improved if reorganized along the lines of T.V.A., I must raise the voice of dissent. It simply ain't so! It is impossible to compare the Tennessee Valley Authority with the Post Office Department. One glaring difference that meets the eye immediately is the fact that the post office in Manhattan alone employs more people than are employed by T.V.A. How can anyone compare the problems of the largest civilian agency of the government with operations in all 50 states and possessions with one of the smallest agencies of the government with operations localized in one regional area of the country?

Granting that the difference in size alone might make no difference in the minds of some, a comparison in services rendered is in order. My good friend, Jim Farley (no relation to the former Postmaster General), Assistant Postmaster at Lebanon, Tennessee and member-at-large of Tennessee State Branch N.A.P.S., has had some recent experiences with T.V.A. which we have asked him to share with you. His observations and reflections are contained in the following letter:

"Dear Don: In May, 1969, I purchased a mobile home and moved it onto a lot in the country near a lake. When I made application to T.V.A. for electric service I was told that there was a membership fee of $5 which I paid. If the post office was a corporation, would I have to pay a membership fee of $5?

"After I purchased the membership card I was then informed that it would cost me $5 to be connected to the utility line. If the post office was a corporation, would I have to pay $5 to be eligible to receive mail?

"A T.V.A. supervisor went to the location of my mobile home and determined that it was 660 feet from the nearest utility pole on the main line and, therefore, it would cost me an additonal $175 for the service line to be extended to my mobile home. If the post office was a corporation, would it cost me $175 to get a rural route extended 660 feet up the road to my mobile home?

"About a week later (after this was all paid) the T.V.A. ran an electrical line from their main line to a pole near my mobile home but did not connect to my mobile home. I called T.V.A. and discovered that to meet their requirements I would have to get an electrician to put an all-weather box on the utility pole and run the necessary wires up the pole near a transformer. Certain specifications had to be met which cost me an additional $68.13. If the post office was a corporation, would it cost me $68.13 to meet their requirements for erecting a simple mail box?

"I notified T.V.A. that I had meet their requirement on the utility pole and asked them to please connect my mobile home with electricity. They informed me that I would have to get a state inspector to inspect all of the wiring in my mobile home and if he passed on the wiring, then notify them. This inspection cost another $5. If the post office was a corporation, would it cost me $5 to have an inspector approve my mail box?

"After the state inspector passed my wiring, I again notified T.V.A. and requested service connection. I was told that they were very busy and it would be another week before they could get to me. But with no further expenses, I received service on July 7, 1969.

"You would think my problems were all solved, but please indulge me a little further. In October 1969 I decided to sell my mobile home and build a permanent house within 20 feet of the location of the mobile home. I used the plug box on the utility pole for the contractor's saw. By using this plug I did not have to erect a temporary pole for temporary service from T.V.A. until the house was completed. This would have cost another $20. After completion of my new home. I contacted T.V.A. and requested service, at which time I discovered that I had to pay the $20 temporary service charge anyway. If the post office was a corporation, would I have to pay $20 for temporary service in general delivery?

"I was required to contact the state inspector again to inspect my new home and pay another $5 inspection fee before I could get electricity. If the post office was a corporation and I moved from my mobile home to a new home, would the post office charge me another $5 inspection fee?

"After the final inspection was completed I again notified T.V.A. that I wanted electricity and they informed me they would connect my home to the utility line within a few days.

"There is a minimum charge for five years which has to be paid even though I do not use the minimum amount of electricity. If the post office was a corporation would I have to buy a certain amount of stamps for five years even though I did not need them?

"In conclusion, if my questions are to be answered in the affirmative, I pray we never have a postal corporation.

"Jim Farley.
"Lebanon, Tenn."

Well, needless to say, we can't answer Jim Farley's questions, but our guess is that most of the answers would be in the affirmative if the post office Department becomes a Corporation, an Authority or anything else organized along corporate lines!

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, the United States has placed 20 manned spacecraft into orbit compared to 14 for the Soviet Union.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Smith of California, for 1 hour, on Tuesday, February 3; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Scott) to revise and extend their remarks and include extraneous matter:)

Mr. Price of Texas, for 5 minutes, today.

Mr. Halpern, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Holifield in two instances and to include extraneous matter.

Mr. Ryan to extend his remarks on H.R. 13106 prior to passage, today.

(The following Members (at the request of Mr. Scott) and to include extraneous matter:)

Mr. Rhodes.
Mr. Scherle.
Mr. Derwinski in two instances.
Mr. Quillen in four instances.
Mr. Utt.
Mr. Nelsen in two instances.
Mr. Ayres in two instances.
Mr. Skubitz in three instances.
Mr. Mize.
Mr. Hastings.
Mr. Esch.
Mrs. Heckler of Massachusetts.
Mr. Zwach in two instances.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Culver.
Mr. Eilberg.
Mr. Jacobs.
Mr. Pickle in five instances.
Mr. Rosenthal in five instances.
Mr. Pucinski in ten instances.
Mr. Corman in five instances.
Mr. Garmatz.
Mr. Roybal in six instances.
Mr. Miller of California in six instances.
Mr. Rarick in three instances.
Mr. Scheuer in two instances.
Mr. Burton of California in two instances.
Mr. Chappell in two instances.
Mr. Hagan in two instances.

GENERAL LEAVE

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the body of the Record and to include therein extraneous matter on the President's message on the economic report.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1520. An act to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers; to the Committee on the Judiciary.

S. 1862. An act to amend section 8c(6)(I) of the Agricultural Adjustment Act to permit projects for paid advertising was under marketing orders applicable to tomatoes; to the Committee on Agriculture.

S. 2289. An act to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3207. An act relating to the liabilities of Federal National Mortgage Association to the United States; to the Committee on Banking and Currency.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 131. Joint resolution to welcome to the United States Olympic delegations authorized by the International Olympic Committee.

MEMORIAL SERVICES FOR THE LATE HONORABLE GLENARD P. LIPSCOMB

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute.)

Mr. HOLIFIELD. Mr. Speaker, for those Members who plan to attend the memorial services for our late and beloved colleague, Glenard Lipscomb, I have been asked to announce that buses will leave the steps of the House of Representatives promptly at 9:45 in the morning. Services will be held at the Fourth Presbyterian Church, 5500 River Road.

THE LATE HONORABLE GLENARD P. LIPSCOMB

Mr. HOLIFIELD. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

H. Res. 811

Resolved, That the House has heard with profound sorrow of the death of the Honorable Glenard P. Lipscomb, a Representative from the State of California.

Resolved, That a committee of 50 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and

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that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following members on the part of the House:

Mr. HOLIFIELD,
Mr. GERALD R. FORD of Michigan,
Mr. ARENDS,
Mr. MILLER of California,
Mr. GUBSER,
Mr. HOSMER,
Mr. MAILLIARD,
Mr. MOSS,
Mr. UTT,
Mr. BOB WILSON of California,
Mr. SISK,
Mr. TEAGUE of California,
Mr. MCFALL,
Mr. SMITH of California,
Mr. COHELAN,
Mr. JOHNSON of California,
Mr. BELL of California,
Mr. CORMAN,
Mr. BROWN of California,
Mr. EDWARDS of California,
Mr. HANNA,
Mr. HAWKINS,
Mr. LEGGETT,
Mr. ROYBAL,
Mr. TALCOTT,
Mr. VAN DEERLIN,
Mr. CHARLES H. WILSON of California,
Mr. DON H. CLAUSEN of California,
Mr. DEL CLAWSON of California,
Mr. BURTON of California,
Mr. TUNNEY,
Mr. REES,
Mr. WALDIE,
Mr. MATHIAS,
Mr. PETTIS,
Mr. WIGGINS,
Mr. MCCLOSKEY,
Mr. ANDERSON of California,
Mr. GOLDWATER,
Mr. ROONEY of New York,
Mr. BYRNES of Wisconsin,
Mr. BOW,
Mr. CEDERBERG,
Mr. JONAS,
Mr. RHODES,
Mr. FLYNT,
Mr. MINSHALL,
Mr. DEVINE,
Mr. ANDREWS of North Dakota, and
Mr. DAVIS of Wisconsin.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 1 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 3, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follow:

1570. A letter from the National Advisory Council on International Monetary and Financial Policies, transmitting the annual report of the Council for the period July 1, 1968-June 30, 1969, pursuant to the provisions of section 4(b)(5) of the Bretton Woods Agreements Act, as amended (H. Doc. No. 91-217); to the Committee on Banking and Currency and ordered to be printed.

1571. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

1572. A letter from the Secretary of the Army, transmitting a report of progress of the Army Reserve Officers' Training Corps flight instruction program for the period January 1-December 31, 1969, pursuant to the provisions of 10 U.S.C. 2110; to the Committee on Armed Services.

1573. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 3287 of title 10, United States Code, to authorize the crediting of prior active commissioned service in any armed force to officers appointed in the Regular Army; to the Committee on Armed Services.

1574. A letter from the Secretary of the Air Force, transmitting the semiannual report relative to research contracts, for the period July 1, 1969-December 31, 1969, pursuant to the provisions of 10 U.S.C. 2357; to the Committee on Armed Services.

1575. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1576. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1577. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1578. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and supplemental stockpile; to the Committee on Armed Services.

1579. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1580. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of magnesium from the national stockpile; to the Committee on Armed Services.

1581. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of mercury from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1582. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of molybdenum from the national stockpile; to the Committee on Armed Services.

1583. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1584. A letter from the Director of Civil Defense, Department of the Army, transmitting the report of the Federal contributions program—equipment and facilities, for the quarter ending December 31, 1969, pursuant to the provisions of subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1585. A letter from the Administrator, Small Business Administration, transmitting the first monthly report on implementation of the business loan and investment fund, pursuant to the provisions of section 301 of Public Law 91-151; to the Committee on Banking and Currency.

1586. A letter from the vice president and general manager of the Chesapeake & Potomac Telephone Co., transmitting a statement of receipts and expenditures of the company for the year 1969, pursuant to the provisions of chapter 1628 of the acts of Congress 1904, and a comparative general balance sheet pursuant to paragraph 14 of the act of March 4, 1913; to the Committee on the District of Columbia.

1587. A letter from the Assistant Secretary of the Interior, transmitting a report, for the period July 1, 1969, to December 31, 1969, on the activities carried on by the Geological Survey, pursuant to the provisions of section 2 of the act of September 5, 1962; to the Committee on Interior and Insular Affairs.

1588. A letter from the Chairman, National Water Commission, transmitting the first interim report on the activities of the Commission through December 31, 1969, pursuant to the provisions of the National Water Commission Act; to the Committee on Interior and Insular Affairs.

1589. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of order suspending deportation, together with a list of persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1590. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1591. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting a report on positions in the Department in grades 16, 17, and 18 for the calendar year 1969, pursuant to the provisions of 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

1592. A letter from the Director, Federal Bureau of Investigation, U.S. Department of Justice; transmitting a report with respect to positions in the Bureau in grades 16, 17, and 18, pursuant to the provisions of title 5, United States Code, section 5114; to the Committee on Post Office and Civil Service.

1593. A letter from the Secretary of Transportation, transmitting the second report of future highway needs of the Nation pursuant to the provisions of Public Law 89-139, including the preliminary findings of the systematic nationwide functional highway classification study and a notification that a supplemental report of the conclusions of the study will be submitted shortly, pursuant to section 17 of the Fed-

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eral-Aid Highway Act of 1968; to the Committee on Public Works.

1594. A letter from the Assistant Secretary of the Interior, transmitting a report on the study of areas suitable for public visitor parking facilities in the District of Columbia and notification that the final report will be submitted March 19, 1970, pursuant to the provisions of section 112 of Public Law 90-483; to the Committee on Public Works.

1595. A letter from the Federal Cochairman, Coastal Plains Regional Commission, transmitting the second annual report of the Commission for the period July 1, 1968-June 30, 1969, pursuant to the provisions of the Public Works and Economic Development Act, as amended; to the Committee on Public Works.

1596. A letter from the Federal Cochairman, the Ozarks Regional Commission, transmitting the annual report covering the activities of the Commission, pursuant to section 509 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

1597. A letter from the U.S. Atomic Energy Commission, transmitting the annual report for 1969, pursuant to the provisions of the Atomic Energy Act of 1954; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 15648. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY:

H.R. 15649. A bill to amend the Merchant Marine Act, 1936, relating to authority for establishment of construction reserve funds for the construction or acquisition of certain vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BEVILL:

H.R. 15650. A bill proposing an amendment to the Constitution of the United States with respect to freedom of choice for children attending elementary and secondary schools; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.R. 15651. A bill to amend title 38 of the United States Code to shorten the World War I service requirement for the purposes of establishing eligibility for pension under such title; to the Committee on Veterans Affairs.

By Mr. CELLER:

H.R. 15652. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 15653. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 15654. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. ECKHARDT (for himself, Mr. Ashley, Mr. Bennett, Mr. Daddario, Mr. Dent, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Gray, Mr. Hays, and Mr. Powell):

H.R. 15655. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. ECKHARDT (for himself, Mr. Staggers, Mr. Adams, Mr. Blanton, Mr. Dingell, Mr. Friedel, Mr. Hastings, Mr. Kyros, Mr. Moss, Mr. Murphy of New York, Mr. Ottinger, Mr. Preyer of North Carolina, Mr. Rooney of Pennsylvania, Mr. Stuckey, Mr. Tiernan, and Mr. Van Deerlin):

H.R. 15656. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS:

H.R. 15657. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 15658. A bill to authorize Federal financial assistance for construction and modernization of medical and rehabilitation facilities for narcotic addicts and to authorize the regulated distribution of narcotic drugs or substitutes for such drugs to persons classified as incurable addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H.R. 15659. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 15660. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of, and investment in, housing; to the Committee on Ways and Means.

By Mr. MAILLIARD (for himself and Mr. Mosher):

H.R. 15661. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. MOSHER:

H.R. 15662. A bill to amend the Merchant Marine Act, 1936, relating to authority for establishment of construction reserve funds for the construction or acquisition of certain vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. PELLY:

H.R. 15663. A bill to amend the Fish and Wildlife Act of 1956 to authorize loans to fishermen's cooperative associations; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 15664. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REIFEL:

H.R. 15665. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. RUTH:

H.R. 15666. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 15667. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON:

H.J. Res. 1072. A joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes; to the Committee on Appropriations.

By Mr. CONTE:

H.J. Res. 1073. Joint resolution authorizing the President to proclaim February 15, 1970, as Susan B. Anthony Day; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H. Res. 812. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY:

H.R. 15668. A bill for the relief of Elizabeth and Jehuda Welkovitz; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 15669. A bill for the relief of Mrs. Ivy May McConnico; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA:

H.R. 15670. A bill for the relief of Narcisa Caban Cabbab; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

277. By the SPEAKER: A memorial of the Senate of the Commonwealth of Massachusetts, relative to restoring funds for urban renewal projects; to the Committee on Banking and Currency.

278. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to the petroleum import quota system; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

382. By the SPEAKER: Petition of the board of supervisors, Wayne County, Mich., relative to establishing January 15 as a national holiday in memory of Dr. Martin Luther King; to the Committee on the Judiciary.

383. Also, petition of the Citizens Committee of Tattnall County, Ga., relative to integration in public schools; to the Committee on the Judiciary.

384. Also, petition of Henry Stoner, York, Pa., relative to creating a committee to investigate pornographic enterprises; to the Committee on Rules.

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SENATE—*Monday, February 2, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, maker and preserver of all things visible and invisible, in this forum of free men we pause to offer our praise and thanksgiving for the good gift of this land, its institutions and its people. As Thou hast made and preserved us a nation, so wilt Thou take us in Thy keeping throughout the turbulent and difficult days in which we live. Infuse the life of all the people with a new sense of Thy presence and of all values which are eternal. O Lord, our God, help the people of this great land to understand and respect one another, to work with and for one another, in the spirit of Him who went about doing good.

Be with Thy servants in this place, emancipating them from all that obstructs Thy spirit or impedes the will to do justly, to love mercy, and to walk humbly with Thee. Grant them that wisdom and strength for their present tasks which come to those who put their whole trust in Thee, that they may distinguish the true from the false, the good from the evil, and in all their judgments to advance Thy kingdom.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 30, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar for unobjected-to bills under rule VIII.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF STATEMENTS DURING TRANSACTION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to routine morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I am sorry that the distinguished senior Senator from New York (Mr. Javits) is not able to be here, because of matters over which he had no control. Therefore, the time allocated to him must, of course, be vacated.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 635, S. 2707, and that the rest of the Calendar be considered in sequence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INTERSTATE COMPACT ON AIR POLLUTION BETWEEN OHIO AND WEST VIRGINIA

The bill (S. 2707) to consent to the interstate compact on air pollution between the States of Ohio and West Virginia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2707

A bill to consent to the Interstate Compact on Air Pollution between the States of Ohio and West Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to (1) the Interstate Compact on Air Pollution, set forth in section 2 of this Act, between the States of Ohio and West Virginia, and (2) the entering into such compact by either the Commonwealth of Pennsylvania or the State of Kentucky, or both of them, as authorized by Article XI of such compact.

Sec. 2. The compact consented to by this Act reads as follows:

"INTERSTATE COMPACT ON AIR POLLUTION

"The contracting States solemnly agree that:

"Article I

"The party States to this compact hereby provide for the control of the interstate movement of air pollutants through the establishment of an interstate agency with powers to prevent, abate, and control interstate air pollution, and where appropriate, develop and implement ambient air quality standards in any designated air quality control region common to the party States.

"Each of the party States pledges to the other faithful cooperation in the control of air pollution which originates in one State and endangers human health or welfare, animal or plant life, or property, or which interferes with the enjoyment of life or property, in the other State.

"The party States recognize that no single standard for outdoor atmosphere is applicable to all areas within the party States due to such variables as population densities, topographic and climatic characteristics and existing or projected land use and economic development. The guiding principle of this compact is that air pollution shall not endanger human health or welfare, animal or plant life, or property, or interfere with the enjoyment of life or property.

"Article II

"As used in this compact 'air pollution' means and shall be limited to the discharge into the air by the act of man of substances (liquid, solid, gaseous, organic or inorganic) in a locality, manner and amount as to endanger human health of welfare, animal or plant life, or property, or which would interfere with the enjoyment of life or property.

"Article III

"The party States hereby create the Ohio-West Virginia interstate air pollution control commission, hereafter called 'the commission'.

"The commission shall consist of five commissioners from each party State, each of whom shall be a citizen of the State he represents. In addition, the chairman of the commission shall request the President of the United States to designate a Federal representative to the commission who shall serve as an ex officio member of the commission, but without vote except as hereinafter provided. The commissioners from each party State shall be chosen by the governor of such State in accordance with the laws of such State, as follows:

"Two of the members from each State shall be chosen from appropriate State agencies, one of whom is the officer responsible for air pollution control, and one of whom is the director of health. The Governor of each party State, or his designee, shall be the third member of the commission. Two other members shall be chosen, one of whom is experienced in the field of municipal government and one of whom is experienced in the field of industrial activities.

"In choosing said two other members, the Governor shall provide for adequate representation of appropriate local interests in any air quality control region designated by the Secretary of Health, Education, and Welfare, pursuant to the provisions of section 107(A) (2) of the 'Air Quality Act of 1967,' (81 Stat. 490, 42 U.S.C.A. 1857c–2).

"The Governor of each State, unless he appoints a designee shall serve during his term of office, and if the Governor of any State appoints a designee, such designee shall serve at the will of the Governor appointing him until the expiration of the Governor's term. The commissioners who shall be appointed by virtue of the offices which they hold shall serve during their continuance in office. The term of the other two commissioners shall be five years. However, the commissioner appointed by reason of his experience in the field of municipal government and the commissioner appointed by reason of his experience in the field of industrial activities shall be appointed, one for an initial term of one year and the other for an initial term of two years. Upon the expiration of each such initial term, commissioners appointed to fill any vacancy shall be appointed for a term of five years.

"Vacancies on the commission shall be filled for the unexpired term in the same manner as appointments to full terms.

"Each State shall have but one vote and every decision, authorization or other action shall require the majority vote of the party

States. The vote of each State shall be determined by a majority of the commissioners from each party State present at the meeting where such vote is to be cast. In the event of a tie or stalemate, the federal representative to the commission shall cast the deciding vote.

"The commission may sue and be sued, and shall have a seal.

"The commission shall elect annually, from among its members, a chairman and vice chairman. The commission shall appoint an executive director who shall act as secretary, and who, together with such other commission personnel as the commission may determine, shall be bonded in such amount or amounts as the commission may require.

"Notwithstanding the civil service, personnel, or other merit systems laws of any of the party States, the commission shall appoint, remove or discharge, and fix the compensation of such personnel as may be necessary for the performance of the commissions functions. To the extent practicable, terms and conditions of employment for members of the staff of the commission shall be similar to those pertaining to comparable employees of the individual party States.

"The commission may establish and maintain, independently or in conjunction with one or more of the party States, a suitable retirement system for its employees. Employees of the commission shall be eligible for social security coverage in respect to old-age and survivors insurance: *Provided*, That the commission take such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the commission terms and conditions of employment similar to those enjoyed by employees of the party States generally.

"The commission may accept or contract for the services of personnel and other services or materials from any State, the United States or any subdivision or agency of either, from any interstate agency, or from any institution, person, firm or corporation.

"The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services conditional or otherwise, from the United States, or any agency thereof, from any State or any subdivision or agency thereof, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The identity of any donor, the amount and character of any assistance, and the conditions, if any, attached thereto shall be set forth in the annual report of the commission.

"The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

"The commission shall have power to formulate and adopt rules and regulations and perform any act which it may find necessary to carry out the provisions of this compact, and to amend such rules and regulations. All such rules and regulations shall be filed in the office of the commission for public inspection and copies of such rules and regulations shall be filed in the office in each party State in which rules and regulations of State agencies are filed and shall thereafter be made available to interested persons upon request.

"The commission annually shall make to the governor and legislature of each party State a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been adopted by the commission. The commission may issue such additional reports as it may deem desirable. These reports shall be available for public examination.

"The commission shall have the authority to collect and disseminate information relating to its functions under, and the purpose of, this compact.

"ARTICLE IV

"The commission may, whenever it finds air pollution which originates within the area of its jurisdiction in one of the party States and has an adverse effect in the other party State, make a report recommending measures for the prevention, abatement, or control of any such air pollution. Copies of such report shall be furnished to all existing State and local air pollution control agencies with jurisdiction over the source or sources of air pollution identified in the report. In preparing any such report, the commission may confer with any appropriate national, regional or local planning body, and any governmental agency authorized to deal with matters relating to air pollution problems and may conduct such hearings and investigations as it may deem appropriate. The commission may consult with and advise the States and local governments, corporations, persons, or other entities with regard to the adoption of programs and the installation of equipment and works for the prevention, abatement, or control of air pollution.

"Without restricting the generality of the powers and duties of the commission elsewhere herein provided, the commission shall:

"(A) Develop and implement ambient air quality standards and, in accordance with such data as are available on the latest technology and economic feasibility of complying therewith, emission standards in order to prevent and control air pollution located within the area over which it has jurisdiction.

"(B) Revise and modify such standards to reflect improvements in knowledge of air pollution and its prevention and control and in accordance with such data as are available on the latest technology and economic feasibility of complying with such standards.

"(C) Engage in action which would insure the use of the latest technologically and economically feasible and effective techniques or devices for the prevention and control of air pollution in new installations proposed for construction in its area of jurisdiction.

"(D) Undertake and carry on air monitoring activities as a continuing activity.

"(E) Have authority to enter at reasonable times upon any private or public property (excluding any federal building, installation or other property) for the purpose of investigating the source, type, character and amount of any air pollutant or emission alleged to violate the standards at any time established by the commission pursuant to the provisions of this compact: *Provided, however*, That no such investigations shall extend to information relating to secret processes or methods of manufacturing or production.

"(F) Have authority, upon reasonable evidence of a violation of the standards established by the commission pursuant to the provisions of this compact, which violation presents an imminent and substantial hazard to public health, to issue public notice of such hazard and the cause thereof, by any and all appropriate means, and to issue a cease and desist order or such other reasonable order as may be deemed necessary by the commission to cause such violation to be discontinued, at such time and upon such conditions as the commission may determine, and to enforce such order by appropriate proceedings, including but not limited to injunctive proceedings in any court of competent jurisdiction. And, further, the commission is hereby empowered to institute proceedings in any court of competent jurisdiction to enjoin any air pollution or emission which presents such an imminent and serious hazard to public health as to create an emergency.

"Before any report of the commission which specifically identifies a particular industrial or other installation, structure, or facility as a source of air pollution becomes final, the commission shall give the owner or operator of such installation, structure, or facility notice by certified mail of the anticipated adoption of such report and shall afford the owner or operator of the installation, structure, or facility not less than ten days after the mailing of such notice to file with the commission its written objections thereto. If no such objections are filed with the commission within such specified period, the report shall become final. If such objections are filed with the commission within such specified period, the commission shall afford such owner or operator not less than ten days from its receipt of such objections to discuss with the commission the findings, conclusions, and recommendations of the report before it is finally adopted by the commission.

"Within a reasonable time, as determined by the commission, after the commission furnishes a report to the appropriate existing State and local air pollution control agencies pursuant to this Article, and, if the recommendations made in such report for the prevention, abatement, or control of air pollution from a specific source or sources have not been implemented, or if the appropriate State or local air pollution control agencies have not taken sufficient action to prevent, abate or control the airpollution, the commission may, after a duly conducted and constituted hearing, on due notice issue an order or orders upon any municipality, corporation, person, or other entity causing or contributing to a violation of ambient air quality standards. At any such hearing evidence may be received and a finding made on whether, in fact, a violation of the commission's air quality standards exists and on the sources of such pollution. Any such order or orders may prescribe a timetable for the abatement or control of the air pollution involved. Any such order shall become final and binding unless a petition for review of the same shall be filed and prosecuted pursuant to the provisions of Article V of this compact.

"In a party State, any court of general jurisdiction in any county in which the air pollution originates or any United States district court for the district in which such pollution originates shall entertain and determine any action or proceeding brought by the commission to enforce an order against any municipality, corporation, person, or other entity domiciled or located within such State and whose discharge of air pollution takes place within or adjoining such State, or against any employee, department, or subdivision of such municipality, corporation, person or other entity, and shall entertain and determine any petition for review pursuant to the provision of Article V of this compact.

"ARTICLE V

"All hearings held by the commission shall be open to the public. At any hearing held pursuant to Article IV of this compact the party States, any agencies thereof, and any affected person, corporation, municipality, or other entity shall be entitled to appear in person or by representative, with or without

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counsel, and may make oral or written argument, offer testimony, or take any combination of such actions. All testimony taken before the commission shall be under oath and recorded in a written transcript. The transcript so recorded shall be made available to any member of the public or to any participant in such hearing upon payment of reasonable charges as fixed by the commission. No information relating to secret processes or methods of manufacture or production shall be disclosed at any public hearing or otherwise and all such information shall be kept confidential.

"All hearings shall be had before one or more members of the commission, or before an officer or employee of the commission expressly designated to act as a hearing officer.

"Any party State or person aggrieved by any order made by the commission shall be entitled to a judicial review thereof. Such review may be had by filing a verified petition in any of the appropriate courts referred to in Article IV, setting out such order and alleging specifically that said order is:

"(a) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; or

"(b) Contrary to constitutional right, power, privilege, or immunity; or

"(c) In excess of authority or jurisdiction conferred by this compact or statutes in implementation hereof; or

"(d) Without observance of procedure required by law; or

"(e) Not within the purposes of this compact; or

"(f) Unsupported by the weight of the evidence.

"The petition for review shall be filed within thirty-five days after receipt of written notice that such order has been issued. Written notice of the filing of a petition for review and a copy of said petition shall be personally served upon the commission. Any party or person filing a petition for review shall, within fifteen days thereafter, secure from the commission a certified copy of the transcript of any hearing or hearings held in connection with the issuance of the order, review of which is sought, and shall file the same with the clerk of the court in which the action or proceeding for review is pending. An extension of time in which to file a transcript shall be granted by said court in which such action or proceeding for review is pending for good cause shown. Inability to obtain a transcript within the specified time shall be good cause. Failure to file a transcript within the period of fifteen days, or to secure an extension of time therefor, shall be cause for the dismissal of the petition for review by the court or on petition of any party of record to the original action or proceeding. Where more than one person may be aggrieved by the order, only one proceeding for review may be had and the court in which a petition for review is first properly filed shall have the jurisdiction.

"The court may, for good cause shown, admit and consider additional evidence bearing upon the issue or issues before it.

"No review of a commission order shall be had except in accordance with the provisions of this compact.

"ARTICLE VI

"The commission may establish one or more advisory and technical committees composed of such as the following: Private citizens, expert and lay personnel, representatives of industry, labor, commerce, agricultural, civic associations and officials of local, state and federal government, as it may determine, and may cooperate with and use the services of any such committee and the organizations which they represent in furthering any of its activities under this compact.

"ARTICLE VII

"Nothing in this compact shall be construed to:

"(a) Limit or otherwise affect the powers of any party State or any of its subdivisions to enact and enforce laws or ordinances for the prevention, abatement or control of air pollution within their respective borders.

"(b) Limit or otherwise affect the powers of any party State to enter into a compact or compacts with other States for the prevention, abatement or control of interstate air pollution.

"(c) Prevent or restrict any party State or any political subdivision thereof from adopting standards to achieve a higher level of ambient air quality than those adopted by the commission for the area covered by the commission's jurisdiction.

"(d) Authorize any party State or any political subdivision thereof to adopt standards which will achieve a lower level of ambient air quality than those adopted by the commission for the area covered by the commission's jurisdiction.

"ARTICLE VIII

"The commission shall submit to the governor or designated officer or officers of each party State a budget of its estimated expenditures for such period as may be required by the laws of that State for presentation to the legislature thereof.

"Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States. Aside from such support as may be available to the commission pursuant to Article III, the cost of operating and maintaining the commission shall be borne equally by the party States.

"The commission may meet any of its obligations in whole or in part with funds available to it under Article III of this compact: *Provided*, That the commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the commission makes use of funds available to it under Article III, the commission shall not incur any obligations prior to the allotment of funds by the party States adequate to meet the same.

"The expenses and any other costs for each member of the commission shall be met by the commission in accordance with such standards and procedures as it may establish in its rules and regulations.

"The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules and regulations. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

"The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the commission.

"Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

"ARTICLE IX

"This compact shall become effective when enacted into law by the States of Ohio and West Virginia and approved by the Congress of the United States. The compact shall continue in force and remain binding upon each party State until expressly repealed by any party State, but no such repeal shall take effect until one year after the enactment of the statute repealing this compact.

"Any order of the commission issued prior to the termination of this compact shall be enforceable thereafter by any party State in the same manner as though this compact were still in force except that any appropriate officer or agency of the enforcing party State may act in the place and stead of the commission.

"ARTICLE X

"The provisions of this compact shall be reasonably and liberally construed. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision is declared to be contrary to the constitution of any party State or of the United States, or the applicability thereof to any government agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected.

"ARTICLE XI

"The present party States hereto, namely, West Virginia and Ohio, hereby agree and consent to the Commonwealth of Pennsylvania and the State of Kentucky, or either of them, becoming parties to this compact."

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-645), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to give congressional consent to a compact between the States of Ohio and West Virginia to enter into an interstate compact on air pollution. The bill further grants consent to the Commonwealth of Pennsylvania and the State of Kentucky to join in such a compact as authorized by article XI of the compact. Such congressional consent of the compact is required by article I, section 10 of the Constitution of the United States.

STATEMENT

Background

In the 90th Congress a similar bill, S. 2350, requesting the consent of the Congress to the Ohio and West Virginia air pollution compact was introduced on August 28, 1967. On December 6, 1967, the committee agreed to a request that it be discharged from consideration of the bill for a period of 60 days, and that at the end thereof the bill be again referred to the Judiciary Committee for its action thereon. This request was granted by unanimous consent of the Senate on February 20, 1968, and the bill was referred by a unanimous-consent request of the Public Works Committee for a period of 60 days, after which it was to be again referred to the Committee on the Judiciary for its jurisdictional action. On May 20, 1968, the Committee on Public Works discharged the bill and it was re-referred to the Committee on the Judiciary under the authority of the order of February 20, 1968. During the time that the bill was before the Committee on Public Works, that committee held hearings on S. 2350 and two other compacts directed to the area of air pollution control. These hearings were held on February 27, 28, 29, March 4, 5, 6, 19, 20, and 26, 1968.

Subsequent to the hearings the Committee on Public Works issued a committee print summarizing the hearings and making its recommendations in regard to S. 2350. A copy of that committee print is hereto attached and made a part hereof. Subsequent thereto

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the States of Ohio and West Virginia passed enabling acts, which amended the original compact entered into as set forth in S. 2750 of the 90th Congress and included the recommendations of the Committee on Public Works. The State of Ohio passed such compact legislation during the month of May 1969. The State of West Virginia passed identical legislation during the month of February 1969. Thereafter S. 2707 was introduced by Senator Randolph in the 91st Congress. In a letter dated December 8, 1969, to the Honorable James O. Eastland, chairman of the Senate Judiciary Committee, Senator Randolph of West Virginia indicated that the staff of the Public Works Committee has reviewed S. 2707 and that all the matters discussed in the committee print have been properly accounted for and enacted by the legislatures of the two States. Senator Randolph urged affirmative action by the Judiciary Committee in order that the States of Ohio and West Virginia can go forward with their vital air pollution abatement program. A copy of this letter is attached hereto and made a part hereof.

Senator Byrd of West Virginia has also expressed his approval of this legislation in a telegram to Senator Eastland. A copy of this telegram is hereto attached and made a part thereof.

The need for the compact

The air pollution problem is one of increasing seriousness throughout the country. The purpose for which the bill S. 2350 of the 90th Congress was referred to the Public Works Committee was based on the proposition that the Public Works Committee has jurisdiction over air pollution and has processed the Clean Air Act, as amended. The purpose of the hearings before the Public Works Committee was to determine whether or not the provisions of the compact were consistent with the Clean Air Act of 1963, as amended by the Air Quality Act of 1967. The compact provided for in S. 2350 of the 90th Congress was entered into by the party States prior to enactment of the Air Quality Act of 1967.

Subsequent to these hearings the members of the Committee on Public Works forwarded a letter to the Chairman of the Judiciary Committee with recommended conditions to congressional approval of the compacts. It appears that the compact provided for in S. 2707 satisfies these conditions and is consistent with the Clean Air Act, as amended.

The common boundary of West Virginia and Ohio is the Ohio River. This compact's primary and ultimate purpose is to control air pollution along this river and the adjacent areas. Contributing to the main air pollution problems of the region are major steel, aluminum, and metallurgical plants, electrical power generation stations, large chemical production units, and the other common sources associated with most regions of the country.

An abatement conference was held in Vienna, W. Va., concerning this interstate problem in March of 1967, and a conferees' report was forwarded to the Secretary of Health, Education, and Welfare for comment and action.

Consultations have been held in the Ashland-Ironton-Huntington area and in the northern panhandle of West Virginia. The Ohio River Valley, which this air pollution compact covers, is one of the fastest growing regions in West Virginia. This is particularly true in industrial growth. There are many sites which are suitable for industrial development, economical barge transportation is available for raw materials and finished products, and ample power and water are available for the development of virtually every type of industry. It is, therefore, mandatory that the air pollution problem existing in this interstate area be corrected and that such preventive measures as may be deemed necessary be taken to prevent further air pollution of the Ohio River Valley.

The boundary between West Virginia and Ohio follows the natural flow of the Ohio River some 240 miles from East Liverpool, Ohio, to Huntington, W. Va., and beyond. The steep valleys formed by the Ohio River provide ready containment and exchange of air contaminants between these two great States. It is populated by people and industry who are intensely interested in the future of this valley and who are ready and willing to support an interstate air pollution control commission empowered to enhance the environment in this valley.

The committee has reviewed the hearings regarding the contaminants and air pollution of the Ohio River Valley, which includes the boundary between the States of Ohio and West Virginia and believes that a compact between these two States is highly desirable. It is also in the view of the committee as commendable that this compact is in accordance with the present statutes regarding air pollution, particularly the Clean Air Act.

Air pollution is without any question a serious matter and one that will grow considerably worse throughout the Nation unless there is a concerted effort and cooperation between all of the areas affected. The committee notes that this is the first compact regarding air pollution that has been discussed by the Committee on the Judiciary and it is hoped that this compact will lay a foundation for the effort and cooperation that is going to be needed, not only in the area affected by the Ohio-West Virginia compact, but will be of service as a foundation in principle for other States to attack this problem. The committee is appreciative of the work done by the Public Works Committee on the predecessor bill and expresses its thanks. The committee therefore recommends that the bill, S. 2707 be considered favorably.

OHIO-WEST VIRGINIA COMPACT ON AIR POLLUTION CONTROL IS CONSISTENT WITH FEDERAL LAW

Mr. RANDOLPH. Mr. President, as the Member who introduced the measure (S. 2707) to give congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia, I extend appreciation to the senior Senator from Mississippi (Mr. EASTLAND), the distinguished chairman of the Committee on the Judiciary, for his cooperation. I am grateful, also, to my West Virginia colleague, Senator BYRD, a member of the Judiciary Committee, for having moved to report the bill and for his forthright action here today. It is my hope that there will be timely action on the congressional consent legislation in the House.

The Ohio-West Virginia air pollution compact, authorized by the legislatures of West Virginia and Ohio, has been made consistent with the provisions of the Clean Air Act as amended by the Air Quality Act of 1967.

In 1968, the Subcommittee on Air and Water Pollution of our Committee on Public Works, which I chair, held 9 days of hearings on three compacts—the Mid-Atlantic, the Illinois-Indiana, and the Ohio-West Virginia. Chairman MUSKIE, the able Senator from Maine, chairman of the subcommittee, conducted those hearings and transmitted the recommendations of our committee to the Judiciary Committee on June 17, 1968. Those recommendations necessitated reintroduction, amendments to, and reenactment of the compacts by both the Ohio and West Virginia Legislatures to make them fully consistent with Federal air pollution control laws.

Mr. President, our Public Works Committee's consensus is that cooperative action by the States for the purposes of preventing and controlling air pollution and enhancing the quality of the ambient air should be encouraged. It was on recommendation of our committee that provisions were made in the Clean Air Act of 1963 for States to enter into compacts. This philosophy was reiterated in the Air Quality Act of 1967.

The common boundary between West Virginia and Ohio is an appropriate region for the first interstate compact on air pollution. It is in a region with many examples of the air pollution problems that usually accompany economic development where there are major steel and metallurgical producing facilities, electric power generation plants, chemical manufacturing, and other sources of industrial pollution.

MINERAL INDUSTRY WEEK

The joint resolution (H.J. Res. 888) to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week" was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–646), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to authorize and request the President to issue a proclamation to designate the week of February 13 through February 19, 1970, as "Mineral Industry Week" and to call upon the people of the United States to observe such a week with appropriate ceremonies and activities.

STATEMENT

February 13 to 19, 1970, will mark a week in which the mineral industry will focus its full attention on meetings in Denver, Colo., to be attended by the top leaders in industry and Government.

The National Western Mining Conference's Annual Meeting will attract worldwide leaders, and the 11 Western States will formulate resolutions with which to advise their State and Federal delegates.

The American Institute of Mining, Metallurgical and Petroleum Engineers' 99th Annual Meeting will have in attendance the most brilliant men engaged in capturing and recovering basic mineral wealth for an educational seminar. At this meeting, these men will discuss ways to meet the world's requirements for minerals in a more effective manner. During this week in Denver at these deliberations the hydrocarbon symposium will focus attention on the critical fossil fuels portion of our energy base. The atomic industrial forum will consider the ever-increasing demand for uranium and energy utilization.

The Western Governors' Mining Advisory Council will deliberate on how they may more effectively serve the Governors of the various Western States. The Western Mining Association will organize an exciting new program to more effectively fulfill their compatible and great operating efforts.

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The committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of House Joint Resolution 888 without amendment.

INTERNATIONAL CLERGY WEEK

The joint resolution (H.J. Res. 1051) designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, this measure should go over. I ask unanimous consent that the vote by which House Joint Resolution 1051 was passed be reconsidered and that the joint resolution be returned to the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 315) to authorize additional expenditures for the Committee on Appropriations was considered and agreed to, as follows:

S. Res. 315

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $35,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 204, agreed to June 16, 1969.

NATIONAL ESTUARINE POLLUTION STUDY

The concurrent resolution (S. Con. Res. 53) authorizing the printing of the National Estuarine Pollution Study as a Senate document was considered and agreed to, as follows:

S. Con. Res. 53

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, in one volume, with illustrations, the National Estuarine Pollution Study, submitted to the Congress by the Federal Water Pollution Control Administration, Department of the Interior, in accordance with section 5(g) (3), Public Law 89–753, Clean Water Restoration Act of 1966, and that there be printed three thousand five hundred additional copies of such document, of which two thousand five hundred copies shall be for the use of the Senate Committee on Public Works and one thousand copies shall be for the use of the House Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–649), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution 53 would provide (1) that there be printed as a Senate document, in one volume, with illustrations, the National Estuarine Pollution Study, submitted to the Congress by the Federal Water Pollution Control Administration, Department of the Interior, in accordance with section 5(g) (3), Public Law 89–753, the Clean Water Restoration Act of 1966; and (2) that there be printed 3,500 additional copies of such document, of which 2,500 copies would be for the use of the Senate Committee on Public Works and 1,000 copies would be for the use of the House Committee on Public Works.

This proposal is similar to that contained in Senate Resolution 294, referred to the Committee on Rules and Administration on December 10, 1969. Since the concurrence of the House of Representatives is required on proposal to print additional copies costing in excess of $1,200 (44 U.S.C. 703), the Committee on Rules and Administration is expressing its approval of the proposal by reporting out this original concurrent resolution in lieu of Senate Resolution 294. At the request of the Senate Committee on Public Works, authorization has been included for the printing of 1,000 additional copies of the document for the use of the House Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$10,749.84
3,500 additional copies, at $798.73 per thousand	2,795.56
Total estimated cost, S. Con. Res. 53	13,545.40

AUTHORIZATION FOR PRINTING OF ADDITIONAL COPIES OF REPORT OF THE ACTIVITIES OF THE JOINT COMMITTEE ON DEFENSE PRODUCTION

The resolution (S. Res. 297) authorizing the printing of additional copies of the 19th Annual Report of the Activities of the Joint Committee on Defense Production was considered and agreed to, as follows:

S. Res. 297

Resolved, That there be printed for the use of the Joint Committee on Defense Production one thousand additional copies of its nineteenth annual report.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–648), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 297 would provide that there be printed for the use of the Joint Committee on Defense Production 1,000 additional copies of its 19th annual report.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate: 1,000 additional copies, $1,036.

LENA M. KETTLER

The resolution (S. Res. 348) to pay a gratuity to Lena M. Kettler was considered and agreed to, as follows:

S. Res. 348

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lena M. Kettler, widow of Edward L. Kettler, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INTERNATIONAL CLERGY WEEK

Mr. MANSFIELD. Mr. President, both sides have had a chance to look at Calendar No. 637, House Joint Resolution 1051, and both sides would like Calendar No. 637 to be called up at this time.

The PRESIDENT pro tempore. The clerk will again report Calendar No. 637.

The Assistant Legislative Clerk. Calendar No. 637, H.J. Res. 1051, a joint resolution designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the consideration of Calendar No. 637?

There being no objection, the joint resolution, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–647), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to designate the week commencing February 1, 1970 as "International Clergy Week in the United States," and the President is authorized and directed to issue a proclamation inviting the people of the United States to observe this week with appropriate ceremonies and activities.

STATEMENT

Civitan International, at its annual convention in Dallas, Tex., in 1962 passed a resolution urging the observance of an International Clergy Week throughout the United States and Canada honoring clergymen of all faiths. Each year since that time Civitan has sponsored observances of this nature, and this resolution would carry out the purpose initiated by the Civitans to call attention to the religious accomplishments of the clergy of every faith and their contributions to our lives.

The date of the observance of the International Civitan Week was chosen to coincide with the sinking of the American troop transport Dorchester on February 3, 1943, when four chaplains, a priest, a rabbi, and two ministers, were among the 678 men lost on this destroyer.

Designation of a week as International Clergy Week is most appropriate to honor those who have dedicated their lives to the spreading of God's word; and a Presidential proclamation would call to the attention of all of the people of the United States to observe this week with appropriate ceremonies and activities.

Accordingly, the committee recommends favorable consideration of House Joint Resolution 1051, without amendment.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

DEFENSE SPENDING AND HUMAN RESOURCES SPENDING UNDER THE BUDGET

Mr. GRIFFIN. Mr. President, it is gratifying that President Nixon has not only kept his pledge and submitted a balanced budget but that his budget provides for a surplus of $1.3 billion.

Those who are calling for a reordering of our Nation's priorities can attest to the fact that the President has indeed reordered the priorities of this Nation in the submission of this budget and his accompanying budget message.

It is very significant, Mr. President, that defense spending as a percentage of the overall budget has been going down rather dramatically over the last several years. For example, the budget for fiscal 1961 called for defense spending of 48 percent of the total budget.

The fiscal 1969 budget called for defense spending of 44 percent. And the new 1971 budget calls for defense spending at the level of 37 percent.

At the same time, Mr. President, the percentage of the budget allocated for human resources has been dramatically on the increase over the last several years. In 1961 the percentage of the budget allocated for human resources was 30 percent. In 1969, it was 34 percent. And in fiscal 1971, it is 41 percent.

It is noteworthy, Mr. President, that during the years 1965 through 1969, the increase in the total amount budgeted has increased at the annual rate of 12 percent a year. However, over the past 3 years, 1969 to 1971, the total amount budgeted has increased at a much lower annual rate of 4.3 percent a year.

Mr. President, I believe that the budget message of the President is an excellent message and provides an outstanding blueprint for the Nation. Members of both parties and all of the American people can take great pride in the leadership and guidance that the President is providing.

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Mr. PERCY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am happy to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I also was gratified to see that, after a tremendous amount of effort and hard work by the administration, they have presented to Congress for fiscal 1971 a budget that calls for a surplus of $1.3 billion.

I think this surplus is absolutely crucial and essential. If the Federal Reserve System was, at any time in the foreseeable future, to ease monetary restrictions and credit; certainly they have to look carefully at the integrity of the budget that is presented.

There is not any question in anyone's mind that this administration intends to maintain that surplus at all costs; but they share the responsibility with Congress. After all, the administration proposes, but we have to approve; and I think it is therefore incumbent upon us who believe in fiscal responsibility—and that viewpoint is certainly shared on both sides of the aisle—to be utterly responsible in the proposals that we make.

I think that President Nixon, would be the last to say that the function of Congress should be only to rubberstamp whatever budget is sent down by the administration. Certainly the President, who has served in both the House of Representatives and the Senate, recognizes that it is our responsibility, as the 535 elected representatives of the people, to stay as close as we possibly can to the needs of the people, as well as to their desires and wishes; and certainly, in the establishment of national priorities, Congress shares a great responsibility with the administration.

Therefore, if we are not to be a rubberstamp Congress—and the President would not have us be that—we ought certainly to look at the budget as representing the best thinking that the various agencies of Government can put into it.

I intend to follow a policy, to which I would very much appreciate a reaction from the distinguished assistant minority leader, that whenever I propose a budget change that would increase expenditures beyond those levels proposed by the administration—and I feel I might sometimes see a need somewhat differently than the administration might see it—if I feel my proposal has a good chance of adoption, then I feel it incumbent upon me, and my responsibility, to suggest one of two things: First, an area where expenses can actually be reduced, which would be, I would hope, an area of lesser national priority; or, second, if I cannot find an area where expenditures can be reduced, then to propose a source of revenue that has a reasonable chance of being adopted.

In taking account of the great needs that we face, I, for one, would not be hesitant to think in terms of new taxes, if that were the only thing that could be done. But other than that—and I would much prefer expense reductions—whenever I propose a change in the priorities as suggested by the administration, I intend, when it looks as though my suggestion might have a good chance of acceptance, to propose another place where expenses might be reduced, so that we can maintain the integrity of the $1.3 billion surplus, this is a thin surplus considering the size of the total budget, but which, I believe, is backed by the best thinking of the administration. The President, the Cabinet, and the Bureau of the Budget share a deep concern about inflation, and will fight to hold, throughout the course of this year, the surplus of $1.3 billion as an absolute minimum.

Mr. GRIFFIN. Mr. President——

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Michigan be permitted to continue an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, if the Senator from Illinois will permit me, I would say that his suggestion and commitment to that course is as welcome as a breath of fresh air. I commend it to all Members of this body. It certainly represents, in my view, a very responsible attitude and approach for any Member of Congress who is considering the introduction of proposals that would increase the level of Federal spending. I hope others will read his remarks and follow his leadership.

MINORITY ENTERPRISE BACKED BY GENERAL MOTORS CHAIRMAN

Mr. GRIFFIN. Mr. President, a few days ago one of the leaders of American industry spoke here in the Nation's Capital, about improving our system of competitive free enterprise in a very important respect.

James M. Roche, the chairman of the board of General Motors Corp., spoke to the question of minority ownership and participation in the free enterprise system.

Noting that more than 97 percent of all American businesses are white owned, Mr. Roche concluded that "free enterprise is not as free as it ought to be."

Addressing the U.S. Chamber of Commerce Conference on Minority Enterprise, he called for efforts to redeem the underlying premise and promise of free enterprise.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Mr. Roche's remarks, together with published accounts of his speech.

There being no objection, the requested items were ordered to be printed in the RECORD, as follows:

REMARKS OF JAMES M. ROCHE, CHAIRMAN OF GENERAL MOTORS CORP.

Thank you, Mr. Booth. I am pleased to be a part of this conference on Minority Enterprise.

The Chamber and its leaders are to be congratulated for their timely sponsorship of this meeting. In bringing together the public and private sectors, the Chamber has illustrated again the important role it plays between our government and our business community. By such actions, the Chamber helps shape and stimulate the partnership of effort between business and government that is so much a part of our American way of getting things done.

Minority enterprise stands high on the agenda of our national concern. The experiences of General Motors, as well as my association with the President's Committee on Minority Enterprise, have made me aware of the well-reasoned approach that President Nixon and Secretary Stans are taking. This was also evident from this morning's excellent program.

"Project Enterprise" is another imaginative example of how business and government can join in common endeavor. I hope every American businessman will give the most serious consideration to how he and his company can ally themselves in this effort to develop new business opportunities for our minority citizens. Not only they, but every American, will be the beneficiary of its success.

Minority enterprise is a national social endeavor in which the business community can be unusually effective. It is a job cut out for business. No one knows the difficulties of business better than the businessman. No one understands better than he the knowledge, the experience, the aptitude that business demands. No one knows better how to succeed in business than he who has succeeded.

I hope the business community will further its efforts to encourage more minority enterprise. The stakes for our country are great. And they are considerably more than economic. They involve fundamental American rights and freedoms. There is human pride and respect and dignity to be gained or lost in this effort.

To be your own boss—to own your own business—is a basic part of the American dream. It is a dream that every generation of American, every wave of immigrants, men of differing race and origin, have shared. It has been so far as long as we have been a nation—and continues today. To be in business for yourself is a dream that belongs to all Americans—not just the minority. So should the opportunity to realize this dream belong to every American—not just the majority.

Because this dream has been so widely shared, the American system of free enterprise was born, and has prospered beyond man's imagining. Our system has produced more wealth—and shared this wealth more widely—than any other economic arrangement the world has seen. Yet, its more than dollars. To all who take part in it, free enterprise offers the chance to fulfill human instincts: to innovate, to compete, to build and to own.

We Americans affirm this principle: that every man who is qualified to begin or sustain a business should have the opportunity to do so. We say, in effect, that free enterprise should be free. It should be open to all with the capacity and willingness to venture, to stake capital on their ability and judgment, to risk in the hope of profit.

Yet it it clear that, in America today, free enterprise is not as free as it ought to be. Almost all American businesses—more than 97%—are owned by those who are white. And these account for better than 99% of the total receipts. The owners of the other 3% of American businesses—some 150,000 establishments—are found among the 30 million black, Spanish-speaking, or Indian Americans. These are the minority Americans who constitute 15% of our population. These are they who—for one reason or another—have less than an equal chance to own a business. These are the Americans this program intends to help.

Minority enterprise has many aspects. Some see it as an effort to create and locate new business in the inner cities. Others regard it as a means to assure that more businesses in the inner city will be owned by those who live there.

These attitudes confuse and distract from the moral issue of minority enterprise. They lead into discussions of black power and green power, and the whole dialogue of division. Minority enterprise should not be used to further segregation or separatism. Every business in the ghetto should not be owned by those unfortunate enough to have to live there—no more than any business outside the ghetto should be closed to them.

Instead, the opportunity should be open to every man to begin a business wherever he thinks it can best succeed. Any man who is willing to risk the considerable hazards of failure against the possible benefits of success has the right to the opportunity of starting his own business. Business ownership carries no guarantee of success. But every man deserves an equal right to try—and equal right to fail.

Minority enterprise should be another means of breaking down barriers of inequality. In business ownership, as in employment the housing and education, every man's opportunity must be made equal to another's. In minority enterprise, unfortunately, the opportunities for business ownership today are not equal. We must all work to make them equal. The task before us is as simple and as difficult as that.

There is this to be said about minority enterprise: those who advocate it expect too much from it; and those who belittle it fail to see how essential it is to the better America we must all work together to build.

Minority enterprise is not a total solution to our urban and racial problems. It is not a quick solution. Nor is it a permanent solution. And to the few businessmen for whom it will mean new competition, it is not even a pleasant solution.

Many of its advocates forget the harsh arithmetic of business failure as written in Dun and Bradstreet. Only one out of two new businesses survive as long as eighteen months. Only one out of five will still be in business in ten years. These are stiff odds, especially to those among our minorities who are already handicapped by lack of education or business experience. These facts must be explained to them, for our minorities have had enough of unfulfilled expectations.

It must be made plain that being in business for yourself carries as much chance of failure as of success. In the competitive world of business, there is hardly any substitute for experience. Only by experience, for example, will a businessman earn a reputation that will inspire customer loyalty and attract investment capital.

Some of the strongest advocates of minority enterprise overlook the need for experience and background. They would have us assist minority entrepreneurs almost without regard for their readiness to compete against others in business. For many, for who failures would be inevitable, minority enterprise will be only another disillusionment, another shattered dream.

Yet, the encouragement of minority enterprise is essential if every man is to have an equal opportunity to prove himself against the disciplines of a free market. Minority enterprise must be fostered if we are finally to fulfill the promise of our Declaration of Independence.

So, for us in the business community, the course is clear. It is for us, who have worked within and gained from the free enterprise system, to help others to share in it. It is for us, who most cherish the freedom in free enterprise, to assure that it is freely open to everyone.

Obviously, not everyone who wants to be in business for himself can be—or should he be. Some are more qualified by education and experience than others, and for these the chances of success are better. There are also lingering conditions of discrimination in our society that favor one man over another. This is what we must change—discrimination must be erased.

As we encourage minority enterprise, we must always keep in mind that we do not do a man any favor if we allow him to enter business unprepared. The bitter result will likely be failure, a waste of his capital, his years, his reputation in the community, and most tragic, his belief in himself.

This places upon us, as we work to give our minorities their equal chance, a responsibility to seek out those who are best qualified and best motivated for business. Beyond this, we must train and nurture others, equipping them with the knowledge and the experience they will need to be able to compete on equal terms.

The time and effort required to prepare a man for business ownership is considerably greater than that needed to train him for a particular job within a company. The difficulties of this preparation process must be kept in mind, both by the businessman who is helping and by the prospective entrepreneur.

We must approach the task with an openness of mind, and a positive desire to help. We need not give any man an unfair advantage, but we must give every man an equal chance. We need not resort to any bad or unjustified business practice, but we must display a greater willingness to risk, a greater resourcefulness in finding ways within established practices. We must not be bound in by precedent, but rather be flexible and alert to new ways of making the system work for our cause and not against it.

This approach to fostering minority enterprise clearly calls for extraordinary steps. It requires ingenuity, imagination, patience and—most of all—a bit of courage. It may not be the easy way, but I know it is the right way. I know it is the best for all concerned, and certainly the best for the America we are concerned about.

All of you whose companies are involved in the JOBS program and know the story. The little extra help, the right steer, the word of encouragement, the demonstrated belief—all have worked to pay dividends in good employes. So it can be with minority enterprise. This, too, will be a modern American success story if enough of us care enough to go the extra mile to help.

If we are willing, ways will be found. This morning we received booklets prepared by the Chamber. These spell out some "Corporate Options for Increasing Minority Participation in the Economy". I commend them to your attention.

General Motors, like other major corporations, is becoming increasingly involved in programs to alleviate the problems of our minorities. We are active in providing employment opportunities, supporting educational institutions, and giving financial assistance to community housing projects.

With regard to encouraging minority enterprise, every company, every industry, will have its own special opportunities such as we have found at General Motors. Our varied needs and widespread operations lend themselves to an active search for existing minority businesses as new suppliers. They also enable us to develop new minority businesses that can supply quality goods on a competitive basis. Every company of any size is also the purchaser of a wide range of services, from simple landscaping to sophisticated computer services. These also offer opportunities for small specialized businesses. At General Motors, we have examined our purchasing policies, for both goods and services, to assure ourselves that they provide the framework within which we can help qualified enterprises in their start-up phase.

We have already taken significant initiatives to help develop minority enterprises as GM suppliers. We now purchase a variety of goods and services from young companies owned by minority citizens. For example, we buy glove-compartment boxes in Watts in California, rubber production parts in Cleveland, and metal stampings in Detroit. We are proud that more and more minority enterprise is found among our General Motors suppliers.

In addition, many businesses like General Motors have extensive distribution facilities. We have, for example, thousands of local dealers and distributors for the products we make. Ownership of these outlets, scattered across the nation, provides additional opportunities for qualified new entrepreneurs.

A familiar measure of the difficulty of minority enterprise is that only a small fraction of automobile dealers are members of minority groups. This is a revealing indication of the obstacles that confront our efforts. Ownership of an auto dealership requires an extraordinary amount of initial investment. Even a small dealership is a good-sized business in most communities. It is a high-risk, intensely competitive business, and clearly not for the inexperienced manager.

General Motors, for some time, has been searching for qualified candidates for local dealerships. Unfortunately, very few members of minority groups have had the necessary experience in managing the merchandising aspects of the automobile business. Nevertheless, we are intensifying our efforts to locate potential new dealers, persons with recognizable qualities of business aptitude, enthusiasm, aggressiveness and the willingness to risk, sacrifice and learn.

More than forty years ago, General Motors established the Motors Holdings Division. Its purpose is to provide substantial assistance in capital financing for retail dealers and distributors of GM products. Thus, General Motors stands ready to join qualified entrepreneurs as a partner in their enterprise through capital investment.

While we contine to seek those already qualified, at the same time we take promising individuals and place them within the system so they will acquire the necessary experience and background that may, in time, qualify them for dealerships. We do this within the General Motors organization,

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and we also encourage our dealers to put promising future entrepreneurs in jobs where they can learn.

These practices offer advantages both to the Corporation and to the individuals. For they may progress higher within the organization or, if they are qualified, they may eventually own their own dealerships. In either case, their success benefits both them and the Corporation. We are determined to continue and expand these programs.

These are some of our efforts. By themselves, they are not much. But taken together with the work of the entire business community they can make an imprint for the better on life in America.

There is much, much more for each of us to do, working with government, with other companies, in our communities and in our own companies. The problem of minority enterprise challenges each of us greatly. We should not think of it too narrowly. We can help meet the objectives of minority enterprise if we can find ways to encourage our minorities to invest—as stockholders—in established businesses. Thus even those of modest means could acquire a stake in our economy, or as President Nixon put it, "a piece of the action". Greater stock ownership among minorities would be a means of immediately putting the system to work for those who most need its benefits.

Minority enterprise requires and deserves our fullest efforts. Every businessman who owes some of his success to free enterprise should feel obliged to help others to enter and to compete for the rewards of enterprise.

Let us focus always on the fuller freedom of opportunity that is implicit in the idea of minority enterprise. Let us focus on opportunity and recognize how our individual efforts can help fulfill the promise of America. Let us resolve that the opportunity for business ownership shall be open equally to every American, and then we can say—with pride—that we helped to make free enterprise really free.

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[From the Detroit Free Press, Jan. 23, 1970]

Roche Urges Minority Aid—Free Enterprise Not Free

WASHINGTON.—General Motors chairman James M. Roche Thursday urged American business to "give the most serious consideration" to helping minority groups develop opportunties in business.

Addressing conference here on minority enterprise sponsored by the U.S. Chamber of Commerce, Roche said free enterprise is not as free as it ought to be.

"Almost all American businesses—more than 97 percent—are owned by those who are white. And these account for better than 99 percent of the total receipts.

"The owners of the other three percent of American business—some 150,000 establishments—are found among the 30-million black, Spanish-speaking or Indian Americans.

"These are the minority Americans who constitute 15 percent of our population . . . who for one reason or another—have less than an equal chance to own a business."

Roche said GM is currently providing employment opportunities, supporting educational institutions and giving financial assistance to community housing projects in an effort to alleviate the problems of minority groups.

Approximately 15 percent of GM's more than 600,000 hourly workers in the U.S. are from minority groups, primarily blacks. GM also has been increasing jobs for minorities among its salaried people. These have climbed from 1,785 in 1965 to 5,093 currently, a 185.3 percent rise in the five years compared with an overall increase of 3.8 percent in GM's salaried ranks.

A GM spokesman noted that the corporation has 1,329 "officials and managers" from minority groups, a 38 percent increase since 1968.

Roche mentioned purchases of glove compartment boxes from Watts in California, rubber production parts from Cleveland and metal stampings in Detroit as examples of "a wide variety of goods and services" bought by GM from "young companies owned by minority citizens."

Roche cited difficulties GM is encountering in getting qualified minority-group candidates for local automobile dealerships. "Unfortunately very few . . . have had the necessary experience in managing the merchandising aspects of the automobile business. Nevertheless we are intensifying our efforts to locate potential new dealers."

GM signed up its first two black dealers in 1967. Since then it has added five more.

He cautioned his audience about the problems inherent in assisting minority enterprises. "It must be made plain," he said, "that being in business for yourself is not a guarantee of success," he reminded them that only one of two new businesses survives as long as 18 months and that only one of five would still be in business in ten years.

"We must always keep in mind," Roche continued, "that we do not do any man a favor if we allow him to enter business unprepared.

"Every businessman who owes some of his success to free enterprise should feel obligated to help others to enter and to compete for the rewards of enterprise."

[From the Washington Post, Jan. 23, 1970]

Not a "Panacea"—Minority Business Backed

(By Jan Nugent)

The chairman of General Motors Corp. yesterday urged the corporate community to be more resourceful and venturesome in finding ways to encourage minority-owned businesses.

"We must not be bound in by precedent, but rather be flexible and alert to new ways of making the system work for our cause and not against it," GM Chairman James M. Roche said.

At a conference on minority enterprise sponsored by the U.S. Chamber of Commerce here, Roche warned that minority-owned businesses were not a panacea for the country's social problems.

But there is this to be said for minority entrepreneurship, he continued: "Those who advocate it expect too much from it; and those who belittle it fail to see how essential it is to the better America we must all work together to build."

It is clear that, in America today, free enterprise is not as free as it ought to be, the GM official said. The task of opening the field to minorities is "a job cut out for business," Roche asserted.

General Motors has taken steps to use minority businesses as suppliers, and purchases a variety of goods and services from these companies, he continued.

Commerce Secretary Maurice Stans plugged the Administration's minority enterprise program, while admitting it suffered from a credibility gap he contended was undeserved.

Stans insisted President Nixon was deeply committed to the concept. The Commerce Secretary said little or nothing had been accomplished in the field of minority business in the past. "At least now we have a program," he noted.

To buttress his point, Stans ticked off government programs which encourage minority business; increased loans by the Small Business Administration; federal government procurement pledges; and firm commitments from franchisers to set up minority entrepreneurs in business.

Minority Business

WASHINGTON.—The head of General Motors said today the nation's urban and racial problems will not be solved simply by helping blacks and other minorities start their own businesses.

But GM Chairman James M. Roche said, the effort must be made to redeem the underyling promise of free enterprise.

Roche, addressing a U.S. Chamber of Commerce conference on minority enterprise, told fellow businessmen that Americans affirm the principle that "Every man deserves an equal right to try—and an equal right to fail."

"We say, in effect, that free enterprise should be free," Roche said in his prepared address. "It should be open to all with the capacity and willingness to venture, to stake capitol on their ability and judgment, to risk in the hope of profit."

Citing statistics showing that 97 percent of U.S. businesses with 99 per cent of the receipts are owned by whites, Roche said. "It is clear that in America today, free enterprise is not as free as it ought to be."

Roche warned against the use of minority enterprise "to further segregation or separatism"—to simply encourage black ownership of ghetto businesses.

"Every business in the ghetto should not be owned by those unfortunate enough to live there—no more than any business outside the ghetto should be closed to them," he said.

Overlooking "the need for experience and background" in business will lead to "only another disillusionment, another shattered dream" for the nation's minorities, Roche said.

But despite the hazards, he said, American businessmen who have succeeded in the system "should feel obliged to help others to enter and to compete for the rewards of enterprise."

THE HUMAN ELEMENT INVOLVED IN "DELIBERATE SPEED"

Mr. HOLLINGS. Mr. President, the chaos caused in the public schools by the Alexander "integration now" decision has taken on an aspect of the war in Vietnam—to the Nation generally, it is somebody else's problem. Just as long as you disrupt Mississippi and South Carolina and the South and leave us alone in New York and Chicago, then fine business. This leaves the people of my region not only distraught but also bitter. An orderly elimination of the dual school system, and a consequent legal elimination, can not be obtained with this bitterness and misunderstanding.

The reason for "deliberate speed" was the human element. We are dealing with humans in our public schools—the parents, the teachers, the legislators who draw up the budgets, the Governor and administrators who set the policy, and the taxpayers who pay the budgets. We must work together if an effective educational program is to be maintained. Judges can not run schools, and I doubt if any of our Justices have had any experience in operating a public school system. Certainly, they did not use it in the Alexander decision, for they showed no awareness for the contracts made for teachers for the school year, that busing and physical facilities are planned by the school year, that it is just as difficult to change a teacher or a pupil from his district as it is to assign a judge a case out of his district.

The schools of South Carolina have been moving with deliberate speed.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HOLLINGS. I am glad to yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. The Supreme Court Justices and others probably do not have children or grandchildren attending schools in which Negroes attend in great numbers. Does the Senator know of any who do have?

Mr. HOLLINGS. No; I really would not know.

I find very little propensity for understanding what is really going on. They are categorically changing the law and categorically saying that, like black and white, that is exactly the way the law reads. For over 100 years now, the schools have been operated differently, without a unitary school, which has just been invented by the Alexander decision; and they think that since they have now invented a unitary school, that is what we are supposed to provide.

Mr. BYRD of West Virginia. I imagine it would be of great interest if one could determine how many Federal judges send their children to private schools or have grandchildren in private schools.

Mr. HOLLINGS. Well, I will make this comment. I have said that the schools of South Carolina have been moving with deliberate speed. The high school I attended in Charleston, S.C., has a ratio of 40 percent black and 60 percent white.

My 17-year-old daughter attended that school, and she came up here and now is in attendance at Woodrow Wilson High School, which, under the unitary school approach, is slightly more segregated. She had to move north to become segregated in the public schools. That is my actual, personal experience.

The integration of the high school in Charleston, S.C., has been accomplished without incident. I know, as Senator, working with the trustees in the other districts of the State and with the Department of Health, Education, and Welfare that, like Kansas City, each year we have gone about as far as we can go. The direction has been clear and certain, and our policies have been guided by the equally clear constitutional principle of equal protection. No child has been denied his freedom of choice. We have had difficulties in Dorchester and a couple of other areas. But, after appropriate hearings, the court, itself, has made certain that all children are receiving an equal opportunity, regardless of race.

Viewed in the broad perspective the Senator from West Virginia will remember this particular point—we are ahead of schedule. I remember well a conversation during the 1952 hearings before the U.S. Supreme Court in the original school cases. Then Attorney Thurgood Marshall was discussing the problem with the present dean of our law school, Robert McFigg, and myself. In discussing implementation, should we lose the case, Dean Figg commented that there could not be any substantial integration for at least 25 years. Mr. Thurgood Marshall commented, "nearer 50 years."

It has only been some 16 years, and already in the Deep South we have a 50–50 proportion in the public schools of my hometown. But, when you talk of years, immediately there are those who observe that a right is a right. If the Constitution gives this right to the citizen, how can the southern school boards deny or delay that right? Of them I ask, if one is given his freedom of choice, then how is he being denied or delayed a right? For an institution to be public does not necessarily means that its composition must be racially balanced. No one would contend that the Senate is unconstitutional because we have only one Negro Member. The thrust of the 14th amendment is that rights not be denied the individual. If the individual be given the right he chooses, then the spirit and letter of the 14th amendment is complied with. To implement this guarantee, Congress should provide that the individual not be forced against his choice. This the reason for the introduction last week of an amendment by the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Georgia (Mr. RUSSELL), and myself. This is a freedom of choice amendment, if you please, that was not drafted by southern bigots or by southern illiterates or by southerners wanting to turn the clock back or by southerners with prejudice or by southern rednecks. The words of our amendment are the words of the enlightened liberals of New York, signed by the enlightened liberal Governor of New York, Nelson Rockefeller.

This is not the first time—if the Senator from Minnesota please—we have copied New York. As law students in South Carolina, we learn the first year that the statutory law of the State of South Carolina is patterned on the Field Code or statutory law of the State of New York. I am sure that the distinguished Senator from Minnesota, as an eminent former attorney general of his State, knows the history of statutory law development in America. Oh, how we are reminded from time to time that people are the same everywhere.

Last June, the parents of New York faced up to a human problem. A bill was introduced in the lower house by Joseph J. Kunzeman. And, of course, the usual catcalls and rebuffs were heard immediately. Even the Governor threatened to veto this bill. But, pass it did, by a 2-to-1 majority, and sign it into law did the Governor of New York. Now, we of the South want equal rights. We make no appeal for special treatment. For myself, I reject a Southern strategy. But, I do appeal for a national strategy that would include the South. I am tired of being excluded, and my people are tired of being used as the "whipping boy."

To the President I would say, rather than the Southern strategy, if this is what we are going to get, with the Vice President leading the implementation, for heaven's sake let us have a Northern strategy.

Ironically, the South would receive more satisfaction if the Vice President were assigned to New York, if he were assigned as chairman of a task force of educators of both races from New York to implement the Court decision in New York. Never has there been more discrimination in the name of eliminating discrimination than in the Washington implementation of Court decisions.

Mr. MONDALE. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. MONDALE. I am glad to hear about this appeal for a national strategy. I can recall in the Civil Rights Act of 1968 that one of the eminent colleagues of ours from the South stood up and said the North will never accept fair housing and it was hypocritical, therefore we will destroy this Civil Rights Act and we will tack on a fair housing bill. I sponsored a national Fair Housing Act and I was surprised, after that offer of help, that when we did propose a Fair Housing Act, not a single one of those who had mentioned northern hypocrisy joined us in adopting the fair housing statute. I am sure it was inadvertent. However, I accept this appeal for a national approach and I think the Senator will find warm support for it, if it is truly a national one.

Mr. HOLLINGS. Mr. President, if the Senator from Minnesota would refer to the thrust of these remarks, it is not concerned with the legal provisions of the Fair Housing Act or the school admission question. It is the implementation question we are concerned with. I do not know what the implementation has been in the State of Minnesota, or New York, on fair housing. Has the HEW sent up agents there to help him?

Mr. MONDALE. I am glad the Senator brought that up because I have been waiting and fighting to get adequate funds for fair housing enforcement. I would be most appreciative if we could have broader national support in that effort.

Mr. HOLLINGS. Well, we can certainly relieve the strain on the budget by assigning the agents we have in South Carolina to Minnesota.

Two years ago, when the distinguished Senator from Georgia (Mr. RUSSELL) introduced an amendment to the HEW Appropriations Act, it was impressed upon my mind that the Department of Health, Education, and Welfare had 17 agents in South Carolina and two in all of New York. Oh, you readily read of the Mississippi order, the Greenville, S.C., order, the Darlington, S.C., order. But, where is the Minneapolis order, the Chicago order, the New York order? The people of New York have freedom of choice, and I have seen no petition or statement by the Justice Department or the Attorney General that this action of New York is unconstitutional. I cannot find Mayor Lindsay's statement that the New York legislator acted unconstitutionally. And, my research finds no record of any statement by our distinguished colleagues from New York that New York is evasive, has acted unconstitutionally, or acted improvidently. I assume that Senators JAVITS and GOODELL support the majority action of the people of their State.

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And, when the New York amendment of Senator STENNIS is called up for consideration later this week, I invite the support of the two Senators from New York.

Now, the second amendment, calling for uniformity; an evenness in the application of guidelines; in the assignment of the agents; in the bringing up of petitions by Justice; in the elimination of a dual school system in America is simply a strategy to bring the Court and the Congress, through the people, to its senses. I really do not want to bring discord to New York or to any other section of this Nation. But I know of no other way to get the attention of my colleagues in the Congress that we are headed down the road to chaos. We must be deliberate, and more objective. We must be more tolerant and understanding. When you make it appear that you are using my section as a whipping boy, they dig in their heels. Parentally and politically, we are polarized and the children suffer. The distinguished occupant of the chair (Mr. ALLEN of Alabama) knows that better than anyone else.

Public colleges and universities are supported by public funds. But, the public only allows those to enter who are economically wealthy enough to pay tuition. It has been accepted public policy that a college education for some should not be denied until the public could afford college education for all. I believe that shortly in America, we will have free tuition. But it makes no sense to tear up these public institutions in the meantime. And, similarly, each child under freedom of choice should be allowed, and should not be denied admission, into a nonsegregated, nondual school. But, economically and historically, the public schools, under the Constitution, have so operated for 100 years, so as to overnight forbid what the Alexander decision calls for by February 1—or, Mr. President, by yesterday. There is no reason to tear up the public school system of America just because a recently invented unitary school is not available to all.

Our main concern is that the privilege of education must be fairly rendered to all, that education's opportunities are not discolored by racial policies of some, and politically punitive policies by others.

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ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

BUDGET MESSAGE OF THE PRESIDENT, 1971—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations:

To the Congress of the United States:

I have pledged to the American people that I would submit a balanced budget for 1971. This is particularly necessary because the cost of living has been rising rapidly for the past 5 years.

The budget I send to you today—the first for which I bear full responsibility as President—fulfills that pledge.

Outlays are estimated at $200.8 billion, with receipts at $202.1 billion, yielding a surplus of $1.3 billion.

This anti-inflationary budget begins the necessary process of reordering our national priorities. For the first time in two full decades, the Federal Government will spend more money on human resource programs than on national defense.

A budget must be a blueprint for the future. In the 1971 budget, I seek not only to address today's needs, but also to anticipate tomorrow's challenges. Only with a plan that looks to the years ahead can we gain control over the long-range use of our resources, and mark a clear course for meeting national goals. Most worthwhile objectives are costly. Therefore, we must pursue our purposes in an orderly fashion, measuring our efforts to accord with the budget resources likely to be available.

A balanced plan for resource allocation does not require Federal domination. On the contrary, by placing greater reliance on private initiative and State and local governments, we can more effectively mobilize our total resources to achieve national purposes over the long run.

This comprehensive perspective was instrumental in shaping the 1971 budget.

THE BUDGET AT A GLANCE

[In billions]

Item	1969 actual	1970 estimate	1971 estimate
Receipts	$187.8	$199.4	$202.1
Outlays	184.6	197.9	200.8
Surplus	3.2	1.5	1.3

With this budget we will move ahead to:

Meet our *international responsibilities* by seeking an honorable peace in Vietnam, by maintaining sufficient military power to deter potential aggressors, by exploring with the Soviet Union possible limitations on strategic arms, and by encouraging multilateral aid, expanded trade, and a greater measure of economic self-help for developing nations of the world.

Help restore *economic stability* by holding down spending in order to provide another budget surplus and to relieve pressure on prices—and to achieve that surplus without income or excise tax increases.

Launch a major effort to improve *environmental quality* by attacking air and water pollution, by providing more recreation opportunities, and by developing a better understanding of our environment and man's impact upon it.

Inaugurate the *Family Assistance Program*, fundamentally reforming outmoded welfare programs, by encouraging family stability and providing incentives for work and training.

Provide major advances in our programs to *reduce crime*.

Foster *basic reforms* in Government programs and processes by making entire program systems operate more effectively, and by encouraging responsible decentralization of decisionmaking.

The proposals in this budget are important steps toward these goals. Even so, taking these steps requires difficult choices.

The need to choose among alternative uses of our resources is a basic fact of budgetary life. In the past few years, too many hard choices were avoided. Inflation was permitted to steal purchasing power from us all, and to work particular hardship on the poor and the millions of Americans who live on fixed incomes, as well as on the housing industry, small businesses, and State and local governments.

Indeed, the willingness to make hard choices is the driving force behind my 1971 budget proposals.

OVERVIEW OF THE 1971 BUDGET

All Government spending flows from budget authority that is enacted by the Congress. Budget authority for 1971 is estimated at $218.0 billion. Of the total, $148.1 billion will require current action by the Congress, with the balance becoming available automatically as the result of past congressional actions.

Budget outlays for 1971 will be held to $200.8 billion, which is only $2.9 billion more than in 1970. The 1971 total consists of $200.1 billion in expenditures and $0.7 billion for net lending.

Revenues are estimated to be $202.1 billion in 1971, exceeding 1970 levels by only $2.7 billion. The small size of the increase reflects the termination of the income tax surcharge and the provisions of the recently enacted Tax Reform Act of 1969.

The surplus for 1971, an estimated $1.3 billion, is essential both to stem persistent inflationary pressures and to relieve hard-pressed financial markets.

Budget surpluses enable us to keep Federal *debt held by the public* from rising. This measure of debt will decline slightly from $279.5 billion at the end of fiscal year 1969 to $278.5 billion at the end of 1970, and drop still further to an estimated $277.3 billion by the end of 1971.

Federal civilian *employment*—as measured by those in full-time, permanent positions—will decline for the second consecutive year. This decline reflects the tight rein I am holding on employment, despite sharp increases in workload. Within this reduced total, selective increases will be permitted to meet such high priority needs as: more effective law enforcement, improvement of the quality of our environment, expansion of airway capacity, medical care of veterans, and payment of social security benefits.

SUMMARY OF THE BUDGET AND FINANCIAL PLAN

[Fiscal years. In billions]

Description	1968 actual	1969 actual	1970 estimate	1971 estimate
Budget authority (largely appropriations):				
Previously enacted		$133.2	$133.9	
Proposed for current action by Congress			5.1	$148.1
Becoming available without current action by Congress		75.9	84.0	86.7
Deductions for offsetting receipts		−12.9	−13.9	−16.8
Total budget authority		196.2	209.1	218.0
Receipts, expenditures, and net lending:				
Expenditure account:				
Receipts		187.8	199.4	202.1
Expenditures (excluding net lending)		183.1	195.0	200.1
Expenditure account surplus		4.7	4.4	2.0
Loan account:				
Loan disbursements		13.1	9.5	8.6
Loan repayments		11.6	6.6	7.9
Net lending		1.5	2.9	0.7
Total budget:				
Receipts		187.8	199.4	202.1
Outlays (expenditures and net lending)		184.6	197.9	200.8
Budget surplus		3.2	1.5	1.3
Budget financing:				
Net repayment of borrowing to the public		−1.0	−2.6	−1.2
Other means of financing		−2.2	1.1	−0.1
Total budget financing		−3.2	−1.5	−1.3
Outstanding debt, end of year:				
Gross Federal debt	369.8	367.1	374.7	382.5
Debt held by the public	290.6	279.5	278.5	277.3
Outstanding Federal and federally assisted credit, end of year:				
Direct loans [1]	55.3	46.9	52.2	53.8
Guaranteed and insured loans [2]	97.6	105.1	107.6	119.9
Direct loans by Government-sponsored agencies	10.9	27.2	38.5	46.6

[1] Including loans in expenditure account.

[2] Excluding loans held by Government or Government-sponsored agencies.

FISCAL HIGHLIGHTS

The 1971 budget was framed in a period of persistent price rises and is designed to help curb the inflation that has gripped our economy too long.

Economic setting.—In the years preceding my inauguration, total demands on our productive capacity increased too rapidly to maintain price stability, largely because of Federal deficits. Government spending rose by more than 50% from 1964 to 1968, fanning the flames of inflation with a 4-year deficit of $39 billion. As a result, increases in consumer prices accelerated during this period, with a rise of almost 6% during the past year.

When I took office last January, the only responsible course was to design a policy that would curb the rising cost of living while avoiding recession and an excessive increase in unemployment.

In our first six months in office, we revised the 1970 budget inherited from the previous Administration to reduce defense expenditures by $4.1 billion, and controllable civilian programs by $3.4 billion more.

We also recommended needed additional revenues, including:

Continuation of the income tax surcharge at 10% until December 31, 1969, and at 5% until June 30, 1970—yielding $7.6 billion in revenues; and

Repeal of the investment tax credit and extension of selected excise taxes and user charges, for an additional $2.4 billion.

Responding to inflation, interest rates rose sharply. The restrictive monetary policy of the Federal Reserve System limited the flow of money and credit and created further upward pressure on rates.

Monetary and fiscal policies succeeded in moderating economic expansion as we progressed through calendar year 1969, bringing some reduction of corporate profits and the first signs of a slowing in the rate of price increases. We know from past experience that prices react slowly to changes in economic activity. Thus, it is not surprising that it is taking time to translate anti-inflationary actions into price relief.

To contain inflation, we must maintain a policy of fiscal restraint in the current fiscal year and continue it in 1971.

For 1971, total outlays can be held to an estimated $200.8 billion only if marginal programs are reduced or eliminated, and some desirable new programs postponed.

Demanding and unpopular actions are essential to a responsible fiscal policy in today's economic setting. They must be taken to:

Reduce inflationary pressures and expectations; and

Relieve the pressure in financial markets.

Only in this way can we hope to:

Improve our balance of international payments position; and

Achieve a rate of economic growth that is compatible with our longer range objective of high employment with price stability.

Revenues and tax policy.—Total receipts are estimated at $202.1 billion for 1971.

The small increase, only $2.7 billion above 1970, reflects offsetting forces. Aside from the income tax surcharge, receipts would have risen $9.7 billion under tax rates in effect through December 1969. This amount includes $1.2 billion from planned administrative steps to speed up the collection of excise taxes and income taxes withheld by employers. Another $1.6 billion results from the proposed revenue recommendations discussed in Part 3 of the budget.

On the other hand, total receipts will be sharply reduced by the expiration of the income tax surcharge on June 30, 1970, and by various tax reductions included in the Tax Reform Act of 1969—reductions that will depress revenues $2.9 billion below my tax proposals in April.

BUDGET RECEIPTS

[Fiscal years. In billions]

Source	1969 actual	1970 estimate	1971 estimate
Individual income taxes	$87.2	$92.2	$91.0
Corporation income taxes	36.7	37.0	35.0
Social insurance taxes and contributions	39.9	44.8	49.1
Excise taxes	15.2	15.9	17.5
All other receipts	8.7	9.4	9.5
Total budget receipts	187.8	199.4	202.1
Under existing law	187.8	199.4	200.5
Under proposed legislation		(1)	1.6

(1) Less than $50,000,000.

The recently enacted *Tax Reform Act* meets some—but not all—of the objective sought by the Administration. It provides:

A low-income allowance that removes the burden of paying Federal income taxes now borne by more than 6 million people with incomes below the poverty level, and reduces the tax burden of an additional 8 million people with incomes only slightly above the poverty level;

A minimum tax on income, which insures that taxpayers heretofore using certain preferences in the law to eliminate their tax liabilities will bear some tax burden; and

An increase in the personal exemption from $600 to $650, effective July 1, 1970 (eventually rising to $750), and also an increase in the standard deduction.

I urge the Congress to enact the following revenue proposals:

Additional user charges in the field of transportation, so that those who benefit directly will pay a fairer share of the costs involved (as I proposed last year);

An increase in the maximum taxable wage base for social security from the present $7,800 to $9,000; and

Extension of the excise taxes on automobiles and telephone services at their present rates through December 31, 1971.

Controlling Government spending.—The Federal budget must meet the objectives of many individual programs at the same time that the expenditure total must conform to the resources available.

Current fiscal year.—The Congress set a spending ceiling for the Executive Branch for 1970, with provisions allowing the ceiling to be changed by congressional actions that relate to the budget.

The original ceiling set in the law was $191.9 billion. The Congress recognized, however, that a substantial part of Federal spending in any one year is determined by prior legal obligations and is, therefore, beyond the immediate control of the Executive Branch. For this reason, the law provides that the overall ceiling can be raised by up to $2.0 billion to take account of increases above the estimates of selected *uncontrollable* expenditures such as social security and interest on the public debt. Actions of the Congress already taken or projected in this budget are expected to add another $1.8 billion to the ceiling, thus raising the overall ceiling to $195.7 billion. (A more detailed analysis of the factors af-

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fecting the budget ceiling is found in Part 2.)

I support the intent of the Congress to maintain firm control of Federal spending. But the $2.0 billion allowance for increases in uncontrollable spending now appears completely unrealistic. Spending for these uncontrollable programs is now expected to be $4.3 billion higher in 1970 than estimated last April. *This is $2.3 billion above the amount allowed for this contingency by the Congress.*

On the other hand, we have held *controllable* spending firmly within the limits set by the Congress. Nonetheless, total 1970 spending is now estimated at $197.9 billion, which is $2.2 billion above the legal ceiling. The excess results entirely from the $2.3 billion increase in outlays for the designated uncontrollable programs. There is a margin of only $0.1 billion under the ceiling on all other spending.

I believe that an overall spending target provides a useful discipline to guide individual actions by the Congress and the Executive Branch. However, an outlay ceiling should include adequate provision for spending on uncontrollable programs.

I recommend, therefore, that the 1970 ceiling be amended in two ways. First, the fixed allowance for uncontrollable outlays should be removed for those outlays that the Congress has already placed beyond the Executive's control. Second, the ceiling itself should be amended so that the extremely slim margin between the revised ceiling and the current estimate of total outlays is sufficient to permit prudent management of the Government without forcing crippling cuts in vital programs during the few remaining months of this fiscal year. I further suggest that the Congress reconsider the real utility of having a flexible ceiling apply to the Congress while a rigid ceiling is applied to the Executive Branch.

The dedication of this Administration to expenditure control has been demonstrated by the $7.5 billion of reductions we have already made this year. We will continue our vigorous efforts to contain Federal spending. With the cooperation of the Congress, we are determined to hold total spending for 1970 to the revised target of $197.9 billion.

I also recommend that congressional attempts to control outlays in the future focus on the earliest stages of Government spending—authorization of programs and enactment of budget authority.

Based on our experience this past year, I believe that Congress can improve its contribution to better budgeting of national resources by taking steps to:

Make individual appropriations and other legislative actions consistent with its wishes on overall budget totals;

Provide a closer link between legislative consideration of receipts and outlays; and

Enact appropriations before the fiscal year begins, phasing the authorization and appropriation processes in a more orderly way. Many of the appropriations for the fiscal year that began last July were not enacted until December. Two appropriation bills—totaling $22 billion—were not enacted when Congress adjourned in December. The Executive Branch will speed its processes wherever feasible to help make more timely action possible.

It is many years, indeed a generation, since the Congress was able to finish its work in a session lasting 3 to 4 months. The Congress now works the year round. All too often, major appropriation bills are not acted upon until the final weeks of the session, perhaps as long as half a year after the beginning of the fiscal year. Obviously, this causes inefficiency and uncertainty within the executive departments and throughout the country. To bring the appropriation and the administrative cycles back into harmony, suggestions have been made to change the fiscal year to correspond to the legislative year, perhaps with new appropriations scheduled to begin January 1 rather than July 1. However, even if this change were deemed desirable, by itself it would not achieve the desired result. The Congress would also have to revise or speed its authorizing actions, which, by the Congress' own rules, must precede appropriations. I urge Congress to consider this question.

Budget year.—Outlays for 1971 will reach approximately $200.8 billion, only $2.9 billion, or 1.5% more than in 1970.

This is substantially less than the 6% increase in the consumer price index during the past calendar year.

The rise in total outlays in 1971 is also *substantially less* than in the increase in outlays that are virtually mandatory under present laws. For example, social insurance trust fund outlays (including Medicare) and public assistance grants (including Medicaid) alone are estimated to increase in 1971 by $6.8 billion.

Aside from these outlays, I have reduced the total of other Federal spending below its 1970 level.

New pay raises for Federal civilian and military employees are budgeted for $175 million in 1970 and $1.4 billion in 1971. These increases reflect (1) the pay adjustments accompanying postal reform, (2) the principle of pay comparability of civilian jobs with similar jobs in private industry, and (3) the legal requirement that military salaries be increased in pace with the compensation of Federal civilian employees. The annual survey of the Bureau of Labor Statistics indicates that a civilian pay raise averaging 5.75% would be consistent with the present legal comparability principle. Because the need to control and contain the inflationary spiral is of paramount importance at this time, however, I recommend that the comparability pay raises (which require congressional action) be deferred six months beyond the recent pattern, and be made effective January 1971.

The 1971 budget shows a significantly different set of priorities from those contained in the budget presented by the previous Administration a year ago. Although 1971 outlays are $5.5 billion higher than the total originally proposed a year ago for 1970, outlays for national defense and space activities have been reduced by $10.8 billion. The current estimate of 1970 spending for defense and space is $4.4 billion less than that recommended last year by the outgoing Administration, and a further reduction of $6.3 billion is proposed for 1971.

A substantial increase in postal revenues is necessary in order to avoid an excessive postal deficit, which would otherwise consume a large part of the resources made available by the difficult cuts we are making in other programs. Enactment of the pending bill to raise postal rates, in addition to other measures currently under study, will cause net outlays for the Post Office to decline by an estimated $866 million from 1970.

The reductions I am proposing make it possible to provide funds for some of our most urgent domestic needs. This is appropriate policy. Burdened by overcommitments of the past, we must pursue our goals prudently. My budget for 1971 includes *increases* of:

$500 million for starting the *Family Assistance Program,* to replace an unworkable and often inequitable system with one that encourages family stability, provides incentives for work and training, and offers expanded opportunities for day care.

$275 million for the first quarterly payment under my proposed *revenue-sharing* plan, to go into effect before the end of 1971.

$310 million for improved *crime reduction* efforts.

$330 million for air and water pollution control, and for additional parks and open spaces, as integral parts of our efforts to enhance *environmental quality.*

$764 million for *food assistance* programs, to help eliminate malnutrition and hunger.

SELECTED BUDGET OUTLAYS

[Fiscal years. In millions]

Description	1969 actual	1970 estimate	1971 estimate	Change 1970–1971
Social insurance trust funds	$39,849	$45,681	$51,667	+$5,986
Public assistance (including Medicaid)	6,281	7,479	8,277	+798
Civilian and military pay increases		[1] 175	[1] 1,400	+1,225
Subtotal	46,130	53,335	61,344	+8,009
National defense	81,240	79,432	73,583	−5,848
Space	4,247	3,886	3,400	−486
Post Office	920	1,247	382	−866
Family Assistance Program			500	+500
Control of air and water pollution, and increased parks and open spaces	644	785	1,115	+330
Crime reduction	658	947	1,257	+310
Revenue sharing			275	+275
Food assistance	1,192	1,514	2,278	+764
Transportation	6,319	7,019	7,487	+468
Manpower training	1,193	1,368	1,720	+352

[1] Includes the projected costs of certain pay adjustments in the Postal Field Service related to postal reform.

$468 million for *transportation* facilities and services, important ingredients in continued economic growth and job development.

$352 million for *manpower training,*

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to help more of our people to become productive and self-supporting.

Budget authority.—Budget authority—generally in the form of appropriations—must be provided by the Congress before Federal agencies can commit the Government to spend or lend funds.

I am recommending a total of $218.0 billion of budget authority for fiscal year 1971. This includes $216.8 billion of new obligational authority and $1.3 billion of lending authority.

Not all budget authority requires current congressional action. For example, existing laws provide that the receipts of social insurance trust funds be automatically appropriated as budget authority each year. Similarly, whatever is needed for interest on the public debt is automatically provided under a permanent appropriation. For activities of this nature, $86.7 billion of budget authority for 1971 will become available automatically.

BUDGET AUTHORITY

[Fiscal years. In billions]

Description	1969 actual	1970 estimate	1971 estimate
Available through current action by the Congress:			
Previously enacted	$133.2	$133.9	
Proposed in this budget			$136.8
To be requested separately:			
For supplemental requirements under present law		4.4	0.3
Upon enactment of proposed legislation		([1])	8.2
Allowances:			
Revenue sharing			0.3
Civilian and military pay increases [2]		0.2	1.4
Contingencies		0.5	1.2
Subtotal, available through current action by the Congress	133.2	138.9	148.1
Available without current action by the Congress (permanent authorizations):			
Trust funds (existing law)	53.1	60.6	64.5
Interest on the public debt	16.6	18.8	19.0
Other	6.2	4.6	3.2
Deductions for offsetting receipts	−12.9	−13.9	−16.8
Total budget authority	196.2	209.1	218.0

[1] Less than $50,000,000.
[2] Includes the cost of certain pay adjustments in the Postal Field Service related to postal reform.

The remaining $148.1 billion is proposed for consideration during this session of Congress. The outlays associated with budget authority requiring current congressional action are estimated to be $93.5 billion in 1971.

Federal debt.—This budget provides for a reduction of *Federal debt held by the public* of $1.2 billion from the level on June 30, 1970, and $2.2 billion lower than on June 30, 1969. These repayments of debt out of budget surpluses will afford some modest relief to financial markets to help meet heavy demands for housing and State and local government financing.

At the same time, federally assisted financing outside the budget—both guaranteed and insured loans and loans of Government-sponsored agencies—will be substantially higher both in 1970 and in 1971. This expansion in federally assisted credit programs helps to cushion the impact of tight money on housing.

Gross Federal debt differs from debt held by the public in that the former also includes debt held within the Government, such as the investments of the social security trust funds in special Treasury issues. Gross Federal debt will continue to rise, from $367.1 billion on June 30, 1969, to an estimated $382.5 billion on June 30, 1971. The increase is more than accounted for by investments by trust funds and other Government agencies of their surplus receipts. In 1971, the surplus in the trust funds will be an estimated $8.7 billion, compared with $8.6 billion in 1970.

FEDERAL DEBT AND BUDGET FINANCING

[Fiscal years. In billions]

Description	1969 actual	1970 estimate	1971 estimate
Federal debt held by the public (at end of fiscal year)	$279.5	$278.5	$277.3
Plus: Debt held by Federal agencies and trust funds	87.7	96.3	105.2
Equals: Gross Federal debt	367.1	374.7	382.5
Consisting of:			
Treasury debt [1]	352.9	362.1	370.3
Other agency debt	14.2	12.6	12.2
Budget financing:			
Net repayment of borrowing (−)	−1.0	−2.6	−1.2
Other means of financing	−2.2	1.1	−.1
Total budget financing	−3.2	−1.5	−1.3
Total budget surplus	3.2	1.5	1.3

[1] Excludes notes issued to the International Monetary Fund.

The *statutory debt limit* covers almost all of the gross Federal debt, but it excludes most borrowing by Federal agencies other than the Treasury. The present temporary debt limit of $377 billion will expire on June 30, 1970, and the statutory maximum will then revert to the permanent level of $365 billion.

An increase in the statutory limit will be necessary even though the past two budgets and the one proposed for 1971 all show surpluses of receipts over outlays. These surpluses reflect the rise in accumulated balances of trust funds that are invested in Treasury issues—thus increasing the amount of debt subject to the statutory limitation. I will recommend appropriate increases in the statutory limit prior to the end of the fiscal year.

A STRATEGY FOR THE SEVENTIES

I am pleased to present a budget that demonstrates a shift in priorities; we now begin to turn in new directions.

Changing priorities.—About 41% of estimated outlays in the 1971 budget will be devoted to human resources—spending for education and manpower, health, income security, and veterans benefits and services. Spending for national defense, despite continued improvements in our military forces, will claim a smaller percentage of the budget than in any year since 1950. Although still comparatively small, other major programs of this Administration—pollution control, crime reduction, transportation, and housing—are planned to grow substantially in the years ahead.

CHANGING PRIORITIES

[Fiscal years. Percentage distribution of total budget outlays]

Program	1961 actual	1969 actual	1971 estimate
National defense	48	44	37
Human resource programs [1]	30	34	41
Other	22	22	23
Total budget outlays	100	100	100

[1] Includes the following functional categories: education and manpower, health, income security, and veterans benefits and services.

Reducing outmoded or uneconomic programs.—I believe strongly that the Federal budget process can no longer confine itself to marginal increases or decreases. Much of the budget is the outcome of program decisions made in years past, or even decades ago. Today, more than two-thirds of Federal outlays are relatively uncontrollable in the near term.

We must begin to cull from the budget mass those programs that are ineffective or poorly designed and those where the original need has long since vanished. Since needs and technology change rapidly, Government programs must keep pace.

Therefore, I propose to restructure, reduce, or terminate a number of outmoded or uneconomic programs that will save $2.1 billion in 1971. These proposals, discussed in detail in Part 2 of the budget, envision that:

Fundamental *restructuring* of programs will save nearly $1.4 billion in 1971. For example, the basic concept underlying the present objectives of the Nation's stockpile of strategic and critical materials must be re-examined and modernized. Many commodities in the stockpile are now far in excess of foreseeable needs. Expanded authority will be sought to permit the disposal of $750 million of these materials in 1971.

Program *terminations* will save about $300 million from lower priority activities in 1971. Much of the total is accounted for by eliminating certain agricultural programs which have accomplished their purposes or are no longer high priority.

Reductions in uneconomic programs will total $436 million in 1971. The largest reduction stems from actions taken in manned flight activities of the space program.

These actions will provide more than $2 billion each year to help meet high-priority needs of today and pressing problems of the future.

Preparing for the future.—This Administration is placing heavy emphasis on the long-range implications of current decisions. We must become increasingly aware that small decisions today often lead to large cash outlays in the future. Past failure to recognize this fact is responsible for much of the current budgetary inflexibility, hampering our present progress.

The future holds great promise. But looking ahead, we can also foresee that:

The expected increase in Federal tax revenues will not be sufficient to meet all meritorious claims—a reduction in taxes, a budget surplus with high employment, the initiation of new programs, and the expansion of existing programs—that will be made.

It will be necessary to evaluate *existing* programs and proposed new programs to ensure that Federal funds are raised and spent in the most effective way. We will have to shift funds from uses with relatively low effectiveness or priority to those uses that now have higher priorities.

Growth of the economy.—From fiscal years 1970 through 1975, the labor force is expected to grow from 85 million to 92 million, a net addition equal to the total employment in the State of California. Coupled with rising productivity and a return to more modest price trends, our gross national product could increase from $960 billion in fiscal year 1970 to nearly *$1.4 trillion* in 1975. It took the Nation 19 decades to reach a total output of $700 billion, but we will double that amount by our Bicentennial.

The growth of our productive capacity will be matched by growth in demand. Population will rise from 205 million to 218 million, a net addition greater than the present population of New England. There will be 4 million new family units formed.

Pressures on the Federal budget.—This growth and change will be reflected in Federal Government finances. During fiscal years 1971–1975:

On the basis of my tax recommendations last April, and those contained in this budget, the increase in personal income, corporate profits, and other sources of revenue would have increased the yield of the tax system to $278 billion in 1975.

However, the new Tax Reform Act will reduce that potential increase in 1975 by $12 billion. As a result, Federal revenues will be a smaller proportion of gross national product in 1975 than in 1970.

Growth will also require additional Government services and generate greater spending. By 1975 we estimate that:

The increases in population, wages, and other factors would seem to necessitate growth in many existing Federal services, causing outlays to rise by $28 billion—unless further economies are found.

Program terminations and restructuring recommended in this budget will reduce the growth in the budget base, however, by $2 billion. Further cuts will be sought in the future.

New initiatives that I have already proposed or am proposing in this budget are estimated to rise to $18 billion in outlays.

In the past, the Federal Government has been unwilling to pull all the pieces together and present the results of projecting Government finances into the future. I feel that this is an essential part of an enlightened discussion of public policies even though precise figures are, of course, impossible.

Looking ahead, the margin of discretionary Federal resources left over—in a sense, a national nest egg—for distribution to private citizens through tax reduction, for distribution to State and local governments as we move forward with the New Federalism, or for new Federal Government programs, is small. Furthermore, the inherent uncertainty in projecting the future rate of economic growth and unforeseen international tensions could easily alter these projections to show no future resources for discretionary action.

With these qualifications in mind, we can estimate that anticipated revenues are likely to exceed projected outlays by $22 billion in 1975—a margin equal to only 1.5% of our gross national product. Furthermore, our current estimates indicate little, if any, margin for 1972.

BUDGET PROJECTIONS [1]

[Fiscal years, in billions]

Description	1971 estimate	1975 projected
Revenues:		
Tax structure proposed by Administration (April 1969) [2]	$205	$278
Less effect of 1969 Tax Reform Act	−3	−12
Total	202	266
Outlays:		
Current program	200	228
New initiatives reflected in this budget	3	18
Less program termination, restructuring, and reduction currently proposed	−2	−2
Total	201	244
Margin remaining		22

[1] The assumptions and procedures underlying these projections are described in pt. 2 of the budget.

[2] Includes revenue effect of legislation proposed in this budget.

Decisions to include new spending programs in this and future budgets will recognize long-run savings that would be lost if action is not taken. For example, the proposed Family Assistance Program is designed to reform our outmoded welfare system. If enacted, it would cost an estimated $4.4 billion in the first full year of effect. However, the incentives to preserve families intact and increase gainful employment will eventually mean a long-run increase in economic self-sufficiency, which I believe far outweighs these substantial, but essential, public costs.

The path to our goals.—Among the meritorious claims on our resources are:

Protecting our physical environment by taking further actions to reduce air and water pollution, and by providing additional parks, open spaces, and other recreation opportunities.

Maintaining our physical and economic base by improving transportation systems, and by stimulating the construction of additional low- and moderate-income housing.

Bringing better health to all, by reforming the health care delivery system, by increasing the Nation's corps of needed health personnel, and by emphasizing areas that promise important breakthroughs in medical research.

Equalizing career opportunity by investing in new methods of education, in aid to low- and middle-income college students, and in job training.

Renewing the American education system by emphasizing research and experimentation, by investing in teacher training and new community colleges, and by redressing inequities in educational financing.

Obtaining budget surpluses in order to generate additional savings so housing and State and local construction can be financed without undue reliance on Federal aid. The absence of such surpluses would tend to keep interest rates high and to make capital markets less efficient.

Reducing and realigning tax burdens further in a fair and judicious manner, when such action is prudent and desirable in the light of all other national priorities.

As long as the growth of revenues exceeds the growth of "built-in" expenditures we will be able to make some genuine progress toward these goals.

The progress that we make in pursuit of these goals must depend on their relative priority; our ability to design workable programs, and our willingness to raise the required resources.

THE SEARCH FOR PEACE

We seek a world in which all men can live in peace, freedom, and dignity.

Peace and national security.—The best way to achieve this goal is through maintaining sufficient strength to deter aggression—and cope with it where necessary—supported by effective and verifiable international agreements, and by collective security and cooperation.

One of my first official acts as President was to direct a comprehensive and orderly review of our national security policies and the programs required to carry them out. This was the most thorough re-examination of its type ever undertaken, designed to bring our strategies, forces, and priorities into proper balance.

This budget reflects the transition from old policies and strategies to the new ones stemming from our review. I have:

Initiated a plan designed to bring a just and honorable peace to Vietnam. Our approach involves a two-pronged effort to negotiate in Paris and to effect an orderly transfer to the South Vietnamese of the major responsibilities the United States has assumed in that country. We will do so in a manner that will help maintain that country's right of self-determination. While negotiations have been disappointing, progress in Vietnamization has been encouraging and has enabled Vietnamese forces to assume a greater burden on the battlefield. In accord with this plan, I have already announced a series of troop withdrawals that will reduce our authorized forces in Vietnam by 115,500 below that existing when this Administration took office.

Begun strategic arms limitations talks with the Soviet Union.

Signed the Nuclear Nonproliferation Treaty.

Begun construction of the Safeguard missile defense system, intended to protect the United States from limited nuclear attacks, including an accidental missile launch, and to protect some of our retaliatory forces.

Renounced biological weapons and initiated disposal of existing bacteriological weapons.

Appointed an advisory commission to develop a comprehensive plan for eliminating the draft and moving toward an all-volunteer military force.

Signed into law my proposal for draft reform, to shorten the maximum period of draft vulnerability to one year, thereby reducing uncertainty for millions of our young men.

Looking to the future, both our strategy and forces must be designed to honor our international commitments and to insure our national security. We must make realistic and continuing assessments of the programs required to support these objectives.

The strategy of this Administration, as I stated at Guam, is based on the expectation that our allies will shoulder substantial responsibility for their own defense. With this posture, we can safely meet our defense requirements with fewer resources.

International relations.—Early in my Administration, we sought to identify more effective ways to encourage international development and stability with a limited availability of Government funds.

I have concluded that the answers lie in greater initiative by the countries we assist, more trade, a larger role for private enterprise, and increased reliance on cooperative, multilateral efforts. I strongly support international organizations as effective channels for development assistance.

We are urging all industrialized countries to reduce trade barriers against products of special importance to developing countries. I urge enactment of trade legislation now before the Congress that would reduce trade barriers and provide more equitable adjustment assistance to industries, companies, and workers injured by import competition.

We are encouraging private enterprise, both locally based and American, to bring its dynamism to the challenge of economic development. To enlarge the role of private enterprise still further, I will establish the Overseas Private Investment Corporation—a recommendation already approved by the Congress.

Trade and private enterprise by themselves are not sufficient. I am also proposing budget authority of $1.8 billion for the Agency for International Development to provide direct aid to developing countries. I will make further proposals to strengthen our aid programs based on a review by my task force on foreign aid.

THE QUALITY OF THE ENVIRONMENT

One of the most important new initiatives that I am proposing for the first time in this budget is to enhance the quality of life—the legacy of one generation of Americans to the next.

Our environment is becoming increasingly unpleasant and unhealthful. We are hampered by polluted air, contaminated rivers and lakes, and inadequate recreation opportunities.

Despite current budget stringency, we must find a way to move aggressively on these problems *now*. Delay would make our environment more unlivable, and raise the costs of what we must do in any event. I will send a Special Message to the Congress setting forth major proposals to improve and protect our surroundings

Highest priority will go to elements of the program designed to attack water pollution and air pollution—those problems that most directly impinge on our health and well-being.

The major responsibility to reduce pollution rests appropriately with State and local governments and the private sector. However, the Federal Government must exert leadership and provide assistance to help meet our national goals.

Clean water.—I am proposing a sustained national commitment to meet our water quality goals. I will seek legislation for a 5-year program providing grants to communities for the construction of sewage treatment facilities. This effort will grow in momentum as communities complete their plans and begin construction. When combined with State and local matching funds, this program will provide $10 billion of construction beyond that already appropriated by the Congress.

The proposed environmental financing authority, discussed later in this Message, will help local communities finance their share of the projects.

I am proposing a fundamental reform of the municipal waste treatment program to assure that Federal funds go to areas where the benefits are clear and where State and local governments have developed adequate programs to achieve stated goals. We must also assure that cost sharing for treatment works is equitable and creates incentives for reducing the amount of waste that would otherwise have to be treated in municipal systems.

I am recommending increased assistance to State water pollution control agencies and a strengthening of enforcement provisions.

Clean air.—We are now asking the States to set standards for two major air pollutants—sulfur oxides and smoke particles. Standards for additional pollutants will be set shortly. I am proposing additional funds and manpower to help the States with this difficult task.

To help control air pollution, we will accelerate efforts to control sulfur and nitrogen oxides. We will call upon private industry to help solve the problem. The airlines have already agreed to abate aircraft smoke emission by 1972. We will increase our own spending for air pollution control by more than 30% in 1971.

Open space.—Improving the environment will also require increased efforts to provide adequate park and recreation open space—particularly in and near cities, where the need is the greatest and land prices have been escalating most rapidly. I am recommending appropriation of all the funds presently authorized for the Land and Water Conservation Fund to speed acquisition of Federal park lands and increase assistance to States to provide more recreation opportunities. Wilderness, open space, wildlife—once gone—are lost forever.

Contribution of science and technology.—Where technology has polluted, technology can purify. Solutions to many of our problems can be found only through greater understanding of our environment and man's impact upon it. We must also augment our ability to measure and predict environmental conditions and trends.

I am confident that this challenge can be met by our leading research institutions and scientists. To encourage research related to environmental and other national problems, I am recommending that appropriations for the National Science Foundation be increased.

REFORMS AND NEW DIRECTIONS

Reform is the watchword of this Administration. In years past, Federal programs all too often have failed to deliver even a reasonable share of their promises.

Reform touches on nearly every aspect of Government activity. It is demonstrated in this budget by proposals to introduce new, more effective program systems, and to modernize and make responsive Government organization and processes.

Income security programs.—When this Administration took office, many of our income security programs were in disarray and in need of long-overdue reforms. Welfare programs were discredited in the eyes of both the recipients and taxpayers. Many of our citizens were going without adequate food and nutrition. Social security benefits had become eroded by inflation. Unemployment compensation failed to cover millions of workers, and payments in many States were inadequate.

I set into motion fundamental reforms in each of these areas. I urge the Congress to move promptly on my proposals which are now awaiting action:

The Family Assistance Program would replace an inequitable and unworkable dole that often disrupts family life, with a comprehensive system for aiding all low-income families with children—including the long-neglected working poor. It features national benefit standards, promise of greater family stability, and requirements and incentives for work and job-training. This program would be closely integrated with manpower training and with the food benefits made available under the augmented food stamp program.

Social security legislation enacted in December provides an across-the-board benefit increase. I have made other proposals to correct inequities in the program, including a liberalization of the "retirement test" (the current earnings that may be allowed without reducing or eliminating social security benefits), and an increase in widow's benefits to make them comparable with what their husbands would have received.

The *unemployment insurance proposals* would extend coverage to an additional 5.3 million workers (including many farmworkers), increase the duration of benefit eligibility during any period of high national unemployment, and reform the financing of the system by increasing the taxable wage base.

For the Family Assistance Program, I have included outlays of $500 million in the budget for 1971. This estimate is significantly lower than the $4.4 billion first full-year cost of this program for a number of reasons. Time is required for the various levels of government to prepare to administer elements of the Family Assistance Program that can be put into effect during fiscal year 1971. Many State legislatures will be unable to meet

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in time to implement the program. Rates of participation in a new program of this scale take time to build up, causing a delay before the program can reach its full operating level. We intend to make every effort now and after the Congress has acted to initiate this high priority program on a responsible and workable basis.

The Family Assistance Program is an essential element of the *income strategy* adopted by this Administration. This approach of directly providing income and work opportunity for the poor is based on the proposition that the goal of self-sufficiency requires continuing emphasis and that the best judge of each family's particular needs is the family itself.

Federal aid system.—The old system for providing financial aid to State and local governments has become bogged down in an administrative morass. It breeds excessive centralization of decisionmaking, and tends to sap local initiative.

This Administration has begun to decentralize domestic programs. We seek to reinvigorate institutions close to the people, and to enlist their support in the solution of local problems before they become national problems. I hope to see new life in local institutions and a new vitality in voluntary action.

Federal *revenue sharing* with State and local governments is one vital element of our decentralization efforts. Revenue-sharing funds will not be frozen into specified program areas. Policy officials at the State and local level will have the responsibility for using these funds to meet high-priority needs. Revenue sharing is based on a formula that encourages State and local governments to increase their own fiscal efforts. I urge prompt action on this important effort to restore balance to our federal system.

Including revenue sharing, total Federal aid to State and local governments will rise to an estimated $28 billion in 1970, nearly four times the amount in 1961.

Recent experience has made it clear that many State and local government units are having serious difficulty securing funds in the municipal bond market. To assure more adequate access of these governments to financial markets, I shall propose the creation of an environmental financing authority to enable such governments to borrow money needed for their share of federally assisted projects for water pollution abatement.

Action is also underway to simplify administrative and technical requirements in Federal assistance programs. By cutting red tape, we can reduce processing time and decentralize decisionmaking. I urge completion of congressional action on my proposals to authorize joint funding of closely related grant projects and grant consolidation.

To achieve better coordination of Federal programs in the field, we have established uniform regional boundaries and regional office locations for the principal agencies involved in urban programs. This action will provide focal points for State and local officials to deal with these Federal field offices. I have also created 10 regional councils, composed of the regional directors of the main grant-making agencies, to mesh Federal activities more closely with State and local programs.

Improved organization.—There is great need for better organization and management of the Federal governmental system. I refer to the legislative branch and the judicial branch as well as to the executive branch. The Advisory Council on Executive Organization is hard at work on plans to strengthen the ability of the Executive Branch to insure that Government programs produce the results intended by the Congress and the President.

The Congress has recently established, by law, a Council on Environmental Quality to coordinate efforts to improve our surroundings—an objective which I share.

We have reorganized the Office of Economic Opportunity to strengthen its capacity for innovation and experimentation in developing programs that effectively meet the needs of the economically disadvantaged. Other agencies, such as the Departments of Labor, Agriculture, and Housing and Urban Development, have been reorganized internally to increase their effectiveness.

A blue ribbon panel is studying the Department of Defense, its organization, research and development programs, and procurement practices. I have formed a Defense Program Review Committee to insure that major defense policy and program issues are analyzed in their strategic, economic, diplomatic, and political context.

The Nation's postal system is in need of basic reform. I have recommended complete reorganization of the Post Office along businesslike lines, and repeat my request to Congress for prompt approval.

I have also proposed strengthening our programs dealing with consumer affairs, including creation of an Office of Consumer Affairs in the Executive Office of the President and an Assistant Attorney General for Consumer Protection in the Department of Justice.

Education and manpower.—I place high priority on expanding the use of manpower programs as a means of getting people off welfare rolls and into productive employment. I have proposed a new comprehensive Manpower Training Act that will bring together a variety of separate programs and will enable State and local units to make more manpower decisions for themselves. These steps will give increased responsibility to State and local governments for planning and operating manpower programs to meet local conditions and the specific needs of each trainee. In the meantime, major operating reforms are taking place in nearly all manpower training programs to increase their effectiveness.

Computerized Job Banks will be in operation in 81 cities by 1971, providing a daily listing of available jobs to help match jobseekers with employment opportunities more rapidly.

We will continue our efforts to insure equal employment opportunities to all Americans. I have already requested the Congress to grant enforcement powers to the Equal Employment Opportunity Commission. I reiterate that request. Under the concept of the "Philadelphia Plan," we will help provide minority groups with fair access to training and jobs with Federal contractors.

The Federal Government is making a substantial investment in the Nation's education system. In 1971, counting all the education-related efforts of Federal agencies, we will spend an estimated $10.7 billion—the largest amount in our history.

This Administration is committed to improved performance in education programs. I have initiated proposals to provide broader support for education, including grant consolidation, and other steps, to improve the effectiveness of Federal aid. I am also recommending major new efforts to raise student achievement through research and development projects. We are evaluating adn redirecting other programs to assure that Federal assistance is targeted on high priority purposes, such as disadvantaged children, and that it achieves the results we expect.

In the coming weeks I will send further recommendations to the Congress, outlining proposals for educational reform.

Crime reduction.—Some of my most important legislative proposals still awaiting congressional action are designed to launch a determined attack against crime. The budget for 1971 provides about $1.3 billion for crime reduction, nearly double the outlays in 1969. This budget represents a first step in a comprehensive program for improving all parts of our criminal justice system—at every level of government.

To accomplish this objective, I am proposing:

A $190 million increase in outlays for the Law Enforcement Assistance Administration for broad-purpose block grants to States. The responsibility for reducing local crime rests with agencies of State and local governments, but the Federal Government must provide effective assistance when the need is so great.

Reforms in correctional programs. Outlays will reach $177 million for these purposes in 1971.

An intensification of the war on organized crime. I propose increasing our strike forces against organized crime to 20 in 1971, and continuing experimentation with strike forces also using State and local enforcement officers.

An enlarged and more vigorous effort to control the traffic in narcotics and dangerous drugs.

The development and testing of more effective methods for controlling and preventing crime. For the future, we must have a better understanding of criminal behavior, particularly juvenile crime and delinquency.

Transportation.—Mobility of people and goods is important to economic growth and personal satisfaction. Today, our mobility is threatened by increasing congestion and aging facilities. This Administration has proposed legislation to:

Assist urban transportation through a 12-year, $10 billion program of grants

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to communities to modernize and expand public transit facilities and services. The 1971 budget includes budget authority of $3.1 billion to cover the first 5 years of the program.

Expand our airways and airports and maintain a high level of safety. We will accomplish this through a 10-year, $3.1 billion program of research and investment in our national airway system, and a $2.5 billion grant program for airfield construction and improvement. These added costs will be financed through increased *user charges*.

Revitalize our merchant marine through improved techniques of Federal aid for ship construction and operation. This 10-year program envisions building as many as 30 new ships each year, with a gradual reduction in the Federal subsidy. The approach is conditional, challenging the industry to become more efficient and less independent on Government subsidy.

Housing.—The budget includes a substantial effort to help meet our housing needs. In 1971, over 1.9 million low- and moderate-income families will be living in good homes and apartments because costs have been kept within their reach through the Federal Government's actions. Moreover, we are requesting enough authority for new commitments in 1971 to help provide almost 600,000 additional housing units for such families.

We can meet the housing needs of the Nation only if we are able to effect basic reforms in the way we now go about the task. There is growing doubt that the Nation's homebuilding industry has the resources essential to build the needed volume of housing. The housing industry suffers disproportionately from credit shortages. More plumbers, electricians, and other construction workers are needed. Vital materials like lumber may not be available in sufficient quantities at reasonable prices.

We have been actively working to solve these underlying problems. We have inaugurated *Operation Breakthrough*. This experimental effort is designed to link the development of new methods for high-volume housing production with the assurance of housing markets large enough to make volume production feasible.

Health.—In the Sixties, the Federal Government embarked on a number of new health care programs. Medicare currently covers hospital costs and physician services for 20 million aged. Medicaid provides coverage for over 10 million poor.

Serious problems remain. Foremost among them are the rapid rise in medical care prices, inadequate health services for the poor, and other health problems only recently recognized.

To cope with fast-rising demand and health costs, we need to increase the efficiency and supply of our medical resources—both physical and human. We must provide more practicing physicians, dentists, nurses, and other health manpower. I have proposed revisions in the Hill-Burton program to increase construction of facilities for outpatient care as a means of easing the pressure on hospitalization or inpatient treatment facilities. Modernization needs will be met by a new loan guarantee program. Revisions will also be proposed in Medicaid to stimulate the use of proper, but less expensive, medical treatment outside hospitals and long-term care institutions. Increased emphasis will be given to programs to assess and demonstrate more efficient ways of providing health care.

To provide better health care to the poor, I am increasing the number and services of comprehensive health centers in low-income areas.

To combat growing health problems, I have proposed significant increases in community-based programs for the prevention or cure of drug addiction, rehabilitation of alcoholics, and family planning services and research. Last year I announced a 5-year goal to reach 5 million women who want, but are not receiving, family planning services. The new National Center for Family Planning Services, working with the Office of Economic Opportunity, will reach 2.2 million women in 1971, almost halfway toward our goal.

While continuing general support for medical research, I am also recommending substantial increases in research on cancer, heart disease, serious childhood illnesses, and dental health—where current findings promise significant advances in the future.

Space.—Man has ventured to the moon and returned—an awesome achievement.

In determining the proper pace for future space activities, we must carefully weigh the potential benefits of:

Scientific research by unmanned spacecraft;

Continued exploration of the solar system, including manned exploration of the planets; and

The application of space and aeronautics technology to the direct benefit of mankind.

I have reviewed many exciting alternatives for the future. Consistent with other national priorities, we shall seek to extend our capability in space—both manned and unmanned. I intend to do this within total space outlays 12% smaller than in 1970. In our current efforts, we will continue to stress additional uses of space technology. Our actions will make it possible to begin plans for a manned expedition to Mars.

Effective program planning and evaluation.—The American people rightly demand that Government spending be subjected to tough-minded evaluations so that their tax dollars are used in the most effective way.

I am revitalizing our Government-wide system for program planning and evaluation. Several steps have already been taken this year. I have encouraged the analysis of major policy issues to identify Federal programs that should be redirected, terminated or expanded. This process provided helpful information for many of the major problems addressed by the Executive Branch this year, and helped frame my program proposals for Family Assistance, Food Stamps, and Space.

Long-range planning is receiving increased emphasis in the Bureau of the Budget, and has provided a basis for the longer-range perspective of this budget. To help anticipate future needs, I created a National Goals Research Staff to examine long-term trends and to explore what America's goals and priorities might be in the years to come. It is my hope that the forthcoming Bicentennial will also focus public attention on the ideals of our American heritage.

I have also taken some first steps to increase the amount of information upon which effective program planning and evaluation must be based. At my direction the Bureau of the Budget instituted a continuing audit of the timeliness of major Federal statistical series. They are now being issued more promptly than a year ago. Still further efforts to strengthen the statistical program are also underway to provide the Executive Branch, the Congress, and the public with data adequate to meet today's needs.

CONCLUSION

We have begun to travel a new road.

I am confident that this new road will lead us to an honorable peace in Southeast Asia and toward peace and freedom in the years ahead. As we travel that road of responsibility, our economy will overcome its inflationary fever and return to a sustainable rate of growth.

Domestic programs are being reshaped and revitalized to reach and involve the individual American. Guiding us in this effort are five central themes, which are essential elements of the New Federalism:

An awareness of the growing desire for fairness and equal opportunity in every facet of American life;

A recognition of the importance of the interests of the individual in the decisions that determine his destiny;

An emphasis on restructuring basic program systems to ensure that Government efforts deliver the full measure of their promise;

An understanding that national unity is needed for the setting of goals, and national diversity must be respected in the administration of services; and

A willingness to return power to the people and dignity to the individual, through financial help to State and local governments and renewed reliance on private, voluntary action.

This budget reflects these principles; it expresses the *shared purposes* of the Nation.

This budget imparts to our goals a sense of timing and commitment appropriate to a vigorous, free people seeking constantly to expand the Nation's potential and improve its performance.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1970.*

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to Joint Economic Committee:

To the Congress of the United States:

For many years the American people have been seeking, through their Gov-

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ernment, the road to full employment with stable prices.

In the first half of the 1960's, we did have price stability—but unemployment averaged 5½ percent of the civilian labor force.

In the second half of that decade, we did have relatively full employment—but with sharply rising prices.

After 5 years of sustained unemployment followed by 5 years of sustained inflation, some have concluded that the price of finding work for the unemployed must be the hardship of inflation for all.

I do not agree.

It is true that we have just passed through a decade when the economy spent most of the time far off the course of reasonably full employment and price stability. But if we apply the hard lessons learned from the sixties to the decade ahead, and add a new realism to the management of our economic policies, I believe we can attain the goal of plentiful jobs earning dollars of stable purchasing power.

Those lessons are plain:

1. We have learned that Government itself is often the cause of wide swings in the economy.

2. We have learned that there is a human element in economic affairs—habit, confidence, fear—and that the economy cannot be managed mechanistically and will not suspend its laws to accommodate political wishes.

3. We have learned that 1-year planning leads to almost as much confusion as no planning at all, and that there is a need to increase public awareness of long-range trends and the consequences for future years of decisions taken now.

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My 1970 Economic Report reflects these lessons. The current actions we are taking are designed to help the American economy regain its balance; the plans we are making are designed to build on that balance as our free economy grows and responds to the needs of its citizens.

"Stability of economic policy," Theodore Roosevelt pointed out, "must always be the prime economic need of this country. This stability should not be fossilization." Stability is a means to an end. The end we seek is steady growth, predictable Government action in maintaining a sound economic climate, and constant involvement of the people in setting their own priorities.

Accordingly, this Economic Report "opens up the books" as never before.

We are making available the facts and figures that will enable the people to make more intelligent judgments about the future. If we are to improve the quality of life in this Nation, we must first improve the quality of debate about our national priorities. In this Report, and in the Budget Message, long-range projections are made that will enable the people to discuss their choices more effectively in the light of what is possible.

In the real world of economics, there is a place for dreams—dreams that are realizable if we make the hard choices necessary to make them come true.

THE USES OF OUR NATIONAL OUTPUT

We have placed the Nation's larger decisions in the context of a picture of the total resources available and the competing claims upon them. A summary of this analysis is contained in Chapter 3 of the Annual Report of the Council of Economic Advisers; I hope it will be studied carefully and its precedent carried forward in future years.

That analysis is neutral about which options and claims should be chosen. The purpose of the analysis is to help everyone observe the discipline of keeping claims and plans within the limits of our capacity, and to make sure that excessive claims do not prevent us from achieving our most important goals.

Even in our own highly productive and growing economy, resources are limited. There will be competition between private and government uses for our national income, competition among programs within government budgets, and competition among borrowers for the limited national savings.

Our problem, in short, will be to choose wisely what to do with our output and incomes. Large as they are, the claims upon them, what people expect of them, are even larger. If we add the expenditures that consumers will want to make with larger incomes; the investment that businesses must make to assure rising productivity; the housing construction needed to meet the current shortage and the demands of a growing population with rising incomes; the likely expenditures of State and local governments; the costs of present Federal programs plus the proposals already recommended by this administration—we find that the total would nearly exhaust the national output until 1975. And that total would not include tens of billions of dollars of new programs that are commonly urged upon the Government.

We shall have to think carefully about how to choose the claims upon the national output that will be met, since we cannot meet them all. This choice is not made exclusively or even mainly by the Federal Government. It is mostly made by the individuals who produce the output, earn the income, and decide how it should be spent. Nevertheless, a Federal Government with a budget of $200 billion has a great influence on how the national output is used. This influence is not confined to the output the Federal Government uses itself. The taxes the Federal Government collects, the grants it makes to State and local governments, its borrowing or repayment of debt, influence the purchases of private citizens and of State and local governments.

Personal freedom will be increased when there is more economy in government and less government in the economy. Economic domination, like any other government domination, is dangerous to a free society, no matter how benevolent its aims. Freedom depends on our recognizing the line between domination and influence, between control and guidance. The quality of life in America depends on how wisely we use the great influence that Government has.

We know that existing programs of Government and probable demands of the private sector could use up all the output we can produce for several years to come. This does not mean that we cannot do anything new. It does mean that we have to choose. If we decide to do something new, or something more, in one direction we will have to give up something elsewhere. There is no unclaimed pool of real resources from which we shall be able to satisfy new demands without sacrificing or modifying some existing claims.

If we fail to tailor our demands consciously to resources available, the likely consequences would be both misdirection of resources and inflation. We have seen this in the past 5 years. Beginning in mid-1965 the Government imposed on the economy a large increase in nondefense spending and the demands of the Vietnam war effort. It did not, however, face up soon enough to the need to cut back other demands by raising taxes or by following an adequately restrictive monetary policy. Of course, failing to take these steps did not relieve us of the necessity of cutting back. It only meant that the cutback was imposed unfairly by inflation, rather than in a more deliberate and equitable way.

THE PRESENT INFLATION

The inflation unleashed after mid-1965 had gathered powerful momentum by the time this Administration took office a year ago. The expectation of more inflation was widespread, as was skepticism of the determination of Government to control it. Businesses, anticipating rising prices and costs, were eager to invest as early as possible and were willing to incur high interest charges that they would pay later in presumably cheaper dollars. Workers demanded large wage increases to catch up with past increases in the cost of living and to keep up with expected future increases. Prices were being boosted to catch up with past cost increases and to keep up with the future.

Inflation was in full tide.

The inflationary tide could not quickly be turned. At least it could not be turned quickly without a serious recession. Such a recession would itself have brought hardship to millions of people. Moreover, it would have been another episode in the history of stop-go economic policy, when the need was to introduce an era of steadiness in policy that could yield stability in the economy.

Our purpose has been to slow down the rapid expansion of demand firmly and persistently, but not to choke off demand so abruptly as to injure the economy. The greater price stability that all desired could not, given a concern about unemployment, come quickly. This transition would take place in several steps, each of which would require time, and only at the end would increases in the price level slow down.

1969 was a year of progress in the fight against inflation. For the first time since the price spiral began, there was a sustained period of combined fiscal and monetary restraint. During 1969 the rise of Federal expenditures was slowed to an increase of $9 billion, compared with an annual average of $20 billion in the 3 preceding years. Instead of the rising budget deficits of earlier years there was a surplus in 1969. Instead of the money supply expanding by 7 percent, as in 1968, it grew at a 4.4-percent annual rate in the first half of 1969 and at a 0.7-percent rate in the second half.

The growth of total spending, public and private, which was the driving force of the inflation, slowed markedly, from 9.4 percent during 1968 to 6.8 percent during 1969 and an annual rate of 4.4 percent in the fourth quarter of 1969. This decline in the growth of spending was inevitably accompanied by what in October I called "slowing pains." Gains in real production slowed down. Industrial production declined. Profits drifted lower as margins were squeezed. All of these slowing pains were increased, and the inflation prolonged, by the failure of productivity to rise, for the first time in many years.

And in the latter part of the year there were the first faint signs of gain on the price front. Instead of continuing to accelerate, the rate of inflation itself began to level out.

THE OUTLOOK FOR 1970

As we enter 1970 continuation of a low rate of growth of sales, production, and employment for several months seems probable. Thereafter, the performance of the economy will depend on both the continued resolve of the Government and the difficult-to-predict behavior of the private sector.

Government policy must now avoid three possible dangers. One is that after a brief lull the demand for output would begin to rise too rapidly and rekindle the inflationary process, as happened in 1967. This possibility cannot be ignored. The tax bill passed in December reduced revenues for the next fiscal year by close to $3 billion, compared to my original proposals, requiring the Administration to reduce spending plans further in order to retain a surplus. Pressures for increased spending threaten to shift the budget from the surplus position to a deficit by the latter part of calendar 1970 unless the responsible fiscal course urged by the Administration is accepted by the Congress.

A second danger we must consider is that the mode rate and necessary slowdown may become more severe. The highly restrictive stance of monetary policy is one reason for considering this possibility. Moreover, there is a question whether the rate of real output can long remain essentially flat without more adverse consequences than we have so far experienced. Until now the unemployment rate has remained low, partly because employers have retained workers despite growing signs of sluggishness in sales. However, they may be unwilling to do this for long with profits shrinking.

A third danger is that although the economy remains on the path of slow rise, and avoids either serious recession or revived inflation, this is achieved with such tight credit conditions as to paralyze the housing industry, preventing needed additions to the supply of homes and apartments. A Federal budget deficit, which would require the Treasury to become again a net borrower in the capital markets, taking funds that would otherwise go to other users, might bring this about. This is one reason why I continue to stress the importance of a strong budget position.

Our objective is to avoid these dangers as we achieve stability. A necessary condition for doing this is to keep the Federal budget in balance in the coming fiscal year.

A prudent fiscal policy, avoiding the risks of returning to budget deficits, and a prudent monetary policy, avoiding the risks of overly long and overly severe restraint, offer the best promise of relieving strains and distortions in financial markets, bringing interest rates down, and encouraging a sustainable and orderly forward movement of the economy.

After some months of slow expansion of sales, output, and employment, which seems likely, a moderately quicker pace later in the year would be consistent with continued progress in reducing the rate of inflation.

The goal of policy should therefore be moderately more rapid economic expansion in the latter part of 1970 than we have recently been experiencing or expect for several months ahead. Keeping the Federal budget in balance, as I have recommended, and a moderate degree of monetary restraint will help achieve this result. This combination of policies would also permit residential construction to revive and begin a rise toward the path of housebuilding required by our growing number of families needing homes and apartments.

As far as can now be foreseen, this pattern of developments through the year could be achieved with a gross national product for 1970 of about $985 billion. This would be 5½ percent above that for 1969. A slowdown in the rate of increase of consumer prices is a reasonable expectation in this economic outlook.

An unfortunate cost of having allowed the inflation to run for so long is that it courts the risk of some rise in unemployment. The policy of firm and persistent disinflation on which we have embarked, however, holds out the best hope of keeping that risk low.

This risk emphasizes the importance of promptly enacting the legislation this Administration has recommended for manpower training, unemployment compensation, and welfare systems:

The proposed Manpower Training Act would not only bring about better planning and management of training programs; it would also trigger an automatic increase in appropriations for these programs if the national unemployment rate reaches 4.5 percent for 3 consecutive months.

The unemployment compensation legislation would increase coverage, encourage States to improve benefits, and provide for Federal financing of extended benefits if unemployment of insured workers exceeds 4.5 percent for 3 consecutive months.

The Proposed Family Assistance Program would provide income support for poor families with children, whether headed by a male or a female, while providing strong incentives and assistance for those who can do so to find and accept employment.

Because our expanding and dynamic economy must have strong and innovative financial institutions if our national savings are to be utilized effectively, I shall appoint a commission to study our financial structure and make recommendations to me for needed changes.

In 1970, we are feeling the postponed pinch of the late sixties. If responsible policies had been followed then, the problems of 1970 would be much easier. But we cannot undo the errors of the past. We have no choice now but to correct them, and to avoid repeating them.

STRENGTHENING THE WORLD ECONOMY

The achievement of greater balance and stability in our own economy is also important for international finance and trade. The dollar is not only our currency; it provides the principal vehicle for world trade and payments. We are the world's largest exporter and importer, and instability in the United States—whether it involves inflation or recession—has unsettling effects on the world economy. Inflationary pressures arising in the United States have added to inflationary problems in other countries in recent years. The long inflation has also weakened our trading position. However, with the restraining of excessive demand in 1969, the deterioration in our trade balance has been arrested.

I am particularly gratified to note improvements in the international monetary scene during the past year with the introduction of Special Drawing Rights and with the realignment of several important currencies. In cooperation with other countries, we are actively investigating other ways to make the international monetary system more stable and orderly, and to give more attention to international coordination and synchronization in the management of domestic economic policies.

Although a high and rising level of international trade can add to the prosperity of the United States and other countries, imports from time to time may cause domestic dislocations. Since the gains from international trade are enjoyed by the country as a whole, it is appropriate that the costs of trade-associated dislocations be spread more evenly. The trade bill presented to the Congress in November contains practical adjustment assistance and escape-clause provisions that would soften the impact of import competition in cases where it harms our own workingmen. It also includes the repeal of the American selling price method of tariff evaluation, a step which is important in reducing the nontariff barriers to U.S. exports.

Trade is vital to the progress of the less developed countries of the world. With other industrialized nations, the United States is exploring ways of enabling less developed nations to participate more in the growing volume of international trade.

SEVEN BASIC PRINCIPLES

Since this is my first Economic Report, it is in order for me to set out the basic principles that will continue to guide the management of economic policy in my Administration:

First, *the integrity and purchasing power of the dollar must be assured.* To re-create confidence in a secure future,

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we must achieve that reasonable stability of the price level which has been so severely eroded since mid-1965. The unfairness of a steeply rising cost of living must not again be inflicted on this Nation.

Second, *our economic policy must continue to emphasize a high utilization of the Nation's productive resources.* We must maintain a vigorous and expanding economy to provide jobs for our growing labor force.

Third, *we must achieve a steadier and more evenhanded management of our economic policies.* Business and labor cannot plan, and consumers and homebuyers cannot effectively manage their affairs, when Government alternates between keeping first the accelerator and then the brake pedal to the floor.

Fourth, *Government must say what it means and mean what it says.* Economic credibility is the basis for confidence, and confidence in turn is the basis for an ongoing prosperity.

Fifth, *we must preserve and sustain the free market economy in order to raise the standard of living of every American.* The most basic improvement in our national life during the last three decades has come through the doubling of real purchasing power that our free competitive economy has delivered to the average American family. No Government programs during that period begin to approach this doubling of real income per family as a source of our improving economic well-being. Government now has both the ability and the duty to sustain a general climate for stability and growth, but it must do so in the firm conviction that only a free economy provides maximum scope for the knowledge, innovativeness, and creative powers of each individual.

Sixth, *we must involve the American people in setting goals and priorities by providing accurate, credible data on the long-range choices open to them, making possible much better informed public discussion about using the resources we will have in meeting the needs of the future.* The 1970 Annual Report of the Council of Economic Advisers is a long first step in that direction.

Finally, *the free economy of the future will rest squarely on the foundation of genuinely equal opportunity for all.* Some, because of race or national origin, find themselves situated far back of the starting line in our economy. Others by the happenstance of health, accidental injury, education, or economic background are unable to participate fully in our economic life; still others become casualties of obsolete skills. We are deeply committed to make a reality of the promise of an equal opportunity in life, so that the fruits of our economic progress and abundance will become available to all. The national conscience demands it, human dignity requires it, and our free and open economic system cannot be fully effective without it.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1970.*

EGG PRODUCTS INSPECTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 630, Senate bill 2116.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. S. 2116, to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. AIKEN. Mr. President, S. 2116 prohibits the distribution of unwholesome shell eggs or their use in food products, and provides for mandatory continuous inspection of egg products processing plants.

The bill would generally require plants processing egg products for interstate, foreign, or intrastate commerce to operate under continuous inspection of USDA, except those exempted by the Secretary of Agriculture.

The USDA inspected egg products would have to comply with the provisions of the bill concerning adulteration, pasteurization, and the labeling and packaging requirements to be prescribed by regulations under the bill.

The USDA would cooperate with States in administering such provisions and fully reimburse the States for their assistance.

The Secretary of Agriculture would be authorized to exempt egg products processing at plants where the facilities and operating procedures meet sanitary standards as may be prescribed by the Secretary, and where the eggs received or used by such plants meet the U.S. consumer grades for shell eggs.

The USDA would inspect such plants on a periodic basis, and they would also be subject to applicable local, State, and other Federal laws.

The bill also affects shell eggs by prohibiting producers, shell egg plant operators, and other persons from selling or offering for sale or otherwise distributing in interstate, foreign, or intrastate commerce any restricted eggs—that is, dirty, check, leaker, incubator reject, loss, or inedible—capable of use as human food, except as authorized by regulations of the Secretary, or as exempted by the Secretary.

The bill is designed to guarantee that consumers will receive wholesome eggs and egg products by controlling the use of restricted eggs and by continuing the grading of eggs.

Clean and sound shell eggs are not a public health problem but eggs classified as leakers, checks, dirties, inedible, loss, and incubator rejects are frequently carriers of salmonellae and other bacteria.

Salmonellosis is one of the major foodborne illnesses affecting man and the program authorized by S. 2116 should go far in removing this source of infection.

The cost of inspection, except for overtime and holiday work in official plants, would be borne by the United States, and would be about $5 million annually.

Mr. President, this bill was reported by the Committee on Agriculture and Forestry unanimously. There was virtually no objection to it.

I understand that the Senator from Minnesota (Mr. MONDALE) has an amendment which he proposes to offer. I have discussed this with him and also with the chairman of the committee. If the Senator will offer his amendment at this time, I shall be happy to accept it.

Mr. MONDALE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by the Senator from Minnesota is as follows:

On page 24, strike out lines 11, 12, and 13.

On page 24, line 14, strike out "(c)" and insert in lieu thereof "(b)".

Mr. AIKEN. Mr. President, the provision which the amendment would strike from the bill is only three lines long and was inserted as a sort of escape or contingency provision in the event that the Department of Agriculture found it desirable, later on, to utilize further exemptions to those already provided in the bill. I believe the best procedure now is to strike the proposed general exemption authority by agreeing to the amendment and then pass the bill.

Mr. MONDALE. Mr. President, as the sponsor of what, I believe, was the first egg inspection bill—S. 383, 90th Congress—I am glad to see that the Agriculture Committee has reported a bill which covers egg products.

The measure does not include mandatory inspection of shell eggs. I believe we will discover that some type of legislation is needed in this field as well. Since I am no longer a member of the Senate Agriculture Committee I am frank to confess that I have not had an opportunity to focus adequately on this problem area. I understand that the House of Representatives will be considering this problem and I would hope the conferees would be receptive to a broader bill if the House should enact one.

The committee bill does propose to deal with the very important area of processed eggs and I believe it is vital that we deal effectively with this inital area as the Congress earlier dealt with red meat and poultry.

The record is clear that egg products are among the leading sources of salmonellosis, one of the major foodborne illnesses affecting humans. And State activities to protect the consumer from this widespread, and sometimes fatal, illness are virtually nonexistent. In 1968, only 18 States had specific egg products laws and no State required continuous inspection.

Thus, it is very important to have a good, strong Federal program. At present, the voluntary Federal program fails to cover a substantial segment of the egg

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processing industry. I believe that S. 2116 would permit a good Federal program but, unfortunately, it would not assure it.

The problem is in the unprecedented grant of exemption authority which would be given to the Secretary of Agriculture. Section 15(a) of the bill—beginning on page 22—sets out a number of quite specific exemptions which the Secretary would be permitted to grant:

First, the sale or use of shell eggs which contain no more "restricted" eggs than are allowed by tolerances in the official consumer grade standards;

Second, egg processing at plants which use only consumer-grade eggs;

Third, sale of shell eggs by producers from their own flocks directly to household consumers;

Fourth, processing and sale of egg products by producers from their own flocks directly to household consumers; and

Fifth, sale of shell eggs by packers on their own premises directly to household consumers.

Mr. President, these are quite extensive exemption authorities. As the principal author of the Wholesome Meat Act of 1967 and as a cosponsor of the Wholesome Poultry Act of 1968, I can attest that these exemptions go beyond those in the other programs. For example, slaughtering of animals by an owner is exempt from the inspection provisions of the Meat Act only if the meat is to be used by the owner himself. But here we have exemptions which permit egg producers or packers to sell eggs which are not inspected.

What I must object to is the granting of a further exemption authority in section 15(b) which is so broad that the Department of Agriculture, itself, has described it as a "blanket" exemption authority. Under it, the Secretary may, by regulation, "provide other exemptions whenever he finds that such action will be consistent with effectuating the purposes of this act." These other exemptions are nowhere specified.

The legislative history surrounding this provision gives us no basis for confidence in its wise use. In its November 13, 1969, report to the committee on the bill, the Department made no reference to the provision. Not even in the detailed summary of the bill, which was attached to the report, did the Department mention this blank-check exemption power. Similarly, in testifying before the committee on November 14, Assistant Secretary Lyng gave no reasons for needing such unprecedented discretionary authority.

The Department finally commented on this provisio briefly in a statement filed with the committee, comparing S. 2116 with H.R. 14687, a comprehensive egg and egg products bill introduced in the House by Messrs. Purcell, Foley, and Smith of Iowa. On page 69 of the committee's hearings, on S. 2116, the Department stated, in part:

> We believe that this blanket exemption authority is constructive and should not be deleted. Many marketing and handling operations of shall eggs would be subject to national regulation for the first time. It is impossible to predict if certain other exemptions might be desirable and helpful within the purposes of the Act.

What other exemptions would be desirable and helpful? The Department does not tell us. I believe the Congress has not only the right, but the obligation, to find out before it gives the Department this kind of power.

In what appears to be a case of exemption overkill, the Department has another broad grant of authority in section 8(a)(1) of the bill—page 15. Here the sale of restricted eggs is prohibited "except as authorized by regulations of the Secretary" under conditions to assure that only wholesome eggs are used as food. Is not this general authority adequate to fill any gaps left in the five specific exemptions permitted under section 15(a)?

Perhaps there would be some justification for the blanket exemption authority if it were needed in the early months of the new program. There may well be some problem in applying all of the provisions of the act promptly. Under section 27, it is provided that the egg products program takes effect in only 6 months.

But the bill already protects the Department against any need for precipitate enforcement. Section 15(a)(6) authorizes the Secretary to defer initiation of the entire egg products inspection program "for such period of time during the initiation of operations" as he "determines that it is impracticable to provide inspection." So the blanket exemptions authority is not needed for getting the program started smoothly.

Here, too, the specific exemption authority which Congress would grant for the initiation period is far broader than in previous statutes. The comparable provision in the original poultry inspection program of 1957 was limited to 2 years. In both the Wholesale Meat and Poultry Acts of 1967 and 1968, the phase-in period for intrastate coverage was 2 years with a possible 1 year's extension.

Mr. President, what this boils down to is a case of quite understandable, bureaucratic interest in maximum administrative flexibility and convenience. But the Congress is being asked to sign a blank check simply because the Department of Agriculture finds it "impossible to predict" what other situations might lead it to grant additional exemptions.

I believe that Congress should not abdicate its responsibility for assuring adequate consumer protection in this important area by giving the Department such broad authority to reshape the program which we are enacting. I do not question the motives or the intentions of the Department. I do, however, question its judgment in seeking such unprecedented powers with so little explanation or justification.

I urge that section 15(b) be stricken from the bill.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. **AIKEN**. Mr. President, I send six amendments to the desk and ask that they be stated. They are strictly technical, as prepared by the staff of the Committee on Agriculture and Forestry. None of them in any way changes the meaning or the purpose of the bill.

The Bill Clerk. The Senator from Vermont (Mr. Aiken) proposes the following amendments:

On page 19, line 4, at the beginning of the line insert "EGGS AND".

On page 19, line 13, at the beginning of the line, insert "restricted".

On page 22, line 2, strike "1114" and insert "1112".

On page 22, after the word "Secretary" in line 5, and after the word "Secretary" in line 11, insert "of Agriculture or Secretary of Health, Education, and Welfare".

On page 25, line 8, after the word "processed" insert "under an approved continuous inspection system of the government of the foreign country of origin or subdivision thereof".

On page 33, line 8, after word "regulate" insert "official".

The **PRESIDING OFFICER**. Without objection, the amendments will be considered en bloc. And, without objection, the amendments are agreed to.

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **GRIFFIN**. Mr. President, I ask unanimous consent to have printed in the Record a statement by the Senator from Kansas (Mr. Dole) relating to the improvement of the quality of egg production.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR DOLE

In today's economy, we hear many success stories concerning business growth and production efficiencies. One of the leaders in these areas has been the poultry industry and its egg processors. This industry has developed efficient production methods and is now concerned with improving and guaranteeing the quality of its production. The industry indicated its interest in such self-improvement when Milton J. Chamberlain testified before the Committee on Agriculture and Forestry on S. 2116. Mr. Chamberlain represented the Institute of American Poultry Industries, the National Egg Council, and 16 other organizations representing statewide associations of egg and poultry producers.

I would submit my endorsement of S. 2116 in the words of Mr. Chamberlain from the text of his testimony before the committee:

"The bill is a sound and workable measure to provide for the inspection and regulation of eggs and egg products."

With such indication of cooperation from the industry involved, it seems apparent this will be a highly efficient working piece of legislation, providing new consumer protection at a minimal cost to the taxpayer.

I urge Senators to support the bill.

Mr. **AIKEN**. Mr. President, I might add one more thing. I have had an inquiry from the Senator from Hawaii (Mr. Fong) as to the effect of the bill on the importation of so-called thousand-year-old eggs.

I can assure the Senator from Hawaii that the pending bill will have no effect on thousand-year-old egg imports. I do

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not know just what kind of food product they are classified as now, but the pending bill does not affect them in any way.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2116

An Act to provide for the inspection of certain egg products by the United States Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Egg Products Inspection Act".

LEGISLATIVE FINDING

SEC. 2. Eggs and egg products are an important source of the Nation's total supply of food, and are used in food in various forms. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged egg products and certain qualities of eggs is injurious to the public welfare and destroys markets for wholesome, not adulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all egg products and the qualities of eggs which are regulated under this Act are either in interstate or foreign commerce, or substantially affect such commerce, and that regulation by the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, and cooperation by the States and other jurisdictions, as contemplated by this Act, are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of certain egg products, restrictions upon the disposition of certain qualities of eggs, and uniformity of standards for eggs, and otherwise regulate the processing and distribution of eggs and egg products as hereinafter prescribed to prevent the movement or sale for human food, of eggs and egg products which are adulterated or misbranded or otherwise in violation of this Act.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "adulterated" applies to any egg or egg product under one or more of the following circumstances—

(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (A) if it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided,* That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) if it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(b) The term "capable of use as human food" shall apply to any egg or egg product, unless it is denatured, or otherwise identified, as required by regulations prescribed by the Secretary to deter its use as human food.

(c) The term "commerce" means interstate, foreign, or intrastate commerce.

(d) The term "container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) The term "immediate container" means any consumer package; or any other container in which egg products, not consumer packaged, are packed.

(2) The term "shipping container" means any container used in packaging a product packed in an immediate container.

(e) The term "egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food.

(f) The term "egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(g) The term "egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.

(1) The term "check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) The term "clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) The term "dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(4) The term "incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) The term "inedible" means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) The term "leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) The term "loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) The term "restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(h) The term "Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

(i) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(j) The term "inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of this Act.

(k) The term "inspector" means:

(1) any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this Act; or

(2) any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products under the authority of this act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term "misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Secretary under section 7 of this Act.

(m) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person perfoming official functions under this Act.

(n) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

(o) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that egg products were inspected in accordance with this Act.

(p) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article under this Act.

(q) The term "official plant" means any plant, as determined by the Secretary, at which inspection of the processing of egg products is maintained by the Department of Agriculture under the authority of this Act.

(r) The term "official standards" means the standards of quality, grades, and weight classes for eggs, in effect upon the effective date of this Act, or as thereafter amended, under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621 et seq.).

(s) The term "pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable micro-organisms by such processes as may be prescribed by regulations of the Secretary.

(t) The term "person" means any individual, partnership, corporation, association, or other business unit.

(u) The terms "pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meaning for purposes of this Act as under the Federal Food Drug and Cosmetic Act.

(v) The term "plant" means any place of business where egg products are processed.

(w) The term "processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(x) The term "Secretary" means the Secretary of Agriculture or his delegate.

(y) The term "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

(z) The term "United States" means the States.

INSPECTION, REINSPECTION, CONDEMNATION

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any egg product which is capable of use as human food and is misbranded or adulterated, the Secretary shall, whenever processing operations are being conducted, cause continuous inspection to be made, in accordance with the regulations promulgated under this Act, of the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 15 of this Act. Without restricting the application of the preceding sentence to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of paragraph (a)(1) of section 15 of this Act in the preparation of any articles for human food shall be deemed to be a plant processing egg products, with respect to such operations.

(b) The Secretary, at any time, shall cause such retention, segregation, and reinspection as he deems necessary of eggs and egg products capable of use as human food in each official plant.

(c) Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided*, That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained, the eggs or egg products shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall cause such other inspections to be made of the business premises, facilities, inventory, operations, and records of egg handlers, and the records and inventory of other persons required to keep records under section 11 of this Act, as he deems appropriate to assure that only eggs fit for human food are used for such purpose, and otherwise to assure compliance by egg handlers and other persons with the requirements of section 8 of this Act, except that the Secretary of Health, Education, and Welfare shall cause such inspections to be made as he deems appropriate to assure compliance with such requirements at food manufacturing establishments, institutions, and restaurants, other than plants processing egg products. Representatives of said Secretaries shall be afforded access to all such places of business for purposes of making the inspections provided for in this Act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. (a) Each official plant shall be operated in accordance with such sanitary practices and shall have such premises, facilities, and equipment as are required by regulations promulgated by the Secretary to effectuate the purposes of this Act, including requirements for segregation and disposition of restricted eggs.

(b) The Secretary shall refuse to render inspection to any plant whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

PASTEURIZATION AND LABELING OF EGG PRODUCTS AT OFFICIAL PLANTS

SEC. 7. (a) Egg products inspected at any official plant under the authority of this Act and found to be not adulterated shall be pasteurized before they leave the official plant, except as otherwise permitted by regulations of the Secretary, and shall at the time they leave the official plant, bear in distinctly legible form on their shipping containers or immediate containers, or both, when required by regulations of the Secretary, the official inspection legend and official plant number, of the plant where the products were processed, and such other information as the Secretary may require by regulations to describe the products adequately and to assure that they will not have false or misleading labeling.

(b) No labeling or container shall be used for egg products at official plants if it is false or misleading or has not been approved as required by the regulations of the Secretary. If the Secretary has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the labeling or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States court of appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. (a)(1) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in any business in commerce any restricted eggs, capable of use as human food, except as authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(2) No egg handler shall possess with intent to use, or use, any restricted eggs in the preparation of human food for commerce except that such eggs may be so possessed and used when authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(b)(1) No person shall process any egg products for commerce at any plant except in compliance with the requirements of this Act.

(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in commerce any egg products required to be inspected under this Act unless they have been so inspected and are labeled and packaged in accordance with the requirements of section 7 of this Act.

(3) No operator of any official plant shall fail to comply with any requirements of paragraph (a) of section 6 of this Act or the regulations thereunder.

(4) No operator of any official plant shall allow any egg products to be moved from such plant if they are adulterated or misbranded and capable of use as human food.

(c) No person shall violate any provision of section 10, 11, or 17 of this Act.

(d) No person shall—

(1) manufacture, cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary;

(2) forge, or alter any official device, mark, or certificate;

(3) without authorization from the Secretary, use any official device, mark, or certificate, or simulation thereof, or detach, deface, or destroy any official device or mark; or use any labeling or container ordered to be withheld from use under section 7 of this Act after final judicial affirmance of such order or expiration of the time for appeal if no appeal is taken under said section.

(4) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(5) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label, or any eggs or egg products bearing any counterfeit, simulated, forged, or improperly altered official mark;

(6) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary;

(7) knowingly represent that any article has been inspected or exempted, under this

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Act, when, in fact, it has, respectively, not been so inspected or exempted;

(8) refuse access, at any reasonable time, to any representative of the Secretary of Agriculture or the Secretary of Health, Education, and Welfare, to any plant or other place of business subject to inspection under any provisions of this Act.

(e) No person, while an official or employee of the United States Government or any State or local governmental agency, or thereafter, shall use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in a judicial proceeding, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

FEDERAL AND STATE COOPERATION

SEC. 9. The Secretray shall, whenever he determines that it would effectuate the purposes of this Act, cooperate with appropriate State and other governmental agencies, in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the costs incurred by them in such cooperative programs.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

SEC. 10. Inspection shall not be provided under this Act at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any restricted eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary.

RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF EGGS AND EGG PRODUCTS AND RELATED INDUSTRIES

SEC. 11. For the purpose of enforcing the provisions of this Act and the regulations promulgated thereunder, all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain such records showing, for such time and in such form and manner, as the Secretary of Agriculture or the Secretary of Health, Education, and Welfare may prescribe, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of a duly authorized representative of either of said Secretaries, permit him at reasonable times to have access to and to copy all such records.

PENALTIES

SEC. 12. (a) Any person who commits any offense prohibited by section 8 of this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both such imprisonment and fine, but if such violation involves intent to defraud, or any distribution or attempted distribution of any article that is known to be adulterated (except as defined in section 4(a)(8) of this Act), such person shall be subject to imprisonment for not more than three years or a fine of not more than $10,000, or both. When construing or enforcing the provisions of section 8, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier or warehouseman shall be subject to the penalties of this Act, other than the penalties for violation of section 11 of this Act or paragraph (c) of this section 12, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this Act, or unless the carrier or warehouseman refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1112 of title 18, United States Code.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary of Agriculture or Secretary of Health, Education, and Welfare to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary of Agriculture or Secretary of Health, Education, and Welfare to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice of warning.

REGULATIONS AND ADMINISTRATION

SEC. 14. The Secretary shall promulgate such rules and regulations as he deems necessary to carry out the purposes or provisions of this Act, and shall be responsible for the administration and enforcement of this Act except as otherwise provided in paragraph (d) of section 5 of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) the sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerances in the official standards of United States consumer grades for shell eggs;

(2) the processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the Secretary, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of United States consumer grades for shell eggs, and the egg products processed at such plant;

(3) the sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(4) The processing of egg products by any poultry producer from eggs of his own flocks' production for sale of such products directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the egg products so processed when handled in accordance with this paragraph;

(5) the sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph; and

(6) for such period of time during the initiation of operations under this Act as the Secretary determines that it is impracticable to provide inspection, the processing of egg products at any class of plants and the egg products processed at such plants.

(b) The Secretary may immediately suspend or terminate any exemption under paragraph (a) (2) or (6) of this section at any time with respect to any person, if the conditions of exemption prescribed by this section or the regulations of the Secretary are not being met. The Secretary may modify or revoke any regulation granting exemption under this Act whenever he deems such action appropriate to effectuate the purposes of this Act.

ENTRY OF MATERIALS INTO OFFICIAL PLANTS

SEC. 16. The Secretary may limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles into such plants will be consistent with the purposes of this Act.

IMPORTS

SEC. 17. (a) No restricted eggs capable of use as human food shall be imported into the United States except as authorized by regulations of the Secretary. No egg products capable of use as human food shall be imported into the United States unless they were processed under an approved continuous inspection system of the government of the foreign country of origin or subdivision thereof and are labeled and packaged in accordance with, and otherwise comply with the standards of this Act and regulations issued thereunder applicable to such articles within the United States. All such imported articles shall upon entry into the United States be deemed and treated as domestic articles subject to the other provisions of this Act: *Provided,* That they shall be labeled as required by such regulations for imported articles: *Provided further,* That nothing in this section shall apply to eggs or egg products purchased outside the United States by any individual for consumption by him and members of his hoousehold and his nonpaying guests and employees.

(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary or (2) in the case of articles which are not in compliance solely because of misbranding, such articles are brought into compliance with this Act under supervision of authorized representatives of the Secretary.

(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

(d) The importation of any article contrary to this section is prohibited.

REFUSAL OF INSPECTION

SEC. 18. The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may refuse to provide or may withdraw inspection service under this Act with respect to any plant if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this Act, because the applicant or recipient or anyone responsibly connected with the applicant or recipient has been convicted in any Federal or State court, within the previous ten years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or employee in a managerial or executive capacity.

The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States court of appeals for the circuit in which such applicant or recipient has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section.

This section shall not affect in any way other provisions of this Act for refusal of inspection services.

ADMINISTRATIVE DETENTION

SEC. 19. Whenever any eggs or egg products subject to the Act, are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of this Act or that they are in any other way in violation of this Act, or whenever any restricted eggs capable of use as human food, are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary, such articles may be detained by such representative for a reasonable period but not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such articles and shall not be moved by any person from the place at which they are located when so detained until released by such representative. All official marks may be required by such representative to be removed from such articles before they are released unless it appears to the satisfaction of the Secretary that the articles are eligible to retain such marks.

JUDICIAL SEIZURE PROCEEDINGS

SEC. 20. (a) Any eggs or egg products that are or have been processed, bought, sold possessed, used, transported, or offered or received for sale or transportation, in violation of this Act, or in any other way are in violation of this Act; and any restricted eggs, capable of use as human food, in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary; shall be liable to be proceeded against and seized and condemned, at any time, on a complaint in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the articles are found. If the articles are condemned they shall, after entry of a decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the articles shall not be sold contrary to the provision of this Act, the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which they are sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which disposal is made, the court may direct that they be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the articles and they are released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant thereof. The proceedings in such cases shall conform, as nearly as may be, to the supplemental rules for certain admiralty and maritime claims, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

JURISDICTION

SEC. 21. The United States district courts and the District Court of the Virgin Islands are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other cases, arising under this Act, except as provided in section 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

APPLICABILITY OF OTHER ACTS

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(l) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(l)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

RELATION TO OTHER AUTHORITIES

SEC. 23. (a) Requirements within the scope of this Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this Act may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 11 of this Act, if consistent therewith, with respect to any such plant.

(b) For eggs which have moved or are moving in interstate or foreign commerce, no State or local jurisdiction may (1) require the use of standards of quality, condition, quantity or grade which are in addition to or different than the official standards, or (2) require labeling to show the State or other geographical area of production or origin. Labeling, packaging, or ingredient requirements, in addition to or different than those made under this Act, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, may not be imposed by any State or local jurisdiction, with respect to egg products processed at any official plant in accordance with the requirements under such Acts. However, any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of such a plant and are in violation of any of said Federal Acts or any State or local law consistent therewith. Otherwise the provisions of this Act shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this Act.

(c) The provisions of this Act shall not affect the applicability of the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act or other Federal laws to eggs, egg products, or other food products or diminish any authority conferred on the Secretary of Health, Education, and Welfare or other Federal officials by such other laws, except that the Secretary of Agriculture shall have exclusive jurisdiction to regulate official plants processing egg products and operations thereof as to all matters within the scope of this Act.

(d) The detainer authority conferred on representatives of the Secretary of Agriculture by section 19 of this Act shall also apply to any authorized representative of the Secretary of Health, Education, and Welfare for the purposes of paragraph (d) of section 5 of this Act, with respect to any eggs or egg products that are outside any plant processing egg products.

COST OF INSPECTION

SEC. 24. The cost of inspection rendered under the requirements of this Act, and other costs of administration of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act.

APPROPRIATIONS

SEC. 25. Such sums as are necessary to carry out the provisions of this Act are hereby authorized to be appropriated.

SEPARABILITY OF PROVISIONS

SEC. 26. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

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EFFECTIVE DAY

SEC. 27. The provisions of this Act with respect to egg products shall take effect six months after enactment. Otherwise, this Act shall take effect eighteen months after enactment.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET FOR FISCAL 1971

Mr. MANSFIELD. Mr. President, the President has submitted his budget for fiscal 1971 to the Congress; the days ahead will provide an opportunity for us to consider the emphasis of this administration in the allocation of the Federal resources. Last Friday the minority leader and I exchanged some comments with respect to a newspaper story on defense spending. A very cursory look at the requests of the administration—cursory only because of the limited time available since receiving it—indicates that the requests for defense spending this coming year—1971—will be significantly less than requested last year. However, the new budget requests for defense spending will exceed what the Congress appropriated last year by $300 million if you include defense, $69.3 billion; military construction, $1.4 billion; and military assistance, $454 million, for a total of $71.1 billion. This compares with last year's appropriations totals of $70.8 billion for all three categories, which I think is a significant advance.

Last year, the Nixon administration requested $75.2 billion for defense spending authority exclusive of military construction and military assistance. The Congress appropriated $69.6 billion. The Congress cut the administration's request by $5.6 billion. This year, the administration has requested $69.3 billion. I am hopeful that the Congress will study these requests and adjudge that a similarly large cut may be made this coming fiscal year.

Last year, the Congress cut the military assistance request of the administration by $75 million—limiting it to $350 million. It is not encouraging to see that the new budget requests for military assistance in the foreign aid program has risen $104 million over last year's future to $454 million.

It is not encouraging to note that the new budget authority for military construction is almost $500 million over last year's requests. I think Congress will scrutinize these aspects very closely. Increases will be well justified prior to appropriations by Congress.

The budget does not specify how much of the reduced requests is attributable to reduced spending in Vietnam. It is safe to assume that all or most is. This is most welcome. We can look forward to the day when it is completely eliminated. Any reductions in defense budgeting, however, must be viewed in this context of where spending is reduced and what spending remains.

The personnel level for 1971 is estimated to be 150,000 men less than 1970. This would be a saving of almost $1.5 billion alone.

The funding levels for other programs; for example, procurement and construction of new weapons systems, do not reflect a significant change. In fact, this budget contains "seed" money for many systems that will cost tens of billions in the future years if the initial commitment is made this year.

The expanded ABM will cost in the tens of billions—the money in this year's budget for the expansion is less than $1 billion.

Similar commitments would be made with very small amounts of money this year for programs like the F-14 fighter for the Navy; the F-15 fighter for the Air Force; the AMSA bomber; the AWACS air defense system.

The Defense budget must be viewed in the context of its full impact over the years ahead not just this year. Under the previous administration, my administration, we were just as guilty then as perhaps this administration may be now in getting our noses inside the tent, and the first thing you know the camel is in there taking down the tent and all.

It is encouraging to see the total amount shrink but sometimes these shrinkages prove to be illusory, especially when one considers what will happen in the years ahead. Therefore, a close scrutiny must be made of the budget in all its aspects to assure that the momentum of the past has truly been reversed.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield to the acting minority leader.

Mr. GRIFFIN. Mr. President, I wish to add that I agree with the majority leader most wholeheartedly in his observation that a close scrutiny must be made of the budget by Congress—as was the case in the last session.

With respect to some of the other comments made by the distinguished majority leader I shall not take issue with the figures and statistics which he cites. If there are any questions concerning the Senator's earlier colloquy which he had with the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), I shall leave that to the distinguished minority leader.

While all of us realize the cost of government is on the increase, the cost of salaries alone in both the military and civilian aspects of government has been going up rather dramatically. It is most encouraging to me, as I indicated earlier in remarks, that the percentages of spending provided for in the budget have been reordered. As I indicated before, in 1961, 48 percent of the total budget was going for national defense spending, whereas in the fiscal 1971 budget, only 37 percent of the total budget is going for defense spending. That is not to say we are not spending more; we are. But percentagewise, the percentage allocated for defense spending has been reduced dramatically.

At the same time, the allocation of spending for human resources has been going up. In 1961, only 30 percent of the national budget was going for human programs and human resources; today such programs receive 41 percent. That is very encouraging.

To give some idea of the fact that we are cutting back on defense spending, I need only cite the statement made by Defense Secretary Laird not so long ago that the cuts already made and to be made in defense spending are going to reduce military and defense jobs by 1,250,000 workers. Those who ask for cuts in defense spending—and they should be made wherever justified—should remember that when we cut back on defense spending we cut back on jobs. If 1,250,000 workers lose their jobs as a result of defense cuts, that is a pretty dramatic indication that cuts are being made.

I do not like to see increases made in any part of the foreign aid program, but increases in our military assistance program can help our allies help themselves. Such aid would be consistent with the Nixon doctrine that we are not going to be so quick to send our troops into foreign lands but that we are going to help other nations in the free world help themselves.

Accordingly, it may well be that when we scrutinize that particular item, increasing the military assistance we give other nations so they can defend themselves may be consistent with present and future cuts in our own defense spending.

I appreciate the general tenor of the majority leader's statement, and there may be further colloquy with respect to it at a later point.

Mr. MANSFIELD. May I say the President is to be commended for reducing the budget request this year considerably from last year; but may I say also, and I say this most emphatically, the Congress is to be commended for reducing the overall budget request last year by the amount of $7.5 billion for this fiscal year and the defense requests alone by $5.6 billion. Going into next fiscal year Congress cut the Defense budget by $1.5 billion. So I think with the administration and Congress working together we can make a very effective combination in reducing expenditures and in cutting appropriations; and I only hope the tandem relationship which worked so well last year will continue to work in the next fiscal year.

Mr. GRIFFIN. Mr. President, will the Senator yield for a further observation?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I do not like to be unduly argumentative, but there is this debate that has been going on about whether Congress cut the President's budget and how much. I want to keep the record clear that the President himself revised his own budget. When we talk in terms of Congress cutting the budget, Congress cut it as originally submitted in April, but the President himself revised it, particularly in the area of defense, which leaves a different story.

Mr. MANSFIELD. Oh, no. I think it confirms what I have been stating. What the acting minority leader is saying is that President Nixon periodically submitted revisions to the budget submitted by his predecessor, President Johnson. By the end of the year when the last request of President Nixon arrived—last November I believe—the total of his request was lower than the Johnson budget. I commend him for that. I am saying that we, in turn, cut President Nixon's requests. To give the exact figure, in the field of defense it was a $5,604,275,766 reduction. That congressional reduction was beyond the reduction President Nixon had made from the original Johnson request. At the same time for fiscal year 1971, Congress reduced fiscal expenditures below the President's budget request by $1.437 billion or for a grand total of something in excess of $7 billion.

This is something which Congress did and I think we should take full credit for it. We pat ourselves on the back, and realize that as a coordinate and equal branch of government we have faced up to our responsibility. I think we have performed respectfully and responsibly.

Mr. GRIFFIN. I am sure this argument is going to go on.

Mr. MANSFIELD. There is no argument. The figures speak for themselves.

Mr. GRIFFIN. I refer to the report of the Committee on Joint Expenditures of which the distinguished Democrat from Texas (Mr. MAHON) is chairman, which indicated Congress did not cut below the budget expenditures but, indeed, appropriated more; and also to say again a very important thing, and that is that President Nixon found it necessary later, after his original budget which cut President Johnson's budget, to revise his own budget again. So it depends on which one of those budget figures we want to make comparisons with.

Mr. MANSFIELD. I am just giving the facts and figures; and it is hard for me to understand why a Senator would not be willing to take credit for what this body did, regardless of party. I think it is something to crow about, something to show to the people. I think that especially in view of the financial situation, Congress acted responsibly in cutting the budget request; and we have done it for every President down through the years. I only hope this policy continues and that, together with the administration downtown, we will be able to make further cuts in expenditures and that we will be able to make further cuts in appropriations.

Mr. SCOTT subsequently said: Mr. President, for the first time in two decades, the budget for fiscal 1971 allocates more spending for the public welfare than for the national defense—a credit to President Nixon's planning and the manner in which he has conducted the office since his inauguration.

This budget is designed to return the economy to a path of noninflationary growth after a 4-year deficit of $39 billion and after an almost 6-percent rise in consumer prices in calendar 1969, the President has moved to establish a fiscal policy designed to cool inflation without subjecting the country to a recession.

I heartily support the President in his budgetary requests.

ADDITIONAL CALIFORNIANS KILLED IN VIETNAM

Mr. CRANSTON. Mr. President, between Friday, January 16, 1970, and Thursday, January 29, 1970, the Pentagon has notified 11 more California families of the death of a loved one in Vietnam.

Those killed were:

Sgt. Daniel E. Eckenrode, son of Mr. and Mrs. Warren J. Eckenrode, of Downey.

Pvt. Terence J. Folsom, husband of Mrs. Lindo M. Folsom, of Rancho Cordova.

Pfc. Frank D. Hammond, son of Mr. and Mrs. Orvin S. Hammond, of Ceres.

Sp4c. Henry C. Klinger, son of Mr. and Mrs. Clarence E. Benbrook, of Saugus.

Pfc. Robert M. Mildner, son of Mr. and Mrs. Theodore J. Mildner, of Santa Ana.

Electrician's Mate James C. Mitchell, Jr., husband of Mrs. Rita L. Mitchell, of San Pedro.

Pfc. Edward T. Reyes, son of Mr. and Mrs. Thomas J. Reyes, of San Leandro.

Sp4c. Oscar F. Rodriquez, son of Mr. and Mrs. Samuel O. Rodriquez, of Los Angeles.

Sp4c. Victor B. Stribling, son of Vera L. Stribling, of Los Angeles.

Pfc. Dennis C. Ward, husband of Mrs. Teresa M. Ward, of Whittier.

Sgt. Floyd M. Wimer, son of Mr. Floyd R. Wimer, of Tulare.

They bring to 3.394 the total number of Californians killed in the Vietnam war.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE SELECTIVE SERVICE SYSTEM

A letter from the Director, Selective Service System, transmitting, pursuant to law, a report for the period January 1, 1969, through June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION CREDITING PRIOR ACTIVE COMMISSIONED SERVICE IN ANY ARMED FORCE TO OFFICERS APPOINTED IN THE REGULAR ARMY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 3287 of title 10, United States Code, to authorize the crediting of prior active commissioned service in any Armed force to officers appointed in the Regular Army (with an accompanying paper); to the Committee on Armed Services.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the vice president and general manager, the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a report on receipts and expenditures of the company for the year 1969 (with an accompanying report); to the Committee on the District of Columbia.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE AMERICAN ACADEMY OF ARTS AND LETTERS

A letter from the Assistant to the President, The American Academy of Arts and Letters, transmitting, pursuant to law, a report of the Academy for the year 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE COASTAL PLAINS REGIONAL COMMISSION

A letter from the Federal Cochairman, Coastal Plains Regional Commission, transmitting, pursuant to law, a report of the Commission for fiscal year 1969 (with an accompanying report); to the Committee on Public Works.

1970 NATIONAL HIGHWAY NEEDS REPORT

A letter from the Secretary of Transportation, transmitting, pursuant to law, the 1970 National Highway Needs Report, dated December 1969 (with an accompanying report); to the Committee on Public Works.

REPORT OF THE OZARKS REGIONAL COMMISSION

A letter from the Federal Cochairman, transmitting, pursuant to law, a report of the Commission, for the year ended December 31, 1969 (with an accompanying report); to the Committee on Public Works.

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PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Kentucky House of Representatives; to the Committee on Agriculture and Forestry:

"HOUSE RESOLUTION 10

"A concurrent resolution endorsing federal price supports for burley tobacco.

"Whereas, burley tobacco is a significant segment of the total agricultural product of the commonwealth; and

"Whereas, many thousands of citizens of the commonwealth depend upon this crop for their livelihood; and

"Whereas, members of the Kentucky delegation to the Congress of the United States have expressed strong and firm support for the continuation of federal assistance to the burley tobacco farmer by way of price supports;

"Now, therefore, Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

"Section 1. That this General Assembly concurs in the position of the Kentucky delegation to the Congress of the United States which strongly endorses continuation of federal price supports for burley tobacco.

"Section 2. The clerk of the House of Representatives shall send attested copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each Senator and Representative representing Kentucky in these bodies.

"Attested:

"JOHN W. GREENE,
"Chief Clerk."

A resolution of the House of Representatives, Commonwealth of Puerto Rico; to the Committee on Finance:

"Resolution To Express the Concern of the House of Representatives Before the Changes To Take Place in the Petroleum Import Quota System

"STATEMENT OF MOTIVES

"Whereas, the Special Committee of the President of the United States on the petroleum industry has rendered a report to the White House, containing recommendations directed toward establishing possible modifications in the present import quota system of the petroleum industry;

"Whereas, it has been proposed that the present import quota system be changed to one that imposes tariffs on the imported petroleum;

"Whereas, the petrochemical industry of Puerto Rico has been established and developed on the basis of the quotas import system of petroleum;

"Whereas, this basic industry has afforded grounds to numerous other subsidiary industries, aiding in the creation of thousands of work opportunities for the Puerto Rican workers and said industry is contributing toward the development and promotion of a sector considerably important in the Puerto Rican economy;

"Whereas, any drastic changes established in the supply system of petroleum for the petrochemical complex of Puerto Rico might seriously affect the stability of this industry and the sources of work thereby provided;

"Whereas, the Honorable Governor of Puerto Rico made known in his message the efforts he is undertaking with the present administration in Washington in connection with the petroleum imports in Puerto Rico;

"Whereas, the House of Representatives, in harmony with the efforts of the Honorable Governor, wishes to express its concern for the future of the petrochemical industry in Puerto Rico.

"Therefore, be it resolved by the House of Representatives of the Commonwealth of Puerto Rico:

"1. To express, as it is hereby expressed, the profound concern of this House of Representatives before the possibility of modifying in an adverse manner to the economy of Puerto Rico the petroleum import quota system;

"2. To respectfully request from the President of the United States that the proper foresight be taken into account so as to protect the important petrochemical industry in Puerto Rico, should the present supply system of imported petroleum be changed;

"3. That copy of this Resolution be sent by the Secretary of the House of Representatives to the Honorable President of the United States, Richard M. Nixon, to the Secretaries of the Interior and Commerce of the United States, to the Speaker of the House, and to the President of the Senate of the Congress of the United States, to the Resident Commissioner of Puerto Rico in Washington and to the press, radio and television of the country.

"And to transmit to the Honorable President of the Senate of the United States, I sign and seal these presents at my office in the Capitol, San Juan, Puerto Rico, this 16th day of January of the year 1970.

"Pedro Torres Díaz,
"Secretary."

A resolution adopted by the Veterans of Foreign Wars of the United States, Department of Maryland, Baltimore, Md., praying for the enactment of legislation to establish a national cemetery adjacent to Manassas Battlefield Park or a suitable location in the Washington Metropolitan area; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Allied Council of New Jersey Veterans Organizations, praying for the enactment of legislation relating to educational benefits for certain veterans; to the Committee on Labor and Public Welfare.

A resolution adopted by the Allied Council of New Jersey Veterans Organizations, praying for the creation of a separate permanent Veterans Committee in the U.S. Senate; to the Committee on Rules and Administration.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURPHY:

S. 3362. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 3363. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California; to the Committee on Interior and Insular Affairs, by unanimous consent.

(The remarks by Mr. Murphy when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. HOLLAND:

S. 3364. A bill for the relief of Dr. Jorge Raul Jose Bruno Martorell y Fernandez (Jorge R. Martorell); to the Committee on the Judiciary.

By Mr. TOWER:

S. 3365. A bill for the relief of Luis C. Guerrero, Gaudelupe Guerrero, and Alfredo Guerrero; to the Committee on the Judiciary.

By Mr. FONG (for himself and Mr. Inouye):

S. 3366. A bill to make banks in American Samoa eligible for Federal deposit insurance under the Federal Deposit Insurance Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. STENNIS (for himself and Mrs. Smith of Maine) (by request):

S. 3367. A bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test and evaluation for the armed forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the armed forces, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Stennis when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MURPHY (for himself and Mr. Cranston):

S. 3368. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce; to the Committee on Finance, by unanimous consent.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3362, S. 3363, SENATE RESOLUTION 349, AND SENATE RESOLUTION 350—INTRODUCTION OF BILLS AND SUBMISSION OF RESOLUTIONS RELATING TO TITLE TO CERTAIN LANDS IN THE STATE OF CALIFORNIA

Mr. MURPHY. Mr. President, on March 4, April 29, and May 20, 1969, I introduced a series of bills in behalf of various persons who claim certain lands along the Colorado River. These bills were all referred to the Senate Committee on Interior and Insular Affairs. With each bill I also submitted a corresponding resolution calling for the bills to be referred for consideration to the Court of Claims in accordance with the applicable section of the law. Since the resolutions pertained directly to the bills, I sought and obtained the unanimous consent of this body on each occasion to have the resolutions referred to the Senate Committee on Interior and Insular Affairs, too, as the bills had been.

I now introduce two bills similar to the ones I offered last year and submit two corresponding resolutions, and I ask unanimous consent that the bills and resolutions be referred to the Senate Committee on Interior and Insular Affairs for consideration.

The PRESIDING OFFICER. The bills and resolutions will be received; and, without objection will be referred to the Committee on Interior and Insular Affairs, as requested by the Senator from California.

The bills, introduced by Mr. Murphy, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 3362. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 3363. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California.

The resolutions, submitted by Mr. Murphy, which read as follows, were referred to the Committee on Interior and Insular Affairs:

S. Res. 349

Whereas, there is pending in the Senate of the United States a bill designated as S. 3362 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California, unto Claude S. Gossett and Katherine May Gossett.

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to Section 1492 of Title 28 of the U.S. Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. Res. 350

Whereas, there is pending in the Senate of the United States a bill designated as S. 3363 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California, unto Elmer A. Wold and Hazel R. Wold, husband and wife.

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to Section 1492 of Title 28 of the U.S. Code, a trial Commissioner to

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proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. 3367—INTRODUCTION OF A BILL AUTHORIZING APPROPRIATIONS DURING THE FISCAL YEAR 1971 FOR MILITARY PROCUREMENT

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, for appropriate reference, a bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter of transmittal will be printed in the RECORD.

The bill (S. 3367) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, introduced by Mr. STENNIS, for himself and Mrs. SMITH of Maine, by request, was received, read twice by its title and referred to the Committee on Armed Services.

The letter presented by Mr. STENNIS is as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation to authorize appropriations during fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the armed forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the armed forces, and for other purposes. This proposal is a part of the Department of Defense legislative program for the 91st Congress, and the Bureau of the Budget has advised that enactment of the proposal would be in accord with the program of the President.

This proposal is identical in form to the provisions of Public Law 91-121, approved November 19, 1969, providing authorizations for appropriations as required pursuant to section 412(b), Public Law 86-149, as amended.

This proposal would provide for authorization of appropriations as needed for procurement in each of the categories of aircraft, missiles, naval vessels, and tracked combat vehicles for each of the military departments in an amount equal to the appropriations being requested for such purposes in the President's budget for fiscal year 1971. For the first time there is also included authorization of appropriation for other weapons as required by language amending section 412 (b) by section 405 of P.L. 91-121 in amounts included in the budget for fiscal year 1971. In addition, the proposal would provide fund authorization in amounts equal to the appropriations included in the President's budget for fiscal year 1971 in total for each of the research, development, test, and evaluation appropriations for the military departments and the defense agencies. Appropriations are also authorized for the Emergency Fund for research, development, test, and evaluation or procurement or production for the Department of Defense.

Title III of the proposal provides for the personnel strengths of the Selected Reserve of each reserve component of the armed forces in the number provided for by appropriations requested for these components in the President's budget for fiscal year 1971.

The proposal would also continue for fiscal year 1971 the authority now contained in section 401(a) of P.L. 89-367, as amended, for appropriations of the Department of Defense to be made available for the support of the (1) Vietnamese and other Free World Forces in Vietnam, and (2) local forces in Laos and Thailand.

As in the past, this section constitutes the authority for the inclusion in the President's budget estimates for appropriations of Department of Defense for fiscal year 1971 of the amounts to cover known requirements for the support of Vietnamese and other Free World Forces in Vietnam as well as for support of local forces in Laos and Thailand.

In addition, under the authority of this section a request for a special appropriation entitled "Combat Readiness, South Vietnamese Forces" has been included in the President's budget for fiscal year 1971. The special appropriation is in the amount of $300 million together with authority to transfer between appropriations for the Department of Defense of $150 million, such funds and authority to be utilized only upon the determination by the President that such action is necessary and with his approval.

The specific requirements to support the most effective program for transfer of combat responsibility to the forces of South Vietnam are being developed. The current studies are designed to develop forces, equipment, and support requirements covering accelerated Vietnamization of the conflict. These funds and the authority will be utilized only as and when needed for this purpose and will enable prompt action to accelerate Vietnamization when the requirements are finalized.

The reporting requirements of subsection (b) of section 401 cited above would be equally applicable to the support furnished Laos and Thailand under this amendment.

As in the past, top civilian and military officials of the Department of Defense will be prepared to make presentations explaining and justifying their respective programs and additionally the Department of Defense will be prepared to submit any other data required by the committee or their staffs.

Sincerely,

MELVIN R. LAIRD.

S. 3368—INTRODUCTION OF THE INTERSTATE SALES AND USE TAX ACT

Mr. MURPHY. Mr. President, I introduce, for appropriate reference, a bill to provide a uniform system for the application of State and local sales and use taxes to transactions in interstate commerce. Its title is "The Interstate Sales and Use Tax Act." The measure is cosponsored by my colleague, Senator CRANSTON.

My purpose in introducing this bill is simple and direct. I desire to focus attention on the basic issues involved in the application of State and local sales and use taxes to interstate business and to provide an opportunity for the consideration and debate of these issues on their merits.

A review of the course of developments since the Congress first directed, in 1961, that a study be made of interstate sales and use taxes, shows that there are two points which stand out boldly. One is that it has been a mistake to attempt to resolve all interstate tax problems in a single omnibus bill which would prescribe interrelated rules and guidelines for a number of taxes that are, in fact, unrelated.

The second point is that in this same period there have been a number of significant sales and use tax developments, the practical effect of which has been to render irrelevant much of the previous testimony in support of Federal legislation in this field. This is particularly true, for example, of the extended testimony dealing with catalog and mail-order sales, which has since been dealt with by the Supreme Court.

Since the first interstate taxation bill was introduced in 1965, national and local businessmen, economists and university experts in public finance, in addition to State and local tax officials, have been critical of the failure to distinguish basic differences in jurisdictional rules applicable to sales and use taxes from those applicable to the corporation income tax. The outstanding example of this confusion of rules and standards in all of the interstate taxation bills currently pending in the Committee on Finance has been the attempt to apply the principle of Public Law 86-272 to the collection of sales and use taxes.

The purpose of that law is to reduce the tax compliance burden on interstate sellers by simplifying the allocation of income among States. This is achieved by precluding the apportionment of income for net income tax purposes by any State in which a multistate seller does no more than solicit orders for acceptance at and shipment from an out-of-State point. No matter what the merits of Public Law 86-272 are for corporation income tax purposes, its application to sales and use taxes would have disastrous consequences.

If the principles of Public Law 86-272 were applied to sales and use taxes, the multistate seller would be free of tax obligations even though he maintains an unlimited number of salesmen in a State,

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so long as he had no place of business in that State and the orders taken were filled by shipments from outside the State. The tax loss to State and local governments, at rates of 5 percent or more in many States, would be substantial. Of even greater concern is the very significant competitive advantage that would be granted to out-of-State sellers over local retailers. This tax advantage would lead to further penetration of local markets by the vendors given such tax immunity.

A different situation exists in the application of Public Law 86–272 to income taxes. The tax loss to any State is measured by net income from sales. Discrimination against local business is therefore less significant.

Beneficiaries of the proposed immunity from collection of sales and use taxes will include many very large multistate businesses. For example, a full-page advertisement appearing in the July 1969 issue of Fortune states that for the 15th consecutive year the advertiser is the world's largest direct seller of fashion jewelry and that every 12 seconds of every working day a home jewelry show of its products is held somewhere in the United States. With little or no adjustment of sales methods, sales by this company would be immune from sales or use tax collection in virtually every State if the principles of Public Law 86–272 are applied to sales and use taxes. It would obviously be impossible for any State to collect the use tax due from each of the customers of this company.

To further illustrate the fiscal and competitive consequences if Congress were to extend the principle of Public Law 86–272 to sales and use taxes, I submit an exhibit compiled from the records of the California State Board of Equalization. It shows the type of business activities engaged in by some of the companies that would be exonerated from responsibility for collection of sales and use taxes. These 22 companies annually make over $37 million of sales through solicitation by sales representatives within California. Nationwide, their sales run into hundreds of millions of dollars a year.

I propose to provide the Congress, businessmen, consumers, and State tax officials alike with the opportunity to consider a uniform system for the application of sales and use taxes in interstate commerce which is based on the premise that there are some problems in the sales and use tax field that are different from those found in the income tax field and consequently they require different solutions.

The bill which I have introduced utilizes to the fullest the work already done by the committees of the Congress. In fact, it largely follows the framework of Congressman RODINO's bill which has recently been passed by the other body, but with two major differences. The remedial provisions of my bill are directed exclusively to the solution of today's interstate sales and use tax problems and it retains the time-tested sales and use tax jurisdiction based on sales solicitation within the State.

Mr. President, I am greatly indebted to the Chamber of Commerce of the State of California and to the State Board of Equalization whose study of this issue and expertise made possible this proposal. In addition, the California Manufacturers Association and the California Retailers Association werked closely with them. Also Governor Reagan and his administration support this measure.

Mr. President, I ask unanimous consent that this bill be referred to the Committee on Finance. I also ask unanimous consent that a copy of the bill be printed in the RECORD, together with the exhibit prepared by the California State Board of Equalization, and an explanatory statement containing a section-by-section comparison with H.R. 8906, the Interstate Taxation Act, introduced by Congressman RODINO.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, exhibit, and statement will be printed in the RECORD.

The bill (S. 3368) to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce, introduced by Mr. MURPHY, for himself and Mr. CRANSTON, was received, referred to the Committee on Finance, by unanimous consent, and ordered to be printed in the RECORD, as follows:

S. 3368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Sales and Use Tax Act".

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TITLE I—JURISDICTION TO TAX

Sec. 101. Uniform Sales and Use Tax Jurisdictional Standard.

No State or political subdivision thereof shall have power to impose a sales tax or to require a person to collect a sales or use tax with respect to an interstate sale of tangible personal property for delivery in the State unless the person—

(1) has a business location in the State,

(2) regularly solicits orders for the sale of tangible personal property by salesmen, solicitors, or representatives in the State, unless his activity in the State consists solely of solicitation by direct mail or advertising via newspapers, radio, or television, or

(3) regularly engages in the delivery of property in the State other than by common carrier or United States mail.

A State or political subdivision shall have power to impose a sales tax, or to require seller collection of a sales or use tax with respect to an interstate sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—UNIFORM RULES FOR APPLICATION OF TAX

Sec. 201. Reduction of Multiple Taxation.

(a) Location of Sales.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a State or political subdivision for which the tax is required to be collected.

(b) Credit for Taxes.—A credit shall be allowed against, but shall not exceed, the total amount of use taxes imposed by a State and the political subdivisions thereof with respect to tangible personal property to the extent that the taxpayer has previously paid sales tax or use tax to the seller or any other State or political subdivision thereof on account of a prior sales or use tax liability with respect to the property.

(c) Limitation on Credit for Prior Taxes.—A credit otherwise permitted under subsection (b) shall not be allowed with respect to taxes which are measured by periodic payments made under a lease to the extent that the taxes imposed by the other State or political subdivision thereof were also measured by periodic payments made under a lease for a period prior to the possession, storage, use, or other consumption of the property in the State or political subdivision thereof imposing the tax.

(d) Vehicles and Motor Fuels.—

(1) Vehicles.—Nothing in subsection (a) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to vehicles that are registered in the State.

(2) Fuels.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

Sec. 202. Exemption for Household Goods, Excluding Motor Vehicles, in the Case of Persons who Establish Residence.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, excluding motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired and used by that person thirty days or more before use of the property in the State in which he establishes such residence.

Sec. 203. Treatment of Transportation Charges With Respect to Interstate Sales.

Where the freight charges or other charges for transporting tangible personal property directly to the purchaser incidental to an interstate sale are separately stated in writing by the seller to the purchaser, to the extent that such charges do not exceed a reasonable charge for transportation by facilities of the seller or the cost to the seller of transportation by other than his facilities, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

Sec. 204. Liability of Sellers on Exempt Sales.

No seller shall be liable for the collection or payment of sales or use tax with respect to an interstate sale of tangible personal property where he has accepted from the purchaser of such property—

(1) a resale certificate or statement in writing giving the purchaser's registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

(2) an exemption certificate or other written form of evidence indicating the basis for exemption.

Any such certificate or writing shall give the name and address of the purchaser, his registration number, if any, and shall be signed by the purchaser or his representative indicating the basis for exemption.

Sec. 205. Local Sales and Use Taxes.

No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales or use tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location; regularly solicits orders for the sale of tangible personal property by salesmen, solicitors, or other representatives, unless his activity in the political subdivision consists solely of solicitation by direct mail or advertising via newspapers, radio, or television; or regularly engages in the delivery of property other than by common carrier or United States mail. Where in all geographic areas of a State sales or use taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales or use taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this Act.

TITLE III—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Part A—Definitions.

Sec. 301. Sales Tax.

A "sales tax" is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the price by the seller, or which is customarily stated separately from the sales price.

Sec. 302. Use Tax.

A "use tax" is any nonrecurring tax measured by the purchase price or value of goods or services sold, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership or possession of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

Sec. 303. Sale; Sales Price; Purchase Price.

The terms "sale", "sales price" and "purchase price" shall be deemed to include leases and rental payments.

Sec. 304. Interstate Sale.

An "interstate sale" is a sale in which the tangible personal property sold is shipped or delivered to the purchaser, or his designee, in a State from a point outside that State.

Sec. 305. Destination.

The destination of a sale is in the State or political subdivision in which possession of the property is physically transferred to the purchaser, or his designee, or to which the property is shipped to the purchaser, or his designee, regardless of the f.o.b. point or other conditions of the sale.

Sec. 306. Designee.

For the purposes of this Act, "designee" does not include an independent contract or common carrier which receives property solely for the purpose of carriage.

Sec. 307. Business location.

(a) General Rule.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State,

(2) has one or more employees located in the State,

(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of its business, or

(4) regularly leases out tangible personal property for use in the State.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor. If a person has a business location in a State solely by reason of paragraph (4), he shall be considered to have a business location in the State only with respect to such leased property.

Sec. 308. Location of Employee.

An employee shall be considered to be located in a State if—

(1) his service is performed entirely within that State, or

(2) his service is performed both within and without that State, but in the performance of his service he regularly commences his activities at, and returns to, a place within the State.

Sec. 309. State.

The term "State" means the several States of the United States and the District of Columbia.

Sec. 310. State Law.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decision, and administrative regulations and rulings of a State and of any political subdivision.

Part B—Miscellaneous Provisions

Sec. 321. Prohibition Against Geographical Discrimination.

(a) In General.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State. For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) Computation of Tax Liability Under Discriminatory Laws.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

Sec. 322. Prohibition Against Out-of-State Audit Charges.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies.

Sec. 323. Permissible Taxes.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of an excise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

Sec. 324. Liability With Respect to Unassessed Taxes.

No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person for any period ending on or before such date a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, did not regularly solicit orders for the sale of tangible personal property by salesmen, solicitors, or other representatives in the State or did not regularly engage in the delivery of property in the State other than by common carrier or United States mail.

Sec. 325. Effective Dates.

Sections 101, 321, 322 and 324 of this Act shall take effect on the date of the enactment of this Act. Section 205 shall take effect on the first day of the first calendar quarter commencing one year after the enactment of this Act. The remaining provisions of this Act shall take effect on the first day of the second calendar quarter commencing after the enactment of this Act.

The material presented by Mr. MURPHY is as follows:

EXHIBIT: SALES AND USE TAX JURISDICTIONAL LIMITATIONS IN PROPOSED FEDERAL INTERSTATE TAXATION ACTS

California based businesses would be at a competitive disadvantage with out-of-state sellers under "Interstate Taxation Acts" now pending in both houses of Congress. Tax shelters which would be available to interstate sellers under H.R. 4178 (McCulloch), H.R. 7906 (Rodino), S. 611 (Mathias), or S. 916 (Ribicoff) would also cause substantial losses of California income taxes and state and local sales and use taxes.

Among other things, each of the proposed bills would impose arbitrary and unreasonable jurisdictional standards on state and local government, jeopardize collection of local taxes under the California Bradley-Burns Uniform Local Sales and Use Tax Law, and create inequities in the apportionment of corporate income for California income tax purposes.

Common to all the bills is the jurisdictional limitation applicable to sales and use taxes. Specifically, the California Sales and Use Tax Law presently provides that an out-of-state retailer shall collect the use tax if it has an office, warehouse, representative, agent, salesman, canvasser or solicitor in this state. Under the proposed bills this requirement would not apply to interstate retailers unless they maintain a business location in this state or regularly make household deliveries in this state.

To illustrate the widespread tax and competitive impact of this restriction, we have selected the following typical businesses

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from the many that make California sales without maintaining a fixed place of business or inventory within the state. Most of these businesses qualify for the H.R. 7906 sales and use tax exemption without any change in their operations. The remainder would qualify with a minimal change in their methods of delivery.

1. This firm sells ready-to-wear dresses. Sales personnel within California obtain "hostesses" to arrange a "social party." A "stylist" attends the party and exhibits sample garments. Orders are submitted by the "stylist" to, and are filled from, a point outside the state by a combined shipment to the "hostess." State and local sales and use taxes in California for the fiscal year 1967–1968 totaled $403,500. It would no longer be subject to sales tax, nor required to collect the use tax. This translates into sales in excess of $8 million in direct competition with California retailers.

2. A shoe manufacturer makes sales in California through commission salesmen direct to consumer customers. California sales for the fiscal year ended 6–30–68 amounted to $350,000 with tax paid in excess of $17,000.

3. A shoe manufacturing firm sells through sales representatives on a house to house basis. This firm paid tax of more than $48,000 on sales of $960,000.

4. A company sells household utensils, pots, pans, etc., through independent representatives to consumer customers on a house to house basis. Sales last year exceeded a quarter million dollars, with a tax payment in excess of $12,500.

5. This business is conducted by two related corporations. One sells jewelry, and the other sells cosmetics, through solicitors operating within California. Their method of doing business is somewhat similar to that outlined in No. 1. Their annual state and local sales and use taxes aggregate $175,000. Under the proposed federal restriction $3,500,000 of sales with local solicitation would not subject the companies to the California Sales and Use Tax Laws.

6. A large greeting card firm has independent sales solicitors taking orders from consumer customers in California. Last year's volume of sales in California was almost a half million dollars, with tax paid of $24,900.

7. A firm sells educational books through commissioned salesmen on a door to door basis. Sales made were in excess of $525,000, tax paid of $25,300.

8. Another firm sells on a door to door basis through commissioned salesmen, Bibles of all denominations. Sales for last year totalled more than $460,000, and tax paid exceeded $23,000.

9. A firm engaged in the sale of books, magazines, and record albums, has agents located in California who operate from their homes. These agents solicit orders which are filled, and shipped from a point outside the state direct to the purchaser. It would be discharged from further liability on $7,500,000 of annual sales, on which it now pays $375,000 in taxes. An affiliated corporation of this firm does maintain offices in California. It would be an easy matter to direct all publications of a non-taxable nature through the corporation maintaining an office in the state, and all taxable publications, and other items of a taxable nature, through the corporation with no office in the state. The enactment of this legislation would provide the opportunity for tax avoidance.

10. A firm with independent sales representatives sells dry goods direct to consumer customers. This firm's sales last year fell just short of $500,000 and they paid tax of $24,350.

11. A correspondence school makes sales of educational material and school supplies directly to the student, through independent sales represetatives. Annual sales in California totaled $732,000 with tax payable of $36,600.

12. A corporation makes direct sales of general merchandise to credit card holders of large national firms. Individual sales amounts are small, however, the volume is quite large, with last year's sales exceeding $450,000 and payment of tax in the amount of $22,700.

13. This firm has 20 photographic salesmen in California who take and sell pictures to students and schools. Annual sales exceed $800,000 with a tax liability of $40,650.

14. This manufacturer is engaged in the sale of desks and public seating equipment to many vendees within the state. Sales are made by resident salesmen. Tax last year was in excess of $37,000.

15. This firm supplies prescription lenses, frames, and accessories to optometrists and occulists. All sales are made through resident salesmen. The sales to California purchasers in the last fiscal year amounted to $1,252,000 with a tax liability of $62,600.

Four additional optical firms making sales in the same manner as described above made sales in the amount of $1,600,00 with total tax paid of $79,000.

16. A manufacturer and seller of yearbooks makes sales through representatives without offices to students and schools. The tax paid amounts to $110,000.

17. Another publisher of yearbooks makes sales of these and other specialty publications in the same manner as indicated in number sixteen. Their sales are also to students and schools. The tax revenue from this account is $120,000 per year.

18. Another company has independent sales agents soliciting orders for their products which are advertising specialties, executive gifts, metal signs, etc. This firm paid tax of $27,050 on sales of $540,000.

19. This taxpayer operates in California through resident salesmen making sales of uniforms to various employers and organizations throughout the state. All sales are made through taxpayer's sales representatives. California taxable sales during the last fiscal year exceeded one quarter of a million dollars.

20. A manufacturer and seller of rubber processing machinery and garbage disposers make sales as a result of solicitation by sales representatives, with no office maintained in this state. Sales for last year totalled $1,600,000 and tax paid of $80,000.

21. A supplier of industrial chemicals and disinfectants made sales through resident salesmen in excess of $2,000,000 last year and paid tax in the amount of $110,000.

22. This firm is a maunfacturer of industrial mixers. Most of its sales are to bakeries and other food processing industries. Orders are solicited by an independent sales representative. Sales for the fiscal year ended June 30, 1968, exceeded $500,000, with total tax paid in excess of $25,000.

Sales made by the first twelve firms are direct to consumer customers who are not normally registered with the state for the purpose of reporting or paying sales or use taxes. The individual sales amounts would be so minimal as to preclude any pursuit of the consumer customer for payment of the tax. The absolute loss of revenue, as a result of this legislation, from these accounts would amount to almost $1,200,000 annually.

At least a part of the sales of the last ten of the listed accounts are made to purchasers engaged in business in California. For this reason, some part of the tax now collected and paid to the state by these vendors would be paid directly to the state by purchasers otherwise required to file sales and use tax returns. The greater percentage, however, would be lost. The greater cost of collecting tax from purchasers would further limit the net tax yield from sales by these firms.

In addition to sellers which would be immediately excused from compliance with the California Sales and Use Tax Law, there are many others who could easily arrange to come within the protection of the "Interstate Taxation Act." Some examples follow:

A large publishing firm presently maintains sales offices in California, but does not carry stock of goods within the state. Orders are obtained by personal solicitation within California, and shipments are made from a point outside the state. Last year this publisher paid over $400,000 in state and local sales and use taxes in California. The mere closing of the sales offices would exempt the publisher from this liability.

A firm making sales of incentive programs and related materials maintains one sales office in California. Taxable sales reported by this organization last year amounted to $4,400,000 with a payment of $220,000 in tax. The closing or relocation of this single sales office would eliminate the need for this firm to pay any tax.

A mail order shoe retailer has agents in California soliciting orders which are filled from a point outside the state. Sales are in excess of $800,000 per year. An office maintained in Los Angeles could easily be closed and relieve this seller of further tax liability.

The passage of any one of the proposed "Interstate Taxation Acts" would provide the out-of-state retailer with a distinct competitive advantage over the California retailer. The limiting jurisdictional factors, which would permit unlimited direct sales solicitation within the state without tax liability, would encourage many out-of-state sellers who presently are not making sales in California, to engage in such sales activity due to the lucrative market represented by California consumer customers.

Analysis of Proposed "Interstate Sales and Use Tax Act"

The draft bill follows the format and organization of H.R. 7906 but is limited to sales and use taxes. To the extent considered to be compatible with the objectives to be achieved, the exact wording and provisions of H.R. 7906 have been retained.

Title. The title was changed to the "Interstate Sales and Use Tax Act" to conform with the limited scope of the bill.

Sec. 101, Uniform Jurisdictional Standards, with Secs. 307 (Business Location) and 308 (Location of Employee) would prescribe jurisdictional standards for the imposition of sales and use taxes to interstate transactions.

The jurisdictional standards would differ from those prescribed by H.R. 7906 by subjecting a seller to the jurisdicton of any state in which is located one or more employees, or in which the seller regularly solicits orders for the sale of tangible personal property by salesmen, solicitors or other representatives or regularly engages in the delivery of property other than by common carrier or United States mail.

Title II. This was retitled "Uniform Rules for Application of Tax" to conform with the subject matter.

Sec. 201(a), Location of Sales, is the same as Sec. 301(a) of H.R. 7906.

Secs. 201 (b) and (c) relate to the credit of taxes to prevent multiple taxation.

Sec. 201(b), Credit for Prior Taxes, requires the existence and payment of a prior tax liability, rather than just the earlier payment of tax, to qualify for the credit.

Sec. 201(c), Limitation on Credit for Prior Taxes, will prevent double credits measured by periodic payments under a lease. This was not in H.R. 7906.

Sec. 201(d), Vehicles and Motor Fuels, is modeled after H.R. 7906 but is modified so that 201(d)(1) applies to "vehicles" rather than only to "motor vehicles." Truck trailers and similar vehicles subject to registration in the state would be treated the same as motor vehicles subject to registration since there appears to be no logical distinction for sales and use tax purposes.

Sec. 202, Exemption of Household Goods, is modeled after Sec. 302 of H.R. 7906. The word "including" before "motor vehicles" has been changed to "excluding." Because of the tax credit provisions this would not create any hardship, and payment of tax in another state on a large purchase such as a highway vehicle could easily be established. Use of the household goods for 30 days out of state would also be necessary in order to qualify for the exemption. This would prevent avoidance of tax by a new resident, who, under 302, could acquire goods out of state, have them shipped to the new place of residence and thus avoid tax at origin and destination. Again, because of the tax credit, there is no possibility of double taxation.

Sec. 203, Transportation Charges, is modeled after Sec. 303 of H.R. 7906, but modified to limit the exclusion to reasonable charges for delivery by facilities of the seller and the actual cost of transportation by a carrier and to require a written statement of the charges.

Sec. 204, Liability of Sellers on Exempt Sales, is a modified version of Sec. 304 in H.R. 7906. The form of written evidence is prescribed to provide a means to identify and locate the purchaser. Also, the signature of the purchaser is required. Thus, a means of establishing potential tax liability of the purchaser is provided.

Sec. 205, Local Taxes, is the same as Sec. 305 in H.R. 7906, modified to accord with the proposed changes in jurisdictional standards. To be treated as a state tax for purposes of the Act, local taxes must be imposed at the same rate on the same transactions in all geographic areas of the state and administered by the state, but the local tax base need not be identical with the state tax base.

Sec. 301, Definition of "Sales Tax," is the same as Sec. 603 of H.R. 7906.

Sec. 302, Definition of "Use Tax," is modeled after Sec. 604 of H.R. 7906 but modified by—

(1) adding after "non-recurring tax" the words "measured by the purchase price or value of goods or services sold" and

(2) adding after "ownership of that property" the words "or possession of that property."

The first modification excludes other excise taxes such as cigarette taxes, etc., and includes use taxes which are measured by the value of self-fabrication labor. The second preserves use taxes on the possession by contractors of government-owned property.

Sec. 303, Sale; Sales Price; Purchase Price, is the same as Sec. 607 of H.R. 7906 with the word "purchase price" added. This addition is required by the change in the definition of use tax.

Sec. 304, Interstate Sale, is simplified and changed to include only sales which involve interstate movement of the goods.

Sec. 305, Destination, is modeled after sec. 610 of H.R. 7906 but clarified.

Sec. 306, Designee, is qualified to exclude an independent contract or common carrier which receives property solely for the purpose of carriage. This clarifies the definitions of "interstate sale" and "destination."

Sec. 307, Business Location is in part identical to Sec. 611 of H.R. 7906. The exception with respect to the maintenance of an office for gathering news (Sec. 611(b)) and the provisions for "Special Cases" (Sec. 611 (c)) have been omitted. Added is a provision relating to leases.

Sec. 308, Location of Employees, is based on Sec. 613 of H.R. 7906 but modified to eliminate the exception for employees engaged exclusively in the solicitation of orders and to otherwise conform the provision to the scope of the draft bill.

Secs. 309 and 310, State; and State Law, are the same as Secs. 615 and 616 of H.R. 7906.

Sec. 321, Prohibition Against Geographical Discrimination is the same as Sec. 622 of H.R. 7906 except that a reference to gross receipts taxes has been omitted.

Sec. 322, Prohibition Against Out-of-State Audit Charges is the same as Sec. 624 of H.R. 7906, modified to exclude references to income taxes, etc.

Sec. 323, Permissible Taxes, is the same as Sec. 621 of H.R. 7906, except that in the third line the word "excise" is substituted for "franchise."

Sec. 324, Liability With Respect to Unassessed Taxes, is based on Sec. 625 of H.R. 7906 but modified to eliminate references to income taxes, etc., and to accord with provision with revised jurisdictional standards.

Sec. 325, Effective Dates, provides that the jurisdictional limitations on imposition of the tax and the provisions barring prior assessments shall be effective upon enactment of the Act. The effective date of the remaining provisions is postponed to allow time for the states to amend their tax laws to accommodate changes in state taxing powers made by the bill.

ADDITIONAL COSPONSOR OF A BILL

S. 3151

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from New Hampshire (Mr. McIntyre) be added as a cosponsor of S. 3151 to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 349—SUBMISSION OF A RESOLUTION RELATING TO TITLE TO CERTAIN LANDS IN CALIFORNIA

Mr. MURPHY submitted a resolution (S. Res. 349) to refer the bill (S. 3362) to the Chief Commissioner of the Court of Claims for a report thereon, which was referred to the Committee on Interior and Insular Affairs, by unanimous consent.

(The remarks of Mr. Murphy when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 350—SUBMISSION OF A RESOLUTION RELATING TO TITLE TO CERTAIN LANDS IN CALIFORNIA

Mr. MURPHY submitted a resolution (S. Res. 350) to refer the bill (S. 3363) to the Chief Commissioner of the Court of Claims for a report thereon, which was referred to the Committee on Interior and Insular Affairs, by unanimous consent.

(The remarks of Mr. Murphy when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 351—SUBMISSION OF A RESOLUTION CALLING FOR MUTUAL CEASE-FIRE AND POLITICAL SETTLEMENT IN VIETNAM

Mr. MONDALE. Mr. President, in April 1967, nearly 2 years ago, the United States and the North Vietnamese began formal talks at Paris. At that time, most of us allowed ourselves the luxury of a ray of hope that the end might at least have begun.

Since that time, other steps have been taken which should have built upon this hope. The President a year ago publicly and explicitly disavowed a "military solution." A process of American withdrawal was begun, and there seemed, at long last, to be general agreement that no real permanent objectives could be gained through the American military presence.

Yet, the hope for an end to the killing and the ravage of Vietnam remains almost as faint as ever.

The peace talks are at a total impasse. The other side has not given any indication of seriously seeking an accord, and the United States has downgraded the talks by failing to provide, for the last 3 months, a permanent head of the American negotiating team.

The killing continues, with over 17,000 Americans and countless Vietnamese killed since the start of the talks.

There is absolutely no military victory in sight, even if the other side has shown signs of moving away from direct confrontation toward a more standard guerrilla strategy.

The essentially internal political problems which have torn this land since the end of World War II are as great as ever and will continue, regardless of the military strength of the Saigon government.

It is perfectly evident that nothing will come of the peace talks until something—not a "concession," but a new idea—is put forth to break the stalmate and upgrade the talks.

Mr. President, in light of these facts, which I have only briefly summarized, I submit a resolution urging the U.S. Government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides, and urging designation of a permanent head of the U.S. delegation to the Paris peace talks to effect such a proposal.

Within the comprehensive proposal for the mutual cease-fire would be provisions regarding international peacekeeping machinery, protection of all people and groups against terrorism and oppression, prompt free elections, the withdrawal of all outside military forces, the return of all military and political prisoners, and relief and aid to help begin the economic and social reconstruction of Vietnam.

I am sure that many will first hear of this resolution and ask why a proposal so reasonable and supposedly noncontroversial would need the force of a Senate resolution. Have we not already offered such proposals to the North Vietnamese only to have them all rejected?

The answer is emphatically and unequivocally "No." In nearly 2 years of

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negotiations at the Paris talks, no such proposal for a cease-fire has ever been put on the table.

The other side will probably maintain for some time its negative facade. But they will at least know where to begin. They will have, not a speech or a press conference from which to start, but a serious, formal, bona fide offer. Only when we move our offers from the realm of publicity to the realm of true diplomacy can we expect an equally serious response. The other side may continue to reject any such proposal. But until they have received one—in concrete terms and offered formally by a permanent ambassador to the peace talks—we cannot say with any certainty what their response will be.

Regardless of their negative public statements, there may be reasons why they would consider and eventually agree to negotiate such a proposal, even if they rejected it immediately.

Even now there may be more agreement than is apparent between the two sides. All the parties—Hanoi, the NLF, and Saigon, as well as neutralist political leaders in South Vietnam—have advocated elections as the basis of deciding who shall run the country.

The continuing presence of this proposal to end all the killing and give all parties fair access to the political process could create political pressures on the Communists in Vietnam and around the world which our current policy of "military Vietnamization," alone, does not. In the United States and around the world, all who are concerned for peace would rally in support. Widely publicized in Vietnam, such a plan would gain widespread support among the populace on both sides.

There have been recent reports of serious speculation that the other side may be contemplating a cease-fire offer to put further pressures on the administration as the 1970 elections draw near. If they are considering such an offer—for whatever reasons—it certainly encourages speculation that they might accept the kind offer we are now proposing.

But the difference between what is contained in our resolution and what is currently happening at Paris goes far beyond diplomatic protocol or modes of presentation. What we are urging is the adoption of a policy which, regardless of whatever arrangements we made for the substitution of the South Vietnamese Army for the American Army, is aimed first and foremost at ending the killing.

There must be no mistaking our current policies with respect to Vietnam. The "military Vietnamization" made official policy this fall is not directed toward an end to the killing. Although there have been claims that we no longer seek a military solution, the fact remains that this "military Vietnamization" has in no way abandoned the objective of securing a military solution to the grave internal problems in Vietnam. Instead of seeking an end to the hostilities and the killing, "military Vietnamization" is explicitly designed to perpetuate the killing—while substituting South Vietnamese boys and South Vietnamese deaths for American boys and American deaths.

I wholeheartedly support our policy of turning the war back to the South Vietnamese, who, as President Kennedy said over 6 years ago, "must ultimately win it or lose it." I support withdrawal; indeed, I believe we should be withdrawing much faster.

But, the war goes on while we withdraw, and it will go on after we withdraw.

Our current policy of "military Vietnamization" is open ended and ambiguous. On the one hand, we admit that our military presence cannot, by itself, insure freedom and self-determination for the people of South Vietnam. We say that our withdrawal, however slow, is not to be reversed, and we maintain that our ultimate goal is simply to let the people of South Vietnam choose freely and without outside interference their own form of social, economic, and political society.

On the other hand, we know that the South Vietnamese cannot accomplish by themselves what they plus up to one-half million American troops failed to accomplish for over 10 years. We know that the other side will never be subjected to a strictly military defeat, nor will it ever be brought to a military surrender.

So, where is the end to the war, and where is that point at which the promise of withdrawal becomes a reality? Is a war which, by all admission, could not be "won" now simply to fade away? Is the other side which would not surrender to the Americans and the South Vietnamese now to surrender to the South Vietnamese alone?

Again, I support withdrawal. I support the policy of turning the war back to the Vietnamese. But military Vietnamization, by itself, cannot win a war—will not stop the killings—and, for these very reasons, cannot in the long run truly get our American troops completely out of that nation.

If American troops are to be brought home, there must be a halt to the hostilities and an end to the killing. For an end to the killing, there must be negotiated cease-fire. For a cease-fire, there must be a process of "political Vietnamization." The hope that the war will just "fade away" without any kind of negotiated settlement is at best remote and at worse pure delusion.

Political Vietnamization seeks not only to lower United States casualty figures, but to end the war and end the killing. It seeks directly what all of our policies have purported to seek "ultimately"—the free self-determination of the South Vietnamese people.

Political Vietnamization means broadening the base of the government. It means seeking the basis for a compromise solution that gives all parties in the south a fair chance to advance their social goals by political rather than military means. It means giving access to the political process to all groups and factions in South Vietnam. It means guaranteeing freedom to all individuals and all groups—including freedom from terror and assassination as well as freedom of speech, press, assembly, and political activity.

And political Vietnamization may be the long-awaited key to securing the prompted return of all U.S. prisoners—held now by the North Vietnamese in complete violation of all Geneva Conventions with respect to human treatment and the release of names.

What we are proposing, Mr. President, is that the United States begin a new peace offensive. There are no concessions involved, no threats to our "honor" or to our "commitments." There is only the offer of peace and an end to the killing through the only possible route to this objective.

Neither should this resolution become confused with those dealing with withdrawal or the timing of withdrawal. As I said, I fully support the withdrawal of American troops as fast as possible.

But so does everyone else—within the limits of his or her idea of what constitutes "as possible." The crucial question of timing gets immersed in complex questions of logistics, of what we "owe" those who have supported us, and "will there or will there not be a bloodbath if we withdraw and the Saigon government topples?"

But such questions would become simple—almost secondary—if there should be an end to all hostilities. While we debate the speed of withdrawal, let us not forget that the killing goes on, that no withdrawal will, by itself, get at the "causes" of the conflict, and that this debate could just as well be conducted within the environment of a general cease-fire as within the environment of military Vietnamization. The cease-fire does not conflict with the present policy of military Vietnamization. Rather than closing off options, it enhances the value and credibility of any deescalatory measures that might be taken toward peace.

I do not claim to know at this time all the details of what could constitute an acceptable proposal. But we do know a great deal about the necessary ingredients for such a proposal. We know that the principles of free elections under some kind of fair and impartial supervision are absolutely essential to any agreement which might be acceptable to both sides. In their own proposals at Paris both sides have cited elections as the way to decide the future of South Vietnam. Finally, the principles set forth in this resolution—the standstill cease-fire, the prompt, free elections, and the various provisions designed to guarantee security and freedom to the Vietnamese people—have been urged by Cyrus Vance, our former negotiator at the peace talks.

The major barrier has been and will continue to be the question, Who controls the country while elections are being carried out? Saigon has rejected a coalition government with representation from the other side, when there is no proof of the degree to which the National Liberation Front does, indeed, represent the uncoerced will of a significant number of South Vietnamese.

The other side—with ample historical justification—has no intention of turning the entire country over to Saigon and the Americans—something we have been unable to force them to do militarily—protected only by a vague promise by Thieu to honor "self-determination," who, at the same time threatens that he

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"will never yield so much as a hamlet to the enemy."

With a standstill cease-fire which stops the killing and takes into account existing realities of power and control, such an impasse could be broken. The two sides might accept an internationally controlled election, administered by an independent electoral commission. Such a commission, in rather vague terms, has already been suggested by Presidents Nixon and Thieu. A more specific proposal, coupled with the standstill cease-fire, could then open the way toward a compromise and let the people of South Vietnam, themselves, decide freely what coalition of interests should govern that country.

Mr. President, the American and Vietnamese people have entrusted their governments and their negotiators with the responsibility to do everything possible to find a way to a just and durable peace. We must fulfill that trust. It is to this end that I offer this resolution.

I ask unanimous consent that the resolution appear in the RECORD at this point.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 351) calling for mutual cease-fire and political settlement in Vietnam, was referred to the Committee on Foreign Relations, and is printed in the RECORD, as follows:

S. RES. 351

Whereas, the United States has not formally proposed for negotiation at the Paris peace talks a mutual cease-fire as part of a comprehensive package to achieve a political and miltary settlement in Vietnam; and

Whereas, Americans and Vietnamese continue to die every day as the Paris talks remain at an impasse; and

Whereas, such proposal could help break through the stalemate by offering a means of ending all the killing and moving the struggle for leadership from the military to the political level, thus enabling all the South Vietnamese people to choose freely and without interference their own future government; and

Whereas, a cease-fire and political settlement is the best way to assure the earliest possible return of all U.S. forces, and release for constructive purposes the enormous resources now being expended on the war: Now, therefore, be it

Resolved, That the Senate urges the U.S. government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides, containing detailed provisions regarding:

(a) international peacekeeping machinery to oversee the cease-fire, the withdrawal of outside military forces and the protection of minorities, with safeguards to guarantee all South Vietnamese freedom of speech, assembly and the press, and protection against terrorism and political assassination;

(b) prompt free elections supervised by a joint electoral commission in which the several political tendencies are fully represented, with all parties agreeing to accept the result of the elections;

(c) release of all prisoners of war and political prisoners by both sides;

(d) relief and aid to bind the wounds of the war and to provide for social reconstruction and economic assistance to land reform and other programs leading to full economic and political freedom for all the people of South Vietnam; and be it further

Resolved, That there should be designated a permanent head of the United States delegation to the Paris Peace talks in order to carry forward this proposal.

SENATE RESOLUTION 352—RESOLUTION RELATING TO THE DEATH OF REPRESENTATIVE GLENARD P. LIPSCOMB OF CALIFORNIA

Mr. MURPHY (for himself and Mr. CRANSTON) submitted an original resolution (S. Res. 352) relative to the death of Representative GLENARD P. LIPSCOMB of California, which was considered and agreed to.

(The resolution when submitted by Mr. MURPHY is printed in full later in the RECORD under the appropriate heading.)

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENTS

AMENDMENT NO. 470

Mr. PERCY submitted amendments, intended to be proposed by him, to the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. PERCY when he submitted the amendments appear later in the RECORD under the appropriate heading.)

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENTS

AMENDMENTS NOS. 471 THROUGH 475

Mr. ERVIN (for himself, Mr. ALLEN, Mr. EASTLAND, Mr. GURNEY, Mr. HOLLAND, Mr. SPARKMAN, Mr. TALMADGE, and Mr. THURMOND) submitted five amendments, intended to be proposed by them, jointly, to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which were ordered to lie on the table and to be printed.

LONG-TERM FINANCING FOR EXPANDED URBAN PUBLIC TRANSPORTATION PROGRAMS—AMENDMENTS

AMENDMENTS NOS. 476 AND 477

Mr. GOODELL submitted amendments, intended to be proposed by him, to the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 449

Mr. CRANSTON. I ask unanimous consent that the names of the Senator from New York (Mr. GOODELL), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Hawaii (Mr. INOUYE) be added as cosponsors of my amendment No. 449 to S. 3154, the Mass Urban Transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

John L. Buck, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years, vice Frank W. Cotner, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, February 9, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

A FLAW IN THE STATE OF THE UNION MESSAGE

Mr. PELL. Mr. President, the President's state of the Union message to Congress was generally well received both by Congress and, I think, by the Nation. Certainly there was little, if anything, in the message to which the great majority of Americans would take exception.

The weakness of the President's message lay in what was not said, what was not mentioned, and the lack of more specific recommendations.

The Providence Evening Bulletin, in an editorial on January 26, offered a particularly perceptive analysis of one of the main themes of the President's message—the need to combat the rising crime rate.

The editorial notes that the President's anticrime program, as outlined in his message, had "one glaring flaw"; and that flaw is that the President's message "failed to stress, or even to suggest, the importance of rooting out the social conditions that breed crime in the first place."

I could not agree more with the principal point of this analysis—that increased assistance to local law enforcement agencies, as proposed by the President, would undoubtedly be helpful in combating crime, but that such an effort may well be in the long run a futile gesture unless a real attack is also made on social roots of crime. In particular, I agree with the emphasis on the need for adequate educational programs as a part of the effort to combat crime.

Mr. President, I ask unanimous consent that the editorial entitled "Futile Gesture?" published in the Providence Evening Bulletin of January 26, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Futile Gesture?

President Nixon's announcement in his State of the Union Message that he proposes to double the amount of federal spending for local law enforcement had one glaring flaw. It failed to stress, or even to suggest, the importance of rooting out the social conditions that breed crime in the first place.

If the President's words meant what they seemed to mean—and that won't be known with certainty until they are supported by firm budget figures—the federal spending for this purpose would come close to half a billion dollars in fiscal 1971. The appropriation for grants to the states and municipalities for improving their police forces and other arms of law enforcement in fiscal 1970 was more than 230 million dollars; that was a four-fold increase over the previous year. A doubling of the appropriation unquestionably would enable local police forces to expand, to intensify educational efforts, and to strengthen their technical facilities. With these purposes, there can be no quarrel.

Americans in general, particularly in the larger cities, are greatly worried about the rising rate of street crimes, crimes against the person, and burglaries, not to mention those of greater violence. Expansion of local police forces, increased efficiency and better understanding of the social forces at work are all essential to handling of the immediate problem, particularly the prevention of crimes through a show of force.

But the process of removing the causes of crime, the poverty, the discrimination that breeds frustration and hatred, the slums, the inadequate schools—this process is a long-range affair; and unless it is tackled on a massive scale now, there will be no improvement in the years ahead. The National Commission on the Causes and Prevention of Violence recently emphasized that the nation seems headed toward an armed camp psychology, with fortress-like surburbs and violence-ridden core cities.

Only a massive educational program, backed by the opportunity for people to improve their lot economically, can make an impact on this problem. It is not a matter of humanitarianism alone, although the best instincts of Americans dictate that the suffering and degradation of U.S. citizens should be dissipated as quickly as possible. It is a matter of hard-headed logic: people with a background of education in the basic values of our society, with a real share in the country's affluence, with a strong sense of belonging to the American system will not spawn criminal conduct but civic cooperation.

The bill for achieving this goal is not a small one. Half a billion dollars a year won't begin to pay it. The cost of providing adequate educational programs in the crowded and deprived sections of our great cities alone must be measured in billions. But without a fundamental attack on the social roots of crime, increased police activity will be futile.

BISHOP BARAGA FOUNDATION

Mr. GRIFFIN. Mr. President, an event occurred this month in Michigan's Upper Peninsula which promises to enrich substantially that beautiful part of the Wolverine State.

I refer to the establishment of the Bishop Baraga Foundation which is named in honor of one of Michigan's early pioneers.

Bishop Frederic Baraga, a missionary to the Indians of the Upper Great Lakes region in the early 1800's, is a much beloved figure in Michigan history.

The other day the formation of the foundation was announced in Marquette.

Mr. President, the objectives of the new foundation are most praiseworthy as they are spelled out in an editorial published in the Marquette Mining Journal of January 14, 1970. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Bishop Baraga Foundation

In the annals of American pioneering, few figures played more dramatic roles than Bishop Frederic Baraga. Before being consecrated first bishop of Upper Michigan in 1853, he spent 23 years as a missionary to the Indians of the Upper Great Lakes. They were years marked by physical danger, almost incredible hardship and the supreme dedication that have characterized the pioneer life throughout history. The colorful sobriquets that have been coined for him testify to his heroic stature—"Shepherd of the Wilderness," "The Snowshoe Priest" and "Apostle of the Lakelands." Both as a missionary and as the first bishop of the Diocese of Marquette, Father Baraga was among the prime developers of the Upper Peninsula.

It is altogether fitting that the newly organized Bishop Baraga Foundation should undertake as its first project a monument to this great man. It is fitting also that this monument, to be known as the Shrine of the Snowshoe Priest, should be erected in Baraga County, which was named after him and which was the site of his last major mission.

A non-profit corporation, the foundation plans to raise quite a few thousands of dollars to construct a very impressive memorial to Bishop Baraga above the Red Rock Bluffs overlooking Lake Superior's Keweenaw Bay between Baraga and L'Anse. The monument will be the equivalent of six stories in height. It will depict Baraga the missionary standing erect with a cross in one hand and a pair of snowshoes in the other. The Baraga figure will be 35 feet tall and will stand on a "cloud" of stainless steel supported by five laminated wood arches rising from concrete tepees representing the priest's five major missions.

The indefatigable Bernard J. Lambert of L'Anse is president of the Bishop Baraga Foundation. He is well-qualified for the assignment, having written a biography of Bishop Baraga entitled "Shepherd of the Wilderness" and having long served Baraga County as county clerk and as one of the principal promoters of the county.

The Bishop Baraga Foundation is not to be confused with the Bishop Baraga Association. The latter was established several years ago to work toward the beautification of Bishop Baraga.

The foundation, on the other hand, is pledged to serve missions of all faiths. It has listed its objectives as follows: (1) To foster a spirit of ecumenism, understanding and friendship and to perpetuate the charitable, benevolent and historic goals of Bishop Baraga by establishing a suitable memorial and developing the historical heritage of Baraga in this country; (2) serving missions of all faiths dedicated to the betterment of the spirit and conditions of mankind; (3) granting of financial aid in whatever form is deemed appropriate to the needy or deserving or to institutions serving the needy or deserving, especially those of American Indian descent for their education, health and welfare; (4) the development of sites where Baraga labored. A spokesman has said that granting of scholarships to needy individuals, especially those of Indian blood, is one of the chief objectives of the foundation.

The Bishop Baraga Foundation is a welcome addition to the human resources of the Upper Peninsula, and we wish it well.

CHARTER-FLIGHT VIOLATIONS

Mr. HOLLINGS. Mr. President, it is apparent that our Nation's scheduled air transportation system does not operate without problems, and I think it is important for this body to be reminded from time to time of some of the difficulties with which they struggle.

I ask unanimous consent to have printed in the Record an article published in the Wall Street Journal of January 26 reporting a major move within the Civil Aeronautics Board to approach a major problem of charter-flight violations.

There being no objection, the article was ordered to be printed in the Record, as follows:

Charter-Flight Violations Alleged by CAB; More Complaints Seen as Study Continues

Washington.—The Civil Aeronautics Board is expected to follow up its first major move against charter-flights violations with more complaints of about the same magnitude.

The board's enforcement bureau filed seven separate complaints against 45 parties, including five air carriers, all of which the bureau charged conducted charter flights in violation of the Federal Aviation Act and CAB regulations.

This activity was alleged to involve forming individual members of the public, with no affinity other than the particular air travel, into groups with a fictional or too-general common relationship (such as skiing or Italian descent) to qualify for low charter group fares and flying those groups between California and Europe.

The bureau asked the board to suspend operating authority of two U.S. supplemental carriers and two foreign charter carriers. They are Overseas National Airways, New York; Capitol Intenational Airways, Nashville; Atlantis Airways, a German carrier, and Caledonian Airways, a British line.

The fifth carrier charged is World Airways, another U.S. supplemental airline based at Oakland, Calif.; the bureau didn't request suspension of World's operating authority.

COMMENT FROM AIRLINES

According to the Associated Press, Frank Roach, Capitol International's vice president, finance, said, "We deny that we were involved in the alleged illegal activities, and we plan to make the CAB bring all their witnesses out in an open hearing." He added that Capitol International scheduled flights will continue.

J. W. Bailey, executive vice president and general manager of Overseas National, said, "We have committed no violation . . . that warrants this unprecedented and capricious action by the bureau."

In London, a spokesman for Caledonian Airways told the AP that it was "astonished" by the complaints. The spokesman added that it will continue flights to the U.S. despite the CAB claim.

The complaints also charged violations by eight travel agents, 15 charter-group organizations and 17 individuals who allegedly arranged the charters. The bureau asked the board to order all 45 parties to cease and desist from the alleged violations, and added that the complaints don't preclude institution of proceedings against the five air carriers for civil penalties. Violations of the act are subject to penalties of up to $1,000 for each violation, and the bureau said violations by the five carriers number more than 70,000.

OPERATING VIOLATIONS

The five air carriers were charged with violating their operating authorities by carrying members of the general public under the guise of charter flights, and with engaging in unfair or deceptive practices and unfair methods of competition in violation of the law.

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The batch of complaints comprise the CAB's first major action in an attempt to crack down on charter flights that don't meet existing requirements for carrying charter groups at prices discounted from individual fares. The complaints grew out of an investigation of Pacific Coast charter-group activity.

The CAB has been investigating West Coast-Europe charter flights for several months, encouraged by scheduled airlines, which have accused charter-carrying supplementals of "pirating" passengers. Supplemental carriers insist that scheduled airlines have been guilty of charter-flight provisions abuses too, though the scheduled lines are more restricted in the charter flight service they are allowed to perform.

The CAB enforcement bureau has uncovered violations involving more than 500 charter-trips and about 75,000 passengers during 1968 and 1969, Richard J. O'Melia, the bureau director, said. One organization engaged mainly in filling places on flights and operating as an indirect airline, in the CAB's view, claimed more than 80,000 members. Often, travelers joined the organization only for the trip and didn't even know its name, Mr. O'Melia said.

An investigation of East Coast charter flights is underway. It's almost as extensive as the West Coast inquiry but is concentrating more on travel agents, an enforcement bureau official said. Complaints relating to the East Coast investigation will probably be filed in about three months, he said. The West Coast investigation isn't finished, though the remaining work in that study is on a smaller scale.

Those charged with violations have 15 days to answer the complaints, and the cases will then bet set for trial by a CAB hearing examiner.

SOME CHARGES ITEMIZED

Charges against Capitol International include illegally rebating part of its rates, fares and charges; violating a board order to stop violating CAB regulations and allowing free transportation without authority.

Overseas National was charged with illegally attempting to take over a large segment of the charter market through control over various chartering organizations, management corporations and a travel agency, all without required CAB approval.

The bureau also charged Overseas National with illegally failing to state the price of each flight separately; failing to obtain full payment of the charter price prior to the flight; charging a different compensation for air transportation than specified in tariffs; rebating part of its rates, fares and charges to the chartering organization and failing to report certain financial transactions properly.

World Airways was charged primarily with operating charter flights that didn't qualify for charter travel, though the CAB unit said World Airways took some steps to eliminate ineligible persons from its flights.

APPROVAL WAS LACKING

Aside from the five carriers, parties charged by the enforcement bureau are clubs, organizations, individuals and travel agents that the bureau alleged operated as indirect air carriers by selling tickets to the general public without board approval. In addition, the bureau said, these parties offered air transportation services under the names of various organizations that were formed or acted primarily to charter aircraft.

The bureau charged these parties with failing to divide cost of the travel among passengers on a pro-rate basis, instead charging an excess of that share for each passenger and thus making "substantial profits." The parties solicited members of the public and "blanketed" members of some legitimate organizations into the named organizations in order to charter flights, the bureau said.

Two of the 17 individuals, Libby Papermaster and Maria Rita Bopp, both of Los Angeles, were charged with using a special device for selling charter places. They assertedly organized paper organizations and sold seats on nonexistent charters that these purported organizations never contracted for. Then, when possible, they got the passengers in on charters of other organizations, the bureau alleged.

These passengers were amazed to find they had become temporary members of the other organizations that held charter contracts, the enforcement bureau said. Other passengers who had paid never got to travel on the promised charter flights, the Bureau said.

ONE HUNDREDTH ANNIVERSARY OF NATIONAL WEATHER SERVICES

Mrs. SMITH of Maine. Mr. President, the national weather services of the United States will be 100 years old on February 9 of this year. It was 1870 when President Ulysses S. Grant signed a joint resolution of Congress authorizing the establishment of weather services in the Government.

I think it fitting that the Senate take due note of this centennial and give appropriate recognition to the dedicated and talented men and women, civilian and military, who for the past century have spared no effort to serve the people of our Nation.

Behind the extremes of flood and drought, heat waves and blizzards, hurricanes and tornadoes, lie the day-by-day operations of a number of people upon whom we depend for advice or the weather—advice which ranges in scope from how to dress our children for school to whether or not to launch a rocket to the moon.

I am sure that Senators will join me in offering weathermen in Government, universities, and private industry congratulations on the completion of the weather services' first hundred years, and wishing them well as they begin a second century.

I ask unanimous consent that a brief history of the Nation's weather services, entitled "The First Century," be printed in the Record.

There being no objection, the history was ordered to be printed in the Record, as follows:

The First Century

The national weather services of the United States will be 100 years old in 1970.

They enter their second century armed with a knowledge of the atmosphere, technology for observing and predicting weather, and a variety of services which could not have been dreamed of by the most visionary weatherman a hundred years ago.

On February 9, 1870, President Ulysses S. Grant signed a joint resolution of Congress authorizing the establishment of a national weather service. Later that year the first systematized, synchronous weather observations ever taken in the U.S. were made by "observer-sergeants" of the Army Signal Service at 24 stations and telegraphed to Washington.

Today thousands of observations are made daily by government agencies, volunteer citizen observers, ships, planes, automatic weather stations, and earth-orbiting satellites in an increasingly successful effort to answer the basic question, "What's the weather going to be?"

More than 200 years of weather observation and study in this country preceded the creation in 1870 of "the Division of Telegrams and Reports for the Benefit of Commerce" (the earliest name for the national weather service).

Only 24 years after the Pilgrims landed at Plymouth Rock the Reverend John Campanius Holm, chaplain for a settlement near the present site of Wilmington, Del., began making systematic weather records. His "diaries" for 1644 and 1645 form the first continuous weather records in what is now the United States.

Later, other men kept "weather diaries" from time to time, in many parts of the country. Thomas Jefferson and George Washington both had a more-than-casual interest in weather studies. Benjamin Franklin's kite-flying in a thunderstorm is widely reported, and Franklin was the first to deduce the progressive movement of a storm system as a whole.

In the 19th century, interest in weather and the possibility of coordinated observation and warning networks picked up a momentum which, in spite of several setbacks, has continued to the present. The appearance of the telegraph in 1845 made meteorology a practical science.

During the War of 1812, the Surgeon-General of the Army directed hospital surgeons to observe the weather and keep climatological records. This order initiated the first government collection of weather observations. In the 19th century and early in the 20th, there was tremendous interest in the effects of weather on health. This was the reason for the Surgeon-General's order. By 1853, 97 Army camps were keeping weather records; and many medical studies were based on these observations, including an investigation of the association of yellow fever with climate.

In the same period, other federal and state agencies set up observing networks. In 1817, Josiah Meigs, Commissioner-General of the Land Office, began a system of observations at land offices. From 1825 through the 1850's New York State Board of Regents collected weather observations from a network of 30 stations. The States of Pennsylvania and Massachusetts had similar, smaller networks.

In 1849, Professor Joseph Henry of the Smithsonian Institution established an extensive observation network by supplying weather instruments to telegraph companies. Simultaneous observations were made by local telegraph operators and sent to the Smithsonian. Maps prepared from these observations were displayed in Washington, D.C.

By 1861, Professor Henry had 600 stations making regular weather reports, but the coming of the Civil War broke up his network.

In his annual report for 1865, Professor Henry advocated the reorganization of all meteorological observations in the United States under one agency as an effective means of predicting storms and warning coastal shipping.

The director of the Cincinnati Observatory, Cleveland Abbe, created an observation network in 1869, using some of the former Smithsonian observers. He issued forecasts, which he called "probabilities."

Increase A. Lapham of Milwaukee was an observer for the Smithsonian and later for Professor Abbe. Lapham repeatedly urged the formation of a warning system for Great Lakes shipping. It was a friend and supporter of Lapham's, Congressman H. E. Paine of Wisconsin, who in 1869 introduced the bill establishing a national weather service under the Secretary of War. Lapham had convinced the Congressman that a weather warning system for the Great Lakes would save many lives and a vast amount of property. Paine saw that Lapham's suggestion, if valuable in the Great Lakes region, could be even more worthwhile for the nation as a whole.

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Here, then, in February of 1870, was a beginning.

The period between 1870 and 1880 was one of rapidly expanding public services. In 1873, a river stage and flood warning service was started by the Signal Service. General weather services were extended throughout the United States by an appropriation act of 1872 providing for ". . . expenses of storm signals throughout the United States for the benefit of commerce and agriculture."

Soon the 383 cooperative observers still remaining in the Smithsonian's network were transferred to the Signal Service. Weather services for producers of cotton and sugar were inaugurated in the early 1880's. Cooperating with the British Meteorological Office, the Signal Service (renamed the Signal Corps) in 1885 began issuing warnings of Atlantic storms. By 1886, 290 locations were equipped with cold-wave warning flags. Forecasts of cold waves were passed along by telegraph, telephone, and railroad in an effort to give at least 30 hours' warning.

Specific investigations undertaken during these years included studies of tornadoes, moisture in the air, atmospheric electricity, use of balloons, thermometer exposure, and wet-bulb temperature conversion tables.

The 1880's were stormy times for the fledgling national weather service. The War Department became concerned that should the military services of the Signal Corps be needed, its personnel (now almost entirely absorbed in the provision of weather services) could not be spared from their weather duties. A congressional commission investigating scientific agencies in government was of the unanimous opinion that the weather services should not be a military function. Several bills proposing the transfer of the civilian weather services to the Department of Agriculture were introduced in Congress and finally, in 1890, similar bills were introduced and passed in both Houses. On October 1, 1890, President Benjamin Harrison signed into law an act effecting the transfer. At noon on July 1, 1891, the Signal Corps weather stations, telegraphic lines, apparatus, and personnel (honorably discharged) were transferred to the Department of Agriculture. The agency was called, simply, "the Weather Bureau."

As the century turned, the emphasis of the Department of Agriculture's new agency, as Congress intended, was on greater service to the farmer. Climatological services, tailored to agriculture, came to the fore even as, in 1903, the Wright brothers' first flights presaged yet another shift in emphasis.

American aviation and the Weather Bureau grew to maturity together. Aviation, however, did not come into its own until the close of World War I. In the years preceding "The Great War," the weather service was attempting to keep up with a nation on the move—both in a technological sense as the Weather Bureau became the first U.S. Government agency to adopt a new and promising communications technique known as wireless telegraphy, and quite literally as Henry Ford's "Model T" put Americans on the road and created an extremely weather-sensitive industry.

The first two decades of the 20th century had a remarkable effect on the nation's meteorological services. In 1902, Weather Bureau forecasts were sent by wireless to ships at sea. In 1905, the first wireless weather report was received *from* a ship at sea. Two years later, the daily exchange of weather observations with Russia and eastern Asia was inaugurated. In 1910, the Weather Bureau began issuing weekly outlooks to aid agricultural planning. The U.S. Coast Guard began an International Ice Patrol in 1912 as a result of the *Titanic* disaster. In 1913, the first fire-weather forecast was issued. An aerological section was established in the Weather Bureau in 1914 to meet the growing needs of aviation.

As the United States entered World War I, the need for weather services specifically geared for military use was met by a special meteorological section in the Army Signal Corps. The new section was charged with providing the American Expeditionary Force in Europe—as well as Army aviation, artillery, ordnance, and gas warfare activities in the U.S.—with all the meteorological information needed. The Navy, too, took the first steps in the formation of a meteorological service during World War I.

The end of World War I brought two major developments to the history of weather services in this country: The first was in military weather services; the second in aviation weather services.

When the war ended, the meteorological activities of the Signal Corps were sharply reduced. The growth of postwar military aviation, however, created a demand for aerological information and services; and weather officers were soon assigned to all major Air Corps maneuvers. Military meteorologists also contributed to the success of such important events as the first around-the-world flight, made by Army aviators in 1924.

Prior to World War I, there were few requests for flying-weather forecasts. The civilian pilot was his own weatherman. If the weather was bad, he simply didn't fly. After the war, however, the airplane was here to stay; and important passenger and mail routes gradually put an end to "flying by the seat of the pants" operations.

In 1926, the Air Commerce Act made the Weather Bureau officially responsible for weather services to civilian aviation. The phenomenal growth of commercial flying during the next 20 years was a major factor in a similarly explosive expansion of the Weather Bureau and its services.

Weather services in many other areas advanced during the period between the two World Wars.

In 1919, the Navy's Aerological Service was established on a permanent basis. Early in 1921, the University of Wisconsin made a radiotelephony broadcast of weather forecasts—the first systematic use of the new medium. Daily radiophone weather broadcasts followed. In 1927, a prototype of the WeatherBureau's airways meterological service was established on the west coast.

The year 1934 was a historically important one for the Weather Bureau analysis and forecasting activities. At that time, an airmass analysis section was established. Here, at last, was recognition of earlier investigations (already widely accepted) concerning the weather-causing interactions and predictability of "parcels" of air with differing water content and temperature. The Bureau officially adopted airmass analysis techniques in 1938.

In 1935, an improved 24-hour hurricane warning service was established. In 1939, the Weather Bureau initiated automatic telephone weather service in New York City. In 1940, the U.S. Coast Guard began manning ocean weather stations in the Atlantic; the Army Air Force and Navy established weather centers in Washington, D.C.; and the Weather Bureau issued its first official five-day forecast. Also in 1940, the Weather Bureau transferred from the Department of Agriculture to the Department of Commerce to "permit better coordination of Government activities relating to aviation and commerce generally, without in any way lessening the Bureau's contribution to agriculture."

About 17 months after this last action, America became embroiled in the Second World War. The Air Force and Navy brought their weather arms up to strength in a remarkably short time. In 1939, the Army Air Corps' weather branch (which evolved from the Army Signal Corps) consisted of approximately 200 men. Five years later, in the summer of 1944 when the service reached its peak strength, there were 19,000 officers and men engaged in weather work for the Air Force. The Navy's Aerological Service with 90 officers and 600 enlisted men at the time of Pearl Harbor, had increased to 1,318 officers and approximately 5,000 enlisted men by August 1945.

During World War II, the Weather Bureau (like most other nonmilitary organizations) was short-handed. The Weather Bureau replaced many men serving in the military services with women. At the beginning of the war emergency, the Bureau had two female technical employees; by the war's end, it had over 900. While many worked as clerks, hundreds of them performed observing duties.

Wartime technology brought two major observational tools to the nation's weather services. The first was radar; the second was the high-flying rocket which eventually was to carry earth-orbiting weather satellites into space.

A third tool, the high-speed computer, was also a long-awaited arrival on the meteorological scene.

Radar, capable of scanning thousands of square miles, provides a unique 3–D view of the location, dimensions, intensity, and movement of storms, as well as changes in their character.

Weather satellites give weathermen an even broader view of cloud formations over the entire earth. Lately satellite-mounted sensors have been developed which provide temperature data from a number of layers of the atmosphere.

Computers offer a means by which complex formulas describing atmospheric processes can be juggled to produce weather predictions.

Aided by these and other technological advances in meteorology, weather services in the United States have expanded into areas undreamed of 100 years ago when terms like "nuclear fallout," "air pollution," and "spacewalk" were meaningless.

Today weather services are woven into the fabric of such agencies as the Atomic Energy Commission; the Department of Health, Education and Welfare's National Air Pollution Control Administration; and the National Aeronautics and Space Administration.

The Department of Interior's Geological Survey makes valuable contributions in the field of water resources, and Interior's Bureau of Reclamation is active in weather modification programs.

The Federal Aviation Administration, vitally interested in air traffic control, works closely with the Weather Bureau in observing and disseminating weather information for pilots.

The Department of Agriculture's Soil Conservation Service, Forest Service, and Experiment Stations, all share an interest in providing the best services available to what is perhaps the most weather-sensitive industry in the world.

The National Science Foundation through its National Center for Atmospheric Research supports a great deal of research and development work carried out by a number of scientific agencies with weather-related programs.

The Environmental Science Services Administration (ESSA), a Department of Commerce agency created in 1965, serves as a focal point for federal weather services to the general public. Within ESSA are the Weather Bureau, the ESSA Research Laboratories, the National Environmental Satellite Center, the Environmental Data Service, and the Coast and Geodetic Survey.

The American Meteorological Society, also celebrating an anniversary in 1970 (its 50th), is dedicated to "the development and dis-

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semination of knowledge of meteorology in all its phases and applications, and the advancement of its professional ideals."

The next hundred years will see some drastic changes. One forecast has satellites with the most sophisticated weather sensors probing every mile of our global atmosphere, feeding the data gathered into gigantic computers issuing highly accurate long-range weather forecasts "untouched by human hands."

A "sunny" prediction, indeed. But if you think it's too optimistic, think of how talk of spaceflight, radar, and computers would have been greeted by one of those "observer-sergeants" in the Signal Corps who began the national weather services one hundred years ago.

MASSIVE RELIEF NEEDS IN EASTERN NIGERIA

Mr. KENNEDY. Mr. President, some days ago the Judiciary Subcommittee on Refugees concluded 2 days of hearings on the massive relief needs in eastern Nigeria. The information developed at these hearings—over the apparent reluctance of some in the Department of State—underscored the feeling of many observers that the situation threatened a human calamity far beyond the toll of death and stunted life produced during the 30 months of war.

Since these hearings, the subcommittee has been assured that significant progress is being made in measuring relief needs and in taking belated steps to reduce starvation and save human life.

Preliminary information on this progress, however, seems to indicate only a token effort is underway—and that, for all practical purposes, the situation has deteriorated even more.

Now we find that Col. Eugene Dewey, an American Army engineer and logistical expert attached to the Department of State to assist the Nigerians, has been unceremoniously expelled from Nigeria. Given our tacit approval and quiet support of the Lagos Government's policy and conduct during the civil war, I am appalled at its treatment of a respected expert, whose role as an emissary and technician could only assist the Nigerians in their stated intention to meet the food and medical crisis in their country.

Colonel Dewey is known not to have been a partisan in the civil war. His only concern was the breaking of logistical bottlenecks in reaching all areas of need.

Is it possible that the reason behind his rude expulsion is his complete knowledge of the staggering magnitude of the mounting disaster and the inadequate efforts being made to meet it?

Mr. President, this is a question which the subcommittee will pursue over the next several days.

LINCOLN QUOTED ON CARSWELL SPEECH

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record a column by David Lawrence, titled "Lincoln Quoted on Carswell Speech," which appeared in the Washington Evening Star of January 30, 1970.

There being no objection the column was ordered to be printed in the Record, as follows:

Lincoln Quoted on Carswell Speech

(By David Lawrence)

There is much ado about what Judge G. Harrold Carswell said in a political speech in 1948 in favor of segregation—six years before the famous decision by the Supreme Court ordering desegregation of the public schools. But it so happens that Abraham Lincoln in 1858, two years before he was elected to the presidency of the United States, engaged in a series of debates with Stephen A. Douglas—against who he was running for the U.S. Senate from Illinois—and race problems were discussed at length. Lincoln spoke as follows on August 21, 1858:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

"I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas, he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."

In another speech, on Sept. 18, 1858, Lincoln said:

"I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. . . .

"I will add to this that I have never seen to my knowledge a man, woman or child who was in favor of producing a perfect equality, social and political, between Negroes and white men."

Most people do not realize that the debate on the race question has been going on over a long period and that, prior to the 1954 "desegregation" decisions, the concept of "separate but equal" was upheld by the Supreme Court with respect to schools, housing, recreation and public vehicles.

Unquestionably, public opinion has crystallized more and more in recent years in favor of the idea that Negroes must not be discriminated against in the use of public facilities such as hotels, restaurants, and transportation. But the question of how public schools shall be "integrated" has by no means been satisfactorily resolved. The principle of "freedom of choice" is still being argued by both blacks and whites.

Many of the Negro leaders feel that there should be black schools and colleges, and there are white leaders who say that only white children should be allowed to go to certain schools. Some school authorities, however, are inclined to favor a pattern of neighborhood schools which both white and Negro children may attend and wherein admission will be open to all children irrespective of race, who actually live within a district.

The problem of hiring and assigning teachers is perhaps the most difficult one of all. Federal authorities lately have been leaning toward the idea of setting up ratios so that a fixed quota of Negro teachers will be employed in each school. This is a difficult system to apply, because it means, in effect, that competent teachers who are white will be rejected in favor of Negro teachers who are not competent, and vice versa. The quality of education given students should, in the final analysis, be the real test.

NATIONAL ALLIANCE OF BUSINESSMEN

Mr. TOWER. Mr. President, the National Alliance of Businessmen has been in operation for 18 months. In that short time, the NAB has made a tremendous impact in the area of job training, job placement, and job recruitment. The NAB has worked very closely with the Department of Labor's JOBS—job opportunities in the business sector—program in locating and placing the previously hard core unemployed in good paying jobs in the private sector of our economy.

The alliance has really just begun to realize its far-reaching potential. By September 30 of last year, the NAB had almost 350,000 job pledges from more than 21,000 participating companies. These statistics of a program that is only in its second year represent the belief of many that the private sector is the best remedy for the Nation's urban problems, particularly those relating to job placement and job training. The emergence of the National Alliance of Businessmen as a motivating force in the field of manpower training and job placement fulfills the campaign pledge of President Nixon to involve the private sector in the manpower area. I strongly concur with this idea, and I have actively encouraged Texans engaged in private business to become involved in this area of manpower development.

Mr. President, I have received a copy of the alliance's first annual report which details the activities of the NAB's first 18 months. I ask unanimous consent that a letter to me from Secretary of Labor Schultz, praising the work of the NAB, and a portion of the first annual report which summarizes the history of the National Alliance of Businessmen, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Department of Labor,
Office of the Secretary,
Washington, D.C., January 22, 1970.
Hon. John G. Tower,
U.S. Senate,
Washington, D.C.

Dear Senator Tower: Since the National Alliance of Businessmen was formed two years ago, nearly 269,000 disadvantaged men and women have been hired by participating companies. The Department of Labor has worked closely with the Alliance in referring the unemployed to jobs and in providing financial support in the form of job-training contracts in this vital program.

I invite you to read the enclosed copy of the Alliance's First Annual Report so that you may learn more about what business is

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doing for the disadvantaged and for America. If you are interested in visiting a program in your home district, my Department will be happy to help arrange it.

We are confident that you will believe, as I do, that government owes a vote of thanks to the National Alliance of Businessmen for its dedicated efforts in behalf of this Nation's disadvantaged citizens.

Sincerely yours,

GEORGE P. SCHULTZ,
Secretary of Labor.

HISTORY

The National Alliance of Businessmen has been in business for 18 months.

Those 18 months have sometimes proved shaky, sometimes very successful, sometimes disappointing, but more often very rewarding.

Hard facts—the numbers that business must use as a yardstick for success or failure —show that the Alliance is winning.

But, hard facts are not what it is all about. The human side cannot be measured in percentage points. And jobs mean people—their involvement in a better and happier way of life.

On January 23, 1968, the President of the United States proposed a major industry-government cooperative program to find jobs in private business for the nation's hard-core unemployed.

In his message to Congress he said government would identify the hard-core unemployed, business would identify the jobs it could find them. The two, he said, would be brought together, with industry training a man or woman for a particular job.

At that time, the President pointed out that "with the hard-core unemployed there will be extra costs. These men will be less qualified than those the employer would normally hire. So additional training will often be necessary.

"Where the company undertakes to provide these services, it is appropriate that the government pay the extra costs as part of the national manpower program."

This was to become the Alliance and JOBS, Job Opportunities in the Business Sector.

As Paul W. Kayser, this year's President of the Alliance, put it: "The Federal government has admitted it cannot do one of the most important jobs to be done in the nation today.

"In turning the tables on us the government asked businessmen to help place persons in meaningful jobs.

"By doing this we can make a major inroad on the elimination of poverty. The answer is jobs. And jobs is our business."

Latest reports from participating companies show that 268,920 persons have been hired since the Alliance came into operation. Of those, 126,047 have left for various reasons leaving 142,873 still on the payroll. The Alliance on September 30 had a total of 338,307 basic job pledges from 21,144 participating companies.

While these figures give every cause for optimism, the Alliance staff and a number of participating businessmen also recognize that the past 18 months has been a period of tough adjustments, persuading business to hire the disadvantaged unemployed and learning by trial and error about the pitfalls and problems in training them.

This is understandable. The Alliance has asked businessmen to reverse their usual hiring practices. But, then, JOBS is an unusual program. It goes against the practice of most job training programs by finding the job first, and then training the man. In the history of this country most training programs have been the in-school type—first the man is trained, then he finds a job.

When business was asked to start a crash program to help the poor, the uneducated, the dropout (not necessarily from high school, but from society), often a person with a police record, possibly with a drinking or drug problem, it realized there were no magic keys to unlock the doors to an instant solution.

Businessmen were suddenly asked to start hiring persons they wouldn't have let past the plant gate a few years ago.

Then, and just as important, the hard-core had to be persuaded that the Alliance wasn't just another anti-poverty milk sop. As one Negro leader pointed out, there have been numerous programs to help the unemployed. So numerous in fact that many thought the Alliance was just another "trick bag."

One concern that has been voiced is that the Alliance is just training persons for entry-level jobs. This is not so; as many fail to realize. The job-search program is dealing with persons who a few years ago wouldn't have found meaningful employment. Therefore, there must be some relationship between a job and initial skill as we change the criteria of employment from qualification to need.

Once they have their foot in the door it is hoped that with future training and education the door will swing wide open. Many of the former unemployed have already moved to better jobs, either with their original employer or with others.

OUTLOOK

Those who launched the National Alliance of Businessmen did a magnificent job of guiding this unusual new enterprise through its first year. They created a strong and productive organization, built a solid base of big-company involvement, and won the acceptance of the Alliance's goals and programs throughout a large part of the business community.

Our tasks for the second year—a year of consolidation—are to maintain the momentum of the program in the original 50 cities while broadening the base of corporate involvement; to create strong and successful organizations in the new "expansion" metro offices; to establish the kind of working relationship with government whereby it will respond to our recognized needs more rapidly and effectively; and to develop an organizational structure for the future; in so doing we will build a nationwide organization with the strength and experience to expand next year to all cities throughout the country.

The Alliance's programs continue to be based on the energy and commitment of individual employers and of our 131 metro offices. The new expansion metros are rapidly developing programs which will assure the success of their first-year programs, and all metros are strengthening their operations and abilities to reach all employers in their areas. On both metro and national levels, the Alliance is expanding its efforts to involve still more of the large and middle-size companies and to encourage companies already committed to increase their pledges to hire and train the disadvantaged. We are developing ways to reach smaller employers, including the 3,300,000 American businesses which employ fewer than 50 persons, and to increase the participation of the service industries and non-profit organizations, which were not well represented in the first year. The increased participation of these industries will increase greatly the number of employers in our program and the range of jobs available. The greater stability of employment in these industries should also help to minimize the effects on our program of any potential slow-down in the national economy, which some fear may occur.

We are also working to encourage more companies to enter into training contracts with the Department of Labor under the JOBS program. Such contracts are a financial necessity for many smaller companies and enable even the largest to make the full commitment of resources and management skills needed for a fully successful program to hire, train and retain the disadvantaged.

To sum up, the partnership between business and government to find jobs for the hard-core unemployed and under-employed in the private sector of the economy has been a success beyond even the most optimistic expectations. As a result, the National Alliance of Businessmen has had to raise its sights. The goal for the year ending June 30, 1969—100,000 disadvantaged men and women on the job—was met a month ahead of schedule. We have expanded to new cities more rapidly than planned, and have raised the June 1971 goal for men and women on the job to 614,000. That we are also on target for our June 30, 1970 goal of 338,000 disadvantaged men and women hired, trained, or in training is the overwhelming censensus of our Metro Chairman in the 131 cities in which we are now at work.

We believe that the National Alliance of Businessmen will continue to do its job regardless of foreseeable obstacles. The business community has recognized the need to help the poor help themselves. It has recognized that no one can better train people for meaningful and productive jobs than business itself. It has recognized the need for American business to show the people of our nation—our customers, our stockholders, our younger people, as well as the disadvantaged—that business can and will take the leadership in meeting and solving the major national problem of hard-core unemployment and under-employment.

These efforts depend upon all the private employers of America. The National Alliance of Businessmen is proud to be at the center of this endeavor. We hope that those of you who are already part of the JOBS program will continue your efforts; we hope those of you who have not yet pledged to hire and train the disadvantaged will join us.

DONALD M. KENDALL,
Chairman.
PAUL W. KAYSER,
President.

The Alliance has moved along with remarkable speed and there have been many innovations as it grew stronger and more adaptable.

There is the "Buddy" system. The system's basic concept is to assist new employees in their new work environment through the counseling and guidance of experienced workers.

Almost a big brother, the experienced worker will help the new man with all the problems he encounters—from working problems to personal problems, from transportation problems to financial ones.

Another major tool to break down barriers between employers and the hard-core has been workshops to help supervisors and middle managers understand the problems of adjustment the hard-core face on the job.

There is still a credibility gap between the business community and the disadvantaged community. To help meet this problem a number of metro offices have set up community relations advisory boards. Made up of a cross section of disadvantaged community leaders, they meet with Alliance officials and then report back to their groups. It is hoped that in this way disadvantaged people in greater numbers will believe that the Alliance really is sincere in its desire to provide them with employment opportunities.

Despite the difficulties of a new enterprise, the Alliance exceeded its first-year goal with 102,235 disadvantaged persons working in full-time jobs by May, 1969.

Moreover, the JOBS program was expanded this year from 50 to 131 cities. The Alliance is also concentrating this year on expanding the JOBS program to smaller employers and companies in the service and non-profit industries.

In the balance the Alliance feels it has taken a substantial forward step. Private industry is deeply involved. Thousands of persons now hold jobs at higher salaries than they have known before and all have the opportunity to advance.

A recent development of major significance was the decision in June to merge the Alliance and Plans for Progress. The purpose was to improve the efficiency of both operations without diluting their main objectives.

For the future, as for the first year, the Alliance's marching orders are: Hire, Train, Retain.

BRITAIN IS GOING METRIC, WILL THE UNITED STATES FOLLOW?

Mr. PELL. Mr. President, 90 percent of the peoples of the world have adopted or are in the process of adopting the metric system. The United States and Canada are the only two major industrialized countries which do not have plans to convert to the metric system. These facts were noted in the comments on Britain's conversion to the metric system made by Lord Ritchie-Calder, chairman of the United Kingdom's Metrication Board, in an address delivered to members of the National Metric Advisory Panel and guests this past week.

For those who are concerned about the difficulties of metric conversion in the United States, I think the remarks of Lord Ritchie-Calder regarding the success of the British efforts will allay their fears and provide a source of encouragement for a renewed American effort.

At present, although the Senate has passed an adequate authorization for the U.S. Bureau of Standards' metric study, that study is being conducted on a limited budget and with a small staff.

The United States first began the discussion of metric conversion under the leadership of Thomas Jefferson and John Adams. I think it is time we moved on with the job. Lord Ritchie-Calder reports that Britain will have gone metric by 1975. I wonder whether the United States will follow by 1976, nearly 200 years after our Founding Fathers first recommended metric conversion.

I ask unanimous consent that Lord Ritchie-Calder's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

BRITAIN IS GOING METRIC

(By Lord Ritchie-Calder of Balmashannar)

The word-merchants of the Oxford English Dictionary were asked to rule on what the term for going over to the metric system should be. They said that it should be "metrification". But the Board of which I am chairman is the Metrication Board. In Britain there is no "if" about going metric. By 1975, we shall have achieved what 200 years ago—July 1790—Jefferson proposed for the new United States—a rational system of measurement. It would have been sensible for the first country to adopt decimal currency (three years ahead of France) in 1792 to have cleared out the lumber-room of left-over measurements at the same time.

It has always struck me as ironical that Quincy Adams, who was personally convinced of the virtues of the metric system, should as Secretary of State in 1821 have advised Congress not to adopt it "because it would be hazardous to deviate from the practice of Great Britain". I say "ironical" because the excuse of British industrialists dragging their feet a century later was that they did not want to deviate from the practice of their biggest customer, the United States. Now that over 53 percent of British trade is with metric countries and that over 90 percent of the peoples of the world have adopted the metric system or are in the process of going over to it, the British industrialists are the pace-makers for conversion. There are still some firms who are a bit nervous about getting out of step with America, but we are over the hill and there is no turning back.

I find the loyalty of the United States to old imperial system rather touching, especially in the Space Age when the calculations and instrumentation needed to get men to the moon are in the scientific number-language of metric. (I should love to see the computer calculating the number of barleycorns to the moon and back. As you no doubt know the foot was standardized all those centuries ago as "thirty-six barleycorns taken from the middle of the ear".) But the astronauts when they come back to earth splash down in so many fathoms—and the fathom is the length of a Viking's embrace—and so many yards from point zero. The yard, of course, was the distance from the tip of the nose to the outstretched finger of King Edgar, the Anglo-Saxon king a thousand years ago. The astronauts have been gathered up and carried off into quarantine to be debugged, decontaminated, debriefed and demetricated so that they can step out into a pound-foot-gallon country.

As the dentist says "It won't hurt a bit". We are finding that going metric is almost painless—apart from a few twinges when the nerve of sentimentality is touched and we drool over our pint. *Learning* metric is simple. It is *unlearning* imperial that is difficult. And that is where our younger generation is lucky.

The children who entered primary school in Britain in 1969 will be taught a much simpler system than their forerunners and will emerge thinking metric, to follow their careers in the professions, in factories, on farms, in transport, in construction, and in commerce, all of which will have gone metric to the extent that imperial units will have no more than lingering value, like the spare parts of vintage cars. That generation will have the advantage over their elders of not having to unlearn imperial, which is one of the penalties of the transition which older generations will have to face.

Confidence must not be misread as complacency. We know only too well the difficulties that lie ahead. The Board came into existence only in the middle of 1969, but it inherited the results of many years' effort by many organizations and of the initiatives taken by Government departments, industrial enterprises and individual firms. From the surveys we have made, consultations we have held and reports received by the Board's committees and staff, a pattern has emerged which is encouraging. A task which might have appeared formidable in its total complexity seems less so once it is broken down and considered as a sum of its parts.

The contemporary phase of British metrication can be dated from the report of The Committee on Weights and Measures Legislation (Hodgson Committee) set up by the President of the Board of Trade which reported in 1950. The Committee resolved the perennial debate by coming down on the side of metric as "a better system of weights and measures than imperial" and recommending that the Government "should take steps, in concert with the Commonwealth and the USA, in favour of the complete adoption of the metric system over a period of about twenty years." In 1965, the Federation of British Industry wrote to Ministers formally stating that the large majority of its members was in favour of the metric system. This was endorsed by the Government and the F.B.I.'s successor-organization, the Confederation of British Industry, has energetically promoted the change-over. We have been the beneficiary of those efforts.

The British Standards Institution has had, and will continue to have, a crucial role. Metrication is meaningless for industry unless it is embodied in codes of industrial standards, acceptable in Britain and, so far as possible, abroad. The B.S.I. is a typically British partnership between Government and business subscribers embodying, like metrication policy, a national programme and the voluntary principle. The B.S.I. having actively promoted metrication, put in hand a systematic examination and revision of over 4,000 standards so that the pace of change throughout the economy would not be impeded by lack of essential metric materials and components. At the same time, the Institution prepared and published, in consultation with interests concerned, agreed metrication time-tables for four major industries. Those time-tables, in turn, were dependent on the production of B.S.I. metric standards by which they could become operable.

The Royal Society, in the tradition of British science, took a leading role even when "imperial" was paramount in promoting an internationally coherent system, consistent with scientific precision. It held two conferences on metrication in schools and later published booklets embodying the recommendations and conclusions. In advance of the creation of the Metrication Board, this influential initiative led to a series of decisions that examinations in universities, colleges of higher education, technical colleges and professional institutions should henceforth progressively be set in metric.

Government departments, by requiring metric specifications in publicly financed projects and in direct contracts, are decisively influencing the progress of going metric. They can, as the Ministry of Public Building and Works and the Scottish Office have done, issue instructional memoranda and guides to metrication to their own staffs and to the agents and suppliers.

In the nationalized industry sector, substantial progress has been made in planning the change. The Central Electricity Generating Board, for example, has published its programme for the change-over, issued a comprehensive metric manual, and organized training programmes in conjunction with the Electricity Supply Industry Training Board.

The construction industry, with an order-book of $11.2 billion a year, and involving over 1 million operatives and 80,000 contracting firms, many of them small and most of them dependent on casual labor, might have seemed an intractable problem. Through the initiative of the leaders of the industry and the positive metric policy of the Ministry of Public Building and Works, the construction has become a pace-maker in metrication. To assist on-site labor the Construction Industry Training Board produced a substantial range of programme information and of training material.

Many Trade Associations, on their own volition, made plans and began the change-over before the Board came into existence. Their valuable work is described in some detail in this report.

Productivity Councils have prepared the ground. Chambers of Commerce in all parts of the country have promoted discussion. One of the gratifying discoveries of the Board was to find how matter-of-factly metrication had been examined by the farming organizations, without serious misgivings.

The pharmaceutical industry and the pharmacists who began planning as far back as 1945, had changed over to the use of metric units by March 1969. Without any fuss or bother, the traditional grains and scruples disappeared. This is an excellent example of the metric go-between. The industry by its packaging and the dispenser handling the prescriptions could make the conversion with no trouble to the medical profession or to the public. The ease with which the change has been made is a reflection of the wisdom and thoroughness of the planning which preceded it. To the general public it just appeared to happen.

The Board is charged with seeing that the change-over shall proceed as briskly and as smoothly as possible. It is, however, important to say what the Board is not. We are not an executive body, nor do we have statutory nor mandatory powers. We do not dictate to the industrial and non-industrial sectors how they shall plan the change-over, nor do we make decisions about the units of the metric system to be adopted. Our task is to consult, to advise, to inform, to stimulate and to coordinate. In short, we are required to give coherence to the whole process, reassuring and supporting those sectors of the economy which are showing initiative in going metric, and encouraging those which are still hesitant and over-cautious. We can have a panoramic view of the whole economy which the sectors and individual enterprises themselves have not got. We can present a comprehensive picture of dispositions and events. We can establish lines of communications. We can prod the laggards. This includes not only industrialists and traders but any Government departments which do not seem to us to be playing their rightful positive role.

We can do this by ensuring an adequate information service, within, and between, the sectors. We can intervene when there are apparent gaps or where there are dangers of a programme getting out of phase. We can ensure that developments in a main sector, such as education, go forward with an awareness of what is happening in other sectors relevant to its activities. At the same time, by informing the public we can create a climate of opinion responsive to those changes.

The decision that the adoption of metric units should be voluntary has certain major consequences. The Government might have declared that after a given day metric units would be the only legal units throughout the economy. Indeed there are some who, when in difficulty about reconciling their programmes with those of suppliers and customers, have argued for a statutory "M–Day" or "M–Days". This would destroy the whole voluntary basis of the approach which the Government decided to adopt as the most congenial to the British community, with each sector working out its own programme and the Metrication Board fulfilling a central coordinating role. This approach to metrication takes into account the fact that time-tables will vary for the different sectors, that there must be a good deal of latitude within the individual time-tables, and that in some cases the processes of the change-over will take longer than others. Nevertheless there are implicit sanctions. The forces of the market-place, notably the demands of major customers, including the public authorities in central and local government and the nationalized industries are powerful. The legislative programme will determine dates when the various weights and measures will have to be legally modified, and thereafter enforced. The general adoption of agreed standards metrically based will impose conformity. Individuals and enterprises will find themselves working in a metric environment in which those still unimpressed by the inherent advantages of the metric system will find themselves the odd men out. The decision to proceed on a voluntary basis does mean, however, that the change-over will appear less decisive and less controllable than, for example, the change to decimal currency where the Government is in a position to make firm timetable decisions and to make the switch-over imperatively operative. It also means that in metrication the exchange of information, publicity and education in the broader sense have an even more critical role to play.

The Board is the instrument of a decision to change and is the purveyor of units which constitute the international system which the Government agreed should be adopted as the basis of the change to metric. There has been, however, a good deal of perplexity about the nature of those S.I. units and this required from the Board a quite simple guide to the metric units which would be used in everyday life. It has also been necessary to explain the advantages of having a logical coherent and internationally agreed system of weights and measures.

Apart from the merits of the units themselves, their introduction provides the opportunity and compels each undertaking to examine its structure and methods of operation when planning for the change-over. In manufacturing industry, the application of rationalization and variety reduction techniques lead to a reduction in stockholdings, simplified tooling, faster and easier calculations, and improved designs. The result should be an all-round increase in efficiency and competitive power. Because the units are in accord with most of the rest of world, this greater efficiency can lead to greater opportunities for expanded sales, notably in increased exports.

In education, the main benefit is a substantial saving of time and reduction of drudgery through simplified instruction at all levels.

In other sectors of the economy, such as the retail trade and local government, most of these advantages will also be secured, although they are not always self-evident or so immediate.

Throughout the country as a whole there will be a greater simplicity of all calculations because transactions will be conducted in decimal value and metric measure. There will, of course, be a period of familiarization when the imperial and metric systems exist side by side. We believe it is in the best interests of the nation that this period of numerical bilingualism should be kept to a minimum.

Wild unsubstantiated surmises have been made about the costs of Britain going metric. The Board, with all the experience which it incorporates in its membership, rejects as irresponsible the kind of figures which have been suggested. Indeed, we can find no statistical model on which an estimate of the overall cost to the nation could be calculated and, with the policy already determined by the sober judgment of Government and of industry, we regard the exercise as futile. Similarly, to try to quantify the long-term benefits which will assuredly accrue from incrased efficiency and improved competitive power would mean no less than a computation of Britain's role henceforth in world economy. Eschewing such vanity, the Board would say, *per contra*, that, if the decision to change had not been made, we should be imposing on ourselves an avoidable economic handicap in the years ahead when we shall have to earn our living in a world which will be substantially metric.

Our remit says emphatically "The costs shall lie where they fall." We accept that as the only practical attitude. That does not mean that we are not sensitive and sympathetic to those who are faced with the immediate on-costs of the change. We are undertaking case-studies of the experiences of individual firms and hope that we can count on the cooperation of many more in determining the real expenditure on material changes and retraining programmes incurred by particular enterprises. One thing we can say without hesitation: By planning the ncessary changes, with minimum delay, firms can reduce outlay and disturbance and will ensure their share of benefits, the greater and sooner. To do so, the plans of individual enterprises must be synchronized with changes taking place throughout their own sector of the economy. That is where we can help in ensuring coordination within and between the various sectors.

During 1970 substantial progress will be made in many sectors of the economy. The British Standards Institution expects that all important standards relating to construction, industrial materials, engineering components and equipment will be available. This is an essential stage to an orderly advance within these sectors. In education too substantial progress can already be foreseen, the change to metric in examinations being a powerful stimulus.

Freight transport has set the beginning of 1972 as the target date. The road speed levels will be in kilometres per hours in 1973, and prior to that a beginning will be made in erecting new road signs incorporating distances in kilometres.

The measurement of land in metric will begin in 1970, with dual dimensioning in preparation for the full change-over in 1971 when land measurement will be wholly metric. Forestry will take a further year to achieve the complete change-over. Farming as a whole seems likely to begin to go metric in 1972, a change which should be substantially completed in 1973.

Vital industrial supplies such as aluminum, lead, copper, zinc, steel bars, flat steel products, wire mesh and electric cables will be available in 1970 to metric specifications. The production of plastics materials will be in metric terms by the end of 1971, while trade in chemicals in metric units will begin in that year and the change-over will be completed by the beginning of 1973. During 1970 the paper, board and printing industries will complete the change-over to metric.

Broadly speaking, therefore, the materials industries will by the end of 1972 substantially be producing and marketing materials in metric terms.

The engineering industries, including shipbuilding, are now going through the initial period of change, and many new designs, particularly equipment for the Armed Services, will be in metric terms from the beginning of 1970. Generally, government procurement policy is to give preference to metric supplies. In 1971 the pace will quicken. The shipbuilding industry will be substantially metric by the end of 1972, while in the engineering industry major changes will be evident by about the same time. There is, however, no simple pattern embracing changes in these diverse industries, and the nature of the change and its timing will vary widely from one sector to another.

The construction industry will continue its progress towards metrication and all new designs from now on should be in metric dimensions. Bricks, paving flags, fibre boards, concrete pipes and metal windows are now becoming available from stock. The change to metric measures for softwood, hardwood, plywood and sheet materials should take place about the middle of 1970, and by the end of the year cement and ready mixed concrete will be sold in metric quantities and flat glass to metric dimensions will be generally available.

During 1970/71 there will not be much that the public will notice. Some do-it-yourself materials will be on sale in metric quantities, notably paints and timber. The bedding industry will go metric in the beginning of 1971, and some synthetic and woollen fibres will then be available in metric quantities. Footwear sizing is to be in metric units in the fall of 1972, and generally it is at that time that we would expect the general public to become increasingly aware of the change in the shops. Of particular significance will be the change in the units of sale of beer, milk and petrol. Another noticeable stage will be when changes in the Weights and Measures Act become effective. It will not, however, be possible to organize the change-over in the retail trade on one single M-day, and the change-over will be progressive.

We see our information task as consisting of two main parts. Our prime objective during 1970 and 1971 is to publicise what programmes the industrial and economic sectors work out, providing encouragement for the vanguard and persuasion for those a little farther behind. By producing films, exhibitions and publications we intend to keep all concerned informed about progress in their own and other sectors thereby helping to share experience. In this we hope to obtain the same measure of willing cooperation from the press and broadcasting organization as we have already experienced. But concentrating in this initial period on the economic areas where information and advice is most immediately needed does not mean that we will neglect young people and the general public. Our overall task is to help make the metric system of weights and measures intelligible, acceptable and familiar throughout the country as a whole. We intend to take every opportunity of removing misunderstandings and allaying misgivings. When action with a sector is likely to have a general effect we will be ready with advice and information for those sectors of the public who will be involved. But we do not expect to mount large-scale, intensive publicity campaigns for the larger public until nearer the time when metrication will extend into the retail and domestic sectors. To do so could only cause needless concern. Information which is not related to action, whether it be in the shops or the kitchen, would in our view be premature.

The total change on which the country has already embarked is vast in extent, but its apparent complexity is simplified when the detailed elements are identified. We have not encountered as yet any major obstacles, although we are well aware of certain specific difficulties. With proper planning we believe they can be resolved.

We think that there has been a tendency to exaggerate the difficulties and to underestimate the skills of management, the intelligence and the adaptability of the ordinary citizen when the changes required are realistically presented to them. The educational system and the industrial training organizations both as regards new training and retraining of the work force can make a major contribution to easing the problems of the transition.

We do not look for 100 percent perfect planning or a picture complete in every detail as to what is going on. Firms will move at different rates and the extent to which they need to make changes will vary greatly. The change will in the main not be in the physical equipment being used but in the use to which the equipment is put, in product design and in marketing.

We have heard some alarming and widely quoted estimates of the cost of metrication to the nation. Our examination of such facts as are available have shown these estimates cannot be substantiated. For one thing they don't attempt to assess the benefits to be derived from the change. We have sought to show the nature of those benefits, but like the costs they cannot be quantified except in the context of a particular enterprise.

There is a tendency to exaggerate the retail problem which raises difficulty only in a very narrow sector—What seems clear in all sectors is that the better the planning and the more rapidly the transition can be made, the lower the cost and the sooner the benefits are reaped. It is in factories, offices, schools and shops that the real and vital decisions will be made and where the changes will be accomplished and the benefits gained.

READING ACHIEVEMENT IN PUBLIC CLASSROOMS

Mr. MURPHY. Mr. President, today's Washington Post contains an article with respect to a contract that the city of San Diego proposes to enter with private industry to raise reading achievement in public classrooms.

Mr. President, I was the author of the dropout prevention program which has made possible the so-called Texarkana project, which was the first performance contract in the country. I am convinced that the dropout prevention program is one of the most promising programs in the country, and the San Diego decision indicates that school districts across the country are paying attention to what happens under the dropout program.

Earlier I made public the preliminary results of Texarkana, which indicate that the company is ahead of its performance standards established in the contract.

Mr. President, I have written to all of the conferees on the Labor-HEW appropriations bill about the dropout prevention program and the bilingual program. Since these two programs are so important for the country, I ask unanimous consent that the text of my letter be printed in the RECORD.

In addition, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 30, 1970.

Hon. ——— ———,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing to urge you to increase the funding for the dropout prevention program and to hold the $25 million for the bilingual program.

These two programs, in my judgment, are the most promising educational programs that we have. They are "high priority" programs that can and are pointing to new approaches in American education. While they are small in comparison to Title I of the Elementary and Secondary Education Act, I am convinced that their impact on education will significantly overshadow the larger Title I program. These two programs might properly be regarded as "rudders" for Title I, testing new approaches and pointing the way for the larger Title I funds.

While the Committee's approval of the $25 million for the bilingual program indicates a growing appreciation for the potential of this program, I am personally convinced that the dropout prevention program also merits that kind of support. For example, the Texarkana project has attracted national attention. Under this project, the school system has entered into a performance contract with private industry to raise students' performance one grade level in math and one grade level in reading in 80 hours of instruction. The basic thrust of a performance contract is that one must perform in order to get paid. I recently reported some encouraging preliminary results which show that the company has raised math scores one grade level and reading scores approximately two grades in only 50 hours of instruction. As a spinoff of the Texarkana project, San Diego has entered into a $2.4 million performance contract to raise basic scores of its students.

Also, there are other exciting programs going on, such as the one in St. Louis. The programs are working because they are relatively small in number. Each project is required to set specific objectives, and importantly for the first time in federal contracting, each project is held accountable for achieving the objectives which they set. An educational audit from an outside source is made in addition to an intensive in-house examination to make certain of the project's performance. Thus, this is a no-nonsense approach to education with each project carrying the concept of accountability in the use of federal funds based on results obtained in reaching stated objectives which are measurable.

I do hope that you will agree with me and increase the funding for the dropout program as well as hold the full $25 million for the bilingual program. I feel very strongly about these two programs, and I have personally tried to monitor them. I am enclosing for your information a copy of my testimony before the Appropriations Committee on this subject. I appreciate your cooperation.

With best wishes, I am,
Sincerely,
GEORGE MURPHY.

[From the Washington Post, Feb. 2, 1970]

PROFIT MOTIVE HARNESSED IN NEW SCHOOL EXPERIMENT

(By Eric Wentworth)

The San Diego school board has just approved a $1.4-million contract with a private company that guarantees to boost reading achievement in public classrooms.

The contract calls for Educational Developmental Laboratories, a division of McGraw-Hill publishing house, to help improve the lagging language skills of some 9,600 minority children in that Southern California city.

EDL agrees to supply a variety of instructional materials, in-service training for teachers and consulting services.

Public school contracts with private industry for this type of project are a very recent trend. But what gives this case special national interest is EDL's guarantee that the primary-school pupils would advance to agreed rates over three years. To the extent they fell short, EDL would suffer financial penalties.

The San Diego contract, contingent on federal funding, reflects a new, hard-headed approach to upgrading the nation's schools.

Advocates of this approach use terms like "accountability" as well as "guaranteed performance." Some even talk of students as "products" who, properly schooled, should have "zero reject capability" after graduation.

These men believe it is high time that schools become more efficient, more effective, more geared to achieving measurable results.

Students as well as society, they contend, will benefit. Too many students today, in their view, still lag in basic skills, still drop out, still emerge from the classroom intellectually stunted.

These "hard heads" are legion in private industry and the military services, which have a vested interest in improving the basic and specialized skills of American youth.

Industry and the military, on their own or working together, have devised numerous training programs they claim are successes the public schools should adopt.

Then there is the "learning industry" itself. McGraw-Hill's EDL is only one in a phalanx of large and small companies that have had spotty success so far in marketing their hardware, software or planning-consulting services. Giants like Westinghouse, General Electric, IBM and Xerox have plunged into this field in recent years.

Significantly, moreover "hard heads" are turning up today among educators and education planners as well. A growing number are becoming more receptive toward the management know-how as well as the products of modern industrial technology.

Some at least—as in San Diego—even see promise in harnessing the profit motive in the cause of boosting classroom performance.

Whether the U.S. Office of Education will fund the San Diego project in the upcoming tight-budget year is uncertain. But a number of federal officials, including Education Commissioner James E. Allen Jr., find the contract approach intriguing.

These officials are keenly following the progress in Texarkana, Ark., of what is billed as the first U.S.-funded "guaranteed performance" contract.

In Texarkana, Dorsett Educational Systems, an Oklahoma teaching-machine maker which won the contract against several other bidders from around the country, has begun teaching remedial reading and mathematics. The nearly 200 junior and senior high school students involved so far were "underachievers" in these subjects and thus potential dropouts.

Dorsett too will be paid on the basis of how fast these students attain agreed achievement levels: a bonus for those who get there ahead of schedule, less for the laggards and zero for those who don't make it at all.

The company in turn is using the profit motive to spur the students ahead. Those who perform well get S&H Green Stamps or time off to listen to folk-rock on headphones at Dorsett's six "learning centers."

Lloyd Dorsett, the company's ebullient president, was in Washington last week to describe the program and show off his machines at an event called the "1970 National Laboratory for the Advancement of Education".

This three-day get-together, which drew an estimated 3,000 people to the Washington Hilton, was itself an example of the "hard heads" in action. Its prime sponsor was the Aerospace Education Foundation, an Air Force Association off-shoot that promotes the use of space-age teaching methods and devices in the nation's schools and colleges.

"Learning industry" companies showed up in force to display their wares and, in some cases, demonstrate them in mock classrooms.

Among the speakers was Leon Lessinger, former AEF president who recently left an associate commissioner's post in the U.S. Office of Education to join Georgia State University as professor of urban education.

Education, said Lessinger, is suffering "a crisis of nonachievement" despite the billions of federal, state and local dollars being spent for improvements.

Contracts, he argued, hold promise in the new quest for accountability in classroom results. "Contractors," he said, "are generally careful not to promise more than they deliver, especially if there are incentives and penalties. We have had enough of big causes and small delivery."

Another advocate of accountability is Don Davies, the Office of Education's associate commissioner for educational personnel development. "I see it," he said in a recent speech in Minneapolis, "as an 'in' concept that comes to grips with a notion too many schoolmen have too long rejected—the notion that schools and colleges should shoulder the responsibility for the learning successes or failures of their pupils."

In a related approach, the Office of Economic Opportunity recently gave $196,313 to the Center for the Study of Public Policy in Cambridge, Mass., to design a system of school-attendance vouchers.

Low-income parents would get vouchers representing each child's prorated share of public education funds to pay for their offspring's schooling in either public or private classrooms.

Some education planners who like the hard-headed approach say they still need proof, however, that businesslike thinking can take root in the traditionally "soft" school environment.

The new trend, nevertheless, seems to bear out Peter F. Drucker's remark in his influential new book "The Age of Discontinuity":

"Education has become too important to be left to the educators."

SHAKEDOWNS INTIMIDATE DISTRICT OF COLUMBIA STUDENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a story which appeared in the Washington Post of January 29, 1970, titled "Shakedowns Intimidate D.C. Students."

There being no objection, the item was ordered to be printed in the RECORD, as follows:

SHAKEDOWNS INTIMIDATE DISTRICT OF COLUMBIA STUDENTS

(By Carl Bernstein)

On Tuesday, police arrested a 12-year-old student at Simon Elementary School in Southeast Washington and accused him of robbing a classmate, Ernest Powell, 11, of a quarter.

The suspect was charged with a crime called "robbery fear"—meaning that fear was the weapon used in the alleged robbery.

Robbery-fear, which a layman might call extortion, is an accepted fact of public education in and around many of Washington's schools, according to police, students and school officials.

The problem has become so acute in at least one school—Shaw Junior High—that some students stay home out of fear, according to the principal.

"Essentially these incidents are shakedowns," says Officer James Gainer of the Washington police youth division.

"It's a continuous problem at all levels in the schools. The only thing unusual about the Simon case is that there was an arrest. Usually, the kids are too scared to complain about it."

Ernest told police he became frightened Tuesday when he saw a schoolmate walking toward him on the Simon playground at Mississippi Avenue and 4th Street SE.

The same boy had taken money from him before, after threatening to beat him, Ernest reported. Ernest also was beaten and robbed several weeks ago by three boys as he walked home from school, according to his grandmother.

So, on Tuesday, he handed his 25-cent daily allowance to a friend when he saw the same schoolmate walking toward him.

The student later charged with robbery then approached both boys and demanded the quarter he had seen Ernest pass to his friend, assistant principal Gloria S. Ingram said.

Kenneth Mathis, Ernest's 12-year-old companion, wasn't about to argue: In December, another student had taken $1.50 from him after threatening to beat him, his mother said yesterday.

"A quarter just isn't worth getting messed up over," she observed.

Police report that Anacostia—where Simon Elementary is located—has been particularly hard-hit by student shakedowns, although there seem to be few schools in the District unaffected by the problem.

"There's even a bridge near here that the children call the toll bridge," Principal James Carter of Hart Junior High School said yesterday. The school is located at 601 Mississippi Avenue SE.

The bridge, which crosses Oxon Run near Valley Avenue, takes its name from older students who "shake down smaller children before they let them go across," Carter said.

The Hart principal, who recently testified before Congress on safety problems in District schools, said shakedowns have become less frequent since increased police protection was ordered for schools in Anacostia two months ago.

"I'm sure it's still going on though," he added. "And it's going to get worse when the weather gets warmer."

According to police, most student shakedowns are committed either by older or bigger students or groups of three or four who will pick on a lone student.

"We could do something about it," says Officer Gainer of the youth division, "but the victims are afraid to complain. They know that kids have been beaten up for talking."

Even when students complain to school officials, Gainer says, a shakedown rarely results in an arrest.

"When it comes time for a confrontation, the kid who has done it says, 'I didn't take anything; I asked for a loan.' And then the one who got robbed gets scared and says maybe it was a loan after all."

Conversations with principals, students and teachers at a dozen schools in all areas of the city yesterday resulted in assertions that students at all 12 schools have been experiencing shakedowns.

In addition to Simon, the schools checked were Carver (in Northeast), Congress Heights (SE) and Langston (NW) elementaries; Alice Deal (NW), Hart (SE), Shaw (NW), Stuart (NE) and Randall (SW) junior highs; and Western (NW), Eastern (NE) and Ballou (SE) high schools.

"We need everybody on duty in the halls all day because of the problem," said Principal Percy Ellis of Shaw Junior High at 7th Street and Rhode Island Avenue NW.

"At lunch time it's terrible . . . We have at least one (shakedown) reported every day but there are a lot more than that going on. Some of the girls do it, too.

We've had complaints where students wouldn't come to school. The mother would go to work and then the student would slip back home because he was afraid he'd lose his money or get beaten up," Ellis said.

At Alice Deal Junior High in Upper Northwest, a teacher reported that lunchtime shakedowns are becoming more frequent.

"Sometimes if a student won't turn over money he'll get his lunch tray snatched," the teacher said.

At Western High in Georgetown, students who take buses to school from the inner city say they have been shaken down by schoolmates who ride with them.

"It goes on all the time," said a sixth grader at Congress Heights Elemntary School, 5th Street and Nichols Avenue SE. "There's nothin' you can do about it if there's a bunch of them or if somebody's bigger than you are . . . If you report it to the principal, they'll beat you up."

Leroy Dillard, a former principal who now is assistant to Acting School Supt. Benjamin Henley, says shakedowns "are nothing new . . . but like everything else they've taken a turn for the worse.

"Many people have considered them a minor problem before," Dillard says, "but they're a frightening and traumatic thing for many of our children . . .

"I really believe it's a way of life for some of these kids. It's survival of the fittest; it's a reflection of our whole community. They know they're wrong, yet it is part of their living."

The shakedowns will stop, Dillard believes, "only when we get people aroused to the point where they want to make their communities, neighborhoods and schools safe."

DEATH OF 1ST SGT. H. E. BARBER, JR., U.S. MARINE CORPS, IN VIETNAM

Mr. TOWER. Mr. President, I recently received a letter which I ask unanimous consent to have printed in the Record. I believe that the letter is a timely reminder of the feelings of many Americans. At this time, when the opinions of a few have received so much attention, it is gratifying to know that there are those who support the President's attempts to end the conflict in Vietnam and who are willing to sacrifice for the ideals which our Nation stands for.

There being no objection, the letter was ordered to be printed in the Record, as follows:

November 17.

Dear Senator Tower: I appreciated your letter expressing sympathy at the death of my husband, 1st Sgt. H. E. Barber, Jr., U.S. Marine Corps, in Vietnam.

He was a dedicated Marine who believed greatly in his country and wanted peace.

My request is that as you make your political decisions that they be made to keep this country great so it remains one worth dying for, and that as you talk and work for peace that it *truly* be an honorable peace so that his death will not have been in vain.

I thank you and Mrs. Tower for your thoughtfulness.

Yours truly,

Gwen Barber.

Fort Worth, Tex.

THE TRAGEDY OF BIAFRA

Mr. HUGHES. Mr. President, by all accounts, the tragedy of Biafra is continuing to deepen despite the humanitarian offers of relief assistance from President Nixon, on behalf of this country, and from other nations. The Federal Government of Nigeria must be persuaded to expand and improve the machinery for bringing food and medicine to the sick and starving children of Biafra.

The Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), and I have written to President Nixon, suggesting that he use his influence toward the end of persuading the Government of Nigeria to speed the pace of relief efforts.

Mr. President, I ask unanimous consent to have printed in the Record the text of the letter to President Nixon.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., January 28, 1970.

The President,
The White House.

Dear Mr. President: We, the undersigned Senators, wish to express our appreciation and support for your prompt action on January 11 when Biafra fell. Your offer of planes and helicopters, food and money was in the highest tradition of U.S. humanitarianism and responsible foreign policy.

You also ordered all information and medical reports the United States had previously made to be turned over in good faith to the Nigerian Government.

A subsequent action on your part was to order the food pipeline to be expanded to 10,000 tons per week, and this we wholeheartedly commend.

However, there is presently being distributed far less food than is needed to prevent the horrors of mass starvation, malnutrition and death which face million of men, women, and children.

Specifically, we urge that two major points be pursued with the Nigerian Government:

1. The United States should urge the Nigerian Government to allow food to be flown into the Uli airstrip;
2. The United States should also urge that the Government of Nigeria permit and supervise the revival of the network that distributed food before Biafra's fall. This network had 3,194 distribution points—which obviously cannot be duplicated by the Nigerian Red Cross with only 20 doctors and a few hundred employees.

In short, we urge that the Government of Nigeria permit and supervise massive, coordinated outside relief efforts to preclude the death and starvation of hundreds of thousands of Biafran people in addition to the millions who have already died.

Official observers have reported no evidence of widespread massacre of the Ibo people, as feared. However, there is a consensus among unofficial observers that unless action is taken immediately, many will die of starvation, wounds, or disease.

We have the utmost confidence in your sympathy for the suffering people and in your determination to take decisive relief action. Tragically, the job *is not getting done* and the sense of urgency we know you feel has not been translated into the action essential to avert unspeakable tragedy in Nigeria.

The world's only hope, Mr. President, is that you will use your great influence to cut through red tape and diplomatic inertia and persuade the Government of Nigeria to step up efforts to get food and medicine to its starving people before it is too late.

Sincerely,

Harold E. Hughes.
Alan Cranston.
Thomas F. Eagleton.

LABOR DEMANDS FUEL INFLATION

Mr. FANNIN. Mr. President, today the newspapers are full of stories detailing the longstanding problems of our railroads. The New York newspapers reveal that striking tugboat workers are demanding a double wage.

We have just witnessed a lengthy strike against the General Electric Co. on a nationwide basis.

Mr. President, we are standing on the brink of economic disaster in the Nation, and the union leaders seem intent on their desire to push us off.

As an example, I cite the coming negotiations between the Teamsters Union and the trucking companies. On April 1, if the Teamsters shut down trucking systems in the Nation, there will be an immediate cessation of business in 12,000 companies, and over 450,000 employees will be thrown out of work. This is only in the trucking industry itself—there is no calculating what the effect will be on industries and companies that depend on highway transportation for their operation.

The Phoenix Gazette on January 12 published an excellent editorial on the whole subject, which I think puts it in a very clear perspective. I am particularly impressed by the paragraph:

> The nation is now fighting a battle to control its runaway economy, and if the Teamsters are successful in negotiating such a massive contract, it very well could give inflation the necessary thrust to rise beyond any control. In short, it could ruin us.

Mr. President, I believe this is precisely the situation, and I commend this courageous newspaper for putting it so clearly—in fact, so bluntly. We need more who will speak out in a clear fashion to make the issues clear.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

To Doom by Diesel Trucks

Circle April 1st on your calendar as a reminder that this may be the day the Teamsters Union shuts down practically all trucking systems in the nation. On March 31st contracts involving approximately 12,000 companies and 450,000 employees expire simultaneously.

In the absence of jailed Teamsters President James R. Hoffa, Acting President Frank Fitzsimmons served notice on the trucking industry that he wants a massive wage and benefit increase. The wage increase asked is $1 an hour per year for each of three years and $7.50 per week per year in pension and health and welfare benefits. A 2-cents-a-mile boost in the 12.3-cents-per-mile rate now paid for long distance drivers paid on a mileage basis is demanded.

Trucking interests called the proposed contract "fantastic" and sent up storm warnings. Unless demands are slashed, they said, truckers face the possibility of a nationwide lockout. This means that nonunion drivers and warehousemen would replace the striking Teamsters. If Teamsters history is any indicator, such an action by trucking firms would bring about a blood bath and a rash of destruction that would make the Civil war look like a military academy exercise. There's more to it than that, though.

What is in jeopardy is the health, welfare and economy of the nation. Much of what we consume is moved by truck entirely and practically everything shipped by rail is trucked to its final destination. But the real issue is inflation. If trucking firms pay the demands, they simply will tack the cost onto moving the goods, and the people will finally pick up the tab at the grocery, clothing store and everywhere else.

The nation now is fighting a battle to control its runaway economy, and if the Teamsters are successful in negotiating such a massive contract, it very well could give inflation the necessary thrust to rise beyond any control. In short, it could ruin us.

The Teamsters, by arranging industry-wide contract expiration dates, have become a super power—so much so they could, temporarily at least, paralyze the nation's economy, perhaps endanger its security. That is too much power for any group to hold.

We are not anti-labor; we are pro-people, and we urge the Teamsters to read the history of nations whose economy got beyond control. Then not even a truckload of money was worth freighting.

EDUCATION FOR ALL—III

Mr. PROXMIRE. Mr. President, earlier I discussed the background of America's apparent reluctance to adopt most of the human rights conventions; and I examined in some detail the Convention Against Discrimination in Education.

I would like to reiterate my conviction that the mood of the United States as we enter the decade of the 1970's will no longer permit procrastination and delay in ratification of the human rights conventions; the mood is such that the American people are beginning to demand ratification.

XUM

In a past era we had the spectacle of McCarthyism and the near passage of the Bricker amendment, both of which were symptomatic of the Nation's fear of international involvement. Nagging questions of federalism and States rights haunted our domestic tranquillity.

But in the midfifties we began to resolve some of our doubts, and our insecurities began to vanish. Congress passed civil rights legislation, and our courts outlawed discrimination in most areas of American life.

We found discrimination in education to be particularly odious and abhorrent to our fundamental goal of equal opportunity for all. It is basically wrong to discriminate in education, and this fact is recognized by the American people.

That we actively seek to eliminate all forms of discrimination in education in the United States cannot be disputed. Can we do any less in our international posture? Can we do anything less than ratify the Convention Against Discrimination in Education?

I ask unamimous consent to have printed in the RECORD a part of the report of the U.S. National Commission for UNESCO which analyzes the position of the United States on the Education Convention.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

THE UNITED STATES AND THE EDUCATION TREATY

In the decade of the 50's McCarthyism had made suspect almost anything that had an international flavor. One of the organizations subject to attacks was UNESCO. A specific charge was that UNESCO intended to undermine and communize the educational system within the United States.

Because of the atmosphere then existing in the United States and being concerned with both the political reaction to ratification as well as to the legalistic issues that would be raised, the United States decided not to adopt the convention. But since it could not in good conscience take a position in opposition to the principles enunciated in the proposed treaty (principles essentially American in philosophy) it did support a so-called "Recommendation".

The Recommendation is similar in its assertions to the Convention. It is, however, merely what it is titled, a recommendation and nothing more. It has no binding effect on the nations which sign it and is unenforceable. It is to the treaty what our Declaration of Independence is to our Constitution.

It is, of course, the tradition in this country that operation of schools is a local matter. This continues to be true in 1969 as it was in 1960. However, since 1960, a series of Civil Rights Acts have been adopted by Congress and signed by the President. All of this indicates a whole new approach to the old states rights bugaboo that once made it seem impossible to assure equal rights in all geographical areas throughout the United States.

The most striking of these Congressional actions as they related to education on the local level was the Act of 1964. Title VI of that Act barred discrimination of public elementary and secondary schools under any program or activity of receiving federal assistance. It directed each federal agency extending financial assistance through grants, loans or most kinds of contracts to issue regulations to carry out the purpose of the statute. If compliance was not voluntarily met, the agency was authorized to cut off aid to the recipient or political entity.

There may be differences over the deliberate speed by which school desegregation has been attained in the United States. But no one any longer questions the fact that there is a constitutional right of a child to be free of discrimination in school; it is, furthermore, the stated policy of the United States to support this right.

OIL IMPORT POLICY

Mr. TOWER. Mr. President, there has been considerable speculation in both Congress and the press that the report of the Cabinet Task Force on Oil Import Control will recommend that a variable tariff system, designed to reduce U.S. oil prices by substantially increasing imports of foreign oil, be instituted in the place of the present mandatory control program.

Implementation of this proposed tariff system would completely negate the single purpose of oil import controls as contained in President Eisenhower's 1959 Proclamation No. 3279, namely:

> The new program is designed to insure a stable, healthy industry in the United States capable of exploring for and developing new hemisphere reserves to replace those being depleted. The basis of the new program, is the certified requirements of our national security which makes it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States.

Utilization of a tariff system to reduce and control United States prices of oil would be directly contrary to the intent of Congress in adopting section 7 of the Trade Agreements Extension Act—the basis for oil import controls. The sole purpose was to protect the national security. Use of this basic authority as an economic lever and fine tuning device to set oil prices is not, in my opinion, appropriate.

There are many reasons which make adoption of a tariff system inadvisable:

First. National security would be endangered by becoming increasingly dependent on unreliable foreign sources, with resultant progressive inadequacy of domestic supplies to meet emergency requirements.

Second. The 1956 and 1967 crises in the Middle East which closed the Suez Canal demonstrated the essentiality of adequate U.S. oil supplies to both national and free world security. The volatile Arab-Israel situation persists and threatens to result in more serious crises, with the future domestic oil supply position less adequate than in either 1956 or 1967.

Third. There would be a serious loss of jobs, not only in the petroleum industry but also in related industries and industries selling goods and services to the petroleum industry, such as steel, cement, automobiles, and so forth.

Fourth. Tax revenues in the 32 States producing oil and gas would be sharply reduced, with a tremendous adjustment in State tax structures and loss of school tax revenues.

Fifth. Consumers of petroleum products would be at the mercy of foreign governments that could force prices upward, or deny supplies, for political purposes.

Sixth. Dependency on foreign oil would mean dependency also on foreign sources of natural gas. The combined cost of imported oil and gas from any foreign source would greatly exceed the cost of domestic oil and gas, with a higher cost to consumers for total petroleum energy.

Seventh. The imminent threat of shortages of natural gas—already recognized by the Federal Power Commission, the Interior Department and local gas distributing utilities—would become a real and serious problem.

Eighth. Our international balance of payments would suffer significantly, with oil imports increased greatly.

Ninth. A reduction in U.S. crude oil prices, together with increased tariffs, would reduce greatly the income of the domestic industry. The declining trend of domestic reserves and producing capacity would be accelerated, at a time when greater exploratory effort is needed.

Tenth. The loss in income to the domestic industry from lower prices and increased imports would be added to the loss of more than $500 million yearly already imposed through additional taxes under the new tax "reform" act.

Eleventh. Many independent producers, who historically have drilled 80 percent of all exploratory wells in the United States, would be forced to sell out or liquidate their producing properties.

Twelfth. Stripper wells would be abandoned, with a loss of about 15 percent of total U.S. proved reserves of crude oil.

Thirteenth. Smaller, inland refineries would be forced out of business, reducing competition and losing the strategic value of their location and contribution to defense materials such as jet fuel.

Fourteenth. The liquidation of independent producer and inland refiners would result in increasing concentration which could lead to a monopolistic condition with a few large international companies dominating and controlling the U.S. petroleum industry.

Fifteenth. The north slope of Alaska probably will prove to be a significant future source of oil and gas supplies, but there are too many uncertainties at this time as to volumes, costs, and future deliveries to base security planning on these supplies to the large extent contemplated by the Cabinet task force.

Sixteenth. The new tariff system would create more problems than it would solve, resulting in an unmanageable administrative problem of dealing with constantly changing costs of production and transportation for each of the many countries and individual companies involved. Under these circumstances, favoritism toward some countries and some companies would be unavoidable.

Seventeenth. The new tariff system is based on theoretical and impractical assumptions that are undependable and could seriously impair the national security as to oil supplies.

Eighteenth. The overall effect on the U.S. economy would include losses far outweighing any temporary or illusory savings to consumers.

XUM

In the interest of serving the national security and the welfare of the consuming public the domestic petroleum industry should be encouraged—not discouraged—to increase domestic supplies of both crude oil and natural gas.

Instead of adopting a tariff system, I feel that we should restore the basic concepts, structures and integrity that were maintained during the early years of the mandatory oil import program. Exceptions and special treatments, which were injected in recent years, should be eliminated. Assurance of a reasonable and stable relationship between domestic and import supplies is the best means of maintaining U.S. oil and gas capabilities for both national security and the protection of the consumers.

The widespread publicity on probable recommendations to be made by the Cabinet task force has created serious uncertainty among domestic oil and gas producers who, as a result, are unable to plan investments and future operations. I am hopeful that their doubts and fears can soon be allayed by a reaffirmation of an import policy which, on the whole, has served the Nation well.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Mr. PELL. Mr. President, Congress, in 1968, after many years of study and deliberation, authorized the establishment of an appropriate national memorial to President Woodrow Wilson, the Woodrow Wilson International Center for Scholars.

As chairman of the Subcommittee on the Smithsonian Institution, the subcommittee that handled the authorizing legislation, I have been following closely the progress being made toward the establishment and actual operation of this national memorial to our 28th President.

The Board of Trustees of the Center, including both Government members and public members appointed by the President, have been diligently planning a program that would carry out the congressional directive for a memorial "expressing the ideals and concerns of Woodrow Wilson" and "symbolizing and strengthening the fruitful relations between the world of learning and the world of public affairs."

In pursuit of that objective, the Woodrow Wilson International Center for Scholars will bring together, here in Washington, outstanding scholars from throughout the world to consider some of the great challenges and problems confronting man.

The Board of Trustees of the Center recently announced plans to begin operation of fellowship and guest scholar programs at the Center in October of this year. Applications for these fellowships are now being accepted by the Center with a deadline of May 1.

Mr. President, I wish to commend the Board of Trustees, particularly its Chairman, former Vice President Hubert H. Humphrey, for the imaginative and well-conceived initial program they have planned for the Center. Recognition should also be given, I think, to the excellent work of the Center's first Director, Benjamin H. Read.

The Trustees of the Center have selected two subjects for special emphasis at the Center during its initial period, and I am particularly pleased that one of the subjects selected is the development of international law for ocean space.

As chairman of the Subcommittee on Ocean Space, of the Committee on Foreign Relations, I have a special appreciation of the need for increased understanding of the requirements for adequate international agreements for our rapidly expanding ocean environment, and I am confident that scholars at the Center can make important contributions in this area.

As a second area of special emphasis, the Trustees have selected contemporary man and his deteriorating environment, with special attention to the needs for international cooperation to cope with environmental problems. Here, too, the challenge is great, and there is a fine opportunity for constructive contributions by scholars at the Center.

Mr. President, so that Senators may be fully informed of the program planned at the Center, I ask unanimous consent that a summary of the Center's program be printed in the record at the conclusion of my remarks.

To assist them in planning the program the Board of Trustees has formed an advisory committee with a most distinguished membership.

I am gratified that the Trustees have seen fit to include several Members of the Congress on the advisory committee, and I am particularly pleased and honored to be one of those invited to serve.

Mr. President, I ask unanimous consent that a listing of the members of the Board of Trustees and the advisory committee for the Woodrow Wilson International Center for Scholars be printed in the RECORD at the conclusion of my remarks.

Mr. President, I commend the Board of Trustees for the excellent start they have made toward establishing a living memorial that promises to carry forward the spirit and vision of Woodrow Wilson.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NEW FELLOWSHIP AND GUEST SCHOLAR PROGRAMS, 1970–71

The Woodrow Wilson International Center for Scholars was established by Congress in 1968 to be a living memorial "expressing the ideals and concerns of Woodrow Wilson, twenty-eighth President of the United States . . . symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs." The Center was placed in the Smithsonian Institution under the direction of a fifteen-man Board of Trustees, a majority to be drawn from private life. The Trustees appointed subsequently by President Johnson and President Nixon are listed below; Mr. Hubert H. Humphrey was designated Chairman.

After a seven-month planning period, the Board of Trustees decided to open in October of 1970 in newly renovated space in the original Smithsonian Building, new fellowship and guest scholar programs dedicated to the increase and diffusion of knowledge about the great issues of man's survival and well-being in the last three decades of the century.

Scholars at the Center, who may work independently or in groups, will be offered staff assistance in availing themselves of the rich resources—human, institutional and bibliographic—of the capital area.

FELLOWSHIP PROGRAM

Theme

The theme of the fellowship program is designed to accentuate those aspects of Wilson's ideals and concerns for which he is perhaps best known a half century after his presidency—his search for international peace and the imaginative new approaches he used to meet the pressing issues of his day—translated into current terms.

Thus, the statement of policy adopted by the Board states:

"Emphasis will be placed on studies designed to increase man's understanding of significant international, governmental and social problems, and to improve the organization of society at all levels to meet such problems. The focus will be on the public policy aspects of contemporary and emerging issues which confront many peoples and, where applicable, on comparative analyses of different cultural, regional and other approaches to such issues."

While a wide variety of studies of current problems will be welcome under this general statement of policy, the Trustees have selected two subjects on which they would like to see substantial studies undertaken and proposals developed during the opening period at the Center: (1) the development of international law for ocean space; and (2) contemporary man and his deteriorating environment, with special attention to the new forms of international cooperation needed to address certain widespread environmental problems.

Fellows

When the fellowship program is full operational, up to forty scholars—approximately half from the United States and half from other countries—will be selected to work at the Center. They will be chosen—again in approximately equal measure—from academic and nonacademic occupations and professions. The former will come from a number of the social and behavioral sciences, from the humanities, and from the natural sciences. The latter will be drawn from diverse careers including government, international organizations, law, diplomacy, labor, business, foundations and journalism. The primary concern will be to find persons whose intellect, experience and dedication will enable them to contribute to the increase and diffusion of knowledge about subjects of interest to the Center in a community of scholars devoted to like purposes.

All fellows invited will be persons of distinguished scholarly capabilities and promise. Academic participants will be limited normally to establish scholars at the postdoctoral level (or the equivalent in other countries). There will be no precise higher-degree requirements for nonacademic fellows, but their standing in their profession or occupation, higher degrees, writings and honors will be considered.

While no arbitrary age limits have been set and there will be a wide spread of ages among the fellows at the Center, it is anticipated that most scholars chosen will be in their thirties or forties.

Duration of Fellowships

The average fellowship at the Center will probably extend from several months to a year in duration, but some periods of study of only a few weeks and a limited number of long-term appointments will also be accepted.

Selection process and criteria

Nomination and application forms are available by writing to the Center. Requests for fellowships will be processed upon receipt. Requests for appointment to the opening period at the Center must be received by May 1, 1970. The normal selection schedule will call for the issuance of invitations three times each year—on the fifteenth of February, June and October. When the program is in operation, requests for appointment should be received at least nine months before the start of the period for which a fellowship is sought. In extraordinary cases, this minimum period may be waived by the Board.

In extending fellowships, the following criteria will be used: (1) scholarly capabilities and promise in areas of primary interest to the Center; (2) likelihood of contributing the complementary experiences and knowledge needed for a lively and productive intellectual community; (3) relevance of Washington area intellectual resources or people to proposed areas of study; and (4) thorough speaking and writing knowledge of English.

Facilities and support

Fellows will be provided with furnished offices in the Smithsonian Institution Building. They will have access to meeting rooms, a reference library, periodical room, lounge and dining room, secretarial and staff information services, and the research facilities of many public and private institutions in the Washington area such as the Library of Congress.

Each fellow will be asked in the first instance to seek financial support from his own institution, government, foundations, or other sources, and—until the Center's initial funding requirements are fully met—fellowship candidates with some such outside means of support may be in a preferred position. Thereafter, within a stipulated ceiling, stipends will be provided by the Center to help meet the follow's previous year's salary rate, with cost-of-living adjustments for scholars from other countries, based on the principle that the fellowship should not involve his financial loss or gain. Certain travel expenses for the fellow and his immediate family to and from Washington and limited housing allowances will also be available.

Declaration

The Board is determined that there will be a spirit of complete freedom of inquiry in all scholarly work done at the Center. Government research contracts will not be sought nor accepted.

GUEST SCHOLAR PROGRAM

Several offices will be reserved and other space temporarily vacant will be made available, as well as luncheon privileges, library, information, secretarial and other Center staff services, for short-term use by distinguished guest scholars on arrangement with the Director of the Center. Inquiries about this program should be deferred until the summer of 1970 when the extent of such facilities and their availability will be known.

BOARD OF TRUSTEES

Board of Trustees: Hubert H. Humphrey, Chairman; Allan Nevins, Vice Chairman; James MacGregor Burns, Ernest Cuneo, Robert H. Finch, Charles A. Horsky, Barnaby Keeney, Harry C. McPherson, Jr., Daniel Patrick Moynihan, L. Quincy Mumford, James B. Rhoads, S. Dillon Ripley, John P. Roche, Kevin Roche, William P. Rogers.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

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Harold Wilson, Prime Minister, United Kingdom.

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Congress

Harry Byrd, Jr., Clifford Case, Peter Frelinghuysen, Claiborne Pell, William Spong, Frank Thompson, Harrison Williams.

WCNY–TV, SYRACUSE, N.Y., PUTS AN OMBUDSMAN ON THE AIR

Mr. GOODELL. Mr. President, I invite the attention of Senators to a unique programing concept that WCNY–TV, Syracuse, N.Y., has developed—a television ombudsman. The ombudsman or "Citizen Advocate," as the program will be called, was conceived by Mr. Thomas Petry, president and general manager of WCNY–TV, and has received a grant of $32,856 from the Corporation for Public Broadcasting.

The "Citizen Advocate" program is truly a new approach to public affairs broadcasting, and demonstrates the great potential for public television to participate in the efforts of the community to identify and solve pressing problems.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of a news release issued on November 6 by the Corporation for Public Broadcasting and an article from the December issue of WCNY–TV's "Televiews" which describe this exciting project.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FIRST TELEVISION OMBUDSMAN TO GO ON AIR IN SYRACUSE AS NATIONAL PILOT FOR PUBLIC BROADCASTING

NEW YORK, November 5.—Richard Boddie, 31, will become the world's first television ombudsman next month when he goes on the air with a weekly program on WCNY–TV, Syracuse, New York.

The program, *Citizen Advocate* (or TV ombudsman), will be funded in part with a grant of $32,856 from the Corporation for Public Broadcasting.

Announcing the grant today at a press conference in Syracuse, John W. Macy, Jr., President of the Corporation for Public Broadcasting, said "the *Citizen Advocate* series will serve as a national pilot that hopefully will enable other public television stations to adapt the Syracuse concept to their own local situations."

Mr. Boddie, appointed by the station as the unofficial ombudsman and project director, is a Doctor Juris candidate in the School of Law at Syracuse University, where he is President of the Student Bar Association. A native of Elmira, New York, he is an alumnus of Bucknell University.

As *Citizen Advocate*, Mr. Boddie, with the help of a volunteer staff of law students, will investigate and where indicated seek action on citizen complaints against agencies of local and county government. In the weekly half-hour broadcasts, Mr. Boddie will report on his investigations and on actions taken to resolve or redress complaints. The program will make use of short film documentaries, interviews with citizens and governmental officials, and position papers on key issues.

The adaptation of the ombudsman concept to television was conceived by Thomas Petry, President and General Manager of WCNY–TV.

Mr. Macy congratulated Mr. Petry and his staff on their enterprise and initiative in devising the *Citizen Advocate* program. Terming it "a new approach to public service and public affairs programming for television," Mr. Macy said the program is part of public broadcasting's endeavor to provide means for greater citizen involvement and participation in public broadcasting and in public life generally.

Commenting on the program, Mr. Petry said "the intent of the program is to identify those problems and issues that exist within the community, examine them in detail, and seek to draw together those elements of the community that can effectively work to bring about change that will be of significant benefit to the entire community."

Mr. Petry added that the program "will also seek to rectify misconceptions about the role of government and other agencies, thereby absolving civil servants and governmental agencies from wrongful charges and unfair accusations. When appropriate, the *Citizen Advocate* will call attention to complaints which have been misdirected."

He added that the *Citizen Advocate* will not confine his activities to any specific geographic, political or economic area within WCNY–TV's central New York signal area; suburban problems will be investigated as well as those of the central city.

Mr. Petry said that "it is our intent to handle the more common individual complaints of citizens through the process of referral to the appropriate agency or segment of government. The *Citizen Advocate* program will, however, monitor the flow of such complaints for trends indicating problem areas. The main concentration of the *Citizen Advocate's* activities will initially be on those problems and issues which have already been identified as priority subjects through surveys conducted by various community groups."

CITIZEN ADVOCATE

WCNY–TV now has a "Citizen Advocate", or an unofficial TV Ombudsman on its staff to identify, investigate, and resolve problems for the residents of Central New York.

Richard B. Boddie, a Juris Doctor candidate at Syracuse University and President of the Student Bar Association at Syracuse, is the Citizen Advocate, and his function will be to respond to both written and oral complaints seeking redress against action of city, county, state, or federal agencies. He will serve as an intermediary between the government and the citizen and between the citizen and the government. Not only will he examine faults and correct wrongs, he will absolve government agencies from wrongful charges. His ultimate aim is clarification and constructive citizen involvement in community problem solving.

A grant of $32,000 from the Corporation for Public Broadcasting will provide the basic support for the staffing and operations of the project. The announcement of the grant was made by John Macy, Jr., during his visit to Syracuse. The series will serve as a national pilot for other PTV stations that may want to adapt the Syracuse example to their local stations.

As part of the Citizen Advocate project, WCNY-TV will broadcast a weekly half-hour program on the Citizen Advocate's work. The program will consist of a report on the nature of the issues raised, the investigation of the problems, and the solutions to the problems brought to the program. Included in the telecast portions will be the use of such techniques as short film documentaries on issues raised, interviews with interested citizens, governmental leader and agency officials, discussion groups, position papers, and so forth. The "Citizen Advocate" program will also be a major part of WCNY-TV's new programming concept in which a month is devoted to exploring one topic of community concern.

The Advocate will handle the more common individual complaints of citizens through the process of referral to the appropriate agency or segment of government. The Advocate will, however, monitor the flow of such complaints for trends indicating problem areas. The main concentration of the Advocate's activities will initially be on those problems and issues that have already been identified as priority subjects through surveys conducted by various community groups.

The Advocate will not limit his activities to any specific, geographic, political, or economic area. He will seek to investigate problems that exist in suburban areas as well as those in the urban center.

Commenting on the program, Thomas Petry, General Manager of WCNY-TV, who originated the TV adaptation of the ombudsman concept, emphasized that "the intent of the program is to identify those problems and issues that exist within the community, examine them in detail, and seek to draw together to bring about change that will be of significant benefit to the entire community. We believe that the unique aspects of the Citizen Advocate program can provide to the residents of Central New York a unique opportunity to demonstrate the manner in which effective use of public television can provide a new approach to identification, examination and solution of community issues."

Boddie, who in addition to his duties as Advocate will also be Project Director, has a background of community involvement that makes him highly qualified for the role of Citizen Advocate.

A former resident of Rochester, New York, he was nominated for City Council of Rochester in 1967. He served on the Board of Directors for the Montgomery Neighborhood Center and on the Board of Directors for the American Red Cross, Rochester-Monroe County Chapter. In addition, he was co-chairman of the Rochester Junior Chamber of Commerce Housing Committee and a district advisor for the Boy Scouts of America.

In Syracuse he has served the Onondaga Neighborhood Legal Services, Inc., as a Law Clerk and as an investigator. His special area of emphasis was in consumer rights, family and juvenile law, landlord-tenant law, and community organizations.

Boddie, who will receive his Juris Doctor degree in 1970, received a BA in political science from Bucknell University, Lewisburg, Pennsylvania. While an undergraduate, he was active in the intercollegiate Debate Society, the Intercollegiate Conference on Government, and the University Men's Glee Club. He was captain of the varsity track team and A.A.U. decathlon champion, Niagara District.

Before entering law school, Boddie was assistant branch manager of the Lincoln Rochester Trust Company, Midtown Plaza Branch, in Rochester. Most recently, he was employed as law clerk with Crystal, Manes and Rifken, attorneys-at-law in Syracuse.

Boddie is the son of the Reverend Charles Emerson Boddie, D.D., President of the American Baptist College and Seminary, Nashville, Tennessee, and Mrs. Lavinia J. Boddie of Rochester.

Boddie, his wife, Ann, and their two children live on Colvin Street in Syracuse.

HATFIELD PRAISES NIXON FOR POLLUTION FUNDS RELEASE

Mr. HATFIELD. Mr. President, I wish to praise President Nixon for his decision to allow the spending of the full $800 million appropriated for grants for municipal sewage treatment plants under the Clean Waters Restoration Act. This action tells the Nation that the Nixon goals outlined for pollution control will be backed with action.

I was an early backer of the full billion-dollar appropriation this year. Oregon is a leader in fighting water pollution. In fact, David Dominick, Commissioner of the Federal Water Pollution Control Authority, has said:

> We regard the Oregon water pollution control program as one of the strongest and most progressive in the nation.

I believed that my constituents favor a strong resolution for cleaning up our Nation's water. As the various funding levels were considered, I heard from many Oregonians in support of the full billion dollar funding. The 1969 Oregon Legislature, in a resolution stated:

> Be it resolved by the Legislative Assembly of the State of Oregon: The Congress of the United States is urgently requested to provide for the fiscal year 1969 and subsequent years, the amounts authorized in the Clean Waters Restoration Act of 1966, and thus to keep faith with the states and local governments who have proceeded to do their part under the Water Quality Act of 1965 and the Clean Waters Restoration Act of 1966 . . .

Several Oregon mayors wrote in support of more funding. Mayor Russell W. Tripp, of Albany, wrote:

> Albany passed a $1.3 million bond issue for sewage treatment facility. Albany received the necessary state and federal aid and will soon open its new treatment plant. Now, we are dismayed to learn that our sister cities on rivers and streams in Oregon are not going to be able to continue this effort, but not because of their own failure. Though a full $1 billion was authorized for fiscal year 1970 to aid localities in this effort nationally only $214 million has been requested in the budget. No less than 88 communities in Oregon dug deeply into the pocket which finances police protection, education and other critical local needs to provide the local share for projects to clean up waterways, only to be halted by the lack of federal support for this effort. The national government must reaffirm the commitment to eliminate water pollution. I strongly urge your support for an appropriation as authorized by the Clean Water Restoration Act of 1966 . . .

Mayor Robert L. Briston, of Bend, wrote:

> The Oregon State Department of Environmental Quality has given us until 1980 to construct a complete system of sewers . . . estimated our cost for constructing these sewers at approximately $8.5 million at today's prices. If we were to sell bonds for this entire amount and pay for them over a period of 30 years it would cost us at least $585,000 for a year to amortize these bonds. This would represent a tax rate of $7.30 per $1,000 true cash value. I am sure you can see that our financial problems of installing a sewer system are all but impossible to solve using only our local funds. Redmond, Madras, and the rural areas surrounding our three Central Oregon cities are also faced with this problem. Because of our special problem in Bend, we urge your full support for appropriation of the $1 billion authorized for financing of municipal waste treatment facilities for fiscal year 1970 . . .

Mayor Harry M. Steinbock, of Astoria, wrote:

> The city of Astoria is in the process of preparing for a bond election that will provide, if passed by the people, some $5,000,000 . . . For the impoundment and treatment of sewage currently discharged into the Columbia and Youngs Rivers. This is a sizeable expenditure for a city of our size with a current assessed valuation of $55,738,792, and we need every bit of help that we can get from the state and federal levels. We are currently in the process of applying for a 30% grant since we can no longer apply under the program whereby the city pays 25%, the state 25%, and the federal government 50%, due to the fact that the federal government did not provide sufficient funds for their portion of the financing. We urge that you give your support toward the increase in appropriations to aid in financing of waste treatment facilities in as large a sum as necessary to take care of the situation that faces the American people. It has been the federal government who constantly promotes clean water through the television media; therefore, I think it is time that the federal government realizes its responsibility in meeting some of the financial problems that they have promoted on the local level . . .

When Congress voted last year to raise the President's budget from $214 million to $800 million for municipal sewage treatment plants under the Clean Waters Restoration Act we were informing the administration that this was the will of our constituents to spend more in 1970 for these serious environmental needs.

Several Oregon newspapers wrote editorials calling for more money to be appropriated. I ask unanimous consent that three representatives ones, from the Coos Bay World, the Medford Mail Tribune, and the East Oregonian, be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Coos Bay (Oreg.) World, Oct. 4, 1969]

LET'S HEAR IT FOR CLEAN WATER

Striking while the iron is hot is a maxim that has political as much as, if not more than, any other application.

In American politics this would appear to be a vintage year for striking on some long-standing and basic issues.

Currently we have the drive to abolish the Electoral College in favor of direct popular election of the president. With the near-disaster of the 1968 election still reasonably fresh in the public mind and the political climate therefore favorable as perhaps never before, the House has passed and President Nixon has now come out in favor of the proposed constitutional amendment. There is now just the faintest chance that the procedure for electing the American president may be rescued from the 18th century and brought into the 20th by 1972.

Earlier we had taxes, the rare spectacle of congressmen in numbers exercising themselves not, as usual, over raising more but over simplifying, even easing, the citizen's burden. With signals of an imminent taxpayers' revolt flashing all over the horizon, it was clear that the time for tax reform had clearly come. The final results aren't in yet, but both Congress and the administration have taken advantage of the mood of the moment to tackle the most far-reaching overhaul of the tax system in recent history.

In this grab bag of issues, there is yet another item, not as exciting perhaps but probably even more important in the long run, where, hopefully, Washington will show itself equally willing to follow where public opinion leads.

For a long time now pollution has rivaled the weather as a subject generating a great deal of talk but precious little action. We all know by now what we are doing to our environment, the dire predictions for the near future and how far we are falling short in taking the steps necessary to prevent them from coming to pass.

The public is clearly in favor of action. A recent Gallup Poll reported 85 per cent of the population concerned about water pollution and 73 per cent ready to spend money—i.e., taxes—to combat it. Washington also seemed to be in step with the passage of the Clean Water Act back in 1966, which was supposed to channel a steady flow of federal funds into state and local pollution-control programs.

Unfortunately, the flow has been more of a trickle. Actual fund appropriations have consistently fallen short of clean-water authorizations. In 1968, $450 million was authorized and $203 million finally appropriated. In 1969, it was $214 million appropriated against $700 million authorized. In the current budget, the administration has again asked for $214 million, while Congress authorized a round billion.

It appears, however, that public sentiment, as expressed through a Crusade for Clean Water waged by a coalition of national organizations ranging from the League of Women Voters to the United Steel Workers, instead of the administration may have its way on this one.

It is sorely needed. Without the promised federal funds, the cleanup program would eventually collapse despite efforts by local governments, which have passed bond issues to raise their share of needed funds, and even, increasingly, industry. And that, with the consequent accelerated deterioration of our water resources, is something we can much less afford.

[From the Medford (Oreg.) Mail-Tribune, Sept. 16, 1969]

WE'RE LOSING THE CLEAN WATER FIGHT

The United States is losing the battle to provide enough sewage disposal facilities to permit us to end pollution in the waters of the nation.

This is despite the passage of the Clean Water Restoration Act back in 1966. It is also despite the passage of bond issues for the purpose in many localities throughout the country.

Both the city of Medford and the Bear Creek Valley Sanitary Authority have received authorization from voters to issue bonds totalling millions of dollars to pay for the local share of the costs of construction of badly needed facilities.

But the Congress has not provided the necessary federal matching funds. It has consistently appropriated less money than it has authorized.

And the most recent development—President Nixon's announced cut of 75 per cent of federal expenditures for construction (although nobody yet knows fully what impact it will have)—now seems to presage an even further gap between needs and performance.

A group of Congressmen (not yet including any member of the Oregon delegation) is pressing for more money for this purpose. The total authorization for clean water funds for this fiscal year is $1 billion. But the administration (even before the announced construction cut-back) asked for an appropriation of less than one quarter this amount—only $214 million.

And during the years that the deficiency has been building up, it has come to total an estimated $6 billion. It will take years to catch up with that backlog, even at an accelerated pace of construction. If the nation keeps on just pecking away at it, it will be never.

The kind of thing that the voters of Medford and the valley have done—voting new taxes on themselves to aid in the battle for clean water—makes every Congressional appropriation stretch out far beyond its own size. For most such construction is on a matching basis.

Each million in Congressional appropriations stimulates other localities to do the same, with additional millions going for the purpose. The League of Women Voters recently reported:

". . . In the last 11 years, according to Federal Water Pollution Control Administration reports, (federal) investment of $1.2 billion has stimulated construction of more than $5 billion of waste treatment facilities in local communities. These projects serve an estimated 73.8 million people and have improved the water in about 74,000 miles of streams."

In few other areas does a dollar's worth of federal appropriations buy as much as it does in the battle for clean water, for the federal monies are exceeded by that expended by the states and local governments in a partnership.

The Eugene Register-Guard recently commented:

". . . This nation is losing the crucial fight to clean up its polluted waters and to prevent others being needlessly polluted. The longer we wait to pay, the higher the price of clear water and the less the chance of getting it at any price."

We have an especially high stake in this fight here in the Rogue Valley. And anything that we, as citizens, can do to persuade the Congress to take more than niggardly and token action to improve the situation will be to our own best interests.

[From the East Oregonian, Sept. 15, 1969]

NOT ENOUGH

Congress has authorized the expenditure of a billion dollars in the current fiscal year to help cities to build and expand sewage treatment plants. The Nixon Administration is asking for only $214 million.

This is a matter of concern for many Oregon communities, including Pendleton. Citizens of Pendleton have voted to bond for expansion of sewage treatment facilities. It has been assumed that the project will have state and federal financial assistance.

The Oregon Environmental Quality Commission, successor to the state Sanitary Authority, is going to be tough about sewage treatment. Several communities, including Pendleton, are under strict orders to cease dumping sewage that has not been fully treated into creeks and rivers. Hardly anybody is resisting the orders. Almost everybody understands the importance of halting water pollution.

The legislative and executive branches of the federal government should be responding more generously to public demand. What the Nixon Administration proposes to provide the cities this year to fight water pollution is much less than they have a right to expect.

Mr. HATFIELD. Mr. President, if only $214 million had been spent, Oregon would receive funds only for 17 percent of its projects that are ready to go. At that rate, we would not be gaining in Oregon in this fight, we would not even be keeping even. Oregon would have lost ground in its commitment for clean waters. At the $600 million level, only 45 percent of eligible projects would receive funds. Actually, $800 million will cover only 59 percent of my State's projects and the full billion would fund 73 percent.

Because Oregon is so far ahead in its work in this area—$50 million worth of projects are ready to go—the 30 percent Federal grant plan is used. The FWPCA said Oregon grant applications total over $16 million. At the various national funding levels, the Oregon share is:

Total:	*Oregon share*
$214,000,000	$2,429,000
$600,000,000	6,184,000
$800,000,000	8,134,000
$1,000,000,000	10,076,000

I know that when I look at that Oregon share, it certainly looks small, but I realize this is true whenever a Senator examines his slice of the total pie.

Mr. President, Oregonians have a special reason for praising this decision of President Nixon. In May, voters in Oregon will vote on a constitutional amendment to allow our State to grant money to fight pollution. In this biennium, this would provide a $50 million State commitment for fighting water pollution.

Many Oregon communities have voted local moneys to provide the share of the municipalities. This decision of President Nixon means that I can go to the citizens of Oregon and reaffirm the involvement of the Federal Government in the fight to save our Nation's water.

INFLATION—A MAIN PROBLEM OF OUR NATION

Mr. TOWER. Mr. President, President Nixon pointed out in his state of the Union message that inflation is one of the main problems of our Nation. Recently the students in the class of Mrs. Diane Barrick, in O'Henry Junior High School in Schertz, Tex., wrote to me concerning this problem. I ask unanimous consent to enter the names of these students and a representative letter in the RECORD. The concern of these young people points to the magnitude of the problem. I hope that their concern will enourage us all to direct our full efforts toward the curbing of inflation.

There being no objection, the list and letter were ordered to be printed in the RECORD, as follows:

STUDENTS OF O'HENRY JUNIOR HIGH SCHOOL,
200 MAIN STREET, SCHERTZ, TEX.

Vicki Abercrombie, Peter Altman, Tonia Alvarado, Susan Anderson, William Andrews, Delia Arguello, Irma Arguello, Darlene Armstrong, George Arreola, Diana Arreole, Ralph Barnett, Eddie Bath, Bobby Birdwell, Fred Blair, Chris Bole, Terry Bower, Karen Brand, Guy Bryan, Barry Buchanan, and John Bugish.

Americo Cardenas, Beth Carroll, Cynthia Carroll, Dolores Castro, Mark Caves, Carol Chafee, Stella Chapa, Geoffrey Christman, Fernando Coronado, Jr., Mary Jane Crawford, Stanley Crisp, Wayne Curry, Lee Delong, Lillian De Leon, Oscar De Leon, Sylvia De Leon, Robert Delk, Adolph Doege, James Douglas, Mary Etta Ellis, and Laura English.

Glenn Fey, David Flatzel, Teri Franz, Chuck Frey, Margaret Gage, Gilmore Garside, Elsa Garza, Silvester Garza, Donald Giles, Hilda Gomez, Dora Gonzales, John Gonzales, Mary Graham, Dolores Gutierrez, Larry Hall, Tara Hays, Mark Hinds, Stephanie Hinson, Michael E. Hirtriter, and Helen Hracho.

Elizabeth Humphreys, Patricia Ingle, Debbie A. Jewett, Ramona Johnson, Randy Keith, Jeff Kemp, Mike Krock, Vicky Kusey, Cathy Landry, Karen Linehan, Cherry Macy, Dora Martinez, Gretchen Matherne, Cheryl Mazian, Kerry McGee, Steve Mudd, Nan Musgrave, Charles Nagel, Richard Nichols, H. Lee Nirider, and Jeanie Palmer.

Becky Parker, Patty Paschel, Steven Peden, Diana Perez, Mary Perez, Randy Phillips, Paul Place, Robin Pogue, Elaine Price, Anna Ramirez, Mariso Redford, Scott Renno, Jaime Reyes, William Richardson, David Roberts, Debbie Roberts, Michael Rogers, Bill Schneiderhan, Guy Schwartz, and Lisa Sharp.

David Siedelman, Karen Skillings, Linda Ann Smith, Robert Smock, Diana Snoddy, Stanley Spears, Lois Stafford, Glen Stahl, Page Swanberg, Christi Stewart, Laraine Sykes, Barbara Taylor, Willis Toms, Elisa Valladares, Danny Vonata, Mark Whitcomb, Steve Wickersham, Albert Wiedner, Bernie Winklemann, Jerry White, David Wilson, John Winters, and Mark Wurzen.

DECEMBER 17, 1969.

DEAR SENATOR TOWER: In our class, we have been studying about inflation, the causes, and results. We feel that if our economy rises any more our taxes and over all spending costs will be richer than we can afford. Although, I am not voting age I can tell some of the causes.

I believe we have inflation because:

(1) Business firms raise the prices too much.

(2) Labor and trade unions demanded, and obtained too large wage increases.

(3) The government spent too much on Vietnam.

(4) They should limit money on space exploration (but we are glad we got there first).

(5) They should limit government spending e.g. parties, campaigns, etc.

(6) The government overtaxed and also printed new money when the debt should have been payed when the printing press was rolled out.

(7) Consumers spent to much.

(8) Wages higher on agriculture.

To slow down inflation, I think:

(1) The government should spend less on Vietnam.

(2) Consumers should spend less.

(3) Consumers should borrow less.

(4) The government should control prices.

(5) The government should control wages.

I believe, the government should spend on:

(1) Education.

(2) Air pollution.

(3) Environmental pollution.

(4) Medical research.

THE ENVIRONMENT WORRIES THE WORKER

Mr. NELSON. Mr. President, the United Auto Workers has announced that the environment is going to be an issue in its 1970 negotiations. This is good news for every citizen who cares about the air and water and land and wildlife around them.

Walter Reuther, the UAW president, said in a recent press conference on collective bargaining:

> I think the environmental crisis has reached such catastrophic proportions that I think the labor movement is now obligated to raise this question at the bargaining table in any industry that is in a measurable way contributing to man's deteriorating living environment.

And only last week, another UAW official said:

> We definitely will want to discuss the matter of polluted air in the shops. . . . The industry always tells us we have to confine ourselves to wages, hours and working conditions. Well, foul air is a lousy working condition and it sure falls under permissible bargaining topics.

At a recent air quality hearing in Cleveland, officials of the United Steelworkers and the AFL–CIO marched into the hall wearing masks over their noses and mouths to dramatize the serious problem of air polution.

Automobile and factory pollution are the prime sources of air polution in this country. If the workers who produce the autos and the workers who work in the factories are now aroused enough to make this a major issue in negotiations and public hearings, maybe there is hope for something to be done soon.

Mr. Reuther said that he once felt environmental questions were not proper matters to come up in collective bargaining. Now he makes clear this is no longer his belief. Mr. Douglas Fraser, who negotiates for Chrysler employees, now states that environmental questions on the job are questions which the union will deal with this year.

I am certain there are no easy answers to any of these questions.

I am also certain something must be done soon and done expertly to avoid a national catastrophe of epidemic proportions.

Earlier last year, Frank Wallick, the UAW's Washington Report editor and legislative representative, raised the question of an environmental crisis on the job for 80 million American workers. He suggested that even Members of Congress may not be immune from the problem of health hazards if ventilation in congressional buildings permits carbon monoxide to seep into the rooms and halls.

I have suggested that every American has a constitutional right to have his environment protected against indiscriminate and unnecessary degradation by a third party. While the focus for this has been on our outdoor environment, the same rights ought to be sought for people on their jobs.

As Mr. Wallick suggested:

> We do not suggest that overnight every job in every place in America can become an air-conditioned paradise . . . With a fraction of time and money we spend on military and space research, we could make some significant breakthrough in finding practical ways to lessen the noise, reduce the greasy atmosphere, purify more of the air and eliminate the mechanical dangers which millions of workers at this very moment experience on their jobs.

A New Jersey Department of Health survey of 15 factories in that State showed results of particulate sampling all exceeding the air pollution quality criteria of 65 micrograms per cubic meter of air—0.065 mg/m^3. The results also show over 50 percent of the samples collected for sulphur dioxide exceed air pollution criteria. This information is all too typical of what every American worker must experience on the job and I introduce the results of the survey contained in Mr. Wallick's testimony to illustrate the need for greater research, monitoring, and better standards to deal with the environmental crisis at the work place.

I ask unanimous consent to have printed in the RECORD the transcript of Mr. Reuther's press conference on the environment, a Detroit Free Press article on polluted air in the shops, the New Jersey industrial plan survey, a report on the occupational environmental crisis in the UAW Washington Report, excerpts from Mr. Wallick's testimony, a Washington Post article on what the auto industry is doing to end air pollution, and excerpts from the UAW testimony on occupational safety and health last year.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Reuther Press Conference, Jan. 8, 1970]

Question. Mr. Reuther, in 1968 you said that the matter of pollution is not a matter to be brought up at the bargaining table but rather by industry in independent action and the private citizen and private community affairs. Do you still feel that organized labor should not use the bargaining table to improve the environment as well as the economic package of the member?

Answer. I said essentially what you've quoted me as saying and every time we've tried to introduce into the bargaining process a matter that's on the fringe of what's considered to be normally collective bargaining matters, we raise all kinds of problems at the bargaining table. But I think the environmental crisis has reached such catastrophic proportions that I think the labor movement is now obligated to raise this question at the bargaining table in any industry that is in a measurable way contributing to man's deteriorating living environment. And I believe the UAW is obligated to raise this matter at the bargaining table in 1970.

Question. In what form, Mr. Reuther?

Answer. That I'm unable to say because we have not formulated that. But I think that we are obligated to raise this for discussions at the bargaining table because I think, and this is not only true of the auto industry, I think that labor ought to be obligated to do this in every industry where they feel the industry is a factor with respect to man's deteriorating living environment.

Question. What has happened between October 1968 and now to make you change?

Answer. I just think the situation has worsened to the point where I think now we've got to use every leverage to help solve this problem.

Question. Walter, what would you raise in this connection at the auto bargaining?

Answer. We will have, we will formulate our position on this and you will be given a copy of that position when we formalize our demand at our Convention. And I'm asked, do I think this now ought to be a matter that properly ought to be raised at the bargaining table, and my answer is yes.

Question. That's air and water pollution?

Answer. It's the whole question of man's living environment, which goes beyond the question of air and water pollution, although they are the two most serious and obvious areas of concern.

Question. Would you use this as some sort of a lever, or are you going to bring it up just for the sake of discussion?

Answer. Well, I think you have to reserve

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that question until we formulate our demand and then you'll know precisely what we intend to do.

[From the Detroit Free Press, Jan. 25, 1970]

Polluted Air in Shops Due To Be Major UAW Issue

(By Ralph Orr)

Auto industry spokesmen responded cautiously when Walter Reuther announced that his union intends to make pollution control a bargaining issue in contract talks with the Big Three this summer.

But two things were clear: They believe it is not a subject for the bargaining table, and they are puzzled about what forms the demands will take.

One publicist, tongue in check, suggested that the United Auto Workers union president might demand premium pay based on something like Detroit's MURC (Measure of Undesirable Respiratory Contaminants) Index for measuring airborne pollutants.

It was a bad joke, because something of this nature indeed will be one of the UAW demands.

"We definitely will want to discuss the matter of polluted air in the shops," said Douglas Fraser, UAW executive board member-at-large.

Others in Solidarity House agree, and point out that the foundries would be prime targets.

As one aide put it:

"The industry always tells us we have to confine ourselves to wages, hours and working conditions. Well, foul air is a lousy working condition and it sure as hell falls under permissible bargaining topics."

If the plant cleanup results in cleaner air for the community, then "you could call it a fringe benefit won by the UAW for the whole town," he said.

Like many other UAW proposals, such demands would be innovative, but there is precedent for them.

Many union contracts deal with compensation for occupational diseases. Many provide for employer-furnished goggles, safety shoes and filter masks.

Fraser said the scope of the UAW demands undoubtedly will reach beyond in-plant problems, and it is here the whole far-reaching idea takes on fuzziness.

Nobody knows what those demands will cover because the decision to inject pollution problems into the talks was not made until December.

Marcellius Ivory, UAW Region 1-A director, said the UAW executive board gave its approval after learning that rank-and-file members had suggested this step at nearly every bargaining conference.

The final determination will be made at the national union convention in April in Atlantic City.

Should Unions negotiate on national social problems?

"Why not?" asks the UAW.

"The environment is the property of everybody," one official said. "We're directly involved with an industry that is responsible for much of the pollution, from mucked-up rivers and smokestacks to exhaust gases and junked cars."

There is no law saying the fight has to be left to the scientists and editorial writers, he said.

Nobody in the automobile industry is taking pot shots at the anti-pollutionists because environmental contamination is becoming the No. 1 domestic issue and because of the auto maker's complicity.

They point out that General Motors Corp., Ford Motor Co. and Chrysler Corp. have spent millions on smoke abatement and research aimed at curbing exhaust pollutants, and plan to spend more.

But spokesmen ask what Reuther can do about pollution at the bargaining table. Demand a ban on foremen with bad breath? Or ask double time for workers assembling cars with dual exhausts because they belch twice as much gas into the atmosphere?

The bad jokes are exaggerations only to make an industry point: Pollution control is outside Reuther's bailiwick.

Company spokesmen contend that environmental clean-up is the responsibility of industry and government.

"Putting pollution problems on the table would be like trying to put motherhood into bargaining," one spokesman said.

And inevitably, industry aides come back to an old phrase, "management prerogatives," which the UAW claims translates into: "It's none of the union's business."

But Fraser is undismayed by the management-rights argument.

"The whole history of bargaining is one of workers taking away management rights," he said. "They would not have made any progress if they hadn't."

Reuther announced the UAW's intentions at his January news conference in response to a reporter's question.

"The environmental crisis has reached such catastrophic proportions that I think the labor movement is obligated to raise this question with any industry that in any way is contributing to man's deteriorating environment," Reuther said.

He conceded that the decision was an about-face from his stand in 1968, when he said it was not bargaining-table material.

"The situation has worsened," he said. "We've got to use every leverage to help solve the problem."

The union's U-turn came as the industry was making new commitments against pollution and stressing the need for studies of control systems and new power sources.

Ford, for example, has announced that it will spend $7.5 million for a carburetion engineering facility to study means of reducing vehicle emissions.

But Reuther did not take his cue from them. The UAW was the first big union to join the pollution fighters.

UAW staff members have testified before legislative committees, sponsored conferences, addressed conservation clubs and distributed leaflets by the thousands.

Reuther zeroes in on the problem whenever he speaks.

"What good is another week of paid vacation if the lake where the worker takes his family is so polluted he can't swim in it?" he asked an audience last April.

He conceded that the union will be in a gray area when it raises the pollution issue.

"Every time we have tried to introduce into the bargaining process a matter that's on the fringes, we've raised all kinds of problems," he said.

Labor experts who have learned not to shrug off innovative UAW demands expect that Reuther will come up with something tangible and provocative.

And they say that even if the pollution demands are bartered away or shoved far down the priority list in favor of gut issues like bigger paychecks, he will have laid a heavy public-relations burden on the industry.

STUDY BY NEW JERSEY DEPARTMENT OF HEALTH

Company	Location or operation	Ranges of exposure	Contaminant sampled
A	Core making	1.2 mg/m^3	Silica dust.
A	Sand mixing	1.2 mg/m^3	Do.
A	Molding	1.9 mg/m^3	Do.
B	Unloading	12.0 mg/m^3	Do.
B	Scraping	0.72 mg/m^3	Do.
B	Filling	4.65–7.2 mg/m^3	Do.
C	Hand casting	0.275–0.675 mg/m^3	Zinc oxide.
C	Machine casting	0.137 mg/m^3	Do.
C	Belt grinding	2.19 mg/m^3	Do.
D	Charging kettles	0.5 ppm	Sulfur dioxide.
E	Diethanolamine tank area	14 ppm	Do.
E	Sulfonation area	19 ppm	Do.
E	General work area	1 ppm	Do.
F	Angle cutting	1.03 mg/m^3	Asbestos dust.
F	Straight cutting	0.45 mg/m^3	Do.
F	Carding	0.45 mg/m^3	Do.
G	Beating	2.55 mg/m^3	Do.
H	Filtration area	1 ppm	Sulfur dioxide.
I	Line insert	0.21–0.30 mg/m^3	Lead.
I	Buffer cleaning	0.06 mg/m^3	Do.
I	Blow cleaning	0.80 mg/m^3	Do.
J	Plate pour	0.08 mg/m^3	Do.
J	Welding	0.08 mg/m^3	Do.
J	Pasting	1.55 mg/m^3	Do.
J	Tube filling	3.80 mg/m^3	Do.
K	Mixing	2.4–3 0 mg/m^3	Silica dust.
K	Packaging	1.4 mg/m^3	Do.
L	Welding with carbon	25–35 ppm	Sulfur dioxide.
L	Welding with graphite	1–2 ppm	Do.
M	Bagging	3.2–3.6 mg/m^3	Silica dust.
M	Unloading	4.5 mg/m^3	Do.
N	Punch press feed	1.29 mg/m^3	Asbestos dust.
N	Dumping	2.88 mg/m^3	Do.
O	Wet sawing	1.8 mg/m^3	Silica dust.
O	Dry grinding	5.1 mg/m^3	Do.

[From the UAW Washington Report, Nov. 17, 1969]

Occupational Environmental Crisis—UAW Alerts Congress

American workers face "an environmental crisis on their jobs," according to Frank Wallick, UAW Washington Report managing editor and Washington legislative representative, in urging passage last week of a strong and comprehensive occupational safety and health bill.

"We know very little about the dangerous and deadly effects of 6,000 toxic substances which workers use on their jobs," he told a House labor subcommittee, asking if any heavy industry factory could pass a test for environmental quality which the U.S. Public Health Service makes for our outdoor environment.

"Every American worker has a right to expect that continuing, exhaustive research will be made on the direct and side effects of every substance to which his body or any part of it is exposed in the course of his work," Wallick said. "He does not have the guarantee today, and we fail to see that this guarantee is assured by any of the present drafts of the bills before the subcommittee."

Lloyd Utter, UAW safety director, accompanied Wallick in making the UAW's presentation on safety. The UAW urged a massive research program well-insulated from any taint of commercial influence. A New Jersey study of 16 industrial plants was included in the UAW statement which showed that air pollution quality criteria was far below in these plants for silica dust, zinc oxide, asbestos dust, and lead. Fifty per cent of the samples collected for sulfur dioxide exceeded air pollution criteria for some of the same plants.

"It would be a great mistake for Congress to approve safety legislation which locks in the consensus standard approach to determining safety and health standards for workers," Wallick told the subcommittee. "There are in some cases the only standards we have today, but we say you should not gamble with workers' lives by playing the consensus game. Any standard-producing establishment must be composed of impeccably disinterested personnel," he said. Wallick suggested a counterpart to the National Bureau of Standards "with some of the best brains of the country working on occupational safety and health standards, constantly testing and re-testing the substances to which the human body is exposed.

He attacked the Nixon administration bill which calls for a super-safety board and reduces the powers of the Secretary of Labor in setting safety standards and enforcing those standards.

Wallick said that the O'Hara bill affords much more protection to workers because the Secretary of Labor would have the power to shut down unsafe operations and keep them shut down until unsafe conditions were straightened out.

He urged the House subcommittee "not to paper over any of the deep and far-reaching implications" of the occupational safety and health problem and "not to settle for timid compromises which only gloss over the potential for injury, disease and death to millions of fellow human beings."

[From the Washington Post, Jan. 23, 1970]

Automobile Industry Making Attempts To End Air Pollution

(By Robert Irwin)

Detroit.—The auto companies have launched one of their most massive publicity efforts—trying to convince people they are serious about eliminating air pollution by motor vehicles.

Just look at the pronouncements in recent weeks. The most recent is from General Motors President Edward N. Cole, who said GM is committed to taking the gasoline engine out of the air pollution problem. He believes this can be done by 1980, but says the firm would have no hesitation in abandoning the internal combustion engine for something else if need be.

It's obvious the auto companies don't want a repeat of what happened five years ago during the auto safety controversy. In the mid-1960s the industry seemed more concerned with responding to Ralph Nader than doing something positive to make cars safer. The auto companies always seemed to be one step behind. Now it's different.

OBJECTIVES LISTED

Cole apparently took the edge off a pending government statement on clean air goals for the 1975–80 period. He said he learned of the goals "from several sources" and proceeded to list the objectives.

If the goals go into effect in 1975, he said, the emission of hydrocarbons would be reduced 95 per cent from 1960 levels, carbon monoxide, 85 per cent; oxides of nitrogen, 75 per cent, and solid materials, 50 per cent. He said 1980 goals call for another 50 per cent reduction in all categories.

There is a dispute within the auto ranks as to whether this much of a reduction is really necessary. It was just last year that Charles Heinen, Chrysler's chief automobile air pollution control man, said the problem had been essentially solved.

Ralph Nader singled out that statement last month as an example of the auto industry's intentions.

The top executives have sensed that cleaning up the environment is the big issue of the 1970s. They are responding with words now but with results promised for the years ahead. The oil companies might be advised to take a cue from the auto firms.

Cole suggested the oil men change their refining process. That's a reasonable proposal since studies have shown what changes in gasoline composition could do to reduce automobile air pollution. The initial reaction was a warning about what this would cost the public. It sounded just like the auto companies' response a few years ago on the safety issue.

ANTISMOG DEVICES

Now listen to the way George J. Huebner Jr., director of research at Chrysler engineering, describes the work to reduce auto air pollution: "There are no holds barred. This is an all-out effort. Maybe people are waiting to see if we will fall on our face. But we are not going to fall on our face."

Huebner, you may recall, was the man in charge of the Chrysler turbine car program. He's now wrapped up in developing antismog devices for cars in 1974 and beyond. It's expected a new generation of air pollution control devices will be used at that time because this is when a significant reduction will be made in the oxides of nitrogen from car exhaust.

"This will be a whole new ball game," he said. There are three ways to reduce substantially this material, he said. One is by using an exahust manifold reactor; second is a catalytic convertor, and third is to throw out the internal combustion engine and get something else. The third alternative would be the last resort. As for the second, he said a catalytic conveyor isn't feasible now because of the lead in gasoline. This leaves the manifold reactor.

In this approach to emission control, exhaust gases leaving the gasoline engine cylinder are mixed with air and "afterburned" in large, insulated stainless steel exhaust manifolds with several times the volume of conventional manifolds.

The problem with these devices is that they operate at very high temperatures, 2,000 degrees F, and the cylinders require a lot of nickel for strength. Huebner said the devices could consume 10 per cent of the free world's production of nickel.

There is another problem—cost. Auto men have estimated the cost of such devices at $250 to $300. But by the time they go into production with them, that can undoubtedly be reduced. Cost is no longer being given as the excuse for delaying the work.

Huebner and his colleagues at Chrysler have for the past two years been on a crash program to meet these national clean air goals of the future.

"This is just as challenging as working on the gas turbine," says Huebner.

All Workers Have a Right to Safe and Healthy Working Conditions

(From testimony by UAW on occupational safety and health, November 13, 1969, House Select Labor Subcommittee)

Too much of the language in the proposed bill approaches this problem from the standpoint of what the employer does or does not do. We believe that the final bill which Congress adopts should contain a ringing affirmation which amounts to a worker's occupational magna charta, assuring him that he has a right to a safe and healthful job. Obviously, there may be hazards to some jobs; but the approach of sound legislation ought to be from the standpoint of what is good for the worker, not merely the employer. For far too long we have assumed that grease, noise, overhead dangers, cutting knives, fumes and all the other familiar hazards were a natural concomitant to holding a job. For far too long we have assumed that a worker had to lose his hearing or destroy his lungs to be a family breadwinner. We have no right to assume that today. With massive research, with better plant design and engineering there is the technical capability so that workers need not shorten their lives nor lose their senses to earn a living.

We do not suggest that overnight every job in every place in America can become an air-conditioned paradise. But we do say, and say it most emphatically, that the goal of this subcommittee in writing good legislation ought to guarantee that all jobs will be safe and not injurious to a worker's health. Surely, with but a fraction of time and money we spend on military and space research, we could make some significant breakthroughs in finding practical ways to lessen the noise, reduce the greasy atmosphere, purify more of the air and eliminate the mechanical dangers which millions of workers at this very moment experience at their jobs. It would be a great mistake, in our judgment, to approve an occupational safety and health law which did not contain a positive statement of a worker's right to optimum safety and health on the job, and did not provide the machinery to accomplish this very rapidly. It is within the grasp of Congress to save thousands of lives and limbs of workers and to prolong human life for these same workers.

The goal of good legislation ought to be to achieve the best working conditions for all workers, without any ifs, ands or buts or "so far as possibles."

BLACKS RIOT IN FLORIDA SCHOOL TRANSITION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record a newsstory from the Washington Post of January 30, 1970, headlined "Blacks Riot in Florida School Transition."

There being no objection, the item was ordered to be printed in the Record, as follows:

Blacks Riot in Florida School Transition

Gainesville, Fla., January 29.—Several hundred black students ran screaming into the street from Lincoln High School today, stoning cars and attacking passersby in apparent frustration over the closing of their school. Police quelled them with tear gas.

At least two persons were reported injured in the outburst of violence at the school, due to be closed after Friday under the Supreme Court's desegregation orders.

Several cars were damaged and school windows were smashed. One man, identified as Charles Tanner, was injured by a brick that smashed his windshield. A woman was reported dragged from her car and beaten.

After the crowd dispersed, police roped off the area and authorities cancelled Friday's classes.

Lincoln is part of a school district ordered by the Supreme Court to begin operating totally desegregated schools by Feb. 1. Under school board plans, Lincoln will be closed and its students integrated with those at Gainesville High.

The black students of Lincoln and their parents have bitterly protested the closing. In December, many of them boycotted the school to protest the closing and returned only after a judge threatened to cite them for truancy.

DEMOCRACY AT WORK IN COSTA RICA

Mr. CHURCH. Mr. President, more than a half million Costa Ricans went to the polls yesterday to elect a new President, two Vice Presidents, 57 Deputies to the unicameral legislature, and 313 municipal officials. According to unofficial returns, in a peaceful and orderly transfer of power, José Figuéres Fer-

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rer of the National Liberation Party is the victor over Mario Echandi Jiménez of the National Unification Party. Mr. Figuéres, 63 years old, is a former President and known in Latin America as an enemy of dictatorships.

Costa Rica has maintained a constitutional form of government since 1889, with the exception of two short periods in 1917 and 1948. I believe this record, compared to its neighbors, is one of which the Costa Rican people can be rightly proud. Unique in Latin America, Costa Rica spends a high percentage of its national budget on health and education with over 90 percent of the population being literate. Even more unique, it has no standing army.

As chairman of the Foreign Relations Subcommittee on Western Hemisphere Affairs, I want to take this opportunity to congratulate the new President, Mr. Figuéres, and also to express to our friends in Costa Rica our esteem and admiration for their continuing democratic tradition.

I ask unanimous consent, Mr. President, that two articles describing the preelection setting in Costa Rica be inserted here into the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 1, 1970]

Costa Ricans Go to Polls Today, Proud of Democratic Traditions

(By Juan de Onis)

San Jose, Costa Rica, January 31.—A young Costa Rican tourist official, recently graduated from college in the United States, today recalled the "typical American" question about his country that caused him the most chagrin.

"It was bad enough when Americans asked me if Costa Rica was an island, or a beach in Puerto Rico," he said. "But what really used to get me was to be asked, 'Who is your strongman?' "

In this little Central American country, just north of Panama, it is a point of national pride that Costa Rica is governed not by a "strongman," but by officials elected through what her citizens feel is the most genuine democratic procedure in Latin America.

About 520,000 Costa Ricans are expected to vote tomorrow in national elections for President and for a full new Legislative Assembly of 57 members.

All voters have been photographed and fingerprinted. Voting will be watched at polling places by officials of the independent Electoral Tribunal and by party observers. The procedure makes fraudulent balloting difficult.

FINAL RALLIES CANCELLED

The political campaign has been quite bitter. The two major candidates, José Figuéres Ferrer of the National Liberation party and Mario Echandi Jiménez of the National Unification party, are both former presidents, with personal animosities and ideological differences.

Partisan passions expressed themselves in street brawls here last week. The Electoral Tribunal, which regulates all aspects of campaigns and elections, decided, after the political disturbances, to cancel the party rallies that had been scheduled to close the campaign this week. The tribunal's move was made, with the consent of the major parties, to reduce the atmosphere of violence.

The election is expected to be very close. Five candidates are running for the presidency.

The voters can be reasonably certain, in contrast to most Latin-American countries, that whatever the result, there will be no military intervention—because this country of 1.6 million people, does not have an army. Order and security are maintained by a national police force of 2,000 men, under the Ministry of Government. By regulation and custom, the police stay out of party politics.

CIVIL WAR FOUGHT IN 1948

In 1948, the Republican party, then in power under Rafael Calderón Guardia tried to annul, through its legislative majority, the presidential victory of Utilio Ulate, an opposition candidate.

Mr. Figuéres, then a coffee grower with political aspirations, led an uprising with an irregular army of 700 men supplied with arms from Guatemala. In a five-week civil war, the insurgents defeated the then-existing Costa Rican Army and other fighting groups organized by the Communist party in support of Mr. Calderón.

The successful revolution disbanded the army, created the independent Electoral Tribunal, nationalized the banks, insurance companies and communications companies, and set up state ownership of electric power. After 18 months, Mr. Ulate was installed as president.

ARMY CAR IS REMINDER

Since 1954, national political leadership has alternated every four years, through free elections, between the National Liberation party of Mr. Figuéres, who was President from 1954 to 1958, and the major opposition, including former Republican party leaders such as Mr. Echandi, President from 1958 to 1962. There are three minor parties.

[From the Washington (D.C.) Sunday Star, Feb. 1, 1970]

Peaceful Election Expected for Costa Rican President

(By Merwin K. Sigale)

San Jose, Costa Rica.—After a political campaign noted more for personal insults and innuendo than for serious issues, more than half a million Costa Ricans will choose a new president today in one of the few Latin American countries that still clings to a thriving democratic tradition.

Despite the proliferation of military regimes elsewhere in the hemisphere, the flow of war tensions on the Honduras-El Salvador border and the persistence of leftist terrorism in several countries, this stable Central American republic is anticipating a peaceful and honest election followed by a smooth transfer of power on May 8.

Two former presidents, Jose Figueres and Mario Echandi, are the front-running candidates for a four-year term to succeed President Jose Joaquin Trejos, who is ineligible for re-election. There are three other contenders, none of whom is conceded a chance for victory.

PRAISED BY KENNEDY

Figueres' comeback is being watched with interest in other hemisphere countries. The 63-year-old leader of Costa Rica's 1948 revolution belonged to the small group of Latin American leaders known as the "democratic left" who won the admiration and praise of President John F. Kennedy, who saw in them a progressive alternative to Fidel Castro-style upheavals.

Others in the original group have since retired or fallen from power—Romulo Betancourt of Venezuela, Luis Munoz Marin of Puerto Rico, Juan Bosch of the Dominican Republic. Bosch now espouses "dictatorship with popular support." Eduardo Frei of Chile, cast in the "democratic left" mold, completes a presidential term this year.

Figueres headed the revolutionary junta for 18 months in 1948–49, served as elected president from 1953–58 and now is again the candidate of the National Liberation party which he founded.

MODIFIED COALITION

Echandi, a lawyer with cattle and dairy interests, was president from 1958–62 and carries the banner of the National Unification party, a modified version of the conservative coalition that carried Trejos to the presidency four years ago.

Although a Communist threat is not visible in Costa Rica, a conservative-minded nation of 1.7 million persons in an area half the size of Virginia, communism was a lively campaign issue and the focus for much of the invective that passed between the camps of Figueres and Echandi.

Figueres fought off a Marxist label pinned on him by Echandi forces and stressed his anti-Communist record.

But verbal attacks, not a new phenomenon here, were accompanied in the campaign's closing weeks by an uncommon outbreak of mayhem, though it was mild by usual Latin American standards and free of fatalities.

Street fights between flag-waving political groups in downtown San Jose heightened tensions, brought police intervention with tear gas and prompted the cancellation of all rallies and parades scheduled for the closing days of the campaign.

PLEA FOR CALM

Election officials and political leaders appealed for calm through election day. The civil guard and police forces, totaling about 5,000 men, were ordered on routine standby alert for the balloting.

The country has no army and is unique in Latin America in that respect.

The other candidates for leadership of this banana and coffee exporting country are Virgilio Calvo of the Third Front, a splinter group from the current government coalition; Jorge Monge of the Christian Democratic party, which is entering its first election, and Lisimaco Leiva of the Socialist Action party.

Socialist Action is the vehicle through which the Communists are participating in a Costa Rican election for the first time since 1962. The Communist party as such has been outlawed since 1948.

Communists are thought likely to win two or three of the 57 legislative assembly seats to be contested today.

No party is expected to win a majority of assembly seats because of expected ballot splitting. But barring a surprise showing by the fledgling Christian Democrats, either Figueres or Echandi should manage to win with the minimum 40 percent of the presidential votes needed to avoid a runoff election.

TRADE WITH EAST EUROPE

Whichever man wins, no change is foreseen in Costa Rica's pro-U.S. policies. But Figueres would likely seek trade ties with Eastern Europe and give stronger support to the Central American common market.

In domestic policies, Echandi stresses private initiative while Figueres advocates broader government programs to help the nation's "forgotten third"—the rural poor who form the base of his party's support. Both men are friendly to foreign private investments.

Except for horn-blowing automobiles that raced through San Jose streets into the wee hours with party banners flying, campaigning in the final days was limited to a propaganda blitz through the newspapers, radio and television.

A newspaper reported thousands of entries in its guess-the-outcome contest. But public enthusiasm is dimmed by some dissatisfaction with the nominees and revulsion at the candidates' invective.

Voting is compulsory for everyone 20 or over. The 1966 turnout was 81.4 percent but

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is expected to drop this time, though the Supreme Electoral Tribunal is trying to curb abstentions by warning of possible "fine or arrest," plus job suspension for public employees.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of New Jersey obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. WILLIAMS of New Jersey. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, S. 3154, the proposed Urban Mass Transportation Assistance Act of 1969, contains comprehensive amendments to the original Mass Transit Act passed by this body in 1964. Under this legislation the Federal Government will for the first time be able to make major long-term commitments for the construction of new transit systems and for the upgrading of existing systems. Cities, States, and municipalities will at long last be able to plan major renovations in their transit systems with a firm guarantee that the Federal share of the total costs will be forthcoming.

The only purpose of this legislation is to assure all of our Nation's citizens adequate urban mass transportation. At the start of this century four out of every 10 Americans lived in urban areas. By 1960 that figure had risen to seven out of 10 and by the year 2000, 90 percent of all Americans will be living in urban areas. Obviously, transit systems created to meet the demands of the early 1900's cannot meet the needs of today's urban society.

Unfortunately, governmental planning and monetary assistance has not been adequate in meeting the transit needs of this great majority of our citizens. Currently we are spending $37 of Federal money for highways for each $1 spent on mass transportation. $36 billion has been spent on highways as compared to $795 million for urban mass transit. This imbalance in Federal spending should and must be corrected.

METHOD OF FINANCING

On January 5, 1969, President Nixon's Task Force on Transportation, made up of distinguished citizens from many walks of life, stated:

> Public mass transportation must be guaranteed a sustained source of funds and support for planning, research, and implementation.

The legislation before us today would carry out that recommendation and has the wholehearted support of the administration. This bill would provide a Federal commitment to spend $10 billion for the improvement of urban mass transportation over the next 12 years. $3.1 billion of this amount is specifically authorized for obligation by means of contract authority during the first 5 years of the program. Of utmost importance is the fact that immediately upon enactment all of the $3.1 billion is available for obligation at the discretion of the Secretary of Transportation. In this manner the long-term Federal commitment which our States and cities must have in order to embark upon the construction of new and improved mass transportation facilities will for the first time become available.

To insure the expenditure of the $3.1 billion obligation in a well-planned and orderly manner and to provide Appropriations Committee review the bill contains a year-by-year expenditure schedule for the liquidation of contractual obligations incurred. In addition the Secretary is required to report to the Congress each year on the status of the program.

Appropriations to liquidate the obligations incurred would be authorized for fiscal year 1971 in the amount of $80 million. This figure would be progressively increased on a yearly basis to an aggregate of $310 million, $710 million and $1.26 billion, reaching $1.86 billion at the end of fiscal year 1975. Thereafter, expenditures could not exceed the aggregate figure of $3.1 billion.

Some might question the relatively small expenditures during the initial years. However, experience shows that actual expenditures under programs of this nature are fairly small in the first year or two as cities and States begin to embark on new projects.

In order to meet the Federal commitment of $10 billion contained in this legislation, the Secretary is required to submit authorization requests to the Congress not later than February 1, 1972 for fiscal years 1976 and 1977. Subsequent requests are to be made every 2 years not later than February 1 for the following 2 fiscal year periods. In addition to meeting the Federal commitment to urban mass transportation of not less than $10 billion over the next 12 years, these requests would also insure long-term Federal funding by keeping the program on a continuing 5-year basis.

Concurrently with the additional authorization requests, recommendations must be submitted for any necessary adjustments in the schedule of appropriations for liquidation of contractual obligations should they prove to be inadequate in meeting the needs of our cities. Such adjustments would be subject to Appropriations Committee review.

Some might ask the question, why is a 5-year contractual commitment of Federal funds so essential? The answer is local governments have no regular user tax available to raise matching funds for a federally financed transit program. Fare box revenue cannot be used; it is needed to operate already financially strained transit systems. Therefore, local matching funds must be borrowed. But bond money and other means of long-term financing cannot be raised for a project that may falter for lack of continuing Federal support. A fluctuating Federal contribution, subject to the uncertainties of annual appropriations cannot be used efficiently.

The long-term program of financial assistance which this bill would authorize is necessary if we wish to meet the mass transportation needs of State and local bodies. This need must be met over a period of time—in many instances up to 5 years—which is sufficient to accomplish the planning, decisionmaking, and financing arrangements necessary for the orderly development of urban mass transportation systems.

ADVANCE ACQUISITION OF REAL PROPERTY

Acquisition of real property in advance of construction has become increasingly important as urban land increases in price. Where there is public knowledge of planned mass transit systems requiring land acquisition, speculators may acquire possession of the tracts and be in a position to make windfall profits. This is especially true when vacant land in urban areas, offering the greatest economy and least displacement is involved. If this land can be acquired in advance, by the municipality and reserved for mass transportation great savings in both time and money may be achieved.

In order to facilitate the timely acquisition of real property this bill would provide a new program of maximum 10-year loans to States and local bodies. Federal loans would be authorized for the acquisition of property which is reasonably expected to be used for urban mass transportation purposes. In addition to land acquisition these loans could include the net cost of property management and relocation.

Real property acquired in this manner would be for rights-of-way, station sites, and related purposes including terminals and other buildings, parking lots and access roads. If it were later determined that the property is not to be used for mass transit purposes, the Federal Government and the State or local public body would share on a 2-to-1 basis in any increase in value. The Federal Government would not be required to share in any losses.

STATE LIMITATION

Atlanta, Baltimore, Los Angeles, Pittsburgh, Miami, Minneapolis-St. Paul, and Seattle have either decided upon or are considering new transit systems. In addition, Boston, Chicago, Cleveland, Philadelphia, and New York as well as other cities are planning major extensions of existing systems. I ask unanimous consent that a chart showing the 1970–79 capital requirements for rapid transit be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

1970-79 CAPITAL REQUIREMENTS OF THE RAPID TRANSIT INDUSTRY—PRELIMINARY SUMMARY

[Dollar amounts in millions]

Existing rapid transit	Cost for modernizing existing plant			Cost for new rapid transit facilities			Existing commuter railroads: Data on new facilities			Existing commuter railroads: Rolling stock requirements		
City and operating agency	1970–74	1975–79	Total	1970–74	1975–79	Total	Number of new lines	Miles	Number of stations	Replacement cars	New cars	Total
Massachusetts Bay Transportation Authority, Boston	$147		$147	$471.0	$166.0	$637.0	4	34.5	29	170	246	416
New York City Transit Authority	600	$500.0	1,200	600.0	700.0	1,300.0	12	52.8	40	1,600	400	2,000
New York Commuter Railroad	319	138.0	457	105.0	240.0	345.0	3	12.0	2	725	260	985
Southeastern Pennsylvania Transportation Authority	60		60	156.0	30.5	18.7	3	14.1	18	100	125	225
Southeastern Pennsylvania Transportation Authority Commuter Railroad	89	9.2	98	79.4	3.2	83.0				175	28	203
Cleveland Transit System	11	35.0	46	200.0	35.0	235.0	2	20.0	18-20	70	100	170
Chicago Transit Authority	342	695.0	1,037	1,142.0		1,142.0	7	74.0		970	400	1,370
Delaware River Port Authority, South Jersey	3		3	61.0	59.0	120.0	3	66.0	18		80	80
New Jersey Department of Transportation Commuter Railroad	325		325							450		450
Port Authority Trans-Hudson Corp	70	31.0	101									
Bay Area Rapid Transit District				400.0	1,375.0	1,775.0	5	155.0			800	800
Total, commuter railroad			800			428.0						
Total, rapid transit			2,594		5,396.0							
Total			3,474		5,824.0							
PROPOSED RAPID TRANSIT OPERATIONS												
Washington Metropolitan Area Transit Authority						$2,445.0	8	97.2	86		811	811
Seattle						385.0	47					
Southern California Rapid Transit District				$335.0	$2,179.0	2,514.0	5	89.4	67		756	756
Metropolitan Transportation Authority, Baltimore				600.0	1,100.0	1,700.0	6	71.0	63		[1] 120	[1] 120
Metropolitan Atlanta Rapid Transit Authority, Atlanta				135.0	609.0	744.0	2	30.0	32		130	30
Port Authority of Allegheny County, Pittsburgh				229.0		229.0	3	29.0	22		175	175
Metropolitan Transportation Authority, Miami						340.0	4	24.0				
Twin Cities Area Metropolitan Transit Commission				53.0		53.0						
Total						8,410.0						
Grand total						17,708.0						

[1] 1st phase only.

Mr. WILLIAMS of New Jersey. These cities, which include almost all of our larger metropolitan areas, will certainly require a larger share of the money authorized under the proposed legislation than will smaller municipalities where the transit problem is not nearly as acute.

Under current law, grants for projects in any one State may not exceed in the aggregate 12½ percent of the amount of funds authorized to be obligated. In addition, there is a discretionary fund of $12.5 million to be used in States which receive grants in excess of the statutory ceiling. In view of the need for a massive Federal commitment for long-range programs where new systems are to be built, this bill would increase the discretionary fund to 15 percent of the amount of authorized contractual obligations.

The open spaces and natural beauties of States such as Wisconsin are the envy of all, but these fortunate areas do not have the need for urban mass transportation funds equal to that of New York, New Jersey, Pennsylvania, Illinois, or California.

Having said that, I must stress, however, that it is not the committee's intent to make urban mass transportation assistance solely a big city program. The committee intends to keep the use of the discretionary fund under close surveillance so that a disproportionate amount does not go to any one State.

I know that the first and loudest objection to this bill will be, "Should automobile owners and dairy farmers pay for mass transportation? Their money should go for highways and farm programs, not buses and trains." The answer to that is simple: We are all in the same traffic jam together and what we are trying to do is to get out of it together. This is truly a situation in which whatever helps one, helps the other. Furthermore, it is the smalltown public transportation systems that are in the greatest danger of complete collapse. For example, of the 258 transit systems abandoned since 1954, 206 served communities of less than 50,000 population. Currently, transit systems in all communities of this size carry 181 million passengers. Without adequate Federal aid, citizens in these areas could be left without any means of public transportation.

Last year the Committee on Banking and Currency held 7 days of extensive hearings on this legislation. During those hearings the widespread support and the absolute necessity of having a long-term Federal commitment for mass transportation became abundantly clear; and, during that time the merits of this legislation became equally apparent.

Support for this bill is truly bipartisan in nature. It comes not only from the heavily urban States where the need is obvious, but from our rural States as well. It comes from every geographical area of our country. Among the sponsors of this legislation are the chairman of our committee, the senior Senator from Alabama (Mr. SPARKMAN); the ranking minority member of the committee, the senior Senator from Utah (Mr. BENNETT); the junior Senator from Texas (Mr. TOWER); the junior Senator from South Carolina (Mr. HOLLINGS); the junior Senator from New Hampshire (Mr. MCINTYRE); the junior Senator from Oregon (Mr. PACKWOOD); the junior Senator from Maine (Mr. MUSKIE); the junior Senator from Iowa (Mr. HUGHES); the senior Senator from West Virginia (Mr. RANDOLPH); as well as Senators from our more heavily populated States. All recognize the urgent need to solve our Nation's mass transit problems.

This bill is also supported by Governor Rockefeller, of New York; Governor Reagan, of California; Governor Kirk, of Florida; Governor Moore, of West Virginia; Governor Ellington, of Tennessee; and Governor Mandel, of Maryland.

Perhaps the proposed legislation might more appropriately be described as nonpartisan rather than bipartisan. It is endorsed by the National Governors Conference, the U.S. Conference of Mayors—League of Cities, the American Transit Association, the Institute for Rapid Transit, and the Chamber of Commerce of the United States.

This bill will aid all segments of our population. All commuters do not live in Scarsdale and work on Wall Street. Fifty to eighty percent of transit riders in most large cities have a family income of under $4,000. As industry and business move to the suburbs, the tragic isolation of the inner city ghetto is increased. Here is the most pressing need for low-cost, efficient mass transit systems to take people to

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the jobs they so desperately demand. An increase in transit fares or a curtailment of service works undue hardships on these citizens.

Money spent to train a man for a job which he cannot reach unless he owns a car, is money thrown down the drain. Forty-six percent of those people who earn less than $3,000 a year own no car at all. The connection between jobs and transportation has dramatically been shown in the Watts area of Los Angeles; there a demonstration program provided direct bus transportation for residents to jobs in other parts of the city; ridership increased in 3 months from 800 to 2,800 daily. These new riders were on their way to work. So good transit systems are a vital part of the war on poverty. They benefit all of our citizens.

For the elderly who either cannot afford cars or who are unable to drive, improved mass transit may well be their link with the rest of the world. It can represent the difference between lonely days at home or happy days of community involvement.

Improved mass transit will also assist business by cutting the spiraling costs which stem from the time trucks and delivery vehicles lose in traffic jams. These savings can be passed on to consumers who no longer will have to underwrite the built-in charge of traffic congestion.

Not the least of the benefits of this legislation would be the reduction of air pollution caused by motor vehicle exhausts.

The bill will help in the orderly development of cities and States by opening reasonable means of access between homes and jobs. And it will help end the strangulation which each year constricts more tightly around our urban centers.

Mr. President, this bill is a major step forward in meeting our Nation's transit needs. With this legislation, we will have the funds and guaranteed Federal commitment that will enable us to move forward and aid all of our Nation's citizens.

Mr. TOWER. Mr. President, I should like to compliment the distinguished Senator from New Jersey (Mr. WILLIAMS) for the way he has presented the bill to the Senate today. I think it is a bill that is of great significance and represents a great deal of work on the part of many people.

Because all Senators have the committee report on their desks, I am not going to take the time to go into all the details of the legislation. That, of course, the Senator from New Jersey has done so well himself.

I am sure that the Senate is aware it represents the first major effort on the part of the Federal Government to deal with the problem of deteriorating transportation in our Nation's cities. Up until now, we have had studies, demonstration projects, and piecemeal grant-in-aid programs. With the passage of this bill, we will have a massive Federal commitment to move ahead on this problem.

I am sure that Senators are all aware of the longtime interest and activity in this field of the Senator from New Jersey (Mr. WILLIAMS). At the beginning of this year, he had his own program which he urged the committee to adopt. While I have long been interested in the problem, I have not shared the Senator from New Jersey's enthusiasm for the various proposals that have come along over the years, and my skepticism about their effectiveness has caused me to vote against them in the past. However, the depth of study given the problem by President Nixon and his Secretary of Transportation, John A. Volpe, prior to the submission of a Presidential message and draft legislation last summer, convinced me that we now had a proposal worthy of support.

The bill which we have before us today is neither the original Williams proposal nor the original administration proposal. It is a good compromise. They say that legislation is, indeed, the art of the possible. It is a workable compromise between the two and represents the results of many hours of work and not only on the staff level. Senator WILLIAMS and I met personally with Secretary Volpe to discuss the various issues, and the Secretary has taken the lead within the administration in obtaining the required clearances for the changes we suggested. I am happy to say that the result is a piece of legislation which not only Senator WILLIAMS and the administration both can support but, more importantly, a piece of legislation which will get the job done.

It is because of this background that I intend to oppose substantive amendments to the committee bill. I know of no issues to be raised here on the floor which were not raised and discussed thoroughly in committee. There were no close votes on these issues; the committee developed a very strong consensus for the legislation before us. This was true in subcommittee as well.

Therefore, Mr. President, I urge rapid approval of this legislation. It has the overwhelming support of the majority members of the Banking Committee. It has the support of the Nixon administration. To my fellow Republicans, I would point out that it is one of President Nixon's 10 pieces of must domestic legislation. The sooner we get it on the books, the sooner we can proceed with the job of reviving public transportation in our Nation's cities—therefore bringing transportation to those who cannot afford or who cannot drive an automobile. I hope that the Senate will act speedily and without adding crippling amendments to this legislation which, I have emphasized, is the product of a compromise. I think it represents the best thinking of everyone who has been interested in this matter. I think it is a very good bill in its present form, and I am hopeful that it will not be delayed by a number of substantive amendments to change its character.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. WILLIAMS of New Jersey. I want to say that the Senator from Texas and I did not begin work on this bill from a position of being poles apart, but we certainly did approach the development of this legislation with significantly different views. It has been a long but personally rewarding experience to work with the Senator from Texas to reach the compromise that has such a broad measure of support across the country from people whose daily lives are deeply involved in transportation.

We have had, as I recall it, a unanimity of view and a unanimous acceptance of the compromise which is represented by the pending bill.

Mr. TOWER. I am very much gratified that we were able to put the bill together. I have worked with the distinguished Senator from New Jersey over the years about as much as I have with any other Senator on the opposite side of the aisle, and he has always been a very pleasant gentleman to work with. He has been a man of his word. He has been a man I have always been able to disagree with agreeably on occasion. His spirit of wanting to get the job done, and subordinating any temptation to play politics with the issues, has been a singular act of statesmanship.

I am hopeful that this compromise will be accepted by the Senate.

Mr. PERCY. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. PERCY. Mr. President, I commend the bipartisan spirit in which the bill is being introduced.

Mr. President, I rise in support of S. 3154 to fund the urban mass transportation program of which I am pleased to be a cosponsor. The development of urban mass transportation is essential to the survival of urban living. Eighty percent of our 200 million population now live in urban areas. By the year 2000, it is estimated that 90 percent of a 300 million population will be living in these areas. Under the present state of mass transit, our roads are jammed, our air is polluted, our noise level straining our endurance.

Jobs exist in the midst of unemployment because public transportation is not available to link employees with employers. Business in central city areas are closing up shop while more fortunate competitors are springing up in suburban shopping centers—again because of transportation problems as well as changing living patterns caused in part by transit decay.

The state of public transportation, in fact, significantly affects every aspect of environmental, social, and economic development. Our failure to recognize this fact and to respond accordingly has materially contributed to the deterioration of our cities.

Urban transit lines have declined significantly. In 1950, there were 1,400 such companies operating 87,000 vehicles. Today, there were less than 1,100 companies operating approximately 60,000 vehicles. At the same time, the city streets have become clogged. In 1950, 40 million cars were registered; today, there are over 80 million automobiles on the road. The operating income of mass transit systems has declined seriously which has further contributed to the deterioration of public conveyances. In keeping with a decline in the number of revenue passengers carried, from 13.8 to 6.6 billion during the past two decades, operating income declined from an annual profit

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of $66 million to an annual deficit of $160 million.

The city of Chicago is today facing a crisis in the public transportation system. Unless help is soon forthcoming, the Chicago Transit Authority will be forced to raise fares to 50 cents, the highest in the country along with Kansas City. This of course would be a tragedy to the many lower income individuals who are dependent on public transportation for employment and shopping. It would be unfair to all citizens of Chicago who will suffer the effects of increased pollution and jammed streets as those able to do so are forced over to auto transportation. And, it is unfair to the portion of the business community which is primarily dependent upon serving customers using mass transportation.

The city of Chicago and other transit systems in Illinois have been helped under existing urban mass transportation authority. Attached is an analysis of such project assistance. The legislation before us should also contribute significantly to the improvement of public transportation in these communities.

The bill authorizes the obligation of $3.1 billion over the next 6 or more years for this purpose. But, this will not meet the immediate needs of Chicago and cities in similar financial difficulties.

In consequence, I plan to introduce an amendment to the bill before us to provide immediate financial relief for communities facing dire financial problems. My amendment authorizes the Secretary of Transportation to purchase existing capital equipment financial obligations of a transit system if it faces the threat of bankruptcy or if, through the financial necessity to raise fares, the welfare of those most dependent upon the transit system will be seriously jeopardized. I recognize that the provision of direct operating subsidies would also directly assist the CTA in maintaining its present fare structure. It is my hope that the Congress will give close attention to this idea this session of Congress. I recognize, however, that the floor is not the place to legislate such a major provision. In consequence, I am offering a much more moderate proposal at this time to save the present fare.

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The CTA is faced with immediate need to meet interest payments on approximately $60 million of financial obligations, to cover depreciation amount requirements, and to pay off such obligations through farebox revenues within the next few years. But, existing revenues is not adequate to discharge these obligations—leading to the alternative of raising fares. This is not a desirable alternative, however, for the reasons I have listed above. By driving more persons off the system, it will also further impair its ability to discharge future obligations.

The CTA faces a deficit in 1970 of about $22 million. By relieving it of interest payments on its bonds, and its payments to depreciation revenue, less deficit will exist and thereby pressures for a fare increase will be reduced.

Naturally, the Federal contribution is not expected to entirely close this gap; State and city funds should also be contributed to this effort. It is my hope, however, to greatly reduce the burden all around. Paid passenger fares on the CTA have declined from $1.1 billion in 1947 to about $400 million today—a decline directly proportionate to increases in fares. This decline cannot be permitted to continue.

The bill before us will cost money. My amendment will add an additional $250 million to be spread out over the period of 4 years with $25 million available by July 1, 1970, $50 million additional by July 1, 1971, $75 million additional by July 1, 1972, and $100 million additional by July 1, 1973. Naturally only a portion of such authorization would be available to the CTA. Other cities and towns throughout the country will also benefit which share similar circumstances. This is a modest amount to spend to save urban mass transportation in danger of collapsing, and to try to hold passengers before fare increases change transportation habits and drive them off public transportation.

In addition, such expenditures are extremely modest, compared to our highway expenditures. We have spent $16 billion on highway construction in urban areas since the massive highway assistance program was first authorized in 1956.

In contrast, only $548 million in capital improvement have been expended since urban mass transportation legislation was enacted in 1964. More than $5 billion will be spent this year for new highway construction, with Federal aid frequently available to defray 90 percent of building costs, but Federal aid for urban public transportation is now less than $200 million a year.

This imbalance cannot any longer be justified or be permitted to continue in keeping with the best interests of highway and mass transit users. The bill before us constitutes a constructive step forward. My amendment, if acceptable, will provide essential immediate relief needed in the short run. States and cities have now awakened to the danger and are initiating many innovative programs.

Greater efforts will have to be made, however. Steps must be taken to appropriate the full $10 billion needed to fund mass transit needs when the fiscal and monetary pressures on our economy subside. Beyond that, I shall urge the Banking and Currency Committee to examine into the necessity for Congress to authorize operating subsidies for urban transportation systems and to consider providing a 90–10 matching grant formula across the board, as is generally allowed today in highway programs.

Beyond that, we need to explore far more thoroughly other measures—perhaps some drastic—to substitute mass transit for auto and even airline transportation as our roads become more clogged, our airports more jammed, and our air more polluted.

In the meantime, the bill before us represents a good step forward, and it is imperative that we pass it.

President Nixon in his economic report to Congress, received today, has rightly stated:

> We shall have to think carefully about how to choose the claims upon the national output that will be met, since we cannot meet them all. . . . This does not mean we cannot do anything new. It does mean we have to choose.

The President has presented a budget for fiscal 1971 that shows a surplus of $1.3 billion. This surplus must be preserved at all costs. To do so will require sacrifices, prudence, and restraint by Congress. President Nixon would be the last person, having served in both Houses of Congress, to say that Congress should have nothing to say about the setting of priorities on the spending of our national resources. He would be the last to say that Congress should merely rubber-stamp the proposals of the executive branch of Government. Congress is, after all, that branch of the Federal Government closest to the wishes, desires, and needs of the silent majority as well as the vocal minority.

But the President does have the right to expect that the Congress will be responsible in its proposals and take into account the critical nature of an inflationary economy and the urgent necessity to arrest steadily rising prices.

For this reason, I shall always attempt, whenever a proposal that I make for increasing the administration's budget appears that it will be successfully acted upon, thus changing our national priority of spending, to take one of two additional steps:

First, show where Federal expenditures can be realistically reduced in another area of the budget that is lower in our national scale of priorities and can logically—to the extent that it exists in politics—be demonstrated to be, or; second, propose and work for an offsetting increase in Federal revenue to preserve the budgeted surplus.

I propose this short-term emergency assistance to mass transit only as a holding operation until the full impact of the administration's Mass Transit Act of 1970—of which I am a sponsor—can begin to take effect. The administration's bill recognizes the Federal responsibility in this area of urban need and intends to do something about it.

Massive assistance is needed now because of many past years of neglect. If there is need for Newspaper Preservation Act, passed overwhelmingly by the Senate last week, there is far greater need for a Mass Transit Preservation Act this week. But passage of the proposed bill, fine as it is, will not take effect quickly enough to arrest the erosion to be expected this year and in the next few years, in certain of our existing mass transit systems. We must therefore either give the Secretary a limited amount of additional funds and authority to save failing systems today, or broaden his authority in the proposed act working within the suggested authorizations.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point of my remarks the schedule of Urban Mass Transportation Administration approved projects in the State of Illinois to which I referred earlier.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION—URBAN MASS TRANSPORTATION ADMINISTRATION, APPROVED PROJECTS, STATE OF ILLINOIS, AS OF DEC. 31, 1969—CAPITAL GRANTS

Grantee project number description	Approved	Project cost	Federal share
City of Chicago:			
ILL-UTG-1—Extend Englewood rapid transit line	Apr. 27, 1966	$6,736,775	$4,526,066
ILL-ATG-2—Kennedy rapid transit project	Mar. 13, 1967	50,117,000	33,536,333
ILL-UTG-3—Modernization Clinton Street Station	Jun. 19, 1967	433,000	288,666
ILL-UTG-4—Dan Ryan rapid transit project	Mar. 13, 1967	38,191,000	25,506,666
ILL-UTG-5—Buy 150 rapid transit cars	May 24, 1968	19,500,000	13,000,000
ILL-UTG-8—3,135 locked-type fare boxes and equipment to implement "Exact Fare Plan"	Dec. 16, 1969	2,420,421	1,582,331
Chicago Southern Suburban Mass Transportation District:			
ILL-UTG-7—130 electric commuter cars for Illinois Central Railroad	Dec. 27, 1968	38,159,780	25,219,366
Springfield Mass Transit District: ILL-UTG-6—Buy 20 buses	June 26, 1968	656,250	437,500
City of Peoria: ILL-UTG-9—35 buses	Dec. 10, 1969	1,120,000	746,666
[1] Bi-State Development Agency (Missouri–Illinois):			
INT-UTG-5—Buy 52 buses; 2-way radios	June 18, 1968	2,483,542	1,322,361
INT-UTG-7—Buy 715 lock-type fare boxes; construct 6 strong rooms; buy money-storing and counting equipment	May 23, 1969	340,000	226,666
Subtotal, capital grants		$160,157,768	$106,392,621
RESEARCH DEVELOPMENT AND DEMONSTRATION GRANTS CONTRACTS			
Chicago Transit Authority:			
ILL-MTD-1—"Skokie Swift" rapid transit	Jan. 21, 1964	523,825	349,217
ILL-MTD-5—Moving pedestrian passageway	June 19, 1967	595,750	397,186
ILL-MTD-6—Electronic information system	Mar. 8, 1968	2,000,000	1,549,000
TRD-68—(IAA with DHEW) Study effects of reduced fare for aging	Mar. 21, 1969	33,023	22,178
City of Chicago: ILL-MTD-8—Test low-cost public transportation to O'Hare Airport	June 27, 1969	147,000	132,300
Village of Skokie:			
[2] ILLFMTD-2—Design/test suburban bus system	June 22, 1964	357,000	238,000
[2] American Society of Planning Officials TRD-1 Assemble data for 1964 National Survey of Metropolitan Planning	Dec. 1, 1964	$6,000	$6,000
[1] Bi-State Development Agency:			
[2] INT-MTD-8—Test express and cross county bus service	Feb. 10, 1964	536,631	357,754
[2] INT-MTD-9—Test monthly pass in metropolitan area	Mar. 27, 1964	20,544	13,696
Subtotal, R.D. & D. grants		4,219,773	3,065,33'
TECHNICAL STUDIES GRANTS			
City of Chicago: ILL-T9-1—Evaluate job accessibility for residents of low income	June 18, 1968	98,687	63,596
State of Illinois: ILL-T9-3—Study to implement short-range program for bus and rail transportation	Oct. 17, 1968	265,980	177,320
Village of Skokie: ILL-T9-2—Determine need for effective mass transit system coordinated with existing system serving metro area	Oct. 7, 1968	71,100	47,400
[1] Bi-State Development Agency (Missouri-Illinois): INT-T9-4—Develop optimum mass transportation system	Jan. 24, 1968	400,000	266,666
Subtotal, technical studies		837,767	554,982
UNIVERSITY RESEARCH AND TRAINING GRANTS			
Northwestern University: URT-21—Further research studies in transportation center at the university	June 27, 1969	125,000	125,000
Illinois Institute of Technology: URT-20—Revise educational programs in 4 Departments to develop interest in careers in the area of UMT	June 27, 1969	125,000	125,000
Subtotal, university research and training		250,000	250,000
Total for the State, all programs		165,463,308	110,262,934

[1] Interstate agency.

[2] Project closed.

URBAN MASS TRANSPORTATION AMENDMENT

Mr. PERCY. Mr. President, I am introducing an amendment to S. 3154, the Urban Mass Transportation Assistance Act of 1969, to authorize the Secretary of Transportation to make financial grants to States and local public bodies to pay the interest on or to discharge the financial obligations incurred in the acquisition, construction, reconstruction, and improvement of urban transportation facilities or equipment if the transportation system in question faces imminent threat of bankruptcy, or, if in consequence of the need to increase fares to meet interest or principal payments on such obligations, the welfare of a significant number of lower income persons who are dependent upon the transportation system will be seriously adversely affected. A sum of $250 million is authorized to be obligated under this authority with the right to spend $25 million by July 1, 1970, $75 million by July 1, 1971, $150 million by July 1, 1972, and $250 million in aggregate by July 1, 1973.

The Chicago Transit Authority is in serious financial difficulty today, revenue barely equals operating expenses. A deficit of $22 million has been predicted for 1970. A large part of this deficit results from the need of the CTA to meet interest payments on financial obligations incurred in past years to purchase needed equipment and facilities, to cover allocations to depreciation accounts, and to discharge about $60 million in securities within the next few years.

The financial pressures on the CTA are so severe that a rise in fare to 50 cents is imminent. This will constitute the highest fare for any major city in the country. Other communities face or will undoubtedly soon face similar fare increases. To sit back and permit this to occur is intolerable if we can possibly prevent it. Each fare increase causes even larger declines in passenger revenues. Fare increases brutally harm the poor who can ill afford further burdens upon their lean budgets but who also depend upon mass transit for employment and shopping. Fare increases force many into group riding in wornout and unsafe vehicles which thereby further clog the roads and foul the air.

We may soon be forced to provide operating subsidies to keep public transportation going. This approach will require considerable further study, however. My amendment is more moderate in tone, but can aid Chicago and other communities in avoiding debilitating fare increases until Congress is able to explore additional measures.

I ask unanimous consent that my amendment be printed at the end of my statement.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 470

On page 19, line 4, after "Sec. 4." insert "(a)".

On page 19, between lines 12 and 13, insert the following:

(b) Section 5 of such Act is further amended by inserting "(a)" after "Sec. 5." and by inserting at the end thereof the following subsections:

"(b) Notwithstanding any other provision of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to pay the interest on and to discharge obligations on securities, equipment trust certificates, or otherwise incurred in the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may only be made under this authority where the Secretary determines that failure to make such a grant will (1) in all probability force the termination of all or a significant part of the transportation service or, (2) seriously affect adversely the welfare of a significant number of lower income persons who are dependent upon the transportation service.

"(c) To finance the grants under the subsection (b) of this section, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $500,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $25,000,000 prior to July 1, 1970, which amount may be increased to not to exceed an aggregate of $75,000,000 prior to July 1, 1971, not to exceed an aggregate of $150,000,000 prior to July 1, 1972, and not to exceed an aggregate of $250,000,000 prior to July 1, 1973. Sums so appropriated shall remain available until expended."

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. PERCY. I am happy to yield to the Senator from Texas.

Mr. TOWER. This amendment was not discussed in committee. Am I correct in assuming the evil days on which the CTA has fallen were not considered in committee?

Mr. PERCY. The Senator is correct; and it is with great regret I was not able to discuss it at the time. The $22 million potential debt of CTA in Chicago only recently came to my attention and it was only this weekend that I worked on the amendment. I realize it is not fitting and proper to legislate in major matters of this type on the floor of the Senate, but that it is preferable to have hearings.

Mr. TOWER. This is a new idea being brought to us at this time and I would not for a moment question the merits. I think it might be something we would want to look into and get the benefit of other experience around the country, as well as in Chicago.

I hope the Senator might give consideration to introducing his proposal as a bill so that we might hold hearings on it. It may be that the proposal is modest under the circumstances but it may be helpful to have committee hearings, obtain information, and deliberate on the matter.

Mr. PERCY. I would like very much to be as cooperative as possible and not ask for action until everyone has had an opportunity to study the matter thoroughly. If it is the intention of the leadership to have a vote on the bill today, that would be one matter. If the bill is going to be carried over until tomorrow, it would be my personal preference that we permit the amendment to be printed so I may have the opportunity to discuss the matter with other Senators to see what need exists in other States, and then we could have a further discussion on the floor of the Senate.

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However, it would be my feeling that the best thing would be to have the matter go before the Banking and Currency Committee for hearings and consideration.

Tomorrow, I may have a suggestion that would not increase or cause the additional appropriation of money, but it might enable the Secretary to have a little more leeway in the event he has available appropriated funds which have not been expended which could be used for the need I have prevoiusly outlined. I would like Senators to have an opportunity to study it. The Senator from New York (Mr. JAVITS) asked for a copy of the amendment. The Senator from Missouri (Mr. SYMINGTON) asked for an opportunity to study the proposal. Kansas City faces a critical situation as do many other urban areas.

If this is satisfactory with the Senator from Texas and the Senator from New Jersey, I would be happy to accede to their wishes and possibly withdraw the amendment tomorrow. But not until we have had an opportunity to discuss the need further.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. WILLIAMS of New Jersey. I certainly understand the problem posed by the Senator from Illinois.

We all know why mass transportation systems are declining in this country. The lack of adequate Federal financial assistance to mass transit companies, both private and public, has caused these companies to reduce service and operate with older and older equipment. People obviously then refuse to ride on these systems and go to their automobiles or to other methods of transportation. With declining service and increased fares the result is less and less available mass transportation.

In response to this situation—the operating deficits—that so many of our commuter mass transit companies and transit authorities are facing, I have introduced a bill that appears in our hearing record. This bill, S. 676, introduced in January of 1969, would attempt to deal with the problem in the manner which the Senator from Illinois suggests. It was our feeling in committee that as necessary as S. 676 might be, we could only take up the major legislative proposal for long-term Federal financial assistance due to our committee's workload and the limited time for hearings.

Therefore, we dealt with the basic matter of fundamental improvements for urban mass transportation systems. It would seem to me that it would be most logical and I think most necessary to consider this matter in committee with additional hearings even if this proposal were to be considered as an amendment to this bill.

Mr. PERCY. I might comment that I think the bill introduced by the distinguished Senator from New Jersey is one that deserves full hearings. We are going into a new area. Certainly, we are all reticent to have the Federal Government step into an increasingly broadened area, other than the fact that we have proved conclusively that we must maintain mass transportation. This is absolutely essential, particularly considering that so many jobs are moving from urban areas into outlying areas. Unless we are willing to clog every single street in the cities, we must have adequate public transportation to take city dwellers to where the jobs are today, which frequently means in the outlying areas. So hearings would be important. If the procedure we have been discussing would be satisfactory, I think we should like to have a little more discussion of this subject tomorrow. We can decide at that point what to do with the amendment.

Mr. TOWER. Speaking realistically, I think we will not get to a vote on the bill this evening.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TOWER. If I have the floor, I will yield.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. TOWER. I yield to the Senator from Kentucky.

Mr. COOPER. I know the bill provides an authorization of $3.1 billion to the States.

Mr. TOWER. That is obligational authority over 5 years, not more than $8 million of which would be obligated.

Mr. COOPER. I understand that the obligational amount would increase from year to year. Is there any provision in the Urban Mass Transportation Act, which is proposed to be amended, that requires contributions from the States and public bodies?

Mr. TOWER. Yes; one-third.

Mr. COOPER. I thank the Senator.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. BELLMON. I should like to inquire of the distinguished Senator from Texas whether the language on page 13, beginning on line 5, which provides that States and local public bodies may participate in the money provision in the bill, includes turnpike authorities when they are charged with mass transportation responsibilities.

Mr. TOWER. No, it would not include turnpike authorities unless they also had authority to include mass transit. If a turnpike authority operated solely as a turnpike authority, it would not be dealt with in the bill. But if it had mass transit authority as well, it would be an appropriate State or local body.

Mr. BELLMON. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes upon a nongermane subject.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, the able Senator, I know, perhaps is not aware of the discussions that have been conducted by the joint leadership to the effect that rule VIII covering germaneness should be more strictly applied and invoked.

Mr. JAVITS. Mr. President, will the Senator permit an interruption? I have no desire to transgress, except the manager of the bill said he had 15 minutes right now. But I will withdraw my request if the Senator wishes to press it.

Mr. BYRD of West Virginia. I do not want to inconvenience the Senator, but I want him to know that it is the joint leadership's intention to tighten up on the rule, and I hope he will not insist.

Mr. JAVITS. Very well. I withdraw my request, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. Glenard P. Lipscomb, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

The message announced that the House had passed a joint resolution (H.J. Res. 1072) making further continuing appropriations for the fiscal year 1970, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1072) making further continuing appropriations for the fiscal year 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

Mr. RANDOLPH. Mr. President, as a cosponsor of S. 3154, I am, of course, familiar with the general provisions of the measure.

I know that Senators, in joining as cosponsors of legislation, often reserve to themselves the right to support an amendment or amendments during debate on the issue, as to this or any other matter that might come before the Senate for determination.

It has occurred to me that perhaps the able chairman, the Senator from New Jersey (Mr. WILLIAMS), who serves as floor manager of this bill, and I might discuss, in colloquy, some problems of urban mass transportation in the United States in connection with the bill now pending and amendments which may be offered thereto.

I ask the Senator from New Jersey whether it is his feeling that there is an area of financing urban mass transit which could include user charges. I realize, of course, the provision of this bill for the Federal Government to aid in the funding and thus provide the impetus that is needed to carry on this type of program. But when we are talking about trust funds, possible user charges, and any feasible financing plan that might evolve, perhaps it would be in order to discuss some of those matters at this point.

So I renew my question: How does the Senator feel about user charges? I realize they may not be as easy to establish in this area as they would be in highway trust funding, where the users are paying charges on the gasoline, oil, and other items used by cars, buses, or trucks.

Mr. WILLIAMS of New Jersey. Perhaps I do not fully understand the Senator's question. We are talking about mass transportation.

Mr. RANDOLPH. That is correct.

Mr. WILLIAMS of New Jersey. Is the Senator inquiring about affixing a user charge to mass transit?

Mr. RANDOLPH. That is right.

Mr. WILLIAMS of New Jersey. It sounds as though what the Senator has in mind is a real user charge on the fare one pays when one uses the facilities. The most significant problem is that our attempts to carry on all of the expenses of transit—added capital and operating expenses—out of the fare box has proved to be a total failure. That is why we are here with this bill.

Mr. RANDOLPH. That is right. Certain of these programs in our cities—the operation of buses within the jurisdiction of a city government, for instance—are in great difficulty today at many points. In New York City, for example, the subways at the present time are in a bad state of repair. Maintenance has fallen very much behind, impairing the obligation to keep the subways operating efficiently. The trains are dirty, the surroundings of the subway stations and the cars that are operated are in such a condition that there is constant rebellion, in a sense, by those who use the subways. I mention New York City because it is continually highlighted in that which we hear and read.

Mr. WILLIAMS of New Jersey. Will the Senator yield at that point?

Mr. RANDOLPH. I yield.

Mr. WILLIAMS of New Jersey. That is certainly true, and it is true today. In response to a fare raise on one of the commuter runs serving New York which went into effect this morning, there was an anxiety on the part of the operating personnel on that line that a consumer revolt might become violent. They voted to go out on strike unless they were given protection against possible violence.

Mr. RANDOLPH. Does the Senator mean that the employees were afraid for their own well-being?

Mr. WILLIAMS of New Jersey. They were afraid that there would be a protest which might spill into demonstrations and then into violence. That, of course, is no way to express opposition to a fair-rate increase on a railroad; but that was their fear. In response, the railroad this morning agreed to put supervisory personnel on the trains. These are not operating personnel, they are supervisory, in order to be there to receive the protests that everybody knew would be coming. I have not heard what happened during the commuter hour in New York City this morning.

But the Senator is right—fare increases are becoming burdensome to the point where the public cannot stand the——

Mr. RANDOLPH. There is, then, a consumer reaction against the fare increase, not only in New York but in other cities as well. Is that correct?

Mr. WILLIAMS of New Jersey. That certainly is correct.

The protest is expressed in many ways, of course. But the ultimate expression of protest is finding alternate ways to get from home to the job, and that is why our Nation is becoming paralyzed with automobiles.

We also get into the multiple problems of people who cannot get a ride in an automobile and who are almost isolated from potential jobs.

Mr. RANDOLPH. Then we come to the point of exactly what I was questioning my able colleague about, and that is the user charge. The Senator spoke of a fare. There is the reaction now against the increase paid by the person who is riding the subway train in New York City. So a user charge, from the standpoint of attaching additional money on the fare paid by the traveler, does not seem to meet the situation.

Mr. WILLIAMS of New Jersey. That is self-defeating.

Mr. RANDOLPH. That is a reason, then, for the proposed legislation, S. 3154, being before the Senate. As we who cosponsor the measure with the Senator from New Jersey, the principal sponsor, understand, it is because of the realism of the financing problem that we consider this bill in the form in which it is presented today. Is that correct?

Mr. WILLIAMS of New Jersey. That is correct, and you have expressed it with great clarity. That is exactly the situation we face.

Mr. RANDOLPH. In our highway trust fund, which finances our interstate road system in this country and the development of other highways, we have user charges paid by the person driving an automobile and the company operating a truck or a bus. These funds are committed to the construction of highways in the United States—not to maintenance but only to the construction of highways, because maintenance is the responsibility of the States and political subdivisions other than the Federal Government. I agree with my colleague that there is a pressing need, and I think we must have a mass transit program in this Nation, and the Congress must focus attention on it, as we are doing here. I am sure that my colleague, who is an exponent of this measure, would not mean to suggest that, because there is a very real need in this area, where the needs are proven, we should stop the construction of highways.

Mr. WILLIAMS of New Jersey. No, of course not. The need for highways, of course, will be with us forever. And the need for improving highway systems will also be with us forever. The automobile is a necessity, so it must be served with an adequate highway system.

As a matter of fact, if we are successful in significantly improving our mass transportation systems in this country, the highway will increasingly become a boon to people. At the same time, we will cut into travel that does not have to go in automobiles on highways. We might even work ourselves out of the situation in which the highway becomes a massive parking lot at commuting times of day.

Every time we talk about mass transit, it is said that the great, former Governor of California, Pat Brown, described the Hollywood Freeway—the Senator from California is in the Chamber; is that what it is called, the largest parking lot in the world.

If we are successful in dealing with mass transit, the freeways, the interstates, and the other highways will be far more useful than they are today.

Mr. RANDOLPH. I think the Senator from New Jersey is giving the correct appraisal of the problem and at least a partial solution. We need, then, a well-balanced transportation system, and this system must include a feasible financing plan for mass transit, by trust fund, by user charges, or by other valid and feasible plans.

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As one part of the effort to create a balanced transportation system, the Highway Act of 1968 included provisions for developing fringe parking facilities on the edges of cities to tie in with public transport. Such a program, I would hope, could end the Hollywood Freeway's role as a so-called parking lot. The 1968 act also created the TOPICS program to improve traffic flow without major new construction.

To further aid in maintaining a viable public transit system, I have introduced a bill that would permit urban areas to use part of their allotment of Federal highway funds for the operation of public transportation facilities.

We are exploring the possibilities and we understand it. We provided money for the development of our highways through a Federal fund, and now we have a trust fund through which the people themselves are paying for a highway construction program. Is that not correct?

Mr. WILLIAMS of New Jersey. That is correct.

Mr. RANDOLPH. So we have to go through areas of understanding and possibly of transition.

I want to emphasize the need for a balanced transportation system as we discuss the bill, because I am sure that the Senator from New Jersey knows that there are experiments that have moved forward. Perhaps only partial success has been attached to some of them, but there is a type of craft which can skim along the waters of the Atlantic coast adjacent to New Jersey and the New York area. It is not just a passing fancy. The hydrofoil is a very real vehicle, to be studied carefully. Perhaps tens of thousands of commuters can be moved in and out of the New York City area every day to and from their places of employment by this means of transportation.

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So whether it be in the air, by the use of jumbo jets or more conventional aircraft of smaller size and somewhat slower speed; whether it be by transcontinental or international airlines which add to the problems of the airports and cause bottlenecks between the airports and the downtown parts of cities—or whether it be by a combination of several forms of transportation—all of this requires careful consideration.

With much movement by air and water and, of course, by the various methods upon earth, I hope we will realize that the problem is most perplexing. It will not be easy of solution.

I commend Senators—and I am glad to join them—for the effort which we are carrying forward by the debate and the consideration of amendments to the bill itself.

At a later time during the discussion, I may wish to comment on certain phases of the proposal. But to conclude now, I feel it is highly important to realize that we should not siphon off to any substantial degree the funds which have been dedicated and will be dedicated to highway construction. By the same token, we should not shrink from our responsibility as Members of the Senate, and of Congress, to come into a closer relationship with this real problem by providing, through mass transportation, the methods by which products, yes, but by which people, essentially, can enjoy fast, safe, and efficient movement.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. WILLIAMS of New Jersey. I should like to comment that I think it is significant and most helpful to the debate that the Senator from West Virginia has related the subject of the bill—mass transit—to the whole problem of travel that faces an increasingly metropolitanized Nation.

I recall another situation, the New York-New Jersey area particularly where so many people are now forced to use their automobiles to drive from their suburban homes into New York City to work. These are people who would rather have comfortable, efficient, reliable mass transit as an alternative. But they cannot, and that is putting the crush upon New York City. Now there is terrifying talk that people will be penalized financially, that there is going to be a car tax on cars coming into the city. They are also suggesting a substantial increase in tolls to discourage some people from coming into the city. That is a penalty which is unjustified. We are trying to develop the balance to transportation which the Senator has so ably described.

Mr. BROOKE. Mr. President, I wish to discuss a bill which deserves our careful attention and, I believe, our hearty endorsement: the Urban Mass Transportation Assistance Act of 1969. This legislation has been brought forth under the skillful guidance of the distinguished junior Senator from New Jersey (Mr. WILLIAMS) and the distinguished junior Senator from Texas (Mr. TOWER). I express to them my deep appreciation and respect.

The problems surrounding this Nation's transportation crisis are demonstrated by the following facts. Since 1965, public transportation systems have suffered increasingly serious operating deficits. An operating surplus of $149 million in 1945 became an operating deficit of $11 million in 1965 and $130 million in 1968. During this period, fares increased threefold; however, revenue passengers decreased by two-thirds. Since 1954, approximately 120 public transportation companies have disappeared as a result of bankruptcy, abandonment, or absorption into other companies; 70 of these were in cities of less than 25,000 population. It has been suggested that 90 additional companies are presently in financial difficulty and in some instances close to bankruptcy.

These problems are accentuated in our large urban areas. According to Census Bureau statistics, approximately 40 percent of Americans lived in urban areas at the turn of the century. Today, nearly 80 percent of Americans reside in urban areas, with the figure expected to reach 90 percent by the year 2000. Moreover, it is likley that the Nation's entire projected population increment of 150 million during the next 40 years will occur in and around our cities.

These problems are accentuated for the poor. While nearly all families with annual incomes in excess of $10,000 have a car, less than half of those with poverty-level incomes—that is, less than $3,000 per year—own an automobile. Unfortunately, most of the new jobs being created for unskilled and semiskilled workers are located in the suburbs. Thus the urban, unemployed poor are compelled to use low-quality, costly, and time-consuming public transportation to reach work if, indeed, such transportation exists at all. The economic and social isolation of the poor thus becomes more intensified. As the Kerner Commission pointed out, this lack of adequate transportation has been an important factor in the growing unrest in our cities. The social costs, and the costs to the economy, are too great to be ignored.

The report prepared for the Department of Housing and Urban Development in 1966 estimated that $10 billion was needed to meet capital requirements for current and planned fixed rail and bus systems through 1975. Since these figures were prepared, increases in prices have occurred which require an upward adjustment of the earlier figure by $1.8 billion. More recent estimates prepared for the Department of Transportation place 10-year requirements at between $28 and $34 billion, reflecting both the prospect for continued inflation and increased interest on the part of cities and local public agencies in improving urban mass transportation facilities. It should be noted that the interstate highway program was originally estimated to cost $34 billion; however, it is now generally thought to involve Federal expenditures in excess of $60 billion.

Federal aid for public transportation—including subways and buses—is now less than $200 million a year with total expenditures since 1964 equaling less than the current Federal expenditures on the highway program in the last 6 months. These figures are indeed staggering.

In the last decade State and local expenditures have increased nearly threefold with debt increasing at a similar rate to the point where it now exceeds $100 billion. Over the next 10 years the revenue-expenditure gap for the Nation's cities may well exceed $200 billion. Accordingly, President Nixon has endorsed tax revenue sharing programs which may ease these problems. However, it must be clearly recognized that the cities and States cannot carry the burden of providing funds for capital outlays needed to provide the residents with good quality transportation.

The interstate and other highway programs represent magnificent accomplishments and demonstrate that where the Nation's will exists, as with the space program, seemingly insurmountable obstacles can be overcome. We must make that same commitment in the area of mass transportation, housing, pollution, and other programs designed to enrich the life of our disadvantaged citizens. Local governments cannot carry the financial burdens involved in one, much less all, of these major programs.

Let us briefly examine the major provisions of the Urban Mass Transportation Assistance Act of 1969. Section 1 specifies that a Federal commitment of at least $10 billion over a 12-year period is necessary if efficient, safe, and convenient transportation is to be provided.

Section 2 of the bill authorizes a new program of 10-year loans for the acquisition of real property recently expected to be needed and used for urban mass transit purposes within a reasonable period.

Section 3 would permit all or any part of the project costs borne by local governments to be paid from other than public sources. Presently, local sources provide one-third of net project costs and the Federal Government provides the remaining two-thirds. Of the local share, 50 percent must come from public funds unless the public agency lacks the financial ability to provide the local share. This latter requirement is removed by the present bill. Section 3 also authorizes the Secretary of Transportation to incur contractual obligations up to $3.1 billion. Appropriations to liquidate the contractual obligation incurred would be authorized for fiscal year 1971 in the amount of $80 million, which limitation would be progressively increased in each of the subsequent fiscal years to $310 million, $710 million, $1.26 billion, until it reached $1.86 billion at the end of fiscal year 1974. Thereafter the limit would be the maximum $3.1 billion. Section 5 provides the Secretary with a discretionary fund equal to 15 percent of the aggregate amount of funds authorized to be obligated under the new program. This fund is to be used judiciously to bring relief to those States whose cities have already or soon will reach a 12½-percent limitation provided in the Urban Mass Transportation Act of 1964 on aggregate grants in any one State.

Critics of the bill have argued that it involves backdoor spending which shields the program from the annual appropriations process and reduces the ability of Congress to alter program priorities from year to year. It is also argued that if this means the financing is to be used, there are other Federal programs such as housing and education which deserve higher priority. I concur with the observation that there are other programs which merit priorities at least as high as that given to mass transit. This does not, however, detract from the need to support a responsible urban mass transportation program. As the Kerner Commission observed, our urban problems are multi-faceted and can only be remedied by addressing the problem areas in their entirety rather than on a piecemeal basis.

Other critics argue that the 12½-percent State limitation on capital grant projects should be retained. It should be noted, however, that California, Illinois, and Massachusetts are already approaching or surpassing that limitation. Several other States will incur similar problems shortly. Thus, the need for the new 15-percent limitation is compelling.

Finally, it is argued that the bill provides for the obligation of only $3.1 billion. The $10 billion commitment over a 12-year period appears in the Statement of Findings rather than in the financing provisions. With this contention, I have a great deal of sympathy. Unfortunately, the Senate Banking and Currency Committee was unable to agree upon a realistic timetable for the remaining $6.9 billion. The committee was further persuaded by Secretary of Transportation Volpe that this office would provide Congress with a suitable timetable as the new program developed. I believe this reasoning is persuasive and therefore am not challenging the financing provisions in the present bill.

This country is facing a crisis in the field of transportation as well as in the areas of housing, welfare, education, and trade. We must treat these subjects in a responsible and timely manner if we are to ward off the consequences of inaction. I support this legislation because it represents a meaningful approach to a problem which deserves congressional attention. I believe that the Urban Mass Transportation Assistance Act of 1969 represents one of a series of acts which are designed to alleviate the problems referred to in the Kerner Commission report. In concluding, however, I must emphasize that the transportation systems built under Federal funds provided by this act must be designed to address the problems of the inner city resident as well as the suburbanite. As previously mentioned, new jobs for unskilled and semiskilled workers are often located in the suburbs as well as on the other side of the central city. Our transportation authorities must address these facts if urban mass transit is to contribute its full share to the enrichment of our cities and our way of life.

I urge that this bill, providing the tools for the task which lies ahead, receive the overwhelming support of the Senate.

Mr. KENNEDY. Mr. President, the bill we consider today is one of extreme importance to the Nation and, in particular, to my own State of Massachusetts. Although it does not provide for the full commitment of funds recommended by the President's Task Force on Transportation, it has my support. And I am hopeful that it will receive the support of all Senators.

Meeting the transportation needs of our ever-growing urban population is one of the major challenges facing the Congress and the Nation. It is also one of the most difficult to resolve. Its solution is complex and costly.

S. 3154, the bill we consider today, represents a major effort to achieve a program designed to deal with both the complexity and the cost of the problem. Senator WILLIAMS of New Jersey deserves the appreciation of all of us who share a concern for the problems of urban transportation and an interest in their solution. Without his long and hard work over the past years and his leadership in effecting a compromise between the administration bill and various Senate bills this year, we would not have the opportunity to consider this most worthwhile measure today.

There is no question that transport problems have been a major contributor to the deterioration of this Nation's cities, and to the alienation of those who live in urban areas. My own region of the country is plagued by a lack of adequate transportation facilities on all levels, but especially those designed to meet the needs of city dwellers. My own State of Massachusetts—while early to recognize the problems created by the increased mobility of our citizens within metropolitan areas—faces a problem of such magnitude that it is difficult to imagine its solution. But it is impossible even to discuss a solution without true evidence of a national commitment of funds and technical assistance.

S. 3154 provides for the expenditure of $3.1 billion over the next several years. The unique feature of the bill is that it provides for a "contract authority" mechanism of financing. Under this feature, the Department of Transportation is authorized to make obligations to State and local governments on the full $3.1 billion authorization immediately upon enactment. However, because of current efforts to end the rising rate of inflation, yearly appropriations to liquidate these obligations will be limited so that for the first 5 years of the program appropriations will be held to an aggregate amount of $1.86 billion.

The provision of this contract authority mechanism is essential to the success of the program authorized in this bill. Approval of this bill in this form will guarantee to State and local governments that the commitment of the Federal Government to the improvement and development of urban transit systems is real. Without such evidence of our commitment, I doubt very much if many State and local governments will enter into partnership with the Federal Government on this program. They have been disappointed before and are unwilling to again jeopardize their already limited financial resources on the promise of Federal funds or Federal reimbursement. Our cities are dying and they cannot be saved with rhetoric or paper promises. We must act now to fund the programs that will breathe new life into our urban areas. S. 3154 authorizes such action and, therefore, it must be approved.

Mr. President, I have long voiced my concern about the need for improved mass transit systems for our cities. I was happy to appear before the Senate Banking and Currency Committee in support of this bill. We can no longer continue to build highways through and around our core metropolitan areas. Such highways—while dividing neighborhood from neighborhood, job holder from his place of employment, children from their schools—only further contribute to an already impossible and unmanageable traffic problem in our core cities. We must look to mass transit for the solution to this most difficult and crucial problem of meeting the needs of our mobile society.

Under the programs of the Transportation Assistance Act of 1964, the city of Boston embarked on a major expansion program for its existing subway system. The Massachusetts Bay Transportation Authority is charged with the responsibility for the mass transportation facilities of Boston and 78 surrounding communities. This is the fifth largest mass transportation system in the country. Although the authority has received the largest amount of Federal assistance—a capital grant of some $50.8 million—the major stumbling block to com-

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pletion of the proposed expansion program is the lack of adequate funds.

It is estimated that projects necessary for the improvement of the system amounting to some $300 million have not been acted on because no funds were available. Current estimates place completion of the project at $1 billion. Under the provisions of this bill, with its guarantee of long-term Federal financing, the MBTA will have a much better chance of securing the local bond issues it needs to finance State and local shares of the project cost.

Boston desperately needs an improved and expanded rapid transit system. It is my feeling that current road and highway construction plans for the inner city will only serve to increase the already insufferable flow of automobile traffic into the core city. Not only is it impossible for the city to accommodate more cars in terms of parking and flow of traffic, but current levels of air pollution cannot be increased without constant jeopardy to the health of many of Boston's citizens.

As the Nation experiences the population growth of the next few decades we will come to the time when almost 90 percent of our population lives in urban areas. We must plan for their transport. It is obvious that our cities cannot accommodate much more in the way of private transportation.

The Nation's cities are being strangled by traffic congestion and immobility which is only increased as we continue to pave our metropolitan area. We made a commitment to the cities in the sixties that has not yet been fulfilled. Let us take another step to achieve that promise of the sixties at the dawn of the seventies.

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Mr. ALLOTT. Mr. President, we have before us a most important part of the President's domestic program. The bill we are discussing was first proposed, in general form, as one of the 10 "must" pieces of legislation laid out by President Nixon soon after he took office. It has been the subject of extensive and exhaustive hearings, much controversy, and some compromise. It comes now for our consideration with a high degree of support from the members of the committee who engaged in this process, and the endorsement not only of the administration but also the chairman of the Committee on Banking and Currency and most of the majority members, as well as the ranking Republican and most of the minority members. It is truly a significant bill and well worthy of the support of the entire Senate.

The issues that are being raised on the floor of the Senate have all been raised before, and carefully examined. I do not suggest in the slightest that they should not be raised here again, because it is important that they receive the most careful attention. I want Senators to know, however, that I have examined them carefully and have come to the conclusion that in this respect the bill as reported by the committee is sound. I have an open mind to any issues that may be raised on the floor of the Senate. I hope the Senate will send the bill to the House in the same general form in which it stands as reported by the committees.

I do this because of the urgency of the issue. Public transportation is in trouble in this country.

While the problems were apparent by the mid-1950's, they have increased in intensity in the past 5 years. The private systems have been unable to generate enough capital to replace obsolete equipment. As operating costs have risen, fares have increased. People have declined to pay more to ride in older equipment when the higher standard of living enabled them to purchase cars, which in turn jammed the highways and made commuting and downtown driving a frustrating, time-wasting experience.

The public transit industry as a whole has shown a steadily declining rate of profit from 1960's net profit of $30 million to 1968's net loss of $160 million. Since 1954, more than 250 bus systems have discontinued service, leaving the old, the young, the nondrivers, and the poor in extremely difficult situations. Of those systems, over 200 were in cities of less than 50,000 population.

These kinds of difficulties are not limited to any section of the country, nor to any single State or group of States.

We in Colorado, for example, are justly proud of our "wide open spaces." But like our friends in the more populous States, we have transportation problems. There are four public transportation systems in Colorado. Over the years they have provided excellent service, until in recent times they have been plagued with the same difficulties bus and trolley lines have encountered in virtually every State. Of the four, three are in serious financial trouble. So the transit problems are not big city problems; they are national problems, which we as Members of the National Congress must face on behalf of the people we represent.

As I have shown, this crisis did not suddenly come upon us, without warning or overnight. We have had plenty of time. The previous administration, over 5 years ago, called for a program to meet the need for better and healthier public transportation systems. But they did little more than talk. The funds called for in the annual messages of the President were pitifully low. Worse still, the staff assembled to handle these funds was too small and lacking in the necessary experience, support, and commitment to make the kind of attack on the problem which was needed. We felt this acutely in Colorado, because the three troubled transit systems to which I have referred were financially healthy 5 years ago, and we have watched almost helplessly as they got deeper and deeper into difficulty.

One of the reasons that the bill now before us is so large, and the requirements of it are so controversial with respect to the financing, is that it is a bill designed to make up for lost time, for years of neglect.

If I may be pardoned a somewhat partisan observation, it is interesting to me to see some of my Democratic friends now berating the President for proposing too little for this activity when for years their party proposed funds averaging only $200 million per year, or one-fifth of what President Nixon now recommends.

Senators know well my record with respect to the most controversial section of the bill—the section calling for contract authority. I have always opposed that kind of authority in principle, because I believe that the Appropriations Committee exercises a vital function in its annual review of the programs and actions of the various agencies of Government. I still hold that view, and will continue to oppose contract authority provisions as they are inserted in Federal programs brought before us.

But this program faces special circumstances. Within it is created a Federal-local relationship, which calls for commitments of a long term on the part of our Nation's cities. The record is absolutely clear on one point: The mayors of the Nation are agreed almost to a man that they cannot raise the local share of the significant systems which the bill would finance unless they can have assurance of Federal participation for more than a year at a time. They wanted to have a special trust fund set up to give them that assurance, but the administration, wisely in my opinion, decided that such a fund would be improper unless a valid user charge could be found.

But the President heard the pleas of the mayors and urged us to give them the assurance they sought through contract authority. Because of the crisis nature of the situation, the years of neglect of the problem, and the unique nature of the Federal-local relationship over many years of planning and construction, I am prepared in this instance to take a different view on the contract authority question and support the bill as it stands.

(At this point Mr. YOUNG of Ohio took the chair as Presiding Officer.)

Mr. BENNETT. Mr. President, I believe that the transportation bill which has been reported by our Banking and Currency Committee is worthy of Senate enactment. I say this as one who has never before been a strong supporter of Federal assistance for local transportation systems.

On August 11 of last year I introduced a proposal for the administration to provide long-term financing for expanded urban public transportation systems. That proposal contained a recognition that a Federal commitment of at least $10 billion over the next 12-year period would be necessary to meet public transit system demands. The intent of the proposal was to create a partnership which would provide Federal financial assistance to local communities in order that they could make the long-range plans necessary to meet their public transit needs.

In addition to the administration's proposal, other proposals were offered and were considered by our committee. The bill which we now recommend to the Senate is one which was reported without objection in the committee and has the full support of the Nixon administration. I stated earlier that I had not been a strong supporter of Federal aid to local transportation systems before. I believe, however, that the time has now come when it is necessary for the Federal Government to participate in these systems if balanced transportation systems are to be developed. The Federal Government has rightly participated heavily in the establishment of highway systems throughout the United States. I say rightly because it was meeting a demand made upon it by the citizens of this country.

Public transportation has not been a popular mode of transportation for the past decade or so. Most people who use public transportation do so because no better alternative is available to them. Studies have been made showing that in some instances in order to attract passengers, it would be necessary to pay them a subsidy for using the facilities. This is a great change over what the situation was a relatively few years ago. Since World War II, however, public transportation facilities have declined in popularity because they lacked the convenience and the flexibility which was provided by the private automobile. Individuals traveling from widely separated areas in the suburbs found that the convenience of taking a private automobile directly from their home to their place of employment outweighed the cost sufficiently to make that their choice of transportation.

During the past 20-year period, according to American Transit Association data, revenue passengers have decreased by two-thirds and, of course, operating revenues have declined as a result. As passenger revenue declined, it was only natural for transit companies to decrease their already inadequate service to the public and increase the fare charged to passengers. This, of course, was a self-defeating move, and today public transportation systems of our urban communities, both large and small, have become even less competitive with the alternatives available.

Although most Americans have private facilities for transportation, some of our citizens do not have sufficient income to own an automobile, some cannot drive because of their age, their youth, or because of physical handicaps. The lack of adequate public transit facilities presents a real problem for these individuals.

As automobile traffic has increased, it has also caused some problems which are now becoming critical. Although we have expanded our highway capacity, congestion is an ever-increasing problem. The time has now come when, in many communities, both large and small, something must be done to improve public transportation facilities. Ordinarily, facilities would be improved as a result of consumer demand. Unfortunately, sufficient demand does not exist to take care of establishing new systems or improving present systems. The problem of improving public transit systems, therefore, is not one of the management of funds received from users but one of providing a subsidy. In studying this problem, I find that local communities are presently subsidizing transit facilities in many areas. It could be argued that the areas which have the greatest need for mass transit facilities also have the greatest financial capacity to provide for those needs. There is a great deal of truth in such a statement. Our large urban centers are also major financial centers. The average income of our more densely populated States is generally significantly higher than the average income in our more sparsely populated areas. To say that the States and localities can take care of their own transit needs on the basis of such figures, however, is an oversimplification and ignores political considerations. One must keep in mind that those who generally use transit facilities are not the individuals who have the capacity to pay for them through taxes. Those who have the capacity and are taxed by the locality in the State have other transportation alternatives which they prefer to public transportation. There is also the problem of taxing those who live in the suburbs to help pay for a system located within the city, and I believe it is appropriate to mention the fact that local elected officials cannot increase taxes nearly so easily as can the Federal Government. For all of these reasons it has now become necessary to provide a Federal subsidy for public transportation systems in communities throughout our country.

This bill provides a program to assist cities through a cooperative effort in which the Federal Government would provide two-thirds of the financing while the locality would be required to provide one-third.

Because of the urbanization and the greater density of population in a few large cities, it is to be expected that a greater proportion of the total dollar funding would be allocated to major urban centers.

I would like to stress, however, that this bill is not one which provides assistance only to a few major population centers in this country.

We all recognize that some of the more moderate sized cities in this Nation and even some of the smaller cities and towns are having difficulty in maintaining their public transportation systems. I believe that the difficulty now faced by Salt Lake City, Utah, is representative of the needs of many similar cities for assistance. Salt Lake City, some of the major suburban communities, and most of the unincorporated area of Salt Lake County are presently provided public transportation by Salt Lake City Lines. Salt Lake City Lines started operation as a mass passenger transportation carrier July 1944. That is to say, the Salt Lake City Lines started then. There has been public transportation in Salt Lake City ever since 1880. I had a good friend, now long dead, who quit a good job driving a team of mules in the first transit system in Salt Lake City because he did not think there was a future in it. He was right.

For several years after 1944 the company realized substantial profits from its operations, but then patronage and revenues began to drop and this decline has continued up to the present time. Since 1948, regular passengers on Salt Lake City Lines have declined from just over 30 million passengers a year to approximately 4 million passengers during 1968. During the past 10 years while the population in the Salt Lake City area increased over 25 percent, passengers riding buses in the area have decreased by almost 67 percent. In early 1967, Salt Lake City Lines began operating at a loss and, in August of 1968, a crisis was averted when an agreement was reached whereby Salt Lake City would subsidize the bus operation in an amount of $210,000 during a 2-year period which expires in August of this year.

Under the agreement, Salt Lake City Corp. has an option to purchase the capital stock of the busline. That option must be exercised on or before April 10 of this year. In order to exercise the option, the city is asking the Department of Transportation for a capital facilities grant in the amount of $800,000. I cite this experience first because it is one in which I naturally have a great interest but, second, because it is typical of many of the cities throughout the country which are not considered major urban areas.

Mr. President, the bill before us today provides for general funds to be used to subsidize public transit facilities. One of the greatest problems in developing the legislation was a decision as to how such subsidies should be financed. Everyone is familiar with the highway trust fund, and it was suggested that a trust fund should be established to assure the availability of funds for mass transit systems. The trust fund concept is generally a good one if the money going into the trust fund can be obtained through user charges. In the case of mass transit systems, as I have already explained, there is no possibility of providing for capital needs at this time through user charges. It was suggested by some that it would be appropriate to tax automobile users to provide funds for mass transit systems. The justification for such a tax was that the establishment or improvement of public facilities for transportation would relieve congestion on our highways and thus those driving automobiles would benefit as much as those using the transit facilities. Two alternatives were proposed. One of these provided that the present excise tax on automobiles be continued and that the funds be used for mass transit facilities. The other would require an increase in the Federal tax on automotive fuel or that some of the present moneys received from fuel taxes be used for mass transit. Neither of these alternatives was acceptable to the committee. The experience of our large cities which already have mass transit systems does not support the thesis that highway congestion will be reduced. The Department of Transportation recently considered transit plans in Atlanta, Baltimore, Los Angeles, Seattle, and Washington. In its 1968 highway needs report, the Department stated that in four of these five areas considering transit systems, it was estimated that the systems would serve about 5 percent of the area's total daily personal trips and 10 percent of the area's peak-hour trips. Estimates for Los Angeles were about half of these percentages. The same report noted that the normal increase in vehicular travel in urban areas is 5 percent in a period of 1 to 2 years. These findings by the Department of Transportation are significant.

They are important because they show that even with the addition of mass

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transit systems, we cannot expect our traffic congestion problems to be solved, because in a period as short as 2 years, the increased automobile traffic will equal the total burden relieved by the mass transportation system. The new or improved transit systems therefore should be regarded as a supplement to rather than a substitute for other forms of transportation. I believe it would be unwise for us to expect too much from the establishment of new transit systems.

The fact that highway traffic will not be greatly alleviated also greatly weakens the case of those who feel that the transit systems should be funded by some type of tax on highway users. This bill recognizes the fact that the whole community will benefit from the establishment, maintenance, or improvement of public transportation systems. Since the whole community benefits and it is not possible to charge users an amount sufficient to cover the costs and no specific benefit can be shown to exist for any one segment of the population other than the system's users, it is appropriate that general funds be used.

General funds are usually used only after an appropriation has been made by the Congress. This provides complete control over programs. Assistance through annual appropriations has not proved successful thus far in the field of public transportation, however. It has not proved successful because these transportation systems are major investments. In order for a community or a private firm to obtain its part of the financing, it must be reasonably assured of a specific Federal Government contribution. Annual appropriations do not provide any such assurance. The proposal for financing in this legislation is similar in many ways to that which is used in providing the Federal contribution of certain housing and urban development projects. In order to attract the capital and the sponsors necessary to build housing for low-income individuals for which a Federal subsidy is granted, it is necessary to provide a subsidy over the 40-year life of the mortgage on the building. This contract authority which has been developed for that kind of need provides for annual appropriations and a review by the Congress each year but does give some degree of security to those who are risking their private funds in such a venture because the contract authority can be set up and work can be done against it on the basis of the entire period of the program rather than a single year. In this bill, we have provided contract authority for $3½ billion for the first 5 years of the program.

We do not expect that this entire amount would be contracted immediately, but it is available if necessary so that cities can have a basis on which to obtain their proportion of the financing either through borrowing or some other source. I would like to repeat that this is not a new method of financing, nor does it make it impossible for the Appropriations Committee or the administration to bring about a reduction in expenditures.

During our consideration of this legislation in the committee, there was a serious question as to whether the $3½ billion contract authority for the first 5 years and a $10 billion Federal contribution over a 12-year period would be sufficient to meet the needs. I do not believe there is any value in arguing whether it is or it is not. Nobody knows. Estimates have varied widely, and we do not need to establish an amount now for the 12 years anyway. The bill provides that the Secretary shall submit at 2-year intervals his recommendations for mass transit needs and these biennial recommendations should provide us with whatever information we need to make decisions as we continue in this program.

There was also criticism of the fact that the bill allows only $80 million to be spent during fiscal year 1971 and that limitations on succeeding years reaching an aggregate of $3.1 billion after July 9, 1975, were not sufficient for the program. I believe that on the basis of information provided by the Secretary of Transportation, $80 million is all that could be appropriately spent during the first year. I also believe that the other limitations are reasonable when based on the information which we now have.

It would be a disservice to the taxpayers if we were to undertake a more expansive program during the beginning years because the money could not be appropriately spent. Let me point out again, if we find that the amounts are not sufficient, we can always increase them at a later time.

In summary, Mr. President, let me recommend this bill to the Senate as a major step in the establishment of viable public transportation systems in all of our cities where such systems are needed. While I hope that the time will come when these systems will be able to operate without Federal subsidies, they cannot do so at this time.

Mr. President, it is for that reason I have changed my earlier position against public subsidies for mass transportation and join my colleagues on the Committee on Banking and Currency and with the Secretary of Transportation in recommending to the Senate that this bill be approved.

Mr. WILLIAMS of New Jersey. Mr. President, I would like to propose a unanimous-consent request for the control of time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the time on the bill be limited to 3 hours, to be equally divided.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. TOWER. To be equally divided between the Senator from New Jersey and me, or our designees.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving he right to object, does the Senator intend to ask unanimous consent for limitation of time on amendments and all amendments thereto?

Mr. WILLIAMS of New Jersey. Yes; 1 hour on each amendment, to be equally divided by the proponent of the amendment and me; and if I should favor an amendment, the time on the other side to be controlled by the Senator from Texas.

The PRESIDING OFFICER. With 3 hours on the bill?

Mr. WILLIAMS of New Jersey. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, will the Senator amend his request to provide that on each amendment and amendments thereto there be 1 hour to a side, 30 minutes controlled by the proposer of the amendment and 30 minutes by the Senator from New Jersey, unless the Senator from New Jersey is in favor of the amendment, in which case the time to be controlled by the Senator from Texas?

Mr. CRANSTON. Mr. President, reserving the right to object, I would like to ask the Senator from New Jersey, who has handled this bill so ably and who has done such hard work in connection with its preparation, if it is intended, if the agreement is accepted, that there would be final action on the bill and all amendments thereto today?

Mr. WILLIAMS of New Jersey. That is not predictable; it is not known. My speculation would be that we would not finish today.

Mr. TOWER. That is also my view.

Mr. CRANSTON. I would like to ask the Senator if it could be understood that there will not be a vote on final passage or on my amendment until tomorrow.

Mr. WILLIAMS of New Jersey. I yield to higher authority in connection with that request.

Mr. BYRD of West Virginia. Mr. President, if the Senator from New Jersey will yield, I think it can be stated that final action on the bill will not be taken before tomorrow. It is my understanding that the Senator from Michigan (Mr. HART) has one amendment which will be offered tomorrow and he will not be here until later. I think I am correctly advised in that regard.

Mr. CRANSTON. I do not wish to object but I am looking for a way to be sure my amendment will not be considered until tomorrow. I do not wish to obstruct the Senate but I do not want my amendment considered until tomorrow.

Mr. BYRD of West Virginia. I hope the Senator from California will not object. I do not think he will have great difficulty in obtaining a vote on his amendment tomorrow. If need be, the Senator could call up his amendment today, explain it, and then get unanimous consent to put it over until tomorrow for a vote if all time on the amendment will have expired.

Mr. CRANSTON. I would be glad to do that.

Mr. WILLIAMS of New Jersey. There is adequate time on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The unanimous consent agreement subsequently reduced to writing, is as follows:

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Ordered, That during the further consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, debate on any amendment and amendments thereto shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from New Jersey (Mr. Williams): *Provided*, That in the event the Senator from New Jersey is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Senator from Texas (Mr. Tower) or some Senator designated by him.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from New Jersey and the Senator from Texas.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 20, line 8, strike "15" and insert "1½" in lieu thereof.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized. How much time does the Senator yield himself?

Mr. PROXMIRE. I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 7 minutes.

Mr. PROXMIRE. Mr. President, my amendment would restore the provisions of existing law which limit the maximum amount of grant funds for one State to approximately 14 percent of the total authorization. By way of contrast, S. 3154 repeals the existing limitation and permits the Secretary to spend as much as 27½ percent of the total authorization in one State, or nearly double the present percentage.

Under the present law, capital grants to any one State cannot exceed 12½ percent of the total authorization. The Secretary also has discretionary authority to approve an additional $12.5 million over and above the 12½-percent ceiling. The $12.5 million is approximately 1.4 percent of the total authorization to date of $865 million, hence the maximum amount any one State could receive is 13.9 percent of the total authorization. This assumes all of the discretionary authority were used in that State. Section 5 of S. 3154 increases the discretionary authority from 1.4 percent to 15 percent of the total authorization. In other words, it increases it tenfold.

Congress originally enacted the 12½-percent ceiling to prevent all of the program funds from going to a few large urban States. Indeed, the remarks of the distinguished Senator from New Jersey, who did such a fine job in handling this bill, emphasized this was a national program in which all States take part and States such as West Virginia and Colorado and other States would play as much of a part in proportion to population as the larger States. However, during the administration of the program it was argued that some flexibility was needed to accommodate a State whose ongoing projects threatened to exceed the ceiling because of unforeseen costs. Accordingly, Congress provided discretionary authority in 1966 to exceed the 12½-percent ceiling by up to $12.5 million or 1.4 percent of the total authorization.

Assuming that the purpose of having discretionary authority over and above the 12½-percent ceiling is to maintain program flexibility, it is not at all clear why such a huge increase in discretionary authority is needed. Under S. 3154, discretionary authority increases more than tenfold, from 1.4 percent to 15 percent.

Moreover, given the long leadtime between obligations and expenditures, the need for this flexibility should not arise for several years—unless, of course, the Department intends to knowingly exceed the 12½-percent ceiling from the outset of the program.

The testimony of the Department of Transportation sheds little light on the basic intent. For example, Secretary Volpe said:

> I would expect discretionary funds to be spread over perhaps 20 or 30 States rather than one State.

This is obviously a mathematical impossibility. If 20 States were in danger of exceeding the 12½-percent limitation, these States would have to be allocated 2½ times the total authorization.

This example shows that Secretary Volpe either was not being candid with the Congress or that he was confused about how the provision actually operates. Even the sponsor of the legislation, during the committee markup, said that the discretionary funds would be spread to as many as 10 States. This is likewise a mathematical impossibility. It means that the 10 States would be getting 125 percent of the total authorization. Even more significant, it means that the remaining 40 States would get less than nothing.

Given the confused and contradictory nature of the justification for increasing the Secretary's discretion, I can only conclude that the basic purpose is a backdoor attempt to breach the 12½-percent ceiling. If this is the purpose, the sponsors of the legislation ought to come forward in a straightforward manner and say this is what to do and debate the proposition on its merits. For example, under S. 3154, one State could receive 27½ percent of the total authorization; two States could receive 40 percent; and three States could receive over 52 percent.

As a matter of fact, six States could get 90 percent, leaving only 10 percent for the other 44 States.

Instead of increasing the amounts going to one or two States, Congress ought to see that the benefits of the program are more widely distributed. Despite the existing 12½-percent limitation, six States received 76 percent of the funds allocated through June 30, 1969. These six States contained only 32 percent of the population.

I repeat, six States did receive 76 percent of the funds allocated through June 30, 1969, and those States contained only 32 percent of the population.

The proposal now in the bill is to make it possible for the funds to be even more concentrated than they are. As I have said, the funds have been concentrated to the extent of more than three-quarters of the funds going to only six States.

Put another way, 44 States with 68 percent of the population received only 21 percent of the funds—far less than their fair share. Although Milwaukee in my State has serious public transportation problems, the State has received no capital grants and only token research funds. In 5 years, the State of Alabama received $27,000 or about $5,400 per year.

An urbanized State such as Delaware received nothing. Other States with large urban concentrations such as Indiana, Missouri, Georgia, Louisiana, Colorado, Kentucky, Oregon, North Carolina, Minnesota, Florida, and Oklahoma received little or no funds.

The sponsors of this legislation are fond of quoting the statistic that 70 percent of Americans live in urban areas. Since mass transit is clearly an urban program, one is left with the impression that the program benefits 70 percent of the people.

What the sponsors fail to point out is that only certain urban residents in a half dozen States have benefited from the mass transit program and that the vast majority of urban Americans receive little or no benefit. This mal-distribution of grants will become even greater if the Congress approves the huge increase in discretionary funds contained under section 5 of S. 3154.

It seems to me, in view of the history of this legislation, that I would be in a strong position to offer an amendment to reduce the 12½-percent figure. But I am not doing that. I am leaving the figure at 12½ percent for any one State, but I say we should not increase the discretionary fund tenfold so that one State would get 27½ percent of the fund and six States would get virtually all of it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. I listened to the Senator's presentation with some interest, but I did not hear mention of another question, and that is the capability effectively to use the funds. Does not the Senator feel that is a very important factor in respect of this money, and does not the Senator feel it would be a great mistake to force these funds into places where they were not prepared——

The PRESIDING OFFICER. The Senator's time is expired.

Mr. PROXMIRE. I yield myself 5 additional minutes.

Mr. JAVITS. To States which were not prepared to use the funds and to just force feed them or allow the money to lapse, when the need elsewhere is so urgent?

Mr. PROXMIRE. The answer is that under the bill we would enable States which were not able to participate before to now participate, because it enables

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private transit companies to get grants which they could not get before. To me that is an argument why there should be something for all the States. It is said that this is a national program, and is not just for the big States, but for all the States.

Mr. JAVITS. If the Senator will yield further, I think what the Senator says makes sense, but is that not an argument for the discretionary authority granted, so that the Secretary may have authority? If the Senator's expectations are realized, I am sure the Appropriations Committee will insist on an equitable distribution. Representing, as I do, the State with probably the biggest of these problems, I would be the first to say to the Senator that we do not want our State to be preferred and to use the money which others could use, and result in an unequal distribution; but I feel that the discretionary authority could take care of the legitimate growth of the program with people who are new to it and may not be quite ready for it.

The needs for mass urban transportation are so urgent in the large, industrial States, as I am sure the Senator knows, that it would be a shame to get into a situation where money is not used, which has happened many times in the past when there have been fixed State limitations or when the money was force-fed because it simply had to be spent and the people were not ready to use it.

Is there any reason why the Senator has any feeling that the Secretary administering this law would, if equal distribution were possible, not give the States ready to use effectively some of this money and not let them have it? It seems to me that this merely gives the Secretary authority; he is not getting a mandate.

Mr. PROXMIRE. In the first place, as I understand it, the money appropriated under the present law has been used. It has not lapsed, and this is with a 1.4 percent discretionary fund. In the second place, we have a situation under the present law where six States have had 76 percent of the funds. In the third place, if we do not intend that the Secretary should provide more than 12.5 percent to any one State, why do we change the law?

Mr. JAVITS. I think I can answer that question of the Senator. The committee has already answered it. We are changing the law because we want the money to be effectively used to relieve the condition the law is designed to relieve, and we do not want to worship some doctrinaire concept of equal distribution under which the money will be either force fed or not effectively used when they are not ready to use it.

The committee itself has answered that question, because the report, at the bottom of page 4, states:

> It is the understanding and intent of the committee that this fund be used judiciously to bring relief to the States whose cities have already or soon will reach the 12½ percent limitation on aggregate grants in any one State rather than to augment substantially grants available to any one State. The committee intends to keep the use of this discretionary fund under close surveillance to insure that a disproportionate amount of these funds do not go to any one State.

It seems to me that makes real sense.

Mr. PROXMIRE. The committee may wish to keep it under close surveillance, but the fact is we are passing a law. Once we pass the law, the discretion is with the Secretary of Transportation, and Mr. Volpe will make the allocations. As a matter of fact, Mr. Volpe himself said:

> I would expect discretionary funds to be spread over perhaps 20 or 30 States, rather than one State.

This obviously shows a misunderstanding of the situation. If you spread it over 20 States, 12½ percent is the amount that can go to each State before you tap the discretionary funds. This would mean you would have 2.5 times the total authorization allocated. So this discretionary fund can only apply, really, to four or five States.

Mr. JAVITS. Not necessarily, because you have a number of years in the term of the bill, and as different States come to a state of readiness, different States will benefit from the discretionary fund.

I think the idea of locking these things in is not a fair one, and I respectfully submit that the Senator should give consideration to the fact that he has omitted, in his presentation, a very key factor, to wit: Who is ready to receive it and do something useful with it?

The urgency is so great that we should not create a situation in which funds are improperly used, of lapse by virtue of the fact that nobody is ready to use them.

Mr. PROXMIRE. Mr. President, none of the funds have lapsed. All the funds appropriated have been used. This bill with my amendment would open up the opportunity for smaller States to use it, so it is less likely that we are going to have lapsed funds in the future, and we did not have them in the past.

Mr. JAVITS. But now we are going to a big program, with large amounts of authority, where real things can be done. This program has been in swaddling clothes up to this point. I agree with the Senator, it will accommodate hundreds of cities, and I think this is the way to do it and make the maximum effective use of the money.

Mr. PROXMIRE. Mr. President, as I say, accordingly, I have introduced an amendment to reduce the percentage of funds which can exceed the 12½-percent ceiling from 15 percent, as contained in the bill, to 1½ percent which is slightly higher than the percentage permitted under existing law. In other words, I am making it somewhat more generous, but not 10 times as generous. If we open the gates as suggested by the Secretary of Transportation, a handful of States are likely to run away with the lion's share of the funds.

Certainly our middle and smaller sized urban areas, in which most Americans live, have equally pressing public transportation problems. While perhaps not as spectacular, traffic jams in Milwaukee or Minneapolis are equally annoying as clogged streets in New York.

We should not discriminate against middle and smaller sized urban communities merely because the able and articulate spokesmen for mass transit understandably wish to see as much of the funds go to the largest urban centers which they represent.

I, therefore, urge the Senate to adopt my amendment which retains the safeguards contained in existing law.

Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, will the Senator from New Jersey yield me 3 minutes?

Mr. WILLIAMS of New Jersey. I yield the Senator 3 minutes.

Mr. TOWER. Mr. President, I oppose the adoption of the amendment of the Senator from Wisconsin.

Present law—section 15 of the Urban Mass Transportation Act of 1964, as amended—limits the allocation of Federal funds that may be made available for projects in any one State to 12½ percent of the aggregate authorization. At the present time, taking into account the additional authorization of $300 million made by the Congress last year, the State limitation is $145.6 million—12½ percent of $1,165 million. Essentially this means that when Federal grants to assist capital investment projects in any State total $145.6 million, no further grants can be made in the State until the Congress has provided additional authorizations. Some relief is provided, however, by a small discretionary fund—$12.5 million—from which the Secretary may approve additional allocations. The limit has already been reached in California and $8.7 million has been drawn from the discretionary fund to afford temporary relief in that State. To remedy this and similar situations and to assure continuity of Federal support, the proposed Urban Mass Transportation Act of 1969, would allow the Secretary to draw upon a new discretionary fund equal to 15 percent of the authorized program—$465 million. This plan was adopted by the administration at the suggestion of the National League of Cities and it is overwhelmingly endorsed by the Governors and mayors.

Program experience thus far supports the view that the proposed discretionary fund will permit substantially greater program flexibility without seriously reducing the effectiveness of the overall State limitation. As of June 30, 1969, only two States besides California, had come close to the ceiling: Massachusetts and Illinois.

Under the proposed legislation, it is likely that applications for support of larger and more costly fixed rail systems will be forthcoming from a number of cities. Combined with other grants within the States, this may well push several States to the 12½ percent maximum. Without the discretionary fund, some of the projects in each of these States would have to be either postponed or cut back. With the fund flexibility even if several States need to use it, ample funds will remain—especially to cover all reasonable projects in smaller cities with nonrail type transit—basically bus—systems.

Senator PROXMIRE's illustration that nearly all the money could go to a very few of the larger States is true as a statistical exercise, but not as a practical matter. In reality, no Secretary of Transportation would make the mistake of supporting such an obvious inequity. Should he try, the Congress could and would strip him of this power.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that under the present law, six States have received 76 percent of the funds? As a practical matter, that is what has happened. What this measure would do if my amendment fails would be to liberalize the law and make it possible for six of the States to get 90 percent of the money.

Mr. TOWER. I think that, again, is a statistical exercise. Let me note some of the small cities that have received grants. Among the cities between 50,000 and 100,000, Vallejo, Calif., has received $77,000. Pomona, Calif., has received $185,000. Oxnard, Calif., $212,000. We could go on and on. The small cities have benefited tremendously by this law.

Mr. PROXMIRE. It is true that some of the smaller cities have not taken much advantage of it. Of the multimillion-dollar fund, the State of Alabama, for instance, which is ably represented by its junior Senator (Mr. ALLEN) whom I see in the Chamber, received $27,000 over 5 years—an average of about $5,000 a year. There are a number of States in that category. Arizona received $20,000. Colorado received $328,000.

So, while it is true that some of the States like California and New York have received substantial sums, it is nevertheless true that six States have received more than three-quarters of all the funds under the present law. The provisions which I attack by my amendment would provide that even more of the funds would go to only a few of the States.

Mr. TOWER. It is a fact that most of the population of this country is concentrated in a few States. Twelve or 13 States have a majority of all the people in the United States of America, and it is urban congestion which we are trying to get at here.

Mr. PROXMIRE. But the six States I refer to have only 32 percent of the population, and got 76 percent of the money. The pending bill would permit an even greater concentration of funds in a few States, not representing a majority of the population.

Mr. TOWER. I think the Senator would deny this thing any kind of flexibility, if he seeks to impose any kind of limitation, because, again, the problem occurs in the States which are most congested. The rural States are not going to benefit much anyway, with their populations disbursed and with small towns. Again, I do not think the fact that six States have received that percentage of funds has resulted in denying assistance to smaller States which required it.

Mr. PROXMIRE. I think the Senator may be correct, that the smaller States have not been denied so much assistance in the past.

This bill is a good bill in many respects. It does provide that smaller States which have not taken advantage of the program in the past because the funds could not go to private transit companies can receive grants under the program. But they will not be able to participate very well if so much of the funds is merely to be concentrated in the large States that have initially been much more aggressive in seeking funds of this kind.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, will the Senator from New Jersey yield me 5 minutes?

Mr. WILLIAMS of New Jersey. I yield 5 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, as a Senator from the Nation's most populous State, I am painfully aware of the transportation crisis facing rural, urban, and suburban America. Throughout my State, the need for adequate public transportation is all too apparent.

I know that the problems of California are not unique. The lack of adequate, reliable public transportation is a problem confronting the entire Nation.

Although the public transportation crisis is acute in the Nation's small towns and rural areas, the most severe crisis exists in our major metropolitan areas. Thus, the greatest need for Federal financial assistance exists in these areas.

I readily admit that California has reached the present 12½ percent limitation and has been granted an additional $8.7 million to help meet its public transportation needs. However, this should not be considered unusual.

Every transit expert in the country recognizes that the need for public transportation is the most critical in the States with large populations. And California with its 20,000,000 people has the largest population of them all.

Clearly, States such as California, New York, New Jersey, Pennsylvania, Illinois, and Ohio will need substantially more funds than States with smaller populations.

The Secretary of Transportation has a minimum degree of flexibility to deal with transportation crises that might result in several of our States.

At the urging of the Department of Transportation and other transit experts throughout the country, the Banking and Currency Committee increased the amount which would be available in the discretionary fund.

Thus, under S. 3154, the discretionary fund will be equal to 15 percent of the total amount of funds authorized by Congress for mass transit.

Senator PROXMIRE's amendment would have the effect of not allowing the Secretary of Transportation to have the flexibility he says he needs to deal with the Nation's public transportation ills.

Senator PROXMIRE argues that under S. 3154, two or three States could get all of the available Federal funds for mass transit.

Theoretically this is true; however, I cannot conceive of any administration which would use all of the Federal funds to solve the transportation problems of two States, leaving the problems in the other 48 States unresolved.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CRANSTON. I am glad to yield.

Mr. PROXMIRE. If this is the situation, if the Senator argues that this discretion might result in a tremendous concentration of the funds in a very few States with a minority of the population, and the Senator relies entirely on the good sense of the administrator, why give it to him? Why give him this authority? Why surrender this? Why should Congress give away the power we have to a secretary? In the past we have had some fine Secretaries of Transportation. The record in the past is, however, that they have concentrated funds very sharply.

Mr. CRANSTON. I would give it to him because he needs that flexibility to meet the transportation needs of the entire country, taking all aspects of that problem into account. No matter where the money is spent, it is a problem that affects people who live in the other parts of the Nation, as I will point out.

I am sure that the Senator from Wisconsin is not suggesting that the public transportation problems in one of our smaller States would require as much Federal assistance as the public transportation needs of California or New York. The proposed amendment would discriminate against California and other large States where the need for Federal assistance is immense. We simply want to put the money, as this bill would do, where the greatest need exists.

The fact that larger States will get more money than smaller States, does not mean that money will not be available to meet the public transportation needs of small States.

The lack of adequate public transportation is a national problem, not a provincial one. I am sure that the citizens of Wisconsin will benefit if Chicago, New York, San Francisco, and Los Angeles improve their transportation systems. So will the residents of the other States who often visit our Nation's great metropolitan areas on business or pleasure, and go home complaining about awful traffic jams and terrible transportation facilities.

It should be recognized, too, considering the other side of all this, that citizens from other States contribute to the flow that clogs the freeways as they move back and forth from the airports and other centers of the great metropolitan areas of America.

We, as U.S. Senators, must approach this problem with the interests of the Nation at heart. Accordingly, I urge the Senate to reject the pending amendment.

Mr. JAVITS. Mr. President, will the Senator yield me 4 minutes?

Mr. WILLIAMS of New Jersey. I yield 4 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think the real issue here is exactly as stated by the Senator from California (Mr. CRANSTON) in terms of the need, but I would like to add to that—and I am sure this would be acceptable to him—the ability to absorb and use the funds effectively.

I believe we might just as well argue that the price stabilization activities of the Commodity Credit Corporation should be limited to 12½ percent for one State, because a number of farm States get an undue portion of it, completely in inverse ratio to their population. It would make just as much sense. We do not have the great problem in many of our great

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industrial States, so we do not get more of the avails than we should. But we do have this rural problem.

We might just as well say the same thing about many other subsidies and assistances which are given by Congress. That is why we are a country and not an aggregation of States.

If everything is to be divided equally, based on population, I think that would be a pretty good deal for New York and California. I think that in the aggregate we would have an infinitely greater share of what is provided by aid provisions of laws than we do today.

But, Mr. President, we all realize that when it comes to dams and waterworks and similar projects, other States, which may be very thinly populated, do need that kind of assistance. So, too, in mass transportation we need that kind of assistance and need that kind of flexibility.

I should like to join with my colleague. It seems to me very clear that no Secretary of Transportation would last very long who would deny the needs of any small State or small city which was ready to receive the money and use it effectively, if he used this discretionary authority in favor of New York, Chicago, or Los Angeles.

I trust that the Senate may legislate effectively and efficiently by rejecting the amendment.

Mr. PERCY. Mr. President, will the Senator yield me 2 minutes?

Mr. WILLIAMS of New Jersey. I yield 2 minutes to the Senator from Illinois.

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Mr. PERCY. So that there is no feeling that this is just a matter of interest to California or New York, I should like to state that it certainly would be in the interest of the people of Illinois for the Secretary to have as much discretion as possible.

Sometimes a city is much further advanced in making its plans. Many times a need is much greater. I think the Secretary should have discretion to look at the needs of the country as a whole and to take into account the advanced plans in order to determine where funds can best be used, as for example where the lowest income people are dependent upon this form of transportation and would be seriously adversely affected if such transportation was not made available.

Mr. PROXMIRE. Mr. President, will the Senator yield so that I can request the yeas and nays on the amendment?

Mr. PERCY. I yield.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. I thank the Senator from Illinois, and I apologize.

Mr. PERCY. I am very pleased to yield, although I am sorry to find myself in opposition to the Senator's amendment. I do support the position taken by the sponsors of the bill in this case and do intend to oppose the amendment, for the reasons given.

Mr. DOMINICK. Mr. President, will the Senator from Wisconsin yield me 2 minutes?

Mr. PROXMIRE. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. I have been listening to this debate with great interest. The thing that puzzles me is that if the opponents of the amendment of the Senator from Wisconsin say that no Secretary is going to do what he says is possible—namely, an additional 15 percent over and beyond 12.5 percent—why are they opposed to the amendment? Why should these provisions not be put into effect? Why should we rely on the discretionary ability of the Secretary not to pour all this money into a limited number of States, when so many of the smaller States, such as Colorado, have these problems? I do not think we have been given an answer. We have answers from New York and Illinois and other large States which are already getting the money. I should like to hear from some of the other States which do not have that much money, including Colorado.

Mr. PROXMIRE. I think the point the Senator makes is absolutely irrefutable. It has not been answered because it cannot be answered.

The fact is that right now, as I said earlier, six of the States get 76 percent of the money, under the present law. I would liberalize the law a little, but they would liberalize it tenfold.

It seems to me that the amendment is reasonable. It permits one State to receive approximately one-eighth of all the funds. It still permits a few States to get most of the funds. But it does reserve some for the smaller States to share in this program so that it can be a national program.

Mr. DOMINICK. Mr. President, will the Senator yield me 1 additional minute?

Mr. PROXMIRE. I yield.

Mr. DOMINICK. It occurs to me that in the President's state of the Union message he said we are going to do some planning as to where highways and airports are going to be, in an effort to disperse population; and if we continue to concentrate 80 or 90 percent of mass transit funds in the larger cities, we are doing nothing to disperse population. We may even increase the number of people who are already creating a problem in those metropolitan areas.

Mr. WILLIAMS of New Jersey. I yield 5 minutes to the junior Senator from New York.

Mr. GOODELL. Mr. President, in view of the colloquy which has just occurred between the Senator from Colorado and the Senator from Wisconsin, I would like to suggest to them that the answer to the question is: How would they like it if we put a limitation on subsidies for sugar beet or wheat raising, and insisted that New York State get its fair share? This would, of course, put a limitation on the States raising sugar beets and wheat and various other things. I am sure that they would want to look at the various programs set up with subsidies and grants in this country. Each is set up to try to help meet the acute need in a given area. The needs are different from one State to another.

It is obvious that New York State cannot benefit from a wheat subsidy program or a feed grain subsidy program, or one on cotton or on sugar. We are not trying to be arbitrary and limit how much will go to any State. We never have. It is a question of who raises it and who has the problem.

The problem of mass transit lies in the areas where there are mass concentrations of population. The Senator from Colorado (Mr. DOMINICK) amuses me when he suggests that maybe we can solve the problem by not putting any money into mass transit where there are concentrations of people. We could get to the point where we will have a mass transit system, say, in Colorado Springs, or in some other area of that nature and, thereby, urge the population to come in.

We have a great mass transit problem in this country. We have to put the money where the need is.

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. FANNIN in the chair). Does the Senator from New York yield to the Senator from Colorado?

Mr. GOODELL. I yield.

Mr DOMINICK. I am delighted the Senator brought that up. I never said I was against mass transportation in our larger cities. I did not say that I was against the bill. All I am trying to do is to prevent 90 percent of the money going to six States. We have problems of our own in Colorado, including Denver.

I might say to the Senator from New York, I hope he has not forgotten his heritage from the northern area of New York State where they have all kinds of feed grains and other things being grown up there.

Mr. GOODELL. I might say to the distinguished Senator that so far as the State of New York is concerned we could dispense with all those farm subsidy programs and we would do better. We do not have very much in the way of farm subsidies of any nature in New York State. I have not forgotten my heritage. Many farmers from upstate New York have told me that they would rather not have a farm subsidy program than the one they have now.

But the Senator from Colorado has made the point—why raise this discretionary fund from 1.5 percent to 15 percent, if no Secretary will concentrate all this money in just these few States.

The real essence of this situation is that the Secretary is not going to concentrate it in all of those States in the same year. The purpose of the fund is to build in flexibility. Some States are ready, and have their plans, and they can move this year. Other States will be ready in 2 or 3 years. The essence of the argument against the position of the Senator from Colorado is that the cities having the largest initial need will not necessarily receive the larger share of the total authorization. In no event is there a disproportionate or an unfair share for the entire life of the new Federal program.

If the urgent needs are met, the applications from the larger cities involved are expected to taper off and larger amounts will then be available for allocation elsewhere under the program. The program is designed to meet the needs of the smaller cities in all the States also. In my State of New York a good portion of the funds will go to New

York City, but we have other problems in Niagara Falls, Buffalo, Rochester, Albany, Syracuse, and they will need some of this money. These funds will come along probably later than those for New York City. The smaller cities, however, must be assured that their transportation needs will be met.

Mr. DOMINICK. My recollection is that the city of San Francisco in California had a bond issue of $1 billion just for its own transit system, which its own citizens were putting up. That was the cost just for one city. It seems obvious to me, therefore, that 90 percent of the money is going into six cities in six States.

Mr. GOODELL. The Senator from Colorado is a member of the party that now controls the administration and the executive branch, and I cannot believe that he thinks the administration will submit to that kind of concentration. The administrator will have the kind of flexibility he needs in a single year to meet special problems that may occur, particularly with reference to California in one year, in New York in another year, Ohio perhaps, in a later year. It is unlikely, I agree, that Colorado will ever reach the point where they will need this amendment. But any sizable industrial, urban State may need it in a single year. Their plans are prepared and they may be ready in 3, 4, or 5 years. In that year they could go above the allocation limitation that now is provided by law. All this amendment does is give the Secretary the discretion to allocate it year by year as the needs require it, as the States and localities are ready to move.

This is an intelligent and logical way to do it. It makes no sense at all to impose an arbitrary limitation on the amount of money going to a State that is ready when other States are not ready, thereby limiting and perhaps disrupting or interrupting construction that is planned and ready to go in a State such as New York.

Mr. DOMINICK. I might say to the Senator from New York that our plans are ready to go and we already have some money that Colorado does need.

Mr. GOODELL. I know Colorado does need it, but my reference is that Colorado will not get that much money if the ceiling is lifted.

Mr. WILLIAMS of New Jersey. Mr. President, I believe that every major point in opposition to the amendment has been made.

I ask unanimous consent to have printed in the RECORD two tables prepared by the Department of Transportation, one showing "approved capital grant projects as of December 31, 1969, by city, size and amount of Federal grant"; the other, "Approved Section 9 Grants for Technical Studies, as of December 31, 1969, by city size and Federal Grant."

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION—URBAN MASS TRANSPORTATION ADMINISTRATION, APPROVED CAPITAL GRANT PROJECTS AS OF DEC. 31, 1969, BY CITY SIZE AND FEDERAL GRANT

City and State	1—Under 50,000	2—50,000 to 100,000	3—100 000 to 250,000	4—250,000 to 500,000	5—500,000 to 1,000,000	6—Over 1,000,000
Little Rock, Ark			383,163.00			
Vallejo, Calif		77,000.00				
Alameda and Contra Costa Counties, Calif						179,333.00
Do						546,666.00
San Francisco, Calif					20,302,011.00	
San Bernardino Calif				281,178.00		
San Francisco, Calif					13,100,000.00	
Pomona, Calif		185,133.00				
Oxnard, Calif		212,130.00				
Berkeley, Calif			4,733,000.00			
Stockton, Calif			387,320.00			
San Francisco, Calif						13,200,000.00
San Diego, Calif						5,268,000.00
Modesto, Calif	54,733.00					
Santa Barbara, Calif			413,846.00			
San Francisco, Calif						26,000,000.00
Do					127,136.00	
Montebello, Calif	731,596.00					
Sacramento, Calif					580,180.00	
San Francisco, Calif						28,000,000.00
Culver City, Calif	182,916.00					
Alameda and Contra Costa Counties, Calif						785,366.00
San Francisco, Calif					1,036,875.00	
Fresno, Calif			476,790.00			
Los Angeles, Calif						597,833.00
Pueblo, Calif		179,072.88				
Washington, D.C					154,884.00	
Coral Gables, Fla	431,550.00					
St. Petersburg, Fla				72,500		
Do				121,712		
Do				102,607		
Do				103,333		
Rome, Ga	102,800.00					
Columbus, Ga			660,880.00			
Chicago, Ill						4,526,066.00
Do						33,536,333.00
Do						288,666.00
Do						25,506,666.00
Do						13,000,000.00
Springfield, Ill		437,500.00				
Chicago, Ill						25,219.366.00
Do						1,582,333.00
Peoria, Ill				746,666		
Terre Haute, Ind		171,716.20				
Fort Wayne, Ind			1.169,133.00			
Waterloo, Iowa			369,066.00			
Cedar Rapids, Iowa		468,598.00				
Sioux City, Iowa			322,000.00			
Topeka, Kans			200,700.00			
Wichita, Kans				978,124		
Kenner, La	49,060.00					
Lafayette, La		383,348.00				
Boston, Mass						6,077,280.00
Do						3,136,654.32
Do					12,000,000.00	
Do					35,164,333.00	
Do						50,862,000.00
Saginaw, Mich			138,731.13			
Detroit, Mich						263,000.00
Lansing, Mich			250,061.52			
Detroit, Mich						10,120,733.00
Kalamazoo, Mich			989,948.00			
Detroit, Mich						1,093,333.00
Flint, Mich			474,389.00			
Battle Creek, Mich	138,500.00					
Ann Arbor, Mich			572,366.00			
Minneapolis, Minn				513,266		
Minneapolis and St. Paul, Minn						256,483.00
Columbia, Mo	204,810.00					

DEPARTMENT OF TRANSPORTATION—URBAN MASS TRANSPORTATION ADMINISTRATION, APPROVED CAPITAL GRANT PROJECTS AS OF DEC. 31, 1969 BY CITY SIZE AND FEDERAL GRANT—Continued

City and State	1—Under 50,000	2—50,000 to 100,000	3—100,000 to 250,000	4—250,000 to 500,000	5—500,000 to 1,000,000	6—Over 1,000,000
State of New Jersey						4,826,298.00
Do						6,661,250.00
Mercer County, N.J.				1,573,722		
Albuquerque, N. Mex.				817,726		
New York, N.Y.						23,420,000.00
Utica, N.Y.			528,666.00			
New York, N.Y.						30,292,866.00
Jamestown, N.Y		209,333.00				
Rome, N.Y		49,000.00				
Broome County, N.Y.			967,854.00			
New York, N.Y.						1,023,000.00
Niagara Falls, N.Y.			289,829.00			
Rochester, N.Y.				4,066,666.00		
Utica, N.Y.			522,974.00			
Asheville, N.C.		877,733.00				
Zanesville, Ohio	108,566.18					
Cleveland, Ohio						12,326,840.00
Springfield, Ohio		118,389.92				
Hamilton, Ohio		170,285.00				
Warren, Ohio		469,508.00				
Euclid, Ohio		1,060,666.00				
Cleveland, Ohio						8,840,066.00
Oklahoma City, Okla					605,973.00	
Salem, Oreg		295,513.00				
Pittsburgh, Pa						5,908,742.00
Philadelphia, Pa						2,923,333.00
Pittsburgh, Pa						11,290,334.00
Philadelphia, Pa						1,200,000.00
Erie, Pa.				1,586,604		
Altoona, Pa.			303,173.00			
Williamsport, Pa.	251,286.00					
Philadelphia, Pa.						1,150,146.00
San Juan, P.R.					506,666.00	
Do					271,932.00	
Do					502,444.00	
Do					3,910,026.00	
Providence, R.I.					1,638,000.00	
Do					1,012,133.00	
Memphis, Tenn.					1,413,570.00	
Jackson, Tenn.	203,352.00					
Memphis, Tenn.					1,707,394.00	
Dallas, Tex.					8,045,000.00	
Abilene, Tex.			244,054.00			
Corpus Christi, Tex.			704,000.00			
San Angelo, Tex.		151,922.00				
Martinsville, Va.	74,056.00					
Tacoma, Wash.			584,313.36			
State of Washington						15,216,400.00
Seattle, Wash.						3,180,286.00
Tacoma, Wash.			203,990.00			
New York City and Eastern New Jersey						5,100,000.00
Bristol, Va. and Tenn.	305,781.00					
New Haven, Conn. and New York City						28,400,000.00
Jersey City, N.J.						23,232,666.00
St. Louis, Mo.						1,322,361.00
Kansas City (Mo. and Kans)						4,271,333.00
St. Louis, Mo.						226,666.00

DEPARTMENT OF TRANSPORTATION—URBAN MASS TRANSPORTATION ADMINISTRATION. APPROVED SEC. 9 GRANTS FOR TECHNICAL STUDIES AS OF DEC. 31, 1969, BY CITY SIZE AND FEDERAL GRANT

City and State	1—Under 50,000	2—50,000 to 100,000	3—100,000 to 250,000	4—250,000 to 500,000	5—500,000 to 1,000,000	6—Over 1,000,000
Mobile, Ala.				26,666		
Tucson, Ariz.				20,333		
Los Angeles, Calif.						2,253,333.00
Do						246,333.00
San Jose, Calif.					155,333.00	
Santa Clara, Calif.		156,066.00				
San Diego, Calif.						31,066.00
Pueblo, Colo.			13,242.18			
Denver, Colo.				135,000		
Do					45,406.00	
Boulder, Colo.		50,000.00				
Dade County, Fla.					226,180.00	
Hollywood, Fla.		7,500.00				
Pensacola, Fla.			18,000.00			
Tampa, Fla.						23,306.00
Atlanta, Ga.						461,933.00
Honolulu, Hawaii					180,000.00	
Chicago, Ill.						63,596.00
Skokie, Ill.		47,400.00				
Chicago, Ill.						177,320.00
New Orleans, La.					38,000.00	
Shreveport, La.				25,332		
Baltimore, Md.						900,000.00
Do						300,000.00
Do						400,000.00
Boston, Mass.						497,817.00
Brockton, Mass.			56,000.00			
Boston, Mass.						556,020.00
Do					200,000.00	
Lowell, Mass.			67,000.00			
Detroit, Mich.						120,000.00
Ann Arbor, Mich.		10,000.00				
Detroit, Mich.						121,000.00
Minneapolis and St. Paul, Minn.						396,266.00
Duluth, Minn.				22,000		
Tupelo, Miss.	9,000.00					
Great Falls, Mont.		4,833.00				

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City and State	1—Under 50,000	2—50,000 to 100,000	3—100,000 to 250,000	4—250,000 to 500,000	5—500,000 to 1,000,000	6—Over 1,000,000
Omaha, Nebr			10,000.00			
Do				81,172		
Lincoln, Nebr			29,004.00			
Mercer County, N.J				11,666		
Atlantic County, N.J			14,000.00			
Broome County, N.Y			39,064.00			
Nassau County, N.Y						25,014.00
Niagara Falls, N.Y						524,000.00
Akron, Ohio					16,335.17	
Toledo, Ohio					21,220.00	
East Liverpool, Ohio	15,590.00					
Canton, Ohio				41,000		
Dayton, Ohio					23,500.00	
Tulsa, Okla				34,662		
Eugene, Oreg		13,600.00				
Portland, Oreg					43,168.00	
Pittsburgh, Pa						300,000.00
Erie, Pa				16,000		
Lancaster, Pa				22,566		
San Juan, P.R					713,800.00	
Providence, R.I					38,000.00	
Chattanooga, Tenn				24,840		
Nashville, Tenn				69,020		
Wichita Falls, Tex			135,848.00			
Dallas, Tex					400,000.00	
Salt Lake City, Utah			48,756.00			
Richmond, Va				60,000		
Reston, Va	30,000.00					
Seattle, Wash						1,246,000.00
Spokane, Wash				72,000		
Milwaukee, Wis						220,000.00
Madison, Wis				11,866		
Kenosha, Wis			12,000.00			
Kansas City (Kans. and Mo.)						10,000.00
Camden, N.J						80,000.00
Kansas City (Kans. and Mo.)						23,266.00
St. Louis, Mo						266,666.00
Kansas City, Mo						121,466.00

Mr. **WILLIAMS** of New Jersey. Mr. President, summarizing the parts of the first table, it shows that in 26 of the States which have been beneficiaries under the existing urban mass transit program, there are 70 cities having populations of under 250,000 which have received grants. However, the need for the discretionary fund, as so completely stated by many Senators, can be seen when we realize that such a fund will make aid available to cities such as Seattle, Wash., Los Angeles, Calif., Baltimore, Md., Atlanta, Ga., Pittsburgh, Pa., Miami, Fla., and Minneapolis-St. Paul, Minn.—all of whom are now planning new transit systems with an aggregate cost of $8.4 billion. These systems are to be developed during the next 10 years.

These are the areas where the massive need for Federal funds could push these States through the 12.5-percent ceiling. In addition, major transit additions costing almost $8 billion are planned for Boston, New York, Philadelphia, Camden, Newark, Cleveland, and Chicago. This is where the people are. These are where the big problems are and the flexibility contained in this legislation would be available to meet the problems which could arise when these States reach the 12½-percent ceiling.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent to have printed in the RECORD a table showing urban mass transportation grants by States, cumulative through June 30, 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

URBAN MASS TRANSPORTATION PROGRAM GRANTS, BY STATE—CUMULATIVE THROUGH 6-30-69

[In thousands]

	Total, all programs	Sections 3-5 capital grants	Section 6, R.D. & D. projects	Section 9, technical studies	Sections 10-11 grants for training
State:[1]	$627,050	$547,842	$65,700	$11,691	$1,818
1. Alabama	27			27	
2. Alaska					
3. Arizona	20			20	
4. Arkansas	383	383			
5. California	135,370	117,459	14,825	2,811	275
6. Colorado	328	179		149	
7. Connecticut	16,001	15,975	26		
8. Delaware					
9. District of Columbia	4,049	155	3,832		62
10. Florida	1,206	852		292	62
11. Georgia	1,351	764		462	125
12. Hawaii	180			180	
13. Idaho					
14. Illinois	105,739	102,514	2,687	288	250
15. Indiana	1,529	1,350	179		
16. Iowa	1,160	1,160			
17. Kansas	1,191	1,179	12		
18. Kentucky					
19. Louisiana	470	432		38	
20. Maine					
21. Maryland	3,523		1,923	1,600	
22. Massachusetts	91,439	83,520	6,330	1,377	212
23. Michigan	14,992	13,686	1,055	251	
24. Minnesota	1,006	513		418	75
25. Mississippi					
26. Missouri	1,605	205	1,325		75
27. Montana	5			5	
28. Nebraska	226		106	120	
29. Nevada					
30. New Hampshire					
31. New Jersey	11,623	11,487	99	25	12
32. New Mexico	818	818			
33. New York	79,815	73,796	5,828	64	127
34. North Carolina	878	878			
35. North Dakota					
36. Ohio	$24,366	$23,101	$1,136	$80	$49
37. Oklahoma	674	606		35	33
38. Oregon	353	296		57	
39. Pennsylvania	36,833	23,463	12,724	338	308
40. Rhode Island	1,696	1,638	20	38	
41. South Carolina					
42. South Dakota					
43. Tennessee	4,316	3,504	718	94	
44. Texas	10,422	9,145	700	536	41
45. Utah	49			49	
46. Vermont					
47. Virginia	1,458	227	1,141	90	
48. Washington	21,204	19,212	1,041	888	63
49. West Virginia	240		191		49
50. Wisconsin	244			244	
51. Wyoming					
52. Puerto Rico	5,805	5,191		614	
53. Virgin Islands					
Interstate:					
Bi-State Development Agency (MO-ILL)	2,187	1,549	371	267	
Delaware River Port Port Authority (PA-NJ)	80			80	
Kansas City area transportation (Kans-MO)	4,425	4,271		154	
Port Authority Trans-Hudson (NJ-NY)	28,333	28,333			
Tri-State Transportation Commission (Conn-NJ-NY)	8,402		8,402		
Washington Metropolitan Council of Government (DC-MD-VA)	671		671		
Washington Metropolitan Transit Commission (DC-MD-VA)	358		358		

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[1] The "State" list is followed by the list of "Interstate" grants made for projects involving 2 or more States.

Mr. PROXMIRE. Mr. President, this shows the heavy concentration in a few States and documents the fact that only six States receive 76 percent of the money. In States like Arizona, Wisconsin, West Virginia, Colorado, Kansas, I understand that they will receive very little, under present law.

It underlines the argument I make in my amendment which would prevent an even greater concentration of funds to a few of the very large States.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I wonder if I could have some time yielded from the bill.

Mr. TOWER. Mr. President, I yield 10 minutes on the bill to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. ALLOTT. Mr. President, I was in the cloakroom when the unanimous-consent request was made, or I would not have consented to it. Therefore, it is necessary for me to utilize this time to talk about this matter.

First of all, I want to make it clear that I support the principles of the bill. I think we no longer can afford the luxury of not doing something about our transportation system under the Urban Mass Transit Act.

Under the present law, section 15 of the Urban Mass Transit Act limits compensation to 12½ percent of the total authorized funds to any one State.

The pending bill proposes that the Secretary would have a special fund totaling 15 percent of the total authorization to provide grants to the cities and States which have exceeded the 12.5-percent limit.

In the case of the pending bill, the Secretary would have available $465 million.

It seems to me that this is too large a sum for discretionary purposes. I say that because the administration has advertised the bill as a national measure. It contends that cities, large and small, of nearly every State need urban transportation systems. And I agree with that statement. However, the 15-percent discretionary fund as a matter of practice would be used to allocate completely the grants of only those large cities in States that have exceeded the 12½-percent limitation.

As an example, at present the State of California has exceeded the 12.5-percent limitation. And the only other States likely to exceed the limitation in the next few years are Illinois, Pennsylvania, New York, and New Jersey. The discretionary fund would, in effect, allocate $465 million to cities in those States.

That money would not be available to States like Colorado or to cities like Denver which, at this very time, is beginning the ground work stages to form a rapid transit plan for the Denver metropolitan area.

When Denver, Seattle, or some other city is ready to finance a rapid transit system, I for one do not want the Secretary to be in a position of saying, "We are sorry. We will not have funds for you or for any of the other cities you have named."

When that time comes, I believe every Senator, with perhaps the understandable exception of those Senators from the States which would benefit from the bill as it now stands, would probably support Senator PROXMIRE'S amendment or a modification thereto.

If this is going to be truly a national bill, then let us have the fund available for the whole Nation. Of course, a contingency fund would be available as is the case under the present law, which is 1.5 percent, and those funds are to pay the various large cities.

Mr. President, I have tried to arrive in my mind at a solution to the problem. It is a very difficult one. As a matter of fact, it was one which I raised in the Appropriations Committee last year and which we discussed at great length at that time.

My general commitment was to limit the discretionary fund to some reasonable size.

I am concerned about one aspect of this 15 percent particularly, which I do not believe has been mentioned on the floor today. And that aspect is the cost overruns, as we have had with the BART system in California.

It seems to me that if we make those discretionary funds too large, then we are, in effect, asking or encouraging by implication cost overruns and cost escalation in these areas which are most apt to come under the provisions of this particular section of the bill on page 20.

For that reason, I have offered a substitute to the amendment of the Senator from Wisconsin. I have not solicited support of that, but I think it is a reasonable position. And I think it will still give the Secretary in the years to come plenty of leeway. It will give him more money to allocate to States under the 12½-percent provision. The amendment changes the figure from 15 percent in the pending bill, line 8, page 20, to 5 percent.

Mr. President, I would hope that this might be a reasonable resolution of this matter. I offer this not unaware of the very serious problems which the big cities face, and the bulk of this effort is going to have to go into the big cities.

I still think this would give the Secretary a reasonable degree of flexibility to take care of the matter.

When the time has expired or has been yielded back, I will call up my amendment which is now pending at the desk, which I cannot offer at the moment. However, I will call it up and then ask for a vote.

Under the circumstances, it is not proper to ask for the yeas and nays at this time since the amendment is not pending. I am sure that is the situation. I will do so at the proper time.

The PRESIDING OFFICER. The Senator can ask unanimous consent that it be in order to order the yeas and nays at this time.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may have the yeas and nays on the amendment when offered.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what is the request? I did not hear it.

Mr. ALLOTT. Mr. President, I withdraw that request, because I can ask for it later. I will do so later.

Mr. BYRD of West Virginia. Mr. President, I am sorry, I just did not understand.

Mr. ALLOTT. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. Mr. President, the proposal I have made would provide a discretionary fund of about 1.5 percent, which is more than the discretionary fund provided in the pending bill, which is 1.4 percent, or $12.5 million.

To show how reasonable my proposal is, when the distinguished Senator from New Jersey (Mr. WILLIAMS) drafted the mass transit bill, which he introduced on February 15, 1969, he asked for a discretionary fund of $50 million or about 1.5 percent of the authorized funds. My proposal would provide for a discretionary fund of almost exactly the same amount. As a matter of fact, it is $46.5 million, very little difference.

The Allott proposal would provide $155 million. And the proposal in the pending bill would provide something like $486 million.

So, as I say, the amendment I offer is completely consistent with the original proposal this year of the distinguished Senator from New Jersey who, as we know, has been a leader in the mass transit field and is doing such a fine job today.

Mr. WILLIAMS of New Jersey. Mr. President, I had that lower amount in an earlier bill which I introduced a year ago. Since then due to our committee's extensive hearing on this subject, I have learned a great deal. That is why the 15-percent figure contained in the bill before us is correct. It is demonstrated to be the amount necessary for our larger States such as California and New York.

Mr. President, I have nothing further to add.

Mr. MURPHY. Mr. President, I strongly oppose this amendment. The adoption of the amendment would adversely affect California and other States—States, perhaps, where the need for mass transportation is greatest.

Section 15 of the Urban Mass Transportation Act as amended limits the amount of funds that may go to one State to 12.5 percent of the aggregate authorization. Including the $300 million authorized by Congress last year, the State limitation is $145.6 million. This means that no additional grants could be authorized in States exceeding the maximum limitation until the Congress makes additional authorizations.

Some flexibility and relief were provided in 1966 when Congress added a discretionary fund of $12.5 million from which the Secretary is allowed to approve additional allocations. This is an important provision for my State because the maximum limit has already been reached in California and $8.7 million has been drawn from the discretionary fund to provide temporary relief

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to my State. The committee bill as reported changes the discretionary fund to allow this fund to equal 15 percent of the authorized program. This plan was added by the administration at the suggestion of the National League of Cities, and it has been overwhelmingly endorsed by the Governors and mayors.

I am convinced that this new discretionary fund will allow greater program flexibility. While the example pointed out by Senator Proxmire might be a possibility, I believe that we can assume that the administration will administer the new discretionary fund in a reasonable fashion.

The Banking and Currency Committee has indicated in its report that they intend to keep close surveillance to assure that a disproportionate amount of funds will not go to any one State.

So, Mr. President, I think that the illustration by the Senator from Wisconsin (Mr. Proxmire) is an interesting mental exercise, but I do not believe that in practice the discretionary fund could work that way.

As I just pointed out, neither the administration nor the Banking and Currency Committee would allow it.

It would seem a shame if the State where pollution from the automobile is so great and where the need is so obvious would be denied the necessary Federal assistance to move ahead if it desires. This amendment should be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, in view of the fact that the Senator from Colorado wants to offer a substitute amendment to my amendment, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the pending amendment has been yielded back.

Mr. ALLOTT. Mr. President, I call up my amendment in the nature of a substitute for the Proxmire amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 20, line 8, strike "15" and insert "5" in lieu thereof.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado (Mr. Allott) as a substitute for the amendment offered by the Senator from Wisconsin (Mr. Proxmire). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Louisiana (Mr. Ellender), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Washington (Mr. Jackson), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), the Senator from Texas (Mr. Yarborough), and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Bayh), the Senator from Virginia (Mr. Byrd), the Senator from Virginia (Mr. Spong), and the Senator from Montana (Mr. Metcalf) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender), the Senator from Michigan (Mr. Hart), the Senator from Washington (Mr. Jackson), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Virginia (Mr. Byrd) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senator from Vermont (Mr. Prouty) and the Senator from Pennsylvania (Mr. Schweiker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Oklahoma (Mr. Bellmon) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

The result was announced—yeas 25, nays 47, as follows:

[No. 27 Leg.]

YEAS—25

Aiken
Allott
Bennett
Boggs
Burdick
Cook
Cooper
Cotton
Curtis
Dominick
Fannin
Fong
Hansen
Hartke
Hatfield
Hruska
Jordan, Idaho
Moss
Pearson
Pell
Russell
Stevens
Talmadge
Williams, Del.
Young, N. Dak.

NAYS—47

Allen
Anderson
Bible
Brooke
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Eastland
Ervin
Fulbright
Goodell
Griffin
Harris
Holland
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGovern
Miller
Mondale
Murphy
Nelson
Percy
Proxmire
Randolph
Scott
Smith, Maine
Smith, Ill.
Sparkman
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Young, Ohio

NOT VOTING—28

Baker
Bayh
Bellmon
Byrd, Va.
Dodd
Dole
Ellender
Goldwater
Gore
Gravel
Gurney
Hart
Jackson
Kennedy
McGee
McIntyre
Metcalf
Montoya
Mundt
Muskie
Packwood
Pastore
Prouty
Ribicoff
Saxbe
Schweiker
Spong
Yarborough

So Mr. Allott's amendment, offered as a substitute for Mr. Proxmire's amendment, was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Wisconsin (Mr. Proxmire). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Louisiana (Mr. Ellender), the Senator from Tennessee, (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Washington (Mr. Jackson), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Bayh), the Senator from Virginia (Mr. Byrd), the Senator from Virginia (Mr. Spong) and the Senator from Montana (Mr. Metcalf) are absent on official business.

I further announce that, if present and voting, the Senator from Virginia (Mr. Byrd), the Senator from Louisiana (Mr. Ellender), the Senator from Washington (Mr. Jackson), and the Senator from Rhode Island (Mr. Pastore) would each vote "yea."

I further announce that, if present and voting, the Senator from Michigan (Mr. Hart) and the Senator from Connecticut (Mr. Ribicoff) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senator from Vermont (Mr. Prouty), and the Senator from Pennsylvania (Mr. Schweiker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

The result was announced—yeas 49, nays 26, as follows:

[No. 28 Leg.]

YEAS—49

Aiken
Allen
Allott
Bellmon
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Church
Cooper
Cotton
Curtis
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Hansen
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
Miller
Mondale
Moss
Nelson
Pell
Proxmire
Randolph
Stennis
Symington
Thurmond
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

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NAYS—26

Anderson
Bennett
Brooke
Case
Cook
Cranston
Goodell
Griffin
Harris
Hatfield
Javits
Kennedy
Mathias
McCarthy
Murphy
Pearson
Percy
Russell
Scott
Smith, Maine
Smith, Ill.
Sparkman
Stevens
Talmadge
Tower
Williams, N.J.

NOT VOTING—25

Baker
Bayh
Byrd, Va.
Dodd
Dole
Ellender
Goldwater
Gore
Gravel
Gurney
Hart
Jackson
McIntyre
Metcalf
Montoya
Mundt
Muskie
Packwood
Pastore
Prouty
Ribicoff
Saxbe
Schweiker
Spong
Yarborough

So Mr. Proxmire's amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. WILLIAMS of Delaware. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I ask the Senator from New Jersey if he will yield 10 minutes on the bill.

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. PROXMIRE. Mr. President, section 3(b) of the bill authorizes the Secretary of Transportation to obligate up to $3.1 billion in contract authority upon enactment without further recourse to the Appropriations Committees. A subsequent appropriation would be required to liquidate the obligation but the Congress would have little real choice since the full faith and credit of the United States would have already been pledged by the Secretary when he approved the contract. Thus, the contract authority form of financing shields the program from the annual appropriations process and reduces the ability of Congress to alter program priorities from year to year. If we learned anything in recent years about our budgetary process, it is that our spending is getting out of control. We no longer can control it, as we should control it, by the appropriation process.

The main argument for the contract authority method of financing is that it is needed to assure the long-range Federal financial commitment to mass transportation which our local governments need if they are to upgrade their transportation systems. Of course, the same argument could be made for many other Federal programs including housing, model cities, air and water pollution control, and education.

As important as mass transportation is, many feel that other Federal programs are of an even higher order of social priority. For example, the report of the Kerner Commission recommended increased expenditures for job programs, education, housing, welfare, urban renewal, and model cities. Mass transit did not make the list.

If we are to resort to unusual backdoor spending procedures for mass transit, an even more compelling case can be made to provide similar treatment for housing and model cities. The 1968 housing act establishes a 10-year goal of building 6 million units for low- and moderate-income families but nowhere do we provide a long-range financial commitment to this goal comparable to the commitment which S. 3154, the pending bill, makes to mass transit.

If Congress approves 5-year contract authority for the mass transit program, we can expect to make similar commitments for other socially urgent programs. Thus, Congress may gradually relinquish control over spending priorities as a greater percentage of our general tax revenues are encumbered by programs which bypass the annual appropriation review.

CONTRACT AUTHORITY

I originally had an amendment to delete the contract authority method of financing in favor of the regular appropriation procedure. Under the bill, it would be theoretically possible for the Secretary to obligate the entire $3.1 billion in the first year without going to the Appropriations Committee.

However, the administration has just released its budget figures for fiscal year 1971. The budget shows that the Department plans to obligate only $105 million out of the $3.1 billion during the first year.

Given this statement of intent by the administration to obligate only $105 million, my objections to the use of contract authority have been partially answered. The picture has drastically changed.

The Appropriations Committee would have ample opportunity to restrict the use of contract authority in subsequent years if it developed that a higher level of spending could not be justified.

Mr. President, I have discussed this matter with a number of members of the Committee on Appropriations, particularly with the distinguished Senator from Mississippi (Mr. Stennis), who is the chairman of the Subcommittee on the Department of Transportation of the Committee on Appropriations, and I yield to Senator Stennis at this point.

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. President, I have a brief statement. The Senator from Wisconsin and I have discussed one angle of the matter, and I understood that he wanted certain illustrations of limitations on contract authority covered for the record.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PROXMIRE. Would the Senator indicate whether there is any precedent for a limitation by the Appropriations Committee on this kind of contract authority? Does he feel that there would be an opportunity for the Appropriations Committee to limit this, or would we be compelled to appropriate the entire amount once this authorization bill is passed?

Mr. STENNIS. Mr. President, there are instances in which, even though there is a certain amount of contract authority, as we call it, for any given year, the Committee on Appropriations will take a second look at it; and, instead of permitting that contract authority to continue for the amount as designated in the authorization bill, the Committee will recommend to the Senate a cap or a ceiling on it. That has been adopted by Congress in its second look process for that year in more than a few instances.

The most recent one of which I know is in the current fiscal year 1970. The House put four amendments in the transportation bill, placing a ceiling that was lower than the authorization itself provided for.

I refer now to the transportation bill for fiscal year 1970. On page 9 of that printed act as it finally passed, there were four different instances of limitations or ceilings being put on by Congress. I will illustrate the instances. The first is highway beautification, an item of $25 million in contract authority, was reduced to the amount of $16 million.

Another item was for State and community highway safety, $100 million, and that was reduced for fiscal 1970 to $70 million.

Another in that same bill was for forest highways, and that was put in at $18 million instead of the $33 million that was authorized.

Another was the public land highways which was put in at $8 million instead of $16 million.

These happened in previous years and in other appropriation acts. In fact, in recent years, there has not been any of this contract authorization for general purposes like this that was authorized excepting, of course, the Highway Act.

Mr. PROXMIRE. Mr. President, as I understand it, that means that of the $3.1 billion which is authorized in the bill, the administration indicates it will obligate only $105 million this year. That means that the Committee on Appropriations will be free to provide restrictions subsequently on the sum, or at least take a good, strong, second look based on the availability of funds and the priorities which Congress feels mass transportation should have.

Mr. STENNIS. That is correct, except it is not the Committee on Appropriations that does this; it is Congress.

Mr. PROXMIRE. The Senator is correct. I meant to say Congress.

Mr. STENNIS. It is initiated by the Committee on Appropriations. If the Senator would yield to me further, I want to make clear that I am not totally opposed to some mass transportation funds. I think, number one, that we are getting into a field here that will well cost $100 billion if, in the course of several years, this thing is going to be equitably distributed around. It will take those massive sums of money and I doubt we are willing and able to go deeper and deeper into the program and establish priorities this much more in its favor.

That $100 billion is not an estimate carefully prepared, but it just a general amount that I believe this program will cost. It will be a tremendous sum for grants to cities for mass transportation.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. Bellmon in the chair). Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. STENNIS. I yield.

Mr. WILLIAMS of New Jersey. Does the Senator realize that this legislation carries a $10 billion figure for 12 years? I

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thought I heard the Senator say $100 billion.

Mr. STENNIS. I said, if it will be equitably distributed throughout all the Nation——

Mr. WILLIAMS of New Jersey. For what period of time?

Mr. STENNIS. And applied over a period of years—I do not know—15, 20 years. These matters have to be stepped up. This does not go very far when we go to taking them all in, all the way from Seattle to Miami, all the way from Maine to southern California. These things grow.

Mr. President, I think we are getting in deeper than we intend. I have very strongly supported all the pilot programs for better ways to have fast train transportation, and all phases of it, and have vigorously supported that. I can also support some mass transit, if it is going to be conditioned in a city where it really needs the money for the poor people to get to and from their work. I would rather set it up on a program of that kind than just have these mass transportation grants to these cities.

I find, in looking over the list, that some of the most prosperous parts of this Nation are the ones which will get the largest sums of money. It is a compliment to be mentioned here—my friend from the State of Washington—the great city of Seattle—I have never been more impressed with a city than I was with Seattle on my first real visit there 2 or 3 years ago, with such booming industry and a strong economy. But, lo and behold, when we took up the appropriations bill a few days later, I found that they were enjoying a very nice grant. If it is for poor people who cannot pay their way, that is one thing, but I think that cities like Jackson, Miss., or any of the rest of them, as a general proposition, should be able to take care of their own mass transportation costs. That has been my position on these bills all along.

I just made a quick check here. The contract authority is running away with the Appropriations Committee. We should call attention to the fact that there is around $7 billion in the budget, announced today in new contract authority. This is an addition. This is for new programs, new money in the budget. That amount, $7 billion, added for this fiscal year, that we are just beginning to appropriate for, is for new and additional programs of contract authority.

This is money paid directly out of the Treasury. We are taxing people to get it, people like charwomen. They have to pay a tax under the present revenue laws. I think that if we are going to keep on adding these things, we should take the responsibility to appropriate the money, but when we past the contract authority, the appropriation is a formality, unless we resort to this device that I have mentioned. It is direct revenue taken out of the people's pockets.

We have the highway fund, which is the trust fund. I support a users' tax for needed additions to our airports. I wish we could go on and get that bill passed, but it is a big point with me, too. I think that the responsibility should rest directly on us, since we are using the money that is taxed from the people directly. We should take the responsibility to make appropriations everywhere.

I would be glad to try to answer any questions I can. I am not an authority on this subject. But as a member of the Committee on Appropriations, and as chairman of the Subcommittee on Transportation. I felt that I had a responsibility to the Senate.

Mr. PROXMIRE. Let me say to the distinguished Senator from Mississippi that I very deeply appreciate his remarks. I share with him his support for mass transportation. I recognize that it is a desirable and necessary program, and very important to literally millions of people who have great difficulty in getting to and from work, and that the cities cannot do the job without Federal money and Federal help. But we have to put this in proportion to all the other obligations we have, especially in the field of housing and many other areas where there is a terrific demand for money from the Treasury. If we establish absolute contract authority once more, we will be getting to the point where we are bound by what previous Congresses have done, and we will not be able to have any flexibility in controlling spending—in control of fiscal policy.

We will not be able to cut spending to make way for a higher priority program. We paralyze the power of Congress to shift more funds into housing out of mass transit, for example. So while I would agree that mass transportation should have a priority and is important, there are other things equally or more important. If we are not careful, the Appropriations Committee will get into the position where we have so much contract authority we do not have the discretion we need.

I am withdrawing my amendment which would have attempted to put mass transportation into the same appropriations position as other appropriations and deprive it of contract authority. I will not offer that amendment because I am confident the Senator from Mississippi and his committee will give this very careful and thoughtful scrutiny and will provide a reasonable limitation so that we are not bound in the future to provide appropriations out of proportion to the priority it demands.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL 1971 MILITARY BUDGET

Mr. WILLIAMS of New Jersey. Mr. President, I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the fiscal year 1971 military budget request has just been received by the Congress. I have not had the opportunity to analyze or study the matter in any detail. I would therefore emphasize that I have no firm opinions or conclusions at this time. I do however want to make the following statement in order to provide certain information for the Senate on the matter.

Preliminary to my discussion of the procurement authorization request, I will briefly refer to the military budget as a whole. The amount being requested by President Nixon for fiscal year 1971 is $71.251 billion in the form of new obligational authority. This figure does include the amount requested for military construction but does not include any requests that may be forthcoming in the supplemental appropriation. It is my understanding that there will be certain Government-wide pay raises recommended for all civilians and military personnel and the Defense supplemental appropriation will have to fund its share of any added amount.

In order to make meaningful comparisons of prior years with the $71.2 billion figure the following should be noted. The Johnson budget for fiscal year 1970 as submitted was $80.6 billion. To this amount should be added however $2.3 billion for subsequent pay raises making the total $82.9 billion. President Nixon revised the budget downward to $77.6 billion. To this amount must be added the same amount for pay raises making the total $79.9 billion. The last comparative figure is $73.9 billion which is the current fiscal year 1970 DOD budget approved by the Congress and which includes both military construction and the pay raises of last year.

Mr. President, I will now turn to the amount being requested for the authorization of military procurement and for research and development. The total in this budget for fiscal year 1971 is $20,271,000,000. Of this amount $12,869,000,000 is for procurement and $7.4 billion for R. & D. This total compares with the $20.7 billion authorized for fiscal year 1970 and $19.3 billion which was finally appropriated for these categories. The original request for procurement and R. & D. for fiscal year 1970 was $23.1 billion in the Johnson request and $21.9 billion in the Nixon request.

I am inserting a table which provides certain detailed comparisons on this entire matter and ask unanimous consent that it be inserted in the RECORD immediately following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, we are told by the President and the Secretary of Defense that the military budget for fiscal year 1971 is "austere." However, I assure the Senate that we will go over the fiscal year 1971 authorization bill very carefully and thoroughly just as we did last year. We will make every effort to cut away any fat that may be in the military program but, at the same time, we want to be certain that we do not cut into or injure the vital and essential bone and muscle. My basic philosophy is that, within reasonable limits, our military posture and national security de-

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pend more on the effectiveness, modernity and caliber of our men in uniform and our weapons and equipment than they do on sheer numbers.

The Committee on Armed Services will expedite consideration of and action upon the fiscal year 1971 bill to the greatest extent which is reasonably possible. We will commence hearings on February 18, 1970, with Secretary of Defense Melvin Laird as the first witness. Although the classified subject matter will require that most of the hearings be in executive session, we will hold open sessions whenever security permits. Soon after the hearing commences we hope to fix and announce a target date for its conclusion.

Last year I appointed three subcommittees which were of invaluable assistance to the full committee during the consideration and markup of the bill and the discussion of it on the floor of the Senate. I have appointed the same subcommittees for this year and I know that they will give timely and thorough consideration to the subject matters assigned to them. These subcommittees are already at work and will commence hearings this week. They are:

Research and Development: Senators McIntyre, chairman; Young of Ohio, Byrd of Virginia, Murphy, and Brooke.

Bomber Defense: Senators Stennis, chairman; Inouye, McIntyre, Smith, Dominick, and Murphy.

Tactical Air Power: Senators Cannon, chairman; Symington, Jackson, Young of Ohio, Thurmond, Tower, and Goldwater.

As I said we will complete action on the authorization bill just as soon as possible. When we do so it will be reported to the floor and I will ask the distinguished majority leader to schedule it for debate at the earliest practicable date. I recognize, of course, that a bill of this magnitude and importance should be debated and discussed at reasonable length and in all necessary detail. At the same time, however, I am sure that the Members of the Senate will recognize the necessity for acting upon this legislation just as soon as possible and will exercise restraint and judgment and confine the debate to pertinent matters and keep it within reasonable limits. With proper planning and cooperation by all we can consider, discuss, and act upon all of the important issues and dispose of the bill without unnecessary delay.

Before closing I want to say again that it is my personal belief that it provides better insurance for us to have a superior and highly motivated force of well-trained men equipped with modern and efficient weapons than to waste our money and our resources by attempting to match our potential adversaries with a large force and inferior equipment. It is a fact of military budgeting and financing that the quickest and surest way to cut defense expenditures is to reduce the military manpower and this, in my opinion, is an added reason for us to go to a smaller but more powerful and effective military force. Striking power and success on the battlefield does not depend on numbers alone.

Mr. President, in conclusion let me say that even before the committee takes final action on the bill, it will be my purpose to keep the Senate advised about any special or significant developments so that it can be informed of what may be expected in connection with the military programs. I will do this from time to time as circumstances dictate.

EXHIBIT 1

MILITARY PROCUREMENT AND R.D.T. & E. AUTHORIZATION REQUEST, DEPARTMENT OF DEFENSE

[In thousands of dollars]

	Authorization requested, Apr. 15, 1969, fiscal year 1970	Authorized, fiscal year 1970	Appropriated, fiscal year 1970	Authorization requested, fiscal year 1971
Procurement:				
Aircraft:				
Army	941,500	570,400	554,400	294,500
Navy and Marine Corps	2,409,200	2,391,200	1,826,200	2,452,200
Air Force	4,100,200	3,965,700	3,730,800	3,314,900
Missiles:				
Army	957,660	880,460	831,900	1,086,600
Navy	851,300	851,300	818,800	975,500
Marine Corps	20,100	20,100	3,400	27,600
Air Force	1,486,400	1,486,400	1,448,100	1,530,600
Naval vessels: Navy	2,631,400	2,983,200	2,490,300	2,578,900
Tracked combat vehicles:				
Army	305,800	228,000	201,100	206,200
Marine Corps	37,700	37,700	37,700	48,700
Other weapons:				
Army				68,200
Navy				2,789
Marine Corps				4,400
Prior-year programs				278,800
Total	13,741,260	13,414,460	11,942,700	12,869,889
Research, development, test, and evaluation:				
Army	1,849,500	1,646,055	1,596,820	1,717,900
Navy (including Marine Corps)	2,211,500	1,968,235	2,186,400	2,197,300
Air Force	3,561,200	3,156,552	3,060,600	2,909,700
Defense agencies	500,200	450,200	450,000	470,700
Emergency fund	100,000	75,000	75,000	50,000
Prior-year programs				56,000
Total	8,222,400	7,296,042	7,368,820	7,401,600
Grand total	21,963,660	20,710,502	19,311,520	20,271,489

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

Mr. HOLLAND. Mr. President, will the Senator yield to me so that I may direct some questions to him?

Mr. WILLIAMS of New Jersey. Mr. President, I yield for that purpose.

Mr. HOLLAND. Mr. President, as I understand this authorization to incur obligations which is given to the Secretary, it is to cover both agreements for grants and agreements for loans. Although the word "loans" is not specifically used in subsection (c) of the bill. The words used are, "grants or otherwise."

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. That covers both grants and loans.

Mr. WILLIAMS of New Jersey. To which part of the bill is the Senator referring?

Mr. HOLLAND. I am referring to the section that has been discussed by the Senator from Mississippi and the Senator from Wisconsin in the last few minutes. I refer to subsection (c) on page 17 of the bill.

The wording is:

> To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000.

I understand that the "or otherwise" includes the loans spoken of in the earlier part of the bill.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. I note that the Secretary is given this contractual authority, but the contractual authority is limited by the amounts of authorizations and appropriations stated later in that subsection.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. They are an authorization of $80 million prior to July 1, 1971, $310 million in the aggregate—after including what is done before that—prior to July 1, 1972, and so on with other amounts until the entire $3.1 billion is covered without any limitation date on that $3.1 billion.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. That would mean that the limitation time would be within the 10 years covered by the act.

Mr. WILLIAMS of New Jersey. The Senator is correct.

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Mr. HOLLAND. Would it be adequate, assuming that an amendment were offered and agreed to, to permit the contracting obligation to extend for amounts that were authorized to be paid within the existing year which we are appropriating for, plus 1 year, with authority to authorize the appropriations for 1 additional year. Would that give the leeway that the programs required?

Mr. WILLIAMS of New Jersey. Did the Senator say is that a parliamentary possibility?

Mr. HOLLAND. It is, of course, a parliamentary possibility. I am talking about the practicalities of the matter. I do not want to unduly cripple the program.

Mr. WILLIAMS of New Jersey. Mr. President, in terms of the need that has been described to the committee at our hearings from all of the people who testified, a 5-year Federal commitment is necessary for adequate planning and development. It is also necessary if construction is to be carried out with a reliable, known source of money. Communities themselves cannot go to their people and raise the money without such a commitment. As you know, they have their own responsibility to raise one-third of the total amount.

To do that, they have to go on the ballot, generally with a bond issue. These bond issues have been failing, because the supplementary Federal amount for the project could not be stated with any degree of certainty. That is why the bill has a 5-year contract authority provision.

Mr. HOLLAND. Mr. President, the Senator understands, and I understand the bill to mean that while contractual obligation is given for a total of $3.1 billion, the payment of the contractual authority is also limited by the figures shown in the appropriations authorization.

Mr. WILLIAMS of New Jersey. The Senator is exactly correct.

Mr. HOLLAND. The Senator understands, I hope, as I do, that the additional nearly $7 billion which is covered here has to be subsequently authorized by Congress.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. And if the contractual obligational authority is not wisely used in the opinion of Congress, it will not need to extend contractual obligating authority, but can go back to the traditional method of year-by-year appropriations.

Mr. WILLIAMS of New Jersey. I understand that, and I think it is a wise limitation.

Mr. HOLLAND. Mr. President, with that understanding, I shall support the bill. I do not want to cripple the cities and the other areas which need this relief. But I do not want to see Congress surrender its responsibility or its authority on this matter.

I think I understand that the Senator and his committee have found it is necessary to have some contractual obligation authority in the total amount of $3.1 billion given to make this program work, with the distinct understanding that if it is not wisely administered, Congress has the authority to act otherwise when it comes to the other $7 billion additional involved in the bill during the entire 10-year period.

Mr. WILLIAMS of New Jersey. The Senator is correct. That is the way the committee understands it. And certainly no one could have been more helpful in clarifying the somewhat complex contracting method contained in this legislation. The Senator from Florida has done us a great service in clarifying it for the record.

I will say that the support of the Senator is, of course, most gratefully acknowledged by those who support this bill.

Mr. HOLLAND. Mr. President, I want to say to the Senator that we are grateful to the Senators who have worked out this matter. The Senator from Florida has cities in his State that are in trouble transportationwise, as other cities are. We want to have a program that will work. Subject to the understanding I now have, I propose to support the pending bill.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Has the Proxmire amendment been withdrawn and time yielded back on that amendment?

The PRESIDING OFFICER. The amendment was never offered.

Mr. STEVENS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 13, line 12, following "public highways" insert a comma followed by "except that until such time as the Alaska Marine Highway System shall be included in the Interstate Highway System, facilities and equipment for use in the Alaska Marine Highway System shall be eligible".

Mr. STEVENS. Mr. President, Alaska's mountainous coastal geography has made highway or railway construction connecting the towns and cities of southeastern Alaska tremendously difficult and as yet prohibitively expensive. For this reason the State of Alaska has developed an extensive marine highway which serves as the transportation link for the southeastern population centers.

The fact that the transportation system is a marine ferry system should not per se exclude it from mass transportation legislation under the provision which excludes public highways. This is particularly true because Alaska at this time is not included in the Interstate Highway System and cannot receive assistance from that program.

To determine whether the Alaska marine highway, which transports passengers to and from the urban centers in the southeastern portion of the State is excluded from consideration under the Urban Mass Transportation Act, I am submitting an amendment to the mass transportation bill which simply provides that the Alaska marine highway system shall not be precluded from applying for grants and loans under the act and that the Secretary of Transportation shall not be precluded from making grants or loans to the system if it otherwise qualifies.

Mr. President, in the interest of time I shall not speak on the amendment too long. The State of Alaska has made application for moneys under the Mass Transportation Act for the Alaska marine highway. Those applications have been turned down. We understand from the rulings that have been made that unfortunately, as far as the Department of Transportation is concerned, apparently our marine highway system is a highway when talking about moneys under the mass transportation system and that it is not a highway when we are talking about the Interstate Highway System. We are the only State that is not included in the interstate highway program.

I am offering this amendment because, if it is defeated, it will establish the fact that the marine highway system is not included in the urban mass transit program. Then, when the interstate highway program comes before the Senate, I intend to offer amendments to see that this discrimination is eliminated and that the Alaska marine highway is treated as a part of the Interstate Highway System.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from Texas as much time as he needs to discuss the Alaska marine highway.

Mr. TOWER. Mr. President, I understand the Senator from Alaska offers this amendment because he believes this highway does not come under the authority of the Interstate Highway Sys-System.

Mr. STEVENS. I am trying to establish that fact definitely. If the amendment is rejected, we will have a clear record in connection with this matter.

When we apply for money from the mass transportation program, we are told to go to the highway fund; and when we apply to the highway fund, we are told to go to the mass transportation program, and so we do not get moneys from either fund. If we are not included in this program, I hope we are included in the Interstate Highway System.

Mr. TOWER. There is testimony before the committee on this bill. During the hearings the Senator from Oregon (Mr. Packwood) asked Mr. Volpe this question and Mr. Volpe replied as follows:

Senator Packwood. Yes. In Oregon we do and I would judge in most States where you have ferries used to ferry automobiles across the river that you take it out of the highway trust fund. Take the operations and capital expenditure of the ferry out of it.

Secretary Volpe. I am told that, where there is a narrow link in which a ferry could be more properly utilized for connecting two highways than building a bridge, the highway funds have been utilized to provide service.

Mr. STEVENS. But we do not have highways. The ferries are our highways. When we ask for moneys from one fund we are told to go to another fund. We are caught between the two systems. I want

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to make sure that the definition of highways does include our ferries.

Mr. TOWER. I think the place where the Senator should be trying to legislate is before the Committee on Commerce to get this in the highway trust fund. I do not believe it comes within the purview of this bill.

The **PRESIDING OFFICER.** Who yields time?

Mr. STEVENS. Mr. President, I yield back my time.

Mr. WILLIAMS of New Jersey. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was rejected.

Mr. TOWER. Mr. President, I yield myself 3 minutes on the bill. It is my understanding that there are at least three, perhaps four amendments, to be considered tomorrow. I would think we might be able to get to the third reading tomorrow night. Therefore, I was wondering if the Senator from California (Mr. Cranston) could make his amendment the pending business.

Mr. CRANSTON. Mr. President, I propose to do that at the appropriate time.

Mr. President, will the Senator yield me time to ask two questions relating to the bill?

Mr. WILLIAMS of New Jersey. Mr. President, I yield such time as he may need to the Senator from California.

Mr. CRANSTON. Mr. President, in Los Angeles, many residents of Watts and East Los Angeles are totally stranded because of the lack of adequate transportation.

In Watts, many sections of the city are well beyond 60-minute travel time in peak and off peak hours. Ninety minute travel time by bus is insufficient time to allow Watts residents to reach Santa Monica, Hollywood, Glendale, Pasadena, Whittier, Torrance, and other communities that are 7 to 18 miles distant. There is a lack of direct service often coupled with double fares.

In East Los Angeles, the same problems exist. Virtually the whole southern half of the Los Angeles metropolitan area is beyond East Los Angeles transit reach, except by inadequate three or four vehicle service.

Adequate public transportation is essential to provide access to shopping, medical care, community service centers, and other community facilities, in addition to providing the existing home-to-work service.

It is essential to supplement existing scheduled bus and taxi service with a system of smaller vehicles flexibly routed and scheduled.

It is essential to utilize the personnel, equipment, and facilities already available within the communities and expand them as required by new services.

As initial starts, it is estimated that nearly 3,000 Watts residents would use immediately on a daily basis the unfulfilled transit services. In East Los Angeles, this would be over 1,500 residents.

Such necessary services include—home to work, transit feeder, shopping trips, travel to service centers, medical trips, and senior citizens trips.

In Los Angeles, the Watts Labor Community Action Committee and the East Los Angeles Improvement Association have been coming to grips with local transportation needs under demonstration grants from the Department of Transportation. It is important that the authority of the Department of Transportation in regard to operating grants be made very clear.

I am concerned about the legislative history of S. 3154, a bill to provide long-term financing for expanded urban mass transportation programs.

Examining the section on loan and grant eligibility, section 2 of S. 3154, which amends section 3 of the Urban Mass Transportation Act of 1964, Senator Williams, is it not the intent of the legislation and the committee that S. 3154 provides the Secretary of Transportation with the authority to make grants that meet the full range of special and general community transit needs, particularly those communities within cities that have a significant population of low-income residents?

Mr. WILLIAMS of New Jersey. The answer is "yes." In my opening statement I mentioned the areas the Senator has just referred to. That is the purpose of this legislation.

Mr. CRANSTON. I appreciate that response very much.

Also, would not public transit systems be eligible for loans or grants, including nonprofit community-based transit systems and agencies of State or local bodies, provided the applicants, upon determination of the Secretary of Transportation, have or will have, first, the legal, financial, and technical capacity to carry out the proposed project, and, second, satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment?

Mr. WILLIAMS of New Jersey. Those are the criteria and conditions, and the answer is "Yes."

Mr. CRANSTON. I thank the Senator. Those responses are extremely helpful to the people of California and other areas.

AMENDMENT NO. 449

Mr. President, if it is now in order, I call up my amendment No. 449, in behalf of myself and Senators Murphy, Case, Gravel, Hart, Muskie, Nelson, Ribicoff, Goodell, Kennedy, and Inouye, and ask that it be made the pending business before the Senate.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment (No. 449) as follows:

Amendment No. 449

On page 17, lines 22 and 23, strike out "$3,100,000,000" and insert in lieu thereof "$10,000,000,000".

On page 18, line 8, strike out "$3,100,000,000" and insert in lieu thereof "$10,000,000,000".

Mr. CRANSTON. Mr. President, I yield myself such time as I may require.

Today I rise to speak on one of the most critical problems facing our country in the seventies—the desperate plight of our public transportation system.

Although we live in the richest, most technologically advanced country in the world, adequate, reliable, and inexpensive public transportation is virtually nonexistent.

Other countries with fewer resources, such as Mexico, Canada, and France, have public transportation systems superior to any system in operation in this country.

If we truly want to improve the quality of life for all Americans as emphasized by the President in his state of the Union message, the development of a modern, efficient public transportation system is absolutely essential.

The lack of adequate public transportation is one of the main reasons for the decreasing amount of breathable air, and the increasing amount of decay and blight, which is commonplace in so many urban areas throughout the country.

Highway systems are strangling our cities and countryside in coils of concrete, and smothering them in exhaust fumes.

We have become far too dependent on the automobile and its internal combustion engine which proliferates our alarming environmental pollution. Many of our cities are considering banning automobile use during smog alerts.

Clearly, we can find better ways to move many of our people through our cities and across our countryside.

The development of reliable, inexpensive public transportation will not only help solve our pollution problem, but is also absolutely essential if we sincerely want to revitalize our cities and end urban sprawl.

Many millions of our citizens—our fellow Americans—have virtually no chance to improve their quality of life. For these citizens are trapped in urban slums, existing from day to day in rat-infested tenements. These fellow Americans want employment to better themselves. However, jobs remain vacant because there is no reliable, inexpensive public transportation to get them to these jobs.

The problem of getting to and from work for residents of the core city is becoming increasingly acute, since many companies now locate their plants in suburban areas surrounding the city because of favorable tax treatment.

In Los Angeles, residents of East Los Angeles must travel 19 miles to Santa Monica to work at a large aircraft plant. The roundtrip costs $1.40, and takes a total of 4 hours. Residents of Watts traveling to Santa Monica for employment must pay $1.65 for a roundtrip which takes a total of well over 5 hours.

Similar situations exist in major metropolitan areas throughout the country. I do not want to give anyone the impression that the lack of adequate public transportation is a problem which solely concerns our large metropolitan areas. Nothing could be further from the truth.

Last Friday, I inserted in the Record a list of 124 small cities throughout the Nation that have discontinued all public transportation service since 1954.

I am sure all of you know of bus lines in your State that are operating at or near a state of economic oblivion. Thus, in these towns and cities, the old and infirm who are unable to operate automobiles, and the poor who cannot afford

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to operate automobiles are literally immobile.

We cannot in good conscience allow this state of affairs to continue.

Clearly, local governments cannot alone bear the costs of providing adequate public transportation for its citizens. Innovative proposals are being rejected from Los Angeles to Atlanta by already severely overtaxed local property owners.

Federal financial assistance is a must if we are to begin to solve our public transportation problems.

I was disappointed that the President rejected the trust fund method of financing in proposing legislation to provide Federal assistance. That method has proven its effectiveness and its trustworthiness, being largely responsible for the success of our federally aided highway system. The trust fund concept allows funds to be earmarked for public transportation. Moreover, the amount of Federal funds available would not be subject to the whims of Congress.

It would be possible to make a reasonable estimate as to the amount of Federal funds that would be available each year. This would allow local communities to plan public transportation systems with the certain knowledge that—when their plans were approved by the Department of Transportation—adequate Federal funds would be available on a dependable basis.

Unfortunately, proposed public transportation legislation utilizing the trust fund method of financing could not be reported out of the Banking and Currency Committee—mainly because of opposition by the Nixon administration.

Last year Senator Harrison Williams, the leading advocate in the Senate for Federal assistance for public transportation, held 7 days of hearings on various legislative proposals designed to meet these needs. As a result of the hearings, the Mass Transportation Assistance Act of 1969, S. 3154, was drafted and subsequently reported favorably out of the Banking and Currency Committee.

S. 3154 utilizes the contract method of financing which is an acceptable alternative to the preferred trust fund method of financing.

Last August, President Nixon recognized the need for substantial Federal assistance when he proposed that $10 billion be made available out of the general funds over a 12-year period to help meet the Nation's mass transportation needs.

The able Senator from New Jersey (Mr. Williams), who has done magnificent work on this bill and in this general field, referred to the need for that sum—$10 billion—in his statement to the Senate when he presented this Mass Transportation Act to the Senate.

The bill itself refers to the need for $10 billion. But the bill commits not $10 billion but $3.1 billion.

I propose, through my amendment, to commit that $10 billion.

As Senator Williams has explained, S. 3154 provides that the Secretary of Transportation shall have the authority to obligate funds totaling $3.1 billion to various localities with the full faith and credit of the U.S. Government behind such obligations.

Under S. 3154, actual expenditures would be limited to $1.86 billion over a 5-year period.

I agree in principle with S. 3154, but I believe that the financial commitment made under this legislation is totally inadequate to meet the proven needs.

For instance, in my State in the past 5 years, BART—Bay Area Rapid Transit—has alone spent over $800 million on its new mass, but incomplete, transit system. It is expected that the completed system will cost around $1.5 billion.

In Los Angeles, where the need for mass transit is one of the most critical in the country, it is projected that $2.5 billion must be spent over the next 8 years to meet the transportation needs of the inner city alone.

It is estimated by the New York City Transportation Department that in the next 5 years, $1 billion could be spent solely in New York City for its public transportation needs.

Right here in the Nation's Capital, it is projected that $2.5 billion will be spent on the rapid mass transit system.

These examples are indicative of the need for funds which exist in all the major metropolitan areas of the country.

The transportation crisis facing our country calls for massive and immediate action.

We cannot settle for small sums which simply oil the creaking wheels of the status quo.

In order that various localities may seriously begin to plan their public transportation systems, we in Congress must make it manifestly clear that we are totally committed to spending the $10 billion the President said was needed.

Accordingly, I am offering an amendment to S. 3154 which would make $10 billion available for obligation rather than the $3.1 billion contained in the bill.

Although I believe that the authorized rate of actual expenditures in the first 5 years is unduly restrictive, my amendment would not change that rate—so it would not unbalance the President's new budget or any impending budgets, nor would it in any way affect or impede the administration's fight against inflation.

Opponents of my amendment argue that a $6.9 billion increase in the obligation authority will falsely reflect an increase in the President's budget, thereby fueling the flames of inflation.

It is inconceivable to me how the authority to obligate funds—not a requirement to spend those funds at any specified time—is inflationary.

This is especially true since the President himself has total discretion, under this bill, as to when and how much of those funds ought to be obligated.

Clearly, my amendment is not inflationary. It simply commits the necessary funds in order that plans may be drafted by communities, big and small, across our land with confidence that the Federal Government supports them.

I earnestly seek bipartisan support for my amendment—and I am delighted that bipartisanship is already reflected in the cosponsors who are backing it.

I hope also for the support of Senators from States without huge cities but with smaller cities and towns as well as the support of Senators from States with great metropolitan areas. That, too, is demonstrated already among the cosponsors.

Bipartisan and geographical support is already shown, too, by the fact that Mayor Lindsay of New York on the east coast, Mayor Alioto of San Francisco on the west coast, and Mayor Stokes of Cleveland in the heartland of our Nation, support my effort to commit $10 billion to mass transportation.

Mr. President, the lack of adequate, reliable, inexpensive transportation, is a problem which concerns us all.

I hope and trust that we all will work together to solve this problem, giving it the magnitude of financial support it requires.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. Sixty-three minutes to the Senator from New Jersey and 76 minutes to the Senator from Texas.

Mr. BYRD of West Virginia. I thank the Senator.

ORDER OF BUSINESS

Mr. MURPHY. Mr. President——

Mr. TOWER. Mr. President, how much time does the Senator want?

Mr. MURPHY. I thought we were approaching the finish of business for the day, and I would like to make a statement at the conclusion of the day's business.

Mr. BYRD of West Virginia. Mr. President, I may advise the Senator from California that we are approaching the finish of business for today, but we are operating under controlled time.

Mr. MURPHY. Then I will withhold the statement until we are no longer under controlled time.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that we provide a brief period for the transaction of additional routine morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from California is recognized.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the time taken for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, are we now operating under a unanimous consent for the conduct of routine morning business?

The PRESIDING OFFICER. That is correct.

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ADMIRAL RAYMOND AMES SPRUANCE

Mr. MURPHY. Mr. President, in the death of Adm. Raymond Ames Spruance on December 13, 1969, the Nation is bereft of one of its finest fighting admirals, a distinguished Ambassador, and a man devoted to the ideals of America.

His naval career, destined to be filled with many achievements, began as a midshipman in the Naval Academy class of 1907. Even then he exhibited a quiet modesty, a characteristic for which he was so well known years later.

As a young officer, Admiral Spruance's naval career reveals a pattern of excellence and of seeking nothing except to serve well in whatever the task assigned. He early earned distinction as an outstanding destroyer skipper, commanding destroyers *Bainbridge, Aaron Ward,* and *Percival* at intervals in the years from 1913 to 1921. One of his superiors was Comdr.—later Fleet Admiral—William F. Halsey, who, in an official report stated:

> Commander Spruance is one of the best all-around officers I have ever served with . . . I invariably seek his opinion on knotty problems.

Years later Admiral Halsey's words proved particularly apt when he and Admiral Spruance, as commanders of the 3d and 5th Fleets, swept the Japanese Navy from the Pacific.

Nowhere did Admiral Spruance serve his country better than at the Battle of Midway when he gave the Nation its most crucial naval victory of World War II. In May and June 1942 as Japanese plans for the capture of Midway Island got underway, Admiral Halsey was taken ill and temporarily had to relinquish command of his task force. Admiral Spruance was appointed in his place.

On the fourth of June 1942, planes from Admiral Spruance's two carriers, *Hornet* and *Enterprise,* and from Admiral Fletcher's *Yorktown* sank three Japanese carriers, wrecking the enemy's offensive. When *Yorktown* was crippled, Admiral Spruance assumed overall command, pursued the enemy, and wrought damage that cost the Japanese another carrier and a heavy cruiser.

With characteristic modesty he credited much of the Midway victory to good fortune and to the excellent planning of the Pacific Fleet's commander in chief, Adm. Chester W. Nimitz. Nevertheless, outnumbered but aggressively and superbly handled, Spruance's ships and fighting men had won one of the world's greatest naval battles—and one upon which the fate of the Pacific war rested.

In mid-1942 Admiral Spruance took up duties as Chief of Staff to Admiral Nimitz who appreciated his strategic genius, his analytical mind, and his gift for outlining complex ideas in simple terms. Together they developed and began to execute the famed "island hopping" strategy against Japan. Bases to be captured in the Gilberts and Marshalls would support further thrusts into the Carolines, Marianas, Philippines, and eventually to Japan itself. In mid-1943 Nimitz placed Spruance in command of the planned invasion of the Gilberts. His fleet took the objective in November 1943—the first major amphibious strike against the Japanese empire. The capture of Majuro in the Marshalls, specifically designed by Admiral Spruance to give the U.S. Fleet an excellent anchorage, served as a starting point for strikes against the remaining Central Pacific enemy bases.

The capture of the Marianas in June 1944 brought U.S. land-based bombers in range of the Japanese homeland. Admiral Spruance's 5th Fleet insured success by its smashing defeat of the Japanese fleet in the Battle of the Philippine Sea. For one day of heavy air action, Spruance's naval pilots completely wiped out the enemy aircraft strength and sank or damaged several large ships. From this point on, Japan's carrier strength was eliminated as a major strike force.

Spruance's fleet next returned to action in the Iwo Jima operation and the landing on Okinawa. In the kamikaze onslaughts Spruance's flagship was hit but the fleet commander was unhurt.

When the atomic bomb attacks brought the war to an abrupt end, Admiral Spruance was planning for the invasion of Japan. Had it taken place, he would have been in command of the landings.

During the fall of 1945, Admiral Spruance directed the Navy's part of the occupation of Japan. With victory in hand he relaxed his well-known reluctance to meet the press. But his natural modesty and high regard for security continued to insure that he would be the least-widely known of our important wartime leaders.

In November 1945, Admiral Spruance relieved Fleet Admiral Nimitz as commander in chief Pacific Fleet, but shortly thereafter was named to the presidency of the Naval War College. Here he spent the next 2 years guiding the Navy's advanced studies in strategy and tactics, and instilling the lessons learned in the recent war.

On July 1, 1948, Admiral Spruance retired to his home in California after 45 years of naval service.

But less than 4 years later, events combined to place him back in service to his country when President Truman named him as Ambassador to the Republic of the Philippines, where from 1952 to 1955 he ably represented the United States in negotiating a number of important agreements.

After a much regretted departure from his diplomatic post, he again chose to retire to his home in Pebble Beach, Calif., where he lived quietly until his recent death. Fittingly, his final resting place is beside that of Admiral Nimitz at the Golden Gate Cemetery, in San Francisco. It is appropriate to set forth here Admiral Nimitz's words on his old comrade-in-arms:

> It is given to few Americans to serve their country so effectively and at such high levels as did this man. His career will serve as an example and a challenge to service personnel and diplomats alike.

The great American victories of Midway, the Marshalls, Iwo Jima, and the Philippine Sea that smashed the Japanese Navy are symbols of the special genius that was Admiral Spruance's. In his quiet, unspectacular fashion, he achieved further distinction as a diplomatist. His accomplishments have earned him an enduring place in our Nation's history.

Mr. President, Admiral Spruance was hailed by the Reader's Digest in April 1957 and on September 16, 1969, shortly after his death, by the San Francisco Examiner. I ask unanimous consent that these words of tribute to a fine American be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, April 1957]

THERE WAS A MAN

(By William L. Worden)

Like a charging mastiff annoyed by a flea, the cruiser *Indianapolis* cut power suddenly. As our landing craft raced alongside, a ladder banged down and sailors hurridly hauled up my duffle bag. Then, before I had reached the quarterdeck, the big ship was under way once more, her engines throbbing. Behind us, on Saipan, the artillery cursed monotonously.

At the door of the admiral's office a small, straight-backed man met me. His greeting was neutral—neither friendly nor cold. His voice was almost excessively quiet.

"You may as well know, Mr. Worden," he said, "that I did not want you, or any press correspondent aboard my ship. I was overruled, however, and now that you're here, I want you to do a good job. First, I think you should read these"—he indicated two bulky files of messages—"so that you'll understand our problem. I'll explain later anything that isn't clear."

Admiral Raymond A. Spruance, commander of the U.S. Fifth Fleet, turned away. Presently I was leafing through the files, which no one less than a top admiral would have dared show a civilian war correspondent. Even for an amateur, the story wasn't hard to sort out. The day was June 17, 1944, U.S. amphibious forces were attacking Saipan. Hundreds of American transports, supply vessels and landing craft were frighteningly vulnerable, landing Marines and soldiers on the beach. And somewhere in the Pacific, west of Saipan, a Japanese fleet was reported loose. Somebody had to find and stop that fleet before its planes or ships got in among these sitting ducks.

At four that afternoon Admiral Spruance summoned me. Together we paced the deck, forward and aft, while he explained the situation. As we walked, the *Indianapolis,* Spruance's flagship, began to overtake the Fifth Fleet—the most powerful the world had ever known—strung out in lines across the sea. We moved past aircraft carriers and cruisers, battleships so new they still smelled like the shipyards, tired destroyers which had not been home for years.

"This is the first time in many months that the Japanese fleet has been out in force," said the admiral. "Of course we'd like to find it—to destroy it might shorten the war by a good deal."

Spruance paused to acknowledge a message, then went on. "My first mission, however, is to protect the landing ships at Saipan. Until we know exactly where the enemy is, we must be positive that we are between his possible locations and those landing ships.

"We'll go west until midnight, so as to be in position to fight if our patrol planes find the enemy. At midnight, unless he has been definitely located, we'll turn and come back toward Saipan. I have no other choice."

There was tension aboard every ship in the fleet as it sped westward that evening, in search of the Japanese armada. In the

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middle of the blacked-out night I climbed to the bridge and watched the dim silhouettes of ships around us. At midnight an order was given in a low voice. The vibration of the ship changed a little, and I thought I heard breath expelled all around me, as if many men had been waiting. Someone said, "Well, that's it. We're going back."

Nobody had found the Japanese fleet. I went to bed.

For a while I lay there thinking. The next few hours could bring the fateful turning point in the struggle with Japan, and the beginning of the end. After nearly three years of war, which now seemed almost a way of life, this was an astonishing thought.

Then a second thought crossed my mind. If the enemy fleet could be found now, and destroyed, within hours the small man sleeping in the admiral's cabin might well become the most famous U.S. naval officer of World War II—or, if he failed, an infamous bungler. I wondered about Spruance, so unlike the popular idea of the hero. He was the schoolmaster, the naval scientist, the quiet man with little interest in public relations, only a name to the men in the fleet. How little any of us really knew about him.

We did not find the Japanese fleet the next day, or the next night. That afternoon we raced once more to the west, kept going through the evening hours at the fastest cruising speed the fleet could sustain. Radars hunted, hopefully but futilely. Combat air patrols swung far west, returning only when their gasoline supply dictated it. Chiefs growled at the slightest oversight in the readiness of gun crews, checked ammunition, cracked their knuckles with nervousness. In a passageway a young ship's officer said what all of us were thinking: "If the Old Man pulls it off this time, they'll be naming streets after him all over the country."

I doubt that anyone aboard slept that evening. Radar dials drew clusters of men, watching over the shoulders of the operators. In the wardroom, officers left coffee cups half full without knowing it, and stewards jumped as if at a general alarm when someone spoke to them in normal tones.

But on the radar there was nothing. Bow lookouts could see nothing. The radio had nothing. The dark ship in the center of the world's largest fleet of dark ships slipped through the phosphorescent water, everyone on board waiting—but the alarm did not come.

Finally, with a great sighing of gear, the fleet turned east. In the corners of the wardroom, junior officers began to talk in low voices. The most daring spoke almost in whispers when they said, "Halsey wouldn't be doing it this way."

But the quiet man who had given the order to turn said nothing more. If he knew that in more than one ship men were muttering that the Japanese fleet *had* to be somewhere to the west, on our sterns now, he gave no sign. If he knew that in the Navy Department some questioned whether he was dodging a fight, he gave no indication. Most of the evening he spent in his cabin, quietly reading an English novel. Finally he closed his book, glanced at some messages from the decoding room, then calmly went to bed.

The next morning we were off Saipan again when a big seaplane came in. A few moments later a launch put out from the seaplane tender and headed toward us at full speed. Soon a staff officer approached us, his face dead white. He was carrying a message. He said, "Sir, that patrol plane . . . it made contact with the Japanese fleet last night. . . ." He hesitated. "At that time we were within easy range of it. We could have . . ."

Admiral Spruance said, "The plane made no radio report?"

"None received, sir. Atmospheric conditions must have blacked out their radio."

I am an amateur in war. What went through my mind has little validity: the horrendous thought that this single communications failure could mean months more of fighting, endless deaths, a long line of widows and orphans. When I think about it now, I wonder if that failure produced the situation which led to the horror of Hiroshima—and again I am appalled. These questions have no answers. The one thing I know is that, if we could have caught the Japanese fleet that night, it would have been destroyed.

Admiral Raymond Spruance took the dispatch from the staff officer, read it carefully, and slowly handed it back. In his quiet voice he said one sentence: "That's too bad, isn't it?"

The rest is history. Later that day an aide touched my arm. "The admiral," he said, "thinks you would be interested to know that we have a contact with enemy planes, nearing Guam."

After 12 years I can still remember the high whine as ships went up to maximum speed: the howl and roar as planes were launched in scores; the strained expressions as tension began to catch up with officers and men.

The battle reports came in fragments all through the day: enemy bombers had damaged four ships; 17 U.S. planes had not come back. Not until dusk were the final, all-important figures assembled: 402 enemy planes definitely destroyed.

Admiral Spruance looked out to the west. "That will hurt him," he said. "He can't have too much striking power left."

"This is the opportunity we've been looking for," a staff officer volunteered. "Now he'll have to bring his fleet in close to do any harm. We might get him with air and surface ships both . . ."

Spruance looked up, as if at a schoolboy. "Yes," he said, "if we can find him."

And find him we did. On the afternoon of June 20, planes again located the Japanese ships, but so far out that there was no real chance to catch them with our surface vessels. Even the hundreds of planes that were launched could reach the Japanese only at maximum flying range and in the dying minutes of daylight. They sank two enemy aircraft carriers, two destroyers and a tanker, damaged three other carriers, a battleship and three cruisers while losing 16 planes. Admiral Spruance had an important victory—but it was far from the complete one he might have had.

Some thousands of men may remember the quiet man who walked the deck of the *Indianapolis* during those fateful days. Millions of Americans may also remember the impassive face of Admiral Spruance—no gloating there, neither pity nor pride evident—as he appeared in photographs of the Japanese surrender ceremonies a little more than a year later. Thousands of Filipinos remember him as the thin, graying man who came to them as ambassador, quietly helping their government when it most needed bolstering in the early 1950's. A few Californians may know him today as an unobtrusive neighbor in retirement.

I've seen him in most of these roles, and occasionally elsewhere. But to me no time has been as important as that hot morning when he received word that a communications failure had cost the nation its chance to cut months from the war, the armed forces their opportunity to save thousands of lives and—quite incidentally—Raymond Spruance the greatest day he could have hoped to have in a long and distinguished naval career.

Of only a few things am I certain. One is that Raymond Spruance wasted no time in regrets. His was an economical mind, already turned to the question of what to do next. I'm even more certain that one consideration never crossed his mind: whether Raymond Spruance might have been a great hero, if things had happened otherwise.

Which perhaps is why I remember, above all others I have known, the man who neither cursed nor complained, who did not even raise his voice when he said, "That's too bad, isn't it?"

There was a man.

[From the San Francisco Examiner, Dec. 16, 1969]

ADMIRAL SPRUANCE

Admiral Raymond A. Spruance was an authentic hero in the American tradition: the little known military personality who is thrust into battle as an underdog and wins.

The battle was Midway, a great clash of American-Japanese naval forces and the first full scale test of carrier operations. The Americans won it in a turning point of the war at sea.

It was not Spruance's last victory, but it well may have been his most important. It marked his emergence as a naval commander of superb capacity and it gave Americans a victory their spirits badly needed.

The admiral's death Saturday at Pebble Beach recalls all this. Americans of adult awareness at the time he was fighting in the Pacific do not require their memories jogged, but those who are younger should be reminded of the flesh-and-blood character of the names in the history books and the obituary columns. Such are the Spruances, whose mark is imprinted in our national annals.

SENATOR JAVITS PROPOSES REGIONAL MIDEAST PEACE TALKS; SEES TEST OF ISRAEL'S STRENGTH CONTINUING

Mr. JAVITS. Mr. President, Israel is determined that this time the peace must be permanent. This is the key to its whole outlook as I found it during my recent visit there. This certainly should be the policy of the United States, and President Nixon clearly implied as much in his January 26 statement to the Emergency Conference on Peace in the Middle East. The President recognizes clearly, as have all U.S. Presidents beginning with President Truman in 1945, that the United States stands by its friends, and Israel is one of its friends. This is dictated also by the fact Israel is a bulwark of democracy in the eastern Mediterranean, having shown every capacity to preserve its own nationhood and to prevent the U.S.S.R. from exercising hegemony over the entire area. In a sense, Israel is fighting this battle for the whole free world. The Middle East, at the crossroads of three continents, still meets 50 percent of Western Europe's energy needs through the supply of oil. To sit astride this vital area and to dictate terms is the key to Soviet policy there.

The people of Israel have suffered much—and have been disillusioned by the events following the broken promises of President Nasser to President Eisenhower in 1957. The Israelis are unwilling to accept another paper peace. Indirect assurances and ambiguous promises by those Arab States hostile to Israel regarding the critical issues vital to Israel's survival—the security of borders, the reunification of Jerusalem, resettlement of Palestinian Arab refugees and freedom of transit through international water-

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ways—are just not acceptable. Indeed, I found sentiment for a permanent Middle East peace in my visits to two Moslem countries—Turkey and Iran.

A new major factor complicating the search for peace in the Mideast is the rise of the Arab commando organizations, organized under various banners but primarily identified with the El Fatah led by Arafat. These commando groups, employing terrorist tactics, also are challenging the political authority of the established Governments of Jordan, the United Arab Republic, and Lebanon. They are, in fact, a greater threat to the Arab States than to Israel.

Today there seems to be no Arab regime ready or able to sit down and talk with Israel. And precisely because there is no one to deal with in the Arab world, Israel is deeply disturbed by the fact that the United States has made proposals for a settlement which the Israelis believe they cannot live with.

The big two and big four talks have not produced any meaningful results toward achieving a Mideast peace. Under present conditions, in which the Soviet Union has chosen to act as a spokesman or agent for the radical Arab States, it is difficult to see how the big four talks can make any real progress.

Inevitably this situation has cast the United States in the role of being a surrogate for Israel—a role which is not the choosing of Israel or the United States and a role not congenial either to Washington or Jerusalem. Moreover, the unwitting assumption of the surrogate role by the United States has been skillfully and relentlessly exploited by the Soviet Union to the disadvantage of both Israel and the United States. Indeed, it has caused the United States to be "entrapped" into making proposals on Palestinian Arab refugees, borders, and Jerusalem in Secretary Rogers' speech of December 9, which Israel sincerely feels jeopardizes its very survival and which were nonetheless promptly—and embarrassingly to the United States—repudiated by the U.S.S.R.

The time has come to end the barren course being followed in the big two or big four context with its built-in disadvantage of encouraging the radical Arab States to remain away from the peace table in the hope that big power pressure on Israel will force crippling concessions that the Arabs could never win in peace negotiations.

Ideally, the parties to the 1967 conflict should meet alone, settling old antagonisms and charting future cooperation on a give-and-take basis without the participation of outside powers. The outcome of the now sterile big power talks is expected to be further recourse to Ambassador Jarring's mediating role via the U.N. But the history of this mission does not hold promise for bringing Israel and her Arab foes to the peace table even though a Rhodes-type negotiation is still the most practical way.

It would appear now that the present test of Israel's strength will continue until the warring Arab States become convinced that Israel will be able also to contain the Arab commandos. Then the threat to Israel's security will have been repulsed, the antipeace influence of the Arab commandos in the warring Arab countries will have abated, and peace talks could ensue.

Should the President feel that he must continue the four power talks, then the establishment of a forum for the peace negotiations is a much more desirable goal than the present effort to write the terms of the peace. Therefore, in the interim, I woull propose that the United States should explore with other interested nations the possibility of a regional peace conference and what ought to be the agenda, location, and parties to it.

President Nixon has made it clear that "peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them." And peace in the Middle East, to be made really secure against future dangers of war, should be regional.

Israel's leaders expressed great concern that Secretary Rogers' speech of December 9 had the main disadvantage of freezing the radical Arab leaders into their intransigent positions in which they are unwilling to negotiate or in any way to change the present situation of smouldering war. The Israelis attribute this false optimism on the part of these Arab leaders to a belief by them that Secretary Rogers' speech was but a portent of shift in U.S. policy to one of compelling Israel to accept terms which Israel fears would endanger its survival.

I consider it to be of the utmost significance in this respect that Secretary Rogers made it clear in his speech that under no circumstances would the United States compel Israel to accept a dictated peace. Similarly, President Nixon, in his message on January 26 to the Emergency Conference of the Presidents of Jewish Organizations, reiterated this point and gave the highest authority to it by assuring Israel of the supply of arms needed to maintain its security and the arms balance in the Middle East.

The President's message also contains a response to a vital new development in the Mideast arms equation—one which Israel regards with the greatest gravity. This is the seeming detachment of France from the effort to bring peace to the area and the casting of France by President Pompidou in the new role of another major arms supplier to the radical Arab States determined to drive Israel into the sea. Naturally, the United States cannot dictate to France what its policy should be in this regard, any more than France can dictate to the United States. But the United States must take into account in its own policy formulations the clear fact that jet fighter-bombers sold to Libya—especially following Libya's alliance with President Nasser's United Arab Republic—will be available and capable of being used for deployment against Israel. In ascertaining the arms balance in the area, these French fighter planes must be considered part of the arsenal poised against Israel. Accordingly, I would assume that prompt affirmative action will be taken with respect to Israel's pending arms-purchase requests—especially as these requests were made before France's arms deal with Libya.

The strong feelings heard in Israel regarding Jerusalem, boundaries, and refugees are all attributable to the text as well as the implications which are read into the proposals of Secretary Rogers for a settlement of the Arab-Israel conflict.

Israel does not see how it can be expected, for example, to have an open-ended agreement to accept back significant numbers of refugees when the refugee camps are now the base of guerrilla recruiting and commando activities. They feel that the El Fatah could exert a decisive influence over those Arab refugees who reenter Israel and that this infiltrating fifth column would provide Arafat with a capability to destroy and terrorize from within—a capability the El Fatah has thus far been unable to achieve by contest of arms with Israel's security forces.

Of course, Secretary Rogers, they say, points out that there must be an agreement between the Israelis and Arabs on the numbers to be received back into Israel. With the million refugees that are likely to be at issue, the Israelis say they would immediately be charged with bad faith if they did not stipulate some substantial number; yet the minute they did that, they would find nothing in the Rogers' proposals which gave them any security checks on those that they are being asked to admit. They point out the urgency of this problem since Secretary Rogers' proposals contain a requirement that Arab refugees should begin to be repatriated within 90 days of such an agreement. The Israelis note that they have always been agreeable to paying compensation and are willing to negotiate reunion of families; but that they simply cannot harbor a massive fifth column in their country.

On the question of boundaries, the Israelis declare that there must be boundary adjustments which will be more than "insubstantial"—the term used by Secretary Rogers. For example, they simply cannot accept resumed Syrian control of the Golan Heights, where gun emplacements looked right drown the throat of Israeli settlements in the Valley of Galilee. Nor, they insist, can they allow the waist of Israel between Tel Aviv and Haifa again to be narrowed to just 12 miles in width and thereby placing Israeli coastal communities within the range of Jordanian medium artillery. This territorial anamoly had been created out of land seized by Jordan by the end of the fighting of 1948 and made a part of the armistice agreement which superseded the 1947 U.N. partition plan. As for the Gaza Strip now in Israeli hands, they point out that it never did belong to Egypt. But it became an Egyptian base in the heart of Israel—a base from which major oil pipelines between the Mediterranean and the port of Eilat could be severed. The Israelis point out that the Sinai Peninsula, from which the United Arab Republic has marshalled its forces for aggression against Israel three times since Israel gained statehood in 1948, is not traditionally Egypt's territory. Israel feels that Sinai should be militarily neutralized at the very least.

The problem of Jerusalem also looms very large to Israel. Jerusalem is its natural and historic capital. After Jerusalem

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was divided as a result of the 1948 armistice, Israel proceeded with tremendous reconstruction in the New City including Government buildings, universities, museums, hospitals, and other major structures of a modern state. But the Old City, which was held by Jordan for the same nearly 20-year period, was ultimately used only as a base for military operations against Israel. The Israelis feel that the shrines of Christians as well as Jews would be endangered if the Old City should now revert to Jordanian control. They cite as evidence of this danger the fanatical and hate-filled reaction of the Arab countries to the Al Aksa Mosque fire even after it was established that it was the work of a crackpot who managed to get past the mosque's Moslem guards.

Now I do not say that certain of these questions will not be compromised by Israel; or that they are not capable of some better resolution. But I do say that the fears expressed by Israel certainly have substance and legitimacy and are not simply an intransigent refusal to give honest consideration to Secretary Rogers' proposals. Obviously the United States recognizes this in having made it very clear that under no circumstances would it use coercion on Israel; nor would it let Israel's position stand in the way of continued economic assistance and the making available of military equipment for sale. President Nixon's January 26 message is clear on that point and Secretary Rogers said as much also in his December 9 speech.

The emphasis would now seem to be in assuring that Israel gets the economic and military means to survive. Consideration of the military problem requires competent appraisal by our authorities including our military authorities, as to how the arms balance in the area can be maintained. The success of Israel against the Arab armies cannot be the decisive criterion. If it were, the hostile Arab armies would be permitted to get a long lead in sophisticated arms and in instruction on how to use them. The most valorous breast—and the Israelis certainly have that—cannot stand up indefinitely against such a massive accumulation of modern destructive weapons and the know-how that is provided with them. It would be a dangerous illusion for the world—and the first to repudiate it would be the Israelis themselves—to suppose that they are unbeatable by superior armament.

The question of Israel's economic development should have high-priority attention during this difficult period. Israel is spending as much as 25 percent of its gross national product on vital defense needs. It remains fully mobilized, and its economic problems are, therefore, enormous. A good deal of its payment deficit will be made up from purchase of Israel bonds, contributions to the resettlement of Jewish immigrants, as well as certain ongoing international payments. But even considering Israel's drive, a tremendous deficit will still remain. For this Israel is seeking assistance from the United States, as well as food under the Public Law 480 legislation.

Israel, at this time, even while it is fighting off the commandos, dealing with the dangers of the occupied areas, and marking time until there is someone to negotiate peace with in the Arab world, can be encouraged to take action to attack more substantially the problem of economic development in the occupied areas heavily populated by Palestinian refugees. For it is clear that no matter what political disposition may ultimately be made of these areas, the Arab refugees could live and prosper there. UNRWA, the United Nations agency offering relief to the Arab refugees—to which the United States heavily contributes—has only a limited mandate to support the refugees and therefore has been unable to make any large-scale progress toward a permanent solution of the problem in the last 20 years.

While the present situation, in which about half the Arab refugees are under Israel's jurisdiction, is unique, Israel could offer them compensation as an element of a world resettlement plan for the refugees. This was the formula pursued after World War II in clearing the displaced persons camps of Europe. The United States, in fact, took 15 percent of the 2 million refugees who were in the DP camps. There seems no reason why initiative should not be begun for an international resettlement scheme for Palestinian Arab refugees who decide they wish to resettle outside the presently occupied areas.

Accordingly, it seems to me the first priority now is to bring about sympathetic and favorable consideration of Israel's requests for economic aid and purchases of military equipment, which the President has stated he will pass on within 30 days. I feel that in this I am joined by millions of Americans and a very large number of Members of both Houses of Congress, and I am encouraged also by the President's statement of January 26 and by his historic talks with Prime Minister Meir when she was in the United States.

DEATH OF REPRESENTATIVE GLENARD P. LIPSCOMB OF CALIFORNIA

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 811.

The PRESIDING OFFICER laid before the Senate a resolution of the House of Representatives (H. Res. 811), which was read as follows:

H. Res. 811

Resolved, That the House has heard with profound sorrow of the death of the Honorable Glenard P. Lipscomb, a Representative from the State of California.

Resolved, That a committee of fifty Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MURPHY. Mr. President, it is with much sadness and a feeling of bereavement that I inform the Senate of the passing of Representative GLENARD P. LIPSCOMB, Republican, 24th District, of California. Congressman LIPSCOMB was a good friend and close associate and his passing is a great loss to me personally and to the citizens of California, whom he represented so ably.

A Member of Congress since 1953, Congressman LIPSCOMB was acknowledged as one of the foremost authorities on national defense and military spending. Since 1965 he has served as the senior Republican member of the Defense Appropriations Subcommittee of the House, and was the ranking minority member of the Committee on House Administration. He was also chairman of our California Republican delegation and a member of the Joint Committee on Printing.

Congress LIPSCOMB had many close friends in both California and Washington. Among them were President Richard Nixon and Secretary of Defense Melvin Laird. His untimely passing will leave a void in the hearts of his many friends, a void in the House where he served with dedication and distinction, and a void in California, his home since childhood.

He will be missed as a great legislator. Congressman LIPSCOMB was a constant champion of the taxpayer and a continual foe of bureaucratic waste and excessive Federal spending. He commanded the respect of his colleagues and the entire California delegation.

On behalf of the entire Senate, Mr. President, may I extend our heartfelt sympathy to Congressman LIPSCOMB's lovely wife, Virginia, and his two daughters, Mrs. Louis Grasso and Mrs. Robert Murrell.

Memorial services will be held at 10:30 a.m. Tuesday, February 3, at the Fourth Presbyterian Church, 5500 River Road, Bethesda, Md. Interment will be in the Forest Lawn Memorial Park, Hollywood Hills, Glendale, Calif., following funeral services there at 1 p.m., Wednesday, February 4, 1970.

S. RES. 352

Mr. President, I submit the following resolution on behalf of myself and my colleague from California:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. GLENARD P. LIPSCOMB, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the resolution.

Mr. CRANSTON. Mr. President, I join my esteemed senior colleague in mourning the passing of GLEN LIPSCOMB. He was profoundly respected, not only by his constituents, but by people of both parties throughout California who observed his effective work in the Halls of Congress. He had many friends in Congress among Democrats as well as among Republicans. I am happy to have been one of them.

I extend my sympathy to his wife, Virginia, to their two daughters, and to all who will feel this very deep loss.

Mr. MURPHY. Mr. President, I had the pleasure of knowing Representative LIPSCOMB for many years before he became a Member of Congress. I had the great privilege of introducing him the night he announced his candidacy, and I can say without reservation that I have never known a public servant to offer himself as a candidate for high office for whom I had more respect or more personal regard, or who has done a finer job in the representation of his constituency.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 352) was agreed to.

The PRESIDING OFFICER. The Chair appoints the two Senators from California (Mr. MURPHY and Mr. CRANSTON) as a committee to attend the funeral of the deceased Representative.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I move that morning business be closed, that the amendment of the Senator from California (Mr. CRANSTON) again be made the pending business for further consideration on tomorrow; and that, in accordance with the previous order and pursuant to Senate Resolution 352, and as a further mark of respect for the late GLENARD P. LIPSCOMB, a Representative from the State of California, the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 46 minutes p.m.) the Senate adjourned until Tuesday, February 3, 1970, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

GUIDELINES FOR THE PROBLEMS OF MODERN LIFE

HON. JOHN STENNIS

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Monday, February 2, 1970

Mr. STENNIS. Mr. President, we hear sometimes that there are no guidelines for the problems of modern life. But Mrs. Virginia Weldon Kelly, in the Long Beach, Calif., Independent and Press-Telegram, shares the faith of millions of Americans who believe that the Scriptures offer a comprehensive blueprint for living.

Mrs. Kelly's Christmas editorial is pertinent for all of 1970 because she reminds her readers that Jesus set the standard for the ideal life of humble sacrifice and service when He said:

> Whosoever would be first among you must be the servant of all.

The wisdom of the admonition is basic to all free societies and applies to all persons whether they are believers or not.

Mrs. Kelly spends much time reading and thinking before she writes these brief editorials on the relevance of faith to modern life. She receives many letters and telephone calls from distinguished persons, including Members of Congress and others in our Government; diplomats; and persons of other faiths. They tell her the world is thirsting for encouragement and spiritual guidance.

I think Mrs. Kelly's remarks are valuable to millions of Americans. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

[From the Press-Telegram, Dec. 25, 1969]

"I AM THE LIGHT . . ."

(By Virginia Kelly)

Christmas celebrates the birth of Jesus who said, "I am the light of the world: He that followeth me shall not walk in darkness but shall have the light of day."

When Jesus said, "Thou shalt love the Lord thy God with all thy heart, with all thy soul, and with all thy mind," and "Thou shall love thy neighbor as thyself," he gave us direction, purpose and commitment.

Jesus set the standard for the ideal life of humility, sacrifice and service when he said, "Whosoever would be first among you must be the servant of all."

But throughout history, men have cried, "All is vanity and vexation of spirit."

In the Eighteenth Century, Giambattista Vico accurately described the ills of today when he wrote, "A society always falls into a second barbarism when rising luxury, materialism, and egoism have destroyed the social bonds to which religious faith is indispensable."

The revitalization of the family, government, education and the church depends upon Jesus' warning that we must be born again.

The rediscovery of Christ has preceded every great spiritual renaissance in the western world from St. Augustine to St. Francis of Assisi, to Martin Luther, to John Wesley.

Rediscovering Christ, Malcolm Muggeridge recently wrote, "To keep Jesus' light in one's eyes is heaven, to be without it is hell."

At Christmas may we all wear "the armor of light" and know with St. Paul that ". . . neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come . . . shall be able to separate us from the love of God which is in Christ Jesus our Lord."

VALUABLE RESOURCES BEING LOST BY COUNTRY TOWNS BECAUSE OF LACK OF ADEQUATE RETIREMENT FACILITIES FOR THE ELDERLY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. ZWACH. Mr. Speaker, some time ago I introduced H.R. 16098 providing for the establishment of a Countryside Development Commission designed to assist in bringing about a more rational balance between the urban and countryside economies.

I was heartened when President Nixon recently appointed a Rural Affairs Council for much this same purpose.

One of the aspects of countryside living which has been relatively neglected has been in the field of health care and retirement facilities for the elderly.

Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD a recent study of this lack of health and retirement facilities made for G. B. Gunlogson of the Countryside Development Foundation:

VALUABLE RESOURCES BEING LOST BY COUNTRY TOWNS BECAUSE OF LACK OF ADEQUATE RETIREMENT FACILITIES FOR ELDERLY

Country towns may be losing in excess of a billion dollars annually from their economy because adeqaute retirement and health facilities are not available to their elderly residents. This estimate is based on studies in a few states, and the revelation is so interrelated with the whole of the countryside that much more thorough studies are being sponsored by the Countryside Development Foundation of Racine, Wisconsin.

At least 2,000 new retirement homes are needed now in country towns and small cities and the need is growing, according to G. B. Gunlogson, the foundation's founder. Although a number of such facilities are being planned, far too little progress is being made because of rising costs and lack of appreciation of what this constant drain of material and human resources is costing these communities.

"Such facilities should not be looked on as expenses," Gunlogson concludes, "since they could prove to be the best investment the community ever made. They offer the only way to turn potential losses into a profit and improve the whole community." Every thriving community is going to have an increasing number of elderly people in the future. They will be increasingly able to pay their way either locally or somewhere else. Certain numbers will inevitably leave to live in larger cities and in distant states. The number who remain will depend largely on the quality of the living accommodations and health facilities that may be available locally.

When they must go somewhere else to seek these facilities, their lifetime earnings usually go with them. They are lost as customers in the community, and the social and civic contribution these citizens can make are transferred elsewhere. These events are more regrettable because so many would have preferred to remain in the community where their lifetime interests have been. But most disturbing of all is the fact that more mental illness and even shortened life expectancy may be the price that many elderly people have to pay when they must move to new environments.

The Countryside Development Foundation is sponsoring studies to obtain a better understanding of the status of elderly people who have left the countryside type of environment in which most of their lives were spent. It is often reported that older people from the countryside and small cities find it more difficult to adjust to city environment than people from metropolitan areas.

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Their pattern of living is different. They tend to be more independent and self-sufficient. They are more resistant to regimentation and institutionalization.

Most older people wish to remain self-sufficient and to pursue their way of life as long as they are able. The aging process comes by stages. First, people reach a point when the responsibility of their own home becomes too much for them. Some have no home. They are not ready to enter a nursing home. That is why there is a need for a complex that includes suitable housekeeping units. It should also have other accommodations for those who are unable or wish to avoid the "housekeeping." A nursing home or convalescent center is essential.

As people get older, infirmities and sickness are usually not far away. It could be doing them an injustice to offer living facilities while they are in good health and then expect them to look for a nursing home when sickness and inability to care for themselves overtake them. This is the most critical stage for older people.

There is another very important bonus such a complex brings to the community. It helps to support more doctors and better health facilities for the entire community.

Actually, there may be little new in these observations by themselves. There are excellent retirement and nursing homes in many country communities. And there are many agencies and individual workers who recognize these problems. What is new and what lends special significance to these facts is their relevance to the economy and future welfare of the countryside. The lack of adequate facilities in country towns and cities up to 15,000 population runs into a staggering total, which will become increasingly crippling unless these communities take adequate measures to provide facilities designed to meet the needs of people growing older.

For a long time the countryside has been losing its younger generation because of lack of opportunities for them to make a living and get ahead in life. It cannot afford to lose its older generation for lack of comfortable living accommodations and health facilities. Neither of these losses is necessary. The countryside has all the cards in the deck to deal with these problems, states Mr. Gunlogson.

This contention is based on actual developments that are now going on. Actually, there are hundreds of small cities throughout the country that have grown into model communities. The first requisite in this development is diversification. Every study the foundation has made discloses the necessity of economic diversification for survival of smaller towns.

Studies are now going on in various states of industrial plants in small cities concerning production efficiency, employee attitude, and community relations. These studies have been of value to hundreds of communities and industry interested in locating facilities away from big population centers.

There are no less than 6,000 country towns and small cities up to 15,000 population scattered throughout the United States that share in the same systems of transportation, communications, and power as the big cities. In most of these the record of literacy and high school attendence is higher than in the cities of New York or Washington. Most of these are almost ideally situated to accommodate more business development, more industry, and more people. Every one is ideally suited for the development of outstanding accommodations for elderly people.

Some of the studies now to be sponsored by the foundation relate to the status of elderly people in country towns and the need for more retirement and nursing homes. The Countryside Development Foundation is a non-profit corporation established to provide information and sponsor studies and programs aimed at improving the economy and living conditions in the countryside.

CRISIS IN POVERTY EDUCATION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 2, 1970

Mr. SCOTT. Mr. President, I cosponsored an amendment to the fiscal year 1969 Labor-HEW appropriations bill, which gave $20.9 million to the Teacher Corps. As demonstrated in an article from the Philadelphia Sunday Bulletin, the money was well spent.

This particular program at Temple University has aroused our young people's concern with the crisis in poverty education. I would hope for a continuation of interest and participation among all these young people who contribute their great efforts to the betterment of society.

I ask unanimous consent that the article of January 4, 1970, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TEACHER TRAINING METHOD THAT MAKES MORE SENSE

(By Edith B. Roth)

"What would you do to convey your personality immediately to the children?" an instructor at Temple University asked a class of Teacher Corps interns.

One girl suggested she might bring in a small rug and invite her young pupils to sit on it.

Another mentioned offering simple food, and one intern said quickly: "You people are laboring under a delusion. The kids who come to my class are *already* eating something . . . anything that's handy: popcorn, crackers, pop, you name it."

"The point is," the instructor resumed in the midst of the laughter, "to make the kids relax, to move slowly from an authoritarian kind of atmosphere into guidance type. The change has to be gradual."

Teacher Corps interns at Temple are working toward changing the quality and atmosphere of inner-city education. This is being done in many ways, but mainly through involvement in the community and a willingness to share its problems.

These are the conclusions reached by Dr. Evan Sorber, for three years director of the Teacher Corps program at Temple, which is rated one of the most succesful of the Corps' 69 programs in 37 states and the District of Columbia.

Sharing community problems is one part of the Corps' three-way approach to preparation of teachers who will stay with the system and work creatively to reach the turned-off, tuned-out residents of ghettos. The other two aspects of intern training are study at the university and work in the classrooms where they will eventually take full-time jobs.

Interns work in teams under the supervision and guidance of an experienced teacher, the team leader.

Dr. Sorber feels that the fine results obtained in Philadelphia's slum schools, where the dropout rate is highest of any of the ten largest cities in the country, are traceable in part to two members of his staff: Elaine Blake, a full-time community supervisor, and Dr. Charlotte Epstein, a specialist in intergroup relations.

But some credit must be given the Teacher Corps teams' teaching methods and its verve.

Teacher Corps is four years old. In Philadelphia's first "graduation" group in 1968, 27 interns were certified as teachers after two years' training; of these, 24 stayed on to teach in the city's ghetto schools while three others went into related jobs.

In the second group, which finished last June, most of the 35 indicated they would continue to teach in the inner city. This year 45 will finish training and the following year 50 will earn certificates. Any Temple intern is automatically hired by the school system upon completion of the two-year training, if he wishes to stay on.

Ronald Moglia, a teacher of mathematics, science and creative writing to nine- and ten-year-olds at the Hill School in the Strawberry Mansion area, was a member of Teacher Corps' first graduation class. After teaching one year, he said, "You feel a moral obligation to stay and teach after you see what is involved. The only reason I would leave a ghetto school is because I might think that blacks should have a chance to control their own schools."

Once Moglia asked his youngsters: "How many white people have you known?" Most of them answered, "None." Then he said, "Well you're wrong, because I am white." "No," responded the youngsters, "you're not white, you're pink." A nice distinction.

Strawberry Mansion is a black ghetto district that includes six schools. Oscar Goss, principal of Hill School, explains that the people of the neighborhood have lost four major hospitals and have no bank, no health clinic.

"This is an incomplete community, and, since the school remains, we are expected to take on all the responsibilities. This is interference with the priority function of the schools. We are not a restaurant, a social agency, a hospital.

"The interns," says Goss, "have been here three years in all, and if they didn't have a contribution to make they wouldn't have been here. We are taking a hard line on our priority function and everyone here must make a definite contribution to it. The Teacher Corps has added a new dimension to the school program and helped in unexpected ways."

When he speaks of today's preparation for teaching, Dr. Sorber says: "The kinds of people and the kinds of things we teach have both changed."

In the summer of pre-service training before graduate studies and classroom work begin, interns receive sensitivity training. This often verbally rough, group trial-by-dialogue forces candidates to examine their attitudes about race and about themselves in relation to other people. It helps them to see the effect they have on a group.

For most interns, sensitivity training is the most unforgettable and revealing experience of the two years in Teacher Corps.

"In the last few years," says Sorber, "the atmosphere has changed. The black community is more organized now, and it isn't easy for a white person to walk into it and expect to be accepted. He has first to earn the respect of the people. Corps members must go into the ghetto first to learn, and then to help."

Community people themselves help screen applicants.

Dr. Epstein's program and guidance led the interns to make some real community contributions during the past few years. Some of them:

The establishment, with the people in the community, of three cooperative stores. One of them, a food market in the Strawberry

Mansion area, has been in successful operation since August, 1968. Neighborhood people are members and own stock. Alice Freeman, a volunteer worker for a year, is now manager on a small salary.

Prices are lower than in the usual corner store. The eventual goal is to create a real supermarket. Teacher Corps interns helped with the whole venture, made the store physically fit to use, put in shelves, painted walls, worked—and still work—in the store.

The operation of after-school recreation and tutorial centers for children.

The development of programs to teach English to the Spanish-speaking, modern mathematics to parents, basic skills to adults in their own homes.

The inauguration of a nursery school by Ruth Pierson and Diana Swinson, both of whom taught at Hill School as interns and are now full-fledged teachers. The nursery school was for three- and four-year-olds; it was held in a community center. The girls met with the mothers monthly to tell them how to develop their children's potential at home. Most of the mothers had tried to enter their children in Get Set, the Philadelphia equivalent of Head Start, and found that they were on a long waiting list.

Nurturing of the storefront-style satellite school, typified by Gratz Neighborhood High School near 21st Street and Ridge Avenue. Teacher Corps people helped set up a predecessor outpost of Simon Gratz High, and later wrote a proposal which brought $30,000 from the Board of Education to implement the Gratz Neighborhood High operation, which now has been taken over by its local community. Basic skills are taught to pregnant girls who have had to leave school.

A Bookmobile, selling books for 50 cents each in areas where there are no bookstores. The first day in circulation the whole stock of books, donated or bought as remainders from publishers, was sold out. The interns who set up and ran this venture have been graduated from Teacher Corps. But the neighborhood wants to continue a good idea, and so Mrs. Dorothy Watson, one of the community people hired by Elaine Blake, is looking for funds for the bookmobile's future.

Although Temple has tried hard to attract black interns, there are only 16 among the 50 interns starting training this year. Black Corps members serve on selection panels and are urged to recruit others. It is slow work because most college-educated blacks today are aware of many more lucrative opportunities now open to them. Often the blacks on the panel reject black candidates; they are not looking for color, but for quality of a certain order.

Will Coleman, a black intern at Temple says, "We need people who are sensitized, who can learn what the community is about and deal with the children on their own level. There are blacks who cannot do it and there are whites who cannot do it. Many blacks, too, can be condescending. The job requires people who are interested and will commit themselves regardless of the money."

Bonnie Burgess, an experienced teacher and team leader, thinks that Teacher Corps should ask its interns for at least one year of commitment after graduation. But Bob Stutz, an intern, feels that under Teacher Corps training he has already put in two years of hard, committed work; he says he couldn't have made the grade without his parents' financial help.

"Black people," says Stutz, "want something better after college; they cannot afford to work for a stipend of $75 a week, less tax."

While college fees are paid by the Corps, there are too many demands on the interns' slim resources. They often need items to make materials for use in classes. They need paperbacks. They have a struggle living in shared rooms or apartments on the $58 stipend after taxes.

In spite of the struggle, Stutz does say he feels that he has "gotton a lot more out of Teacher Corps than he would have in a conventional school of education program."

While Dr. Sorber gives a lot of credit to his staff, he is the one who has been the truly motivating force for Teacher Corps in Philadelphia. "The Corps," he says, "has had an impact on the College of Education in that the whole thrust now in curriculum and instruction is toward urban education."

Dr. Mark Shedd, Philadelphia Superintendent of Schools, makes the same point even more emphatically: "For several years now," he says, "it has seemed to me that the Teacher Corps' training model makes more sense than the methods we use regularly in our schools of education.

"Young people enlisted in Teacher Corps are looking for ways to change a system that obviously has not worked well in the past and that is certainly not prepared to cope with the 21st Century. They are also eager to serve the educationally impoverished until change can be effected. Temple University's Teacher Corps leads among those programs working for change and offering service to the community."

Dr. Shedd, who has also served as chairman of the Teacher Corps' National Advisory Committee, is expected to give the go-ahead to a proposal to staff two city schools with 50 percent of the teachers from Teacher Corps. This would clear the way for innovations that might be tested and used elsewhere in the school system.

Dr. Sorber, after three years as Director of the Corps in Philadelphia, is now Associate Chairman of Curriculum and Instruction for Elementary Education.

The new director is Dr. Lawrence Hopp.

Pennsylvania's State Department of Public Instruction did its own review of the program at Temple recently and found that Teacher Corps had made its mark on the schools and community in the following ways:

1. Had stimulated public school faculty to accept responsibility for community involvement.
2. Had improved the image of the school within the community.
3. Had stimulated individual teachers to accept students as human beings and provided those students with realistic learning environment and expectations.
4. Had improved social and learning attitudes of children.
5. Had developed valuable motivation in creating an advisory council for the school.
6. Had improved pupil attendance in school.

But perhaps the most telling testimonial to Teacher Corps comes from a graduate of the program, DeEdwin Hursey, now working in Washington. He said: "Teacher Corps helped me to find myself as a person. I know now I want to work with people, and I know this is where I should be. A lot of what I am now is due to the university professors. They made me feel that I was worth something."

And that, after all, is what Teacher Corps in turn is trying to do for disadvantaged children: make them feel they are worth something.

STATE OF THE UNION ADDRESS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. RHODES. Mr. Speaker, President Nixon has taken a bold initiative in leading this Nation to the solution of its current problems, as well as toward the shaping of "new directions" for the 1970's and in future decades.

The President's outline for progress presented in his state of the Union address last week makes this plain. In both foreign policy and domestic programs, the President set forth new approaches and ideas for reform which have been commended editorially throughout the Nation. I insert editorials from various parts of the country, discussing this state of the Union address, in the RECORD:

[From the Miami Herald, Jan. 23, 1970]

MR. NIXON AT HIS BEST ON STATE OF THE NATION

President Nixon put firm flesh on the bare bones of his New Federalism yesterday in a State of the Union address which must rank—if only for its unifying qualities—as one of the best in modern times.

The speech was full of generalities, as such speeches are. At times they were glittering, but mostly they were hard and sober, though uttered with warmth and smiling good humor. His congressional-cabinet-court-diplomatic audience applauded 28 times and obviously wanted more.

"As we enter the seventies," said the President in his first assay of the federal union, "we should enter also a great age of reform of the institutions of American government," including total reform of the welfare system and reversal of the flow of power from Washington "back to the states and to the people."

There is more than enough of state consciousness left in Congress to make the latter half of this statement, which defines the New Federalism, a popular credo even if Congress realizes that it is possible only in the fiscal sense.

Thus, as the President comes along with the specifics later on, we hope that he will spell out just how the states and the localities will get back more of what they send to Washington to be lost in the fiscal shuffle.

The speech in large part was urban-oriented. A dozen or fewer years ago a President would have been addressing himself in part to the perennial farm problem. That "the federal government must be in the position to assist in the building of new cities and the rebuilding of old ones" is a note which must have shocked some congressional seniors momentarily until they remember it is 1970.

In sheer decibels the audience came on strongest at the promise of a balanced budget.

When it is fulfilled, we hope and believe it will be a genuine operational balance. But it takes two to tangle with profligacy. The record of Congress at the spending pump is not encouraging.

No one, however, will begrudge Mr. Nixon his vow to spend more of a genuine war on crime or to make Washington a municipal model of law and order—if that is any longer possible.

Nor will there be objection to an ongoing war against pollution of the natural environment. As expected, Mr. Nixon made this a major issue. Our only question is whether he underestimated the cost at $10 billion over five years.

Ten billion dollars is one-third of the cost of maintaining the Vietnam war for one year, and it is too little. Dade County, for illustration, needs to spend a minimum of $300 million for water treatment alone over the next 10 years. Dade is the 26th largest metropolitan area. Multiply $300 million by 26 (some will need less but many others much more) and you get $75 billion-plus. We hope for a more realistic appraisal of the cost of this war from the President in due time.

On everyone's heart and mind, of course, is the war in Vietnam, the threat of it in the Middle East and the awful agony of Africa.

Without rising the isolationist taint, Americans will subjoin their President in faithfulness to treaty commitments (where they are genuine) but in "reduction of involvement and our presence in other nations' affairs."

Mr. Nixon is living up to his promises on Vietnam. He is grasping for some sort of hard-nosed detente with the Soviet Union rather than growling at it, and he is acknowledging the existence of Red China. We are puzzled by his Middle East policy but we shall expect it to fit at length into his prospects for "a generation of uninterrupted peace."

Thus the State of the Union—confident, buoyant, urged to go forth morally armed for world leadership, hopefully united at home and embarked without pretense on a "quest for a new quality of life" before the planet becomes poisoned beyond redemption and uninhabitable.

This was the new Nixon convincingly at his very best.

[From the Salt Lake Tribune, Jan. 24, 1970]

THE STATE OF THE UNION

"When we speak of America's priorities," President Nixon remarked in his State of the Union Message, "the first priority must always be peace for America and the world." But the chief emphasis of the message was on domestic affairs. In fact, the President said he was leaving for a subsequent report the discussion of new concepts and programs designed to achieve the goal of an America "at peace with every nation in the world."

This was, in truth a message on the State of the Union, both as it is today and as it can be in the future. And the President committed himself to improving both the environment and the quality of American life. The first would be accomplished through a five-year, $10-billion program attacking water pollution and the use of such additional weapons as research, incentives and new regulations—the latter by stepping up the war against crime and halting inflation. He also will press for congressional action on two major programs submitted last year, welfare reform and revenue sharing with the states.

The Democrats read partisan motives into the message. But what's surprising about that? The President is, among other things, the leader of his political party—and 1970 is an election year. Moreover, Mr. Nixon made a telling point when he said the Democratic-controlled 91st Congress has yet to act on more than two score of his legislative proposals.

The President spoke of the "new federalism," meaning a reversal of the flow of power from the states to Washington. Yet he conceded the continuing need for strong federal leadership in this sharing of power. However, the federal government cannot fulfill its role unless its efficiency of management is improved and old, ineffective programs, which may be politically popular, are abandoned. "It is time to quit putting good money into bad programs," he said. "Otherwise, we will end up with bad money as well as bad programs." We applaud his call for reform. Now to convince Congress and all those who fear they will be the locers if the reforms are voted.

Mr. Nixon offered few details. These undoubtedly will be provided in subsequent messages. And even where he was specific, of the $10 billion for waste elimination, 40 percent is federal money and 60 percent is to come from the states and cities. The "new federalism" obviously lies some distance in the future, with fulfillment depending on congressional acceptance of the revenue-sharing plan.

It was an unusual State of the Union Message, in both brevity and tone. It also was sound and constructive. We particularly liked the President's accent on the quality of American life. And we will be most interested in hearing about his commitment to develop a "national growth policy" that would reverse the flow of people to crowded urban centers. Such a policy, if successful, would have a profound effect on the quality of American life.

[From the Dallas Morning News, Jan. 24, 1970]

THE ROAD TO REFORM

The state of the Union message supports our belief that the best speech writer Richard Nixon has is Richard Nixon. The President's speech is a splendid work of political literature.

As he noted at the beginning, it departed from the standard form of legislative shopping list. Instead, it was a set of road maps that showed the directions toward which the President hopes to lead the government and the country.

They are new directions—he calls the '70s "a time of new beginnings."

Richard Nixon has developed the road maps over the span of several years. As laid out in the speech, they are entirely logical and consistent with past statements and actions. The road maps are at once conservative and revolutionary, which may seem a contradiction in terms but is not.

Mr. Nixon wants to be remembered for his administration's reforms. Some are so drastic as to be classified as revolutionary, for they change the emphasis and structure of past government programs significantly. Yet, they are also conservative in the sense that they carry out ideas advanced by conservatives in recent years.

In this year of 1970, the status quo is the result of more than three decades of liberal supremacy in Washington. Many of the problems that we have are the results or the side effects of these programs.

Now Mr. Nixon proposes to attack these problems and replace the programs that have failed with new programs built on fresh ideas.

Above all, the idea that government must strive for growth for growth's sake is being set aside. The Nixon administration will make a distinction between "more" and "better," instead of treating them as synonyms, as has been done in the past.

So far as the economy is concerned, he said, "the critical question is not whether we will grow, but how we will use that growth."

We have had all sorts of growth during the past decade, including the greatest growth of crime, the greatest growth of inflation and the greatest growth of social unrest in our history. And, of course, growth of government.

"At heart," he said, "the issue is the effectiveness of government."

We have learned, the hard way, that more government is not always better government. As agencies and programs and payrolls mushroomed, the effectiveness of government dwindled. At the same time, the cost soared—and the cost of government was reflected in painful increases in the family cost of living.

The President put the primary blame for inflation on the federal government's deficit spending in the '60s: "Millions of Americans are forced to go into debt today because the federal government decided to go into debt yesterday."

He undoubtedly spoke for millions when he said, "It is time to quit putting good money into bad programs. Otherwise we will end up with bad money as well as bad programs."

The message was a lucid, straight-forward document. It pointed out what the President thinks is wrong, what he thinks we should do to get on the right path. It gave an estimated time for arrival, 1976, the nation's 200th birthday.

And, finally, the Nixon road may to the future defined a goal first mentioned by Barry Goldwater in 1964, the achievement of "a new quality of life in America." Even for Americans who disagree with the President's choice of routes, it is hard to deny that that is where we all want to go.

[From the Cleveland Plain Dealer, Jan. 25, 1970]

CLEARING THE FOG: NIXON SHOWS STATURE AS A TRUE STATESMAN

(By John P. Leacacos)

WASHINGTON.—President Richard Nixon did a superb job in his first State of the Union speech. He began to show stature as a true statesman, viz., a leader who combined the arts of politics to encompass the objectives of a nation.

The President's White House intimates in the several days preceding the address, which has been months ingestation, dropped the word that the speech was one of the great challenges that Nixon faced in his career, and that the President so regarded it himself. And it is only fair to add that the hints of the contents of the speech as given to me personally at least two weeks ago were actually borne out by the actual delivery, which, of course speaks well for the candor of the informants.

This reporter by pure chance had a further enlightening contact with the creation-in-process of the speech several days previously when I was sitting in the office of Henry A. Kissinger, the President's assistant for national security affairs.

Kissinger had read various drafts of the speech and he was perusing the latest version of the moment. He marked those pages he liked with a check mark, those he did not care for particularly with an x, and left unmarked those he was neutral about. Kissinger and I then resumed our conversation.

Some minutes later the phone rang and I was asked to step out of the room; the President was on the phone. Naturally I know nothing of what was talked about, but I do know the main topic at the White House for many days was THE SPEECH and I would guess that the President was asking Kissinger about points that the latter had made.

The impression I would like to stress in general is the President's sensitivity to responsible comment and his open-mindedness about revising his own views in the significant nuances that count. In that sense, the speech was a total administration effort, but above all, it was a reflection of everybody to the guidelines laid down by the President's own directions and instincts.

In the liberal rhetoric and conservative anchors of the Nixon proposals could also be seen the fine Irish hand of "Pat" Moynihan, the lone Democrat in the highest echelons of the presidential circles. This does not mean that Democrat Moynihan sold the President a bill of goods, but that the President's vision and needs made use of Moynihan.

All this is prefatory to a series of points the President made which were in the nature of the fine print, but highly illuminating nevertheless. Let us recall several phrases between the declarative sentences. For instance: "harnessing the vast energies . . . new beginning and explorations . . . unfinished business . . . challenge of perfecting . . . the world as it is (as basis for policies) . . . how to use that growth . . . the effectiveness of government . . . reform of the institutions of U.S. government . . . re-direct growth . . . national growth policy (as a national plan)."

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In brief, the President in his report to the Congress exemplified the two aspects of a President's function that often are overlooked in the purely partisan political analysis. One was the visions he disclosed in his capacity as the leader of all the people, irrespective of party. The other—and the phrases quoted above are directly pertinent—have to do with managing and administering the affairs of the American society in the most efficacious manner so that desired objectives can be achieved in reality.

It is perhaps in this aspect of tidying up the messes of the past where 400 urban programs went off in almost as many directions; where billions were frittered away with no overall goal of coordinating vast and contradictory approaches; where no concepts of how to do the job were developed, that President Nixon might leave his permanent mark, among others.

Problems have been left to molder for close to 100 years. Programs have been left in abeyance like a pier in the midst of nowhere. Self-interests have never been evaluated and arranged. Priorities and systems have never been organized.

As a noted publisher remarked the other day, "If Nixon can bring modern management to the art of government as Alfred Sloan did for the General Motors, the greatest exemplar of modern capitalism, he will build the base and machinery with which we can truly create a new nation for the next centuries."

[From the Nashville Banner, Jan. 22, 1970]

State of Union Message Was Nixon at His Best

A President "must lead," said Richard M. Nixon during the 1968 campaign. The Presidency, he added, "is a place where priorities are set and goals established. A President must tell the people what cannot be done immediately as well as what can be done."

He did that yesterday. It was has first State of the Union address as such—having made no such inventory at the outset of his term, and electing to base it on the year in office just concluded; with the pattern of events clarified by closer acquaintance, and legislative requirements charted with this precise orientation in mind as a prime objective. In terms of accounting he touched all bases.

That the President knows the subject and deals in facts is evident to any who has watched his press conferences—noting frank and factual answers to pertinent questions. With equal frankness and informed judgment, processing pertinent disclosures and recommendations on the broad field of domestic and foreign policy distilled into yesterday's message, he lived up to the standards of a Chief Executive with trust in the people keeping faith with the people.

He does not sugar-coat bitter facts such as policy frustration, business unfinished—and objectives not quite achieved. Neither does he seek to exaggerate missions accomplished. As a Chief Executive sensitive to the necessity of team work, he does not berate, accuse, and recriminate. His references to congressional footdragging, or to legislative excesses in some cases, were a reminder of mutual responsibility in areas of national interest where that interest assuredly outweighs considerations of partisanship.

The President is not on the defensive respecting the problems candidly surveyed—the bulk of those problems, foreign and domestic, inherited with no solution a year ago in sight. He has come to grips with most of them, as in the case of his administration's war on crime; and, as another notable case, the steps taken by realistic address on taxes and spending, to reverse the ruinous course of government-induced inflation. He spelled that out in terms of red ink in the added amount of $47 billion incurred by predecessors in the '60s.

He has not hesitated to confront realistically the problems, multifold, of air and stream pollution—an outline, studiously determined, of what can be done toward improving the environment. It was a recognition that there is no miracle in sight to undo overnight the damages of decades; but it also stressed the essential of an intelligent start.

To finance adequately the war on crime, and to provide the facilities for cleansing the environment, he advocated enlarged appropriations.

The setting of priorities is essential, too—to establish not only the order of importance, but the order of call on resources for these several programs. One other thing distinguishes Richard M. Nixon from his immediate predecessors. Though he knows that the matters thus faced as responsibilities do entail expenditures, he also knows that Treasury outpourings are not in themselves an answer to everything. As a matter of fact, he is well aware that the fiscal irresponsibility of the latter aberration has through the years vastly compounded the nation's most devastating present threat. Thus it is that he has admonished again of the urgent necessity to fight inflation by getting and keeping the public budget under control.

For that he has supplied initiative—and leadership; backed with veto powers on excessive spending for use if necessary.

On the cherished objective of world peace he also stressed the mutual responsibility:

"I would be the last to suggest that the road to peace is not difficult and dangerous, but I believe our new policies have contributed to the prospect that America may have the best chance since World War II to enjoy a generation of uninterrupted peace. That chance will be enormously increased if we continue to have a relationship between Congress and the Executive in which, despite differences in detail, where the security of America and the peace of mankind are concerned, we act not as Republicans or Democrats—but as Americans."

In three domestic areas he called for legislative priorities:

"We cannot delay longer in accomplishing a total reform of our welfare system. When a system penalizes work, breaks up homes and robs recipients of dignity, there is no alternative to abolishing that system and adopting in its place the program of income support, job training and work incentives which I recommended to Congress last year.

"The time has come to assess and reform all of our institutions of government at the federal, state and local level. It is time for a new federalism, in which, after 190 years of power flowing from the people and local and state governments to Washington, it will begin to flow from Washington back to the states and to the people.

"We must adopt reforms which will expand the range of opportunities for all Americans. We can fulfill the American dream only when each person has a fair chance to fulfill his own dreams. This means equal voting rights, equal employment opportunity and new opportunities for expanded ownership. In order to be secure in their human rights, people need access to property rights."

Thus did the Chief Executive address himself to the life and welfare of every citizen, irrespective of race, creed or color; pledging enlightened efforts for national progress; peace and prosperity, not only for the year but for the decade ahead.

It was a state of the Union message ranking with the greatest of state papers.

It was President Richard M. Nixon at his best.

[From the Columbus Dispatch, Jan. 25, 1970]

Nation Is Urged to Meet Challenges of Next Decade

President Nixon's first State of the Union address was neither folksy recitation of accomplishments nor couched in literary allusion with regard to the future. It was not a formula for a year, but a challenge for a decade.

Because there is a distinct difference between promise and fulfillment, Mr. Nixon's address contained few specifics. The only trailblazing banner raised by the President was with reference to the purification of this nation's environment.

Nevertheless, Mr. Nixon did lay down priorities and in doing so confesses for both the executive and legislative branches of the federal government that future efforts must be greater.

There was no hesitation to mourn the continuing warfare in Vietnam. Nor was there apology for our efforts in that area. An honorable end to the conflict still must be found. In this respect, the President declared America's first priority always must be peace, not only for this nation but for the world.

Thereafter, the President said, we must give priority to a concentrated fight to assure clear air, clean water and more open spaces.

Mr. Nixon's priority list also bulges with the need to curtail an increase in the crime rate, write a total reform of the welfare system, stop inflation and halt the climbing cost of living and reverse the flow of power from Washington and give it back to the states and to the people.

While he said he would propose the most costly program in the field of pollution control in the nation's history, he reported the only increase he would recommend in the budget for fiscal 1971 would be for agencies responsible for law enforcement.

Thus the President said that the 1970s for America will be not only a time for new beginnings but a time for developing better ways of managing what man's genius already has started but left unfinished.

Americans listening to this annual report from their Chief Executive were not enthralled by his words for there was no stirring drumbeat, no call to arms.

But the President did tell it like it is.

And he did list the problems facing us and gave us a lineup of priorities. He told us it was time to concern ourselves with ourselves and to convert those priorities into fulfillment.

What the State of the Union message did as much as anything was to reveal that Mr. Nixon is giving us a presidency dedicated to restoration of order and one aware that if America is to exert proper influence in the world it cannot do so without being financially solvent and having a well ordered economy.

[From the Buffalo Evening News, Jan. 23, 1970]

Nixon Spotlights Trouble Spots

Presidential State of the Union addresses in recent years have tended to offer something for everybody. But this was certainly not President Nixon's approach yesterday in his first such message to a joint session of Congress. And the leanness of his carefully written words add emphasis to those relatively few areas he did dwell upon and helps clarify in the public mind what his foremost priorities are.

To some degree the lack of clutter is due to the fact that Mr. Nixon reserved his detailed comments on foreign policy for a later speech, although he did repeat his 1969 themes of a lowered profile for Uncle Sam around the globe, withdrawal from Vietnam and realistic negotiations based on mutual self-interest, rather than confrontations, with Russia and Communist China. All these initiatives, as we have said before, promise to promote the national interest.

But even in devoting this speech largely to domestic policies, he offered no "laundry list"

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of programs. Politically, this may leave his Democratic opposition, which controls Congress, plenty of room for criticism in areas only briefly touched upon, such as health and education. But it tends to pre-empt from that opposition the policy areas on which he chose to concentrate.

These seemed to us clear, at least in general outline, and highly commendable.

The President rightly stressed the need for continued pressures to curb inflation, which he said had increased the monthly cost of living during the 1960s for a family of four by a startling $200, and he pledged a balanced budget to support that principle of governmental spending restraint. He urged Congress to totally reform the bankrupt welfare system along the lines he suggested last August, and pressed for passage of his anti-crime package.

Throughout his calls for reform of local, state and federal institutions ran the theme of decentralized government, of reversing the flow of long-concentrated power "back from Washington to the states and to the public."

But the President reserved his boldest rhetoric, his urgency, for what he clearly believes a top priority goal of the 1970s—an improvement in the "quality of life," a cleansing of the environment.

He asks for stiffened standards and enforcement concerning auto-caused air pollution. He promised "innovative financing methods" for buying open space and park lands. He would spend $10 billion to build local waste-treatment plants to clean up the nation's waters wherever needed in the next five years. And he seemed to hand to industry a greater responsibility for purifying the environment, as in his assertion that the "price of goods should be made to include the costs of producing and disposing of them without damage to the environment."

Many details of his "comprehensive and costly" environmental programs remain to be spelled out, so definitive judgments are impossible. Moreover, it is difficult to understand how he could emphasize environmental problems and cures without mentioning the crucial role played by rising population and, therefore, birth-control programs. Nevertheless, the thrust of his message is sound. Neglect of the contamination of our air and water, and the slighting of broad social responsibilities by the polluters, alone dictate intensified urgency for effective remedies now.

Indeed, many of the problem areas highlighted by President Nixon—welfare, pollution, crime, inflation—aren't new. They're enduring but neglected trouble spots. Hopefully, his focus on them in a State of the Union message will encourage the action by Congress without which they will continue to blotch the quality of American life.

NIXON BUDGET WILL SET PRIORITIES

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. MIZE. Mr. Speaker, although the Congress just received the fiscal 1971 budget today, the Topeka, Kans., Sunday Capital-Journal on January 25 made some perceptive observations about the budget which are worthy of the attention of all of us as we review these requests and the priorities they establish.

Under leave to extend my remarks, I wish to place in the RECORD this excellent editorial comment, "Nixon Budget Will Set Priorities." The editorial follows:

[From the Topeka Sunday Capital-Journal, Jan. 25, 1970]

NIXON BUDGET WILL SET PRIORITIES

Under any accounting system, $200 billion is a tremendous amount of money, especially when all of it has to come, one way or another, from the taxpayers.

So when President Nixon delivers his budget message to Congress on or about Jan. 30, it may sound preposterous for him to call it a tight budget, for actually it will set a record.

In the President's behalf, however, it may be explained that the "unified budget" method of accounting in use for the last three years distorts the amount of money available for discretionary federal spending.

Billions included in the unified budget, for example, represent anticipated spending from trust funds, like those which finance the Social Security and interstate highway programs.

These transactions did not appear in the so-called administrative budget—the budget concept which for years was best known to the taxpaying public.

Perhaps the new accounting method does make the budget more meaningful as a guide to overall economic impact of federal spending, but it has made comparisons with prior budgets more difficult. That usually is a relief to presidents forced to spend more money every year than did their predecessors.

It must always be remembered, however, that the money does come from the taxpayers.

President Johnson found it to his advantage in January 1967 to present a fiscal 1968 budget which stressed a National Income Accounts method. He was roundly scolded on Capitol Hill, in the press and by many taxpayers for "budgetary sleight of hand."

LBJ described the NIA budget as one giving the truest account of the actual state of federal finances, but his critics thought he was trying to bury the surge of spending on Vietnam and on social welfare programs.

Now President Nixon finds himself locked into a still newer unified summary budget statement that makes him look like a big spender—even bigger than Johnson.

No matter how it is reported, in terms of appropriated monies, the squeeze is real. Even in advance of his message, major spending cutbacks for fiscal 1971 have been disclosed by both the Defense Dept. and the National Aeronautics and Space Administration. Painful slashes in medical and other sciences research programs are forecast.

How the Nixon administration chooses to save money, by reducing spending or holding the line, will reveal where its interests lie, even as much as his State of the Union message did. Federal budget making is a process of sorting out national priorities. The complex exercise forces the White House to make hard choices involving competing constituencies and political pressures. It is also true that Congress can—and frequently does— appropriate funds above the budget amounts.

In a sense, this is Nixon's first budget as president. Like all incoming presidents in recent times, Nixon had to live his first year in office with an inherited budget. President Johnson had presented a final budget to Congress on Jan. 15, 1969, just five days before leaving office.

His $195.3 billion budget covered the 1970 fiscal year—the one that will be with us until next June 30. Nixon sent Congress proposed amendments on April 15, 1969, cutting $4 billion from Johnson's budget. But Congress went its own way to some extent, and some of the savings disappeared.

Other presidents have seen fit as a matter of political expediency to submit budgets that overstate expected revenues and/or underestimate spending plans.

But a credible—and balanced—budget is seen as an absolute necessity this year to show the American public that the government is getting tough on inflation.

BLACK PANTHERS AND WHITE LIBERALS

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. UTT. Mr. Speaker, the atrocities perpetrated by the Nazis in the 1930's shocked the world and have continued to be cited as the most horrible example of what can happen when power-mad men take the law into their own hands.

Yet in spite of this lesson, and the price in human suffering it caused, we see men today, in the name of civil rights and correction of evil, following the exact same steps toward abrogation of all rights and creation of complete evil.

It is not surprising to see the same "liberal" Communist-sympathizing names prominently allied with the Black Panther movement, itself a Communist organization, using Nazi tactics. Both are antifreedom movements and attract those who want freedom—only for themselves.

Mr. Speaker, I believe everyone should read the following article by Allan C. Brownfeld, which appeared in the Janurary 29, 1970, edition of Roll Call:

BLACK PANTHERS AND WHITE LIBERALS

(By Allan C. Brownfeld)

In his state of the Union message President Nixon called for a new war on crime. This call was well founded. The city of Washington, D.C. has, for all intents and purposes, become a city of fear. For the first time in its history, policemen were stationed in all 46 of Washington's junior and senior high schools and this past week Mayor Walter Washington said that they would be there indefinitely.

If white citizens of the District of Columbia are concerned about crime, this is equally true of black citizens, perhaps even more true. James G. Banks, the city housing chief, finds in the Negro movement to the suburbs "the end of ambivalence in the black community about crime which has not only made them hostile to the police but has rendered them motionless and passive in the fight against crime."

Police Chief Jerry V. Wilson also spoke of strong, new and encouraging demands from Negroes here for police protection with the implication of black citizen action against crime. Crime analysts say the fear of crime appears now to be growing geometrically among both blacks and whites at perhaps twice or three times the rate of reported offenses. This phenomenon is so marked that the District office of Crime Analysis plans to conduct under a Justice Department Grant, a special survey of fear.

It is in the light of this serious deterioration of our national life and the growth of

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crime and violence that it is especially distressing to see the support which the violent and dangerous Black Panther organization has been receiving from a host of self-proclaimed "white liberals"—among them are numbered individuals such as Leonard Bernstein, Otto Preminger, Peter Duchin, and Mrs. August Hecksher, the wife of one of Mayor Lindsay's leading appointees.

Ninety people attended a meeting held in the apartment of orchestra conductor Leonard Bernstein in New York City to hear Donald Cox, the field marshal of the Black Panther Party. Cox told the group that if full employment is not available, "then we must take the means of production and put them in the hands of the people." Cox called America "the most oppressive country in the world." The result: checks totaling $3,000 were presented to the Panthers, including a $1,000 check from film producer Otto Preminger.

The Panthers are clearly a violence-prone, revolutionary, Marxist organization. Founded in 1966, its platform states that "We want an end to the robbery by the capitalist of our black community . . . education for our people that exposes the true nature of this decadent American society . . . an immediate end to the police brutality and murder of black people . . . a United Nations-supervised plebiscite to be held throughout the black colony in which only black colonial subjects will be allowed to participate . . ." Required reading for Panthers are the works of Marx and Engels, Lenin, Mao, and Che Guevara.

The Panthers' abstract principles translate into such calls to action as "Dynamite! Black Power! Use the gun! Kill the pig everywhere!" and "in order to stop the slaughter of the people we must accelerate the slaughter of the pigs." Children who receive free breakfasts from the Panthers are taught to chant "Kill the pigs! Kill the pigs." In Illinois all Panthers had to attend three "political orientation classes" weekly, sell his quota of party newspapers, and own and know how to use at least two guns. David Hilliard, the Party's Chief of Staff, is under arrest for threatening the life of President Nixon. What he said was: "We will kill Richard Nixon. We will kill any m - - - - r that stands in the way of our freedom.

The ostensible reason for the interest of "white liberals" in the violent and Marxist Panthers is the police raid in Chicago in which two Panthers were killed. Despite the fact that a special coroner's jury ruled that the deaths of two Black Panthers were "justifiable," the moral conscience of the liberal Establishment has somehow been stirred. The day after the meeting at Leonard Bernstein's apartment, "The New York Times" criticized those who had participated in this masochistic session of Hate for America: "Emergence of the Black Panthers as the romanticized darlings of the politico-cultural jet set is an affront to the majority of black Americans. This so-called party, with its confusion of Mao-Marxist ideology and Fascist para-militarism, is fully entitled to protection of its members' constitutional rights . . . the group therapy plus fund-raising soiree at the home of Leonard Bernstein . . . represents the sort of elegant slumming that degrades patrons and patronized alike."

The Times noted that "It might be dismissed as guilt-relieving fun spiked with social consciousness, except for its impact on those blacks and whites seriously working for complete equality and social justice . . . Responsible black leadership is not likely to cheer as the Beautiful People create a new myth that Black Panther is beautiful."

The Panthers do not deny their violence, but proclaim it. The current edition of The Black Panther proclaims that "last year (1967) 167 pigs were thinned out by liberation fighters and this year looks as though it will surpass last year." This, most observers believe, is far in excess of the real figures. The real figures are bad enough: in 11 cities, 5 dead and 42 wounded in 26 months, including 4 dead and 23 wounded in the last six months.

Despite all of this, the "white liberals" are proceeding with their plans to lionize the Panthers. Nearly a dozen more parties for the Panthers are being held or planned. They range from 5 to 7 P.M. cocktail parties to buffet suppers with speakers. Invitations are now out for an East Side meeting in New York that will involve more than 100 people. Show business people as well as Panthers have agreed to participate in a large benefit in New Rochelle.

Panther leader Hilliard recently declared that "We advocate the very direct overthrow of the government by way of force and violence, by picking up guns and moving against it because we recognize it as being oppressive and . . . we know that the only solution to it is armed struggle."

No society can remain secure if those who advocate violence are permitted to take up arms against it. And no efforts to take crime and violence off of our streets can succeed, no matter how much federal money is committed to it, if leading citizens and government agencies such as OEO continue to support those who seek to tear our society apart. If Mr. Nixon is serious about fighting crime and violence, he would make certain that not one cent of federal money is used to finance those who advocate it.

We might reminisce about the intellectuals of other societies, such as Nazi Germany, who opposed freedom in order to create their own kind of utopia. The German opponent of tyranny of all forms, Wilhelm Ropke, wrote that: "'What gives the anti-capitalism of our intellectuals its distinctive flavor . . . is the wholesale rejection of those values and ideals that we subsume under the, admittedly, somewhat discredited expression of liberalism. . . . They are racing full steam ahead toward the termite state." Those who seek to preserve our freedom and the rule of law must oppose those who present the fallacious defense of totalitarian and violent groups such as the Panther. Would we rather be free and safe, or "in vogue?" It seems clear that Mr. Bernstein, Mr. Preminger and Mr. Duchin prefer to be in vogue. But what of the rest of us?

LIFE BEGINS AT 45—UNIVERSITY OF TEXAS INSTITUTES A PROGRAM TO BRING THE MATURE WOMAN BACK FOR TRAINING AND BUSINESS WANTS TO HIRE THEM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. PICKLE. Mr. Speaker, the ladies are on the move and the University of Texas is providing the impetus. An energetic program is underway to bring back the over-40 set to the university in an effort to regain some of our lost woman-power.

The November issue of Alcalde explains the program in detail, along with some illuminating statistics about how the ladies with a little gray in their hair are doing. At this point, I would ask to reprint the article written by Mrs. Dorothy Blodgett, one of our State's outstanding writers:

Business Wants To Hire Older Women and Wants the University To Train Them

(By Dorothy Blodgett)

"Well, cut my hair and lower my hem; here comes mother and grandmother back to school—and back to work!"

It's no joke! College students are looking around the classroom and seeing more and more of the allegedly *out* group, the over 30's; and *farther* out, the over 40's, clustered about them, pens in hand.

Although the smoke of the protestors has hidden the steady advance of this group from public attention, college and university administrators are aware of their presence. They cannot ignore statistics—pointed out to them by businessmen supporters—showing the number of women 55 to 64 years of age in the nation's work force has quadrupled since 1940. "We need women workers, and we want you to train them," is the message to the academic community from the business world.

Snickering references to the "girls in tennis shoes" and "the rusty ladies" from administrators and faculty members in years past have turned into planning sessions for continuing education programs around the country. And The University of Texas at Austin has this year begun an experimental program to determine how extensive is the need for such a program.

Continuing education is a broad term which means different things in academic circles. It may include both men and women and extend beyond courses offered within regular class periods to evening courses and extension courses instructed by traveling teachers. It may include special counselling to help the older than average college returnee find the job for which he or she is best suited. And, if the returnee is a woman who has not worked in 20 years, counseling helps her find the self-confidence she needs to return to the academic and professional world.

Because women have been responsible since 1940 for the major share of growth in the nation's labor force, many continuing education programs have been planned primarily for this more mature coed.

Some of the programs include such features as: limited course loads in degree or nondegree programs, flexible scheduling of classes at convenient hours, provision for transfer of credits, educational and employment counseling, financial assistance, child care services, and job placement or referral services.

The Texas program has not advanced far beyond the planning stage. It was formerly announced last spring with a colloquium for some 200 women from the business and academic community. Many had recently completed degrees after years of homemaking. Some were working on degrees to help improve their job proficiency and others were completing work to qualify for a job.

Dr. Alice Whatley, who heads the teacher education division in the Department of Home Economics, was introduced at the colloquium as director of the proposed program. She returned to school for refresher courses a number of years ago, stayed for a Ph.D. degree and acquired an unquenchable missionary spirit about women returning to school. The program is headquartered in Speech Building 109 in the Office of the Dean of Students, its "new" aspect is the exploration of the unmet needs of the older scholar. Other special services have long been offered by The University to the older returning man and to women in such specialized areas as teacher training.

Dr. Whatley describes the new program as

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a "university-wide service of general educational counseling for returning women students who are older than the average undergraduate." Its objectives as listed by its executive committee of faculty and staff members are:

To serve as a liaison between faculty advisors and returning women students, both undergraduate and graduate.

To focus the academic pattern of women whose formal education was interrupted.

To provide personalized guidance in reviewing earlier education, re-evaluation of abilities, goals, emphasis, and pace.

To assist in the identification of current course offerings, existing degree programs, and student services offered throughout The University that are of interest to women.

To increase knowledge and information related to this selected group of women.

To clarify University procedures and regulations, relieving other campus offices of time consuming conferences.

To promote effective utilization of University facilities, and faculty, staff, and student time.

Dr. Whatley sees the program as one designed to encourage women to develop their potential and enhance their contribution to society. Planning for this venture was funded by a Hogg Foundation for Mental Health grant, implemented by UT funds. Its future financing and scope will depend on the need manifested to the staff of the office of continuing education for women. A survey has already shown that there were 1,300 women over 25 years of age attending classes on the Austin campus in 1968. An orientation coffee this fall invited questions and offered help to returning women.

Funds for large programs have been justified easily by educational institutions in other parts of the country. This points to the increase of women in the work force from one-fourth to more than one-third and to the fact more and more jobs require more education. There are more than 29 million women working today, and the number is expected to keep rising.

Although the young working girl in the mini skirt is more often the subject of the newsman's camera, the woman who is most likely to be a wage earner today is 45 to 54 years of age. This age group has tripled in number since 1940; the 35 to 44 age group has more than doubled; the 55 to 64 age group has quadrupled.

These figures, cited by the U.S. Department of Labor, have been a source of encouragement and inspiration to women who thought thy were "to old" to go back to work.

Business is sending out representatives to conduct seminars or participate in seminars originated by others to give the word, *Women, business needs you!* That phrase is the title of a book published by Sabatino A. Russo Jr., founder of American Girl Service which supplies employees to business. Another job service executive, Elmer L. Winter, president of Manpower, Inc., has written, *Women at Work: Every Woman's Guide to Successful Employment*. Winter says he is looking for 100,000 women who want jobs and he expects 40 to 50 per cent of the nation's married women to be working in a few years. Currently, about 30 per cent of America's married women are employed.

Growth of new industries and expanded opportunities in established industries have opened doors for women. Broadened educational opportunities have improved their work potential. Governmental programs such as the President's Commission on the Status of Women, as well as laws such as the Civil Rights Act of 1964 prohibiting discrimination in employment and the Equal Pay Act of 1963, promising better wage protection, have made work more attractive.

And there are deeper reasons aside from economic influences brewing with the cultural changes of the years.

First of all, women are outliving men. A baby girl born in 1900 could expect to live to 48 years of age. Today she can expect to live, on the average, to the age of nearly 74 years of age. The factors that give her a greater life expectancy decrease the incidence of disease and give her greater vitality for enjoyment of those added years.

Secondly, women are marrying young—half of them by 20, and more at 18 than any other age. They bear their children younger and by the time a majority of women reach their mid-thirties, their children are in school. They still have another 30 to 35 years of active life ahead.

Individual reasons for seeking work vary, but most women need the money—to support a family deprived of a husband or to add extra income. There are 250,000 women in Texas alone who head households. But money is not the only reason women work. The more education a woman acquires, the more likely she is to work, whether she needs the money or not. She wants to use her skills and talents to reap "the psychic rewards that come from achievement and recognition and service to society," says the women's bureau of the U.S. Department of Labor.

Voices in the U.S. and abroad are echoing new attitudes by society toward the woman who works. She is criticized less and it is even acceptable for her to bluntly refuse to accept the old cliches that a successful marriage fulfills a woman and homemaking is a fulltime job; that woman's strength is intuition, not intellect; that it's not feminine to be intelligent; that women can't get along (professionally) with other women.

Dr. Juanita M. Kreps of Duke University, expert on the subject of contemporary women who work or want to go to work, has repeatedly blasted these timeworn themes and helped the woman who wants to go back to work lick her guilt feelings.

"Until we lay these ghosts to rest," she says, women will continue to minimize the long-run importance of intelectual development, and "will continue actually to avoid preparation for a lifetime of learning."

And as for the old "saw" that career women are neurotic and can't get along with other women, she suggests the unhappy woman in the professional world is unhappy at home too. "The important point," Dr. Kreps adds, "is that a woman with a keen intelect, plus the willingness to work at a job outside the home, is likely to find life interesting, and an interest in her work the best insurance against neuroses."

"Working" doesn't have to mean in an office. Community service projects stand waiting for women, and if these activities satisfy her and utilize her talents, they are right for her says Dr. Kreps. She suggests, however, the fact half of the women will be in the labor force by the time they are 45 years old, indicates jobs are increasingly the outlet for qualified women.

Where are women needed? The most glaring shortages are elementary and secondary school teachers, followed by social work posts including public and volunteer agencies in services to families, children and the aged.

In the health profession, there is a shortage of professional nurses, practical nurses, health aides, attendants, medical technicians, and medical secretaries.

Within the manufacturing and commercial areas, projections of manpower needs show that computer programmers, secretarial and technical personnel for banks, insurance companies, etc., will be in great demand.

Of special interest to the academic community and a reason for the University's experimental program is the fact that practically all the new jobs are white-collar, require a college education, and/or some special training.

Mrs. Walt Rostow, the woman who broke the male ranks as the first woman professor at Massachusetts Institute of Technology, and who is now a UT professor, keynoted the spring colloquium on continuing education and summarized the situation in this way: There is no longer a reason to argue about whether women should work. "They do . . . so let's simply talk about the quality of the output."

UT Exes have expressed their approval of the program for continuing education for women by establishing a scholarship in the name of the well-known sociologist, writer, counselor and authority on mental health aspects of family and community relations, Dr. Bernice Milburn Moore, of the Hogg Foundation staff. With two degrees from Texas and a doctorate from the University of North Carolina, Dr. Moore's life experience seems to prove the point of the program. The certificate presented to Dr. Moore is reproduced left.

The future of the program will depend on the response of others to it. The older woman is going back to work and back to college. What is the University of Texas going to do about her special needs? That is a question to be answered more fully in the future.

YOUNG WORLD DEVELOPMENT—YOUTH ARM OF THE AMERICAN FREEDOM FROM HUNGER FOUNDATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. FASCELL. Mr. Speaker, these days we hear a lot about student rebellion, "tuning out," rejection of the "establishment" and more. We do not often hear about the constructive side of our young people.

This year, in 33 States including my own State of Florida, young teenagers will be staging a "Walk for Development," the proceeds of which will be donated to one local and one foreign freedom-from-hunger project.

In Dade County, Fla., the project is being organized by two enthusiastic teenagers, Mike Burk and Jane Rachlin. The Walk for Development there is scheduled for February 21, and, if it proves as successful as last year, thousands of young Miamians will be participating in this effort to gain funds for the hungry. This is done through pledges from adults and community organizations for each mile that the youngsters walk.

The parent organization of Young World Development—the American Freedom From Hunger Foundation—is headed by our former colleague, the Honorable Leonard G. Wolf. I commend the leaders of this organization for their very real concern and efforts in eliminating the sources of hunger both in America and around the world. And I know that everyone is proud that young people are committed and concerned enough to devote their time, energy, and enthusiasm.

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A PAINFULLY MODEST HERO

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. CHAPPELL. Mr. Speaker, our people thirst today for news about our brave and courageous fighting men. The papers seem to be full enough of information about those they consider contemptible, but most of us would like to have some news about the majority of our American boys—the brave ones who risk their lives to save others; the courageous ones who see a job to be done and so they do it; the valiant men who are putting up with great discomfort and personal sacrifice, but who are willing to give a helping hand to those who need it.

Just recently I received a copy of a news article that tells about one courageous man. He is a friend of mine, having served as a page in 1955 when I was serving in the Florida legislature. How deeply proud I am of David Cook. He exemplifies all the good of our fighting men today.

The article I wish to quote is entitled: "A Painfully Modest Hero." It is written by Helen Musgrove, correspondent for the Jacksonville Journal, who sent the story back from Marble Mountain, Danang, South Vietnam. It reads in part:

A PAINFULLY MODEST HERO

Visibility was so bad that Lt. David Cook, son of Mr. and Mrs. H. T. Cook of St. Augustine, Florida, couldn't see more than a few feet away, but he could see his duty very clearly.

There were wounded and dead men out there and delay could mean they might all be dead soon.

David, a Marine helicopter pilot flying a Huey gunship up around the DMZ at the start of the recent TET offensive, was dismayed at the rising number of casualties, the increased enemy activity and the way the weather was closing in. He knew there were wounded men out there, in their sixth day of being marooned by impossible flying conditions. With them were the bodies of eight buddies killed in action.

A Chinook 46 had tried to get to them and failed. David and his crew decided that it was time to go for broke in a rescue run. Somebody had to get those guys out, so they elected themselves to the job. Flying practically blind and with enemy fire reaching out in the direction of their sound, they did find and rescue the men.

The OFX isn't David's only medal. Sometime back, while flying another mission to pick up the injured, he was wounded by splinters from a bullet-shattered plexiglass windshield on his chopper. That meant he was entitled to the Purple Heart.

A graduate of Bunnell High School in 1962, he later completed a course at Daytona Beach Junior College and graduated from Florida State University in 1965. He joined the Marines two and a half years ago, got his flight training at Pensacola and attended OCS at Quantico, Va. David likes being a Marine and may make a career of it.

Now the Marine Corps has good reason to be proud of him.

Mr. Speaker, I wish to salute David for his courageous and unselfish action. The vast majority of the people in my district are extremely proud of all our young men in service and we want them all to know how deeply we appreciate the sacrifices they are making in our behalf.

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OUR MIDDLE EAST CRISIS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. HOLIFIELD. Mr. Speaker, I have read with great interest the recent remarks made by the Members of this body concerning our Middle East policy.

I share their concern for the direction this policy is apparently taking under the present administration. It appears to be a policy of Soviet and Arab appeasement, turning away from our longstanding policy of friendship and support of the last free nation in the area—Israel.

I regret to say, also, that it is a policy of self-delusion. Self-delusion, in believing that the Soviets will agree to a settlement in the area which is in the best interests of Israel or the United States; self-delusion in the belief that our "sometimes friends" the French, want a settlement in our best interests, and that the Arabs want peace, and that the British have power or influence in the area.

The Members of this body know, and the world knows, that the seeds of the current Middle Eastern situation were sown during the last Republican administration. With the decision on the Aswan Dam, the Arab world was written off. The Soviets were not as short-sighted, as was the Republican administration, and quickly converted the Arab world into Soviet satellites. We also know that the Soviets armed the United Arab Republic prior to the 6-day war, and rearmed the U.A.R. after most of this war material was captured or smashed to bits by the vastly outnumbered and outgunned Israelis.

We also know that the British have withdrawn their presence from the area, only to be replaced by the Soviets. The enterprising French, while withholding arms from Israel, are sending 100 jet aircraft to Libya, a country at war with Israel. One does not need to speculate on the final destination of these aircraft. They are obviously intended for the United Arab Republic.

Our policy appears to be one which would impose preconditions of peace upon Israel and the United Arab Republic. One of these preconditions is the Israeli withdrawal, or agreement to withdraw, from lands occupied during the 6-day war.

It is clear, Mr. Speaker, that the Arabs do not want peace, but the total destruction of the nation of Israel. It is equally and understandably clear that Israel will not withdraw from lands it considers necessary for its survival in the face of Arab threats.

I would urge the administration to face the facts. The Soviets desire a dominant role in the Middle East in support of their Mediterranean and other ambitions. The French desire economic expansion in the area and an outlet for their growing arms industry. It is no secret that the oil interests in this country believe that they will benefit from a policy of appeasement in the dispute.

I have supported the right of Israel to exist and to peacefully develop its free institutions since its creation over 20 years ago. I have admired the determination of that small nation to survive.

Where aggression is concerned, whether it be a Communist aggression in Vietnam or Arab aggression in Israel, our policy should be one of support for our proven friends in the free world. At the same time, in the interests of peace, we should call upon the parties to cease the series of attacks and reprisals and to negotiate a peace on a face-to-face basis.

For the above reasons, I have joined many of my colleagues in the following declaration:

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

We, the undersigned Members of the United States Congress, declare:

A just and lasting peace in the Middle East is essential to world peace.

The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years.

Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

All the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

FACE-TO-FACE-NEGOTIATIONS REQUIRED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. NELSEN. Mr. Speaker, on January 19 of this year a resolution was introduced by a number of our colleagues calling for direct, face-to-face negotiations between the governments of the nations of the Middle East "as the only path to an effective, long-term peace." Today, I am introducing a similar measure aimed at affirming the U.S. stand in support of this goal.

It is only fitting and just that the parties involved in the dispute resolve their own differences. An arbitrary, forced settlement would inevitably result in further instability and would result in no real settlement at all. It is doubtful that any lasting peace can result if the two sides do not directly meet at the conference table to establish a working relationship in the Middle East.

It is not in the best interests of the United States to dictate a settlement in the Middle East. Such action would carry with it full responsibility for keeping the peace in that troubled area. As President Nixon noted in his state of the Union message:

> The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.

The resolution I introduce today is in line with this judicious foreign policy stance.

Of course, we have a stake in searching for peace in the Middle East as we do in seeking peace in the whole world. We should continue to work for a just settlement in this trouble spot no less energetically than we do in other crisis areas of the globe. I support our position of a balanced attitude toward the Middle East, but in addition, I believe that the fastest route to a lasting peace is through face-to-face negotiations between the nations involved.

RAILROAD NEGOTIATIONS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. PICKLE. Mr. Speaker, through the intervention of the Federal court, this Nation has once again been spared the paralyzing effect of a nationwide railroad strike and lockout—but only for a few days. The ball is in our court now and Congress must take remedial steps to avert this transportation disaster.

We simply cannot keep on applying bandaids to a severed artery. Twice in the last 3 years, I have introduced legislation designed to give us better, improved tools and methods for settling strikes in the transportation industry. The railroad strike and lockout that is threatening to bring our country's rail transportation points out again the dire need for Congress to modernize the Railroad Labor Act. The fact that this present railway stoppage would add to our spiraling inflation problem adds emphasis to the need for new railway labor legislation. With the railroads shut down, freight would be moving much slower or not at all, thus product shortages will cause consumer prices to rise even more.

Secretary of Labor Shulz has said that President Nixon is preparing some labor law changes. There has been some talk that the President's proposal would junk the separate Railroad Labor Act covering railroads and airlines and overhaul the 1947 Taft-Harley Act to cover all labor and management disputes.

This is making the umbrella coverage too broad. I personally feel that we need to keep a separate law governing railroad and airline disputes because of a special need to keep the transportation systems of our country operating without the burden of strikes and lockouts, while still protecting the integrity of labor and management. The bill I proposed last session, H.R. 8446, would change section 10 of the Railway Labor Act to give the President a "choice of procedures" in dealing with emergency disputes. This would replace the present system which allows a strike after mediation by a specially appointed emergency board. My bill would empower the President to use other tools, including arbitration by a special board, a form of limited seizure, a congressional remedy, or any combination of these which the President might deem appropriate. Although the bill is designed to prevent crippling strikes, it would protect the traditional freedoms of collective bargaining. Strikes could be allowed—but only if the President chose not to implement any of the tools given him by the bill.

I am preparing to reintroduce my bill again this session. Suggestions for amendments will be welcomed. My chief concern is that we keep the transportation systems on the move, with as little hindrance by disputes as possible. It is the best way to preserve collective bargaining. Time is running out on the administration, the Congress, and labor and management. The public interest demands that we improve our transportation settlement procedure. We simply cannot tolerate a national transportation strike.

ENVIRONMENTAL RESEARCH

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. HOLIFIELD. Mr. Speaker, in light of the considerable interest in environmental pollution abroad in the land, I should like to remind my colleagues of action taken by the Congress in 1967. In order to make available for application to the entire spectrum of public health and safety the unparalleled resources—professional scientific talent and research facilities—of AEC facilities including its National Laboratories, Public Law 90–190 authorizes the Atomic Energy Commission to assist private facilities and laboratories, which are inadequate for the purpose, in conducting research and development or training activities and studies in any area of public health and safety. As a result of this grant of authority, these AEC laboratories are now engaged in projects for State and Federal agencies concerning biological effects of various pollutants, the treatment and recycling of human and industrial wastes, the production of potable water, the control of thermal effluents, and other fundamental environmental factors. The laboratories are also engaged in acquiring basic design data relative to urban decentralization.

I should like to have printed in the Congressional Record the speech of Representative Melvin Price entitled "Universities, National Laboratories and Man's Environment" which was delivered in July of last year at the conference of Argonne Universities Association which manages Argonne National Laboratory near Chicago. In that speech Mel Price mentions some more of the activity of the national laboratories and points out the very significant issues of organizing and administering the new popular war—the war on pollution. I commend the reading of that speech to my colleagues and to scientists and academic administrators across the country.

Remarks of Representative Melvin Price

It's a pleasure for me to have the opportunity to address this group on a subject which has long been a matter of interest and concern to me, namely, the role of the universities and national laboratories in the solution of some of the problems facing contemporary society.

As some of you may know, I was for a long time an advocate of increased participation by midwestern universities in the program of the Argonne National Laboratory and I was pleased when that became a reality. I was also delighted to take part in the action of the Joint Committee in 1967 when we removed some of the legislative fetters from laboratory programs. You'll recall that Public Law 90–190 amended the Atomic Energy Act and authorized the AEC to utilize the tremendous resources of the national laboratories not only for programs deemed "appropriate to the development of atomic energy" as before, but also for conducting research and development as well as training activities and studies to assist others in the general field of public health and safety. This was a major step for it opened the doors of the national laboratories and made available some of the finest minds in the country in circumstances where private facilities or laboratories are inadequate.

It is this type of scientific talent which must be brought to bear on these enormous challenges posed by the environmental problems we face today. The scope of these problems is staggering, but no more than that of placing a man on the moon—and that has certainly been accomplished! It occurs to me that our present position relative of defeating environmental pollution is not unlike our status in the space race when Sputnik-I shattered our complacency in 1957. Yet here only 12 years later we not only have placed a man on the moon, but we provided a worldwide TV show of the entire mission! However, that task did not consist of overcoming a steadily deteriorating set of circumstances. The moon was there and it stayed. The environmental problems are multiplying rapidly both in number and in degree as our society increases its population and industrial activity.

I think it interesting to note also that the national laboratories and other AEC facilities were well represented on the Apollo-11 flight. For instance the seismometer left on the moon by astronauts Armstrong and Aldrin contains a plutonium-238 heater system developed by the Mound Laboratory to see it through the lunar nights. The scoop which was used to collect lunar soil samples was designed and fabricated at the Oak Ridge National Laboratory and the vacuum boxes carrying the lunar samples were designed and frabricated at the Oak Ridge Y–12 plant, as was the spectrometer to be used to analyze them. Several national laboratories, including Argonne, will take part in that analysis. For future missions a "space wrench" has been developed at the Oak Ridge Gaseous Diffusion Plant and is now being evaluated and a SNAP–27 nuclear

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generator is scheduled to be installed on the moon by the Apollo-12 crew to power the so-called ALSEP or Apollo Lunar Surface Experimental Package.

These examples serve merely to demonstrate the resourcefulness of our scientific community when it is sufficiently motivated and, of course, funded. Perhaps an equally applicable example is the scientific work now proceeding to make available the peaceful uses of atomic energy. The role of the national laboratories in that endeavor is well known. It is precisely this capacity to concentrate a large number of highly skilled scientifically trained personnel encompassing a variety of disciplines which will provide the type of multi-front defense against the pollutants laying siege on the environment.

Let's take a brief look at the conflict. The first problem is to identify the elements causing the damage and assess their effects. We all know the catch phrases now—air pollution, water pollution, and so on. But I'm talking about a detailed, specific identification. For instance, how many of you have considered, as part of the air pollution problem, the question of the effect on the environment of water vapor left in stratosphere by jet aircraft? Moreover, in addition to the situations which immediately come to mind when the word "pollution" is mentioned, we are faced with situations which indirectly lead to pollution. For example, trash disposal is a problem which has enormous economic consequences. It is estimated that Americans generate five pounds of trash—paper, bottles, cans—per person per day. In major cities the cost of collection alone is approaching $25 per ton. At the present time the annual expenditure for collection and disposal is about $4.5 billion—and that doesn't include processing of sanitary wastes.

I would be remiss if I failed to mention that we are not without some progress already. A considerable amount of work is going on even now. Studies are being conducted by national laboratories, together with other agencies, concerning the uses of waste heat from nuclear reactor power plants. Such potential uses include central heating and cooling for cities and high density residential areas; water purification by evaporation and recycling; large scale greenhouse agriculture, particularly in colder regions; desalting of sea water ;and aquiculture, that is, growing food in water. In fact, today oysters on Long Island are moved into conventional power plant hot water effluent streams to accelerate growth. The Scottish Whitefish Authority has had such success in providing increased food demands by thermal stimulation of sewage nutrients for thermally enhanced fish growth that each nuclear power station in the British Isles includes as part of plant design and siting an aquiculture area.

The disposal of the mountains of waste I mentioned may be accomplished by application of the wet-oxidation process evolved from the study of processing nuclear reactor fuels. You probably noticed from the commercials during the Apollo-11 mission that International Paper Company has developed papers which dissolve in water and is working on others which may be processed into low cost building materials.

Oak Ridge is working on the development of automatic, remotely controlled tunneling equipment. This equipment will utilize high pressure water—about 5,000 pounds per square inch—to drill and line with concrete underground utility tunnels. It will eliminate the cut and cover method, reduce tunneling costs to 10% of the present level, and revolutionize the placement of all utility services. While this may not seem directly related to pollution, just imagine the boon to city planning and the enhancement of city life by noise and congestion reduction.

Some of the studies conducted by the AEC relative to fallout effects of nuclear weapons have led to an understanding of dispersion of solids and gases in the atmosphere as well as the use of radiation for pest control and increasing the shelf life of food. Here again financial considerations have played an important role in progress. Economics led to the elimination of the food irradiation program in the Administration's budget request for AEC this year, but the Joint Committee considered this to be false economy and restored that program by adding $750,000 to the Isotopes Division budget and further recommended that an additional $700,000 be transferred from the general Biology and Medicine category to that program. The Joint Committee also added $800,000 to the budget to apply space nuclear power technology to the development of an implantable radioisotope heat source power converter to power a heart pump.

But all that we have accomplished and what we are doing now is merely a scratch on the surface. And it is apparent that a consideration perhaps as important as the scientific effort in research in the method of organizing and coordinating that effort. We have come to realize that our cities and the total environment are interdependent systems. The world renowned city planner Doxiadis had coined the word "ekistics" referring to the science of human settlements. As he has clearly demonstrated, each advance must be evaluated in terms of the effect on the entire system. A set of new buildings may well improve a neighborhood, but the result may be that local streets are no longer capable of efficiently moving traffic.

In order to investigate the organization of scientific effort, the Subcommittee on Science, Research and Development of the House Committee on Science and Astronautics held hearings as recently as last week on Centralization of Federal Science Activities. Many of us will be watching these hearings closely. In 1965, The Environmental Pollution Panel of the President's Science Advisory Committee issued a comprehensive report which set forth 91 specific recommendations for action. Among those recommendations were provision of long-term support by HEW to a group of 5 to 10 universities to establish interdepartmental research centers for environmental studies, and the separation of research and development activities from governmental investigative and regulatory enforcement functions. Your organization is uniquely qualified as to both of these criteria of major significance.

As Dr. Seaborg testified in the hearings I just mentioned, the existing government-university partnership in graduate education and scientific research has resulted in a pluralistic organization with a number of advantages such as diversity of emphasis and project orientation of research efforts. Dr. Seaborg expressed his opposition to general centralization at this time until the form of such an organization can be better defined. But the present system also has some major disadvantages, not the least of which is occasional duplication of both effort and facilities with the attendant dissipation of resources. I particularly recall the development of facilities and staff competence by NASA in 1962 relative to sodium systems for space nuclear power. When some of us brought to the attention of NASA and AEC that AEC laboratories already had the desired capacity, I was both surprised and more than a little disturbed at the response. Yes there was the competence but when NASA requested AEC to perform the desired work, none of the national laboratories involved could accommodate the space agency—they were all too busy with "their own" work.

There is, obviously, a tendency to view the other man's project as less important and even as an intrusion. But efficient use of our resources, such as the national laboratories, demands that some means be developed to establish national goals and priorities and assure cooperative application of those resources to the greatest possible advantage. We should also assure that the system provides a means of relating the scientific efforts to the welfare of the individual and that the program is effectively communicated to the public. The people must know what is being done with their tax dollars and have some reasonable expectation of what may result. I think the taxpayers will support a massive attack on the environmental problems, but only if they are well informed.

I have read with considerable interest the report of your "ad hoc" committee which recommended the establishment of a Center for Socio-Technical Studies. Such a center could provide a valuable yardstick for centralization and coordination of scientific efforts in the socio-environmental field. It could also go far toward maintenance of traditional university independence which has survived notwithstanding the fact that 80% of our colleges and universities receive federal support. Moreover, it would present a valuable means to demonstrate the management ability and social consciousness of the university community. A readily anticipated byproduct would be increased public recognition and acceptance of scientific endeavors. Such public relations possibilities are rare indeed.

Perhaps the greatest national contribution of such a program would be the demonstration to top-rate, young, science trained personnel of the great challenges and potential rewards—and I don't mean just dollars—available in a career in environmental studies. Generation of a high level of scientific involvement and excitement is sure to yield results. We're seeking the solution of the greatest of mysteries—that of life in all its forms and interrelationships. Our young people have evidenced great concern about what's happening to their world and they have demonstrated the usual energy of youth. If we can channel that concern and energy into productive examination of the questions—if we can show them that this is an area where they can make a significant contribution to the betterment of their fellow men—then we shall have moved a giant step closer to the world we all want. There is no question that we shall need the dedicated efforts of large numbers of qualified people.

Another more provincial result of such a center would be its regional effect. I'm sure you are all cognizant of the so-called "Midwest Brain Drain." A 1966 study revealed that universities in Illinois, Indiana, Wisconsin, Ohio and Michigan had conferred 40% of the nation's doctorate degrees, but those states employed only 25% of the nation's Ph. D's. And 7 out of 10 of those obtaining doctorates in these states had graduated from local high schools. Location of the AEC's 200 Bev accelerator at Weston will help to stem the tide. Ironically, we owe much of the credit for the existence of that marvelous tool of science to a Californian who represents a constituency in Southern California where many of our best scientists have located. While there are a number of men in Congress who played significant roles in the successful effort to win congressional authorization of, and appropriations for, the 200 Bev, I think it is fair to say that we would not have carried the day without the strong assistance of my much admired friend, Chet Holifield. Had it not been for Chet, who as you know is Chairman of the Joint Committee, there is not the slightest doubt in my mind that the 200 Bev would not be under construction in Illinois now. The proposed Center for Socio-Technical Studies would do much to assist the 200 Bev not only in retaining the highly skilled but also in attracting others to this region.

The job ahead is unquestionably great. We must develop a better understanding of the biological effect of pollutants in order to de-

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termine what action to take. We must learn more about how they move in air, water and life systems in order to decide where further action should be taken. And we must be able to predict to a high degree what the effect of any action will be on the total system. Not only is more basic research required, but also extensive data acquisition and empirical experimentation. Then, of course, this all must be followed by applied research and engineering to transform ideas and knowledge through methodology and instrumentation into the realities of operating systems and programs.

We face problems of governmental organization and cooperation on local, State and national levels. Pollution knows no boundaries and cuts over jurisdictional lines to despoil all. Many of our problems are in fact the result of piecemeal growth and jealously guarded subdivisions of governmental authority.

Economics will obviously be a major factor. The economists also have a new challenge in developing economic terms which express the value of aesthetic enhancement of the environment and the addition of "quality" to human life. What is it worth in dollars to be able to hear a bird sing in a city or to be able to dip a cup in any stream for a drink of cool, clear water? I think most people would be willing to pay for such a world. And it can be as much of a reality as those footprints on the moon.

I wish you great success in this venture. The number of bills before the Congress today calling for environmental reparation attest to the concern of both the elected and the electorate. We look to you scientists and academic administrators for the fulfillment of this dream.

FOURTH GRADERS IN PITTSBURGH HONOR FLAG WITH POETRY PUBLICATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. MOORHEAD. Mr. Speaker, if it was possible to ask every single American what our flag, Old Glory, means to him, I am sure there would be near as many different answers as there were people queried.

The majority would talk in terms of liberty, patriotism, valor, and others of past military victories.

A group of fourth-grade students at the John Minadeo School in Pittsburgh dedicated a class project to our flag. Each student in Miss Roberta Feldman's class wrote a poem about the flag and these poems were printed in a book, titled "Our Flag Still Waves."

I would like to introduce this publication into the RECORD today and ask my colleagues to read these declarations of praise for our flag.

I am quite proud that these youngsters sent me their work. And it is with sincere pleasure that I share with my fellow Members of Congress their efforts:

PITTSBURGH, PA.,
January 23, 1970.

DEAR MR. MOORHEAD: Our fourth grade class, from the John Minadeo School has just finished reading about the American Flag in the book Ventures. "The Rockets Red Glare" was the title of the story.

Our teacher, Miss Feldman, discussed it with us and we decided to write poems and illustrate them expressing our feelings about the American Flag, The Star Spangled Banner.

We decided to dedicate our booklet to a new age, the seventies, and the hope for world peace. We sincerely hope you like our work. Thank you for reading it.

Sincerely,

GENE TABACHNICK,
ROBERTA FELDMAN.

OUR FLAG STILL WAVES—1776–1970

(By Roberta Feldman)

This is a new year and the beginning of a new decade the seventies. Behind us we remember the unrest, assassination, demonstrations and dissent that became an important part of our lives.

We as the fourth graders of the John Minadeo School feel that our flag still proudly stands. We hope that by showing respect, reverence, honor and allegiance to it we can prove our love and devotion to our great country.

Our wish is to dedicate this poetry booklet to our nation and our flag—The Star Spangled Banner—May it proudly wave over "The Land of the Free and the Home of the Brave."

OLD GLORY

(By Sandra Forrest)

Our flag, it was there, on that perilous night,
Where soldiers fought both day and night,
With the bombs bursting in the air,
Old Glory waved as it stood there.

OUR FLAG

(By Elissa Barent)

Above the misty clouds at Fort McHenry stood,
Our flag still waving by dawn's early light.
The bombs were bursting in the air,
The colors so flashing, red just glared.
This was the proof that through that cold night,
Our flag was still there.

OUR FLAG

(By Beth Kramer)

For the beauty of the earth, we love our flag,
For it symbolizes justice, loyalty and peace.
We are proud of our flag that waved ever so bravely
Over Fort McHenry while the bombs were bursting high.

IT IS MY FLAG

(By Howard Berger)

I like my flag,
So I can brag.
There is one star for each state.
I think our flag is so great.
I like the red in the sky,
The bombs bursting certainly do fly,
I see the red,
From my bed.
I think America should fight
For what she believes is right.

THE STARS AND STRIPES

(By Rima Cohen)

Let the stars and stripes of our flag always wave,
Let it always stand for freedom, and all the blood that has been shed,
It has been shed by those who died for their country.
Let our country always be free,
Let everyone love one another.
Let our flag always wave
Over the land of the free and the home of the Brave.

THE STAR SPANGLED BANNER

(By Gene Tabachnick)

The Star Spangled Banner has flown through the night,
Men protected it, they went out to fight,
A man was watching while he was writing.
He couldn't see the flag, but he heard the men fighting.
With the tears shedding and blood all around.
The flag was still standing, our freedom was found.

OLD GLORY

(By Neil Rothschild)

Old Glory protected the fort at night.
When dawn broke it stood for the fight.
The blood was fierce and so were the dead,
As the men were so brave, while our flag did wave.

OLD GLORY

(By Mark Edelstein)

Our flag was still there,
It was waving high in the air.
How beautiful it was,
The stars and stripes of red, white and blue.

OUR FLAG

(By John Stefurak)

The bombs, bursting over Fort McHenry couldn't defeat our flag.
The flag stood brave and tall, showing no fear at all.
It waved so beautifully in the cold, dark mist,
Over the shores waters so lightly kissed.

OUR STAR SPANGLED BANNER

(By Howard Block)

Our Star Spangled Banner has always flown high,
If there was killing, shooting or bombs bursting sky high,
Our Star Spangled Banner will always stand by.
Proudly we think of the men in the grave,
They fought for our freedom and now they lay.
The men in the grave shall arise as our flag passes by day or night.
They shall think of the time of their great victories and fight.

STARS AND STRIPES

(By Brian Breitbard)

Francis Scott Key, Francis Scott Key, what do you see at dawn?
Is our flag still standing?
Will our victory stay?
Can our men keep on fighting,
Or will they lay dead?
Will our flag still fly overhead?

THE AMERICAN FLAG

(By Ilene Halpern)

The American flag waves bright and true,
With its colors of red, white and blue.
You can find our flag anyplace,
Hawaii, Alaska or Outer Space.
Our Flag represents our marvelous land.
Freedom, democracy and things so grand.

OH! LONG MAY IT WAVE

By Sarah Heyman)

Stand and salute the red, white and blue.
That means so much to me, and so much to you.
The stars stand for the states, for liberty so true.
The red, white and blue stand for justice and peace that grew.
We all salute you, oh! red, white and blue.

OLD GLORY, OLD GLORY

(By Thomas Walsh)

Old Glory, you still stand against the staff limp.
The perilous flight which never seemed to end.
Freedom was found and shall continue forever and ever.
Our flag shall always stand proudly over our land.

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AS THE FLAG WAVES

(By Susan Lee)

As the flag waves,
People are being saved.
As the flag proudly stands,
Soldiers have proved they are men.
No matter in what age,
Our flag so proudly waves.

THE RED, WHITE AND BLUE

(By Sam Jacabowitz)

The American flag should wave forever and ever,
"Tis the Star Spangled Banner by day and by night.
Old glory shall be forever and ever,
No glory shall be without our Star Spangled Banner

May our Star Spangled Banner be with us forever,
For it is our pride and joy.
It shall reign forever by land or by sea.
"O'er the land of the free and the home of the brave."

OLD GLORY

(By James Tucker)

Old Glory, do you still stand?
Waving your stars and stripes over this bloodshed land.
Have the British surrendered?
Have we won the war?
Is North Point all right?
Wait look there!
Is it ours or the enemies' flag up there?
The British are turning back.
Old Glory still stands.
The war's victory is in our hands.

OLD GLORY, OH GREAT GLORY

(By Marc Luick)

Oh! Will it ever stand true?
Oh glory of ours,
That there will be lasting peace,
We will never have war.
We wish and we truly hope;
Oh great, great Glory,
We will have peace not vengeance or hate,
We will not worry but be free great Glory,

OUR FLAG

(By Terry Williams)

The battle has ended,
The war it was won.
Three cheers for the flag we all know and love.
Oh, long may it wave,
Over this land of the brave.
Whose peace and freedom we are part of.

OUR FLAG

(By Brenda Levin)

Our flag still waves through rain and snow.
The bright stars and stripes are shining below.
The flag still waves for the brave who fought,
To give us the freedom that all Americans want.

OH BEAUTIFUL FLAG

(By Gary Graff)

A flag by day, a flag by night,
Our flag shows our might.
Our flag withstood many wars
At any fight our flag was there.
It flew high and never went down,
Our soldiers never let it hit the ground.

OUR FLAG

(By Randi Rubin)

Our flag is such a magnificent sight,
The colors are extremely bright.
May the Stars and Stripes forever wave,
For all the men who were so brave.

OLD GLORY, OLD GLORY

(By Marty Wilner)

Old Glory, Old Glory may your stars and stripes shine at night.
Through the perilous fight may you wave swiftly with the wind.
May you bravely wave Old Glory through the night
May the bombs bursting in air shine and be your nights light.

THE FLAG

(By Lester Frischman)

Watching the bombs in the air,
British ships came from everywhere,
You can see the bombs bursting in the air
But Fort McHenry's flag was still standing there.

OUR FLAG

(By Maureen Beyer)

Our flag is a sign of the nation.
The flag stands for justice, liberty and peace.
To many our flag is a sign of peace and freedom.
To some it is a thing to protest against.
To me it is a sign of my homeland.

THE STAR SPANGLED BANNER

(By Tina Bach)

It was an early foggy morning,
Suddenly a ship was sailing.
Mr. Key stood up and gripped a rail.
He strained to see Fort McHenry,
Our flag was still waving.

OUR FLAG

(By Mark Watson)

The men were at war,
All the families were crying.
Because all those men kept dying and dying,
The Star Spangled Banner was created that night
While the bombs were bursting in the air so very bright.
May our flag up so high wave.
It waves over "The Land of the Free and the Home of the Brave."

OUR FLAG

(By Patricia Kennedy)

Our flag has many names because of its wonderful fame.
All people love it, yes they do,
The stars and stripes or the red, white and blue.
Our flag is the one that we love, yes that's true.
Our love for it increased as our country grew.

OLD GLORY

(By William Crum)

There once was a fight,
It lasted both day and night.
Here men fought for right.
Yet Old Glory was seen through the mist.
The bombs burst in the air.
Our Flag still stood there.

OUR FLAG

(By Valerie Kramer)

I feel proud as I watch over our flag.
Wave high in the sky of blue,
My heart feels glad that I'm part of the flag.
Do you feel the same way too?
The flag stands for our nation,
It couldn't be better stationed.
Our flag should not ever be treated like a toy.
It stands for every girl and boy.

OUR FLAG

(By Ronna Smooke)

Our flag the red, white, and blue,
Its the symbol of our country for me and for you.
Its the flag of liberty, justice and peace,
With its fifty stars and thirteen stripes to say the least.

OUR FLAG OF FREEDOM

(By Bruce Valinsky)

Our flag is red, white and blue.
It means a lot to me and you,
It meant a lot to the soldiers,
In the War of 1812.
The soldiers were so brave,
To save our American flag.

MY FLAG

(By Jane Marrone)

The sky was blue and gray,
It came at dawns early day.
I think our flag was brave,
To stand where guns were shooting.
But when it was over,
Our flag was still waving over the rising sun.

WONDERFUL OLD GLORY

(By Nanette Marshall)

Beneath the sun, or beneath the stars,
Old Glory still waves, she is our flag,
Which no one can ever take away,
She stands for our freedom,
Which we fought for many times.
She is our beautiful flag.
Let us remember her wonderful Glory.

OUR FLAG WAS STILL THERE

(By Steven Fleischmann)

Over Fort McHenry, the red, white and blue,
Was flying strongly and bravely too.
Our flag never went down, nor touched the cold earth.
For it symbolizes freedom,
That's what America is worth.

THE FLAG OF THE UNITED STATES

(By Teresa Svidro)

The flag of our nation,
Is red, white and blue.
It has fifty stars,
On a field of blue.

The flag has thirteen Stripes,
Seven are red and six are white,
They stand for courage and honesty.
They symbolize our country so bright and free.

OUR FLAG

(By Gina DePaolo)

The flag still stands though the bombs burst in the air,
Through the dark night and the dawns early light.
It flies over our land blessed with freedom tall
It flies over our land blessed with liberty and justice for all.

THE STAR SPANGLED BANNER

(By Cathy Tomasovich)

The flag that waved over Fort McHenry,
Was seen very dimly one day.
Francis Scott Key, wrote as he watched,
A poem to show that the Star Spangled Banner yet waved
The flag still waves throughout the United States.
To show that we have liberty, justice and progress.

THE RED, WHITE AND BLUE

(By Barry Hackman)

Bombs bursting here,
Bombs bursting there,
Couldn't knock down our dear flag.
Torture it took,
But at Fort McHenry it still stood.
The nation grew,

So did our flag.
Our flag that stands for liberty, justice, freedom and Peace.

THE FLAG

(By James Lowe)

In 1812 the war began.
We were fighting for our land.
The British were bombing the sea,
The flag was standing for you and me.
Fort McHenry was the name of the fort.
The war had ended.
We had won the fight for our land,
All the time I knew we would win
Yes, we would win for "In God is Our Trust".

OUR FLAG

(By James Prey)

All of a sudden right in the air
A war has started
Men are being killed
Fighting for peace
British ships coming in close
But the flag stood still
One by one men fell to the ground
Word by word went on to the paper
All of a sudden he started to yell
"Our flag still stands".

OUR FLAG

(By Lisa DeFrancesco)

This flag belongs to me
This flag belongs to you
Brave men have lived and died
To set our people free.

OUR FLAG

(By Eric Malakoff)

The British were bombing
The bombs were bursting in air.
The men were fighting,
Through the rockets red glare.
Our flag stood there through the night.
It did not surrender the fight.

OUR FLAG

(By Freda Foster)

Brave soldiers fought and died
So our country could be free.
Freedom rang from nation wide,
Our truth will never die

The Flag which waved so proudly,
Was such a beautiful sight.
The brave soldiers who fought for their pride
Our truth and freedom will never die.

OUR FLAG

(By Valerie Grise)

Our flag goes back in history,
Which stands upon a staff.
When the winds blows it swings and sways,
To remind us it went through many tragic days.
But it lasted through the war, just as we
For the land of the brave, and home of the free.

THE AMERICAN FLAG

(By Susan Mikula)

A flag that's dressed in red, white and blue,
Means so much to me and so much to you,
With the fifty stars that shine so bright.
In the field of blue at night.
Beautiful red that stands for courage.
Lovely white that stands for purity.
Flying over Fort McHenry.
Our flag the red, white and blue.

THE STAR SPANGLED BANNER

(By Ricky Lazar)

Old Glory was waving over Fort McHenry,
Brave men were dying there.
Francis Scott Key looked as the
Star Spangled Banner still waved.
Over the land of the free and the home of the brave.

OLD GLORY

(By Susan Mayer)

Our flag was standing in the mist,
How beautiful it was.
One dark night the flag was still there
That was the end of the fight.

THE STAR SPANGLED BANNER

(By Foster Dale)

The men were fighting
Key was on the boat.
The bombs were bursting
Yet, Key still wrote.
He wrote of the brave,
He wrote of the free,
While his flag did so wave
Through morning and eve.

THE AMERICAN FLAG

(By Leslie Kuntz)

As the American flag flies over the fort,
Let all freemen stand forever more.
Let the American flag fly year after year.
Yes, let our flag fly and wave.
It flies for liberty and freedom forever more.

OUR FLAG

(By Paula Steele)

Our flag is red, white and blue.
What does our flag mean to you?
Our flag flies high
Yes, up in the sky.
In the night our men did fight,
Yet our flag still proudly waved.

THE AMERICAN FLAG

(By Joseph Zielinski)

The American flag is made up of red, white and blue
It means something special to me and to you.
It waves over schools and other places
It is looked at each morning by millions of faces

OLD GLORY

(By Stephen Iskovitz)

Our flag was still there,
Waving high in the air.
Francis Scott Key knew we were fighting to be free.
Francis Scott Key could just barely see,
That there Old Glory waved
That meant we were free and saved.

A VERY SPECIAL MAN

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. HASTINGS. Mr. Speaker, recently I learned of the death one of my constituents whose life was the measure of a very special man. Stanley A. Olson, chief photographer of the Jamestown, New York Post-Journal, died January 13, 1970, at the age of 60 of a disease which he was well aware could not be cured. Yet his attitude, even during the final months when the end was near, never changed. He remained cheerful and exercised the agile wit that marked him a truly courageous man.

Stanley Olson spent some 42 years in the newspaper business. During that time, his camera captured all the major happenings in the Jamestown area and here in Washington, D.C., where he covered presidential inaugural ceremonies.

Every national figure who set foot within the environs of Jamestown from Lucille Ball to President Nixon was caught by the lens of Stanley Olson's camera. For 15 years, he was a top award winner in the New York State Associated Press news photo contests. His subjects ranged from a sailing race on placid Chautauqua Lake to huddled passengers marooned at the airport terminal by a raging blizzard. They could not get out but Stanley Olson caught it with his camera.

Besides being a great newspaperman, he was a devoted husband and father. As a citizen of Jamestown all his life, he earned the respect of his fellow men through his tireless devotion to many civic causes. The Optimist Club was a special love of his. He served as its president and was a member of its board for 8 years, having a record of 19 years perfect attendance before his hospitalization.

I know the Members of this House will agree with me that greatness is not always measured by prominence in national headlines but in the day-to-day tasks of citizenship, love of family and friends, and devotion to one's work. These things Stanley Olson typified a hundred times over. It is my desire to extend my sincere sympathy to his widow, Ethel, and his two children, Judy and Ronald; and at the same time place in the RECORD two articles from the Post-Journal which tells so eloquently why Stanley Olson was held in such high regard by all.

The articles follow:

STANLEY A. OLSON, PERFECTIONIST

It is difficult to apply a newspaperman's professional yardstick in commenting upon the passing of Stanley A. Olson, our chief photographer, whose death was recorded Tuesday in the news columns. For Stan has been so much a vital and vibrant part of the Jamestown newspaper picture over so many years, dating back to the days of the former Jamestown Evening Journal, that accepting his untimely passing is extremely difficult.

In all things he did in life, whether in or out of the newspaper office, he was a perfectionist. He lived life to the fullest, gaining countless close friends and admirers as he cheerfully gave of his many and varied talents in his multiple civic associations.

Not even his terminal illness, with which he lived for several years, changed his attitude or philosophy of living. He accepted his fate and observed his own illness with clinical interest as he fought against the inevitable. He remained the devoted husband and father, the expert workman who remained at his post as long as physically able, and the cheerful friend and fellow worker in the face of adversity.

As the cycle of death, as inevitable as birth in man's brief passage from the cradle to the grave, leaves a saddened group of associates and close friends throughout the community, we should remember the gifts he gave us in our association and express our consolation and prayers for the bereaved family in this hour of great personal loss.

FORMER EDITOR OF P–J LAUDS STANLEY OLSON

Among tributes to Stanley A. Olson, Post-Journal chief photographer, whose death occurred Tuesday morning, is one from John A. Hall, former Post-Journal editor-in-chief, sent from his winter home in Naples, Fla.

It reads as follows:

"My heart is broken by the death of Stanley Olson after the long suffering he endured with so much courage and a spirit that kept

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him working in the profession he so deeply loved.

"No man ever gave greater friendship or loyalty or showed deeper devotion to his work of producing the finest pictures possible for his newspaper.

"His pictures won the highest honors in the industry and in the hearts and minds of the readers of The Post-Journal, but aside from that he had his whole heart in the taking of pictures that truly told the story of what was happening.

"Every holiday he depicted the spirit of the day, whether Christmas, Easter, or another, and his feature pictures brought joy and warmth to the hearts of our readers.

"It was a joy and pride to me to have been associated with him through practically all of both our professional careers. He was a true artist and a great craftsman, but, to top it all, he was a great person of the finest friendship, loyalty and devotion to his job.

"It is sad that he should be taken so early."

IMPROVED CLASS ACTION MACHINERY ESSENTIAL FOR EFFECTIVE PROTECTION OF THE CONSUMER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. ROSENTHAL. Mr. Speaker, effective protection of the consumer requires improved machinery for the class action. My distinguished colleague and friend from Texas (Mr. Eckhardt) delivered a cogent, informative address on the subject to the Consumer Federation of America January 15 in Washington.

I call your attention to the persuasive arguments he makes in behalf of H.R. 14585, a bill designed to give the wronged consumer recourse where he originally had none because of prohibitive legal costs. His address follows:

Consumer Class Actions

(By Congressman Bob Eckhardt)

Most of the great pillars of our legal system are procedural, not substantive—due process, equal protection, the right to be tried by one's peers. Just as these are the wheels on which judicial justice rides, there are similar wheels that keep the economy rolling with a degree of equity and fair play: The process of collective bargaining, commission controls, the technique of using yardsticks like TVA and REA.

I. NEED FOR ADEQUATE PROCESS FOR CONSUMER PROTECTION

But no such vehicle for justice, equity, and fair play exists for the consumer. Congress has the means of making one—one that is self-induced and self-propelling, not one that depends for its impetus upon the good motivations and energetic administration of a commission.

As is all too well known by those dealing with them, government agencies are not always energetic and prompt. Relief is often inadequate. Take, for instance, the Federal Trade Commission. It was created as an administrative agency to protect the consumer against unfair and deceptive trade practices. The Holland Furnace Company case illustrates the inadequacy of this protection.

In December 1936, the company agreed to a Federal Trade Commission consent order against certain misleading advertising claims and the proceedings dragged out through 1954. Not until 1958 was a cease and desist order issued. This prohibited Holland "from engaging in a sales scheme whereby its salesmen gained access to homes by misrepresenting themselves as official inspectors and heating engineers. Having gained entry they then dismantled furnaces on the pretext that such was necessary to determine the extent of necessary repairs." Holland Furnace Company ignored the court decree enforcing the cease and desist order and was heavily fined for contempt of court in 1965.

If it thus takes 29 years for the consumer to get relief, there is something wrong with the governmental machinery that purports to afford such relief. I have come to have serious misgivings about the ordinary policing agencies' ability to protect the people. Administrative budgets and personnel are limited, and the agency, so to speak, stumbles over its own processes. Hurdles and barriers are written into agency laws by lobbyists for the industries controlled, and the possum is set to guard the chicken coop.

In trying to devise legislation that will work in the consumer field, I have kept these points in mind. Good legislation must envisage the existence of competing interests or of forces which are otherwise self motivated. And it must supply machinery, readily at hand, to accomplish the public purpose.

The public purpose may be the sharing of increased productivity and the furtherance of industrial justice—as in the Labor Act—or it may be the extension of the availability of electric power—as in the TVA and REA programs. Here it is the protection of consumers in the market place—the protection of one who deals occasionally with another who makes it a business to engage in that particular selling activity.

The diffuse interest of the purchaser engaging occasionally in the particular type of transaction does not measure up to the intense interest of the seller in making that transaction highly profitable when repeated thousands of times. The techniques used may include conditions or provisions that are illegal or unenforceable, but it is simply not practicable for the single purchaser to contest them.

For instance, a lodging place alters its room rate, in breach of the desk clerk's stated agreement with the lodger, by placing in effect some special rate for the Sugar Bowl season in New Orleans. The lodger must pay the rate or suffer the inconvenience of having to try to extricate his luggage by judicial process. The practice is one which can be perfected by the landlord over many Sugar Bowl seasons, but the customer confronts the problem perhaps once in a life time.

It is, in my opinion, not practical to try to delineate all the types of practices perpetrated against consumers wihch entail fraud, deception, overreaching, and vending such shoddy merchandise as to breach an implied warranty that the merchandise is suitable for its apparent use. Neither is it practical to establish at a federal level an entire new substantive law of deceit. And, as we have seen, dependency on governmental nursemaiding is likely to result in disillusionment.

I think it is better to rely on existing statutory and common law, and developing concepts of the duty of the seller to deal fairly in the marketplace—concepts which are developing in the courts in civil cases and in the Federal Trade Commission in proceedings there. Such development should be encouraged by federal procedural law like that contained in H.R. 14585.

Existing substantive law is, or is becoming, adequate to protect the consumer's interest in the marketplace. But the machinery of protection is not adequate. State procedural law is in most instances clumsy and antiquated.

As we have already intimated, the main reason why consumers cannot be properly protected under existing process is that their individual claims are too small and they cannot be aggregated in class actions in most instances and in most jurisdictions.

Deceptive advertising, usurious interest rates, overpriced drugs and food, and adulterated meat are all wrongs involving small amounts of money, many under $200. Very few would be large enough so that a wronged consumer could effectively secure his rights through the law. The duped consumer is apt to have precious little money to support a test case to establish the rights of the many. The amount he may recover is not likely to pay the court deposit, let alone the lawyer's fee.

Few lawyers, other than the very young and very idealistic, are to be found who are anxious to endure time-consuming litigation for a $50 fee. A $200 judgment is not likely to be a powerful deterrent to the wrongdoer. The usury laws prove this. In a study conducted under the auspices of the University of Pennsylvania, it was concluded that "(t)he number of consumers having no redress because the amount lost is not commensurate with the attorney's fee constitute the vast majority." Small claims generally do not warrant individual litigation and the misbehaving corporations that bilk the consumer know it. "In many instances, fraudulent operations carefully avoid cheating individuals out of large sums of money because they realize that no one bilked out of fifty dollars is going to pay a lawyer to get his money back."

II. THE CONSUMER CLASS ACTION ACT

As we have indicated, state laws have gone a fair way to devise substantive provisions for consumer protection. And the State courts have hewed out, by common law process and statutory interpretation, a considerable body of consumer law. But the processes of the State courts do not afford effective means of permitting many persons who have bought from different agents of a given defendant, or from the same agent in different transactions, an opportunity to lump their claims together so as to have a large enough damage claim to finance the suit; the court costs involved, the lawyers' fees, and such notices as must be printed. Therefore, the Consumer Class Action Act, H.R. 14585, establishes Federal policy that this machinery shall be available through use of the Federal courts and their liberal procedure for joining many persons in class actions.

Section 4 contains the gravamen of the bill. It makes an "act in defraud of consumers which affects commerce" an unlawful act which will give rise to a civil action triable in the district courts of the United States. Such suits may be tried without regard to the amount in controversy. An "act in defraud of consumers" is defined as including two distinct things: An unfair or deceptive act or practice as the Federal Trade Commission Act condemns in Section 5(a)(1); and an act which gives rise to a civil action by a consumer or consumers under States statutory or decisional law for the benefit of consumers.

Such a suit in Federal court would apply the law of the States in exactly the same manner that the Federal courts apply such law in a diversity of citizenship cases. Thus, the court in any suit is dealing with a definite body of law in a manner in which it is accustomed to deal with such law. There is nothing unfamiliar in the act which would make it difficult for the court to proceed according to customary practices. For instance, the conflict-of-law law which ordinarily applied in diversity cases would establish the law applicable to any body of facts before the court.

It is very important, however, that these substantive offenses, initially spelled out in State law, be considered as Federal offenses triable in a Federal court and that the basis for jurisdiction be without respect to amount in controversy.

Of course, suits in Federal court on di-

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versity of citizenship can presently be tried on the basis of State substantive law, just as suits under this act would be tried—with one exception: There is no requisite of jurisdiction based on jurisdictional amount in this act. This is important because in *Snyder* v. *Harris,* 89 S. Ct. 1053 (1969), it was held that claims of the individuals in the class action cannot be aggregated toward the $10,000 minimum.

As is well known, cases come into the Federal court through two doors: First, diversity of citizenship with a $10,000 jurisdictional amount; and second, Federal question jurisdiction.

In the latter type of case the jurisdictional requisite may apply but the statute involved itself may waive it. That is what is done here.

The Class Action Bill will allow consumers to achieve justice in federal court if state class action statutes are inadequate and too rigid to protect legal rights. Perhaps the most notable failure is in New York where the recent case of *Hall* v. *Coburn* has been litigated.

This case involved a consumer class action against a finance company which had allegedly violated the New York Retail Installment Sales Act by using contracts printed in less than 8-point type. The NAACP legal defense fund sought refund of the service charge, a statutory penalty, on behalf of all consumers who had signed small-type contracts prepared and repurchased by Coburn Corporation within the period of the statute of limitations. However, the action was dismissed on two grounds; first, aside from the request for identical damages caused by identical conduct, the class was not united in interest; and second, maintenance of the class action would deprive members of the class of other remedies which they might prefer to pursue against the defendant or against the merchants with whom they had dealt.

Neither of these grounds is compelling. The fact that identical damages are sought for identical conduct makes a case more suitable than unsuitable for class action treatment. Furthermore, class members' interest in pursuing other remedies can be preserved by limiting the scope of the judgment in a class action to the remedies that are actually sought. *Hall* v. *Coburn Corporation* is typical of state class action law. Similar unnecessarily restrictive state decisions can be found in such states as Mississippi, Massachusetts, Indiana, Ohio, Michigan, and Washington. Other states, like North Carolina and West Virginia, have too few reported cases to predict the viability of a consumer class action. In these jurisdictions the status of consumer class actions is, at best, uncertain.

In some states, the class action procedure is wholly adequate. I have, therefore, included a provision in my bill to prevent removal from the state court to the federal court by the defendant where the state forum has been chosen. It provides:

"This section shall not be deemed to prohibit a plaintiff from choosing a State forum without the case being subject to removal on grounds of federal question jurisdiction under Title 28, Section 1441, United States Code."

The election given to the plaintiff to proceed in either the state or federal court is just what is done with respect to *in personam* maritime claims in the "savings clause" of 28 U.S.C. Section 1333. Removal under Section 1441 is not a constitutionally compelled but a prudential disposition, subject to whatever qualification Congress may dictate.

This bill provides that injured consumers may bring class actions in the district courts of the United States under the Federal Rules of Civil Procedure, including Federal Rule 23, the most modern class action procedure in the United States. These class actions would be available in transactions affecting interstate commerce where violations of state or federal consumer protection law have occurred.

The proposed law dispenses with jurisdictional amount and diversity of citizenship for purposes of class actions.

Let us examine some of the implications and provisions in detail.

III. PRESIDENT'S CONSUMER BILL IS ILL-CONCEIVED

Several months after my bill was introduced, the President endorsed generally the concept of class actions and subsequently introduced his own legislation, H.R. 14931 and S. 3201. I submit, the Nixon bill is itself unfair and deceptive to the public. In theory it purports to establish a buyer's bill of rights. In fact, it attempts to sell to the buyer a bill of goods. It lulls the public into thinking they will be protected. Let us examine what is, in fact, done:

Under the Nixon approach, no action may be brought by an individual or a class until the government has successfully terminated its own lawsuit. There is no precedent in the annals of Federal legislation for this. The Government would decide which private rights are to be enforced. The Attorney General and FTC stand, as it were, like a traffic policeman, giving the green signal to one group of would-be litigants and the red signal to others.

There is, it seems to me, a serious constitutional question here involving procedural due process. Can Government establish that certain acts are prohibited and that their commission may result in civil liability but then afford a remedy only to those injured by that wrongful act which the Government chooses to single out?

It would seem that all consumers affected by the proscribed activity of fraud, deceit or overreaching would constitute a class of persons whose rights under the law have been invaded. But the violation of the right of any one of them gives rise to a remedy subject to the discretionary action of the Department of Justice in bringing a governmental action aagInst the offender.

For instance, suppose Montgomery Ward and Sears Roebuck both manufacture chain saws whose lubrication systems are so defective that the links wear out and the chains fall apart at a time far short of the warranty. By selling the saws under such warranties, exactly the same breach of duty has been committed against the purchasers of both companies. But the Attorney General chooses to sue only Sears Roebuck. The Attorney General, under the Act, can thus choose which potential civil litigants, whose rights have been invaded, shall have a remedy.

If this is not actually unconstitutional, it is a policy which is most reprehensible, one which is conducive to official corruption.

The hypothesis assumes a defective lubrication system and a violation of law. But in any actual case this question cannot be determined until after trial. Suppose the allegations upon which a case must rest cannot be sustained in either the case of Montgomery Ward or Sears Roebuck. The bringing of the case against Sears Roebuck opens up a flood of expensive private, civil litigation against that firm, with attendant bad publicity, but insulates Montgomery Ward. Such a provision of law would invite politics and graft in the governmental process.

The same situation does not exist in the case of the antitrust laws. There a federal civil antitrust action does not have to await a criminal action.

The process provided under the Nixon approach is further defective in that inherent in it are the same defects that presently exist in dependence upon the FTC as the consumer's watchdog. It merely utilized the Justice Department in the same general way that present law utilizes the Trade Commission. Of the two the Commission is better staffed and better versed in the subject matter than the Department.

The Federal Trade Commission receives 9,000 complaints a year. They are able to investigate only one out of eight or nine of those complaints. Of the 10% or so that are investigated, not even one in ten results in a cease and desist order. To make that kind of record, the FTC has 1,300 people, including 500 lawyers and a $14 million budget.

The Administration proposes to allow the Justice Department to receive complaints, investigate each one of them, and then decide whether to bring suit.

It may be argued that the existing attorneys can do the job of investigating and bringing suit. Yet one need only examine the record from the Hearings before the Committee on Appropriations for the Justice Department to see how the Department of Justice is already overburdened.

As John Mitchell has himself said "We are convinced, however, that a substantial increase in manpower is absolutely necessary to deal with the magnitude of the problem and the additional manpower can be effectively deployed along the lines indicated." The Solicitor General, Erwin Griswold, said, "A year ago I was overwhelmed with work; yes, I still am." His department is typical yet the Administration proposes additional workloads on an already understaffed department. The consumer will pay the price.

The Justice Department, if we are to be realistic, will have to establish priorities. They will have to decide what *they* consider important or unimportant. The priorities of the Justice Department may not always coincide with those of the victimized consumer.

The small consumers stand to benefit least from this provision, Poor, uneducated, and somewhat skeptical of the Government to begin with, he probably will have little success in convincing an agent of the Federal Government by letter or in person that he has a valid case. If the small consumer cannot get the Department of Justice to seek relief for him, he is left with very little means of help under the Nixon approach.

The only way that some may get action may be to hire a lawyer to represent them before the Department of Justice. Thus, a consumer may, in effect, have to press his case twice: once before the Justice Department or the FTC and then again, if he is lucky, before the court.

But who is most likely to be able to hire a lawyer to press his case with the Justice Department:

(1) a competing seller who would like to open the gate to civil litigation against his competitor, or

(2) Any seller who would like to keep the gate closed to litigation against him?

The consumer himself is the last person likely to be represented by counsel before the Department of Justice—and is, I submit, the last person likely to get justice. This proposition is not altogether unprecedented.

The Government has hesitated in the past to protect the small man's rights: Antipollution violations and civil rights violations are recent examples. The people best able to protect the rights of the consumer are the consumers themselves. The Government can help but it should not be able to prohibit. That is why our bill allows class actions directly without Government interference.

The potential of delay, though, remains the greatest drawback in the Administration approach. The complaint must come in, be considered, investigated, sent up for further action, and then prosecution may result, just as in the case of the FTC. All of this takes

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time. In a case before the FTC involving the Crawford Corporation and interlocking directorates in the prefabricated housing industry, the case was dropped on April 4, 1969, when it was discovered that the Defendant had withdrawn from the prefabricated housing business in the early months of 1964, five years earlier.

On April 4, 1962, the FTC field office in Chicago began to investigate the Vollrath Company of Sheboygan, Wisconsin for "making false savings claims and misrepresentations about the construction, efficacy, and other features of stainless steel cookware." Four years later, the case was given to the Bureau of Deceptive Practices for prosecution. Another year passed before a hearing examiner made the initial decision in the case and still another year before the Commission made its final decision. The time lapse from investigation to decision was six years.

In the Federal Trade Commission the average time lapse is four years with two years of investigation and two years of prosecution in the central office. Until the end of that period, there is no halt upon the activities of the company. The Justice Department, with far less resources than the FTC devoted to consumer affairs, cannot hope to even achieve that degree of promptness.

IV. RECONCILIATION OF APPROACHES AND CONCLUSION

The Consumer Class Action Act would allow a group or class of consumers to sue the defendant directly. This approach needs no government subsidies to pay for it. It needs no department to administer it. In contrast, the Administration bill not only will require lawyers, investigators, and economists all paid for by the Government, but it will require two lawsuits where one is sufficient. The federal courts are already overburdened and it makes little sense to have the Government institute one lawsuit and then the individual litigate the same matter in a different suit later.

Some reconciliations as between the two approaches are, however, quite possible and, I think, desirable. The framework of legislation recommended in the President's consumer report could be implemented by legislation in section 4 of H.R. 14585. There, the first type of "act in defraud of consumers" is defined as "an unfair or deceptive act or practice which is unlawful within the meaning of section 5(a)(1) of the Federal Trade Commission Act." We would invite the use of this as a legislative vehicle to provide private citizen's rights to bring action in a Federal court to recover damages as a result of the several specific fraudulent or deceptive activities which we understand the Justice Department to be framing. In this section of the bill it may be conceded, arguendo, that there is merit to the President's rationale expressed in the consumer message:

The legislation I will propose will be of sufficient scope to provide substantial protection to consumers and of sufficient specificity to give the necessary advance notice to businessmen of the activities to be considered illegal.

Yet, under our approach, we have defined "unfair or deceptive practice" as any act or practice which is unlawful within the meaning of section 5(a)(1) of the Federal Trade Commission Act. There is an existing body of law compiled over a 55-year period, consisting of thousands of Commission decisions, which defines these terms. In addition, over 800 court opinions have been rendered which interpret the act. With this backlog of court and agency interpretation, there is considerable guidance available for interpreting "unfair and deceptive."

The eleven specific acts of the Administration bill cannot call upon this vast body of common law for interpretation. It further cannot reach all of the practices which our broader definition would reach. Collection practices, chain referrals, free gimmick transactions, and usurious credit terms are just some of the practices that will not be covered.

In conclusion, H.R. 14585 affords an extremely practical and effective way of establishing a strong body of consumer law. It acts pragmatically under existing law, permitting a common law approach for remedying and curbing overreaching in the marketplace. It does not attempt to anticipate in exquisite detail every fraud or act of overreaching which might give rise to a consumer class action. But since it adopts State law as Federal law, it gains all of the specificity of existing statutory and common law applicable to the facts: The businessman has notice of what activities are to be considered illegal in exactly the same manner that he has such notice in a case which is in Federal court on the basis of diversity of citizenship.

It is the sponsors' hope that this bill will afford an opportunity, on a nonpartisan basis, for Congress to give the consumer what he has long needed—a fair break in his day-to-day dealings in the marketplace. It is not only the consumer that needs the assurance of the fairness of the marketplace but also the vast majority of merchants who do deal fairly. The good reputation of the marketplace is essential to a healthy free competitive economy.

JUDGE G. HARROLD CARSWELL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. CONYERS. Mr. Speaker, today I testified before the Senate Judiciary Committee in opposition to the appointment of Judge G. Harrold Carswell to serve on the Supreme Court. I include my remarks at this point in the RECORD for the benefit of my colleagues. I also include the full text of Judge Carswell's 1948 campaign speech which I inserted into the record of the committee proceedings. In addition, I place into the RECORD the text of a letter a group of my colleagues and I today sent Senator EASTLAND in regard to Judge Carswell's nomination.

The items follow:

STATEMENT OF THE HONORABLE JOHN CONYERS, JR., BEFORE THE SENATE JUDICIARY COMMITTEE, FEBRUARY 2, 1970

In coming before this committee to speak against the appointment of Judge Carswell to the Supreme Court, I reflect the considered judgment of my eight other black colleagues who serve in the House of Representatives. They are Shirley Chisholm, New York; William Dawson, Illinois; Adam Clayton Powell, New York; Charles C. Diggs, Michigan; Robert N. C. Nix, Pennsylvania; Augustus Hawkins, California; William Clay, Missouri; and Louis Stokes, Ohio. Our opposition to this nominee is total. Make no mistake about it. As a matter of fact, this is a more unified support against Judge Carswell than there was against Judge Clement Haynsworth. The presentation that I make before you today, however, is my own.

If our argumentation against this nominee and the one before him could be heard and understood by the President of the United States, then perhaps you could be spared these continued appearances. I am here again to prevail upon you to establish the basic principle that any person of a racist or segregationist persuasion is per se unqualified to serve on the United States Supreme Court. I grant you that this is to some in the Congress a new and strange point of view. There are those who may even consider it un-American—especially when a racist persuasion does not exclude one from either of the other two branches of the federal government. But, we must begin somewhere, must we not?

As is the case so frequently in American politics this daring suggestion is really not as revolutionary as it first sounds but is more a matter of practicing what we preach. It is a matter of putting into effect the lofty platitudes that everyone agrees upon. On August 8, 1968, when he was accepting the Republican nomination to be President, Richard Nixon said:

"Let those who have the responsibility to enforce our laws, and our judges who have the responsibility to interpret them be dedicated to the great principles of civil rights."

I urge that the Senate insist that the President keep his pledge. This is why I urge you to reject the nomination of Judge Carswell to serve on the United States Supreme Court.

To black Americans and their leaders and to the millions of whites who are dedicated participants in the struggle for freedom, this nomination is the second in a series of attempts to subvert the cause of equal justice. What is more, this strategy is becoming clearer to more citizens each day. No amount of obfuscation that may take place during these hearings will change that. How can we come here today and seriously argue that Judge Carswell's unquestionable racist philosophy has changed now that he has been nominated to the Supreme Court? It is hardly sufficient to suggest that this appointment will do him a world of good. In the meantime, it will do the nation a world of harm. We should not have to take that risk. There are 320,250 attorneys, 439 federal judges, and thousands of state court judges in the United States. Why does President Nixon have to nominate someone with a racist background?

You have before this body for consideration a nominee whose record as a judge leaves in my mind no doubt of his inability to sit on the highest court of the land and fairly decide issues that bear upon the question of equality between the races.

Secondly, we have a man who, as a mature leader of this community committed himself to that perverse, sick theory—white supremacy. This theory of racism has created more dissension, ill will and hatred than any other notion in the 194 years of our nation's history. And some would still attempt to rationalize Mr. Carswell's attachment to this contemptible doctrine. How can we put a man on the highest bench who has said, and I quote:

"I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed, and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people.

"If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limits of my ability.

"I yield to no man as a fellow candidate, or as a fellow citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed."

Thirdly, while a member of the Justice Department, he participated as a director in changing a public golf course to a private

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facility for the express purpose of excluding blacks in opposition to court decisions and then denied his activity until he was exposed.

Through 1967, of the four civil rights cases that were decided by Judge Carswell and subsequently appealed to the Circuit Court, four were reversed. In addition, Senator William Proxmire has pointed out:

"Perhaps an even more disturbing phenomenon, however, because it goes beyond interpreting the law, has been Judge Carswell's habit of delaying civil rights litigation as long as possible. For example in Steele against Leon County Board of Education, a school desegregation case, plaintiff filed a motion for further relief on May 7, 1964. On May 26, Judge Carswell sustained defendant's objections to the raising of questions looking into teacher segregation. No further hearings were ordered before school opened. On January 20, 1965, the school was found to be in compliance with certain 1963 orders. In February of 1965, plaintiffs filed a further motion for hearings. After a series of legal maneuverings the court reaffirmed a denial of plaintiff's motion for further relief. Finally, on January 18, 1967, the circuit court remanded the case for further consideration in light of its decision in U.S. against Jefferson County Board of Education—tantamount to a reversal. Finally, after almost three years, the Carswell court granted the relief sought. This dilatory behavior in civil rights cases, where justice delayed is certainly justice denied—in this instances for 3 school years—casts serious doubt upon Judge Carswell's judicial temperament.

"In a study done as a Yale Ph.D. dissertation in 1966 by Mary Hannah Curzan, Judge Carswell was found to be one of a group of 10 southern judges whose civil rights decisions merited them the segregationist label. This label was applied, by the way, to only one-third of the southern judges whose civil rights decisions were analyzed."

In a recent interview (N.Y. Times, Jan. 21, 1970), Professor Leroy D. Clark, New York University, who formerly headed the operations of the NAACP Legal Defense Fund in Northern Florida, claimed Judge Carswell "had repeatedly delayed school cases by failing to rule until pressed to do so, and then by often issuing decisions that were palpably wrong and quickly reversed." We would have a hearing and it would take several months for him to rule, Mr. Clark said. I would have to file a motion to ask him 'would you please rule?'—which is outrageous." Mr. Clark is also quoted by *Time* magazine as saying that "he was probably the most hostile judge I have ever appeared before; he would rarely let me finish a sentence."

Professor John Lowenthal, a Rutgers University law professor has already testified before your Committee as to the procedural tactics of Judge Carswell in 1964 in a case against civil rights workers trying to help enroll black voters in Florida. Prof. Lowenthal said he found Carswell's behavior consistent with his commitment to white supremacy.

Mr. William Kunstler, a prominent civil rights and civil liberties lawyer, has also expressed to me his intentions to testify before this Committee concerning his own shocking experiences as a trial lawyer in Judge Carswell's court.

To any serious member of the bar, an appointment to the Supreme Court is the highest recognition that can be achieved. In the instant case of the present nominee, there can be found no trace of judicial distinction or scholarship. From his own admission he has never written any legal articles or other papers. Such considerations were apparently irrelevant in President Nixon's search for the right political man. James A. Wechsler has raised the question:

"Was this the worthiest prospect available—even granting the premise that the seat was being reserved for a Southern conservative? The conclusion is an insult to the very breed of man Carswell is supposed to represent—and which has produced judges widely esteemed for their learning in the law. Such an appointment invites contempt for the nation's highest court. Disrespect for law—and those who practice it—is further heightened when the American Bar Assn. places its seal of approval on so shabby a political product."

As we said on September 24 before this Committee the confirmation of such a nominee would serve notice that our government intends to block off the few avenues that are now available for legal attack on the bastions of racism in our country. For it is the Supreme Court which has given black people a certain measure of faith in the slow moving and creaky legal machinery with which we are afflicted. To impair the Court's ability to deal with racism is to impose strains on the fabric of a society beyond its limits.

We urge you to reject the nomination of Judge Carswell. His appointment would hardly be consistent with the Constitution's uncompromising hostility to segregation and inequality. It would unequivocally tell black people that the one significant route for peaceful resolution of society's racial injustices, now open to them, is gradually being phased out.

In this Nation today, we face more than a credibility gap. Amidst all the rhetoric, the people of our country feel a profound lack of faith in the institutions of American government and their ability to fulfill their charged responsibilities. Therefore, it is incumbent that the United States Senate insist on the appointment to the Supreme Court only of individuals of the highest standard, men who clearly will measure up to the awesome responsibilities and duties of membership on that Court. This should be decided only on the basis of distinctive achievement and a demonstrated record of fidelity the principles of equality inherent in the Constitution. We submit that in the nomination of Judge G. Harrold Carswell this has not been so demonstrated. In our judgment, Judge Carswell is unqualified to sit on the Supreme Court and we urge that you reject his nomination.

[From the New York Times, Jan. 23, 1970]

Excerpts From Carswell Talk

(Note.—Following are excerpts from a speech by G. Harrold Carswell that appeared in The Irwinton Bulletin on Aug. 13, 1948; Judge Carswell's statement to the Columbia Broadcasting System Wednesday night, and a statement by Attorney General John N. Mitchell.)

CARSWELL'S 1948 SPEECH

I am happy to be a guest of the great patriotic organization, the American Legion. I'd like to discuss with you briefly some of the significant issues in our affairs in 1948.

Those of us who participated in the recent world struggle for existence remember only too well the years shortly before that fateful Sunday in December, 1941, when our nation was plunged into the caldrons of war. We remember Pearl Harbor. And we remember that there were those in our own land who even at that moment were calling for a reduction in armaments, for a general termed "this silly war talk." There were those who said "Oh, this is a European matter, those people over there are always scrapping about their boundary or something or other. Let them have it out alone." Some could not hide their open admiration for Hitler's bold and successful demands upon his smaller neighbors.

There were those who said, in the words of the late and beloved Will Rogers, "Good old Atlantic, good old Pacific." They tried to lull this nation into a sense of false security. They were blasted forever into the camp of the misguided and the mistaken on that December morn when the good old Pacific turned into a sea of flame and the good old Atlantic suddenly swarmed with underwater vessels of destruction.

BROTHER UNDER THE SKIN

Yes, we all know now that they were wrong. But the saddest and most ironic part of it all is that there are those in our land today, this very hour, who would start this nation on a downward spiral into weakness and defeat by the very same methods. The defeatist and the isolationist of 1941 is a brother under the skin of the Communist front party of Henry the Treacherous Wallace today, who plays Stalin.

Some said the same thing about Hitler in 1941.

Those of us who lost members of our family in the service, those who have been fortunate enough to return home without mishap, will never willingly and of our own accord foment any situation which would lead to war. But by the eternal stars in the folds of Old Glory, we shall not ever sit idly by while the sneaking and persistent efforts of the Communist snake slithers its way into the vitals of our nation. Our answer to them is and will always be, "Keep your hands out of the American Eagle's nest."

The American Legion has long been noted for its advocacy of a strong, prepared ready America. We must not go weak in the knees.

In the midst of all this, we look to the land of the U.S., great, prosperous, the richest and most powerful nation on earth, and ask, "America, are you ready to resume your leadership? Are you prepared to defend if need be your birthright?" It is a sad picture.

Foremost among the raging controversies in America today is the great crisis over the so-called Civil Rights Program. Better be called, "Civil-Wrongs Program."

Any attempts to regulate the internal affairs of a state is an open abrogation of state's rights as provided by the 10th Amendment. These amendments disclosed a widespread fear that the Federal Government might (under the pressure of proposed general welfare) attempt to exercise powers that had not been granted to it.

"Civil Wrongs Program," is just such an attempt.

Thomas Jefferson wrote in 1823, "I believe that the states can best govern over home affairs and the Federal Government over foreign ones. I wish, therefore, to see maintained the wholesome distribution of powers established by the Constitution for the limitation of both and never to see all offices transferred to Washington."

The statement by one who actively participated in the drawing of the Constitution shows that the original framers never intended for the Federal Government to control every phase of American life.

FEDERALIZATION ATTEMPT

By this "Civil Wrongs Program" the Federal Government is asked to go beyond its constitutional powers and usurp the powers of the individual states. This attempt to control the internal affairs of a state is an attempt to complete the federalization of American life. It is an attempt to provide more power to the Federal Government and unbalance the check and balance system.

It doesn't take too much imagination to realize the ultimate outcome of having all power in Washington.

The South has proved it can manage its own affairs. We who live here are the judges. This is a political football, obvious on its face as an attempt to corral the bloc voting of Harlem.

As part and parcel of this same rotten vote-getting scheme, the F.E.P.C., the so-called Fair Employment Practices Committee, is a sham. Every businessman should realize the serious implications of such a piece of preposterous legislation. It would mean that here in Gordon, if we are hiring two telephone operators, both white, and some Negro girl applies for the job, we may get in court with the Federal Government because we have supposedly "discriminated." It would take thousands of Federal agents to enforce such foolish measures and we shall not tolerate it.

I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people.

If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limits of my ability.

I yield to no man as a fellow candidate, of as a fellow citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed.

FEBRUARY 2, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: As the legal and political background of Judge G. Harrold Carswell has been publicly scrutinized, it has become increasingly obvious that he has neither the legal credentials nor the jurisprudential qualifications to meet the exacting standards of excellence rightly demanded of Supreme Court nominees. At a time of great stress on all our democratic institutions of government, we cannot afford to choose a man of less than the highest legal qualifications with a demonstrable sensitivity to critical problems facing our society today. The man considered by the Senate this month will, if confirmed, have a profound effect on the direction of Supreme Court decision-making for years to come. We feel that Judge Carswell's mediocre legal background and public statements make it impossible for us to remain silent about his nomination.

Despite his propitious disclaimer of his 1948 statement in support of segregation, his actions since then, both on and off the bench, do not lend credibility to the repudiation.

In 1956 we find that while a U.S. attorney, he joined others in Tallahasse, Florida in incorporating a public golf course as a private club to escape the mandate of the Court he now seeks to join.

While a District Judge for the Northern District of Florida, three out of four civil rights cases decided by him were reversed.

In Steele vs. Leon County Board of Education, a school desegregation case, it took from 1965 to 1967, three years of delays and denials, to grant the relief sought.

In testimony before your Committee, Professor John Lowenthal of Rutgers University testified that Judge Carswell took unusual steps to block efforts of those seeking to help enroll black voters in Florida.

Only six months ago was he nominated to the Fifth Circuit Court of Appeals. At that time the Leadership Conference on Civil Rights opposed his appointment on the ground that he had as a District Judge been peculiarly hostile to the civil rights of Negroes. An examination of the civil rights cases tried by Judge Carswell, in the U.S. District Court for the Northern District of Florida, from 1958–67 bears that testimony out.

The challenge of racism in a democratic society is the most fundamental challenge we face domestically. Both study and sad experience have affirmed that the division between the black and white threatens the very fabric of our nation. If legal processes are not able to bring redress of grievances and equal opportunity to all citizens, then increasing conflict and violence will be an inevitable result. The Supreme Court has been a fundamental force in maintaining a belief in legal process as an agent of change. It is the Supreme Court which affords citizens ultimate redress of grievance and it is to the Court that many responsible citizens look for guidance.

To consent to the nomination of a man to that Court who has a record of regressive decisions in the most critical area of contemporary law and who in addition has a very mediocre background as a jurist, is an affront not only to blacks, but to all Americans.

Judge Carswell has never published in legal journals, has been a member of the Circuit Court only six months and even a previous supporter of Judge Haynsworth, Professor William Van Alstyne of Duke University Law School, does not believe that Judge Carswell is qualified to be appointed to the Court.

We urge the Senate Judiciary Committee to minutely scrutinize his qualifications, his judicial decisions, and his judicial temperament. On the basis of what has been made public of Judge Carswell's background and racial attitudes, we believe he does not meet the high standards for a Supreme Court Justice and we oppose his confirmation.

We request that this letter be included in the record of the hearings.

GEORGE BROWN, Jr.,
PHILLIP BURTON,
JOHN CONYERS, Jr.,
DON EDWARDS,
DONALD M. FRASER,
ROBERT W. KASTENMEIER,
ABNER J. MIKVA,
BENJAMIN S. ROSENTHAL,
WILLIAM F. RYAN,
Members of Congress.

POLLUTING THE TELEVISION AIRWAVES

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. SKUBITZ. Mr. Speaker, if Vice President AGNEW did nothing else in his recent speeches, he was done a great service in arousing the "silent majority" to speak up. At long last, the silent majority are letting their views be known.

I do not believe in censorship of the news but I am inclined to agree with one of my constituents who has written an eloquent letter about the repulsive programs that are polluting the television airwaves.

His letter, which I now submit for the CONGRESSIONAL RECORD, says better than I could the viewpoint of many who watch television.

I believe that the television industry should do something or it may be necessary for the Federal Communications Commission to do something.

The letter follows:

Hon. JOE SKUBITZ,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SKUBITZ: I am writing and pleading, in the interest of the preservation of respect and decency in the American home.

I just turned on my TV a few minutes ago, only to be introduced to one of the most repulsive and obnoxious programs (Laugh In) that ever traveled the air waves. I was greeted, along with perhaps, millions of others, to the most filthy, repulsive and repugnant torsal gyrations complete with nasty belly buttons, buttocks, psychodelic lights, and all.

Now, I am an old sailor and not beyond such filth but I don't propose to sit idly by and let such filth be "piped" into my living room. If I want to degenerate to a level lower than the lowest animals, I'll slip down to the red light district or burlesque. If I can't find the "cultural" or "social" pornography there, I'll go to the local respectable theater uptown. There, I'll find a main feature on "how to do it" or if it happens to a Disney film, the previews of attractions yet to come, before and after the "G" rated film will "satisfy" my animalistic natural desires, and how to make love in the raw.

How long is the "silent majority" going to tolerate these cheap, mercenary "artists" and filth peddlers that grind out such trash because of their inability to produce really good, wholesome programs?

We are all "shook up" about our environmental pollution. It is time we start cleaning up our polluted air waves, too.

As one of your constituents, speaking for myself and family, I am looking to you as my elected representative, to give this matter some serious consideration.

BRITAIN IS GOING METRIC

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. MILLER of California. Mr. Speaker, in 1968 the Congress enacted the Metric Study Act which authorized the Secretary of Commerce to make a study to determine the advantages and disadvantages of increased use of the metric system in the United States. During the hearings before the Committee on Science and Astronautics concerning this matter one conclusion became very evident, and that was the lack of knowledge and understanding of the system of weights and measures known as the metric system, and the problems associated therewith in the event of change. Despite the fact that the system has been legal in the United States since 1866 very few industries have taken advantage of this law to use the system, primarily because of the failure to fully appreciate the problems in connection with such a conversion.

In May 1965 the British Government announced a conversion to the metric system. On January 29, 1970 it was my pleasure to be present at a meeting here in the United States and hear a talk by the Lord-Ritchie-Calder of Balmashannar, chairman of the United Kingdom metrication board. His remarks are very timely, I believe, for they give an up-to-date report on progress being made in the United Kingdom. I was particularly impressed by the description of the step-by-step procedure that the British are using in their conversion. The description of the procedural problems in each industry is a valuable insight into the solution of a national problem of this magnitude. I am sure you will find Lord Ritchie-Calder's remarks very interesting.

The item follows:

BRITAIN IS GOING METRIC

(By The Lord Ritchie-Calder)

The word-merchants of the Oxford English Dictionary were asked to rule on what the term for going over to the metric system should be. They said that it should be "metrification". But the Board of which I am chairman is the Metrication Board. In Britain there is no "if" about going metric. By 1975, we shall have achieved what 200 years ago—July 1790—Jefferson proposed for the new United States—a rational system of measurement. It would have been sensible for the first country to adopt decimal currency (three years ahead of France) in 1792 to have cleared out the lumber-room of left-over measurements at the same time.

It has always struck me as ironical that Quincy Adams, who was personally convinced of the virtues of the metric system, should as Secretary of State in 1821 have advised Congress not to adopt it "because it would be hazardous to deviate from the practice of Great Britain". I say "ironical" because the excuse of British industrialists dragging their feet a century later was that they did not want to deviate from the practice of their biggest customer, the United States. Now that over 53 percent of British trade is with metric countries and that over 90 percent of the peoples of the world have adopted the metric system or are in the process of going over to it, the British industrialists are the pace-makers for conversion. There are still some firms who are a bit nervous about getting out of step with America, but we are over the hill and there is no turning back.

I find the loyalty of the United States to old imperial system rather touching, especially in the Space Age when the calculations and instrumentation needed to get men to the moon are in the scientific number-language of metric. (I should love to see the computer calculating the number of barleycorns to the moon and back. As you no doubt know the foot was standardized all those centuries ago as "thirty-six barleycorns taken from the middle of the ear".) But the astronauts when they come back to earth splash down in so many fathoms—and the fathom is the length of a Viking's embrace—and so many yards from point zero. The yard, of course, was the distance from the tip of the nose to the outstretched finger of King Edgar, the Anglo-Saxon king a thousand years ago. The astronauts have been gathered up and carried off into quarantine to be debugged, decontaminated, debriefed and demetricated so that they can step out into a pound-foot-gallon country.

As the dentist says "It won't hurt a bit". We are finding that going metric is almost painless—apart from a few twinges when the nerve of sentimentality is touched and we drool over our pint. Learning metric is simple. It is unlearning imperial that is difficult. And that is where our younger generation is lucky.

The children who entered primary school in Britain in 1969 will be taught a much simpler system than their forerunners and will emerge thinking metric, to follow their careers in the professions, in factories, on farms, in transport, in construction, and in commerce, all of which will have gone metric to the extent that imperial units will have no more than lingering value, like the spare parts of vintage cars. That generation will have the advantage over their elders of not having to unlearn imperial, which is one of the penalties of the transition which older generations will have to face.

Confidence must not be misread as complacency. We know only too well the difficulties that lie ahead. The Board came into existence only in the middle of 1969, but it inherited the results of many years' effort by many organizations and of the initiatives taken by Government departments, industrial enterprises and individual firms. From the surveys we have made, consultations we have held and reports received by the Board's committees and staff, a pattern has emerged which is encouraging. A task which might have appeared formidable in its total complexity seems less so once it is broken down and considered as a sum of its parts.

The contemporary phase of British metrication can be dated from the report of The Committee on Weights and Measures Legislation (Hodgson Committee) set up by the President of the Board of Trade which reported in 1950. The Committee resolved the perennial debate by coming down on the side of metric as "a better system of weights and measures than imperial" and recommending that the Government "should take steps, in concert with the Commonwealth and the USA, in favour of the complete adoption of the metric system over a period of about twenty years." In 1965, the Federation of British Industry wrote to Ministers formally stating that the large majority of its members was in favour of the metric system. This was endorsed by the Government and the F.B.I.'s successor-organization, the Confederation of British Industry, has energetically promoted the change-over. We have been the beneficiary of those efforts.

The British Standards Institution has had, and will continue to have, a crucial role. Metrication is meaningless for industry unless it is embodied in codes of industrial standards, acceptable in Britain and, so far as possible, abroad. The B.S.I. is a typically British partnership between Government and business subscribers embodying, like metrication policy, a national programme and the voluntary principle. The B.S.I. having actively promoted metrication, put in hand a systematic examination and revision of over 4,000 standards so that the pace of change throughout the economy would not be impeded by lack of essential metric materials and components. At the same time, the Institution prepared and published, in consultation with interests concerned, agreed metrication timetables for four major industries. Those timetables, in turn, were dependent on the production of B.S.I. metric standards by which they could become operable.

The Royal Society, in the tradition of British science, took a leading role even when "imperial" was paramount in promoting an internationally coherent system, consistent with scientific precision. It held two conferences on metrication in schools and later published booklets embodying the recommendations and conclusions. In advance of the creation of the Metrication Board, this influential initiative led to a series of decisions that examinations in universities, colleges of higher education, technical colleges and professional institutions should henceforth progressively be set in metric.

Government departments, by requiring metric specifications in publicly financed projects and in direct contracts, are decisively influencing the progress of going metric. They can, as the Ministry of Public Building and Works and the Scottish Office have done, issue instructional memoranda and guides to metrication to their own staffs and to the agents and suppliers.

In the nationalized industry sector, substantial progress has been made in planning the change. The Central Electricity Generating Board, for example, has published its programme for the change-over, issued a comprehensive metric manual, and organized training programmes in conjunction with the Electricity Supply Industry Training Board.

The construction industry, with an order-book of $11.2 billion a year, and involving over 1 million operatives and 80,000 contracting firms, many of them small and most of them dependent on casual labor, might have seemed an intractable problem. Through the initiative of the leaders of the industry and the positive metric policy of the Ministry of Public Building and Works, the construction industry has become a pace-maker in metrication. To assist on-side labor the Construction Industry Training Board produced a substantial range of programme information and of training material.

Many Trade Associations, on their own volition, made plans and began the change-over before the Board came into existence. Their valuable work is described in some detail in this report.

Productivity Councils have prepared the ground. Chambers of Commerce in all parts of the country have promoted discussion. One of the gratifying discoveries of the Board was to find how matter-of-factly metrication had been examined by the farming organizations, without serious misgivings.

The pharmaceutical industry and the pharmacists who began planning as far back as 1945, had changed over to the use of metric units by March 1969. Without any fuss or bother, the traditional grains and scruples disappeared. This is an excellent example of the metric go-between. The industry by its packaging and the dispenser handling the prescriptions could make the conversion with no trouble to the medical profession or to the public. The ease with which the change has been made is a reflection of the wisdom and thoroughness of the planning which preceded it. To the general public it just appeared to happen.

The Board is charged with seeing that the change-over shall proceed as briskly and as smoothly as possible. It is, however, important to say what the Board is not. We are not an executive body, nor do we have statutory nor mandatory powers. We do not dictate to the industrial and non-industrial sectors how they shall plan the change-over, nor do we make decisions about the units of the metric system to be adopted. Our task is to consult, to advise, to inform, to stimulate and to coordinate. In short, we are required to give coherence to the whole process, reassuring and supporting those sectors of the economy which are showing initiative in going metric, and encouraging those which are still hesitant and over-cautious. We can have a panoramic view of the whole economy which the sectors and individual enterprises themselves have not got. We can present a comprehensive picture of dispositions and events. We can establish lines of communications. We can prod the laggards. This includes not only industrialists and traders but any Government departments which do not seem to us to be playing their rightful positive role.

We can do this by ensuring an adequate information service, within, and between, the sectors. We can intervene when there are apparent gaps or where there are dangers of a programme getting out of phase. We can ensure that developments in a main sector, such as education, go forward with an awareness of what is happening in other sectors relevant to its activities. At the same time, by informing the public we can create a climate of opinion responsive to those changes.

The decision that the adoption of metric units should be voluntary has certain major consequences. The Government might have declared that after a given day metric units would be the only legal units throughout the economy. Indeed there are some who, when in difficulty about reconciling their programmes with those of suppliers and customers, have argued for a statutory "M-Day" or "M-Days". This would destroy the whole voluntary basis of the approach which the Government decided to adopt as the most congenial to the British community, with each sector working out its own programme and the Metrication Board fulfilling a central coordinating role. This approach to metrication takes into account the fact that time-tables will vary for the different sectors, that there must be a good deal of latitude within the individual time-tables, and that in some cases the processes of the change-over will take longer than others. Nevertheless there are implicit sanctions. The forces of the market-place, notably the demands of major customers, including the public authorities in central and local government and the nationalized industries are powerful. The legislative programme will determine dates when the various weights and measures will have to be legally modified, and thereafter enforced. The general adoption of agreed standards metrically based will impose conformity. Individuals and enterprises will find themselves working in a metric environment in which those still unimpressed by the inherent advantages of the metric system will find themselves the odd men out. The decision to proceed on a voluntary basis does mean, however, that the change-over will appear less decisive and less controllable than, for example, the change to decimal currency where the Government is in a position to make firm time-table decisions and to make the switch-over imperatively operative. It also means that in metrication, the exchange of information, publicity and education in the broader sense have an even more critical role to play.

The Board is the instrument of a decision to change and is the purveyor of units which constitute the international system which the Government agreed should be adopted as the basis of the change to metric. There has been, however, a good deal of perplexity about the nature of those S.I. units and this required from the Board a quite simple guide to the metric units which would be used in everyday life. It has also been necessary to explain the advantages of having a logical coherent and internationally agreed system of weights and measures.

Apart from the merits of the units themselves, their introduction provides the opportunity and compels each undertaking to examine its structure and methods of operation when planning for the change-over. In manufacturing industry, the application of rationalization and variety reduction techniques lead to a reduction in stockholdings, simplified tooling, faster and easier calculations, and improved designs. The result should be an all-around increase in efficiency and competitive power. Because the units are in accord with most of the rest of the world, this greater efficiency can lead to greater opportunities for expanded sales, notably in increased exports.

In education, the main benefit is a substantial saving of time and reduction of drudgery through simplified instruction at all levels.

In other sectors of the economy, such as the retail trade and local government, most of these advantages will also be secured, although they are not always self-evident or so immediate.

Throughout the country as a whole there will be a greater simplicity of all calculations because transactions will be conducted in decimal value and metric measure. There will, of course, be a period of familiarization when the imperial and metric systems exist side by side. We believe it is in the best interests of the nation that this period of numerical bilingualism should be kept to a minimum.

Wild unsubstantiated surmises have been made about the costs of Britain going metric. The Board, with all the experience which it incorporates in its membership, rejects as irresponsible the kind of figures which have been suggested. Indeed, we can find no statistical model on which an estimate of the overall cost to the nation could be calculated and, with the policy already determined by the sober judgment of Government and of industry, we regard the exercise as futile. Similarly, to try to quantify the long-term benefits which will assuredly accrue from increased efficiency and improved competitive power would mean no less than a computation of Britain's role henceforth in world economy. Eschewing such vanity, the Board would say, per contra, that, if the decision to change had not been made, we should be imposing on ourselves an avoidable economic handicap in the years ahead when we shall have to earn our living in a world which will be substantially metric.

Our remit says emphatically "The costs shall lie where they fall." We accept that as the only practical attitude. That does not mean that we are not sensitive and sympathetic to those who are faced with the immediate on-costs of the change. We are undertaking case-studies of the experiences of individual firms and hope that we can count on the cooperation of many more in determining the real expenditure on material changes and retraining programmes incurred by particular enterprises. One thing we can say without hesitation: By planning the necessary changes, with minimum delay, firms can reduce outlay and disturbance and will ensure their share of benefits, the greater and sooner. To do so, the plans of individual enterprises must be synchronized with changes taking place throughout their own sector of the economy. That is where we can help in ensuring coordination within and between the various sectors.

During 1970 substantial progress will be made in many sectors of the economy. The British Standards Institution expects that all important standards relating to construction, industrial materials, engineering components and equipment will be available. This is an essential stage to an orderly advance within these sectors. In education too substantial progress can already be foreseen, the change to metric in examinations being a powerful stimulus.

Freight transport has set the beginning of 1972 as the target date. The road speed levels will be in kilometres per hours in 1973, and prior to that a beginning will be made in erecting new road signs incorporating distances in kilometres.

The measurement of land in metric will begin in 1970, with dual dimensioning in preparation for the full change-over in 1971 when land measurement will be wholly metric. Forestry will take a further year to achieve the complete change-over. Farming as a whole seems likely to begin to go metric in 1972, a change which should be substantially completed in 1973.

Vital industrial supplies such as aluminum, lead, copper, zinc, steel bars, flat steel products, wire mesh and electric cables will be available in 1970 to metric specifications. The production of plastics materials will be in metric terms by the end of 1971, while trade in chemicals in metric units will begin in that year and the change-over will be completed by the beginning of 1973. During 1970 the paper, board and printing industries will complete the change-over to metric.

Broadly speaking, therefore, the materials industries will by the end of 1972 substantially be producing and marketing materials in metric terms.

The engineering industries, including shipbuilding, are now going through the initial period of change, and many new designs, particularly equipment for the Armed Services, will be in metric terms from the beginning of 1970. Generally, government procurement policy is to give preference to metric supplies. In 1971 the pace will quicken. The shipbuilding industry will be substantially metric by the end of 1972, while in the engineering industry major changes will be evident by about the same time. There is, however, no simple pattern embracing changes in these diverse industries, and the nature of the change and its timing will vary widely from one sector to another.

The construction industry will continue its progress towards metrication and all new designs from now on should be in metric dimensions. Bricks, paving flags, fibre boards, concrete pipes and metal windows are now becoming available from stock. The change to metric measures for softwood, hardwood, plywood and sheet materials should take place about the middle of 1970, and by the end of the year cement and ready mixed concrete will be sold in metric quantities and flat glass to metric dimensions will be generally available.

During 1970/71 there will not be much that the public will notice. Some do-it-yourself materials will be on sale in metric quantities, notably paints and timber. The bedding industry will go metric in the beginning of 1971, and some synthetic and woolen fibres will then be available in metric quantities. Footwear sizing is to be in metric units in the fall of 1972, and generally it is at that time that we would expect the general public to become increasingly aware of the change in the shops. Of particular significance will be the change in the units of sale of beer, milk and petrol. Another noticeable stage will be when changes in the Weights and Measures Act become effective. It will not, however, be possible to organize the change-over in the retail trade on one single M-Day, and the change-over will be progressive.

We see our information task as consisting of two main parts. Our prime objective during 1970 and 1971 is to publicize what programmes the industrial and economic sectors work out, providing encouragement for the vanguard and persuasion for those a little farther behind. By producing films, exhibitions and publications we intend to keep all concerned informed about progress in their own and other sectors thereby helping to share experience. In this we hope to obtain the same measure of willing cooperation from the press and broadcasting organization as we have already experienced. But concentrating in this initial period on the economic areas where information and advice is most immediately needed does not mean that we will neglect young people and the general public. Our overall task is to help make the metric system of weights and measures intelligible, acceptable and familiar throughout the country as a whole. We intend to take every opportunity of removing misunderstandings and allaying misgivings. When action with a sector is likely to have a general effect we will be ready with advice and information for those sectors of the public who will be involved. But we do not expect to mount large-scale, intensive publicity campaigns for the larger public until nearer the time when metrication will extend into the retail and domestic sectors. To do so could only cause needless concern. Information which is not related to action, whether it be in the shops or the kitchen, would in our view be premature.

The total change on which the country has already embarked is vast in extent, but its apparent complexity is simplified when the detailed elements are identified. We have not encountered as yet any major obstacles, although we are well aware of certain specific difficulties. With proper planning we believe they can be resolved.

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We think that there has been a tendency to exaggerate the difficulties and to underestimate the skills of management, the intelligence and the adaptability of the ordinary citizen when the changes required are realistically presented to them. The educational system and the industrial training organizations both as regards new training and retraining of the work force can make a major contribution to easing the problems of the transition.

We do not look for 100 percent perfect planning or a picture complete in every detail as to what is going on. Firms will move at different rates and the extent to which they need to make changes will vary greatly. The change will in the main not be in the physical equipment being used but in the use to which the equipment is put, in product design and in marketing.

We have heard some alarming and widely-quoted estimates of the cost of metrication to the nation. Our examination of such facts as available have shown these estimates cannot be substantiated. For one they don't attempt to assess the benefits to be derived from the change. We have sought to show the nature of those benefits, but like the costs they cannot be quantified except in the context of a particular enterprise.

There is a tendency to exaggerate the retail problem which raises difficulty only in a very narrow sector—What seems clear in all sectors is that the better the planning and the more rapidly the transition can be made, the lower the cost and the sooner the benefits are reaped. It is in factories, offices, schools and shops that the real and vital decisions will be made and where the changes will be accomplished and the benefits gained.

MEMORIAL TO GLENARD P. LIPSCOMB

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. COLLINS. Mr. Speaker, I met GLEN LIPSCOMB at a reception the first week that I arrived in Congress. One of my colleagues commented that GLEN is the best liked man in the House. As I got to know him on the floor, I could see why he earned this distinction.

In the newspaper this morning, I was reading of his close friendship with President Nixon, and of his longstanding association with Secretary of Defense Mel Laird. And, his friendships ran all the way from President to the most junior Member in Congress.

GLEN had a friendly manner and a soft, easy personality. I guess the reason that people liked GLEN so much was because he in turn had such a big heart and he himself liked everyone.

LIPSCOMB's record proved him to be one of the most able men that ever served in Congress. He had the educational background of a certified public accountant. He understood basic Government fiscal administration. In the House, he was the champion of the taxpayer and the foe of Government waste.

A great conservative who was open-minded on any issue leaves a seat that will be hard to replace.

To his family, we extend our deepest sympathy on their loss. And from California and the Nation we all join in paying our respects to our outstanding colleague, GLENARD P. LIPSCOMB.

BEN FRANKLIN'S GATEWAY CITY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. EILBERG. Mr. Speaker, Ben Franklin may have been born in your fine city but, as we all know, made his fame and fortune in the city I am proud to represent. Boston's loss was certainly Philadelphia's gain.

January 17 marked Ben Franklin's birthday and on that day a delegation from my city was in Paris, where Franklin served the fledgling republic as ambassador, to invite our European friends to visit the United States.

More important my fellow Philadelphians encouraged one and all to make Philadelphia their Gateway City when they visit the United States. This is an outstanding suggestion.

With its traditions deeply rooted in colonial America, Philadelphia looks toward the 21st century. In some ways it is our oldest city and our newest city. I invite my colleagues and my fellow Americans to come and visit with their past, while getting a glimpse of their future.

Under unanimous consent, I include in the RECORD an account of the visit of Philadelphia's delegation to Paris:

PHILADELPHIA DELEGATION VISITS PARIS

Armed with official City of Philadelphia greetings and souvenirs of Benjamin Franklin, three Philadelphia good will ambassadors made calls upon U.S. Ambassador to France R. Sargent Shriver and Paris Council President Etienne Royer de Vericourt as part of a week-long trip to promote Philadelphia as the Gateway to the U.S.A.

Abe S. Rosen, president of the Philadelphia Convention and Tourist Bureau; Mrs. Liliane Nino, Welcome to Philadelphia Girl from Air France, and Alvin Hornstein, Director of Tourism, were in Paris to meet with French officials, travel agents, tour operators, and travel writers to tell about the advantages of starting a visit to the U.S.A. through Philadelphia.

They visited Ambassador Shriver on Jan. 14 and Paris Council President de Vericourt on Jan. 15. Each was presented with a letter from Mayor James H. Tate of Philadelphia extending official greetings and urging greater flow of citizens through the two cities.

The two officials also received a bust of Benjamin Franklin donated by the Poor Richard Club and special karetclad gold bonded on sterling silver Franklin medals from the Franklin Mint. The good will trip, sponsored by the Convention and Tourist Bureau, Air France and the Delaware River Port Authority, took place during Benjamin Franklin Week, being observed in both cities.

During the week in Philadelphia, there were special do it yourself tours of Franklin sites and artifacts; special exhibits and events, and a kite-flying contest on his actual birthday, Jan. 17. In Paris the Philadelphia delegation laid wreaths at sites memorialized by Franklin during his ambassadorship in Paris in 1776.

The Franklin busts presented to Ambassador Shriver and President de Vericourt were created by Jean-Antoine Houdon. It is this bust which has probably given more people the conception of what Franklin looked like. The Franklin Mint medal in nickel silver was also given to travel trade people during the visit, which ran through Saturday Jan. 17. The Franklin Institute and the American Wax Museum in Philadelphia also provided novel souvenirs for the people whom the Philadelphia ambassadors met during the week.

The Benjamin Franklin Week visit of Philadelphians was designed to inform the French public and travel trade of the convenience, accessibility, and attractiveness of using Philadelphia as the Gateway to the U.S.A. Air France inaugurated direct nonstop service this summer between Paris and Philadelphia, and will expand this service even further this year.

CRUSADE AGAINST HUNGER

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, the task force leaders attending the White House Conference on Food, Nutrition, and Health have prepared a letter addressed to the President, and I believe this message will hold great interest for my colleagues. This letter embodies the spirit spreading across our land that hunger and malnutrition ought not to exist in a nation of plenty.

The text of the letter came to my attention through Father Robert J. McEwen, S.J., a well-known proponent of consumer protection. Father McEwen has devoted many years of study and leadership to the consumer affairs field, and I am certain that his involvement in the crusade against hunger and malnutrition will be a great asset to the growing movement to eradicate these unfortunate ills, both in our country and throughout the world.

I urge the Members of this great body to review the contents of this letter and to give serious consideration to the merits of the suggestions therein.

The letter follows:

DECEMBER 30, 1969.

Hon. RICHARD M. NIXON,
President of the United States,
White House,
Washington, D.C.:

We the undersigned leaders of task forces at your White House Conference on Food, Nutrition and Health wish to congratulate you on the significant series of actions and orders announced by you and your cabinet as immediate emergency measures to implement the recommendations of the conference. We are particularly happy that you were able to announce these steps before Christmas. We are gratified that you have justified our faith in your announced intention to take an active leadership role in alleviating hunger and malnutrition in the United States.

For the future we are deeply concerned that follow-up machinery must be created to

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enlist grass roots voluntary support in the campaign against hunger. Steps must be taken to activate your announced programs quickly and to monitor their effectiveness. We urge therefore that you establish a specific food and nutrition liaison office in the White House to accomplish the objectives of the war on hunger. To pursue the long-run programs recommended by the conference report we urge you to use such an office to support and maintain the coalition of industry, government, consumers and private voluntary groups that was created by the conference. The momentum generated by your far-sighted action in calling the conference must not be allowed to wane.

Mrs. Joseph H. Young, Father Robert J. McEwen, S.J., Bishop Raymond J. Gallagher, Dr. John L. S. Holloman, Jr., John J. Gunther, Herman Gallegos, David Ackerman, Rev. Ian McCrae, Dr. Paul Cornely, Rabbi Irving Lehrman, Dr. Arthur Flemming, Dorothy Height, Robert Neptune.

MRS. EUGENE C. PULLIAM INITIATED INTO SIGMA DELTA CHI

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. BRAY. Mr. Speaker, last week Mrs. Eugene C. Pulliam, author, and journalist in her own right and wife of the publisher of the Indianapolis Star, Indianapolis News, and other papers, became a member of the journalism society founded by her husband over 60 years ago.

The following story from the Indianapolis News describes Mrs. Pulliam's outstanding career:

SDX WILL INITIATE MRS. EUGENE C. PULLIAM

GREENCASTLE, IND.—The final barrier to women's admission to the nation's largest and most prestigious journalism society will be hurdled at DePauw University tomorrow.

That's when, in a remarkable bit of journalistic irony, Mrs. Eugene C. Pulliam, author-journalist and wife of one of the founders of Sigma Delta Chi, will be initiated into the journalism society.

Her initiation marks the first time a woman has been admitted to the membership of the nation's first (Alpha) chapter. Nine DePauw undergraduates—four of them women—will be initiated at the public ceremony at 5 p.m. in the Memorial Student Union building.

The students include Miss Wendy Gifford, Indianapolis; Miss Mary Ganz, Don Mills, Ont., Canada; Miss Mary Leonard, Chicago Heights, Ill., and Mrs. Mary Roberta Smith Hamer, Carmel.

Also Bruce Bikin, Indianapolis; Harry Rhoads, Fairfax, Va.; Steve Doyle, Winona, Minn.; John Croley, Bartlesville, Okla.; and John McFadden, Decatur, Ill.

Miss Gifford is the daughter of Mrs. Marian Gifford, Indianapolis, and Bikin is the son of Mr. and Mrs. Henry Bikin, 5231 Nob Lane. Mrs. Hamer, who was a summer trainee at The Indianapolis News last year, is the daughter of Mr. and Mrs. Robert Smith, Carmel.

FOUNDED IN 1909

Sigma Delta Chi was founded by Eugene C. Pulliam, publisher of The Indianapolis News and The Indianapolis Star and other papers, and nine other DePauw students in April, 1909. The organization's nearly 200 campus and professional chapters had been for men only until last November.

In a decisive ballot at its national convention in San Diego, the doors were opened to qualified women journalists. Since the epochal November decision the rush has been on to bring women into the fold.

St. Bonaventure University's chapter holds the honor of initiating the first female undergraduates—among them a nun. The University of Georgia has initiated Charlayne Hunter, New York Times reporter and the first black female graduate of the U. of G. The Headliner Club of Chicago, a professional chapter, outsprinted its kind. It initiated Ann Landers and nine others Dec. 4.

Mrs. Pulliam had been honored many times before her selection for Friday's unprecedented initiation ceremony at SDX's birthplace.

In 1954 she was named national winner of The Headliner of the Year Award by Theta Sigma Phi, journalism society for women. The award goes annually to the woman who has made significant contributions to journalism.

ACTIVE FOR BLIND

The Martinsville, Ind., native serves as secretary-treasurer and as a director of Central Newspapers, Inc., which administers papers in Vincennes, Muncie and Indianapolis. She also serves on the board of newspapers in Phoenix.

Her travels and observations through 93 countries have been reported by her in the nation's press through columns syndicated by the North American Newspaper Alliance. Her book, "I Traveled A Lonely Land," (Bobbs-Merrill), was published not long after an extended tour in Australia, New Zealand and the Pacific Islands.

Mrs. Pulliam has made significant contributions to higher education and to the prevention of blindness. She has served on the board of trustees of Franklin College and been awarded honorary doctorates by the University of Arizona and Indiana University. She received her higher education at the University of New Mexico and Indiana University.

Since 1952 Mrs. Pulliam has served as a member of the board of directors of the National Society for the Prevention of Blindness. She also has served as chairman of the Indiana chapter. Last year she was recipient of its first recognition award conferred on a volunteer who has made significant contributions to the prevention of blindness.

It was Mrs. Pulliam who suggested that proceeds from the Indiana-Kentucky All-Star basketball game be given to help the blind and near-blind.

Mr. and Mrs. Pulliam have homes in Phoenix and Indianapolis.

HOPE FOR ENVIRONMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. SCHEUER. Mr. Speaker, skeptics like myself do not accept the words of any politician at face value. We pay more attention to his actions and his legislative programs. Thus, when President Nixon promised action in behalf of our environment, I listened with doubt. Others, even Presidents, have made promises and then acted indecisively. However, I am pleased to say that a recent event indicates that the President may very well be sincere in his declaration of support for the cause of the environment. Philip Wylie has written an interesting piece on the saving of the Everglades in Florida. A noted conservationist, he states outright:

> The Everglades do not make a vital contribution to man's essential environment.

Yet, he sees the administration's decision not to provide any funds for the construction of an airport beside the Everglades as a sign of hope, a symbol of an enlightened attitude on the environment. For he speculates that the decision concerning the environment may very well illustrate the administration's recognition of "the essential human right to an environment free of pollution." Let us hope so. Let us hope that the administration continues as the spokesman for the environment.

Nevertheless, the priority the administration has given to nature over an airport in the Everglades case deserves our praise.

MYLAI HOAX FINANCED BY STERN FAMILY FUND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. RARICK. Mr. Speaker, an interesting feature article in a local newspaper over the weekend underlines the question of tax exemption for charitable foundations. Apparently only Americans who work for their money are expected to pay taxes.

The list of beneficiaries of this particular philanthropist reads like a roster of the new left, with a few criminals and misunderstood subversives thrown in for good measure.

Of interest to patriotic Americans is the connection between Stern, the radical Institute for Policy Studies, a transparent attempt to whitewash the notorious J. Robert Oppenheimer, and the financing of Seymour Hersh to promote the Mylai massacre hoax.

Although the feature mentioned the source of Stern's wealth as his inheritance from his grandfather, Julius Rosenwald, and mentioned the charitable activities of selected members of his family, it failed to mention his relationship to the Stern who fled New York just as a grand jury returned an espionage indictment, and found a haven in Moscow.

I include the feature in my remarks, as follows:

[From the Washington (D.C.) Star Sunday magazine, Feb. 1, 1970]

THE HAPPY PHILANTHROPIST

(By Barbara Stubbs Cohen)

(NOTE.—Philip Stern, an heir to the Sears Roebuck fortune, is "having a ball out of life" granting money to worthwhile Washington projects and, on the side, dabbling in art-collecting, silk-screening and flying airplanes, among other things.)

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"Being rich," says Philip Stern, "is really not very different from having a cleft palate or green hair."

Stern, who has neither, knows what he's talking about. The heir to a Sears Roebuck fortune, fattened over two generations, Stern has shunned further money-making and resorted to giving his wealth away. But even as a philanthropist, the man who has funded such iconoclastic projects as the first research on My Lai and a home for runaway hippies can hardly be classed as normal.

Not that Stern is unhappy about this. At 43, after one unremunerative career in politics and another in newspapering and in the midst of a modestly successful one as a crusading author, Stern exudes an air of satisfaction. "I'm having a ball out of life. I just learned to fly an airplane in the last four years, learned to play the recorder and read music, learned to silk-screen." All these activities are shared with his wife, Leni, and five children aged 7 to 18, who spill out of a 20-room house in Kalorama equipped with swimming pool, tennis court, trampoline, tree house and art studio.

Though they could hire just about anything done for them, the Sterns take pride in their do-it-yourself projects. Leni, who says she has never allowed a decorator across the threshold, is responsible for decorating the house with bright splashes of color on the walls—"which are likely to change at any moment"—and good modern furniture, including a gigantic swing in the middle of the living room. They get engrossed in silk-screening their own Christmas cards or studying Spanish for a trip to Mexico. And the art collection of modern masters has been carefully chosen by the Sterns, not an agent.

But the Philip M. Stern Family Fund is Stern's farthest-reaching plunge into the do-it-yourself realm. His grants, which are his way of effecting change in education, community service and culture, go to people who want to help themselves. Though small by Ford or Carnegie standards, with its endowment of $832,000, the Stern Fund is behind almost every innovative and controversial—project in Washington.

Col. Hassan Jeru-Ahmed, who operates three centers for the free distribution of methadone, a heroin substitute, and who estimates he is returning 450 to 600 addicts to normal life, got his first grant from the Stern Fund.

The Rev. Tom Murphy of Dupont Circle's Church of the Pilgrims has used Stern money to finance Runaway House, Switchboard (a "bulletin board" via telephone), and the Georgetown Free Medical Clinic, all catering to Washington's hippie community.

Students at Eastern High, calling themselves the Modern Strivers, got a Stern grant to start their own classes in black history and other subjects not taught in the school.

Joel Denker has set up, with Stern help, the New Educational Project, to make education relevant for white kids from the suburbs.

Julius Hobson's Washington Institute for Quality Education got a Stern grant for its study of D.C. schools.

And the Washington Theater Club, which received its first Stern grant four years ago, has grown in membership from 40 season subscribers to 9,200 and moved into a new theater.

In fiscal 1968, the most recent year for which figures are available, Stern's foundation made 78 grants totaling $174,847. It may not have been the most, but it was the most unorthodox in Washington. Some of that comes naturally to Stern, the third generation in a line of philanthropic mavericks.

Stern inherited his fortune and a tradition of giving from his grandfather, Julius Rosenwald, the Sears Roebuck magnate whose fund built 5,000 schools for Negroes in the South, and from his father, Edgar, whose foundation Stern now heads. Under their father's direction, the Stern children served an apprenticeship on that board, then were given a lump sum to start their own. Stern's brother runs the Six Foundation in New Orleans and his sister manages the Longview Foundation in New York.

None of Stern's careers was undertaken to make new family fortunes. In his favorite role as author, to which he devotes about four times as much time as to philanthropy, he has recently published *The Case of Robert Oppenheimer*, which has been praised by reviewers around the country. He wrote the book, he says, because "it seemed to me it would be useful to lay out the way government power was used, or really abused, to get a guy. It became a book about The System and what I think are the malign effects of that system—the loyalty and security system—on the country." The crusading note runs through his first book, *The Great Treasury Raid*, about tax loopholes; *Oh Say Can You See: A Bifocal Tour of Washington*, a picture book done with his wife juxtaposing Washington's monuments and slums: and *The Shame of the Nation*, photos and essays on poverty.

Politics, though, was Stern's first love. He came to Washington under a now-defunct Rockefeller internship program to give young men a look at the workings of the Hill. He stayed on as a congressional aide to Sen. Henry M. Jackson, when he was a congressman, and to Sen. Paul Douglas before he joined Adlai Stevenson's presidential campaign in 1952. After the campaign he was made research director for the Democratic party. He left that post in 1958 to start the *Northern Virginia Sun* with Clayton Fritchey, George Ball and Arnold Sagalyn. But, except for contributions to the Democratic party, he has given up politics—permanently, he says. "I always thought that I ought to take advantage of the financial means with which I was blessed," he explains, "and one of the main ways is to be independent—genuinely independent—and to say what I believe without being afraid of the consequences. I don't want to be irresponsible in what I say, but I don't want to have to worry about the consequences."

After 13 years of giving money away, Stern has developed a set of criteria for the kind of project he favors. The decision to grant money is not, however, his alone. He is restricted, first of all, to aiding Washington projects, because his foundation is chartered here. He is also restricted to projects approved by the foundation's six-member board, and a group less inclined to rubber-stampism hardly could be found.

The board members, who serve without pay and are selected by Stern and approved by the others on the board, are, besides Stern and his wife, Father Gino Baroni, an activist in civil rights and poverty causes; Patrick Hayes, Washington's Sol Hurok; Mrs. Willie Hardy, a black community leader; and Richard Scammon, head of Elections Research Center. "We chose people," Stern says, "that we thought would add to our intelligence in the fields we were interested in, and whose experience would add judgment as to the merits of the proposal and the people. A board member either knows the person who is bringing in the proposal or he's in a position to look into it in a way that I couldn't."

If there should be a difference among the board members about a request, the matter is decided simply and democratically with a vote. And to make things even less arbitrary, Stern and his assistant, Mrs. George Allen, who cull the preliminary requests, list the applications they have turned down so that members have an opportunity to take a second look at a project.

Stern is fond of saying that the chief thing he tries to accomplish in his giving is "bridge-building," not "dock-building." "I like to find out if we are building a dock out into the middle of a pond so that when they get to the end of our grant they'll be in essentially the same fix they're in now, or if we have a chance of helping them build a bridge from one piece of dry land to another piece, so that at the end of the grant they have some prospects of either being self-supporting or getting some other source of funds." It is the long-run future of the organization which is under consideration. "We found," Stern says, "that we were the object of what I call 'oxygen-tent' requests—that is, organizations that were about to go under and were coming to us to be rescued from bankruptcy—in effect, death."

This does not mean that the Stern Fund backs only sure bets. Stern says, "We tend to look with the most favor on people or projects who don't have any other philanthropic constituency. For example, something like the Red Cross has an enormous constituency, if it gets money from all over and we wouldn't even consider the Red Cross for that reason. When the kids at Eastern High School who wanted a new school came in, that attracted our attention right away, partly because they didn't know where to go." Since that initial grant to youngsters who didn't know where to turn, the Modern Strivers have been featured in national magazines, praised by educators and given other grants by larger foundations.

Stern grants are more limited than those by the big foundations. Most are $5,000 to $10,000, with $20,000 being huge, by Stern standards. For that reason, the foundation tries to spend its money where it will have the biggest impact. "We ask how big their total need is. If somebody's got a budget of a million dollars, they're not likely to get any money from us," Stern says, "because even if we gave them a huge grant—on our terms—it would be a spit in the ocean, and it wouldn't make a critical difference whether that project goes or doesn't go. I'd much rather give to something where we can make a critical difference as to whether something exists or not."

The potential success of the projects he finances matters to Stern. "One of the criteria you use when you make the grant is to ask what it is you'd like to see when you stand a year hence and look back. Is what we hope to accomplish (a) realizable and (b) important?"

But he is not frightened of failure, and in the end, the decision to back a project depends on the person proposing it. "A final criterion," Stern says, "is betting on people. When you get a hot person, someone who is clearly gifted, that's when you say we don't know whether it's going to work or not. That's when you begin to take your longest shots."

Neither is Stern embarrassed by failure. He tells of one young heroin addict who had kicked his habit and was going to District schools evangelizing against drugs. When he came to Stern for help he was put in touch with the Psychiatric Institute Foundation so that he could get money and training.

But, say Stern, "That was a long shot that didn't pay off. He fell off. But the way I feel is if you don't make some mistakes and have some failures, you're not really doing your job. That's the main rationale for foundations—to be the real risk-takers. The government can't do it politically, and

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corporations won't do it, so that's what foundations are all about."

Grants from the "senior fund," as Stern has nicknamed the national foundation set up by his father, often find their way into the Washington area also. The Washington Gallery of Modern Art got help from that foundation, thanks to the interest of Stern's wife. Leni, who with her husband has selected paintings by Frank Stella, Franz Kline, Joseph Albers and Sam Gilliam for their living room walls, is an artist in her own right. She served as chairman of the Gallery of Modern Art board through its merger with the Corcoran and transformation into the Dupont Center of that museum. Another Washington recipient of senior Stern funds is the radical research center, the Institute for Policy Studies, whose founders include Arthur Waskow and Marcus Raskin. Philip Stern serves as chairman of the trustees of that institution.

The Stern grant that made the biggest splash of 1969 was money given Seymour Hersh to research reports of a massacre of Vietnamese civilians by soldiers at My Lai. Hersh's research, aided by a special fund to promote investigative reporting, led to stories that shocked the nation and the world.

Despite his gratitude to his parents for philanthropy instructions, Stern hesitates at involving his own children. So far they have not expressed much interest themselves in becoming philanthropists. "It's very difficult," Stern says, "for someone to grow up with a lot money, and they're feeling that now and they're not at all sure that they want to be involved in that."

If they do, their father has some advice for them. "If they're going to do it seriously—and I must say I wouldn't recommend it to them if they weren't—they have to prepare to be bombarded by a lot of people who want things. They have to be comfortable about saying no. And it's not easy to come by, believe me. It took me a long, long time to be comfortable about saying no to people, and particularly to friends. They will have to be prepared to spend a portion of their lives working at this. And that's not everybody's bag."

PARKVILLE SOLDIER WINS ARMY MEDAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. LONG of Maryland. Mr. Speaker, Army Sp4c. Luther E. Heim, Jr., a fine young man from Maryland, was recently awarded the Army Commendation Medal in Vietnam. I wish to honor him by including the following article in the RECORD:

PARKVILLE SOLDIER WINS ARMY MEDAL

Army Specialist Four Luther E. Heim Jr., 23, son of Mr. and Mrs. Luther E. Heim Sr., 3044 Edgewood Ave., Parkville, receives the Army Commendation Medal during ceremonies near Quang Tri, Vietnam.

Spec. 4 Heim received the award for meritorious service as a tank crewman with Troop A, 4th Squadron, 12th Cavalry, 1st Brigade of the 5th Infantry Division (Mechanized) near Quang Tri.

During the same ceremonies, he was also presented the Purple Heart for wounds received in action.

The specialist entered the Army in July 1968 and was stationed at Ft. Polk, La., before arriving overseas

He is a 1964 graduate of Parkville High School.

The awards were presented Dec. 12.

THE NCAA AGAINST YALE—TRAGIOCOMEDY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. GIAIMO. Mr. Speaker, our colleague, the gentleman from Illinois (Mr. MICHEL), and I have attempted to bring to the attention of this House a great injustice perpetrated against Yale University by the National Collegiate Athletic Association. We plan to discuss in the weeks to come similar actions by the NCAA which have unfairly penalized other schools and other athletes. We hope that by bringing these unfair actions to light our colleagues will see the necessity of conducting a full-scale investigation of the NCAA—an investigation that may be vital to the future of amateur athletics in the United States.

The Yale case, involving basketball player Jack Langer, is tragic. It shows that the NCAA is willing to use any weapon in its continuing power struggle with the Amateur Athletic Union. It shows that the NCAA does not care if it hurts member institutions or individual athletes in the process. It shows once again that the NCAA is no longer a representative body of colleges and universities but is instead a collection of institutions under the control of a stubborn, dictatorial hierarchy that does not hesitate to use athletes and schools alike as mere pawns in a game of power politics.

Yet, Mr. Speaker, there are elements of comedy in this issue. In an excellent and perceptive column, syndicated Columnist Jim Murray has used these elements to depict the total insensitivity and ruthlessness of the NCAA, the moral conviction and courage of Yale University, and the utter stupidity inherent in the NCAA–AAU dispute.

I wish to insert Mr. Murray's column at this point in the RECORD, and I call it to the attention of our colleagues who care about the future of amateur athletics in this country:

ELEVEN MERRIWELLS NOT EVEN ENOUGH

(By Jim Murray)

Oh, fudge! Yale can't come to the Rose Bowl for two years!

(The Rose Bowl, fellows, is due west of Rowayton. You take the New York, New Haven & Hartford south and, if you're driving, you cross the Hudson and stay on the Mohawk Trail and go by night if you see smoke signals.)

I don't know how you could ever explain it to Burt L. Standish, but even if Eli had 11 Frank Merriwells, it couldn't compete in the NCAA. Not even in the 10,000-kilometer walk.

Louisa May Alcott would be bound to faint. Harvard is not surprised. Wall Street is having a fit. The senior class is afraid Dad will cut off the allowance. Mumsy has taken to her bed with the vapors. The butler is very cross with the tradesman.

Yale has been (don't noise this around) Put On Probation. They've been caught cheating athletically like some common vulgar place like the ughotz Big Ten or those ruffians in Texas or Penn State, for heaven's sake!

Oh, it's not a case of smuggling a full grown gorilla in the backfield and passing him off as a dance major or giving him a C in First Aid or Driver Education. They haven't sneaked a swim suit on a shark and walked off with the 1,500-meter butterfly or put a motor on the eight-oared shell.

No, what Yale did was let its second-string basketball center go to Israel.

In doing so, he stepped right in the middle of a war. No, not That one! The one between the NCAA and the AAU, better known as the 30-Years-War.

The AAU and the NCAA, the Hatfields and McCoys of athletics, are currently in a tug-of-war over the game of basketball, amateur version. It is not a simple conflict. It should be, but it isn't.

BASKETBALL VICTIM

The AAU and NCAA have defied the best efforts of the late Robert Kennedy, the late Douglas MacArthur, three U.S. Presidents and two generations of sports writers to reconcile them. Intransigent, termagant, utterly persuaded of their own self-righteousness, they have all but killed the thing they are fighting over.

About 10 years ago, on the heels of a series of betting scandals, the NCAA laid down a rule that basketball players could not play summer or post-season games in resort hotels in return for board, room and free use of the pool on weekends on the theory that they came into contact with too many betting types that way.

They relaxed the rule for special events like Pan-Am and Olympic Games and, a few years ago, even began to arrange post-season international games for collegians, in concert with the FIBA, the international basketball federation.

One day, the AAU got out the shotgun. It had jurisdiction over international basketball games, it haughtily informed the FIBA. The FIBA sighed ("These crazy Americans!") and agreed to recognize the AAU's jurisdiction.

The NCAA took its ball and went home and sulked. OK, it said, in effect, if we can't run the program, no collegian or college team can participate.

The sport, as usual, was the victim. It hung on the barbed wire out there in the middle of No Man's Land.

NO PICK-UP GAME

The Maccabiah Games are the Jewish religion's version of the Olympics. It collects outstanding Jewish athletes from all over the world once every four years for a friendly but spirited competition. The government takes the position that sport prowess best administers religious and national esteem for that beleaguered country. It is at once a surcease and morale builder. It is not so much that sport builds warriors as that sports builds pride. And the Maccabiah Games are by no means a potato race competition. Times, scores, competition, closely approximate Olympics, or other competitions in which hundreds of religions and cultures are represented.

In the interest of maintaining the high standards of competition, the Israeli government energetically woos the outstanding Jewish athletes in the U.S. For basketball, it collected a half-dozen prime prospects—one from Davidson, one from North Carolina, Rutgers, Cincinnati, UCLA, and Yale. Yale's selectee was Jack Langer, 6–8, 225, 10-point average pivot man.

Jack was the only one who went. The others, including—get this—a Warsaw-born, Israeli-bred player from the University of Cincinnati, were frightened off by the NCAA.

Yale was a Bulldog. Their athletic director and coaches—and team—took the position the Maccabiah Games were hardly Catskill pick-up games and, in fact, on a par with the Pan-Am or even Olympic Games.

Langer played, but the U.S. lost. Yale lost, too. They can participate in no bowl games, no post-season events of any kind, no NCAA playoffs. And one more piece of athletic rubble was added to the NCAA-AAU war.

What a lot of us are hoping now is that a heliocopter with a Star of David on it flies over the NCAA headquarters, put a winch around it and carts it off to Tel Aviv. Failing that, maybe that general with the patch over his eye can come over and settle the matter in six days.

NARCE, AGE 49, IS PLANNING ITS CONVENTION IN BUFFALO, JUNE 15

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. DULSKI. Mr. Speaker, the National Association of Retired Civil Employees will mark its 49th birthday on February 19.

This fine organization—now headed by an old friend and experienced Capitol Hill personality, Thomas G. Walters—is planning to hold its convention this year in my home city of Buffalo, N.Y.

This 11th biennial national convention will be held June 15 through 17 at the Statler-Hilton Hotel.

NARCE is having a big year, with the combination of its convention and the observance of two anniversaries. Besides its own 49th birthday, the organization also will mark on May 22 the 50th anniversary of the signing into law by President Wilson of the first civil service retirement legislation.

The golden anniversary of the civil service retirement law will be observed officially a week later, on May 28, along with the Civil Service Commission and various active and retiree employee organizations.

Mr. Speaker, in the current issue of NARCE's publication, Retirement Life, is recounted the story of the day that NARCE was born.

Following is the text of that article:

THE STORY OF NARCE—THE DAY NARCE WAS BORN

Heavy snow clouds were hanging over Washington that Saturday afternoon in February, 1921. People talked, as usual, about the Washington weather and the forecast of a snowstorm—and now, while a chilly wind was blowing around the corners, they could hardly believe that only three days ago the thermometer had climbed to 73 degrees and even a few spring flowers had appeared on the White House lawn.

Washingtonians also talked about Caruso's illness, about the Soviet drive that threatened Tiflis, about the plan to pay spies who helped in the conviction of whiskey smugglers. On streetcar stops, men discussed a decision of the Attorney General of Maryland that women could not hold public offices, and whether $1,215 was a fair price for a Dort touring car. Washington women had other topics. Should they wear monacles, following the latest fashion fad? Had anybody read the new chapter in Adele Garrison's "Revelations of a Wife," the one about "Holding a Husband?" And had anybody seen "My Lady's Latchkey" at the Metropolitan, a "photoplay" with the intriguing subtitle "A Stolen Gem for a Stolen Heart?"

At the White House, President Wilson neared the last day of his term. President Harding's inauguration was scheduled for March 4. "Harding's Game of Golf Marked by Determination" headlined the Washington Post of February 19, 1921.

MEETING NEAR WHITE HOUSE

A block and a half from the White House, a group of elderly men entered a big red brick building at 1423 New York Avenue. They were shown to one of the conference rooms where two or three others were already waiting. One of the gentlemen, struggling his way out of his heavy overcoat, counted those present: ". . . twelve, thirteen, fourteen. It seems we are all here. I suggest we start."

Mr. *Theo. F. Swayze,* like all the others a retired Federal employee, was called to the chair. *Jacob W. Starr,* who had been President of the Civil Service Retirement Association, explained the purpose of the meeting. "I have talked," he said, "with a number of those who have been retired at a yearly allowance far below the maximum of sixty dollars per month. I had the object in view of getting together all who are interested, to the end that if possible, steps might be taken looking to the betterment of their status. I have secured, after considerable effort as you might well imagine, a list of all those who had been retired up to the end of December 1920, that is roughly during the first four months since the Retirement Act became effective. This list includes the name and address of each and the amount of annuity granted in every case. It is apparent from this list that many are receiving as low as $15 per month!"

BEGAN WITH 16,500 ANNUITANTS

Did Jacob Starr realize that forty-nine years later hundreds of thousands of Government retirees would benefit from his "considerable efforts," as he modestly called them? At the time the fourteen gentlemen met in that conference room at 1423 New York Ave., the maximum rate of annuity was $720 for the 16,500 annuitants at that time. Today, through the efforts of Jacob Starr and his successors, government annuities have multiplied many times for the over 800,000 annuitants now on the rolls.

But let us go back to the exact moment when our Association was born. After Mr. Starr had spoken, the temporary chairman, Mr. Swayze, suggested that the first business should be the election of a President. He nominated Mr. Starr, reminding those present of the many duties that devolved upon Mr. Starr when President of the Civil Service Retirement Association. He was elected unanimously, as were Robert Armour as Secretary and George Simmons as Treasurer.

What should be the name of the new Association? Several names were suggested and discussed. When deadlock seemed to develop, Mr. Starr had a suggestion.

CHOICE OF NAME IS DEFERRED

"Gentleman," said the newly-elected President, "in view of the fact that this is our first meeting, and that the attendance is small, I suggest that the choice of a name is deferred till a subsequent meeting." Thirteen uplifted arms showed approval.

"All right," said the President, sitting down. "Then, let's get to business."

And, as was typical of these men, the first measure the newly founded Association discussed was a practical one: Minimum ($360) and maximum ($1,400) rates for annuities. That the men in charge of NARCE's destiny then as now were firm believers in unified action is shown in this excerpt from the minutes of the first meeting: "The discussion which ensued . . . tended to show that it was thought best that action looking to amendment of the present law should come from committees after thorough consideration of all the facts, rather than by a number of separate bills, or by separate individuals interviewing the Congressmen with whom they might be acquainted."

It was almost four o'clock when the meeting adjourned. A few snow flakes were in the air when the participants left the building to hurry home for the weekend.

"I think we made a good start," remarked one of the fourteen first members of NARCE to another.

TRIBUTE TO SENATOR BOB BARTLETT

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. GARMATZ. Mr. Speaker, shortly after her nomination as Chairman of the Federal Maritime Commission, Mrs. Helen Bentley was invited to speak at the Bob Bartlett Memorial Fund dinner in Fairbanks, Alaska.

Having known Senator Bartlett so well because of her previous position as maritime editor of the Baltimore Sun, Mrs. Bentley was in a good position to speak of him and especially his work as chairman of the Merchant Marine Subcommittee of the Senate Commerce Committee. I know that those of us who knew him well, can express our full agreement with her splendid tribute to Bob Bartlett and it is therefore a pleasure to include her remarks in the RECORD:

BOB BARTLETT MEMORIAL DINNER ADDRESS

(By Helen Delich Bentley)

Mr. Stepovich, Senator Gravel, Mr. Snedden, Vide Bartlett, friends of Bob Bartlett—Ladies, Gentlemen—little did I ever dream last month on my first trip to Alaska that I would have the very good fortune of returning so soon to the most interesting, thrilling, and challenging of the 50 States which make up the great United States.

Just being here in this wonderful atmosphere with rugged individualists gives one a new sense of being . . . That is important and exciting to me . . . On top of all that, I was accorded what I consider one of the highest honors and privileges of my lifetime when Vide Bartlett asked me to be the principal speaker at this Fairbanks kickoff dinner to raise funds to establish a living memorial in the name of that wonderful man, Bob Bartlett. He will long live in the hearts and minds of all Alaskans as probably the most rugged of all individuals to ever have lived here—even though Bob Bartlett may have been the most soft spoken and gentle of all Alaskans.

As Mr. Snedden said to me while driving from the airport this morning, "within weeks, often days, after the average person dies, he is practically forgotten except by his own family. But with Bob Bartlett, he is just as much in the minds of every Alaskan today as he was before his untimely death last December. It will be 10 to 20 years at least before people begin forgetting about Bob Bartlett, at least in Alaska."

May I echo that remark and say it will be a long, long time before he is forgotten in the halls of Capitol Hill and Washington

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as well. I can attest to the fact that the Merchant Marine Subcommittee of the Senate Commerce Committee is still thought of in terms of Bob Bartlett's subcommittee. When he was its chairman, it was a productive committee—just as anything with which he was associated was productive.

Yes, just as you people here in Alaska miss him, so do we in Washington. How well I recall my last luncheon with Bob. He had been more or less out of circulation as far as the heavy business of the Senate was concerned most of the summer of 1968, but was sneaking into the office—against the doctor's and Vide's orders, and the wishes of those of us who knew he shouldn't be doing it—to make certain that everything for his loving constituents and for Alaska was being properly taken care of. Oh, yes, even though he wasn't supposed to, he was still tending to business with that same sense of full responsibility that Bob Bartlett bore during his entire life in Washington.

By my calling up and suggesting that we break bread or chat, he had an excuse to go to the office. He sought such excuses from his friends because he didn't want to be out of touch. On this particular day, he had the thoughtfulness of having a Capitol Hill photographer come into the Senate dining room to take the usual photo and then later autographed it and sent it to me. That photo with Bob Bartlett and the one with President Nixon on the announcement of my appointment are my most prized possessions. He was just that special.

That September day, he was so exuberant because of the new oil discovery on the North Slope. He knew how much all of this activity between Prudhoe and the North Slope meant to the future of Alaska and also that this oil discovery could give to the entire United States and free world assurance that they would have adequate supplies of fuel for decades to come.

How wonderful that he lived long enough to know that a way had been found so that his State could be self-sufficient and not have to wait for dole-outs and budgetary problems in Washington—those problems with which he had lived for a quarter of a century.

Mister Alaska had always been confident that his State would one day be a real asset and when he died, he knew that his faith had been fulfilled.

Throughout my newspaper career, I've worked in an almost male society—covering labor first, then maritime, and then transportation, maritime and labor all together. I can assure you that among all of those, Bob Bartlett with his ever-present smile, his ever-willingness to help, his humility, and his wonderful mind stood head and shoulders above most.

We had several things in common—the first and foremost being our sincere mutual interest in a strong maritime industry and merchant marine for the United States.

I, too, was a Westerner—a Westerner who had grown up in the high mountains of Nevada. I knew something about ruggedness and rugged life of living some 8000 feet above sea level in Ruth and Ely, Nevada, for the first 17 years of my life. I knew from my Yugoslav parents—and both had immigrated from Yugoslavia—what it was like to survive under rough conditions. Since there were so many Yugoslavian people here in Alaska, Bob Bartlett felt a natural affinity towards any others he met anywhere.

My father was a copper miner whose life was crushed out early from silicosis and tuberculosis developed in the mines.

Bob Bartlett had been a gold miner. He also knew the ravages of tuberculosis and fought hard to have it stamped out.

And Bob Bartlett had been a newspaperman—a good one. He understood what it meant to earn a living that way and he had a sort of special compassion for newspapermen who worked at it.

I used to become very amused at the way he would delightfully chuckle in his own inimitable way when I might set the White House on its heels or others because of having developed a story from a simple statement or maybe just a suggestion of whom to call—and sometimes he wouldn't say what about, just call so and so and chat with him—during the course of a conversation.

With that very delightful twinkle in his eyes, the rose in his lapel, that smile and that inevitable cigarette, he would muse "now where did you pick up that bit of information?"

Unfortunately while Bob Bartlett was alive, I never had the good fortune of coming to this wonderful challenging State. The first time was only last month when I flew in from Sachs Harbour after making the historic voyage through the ice of the Northwest Passage aboard the tanker S.S. *Manhattan* as that good ship made history, history that will be so important to Bob Bartlett's State.

The several days I spent in Alaska after debarking on Banks Island provided the perfect touch to the end of a magnificent voyage as the *Manhattan* headed towards its Alaskan goal.

The majestic mountain ranges with their untold beauty, the friendly and sturdy people who seem to have a sense of accomplishment about them, the atmosphere, the beauty that is Alaska—all of this is this last frontier of the United States. It all hits home. You realize full well that Alaska is a frontier society; it is a dynamic, spirited, restless, imaginative, changing society that thrives on hope and challenge.

All of this I loved because it recalled my early years in Nevada—home to me—a society that values a handshake as much as a contract. One of the few places left in the world where that is true.

As the book "This is Alaska" states:

"Alaska is a society that has no desire to boast of the fastest, the biggest, the mostest. It prefers to forget yesterday and dream of tomorrow. Many have deliberately abandoned comforts in other states, but only paradocially [sic] to work toward creating similar comforts for themselves in Alaska.

"But with or without comforts, Alaskans are there because they thrive on challenge and have rediscovered the dignity of dreams and labor."

Oh, if only some of this could be transported and transmitted to so many people in the lower 48.

The feeling of this dignity of labor and the pride of the individual is so evident here. When I left last month, it was with sorrow because I hated to depart from such a challenging and exalting atmosphere of people, to leave people who knew what it was to live, work, and appreciate life. I said to many upon returning to the East Coast—if I were in my twenties, I'd move to Alaska to live.

At that time, I did not know that I would be back so soon, and never did I have any idea that I would be accorded tonight's very high honor—one which has made me indeed feel humble when I talk to you about your beloved Mister Alaska. I do think it is particularly fitting that this kickoff dinner for the memorial fund, Bob Bartlett Memorial Fund for the University of Alaska, is being held on the anniversary—the 102nd anniversary—of the purchase by the United States of Alaska from Russia.

Bob Bartlett would be pleased if he knew that the plans being formulated were to make a living memorial in the field of education in his honor. Yes, he would have liked that.

"Education," Mr. Alaska once said, "is the greatest national investment we can make. It is only through knowledge that men can be free and preserve their liberty."

He was a great believer in teaching people and in helping them to improve themselves. He well knew that only an educated society can remain a free society.

As I understand it, this project being undertaken seeks to establish a basic fund of at least $100,000 which will provide a minimum income annually—a continuing income—of at least $5,000 to $6,000 to have a seminar each year in his name. Naturally, if the fund is larger—and we hope it will be—the seminars can be far more extensive—and they should be in order to honor Bob Bartlett as he should be honored and in order to provide the full stimulus that should be provided to the students and people of Alaska.

If the Bob Bartlett Memorial Fund had an annual income of $20,000 to $25,000, the seminars could be far more extensive and all-reaching just as some of the special recent seminars held at the University of Alaska have been. These are helping to establish the University of Alaska firmly in the minds of the world as the leading center in the north—the Arctic area—in many fields.

The Memorial Fund will set up a series of lecture courses which bring to the University of Alaska the finest minds of the world to speak with and to discuss with Alaskan students all the matters of great moments in our society—be this in the area of geophysics, oceanography, merchant marine, communications, forestry, fisheries, and international trade.

Since Senator Bartlett felt so strongly that education is the tool by which dreams will and can be made to come true, and since the University of Alaska is located in his home town, it seems natural that this should be the focal point and the center for this massive drive to give him a living memorial.

The University of Alaska is the farthest north major university in the world. It does, and should continue, to serve as the international center for the North Pacific and for the Arctic area, tying three continents together. It is interesting that Fairbanks is 2,000 miles closer to Moscow than it is to Washington, D.C.

By thus embellishing the minds and spirits of young people passing through the portals and across the campuses where his feet trod, Senator Bartlett will, in effect, live once again, cultivating in the field of learning, new opportunities for the young Alaskans in whom the Senator had such boundless faith and measureless enthusiasm.

In a commencement address he delivered at the University of Alaska in 1960, Bob Bartlett said:

> To fulfill our role as a State, Alaska is committed to act with intelligence, honesty and vision . . . Should any of these be lacking, we shall surely fail, even if we possess all other attributes in their highest order.

It is surely obvious that the complication of today's world demands clear intelligence. Nor is there today, nor was there ever in the past, any substitute for honesty, true dedication to a high moral order and willingness to put service to such moral precepts ahead of personal gain or wishes. Vision is that combination of thought, diligence and imagination behind all action.

If vision means this and not nonsense as the modern derogatory use indicates, let us then be visionary. Part of my vision for Alaska is this: The University of Alaska can well be the point from which these virtues come. A university in its highest function

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is surely a mighty force injecting moral value, intelligence and vision into the life of the state. A university should be especially the point of vision in our society. Nowhere else is there so nearly the perfect atmosphere for thoughtful, clear examination of our goals and our methods. Nowhere else is there the accumulation of material—the recorded thoughts of all men in this search for the good. But more than all else the university is the home of that rare creativity kindled by the friction of young enthusiasm with mature minds—the flash that comes when age-old values or deep, valid thoughts or new preceptions fire in receptive and inventive brains. And the university is the place where an exchange of ideas is natural and itself creative. The thinker is the hardest working among all working men. And we need men who can and will think overtime.

The proposed seminars would provide the students—the future leaders of Alaska—with the opportunity to think overtime as they prepare themselves to carry on the work of, and nurture, this great land which Bob Bartlett nourished into a full grown star among the 50.

I recall so well that last day that Bob Bartlett sat as chairman of his merchant marine subcommittee. He never chaired again, for the next day he went to the hospital. What had taken place at that hearing caused his heart trouble to recur. After working so hard for more than a year to get a merchant marine program together with the White House—and I might tell you that it was Bob Bartlett who for the first time in years got the Senate Commerce Committee and the House Merchant Marine and Fisheries Committee together and to work united towards improving this country's situation—he felt he had been sabotaged. "I've been sabotaged," he said, "we're going to push through an independent maritime administration program bill."

He wasn't able to participate in the passage of that bill, but his friends in the Senate moved it through while he guided them by telephone and kept urging it on.

It is indeed fitting that this kickoff for the memorial fund be held tonight practically on the eve of when President Nixon does intend to present the country with a new maritime program—the kind of a program Bob Bartlett would have liked because it will contain much of what he, Senator Magnuson, Eddie Garmatz, and Tom Downing had worked out originally.

The need for action in this area is so important. For the United States is so far behind that Democratic and Republican Party lines are unimportant. In fact, they have not been important as far as a maritime program is concerned with these leaders for several years. All the real friends of the merchant marine have ever wanted is action, whether it be Democratic or Republican. Although Bob Bartlett is not here to see it, he certainly helped lay the foundation for this revitalization program that is going to take place within the next decade, as the United States struggles desperately to regain her place in the world on the high seas.

You people in Alaska are probably more aware than anyone of the importance of transportation, whether it be by sea, air or land. And living as close as you do to Russia and the other polar regions, you have a feeling of why this country must have strength on the high seas.

To any country, seapower is all important. No country can survive as a great country without it. Seapower has four corners: Naval, merchant marine, oceanography, and fishing. All four legs are important here.

Bob Bartlett helped the fishing industry by enacting the subsidy bill under which fishermen can build modern fishing trawlers with Government assistance equal to those of the Russians and Japanese.

He also was a strong proponent of the development of oceanography and had real feelings about the needs of new modern naval craft, particularly when we always realized that the Russian submarine fleet was growing so rapidly and that Russia was so close across the Bering Sea.

When the Senate of the United States held its memorial service to Bob Bartlett last January 3, his accomplishments were cited by Senator Ted Stevens as follows:

"Bob Bartlett's legislative achievements are almost too numerous to mention. The results of his tireless efforts within this Chamber have transformed the State of Alaska. When he arrived in Congress as a delegate in 1944, Americans knew Alaska only as an ice-locked wilderness with names such as Kiska, Attu and Dutch Harbor, more unfamiliar than Guadalcanal or Okinawa. But in 14 years a miracle had occurred: the population had doubled, roads and airports had sprung up, and Alaska was on the threshold of statehood. All of this was traceable to Bob Bartlett's ability and dedication of all his accomplishments and dreams, statehood for Alaska was his greatest triumph. As much as any other man he helped add the forty-ninth star to the American flag. A mark of his pride in this achievement could be seen in the Senate garage. Instead of the prestigious No. 1 license plate of a senior senator, his was Alaska No. 49. But for Bob, statehood was only a beginning. Alaska had become a State, and now her potential had to be developed and her vast resources tapped for the good of the nation and the world. Permission for Japanese pulp mills in Alaska, increased oil and gas revenues to Alaska from Federal leasing, public works projects without number and the infusion of massive amounts of Federal aid after the earthquake in 1964 and the Fairbanks flood of 1967, are but some of his landmark achievements for the State of Alaska.

"But it should not be thought that his only concern was for the citizens of his own State. His legislation reflected a tremendous concern for the welfare of all Americans, with such bills as the radiation safety bill, which set sweeping safety standards for all radiation-emitting equipment from television sets to X-ray machines, and the Bartlett act, which provided that all federally funded buildings be constructed so as to provide easy access and use for the physically handicapped.

"Senator Bartlett led efforts which resulted in the establishment of nine-mile contiguous fishing zone as well as the law which gave the Coast Guard the authority it needs to see that our fishing zone and territorial waters are protected from foreign incursion. His concern for the welfare and growth of the American fishing industry produced such legislative achievements as the addition of fish to the food-for-peace program and the Commercial Fisheries Research and Development Act of 1964."

In 1965, President Johnson wired to a testimonial: "His accomplishments in both houses of Congress match the high mountains and broad plains of Alaska."

When Senator Hart of Michigan prepared to talk, he said that he had to struggle for simple eloquence to express the affection which the Senate had for Mister Alaska.

These were the simple words:

"He was a man of courage, as he showed in casting the deciding vote on the motion to invoke cloture on the debate over the Civil Rights Act of 1968. That vote I shall never forget.

"He was a man of compassion as he showed time after time in efforts to help the poor of the nation.

"He was a man of understanding, who was never too busy to listen to and to help a fellow man, whether that man was a U.S. senator, a constituent or an elevator operator."

A man who operates the freight elevator in the Senate Office Building recalled that Senator Bartlett was the only member of the Senate who was willing to ride that elevator. And in typical Bob Bartlett fashion, he always asked the elevator operator about his family.

Probably no finer words about Bob Bartlett were expressed than those of Senator Cotton, the ranking Republican on the Commerce Committee. He said that he never knew a single member of either body or either party who did not like and respect Bob Bartlett. Some men do not incur animosities simply because they have negative personalities and have little force or influence—not so in the case of Bob Bartlett, Senator Cotton continued. He fought doggedly and determinedly for the principles in which he believed and instantly gave battle whenever the welfare of Alaska or its people were concerned. But he had the rare and priceless faculty of being always firm but never offensive. He could differ without anger. He could lose without rancor. He could win without exultation. In all the years I was associated with him, Senator Cotton continued, I never saw him show the slightest sign of losing his temper. His courtesy was unfailing because it was born of a deep affection not only for his associates here but for all men everywhere. No wonder he exercised a mighty, though unobstructive, influence in the Congress. No wonder he accomplished so much for Alaska. No wonder he contributed in such a large measure to the winning of Alaskan statehood.

In speaking of his beloved State, Bob Bartlett himself said:

"I love Alaska. My attachment for it, my concern for it, is so deeply imbedded that it is a very part of me. There I have grown, studied, married and worked. I have toiled in her beautiful natural setting as a gold miner. I have learned the life of her towns as a reporter. I have met her people as an appointed administrator and again as Delegate and Senator. As years pile upon years, there is a greater personal insistence in drawing upon memory's treasure trove."

And Alaska loved Bob Bartlett. And still does. As a result, Alaska today has three Senators in Washington—Senator Gravel who is here with us tonight, Senator Stevens, and Vide Bartlett. She has much of the same naturalness, warmth and human understanding that was so much a part of her husband.

Bob Bartlett was a service senator. He did not seek headlines. He preferred to take care of the homesteads of the people in the boondocks rather than be in the public eye.

As someone said, it has come abundantly clear that he is the most loved and respected man that ever walked across Alaska.

Typical of those was the letter from an Eskimo lady in Kotzebue who wrote that the footsteps of Bob Bartlett across the whole of Alaska will never be dimmed in our memory.

Vide, Donna Anne and citizens of Alaska. It is with deep humility that I say thank you so much for letting me share tonight in honor of this great and good man with you. It is indeed a rare privilege, a privilege I shall always cherish.

RICHARD A. SHAFTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. RODINO. Mr. Speaker, I was deeply saddened to learn of the passing last Thursday of an old and dear friend of mine, Richard Shafter, of Belleville,

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N.J. Mr. Shafter was a native of Berlin, Germany, who came to the United States after World War I and worked as a reporter for several newspapers in New Jersey, Michigan, and New York. In 1949 he joined the public relations department of CARE, Inc., the overseas aid agency in New York, and was a vice president of the CARE employees union.

Dick Shafter was a man whose lofty ideals, provided me with a great source of inspiration over the years, and whose wise counsel was gratefully taken. He was a person who cared deeply for his fellowman, and though there is little that one can say to ease his family's sorrow, I know that they can take consolation in the sure knowledge that Dick's compassion and dedicated service touched all who knew him and made all our lives more meaningful.

PROFIT IN POVERTY—$186,000 TO JULIAN BOND AND SNCC ASSOCIATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. RARICK. Mr. Speaker, the payment of $186,000 of taxpayers' hard-earned money to Georgia demagog Julian Bond and his SNCC associate, John Lewis, must be another part of the so-called Southern strategy of the Republicans.

The other two poverty profiteers cutting the melon are from Secretary Finch's Department of Health, Education, and Welfare—in fact one of them, Lonnie King, is still on the HEW payroll. We are apt to find H. Rapp Brown and Stokely Carmichael on the payoff list any time.

I insert a pertinent newsclipping:

[From the Washington Post, Feb. 1, 1970]

BOND'S FIRM IS CLEARED BY OEO—$186,000 CONTRACT REINSTATED

(By Robert C. Maynard)

The Office of Economic Opportunity has reinstated its contract with an Atlanta consulting firm owned partly by Georgia legislator Julian Bond after a three-month FBI investigation. The former civil rights organizer charged that the probe was racially inspired.

Awarded a $186,000 contract last July to provide technical assistance to local OEO-funded programs, Frontiers Unlimited was informed in October that it would receive no more assignments until OEO and the FBI completed investigations of several members of the firm.

OEO told Bond and his associates on Friday that both agencies had decided Frontiers should have a clean bill of health.

The investigation focused primarily on whether two officers of Bond's firm—Charles Black and former Washingtonian Lonnie King—were in conflict of interest situations because of their government connections. Black had been an employee of the Department of Health, Education and Welfare, where King remains as a civil rights specialist in the Atlanta office.

OEO said the FBI was satisfied that there was no case against either of the men and OEO's own investigation concluded no impropriety had occurred.

In a statement released here yesterday, the three men said they were relieved that "the snide, racist innuendos for once have been officially laid to rest."

Their lawyers had charged that "political pressure" was exerted on OEO to kill the contract, despite OEO evaluations of the work of the firm as satisfactory.

Donald S. Lowitz, OEO general counsel, denied yesterday that any "pressure" was placed on his agency.

Sen. Richard B. Russell (D-Ga.), chairman of the Senate Appropriations Committee, was among those demanding from OEO a "detailed and complete report" of the Frontiers Unlimited contract.

One Atlanta political leader said pressure for an investigation was demanded because "first of all, the name of Julian Bond is anathema in Georgia and second, because he is a potential political threat."

Bond has been the center of speculation that a black man would run for the Fifth Congressional District seat in Atlanta, now held by Republican Fletcher Thompson.

The fourth member of the firm is John Lewis, former president of Student Nonviolent Coordinating Committee.

CLEAN WATER REGIONS TO FACE SHAKEUPS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. OBEY. Mr. Speaker—

WORDS SOUND NICE BUT ACTION COUNTS

Some think it ironic that President Nixon might, with fanfare, remove postmasterships from politics only to use vital agencies such as the Water Pollution Control Commission for political featherbedding.

Mr. Speaker, the above words are the concluding paragraph in a most disturbing article which appears in the Christian Science Monitor of this morning.

That story indicates that experienced personnel in the area of water resources are losing their jobs for political reasons and to persons with little or no training or background in the water pollution field.

A few days ago the Congress and the people of the United States listened to the President give a thoughtful and impressive speech on the state of the Union. That speech contained no details, but certainly gave those of us who heard it the impression that the protection of our environment was to be a key concern of the administration, just as it is to many of us in the Congress.

To date we are still waiting to see the specifics the President spoke of in his state of the Union address, including the purported allocation of $10 billion in Federal funds to clean up our Nation's waterways.

Nonetheless, Mr. Speaker, the American people must judge the President, the Congress, and all public officials on actions rather than words, on results rather than images, on what we do or try to do, rather than just what we say. Concerned citizens who are so aware of the need for environmental protection will be doing just that for many months and years to come.

We have heard general proposals and rhetoric from the administration. From the Democrats, Senators MUSKIE and NELSON and Congressman DINGELL, BLATNIK, and many others have introduced numerous proposals giving detailed plans for environmental action on the part of the Congress.

If the actions related in the newspaper this morning are true, they speak much louder than the rhetoric we heard in the President's state of the Union address. Words sound nice, Mr. Speaker, but action counts.

I include the article in the RECORD at this point:

CLEAN WATER REGIONS TO FACE SHAKEUPS

ATLANTA.—As John R. Thoman, Southeast regional director of the Federal Water Pollution Control Commission, prepared last week for a series of crucial conferences on regional water-pollution problems, he wrestled with another problem, as well.

He had to decide whether to accept a transfer to the commission's Charlottesville, Va., regional office or resign after 26 years in federal service. And the decision had to be made by Feb. 6.

Mr. Thoman's civil-service status in his $25,000-a-year job does not protect him from the kind of transfer-or-quit ultimatum received from David Dominick, new director of the commission. Mr. Dominick, inexperienced in this field, is the nephew of Sen. Peter H. Dominick (R) of Colorado.

Four other regional directors reportedly faced this choice of accepting transfer orders or quitting.

CHICAGO CHIEF RESIGNS

One already has resigned. On Mr. Thoman's desk was a copy of the Chicago Tribune with a story announcing that H. Wallace Poston, head of the Great Lakes region of the Water Pollution Control Commission, had resigned to become head of Mayor Richard J. Daley's new Department of Environmental Control. Mr. Poston was believed to have been slated for transfer to Atlanta.

Mr. Thoman has been Southeast director since 1967. Prior to that, he was director of the Southeast Water Laboratory in Athens, Ga., starting in 1963.

Though he has served in numerous posts in his long government career, Mr. Thoman indicated great reluctance to a move at this stage of his career. He gave the impression he would "retire" in order to keep his family in Atlanta, despite the loss in pension benefits this would mean.

He expressed concern that some of the young staffers he had attracted to the Athens facility and the Atlanta office might quit in disgust. While workers in government bureaus tend to take high-echelon changes in stride, they expect replacements to be competent and to be committed to certain goals.

POLITICS LOOMS IN PICTURE

Reports indicate the replacement for Mr. Poston in Chicago will be a political appointee with no background in the resources field.

There is also at least one local precedent since the Nixon administration took over which causes unease here. William J. Page, highly respected regional director for the Department of Health, Education, and Welfare, was transferred to Washington and replaced by Cary Hall, apparently at the insistence of Southern Republican Party leaders. Mr. Hall, a retired Navy officer, has little or no background in the fields he will oversee.

And last week William W. Suttle, Southeastern director for the Office of Economic

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Opportunity, resigned. He cited "incompatibility" with the new administration's definition of OEO's responsibilities.

Other regional offices of federal agencies here have an air of general unease about how things will be under the administration, and there has been talk of personnel cutbacks because of budget limitations.

Key personnel are waiting to see if there will be a pattern of placing political appointees rather than career civil servants atop agencies handling sensitive social and environmental problems.

Some think it ironic that President Nixon might, with fanfare, remove postmasterships from politics only to use vital agencies such as the Water Pollution Control Commission for political featherbedding.

RESCUING RAIL SERVICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. DERWINSKI. Mr. Speaker, it is obvious that rail passenger service in this country leaves much to be desired. Hopefully, the Department of Transportation will move into this long-neglected area in a proper fashion.

This is the theme of a Chicago Daily News editorial Tuesday, January 20, which I insert into the RECORD, believing it to be a very timely commentary on this issue:

RESCUING RAIL SERVICE

The miserable state of passenger train service has finally brought the federal administration and Congress into action. Congress is examining a number of bills designed to preserve the fast-vanishing passenger service on intercity routes, including some that would provide an outright subsidy for the railroads.

The White House has refused to put its stamp of approval on an imaginative proposal produced by the Department of Transportation. But it clearly feels impelled to move in the same general direction. The Transportation Department plan would set up a public-private corporation modeled after the Communication Satellite Corp.

The proposed corporation, tentatively named Railpax, would be charged with operating passenger trains over a single, nationwide network. It presumably would concentrate on short hauls—up to 500 miles—between large population centers, but try also to keep a few transcontinental trains running. The railroads would hold the original stock in the corporation, in exchange for turning over their passenger equipment—such as it is. Later, stock might be sold to the public. Federal aid to upgrade equipment is contemplated.

Few would argue against some sort of drastic action to keep the trains running. Growing congestion on the highways and in the air may one day revive the idea that trains offer a desirable alternative and bring passengers back in droves. Even now, the question is not completely answered as to whether the passengers abandoned the railroads or the railroads abandoned the passengers.

Speedy jet service obviously pulled away most of the long-haul passengers, and superhighways made short trips by train virtually obsolete. Yet many a paying customer who would rather travel medium distances by train has turned away in disgust at rundown equipment, lack of dining facilities, and an attitude that plainly says "Go away, we don't want you." With few exceptions, the railroads have given more thought to the care and comfort of freight than people.

A rail network devoted solely to caring about people would be something new. And we suspect the people would respond.

No plan can be expected to restore rail passenger service to what it was in its heyday, of course. In 1920, when 20,000 passenger trains were running in this country, there were no attractive alternatives. But it approaches the ridiculous that only 439 trains now carry passengers—a reduction of 1,120 just since 1958.

It is too soon to say whether the Department of Transportation's plan for a quasi-public corporation is the best plan that can be devised. Hearings on this and other proposals could occupy much of Congress' time during the session just beginning. But 1970 could—and should—be the year when the nation starts to pump life back into the dying rail travel business.

H.R. 15660

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. HANNA. Mr. Speaker, in the last few weeks, several significant developments have taken place on the housing scene. First, yearend reports filed by corporations involved in homebuilding revealed falling profits. Second, savings and loan associations, the primary home mortgage lenders, have indicated that emergency measures aimed at halting the outflow of funds did not prevent a further reduction in the volume of savings funds which were on deposit with these home lending institutions. All available evidence seemed to indicate that these funds were shifted to higher yielding instruments, including tax-exempt bonds and Government agency issues. Third, housing starts continued to plunge to the point that they were, in December, approximately 30 percent below the annual rate of activity projected in the President's report on national housing goals. Add to this the fact that in many areas of the land houses stand empty because buyers and sellers are unable to arrange a sales transaction on terms which are within the realm of reason. Further, add the fact that housing sales which are consummated in this period are concluded—in many cases—through the working out of intricate financing techniques. I would suggest to you, that these facts all point to one conclusion—the housing market mechanism is no longer functioning effectively.

Before, we have expressed concern over the failure of efforts to produce enough housing at a low enough price. That—alone—is a serious problem. However, it is nowhere near as serious as a breakdown of the housing market because such a collapse carries with it several immense costs. The cost of a housing market breakdown are movement of management, money, and manpower to other sectors of the economy; the strangulation of the specialized thrift institution which concentrates on home mortgage lending; and, a decline in the public's confidence and participation in a process which, heretofore, has enabled every citizen to acquire a material stake in the stability and progress of his community.

Today, I am introducing a measure aimed at shoring up the housing market by providing indirect tax incentives. This bill has three aspects. It aims to encourage savers to deposit their funds in the institutions which engage in home mortgage lending by excluding from Federal income taxation the first $750 of interest paid to savers by the institutions. In addition, the bill includes a provision reducing the Federal income tax burden imposed on businessmen engaged in the construction, sale, or financing of housing.

The third aspect of this measure deals with the two classes of entities which have, in recent years, shown the most dramatic growth. Because of their favored Federal income tax treatment, the private foundations and the pension, profit-sharing, and stock bonus plans have grown most dramatically. Presently, it is estimated that they represent $250 billion. The reasoning behind this tax approach is that in exchange for a public benefit, favored tax treatment, the favored parties should help shoulder a public burden, supplying funds for housing. The bill calls for these entities to shift a quarter of their assets into housing investment within the next 25 years. There will, no doubt, be some who will criticize any tax relief, including this measure to help the housing industry. Before this approach is criticized, I would caution a consideration of the alternative. There is already talk of a massive, federally financed and administered direct housing loan program. The approach I offer would, I suggest, cost but a fraction of the alternative. Also, it would insure the continuing vitality of the housing market and the institutions which participate therein.

The bill follows:

H.R. 15660

A bill to amend the Internal Revenue Code of 1954 to encourage the construction of, and investment in, housing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to computation of taxable income) is amended by adding at the end thereof the following new part:

PART XI—HOME BUILDING AND FINANCING BUSINESSES

"Sec. 291. Taxable income of home building and financing businesses.

"SEC. 291. TAXABLE INCOME OF HOME BUILDING AND FINANCING BUSINESSES.

"(a) Computation of Taxable Income.—In the case of a home building or finance business, the taxable income for taxable years beginning in 1970 and 1971 shall be determined as follows:

"(1) First determine the taxable income of the taxpayer computed without regard to this section.

"(2) Then subtract from the amount determined under paragraph (1) an amount equal to —— percent of the taxpayer's net home building and financing income.

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"(b) Definitions.—For purposes of this section—

"(1) Net home building and financing income.—The term 'net home building and financing income' means—

"(A) the items of gross income of the taxpayer derived from the construction, reconstruction, financing, or sale of—

"(i) new housing financed or sold by the taxpayer, and

"(ii) substantially rehabilitated housing which is financed or sold by the taxpayer and which was never occupied by the taxpayer or a tenant of the taxpayer, less

"(B) the deductions properly attributable to the items described in subparagraph (A).

"(2) Home building or financing business.—The term 'home building or financing business' means a taxpayer engaged in the trade or business of constructing, reconstructing, financing, or selling new or substantially rehabilitated housing.

"(3) Substantially rehabilitated housing.—Housing shall be considered substantially rehabilitated only if over a period of two consecutive taxable years (including the taxable year in which the taxpayer sold or financed such housing) the aggregate amount of rehabilitation expenditures paid or incurred with respect to such housing exceeds the greater of—

"(A) 20 per centum of the fair market value of such housing at the time of such sale or financing, or

"(B) the product of $3,000 times the number of dwelling units in such housing.

For purposes of this paragraph, the term 'rehabilitation expenditures' means amounts chargeable to capital account and incurred for property or additions or improvements to property (or related facilities) with a useful life of 5 years or more, in connection with the rehabilitation of an existing building for housing purposes; but such term does not include the cost of acquisition of such building or any interest therein."

(2) The table of parts for such subchapter is amended by adding at the end thereof the following:

"Part XI—Home Building and Financing Businesses"

(b) The amendments made by this section shall apply with respect to taxable years beginning December 31, 1969.

SEC. 2. (a) (1) Chapter 42 of the Internal Revenue Code of 1954 (relating to private foundations) is amended by adding at the end thereof the following new section:

"SEC. 4949. TAX ON FAILURE TO HOLD REQUIRED HOUSING INVESTMENTS.

"(a) Imposition of Tax.—If the actual housing investments for a taxable year of an organization subject to this section for such year are less than the required housing investments of such organization for such year, there is hereby imposed on the failure to hold the required housing investments a tax equal to 100 percent of the amount by which the required housing investments are less than the actual housing investments. Such tax shall be paid by the organization.

"(b) Required Housing Investments.—For purposes of this section, the term 'required housing investments', with respect to an organization for a taxable year, means housing investments held by such organization during such taxable year equal in amount to the lesser of—

"(1) the applicable percentage (determined under subsection (c) (3)) of the fair market value of such organization's assets, or

"(2) the sum of (A) the fair market value of such organization's actual housing investments at the close of the preceding taxable year, plus (B) 25 percent of the net investment income (as defined in section 4940(c) (1)) of such organization for the taxable year.

"(c) Other Definitions.—For purposes of this section—

"(1) Actual housing investments.—The term 'actual housing investments', with respect to an organization for a taxable year, means the amount of housing investments held by such organization, determined at such time or times during such year as the Secretary or his delegate shall by regulations prescribe.

"(2) Housing investment.—The term 'housing investment', with respect to any organization at any particular time, means—

"(A) any loan, purchase of securities, participation certificates, mortgage backed securities, certificate of deposit issued by a federally insured savings and loan association or obligations (including a mortgage), or other capital contribution, made by such organization specifically to aid in the purchase, construction, rehabilitation, or operation and maintenance of real property primarily for residential purposes, to the extent of the legal obligation to repay or redeem the amount thereof which (at such time) is held by such organization; and

"(B) the direct or indirect ownership by such organization of any real property used primarily for residential purposes, to the extent of the fair market value (at such time) of such property or the interest of such organization therein.

"(3) Applicable percentage.—The term 'applicable percentage' means the lesser of—

"(A) 25 percent, or

"(B) 1 percent multiplied by the number of calendar years ending after 1969 and on or before the close of the taxable year.

"(d) Organizations Subject to Tax.—

"(1) In general.—Except as provided in paragraph (2), an organization is subject to this section for a taxable year if for such year it is—

"(A) a private foundation,

"(B) an organization described in section 402(a) (relating to qualified pension, profit-sharing, and stock bonus plans), or

"(C) an organization described in section 501(c) (4), (5), or (6) (relating to social welfare, organizations, labor organizations, business leagues, etc.).

"(2) Exemption.—An organization shall not be subject to this section for a taxable year if the fair market value of its assets at the beginning of such year does not exceed $4,000,000."

(2) The table of sections for such chapter is amended by adding at the end thereof the following item:

"Sec. 4949. Tax on failure to hold required housing investments."

(b) The amendments made by subsection (a) of this section shall apply to taxable years ending after the date of enactment of this Act.

SEC. 3. (a) (1) Part III of subchapter B of chapter I of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as section 125 and by inserting after section 123 the following new section:

"SEC. 123. DIVIDENDS ON DEPOSITS IN CERTAIN SAVINGS INSTITUTIONS.

"(a) General Rule.—Gross income does not include amounts received by, or credited to the account of, a taxpayer as dividends or interest on deposits or withdrawable accounts in a savings institution to which part II of subchapter H is applicable.

"(b) Limitation.—The exclusion allowed to each taxpayer under this section shall in the aggregate not exceed $750 for any taxable year."

(2) The table of sections for such part is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 123. Dividends on deposits in certain savings institutions.

"SEC. 124. Cross references to other Acts."

(b) The amendments made by this section shall apply only with respect to taxable years ending after the date of enactment of this Act.

NEED AIRPORT NOW

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Monday, February 2, 1970

Mr. DERWINSKI. Mr. Speaker, the Worth, Ill., Palos Reporter has earned recognition for maintaining an extremely energetic editorial page which deals not only with issues relevant to the local communities it serves but also with issues of regional and national impact.

In its lead editorial Thursday, January 29, written by its scholarly publisher, Edward E. Roelofs, the Reporter comments on the controversy which has developed over the timing and location of a third major airport to serve the Chicago metropolitan area. The editorial follows:

WE NEED AIRPORT NOW—OUT HERE

(By Edward E. Roelofs)

After two or three years of careful planning for a new large airport for Chicagoland to meet the obvious growth pattern of air traffic, both passenger and freight, it came as a surprise when Mayor Daley told a group of Chicago businessmen last Friday, that we wouldn't need a third airport for 10 to 15 years.

If it came as a surprise that Daley, who has been the chief advocate of putting a third airport in Lake Michigan, changed his mind, a clue to his change of mind is boldly stated in a Daily news headline, which reads: "Daley gives Midway Pitch." The story flatly states that he is putting pressure on the airlines to make more use of Midway Airport.

There were several other clues in reports on reactions to his "surprise" speech. For example, strong opposition has come from many sources, including Gov. Olgilvie, to a lake airport because of its damaging effects on Lake Michigan and to property on the adjacent lake shore.

The charge of polluting the Lake is most often heard, but other considerations include the amount of space needed for ground traffic and for new industry seeking locations near air transports; the fabulous cost of the dikes and tunnels and the time it would take to build such an airport—maybe that is implied in Mayor Daley's new opinion of the time schedule.

We were very much interested by the reaction of the airlines. They were not only surprised but "disputed Daley's timetable" and said they will proceed with their plans for a third airport. They indicate a much earlier start is needed, not only, but say Midway "is not presently suited for 707 jets" or the "many more facilities" now needed.

We have attended numerous conferences and discussions on the future of air traffic and conclude that the preponderance of evidence points to the urgency of proceeding now with a third airport, and that the best location would be in a location which has been carefully engineered and studied known as The Green Garden site near Frankfort. This site offers not only an available 23,000 acres, but plenty of surrounding space for new business and industry, and excellent transportation potential.

> The Green Garden site, several miles south of Highway 30 west of Harlem avenue, is beautifully located to serve as a regional airport for all of South Cook County, for the counties south and west, as well as for northwest Indiana. We urge our readers to study area maps and see the vast possibilities of an airport to serve this fast growing region. We appreciate that Daley is the ambitious Mayor of Chicago, but point out that this large city is only a part of a much larger metropolitan area and the southwest area which now offers the space for future development.

THE CANCELLATION OF AN ISRAELI SELLOUT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1970

Mr. BIAGGI. Mr. Speaker, in deference to the President, and in recognition of his newly found insight into the Mideast crisis, I shall try to speak in a low voice—but that is not going to be an easy task in view of the administration's previous proposals to deal with the Israeli-Arab situation in the Middle East. And in deference to the Vice President, I am going to tell it like it is.

The statement issued by Secretary of State Rogers on December 9 leaves no doubt that the administration was all too eager to trade the blood of the gallant Israeli people for Arabian oil. Some kinder critics have interpreted it as a policy of appeasement, but I do not think they are quite telling it like it is. Look again, I would say, and see if you cannot find the word "sellout" beneath the surface.

In fact, to consider it a policy of any kind is to give it an aura of dignity and statesmanship. Stripped bare of velvet oratory, it was no more than a scheme—a cruel, calculated but transparent scheme devised to serve the best interests of the wealthy power brokers of this country who are fearful of losing some of their millions to an economic squeeze by the Arab States.

To get some idea of how the architects of this scheme operated, one has only to read an article which appeared in the New York Times on December 22. It was written by the paper's Washington correspondent, Tad Szulc, and headlined: "Industrialists Reported To Warn Nixon on Loss of Influence with Arabs." Part of the article read:

> President Nixon is reported to have received warnings from a group of top American industry leaders with oil and other interests in the Middle East that the United States is rapidly losing political and economic influence in the Arab states because of its present policies.
>
> The industrialists' concern over the deterioration of the United States position in the Middle East and over the proportional growth of the Soviet Union there—attributed by them in part to Washington's past support for Israel—was expressed at an unpublished meeting at the White House on December 9.
>
> A White House spokesman has confirmed that Mr. Nixon had asked the group to discuss with him the "political situation in the Middle East." The members included:
>
> David Rockefeller, president of the Chase Manhattan Banks.
>
> John J. McCloy, former president of Chase Manhattan, and
>
> Robert B. Anderson, former Secretary of the Treasury and a director of Dresser Industries Company, which has oil interests in Kuwait and Libya.
>
> Administration officials said that the President had invited them to hear their views on the eve of the December 10 session of the National Security Council, which was dedicated to a review of the United States policy in the Middle East.
>
> Attending the industrialists' meeting with Mr. Nixon was Henry A. Kissinger, the President's special assistant for national security affairs. White House officials emphasized that those conferring with the President were people with a political knowledge of the Middle East situation and the oil situation in the Middle East.
>
> According to officials familiar with the discussion, the consensus in the group was that the United States must act immediately to improve its relations with oil-producing and other Arab states. The group was said to feel this was necessary to deflect what the group feared to be an imminent loss of United States standing in the Middle East that might be reflected politically as well as in terms of American petroleum interests in the area.

The December 9 statement by Secretary of State Rogers—issued the very same day the President met with some of these power brokers—represents a very serious departure from the policy our Government had pursued since the 6-day war of 1967. That policy maintained that the parties directly involved in the dispute—namely, Israel and the Arabs, must settle their differences through direct negotiations, and that there should be no withdrawal from occupied territories without direct negotiations.

The statement by Secretary Rogers attempted to reverse this basic principle. It demanded that Israel give up all occupied territory and then negotiate with the Arabs—a naive and dangerous course indeed because Israel would have nothing left for bargaining purposes.

Mr. Rogers also suggested making Jerusalem an international city. During the 20 years that the city was divided this could have been done but was not. Now, since 1967, the entire city is open to all and access to all religious shrines by everyone is a right which Israel encourages. Jerusalem is, without a doubt, an international city now.

Where has Mr. Rogers been since 1967? Perhaps, oil blinds the vision and dulls the sensitivity of some men.

Americans who cherish principle above expediency and value life above property have cried out against the unjust and dangerous implications of our Government's attempt to implement a new policy in the Middle East. To the satisfaction of the power brokers, we were playing roulette with the lives of the Israeli people.

It is not enough that France, Germany, and Great Britain have abandoned this last bastion of democracy in the Middle East while the Soviet Union eagerly supports the Arab States? Yet, Secretary Rogers chose to call the administration's proposal "an even-handed policy." If he meant to imply that our support of Israel has dissipated into neutrality, he is not even right on that score. The policy he suggested was anything but "even-handed." It was, instead, a policy that would have weighed heavily against Israel—the betrayal of a good, loyal, and unsuspecting friend.

It would be suicidal for Israel to relinquish occupied territory and revert to the obsolete borders of the 1949 armistice which were artificial, overlong, and strategically indefensible—a constant invitation to Arab terrorist excursions.

The present territorial delineation, determined by the cease-fire of June 1967, gives Israel a measure of protection against aggression and invasion.

Israel does not have to apologize for holding to the strategic cease-fire lines. The areas it holds under the cease-fire provisions are not essential for the existence and well-being of the Arab States. But they are most essential for the security and development of Israel. And they are part and parcel of the national territory of the reborn Jewish State which is an organic entity.

It was necessary to speak out, as most Americans did, against a policy which was obviously biased and inequitable and we were morally compelled and democratically obligated to do so. It was our sacred responsibility, as Americans, to let our Government know our outraged feelings against its unreasonable policy proposal in regard to the Arab-Israeli conflict. And I for one am happy to see that the outcries have been heeded—so far. We have done this not only because we regarded the policy as injurious to Israel, but also because it was contrary to the highest interests of our own country. Israel is the only true and tested friend of the United States in the Middle East. Sacrificing Israel to secure economic and political gain in the Arab States for the power brokers of our Nation would have been a severe blow to the honor and integrity of America.

Israel cannot be sold out to the Wall Street interests—and we must not let the United States make the mistake again of thinking that it can ever sell out Israel.

There is no better example of the proper role for Congress. We have urged the State Department to reverse its recent decision and continue its previous policy of unflinching support for Israel and her demands to be recognized as a sovereign nation—and it has taken some effect. The responsibility, however, continues. We must continue to monitor our foreign affairs and bring our opinions and views to bear on those who may feel spurred by selfish interests to promote policies that are blatantly immoral.

"SILENT MAJORITY" FAVORS BIBLE READING IN SCHOOLS

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. SKUBITZ. Mr. Speaker, I am in receipt of a petition signed by 700 citizens of Independence, Kans., expressing their support in favor of permitting prayer and the reading of the Bible in schools. This group of citizens urge that immediate steps be taken to stop the sale of and distribution of harmful drugs and all forms of pornography in films, literature, and the news media.

Mr. Speaker, some time ago I introduced legislation which, if enacted into law, would meet these objectives.

I appreciate the support of the "silent majority of Independence" and I hope that other Members of Congress will be hearing from the silent majority in their own districts. The "silent majority" are the ones who go about doing their jobs, paying taxes, attending church, and taking a strong stand on the important issues facing their families and the Nation.

I submit for the RECORD a copy of the petition:

"SILENT MAJORITY OF INDEPENDENCE" PETITION

As a part of a silent majority, we, the undersigned, desire to stand and be counted on the following issues.

I. We affirm our faith in God and believe our nation and its leaders need His divine guidance for the critical problems at hand. We earnestly believe in the power of prayer to give us that guidance. We therefore respectfully request your consideration of the following:

A. We appreciate and commend the astronauts for the Christian testimony they gave by offering prayer and reading from the Bible; and we claim the right so to do.

B. We request that the privilege of prayer be restored to our public schools.

II. We believe in the United States of America and in our leaders. We cherish our liberty and freedom. We believe that with that freedom comes responsibility, and that no one has a right to use this freedom to the detriment of another. We therefore bitterly oppose exploiting, which would tend to enslave or cripple our youth or any other citizen of our nation, physically, morally, or spiritually. We therefore respectfully request your consideration of the following specific points:

A. We urge, and will support, strong and immediate action against the sale, distribution, or use of harmful drugs.

B. We urge, and will support, strong and immediate action against all forms of obscenity and pornography in film, literature, and all news media.

These signatures are willingly and individually given, and each or all may be investigated as to validity.

Signed by more than 700 Independence citizens representing the "Silent Majority."

A TRIBUTE TO A FELLOW-MINNESOTAN, BERTRAM STILLWELL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. ZWACH. Mr. Speaker, on behalf of my colleagues and the people of Minnesota, I would like to read into the RECORD a tribute to a fellow Minnesotan Bertram Stillwell, Director of the Office of Proceedings, Interstate Commerce Commission, who has distinguished himself as an outstanding civil servant in one of the most complex areas of Government—transportation regulation.

Director Stillwell is retiring from public life after 43 years of service with the ICC. During the course of these years, Mr. Stillwell made impressive contributions to improvement of the regulatory process. His expertise will be missed, not only by the members of the Interstate Commerce Commission, but by the people Mr. Stillwell was dedicated to serve—the American public.

A native of Appleton, Minn., Mr. Stillwell was in the Army during World War I and was later graduated from the University of Minnesota Law School. After practicing law in Minneapolis, he joined the ICC in 1926 as an examiner in the Commission's former Bureau of Formal Cases. He became an attorney-adviser to the late Commissioner Clyde D. Aitchison and rose through progressively responsible positions to the directorship of the Office of Proceedings. The Office is responsible for processing the flow of the Commission's cases and the assignment of hearing examiners to handle finance, operating rights, and rates and practices proceedings.

The members of the Commission recently assembled to pay tribute to Director Stillwell and to recognize him as the unofficial "Twelfth Member" of this oldest, independent, regulatory agency. His remarks at the time summarized the key to his philosophy of finding the right decision to make when a multitude of conflicting requests are bounded by a host of freely interpretable laws:

> Just follow the Commission's longstanding instances that the "public interest" must first be served, and the issues and the law will line up very clearly.

Across the many years of his service he hear many nationally significant cases and wrote reports which became hallmarks for development of innovative transportation policy to match the needs of an expanding economy.

Mr. Stillwell will be sincerely missed on the transportation scene, and it is my hope that his years of retirement will prove as worthwhile as those he spent serving the American people.

NATIONAL JAYCEE WEEK

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. NELSEN. Mr. Speaker, the week of January 18 was designated as National Jaycee Week. I would like to join my colleagues in honoring the Jaycees' 50th anniversary. Those 50 years have been years of service and dedication to the community; those years mark the efforts of hundreds of thousands of men to make their cities, States, and country a better place to live. These young men, leaders in their communities, are evidence that this country has a good future. I would like to add that I know through my personal experience that these men are not only leaders and community helpers, they are also just plain fine folks.

I am especially proud to say that a young man from my district in Minnesota has been selected by the Jaycees as one of America's 10 outstanding young men for 1969. He is Russ Voorhees, of Pipestone, Minn. The following editorial from the Rock County Star Herald of Luverne, Minn., tells the story of his contribution to the Pipestone area:

PIPESTONE'S "GO" MAN DARED BE AN OPTIMIST

A young South Dakotan arrived in Pipestone in 1962, and proceeded to hang up a shingle which read Russell L. Voorhees, Attorney-At-Law.

From that date on, the name Voorhees has been synonymous with the word, "Go!"

Today, at the age of 35, he is one of 10 outstanding men in the United States, according to an evaluation made by the United States Jaycees.

He wasn't picked for the honor because of judicious legal advice he had given, nor for cases he has won in court. Sitting in his office never was to his liking.

He had in his system some of that pioneering spirit which prevailed in the settlers of Midwest America. There was work to be done, and this to him, was reason enough to set about to do it.

It wasn't easy, and he had his share of setbacks. A lot of Pipestone people predicted he was heading for a fall. But he didn't, and word spread that there was a young felow in the Hiawatha city that was going great guns right now, but "some day he'll get his come uppance."

Today he's going stronger than ever. There are still those who think his bubble is going to burst, but the number is becoming fewer and fewer.

Voorhees is chairman of the board of Pawnee Corporation, which he founded, and which has done more to put the city of Pipestone on the map in the last eight years than anything with the possible exception of the Hiawatha pageant and National Monument.

Thanks to Voorhees, and his enterprising efforts, Pipestone has experienced civic and business vitality that is the envy of every small city in the Upper Midwest.

Voorhees' influence has been felt not only in Pipestone, but in more than 50 other towns, Luverne included, where the Pawnee Corporation now operates plants of various kinds involved in what he chooses to call agri-business.

People of Rock county join with all Minnesota in saluting Russell Voorhees for the honor that has come to him, and for the recognition he has brought not only to the City of Pipestone, but to Minnesota and the entire Upper Midwest.

His success story is one that has been written because he had courage to be an optimist, and the adventuresome spirit to take a few risks.

It just goes to prove that America is still the land of opportunity for those who take advantage of the power of positive thinking.

HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

TO SAVE THE NATION IS THE FIRST LAW—THIEU

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. RARICK. Mr. Speaker, at a time when we are about to be once again deafened by the loud cry of "priorities" from the left, it might do us all good to read thoughtfully a Saigon story filed by Scripps-Howard Writer Don Tate.

President Thieu is usually a target of the friends of Hanoi, who point out repeatedly that he is a "minority" President, and that treason is dealt with as treason in Vietnam. Overlooked in such picking is the President of the United States and the mayor of New York City, also in Mr. Thieu's 40-percent category. Ignored is the fact that Vietnam is not America, and that the war is there, not here.

I include the Tate article with my remarks:

[From the Washington Daily News, Jan. 28, 1970]

MATTER OF PRIORITIES—THIEU SAYS DEMOCRACY REQUIRES SURVIVAL

(By Don Tate)

SAIGON, January 28.—South Vietnam's fledgling democracy, often criticized as being too oppressive, has been defended by President Nguyen Van Thieu on grounds that, in a war of survival, "to save the country is the supreme law . . . the most important task."

Citing reasons for his government's tough policies, Mr. Thieu told some of those who have felt most oppressed, members of the Vietnamese Newspaper Editors Association: "If we don't save the country, all other things do not matter. Only when we survive can we consider other problems. . . ."

He urged the editors, some of whom have had their papers shut and reopened with revolving-door regularity, to "write with justice" and to remember that "on the international scene the Communists have actively taken advantage of the freedom of the press in the free world to distort the facts and to create confusion in public opinion in many countries, including our allied countries."

WINNING IS PRIORITY

Mr. Thieu, often taken to task by Western critics for slowness to assure the freedoms associated with Western democracies, maintained that, in creating a democracy in the midst of war, democracy must come second: winning the war comes first.

"In this critical stage of the fight to defend the existence of our country," he said, "we cannot let the Communists take advantage of the freedoms in our institutions to create disturbances, to cause confusion and jeopardize our security."

Mr. Thieu, who sometimes brands his political opponents as "dogs, traitors and fools" as well as jailing them, said: "I cannot help being disturbed when I see that there are people living within our nationalist ranks who, willingly or not, have put forward lines of thought beneficial to the Communists."

"There are a number of people who seem to forget we are in wartime," Mr. Thieu added, comparing himself to a ship's pilot in a storm watching these people "drill holes in your boat and letting the water run in."

Replying to critics who have charged that his government does not represent a majority of the South Vietnamese people, Mr. Thieu said:

"There are naive people who asked why Mr. Thieu got elected with only 37 per cent of the total votes and concluded thus that the government . . . needs to broaden its base to have a more representative character.

"They . . . have forgotten that in the presidential election of 1967 there were up to 11 tickets it is difficult for one ticket to have the majority of votes on the first ballot. . . ."

URGES RUNOFF VOTE

He called for a new election law stipulating that if there is no majority on the first ballot, a second, runoff ballot between the two tickets with the most votes should be held. This would assure election of the preferred candidate and prevent a Communist minority from seizing advantage of a split in votes to take control of the government, Mr. Thieu said.

As for broadening the base of his government by bringing more political party leaders into his cabinet, Mr. Thieu said, in effect, that Vietnam's welter of political parties have for a long time been unrepresentative of the people, poorly organized and unable to agree on anything. His implication was that for now, at least, he would stick to his own power base—the million-man army, the 200,000 civil servants, the million-plus Catholics, the "yes man" cabinet.

As for the future of democracy in South Vietnam, Mr. Thieu expressed confidence. But he added:

"Democracy in wartime differs from democracy in peacetime. Old-line democracy . . . differs from newborn democracy . . . The spirit of Oriental democracy is not the same as the spirit of Occidental democracy.

"The Democratic life in Vietnam has progressed noticeably in so far as learning from the West and even learning that which the West fears, namely the state of disorder, and excessive and irresponsible freedom."

SENATE—*Tuesday, February 3, 1970*

The Senate met at 12 o'clock meridian and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray, in recognition of International Clergy Week.

Almighty God, who in every age has called men to serve Thee in the ministry of word and sacrament, for the ordering of souls in righteousness, and the teaching of Thy truth, we give Thee thanks for the memories which gather about this day. We thank Thee especially for Thy servants on the transport *Dorchester* who, amid the perils of war and on the frigid waters of the north, in saving others, gave themselves. As we remember American youth joined heart and hand in wartime prayer, so may the people of this land be united for the making of a better world.

Guide by Thy spirit the leaders of all religions who by word and life represent Thee. Give to all pastors, priests, prophets, and chaplains the fullness of Thy grace. Especially be with those who minister in the Armed Forces, that putting on "the whole armor of God and having their feet shod with the preparation of the gospel of peace" they may lead us toward that kingdom whose builder and maker is God. Nourish the people of this land in pure religion and lofty patriotism for the healing of the nations and the establishment of peace on earth.

In the name of the Prince of Peace we pray. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

AERONAUTICS AND SPACE REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT (H.R. DOC. 91-219)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

The year 1969 was truly a turning point in the story of space exploration—the most significant of any year in that still brief history. I am pleased to transmit to the Congress this report on the space and aeronautics activities of our government in the past twelve months. As I do so, I again salute the thousands of men and women whose devotion and skill over many years have made our recent successes possible.

This report tells the remarkable and now familiar story of man's first and second landings on the Moon. It recounts, too, the exciting Mariner voyage which took the first close-up photographs of the planet Mars. But it also discusses the space triumphs of 1969 which were less well-publicized, successes which also have great significance. It tells, for example, of progress made in our communications satellite, weather satellite and earth resources satellite programs. It discusses the scientific and military implications of all our recent advances. It details the progress we have made toward achieving greater international participation in our space adventures. And it reports, too, on our advances in aeronautical technology.

In 1969 we achieved the most prominent of our goals in space—one which had long been a focus for our energies. As we enter a new decade, we must now set new goals which make sense for the Seventies. The space budget that I am submitting to Congress reflects my view of a balanced space program, one which will build on the progress we have already made.

Our space and aeronautics program has benefited this Nation in many ways. It has contributed to our national security, to our educational, transportation, and commercial strength, to our scientific and medical knowledge, to our international position and to our sense of the dignity and the capacity of man. And the story is only beginning. We have made long strides into the future during the past year; now we must build on those accomplishments in the coming years and decades.

RICHARD NIXON.

THE WHITE HOUSE, *February 3, 1970.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Vice President laid before the Senate a message from the President of the United States submitting the nomination of Robert H. Cannon, Jr., of California, to be an Assistant Secretary of Transportation, which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9882. An act to convey reserved phosphate interests of the United States in certain nonphosphate lands in Highlands County, Fla.; and

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 9882. An act to convey reserved phosphate interests of the United States in certain nonphosphate lands in Highlands County, Fla.; and

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes; to the Committee on Interior and Insular Affairs.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, Februray 2, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

INTERVIEW OF SENATOR MANSFIELD ON ABC'S "ISSUES AND ANSWERS" TELEVISION PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the transcript of a television interview which I had on ABC's "Issues and Answers" on Sunday, February 1, 1970.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

ISSUES AND ANSWERS, FEBRUARY 1, 1970

Guest: Hon. MIKE MANSFIELD, Democrat, of Montana, Senate Majority Leader.

Interviewed by: John Scali, ABC State Department Correspondent; Bob Clark, ABC Capitol Hill Correspondent.

Mr. SCALI. Senator Mansfield, welcome to "Issues and Answers."

Senator MANSFIELD. Thank you.

Mr. SCALI. Yesterday you denounced the Nixon Administration's plans to expand the antiballistic missile defense system and said that another great debate is in the offing. Won't this wind up as a rehash of the debate that you and other opponents lost after 29 days of argument and counter-argument last year?

Senator MANSFIELD. Let me say "denounce" is a pretty harsh word. We haven't seen the details yet. What I want to see is a bill of particulars and I want to see also whether or not the questions which were in our minds last year have been answered to our satisfaction.

I would point out that as far as the two sites in Montana and North Dakota are concerned, they are under way. They were agreed to on the basis of a 50–50 vote in the Senate and an overwhelming vote in the House, so they will go ahead. It is the expansion beyond that which disturbs me, plus the fact that the questions which were raised last year will be raised again this year.

For example, it is our information that the radar system is highly vulnerable and if it is hit the whole ABM system dependent on the radar will be knocked out. We are not as yet anywhere near certain that the computer system is reliable and accurate and we have some questions about the shell of the Spartan which indicates on the basis of what the scientists tell us that it would be a little slow, unless it has been corrected in meeting an incoming missile.

May I say that as far as the ABM is concerned that no one in the Senate that I know of is against it if it is needed, reliable and accurate. If we are going to go into this area, then I think we better face all the facts, recognize it is going to cost tens of billions of dollars. On the basis of what little I know about the new proposals which will be made, it seems to me to be a combination of the Safeguard and Sentinel systems and the Sentinel system was supposedly discarded last year.

Mr. SCALI. Senator, you said the expanded ABM system might cost as much as $50 billion.

Senator MANSFIELD. That is correct.

Mr. SCALI. A figure which I think is far higher than any administration spokesman has put on it. Where do you get that figure and how do you support it?

Senator MANSFIELD. Well, I would point out that it was estimated that the Sentinel system itself would cost somewhere in that vicinity, if not more, and if we are getting a combination, it appears to me that with the cost increase which must be added to it that it would come at least to that figure if you put in the whole system because, remember, it takes in Northwest Washington state, southern New England, Texas, the Southeastern part of the United States, Michigan, two sites in California, Washington, D.C. and perhaps eventually sites in Alaska and Hawaii. Those last two have not been mentioned, however.

May I say also that the present estimates for the hard point missile systems in Montana and North Dakota have already far exceeded the original estimates.

Mr. CLARK. Well, Senator, do you think if the President had told Congress last year that the ABM system was needed for defense of American cities rather than for the very limited protective system that was submitted to Congress for our own antimissile sites, that he would have won that big Senate battle which, of course, he won by only one vote?

Senator MANSFIELD. Well, he didn't win it by one vote really because it was a stand-off and an amendment having to do with any particular to a bill fails because of—

Mr. CLARK. The margin was essentially one vote.

Senator MANSFIELD. The margin was essentially one vote.

I don't know. I would imagine that the results would have been the same whether it was a Sentinel system or a Safeguard system.

Mr. CLARK. There were two or three Senators at least—Senator Scott was one who had indicated some reservations about the system but then swung the other direction when the President proposed only the very limited system. You don't think some people who voted with the President last year might not be now pulled back the other way?

Senator MANSFIELD. That I couldn't say because this matter was in effect just sprung on us. I had only read speculative reports that there would be an expansion of the present system. Those reports were denied and then the President, of course, made it official in his press conference the other night.

Mr. CLARK. Do you see anything that has happened in the past year in the conduct of Red China that would justify the shift in the Administration's position to point that anti-missile system now at China rather than just protecting our own missile sites?

Senator MANSFIELD. I have no access to such information, though I am quite certain the President undoubtedly has. There certainly can't be any question but that the Chinese are going ahead with their missile system. How good it is, how effective it is, whether it is an IRBM or an ICBM, I do not know at the present time—well, I do know they at least have the IRBM's, but whether they have developed an ICBM capacity, I am not in a position to state. But I do recall that the President last year, in giving one of his reasons for turning down the Sentinel System, said that he couldn't buy the idea that this system was being set up for use against a possible Chinese threat.

Mr. SCALI. Senator, I gather from what you say that the President's revised plans come as somewhat of a surprise to you. You talk with him and meet with him frequently. Were you consulted in advance at all? Did you discuss this?

Senator MANSFIELD. No, and I wouldn't expect to be, but in all fairness I must say the President indicated that he had talked it over with the National Security Council before he made his announcement. He also said that Mr. Laird would make an announcement within 30 days. I would anticipate that he would call down the joint leadership and other appropriate Members of the Congress to discuss with them what his plans are, just as he did last year.

Mr. SCALI. Senator, as an expert on Asia, you appraised President Nixon's doctrine which would force the Asians to rely more on their own manpower while we hold a nuclear umbrella over their heads for safety, aren't the opponents of this new plan making it impossible to carry out that doctrine by

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making the United States vulnerable to a sudden attack by Red China.

Senator Mansfield. No, I don't think so because I don't think we are vulnerable at this time to a sudden attack by Communist China and I believe the President made it very clear in his press conference that this was somewhere in the future, in the seventies.

Mr. Scali. Well, in the future, aren't you in effect denying the President the kind of safety that is needed to protect our own missiles while we hold a nuclear umbrella over the heads of our allies?

Senator Mansfield. No, I wouldn't say so because as I have indicated, nobody is against the ABM if it is reliable, if it is accurate. Everybody in the Senate so far as I know is in favor of continued research and development, but I would hate to see a system put in which, if necessary to be used, couldn't be effective.

Mr. Clark. Senator, if we can explore just a bit more the President's plans to expand this anti-missile system to protect the country against the possibility of a surprise attack by Red China, does this get to the heart of the new Nixon doctrine for Asia? In other words, you, in supporting this doctrine, if as we pull American troops out of Asia we have to extend a nuclear umbrella or maintain a nuclear umbrella over our Asian allies, is it necessary to go to an anti-missile system in this country, no matter what the cost? Is this part of the price of the Nixon doctrine?

Senator Mansfield. Oh, if it is necessary, the cost is of no significance. If it has to be done, it will be done, and it should be done. But if it is going to be done, it ought to be done on an accurate and reliable basis. The money shouldn't be wasted. There shouldn't be an overcost in the program. There is in the present ABM program and as I have been informed, and I think quite accurately by the GAO, there is at the present time a 20.8 billion dollar over-cost on weaponry contracts which have been let by the Department of Defense.

Now, I must say that practically all, if not all of these contracts had been let under a previous Administration and I think that Mr. Laird is doing a pretty good job in trying to correct some of these deficiencies.

Mr. Scali. Senator, you mentioned the reliability several times. Is there any reason for you to believe that this system is less reliable now than it was when you voted on it last year?

Senator Mansfield. That is one of the questions we have to ask. We want to find out what has been done in the meantime to make the computers more reliable, to make the radar screens less vulnerable, and to see what has been done about the Spartan missiles as far as their speed capacity is concerned.

Mr. Scali. Do you think that disclosure of these plans at this time will in any way jeopardize the beginning of the dialogue with Red China which the Nixon Administration has set up after so much effort?

Senator Mansfield. That is one of the things which worries me because we have the SALT talks going on which seek to bring about a diminution in the amount of armaments, missiles and other weapons of destruction which we are both developing, and we both have enough to obliterate the world ten times over. We are probably on the verge of a mad momentum. I don't know what is going to happen if we keep on this way because if we keep on building weapons, someday you are going to use them and someday the people of the world are going to suffer.

Mr. Clark. Senator, we have heard a great deal of talk from the Democrats in recent months about reordering national priorities. Now what happens to national priorities and how much we set aside to spend for pollution or health or education, if you get into an extremely costly program of anti-missile defense which you say is all right with you as long as the President in effect can prove that it is needed.

Senator Mansfield. Then priorities go out the window. What I want to see is a balance between our security needs and our domestic needs, and balance is the key word. It won't do us any good to have the best security system in the world if we have uneasiness, discontent, in some instances rebellion, at home. What we have to do is to have a good security system and we have to face up to the problems of pollution, the needs of the cities, the needs of our people here at home. Both of them must go together.

Mr. Scali. Do you think the President is attaching too high a priority to defense, then, Senator?

Senator Mansfield. I think so, but I must admit that he has more information available to him than I have but we have been going helter skelter in the spending of defense funds and only in the past year or so has the Congress and especially the Senate been raising questions and trying to draw back on some of those over-costs, some of these ill-conceived contracts and some of these weapons which have proved useless but on which billions of dollars have been spent.

Mr. Clark. There is, Senator, a mounting impression in Washington that Democrats are allowing the President to preempt the field in the critical areas of priorities, in thinking of pollution and health and welfare programs, even draft reform where the President moved in at the last minute in the last Congress.

Are Democrats being out-manuevered by a President who is a willier politician than they expected in the White House?

Senator Mansfield. No, I don't think so, and after all it is the welfare of the nation, the welfare of the people which must always come first. It isn't a matter of being politically astute or trying to take political advantage. It is a matter of doing what you can for the country as a whole and if it affects you personally and you lose, that is immaterial. The country must come first always.

Mr. Clark. Scotty Reston, writing this last week in the New York Times, referred to you as a saint and he said a cooperative saint.

Senator Mansfield. He doesn't know me very well.

Mr. Clark. But his point seemed to be that you were sometimes a little too gentle with the administration. Do you find your saintliness a handicap in the sort of rough partisan politics that some Democrats——

Senator Mansfield. Well, let me say I must disclaim the appellation of the saint. I am not a saint. I am just an ordinary human being trying to do the best he can and not succeeding very well, but trying.

I don't care much—I am not a political animal, really. I don't believe in going for the jugular. I believe in cooperating and accommodating and then let the chips fall where they may.

The thing that always counts with me is the welfare of my state and my country. If you don't have that, if you don't look at it in that way, you are being pretty selfish. pretty narrow-minded and not in a position to achieve much in the way of results.

Mr. Scali. Senator, you called the President's State of the Union Address the other day hopeful and impressive—

Senator Mansfield. But general.

Mr. Scali. A spokesman for the Democratic National Committee Policy Council labeled it fuzzy, misleading and partly inaccurate.

Now, who are the voters supposed to believe? Where is the unified voice for the Democrats?

Senator Mansfield. Oh, the Democrats have never had a unified voice. If you expect that of us, you are expecting the impossible. But we survive and as far as whom the people should believe, that is up to them.

Mr. Clark. Vice President Agnew said today on another program that the Democrats don't seem to be a cohesive force in this election year.

Senator Mansfield. Neither do the Republicans, so it works both ways.

Mr. Clark. You wouldn't be concerned about the lack of a coordinated, cohesive drive behind the Democrats to show the voters where the party stands in this rather crucial election?

Senator Mansfield. Oh, no. I think our divisiveness is our strength.

Mr. Scali. Senator, a federal judge has just given the nation a ten-day reprieve from a coast to coast railway crisis. Does Congress plan to act now to avert another crisis in just ten days from today?

Senator Mansfield. Not at this moment, but any proposals the President wishes to send to us, we will be glad to receive and consider.

Mr. Scali. Do you believe the President should do more than he has done to avert a new crisis?

Senator Mansfield. Well, that is up to him. He seems to be loath to become involved in these labor disputes, which I think is a mistake. He deplores jawboning, but what have you got to lose by trying to talk these people into an agreement? And I think if this thing goes into effect, as it well might—it almost did yesterday—that the President will have to involve himself some way, and should.

Mr Clark. You feel then that a little jawboning by the President might be helpful in this critical period of——

Senator Mansfield. I think so. It wouldn't hurt.

Mr. Scali. There is still considerable vocal opposition to Judge Carswell's nomination among some Senate Democrats. Have you decided whether you will vote to approve him and do you think Mr. Nixon will win this time?

Senator Mansfield. No, I haven't decided because I think any nominee of any President is entitled to have the courtesy of having the hearings read and those hearings are continuing. I will read the hearings with great interest, then I will make up my mind.

Mr. Clark. Senator, you said after the Senate's rejection last year of Judge Haynsworth that from now on all judicial nominations and other important nominations should be subjected to very intensive scrutiny by the Senate.

Senator Mansfield. That is correct.

Mr. Clark. Do you think that process has been completed by the Senate in this case, in the case of Judge Carswell?

Senator Mansfield. Oh, no, because the hearings are still going on, and I would assume they will not be completed for at least a week more, maybe longer, and then we will have to give due consideration to the findings of the commmittee when the nomination is reported out.

Mr. Scali. Senator Mansfield, the Senate Foreign Relations Committee is due to begin a new round of public hearings this week on Vietnam even though the Nixon Administration has expressed doubt that they can serve a useful purpose.

What useful purpose do you think they can serve at this time?

Senator Mansfield. Well, first, let me say that the hearings are not necessarily on Vietnam. There are a number of resolutions

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which have been introduced by Senators in the first session of the 91st Congress. They have been held over. The Foreign Relations Committee has held back because of courtesy to the President, and the position in which he finds himself, but these Senators who have introduced resolutions are entitled to be heard and they will be heard.

Mr. CLARK. I believe, Senator Mansfield, the only one of the resolutions before the committee that you have signed is one generally supporting the President's Vietnam policy. Are you going to support any of the other resolutions that they will be examining——

Senator MANSFIELD. Oh, yes, I am a cosponsor of the Mathias resolution which calls for a reassessment and a reevaluation of the Tonkin Gulf, the Formosa resolution, the Mid-East resolution and any other extraordinary powers which have been given to the President since the end of the Korean War.

Mr. CLARK. Right. I meant the other specific plans for Vietnam withdrawal, and there are a number of those that are going to be examined.

Senator MANSFIELD. No, I think the President is doing the best he can in the light of the circumstances which confront him. I wish he could move faster. I am sure he wishes the same, but at least he is getting us out. That is the main word, out, and we aren't going in and up, as was the case——

Mr. CLARK. And you are happy with the present——

Senator MANSFIELD. Not happy, but it is a step in the right direction. I wish it could be faster.

Mr. SCALI. What do you think of the suggestion that the President announce a firm timetable for withdrawal and use this as a possible way to break through the deadlocked talks in Paris?

Senator MANSFIELD. Not at this moment. I don't believe that would be worthwhile because you have to allow the President a certain amount of flexibility and freedom.

Mr. CLARK. Senator, if we can talk politics for just a moment, would you agree that the Democrats have failed thus far to build up any single stand-out candidate who can take on Mr. Nixon in 1972?

Senator MANSFIELD. Oh, no, I think as of now Mr. Muskie is the leading contender and he is a man of great integrity, dignity and knowledge.

Mr. CLARK. How wide do you feel that lead is?

Senator MANSFIELD. I would say as of the moment the President would be in the lead, but you asked about a candidate and I think we have one.

Mr. CLARK. I meant how wide do you think Senator Muskie's lead would be over other Democratic candidates?

Senator MANSFIELD. At the moment quite wide.

Mr. SCALI. Senator, Ambassador Sargent Shriver has been in Maryland in the past few days checking on prospects that he would run for Governor of Maryland. Would you like to see him run for Governor of Maryland?

Senator MANSFIELD. I never interfere in state politics.

Mr. SCALI. Do you see Sargent Shriver as a potential national leader?

Senator MANSFIELD. In time, yes.

Mr. CLARK. If we can get by for just a moment to that wide lead of Senator Muskie, what does this do to people like Hubert Humphrey who is making motions like he might be interested in having another go?

Senator MANSFIELD. Hubert may come back but you have to remember he has lost his platform and the University of Minnesota and MacAlester College just isn't big enough to give him the national publicity which he should receive.

Ed Muskie has the platform. He is using it judiciously. He isn't pushing himself too far. When Hubert comes back to the Senate, as I assume he will, then, of course, he will have that platform. The picture then might change.

Mr. CLARK. You haven't mentioned any names other than Senator Muskie. Are there any others that you think are in the running?

Senator MANSFIELD. Oh, yes. There is Senator McGovern, who has indicated an interest. There is Senator Harris, who has indicated likewise, and there will be others from time to time. There always are.

Mr. SCALI. Doesn't President Nixon look unbeatable right now?

Senator MANSFIELD. Well, he looks like he is in the lead.

Mr. CLARK. Senator, if we can move back into the foreign policy area for a while, the French Government has announced the sale of 110 or so Mirage fighters to the Libyan Government and the State Department has expressed concern on this. Are you at all upset?

Senator MANSFIELD. No, I think we have to just roll along with these things as they happen and do the best we can to try and maintain some degree of equilibrium in the Middle East to do what we can to bring the Israelis and the Arabs together, if that is possible, but in the meantime to work together with the other powers to see if we can't find some ways and means of preventing a holocaust in that area.

Mr. SCALI. Some of your colleagues believe that Mr. Nixon's effort to establish a more even-handed policy in the Middle East winds up helping the Arabs more than the Israelis. Do I take it that you disagree with that?

Senator MANSFIELD. I would think that the President is trying to work his way right through the middle of the difficulty which exists in that area, to move with an even hand. He has indicated that he intends to give some additional help to Israel based, I believe, on the visit of Golda Meier some weeks ago, plus previous commitments made by the previous administration. But it is a difficult area and I can understand the position in which the President finds himself. He is trying to find a way out. I would hope it would be possible for the Arabs and the Israelis to get together, so that the Israeli know-how could be used to help the Middle East and this matter could be done away with as far as the continuing uneasiness is concerned. Together the Arabs and Israelis could do great things; apart, there is nothing but trouble.

Mr. CLARK. In the eyes of the Israelis, Senator Mansfield, an even handed policy is an effort by the big powers to impose a solution for peace in the Middle East.

Senator MANSFIELD. No; I don't think we can impose a peace. All we can do is use our good offices and hope that out of that will come some sort of a settlement which will be as satisfactory as possible to both. You can't achieve a settlement, a complete settlement which will be satisfactory to one or the other.

Mr. CLARK. Some Democrats, including former Vice President Humphrey, have been very critical of the Administration's plans for the Middle East. Again, with this same line that it is taking an anti-Israeli turn, you disagree, I take it, with Mr. Humphrey?

Senator MANSFIELD. I don't think that is the Administration's viewpoint at all. If anything, I would say it is quite sympathetic towards Israel and as a matter of fact Israel is getting definite military assistance from this country in the form of planes and the like.

Mr. SCALI. Senator Mansfield, were you disturbed at all that Under Secretary of State Richardson has shot down your suggestion that we begin to withdraw some of the 310,000 American troops that we still have in Europe?

Senator MANSFIELD. Not at all. As a matter of fact, I welcomed what he had to say in Chicago. It marks the beginning of a dialogue. There are two sides to the question. I would point out that in reality as far as a "Sense of the Senate" resolution is concerned, we already have the votes because there are 51 cosponsors of the resolution which seeks to bring about a substantial withdrawal of U.S. troops from Europe, who number at the present time, counting dependents something of the order of 600,000, and who comprise a balance of payments drain, a gold drain which extends into the billions of dollars.

Mr. SCALI. Mr. Richardson pointed out that studies have indicated that flying American troops to Western Europe in time of emergency instead of keeping them there would not be very efficient, that by the time the men were flown there, too much time might have elapsed and they might not be very effective.

Senator MANSFIELD. He has a point there, but he is thinking in terms of conventional warfare. In my opinion if a showdown ever comes in Europe, it won't be settled by means of conventional Armies, it will be settled on a nuclear basis.

Mr. CLARK. We don't want to end this program on too ponderous a note, Senator Mansfield, but we do want to solicit your feelings on the question that perhaps provoked more comment than any other in the Capitol this past week. What do you think about those new formal uniforms for the White House police?

Senator MANSFIELD. Not much.

Mr. CLARK. Do you think that the Senate might follow suit and have a Congressional Guard of Honor?

Senator MANSFIELD. Heaven forbid.

Mr. CLARK. Do you see this, even in a light way, as a little tactical mistake by the White House?

Senator MANSFIELD. Oh, well, these things happen.

Mr. CLARK. You are not disturbed enough about it to propose that some new uniform be designed?

Senator MANSFIELD. Oh, no, not at all. I think there have been too many changes of uniforms in the White House already under this Administration.

Mr. CLARK. Senator, I am sorry, our time is running out. We have covered a lot of territory today and it has been a great pleasure having you with us on ISSUES AND ANSWERS.

Senator MANSFIELD. Thank you very much.

PUBLIC HEALTH PROTECTION WITH RESPECT TO CIGARETTE SMOKING—APPOINTMENT OF CONFEREES

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6543.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MAGNUSON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MAGNUSON, Mr. PASTORE, Mr. MOSS, Mr. COTTON and Mr. PEARSON conferees on the part of the Senate.

STATE OF WASHINGTON'S SENATE RESOLUTION REGARDING AIR POLLUTION CAUSED BY AUTOMOBILE ENGINES

Mr. MAGNUSON. Mr. President, the Legislature of the State of Washington has just passed a senate resolution, regarding the increase of toxic automobile exhaust from internal combustion engines producing increasing pollution of the air we breathe, which I ask unanimous consent to have printed in the RECORD together with the letter of January 29, 1970, written to me by Sydney R. Snyder, secretary of the senate of the State of Washington.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

WASHINGTON STATE SENATE,
Olympia, Wash., January 29, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: I have the honor to transmit herewith a certified copy of Senate Resolution No. 1970 Ex. 12 which was adopted by the Washington State Senate on January 27, 1970.

Respectfully yours,
SIDNEY R. SNYDER,
Secretary of the Senate.

SENATE RESOLUTION OF THE STATE OF WASHINGTON

(By Senator Nat W. Washington)

Whereas, The increase of toxic automobile exhaust from internal combustion engines producing increased pollution of the air we breathe is a source of growing concern to the citizens of the state of Washington; and

Whereas, In the metropolitan areas of our state, seventy percent of the air pollution is caused directly by the emission of the exhaust from internal combustion engines; and

Whereas, The dangers to the environment of our nation and of the world have been studied and analyzed, and the critical nature of the problems associated the unregulated proliferation of internal combustion engines has been frequently noted in scientific articles and private research studies, as well as legislative and congressional inquiries; and

Whereas, The solution of these problems involves commerce among the states to a degree that no state individually can attack the problems in a comprehensive manner, both because of constitutional restrictions and because of financial limitations to study reasonable and effective alternate modes of propulsion that could supplant internal combustion engines as the principal source of energy for the privately owned automobile; and

Whereas, Congress has made a significant first step toward reducing air pollution from internal combustion engines in passing the Air Quality Act of 1967 and the Clean Air Act of 1969, and Senators Magnuson, Jackson, and Muskie are to be commended for the introduction of S. 3072 during the first session of the 91st Congress; and

Whereas, The United States Congress alone can appropriate sufficient resources to solve this critical problem both by requiring automobile manufacturers to install even more effective anti-pollutive devices on all vehicles, and by encouraging and stimulating research into imaginative methods of producing low cost motors using other methods of propulsion: Now, therefore, be it

Resolved, by the Senate, That the Commerce Committee of both the Senate and the House of Representatives of the Congress continue to foster methods of combating this most serious national problems: be it further

Resolved, That a copy of this resolution be transmitted to President Richard M. Nixon, to Secretary Robert Finch, Secretary of Health, Education and Welfare, to Senator Warren G. Magnuson, Chairman of the Senate Commerce Committee, and to Representative Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee.

SIDNEY R. SNYDER,
Secretary of the Senate.

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1970

Mr. RUSSELL. Mr. President, from the Committee on Appropriations, I report favorably, without amendment, a joint resolution (H.J. Res. 1072) making further continuing appropriations for the fiscal year 1970, and for other purposes, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. RUSSELL. Mr. President, this joint resolution, in effect, would amend further the continuing resolution as signed by the President on November 14, 1969, and became Public Law No. 91–117 by striking out "January 30, 1970," and inserting in lieu thereof "February 28, 1970." This continuing resolution is necessary if funds are to be provided to the Departments of Labor, HEW, and related agencies.

As all Senators know, the bill was passed and was vetoed by the President. I understand that the House Appropriations Committee has been meeting from time to time in an effort to formulate a substitute bill for the measure which Congress enacted and which the President vetoed, and that the committee hopes to present a bill to the House, perhaps by the end of this week.

Of course, the Senate committee will proceed expeditiously with the new bill, if it is passed by the House. But, in the interim, it is absolutely essential that funds be provided for the operation of these departments. The purpose of the resolution is to provide sufficient time to work on the bill and grant the authorizations provided in the previous resolution for the expenditure of funds.

The VICE PRESIDENT. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res 1072) was ordered to a third reading, was read the third time, and passed.

PUBLIC WORKS FUNDS IN BUDGETARY RESERVE UNDER THE HEADING "APPROPRIATIONS, PRIORITIES, AND PUBLIC WORKS"

Mr. ELLENDER. Mr. President, on January 19, 1970, I pointed out that although the Congress had reduced the President's budget request for fiscal year 1970 by $6.3 billion, most of the congressional add-ons would be impounded. At that time, I was unsuccessful in obtaining from the Bureau of the Budget specific information on the funds placed in budgetary reserve. I was furnished the following general policy statement:

> The general policy is to hold in budgetary reserve all congressional add-ons for construction, planning, and surveys until all bills are signed and the President has reviewed these add-ons in connection with his 1971 budget submission.

With the submission yesterday of the budget for fiscal year 1971, the amounts of the funds held in budgetary reserve for 1970 are being made available.

I ask unanimous consent to have printed in the RECORD a list of the projects and amounts held in reserve.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

FISCAL YEAR 1970 CONSTRUCTION, GENERAL, BUDGET RESERVE

Summary	Fiscal year 1970 budget reserve for— Congressional adds	Fiscal year 1970 budget reserve for— Contract deferral
Lower Mississippi Valley division	$11,827,000	$3,978,000
Missouri River division	9,145,000	6,710,000
New England division	2,700,000	2,070,000
North Atlantic division	5,990,000	5,305,000
North Central division	1,960,000	7,002,000
North Pacific division	10,885,000	5,682,000
Ohio River division	9,617,000	15,830,000
Pacific Ocean division	1,250,000	340,000
South Atlantic division	10,960,000	17,762,000
South Pacific division	10,177,000	2,964,000
Southwestern division	10,025,000	14,184,000
Subtotal	84,536,000	81,827,000
Recreation (not distributed to any project)	23,000	
Aquatic plant control	500,000	
Total	85,059,000	81,827,000

LOWER MISSISSIPPI VALLEY DIVISION

Project	Fiscal year 1970 budget reserve for— Congressional adds	Fiscal year 1970 budget reserve for— Contract deferral
Blakely Mountain Reservoir, Ark. (recreation)		$46,000
DeGray Reservoir, Ark		15,000
Narrows Reservoir, Ark. (recreation)		10,000
Ouachita and Black Rivers below Camden, Ark. and La	$560,000	706,000
Red River levees and bank stabilization below Denison Dam, Ark., Tex., and La	400,000	
East St. Louis and vicinity, Illinois (1965 act)	29,000	
Kaskaskia River (navigation), Illinois (1962 act)	1,623,000	415,000

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LOWER MISSISSIPPI VALLEY DIVISION—Continued

Project	Fiscal year 1970 budget reserve for—	
	Congressional adds	Contract deferral
Lock and dam 26, Alton, Ill. (Mississippi River)	$350,000	
Mississippi River between the Ohio and Missouri Rivers (regulating works), Illinois	500,000	
Rend Lake Reservoir, Ill		$615,000
Shelbyville Reservoir, Ill	150,000	353,000
Atchafalaya River, Bayous Chene, Boeuf, and Black Parishes, La (1968 act)	50,000	
Bayou Bodcau and tributaries, Louisiana (1965 act)	100,000	
Bayou LaFourche and LaFourche Jump Waterway, La	150,000	
Lake Pontchartrain and vicinity, Louisiana (1965 act)	2,500,000	290,000
Mermentau River, La. (1965 act) (Port Arthur Bridge)	500,000	
Michoud Canal, La. (1968 act)	35,000	
Morgan City and vicinity, La. (1965 act)	25,000	
New Orleans to Venice, La. (1962 act)	900,000	200,000
Overton-Red River Waterway, La. (lower 31 miles only)	400,000	
Red River Waterway (Red River emergency bank protection only), Louisiana, Arkansas, Oklahoma, and Texas	1,900,000	
Arkabutla Reservoir, Miss. (recreation)		25,000
Enid Reservoir, Miss. (recreation)		50,000
Grenada Reservoir, Miss. (recreation)		50,000
Sardis Reservoir, Miss. (recreation)		65,000
Clarence Cannon (Joanna) Dam and Reservoir, Mo	175,000	788,000
St. Louis (flood protection), Mo	100,000	350,000
Union Reservoir, Mo	300,000	
Cooper Reservoir and channels, Texas	1,080,000	
Total	11,827,000	3,978,000

MISSOURI RIVER DIVISION

Project	Congressional adds	Contract deferral
Chatfield Reservoir, Colo. (1950 act)	$2,500,000	$65,000
Big Sioux River at Sioux City, Iowa and S. Dak	70,000	
Davids Creek Reservoir, Iowa (1968 act)	100,000	
Missouri River Levee System, Iowa, Mo., Kans., and Nebr	300,000	178,000
Missouri River, Sioux City to Mouth, Iowa, Kans., Mo., and Nebr	750,000	941,000
Rathbun Reservoir, Iowa	400,000	273,000
Kansas City, Kans. (1962 modification)	75,000	64,000
Lawrence, Kans	200,000	96,000
Melvern Reservoir, Kans		168,000
Perry Reservoir, Kans	200,000	20,000
Topeka, Kans		170,000
Brookfield Reservoir, Mo	100,000	
Chariton River, Mo. (1944 act)	100,000	
Kaysinger Bluff Reservoir, Mo	3,000,000	720,000
Little Blue River Reservoir, Mo. (land acquisition only)	150,000	
Pomme de Terre Reservoir, Mo. (recreation)		75,000
Stockton Reservoir, Mo		247,000
Great Falls, Mont. (1965 act)	400,000	728,000
Loup River, Columbus, Nebr. (sec. 205)		250,000
Papillion Creek and Tributaries, Nebr	225,000	
Platte River and Lost Creek, Schuyler, Nebr. (sec. 205)		175,000
Garrison Dam-Lake Sakakawea, N. Dak. (recreation)	75,000	
Garrison Dam-Lake Sakakawea (Snake Creek embankement repair), N. Dak. (rehabilitation)		365,000
Linton, N. Dak. (sec. 205)		275,000
Missouri River, Garrison Dam to Oahe Reservoir, N. Dak		97,000
Big Bend Dam—Lake Sharpe, S. Dak	200,000	306,000
Cottonwood Springs Reservoir, S. Dak		212,000
Oahe Reservoir, S. Dak. and N. Dak	300,000	1,285,000
Total	9,145,000	6,710,000

NEW ENGLAND DIVISION

Project	Fiscal year 1970 budget reserve for—	
	Congressional adds	Contract deferral
Derby, Conn	$600,000	
East Branch Reservoir, Conn. (recreation)		$45,000
Hop Brook Reservoir, Conn		$50,000
Mad River Reservoir, Conn. (recreation)		35,000
New London Hurricane Barrier, Conn		10,000
Niantic Bay, Conn. (sec. 107)		25,000
Cape Cod Canal, Mass. (recreation)		100,000
East Brimfield Reservoir, Mass. (recreation)		30,000
Fall River Harbor, Mass. (1968 act)	$50,000	
Oak Bluffs, Mass. (sec. 103)		124,000
Plymouth Harbor, Mass. (rehabilitation)		660,000
Provincetown Harbor, Mass	150,000	150,000
Red Brook Harbor, Bourne, Mass. (sec. 107)		95,000
Weymouth-Fore and Town Rivers, Mass. (1965 act)	900,000	440,000
Surry Mountain Reservoir, N.H. (recreation)		30,000
Cliff Walk, Newport, R.I		70,000
Portsmouth Harbor, R.I. (sec. 107)		121,000
Providence River and Harbor, R.I. (1965 act)	1,000,000	
North Springfield Reservoir, Vt. (recreation)		50,000
Townshend Reservoir, Vt. (recreation)		35,000
Total	2,700,000	2,070,000

NORTH ATLANTIC DIVISION

Project	Congressional adds	Contract deferral
Inland waterway—Delaware River to Chesapeake Bay (C. & D. Canal), part II, Del. and Md	$500,000	$813,000
Bloomington Reservoir, Md. and W. Va	100,000	245,000
Goose Creek, Md. (sec 107)		35,000
Elizabeth River, N.J		260,000
Newark Bay, Hackensack and Passaic Rivers, N.J. (1966 act)	1,500,000	640,000
Raritan Bay and Sandy Hook Bay, N.J. (1962 act)		341,000
South Orange, Rahway River, N.J. (1965 act)	125,000	
Fire Island Inlet to Jones Inlet, N.Y. (1962 act)	500,000	
Fire Island Inlet to Montauk Point, N.Y. (1960 act)	190,000	
New York Harbor (anchorages), N.Y. (1965 act)	1,200,000	
Nichols, N.Y		399,000
North Ellenville, N.Y		165,000
Whitney Point Reservoir, N.Y. (recreation)		54,000
Yonkers, N.Y. (1965 act)	25,000	
Beltzville Reservoir, Pa		173,000
Foster Joseph Sayers Dam (Blanchard Reservoir), Pa		248,000
Raystown Reservoir, Pa	200,000	
Susquehanna River, Pa. (sec. 107)		20,000
Bennington, Vt		230,000
Gathright Dam and Reservoir, Va	400,000	1,575,000
Hampton Roads, Va. (1965 act)	1,200,000	35,000
James River (35 foot channel), Va. (1962 act) (restudy)	50,000	
Norfolk, Va		72,000
Total	5,990,000	5,305,000

NORTH CENTRAL DIVISION

Project	Fiscal year 1970 budget reserve for—	
	Congressional adds	Contract deferral
Calumet Harbor and River, Ill., and Ind. (1960 act)		$470 000
Hunt Drainage District and Lima Lake Drainage District, Ill		50,000
Illinois Waterway, Calumet-Sag Modification, (part I), Ill. and Ind		543,000
Milan, Ill	$30,000	
Moline Small Boat Harbor, Ill. (small authorized)		130,000
Mouth of Sangamon River, Ill. (small authorized)		92,000
Ames Reservoir, Iowa (land acquisition only) (1965 act)	400,000	
Des Moines River at Des Moines, Iowa		150,000
Dubuque, Iowa	450,000	50,000
Guttenberg, Iowa	100,000	
Iowa River, Flint Creek, Levee District No. 16, Iowa	50,000	75,000
Red Rock Dam and Lake Red Rock, Iowa		482,000
Saylorville Reservoir, Iowa		335,000
Waterloo, Iowa (1965 act)	$200,000	
Les Cheneaux Island Channel, Mich (sec. 107)		$75,000
Lexington Harbor, Mich. (1965 act)	45,000	
New Buffalo Harbor, Mich		807,000
Point Lookout Harbor, Au Gres River, Mich		60,000
River Rouge, Mich (1962 act)		2,580,000
St. Joseph Harbor, Mich. (rehabilitation)		375,000
South Haven Harbor, Mich. (rehabilitation)		265,000
Big Stone Lake—Whetstone River, Minn. and S.Dak., (land acquisition only) (1965 act)	200,000	
Mankato and North Mankato, Minn		40,000
Reservoirs, Headwaters of Mississippi, Gull Lake Reservoir, Minn. (recreation)		40,000
Reservoirs, Headwaters of Mississippi, Pine River Reservoir, Minn., (recreation)		75,000
Roseau River, Minn. (1965 act)	50,000	
Hamlin Beach Harbor, N.Y	40,000	
Irondequoit Bay, N.Y. (1958 act)	100,000	
Minot, N.Dak	75,000	
Cleveland Harbor, Ohio (1958 act)		151,000
Fremont, Ohio	200,000	
Huron Harbor, Ohio (restudy) (1962 act)	20,000	
Eau Galle, Wis		157,000
Total	1,960,000	7,002,000

NORTH PACIFIC DIVISION

Project	Congressional adds	Contract deferral
King Cove Harbor, Alaska	$60,000	
Dworshak Reservoir (Bruces Eddy), Idaho	1,650,000	
Lyman Creek, Idaho (sec. 205)		$150,00
Portneuf River, Lava Hot Springs, Idaho (sec. 205)		81,000
Ririe Reservoir, Idaho	100,000	314,000
Libby Reservoir, Mont	2,300,000	1,055,000
Blue River Reservoir, Oreg		50,000
Bonneville lock and dam (modification for peaking), Oregon and Washington	50,000	
Columbia and Lower Willamette River, 35–40-foot projects, Oregon and Washington (1962 act)		310,000
Cottage Grove Reservoir, Oreg. (recreation)		10,000
John Day lock and dam, Oregon and Washington		20,000
John Day River, Oreg		123,000
Lookout Point Reservoir, Oreg. (recreation)		4,000
Lost Creek Reservoir, Oreg	1,900,000	125,000
Lower Columbia River bank protection, Oregon and Washington	175,000	
McNary lock and dam, Oregon and Washington (recreation)		60,000
The Dalles lock and dam, Oregon and Washington (recreation)		33,000
The Dalles lock and dam (additional power units), Oregon and Washington	1,000,000	
Willamette River Basin bank protection, Oregon	125,000	19,000
Yaquina Bay and Harbor, Oreg. (1958 act)	225,000	155,000
Cowlitz County Consolidated Drainage Improvement District No. 2, Washington		251,000
Ice Harbor lock and dam, Washington (recreation)		49,000
Little Goose lock and dam, Washington		1,000
Lower Granite lock and dam, Washington	2,000,000	2,776,000
Lower Monumental lock and dam, Washington		60,000
Tucannon River, Camp Wooten, Wash. (sec. 205)		36,000
Vancouver Lake Area, Wash	50,000	
Wynoochee Reservoir, Wash	1,250,000	
Total	10,885,000	5,682,000

OHIO RIVER DIVISION

Project	Congressional adds	Contract deferral
England Pond Levee, Ill		$95,000
Lincoln Reservoir, Ill. (land acquisition only)	$500,000	
Louisville Dam and Reservoir, Ill	75,000	
Rochester and McClearys Bluff Levee, Ill		75,000

XUM

OHIO RIVER DIVISION—Continued

Project	Fiscal year 1970 budget reserve for— Congressional adds	Fiscal year 1970 budget reserve for— Contract deferral
Saline River and tributaries, Ill. (1958 and 1962 acts)	$150,000	$570,000
Smithland locks and dam, Ill. and Ky	250,000	100,000
Brookville Reservoir, Ind		610,000
Evansville, Ind	500,000	
Huntington Reservoir, Ind		168,000
Island levee, Ind		140,000
Lafayette Reservoir, Ind. (land acquisition only) (1965 act)	400,000	
Levee unit No. 5, Wabash River, Ind		213,000
Markland lock and dam, Ind., Ohio, and Ky. (recreation)		215,000
Mason J. Niblack levee pump facilities, Ind. (1968 act)	40,000	
Mississinewa Reservoir, Ind		16,000
Newburgh locks and dam, Ind. and Ky	1,100,000	375,000
Uniontown locks and dam, Ind. and Ky		600,000
West Terre Haute, Ind	65,000	105,000
Appalachian Hospital, South Williamson, Ky. (sec. 205)		400,000
Barkley Reservoir, Ky. and Tenn		541,000
Carr Fork Reservoir, Ky	1,250,000	
Cave Run Reservoir, Ky		500,000
Cumberland, Ky		417,000
Falmouth Reservoir, Ky	50,000	
Grayson Reservoir, Ky		700,000
Louisville, Ky		86,000
Martin, Ky	150,000	
Martins Fork Reservoir, Ky. (land acquisition only) (1965 act)	300,000	
McAlpine locks and dam, Ky. and Ind		77,000
Mill Creek, Ky. (sec. 205)		340,000
Nolin Reservoir, Ky. (recreation)		130,000
Rock Castle Creek, Inez, Ky. (sec. 205)		500,000
Triplett Creek, Morehead, Ky. (sec. 205)		550,000
Wolf Creek Reservoir, Ky. (recreation)		30,000
Salamanca, N.Y		501,000
Alum Creek Reservoir, Ohio	100,000	100,000
Belleville locks and dam, Ohio and W. Va		20,000
Caesar Creek Reservoir, Ohio	450,000	395,000
Clarence J. Brown Dam and reservoir (Buck Creek Reservoir), Ohio		100,000
Deer Creek Reservoir, Ohio		780,000
East Fork Reservoir, Ohio		335,000
Ironton, Ohio (1968 act)	62,000	
Newark, Ohio	75,000	
North Branch Reservoir (Kokosing River), Ohio	500,000	250,000
Paint Creek Reservoir, Ohio		240,000
Willow Island locks and dam, Ohio and W. Va	1,500,000	
Youngstown (Crab Creek), Ohio		508,000
Dubois, Pa	100,000	
Kinzua Dam and Allegheny Reservoir, Pa., and N.Y		25,000
Ten Mile Creek, Marianna, Pa. (sec. 205)		375,000
Tionesta Reservoir, Pa. (recreation)		155,000
Woodcock Creek Reservoir, Pa		163,000
Youghiogheny River Reservoir, Pa. and Md. (recreation)		70,000
Center Hill Reservoir, Tenn. (recreation)	350,000	407,000
Cheatham lock and dam, Tenn		40,000
Cordell Hull lock and dam, Tenn		50,000
Dale Hollow Reservoir, Tenn. and Ky. (recreation)		25,000
J. Percy Priest Reservoir, Tenn		1,228,000
Old Hickory lock and dam, Tenn. (recreation)		465,000
Beech Fork Lake, W. Va		200,000
Burnsville Lake, W. Va. (land acquisition only)	150,000	
East Lynn Lake, W. Va		465,000
R. D. Bailey Lake, W. Va		835,000
Rowlesburg Lake, W. Va. (land acquisition only)	900,000	
Stonewall Jackson Lake, W. Va. (land acquisition only)	600,000	
Summersville Lake, W. Va		380,000
Sutton Lake, W. Va. (recreation)		165,000
Total	9,617,000	15,830,000

PACIFIC OCEAN DIVISION

Project	Congressional adds	Contract deferral
Kawaihae Harbor Hawaii (1965 act)	$750,000	
Kewalo Harbor Hawaii (sec. 107)		$130,000
Kihei Beach Hawaii (sec. 103)		210,000
Waikiki Beach Oahu Hawaii	500,000	
Total	1,250,000	340,000

SOUTH ATLANTIC DIVISION

Project	Fiscal year 1970 budget reserve for— Congressional adds	Fiscal year 1970 budget reserve for— Contract deferra
Alabama River Channel improvement, Alabama		$98,000
Claiborne lock and dam, Alabama	$600,000	129,000
Demopolis lock and dam, Alabama (recreation)		1,000
Jackson lock and dam, Alabama (recreation)		2,000
Jones Bluff lock and dam, Alabama	1,000,000	100,000
John Hollis Bankhead lock and dam (lock replacement), Alabama (rehabilitation)		832,000
Apalachicola River Channel improvement, Florida		175,000
Canaveral Harbor, Fla. (1962 act)	150,000	75,000
Central and Southern Florida	500,000	2,677,000
Cross Florida barge canal, Florida	1,500,000	3,297,000
Four River Basins, Fla. (1962 act)	500,000	1,088,000
Gulf Intracoastal Waterway (St. Marks to Tampa Bay) (ecological study only), Fla	20,000	
Hogtown Creek, Gainesville, Fla. (sec. 205)		280,000
Jacksonville Harbor, Fla. (1965 act)	500,000	745,000
Miami Harbor, Fla. (1968 act)	140,000	
Okeechobee Waterway, Fla. (recreation)		75,000
Okeechobee Waterway, Ft Myers, Fla. (sec. 107)		100,000
Allatoona Reservoir, Ga. (recreation)		5,000
Buford Dam, Lake Sidney, Lanier, Ga. (recreation)		3,000
Carters Dam, Ga	400,000	262,000
Clark Hill Reservoir, Ga. and S.C. (recreation)		100,000
Savannah Harbor (40-ft. project), Georgia (1965 act)	350,000	1,415,000
Savannah Harbor (sediment basin), Georgia (1965 act)	600,000	657,000
Spewrell Bluff Dam, Ga. (1963 act) (land acquisition only)	750,000	
Walter F. George lock and dam, Georgia and Alabama (recreation)	50,000	
West Point Reservoir, Ga. and Ala		2,261,000
Biloxi Harbor, Miss. (1966 act)		690,000
Tallahala Reservoir, Miss	200,000	
Tombigbee River and tributaries, Mississippi and Alabama	350,000	197,000
Broad Creek, N.C. (sec. 205)		150,000
Falls Reservoir, N.C. (land acquisition only)	500,000	
Hominy Creek, N.C. (sec. 205)		107,000
Joyce Creek, N.C. (sec. 205)		140,000
New Hope Reservoir, N.C	2,200,000	800,000
Randleman Reservoir, N.C. (1968 act)	100,000	
Reddies River Reservoir, N.C	150,000	
Rockfish Creek, N.C. (sec. 205)		188,000
Silver Lake Harbor, N.C. (sec. 107)		30,000
Sugar and Briar Creek, Charlotte, N.C. (sec. 205)		540,000
Wilmington Harbor (32-ft. project), N.C. (1949 act)	200,000	
Charleston Harbor, Cooper River, S.C	200,000	
Lick Run, Roanoke River, Va. (sec. 205)		543,000
Total	10,960,000	17,762,000

SOUTH PACIFIC DIVISION

Project	Fiscal year 1970 budget reserve for— Congressional adds	Fiscal year 1970 budget reserve for— Contract deferral
Santa Rosa Wash (TatMomolikot Dam), Ariz	$50,000	$70,000
Winslow and vicinity, Arizona	450,000	130,000
Gila River and tributaries downstream from Painted Rock, Ariz	1,715,000	
Buchanan Reservoir, Calif	350,000	
Cucamonga Creek, Calif (1968 act)	400,000	
Dana Point Harbor, Calif		87,000
Dry Creek (Warm Springs) reservoir and channel improvement, California (1962 act)	1,000,000	148,000
Hidden Reservoir, Calif (1962 act)	240,000	
Klamath River, Calif (1966 act)	347,000	277,000
Los Angeles County Drainage Area, Calif		70,000
Martis Creek Reservoir, Nev. and Calif		150,000
Mojave River Reservoir, Calif. (1960 act)	400,000	12,000
Napa River Calif. (1965 act)	50,000	
New Bullards Bar Reservoir, Calif. (reimbursement)	1,345,000	
New Hogan Reservoir, Calif. (recreation)		200,000
New Melones Reservoir, Calif	$1.770.000	$430,000
Pine Flat Reservoir (Kings River Channel), Calif		20.000
Port Hueneme Harbor, Calif. (1968 act)	50,000	
Russian River Basin (Coyote Valley Dam and Russian River Channel), Calif		35.000
Sacramento River and maior and minor tributaries, California		90,000
Sacramento River bank protection, Califoria	500,000	290,000
San Diego Harbor, Calif (1968 act)	100,000	
San Francisco Bay to Stockton, Calif. (John F. Baldwin and Stockton Ship Channel)	250,000	50,000
Santa Cruz Harbor, Calif. (1958 act).	260,000	
Santa Paula Creek, Calif. (1948 act).	250,000	
Success Reservoir, Calif. (recreation)		145,000
Surfside, Sunset and Newport Beach, Calif. (reimbursement)		510,000
Tahquitz Creek, Calif. (1965 act)	250,000	
Walnut Creek, Calif. (1960 act)		170,000
Gunnison River, Colo. (sec. 208)		80,000
Little Dell Reservoir, Utah (1968 act)	400,000	
Total	10,177,000	2,964,000

SOUTHWESTERN DIVISION

Project	Congressional adds	Contract deferral
Arkansas River and tributaries, bank stabilization and channel rectification, Arkansas and Oklahoma		$1,005,000
Arkansas River and tributaries navigation locks and dams, Arkansas and Oklahoma	$1,500,000	1,424,000
Beaver Reservoir, Ark. (Hickory Creek) (recreation)		165,000
Bell Foley Reservoir, Ark	150,000	
Bull Shoals Reservoir, Ark. and Mo. (recreation)		985,000
Clearwater Reservoir, Mo. (recreation)	25,000	13,000
Dardanelle lock and dam, Arkansas		670,000
DeQueen Reservoir, Ark		5,000
Dierks Reservoir, Ark		90,000
Gillham Reservoir, Ark	500,000	28,000
Greers Ferry Reservoir, Ark. (recreation)		87,000
Ozark lock and dam, Arkansas		8,000
Spring Creek, Ark. (section 205)		40,000
Table Rock Reservoir, Mo. and Ark. (recreation)	25,000	52,000
Trinidad Reservoir, Colo	250,000	190,000
Cedar Point Reservoir, Kans	75,000	
Cow Creek, Hutchinson, Kans	100,000	40,000
El Dorado Reservoir, Kans. (1965 act) (land acquisition)	700,000	
Albuquerque diversion channel, N. Mex	500,000	1,823,000
Cochiti Reservoir, N. Mex	1,150,000	
Galisteo Reservoir, N. Mex		50,000
Broken Bow Reservoir, Okla		10,000
Copan Reservoir, Okla (land acquisition only)	600,000	
Crutcho Creek, Okla (1965 act)	200,000	40,000
Hugo Reservoir, Okla		89,000
Kaw Reservoir, Okla	450,000	51,000
Lukfata Reservoir, Okla	525,000	
Oologah Reservoir (second phase), Okla		67,000
Optima Reservoir, Okla		95,000
Pine Creek Reservoir, Okla		87,000
Waurika Reservoir, Okla		80,000
Webbers Falls lock and dam, Okla		79,000
Aubrey Reservoir, Tex	150,000	
Bardwell Reservoir, Tex. (recreation)		16,000
Belton Reservoir (raise water level), Tex	100,000	30,000
Buffalo Bayou and tributaries, Texas		81,000
Cedar Bayou, Tex. (restudy)	15,000	
Corpus Christi ship channel (45-ft. channel), Texas	35,000	
Double Bayou, Tex. (section 107)		227,000
El Paso, Tex	50,000	226,000
Freeport and vicinity, Texas		680,000
Highland Bayou, Tex	200,000	
Houston ship channel (Greens Bayou), Texas		147,000
Lake Kemp Reservoir, Tex		25,000
Lavon Reservoir and channel improvement, Texas (1962 act)	1,250,000	370,000
Lewisville (Garza Little Elm) Reservoir, Tex. (recreation)		5,000
Mouth of Colorado River, Tex	75,000	
Pat Mayse Reservoir, Tex. (wildlife refuge)		62,000
Port Arthur and vicinity, Texas		2,664,000

XUM

SOUTHWESTERN DIVISION—Continued

Project	Fiscal year 1970 budget reserve for—	
	Congressional adds	Contract deferral
Sabine Neches Waterway, 40-ft. project and channel to Echo, Tex. (1962 act)	$300, 000	$670, 000
Sam Rayburn Reservoir, Tex. (recreation)		14, 000
San Antonio channel improvement ment, Texas	300, 000	430, 000
San Gabriel River, tributary to Brazos River, Tex. (land acquisition only)	150, 000	
Taylors Bayou, Tex. (1965 act)	250, 000	
Texas City hurricane protection, Texas		969, 000
Trinity River project (advance participation in high level bridges), Texas	100, 000	270, 000
Wallisville Reservoir, Trinity River, Tex		25, 000
Whitney Reservoir (raise water level), Texas	300, 000	
Total	10, 025, 000	14, 184, 000

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

	Fiscal year 1970 budget reserve for—	
	Congressional adds	Contract deferral
General Investigations:		
Bayou de Chien, Ky	$10, 000	
Hatchie River, Tenn. and Miss	12, 000	
Old and Atchafalaya Rivers, La	50, 000	
Wolf and Loosahatchie Rivers, Tenn	10, 000	
Subtotal, general investigations	82, 000	
Construction:		
Atchafalaya basin	1, 000, 000	$760, 000
Cache River, Ark	50, 000	
Channel improvement	1, 000, 000	205, 000
Mississippi River levees	950, 000	221, 000
St. Francis basin	1, 000, 000	60, 000
Tenas basin, Red River backwater		123, 000
West Tennessee tributaries		115, 000
Yazoo basin	100, 000	640, 000
Subtotal, construction	4, 100, 000	2, 124, 000
Maintenance:		
Maintenance	2, 210, 000	
Subtotal, maintenance	2. 210. 000	
Total	6, 392, 000	2, 124, 000

Summary of fiscal year 1970 budget reserve for congressional adds and increases

Division:	*Amount in reserve*
Lower Mississippi Valley Division	$56, 000
Missouri River Division	35, 000
New England Division	5, 000
North Atlantic Division	50, 000
North Central Division	39, 000
North Pacific Division	63, 000
Ohio River Division	45, 000
Pacific Ocean Division	0
South Pacific Division	345, 000
Southwestern Division	165, 000
Total	951, 000

Source: Department of the Army, Corps of Engineers, surveys.

SURVEYS—FISCAL YEAR 1970 BUDGET RESERVE FOR CONGRESSIONAL ADDS AND INCREASES

LOWER MISSISSIPPI VALLEY DIVISION

Study	District	Code 901	Amount in reserve
Louisiana coastal area, La	New Orleans	120	$40, 000
Mermentau, Vermillion and Calcasieu River and Bayou, La.	do	120	6, 000
Metropolitan St. Louis area, La.	St. Louis	120	10, 000
Total			56, 000

SURVEYS—FISCAL YEAR 1970 BUDGET RESERVE FOR CONGRESSIONAL ADDS AND INCREASES—Continued

MISSOURI RIVER DIVISION

Study	District	Code 901	Amount in reserve
James River, S. Dak. and N. Dak.	Omaha	120	$15, 000
Cannonball River, N. Dak	do	120	10, 000
Wood River Prairie Creek, Nebr.	do	120	10, 000
Total			35, 000

NEW ENGLAND DIVISION

Study	Code 901	Amount in Reserve
Buttermilk Bay, Taylor's Point, Mass	110	$5, 000
Total		5, 000

NORTH ATLANTIC DIVISION

Study	District	Code 901-	Amount in reserve
Norfolk Harbor and Channels, Va.	Norfolk	110	$15, 000
Norfolk Harbor, Craney Island, Va.	do	110	35, 000
Total			50, 000

NORTH CENTRAL DIVISION

Cuyahoga River, Cuyahoga Falls, Ohio.	Buffalo	120	$10, 000
Kickapoo River, Ill	Chicago	120	4, 000
Red River of the North, Minn. and N. Dak.	St. Paul	120	25, 000
Total			39, 000

NORTH PACIFIC DIVISION

Cook Inlet Shoals, Alaska	Alaska	110	$20, 000
Seattle Harbor, Duwamish Waterway, Wash.	Seattle	101	10, 000
Snohomish River and tributaries, Wash.	do	110	10, 000
Puyallup River, Wash	do	120	10, 000
Ediz Hook, Wash	do	130	13, 000
Total			63, 000

OHIO RIVER DIVISION

Tradewater River, Ky	Louisville	120	$30, 000
West Fork of Drakes Creek, Portland, Tenn.	Nashville-Louisville.	120	15, 000
Total			45, 000

PACIFIC OCEAN DIVISION

None

SOUTH ATLANTIC DIVISION

Charleston Harbor, S.C	Charleston	110	$30, 000
St. Johns River, Fla., Sanford to Titusville.	Jacksonville	110	20, 000
St. Lucie Inlet, Fla	do	110	25, 000
Alapaha River and tributaries, Ga.	do	120	20, 000
Mobile Harbor, Ala	Mobile	110	18, 000
Santa Rosa Peninsula and Island, Fla.	do	110	20, 000
Neuse River Basin, N.C	Wilmington	120	15, 000
Total			148, 000

SOUTH PACIFIC DIVISION

Study	District	Code 901	Amount in reserve
Los Angeles—Long Beach Harbor (including San Pedro Bay model study), Calif.	Los Angeles	$110	$250, 000
Virgin River, Nev	do	120	15, 000
Santa Barbara County Streams, Calif.	do	120	60, 000
Red Bank and Fancher Creeks, Calif.	Sacramento	120	20, 000
Total			345, 000

SOUTHWESTERN DIVISION

Pecos River above Santa Rosa, N. Mex.	Albuquerque	120	$10, 000
Fourche Bayou, vicinity of Little Rock, Ark.	Little Rock	110	75, 000
Arkansas River, vicinity of North Little Rock, Ark.	do	120	40, 000
Texas water supply and and pollution study, Tex. (pollution study portion).	Galveston	141	40, 000
Total			165, 000

Department of the Interior, Bureau of Reclamation, fiscal year 1970 budgetary reserve, February 2, 1970

CONSTRUCTION AND REHABILITATION

Advance planning: Palmetto Bend Project	$200, 000
Central Valley project:	
Sacramento River division	78, 000
San Luis unit	6, 837, 000
Auburn-Folsom south unit	2, 634, 000
Other facilities	850, 000
Chief Joseph Dam project, Manson unit	62, 500
Colorado River front work and levee system	438, 000
Columbia Basin project (irrigation facilities)	1, 501, 000
Fryingpan-Arkansas project	3, 648, 000
Pacific Northwest-Pacific Southwest intertie	165, 000
Pecos River Basin water salvage project	210, 000
Southern Nevada water supply project	1, 500, 000
Washoe project	36, 000
Missouri River Basin project:	
Garrison diversion unit	784, 000
Glen Elder unit	58, 000
Transmission division	175, 000
Yellowtail unit	15, 000
Drainage and minor construction:	
Ainsworth unit	7, 000
Bostwick division	2, 000
Lower Marias unit	8, 000
Owl Creek unit	10, 000
Drainage and minor construction:	
Boulder Canyon project	50, 000
Delivery of water to Mexico	165, 000
Gila project	276, 000
Kendrick project	259, 000
Recreation facilities at existing reservoirs	23, 000
Rehabilitation and betterment:	
All-American Canal system: Coachella division	196, 000
Klamath project, Shasta view irrigation	10, 000
Total, construction and rehabilitation	20, 197, 500

UPPER COLORADO RIVER BASIN FUND

Advance planning:	
Dallas Creek participating project	$130, 000
Dolores participating project	110, 000
Colorado River storage project:	
Transmission division	100, 000
Central Utah participating project: Bonneville unit	2, 010, 000
San Juan-Chama participating project	85, 000
Drainage and minor construction, Colorado River storage project:	
Glen Canyon unit (construction revenues)	37, 000
Navajo unit	85, 000
Total, Upper Colorado River Basin fund	2, 557, 000

UPPER COLORADO RIVER BASIN FUND—Continued

Recreation and fish and wildlife: National Park Service	$828,000
Total, recreation and fish and wildlife	828,000
Lower Colorado River Basin development fund: Central Arizona project (advance planning	200,000
Total, Lower Colorado River Basin development fund	200,000
LOAN PROGRAM	
Buttonwillow improvement district	200,000
Valley Center municipal water district	200,000
Hidalgo and Willacy Counties water control and improvement district No. 1	400,000
Total, loan program	800,000
General investigations: Wilburton project	30,000
Total, general investigations	30,000
Continuing fund for emergency expenses, Fort Peck project	$[1]500,000
Operation, maintenance and replacement of project works, North Platte project	[2]66,917
Grand total, all appropriations	$25,179,417

[1] Balance of funds at close of fiscal year as established by law.

[2] Permanent Appropriation, having no obligation program in F.Y. 1970.

EXTRACT FROM PRESS RELEASE OF THE TENNESSEE VALLEY AUTHORITY

The 1971 appropriations budget again includes no construction starts on major new projects. Because of overall Federal budget limitations, $2,050,000 appropriated by Congress for fiscal year 1970 (the current year) for modest starts on three water resource projects is to be carried over instead to fiscal 1972. These projects are the Upper French Broad multipurpose water control system in western North Carolina, the two-dam Duck River project in middle Tennessee, and the Yellow Creek public port project in northeast Mississippi.

Mr. ELLENDER. Mr. President, you will recall that on September 4, 1969, the President announced a 75-percent cutback in the award of construction contracts. The list of amounts for the Corps of Engineers shows the amount of the congressional add-ons held in reserve as well as the amounts placed in reserve as a result of the deferral of contracts pursuant to the order of September 4, 1969.

For the Bureau of Reclamation the amount shown by projects is a combined figure for the congressional add-ons and deferral of contracts under the order of September 4, 1969.

For the Tennessee Valley Authority, it will be noted that the funds are to be held in reserve for fiscal years 1970 and 1971.

In general, the funds placed in reserve for the Corps of Engineers and the Bureau of Reclamation are expected to be available in fiscal year 1971 to supplement the funds requested in the budget being submitted by the President today.

For the Water Resources Council, the Congress added $200,000 to initiate the southeast New England water study. These funds have also been impounded. Congress also added the sum of $35,000 to enable the Water Resources Council to initiate its second national assessment with a view to publication in February of 1972. The Senate Committee on Appropriations felt it was important that the initial steps be taken in fiscal year 1970 to insure that this review would be available to permit the National Water Commission to utilize the results in its final report. It is regrettable that not only have these funds been impounded but no provision is made for this assessment in fiscal year 1971. It would appear that either the National Water Commission will now have to undertake its own assessment or its report will be based on obsolete and partial information. I sincerely hope that the Bureau of the Budget will reconsider its decision and release the funds appropriated for fiscal year 1970 for this purpose.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMENDATION OF THE VICE PRESIDENT

Mr. ALLEN. Mr. President, the people of Alabama are heartened and encouraged at the news that the distinguished Vice President, the able President of the Senate, is to be named to head a Commission whose purpose it will be to see that the ability of the school districts to afford a quality education to their pupils is not impaired by their good faith efforts to comply with the Supreme Court's desegregation requirements.

The people of my State have great confidence in and respect for the distinguished Vice President. Our people feel that the Vice President has sympathy for our problems, that he wants to see every boy and girl in Alabama and the South and the Nation receive a quality education. Therefore, our people are encouraged at the prospect of the worthwhile work that can be accomplished by this Commission.

The decree of the Supreme Court of the United States, handed down by eight men in their ivory tower, requiring immediate desegregation of our schools, is completely out of touch with reality and out of touch with our school problems.

Our people are law-abiding citizens; they want to comply with the law of the land. They would like to see the same rule applied in the North as is applied in Alabama and the South. We believe that this Commission, after it has made its study, and after it seeks, we hope, to work with the school districts involved, will come to the realization that freedom of choice of a parent to send his child to the school of his choice is the only practical way to solve the school problems that weigh so heavily on the people of Alabama and the South.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 5 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, we feel that equal protection of the law is given to every citizen where freedom of choice is afforded. I say that our people will comply in good faith with freedom of choice in our schools. We believe that in time we will have freedom of choice in the South, just as there is freedom of choice in the North.

Many of our school systems in Alabama were physically unable to comply with the February 1 deadline handed down by the Supreme Court. They sought in good faith to comply with the deadline but it was physically impossible to do so.

So we hope that constructive action will result from the studies and deliberations of the Commission which the distinguished Vice President is to head, and we look forward to the opportunity of presenting to the Commission evidence of the hardships that the "desegregation now" decree of the Supreme Court is imposing on the people of Alabama. The public school system of Alabama has been almost completely destroyed; and this results from this action of the Supreme Court and by the actions of the Department of Health, Education, and Welfare.

I notice from the press accounts of the composition of the Commission that the distinguished Secretary of Health, Education, and Welfare is to be a member of the Commission. I am delighted, however, that the distinguished Vice President is the Chairman of the Commission. I hope that the Vice President will have—and I feel certain that he will have—a constructive influence on the Secretary of the Department of Health, Education, and Welfare. I feel that the Secretary needs a restraining hand, a sensible hand, a cautious hand, a hand that seeks to see that our people are given quality education for their children.

We are having a "lost semester" in the public school systems of Alabama and the South; and I fear it is going to be not only a lost semester but also a lost year and a lost public school system. The most heartening and refreshing news that the junior Senator from Alabama has heard in this crisis in our school system is news of the appointment of the Commission. We welcome them and we beseech the Commission for the opportunity of presenting evidence before the Commission.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the distinguished senior Senator from Alabama, my able colleague.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. SPARKMAN. Mr. President, I ask

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unanimous consent that we may proceed for 3 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I appreciate the statements of the junior Senator from Alabama, and I agree with him fully. This is a movement that does offer hope in a situation that is almost impossible. I hope that something can be worked out.

I wish to ask the Senator this question: Does the Senator feel that perhaps a part of the duties of this task force would be consideration of the manifest unfairness of enforcing in southern schools procedures that are not asked for in northern schools?

Mr. ALLEN. I appreciate the question of my able and distinguished colleague. Certainly, I do feel this should be within the scope of the Commission, and I feel certain it will be because I am sure the Commission will find, if it does not actually take judicial notice of the fact, that there are two rules of operation as enforced by the Department of Health, Education, and Welfare, one rule for the North permitting segregation, and one rule for the South demanding desegregation. I feel this Commission will want to see one rule established.

Mr. SPARKMAN. One rule that would be uniform throughout the country.

Mr. ALLEN. Yes, sir.

Mr. SPARKMAN. Does not the Senator believe that if it is legal for the schools of New York to have freedom of choice, for instance, under a statute passed by the New York Legislature, that the same rule should apply in Alabama and every other State throughout the Union?

Mr. ALLEN. Yes; I certainly do.

Mr. SPARKMAN. And the Senator does agree with me this is something that this Commission might well look into?

Mr. ALLEN. I do agree with the point mentioned by the distinguished senior Senator from Alabama. I appreciate the Senator's comments, his support of the Commission, and the scope of its work.

I thank the Senator.

INTERPRETATION OF SENATE RULES AND ITS EFFECT ON UNANIMOUS CONSENT AGREEMENTS

Mr. ALLOTT. Mr. President, I wish to comment very briefly on a precedent that was set in the Senate last year which I think is resulting in a distortion of the Senate rules, and which I believe deserves the attention of both the majority leader and the minority leader. I rise at this time to call their attention to this situation.

I have before me a unanimous-consent agreement entered into yesterday, which reads:

> UNANIMOUS CONSENT AGREEMENT
>
> *Ordered,* That during the further consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, debate on any amendment and amendments thereto shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from New Jersey (Mr. Williams): *Provided,* That in the event the Senator from New Jersey is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Senator from Texas (Mr. Tower) or some Senator designated by him.

The part of it that I object to—and I understand the precedent has been set, but I am sure it can be avoided by a rewording of the unanimous-consent agreement—is the part that reads, "debate on any amendment and amendments thereto shall be limited to 1 hour."

The way the Senate is now operating under the precedent, what that wording means is that if there is an amendment under an hour's rule and a Senator wishes to offer an amendment to that amendment, or a motion to strike, or a substitute amendment, he has no time within which to debate the amendment to the amendment or the substitute to the amendment, since all the time is controlled by the original mover of the amendment.

I am very happy to see that the distinguished majority leader has come on the floor, because yesterday, when the Senator from Colorado found he had no time to really discuss the substitute amendment which he was offering to the Proxmire amendment, except the time which the distinguished Senator from Texas yielded to him, it illustrated that we are in effect foreclosing and precluding amendments to amendments or amendments by way of substitute.

In the future, when unanimous consent agreements are proposed, I hope provision will be made for time upon amendments to amendments or upon substitute amendments.

It so happened that yesterday I had been on the floor for an hour. I went into the cloakroom to try to study a particular aspect of the question for just a few moments. When I came back on the floor, I suddenly found that the unanimous-consent request had been proposed and also found that the amendment by way of a substitute that I had intended to propose was wholly at the disposition of getting time from the bill from either the Senator from New Jersey or the Senator from Texas. I received 10 minutes. I did not think that time was adequate for the necessary discussion of the particular matter.

I would hope that the majority leader and the minority leader would give this question some consideration, because I do not believe that, in proposing unanimous-consent agreements, we should preclude time to Senators who want to offer amendments to amendments or amendments by way of substitutes to amendments.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLOTT. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. May I say that the distinguished Senator from Colorado has made a most reasonable request. If during the course of the present consideration of the legislation now before us such a situation arises again, I shall be more than happy to do what I can to see that there is no repetition of what occurred yesterday.

Mr. ALLOTT. Mr. President, I thank the distinguished majority leader, but I want to say that I was in no sense precluded. If I had asked the distinguished Senator from Texas for 15 or 20 minutes, I am sure he would have given them to me. My point really goes to the fact that the way such an agreement is proposed, under the precedent set by the Senate last year, which the Senator well remembers, the mover of the original amendment controls the time and a Senator who wishes to amend that amendment or offer a substitute amendment is precluded from having any time except at the will and disposition of other Senators.

The Parliamentarian has affirmed my interpretation as correct. In fact, he is the one who told me about it.

Mr. MANSFIELD. The Senator is correct. There is no question about the situation as he has described it. It was a little unusual to get this type of consent agreement. I am hopeful that, except in extraordinary circumstances and with the full consent of the Senate, it will not occur again.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. TOWER. I think I probably should bear the lion's share of responsibility for it, because I think I am the one who propounded the wording of the consent agreement. I should have been more alert to protect the interests of my friend from Colorado, whom I would never preclude; but my understanding of "on any amendment or any amendment thereto" was that it meant if a Senator offered an amendment to the amendment he would have 30 minutes. That was the intent of it, at least. I believe that is the way the Senator from New Jersey understood it. Is that correct?

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Colorado may have 5 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. I do not believe that it appears in the RECORD, but I know that in discussion with the Senator from Texas in the well that was our intention. It appeared so clear that we thought it did not have to be so stated.

Mr. ALLOTT. The Senator has not been remiss in any respect. These words have been used in such requests for a long time in such proposals. We had the unfortunate precedent set last year. I think in the future, when such agreements are proposed, by a slight changing in the wording the situation can be taken care of. However, under the present wording, and the precedent of the Senate as it is now established, the rule which prevailed yesterday will continue to prevail unless it is overturned by the Senate.

I thank the distinguished majority leader, the distinguished Senator from Texas, and the distinguished Senator from New Jersey.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation To Authorize the Disposal of Magnesium From the National Stockpile

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of magnesium from the national stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize the Disposal of Zinc From the National Stockpile and the Supplemental Stockpile

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of zinc from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize the Disposal of Molybdenum From the National Stockpile

A letter from the Assistant Administrator, General Services Administration transmitting a draft of proposed legislation to authorize the disposal of molybdenum from the national stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize the Disposal of Natural Ceylon Amorphous Lump Graphite From the National Stockpile and the Supplemental Stockpile

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize the Disposal of Industrial Diamond Stones From the National Stockpile and the Supplemental Stockpile

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize the Disposal of Mercury From the National Stockpile and the Supplemental Stockpile

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of mercury from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize the Disposal of Bismuth From the National Stockpile and the Supplemental Stockpile

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize the Disposal of Acid Grade Fluorspar From the National Stockpile and the Supplemental Stockpile

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize the Disposal of Lead From the National Stockpile and the Supplemental Stockpile

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of lead from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

Draft of Proposed Legislation for Military Procurement

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected reserve of each Reserve component of the Armed Forces, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Report of Progress of the Army Reserve Officers' Training Corps Flight Instruction Program

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of progress of the Army Reserve Officers' Training Corps flight instruction program for the calendar year 1969 (with an accompanying report); to the Committee on Armed Services.

Report of the Small Business Administration

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, it has determined $70 million will be made available for the Small Business Investment Company Program for fiscal year 1970; to the Committee on Banking and Currency.

Proposed Appropriations for the Coast Guard

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (with an accompanying paper); to the Committee on Commerce.

Proposed Legislation To Amend the Peace Corps Act

A letter from the Acting Director of the Peace Corps, transmitting a draft of proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended (with accompanying papers); to the Committee on Foreign Relations.

Report of the National Water Commission

A letter from the Chairman, the National Water Commission, transmitting, pursuant to law, the first interim report, describing its activities from its organization late in 1968 through December 31, 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Legislation Authorizing Appropriations for the Atomic Energy Commission

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

Report of the Department of Defense on Grades GS-16, GS-17, and GS-18

A letter from the Acting Assistant Secretary of Defense for Manpower and Reserve Affairs, transmitting, pursuant to law, a report with respect to positions in grades GS-16, GS-17, and GS-18 for the calendar year 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report of Civil Service Commission on Grades GS-16, GS-17, and GS-18

A letter from the Civil Service Commission, transmitting, pursuant to law a report of the Commission with respect to positions in grades GS-16, GS-17, and GS-18 for the calendar year 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Study of Areas in Vicinity of Washington Channel, District of Columbia, Suitable for Public Visitor Parking

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on progress made on study being conducted to study areas in the vicinity of the Washington Channel in the District of Columbia suitable for public visitor parking facilities; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, with amendments:

S. 3253. A bill to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969 (Rept. No. 91-652).

(At this point Mr. ALLEN took the chair as Presiding Officer.)

REPORT ENTITLED "OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY"—REPORT OF A COMMITTEE (S. REPT. NO. 91-651)

Mr. ERVIN. Mr. President, the Subcommittee on the NATO Status of Forces Treaty has submitted to the full Committee on Armed Services its annual report covering the operation of article VII of the treaty, together with the other criminal jurisdictional arrangements relating to our Armed Forces abroad. This report, which covers the 1 year between the period December 1, 1967, through November 30, 1968, has been approved by the full committee and I submit this report and ask unanimous consent that it be printed, with illustrations.

The PRESIDING OFFICER. The report will be received; and, without objection, the report will be printed, as requested by the Senator from North Carolina.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3369. A bill to authorize the Commissioner of Education to assist institutions of

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higher education, including junior colleges and certain technical schools, and State higher education agencies in developing improvements in higher education; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BROOKE:

S. 3370. A bill to amend title 10 of the United States Code to require that accurate medical records be kept with respect to each member of the Armed Forces; to the Committee on Armed Services;

S. 3371. A bill for the relief of Aslaug K. Kristoffersen; and

S. 3372. A bill for the relief of Maria Guerra; to the Committee on the Judiciary.

By Mr. HART:

S. 3373. A bill to authorize the release of 12,366 short dry tons of non-stockpile-grade fluorspar from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. ANDERSON (for himself and Mrs. SMITH of Maine) (by request):

S. 3374. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Aeronautical and Space Sciences.

(The remarks of Mr. ANDERSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S. 3375. A bill for the relief of Alice E. Ford; to the Committee on the Judiciary.

By Mr. SPONG:

S. 3376. A bill to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va-53) in the city of Portsmouth in exchange for certain lands situated within the proposed Southside neighborhood development project; to the Committee on Armed Services.

By Mr. MAGNUSON (by request):

S. 3377. A bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CASE:

S. 3378. A bill to amend title I of the Elementary and Secondary Education Act of 1965 concerning use of payments under such title; to the Committee on Labor and Public Welfare.

(The remarks of Mr. CASE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY:

S. 3379. A bill to authorize the transfer of a vessel to the Los Angeles Unified School District for nontransportation use in the training of qualified applicants as ship repair and shipbuilding personnel; to the Committee on Commerce.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YOUNG of North Dakota:

S. 3380. A bill for the relief of Lyndon B. Simmons; and

S. 3381. A bill for the relief of Ian J. Amor; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3382. A bill to direct the Secretary of Agriculture to make a conveyance of certain real property in the Agricultural Research Center, Beltsville, Md.; to the Committee on Agriculture and Forestry.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 3383. A bill to authorize the Secretary of the Interior to convey certain lands situated in Arizona to Mrs. Hallie Griffin; to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN:

S. 3384. A bill for the relief of Almeda F. Silva; to the Committee on the Judiciary.

S. 3369—INTRODUCTION OF THE HIGHER EDUCATION PROJECT DEVELOPMENT ACT OF 1970

Mr. JAVITS. Mr. President, I introduce for appropriate reference the Higher Education Project Development Act of 1970. The purpose of this measure is to provide colleges and universities with an opportunity for innovation and to improve their management and academic procedures. This bill would stimulate and assist higher educational institutions in the development of new and improved methods of instruction and institutional management and development of model programs and projects. An advisory council is also established composed of school administrators, faculty, students, trustees and alumni as well as representatives of the general public.

The bill authorizes $30 million for the next fiscal year for grants to colleges and universities, as well as groups of schools, and to State higher education agencies on a matching ratio of 75 percent Federal funds to 25 percent furnished by the recipient, except in cases of hardship where, if the Commissioner so determines, the Federal share may be as much as 100 percent. One-fourth of the appropriated funds are to be used for junior and community colleges.

With college costs and enrollments mounting each year—tuition has doubled in the past decade—and existing resources bending under the strain, it becomes increasingly necessary to utilize new means for educating a greater number of students at reasonable cost while at the same time strengthening the quality of education. No Federal program is now available to help colleges and universities assess new methods, restructure institutionally and improve their management and academic procedures. This bill would meet that need.

Our colleges and universities have been hard put to meet the responsibilities of this era in which a little more than half of all high school graduates seek a higher education—as opposed to some 15 percent a generation ago—in which their costs are climbing faster than the cost of living, and in which the rapid rush of new "ages"—the electronic age, the computer age, the space age, the urban age—demand continuing revision of curriculums and complex and expensive equipment.

Colleges and universities have felt the brunt of criticism—some of it self-criticism—for uneconomic and inefficient institutional and financial management and for failure to keep their academic activities abreast of the times. If college costs continue to rise, we may soon find that only the very rich, who can afford to pay, or the very poor, who receive direct assistance, can get a higher education, thus presenting a higher-education crisis similar to the housing crisis in which it is the middle-income family that is being squeezed out. The bill seeks to find the means to reverse this trend.

The congressional commitment to foster innovation in elementary and secondary education has been evidenced by the enactment of title III of the Elementary and Secondary Education Act of 1965. We should now undertake a similar effort for higher education. The bill endeavors to do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3369) to authorize the Commissioner of Education to assist institutions of higher education, including junior colleges and certain technical schools, and State higher education agencies in developing improvements in higher education, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Project Development Act of 1970".

SEC. 2. The Higher Education Act of 1965 is amended by redesignating title XII as title XIII, by redesignating sections 1201 through 1210 and all references thereto as sections 1301 through 1310, respectively, and by inserting after title XI a new title as follows:

"TITLE XII—PROJECT DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 1201. In recognition of the rapidly increasing costs and enrollments in higher education it is the purpose of this title to provide assistance to institutions of higher education and State higher education agencies for the purpose of developing new and improved methods of—

"(1) educating greater numbers of students at reasonable cost and improving the quality of such education, and

"(2) instruction and institutional management.

"GRANTS AND CONTRACTS AUTHORIZED

"SEC. 1202. (a) The Commissioner is authorized to make a grant to or enter into a contract with an institution of higher education or a State agency responsible for the supervision of public institutions of higher education in a State for the purpose of paying not to exceed 75 per centum of the cost of a program to carry out the purpose of this title, except that the Commissioner may pay in excess of such per centum in the case of any such institution or agency not otherwise financially capable of carrying out such a program.

"(b) At least 25 per centum of the funds appropriated for the purpose of this title for any fiscal year shall be used pursuant to this title for grants or contracts with institutions of higher education which do not award a bachelor's or more advanced degree.

"ADVISORY COUNCIL

"SEC. 1203. (a) The Commissioner shall establish an Advisory Council on Higher Education Project Development (hereinafter in this title referred to as the "Council"). The Council shall be composed of fifteen members appointed by the Commissioner without regard to the civil service or classification laws to represent administrators, faculty, students, trustees, and alumni of institutions of higher education and the general public.

"(b) The Commissioner shall consult with the Council in carrying out the provisions of this title and the Council shall make recommendations to the Commissioner with respect to carrying out such provisions.

"(c) Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(d) The Commissioner is authorized to furnish to the Council such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Council may require to carry out its functions.

"DISSEMINATION OF INFORMATION AND REPORTS

"SEC. 1204. (a) The Commissioner shall disseminate to institutions of higher education and other appropriate institutions and agencies information with respect to programs carried out pursuant to this title.

"(b) The Commissioner shall make a report not later than March 31, 1972, and annually thereafter, to the President and the Congress with respect to programs carried out pursuant to this title. Such report shall include a report from the Council with respect to its activities and containing any recommendations it may have for carrying out the purpose of this title.

"AUTHORIZATION

"SEC. 1205. There are authorized to be appropriated not to exceed $30,000,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for each of the three succeeding fiscal years, for carrying out the provisions of this title."

S. 3374—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. ANDERSON. Mr. President, on behalf of myself, and the senior Senator from Maine, by request, I introduce for appropriate reference a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. I ask unanimous consent that the bill be printed in the RECORD together with a letter from the Administrator, National Aeronautics and Space Administration, requesting the proposed legislation and a sectional analysis of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and analysis will be printed in the RECORD.

The bill (S. 3374) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, introduced by Mr. ANDERSON (for himself and Mrs. SMITH of Maine), by request, was received, read twice by its title, referred to the Committee on Aeronautical and Space Sciences, and ordered to be printed in the RECORD, as follows:

S. 3374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $956,500,000;
(2) Space flight operations, $515,200,000;
(3) Advanced missions, $2,500,000;
(4) Physics and astronomy, $116,000,000;
(5) Lunar and planetary exploration, $144,900,000;
(6) Bioscience, $12,900,000;
(7) Space applications, $167,000,000;
(8) Launch vehicle procurement, $124,900,000;
(9) Space vehicle systems, $30,000,000;
(10) Electronics systems, $22,400,000;
(11) Human factor systems, $17,900,000;
(12) Basic research, $17,600,000;
(13) Space power and electric propulsion systems, $30,900,000;
(14) Nuclear rockets, $38,000,000;
(15) Chemical propulsion, $20,300,000;
(16) Aeronautical vehicles, $87,100,000;
(17) Tracking and data acquisition, $298,000,000;
(18) Technology utilization, $4,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Ames Research Center, Moffett Field, California, $1,525,000;
(2) Goddard Space Flight Center, Greenbelt, Maryland, $2,050,000;
(3) Jet Propulsion Laboratory, Pasadena, California, $1,950,000;
(4) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $575,000;
(5) Manned Spacecraft Center, Houston, Texas, $900,000;
(6) Marshall Space Flight Center, Huntsville, Alabama, $525,000;
(7) Nuclear Rocket Development Station, Nevada, $3,500,000;
(8) Various locations, $18,575,000;
(9) Facility planning and design not otherwise provided for, $5,000,000.

(c) For "Research and program management," $692,300,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000 unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (9) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific

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or engineering developments, and (2) he determines the deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any insitution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c) (1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971".

The letter and analysis, presented by Mr. ANDERSON, are as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., February 2, 1970.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Herewith submitted is a draft of a bill, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," together with the sectional analysis thereof. It is submitted to the President of the Senate pursuant to Rule VII of the standing rules of the Senate.

Section 4 of the Act of June 15, 1959, 73 Stat. 73, 75 (42 U.S.C. 2460), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is the purpose of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the Budget of the United States Government for the fiscal year ending June 30, 1971. The bill would authorize appropriations to be made to the National Aeronautics and Space Administration in the sum of $3,333,000,000, as follows:

(1) for "Research and development," $2,606,100,000; (2) for "Construction of facilities," $34,600,000; and (3) for "Research and program management," $692,300,000.

With respect to the draft bill herewith submitted, that bill is substantially the same as the National Aeronautics and Space Administration Authorization Act, 1970 (Pub. L. 91–119, 83 Stat. 196), except for the necessary changes in the dollar amounts involved, and the substantive and editorial changes hereinafter discussed.

Only one change has been made to the "Research and development" program line items; the "Sustaining university program" line item has been deleted, since no funds are requested for this program for fiscal year 1971.

The "Construction of facilities" locational line items in section 1(b) differ from those enacted as part of the fiscal year 1970 Authorization Act only in that the locational line items for Electronics Research Center, Langley Research Center and Wallops Station have been omitted, and line items for Ames Research Center, Jet Propulsion Laboratory, Marshall Space Flight Center and Nuclear Rocket Development Station have been added, since no funds are being requested for the locations omitted and funds are being requested for those locations added. Because of these changes the line items under this appropriation have been increased from eight to nine.

Subsection 1(i) of the NASA Authorization Act, 1970 (cancelling NASA authorizations for fiscal years 1967, 1968 and 1969 for which appropriations have not been made) has been omitted from the draft bill since the cancellation is effective and its purpose executed.

The numbers of the paragraphs of subsection 1(b) to which reference is made in sections 2 and 3 have been changed due to the change in the number of locational line items included in subsection 1(b). No substantive changes are intended.

Two provisions of the NASA Authorization Act, 1970 are permanent law and need not be re-enacted in order to continue to be effective, therefore, they have been omitted from the draft bill. These provisions are section 6 (requiring reports to NASA from certain former employees of NASA who are employed by certain aerospace contractors, and from employees in the converse situation) and section 8 (prohibiting the implantation or placement on the surface of the moon or any planet of a flag other than the United States flag when the funds for the space mission are provided entirely by the United States).

Finally, the last section of the draft bill, section 7, has been changed to provide that the bill, upon enactment, may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971," rather than "1970."

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Bureau of the Budget has advised that there is no objection to the presentation of the draft bill to the Congress and that its enactment would be in accordance with the program of the President.

Sincerely yours,

T. O. PAINE,
Administrator.

SECTIONAL ANALYSIS

A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

SECTION 1

Subsections (*a*), (*b*), *and* (*c*) would authorize to be appropriated to the National Aeronautics and Space Administration funds, in the total amount of $3,333,000,000, as follows: (a) for "Research and development," a total of 18 program line items aggregating the sum of $2,606,100,000; (b) for

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"Construction of facilities," a total of 7 locational line items, together with one for various locations and one for facility planning and design, aggregating the sum of $34,600,000; and, (c) for "Research and program management," $692,300,000.

Subsection 1(d) would authorize the use of appropriations for "Research and development" for: (1) items of a capital nature (other than the acquisition of land) required for the performance of research and development contracts; and, (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive therefrom benefit adequate to justify the making of that grant.

In either case no funds may be used for the construction of a facility the estimated cost of which, including collateral equipment, exceeds $250,000 unless the Administrator notifies the Speaker of the House, the President of the Senate and the specified committees of the Congress of the nature, location, and estimated cost of such facility.

Subsection 1(e) would provide that, when so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities and support services may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed $35,000 of "Research and program management" appropriation funds for scientific consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that no funds appropriated pursuant to subsection 1(c) for maintenance, repair, alteration and minor construction may be used to construct any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

Subsection 1(h) would provide that no part of the funds appropriated for "Research and development" may be used for grants to any nonprofit institution of higher learning unless the Administrator determines that recruiting personnel of any of the Armed Forces are not being barred from the premises or property of such institution. Subsection 1(h) would not apply if the Administrator determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense would be required to furnish to the Administrator on the dates prescribed the names of any nonprofit institutions of higher learning which the Secretary of Defense determines are barring such recruiting personnel from premises or property of any such institution.

SECTION 2

Section 2 would authorize the 5 per centum upward variation of any of the sums authorized for the "Construction of facilities" line items (other than facility planning and design) when, in the discretion of the Administrator, this is needed to meet unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subscetion 1(b), paragraphs (1) through (8).

SECTION 3

Section 3 would provide that not more than one-half of 1 per centum of the funds appropriated for "Research and development" may be transferred to the "Construction of facilities" appropriation and, when so transferred, together with $10,000,000 of the funds appropriated for "Construction of facilities," shall be available for the construction of facilities and land acquisition at any location if (1) the Administrator determines that such action is necessary because of changes in the space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to the Speaker of the House, the President of the Senate and the specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or each such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

SECTION 4

Section 4 would provide that, notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and,

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House, the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SECTION 5

Section 5 would express the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SECTION 6

Subsection 6(a) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of the Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution, then the institution would be required to deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act. If an institution denies an individual assistance under the authority of the first sentence of subsection 6(a), then any institution which such individual subsequently attends would be similarly required to deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual.

Subsection 6(b) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of the Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution would be required to deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act.

Subsection 6(c)(1) would provide that nothing in the Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

Subsection 6(c)(2) would provide that nothing in section 6 shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

Subsection 6(c)(3) would provide that nothing in section 6 shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SECTION 7

Section 7 would provide that the Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971".

S. 3377—INTRODUCTION OF BILL TO AMEND THE SHIPPING ACT, 1916, AND THE INTERCOASTAL SHIPPING ACT, 1933

Mr. MAGNUSON. Mr. President, by request of the Federal Maritime Commission, I introduce, for appropriate reference, a bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances and for other purposes. I ask unanimous consent that the bill, the letter of transmittal from the Chairman of the Federal Maritime Commission to the President of the Senate and the accompanying statement of purpose and need be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and statement will be printed in the RECORD.

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The bill (S. 3377) to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shipping Act, 1916 (46 U.S.C. 801 *et seq.*), is amended as follows:

(a) By deleting that part of the first sentence in the last paragraph of section 15, immediately preceding the proviso, and substituting the following: "Whoever violates any provision of this section or of section 14b shall be subject to a civil penalty of not more than $1,000 for each day such violation continues;"

(b) By deleting the last paragraph of section 16 and substituting the following: "Whoever violates any provision of this section other than paragraphs First and Third hereof shall be subject to a civil penalty of not more than $5,000 for each such violation.

"Whoever violates paragraphs First and Third hereof shall be guilty of a misdemeanor punishable by a fine of not more than $5,000 for each offense."

(c) By deleting section 18(b)(6) and substituting the following:

"(6) Whoever violates any provision of this section shall be subject to a civil penalty of not more than $1,000 for each day such violation continues."

(d) By deleting section 32 and substituting therefor the following:

"SEC. 32 (a) That whoever violates any provision of sections 14 through 21 and section 44 of this Act, except where a different penalty is provided, shall be subject to a civil penalty not to exceed $5,000 for each such violation.

"(b) Whoever violates any provision of any other section of this Act, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by fine not to exceed $5,000."

(e) By adding the following as a new section 45:

"SEC. 45. Civil penalties provided for violations of sections 14 through 21, and 44 of this Act may be assessed by the Federal Maritime Commission."

(f) By renumbering present section 45 to section 46.

SEC. 2. The last sentence of section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), is amended to read as follows: "Whoever violates any provision of this section shall be subject to a civil penalty to be imposed by the Federal Maritime Commission of not more than $1,000 for each day such violation continues."

The letter and statement, presented by Mr. MAGNUSON, are as follows:

FEDERAL MARITIME COMMISSION,
Washington, D.C.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill, together with a statement of purpose and need for the draft bill, to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances.

The need for and purpose of the proposed bill are set forth in the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at the second session of the 91st Congress for the reasons set forth in the accompanying statement.

The Bureau of the Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSES AND NEED FOR THE BILL TO AMEND THE SHIPPING ACT, 1961, AND THE INTERCOASTAL SHIPPING ACT, 1933, TO CHANGE CERTAIN CRIMINAL PENALTIES TO CIVIL PENALTIES, AND AUTHORIZE THE COMMISSION TO ASSESS CIVIL PENALTIES

The bill would change the penalties of section 16 (except for paragraphs First and Third) of the Act from criminal penalties to civil penalties, with the money amounts of the penalties to remain unchanged. It also changes the general penalty provision of section 32 of the Act by making all violations of sections under the jurisdiction of the Federal Maritime Commission, for which no penalty is specifically provided, civil instead of criminal. Authority would be vested in the Commission to fix the amount of civil penalties for violations of sections subject to its jurisdiction. Penalties assessed by the Commission would be remitted or mitigated by it under appropriate circumstances pursuant to the Federal Claims Collection Act of 1966, 31 U.S.C. 951–953, and regulations promulgated thereunder. Since the bill would authorize the Commission to assess civil penalties, sections 15 and 18(b)(6) would be amended to eliminate the words "to be recovered by the United States in a civil action."

As the Act now stands, civil penalties are imposed for violations of section 15, which requires the filing for approval of agreements restricting competition, and of section 18(b), which requires the filing of tariffs. However, the penalties of section 14, which prohibits deferred rebates and other unfair practices, and section 16, which prohibits false billing and undue preferences, are criminal.

The Commission believes that better administration of the Act will be derived from making certain of the penalties under section 16 and penalties under section 32 civil and empowering the Commission to determine and adjudge such penalties. The Commission determinations under these sections are subject to judicial review in a United States Court of Appeals under the Review Act of 1950 (28 U.S.C. 2341 *et seq.*). This would eliminate the necessity of a *de novo* district court penalty suit as is presently required and would enable the Commission to relate the amount of the penalty directly to the nature and circumstances of the violation. Such a procedure should, in many instances, reduce the total litigation expenses to both the government and private parties while at the same time retaining the safeguards of justice through the reviewability of Commission decisions in U.S. Court of Appeals.

Section 2 of the bill would give the Commission authority to assess the civil penalties presently provided for violations of the Intercoastal Shipping Act, 1933.

S. 3378—INTRODUCTION OF BILL RELATING TO USE OF PAYMENTS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. CASE. Mr. President, I introduce a bill to amend title I of the Elementary and Secondary Education Act, for appropriate reference.

Title I is the Federal program which provides assistance to local school districts to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families.

My bill would require applicants for this assistance to submit plans for reducing or eliminating racial, social, and linguistic isolation in their schools.

Numerous studies, including the Coleman Report on Equality of Educational Opportunity which was done for the Department of Health, Education, and Welfare and a report by the New York State Board of Regents, have shown that isolation, whether racial, social, or linguistic, is a major factor in the educational disadvantage of minority children.

Originally, I had intended to offer the substance of my bill as an amendment to the currently pending legislation to extend the Elementary and Secondary Education Act for another 4 years.

However, because of the importance of this subject and the complexity of the programs involved, I decided it would be better if this whole subject was considered thoroughly in committee hearings.

The complexity of the problems already encompassed by the pending extension of the Elementary and Secondary Education Act is demonstrated by the fact that the committee's excellent report on this bill entails 443 pages.

It is my hope that consideration of the issues raised by my bill will not be forced to compete for the attention of the Senate with the many other important issues contained in the pending bill.

It is my understanding that my colleague, the junior Senator from Rhode Island (Mr. PELL), chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare, may hold hearings on legislative oversight in connection with elementary and secondary education later this year.

I urge that my bill and all other proposals dealing with these or related issues be thoroughly considered at those hearings in an effort to develop legislation to deal with this matter. I recognize that my bill may be only the first step in a comprehensive program that is needed. However, I believe it represents a needed step which can be implemented quickly.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3378) to amend title I of the Elementary and Secondary Education Act of 1965 concerning use of payments under such title, introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 3379—INTRODUCTION OF A BILL RELATING TO PROPOSED TRANSFER OF A MERCHANT VESSEL TO THE LOS ANGELES UNIFIED SCHOOL DISTRICT

Mr. MURPHY. Mr. President, I introduce, for appropriate reference, a bill to authorize the transfer of a merchant vessel to the Los Angeles Unified School District for their use in the training of

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qualified applicants as ship repair and shipbuilding personnel.

American society has become increasingly more complex with a need for highly trained persons to do the jobs that were formerly done by a less skilled labor force. We want the citizens in our country to be self-supporting and gainfully employed. In order that we might accomplish this end, we must seek ways in which the unemployed and the underemployed can become proficient in various areas so they can become productive and useful citizens.

The need to train individuals to become productive citizens exists in all facets of our society. Not the least of these is the maritime industry which faces ever increasing demands for trained personnel in both seagoing and nonseagoing personnel.

At the port of Los Angeles, which is the leading port on the Pacific coast and the second largest in the United States, there is a critical need for qualified personnel in the shipbuilding and ship repair fields of the maritime industry.

Programs are now being developed for increased shipbuilding in the port of Los Angeles. These programs call for trained craftsmen who are familiar with the new techniques being employed in the industry.

Because of the need for trained craftsmen, I am introducing a bill which would transfer a vessel to the Los Angeles Unified School District for nontransportation use in the training of qualified applicants as ship repair and shipbuilding personnel.

The ship would provide an effective laboratory as well as knowledge of the new techniques being used in the industry. In providing a ship where instruction and training can take place, we will narrow the gap between the innovations in the shipbuilding and ship repair industries and the knowledge and skill which now exist.

Specifically, the ship would be used to train personnel in shipbuilding and ship repair crafts such as marine pipefitters, boilermakers, ship fitters, and marine electronics technicians. In addition, the ship will be used for developing proficient cargo-handling techniques.

In advocating that you give your favorable consideration to this bill, I must also tell you that the adult education division of the Los Angeles Unified School District has long worked actively and closely with both business and industry. The division has worked with the Management Council for Merit Employment in setting up training programs which meet the needs of the community.

In addition, the school district through its adult division has successfully operated four occupational centers and four skill centers. Individuals who have taken advantage of these two programs and completed the prescribed courses have achieved a notably high degree of success in finding employment.

Plans call for similar programs in this venture. A maritime advisory council to advise in the administration of an education and training program designed to meet the specific needs of the shipbuilding and ship repair crafts is being considered.

As well as providing training in the crafts, plans call for courses in basic adult education and citizenship classes for those individuals needing these qualifications. Competent instructors will be sought by the school district to teach the craft and basic education courses so that successful completion of the work might be applied toward obtaining a high school diploma and certificate.

The Los Angeles Unified School District, through its adult education division, has the know-how and has a record of proven success. The need for qualified individuals in the maritime industries is critical and the time to act is now.

Mr. President, I do hope that early and favorable action will be taken on this bill by the Senate.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3379) to authorize the transfer of a vessel to the Los Angeles Unified School District for nontransportation use in the training of qualified applicants as ship repair and shipbuilding personnel, introduced by Mr. MURPHY, was received, read twice by its title, and refered to the Committee on Commerce.

S. 3382—INTRODUCTION OF A BILL TO MAKE A CONVEYANCE OF CERTAIN REAL PROPERTY IN THE AGRICULTURAL RESEARCH CENTER, BELTSVILLE, MD.

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill directing the Secretary of Agriculture to convey certain real property in the Agricultural Research Center, Beltsville, Md., to the Maryland-National Capital Park and Planning Commission. Such conveyance will permit enlarging the right-of-way for a proposed public golf course in Prince Georges County.

Prince Georges County, Md., is one of the fastest growing counties in the United States. Over 100 families move into the county each month. Its population of 625,000 makes Prince Georges the largest county in the State.

Prince Georges is a county in transition, for as the population increases rapidly, the character of the land changes as well. Prince Georges no longer is a quiet, peaceful, rural tobacco-growing county. It has become a busy, dynamic, suburban area. Homes, schools, roads, and businesses have replaced open fields, farmland, and woods.

A growing county, however, requires substantial recreational facilities. We now realize that man needs the opportunity to relax and enjoy himself, as well as a place in which to work and live. The quality of life today is an important public concern, and recreation is a vital element of this quality.

Our government agency charged with providing such recreational facilities is the Maryland-National Capital Park and Planning Commission. This is a bicounty agency created by the Maryland General Assembly in 1927. It plans, acquires, develops, and operates a regional park system for Prince Georges and Montgomery Counties.

Recently, the park and planning commission acquired 116 acres fronting on Telegraph Road, known as the Hall tract. The land lies within the Agriculture Department's holdings in Beltsville. The commission purchased the land for the purpose of building an 18-hole golf course. Both the Agriculture Department and NASA, which is also a neighbor, concur with the proposal and support the commission's efforts.

Unfortunately, as outlined to me in a letter from Warren W. Kershow, associate director of parks and land acquisition for the parks and planning commission:

> The Hall Tract only has a 15-foot right-of-way from Telegraph Road, and to make this project entirely feasible in terms of bond sales for development and utilization of private concessionaires, etc., we must secure a larger right-of-way.

The bill I am introducing today would provide this right-of-way. It directs the Secretary of Agriculture to convey a parcel of land 65 feet wide and 1,120 feet long to the commission. This would give the commission an 80-foot right-of-way, sufficient for the proper development of the Hall tract. The bill provides that the land shall not be conveyed until payment has been made, the price to be determined by the Secretary. Additionally, should any survey be required to effect the change of ownership, the bill states that the commission shall bear the expense of the survey. By enlarging the right-of-way to the Hall tract, the bill, if enacted, would insure proper public access to a new and highly desirable recreational facility in Prince Georges County.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3382) to direct the Secretary of Agriculture to make a conveyance of certain real property in the Agricultural Research Center, Beltsville, Md., introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSOR OF A BILL

S. 3171

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of S. 3171, to amend the Omnibus Crime and Safe Streets Act of 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 223

Mr. STEVENS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of Senate Resolution 223 which would establish at least one standard metropolitan statistical area in each State.

The PRESIDING OFFICER. Without objection, it is so ordered.

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EXPANSION AND IMPROVEMENT OF THE NATION'S AIRPORT AND AIRWAY SYSTEM—AMENDMENTS

AMENDMENTS NOS. 478 AND 479

Mr. STEVENS. Mr. President, H.R. 14465 provides for airport improvement and expansion, but along with betterment of physical facilities must come adjustments in airport operations and service.

At this time I am submitting an amendment, intended to be proposed by me, to H.R. 14465 which retains the exemption from the passenger fare tax for State and local government employees.

In my State of Alaska and, I am sure, in others of large size and dispersed population centers, employees of both State and local governments must travel considerable distances to conduct government business. As I see it, this type of regular and necessary travel should not be subject to the 8-percent tax on air fares as provided for under this bill.

The second amendment which I intend to propose eliminates the charge for customs services outside normal hours for passengers arriving or departing on aircraft at international airports. At the present time, as a requirement of the customs overtime laws, extra compensation is collected from users themselves for whom custom services are performed. The charge is required of the owner or operator of an aircraft and whenever possible is prorated among the passengers themselves. I see no reason why U.S. planes operated by U.S. citizens should be subjected to payment of a service fee because the Federal Government insists that planes undergo inspection before they legally reenter this country.

The PRESIDING OFFICER. The amendments will be received and printed, and appropriately referred.

The amendments (Nos. 478 and 479) were referred to the Committee on Finance.

REPEAL OF LEGISLATION RELATING TO USE OF THE ARMED FORCES IN CERTAIN AREAS OUTSIDE THE UNITED STATES—AMENDMENT

AMENDMENT NO. 480

Mr. CRANSTON submitted an amendment, intended to be proposed by him, to the joint resolution (S.J. Res. 166) to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes, which was referred to the Committee on Foreign Relations and ordered to be printed.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENT

AMENDMENT NO. 481

Mr. STENNIS (for himself, Mr. Russell, Mr. Hollings, Mr. Talmadge, Mr. Eastland, Mr. Ervin, Mr. Holland, Mr. Ellender, Mr. Jordan of North Carolina, Mr. Thurmond, Mr. Allen, Mr. Tower, Mr. Sparkman, Mr. Gurney, Mr. McClellan, and Mr. Long) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which was ordered to lie on the table, to be printed, and to be printed in the Record.

(The remarks of Mr. Stennis when he submitted the amendment appear later in the Record under the appropriate heading.)

NOTICE OF HEARING ON NOMINATIONS TO THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. JACKSON. Mr. President, for the information of the Members of the Senate and other interested persons, I announce that the Committee on Interior and Insular Affairs will hold an open hearing on the nominations by President Nixon to the new Council on Environmental Quality established by the National Policy Act of 1969. The nominees are the Honorable Russell E. Train of Washington, D.C., who is presently Under Secretary of the Interior, to be Chairman of the Council; Robert Cahn, a correspondent in the Washington bureau of the Christian Science Monitor; and Gordon J. F. MacDonald, vice chancellor for research and graduate affairs at the University of California.

A previous public announcement of this hearing was released to the press last week.

The hearing will begin at 10 a.m. Thursday, February 5, in the committee room, 3110 New Senate Office Building.

The committee will be pleased to receive the views and comments of any Members of the Senate or other interested persons concerning these nominations.

Mr. President, I ask unanimous consent that the text of the press release from the White House announcing these nominations and containing brief biographical sketches of each nominee be printed in the Record at this point.

There being no objection, the biographical sketches were ordered to be printed in the Record, as follows:

The President today announced his intention to nominate Russell E. Train of Washington, D.C. to be Chairman of the new Council on Environmental Quality. Robert Cahn of Washington, D.C. and Gordon J. F. MacDonald of Santa Barbara, California, are to be nominated as members of the Council.

Train, 49, has been serving as Under Secretary of the Interior since 1969. For four years prior to assuming that post, he was president of the Conservation Foundation, engaged in research, education, and policy development for the whole range of environmental problems in the United States. As a leader in the International Union for the Conservation of Nature and Natural Resources, and a founder of the African Wildlife Leadership Foundation, he has contributed significantly to the increasing worldwide awareness of ecology.

Train is a 1941 graduate of Princeton; he was an army officer during World War II and received a law degree from Columbia in 1948, specializing in tax law. He was an advisor for several congressional committees and the Treasury Department until 1957, when President Eisenhower appointed him to the Tax Court of the United States. Train resigned from the Court in 1965 to become President of the Conservation Foundation.

Train is married to the former Aileen Bowdoin. They have four children.

Robert Cahn, 52, is a correspondent in the Washington bureau of the Christian Science Monitor. A Seattle native, he earned a journalism degree from the University of Washington in 1939. He did Army public relations works during World War II. Later he was a correspondent for the Seattle Star, the Pasadena (Calif.) Star-News, and Life magazine. From 1951–1956 he was an editor of Collier's magazine. After a period of free-lance writing, he became Midwestern Editor of the Saturday Evening Post in 1961. From 1963–1965 he covered the White House for USIA. Since joining the Monitor in 1965, Cahn has distinguished himself in conservation and resource reporting. His Monitor series on the national parks won a 1969 Pultizer Prize. The Secretary of the Interior, the National Recreation and Park Association, and the Thomas L. Stokes competition have also honored his achievements in educating the public on environment issues.

Cahn is married to the former Patricia Lovelady.

Gordon J. F. MacDonald, 40, is currently Vice Chancellor for Research and Graduate Affairs at the University of California, Santa Barbara. Born in Mexico City and educated in the United States, he received his Ph. D. from Harvard in 1954. MacDonald's credentials in the scientific and technical aspects of environmental studies are massive: He has been closely associated with the National Academy of Sciences—National Research Council since 1960, when he joined their Space Science Board. In 1962 he was elected to the Academy—its youngest member at that time. Currently, he is Chairman-designate of the Academy's Environmental Studies Board and Chairman of its Panel on Weather and Climate Modification. MacDonald is also a member of the Committee on Mineral Science and Technology, the U.S. Committee for the Global Atmospheric Research Program, and the President's Science Advisory Committee.

NOTICE OF HEARINGS BY MINERALS, MATERIALS, AND FUELS SUBCOMMITTEE

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee, I announce that public hearings have been scheduled by the subcommittee on the following matters:

First. For February 23, a resumed hearing on magnetohydrodynamics—MHD. MHD is a potential means of producing electrical energy from low-grade fuels, including coal, with diminished pollution. Industry and academic witnesses were heard on MHD on December 18, and at the hearing on the 23d of February, the subcommittee will hear Government experts.

Second. As previously announced, on the 24th and 25th of February, hearings will be held on four bills growing out of the tragic oil leak from oil and gas operations in the Outer Continental Shelf off Santa Barbara, Calif., last year.

Third. On February 27, the subcommittee is holding hearings on three private bills which would authorize the Secretary of the Interior to reinstate certain specific oil and gas leases providing the facts and equities are found to warrant such reinstatement. These measures are S. 93 and S. 698, by Senators Gravel and Stevens, respectively, and S. 2323, by Senator McGee.

Fourth. Then, on March 13 and 14, the subcommittee will hold field hearings in Santa Barbara on the oil spill measures.

Members of Congress or others wishing to participate in any of these hearings should notify the Interior Committee staff.

THE GROWING PAINS OF MEDICAL CARE

Mr. KENNEDY. Mr. President, we are all well aware of the increasingly serious crisis in the Nation's health care system. In recent weeks and months, a number of useful and informative articles have appeared in the press detailing the facts of the crisis and proposing possible new approaches and solutions.

One of the most perceptive discussions was published recently in the New Republic. In a series of three articles entitled "The Growing Pains of Medical Care," Mr. Fred Anderson deals extensively with the issue. In the first article, Mr. Anderson, who is a staff associate of the National Academy of Engineering, describes the Nation's existing health care system and the paradox that allows the best care in the world in some parts of the country to exist alongside some of the worst care in other parts of the country.

In the second article, he discusses the need for a reorganization of the Nation's health delivery system, with particular emphasis on more effective use of group practice, comprehensive preventive care and community medicine, and prepayment of the costs of health care.

In the third article, he discusses the possible methods by which better health care should be financed, and the various alternative ways in which a comprehensive national health insurance program might be phased in. Here, he stresses the point that the financing mechanism should contain special incentives to encourage the reorganization of the health delivery system.

Mr. President, I believe that Mr. Anderson's articles will be of interest to all of us concerned with the quality and equality of health care in the Nation. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New Republic, Jan. 17, 1970]

The Growing Pains of Medical Care (I): Paying More, Getting Less

(By Fred Anderson)

Several months ago President Nixon, Secretary Finch and the Assistant Secretary for Health and Scientific Affairs, Dr. Roger Egeberg, gathered at the White House to tell the nation that it is about to face a complete breakdown in the delivery of health services. Many think the breakdown has already occurred. Long waits for an appointment with a physician, poor service, and astronomical medical bills have gradually become the rule, rather than the exception. The public does not understand how this state of affairs came about, nor why physicians, hospitals and insurers have not done something about it. Particularly irritating is the federal government's failure, though it paid 29.6 percent of the $53.1 billion spent on health in 1969. Long hours in the "waiting room," hurried and impersonal attention, difficulty in obtaining night and weekend care, reduction of services because staff is not available, high drug and treatment costs, loopholes in insurance coverage, and the like, tell only part of the story. The rest is told by statistics which smash any remaining confidence that we lead the world in health care. Fifteen other countries have longer average life expectancies. (Ten-year-old females have a longer life expectancy in twelve other countries, while the American male child of ten years is bested in 31 countries.) Infant mortality is less in 14 other nations. Five countries have better maternal mortality rates. Twelve have better records for ulcers, diabetes, cirrhosis of the liver, hypertension without heart involvement. Twenty have less heart disease.

Whatever life expectancy a white American has, subtract seven years from the life of his nonwhite counterpart. Infant mortality rates are two times as great for nonwhites as for whites. Infant mortality rates for Negro children in Mississippi or a Northern city are comparable to Ecuador's; nationwide, to Costa Rica's. Nonwhite maternal mortality is four times as great as the white rate. (The disparity in maternal death rates has grown from twofold to fourfold since the end of World War II.) In the city slums there is three times as much heart disease, five times as much mental disease, four times as much high blood pressure, and four times as many deaths before age thirty-five than there is nationwide.

The National Advisory Commission on Health Manpower (1967) reviewed 15 representative studies of the quality of health care services in the United States. Here are the findings in three of the studies: (1) a survey of medical laboratories sponsored by the National Center for Communicable Diseases (US Public Health Service) found that 25 percent of reported laboratory results on known samples were erroneous; (2) an evaluation of all major female pelvic surgery performed during a six-month period in a community hospital revealed that 70 percent of the operations which resulted in castration or sterilization were unjustified in the opinion of expert consultants; (3) the medical records of a random sample of 430 patients admitted to 98 different hospitals in New York City during May 1962 were reviewed by expert clinicians. In their opinion only 57 percent of all patients, and only 31 percent of the general medical cases, received "optimal" care.

Organized medicine attributes deterioration in health care to our failure to produce enough physicians for the growing demands for services. That's correct, to a point. Over the decade 1955–1965 "physician-directed services" rose 81 percent and hospital services 65 percent, although the increased output of physicians (22 percent) barely exceeded population growth (17 percent). In fact, the increase in physicians who went into patient care (12 percent) was *less* than population growth. Thus the availability of direct, personal treatment by a physician has diminished at a time when demand for medical care is going up rapidly. Demand has been so great that the expected undersupply of physicians should have occurred years ago. What happened? Physicians learned to delegate many tasks to other medical professionals, a practice which should be encouraged. Between 1955 and 1965, professional nurses increased by 44 percent, nonprofessional nurses 63 percent, x-ray technologists 56 percent, and clinical laboratory personnel 70 percent. Nevertheless, in the opinion of the National Advisory Commission on Health Manpower, the existing organization of medical care will soon require more physicians than the medical schools are capable of producing. "If additional personnel are employed in the present manner and within present patterns and 'systems' of care," said the Commission, "they will not avert, or even perhaps alleviate, the crisis." That seems to say that no number of additional physicians will be sufficient unless medical care is reorganized. But the Commission did not say how reorganization should be carried out.

What is so unsatisfactory about the organization of our present medical care system? It consists by and large of physicians in practice alone, or in small groups, on a fee-for-service basis. The model is the independent business entrepreneur, and a strong sense of nineteenth century individualism still guides professional conduct. (About 60 percent of physicians in direct care of patients are solo practitioners, even though less than two percent of current graduates go into general practice. Of physicians in office practice, about 72 percent still work on a fee-for-service basis.) The "nonsystem" of separate practitioners and few hospitals which grew up in the last century has somehow managed to underpin the vast array of interlocking referrals, specialties, clinics, hospital services and financial arrangements which exists today. That foundation is crumbling.

We cannot allow the further duplication of services, equipment and personnel, not only because of the high cost of redundancy, but because fee-for-service medicine is medically one-sided. It is adequate for episodic care for patients with a specific complaint. But such care, though good, is delivered in sporadic bursts. It is not the personalized, lifelong program of prevention, diagnosis, treatment and rehabilitation that it should be. Patients very rarely receive preventive screening or treatment. How could a fee-for-service bill be written for "diagnosing" and publicizing a dangerous playground? Who would be billed? The city? Parents? Fixing up several broken arms is a medical "service," with a going rate per arm. Getting embroiled with nonmedical "playground" issues is not, even though the expense of an ounce of prevention may be less than that for a pound of cure.

It is not quite fair to lay all the ills of the health care system at the feet of the practitioners who favor the fee-for-service system. The American Medical Association, as chief defender of fee-for-service, is almost a caricature of an Establishment, an easy target. But medicine has two Establishments, both of which contribute to our troubles. The second Establishment, hostile to the first, is based in urban hospitals. It is research and technology oriented, often salaried, and provides the world's best surgery and treatment for complex illnesses. The result is that though this is the best country in the world in which to have a serious illness, it is one of the worst countries in the world in which to have a non-serious illness. That part of medicine which most people encounter most often is mediocre. At the same time, we have outstanding open heart surgery, plastic surgery, surgical organ transplantation, and diagnostic skills. It is this paradox which makes it possible for a patient to read in the waiting room literature of America's latest triumph of medical technology, while failing to receive quick, effective and inexpensive treatment for a sore throat.

The strength of the new hospital-based Establishment is in its domination of the medical schools. Dr. Charles E. Lewis of Harvard's Center for Community Medicine and Medical Care believes that the inertia of medical schools and their affiliated teaching hospitals is the health care delivery system's

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chief problem. The schools and their hospitals turn out excellent clinicians, scientifically imaginative researchers, who appear more concerned with a patient's interesting electrolytes than with his humdrum good health. A department chairman, selected perhaps, because he discovered subtle mechanisms of kidney function, makes the school's reputation (and much of its money) by his work and by the grants which he gets for research. No one can tell the collection of department chairmen who run a medical school, or their granting agencies, that the funds which they collect should go to teach students how to care for whole patients in the environment in which patients live.

The fee-for-service system has not adapted well to third-party payments, whether from insurance companies or from government. The public finds this awkward welter of insurance plans and complex federal programs confusing and vexing.

Picking one's way through the medical maze requires, in the words of Dr. Sidney Lee of Harvard Medical School, "the flexibility of a worm, the dexterity of a locksmith, and the hairsplitting ability of a Philadelphia lawyer." For instance, new employees at the Lawrence Radiation Laboratories in California are handed a chart which folds out like a roadmap into a description of eight programs and benefits for 21 selected services. In the 168 separate boxes of fine print are detailed the conditions of coverage and exclusions of each of the eight plans. Making sense of health insurance is a problem for all of us, even if we are not given "helpful" charts. With approximately 1800 separate plans in existence to choose from, what are we to do?

Perhaps it would be worth working through the maze *if* private insurance provided complete coverage. It does not. *All* third-party payments, including federal programs and philanthropy as well as private insurance, accounted for only *half* of personal health care expenditures by 1966. The private health insurers make quite a fuss over how extensive their coverages are. They point out that about three-fourths of the population has some kind of hospitalization or surgical coverage and that the number is growing, but the important point is not that the number of persons covered is going up; it is that the insured are not getting much for their money. The insured three-fourths of the population has about one-third of its medical bills paid through insurance. Large categories of medical expenses, such as drugs, dental care, and non-hospital "ambulatory" office visits, are excluded from most policies. These exclusions are critical at a time when consumers spend about 20 percent of their health dollars on drugs, about 10 percent on dental care, and, according to a recent MIT study, another 25 percent to 50 percent for ambulatory care.

Government, principally through Medicare and Medicaid, has ventured into paying some of the medical bills of those least able to pay—the elderly and the poor. Medicare includes two related programs for insuring persons over 65 against the costs of hospitalization, physicians' services and related health care. There is no means test. Part A, Hospital Insurance Benefits, covers practically all persons over age 65. It draws its money from a special hospital insurance trust fund, in the case of social security beneficiaries, and general revenues, in the case of those not currently covered by Social Security. Part B, medical insurance for some (but nothing like all) physicians' fees and related costs, is financed by voluntary individual monthly payments, although the federal government also contributes from general revenues. Medicare functions quite smoothly, though hospitals complain of the paperwork and restrictions, and patients complain that in some hospitals they are discriminated against as Medicare patients. Lastly, and contrary to general belief, Medicare covers only about 35 percent of the total health bill of persons over 65.

Medicaid is more complicated. The primary recipients here are, in the bureaucratic phrase, the indigent "categorically needy": the aged, the blind, the disabled, and families with dependent children. Each participating state must submit a plan, and the categorically needy must be included. States are permitted, but not required, to include persons who are self-supporting but have no reserves to meet medical expenses. These are (again, their phrase) the "medically needy." States may also extend Medicaid to those whose only qualification is poverty. But the federal government will pay only the administrative costs of providing them with medical care. State Medicaid plans must offer five basic services: inpatient hospital care, outpatient hospital care, other lab and x-ray services, nursing home services, and physicians' services. States may elect to provide five additional services for a comprehensive program.

We constantly hear that Medicaid was ill-conceived, that it slipped by Congress while its attention was on Medicare. It certainly was not ill-conceived. Medicaid is a ten-year plan designed to gently badger the states into providing comprehensive medical coverage for all medically and economically deprived persons by 1975. Inflation aside, one reason why Medicaid now gobbles up the dollars is because it is growing, exactly according to the plan set out in the original legislation. After four years of varying degrees of state acceptance, the plan does, however, seem to be a shambles: Medicaid currently serves limited categories of the poor and sick, through benefits of Byzantine complexity, which vary astonishingly from state to state (under Medicaid, New York averages $57 per inhabitant for medical assistance; New Hampshire, $5). The states abuse Medicaid, about a dozen of the states have rejected it altogether, and it is underadministered in Washington.

Skyrocketing costs under Medicaid have led to a well-publicized campaign to economize through administrative reforms. The Administration may actually believe that such tinkering with Medicaid, including November's frantic efforts of yet another Task Force, are the kind of "revolutionary change" which the President said he wanted when he drew attention to the crisis in health care. It would appear so, since the Administration's July report, billed as a major interagency study requiring five months to complete, spent most of its shot on administrative reforms. For instance, the government pins great hopes on the strict limits it recently set on fees of physicians participating in Medicaid. But physicians, angered by this effrontery, are likely to respond either by dropping out of Medicaid entirely, or raising their fees to the new legal maximum, causing costs to escalate further.

This sort of reform is worthless. All large institutional funds such as Medicaid, whether public or private in origin, are uncontrollably inflationary in the present *entrepreneurial fee-for-service system*. There is no effective way to police this vast undertaking. Through their right to determine "reasonable" fees, and behind the screen of the simple physician-patient contract for services, hospitals and practitioners are tempted to take what large third-party funds will allow. Proof is not hard to find. Medical costs were already increasing at twice the rate of increase in the Consumer Price Index when Medicaid and Medicare went into effect. But in that year physicians' fees shot up at almost three times the rate of general prices, while hospital charges, incredibly, increased at five times the rate of general prices! Small wonder that the Senate Finance Committee felt obligated to inquire into possible fraudulent behavior among the 10,000 physicians who in 1968 "earned" $25,000 or more apiece from Medicaid and Medicare.

Federal bureaucratic inefficiency is not particularly to blame, as a recent experience of a private insurer shows. Blue Cross of Kansas, a comparatively simple, modestly financed scheme, recently made $250,000 available to its subscribers for walk-in care at the physician's office. Ten percent of the physicians participating used 50 percent of the fund, and $50,000 was paid out by Blue Cross for simple hypodermic injections alone. Four physicians gave most of the injections, collecting remarkably "reasonable" fees. Patients did not need the injections any more than they did before Blue Cross acted, nor did they request injections. Nevertheless, their physicians prescribed them, and patients, because they were not paying or because they had no idea what an injection should cost, did not object to the artificially high prices charged back to Blue Cross.

It is not going to be easy to change all this, to modernize medical care. With $2.5 million of campaign contributions, the AMA was able in 1968 to control the political forces which shape a health care system costing the public $53.1 billion annually. The AMA pattern is clear: first a survey, a recommendation, a legislative proposal for change, supported by physicians and laymen alike, which speaks up for the public, attempting to head off health care crises like the one we're in. The retaliation of organized medicine is always swift and defensive, reaching an emotional crest on the editorial pages of the *Journal* of the AMA. So it was in 1948 when the recommendations of the President's National Health Assembly provoked a $25 assessment on AMA members for a war chest to fight socialized medicine. So it was in 1951 when the President's Commission on the Health Needs of the Nation was called "another flagrant proposal to play politics with the medical welfare of the American people." So it was, for eight years, with the battle for Medicare which ended in 1965.

[From the New Republic, Jan. 24, 1970]

The Growing Pains of Medical Care (II): We Can Do It Better, Cheaper

(By Fred Anderson)

When the President told the nation last July that its health services were about to break down, he based his conclusion on a major, five-month interagency study. Considering the gravity of the news and the President's call for "revolutionary change," it's astonishing that the study hardly mentioned the one way that we might avoid a crisis—reorganization of the nation's entire health care system. Nothing else could rescue a system where physicians' fees are increasing at twice the rate of general prices, hospital costs are increasing at three times the rate of general prices, and scarce physicians provide fewer services, limited to episodic illnesses, for patients; patients that is, who are not overlooked entirely because of race or class.

Reorganization, if effective, must include three components: group practice, comprehensive preventive care, and prepayment.

Group practice is not a new idea. Physicians learned quite some time ago to cut duplication of office expenses by going into business together. Decreasing overhead increases profits. Comprehensive preventive care, on the other hand, is a new idea. It reduces the present overemphasis on episodic, crisis medicine by requiring that physicians provide for prevention of illness, as well as for its cure, on a family and community

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basis. Prepayment is also a relatively new idea; it helps pass the savings of group practice on to patients. By paying in advance for total care, patients eliminate the itemized doctor's bill which lists a highly inflatable array of fees for each separate service.

These three concepts, when put together, would foster urban and rural group practices, with a variety of health professionals rendering comprehensive medical services, including family and community-centered preventive care, for a prepaid annual fee per group or person. Hospitals would be integrated with the group practices in a regional plan and would be expected to provide types of specialized or intensive care now unavailable to most people.

Solo practitioners, who may number as many as 175,000, have their own fully equipped offices and pay for them by passing the costs on to their patients. But when it is properly set up, a group practice cuts overhead by finding an optimal size for sharing underused resources, such as receptionists, record maintenance, instruments and buildings. Group practice has other benefits. It relieves the medical graduate of the burden of establishing an office and building up a practice. It facilitates collaborative treatment among physicians who know each other well. It makes possible regular hours, time off for vacation, "sabbaticals" for continuing and updating the physician's medical education, and other benefits of a collegial practice. These advantages probably account for the 26,000 physicians who by 1965 had chosen to go into groups, although very few of the 5450 practices had prepayment plans and almost none passed savings along to consumers.

The second component of reorganization, preventive medicine, poses a philosophical challenge to current medical thought about health care. Today, we must wait until we are ill (preferably *very* ill) before modern medicine can bring its sophisticated techniques into play. Hospitals, medical researchers, and, to a surprising extent, private practitioners prefer it this way: illness is impersonal, isolatable, scientific. People, thought of in terms of what's needed to *prevent* illness, are not nearly as tractable. Experimentation now taking place in the urban ghetto in a special kind of group practice may reverse this unfortunate trend.

Not only are these experimental urban neighborhood practices efficient (Dr. Harold Wise, Director of the Office of Economic Opportunity's South Bronx project, says that in his clinic 25 physicians do what normally would require 60); they are a new approach to health services as well. The urban clinics are staffed with a variety of professionals, including the usual complement of pediatricians, internists, and other specialists. But community health nurses, social workers, nutritionists and psychologists are added, in order to give preventive—as well as episodic—care to families. The neighborhood practitioners are critical of the fragmented care which hospitals provide in outpatient departments or emergency wards at night, or in clinics organized around organ systems and diseases—ear, nose and throat clinics, cancer clinics, burn clinics, chest clinics, medical clinics. The patient is critial, too. He sees this array as frustrating, senseless. Need we be told that diseased organs are found in people, people in families, and families in communities, and that overemphasizing the pathology of tissues may underemphasize simple good health? Good health may require intervention in the social, as well as medical, aspects of a patient's problem. As small as the clinics' impact is, they seem to be gaining: several medical schools have started pilot projects; OEO has 40 clinics in operation; Senator Percy and 22 colleagues have introduced legislation for a $295 million program similar to OEO's; and young health professionals, many through the Student Health Organization, intend to make the clinics work.

Oddly, the communities have not always accepted community medicine with uncloyed gratitude, from which an important fact can be learned. Community leaders want control of the health programs and a larger say in what services they will deliver. Thus, Harvard University, which claims the first university-sponsored prepaid group practice plan, has had to contend with community suspicion that Harvard will provide services only so long as the community is content to do no more than provide plenty of illnesses. Tufts University, also in Boston, found that the community's Columbia Point Health Association had ideas about community health which went well beyond the "programmed" level. These "people difficulties" show that medicine is not nearly in close enough touch with its consumers, even in the inner city where medicine has tried very hard. It leads one to wonder what middle-class patients might learn and say if they, too, had a voice in health care. Preventive family medicine, through dietetics, early screening, and broader consultation, could have a great effect on middle-class maladies: ulcers, diabetes, obesity, dental caries, cirrhosis of the liver, hypertension, heart disease, cancer, neurosis. It does not take a physician to realize that each of these can be prevented or detected quite early, and that families and communities contribute to cause and cure.

The last component in reorganization, prepayment, shifts attention once again to economy. Having agreed to a set lump sum to cover comprehensive care, physicians increase their income through internal savings below their predetermined annual income, not by gradually raising fees, here and there, for the uncountable number of separate services now available. Physicians in a prepayment plan must also give their time to patients whose health needs are greatest. This is a healthy contrast to the present situation, where all too often money determines what patients get. If Warbucks chooses to pay the prevailing rate, he can buy two hours of a Menninger's time for little Annie's sniffles. A prepayment group practice, in theory, must be more economical and apportion its talent and time on a health-oriented basis if it is to make money.

The Group Health Association of America estimates that almost eight million people are served, in part or in whole, by group health prepayment practices. About 25 of these are community plans, the largest of which are the Kaiser Foundation Health Plan (Western states), the Health Insurance Plan of Greater New York, the Community Health Association of Detroit, the Group Health Association of Washington, D.C., and the Group Health Cooperative of Puget Sound. Together, they care for up to four million people. The Longshoremen, the Hotel Union (New York), the Teamsters, the Mineworkers and other labor groups support a variety of plans with checkered coverages for another 3.5 to 4 million people. The collective experience of these plans has revealed some interesting facts: our outmoded system typically requires four hospital beds for every 1000 of population served; in the plans, half as many beds are enough, because office visits and outpatient care are more intelligently used, and because there is no built-in incentive to overutilize hospitals in order for the patient "to get his money back" from insurance plans (which usually provide generous benefits for hospitalization but almost nothing for outpatient care). The plans also keep drug costs down. For example, drugs for subscribers to the Seattle plan cost 50 percent less than the national average. The plans, then, are making dramatic savings in just those areas of health finance which are the most expensive, and usually they do it with substantial improvement in the quality of care rendered.

The Kaiser Foundation Health Plan, which now serves almost two million subscribers, has been particularly successful. Kaiser has saved its California subscribers 20 to 30 percent of the costs which Californians must meet if they are not in Kaiser's program. Further, under the terms of Medicare, Medicaid, and private insurance plans, many services are not reimbursable unless delivered in hospitals, causing a tremendous overuse of hospitals and consequently lower uninsured expenditures for early detection and preventive care. By reversing the incentive Kaiser has cut hospitalization 30 percent and costs even more, and without higher outpatient costs.

But group practices *alone* will not get us better medicine at lower cost. Especially when organized by physicians themselves, they rarely pass savings on to patients. Community and labor plans like the ones above are exceptional, in spite of their successes in some parts of the country. Nor will adding the prepayment device to group practice cut into medical consumers' huge bills unless a way can be found to keep down the initial lump sum payments. The purchasers of medical care need to be able to find effective representation for themselves and to challenge abuses when there is an increase in annual prepayments. What is needed in fact, is countervailing "patient power."

Although prepayment cannot do the whole job, it does lay a foundation for effective patient representation. National norms for what a medical consumer should pay for comprehensive care are already evolving, since a prepaid group practice is a manageable unit for quality review. (The plans mentioned have begun to develop a figure, leaving age differences aside, of around $130 a person a year.) With the evolution of standard costs for comprehensive services for individuals in various age groups, one is able to inquire why any particular group practice cannot hold its rates down to the norm. And given patients, services and profits, it is possible to develop a set of facts with which a group, an insurer, a consumer's representative or a government agency can criticize the quality of care rendered. For instance, the cost of *my* minor respiratory disorder is almost impossible to estimate. But the cost of 2000 of them can be estimated, and that information used for more rational health pricing, or, if need be, as a weapon in the consumer's battle for better care and reduced costs. Furthermore, united consumers can afford physicians, and economists, who are hired to protect *their* interests.

As matters now stand, no one really knows how to challenge physicians' fee scales. (There is much talk and some effort directed to "quality control and review" under the federal programs, but review depends upon statistical analysis, and the needed data cannot be produced under the present organization of health care.) To make things easier, relevant statutes can be amended or passed to require annual reports to subscribers, where statutes do not already require this disclosure as part of corporation or partnership law. There is no good reason why the financing of health (the second largest of all our private industries, second only to education), should not be openly reported. Participants can negotiate collectively for coverage and for items of preventive care from which the community or group as such can benefit. Prepayment can make available additional kinds of health benefits which are unmanageable in a fee-for-service system. The large institutional funds may even do it for them. For instance, state Medicaid agencies have already bargained with the Clackamas County, Oregon, Physicians' Association and with 290 physicians in California's San Joaquin Valley to pay fixed per capita premiums for total care for Medicaid recipients. A private insurer, if it had to, could do the same.

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The success of groups like Kaiser in cutting consumers' costs by 20 to 30 percent is encouraging. Similar savings nationwide could save $7.5 billion in hospital bills by 1975. But without being overly cynical one may ask why physicians, who are in short supply, would want to respond to the pressures of patients, who are in large supply, even if annual set rates are charged. There is no final guarantee that physicians would not keep the annual rates as high as they possibly can. But if they attempt to do so they will meet informed opposition where virtually none had existed before. They will have to push prices up under the scrutiny of consumers' representatives who know facts formerly unavailable—facts showing how much increase is due to real costs, normal inflation, waste, or higher incomes for physicians.

Either physicians will see the wisdom of economies in the financing of health care and in reorganization or they will risk their prestige to demand even larger incomes and the continuation of wasteful practices which make life easier for the physician and harder for everyone else. Even if blinded sometimes by the preeminence which they enjoy in American society, physicians know that they are wide open to every kind of regulation and control once they lose the prestige that has made them so effective in Congress. Many of them believe that group practice and prepayment, combined as described here, or in another way, are a means of preserving the private practice of medicine.

The medical profession may not go gently into reorganization, however, and for reasons other than its desire to continue to receive large incomes and practice fee-for-service medicine. Early efforts to get group practice accepted showed that the profession can be quite effective in opposition. Organized medicine, working determinedly in the forties, has left 20 states with laws that pose barriers to group practice, voluntary care plans, or consumer control of the business and financial aspects of these activities. Of course they want to increase their earnings, but physicians also say that entrusting more than one physician with a single patient's care destroys the crucial "doctor-patient relationship" of trust and continuity. They believe this even though the experience of large hospitals with team treatment has been excellent, even though neighborhood centers have actually expanded the scope of meaningful doctor-patient relationships, even though continuity of care is mainly important in episodic, not chronic or preventive, care, and even though it has been demonstrated that a succession of new faces and fresh interest is better for some patients.

Accustomed as they are to autonomy, many physicians rankle at the thought of quality review, or peer review of a partner's contribution to the practice. Nor are they comfortable with the social side of preventive, comprehensive care. Prevention is vague, frustrating, not scientific; they prefer detective work on tissues, which is more "satisfying" to them. At the same time, they are unwilling to accept other health professionals as colleagues who can give valuable advice and initiate some care. This is particularly unfortunate since supporting staffs now are doing much of the actual work, with physicians spending more and more time just supervising them. Over the decade 1955–1965 "physician-directed services" rose 81 percent and hospital services 65 percent, although the increased output of physicians (22 percent) barely exceeded population growth (17 percent). Tasks were taken over by nurses and medical auxiliary personnel. Lastly, physicians' frustrations are compounded because their expertise in crisis medicine (surgery, cures for infectious disease, treatment for various trauma) is receding as it becomes more important to provide continuing care for children and the elderly, both of whom make up increasingly larger proportions of the population.

Nevertheless, the medical profession is not by any means close-minded. The three-part reorganization discussed here is palatable, I believe, because it does not run head-on into the charge of medical socialism which other plans face. When led away from politics, where emotions run high, practicing physicians may actually suggest reorganization to improve cooperation and efficiency. Robert Sigmond reported to the National Conference on Health Costs that in a year-long study, he had asked physicians whether, in the event of war or other national emergency, they could reorganize their areas' health facilities so as to free staff and equipment for the emergency without substantial impairment of preexisting care. They said they could, through an efficient regional group practice plan. Many physicians, especially the younger ones, while not sure about family-centered preventive care, are interested in prepaid group practice because of the collegiality, security, regular vacations and regular hours that group practice makes possible. In a sense they have stopped admiring the nineteenth century independent entrepreneur and have started imitating his successors in modern corporations and partnerships.

[From the New Republic, Feb. 2, 1970]

THE GROWING PAINS OF MEDICAL CARE (III): PAYING FOR HEALTH

(By Fred Anderson)

If it were not for the financial squeeze on the Middle American, President Nixon, Secretary Finch and Dr. Egeberg probably would never have gathered at the White House last summer to admit that the nation's health care system is in very bad shape. Politicians are pretty shrewd diagnosticians themselves. They see where the public hurts—in the region of the pocketbook. And so they prescribe "reform." Rep. John Dingell has a plan; so do Sen. Jacob Javits, Governor Rockefeller and the AFL–CIO. Even the AMA suggests a tax credit proposal which is being advanced by Rep. Richard Fulton and Sen. Paul Fannin. For the most part, all these "reforms" are after short-run savings and avoid "revolutionary change," which is what the President said we should have.

The AMA recommends that the cost of purchasing health insurance be a credit against income tax. These benefits would be graduated, so that those with higher incomes get correspondingly less benefit; persons whose incomes are so low that they got little or no benefit from the proposal would have part or all of their insurance premiums paid by federal, state or local government. A tax credit rather than deduction at least tends to give lower income groups as much of a break as the rich. But the AMA plan doesn't reach the cause of the crisis. Wasted resources, inflation, limited episodic care, and exclusion from insurance coverage of high risk patients would continue, except that insurance premiums would quickly surpass physicians' fees as inflationary items. Helping the taxpayer pay for inflation is no substitute for better care at less real cost. Where Medicaid waste occurs in exorbitant hospital bills and physicians' fees, the waste in a tax credit plan would come when private insurers got the breathtaking boon of indirect federal payment of a large share of the nation's insurance premiums. Congress ought to think twice before subsidizing a health insurance industry which imposes ever higher premiums, excludes more and more costs and treatments from coverage, and fails to insure more than about one-third of the poor. I hope my first two articles made clear that reorganizing health care is far more important than merely refinancing it. Yet refinancing is really all that the AMA plans, and most of the various national health insurance plans, would accomplish.

I am for national health insurance. But if enacted today, *with no change in the underlying system,* national health insurance would feed inflation for the same reasons that Medicare, Medicaid and private insurance feed it now. The physician's right to self-determined "reasonable" fees and the present physician-patient contract for services shields hospitals and practitioners from scrutiny and tempts them to take what they can get from large third-party funds, principally the federal programs and the private Blues. We saw this happen in the abrupt tripling of the rate of increase in physicians' fees and the quintupling of the rate of increase in hospital fees in the first year Medicaid and Medicare were in effect.

How then should health care be paid for? Two weeks ago I suggested that in return for a regular, set prepayment, each medical consumer ought to be able to receive comprehensive care, largely from group practices adept at family and community-centered preventive medicine. I also suggested that hospital care, and its financing, be coordinated with the group practices. Suppose for instance, that Congress were to authorize the Social Security Administration to increase payroll taxes on a sliding scale, thus creating a large fund out of which the public's medical expenses could be paid. No one would be exempt from this tax; on the other hand, no citizen could be denied its benefits. Suppose also that in order to pay the public's medical bills, Congress added to this fund from general revenues. This National Health Insurance fund would cover as many medical services as Congress could be convinced to include. Patients would be entitled to receive these services without additional charge, and physicians and health care institutions would receive payment for them from federal National Health Insurance. Gradually, other services would be added, until there is comprehensive health care for all.

The critical step comes when physicians or institutions ask National Health Insurance for reimbursement. They will, of course, be entitled to their fees, whether or not they practice in groups, participate in regional hospitalization plans, economize, accept annual lump-sum payments rather than fees-for-service, or practice preventive medicine. In fact, the only thing that might keep physicians or hospitals from being reimbursed is their refusal to submit information on health care delivery in sufficient detail to permit review by panels of physicians. But if physicians and health care institutions actually did move toward regionalized, prepaid group practice, they would be entitled to extra payments from National Health Insurance. Their less progressive, fee-for-service colleagues would have an incentive to do likewise.

The kind of special financial incentive I have in mind would reward pediatricians, internists and other specialists for forming group practices, with a bias toward preventive medicine. But incentives would do more than that. A key concept in reorganization is the sharing of total health responsibility among a team of health professionals. To foster the development of such teams, National Health Insurance might initially pay the entire salary, or a large fraction of it, for a consulting dietitian, or a community health nurse. Thus group practice, preventive medicine and shared responsibility would be made financially attractive to physicians, reducing their changeover costs substantially.

A variety of diseases can be headed off before they do their damage (e.g., glaucoma, high blood pressure, cancer, tuberculosis). Californians in the Kaiser Plan have been

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delighted that it offers screening (smears, x-rays, etc.) for as low as $1 per test. Prevention is cheaper than cure, and Kaiser is a *prepaid plan*. National Health Insurance, by offering to buy the necessary screening equipment and pay part of the operating costs, would be offering a further incentive to physicians to set up Multiphasic Health Screening (MHS) throughout the nation. The federal government has already supported MHS on an experimental basis in New Orleans, Milwaukee, Brooklyn and Providence.

The success of National Health Insurance, then, depends on a comprehensive plan which handles the medical care system with the right sticks and carrots. Such a plan is being drawn up by the Committee for National Health Insurance, which exists largely through the efforts of Walter Reuther and the UAW. Its membership includes Senators Yarborough, Cooper and Kennedy, Dr. Michael DeBakey, Whitney Young, Dean Robert Ebert of Harvard Medical School, Arthur J. Goldberg, Dr. Charles Mayo II, and Mayor Carl Stokes. A capable Technical Committee, headed by Dr. I. S. Falk, who has retired from teaching at Yale Medical School, is working on details which will be made public in mid-March. There are still some difficult questions. Will ceilings be set on the physicians' fees and insurance premiums charged during the transition period? (There seems to be no other way to curb inflation until the plan has a chance to take hold.) Should fee-for-service medicine be strongly discouraged right from the start? How long should the reorganizational changeover be expected to take?

Almost $20 billion of federal and state funds currently goes to medical education, health facilities construction and medical research. The money is not being wisely spent. Not only have we too few physicians; there is an imbalance in the distribution of physicians among the specialties as well. Take surgery. According to economist Victor Fuchs of New York University, surgeons averaged only 220 operations each in 1966, well below most surgeons' capacity for competent care. National Health Insurance would try to alter the career choices of medical students by supporting medical school training programs in undersupplied specialties (particularly those needed for family-centered health care teams), by funding internships and residencies in those specialties, by supplementing the salaries of young physicians who choose these careers, and by helping in critical regions and neighborhoods to build the facilities needed for group practice.

I mentioned earlier that National Health Insurance would gradually replace out-of-pocket expenditures, private insurance, Medicare and Medicaid. Thus, in its first year, NHI might pay the total costs of basic services (outpatient and inpatient hospital care, physicians' services, etc.), adding new services each year thereafter (laboratory and x-ray, nursing home, etc.), until comprehensive care is reached. I favor this approach. Others, however, think National Health Insurance should pay an escalating percentage of *all* personal medical costs until comprehensive prepaid care is attained. Senator Kennedy disagrees with both these approaches and argues that infants, preschool and school-age children up to age 15 should receive total coverage the first year (1971), since preventive medicine would help them the most, and that the rest of the population should be added in ten-year steps (age 25 in 1972, age 35 in 1973, etc.) until National Health Insurance links up with an expanded Medicare program at age 65.

All these alternatives are reasonable ones; the only unreasonable one calls for immediate assumption of the entire $40–45 billion personal health care bill by National Health Insurance. It's unreasonable because it would perpetuate wasteful practices that might be eliminated through incentive payments and reviews. Also, while it is important that patients be able to make set prepayments to National Health Insurance (so that they can budget ahead for health care), it is more important for physicians to be paid in advance for care. Such a system will take time to build. A rapid takeover of the $40–45 billion health bill now paid for care *after* it is rendered would actually protect the fee-for-service pricing mechanism.

The success of National Health Insurance will depend very much upon how physicians react to it. Many have said they favor it; young physicians are not likely to oppose it as strenuously as their older colleagues. Nevertheless, the recalcitrance of physicians could throw health care into chaos. Nowhere in the world have physicians had the prestige, organizational muscle and resources that they do in the US; and nowhere else has there been a professional group more grimly determined to resist "socialized medicine." It is not just the AMA, which draws on dwindling but fervent support from the 20 percent of physicians in patient care who are general practitioners. Most specialists, salaried hospital doctors and medical school teaching staff are not interested in "national" health plans.

The resistance of some physicians to National Health Insurance is predictable; what is not predictable is how public opinion will form in the coming months. There are good reasons to think that the public is more receptive to National Health Insurance than is generally believed. Over the past few months politicians have flocked to the medical care issue, which gives support to this view. At the same time, organized medicine's image has been tarnished. The public did not think much of the AMA's victory last spring when it kept Dr. John Knowles from becoming Assistant Secretary for Health and Scientific Affairs, even though Dr. Knowles was Secretary Finch's choice (and the President's too, it appeared, for a few hours). The press used the incident as a short seminar on power politics, self-interest, and the shortsightedness of organized medicine. A 1967 Harris poll found that a majority of the American people favored a federal medical care insurance plan modeled on Medicare for the entire population. Indeed, most Americans were receptive to a federal role a decade ago. During the 1960 Presidential elections the Inter-University Consortium for Political Research at the University of Michigan found that 59 percent thought that "government ought to help people get doctors and hospital care at low cost." Early public support for a federal role in medical care also helps explain the 1965 passage of Medicare and Medicaid, despite frantic opposition by the AMA.

The Nixon Administration's opposition to National Health Insurance is based on the argument that it would be uncontrollably inflationary. This puts the Administration in something of a quandary. If inflation is running amok, reform of the kind I have described is necessary. And yet such far-reaching reform will be fought by the AMA with all its political resources, and the multi-billion dollar health insurance industy, threatened with extinction, would not be far behind.

The Administration thinks it has a way out through a proposal the AMA advanced in 1968: more medical services and manpower. True, in classic economic theory and increase in supply slow down inflationary demand. But more MDs and support personnel are wasted in a system which quickly loses marginal gains in its general inefficient operation, in population growth, and in increased demand. The most recent confirmation of this was offered in 1966 by the National Advisory Commission on Health Manpower, which concluded that we should not continue to expend vast sums, simply to get marginally more services of the same kind. We *will* need more physicians and other health professionals, but added numbers will not get the American people the care they need at prices they—all of them—can afford.

The Committee for National Health Insurance will soon publish figures on the money we have lost through inefficiency in our health care system—not from inflation, not from poor financing mechanisms, but from plain waste. Taking insurance alone, medical consumers are being squeezed to death by both private and federal insurers. When costs become too great for insurance companies, they raise premiums, refuse to insure for more and more kinds of illnesses and costs, and turn down high-risk applicants. After a while the federal government begins to pay a share, principally through Medicare and Medicaid. Yet government too can apply the squeeze in our present system. Congress has limited the categories of the medically needy and cut funds; the Administration has cut health budgets and talks of ineffectual administrative reform. Congress could end the squeeze entirely by enacting a compulsory National Health Insurance plan, but one which commits government to add, not subtract, benefits, and which includes carefully worked out incentives for the reorganization of our entire health care system.

LEGISLATIVE STATESMANSHIP AWARD TO SENATOR PROUTY

Mr. SCOTT. Mr. President, one of our colleagues has recently been honored for his outstanding work on behalf of the handicapped. On January 23, 1970, the National Council for Exceptional Children presented its Legislative Statesmanship award to the distinguished Senator from Vermont (Mr. PROUTY) for "his long support and sponsorship of programs to make education a reality for exceptional children throughout this Nation."

The action of the council in giving this award is most commendable for they have honored a man, who although he has done much in the area of legislation for the handicapped, has done little to make those efforts known. Throughout the years that I have known him, I have found this to be typical of "WIN" PROUTY, for he is a man who seeks not the power and prestige of office for its own sake, but who is able to use that office to help others lead happier and more useful lives. His landmark legislation, The Handicapped Childrens' Early Education Assistance Act, is just one example of his dedication and effectiveness.

In accepting his award, Senator PROUTY presented some remarks to the Vermont chapter of CEC assembled at a banquet to honor him. I think his speech was most noteworthy, for he summarized the progress made in this area of legislation to date and then described the major concerns that should guide any future legislation.

I ask unanimous consent that the full text of his remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WINSTON PROUTY

Now that we have completed the first session of the 91st Congress and the first session of the Nixon Administration, I think this might be a very appropriate time to discuss

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the great strides that have been taken in the education of the handicapped up to now, the efforts that are under way today, and what we might look forward to in the future.

I think it is fair to say that in the last decade, Congress has initiated efforts that will assist in meeting the pressing needs of our nation's six million handicapped children. This is not to imply that the Congress has just discovered the handicapped. As early as 1864, the Congress and the Administration under President Lincoln recognized the need to provide financial aid for educating the handicapped with its support of Gallaudet College for the Deaf in Washington, D.C. and in 1879, in providing funds for the American Printing House for the Blind. However, it was not until the 1950's under the Eisenhower Administration that the federal government assumed a major program role in general education as well as special education. In 1954, President Eisenhower signed into law the Cooperative Research Act which authorized research grants to institutions of higher learning and earmarked research related to the education of the mentally retarded.

During the 85th Congress, PL 85–926 (Education of Mentally Retarded Children), the first legislation to provide for training of special education personnel, was enacted. This, I believe, has been one of the most successful programs administered by the U.S. Office of Education. Ten years ago there were less than 30,000 teachers of handicapped children in the country; today there are over 83,000. Public Law 85–926 in the last decade has extended training opportunities to over 44,000 teachers in the United States. In Vermont today there is immediate demand for an additional 500 teachers of handicapped. Last year, 70 Vermont teachers and speech therapists received training under PL 85–926. However, this program needs expansion in Vermont. I know that UVM's new Department of Special Education has submitted a proposal and that St. Joseph the Provider plans to do the same. Hopefully, these proposals will be approved and more of our colleges will become active in this area.

In 1963 Congress, under PL 88–164 (Mental Retardation Facilities and Construction Act) extended authority to the U.S. Office of Education to provide research grants and demonstration projects to explore further the unique learning traits of handicapped children.

In 1965, the 89th Congress provided through the Elementary and Secondary Education Act funds to state and local education agencies to upgrade and extend educational services to children in both public and private facilities. The broad scope of ESEA provides Federal assistance to handicapped and disadvantaged children through use of special instructional materials and innovative resource centers. Subsequently, Congress amended ESEA through PL 89–313 to provide that children in state supported schools for the handicapped would receive assistance under the Elementary and Secondary Education Act.

During the past year, Public Law 89–313, (Amendment to Title I, ESEA) extended education benefits to approximately 785 handicapped Vermont children through the Departments of Education and Mental Health as well as other supporting institutions. For example, the Brandon training school provided a vocational training program for 45 retarded adolescents. The program demonstrated that those youths can, with assistance, become productive members of our society rather than simply consumers of public resources. While we have often talked of this potential, I am delighted to see it put into practice.

Public Law 89–313 also made it possible for handicapped children throughout the state to expand their knowledge of their environment and to experience one week of camp at Lake Fairlee. I think Public Law 89–313 has been a most effective program for it has demonstrated that all children are capable of learning whether the learning environment is in the home, the public school, or in a residential facility. For many of these children this was their first exposure to an educational program and for many it may be the critical difference as to their future ability to lead meaningful and productive lives.

In 1965 when the Congress passed the Elementary and Secondary Education Act it provided under Title I funds to states and local school districts to attack the problems of the educationally disadvantaged child. It was the belief of the Congress that handicapped children were educationally disadvantaged and thus eligible for funds under the act. However, after a year of operation it became evident to us that little was being done for handicapped children under this act and that at the same time there was no voice in the Office of Education to enforce the intent of the Congress. For this reason, in 1966, against opposition from the last administration we created the Bureau of Education for the Handicapped and the National Advisory Committee and established Title VI of the Elementary and Secondary Education Act.

I would like to take just a moment and commend the efforts of the Bureau of Education for the Handicapped and the National Advisory Committee. The National Advisory Committee, under the wise direction of Dr. Sam Kirk and with able support from persons such as John Melcher, has provided to the Congress and the Administration the clear articulation of needs of handicapped children that is so necessary for the development of legislation. This action combined with the leadership of the Bureau under Dr. Jim Gallagher and now Dr. Ed Martin has created one of the most highly respected and successful agencies in the federal government. Although this Bureau is still understaffed, I am hopeful that it will be given increasing opportunity to grow and develop more innovative programs of benefit to the nation.

Title VI–A of the Elementary and Secondary Education Act, as you know, stimulates the initiation, expansion, and improvement of programs for handicapped children. To be eligible for Title VI funds, each state is required to develop a state plan. The priority needs of the states are listed in each state plan and criteria for approval of projects or programs to be funded under Title VI are abase on the priorities.

One of the greatest unmet needs determined by the Vermont Title VI Study Group was the necessity for establishing a means by which children with minimal disabilities might be provided services within the regular school structure in order to prevent the eventual need for special self-contained classes. Optimally, we ought to meet a child's educational needs in as normal a setting as possible. It is to this end that Title VI–A has made possible the creation of such projects as the "counsulting teacher program" under the direction of Dr. Hugh McKenzie. I am pleased that the program not only provides direct services to children but also incorporates the elements of personnel training and research so that eventually, if successful, similar programs can develop throughout Vermont and the Nation.

Since the passage of Title VI the Congress has continued its efforts to aid in the education of handicapped children. Legislation was passed providing for regional resource centers that give special education diagnostic and prescriptive services. The Captioned Films for the Deaf program was expanded to include education media for all disability groups; a teacher recruitment program was created to stimulate the entrance of personnel into the field of special education, and a precedent was established by requiring that of the funds expended under Title III of the Elementary and Secondary Education Act, for innovative services, 15 percent must be spent on programs for handicapped children.

Although there are many who favor block grants to the State so that each area can determine its local needs, it was found that this form of categorical aid is necessary to insure proper coverage of handicapped children. Specifically, we know that about 10 percent of school-aged children are handicapped, and yet they receive less than 5 percent of the sums spent for various special titles. In setting aside 15 percent of the funds, Congress tried to assure coverage of the greater costs of special education for this 10 percent handicapped population. The likelihood is that more such categorical aid will be established unless the States take active measures to meet the needs of all their students fairly. Here in Vermont, I am confident that we will not wait for such Congressional mandates, and I am proud of the efforts being made to help *all* of our students.

During the second session of the 90th Congress, evidence was brought before the Committee on Labor and Public Welfare on which I am pleased to serve indicating the lack of attention that vocational education is giving to the problems of handicapped children. Figures compiled by the U.S. Office of Education showed that in 1966 over 1 million persons were enrolled in vocational education programs throughout the country. Of this numer less than 1 percent were persons with special needs. During the 1965–66 school year, of all known expenditures for vocational education programs only 1 percent of the funds were spent for children with special needs.

Using this evidence as a basis, we amended the Vocational Education Act and required that 10 percent of the state grant funds under vocational education be used for vocational education for the handicapped.

I would like to note that state leadership in Title III and Vocational Education are deserving of praise for the manner in which they were willing to sit down and work out agreements and plans for extending additional services to handicapped children. I hope that such cooperation will continue and grow.

In 1968, I had the pleasure to introduce the Handicapped Childrens Early Education Assistance Act. We have long known in our nation the importance of early years of life in the development of the learning abilities of children. We had seen our government commit large resources to Head Start and other pre-school programs for the disadvantaged. On May 7, 1968, in introducing the bill, I noted that:

"There is no child who deserves a First Chance, a helping hand, more than the child who enters this world with dim vision, with faint hearing, with difficulty in comprehending the nature of our world, or with any of the myriad disabilities which afflict our handicapped children."

In September of 1968 my bill was signed into law. The Act provides for the establishment of model centers throughout the nation to develop educational techniques, programs for training personnel, and systems for informing communities about the problems of handicapped and stimulating more active citizen involvement. To date funds for this program have been limited, but I was pleased that planning funds have been awarded to Brattleboro for the development of such a center. This project for inception reflected the work of many persons and while it is the responsibility of the Brattleboro schools, it already is very much a part of the community and region.

The first session of the 91st Congress, last year, reflected continual Congressional interest. Several significant bills were introduced.

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The first, which I sponsored, was to create a National Center on Educational Media and Materials for the Handicapped. The bill was signed into law by President Nixon in August.

A second bill is the Children with Specific Learning Disabilities Act of 1969. In the past few years considerable evidence has been brought before the Congress indicating that there exists a form of handicap that possesses little physical or medical base, but is significant in the sense that the children seem to exhibit a consistent inability to profit from normal learning processes. We have heard numerous terminologies for these children—dyslexic, aphasic, ad infinitum. In trying to comprehend the size of this population, we were presented with wide-ranging estimates of the school population. For these reasons, the Congress found difficulty in coming to grips with this evident and pressing problem. In January of 1968 the *First Annual Report of the National Advisory Committee on Handicapped Children* tackled this problem, and I am deeply indebted to the solutions which they reached which form the basis for the bill. The Advisory Committee provided a definition of children with specific learning disabilities and that definition has basically been incorporated into the proposed legislation. On the basis of this definition, we were more able to focus on the enormity of the problem. The committee expressed great concern that efforts to assist learning disabled children should not be done at the expense of the pressing needs of other handicapped children. For this reason, it was decided at this time not to change the basic programs being provided now for handicapped children but to create for the present a separate authority to provide for research, training, and model programs for the learning disabled child. Action on this measure should be forthcoming shortly.

During the last session of the Congress, I introduced with other Senators a bill to create the Gifted and Talented Children's Educational Assistance Act. While the gifted are not considered by many to be handicapped, there is much reason to do so. These children do have difficulty in the normal class and do need special attention. Also, much of the research in this area has produced results of benefits to all education programs for the handicapped.

While programs for the education of exceptional children have made substantial progress through legislation and the efforts of federal, state, and local leaders in this field, the reality still haunts us that one out of three of the handicapped children of this nation are not receiving appropriate educational service. It is my belief that the time has come for us to look more closely at the total picture and come up with a means by which all handicapped children can get the quality of educational opportunity they deserve. I was very pleased that President Nixon was able to act on my request for White House attention to this matter by appointing Task Forces on the Physically and Mentally Handicapped. I am also very pleased with the interest I find growing at the local level and think that your fine workshop here today is just one such example.

In seeking new directions for action, I think that there are several points which we should examine.

First, regardless of increasing federal interest and participation, states and local communities must continue to increase their efforts to develop services for these children. There is need to develop an effective partnership between levels of government, with each level clearly articulating its responsibilities. Here in Vermont Jean Garvin and Sister Janice Ryan have already done much to achieve an articulation of goals and responsibilities, but not all states are so fortunate to have such dedicated and talented people. At the national level, I am sure you are all aware of the problems of federal funding and the burgeoning number of programs. It is my hope that in this session of Congress we will be able to define more clearly the federal role in education. Such efforts are presently underway in regard to the education of the handicapped. We have recommended to the Senate the recodification of all existing educational programs for the handicapped.

The second area to be considered centers around the fact that education is only one part of a total spectrum of services which the handicapped child and his family need. Through the activities of the federal, state and local government, we have seen developed health, rehabilitation, social and welfare services all directed at meeting the unique needs of the handicapped. However, we still have major gaps between these services and the needs of the individual. I think often of the handicapped citizens in rural areas of the state and how difficult it is for their small communities to provide comprehensive rehabilitation programs. The approach we have traditionally used in solving this problem has been to remove the individual from the community with little respect for the consequences to the child. I hope that we will begin to apply our advanced technologies of communication and transportation and seek alternatives that do not destroy the valued relationships between the child, his family, and community.

Third, comprehensive services require the inter-working of varied professional disciplines. However, the concern has often been expressed to me that handicapped children get caught in the middle of this conflict. It is my hope that we can begin development at the community level, and perhaps the school is the appropriate vehicle, of a system of coordination and communication between disciplines so that the children and their parents can obtain appropriate services when and where they are needed.

Finally, the goal of providing equality of educational opportunity for every handicapped child cannot be achieved by government alone. In our democratic system it is imperative that there exist organizations such as those represented here today that will consistently bring before policy makers at all levels of government the needs of the children they represent.

My nineteen years in the Congress have taught me that all wisdom does not lie in government. We must rely on you, the taxpayer and the recipient of services, to provide us with feedback as to program impact and effectiveness. For without such information, our alternatives for action become limited. The Nixon Administration and the Congress are now asking major questions about all programs at the federal level. We believe that it is senseless for our limited resources to be poured into programs that have little value to the public. I urge all persons concerned about handicapped children to increase their efforts so that the day may come when our society can provide all children the opportunity to learn and become contributing members of our society.

THE FLORIDA EVERGLADES

Mr. MUSKIE. Mr. President, most of the environmental news we hear today is bad news. The accumulated disasters caused by our heedless abuse of the environment threaten the quality of our life and life itself. Too often our alarms are too late to avoid irreparable damage.

Occasionally, however, we manage to act before it is too late. One example of this was the recent decision to abandon a proposed jetport outside Miami which would have threatened the existence of the Everglades. The causes of that decision have been described with great skill by Philip Wylie in an article entitled "Against All Odds, the Birds Have Won," published in the New York Times of Sunday, February 1, 1970.

I hope that Mr. Wylie's article will stimulate effective action, not only against other potential threats to the Everglades, but also for more sensible land and water resource planning and development and population distribution patterns for southern Florida and other areas where the balance of nature is so important to the quality of life.

I ask unanimous consent that Mr. Wylie's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGAINST ALL ODDS, THE BIRDS HAVE WON

(By Philip Wylie)

MIAMI.—It seemed the only logical, sensible course of action. Thirty-nine square miles were purchased in central South Florida, $13-million was spent, a landing strip for training flights was constructed. Florida desperately, obviously, needed a new jetport; the site beside Everglades National Park was eminently reasonable—within swift reach of the booming cities on both coasts, once expressways were constructed.

Yet, it is not to be. The startling fact, rumored here for weeks, was confirmed by President Nixon in mid-January: No Federal funds would be granted for a jetport in the Everglades. The port, with its satellite industries and residential developments, would have to be built elsewhere.

And all to save an apparent wasteland—a super-swamp, an endless sea of shallow-water sawgrass—from the pollution of jet sound and jet contrails, from the attendant on-ground sewage and industrial waste. All to save a 1.4-million-acre mega-bog, an infinite nothing where those tourists who are forced to stop for a tire change get out of their cars in wary dread. For the Everglades is known to abound in horrors, in alligators, poisonous snakes, clouds of mosquitoes and huge, biting flies.

Natural assets and wildlife preserves have been rescued before, just before the bulldozers moved in, but what was new here was the magnitude of the work already done, the money spent, the solid expectations suddenly rejected. What was novel was that the Nixon fiat had been made against tremendous commercial investment and popular demand and need—in the face of the jetport, its hotels and supermarkets and other cultural artifacts that would attract the whole world of air travelers and become 50 or 500 times as great a source of profits and taxes as the million or so tourists who now visit the Everglades each year.

What was portentous was the precedent: Had an example been set? Would the conservationists, the champions of ecology, outnumbered by perhaps 100 to 1, slandered for years as "fanatics who care more for birds than for people"—would these enemies of progress gain the upper hand?

The victory, of course, is not total. The existing landing strip will be used for training flights until a new site is found. The ecological effect of such flights is unforeseeable. Yet, for those who have fought the jetport, the President's announcement is a start, and more than a start—the men and women who were fascinated by the incredible birdlife in the Glades, the others interested in conserving game to shoot at; those who hoped simply to preserve swatches of wilderness for the eyes of posterity and those who understood the unique ecology of South Florida's Glades, yet found it difficult to communicate their knowledge to anybody else.

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One logical argument the jetport opponents had been able to summon up was easily expressed. The aquifer from which the urban sprawl of coastal cities draws water might have been polluted by the development. These many-trillion-gallon stores of ground water lie only 100 feet below the porous rock of South Florida. Already, that natural storage cistern had been diminished by saltwater incursions to the east and west, caused by activities such as canal digging and drilling.

On the other side, it was pointed out that, even if the ground waters became contaminated, there was an alternate supply to the north. Yet, the threat to a vital water source was not easily talked away.

But all such arguments, and the alarums of bird lovers and hunters alike, might have gone for naught without the fast-growing American opposition to environmental pollution in general. It has made ecology big today. It has been said that every Congressman has become an ecologist overnight, though few could have defined the word a year ago. Now, it has political clout, even though Congressman and layman alike find the conception beyond their perception.

The relationship of life forms to their environment? It can be rattled off the tongue, but it still eludes the mind.

The Everglades are, ecologically, unique on the planet and extremely complex. A map of Florida will show why. The southern third of the peninsula will be marked "Everglades." This vast wetland is, in fact, three kinds of swamp. The northmost begins at Lake Okeechobee, a shallow body of tepid fresh water more than 700 square miles in area. The lake is (or was) the "head" of the Everglades supply of slow-flowing water, aptly called a "river of grass" by author Marjorie Stoneman Douglas.

This first segment of the Glades is the Big Cypress Swamp, though all the big trees save a sample owned by the Audubon Society have been cut and most of the cypress was always stunted and small, though often very old. Next comes the sawgrass region, the swamp that gave its name to the whole, an interminable prairie of brownish "grass" standing in shoal water, as a rule, and broken only by jungle domes called hammocks. The sawgrass is not grass but an abrasive sedge, and a man trying to bull through it would soon be stripped of clothing and then of skin.

The third swamp is a mangrove forest, the largest on earth, where labyrinthine waterways twist and branch and open into secret lakes. Mangrove is literally impassable for any distance, as its tentacle-like roots and stiff, entwined branches stand in slow-moving water that becomes brackish, then salty and, finally, the sea. All three swamps compose the Everglades—and it occupies the whole peninsula from edge to edge, a swamp of more than 5,000 square miles soaked by a river that is the world's slowest, shallowest and, since man has tinkered with it, perhaps the least dependable.

A SLIGHTLY TILTED COOKIE TRAY

Nothing anywhere on earth is even physically similar. Southern Florida is like a very slightly tilted cookie tray with low, coastal edges where dunes and outcrops of oolite, a soft, limey rock full of fossil shells, are elevated enough for building. The cities and satellite towns string down both coasts to the place where the statewide "river" begins to merge with sea water, now the oceanfront of the park. The hammocks that interrupt the sawgrass are caused by such oolite emergences. Some are miles long, others the size of a carrousel, and they support trees of many sorts, including West Indian species and most of what is left of the once-abundant mahoganies.

It is possible, of course, to build in the Glades. Many developments already encroach on them. The vast wasteland could be turned into a megalopolis with modern machinery. Excavating fill for building sites would merely leave large stretches of water canals and lakes, an effect that could rival Venice and be huge enough for 10 million inhabitants, or more. And if the Everglades were to vanish beneath an aquatic supercity, humanity could exist without missing a thing, save for a few lowly creatures.

Why guard such a priceless region from so rich a potential when, especially, the coastal strips are already solid walls of cement and the pressure of local population is desperate? With 20-odd million tourists shoving, too!

Why halt progress, especially when progress has already played havoc with the wet wilderness and may yet destroy it, the national park included? The Army Corps of Engineers has constructed enormous "water conservation" areas to the north, diked mega-ponds that store the rainy season's deluge for urban and agricultural use. These reservoirs were made to prevent flooding, also, and they have, so far, failed to supply the park with sufficient water in dry periods to sustain its flora and fauna.

The impounded water has drowned deer in the thousands. And fresh water needed to sustain the Glades and to maintain ground-water capacity for the million or so people now in South Florida runs off, mostly, to the sea, far north of the useful points.

A RECENT CLOSE CALL

Those "conservation areas" nearly killed the park in a recent drought. Loss of a national park would have been a "first" both for the engineers and for the citizens of the United States. Lucky rains supervened.

The mucklands, south of Okeechobee sustain sugar cane and winter vegetable enterprises. They are another hazard. The first farmers to see the black, friable soil thought it as fertile as the dark earth of the Midwestern prairies. It wasn't. Pure humus, leached of minerals, it requires heavy fertilization, and, as it is kept dry by ditching and canals, its oxidizes—literally burns up and blows away—so the drainage systems must be deepened constantly until bedrock is reached, in a decade or two. As the digging deepens, salt water intrudes from the surrounding sea. Salt water also intrudes wherever canals have been excavated. So South Florida, like Southern California, may eventually have to get its water from upstate.

Water conservation by immense impoundments to the north has also resulted in periods of diminished brackishness in the park and the mangrove expanses. Many fish and various crustacea depend on freshwater dilution for breeding. Drought halts the fresh mix, and breeding suffers. But commercial fisheries can fail, and have failed without great public loss, and some sports fish breed elsewhere.

So there is nothing indispensable about the Everglades. The long struggle to make a good sample of the wonderland a national park was opposed by multitudes on general principles. They could not think of any commercial value for the Glades, but it was land and so should be open to private purchase. There was tannic acid in the maze of creeks and lakes, but not in a commercially recoverable form.

It was not very effective to point out that thousands of ecological niches existed in the vastness, places where plants of a single species grew, and only there, or that many life forms were present but as yet unknown to science and that the wild scene was beyond imaging—the egrets and ibises, ducks of every sort, water turkeys and real turkeys, panthers, foxes of a special breed, herons and gallinules, deer, bear, otters and endless sorts of flowers, orchids, air plants, poisonous trees and snakes.

It was almost useless to assert that this cornucopia of living wonders, if preserved, might someday supply the natural source of new and priceless drugs, for one example of the sane and possible. Such a not-too-far-out suggestion would be derided by drug manufacturers, who would assert that every natural drug from quinine to penicillin had been synthesized, a rebuttal that overlooks the fact that these miracle remedies were first found in nature.

THE REACTION INEVITABLY IS: SO WHAT?

You could lead a supposedly informed citizen into the Audubon Society's Corkscrew Swamp and show him native hibiscus in bloom and stands of cypress bigger around than a dining room table, and you could spend as much time as he would allow pointing out the rare, the gorgeous, the irreplaceable and the possibilities for all men in these, but his reaction would be: So what?

Trees are lumber, and a quagmire is a stinking breeder of pests. Prairies are to plough, rivers are for sewage and waste disposal, lakes are for dumping and transport and boating fun, scenery that lies over ore or petroleum deposits is to be removed or drowned in guck, and all swamps, of course, are for draining. This is land improvement and, unfortunately, even those who oppose it usually do so for superficial reasons—to watch birds, or hunt them.

The Everglades do not make a vital contribution to man's essential environment. The tremendous swamp is only a minor sample of wild environs that must be preserved if man is to continue his existence. The antipollution motif perhaps tilted the scale against that jetport. And even as an antipollution ruling, it is poorly stated.

What man must see, what this Everglades effort visualizes, is the essential human right to an environment free of pollution. Unless man gains that right, his pursuit of life, liberty and happiness will soon be impossible.

Most Americans are now urban dwellers and the great majority of those are ecological ignoramuses. They are wary when they step off paved surfaces, and they have no idea of the names of trees and wildflowers, let alone the animals, in the nearest wood. That state of mind bodes ill for the human future, for it is blank and even hostile toward the world on which man depends—the algae in the sea he calls slime, but which provides his breathable air; the flashing minnows, which mean a creek is viable.

And so man's chances are enhanced by that trifle, a clean breeze. Men want to banish the pollutants they can smell, hear, feel or detect by smarting nostrils. But who realizes that, if all the sense-perceived contaminants were gone, the job would be about 1 per cent complete?

THE LESSON OF THE EVERGLADES

Man's great illusion continues. Nature cannot be conquered or controlled by man, as men believe, because man is not in charge of it and never will be. Who is in charge of wind and rain, of green plants and photosynthesis, of birds, insects, and the seven seas? Nobody. Nature is in charge, exclusively and forever. The Everglades offer a textbook illustration of what mankind has not yet begun to face that is true:

Nobody owns anything, and all anyone has is the use of his presumed possessions.

That is the ecological law. It is true for Communists as for capitalists, for disadvantaged peoples as for the affluent and industrial societies. And it is absolute.

We do not own the Everglades or any part of that strange land, even if we have a deed to it. We are allowed its use. All we do own is what our individual skins contain. To save them we must save whatever chains of life are essential to our own.

The value of the Federal decision against a jetport rests in the symbol of the act. If the symbol is understood, its worth will be immeasurable. For man is soon going to be compelled to forego countless multi-billion dollar opportunities and change his plans for even more, not to gain a specific if obscure end of swamp salvage but for a greater though a scarcely comprehensible reason.

If all the ecologists could pool all they know and add all the data from every science, they would be unable to say what life forms and life systems are essential for man's survival. We know too little about the intricate. living understructure supporting our species to risk losing any wild living form, weed or pest or predator, lest one break in the planetary, life-sustaining system be fatal.

There never was a guarantee by nature that man should survive for any particular time. But there are many points in the natural order of beings where a lost or broken system might result in an inexorable act of nature fatal to man.

There are X numbers of similar niches and wild lands that may have an indispensable function for man. The problem is, we don't know them; it is the major, formidable, overwhelming problem in the whole business. We don't know. We would probably continue to live and thrive, to the extent we are thriving, if we paved over the Everglades. But the emphasis is on "probably."

CAPON BRIDGE, W. VA., RESIDENTS SHOW PIONEER INGENUITY

Mr. BYRD of West Virginia. Mr. President, on Tuesday, January 27, the Winchester Evening Star published a front-page article on how the residents of Capon Bridge, W. Va., built a library without any State or Federal funds.

Most of the students in the Hampshire County town travel about 60 miles a day to and from school, and staying after classes to do research often meant missing the school bus home. Thus, the need for a library in their hometown of Capon Bridge was most urgent.

The article details how Duke Simons, who was president of the local Ruritan Club, got the project underway. It tells how the widow of a local dentist donated the home which now serves as the library; how other residents donated material needed in the renovation; and how almost every resident of Capon Bridge gave a little extra effort to make the dream of a local library become a reality .

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

E STANDS FOR EFFORT

(By Jack Davis)

CAPON BRIDGE, W. Va.—The 150 or so residents of this Hampshire County hamlet are button-poppin' proud of their library.

And when you say "their" library, that's just what it is.

How they got their library is a lesson in pioneer ingenuity—Capon River style.

The town of Capon Bridge sits astride a shallow, fertile valley a few miles west of the Virginia line on U.S. 50. It is an historic old settlement, where George Washington visited a number of times as he crossed and criss-crossed the area while surveying the wilderness.

On the outskirts of the town is the grave of James Caudy (Washington spelled it Coddy in his records), an Indian fighter of wide repute and the first white settler in these parts.

A fair portion of the population of Capon Bridge consists of pleasant folk who came here to retire. But here you don't retire. You work with your neighbors on what you like to do.

Like creating an honest-to-gosh library. Here's how it started.

High school students living in the eastern half of the county average about 60 miles a day, back and forth, on school buses. If they wanted to do some after-hours research on a school project, their parents had to drive them to Romney, the county hub where the public library is located. Or stay after school, miss the bus, and hitch-hike home.

A little over a year ago, somebody happened to mention this to Duke Simons, who then was president of the Capon Bridge Ruritan Club. His name is William P. Simons, who bought a small farm and an early-1800's house nearby after retiring from the New York City grind in '55, but to everyone here he's Duke.

Duke brought it up before the 20-odd members of the Ruritan Club. They agreed that a library was needed.

The club called a public meeting. Twenty-eight people showed up, which was a pretty fair representation. They were all for it, too.

The only available building vacant in the town was the old Gardner medical office. Hadn't been used for about 25 years, when the late Dr. Gardner pulled teeth there. Before him, his father and his grandfather, both physicians, had used it as their office. It dated back to about 1800, and it showed the wear.

But, still, it was the only building around that was available.

The Ruritan Club didn't have any money. Neither did the town.

Duke Simons went to see Dr. Gardner's widow about using the old medical office. Sure she said, she'd give the building rent-free, but what about the taxes?

Duke and John Coryell, club secretary, appeared before the Hampshire County Court and explained the situation. The court agreed to close its eyes.

The building, a one-story structure about 20 feet by 36 feet, was a mess inside from disuse. Dust, mouse nests, wasp colonys and spider webs over the years had made it a den for Dracula.

By now it was early in 1969, and C. E. McKeown had taken over as Ruritan president. He saw the interior needed a thorough cleaning.

What was the quickest way?

He called the volunteer fire department. Those guys always like to squirt hoses. And they did. They washed the small frame structure down, inside and out, fore and aft, tin roof to bottom rafter.

It took two months for it to dry out thoroughly, but it was clean. Really clean.

While it was drying out, another public meeting was held. This time delegations came, not only from Capon Bridge, but from the entire eastern portion of the county. They liked what they were seeing.

At the meeting, a Literary Board was formed to handle the formalities and whatever funds might be available.

And the Ruritans went back to work on the building.

Owen Phillips, a retired electrician, volunteered to install the wiring.

The Groves Lumber Co., of nearby Augusta, donated seven gallons of paint. Individual Ruritans donated single gallons.

Club members came in evenings and painted.

Two contractors, club members, built the book shelves.

Then came the ladies—mostly, the wives of the men who worked on the building.

They scoured the eastern part of the county. and came up with about 2,000 books. Then the women catalogued them and arranged them properly in order.

But it didn't stop there.

The Capon Bridge Volunteer Fire Co. bought an oil heater. Charley Buchinsky installed it.

The Ruritan Club gave the tables.

Mrs. Hazel Nelson provided four wooden chairs.

Roy Giffin donated 10 folding metal chairs, which Mr. and Mrs. Wendel Omps painted.

Mrs. Gladys Simons pitched in two metal file combines.

William Massey came along with a coat rack.

The Hampshire County Taxpayers Assn. divvied up $50, and Charles Aikin, $10. The ladies of the Home Demonstration Club held an art-craft show and bake sale and made $150, which it turned over to the Library Board.

And last summer, on a fertile stretch of bottom land that was donated, the Ruritan members planted corn, and picked it, and sold it, and came up with a $420 profit. All of which went to the Library Board.

The little building beams. Inside, it's as clean as a pin, and the shelves are about two-thirds full of books ranging from "The X Bar X Boys Lost in the Rockies" to "Stoddard's Lectures."

Outside, it still needs a bit of spit and polish, and the porch shows the wear of time. But come next summer, the Ruritans plan to paint the outside and put on a concrete floor on the porch.

There was obvious pride in Duke Simons' voice when he said:

"This was all real volunteer work. We don't owe a dime on it. Not one cent of state or federal money here. We're mighty proud of it. All of us. Everybody contributed in one way or the other."

His leathery face beamed.

James Caudy, resting in the deep, dark soil just across the stream, would have been proud.

GRAZING FEES ON PUBLIC LANDS

Mr. ANDERSON. Mr. President, it was with a keen sense of disappointment that I learned last week of the announcement by the Secretary of the Interior and the Secretary of Agriculture that fees for grazing in the National Forests in the 11 Western States and on the public domain lands administered by the Department of the Interior will not be increased in 1970 according to the 10-year schedule put into effect last January.

Mr. President, it is well known that income received by our public agencies for the grazing resources located on our Nation's public lands are far short of the revenue received by State and private owners for similar lands. Realizing this, the Government spent over half a million dollars in a study in order to determine just what should be done to correct this situation in the interest of all of the people to whom these lands belong. The study was completed, and, as I stated earlier, the 10-year program for grazing fees was put into effect last January.

In late November, Secretary Hickel, of the Department of the Interior, announced the planned increase for 1970 would not be put into effect. This was a disappointing reversal. However, we were encouraged by the fact that the Department of Agriculture did not seem to be yielding to the special interests who were lobbying desperately to continue the unrealistically low rates charged for these public assets. The Senator from Montana (Mr. METCALF), has forcefully and with great clarity brought the sequence of events to the attention of the Senate in a series of statements that he has placed in the

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Congressional Record over the past several weeks. It is my present desire to speak out and join him since it is apparently very clear which side the present administration is taking on this issue.

I invite the attention of the Senate and the public to just a few of the pertinent facts concerning this issue as it relates to the Interior lands. This information was gathered from the hearings held by the Senate Committee on Interior and Insular Affairs on this subject last year, and from two recent reports submitted by the Bureau of Land Management and the U.S. Forest Service. First of all, the decision not to increase the fees for 1970 according to the schedule will mean a revenue loss of about $1.8 million. This means that the ranchers who use our public domain lands for grazing purposes will pay $1.8 million less than they would have had to pay if the schedule were followed and the 13 cent increase allocated for 1970 would have gone into effect. This means that the Treasury of the United States will be this much poorer at a time when we are being told that every dollar counts and that the Government must make every effort to have its income equal or exceed its outgo. But, let us examine more closely and see who will benefit by this "foregiveness order." We heard from the moment that the new fee schedule was announced by former Secretary Udall that this was going to be a terrible blow for the small rancher in the West. We were told the new increases would have a devastating effect on the livestock industry. As a matter of fact, when we look at the record we will see that only 5 percent of the national livestock industry production results from the use of our public lands for grazing purposes. Therefore, in any event the fee schedule could not affect national production very significantly. With respect to the impact on the small rancher, 25 percent of the ranchers using BLM land would have no increase in their fees under the schedule until 1974. These are the so-called small farmers and ranchers, and, therefore, they would not be affected by the schedule, or by Secretary Hickel's decision to abandon the scheduled increase for 1970. So, who will be the beneficiaries of this decision?

The fact is that just a little over 3 percent of those using BLM grazing permits will receive about 45 percent or nearly half of the benefits accruing from this reduction for this year. In other words, only a handful of the richest ranchers will benefit from this decision to postpone the original schedule. This smacks of the highest degree of favoritism, and I think the Senate and the public should be aware of the consequences of this recent decision. I also want to commend again the junior Senator from Montana for his courageous stand in this matter.

AMERICA HAS A REAL CONCERN FOR PEACE IN THE MIDDLE EAST

Mr. RANDOLPH. Mr. President, American interest in the Middle East is based on a complex series of political, strategic, economic, and cultural factors. Our genuine interest and these factors are not limited or confined in scope. They extend throughout that part of the world.

The people of our Nation share a concern with those of others that the Middle East will become an area of peaceful countries so that their resources can be directed toward the problems of basic welfare and orderly development. A peaceful participation by the Middle East in the trade, communications, and cultural exchanges in the community of countries should be our ultimate objective. Many people desire to aid in achieving this objective but cannot do so while the atmosphere of hostility continues to exist in the Middle East.

That these objectives will not be achieved unless all countries of that part of the world enjoy political independence and freedom from external domination is evident.

It is my belief that the President stated forthrightly the policy of the United States when he said:

> The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them. The United States does not intend to negotiate the terms of peace. It will not impose the terms of peace. We believe a durable peace agreement is one that is not one-sided and is one that all sides have a vested interest in maintaining.

I commend President Nixon for this forthright and well-reasoned pronouncement. The President's comment is indicative of our belief that there is urgent need for mutually binding agreements between the parties at issue in the Middle East. It is firm reassurance that our Nation does not desire to impose a settlement on Israel and its Arab neighbors. The establishment of a lasting peace will be derived only through specific commitments by both parties and recognition of each other's sovereignty.

However, this does not mean we must withdraw from discussion and consultation to bring Israel and the Arab nations into the negotiating process. I do not believe that American discussions—pursued with the basic interest of the United States in mind—preclude the countries of the Middle East from joining in direct negotiations. Rather, I view our involvement as a catalyst to promote meaningful and constructive negotiations. If our Government were to terminate our participation in discussions of the Middle East issues it would constitute a neglect of its responsibility to the people of America and of the U.S. commitment to world peace.

S. 2203, THE CONSUMER AGRICULTURAL PROTECTION ACT

Mr. DOLE. Mr. President, the Subcommitee on Agricultural Research and General Legislation has begun hearings on the Consumer Agricultural Food Protection Act. A chief purpose of the bill, introduced by the distinguished senior Senator from California (Mr. Murphy), is to establish certain practices and procedures for collective bargaining between agricultural management and workers.

One of the witnesses who appeared before the subcommittee on Monday was Mr. Reed Larson, executive vice president of the National Right To Work Committee. Mr. Larson expressed concern with portions of the bill relating to workers' rights to have the choice of whether to join any labor organization or refrain from joining. Mr. Larson raised some thought-provoking issues. I ask unanimous consent that his testimony be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Reed Larson, Executive Vice President, National Right To Work Committee, February 2, 1970

Mr. Chairman, and Members of the Subcommittee: Thank you for giving me an opportunity to present our views on the proposed legislation now under consideration.

My name is Reed Larson. I am the Executive Vice President of the National Right to Work Committee. The group I represent is a single-purpose citizen's organization dedicated solely to the protection, for every worker, of the free choice to join or not to join a labor union. Our members and supporters represent a cross-section of persons from all walks of life, including farmers, professional people, rank-and-file wage-earners—both union and non-union—businessmen, and others.

The National Right to Work Committee neither advocates nor opposes the extension of collective bargaining privileges to farm workers. The right to organize and bargain collectively has generally been regarded as helpful to working men who are bent on improving their wages and working conditions. Regrettably the widespread practice of compulsory unionism has perverted this right into an instrument of political and economic repression. We believe that passage of S. 2203, as presently drafted, would be a step in the wrong direction—a step toward restricting, rather than enhancing, the opportunities available to farm workers throughout America.

It would set up a new federal policy covering, for the first time, hundreds of thousands of farm workers. While the language of this bill lifts certain phases and policies out of existing law, it is actually an entirely new structure. Because it is pioneering new ground, we believe there is no justification for including those parts of the existing law which have proven to be detrimental to the interests of America's working people.

Section 205 of this bill proposes that agricultural workers shall have the right to form, join or assist labor organization and under certain circumstances, the right to refrain from any or all such union activities. The right to refrain, however, is restricted by an exception which would permit its outright denial "by an agreement requiring membership in a labor organization as an condition of employment . . .".

We are certain that members of the Subcommittee will agree that the language of Section 205 is unmistakably clear insofar as the compulsory union shop is concerned.

Section 206(a) of S. 2203 is designed to prohibit certain unfair labor practices by an agricultural employer. Subsection 3 contains a proviso which explicitly authorizes compulsory unionization of agricultural workers who will not voluntarily join and support labor unions. In short, that proviso declares that nothing in this Act shall preclude the negotiation of agreements which require union membership as a condition of employment.

We fully understand the request of agriculture producers for legislative protection from the merciless economic pressure with which they are threatened by a vicious and

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irresponsible boycott campaign. This problem deserves priority attention. Our only request is that Congress, while being pressed by concerned employers on one hand and self-serving union organizers on the other, does not forget the one person whose interests should be paramount—the rank-and-file worker.

Knowledgeable persons, including California's Governor Ronald Reagan, have said from the beginning that the primary purpose of the boycott was to impose compulsory unionism on farm workers. The boycott promoters are attempting to black-jack agricultural producers and the Congress into delivering farm workers into captive union membership.

Meeting this ransom demand will contribute nothing to providing orderly collective bargaining procedures for farm workers. It would simply be a case of yielding to blackmail—and using the compulsory dues of farm workers to pay the ransom.

Obviously, much care and study has gone into the drafting of this proposal by persons well-qualified to design a system of labor relations best suited to the unique requirements of farm employers and farm workers. I am well aware of this, having talked with many of those responsible for the shaping of this bill.

Yet, without exception, they admit that the provision authorizing the compulsory union shop serves the interests of neither employer nor employee. It is included for one reason and one reason only—as a sop to union officials, the very persons who mounted the infamous boycott, and to the elected officials who respond to union wishes.

Neither the growers nor the farm workers want compulsory unionism. I have made it a point to become acquainted with the interests of the California farm workers and I can report from first-hand knowledge that many of them strongly oppose the policies and practices of the international unions who are trying to force themselves into the agricultural picture. These workers are fearful that they may be forced, as a condition of employment, to pay dues to unions whose policies they strongly oppose.

The argument that workers cannot be forced into the union unless a majority has voted in favor of union representation is no protection at all. Disregarding the assorted pressures and distortions which can make a farce of representation elections, the fact that 51% of the workers might vote for a union is no justification for forcing the other 49% to pay money to a union for representation they do not want.

As the U.S. Supreme Court has said: "The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no election."

It's bad enough to give union officials an exclusive license to represent workers who think the union is doing them no good without forcing those captive workers to pay for that disservice. Yet that is precisely the situation which would be endorsed by this proposal.

It is no consolation to the individual worker that, if a union to which he objects is given the exclusive right to represent him, he will be compelled to pay money to that union only if his employer and a union agent "negotiate" a compulsory union contract. The employer is in business to make money—and in one way or another the union agent will see to it that it is in the employer's financial interests to sign such an agreement. While this bill attempts to foreclose some of the more obvious devices with which union officials bring economic pressure on employers, those pressures can never be completely stopped so long as it is legal—as it would be under this bill—for a union official and an employer to sign a compulsory union shop contract.

An example of the effect of such an arrangement on the public interest was vividly demonstrated by a well-known union official earlier this month. Speaking before a seminar attended by representatives of labor, management and government in Tampa, Florida, Hank Brown, president of the Texas AFL–CIO, said that unions are now in the driver's seat because of the acute national shortage of skilled building tradesmen. According to the Tampa TRIBUNE, he declared that while in the "economic driver's seat they are going to get every damned dime they can, and the public be damned."

Inclusion of the union shop authorization in this bill is a first big step toward that kind of unionism in agriculture. The construction industry is saddled by legal sanctions of compulsory unionism similar to, but even more oppressive than, this bill proposes for agriculture. As a result of compulsory unionism, officials of organized labor now have a virtual strangle-hold on the labor supply in construction work.

And those compulsory unionism agreements which have entrenched the power of union officials in construction are cynically described as being the result of "free negotiations" between an employer and his employees. Such negotiations are about as free as the negotiations between a pistol-wielding bandit and his victim.

Admittedly, this bill attempts to include various provisions intended to help mitigate the pressures exerted on the employer and his employees, but the fact remains that once the compulsory union shop is given the sanction of federal law no amount of restriction can restore the balance between the bandit and his victim.

The nation's largest and most respected farm organizations, including the American Farm Bureau Federation and the Grange, have long recognized—and expressed in policy statements—the inherent dangers of compulsory membership in any private organization. At its convention last month, the American Farm Bureau Federation stated that policy in these words: "No person should be deprived of his right to work because of membership or lack of membership in any organization. Compulsory unionism contributes to abuse of power by labor union leaders, since members are denied their most effective disciplinary action—the right to stop being members of a union when its policies or the conduct of its leaders no longer meets their approval. To compel any individual to be a member of, or to financially support, an organization which engages in political activities violates the spirit of the Bill of Rights."

I suggest that there is no one among the members of this Subcommittee, or among the groups which have endorsed this bill, who believes it is right to fire a man for refusing to pay money to a union which he believes is doing him more harm than good. Yet that is exactly what will happen if this bill is passed in its present form. As a result, hundreds of thousands of farmworkers will ultimately become compulsory union members and will thereby be forced to help finance the political schemes of union officials. Many, in order to keep their jobs, will be forced to help finance the campaigns of political candidates they oppose. I respectfully request that the bill be amended to eliminate those provisions which would give the authority of federal law to the practice of compulsory unionism for farm workers.

Thank you.

"MAN AND HIS ENVIRONMENT"—ADDRESS BY L. W. LANE, JR.

Mr. MOSS. Mr. President, in November of last year I was invited to participate in a panel before the UNESCO Conference on the subject "Man and His Environment—A View Toward Survival." This was a most enlightening and helpful experience and I was honored to be one of the participants. For a number of years we have been working on this matter of environment.

One of the speakers at the conference was Mr. L. W. Lane, Jr., publisher of Sunset magazine. Not only does Mr. Lane believe in the environmental ethic; he practices it in the magazine which he publishes. Never has Sunset magazine accepted beer or liquor advertising, and it discontinued accepting tobacco advertising about 30 years ago. More recently, it ceased to accept advertising of products which contained DDT, and so on. Of course, turning aside advertising revenues of this sort is a sacrifice to the magazine, but it has not prevented its continued publication and Mr. Lane has remained true to his personal commitments and beliefs.

The speech delivered by Mr. Lane in San Francisco is entitled "A National Need: An Environmental Ethic." I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A NATIONAL NEED: AN ENVIRONMENTAL ETHIC

(By L. W. Lane, Jr., publisher, Sunset magazine)

To achieve a national spirit and create the controls to guarantee a livable environment, we must have nationally, and internationally eventually, an "Environmental Ethic".

Laws and ethics on how people behave toward one another, and as groups, have usually come about from absolute necessity and very often a crisis. Rarely do codes of behavior rise to a level of wide acceptance and enforceable laws out of simple wisdom and great foresight of a few people. The pot only begins to boil when the heat builds up under the masses. With the pressures for attention and dollars in this man-on-the-moon period of our history, a great many of the 202,000,000 people in this nation have to start hurting before the heat gets intense enough to generate a fire. World peace, poverty, civil rights, business demands, raising a family, and paying taxes press down on the mental capacity of our individual and collective minds and make it difficult to think clearly and act wisely on every major issue competing for our attention.

In the primeval animal and plant world, and in the following millions of years before man—and even today in the few natural habitats bypassed by man—existence came from a survival-of-the-fittest in what was primarily a physical environment, and generally settled down to some sort of a "balance-in-nature". Major catastrophies of floods, climatic changes in the time scale of ice ages, and massive upheavals of the earth's crust were about the only drastic threats to the living world for millions of years.

Beginning with certain forest-swinging apes in the old world that started to take to the ground and stand upright, develop a brain and reason, hunt, build fires, and regard their mates as personal property, things began to change in the environmental world. Smoke haze-filled valleys and the beginning of man's presence started to be felt. Also the social environment began to compete with the physical environment—and this tug-of-war is what is helping to bring us to a total environmental crisis today.

Even so, in the almost half-million years between the hairy apeman's first building a fire, and now the hairless Homo sapiens building a spacecraft, most of the severe and conspicuous damage to plants and animals, air and water, and the land itself, has developed to a significant scale in only the last century. In the lifetime of the some-14,000 centenarians now living, most of the scars have been made—many of them permanent on this 3-plus-billion-year-old planet. Taking the estimated history of the world as equivalent to a year of 365 days, and then measuring this span of time on the 12-hour period of your watch, this brief 100-year burst of man's blitzkrieg on environment would represent about .01 second.

Yet in this fraction-of-a-second on the "History-of-the-World time clock," we have eradicated 40 species of birds, mammals, and wildlife in this country alone; polluted the air of most of our major cities; contaminated most of the major rivers and bays; reduced many basic resources within our boundaries to nil; and left a monument of litter, rubbish, psychopaths and alcoholics to prove it. While environmental accomplishments and conservation milestones do exist, there is no doubt that the negative aspects of our total relationship with environment is rapidly losing ground. We are playing a deadly game of environmental brinkmanship.

The problem is that our growing population demanding food and space, technology with its consumption of resources, materialism and its ever-mounting waste, and public unawareness, are like a bell and chain on a sprinter who is facing the toughest race he has had to run.

To have progress and maintain a quality environment, will require mounting the greatest effort of creative ability, unselfish cooperation, money, and sacrifices this country has ever mustered. To be successful at our goal will absolutely demand a campaign to gain the understanding and support of every elected and appointed government official, every businessman, every educator, every scientist, every military man, every churchmen, all of us in the communication field, and literally every citizen. A quality environment must truly be a top priority, non-partisan, and a fully supported national goal for this country. And make no mistake, it is absolutely fundamental to all mankind because, as with world peace and civil rights, we are fast reaching a state of crisis in our total environment, both physical and social. Physical and social environment cannot be separated. Rachel Carson blended the two so well. In the foreward of "The Sense of Wonder" which she was writing at the time of her death in 1964, she wrote, "Those that live with the mysteries of earth, sea, and sky, are never alone or weary of life. Every child should be endowed with a sense of wonder so indestructible that it should last throughout life."

At this very conference is but one bit of a growing mountain of evidence, the complex but basic problem of preserving and controlling our total natural and social environment is rapidly becoming what many feel is the number-one priority facing this nation and the world. From a dark-horse position of only a few years ago, the word "Environment"—with all its facets of conservation, beautification, health, pollution control, education, racial, social, religion, family, and other factors influencing our so-called "quality-of-life"—has become a household word. It is finding its way into school books and thousands of words and pictures over the nation's network of communication media. In a recent issue of our local Palo Alto Times of a month ago, I counted twelve stories with subjects dealing with environment.

From the shores of this great San Francisco Bay, whose native integrity has been seriously reduced and is now further threatened by man and his civilization, John Muir set forth on his trek to Yosemite just over 70 years ago. He devoted the rest of his life to pointing out dangerous trends that then threatened our environment. And yet, while Muir's great concern was for the future, his farsighted concepts fall far short of today's needs and the snowballing crises of tomorrow. Muir, in all his wisdom, could not have foreseen the compounding pressures of today—with a whole Ponderosa and Jeffrey Pine forest in Southern California slowly dying from automobile and industrial smog; all life in a once-clear lake dying of pollution, and his sun-and-cloud-filled blue skies now mustard grey and poisonous.

The forced technology of two world wars; the demands of a relentlessly expanding population, with a corresponding increase in affluency as measured in material things; the massive impact of the automobile and airplane after World War I, have created a demand on open land and natural resources to feed the furnaces of our free-enterprise system. Our wealth has provided foreign aid, and has often bettered the environment of those nations we helped. Our dollars have been used to minimize plagues, pollution, disease, poverty—and have improved the social environment of underdeveloped countries. But in the drain we are placing on our own nature's bounty that makes it possible to be the "best-heeled" nation and able to help others, we are becoming environmental paupers ourselves. The price in consumption and destricution has been great. Many basic resources within our own boundaries are gone forever. The goose that has been laying the golden eggs is short of good air to breathe, has smarting eyes, wants a drink of good water, is sometimes hungry, is thinking of taking the pill and laying fewer eggs because she's beginning to feel the pond is a bit too crowded for swimming, and generally longs for a little peace and quite to enjoy life.

If we do not act immediately by a wide-range dedicated effort, we are building castles on a melting iceberg: it seems firm—but is deteriorating from within. We must develop a national "Environmental Ethic" to inspire and guide us down this very difficult road. We must, as a people and as a nation, again identify our national values and goals in order to recognize, perhaps, the most basic and worldwide problem facing us.

Our country and the free enterprise system which our Constitution and democratic processes have made possible—and generally are encouraged and protected by the law of our land—have evolved from a demand for personal freedom, national security, and economis self-interest. The crisis facing our forefathers was to gain freedom on many fronts—political, economic, and religious—in order to reap the rewards of the good life in the New World. The Constitution was created to set up a democratic workable system to protect those freedoms.

The Preamble of the Constitution was very precise: justice, domestic tranquality, general welfare, common defense, and liberty were the touchstone issues of that day. And while they still are, it is highly possible that close to 200,000,000 more people who live in 37 more states (the State of California alone having six times as many people as the whole new country in 1790) would add "Environmental Quality of Life" to those basic rights and freedoms. In a real way, the others are worth little without it!

Survival and enjoyment of life per se, as it relates to environment, were not in jeopardy in 1776. Environment was certainly not facing a crisis. There was a great abundance of natural resources and a low-consumption rate that gave no threat to the world of nature.

Native plant and animal life seemed almost limitless; there was little to pollute the air and water. When the good land ran out and neighbors got a little too close, all that one needed to do was cross a mountain range to the West and reach another valley, where there was more land, with lots of good water, to settle for the asking.

But to make another reference to the drastic change that has taken place in a little more than 100 years: It was just about that long ago when we reached the end of the migration road for any significant westward population movement. We had crossed all the mountain ranges and valleys when the wagon trains reached the Pacific Ocean. From the time of the Gold Rush on, population has been pushing up against this ocean barrier until today, our State, which faces the peaceful ocean, has the largest population of all—and along with its neighbor states accounts for the greatest growth rate and over 25% of the nation's population growth.

We must evolve, accept, and enforce an "Environmental Ethic" which will provide a national code of standards to make judgment between right and wrong—similar to the Golden Rule and the Ten Commandments—and to give us guide posts for our industrial and group conduct.

The acceptance of this national environmental ethic and the crusade to implement it must eventually involve every citizen of this country. In fact, it will require the cooperation of countries around the world, on both sides of all curtains—whether they be made of iron or bamboo. The problem knows no limits of race, color, creed, faith, income level, political party, or boundary. In a very practical sense, environment is the one great common denominator for all people. It puts us all in the same pot. More than any economic, political, religious, or ethnic catalyst, the natural environmental world embodies the atmosphere that belongs to all of us: The water supply that circulates around the earth's surface; the resources held by collective lands which we all dig, drill, and transport around the world; the animal and plant life, so dependent upon these common possessions; and all the social problems we must solve. No one broad subject should bring us together with more unified purpose than the conservation and creative management of our total environmental world. Many challenges and emergencies bring people together and unite them in common goals that also solidify the spirit and create a "oneness"—whether it be a world series or a hurricane. Environmental goals could well be our most powerful force for world peace in the future.

Because laws and ethics tend to limit freedom, they are resisted. The plea of the early ballad of Western frontier, "Don't fence me in", beats strong in every human breast. Yet we have been forced to face the problem of preventing jungle war in other areas to bring order and enforce proper behavior—the Pure Food and Drug Act, Robinson-Patman Act, Sherman Anti-Trust Act, Taft-Hartley Law, and many more.

In certain cases, the challenge is primarily one of changing attitudes and implementing laws already on the books waiting to be used. This is a substantial and often readily available opportunity in protecting our environment. Many areas of painful but definite progress in civil rights are coming about in this way. Man, for all his brilliance, very often delays, complicates, panics, and plain "fouls up" many readily available opportunities by getting too scientific and overly entangled in procedure and red tape. Generally speaking, existing laws now on the books give planning commissions and all

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government bodies and individuals dealing with environmental matters, far more authority to take firm action than often is exercised. In my experience, either in participating or witnessing many levels of governmental action in this field, the tough decision is often avoided—not for lack of laws, regulations and ordinances to enforce—but for lack of sufficient information and/or an absence of a strong code of ethics accepted by the people to set standards for making judgments and evaluations. And let's admit it, sometimes the reason is simply, "No guts".

One of man's special traits with his gifted brain is to ask thoughtful questions about what he should or should not do. Aristotle, who put the word ethics into the common language, stressed the ethical significance of the fact that all men seek happiness. This rationale was carried further by defining the greatest happiness as coming from the contemplative use of the mind, according to Aristotle. "Peace of Mind" is an increasing objective in many environmental situations today. *The New York Times* editorial, "An Ugliness of Spirit", sensed the direct relationship between the poor environment and poor spirit.

Our Declaration of Independence developed some theoretical ethics as aims and principles to inspire and give moral purpose to the American Revolution. The Constitution adopted those and applied practical ethics putting the principles to work in a legal document forming the foundation of our democratic system of government.

Perhaps most basic, as we think about the slowly emerging "Environment Ethic" in this country is that an obligation and sacrifice of freedom by the individual is inherent in any ethic. Aldo Leopold wrote in his far-sighted book of 20 years ago, in his chapter on "The Land Ethic": "An ethic, ecologically, is a limitation of freedom of action in the struggle for existence. As an ethic, philosophically, it is a differentiation of social from anti-social conduct".

Until a very few years ago, there were few, if any, better illustrations of expressing "My country 'tis of thee, sweet land of liberty" than in man's attitudes and actions related to environment. He could cut, burn, pollute, bulldoze, dredge, fill, and "foul up" the environment on his plot of ground or subdivision, out of his car or smokestack, or in his well or irrigation district in just about any way he wanted to! Looking at the big picture, the laws of our land (often contrary to our ethics between individuals) have pegged our national values to the growth and profit of our economic system of free enterprise. Land tends to be regarded for zoning and tax purposes to its highest economic value.

In fact, our ethics governing land and other resources, including the water on, and the air above, the land are strongly influenced by economic self interest. Stewart Udall once referred to the U.S. gross national product as our "Holy Grail". It is true that the measures we apply to success, and generally find ways to reward, are measured more by an emphasis on quantity rather than quality—notwithstanding many examples that quality can be good business.

It may be that we are evolving an "Environmental Ethic", or at least decisions and actions that are encouraging signs of a change in thinking toward environment. We seem to be more and more aware of a critical premise that environmental ecological values must rest upon: One individual (or one industry or one local government) is a member of a community of inter-dependent parts and must function cooperatively to determine his destiny. Secretary Hickel spoke to the point recently in an interview, when he said, ". . . an individual opportunity often becomes someone else's problem. You just can't have the freedom to do something, if it is going to hurt too many people".

A city 500 miles down the Mississippi River from another city in a different state, several days apart by stage coach or riverboat when they were founded, are 20th-Century next-door neighbors environmentally—just as much as adjacent communities share their environmental problems of smog, water, traffic, zoning, floods, sewage, and many more. Environmental anarchy by a homeowner, a business, a local government, or a country is becoming more and more intolerable.

Because a growing number of Americans feel this in all walks of life, we find a definite break in the log-jam. The greatest progress is coming in two critical areas to drive home the need of "oneness": air and water. Because the very world-wide cyclical pattern of air and water give less opportunity for legal proprietary rights—and are recognized for their common values to us all—we are finding tough anti-pollution laws being passed and some voluntary efforts that will hopefully correct existing problems and prevent future ones. Some situations unfortunately are perhaps beyond complete correction ecologically. If there is any silver lining in that cloudy situation, it is in the fact that the Lake Eries, Hudson Rivers, Lake Tahoes, and San Francisco Bays have fanned the fire of crisis to generate the heat that starts the pot boiling in public opinion, industry awareness, and governmental enforcement.

Recently, seven major airlines decided to equip all new planes with smokeless engines and convert 3,000 existing engines. This "voluntary" step, it should be noted, came as a result of the airlines being named as defendants in a suit by the New Jersey State Department of Health, charging excessive air pollution of New Jersey's air. The Federal Government is now taking tougher action with regard to all jet engines.

The San Francisco Bay Conservation and Development Commission stayed in the forefront of regional-control authorities with their victory of a Bill being passed in the California State Legislature, and signed by Governor Reagan just a few months ago.

In Alameda County across the Bay, the Board of Supervisors turned down a quarry project—overriding a unanimous recommendation of the Planning Commission for approval. Far more significant as a powerful precedent for the future—and a bearing directly on our evolving "Environmental Ethic" in this county—the Supervisors gave these reasons for their decision:

"The quarry will do permanent and irreparable injury to a major natural mountainous feature of southern and eastern Alameda County visible from a considerable distance.

"The magnitude of the project will be detrimental to the public safety, health, comfort, convenience and general welfare, and likely to produce environmental pollution for 30 years or more.

"It will be objectionable to persons and property due to noise, vibration and dust, and will not be in the public interest".

In Connecticut, 150 young school girls waged a hard campaign from scratch called "PYE"—standing for "Protect Your Environment". The result was a unanimous adoption by the State Legislature of a bill calling for a master plan survey, and an immediate set of protective laws for preserving the coastal and tidal areas by controlling dumping, filling, and pollution.

North of Phoenix, Paolo Soleri is experimenting to solve problems of housing future generations, while maintaining privacy, individuality, and with a minimum impact on the disfiguration of the natural environment. In San Mateo County, immediately to the South, the Regional Planning Committee brought together all local city jurisdictions to agree on open space acquisitions program. A direct result of the educational aspect of the study was the decision to set aside 23,000 acres of San Francisco watershed in perpetuity for open space in a joint power agreement between the County, the City of San Francisco, and the State and Federal governments. The Town Council of the Town of Portola Valley, in the foothills back of Stanford University, adopted a pioneering zoning ordinance based on slope density with strong controls requiring soil, drainage, and other tests to maximize open space and minimize environmental damage. At Stanford University, a group of law students are volunteering their time to provide legal advice for responsible conservation groups.

There is a grassroots awakening, and lots of action going on, but compared to the need to move fast, we are only crawling. If we are going to catch up, we will have to skip the walking stage in our evolution to environmental adulthood, and start running as fast as we can.

One of the most significant trends in our society is the muscle in the emerging affluency of the blue-collar segment of the population. Increasingly he has a boat and/or a camper, perhaps a second home, and finds himself all too often fishing or camping beside a stream or lake that is polluted by the very economy that has given him his good life. He suddenly becomes personally involved and concerned. Like his union vote, his franchise as a citizen in the privacy of the voting booth is powerful.

In our own Company, we have tried to carry a spear in our attempt to practice a code of ethics. If we consider physical health, the welfare of our families, the influence on children in those families from reading SUNSET Magazine—as part of our environmental responsibility—our policies of accepting no hard-liquor or tobacco-products advertising, illustrates a dollars-and-cents reflection of how we are expressing our own code in actual business practice. The many categories of advertising not accepted by our publication comprise some 20% of the dollar-volume spent in our industry. When we supported the creation of the controversial Redwood National Park, we anticipated, and promptly received, large advertising cancellations. As an encouraging measure of progress in the last few years, I honestly feel that these advertising pages would *not* be cancelled today. Hopefully our ethical philosophy will be understood by our recent action to discontinue accepting two-wheel-trailer-vehicle advertising, and our applying even tougher controls on real estate and land development advertising. There is no point kidding yourself—following any ethical course, including environmental, means you don't always pick up all the marbles after the game is over. To think otherwise is economic myopia.

Recently we completed our investigation of DDT and several other hydrocarbons, and their role in home gardening. Our August 1969 issue carried an article, "Blowing the Whistle on DDT". Because it has been our policy to adhere to similar policies or code of ethics, for both editorial and advertising content, we discontinued accepting DDT advertising effective with the same issue. We had heretofore carried more of this advertising category for home gardening use than any U.S. publication, and were somewhat surprised to have the decision featured in *The Wall Street Journal* and find the full announcement read into the *Congressional Record* by both the House and the Senate. The decision, we have learned, has been used in strengthening arguments for tougher controls and legislation on pesticides in several states and just recently in Washington. The mail has been very heavy in support of the position we took. These reactions only help to emphasize that there is a swell of enthusiasm for "get-tough" action.

Certainly one of the most encouraging signs of a major national concern, and attack

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on the problem, has been the Congressional hearings on the "President's Council on Environmental Quality." Any significant national goal must have the leadership of the President of the United States, and it would appear that this has been definitely in the making for the last general administration, even though progress has been far too slow. The very name of the group reflects the increasing priority on the broad subject—and critical nature of the problem, and a tangible step ahead to profit from the experience and contribution of the predecessor organization. In the new Council's increased concern beyond only recreation and natural beauty, the Federal Government will have the opportunity to look at the big picture dealing with life, death, and even national survival, as well as enjoying our leisure time in an atmosphere and landscape free from pollution, ugliness, noise, and often indiscriminate consumption of our limited natural resources.

In a very real way, there is an urgent need for this whole area of governmental responsibility deserving a full Cabinet recognition. As I read the history of our country and the changing conditions and needs that brought the weight of public demand and governmental actions on creating an increase of *seven* new Cabinet posts today since the original three appointed by President Washington, I predict that this country someday will have a Secretary of Environment, or some equivalent recognition within an existing division of an executive branch of our federal government. We have seen a very good example of this process of work in the need for and creation of the Department of Health, Education, and Welfare in 1953. Realistically, the worldwide recognition and strong leadership from a Secretary and a Department of Environment would be a positive way to achieve many of the same goals that have been proposed for a possible Secretary of Peace.

There is no better place for leadership to be exercised to develop a national "Environmental Ethic" than from the President's Council on Environmental Quality, and its Citizens' Advisory Committee on Environmental Quality, chairmanned by Mr. Laurence Rockefeller. In his statement of June 20 of this year, Russell Train, Undersecretary of the Interior, stated at a hearing of the House Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries: ". . . in structure and responsibility, the new Council will resemble both the National Security Council and the Urban Affairs Council . . . it is clear that the Council will provide a badly needed vehicle for the coordination of all environmental programs at the highest level of government . . . will anticipate new problems even as it focuses on present ones, and foster greater cooperation between the United States and State and local government on matters concerning the environment. . . ."

In his earlier announcement of the Council on May 29, President Nixon quoted a statement made by a former President that read, ". . . The conservation of our natural resources and their proper use constitute the foundamental problem which underlies almost every problem of our national life. . . ." This is all strong language. We must all pray and work together to make these words of 1969, witness far more immediate action than those earlier words of advice have received in the 62 years since Teddy Roosevelt said them in 1907. Time is running out. Noble words and occasional accomplisehments are not enough. We must wage all-out war to win the battle to save and protect the total natural and social environment that sustains life and makes it all worthwhile.

If we wait too long to develop and practice a powerful Environmental Ethic, it might well start off, "Thou shalt not kill—ourselves."

Thank you.

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MARIHUANA—ARMY RESEARCH

Mr. DOMINICK. Mr. President, research conducted by the Army on the medical implications of using marihuana may be declassified and released within the next few days.

As a member of the Special Subcommittee on Alcoholism and Narcotics, I began seeking this information 6 months ago after being alerted to its existence by Prof. Jay Boyd Best, of the Department of Physiology and Biophysics at Colorado State University.

Senators will recall that on December 1, 1969, I introduced S. 3190, the Marihuana and Health Reporting Act, a bill requiring annual reports by the Secretary of Health, Education, and Welfare and the Surgeon General on research developments concerning the health consequences of using marihuana. My bill is nearly identical to the statute which required the report on cigarette smoking.

At the time I introduced the Marihuana and Health Reporting Act, I placed in the CONGRESSIONAL RECORD a list of the 67 federally financed marihuana research projects totaling $10.7 million. One of those projects—in Colorado—is directed by Professor Best.

Since an article published in this morning's Washington Post is directly in point with my own inquiry, I think it is important that Senators be aware of the nature of my investigation and its current status.

Frankly, I have been very much disappointed in the lack of candor and the shroud of evasiveness which I have received to date from the Department of the Army.

Professor Best first wrote me on July 8, 1969, stating, among other things:

> The chemical warfare branch of the Department of the Army conducted extensive tests of the effects of the marihuana compounds on normal human volunteers with regard to the possibility of employing such compounds as non-lethal incapacitating chemical agents . . . It seems foolish and extravagant to pretend that such information does not exist and have to duplicate that expenditure and research to obtain the same information for civilian usage.

Professor Best goes into other details on marihuana research and I ask unanimous consent that the text of his letter of July 8, 1969, be printed in the RECORD at the conclusion of my remarks.

I then contacted the Department of the Army requesting that they supply me with information on any research they had conducted concerning marihuana. The response I received from Brigadier General Dawalt, Acting Chief of Research and Development, raises more questions than it answers and I hope every Senator will read it.

I ask unanimous consent that the text of the Dawalt response as well as the text of a letter from Professor Best, dated October 15, 1969, commenting on it be printed in the RECORD at the conclusion of my remarks.

On January 5, 1970, I again asked the Department of the Army to provide me with information on marihuana research. Two weeks later Brigadier General Dawalt sent me an interim reply which states, in effect, that the Army is still looking into it.

This brings me to the article in today's Washington Post concerning the Army's marihuana research. The article was written by Stuart Auerbach and is entitled "Study Discloses Medical Uses of Synthetic Pot." I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The article caught my eye because it describes a speech made by Dr. Van Sim of the Edgewood Arsenal Medical Research Laboratory on behalf of the Army. The subject of his research, apparently done 10 years ago, was marihuana.

A comparison of the points raised in this article and the information provided me to date by the Army is—as they say—very interesting.

As I mentioned, Professor Best understood that the Army had done marihuana research on human volunteers.

However, according to Brigadier General Dawalt:

> That the Army has conducted research on marihuana compounds using human volunteers is a widely held misconception.

Contrast that response to the report on Dr. Van Sim's work as follows:

> The synthetic marihuana-like substance was mixed into a capsule with milk sugar in the Edgewood experiments. Human subjects were given as many as five capsules within five hours.

Whether or not testing was done on people, the Dawalt letter attempts to distinguish the Army's work on the basis that it was not with agents extracted from marihuana but with synthetic analogs.

Such a statement overlooks the landmark breakthrough in marihuana research—the fact that THC, the principal active ingredient in natural marihuana, was not synthetically produced until 1966. There are so many variables affecting potency and reactions in marihuana research that a consistent and precise quality of the natural drug was unavailable even to scientists prior to that time. My point is that marihuana research is greatly advanced, not hampered, by the use of synthetic compounds.

Let us take another factor of comparison. The Army's reply to me states:

> The (marihuana) compounds do not produce hallucinatory effects.

Professor Best puts that comment in perspective in his letter, and Dr. Van Sim, who reportedly took the synthetic compound himself, said:

> Occasional visual hallucinations of brilliantly colored geometrical designs were experienced.

Finally, the Army took the position that research conducted by it was not applicable to research programs being conducted in the civilian capacity by those federally financed projects such as the one being conducted by Professor Best.

Dr. Daniel Efron, identified in the Washington Post article as an NIMH expert in the chemical makeup of mind-bending drugs and editor of the conference at which Dr. Van Sim spoke, is reported to have said that Sim's synthetic and natural marihuana are "practically the same thing" and there would be "little significant" difference in their biological effects.

Mr. President, it has been almost 6 months since I first sought this information from the Army. It has been 1 month since I asked for clarification of the Dawalt letter.

After reading the Washington Post article this morning, I was in touch by telephone with the office of Brigadier General Dawalt. I am advised that a full report to me from Edgewood Arsenal should arrive at his office by February 6, but it may be as long as February 20 before the information will be declassified and released.

I would expect the Army to beat that date. I would like to know, other members of our subcommittee would like to know, and I am sure the medical research people would like to know what medical data the Army does have that relates to civilian medical research on marihuana.

Ironically, but I am sure unintentionally, the Army report—if released—will come a little late for Professor Best. The Federal grant for his research project has only 3 more months to run.

I look forward to a full report from the Army, and certainly intend to advise the Senate when it is received.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COLORADO STATE UNIVERSITY.
Fort Collins, Colo., July 8, 1969.

Senator PETER DOMINICK,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMINICK: I would like to ask your assistance in a matter that concerns a problem of the public interest.

I am conducting a research program under a grant from the Drug Abuse Center of the National Institute of Mental Health on the physiology of actions of the marijuana compounds. As I am usre you are aware there has been a great deal of controversy regarding the effects of marijuana and the magnitude of the danger it poses to our society. Information from experimental administration of these compounds to normal human volunteers under defined conditions is necessary to resolve these questions. Unfortunately both the Federal and State Marijuana laws as well as questions of legal liability and adverse publicity have raised enormous obstacles to the conducting of such human studies. Because of this most such studies are conducted either upon animals or upon prisoners or inmates of the federal hospital for drugs addicts at Lexington, Kentucky. Such studies are useful but such prison inmates aren't really representatives of the population at large. This is especially true in regard to the subtle mental differences relevant to marijuana effects. The most pertinent information would be that obtained on healthy normal young adult subjects derived from the population at large since it is these that seem to account for most marijuana usage.

The Chemical Warfare branch of the Department of the Army conducted extensive tests of the effects of the marijuana compounds on normal human volunteers with regard to the possibility of employing such compounds as non-lethal incapacitating chemical agents. The information gleaned from these studies would undoubtedly provide much of the data needed to resolve many of the most urgent questions regarding the effects of marijuana on normal young adults. Unfortunately all of this data is classified and thus unavailable to those such as myself and the multitude of civilian officials of various kinds who are legitimately concerned with the marijuana issue and its appropriate resolution. This data probably represents an investment of hundreds of thousands or millions of dollars by our government in the underwriting of the research to obtain it. It seems foolish and extravagant to pretend that such information does not exist and have to duplicate that expenditure and research to obtain the same information for civilian usage.

In view of the above I would like to explore with you the possibility of obtaining a declassification of the reports on these studies on the effects and toxicity in human subjects of the compounds with marijuana activity so that I and other medical scientists working on this problem can have access to this information.

The reason that I am writing you instead of contracting the Department of Defense directly is that I know from past experience that it would be very difficult for someone of my limited influence to obtain a considered hearing on such a delicate policy question as declassification of an area involving CBW agent research. Since I realize that there are many considerations to be weighed regarding the benefits and advantages to the civilian sector of our country versus possible aid and comfort to the enemy I would be happy to discuss the matter further with you personally either in Colorado or Washington. An advantage of a Washington meeting would be that I could bring some of the officials of the National Institute of Mental Health if that seemed desirable.

In any event I would greatly appreciate any assistance you can give in this matter.

Sincerely yours,
JAY BOYD BEST,
Professor of Physiology and Biophysics.

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF OF RESEARCH AND DEVELOPMENT,
Washington, D.C.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: The Secretary of the Army has asked me to reply to your inquiry addressed to the Department of Defense concerning a request by Professor Jay Boyd Best for release of results obtained in Army research on marijuana compounds.

That the Army has conducted research on marijuana compounds using human volunteers is a widely held misconception. Compounds studied by the Army as possible incapacitating agents were not active pharmacologic principals extracted from marijuana but were synthesized analogues which are different in structure and physiological effect. These analogues, man-made in small quantities for scientific laboratory studies, are not available to the drug abuser, nor would one want to use these compounds if they were available. The compounds do not produce hallucinatory effects, the action sought by addicts. Their effects are physically incapacitating and would be unpleasant to a drug abuser.

Accordingly, the results of Army research in this area are not applicable to research programs on the physiology of action of the marijuana compounds and the danger they pose to our society, such as that being conducted by Professor Best.

I realize the importance of Professor Best's work and regret that the Army is unable to provide related research data. However, attached as Inclosure 1 is a bibliography of military publications concerned with marijuana which may be of use to Professor Best. Professor Best is free to communicate with the authors of these papers if he so chooses.

Sincerely,
KENNETH F. DAWALT,
Brigadier General, GS, Acting Chief of Research and Development.

BIBLIOGRAPHY OF MILITARY PUBLICATIONS CONCERNED WITH MARIJUANA

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Siler, J. F., et al. "Marijuana Smoking in Panama," *The Military Surgeon,* LXXIII (1933), 269-280.

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COLORADO STATE UNIVERSITY,
Fort Collins, Colo., October 15, 1969.

Senator PETER H. DOMINICK,
U.S. Senate,
Senate Office Building,
Washington, D.C.

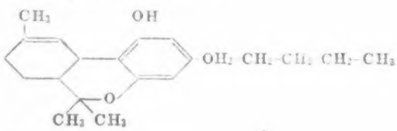
DEAR SENATOR DOMINICK: Thanks very much for letting me know of your progress in regard to obtaining the release of information on the effects of marihuana compounds on human subjects from the Department of the Army.

The xeroxed copy that you sent me of the letter from Brigadier General Kenneth Dawalt is interesting but I think that we would be mistaken to accept it at face value. In the first place I am reasonably certain that, in spite of General Dawalt's assertion to the contrary, it is *not* a misconception that the Army has conducted research on marihuana compounds using human subjects. Whether it is widely believed that they have done so is irrelevant.

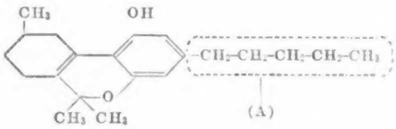
If one knows something of this area of research and examines General Dawalt's letter it appears almost deliberately designed to obscure the issues involved in such a way as to deflect your inquiry.

To show you what I mean let me review an aspect of the problem that may already be familiar to you. The major intoxicant in marihuana is a chemical compound called tetrahydrocannabinol, usually abbreviated THC.

This compound has the structure



It can also have the structure



These variants are called isomers of one another. The first isomer occurs in the plant *Cannabis Sativa* (the marihuana plant) while the second does not. Both isomers have now been artificially synthesized. Both have marihuana activity although they are not of the same potency. In the marihuana plant the portion of the molecule encircled with the dotted line and labeled A always has a straight chain containing 5 carbon atoms as shown. This is called a normal amyl side chain. In synthetic analogs one can increase the length of this side chain to a normal hexyl side chain containing 6 carbon atoms or a normal heptyl containing 7 carbon atoms. Or one can decrease the length of it to a normal butyl containing only 4 carbon atoms. Each of these modifications changes the potency. The normal hexyl and heptyl analogs are more potent that the naturally occurring normal amyl form. The normal butyl analog is less potent. If the side chain is made branched the potency is increased a hundred fold.

Yet, as evidenced from animal studies, all of these compounds have marihuana activity and are generally considered by neuropharmacologists to be marihuana compounds even though, in a strictly legal sense, only the normal amyl type occurs naturally in the plant and, because of this, falls under the marihuana law. But to insist that the 5 carbon member has no relevance to the 4, 6, and 7 carbon analogs just because the 5 carbon analog occurs naturally is nonsense.

The synthesis and activity relationships of these marihuana analogs were worked out to a great extent by Dr. Roger Adams of the University of Illinois during the forties and described in a series of papers published in the Journal of the American Chemical Society. I will lay 100 to one odds that the Department of Defense merely followed the synthetic procedures described by Adams. I might add that a great deal of Adams work on these compounds were subsidized by the Treasury Department. The relevance of the synthetic analogs to the problem of usage of the natural ones is not merely a product of my imagination. Comparison of the differences in activity found with systematic modifications in the molecular structure of a family of related compounds is a standard strategy for elaborating the molecular mechanism of action of drugs. The situation with the marihuana compounds in which only a few members of the drug family are produced naturally is typical of the situation with most drugs. For example, the synthetic hallucinogenic STP is related in its chemical structure to the natural neurohormone, noradrenaline, and to the peyote cactus substance mescaline (which can also be made synthetically). No scientist worth his salt would agree with the silly proposition that such structurally related compounds have no relationship to one another just because some are artificially synthesized and others are natural. Yet this is what General Dawalt would have us believe and would use as a pretext for not releasing the information we are after.

There is yet another aspect of the matter which General Dawalt raises as spurious argument against releasing this information. He asserts that marihuana is a hallucinogen and that this is the reason why users use it. As with most chemical agents there is a marked variation in the effect produced by marihuana or THC with the size of the dosage. At low dosages THC (or marihuana) does not produce hallucinations. At sufficiently high dosages it does. Contrary to Dawalt's notion the vast majority of marihuana smokers seem to find those dose levels which produce hallucinations to be distinctly unpleasant and usually avoid the overdosages which produce them. So that under the conditions of normal usage marihuana is not a bonafide hallucinogen although law enforcement officials use the term to mobilize public opinion against it.

In the gross behavioral changes observable in animals these various marihuana analogs appear to have qualitatively similar effects but differ in potency. One could thus expect that a more potent synthetic analog of THC would produce effects similar to a high dose of THC. Thus one would anticipate that those more potent synthetic analogs which produce incapacitating effects would also produce hallucinations and, *because of this,* be unpleasant to the subject. On the same basis one could anticipate that attenuated dilutions of these more potent preparations would be pleasant to an illicit user. Because of the bulky nature and relatively low potency of crude marihuana organized crime has largely stayed out of the marihuana business up to this point. However, if police actions such as Operation Intercept are successful one can anticipate that the production and traffic in the artificially synthesized and potent preparations will become important because of the greater ease with which they can be smuggled. One can also expect at that point that organized crime will take over the traffic in such agents.

In view of the above one must not only question General Dawalt's factual statements but also feel that his overall view of the applicability of the Army's research results to the civilian problem of marihuana usage is too simple minded to be realistic.

It would therefore seem to me that your efforts toward obtaining the declassification of this military research information is of the greatest importance and should be continued. If I can be of any assistance to you in this task please feel free to call on me.

Sincerely yours,
JAY BOYD BEST, Ph. D.,
Professor of Physiology and Biophysics.

[From the Washington (D.C.) Post, Feb. 3, 1970]

STUDY DISCLOSES MEDICAL USES OF SYNTHETIC POT

(By Stuart Auerbach)

Secret research at an Army chemical warfare laboratory shows that a synthetic form of marijuana may be useful in treating such diseases as high blood pressure and extreme sunstroke.

The never published studies, done 10 years ago at the Army Chemical Corps medical research laboratory at the Edgewood (Md.) Arsenal, were disclosed in proceedings of a National Institute of Mental Health conference of January, 1969, released yesterday.

At that scientific meeting, Dr. Van Sim of the Edgewood Arsenal described his work publicly for the first time. He said that both the synthetic chemical and natural marijuana "are interesting from a medical standpoint . . . There are three areas where they can be of definite use in medicine."

Besides the two medical uses that he studied, Sim cited work in the 1940s by the late Dr. Walter Siegfried Loewe of the University of Utah, who found another marijuana-like synthetic "very effective" when given in small doses in preventing epileptic seizures.

These studies were stopped, Sim said, "unfortunately" because of political pressure and possible problems of addiction.

Another scientist, Dr. Humphrey F. Osmond Jr. of Princeton, N.J., said that marijana had been used to treat tetanus and migraine headaches.

Sims, who said his studies are being cleared by the Defense Department for publication in scientific journals, emphasized that the synthetic chemical he used differs from natural marijuana in its molecular structure—and possibly its biological effect.

But they are all members of a family of chemicals known as tetrahydrocannabinols, the active constituent of marijuana and hashish.

Dr. Daniel H. Efron, an NIMH expert in the chemical makeup of mind-bending drugs and editor of the conference proceedings, said Sim's synthetic and natural marijuana are "practically the same thing" and there would be "little significant" differences in their biological effects.

Sim, describing what happened when he took the synthetic compound, said he could hear the rustling of onionskin paper in another room 70 feet away "despite a rather animated conversation and a great deal of noise.

"Colors were intensified and landscapes especially delightful. Occasional visual hallucinations of brilliantly colored geometrical designs were experienced. Although aware of all surrounding events, I preferred to be left alone . . . Even the most bland and unappetizing food was very delightful."

Sim studied marihuana as part of the Army's quest in the 1950s for incapacitating chemical weapons.

The synthetic marijuana-like substance was mixed into a capsule with milk sugar in the Edgewood experiments. Human subjects were given as many as five capsules in five hours. This dose produced the "high" described by Sim. Scientists noted that the drug lowered blood pressure for as long as 36 hours—an effect that would be helpful in treating patients with high blood pressure.

It also quickly lowered the body temperature of the experimental subjects by as much as three degrees. The ability to lower body temperature quickly is important in treating extreme cases of sunstroke.

Sim said, however, that the Edgewood experiments did not include giving the compound to patients who suffered from either high blood pressure or sunstroke.

"The use potential (of marijuana) has been severely restricted," he said, "by the lack of suitable compounds for study as well as by public opinion and the resulting lack of funds to carry out work."

Until the 12th revision of the United States Pharmacopeia in 1942, marijuana was listed as a chemical with medical usefulness. It was suddenly deleted, said Dr. Osmond of Princeton, "rather in the way that Stalin rewrote history.

"It looks as if legal enactments at that time had made taboo what previously had been considered a valuable medicine," he said.

SUPREME COURT NOMINATION

Mr. MONDALE. Mr. President, I have decided to vote against the confirmation of Judge G. Harold Carswell's nomination to the Supreme Court.

Judge Carswell's repudiation of a 1948 statement expressing his strong belief in white supremacy and segregation is not convincing in light of his judicial record and private activities since that time.

In 1956, while serving as a U.S. attorney, Judge Carswell participated in converting a public golf course into a private, all-white country club. It was obvious at the time that this was a move designed to thwart recent court decisions outlawing segregation in this type of public facility. It is inconceivable that anyone associated with this discriminatory venture—particularly a Federal official—was unaware of the racial motives underlying the club's formation.

Even more disturbing is Judge Carswell's subsequent record on civil rights enforcement as a Federal district judge. For example, while supervising desegregation in three Florida school districts, he ruled that black students had no standing to sue for faculty desegregation, and he approved grade-a-year token desegregation plans. Fortunately, several of this decisions were reversed by the U.S. Court of Appeals for the Fifth Circuit. Yet, as a result of his insensitivity to racial discrimination, several school districts within his jurisdiction maintained completely segregated facilities as late as 1967.

Judge Carswell has also been overruled by the fifth circuit in cases where he refused to order desegregation of theaters and reform schools.

In addition to these decisions, several civil rights attorneys who appeared before Judge Carswell have stated that he was hostile to them and the cause they represented. When he was not ruling against these attorneys, he often delayed many months in issuing decisions clearly called for by the law.

With an administration that is weakening the Voting Rights Act, abandoning its executive powers to enforce school desegregation, and refusing to strengthen the Equal Employment Opportunities Commission, the burden for upholding civil rights falls almost entirely on the courts. I opposed Judge Haynsworth's nomination primarily because of his insensitivity to the importance of courts in redressing the grievances of those who have been denied fundamental rights and opportunities. For the same reason, I shall vote against this nomination.

THE SILENT MAJORITY

Mr. DOLE. Mr. President, President Nixon and many others have spoken recently of the silent majority, those Americans of good faith and stout purpose who seem at times to be overshadowed in the news and current affairs by vocal and highly visible segments of society.

I was pleased to receive last week an indication that the silent majority is not necessarily inarticulate or hesitant to address itself to the agitation and disruption of the noisy few. I am referring specifically to a declaration signed by more than 500 citizens of southeast Kansas who were outraged and disturbed by criticism of the Apollo astronauts' exercise of their freedom of religion through prayer and scripture reading on lunar voyages.

Mr. President, I ask unanimous consent that this declaration and the letter which accompanied it be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DECLARATION

As a part of a silent majority, we, the undersigned, desire to stand and be counted on the following issues.

I. We affirm our faith in God and believe our nation and its leaders need His divine guidance for the critical problems at hand. We earnestly believe in the power of prayer to give us that guidance. We therefore respectfully request your consideration of the following:

A. We appreciate and commend the astronauts for the Christian testimony they gave by offering prayer and reading from the Bible; and we claim their right so to do.

B. We request that the privilege of prayer be restored to our public schools.

II. We believe in the United States of America and in our leaders. We cherish our liberty and freedom. We believe that with that freedom comes responsibility, and that no one has a right to use this freedom to the detriment of another. We therefore bitterly oppose exploiting, which would tend to enslave or cripple our youth or any other citizen of our nation, physically, morally, or spiritually. We therefore respectfully request your consideration of the following specific points:

A. We urge, and will support, strong and immediate action against the sale, distribution, or use of harmful drugs.

B. We urge, and will support, strong and immediate action against all forms of obscenity and pornograph in film, literature, and all news media.

These signatures are willingly and individually given, and each or all may be investigated as to validity.

[Not supplied for RECORD]

INDEPENDENCE, KANS.,
January 20, 1970.

Hon. ROBERT DOLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Has the "silent majority" found its voice? In our case we think we have. We are willing to stand up and be counted.

Enclosed is a Declaration of Principles which many citizens in or near Independence, Kansas, have seen fit to call to your attention.

Perhaps in a word of explanation, we should mention that this started recently when Madelyn Murray O'Hare questioned the right of our astronauts to pray and read Scripture as they orbited the earth. As Christians we could not refuse the challenge to speak out and state our beliefs. Therefore, the Silent Majority of Independence was started. Enclosed is a button which we proudly wear. We hope others over the Nation will join us.

The Independence Daily Reporter is covering the story. We hope the Associated Press will pick it up for further dissemination.

We do hope you will see fit to support and promote these ideals for a better America.

Sincerely,
SILENT MAJORITY OF
INDEPENDENCE, KANS.
By Mr. and Mrs. LESTER WICKER.

U.S. POLICY IN THE MIDDLE EAST

Mr. McCARTHY. Mr. President, stability and order in the Middle East can be achieved only in the context of a clear and consistent U.S. Middle Eastern policy.

The case for our commitment in the Middle East is one that we can trace clearly back to 1945 when President Truman first asked the British to admit Jewish refugees into Palestine. In 1947 we supported the United Nations General Assembly in the partition of Palestine which led to the establishment of Israel. We did not stop with that general endorsement and support of the United Nations position, but in 1950 agreed to the Tripartite Declaration by which we took responsibiilty in a very special way, promising our continuing support to the State of Israel.

Our commitment is not limited to the somewhat cold and formal rules of law and of documents and papers. It is a moral commitment which is the expression of the will of the people of this country.

The establishment of Israel was not just a formal act but one which reflected a deep sense of moral responsibility on the part of this Nation. In part, in supporting the founding of Israel we were not facing up to the realistic need for the opening of immigration that should have been granted at the end of World War II. But this was only one side of our aproach. Along with this, there was reflected in our support a commitment that has always been accepted in this country, but which was, I think, most clearly stated at that point of greatest discouragement about Western civilization in the middle of World War II when Franklin Roosevelt gave his "Four Freedoms" speech.

It was a projection in the middle of this century of what had been said to the world by the men who signed the Declaration of Independence and who drafted our Constitution: That all men should be free to speak what they thought and that they should be free from want insofar as is possible and, finally, that they should be free from fear. This was his great addition to the language of hope and aspiration among men, and it had particular application to the establishment of Israel, for it said that every man and every people would have a country which they could say was their own, would have recourse to a set of laws which they could say were their laws, could appeal to a system of justice which they could say was their system of justice. We have had a continuous reaffirmation of that moral support, not just by our own people but in the concurring opinion of nearly all the peoples of the world.

Down through the years, each time that the integrity of Israel was challenged, our Government speaking through the President responded.

President Eisenhower in 1957 spoke of the freedom of the seas and the right of Israel to have access to all the oceans of the world, and in 1963 President Kennedy reaffirmed our support of Israel. In 1967, President Johnson reviewed and summarized and took to himself all of these earlier commitments and restated them for this Nation to the world.

Although we spoke well, we did not do all that we should have done to meet our obligations in the Middle East. For example, we should have pressed harder for the opening of the Suez Canal to Israel after 1956.

We should have pressed harder for broad acceptance of the right of "innocent passage through international waters." In 1957, Secretary of State Dulles assured the Israeli Ambassador to the United States that we were prepared to exercise that right in the Gulf of Aqaba and to join with other nations in securing its general recognition.

We should have made a greater effort to prevent the tremendous buildup of arms throughout the Middle East—a build up still going on.

We should have taken more responsibility in seeking an international response to the problem of Palestine refugees and in encouraging better relations between Jordan and Israel and among Lebanon, Jordan, and Israel.

Actions are always more difficult than words and the possibility of success in these fields of action was and is limited by historical realties.

This limitation, however, does not apply to the statements as to what our position is.

There was no excuse for the State Department's language in the spring of 1967 that "we are neutral in word, thought, and deed," language which presented a confused and distorted impression of the real interest and commitment of the United States.

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There was no excuse for the recent contradictory statements made by the Nixon administration. On December 9, 1969, Secretary Rogers spoke in favor of negotiations according to the Rhodes formula under which the 1949 armistice agreement was negotiated; these were not direct negotiations between the parties concerned. This statement, rightly or wrongly, was widely interpreted as a backing off from our commitment to Israel and was, therefore, a cause for concern. Emphasis upon four-power talks and on talks between the United States and the Soviet Union raised the possibility that the United States might seek to substitute such talks for direct negotiations between the parties themselves.

After the announcement that France intended to sell 100 jet fighters to Libya, President Nixon, on January 25, 1970, assured a conference of American Jewish leaders that the United States was "prepared to supply military equipment necessary to support the efforts of friendly governments, like Israel's, to defend the safety of their people." He also stated:

> The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them. We do not see any substitute for such negotiations if peace and security arrangements acceptable to the parties are to be worked out.

Then, on January 28, 1970, it was reported in the New York Times that the United States "had assured Arab governments that President Nixon's message, did not in any way invalidate the American proposals for a Middle Eastern settlement that had been advanced during the recent Big Four and Big Two talks" and that the Arab governments had also been given assurances "that no decision had yet made by the administration on the month-old Israeli request for further military and economic assistance."

There may be no clear inconsistency in these administration statements, but they create the impression of confusion and of vacillation in United States policy. Confusion as to U.S. intentions was, in my judgment, a factor contributing to the outbreak of war in the Middle East in June of 1967.

Ambiguity in the U.S. position and the U.S. commitment contributes to instability and peril. It would be deplorable if our failure to make clear our commitment to the security of Israel were to encourage more trouble in the Middle East.

U.S. policy in the Middle East should seek the following objectives as necessary conditions for order and stability in the Middle East:

First, negotiations between the Israelis and the Arab nations;

Second, recognition by all nations of the international character of the waters of the Gulf of Aqaba and the Strait of Tiran, and of the right of all nations to the use of the Suez Canal;

Third, greater efforts to solve the Palestine refugee problem;

Fourth, a policy of restraint on the part of all nations contributing to the arms buildup in the region; and

Fifth, border adjustments and controls necessary to assure to Israel the security to which that nation has the right and also to give assurance and stability to those Arab nations that have shown an interest in order in the Middle East. Once the parties primarily concerned have reached a mutually satisfactory settlement, the United States, with other nations and, I would hope, with the assistance of the United Nations, should be prepared to support that settlement.

THE TRADITION OF THE GROUNDHOG PREDICTION

Mr. SCOTT. Mr. President, I recently was voted lifelong membership in the Punxsutawney Groundhog Club of Pennsylvania. This club, which has been in existence for 89 years, has received previous recognition in the RECORD.

On February 2, each year, the groundhog pokes his head out of the ground to make his prediction. If the animal sees his shadow, it means 6 more weeks of winter. But if the day is cloudy and there are no shadows around, the groundhog will stay out and there will be an early spring.

This tradition of the groundhog's prediction receives note every year. I wish to bring the celebration of this tradition to the attention of the Senate.

WHO WATCHES THE WATCHDOGS?

Mr. TYDINGS. Mr. President, in the past year there has been increasing interest and debate over the news media. There are certainly many issues involved—concentration, public challenge, news bias are just a few. It is interesting to note just what media coverage this vital debate about the media receives. An article in the Wall Street Journal discusses this intriguing issue. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 26, 1970]

WHEN TV NETWORKS ARE IN THE NEWS

(By Jerry Landauer)

WASHINGTON.—Shortly before Vice President Agnew's highly publicized attack on television for manipulating the news, a Senate subcommittee took testimony about another issue troubling many lesser politicians: The rising cost of buying TV time to reach the voters during election campaigns.

These skyrocketing costs, most everybody agrees, discourage poor men from running for office and make others mortgage political independence to special interests. Subcommittee Chairman John Pastore of Rhode Island sums up the problem in two sentences: "Television is an indispensable means of political campaigning but its cost is appalling. A candidate may have to spend $2 million on television to win a Senate seat paying $42,500 a year."

Accordingly, Sen. Pastore's panel is considering a bill sponsored by 38 Senators that would require all stations to sell time for as little as 20% of the highest commercial rate to candidates for Congress in the five-week period before Election Day. Broadcasters fume at the theory behind the bill: That the airways are public property that must be made available for such public business as the Government determines.

Significant though it is, a matter of this sort isn't normally covered on the nightly news shows. TV show directors prefer to allocate precious minutes to livelier stuff. At this Senate hearing, though, bigwigs of the great networks were to testify, and cameras were on hand to record the proceedings.

So here was a setting to test the performance of Mr. Agnew's targets—the "closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by Government." How do the networks handle a news event directly affecting them—and in which their executives are participants?

That night on the "Evening News With Walter Cronkite" the Columbia Broadcasting System found time to air the views of just one witness: CBS President Frank Stanton. Mr. Cronkite devoted five sentences to the Senate hearing and all five recited Mr. Stanton's views (among other things he said the bill "goes too far"). No other witness got on the air—not Rosel Hyde, then chairman of the Federal Communications Commission, nor Russel Hemenway of the National Committee for an Effective Congress, which developed the bill Mr. Stanton opposed.

The National Broadcasting Co., similarly gave short shrift to the bill's proponents (and to Mr. Stanton of rival CBS). On NBC's Huntley-Brinkley Report that same night, unidentified "politicians" were quoted as complaining about TV's enormous costs (political parties spent $38 million for air time in 1968, of which the networks receive $8.9 million). But, like its CBS competitor, NBC ignored testimony that all except a handful of broadcasters were charging candidates the highest possible rates.

Instead, NBC had an announcement to make: Hereafter it and the American Broadcasting Cos. would sell time to "candidates" at one-half and one-third the regular rate, respectively. "And," Mr. Brinkley intoned, "NBC said if Congress would change the law to leave out fringe candidates, it would give the time to candidates free."

As stated on the air these proposals seem newsy and magnanimous. But the script neglected to make clear that NBC's offer of cut-rate time merely represents an expansion of 1968 discount practices, or that it will apply next fall only to the five NBC-owned TV outlets (less than 3% of all stations are owned outright by the three networks). Hence listeners might easily have gained the impression that the networks were solving the entire campaign-cost problem all by themselves, and that there was no need even to talk about compulsory rate-cutting.

Similarly, NBC's free-time offer sounded more impressive on the air than it did in the Senate hearing room. For as NBC President Julian Goodman told the Senators, the network intends to give free time not to "candidates" as such but only for appearances by Presidential contenders in 1972.

Perhaps more substantial is another NBC plan, also outlined by Mr. Goodman at the Senate hearing, to give affiliated stations a pool of spot-announcement time for this year's election campaign. The spots could then be sold by the stations to Congressional, state and local candidates, presumably at far less than regular rates; this NBC plan wasn't mentioned on the Huntley-Brinkley show that evening.

It's obvious that time-conscious network TV can't do much more than touch the top of daily news events; it has to be choosy. Newspapers likewise have to be selective about what, and how much, to squeeze into their space, and thus may perform below par when covering news about publishers, giving them either too much attention or not enough (an example of the latter was another Senate subcommittee's hearings on the "Newspaper Preservation Act," the now-pending bill to give jointly published papers immunity from antitrust laws).

More relevant to Spiro Agnew's criticism of television is this question: How did the networks ("Nowhere in our system are there fewer checks on vast power") react to complaints of having dealt unfairly with those who testified in favor of the compulsory rate-cutting bill?

NBC, for one, wants to wiggle off the hook. Responding to Mr. Hemenway of the National Committee for an Effective Congress, NBC lawyers didn't contend that network treatment of the Senate testimony was fair or balanced. Rather, the lawyers argued that their newscast didn't constitute "coverage" of the hearings, hence NBC isn't obliged under the "fairness doctrine" to air opinions favoring the bill.

The newscast "did not present statements either for or against the bill," NBC explained. "The news item merely reported the substantive information relating to complaints of the cost of television campaigning and the decision of two networks to sell time at reduced prices."

ABC's president, Leonard Goldenson, also testified against the bill, but that night's news with Frank Reynolds and Howard K. Smith reported the hearing in three relatively neutral sentences. The formal Hemenway complaint to the FCC doesn't cite ABC.

Though CBS had been even more one-sided in covering the testimony, the Hemenway complaint was handled there not by lawyers trained to look for legal escape but by newsmen striving to be fair.

The result was significantly different. Richard S. Salant, president of CBS News, forthrightly conceded a mistake. "We are agreed that the report was not journalistically complete and that we made an error in news judgment," Mr. Salant concluded. He promises time to backers of the bill when a "news peg" develops or if the network decides to broadcast a discussion about the costs of TV campaigning.

Good idea. Such a program, or an in-depth documentary of the kind the networks frequently do so well, could air some prickly questions about TV's voluntary alternative to compulsory rate-cutting:

Should Representatives or Senators accept favors, in the form of free time or lower rates, from a Government-regulated industry? What about existing law that prohibits corporations (and unions) from contributing money or services to campaigns for Federal office? And even if unintended, wouldn't such favors tend to enhance the power of the "closed fraternity"—men who in Mr. Agnew's view already possess too much?

THE FOREIGN AID PROGRAM

Mr. PERCY. Mr. President, on January 21, 1970, Mr. Irwin R. Hedges, Coordinator of the AID food for peace program, gave a most interesting speech on foreign aid.

In that speech he stated a number of reasons why the current foreign aid program is in deep trouble and what should be done to restructure the program to make it more viable and consistent with U.S. national purposes. President Nixon has stressed the need to reassess the foreign aid program and to restructure it and has appointed a special Task Force for International Development to make recommendations to improve the foreign aid program.

Mr. Hedges makes a number of useful suggestions for new emphasis in foreign aid such as more aid to be directed through multilateral agencies, more aid to benefit the masses of people rather than ruling elites, and more emphasis on technical assistance, agriculture, and family planning.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the talk was ordered to be printed in the RECORD, as follows:

THE PROCESS OF DEVELOPMENT—THE FUTURE OF FOREIGN AID

(By Dr. Irwin R. Hedges)

It is a pleasant break from the Washington routine to meet with this distinguished group tonight and exchange with you some thoughts about the future of the foreign aid program. This manner of framing my topic implies a certain degree of optimism on my part. I am firmly of the belief the program does have a future, embattled and beleagured though it may be, right now.

To say that the foreign aid program is in deep trouble is probably the understatement of the year. The Administration foreign aid request to Congress for this fiscal year was the lowest since foreign aid began. Nevertheless, deep slashes were made from this request in the Authorization Bill approved by the Congress and sent to the President in late December. And we are still without an appropriation even though nearly seven months of the fiscal year have already passed. Hopefully, action on the bill will be completed soon now that Congress has reconvened. The final appropriation may be slightly above the record low for 1969 but it will be far less than the sums appropriated for foreign aid 20 years ago when the program began and when our gross national product was only about one-fourth what it is now.

Why has foreign aid fallen into such disrepute? Examination of the causes may suggest the steps required to improve the program and restore it to favor. Perhaps a major reason for the loss of support for foreign aid is that much of the rationale on which the program is based no longer commands Congressional and public support.

Except for the early days of the Marshall Plan and Point IV much of the appeal for support has been based on using aid to fight the spread of communism and to improve the military posture of friendly countries. The security interests of the United States have often figured as importantly in the justification of aid as the development needs of recipient countries. Efforts to use aid to gain strategic advantages have not always succeeded. Frustration and disappointment were the natural consequences.

The evolution of the post war world has undermined much of this rationale. Communism is no longer considered to be a monolithic force, and nationalism has emerged as a potent force obstructing the spread of doctrinaire communism. There is less enthusiasm for seeking security through military pacts. Some former supporters of foreign aid are now among the skeptics because they have come to believe that U.S. aid leads to military involvement (a view incidentally I personally do not believe is supported by the facts). In any event efforts to purchase political friends or strategic advantages by means of aid have proved disappointing.

The justification for aid has often emphasized the short-run economic self interest of the United States—for example, to finance exports of U.S. industry. This in itself is not necessarily bad, but it can lead to a misunderstanding of the basic purpose of aid and the shaping of aid operations for the benefit of the donor, rather than the recipient. The consequence may be disappointment over what aid accomplishes in the way of promoting development in recipient countries.

In the administration of aid, friction has frequently arisen between the donor and recipient countries from lack of identification of mutual interests and clear indication of the responsibilities of donor and recipient, respectively. With a confused sense of rationale and purpose, it is difficult to identify these things and to articulate them to ourselves and to the recipients. The political friction which results has sometimes led to a feeling on the part of the U.S. public that our aid efforts are not appreciated.

We have also often found that our expectation about the time it would take to get results were not met. We are not a patient people—we do like instant results. We have over-promised what can be accomplished by way of instant development. The public has been encouraged to believe that dramatic short-run results were possible and that our aid would quickly create viable economies. The whole aid program has come under criticism when these unrealistic expectations were not fulfilled. Development is a slow process, and we need to explain the reasons for this to ourselves.

Another manifestation of our confused sense of purpose and rationale can be found in our choice of indicators of progress. Our measurement of progress has been limited to measuring economic growth. Success, or lack of it, has largely been measured in terms of the rate of growth of GNP. But where GNP has grown, we have often been disappointed that educational levels improved only slowly, that income inequalities were not reduced, that unemployment remained the same, or got worse. This fascination with GNP has thus been misleading, and a further cause of disappointment.

Thus, the first step we must take in improving the aid program and restoring it to public favor is to explain how it relates to the mainstream of our national purposes. There are many indications that public support for aid is still strong. In this connection the results of the survey conducted several months ago by Public Opinion Research Center of the University of Michigan comes to mind. What is needed is a well articulated rationale that appeals both to American ideals and to self interest. With such a rationale, we can take the next step which is to restructure the aid program better to serve the development needs of the 70's, consistent with the rationale of our national purpose abroad. President Nixon very wisely established this order of priorities for our work when he appointed the Peterson Task Force for International Development. The White House statement announcing the appointment said: "The President has directed the group to focus on the underlying rationale of the U.S. aid effort and its relationship to overall U.S. foreign policy objectives."

The problem of explaining our rationale is both complicated and simple. It is a very complex task to explain and to relate the purpose of each and every U.S. program that provides economic assistance. The programs do vary among their immediate objectives. But I believe there also is a simple, fundamental moral rationale firmly grounded in our national ideals and our national self-interest.

Aid giving to less fortunate peoples of other nations is indivisible from our national political purpose—the American dream of liberty and individual freedom. As a nation the quest for human freedom has been our guiding principle, shaping our institutions, our laws, and our philosophy. Freedom is an evolving concept—it is more than juridical—it embraces the totality of man's relationship to his fellow man and to his environment. Certainly freedom from want—freedom from hunger—is just as basic to our concept of democracy as freedom in the conventional political sense as expressed in the Bill of Rights of our Constitution. A man is not free if he is chained by starvation. Freedom for the individual also means participation in the decisions that make a society—participation in gov-

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ernment, participation in building his own economic life.

The advancement of individual freedom is central to the ethical concepts which guide our society. Any ethical system to have validity must be universal. Just as it does violence to our ethical concepts to distinguish between the poor of one color and the poor of another color in our national society, so it does also to exclude from the area of our concern the poor or starving of another nationality. In the past we have managed to ignore the poor in other lands without our ethical system calling our conscience to account because they were far away and outside our personal experience. Today, this rationalization of unawareness and lack of knowledge is no longer available to us. Communications are too instantaneous. Progress of the human race has been marked by continual widening of the circle in which the individual accepts the responsibility of being his brother's keeper. First it was the family—next the tribe, later the city-state and the nation, and finally we are at the stage where on every hand technology, science and communications so reinforces our inter-dependence that we are forced to take the ultimate step and extend our ethical concepts and moral responsibilities to embrace all humanity. We are, indeed, as one writer put it, now living in a village world.

Our national quest for individual political and economic freedom thus extends to all of humanity. We do believe that the best society is a free society, and that the best economic, social and political decisions are made by free men. It is a simple step from this belief, to see that our self-interest in terms of economics, political security, the quality life, is best served in a world of free men. This, as I see it, is the broad, but simple outline of the rationale on which future aid efforts might be based. It puts aid into the mainstream of our national purpose, guided by our national ideals. Seen this way, aid is a means of pursuing our own self-interest.

This rationale has implications for the future operations and organizational structure of development assistance activities. In elaborating on these implications, I am of course speaking in a purely personal role. Nor is what I have to say particularly original. It is for the most part consistent with numerous recent discussions and official reports on foreign aid made by various individuals and prestigious groups. In addition to the Presidential Task Force under Rudolph Peterson now nearing its conclusions, there have been a number of other recent investigations by private individuals, university groups such as the Task Force of the Land Grant Universities, and business groups such as the Committee for Economic Development. The study of the Pearson Commission was the most exhaustive and the most comprehensive. Its report on world development and aid to the President of the World Bank in the autumn will probably stand as a landmark. Sir Robert Jackson has just handed in his evaluation and recommendations concerning the development aid operations of the entire U.N. family of agencies. Under the Inter-American Development Bank, Paul Prebisch is presently conducting a major examination of the problems and prospects for Latin America. Eugene Black has produced an authoritative book based on his personal experience. And, of course, bureaucrats and professors individually and collectively are conducting their own conversation about what is wrong, and occasionally, about what would be right.

Apart from the Peterson Task Force report, which will not be made until next month, the other studies and reports tend to concentrate on a few basic themes. These themes include:

1. Recognition of the need to end political strife between donors and recipients, and to reduce the appearance of bilateral coercion and control. This leads to the need to create a real sense of partnership between the aid giver and the aid receiver, in which the mutuality of interests are identified, and the responsibilities of each clearly stated and accepted.

2. This first theme in turn leads to a second, namely, increased emphasis on, and support of, multilateral aid agencies. This expansion of the role of multilateral giving, and multilateral administration of aid, would nonetheless allow for continuation of bilateral programs, partly because the multilateral agencies are simply not equipped to handle all of the aid flows, and partly because bilateral programs satisfy certain needs for flexibility and pursuit of national objectives.

3. Recognition that development is a slow process, but that increased aid is needed, and, if given, could bring about a transformation of a majority of the poor countries into self-sustaining growth by the end of this century: that aid, to be effective must be provided on a regular, continuing basis over a long period, and that commitments and aid institutions should be shaped to conform to this need.

4. Recognition that development means more than growth in GNP, and that emphasis has to be put on the full dimensions of development rather than just on the narrow concept of economic growth. This then argues for much greater emphasis on aid that is directly oriented towards people.

5. Insulation of bi-lateral aid operations from the influence of short-run diplomatic, military and other foreign policy considerations of the donor country. Essentially, this means that aid operations and decisions should reflect the needs of the recipient country and not the narrow short-run national interests of the donor.

6. Finally, recognition that aid alone is not enough, and that there must be greater flows of private investment, better access to the rich countries for the trade of the poor, and a larger role for universities and other private institutions in carrying out technical assistance.

I'd like to comment briefly on some of these points. First, developing a partnership relation between the aid donor and the aid recipient. Under the Marshall Plan, the first major foreign aid venture, relations between the United States and the recipient countries of Western Europe were pretty much on a partnership basis. However, as the focus of aid shifted to the developing countries the United States tended to assume a self-appointed role of judge of the development needs of the recipient country. Programming procedures and overseas mission staffing reflected this. This tendency was reinforced by the general shortage of technical and managerial skills in the developing countries, and for the most of them, the fact they were in the early stages of nation building. Regardless of the justification there may have been for such a role in the past, it is politically inappropriate for the 1970's. The developing countries have made significant progress. They are far more sophisticated in managing their affairs, and better able to participate in development efforts as equal partners. Other countries and international agencies now share with the United States the job of development assistance. For example, the United States now ranks eighth among the rich, non-communist developed countries in the proportion of GNP devoted to foreign aid. And for the first time this year the U.S. share of the total has dropped below 50 percent. There is far less need for us unilaterally to make judgments as to what is good for a country. Moreover, if we have learned anything about development, it is that it depends primarily on the national will and efforts of the country itself—it cannot be generated from without. National will will be much greater where there is national responsibility. The U.S. posture increasingly should be that of responding to the requests of developing countries, rather than trying to establish for them development priorities.

With regard to the long-term nature of development little needs to be said. Development assistance must be adjusted for the long haul. The Pearson Commission foresees the need for rich countries to continue development assistance for at least the rest of this century and at levels that will assure a growth rate of 6 percent per year, in order to reach a point by that time where the LDC's as a group can maintain a growth momentum without resort to extraordinary assistance. Adjustment of institutional arrangements and aid funding to reflect the long term nature of aid giving would require major changes in present practices.

More multilateralism is favored for many reasons. It reduces the possibilities of frictions arising out of bilateralism. It helps assure that aid will be divorced from short-range foreign policy objectives of individual donors, and helps overcome fears on the part of recipients that aid will perpetuate by economic means the domination by outside forces which they associate with colonialism. Nevertheless, an element of realism must temper advocacy of multilateralism. Perhaps the strongest case can be made for the use of the international banking institutions for funding self-amortizing projects. This is only one phase of development, however, as will be emphasized later. It is also the least concessional type of aid, generally speaking. There is a whole family of U.N. institutions now engaged in development assistance. Again, while greater support of these institutions in most cases may be merited, there are presently severe limitations on their absorptive capacity.

Sir Robert Jackson, in his exhaustive study of their operations, concluded that they are now supplied with just about the maximum resources they can handle without a major overhaul. He finds the U.N. system sadly inefficient and wanting in the kind of coordination needed to cope with the development problems ahead. He has called for major changes in the operations of the U.N. system to meet this challenga, but this will be far more difficult to bring about than changes in bilateral operations. The Pearson Commission reaches much the same conclusions about U.N. institutions. While favoring more multilateralism, it proposes that the amount of aid extended through these channels gradually be increased from the present 10 percent of the total to 20 percent.

The insulation of aid from day-to-day or limited foreign policy considerations touches some fundamentals of aid policy and operations. Some advocate to achieve this that the aid agency be separated from State and established as an independent agency responsible directly to the President. They see this as the means of preventing or at least minimizing the possibility that development assistance be interrupted by foreign policy friction that may be transitory in nature. Another suggestion of those who would insulate foreign aid from specific short run security objectives is to separate development assistance from military or supporting assistance. This would be done by submitting separate appropriation request to the Congress, and by having the respective programs administered by separate agencies—military assistance or supporting assistance by the State Department or Defense, and development assistance by the aid agency. This policy has both strong proponents and opponents in the Congress.

Steps are already underway to assure a larger role for private industry in development assistance through the creation of a government owned Overseas Private Investment Corporation. The Administration has proposed and the Congress has authorized the creation of such a Corporation. Although autonomous it is to be an integral part of any future aid agency.

DEVELOPMENT AND ECONOMIC GROWTH

One of the most fundamental changes needed in the aid program and one on which there is nearly universal agreement is the need to shift the focus of operations from the narrow objective of economic growth to the broader concept of development. The central concern of development is human resources and improvement in the quality of human life. Economic growth—yes—that is essential to development, but we have learned from experience that a developing country can have a reasonably satisfactory rate of economic growth as measured by the increase in overall national income and still be in deep trouble as far as development is concerned. And if we really think about our basic rationale, our deep sense of the importance of freedom, a concern with liberating individual people to become active participants in their societies is fundamental.

There is a growing recognition, therefore, that economic growth and development are not synonymous. Past foreign assistance efforts have been pretty much aimed at the goal of economic growth. Success has been measured in terms of the overall rate of growth in gross national product (GNP) and there has been minimal concern with problems of income distribution, the breadth of participation in the development process—the maximizing of employment opportunities and the development of democratic institutions. It would, of course, be an over simplification and misleading to assert that there has been no concern regarding these issues. Of course, there has been some and there has been U.S. support for activities—particularly in the fields of health and education—aimed at improving the general welfare.

Nevertheless, economic growth measured in macro-economic terms has been the principal guide post for programming and fund allocations. Thus, the estimated shortfall in foreign exchange earnings required to assure a specified rate of growth in GNP has been used as the principal measure of the foreign aid requirements of a particular country. Sector loans, or program loans—aimed at providing the country with the foreign exchange resources to purchase essential imports as distinguished from loans to finance a specific project say, a steel mill or fertilizer plant have received major emphasis.

Inevitably this has meant U.S. aid has been used to support the status quo. And this in turn has meant to a distressingly large degree that the benefits have accrued to the privileged ruling class, leaving the masses of the people out of the main stream of development. No one responsible for programming U.S. aid intended things to turn out that way. Indeed, it is clearly inconsistent with the justification in support of aid appropriations annually presented to the Congress, with the intent of the Congress, and the intent of the American public in supporting A.I.D. appropriations over the years. It has simply been the consequence of the A.I.D. programming operations and the assumptions on which it has been based.

The Congress has shown an awareness of this conflict in the purposes of aid giving and in the results achieved. This awareness is evident in the deep sense of frustration over the aid program which has been reflected in reduced appropriations for the foreign aid program in its present form. On the other hand, this concern has also been reflected in Congressional initiatives to improve foreign aid operations. Let me cite two examples: The first of these is the addition of Title IX to the Foreign Assistance Act of 1967. That section, you may recall, places emphasis, "on assuring maximum participation in the task of economic development on the part of the *people* (emphasis added) of the developing countries, through the encouragement of democratic private and local government institutions."

More recently this concern is reflected in the provisions of the 1969 Foreign Assistance Act. That Act provides for the creation for Latin America of an Inter-American Social Development Institute. The stated purpose of the Institute is ". . . to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Institute, primarily in cooperation with private, regional, and international organizations, to:

(1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

(2) support self-help efforts designed to enlarge the opportunities for individual development;

(3) stimulate and assist effective and ever wider participation of the people in the development process;

(4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Institute shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people."

Making *people* the source of our concern in aid giving would have profound implications for all aid programming. Let me use agricultural development as an illustration.

In recent years several developing countries with chronic food deficits have experienced spectacular increases in food production. For the most part these successes have been associated with the introduction of new high yielding varieties of wheat and rice which have been developed by international agricultural research centers sponsored by the Ford and Rockefeller Foundations. India, Pakistan, the Philippines, and Turkey are the areas where notable successes have occurred. Progress has also been made in North Africa. In East Africa notable successes have been achieved with the introduction of hybrid corn, particularly in Kenya.

The new seeds alone are not sufficient to spark an agricultural revolution, however. In all cases there have been other essential factors favorable to development which for short hand convenience might be referred to as an adequate rural infrastructure. In this package I would include government policies that assure markets at favorable prices for the increased output, availability of agricultural requisites particularly fertilizers and pesticides, rural credit where this is essential and an organized means of providing farmers with information regarding the technology and cultural policies required to realize the potential of the new seeds. Actually these co-called miracle seeds should more appropriately be referred to as high response seeds because they are exacting in their cultural management requirements, and demand enormous amounts of fertilizers.

It is only when used in combination with other essential factors that the new seeds produce significant results. Consequently, the increases in productivity to date have occurred primarily in easy areas and among larger, more progressive farmers.

In all developing nations with the exception of a few city states, a high portion of the population is rural. Most farms are small and of a subsistence type. Most of these have not yet benefitted from the new technology. Unless special efforts are made to reach them there is a danger of creating an enclave agriculture comprising larger more progressive farmers utilizing modern technology, while the masses of small subsistence farmers are by-passed or indeed retrogress. If development is to mean concern about people this must not be allowed to happen. Of necessity most of the present rural population must continue to look to agriculture for their livelihood. Given the high rates of population growth in rural areas, it is inevitable that the rural population of most developing countries will continue to increase in absolute numbers. Even under the most wildly optimistic assumptions there will not be the capital available to provide them with non-farm employment. If the masses of small farmers are to be helped and therefore are to participate in the development process they must be helped where they are. It is only by helping them to improve their productivity in agriculture that they can improve and diversify their diets, purchase the products of urban based industries, and participate in improvements in housing, education, sanitation, health and other components of social progress. Such advances will not come easy. Wise policies and a determined effort will be needed to bring the masses of disadvantaged rural peoples into the main stream of progress.

This means that special attention will have to be given to reaching the small cultivator in developing marketing outlets, credit facilities, fertilizer distribution, extension services, and other components of rural infrastructure. In particular, special caution should be exercised in policies affecting mechanization. The experience of developed industrialized countries in this connection is not relevant to the needs of developing countries at this stage. Non-farm employment is not available to small cultivators displaced by mechanization. A certain amount of mechanization is inevitable and indeed desirable.

Even relatively small farmers who by using the new seeds can now grow two or three crops per year where formerly they only grew one may have need to resort to some mechanization in order to assure timely completion of essential operations. Under these conditions mechanization can be labor intensive and employment creating. Government policies, with respect to credit, pricing, or allocation of scarce foreign exchange for importation of machinery should avoid encouraging mechanization that displaces labor. Indeed, the emphasis in both rural and non-rural development programs should be on labor intensive activities.

These are some of the themes and changes to make aid more effective in the future. With sensible programs and at levels developed countries might reasonably be expected to provide, the developing world can look forward to the time when the masses of their citizens can participate and share in the fruits of modern technical society. In spite of its shortcomings and frustrations *aid* has been on the whole remarkably successful. From 1950 to 1967 the GNP of developing countries as a group grew at a rate of 4.8 percent per year and some 30 had growth rates per person exceeding 2 percent per year. This the Pearson Commission points out was a faster rate than experienced by the developed countries at a comparable period in their development. Present rates of growth would quadruple incomes in 60–70 years—and, if assistance is forthcoming to accelerate the growth rate, this can occur in a shorter time.

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Most of the investment capital that has fueled this growth has been supplied by the developing countries themselves. In the 1960's domestic savings financed 85 percent of total investment; only 15 percent the Pearson Commission estimates came from outside sources. As Mr. Pearson has concluded, underdevelopment is not a vicious circle. It is an evil the world has the power to eradicate.

Thus, the time is at hand to address ourselves to the task of development with renewed vigor, and with programs tailored to the needs of the 70's. That the time is at hand for major changes in the form and manner of aid giving, then, there can be no doubt. It is clear that President Nixon plans this as a part of the reassessment and readjustment of the role of the United States in world affairs which he has launched. His mandate to the Peterson Task Force was to come up with recommendations in this regard. In signing the Foreign Aid Authorization Bill recently the President affirmed the continuing commitment of the United States to provide assistance to less developed countries. He stated that, "It is my personal conviction that such assistance remains vitally necessary if we are to effectively cooperate with less wealthy countries struggling to improve the lives of their citizens.

"It is also my personal conviction, as I stated in submitting this year's foreign assistance legislation, that substantial improvements in our aid programs are necessary."

"Several such improvements are already under way: This act authorizes an Overseas Private Investment Corporation, to give new direction to U.S. private investment abroad; we have increased our emphasis on technical assistance; we will channel a greater percentage of our assistance through multilateral institutions; and we will expend our assistance to food production and family planning programs.

"I recognize that many Members of Congress and many Americans believe that a more extensive renovation of our foreign assistance program is necessary. I share that belief. For that reason I look forward to the forthcoming report of my Task Force on International Development, of which Rudolph Peterson is Chairman, and expect its recommendations to form the basis of an innovative and more effective foreign assistance program which will justify even greater support from the Congress and the American people."

Some of the changes to improve foreign aid that the President has in mind are already emerging or have been indicated in Presidential statements and actions. For example, the President has ordered a further reduction, on top of the one made by the previous administration, in U.S. overseas personnel including A.I.D. personnel. This is consistent with his announced intention of reducing the U.S. presence around the world.

The future pattern of U.S. assistance to Latin America, the President stated in a major speech on Latin American policy, must be U.S. support for Latin American initiatives which could best be achieved, he said, on a multi-lateral basis. In the same Latin American speech he called for a partnership in which the U.S. lectures less, and listens more. One can infer from this that the President is prepared to shift U.S. aid efforts from a hardshell operation more to a posture of responding to requests of prospective recipients.

The form of the organizational structure for carrying out bilateral development programs is a matter of speculation. There is strong support as I said earlier for re-establishing the A.I.D. agency as an autonomous unit separate from the State Department in order to separate long-term development operations from short-term diplomatic considerations. There is also support for assigning to such an agency lead responsibility for representing U.S. interests with the International Banks and U.N. institutions concerned with development, and in formulating trade policy affecting developing countries. This is not now the case. These changes could be made and still leave the present structure of the A.I.D. agency relatively intact.

On the other hand, there is speculation that the newly authorized Overseas Private Development Corporation and the Inter-American Social Development Institute represent the wave of the future. The suggestion has been made that a similar institute be created for the rest of the world. If this approach were used one could conceive of a technical assistance foundation to administer technical assistance and a development loan fund to handle development loans. If this happened the present aid Agency would presumably be dismantled and replaced by a very small tightly structured organization charged with coordinating the operations of the several agencies engaged in overseas development and whose head would report to the President. This might also be accompanied by some further reduction in overseas missions—perhaps eliminating aid missions except for a few personnel in all but the larger aid receiving countries.

I would not presume to predict which form among these or other alternatives the organization for aid operations is likely to take. I am of the opinion, however, that the President has set as his goal the revamping of aid operations along lines that better serve our national interests, discharge our nation's responsibilities as a world leader, and appeal to the felt wishes and idealism of the American people.

I conclude with President Nixon's concluding words in signing the Foreign Assistance Act of 1969:

"The task of overcoming poverty and human misery at home and abroad is a formidable one. It is the most ambitious and most crucial challenge in human history. It is one to which this country has made a great contribution, of which we should be proud. It is also one which will call upon us and other wealthy nations for greater efforts in the future."

COMPUTERS, DATA BANKS, AND CONSTITUTIONAL RIGHTS

Mr. ERVIN. Mr. President, modern technology, through the development of computers, data banks, and telecommunications systems, has placed at the disposal of officials of the executive branch unique resources to defeat at will the constitutional principles on which our freedoms are based.

I say this because these devices have handed Government the means to satisfy easily its boundless curiosity about private citizens. They have afforded officials techniques for monitoring more easily our opinions and our activities and, consequently, for reducing our first amendment rights.

As a result of increased Federal spending in these areas, Federal agencies and departments are fast acquiring the technological means to obtain and store information about every facet of the lives and personalities of American citizens and for every conceivable purpose.

The ability to understand and control Government information systems, and the technical expertise to manage and operate vast data banks, are skills which, for some reason, carry a mystique and power far beyond what they deserve. This has produced an unusual public and congressional complacency about management of information programs on private citizens.

Assuredly, some of these data banks are highly relevant and necessary for the purpose of aiding Government officials in the prompt, effective, and efficient administration of the laws. With our constantly increasing population, our complex social and economic problems, we should be lost without the aid of these technical and scientific advances. But without the presence and control of officials who understand and respect the constitutional uses of these methods, the liberties of every citizen are threatened.

It is sometimes difficult to determine the point at which these data banks lose their relevance and become instruments for unwarranted surveillance and for political control; when they cease to be constitutional aids to good government and become garbage bins for products of unwarranted invasions of the privacy of individuals.

The great majority of Government data banks never become any of these things. Nor are they designed for these purposes. The sad truth, however, is that some are designed for these purposes, while some, innocently created by behavioral scientists, can evolve into monsters of surveillance. Others, strictly supervised now, may, with the wrong mixture of political expediency and incentive, be expanded, interfaced with other systems and abused.

A recently discovered example of a data bank with potential for abuse or surveillance is the Secret Service program to collect information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, and so forth; who make oral or written statements about high Government officials in the following categories: First, threatening statements; second, irrational statements; and, third, abusive statements; information on professional gate crashers; information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas; information regarding civil disturbances; and information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or embarrass the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

Security-oriented data banks such as these pose an especially grave threat to first amendment freedoms. No one can question the purpose of this program, so long as it is closely controlled and limited in its scope. But at the same time, we have only the assurance of Secretary Kennedy that it will be closely controlled. There is no law stating that it must be controlled in the future.

Another example of potential danger is the Government personnel data banks. These are undoubted assets in administering our gigantic civil service. Yet, they can be fed subjective, unevaluated data which can mar an employee's reputation and career prospects. A few weeks ago, for example, supervisors of the Health,

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Education, and Welfare Department were being asked to report on employees who took part in moratorium and anti-Vietnam demonstrations, who did controversial things or made controversial statements.

That same Department utilized its computerized files of thousands to maintain a blacklist of scientists. It is also supporting "people-study," data banks such as one for the surveillance of migrant children.

Numerous other instances of statistical data banks came to light in recent hearings by the Constitutional Rights Subcommittee on the powers of the Census Bureau and other agencies to demand personal data from citizens. On June 30 and November 10, 1969, I discussed at length the findings from these hearings and the coercive methods which officials use in obtaining personal details for statistical and investigative data banks.

Yet despite the information which the subcommittee and other congressional committees have gathered, public knowledge of Government data gathering which affects constitutional rights is spotty and incomplete. There is no statutory requirement that executive departments inform the Congress of data programs on individuals as they are instituted. Both the Secret Service data bank and the Social Security surveillance program came to my attention only because of letters from concerned Government employees.

Now, another data center has surfaced, this one operated by the Army at the Investigative Records Repository at Fort Holabird. According to an article published in the January issue of Washington Monthly, the Army is collecting files on private citizens who participate in certain civil activities and civilian politics. The author, Christopher H. Pyle, is a former captain in Army intelligence and a candidate for a graduate degree at Columbia University. He describes a broad range of reporting activities by Army intelligence personnel, spying on the lawful pursuits of Americans throughout the country. He also discusses proposals to link a teletype reporting system to a computerized data bank at Fort Holabird. Apparently, the Army has considered centralizing "incident" reports of events in which citizens are involved, as well as "personality" reports on individuals.

The charges Mr. Pyle makes are disturbing to me, as I am sure they will be to many others in Congress.

Clearly, the Army has no business operating data banks for surveillance of private citizens; nor do they have any business in domestic politics.

Mr. President, so unconscionable have been some of the practices and programs occurring under the aegis of the many Washington "data drives," that the subcommittee has undertaken a Government-wide investigation of the extent to which Federal data banks are consistent with constitutional rights.

As a part of this new phase of our right to privacy study, I have asked Secretary of the Army Resor to give the subcommittee a complete report on the investigative files and data center at Fort Holabird.

I have also asked the Secretary what relation this activity bears to the responsibility of the Armed Forces and on what authority he relies for such data collection and storage.

Similar inquiries are being sent to the heads of other armed services, and Federal departments and agencies to learn just what data banks are being developed and how they operate.

I have received a number of letters from North Carolina and elsewhere since Mr. Pyle's article was published, and I believe they are typical reactions of concerned citizens. All ask what Congress intends to do. They have a right to know. For instance, a North Carolina resident wrote me:

> In the January 25th issue of the Raleigh *News and Observer* there is a feature article on the domestic intelligence activity of the U.S. Army. (The article first appeared in the January 1970 issue of *The Washington Monthly*.) When the Budget Bureau proposed, a few years ago, an intelligence bank on information about individual citizens of the nation, the public protested that they would not stand for such an invasion of privacy.
>
> Now it seems that the Army, with the support of the FBI and official Washington, has created its own bank of information on individual citizens involved in activities which the Army considers necessary to watch to protect the "national security." In doing so, as the article points out, it has brought together in one accessible place more information on individual beliefs and actions than would have been gathered into the Budget Bureau's ill-fated National Data Center! The U.S. Army's threat to our privacy and civil liberties is thus quite real. I cannot understand how such a large subversive effort on the part of one segment of the federal government's organization has gone unnoticed by those officials who have sworn to uphold the Constitution of the United States. I hope that you will investigate this situation and bring the power of the Senate to act to protect the citizens of the nation from further encroachment of the rights which are given us in the Constitution—the rights which give us our invaluable, but diminishing, freedom.

A letter which I received today from another North Carolinian states:

> It is because I know you feel very strongly about the need to protect citizens against possible infringement upon their rights by government that I enclose this article taken from the Boston Sunday Globe, January 18, 1970. I found it truly alarming and hope you will also.
>
> To my knowledge, the United States Army has no jurisdiction whatever over any civilian. The corollary of this is that it has no business whatever collecting information on or making qualitative judgments about any person's lawful political act or expression. Any conceivable use that the Army might make of such information would be likely to violate the canon of due process.
>
> The constitutionally protected rights of assembly and free speech were hard won and the courts have resisted various well meaning attempts over the years to curtail these rights. If the enclosed article is at all accurate, there is little or no congressional or executive control over this information gathering. If there is no justifiable reason for the Army to have this data, then that is sufficient reason for them not to have it; for its existence presupposes its use. I hope you can find the time to look into this. I feel confident that you will not be put off by the bland assurances of congressional military liaison officers, which the ordinary citizen is likely to receive when he requests information about military affairs from his elected representatives.

I await the reply of the Department of the Army with the hope that by the time they respond to all of the subcommittee's questions they will have seen fit to alter their course.

Mr. President, if they are unwarranted for the purpose, civilian investigative files and data banks in the hands of the Army, or indeed, any other agency, violate several basic constitutional precepts.

When the founders of our Nation met to draft a national constitution, they shared a common conviction that the power of government over individual freedom must be strictly limited. They shared a common memory of the oppressions of the governments they and their ancestors had known. They knew well the danger to the spirit and to life which resulted from personal control of the apparatus of law enforcement. These men remembered the terrors of surveillance and the use of informants. They recalled the use of star chamber practices to decide the lives and fortunes of men in secret.

While our Founding Fathers did not predict the dangers of the computer as such, they set the guarantees to control the use of any device for surveillance purposes.

They attempted to set for all time the limits on exercise of governmental power. Mindful that the threat to liberties may come from legislatures and judges as well as from kings, they sought to guard against each of these by dividing constitutional power into three branches of Government. They wrought an intricate system of checks and balances. Then, in response to the demands of the people through the State constitutional conventions, a Bill of Rights was adopted to guarantee the inviolability of those liberties they cherished most dearly, and those which experience had shown were most easily assaulted by the excesses of governmental grants.

Chief among the displays of arbitrary power which they remembered so well was the excess of the armed forces, acting as agent of the king.

It is all too true, as the Supreme Court has said through Mr. Justice Black:

> The tradition of keeping the military subordinate to civilian authority may not be so strong in the minds of this generation as it was in the minds of those who wrote the Constitution.

The founders envisioned the Army as a necessary institution, but one dangerous to liberty if not confined within its essential bounds. These fears were rooted in history.

It was no accident that the Declaration of Independence, in listing the abuses of George III, stated that he had "affected to render the military independent of a superior to the civil power." Those who adopted the Constitution embodied their profound fear and distrust of military power in the Constitution and in the Bill of Rights.

To assure that the Armed Forces should be subject to the law of the land, that the military should always be serv-

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ant to civilan rule, they provided that the President should be the Commander in Chief. To assure that the people always controlled the Armed Forces, Congress alone was empowered to make "rules for the Government and regulation of the land and naval forces."

Mr. President, I recall these basic constitutional principles today because they will be devastated beyond repair if the collection of unwarranted files and development of data banks for survillance purposes is not halted, and if some all-out controls are not set on the activities of those who control the computers and guard the files in our great information systems.

The Army political surveillance program is, however, only one of many data systems in the hands of an ever-curious executive branch.

In the total recall of vast computer systems rests a potential for control and intimidation which is alien to our form of government and foreign to a society of free men. Regardless of the purpose, regardless of the confidentiality, regardless of the harm to any one individual, the very existence of Government files on how people exercise first amendment rights, how they think, speak, assemble, and act in lawful pursuits, is a form of official psychological coercion to keep silent, and to refrain from acting. Because it is more insidious, it is a coercion far more effective and intimidating than any tyranny experienced by the Founding Fathers.

It is a violation of the first amendment rights of our entire Nation.

Mr. President, I think we have serious cause for concern.

I ask unanimous consent that the Washington Monthly article by Mr. Pyle and my letter to Secretary Resor be printed in the Record following my remarks, together with articles from the New York Times of January 16, 1970, the Washington Star of January 15, 1970, the Fresno Bee of January 28, 1970, and the New York Post of January 27, 1970.

There being no objection, the items were ordered to be printed in the Record, as follows:

JANUARY 22, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: In connection with our study of computers, privacy and constitutional rights, the Constitutional Rights Subcommittee is conducting a survey of the development and maintenance of data banks by Federal departments and agencies.

One of our purposes is to determine whether or not such data systems are being developed in accordance with constitutional standards of privacy and due process of law for the individual citizens involved. Another purpose is to help Congress ascertain the need for comprehensive legislation to govern all computerized data banks on individuals.

Our attention has been particularly directed to reports of the development and expansion of data banks at Fort Holabird, containing information on the personalities, on the political, economic, and social beliefs and on the lawful community activities of American citizens.

To assist the Subcommittee in its study, we should appreciate your explaining for us: (1) the present situation concerning collection and storage of Army intelligence and other investigative data on private individuals, particularly at the Investigative Records Repository, but also at other data centers operated by the Army; and (2) future plans for expanding and further computerizing the present system.

Specifically, we should receive responses to the following questions:

1. Under what statutory and administrative authority was the Investigative Records Repository established, and for what purpose? What is the relationship of this activity to the responsibilities of the Armed Forces? Please supply copies of pertinent statutes, regulations and memoranda.

2. Is all military intelligence data on individuals filed in this center? Is it computerized?

3. How many subject individuals are presently recorded in the system at the Records Center?

4. What categories of information about individuals are contained in this data bank? Are there any published or unpublished regulations or instructions governing the type of information appropriate for the files, how it is to be gathered, and how its accuray is to be determined? If so, please supply copies.

5. Are there plans to expand the scope of these files in number and subject matter? If so, how would this specifically alter the existing data system?

6. Is the subject individual, or his representative, allowed to review the data on record about him, to supplement his file and to explain or rebut material he considers inaccurate?

7. What provisions are made for deleting material found to be inaccurate or inappropriate, either spontaneously by the Army or on motion of the individual concerned?

8. What limitations are placed on access to the file or to information contained in it? What security procedures or devices are employed to prevent unauthorized access to the data file or improper use of the information? Who specifically has access to this data? For what reasons and on what authority is access granted?

9. What other agencies have access to these files? For what purposes? Under what restrictions?

10. Is a record maintained of the details of inspection or use of the file or data on an individual?

11. How is this information collected and by whom? Is it collected by investigators or from third parties? Is it solicited from the individual himself, or is it collected from other records?

12. Do you have published or unpublished regulations or guidelines concerning use and availability of these files? If so, please supply copies.

13. Do you have published or unpublished regulations or guidelines concerning the gathering, screening and accuracy of data in these files? If so, please supply copies.

14. To what extent are these files computerized? What are your plans for computerizing further?

15. The Subcommittee is interested in learning the truth about current reports that the Army plans to connect its intelligence teletype reporting system to a computerized data bank at the Investigative Record Repository. If so, what are your plans for safeguarding the accuracy of the data collected and its relevance to the area of your responsibility?

16. What other data banks are maintained or supported by the Department of the Army on private citizens? To the extent possible, please supply for each of these the information requested for the Fort Holabird data banks.

Enclosed is a *Congressional Record* excerpt describing the scope of the Subcommittee's interest in the government's use of data banks on individuals.

Your assistance in our study is deeply appreciated.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman, U.S. Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights.

[From the Washington Monthly, January 1970]

CONUS INTELLIGENCE: THE ARMY WATCHES CIVILIAN POLITICS

(By Christopher H. Pyle)

(NOTE.—Christopher H. Pyle, a Ph.D. candidate at Columbia University, has recently completed two years service as a captain in Army Intelligence. The information in this article comes from briefings he received at the headquarters of the U.S. Army Intelligence Command, and from the observations of friends and acquaintances who served in intelligence units throughout the United States and Europe. None of it carries a security classification of any kind.)

For the past four years, the U.S. Army has been closely watching civilian political activity within the United States. Nearly 1,000 plainclothes investigators, working out of some 300 offices from coast to coast, keep track of political protests of all kinds—from Klan rallies in North Carolina to anti-war speeches at Harvard. This aspect of their duties is unknown to most Americans. They know these soldier-agents, if at all, only as personable young men whose principal function is to conduct background investigations of persons being considered for security clearances.

When this program began in the summer of 1965, its purpose was to provide early warning of civil disorders which the Army might be called upon to quell. In the summer of 1967, however, its scope widened to include the political beliefs and actions of individuals and organizations active in the civil rights, white supremacy, black power, and antiwar movements. Today, the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country. These include not only such violence-prone organizations as the Minutemen and the Revolutionary Action Movement (RAM), but such nonviolent groups as the Southern Christion Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the American Civil Liberties Union, Women Strike for Peace, and the National Association for the Advancement of Colored People.

The Army obtains most of its information about protest politics from the files of municipal and state police departments and of the FBI. In addition, its agents subscribe to hundreds of local and campus newspapers, monitor police and FBI radio broadcasts, and, on occasion, conduct their own undercover operations. Military undercover agents have posed as press photographers covering anti-war demonstrations, as students on college campuses, and as "residents" of Resurrection City. They have even recruited civilians into their service—sometimes for pay but more often through appeals to patriotism. For example, when Columbus University gave its students the option of closing their academic records to routine inspection by government investigators, the 108th Military Intelligence Group in Manhattan quietly persuaded an employee of the Registrar's Office to disclose information from the closed files on the sly.

Typical of the hundreds of reports filed by Army agents each month are the following, taken from the unclassified intelligence summary for the week of March 18, 1968:

"Philadelphia, Pa.: A. The Philadelphia Chapter of the Women's Strike for Peace sponsored an anti-draft meeting at the First

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Unitarian Church which attracted an audience of about 200 persons. Conrad Lynn, an author of draft evasion literature, replaced Yale Chaplain William Sloane Coffin as the principal speaker at the meeting. Following a question and answer period, Robert Edenbaum of the Central Committee for Conscientious Objectors stated that many Philadelphia lawyers were accepting draft evasion cases. The meeting ended without incident.

"B. Rev. Albert Cleage, Jr., the founder of the Black Christian Nationalist Movement in Detroit, spoke an an estimated 100 persons at the Emmanuel Methodist Church. Cleage spoke on the topic of black unity and the problems of the ghetto. The meeting was peaceful and police reported no incidents.

"Chicago, Ill: Approximately 300 members of Veterans for Peace and Women for Peace held a peaceful demonstration at the Museum of Science and Industry protesting an exhibit by the U.S. Army. Several demonstrators entered the building in spite of warnings by museum officials and 6 were arrested on charges of disorderly conduct, resisting arrest and criminal trespassing. Five of those arrested were juveniles."

To assure prompt communication of these reports, the Army distributes them over a nationwide wire service. Completed in the fall of 1967, this teletype network gives every major troop command in the United States daily and weekly reports on virtually all political protests occurring anywhere in the nation.

The Army also periodically publishes an eight-by-ten-inch, glossy-cover paperback booklet known within intelligence circles as the "blacklist." The "blacklist" is an encyclopedia of profiles of people and organizations who in the opinion of the Intelligence Command officials who compile it, might "cause trouble for the Army." Thus it is similar to less formal lists which the Department of Health, Education, and Welfare has maintained to exclude politically unpopular scientists from research contracts and consultant work.

Sometime in the near future the Army will link its teletype reporting system to a computerized data bank. This computer, to be installed at the Investigative Records Repository at Fort Holabird in Baltimore, eventually will be able to produce instant printouts of information in 96 separate categories. The plan is to feed it both "incident reports" and "personality reports." The incident reports will relate to the Army's role in domestic disturbances and will describe such occurrences as bombings, mass violence, and arms thefts. The personality reports—to be extracted from the incident reports—will be used to supplement the Army's seven million individual security-clearance dossiers and to generate new files on the political activities of civilians wholly unassociated with the military.

In this respect, the Army's data bank promises to be unique. Unlike similar computers now in use at the FBI's National Crime Information Center in Washington and New York State's Identification and Intelligence System in Albany, it will not be restricted to the storage of case histories of persons arrested for (or convicted of) crimes. Rather it will specialize in files devoted exclusively to descriptions of the lawful political activity of civilians. Thus an IBM card prepared many months ago for the future computer file of Arlo Tatum, executive secretary of the Central Committee of Conscientious Objectors, contains a single notation—that Mr. Tatum once delivered a speech at the University of Oklahoma on the legal rights of conscientious objectors.

Because the Investigative Records Repository is one of the federal government's main libraries for security clearance information, access to its personality files is not limited to Army officials. Other federal agencies now drawing on its memory banks include the FBI, the Secret Service, the Passport Office, the Central Intelligence Agency, the National Security Agency, the Civil Service Commission, the Atomic Energy Commission, the Defense Intelligence Agency, the Navy, and the Air Force. In short, the personality files are likely to be made available to any federal agency that issues security clearances, conducts investigations, or enforces laws.

Headquarters for the collection and coordination of this information is a wire-mesh "cage" located inside a gray metal warehouse at Fort Holabird. The official designation of the office is "CONUS Intelligence Branch, Operations IV, U.S. Army Intelligence Command." CONUS is the Army's acronym for Continental United States. Direction of this program is in the hands of Major General William H. Blakefield, head of the U.S. Army Intelligence Command at Fort Holabird. Established in 1965, the Command coordinates the work of a number of counterintelligence "groups" formerly assigned to the G–2 offices of the major stateside Armys. Accordingly, its principal function is not to collect intelligence but to protect the Army from espionage, sabotage, and subversion. Its main job is to investigate persons being considered for security clearances and to inspect military installations for adequate physical, wire-communications, and document security.

CONUS Intelligence Branch, also known as "Ops Four," is commanded by a major and run by a civilian. They supervise the work of about a dozen persons, who work in shifts around the clock. Most are WAC typists who operate the teletype consoles that link the Intelligence Command to the Pentagon and to intelligence units around the country. It is here that reports from agents are received, sorted, and retransmitted. Because its staff is small and the volume of reports large, Ops Four rarely has the time to verify, edit, or interpret the reports before passing them on to "user organizations."

Daily recipients of this raw intelligence include all of the Army's military intelligence groups within the United States, riot-control units on stand-by alert, and the Army Operations Center at the Pentagon. The Operations Center, sometimes called the "domestic war room," is green-carpeted suite of connecting offices, conference rooms, and cubicles from which Army and Defense Department officials dispatch and coordinate troops that deal with riots, earthquakes, and other disasters. Recipients of weekly CONUS intelligence summaries, also prepared at Fort Holabird, include not only those on the daily distribution, but such unlikely organizations as the Army Materiel Command, the Military District of Washington, the Air Defense Command, and Army headquarters in Europe, Alaska, Hawaii, and Panama.

What is perhaps most remarkable about this domestic intelligence network is its potential for growth. Uninhibited by Congressional or Presidental oversight, it has already expanded to the point where it in some ways rivals the FBI's older internal-security program. If the Army's fascination with the collection of domestic intelligence continues to grow as it has in the recent past, the Intelligence Command could use military funds to develop one of the largest domestic intelligence operations outside of the communist world. Before this happens, the American public and its elected representatives ought to demand a say in the development of this program.

THE ARMY'S NEEDS

Intentionally or not, the Army has gone far beyond the limits of its needs and authority in collecting domestic political information. It has created an activity which, by its existence alone, jeopardizes individual rights, democratic political processes, and even the national security it seeks to protect.

There is no question that the Army must have domestic intelligence. In order to assist civilian authorities, it needs maps and descriptions of potential riot or disaster areas, as well as early warning of incidents likely to provoke mass violence. Before trusting its employees or prospective employees with military secrets, it has to look into their past behavior for evidence of disloyalty or unsuitability. The Army also must investigate train wrecks, fires, and other disasters which may disrupt its lines of supply. And where ultra-militant groups seek to attack military installations, destroy files, or abuse soldiers, it has the right and obligation to keep informed about the groups' specific objectives, plans, and techniques.

The Army needs this kind of information so that it can fulfill long-established, legitimate responsibilities. But must it also distribute and store detailed reports on the political beliefs and actions of individuals and groups?

Officials of the Intelligence Command believe that they must. Without detailed knowledge of community "infrastructure," they argue, riot-control troops would not be able to enforce curfews or quell violence. To support this contention, they cite the usefulness of personality files and blacklists in breaking up guerrilla organizations in Malaya and South Vietnam. One early proponent of this view was the Army's Assistant Chief of Staff for Intelligence during 1967–1968, Major General William P. Yarborough. At the height of the Detroit riots of 1967 he instructed his staff in the domestic war room: "Men, get out your counterinsurgency manuals. We have an insurgency on our hands."

Of course, they did not. As one warroom officer who attempted to carry out the General's order later observed: "There we were, plotting power plants, radio stations, and armories on the situation maps when we should have been locating the liquor and color-television stores instead." A year later the National Advisory Commission on Civil Disorders reached a similar conclusion about the motives of ghetto rioters. "The urban disorders of the summer of 1967," it declared unequivocally, "were not caused by, nor were they the consequence of, any organized plan or 'conspiracy.' " After reviewing all of the federal government's intelligence reports on 23 riots, it found "no evidence that all or any of the disorders or the incidents that led to them were planned or directed by any organizations or groups, international, national, or local."

Intensive investigations subsequently conducted by local police departments, grand juries, city and state committees, and private organizations have concurred. One of the more recent, a study of 1968 "urban guerrilla" activities by the Lemberg Center for the Study of Violence at Brandeis University, is typical. It found that press and police accounts of shooting incidents were grossly exaggerated. While acknowledging that there had been "a few shoot-outs with the police" some of which "may have been planned," the Center concluded that there was "no wave of uprisings and no set pattern of murderous conflict" from which one could predict organized violence even remotely resembling guerrilla warfare.

But even if there were grounds for making such a prediction, the Army's case for personality files and blacklists would remain weak. The purpose of these records, according to counterinsurgency manuals, is to facilitate the selective arrest of guerrillas and insurgents. However, within the United States the Army has no authority to round up suspects the moment civilians take up arms. The seizure of civilians on suspicion of conspiring or attempting to overthrow the government by unlawful means or of inciting people to crime is, and continues to be, the responsibility of local and state police and of the FBI. The President may order Army units to help state or federalized National Guard troops keep the peace or fight

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guerrillas, but the Army does not acquire authority to arrest civilians unless and until civilian law enforcement has broken down and a declaration of martial law puts all governmental authority in the area of conflict in the hands of the military. In that highly remote circumstance, the Intelligence Command might have some need for personality files and blacklists on criminally inclined, politically motivated civilians. By then, however, it certainly would have full access to the more extensive and up-to-date files of the civilian agencies and thus would not have had to prepare its own.

The Army's need to keep its own dossiers on the politics of law-abiding citizens and groups makes even less sense. So long as there is a possibility that peaceful protests may get out of hand, some surveillance undoubtedly is in order. But must the Army conduct it? Are its agents and record keepers more competent than those of the FBI or of the police departments of the cities in which large demonstrations typically occur? Are the civilian law enforcement agencies so uncooperative that the Army must substantially duplicate their efforts?

More extraordinary still is why the Intelligence Command each week alerts military headquarters in Alaska, Hawaii, Panama, and Europe to stateside non-events like the following:

"Miami, Fla.: A spokesman for the Southern Students Organizing Committee announced plans for a demonstration to be held on the campus of the University of Miami in the morning. According to the spokesman, a group of anti-war/draft supporters will participate in the demonstration.

"Philadelphia, Pa.: Members of the Vietnam Week Committee composed largely of professors and students of the University of Pennsylvania, will conduct a "sleep-in" to protest the scheduled appearance of Dow Chemical Company recruiters on campus. The next day, 19 March, the same organization will sponsor a protest rally on campus."

Perhaps the best answer to all of these questions is that much of the CONUS intelligence program serves no military need at all. But if this is so, then where does the Army get the authority to run it?

THE ARMY'S AUTHORITY

According to the Nixon Administration, authority for this kind of program comes from the Constitution. So, at least, the Justice Department claimed last June in a brief defending the FBI's failure to obtain search warrants before tapping telephone calls of what were then the "Chicago Eight." The Justice Department argued that Article Two of the Constitution authorizes the President and his agents to engage in whatever "intelligence-gathering operations he believes are necessary to protect the security of the nation" and that this authority "is not dependent upon any grant of legislative authority from Congress, but rather is an inherent power of the President, derived from the Constitution itself." Thus, the Department contended, "Congress cannot tell the President what means he may employ to obtain information he needs to determine the proper deployment of his forces."

If this is so, then Army agents do have the authority to undertake any surveillance that does not run afoul of the Constitution and the courts; indeed, they can investigate anything that is normally investigated by the federal government's civilian agencies. Moreover, they do not have to obey laws like the Omnibus Crime Control Act of 1968, which forbids most wiretapping and electronic eavesdropping without prior judicial authorization in the form of a warrant.

Fortunately, the "inherent powers doctrine," as this theory is called, has few supporters. The courts have never accepted the proposition that Congress is powerless to prescribe how the President shall exercise his executive powers. Indeed, in 1952, the Supreme Court rejected President Truman's claim to inherent power to seize the nation's steel mills to avert a strike which threatened the flow of equipment and supplies to American troops fighting in Korea. If there were no constitutional Presidential power to meet that emergency, it is unlikely that one exists to authorize the intelligence powers which the government claims today.

It is far more probable that the courts would endorse a conflicting view: that the Army's authority to collect domestic intelligence is limited by, and can only be inferred from, those laws which traditionally mark off the Army's responsibility for law enforcement from that of other agencies. These include not only the statutes which restrict the Army to a back-up function in times of riot, but the laws which assign surveillance of unlawful political activity within the United States to the FBI and the Secret Service. Other sources of the Army's authority include the Uniform Code of Military Justice, which permits investigation of unlawful political activity within the armed services, and those laws and federal-state agreements under which the Army governs many of its installations. These rules, and not the vague provisions of Article Two, are the legitimate sources of the military's domestic-intelligence powers.

Yet even if the current Administration's claim to an inherent constitutional power to watch lawful political activity were to be accepted by the courts, the surveillance itself probably would be forbidden by the Bill of Rights. The reason is the chilling effect which knowledge of surveillance has upon the willingness of citizens to exercise their freedoms of speech, press, and association, and their right to petition the government for redress of grievances.

Ten years ago the federal courts would not have accepted this contention. Then the courts were hesitant even to accept constitutional challenges to the government's collection of political information when the plaintiffs could prove that the investigators had no other purpose than to deter them from exercising their rights under the First Amendment. Recently, however, the courts have begun to accept the proposition that vague and overbroad laws and administrative actions are unconstitutional if they inhibit the exercise of those rights, regardless of whether that effect was intended.[1]

Even more on point is the decision of a New Jersey Superior Court which last August declared most of that state's domestic intelligence system unconstitutional. In *Anderson* v. *Sills*, a suit filed by the American Civil Liberties Union on behalf of the Jersey City branch of the NAACP, the court held: "The secret files that would be maintained as a result of this intelligence system are inherently dangerous, and by their very existence tend to restrict those who would advocate . . . social and political change."

Had the New Jersey authorities been able to show a more urgent need for the records, the court might not have taken such a categorical position. But the police, like the Army, had cast their net so widely that it was bringing up huge quantities of information on wholly lawful political activities. Accordingly, the court brushed aside the state's claim to good intentions and found that the program had a chilling effect upon the exercise of First Amendment rights. It ordered all forms and files destroyed, "except where such information will be used to charge persons with specifically defined criminal conduct."

If people are likely to be deterred in the exercise of their rights by state intelligence systems, they undoubtedly will be inhibited by knowledge that reports of individual participation in public demonstrations are being made daily to the Pentagon, selected troop units, and an interagency data bank at Fort Holabird. Thus, even if the Army's collection of personality files and blacklists is not limited by legislation, it still may be unlawful.

THE PROGRAM'S IMPACT

Beyond the Army's need for the present CONUS intelligence program and its authority to pursue it lies the matter of its impact upon the public interest. In particular, there is its effect upon the rights of individuals, the democratic process, and the nation's security.

The impact which the program can have upon the exercise of political rights needs no further explication. The threat it poses to job rights and privacy, however, may not be so apparent.

Like the freedom from inhibitory surveillances, the job rights threatened are rights in the making. As yet no one has established a legal right to a job that requires a security clearance or to a security clearance essential to a job. Nevertheless, in recent years the courts have begun to recognize that those who already hold federal jobs and security clearances have a right not to be deprived of either without just cause or, at the very least, without the rudiments of fairness. The impending marriage of the CONUS intelligence wire service to a computer could nullify even this protection, by filling security-clearance dossiers with unverified and potentially erroneous and irrelevant reports. These reports would then be used to determine who should, and who should not, receive security clearances.

If the men and women who adjudicate security clearance were competent to evaluate such unreliable information, its inclusion in security files might be less cause for concern. Unfortunately, they are not. The most highly trained adjudicators—civilians employed by the stateside army commands—receive only nine days of job instruction on loyalty determinations at the Army Intelligence School. Moreover, this training does not even touch upon the subject of suitability, although almost 98 per cent of all clearances denied today are ostensibly rejected on that ground. The least trained adjudicators—intelligence officers assigned to field commands—receive exactly two classroom hours on loyalty and two on suitability while being trained to become investigators. Because of this extremely brief training, it is not unusual for an adjudicator to conclude that a person arrested in connection with a political protest is not suited for a security clearance, regardless of the circumstances of his arrest, the legality of his detention, or his innocence of the charges.

The adjudicators' lack of training is compounded by security regulations which permit—indeed, seem to require—the denial of clearances on less evidence than would support a magistrate's finding of "probable cause." In other words, it is not a question of whether reliable evidence indicates that the individual cannot be trusted with state secrets, but of whether the granting of the clearance would be "clearly consistent with

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[1] Typical of this growing body of constitutional interpretation is the 1965 case of *Lamont* v. *Postmaster General*. There the Supreme Court struck down a federal statute which authorized the Post Office to suspend delivery of unsolicited mail which the government agents regarded as "Communist political propaganda" until the addressee returned a reply post card declaring that he wished to received the mail. The Court, in a unanimous opinion, held that the effect of this practice, whatever the government's purpose, was to abridge freedom of speech by inhibiting the right to read.

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the interests of national security." No one really knows what this ambiguous phrase means, but in practice it frequently is used to justify findings of guilt by association. For example, soldiers and civilian employees of the Army with foreign-born spouses are virtually blocked from jobs requiring access to especially sensitive intelligence. Their association with a spouse who once "associated with foreigners" is taken as proof of their vulnerability to recruitment by foreign agents. Moreover, in nearly all other cases, adjudicators usually have to make their decisions without knowing the source of the evidence, without hearing the accused confront his accusers, or without hearing the accused defend himself with knowledge of their identity.

Given the tenuousness of the right to due process under these conditions, the influx of CONUS intelligence reports can make the system even more unjust than it is now. At the present time, little information on political activity is developed in the course of most background investigations. Army investigations, in particular, tend to be superficial; in some sections of the country shortages of personnel, caused by the war in Vietnam, have forced the Intelligence Command to abandon interviews of character references in favor of questionnaires-by-mail as its main means of inquiry. But if these questionnaires were to be supplemented by CONUS political reports, the number of clearances unjustly denied would skyrocket. These injustices would occur not only within the military; they would reverberate throughout all federal agencies with access to the Fort Holabird data bank.

The Army's domestic-intelligence program also imperils numerous expectations of privacy, some of which enjoy the status of legal rights. It does so by exposing Americans to governmental scrutiny, and the fear of scrutiny, to an extent to which they have never been exposed before. Even the Budget Bureau's ill-starred proposal to consolidate the federal government's statistical records into a National Data Center would not have brought together so much information about individual beliefs and actions.

The privacy of politically active citizens is especially threatened by the Army's practice of watching political protests, large and small, throughout the United States. To the potential protester, it is one thing to expect local press and police coverage; it is quite another to expect a military surveillance which specializes in keeping permanent records of lawful political activity.

What effect awareness of the CONUS intelligence program will have on the vast majority of people who are not politically active is more difficult to predict. By itself, news that the Army is watching civilian politics is not likely to cause most people to worry personally about their privacy. But it would be one more increment in a growing pattern of governmental intrusiveness that could have a significant cumulative impact.

Such a pattern is now well established. Among the more widely publicized activities in recent years have been the CIA's surreptitious financing of student groups, labor unions, and foundations (despite the territorial limits of that agency's mandate), the Post Office's use of peepholes in restroom walls, and the Defense Department's misuse of lie dectectors. Others include countless illegal wiretaps by the FBI, the Internal Revenue Service, and the Department of the Interior. More recently, the publication of confidential FBI wiretap information by *Life* and *Newsweek* which linked Jet's quarterback Joe Namath to Mafia figures suggests that the FBI has now assumed responsibility for enforcing professional football's code of conduct.

The cumulative impact of such abuses of power and privacy eventually must convince even the most anonymous of individuals that the United States is moving towards a society in which no one has control over what others know about him. Public awareness of the Army's activities cannot but hasten this conviction.

The unregulated growth of CONUS intelligence machinery also threatens the country's political health. It does so both by inhibiting political participation and by enhancing the potential clout of demagogues and others who would misuse security files for partisan or personal purposes.

The most immediate risk posed, of course, is to political participation. Once citizens come to fear that government agencies will misuse information concerning their political activities, their withdrawal from politics can be expected. This withdrawal can occur in a variety of ways. Some people may decline to become involved in potentially controversial community organizations and projects. Others may go further and avoid all persons who support unpopular ideas or who criticize the government. Some may refuse to object to the abuse of government authority, especially when the abuse is committed in the name of national security. Others may even stop reading political publications, out of fear that the government might learn of their reading habits and disapprove. Indeed, an adjudicator of security clearances once asked me if she could lose her clearance if she allowed her daughter to subscribe to *The National Observer!*

Inhabitions generated by awareness of extensive domestic surveillance are likely to be strongest at the local level. This is where most citizens participate in politics if they become involved at all. The withdrawal can be expected to occur all across the political spectrum, although the strongest objections to surveillance will undoubtedly come from the left. Those most likely to be deterred, however, are not the extremists of the right or the left, whose sense of commitment runs deep, but the moderates, who normally hold the balance of power. Depletion of their ranks would, of course, strengthen the influence of the extremists, polarize debate, increase animosities, and decrease tolerance. As political positions rigidify, compromise and flexibility would become harder to achieve. And the capacity of government to renew itself and promote responsible progress would also suffer.

A less immediate but no less serious danger lies in the potential for misuse inherent in the Army's extensive files on individuals and groups. It is frightening to imagine what could happen if a demagogue in the Martin Dies-Joseph McCarthy tradition were to gain access to the computer the Army seeks now, or if an Otto Otepka in uniform were to leak a copy of the Intelligence Command's so-called "blacklist" to friends in Congress, or if a General Edwin Walker were to take charge of the Intelligence Command.

Such speculation assumes, of course, that the Army cannot guarantee the inviolability of its files. The assumption, unfortunately, has some validity. Only last year, information from the Army's confidential service record on New Orleans District Attorney Jim Garrison was leaked to the press. Officers at the Investigative Records Repository at Fort Holabird (which functions as the Army's lending library for such files) suspected that the leak came from a civilian agency in Washington. They were helpless to do anything about it, however, because they had no system of records accountability by which they could fix responsibility. When asked why such a system did not exist, one officer told me: "We probably couldn't stop it [the leaks] if we tried."

Finally, the unregulated growth of domestic intelligence activity can have the paradoxical effect of undermining the very security it seeks to protect. It can do so in at least two ways. First, by increasing the "cost" of lawful political activity, it tends to force extremist groups to go underground, there to act out their us-versus-them view of politics by criminal means. Second, by intruding too closely into the lives of government employees (or prospective employees), it tends to inhibit them from applying for jobs requiring security clearances or from exercising initiative and imagination in those jobs. A good intelligence officer must be able to analyze and report accurately, and to do so he must feel free to immerse himself in the ideas and culture of the people he studies. A good scientist must have freedom to pursue his curiosities, or he is not likely to work for the government, which rarely pays as much as private industry. The direct consequence of programs which deny this freedom is to impair the quality of secret work and the caliber of the men who do it. As John Stuart Mill warned over a century ago:

"A state which dwarfs its men, in order that they may be more docile instruments in its hands, even for beneficial purposes, will find that with small men no great things can really be accomplished."

WHAT CAN BE DONE?

If the Army has exceeded the limits of its needs and authority to establish a domestic intelligence program which endangers numerous public interests, what steps should be taken to curb its excesses?

An obvious first step is a court challenge of the Army's authority to possess information for which it has no substantial need. The main target of such a lawsuit should be the personality files and blacklists describing the lawful political activities of individuals and groups. A second target should be the collection and storage of information on individuals and groups suspected of participating in unlawful political activity—except where that information is essential to an "early warning" system, or where the persons involved are associated with the armed forces, or where the information is collected in the course of security investigations.

The lawsuit's argument should be twofold: (1) the Army has no substantial need for either kind of information, and (2) the very existence of the program inhibits the exercise of First Amendment rights. Such a suit should seek a court order declaring the Army's possession of both kinds of information to be unconstitutional; it should also ask the court to enjoin future collection and storage of such information and to direct the destruction of all existing personality files and blacklists.

While such a lawsuit stands a good chance of success, it could take years to litigate. Moreover, a favorable decision could be ignored or evaded for many more years. Thus, while the symbolic value of such a decision would more than justify the time and expense, an effective challenge of the intelligence program will require the development of legislative and administrative remedies as well.

Whoever attempts to devise these remedies should be prepared to undertake subtle analyses of competing interests and values, for while the excesses of the program must be permanently curbed, the Army's ability to fulfill its responsibilities must not be impaired.

Ideally, legislative and executive analyses should be based on the kinds of questions I have already asked: What are the Army's real domestic intelligence needs? What authority does it have to initiate specific activities to meet those needs? What threats to liberty does each domestic intelligence effort pose?

The analysis should begin by demanding a justification for each alleged intelligence need in terms of the Army's authority to meet such a need and its purpose in trying to do so. Each need should then be weighed against the threats it may pose to the rights of individuals, to the vitality of the political process, and to the security of the nation. Where the risk is clear and the need doubtful, the Army should be denied authority to satisfy the need. Where the threat and the Army's need are both evident, less hazardous alternatives ought to be considered. In this circumstance, the capacity of politically responsible officials to control the alternatives should be weighed. Where reliable controls cannot be devised, the intelligence effort should not be authorized—even though the denial of authority may deprive the government of useful knowledge about the domestic political scene. If the imposition of these restraints poses a risk to internal security, then we must accept that risk as the price for individual liberties and a truly democratic political system.

The Congressional power of inquiry should be exercised first. Few Americans—including most members of Congress—know anything about the activities and plans of the domestic intelligence community. Many do not even realize that the growth of formal and informal ties among law-enforcement, intelligence, and security agencies has made it necessary to think in such terms.

For maximum effectiveness, Congress should hold open hearings not only to inform itself and the public, but to remind the intelligence community in general, and the Army in particular, that their authority to spy on civilian politics must be construed strictly, in accordance with such established principles as civilian control of the military, Presidential control of the bureaucracies, state and civilian primacy in law enforcement, compartmentalization and decentralization of intelligence duties, and obedience to law. Where it is not, corrective legislation should be promised.

A special effort should be made in the course of these hearings to inform the domestic intelligence community that Congress does not accept the Justice Department's position that "Congress cannot tell the President what means he may employ to obtain the information he needs."

Congress should also exercise its appropriations power so as to encourage major reforms in the Army's program. Specifically, it should block all funds for the planned computer unless and until the Army agrees to:

(1) Instruct its agents to limit their collection of CONUS intelligence to reports of incidents, except where the reports describe violations of the Uniform Code of Military Justice or of Army regulations. This would dry up the source of most blacklists and personality files.

(2) Forbid the Intelligence Command to convert incident reports into personality reports, except where they relate to criminal or deviant activity by persons subject to military law or employed by the military. Thus storage of information about named civilians unassociated with the armed forces would be doubly foreclosed, should such information be reported by mistake or as an essential element of an incident report.

(3) Establish effective technological, legal, and administrative safeguards against the abuse of individual rights in the process of collecting, reporting, storing, and disseminating domestic intelligence or personnel security information. For example, the Army should forbid its agents to infiltrate civilian political groups. (If it fails to do so, Congress should make such infiltration a federal crime, just as it is now a crime for a local military commander to order his troops to serve in a sheriff's posse.) Computer storage systems also should be encouraged, since they can be equipped with more effective safeguards against misuse than is possible in document storage systems. However, these safeguards must be carefully designed, regularly tested, and reinforced by laws and regulations to deter those who might seek to circumvent them.

(4) Establish separate headquarters, preferably in separate cities, for the CONUS-intelligence and personnel-security staffs. So long as the two programs are located at the some headquarters (they now share the same room and some of the same personnel), the danger of informal leakage of CONUS intelligence material to the adjudicators will remain high. Establishment of physically separate headquarters would be expensive, since it would probably require two separate communications and information storage systems. Separate storage systems, however, could be more safely computerized. Thus some of the additional expense might be recouped through increased efficiency.

(5) Request that the United States Judicial Conference or some similar body nominate a civilian advisory board to review and report annually on the sufficiency of the Intelligence Command's procedures for safeguarding individual rights. Such a board could satisfy both the public's need for a regularized system of independent scrutiny and the Army's need for friendly critics capable of alerting it to the legal, moral, and political implications of its domestic intelligence program. How successful such a board can be is open to question; much depends upon how skillfully its members can be chosen so as to assure both military and public confidence in their capacity for balanced and constructive judgments.

(6) Improve the professional quality of Intelligence Command personnel and security-clearance adjudicators. In the final analysis, the Army must be the front-line defender against the dangerous consequences of its own actions. Thus, among other things, the Army should be encouraged to end the overcrowding and understaffing of its Intelligence School, to revise and expand the curriculum of its agents' course, and to transfer the training of security-clearance adjudicators to an accredited law school or the Practising Law Institute, a non-profit organization well known for its practical courses for lawyers and laymen on specialized legal subjects.

Needless to say, each of these reforms should be initiated by the President or the Army without waiting for Congressional encouragement. In addition, the President should appoint a panel of distinguished citizens, on the order of the Kerner Commission, to look into the conduct of all domestic intelligence activities. He should also ask an organization like the highly prestigious American Law Institute to draft a new executive order and code of regulations to govern the granting of security clearances.

Implementation of these reforms can do much to bring the Army's domestic intelligence practices in line with its legitimate responsibilities. But it is not enough to reform the Army. The Intelligence Command is only one member of a huge, informal community of domestic intelligence agencies. Other members of the community include not only the FBI, the Secret Service, the Air Force, and the Navy, but hundreds of state and municipal police departments. Some of the latter are surprisingly large. The New York City Police Department's Bureau of Special Services, for example, employs over 120 agents and has an annual budget in excess of $1 million.

Each of these organizations now shares with the Army the capacity to inhibit people in the exercise of their rights, even without trying. By collaborating, they could become a potent political force in their own right. Thus as the Army, the FBI, and the Justice Department strive to coordinate these agencies through the establishment of wire services, hot lines, and computerized data banks, it is essential that the American public and its representatives be equally energentic in the imposition of checks and balances. In particular, special efforts should be made to prevent needless concentrations of information. The United States may be able to survive the centralization of intelligence files without becoming totalitarian, but it most certainly cannot become totalitarian without centralized intelligence files. The checks must be designed with the most unscrupulous of administrators in mind. The fact that we may trust the current heads of our investigative agencies is no guarantee that these agencies will not one day come under the control of men for whom the investigatory power is a weapon to be wielded against political and personal foes.

[From the New York (N.Y.) Times, Jan. 16, 1970]

EX-OFFICER SAYS ARMY SPIES ON CIVILIAN ACTIVISTS—1,000 PLAINCLOTHESMEN SAID TO REPORT ON VIRTUALLY ALL POLITICAL GROUPS

WASHINGTON, January 15.—A former Army intelligence officer said in a magazine article today that nearly 1,000 plainclothes Army investigators keep track of civilian political activity across the country and submit regular reports to a collection headquarters at Fort Holabird in Baltimore.

Christopher H. Pyle, a former captain in Army Intelligence who is now studying for a doctorate in political science at Columbia University, said Army detectives attend political rallies, protest marches and other gatherings, but base most of their reports on the files of "municipal and state police departments and of the F.B.I."

"To assure prompt communication of these reports," Mr. Pyle said, "the Army distributes them over a nationwide wire service. Completed in the fall of 1967, this Teletype network gives every major troop command in the United States daily and weekly reports on virtually all political protests occurring anywhere in the nation."

Mr. Pyle said the investigators monitor "protest politics" ranging from Ku Klux Klan rallies in North Carolina to meetings of the Women's Strike for Peace in Philadelphia.

"Today, the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country," he said.

The article was published today in The Washington Monthly, a magazine focusing on problems in American politics and government.

BLACKLIST ALLEGED

Mr. Pyle also said in the article that the Army periodically publishes an eight-by-ten-inch glossy-cover booklet known within intelligence circles as the "blacklist."

Mr. Pyle said this is an encyclopedia of profiles of people and organizations who, in the opinion of the intelligence command officials who compile it, might "cause trouble for the Army."

The surveillance program was started in 1965, Mr. Pyle said, but at that time was designed only to give military officials early warning of possible civil disorders. The program was gradually widened to include most forms of political protest activity, he said.

The investigators are all Army personnel, he said. About 75 per cent are enlisted men and 25 per cent are lieutenants or captains. Mr. Pyle added in a telephone interview, saying that the detectives have top-secret clearances.

The Army also plans, according to Mr. Pyle, to link its Teletype systems to a computerized data bank at Fort Holabird, to which Federal agencies such as the Secret Service, the Federal Bureau of Investigation and the Central Intelligence Agency will have access.

Spokesmen at the intelligence command at Fort Holabird and at the Pentagon declined comment on Mr. Pyle's article.

Mr. Pyle, 30 years old, received an Army

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commission upon graduation from Bowdoin College in Brunswick, Me., in 1961 after being in the Reserve Officer Training Corps. He obtained a delay on his active duty and received a law degree from Columbia as well as a master's degree in political science.

He entered the Army in 1966 as a first lieutenant and was assigned to the intelligence branch at Fort Holabird. Mr. Pyle was discharged in 1968.

[From the Washington (D.C.) Star, Jan. 15, 1970]

Ex-Captain Says Army Is Spying on Activists

The Army has nearly 1,000 plainclothes investigators keeping track of political protest of all kinds, a former intelligence officer said in a magazine article published today.

The author is Christopher H. Pyle, a candidate for a doctoral degree at Columbia University who recently spent two years as a captain in Army intelligence. His report appears in the current issue of the Washington Monthly.

The Army's effort to keep track of lawful and unlawful activities by citizens is centered at Ft. Holabird in Baltimore, he said.

NATIONWIDE SYSTEM

The nationwide system, operating out of some 300 offices, was set up in 1965 to provide early warning of civil disorders which the Army might be called upon to quell, Pyle writes.

"In the Summer of 1967, however, its scope widened to include the political beliefs and actions of individuals and organizations active in the civil rights, white supremacy, black power and anti-war movements," he said.

"Today, the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country."

DATA BANK LINK

The intelligence information is stored in the investigative records repository at Ft. Holabird, he said, and plans are being made to tie this data bank into a teletype reporting system to provide instant access to the information.

A nationwide teletype system provides reports to all Army commands on "virtually all political protests occurring anywhere in the nation," Pyle said.

Information in the data bank is available to a number of other federal agencies, Pyle said, and he charged that information concerning New Orleans Dist. Atty. James Garrison had been leaked to the press by another agency with access to the information.

The Pentagon had no immediate comment on the charges in Pyle's article

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[From the Fresno Bee, Jan. 28, 1970]

Army Spy System In Civilian Life

Nothing could be more repugnant to the American spirit of political liberty than the network of military spying into civilian political activity which was revealed in a story from The Washington Monthly, reprinted in the Sunday Bee's Forum section.

The story reported the existence of an extensive military intelligence apparatus masterminded by the Army agency known as the CONUS Intelligence Branch, Operations IV, US Army Intelligence Command. CONUS is the Army's acronym for Continental United States.

Its continued growth, as Washington Monthly puts it, makes it "one of the largest domestic intelligence operations outside the Communist world."

Thousands of dossiers are being compiled of individual civilians whose activities have nothing to do with the US military. They comprise in the main political activists, militant minority leaders and the like. The military justifies its cloak and dagger surveillance of this political activity on grounds it is needed for "riot control" and counterinsurgency.

But there is no constitutional justification for this in America. This kind of operation historically, and rightly, is the purview of the civilian Federal Bureau of Investigation, and of state and local police.

Even in cases of riots and insurgency, when Army troops might need to be called in, the responsibility for the use intelligence information and strategic direction of the military operation should rest with the civilian authorities.

In California a recent attempt to establish a counterpart of the Army's spying system within the State National Guard was rejected firmly by the legislature and indignant public opinion.

Washington Monthly reports the Army's personnel who evaluate data gathered about individuals' political activities receive only nine days of job instruction on loyalty determinations at the Army Intelligence School.

It is one thing for the military to investigate and screen possible subversives within its own ranks. When it extends this activity to what could become a menacing thought control in civilian political life, it thereby takes an ominous step toward police statism.

[From the New York Post, Jan. 27, 1970]

Army Admits Filing Data on Civilians

(By Morton Kondracke)

WASHINGTON.—The Army has acknowledged that it keeps files on civilians not connected with the military and on non-violent organizations as part of its domestic intelligence-gathering operations.

The Pentagon issued carefully worded statements in response to questions submitted two weeks ago by reporters whose interest was aroused by a former intelligence officer's magazine article.

Former Army Capt. Christopher H. Pyle charged in the article, which appeared in the January issue of The Washington Monthly, that the Conus (for Continental U.S.) Intelligence Branch of the Army Intelligence Command "has gone far beyond the limits of [the Army's] needs and authority in collecting domestic political information."

THEIR JUSTIFICATION

The Army said it gathered political intelligence "in connection with army civil disturbance responsibilities." But it denied publishing a book that Pyle said was known in the intelligence community as "The Blacklist."

The Army however, conceded that it "does maintain an identification list sometimes with photos, of persons who have been active in past civil disturbances activity."

It said its information was obtained from "federal, state and local law enforcement agencies."

The Army acknowledged having a computerized data bank on potential civil disturbance, but denied that it extracted and kept separate computerized files on local political activists.

"Civil disturbance incident reports from field units are transmitted over a U.S. Army Intelligence Command-dedicated automatic voice network teletype system to the U.S. Army Intelligence Command headquarters at Fort Holabird, Md.," the Army statement said.

"Information on incidents by types and geographical location is placed into the data bank from key-punch cards for analysis of trends and identification of potential trouble spots.

"This is incident information only and does not include individual biographies or personality data."

The Army said it kept civil disturbance files separate from its files on the 7 million persons who have been investigated before receiving Army security clearance.

Pyle had charged that the two kinds of files were to be integrated to give the Army a vast library on civilians.

THE GENOCIDE CONVENTION—TODAY THERE IS HOPE

Mr. PROXMIRE. Mr. President, 9 years ago in January 1961, these words were spoken:

> Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans, born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage, and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world.

These words were spoken by President John F. Kennedy in his inaugural address.

A decade has passed. Since that time, the Genocide Convention which calls on each nation for legislation to outlaw actions "committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group," has lain dormant in the Committee on Foreign Relations. Today there is hopeful news. Secretary of State William P. Rogers and Attorney General John N. Mitchell have agreed that the Senate should be asked to ratify the United Nations convention outlawing genocide, a convention that has been languishing in the Senate since 1949—for 21 long years. The State and Justice Departments now are awaiting approval by President Nixon before forwarding a request for action to the Foreign Relations Committee.

In 1950 a Foreign Relations subcommittee tabled the convention after hearings in which a major opponent was the American Bar Association. Last December the ABA section of individual rights and responsibilities urged the ABA to reverse its stand, and this will be considered later this month by the ABA's house of delegates meeting in Atlanta.

The ABA opposition was based on constitutional grounds. Attorney General Mitchell, in his approval of the new request for Senate action, has said that he had no objections on constitutional grounds.

I am pleased and very hopeful by the actions of the present administration to push for the ratification of the Genocide Convention. As Senators know, for almost 3 years, I have spoken out daily on the Senate floor urging Senate action on this convention, which would guarantee the very basic human right—the right to life.

Again, I repeat, "unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world." We cannot let another decade pass with inaction. Today there is hope. Now let us act. I urge the Senate to ratify the Genocide Convention immediately.

AIRLINE PILOTS

Mr. DOLE. Mr. President, I recently had printed in the RECORD an article

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from Airways magazine relating to the training and qualifications of airline pilots along with a response from the president of a major airline.

I have since received a further response, this from Mr. F. C. Wiser, president of Trans World Airlines. Mr. Wiser's comments and description of TWA's operations are most interesting. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TRANS WORLD AIRLINES, INC.,
New York, January 8, 1970.

Hon. ROBERT J. DOLE,
U.S. Senate
Washington, D.C.

DEAR SENATOR DOLE: I must apologize for the delay in replying to your November 20th letter which asked for our reaction to the article "Airline Pilots—How Good Are They?" The article contains many practical and reasonable observations; however, we are compelled to take exception to some of the statements attributed to the 'veteran airline captain."

First of all, we in TWA disagree with the author's statement that ". . . pilots have been hired with just the bare minimums, say, several hundred hours. After a very short time, they become Captains". All new TWA flight crew members must possess an FAA commercial pilot license with instrument rating before they are hired as Student Flight Engineers. The average flight crew applicant accepted by TWA during the past year had logged nearly 2,000 flying hours which simply qualified the trainee to commence training as a TWA crew member. They must then satisfactorily complete a 7-week ground school program; FAA Flight Engineer oral and written examinations; and an FAA approved simulator and flight training program prior to being considered qualified for line training. The Student Flight Engineer must satisfactorily complete a minimum of 25 hours of line training with an instructor, including a final line check given by an FAA-approved Check Airman before he is qualified for line flight operation.

Once the crew member is accepted as a fully qualified Flight Engineer, he begins his training to become a Captain, as all our crew members are considered to be in training for eventual Captain status. First, however, he must satisfactorily complete and perform duties as a Flight Engineer, Student First Officer and First Officer, later to be trained as a Student Captain, and finally the ultimate, the rank of Captain. Each crew member reaching this status has undergone a stringent course of training to the highest standards of proficiency, spanning a number of years and adding several thousand flying hours experience in actual airline operation.

This exposure to several phases of training while under continual observation and flight checking by both TWA and FAA personnel, affords the opportunity for extensive evaluation of the individual's technical ability and behavioral attitudes under actual flying conditions before he is allowed the responsibility of Captain-in-Command. All crew members are trained to the same level of proficiency regardless of previous background and experience.

Experience certainly is a help to the flight crew member when coping with an emergency; however, ability cannot be denied as the criteria for meeting and exceeding established proficiency standards. Several TWA crew members with relatively low time in experience have performed admirably in emergency situations. The flight simulator provides an excellent tool to demonstrate and train for emergency situations. During initial training and again during the annual recurrent training the flight crews are required to handle every conceivable emergency situation involving the aircraft type on which they are qualified. This includes aircraft system failures, such as hydraulics and electrical; a variety of fire and loss of pressurization situations; engine failures; and flight control system malfunctioning to name just a few. Each crew member has specified duties to perform during these conditions and at the same time they must function as a team which provides opportunity to re-check an individual's performance.

Another question asked: "How dangerous are instrument approaches?" It is a matter of record that more accidents occurred during landing when use is made of non-precision approach facilities than when conducting an instrument approach using an electronic glide slope as a reference for descent. Equipment does play a prominent part in executing an approach to land during instrument conditions and, consequently, TWA aircraft are equipped with the most modern and sophisticated equipment available which contributes to the safety of our operations.

It is standard procedure in TWA for the Captain to fly on instruments down through an instrument approach while the co-pilot looks for the runway lights. Crew coordination in creating an attitude awareness during instrument procedures are constantly stressed in all phases of training, checking, and actual line flying.

Flight operation during certain weather conditions is becoming less of a problem in recent years. While our procedures require that thunderstorms and severe weather systems be avoided, the airborne electronic and navigational facilities have been greatly improved to help identify and avoid these conditions. Better and faster weather data is available to the flight crews through company and local airport sources which permit a more accurate evaluation of operating conditions.

Finally, we note that the author comments: "Nothing is guaranteed safe . . .". We must observe, however, that in utilizing the most modern technology for aircraft instrumentation, flight instrument display, and flight training techniques, the industry has managed to achieve an enviable transportation safety record.

We would be pleased to have you visit our training center in Kansas City and witness first hand TWA's training procedures and facilities which we believe produce the highest quality flight crew members. TWA has for several years been an industry leader in the training of flight crew personnel and this has been exemplified as several other airlines have patterned their training program after our concepts. Personnel from other airlines and governmental agencies have been and are continuing to be trained at our facility and our course materials have received wide distribution and acclaim. Classroom, simulator and aircraft training phases are conducted by highly qualified professional personnel. Just drop a note to Captain J. E. Frankum here in New York and he will be pleased to make arrangements for your visit.

Sincerely,

F. C. WISER.

BIOGRAPHY OF ALBERT O. "BERT" KELLY

Mr. McGEE. Mr. President, Albert O. "Bert" Kelly retired from the position of Deputy Director of Northwest area, U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, January 10, 1970, after 35 years and 11 months of outstanding service to the Department of Agriculture and the 10 States in the Northwest area.

Bert is a Wyoming native son. His parents were Mr. and Mrs. Fred Otis Kelly. He was born, December 24, 1909, at Kaycee, Wyo., and grew up on his parents' farm near Riverton. One brother, Earl Kelly and two sisters, Mrs. Jess Gardner and Mrs. Earl Gardner and numerous other members of his family still live in the Riverton area and in other parts of the State. Another brother, Glenn Kelly of Riverton, died on January 11, 1970.

Bert attended grade and high schools in Riverton and graduated from the University of Wyoming, with honors, in 1932.

He taught school near Riverton for a year and then became emergency county agent in Fremont County, Wyo. This was the beginning of his long and distinguished career in the Department of Agriculture. He became successively county agent-at-large in Laramie, and upon establishment, in Laramie, of the Wyoming AAA State office, which was the forerunner to ASCS, became assistant State director, State director, statistical and program section head for the western regional office, and agricultural conservation program fieldman for the States of Idaho, Montana, North Dakota, Oregon, Washington, and Wyoming.

In 1951 he was promoted to Deputy Director of the Northwest area in Washington, D.C., from which position he retired. The ASCS Northwest area office is responsible for supervising the 10 Northwest ASCS State offices of Alaska, Idaho, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming in the administration of the agricultural conservation programs and all the Federal production adjustment and Commodity Credit Corporation farm programs. Bert served longer, in an area office, than any employee in the Nation. During his tenure, he consistently received excellent ratings from his superiors for his work and seven outstanding performance ratings and certificates of merit.

Bert and his wife, Thelma, plan to do a lot of traveling, headquartering at their home in Silver Spring, Md., near their children and grandchildren, but they plan to spend most of their summers in Wyoming, near members of the family and old friends.

GOODELL TESTIMONY IN VIETNAM HEARINGS

Mr. GOODELL. Mr. President, the Senate Committee on Foreign Relations today opened a historic new series of hearings on Vietnam.

These hearings, I believe, will make a vital contribution in lighting a way out of this tragic conflict.

As the author of the first bill that has been introduced in the Senate to achieve disengagement from Vietnam, I was privileged to be the leadoff witness in these highly important hearings.

In my testimony, I have attempted to explain my reservations concerning the current administration policies on Vietnam.

I also testified about my own legislative proposal, S. 3000, the Vietnam Disengagement Act. Introduced last Sep-

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tember, S. 3000 is a bill requiring the complete withdrawal of all U.S. military personel from Vietnam by December 1, 1970. It is the only proposal now before the Senate that would have the force of law—that would, if enacted, insure that the United States terminate its direct military involvement in this hopeless war.

Mr. President, the Foreign Relations Committee's hearings are of vital national significance. The distinguished chairman of the committee (Mr. FULBRIGHT) and the other distinguished committee members, should be commended for taking the initiative to provide this much-needed review of Vietnam policies.

Mr. President, I ask unanimous consent that the text of my testimony on Vietnam before the Foreign Relations Committee be printed in the RECORD.

There being no objection, the text of the testimony was ordered to be printed in the RECORD, as follows:

VIETNAM: THE THINGS THAT SEEM AND THOSE THAT ARE

(Testimony of Senator CHARLES E. GOODELL before the Senate Committee on Foreign Relations, February 3, 1970)

Mr. Chairman, I obviously do not agree with the President's Vietnam policy—although I feel he should be commended for reversing the military escalation so disastrously implemented by the previous Administration and for reducing the level of combat forces in Vietnam.

I fear the path the Administration is taking is fraught with illusion and danger.

We have not Vietnamized the war; we have cosmetized it.

We have painted a happy scene where Saigon prevails while we withdraw. Behind the facade of this Potemkin village, the facts of Vietnam remain as ugly as ever.

Vietnamization has been a great public relations success. Every month, the polls show that more Americans support it. But the war is not a public relations problem.

It is said that the war has been "defused" by the Administration. This assumes the war is something taking place in this country—that it is over when the President's "silent majority" thinks it is over.

The real war—the war going on there, in Vietnam—has not been defused. The Vietcong has not been defused. The powerful North Vietnamese Army has not been defused. Neither has the political and social decay that debilitates the Saigon government and army.

If there is one thing clear in Vietnam today, it is that the overwhelming majority of the people want peace—and that they are governed by a military clique that wants war.

The people of South Vietnam are truly the "silenced majority." It is an illusion to claim we are fighting to preserve the "self determination" of the people.

Vietnam is a hothouse for illusions. The new policy has been wrapped in the same mantle of official optimism that formerly cloaked the old approach of military escalation.

The intractable realities of Vietnam—the vitality and determination of the enemy and the lack of these qualities in our allies—have made shambles of earlier policies. I fear these realities will do the same to present policies.

I. THE PRICE OF PRESENT POLICIES

Administration not planning true disengagement

The President's plan is not a true policy of disengagement. It is not a covert or delayed version of the complete withdrawal policy I have been urging. It is, at best, a plan to scale down U.S. ground combat activities in Vietnam—although, as the Tet Offensive in 1968 showed, such a reduction is subject to the veto of the enemy so long as substantial numbers of Americans remain.

In recent testimony before this Committee, Secretary of State Rogers used four different formulations in describing the Administration plan—formulations which in fact are far from equivalent:

(1) ". . . to permit the people of South Vietnam to determine their own future without outside interference."

(2) ". . . to achieve an end to the American involvement in the war."

(3) ". . . to withdraw all of our forces from Vietnam."

(4) ". . . to lead to an end of the American engagement in hostilities in Vietnam."

While the first three may represent ultimate hopes, there are indications that only the fourth describes the practical, immediate commitment of the Administration. In other words, the Administration has merely adopted a combat reduction strategy, aimed at cutting back American casualties to a level where a continued U.S. presence in Vietnam would be "acceptable" to American public opinion.

The planned troop reductions

According to informed sources, the Administration plans to retain close to 300,000 troops in Vietnam until the beginning of 1971.

Serious consideration is apparently being given to a very small troop reduction during 1971—one that would only bring the level of troops remaining in Vietnam down to about 250,000 by the beginning of 1972.

The Administration also is contemplating the retention of a "residual force" in Vietnam for an unspecified and possibly indefinite period.

The residual force level being advocated by military circles in the Pentagon is 200,000. As the staff report on Vietnam policy released yesterday by your Committee indicates, Americans and Vietnamese officials in Saigon are discussing a still higher figure of 250,000.

The lowest residual force figure that has been quoted is about 30,000, attributed to the Secretary of Defense.

Even a relatively "low" residual force figure of 30,000 represents a permanent commitment larger than the level of U.S. troops in Vietnam at the beginning of 1965—which, according to many observers at the time, compelled President Johnson to escalate under Communist pressure.

Human and material costs

The human and material costs of continuing so large an American presence for so long are totally unacceptable.

The price of present policies will be anywhere from 5,000 to 20,000 Americans dead in the next three years.

The price will be anywhere from 20,000 to 100,000 Americans wounded during that time. A tragic and disproportionate number will be maimed for life.

The price will be anywhere from $40 and $60 billion in that period. These figures must be measured in the opportunities foregone to respond to urgent domestic needs.

No U.S. interest in Vietnam justifies the sacrifice of so many American lives in this seemingly interminable war.

No U.S. interest in Vietnam justifies the maiming of so many young Americans.

No U.S. interest in Vietnam justifies squandering these huge sums, at the expense of meeting the problems of hunger, poverty, slums, and environmental decay in this nation.

These are the costs of present policies if everything goes according to plan. If it does not, the price will be more staggering still.

And there are reasons to fear that not everything will go according to plan.

II. VERBAL ESCALATION

While abandoning actual military escalation, the President seems recently to have embarked on a course of verbal escalation that has its own grave risks.

The President's threats

On two occasions last year—November 3rd and December 15th—the President has sought to warn the enemy against increasing the level of their activities while we are reducing our forces, saying:

"Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

In his press conference last Friday, he very much raised the verbal stakes of his warning, by saying:

"If at a time that we are attempting to deescalate the fighting in Vietnam, we find that they take advantage of our troop withdrawals to jeopardize the remainder of our forces by escalating the fighting, then *we have the means—and I will be prepared to use those means strongly—to deal with that situation more strongly than we have dealt with it in the past.*"

Threats no deterrent

Given the drastic methods that have been used in past years to punish the enemy, the warning that we are prepared to act "even more strongly than we have in the past" strikes an ominous note of possible re-escalation.

For six and a half years, however, this strategy has not succeeded. There is no reason to expect it to succeed now.

Beginning with the first bombing raids on the North after the Gulf of Tonkin incident, President Johnson sought to dissuade the enemy from attacking our forces by initiating reprisals of increasing severity for such attacks. This strategy was a failure. It did not deter the enemy. It only embroiled us ever deeper in the war.

I cannot see why the enemy will be deterred by President Nixon's threats of reprisal, when it was not deterred by President Johnson's actual reprisals. I cannot see why escalation in words will succeed where escalation in deed failed.

Enemy has the initiative

The unpalatable fact is that the military initiative in Vietnam remains where it always has been—in the hands of the enemy. Our adversaries—not the South Vietnamese or ourselves—control the level and intensity of the fighting.

The Communists continue to be in a position to choose whether to strike, to choose the most advantageous moment to strike, and to choose the manner of striking most deleterious to our policies. This point was aptly made in your recent Committee staff report, on the basis of first-hand observations:

"It seemed clear to us, however, that no one has the slightest idea whether the enemy will attack in force during the time the United States is in the process of withdrawing combat forces in order to accelerate the American withdrawal, shake confidence in the South Vietnamese Government, demoralize the army, and disrupt pacification; whether the enemy will continue the 'high point' pattern until American combat forces are withdrawn and then strike; or whether, even then, the enemy will concentrate on political subversion and competition in preference to a reintensified military effort. Those who hold these various theories appear tacitly to agree, however, that the choice lies with the enemy."

Incentive for enemy offensives

The Administration's plan for retention indefinitely of a "residual force" in Viet-

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nam—and for maintenance of large forces there for the next several years—may well serve as an inducement to the enemy for offensive action. The longer any contingent of American troops remains in Vietnam, the greater may be the incentive on the Communist side to raise American casualties in order to increase domestic pressure in the U.S. for the troops' return.

In a recent article in the *New York Times Magazine*, former Under Secretary of State George Ball suggests one possible scenario for enemy action: North Vietnamese and Vietcong forces would continue the present lull in the fighting until our program for withdrawals had acquired a sustained momentum. Then they would launch a series of major offensives in order to raise the pressure for further withdrawals and undermine confidence in the South Vietnamese army and government.

Psychological impact of enemy action

It should also be borne in mind that future Communist offensives, like the Tet offensive of two years ago, might undermine our policies even if they do not achieve their military objectives.

Lyndon Johnson claimed that Tet was a Communist defeat. In the strict military sense, he was right—for the enemy was thrown back from the cities with enormous losses. In the much more important sense, he was wrong, for Tet was a resounding psychological and political success for the enemy, demonstrating to the American public the delusions of the old policy of escalation.

The popular success of the new policy rests on its appearance as a relatively painless course: one that permits us to help the South Vietnamese regime defend itself while we pull out gradually with reduced casualties. It would not be difficult for the enemy to plan and execute a series of offensive actions that would make the policy of Vietnamization seem far from plainless.

The unpalatable choices

After making the threats he has, what choices are open to the President if the Communists elect an offensive course?

He has three choices, all of them unpalatable.

He could slow down or stop American withdrawals. This would prolong the American involvement and increase American casualties and costs.

He could carry out his threats and initiate harsh reprisals. This would be a return to the disastrous road of escalation.

He could back down from his threats and continue to withdraw. This would be the most painful and internally devisive way of accomplishing the desirable objective of withdrawal.

III. HANOI'S AND SAIGON'S VETO

The Administration plan gives the North and South Vietnamese governments an absolute veto over our withdrawal and tempts them to exercise this veto.

The President says our troop withdrawals will depend upon three factors: progress at Paris, level of enemy activity, and Vietnamization. Each can be blocked by Hanoi or Saigon.

Hanoi's veto

Hanoi decides whether there is to be movement in the Paris talks. For the past year and a half, it has decided that in the current negotiating context there can be no progress.

Moreover, by retaining our close identification with the military government of South Vietnam and by refusing to commit ourselves unequivocally in the negotiations to the principle of complete withdrawal of all American troops, we have created no inducement for a more flexible Communist negotiating position in the future.

Hanoi and the Vietcong decide upon the level of enemy actions and, for reasons already discussed, our present policies may tempt them to step up this acitvity.

Saigon's veto

Saigon decides upon Vietnamization. The speed with which South Vietnam can take over the burden of the fighting from American troops depends upon the capacity and morale of the South Vietnamese government.

The recent staff report of your Committee points to some of the obstacles to Vietnamizing South Vietnamese forces:

"As far as problem areas are concerned, it is common knowledge that the quality of South Vietnamese Army units is uneven. The desertion rate continues to be high. We were repeatedly told that officer leadership is still a major problem, especially at the middle and lower ranks. There has apparently been little progress in broadening the social base from which officers are drawn and even less in promoting noncommissioned officers . . . Various Vietnamese stressed the continuing problems resulting from the low military pay scales.

"There is still heavy dependence on the United States by South Vietnamese Army combat units. Even the 1st Division, supposedly the best in the South Vietnamese Army, requires massive U.S. support and depends heavily on helicopters, 80 percent of which are American."

In this connection, I would note that a colleague of considerable military background, Senator Goldwater—whose views on the war otherwise are diametrically opposed to mine—has recently returned from Vietnam with his own pessimistic assessment of Vietnamization.

Moreover, Vietnamization faces political hazards that are even more formidable than the military ones.

The Saigon government has been maintained in power for years almost solely by the American military presence. Its political base continues to rest mainly on a small group of army officers and North emigrees. It has steadfastly refused to permit any participation by perhaps the most important non-communist elite in Vietnam—the Buddhist leadership. It has systematically branded as "neutralists" and "traitors," non-communists who have not supported a wholly military solution to the war.

The United States has for years been pressing Saigon to "broaden its base." The effort has been an unqualified failure. In a reorganization last year, General Thieu expelled virtually all the civilians from key posts in his cabinet and replaced them with hard-line army officers. Only last week, he proposed a constitutional amendment to bar all communists-supported groups from participating in future elections—having already barred "neutralists" from participating in the 1967 elections.

If such a regime were able to survive at all after the departure of American forces, it could only do so by undertaking drastic reforms and by permitting the participation in the country's political life of elements that are now completely excluded. The simple truth is that the junta presently has no intention of going forward with this painful process—painful because it would require the junta to share its power with others—since it can cling to the hope of an almost indefinite presence of at least a residual force of American troops.

IV. COMPLETE DISENGAGEMENT

It is time we recognize that this catastrophic war has not been and cannot ever be won.

It is time we perceive that, as I pointed out in 1967, Americans cannot build an Asian society at gunpoint.

It is time we understand that the real interests of our nation in preserving the military junta of South Vietnam are marginal or non-existent; that the human, economic and other costs of prolonging our military presence there clearly outweigh any benefits that could conceivably result from our continued presence.

It is time that we completely and swiftly terminate our military participation in the war, and keep to a minimum any further loss of men, money and prestige.

Essential elements for disengagement

To achieve these objectives, I believe that we must adopt a plan for disengagement that meets the following criteria:

First, it must be a plan for *complete* disengagement of *all* American military personnel, both combat and non-combat. It cannot involve the indefinite retention of a residual force of any size in Vietnam. While we must recognize that there may be some risks attending complete withdrawal, they clearly are less than the risks and costs of any extended troop commitment.

Second, it must set a firm target date for the completion of the withdrawal. Our final disengagement cannot be conditional and cannot be deferred by the decisions of Hanoi or Saigon.

Third, the withdrawal should be accomplished with reasonable swiftness, in order to limit the further loss of American lives and the further disruption of American domestic priorities. A reasonable time should be allowed to enable us to withdraw and the South Vietnamese forces to assume the task of the fighting. If, however, the South Vietnamese do not have the will or the capacity to do so, this should not be cause for delaying our departure.

Finally, public disclosure should be made of our intention to withdraw completely and of our proposed termination date. Such disclosure is essential to provide any hope of breaking the stalemate in Paris and, if possible, to induce the South Vietnamese army and government to make the reforms necessary for their survival.

I have endeavored to embody these principles in the bill I introduced last September, now before this Committee—S. 3000, "The Vietnam Disengagement Act."

The time period

In my bill, I selected a withdrawal deadline of approximately one year from the time of the bill's introduction. I did so because I was convinced a year would minimize further loss of lives and at the same time permit an orderly process of withdrawal of American troops and assumption of their functions by South Vietnamese forces. I stand by the timetable I then proposed.

Let me emphasize, however, that the most important objective is the establishment of a public commitment to withdraw by a specified date within a reasonably short span of time. It would be tragic, indeed, if agreement on this vital objective were obscured by disagreement concerning the setting of the date a few months earlier or later.

Advantages of a fixed deadline

A publicly announced deadline such as I have been proposing would make certain that after a specified date, no more American soldiers would die in Vietnam. The vain sacrifice of thousands of American lives would be over. So would the waste of tens of billions of dollars. We would, at last, be able to turn our energies and resources from fighting this seemingly endless war to solving some of our own urgent problems at home. We would, at last, have the opportunity to heal the profound divisions the war has opened within our own nation.

A publicly announced timetable will permit the American people to comprehend that there can be no guarantee that Saigon will prevail while we withdraw. It will enable the people to perceive that short of an indefinite

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American military presence, there can be no certainty of preserving the status quo in Vietnam. It makes it clearly understood that the ability of South Vietnam to defend itself must ultimately depend on the willingness of its own army to fight and of its own government to reform.

A public plan certainly will generate controversy. This, however, is preferable by far to tranquility based on illusion. Under any conceivable plan for disengagement, there are manifest problems and dangers facing South Vietnam. It is better that the American people become aware of these dangers than that they be lulled into happy euphoria, only to suffer a rude awakening—as they did in 1968 after Tet—and a loss of confidence in this government and its institutions.

Notice to the South Vietnamese Government that we are withdrawing all our forces within a specified period will create a powerful incentive for that regime to mobilize its forces more effectively and to seek the political strength of a broadened base of support.

As a foreign intruder, we have polarized the political situation in the South and driven many nationalist elements toward the NLF. Our withdrawal could help foster a depolarization that would create a more favorable environment for negotiations and a genuine political settlement.

The Guam doctrine

In his Guam doctrine, President Nixon redefined the role of the United States in Asian affairs. He established the principle that Asian nations to which we are allied must bear the primary responsibility for their own defense, especially with respect to their internal security.

Had this principle been applied in 1963, as it should have been, we would never have become ensnared in a land war in Vietnam to preserve an existing government against an essentially internal threat.

Mr. Chairman, I suggest that the Guam doctrine is a sound doctrine, that should now be applied in Vietnam in the same manner as the President proposes to apply it to Southeast Asia generally. Applying the Guam principle to Vietnam would mean proceeding with complete disengagement, not merely with troop reduction.

The "bloodbath" argument

In his November 3rd speech, the President contended that a fixed withdrawal timetable would enable the enemy "simply to wait until our forces have withdrawn and then move in." And he warned the public of the bloodbath that would result.

This line of argument seems at odds with the President's own theory of Vietnamization.

The South Vietnamese army has over a million men under arms. North Vietnamese and Vietcong forces in the South total only about one-fifth this number. American withdrawal may require the South Vietnamese army to adopt a more defensive strategy aimed at protecting populous areas—and to abandon its objectives of controlling the entire countryside. To suppose, however, that such a large force, operating in a defensive role, could simply be destroyed by a relatively ill-armed and much smaller enemy assumes profound debilities in the South Vietnamese Army—and this assumption, in turn, would mean that the President's own plan to train the South Vietnamese forces to take over the burden of the fighting would have little or no chance for success in the foreseeable future.

It is difficult to judge whether the Communists would engage in mass reprisals if they were to take control of Vietnam. Communist cadres did so when they seized Hue in 1968—under circumstances of long seige and bloody combat activity. No "bloodbath" of Catholics or other anti-Communists was reported following the Communist assumption of power in the North in 1954. The land reform program implemented in the North during the next two years did involve bloodshed, but the targets were among the peasantry in rural areas, including many who had fought the French. It is of interest to note that from 1955 to 1961, the French and the Diem regime submitted only 43 complaints to the International Control Commission alleging political reprisals by the Communists in North Vietnam.

A hypothesis has been advanced by a number of Asian scholars that even if the Communists won complete control of South Vietnam they might well find it contrary to their self-interest to initiate large-scale violence against the civilian population. Such action, they suggest, would diminish the Communists' ability to unite the widely disparate elements of South Vietnamese society. Yet there is no way of dispelling great uncertainty about the course of events, and our departure would not end the political violence on both sides that has been going on in Vietnam for the past 25 years.

In arguing this topic, it is essential to remember that the biggest "bloodbath" of all is occuring as a direct result of the war.

To date, more than one million men, women and children have died as a result of hostilities in Vietnam. Since our government began its program of Vietnamization last year, more than 150,000 soldiers on both sides have died. If the war continues for five years more, another million people will die.

Self-determination

The Administration has spoken a great deal about "self-determination" for the South Vietnamese people. The need to preserve "self-determination" is a primary reason cited by the Administration for delaying the American withdrawal. Thus, in a letter dated December 4, 1969, addressed to this Committee, J. G. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations, states in commenting on my bill:

"Our fundamental, long-standing, and widely accepted goal in Vietnam (is) the assurance of self-determination for the South Vietnamese people. We obviously cannot maintain that goal and at the same time commit ourselves beforehand to the total withdrawal of our troops by a certain date regardless of whether or not that goal has been achieved."

"Self-determination" in this context is a plain deception.

The overriding interest of a clear majority of the South Vietnamese people is peace—to stop the killing, to stop the destruction of the cities, villages and farms of Vietnam.

The overriding interest of the military regime of South Vietnam is war.

It is the war that is the basis of the junta's virtually absolute rule and its (largely corrupt) income. It is the war that gives the narrow clique undergirding the regime an artificially high standard of living based on war profits and commodity imports.

We have long ago made the choice of government for the South Vietnamese people. We have done so by supporting with our armies and with enormous sums of money a military regime which is totally dependent on that support, and which suppresses all political opposition. As long as such a narrowly based government remains in power, there can be no real "self-determination" for the silenced majority in South Vietnam.

V. S. 3000

Mr. Chairman, of the various proposals before you, mine is the only one with any operative effect on the Vietnam war.

My proposal is a bill, not a resolution. It is more than a mere request that the President take a specified course of action. It has the force of law. If enacted, it would accomplish its stated purpose of disengaging the nation from this terrible war.

The bill accomplishes its purpose by cutting off funds for the maintenance of American military personnel after the proposed termination date. This is a proper exercise of Congress' power under the Constitution to control the expenditure of tax money. In principle, it operates no differently than would a bill cutting off or restricting the expenditure of foreign aid moneys in a given country.

The Constitution vests in Congress the power to declare war. Surely Congress should share with the President the responsibility for undeclaring a war that never was declared in the first place.

The bill itself would not preclude the United States from continuing to provide South Vietnam with the military supplies, equipment and aid funds that are necessary to match Soviet military assistance to North Vietnam. That is a separate decision to be made by Congress and the President.

The bill would preserve the President's constitutional prerogative as Commander-in-Chief to determine the manner of combat operations and the method of completing the withdrawal of American troops by the termination date.

Our major role in the war began when Congress adopted the Gulf of Tonkin Resolution, and President Johnson interpreted the resolution in a manner that deprived Congress of its responsibilities in the field of foreign affairs.

Last year, Congress took some initial steps in reclaiming these responsibilities by adopting the Commitments Resolution and barring the deployment of combat troops in Laos and Thailand. The enactment of this bill would restore to Congress its proper foreign affairs role.

There is yet another reason why Congress must cease being merely a bystander in this conflict, and assume a partnership with the President in disengaging the nation from Vietnam.

The ending of a major war inevitably involves extremely controversial and sensitive issues—and this is especially true of a war we have not won. If one man—the President, but also the leader of a political party—bears the responsibility of making these decisions alone, there is great danger that division and partisan recrimination will ensue. If this man shares the responsibility with the members of Congress, who represent both parties and a wide spectrum of opinion, the chances of a solution which will command the confidence of the people are much improved.

President Roosevelt at Yalta took upon himself virtually the entire burden of deciding the peace settlement after World War II. The suspicion, bitterness and partisan bickering that followed—typified by the Joseph McCarthy movement in the 1950's—is a matter of history. This time, since the issues are still more delicate, let us be sure the burden is shared.

VI. CONCLUSION

Mr. Chairman, President Nixon opened his November 3rd speech on Vietnam by saying:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

I agree with this statement. I agree that the American people should know the truth about our Vietnam policy.

The people do not know the policy now. They deserve to know it.

Secrecy about the real intentions will ultimately confuse ourselves more than it will confuse the enemy.

Secrecy breeds the twin evils of suspicion and illusion.

Secrecy will leave the public totally unprepared if events in Vietnam do not develop as we hope.

Let us seek to inform the public, not to mollify it.

Let us seek a majority that is not merely silent but comprehending. Let us seek a majority that understands more than that described by Nicolo Machiavelli five hundred years ago when he said:

> "For the great majority of mankind are satisfied with appearances as though they were realities, and are often more influenced by the things that seem, than by those that are."

THE STATE OF THE UNION MESSAGE

Mr. ALLOTT. Mr. President, yesterday the distinguished Senator from Rhode Island (Mr. Pell) spoke to the Senate concerning what he considers a shortcoming in the President's state of the Union address.

Senator Pell said the President's address was marred by a sin of omission in its portion concerning crime. Senator Pell argued that the President did not speak enough about attacking the "social roots of crime."

Mr. President, I am not sure what Senator Pell intended to encompass by the phrase "social roots of crime." But almost certainly the Senator would consider poverty a social cause of crime. Thus it is important to note that the President in his address spoke about the poverty problem and thereby spoke about what Senator Pell considers the social roots of crime.

The President spoke about the problem of poverty in two ways.

First, he spoke of poverty directly, pledging a vigorous fight to end hunger in America by 1976, and pledging to fight for his plan to guarantee to every American a minimum income.

But we should not overlook the second way in which the President spoke of poverty, and thereby spoke of what some consider the "social roots" of crime. That is, the President devoted a significant portion of his state of the Union address to the problem of inflation.

We sometimes lose sight of the fact that inflation is a chief contributor to America's poverty problems. Inflation hurts the poor more painfully and inexorably than any other portion of the population.

The poor have almost no margin in their budgets to absorb the impact of rising prices. The poor pay a larger percentage of their budgets for the necessities of life—food and clothing and medicine—all of which have risen in price under this 4-year inflation from which we all now suffer.

In short, when the President speaks of inflation he is speaking about the poverty problem, and when the President acts to halt inflation he is acting in the interests of the poverty stricken.

Thus, when the President fights inflation he is fighting what Senator Pell might call the social roots of crime.

I do not want to get into the complex problems of criminology. Senator Pell's remarks about the roots of crime clearly involve some premises about which honorable men of good will can disagree.

I only want to make one thing clear. The President understands the interrelations of things in our complex society. He understands that a fight against inflation is certainly a major contribution to the war on poverty, and it may be a major contribution to the war against crime.

FRENCH SALE OF JET FIGHTER PLANES TO LIBYA

Mr. BYRD of West Virginia. Mr. President, I am deeply disturbed by the French sale of jet fighter planes to Libya. This provocative move can only serve to exacerbate the arms race in the Middle East, upset the balance of power, and endanger prospects for peace. It is urgent that the United States and the Soviet Union utilize their influence to get the two sides to sit down for direct talks with each other aimed at reaching a peace settlement acceptable to both Arabs and Jews. I joined with the Senator from Connecticut (Mr. Ribicoff) last year in issuing a statement calling for direct negotiations between the Arabs and Jews to bring peace to the Middle East. I have reiterated this viewpoint to the State Department in the last day or so. The threat of a new war into which the nuclear powers might be drawn must be removed.

DISSENT AND INVOLVEMENT

Mr. DOLE. Mr. President, from time to time my attention is drawn to a speech that particularly stirs my imagination by reason of its eloquence and incisive approach to the issues. A recent copy of Vital Speeches contains such an address by Mr. James C. Humes, Assistant to President Nixon. It was given before the Pennsylvania Jaycee Convention on October 18, 1969.

In his remarks, Mr. Humes called on Americans to respond to dissent and disruption with positive and dynamic examples to those who are doubtful of the course they and the country should pursue in these confusing times. I found these thoughts persuasive and timely.

I ask unanimous consent that Mr. Humes' speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

DISSENT AND INVOLVEMENT—THE NEED FOR CATALYSTS

(By James C. Humes, Presidential Assistant)

Some few weeks ago a Professor Robert Paul Wolf in a New York *Times* Sunday Book Review wrote in review of a book called "The Making of a Counterculture." "American society is ugly, repressive, destructive and subversive of much that is truly human." This view of American society "is now acknowledged to be true by virtually every sensible man and woman." Now most Americans and indeed most sensible Americans don't share that view.

Yet many commentators in our press and television do say that our society is sick and the gap between "Middle America" and "Media America" grows. In a recent *Newsweek* article Stewart Alsop noted this national masochism among political writers and called it the "New Snobbism." James Reston perceived it in students and called it "New Pessimism." Daniel Boorstin discerned it in academic circles and called it "spiritual appeasement"—this lack of faith in our own ideals and institutions. And in the artistic world Archibald MacLeish describes it as the "new flatness"—this increasing tendency for poets and artists to want to indict instead of inspire—to tell life like it is, instead of what it should be. A recent spate of Broadway plays like *Matter of Robert Oppenheimer* and *The Great White Hope* peddle guilt and apology.

In effect MacLeish is saying that contemporary art should be portraying not the ashcans of American life but its aspirations. As MacLeish says, "Loss of faith in the American proposition is a secret sickness which can bring the country down."

Just as man without aspirations is not a whole man, so a nation without a vision and faith of what it might be is desolate and sterile. Because there is a lack of fulfillment in our ideals, there is a lack of faith. But just because America is not acting up to all the ideals of the Declaration of Independence and the Constitution doesn't mean we should hang our heads in shame or beat our breasts in self-flagellation. No society would be worth the price of admission if it did not proclaim ideals which were beyond its present realization. If ever American society fulfills all its ideals it would be because the ideals were outrageously low. Sure our country has not lived up to all its ideals but then no country ever had higher ideals to live up to.

Many centuries ago another society which was losing faith in itself heard a stern lecture. The society was the Jewish colony in Rome. In the epistle to the Hebrews the writer exhorts them not to be apologetic about their heritage. He urges them to remember Abraham, Jacob, and Joseph, and Moses, and their dreams to establish a promised land. He says that their failure to realize their hopes did not diminish the greatness of that dream. It just meant that the unfinished task became the mission of their sons and sons' sons. Finally he tells them "Don't throw away your heritage . . . Don't cringe but live proud in your faith."

So must we not reject the heritage of Washington, Jefferson, Lincoln and Wilson. Instead of cursing the gap between our ideals and reality, let us try to close it. Instead of faulting the promise of America, let us try to fulfill it.

Patriotism is not love of a piece of property or a piece of bunting; it is commitment to a nation's ideals and involvement in her institutions, we must invest ourselves in them. It is not enough for us to speak up for them; we must spend ourselves in them.

Today Americans are saying that our society is sick, that our constitutional channels of government don't work—that our free enterprise system is unjust. To those who question the validity of our democracy, our answer should be to show our faith by participation in those processes of democracy. To those who question the value of the free enterprise system, our answer should be to show our conviction by making our businesses more responsive and sensitive to urban problems. To those who question the vigor of our society, our answer should be to show our belief by involving ourselves in community work.

The Greeks had a word to describe one who did not involve himself in his community and did not participate in the political life of the city. The word was "idiot"; it described a person who was not a "whole" man or a "complete" citizen. Now in the American democracy as in the Athenian democracy the duties of citizenship are not discharged just by voting and paying your taxes.

We should make it our business to know about our cities, our schools, to know how much bonded debt we have and how our tax dollar is spent. To have a hand in those decisions, to have voice in our own destinies, we must know politics and know our politicians.

Too many of us look down upon the politicians as never having carried a payroll when we have never carried a precinct. We think politics is messy and that we should be above it. But when we say that politics

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is beneath us we are saying democracy is beneath us. Of course, there is going to be compromise in politics. But the difference between expediency and morality in politics is the difference between selling out a principle and making smaller concessions to win larger ones. Of course, there is going to be dirt in politics, but it is going to be the dust of having fought a battle and the grit of having stood your place.

When we don't participate in politics, when we don't register, work to get good nominees, and contribute our time and, yes, our money to the party of our choice, we become the political idiots. When we don't get active in our party, we become the dropouts of democracy. We show our stupidity, not our purity; we show our ignorance, not our innocence.

When as citizens involved in the political life of our community, we not only show our faith in our democracy but help make it work—so as businessmen ready to assume an enlightened role in our industrial society, we not only show our faith but that the power of capitalism can meet problems as well as make profits. Alfred North Whitehead once wrote: "A great society is a society in which men of business think greatly of their functions."

We must as businessmen reach out to the dispossessed and disadvantaged. We must learn to think of business development in terms of human development. We must as business managers be concerned not merely with our enterprise but our environment—not with just profits but with people. Let us eliminate pollution in our manufacturing and discrimination in our hiring. Let us remember that a business that makes nothing but money is a poor business. Business is betting on people, on the jobs they can do and services they can perform. We can as successful businessmen help teach the techniques of business mnagement. We can offer our financial expertise to help stimulate minority entrepreneurship and ownership of stores and firms. Let us get the ghetto into private enterprise and private enterprise into the ghetto.

Let us as capitalists become catalysts, catalysts for getting those on the welfare rolls onto the payrolls—catalysts for changing economic dependence into economic independence.

And finally let us prove the vigor of our society by giving ourselves to community service. Over a century and a half ago a Frenchman thought he found the unique secret of our society. Count de Tocqueville said that the 'distinguishing characteristic' of America wasn't so much our tradition of free government or our tradition of free enterprise as it was our tradition of voluntary action."

Today we have to rediscover this forgotten American tradition of solving public problems by independent action. Today this is needed in the cities, needed in depressed rural areas—needed where government has failed. There are more than a million voluntary organizations in America today—churches and united funds—voluntary hospitals and private foundations—service organizations and fraternal clubs. The Gallup poll has estimated that 61 million adult Americans would be willing to contribute 245 million man-hours every week to voluntary activities. There isn't a social problem that hasn't been solved sometime and somewhere in America. Voluntary agencies have tutored dropouts, trained the unskilled, counseled juveniles and taught illiterates.

We cannot delegate our personal concern to Washington. We cannot delegate compassion to government. If war is too important to be left to generals, then certainly the war on poverty is too important to be left to bureaucrats. Welfare is too important to be left to the welfare staters. Let us who represent these legions of the concerned become the companies of the committed. Let us join the rank of the unpaid public servants.

Some years ago in a midwestern city President Theodore Roosevelt made a powerful speech on the problems facing America at that time. When he had finished, one in the crowd lingered around to ask him a question. "Mr. President—I am just an ordinary businessman—a citizen who votes and pays his taxes. What can I do?" Replied the President, "Do what you can with what you have, where you are—but do it."

What can we do to show love of our country and faith in her ideals? What can we do to help America come closer to her dream and further on her mission? What can we do to help keep America great? Greatness is not in doing extraordinary things but doing ordinary things extraordinarily well. Greatness is in doing your thing for your own community.

To those who doubt the validity of our democracy, the value of our free enterprise system, and the vigor of our society let us show our faith by deeds. Let us answer their protestation by our participation. Let us reply to their dissent by our involvement. Let the doubters be shown by the doers. To those who question the American dream, let us strive to make it come true. Those who question our institutions, let us strive to make them work. Let each of us as workers, make our job our vocation. Let each of us as businessmen make our financial venture a human investment. Let each of us as parents make our house a home. Let each of us as citizens make our community a neighborhood.

STUDENT FINANCIAL AIDS—ADDRESS BY O. R. HENDRIX

Mr. McGEE. Mr. President, I recently had the opportunity to take part in the regional meeting of the College Entrance Examination Board which took place in Colorado Springs, Colo.

There were a number of very able presentations made at this conference, but I want to direct the attention of Senators to one paper in particular. It was presented by O. R. Hendrix of the University of Wyoming, who is director of student financial aids, and it deals with a matter which should concern us deeply and which is relevant now in the wake of our recent debates over the fiscal 1970 Labor-HEW appropriations bill.

Mr. President, I ask unanimous consent that Mr. Hendrix' paper be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PLUGGING UP THE CHINKS—A FRANTIC SEARCH FOR THE SALVATION OF STUDENT FINANCIAL AID OFFICERS

(By O. R. Hendrix, director of student financial aids, the University of Wyoming, Laramie, Wyo.)

PREJUDICIAL PRETRIAL PUBLICITY

When the Conference Planning Committee invited me to participate in this discussion, a charming member of the Committee suggested that my characteristic "low key" style might serve as an effective counterpoint for the more forceful presentations expected of other members of the panel. With approximately humble apologies to the Committee, I must confess to yielding to the temptation to step out of character and occasionally employ somewhat stronger language than is my wont. My yielding is prompted by a desire to dramatize as strongly as possible the nightmarish conditions under which college financial aid officers have been operating during the past several years and more particularly during the past twelve months.

While the financial aids officer occupies a highly visible and vulnerable life raft in a storm-tossed sea of frustration, inconsistency, uncertainty, and sometimes vicious recrimination, he is by no means the sole victim of the nature of our present conglomerate of student aid programs. Also affected are state legislatures, state budget officers, college presidents and fiscal officers, parents of prospective and present college students, and more importantly that large group of deprived students dependent upon Federal aid programs for college expenses. Equally victimized are members of that large group of students unsuited for or uninterested in a college education who are provided only meager aid for pursuing other types of post-secondary education.

STIPULATIONS

Before reading the indictment, three things need to be said: (1) There is no intention to minimize the beneficial role played by Federal student aid programs in making available a college education to a multitude of people who would otherwise have been denied this *right;* (2) the financial aid community is eternally indebted to that dedicated group of Federal financial aid administrators, including our fellow panelist and long-time friend, James W. Moore, and his predecessor as Director of the Division of Student Financial Aid in the Office of Education, Dean Edward Sanders, who have sought to bring order and meaning to the sometimes poorly ground grist of the Congressional mill; and we are equally indebted to the dedicated, informed, and courageous Congressional leaders who are supporting adequate funding and desirable revision of student aid programs; and (3) it should be remembered that our present patchwork of aid programs was enacted piecemeal and emanated from many sources, all striving to serve laudable purposes but unfortunately producing an end product lacking that degree of integration, completeness, and sound funding which are necessary for an optimal program such as might have evolved from a single comprehensive legislative and administrative approach which utilized the experienced advice of all segments of the educational community including the professional student aid officer segment.

THE INDICTMENT

The following listing of some of the weaknesses, inconsistencies, and inequities of our existing programs is a wasted exercise for many in our audience who are already all too well acquainted with them. It is included in the hope that perchance a record of the proceedings of this meeting of the Western Regional Assembly may reach responsive ears and eyes of influential congressmen and high-level officials in the executive branch of our Federal government.

1. The present collection of aid programs is directed in the main to providing aid for college attendance as distinct from other kinds of post-secondary education. In the graphic phraseology of that "Prophet of the Puget Sound," William T. Hatch, student financial aid "is hooked to the tail of a rocket which has only one direction and which is loaded with passengers who want to go in many directions."

2. The wide variance between authorized funding and actual appropriations, the year-to-year inconsistency in levels of funding supported by appropriations, the poor timing of appropriations and supplemental appropriations, and the lack of lead-time for planning new programs all make it extremely difficult for institutions to engage in intelligent long- or medium-range planning and more often than not leave colleges with no firm knowledge on which to base timely com-

mitments to students. As of this writing, appropriations for the 1969–70 fiscal year have not been enacted by Congress or approved by the President. Additionally, President Nixon on January 6 said that he "absolutely" would veto the appropriations bill because it is "inflationary" and provides for "misdirected spending" on education.

3. Despite inconsistent funding, colleges are encouraged by law and regulation to engage in talent search programs and make tentative commitments of financial aid for college attendance to needy high-school sophomores and juniors. When, as was the case this year, appropriations do not permit fulfillment of such commitments, students have reason to question the good faith of the colleges, the Congress, and the National Administration.

4. The multiplicity of aid programs requiring different selection criteria, application forms, record-keeping methods, and reporting procedures and formats—and often administered by different Federal agencies—unnecessarily complicates and renders more expensive the local administration of these programs. A partial listing of some of the loan programs will illustrate the problem posed: The National Defense Student Loan Program and the Guaranteed Loan Program are administered by the U.S. Office of Education; the Nursing Student Loan Program and the Health Professions Loan Program are administered by the Public Health Service; and the LEEP loan program is administered by the Law Enforcement Assistance Administration of the Department of Justice. A listing of scholarship and grant programs would follow the same pattern.

5. Separate funding of the several student aid programs restricts the exercise of good judgment on the part of competent student financial aid officers interested in the most efficient use of aid funds tailored to the needs of individual recipients.

6. In spite of recently enacted legislation authorizing incentive payments to lenders, Insured Student Loans are not uniformly available to eligible students because of lack of participation or restricted participation by lenders in many areas.

7. Inadequate administrative expense allowances mitigate against less affluent institutions and discourage participation by junior colleges enrolling or capable of enrolling substantial numbers of students from low-income families.

8. There is need for establishment of carefully designed curriculums or subcurriculums for training professional student financial aid officers.

9. The detailed applications, records, reports, audits, rigid regulations, and other "red tape" related to participation in these programs divert scarce manpower from more productive activities such as financial and educational counseling.

RECOMMENDATIONS TO THE JURY

By way of plugging up the chinks—an admittedly transitory expedient—the following suggestions are submitted:

1. Forward funding is an absolute must for *all* student aid programs regardless of the Federal agency responsible for their administration. The absurdity of our present situation is too evident to require further elaboration except to repeat that we do not have final information as to funds available for use during the 1969–70 fiscal year which is already over half gone.

2. Adequate funding is desperately needed. Education is as clearly in the national interest as are such recognized obligations as national defense, social security, space exploration, maintenance of law and order, urban renewal, control of pollution, and other similarly recognized obligations. To lead deprived prospective students to expect financial assistance for post-secondary education—college or other kinds of education—and then to slam the door of inadequate funding in their faces is to contribute further to the disillusionment of the young, to more disruptive civil disorder, and even possibly to a totally destructive revolution.

3. Ideally, all student aid programs for education should be administered by the same Federal agency. The expense and needless complexity of operating multiple loan programs and multiple gift-aid programs along with institutional and Federal work-study programs were discussed above. The assumptions supporting the need for separate programs for different disciplines are contrary to the educational realities with which most of us are familiar on a day-to-day basis.

4. Single lump-sum allotments for student financial aid to institutions engaged in post-secondary education, leaving to the discretion of the institution the categories of aid provided individuals, is strongly supported.

5. The establishment of a Post-Secondary Education Loan Bank as a nonprofit corporation chartered by the Federal government is recommended as a source of insured loans for students failing in their efforts to secure such loans from private lenders.

6. Serious consideration should be given to exploring present sources of Federal assistance and to developing new sources to encourage and support professional training of student financial aid officers.

7. In the interest of simplifying the local administration of aid funds, complex record-keeping, application, report, and auditing requirements should be relaxed for reputable institutions with good compliance records. To the same end, loyalty oaths and the application of truth-in-lending requirements to the National Defense Student Loan Program should be terminated and teacher cancellation phased out.

8. Revision of loan collection procedures and institutional responsibilities related thereto should provide authority for writing off uncollectable loans and for federally operated or contracted collection centers for past due loans.

9. Adequate Federal funding of the expense of administering student aid programs with safeguards against use for other purposes is desirable.

In conclusion, it should be clear that I support the well developed collection of resolutions documented and distributed by the Subcommittee on Public Programs under the excellent leadership of Lewis E. Dibble. Some of you might well ask why I did not merely stand up, make a one-sentence statement supporting the Subcommittee's resolutions, and sit down. My only excuse for imposing upon you for a more lengthy presentation is my desire to extend the horizons a little more than suggested by the Subcommittee's report. In all honesty, I am strongly inclined toward the positions espoused by Robert P. Huff regarding funding tied to Social Security, by William T. Hatch regarding selection of aid recipients on the basis of both need and achievement, and by Senator Mondale espousing the establishment of a Higher Education Loan Bank. In other words, I believe now is the time for exploring new and perhaps bolder alternatives for providing assurance of equal educational opportunities for enrollees at all levels and in all types of educational institutions. For this reason, I look forward with great interest to the upcoming presentations of my fellow panelists.

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SALUTE TO COLORADAN FRED STEINMARK

Mr. ALLOTT. Mr. President, I take this occasion to salute a courageous Coloradan, Fred Steinmark, of Wheat Ridge, Colo.

Fred Steinmark was an outstanding member of the University of Texas football team this year. He contributed to his team's stunning come-from-behind victory over Arkansas, the victory that made Texas the Nation's No. 1 football team.

Two days after that game, bone cancer was discovered in his left leg, and his leg was amputated.

Less than a month after his operation, Fred Steinmark was on the sidelines cheering when his Texas teammates beat Notre Dame in the Cotton Bowl. His teammates dedicated the game to Fred, and awarded him the game ball. This was their way of thanking him for what he had given them. They were thanking him for his great help on the field, and for the inspiration of his quiet courage in the face of suffering.

He had never lacked courage as a scrappy defensive safety—which is no position for the fainthearted. His courage did not desert him in his darkest hour.

Throughout his agony of disappointment and loss, Fred Steinmark never betrayed a trace of self-pity. His courageous and dignified demeanor was solace to his friends, and an inspiration to the many millions of football fans who were saddened by this tragic end to a fine playing career.

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One thing is certain: the courage Fred Steinmark has shown in this difficult time will guarantee him the same success and distinction in his life work which he won on the playing field.

Last week the Philadelphia Sportswriters Association presented Fred Steinmark with the Most Courageous Athlete of the Year Award. His name is added to a distinguished list of winners ,a list which includes Ben Hogan, Roy Campanella, and Mickey Mantle. The name of Fred Steinmark belongs with the best.

I ask unanimous consent to have printed in the RECORD an article entitled "Fred Steinmark Called Most Courageous Athlete."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRED STEINMARK CALLED MOST COURAGEOUS ATHLETE

PHILADELPHIA.—"You just have to be realistic and take what comes along in life."

So said Fred Steinmark last night as he stood leaning on his crutches and accepted the unique Most Courageous Athlete of the Year award presented annually by the Philadelphia Sports Writers Association.

A birthday cake in recognition of his 21st birthday on Tuesday was on a table next to the rostrum, candles burning brightly in the darkened ballroom. "I am awed that I might be considered on a list of such courageous sportsmen," Steinmark said, referring to such past recipients as pro football's Jerry Kramer, baseball's Mickey Mantle, basketball's Maurice Stokes, blind golfer Charley Boswell, former Brooklyn Dodger catcher Roy Campanella, golf's Ben Hogan, etc.

Steinmark is the University of Texas defensive safety, who two days after the Longhorns defeated Arkansas, was discovered to have bone cancer and had to have his left leg removed at the hip joint. Steinmark called defensive secondary signals that set up 27 pass interceptions and helped Texas finish unbeaten, ranked No. 1 in the nation.

Also honored at the 66th annual banquet of the Philadelphia writers, were Tom Seaver, 25-game winner of the world champion New York Mets, as the outstanding professional athlete of the year, and Steve Owens, Oklahoma's great running back, as the top amateur athlete of the year.

Steinmark, however, stole the show. In a soft, sometimes faltering voice, the 168-pound native of Wheat Ridge, Colo., said: "I thank the dear Lord for the right to use my meager ability against such great athletes as Steve Owens," nodding toward the Oklahoma star sitting just to his left. Texas beat Oklahoma and Owens this past season.

MILITARY PROPAGANDA CONTINUES UNCHECKED

Mr. FULBRIGHT. Mr. President, in December I spoke at length about military information and public relations activities. One of the activities I referred to was the Army speakers' program on Vietnam.

The Army continues this program on a very active basis and an "Army National Speaker on Vietnam" has recently been making the rounds in Arkansas.

According to the Information Office of the Army Field Artillery Center at Fort Sill, Okla., Sfc. Carroll V. Dewees, now assigned to Fort Sill's Field Artillery Training Center, speaks to audiences in Oklahoma, Arkansas, and Texas "as an Army national speaker on Vietnam."

I shall place in the RECORD an article published in the Cleburne County Times of Heber Springs, Ark., January 15, 1970. The article is based on a release from the Fort Sill Information Office, and I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cleburne County Times, Jan. 15, 1970]

VETERAN TO SPEAK ON VIETNAM EXPERIENCES

All persons from Cleburne County and the surrounding area are invited and urged to hear Sfc. Carroll V. Dewees speak at the Heber Springs High School auditorium Monday night, Jan. 19, at 7:00 o'clock. The sergeant, who has spent two out of the last three years in Vietnam is sponsored by the Heber Springs Rotary Club, and will speak about his experiences with artillery units in Vietnam.

The Rotary Club issued an invitation to everyone and especially all veterans and club members, including ladies of the county.

From October 1966 to September 1967, and again from August 1968 to July 1969 Sgt. Dewees lived in a world of mountains and swamps and jungles and night firefights and incoming rockets and outgoing artillery rounds.

Now assigned to Ft. Sill's U.S. Army Training Center, Field Artillery, he talks about that world before audiences in Oklahoma, Arkansas, and Texas as an Army national speaker on Vietnam.

Sgt. Dewees was a chief of firing battery with the 2nd Battalion, 38th Artillery in the steamy, hot southern area between Saigon and Tay Ninh during his first tour of duty in Vietnam. During his second tour he was a chief of firing battery with the 3rd Battalion, 82nd Artillery, 196th Infantry Brigade in the mountainous region in the northern part of the country near Chu Lai and Da Nang.

"Despite the war," he says, "Vietnam is a beautiful country. But its people still have a long way to go.

"The South Vietnamese are making progress. You do see signs of them pulling out of the mess in which they are embroiled. Their troops are better now and are taking over more of the fighting, and their people show signs of wanting a better way of life."

Most of his time in Vietnam was spent in remote parts of the country. "I wouldn't get near a village or a town for months at a time." he says.

His artillery batteries fired 105mm and 155mm howitzers in support of infantry operations. "Sometimes we'd average 4,500 rounds in a 24-hour period for three or four weeks at a time," he says.

Sgt. Dewees entered the Army in January 1954. Within six months he was in Korea, where he served successively as a gunner with the 623rd Field Artillery Battalion, the 11th Field Artillery and the 13th Field Artillery Battalion during an initial 17-month tour.

After a one-year tour at Ft. Sill, with the 553rd Field Artillery Battalion, he moved with the battalion to Germany in July 1956 and stayed there for 2½ years.

Sgt. Dewees returned to Ft. Sill in 1959 and spent a year with the 2nd Battalion, 36th Artillery and later the 3rd Battalion, 36th Artillery as a section chief.

From August 1960 to September 1961 he served another tour in Korea, where he was a section chief in the 2nd Battalion, 76th Artillery.

Next he was reassigned to Germany and spent another three years there.

Mr. FULBRIGHT. Mr. President, on January 15 Sergeant Dewees spoke to the Rotary Club in Mountain Home, Ark. I think it is instructive to read what Sergeant Dewees had to say, as reported in the Baxter Bulletin of January 22, and remembering that he was acting as an official Army spokesman.

According to the Bulletin he "defended the aims of U.S. involvement in the Vietnam war."

I wish to quote a few paragraphs from the article:

> South Vietnam, he said, is the place in which the Communists have chosen to fight a "war of aggression," and he stated that the objective of the U.S. is "the independence of South Vietnam, and that the people of South Vietnam be allowed to govern their own self in their own way."
>
> "The conflict of this small nation bears a much greater significance—it involves the security of the United States and of the free world, because the North Vietnamese and the Chinese Communists are using this little war as a test case for their so-called wars of liberation," he said.
>
> "There is still one more reason," he stated. "Around the globe there are people whose well-being rests in part that they can count on us in case they are attacked by Communist nations. To leave Vietnam to its fate now would shake the confidence of all those people in the value of an American commitment and the value of the American word."
>
> He said that he "can't see where anything is going to be accomplished at Paris" (in the peace talks), and that he personally thinks "that this is going to be a war that will just phase out."

Mr. President, this is why it is hard to be optimistic about our course in Vietnam. This is 1970; we are supposedly committed to getting out of Vietnam. In President Nixon's own words at his most recent press conference:

> Our goal of course is to end the war in Vietnam, preferably by negotiations, as quickly as possible.

Yet here is the Army still trying to sell the war to an American public, most of which has long since recognized that it had been sold a bill of goods.

It might not be news in our major metropolitan dailies and on the networks, but it is obvious that these representatives of the Military Establishment of our Government are still at work out in the country, pushing the same old policies ostensibly abandoned by the President himself and discredited in civilian circles.

Furthermore, the Army seems to be ignoring its own policies once again. Department of the Army message 703436, dated February 1968, "Public Affairs Policy Guidance for Personnel Returning From Vietnam," deals specifically with subjects that should or should not be mentioned in public discussion. These included the specific admonition that "personnel should not speak on the foreign policy implications of the U.S. involvement in Vietnam."

Sergeant Dewees, and a number of other Army speakers, appears to have been exempted from that policy.

Once again, I am not talking about "muzzling the military." I am talking about military men being sent around the country at taxpayers' expense to promote support for the war and to attempt to justify it on highly debatable political grounds. To relate personal experiences in the war zone in Vietnam is one thing; to interpret and defend policy is quite another.

Mr. President, I ask unanimous consent that the entire article from the Baxter Bulletin of January 22, 1970, be placed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rotary Hears Viet Veteran

Addressing the Mountain Home Rotary Club, a war veteran who has the title of Army national speaker on Vietnam last Thursday defended the aims of U. S. involvement in the Vietnam war and related some of his experiences while serving two years in fighting zones as an artilleryman.

S/1c Carroll V. Dewees, who is assigned to the Army's field artillery training center at Fort Sill, Okla., is speaking on the war to audiences in Arkansas, Oklahoma and Texas, according to a news release from Fort Sill.

South Vietnam, he said, is the place in which the Communists have chosen to fight a war of aggression," and he stated that the objective of the U. S. is "the independence of South Vietnam, and that the people of South Vietnam be allowed to govern their own self in their own way."

"The conflict of this small nation bears a much greater significance—it involves the security of the United States and of the free world, because the North Vietnamese and the Chinese Communists are using this little war as a test case for their so-called wars of liberation," he said.

"There is still one more reason," he stated. "Around the globe there are people whose well-being rests in part that they can count on us in case they are attacked by Communist nations. To leave Vietnam to its fate now would shake the confidence of all those people in the value of an American commitment and the value of the American word."

He said that he "can't see where anything is going to be accomplished at Paris" (in the peace talks), and that he personally thinks "that this is going to be a war that will just phase out."

He said the bombing of North Vietnam was not successful because airmen "weren't given any targets that were essentially of any military value."

Asked if servicemen in Vietnam had been informed about the alleged My Lai massacre and if so, how the news has affected them, Deweese replied:

"Yes sir there's no doubt in my mind that they know it. How does it affect the guy on the line? Well, I think he realizes that there are going to be a certain percentage of civilians lost due to the act of war. Does the government realize that? Yes sir the government does realize this, and I think that the persons who are bringing this type of situation to light are in it for their own personal achievements and their own personal gains—monetary gains or what have you."

He said that "we've got to keep an open mind, inasmuch as the only people we have heard from has been the accusers. We have not heard any kind of cross-examination of these people or anything like that. And if there was a massacre there in My Lai it is a very isolated case."

He said that when soldiers are occupying villages and receive shots from doorways they return the fire, "and I think its just self-preservation speaking there. And there have been civilians killed, and there have been victims of war, and there probably will continue being that. In every war we've ever had there's always been victims of war as such. Civilians getting killed. And if Lt. Calley is guilty, then he's just one in a million. Because this doesn't happen. I know myself if I was given an order from anyone just to go out and shoot a woman or child I wouldn't do it, regardless of the circumstances. However, I do think that if the kid has a weapon and is shooting at me, I'm going to shoot him back. One thing that we fail to realize is that these women and children are probably more dangerous to us than a military-age personnel, because of the fact that you don't really suspect these people of bearing arms."

Deweese said he was confident that President Nixon "won't pull all of our troops before we are content that they (the South Vietnamese government) can carry and maintain" the war effort without U.S. assistance.

Asked why "we don't win that war, and win it now," the sergeant replied that this is "a very complicated subject, inasmuch as we are not there in Vietnam for a military victory."

"It is a political war," he continued. "And according to our commitment, our agreement, which was drawn up from the Geneva accords of 1954, we are there strictly as a deterrent to Communism and to aggression, and as a holding force, and we're not there for a military victory, because God knows, if we had been, we could have ended it up many, many months ago. However, this would have involved bombing out the north, and bombing out the Haiphong harbor and things like this, and of course you get into the subject of a massacre there, so our hands are really tied in the military."

Deweese said the quality of the South Vietnamese armed forces is improving significantly.

ATLANTIC SALMON IN DANGER

Mr. McINTYRE. Mr. President, I have recently been informed of a serious threat to one of our most precious species of wildlife, the Atlantic salmon. Unscrupulous fishing practices on the part of some nations, and the indiscriminate use of pesticides near the salmon spawning grounds pose a serious danger to the species' continued existence.

Americans must recognize that a threat of this magnitude must be countered before it is too late. Commercial fishermen, sportsmen, conservationists, and responsible government officials must cooperate in generating methods to maintain our salmon fisheries. The public, too, must be informed about the present dangers.

For this reason, I ask unanimous consent that an article from the Atlantic Salmon Journal be printed in the Record. I wish to commend Mr. John Dodge of Concord, N.H., for bringing it to my attention. It is my hope that my insertion of this article in the Record will bring it to the attention of many concerned readers and to Congress.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Atlantic Salmon Journal, Nov. 2, 1969]

Progress in the Fight To Save Our Salmon

(By T. B. Fraser)

All unknown to the decimated schools of salmon beneath the surface of the seas and bent upon precise navigation back to their home rivers two momentous events affecting their future took place in May and June of this year. Fortunately these determined fish could not know that depending upon the decision of a few score of two-legged mammals either their species would survive or would be doomed.

The first event was the meeting of the Northeast Atlantic Fisheries Commission (NEAF) on May 13 in London. At this meeting the United Kingdom, Eire, Norway, Spain, France, Iceland, Poland, the U.S.S.R., Belgium and the Netherlands voted to stop the taking of salmon in the convention area outside of territorial waters: Denmark, West Germany and Sweden voted against this. Portugal abstained.

The second event was the meeting of the International Commission for the Northwest Atlantic Fisheries held in Warsaw in early June. The countries voting to stop the fishing for salmon outside territorial waters in the Convention area were: United Kingdom, Canada, United States, Norway, Iceland, France, Spain, U.S.S.R., Poland, Italy and Romania. Again Denmark and West Germany voted against it and Portugal abstained.

The NEAFC majority vote could result in the cessation of the present massacre of Norway's salmon stocks. On a recent visit to Norway I was able to obtain the best available information on the long line operation by Danish, Swedish, German and Norwegian boats, fishing on the feeding grounds of the salmon from Norway's rivers, outside of Norway's territorial waters. In 1967 Danish vessels commenced taking salmon on longlines on a fairly large scale in the vicinity of the Lofoten Islands. In 1968 Danish, Swedish and Norwegian boats took a total of some 150,000 immature salmon, over a wide area extending from south of the Lofotens north to Nordkapp and from 90 to 300 miles from the coast. In June 1969 there were 93 Danish boats, 67 Swedish and approximately 200 Norwegian boats fishing for salmon with longlines.

Each boat fishes from 1,000 to 2,000 hooks at a depth of 45 feet, baited with sprat or herring. This means about 500,000 hooks are being fished through April, May and June for salmon. Fishing actually commences in February by some boats. At mid-June about 1000 metric tons of salmon had been taken, about one-third by Norwegian fishermen and two-thirds by the Danes and the Swedes. This represents over 2,000,000 pounds of young immature salmon averaging about seven pounds or some 300,000 fish. Norway's normal total catch of salmon before long-lining was commenced was about 400,000 fish, according to Liev Rosseland. The losses in longlining are not known. However, judging from the many hundreds of ugly longline hooks left in the jaws of escaped fish and found by netters and anglers, the loss must be heavy. One Norwegian fishery authority believes it is not less than 25 per cent.

Most of Norway's fish spend two or three years in the sea. Already the effect of the 1967 and 1968 long line fishery has had a serious impact on Norway's salmon stocks. Salmon are so scarce in Norwegian waters this year that the bag nets are giving up. Not enough salmon to pay their expenses. Their paper, the Aftenposten, recently reported:

"For the second year running salmon fishing with bag-nets along the coast of Nordland county in Norway has entirely failed.

"The quantities of fish sent to the market by these fishermen are quite insignificant and some of them have hardly got enough fish for the obligatory salmon dinner.

"If the fishing should not be better towards the end of the season, many of the fishermen will suffer considerable losses as their catches are not big enough to cover their working expenses.

"The bad result for this kind of salmon fishing comes along with the intensive fishing for salmon with baited line in the open sea and the owners of the bag-nets here see a clear connection. The result of the bag-net fishing was steadily increasing until the fishing with baited lines really started a couple of years ago, and then the fishing along the coast absolutely failed.

"Many of the fishermen with bag-nets have

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decided not to continue their work any longer and next year this fishing will be considerably reduced."

The salmon rivers of Norway are practically empty. Even the hatchery men are perplexed where they will find salmon to operate with.

A report from *Aftenposten* dated June 24, 1969 tells the sad story:

THIS YEAR'S SALMON FISHING AN ABSOLUTE FAILURE

An almost absolute failure is the characteristic of the salmon fishing on the rivers of Northern Norway in Trondelag and More og Romsdal. Typical of the situation is that on the Surna and Rauma so far only 40 and 30 salmon have been caught and on the Driva the number is even less.

On the Orkla only 30 salmon have been caught so far. The same is the case with the Gaula and the famous Namsen where very few salmon have been landed even on the best pools, the Vall and the Grong.

In More og Romsdal one cannot understand why the salmon fail to come. The height of the water and the general conditions have been just perfect for a good salmon season.

How much the salmon fishing has decreased can be shown in the catch figures: in 1966, 13.290 kg of salmon were caught on the Gaula River. The quantity the next year was decreased to 7.753 kg and last year to 5.466 kg, a reduction of 7.500 kg in two years.

The effect of the concentrated raid upon Norway's salmon by long liners in 1969 taking more than half of the normal catch will result in a further drop in stock in 1970 and 1971. If the high seas long line fishery is not stopped before the 1970 season I firmly believe Norway's salmon stocks will be depleted to the point of no economic return.

The loss of salmon to Norway is serious as the salmon catch has averaged in value over five years 27,000,000 kroners or almost $4,000,000. Norway was also hoping to increase her tourist fishing and vacation travel to their country. They have constructed some 200 salmon ladders at great expense since World War II, and opened up many new water courses and areas for salmon. Their salmon production has climbed steadily since World War II until 1968 when they were reduced by one-third because of the long line fishery. In 1969 there will be a much greater reduction in the salmon catch both for territorial nets and anglers. If this continues, a few salmon will undoubtedly remain but the bag-nets will cease to operate and anglers will forsake the salmon rivers.

It is difficult for the average reader to understand why Norway allows her own boats to participate in the long line fishery and help to destroy her salmon stocks by taking immature salmon along with Danes and Swedes. The reason is simple and obvious when you visit the Norwegian coast. With foreign boats right on the Norwegian fishermen's doorstep, taking their fish by hundreds of thousands and the Norwegians helpless to stop them, it is only human that they will also try to get their share while the fish last. They know so well that the Danes will take every salmon in the sea while there are any. The Danes and Germans contribute nothing to salmon conservation; however, the Danes are presently contributing the greatest effort to salmon destruction ever witnessed in history. The Norwegians know that the Danes are the fishing pirates of the sea. The Swedes have also had a sad experience with Danish inroads on immature Swedish stocks of salmon in the Baltic.

Anthony Netboy, in his book entitled *The Atlantic Salmon—a Vanishing Species?*, states: "It is estimated that one out of every four salmon now caught in the Baltic Sea is the product of a Swedish hatchery. Danish fishermen reap the largest share of the benefits." In the Baltic, as in the Atlantic, the Danes are being subsidized for each pound of salmon they are taking and reselling to other countries, including some of the salmon-producing countries such as the United Kingdom.

Let us look at the problem of the Atlantic Salmon over the whole Atlantic and forget, for this discussion and for simplification, that for political reasons the Atlantic is divided into east and west sectors. Let us set aside the separate entities, NEAF and ICNAF, and combine their membership and votes concerning the high seas fishery. The simple result is herewith given:

In favour of complete Ban on High Seas Fishery for Salmon in the Atlantic:

United Kingdom; Erie; Canada; United States; Union of Soviet Socialist Republics; Iceland; Norway.

France; Belgium; Spain; Netherlands; Italy; Poland; and Romania.

In favour of continuing the High Seas fishery for salmon in the Atlantic:

Denmark; West Germany; and Sweden.

(Portugal has abstained from taking any side.)

This is the up-to-date picture: Three countries who insist on the continued destruction of the Atlantic salmon, fourteen countries who would preserve the species. Two of the countries who wish to continue the massacre of the salmon contribute nothing to salmon conservation. By taking the fish produced by the salmon-producing countries they are capitalizing on other people's efforts and investment. It is for this reason I brand the Danes as the fishing pirates of the sea. As far as West Germany is concerned, we have reason to believe that this country knows politically it is wrong in opposing this conservation measure important to so many countries with whom they trade. However, their technical men are not of the same opinion and in this matter the technical men seem to have the strong hand rather than politicians. It is amazing to us that Sweden supports the High Seas fishery. Possibly it is in retaliation for the unfair inroads upon their Baltic salmon stocks sustained at great cost, half of which are taken by the Danes who contribute nothing. It is doubtful whether Sweden contributes any appreciable numbers of salmon to the Atlantic migrations. One can understand that because the Danes are taking half of the fish raised by the Swedes without regard to size as they are also doing in the Atlantic, the Swedes feel they can to some extent offset this loss by participating in a fishery that takes salmon raised by other countries.

Now let us turn to another great feeding ground of Atlantic Salmon discovered in the Davis Strait and Greenland. We have dealt with this so often in our columns already the summation will be brief. The Davis Strait drift net fishery commenced in a moderate way in 1965 with about 10,000 salmon. By 1967, the catch had reached 90,000, however in 1968, it almost doubled to 175,000. Tagging results have shown that about 55% of the fish originate in Canada and 45% in United Kingdom. In these proportions there may be included small numbers of fish from Norway and Sweden. I have estimated in 1968 Canada and the British Isles combined took about 600,000 adult of two and three sea-year fish. While all other commercial fisheries of salmon were down by some 25% in 1968 and the angling down much more, the Davis Strait drift net fishery doubled because of the greatly increased fishing effort. In 1969 there were 17 boats compared to 11 in 1967 for an increase of 55%. Additional boats and larger boats are now being readied for participation in the Davis Strait fishery for the fall of this year. Our dwindling stocks of salmon will be attacked by more boats from the Faroese, Denmark and Norway and the decimation could reach 300,000 fish—equal to the destruction of Norwegian salmon by long lines and equal to half of the adult salmon stocks of the British Isles and Canada. The Danes and their dependents, the Faroese, took 70% of the 1968 catch. It is not their intention to give up unless forced to. A high sea fishery, totalling close to 1,000 metric tons of salmon, 450 in Davis Strait in the Fall of 1968 and 400 tons off Norway in the Spring of 1969, representing some 250,000 fish taken in an immature stage and raised with great expense by other countries, is just too good to relinquish.

If the Danes do not heed the voices of fourteen other countries who fish on the high seas and continue their destruction of our salmon in an immature state, then independent or combined action must be taken by the salmon-producing countries. Political pressures and economic pressures must be studied and brought to bear upon the Danes before the salmon stocks of Europe and North America are completely destroyed. The salmon-producing countries, on both sides of the Atlantic, cannot afford any longer to subsidize the Danes on Atlantic salmon while they destroy the species. If we are to lose our salmon through their obstinate determination to continue the destruction of this important fish, we should think of reducing our imports of dairy products, fish and manufactured goods from them. Canada, the United States, United Kingdom, Eire, Norway, U.S.S.R. and Spain should consider the possibilities for action.

It must be pointed out that the Danish, Eskimos and Greenlanders have been taking over a four-year period, up until 1968, not less than an average of 350,000 immature salmon originating mostly in the British Isles and Canada. This fishery is within Greenland territorial waters and is completely outside of the jurisdiction of foreign countries. When the Danes have been forced to stop destroying the salmon on the high seas they will, of course, remain with this large remunerative fishery, the fish of which are subsidized almost to their selling value per pound to Greenland by the British Isles and Canada. It is rather ironical that the Greenlanders' catch fell by 40% in 1968 because of the increased catch by the Danes, Faroese and Norwegians in the Davis Strait before the fish reached the Greenland shores.

I shall not deal at length with the arguments advanced by the Danes and West Germans at the London NEAFC meeting and the Warsaw meeting of ICNAF. Their defence for their actions was entirely unconvincing—as demonstrated by the resulting vote. A statement made by the Germans at NEAFC and enthusiastically quoted by the Danes at ICNAF stated, in effect, ". . . that not even a sufficiently striking likelihood is at hand that the high seas fisheries are a serious threat to salmon fisheries as a whole."

The Danes expressed the opinion that the ban on high seas fishing of salmon might destroy the whole basis of cooperation in ICNAF. The International body, ICNAF, was set up to protect the various species of fish being exploited in the North Atlantic, and to insure that any species of fish would not disappear by over-exploitation. The Danes refuse to recognize this, as evidenced by their determination to take more and more immature salmon, regardless of the evident effects upon the salmon stocks and by their entire disregard of the warning resolution adopted in ICNAF, June 6, 1968.

If the Danes do not listen to the protests of fourteen countries against what they are doing, the alternative is for these countries to use any means thought desirable and effective to stop the destruction of the Atlantic salmon. If they will not be convinced as a member of ICNAF, they must be dealt with in another manner that will be effective outside of ICNAF.

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Denmark and West Germany will not recognize that the Atlantic salmon is a fresh water fish of necessity born in fresh water and living the greater part of its life in freshwater and capable of existing entirely in fresh water. The fact that it migrates to sea as does a steelhead or a trout, does not make it a salt water fish, and it cannot be treated in the same way as a cod or haddock. The salmon can only survive in this day and age by spending large sums of money for its protection and propagation in fresh water. In North America we are spending 73 cents per pound for every pound of salmon taken by us. If half of the total catch of Greenland and in Davis Strait is included (Canada's proportion) we are subsidizing the Danes and Greenlanders by 57 cents per pound for every pound of our salmon taken.

I say to you reader, angler, commercial fisherman and conservationist, lend your support and give your time and influence to stop this indiscriminate massacre of the Atlantic salmon, spearheaded by Denmark.

PRESIDENT'S BUDGET MESSAGE

Mr. ALLOTT. Mr. President, Congress has now received the President's budget message. In the weeks and months ahead, much will be said about its various provisions.

For the moment, there are four points to be made about the broad outlines of the budget. Three of these points are pleasant. The fourth point is depressing.

First, this is a balanced budget. If the President's recommendations are followed, the Government's income and outlays will balance.

In recent years the balanced budget—in Government and in the home—has become a cultural rarity. The Government has been reluctant to balance its budget and, thanks to excessive Government spending, inflation has made it hard to balance the family budget. Thus we salute the balance of this budget.

Second, in another sense this budget represents a restoration of proper balance in American spending. It represents a decisive shift in the relationship between military and nonmilitary spending, a shift in favor of nonmilitary programs. It has been 20 years—two full decades—since the Defense Department has been promised such a small share of Federal expenditures. This is the reality, not the mere rhetoric, of reordering national priorities.

Third, this is a candid budget. No one is happy to see the inexorable rise of Federal expenditures bring America its first budget in excess of $200 billion. But we can take some satisfaction from the fact that the President has not tried to hide the truth from the American people.

It would have been possible for the President to fiddle and fudge the figures sufficiently to bring the total, on paper, down below $200 billion. This might have been politically advantageous for the President. But he rejected this duplicity—the sort of duplicity that has not been absent from budgets in recent years—and thus provided another example of candor that is helping restore trust between the citizens and their Government.

The fourth and final point I wish to make about the budget is less cheerful.

This budget provides for a $7.2 billion rise in its uncontrollable part.

In the budget for fiscal year 1969 uncontrollables comprised 64 percent of the budget. In 1970 they comprised 66 percent. In the proposed 1971 budget they comprise 69 percent.

Let us not mince words. Control of spending, control vested in Congress by the Constitution, continues to slip away.

This country was founded by men who waged revolutionary war in defense of the principle that representatives of the people should be in immediate charge of spending the people's money.

For years we have allowed our attachment to this principle to atrophy. For years we have witnessed the erosion of congressional responsibility in spending matters. And for years we have joined in lamentations about the diminishing power of the legislative branch, relative to the executive branch. To paraphrase the lean and hungry Cassius, the fault is not in the stars but in ourselves that we are embattled.

Reversing this slippage of congressional responsibility will not be easy. It is urgent.

OIL SHORTAGE IN NEW ENGLAND

Mr. McINTYRE. Mr. President, on Wednesday of last week representatives of the Independent Terminal Operators of New England met with Assistant Secretary of the Interior Hollis M. Dole in an attempt to avert an impending shortage of home heating oil in New England. They requested that the Oil Import Appeals Board allocate to them sufficient oil to ward off any danger of an emergency arising.

To date, no action has been taken on their request, notwithstanding either the seriousness of the present situation or the precedent for such action at the time of a similar crisis in February 1968.

In order to underscore my concern over the situation I sent the following telegrams last Friday to Secretary of Defense Laird and Secretary of the Interior Hickel:

Hon. Melvin Laird,
Secretary of Defense,
The Pentagon,
Washington, D.C.

Request immediate release of 10,000 b/d of unused Department of Defense finished product quota to Department of Interior. This allocation urgently needed for use by oil import appeals board to make emergency assignments to forestall supply crisis in the New England area. Peak crisis expected within two weeks. Added supplies essential to prevent shortages, dislocation and extreme hardship this winter season.

Hon. Walter J. Hickel,
Secretary of Interior,
Department of Interior,
Washington, D.C.

Strongly support request of Independent Fuel Terminal Operators Association made Wednesday to your Department. Urge that action be taken immediately to assign additional 10,000 b/d of home heating oil to Oil Import Appeals Board for allocations to prevent severe supply crisis within the coming weeks. Such action will involve no breach of 12.2% formula and there is no justification for delay in face of critical need.

Mr. McINTYRE. Mr. President, it would be a tragedy if New England were to experience a shortage such as now is threatened, especially when it would be so simple to prevent this from occurring.

A COORDINATED ATTACK ON POLLUTION

Mr. HARTKE. Mr. President, there no longer seems to be any shortage of volunteers for the fight against pollution. Large numbers of Government officials, students, housewives, spokesmen for industry and labor, to name only a few categories of concerned citizens, have clearly indicated their readiness to take effective action. What we now so badly need are an effective strategy and a firm commitment of economic resources. I believe both will shortly be forthcoming.

A major contribution to the devising of an effective strategy was made only last week by an Indiana industrialist of the first rank, Mr. Richard B. Stoner, vice chairman of the board, Cummins Engine Co., Inc., Columbus, Ind. In brief, incisive language, Mr. Stoner outlines the steps that must be taken by industry and Government if we are to have a truly coordinated attack on the massive problem of environmental pollution.

I warmly commend Mr. Stoner's remarks to the attention of the Senate and ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

DEVELOPING TRANSPORTATION FOR THE SEVENTIES

(By Richard B. Stoner, Vice Chairman of the Board, Cummins Engine Company, Inc. Columbus, Ind.)

I wonder how many of you saw a full-page advertisement that appeared in the "News in Review" section of the New York Times on January 18? It was headed "April 22: Earth Day." It said "a disease has infected our country. It has brought fog to Yosemite, dumped garbage in the Hudson, sprayed DDT in our food, and left our cities in decay. Its carrier is man."

Sponsor of that ad is an organization called "the environmental teach-in," which says April 22 "is a day to challenge the corporate and governmental leaders who promise change but who shortchange the necessary programs."

A few days earlier, on January 13, the Times carried a report issued by Mayor Lindsay's task force on noise control, let me summarize one portion.

One of the first moves will be against truck and construction equipment noise. As for trucks, attempts will be made to lower the 88-decibel limit the state of New York now prescribes.

The report says anything above 85 decibels is where injury begins; and California, the leader in sociability standards, has already set standards for 1973 at 86 decibels.

Do you know whom both the ad and the report are talking about?

They are talking about us!

And we had better listen!

And, we had better take action!

Our industry is either going to fulfill its moral obligation to lead the way in minimizing the threat of air, water, waste, and noise pollution in this decade or the people, led by our youth, will force the government to enact legislation which requires us to do the job we will not do ourselves.

All of industry is about to be caught again with an inadequate response to those problems that affect the human environment—health, hunger, security, to name three.

For most of us who have operated effectively with the clear economic goal of producing a competitive product at the lowest possible cost, a new phrase—sociability—is about to become the planning "goal" of the 1970's. Never before has this country entered a new decade with such a clear-cut technological challenge. We must clean up our environment.

So remember that word, "sociability." It means making our products, our industry, our company, or plant operate in such a manner that it is acceptable to the public—that it is not too noisy; that it is not unhealthy; that it does not emit offensive odors; and that it does not sting the eyes.

Sociability has real meaning to us today as we recognize that stopping pollution is the number one technological challenge to the transportation industry in this decade.

This is the thesis of my remarks today because transportation vehicles are the number one contributor to air, noise, and esthetic decay. Emissions from vehicles make up over half of the contamination in the air over the United States. To a great extent, our success in cleaning up our products will determine the improvement in environmental quality throughout the country. The 100 million automobiles, trucks, and buses on America's highways spew more than 66 million tons of carbon monoxide, one million tons of sulfur oxides, six million tons of oxides of nitrogen, 12 million tons of hydrocarbons, and one million tons of particulates annually into the air we breathe.

In addition, the smoke, dirty water, and industrial wastes from our production facilities, our foundries, and even our office complexes are tainting the air we breathe, the water we drink, and the sources of food we eat.

Admittedly, pollution has been with us as long as time itself. The American Indian had little need to be concerned about the polluting effects of his smoke signals. But, as population has increased, as we have become technologically more sophisticated, as consumers have demanded more convenience products in nonreturnable containers, and more powerful engines, and as we have moved together into huge urban areas, man has emerged as a threat to his own environment.

The transportation industry has responded to pollution about as well, but no better, than all of industry. Until just a few years ago, we were not greatly concerned with engine exhaust emissions. The problem was concentrated primarily in a few highly populated industrialized areas.

Then, California's smog problems became so great the State government was forced to issue the first automobile exhaust emission standards. If you will recall, the industry and general public reaction was less than enthusiastic. We protested costs would be too high, the time requirements were too short, and the standards were impossible to achieve. Yet, today, we are rushing ahead, successfully I might add, to meet the latest Federal standards which until recently we also had criticized as too costly, too restrictive in time to achieve, and, yes, even impossible to achieve.

The latest Federal or State of California standard became our next target. And, this is why the transportation industry has not solved its pollution problem. Our goal must become the reduction of engine emissions and noise to the lowest possible level which technology will permit.

Our technical staff at Cummins is confident the technology can be developed and applied within this decade which will eliminate the problems of internal combustion engine emissions and noise in environmental quality. We can achieve this goal if our industry is prepared to commit itself to solving the problem. Dramatic improvements must and will be made in the next two or three years.

The emission control effort will be massively expensive. The many millions already committed to the program by the automotive industry will seem almost insignificant when the total cost is added up.

And, all of us will pay. Increased costs will not stop with the manufacturer. Equipment purchasers and finally the ultimate consumer will feel the cost of the emission control effort. This is not because manufacturing costs will be passed along in their entirety. It is primarily because high horsepower-to-weight ratios and high engine performance and low emissions are not necessarily compatible according to our present understanding of the state of the art.

Where we have historically emphasized high horsepower engines to pull heavier loads and lighter, smaller engines to permit more freight to be hauled, we now may be talking about bigger engines with lower horsepower. This could require more trucks to haul the same amount of produce; consequently, higher freight charges to keep trucking profitable and, thus, more costs to the consumer. I choose this illustration to point up the inescapable fact that all of us—producers and consumers alike—will share in the added cost of emission controls.

WHAT MUST BE DONE?

Somehow out of today's rhetoric must come not just governmental pledges, nor industry programs, but a national commitment to improve environmental quality. Most of us as consumers will have to change our life style. Protection of our environment must become a personal cause of highest magnitude in the everyday lives of tens of millions of Americans. President Nixon in his state of the Union address said, "Each individual must enlist if this fight is to be won . . . It is time for those who make massive demands on society to make some minimal demands on themselves."

In this growing effort Government can provide guidelines and help define priorities, but it is those of us in industry who must take on the leadership role and commit, now today, both our human and financial resources to guarantee, as the President has requested, that: "Clean air, clean water, open spaces—these should once again be the birthright of every American." Surely, if we have the brainpower and resources to put a man on the moon in the short span of ten years, we can bring our environmental violations into tolerable limits within a similar time span.

INDUSTRY'S ROLE

There is a jarring truth to Newsweek's statement that "until a few years ago, fighting pollution ranked somewhere below giving to charity on the list of corporate priorities." We have this black eye because we have not led in the control of pollution. And, we have not given sufficient attention to the harm our manufacturing plants and products are having on the quality of our environment.

There is, however, a growing movement among responsible industrialists; and, if the effort can be expanded and maintained, I am confident we can have clean air, pure water, and decent living conditions for all people.

As a first step in industry's commitment, all of us must take whatever action is necessary to stop noise, air, water, and waste pollution resulting from our manufacturing processes. The technology is available and it must be put to work. The cost will be enormous and it is likely that some industries will need governmental assistance and incentives. Unfortunately, some enterprises will not survive, but that is a necessary cost.

Second, sociability must become a priority design criterion in planning all new products, plants, and services.

Third, those of us who produce products that pollute must modify present product lines so they are as emission-free as society requires. Products which cannot be modified, must be abandoned and replaced by new ones with a high sociability factor. Cost considerations must be secondary to health and safety.

Fourth, industry-wide cooperation in reducing pollution must override competitive considerations. I am pleased to be able to tell you that cooperative studies to develop meaningful test procedures to measure the emissions from diesel engines are underway through the engine manufactures' association and in conjunction with the State of California. I will be gratified if the association can go to Washington with a recommendation that stricter standards be applied. This will be the kind of positive leadership our industry should provide.

Fifth, industry must fund more basic research to develop new technologies which go beyond those presently known. We have great faith in the adaptability of the internal combustion engine. It has served man well over the years; and, if we are as creative in making social improvements as we have been in improving its efficiency, we can extend its useful life for years to come.

However, and this is very important, if the technology cannot be found, we must be prepared in fact to bury our old friend (as University of Minnesota students did recently at a campus demonstration when they buried a gasoline automobile engine) and replace it with a new, less offensive power plant. Presidential Science Adviser Dr. Lee A. DuBridge cautions that "such a power plant however, has not yet been invented, or at least has not yet proven to be reliable, economical, or capable of the high performance required."

GOVERNMENT'S ROLE

Government's primary role is to make pollution a priority public issue of our decade and to provide incentives and, where necessary, requirements for industry to meet its responsibilities to eliminate pollution as a threat to the Nation's survival.

This role should be implemented as follows: First, economic incentives should be devised that encourage all industries, large and small, to accelerate their anti-pollution efforts—the idea being to make normal economic factors provide the Nation with the direction so urgently needed in the conservation task ahead of us.

Second, we would also favor the establishment of a Federal program of penalties for those who pollute, whether it be the producer or the end user, if he is at fault. Income from a pollution tax could be used to fund research, pollution control devices, and purification systems for the good of the entire community. Senator Proxmire has introduced a bill that would levy a Federal "effluency fee" of 10 cents per pound for industrial wastes emitted into the Nation's rivers. A similar fee system could be developed for engines with emissions measured at the time of annual licensing and a punitive fee schedule used for emissions of various kinds. When the consumer realizes it costs him more to own a product that pollutes or he will be fined if he deactivates the emission control device on his engine, he will demand and maintain a clean product.

Third, we recommend the Government reallocate present funds earmarked for development of low-emission engines into more productive channels. Industry has the proper economic incentives to develop sociable products and industry will get this job done.

More appropriately, Government should be funding studies to determine what levels of pollution we can tolerate and maintain a good environment, thereby determining the standards required. Also, we are not well enough informed on the interactions of various emissions, especially their tolerability as they affect health and living conditions and

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the rate at which the atmosphere cleanses itself. These studies should lead to specific emission parameters. Industry does not have the facilities for such ecological determinations. These are governmental responsibilities of the highest order.

Government's efforts must be coordinated and not diffused through establishment of inefficient and ineffective offices in a number of Federal bureaus. The effort must be singularly directed and receive the top-level attention the problem demands.

Fourth, while industry should set the pace, Government must make it possible for industry-wide cooperation to be carried out without fear of antitrust violation. In other words, we must be able to "swap information" in the public interest. Cooperation between Government and industry is imperative in setting targets and meeting new standards.

CUMMINS' COMMITMENT

Cummins Engine Company's commitment is to eliminate, to the extent technically feasible, the pollutants, noise, and wastes resulting from each of our plant operations and all of our products. We will do this job as quickly as possible. We will take this action, not waiting for an adjustment in Federal requirements or incentives, but in an attempt to fulfill our responsibility to improve the quality of our environment.

Diesel improvement starts with an engine that already has emission characteristics superior to most vehicular engines in use today. The diesel is inherently low in unburned hydrocarbons, a principal contributor to chemical smog, and carbon monoxide, a known poison. Both are major concerns in gasoline engines, although the automobile manufacturers are well along the road to solving these problems.

We are funding an accelerated program for the development of clean and quiet engines, including new power forms. Cummins has adopted emission control standards more severe than any current governmental standards as design criteria for all new products. Our ultimate goal is to produce engines that are completely socially acceptable. By this we mean that engine emissions and noise will no longer cause problems of environmental quality. An immediate target is to reduce smoke substantially below the present Federal smoke standards, thus removing diesel smoke as a nuisance. We will apply this new target across the broad spectrum of our power applications—off-highway uses in construction, industrial, and marine equipment as well as on-highway truck engines. To achieve this further improvement of our engines will require changes ranging from minor modifications and substantial increases in the number of turbocharged engine models to the possible elimination of some engine models and development of new engines to replace them.

Our technical center staff is currently studying promising techniques of emission and noise control and is hard at work exploring new techniques.

These clean engine commitments have been made with the full realization that the risks involved may include:

Reductions in profitability;

Increased capital investments;

Increased initial investment for the customer; and

A massive educational job to sell the new concepts and their importance to customers and operators.

Beyond product research and development, Cummins has placed in the 1970 capital budget substantially increased funding for an accelerated program to begin the clean-up of all of our plant operations. We will cooperate fully with each of our plant communities in the solution of the solid waste disposal problem.

Frankly, we are not in a position to brag about these decisions. We should have made them years ago. But it is important to understand that Cummins has made the basic commitment to go as far as we can in eliminating contamination of our environment, not just meeting federally imposed standards.

We hope others will join us in this commitment because we concur with Philosopher Lewis Mumford's observation that: "Any square mile of inhabited earth has more significance for man's future than all of the planets in the solar system."

HUNGER IN CINCINNATI

Mr. McGOVERN. Mr. President, I wish to remind Senators of the great contribution which American journalism has made to the effort to eliminate hunger in America. Without the hundreds of fine articles reminding America of the hunger and despair of millions of her poorest citizens, little could have been accomplished.

Typical of these articles is Margaret Josten's series for the Cincinnati Enquirer on "Hunger in Cincinnati." I ask unanimous consent that her perceptive account be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cincinnati Enquirer, Dec. 7, 1969]

HUNGER IN CINCINNATI—A TRAGIC REALITY—IT DOES EXIST HERE

(By Margaret Josten)

The door to the third-floor apartment Over-The-Rhine was opened by a young woman wearing a filthy blood-stained smock.

Only 24 hours before, she had given birth to a baby at General Hospital. Against the hospital's advice she had come home—bringing with her the baby girl, now sleeping peacefully in a torn plastic basket on the floor.

Three older children were in school. Among those at home was an undersized boy of six. He had backed into the space heater two days before his mother went to the hospital. The large untreated burn on his bare back was covered by a thick festering film. There were signs of inflammation around it.

"When I start to feeling better, maybe tonight, I'm going to take me a brush and scrub off the top of that sore with some good soapy water," his mother said.

Two little girls tore quietly at slices from a loaf of white bread sitting on a dilapidated chair. It was about noon—and that, apparently, was all they were going to get for lunch. The boy with the burn seemed unaware of the need for food. He just sat on the bed—staring out of the dirty window.

The woman did not want to talk about her menus. All she would say was that she had been unable to buy food stamps that month because she had to get shoes for the children in school. She said they were on welfare—but that her husband was out daily looking for a job.

A few doors away a terrible racket could be heard from the littered alleyway doorstep of another apartment. A straggly-haired pregnant woman opened the door.

She screamed at six children scrambling about at the kitchen table and the three broken chairs surrounding it.

"Shut up you little ———," she shrilled.

A pot of oatmeal stood upon the dirt-encrusted stove. When one child finished eating his bowl of oatmeal, another snatched away the dish and spoon. Without washing either, the child would get himself his "lunch." There was no sugar, no milk.

The husband, who is employed gives his wife $15 a week for food. There are 10 children in all—including the illegitimate baby of the oldest daughter, 15.

Several of the children should be in school. But they do not have shoes. A little girl of three, running in and out of the door, had a deep cut on the bottom of her foot. The foot was black with dirt.

In another tenement building a tired-looking woman of 38 prepared a dish she claimed tasted "just like hamburger."

She browned in sizzling lard some balls compounded of cooked oatmeal, onions, salt, pepper. Over that she poured a can of tomatoes.

That was "hamburger"—a change from the usual macaroni and beans served to her three children.

The divorcee living on a pittance provided by her former husband, refuses to let the children take part in the free school lunch program. Instead, they carry sandwiches made of apple butter and mayonnaise to school each day.

A girl of 11, bony and skinny, suffered from a disfiguring rash, the cause of which had yet to be diagnosed. The boys complained about not getting enough food.

Up on the fifth floor of the same tenement a heavy woman piled dirty clothing into an ancient washing machine that moved at a desultory pace. A pale three-year-old boy watched with lackluster eyes.

She said she'd wash his clothes, too, a suit coat and a pair of pants, but she was afraid they'd shrink if put into water.

This woman also was reluctant to discuss the food she served her seven children. After some nudging, however, she said she mainly cooked beans, potatoes and cornbread. She said the children did not like the kind of cornbread she made herself, so she buys a "mix" that costs 12 cents a box. She usually has to skip the egg that is supposed to go into the mix.

She is a widow. Her income is from her husband's Social Security, supplemented by welfare. "Food stamps cost too much," she complained.

Scenes like these are duplicated a hundred times Over-The-Rhine, once a staid and solid German settlement where placing good and nutritious food upon the table was a major preoccupation of the hausfrau.

To color the picture even more desolate, such scenes are not confined to Over-The-Rhine. They can be seen in Avondale, Walnut Hills, the West End, the East End, Mt. Auburn, as well as other places.

Malnutrition, if not outright hunger, is a fact in Cincinnati.

It is not the kind that produces the distended bellies and the sunken ribs seen in photographs from warring countires and our own southern states.

Rather it is the kind of hunger that produces lethargy, listlessness . . . the kind that brings about what some researchers claim is a hindrance to brain development or damage to the central nervous system . . . the kind that makes children drop out of school, adults lack the incentive to work . . . the kind that brings on a variety of diseases.

Dr. Richard C. Bozian, who heads a University of Cincinnati Medical Center team working on problems of nutrition, has some idea of the extent of the problem in Cincinnati.

He estimates that at least 15% and maybe as much as 25% of Cincinnati's population in socio-economically deprived areas would be suffering from malnutrition of some type—iron, protein, calcium, vitamin A, vitamin C.

It is generally felt that about one-fifth—or 100,000—of Cincinnati's population is living below the poverty level. Dr. Bozian's estimates would mean, then, that as many as 25,000 Cincinnatians could be suffering from the lack of proper food.

Nobody has taken a survey here. But Dr. Bozian says there is no reason to believe that Cincinnati's malnourishment rate would be different from that of any other urban area.

The White House Conference on Food, Nu-

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trition and Health, meeting last week in Washington, conceded in a general way that hunger and malnutrition in the United States were due mostly to poverty.

How can a family living below the poverty level purchase enough of the proper foods conferees asked.

But Dr. Bozian feels that malnutrition is due more often to ignorance than to poverty.

A national survey in which his department participated frequently would find in particular poverty pockets, black or white, families with perfectly healthy children living next door to families with children suffering severe cases of malnutrition.

"When income is low it takes magic to get an adequate diet, but it can be done," the assistant professor of biological chemistry and associate professor of medicine emphasizes.

[From the Cincinnati Enquirer, Dec. 8, 1969]

HUNGER IN CINCINNATI—HAMBONE USED AGAIN, AGAIN

(By Margaret Josten)

Authorities decided to make an investigation after the nine-year-old boy had fainted several times in school.

Mrs. Pauline Robinson, area co-ordinator of East End Neighborhood Services, Seven Hills Neighborhood Houses Inc., was dismayed when she visited the boy's home on Eastern Avenue. That was on a Thursday.

Since the weekend before the family (a man, a woman, three children) had been existing on the broth from a hambone. "They'd been boiling it over and over again," she said, adding, "That hambone really looked sick."

The father, older and ill, was receiving a veteran's pension of about $46 a month. The mother was almost illiterate. "If they hadn't had a youngster in school it might have gone on for God knows how long," Mrs. Robinson added.

She got some emergency food for the family. Then, after another agency had got the father into a hospital, the mother packed up the children and went back to the hills of Appalachia.

They had come here in the first place seeking a better way of life.

Mrs. Robinson believes there are many people who will not admit to being hungry.

"Sometimes you go into a house and they don't tell you they're hungry," she says, adding. "I think there is quite a bit of hunger here and we don't know about it."

Various others say the same thing—that the worst cases of hunger and malnutrition probably never come to the attention of authorities.

Ignorance would be one reason. Pride would be another. Lack of knowledge of the resources available in a city like Cincinnati would be still another. Poverty would be the overriding reason.

East End Neighborhood Services (along with other agencies) is used to getting calls for emergency help around the end of the month when money and/or food stamps run out.

After the third such call, East End Neighborhood Services sends somebody into the home to help with budgeting.

The nuns at one Cincinnati convent get pleas for food from as many as 150 families at the end of each month.

Food handed out by the nuns is mostly donated by local commission houses, bakeries, dairies.

The nun in charge asks that the name of the convent not be publicized. "We have a hard time taking care of the people we have now without having more calling upon us for help," she says.

What are the effects of the malnutrition that could be afflicting as many as 25,000 Cincinnatians?

The Rev. William M. Sicking of St. Paul Church, 1117 Pendleton St., located in the midst of an area that has a large percentage of clients on one or another type of welfare, notices the children mostly.

"The youngsters in our area show lethargy, inability to compete at games. They have a lot of respiratory diseases (due to lack of vitamin A). The doctor who has a clinic in our building says there are a lot of sick children in the area due to malnutrition."

Father Sicking said the lethargy due to malnutrition was particularly noticeable among the young of the West End, where he once was stationed.

"The wrestling team came down from St. Xavier. Our kids couldn't take it. They would peter out after a very short time. If they experienced any lengthy type of physical work an hour was about all they could take."

Anemia is seen frequently by Mrs. Lois Wilkin, nutritionist for the Cincinnati Health Department. She also sees the kind of obesity that is produced by eating too many starchy foods.

Mrs. Gertrude Morris, head of the Visiting Nurses Association, told of a tuberculosis victim unable to improve because her diet was so poor.

The TB victim is 39. Her son is 10. The woman receives $96 a month in Aid to Dependent Children. She pays $36 a month for her apartment on John Street. The mother could get $44 worth of food stamps but it takes an outlay of about $28 in cash to buy them. She feels she doesn't have the $28 to spend that way.

"These people simply don't have enough to eat," Miss Norris said.

"Tuberculosis patients should have meat, milk, vegetables, fruits. But this patient usually buys the starches, the cheapest of foods. She needs meat to heal the lesions of TB."

The importance of good nutrition for brain development in infants and young children is emphasized by Mrs. Shirley Ekvall, director of nutrition, Hamilton County Diagnostic Clinic for the Mentally Retarded and the Children's Neuromuscular Clinic.

One of the biggest problems in Mrs. Ekvall's eyes is the child who skips breakfast, then "snacks" on soda pop and sweets.

This kind of eating can be seen throughout the city's slum areas.

[From the Cincinnati Enquirer, Dec. 9, 1969]

HUNGER IN CINCINNATI—HORRIBLE TALES UNFOLD IN HUNGER PROBE

(By Margaret Josten)

The elderly women, partially blind, lived alone in a three-story walkup on Vine Street. "Sometimes you couldn't see her walls for the roaches," said the dietitian who tried to help her get better food.

Miss Elizabeth Kircher of the YMCA's Senior Services Project administrator of a food program for the elderly that is Federally funded through Hub Services Inc., did her best to convince the old woman that she wasn't eating properly. But her talking got her nowhere.

"She was sending a little boy who stopped by occasionally to buy her baloney and soup. He charged 50 cents each trip he made . . .

"Because she couldn't see she was putting the soup into a pot that had roaches in it. I thought maybe if I just blurted out the truth—'there are roaches in your soup'—it might change her mind.

"She told me they weren't roaches, that they were pieces of chicken. And here I could see their legs moving. This made me sick."

The old woman's sister had died of malnutrition after being taken to General Hospital from the roach-filled apartment.

Then there was a man in his 90's, beard flowing down his chest, who lived alone in a shack-like place behind a used furniture store on Race Street. His only food was hot dogs brought in by an employee of the store. "He was really hidden from the rest of the world right on Race Street," Miss Kircher said.

The young dietitian had more luck with him. She got him to agree to sign up for the food program. Now a hot meal is being taken to him once a day. Deliveries were made in the beginning with some trepidation—for the old man, nearly blind, keeps a pistol to protect himself from intruders. He also has a "pet mouse," which really is a rat.

Miss Gertrude Morris, head of the Visiting Nurse Association, a Community Chest agency, told of an elderly woman on Social Security who more than likely starved to death.

The woman received $61 a month, paid out $20 in rent for a two-room apartment. She was emaciated. Her daily intake of food consisted of one egg and milk for breakfast; broth and chocolate milk for a combination lunch-dinner.

Finally she was taken to Drake Hospital, where she died a few days later. "The death certificate says heart disease," Miss Morris noted. But she asked, "Don't you think she just starved to death on that kind of diet?"

Another woman, 79, living on $97.50 a month, paying $32 rent, doesn't have enough to eat. In addition, said Miss Morris, the woman is quite ill. VNA is trying to get her into a nursing home or hospital.

"This is the kind of thing we're running into all the time with people on such meager incomes," Miss Morris pointed out.

"They don't eat properly. Part of it is they maybe don't have the money or not eating becomes a habit. The 79-year-old woman has just fallen. The nurses are very afraid something is going to happen to her."

Fred A. Forney, director of the legal services project funded under the antipoverty program, found an elderly husband and wife in Walnut Hills who were "actually starving."

They were Social Security recipients. When the man earned over $1600 a year they were cut off SS to make up the back payment. The couple lived for about six months on meager savings. The savings ran out.

Legal services had the couple apply for Aid for the Aged, but they couldn't qualify because of Ohio residency requirements. The Hamilton County Welfare Department had to follow the Ohio statute on residency, even though the U.S. Supreme Court had ruled out residency requirements. So Legal Services filed an injunction action against the Welfare Department—and won.

"I think welfare wanted to help them all the time, but couldn't," Forney said.

The Rev. William M. Sicking of St. Paul Church, 1117 Pendelton St., was reminded of an elderly man who fell from a step ladder during a fainting spell. The doctor advised him to eat a lot of beef.

"The man came to me and said, 'Father, I can't afford to eat beef. Four days ago we had a little hamburger. How can doctors do that to you?' "

Stories about hungry malnourished old people, leading lonely lives in rabbit-warren tenements, are easy to find in Cincinnati.

Either they do not have the money to buy the food or they do not have the will or the strength or the means to get it. Sometimes they simply do not have the facilities to cook the food if they do have it.

The Food Service project, headed by Mrs. George Costello, has been a tremendous answer to the problems of many of the aged. But it operates only in Northside, Over-the-Rhine, the West End. The aged live lonely lives all over town.

Mrs. Costello has had requests for meals from throughout the city, but can grant them only in the areas served.

"When the Federal grant is up we hope somebody in the city will take over," Mrs. Costello said.

"The program isn't self-supporting. People pay what they can, which often doesn't cover half the costs. Baltimore has 10 kitchens to

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feed the elderly. Maybe Cincinnati doesn't need that many, but we could use four or five . . ."

[From the Cincinnati Enquirer, Dec. 10, 1969]

Hunger in Cincinnati—They're After Food—Food for Now, for Christmas

(By Margaret Josten)

The Salvation Army's waiting room on Central Parkway was so jammed with people that they were spilling out onto the sidewalk.

"It has been like this since 8 a.m." Miss Kathleen Hughes, director of the Army's family services bureau, said, adding, "All of our case workers and volunteers are working as fast as they can to process them."

Why were approximately 60 people waiting to talk with a caseworker or volunteer?

They were after food—food for now, food for Christmas.

"Because of the large sums of money expended on programs to combat poverty the average taxpayer must question the credibility of claims that people are hungry," Miss Hughes explained.

"It is not generally realized that these programs (tax-supported) do not provide food. Because the Salvation Army is the most liberal of the private agencies in providing for material needs of people we have many requests for food."

Miss Hughes then gave some revealing figures on requests for help to the Salvation Army.

In 1966, 1187 families applied for help, largely help with food. A total of 1353 families applied for Christmas help; 195 families for Thanksgiving dinners.

In 1967, 1729 families applied for general relief. A total of 1441 families applied and were given help at Christmas. Thanksgiving baskets were given to 161 families.

In 1968, 2579 families asked for help. At Christmas, 1587 were aided; at Thanksgiving, 188 were helped.

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"Would this number of families come asking for help with food unless they needed it? Why are so many families in need of food?" Miss Hughes asked.

She supplied what could be the answers, although she cautioned that nobody knows everything about the subject.

Unskilled people are vulnerable to crises. They are the first to be fired. They have the least resistance to illness, the least capacity to insure against loss.

The problems of urban living may have much to do with the situation.

Children "look down their noses" at the packed lunch, and children of low-income families are particularly vulnerable to such community pressures.

People tend to overextend in the area of credit. The low-income family is equally vulnerable, but has less resource to extricate itself from debt. Consequently debt payments take precedence over food.

There are poor food habits, too. Many rely upon soda pop and crackers rather than balanced meals. Children are given too much money for such items. Children of low-income families are influenced by the "now" generation.

Miss Hughes concluded: "I would say there is hunger. There is malnutrition. There are poor food habits. Stereos have become more important than vitamins. But this is an era where an eight-year-old can come home, peek at which is being prepared for supper and decide he doesn't like it, so he's going out to buy a sandwich."

Dr. Louise Rauh, professor of pediatrics at the University of Cincinnati Medical Center, called it "tragic" that welfare does not teach people how to use money, particularly how to balance their budgets so they will get decent diets.

Food stamp stores operated by the Hamilton County Welfare Department do distribute pamphlets based on the best food buys of the month. The pamphlets also contain low-cost recipes—such as what to do with hamburger to make it more paltable when served frequently. Whether the majority of people use their suggestions is not known.

Welfare officials make it clear that they would like to do more counseling with individual families. But when one caseworker has as many as 150 families a month to visit, there's not much time to talk about budgets and good cookery.

"It's a shame we can't do more individual work with them," John Stubenrauch, head of the food stamp division, said recently.

It depends upon the family whether or not food stamps can do the job, Stubenrauch added.

Some families may buy steaks the first day of the month. Then, at the end of the month, there is nothing left. The family calls the caseworker to ask for an extra voucher, or goes to a private agency such as the Salvation Army.

Stubenrauch knew of a family on Armory Court in the West End that still uses the milk man's daily deliveries. "They could get milk cheaper at the market. But that's the way the family is oriented."

He pointed out, too, that $86 worth of food stamps, including the bonus, probably would be more than ample for a mother and three pre-school children or infants. But the mother with three teen-age boys may find that $86 in stamps goes very fast. "How the mother is able to budget is the answer," Stubenrauch said.

Then there are families which will not use food stamps because such a large outlay of cash (in their minds) is necessary to purchase the stamps and get the bonus. Many will forget about the stamps and skimp on food just so they can buy shoes or clothing.

[From the Cincinnati Enquirer, Dec. 11, 1969]

Hunger in Cincinnati—Needed: All-Out Battle Against Malnutrition

(By Margaret Josten)

This nation has mounted an all-out attack on smoking as a cause of cancer.

When Dr. Richard C. Bozian lights up a cigar his own child invariably asks, "How many puffs are you going to take?"

The child has been conditioned to realize that smoking is harmful to the body.

Dr. Bozian, assistant professor of biological chemistry and associate professor of medicine at the University of Cincinnati College of Medicine, would like to see a similar attack mounted against the problems of nutrition.

He believes that all forces available—educational, scientific, business, socio-economic and others—should be marshalled in the fight against overnutrition and undernutrition (both are malnutrition).

Mrs. Lois Wilkins, nutritionist in the Cincinnati Health Department, gives a hearty "amen" to Dr. Bozian's proposal.

She figures that television could be a great weapon in the fight against malnutrition. It could disseminate nutrition education—what is and what is not good for the body—because so many people consider the voices and pictures on the tube authoritative.

Mrs. Wilkins has two other suggestions:

Make basic nutrition part of the curriculum, starting in kindergarten if possible. This would mean, of course, that teachers' colleges would have to include courses on nutrition for students.

Introduce nutrition courses in more medical schools. "A lot of people figure the doctor's word is law, so he needs a basic foundation in nutrition," he says.

Dr. Bozian would agree with her second point. UC's medical school, he points out, is one of the few in the country to include a division of nutrition. "UC has a division because there was a lot of pellagra in the South prior to and during World War II," he says, adding, "And this is the area where migrants come from the South."

Both Mrs. Wilkins and Dr. Bozian point out that malnutrition can be found among the affluent as well as among the poor. This series has dealt with the poor in general, but overnutrition can be just as damaging as undernutrition. It can bring about problems relating to the heart, kidney, stomach, liver.

Dr. Bozian says the malnutrition problem cannot be solved just by handing out food. Give them food, he declares, adding, "but also give them education."

He notes, for one thing, that cultural patterns can have much to do with a person's eating habits. Cincinnati, with its large population from Southern states, sees people who never do adjust to the local environment. They remain in an alienated position within the city.

Sometimes, Dr. Bozian says, those who come here from another culture pick up the worst that the city has to offer. By the worst he means such items as soda pop (a pet hate of nutritionists) and potato chips.

Nearly any day on upper Vine Street one can see youngsters lined up at candy and soda pop stores spending what must be their lunch money on items that do not make for a nutritious diet.

Social workers in the lower-income neighborhoods tell of youngster who eat little more than pickles, potato chips and candy. No wonder they are lackadaisical in school, often dropping out before their graduation, the workers say.

"You're asking a child in school to pay attention, which is difficult in the first place," Dr. Bozian says, adding, "If you superimpose malnutrition on this you're breeding an economic plus a cultural cripple.

"That's why I don't think this country can afford to let 15% of the population in economically depressed areas suffer malnutrition . . . there's no reason to believe Cincinnati is any different from the rest of the country."

Dr. Bozian estimates that at least 15% and perhaps as much as 25% of the city's low-income population would be suffering from some form of malnutrition—iron, protein, calcium, Vitamin A or Vitamin C.

It is generally believed that about one-fifth, or 100,000, of Cincinnati's population is living below the poverty level. Dr. Bozian's estimates would mean, then, that as many as 25,000 Cincinnatians could be suffering from the lack of proper food.

Mrs. Wilkins reminds us that just because a person is obese does not mean he or she is getting a good diet. Obesity often results from an overdose of starches, beans, macaroni, bread, the kinds of items upon which many of the poor rely.

"The problems in Cincinnati are not unique," Dr. Bozian concludes. "Every large city has them."

Dr. Bozian has just returned to the city from the White House Conference on Food, Nutrition and Health, held last week in Washington. Attending with him was Dean Clifford Grullee Jr. of the UC College of Medicine.

HOW YOU CAN HELP

The Hamilton County Welfare Department, 628 Sycamore St., and the Salvation Army, 114 E. Central Pkwy., will accept donations of money, food or clothing for distribution to Cincinnati's needy.

Both will see that donations go where they will do the most good.

Food or clothing should be taken to the Welfare Department's parking lot on the southeast corner of Seventh and Sycamore Sts., next to the Krippendorf Building, where the department is located. Checks should be mailed or taken to the department's business office, and cash should be left at the office of Frederick A. Breyer, director.

The Salvation Army prefers to give food

checks to the needy so that they may purchase their own foods. The Army also will take care of distributing new toys, new shoes, canned and dried foods, new and used clothing.

THE PRESS CAN HELP THE FIGHT FOR ENVIRONMENTAL QUALITY

Mr. McINTYRE. Mr. President, during the past decade, Americans have come to the painful realization that our living environment is in serious danger. This realization has come none too soon—for environmental quality is a basic component of the quality of life itself.

This new awareness, however, has come slowly. Our heritage of neglect is now obvious to us because of our choked rivers, polluted air, and decaying cities. But the past decade shows only that we have found new ways to pollute and sparse few methods to clean up.

If America is to capitalize on its new awareness, if America is to make environmental quality a national commitment, then the public as a whole must be educated to recognize the dangers and to support the solutions.

The news media must play a prominent role in this educative function. It is the citizens at the local level that form the most vital link in our efforts to control pollution and restore our environment. To reach them with the proper facts about the problem and to effectively mobilize their concern, the local news media must fulfill its function as an educator on public functions and a purveyor of public fact and policy.

I have been continually encouraged by the constructive approach of much of New Hampshire's press to this vital problem. Our citizens are getting the facts about pollution because of the enlightened efforts of newsmen like Mr. Edward DeCourcey of the Newport, N.H., Argus-Champion.

Mr. DeCourcey, and men like him in New Hampshire, recognized their vital role in our efforts to attain environmental improvement long before it became nationally fashionable to do so. With this type of support, many communities have seen the need for participation in pollution control programs before the damage was irreversible. I commend Mr. DeCourcey for his consistent efforts as a newsman and a citizen.

I ask unanimous consent that an editorial published in the Newport, N.H., Argus-Champion be printed in the RECORD. I believe that this is a good example of the levelheaded approach to environmental problems that we so badly need.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Newport (N.H.) Argus-Champion, Jan. 22, 1970]

MOST OF US ARE POLLUTERS

Our communities have acted to clean up polluted water, but individuals pollute water and air every day.

Pollution is a grave threat to human existence.

Pollution is caused by human beings.

How many human beings are willing to stop their own polluting?

How many are willing to pay for facilities that will clean up their own, or their neighbors' pollution?

In the end, the American people are going to face a clear-cut, but tough choice: stop pollution or stop living.

Here in the Newport-Lake Sunapee area, the people have acted consistently in favor of facilities to clean up water pollution.

New London has a sewage treatment plant, and has approved measures to improve it.

Newport has consistently voted for construction of a sewage treatment plant, and has been delayed for the past several years in shifting federal and state procedures—and by cutbacks in federal funds.

Sunapee is moving steadily toward completion of plans and is struggling now to unravel the red tape of federal and state grants so that it can go to the voters again for approval of a specific bond issue.

Individual organizations, like the Lake Sunapee Protective Assn., have over the years taken strong positions and constructive action to prevent new sources of pollution. Individual business establishments, like Pine Tree Castings, have gone to great expense and trouble to construct their own treatment facilities in order not to become polluters.

The State of New Hampshire has one of the best records in the nation in its anti-pollution measures. It should. It has a lot to lose. We have air that is among the cleanest in the United States, and we have much pure water left, although even with our good intentions that is dwindling.

President Nixon has urged a massive effort this year in battling pollution. We in New Hampshire, who have so much to lose, ought to let our Congressional delegation know we want that program, and are willing to pay for it—even if it means no supersonic transport plane or a Russian on Mars before an American.

And we ought to check our own actions everytime we pour some pollution into air or the water.

ADMINISTRATIVE PRACTICES OF THE SELECTIVE SERVICE

Mr. KENNEDY. Mr. President, as chairman of the Subcommittee on Administrative Practice and Procedure, I am releasing today a study of the Selective Service System and the subcommittee recommendations for reform. The subcommittee's most important recommendations are that occupational deferments be immediately eliminated by Executive action, and that student deferment in time of war should be terminated by Congress. The subcommittee also urges more uniform application of the present law on conscientious objection and congressional consideration of selective conscientious objection. Finally, the subcommittee calls for complete civilian control of the Selective Service System and the establishment of Selective Service System procedures which meet the norms of due process.

Last September when I first announced that the Subcommittee on Administrative Practice and Procedure would hold hearings on the administration of the Selective Service System, I stated that the hearings were "premised on the assumption that major changes in our draft procedures will be made by Executive action." At the hearings, experts on all aspects of our Nation's draft law, confirmed that vital changes could—and should—be made by the Executive. Time after time they stressed that while it is necessary for Congress to rewrite the draft law, it is equally necessary for the Selective Service System to modify its regulations and practices.

Events since our hearings make the need for administrative changes even more apparent. Newspapers are filled with disturbing stories about the draft. In our newspapers one can read accusations by mathematicians and statisticians that the lottery held in December was not completely random, although it was instituted to insure fairness to all registrants.

One can read that State directors are expressing confusion over the new lottery and voicing the suspicion that by the end of the year all available men will be called, although the Department of Defense stated the last third of the numbers drawn in the lottery would not be reached.

One can read that a Federal judge in New York has accused a local draft board of gross disregard of a registrant's rights.

One can read that the U.S. Supreme Court held that Selective Service regulations on accelerated induction of delinquents were not authorized by Congress.

One can read of a survey showing that 20 percent of local draft boards around the country gave newspaper reporters the wrong answers when asked elemental questions on the draft.

One can read about new books criticizing the system and offering constructive alternatives.

But unfortunately one just cannot read about reforms instituted by the Selective Service System, for despite all the criticism there have been no reforms.

It is time for the executive branch to take immediate action. And to aid the executive branch, the subcommittee has prepared a study of the Selective Service System together with recommendations on administrative improvements.

The study, which the subcommittee is releasing today, outlines the history of the draft in this country, with the view towards better understanding the present system. It then examines how the draft actually works—its makeup and its mechanics—and presents the information obtained from the responses to the questionnaires sent by the subcommittee to the more than 4,000 local boards. Finally, the study reviews the evaluations and criticisms made by several high-level commissions, and highlights hearings on the draft which U.S. Senate committees have held.

But the heart of the study is the recommendations. Based on the testimony at the hearings, the questionnaires, and past examinations of the draft, the subcommittee has outlined a series of recommended reforms designed to produce a system of which we need not be ashamed.

Generally the first contact that a young man has with a Federal agency is when he registers with his local draft board. It is at this point that he must actively fulfill a duty imposed on him by law and declare himself liable for military service. It is at this point that he assumes one of the burdens of citizenship.

But what does the young man discover when he first encounters the Selective Service System? How is the federal system and the duty of citizenship first presented to him?

The young registrant will be given

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forms to fill, literature to read, and decisions to make—decisions that will affect an important period of his life—but the advice he receives from the draft board will range from barely adequate to downright misleading. He will be processed by rules, regulations, and policies of which he has little understanding—and a few misconceptions—and he is unlikely to have a knowledge of his rights or options until it is too late.

He will discover that he is one of 2 million young men registering that year, of whom only 250,000 will be drafted into service. He will hear talk among his peers and among older men of 20 or 21 that there are ways to avoid being called—but he may also discover that most ways of "beating the draft" are closed off to him because he cannot stay in school or learn a critical occupation.

He will hear stories about more fortunate registrants reaching the magic age of 26 through student, occupational, and paternity deferments; about tricks or devices to obtain deferments on medical grounds; about registrants in better schools somehow getting into the National Guard; and about other young men with lawyers who somehow succeed in avoiding service. He will also hear about young men who get drafted ahead of their turn because they protest against the system and about others who go to jail rather than serve.

If the registrant requests certain deferments or objects to the way he has been classified, he may see that the local board itself is not clear on what the regulations mean.

If he requests an occupational deferment, he finds there are no clear guidelines and that it is of little importance that someone just like him received a similar deferment from a nearby draft board.

If he requests a conscientious objector classification, he finds that unless he belongs to a particular sect, he has little chance of convincing the draft board of his convictions.

If he is black, Mexican-American or Indian, he is likely to find poor representation of his group among local board members.

If he attempts to bring counsel with him for his personal appearance before the local board, he will find that the lawyer must stay outside.

And if he seeks to appeal his classification within the Selective Service System, he will encounter a system completely unlike the traditional American judicial system.

The Selective Service System must be made to act more equitably and appear more fair to the young registrant, and the subcommittee offers recommendations which it feels will accomplish this.

The premise of these recommendations is that some draft system will continue to be necessary. Until the President's Commission on an All-Volunteer Army reports, and until many important questions on the desirability and feasibility of a volunteer Army can be answered, it must be assumed that some form of compulsory service—and some method of selecting those who will be compelled—will continue.

The first of our recommendations is that most deferments be eliminated.

Testimony made clear that occupational deferments were inherently inequitable since fortunate registrants who had been through school and who had become skilled were favored over the uneducated and unskilled. Witnesses noted that the National Security Council in February of 1968 concluded that neither the Armed Forces nor the civilian economy needed occupational deferments. Hence, the subcommittee determined that the first step to be taken was to terminate occupational deferments—which could be done with no change in existing law.

A more difficult question—and one requiring legislative action—is deferment of undergraduate students. Here the subcommittee points out the inequity of drafting nonstudents in time of war to fight, and perhaps die, while deferring students from service—perhaps until time of peace. The subcommittee urges that when casualties among draftees reaches a certain level, then student deferments should be discontinued. The Congress must closely examine the wisdom of continuing student deferments in peacetime, weighing carefully whether the equity of treating all registrants alike outbalances possible disruptions in the process of education. Many distinguished educators, manpower experts, and student spokesmen have urged abolition of undergraduate deferments, and their arguments should be given close attention.

Finally, the subcommittee sees no need for continuation of fatherhood deferments, since hardship deferments could always be granted in extreme situations.

The subcommittee urges Congress to closely consider expansion of the conscientious objector classification to include registrants who object to a particular war on ethical or moral grounds. Testimony was heard at the hearings on the lack of uniform standards in granting conscientious objector status at the local level, on the large number of appeals taken from denials of conscientious objector status, and on the increasing number of young men who sincerely opposed war, but whose beliefs were not founded on narrow traditional religious grounds. The hurdles facing a young man whose conscience dictates against his participation in a war effort should be examined by Congress, and at the very least, registrants should be afforded clear guidelines, uniformly applied and judiciously reviewed.

Selective conscientious objection will pose many hard questions, chief among them being how to determine sincerity of the registrant. Dr. Kingman Brewster, president of Yale University, proposed that if selective conscientious objectors were assigned duties involving personal risk, at the same proportion as all servicemen faced such risk, few insincere registrants would seek selective conscientious objector status. Such a proposal merits full consideration.

One of the most constant criticisms of the Selective Service system was the lack of uniform national standards. Such standards are necessary before the draft can hope to treat all registrants equitably. The subcommittee recommends two actions that will help the Selective Service system to promote uniformity. First of all, the Selective Service system should follow the practice of other Federal agencies and solicit comments on its regulations before permanent issuance. Second, the quota system should be eliminated. It is evident of late that the establishment of the lottery has placed an increased burden on an already outdated system of allocating manpower quotas to local boards. Previously, some draft boards were required to draft men in lower classifications than other boards because the quota imposed on them did not properly reflect the number of available men. Presently, some draft boards are inducting men with high lottery numbers, while elsewhere registrants with lower numbers are not reached. The Selective Service system has been forced to simulate a national pool by informally imposing a limit on the number to be reached each month. It would make better sense to abandon the State and local quota system altogether and create a national manpower pool.

On the structure of the Selective Service system, the subcommittee urges Congress to give renewed consideration to the recommendations of the Marshall Commission. The report which the commission published in 1967 recommended extensive restructuring of the Selective Service, and action to effect these changes is long overdue. The other structural recommendation the subcommittee makes which could be acted on immediately by the Executive is to insure that the independence of the Presidential Appeal Board from the national headquarters is secured. As the former Chairman of the Appeal Board, Judge Henry J. Gwiazda suggested, the Presidential Appeal Board, contrary to the Executive order establishing it, has become far too dependent on the national headquarters, and steps must be taken to prevent the board of final appeal from being controlled by the office of the Selective Service Director.

The subcommittee makes a series of recommendations which would insure that the system be administered by civilians, that personnel be civil service, that local board members represent their communities, that the local board clerk be more experienced and better paid, that the role of the Government appeal agent be that of an attorney, and that data-processing equipment be used where possible.

The subcommittee, in the area of procedure, recommends first of all that punitive reclassification by local draft boards be terminated. In the past 2 weeks, the U.S. Supreme Court handed down decisions in Gutknecht against United States and Breen against Selective Servive Board No. 16 holding that the Selective Service System's induction of delinquents were unauthorized by Congress. The problem has therefore been remedied by court action, but the regulations on delinquency should nevertheless be rescinded immediately.

The subcommittee further recommends extending to registrants the right to

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counsel, the right to present witnesses, the right to a quorum of local board members on personal appearances, the right to a more liberal reopening of classification, the right to transfer local boards with a shift in permanent residence, the right to personal appearance on appeal, the right to a transcript of his personal appearance, and the right to a written opinion of the local or appeal board. The subcommittee also recommends extending the time limit on return of forms from 10 to 30 days.

The final subcommittee recommendation deals with the means used in a system of random selection. Immediately after the lottery held on December 1, 1969, there was criticism of the way in which the dates were picked. It appeared that far too many of the first 150 dates selected came from the last few months of the year. It was argued that those dates were the last placed in the bowl and that the capsules were insufficiently mixed. The purpose of the lottery was to eliminate any possible bias, and the subcommittee urges selection by computer in the future so that no question of human error can arise again.

In 1814 Daniel Webster stated:

> If the Administration has found it cannot form an army without conscription, it will find, if it ventures in these experiments, that it cannot force conscription without an army.

This has not so far proven to be the case. However, when one looks at the growing opposition to the system and at the increased number of young men who risk criminal prosecution and jail sentences to contest Selective Service regulations, one suspects that unless broad reforms are made, Daniel Webster's words may tragically come true.

WHAT PRESIDENTS ONCE SAID ABOUT RACIAL EQUALITY

Mr. BYRD of West Virginia. Mr. President, in the light of the controversy which has developed over Judge G. Harrold Carswell's speech, made in 1948, I ask unanimous consent to insert in the Record an editorial by David Lawrence, titled "What Presidents Once Said About Racial Equality." The editorial appeared in the February 9, 1970, issue of U.S. News & World Report.

There being no objection, the editorial was ordered to be printed in the Record as follows:

What Presidents Once Said About Racial Equality

(By David Lawrence)

The controversy recently about Judge G. Harrold Carswell's speech which he made in 1948 in favor of segregation—six years before the Supreme Court ordered desegregation in the public schools—prompts a reexamination of just what was said in public speeches and in utterances of Presidents of the United States on the general subject of racial equality prior to the Courts' ruling in 1954. Here are some extracts:

Thomas Jefferson, in a letter to François Jean de Chastelleux on June 7, 1785:

"I have supposed the black man, in his present state, might not be in body and mind equal to the white man; but it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so."

Jefferson's Autobiography, published in 1821:

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them."

Abraham Lincoln, in a speech at Ottawa, Ill., on Aug. 21, 1858:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Dougals, am in favor of the race to which I belong having the superior position.

"I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas, he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."

Abraham Lincoln, in a speech at Charleston, Ill., on Sept. 18, 1858:

"I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. . . .

"I will add to this that I have never seen to my knowledge a man, woman or child who was in favor of producing a perfect equality, social and political, between Negroes and white men."

Theodore Roosevelt, in his Seventh Annual Message to Congress on Dec. 3, 1907:

"Our aim is to recognize what Lincoln pointed out: The fact that there are some respects in which men are obviously not equal: but also to insist that there should be an equality of self-respect and of mutual respect, an equality of rights before the law, and at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him when compared to his fellows."

William Howard Taft, in his Inaugural Address on March 4, 1909:

"The colored men must base their hope on the results of their own industry, self-restraint, thrift and business success, as well as upon the aid, comfort and sympathy which they may receive from their white neighbors."

Franklin Delano Roosevelt, in a letter to Cleveland G. Allen on Dec. 26, 1935:

"It is truly remarkable, the things which the Negro people have accomplished within living memory—their progress in agriculture and industry, their achievements in the field of education, their contributions to the arts and sciences, and, in general, to good citizenship."

Harry S. Truman, to the Democratic National Convention in 1940:

"I wish to make it clear that I am not appealing for social equality of the Negro. The Negro himself knows better than that, and the highest type of Negro leaders say quite frankly they prefer the society of their own people. Negroes want justice, not social relations."

How many of the foregoing statesmen could be confirmed as Justices of the Supreme Court today if their statements of earlier years such as the above were cited against them by members of the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, S. 3154.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume its consideration.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Is my understanding correct that the amendment proposed by the Senator from California (Mr. Cranston) has been laid before the Senate and is the pending business, and that no time has been used on that amendment?

The PRESIDING OFFICER. The Senator is correct. The Senator from California is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may suggest the absence of a quorum, without the time being counted against either side?

Mr. CRANSTON. I yield.

Mr. MANSFIELD. I ask unanimous consent that the time for the quorum call not be counted against the time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. This is an important amendment, and I hope attachés will call their Senators and get them here. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. CRANSTON. Mr. President, I yield myself such time as I may require.

I shall not dwell at length on the reasons for my amendment. I presented for the RECORD yesterday a statement outlining in detail why I believe this amendment to be necessary. I believe that the President of the United States, the able and diligent floor manager of this bill, and the Committee on Banking and Currency have really made the arguments for my amendment in the course of what they have said and done in regard to the transportation needs of our country.

I quote first from a statement of the President last August. He sent a message to Congress on August 7, stating:

> I propose that we provide $10 billion out of the general fund, over a 12-year period, to help in developing and improving public transportation in local communities.

Just yesterday, in his budget message, he said we should—

> Assist urban transportation through a 12-year, $10 billion program of grants to communities to modernize and expand public transit facilities and services.

The committee bill itself, on page 12, refers to the need for $10 billion in language which amounts to a preamble, stating:

> Success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a 12-year period to permit confident and continuing local planning, and greater flexibility in program administration.

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Elsewhere in the bill, when it gets to the important matter of actually committing funds, the bill retreats from that $10 billion sum in what really amounts to contradictory language, when it states that there shall be provided, by grants or otherwise, amounts aggregating "not to exceed $3,100,000,000." After setting forth the various sums to be authorized in various years, on page 17 and 18 of the bill such as $80 million prior to July 1, 1971, and other years, the language ends with "and not to exceed an aggregate of $3,100,000,000 thereafter," meaning that after talking of the great need for $10 billion, we turn around and do not make that sum available.

Turning to the committee report, on page 7, in a detailed discussion of overall needs for rapid transit, the report refers to the need for $10 billion, and then refers to the fact that this would really amount to $11.8 billion due to inflation. Then it goes on to quote a more recent estimate prepared for the Urban Mass Transportation Administration by the Institute of Public Administration, setting the 10-year requirement as between $28 billion and $34 billion. It then refers back to the fact that perhaps $15 billion is a realistic sum and, in accordance with this bill, says if the Federal Government is putting up two-thirds, $10 billion would be the figure that we return to in terms of the committee report.

I would like to point out that the $10 billion referred to by the President and by the committee as the essential need refers to meeting needs of cities that presently have plans for transportation systems that need funding. It does not cover the needs of the cities that have not gone that far because they have not seen any funds in sight and, therefore, have not developed plans. But the needs are very great in many such communities, and they would carry us beyond the $10 billion figure that, regrettably, is not set forth as a commitment in this bill.

Finally, let me at this point say this: The $3.1 billion which is committed through the pending bill compares to the following needs in just four communities in America:

In the San Francisco Bay area, BART, the bay area rapid transit system, alone has spent $800 million on its own new mass transit system, which is incomplete; and to complete that system will cost approximately $1.5 billion.

In Los Angeles, it is estimated that $2.5 billion is needed for a system that would basically serve only the inner core area of the city.

It is estimated by the New York City Transportation Department that in the next 5 years $1 billion could be spent for public transportation there.

Finally, in a community that every Member of the Senate is familiar with, Washington, D.C., the estimate is that $2.5 billion will have to be spent on the rapid mass transit system.

When those sums are compared and added to all the other needs in many other communities around America, big and small, it is evident how paltry, indeed, and how totally inadequate is the $3.1 billion committed in this bill. I think this demonstrates very clearly the need for $10 billion committed so that communities can make plans and know that the Federal Government means business and is not simply talking airily and loosely when it refers to $10 billion that is needed.

I rest for the moment.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. I am happy to yield.

Mr. WILLIAMS of New Jersey. I will make a statement in response on my own time, but while the Senator has the floor, I should like to ask this question: In San Francisco, the BART system, which the Senator has mentioned is incomplete, although the first stage is about to be completed. Is that correct?

Mr. CRANSTON. That is correct. But other stages lie off somewhere in the future, depending on the systems that bill might make available.

Mr. WILLIAMS of New Jersey. The first stage, as I recall—and I would like to have it more completely described by the Senator from California—does serve San Francisco and the suburbs. It runs out to Oakland, Berkeley, and to the communities north of Berkeley. Is that correct?

Mr. CRANSTON. That is basically correct. There are areas on the east bay side that should be covered, running south.

Mr. WILLIAMS of New Jersey. Is that the area covered by the system which will go into operation in July.

Mr. CRANSTON. Yes. The Senator is basically correct.

Mr. WILLIAMS of New Jersey. Within the last 4 months, I visited the BART system, and it is magnificent. It is certainly a pioneer example of what can be done in mass transportation in this country.

Mr. CRANSTON. Yes; and I am glad the Senator recognizes this. I want to join him in paying tribute to those who pioneered and had the ability to put this together, despite the absence of adequate Federal assistance. But many parts of the bay area remain that are not touched by that system, notably Marin County to the north of San Francisco and San Mateo County. In order to have a complete network, significant sums must be spent to draw those communities in. San Francisco has done what few other communities are likely to be able to do, and that is to put together a system as they have, to the degree that they have accomplished his, with primarily local property owners financing it through a bonding arrangement. The Government of the United States contributed to the tune of 7.5 percent of the cost of the initial effort, but far more is needed there and in many other communities.

Mr. WILLIAMS of New Jersey. For approximately a decade I have supported and introduced legislation that would bring national resources to mass transportation. Many times, people have said to me, "Why is the Federal Government needed? Look at San Francisco. They did it without any Federal money." I have pointed out that perhaps it would have been done anyway by the people of the bay area of San Francisco, but there was Federal money used in some of the early development stages.

However, the fact is that very few communities have been able to go to the electorate and get the electorate to vote for the taxation to pay the entire bill for modern, efficient, and realistically needed transportation systems. Bond issues have failed in Seattle and Atlanta and have not even succeeded in cities such as Los Angeles.

Mr. CRANSTON. I believe one plan was defeated there.

Mr. WILLIAMS of New Jersey. Did it go to the voters?

Mr. CRANSTON. Yes. It was defeated. Many other plans never reached the point of presentation to the voters because of the realization that they were certain to be voted down.

Mr. WILLIAMS of New Jersey. It is my feeling, and I believe it will be proven, that a contribution that can be relied on from the Federal Government will stimulate local spending. Does the Senator agree with me on that?

Mr. CRANSTON. Yes.

Mr. WILLIAMS of New Jersey. I should like to ask two more questions. Does the Senator know how long a time has transpired from the first dream of a rapid transit system for San Francisco to its present stage of near completion?

Mr. CRANSTON. Discussions of the need began right after World War II, and the beginning stages of conversation and planning and conferences started way back then.

Mr. **WILLIAMS** of New Jersey. Is Los Angeles, which, in common with so many metropolitan areas, is paralyzed in traffic in the peak hours of each day, in the very early planning stages?

Mr. **CRANSTON**. It has to be said very early, because they really do not know what to do. They are waiting to see what we do with this bill.

Mr. **WILLIAMS** of New Jersey. When I speak later, I will make the point that the money that will be provided for in this bill is realistic because of the early planning period which covers many years.

Mr. **CRANSTON**. I agree completely with the approach, and I accept now, after having some skepticism about it earlier, the early amounts earmarked in the pending measure for specific years beginning in fiscal 1971. But I believe that many communities will be very skeptical about their chance of getting significant Federal help on into the future after the planning period has occurred, and because of the years that takes, unless we commit $10 billion in this bill.

Mr. **WILLIAMS** of New Jersey. One additional observation which I should like to make to the Senator from California is this: This afternoon, an amendment will be offered that will deal with the impact of rapid transit on the environment. I would hope that the Senator from California would be here to describe how a major construction program of rapid transit not only can be developed without hurting the environment that it serves but that it also can greatly improve upon it.

I am thinking particularly of the BART subway line as it comes out of the ground—I believe this is north of Berkeley—and goes overhead, and the park that has been created by that overhead rapid transit line. It really has been transformed from a rundown neighborhood beside a railroad track to a 4-mile-long park. That is what it amounts to. I think that in the debate it might be well for the Senator to describe it.

Mr. **CRANSTON**. It is exactly that aspect of rapid transit that is one of the reasons I am so deeply devoted to acquiring adequate funds for rapid transit.

Mr. President, I ask unanimous consent that the discussion on that amendment not be charged to the time for discussion on my amendment.

The **PRESIDING OFFICER**. Is the Senator suggesting that we charge the time to the Senator from New Jersey?

Mr. **CRANSTON**. Yes.

Mr. **WILLIAMS** of New Jersey. How much time is it, Mr. President? I am willing to take that much time.

Mr. **CRANSTON**. It was about 2 minutes, I think. I am concerned that other Senators who may wish to speak for my amendment may not have the time when they get here.

The **PRESIDING OFFICER**. Without objection, the time will be charged to the Senator from New Jersey.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the President pro tempore (Mr. RUSSELL):

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week";

H.J. Res. 1051. Joint resolution designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes; and

H.J. Res. 1072. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

Mr. **WILLIAMS** of New Jersey. Mr. President, I yield myself such time as I may need.

The **PRESIDING OFFICER**. The Senator from New Jersey may proceed.

Mr. **WILLIAMS** of New Jersey. Mr. President, the amendment offered by the junior Senator from California (Mr. CRANSTON) would raise the amount of money which could be obligated for mass transportation without additional congressional authorization from $3.1 billion to $10 billion.

As one of the earliest supporters of increased Federal aid for urban mass transportation, my first inclination would be to support such an amendment. However, after a careful review of our committee's hearing record and the provisions of S. 3154, it is my conclusion that the Cranston amendment should be rejected.

Under S. 3154, the Secretary of Transportation would be given the authority to contractually obligate $3.1 billion during the first 5 years of the program. It is also our intent to obligate an additional $6.9 billion during the remaining 7 years, or a total of $10 billion of Federal aid over the next 12 years.

These figures were not arrived at overnight. They were the result of extended consultations with Secretary Volpe; the Bureau of the Budget; the National Governors Conference; the U.S. Conference of Mayors, League of Cities; the American Transit Association; and the Institute for Rapid Transit. These groups representing all organizations involved with our Nation's mass transit problems have unanimously agreed that the $3.1 billion figure contained in this bill is one which can immediately meet the realistic needs of the Nation's urban areas. In arriving at the $3.1 billion figure, careful consideration was given to the period of time which it takes for a city to decide upon embarking on a transit program and when the actual obligation of funds by the Department of Transportation actually takes place. This timelag, which includes planning, local referendum, and the floating of bond issues, often takes up to 5 years.

My colloquy with the Senator from California developed the fact that this was projected over a much longer period of time in the case of San Francisco than in the case of Los Angeles.

Governor Kirk of Florida speaking for the National Governors Conference clearly stated:

> While I know it is tempting to call for larger expenditures immediately, sound administration dictates that we do not overstep ourselves in the early years. Indeed, I am convinced that the Federal government could not prudently spend any more than the President has asked for in the first year of this program even if they had it.

Carmack Cochran of the American Transit Association, representing all of our Nation's privately owned bus companies after endorsing this legislative approach added:

> We also support the proposed funding schedule which reflects both the time required for the industry to absorb the amount of aid specified and due consideration for the economic health of the nation.

The Institute for Rapid Transit representing the cities of New York, Boston, St. Louis, Chicago, Cleveland, Camden, N.J., Pittsburgh, San Francisco, Philadelphia, and Los Angeles concurred in this opinion.

From those who work on a daily basis with the problems facing our Nation's urban areas, the conclusion is clear: This legislation provides all of the money which can prudently be obligated during the initial years of the program.

However, in the event that the proposed limitation inhibits the orderly development of transit programs, it can be increased. Under this legislation, the Secretary of Transportation is required to submit authorization requests to the Congress not later than February 1, 1972, for fiscal years 1976 and 1977, and subsequent requests every 2 years not later than February 1, for the following 2 fiscal years. That is the entire period of time being considered under this bill. These requests must meet a Federal commitment of not less than $10 billion over the 12-year period. At the same time, recommendations must be submitted for any necessary adjustments in the schedule of appropriations and for liquidation of contract obligations during the first 5 years.

If the fears of the junior Senator from California are in fact true, and more money is needed, appropriate adjustments can and will be made. For the first 2 years, however, the $3.1 billion authorized for contractual obligation is sufficient.

For this reason, Mr. President, I will urge and I do urge this body to reject the amendment offered by the Senator from California.

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Mr. CRANSTON. Mr. President, I yield myself 2 minutes to reply to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The Senator from California is recognized for 2 minutes.

Mr. CRANSTON. Mr. President, is it not true, when San Francisco was planning over so many years for a transportation system which has finally been constructed only in part, and through all the years when Los Angeles was planning a system but is not yet able to begin it—and this is happening in other communities around the Nation—that there has been no source of significant Federal funds of the sort that can presently be made available, so that their planning had to be based on what they could do to sell to the local property owners, and so forth, and it would be a totally different situation as to planning, that is, when the bill is enacted into law with whatever sum it needs.

Mr. WILLIAMS of New Jersey. It will be a different situation.

Mr. CRANSTON. I should like to give one example by people responsible for seeking a plan for a transit system, the one in Atlanta, Ga., in which their confidence in planning and their willingness to proceed seriously with their plan is directly related to the question of the Federal commitment to make adequate funds available so that their community, and others, feel that there is enough money for each to give significant funds to build something with, along with their own one-third of that financial obligation.

Mr. WILLIAMS of New Jersey. Atlanta has said that and other cities, have agreed.

Mr. CRANSTON. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York (Mr. GOODELL) is recognized for 5 minutes.

Mr. GOODELL. Mr. President, as a cosponsor of this amendment, I wish to commend my colleague from California (Mr. CRANSTON) for his dedication and concern over the transportation needs of our urban areas.

During the executive session of our committee on this bill, he introduced similar amendments, and I was pleased to support him at that time, as I am now.

The transportation crisis in our urban areas cannot be overemphasized or overdramatized. Our Nation's growing urban population—almost 80 percent of the total—has made demands for urban transportation.

This demand has not been met with service.

State and local governments have not had the financial capacity to meet these expanded needs. The Federal Government has been woefully negligent in providing financial assistance. Before 1964, virtually no funds were expended for urban transit. The 5-year period between 1964 and 1969 produced a Federal commitment of $548 million—a mere token. That sum alone could easily have been applied to the needs of one city.

As a result of this gap between demand and delivery, urban transit companies began deteriorating. Those people most dependent upon city transit for mobility and those who suffer most from its deterioration—the poor, elderly, and infirm—have had to bear higher fares and poorer service.

In addition to deterioration within the city, urban transportation systems have not had the flexibility and capability to serve the ever-expanding suburbs. Lack of efficient, convenient, and economic transportation has forced residents of metropolitan areas to use the automobile. Rather than face the vagaries of commuter rail service, many have chosen to travel to the city via expressway, thereby experiencing the delay and irritation of frustrating traffic jams.

Though certainly more dependable to the commuter, what have been the results of such traffic?

Belching engines produce air pollution. Engine noise produces pollution which disturbs work and leisure. Parking lots, streets, alleys, and auto-related land uses amount to over 50 percent of the precious downtown land in many of our cities. Not only does highway construction eat up scarce urban land which could be used for housing or recreation, but it destroys neighborhoods and causes the relocation of countless families.

In the absence of adequate mass transit, we have become tyrannized by the automobile.

Since 1956, over $16 billion has been provided for the construction of highways. The highway trust fund is still empowered to pour money into more construction.

For the benefit of our cities, which bear the brunt of auto traffic, we must reverse this trend. Mass transit must replace highway transit in our urban areas. An urban registration fee or a congestion tax, levied for city travel during peak hours to automobile owners should be affixed to discourage transportation by automobile.

While discouraging auto traffic, we must seek to make mass transit more attractive and convenient to metropolitan residents. That, I believe, can only be done with a firm commitment of Federal funds to complement the finances of State and local governments.

The Senator from New Jersey (Mr. WILLIAMS), a leader in the field of mass transit, knows better than anyone the time that has gone into the study of such a financial commitment. He, along with other Members of this Congress has proposed a trust fund approach to mass transit financing. After much deliberation, the trust fund has been discarded. It has been replaced in this legislation by "contract authority." I believe this financial mechanism is an acceptable, although not the most preferable, approach to long-term financing. In any event, we have been told that this is the best we can get.

We have also been told that the schedule of expenditures provided for this bill will be adequate to meet the demands of the transit industry. The transit industry claims that its needs, in a 10-year program, would amount to $500 to $600 million a year for the first 2 years, with an annual appropriation of $1 billion thereafter. This bill provides for expenditures of $80 million, $230 million, $400 million, $550 million and $600 million within a 5-year period. Although there is a discrepancy between supply and demand, we are again told this is the best we can get.

We have also been told that the bill provides for a Federal commitment of $10 billion over a 12-year period. It is interesting to note that nowhere in the legislation does there appear language which empowers the Secretary to ask for and obligate the full Federal commitment of $10 billion.

The language, however, does appear in the statement of findings. The committee feels that the rhetoric in this statement is sufficient to assure the continuing Federal commitment of $6.9 billion. Some would have us believe that this language gives the same assurance as the financing provision which authorizes the Secretary to obligate $3.1 billion immediately.

Again, we are told this is the best we can do. We are told that the psychology of inflation requires that government obligations and expenditures be curtailed.

I am tragically reminded of the language in the 1968 housing bill which committed the Nation to the production of 26 million housing units in 10 years or 2.6 million per year. This goal also appeared in the statement of findings of housing legislation. Those figures have appeared in virtually every speech about our housing crisis. In reality, inadequate fundings had made a sham of that goal and currently our housing production has decreased rather than increased since that commitment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. Mr. President, I yield 3 minutes on the bill to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 3 minutes.

Mr. GOODELL. We must not allow the same fate to this new urban transit program.

The urban and suburban dwellers, becoming desperate for efficient transportation, do not want a goal or commitment which has good advertising. They, along with the States and local governments, want an action program which will fulfill their transportation needs.

In hearings before our committee, Under Secretary James Beggs, of the Department of Transportation, estimated that transit needs for new and existing facilities over the next decade would total $10 billion. Other witnesses estimated a need of $20 billion. These figures, based on 1969 dollars, do not reflect the annual 8 to 10 percent cost increases that burden construction projects. Estimated needs, could therefore, double by 1980–82.

In face of this enormous need, the legislation provides for a clear commitment of $3.1 billion with a promise—an expectation—of an additional $6.9 billion within 5 years.

Cities such as New York, Philadelphia, Chicago, Cleveland, Boston, San Francisco, Baltimore, Atlanta, Los Angeles, Miami, Seattle have mass transit plans which will require the $6.9 billion for construction. They need full assurance that the funds will be available.

Transit plans cannot be built by expectation.

We cannot afford to accept the promise offered in this legislation.

The Cranston amendment will assure a full Federal commitment of $10 billion. It does not, however, require increased expenditures—it does not require the Government to spend more than it can afford.

It does commit the Department of Transportation and the Congress to a funding process and a clear commitment of $10 billion over 12 years which is absolutely essential for our depressed urban mass transportation.

I urge my colleagues to support this amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I yield 5 minutes or such time as he might desire to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I hope the amendment will be rejected. If it does not meet defeat, I think it will lead to long, protracted, and fruitless debate on this subject.

This matter has been discussed this morning in a rather fully attended meeting of the Appropriations Committee. I want to say frankly that there are a great many members of that committee who do not want to see contractual authority granted the Secretary of $3.1 billion for a period of 5 years.

The Senator from Florida, though he is reluctant to do so, has received assurance from the committee handling the bill that that is the minimum amount needed.

I want to see all the cities that need some assistance for a mass transportation system have an opportunity to get started on their programs. Therefore, I have said I will support the bill in that amount. However, as proposed, with the amendment providing that contractual authority be given to the Secretary to obligate the full $10 billion, I think there will be a long and fruitless fight on this matter.

I think it is very reasonable to suggest that in 5 years, or perhaps earlier, there will be time to see how this program works out. We might want to step it up even before the 5-year period is reached. So far as I am concerned, I think that those who have faith in the program want to see it go forward on the basis of the committee proposal which, I understand, is a compromise of the feelings on the part of various of the members of the committee.

I will support it on that basis, and will oppose it with all the vigor I have if the bill is to provide that the $10 billion may be obligated by the Secretary so that all the Congress can do thereafter is to make funds available year by year.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. TOWER. Mr. President, the Senator knows, I am sure, that in the preamble of the act, we anticipated that over a 12-year period there would have to be ultimately the commitment of $10 billion. However, as the Senator wisely points out, we have adequate time to act on the matter. And it may be that $10 billion will not be enough. It may be that we will have sufficient resources with which to expand on that and do a better job.

Is the Senator aware that for fiscal year 1971, the Government of the United States already has a projected obligational authority of $81,405,000,000?

Mr. HOLLAND. I did not know the exact amount. However, I know that it drastically exceeds the $10 billion mentioned in the bill.

Mr. President, I want to help the cities that are so badly in need. I want to help them get a start. We want to do the reasonable thing. We realize this is a compromise bill as it came from the committee, because the members did not feel exactly alike on how the program should be started. He is assured by the committee that by a large majority they are together on this program and that they feel that this allowance of contractual authority is sufficient to get the program on the road in these first 5 years.

The Senator from Florida will not have the privilege of being on the floor of the Senate after this year but he does not propose to bind the hands of future Congresses in such a way as is proposed by this amendment. Therefore, I strongly urge the Senate to reject this amendment because otherwise we will face a long and fruitless debate, with some doubt as to the form in which the bill may emerge.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. TOWER. The Senator from Florida will be sorely missed when he is not a Member of this body next year.

With the administration opposing extension of this obligation authority, I think the bill would find very rough going in the House of Representatives. I think this would be an exercise in futility, because I am not sure we can keep $3 billion over in the House. They seem to be very economy minded there these days. As a practical matter we had better set our sights on something practical, something which the department said is the extent of what they need, and something which has been endorsed by every organization and trade connected with the bill. We would create the wrong climate for this bill otherwise.

Mr. HOLLAND. Mr. President, I think the Senator from Texas is so right, and I hope his feeling will prevail. I understand my friend, the Senator from New Jersey (Mr. WILLIAMS), feels the same way. Although their approach in committee may have been along different lines, they are together on this compromise bill, as I understand it. If I do not understand correctly I ask that I be advised correctly.

Mr. WILLIAMS of New Jersey. The Senator is correct. It has been a relatively long process of accommodating differing views, although basically the differences were not impossible ones. This bill represents a position of agreement between both sides of the aisle in our committee.

Mr. HOLLAND. Mr. President, I so understand it and I congratulate the Senators for being practical in their approach. I may say, having had some experience in this matter, I know that in raising matching funds cities will have to provide for approval by their people of bond issues, and bond issues which will be adequate to meet the cities' part of any program that is entered into. I realize that some advance contractual authority must be given. It is a matter I have some regret about because I generally do not like that kind of approach. But this is a long-term program in every city. They are not going to accomplish it in any one year or by any one contract.

I think we must go with the wisdom of the committee on this compromise basis, in which most members of the committee, as I understand it, have agreed that this is a program which can succeed and that no smaller program of contractual obligation permitted would have the chance of success.

Mr. WILLIAMS of New Jersey. The amount authorized for obligation was not unanimous within the committee. The two Senators who have spoken in favor of the amendment, the Senator from California (Mr. CRANSTON), who offered the amendment, and the Senator from New York (Mr. GOODELL), had differing views.

Mr. HOLLAND. I can understand that. With the great need in the great cities they represent, I can understand that.

I have no feeling about the matter at all, but I do want to protect the authority of Congress and I want to protect, too, the Nation against incurring debts which may prove to be onerous. We should remember we may want to enlarge this program during the course of the 12-year period covered by the proposed program. There are many options and so many options that may need to be exercised that we should not be tampering with the committee bill at this time.

Mr. CRANSTON. Mr. President, will the Senator yield so that I may request the yeas and nays?

Mr. HOLLAND. I yield.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of New Jersey. Mr. President, the Senator from Florida has expressed with great understanding and eloquence the attitude that I have and that of the great majority of the members of the committee. The money figure in the bill for contractual obligation of $3.1 billion is the figure that is realistic in terms of meeting our immediate needs. The 12-year limit is expressed at $10 billion.

The Senator also recognizes that if the needs can be demonstrated to go beyond this amount the Congress can act and meet conditions as they develop over the years.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. TOWER. I think we were saying in the preamble of the bill that $10 billion was probably what we expect to be the minimal figure. We have at least $10 billion, so I think we must expect it is going to go even beyond that in due course.

Mr. WILLIAMS of New Jersey. Con-

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gress can work its will as the needs and abilities arise because of these biennial reviews by the Congress.

Mr. CRANSTON. Mr. President, I would like to state first that I offered this amendment in committee. It was not dealt an overwhelming defeat. The vote there was 9 to 6. There was substantial support in committee, which encouraged me to introduce the amendment on the floor of the Senate.

I would also like to say to the Senator from Florida, whose judgment I respect tremendously on all of these matters, that this bill does represent in present form a compromise for people on both sides. Originally there was a great desire for a trust fund, analogous to the highway trust fund, instead of the contract obligation funding which is now embodied in the bill. Those who supported the trust fund compromised from what they feel was a stronger binding commitment of money for transportation to the contractual obligation only when they felt that without that compromise they would be unable to get any place.

At the time the trust fund was under consideration, all the organizations referred to by the Senator from Texas, the principal organizations of mayors and city people around the country, were supporting the trust fund approach and supporting with great hope the need for $10 billion committed in that trust fund.

There has been significant support for the $10 billion amendment I have offered. So there are compromises all the way around. There is recognition from the President, through this bill, and the committee report, of the need for $10 billion; and there is the recognition by many that without that sum there will be city after city that will say that we do not mean business and that we engage in rhetoric, and they will feel they will not get the help they need in communities across America.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time consumed be charged to neither side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Mondale in the chair). Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. I yield back the time I have remaining.

The PRESIDING OFFICER. All time has been yielded back. On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Wyoming (Mr. McGee), and the Senator from Texas (Mr. Yarborough), are necessarily absent.

I further announce that the Senator from Montana (Mr. Metcalf), is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Kentucky (Mr. Cook) and the Senator from Iowa (Mr. Miller) are detained on official business.

If present and voting, the Senator from Iowa (Mr. Miller) and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The result was announced—yeas 24, nays 62, as follows:

[No. 29 Leg.]

YEAS—24

Bayh
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Goodell
Hart
Hartke
Hughes
Inouye
Javits
Kennedy
Mansfield
Mathias
McCarthy
McGovern
Mondale
Murphy
Muskie
Nelson
Ribicoff
Tydings
Young, Ohio

NAYS—62

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Montoya
Moss
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—14

Cook
Dodd
Goldwater
Gore
Gravel
Harris
McGee
Metcalf
Miller
Mundt
Packwood
Prouty
Saxbe
Yarborough

So Mr. Cranston's amendment was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, we have heard considerable discussion in recent months and years concerning the increasing urbanization of America. Experts have testified before the various committees of this Congress on problems connected with this trend, problems such as pollution, congestion, urban blight, and unemployment in a time of labor shortages. In many cases, these experts pointed out that a lack of adequate transportation in our cities often causes the problems and always accentuates them.

The Urban Mass Transportation Act now before the Senate offers an opportunity to make urban transport more responsive to urban needs. It is a major effort to promote a balanced transportation system in our cities.

I think of a balanced system as one which insures funding for all forms of transportation required to meet the needs of a given urban area. In Seattle, we long ago recognized the significance of balanced transportation planning.

Seattle was the first city to establish a transportation planning design team which included sociologists, economists, architects, and engineers.

Under the leadership of Mayor J. D. Braman, who is now Assistant Secretary of Transportation for Environment and Urban Systems, the city of Seattle proposed a balanced transportation system that included a modern and sophisticated mass transit.

Unfortunately, the bond issue needed to implement this system was defeated in a special election held in the Metropolitan Seattle area. Essentially, the bond issue asked for $358 million as the local one-third share of the cost of the system.

A major argument in opposition to the bond issue was that there was no assurance of continued Federal support of the project, once embarked upon. This apparently caused the defeat of the proposal. No community can undertake the tremendous capital expense required to develop a transportation system without assurance that the Federal share of the money will be forthcoming when needed. The bonding and taxing capacity of our communities cannot carry the load without this assurance.

The pending measure, drawing on the Seattle experience, solves the problem by enabling the Department of Transportation to make a commitment of funds for a 5-year period. This is done through the device of contract authority, which is essential to intelligent long-range transportation planning.

Urban mass transit is far more than a response to congestion. It serves a population segment—the old, the young, the sick, the handicapped, and the impoverished—which virtually has no other means of travel. And it is an important factor in environmental considerations. This is of particular interest to me because I have long been an advocate of antipollution measures. Foremost among my concerns is the role of the automobile in the urban environment.

I understand that present exhaust control devices on cars are only effective at speeds of 50 miles per hour or more. A recent study of New York City traffic showed that cars sat at idling speeds 34 percent of the time, and the rest of the time they averaged only 13 miles per hour. The devices to control exhaust are useless in the city.

An alternative to auto travel in the

cities must be found. It must be efficient, economical, comfortable, and safe—in short, well-planned public transportation.

The proposed legislation offers both large and small cities the opportunity to design a balanced system tailored to individual needs. It provides Federal funds where none are now available. The contract authority gives needed assurance to those communities which must go to the voters and the bond markets to raise their local share.

This bill provides $10 billion to be spent over the next 12 years. With contract authority, it enables the Federal Government to obligate $3.1 billion over the first 5 years.

We are saying in this bill that Congress recognizes the problem, and we are willing to commit national resources to solving it—not just this year, but on an assured basis for several years. We should not delay in making this commitment.

Mr. President, I should like to advise the Senate at this time that the Senate Committee on Commerce has had an opportunity to review the urban mass transportation legislation, S. 3154, which has been reported by the Senate Committee on Banking and Currency. In an effort to expedite Senate consideration, the Commerce Committee did not, however, attempt to assert jurisdiction. An informal review by the members of the Commerce Committee indicated no overwhelming reason for further or more in-depth study by our committee at this time. Those questions which have been raised are resolvable on the Senate floor.

As witness to the Commerce Committee's position on this matter, Mr. President, I ask unanimous consent that my letter to Senator SPARKMAN concerning S. 3154, together with relevant correspondence from Senators HART, SPONG, and TYDINGS, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 22, 1969.

Hon. JOHN SPARKMAN,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to our discussion of December 18, I have circulated to all members of the Committee on Commerce a summary and a copy of S. 3154. None of the Committee members has expressed opposition to the Banking and Currency Committee reporting the bill to the Senate without re-referral to the Committee on Commerce at this time. However, Senators Hart and Spong have reserved their right to ask that the bill be re-referred to the Commerce Committee because of their concern that the bill may not afford adequate protection for the environment. Enclosed is a copy of their letter which I believe is self-explanatory.

Additional questions have been raised by some members about provisions in the bill relating to ancillary facilities and financial assistance. In this connection, it is noted that S. 3154 differs substantially from the approach to these matters contained in the Airport-Airways bill, S. 3108, recently approved by this Committee. These substantive questions are not being insisted upon and as indicated above the Committee does not now seek to have the bill re-referred to this Committee. But each Committee member does reserve the right to raise issues and perhaps propose amendments to the bill after it reaches the Senate floor.

On behalf of myself and the other Commerce Committee members I do wish to make clear that the abbreviated review procedure utilized by this Committee in this instance was solely for the purpose of expediting Senate consideration of the bill. Such action is not intended to and should not be interpreted to in any way vitiate, lessen, or derogate from the legislative jurisdiction of this Committee.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., December 22, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Having reviewed the provisions of S. 3154, the Urban Mass Transportation Assistance Act of 1969, we find ourselves with reservations as to the adequacy of the environmental safeguards contained therein. We intend, therefore, to explore with the Floor Managers of the bill the possibility of strengthening these safeguards. We are hopeful that we will be able to arrive at mutually agreeable language. Should our hopes prove unfounded, however, we may then ask you to request a referral of the bill to the Commerce Committee.

Sincerely yours,

WILLIAM B. SPONG.
PHILIP A. HART.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., December 23, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee, Washington, D.C.

DEAR WARREN: I am writing you concerning the consideration by the Commerce Committee of S. 3154, the Mass Transit Bill. First, I want to express my strongest agreement with you that the need is overwhelming for coordinated transportation planning and supervision by Congress and that such coordination should be assumed by the Commerce Committee. I hope that in the near future the Committee will be able to explore the urban mass transit problem in depth.

Second, I do not object to the measure that is before us, S. 3154, nor our present informal consideration of it. However, I express this approval with the *caveat* that I hope we will not be precluding efforts in the future to do more in this area for the hard-pressed cities.

As you may know, I am a strong supporter of the trust fund concept for mass transit. I repeatedly testified in favor of this proved method of financing transportation systems this past session and expressed my regret at its rejection by the present Administration.

I hope our Committee will join forces with those who have backed this more realistic and efficient mode of funding urban mass transit.

Sincerely,

JOSEPH D. TYDINGS.

Mr. CASE. Mr. President, I shall vote for the pending mass transportation authorization bill, S. 3154.

The measure does represent a step, though an uncertain one, toward providing mass transit with a source of long-term, high-level financing it requires to make an impact on our congested urban areas.

I am concerned that the method of financing chosen, known as contract authority, may not provide even the $3.1 billion authorized in the bill, let alone the $10 billion commitment the measure promises.

Contract authority is not a new concept. Under it the Federal Government obligates itself financially and then, in effect, draws checks on the Treasury to pay the bills.

This approach assumes the Appropriations Committees of the Congress will routinely approve the drawing of the checks.

However, it does not always work that way. The Appropriations Committees, on whose shoals many an excellent Federal program has foundered, have not hesitated to place limitations on the use of contract authority, or to cut it back.

Indeed, in a number of our new housing programs, home ownership and rental assistance, for example, the authorization act specifically provides that the amount of contract authority allowed is subject to the actions of the Appropriations Committees.

The precaution of getting the approval of the Appropriations Committees before incurring obligations may spare these programs the fate of urban renewal. In 1966, after urban renewal had incurred $3 billion in obligations, its contract authority was restricted so that it can no longer obligate more than it receives in appropriations.

The restriction was ordered by the Appropriations Committees.

I hope this will not happen to S. 3154, but there is no denying that it is a possibility. This is why my own preference is for a mass transit trust fund, a concept which has been used so successfully in building our Nation's highways.

Unlike the Federal highway trust fund, the contract authority provided in S. 3154 can claim no exclusive source of revenue. It must rely upon appropriations from General Treasury revenues for which there is always fierce competition. To put mass transit in the position of competing with such entrenched programs as defense and public works, to name only two, is to put it at an immediate disadvantage.

I regret neither the administration nor the Senate Banking and Currency Committee adopted the trust fund concept for mass transit.

While we should not give up the fight for a mass transit trust fund, the need for improved urban transportation is urgent and the pending bill will strengthen the existing program.

Mr. President, the superiority of the trust fund approach over contract authority was discussed during last year's mass transit hearings before the Senate Subcommittee on Housing and Urban Affairs. A colloquy between Senator PROXMIRE and Transportation Secretary Volpe on this matter is most illuminating and I ask that the excerpt I have extracted from the hearing transcript be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senator PROXMIRE. Mr. Secretary, what position does this put the Appropriations Committee in? Are you telling us if we pass this bill as you have recommended it the Appropriations Committee is bound and determined to appropriate every single penny that is provided here, that the administration is then in a position to go out and obligate the Federal Government to the full extent of the authorization and the Appropriations Committee has no discretion, as far as the Appropriations Committee is concerned they might as well go out of business and they are there to rubberstamp what the Authorization Committee has done and what the Administration Committee recommended in the bill?

Secretary Volpe. No. That is not correct, Senator. The fact is that by having to come to the Congress, either on an annual or biennial basis, for the liquidation of those funds the Appropriations Committee has surveillance over our operations. They could at any time, as they can in the highway trust fund, even though some people claim the highway trust fund is sacred, limit future year obligations. Nothing in any legislation that I am aware of could prevent the Congress, through the Appropriations Committee, from doing this. So that the Appropriations Committee would have an overview of our operations and be able to certainly see to it that our work was carried out to the satisfaction of the committee we certainly would not have carte blanche for a period of 5 years or 10 years without any oversight on the part of the Appropriations Committee.

Senator Proxmire. That is an excellent answer. You hit it exactly on the nose. You have a clear understanding of what would happen.

In other words, the Appropriations Committee would keep the word that is implicit in this bill. You obligate it. The Appropriations Committee would liquidate that obligation. But the committee subsequently would make it crystal clear that that is it. Subsequent appropriations would have to proceed at whatever level the Appropriations Committee decided was feasible and appropriate and, therefore, you won't have anything like the kind of assurance you have in the trust fund. Nothing like it. In fact, on the basis of my experience in the Appropriations Committee, I have been on it 5 or 6 years, there would be a likelihood when the President puts the squeeze on the budget that comes from all the pressures we live under to cut spending wherever we can, there would be tremendous pressure to hold down expenditures in this mass transit area and to cut them down far below the authorization level.

The chairman is right in pointing out that this has been our experience not only in water pollution, but in many, many other areas where they are controllable. Urban renewal is another striking example.

Secretary Volpe. The only difference, if I may, Mr. Senator, is that you have a situation here which is exactly the same as the highway trust fund even though this is not a trust fund.

You have a commitment here and it would take—really you could call it negative action on the part of the Appropriations Committee and the Congress to reduce the amount that had been provided for, for those years.

In other words, I think the cities and the communities that we would be doing business with would have knowledge of a continuing program unless the Congress took negative action.

This is true in the highway program also. The Congress could take negative action.

Senator Proxmire. It could, but what has been the experience? What is the practical effect of the——

Secretary Volpe. The experience has been that the Congress has continued the program at the levels that were set out in the original bill.

Senator Proxmire. Exactly; the trust fund has been an assured regular source of substantial funding, far more I am convinced than it would be if it were under the Appropriations Committee annual appropriations with contract authority. No comparison. There just isn't any question.

We have provided too much that way in my view and the view of some Members of the Congress. We haven't debated it because this is all automatic, we have provided too much money really in terms of priorities for the highways. They are a marvelous investment. Great achievement for the country. We want to proceed with our highways. But we recognize other priorities. We have gone ahead much faster than we would have, absent that trust fund.

Secretary Volpe. I talk on this subject before many audiences. One of the real points I make is that although the highway program has been an excellent program, even though there have been some who have criticized it overall, when you take the magnitude of that program, the world's largest public works project in the history of the world, I would say overall, that it has been a fine example of constructive building for our Nation.

Senator Proxmire. And it has been based on the trust fund. That is the reason it has gone through. That is an excellent statement supporting the trust fund concept.

Secretary Volpe. That is true, Senator. I would add this, however, we have not done a comparable job. There is a complete imbalance in the amount of money we have expended for highways as contrasted to public transportation. We spend approximately as much in 6 weeks on highway spending as we have spent in the last 6 years for public transportation.

As I pointed out in my statement, we propose providing five times as much spending in the succeeding 5 years as has been provided in the previous 5 years.

Senator Proxmire. That is the trouble. This method of financing does nothing to change that emphasis. If we follow this method of financing provided in this bill, it seems to me, we will continue with that kind of disparity. The only way to solve this problem is to provide for the same kind of financing for mass transportation that you have for the highways. Then you will have a chance to get it.

There are several ways you can do it in addition to the auto excise tax. That is one way. Another way is to take part of the gasoline tax.

I just can't believe we will go on forever building these highways. There comes a point when we have the entire country. There is nothing left for farmland. Everything is under concrete.

We may not be moving quite that far, so far, but we are moving awfully fast. And the gasoline revenues are expanding. We are going to have to reduce this tax. I would hope that we might consider as we reduce this tax, and others, that we consider using part of the reduction for mass transportation.

Mr. TYDINGS. Mr. President, I am sure all Senators who have contact with our large cities, know that the transportation systems in our urban centers are in a state of chaos and in some areas approaching total collapse. Neglect, lack of planning, dwindling financial resources, the dominance of the automobile are a few of the factors that have led to this deplorable and alarming situation.

But rather than dwell on the failure of the past, let us concentrate on the challenge of the present. A few undeniable realities must shape our response to this crisis:

First. The urban mass transit situation is rapidly deteriorating.

Second. Highways cannot possibly solve this mass transit problem.

Third. Because of high capital costs for transit and low city incomes, Federal money is the only realistic source of funding.

Fourth. Long leadtimes for planning and construction require immediate action.

Fifth. Local commitments of planning, of construction and of financing depend upon a definite, total commitment of Federal financing.

It is for these reasons that I have supported, the trust-fund approach to funding mass transit systems—I think we should transfer the spectacular success of financing our highway program to our urban transit efforts. Unfortunately, administration opposition to this trust-fund idea has dealt a severe blow to an opportunity to solve this problem in a proven and effective manner. So it is with disappointment that I support S. 3154, the yearly authorization bill, because it is second best.

As I said in a letter to Secretary Volpe on August 11, and as I testified before the Banking and Currency Subcommittee, S. 3154 does not provide enough money for realistic mass transit funding; it does not provide a sufficiently firm commitment of resources to allow communities to move forward with financing; and it does not provide for a proper share of government responsibility with its two-thirds formula of Federal support.

I remain at a loss to understand why the Federal Government should underwrite 90 percent of our Interstate Highway System, yet only pay for two-thirds of mass transit costs.

S. 3154, as it presently stands, is simply inadequate. For example, Baltimore's $1.7 billion rapid transit system is stalled, awaiting a realistic Federal commitment so it might move forward with its financing. More than anything else, we need this commitment. Here is a city with a serious problem that has been met with foresight, with planning, and with local commitment; but the continued failure of like action in Washington threatens to kill the whole program.

This administration measure is inadequate. Since the promise of Federal help in 1964, 6 years later the President is asking for the pitifully low sum of $80 million for fiscal year 1971. That is not enough money to fund one program in one city for 1 year. Let us be clear, although there has been grand talk of $10 billion for mass transit, the hard-pressed cities will receive—if the appropriation does not further cut the sum—only $80 million in 1971.

The cities of the Nation are being shortchanged and ignored by an administration that refuses to change its priorities to fit the needs of the 1970's. As I have said before, until we can cut the excess in the Pentagon budget, our needs at home will remain unsolved.

Mr. HART. Mr. President, on behalf of myself, the Senator from New York (Mr. Goodell), the Senator from Massachusetts (Mr. Kennedy), the Senator from Virginia (Mr. Spong), and the Senator from Indiana (Mr. Hartke), I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

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The assistant legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 16, lines 19 and 20, strike "or has afforded the opportunity for such hearings," and insert in lieu thereof, the following: "has afforded adequate notice of such hearings,".

On page 16, line 25, after the period insert the following: "The notice required by this subsection shall include a concise statement of the proposal for which the application is made and may be published in a newspaper of general circulation in the State or locality to be served, and shall be published in the Federal Register, and for the purpose of this sentence the Administrator of the General Services Administration shall accept and publish any such notice. Hearings need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant economic, social or environmental interest in the matter requests a hearing."

On page 19, after line 12, insert the following:

SEC. 5. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that urban mass transportation projects for which Federal financial assistance is provided pursuant to section 3 shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy the Secretary shall consult with the Secretaries of Health, Education, and Welfare, Housing and Urban Development, and Interior and with the National Environmental Quality Council with regard to each such project that may have a substantial impact on natural resources including, but not limited to water and air quality, peace and tranquility, and fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social or environmental interest and that the environmental considerations identified at the hearing have been adequately dealt with in the project application. The Secretary shall not grant financial assistance under section 3 for any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located.

"(c) If opposition to any application for assistance under section 3 is raised in the hearing before the State or local public agency, or in any communication to the Secretary, on the grounds that the environment would be adversely affected by the project to which the application relates, the Secretary shall not approve the application, unless he finds in writing after a full and complete review of the record of such hearing and of the application, that (1) no adverse environmental effect is likely to result from such project, or (2) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct a hearing, including adequate notice to interested persons, on the environmental issue raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

On page 19, line 13, strike out "5" and insert "6".

On page 20, line 15, strike out "6" and insert "7".

On page 21, line 3, strike out "7" and insert "8".

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield myself 5 minutes.

Mr. President, when the Committee on Banking and Currency was considering the bill that is now before the Senate, it advised the chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), of the proposals that were before the Banking and Currency Committee and inquired as to whether any suggestions or concerns were in the minds of any members of the Committee on Commerce. Our able chairman, Senator MAGNUSON, saw that each of us on the Commerce Committee had the copies of the reference made by the Banking and Currency Committee.

The Senator from Virginia (Mr. SPONG) and I replied to the Committee on Banking and Currency, saying that some of us might have some reservation with respect to improving the procedures intended to avoid environmental damage as contained in the bill. We studied the bill and advised further that we would endeavor to work out with the able chairman, the Senator from New Jersey, some modifications. I believe that this has been accomplished.

Mr. President, although S. 3154 includes a provision to strengthen the environmental safeguards of the Urban Mass Transportation Act, it unfortunately takes only limited strides in this direction. The provision merely requires that a State or local agency which applies for Federal assistance consider environmental questions at public hearings held prior to its application. There is no requirement that the answers to those questions be considered in approving Federal money for the projects.

In light of the Nation's critical need to protect its resources and environment from additional unnecessary intrusions, that procedure seems clearly deficient.

Therefore on behalf of myself and Senators GOODELL, KENNEDY, SPONG, and HARTKE I offer an amendment which would require the Secretary of Transportation, in the case of any application which involves damage to the environment, to search for alternatives which might eliminate or minimize that damage and, in the end, to approve only that alternative which is best from an environmental standpoint.

Mr. President, we recently witnessed a tug-of-war between the Departments of Transportation and Interior over the construction of an airport which if completed would have disastrously affected the ecology of the Florida Everglades.

The purpose of our amendment, the substance of which I expect to introduce when we consider other Federal transportation programs, is to assure that in the future Federal departments will work together in protecting the environment.

Given the extreme gravity of our environmental problems, we ought at least to make certain that in Federal programs administrative agencies are cooperating to minimize environmental damage.

Under our amendment, the Secretary of Transportation, before approving any urban mass transportation project, would be required to go on record as finding either: First, that no adverse environmental effect is likely to result from the project, or, second, that there exists no feasible and prudent alternative to such effect and that all reasonable steps have been taken to minimize it.

It is further proposed that the Secretary must make this determination either on the basis of the record of the preapplication hearing required by S. 3154 or, if that record is inadequate, on the basis of a new hearing which he shall conduct.

Since, under this scheme, the local hearing is to be the major vehicle for the presentation of environmental objections, it is essential that adequate notice of hearings be required. Otherwise, views of persons with significant environmental interests may be excluded from the record and, as a result, from consideration by the Secretary. Persons to whom notice must be provided ought to include not only residents of the locality to which the application relates, but also national conservation groups which have played a valuable role in environmental preservation throughout the country.

In order to insure that these groups will be aware of and able to participate in all hearings concerning mass transportation applications, it is proposed that any State or local agency holding such hearings be required to publish notice thereof in the Federal Register. Although this is a stringent requirement it is essential for an effective airing of complaints.

Environmental objections may also be raised, under the proposed amendment, through prescribed consultation procedures. It is proposed that with respect to each project that may have a substantial impact on the environment, the Secretary shall consult with the Secretaries of HEW, HUD, and Interior and with the National Environmental Quality Council before approving any application for such project. The expertise of these agencies should be useful to the Secretary in determining whether environmental objections raised at the State or local hearing have merit and whether there are other objections which do not appear in the hearing record.

The purposes of this amendment are essentially: First, to insure ample opportunity for environmental specialists in and out of the Federal Government to consider the environmental effects of federally financed mass transportation projects, and, second, to insure that no Federal funds will be spent on any such project whenever a feasible alternative exists which might inflict less damage on the environment.

To illustrate, the amendment would

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rule out approval by the Secretary of an environmentally destructive rail system when a similar system routed or constructed somewhat differently might reduce the total environmental damage. It would also prohibit Federal spending on any bus project which did not require that buses acquired under that project incorporate the latest developments in pollution-control technology. It should be made clear that mere compliance with the Department of Health, Education, and Welfare's mission control standards would not, under the amendment, be sufficient justification for the Secretary's approval. If more effective pollution-control devices were available and could be reasonably installed, even devices meeting those standards would be unacceptable.

Mr. President, I feel that acceptance of this amendment by the Congress is urgent. The fight against pollution may be the most important battle this country has ever fought. The administration of Federal programs provides the Federal Government with an excellent opportunity for asserting leadership in the conduct of that battle. It is an opportunity which we simply cannot afford to neglect.

I hope very much that the committee would consider accepting the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. I yield myself 5 minutes.

I wonder if we could amplify exactly the meaning vis-a-vis the responsibility of the Secretary under this amendment. The objective here is the same as that in the bill. This, of course, puts additional requirements on the Secretary. I wonder if we could, for the record, understand what steps the Secretary would follow and the objective—the finding that he must make and on what criteria.

Mr. HART. Mr. President, reference to section 14(b) of the amendment is the place we should start. The Secretary would have submitted to him the hearing that is now required by the bill. He would be directed not to grant assistance to any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment, in the interests of the community in which the project is located.

Subsection (c) of section 14 considers the situation in which opposition has been raised. In that case, the Secretary shall not approve the application unless he states in writing that a review of the record of the hearing shows no adverse environmental effect likely to result, or that no feasible or prudent alternative exists, and that all reasonable steps have been taken to minimize the effect of unavoidable damage.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. WILLIAMS of New Jersey. It then comes, finally, to a requirement that the Secretary find no adverse environmental effect is likely to result from the project being considered, or that no feasible and prudent alternative exists to such effect, and that all reasonable steps have been taken to minimize such effect. Those are the operative words of the Senator's amendment.

Mr. HART. They are. One might say there is a lack of clarity. What I think we seek to do, and this admittedly assumes the Secretary in question to be a prudent man, is to indicate our concern but not to attempt to handcuff the exercise of a rational judgment.

Mr. TOWER. Mr. President, I concur with what the Senator is trying to do, but I wonder whether there are not already adequate provisions in existing law to insure that what the Senator wants done will be done.

Mr. HART. I wonder whether the Senator from Texas could indicate where, in existing law, he would feel comfortable that we have, in fact, assured against grants which would substantially damage the environment when, by adoption of this amendment, we could provide a practical alternative as to the course to be followed.

Mr. TOWER. Mr. President, in the authorizing act for the establishment of DOT the Secretary is directed to make a special effort to preserve the natural beauty of the countryside, public parks, recreation facilities, water and wildlife refuges, and so forth. Let me say that I do not believe the Department has a firm position on this. They probably do not have any strong opinion one way or the other. I am wondering how far we should go in offering piecemeal legislation on matters affecting perhaps a number of departments which have already currently passed the Environmental Quality Act which established an Environmental Quality Commission to look into the matter and make recommendations for broad and comprehensive legislation to the administration on this. In other words, whether we should take a rifle shot at each department when a shotgun would get the whole thing.

Mr. HART. Well, my response would be that we are now at that moment when we are in the process of authorizing substantial funds. While none of us would want to get in the way of that environmental council, I would hope that the Senator would agree that this is the time when, prudently, we may sharpen up a little the requirements, before this money is handed out.

Mr. WILLIAMS of New Jersey. Mr. President, it seems to me that we have reached a point in our Nation's history where we should relate our actions to what it does to the environment. Certainly, where we have major new construction, it seems to me to be logical to do, as the Senator does with his amendment, to deal with the examination of what the projects, would do to the environment, and to protect the environment from abuse.

Mr. HART. I thank the Senator from New Jersey.

Mr. TOWER. Mr. President, I am prepared to accept the amendment.

Mr. WILLIAMS of New Jersey. I also am prepared to accept the amendment with enthusiasm.

Mr. HART. Mr. President, if I could take 1 minute now, I want to thank the able Senator in charge of the bill and would hope very much that this will establish a pattern that will attach to others of our authorizing legislation in any of these areas where this kind of environmental damage might be minimized if not eliminated. I thank them very much.

Mr. HARTKE. Mr. President, as a cosponsor of the amendment, I would like to endorse everything the Senator from Michigan has said.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time to be consumed be charged to neither side.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. TOWER. Mr. President, I mean with the time to be equally charged to both sides on the bill.

Mr. BYRD of West Virginia. I do not object.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from West Virginia (Mr. RANDOLPH) such time as he may need.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I thank the able Senator in charge of the bill. I believe that we are reaching final passage, perhaps not too long from now.

It is vital to reemphasize the importance of providing the people of this Nation not with one form of transportation but every conceivable and realistic means of transportation. The economic, social, and cultural growth of the Nation will be facilitated if we can develop these many forms of transportation at maximum capability. As chairman of the Committee on Public Works and its Subcommittee on Roads, I think that I have had an exceptional opportunity to view the overall surface transportation requirements of our expanding population, and to participate in the drafting and passage of legislation designed at least in part to meet these needs.

For those who look to urban mass transportation as an alternative to highways, let me state—I said this is in colloquy with the Senator from New Jersey (Mr. WILLIAMS) on yesterday—most emphatically that the realities clearly demonstrate the essentiality of both.

I would remind those persons—and I am not referring to Members of the Senate—who think only in terms of fixed

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transit facilities, that for people living in the majority of American communities, improved bus service is the best means of providing mass transportation service. Bus service is the realistic union of our transit and highway programs.

There are more than 260 standard metropolitan statistical areas in this country. These are cities of more than 50,000 people. Most of these communities are too small for subway systems. Most of them are suffering from deteriorating bus service. Bus systems are going out of existence. Communities and city governments are not able to operate them. The majority of public and privately owned bus companies are fighting to survive the pressures of rising costs. These rising costs have forced reductions in service which in turn have caused reduced ridership. It is incumbent on us to enact legislation which will break this vicious circle.

During this session the Congress will consider the Federal Highway Act of 1970, and it will, I am sure, extend the life of the highway trust fund. During this session of the 91st Congress, we shall also enact a new airport and airways program paid for by an airport trust fund. Yesterday, in the colloquy with the Senator from New Jersey, we explored the difficulties of creating a special mass transit trust fund.

Mr. President, the need is imperative. The promise of the Congress to millions of Americans and to hundreds of American communities must be honored. We must provide them the wherewithal to render transportation service essential to wholesome community development.

The Senator from Michigan (Mr. Hart) was referring to the environment. Certainly this is a very important matter. I think we must have sufficient additional revenues provided over the life of the authorizations provided in S. 3154 if we are to insure the funding.

We cannot greatly dilute the limited funds now available for highways and which may become available for airport construction to include mass transit funding. I am, however, firmly convinced that the people of the United States are willing to pay for the development of this vital element of our transportation system. The facilities now available are inadequate to meet our present needs.

I think it was Abraham Lincoln who said well over 100 years ago that we need to think anew, we need to act anew, we need to disenthrall ourselves. And he said that the dogmas of the quiet past were inadequate for the problems of the then stormy present. What he said then is true today in reference to the transportation problem. As we think of the mobility of the people of this country, we cannot wed ourselves to one form of transportation.

Lincoln said we should disenthrall ourselves. It is not a matter of one form of transportation against another. There is a need for creative, resourceful thinking on the part of the Members of the Senate toward a commitment to all forms of transportation feeding into a unified pattern.

So, I am convinced, as I indicated, that people are determined to have mass transit as a part of our transportation system.

All of the roads, airports, and subways which we are currently planning are absolutely minimum requirements for meeting forecast population and economic expansion over the next decades.

The existing highway program, the recommended airport and airways program, and the mass transit program envisioned by S. 3154, will provide us very little more than the barest necessity for the real transportation needs of 1985. There is not much we can do to relieve the congestion which we are experiencing now. We will have to do everything we are planning on doing to insure that the congestion does not become worse as people move from one point to another, and goods are shipped from one point to another.

I close with the thought that perhaps Members of the Senate will want to give more attention to these matters in the coming weeks and months. Conferences are being held with many Members of both the Senate and the House on the fairness and the feasibility of developing an overall transportation fund capable of meeting air, highway, and mass transportation needs perhaps this year in the Congress.

Regardless of the outcome of those conferences the desire is to put forth a definitive legislative proposal. I emphasize that the transportation investments that we as a Congress and we as an American people make in the next 5 years will to a very considerable degree determine how well we can solve the problem of future urban and rural development in this country.

We must, of course, create and construct the facilities of transportation to move the products and people of an expanding economy.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to state the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, reads as follows:

> On page 20, line 14, strike out the quotation marks and insert the following: "Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

Mr. COTTON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. COTTON. Mr. President, this is a very simple amendment. It merely provides for situations in which there is travel from one State into a large metropolitan area situated in another State.

It is perfectly natural that I have in mind, the large number of commuters into the city of Boston from the bigger cities in my own State such as Manchester and Nashua which are only a few miles from the Massachusetts line.

It is highly improbable that at any time in the immediate future my State will have the occasion to seek mass transit within its own borders. But it is highly desirable with respect to, say, a city which is only a few miles from the Massachusetts border. My amendment would permit what I understand to be the present administrative practice that "pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

In other words, if a State has commuters going across the line into a large metropolitan area in an adjoining State, provided it is in a compact approved by Congress and approved by the Secretary, it may contribute a portion of the Federal funds it would receive under this act so that State may be included in the mass transit system of a neighboring State. I have no doubt there are a number of other cities in the United States in a similar situation. I can think of several Indiana communities almost adjacent to the city of Chicago. There is the case of Kansas City, Mo., and Kansas City, Kans.

I have called this amendment to the attention of the managers of the bill, both the majority side and the minority side. The only question they raise is whether it is necessary. They feel it is now the practice. However, I believe we are blazing a new trail here and passing major legislation. I would hope they would accept this amendment and take it to conference because it would make it official and preserve and protect the rights of States, like my own, in the event we wish to participate, and enter into a compact approved by Congress and approved by the Secretary.

Mr. WILLIAMS of New Jersey. Mr. President, first I wish to say that in committee we were familiar with the commuting pattern between the southern part of New Hampshire—the cities of Manchester and Nashua—into Greater Boston. We discussed the opportunity for New Hampshire communities to be included in the program that we have before us today. I know the junior Senator from New Hampshire raised the issue in

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committee and we discussed it. It was my feeling that the program was available under existing law, but it seems to me that if there is any ambiguity—and there must be some or the senior Senator from New Hampshire would not be raising the question as he has—I would want to make certain that in this particular kind of situation the State of New Hampshire could be part of the program. I support the measure.

Mr. TOWER. Mr. President, the Department has informed me its current policy and practice is to so regard interstate authorities that have been created by compact; but I think it would obviate any doubt, and the Department informed me they have no objection to this language being in the bill.

Mr. COTTON. This would provide that future compacts, where they do not now exist, would be approved by Congress.

Mr. TOWER. Yes. Mr. President, I wish to say to the distinguished majority manager that I am willing to accept it.

Mr. WILLIAMS of New Jersey. Mr. President, congressional attention to the problems of mass transportation began one decade ago. I was the author of a bill considered in the Senate. The first feeling of confidence I had that it might be favorably acted upon was when the late Senator from New Hampshire, Styles Bridges, supported the legislation. I am most gratified that the great men of New Hampshire are continuing to show their concern for people who have to move from one area to the other by means of mass transportation.

Mr. COTTON. Mr. President, I thank the Senator for his reference to Senator Bridges, whose name and tradition are very dear to all of us in New Hampshire and in this body. I also thank the Senator from New Jersey and the Senator from Texas for their willingness to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. COTTON. I yield back my time.

Mr. WILLIAMS of New Jersey. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire—putting the question.

The amendment was agreed to.

Mr. BAYH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 20, after line 14, insert the following new section:

"Sec. 6. The Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), is amended by adding at the end thereof a new section as follows:

"'Opportunities For Lower Income Persons In Connection With Assisted Projects.

"'Sec. 16. The Secretary shall—

"'(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under this Act be given to lower income persons residing in the area of such project; and

"'(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.'"

On page 20, line 15, strike out "6" and insert "7".

On page 21, line 3, strike out "7" and insert "8".

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, today I am offering an amendment to S. 3154, a bill to provide long term financing for expanded urban public transportation programs and for other purposes. My amendment would provide for maximum feasible utilization of lower income persons and small business concerns in areas of projects assisted by provisions of the Mass Transportation Act of 1964. Adoption of the amendment would be consistent with existing policy requirements for federally assisted projects administered by the Secretary of Housing and Urban Development.

The proposed amendment would require the Secretary of Transportation to provide to the greatest extent feasible, opportunities for training and employment of lower income persons arising from the planning and implementation of any project assisted under the Mass Transportation Act of 1964. The proposed amendment would also require that the Secretary of Transportation award to the greatest extent feasible, contracts for work performed under the act to business concerns located in or owned in substantial part by individuals residing in the area in which the assisted project is performed.

A similar provision which was introduced by the Senator from Illinois (Mr. Percy) and adopted in the 1968 Housing and Urban Development Act was limited to areas affected by projects involving federally assisted housing. I subsequently offered a bill—S. 2610—which was accepted as an amendment to section 3 of the 1968 HUD Act to extend such opportunities for employment and small business to HUD-assisted programs of urban planning, development, redevelopment or renewal, public or community facilities, and new community development. Senator Percy was instrumental in advocating and securing adoption of my bill by the Subcommittee on Housing and Urban Affairs of the Banking and Currency Committee. Passage of the measure has been accompanied by action within the Department of Housing and Urban Development to develop standards and procedures for implementation of the department's responsibilities under section 3.

The combined impact of programs administered by the Departments of Transportation and Housing and Urban Development can and should play an increasingly important role in the economic viability of our urban centers of population. Projects assisted by these Departments generate manpower needs that can be provided in great part by lower income residents of such areas.

Demands for greatly increased participation in the construction trades have been voiced clearly in cities such as Chicago, Seattle, Pittsburgh, St. Louis, Philadelphia, Cleveland, Boston, and recently in the District of Columbia. In addition the Department of Labor has implemented policies to increase minority participation in Federal construction. Congress must continue to pursue those legislative remedies that will repair the economic damage inflicted by generations of minority exclusion and exploitation.

Increased need for consultant, planning, research, design, construction, and material supply services is generated also by HUD and DOT programs. Certainly our concern for the development of minority enterprise should include the opportunity for development of businesses to provide such services, and share in the billions of dollars to be expended for urban development and transit during this decade.

It is my sincere hope that the Senate will agree to this amendment as an expression of our continuing resolve to guarantee all our citizens full participation in the economic life of this Nation.

Mr. President, I am suggesting that as far as low-income families and low-income oriented business contractors are concerned who live in these areas, that they should be treated in the same way in the allocation of resources and contractural operations for transportation as we are now doing in connection with federally assisted projects administered by the Secretary of Housing and Urban Development.

My amendment would add section 16, reading as follows:

Opportunities for Lower Income Persons in Connection With Assisted Projects

Sec. 16. The Secretary shall—

(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under this Act be given to lower income persons residing in the area of such project; and

(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

This would give attention to those people who live in these areas so that they may have a piece of the action, if in the opinion of the Secretary it is feasible, in order that black capitalism could have a more meaningful part.

Mr. TOWER. Mr. President, is the copy of the amendment which the Senator read the only copy available?

Mr. BAYH. Yes, it is.

Mr. TOWER. We have not had time to examine the amendment. Since this bill is a product of compromise and has been worked out in consultation among majority and minority members and the Department, I would like to have an opportunity to examine this proposal. It has not been printed and there has not been notice given of it. We have considered some amendments which were not in committee but adequate notice was given and we knew what they contained. This matter is new to us, and I wonder if the Senator from Indiana would give us an opportunity to have copies made of the amendment, without in any way prejudicing his rights.

Mr. BAYH. I am not trying to put anything over on anyone. I have been conducting hearings in Roanoke, Va., on behalf of the new Disaster Relief Subcommittee.

Mr. TOWER. I am sure the Senator is not trying to do that, but under the circumstances, where the Senator has been attending to other matters, we did not have an opportunity to consider this amendment.

Mr. WILLIAMS of New Jersey. Would the Senator clarify the amendment for me? The Senator did refer to section 3 of the Housing Act of 1969.

Is the language of this amendment the same language that is found in the Housing Act? Of course, there the act is concerned with employment opportunities for lower income persons in connection with housing projects. Is the same language and approach used in this amendment to apply to mass transportation?

Mr. BAYH. It is.

Mr. WILLIAMS of New Jersey. As a matter of fact, as I read it rapidly, the language is the same. Is that right?

Mr. BAYH. The language is almost identical, except changes made to conform with the Transportation Act language, whereas the previous one dealt with HUD authority. Members of our staffs have communicated. If I have not been properly diligent in communication at the senatorial level, I apologize.

Mr. TOWER. Mr. President, I think in all probability I would have no objection to the amendment. Would the Senator care to withdraw the amendment, without prejudice, so that it could be reintroduced, in order to give us a few moments to study it?

Mr. BAYH. Would it perhaps be more appropriate to keep it before the Senate so that others can consider it, rather than to withdraw it?

Mr. TOWER. I was hoping that, by unanimous consent, the Senator could have it set aside.

Mr. BAYH. Very well. Why not set the amendment aside by unanimous consent and proceed to other amendments? I so request, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is temporarily laid aside.

Mr. WILLIAMS of New Jersey. Mr. President, on the bill, I yield such time as he needs to the Senator from Missouri (Mr. EAGLETON).

AMENDMENT OF THE RAILROAD RETIRMENT ACT OF 1937 AND THE RAILROAD RETIREMENT TAX ACT—REPORT OF A COMMITTEE—SUPPLEMENTAL AND MINORITY VIEWS (S. REPT. NO. 91-650)

Mr. EAGLETON. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment in the nature of a substitute, the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, and I ask unanimous consent that I be permitted to file a report no later than midnight tonight. I also ask unanimous consent that the report be printed together with the supplemental views of the Senator from Rhode Island (Mr. PELL) and the minority views of the Senator from Illinois (Mr. SMITH).

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Missouri.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from New Jersey yield me 1 minute?

Mr. WILLIAMS of New Jersey. I yield.

Mr. MANSFIELD. Mr. President, it is the intention of the joint leadership, from now on, to object to interruptions by unanimous-consent requests or otherwise in the discussion of a bill, under the Pastore rule.

I am delighted that the distinguished Senator from Missouri has reported this bill from the committee. It is long overdue, and will take some strain off us as far as mail is concerned. However, I believe each Senator has a letter stating that the rule of germaneness will be enforced and that we will have 3 hours, after proceeding to the consideration of the unfinished business, for use only and entirely on that bill or other matter.

This statement is to serve notice that any further unanimous-consent requests of any kind which will interrupt the germaneness of the discussion will be objected to.

I would hope that Senators would go along with the joint leadership in this respect and not impose on the manager of the bill or any other Senator with interruptions.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

Mr. BYRD of Virginia. Mr. President, I support the Urban Mass Transportation Assistance Act. I believe it is important that efficient systems of mass transit be developed in our metropolitan areas.

Overcrowding of our highways not only creates delays, but also raises the level of air pollution. We must act to meet these problems.

Furthermore, many of our citizens who need to move about in urban areas cannot afford automobiles. Safe, convenient, low-cost mass transit is the only sensible answer for these people.

In recent years I have been particularly impressed with the scope of the problem we face in the Washington metropolitan area.

I am delighted that a start at last has been made on the construction of the much-needed rapid transit system for Washington. I strongly support the metro subway system.

But I have become convinced, after observing the growing congestion in the northern Virginia suburbs, that it will be necessary to furnish some form of rail transportation in the area before completion of the metro lines, which will not be completed in the fringe areas for at least 10 years.

Last month I spoke on the floor urging that efforts be launched to provide rail transit, using existing lines, in the immediate future. I am happy to report that a preliminary meeting, laying plans for that effort, has been held in my office, and that planning work is going forward.

I hope and trust that the pending legislation will help provide much-needed, short-run improvements in the Washington transportation system. Prompt action is vital if we are to avoid strangling traffic jams in this region.

AMENDMENT NO. 477

Mr. GOODELL. Mr. President, I call up, on behalf of myself, Senator CRANSTON, and Senator JAVITS, my amendment No. 477.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment (No. 477) as follows:

AMENDMENT NO. 477

On page 17, beginning with line 19, strike out all through line 10, on page 18, and insert the following:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in the following amounts:

"(1) An amount of $3,100,000,000 shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(2) In addition to the amount made available for obligation under paragraph (1), an amount of $6,900,000,000 shall become available for obligation on July 1, 1975, and shall remain available until obligated. For the liquidation of obligations incurred under this paragraph, the Secretary shall submit authorization requests as prescribed in subsection (d) of this section."

Mr. GOODELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. GOODELL. Mr. President, I yield myself 5 minutes.

Section 3(c) represents the heart of this legislation. It will enable the Secretary of Transportation to make long-term financial commitments which is essential for the planning and coordination of urban mass transportation.

My amendment would make the provision stronger. In addition to the $3.1 billion contract authority with a 5-year expenditure schedule of $1.9 billion, my amendment would give the Secretary authority to obligate $6.9 billion in fiscal year 1976.

I believe my amendment is an important and acceptable improvement in the legislation.

It provides, first of all, for a clear commitment of $10 billion to be spent over a 12-year period. Second, it makes such a commitment without having an inflationary effect upon the budget. A sum of $6.9 billion would be deferred and deducted from the fiscal year 1976 budget.

In addition, since it provides for a $10 billion commitment in two stages—1970 and 1975—any changes in needs or trends in the transit industry can be replaced in later obligations or by legislative changes.

The language of section 3(d) enables the Secretary to make biennial authorization requests. If my amendment is accepted, these authorization requests will become schedules of expenditures for the liquidation of obligations. The Secretary will be able to submit realistic requests, based on his experience and knowledge of the program as it proceeds, with the assurance that he has the authority to contract for the $6.9 billion.

Mr. President, we know what the urban transit needs will be 5 and 10 years from now. We know that a bare minimum of $10 billion will be needed by 1982 for new and existing systems.

With the language of S. 3154, we do not know the Federal Government is preparing to match its words with action. My amendment will clarify the commitment and make it possible for us to meet the urban transit needs of the next decade.

In testimony before our committee, Dr. William Ronan, chairman of the Metropolitan Transit Authority in New York State and president of the Institute of Rapid Transit, submitted a preliminary study of the capital requirements of the rapid transit industry for 1970–79.

I ask unanimous consent to submit that information for the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

Summary 1970–79, capital requirements of the rapid transit industry—preliminary

[In millions]

Transit system	
Existing rapid transit systems (New York, Chicago, Boston, Philadelphia, Cleveland, South Jersey, San Francisco):	
Modernization	$2,594
New facilities	5,396
Total	7,990
Existing commuter railroad systems (New York, Philadelphia, and North Jersey):	
Modernization	880
New facilities	428
Total	1,308
New rapid transit operations (Seattle, Los Angeles, Baltimore, Atlanta, Pittsburgh, Miami, Minneapolis-St. Paul, Washington)	8,410
Grand total	17,708

1970–79 CAPITAL REQUIREMENTS OF THE RAPID TRANSIT INDUSTRY—PRELIMINARY SUMMARY

[Dollar amounts in millions]

Existing rapid transit							Existing commuter railroads					
	Cost for modernizing existing plant			Cost for new rapid transit facilities			Data on new facilities			Rolling stock requirements		
City and operating agency	1970–74	1975–79	Total	1970–74	1975–79	Total	Number of new lines	Miles	Number of stations	Replacement cars	New cars	Total
Massachusetts Bay Transportation Authority, Boston	$147		$147	$471.0	$166.0	$637.0	4	34.5	29	170	246	416
New York City Transit Authority	600	$500.0	1,200	600.0	700.0	1,300.0	12	52.8	40	1,600	400	2,000
New York Commuter Railroad	319	138.0	457	105.0	240.0	345.0	3	12.0	2	725	260	985
Southeastern Pennsylvania Transportation Authority	60		60	156.0	30.5	18.7	3	14.1	18	100	125	225
Southeastern Pennsylvania Transportation Authority Commuter Railroad	89	9.2	98	79.4	3.2	83.0				175	28	203
Cleveland Transit System	11	35.0	46	200.0	35.0	235.0	2	20.0	18.20	70	100	170
Chicago Transit Authority	342	695.0	1,037	1,142.0		1,142.0	7	74.0		970	400	1,370
Delaware River Port Authority, South Jersey	3		3	61.0	59.0	120.0	3	66.0	18		80	80
New Jersey Department of Transportation Commuter Railroad	325		325							450		450
Port Authority Trans-Hudson Corp	70	31.0	101									
Bay Area Rapid Transit District				400.0	1,375.0	1,775.0	5	155.0			800	800
Total, commuter railroad			800			428.0						
Total, rapid transit			2,594		5,396.0							
Total			3,474		5,824.0							
PROPOSED RAPID TRANSIT OPERATIONS												
Washington Metropolitan Area Transit Authority						$2,445.0	8	97.2	86		811	811
Seattle						385.0	47					
Southern California Rapid Transit District				$335.0	$2,179.0	2,514.0	5	89.4	67		756	756
Metropolitan Transportation Authority, Baltimore				600.0	1,100.0	1,700.0	6	71.0	63		[1] 120	[1] 120
Metropolitan Atlanta Rapid Transit Authority, Atlanta				135.0	609.0	744.0	2	30.0	32		130	30
Port Authority of Allegheny County, Pittsburgh				229.0		229.0	3	29.0	22		175	175
Metropolitan Transportation Authority, Miami						340.0	4	24.0				
Twin Cities Area Metropolitan Transit Commission				53.0		53.0						
Total						8,410.0						
Grand total						17,708.0						

[1] 1st phase only.

Mr. GOODELL. Mr. President, the study shows that New York City, parts of Pennsylvania and New Jersey, Cleveland, Ohio, and Chicago, Ill., will rely on funds between 1975 and 1979 to modernize existing facilities. For many, this includes the much needed modernization of commuter lines. Proposed transit systems in such cities as Washington, D.C., Seattle, Wash., Los Angeles, Calif., Baltimore, Md., Atlanta, Ga., Pittsburgh, Pa., Miami, Fla., and the Twin Cities in Minnesota are dependent upon funds over the 10-year period for completion of their operations.

These States and cities must be assured, beyond any doubt, that the funds will be forthcoming. Only with such assurance can they continue to contribute the local financial share and continue with their transportation programs.

I am hopeful my colleagues will support this amendment. I understand the Department has not opposed this amend-

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ment, and I believe it is a major improvement in the legislation.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from Texas such time as he may need.

Mr. TOWER. Mr. President, the Goodell amendment, providing that an additional amount be made available after July 1, 1975, in the amount of $6.9 billion, is, of course, very similar to the Cranston amendment.

I think the arguments against both these amendments are somewhat parallel. If the Cranston amendment had been adopted, it would have forced the $10 billion of new budget authority to appear in the 1971 budget even though the expenditures were limited. The President has attempted to trim the budget substantially, as shown in today's papers, and it is the administration's feeling that this would yield inflated budget figures at a time when there is an attempt to exercise fiscal restraint.

The bill presently provides that, beginning November 1972, the Secretary shall return to the Congress biennially and request such additional authority as necessary for years after 1975. It appears to me that gives him enough leadtime.

The legislation expresses the intent of Congress to expend $10 billion over 12 years, but we should enter into this program with some caution, since it is a new program, and give the Secretary necessary discretion in determining whether it is needed, or, indeed, whether it is adequate.

I hope we will accept the same argument as applied on the Cranston amendment and that the amendment on the part of the Senator from New York will be defeated.

Mr. WILLIAMS of New Jersey. I yield myself 4 minutes.

Mr. President, the Senator from New York has proposed that this legislation be amended in its financing provisions to increase the aggregate obligation in section 3(c) to $10 billion.

There are good and substantial reasons not to alter this very important legislation in this manner. Careful consideration should be given to them.

There is no need to obligate $10 billion now. That is not to say that $10 billion is not needed. It is needed. It may well be that $10 billion is not enough to build the bus, rapid transit, and subway systems our cities presently need.

The committee report accompanying this bill places our total national public transportation needs at between $28 and $34 billion over the next 10 years. It is most important, however, not to confuse total transit needs with the need to obligate now.

The bill presently provides for the obligation of $3.1 billion during the first 5 years with instructions to the Secretary to submit authorization requests to the Congress every 2 years beginning in February 1972. As the distinguished Senator from Mississippi (Mr. STENNIS), chairman of the Transportation Appropriation Subcommittee so ably stated yesterday, up to $100 billion may be needed over the next 20 years. The biennial review contained in this legislation gives the Congress ample opportunities to consider whether to make the funds available. Therefore, obligating all funds in advance would in my opinion be unwise and should not be done if only to permit the Congress the meaningful review and appraisal it should have on a periodic basis.

In addition, despite the careful estimate of our national rapid transit needs, responsible transit experts agree actual needs will not be known until after the passage of this legislation. Firm decisions and plans to build high-cost transit facilities will only develop after the availability of Federal matching funds is assured.

Clearly a $3.1 billion obligation with biennial review is called for, not the $10 billion obligation proposed in the amendment.

The obligation of $3.1 billion for public transportation improvements has a substantial and immediate impact on the Federal budget. This is particularly true at the present time when there is extreme national concern over inflation. An increase in the $3.1 billion obligation at this time by an additional $6.9 billion limits the President and the Congress since in the future these funds would not be available for other purposes. The amendment provides no advantages to the program while posing serious disadvantages to executive management and congressional review.

This legislation is the first substantial, long term Federal commitment to build efficient mass transit systems. It is long overdue. The hour is late. We must not jeopardize this legislation with an unwise, untimely overcommitment of resources.

In this connection, I notice that the senior Senator from Florida is present. He made all of these points most expertly during the debate on the amendment offered by the distinguished present occupant of the chair, the Senator from California (Mr. CRANSTON). The Cranston amendment was of the same genre, so to speak; I do not believe I need repeat the arguments offered to that amendment. They apply here, and I trust that the Senator from Florida will now reiterate the statements he made earlier.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. HOLLAND. In the first place, the Senator from Florida is not an expert in this field, though he appreciates the kind references of the Senator from New Jersey.

The Senator from Florida knows that a large number of Senators would object very greatly to giving contractual authority, even if some of it were deferred as proposed by this amendment, so that, in the next 12 years, all Congress would have to do would be to appropriate funds to meet new obligations incurred at the sole discretion of the Secretary, whoever he might be. I have no complaint to make of the present Secretary whatsoever; I simply object to that way of doing things.

I say to my distinguished friend from New York that, having been in conferences over a period of many years with Members of the other body, I know that I am correct in saying that they have an even greater objection at that end of the Capitol than we do here to the granting of these huge blocks of contractual authority, whereby the executive department can make in advance obligations binding for a long period of years on Congress, so that all Congress needs to do is appropriate the money when the time comes.

I hope that my distinguished friend will not insist upon this proposal, because I think even if he were successful, he would find that he would have made this bill much less acceptable to the House of Representatives. I am basing my statement on what I know, because I have run into this same feeling time and time again in conferences with Members of the House.

I certainly shall not reiterate all the arguments that I made before, but I do hope the amendment will not be insisted upon, and that if it is insisted upon it will not be agreed to.

Mr. GOODELL. I yield myself 3 minutes.

Mr. President, I served as a Member of the other body for almost 10 years. I am well aware of their attitude on this type of thing, as well as other things. We are never going to change them without this body striving to give some leadership on what is necessary.

We are talking about a minimal need for the next 10 years of $10 billion, and we are talking about long term planning requirements. I have made it clear, in the committee and here on the floor, that from my viewpoint, the preferable way to meet the problems of mass transportation is through a trust fund comparable to the interstate highway trust fund. That has worked extremely well in a comparable situation, where States and localities must make long term commitments in advance, and they know there will be money to meet those demands.

We have been through this routine of making a commitment in the preliminary finding of a committee or in the preliminary finding of legislation, and not delivering on that commitment. The best example is in the area of housing, where, over the last 20 years, in virtually every housing bill passed by Congress, we have recited, at the beginning, a commitment to what is needed and what we intend to do in the next 6 years, the next 10 years, or the next 20 years. But the money has never been forthcoming to deliver on those commitments.

I think it is imperative that we at least take the step of seeing to it that by 1975, the money we say will be committed will be available for obligation.

I would prefer the trust fund route, and I have pressed for that in the committee. I now recognize that we do not have the votes for a trust fund that would combine mass transit and various highway projects so that we could have coordinated and sensible planning of urban transportation. That is regrettable. In fact, it is tragic that we cannot do that.

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I commend the committee for having taken at least one step to meet the realities of the situation by providing for limited contract authority. But I think we should go further than the committee bill. My proposal is not the Cranston proposal; it is a substantial modification of the Cranston proposal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOODELL. I yield myself 1 additional minute.

For those who are concerned about the inflationary impact of the Cranston proposal, my proposal would be less inflationary. It clearly provides, however, that we will deliver on the commitment of $10 billion over the next 12 years, and it provides that the obligational authority will be made available in fiscal year 1976.

I urge my colleagues not to vote on the basis of what the other body will demand. We are independent bodies, and we certainly will never improve the situation if we obeisantly lie down and say, "That is the way they demand it, and we will go along." I think it is time that that practice was changed, so that we could have an orderly planning process in mass transportation.

This bill, as it now stands, goes part way, and my amendment would carry it to a more realistic commitment of $10 billion over the next 12 years.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from New York yield back his time?

Mr. GOODELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New York (Mr. Goodell). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. McCarthy), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Russell), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Montana (Mr. Metcalf), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Arizona (Mr. Goldwater), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Maryland (Mr. Mathias) is detained on official business.

On this vote, the Senator from Maryland (Mr. Mathias) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Maryland would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 16, nays 67, as follows:

[No. 30 Leg.]

YEAS—16

Bayh
Brooke
Case
Church
Cranston
Goodell
Hart
Javits
Kennedy
McGovern
Mondale
Nelson
Percy
Ribicoff
Schweiker
Scott

NAYS—67

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Montoya
Murphy
Muskie
Pastore
Pearson
Proxmire
Randolph
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—17

Dodd
Goldwater
Gore
Gravel
Harris
Mathias
McCarthy
Metcalf
Moss
Mundt
Packwood
Pell
Prouty
Russell
Saxbe
Talmadge
Yarborough

So Mr. Goodell's amendment (No. 477) was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. TOWER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 470

Mr. PERCY. Mr. President, I call up my amendment No. 470, and ask that it be stated.

The PRESIDING OFFICER (Mr. Bellmon in the chair). The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 470

On page 19, line 4, after "Sec. 4." insert "(a)".

On page 19, between lines 12 and 13, insert the following:

"(b) Section 5 of such Act is further amended by inserting '(a)' after 'Sec. 5.' and by inserting at the end thereof the following subsections:

" '(b) Notwithstanding any other provision of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to pay the interest on and to discharge obligations on securities, equipment trust certificates, or otherwise incurred in the acquisition, construction, reconstruction, and improvement of facilities and equipment use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may only be made under this authority where the Secretary determines that failure to make such a grant will (1) in all probability force the termination of all or a significant part of the transportation service, or (2) seriously affect adversely the welfare of a significant number of lower income persons who are dependent upon the transportation service.

" '(c) To finance the grants under subsection (b) of this section, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $500,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $25,000,000 prior to July 1, 1970, which amount may be increased to not to exceed an aggregate of $75,000,000 prior to July 1, 1971, not to exceed an aggregate of $150,000,000 prior to July 1, 1972, and not to exceed an aggregate of $250,000,000 prior to July 1, 1973. Sums so appropriated shall remain available until expended.' "

Mr. PERCY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. PERCY. Mr. President, the purpose of the amendment is to provide authorization for the Secretary to make grants to States and local public bodies and agencies thereof to pay the interest on and to discharge obligations on securities, equipment trust certificates, or otherwise incurred in the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may only be made under this authority where the Secretary determines that failure to make such a grant will, first in all probability force the termination of all or a significant part of the transportation service, or second, seriously affect adversely the welfare of a significant number of lower income persons who are dependent upon the transportation service.

In other words, if the Secretary determines that a rapid transit system may fail unless a grant of this type is made, he may make such grant, or, second, the Secretary determines, without making such a grant, that the welfare of a significant number of low-income persons dependent upon the transportation service will be seriously affected.

Mr. President, I realize that it would be much more desirable to hold hearings on an amendment that introduces a new principle or concept, but the truth of the situation faced by the CTA in Chicago, and certain other cities also, was not apparent at the time we had hearings.

The purpose of the amendment is to say merely that we are not going to reward those who have waited for Federal funds to buy equipment, but will take into account the fact that many rapid transit systems actually made the initial purchase of its equipment, yet declining revenues, increased operating costs, passenger service falling off, have not enabled them to pay the interest on meeting the obligations.

So what we are trying to say here is that we want not only to build up new systems but we want to take into account that it would be a great deal easier to save the present failing systems rather than look only into new equipment and see what can be done to restore to a healthier condition existing transit systems until such time as the full force and effect of the pending legislation can be taken into account.

I was most interested in a section of the colloquy yesterday, engaged in by the Senator from Mississippi (Mr. STENNIS), chairman of the Appropriations Subcommittee.

He said:

> I can also support some mass transit, if it is going to be conditioned in a city where it really needs the money for the poor people to get to and from their work. I would rather set it up on a program of that kind than just have these mass transportation grants to these cities.

Later, he said:

> If it is for poor people who cannot pay their way, that is one thing, but I think that cities like Jackson, Miss., or any of the rest of them, as a general proposition should be able to take care of their own mass transportation costs. That has been my position on these bills all along.

Mr. President, so that the main thrust of one portion of the authority granted to the President can be to save systems which could fail, or substantially increase costs to lower income people, and thus drive them off the lines.

In Chicago, it looks like we will be faced with a 50-cent fare which, with Kansas City, would be the highest in the country. In other words, a dollar a day for low-income workers. We know what this does. Every time we raise the fares in a mass transit system, it drives away more passengers and adds to the initial operating costs which remain very much the same.

That drives the low-income workers back to the highways which are already congested and overcrowded. They buy second-hand jalopies, with six or more crowding in. The air is polluted from engines that need reconditioning on ever more crowded highways, adding to the public confusion and higher costs, and lessening the use of public transportation.

I believe in the spirit of what the Senator from Mississippi (Mr. STENNIS) was talking about when he mentioned doing something to help the lower income people.

I believe it is exceedingly important that we also take into account the fact that many jobs exist in the midst of unemployment and that public transportation is not available and it ought to be kept running if it is available for people to travel from the inner city into the outlying areas where these jobs have moved. This is again an investment in people to keep them occupied.

I think also that while we are making a huge investment in air pollution, we should take a good look at the fact that we know that automobiles are the largest polluters of all. We have seen mass transportation facilities fail, and a large number of people have been forced over to automobile transportation, again clogging the traffic and polluting the air.

It would be much more simple to save the large transportation systems which cannot operate efficiently at the present time. It is my contention that it would be much easier to conserve and preserve than to build anew. And we seem to be responsive to the need by being willing to make grants for new facilities in rapid transportation systems, but we seem to be somewhat reluctant to save the systems now operating in a failing condition.

It is for this purpose that an amendment of this type was offered. Consideration should be given to the area of responsibility served in this area of need.

I point again to my city of Chicago which is so typical of the problems existing in Kansas City and in other communities, notably in New York City.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. TOWER. Mr. President, this is an extreme situation that has come to our attention recently. I think the thing that alerted the attention of the Senator from Illinois to it was the very critical situation existing in the CTA. That was subsequent to the committee consideration of the bill. Unfortunately, there has been no opportunity to hold hearings on this matter or to get administrative reaction or anything of that sort.

I think the proposal has fine merit. I think it is worthy of consideration. I think that perhaps if it were introduced in the form of separate legislation, we would hold hearings on it at an early date.

I for one would be glad to cooperate in every way I could if this were to be introduced as separate legislation, to make sure that hearings were held. This is a matter that had not come to my attention before, and something should be done about it. It makes good sense to me that we should invest a little money to save a failing system rather than to let one fail and then have to start over from scratch again.

Mr. PERCY. Mr. President, that would have been the kind of action I would have preferred. I would have much preferred to take it up in the usual manner so that we might have hearings and cities could appear and explain their plight.

I would like to have the director of the CTA explain why they are going to have a $22 million deficit this year, and what chance they will have, if they continue to get equipment grants, of attracting passengers back and working their way out of an operating deficit. However, in lieu of not having had that information at the time the hearings were held, I did not have the foresight to prepare this type of amendment.

I should like to hear from the manager of the bill as to whether he feels that hearings can be held at an early date, say, in 30 or 45 days, if at all possible.

It is a critical situation that we are facing. It would help a great deal if we could have such hearings. And I would be happy at an early date to introduce this proposal as a bill so that hearings could be held.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. WILLIAMS of New Jersey. Mr. President, I would be prepared to vote on the pending amendment right now. And I would vote for the amendment. It is a most critical problem which the transportation industry must have assistance in meeting—Federal assistance. I have examined it over the years, and we all hear about it daily. I have introduced a bill, S. 676 to cope with this problem.

However, we could not practically deal with this problem in our committee hearing along with the matter involved in the pending bill at the same time.

I would welcome it if the Senator would introduce his proposal as a bill. I will press for hearings. And I believe that the committee schedule is such that we would have these hearings in March.

Mr. HOLLAND. Mr. President, I did not hear the Senator.

Mr. WILLIAMS of New Jersey. I said that I support the Senator from Illinois in his proposal and hope that we can have hearings before the Committee on Banking and Currency on this proposal.

Mr. PERCY. I think hearings would be much preferable. I did pick figures out of the air. I would rather do it on a much more scientific basis, knowing what the need is and then devote our attention to the principles involved in the pending bill.

Mr. President, because of the very fine support and encouragement I have received for my proposal and the assurance of the committee that very early hearings will be held on the matter, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WILLIAMS of New Jersey. Mr. President, I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. MAGNUSON. Mr. President, the Senate Commerce Committee has been holding a number of very important hearings relating to pollution and the role, as has been so well pointed out by the Senator from Illinois, of the automobile in pollution.

We have been hoping that we can have a low-emission automobile.

I am sure the Senator from New Jersey and the Senator from Texas are familiar with the fact that the Government is the largest purchaser of buses, automobiles, and everything else. The legislation would provide for standards for a low-emission automobile.

So the committee instructed me to ask the managers of the bill about the matter, because Secretary Volpe, in a speech a week ago, said that the urban mass transit bill "provides for such things as new turbine buses, which practically eliminate the sort of air pollution we get today from conventional buses."

I hope that statement was accurate.

Any funds in this bill used to purchase buses should be used to purchase only those buses which are smogless. Such a policy will improve the health of the

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people in our cities and make buses more attractive modes of urban transportation.

I have introduced a bill, S. 3072, that requires the Federal Government, when purchasing vehicles for its own use, to purchase nothing but smogless or low-emission vehicles. I believe that the Federal Government has an obligation to stimulate innovative development and production by creating, here and now, a consumer demand for smogless cars, trucks, and buses.

This is why I believe Federal dollars in support of urban mass transportation should also be directed toward low-emission technology. It may cost the Government a few more dollars to provide cities with smogless buses, but the returns in terms of clear skies and public acceptability will be well worth the additional investment.

My question is: Does the urban mass transit bill, as Secretary Volpe suggests, direct Federal funds toward the purchase of only low-emission or smogless buses?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. WILLIAMS of New Jersey. I would say that it certainly does where the low-emission bus is available and where the technology is available. It would certainly have to follow that this would be the choice because under the bill as it was and under the bill as it has been amended by the Hart amendment. There is a clear demand that decisions be made wherever possible to eliminate and reduce air pollution and its adverse effect on the environment.

Mr. MAGNUSON. Would it not also follow that if an urban center presented a plan which involved the most modern technology on smogless low-emission vehicles as against a center which presented a plan for the old conventional buses, the Department of Transportation would encourage the plan of those striving for clean air?

Mr. WILLIAMS of New Jersey. I am certain the Department would do that. The bill, as it deals with the area of pollution and environment, makes it the clear congressional intent to do that.

Mr. MAGNUSON. I appreciate the colloquy I have had with the Senator on this subject. The word might be passed on to those companies which manufacture these buses that will be used under this very important bill so that they might come up with ideas to help the cities do a better job in connection with clean air and the environment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 1 minute.

Mr. President, I regret I did not say this earlier. I do wish to thank the Senator from West Virginia (Mr. RANDOLPH) for his excellent statement and the experience and expertise he brings to this debate. He is the chairman of the Committee on Public Works and he is well aware of the transportation needs of all our cities. In the months ahead I hope to continue to work with him not only in connection with mass transportation legislation but on all transportation legislation effecting our Nation.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum, with the time to be equally charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask that my amendment again be made the pending business.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, after line 14, insert the following new section:

"SEC. 6. The Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), is amended by adding at the end thereof a new section as follows:

" 'OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

" 'SEC. 16. The Secretary shall—

" '(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under this Act be given to lower income persons residing in the area of such project; and

" '(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.' "

On page 20, line 15, strike out "6" and insert "7".

On page 21, line 3, strike out "7" and insert "8".

Mr. BAYH. Mr. President, as I said earlier, prior to the amendment being laid aside, the amendment would seek to provide in the Mass Transportation Act almost the same, identical language which is already incorporated in the Housing and Urban Development Act. It would simply say to the Secretary that "to the greatest extent feasible" opportunities be made available for those citizens and businesses located in the affected area.

I have been advised by the distinguished chairman and the ranking minority member of the committee that some question has been raised about the ability to administer this particular type of request in a transportation bill compared with how it would be administered in the Housing Act. I must be frank to agree that there would be a different problem. We are here concerned about a metropolitan area, one centralized area, where there is a transit system originating in passing through a low-income area, then goes into another part of the city.

I personally believe that the proposed language would give to the Secretary great leeway to administer this measure. I would like to see the Senate proceed to find a way to deal with the problem of making more business opportunities available to those who live in underprivileged areas.

I wish to give one example of the kind of injustice to which I refer. I am certain that not a Senator here has not had a similar experience. As an example, I refer to the central city of Indianapolis, where a main throughway went through the city. It split the black community into two equal parts and created great havoc. Walls were built up with dead end streets, resulting in considerable inconvenience. What had been inadequate housing before was torn down. The injustice was compounded by the fact that those who were suffering this inconvenience could not see a black face out there working on that job. There was not a black contractor who could qualify to even haul dirt from the highway site.

There has been a great deal of talk about black capitalism in this body, and there are probably 100 different definitions in this Chamber. However, to most of us this means creating an environment and opportunities which would give those who are presently in a state of disinvolvement with the economy and our society an opportunity to be where the action is.

This measure would merely provide that, to the greatest extent feasible, the Secretary should take these factors into consideration for job opportunities, training opportunities, and contractual opportunities; that when a project of this type as provided for in the act, is built in a community, an effort will be made to give full opportunities to citizens who live in the area.

I do not know if the chairman would care to comment on the amendment at this time or not or whether the ranking Republican member would care to comment on it.

Mr. TOWER. Mr. President, I certainly agree with the objectives of the Senator from Indiana. When the Senator first presented the proposal, at first blush it looked like something we could take now, but after talking to some people I have come alive to the difficulties presented with highways on the one hand and a long string of railroad tracks on the other hand. Many bugs could be brought out in executive session.

Therefore, it occurs to me that if the Senator from Indiana will introduce a separate bill embodying the provisions of the amendment, we could have hearings and come up with legislation that would seek to accomplish the objectives of the Senator from Indiana.

Mr. WILLIAMS of New Jersey. I certainly supported this most needed legis-

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lation when it was included in the Housing Act. I am personally wholly committed to the objective.

I cannot commit the committee that would handle the matter if it were submitted as a bill and referred to the committee. However, I would certainly support the legislation and urge the chairman of the committee to have prompt hearings. It seems to me it would be more efficient to consider this matter in hearings together with another transportation bill that we hope to have hearings on in March.

I suggest to the Senator that his proposal could have even greater meaning, force, and beneficial effect if it did have the foundation of good hearings before the Senate acts. I would certainly advance that recommendation to our committee.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. JAVITS. Mr. President, I had a great deal to do with the amendment which has been discussed, the substance of which is contained in the housing bill. I do not know whether I proposed it. I had in mind offering such a proposal to this bill, but when I heard the Senator from Indiana was going to do it, I was glad to defer to him.

Apparently the managers of the bill feel it raises considerable procedural and administrative difficulties.

Because I am so much with him in this matter, may I suggest to the Senator from Indiana that he forego his effort here considering that we will be having hearings on manpower training and the manpower bill in due course in the Committee on Labor and Public Welfare and that this subject ties in to various aspects of the poverty program. The Senator from Indiana really is not jeopardizing anything, because he will have adequate opportunity to look at the context of the other bills which can also properly apply to this measure insofar as they relate to manpower and work problems.

We can benefit by studying it from the point of view of how it is working out in the housing field. I would like very much to help the Senator in any way he wishes me to. At that time we can work it out so that the proposal may appear in another bill which would effect the end objective in which I so much join with the Senator from Indiana. So I do not think the Senator from Indiana is losing anything if the proposal is not locked into the bill.

Mr. BAYH. Mr. President, I welcome the suggestion, comments, and support of the Senator from New York. He has been a leader in this field, and was instrumental in getting the previous legislation incorporated into the Housing Act. The Senator from New York and the senior Senator from Illinois are well aware of the problem we are trying to deal with and have been very helpful to me in this.

If it is the opinion of the Senator from New York, as well as that of the Senator from Texas and the Senator from New Jersey, that the best course of action would be to introduce a bill, perhaps this should be done jointly. I would be honored to share in this attempt with the Senator from New York and others. Then, pursuant to the discussion with the Senator from New York, hearings could be held either here or in the committee to which the Senator just referred.

Mr. JAVITS. Mr. President, if the Senator will yield, it may be better to attack this problem generically in a labor or manpower bill than to attach it specifically to this measure. That is my suggestion.

Mr. BAYH. Perhaps it is to be expected, but I was somewhat surprised to find that certain people and groups were against this proposal. I thought we had gone long past this point with respect to national policy, to which we agreed in heated discussions not too many months ago. It was decided we would try to give these unfortunate people opportunities and jobs, and that perhaps the best way to deal with poverty was to let a man stand on his own two legs and provide for himself.

Since a similar provision was added to the HUD bill, I did not think there would be opposition to including it in the mass transportation bill. There is opposition and concern. It is the general consensus of those who are more familiar with the legislative hurdles than I am that we would not be retreating too far if the amendment were withdrawn at this time.

Therefore, Mr. President, I ask unanimous consent to withdraw the amendment and will pursue other legislative recourse.

I thank the Senator from New Jersey for this courtesy.

The PRESIDING OFFICER. The Senator may withdraw an amendment. The amendment is, therefore, withdrawn.

Mr. ALLOTT. Mr. President, I ask unanimous consent that we may have a short quorum call, after which I may be recognized to proceed with an amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that the time be charged to both sides on the bill.

The PRESIDING OFFICER. The time is to be charged on the bill. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. As I understand the provisions of the unanimous-consent agreement, I have 30 minutes on this amendment. Is that correct?

The PRESIDING OFFICER. The Chair is informed that when the Senator offers his amendment, there will be 30 minutes on each side.

Mr. ALLOTT. I thank the Chair.

I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 20, line 13, strike out the period and insert in lieu thereof the following: "and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States, but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception."

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, if I may have the attention of Senators, I do not intend to speak too long on the amendment.

I suppose the question must occur in people's minds why the Senator from Colorado, whose State is relatively, except for one or two places, in good position with respect to mass transportation problems, is so interested in this matter.

It so happens, Mr. President, that during the last 10 years my assignments on the Appropriations Committee, first to the Independent Offices Subcommittee, of which I still have the honor to be ranking member, and then subsequently to the Transportation Subcommittee, have placed a great deal of information and testimony at my disposal, which has convinced me, over a period of time, that this is an area with problems which we have to attack and solve.

I well know the feelings of some people about these programs, and it would perhaps be easy for me to take a purely parochial, or I might even say provincial, position, and say that since the State of Colorado will not be the first one up to bat in this program, therefore I am opposed to it and I am going to vote against the bill and against the whole matter.

However, I have become convinced, from my studies and the almost endless hours that I have spent in committee in the last 10 years upon this and allied subjects, that this is an area where something has to be done. For in my opinion, the problems of the big cities, the so-called problems of the ghettoes and all of the associated problems, including access and ingress and egress for work, will never be solved unless we solve our mass transportation problem.

I would not necessarily try to uphold the hands of the people who have operated our mass transportation systems, because I do not think they have been, as a whole, operated with the greatest imagination and the greatest vigor possible. When the committee reported this bill, after holding extensive hearings, it included, on page 20, line 8, a proviso for a discretionary fund of 15 percent. The distinguished Senator from Wisconsin yesterday offered an amendment to reduce that fund to 1.5 percent, and in the colloquy which followed, I offered an

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amendment by way of a substitute to change the 1.5 percent to 5 percent. Because of the precedents of the Senate and the vote on the unanimous-consent request, the matter was not really discussed for the information of the Senate at the length it should have been. So the amendment of the Senator from Colorado was defeated, and then the amendment of the Senator from Wisconsin was agreed to, which changes the figure in line 8, page 20, from 15 percent to 1.5 percent.

Mr. President, it would be very easy to line up and count votes on account of the big States and the little States and that sort of thing. From a population standpoint, mine is one of the smaller States. From an area standpoint, it is one of the larger States. But I am required to and do look at this matter as a matter of national interest. I do think that we have to solve our urban transportation problems, and if it so happens that California, Illinois, Ohio, Pennsylvania, New Jersey, and New York are the most critical of those areas where help is needed, that should not, in my opinion, diminish my interest in this subject by one iota, because I am here as a Senator for the whole United States. It is in that sense that I approach the matter, not in a parochial or provincial sense at all, because our State will be interested in these funds, and perhaps secure help, only after those five or six main States have received whatever benefits may accrue to them.

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I have proposed this amendment, Mr. President, to which I hope Senators will give serious consideration, because I simply do not believe that a 1.5-percent discretionary fund provides the Secretary of Transportation with the leeway that he needs in the control and disposition and use of this fund, if it is to be used wisely.

I think everyone will recall that the bill provides that the discretionary funds are available only after a State has exceeded or is up to the point of 12.5 percent of the total fund. My amendment is a very simple one, and very easy to understand. It simply adds to the bill, on line 13, page 20, after striking out the period the following language: "and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section" and that includes the whole section "has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States," and then a third proviso: "but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception."

Mr. President, the maximum amount involved would be only 25 percent of the 6 percent. In other words, it is theoretically possible—and this argument will undoubtedly be made by the distinguished Senator from Wisconsin—that all of the 1.5 percent would go to one State, and then they could also get 1.5 percent under this 6-percent arrangement, which, with the basic maximum of 12.5 percent, would mean a total of from 14 percent to 15.5 percent.

That is theoretically possible, but when you have six such huge States as I have enumerated, which are vitally interested in this program, I do not believe any such theoretical situation as that will ever occur.

So, simply stated, the amendment would permit, when these conditions have been met, an additional set-aside of 6 percent for discretion of the Secretary, when these States have reached their 12.5 percent, to permit him to do the job, and no job then would be sacrificed because of the artificial restrictions which are placed in the bill.

Mr. President, I sincerely hope that the distinguished chairman of the committee and the distinguished ranking minority member, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. TOWER), will find themselves in a position to accept this amendment. The Secretary, in a conversation with him today, has assured me that the 1.5 percent simply does not give them the leeway to manage the fund on a sensible and satisfactory basis.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I yield 10 minutes to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, this amendment has come up because the Senator from Colorado (Mr. ALLOTT) and a number of us were really very much concerned after yesterday's contretemps on the question which Senator ALLOTT propounded about the viability of this program.

There are lots of games that can be played on parliamentary floors, and often are; but we ought to have the wit and the ability at least to do effectively what we wish to do. I could understand it, though I do not agree with it, if there were opposition to any such program as this in respect of Federal assistance for mass transportation altogether. But apparently the majority of the Senate, Congress, and the country, I think quite rightly, have crossed that bridge.

This is an on-going program which we feel should be carried on in the national interest. But if we are going to carry it on, then let us carry it on intelligently, and let us not apply to it parochial standards which, after they became general, could become very embarrassing.

For example, how many States get the benefit of the subsidies for growing cotton or not growing cotton, or for growing wheat or not growing wheat, or some other commodity? And what States get the particular benefit of ship subsidies? And so on and so forth.

We are running a country. We are not running a particular State or a particular city or a particular province. That is the case here. Certainly, the great, congested metropolitan areas are the ones that are suffering, and we are giving relief because we feel that, in the national interest, they should get some relief.

We are not kidding ourselves about the fact that this is a matter of great importance to essentially rural States which do not have the massive congestions which are associated with the major cities and the major States that have been named.

This comes, properly, from Senator ALLOTT; and I think it is significant that he has done his thinking upon this because it is dictated by his experience in the appropriations process. I have been a member of the Appropriations Committee, also, and there one learns a sense of practicality about how you actually have to run a fund in order to make it come to the maximum usefulness.

We are trying to help these transportation systems with some element of flexibility so that money is not used improvidently where it is not needed, or is not needed on as high a priority, or is not ready to be received. That point was brought out in the discussion yesterday.

So in redrafting the amendment—Senator ALLOTT was kind enough to talk with me and others about it—we did try to take into account some of the arguments that were made with respect to this matter, so that no one State could get an undue windfall and so that smaller States and individual communities, which also might have urgent needs, would not be deprived.

I think the amendment, in its present language, takes a balanced approach to this situation; and, as Senator ALLOTT has explained, it contains a number of conditioning criteria. It requires a determination as to the accomplishment of the fundamental purpose of the act. It requires, also, that the distribution of this fund shall not prejudice or delay pending projects of other States; and then it puts another limitation upon the amount of the 6 percent which can be used in any one State, bringing the aggregate which any one State can get at the extreme—and that would apply to only one State—down to a total of 15½ percent. It seems to me that that gets very close to the concept which was debated here yesterday.

This is at the urgent request of the Secretary of Transportation, who has to administer this bill and make it work and make it produce results.

I respectfully submit that it is all right to shut our ears to special pleading, but we cannot shut our ears to special pleading from those whose ox is being gored. This measure is designed to help in this particular respect the great congested transportation cities of the country. Here we have the representation of the Secretary, himself, of a member of the Appropriations Committee who lives with these problems and has no personal interest in it for his State, as well as the urging of States like my own, that, at the very least, we need some flexibility in this situation. It has been hedged in by Senator ALLOTT, I think, with all the reasonable safeguards that anyone could ask.

Mr. President, in my judgment, there was a majority here yesterday for a measure of this type, some alleviation from the rigors of the strict 12½ percent rule. Unfortunately, those who manage the bill on the floor were bound by what the committee had said. Now they have had an opportunity overnight to consider whether there was overriding justice in not sticking strictly to what the committee had said. Some of the others did not quite appreciate how urgently the Secretary felt that this was essential to his administration of the act.

This is the first opportunity we will all have to make the decision strictly on the merits, and I hope very much that the Senate will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I understand that the manager of the bill, in view of the fact that I oppose the amendment and he favors it, will permit me to handle the time in opposition to the amendment.

Mr. WILLIAMS of New Jersey. That has been done.

Mr. PROXMIRE. I yield myself 10 minutes.

Mr. President, the advocates of this amendment argue that unless we adopt the amendment, we are following a parochial policy, a policy of unfairly limiting the amount that would be available to the bigger States which need mass transportation most urgently.

I submit that all we have to do is to take a look at the record, the experience we have had under the present law, and recognize that what the present bill does, as amended yesterday by the Proxmire amendment, is to retain precisely the same principle of allocating a discretionary amount as we have had in the past for the big States when they suffered under this program.

The fact is that six States, with 32 percent of the population, got 76 percent of the money. The fact is that the bill, as now amended, will still permit the big States to get 12.5 percent of the total amount—one State. That means that they could get $387 million and, in addition, they could receive 1.5 percent of the fund or another $46.5 million if the Secretary of Transportation felt that that State had urgent need for it.

While it is true that there may have been some confusion yesterday, the fact is that there was a decisive 2-to-1 vote against a very similar amendment which would have increased the fund available, at the discretion of the Secretary, by fourfold—$46.5 million, which I provide, to approximately $186 million.

Mr. President, would it not seem more sensible, in view of the experience we have had in the past with a very small number of large States, with a minority of the population receiving most of the funds, for us to try this measure for 2 or 3 years to see how it works? Then, if the Secretary of Transportation feels that experience has demonstrated to us that he needs more flexibility, that the situation in California, New York, and Illinois is so urgent that he has to have this additional discretion, it seems to me that 2 or 3 years would give us an opportunity to determine whether or not this argument is valid and correct.

What we have done here, however, is to quadruple the amount of money available for mass transportation. It would increase fourfold the discretionary fund, and it seems to me that we have gone very far in providing a substantial increase in mass transportation funds for the big cities that will need it.

I should like to invite the attention of the Senator from New York and the Senator from Colorado to a phrase in the Javits-Allott amendment to which both distinguished Senators have referred——

Mr. JAVITS. Mr. President, will the Senator yield for a correction?

Mr. PROXMIRE. Let me say to the Senator that this is the Allott amendment, but the copy I have has Senator JAVITS' name on it. I understand that both Senators collaborated in drafting this amendment.

Mr. JAVITS. He just had my advice, nothing more.

Mr. PROXMIRE. Both Senators spoke in favor of it. I suppose we can call it what we want.

Mr. ALLOTT. I was happy to have his advice.

Mr. PROXMIRE. In the latter part of this amendment, the language is as follows: "and shall not prejudice or delay pending projects of other States."

This seems to be a safeguard against the Secretary preventing some of the other States, such as Florida, Georgia, Virginia, Wisconsin, and so forth, from getting their share. But I invite the attention of the Senators to the fact that this refers to pending projects. It does not refer to future projects. So that if there are States which have projects in the future, we feel they should be funded, not pending, but future projects. Under the language of the amendment, there would be no restrictions on the Secretary still providing funds to the larger States which already would have at least 12.5 percent before they would have to resort to the discretionary fund.

One of the strongest pleas for this bill is that it is a national bill, not a parochial one. It is not a bill for New York or California, but for all the States. This is a bill drafted to permit the States which previously have not been able to take part in mass transportation programs in any significant extent to take part for the first time, because privately owned transit systems are under this bill enabled to receive grants. This means that States which did not have more than a fraction of 1 percent, or did not have any funds before, will now be able to take part.

Why, therefore, is it not logical to provide the same kind of guidelines we have had in the past which have enabled the big States to get most of the money but would still provide reasonable safeguards so that the other States would be permitted to get a small share rather than the Allott amendment which would give the large States an even greater share.

I hope that the amendment offered by the Senator from Colorado, and supported by the Senator from New York, will be rejected.

Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. WILLIAMS of New Jersey. Mr. President, yesterday, on a similar amendment offered by the Senator from Colorado, I voted in opposition. I did so because I supported what I thought was the wise decision of the committee to bring about a 15-percent discretionary fund. This fund would give the Secretary the flexibility that he should have in order to move into these critical areas where the transportation situation is desperate.

The Senator from Colorado did not prevail yesterday. I was one of the reasons why he did not prevail.

Now, having lost what I thought was the best at this halfway house, I will now rest and with enthusiasm support the amendment.

Mr. ALLOTT. I thank the distinguished Senator.

Mr. TOWER. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, I can only second what the distinguished Senator from New Jersey has just said. I am one of those who voted against it because I thought we would be adhering to the position of the committee. I was wrong.

I now rise with great pleasure at the opportunity now to have a second run at it and report, in this particular instance, that the Senator from Colorado has a most constructive amendment, and one which maintains adequate safeguards for the small States who have not yet, to date, been denied any funds because of a paucity of funds resulting from the big States gobbling it all up. It just has not happened.

So that I hope the amendment of the Senator from Colorado prevails, and I shall support it.

Mr. ALLOTT. I thank the Senator very much.

Mr. President, how much time remains to me?

The PRESIDING OFFICER. Eleven minutes remain to the Senator from Colorado.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield to me?

Mr. ALLOTT. I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, it seems to me that the Senator from Wisconsin, himself, has made the very best argument for the bill, as it is a fact that the States with one-third of the population—a relatively small number of States but with very large populations—are to be the principal beneficiaries of the bill. Of course, if that measure were applied to other types of help and subsidy which Congress gives, we would find larger States with smaller populations.

We must make this plan congenial so that it can operate effectively for larger and smaller populated States. It has been in effect since 1964. It is not a new program. We have learned something about how to run it. One of the things we have learned is the need for a certain relative flexibility in this particular measure. We are doing this for 5 years, not just for today. The kind of flexibility we should have is 15 percent. Now we have this level of 7.5 percent, taking 1.5 percent of the Senator from Wisconsin's, that is hedged in without any restrictions, which I understand perfectly and accept, and the 6 percent if this amendment is adopted, which has limits to the amount that can go to any one State. Also, there are certain very strong conditions placed upon the administrator in determining when to use this 6-percent discretionary fund. But because the administrator himself feels that he needs at least this much, in order to do the job which Congress has charged him with doing, it seems to me, under those circumstances, that those in favor of the legislation who want it to work, and want the program to be successful, should get together on it.

Finally, the Senator from Wisconsin says a State can get only 1½ percent on his amendment and 1½ percent on this amendment. But only one State can get that. That is it. Other than that one State, the limit is the 1½ percent to another State which would come out of the Allott amendment. There is a sharp restriction upon what can go to any one State.

Mr. PROXMIRE. Mr. President, I am happy that the Senator from New York called my attention to this point. I hope that he will correct me if I am wrong, but I had originally assumed that this was a 6 percent discretionary fund available to the Secretary of Transportation. Now I see that the language is an additional 6 percent. This means 6 percent in addition to the 1½ percent?

Mr. JAVITS. That is correct.

Mr. PROXMIRE. So that it is 7.5 percent.

Mr. JAVITS. That is correct.

Mr. PROXMIRE. Then we really are taking money that otherwise might be available for future projects for the 44 or 45 States that are not in it in a big way.

Mr. JAVITS. I think that the Senator is being a little unfair to the amendment in picking up the words "pending projects." There is no intention to confine it to the pending projects.

Mr. PROXMIRE. That is what the amendment says.

Mr. JAVITS. I agree, but there is one other matter, though. It was not my thought and I doubt it was the thought of the Senator from Colorado, to freeze the situation as it is now. As I saw it, when we talked about it, what was troubling the Senator from Wisconsin yesterday was the extent of the flexibility in the fund, and the necessity of not prejudicing any small State that was really ready and could use the money to be provided by this fund. And that was the intention of this amendment. Therefore, it is the desire—and I believe the Senator from Colorado would agree with me on that—not to freeze the situation as it is now, in using the words "pending projects"—but rather "pending projects at any time" during the operation of the measure.

Mr. PROXMIRE. I would not object to the latter increase, which is more generous, "pending projects at any time," say a year from now or 2 years from now. I am talking about, however, projects which may not be immediately funded, but which may be prospective future projects, which seem, by implication, to be ruled out here. I am particularly concerned about that 6 percent. As I recall it, the Senator from Colorado offered an amendment for 5 percent and this goes to 7½ percent which is 50 percent more of a big State grab than the amendment which the Senate rejected yesterday by a 2-to-1 vote.

Mr. ALLOTT. Let me say, for the sake of the legislative history, that I would have no objection to striking the word "pending." But I do believe that the word "pending" as used here means pending as of the time a particular decision is made in the future. Certainly, in my own mind, I do not use the word "pending," or interpret it any other way. This is important to the legislative history. I would not use it in the sense of putting a time limit down now as to projects which are pending at this time.

Mr. PROXMIRE. Yes. I am glad to get that reassurance from the Senator from Colorado and the Senator from New York. I still think it is a legitimate concern about projects in the States which may be displaced by having this discretionary fund allocated to California, New York, Illinois, and Massachusetts, which may have some very urgent projects.

It is a national program, and we have found that a number of small cities have taken advantage of it. As a matter of fact, if one looks at California, he will see that the smaller cities there have taken greater advantage of it than have the larger cities.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, it seems to me that it would be almost impossible to have any other definition. How in the world could the Secretary have a criterion concerning a prospective project which might be in someone's mind.

Mr. PROXMIRE. The big States have their projects pending. I think the Senator took care of this rather well when he made his first disclaimer that we do not mean to imply pending as of now.

Mr. JAVITS. Mr. President, what would the Senator say if the word were stricken and we would just say "project." It seems to me that we could not put it any simpler than that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. Mr. President, I think that to strike the word "pending," particularly since we have defined the area in which it would be, it would be pending within the frame of time when the decision has to be made by the Secretary, would do a disservice, because a project in another State might be nothing but a dream in a man's mind. And frankly I do not want to put anything that indefinite or irrelevant in the pending bill.

Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. GRIFFIN. Mr. President, I thank the Senator for yielding. I take only a moment to associate myself with the amendment and to indicate my support for it and to commend the distinguished Senator from Colorado for offering the amendment.

I think the arguments have been stated very well by both the Senator from Colorado and the Senator from New York.

Some reference was made to the fact that the amendment offered yesterday by the Senator from Colorado was rejected. I am one of those who voted against the amendment at the time. I see now that I should have voted for it.

I was exercising a choice between the committee language which provided for 15 percent, which would have been much better.

However, I think as between what we have now and the very limited discretionary authority that would be in the bill as the result of the amendment agreed to earlier, that had been offered by the Senator from Wisconsin, we certainly must do something about it.

I indicated my support, and I hope that those who made a mistake yesterday in voting against the amendment of the Senator from Colorado will see the light and vote for it.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

Mr. PROXMIRE. Mr. President, I may say to the Senator from Michigan that the amendment that has been agreed to and is now in the bill is no more restrictive than the present law. As a matter of fact, since it has almost four times as much as the present law's provision for $12.5 million and my amendment provides a discretionary fund of $46.5 million. So, obviously it is not highly restrictive.

Whereas the amendment which the Senate opposed on yesterday had a 5-percent discretionary fund, this proposal provides a 7½-percent discretionary fund—50 percent larger.

Mr. ALLOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. Mr. President, first of all, the distinguished Senator from Wisconsin does not apparently place much emphasis on the fact that this activity has never been really adequately financed. This is the first attempt to do so. This is what we are trying to do at this time.

In addition, there is one other significant factor when we bat around these figures. If one refers to pages 17 and 18 of the bill, he will find that those amounts when they become available are relatively small in the first year and do not get to significant sums until 1975.

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So we will have 3 or 4 years to try this, and I can assure the Senator that if we find that the discretionary fund is not being used properly, the Appropriations Committee will see to it that there are such restrictions put on it in the light of this particular legislation that they will not be used improperly.

Mr. BROOKE. I support the amendment offered today by the able senior Senator from Colorado (Mr. ALLOTT) which would have the practical effect of increasing the discretionary fund available to the Secretary from 1½ percent—approved yesterday by a vote in this Chamber—to 7½ percent. Originally I supported the committee's recommendation for a 15-percent discretionary fund, and previously voted against both efforts to reduce this authorization.

Present law—section 15 of the Urban Mass Transportation Act of 1964, as amended—limits the allocation of Federal funds that may be made available for projects in any one State to 12½ percent of the aggregate authorization. At the present time, taking into account the additional authorization of $300 million made by the Congress last year, the State limitation is $145.6 million. Essentially this means that when Federal grants to assist capital investment projects in any State total $145.6 million, no further grants can be made in the State until the Congress has provided additional funds.

Some relief has been provided in the past, by the discretionary fund from which the Secretary may approve additional allocations. But California has already drawn $8.7 million from this discretionary fund to afford temporary relief to that State. And two additional States, Massachusetts and Illinois, have come close enough to the ceiling to require contemplation of delving into this fund in their behalf as well.

To remedy this and similar situations and to assure continuity of Federal support, the proposed Urban Mass Transportation Act of 1969 as reported from the committee would have allowed the Secretary to draw upon a new discretionary fund equal to 15 percent of the authorized program. This plan was adopted by the administration at the suggestion of the National League of Cities, and it has been overwhelmingly endorsed by the governors and mayors conferences as well.

Program experience thus far supports the view that the proposed discretionary fund would permit substantially greater program flexibility without seriously reducing the effectiveness of the overall State limitation. Under the expanded program of mass transportation approved by the committee, it is likely that applications to support larger and more costly fixed rail systems will be forthcoming from a number of cities. Combined with other grants within the States, this may well push several States to the 12½ percent maximum funding authorization. Without the discretionary fund, some of the projects in each of these States will have to be either postponed or cut back. With the fund flexibility, even if several States need to use it, ample funds will remain, especially to cover all reasonable projects in smaller cities with non-rail-type transit systems.

The argument advanced yesterday by the distinguished Senator from Wisconsin (Mr. PROXMIRE) that nearly all the money could go to a very few of the larger States, is true as a statistical exercise. But as a practical matter it is not likely to occur. In reality, no Secretary of Transportation would make the mistake of supporting such an obvious inequity.

This is not to deny that the larger allocations from the urban mass transportation funds will go to the States having the largest cities and the largest urban population. This is the very nature of the program—it is an urban public transportation assistance program. But equally important to bear in mind is the fact that Federal aid is available to all urban places, and by far the majority of projects to date have been made to cities of less than 1 million people.

In view of the diverse needs exhibited by the various States, and in view of the tremendous economic and social impact which improved and efficient urban mass transportation can provide, I urge that some reasonable discretion be provided to our Government to distribute these funds. I urge that the amendment of the senior Senator from Colorado (Mr. ALLOTT) be adopted.

Mr. ALLOTT. Mr. President, if no other Senator wishes to speak, and the Senator from Wisconsin is willing, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Rhode Island (Mr. PELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 55, nays 31, as follows:

[No. 31 Leg.]

YEAS—55

Allott
Baker
Bayh
Bellmon
Bennett
Boggs
Brooke
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fannin
Goodell
Griffin
Gurney
Hansen
Hart
Hatfield
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mathias
McClellan
McIntyre
Miller
Murphy
Muskie
Pearson
Percy
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Ill.
Sparkman
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—31

Aiken
Allen
Anderson
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Eastland
Ellender
Fong
Fulbright
Hartke
Holland
Hollings
Hughes
Mansfield
McGee
McGovern
Mondale
Montoya
Moss
Nelson
Pastore
Proxmire
Smith, Maine
Spong
Stennis
Tydings
Williams, Del.

NOT VOTING—14

Dodd
Goldwater
Gore
Gravel
Harris
Long
McCarthy
Metcalf
Mundt
Packwood
Pell
Prouty
Saxbe
Yarborough

So Mr. ALLOTT's amendment was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS and Mr. TOWER moved to table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The committee amendment is open to further amendment.

If there be no further amendment to be proposed, without objection the committee amendment in the nature of a substitute, as amended, is agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I ask for third reading.

The bill was ordered to be engrossed for a third reading, and to be read a third time.

The bill was read the third time.

Mr. MURPHY. Mr. President, today, we have a very important measure before us, the Urban Mass Transportation Assistance Act of 1969. I strongly support the bill and urge its prompt enactment.

It was in 1956 that President Eisenhower urged the construction of the Nation's Interstate Highway System. This system, of which over one-half is completed, has provided the Nation with an outstanding system of roads. It has substantially strengthened our Nation, improved our economy, and benefited our people. The Interstate System will long stand as a monument to the vision of President Eisenhower. This system has made possible the great mobility of our people who are able to travel quicker, easier, and with greater safety as a result.

Given the congestion and transportation problems confronting the country today, one shudders to think of how bad the situation would be if we did not have the Interstate System.

The urban congestion with the accompanying hours wasted in travel and the contamination of our urban environment has resulted from many factors such as:

First, more people: The population of our metropolitan areas was 113 million 10 years ago; in the next 10 years, the population of these areas is expected to increase to 172 million, an increase of 52 percent over the 1960 figure.

At the present rate of population growth we can expect in 30 short years a country of 300 million Americans, 90 percent of whom will reside in the cities.

Second, more cars: The number of automobiles in the Nation are expected to grow even more rapidly than our population. There were 74 million motor vehicles registered in the country 10 years ago; in the next 10 years the number of vehicles will increase to 120 million or a 62-percent increase over the 1960 registration figure. This results from both the expansion of automobile ownership among American families—79 percent of the American families owned an automobile in 1968—and the growing number of two-car families—26 percent of our families owned two cars in 1968. By the year 2000 the Banking and Currency Committee estimates that there will be 75 million passenger cars in urban areas alone.

Third, more miles traveled: Even more dramatic than the increase in population and the growth in motor vehicle registration is the dramatic projected increases in miles traveled by all vehicles in urban areas. Ten years ago the figure was 332 billion miles; 10 years from now the estimate is 770 billion miles, an increase of over 130 percent since 1960.

Given this population growth and the increased urbanization, one might have expected increased use of public transportation. As we know, such has not been the case.

We are told that there are many reasons for the decline in the use of public transportation among which include:

First, the convenience and privacy of the automobile which is available at our door whenever we want it and ready to take us wherever we want to go.

Second, the movement from the central city to the suburbs. Our people, rather than being concentrated on or near major road arteries in the downtown city, are now dispursed and scattered in low-density housing in suburbia; third, the imbalance of support for our transportation systems; and fourth, the general deterioration of our central cities as well as the rising crime rates within many of them.

The decline in the number of passengers has been one of the main problems of mass transportation in the country. President Nixon, in his August 7 transportation message, described the mass transportation situation in the Nation as follows:

> In the last thirty years urban transportation systems have experienced a cycle of increasing costs, decreasing funds for replacements, cutbacks in service and decrease in passengers. Transit fares have almost tripled since 1945; the number of passengers has decreased to one-third of the level of that year. Transit industry profits before taxes have declined from 313 million in 1945 to 25 million in 1967. In recent years 235 bus and subway companies have gone out of business. The remaining transit companies have progressively deteriorated. Today they give their riders fewer runs, older cars and less service.

The interstate road system in 1965 helped the Nation to meet the transportation needs of its growing population. Without the Interstate System our roadways would be, not merely congested, but paralyzed. But to paraphrase Alice in Wonderland, "we have been building as fast as we can to stay even." Illustrative of this is the fact that one-half of the central business district in my city of Los Angeles is diverted to highways, streets, parking lots.

It is time in my judgment, for the Nation to shape a balanced transportation system. I believe that President Nixon's transportation message proposing a $10 million, 12-year program to "make public transportation an attractive alternative to the private car use" will be recognized as containing the same vision, the same foresight as President Eisenhower's Interstate System of the fifties. Clearly, our transportation system has not been balanced in the past as illustrated by the fact that total Federal expenditures on mass transportation since 1964 were less than the Federal expenditures on urban highways in a 2-month period. A further illustration of this imbalance is the fact that in 1969 there are 55 employees in the Urban Mass Transportation Agency compared with 5,500 in the Federal Highway Administration.

Mr. President, thus, if we are to give State and local governments the options they need to shape the total transportation system that best serves their citizens, we must and should enact this bill, the Urban Mass Transportation Assistance Act of 1969. Governor Reagan and other State and local officials have written to me with respect to this measure. They have endorsed it and have called for both greater efforts and resources for mass transportation and, importantly, assurances that there would be a firm commitment of continued Federal support. In other words, we must devise a program that does for mass transportation what President Eisenhower's Interstate System has done for our road system. President Nixon has done that in the bill before us providing contract authority to put public transportation on the same sound, long-time footing as was the highway program. S. 3154, as reported:

Declares the congressional intent to provide $10 billion over the next 12 years for expanded mass transportation programs;

Provides $3.1 billion for contractual obligations available immediately. Appropriations, however, to liquidate the contractual obligations would be progressively increased from $80 million in fiscal year 1971 to $1.86 billion at the end of fiscal year 1974. Thereafter the limit would be a maximum $3.1 billion;

Requires additional authorization request every year until 1978 to make certain that Federal commitment is met or exceeded;

Authorizes 10-year loans for land acquisition to help meet the problem of rising land costs and speculation; and

Changes the $12.5 million discretionary fund in the 1964 Mass Transit Act to a fund made up of 15 percent of the aggregate amount of funds authorized under this new program.

This latter provisions would have been very important to California since we have reached the maximum limit. I was, therefore, exceedingly disappointed that the Proxmire amendment deleting this provision was adopted yesterday. I was pleased that the Senate just adopted the Allott amendment, reversing the unwise action of yesterday, and increasing the discretionary funds somewhat.

I have supported the extension of the mass transportation program both in 1966 and 1968. I am pleased today to strongly support this substantial commitment by the Federal Government toward a "balanced transportation system." There are many positive benefits that should flow from the enactment of this legislation including, first, in the words of President Nixon, the making of "public transportation an attractive alternative to the car"; second, helping many of the Nation's low-income citizens who do not own an automobile to have adequate transportation as well as access to jobs, many of which have moved to the suburbs; third, helping the two out of five senior citizen households who lack an automobile and thus are adversely affected by the congestion and inadequate transportation system that exists; and fourth, helping to end the pollution of our cities in which the automobile in many cases is the principal culprit.

President Nixon in his state of the Union address rightfully gave great attention and emphasis to the quality of American life. He rightly denounced and pledged an end to the growing menace of pollution. This bill can help contribute to the enhancement of our total environment as well as to the reduction of pollution from automobiles in our cities. I, of course, am very proud that probably the most advanced mass transportation system in the country that will be inaugurated in one of the world's favorite cities, San Francisco, Calif., in late 1971 or early 1972. This 75-mile system will tie together the bay area communities, shrinking traveltime among them. For example, the traveltime between Oakland and San Francisco will be cut from the present 45 minutes to 9 minutes. Evidence that I have seen indicates that the system is going to be of great economic benefit to the city and the surrounding cities and communities as well as to the citizens of that beautiful part of a beautiful State.

In addition, there are other illustrations that mass transportation systems will work. In San Diego, another great and beautiful city in California, the introduction of 100 new federally financed buses was followed by an increase of 13.4 percent in transit riding between 1967 and 1968. Thus, we in California are looking forward to participating in the

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program and we are convinced it will be of great benefit to both California and the country.

One final example of mass transportation systems that are working is the Metroliner. From all reports I have seen, this is a success, also.

Thus, Mr. President, I believe this bill will be an important measure, not only to my State of California, but for the entire Nation. It is a fitting proposal to make us ready for the growth and challenges of the seventies.

Mr. SCOTT. Mr. President, I welcome this opportunity to support S. 3154, the Urban Mass Transporation Assistance Act of 1969. Congress, with this bill, has the opportunity to initiate a comprehensive, ongoing program of Federal assistance for the expansion and improvement of urban mass transportation systems. S. 3154 will provide a means of vastly improving the quality of urban life. For with greatly improved public transportation will come also the opportunities, incentives, and capabilities of finding solutions to other major urban problems as well.

To meet this challenge, S. 3154 will commit the Federal Government to a $10 billion expenditure for urban mass transportation over the next 12 years. Long-term Federal funding will be assured by keeping this program on a continuing 5-year basis. In the first 5 years alone, a total of $3.1 billion will be specifically authorized for obligation by means of contractual obligation, and this obligational authority will become immediately available upon enactment. Thus, our States and cities will be able to undertake, with assurance, the construction of new and improved mass transportation facilities.

It should be emphasized that State and local governments, including certainly those in Pennsylvania, have acted, and will act, to meet their share of this need. However, the financial burden cannot be met by the States and cities alone. Current mass transit funding at the Federal level, amounting to $175 million annually, is simply too small to meet the vast capital requirements for improvements needed in metropolitan regions throughout the Nation.

The Philadelphia and Pittsburgh metropolitan areas, the two most densely populated areas of my Commonwealth of Pennsylvania, serve to illustrate this point. For these two cities alone, it has been estimated that a minimum of $470 million in assistance from the Federal Government will be required in the next decade for capital improvements to bus and rail transportation systems. New systems, incorporating new concepts and innovations, are planned. Total costs, including State and local shares, may well exceed $700 million. Not only in these cities, but in cities throughout the Nation, the voters will want to know that the Federal Government is willing to contribute. And they will want assurance that Federal commitments will be fulfilled.

S. 3154 will overcome two serious deficiencies in existing Federal law. The $3.1 billion, immediately authorized for obligation, will help to bring our transportation system into balance. Cities, large and small, will benefit from a more meaningful level of funding.

Of vital importance also is the fact that Federal assistance will be available on a long term continuing basis. For only with the assurance of continuity can local authorities proceed with confidence to undertake major projects of several years' duration.

Mr. President, the share paid by local governments in such projects comes usually from the issuance of general obligation bonds approved by the voters through referendum. This method of local share financing, however, is meaningless without a long-term commitment on the part of the Federal Government. In recent months, large rapid transit construction projects in Seattle, Atlanta, and Los Angeles have been narrowly rejected by the voters at the polls. In each case, local experts have attributed the failure of the bond issue to the uncertainty of Federal aid. Citizens who seemed otherwise willing to tax themselves to the limit for a needed improvement were simply unwilling to gamble on the uncertainty of continuing Federal support.

The transit industry has to maintain long-range plans; it needs to anticipate urban growth and mobility requirements. Nor is this need for advance planning limited to multimillion-dollar construction projects. It is equally important in all-bus operations, which must adjust complex schedule and route structures to conform to changing patterns. Advances in transit technology must be coordinated with highway construction plans which require both years to build and major capital commitments.

Improved public transportation is vital to the survival of urban communities. The problem is not technological, alone. Public transportation operators, public officials and industry have the plans, the hardware and the productive capacity at their disposal to begin now.

The immediate problem, Mr. President, is money. Local communities and States are making massive commitments on their own. What is needed is a major commitment by the Federal Government. S. 3154 meets this need, and I urge its enactment.

Mr. WILLIAMS of New Jersey. Mr. President, I yield back my time on the bill.

Mr. TOWER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill is yielded back.

Mr. MANSFIELD and other Senators requested the yeas and nays on passage.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Rhode Island (Mr. PELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Rhode Island (Mr. PELL), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 84, nays 4, as follows:

[No. 32 Leg.]

YEAS—84

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Fannin
Fong
Fulbright
Goodell
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—4

Allen
Bellmon
Ellender
Ervin

NOT VOTING—12

Dodd
Goldwater
Gore
Gravel
Harris
Metcalf
Mundt
Packwood
Pell
Prouty
Saxbe
Yarborough

So the bill (S. 3154) was passed, as follows:

S. 3154

An act to provide long-term financing for expanded urban mass transportation programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that new directions in the Federal assistance programs for urban mass transportation are imperative if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved; and that success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative

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necessary to satisfy its urban mass transportation requirements.

Sec. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended by—

(1) redesignating subsection (c) as subsection (e); and

(2) striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within 30 days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within thirty days thereafter the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased which have maturity dates in excess of forty years.

"(d) Any State or local public body or agency thereof which makes applications for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall certify to the Secretary that it has held public hearings, has afforded adequate notice of such hearings, has considered the economic and social effects of the project for which application for financial assistance is made and its impact on the environment, and has found that the project is consistent with any plans for the comprehensive development of the urban area. The notice required by this subsection shall include a concise statement of the proposal for which the application is made and may be published in a newspaper of general circulation in the State or locality to be served, and shall be published in the Federal Register, and for the purpose of this sentence the Administrator of the General Services Administration shall accept and publish any such notice. Hearings need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant economic, social or environmental interest in the matter requests a hearing. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the certification."

Sec. 3. (a) Subsection 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended by—

(1) striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1 1975 and not to exceed an aggregate of $3,100,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1969. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

Sec. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following sentence: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

Sec. 5. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"Sec. 14. (a) It is hereby declared to be the national policy that urban mass transportation projects for which Federal financial assistance is provided pursuant to section 3 shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy the Secretary shall consult with the Secretaries of Health, Education, and Welfare, Housing and Urban Development, and Interior and with the National Environmental Quality Council with regard to each such project that may have a substantial impact on natural resources including, but not limited to water and air quality, peace and tranquility, and fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social or environmental interest and that the environmental considerations identified at the hearing have been adequately dealt with in the project application. The Secretary shall not grant financial assistance under section 3 for any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located.

"(c) If opposition to any application for assistance under section 3 is raised in the hearing before the State or local public agency, or in any communication to the Secretary, on the grounds that the environment would be adversely affected by the project to which the application relates, the Secretary shall not approve the application, unless he finds in writing after a full and complete review of the record of such hearing and of the application, that (1) no adverse environmental effect is likely to result from such project, or (2) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct a hearing, including adequate notice to interested persons, on the environmental issue raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

SEC. 6. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"SEC. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be approrpiated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter the contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made on or after July 1, 1970, under section 3 for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under subsection 4(c), except that 11½ per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated; and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States, but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

SEC. 7. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

SEC. 8. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1969".

The title was amended so as to read: "A bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes."

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make any necessary clerical and technical changes in the engrossment of the bill (S. 3154). I also wish to thank all of the Senators who participated in the debate on this most important legislation, especially the junior Senator from Texas (Mr. TOWER), and the senior Senator from Florida (Mr. HOLLAND).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate's overwhelming adoption today of the urban public transpotration measure is an accomplishment in which we may all take great pride. The outstanding job done by the distinguished Senator from New Jersey (Mr. WILLIAMS) in guiding this very important and innovative bill through the Senate deserves special commendation. Senator WILLIAMS' expert and expeditious handling of the transportation bill played no small part in the thorough and thoughtful debate during the past 2 days. We are greatly indebted to Senator WILLIAMS, to the able chairman of the committee, the distinguished Senator from Alabama (Mr. SPARKMAN), and to the Senator from Texas (Mr. TOWER), the ranking minority member of the Housing and Urban Affairs Subcommittee. They together joined in a cooperative effort that was indispensable to the success of this measure.

I would like to recognize, also, the many other Senators whose thoughtful views and approaches to this grave problem of urban transpotration contributed greatly to the debate. Senators CRANSTON, PROXMIRE, ALLOTT, and HART are all to be commended in this respect. There are others also and for the part they played in bringing this measure to such overwhelming approval they deserve the highest commendation of the Senate.

AMENDMENT OF THE FEDERAL CREDIT UNION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 512, H.R. 2. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

SECTION 1. Section 2 of the Federal Credit Union Act (12 U.S.C. 1752) is amended by striking out paragraphs (2) and (3) thereof and inserting:

"(2) the term 'Administrator' means the Administrator of the National Credit Union Administration;

"(3) the term 'Administration' means the National Credit Union Administration; and

"(4) the term 'Board' means the National Credit Union Advisory Board."

SEC. 2. The Federal Credit Union Act is further amended (1) by changing "Director" to read "Administrator" each place it appears therein; (2) by changing "Bureau of Federal Credit Unions" to read "National Credit Union Administration" each place it appears therein; and (3) by changing "Bureau", each remaining place it appears, to read "Administration".

SEC. 3. Section 3 of the Federal Credit Union Act (12 U.S.C. 1752a) is amended to read:

"CREATION OF ADMINISTRATION

"SEC. 3. (a) There is hereby established in the executive branch of the Government an independent agency to be known as the National Credit Union Administration (hereinafter referred to as the 'Administration'). The Administration shall consist of a National Credit Union Advisory Board (hereinafter referred to as the 'Board'), and an Administrator of the National Credit Union Administration (hereinafter referred to as the 'Administrator').

"(b) The Administrator shall be appointed by the President, by and with the advice and consent of the Senate. He shall be the chief executive officer of the Administration and shall serve at the pleasure of the President.

"(c) The Board shall consist of a Chairman and one member from each of the Federal credit union regions to be appointed by the President, by and with the advice and consent of the Senate. The Chairman shall be appointed from the country at large and shall serve at the pleasure of the President. In making appointments to the Board, the President shall consider, along with other relevant criteria, the experience of the person to be appointed in the credit union movement.

"(d) The term of office of each member of the Board, other than the Chairman, shall be six years. However, the initial terms of the members first taking office shall expire as follows: one on December 31, 1970, and one at the end of each succeeding calendar year thereafter. Of the members so appointed, the President shall designate one to serve as Vice Chairman for a term expiring upon the ex-

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piration of his term as a member, or upon the expiration of the then current term of the Chairman, whichever is earlier. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman. Any member of the Board may continue to serve as such after the expiration of his term of office until his successor has been appointed and has qualified.

"(e) The President shall call the first meeting of the Board, and thereafter the Board shall meet on a quarterly basis, and at such other times as the Chairman or the Administrator may request, or whenever one-third of the members so request. The Board shall adopt such rules as it may see fit for the transaction of its business and shall keep permanent and complete records and minutes of its acts and proceedings. A majority of the voting members of the Board shall constitute a quorum. The Board shall advise, consult with, and give guidance to the Administrator on matters of policy relating to the activities and functions of the Administration under this Act. The members of the Board shall be entitled to receive compensation at the rate of $75 for each day engaged in the business of the Administration pursuant to authorization by the Chairman, and shall be allowed travel expenses including per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(f) The financial transactions of the Administration shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the Administration are kept."

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SEC. 4. Section 21 of the Federal Credit Union Act (12 U.S.C. 1766) is amended by adding at the end thereof a new subsection as follows:

"(i) In addition to the authority conferred upon him by other sections of this Act, the Administrator is authorized in carrying out his functions under this Act—

"(1) to appoint such personnel as may be necessary to enable the Administration to carry out its functions;

"(2) to expend such funds, enter into such contracts with public and private organizations and persons, make such payments in advance or by way of reimbursement, and perform such other functions or acts as he may deem necessary or appropriate to carry out the provisions of this Act; and

"(3) to pay stipends, including allowances for travel to and from the place of residence, to any individual to study in a program assisted under this Act upon a determination by the Administrator that assistance to such individual in such studies will be in furtherance of the purposes of this Act."

SEC. 5. (a) Section 5108(c) of title 5 of the United States Code (relating to the classification of positions at GS–16, 17, and 18) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (9) a new paragraph as follows:

"(10) the Administrator of the National Credit Union Administration may place a total of six positions in GS–16 and one position in GS–17 in the National Credit Union Administration."

(b) Section 5315 of title 5 of the United States Code (relating to positions at level IV of the Executive Schedule) is amended by adding at the end thereof the following:

"(92) Administrator of the National Credit Union Administration."

SEC. 6. (a) All functions, property, records, and personnel of the Bureau of Federal Credit Unions are transferred to the National Credit Union Administration created by this Act.

(b) The Director of the Bureau of Federal Credit Unions in office on the date of enactment of this Act shall serve as acting Administrator of the National Credit Union Administration pending the appointment of an Administrator in accordance with section 3 of the Federal Credit Union Act as amended by this Act.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, will the majority leader yield to me briefly?

Mr. MANSFIELD. I am happy to yield.

Mr. GRIFFIN. Mr. President, I have asked for this time to inquire of the majority leader whether he might indicate what is expected for the rest of the day.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. Mr. President, I take this time to inquire of the majority leader what the plans are for the rest of the day, and for the rest of the week, if he can tell us?

Mr. MANSFIELD. Mr. President, it is my understanding that an amendment will be offered to the pending bill by the distinguished Senator from Utah (Mr. BENNETT). The Senator from Utah and the chairman of the committee, the distinguished Senator from Alabama (Mr. SPARKMAN) have agreed not to bring up the bill this evening, which might run us into a late hour because of the fact that the distinguished senior Senator from California (Mr. MURPHY) has a speech which he wishes to make and has been waiting patiently to make. They have agreed to, and the joint leadership has acquiesced in, a unanimous-consent request, as follows:

I ask unanimous consent that, at the conclusion of morning business tomorrow, and after conclusion of the opening statements on the bill, there be a 1½-hour limitation on the Bennett amendment, the time to be equally divided between the Senator from Utah (Mr. BENNETT) and the Senator from Alabama (Mr. SPARKMAN), or whomever they may designate, and that there be a limitation of 1 hour on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That, effective on Wednesday, February 4, 1970, at the conclusion of routine morning business, and after the opening statement during the further consideration of the bill, H.R. 2, an act to amend the Federal Credit Union Act, debate on the amendment to be offered by the Senator from Utah (Mr. BENNETT) be limited to 1½ hours to be controlled by the Senator from Utah and the Senator from Alabama (Mr. SPARKMAN) or their designees.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders.

Mr. MANSFIELD. So there will be no further votes tonight. Following the disposition of H.R. 2, it is intended to proceed to the consideration of Calendar No. 627, H.R. 514, an act to extend programs of assistance for elementary and secondary education and for other purposes. It is my understanding that this measure will take some time. There will be no filibuster, I have been informed, but there will be extended debate.

It is a possibility that the Senate may meet this Saturday, depending on events. If we do come in on Saturday, there will at least be a live quorum call, and it is hoped some votes as well.

THE ALABAMA SHERIFFS' BOYS' RANCH

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article that has been called to my attention by Mr. J. Edgar Hoover, the Director of the FBI, entitled "An Organization With a Heart," written by J. Wilson Baker, sheriff of Dallas County, Selma, Ala., and published in the FBI Law Enforcement Bulletin for February 1970.

The article deals with a boys' ranch which the Alabama sheriffs have been sponsoring for several years. It is most successful. Certainly it can be a partial solution to some of the troubles that we have today with delinquents, and make real men out of such boys instead of having them run wild. I believe everyone will enjoy reading this brief article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ORGANIZATION WITH A HEART

(By J. Wilson Baker)

For 30 boys, a sprawling 700 acres of fields, pasture, and timberland in south Dallas County is home—just about the finest home a boy could have. These boys live at the Alabama Sheriffs' Boys Ranch, where they are helping to prove the sheriffs' credo that "It is easier to build a boy than to repair a man."

The ranch project was adopted by the Alabama Sheriffs' Association in 1960, but it was not until October 1966 that the first two boys moved in. During those years of waiting, the sheriffs had to lay a sound foundation for their project—and they had some rough obstacles to overcome.

First they had to win the support of the residents of the rural communities near the site they had selected for the ranch. Some of the people were bitterly opposed to having "a bunch of tough juvenile deliquents" moving in as their neighbors. Even when the local people were assured that the ranch would in no way be a reform school and that no boys with criminal records would be living there, they still were not very happy. Now that they have become familiar with the program and have met the boys, the neighbors at the boys ranch are among the institution's most enthusiastic boosters.

After winning the support of the community, it was necessary for the sheriffs to acquire adequate land, raise the funds needed for construction of buildings and for long-range care of the boys, employ and train a staff, and begin clearing the site.

Each sheriff began spreading the story of the proposed ranch in his own county and soon the public contributions started coming in—enough to acquire the land and to complete the initial all-purpose building.

In this first building, constructed to conform to the sloping terrain, are a large family room with an open fireplace, dining room, kitchen, pantries, rooms (not dormitories) for the boys, and quarters for the houseparents.

The first two boys—not bad boys, not boys in trouble, but troubled boys who needed the security of a home with adults to provide love, guidance, and discipline—arrived in October 1966.

By Christmas enough boys had arrived to have a big celebration. For some of the boys, it was their first real Christmas. With the help of visiting sheriffs, they went into the woods and cut their own tree, a giant cedar, which they set up by the fireplace in the family room. The sheriffs' wives helped with the decorations.

Sheriffs and their families from throughout the State paid preholiday visits to the ranch and brought with them gifts for the boys, contributions for the ranch building fund, farm implements, building materials, household items, bicycles, clothing, books, and other things needed at the ranch. That first Christmas set the pattern for the others to follow.

Now there are 30 boys between the ages of 10 and 17 living at the ranch. There is a waiting list with more than 200 names of boys who need the type of care the ranch provides.

"We're proud of our boys, and we're pleased with the progress Boys Ranch is making," says Don Acton, administrator for the ranch, "but when I look at that waiting list and realize how great the need is, I know that we must not be satisfied until these boys—and other boys like them—have a decent place to grow up."

Boys at the ranch have horses of their own and they are responsible for the care of the animals. They also have dogs, cats, and other pets, including calves in the herds of purebred cattle grazing on their pastures.

Each boy has definite chores assigned to him, and each learns to work on his own, as well as in groups. It is not "made" work. They do work which is essential to the welfare of the entire ranch. They string fences, plant crops, bale hay, tend shrubs and flowers, clear land, cut wood, assist in construction work, care for their own rooms, and help with whatever their houseparents ask them to do.

Schools, once somewhat reluctant to enroll the boys, now welcome them as students, and their names appear on honor rolls (there is supervised study at the ranch every night during the school year), on football rosters, in musical groups, and in other school and community activities.

These fortunate boys, the ones the ranch is able to provide a home for, are chosen on the basis of need. To be admitted, a boy must be recommended by the sheriff or a juvenile court official from his home county. Then, with the aid of the Alabama Child Welfare Department, members of the admissions committee of the Board of Trustees of Boys Ranch study each case and make the final decisions on which boys can come immediately to the ranch and which must wait a little longer.

"It's never an easy decision," Acton says. "The great danger is that while he's on a waiting list, before we can do anything to help him, a boy may get into serious trouble. That's why it's urgent for us to get more money so that we can expand our program and take care of more boys. We here at Boys Ranch know it's easier to build a boy than to repair a man."

OIL IMPORT CONTROLS

Mr. MURPHY. Mr. President, full discussion of public issues is always desirable, always to be encouraged. Yet it seems to me that the longer consideration of proposed changes in oil import controls goes on, the further it gets from the real issue.

I have been conscientiously trying to follow both sides in this discussion, as, I am sure, have my colleagues and other concerned Americans. And I feel that many must share my feeling of bewilderment about the course of this debate.

Getting back to basics, why was the oil import control program established by President Eisenhower? Why was it maintained in effect by Presidents Kennedy and Johnson? Why is it being continued by President Nixon, pending his own conclusions from the Cabinet-level review of the program, which he initiated soon after taking office?

When President Eisenhower issued the proclamation that imposed mandatory oil import controls in 1959, he gave this explanation of his reasons:

> The new program is designed to insure a stable, healthy industry in the United States capable of exploring for and developing new hemisphere reserves to replace those being depleted. The basis of the new program . . . is the certified requirements of our national security which make it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States.

Has anything happened since 1959 to make a viable domestic petroleum industry less essential to the Nation's military and economic security?

INTERIOR DEPARTMENT'S VIEW

Let me reply to this question by quoting from the report of the Department of the Interior to the Cabinet Task Force on Oil Import Control. The Interior Department said:

> Our national requirements for petroleum are large and increasing each year; by 1980, United States needs will exceed 19 million barrels a day. Efficient distribution of this tremendous volume of liquids requires that our daily needs be meet through a continuous flow of gasoline, aviation fuels, burning oils and other products from wellhead, through refineries and distribution systems, to consumers' tanks. A serious interruption of this flow would very quickly result in curtailed deliveries to consumers. With proper advance planning, the loss of 10 percent of our petroleum supplies could be accommodated by rationing, but a more severe interruption would soon create fuel shortages which would seriously interfere with industrial production, with essential transportation of goods and workers, and with military operations.
>
> Unfortunately, interruptions of world flows of petroleum do occur—at least six instances can be cited since World War II—and emergency planning must provide for such contingencies. By whatever means chosen, the security of supply to meet 90 percent of demand must be assured.

DEFENSE DEPARTMENT'S REPORT

The strictly military reaction to this same question was contained in the report of the Department of Defense to the Cabinet Task Force. Let me quote the Defense Department's response:

> The very chance of success or failure in any conflict hinges on oil. As a matter of fact, the most striking point of commonality between the major weapon systems of the military departments is the thirst for oil. Subsonic tactical aircraft are being replaced by supersonic fighters which burn two to three times as much fuel per hour as the jet fighter used in the Korean conflict. The continuing mechanization of Army equipment and greater mobility of its troops assure a steady increase in its fuel requirements. While some Navy ships are now propelled by nuclear power, it will be many years before there is any appreciable decrease in the Navy's petroleum requirements.

The Defense Department's report also said:

> U.S. domestic petroleum capability must be available to meet military need in case normal foreign sources are denied. These denials can take many forms. For example, a denial of a supply source in a normally friendly country, which may not at the time be in sympathy with our cause, can be just as final as the destruction of those sources by enemy action.

Many other statements in the report reinforce those just quoted, but these excerpts should be enough to bring out the point. The military necessity of an assured petroleum supply must be kept in the forefront of any discussion of oil import controls if that discussion is to follow responsible lines.

If we were talking about the Nation's food, there would be no debate, no dispute about the importance of an assured supply. But in these days of mechanized agriculture, crops cannot be planted or harvested without oil. And neither can the products of our farms be transported to consumers without petroleum. Our Nation now depends upon oil and gas for three-fourths of its energy. Without this energy it would be immobilized, paralyzed, unable to defend itself or to maintain a peacetime economy. This is the central issue of the oil imports discussion.

THE QUESTION OF COSTS

I do not deny that costs are a legitimate part of this discussion. I am willing to talk costs and to have opponents of the program freely talk costs. But let us keep the discussion within the realm of logic. Let us not indulge in mathematical melodramatics. It seems to me that this cost question was fairly and intelligently presented by Under Secretary of the Interior Russell E. Train in an address before the American Petroleum Institute last November 11.

Secretary Train pointed out that there is a distinction between the cost of the oil import control program to the consumer and its resource cost. He explained that the consumer cost is "measured by the increased price the consumer of oil products must pay because of the existence of an oil security program." He said:

> The resource cost, measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States.

Secretary Train continued:

> In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as seven bil-

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> lion dollars based on 1975 use rates, compared with resource cost of about one billion dollars annually. But it is this lower figure—the net cost to the nation after all the transfers from one American pocket to another have been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security.

I think when the cost factor is presented in these complete and balanced terms, the issue is brought into clear focus—the stakes are plainly shown. And if I know the American people, I am convinced that they would never want to gamble with their security, their freedom, their country's independence on foreign policy, or its defense capability for the short-term promise of cut-price foreign oil.

Let us explore this matter of low-cost foreign oil. It is a fact that imported oil costs considerably less to produce than the output of our domestic fields. Oil from the Middle East, for instance, can be delivered to the east coast of the United States for about $1.25 a barrel less than our domestic output. On the west coast the price differential between domestic production and imports from overseas is somewhere between 75 to 85 cents per barrel.

The chief reason for this price differential—very simply—is that the oil fields of the Middle East are enormously more productive than anything yet developed in the United States. An average Middle Eastern well produces between 5,000 to 10,000 barrels of oil a day. Using my own State for a comparison: Average daily production per well in 1968 was less than 25 barrels.

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In short, foreign oil is cheaper because foreign fields just happen to be larger and more prolific. It is an accident of geology that no one can do anything about. But if a change in U.S. policies prevented large numbers of domestic producers from continuing to operate in the face of foreign competition, then we might see some sharp changes in the price of imported oil.

The price now being charged is a competitive price. It is a price meant to look attractive in comparison with what is charged for our domestic output. But if that domestic output started to shrink significantly, what would happen to the price of foreign oil? What would happen if that imported oil no longer had to compete with domestic output, but was the bulk of the petroleum available to meet the energy needs of the American people?

LOSS OF BARGAINING POSITION

John G. Winger, vice president of the Chase Manhattan Bank, addressed himself to this question in a recent memorandum. Mr. Winger's estimates were based on an anticipated change in the oil import control program that would depress the price of domestic crude oil by 30 cents per barrel. Such a price change, he estimated, would reduce the domestic industry's expenditures in the search for oil and gas by some $50 billion over the next 11 years. That is, according to his calculations, instead of spending $70 billion on this search in the United States between now and 1980, the industry would be in a position to spend a maximum of only $20 billion.

Mr. Winger went on to say:

> There is a long standing direct relationship between capital dollars devoted to the search for oil and gas and the amounts of each actually found. And if spending were curtailed as indicated, the domestic industry's ability to satisfy the nation's needs would decline at a precipitous rate. By 1980, the industry would be able to produce no more than 32 percent of the nation's requirements for oil. Conceivably, the other 68 percent could be imported—but surely at much higher prices than now.

He elaborated on the significance of this in these words:

> Together, the United States and Western Europe comprise 70 percent of the Free World's market for oil. Although Western Europe has always been largely dependent upon outside sources, it has had the United States to fall back on in the event its usual sources were cut off. And it has had to do this twice in the past thirteen years. But, if the United States were to become only 32 percent selfsufficient by 1980, the two regions together would be dependent upon foreign sources for more than three-fourths of their oil supplies. A development of that sort would provide a small number of producing nations with a tremendous bargaining advantage. And they could name their own price. But we should also be mindful that an unfriendly nation could easily destroy the producing ability of the major foreign oil sources and thereby cut both the United States and Western Europe off from most of their oil supply. A devastating blow could be dealt to both regions without direct military action being involved.

Kenneth E. Hill, senior partner of Eastman Dillon, Union Securities & Co., also expressed the view that any significant relaxation of oil import controls could lead to an increase in the cost of foreign oil. This is how he described the situation in testifying before the Senate Subcommittee on Antitrust and Monopoly on May 27, 1969:

> As the U.S. became increasingly dependent on foreign petroleum, due to the decline of its own industry, the cost of this overseas oil would inevitably increase. The foreign producing countries already have an organization formed for the purpose of getting higher prices for their oil. This Organization of Petroleum Exporting Countries—or OPEC—has been somewhat frustrated to date by the fact that the U.S. is not dependent on its member countries for oil. But as our domestic industry declined in productive capacity, I believe the demands of OPEC would go up . . .
>
> Our dependence on foreign governments for our oil would take away much of our initiative in foreign policy. Our expenses in buying this oil—at a price that would rise in proportion to our dependence on it—would mean a steady drain on our economy. The balance of payments problems that have given our government trouble in recent years would be enormously magnified by the consequences of ending import controls.

The balance-of-payments aspect of the issue was also brought out in a letter recently sent to President Nixon by 80 Members of the House of Representatives. This letter, which expressed strong support for the oil import control program, said:

> Oil imports now constitute the largest commodity deficit item in our balance of trade, totalling $2.6 billion annually. If the import level is increased, the serious balance of payments problem will be further aggravated.

Testifying before the Subcommittee on Antitrust and Monopoly on May 29 of last year, Capt. Theodore Sanders Stern, U.S. Navy, retired, shed some light on another problem that would arise with increasing dependence on foreign oil. He said:

> If the United States becomes overly dependent on foreign oil, it will lose not only its economic option, but its political, diplomatic, and military options, as well. It would hardly be in our national interest to have no other choice than to fight.
>
> It is worth noting here that some of the dollars we allegedly would save by importing cheap foreign oil would have to be spent to protect our foreign sources and facilities. The greater the dependency, the greater the need to show the flag in areas we are dependent on. If we increase our dependency, it stands to reason that we will have to multiply costs of this kind also.

THE "HIBERNATION" THEORY

Some opponents of the existing program of oil import controls have suggested what looks like a simple solution to the whole issue. They advocate relaxing import restrictions and bringing in floodtides of foreign oil, meanwhile keeping the domestic producing industry in a state of hibernation. Should an emergency arise, advocates of this theory believe the domestic producing industry could be awakened and put back to work to meet the crisis. This plan may sound fine in theory; in practice it just would not work.

A domestic oil producing industry cannot be turned on and off like a faucet. There are complex technical reasons that make this impractical. Idle equipment in producing fields would deteriorate so it could no longer be used. Billions of barrels of oil would be lost in the ground because recovery was either technically or economically impossible.

Furthermore, people who work in the oil industry have to eat and pay their bills just like the rest of us. If domestic oil fields were closed down in favor of foreign imports, these highly trained and skilled petroleum production workers would be forced to find new careers in other lines of activity.

So if we had to revive our domestic oil production in an emergency—we would have to start from scratch. New workers would have to be recruited and trained in the techniques of oil exploration, development, and production. This in itself would take months and perhaps years of time. More years and many billions of dollars would be consumed in finding and developing oil fields to make up the reserves that were lost in the ground, or never discovered, in the dormant period. This in itself is quite a factor because it takes from 3 to 7 years—typically—to develop an oil discovery into full production.

Emergencies do not normally give that much advance warning. Most of us remember how quickly the country had to mobilize after the Pearl Harbor attack.

Considering the importance of petroleum energy to the United States, our thoughts should logically be directed to strengthening, and encouraging the domestic oil and gas producing industry.

But instead, the whole tendency seems to be for cutting it down, weakening and hindering its efforts to do the job needed by and for the American people.

The tax reform bill enacted in the first session of this Congress adds about half a billion dollars a year to the petroleum industry's tax bill. In the early stages of formulating this legislation, the chairman of the House Ways and Means Committee went on record with a warning that the combination of higher taxes and a relaxation of oil import controls could have serious consequences. I quote directly from the telegram Congressman MILLS sent to the Task Force on Oil Import Control last July. He said:

> If, at the same time Congress is reducing depletion allowances, it develops that imports of oil are increased, the combination of the two could be injurious to the development of further reserves in the U.S.

I believe this warning should be noted by all who have a responsibility for or are concerned about the military and economic security of the United States.

DEMANDS UPON THE INDUSTRY

Amid all the controversy about the petroleum industry these past months, one indisputable fact stands out. The fact is that America's petroleum producers face their greatest challenge in finding and developing the oil and gas reserves needed by the American people for the 30 years remaining in this century.

According to Interior Department estimates, domestic demand for oil and gas will increase by 100 percent between now and the century's end. The U.S. Geological Survey reports that we have huge undiscovered petroleum resources within our boundaries to meet the projected rising demand. But this oil and gas must be found before it is of any use to the consuming public. And finding and developing these reserves will require an enormous capital investment.

In the July 1969, Energy Memo, published by the First National City Bank of New York, Edward Symonds, senior economist, wrote:

> Looking ahead, it appears that oil companies may have to spend as much as $8,000 for every additional barrel/day of demand in the non-communist world. This would give rise to an estimated investment of over $200 billion to provide for the additional demand expected to arise over the next 11 years. This would be equivalent to as much as one-fifth of the total new financing by private industry in the United States. The need to meet such heavy capital calls will have far-reaching implications for the economy as a whole. It will also present a real challenge to company managements in devising a balanced financial package for the future.

Governmental policies that ignore the economic demands now facing the petroleum industry could hardly be considered practical or realistic. Policies formulated in disregard of the factual situation would disserve the Nation's consumers fully as much as they would hinder the performance of a vital enterprise.

SIGNIFICANCE TO CALIFORNIA

Let me be frank to admit that I have particular reasons for being concerned about the future of the domestic oil producing industry. California ranks third among all 50 States in oil production and second in refining. Furthermore, my State leads the Nation in oil consumption—meaning that Californians would be hardest hit by any disruptions of supply that could result from excessive dependence on imported oil.

I have no hesitancy in discussing my State's economic interest in preserving a healthy domestic oil producing industry. After all, Senators who have been most vocal in attacking oil import controls have been equally outspoken in advocating restrictions on imports that compete with their local industries. If they fail to see the inconsistency of their stand, it is very plain to the rest of us.

The issue of import controls is, as I have said, first and foremost a national security matter. But it also deeply involves the economies of some 32 petroleum producing States, including my own. The oil industry in California employs some 151,000 men and women in all its branches, with an annual payroll of more than a billion dollars.

Petroleum is produced in 32 of my State's 58 counties, and the industry's annual capital expenditures for exploration and production now amount to almost $200 million in California alone. Another $440 million is spent annually on production supplies and equipment in just this one State.

During 1968, bonuses, rents, and royalties paid by California's petroleum industry to Federal, State, and local governments and to private citizens added up to almost $622 million.

These figures make it clear that any policy changes with adverse effects on the petroleum industry are bound to have an impact on California's economy. We are going to be hurt by the provisions affecting petroleum and other mineral production in the new tax law. We, and the other oil producing States, are in no position to shake off another hard blow from a major change in the oil import control program.

THE TARIFF PROPOSAL

This does not mean I oppose any alteration in present oil import policies. I would support proposals that would strengthen and improve the program. But the ideas now being publicly discussed—and advocated to the President of the United States—go in the opposite direction. They would weaken and undermine the oil import program and, doing so, would weaken and undermine the domestic petroleum industry.

I refer particularly to proposals to substitute a system of tariffs for the present oil import controls. According to published reports, the idea of this tariff plan is to regulate—indirectly—the price of domestic crude oil. We have already had almost 16 years' experience with Federal regulation of natural gas prices—and the result is a potential critical supply shortage. So now it is being advocated that the same shortsighted policy be extended to crude oil. And from it we can expect the same kind of results.

Petroleum producers are still feeling the effects of a decade-long cost-price squeeze that has seriously retarded exploratory drilling and new discoveries. Instead of seeking to alleviate this problem, there seem to be strong tendencies to aggravate it—to intensify the economic pressures on oil and gas producers. One example of this tendency is found in the petroleum provisions in the tax bill enacted last year. Another example is this current proposal to substitute a system of tariffs for the present oil import control program.

The whole theory of using tariffs to put a ceiling on domestic crude oil prices appears completely unrealistic when there is no ceiling at all on producer's costs. These costs have been rising sharply year after year while crude oil prices have been in a slump and natural gas prices have been under Federal restrictions. It would seem to be a matter of elementary economics that people will not invest in petroleum exploration and production if cost-price relationships are such that they have a better chance of finding a pot of gold at the end of a rainbow than of making a profit in oil or gas.

Certainly it seems that the small producers, who are now just getting by with marginal wells, would be run out of the oil business entirely by this price-fixing tariff plan.

Some other persuasive objections to this proposal were outlined by Walter J. Levy, a well-known oil economist, in an interview that appeared in the New York Times of December 14. Mr. Levy was quoted as saying:

> Any approach to import policy has inevitably to resolve several key questions. First, the relative proportions of foreign and domestic oil that are deemed to be compatible with national security. Second, the distribution of total imports as between more and less secure sources of supply—in the short run as regards current supplies and in the long run as regards future productive potential.
>
> Third, the level of domestic crude-oil prices that would support exploration incentives, such that domestic crude oil reserves will continue to be found and domestic productive potential will continue to be maintained.
>
> To achieve these security goals by a tariff system would require a finely tuned mechanism, continuously administered so as to respond both to foreign and domestic oil costs, prices, transportation charges, exploration incentives and results, including those that are independent of the effects of United States tariffs as well as those that are generated by the tariffs themselves.
>
> It is basic to a tariff concept that you find a figure that through the market mechanism will assure the desired result, in this case security and low cost oil.
>
> In the case of the oil industry, there are far too many variables. To think that a magic figure can be arrived at is self deception.

THE PRICE FALLACY

Mr. President, the heart of the dispute over oil import controls, when we come right down to it, is the mistaken belief that domestic petroleum energy costs more than imports. The fallacy of this was revealed in the previously mentioned letter supporting the oil import control program, sent to President Nixon by 80 Members of the House of Representatives. On the subject of price this letter said:

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The petroleum industry now markets more Btu's in the form of natural gas than in the form of liquid petroleum. The combined wellhead price of these two products, on a crude oil equivalent basis, is less than $1.90 per barrel. This is lower than the cost of imported oil or natural gas from any source of the world.

Any weakening of oil import controls is sure to have extreme repercussions on the already alarming gas supply situation. Gas is often found in the course of searching for oil. Moreover, about one-fourth of gas production comes from oil wells. So if a change in import controls depresses domestic oil exploration and production, the gas supply pinch will grow that much tighter. This would be particularly unfortunate at a time when the people of my State and others are greatly concerned about air conservation. The public would not take kindly to being denied—by mistaken governmental policies—the contribution natural gas can make to cleaner air.

ALASKA IN PERSPECTIVE

Finally, there is one other misconception about the domestic petroleum situation that needs to be clarified. This is the matter of Alaska. Some people seem to feel that the whole question of import controls has been made academic by the discoveries recently reported from the 49th State. In point of fact, the Alaskan discoveries illustrate the value of an effective and economically sound oil import control program.

The search for new reserves would never have been carried to such an expensive and frustrating environment as Alaska's North Slope except for the present system of oil import restrictions. If there were no quotas to limit foreign oil imports, oil companies would have gone abroad to look for new fields instead of battling the climate, topography, and other challenges that Alaska presents. And if oil import controls are scrapped now, or the system is put on a basis that distorts its purpose, such a change could retard further intensive development of Alaska's potential reserves. Ending oil import controls would make the Middle East, North Africa, and other parts of the globe look much more inviting for oil exploration than the treacherous Arctic tundra.

Many impressive estimates have been offered about how much oil may be available in Alaska. But estimates and speculations will not turn the Nation's wheels or heat its homes. Estimates of the potential of Alaska's North Slope indicate that when this area is in full production—somewhere around the middle of the decade—its output will supply only about 10 percent of the Nation's requirements. Much more exploration is needed in that State and elsewhere in the United States to give the American people an assured future supply of oil and gas for normal and emergency needs.

With the right governmental policies, this search will go on. But misguided policies could bring to a halt the urgently needed effort to replenish and enlarge domestic oil and gas reserves. Then the American people would be forced into increasing dependence on oil produced many thousands of miles from their shores in lands that have been torn by conflict since the dawn of history.

I concur with a resolution on oil import controls recently adopted by the Interstate Oil Compact Commission, including this specific statement:

> Maintenance of an effective Oil Import Control Program based on a quota system, fairly administered, without exceptions, continues to be most essential in order to protect national security and to serve consumers and the U.S. economy with increased assured supplies of domestic oil and gas at attractive prices.

I also agree with the commission's expressed opposition to "the use of any import tariff system or combination of a tariff quota system, as either would lead to impairment of the ability of the U.S. petroleum industry to serve the interests of this Nation."

Mr. President, only two of the world's major powers are now in a position to be self-sufficient in petroleum energy. These two powers are the United States and the Soviet Union. It is hard to imagine a more flagrant strategic, political, or economic blunder than to adopt a policy that would eliminate the United States from this list, leaving Russia alone and supreme in its energy independence.

Reason, judgment, ordinary prudence demand that we follow the only sane and sensible course by maintaining the kind of domestic oil producing industry that can keep our country and its people economically and militarily secure.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION

Mr. STENNIS. Mr. President, last week, I submitted an amendment No. 462 to H.R. 514, which is the Elementary and Secondary Education Act. I now wish to submit the same amendment in general substance, but with slight modifications. But I wish to offer it with an additional number, because I also have quite a number of additional cosponsors.

I submit the amendment now to H.R. 514 on behalf of myself and Senators RUSSELL, HOLLINGS, TALMADGE, EASTLAND, ERVIN, HOLLAND, ELLENDER, JORDAN of North Carolina, THURMOND, ALLEN, TOWER, SPARKMAN, GURNEY, MCCLELLAN, and LONG.

Mr. President, I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

AMENDMENT No. 481

On page 45, between lines 4 and 5, insert the following new section:

"DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

"SEC. 2. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

"(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose, provided that nothing contained in this Act or any other provision of federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal on tomorrow morning, the able majority leader, the Senator from Montana (Mr. MANSFIELD), be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 54 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, February 4, 1970, at 11:30 a.m.

NOMINATIONS

Executive nomination received by the Senate February 3, 1970:

ASSISTANT SECRETARY OF TRANSPORTATION

Robert H. Cannon, Jr., of California, to be an Assistant Secretary of Transportation, vice Secor D. Browne, resigned.

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HOUSE OF REPRESENTATIVES—*Tuesday, February 3, 1970*

The House met at 12 o'clock noon.

The Reverend William Martin Sharp, Englewood Assembly of God Church, Independence, Mo., offered the following prayer:

Holy God of the Eternal Now, Creator of earth and life, Redeemer of all mankind, we ask Thy choice blessings upon this Congress.

Being keenly conscious of a world caught up in conflict, confusion, and bondage, thus feeling the pulse of the world's spiritual crises, we recognize that our America's need is not for better systems, more novel methods, but great men—faithful leaders whom the spirit of God may channel through.

Giving all due honor to man's achievements, individualtiy, zeal, perseverance, and integrity, we must still acknowledge that it was the influx of divine power and guidance that composed our Pilgrim Fathers into a living, vital nation.

So may this Congress, this leadership, in seeking, above all else, seek first the kingdom of God and His righteousness. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week"; and

H.J. Res. 1051. Joint resolution designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2116. An act to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes;

S. 2707. An act to consent to the interstate compact on air pollution between the States of Ohio and West Virginia; and

S. Con. Res. 53. Concurrent resolution authorizing the printing of the National Estuarine Pollution Study as a Senate document.

The message also announced that the Senate had passed the following resolution:

S. Res. 352

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Glenard P. Lipscomb, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Presiding Officer, pursuant to Senate Resolution numbered 352, appointed Mr. MURPHY and Mr. CRANSTON to join the committee appointed on the part of the House of Representatives to attend the funeral of the Honorable GLENARD P. LIPSCOMB, late a Representative from the State of California.

AUTHORITY FOR THE SPEAKER TO DECLARE A RECESS, WEDNESDAY, FEBRUARY 25, 1970, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE PRESIDENT OF THE REPUBLIC OF FRANCE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, February 25, 1970, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Republic of France.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REV. WILLIAM MARTIN SHARP

(Mr. RANDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANDALL. Mr. Speaker, I take this time to make a brief comment about our guest chaplain this morning. He is the Reverend William Martin Sharp, minister of the Englewood Assembly of God Church in our home city of Independence, Mo.

Mr. Speaker, it is a personal privilege to welcome him to this Chamber, not only because he is the leader of a large congregation located near my home but also because the world headquarters of the Assembly of God Church is at Springfield, Mo.

Reverend Sharp is a former marine who was once stationed at Marine Headquarters, Eighth and I Streets SE., here in Washington. During that tour of duty he was assigned to the White House in the years 1950-51 as an aide to our fellow townsman, President Truman. He is a marine veteran of the Korean conflict. Recently he served in Vietnam as a representative of his church. He has served as president of the Ministerial Alliance for the Greater Kansas City Metropolitan Area.

Reverend Sharp is in Washington to attend the 1970 Presidential prayer breakfast on Thursday morning of this week. It will be my honor to accompany him to the breakfast. I am sure all of my colleagues who are present agree it was our rare privilege to have him as our guest chaplain for the House this morning.

DID THE PRESIDENT REALLY SAY HE WAS "REORDERING OUR PRIORITIES"?

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, the President submitted to the Congress a budget yesterday which he claims is "anti-inflationary" and which "begins the necessary process of reordering our national priorities."

It seems, however, that when the President came to his highway budget he forgot about his anti-inflationary constraints.

Recommendations had come from the Bureau of the Budget to temporarily cut back the highway program during fiscal year 1971 as an anti-inflationary measure—a step comparable to that taken by the President last September when he cut back direct Federal building construction. But, the President apparently decided to turn his back on the more conservative recommendations of the Bureau of the Budget and he chose "the high road." While cutting education and health programs, he endorsed a fully funded highway program of $4.6 billion.

Furthermore, while the budget text proclaims:

> This Administration is dedicated to achieving a balanced national transportation system—

The President's actual dollar recommendations are weighed heavily in favor of the highway program. The Federal Highway Administration's concrete rolling and asphalt ribbon construction program will represent two-thirds of the total transportation budget.

Nevertheless, the President still maintains the brakes on mass transit and while our Nation becomes more urban, traffic congestion mounts, and transit systems deteriorate, the President is offering a meager figure of $280 million for all of the country's mass transit needs. This is approximately 6 percent the size of the highway program.

During the same year, the President recommends that we spend $290 million on the construction of two SST prototype planes. If funds are not directed to updating mass transit technology and to providing capital outlays for new transit systems, we will find ourselves flying across the Atlantic in 2 hours, only to spend another 2 hours crawling by car into New York City from Kennedy Airport because we have failed to meet the

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growing demands for efficient and rapid public ground transportation.

And, I cannot help but remember the recent outlays for the new chocolate soldier uniforms adorning our White House policemen and the $342,358 expenditure for the President's vacation helipad just 1,000 feet from an existing 2-acre heliport.

Did the President really say he was "reordering our priorities"?

THE LINCOLN MEMORIAL

(Mr. PETTIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. PETTIS. Mr. Speaker, in a few days we will be paying tribute to that great American, Abraham Lincoln, on the occasion of his birthday. It is my purpose today to read a poem written about this great American and the monument to him in this city which we all know.

This poem is written by the poet laureate of the Seventh-Day Adventist Church, Adlai Esteb.

The poem follows:

THE LINCOLN MEMORIAL

(By Dr. Adlai Albert Esteb)

What do we see in Lincoln's form and face?
Mere marble loveliness and sculptured grace?
Much more! We see a poem carved in stone;
We see a moral giant on a throne;
We see, some think, the greatest spot on earth,
For here each human being grows in worth.
We see a champion of true liberty,
Emancipator, Man of Destiny!
What inspiration ev'ry look imparts,
And kindles Freedom's flame within our hearts!

What do we hear while in this sacred place?
Just whispered plaudits by the human race?
Much more! Methinks I hear a trumpet blast,
A stirring, ringing challenge from the past.
This great incarnate conscience of our land,
Spoke in a voice all men could understand.
His warning words which rang with earnest tone,
Now echo through this monument of stone.
"The great unfinished task," he seems to say,
"Demands our dedication here today."
What do we feel mid sculptured art so fine?
Just passing pride in this great national shrine?
Far more! We feel the heart throbs of our race,
While looking up at Lincoln's furrowed face.
A deep conviction stirs within our souls,
A burning zeal to reach life's highest goals.
We feel, while standing in this place sublime,
Inspired to grasp our heritage of time!
Thank God for Lincoln's call to great and small,
Of liberty and justice for us all.

DEATH OF FORMER CONGRESSMAN WILLIAM COURTLAND LANTAFF

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I regret to have to advise my colleagues that the distinguished former Member of this House, the Honorable William C. Lantaff, died last week, on January 28, 1970. Bill was my predecessor in the Congress, and many of you knew him. He served two sessions in the 82d and 83d Congresses. He was a big man in many ways, not only physically but mentally. His service and his dedication to his country, State, and community had no bounds. He was one of the most enthusiastic and one of the most dedicated people in public life it has been my pleasure to know.

You may recall that he served on the Government Operations Committee and also served on the Committee on Expenditures in the Executive Departments, as it was known in the previous Congress; he served also on the Post Office and Civil Service Committee.

I first got to know Bill back in the 1930's. Hitler was on the move in Europe, and typical of the sense of responsibility which was the keystone of his entire life he immediately joined the Florida National Guard. When I first knew him, he was a first lieutenant in Battery F, 265th Coast Artillery. I decided to join the National Guard and Bill became my friend and mentor from then on. He went on to a distinguished military career, rising to the rank of lieutenant colonel, and continued to serve in the Reserve forces after World War II.

Bill Lantaff had been in ROTC at the University of Florida where he received his commission as a second lieutenant.

In January of 1941 Battery F of the 265th Coast Artillery, Florida National Guard, was called to active duty with Bill as one of its officers. Bill remained on active duty until the end of World War II.

For 1½ years he served as an officer in military intelligence; he was a member of the general staff. After he left the Congress, he continued throughout the years to provide an extensive and most valuable service to his Government in a number of areas of vital national interest.

I think the actions which exemplified his whole life more than anything else were those he took when he returned from active duty. He was one of those determined young men who wished to help improve and change the course of the world.

W. C. "Bill" Lantaff was born July 31, 1913, in Buffalo, N.Y. He moved to Jacksonville, Fla., in 1921 and to Miami in 1929. After high school he entered the University of Florida and the lights of outstanding leadership began to glow.

Bill was president of Blue Key, University of Florida's highest honorary fraternity; he was secretary and then president of the student body; he was also president of Phi Kappa Tau, his social fraternity.

After obtaining his degree in law in 1936 he joined, in 1937, one of Miami's outstanding law firms then known as Casey, Walton & Spain. Bill became a partner and has always been associated with and loyal to that group of men.

In 1937–38, Bill was president of the Miami Beach Jaycees, and in 1939–40, he was an associate municipal judge in Miami Beach.

After World War II he continued his deep interest in his community. He ran for a seat in the Florida Legislature. Bill Lantaff was immediately accepted by the community for the kind of man he was, because of the obvious intelligence and integrity which he possessed. He served with great distinction in the Legislature of Florida for two terms, 1946–47 and 1948–49.

He also served as president of the Dade County Young Democrats in 1947 and the same year also became city attorney for the city of Hialeah, Fla.

Bill Lantaff came to Congress, a capable former member of the Florida State Legislature, to serve in the 82d and 83d Congresses. While here he was recognized as a highly effective debater, a sturdy fighter for legislation he supported, and an indefatigable worker.

The assistance he gave his district lay not only in legislative areas of interest, but also in his diligent attention to his constituents' needs.

Bill Lantaff was a dedicated and able member of the House. His service labeled him as a young man of extraordinary ability, rare judgment, and good, deep, commonsense. He laid the foundation for much greater contributions to this great body, but personal reasons compelled him to retire and not seek reelection. It was a great loss to this body and to his devoted constituents. I have no doubt that he would have been renominated and reelected. His leadership was greatly missed by his friends in the Florida delegation and throughout the House.

Members who had the privilege of serving with him will recall his ability in helping to arrive at an acceptable conclusion when there were rather wide and sometimes bitter differences between members of the committees on which he served.

Having served notably in uniform during World War II, he returned to civilian life inspired by a vision of the freedom he had helped preserve, anxious to serve his community and country. His public service was marked by clarity of mind, forthrightness, and absolute honesty. That is something wonderful to be remembered for. He reflected credit both upon himself and the people who sent him here.

His private life as well as his public life was always marked with achievement.

After he retired from Congress, which he did voluntarily, he continued to serve his country in many ways. In addition, he managed an extensive law practice with the law firm of Walton, Hubbard, Schroeder, Lantaff & Atkins. He also headed the United Fund and he became president of the Orange Bowl Committee. He was chairman of the Inter-American Center Authority. In short, he made his presence felt in every way throughout the entire State and our community.

The following two editorials indicate how the entire community respected Bill Lantaff and how much all of us in Greater Miami will miss him:

[From the Miami (Fla.) Herald, Jan. 30, 1970]

BILL LANTAFF'S FIRST LOSS

William C. Lantaff epitomized the post-war generation of energetic civic-minded Miamians.

His hand was in nearly every worthwhile activity. He served in Congress. He presided over the Orange Bowl Committee. He chaired

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Interama. He created the Dade Foundation, a community trust. He led a United Fund campaign. A newcomer in the middle '30s, within a year he was president of the Junior Chamber of Commerce and a year after that a municipal judge. There was time in between for a distinguished law practice.

This is a record of service, compiled here only in part, which has hardly any equal in Miami's last quarter-century. To recall it and its generous motivation is to remove some of the sting of sorrow in Bill Lantaff's untimely death.

For two years he fought the ravages of cancer, always smilingly, never retreating, remaining of good cheer for those many friends who fought figuratively at his side. It was the only battle he never won, and its loss is everyone's.

[From the Miami (Fla.) News, Jan. 31, 1970]

WILLIAM LANTAFF

William C. Lantaff lent his time and talents unselfishly to a long list of charitable and civic causes.

He served two terms in Congress with distinction and he held positions of leadership in the United Fund and Orange Bowl Committee, to name but two of his many public endeavors.

His death on Wednesday at the relatively young age of 56 was a tragic loss to his family, his countless friends, and to the community.

William Lantaff was indeed a remarkable man. It is unfortunate that a man who has given so much has to leave this life, because there is no doubt in my mind that had be continued to live, he would have been of even greater service to his city and State and country.

Throughout, Bill was a devoted husband to his charming and vivacious wife Betty and an exemplary father to his children, Courtland, Kent, and Cathy, a loving son to his mother Charmaine, and a warm, sincere friend to many people who were fortunate enough to know him.

To his wife, Betty, his three children, his mother and the rest of the family, Mrs. Fascell and I extend our heartfelt sympathy for the loss of a man who exemplified in every way what all of us would hold to be "a good life—a constructive life."

Bill Lantaff was truly a noble man. His high integrity, outstanding ability and statesmanship will remain an inspiration to all who strive for the good of the America we love.

Mr. Speaker, I yield now to my colleague, the dean of the Florida delegation.

Mr. SIKES. Mr. Speaker, it is with great sadness and a sense of personal loss that I note the death on January 28 of Bill Lantaff, a distinguished and able former Member of this body. He was a Member of the 82d and 83d Congresses and retired voluntarily from the political arena in order to return to the practice of law and to private business in Miami. He represented the Fourth District of Florida which at that time comprised all of Dade and Monroe Counties.

I have served with many Members of Congress, none with a more delightful personality or with greater ability or with a stronger retinue of friends than Bill Lantaff. Mrs. Sikes and I considered Bill and his wife, Betty, among our closest friends when they were in Washington and this friendship has been a real and personal one throughout the intervening years. I recall many instances in which the House demonstrated its affection and confidence for Mr. Lantaff and I watched his retirement from public life with a great deal of personal regret. I felt that he was one of the most promising of the younger Members of the House and that the years would bring many honors in public service had he chosen to continue in elective service. After he saw fit to leave Congress, he continued to give his talents and his time to many worthwhile endeavors in his home city and State and we can truly say that his contributions were manifold and they were outstanding.

William Courtland Lantaff was born at Buffalo, N.Y., on July 31, 1913, and moved to Jacksonville, Fla., in 1921 and to Miami in 1929. He was a graduate of Miami High School and he received his A.B. and LL.B. from the University of Florida. He was president of the social fraternity Phi Kappa Tau and of the Florida Blue Key Honorary Fraternity. Both during and after college he held important positions which demonstrated his leadership and his ability. He served in World War II and was discharged as a lieutenant colonel. Before coming to Congress he was twice elected to the Florida House of Representatives and in 1948 he was voted by the Florida Junior Chamber of Commerce one of the five outstanding citizens in Florida.

He is survived by his wife, the former Betty Wilcox of Miami Beach, and by three children: W. Courtland Lantaff II, Kent, and Cathy. To all of his family, Mrs. Sikes and I extend our deepest sympathy. We, too, shall miss this great and good friend, this outstanding citizen whose services meant so much in so many ways to so many.

Mr. FASCELL. Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, it is always a very sad occasion to rise before our distinguished colleagues and express the shock and grief that we feel because one of our former colleagues has gone from this world. It is particularly so today because our dear friend, William C. Lantaff, was in the prime of life, only 55 years old, when he passed away last week.

Bill Lantaff represented Florida's Dade County in the Congress from 1951 to 1955. He served ably and effectively in the U.S. House of Representatives as he had served our State in our legislature and our country in the armed services. With his voluntary retirement from Congress and his return to private law practice in Miami he continued to be available as his country needed him. He served here in many ways.

Having been privileged to work with him in the State legislature and again in Congress, I knew him to be a very fine legislator, a great American and a true friend. He was a statesman. Our country needs more of his kind today and Florida needs more adopted sons of his caliber.

To his wife Betty, their sons and their daughter, Mrs. Haley and I extend our deepest sympathy.

Mr. FASCELL. Mr. Speaker, I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am truly saddened to learn of the passing of Bill Lantaff. Bill and I came to this body at approximately the same time. We were about the same age. I developed a very close friendship with him during his 4 years in the House of Representatives.

He was an able, attractive, articulate, dedicated public servant.

I know he continued to contribute to his community and to his State after he left the House of Representatives. I saw him on occasions when he would come to Washington. It was always delightful to resume our friendship.

I say, Mr. Speaker, that all of us on our side extend to his family, and particularly his wife, our deepest sympathy.

Mr. FASCELL. I thank the distinguished minority leader.

I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I am very sorry to learn of the death of my dear friend and our former colleague, Bill Lantaff. During his period of service in this body he made an outstanding name for himself. He possessed one of the finest personalities of anyone I have ever met on the journey of life—wholesome, warm, and cordial. His outlook on life and his understanding mind made a profound impression upon all of us who had the pleasure of knowing Bill Lantaff.

I join with my colleagues from Florida in expressing my keen regret on his passing and extending to Mrs. Lantaff and her loved ones my deepest sympathy in their bereavement.

Mr. FASCELL. I thank the distinguished Speaker.

I yield to my colleague from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank my distinguished colleague who is now in the well for allowing me to join him and our colleagues today in paying tribute to Bill Lantaff.

Mr. Speaker, it is with a deep sense of personal sorrow that I take the floor on this occasion. Words cannot adequately express the sense of shock and sadness I felt upon learning of the death of Bill Lantaff.

He was a truly unselfish man. He was an outstanding public man. Those of this House who were colleagues of Bill's share my grief at his passing.

Though his service in this House was short in terms of years, they were immeasurable by all standards of leadership, courage, devotion, and brilliance.

May I add, Mr. Speaker, he faced the end of his life with the same courage, the same gallant courage with which he had lived his noble life.

As a U.S. Representative from the Dade County area in the 82d and 83d Congresses, Bill Lantaff earned the respect and admiration of all who had the good fortune to work with him.

As a young man Bill displayed the creative capacity for intelligent service in the Florida House of Representatives that he was later to bring into these Halls. But his devotion to public life was not without extreme personal sacrifice.

After 4 years of distinguished serv-

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ice in Congress, Bill made the difficult decision to retire from public life, against the ardent wishes of his constituency. This was demanded because of his sense of devotion to his first love: his family.

On the occasion of his retirement from Congress in 1954, no greater tribute from his colleagues could have been evidenced than by the many pages of praise for his service that filled the CONGRESSIONAL RECORD.

His absence from this body was greatly missed but his presence of character, ability and sincerity remain with us today.

Mr. Speaker, in the passing of Bill Lantaff his community, his State and his country have lost a great statesman, a dedicated American, a distinguished lawyer, a great husband and father and a noble gentleman whose memory we shall always cherish in our hearts.

Mr. FASCELL. I thank my distinguished colleague.

Mr. Speaker, I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join my friends from Florida and the other distinguished Members of the House in their expression of sorrow over the death of our former colleague, Bill Lantaff.

Bill was my good friend while he was a Member of the House of Representatives. He was an able and very enthusiastic Member of the House. He was beloved by all Members.

He was most productive in his work. He was a great Congressman and a loyal American. I extend to all his loved ones my heartfelt sympathy in this hour of their sorrow.

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Mr. FASCELL. Mr. Speaker, I yield to my distinguished colleague from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I never had the opportunity of serving in Congress with Bill Lantaff, but his fine reputation followed him in retirement. It was at that time I first met Bill Lantaff and his wife Betty and finally got to know their children. If a man's record and reputation mean what he has done, then certainly Bill Lantaff was a very successful Member of Congress and public servant. I never heard anything that disparaged his service and always heard great praise of him. I knew him to be a very fine and warm person, a man of high principle, great character and integrity. I knew his wife Betty to be a very charming and lovely lady. I know that he is deeply missed by his family and friends.

Mr. Speaker, Mrs. Gibbons and I join with the rest of the Members of this body in paying our respects to Bill Lantaff and extending our condolences to Betty.

Mr. FASCELL. Mr. Speaker, I thank my distinguished colleague.

Mr. ROGERS of Florida. Mr. Speaker, I would like to join with my colleagues in expressing my sorrow at the death of my friend and former colleague, William C. Lantaff, of Miami.

Bill gave outstanding service to his country, his State, and the people of his community for many years.

As a young man his leadership qualities were recognized early and he was chosen as one of the Jaycees' 10 most outstanding men in 1948.

He served in the State legislature and was elected to the 82d Congress where he served on the Ways and Means Committee and the Government Operations Committee.

He retired after the 83d Congress and returned to Miami where he untiringly worked on many civic projects and contributed greatly to Dade County and the State.

My wife, Becky, joins with me in offering our condolences to his wife, Betty, and his children, Court, Kent, and Cathy.

Mr. FUQUA. Mr. Speaker, this body is deeply saddened today because Bill Lantaff is with us no longer and Florida has lost one of her most dedicated and outstanding citizens.

He served in the 82d and 83d Congresses after 2 years of outstanding service in the Florida House of Representatives.

Bare statistics, however, do not tell about the distinguished record of Bill Lantaff. He was a man who was respected in every field of endeavor and one who never took on a job without giving it his very best—and his best was outstanding.

He was constantly called upon after his distinguished record of public service for advice and counsel in every field of endeavor in our State. He never failed to respond with the willingness and the ability which typified his life.

Following his service in the Congress, he returned to Mami to practice law and all of his colleagues in the bar have said that they have lost one of their most valuable members.

Only in his fifties, Bill Lantaff was a young man with much more to give to his fellow man, and I am certain that it would have given him great pleasure to know that we recognize this.

In expressing my sincere sympathy to his wife, Betty, and his family, I can only add that this Nation and our State are richer because of his having lived. We mourn the passing of one of Florida's finest.

Mr. GROSS. Mr. Speaker, I greatly regret to learn of the untimely death of our former colleague, the Honorable William C. Lantaff.

During his comparatively brief service in Congress, I came to know Bill Lantaff quite well. He was a friendly, energetic and able Member who fought hard for or in opposition to those issues in which he became involved.

On several occasions after he left Congress he came to my office to visit briefly and it was always a pleasure to see him.

To Mrs. Lantaff and members of the family I extend condolences in this time of bereavement.

GENERAL LEAVE TO EXTEND

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the passing of Bill Lantaff.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1072. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

REPORT ON SPACE AND AERONAUTICS ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-219)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

The year 1969 was truly a turning point in the story of space exploration—the most significant of any year in that still brief history. I am pleased to transmit to the Congress this report on the space and aeronautics activities of our government in the past twelve months. As I do so, I again salute the thousands of men and women whose devotion and skill over many years have made our recent successes possible.

This report tells the remarkable and now familiar story of man's first and second landings on the Moon. It recounts, too, the exciting Mariner voyage which took the first close-up photographs of the planet Mars. But it also discusses the space triumphs of 1969 which were less well-publicized, successes which also have great significance. It tells, for example, of the progress made in our communications satellite, weather satellite and earth resources satellite programs. It discusses the scientific and military implications of all our recent advances. It details the progress we have made toward achieving greater international participation in our space adventures. And it reports, too, on our advances in aeronautical technology.

In 1969 we achieved the most prominent of our goals in space—one which had long been a focus for our energies. As we enter a new decade, we must now set new goals which make sense for the seventies. The space budget that I am submitting to Congress reflects my view of a balanced space program, one which will build on the progress we have already made.

Our space and aeronautics program has benefited this nation in many ways. It has contributed to our national security, to our educational, transportation, commercial strength, to our scientific and medical knowledge, to our international position and to our sense of the dignity and the capacity of man. And the story is only beginning. We have made long strides into the future during the past year; now we must build on those accomplishments in the coming years and decades.

RICHARD NIXON.

THE WHITE HOUSE, *February 3, 1970*.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

There being no objection, the Clerk read the bill as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yau Ming Chinn (Gon Ming Loo) may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in his behalf by Mrs. Fanny Loo Chinn, a citizen of the United States, pursuant to section 204 of such Act: *Provided,* That no brothers or sisters to the said Yau Ming Chinn (Gon Ming Loo) shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this Senate concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman of Missouri?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

There being no objection, the Clerk read the bill as follows:

H.R. 12089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay to Mrs. Rose Minutillo, of Brooklyn, New York, the amount certified to him by the Administrator of Veterans' Affairs pursuant to section 2 of this Act. The payment of such amount shall be in full settlement of all claims against the United States of the said Mrs. Rose Minutillo for a pension under laws administered by the Veterans' Administration for the period beginning on December 14, 1944, through December 17, 1962, on account of the death of her husband, John Minutillo (Veterans' Administration claim number XC 2-935-738). No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. The Administrator of Veterans' Affairs shall certify to the Secretary of the Treasury the amount that Mrs. Rose Minutillo, of Brooklyn, New York, would have received as pension for the period beginning on December 14, 1944, through December 17, 1962, on account of the death of her husband, John Minutillo, if she had filed a proper claim for such pension on December 14, 1944.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 3530) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO CONVEY A TRACT OF LAND TO LILLIAN I. ANDERSON

The Clerk called the bill (H.R.2012) to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson.

There being no objection, the Clerk read the bill as follows:

H.R. 2012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 25, 1949 (63 Stat. 1205), is hereby amended as follows: In section 1, paragraph 2, change "southeast corner" to "northeast corner". The Secretary of the Interior is authorized to issue a corrective deed to Lillian I. Anderson, or her heirs, devisees, or assigns.

With the following committee amendment:

Page 1, line 5, after "southeast corner", insert ", where it appears the first time,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIZABETH B. BORGNINO

The Clerk called the bill (H.R. 3908) for the relief of Elizabeth B. Borgnino.

There being no objection, the Clerk read the bill, as follows:

H.R. 3908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall, notwithstand-

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ing any provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437, as amended; 30 U.S.C.A. 181–263), or any other law, convey by quitclaim deed, without monetary consideration, to Elizabeth B. Borgnino of 32 Edwin Drive, Berkeley, California 94707, all rights of the United States (except the rights of the lessees under leases from the United States executed on or before the effective date of this Act) to enter upon the surface or into the top five hundred feet of the subsurface of the real property described in section 2 of this Act.

With the following committee amendment:

Page 1, following the enacting clause, strike all of section 1 and insert in lieu thereof the following:

"That the Secretary of the Interior shall, notwithstanding any provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437, as amended; 30 U.S.C. 181–263), or any other law, convey by quitclaim deed, for the fair market value thereof, such value to be determined by the Secretary, to Elizabeth B. Borgnino of 32 Edwin Drive, Berkeley, California 94707, the coal and other minerals reserved to the United States in the real property described in section 2 of this Act. Such conveyance shall be subject to leases executed on or before the effective date of this Act. Elizabeth B. Borgnino shall bear any administrative expenses, including appraisal, filing, and recording fees, arising from the conveyance.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN PUBLIC LAND TO MRS. JESSIE L. GAINES OF MOBILE, ALA.

The Clerk called the bill (H.R. 5365) to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala.

There being no objection, the Clerk read the bill, as follows:

H.R. 5365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act entitled "An Act to authorize the Secretary of the Interior to issue patents for lands held under color of title", approved December 22, 1928 (43 U.S.C. 1068–1068b), limiting the acreage of public land which may be included in a patent issued under such Act, the Secretary of the Interior is authorized to issue a patent in accordance with all other provisions of such Act to Mrs. Jessie L. Gaines of Mobile, Alabama, for the following described land: Section 8, township 5 north, range 1 east, Saint Stephens meridian, Washington County, Alabama, containing 195 acres, more or less.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERRING U.S. CITIZENSHIP POSTHUMOUSLY UPON SP4C. AARON TAWIL

Mr. BOLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of Private Calendar No. 201, the bill (H.R. 1951) to confer U.S. citizenship posthumously upon Sp4c. Aaron Tawil.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Specialist Four Aaron Tawil, a citizen of Israel, who was serving in the United States Army in Vietnam with the 198th Infantry Brigade when he was killed in action on November 17, 1968, shall be held and considered to have been a citizen of the United States at the time of his death.

With the following committee amendment:

On page 1, beginning on line 3, after the name "Aaron Tawil," strike out the remainder of line 3, and all of lines 4 and 5, and insert in lieu thereof the following: "a native of Israel, who served honorably in the U.S. Army from April 11, 1967, until his death on".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEFIANCE OF UNLAWFUL AUTHORITY

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, in considering the crime proposals that will soon be before Congress, an article in the January 1970 Harvard Law Review, page 626, entitled "Defiance of Unlawful Authority" should be of some assistance.

In some of the committee hearings, proposals have been advanced concerning modification of the common law rule regarding the right to resist an unlawful arrest.

A few of the salient points of the Law Review article follow:

Comparison of the recent cases of Walker v. City of Birmingham and Shuttlesworth v. City of Birmingham, both of which arose from the same events, illustrates the great significance attributed to the form of authority defied. The petitioners wished to hold marches in Birmingham, Alabama, on Good Friday and Easter Sunday, 1963, to protest racial discrimination in the city. However, they were rudely and arbitrarily rebuffed in their attempts to obtain from Commissioner Eugene "Bull" Connor the parade permits required by city ordinance. On the Wednesday evening preceding the scheduled Good Friday march, city officials obtained from a state court an ex parte order enjoining the planned marches unless petitioners complied with all the applicable laws; a copy of this order was served on the petitioners early Thursday morning. Petitioners did not seek to appeal the court order until Monday morning, after the marches had been held without the required permits. The city then initiated two criminal proceedings: one (Shuttlesworth) was for violation of the city ordinance, the other (Walker) for contempt of the court order which forbade that violation.

Although the alleged unlawful conduct was identical in these two cases, the results were not. In Shuttlesworth the Court held that the city ordinance was unconstitutional on its face since it subjected the exercise of first amendment freedoms to prior restraint "without narrow, objective and definite standards to guide the licensing authority." The Alabama Supreme Court's attempt to save the ordinance by construing it narrowly four years after the events could not legitimate an earlier application when, as written, it had been void on its face. Having concluded that the ordinance was unconstitutional, the Court summarily reversed the petitioner's conviction, since past decisions "have made clear that a person faced with such an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right of free expression for which the law purports to require a license." In Walker, however, the Court affirmed the petitioners' contempt conviction, relying on an earlier case which approved the broad rule that violation of an erroneous court order, even one based on an unconstitutional statute, is punishable as contempt. The Court admitted that the very ordinance it later held invalid in Shuttlesworth would raise "substantial" constitutional questions but found it unnecessary to decide them. Thus, in these two cases as in virtually all other instances of defiance of unlawful authority, the Court went about deciding on the permissibility of defiance in a formalistic manner; after determining what type of authority was defied, it resolved the cases on the basis of this classification. The Court did not attempt to analyze the relevance of the form to the situations at bar, or to justify the application of a per se rule to all cases within the formal category.

A further relevant point this article develops is that when the effort to make an unlawful arrest was violent, the common law rule would sometimes forgive the killing of the arresting officer; (*Bad Elk* v. *United States*, 177 U.S. 529 (1900)) yet it would punish those who resisted lawful arrest merely by going limp. (*State* v. *Jaime*, 4 Conn. Cir. 530, 236 A. 2d 474 (App. Div. 1967)).

The article suggests the following amendment to strike an appropriate balance between the individual's interest in avoiding the irreparable injury of an unlawful arrest with what may be the overwhelming interest of society in demanding compliance with authority.

If the common law rule on the right to resist unlawful arrest is to be amended by statute, as suggested in H.R. 15342, which reads as follows:

It is neither justifiable nor excusable cause for a person to use force to resist an arrest by an individual he has reason to believe is a law enforcement officer, whether or not such arrest is lawful.

I would hope the following provision could be added to such an amendment:

However, no person may be punished for defying or violating unlawful government authority when obedience would have subjected him to significant and irreparable harm, unless the government is able to demonstrate the existence of an overriding interest in demanding compliance with that authority.

"E" STANDS FOR EFFORT

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, the Winchester Evening Star, published in Winchester, Va., features a news story in its January 27, 1970, edition describing the founding of a community library in my congressional district in West Virginia. The project was initiated by the local Ruritan Club, and the whole community participated in turning the plans into an attractive and useful public asset. I think the story is well worth reading.

Mr. Speaker, our ancestors who settled this continent came across the seas with little except their hands and brains. They knew the country was rich in resources, and they expected to use this wealth to make better lives for themselves. Hard work, cooperation, and the general good were the tools they dedicated to the task. The power and wealth of this Nation today attests how well their plan worked.

Today, however, there is much tendency to turn our responsibilities over to some agency in organized society. We look to the school, or the church, or the government to do for us what our forefathers customarily did for themselves.

I am happy to point out that in my own State there are communities which know well how to put the old virtues of initiative and self-reliance into operation. The project described in this news article is an example.

The news article is illustrated with some attractive pictures which tell the story more impressively than any words can. Capon Bridge has a library to be proud of.

About 1937 Charles and Mary Beard published a book which they called "The Making of American Civilization." It is interesting that they had much to say about the flowering of education and culture in the Nation during the 19th century. Libraries were credited as an important factor in this progressive advance. Said the Beards:

> With the spread of classroom instruction went the expansion of library and museum facilities. Every large city making any pretension to refinement began to pride itself on its possession of both. And even small villages in many regions were so active in establishing local libraries that these institutions became as striking a feature of modern community life as the village church had been in colonial times.

Thank Heaven, the spirit is still alive in our best rural areas.

The article referred to follows:

"E" STANDS FOR EFFORT

(By Jack Davis)

CAPON BRIDGE, W. VA.—The 150 or so residents of this Hampshire County hamlet are button-poppin' proud of their library.

And when you say "their" library, that's just what it is.

How they got their library is a lesson in pioneer ingenuity—Capon River style.

The town of Capon Bridge sits astride a shallow, fertile valley a few miles west of the Virginia line on U.S. 50. It is an historic old settlement, where George Washington visited a number of times as he crossed and crisscrossed the area while surveying the wilderness.

On the outskirts of the town is the grave of James Caudy (Washington spelled it Coddy in his records), an Indian fighter of wide repute and the first white settler in these parts.

A fair portion of the populaion of Capon Bridge consists of pleasant folk who came here to retire. But here you don't retire. You work with your neighbors on what you like to do.

Like creating an honest-to-gosh library.

Here's how it started.

High school students living in the eastern half of the county average about 60 miles a day, back and forth, on school buses. If they wanted to do some after-hours research on a school project, their parents had to drive them to Romney, the country hub where the public library is located. Or stay after school, miss the bus and hitch-hike home.

A little over a year ago, somebody happened to mention this to Duke Simons, who then was president of the Capon Bridge Ruritan Club. His name is William P. Simons, who bought a small farm and an early-1800's house nearby after retiring from the New York City grind in '55, but to everyone here he's Duke.

Duke brought it up before the 20-odd members of the Ruritan Club. They agreed that a library was needed.

The club called a public meeting. Twenty-eight people showed up, which was a pretty fair representation. They were all for it, too.

The only available building vacant in the town was the old Gardner medical office. Hadn't been used for about 25 years, when the late Dr. Gardner pulled teeth there. Before him, his father and his grandfather, both physicians, had used it as their office. It dated back to about 1800, and it showed the wear.

But, still, it was the only building around that was available.

The Ruritan Club didn't have any money. Neither did the town.

Duke Simons went to see Dr. Gardner's widow about using the old medical office. Sure she said, she'd give the bulding rent-free, but what about the taxes?

Duke and John Coryell, club secretary appeared before the Hampshire County Court and explained the situation. The court agreed to close its eyes.

The building, a one-story structure about 20 feet by 36 feet, was a mess inside from disuse. Dust, mouse nests, wasp colonys and spider webs over the years had made it a den for Dracula.

By now it was early in 1969, and C. E. McKeown had taken over as Ruritan president. He saw the interior needed a thorough cleaning.

What was the quickest way?

He called the volunteer fire department. Those guys always like to squirt hoses. And they did. They washed the small frame structure down, inside and out, fore and aft, tin roof to bottom rafter.

It took two months for it to dry out thoroughly, but it was clean. Really clean.

While it was drying out, another public meeting was held. This time delegations came, not only from Capon Bridge, but from the entire eastern portion of the county. They liked what they were seeing.

At the meeting, a Literary Board was formed to handle the formalities and whatever funds might be available.

And the Ruritans went back to work on the building.

Owen Phillips, A retired electrician, volunteered to install the wiring.

The Groves Lumber Co., of nearby Augusta, donated seven gallons of paint. Individual Ruritans donated single gallons.

Club members came in evenings and painted.

Two contractors, club members, built the book shelves.

Then came the ladies—mostly, the wives of the men who worked on the building.

They scoured the eastern part of the county, and came up with about 2,000 books. Then the women catalogued them and arranged them properly in order.

But it didn't stop there.

The Capon Bridge Volunteer Fire Co. bought an oil heater. Charley Buchinsky installed it.

The Ruritan Club gave the tables.

Mrs. Hazel Nelson provided four wooden chairs.

Roy Giffin donated 10 folding metal chairs, which Mr. and Mrs. Wendle Omps painted.

Mrs. Gladys Simons pitched in two metal file cabinets.

William Massey came along with a coat rack.

The Hampshire County Taxpayers Assn. divvied up $50, and Charles Aiken, $10. The ladies of the Home Demonstration Club held an art-craft show and bake sale and made $150, which it turned over to the Library Board.

And last summer, on a fertile stretch of bottom land that was donated, the Ruritan members planted corn, and picked it, and sold it, and came up with a $420 profit. All of which went to the Library Board.

The little building beams. Inside, it's as clean as a pin, and the shelves are about two-thirds full of books ranging from "The X Bar X Boys Lost in the Rockies" to "Stoddard's Lectures."

Outside, it still needs a bit of spit and polish, and the porch shows the wear of time. But come next summer, the Ruritans plan to paint the outside and put on a concrete floor on the porch.

There was obvious pride in Duke Simons' voice when he said:

"This was all real volunteer work. We don't owe a dime on it. Not one cent of state or federal money here. We're mighty proud of it. All of us. Everybody contributed in one way or the other."

His leathery face beamed.

James Caudy, resting in the deep, dark soil just across the stream, would have been proud.

THE 22D ANNIVERSARY OF CEYLON INDEPENDENCE

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, I rise today to offer my best wishes to the country of Ceylon on the occasion of the 22d anniversary of its independence, which falls on February 4.

Ceylon today can be proud of its place among the democratic nations of the world. In the short space of 22 years she has established a stable parliamentary system of government. Under her Constitution the rule of law prevails and Parliament is supreme. Ceylon has freedom of speech, freedom of movement, and freedom of the press.

Ceylon is especially proud of her record in education, which has been brought within reach of everyone. As a result, 80 percent of the population is literate.

There has been a significant improvement in health. Life expectancy has been raised to 62 years as a result of improved environmental sanitation, better medical treatment, and improved diet.

Ceylon's progress has been assisted by aid from the United States and various

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international groups such as the World Bank and the International Fund. The Government of Ceylon has expressed its appreciation for this assistance, which has enabled it to help itself more effectively.

Ceylon is proud of its progress and is anxious to have foreigners visit the country and see the progress that has been made. Ceylon is now on the air routes of several major airlines, and new hotels are being built to accommodate the increasing number of tourists.

Relations between our two countries continue to be good and, in fact, have been strengthened in recent years through many joint projects and activities. I am confident that we will continue to enjoy friendly and cordial relations in the years ahead.

TRANSPORTATION—CONTROVERSY BETWEEN MANAGEMENT AND LABOR

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, the American public has a great stake in any controversy between management and labor which affects the transportation systems of this Nation. As we all know, transportation is the lifeblood of America. The food we eat, the products we consume, the raw materials going into manufacturing plants, and the finished products are all part of the commercial lifestream of America.

The American railroad system is one of the mainstays in this transportation system which keeps our country prospering. For the railroad system nationwide to come to a halt has a dramatic and disastrous effect on all American industries.

Mr. Speaker, in 1967 I supported compulsory arbitration to end the nationwide rail strike, primarily because of some of the pleas which farmers and other Americans had made to me concerning the great monetary loss they as third parties were sustaining.

Yesterday I wrote to the presidents of the three major railroads serving my district of Atlanta, Ga., and I advised them that I have no intention of idly sitting by and having management adopt a "public be damned" attitude in order to bring pressure on the unions, just as I have no intention of allowing the unions to adopt a "public be damned" attitude to bring pressure on management. The public and rail users are deserving of more consideration by both management and labor than simply using them as pawns in a labor dispute.

In the letters, I advised the presidents that I viewed collusion by management to bring rail transportation to a halt nationwide in the same manner as a nationwide rail strike.

The presidents of the American railroad system may as well make up their minds that if they persist in ignoring the interest of the public, and insisting on a nationwide shutdown detrimental to all citizens that they may expect no sympathy from this Congressman who is one of the members of the Committee on Interstate and Foreign Commerce.

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PRESIDENT NIXON'S BUDGET PRETENDS THE VIETNAM WAR IS OVER

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, yesterday Members of Congress received copies of President Nixon's budget for fiscal year 1971. I was most gratified to note in looking through the budget, especially the Defense budget, to see that no expenditures are listed for operations in Southeast Asia. This confirms the hopes of those of us who have been pushing for faster withdrawal of American forces from South Vietnam; if there is no money allocated for Vietnam operations, the President must be planning a complete withdrawal before the start of the new fiscal year. We are delighted that the President has finally seen the wisdom of speedier disengagement.

It is certain that the omission of detailed military expenditures attributable to the Vietnam war must mean the end of our Vietnam participation because the only alternative interpretation is that the President who courageously—by his own estimate—chose a slow withdrawal policy is now trying to hide the dollar cost of that policy from the American people. Certainly a President who is so concerned about the inflationary effects of Government spending that he would veto education and health appropriations, would never try to conceal the costs of his Vietnam policy. It is beyond belief that such a courageous and forthright political leader would attempt to have his "slow withdrawal cake" and still try to convince the American people that he has enough left for the hungry—not to mention the ill-housed, the sick and the poor—here at home.

Of course, the war in Vietnam must have ended; no President who cares so much about inflation would continue spending over $20 billion per year on Vietnam. And what a relief to know that, although over 9,000 American lives have been lost since the new administration took office, after July 1 we will not have to worry about that any more.

Mr. Speaker, just to be absolutely certain that I am not misreading the President's fiscal 1971 budget, I invite other interested Members of this body to join with me in asking the Director of the Bureau of the Budget whether we are interpreting the new budget correctly. We will simply ask Mr. Mayo to either acknowledge that the President plans to be out of Vietnam by June 30, 1970, or to stop pulling our legs and tell the American people what this "slow withdrawal" policy is going to cost us. I am all for preserving the President's options, but not at the expense of eliminating the congressional budgetary function and ignoring the people's right to know the cost of war.

THE LATE HONORABLE GLENARD P. LIPSCOMB

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of California. Mr. Speaker, I rise today with sadness in my heart to pay tribute to my dearest friend, Congressman GLENARD P. LIPSCOMB. Not since the death of my father have I felt a loss so deeply. The bond of friendship and mutual understanding GLEN LIPSCOMB and I shared was beyond the power of expression.

We served together in the California State Legislature. The Lipscombs had two small daughters; we had two small sons, so that Virginia and Elizabeth did not come to Sacramento with us, but we drove home together on weekends, or else Elizabeth and Virginia drove to Sacramento to spend some time with us. During the first year we were in the legislature, our children served as pages of the State assembly during their Easter vacation. GLEN and I were together continuously; we were seatmates. We shared offices. Our thoughts and feelings were practically identical. In fact, in Sacramento we were affectionately called the "Golddust Twins."

When GLEN was elected at a special election to come to the U.S. Congress, I was as proud as if it had been I who had been chosen. Little did I realize that in but a brief time following that, circumstances would be such that I, too, would be serving in Congress, and that we would be resuming our close relationship and reestablishing our mutual interests and personal contacts.

GLEN was recognized as one of the foremost authorities on national defense and military financing in the Congress. His contribution as senior Republican member of the Defense Appropriations Subcommittee since 1965 has been extensive and will be felt for years to come, as will his activities as ranking minority member of the Committee on House Administration. He served also as chairman of the California Republican delegation—one of the largest in the House—and was a member of the Joint Committee on Printing.

During the 1952 campaign, GLEN was in charge of the Washington office of Senator Richard Nixon who was the Republican nominee for Vice President. He continued to be a stanch supporter of Mr. Nixon through both the 1960 and 1968 Presidential campaigns.

When the U.S.S. *California*—the first nuclear-powered surface ship in a decade—had her keel laid in Newport a short while ago, Elizabeth and I were proud to be among the guests to watch Virginia authenticate the keel laying and to hear Secretary of Defense, Melvin R. Laird, as the principal speaker. It was an occasion we shall long remember and the words of our dear friend—GLEN LIPSCOMB—will live forever on the plaque attached thereto:

> Future generations of Americans will recognize that it was Congress that had the foresight, wisdom and courage to take this initiative to strengthen the Defense of our Nation.

So, also, will future generations of Americans recognize the contributions that Glen Lipscomb has made to the future of our great country through his untiring efforts and his dedication to the office he held. I know that he was proud to serve the 24th District of California in the House of Representatives, and I am certain that the people in the 24th district will miss his outstanding leadership and service.

No one could possibly have had more integrity, dedication, and loyalty than Glen Lipscomb. His devotion to family, and his dedication to public office certainly have earned for him a "Well done, thou good and faithful servant." Not once during our entire friendship have I ever heard him say an unkind word about any individual. Nor have I ever heard any individual say an unkind word about him. I am also proud to say that never once in these 21 years of close association have we ever had a disagreement.

Although it is not for us to question, it is difficult to accept that such a fine person had to be taken from us at the prime of his life. All my life I have been a religious man. I have never quite been able to understand why leaders like Congressman Lipscomb are called at such an early age. About the only explanation I have been able to give myself is that maybe God needs some men like Glen to help Him in connection with His problems. Glen had so much to give, and gave so generously and tirelessly of his time and energy. It is a great personal loss as well as a great loss to our country.

When my time comes, I know he will be there with his outstretched hand to guide and help me.

Elizabeth joins me in extending our love and affection as well as our deepest sympathy to Virginia, Diane, and Joyce and the other members of the family. We feel certain that wherever Glen is, he knows we will be watching over Virginia and the girls, knowing we will do whatever we can to ease their burden of grief.

Mr. SMITH of California. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, the President of the United States and Representative Glen Lipscomb were close friends over many years. This morning at the services, the President attended in paying tribute to Glen Lipscomb.

Yesterday the President issued a statement following the passing of Glen Lipscomb. Mr. Speaker, I would like to read his words:

> It was with great sadness and a feeling of personal loss that I learned of the death of Glen Lipscomb. He was an outstanding Congressman, Chairman of the California delegation of his party, and highly respected among his colleagues of both parties in the Congress. And it was not only his superb record as a Congressman that made Glen Lipscomb respected; it was his admirable record as a man.
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> I personally learned of his great abilities in 1950 when he volunteered his assitance in my campaign for the U.S. Senate and again in 1952 when he gave his time and talent to help operate my Washington office at the time I was candidate for Vice President. Since then, many Americans—in and out of political life—have discovered his capacity for hard work and his devotion to high principles. The nation has lost a fine American; California has lost a Congressional leader; many of us have lost an irreplaceable friend. Mrs. Nixon joins me in offering deepest condolences to the family of Glen Lipscomb.

Mr. Speaker, if Glen Lipscomb had an enemy in this House, neither he nor I knew it. He certainly had many, many friends, and I am proud to have been one of them.

In public life one needs friends, but one becomes a discerning judge of friends. Glen was a very special kind of friend. His friendship never wavered whether his fortunes, or yours, were up or down. If you were friends, you could count on Glen.

It has been said that life without a friend is death without a witness. Glen was worried, the last time we talked, that at the age of 54 he had accomplished nothing, that so much unfinished work was left for him to do. I say that we are all his witnesses. How many men have done as much for their country, their family, and their friends as Glen Lipscomb did in his 54 years among us?

Glen Lipscomb never said, as the distinguished gentleman from California has indicated, an unkind word about anyone, even though there were occasions of personal differences on the floor or in committee or even within our party. I never heard, as the gentleman from California has said, an unkind word said by anyone about Glen Lipscomb, and even though there were some vigorous opponents who differed with him very dramatically.

I had the wonderful experience, Mr. Speaker, of working a good many hours, a good many weeks, and a number of years most closely with Glen on the Committee on Appropriations, particularly the National Defense Subcommittee of the Committee on Appropriations. He was an anchor of strength. Yet he had an unbelievable vision of what we in the Congress ought to do to make certain that America would be strong in meeting our problems abroad. In this most vital area, Mr. Speaker, he was by any standard an acknowledged expert. He was highly respected by his committee colleagues on both sides of the aisle. He was respected by the witnesses who appeared before the committee, both civilian as well as military, and I think it is accurate to say that the staff members wholly approved of the fine job that Glen Lipscomb did on these most important matters.

Well, Mr. Speaker, his life will have many witnesses, within this Chamber and outside; from the White House to the humblest home in America, whose inhabitants are safer because of his vigilance in defense matters. His life will have special witnesses in an adoring wife, his helpmeet of 33 years, and two lovely daughters, who have given him five grandchildren to brighten his recent years.

Mr. Speaker, my wife, Betty, and I extend our deepest sympathies and condolences to Glen's wonderful wife, Ginger, and their fine family.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am pleased to yield to our distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, the untimely passing of our dear friend and late colleague, Glenard Lipscomb, leaves a void in the House which will be extremely difficult to fill. Glenard Lipscomb was a public accountant by training and performed invaluable service as a member of the vitally important Subcommittee on Defense of the House Appropriations Committee. He gave unstintingly of himself and of his technical expertise as a member of that subcommittee.

Because of his many years of service in that post he had acquired a profound knowledge of our Defense Establishment and our Nation's national defense that he recognized should be second to none. On the one hand he always acted as a vigorous guardian of the taxpayers' dollar, but on the other hand he was fully cognizant of the necessity of maintaining our national defense posture commensurate with the country's role as the chief guardian of the free world.

When the annual defense appropriation bill was brought to the floor, his superb mastery of his subject enabled him to play a dominant role in successfully guiding it through to passage.

On a more personal level, I have lost a dear friend. It was only 2 weeks ago that I visited Glenard Lipscomb at the hospital, where I met Mrs. Lipscomb who was with him on that occasion. He was very optimistic. When I left him, I left with a feeling of happiness at the optimism he displayed on that occasion.

I deeply treasured Glenard Lipscomb's friendship. He was universally liked and admired by his colleagues. He was a vigorous advocate in behalf of his political philosophy, but he was always a gentleman, fair, reasonable, and understanding. He placed the welfare of his country above politics.

Mrs. McCormack and I extend our heartfelt sympathy to his wife Virginia and to her loved ones.

Mr. SMITH of California. Mr. Speaker, I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join our colleague, the gentleman from California (Mr. Smith) in the touching statement he has made about his close friend and one of our most beloved colleagues, Glenard Lipscomb. Everything the gentleman from California and the distinguished minority leader have said about Glenard Lipscomb is echoed in my own heart. Glen was, as all Members know, an outstanding Member of the House, a ranking and most effective member on two important committees. He was knowledgeable, hard working, and constructive. He played a major role in the work of this body during his years here.

Mr. Speaker, the House feels it when it loses a Member of great dedication. In Glen's death we have lost one of our most dedicated Members.

But, Mr. Speaker, Glen Lipscomb was more than just a valuable and dedicated legislator and servant of the House and of the American people. He was one of the most wholesome men I have ever known. He was such a delightful and personable gentleman. He had the ability to disagree with grace and fairness. His talent for kindness and friendship was boundless and was appreciated as fully on our side of the aisle as in his own party. His affections were fully returned by every Member of the House. We all loved this wonderful man. We shall all miss him and the kindly smile that greeted us daily.

Mrs. Albert and I extend to Mrs. Lipscomb and their daughters and their grandchildren and relatives our deepest sympathy in their bereavement.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, on an occasion such as this, words are always inadequate. I feel also a personal inadequacy to truly express the great sadness that is in my heart at the passing of our wonderful friend, GLENARD LIPSCOMB.

Almost any adjective that carries with it a pleasant connotation could be used in describing GLENARD LIPSCOMB. He was masculine, yet a sweet person; he was firm, yes, yet fair and reasonable and gentle; he was a kindly man; he was a generous man; he was just thoroughly decent in every aspect of his life and demeanor.

We all knew him also as a most studious individual, conscientious in the tasks which might be assigned to him.

He was unselfish, always willing to go out of his way to help to make life easier for someone who could use his help in either a small or larger way. In fact, we can say that GLEN LIPSCOMB really never thought of himself, he thought of others.

I have known him since his first days in the Congress. I have known him not just as a colleague but as a very close friend. To me he was an inspiration, a model of a perfect gentleman. I was blessed to count him as one of my very closest friends.

This is a time of great personal sadness as far as I am concerned and as far as Mrs. Byrnes is concerned, but our sadness is tempered by the memory of a most pleasurable and rewarding association. We join with others in expressing our deepest sympathy to his lovely and gracious wife, Ginger, and his very fine daughters.

Mr. SMITH of California. Mr. Speaker, I yield to the distinguished chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, GLEN LIPSCOMB did not belong just to California; he belonged to the Nation. And the Nation has sustained a very deep loss.

I have sat here and listened to the many fine tributes paid to the memory of this distinguished American and legislator, and I must say that I do not think anyone has been able quite to capture the full depth and breadth of this statesman from the State of California. I confess that I lack the words to do so. But to his memory we seek to pay the highest tribute.

I sat by GLEN LIPSCOMB's side for years in the committee room. I observed him under all conditions. His performance has been outstanding. I recall his unrelenting efforts, his fairness and objectivity, his patience and compassion. If I have served here with a finer, more dedicated and devoted citizen than GLEN LIPSCOMB, I cannot call his name.

I know his loved ones will take comfort that we loved him so much and that we respected him immensely. He has left the members of his family a heritage which will comfort and inspire them in the coming years.

In my words of esteem, respect, and affection—inadequate as they are—I undertake to speak for all the members of the Committee on Appropriations, the committee upon which GLEN LIPSCOMB served so faithfully and ably throughout his tenure.

Mr. Speaker, may the Lord bless his memory and give comfort to his loved ones and his wide circle of friends.

Mr. SMITH of California. I thank the gentleman from Texas.

Mr. Speaker, I yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, it is said that "any man's death diminishes me." John Donne's words were never more true than in the case of my friend, GLEN LIPSCOMB.

The hallmark of GLEN LIPSCOMB's public life was excellence. During four terms as an Assemblyman in California and 17 years here in the House of Representatives GLEN served with quiet distinction and determination. GLEN LIPSCOMB's name was not often in the headlines, but his presence was always known by those charged with the daily responsibilities of government. He did his homework and knew his business. Fame acquired in the journals or through the electronic media is often an empty name. Those who serve best often serve quietest. The latter characterizes the career of GLEN LIPSCOMB.

Apart from his exemplary public record, how are we to remember GLEN LIPSCOMB? I suggest that we recall him for his abiding belief in the great American proposition that the people can govern themselves, and of right, ought to. I will always think of GLEN as a Congressman's Congressman which is perhaps the highest praise that can be given by a colleague in this great body.

Beyond his public record and his political philosophy, GLEN LIPSCOMB was my friend. I shall miss him.

My wife and family join me in expressing our deep sympathy to GLEN's wonderful wife Ginger and their daughters and other members of his family.

Mr. SMITH of California. Mr. Speaker, I yield to the distinguished dean of the California delegation (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, shortly after GLEN LIPSCOMB was elected he was assigned to the Committee on Government Operations and subsequently assigned to the Committee on Military Operations, which I have had the honor to chair for more than 16 years. For 6 years I worked side by side with GLEN LIPSCOMB on that committee, and I can say that there was never any more diligent member in attendance on that committee nor was there ever a more dedicated member of that subcommittee and full committee than GLEN LIPSCOMB. We worked together many, many hundreds of hours. I never had a disagreement with him. I can attest to the fact that his professional background as an accountant gave him great expertise in the many investigations we made into contracts and into matters pertaining to the operations of the military department. We developed many reports in that committee, and every one of those reports came out unanimously. I believe this is a tribute both to GLEN and to the other members of the subcommittee that we were able to arrive at reports which were unanimous in nature and that we were able to resolve differences of opinion and come out with recommendations which we felt were valuable for the country.

As I said, GLEN's background gave him the professional expertise which made him particularly valuable in that committee. I know that the same background in accounting stood him in good stead when he was assigned to the Committee on Appropriations. It made it possible for him to render diligent and efficient service there.

During the years since 1953 when he was elected we enjoyed a personal friendship between GLEN, his wife, Virginia, Mrs. Holifield, and me. He had a nickname that he often used for me. He called me "Boss," because I was the chairman of the subcommittee. Even after he had left the subcommittee every time he met me he said, "Hello, Boss. How are things coming along," or something like that. It was a term that I appreciated, because I knew it was a term of affection.

Mrs. Holifield and I have had a deep affection for Virginia and for GLEN. We will miss him as a personal friend. I know that the Congress also is going to miss the dedicated work he has been doing. One of the things we learn in this House is that, regardless of which side of the aisle we sit on, we learn to appreciate and value men of dedication, men of diligence, and men who will do their homework and work hard to make a contribution. Certainly GLEN LIPSCOMB made a tremendous contribution in his years in the House.

We extend to Virginia, and to her two daughters and their families, our affection and our deep sympathy in their loss of a husband and father.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. UTT).

Mr. UTT. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, this is one of the most difficult tasks I have had. When I came down yesterday and saw the flag at halfmast a cold chill ran down my back, because I felt it in my bones that the time had come for the good Lord to take Brother LIPSCOMB. For me he has has been my closest friend in Congress. We served together since the 83d Congress. GLEN always had a smile. I do not know anyone who ever got crossways with GLEN LIPSCOMB. He had a smile and a terrific personality and made a great contribution to California. I know how much I am going to miss him. To me the whole Congress lost a great deal of its attraction as we begin to see some of our dear ones pass on to their rewards.

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So, Mr. Speaker, I take this opportunity to express my great sympathy to Virginia and to their children and wish that God may give them the strength to carry on. We do not know why it is that certain people are called and some of the rest of us who are far less important to their country and the Congress are not taken.

But, Mr. Speaker, we take it as it comes.

Again I will say that I will never miss anyone as much as I am going to miss GLEN LIPSCOMB.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am glad to yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, it is with sadness and a great sense of loss—personal loss—that I join my colleagues in paying tribute to our esteemed friend and distinguished former colleague, the late GLENARD P. LIPSCOMB. He was one of the finest men that I have ever known, one of the outstanding Congressmen that I have served with and one of the dearest friends that I have had. He was a warm and genuine human being. He spent much of his life in dedicated service to his country and to his fellow man. He was a man who gave unstintingly of his talents in the development of our Nation. He handled the demanding responsibilities of his congressional committee assignments with the same intelligence, insight, and love of country that he fulfilled his obligations to his constituents.

Seldom, Mr. Speaker, does one find a man of such great stature and at the same a man who was so wholeheartedly dedicated to and responsive to the needs of the people he serves. His record and his contributions to America have earned for him the genuine and the lasting admiration and respect of his colleagues.

I shall always cherish the memory of his friendship and our association.

My sympathy and my prayers and those of Mrs. Sikes are with Mrs. Lipscomb and all of their family during this difficult time.

Mr. SMITH of California. I thank the gentleman from Florida.

Mr. Speaker, I now yield to the ranking minority member of the Committee on Appropriations, the gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Speaker, the Nation has lost a great leader and I have lost a very dear and close friend.

For many years we sat together in the State, Justice, Judiciary and Commerce Subcommittee chaired by the distinguished gentleman from New York (Mr. ROONEY). I know of no man who came to the committee meetings better prepared and with a greater understanding of the needs of the Nation that GLEN LIPSCOMB.

During my years of service in the Congress and during the period of my association with GLEN LIPSCOMB, I shall remember him as one of the half dozen most capable men I have known here in this body.

In recent years, especially since he became a member of the Defense Subcommittee of the Committee on Appropriations, in my opinion his contributions to his country while serving on the Defense Subcommittee have been of great strength.

You will recall that it was GLEN LIPSCOMB who was called upon to handle the transition between the Johnson and Nixon administrations in the Defense Department. I am sure that many of the things he recommended to the new Secretary, Melvin Laird, who served with him on that committee, brought about many of the savings that we find in Defense so that we now have more funds for our local needs and for domestic affairs.

It will be difficult, I assure you, Mr. Speaker, for many of us who have worked with him over the years to really believe he is not here with us now.

He has been taken in the prime of life, at a time when he was making his greatest contributions to the country.

Mr. Speaker, I do not believe I have known a more pleasant man than GLEN LIPSCOMB. In all of my years of association with him I have never heard him say an unkind word about anyone. He always brought a bit of happiness to our hard deliberations. He was a man of great humor, and in our most difficult times a man of great comfort. We shall all miss him very, very much.

Mr. Speaker, to his wife, Virginia, and his lovely daughters, Mrs. Bow and I extend our sympathies and condolences. But I am sure they must have some comfort in their knowledge of his devotion not only to his family, which was great, but his devotion to our country, and the contributions that he has made. I hope that a gracious God will comfort them. I know that they shall miss him even more than we miss him, and we shall miss him a great deal.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Speaker, shock and grief were my initial reactions upon learning of the untimely passing of the Honorable GLENARD P. LIPSCOMB, of California, for he was a longtime friend and an admired colleague.

GLEN's passing was doubly shocking in that I had thought he was on his way to recovery from his illness. When informed of the tragic news I had that feeling one gets when a member of the family passes away.

GLEN came to the House of Representatives in 1953, after a distinguished 5 years of service in the California State Legislature. On July 31, 1958, he was named to the House Committee on Appropriations, and shortly thereafter became a member of the State, Justice, Commerce, the Federal Judiciary and Related Agencies Subcommittee of which I was and am chairman.

I must state, Mr. Speaker, that few members of the House Committee on Appropriations have served more diligently or competently than GLEN LIPSCOMB. He was an invaluable help to all of us and, more importantly, he had a great healthy respect for the taxpayers' dollars with which we deal. He researched, he dug, and he fought for what he believed to be right—he brought much to the committee, and thereby to the country.

But to say that GLEN LIPSCOMB was a competent and able man is to ignore that which we most felt about him—his humaneness. He was a kind, warm, and gentle man. He was a man to be admired, respected, and truly liked for himself.

I know that my colleagues on the other side of the aisle will suffer for his absence, for he was one of their key men in determining policy and action. But I assure them that no man here will miss GLEN LIPSCOMB more than I. We have all lost a friend.

To his lovely wife, Virginia, his daughters, and family, I extend the Rooneys' deepest sympathy and prayers in this time of great loss.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is with deep sadness that we honor the memory of our friend and colleague, GLEN LIPSCOMB.

I was privileged to know GLEN for many years, both in our home State of California and here in Washington, and I considered him one of my very good friends.

In my earlier years in politics I worked with GLEN in his first campaign for election to this House in 1953.

GLEN's untiring capacity for hard work, his businesslike approach to the myriad finances of the Federal Government, his integrity and his leadership, and what is more, his wonderful warmth of personality and his great ability won him the respect and admiration of all who knew him.

We have lost a great friend. Our State and our Nation have lost a great legislator.

I wish to join in extending very deepest sympathy to Virginia Lipscomb and to GLEN's wonderful family.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I wish to join my colleagues in paying my respects to GLEN LIPSCOMB. I do not know what can be said that has not already been said about him. He was, first of all, a gentleman. He was a man of humility and a man without guile, and there are few people of whom you can say that.

I need not extol the work that he did here. That has been well done and well said by others today. All I can say today is that this man fulfilled the qualifications set forth by a great poet who said:

> Verily he could walk with kings and not lose the common touch.

Mrs. Miller and I join in extending our sympathy to the beautiful Virginia and to the Lipscomb family.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Speaker, what a tragedy it is that a man in the prime of life, with a lovely family and holding a position of great responsibility, should be stricken down so suddenly and almost without warning. Such was the case con-

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cerning the departed colleague we mourn today—GLENARD P. LIPSCOMB.

GLEN LIPSCOMB and I began our service in Congress in the same year, 1953. We have, therefore, been associates here in this body for nearly 18 years. Most of these years we served together on the Committee on Appropriations, meeting almost on a daily basis during the long and arduous hearings and discussions pertaining to the budget and appropriations processes. This association has been close and cordial and of far longer duration than ordinarily is the case. During this long period, I came to know and appreciate the great ability which GLEN possessed and the great talent with which he was endowed.

In addition to our close relationship in the discharge of our official responsibilities, GLEN and I were together frequently on social occasions. And it was on these social occasions, always with our wives present, that I learned of GLENARD's deep and abiding love for his family. I did not know them before we met in Washington 18 years ago; but based on our close and intimate association over the years since 1953, I must say that I do not think Ginger and GLEN could have been more in love as bride and groom than they were 18 years later. Truly theirs was an ideal marriage, and it was blessed with two lovely daughters who, through marriage, have brought sons-in-law into the family circle. The homelife of this devoted family should be an example which might well be emulated.

I will not comment upon GLENARD LIPSCOMB's great accomplishments as a legislator or on his dedicated and praiseworthy service to his district, his State, and his country. I will simply pause long enough to say that in my time here I have never known a Representative who worked harder or devoted his talents and energies more effectively in selfless service than did GLEN LIPSCOMB.

I am not going to forget GLEN. But I intend to remember him, not so much as the outstanding statesman he proved himself to be but as a friend who was wholly without guile; as a kind and gentle man who had no enemies, only friends; and as one who was as persistent and emphatic in the pronouncement of his beliefs as anyone I ever knew but one who always proclaimed his views calmly, logically, and quietly, never angrily. In my book GLENARD LIPSCOMB will go down as one of the truly great men I have known in the Congress.

My wife, Annie Elliott, joins me in extending our profound sympathy to the Lipscomb family and in the belief that their faith will sustain them in this hour of sorrow and grief.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I have listened to my colleagues pay tribute to the life and service of my good friend and the friend of all of us—GLEN LIPSCOMB.

It brings to my mind a statement I once heard, that it falls to some men to do more good in a relatively few years than many others do who live far beyond three score and ten.

Certainly GLEN LIPSCOMB's life was one that merits the temperate, the quiet, but the strong statements that have been made here today about his character, his person, and his tenacity in holding to those things in which he believed.

Mr. Speaker, it was my privilege to sit by GLEN on the Subcommittee on Appropriations for the Defense Department, and with all the pressures that come to all committees at times, I never saw him yield, I never saw him bend, I never saw him disagreeable.

GLEN had the ability to learn, to study, to assimilate, and to know, and he had the ability to put it across. But never have I seen him lose his patience, never have I heard him speak an unkind word to anyone on his side, on our side, or on the opposite side of the table.

I know that there is no way for us to understand how young men, in the prime of life, can be taken from us. We do take consolation in the wonderful mark he left here in the Congress and in the records of this Republic. We can take great strength in the example that he set for the rest of us here, not that we can match it, but we can appreciate it and try to emulate the fine job that he did.

I know that these are hard times, and are bound to be, for his wife and for his loved ones. But I know no man who could leave to them a better heritage, a heritage that not only do they appreciate but everyone who knew GLEN LIPSCOMB appreciates. Everything that has been said today has been said in a similar vein, and I subscribe to all those things. Again, we cannot understand the plan "upstairs," but we are thankful for the wonderful job and for the wonderful example and the lasting benefits that GLEN LIPSCOMB has left to all of us.

We join our colleagues in expressing to his beloved family our deepest sympathy in their loss.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, the United States and the House of Representatives are poorer places today because of the passing of GLENARD LIPSCOMB. GLEN had qualities which very few people ever can possess. As Dr. Halverson said today at the memorial services, he was a humble man. He helped his friends, he pushed their fortunes, he aided them in every way he could. But he never did it expecting any reward. He never, as far as I know, pushed himself forward.

He was a man who was deeply devoted to this country, particularly to its defense. He was firmly convinced that the country faced physical danger from without, and that the Armed Forces of the United States must be kept strong and fit so that it could combat that danger.

And yet he was dedicated as deeply to peace as any man could possibly be. The fact that he was so dedicated to peace, I am sure, is the reason that he was so intent on making sure that this Nation was always prepared to repel aggression with overwhelming force. He hoped that the presence of this great force would deter aggression and thereby insure peace.

Here was a man who was a friend of younger people. There was no generation gap as far as GLEN LIPSCOMB was concerned. I can speak with personal knowledge of that fact, because in my own family there has never been an adult more deeply beloved by my children than GLEN and his Ginger. Every Christmas morning since we have been in Washington GLEN and Ginger came to our house. I sort of hoped that they wanted to see my wife and me, but I knew that mainly they came to see our children. This was a visit which was looked forward to every Christmas, and the Christmas season will never be the same to my family because of the fact that GLEN will no longer be with us.

Every one of our colleagues that I have talked with since his passing have all had this one remark to make about GLEN: "Here is a man who cannot be spared." There is no way in the world to replace him. I am sincere in the belief that this is true not only because of his work on the Defense Subcommittee and in the House, but particularly in the hearts of his colleagues. I know of at least three present or former Members of this House who thought of GLEN as the best friend each of them had. This great capacity for friendship—the quality that causes a person to love, and be loved—was probably GLEN's greatest virtue and the real hallmark of his personality.

Betty and I join all of our colleagues, their wives, and our mutual friends in wishing for Ginger, for Diane and for Joyce an ever-present realization of the fulfillment which has been theirs at having shared the life of a man who was so richly endowed by his Creator and at being loved so deeply by him. They have our deepest sympathy, they have our understanding, and they have our undying love and friendship. In saying goodby to GLEN, all I can do is to pray that the Creator will take this great soul to be with him forever. In the humble opinion of a mortal man that is where GLEN deserves to be.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I join at this time in all the many comments and tributes that have been paid to our dear and beloved friend, GLENARD LIPSCOMB. I had an opportunity to know GLEN quite well and to share in the blessings of his friendship. He and I were the closest neighbors in the Rayburn Building for a number of years. Not only did I enjoy his friendship throughout that time, but also I came to know and understand the love and dedication of his staff, who came early and stayed late. This was an indication of the kind of man GLEN was, that the people who worked with him and for him were totally dedicated to him and to serving him, and they loved the man for what he was.

There are many things that could be said about his activities. I had an opportunity on one occasion to serve with him on a committee. He was one man who could disagree without being disagreeable. I simply want to say at this time that truly he will be missed. He was truly a great American.

On behalf of Reta and myself, I extend

Virginia and the girls our deepest sympathy.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, it is difficult at a time like this to find words to express adequately one's feelings. I came to the 83d Congress with GLENARD LIPSCOMB and served with him all these years, mostly on the Appropriations Committee. We served on the same subcommittee. We who have served with GLENARD LIPSCOMB know of his dedication and ability. GLEN served in this body and did it with great distinction. GLEN had the respect and admiration of all of his colleagues.

Mr. Speaker, not only have I cherished GLEN as a colleague and a friend, but also we have many times been together socially. It was a pleasure to be with GLEN and his family. They are very, very wonderful citizens. No one at any time can indicate anything else than that GLEN was a real man.

Peg and I want to express to Ginger and the girls and their families our deepest sympathy at this time of bereavement.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I share the sorrow and sadness which has been expressed in the House of Representatives today. I associate myself with the remarks of the gentleman from California (Mr. SMITH) and our other colleagues who have paid richly deserved tribute to the life and memory of the Honorable GLENARD P. LIPSCOMB, late a Representative from the State of California. GLEN was an able legislator. He was a fine man. He was a true gentleman. He was a warm personal friend.

He possessed an infectious smile, a pleasant personality, and a warm and friendly disposition. He would always demonstrate sound judgment, well-chosen words, good humor, and a good sense of humor. On occasions when tensions might build up and honest disagreement between men of good will would arise, GLEN was a calm and stabilizing influence leading others to compromise issues without sacrificing principles. In every respect it was a pleasure to be associated with him.

There have been few men with whom I have had the pleasure of serving in the Congress who held the universal respect of our colleagues as did GLEN LIPSCOMB from California.

GLEN and I came to the Congress at about the same time. He and I both came after separate special elections, after the other Members of our class had entered at the beginning of the 83d Congress. So in that, as in many other ways, we had something of a kindred spirit.

In later years, during our services here, we were each elected to the Committee on Appropriations. He and I served on a subcommittee together, the subcommittee which prepares the appropriations bill for the Departments of State, Justice, and Commerce, the Federal judiciary and related agencies.

During that time he proved himself to be a competent legislator who knew his subject matter, who did his homework, and who was always well prepared in the questioning of witnesses and in the presentation of an appropriation bill on the floor of the House.

We shall miss him very much, but we are richer for the privilege of having known him and having served with him.

His district, his State and our Nation are all better because of the influence of this fine man, to whose life and memory we pay tribute today.

Patty joins me in extending to Virginia, to their daughters, and to the other members of the Lipscomb family, our profound and heartfelt sympathy.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, GLEN LIPSCOMB was a helpful person. He was helpful to this Nation in its effort to survive through his specialized knowledge of defense appropriations and the other responsibilities of his office in the Congress he acquitted so effectively.

He helped his friend, Richard Nixon, become Vice President of the United States and later President.

He helped his colleague, Mel Laird, set up the Defense Department, which the former Wisconsin Congressman now operates as Secretary of Defense.

He has helped the great and the small of his constituency, serving them well as their spokesman and ombudsman with the Federal Government.

He has helped all the Members of this body who asked his aid because of his specialized knowledge in the defense appropriations area. And he has helped many of us, his colleagues, with problems relating to our service here, problems of a narrower gage than those of broad scope which sometimes move in this body. He has helped us with personal concerns on a man-to-man basis.

As a public servant, he epitomized the kind of service we are all here to perform, assistance and help to others.

In politics, sadly, one too often sees superficiality of ability or personality or intellect rewarded with promotion or public praise or honor. And too seldom do we see true public service of the nature that GLEN LIPSCOMB performed while he was here—the helpfulness, the honorable personality, the humility of assisting others unselfishly—rewarded as it should be. Now, as the eulogies spring from us in sadness and sincerity, we get a real measure of this wonderful man.

Like the gentleman in the well, I cannot help but wonder, at the death of GLEN LIPSCOMB. Why was he taken at the height of his ability and vigor? Why is it God's purpose to call home to Him a man of such great character, capacity, and talent, who had such a future of service?

This Nation is diminished as a result of his departure. This body in which we serve is smaller. Each one of us has lost something very dear at the passing of GLEN LIPSCOMB.

Having lost a daughter to the inevitable ravages of cancer, Joyce and I know something of what GLEN and Ginger and their daughters must have been going through in the last 6 months. To his family we extend our deep sympathy and our love. And to GLEN—one of God's truly noble men—we dedicate an everlasting portion of our memory and affection.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Speaker, on this sad day we join in bidding farewell to our beloved colleague, GLEN LIPSCOMB. Our country, his and my State of California, and this House have suffered a grave loss.

We met 19 years ago as members of the California Legislature and my respect, admiration, and friendship for him grew even stronger as we served together in this body. He was the complete opposite of the cartoonist's picture of a Congressman, honest, fair, kind, intelligent, the diligent master of every detail of his job of representing the people. Surely his service on the Defense Subcommittee of the Appropriations Committee has made our country stronger and more secure. A strong member of his party but he was never partisan in his approach to his work in the House or with his colleagues. The praises of his colleagues reverberate within these chambers.

His wife, Virginia, and their two daughters can treasure a memory of a fine gentleman and a courageous representative of the people. Evelyn and I offer them our deepest sympathy. We have all lost a friend.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I am thankful the gentleman from California in the well has taken this time, just as indeed I am thankful for the life on earth of our departed colleague, GLENARD P. LIPSCOMB. It is perhaps well to hear from some of us on other committees and who came to serve with him 6 or 7 years after his arrival in the House, and accepted his happily extended and always helping hand. Others have spoken of our heartfelt sympathy to his loved ones more beautifully and tenderly than can I. Those who served with him through so many years have expressed for all of us, our appreciation for this man who exemplifies "service above self." GLENARD LIPSCOMB was kind, charming, gracious, and gentle, yet firm, and indeed all of the adjectives that have been used have been used correctly. It could be summarized by saying that his action spoke so loudly that adjectives and phrases cannot tell the story.

I feel privileged to have served with GLENARD LIPSCOMB, because I was a recipient of his kindly understanding. I think even though he was in vexing circumstances from time to time his kindly smile of understanding, which was always ready and almost automatically evoked, became his trademark. I shall not repeat all of the great service he has done. It has been well documented and repeated here today, but as a professional man in a profession that failed to save his life, he had confided to me to some extent after his being first struck down and again in his terminal illness. One of the things that was outstanding throughout his all-too-short life was his eternal optimism and complete faith in his Maker, including the faith that he would be all right and could continue to serve and fulfill what he thought was his mission on earth.

As the gentleman in the well has so aptly put it, we cannot understand these things, but we are earthlings and are not given to understand God's scheme of things on earth or in the hereafter, where I know this man of God will serve at His right hand.

Mr. Speaker, I thank the gentleman for the time he has yielded me and Mrs. Hall joins in regret and sympathy to the loved ones.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I know that the tribute of the distinguished gentleman from California (Mr. Smith) has more eloquently, more movingly and more beautifully said all that I could say about our beloved colleague, Glen Lipscomb, as well as those expressions which have come from both sides of the aisle from those who deeply mourn Glen.

Mr. Speaker, when Glen and I came to the 83d Congress and were given our committee assignments, I came to appreciate his brilliance, his knowledge and his perspective. When he was assigned to the Committee on Appropriations, although we did not serve on the same subcommittee, he won my respect and admiration as well as the respect and admiration of all the members of the full committee and indeed of all the Members of this House of Representatives for his very deep and intense knowledge which he always displayed in the full committee and on the floor of the House.

Mr. Speaker, Glen was one of the many who have served and who now serve in this great body who performed his public service without fanfare, who cared little for personal glory or publicity, who shunned demagoguery, but who do their daily difficult tasks motivated solely and simply and only by their magnificent sense of responsibility, their devotion to and their love for their country.

Mr. Speaker, the Nation and the great State of California, as so many Members have said here, have lost a truly great public servant. The House has lost one of its finest Members.

I express to Virginia Lipscomb and to her two daughters and the Lipscomb family my sincerest sympathy in this hour of deep sorrow.

Mr. SMITH of California. I thank the gentleman from Massachusetts.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, Glen Lipscomb was a close personal friend. He and his lovely wife Ginger were one of the most attractive couples my wife and I have been privileged to know during our service in the Congress.

In the SOS Club Glen was a pillar of strength, leadership, and an example of restrained responsibility for all of us who were privileged to share his friendship and consultation each Tuesday evening. It has been a privilege to come to know and to be able to have associated with Glen Lipscomb. He was the finest example of a conscientious, capable, effective Member of Congress of unimpeachable integrity. More than this, Glen was a warm, humane, discerning person, who unstintingly and unselfishly gave of himself to his country, and to his colleagues.

Mr. Speaker, Glen Lipscomb enjoyed the highest respect, the fullest confidence and the unreserved devotion of all Members on both sides of the aisle. He deserved this unusual esteem for he was a tremendous person.

Why God's will is to take such a wonderful man as Glenard Lipscomb at this time is beyond us. But it can surely be truly said that "He is not dead, He is just away."

With a cheery smile
And a wave of the hand
He has wandered into an unknown land
Leaving us dreaming how very fair
It needs must be
Since he lingers there.
He is not dead
He is just away.

Virginia and I extend our heartfelt sympathy to Glen's lovely wife Virginia, their children, and their loved ones, in the awful loss that has become their cross to bear. In no small measure it is also our loss and that of the entire United States of America as well.

Mr. SMITH of California. I thank the gentleman from New Hampshire.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I wish to join my distinguished colleague from California (Mr. Smith) and the other Members who have preceded me in extending my deepest sympathy to the members of the family of our dear friend and departed colleague, Glen Lipscomb.

If I thought of a phrase which described Glen Lipscomb most completely, I think I would be reminded of the words—still water runs deep.

Mr. Speaker, here was an effective man, a man who thought deeply and acted deeply in behalf of his family, his country, his constituents, and this body.

I had the great pleasure of serving with Glen on the House Committee on Administration. Regardless of whether one considered him an adversary with reference to a particular piece of legislation or supporter of that legislation, he always was gentle and had a smile. He was always considerate of the position of other people. I know of no greater height to which one can aspire in this life than to be considerate of others.

As we mourn the passing of our dear friend today, we know that the good and constructive legislation that has been enacted since he came here in the 83d Congress in 1953 has had his stamp upon it, that America will be greater for his service. And certainly, Mr. Speaker, the entire Gray family and I wish to join in expressing our sympathy to his grieved family and to tell them in our sincerest way that life here in Congress and our country has been better because they sent Glen Lipscomb our way. In closing I would like to dedicate a poem to the life and memory of Glen. I believe it fits his outlook on life. He was a great success.

The poem follows:

I have to live with myself, and so
I want to be fit for myself to know.
I want to be able as the days go by
Always to look myself in the eye.
I don't want to stand with the setting sun
And hate myself for the things I have done.
I want to go with my head erect.
I want to deserve every man's respect.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. Gubser).

Mr. GUBSER. It was in January of 1951 that I first experienced the sunshine of Glen Lipscomb's friendship. As the California Legislature opened its session, it was his graciousness, his warmth, and his friendship which were indelibly impressed upon me, a new member.

Now, 19 years later, those same words still describe what we feel about him.

Today, as we realize he is physically gone, our feelings erupt into a massive grief and wonderment as to why the pattern of life is denying us his graciousness, warmth, and friendship.

As weak, mortal human beings we ask—why such a young man? Why such a good man? Why such a talented man? Why such a capable man? Why such a kindly, wonderful man as Glen Lipscomb?

These are questions that we mortals cannot answer and will never be able to answer until the time when we pass to immortality as Glen Lipscomb has. Then, I suspect, we will know there is a higher calling than this mortal life.

No man has ever entered immortality better equipped to fulfill that higher calling than our friend and our colleague, Glen Lipscomb. He lived his life as God would have all of us live, and his death is only an interruption in his service to God and humanity. Glen Lipscomb lived to serve, and he will continue to serve.

A true measure of what people thought of Glen Lipscomb marked his memorial service this morning. It was evidenced by the numbers and the types of people who were there, and it was echoed in the wonderful words of the reverend who said:

> Glen Lipscomb's passing is our loss. It is not Glen's loss.

Although we suffer a loss, we gain a legacy. We who remain in this House of Representatives can remember his example that one need not be mean, one need not be vicious to be a strong advocate of principle.

One need not follow the course of expediency with its fleeting reward of publicity, but can savor the lasting sustenance of accomplishment by following the course of right.

One need not be unkind, to press a

difference of opinion. One can always pursue an honestly held point of view and still be a kindly gentleman like the great friend we have lost, GLEN LIPSCOMB.

I extend my profound sympathy to his good wife, Virginia, and to his family. I hope for them that they may gain the strength which GLEN LIPSCOMB would have them hold—the strength to face the future of this mortal life without their beloved.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Speaker, it was early in January 1953, that my wife, Laura, and I became acquainted with a young, delightful, and happy couple from California who came to the Congress that year along with us and others of this group. That was a happy time. It was easy for one to be happy, and to have a pleasant attitude and to have a pleasing glance of happiness and pleasure toward everyone.

It was a new experience—of coming to Washington to live and to legislate in the Nation's Government. So none of us thought particularly at that time about the pleasant dispositions of any of the others. It was a time when that was taken for granted. But as the years have rolled by and as we have come down to the present, we recall that during all of those 17 years, now entering on the 18th year, that GLEN LIPSCOMB and his charming wife, Virginia, have been here in Washington among us, that the responsibilities of this office and the wear and tear that naturally goes with it, did not detract from his pleasing disposition. I believe he was one of the most quietly effective men that I have met in the Congress. I know I never saw him excited, but I also know that I never saw him inattentive or uninterested in the things that affected his Nation's Government or affected the interest of any of his colleagues.

Likewise when you were around his wife, Virginia, you felt that she was also interested.

So to her and to the other members of his fine family, I am pleased to join in expressions of genuine sympathy to them and join also in an expression of thanks for having known and worked with a man like GLEN LIPSCOMB.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Maryland (Mr. MORTON).

Mr. MORTON. Mr. Speaker, among all of my colleagues and friends, I have never had the privilege of knowing a finer man than GLEN LIPSCOMB. Our loss in the House of Representatives, incurred by his departure, will be keenly felt. We in the House are thankful for his life and his service.

He was a symbol of greatness to all those who serve in the legislative branches of government across this land. His honesty, his integrity, coupled with his penetrating understanding, his patience and his great respect for others, reflected in him the character of a person so valuable to his fellow man and so important to the service of his country.

To his wife, Ginger, and his family, Anne and I express our own sorrow and deepest sympathy.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Texas (Mr. BURLESON).

Mr. BURLESON of Texas. Mr. Speaker, from the time GLEN LIPSCOMB came to the Congress, we served together on the Committee on House Administration. For approximately 14 year of that time he was the ranking minority member, while I served as chairman.

The nature of that committee places one in the position of having all other Members as constituents in a manner of speaking, because it is the Members' committee.

In these capacities, GLEN and I were in constant and almost daily contact in carrying out our various responsibilities.

We had the finest and closest relationship. I know we shared a high mutual respect and confidence. It is always a comfort and a gratification to be able to implicitly trust those with whom you associate. This was the case in carrying on work with this able, conscientious, and dedicated man.

We had a close working relationship. Where there was a difference of opinion, there was never a disagreeable note in all the years we worked together. Without exception, where differences arose they were resolved reasonably, fairly, and unselfishly.

I join all who have spoken with such deep feeling about the passing of our good friend. I know of no Member of this body who was held in higher esteem and respect than was GLEN LIPSCOMB. His passing is a great loss as a personal friend. His passing is a loss to this House of Representatives—to our Nation—to the people of his congressional district whom he represented so diligently and faithfully. The loss to the young family he leaves is immeasurable. I join with you who have expressed deep sympathy to Virginia and trust that she will find divine comfort to support her in the sad and lonely days ahead.

In the final analysis, it seems to me the greatest thing to be said of any man is that he was a good man. This describes our beloved and departed friend GLEN LIPSCOMB.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. MACGREGOR).

Mr. MACGREGOR. Mr. Speaker, at the services this morning in the Fourth Presbyterian Church of Bethesda for GLEN LIPSCOMB, the minister looked over those in attendance and his gaze centered on GLEN LIPSCOMB's friend, the President of the United States.

The minister then spoke of the message contained in a page of the Washington Post of this morning, February 3. The minister commented on a photograph on that page, a photograph showing the President of the United States with Maestro Eugene Ormandy. And the minister quoted from the words printed under that photograph, words that President Nixon delivered in Philadelphia on January 24 in the course of presenting Eugene Ormandy the Nation's highest civilian award, the Freedom Medal. The President honored Eugene Ormandy, he said, "for bringing to each performance something more precious than his great gifts; he brings himself."

GLEN LIPSCOMB was then likened to Eugene Ormandy.

To me the most moving portion of the service this morning, the most meaningful message to me as one who had the privilege of knowing GLEN LIPSCOMB for the 9 years of my service in the House of Representatives, was the understanding shown by that minister in recognizing that the most precious gift which GLEN LIPSCOMB brought to everyone whose life he touched was his own self.

Barbara joins me in extending to Ginger and to her daughters our deepest sympathy. GLEN LIPSCOMB was the finest man I ever met.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, I thank the gentleman from California for permitting me to pay my respects to the memory of GLEN LIPSCOMB. I served with him on the Subcommittee for Defense of the Appropriations Committee for 10 or 12 years, as long as he was on that committee. I have been on that committee a long time. Never have I served with a man who had more ability than GLEN LIPSCOMB. He was one of the finest men I have known since I have been in Congress. It is refreshing to be associated with a man like that, and it is wonderful to enjoy the friendship of a man like that, as I had the pleasure of doing through the years.

I am going to that committee now. I can truthfully say that all of us on that committee will miss GLEN LIPSCOMB. He made a wonderful contribution. He was a great Congressman. He was a great American. He was a Christian gentleman.

I attended the service this morning. It was one of the most impressive I have ever attended. GLEN LIPSCOMB reflected great honor on this House, and the great and the near-great of this Nation were there to pay their respects to him.

Mr. Speaker, I will always remember GLEN LIPSCOMB. I am thinking of a poem entitled "The Heart of a Friend.":

> The heart of a friend never wanders or doubts,
> No matter if years intervene.
> The old faith is there and nought can compare
> With the comfort it gives though unseen.
>
> Yes, the heart of a friend is one thing I prize
> As life lengthens and twilight descends
> It is the last boon I will ask
> When I have finished my task:
> That I live in the hearts of my friends.

I want to assure GLEN's sweet wife and daughters that as long as GLEN's friends live, he will live in their hearts.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, there are many here who knew GLEN LIPSCOMB as an old and beloved friend.

I would like to speak as a new member of this great body who had the privilege of knowing him as a beloved friend for only a little while.

GLEN LIPSCOMB had at the same time the sensitivity for the newest member that he had for the most senior and powerful.

No question of this very junior Congressman was unworthy of a thoughtful answer. He gave of his time and himself to advise and counsel. There was always the ready smile and a warm retort.

It is my great regret that I could not have known him longer.

It is the Nation's loss of a great servant of the people. Our hearts go out to his family.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Speaker, I thank my colleague in the well, the gentleman from California (Mr. SMITH) for giving us this opportunity to express our respects to the memory of GLEN LIPSCOMB and to express our sympathy to his family. I have known GLEN for many years, since some 22 years ago when he joined us in the California State Legislature. I remember him well, coming as a very eager, boyish, warm, friendly, and optimistic person. He immediately made friends in the State legislature. He served his district well in the State legislature, and later he was elected as a Member of the House of Representatives. Of course, here he did his job well also.

Mr. Speaker, today we have heard outstanding tributes to his record. I came here this past year and had a chance to renew my former friendship with GLEN, which had lapsed somewhat during the years he served in the House of Representatives. I was pleased to note, even though he was not in the best of health, that he still had the same optimistic, friendly, and eager attitude he had 22 years ago.

GLEN had many friends throughout the State of California and was well known and well liked at every level of government in our State. California has lost an outstanding Representative and our country has lost an outstanding and loyal and able public servant.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. PETTIS).

Mr. PETTIS. Mr. Speaker, I have known GLEN LIPSCOMB for many, many years before I became interested in public service. The same qualities which have been described here today GLEN had in those days of his youth. They were qualities which attracted me to him then, and since coming to Congress my admiration for those qualities has grown with time.

All that has been said here today is true. GLEN LIPSCOMB was truly a giant among men.

His passing is a great loss to his country. It is a great loss to his family. It is a personal loss to me.

Shirley joins me in extending our deepest sympathy to Ginger and to the girls.

I hope that the tributes which have been paid to GLEN here today will inspire all of us in the days to come, when we read and reread these tributes, to be more like GLEN LIPSCOMB in honesty, in integrity, and in our dedication to our families and to our country.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Wyoming (Mr. WOLD).

Mr. WOLD. Mr. Speaker, I join my colleagues in great sadness at the loss of our beloved GLEN LIPSCOMB.

There are not too many of us about whom one would say, "He was a really great Christian." I have known few in my life who truly fitted this description better than GLEN LIPSCOMB.

My contact with him was brief, but short as it was, his courage, his kindness, and his convictions stood out always. His thoughtfulness and his interest in others were an inspiration.

Ginger Lipcomb has been my wife Jane's "big sister" in our first year in Congress.

We have come to admire the Lipscomb family, and to realize the great devotion GLEN had for his family and to young people particularly.

We are thankful for the opportunity of knowing and getting to love this very able and kind colleague.

Jane and I join in deepest sympathy to Ginger, to the girls and to the family, at the sad and tragic loss for all of us.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Speaker, it is with a profound sense of personal loss that I rise to join the many Members of Congress in paying tribute to the memory of GLEN LIPSCOMB.

Mary and I attended the memorial services for GLEN this morning. To see the group of people in that church and to hear the genuine tribute paid by the pastor of our late colleague really made us think of what a wonderful and useful life he had indeed led.

As a fellow member of the Subcommittee on State-Justice of the Appropriations Committee, I sat with GLEN many, many days, many weeks, and many months through the hearings. I was privileged to hear him so very capably take those actions to strengthen his Nation and to assure the welfare of his fellowman.

He was most persuasive because his concern was so obviously genuine and sincere.

We have lost a dedicated member of our committee, and the Nation has lost a great statesman.

Certainly his wife and family have our deepest sympathy. Their loss is a personal one, but it is shared by those of us who knew and admired and respected GLEN and all he stood for. We all, of course, will be proud of his memory because of the record he made during his lifetime and the respect and admiration everyone had for him.

Mr. ARENDS. Mr. Speaker, the loss we have suffered with the untimely passing of our beloved colleague, GLEN LIPSCOMB, is beyond measure.

He was a young man, a man who never said an unkind word and did anything unkind. He was one of the most gracious men I have ever been privileged to know. He had an ingratiating smile that showed the depth of his affection for his fellow men, his understanding and his compassion.

As individuals we will miss him. We will miss him more and more with each passing day. No one can ever take his place in our hearts. No man ever served in this body more deeply loved and respected.

We will miss him as a friend and will miss him as one of our colleagues. He first came to Congress from California in 1953. That he served well the people of his congressional district is evidenced by his continuous service here. He enjoyed the confidence of the people for whom he spoke and acted.

He enjoyed our implicit confidence. When he addressed himself to a legislative problem we knew that he knew whereof he spoke. He worked tirelessly, and sometimes thanklessly, on each and every question to come before this House, and particularly before the Committee on Appropriations and the Committee on House Administration on which he served.

GLEN was a member of the Defense Subcommittee of the Committee on Appropriations. It would be no exaggeration to say that on defense matters he was an expert. I can recall many occasions when an explanation from him of a particular proposition would resolve any doubt some of us had with respect to it.

All of us had confidence in GLEN LIPSCOMB, not solely because he knew his subject but also because we know him to be a man of principle. He was a man of convictions with the courage of his convictions, a man of principle who stood firm on principle. And we all respected him for it.

His outstanding work in the Congress stands as a monument to his memory. He will never be forgotten.

It is difficult to understand, Mr. Speaker, why a man of his character and his ability, with so much to contribute, should be taken from us. Perhaps it is because we are selfish and we do not want to lose someone who means so much to us.

Mr. Speaker, there are no words to express the personal loss I feel. I extend to his wife and family my heartfelt sympathy. I hope they can find some consolation in the knowledge that countless people, in and out of Congress, share the great loss that is theirs.

Mr. RIEGLE. Mr. Speaker, it is with sadness that I take the well to speak briefly about our former colleague, GLEN LIPSCOMB.

Most of you here knew GLEN for a longer time than I did, but it was my good fortune to serve with him on the Appropriations Committee.

His earnest dedication to his work, his always friendly manner, his reasonableness, and his goodness as a man, will be sorely missed on that committee and here in the House.

As a freshman I found GLEN always willing to be helpful and take the time to counsel with new Members. His words of wisdom and encouragement meant much to me—and this body can ill afford his loss.

Some news accounts within the last 2 days, unfortunately, have suggested that GLEN was a reflex "hard-liner" with respect to American foreign policy. I do not think this is a correct impression. I always found GLEN LIPSCOMB to be thoughtful and openminded on issues of foreign policy and national defense—al-

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ways willing to hold off a final judgment until all the facts were in. He worked quietly, but thoroughly, and with great effectiveness in helping to build an American defense capability sufficient to our needs. I believe his only interest was his conception of our national interest, and within that framework he contributed much to his country.

So in a sense GLEN LIPSCOMB lives on—in his good works, in his positive influence on others, and as an enduring symbol of unselfish citizen service to the cause of effective self-government.

Mr. NATCHER. Mr. Speaker, on January 6, 1954, four of us were sworn in as Members of the House of Representatives—GLENARD P. LIPSCOMB of California, Lester R. Johnson of Wisconsin, HARRISON WILLIAMS of New Jersey, and myself.

We were all elected in special elections during the first session of the 83d Congress and the Honorable Joseph W. Martin, then Speaker, swore us in on the first day of the second session of the 83d Congress.

Later GLEN LIPSCOMB and I were named to the Committee on Appropriations and served together on this committee until the time of his death. All down through the years I considered it a privilege to serve with this able and outstanding gentleman who was recognized as one of the most knowledgeable Members of Congress whose sound judgment, fairmindedness, and perseverance never failed to impress his colleagues and served to increase their respect and admiration for him.

Mr. Speaker, we have, indeed, lost a great Member and friend and my heartfelt sympathy is with the members of his family.

Mr. CORMAN. Mr. Speaker, I was deeply grieved to learn of the death of our colleague, GLENARD LIPSCOMB, on this past Sunday, and I want to associate myself with the tributes paid to him today.

GLENARD LIPSCOMB spent 16 hard-working years in this House and had the profound respect of all who knew him, on both sides of the aisle.

He brought a wealth of experience with him, both in government and in business, when he came to the Congress in 1953. He built on this experience to become a most effective Member of this House. His untimely death will leave a void among his many friends here and in California, and especially in the Congress, where he served each of his 16 years with dedication and distinction.

My deepest sympathy is extended to Mrs. Lipscomb and her children.

Mr. JOHNSON of California. Mr. Speaker, it is with a heavy heart that I rise today to comment on the loss of a very fine friend and one of the most capable legislators I have ever known.

When I entered the California State Senate 20 years ago I became acquainted with GLEN LIPSCOMB, who then was a veteran member of the California State Legislature. During the years that he served in that body, prior to his election to the House of Representatives in 1953 at a special election, he achieved an outstanding record and won the respect and admiration of the members of both houses of the legislature, representing both sides of the aisle.

In 1959 when I came to serve in the House of Representatives, I was pleased to renew our friendship and turned to GLEN on many occasions for advice and counsel since he had again made his mark in the Congress and was, even in a relatively few years, considered a leader who exemplified the best in legislative government. He was a hard worker, who was deeply concerned about the welfare of the people he represented fighting their individual and community battles. He also was a national representative taking an active and contributing role in the meeting of domestic and world problems especially in the field of defense appropriations. Those of us who knew GLEN are going to miss him personally and may I also say that the people of his congressional district, the State of California, and the Nation as a whole are also going to miss his service in the Halls of Congress. I feel confident, however, that his contributions to the Nation made during his 23 years of legislative service will always stand as a monument to his career.

Mrs. Johnson joins me in extending our deepest sympathy to his wife, Virginia, and other members of their family.

Mr. WINN. Mr. Speaker, although I have not known GLENARD LIPSCOMB as long as many of my colleagues in the House have, I was privileged to spend one of the early Sundays in my first term on a boat trip with GLEN and Ginger LIPSCOMB.

I came to know and admire GLENARD more as time wore on. But I was most impressed by this wonderful man because he went out of his way to help, advise, and counsel with the then new freshman Members of the House, no matter what their party affiliation.

On the boat trip mentioned before, GLEN spent as much time and energy with our children in helping them learn the ways of boating, as he did with the adults. His love of children and people in general was most obvious and profound.

Mr. Speaker, it has been my privilege to know and consult with this able and talented legislator and public servant from the great State of California.

I was asked to speak in his district one time and at that meeting, I just could not say enough nice things about GLEN LIPSCOMB. But, Mr. Speaker, I did not need to tell his constituents how great a man he was. As I spoke, these people nodded in agreement with my complimentary statements, time and time again. They knew their man—and they agreed that he was a great public servant because they continually sent him back to represent them many times.

This is a sad day for this country, this body, and his home State of California, and certainly the constituents of his district.

Fairness, a virtue that was typical of GLENARD LIPSCOMB, won him the respect of his colleagues. Truly loved by those of us in the House and his wonderful family, we may rest assured that he will be loved by his newly found companions.

Joan and I offer our sympathy to his wife Ginger, their daughters and families and wish them, along with GLEN—Godspeed.

Mr. YATES. Mr. Speaker, I want to join my colleagues in expressing sorrow at the passing of my good friend GLEN LIPSCOMB. I knew of no finer gentleman in the Halls of Congress. Always courteous, always friendly, always willing to lend a helping hand whenever help was needed, GLEN was a congressman's congressman. He was able, he was conscientious, he was as hard-working a man as there is in the House.

With all, he had a real charm and a keen sense of humor which lightened many a hard moment in tough congressional sessions.

I did not serve with him on the subcommittees of the Committee on Appropriations on which he served, but I knew him from our work on the full committee. He knew his subjects. He never spoke unless he knew that his words might be helpful. And he was helpful.

I express my sympathy to his family with the hope that time may somewhat heal the profound grief they now feel.

Mr. GOODLING. Mr. Speaker, this chamber has suffered a great loss in the passing of our friend and colleague GLENARD P. LIPSCOMB.

Every Member of this House of Representatives will agree that Congressman LIPSCOMB was an outstanding legislator. He performed superbly in any legislative task he undertook, combining a great depth of understanding with conscientious application.

Mr. LIPSCOMB took his job seriously but never himself. His pleasant personality was always in the foreground, and he was always willing to cooperate with his colleagues and to lend a hand where he could.

We shall miss GLENARD P. LIPSCOMB. We can, however, derive a measure of consolation from the realization that he spent a substance of time in this Chamber, giving us the benefit of his fine personality and our country the benefit of his competence.

I extend my deep sympathy to his family.

Mr. AYRES. Mr. Speaker, having just returned from the Fourth Presbyterian Church on River Road in Bethesda, Md., where the memorial service was beautifully conducted by Dr. Richard C. Halverson, for my friend GLENARD LIPSCOMB, late a Member of the House of Representatives from the State of California, I am touched.

GLENARD was a great inspiration to all who knew him personally and a good example for the thousands who knew him only by reputation.

When the pastor quoted from the 23d Psalm—"Yea, though I walk through the valley of the shadow of death, I will fear no evil"—we knew GLEN LIPSCOMB feared no evil because he knew no evil. Therefore, in his exodus to another life he could not fear evil.

In paying my respects to GLEN I would like to quote a favorite passage of mine found in the Book of Psalms, 91st chapter and the first verse—it was due to his quiet, gentle, thoughtful, humble ways

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that the memorial service for him brought this passage to mind—"He that dwelleth in the secret place of the most High shall abide under the shadow of the Almighty."

Yes, Mr. Speaker, the Congress, the Cabinet, the generals, the admirals, and the President of the United States joined together in solemn respect to honor our former colleague. GLEN had not invited us but he had been dwelling in the secret of all our hearts. And yes, Mr. Speaker, that pillar of strength, that solid rock on which he built from teenage days, his wife Virginia, may God bless her, the children, the grandchildren, and give her added strength during the years ahead.

And, again, may "Ginger" get comfort from the Psalmist's words, "The troubles of my heart are enlarged, O bring Thou me out of my distress."

Mary Helen joins me in these few words of intended respect and comfort.

Mr. QUILLEN. Mr. Speaker, it is with a heavy heart that I join my colleagues in paying tribute to our departed friend, GLENARD P. LIPSCOMB. I was greatly shocked and saddened when I learned of his death.

The passing of GLENARD LIPSCOMB strikes hard at all who knew him as a devoted husband and father, statesman, political leader, and above all, a public official and public servant. It was a great privilege to serve with him in this House and I certainly valued his friendship.

GLENARD LIPSCOMB's abilities were first recognized when he was elected to the California Legislature in 1947 and he subsequently became a servant to the people of his State and the Nation when he won election to Congress in a special election in 1953.

His friendship and kindness provided a special source of inspiration and pleasure for me, as well as for his many other friends and colleagues. GLENARD LIPSCOMB's passing will leave a gap in our ranks which, indeed, will be hard to fill.

Our loss is great, and so is the Nation's. We will certainly feel the real impact of his untimely death as time goes on.

My wife, Cecile, joins me in extending profound sympathy to his wife, Virginia, and their two daughters, Mrs. Louis D. Grasso and Mrs. Robert Murrell, and other members of the family.

Mr. BROTZMAN. Mr. Speaker, I join with my colleagues in paying my respects to our departed friend, GLEN LIPSCOMB. He was one of those rare individuals who enjoyed the universal admiration of his constituency, and his colleagues. His record was marked by solid and steady accomplishment that will serve as a bright example for all of us. My wife, Louise, and I extend our sincere condolences to his splendid family.

Mr. KLEPPE. Mr. Speaker, it is with sadness that I join my colleagues in mourning the loss of GLENARD LIPSCOMB.

When I came to Congress in 1966, GLEN LIPSCOMB and his wife were two of the first people with whom we came in contact. They endeared themselves to us immediately. To know GLEN was to know a big man, an unselfish man, a true and trusted friend. We are all going to miss this generous and kind man.

My wife joins me in expressing to "Ginny" Lipscomb, her children and grandchildren, our sincere and heartfelt sympathies. May God bless all of them.

Mr. WYATT. Mr. Speaker, GLEN LIPSCOMB was my friend. During my brief service in Congress, no one assisted me more than GLEN in learning the congressional ropes.

He combined the very rare qualities of great ability, gentleness, and a remarkable personality.

He has left Congress with a void which simply cannot be filled.

Our country, and certainly California, have lost one of its top leaders.

We have lost our great friend. Our deep condolences to his lovely family.

Mr. SHRIVER. Mr. Speaker, it is indeed difficult for me to say farewell to a friend and colleague like GLEN LIPSCOMB. From my first acquaintance when I arrived in the House in early 1961, I have admired and greatly respected GLENARD LIPSCOMB. He was, in my judgment, one of the most capable and dedicated Members of this House. He always had a cheerful smile and a friendly word. He will be sorely missed.

The Nation and his State which Representative GLEN LIPSCOMB served have lost a true representative of the people, and all of us have lost a dedicated friend.

To his bereaved family I express my most sincere condolences and heartfelt sympathy.

I join with all my colleagues in expressing deep sorrow and the sorrow of the Nation in the loss of the Honorable GLENARD P. LIPSCOMB.

Mr. FREY. Mr. Speaker, as a new Member of Congress I had the good fortune to know and work with GLEN LIPSCOMB. His reputation as an outstanding Congressman and his expertise in the field of national defense was well known. After watching him in action, it was readily apparent why he was held in such high regard by Members on both sides of the aisle.

GLEN was a dedicated American who did not know the meaning of the word quit. Even during his last illness his courage never waivered. It can be truly said that this is a better country because of the long and faihtful service of GLEN LIPSCOMB. Our prayers are with his family.

Mr. LANGEN. Mr. Speaker, it is with great remorse that I offer a few words of tribute to my distinguished colleague and dear personal friend, GLENARD P. LIPSCOMB. His untimely death will be deeply felt by every Member of the Congress. His personable style and his unchallenged expertise in his area have won him many friends and admirers.

GLEN served along with me on the Appropriations Committee. We collaborated often and worked together constantly. His loss is to his lovely wife and daughters, but it is also to the Congress and the Nation.

His mastery of the subject of accounting coupled with his knowledge of military and defense finance made him one of the most respected authorities on our committee. As ranking member of the Defense Appropriations Subcommittee, his good sense and sound judgment will have a profound effect on America for years to come. Evenhanded and eventempered, GLEN became more valuable during each of his 17 years of service to this Congress. I sought his advice frequently.

A man always is saddened by the passing of a friend. The gentleman from California was not only a friend of mine but was also a friend of the House of Representatives and a friend of his country that he loved so deeply.

Lillian and I extend our sympathy to his family and our appreciation to his memory.

Mrs. REID of Illinois. Mr. Speaker, I wish to join my colleagues in paying tribute to the memory of GLEN LIPSCOMB who was one of the most beloved Members of the House of Representatives.

During the years that I served with him in the Congress, I was always impressed by his capable and effective manner of getting things done for his district and for our Nation. He was a quiet, sincere, and dedicated American. Without creating a great stir and fanfare, he accomplished much and was an example for all of us. I can recall seeking GLEN LIPSCOMB's expert advice and counsel on many occasions and it was always offered in a most gracious and helpful manner. He was known to be one of the hardest working members of the Appropriations Committee—although he was not one to seek personal glory or headlines. The loss of a man of such integrity, knowledge, and honor is deeply regretted and mourned by each of us, and we will continually miss his presence here in the House.

All of us who knew and admired GLEN LIPSCOMB are experiencing somewhat the same sense of tragedy. But the real loss has been suffered by the American people to whom he has devoted his life and energy. America can ill afford to lose men of his caliber.

It has been a privilege to know GLEN LIPSCOMB, to work with him, and to have served with him in the House of Representatives. All of us who knew him well have been enriched by that experience.

To his wife, Ginger, their daughters, Diane and Joyce, and other members of his family, I extend my own deep and sincere sympathy.

Mr. LATTA. Mr. Speaker, I am deeply saddened by the death of our colleague, GLEN LIPSCOMB. He was a truly beloved and outstanding Member of this House and a man dedicated to serving God, his country, his family, and the people he was privileged to represent. One did not have to be with him long to become aware of the depth of this dedication.

I was privileged to know GLEN LIPSCOMB not only as a colleague but as a friend as well. I came to know him well during the 87th Congress when we served together on the Select Committee on Export Control. It was truly a pleasure and a joy to serve with this man and to come to know him as the wonderful person that he was. He was one of the kindest and most understanding men I have ever known. GLEN was always considerate of the feelings and positions of others. He always seemed bent on being helpful to his fellow man and to make his day just a little brighter. He always stood tall for the better things in life and the magnetism of his goodness seemed always to have its effect on those around him.

GLEN LIPSCOMB's kind, Mr. Speaker, do not come this way too often; and we are all better that he walked among us during these past several years. We shall all miss him.

I extend my deepest sympathy to his good wife and to his children.

Mr. DERWINSKI. Mr. Speaker, it is with deep sorrow that I join the Members of the House today in paying tribute to our late colleague, GLENARD LIPSCOMB of California.

GLEN was more than a friend and colleague. He was a wonderful individual and one of the most pleasant persons that I have ever had the occasion to work with. He was a man of sympathy, devotion, and convictions dedicated to serving his constituents and inspired by the highest principles of politics and government. GLEN was a public servant in the finest sense of that phrase.

Above all, he was a good all around individual whose friendship, encouragement, and advice we will all miss. He was a warm human being and a good friend in a Washington atmosphere that too often emphasizes rank and influence rather than personal qualities.

In addition, he was also a very effective legislator and earned a well-deserved reputation for expertise in appropriation measures which he approached with objectivity which few achieve.

Mrs. Derwinski joins me in extending our deepest sympathy to GLEN's wife, Virginia, and all members of the Lipscomb family.

Mr. VAN DEERLIN. Mr. Speaker, GLEN LIPSCOMB's hold on the electorate of his district stamped him as "a Congressman's Congressman." He was a Republican in a well-to-do, clearly Republican portion of Los Angeles County—a fact usually reflected in his voting record. But, economic and social views aside, GLEN's manner of conducting his office could serve as a model for any of us. It was small wonder that he never encountered serious opposition at election time.

GLEN was short on speechmaking, long on the tedious, grinding work required of a conscientious member of the Appropriations Committee. A Los Angeles Times editorial marking his death, which appeared this morning, noted GLEN's attention to detail—an attribute acquired through training as an accountant. The Times concluded that the House of Representatives can ill afford the loss of even one Member so able and dedicated as he.

A longtime friend of mine who lives in the 24th Congressional District strongly supported a candidate in opposition to the Congressman 2 years ago. GLEN was well aware of this man's participation in the campaign to unseat him. But when my friend visited the Lipscomb office some time later, he was greeted as warmly as if he had been on the Congressman's own committee.

Because I represent an area with extensive military installations, I should also note our departed colleague's great assistance in the field of defense appropriations. He held a realistic view of the so-called military-industrial complex. He insisted, insofar as possible, on a dollar's value for a dollar spent—but he would not let the military become a whipping boy for indiscriminate budget cutting.

A congressional vacancy will, of course, be filled, Mr. Speaker. But GLEN LIPSCOMB will not soon be replaced.

Mr. PIRNIE. Mr. Speaker, in the passing of our distinguished colleague, GLEN LIPSCOMB, of the 24th District of California, this House has sustained a great loss. Serving in his ninth term, this fine man was handling heavy responsibilities in the area of defense appropriations with keen judgment and great skill. Although gentle and gracious in his manner, he was courageous and effective. He wished to be fair but he was determined in his goals.

His loyalty, ability and decency made him an influential legislator. He won and held the confidence and respect of his constituents and his colleagues, setting a standard of service that will be long remembered. His beloved wife and family have our sincere sympathy in this sad hour.

Mr. BURKE of Florida. Mr. Speaker, I am indeed saddened, as I know we all are, to learn of the death of our very good personal friend, the Honorable GLENARD P. LIPSCOMB. It is sad indeed that death came to him so early in life.

Although he was a Republican, I am sure that all of us will attest that he will be missed by all of the Members of the Congress on both sides of the aisle.

I had the privilege of serving with GLEN as a member of the Republican resolutions committee during the Republican National Convention in Miami last year. I learned a great deal about GLEN then. I learned of his ability as a legislator and of his quiet, unassuming manner. I learned of his compassionate nature and of his great loyalty to God and country. There was so much of the good about GLEN LIPSCOMB.

His quiet, but persistent attitude and indepth knowledge of our Nation's defense and security played a key role in setting forth the Republican Party's principles at the convention, just as his efforts had helped for so many years prior to that.

It was natural for GLEN to have a multitude of friends. He was that kind of a man. I first met GLEN LIPSCOMB when I was first elected to the Congress, yet I knew from the beginning that I could always count on his friendship and his professional knowledge as a legislator for sound advice and counsel, especially on complicated matters in the many areas in which he excelled.

It is true that we must all join hands with death some day, but I still was deeply saddened when I read that GLEN LIPSCOMB had passed away. His leadership will be missed by so many of us in the House. I will miss him.

At this time, my wife Evelyn and I wish to extend to his good wife, Virginia, and to his family our deepest sympathy. To them we can honestly say that you lived with greatness because GLENARD LIPSCOMB during his lifetime was a great man.

Mr. ADAIR. Mr. Speaker, I join with all the others who have today commented upon the death of GLENARD P. LIPSCOMB. He was one of the hardest working and most effective Members of the House of Representatives. To find those qualities combined with a pleasant disposition is rare and accounts to a considerable degree for the esteem in which he was held.

His particular talents and abilities fitted him peculiarly for the work which he did in the House, and it will be a long time before anyone can be found to replace him.

We shall miss GLEN very much. Mrs. Adair joins me in expressing our most sincere sympathy to his family in their great loss.

Mr. MICHEL. Mr. Speaker, this is a very, very sad day for me, for I feel a deep sense of personal loss in the passing of our dear friend, GLEN LIPSCOMB.

My thoughts go back to the very first time I saw him, when he was ushered up to the stage at the Uline Arena as the most recently elected Republican Member of this House at a big Lincoln Birthday Rally honoring President Eisenhower. With his crew haircut he appeared to be fresh out of college and even on these most recent days, he has always appeared younger than those of us who were 10 or more years his junior. He was always quick to flash that most infectious smile and even when he was very serious and making a telling point either in our committee or on the floor of this House, one felt that within the twinkling of an eye, he would break out with a smile.

"LIPPY," as I always called him, was never given to being bombastic, flashy, or dramatic, but rather in his quiet, studious way he got things done.

In the beautiful memorial service this morning, the pastor made mention of GLEN's always being "just himself," and I would surely have to agree. There was nothing fictitious or unreal about him. He was always very forthright, honest with himself and with everyone else. It was said in this morning's service that one of the verses he displayed on his desk had to do with "The Measure of a Man," and I wish I could repeat it verbatim at this point, for it was such a perfect portrayal of GLEN himself. We who knew him far beyond our official contact, loved him dearly, for he loved people and I know of no one who ever had any bad word to say about "LIPPY." We are going to miss him sorely on our Committee on Appropriations for his diligence and his capacity for tireless work. We are going to miss him moving quietly but quickly through these halls and corridors and particularly that warm and cordial greeting.

As the pastor said this morning, the end is really the beginning, and for the rich life he lived here on earth, the good Lord will surely have a place for him in Heaven. And those of us he leaves behind will cherish for as long as we live, those wonderful moments we shared with one another.

My wife, Corinne, joins me in extending our profound sympathy to Ginny and the girls.

Mr. HOSMER. Mr. Speaker, America

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cannot afford to lose men like our colleague and my close friend, GLEN LIPSCOMB. There just are not enough of them to go around.

Fortunately, during his productive life and career as a Member of the Congress, GLEN LIPSCOMB worked to keep America strong. His accomplishments in and outside of this body in the field of national defense are well recognized by all the Members. And they can be deeply appreciated by all the American people.

He served the people of his 24th District of California, his State, and his Nation with honor and distinction for 16 years. Everyone who knew GLEN, even casually, recognized—as we all do—what a remarkable individual he was.

To me personally, he was a trusted friend and beloved colleague.

During his prolonged illness, we all hoped and prayed for his recovery so that he could return to the work he loved and the work he did so well. But such was not to be the case.

Mrs. Hosmer and I extend our sincerest sympathies to his lovely wife, Virginia, and his family. Their loss is lightened only by a knowledge that their grief is shared by a remarkably large number of friends and admirers.

While our leaders like GLEN LIPSCOMB all must pass on, we can take comfort in the knowledge that the service they rendered so unselfishly to their country makes it less difficult for us who survive to carry on.

Mr. GROSS. Mr. Speaker, with his many friends in the House of Representatives I have been aware of the long and valiant fight that GLEN LIPSCOMB was making against the scourge of cancer. Nevertheless, I was not prepared for the announcement of his death.

With the gentleman from California (Mr. SMITH) I find it difficult to understand why this comparatively young man—in the prime of life and his public career—should be taken from among us.

GLEN was one of the finest and most able Members of this body. I know of no Member who did not respect him for his integrity, ability, and dedication to his work. His loss is not only to the House of Representatives but to the district he represented, the State of California, and the Nation.

GLEN LIPSCOMB was my friend and I have suffered a personal, irreparable loss.

Mrs. Gross joins me in extending deepest sympathy to Mrs. Lipscomb and the family.

Mr. CLANCY. Mr. Speaker, I rise today to join with my colleagues in expressing sorrow over the loss of that sincere, dedicated American, GLENARD P. LIPSCOMB. He was held in high esteem by both his constituents and his colleagues who looked to him with pride. During the time that I had the privilege of serving here with him, I was always impressed by this loyal public servant. He was the champion of the taxpaying public and a foe of Government waste. His accomplishments were many and his life was one of service to his country.

I know, Mr. Speaker, that each one of us here today joins in extending deepest sympathy to his beloved wife and family.

Mr. SMITH of Iowa. Mr. Speaker, I want to join the others who have expressed sorrow at the passing of our esteemed late colleague, GLEN LIPSCOMB. I had the privilege of serving on the same subcommittee of the Appropriations Committee with him. He was one of the most dedicated servants of the people who ever served on that committee. It is a very tedious job requiring hours upon hours of close surveillance and analyzation of statistics and testimony. He had both the qualities of dedication to the job and the ability which blended in such a way as to make him an extremely valuable Member. It was for that reason, as well as the knowledge that he was a good man in private life, that he had such great widespread respect and deserved it.

Mr. Speaker, I join the others who express in this inadequate but only way that we have our extreme profound sympathy to his family.

Mr. KEITH. Mr. Speaker, I am deeply saddened by the death of one of our most beloved colleagues, the Honorable GLENARD P. LIPSCOMB, of California.

GLEN was admired and respected by every Member of the House of Representatives. Throughout his 16 years in Congress he was one of the best-liked men to ever serve in this body. He was a pleasant, soft-spoken man with a ready smile and a warm, compassionate heart.

Mr. Speaker, GLEN's interest and friendship extended well beyond his constituency and his colleagues. He was always a great friend of young people and concerned with their problems. Perhaps no other Member spent as much time talking with the pages on the floor and in the cloakroom. He personally sponsored a Telephone Page and, through him, took a keen interest in all the problems facing these fine, hard-working young men.

Professionally, GLEN was a diligent, dedicated, and farsighted legislator. In his service on both the Government Operations and Appropriations Committees, he was always involved with the affairs of our Armed Forces. GLEN was a consistently outstanding committee member in both instances.

In our apprehensions about the unbridled growth and influence of a so-called military-industrial complex, GLEN LIPSCOMB's presence on those committees was reassuring to all of us. He was never taken in by inflated rhetoric or verbal shield-beating. Rather, he sought a sound, reasoned policy of providing for our national defense consistent with security and budgetary considerations.

Mr. Speaker, for all this, GLEN LIPSCOMB will be sorely missed. This Congress needs his judgment, diligence, and his warm friendship more than ever. All our jobs will be a bit more difficult without him. Mrs. Keith and I extend our deepest sympathy to his wife, Virginia, and his two lovely daughters.

Mr. ROBISON. Mr. Speaker, it is with a heavy heart that I take note of the death of our beloved friend and colleague, GLENARD P. LIPSCOMB.

GLEN LIPSCOMB was a very special kind of person—a very special kind of friend, whose passing leaves an emptiness and a remarkable feeling of personal loss.

GLEN loved this House, and his work in it. There have been few among us more dedicated than he—and this is one time when the use of that badly overused word "dedicated" is fully justified—to the highest principles of public service; few among us who worked so long and hard to earn the title of skilled legislative craftsman—for that is what he was, with a depth of knowledge in and understanding of his assigned subject matter that was truly unsurpassed; and none among us who loved his country more.

The openness of his nature, his innate sense of honesty, and his unwillingness to compromise where principle was involved were also very special qualities—qualities often remarked upon by others, and that made him a model for many of us to try to fashion ourselves after, though I would imagine that the very thought of such a thing would have caused him some embarrassment, that being the kind of man he was.

Though I had known GLEN, and admired him, during all my prior years of service here, 4 or 5 years ago he and his wife, by coincidence, happened to stay at the same motel in Ocean City, Md., that I and my family had picked out for one of those rare, longer weekends that congressional families have generally had to rely on for summer "vacations." Being together with GLEN, and his wife, Virginia, that weekend made it a particularly delightful time. I remember that GLEN and I talked a good deal about our work, discovering mutual interests we had not realized before that we had, and, I came to understand, even better than I had, what a truly fine person GLEN was. I remember, too, that he even tried to teach me to body surf—something at which, as a Californian, he was naturally adept.

He was then—and up to less than a year ago—a picture of health, though many of us know how hard he worked at his committee assignment, and how seriously he took his responsibilities, were worried lest he be trying to give too much of himself.

In any event, Mr. Speaker, it once again seems true that it is only in the midst of adversity that a man's character and courage can really be measured. For, as we all know, GLEN made the least possible physical concessions to the cruel blows of the sudden illness that struck him such a few short months ago—and his spirit made no concessions at all.

Perhaps then it is true that, in the end, he did give too much of himself—but, in knowing GLEN, it could not have been otherwise.

Again, that was the kind of man he was.

I cannot recall when it has been harder to say "Goodby" in this way to one of my colleagues—to one of my friends.

There is only one answer to the question, "Why?" Mr. Speaker: It is because GLEN LIPSCOMB was the kind of man that he was.

My wife, Trudy, joins me and our two sons—who got to know and admire GLEN, too, that same weekend—in expressing our deepest sympathies to Virginia, and GLEN's two daughters, Diane and Joyce.

May the good Lord bless and keep

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them, and give them strength to endure this, their hour of travail.

Mr. STEIGER of Wisconsin. Mr. Speaker, the Congress has lost an outstanding member and the country has lost an effective leader. GLEN LIPSCOMB's untimely death is a deep personal loss to me.

In the early days of my service, GLEN was always willing to help and to listen. With each day I came to know him better and my respect for his decency, integrity and ability grew.

GLEN LIPSCOMB was one of the men to whom the word "humanist" can most aptly be applied.

A tireless worker, a knowledgeable member of the Appropriations Committee, Mel Laird's transition officer after he was named Secretary of Defense, a leader here in Congress and in the Republican Party he has left his imprint on this Nation's military strength and posture as well as on the legislative branch of Government. This Nation is better for GLEN LIPSCOMB's service.

Mrs. Steiger joins in extending our deepest sympathy to Virginia Lipscomb and the other members of GLEN's family.

Mr. EVINS of Tennessee. Mr. Speaker, I was indeed saddened to learn of the untimely passing of our friend and colleague, GLENARD LIPSCOMB, of California, and I want to take this means of joining Members of the California delegation and others in paying a brief but sincere tribute to our late colleague.

Representative LIPSCOMB was an able member of the Committee on Appropriations and he served his district, State, and Nation well. He was vitally interested in our Nation's security and was an authority on defense appropriations.

GLENARD LIPSCOMB was a genial, personable, able Congressman, and he will be greatly missed.

Mr. MINSHALL. Mr. Speaker, when we lose a very close friend words are meaningless to express the depth or keenness of our sorrow. GLEN LIPSCOMB's loss is tragically untimely. Our country needed many more years of his devoted service, his family and friends many more years of his strengthening companionship.

For 14 of the 16 years in which I served in the House with him, I sat to GLEN's left in committee, first as a fellow member of the Government Operations Committee and later on the Defense Appropriations Subcommittee. Despite his illness, "LIPPY" continued to dedicate himself to his committee duties, often working from a hospital bed, but with the same relentless drive with which he had always worked for a strong America in a world of peace. He never spared himself in his endeavors for his country, not even when the end was close at hand.

The course of our committee duties took the two of us to many countries, traveling and living under frequently adverse circumstances. In Russia, in the battle zones of Vietnam, in Europe, GLEN was always a great companion, hard working, uncomplaining, always congenial and above all, when things were the most difficult, his wonderful sense of humor always came through. He had a probing intellect and a penchant for detail, qualities the White House recognized when it opened up the possibility of GLEN's accepting a high post in the administration. But he was a man who genuinely loved his service in this House. It was in this Chamber and in his committee that he felt he best could serve his country and the 24th Congressional District of California.

Our offices are just down the corridor from one another in the Rayburn Building. My staff was fond of this good friend. They were overjoyed when the Lipscomb staff would report that he was rallying in his valiant fight; grieved when he did not. It will seem strange and sad to us all that he no longer will poke his head in our office door with a grin and a cheerful greeting. He brightened the paths of those he encountered for he generated a radiance of spirit that was contagious. For those of us privileged to have him for a friend, he leaves many splendid memories by which to warm our hearts. More important, he has inspired us to carry on the good fight he was waging for our country.

Mrs. Minshall joins with me in offering love and deepest sympathy to GLEN's lovely wife, Ginger, and to their two daughters, Mrs. Louis Grasso and Mrs. Robert Murrell.

Mr. POFF. Mr. Speaker, it is always a sad and shattering experience to lose a colleague but it is particularly difficult for me to accept the passing of my close friend, GLEN LIPSCOMB.

Although I knew GLEN had suffered an illness from which recovery does not often follow, I was shocked by his death and totally unprepared for it. From my earliest days in the House of Representatives my memories are filled with happy recollections of moments and times we lived together. To those of us who were privileged to serve with this distinguished gentleman there will be a great void in our lives and an emptiness in the House Chamber.

To his family and his countless friends, I extend my deepest sympathy. His memory will linger in our hearts and will continue to influence the course of the Nation's destiny.

"Well done, thou good and faithful servant."

Mr. PELLY. Mr. Speaker, in rising to offer a sincere tribute to the life and service of our late colleague GLEN LIPSCOMB, let me first say that no one in my time in the House was ever held in greater affection than GLEN. But of more importance, no one in my time in the House was held in higher respect.

GLEN came to Congress the same year as I did, in 1953, and since that time he established a record for effective, competent service which perhaps only those of us who served with him fully realize. He was a modest man who went about his duties quietly.

Yet, he was an outstanding public servant who always placed national welfare first and after that the interests of his State and district.

Those of us who have been his friends will miss him sorely. But, his memory will serve as an inspiration.

Mr. Speaker, my wife and I want to join with other Members of the House in expressing our sympathy to his wife and family. I know his memory will be an inspiration to them as well. I hope too that the knowledge that those of us who were his friends deeply mourn his death will ease their loss.

Mr. FLOOD. Mr. Speaker, it was with deep regret that I learned of the passing of our distinguished colleague from California, the Honorable GLEN LIPSCOMB.

I knew Congressman LIPSCOMB for many years as we served on the Appropriations Committee. He was one of the most hardworking members of that committee. I never heard him raise his voice in anger. He was quiet and calm and because of his background as a certified public accountant his cross-examination of witnesses before the Defense subcommittee on budget matters was as full and complete as I have ever seen in the 25 years I have been in Congress. Congressman LIPSCOMB's valuable contributions to better government will be long remembered by the many who knew him and worked closely with him over the years. He was a distinct asset to the U.S. Congress, the House Appropriations Committee, and his great State of California.

I extend my deepest sympathy to his wife and to their two daughters at this period of their great personal loss.

Mr. SLACK. Mr. Speaker, we are all saddened by the loss of our distinguished colleague from California, the Honorable GLENARD P. LIPSCOMB. Those of us who served with him on the Defense Appropriations Subcommittee can appreciate most keenly the determination and dedication which he brought to his responsibilities.

He was a student of defense affairs and a master of their intricacies. His understanding of the complex needs of our defense posture grew in proportion to the growth of the vast military budget requests of recent years. No item was too large or too small to merit his attention and no interconnection between programs was so complex as to defy his understanding. We face a new fiscal year and again the need to examine Federal funding requests totaling many billions of dollars. We shall miss him sorely and immediately as we pursue the work before us in Defense appropriations. In the larger sense, we shall all miss the quiet but authoritative dignity which he brought to this Chamber. Those of us who worked long hours in close association with him will not soon forget his qualities. I am honored to be numbered among that group.

Mr. CLEVELAND. Mr. Speaker, the tragic and untimely death of our friend and colleague, GLENARD P. LIPSCOMB, is a sad event. This House has lost an able and dedicated Member. The State of California has lost an able and dedicated Representative. The Nation has lost an able and dedicated public servant.

My admiration and great esteem for GLEN evolved from our serving together on the House Administration Committee. On that committee, GLEN was one of the chief architects of proposed election reform legislation. Although his diligence in this area did not reach full fruition, nothing can detract from his efforts to-

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ward badly needed reformation of the laws governing our Federal elections.

GLEN's perseverence helped create the needed interest in and a momentum toward achievement of badly needed election reform legislation. Hopefully we can now continue with progress in this area and enact such legislation to serve as a memorial to his memory and his distinguished efforts to reform Federal election laws.

His friendly helpful attitudes toward me as a junior Member of this body will never be forgotten. Having known him is a warm memory I shall always cherish. My heart goes out to his family, to whom I extend my deepest sympathy and great respect.

Mr. MATSUNAGA. Mr. Speaker, I join my colleagues in paying tribute to the memory of our esteemed colleague, the chairman of the California Republican delegation to the House of Representatives—the Honorable GLENARD P. LIPSCOMB.

Congressman LIPSCOMB, representing California's 24th District, served in this historic Chamber from 1953, and his record has been one of solid achievement.

GLEN was one of the most hard-working Members of this body, and he was highly admired and respected by his friends on both sides of the aisle. He was particularly noted for his expertise in matters relating to national defense and military financing. As the ranking Republican member of the House Defense Appropriations Committee and as the ranking Republican member on the Committee on House Administration, he made many valuable contributions to the work of this House.

The Congress can ill afford to lose a Member of the caliber of GLEN LIPSCOMB, and indeed the entire Nation has lost an outstanding and dedicated public servant.

It was a privilege for me to serve in Congress with GLEN LIPSCOMB, and as a friend, I shall miss him. To his bereaved family I offer heartfelt condolences. They and the people of his district can be justly proud of him who served his nation with great courage and distinction.

Mr. McCLORY. Mr. Speaker, it is with a sad heart that I rise to pay final tribute to my friend and colleague—GLENARD P. LIPSCOMB—Member of Congress from the 24th District of California whose untimely passing occurred Sunday.

Congressman GLEN LIPSCOMB represented to me the stability which I regard as a most vital quality in a Federal lawmaker. While the flamboyant and colorful personalities are generally those who attract the most attention, Congressman GLEN LIPSCOMB devoted himself essentially to the serious business of lawmaking. He operated in a quiet, thoughtful, and thoroughly conscientious manner. His statements on the floor of the House and in committee were well reasoned and factual. He kept in mind not only the security of the Nation today, but also the welfare of future generations of Americans.

While devoting himself primarily to the subject of our national defense and other vital subjects in which the Congress has primary responsibility, Congressman LIPSCOMB originated and supported a great variety of legislative measures in which the Federal Government has primary concern.

As Republican Member of the House of Representatives, and as an active party worker, GLEN LIPSCOMB helped formulate Republican policy at the State and national levels. In this part of his work he also demonstrated the stability and order which helped keep the party united behind a common philosophy and a set of broad principles—culminating in the 1968 success of the National Republican ticket.

I am proud to have enjoyed GLEN LIPSCOMB's friendship and am grateful to have benefited from his dedicated and constructive leadership in the House of Representatives.

My wife, Doris, joins me in expressing to Mrs. Lipscomb and to other members of the family our profound respect and deep sympathy.

Mr. DEL CLAWSON. Mr. Speaker, when Shakespeare had Polonius advise his son, Laertes, "To thine own self be true, and it must follow as night the day, thou canst not then be false to any man," he voiced a quality of character that guided our colleague and friend, GLENARD LIPSCOMB, in all of his dealings with his fellow men both private and public. Even a passing acquaintance with GLEN inspired confidence, and his faculty for making each individual believe that his relationship with him was something special brought men of high and low station to him for counsel and advice. His clear strong voice in the legislative councils of his home State of California and in the Congress of the United States revealed his dedication and devotion to the principles of freedom and liberty vouchsafed in the Constitution. His oath to uphold this vital instrument of Government never wavered, and again and again the constitutional guidelines steered him on an unswerving course of patriotic loyalty to home, church, and country.

The Nation has lost a sincere son whose roots were deeply planted in the soil of service to God and man. No man fills his shoes. The void which we feel can never be completely satisfied, yet each one of us who shared his life if only for a fleeting moment may bask in the warm afterglow of this just and honorable man.

It is appropriate that a comparison with Nathaniel of old be made with our friend because the same words can be spoken of GLEN LIPSCOMB that Jesus spoke of Nathaniel when he said:

> Behold an Israelite indeed, in whom there is no guile.

It can be said of GLEN, behold a man in whom there was no guile. Behold a man true to the faith of his fathers. Behold a man respected by all who knew him. Behold a man faithful to his wife and family; faithful to his church and community; faithful to the discharge of his duty as he saw his duty. Behold a man who "built his house upon a rock." Behold a man prepared to meet his God.

Occasionally there passes through this world, a man of rare intelligence and wisdom, of exceptional kindliness toward his fellowmen and of total commitment to noble causes. GLENARD LIPSCOMB was such a man. In him were combined to an uncommon degree those attributes of great ethical and moral stature which marked him in unmistakable fashion as one of the world's greater citizens. As we who are left behind continue our lives, we will sometimes search in vain for that strong and flashing beacon which, until now, has guided and comforted us in our search for those lands which, by our very living, we must reach. But, we will be refreshed and sustained in spirit by our memories of this man, and may those same memories with the spiritual influence of our Father in Heaven bring peace and solace to his wife, Virginia, and the members of his family. The world is now a poorer place. But earth's loss is heaven's gain. The sounds that are heard this day are not those of sorrow; they are the faintly heard echoes of great rejoicing as GLEN's father, our Father in Heaven, and His angels welcome the soul of this man into their company.

Mr. FRIEDEL. Mr. Speaker, sadness is always present in the House when we note the passing of one of our fellow Members. This is especially true at this time because GLEN LIPSCOMB is remembered with the highest esteem by his host of friends on both sides of the aisle.

GLEN and I both came to Washington in the 83d Congress and have been honored to continue in the service of our constituents and our country to this time when his untimely demise brought GLEN's outstanding career to a close. We both served on the House Administration Committee in the 83d Congress and have continued on that committee to the present time. We have both been privileged to advance through the years to the point where I now serve as chairman and GLEN has been the ranking minority member. It was through these years of close relationship with GLEN in our committee activities that I developed a sincere appreciation and admiration for his qualities of statesmanship and leadership. These coupled with his boundless energy, his understanding of his fellow man and our problems, his cooperative attitude and his cheerful approach to all tasks truly marked him as an outstanding lawmaker.

I feel a very great personal loss, and I know that the Congress and the country as a whole has suffered a loss with the untimely passing of this fine man who had made great strides in a successful life and who appeared bound for much greater things.

Mr. Speaker, we shall all miss GLEN, and I join my colleagues in extending my heartfelt sympathy to his family.

Mr. ROYBAL. Mr. Speaker, I want to join with my fellow Members of the House of Representatives in expressing my deep regret and personal sadness at the passing of our good friend and colleague, Congressman GLENARD P. LIPSCOMB.

Mrs. Roybal and I extend our heartfelt sympathy and condolences to his wife, Virginia, to their two daughters, and to the other members of their family.

Since coming to Congress, I have considered GLEN LIPSCOMB a personal friend and an outstanding, dedicated, and hardworking legislator.

It has been an honor and an inspiration to have had the opportunity to serve in the House with a man of such quiet, and universally respected qualities of leadership—a vigorous advocate for his firmly held political philosophy—yet an eminently fair, reasonable, and understanding gentleman in every way.

As chairman of the California Republican delegation—one of the largest in the House—GLEN LIPSCOMB made a lasting contribution, not only to his party, but to the entire State of California.

And as senior Republican member of the key Defense Subcommittee of the House Committee on Appropriations, Congressman LIPSCOMB will long be remembered for the tremendous work he did to assure the Nation of a strong and reliable defense capability, amid the dangers of the nuclear space age in which we live.

I believe it would be appropriate at this time, Mr. Speaker, to recall the very moving tribute paid GLEN LIPSCOMB at the recent keel laying ceremonies for the Navy's newest nuclear-powered frigate, the U.S.S. *California*:

> We cherish his friendship, we know of no finer gentleman. He has the spirit of compassion and understanding; he inspires one. No words can express the energy and the wisdom he has devoted to this country.

Mr. HARSHA. Mr. Speaker, I was deeply saddened to learn of the death of one of the most able and conscientious Members of the House, my good friend GLEN LIPSCOMB.

Although still a young man, GLEN had made an enviable record in his 17 years in the House. He is perhaps best known for his outstanding work as the ranking member of the vitally important Subcommittee on Defense Appropriations. As a result of his years of experience on that committee, his training in public accounting, and his broad knowledge of fiscal administration, he possessed an expertise in this field that was unexcelled by any member of the committee. His thorough knowledge of all aspects of this vastly complicated subject and his unstinting efforts to make our Defense Establishment second to none while still serving as the vigorous champion of the American taxpayer won him respect and admiration from both sides of the aisle and all those with whom he worked.

Despite his demonstrated ability as a legislator, GLEN will be remembered best as a man of integrity, compassion, and loyalty. He was a warm and gentle man who always found time to help his fellow man and was wholeheartedly responsive to the needs of the people he served so ably. His admirable personal qualities and his quiet effectiveness made him an inspiration to his colleagues, and his passing will leave a void in the House which will not soon be filled.

I wish to join with my colleagues in expressing deepest sympathy to his wife and all the members of his family in their great loss.

Mr. MORSE. Mr. Speaker, I was truly and deeply saddened at the death of GLEN LIPSCOMB. He was one of the warmest, friendliest, engaging men I have ever been privileged to know. And, although we often differed in our views on issues, I have always had the most profound respect for his judgment and for the eminently fair and reasonable way in which he always presented his own opinions.

The House has truly lost a valuable Member—but perhaps more important, we have, all of us, lost an irreplaceable friend, a man whose kindness and generosity knew no bounds.

There was no harder working man in the House than GLEN LIPSCOMB. As a member of the Appropriations Committee he was highly respected by his colleagues because he could be relied upon to exercise his judgment in behalf of the interests of the whole country—and his was a judgment based on hard work and expertise.

Many of our colleagues have testified to the fact that in all the years GLEN LIPSCOMB served in the House, no one had ever heard him say an unkind word about anyone—nor had anyone ever said an unkind word about GLEN. That is perhaps the highest tribute any human being can be paid by those who knew him and loved him. And GLEN was indeed an outstanding human being.

Mrs. Morse joins with me in extending our deepest sympathy to Mrs. Lipscomb and their whole family.

Mr. KLUCZYNSKI. Mr. Speaker, I would like at this time to express my sorrow at the passing of a valued friend and colleague, Congressman GLENARD P. LIPSCOMB, who died Sunday at the age of 54.

Congressman LIPSCOMB is mourned not only by his family, who suffer so tragic a loss, but also by all of us whose privilege it has been to serve with him in the U.S. House of Representatives for so many years.

His attainments in the service of his country were manifold and of national recognition. He was chairman of the California Republican delegation to the House, a senior member of the House Defense Appropriations Subcommittee, as well as a member of the Appropriations Committee's Subcommittee on State, Justice, Commerce, and the Judiciary. He was a ranking member of the Committee on House Administration, and also served on the Joint Committees on Printing, and on the Library.

As an implacable foe of the waste of Federal funds, Congressman LIPSCOMB devoted himself to the business of making the legislative process work with a dedication and competence rarely equaled. His youthful vigor and keen insight into the nature of public issues won for him not only the respect of his colleagues but the admiration and trust of friends and constituents alike.

Vice Adm. Hyman G. Rickover perhaps best expressed the high regard in which Congressman LIPSCOMB was universally held, in speaking, less than 2 weeks ago at the keel laying ceremony of the nuclear frigate *California*, in Newport News, Va. Admiral Rickover said:

> I cherish his friendship, I know of no finer gentleman. He has the spirit of compassion and understanding; he inspires one. No words can express the energy and the wisdom he has devoted to his country.

Words are indeed inadequate at a time such as this; and yet the legacy of honesty, integrity, and public-spirited competence which GLENARD LIPSCOMB leaves behind him are not only a tribute to the magnitude of his own achievement but also an inspiration for all of those who will follow where he has led.

Mr. EDWARDS of Alabama. Mr. Speaker, daily my colleagues and I move through this Chamber talking about what must be done, wondering what will be done, thinking how we will do things. All these are the animations of the living. But it is not until the death of a close friend and colleague that the notion of nonliving enters our mind.

The untimely passing of GLEN LIPSCOMB, a close friend of all in this Chamber, should give us each cause to contemplate the meaning of the end of so full a life so soon. Death can mean nothing to the deceased, because he possesses a new life. But to the living remaining still in the present world his death should mean much.

No one can look upon GLEN LIPSCOMB's life and say he has not accomplished many things for his fellow man. He sought public service as a career, serving four terms in the California State Legislature before coming to this body, where he has served admirably since 1953.

As a public accountant by profession, he brought with him the accountant's keen insight for particulars. He was always aware that the billions of dollars spent by this Government were the hundreds of dollars individually given by each taxpayer. He sought to bring the individual's sense of frugality to big government in his constant vigilance over just how the Federal funds were spent.

From such a rewarding life of our dear colleague, we here in this Chamber can draw meaning for our own lives. GLEN LIPSCOMB sought to minimize conflict through his ever-ready smile. He sought to be ever mindful himself and remindful to others that he and the others here are "Representatives" with 200 million people behind us depending on our actions.

GLEN LIPSCOMB had a profound effect on me from the first day I came to Congress. He was an inspiration, a leader, an adviser, and friend. He always had time for a new Congressman. He was never too busy to stop and talk a minute.

Mr. Speaker, I shall certainly miss GLEN LIPSCOMB. Mrs. Edwards joins me in extending our sympathy to his lovely and brave wife and to his wonderful family.

Mr. DAWSON. Mr. Speaker, I have been shocked and saddened to learn of the untimely passing of my good friend and colleague, GLENARD P. LIPSCOMB. His always smiling face and unfailing courtesy marked him as a true gentleman; his brilliant mind and hard work made him one of the most valued Members of this House.

GLENARD LIPSCOMB was a member of the Committee on Government Operations from 1954 through 1958. During that time he was the author of a monumental study of the General Accounting Office which was published in 1956 as

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House Report No. 2264. As a result of the recommendations in the Lipscomb report, many improvements were made in the operation and organization of the General Accounting Office from which we continue to benefit today.

The House has lost one of its brightest lights; our Nation has lost one of its finest men.

With saddened heart I extend my deepest sympathy to his loving wife and family.

Mr. ADDABBO. Mr. Speaker, the Nation has lost a dedicated public servant with the untimely passing of our colleague GLEN LIPSCOMB.

GLEN's background as a certified public accountant and his real concern for the average American gave him the credentials to be the fiscal watchdog for the taxpayers of our Nation. He would not tolerate waste in Government spending and he was determined to protect the fiscal interests of his constituents.

It was my privilege to serve with GLEN LIPSCOMB on the House Appropriations Committee and to work with him. His warm, friendly personality and his genuine feeling for his colleagues and for all people made him one of our most popular Members.

I join the Members of the House in paying tribute to GLEN LIPSCOMB and in extending our deepest sympathies to his family.

Mr. SCHNEEBELI. Mr. Speaker, I was saddened to learn of the passing of GLEN LIPSCOMB, although we have all known for some time that he was facing the biggest challenge of his life. His faith never wavered—his was a valiant battle.

GLEN LIPSCOMB was one of the most effective Members of Congress that I have had the privilege of knowing. He had an untiring capacity for hard work and served diligently in the House of Representatives. His expertise in accounting served him well in his work involving the appropriation of Federal funds. In consulting him, GLEN was always eager and willing to assist whenever possible. Despite his brilliance, he was quiet and unassuming in his manner, and did not seek out glorification for his accomplishments.

GLEN LIPSCOMB was highly respected as a Representative and as a human being not only by the leadership, but by all who were associated with the Congress. His presence will be sorely missed. I share with many others, the loss of a fine man and loyal friend. Mrs. Schneebeli and I sympathize with the Lipscomb family in their sorrow.

Mr. CRAMER. Mr. Speaker, I was privileged to be personally and closely acquainted with the late Honorable GLEN LIPSCOMB and I was deeply saddened over the untimely passing of this very fine and highly esteemed gentleman. I have lost a truly wonderful friend and the Congess, as well as the Nation, has lost one of its most able, dedicated and effective legislators. GLEN LIPSCOMB's contributions to, and his achievements as a Member of, this Congress are many and long, beginning with his election to the 83d Congress. When I was given the privilege of joining him as a colleague in the 84th Congress, I was most fortunate to have GLEN as my friend and to have a man of his outstanding ability offer me much valuable guidance. GLEN was a man of great personal warmth, with a ready smile and sincere kindness. He was widely and justly recognized for both his impeccable integrity and acknowledged expertise. I will forever be deeply grateful for having known GLEN LIPSCOMB as a friend and as I fondly recall many happy memories of our years together, I am personally saddened that death has taken from us one of our truly great, humane and dedicated legislators, and one of my most cherished friends.

Mr. HANNA. Mr. Speaker, there is always a generally entertained feeling of genuine sadness that attends the loss of any of our colleagues who have been removed from service by untimely death. In none of these regretful incidents has this feeling been more acute than that entertained upon the passing of GLENARD LIPSCOMB.

It is to be expected that a man who has spent a quarter of a century in the service of his constituency, his State, and his country as, first, assemblyman and then as Congressman would be marked as capable and as dedicated. What is uniquely true of GLENARD was the gentle quality and the sweet way be brought himself and his talent to this business of legislating. There is much in our calling that is abrasive, frustrating, and rankling. How dear to all was the presence of one who constantly reduced these less desirable qualities and brought so consistently a refreshing relief.

His contributions have been significant and constant yet his work often overshadowed the profile he demanded for himself. Our times seem to produce too few of those that succeed who think kindly and thoughtfully of others. All too infrequently do we feel the gentle, kindly touch in the work of a fast-moving, demanding day.

It is for these reasons, Mr. Speaker, Congressman GLENARD LIPSCOMB will be missed in all the places his presence graced. It is for these reasons that our normal feelings of loss and the sadness accompanying that loss are intensified.

May the memory of his good life and the strength of his unwavering faith sustain and uphold his wife, Virginia, and all the family.

Mr. REIFEL. Although GLEN LIPSCOMB no longer will be with us in meetings of the Appropriations Committee, nor here in the House as one of our cherished colleagues, something of himself will remain always with each of us who had the great privilege of knowing him personally.

Would that each of us could have his composure in debate, his friendliness in every situation and dedication to the high office entrusted to him. Always, his was a countenance with a welcome smile as one greeted him. Always welcoming discussion, he would listen with patience and understanding. As one talked with him one had a happy feeling that he wanted to and did listen. Conversation was always concluded with a twinkle in his eye and an almost audible smile that made one glad to have talked to him. Few possessed his manner of charm and graciousness. All of us benefited from the final qualities of this man.

Mrs. Reifel joins me in extending our deepest sympathies to Mrs. Lipscomb and her family in their great loss of so grand a husband and father.

Mr. ERLENBORN. Mr. Speaker, GLENARD LIPSCOMB brought a talent that is greatly needed to this Legislature. He was an accountant, and a good one; and his services on the Appropriations Committee have helped us all.

He was a gentleman of great wisdom and understanding, and yet he could, when the occasion arose, proceed with an energy and a singleness of purpose which were commendable. His constancy was a factor in our having nuclear-powered ships in the U.S. Navy. His tact was useful to our country in the late days of 1968, when he helped his friend, Melvin Laird, take command of the Department of Defense from the departing Clark Clifford.

Mr. Speaker, GLEN LIPSCOMB is dead. We are poorer for his dying, but we are richer for his having served 16 years in this House. I join in extending condolence to his family.

Mr. GOLDWATER. Mr. Speaker, permit me to reflect upon an individual whose accomplishments and presence as a U.S. Congressman from the 24th Congressional District of California for the past 17 years demands respect and admiration—GLEN P. LIPSCOMB.

Being relatively new and unseasoned in the ranks of Congress, perhaps, I should refrain; for only you know of his courage to stand by his convictions in the face of great pressure, only you know of his quality of leadership, only you know of his unflinching honesty. You have watched and are convinced of his pure dedication to his country, his family, and to God. And only you can realize the great loss his death will mean to Americans in his district and throughout the country.

It is for this resaon that, as a freshman Congressman, I must express my feelings for Mr. LIPSCOMB. All have known at one point the pains, the trials, and the frustrations of having arrived. It was GLEN LIPSCOMB who introduced me to the Congress on May 5, 1969. It was he who sat me down and lectured on the "do's and don'ts." It was he who explained procedure and the inner workings of this body. He was always available for counsel or discussion on some problem or piece of legislation. Yes, he was always there to soothe my frustrations. Most of all, however, and of much more significance, GLEN was not only your friend, but he was mine and, in that, the seniority system will not prevail, dictate, or regulate.

These few words will be lost in the multitude of records, but the memory and impression of GLEN P. LIPSCOMB will remain in the hearts of us all.

Mr. MURPHY of Illinois. Mr. Speaker, I wish to join with my colleagues in expressing my sorrow at the untimely death of Congressman GLENARD LIPSCOMB.

During his 16 years of service in the House of Representatives, his activities were marked by a deep sense of devotion and loyalty to his job. Through his per-

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sonality and performance, he earned the respect of his colleagues of both parties. His dedicated efforts combined with his special competence in the field of defense appropriations made him a particularly valuable legislator.

The 24th District of California, the State of California, and this country have lost an able and conscientious legislator.

Mrs. Murphy and I extend our deepest sympathy to Mrs. Lipscomb and her two daughters.

Mr. HORTON. Mr. Speaker, it is never a happy occasion when a great man is taken from us before his time. I join with our colleagues from all of the 50 States in mourning the loss of Congressman Glenard P. Lipscomb. Glen Lipscomb served the residents of California's 24th District for over 17 years. He is one of very few Members of Congress able to serve vigorously both the demands of a growing metropolitan constituency and the rigors of one of the most important committee assignments in the Congress.

Charged with the awesome responsibility which belongs to the ranking minority member of the Defense Appropriations Subcommittee, Glen Lipscomb made the security of this Nation a personal undertaking. He went far beyond the scope of routine committeework in educating himself on the needs, the purposes and the operations of our national defense structure. Especially in these crucial days when we are reshaping and modernizing the role our Nation will play in free world security and defense, his dedication and expertise will be sorely missed.

On a more personal side, Glenard Lipscomb was very much a human being who loved life. I shall never forget his delight, when during a trip I made to Los Angeles, I took him on his first visit to Dodger stadium and introduced him to some of baseball's greats who were there.

The hundreds of thousands of people whose lives Glen Lipscomb touched will not easily forget his spirit and his qualities of leadership.

Although his life has ended too soon, he accomplished more in his time than many men accomplish in a hundred years of life.

Mr. Speaker, I offer these few words in humble tribute to a great and dedicated human being.

Mr. CHARLES H. WILSON. Mr. Speaker, it was with deep sadness and a sense of personal loss that I learned of the recent passing of my colleague and friend Congressman Glenard Lipscomb. Our California delegation is sadly diminished by the tragic and untimely loss of such an outstanding and hardworking legislator.

Like many of us, Glen Lipscomb felt that his effectiveness could be enhanced through concentration in one area somewhat more than others, in order that expertise might be developed. Accordingly, be became a diligent and knowledgeable overseer of our military and defense spending programs. His careful work helped to insure that the American people invested their money wisely in these areas.

Serving for 6 years in the California State legislature and 17 years in the U.S. Congress, Glenard Lipscomb earned the well-deserved respect of those with whom he served and the people of his California congressional district. We all share this loss and we shall miss Glen as both a colleague and a friend. He was truly a dedicated public servant of quality and stature. Mrs. Wilson and I extend to Mrs. Lipscomb and the family our deepest sympathies at their loss.

Mr. CONABLE. Mr. Speaker, how many people in this body must feel as I do when I say that Glen Lipscomb was my special friend. There was a rare quality in his personal relationships that made a person feel secure in his friendship. His smile was part of it, but I suppose that was only an outward manifestation of an inner condition. Glen Lipscomb's views were strong and clear, but the intensity of his feelings never brought him to an act or word of unkindness against those who thought differently. Like all of us, he must have had many dislikes, but unlike the rest of us, the positive side of his personality had subdued the negative to the point where he was kind even to those who did not deserve it. In short, his friends and even those who were not his friends loved him, drew strength from him, and felt good when he was around.

He was not only a good person—he was a good Congressman. A prodigious worker, he understood the complexities of the budget and the appropriations process to a degree that few have matched. His strong sense of responsibility was reflected in all his work. He never gave a casual judgment or made a sloppy report. He did not keep his head down when the going was tough, nor did he claim credit for the inevitable when it happened.

Mr. Speaker, Glen Lipscomb was a fine man and a fine Congressman. We shall continue to find inspiration in his example.

Mr. BOB WILSON. Mr. Speaker, how difficult it is to say goodbye to a dear friend like Glenard Lipscomb.

He was sunshine personified. My happiest recollections of him are those all too seldom moments over the past years when we got together to soak up the sun, around the pool, on a sailboat, or on the beach in southern California, in Florida, or in the Bahamas.

Glen loved the sun. He reveled in it, soaking it up hour after hour until he was literally toasted an even brown. It must have affected him, for there was never a sunnier disposition nor a more sunshiny smile than his.

Much will be remembered about Glen Lipscomb's dedication to his job, his family, and his friends.

I am sure no one on either side of the aisle would dispute that he was the most sincere, most able, most conscientious of all his colleagues.

There is little that we can do to fill the void except perhaps to try a little harder to help each other as he helped us.

All of us who knew Glen and loved him extend our deepest sympathies to his dear wife Ginger and his two sweet daughters. We join them in mourning his loss. The sun shines a little less brightly with Glen gone.

Mr. FASCELL. Mr. Speaker, today I pay honor to the memory of our departed friend and colleague, Congressman Glenard P. Lipscomb. He was a valuable Member of this body and his expertise on national defense and military financing will long stand as a memorial to him.

Glen has a long and distinguished career in the House of Representatives. He came to Congress in 1953 and since then has served his constituents, his colleagues, and the Nation with integrity and dedication.

Glen was truly devoted to the fulfillment of the needs of the people and the country. In his work on the Government Operations Subcommittee on Military Operations, on the Defense Appropriations Committee where he served as the ranking Republican member since 1965, and on the House Administration Committee where he was also the senior Republican member, he labored diligently to effect a balance between the necessities of national defense and security, and respect for the value of a taxpayer's dollar. These labors will not go unnoticed.

We have lost not only a dedicated colleague, but a kind and generous friend. When in need, one could always count on Glen's willingness to assist.

Mr. Speaker, I extend my deepest sympathy to the Lipscomb family.

Mr. COLLIER. Mr. Speaker, one of the intangible rewards of service in this great body is the opportunity to make enduring friendships with our colleagues. These friendships are not limited by political, ideological, or geographical considerations. A man of impeccable character and personality will make friends simply by being a friend.

Such a man was Glenard P. Lipscomb, who has just responded to the final rollcall. Death is no respecter of persons, but in his case the summons came, not at the three-score-and-ten of the Psalmist, but soon after he had passed the half century mark. During the last 6 months of his life he knew that his days were numbered as he fought against a dread and as yet incurable disease.

Although he was painfully aware of the fact that "in the midst of life we are in death," Glen Lipscomb did not despair. He continued to serve his district, his State, and his Nation, to the best of his ability.

During his 16 years of service in the Congress of the United States, he remained loyal to his understanding of our federal system of government, that solutions to public problems should be sought, as far as possible, on the local and State levels. He was, at the same time, keenly aware of the need for a strong central government capable of defending the Nation against threats from without. Because of Glen Lipscomb's dedication, thoroughness, and perseverance, we are better equipped as a Nation to meet the many demands that are put upon our Defense Establishment.

It was no fault of his that the already bloated budget of a decade ago has doubled, largely because of the shifting of

State and local burdens to the national level. Our late colleague tried hard to hold the line against profligate spending.

Mr. Speaker, the voice of GLEN LIPSCOMB will no longer be heard in this historic hall. His service for the Committee on Appropriations has ended. His labors for the political party to which he gave his allegiance are over. Nonetheless, the echoes of his words will continue to be heard and his labors in the vineyard of public service will continue to bear fruit. Posterity shall reap the harvest that will inevitably result from the seed that he sowed. A man such as GLEN LIPSCOMB does not really die, for the good that he accomplished lives on.

Mr. EDWARDS of California. Mr. Speaker, the finest tribute which can be paid to my California colleague the late GLENARD P. LIPSCOMB is that he was a man who left only friends.

In addition during his enduring record, both in the California Legislature and in the Congress, honors his memory and will survive as a monument to his efforts. During his four terms in the legislature and his 17 years in the Congress, he used his talents as a lawmaker and as an accountant to serve the American people. He brought to his legislative role his invaluable talents as an accountant in a successful effort to make certain that the tax dollars of the American public were used frugally and with effect.

We of the California delegation feel a very special sorrow at the death of GLEN LIPSCOMB. His presence will be missed in the California delegation, in the Nation and in the hearts of his colleagues.

To his wife, Virginia, to his daughters, and to his family, all of us extend our sympathy and our prayers.

Mr. DUNCAN. Mr. Speaker, I join my colleagues in expressing the deep loss we feel in this Chamber with the passing of our friend and colleague GLEN LIPSCOMB.

GLENARD P. LIPSCOMB was a very hardworking Member of Congress, and even though he had a tremendous workload himself he never failed to offer his assistance to others of us when we were in need of advice and help.

With 17 years of service in this Chamber, he had developed a wealth of knowledge about Government and about the needs of this country. He set examples for us to follow in his diligence, patience, friendliness, and loyalty. I am honored to have had the opportunity to observe this man at work and to learn from him some lessons in leadership and lawmaking.

GLEN LIPSCOMB was a dedicated man—his goals were a better world and a better life for everyone.

In paying final tribute to GLEN, I want to say that I am happy to have had this good man as a friend and colleague. To his family I offer deepest and most sincere sympathy.

Mr. CRANE. Mr. Speaker, the sad news of Congressman GLEN LIPSCOMB's death reached me while I was traveling in the Middle East. Although, as a new Member of the House, I had not had the opportunity to get to know GLEN well, I knew him well enough by reputation to share my colleagues' high regard for his abilities: for his expertise in defense appropriations; as the ranking member of the House Administration Committee, on which I am privileged to serve; for his competence as a legislator and spokesman for the people of his district; and for the personal qualities which made him so greatly respected as a member of this body. I know that, had he not been taken from us, my admiration and personal liking for him would have increased as I came to know him better.

GLEN LIPSCOMB's premature death has saddened me greatly. My wife, Arlene, joins me in extending our deepest sympathy to Mrs. Lipscomb and the family.

Mr. LEGGETT. Mr. Speaker, last week at Bethesda Naval Hospital a colleague lost a year-long battle against a formidable disease and its effects. The congressional rolls of 435 temporarily drop by one and the people of California are deprived of 20 years of excellence and dedicated State and Federal representation.

GLEN LIPSCOMB always performed with a high degree of excellence and though I thoroughly disagreed with him on certain aspects of our national defense and the ABM—on which he was a great spokesman—I always enjoyed debating with him on and off the House floor. GLEN was radiant, a sparkling personality, and the finest image his party could project; and among other virtues, he was a likable adversary. I will miss his representation of a part of our State of California.

Mr. BURTON of California. Mr. Speaker, we, the Members of the House, are saddened, I am sure, by the realization that one with whom we have worked, a colleague who served the people of his State and Nation and served them well, has been untimely taken from our midst.

GLEN LIPSCOMB was an able, articulate, and dedicated public servant. He served this House, the people of California, and the Nation honorably and he will be missed by all of us who knew and worked with him.

I hope that his charming wife, Virginia, and the members of his family are able to find some degree of comfort in the knowledge that some part of their loss is shared by their many friends.

I join my colleagues in paying tribute to the service and the memory of our late distinguished colleague, GLENARD P. LIPSCOMB.

Mr. SMITH of California. Mr. Speaker, during my entire life I have never heard a finer tribute given to any man than the Members here today have paid to GLENARD LIPSCOMB.

I know Virginia Lipscomb, his daughters Diane and Joyce, and the other members of the family would like me to express to each and every Member who participated today their sincere thanks for the wonderful tribute they paid to their husband and their father.

Thank you very much, Mr. Speaker.

GENERAL LEAVE TO EXTEND

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days to extend and revise their remarks and include extraneous material if they desire to do so.

The SPEAKER pro tempore (Mr. MILLER of California). Without objection, it is so ordered.

There was no objection.

ALCOHOL, TOBACCO, AND FIREARMS DIVISION OF IRS CONDUCTS INVESTIGATOR TRAINING SCHOOL FOR FLORIDA STATE BEVERAGE DEPARTMENT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FASCELL. Mr. Speaker, the Alcohol, Tobacco, and Firearms Division of IRS has announced plans to conduct an intensive 2-week investigator training school for and at the invitation of the Florida State Beverage Commission in Tallahassee, Fla., commencing February 16, 1970. This program is the first of its kind and will serve as a pilot for possible future use in other areas.

The Alcohol, Tobacco, and Firearms Division of IRS has long been recognized as one of the top investigative units in the country. Its programs of assistance to State and local units is in keeping with its long-standing tradition of close cooperation with all levels of government.

An indispensable weapon in the war against organized crime is a coordinated and cooperative effort by law enforcement agencies at all levels of government.

A 1968 report by the House Government Operations Subcommittee on Legal and Monetary Affairs, which I am privileged to chair, stated:

> The proper Federal role is to be a moving force, a catalyst, lending whatever assistance it can to local authorities. ("Federal Effort Against Organized Crime: Report of Agency Operations," House Report No. 1574.)

The report added:

> For an effective job in dealing with organized crime, there must be direct lines of communication between State and local authorities and Federal agencies; only this triumvirate can accomplish what needs to be done on a nationwide basis.

I commend the Division for its initiative in this area and wish it great success.

Following are the courses to be covered during the 2-week program in Tallahassee: Illicit Distilling; Handling of Seized Property; Destruction of Distilleries; Investigative Techniques; Law-Search and Seizure; Raid Planning and Crime Scene Search; Law-Rules of Evidence; Collection and Preservation of Evidence; Illicit Distilling Laboratory; Law-Conspiracy; Gun Control Act of 1968; Law Review; Field Exercise—Handling of Explosives; Examination; Investigative Techniques; Investigative Techniques—Raw Materials; Preparation of Statements; Report Writing; Development of Informers and Information; Investigative Techniques—Undercover; Critique of Examination; Organized Crime; Law Arrest; Handling Prisoners; Law-Interrogation; Interviewing and Interrogation; Courtroom Procedures; Public Relations and Liaison With Other Agencies; and Review.

PAN AMERICAN RAILWAYS CONGRESS ASSOCIATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today introducing, by request of this administration, the following joint resolution:

H.J. RES. ——

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 80–794, Eightieth Congress, approved June 28, 1948, is amended by striking out "$5,000" and inserting in lieu thereof "$15,000" in section 2(a).

The foregoing resolution is based on an executive communication referred to the Subcommittee on Inter-American Affairs by the chairman of the full Committee on Foreign Affairs.

The Pan American Railways Congress Association is an inter-American, mixed-membership—both government and railroads—organization in which the U.S. Government participates by virtue of a 1948 act of Congress. The Association promotes the development of railways in the Americans. U.S. participation is conducted through a national commission whose members are appointed by the President.

Last year the Congress of the Association provisionally raised the members' quotas for the first time since the United States has been a member. The increase in quotas would call for a U.S. contribution of $15,000 annually or 42 percent of the total, the remainder being the quotas of the 15 other member states. The U.S. contribution percentage, however, would not change; it would remain the same as under its current contribution of $5,000.

The United States has not voted for the increased quota and does not plan to do so until and unless the Congress authorizes the increase.

This request, therefore, will receive the careful consideration of the Subcommittee on Inter-American Affairs, which I have the honor to chair, before it takes action on the resolution and makes its recommendation to the House through the full Committee on Foreign Affairs.

PRESIDENT NIXON PROCLAIMS U.S. WEATHER SERVICE MONTH—FEBRUARY 1970, CENTENNIAL RECOGNITION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the Nation's weather services will be 100 years old on February 9, 1970. The milestone is a significant one for all the people of our country.

Every life is touched, many in a vital way, by the weather. We in Florida, however, are perhaps the most weather-conscious people in the Union. I need not dwell upon the manner in which nature has blessed our State; the thousands who come to us every year in search of recreation and revitalization bear eloquent witness to the beneficence of our climate.

Florida is also a center of environmental activity; indeed, it is in the forefront of the national effort to provide protection against the fury of natural disaster and new knowledge of the world about us. In this connection, ESSA, the Commerce Departments' Environmental Science Services Administration, has become a welcome and important part of the Florida scene.

From our shores, ESSA ships leave the Atlantic Oceanographic and Meteorological Laboratory destined for expeditions in research designed to add to man's store of knowledge of our last frontier, the sea. ESSA's Research Flight Facility, based in Florida, probes severe storms far at sea to enhance the Nation's protection against natural cataclysms. The National Hurricane Center stands on guard in Florida, marshaling the finest of talent and equipment against the storms which strike the east and gulf coasts, that our people may have the gift of time to prepare. The National Hurricane Research Laboratory in Miami spearheads the national effort to acquire more information about the dynamics of these storms, in the hope that one day we shall be able not only to warn against them but to blunt their impact on our shores.

Not only in Florida, but in all 50 States and in our territories, Mr. Speaker, the weather services, civil and military alike, have served our people well, in war and peace. For these reasons, the President of the United States has chosen to honor them by proclaiming February as U.S. Weather Services Month.

I consider it a distinct privilege, Mr. Speaker, to add my voice to those of our Chief Executive and the many others who are joining in the commemorative of this important centennial, by including the Presidential proclamation as a part of the RECORD of today's proceedings. It follows:

CENTENNIAL OF THE U.S. WEATHER SERVICES

(A proclamation by the President of the United States of America)

On February 9, 1870, President Ulysses S. Grant approved a joint resolution of Congress (16 Stat. 369) providing for meterological observations and for giving notice of the approach and force of storms.

In the hundred years which have intervened, meteorology and kindred atmospheric sciences have undergone phenomenal development through the skill, ingenuity, and dedication of civilian and military scientists, meteorologists, weather observers and many others serving on land, at sea, and in the air, in peace and in war. Their efforts have been aided through unswerving cooperation by the press and the radio and television industries.

This cooperation has resulted in weather services which touch almost every American life and which provide tremendous benefits in the protection of life and property, assistance to many facets of the national economy, and daily contributions to the public welfare and convenience.

Today, the United States is working diligently with many other nations toward a World Weather Watch which, through increased understanding and use of our environmental resources, will provide vastly improved weather services for the entire world.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim the month of February 1970, as United States Weather Services Month; and I urge our institutions and organizations, public and private, and our citizens, to recognize the achievements of the past century and to offer appropriate appreciation and support for this vital national function on the occasion of its centennial anniversary.

In witness whereof, I have hereunto set my hand this 27th day of January, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

NIXON CRIME WAR

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GIBBONS. Mr. Speaker, it is regrettable that the Nixon crime war has not developed any beyond the point of rhetoric. There has been very little accomplished on the action front thus far.

You will recall that a Republican amendment to the Omnibus Crime and Safe Streets Act of 1968 directed the Federal Government to make grants to States for combating crime, and it was argued at that time that the idea of the block grant was to provide more and quicker action for the local communities.

A cursory examination will show that there has been very little "action" in Florida under this block grant concept. I would like to cite the following instances as examples of the lack of action on the anticrime front.

First. Four top priority projects submitted by south Florida officials totaling $168,000 have been stalled at the State level even though they are among the seven projects approved for funding by the interagency council. These projects include a home for mentally retarded delinquents in Palm Beach County, a halfway house in Fort Lauderdale, a detention home in Monroe County, and a big sister program in Palm Beach County. These programs have had the complete backing of juvenile judges in their respective areas as well as other prominent officials in the area of juvenile delinquency.

FBI statistics point to the fact that nearly one-half of the serious crimes committed in this country are committed by persons under 18 years of age, and in the categories such as burglary and theft juveniles have accounted for more than 75 percent of the crimes committed.

Second. The University of South Florida in Tampa has submitted briefs on 16 proposals related to law enforcement to the State's interagency law enforcement planning council, and they have yet to receive even an acknowledgement on these.

Third. The administration requested only $15 million in 1970 and $15 million in 1971 to fund the Juvenile Delinquency Prevention and Control Act of 1968 when juvenile experts are begging for more assistance in their efforts to combat crime by juveniles.

Fourth. President Nixon addressed the Nation on the problems of crime on January 31, 1969, and declared war on crime in the Nation's Capital. However, crime hearings before the District of Columbia

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Committee in the Senate had to be canceled on March 25 and 26 and again on May 19 and 22 because the Justice Department and Secretary Mitchell were not prepared to testify. Hearings scheduled for June of the same year were also canceled. The administration again was not there to present its crime package.

Fifth. FBI Director J. Edgar Hoover and Chief of Records Division, Jerry Daunt, refused to testify before a House select committee investigating crime in 1969.

In concluding I would like to say that we continue to hear a lot from the administration as to what they will do, but thus far all we have seen is very little in the area of accomplishments.

The last three Congresses have passed well over 15 anticrime measures including such major bills as the Law Enforcement Assistance Act, the Omnibus Crime and Safe Streets Act, and the Juvenile Delinquency Prevention and Control Act, all of which would meet the crime needs if adequately funded and supported by this administration.

In solving today's great social problems, there is a vast difference between promises and progress. We need more progress to match the promises.

NIXON, IN REVERSAL

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, in the event that some Members might have missed the article in the Wall Street Journal of January 30, which begins "Nixon, in Reversal," outlined below is the article. It makes very good reading, I think. Mr. Nixon requested only $214 million in the fiscal year 1970 budget for the fight against water pollution. The Congress, in its wisdom, however, appropriated $800 million which the President refused to spend, despite the urging of the Congress. His state of the Union speech called for a $10 billion program to fight pollution. After vetoing the needed education funds, he announces he will spend the full $800 million the Congress appropriated.

I believe the article speaks for itself. It follows:

NIXON, IN REVERSAL, TO USE FULL $800 MILLION VOTED BY CONGRESS FOR SEWAGE-PLANT AID

(By John Pierson)

WASHINGTON.—President Nixon is coming across on the TV screen like an anti-inflationary statesman. But off camera, Mr. Nixon is proving to be an able politician who spends money where he must to stay on top of the issues and work his will with Congress.

The latest example came to light yesterday when the White House let it be known that Mr. Nixon had decided to use the full $800 million Congress has voted to help communities build sewage-treatment plants. Mr. Nixon originally had asked for only $214 million for the fiscal year ending June 30 and had indicated he wouldn't spend the extra $586 million because it was inflationary.

THE DILEMMA

The turnabout came less than three days after the President went on television to veto, with a flourish, a Health-Education-Welfare appropriations bill, containing $1.3 billion more than he had requested, on the ground that approving it would mean "surrendering in the battle" to stop the rise in living costs.

Mr. Nixon's dilemma is that he must convince the nation he means business about cutting the budget and stopping the price spiral, at the same time that he keeps the Democrats from running away with popular issues like pollution and crime control in an election year.

In his State of the Union message last week, when he spoke of a $10 billion program to build sewage-treatment plants, the President tried to preempt the pollution issue. But the Democrats bounced right back, charging that Mr. Nixon was sitting on the extra $586 million Congress had voted to do just that, and further suggesting that his $10 billion was really just $4 billion of Federal money and $6 billion of state and local funds.

Pressed to clarify the President's plan, Administration officials at first kept mum, saying it would become clear in the budget Mr. Nixon will submit next Monday and in a subsequent message on the environment. But by yesterday the White House apparently had decided there was a danger the Democrats might take the pollution issue away again.

So Mr. Nixon announced he was nominating Russell Train, Under Secretary of Interior, to be chairman of the new Council Environmental Quality. Press Secretary Ronald Zeigler interrupted Mr. Train's news conference to say that the President was prepared to spend the additional $586 million for sewage-treatment plants.

Elsewhere, a Government source disclosed that in his new budget for the fiscal year starting July 1, the President would propose spending another $800 million for sewage plants.

DECIDED "WEEKS AGO"

Anxious to dispel any idea that the Administration was simply reacting to the Democrats, Mr. Ziegler emphasized that Mr. Nixon had reached his decision on the extra money "some weeks ago." But several key members of the White House staff were taken by surprise.

Why the announcement was held up is unclear, unless Mr. Nixon didn't want to take the edge off Monday's HEW veto. Possibly his anti-inflationary stance would have been rendered less credible had it been known that while refusing to spend $1.3 billion more on education and health, he was agreeing to spend $586 million more on pollution.

The same goes for the $450 million of extra education funds the Administration quietly offered as an inducement to Congressmen to sustain the veto. The $450 million for schools and the $586 million for pollution go most of the way toward wiping out the $1.3 billion saving achieved by the veto.

One White House source said Mr. Nixon delayed his announcement about the extra pollution money to see whether Congress would sustain his HEW veto. Had the lawmakers overridden the veto, Mr. Nixon wouldn't have agreed to spend the extra funds for waste treatment, the source said, no matter how great the pressure from the Democrats.

Late yesterday, unable to reach agreement on a substitute HEW bill, Congressional leaders agreed to shove through an emergency bill to keep school and health money flowing until a compromise can be worked out.

Crime control is another issue where Mr. Nixon has made it plain he isn't going to let the Democrats take the initiative, even if it means spending more money. While preaching economy in his State of the Union message, the President also disclosed that he wants to double aid to local police forces in the coming fiscal year. Democrats have been talking about tripling this item.

TRAIN AS ENVIRONMENT CHIEF

Mr. Nixon said Mr. Train, a noted conservationist, would be his "chief officer" in the effort "to protect and restore the American environment." Mr. Train's council will attempt to do for the environment what the Council of Economic Advisers does for the economy, the President said.

It will prepare an annual report on the environment, the first of which is due July 1. It will "examine the facts," set up "an early warning system," help draft legislation and coordinate Federal programs for the environment, Mr. Nixon added.

The President nominated two other members to the council: Robert Cahn, a Washington correspondent for the Christian Science Monitor, and Gordon MacDonald, vice chancellor for research and graduate affairs at the University of California, Santa Barbara.

At his news conference, Mr. Train said he believed that while "a portion" of the costs of cleaning up pollution should be borne by stockholders, "most" of it should be passed on to consumers in the form of higher prices. He also expressed doubt that auto exhaust pollution could be eliminated simply by "patching up" internal-combustion engines, adding that basic research is needed to discover "really better ways of doing things."

Mr. MacDonald said "some action" should be taken to withdraw the leases oil companies have to drill in the Santa Barbara channel, where a leak covered the beach with oil and killed wildlife last year.

IN THE SOUP

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GROSS. Mr. Speaker, from the February 1970 issue of the Postal Supervisor, official publication of the National Association of Postal Supervisors, I quote the following:

The president of Campbell Soup Company was a member of the President's Commission on Postal Reorganization that proposed converting the post office into a corporation. The Commission said that many benefits "would flow from the introduction of modern management practices . . ." into the postal service.

It is interesting to note that the Federal Trade Commission has accused the Campbell Soup Company of faking its TV commercials by putting marbles in the bottom of a pot of soup to make the television audience think there was more meat and vegetables in a can of Campbell's soup. Although the company denied the charge, the matter was settled with a consent decree which, in simple language, is a sincere-sounding promise that the corporation won't let it happen again.

We wonder is this is one of the modern management practices the post office would employ under the corporation concept!

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MILLER of Ohio. Mr. Speaker, for many centuries the number of cattle has been an indicator of wealth among nations. Today it is still an important indicator of wealth. In 1968 the United States was the leading cattle raiser in the world with 108,813,000 head. The Soviet Union was second with 97,100,000.

ECONOMIC MESSAGE IGNORES THE NATIONAL PRIORITIES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

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Mr. PATMAN. Mr. Speaker, the Economic Report of the President offers many words of hope, but very little substance. For example, in the area of housing, the report contains laments about the low level of construction, but offers no real program to put this sector of the economy back on its feet. In fact, the figures contained in the report indicate that the administration expects housing starts of no more than 1.2 million units in the next year. In other words, the report concedes that the administration will fall 1.4 million units below the national housing goals in the coming year.

The most disappointing omission is the report's failure to spell out in any meaningful way the Nixon administration's economic priorities. The report talks a great deal about the Nation's resources and the competing claims on these resources. But it does not spell out which claims the administration will give priority in the coming year.

The 1946 Full Employment Act which set up the Council of Economic Advisers specifically called for the establishment of economic priorities. It appears that the 1970 report falls far short of carrying out this section of the act.

Mr. Speaker, the question of national priorities will be uppermost in the mind of Congress as it examines the report and the budget. After President Nixon's veto of education, Democrats in Congress are suspicious that this administration lacks a view of the future and an understanding of the economic priorities which must be established.

Parts of the Economic Report indicate that the Nixon administration has at long last recognized the dangers of high interest rates and tight money to the economic future of the Nation. This belated recognition comes after a year in which interest rates—and prices—climbed to record levels. Interest rates climbed faster and farther in the first year of the Nixon administration than any comparable period in our history.

The report also appears to be highly critical of Federal Reserve policy and this in the long run may be very beneficial if the administration backs up the words with support for pending reforms of the Federal Reserve System.

But President Nixon and his Council of Economic Advisers talk in generalities about interest rates and tight money. They do not offer concrete programs to bring about lower interest rates. They offer "words of hope" rather than programs of action. They do not talk about using Presidential powers to roll back interest rates and control expansion of credit in inflationary and nonessential areas of the economy.

What is needed in the monetary field is action and not more words.

Without some definite control over rising interest rates, the budget figures presented by the President may be total fiction. In his veto message on the HEW funds, President Nixon conceded that rising interest rates during 1969 added more than $1.5 billion in costs to the current budget. If interest rises at the same level in 1970, then the $1.3 billion surplus projected in the new Nixon budget will be wiped out.

This administration has placed no ceiling on interest rates. Therefore, interest rates on the national debt are one of the "uncontrollables" in the budget. Skyrocketing interest rates could send the budget well over the $200.8 billion figure.

Of course, the President has power to control interest rates—power given him in Public Law 91–151, passed by this Congress in the closing days of the first session. Despite repeated urgings, the President has not used this power to control interest rates, and therefore, the so-called budget surplus is endangered by his inaction.

Mr. Speaker, I am pleased to see that the President did not ask for a delay in the enactment of legislation on one-bank holding companies.

President Nixon, it appears, has reaffirmed, through the economic message, his statement of last March 24 when he told the Congress:

> To protect the competition and separation of economic powers, I strongly endorse the extension of Federal regulation to one-bank holding companies and urge the Congress to take prompt and appropriate action.

Some of us in the Congress are well aware that there were attempts in recent days by highly placed officials in the administration to insert language in the Economic Report calling for a delay in action on the one-bank holding company bill passed by the House of Representatives on November 5, 1969.

It is highly gratifying that these proposals for a delay did not gain approval in the Economic Report. I hope that the administration will now move expeditiously to help push this legislation through to final enactment in this session of Congress and thus prevent greater damage to the economy by the unregulated one-bank financial conglomerates.

STATEMENT ON NEDZI BILL TO REVIEW RETIRED OFFICERS' TIES WITH DEFENSE INDUSTRIES

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, I have today introduced legislation which would establish a Military Retirement Review Board to issue guidelines for retired officers seeking employment with defense contractors.

I do not believe in any conspiracy theories based on the close and inevitable ties between the military and the industrial complex. It is obvious, however, that the two groups share a community of interest on defense contracts which tends to result in a narrow view of national priorities and an uncritical view of the size of the military budget.

Our Nation's military spending has been maintained at a high rate since the outbreak of the Korean war in 1950. Virtually an entire generation of military contract officers has reached retirement age since then. Yet there is no meaningful review and control of the employment road taken by military officers who retire and go to work for defense industries. Moreover, this fact has to be considered in the light of the further fact that public confidence in the military has been shaken since the start of the Vietnam war.

There are now over 2,000 retired military officers of high rank—colonel and general, naval captain and admiral—employed by the top defense contractors of the Nation. This number, obtained from the Pentagon by Senator WILLIAM PROXMIRE, Democrat of Wisconsin, has more than doubled since former Senator Paul H. Douglas obtained a similar list from the Pentagon 10 years ago. There are undoubtedly thousands in lower grades similarly employed.

It is perfectly understandable that men who leave one job tend to use the skills and associations acquired therein when they seek another job. Government lawyers and ex-Congressmen are examples which come readily to mind. Therefore, it is not surprising that the skills of retired Army, Navy, and Air Force officers are attractive and useful to defense contractors.

Nevertheless, one must be uneasy when it is remembered, for example, that almost 90 percent in dollar amounts of military contracts are negotiated rather than awarded on competitive bid. This figure will remain high because the complexity of today's military hardware often results in but a single source supplier for many items. Accordingly, bid contracts on a large scale are impossible.

Under my bill, the President would appoint a Military Retirement Review Board consisting of five members. The membership of the Board will be composed of one individual employed by a private industry engaged in defense contracting, two individuals from private life, one civilian employee of the Department of Defense, and one member of the Armed Forces. Members will be first appointed to staggered terms, after which the term of office will be 5 years.

The board, representing Pentagon, private industry, and public interests, would certify that a retired officer did not, while on active duty, deal with a prospective defense industry employer in a manner contrary to standards established by the Secretary of Defense. The requirement would not be retroactive and, hence, would not affect retired officers already employed by such contractors.

All retired officers would be required to certify that they, during their active service, did not violate the standards promulgated by the Secretary. Failure to do so, or knowingly and willfully making any false statement on a retirement certificate would subject the violator to loss of pension and other penalties.

While the bill would not bar the employment of a retired military contracting officer by defense-minded corporations with whom he had negotiated contracts, it could tend to discourage such association in questionable cases. Why? Because an officer contemplating retirement and post-retirement employment would know his entire career would be reviewed.

I believe that the national interest would benefit from congressional attention in this matter. I believe that with

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few exceptions retired military officers have the credentials to make valuable contributions to private industry. It is in their interest, also, that certain standards be promulgated so that the questionable cases do not cast a cloud on all cases.

Billions of dollars of defense expenditures are handled by military officers every year. Beyond the fiscal implication stand the moral implications. Both should benefit from congressional review.

I have been troubled by the implications of the relentless trend toward more and more defense spending. The handling of defense contracts is just one aspect, but an important aspect, of the larger problem. My bill is not a perfect or perhaps even perfectable piece of legislation. I hope, however, that it throws the issue open for discussion. I hope the Armed Services Committee will agree to consider the bill, for I deeply believe the Congress and the general public will benefit from such consideration.

THE URGENCY OF DEFENSE INVULNERABILITY

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, today's defense capability did not come into being overnight. It is the product and end result of long years of careful planning much of which originated more than a decade ago.

In the same sense, our continuing defense capability in a rapidly changing world of increasingly complex technology, depends on the planning and the decisions that are made today. At a time when more and more pressures are developing for less and less dollar commitments to the national defense it is vital to select those systems and those capabilities that promise maximum security and the greatest measure of invulnerability to enemy attack.

Of systems being presently proposed it seems to me that the Navy ULMS deserves to be assigned a high priority. This system appears to offer a minimum of provocation and a maximum of security both high on the stated specifications of defense. It is also a system that has proven its worth through the successes of its predecessors, Polaris and Poseidon.

In the recent issue of Navy, the magazine of seapower, appears an editorial that I think deserves the attention of every Member of Congress. It is entitled "Why We Must Move Our Nuclear Deterrent to Sea," and reads as follows:

We Must Move Our Nuclear Deterrent to Sea

Those who view national defense as something other than a big segment of the budget to be carved up for pressing domestic needs are greatly concerned over Russia's impending superiority in nuclear strategic weapons and the possible outcome of the SALT disarmament talks.

It astounds us how so many supposedly responsible members of Congress, newspapers, commentators and university professors could have ignored the positive and definitive evidence that Moscow is rapidly building a "first strike" missile that could destroy the United States, is outstripping us in ICBMs and moving rapidly toward a larger Polaris-type seaborne missile force.

Happily, there is a solution of our military and domestic budgetary problems, which we and others have long advocated—the new seaborne deterrent. This is gaining belated recognition.

Spread the word, tell your neighbors and even try to educate your antimilitary friends about this important development. For it is meeting opposition.

We well remember that some six years ago, Secretary of Defense McNamara told Congress in a formal statement that it cost four times as much for the United States to put a strategic missile to sea than to put one into an underground silo within the United States. This was untrue at the time, and although Navy officials soon produced evidence that the costs of sea and land based missiles were about equal, McNamara did not retract the statement, he simply never repeated it.

Today, it is clear that seabased, offensive nuclear systems are cheaper, more "cost effective"—if you'll pardon the term—and much more reliable. And they can improve the chances of reaching an assured arms limitation treaty in the SALT talks that could sharply cut American costs and ease world tensions.

While it is difficult to anticipate what is in President Nixon's budget, due for release before we publish, this much is evident:

Laird made it plain last month that the Navy's ULMS—underwater long-range missile system—was his preference for a future deterrent system if an arms treaty with Russia could not be obtained.

It is now accepted that Laird was right—even conservative—last year in describing the Russian heavy SS–9 ICBM as a "first strike" weapon.

Laird says the Russians may have 420 SS–9s before 1974. The huge SS–9 can have three or more 5-megaton warheads—each of which could destroy a Minuteman missile silo. A major point which has been ignored in the debate over the SS–9 is that it seems to have been designed for our Minuteman complexes.

Unlike American MIRV missiles, SS–9 does not carry a number of warheads, which can independently head for cities hundreds of miles apart, with their own separate guidance systems and probably terminal guidance.

To one who visited Minuteman sites a decade or more ago, as I did, the purpose of the tri-headed SS–9 is quite clear. For reasons of economy and accuracy—which now seem somewhat short-sighted—three of the unmanned missile silos were put into a geometrically-spaced triangle, controlled by an underground, manned controlled center close by. Thus, an enemy, knowing the precise position of each Minuteman silo (which is public information, available to the Kremlin) can aim and very possibly destroy all these of the missiles in a three-site Minuteman complex with one SS–9.

At any rate, the landbound planners are striving desperately to keep their dominance in U.S. deterrence systems, in the face of Laird's new compelling evaluations that shift the emphasis to sea.

Some of the proposals seem almost frantic. Plans have been proposed to make Minuteman mobile on railroad tracks, a concept once explored in depth but abandoned on grounds of cost, fear of sabotage and expectations of public rejection to having such trains running around the country. A truckborne Minuteman system has been proposed to move around sparsely-populated Western states. There also is a plan to base Minutemen in a "wagon-wheel" setup under which the mobile missiles could be moved quickly from an above ground central "garage" on trucks along "spoke" roads to prepared firing positions a mile or so away. Laird and his experts, it was clear at this writing, have bought none of these plans.

Three things are definite:

The detailed Pentagon evaluation of a project to put Minutemen in new hardrock silos proved more costly than the Navy's plan for a new ULMS missile-carrying submarine replacement for the Polaris, also unflawed granite formations are hard to find.

It is now very clear that past estimates that landbased ICBMs were cheapter than any seabased missile systems were wrong. Counting the short-lived Atlas, Titan, Thor and Jupiter, the Minuteman and the cost of protecting the latter with the Sentinel ABM, plus proposed new hardened silos, would make the overall cost of landbased missile systems exceed our comparable seabased missile systems.

ULMS now has a strong appeal to Pentagon leaders, although it has received little funding. For one thing, ULMS would be much cheaper to operate and maintain than current missile submarines. Weapons, power plants and other major parts would be modulized so that the missile ships would spend little time in port.

Moreover, probably fewer of the ULMS would be needed to replace the 41-boat Polaris-Poseidon fleet. The proposed new craft probably would have missiles of ICBM range—perhaps 6,000–8,000 miles—they could lurk in any area of the world ocean to avoid detection, or even be fired from ports in the United States in an emergency. So they always would be, in effect, operational on station, and they are expected to be slower, quieter and much bigger nuclear submarines than Polaris-Poseidon, and probably could carry more missiles.

Continued opposition to the ABM, plus belated new support for a seabased missile deterrent from former White House security advisor McGeorge Bundy, and many of the more liberal commentators, seems to increase the prospects of Poseidon and ULMS.

Another equally, if not more important, advantage of the seaborne missiles is that they do not and would not attract nuclear missile attack against the United States. Russia can disperse its missile throughout its vast landmass. *Our* great geographical advantge is our ability to put our missiles to sea, which covers three-quarters of the globe.

There is one other major issue. If it is true, that by 1973–74 Russia will have a great force of SS–9s operational, as U.S. intelligence predicts, the United States could be in grave danger. Our Minutemen might well be obsolete, and while our Polaris-Poseidon submarine force could respond to an all-out attack, making any such missile war self-destructive, the United States might be subjected then to diplomatic blackmail.

In deciding what to do, the nation should think about the inexorable facts of lead-time. We cannot build an effective land-deployed ABM defense, a hardened or mobile Minuteman system or a new ULMS by 1973–74. But there are two things we can do. One is to move swiftly, with some acceleration of the Poseidon MIRV program.

The Nation should give much thought to the possibility of arming American surface warships with long range ballistic missiles. This protection could be made operational quickly, before the Russians get their SS–9 missiles ready. It would be an emergency program; it is not now contemplated; but it is practical and should be weighed in judging the vital short range security of the United States.

Having seen a dramatic shift in strategic thinking toward mobility in seabased offensive deterrent forces, the next step must be to provide strategic systems that capitalize on the oceans for defense. The more we expand and rebuild our landbased offensive and defensive missile systems the more missiles our adversaries aim at our homeland. The hour is late, but the Commander-in-Chief can reverse an unsound landbased strategy by a command decision to move to sea.

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CONSERVATIONISTS OPPOSE TIMBER RAID BILL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, as we near House floor action on H.R. 12025, the so-called national timber supply proposal, a calculated effort is being made to cloud the widespread opposition to it in conservation circles. An example of this appeared in a widely circulated newsletter, which said:

> Supply of lumber will be more plentiful after Congress ok's a law allowing stepped-up timber cutting in national forests. Conservationists seem to be appeased by concessions in the bill, so passage is likely.

Nothing could be less factual.

Conservationists were so aroused by this misrepresentation they joined together to denounce it. Their opposition was made quite clear in a telegram which I received. The message said:

Hon. John P. Saylor,
Rayburn House Office Building,
Washington, D.C.:

Contrary to news reports conservationists are strenuously opposed to H.R. 12025, National Timber Supply bill. Proposal threatens America's national forests, scuttles historic multiple-use practices and undermines prospective parks, wilderness, open space and recreation areas. Bill sacrifices national forests to maximum timber cutting and excessive road-building without regard for protection of watershed, fish and wildlife, grazing, scenic and recreation values. Its adverse impact on watersheds alone contradicts our entire national effort to clean up America's lakes and rivers. Housing shortage is not caused by timber supply, but by other factors. Forest Service already has full authority to improve forestry practices given sufficient Congressional appropriations. This environmentally destructive bill, H.R. 12025, is contrary to the public interest.

SIGNERS

Michael McCloskey, Executive Director, Sierra Club.

Frank C. Daniel, Secretary, National Rifle Association.

Charles H. Callison, Executive Vice President, National Audubon Society.

Stewart Brandborg, Executive Secretary, The Wilderness Society.

Robert L. Herbst, Executive Director, Izaak Walton League of America.

Daniel Poole, President, Wildlife Management Institute.

Ray Kottrla, Washington Representative, Trout Unlimited.

Dr. Spencer Smith, Secretary, Citizens Committee on Natural Resources.

The Sierra Club, Wilderness Society, National Audubon Society, Izaak Walton League of America, National Rifle Association, Wildlife Management Institute, Trout Unlimited, and Citizens Committee on Natural Resources all joined in refuting the statement that they are "appeased" by H.R. 12025. I have been assured by these organizations and others in the conservation movement that they are unalterably opposed to H.R. 12025, as their statement clearly indicates.

Mr. Speaker, we are in the first days of the 1970's, described by President Nixon and others as the "decade of the environment." It is incredible that the first environmental bill to be considered by Congress in this decade of the environment is one that will denude major watersheds and rape our great national forests. All the years that have gone into management of national forests for sustained yield will be wiped out in this "decade of the environment," if H.R. 12025 is enacted. We cannot let proposals like H.R. 12025 set the tenor for dealing with our environmental problems in this decade. I agree with my friends in the conservation movement that—

> This environmentally destructive bill, H.R. 12025, is contrary to the public interest.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pettis (at the request of Mr. Gerald R. Ford) for the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. Mikva) to revise and extend their remarks and include extraneous material:

Mr. Gonzalez, for 10 minutes, today.

Mr. Flood, for 60 minutes, February 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Price of Illinois, and to include extraneous material.

Mr. Gross, and to include extraneous material.

Mr. Albert, and to include extraneous material.

(The following Members (at the request of Mr. Camp) and to include extraneous material:)

Mr. Lujan.
Mr. McEwen in two instances.
Mr. Keith in three instances.
Mr. Meskill.
Mr. Gubser.
Mr. Scott.
Mr. Hastings.
Mr. Hall.
Mr. Brotzman.
Mr. Quillen.
Mr. Morse.
Mr. Hogan.
Mr. Esch.
Mr. McClory.
Mr. Derwinski in two instances.
Mrs. May.
Mr. Scherle.
Mr. Burke of Florida.
Mr. Buchanan.
Mr. Wyman in two instances.
Mr. Berry.
Mr. Schwengel.

(The following Members (at the request of Mr. Mikva) and to include extraneous material:)

Mr. Clay in six instances.
Mr. Monagan in two instances.
Mr. Teague of Texas in two instances.
Mr. Thompson of New Jersey in two instances.
Mr. Flood in two instances.
Mr. Hungate in six instances.
Mr. Podell.
Mr. Montgomery.
Mr. Gonzalez in three instances.
Mr. Burke of Massachusetts.
Mr. O'Neal of Georgia.
Mr. Albert.
Mr. Rarick in three instances.
Mr. Rooney of New York in two instances.
Mr. Nichols.
Mr. Mikva in six instances.
Mr. Edmondson in two instances.
Mr. Donohue.
Mr. Mahon.
Mrs. Griffiths in two instances.
Mr. Daniel of Virginia.
Mr. Jacobs.
Mrs. Sullivan in four instances.
Mr. Johnson of California in three instances.
Mr. Kee.
Mr. Koch.
Mr. Gray in two instances.
Mr. Charles H. Wilson.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2116. An act to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act; and for other purposes; to the Committee on Agriculture.

S. 2707. An act to consent to the interstate compact on air pollution between the States of Ohio and West Virginia; to the Committee on the Judiciary.

S. Con. Res. 53. Concurrent resolution authorizing the printing of the National Estuarine Pollution Study as a Senate document; to the Committee on House Administration.

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ENROLLED JOINT RESOLUTIONS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week";

H.J. Res. 1051. Joint resolution designating the week commencing February 1, 1970, as "International Clergy Week" in the United States, and for other purposes; and

H.J. Res. 1072. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 4, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1598. A communication from the President of the United States, transmitting proposed revisions of his original 1970 appropriation request for the Department of Health, Education, and Welfare (H. Doc. No. 91–218); to the Committee on Appropriations and ordered to be printed.

1599. A letter from the Deputy Secretary of Defense, transmitting a report on funds obligated in the chemical warfare and biological research programs and certain programs heretofore administratively combined with them, covering the first 6 months of fiscal year 1970, pursuant to the provisions of section 409, Public Law 91–121; to the Committee on Armed Services.

1600. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Military Sales Act; to the Committee on Foreign Affairs.

1601. A letter from the Acting Director of the Peace Corps, transmitting a draft of proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Affairs.

1602. A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

1603. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report summarizing actions taken with respect to positions in grades GS–16, 17, and 18 under 5 U.S.C. 5108(a) during the calendar year 1969, pursuant to the provisions of 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

1604. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

1605. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

1606. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 13008. A bill to improve position classification systems within the executive branch, and for other purposes; with amendments (Rept. No. 91–823). Referred to the Committee of the Whole House on the state of the Union.

Mr. SISK: Committee on Rules. House Resolution 816. Resolution for consideration of H.R. 14810, a bill to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs (Rept. No. 91–824). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 817. Resolution for consideration of S. 2214, an act to exempt potatoes for processing from marketing orders (Rept. No. 91–825). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 818. Resolution for consideration of H.R. 3786, a bill to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California (Rept. No. 91–826). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 819. Resolution for consideration of H.R. 15165, a bill to establish a Commission on Population Growth and the American Future (Rept. No. 91–827). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2047. A bill for the relief of Roseanne Jones (Rept. No. 91–811). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2950. A bill for the relief of Edwin E. Fulk (Rept. No. 91–812). Referred to the Committee of the Whole House

Mr. WALDIE: Committee on the Judiciary. H.R. 3558. A bill for the relief of Thomas A. Smith; with an amendment (Rept. No. 91–813). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 4480. A bill for the relief of John W. Watson, a minor; with an amendment (Rept. No. 91–814). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 8470. A bill for the relief of 1st Lt. Jackie D. Burgess; with amendments (Rept. No. 91–815). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 12176. A bill for the relief of Bly D. Dickson, Jr.; with amendments (Rept. No. 91–816). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 12887. A bill for the relief of John A. Avdeef; with an amendment) Rept. No. 91–817). Referred to the Committee of the Whole House.

Mr. COUGHLIN: Committee on the Judiciary. H.R. 15354. A bill for the relief of Anthony P. Miller, Inc. (Rept. No. 91–818). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 11578. A bill for the relief of Patricia Hiro Williams; with an amendment (Rept. No. 91–819) Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. House Resolution 324. Resolution to provide for sending the bill H.R. 8568, with accompanying papers, to the Chief Commissoner of the Court of Claims. (Rept. No. 91–820). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 1678. An act for the relief of Robert C. Szabo (Rept. No. 91–821). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 2566. An act for the relief of Jimmie R. Pope (Rept. No. 91–822). Referred to the Committee of the Whole House

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 15671. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H.R. 15672. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets Nos. 47–A, 162, and consolidated 47 and 164, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 15673. A bill to provide for the partition of the assets of the Confederated Tribes of Colville Indians located in the State of Washington between the withdrawing and remaining members, for the termination of Federal supervision over the property of the withdrawing members thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY (for himself, Mr. Vanik, Mr. Whalen, Mr. Fuqua, Mr. Meeds, Mr. Fraser, and Mr. Brademas):

H.R. 15674. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences to be located in the District of Columbia, to function primarily as a national center at which individuals of outstanding ability will pursue studies anticipating, identifying, and isolating social problems in the United States; to the Committee on Education and Labor.

By Mr. GARMATZ (for himself, Mr. Dingell, Mr. Dellenback, Mr. Downing, Mr. Goodling, Mr. Rogers of Florida, Mr. Hanna, Mr. Leggett, Mr. Annunizo, and Mr. Biaggi):

H.R. 15675. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GIBBONS:

H.R. 15676. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 15677. A bill to amend chapter 81 of title 5 of the United States Code to provide for the exemption of certain persons from the limitations on the right to receive compensation for injuries; to the Committee on Education and Labor.

H.R. 15678. A bill to amend section 6321 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. HUNGATE:

H.R. 15679. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 15680. A bill to provide for the establishment of not less than 11 regional law enforcement academies, and for other purposes; to the Committee on the Judiciary.

By Mr. KING:

H.R. 15681. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture.

H.R. 15682. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

H.R. 15683. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 15684. A bill to amend the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. NEDZI:

H.R. 15685. A bill to amend title 10 of the United States Code to establish standards of conduct for military officers dealing in an official capacity with defense contractors, to prohibit employment of retired officers by defense contractors unless such officers have been certified as not violating such standards during their service careers, to establish a board to make such certifications, and for other purposes; to the Committee on Armed Services.

By Mr. STUCKEY:

H.R. 15686. A bill, Cumberland Island National Seashore; to the Committee on Interior and Insular Affairs.

By Mr. ANDREWS of Alabama:

H.J. Res. 1074. Joint resolution proposing an amendment to the Constitution of the United States to authorize Congress, by two-thirds vote of both Houses, to override decisions of the Supreme Court; to the Committee on the Judiciary.

H.J. Res. 1075. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr. Byrnes of Wisconsin, Mr. Wiggins, Mr. Dellenback, Mr. Pettis, Mr. Gaydos, Mr. Meskill, Mr. Thompson of New Jersey, Mr. Weicker, Mr. Bennett, Mr. Ottinger, Mr. Rees, Mr. Railsback, Mr. Vanik, Mr. Yatron, and Mr. Cunningham):

H. Res. 813. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Wydler, Mr. Bevill, Mr. Culver, Mr. Schadeberg, Mr. Harvey, Mr. Brown of Ohio, Mr. Widnall, Mr. Obey, Mr. Poff, Mr. Brasco, Mr. Collier, Mr. Winn, Mr. MacGregor, Mr. King, and Mr. Keith):

H. Res. 814. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 815. Resolution providing expenses for the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

PRIVATE BILLS

Under clause 1 of rule XXII, private bills were introduced and severally referred, as follows:

By Mr. LOWENSTEIN:

H.R. 15687. A bill for the relief of Piedad V. Montesdeoca; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 15688. A bill for the relief of Dr. Stuart Tsau-Shiong Chen and his wife, Yeh Jung; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE LATE DISTINGUISHED MAYOR JOHN SMITH OF BECKLEY

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. KEE. Mr. Speaker, I was indeed shocked yesterday morning to learn of the unexpected death of the Honorable John Smith, the distinguished mayor of the city of Beckley, W. Va., located in Raleigh County.

Mr. Speaker, Mayor Smith has provided unsurpassed leadership not only to his home city of Beckley, but also to the County of Raleigh and the entire State of West Virginia. Mayor Smith gave every ounce of energy to bring about his noble objectives and it was my privilege to work closely with this most distinguished public servant. During our association, I always found that he enthusiastically took that extra step for the benefit of his home city. I have lost a most wonderful personal friend and I extend my sympathy to his widow in Beckley.

Mr. Speaker, I ask that the enclosed article which appeared in the Raleigh Register on Monday, February 2, be included at this point in my remarks:

MAYOR JOHN SMITH DIES

Beckley Mayor John Wesley Smith, serving his second term as chief executive of the city, died in a local hospital at 2:30 a.m. today.

The mayor had been hospitalized since Wednesday but was believed to be in satisfactory condition Sunday, according to a member of the family who said his death apparently was caused by a cardiac arrest.

Smith was known to have suffered from diabetes since the end of World War II in which he served as a Navy transport pilot for four years. Smith also was a member of the U.S. Naval Reserve with the rank of lieutenant.

His career in public life began with his appointment to City Council in 1953 and his subsequent election to two four-year terms on the Council prior to his election as mayor in 1963. He was re-elected in 1967.

Tributes have poured into the newspaper offices from a shocked constituency and associates in government.

Former Governor Okey A. Patteson asid, "I regret to hear of the untimely death of my good friend Mayor Smith. His loss will be keenly felt by his host of friends. His untiring efforts and accomplishments on behalf of the city of Beckley make him hard to replace. The city of Beckley and the entire area have lost a truly dedicated leader. My heartfelt sympathy goes out to his wife and family."

Smith was a cousin of another former governor, Hulett C. Smith who was overwhelmed by shock and grief.

City Recorder-Treasurer, Larry F. Stover, who will serve as acting mayor until Council holds a special meeting to appoint a successor, said he has "lost not only a fine leader but also a close personal friend."

The special meeting is expected to be held the latter part of the week. City Attorney E. M. "Ned" Payne III explained that the city charter provides that Council may appoint "a member of Council or any qualified person" to fill the mayor's post until the next regular election in June, 1971. The newly elected mayor will take office July 1, 1971.

"The city has lost a fine, courageous mayor who did a great deal for the city of Beckley," Payne said. "He gave of himself unselfishly and there is no question he did only what he thought was right and best for the city even though this was not always the easy and popular course. He added improvements and contributed to the city's growth bringing reform and improvements to administration.

"From the family standpoint," Payne said, "we have lost a friend and neighbor, a great personal loss."

Senator Jennings Randolph said "I share with citizens of the Beckley area and our state a genuine sadness and loss in the passing of mayor John Wesley Smith. He was a dedicated and able public servant, who worked diligently for the betterment of the community and its citizens. There is tangible evidence in Beckley of his accomplishments and his constructive leadership. I was privileged to cooperate with Mayor Smith on many programs and projects. It was always a pleasure working with him.

"I join with the many people of the Beckley area in extending sympathy to Mayor Smith's wife and daughters, his mother and other members of his family."

The mayor of Charleston, Elmer Dodson, worked with Mayor Smith in the West Virginia League of Municipalities and attended a National Cities League convention with him. "I was impressed with Smith," Dodson said, "in his quiet way he did as much or more than most of us. I have lost a friend."

The executive director of the State League of Municipalities, William E. Ross of Morgantown, commented on the strong support Smith gave the League and his diligent work.

Another man who knew Smith well through activities in the Democratic Party, 1968 gubernatorial candidate James Sprouse, called Smith "one of the outstanding leaders of West Virginia who personified in many ways the type of new leadership that I had been seeking in my public activities. I extend my deepest sympathy to Mrs. Smith and his daughters, Anne and Joan."

"The mayor had a wonderful facility for always looking on the bright side of things," Raleigh County Delegate and House Finance Chairman Lewis N. McManus observed, "I will miss him personally and I'm sure the community will not soon forget him."

Members of Council were equally dismayed and saddened by Smith's death. Councilman-at-large J. S. "Syd" Larrick, who had served in municipal government for 10 years with Smith, hailed him as "thorough, and in my opinion one of the best mayors the City of Beckley ever had."

Another councilman-at-large, Ross Irle, who had known Smith, "since boyhood," said he admired "his judgment and energy and interest in Beckeley.

He instituted many new programs and had plans for more improvements in the future."

The city's only Republican councilman, Bill Wilbur, said he was "deeply saddened by the loss of a man I have worked with and considered a friend for many years."

"He was a good man and a good mayor," Councilman Al Ellison said. "He had the people's interests at heart and this is a better city, a better place to live because of his programs."

One of Smith's duties as mayor was to head the City Sanitary Board. When he entered his first term he uncovered gross neglect in billings over a period of years and instituted steps to collect thousands of dollars due the city.

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J. Russell Neely, a member of the Sanitary Board, called Smith "a good honest man, capable and conscientious and a mayor the city will miss."

Dr. Charles W. Merritt who was a member of Council in Smith's first term cited Smith as "honorable and fair, progressive, and a man who wanted to do as much for Beckley as possible."

During the Smith administration the city began construction, now under way, of a secondary sewage treatment system. City boundaries have been extended in a continuing program of annexation, the parking building between East Main and East Prince Streets was built, and the Exhibition Coal Mine completed, giving the city a slogan of which the mayor was particularly proud, "The City with a Mine of Its Own."

The new municipal building, begun while Smith was a member of Council, was completed during his administration. A ladder truck was purchased and other fire prevention measures instituted which allowed fire insurance premium rates to be lowered. Fire losses in the city now stand at approximately 25 per cent of the national rate and the mayor had hoped for a further reduction in rates as a result.

The city's one-way traffic pattern was put into operation, city streets improved, particularly by straightening a hazardous curve in Harper Road, new street lighting has been installed, building codes adopted and dilapidated buildings torn down, and a program of sidewalk repair continued.

New building codes for the city have been adopted and a city building inspector appointed. The mayor also was a leader in efforts to support the Raleigh County Library.

Funeral arrangements are incomplete but friends may call at the Keyser Bryant Funeral Home after 3 p.m. Tuesday.

The mayor was the owner of Smith's Grocery and Meat Market at 106 South Fayette St., a business founded by his late father, William J. Smith. He was born Oct. 23, 1918, at Riley in Raleigh County, attended Beckley schools and National Business College, Roanoke, Va., graduating from Bowling Green Business University in Bowling Green, Ky. He also was a graduate of American Airlines Training School, Fort Worth, Tex.

Smith was a member of the Beckley Elks Lodge, the Lions Club, Raleigh County Horseman's Association, Flat Top Lake Association and the First Christian Church.

Survivors are his wife, Dorothy Sheffier Smith; two daughters, Joan Addison Smith and Anne Wallace Smith, both college students; his mother, Mrs. William J. (Eura) Smith, Beckley; two sisters, Ann Strobel and Coralee Smith, both of New Orleans, La.; four brothers, William J. Jr., Evansville, Ind; Reuben, Knoxville, Tenn.; Raymond E., Crow, and David, Prosperity.

He lived at 905 Woodlawn Avenue.

HUNGER—COMMITTEE AND CONFERENCE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 3, 1970

Mr. SCOTT. Mr. President, the Select Committee on Nutrition and Human Needs was established to conduct a 1-year investigation of hunger and to recommend some solutions. The committee has been working toward those ends for 13 months and is now requesting an additional year to complete the penetrating investigation it has begun. I cosponsored and strongly supported the original legislation creating this committee and now strongly endorse its extension for 1 year.

The hearings held by the Select Committee on Nutrition and Human Needs focus public attention on this great problem and the data already gathered has influenced such legislation as the Food Stamp Amendments of 1969 and the welfare reform legislation and others.

However, the select committee has not had enough time to complete its work. In its interim report of last August, the select committee indicated plans to examine, evaluate, and make recommendations in the areas of family food assistance, child nutrition, nutrition education, nutrition-related research, nutrition and the delivery of health-care, nutrition and farm policy, and much more.

Equally important, however, is the committee's desire to review the recommendations of the White House Conference on Food, Nutrition, and Health held just 2 months ago, December 2 to 4, 1969. There has not been enough time for the select committee to study the many recommendations which this conference produced.

As a member of the Committee on Rules and Administration, which is at present considering Senate Resolution 323, to extend the select committee for an additional year, I state my wholehearted support of this legislation and extension.

Mr. President, at this point, I ask unanimous consent to have printed in the Extensions of Remarks a letter and a newspaper interview from my constituent, Mrs. Joseph H. Young, who was the chairman of the task force on voluntary action by women for the White House Conference on Food, Nutrition, and Health. I believe her candid comments are interesting and valuable.

There being no objection, the letter and interview were ordered to be printed in the RECORD, as follows:

SCRANTON, PA.,
December 17, 1969.

Senator HUGH SCOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: I was Chairman of the Task Force on Voluntary Action by Women for the recently concluded White House Conference on Food, Nutrition and Health. In that role I was one of the six Conference leaders that met with the President to present the unanimous Conference resolution calling for immediate executive and legislative action on hunger. We felt the President was personally very interested in our message.

Also, Mrs. Nixon was the Honorary Chairman of our particular Task Force, and we have had a couple of meetings with her in which she has expressed her deep concern that there are hungry people in our nation.

I believe the Conference was a great success. I am enclosing a local interview that gives some of my views. Briefly, I feel several very important things happened at the Conference, namely: the work accomplished was thorough and impressive; the reality and urgency of the issue was established; the unity of purpose of all the delegates was demonstrated not only in the panel recommendations but in the new relationships forged between people; and the willingness of the participants, especially women, to return home and become personally involved in the solutions was very evident.

Surely the most important thing that happened was in terms of human relationships as individuals, out of great diversity of background and self-interest, began to really listen to each other. It took courage on the part of the President, and especially Dr. Mayer, to create such a potentially explosive Conference, but I am confident its success has provided us with a positive pattern for dealing with other basic American issues.

Sincerely yours,
(Mrs.) PATRICIA YOUNG,
Chairman, Task Force on Voluntary Action by Women.

[From the Abington Journal, Dec. 11, 1969]

HUNGRY SAID ON WAY TO REVOLT

(By J. R. Freeman and William Scranton 3d)

In an exclusive interview, Mrs. Joseph Young, a Scranton resident and chairman of the national Volunteer Action by Women Task Force, told two staff members of Northeastern Newspapers about her hour-long discussion with President Nixon during the White House Conference on Food, Nutrition, and Health. Mrs. Young outlined some of the problems facing a meaningful program to feed 10 million hungry Americans.

A long-time advocate of local participation in self-help endeavors for the poor, Mrs. Young, wife of architect Joseph Young, was chosen as one of a group of six participants to represent the conference before the President. She was the spokesman for the conference members, and also the delegate chosen to meet the press.

Following is a question and answer report of the discussion:

Question. Can you give us some ideas in what ways you think the White House Conference was a success, or, if you will, in what ways you think it was a failure?

Answer. The first way that it was a success is that it accomplished what it set out to do, which was to study the whole panorama of nutrition and health in the United States in 26 sections and to come up with substantial recommendations in all of these areas. The document that will be presented to the President at the end of the year is a very substantive document dealing with surveying the health, nutrition education in all of its aspects . . . concern for the health of especially vulnerable groups such as pregnant and nursing mothers and the elderly, the whole work of the food industry from food safety, packaging, labeling, new foods, and of course, especially all of the programs dealing with the delivery of food to the hungry.

Question. Since you are an authority on a rather voluminous report to be submitted to the President, can you give us your opinion as to what you think must be done currently to curb hunger in the nation that we are now aware exists?

Answer. In terms of the immediate issue of those people really suffering from hunger and malnutrition we must use whatever avenues we have to get either commodity programs or food stamp programs or emergency food programs into every county in the nation. In terms of a long range answer to the program, that's a much more complicated area.

Question. Do you think that the government is moving in this direction to involve itself in each county as such.

Answer. This is one of the pledges the President made to the conference last week, that within six months, and we hope much faster than that, there will be a food program in every county.

Question. In the study that has recently been done do we get an indication as to where the really serious problems are occurring, what part of the country they are in, and how bad off the people really are?

Answer. You'll find it every place from the Indian reservation to the Southwestern part of the country, Appalachia, in the South; you'll find it in urban areas as well as rural areas. You'll probably find those with no income at all most often located in the South, but you will find across the board in every community some people, at least, who are unable to buy an adequate diet out of what money comes into the home.

Question. This includes northeastern Pennsylvania as well?

Answer. Yes, it does.

Question. Have you been involved, to any extent, from a local standpoint with the problem of hunger.

Answer. I have been attempting to motivate groups to do a survey of what the local condition is based on the fact that we do have food stamp programs and since, in Lackawanna County, we have over 9000 people on welfare. This statistic in itself indicates that they don't have an adequate amount for food because the food dollar is the first one cut and welfare payments are not adequate to have housing, clothing, and medicine and so forth without cutting into the food dollar.

Question. You mentioned Lackawanna County. Do you have the figures for Luzerne County as well?

Answer. No, I do not. The welfare proposal at present in Pennsylvania overall allows 21 cents per meal, but this includes not only money for food but for household products and other items like laundry soap, tooth paste, etc.

Question. There seemed to be some discontent among the people who attended the conference who complained that the conference was a lot of talk when hunger was a terribly pressing problem in America today. What was your reaction to those people who seemed to be impatient with what going on?

Answer. First of all, I was completely sympathetic because I have been in the Southwest and the South and I have seen the hungry babies. There were over 400 people of the legitimately hard corps poor at the conference: Indian-Americans, Mexican-Americans, Puerto Ricans, blacks, Appalachia blacks and whites. They all had the same complaint that there are people actually going hungry. When you yourself or your children are literally hungry and going without meal after meal, it's awfully hard to see people talking about how much iron should go into the milk that you buy. They just want food, fortified or unfortified. And so the dynamics of the situation of bringing this confrontation contributed, I'm sure, greatly to the fact that I feel it was the most spiritual experience that I have ever been a part of.

Question. When six of you had your hour-long conversation with the President did you present this point of view? Did you let him know the feelings of the more militant participants, and if so, what was his rection?

Answer. This was really the main thrust of our conversation; the call for him to take emergency action. It was based not only on the militant voice but the fact that even if it was a man who had a multimillion-dollar income as a result of being president of a food company or if it was a poor, illiterate person, there was total unanimity in the call to do something now about hunger. This was the main thrust of our message because the publicity that had come out indicated that it was just a lot of angry voices criticizing the President, and the implication was that these angry voices were only the poor. But it was really a universal call, and so we emphasized to him that this was not an abstract question, that it was a guts kind of question. I got so serious about it that I even cried a little. But the fact that we did not come back from the meeting with a specific promise by the President in words to do something that day continued to frustrate the poor because they felt that we had not done the job we were sent to do.

Question. When the conference was over, what was the reaction on the militant side?

Answer. Still frustrated. They had felt all along, and wrongly I might say, that the conference was structured to keep their voice out. This wasn't true. Dr. Mayer (chairman of the conference) from the very beginning had tried to include them at every level. But, they've had so many written words and technical discussions and structure meetings, none of which have come out with any answers, and then the fact that they had the meeting and we still didn't come out with something they could hang onto. They were frustrated. They don't have enough faith in this administration or enough faith in this system that it can work for all the people. This is what we have to demonstrate by taking action, and not just by the President and Congress taking action. It has to happen at the local level, too.

Question. I recall that Senator McGovern, shortly after his trip to the South earlier this year, said that he was very much afraid of the same thing . . . that the people were in arms against the system rather than against any one administration. Did you get this same feeling?

Answer. When you have been kept out of the system and its benefits for so long I think this is understandable.

Question. In what order of priority would you put ending hunger insofar as what the government must do for America today?

Answer. Since food means life and if we can't guarantee life to our citizens I'd say it was first priority. But, in a general sense, the priority of individual human worth is, to me, the important thing whether you are discussing the issue of Vietnam or how a welfare program is administered or anything else that Americans should be interested in. It is the fact that each individual life is important.

Question. If you had the opportunity to draw up a program for attacking hunger that you knew would be instituted immediately, how would you go about setting it up?

Answer. Most of the recommendations are good that have been made about simplifying the food programs under a federal eligibility standard so that local politicians can't keep somebody out of the program. We need a certification that is a simple statement of need rather than all of the fantastic red tape. We must make the food program easily available not at a certain day of the week at an out of the way location, but when and where it is convenient to the hungry.

Question. Where would the money come from?

Answer. The amount of money actually needed to reach the 10 or 12 million hungry with food stamp or food commodity programs is not that great . . . $2 or $3 billion a year. In two or three years Dr. Mayer, who is my authority, estimates we really could do it. So it is not a major amount of money. It is a matter of making sure the programs reach the people they are intended to reach.

Question. Since the needed money is not that great, do you think the problem lies in a lack of commitment or is the system set up just inefficient?

Answer. The first thing is that, as of now, a lot of people that would be eligible for the programs are not even aware that they are eligible because there has been, I don't know whether it is a deliberate effort to hide the programs, but there certainly has not been a deliberate effort to publicize them. We are suggesting as women at the conference, among other things, to get this to be a spot announcement on radio and television like the Peace Corps or Vista, just to educate the people that it is available. Then there is the problem that sometimes you need an advocate to help you go to a bureaucracy and ask to be included. When you have a limited amount of money the mere cost of transportation to and from the source of food may keep you from having enough money to get the food. There are a lot of ways that just the public sector can enter into helping people.

Question. Is the $2 to $3 billion figure that you use the estimate to completely eliminate hunger in the United States?

Answer. The hunger of the hardcore poor. Now, there are estimates that maybe there are 25 million Americans on incomes that keep them from getting an adequate fully nutritious diet. But that is different from those people that just are undernourished or with no nourishment part of the month.

Question. How many hard-core hungry are there locally?

Answer. It is just the same as nationally. We have not done the survey to determine who they are, and so just as the poor were frustrated by all this technical business about surveying and monitoring programs nationally, this is a very good illustration of why there has to be a survey to find the people locally.

Question. In the 9000 people that you mentioned that are on welfare in Lackawanna County, are you aware whether or not there is any individual ethnic group that makes up the majority of this number?

Answer. I think it goes across the ethnic lines because I know we have been doing some surveying in terms of our inter-faith program for meals-on-wheels for shut-ins and we're doing that in West Scranton. We are discovering, just as we knew, that there were elderly people on an inadequate diet because of inadequate income.

Question. You mentioned long range program. Can you elaborate on that.

Answer. In the area of surveying and monitoring, we, as a nation, have done over 30 surveys of hunger in other nations and only one in our own country. So, number one, we have to look for the specifics in our own country, and this has been begun by Dr. Shafer of the Public Health Service. On the basis of his first study he says it is a conservative estimate that there are 10 million hungry in this country. In terms of reaching special groups, one of the specifics is that we now have adequate pre-natal care for only 55 percent of our pregnant women. This must be increased at a rapidly rising rate because it has now been documented that if a pregnant woman or an infant up to one or two years old does not get adequate protein they are permanently retarded physically and mentally. Education . . . it's not just the poor who must have knowledge about the right foods to buy, it's all of us, but a corollary to that is that the right foods must be there to buy. Thirty years ago we were enriching our milk and having iodized salt, and today it is not unusual to buy non-fortified milk, non-fortified bread and salt which has not been iodized, which effects our health.

Question. President Nixon said that he would work toward eliminating hunger in America altogether, and he has pledged that county by county throughout the country. within six months he will be involved county by county throughout the country. Has he, in your opinion, shown that he means what he says? Did you get the impression from your conference with the President that he would really push on this hunger program?

Answer. Very definitely. I asked him specifically what I could say to the press about the promises he was making to us. He said that he would immediately investigate the suggestions that we had made for emergency action, but that he wasn't interested in saying something without backing it up with action. Secondly, that as soon as he got the report he would include the recommendations in his budget message to Congress.

Question. Getting back to President Nixon's pledge to eradicate hunger in America, did you come back from this conference with the impression that the country would be well on its way towards solving this problem by the end of Mr. Nixon's current term?

Answer. Yes, because we are already up to about the $2 billion figure on the basis of the

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adjustment between the House and Senate bill which will be some place between $610 million and $750 million, and this will have to come in the last six months. If you cost that out over where it is projected for the next fiscal year it is a tremendous increase, up close to the $2 billion figure. Financially, therefore, we have a good start. Most of the reforms that I suggested are written into either the administration bill or the McGovern bill. Therefore, most of the reforms will take place. The President's pledge to follow through on some of the other programs, like a survey that will tell us precisely where the people are . . . all of these things combined should. . . . But I still say that it cannot be done alone by a conference or by a President. It is going to take local people caring. The fact that if we discover that there are any people in that desperately poor, hungry group it should not be morally acceptable for us to sit still and allow it to happen. It's just that simple; whether or not we can move the American conscience. I've been saying in a lot of speeches that I think we are moving into a new isolationism that bothers me far more than the isolationalism I was aware of when I lived in the midwest before World War II where we sort of put two oceans to separate us from everybody. Now I think we are closing our front doors. Whether we are doing it because we say the problems are too big and therefore my puny efforts aren't going to affect it or whether we are doing it because we say I've got all I can do to take care of my family and my own and I just can't be bothered; either way to me is a frightening attitude. I would think that the concern for hunger would be the kind of issue that might draw us out and make us realize that we are, in our single effort, able to affect the problem, and that it is our problem if our brother is hungry.

POLLUTION CONTROL AND POWER

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. PRICE of Illinois. Mr. Speaker, Americans are widely concerned about environmental "pollution." They are also concerned about providing the vast amounts of electric power needed to maintain and advance our standards of living. Congress is likewise concerned, and recent hearings before the Joint Atomic Energy Committee explored both problems.

It was refreshing to learn of the initiative of one of the Nation's major companies in new and exciting areas. I refer to the testimony of Mr. John W. Simpson, president, power systems, Westinghouse Electric Corp., who told the Joint Committee that Westinghouse believes that the same talents and determinations which have brought us the world's greatest standard of living "can also bring us equally impressive achievements in the protection and preservation of our natural environment."

Mr. Simpson announced that Westinghouse has established an environmental systems department to enlist all Westinghouse skills in environmental technology to assist utilities and State and Federal agencies in finding constructive solutions for pollution problems associated with power generation.

Westinghouse also announced establishment of a School for Environmental Management at Fort Collins in conjunction with Colorado State University to train personnel from electric utility companies in the legal and technological aspects of environmental management.

In addition, Westinghouse is pioneering with Consolidated Edison of New York to find ways to make use in our urban systems of the thermal waste discharged from powerplants—in the treatment of sewage, for instance.

In the Great Lakes area, Westinghouse is working with Commonwealth Edison of Chicago to investigate potential beneficial uses of cooling water from electric powerplants in the development of aquatic life.

These are important steps, and with the imagination and initiative of companies like Westinghouse, we may be able to transform some of our "problems" into benefits, particularly in the building of new cities as envisioned by Mr. Simpson. I commend to Members of Congress and others Mr. Simpson's testimony before the Joint Committee on January 30:

TESTIMONY OF JOHN W. SIMPSON, PRESIDENT, POWER SYSTEMS CO., WESTINGHOUSE ELECTRIC CORP.

Mr. Chairman, I am John W. Simpson, President, Power Systems, Westinghouse Electric Corporation. With me is Dr. James H. Wright, Director of Westinghouse's newly established Environmental Systems Department. It is a pleasure to appear again before your committee. Among my many other appearances, I recall testifying at hearings on safety matters nearly 20 years ago when I was associated with Admiral Rickover and the naval reactors program, and nuclear power was then in its infancy. Your first concern has always been the public health and safety.

Your current hearings are timely. There is good reason to be concerned about our natural environment and the pollution of our water, air and land. Your hearings are important. They offer an opportunity for the presentation, for your evaluation, of facts and proposals on matters affecting every person in this country and in a very real sense, affecting generations to come.

I think it important in this discussion to distinguish between the *natural* environment and the *total* environment. Improvement in the total environment in the United States has been one of the wonders of the world. We have all witnessed within our lifetimes revolutionary changes in agriculture, medicine, housing, transportation, communications and information systems, to name a few. These improvements have resulted in a standard of living unparalleled in history. A dominant factor in each area has been the ready availability of electricity.

To achieve these historic improvements in the total environment, we have placed additional burdens upon our natural environment. We see these in the form of air and water pollution and aesthetic degradation. I believe that we in the United States have the wealth and resources—and now the determination—to minimize to a socially acceptable degree the burden on our natural environment which our high standard of living has created. Historically, economic considerations have ruled most of man's activities. One of the great challenges now before us is to find and develop a mechanism for balancing our priorities.

Electrical power generation epitomizes our dilemma. The production of electricity is both necessary to maintain our standard of living, which the public demands, and responsible for a portion of our environmental pollution, which the public condemns. Each form of power generation has its distinct environmental consequences, some of which have been the cause of much public concern. Reaction to recent power shortages, brown-outs, and black-outs, however, is ample evidence that the nation will not tolerate a lack of adequate power. With the demand for electricity doubling every ten years, by the turn of the century we will have to increase our electrical generation eightfold. Certainly, no one would advocate a comparable increase in our pollution levels.

The public concern for enviromental quality has intensified the developments of standards limiting the emission or concentration of pollutants. Each standard is based on the best technical and scientific information available. We must also recognize that in the setting of any standard there is an inherent judgment of social values whether the standard involves the purity of food or the thermal discharge from a power plant. Thermal and air pollution standards are fairly recent and based on criteria established only within the last few years. The relationship of these pollutants to public health and environmental quality is not well established. Although there is considerable subjective judgment in these standards, they do represent a first, constructive step in the control of thermal and air pollution.

In contrast, ionizing radiation standards are based on a prodigious quantity of experimental data and have existed for many decades with continuous review by competent bodies of scientists. The extensive analysis that these radiation standards have received encompasses a far greater quantity of technical information than any other comparable standard promulgated to date by anyone. Limits on ionizing radiation emissions are set only after the most painstaking evaluation by the world's leading scientists.

Mr. Chairman, your committee has held extensive hearings and has published literally thousands of pages of testimony and reports on the basis of which laws were enacted governing the standards development process. Your efforts resulted in a further improvement in that process through statutory provision for the Federal Radiation Council. The Council provides for consideration of the public health, social, economic, defense, labor, natural resources, and agricultural benefit and risk factors as well as the scientific in the development of guidance for federal agencies. There is the opportunity in this process for anyone to introduce new facts, evidence or opinions for evaluation in the same careful way.

I feel that calling attention to public health and environmental quality questions is right and necessary. Once an issue has been raised, however, it is time to determine which claims are indeed valid and which are mistaken alarms. The standards-setting procedures I have mentioned afford an opportunity to make this determination. I think the academic and scientific communities should be reminded that inherent in their freedom of expression and their desire for participation in social decisions is a responsibility for examination of controversial issues amongst their own peers and qualified bodies. I would propose to those dissatisfied with the existing process that all claims be submitted to scientific evaluation and examination by, for example, a committee of the National Academy of Sciences and National Academy of Engineering.

The Federal Radiation Council has established guides for human intake of radioactivity. The Atomic Energy Commission uses the guides in establishing regulations limiting the emission of radioactivity to the environment. Both groups have urged industry to keep these releases to the lowest practicable level. The nuclear plants developed by Westinghouse are designed to release but a small fraction of the allowable AEC concentrations. The operation of these plants by the utility companies verifies that the radioactivity releases have been significantly below these concentrations. Westinghouse continues to investigate and develop ways and

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means for further reducing these very low radioactivity releases from nuclear plants.

With regard to the accident safety of nuclear power reactors, I believe the licensing procedures of the Atomic Energy Act provide assurance that all of the knowledge and experience gained over the past 20 years of reactor development programs are applied and that the public health and safety are protected. In its regulatory role the Atomic Energy Commission and its statutory Advisory Committee on Reactor Safeguards have conducted searching inquiries. In some cases, regulatory requirements, design changes and retrofitting have cost the industry millions of dollars. I believe, and I think anyone who closely examines these regulatory mechanisms would agree that the Atomic Energy Commission well serves the public. I know of no other regulatory operation of government where there is such a thorough assessment of a system *prior* to operation.

With regard to thermal waste, we are faced with the question of what to do with enormous amounts of heat discharged from both fossil-fuel and nuclear power plants. No one suggests that heat be discharged anywhere without planning. More must be done to ascertain both the benefits and the adverse effects on the ecology. We at Westinghouse believe that thermal "waste" can be developed into a major, beneficial byproduct and, perhaps, one of our greatest resources.

We recently decided to focus all the Westinghouse experience and skills in environmental technology through a single department headed by Dr. Jim Wright who will report directly to me. I have charged the Environmental Systems Dept. with the responsibility for assisting electric utility companies and state and federal agencies in evaluating and seeking constructive solutions for environmental problems associated with power generation and transmission. The department will work with utilities in providing preliminary environmental evaluations and surveys for sifting of power generation and transmission facilities. In addition the department is available for assistance in developing and directing environmental monitoring programs to provide baseline data and to assess the possible impact and environmental stress points resulting from power generation facilities. We already have environmental field programs underway and are studying uses of waste heat in projects economically or socially beneficial.

Believing that education is the key to problem solving, the Department has created a School for Environmental Management at Fort Collins in conjunction with Colorado State University. We will train personnel from electric utility companies in the legal and technological aspects of environmental management. The course will be made available to government and industry executives. The initial four-week course will be offered for the first time in June on the campus of Colorado State University and will feature nationally recognized authorities in such fields as ecology, marine sciences, public health, meteorology and environmental law. Field trips, seminars and laboratory work will be an integral part of the course.

Today, Mr. Charles Luce and I are announcing the formation of a joint Consolidated Edison of New York/Westinghouse Task Force to pioneer in waste heat utilization in urban systems and identify a project for possible early demonstration.

As of this month, Commonwealth Edison and Westinghouse have entered into a project definition program to investigate the potential beneficial uses of cooling water from electric power plants for aquaculture purposes.

These are some of the steps Westinghouse is taking to help assure the best possible environment. But the task requires all of the imagination our country can muster. I believe, Mr. Chairman, that it would be helpful to call a national conference of all parties interested in finding ways to develop beneficial uses of thermal discharges. I think the conference would include not only engineers, but also scientists of various disciplines, conservationists and fish and wildlife experts. We all recognize the problem. We should also recognize the opportunity. Let's put our heads together in a constructive way and find the best possible solutions.

No discussion of this subject should overlook environmental problems of the United States in their totality. I believe that our biggest environmental problem is the inability of our cities to interrelate their metropolitan services. In our big urban concentrations the electrical system, transportation, sewage, water and housing—to mention a few—are operated as separate entities. Each system impinges upon the environment.

Curiously, the nuisance of one system or service may be a potential benefit to another system or service. For example, airports may benefit from waste heat to provide all-weather operation and waste heat might be used in sewage disposal.

But urban services designed in the last century may be extremely difficult to retrofit. If we were to build new cities, I have no question that modern technology would provide vastly improved systems and services with little damage to the environment. I would hope that we in this country could soon begin the planning and development of at least one new city of 350,000 people to demonstrate how well-planned municipal systems can enhance our total environment.

Mr. Chairman, the same talents and determination which brought us in the past decades such extraordinary achievements in our total environment can also bring us equally impressive achievements in the protection and preservation of our natural environment. The congressional interest manifested by these hearings, the stated goals of the President, and the determination of industry such as ours make it abundantly clear that the country recognizes the problems and has set the highest priority for their solution. Westinghouse believes the job can and will be done.

Mr. Chairman, thank you.

ORANGE JUICE IN THE SCHOOL LUNCH PROGRAM

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BURKE of Florida. Mr. Speaker, recently the Department of Agriculture agreed to purchase frozen concentrated orange juice for use under the national school lunch program. Since Florida is one of the largest orange producing States, this news was indeed appreciated by those in my State engaged in this industry.

The nutritional value of the orange has long since been proven and, therefore, I am sure that all will agree that the inclusion of orange juice in the school lunch program is a most beneficial step forward in improving the health of our young people.

At this time I would like to bring to the attention of my colleagues in the House, the following resolution I received from the Florida Citrus Commission, which was passed by the Members on December 10, 1969, expressing their appreciation and thanks:

RESOLUTION

Whereas, the U.S. Department of Agriculture has offered to buy frozen concentrated orange juice for use in the national school lunch program, and

Whereas, the purchase of orange juice for the nation's school lunch system should have a stabilizing effect on this season's record orange crop, and

Whereas, such action by the USDA is the result of numerous communications and conferences between delegations of Florida state leaders and U.S. Secretary of Agriculture Clifford M. Hardin,

Now, therefore, be it resolved by the members of the Florida Citrus Commission, in meeting duly assembled, that we express our appreciation to Secretary Hardin, to members of the Florida congressional delegation in Washington, and to Florida Governor Claude R. Kirk, Jr., for their roles in this action, and that this appreciation be made evident in this resolution which signifies the esteem of the entire citrus industry of the state.

Be it further resolved that each of these persons be given a true copy of this resolution and that it be spread upon the minutes of this meeting.

Attest:

MARVIN A. MCNAIR,
Secretary.
O. D. HUFF, Jr.,
Chairman.

STANDING COMMITTEE ON THE ENVIRONMENT PROPOSAL NOW HAS SUPPORT OF MORE THAN ONE-FOURTH OF THE HOUSE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BROTZMAN. Mr. Speaker, for some time I have believed that Congress, because of its current diffusion of committee responsibility for environmental problems, is not equipped to assume a role of leadership in the most complex business of attacking pollution and other forms of environmental deterioration on a broad front.

To rectify this situation I proposed, last April 28, that we add to our list of standing committees a Committee on the Environment. This committee would have jurisdiction to consider all measures relating to the quality of the physical environment of the United States, including water quality, air quality, weather modification, waste disposal, pesticides, herbicides, and acoustic problems. Since April, I have been joined in this proposal by 120 other distinguished Members of the House.

Meanwhile, a spectacular acceleration of national concern over the quality of our physical environment has occurred in recent months. The pages of the national news media have been filled with stories and pictures about our environmental problems. And the President's state of the Union message left little doubt but that the administration considers environmental quality the foremost domestic crusade for the 1970's.

It seems to me that Congress, in order to respond adequately to the challenge, needs a full-time standing committee, a Committee on the Environment, in not only the decade but perhaps the century to come. Anything short of a standing committee with full legislative powers would not provide sufficient "horsepower" to get the job done. No longer can we afford to handle the complex, interrelated problems of our environment as secondary concerns of our diverse committees.

Admirable legislation to upgrade the quality of our environment already has been passed, but it is just a small start. I am sure that all Members recognize the invaluable assistance provided them by the professional staffs of the committees on which they now sit. The time has come to concentrate similar expertise to assist Congress in attacking the important environmental questions facing our Nation.

Today, Mr. Speaker, I am reintroducing resolutions identical to my original House Resolution 375 which would amend the rules of the House to create a Committee on the Environment. I am pleased to announce that the following 30 Members have joined in cosponsoring these resolutions:

NEW SPONSORS

Mr. Bennett of Florida, Mr. Bevill of Alabama, Mr. Brasco of New York, Mr. Brown of Ohio, Mr. Byrnes of Wisconsin, Mr. Collier of Illinois, Mr. Culver of Iowa, Mr. Cunningham of Nebraska, Mr. Dellenback of Oregon, Mr. Gaydos of Pennsylvania.

Mr. Harvey of Michigan, Mr. Keith of Massachusetts, Mr. King of New York, Mr. MacGregor of Minnesota, Mr. Meskill of Connecticut, Mr. Obey of Wisconsin, Mr. Ottinger of New York, Mr. Pettis of California, Mr. Poff of Virginia, Mr. Railsback of Illinois.

Mr. Rees of California, Mr. Schadeberg of Wisconsin, Mr. Thompson of New Jersey, Mr. Vanik of Ohio, Mr. Weicker of Connecticut, Mr. Widnall of New Jersey, Mr. Wiggins of California, Mr. Winn of Kansas, Mr. Wydler of New York, Mr. Yatron of Pennsylvania.

Another 90 Members joined in this proposal at earlier dates. They are:

Mr. Adair of Indiana, Mr. Addabbo of New York, Mr. Anderson of Illinois, Mr. Arends of Illinois, Mr. Beall of Maryland, Mr. Biester of Pennsylvania, Mr. Blackburn of Georgia, Mr. Brademas of Indiana, Mr. Broyhill of North Carolina, Mr. Buchanan of Alabama.

Mr. Burke of Florida, Mr. Burton of Utah, Mr. Bush of Texas, Mr. Button of New York, Mr. Cahill of New Jersey, Mr. Camp of Oklahoma, Mr. Carter of Kentucky, Mr. Don Clausen of California, Mr. Conte of Massachusetts, Mr. Coughlin of Pennsylvania.

Mr. Cowger of Kentucky, Mr. Daniels of New Jersey, Mr. Dent of Pennsylvania, Mr. Devine of Ohio, Mr. Dingell of Michigan, Mr. Esch of Michigan, Mr. Fish of New York, Mr. Foreman of New Mexico, Mr. Frelinghuysen of New Jersey, Mr. Goodling of Pennsylvania.

Mr. Grover of New York, Mr. Gubser of California, Mr. Halpern of New York, Mr. Hansen of Idaho, Mr. Hastings of New York, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Hogan of Maryland, Mr. Horton of New York, Mr. Hunt of New Jersey.

Mr. Kleppe of North Dakota, Mr. Kuykendall of Tennessee, Mr. Kyros of Maine, Mr. Lloyd of Utah, Mr. Lujan of New Mexico, Mr. Lukens of Ohio, Mr. McClory of Illinois, Mr. McCloskey of California, Mr. McDade of Pennsylvania, Mr. McKnealley of New York.

Mr. Mann of South Carolina, Mr. Mathias of California, Mr. Matsunaga of Hawaii, Mr. Mayne of Iowa, Mr. Mikva of Illinois, Mr. Minshall of Ohio, Mr. Mollohan of West Virginia, Mr. Morse of Massachusetts, Mr. Nelsen of Minnesota, Mr. Pelly of Washington.

Mr. Pike of New York, Mr. Podell of New York, Mr. Pollock of Alaska, Mr. Quie of Minnesota, Mr. Reid of New York, Mr. Riegle of Michigan, Mr. Rooney of Pennsylvania, Mr. Roth of Delaware, Mr. Saylor of Pennsylvania, Mr. Sandman of New Jersey.

Mr. Scheuer of New York, Mr. Schneebeli of Pennsylvania, Mr. Scott of Virginia, Mr. Sebelius of Kansas, Mr. Shriver of Kansas, Mr. Stanton of Ohio, Mr. Steiger of Arizona, Mr. Stokes of Ohio, Mr. Taft of Ohio, Mr. Talcott of California.

Mr. Teague of California, Mr. Thomson of Wisconsin, Mr. Tiernan of Rhode Island, Mr. Whitehurst of Virginia, Mr. Williams of Pennsylvania, Mr. Wold of Wyoming, Mr. Wright of Texas, Mr. Wyatt of Oregon, Mr. Wyman of New Hampshire, Mr. Zwach of Minnesota.

In the course of reviewing this list of sponsors, Mr. Speaker, it should be noted that both of our great political parties are well represented. Members from each of our existing standing committees and from 42 of our States are included. Interestingly enough, the committees which currently consider one or more of our environmental problems are well represented.

Mr. Speaker, I urge the Rules Committee to hold hearings on this proposal at the earliest possible date. Unless Congress establishes the necessary procedural machinery, it will never be able to properly assert itself on the substantive problems.

GOV. ALBERT BREWER OF ALABAMA ON RACIAL BALANCE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. NICHOLS. Mr. Speaker, the Supreme Court has announced that it will not consider a suit filed by Alabama Gov. Albert Brewer which would require all States to be treated equally by the Justice Department and HEW. While this decision came as no surprise, I am disappointed that the Supreme Court continues to demand that the South be treated one way and the rest of the country treated another way.

In his suit, Governor Brewer contended that while schools in Alabama and other Southern States are required to have a racial balance in all classes, schools in other States are not. Governor Brewer made a statewide television address to the people of Alabama last week, and pointed out that there are large numbers of all-Negro schools in cities like St. Louis, Chicago, Los Angeles, and New York. Yet, in Alabama, all-Negro schools have been closed to achieve a racial balance.

Although his suit has been dismissed, Governor Brewer raised many good points in his speech. I would like for every Member of this House to read his remarks, and include them in the Record at this point:

Remarks of Gov. Albert Brewer

My Fellow Alabamians, I come to you tonight as your Governor and as a parent, to discuss with you the situation facing us in public education in Alabama.

Many of you have expressed your concern and anxiety to me about these conditions. Martha and I share your concern.

Three years ago, 99 of our school systems were put under statewide court order. All of the other systems in Alabama are under individual court orders also. Pressure from the United States Supreme Court has brought about chaotic conditions in our schools. We have seen the closing of $15 million worth of school buildings resulting in overcrowding to the extent that we have 40 to 50 students in many classrooms in Alabama today.

We have seen students and teachers herded about like cattle to bring about a racial balance in the schools. We see gymnasiums, auditoriums, libraries, and even lunchrooms being used as classrooms. We have seen the demoralizing effect on parents, students, and teachers alike.

And through it all, we've maintained our strong and fundamental belief in public education—recognizing that the strength of our state is in the education of our young people so that they may enjoy the opportunities that exist for them in the tomorrow.

Now, we face further assaults on our school systems. Three of our systems, the Jefferson County system, the Bessemer system, and the Mobile system are under orders to implement plans by February 1. The other systems will be under similar orders for the next school year beginning in September.

Now we do not at this time know what these plans may be. But I urge you tonight to be calm. Do not panic. Let's remember that we will not get results nor solutions in the streets, but through legal processes.

I've been meeting with your school boards on several occasions to help plan with them ways to meet these threats to the continuation of our public school systems. And I want to assure you tonight that your Governor stands four-square with your local boards of education in meeting these crises. And also, your Governor stands with you in preserving public education as we have known it in Alabama.

QUALITY EDUCATION

The question is not integration or segregation. The question is quality education. What kind of education are our young people going to get in our public schools in Alabama?

We look about us in the other states of this nation and we find that in St. Louis, 86 per cent of the Negroes attend all-Negro schools in that city, while we're told in Alabama that there can be no all-Negro schools.

That in Chicago there are 208 all-Negro schools and we in Alabama are told we can't have any such schools.

In Los Angeles, California, there are 228 schools with no Negro faculty members and we're told that in Alabama we can't have such schools.

In New York there are 114 all-Negro schools. And yet we're told in Alabama that regardless of the wishes of the parents and students of both races we will have racial balance in each school in each system in Alabama.

And we look to the Congress in Washington and see such liberals as Senator McGovern and Senator McCarthy and Senator Percy who send or have sent their children to private schools. We see a Justice of the Supreme Court of the United States, even Thurgood Marshall, who has sent his children to a private school.

DOUBLE STANDARD

We ask ourselves the question, "Why?" Many of you have asked me the question, "Why?" Why is more required of us in Alabama than of those other states? Why is one standard adopted for Alabama and another standard for most of the other states of this Nation? Why is there a double standard in use today insofar as the operation of our school systems are concerned?

It was Theodore Roosevelt who said, "No man is above the law and no man is below it." We in Alabama know that we're not above the law, but neither are we below it.

The Congress of the United States in 1964 adopted the Civil Rights Act. In Title Four of that Act, the Congress prohibited the busing of studens to achieve a racial balance in the schools. And that policy was reaffirmed by the Congress in 1968 in the appropriations bill for the Department of Health, Education, and Welfare.

Under the Constitution of our country, a state is given the right to file an original action in the United States Supreme Court against residents of another state when those persons have aggrieved the citizens of our state.

ORIGINAL ACTION

Accordingly, today, I have filed in the United States Supreme Court the place where all our troubles began, an original action against the Attorney General of the United States and the Secretary of Health, Education and Welfare alleging the discrimination that has been practiced against Alabama—alleging the double standard that has been employed insofar as our school systems are concerned—setting out the things that are required of us that have not been required of other states—and asking the Supreme Court of our land to enjoin those two defendants from further prosecuting any suits or taking any actions in Alabama unless and until they take similar action in the other states of this nation.

This is a novel approach. It has never been tried in suits involving our school systems. But it's a right that's given to us under the basic document that rules our country. It's a right we have to pursue, and I'm pursuing it tonight on behalf of the people of Alabama to assert our right to equal treatment under the law along with all the other citizens of this country.

AT PROPER TIME

Some months ago, I announced that at the proper time I would qualify as a candidate for Governor in the elections to be held this year. I'm coming to you tonight before the campaign begins because with you tonight are above politics.

I have never misled you or given you false hope. I will never mislead you or give you false hope. No office is worth that.

At the same time I will not jeopardize the safety or welfare of our school children of either race in order to gain political advantage or to create a political issue.

And tonight my friends, I assure you, I promise you that I will not use our school children for political purposes.

Instead, as your governor, I will assert our rights as a people to the equal protection of the laws—no more, no less—as is our right as citizens of the United States.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

DAVID A. MORSE, DIRECTOR-GENERAL OF THE 1969 NOBEL PEACE PRIZEWINNER, THE INTERNATIONAL LABOUR ORGANIZATION

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, I know that you and our fellow Members were as thrilled as I when word was received last year that the Nobel Prize for Peace had been awarded to the International Labour Organization.

It has been my privilege to represent the House as a congressional observer to the ILO Conference for the past several years and I am grateful for that honor. In my association with the ILO, I have come to have a great regard for Mr. David Morse, a very capable Director-General. I think that the award of the Nobel Prize to the ILO is due in no small measure to the splendid service which Mr. Morse has rendered to the international community of nations.

I am pleased to place before the House a commentary of Mr. Morse which appeared in the October issue of Report From Rutgers, a communication of our State university in New Jersey. The article reads as follows:

DAVID A. MORSE, DIRECTOR-GENERAL OF THE 1969 NOBEL PEACE PRIZEWINNER, THE INTERNATIONAL LABOUR ORGANIZATION

Ralph Waldo Emerson, in his essay on self-reliance, wrote, "An institution is the lengthening shadow of one man." That thought has commonly expressed the relationship between what a man created or guides and the man himself.

Since 1948, guidance of the International Labour Organization has been in the hands of Director-General David A. Morse. The ILO recently won the Nobel prize for peace for 1969, the year when it reached the age of 50. The past 21 years is a period long enough to justify calling the ILO the "lengthening shadow" of Morse.

The line separating an individual Nobel laureate from the individual directing an organizational Nobel laureate is a fine one. Morse's role in ILO activities will probably justify his representing the organization at the Oslo ceremonies on Dec. 10.

David Morse is a product of Rutgers University in 1929, capping by his graduation an undergraduate career that combined scholastic honors, varsity football and lacrosse, membership in the glee club and campus theatrical experience. He had come to Rutgers by way of his birthplace, New York City, and early years at Somerville, N.J., where he graduated from high school. The trip from Somerville to New Brunswick took place in his father's furniture truck.

He roomed at Rutgers with a cousin, David A. (Sonny) Werblin, who gained fame in his own right for putting together the championship New York Jets team of the American Football League.

Morse entered Harvard Law School right after his Rutgers graduation. After obtaining his law degree, he entered Government service as a member of the staff of the solicitor of the U.S. Department of Interior.

In 1934, he became chief counsel of the Petroleum Labor Policy Board, an appointment that began his life-long involvement with labor and labor relations. Within that labor-interest sphere, Morse was regional attorney in New York for the National Labor Relations Board, and entered Labor arbitration work as the impartial "man in the middle" for the milk and dry-cleaning industries.

Labor occupied him during World War II as an Army officer. He reorganized labor from the wrecked remains of post-war Italy and Germany. In Italy, he drafted the program that replaced Fascist corporate syndicalist system with a democratic labor organization. In Germany, the Nazi Labor Front was finished by the defeat; Morse replaced it with a new labor policy for West Germany.

Recognition of his accomplishments brought him the Legion of Merit after the war, and appointment by Harry S. Truman in 1946 as Assistant Secretary of Labor for International Affairs.

Two years later, Edward J. Phelan announced his resignation as Director-General of the ILO. The search for a successor narrowed down to Morse, who was tapped for the role, accepted, and has been in Geneva ever since.

Morse's tenure at ILO covers the period in which war-devastated countries have rebuilt their industrial machinery and economies; newly emerged and newly independent countries were building new industrial plants and economies. These modern plants were competing with those in countries that had escaped unscathed from the destruction wrought by war, but not from obsolescence.

ILO discovered a tremendous need for labor education, managerial development and generation of a healthy labor-management relationship.

It has established programs, developed teaching materials and created opportunities for laborers to learn about their increasingly heavy economic and social responsibilities.

ILO seeks to promote sound principles and techniques of management, focusing especially on raising productivity and on the training of supervisors.

The labor-management relations program at ILO is intended to foster a better understanding of industrial relations by all who must know.

Shortly after the announcement of the Nobel award, Morse appeared on the NBC "Today" show with Hugh Downs and Pauline Frederick. On that occasion he described his concern with the possible role of ILO in attacking two pressing problems. One is the spread of automation. The other is the prevalence of unemployment and underemployment in the world, with part of the problem related to the automation he had mentioned.

Both these problems contribute to the unrest endemic in many countries. ILO has attempted to improve, through international action, the conditions under which people labor so as to promote economic and social stability. This is the contribution that ILO can make as one of ten specialized agencies associated with the United Nations.

ILO was established in April, 1919, when its constitution was adopted as part of the Treaty of Versailles, several wars ago.

David Morse was once described as one who had made a profession of impartiality. He had been an impartial arbiter in the metropolitan New York milk industry and in the dry-cleaning industry.

He is now an impartial arbiter, confronted with the problem of reconciling world-wide differences in the attitudes toward work, in the relations between employer and employe and in the power or lack of it that labor has in different countries. He must force himself to forget his own unconscious bias about these differences.

The task almost demands a background developed in a vacuum, to prevent injecting

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a point of view that may interfere in any particular situation. But, skilled arbiters don't come from a vacuum.

David Morse came from Rutgers, with stops along the way that provided additional experience to wrestle with the world's woes.

HARRIS JUST WON'T HEDGE ON CONTROVERSIAL ISSUES

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. ALBERT. Mr. Speaker, the January 18, 1970, issue of the Tulsa World carried an excellent article by Lee Slater on Oklahoma's distinguished senior Senator and chairman of the Democratic National Committee, the Honorable FRED R. HARRIS.

The article describes the 10-day tour Senator HARRIS made through our native State of Oklahoma during the adjournment of Congress. Regardless of whether one agrees or disagrees with the Senator's stand on some of the major issues of the day, it is impossible not to be greatly impressed with the reception he received during his visit and with the straightforward and courageous manner in which he discussed and defended his position on the issues.

Mr. Speaker, I believe all Members will be most interested in this article and I include it at this point under the unanimous consent agreement:

HARRIS JUST WON'T HEDGE ON CONTROVERSIAL ISSUES

(By Lee Slater)

"This may sound a little corny," admitted a well-known Democratic figure, "but it takes courage to do what he's doing. I think the people like that."

"I keep expecting him to hedge, but he's not," winced another. "You gotta respect him for that."

So it was in the wake of a 10-day foray through his home state by Fred R. Harris, Oklahoma's energetic and controversial senior U.S. senator and national Democratic chairman.

Harris was not just refusing to budge from controversial stands on the Vietnam war, the national war moratorium and military spending. Rather, he was carrying the fight into those areas where his rhetoric was supposed to have been in hot political water.

Relaxing—as much as Harris ever relaxes—in a room at Western Hills State Lodge before concluding his tour Saturday, the senator allowed he was making "missionaries."

"Around the coffee shop . . . they'll be better able to defend their positions—and mine," he said.

If it was "missionaries" Harris' tour produced, the result was not a rough spot in the texture of his Oklahoma visit.

Harris' deep speaking delivery, making up with a ring of sincerity and urgency what it loses in finesse and polish, often resembled the evangelical orations of a country preacher at revival time.

Time and again Harris talked in somber tones about that "day of accounting" when "all of us must ask ourselves whether we served our stewardship."

Winding up a half-hour dissertation defending his dovish Vietnam stance, Harris always declared, "If a man won't speak out for what his conscience tells him in matters like these, matters of life and death, war and peace, he oughtn't serve in public office."

And—in direct contradiction to reports of the political jeopardy created by his Vietnam stand—he frequently drew applause, with an occasional standing ovation.

The stand that created so much controversy:

Harris wants all U.S. combat ground troops withdrawn from Vietnam by the end of 1970 on an announced, systematic basis. He thinks President Nixon's withdrawal has been too slow. Harris would leave 250,000 tactical and support troops to be withdrawn later.

The Senator also claims Nixon's "Vietnamization" policy isn't working. As evidence, he cites President Thieu's claim that U.S. troops must be prepared to remain in Vietnam for "many years."

Perhaps the most significant aspect of the senator's lengthy tour was the size of the crowds which gathered to greet him as he coursed Oklahoma from Altus to Ponca City, Woodward to McAlester.

Repeatedly, crowds overflowed the meeting space reserved for the occasion. Rarely were the audiences all white. Black people, Mexican-Americans and Indians turned out to hear the man who has championed many of their causes.

Part of it, even Harris conceded, may have been in response to the barrage of criticism to which he has been subjected.

In his home town of Lawton, for example, some anti-Harrisites got a basketful of publicity from a handful of signatures on a petition urging a boycott of the senator's address to the Chamber of Commerce. The result: a backlash of support that drew more than 350 people for the luncheon—the biggest chamber crowd ever for an installation program.

With some exceptions, Harris followed the same routine in the 36 cities he visited. After handshaking his way through the crowd, he spoke formally for 20 minutes or so, hitting heavily at the Republican administration's economic policies, then fielded questions from the audience.

When it developed early in the tour that his crowds were somewhat shy about asking questions about his Vietnam stand, Harris began opening the question and answer sessions by saying, "Ask me about anything on your mind, the Vietnam war or anything."

If several questions went by without the war cropping up, Harris reminded them again, "You're an easy crowd. Ask me about something like the Vietnam war."

Most often the question came gingerly:

"I've got a 19-year-old son whose birthday is Sept. 14. That's the first day drawn in the draft lottery. Naturally, his mother and I are concerned about the Vietnam situation. We know you are, too, but we'd like for you to tell us exactly what you think."

Or:

"Senator, I think a lot of people don't understand why you stand the way you do on Vietnam. Will you tell us so we can explain it to them?"

But, occasionally, the same queries were pointedly blunt:

"Why did you condone the moratorium?"

And, privately, some of Harris' friends were grumbling, "The next time he's going to do something like that (speak on Moratorium Day), I want him to give me 10 days' notice so I can get out of town," one western Oklahoma Harris booster said.

The one thing that Harris adamantly refused to do was duck. He fired back his views in terms no one could misunderstand, although political expedience might have suggested a softer course.

"People are decent enough and smart enough themselves," Harris said. "That's why I talk straight to people . . . Harry Truman always said what he felt . . . That's the thing, in retrospect, people admire most about him."

The tour, Harris continued, "renewed my faith in people. They'll do the right thing when they have the facts. You needn't be embarrassed about talking straight to them."

People who hold public office are "leaders and followers" who have a "responsibility to educate . . . to come home and report," the senator said.

When he spoke about inflation, Harris repeatedly brought up the name of the late Robert S. Kerr, his predecessor in the Senate and Oklahoma's biggest political giant. "Bob Kerr," Harris would say, "fought against high interest rates in the last Republican administration. Bob Kerr predicted they would cause a recession, and he was right."

The economy and the war, Harris discovered, were the two issues Oklahomans wanted most to talk about. After that, in no particular order, came agriculture, draft reform, the My Lai incident, health and education, oil imports, his plans for 1972 and the national Democratic chairmanship. And, in Waurika, it was the Waurika Reservoir and in Okemah, a Public Health Service Indian hospital and in Checotah, the status of Arrowhead and Fountainhead Lodges.

The main function of the trip was for Harris to meet the people. Some suspected it was to bail him out of impending political disaster.

Is the senator, whose term doesn't expire until 1972, in political trouble?

"Not as much as some would like," Harris chuckled. "I am much encouraged. The most important thing . . . is not what the polls show at the moment—though our last polls were all right—but how strong the people who are for you are for you."

"Fred's supporters are confused by what they've read and seen on television," a friend said. "This trip does a lot of good. They can talk with him. He's convinced a lot of people, and they'll convince a lot of other people."

"By speaking your mind plainly, you inspire some people because you're on their side," Harris said. "You inspire some because you're forthright. And all of them go away thinking you believe you're right."

"I think," allowed a prominent Oklahoma Democrat Saturday, "Fred has in Oklahoma a great silent majority."

BIAFRA ASKS CHINA'S HELP

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. HUNGATE. Mr. Speaker, at a time when the problems of Nigeria and Biafra are of concern to us all, I think that the following article which appeared in the Washington Post on September 30, 1968, should be kept in mind. It follows:

[From the Washington Post, Sept. 30, 1968]

BIAFRA ASKS CHINA'S HELP

UMUAHIA, BIAFRA, September 29.—Biafran leader Lt. Col. Odumegwu Ojukwu has appealed to Communist China for cooperation in the war against Nigeria and the struggle against "Anglo-American imperialism and Soviet revisionism."

The encircled Biafrans announced today that Ojukwu had sent a letter to Chinese Party leader Mao Tse-tung in which he expressed:

". . . Our deep gratitude to you personally and to our dear comrades in China for the increasing understanding and sympathy that you are showing in our struggle against Anglo-American imperialism and Soviet revisionism."

Ojukwu's 450-word letter gave the background to Biafra's secession from the Nigerian federation in May, 1967, and the start of the civil war about two months later.

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Ojukwu compared Biafra's struggle for independence to the Communist revolution in China and appealed for help.

"In this struggle, Biafrans count on the cooperation of all socialist progressive peoples, in the forefront of which is the government of the People's Republic of China," he said.

The letter noted that "revisionist Russia" has supplied Nigeria with jet bombers and fighter planes.

The Biafran National Union of Students also issued a statement yesterday calling on the Peking regime to openly support Biafra.

"We assure the heroic Chinese people that we shall not relent in our struggle against imperialism, neocolonialism and revisionism, and like all paper tigers these forces shall be smashed on the altar of our indomitable will to survive," the statement said.

SECRET SURVEY FINDS FLAWS IN NIXON WELFARE PROPOSAL

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. HUNGATE. Mr. Speaker, I would like to bring to the attention of the membership a recent United Press International analysis of President Nixon's welfare proposal:

SECRET SURVEY FINDS FLAWS IN NIXON WELFARE PROPOSAL

(By Michael L. Posner)

President Nixon's priority welfare reform plan might break up poor working families, put some college students on welfare and indirectly finance purchase of color television sets, according to a secret congressional study.

The nonpartisan analysis was prepared by the staff of the House Ways and Means Committee, now considering Mr. Nixon's proposal for a minimum income plan for working families. Several congressmen called the study "devastating."

The analysis, prepared for the committee's private use but obtained by UPI, attacks a basic premise of the Nixon proposal designed to encourage fathers to stay at home and support their families. "A case could be made that subsidizing the working poor may actually encourage desertion, rather than discourage it," the study says.

The analysis says that by extending welfare to working families "the government, in a sense, would be telling a working father that he is officially not capable of supporting his family at what the government believes is the necessary level. One possible reaction of some fathers may be to let the government take over the job of completely supporting his family."

The report also says the plan raises a possibility that two brothers rooming together at college could qualify as a family and receive welfare. Another criticism says some families might buy goods to lower their cash assets—"a color TV for example"—to qualify to sign up for welfare.

Under Mr. Nixon's family allowance plan, working families with children—where a mother and employed father are in the home—could be covered under welfare for the first time. Now, a working father with a mother in the house rules out the family for federal welfare payments, even if the income is low. However, some states pay welfare to working families from their own funds.

The Nixon proposal would include the working poor and provide a family of four, for example, a minimum $1,600 income a year. The payment would be reduced as the family earned more but it could earn up to $3,920 before the allowance is cut off.

The analysis raises a number of so-called "issues," rather than conclusions, about Mr. Nixon's proposal.

Among the points raised:

No evidence has been presented that fathers in working poor families desert to qualify their families for welfare. In fact, the study says, evidence shows the desertion rate higher in states which now cover the working poor under all-state-financed programs.

"Under the proposal the only way the father who wants to stay with his family can increase his net income is to have more children." The report states the father in a poor working family can't earn more money under the proposal because presumably he is earning as much as he can. "When he looks at how the program applies to his family, he may soon realize that the only way for him to increase his income is to have a larger family."

"Government supplements to the wages of the working poor could create a subsidized pool of cheap labor to employers."

TIMBER PINCH

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. JOHNSON of California. Mr. Speaker, many of us representing timber-producing areas are urging favorable consideration Thursday of H.R. 12025, the National Forest Timber Conservation and Management Act of 1969.

Although some might believe that this is a move to assist the economies of communities dependent upon national forest timber for their very existence, it should be stressed that the prime, motivating factor behind drafting of this legislation was the Nation's critical shortage of housing and the concept which evolved in the legislation which will be considered by the House of Representatives Thursday grew out of congressional hearings on the housing crisis.

Sunday, February 1, the San Francisco Examiner in an editorial outlined the reasons for the housing crisis noting a lack of adequate lumber as one of the four prime causes of the situation.

Mr. Speaker, in order to share with my colleagues the views of a metropolitan newspaper on the legislation which we are considering this week. I will include at this point in the RECORD this editorial:

TIMBER PINCH

The painful pinch on housing is bruising not only the poor and aged but singles and families with healthy incomes. They've got the jobs and the money is in their pockets, but the living quarters just can't be found.

The vacancy rate in San Francisco is as low as one percent in some neighborhoods and that's the desperation point for the homeseeker. The same situation applies in New York. The national vacancy rate for all types of housing is 2.4 percent.

The shortages can be laid to the Four L's—Land, Labor, Lumber and Lucre (meaning money). In the case of lumber, attention zooms in on a recently completed study by private consultants of public land timber policies. It criticizes U.S. Forest Service timber cutting policies as inflexible and overly conservative.

"If the national requirements for forest products during the next 30 years are to be met, forest management will have to be intensified," the study says. Particularly at issue is the annual cut from old-growth softwood forests in Oregon, Washington and Northern California. The survey criticizes federal agencies, principally the Forest Service, for being overly protective of old-growth stands while private timber has been harvested rapidly and efficiently.

Certainly the country must husband its timber resources. No one is talking about wanton exploitation and destruction. But the demand for timber is urgent and legitimate. Surely it can be met within the bounds of sound conservation practices. Authors of the timber study insist that "by intensifying timber management, USFS could double its timber harvest."

The federal government is dedicated to increasing the housing supply, but seems to be defeating its own purpose by under-use of a major construction material—timber. Shortages mean higher prices. Here at least is one problem posed by the Four L's that seems subject to solution. Congress should look into it.

MR. WEIDENBAUM GOES TO WASHINGTON

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. HALL. Mr. Speaker, the current issue of the Washington University magazine, located in St. Louis, Mo., carries a most interesting and enlightening profile of Dr. Murray L. Weidenbaum.

Dr. Weidenbaum is a former chairman of Washington University's Department of Economics and was appointed by President Nixon last year as an Assistant Secretary of the Treasury for Economic Policy.

Now on leave of absence from the university, Dr. Weidenbaum has become a key official of the Nixon administration. He has been referred to as "the Nation's foremost academic specialist on military spending," by the New York Times.

For a close and interesting look at a professor in the Nation's Capital, I recommend the reading of this article:

MR. WEIDENBAUM GOES TO WASHINGTON

(By Dorothy Brockhoff)

Some weeks ago Saul Bellow, the novelist, declared that "American intellectuals don't enter government service very willingly, and they look on government as a cold-blooded monster." Murray L. Weidenbaum, formerly chairman of the department of economics at Washington University and currently on leave of absence from the faculty to serve as Assistant Secretary of the Treasury for Economic Policy, disagrees.

Now serving his third tour of duty in Washington (he was with the Bureau of the Budget from 1949 to 1957 and in 1964 was staff director of a presidential Committee on the Economic Impact of Defense and Disarmament), Weidenbaum recently devoted an entire speech at Rutgers University to "The Role of the College Professor in the Nixon Administration." Stating categorically that he believes "the substantial infusion of academic talent is one of the hallmarks of the Nixon administration," Weidenbaum carefully enumerated dozens of university and college teachers who have left their classrooms for key jobs in the nation's capital.

Included on Weidenbaum's list were many of his friends, including Arthur Burns of Columbia University appointed to the new

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cabinet-level position of Counselor to the President soon after Nixon took office and now head of the Federal Reserve System; three members of the Council of Economic Advisers, Chairman Paul W. McCracken, from the University of Michigan, Hendrik S. Houthakker of Harvard University, and Dr. Herbert Stein, on leave as a Senior Fellow at the Brookings Institution; and Treasury Department colleague Edwin S. Cohen of the University of Virginia's Law School.

Weidenbaum's observation was one which he, himself, admitted had been generally overlooked, and consequently it came as quite a surprise. This ability to come up with original and unexpected conclusions, however, is by now a well-established Weidenbaum trait and undoubtedly one of the basic reasons why President Nixon created a new place for him in the administration as the Treasury Department's key adviser on economic policy.

Perhaps the best-known example of Weidenbaum's fresh approach to difficult problems is his analysis of one phase of the military-industrial-complex: weapons procurement. In 1966 and 1967, as he attested in a mid-November address in Chicago, his was "a voice in the wilderness" which warned "of the inflationary nature of the economic and financial impact of the defense buildup then underway." This contention, supported by basic research made possible through a NASA grant, led him to conclude that large defense firms are extensions of the public bureaucracy. In support of this thesis, he declared: "In some ways, the Federal Government is taking on the traditional role of the private entrepreneur, while the companies are behaving less like other corporations and more like government agencies or arsenals."

This reasoning has had far-reaching implications. John Kenneth Galbraith, for example, has used Weidenbaum's argument as a springboard for recommending that the whole military-industrial-complex be nationalized. Weidenbaum on the other hand would, he says, "orient it more toward private enterprise." Each economist has his share of supporters, nearly all of whom agree that as a result of his scholarly investigations Weidenbaum has become, in the words of the *New York Times*, "the nation's foremost academic specialist on military spending." It was this reputation that led a writer for *Dun's Review* to intimate not long after Weidenbaum's appointment to his present Washington post that his principal job would be to serve as a kind of "Pentagon watcher" acting as the Treasury Department's check on its outlays.

Such an interpretation of Weidenbaum's duties is quite obviously a gross over-simplification. His responsibilities are extremely broad, varied, and demanding. His primary concern, which is shared by other economic policy makers in the government, is how to bring the inflation in this country under control without precipitating a recession. "This is going to be very tricky," Weidenbaum said, 'because in the past you couldn't do both. We think we're on the right track—the economic policy we have adopted we call gradualism. It is one of moderation. Our view is that you don't turn the economy upside down. You don't have massive unemployment. What you do is cool it down."

Weidenbaum sees signs that the restrictions which the government has imposed to curb inflation are beginning to work. "Most measures of real economic activity—GNP in constant dollars, industrial production, employment, and man hours—no longer are registering the strong gains which were being made during 1968. Perhaps this is best summarized," he continued, "by the decline in the rate of real economic growth to little more than two percent during the first three quarters of 1969, as compared with about five percent in the preceding three."

He made clear, however, that the easing of inflationary pressures might be reversed if Congress did not approve a responsible fiscal policy. Weidenbaum warned, "this is no time for a large tax reduction. Unfortunately, some of the people who have been pushing for big, new expenditure programs have also been advocating large tax reductions. You just can't have both. One of my jobs is to remind people that they must make a choice." Weidenbaum conceded that preaching such doctrine is bound to make him unpopular. "You begin to sound like Mr. Scrooge," he concluded.

Weidenbaum admitted that leaders in the administration are genuinely concerned over the "slowing" pains, as President Nixon recently described them, that may accompany the transition to a less inflationary economy. But he predicted that unemployment would not rise above five percent, and he emphasized that "changes recommended by the administration in the unemployment insurance system would improve the ability of the federal budget to act as an automatic stabilizer during periods of decline in economic activity."

During the first half of 1970 he foresees a pause in the economy as "inflation is squeezed out of the system." But he looks for an upturn about the middle of the year. And his long-range concerns are directed towards devising a policy "that will get the economy expanding again." Weidenbaum believes that the Treasury Department can do a great deal to bring about a healthy economy through a sound tax policy. "We can work up a tax system that is positive—that encourages job creation," he emphasized, "and that's one of the things I'm giving a great deal of thought to now."

Looking ahead—as far down the road as 1975—was one of the first assignments that Weidenbaum was given as a member of the Nixon administration. With Maurice Mann of the Budget Bureau he served on a three-man committee headed by Herbert Stein, asked by the President to study the peacetime economy in the aftermath of the Vietnam war. They predicted tight federal budgets even after the fighting ends in Southeast Asia, something that Weidenbaum prophesied in the *Washington University Magazine* a few issues ago in an article which he said really "scooped" the nation's press. Summing up their position, Stein told *Washington Post* reporter Carroll Kilpatrick that there would be substantial savings after the war ends, "but we are already committed to spending most of it." Their view was echoed by Daniel P. Moynihan, formerly counsellor to the President on Urban Affairs Council and now Burns' successor, who predicted that the "peace dividend would turn out to be evanescent like the morning clouds around San Clemente" (the California headquarters of the Nixon government). The President himself endorsed this view a few days later when he told the National Governors' Conference: "Dreams of unlimited billions of dollars being released once the war in Vietnam ends are just that—dreams. True, there will be additional money—but the claims on it already are enormous. There should be no illusion that what some call 'the peace and growth dividend' will automatically solve our national problems or release us from the need to establish priorities."

Such candid talk brought sharp criticism from those who wanted to believe that big budget savings would soon be available for cities, transportation, education and other social needs. While there will be no huge bonanza for beleaguered mayors and governors from post-Vietnam surpluses, the Nixon government has promised aid from another source. Help could come through a revolutionary revenue-sharing plan which President Nixon sent to Congress last August. Weidenbaum headed a special task force set up by the President to develop this proposal and is considered one of its chief architects. He spends much of his time explaining how the plan would work to "V.I.P.'s" all over the country.

Weidenbaum nearly always prefaces his remarks with a statement emphasizing that this plan is the financial heart of what the President calls "the New Federalism."

"The idea," as Weidenbaum explained, "is to shift the balance from the federal government back to the state and local governments." The concept is actually quite simple. A percentage of personal taxable income, the same base used to calculate federal income taxes, would be set aside for return to the states and cities. A formula based on population and comparative tax effort would determine how much money would go to each state. The states, in turn, would be required to pass on a percentage of their share to all counties, cities, and towns within their borders. The amount each city and county would get is dependent on how much general revenue each unit collects.

One of the reasons why Weidenbaum is so enthusiastic about the proposal is that it reflects opinions which he expressed in papers published while he was at Washington University. "I called for a reallocation of public sector resources to the states and cities," he explained, "and it is nice to have the opportunity of carrying out these ideas." This point is part of a thesis on the need to decentralize the federal government which Weidenbaum regards as the fundamental message of his new book, *The Modern Public Sector*, published recently by Basic Books of New York. The volume, also prepared while Weidenbaum was on the Washington University campus, not only lays the conceptual foundation for the reform proposal for revenue sharing, but also emphasizes the current trend towards involving non-governmental institutions in the solution of society's problems.

Weidenbaum has another book in mind, but it will have to wait because in his present position he has very little time for the kind of reflection necessary to produce a weighty tome on economics. In fact, one of his concerns is how to find a few spare moments for contemplation in a work week that averages 65 hours, with each day stretching from 9 a.m. to 7 p.m. As one solution, Weidenbaum hit on the idea of riding the bus from his Chevy Chase home to the massive pile of rock which is the Treasury Department's headquarters just east of the White House. In rank-happy, status conscious "D.C." this decision was regarded as highly irregular—administrators at Weidenbaum's level simply don't travel on public transportation. Or if they do, "they lose face," Weidenbaum explained with a mischievous grin.

The whole business of formal protocol strikes Weidenbaum as ludicrous, but for the sake of convention he now wears conservative banker gray suits instead of blazer jackets, and always remembers to don his well-tailored coat when he leaves his very proper office. His black hair, once cropped in a crew cut, is now a more conservative length, which gives him a Brooks Brothers look. He appears changed, but conversations with him reveal that he's not so very different after all from the professor who used to make his headquarters in McMillan Hall.

The sense of humor is very much in evidence and the candor. "A job as an assistant secretary was sometimes just a political payoff," he observed. "That wasn't true in my case," he declared with a grin. Of his pace, which leaves his aides hardpressed to keep up with him, Weidenbaum remarked, "Ordinarily there's just turmoil around here. Today it's pandemonium."

Asked to compare his life in the capital with that on the campus, Weidenbaum said, "Different it surely is, but more difficult?—no I don't think so." What he notices most is that life in Washington, is far more rou-

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tine. "At Washington University the pace was much more personally determined," he said. "I could come whenever I felt like it if I didn't have a class, stay late at night preparing lecture notes, and write a paper over the weekend. And if I ever thought faculty meetings were a bit much, imagine what life is like now! And there's a different kind of meeting here which I call public contact work. Since I'm a policy-maker I spend a lot of time explaining what I'm doing to the press, Congress, and public interest groups."

"Actually, I don't find the substance that different. I was not a theoretical economist. I was always policy-oriented and interested in what was happening in the economy. But my role was different. There at the University I could be detached and just say whatever I believed to be the proper course of policy. Now, of course, no one censors my speeches, but still there is self-imposed restraint because you know that anything that you say of any consequence will be picked up and interpreted as the view of the administration. You simply aren't speaking for yourself alone." But Weidenbaum made clear that he is determined not to compromise his integrity. "I have an implicit understanding—again self-imposed—that I will not publicly criticize the administration nor will I publicly support something that I don't believe in."

Weidenbaum is skillful at fielding questions at press conferences and makes clear that he rather enjoys tangling with critics. "Good clean fun" is what he calls it, whether it be locking horns with Mayor John Lindsay on the same rostrum at the Forty-Sxith Annual Congress of Cities out in San Diego, or trading quips with Martin Agronsky on television.

Probably what he enjoys most, however, are the "T-2" (Troika Two) sessions when he and Stein and Mann get together to thresh out economic policy. Their combination is known as the "working level" troika. Above them is still another top-level troika team, abbreviated as "T-1," composed of the Council's McCracken, Treasury Secretary David Kenedy, and Budget Director Robert Mayo. When they meet with the Federal Reserve Board Chairman Arthur Burns, they become the Quadriad.

In early December when Weidenbaum was interviewed for this article, he and his "T-2" counterparts were preoccupied with the three major policy statements that a President makes in a given year. These are the State of the Union message, the budget message, and the economic report. Weidenbaum indicated that the work was proceeding smoothly. Indeed, quiet efficiency seems to be a characteristic of the Nixon administration. Even a message from the President announcing a major change in administration policy and requesting a prompt reply is delivered to Weidenbaum without furor. "That never would have happened during the Johnson administration," he observed, "and I think that fact is very significant," he added.

It suggests, as *The New York Times'* White House correspondent Robert B. Semple, Jr. pointed out in a Sunday magazine piece not long ago, the "muted style" of the Presidency. But as this reporter went on to remind readers, the Presidency, nevertheless, has very clearly become Nixon's Presidency.

It is Nixon's photograph which looms on the walls of offices all over the Treasury headquarters and presumably all the other key department buildings in Washington, and it is Nixon's philosophy which sets the tone of this administration. Perhaps it was best expressed in the midst of a conversation which Mr. Nixon had with several of his aides last July when the President is reported to have said, according to his counsel, John Ehrlichman: "Let us not fall into the dreary rut or just manage the chaos a little better. Let us use the great power of this place to do something for the nation." Administration officials like Murray L. Weidenbaum could ask for no better direction nor any clearer reason for coming to the banks of the Potomac to shoulder the responsibilities of public service.

FEDERAL CIVILIAN EMPLOYMENT, DECEMBER 1969

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the December 1969 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, DECEMBER 1969

Executive agencies of the Federal Government reported civilian employment in the month of December totaling 2,925,081. This was a net decrease of 1,057 as compared with employment reported in the preceding month of November.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1970, which began July 1, 1969 follows:

Month	Employment	Increase	Decrease
July 1969	3,062,319	9,276	
August	3,028,521		33,798
September	2,958,386		70,135
October	2,940,413		17,973
November	2,926,138		14,275
December	2,925,081		1,057

Total federal employment in civilian agencies for the month of December was 1,662,292, an increase of 8,080 as compared with the November total of 1,654,212. Total civilian employment in the military agencies in December was 1,262,789, a decrease of 9,137 as compared with 1,271,926 in November.

Civilian agencies reporting the largest decreases were Commerce Department with 3,632, Department of Health, Education and Welfare with 1,232, and Agriculture Department with 1,160. These decreases were offset by a seasonal increase in Post Office Department with 13,056 and an increase in Treasury Department with 1,422.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 4,413, Navy with 3,722 and Air Force with 656.

Total employment inside the United States in December was 2,682,961, an increase of 1,093 as compared with November. Total employment outside the United States in December was 242,120, a decrease of 2,150 as compared with November. Industrial employment by federal agencies in December was 566,999, an increase of 5,832 as compared with November.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

FULL-TIME PERMANENT EMPLOYMENT

The total of 2,925,081 civilian employees reported for the month of December 1969 includes 2,606,795 full-time permanent employees. This represents a decrease of 2,219 in full-time permanent employment from the preceding month of November. These figures are shown in the appendix (p. 17) of the accompanying report.

FOREIGN NATIONALS

The total of 2,925,081 civilian employees certified to the Committee by federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 108,516 foreign nationals working for U.S. agencies overseas during December who were not counted in the usual personnel reports. The number in November was 110,933.

THE OLD STORY OF THE LITTLE RED HEN

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BERRY. Mr. Speaker, one of South Dakota's most able weekly editor's, Merle Lofgren, has a special talent for editorial writing. His columns are often spiced with humor, but also convey a sound philosophy. His editorial in the January 22 issue of the Corson County News particularly merits the attention of my colleagues and I am, therefore, taking the liberty of inserting it in the RECORD as follows:

THE OLD STORY OF THE LITTLE RED HEN

There is a growing acceptance in the United States of the idea that there should be a guaranteed national income. People who do not earn an amount determined to be needed to maintain a reasonable standard of living will get a check from the government to make up the difference between what they earn and what somebody thinks they should have. There are those who believe this program can work and we can still have a free enterprise system and maintain a society of ambitious people.

Washington, our nation's capital, is of course not the only source of fables.

Consider one of the fables of Aesop of ancient Greece. It has survived for these many years because of its appeal to reason and common sense—another quality one sometimes cannot attach to the fables coming out of Washington.

Here is Aesop's fable with a little updating and our apologies to the good Greek.

Once upon a time there was a Little Red Hen who scratched about and uncovered some grains of wheat. She called her barnyard neighbors and said, "If we work together and plant this wheat, we will have some fine bread to eat. Who will help me plant the wheat."

"Not I," said the Cow. "Not I," said the Duck. "Guaranteed annual bread," said the Goose.

"Then I will," said the Little Red Hen—and she did.

After the wheat started growing, the ground turned dry and there was no rain in sight. "Who will help me water the wheat?" said the Little Red Hen.

"Not I," said the Goose. "Not I," said the Duck. "Not I," said the Pig. "Equal rights," said the Cow.

"Then I will," said the Little Red Hen—and she did.

The wheat grew tall and ripened into golden grain. "Who will help me reap the wheat?" asked the Little Red Hen.

"Not I," said the Cow. "Not I," said the Duck. "Out of my classification," said the Pig. "I'd lose my ADC," said the Goose.

"Then I will," said the Little Red Hen—and she did.

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When it came time to grind the flour, "Not I," said the Cow. "I'd lose my unemployment compensation," said the Duck.

When it came time to make the bread, "But that's overtime for me," said the Cow. "I'm a dropout and never learned how," said the Duck. I'd lose my welfare benefits," said the Pig. "If I'm the only one helping its discrimination," said the Goose.

"Then I will," said the Little Red Hen—and she did.

She baked five loaves of fine bread and held them up for her neighbors to see.

"I want some," said the Cow. "I want some," said the Duck. "I want some," said the Pig. "I demand my share," said the Goose.

"No," said the Little Red Hen. "I can rest for a while and eat the five loaves myself."

"Excess profits," cried the Cow. "Capitalistic leech," screamed the Goose. "Equal rights," grunted the Pig.

And they hurriedly painted picket signs and marched around the Little Red Hen singing, "We shall overcome," and they did.

For when the Farmer came to investigate the commotion he said, "You must not be greedy, Little Red Hen. Look at the oppressed Cow. Look at the underprivileged Pig. Look at the less fortunate Goose. You are guilty of making second class citizens of them."

"But—but I earned the bread," said the Little Red Hen.

"Exactly," said the wise Farmer. "That is the wonderful free enterprise system: anybody can earn as much as he wants. You should be happy to have this freedom. In other barnyards you would have to give all five loaves to the Farmer. Here you give four loaves to your suffering neighbors."

And they lived happily ever after, including the Little Red Hen who smiled and smiled and clucked "I am grateful, I am grateful."

But her neighbors wondered why she never baked any more bread.

DENTAL FUNDS FOR VIETNAM VETERANS SHORT IN MONTANA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on January 29, 1970, I apprised my colleagues of the apparent shortage of funding in the Veterans' Administration to give prompt and proper dental care to our returning Vietnam veterans, and I cited funding shortages in Georgia which had come to my attention through a letter I received from the mother of a Vietnam veteran.

Apparently, Mr. Speaker, the Georgia situation is not an isolated instance. I have just received a letter from Henry Sawyer, director of Montana's Veterans Welfare Commission, advising the Committee on Veterans' Affairs that there are mammoth dental backlogs at the VA hospitals in Fort Harrison and that many Vietnam veterans are having to pay for emergency dental care out of their own pockets. This is a deplorable situation.

Mr. Speaker, if the Veterans' Administration needs more money to give our returning Vietnam veterans the dental care they are due on a timely basis, they should so inform the Congress. They will have the opportunity to do so when they ask for fiscal year 1970 supplemental funds.

Mr. Speaker, the letter from the director of the Montana Veterans Welfare Commission follows:

THE VETERANS' WELFARE COMMISSION,
STATE OF MONTANA,
Helena, Mont., January 27, 1970.

Chairman OLIN E. TEAGUE,
House Committee on Veteran Affairs,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE TEAGUE: The Dental Service at Fort Harrison has received an allotment of $17,500.00 for out patient dental treatment of veterans. This is ridiculous under the circumstances.

According to a Veterans Administration circular veterans of the Viet Nam Era who are now being discharged every day are entitled to needed dental care if they apply within 6 months of discharge and have a dental examination within 8 months of discharge. These recently discharged veterans almost all tell the same story that they were told the Veterans Administration would give them dental treatment after their discharge.

Since August, 1969 there has only been enough money for the Veterans Administration at Fort Harrison to pay for dental examinations or for emergencies. Believe me emergencies are few and far between.

The service officers of the Veterans Welfare Commission of Montana, as per my instructions, have been contacting veterans shortly after their discharge to assist them in filing for any benefits due them. I would say that 90 percent file a 10–2827 for dental treatment, then from Fort Harrison an examination is authorized by the veterans local dentist. There the benefit has stopped since August. A back log of dental treatments has built up and is steadily increasing. The result is that a number of veterans could not wait for an uncertain treatment date sometime in the future. They have had dental treatment at their own expense. Now when the Dental Department at Fort Harrison notifies them to appear for treatment it has already been done. The Veterans Administration thus saves the expense of the treatment. This possibly will make the dental appropriation go further for those who could wait, but it is obviously unfair to those who could not. It is impossible to call many into the dental clinics at the Veterans Administration hospitals at Fort Harrison and Miles City. Distances are great in Montana, so there would be a great expense in travel allowance. Besides the dentists are busy with patients in the hospital and could not treat very many on an outpatient basis.

The Chief of the Dental Service at Fort Harrison is very concerned over the financial situation. I have talked with him several times about the problem. He is doing the very best he can with such limited funds.

I listened to President Nixon on television last evening when he vetoed the HEW bill. I realize that it is going to be a miracle if more money can be obtained for the Veterans Administration. Yet it is a shame that documentary promises are made that this dental work will be done if the veteran timely applies. The joker is that the veterans do not realize that the treatment may be delayed 6 months or more after the preliminary examination. That can be a long, long time to nurse a set of teeth needing filling that should have been done in the service.

It may be corny to wave the flag but after all in this Viet Nam affair these boys left the security of home to serve under some of the worst conditions possible. They all hoped that things would be much better at home when they return. They can tolerate and understand some of the changes that occur while they are gone. A tooth with a cavity getting larger every day and aching intermittently is another story. It is only a small thing, maybe, but in many cases this will be the veterans only medical treatment by the Veterans Administration. If he doesn't get timely treatment, after being promised it, he will never trust the Veterans Administration medical treatment again.

In addition it puts service officers and Veterans Administration contact personnel in a very poor light. A veteran comes in to apply for schooling, and in the course of the conversation about all benefits he is asked about his teeth. He admits he needs treatment, so an application is made. He is notified to report to a local dentist for a dental examination. The dentist tells him he needs extensive treatment and also notifies the Veterans Administration. I have already outlined what happens then. Something must be done to convince the Bureau of the Budget that a promise by the government of the United States is an obligation to these young veterans. Sufficient funds to grant the one time dental treatment must be forthcoming to take care of the promise.

This has been a long letter but this has been building up within me for a long time. I had hoped that sufficient funds would be allocated and very disappointed when I called the Chief of the Dental Service yesterday to find how little was furnished. You probably have been getting the same story from all parts of the country, but this is my addition to the growing pile. I hope Congress can do something about the problem.

Sincerely yours,
HARRY E. SAWYER,
Director.

FEDERAL AID TO EDUCATION—SOMETHING MORE ENLIGHTENED?

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. McEWEN. Mr. Speaker, notwithstanding the recommendations of four Presidents, the Congress, until the recent vote of the House of Representatives sustaining the President's veto of the HEW appropriations bill, had not voted to make any change or correction in the law that grants impacted aid to school districts. The reason most attributed for this has been that a majority of the Congressmen have districts benefiting from this program and, thus, they could not, or would not, vote a change because of the pressure from back home. I do not deny, Mr. Speaker, that those of us having districts receiving impacted aid have heard from such school districts and communities, but not all take such a parochial point of view. Evidence of this is a fine editorial appearing in the Watertown, N.Y., Daily Times, published in a community which itself "benefits" from impacted aid because of its proximity to the 1st Army's major training center at Camp Drum, N.Y., and the U.S. Air Force radar installation at Dry Hill, N.Y. The editorial follows:

[From the Watertown (N.Y.) Daily Times, Jan. 29, 1970]

FEDERAL IMPACT AID

The biggest consideration in the education aid fight between the White House and the congress has emerged as impact aid. Although this form of assistance to certain localities has existed since 1950, hardly anyone has paid any significant attention to it. Impact aid has nothing to do with Head Start, school enrichment programs, or other imaginative attempts to improve the teaching and learning process. What it has become is a federal grab-bag for those who search for ways and means to get federal help for the school district.

Jefferson County has a theoretical allocation of $215,000. The eligibility is determined by the number of pupils who either live or whose families work at Camp Drum or Dry Hill. Theory of the aid program is that the federal government, not paying taxes at either base, recognizes that it should support the schools by payments in lieu of taxes. This impact aid was undertaken 20 years ago and has proliferated to the point that it is now paid in 385 of the 435 congressional districts.

President Nixon mentioned impact aid of $6,000,000 to Montgomery County, Maryland, a suburb of Washington. This county has the highest per capita income of any in the nation, and it also received the biggest impact payments. This is also the home of many legislators and government employees and their school taxes are reduced to the extent that the impact aid provides a source for school revenues.

Legislators have been subject to pressures from the school districts where aid payments have been received to override President Nixon's veto. They were also pressured for $600,000,000 in impact aid. Nevertheless they sustained the president's veto. The figure he requested was $200,000,000. In order to lighten some of the pressure on congressmen, he has made some form of a commitment to double the $200,000,000, splitting the difference, as it were.

The superintendent of public schools in Watertown has commented that the city has received as much as $30,000 impact aid in the past, but that "you never know what you are going to get." The supervising principal of the Carthage Central School made the comment that most school administrators and boards of education spend most of the year figuring out where the school money is coming from. These school officials and others cannot be blamed if they seek impact aid. Neither claims the money is to improve education opportunity, but to listen and watch the argument in Washington, one would get the impression that these federal funds are for no other purpose than to lift higher the level of instruction and programming than what states and localities can afford themselves.

President Nixon mentioned that Presidents Eisenhower, Kennedy and Johnson all agreed that this impact aid was unfair. The president further said that in the case of Montgomery County, Maryland, the $6,000,000 benefits a half million who live in the richest county, and only $3,000,000 in impact aid goes to benefit the 3,000,000 people who live in the 10 poorest counties in the United States.

This, then, is clearly the time to correct this form of educational assistance. This old system must not be perpetuated. Federal aid to education is supposed to be something more enlightened.

TOWARD POSTAL REORGANIZATION

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. SCOTT. Mr. Speaker, a Methodist minister who is a constituent of mine, Rev. Melvin Lee Steadman, Jr., of Dunn Loring, Va., has furnished me with a copy of an article published in the January 28, 1970, issue of the Christian Century entitled "Toward Postal Reorganization."

This article, written by J. George Butler, a retired Methodist minister, reviews the history of the Post Office Department as a service organization and urges that the service element be retained regardless of what form of reorganization takes place as a result of the various bills which have been introduced in the Congress.

Our Committee on Post Office and Civil Service has been considering postal reform for a number of months and I am hopeful that we will be able to favorably report an acceptable bill to the House within the next few weeks. It does seem that we should retain the service concept in any measure adopted by the House and I insert the article by Mr. Butler in the RECORD in full for the information of my colleagues:

TOWARD POSTAL REORGANIZATION—DEPENDABLE MAIL SERVICE WILL RETURN TO THE BODY POLITIC FAR GREATER WEALTH THAN THE RELATIVELY FEW DOLLARS IT MAY COST TO "SUBSIDIZE" A SERVICE BENEFITTING ALL THE PEOPLE

(By J. George Butler)

In the report it issued in June 1968, the presidential commission appointed to consider reorganization of the U.S. post office department summed up its conclusions in a single sentence: "We recommend that a postal Corporation owned entirely by the Federal Government be chartered by Congress to operate the postal service of the United States on a self-supporting basis." So far, the last three words of this sentence have been all but totally ignored in public discussion of of the proposal. Yet these three words, "self-supporting basis," may well prove to be of paramount importance not only for the postal system but for the whole U.S. body politic. For no matter what the mechanics of moving the mails, it is the philosophy back of them that is significant.

The philosophy embraced by the presidential commission (popularly known as the Kappel Commission, after its chairman, Frederick Kappel) and adopted by the Nixon administration is, I suggest, a radically wrong philosophy. Moreover, it runs counter to the history of our postal service and indeed to a tradition that is older than the republic itself. In the past it has been generally recognized that the post office is not a public utility like any other, providing benefits that should be paid for by those who profit by them. It is above all a service organization. Directly, it serves business and is ancilliary to business prosperity, but indirectly it serves to foster the economic, political, social and intellectual well-being of the country. To require the postal enterprise to be self-supporting would be to hinder it from rendering this latter service and to risk bringing great harm to our democratic society and institutions. This is a view that history supports.

I

Many years before the Revolution, Benjamin Franklin sought the position of postmaster in Philadelphia so that he might send his newspapers through the mails free. Other, less scrupulous men in similar positions barred their competitors' papers from the mails. Not so Franklin. And when he became deputy postmaster general for the colonies, he extended to all papers the right to use of the mail at below-cost rates, because he saw the postal system as a means of educating and enlightening the people.

In 1794 President Washington's postmaster general prodded Congress into declaring that the postal facilities should be extended, *even if it cost money to do so*. This idea—that the post office is a service for all the people—took hold, and Congress reaffirmed it repeatedly. True, now and again Congress has favored the public utility concept. But the great weight of postal history comes down on the side of the service concept. All our ablest postmasters general have insisted that the post office is a service whose value cannot be measured in dollars and cents.

By 1812, practically every road east of the Alleghenies had been built by the federal government as a post road for the transportation of the mails. By 1813, the first steamboat line had been recognized as a post road and a great system of canals had been sponsored by Congress. Fifteen years later, in 1828, John McLean, the then postmaster general, admitted that large sums could be saved by withdrawing mail service from sparsely inhabited regions, but declared that to do so would not be in the public interest. The next year President Jackson reinforced McLean's position in his message to Congress: "[The post office] is to the body politic what the veins and arteries are to the natural. . . . Through its agency we have secured to ourselves the full enjoyment of the blessings of a free press."

In 1844 a congressional commission reported after thorough study of the postal situation: "The U.S. Postal Service was created to render the citizen worthy, by proper knowledge and enlightenment, of his important privileges as a sovereign constituent of this government . . ." It found that the post office was a vital public service and should be maintained, at whatever cost in money. Whereupon, in 1845, Congress reduced rates. Within two years, revenues were just as high as under the old, exorbitant rates, and the volume of mail multiplied.

In 1847 the United States following the English lead, issued adhesive postage stamps (their use was not obligatory until 1856), and four years later Congress, also following the English lead, reduced the domestic rate on letters to 3 cents. More important, it passed an act establishing the principle that the post office is a service to be operated without undue concern for costs. It specifically sanctioned postal deficits and forbade the postmaster general to reduce or curtail postal service.

Incidentally, it was a postmaster general who, by risking deficits, saved California for the Union at the time of the War Between the States. This was Aaron Brown, President Buchanan's postmaster general. Brown spent the then fabulous sum of $2,184,000 to open six routes to California. While these routes brought the revenues of only $339,000 annually, they paid for themselves many times over by keeping the west coast on the Union side.

II

Lincoln's postmaster general, Montgomery Blair, left his mark on the service by inaugurating postal money orders, so that troops in the field might send money home safely. President Johnson's postmaster general, Alexander Williams Randall, was likewise a man of vision. He saw the postal service as a "great public necessity" and rejected as "erroneous" the notion that the post office should be self-sustaining. Unprofitable mail routes, he said, "invite settlement and encourage material development, so there come back to the people in real wealth, almost as many millions of dollars as the Government expends thousands in this branch of service."

Grant's administration too was graced by a postmaster general, James Cresswell, who was years ahead of his time. He is best remembered as the father of the penny postal card, of which 31 million were bought the year it was introduced. (However, in 1951, the last year before the demise of this card, only 4 billion were sold.) But other of Cresswell's ideas were more important. Not only did he urge creation of a postal savings system (such as the British instituted 40 years

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earlier); he recommended purchase by the government of all private telegraph lines so that they could be incorporated into the federal communications system—a step that had been taken in most European countries. It was never taken here, however. In this connection, let me point out that the Kappel Commission treads very gingerly here. It studied 14 foreign postal systems and noted that 12 received no appropriations from general tax revenues. "Costs," it stated, "are covered in a business fashion by charges to users . . . When expenditures higher than anticipated result in deficits, these are generally covered by reserves or borrowing. *Sometimes, deficiencies in postal operations are made up by profits from other services offered by the postal agency, for example telecommunications or banking.*" (Italics mine.) Last year, AT&T's net income was $2.1 billion; the postal deficit was $1.2 billion.

But to return to postal history. William Freeman Vilas, postmaster general during Cleveland's first administration, was another outstanding official who had the temerity to make a frontal assault on the all-powerful railroads. In 1886 he pointed out that the government paid nearly $2 million a year rent for decrepit railway cars—cars that killed and maimed clerks so fast as to cause a national scandal—when for $1.6 million it could build and equip a fleet of modern mail cars. Unfortunately, Vilas lost.

III

Probably the greatest postmaster general of modern times, and certainly the most farsighted since Benjamin Franklin, was President Harrison's John Wanamaker. This Philadelphia merchant prince—a man of great probity and an active Christian—brought to the office his great business acumen. But businessman though he was, he saw the post office as a public service, not as a mercantile operation. As he said in his first annual report: "The Post Office is not a money-making enterprise. It is not intended to be, and it is a mistake to expect it to be self-sustaining."

Wanamaker was the real father of rural free delivery service, though this was not authorized until 1896. He fought for the establishment of a postal savings system (such a system was finally set up in 1910), and succeeded in bringing into being our parcel post system.

In these days of deteriorating postal service, it is worth noting that Wanamaker strictly enforced his rule that all mail reaching a post office in daylight had to be delivered within two hours of its arrival. In New York and Philadelphia he installed pneumatic tubes to provide almost instantaneous movement of mail (emulating the Franco-German tube service between Berlin and Paris, which transmitted letters 750 miles in 30 minutes). He also instituted four-day transcontinental mail service. And he drove the enormously powerful and corrupt Louisiana lottery syndicate out of the mails, thus forcing it out of business.

In our century this same service concept has been espoused by postmasters general from Theodore Roosevelt's time to Harding's. The latter's Will Hays stated when he was sworn in: "The postal establishment is not an institution for profit, it is an institution for service, and it is the President's purpose to improve that service."

Daniel Roper, Franklin Roosevelt's secretary of commerce, clearly saw the economic utility of the post office. In his book *The United States Post Office* he wrote: "The Post Office Department, of all the branches of government, is most clearly participating with private business and industry in the production of wealth." And he quoted Arthur Twining Hadley, who was for years president of Yale and during his lifetime ranked as one of the nation's leading economists: "Our whole economic and political system has become so dependent upon free and secure postal communication that the attempt to measure its specific effects can be little less than a waste of words. Whether the postal service is self-supporting or not, and whether it pays a profit to the government is of relatively small concern." Moreover, Roper pointed out, the postal service was necessary for foreign trade. Prior to 1914, for instance, our foreign trade was largely with Europe because the mail service between this country and Europe was prompt and regular. But trade with Latin America was negligible, because the mails to and from those lands were totally unreliable.

In sum, the history of the United States post office department shows (1) that its function has been one of service, and (2) that it has been a means of strengthening the nation's economic, political, social and intellectual life. The Kappel Commission is wrong when it says: "Mail service is principally a utility service. . . . The Post Office is a business. Like all economic functions, it should be supported by revenues from its users. The general mail user should not be subsidized by the taxpayer."

IV

Why is the Kappel Commission afraid of "subsidy"? No doubt because this is a word charged with emotion. A pamphlet, "Subsidy and Subsidy-effect Programs of the U.S. Government," prepared by the joint economic committee of the 89th Congress, is instructive here. It said: "Proponents of a Government program designed to aid a particular industry . . . avoid or indeed resent the term 'subsidy' . . . preferring to call it an aid or expenditure necessary in the national interest. . . . Opponents of the program in their use of the label 'subsidy' seek to stigmatize, or at least to suggest . . . that the program somehow benefits certain individuals at a cost offset, if at all, by doubtful benefits to the American taxpayer in general. . . . It is probably impossible to make an estimate of the total subsidy payments of the Federal Government during any single year. . . . Subsidies have expanded to the point where few segments of our economy are completely unaffected by them."

In doing research for this article, I encountered one glaring instance of how the government "subsidizes" private business and so contributes directly to the postal deficit. With a view to finding out how an efficient post office ran, I visited "Operation Turnkey," the highly touted automated or mechanized post office at Providence, Rhode Island. This facility, I learned, had been built by International Telephone and Telegraph and leased by it to the government. No one in Providence could answer my questions about costs and lease arrangements. A letter I wrote to Postmaster General Winton M. Blount was answered by a subaltern, who gave misleading round figures. So I enlisted the help of my United States senator, and finally received a direct reply from Mr. Blount. IT&T put up the building at a cost of $15,508,636. The government pays IT&T an annual rent of $1,445,986.17 and in addition reimburses IT&T for all property taxes it pays in excess of $110,000 a year. In 1967, for instance, this excess amounted to $53,607.97. Also, the government pays all service and maintenance costs on the building. To date, these have amounted to between $650,000 and $700,000 annually. These figures do not include custodial costs, which are additional.

So far as IT&T is concerned, this arrangement obviously represents a prime business investment. But to many of us citizens it looks like a government subsidy to private business, a fine example of business boondoggling. So is it any wonder that there is postal red ink?

V

With "subsidy" in mind, let us examine the President's recommendation for higher postal rates. Rates would go up 12 to 20 per cent, with first-class postage raised to 7 cents. However, the director of the office of postal economics advises that, at 6 cents, first-class mail already covers 109 per cent and air mail 128 per cent of its allocated cost. First-class and airmail users are thus subsidizing other mail users on whose mail the department incurs losses. Why should they subsidize such losses further, if "subsidy" is so abhorrent to the government?

The post office department's greatest losses come from second-class mail. In line with the tradition established by Benjamin Franklin, newspapers and magazines are carried at below-cost rates; they pay but 26 per cent of their allocated cost. Thus, the government subsidizes second-class mail to the tune of $450 million a year. Were rates raised enough to eliminate this deficit, they would have to go up nearly 400 per cent—enough to be prohibitive for many publishers.

In the days when America's postal motivation was service, we had one of the best postal systems in the world. But since 1950, when Congress became unduly concerned about red ink and making the post office self-supporting, our system has deteriorated and become one of the worst in the world. For two decades Congress has done everything save to attack the real cause of postal deficits: inefficiency. It was in 1950 that it ordered Postmaster General Jesse M. Donaldson to start curtailing service and raising rates. At a time when Great Britain provided as many as five home deliveries a day, the United States cut its deliveries from two to one. Directory service was abandoned and post office window hours were shortened. Bulk users of the mails were forced to perform more and more postal functions, such as presorting, for themselves.

Curtailing service and raising rates, however, have not availed to end deficits. The net effect of these moves is glaringly apparent. Postal money orders, which amounted to $6.6 billion in 1953, dropped a third, to $4.5 billion, in 1965. Parcel post, which carried 6 billion pounds in 1953, also dropped a third, to 4 billion pounds in 1967.

Or consider third-class, so-called "junk mail." Since 1952 rates on this have been raised seven times. Commercial third-class mail now pays a 4-cent rate, which covers 73 per cent of the postal handling cost. The consequent deficit is $231 million a year. On the other hand, third-class mail from church and fraternal organizations, which pays a basic 1.8 cent rate, costs the government just over $100 million a year. But commercial third-class mail does not have to lose money. For two years now, the Independent Postal System of America, operating out of Oklahoma City, has been handling this "junk mail" at the government rate, moving it expeditiously and making a profit on it—and paying taxes to boot. The difference is that the I.P.S.A. is run efficiently, the U.S. post office department is not. Unless government legal action shuts it down, this private system will continue to demonstrate that "junk mail" need cost neither the post office nor the taxpayer a red cent to move. Let me add that, whatever one's opinion of such mail, it is the lifeblood of business. Now the second-largest advertising medium in the United States, it employs 5 million people and annually generates $35 billion in sales.

VI

The conclusion from all this is that, instead of tinkering, Congress must first redefine its basic postal philosophy and then thoroughly overhaul the entire operation. The Kappel Commission said that 20 per cent of the postal costs—enough to eliminate the present $1.2 billion annual deficit—could be cut were the post office run efficiently. As things are, efficiency is impossible. Postal managers do not have the power to manage. They have no control over pay rates, working conditions, workload, or the physical

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facilities of the postal operation. They cannot plan capital expenditures nor can they make long-range plans for expansion. Red tape and political expediency stifle progress.

There is great merit in the suggestion, more and more frequently advanced, that a public corporation, similar in form to the T.V.A. or the F.D.I.C., be set up to manage the post office. Great Britain, whose lead in postal matters we have so often followed in the past, has just taken this step. Unfortunately, organized labor opposes it here, in the person of George Meany, head of the A.F.L.-C.I.O. Meany was a member of the Kappel Commission and as such registered his opposition to the "public corporation" idea in the commission's report. His view has not changed. There is, he avers, "positive value" in keeping the post office department within the President's cabinet. What that "positive value" is he does not say. But he hardly needs to. It is quite obvious that organized labor has learned, through necessity, how to win gains in wages and working conditions from a reluctant Congress. Postal unions now pack a potent political wallop, and labor is loath so see this system scrapped for one with compulsory arbitration under nonpolitical managers.

Sentimental idealists may prefer a service motivation to the utilitarian concept and the profit motive. But in the case of our postal service, as in the case of slavery, idealism and practicality go hand in hand. Slavery was economically unsound; it was doomed, whether or not abolitionists fulminated against it. So here. If the testimony of history is valid, the service concept is far more conducive to the well-being of the nation than the purely economic concept—the view that the post office is a utility that should pay its own way. Let the postal system be overhauled and made efficient. Good, dependable mail service will return to the body politic far greater wealth than the relatively few dollars it may cost to "subsidize" a service which benefits all the people.

VIRGINIA HOUSE OF DELEGATES: OLDEST LEGISLATIVE BODY IN THE UNITED STATES

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. FLOOD. Mr. Speaker, in an extension of my remarks in the CONGRESSIONAL RECORD of September 9, 1969, I quoted a biographical sketch of John Pory, the first speaker of the first General Assembly of Virginia, which met at Jamestown on July 30, 1619, and consisted of the Governors Council and the House of Burgesses. The House of Delegates of Virginia, as the successor to the colonial House of Burgesses, is the oldest legislative body of the United States.

The principal address at the November 8, 1969, meeting of the Jamestowne Society in Richmond was by Dr. Edward Alvey, Jr., former dean of the Mary Washington College of the University of Virginia at Fredericksburg and presently its professor of education. His subject was "The Assembly Meets at Jamestown 1619."

As the indicated paper by Dr. Alvey supplements the above mentioned biographic sketch of John Pory, was published under the sponsorship of the Mary Washington College, and should be of interest to students of government, I quote it as part of my remarks as follows:

THE ASSEMBLY MEETS AT JAMESTOWN, 1619

(By Edward Alvey, Jr.)

This year marks the 350th anniversary of the first legislative assembly in the New World, held at Jamestown in 1619. The occasion is significant for many reasons, chief among which is our heritage of representative government, for which the whole Western World owes a debt of gratitude to the hardy souls who convened in the church at Jamestown.

It is difficult to overestimate the courage of these early settlers. In these days of jet planes, it is hard to visualize the delays, frustrations, privations, and physical and mental hardships of a voyage across the stormy Atlantic. Even the process of getting started was enough to try the souls of the most optimistic. When the three little ships with 105 brave adventurers aboard sailed from Blackwall, near London, on December 20, 1606, they were unable to move from their anchorage off the coast of Kent for six weeks because of stormy weather. It was not until February of 1607 that the winds changed and the ships set sail. After stops at the Canary Islands, Martinique and Mona, the lands of Virginia was sighted in April 26, 1607. On May 14, the hundred-odd colonists were ashore at what was to be Jamestown and began the construction of a log fort.

The hazards they faced seemed almost insuperable: malarial mosquitoes, brackish water, hostile Indians, poor land, and an acute shortage of food. During that first summer colonists died by the score, probably of typhoid fever. When cool weather came in October, over half of the settlers had died, and all had been sick. By December the colony was in desperate straits. Only the masterful leadership of Capt. John Smith and the arrival of Capt. Newport with supplies saved the venture.

Determined settlers continued to arrive, in spite of all difficulties. However, the winter of 1609–10, called the Starving Time, decimated the colony. The food supply was insufficient for the recent arrivals. Relations with the Indians deteriorated. One group of thirty hungry colonists was massacred while bartering for food. The weakened settlers were struck repeatedly by killing diseases. Many died in their huts and were buried in common graves. Of the almost five hundred people in Virginia when Smith left in 1609, only 65 were alive six months later. When Lord Delaware arrived on June 10, 1610, he fell on his knees to thank God he had come in time to save the colony.

These were the hardy men and women who pioneered the first English settlement in America, or, what was in fact the first English colony. Later, when "the sun never set on the British flag," the experiences of the crown with its first overseas venture helped to shape the colonial policies of an Empire.

Life in the colony at Jamestown was rugged, with severe penalties for evildoing. Even in England, law and order in the early 17th century were maintained by harsh and often cruel punishments. Men were imprisoned, flogged, and even put to death for a long list of offences, many of which would be regarded as minor today. This attitude toward wrongdoing was particularly strong in the early days at Jamestown, where survival itself depended upon respecting the rights and possessions of others. Drastic punishments were inflicted upon wrongdoers, especially during the administrations of Sir Thomas Dale and Samuel Argall. To kill any livestock was punishable with death. For stealing food the most merciless penalties were imposed. As the historian Wertenbaker remarks, "Laws were more for a penal colony than for free Englishmen."

However, a brighter day was dawning. In 1618, under the leadership of Sir Edwin Sandys, the Virginia Company of London initiated new policies for the colony. Martial law was gradually relaxed. Individual land ownership was made possible. Tobacco growing was encouraged, and, by its export, trade was facilitated. The Company guaranteed that the settlers would enjoy the full common law rights of Englishmen at home. Most important, the company provided for a general assembly of the colonists. George Yeardley, appointed governor of Virginia in 1618, was entrusted by the Company with the task of initiating these new policies.

Yeardley was a wise choice for this responsibility. Educated in the English grammar school of the time, he had served in the Queen's army in the Netherlands prior to his commissioning as captain. It was as a soldier that he had come to Jamestown in 1610 where he served as captain of the Governor's Guard under Governor Gates, his former commander in the Netherlands. Subsequently, he received added responsibilities under Governor Dale. His trips had taken him to various parts of the colony, including the Eastern Shore of Virginia. When Dale left for England in 1616, Yeardley was appointed deputy governor of the colony, and he served until the arrival of Governor Argall in 1617. Captain Yeardley knew the problems of the settlers and was sympathetic with them. Energetic and popular, the young officer had the confidence and respect of the people.

Upon his return to England in 1617 Yeardley met with officers of the corporation and discussed land policies with them. He courted and married an attractive young lady with the improbable name of Temperance Flowerdieu (also spelled *Flowerdew*). By November 1618 it was evident that his appointment to the governorship of Virginia was certain. Later that month he was knighted by King James I. Sir Edwin Sandys had petitioned the King, and every knight in the Virginia Company signed the petition.

The new governor was assigned a 3,200 acre tract of land of his own choosing. He and Lady Temperance Yeardley proceeded to outfit themselves for the new role they would play in England's America. Historians report that Sir George expended nearly £3,000 for their clothing and furnishings, a large sum even in these days.

When Governor Yeardley disembarked at Jamestown on April 17, 1619, after a voyage of two months, he carried with him detailed plans for setting up a representative government in the colony. Almost immediately he began to put into effect the reform program that had been outlined in his commission.

The new leadership stimulated interest in Virginia. At the close of 1618, largely as a result of immigration during that year, the population of the colony stood at approximately 1,000 persons. During the year after Sandy's election, a total of 1,261 emigrants left England for Virginia. By the summer of 1622, the council could announce that over 3,500 people had migrated to Virginia since the spring of 1619.

The new plan for the government of the colony provided for "two Supreme Councils": "The Council of State, which was to consist, for the present, of the Governor and his Counsellors," chosen by the company court in England; and "the General Assembly [note the terminology used], which was to consist of the aforesaid Council of State and Two Burgesses chosen out of each Town Hundred or other particular Plantation." The Council and the General Assembly (the Burgesses) were required "to imitate and follow the form of government, laws, customs, and manner of trial, and other ministration of justice used in the realm of England." No law passed in the General Assembly should "continue in force" unless ratified and sealed by the Company. On the other hand, it was provided that "once the government of the Colony was well framed, . . . no orders of court afterwards shall bind the said colony, unless they be ratified in like manner in the General Assemblies."

The Charter provided that Governor Yeardley had the veto power over actions of the Council of State or the General Assembly. The following men served as Council mem-

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bers of the first legislative assembly in the New World: Captain Francis West, Captain Nathaniel Powell, John Pory, John Rolfe, William Wickham, and Samuel Macock, with Governor Yeardley as the presiding officer.

The members of the Lower House, called burgesses, were selected on the basis of two representatives from each of the eleven major settlements. The company instructions stated that the burgesses were "freely to be elected by the inhabitants" of each plantation. It is thought that all unindentured male adults were permitted to vote, although the actual method of election is not clear. At the time, the planters dwelt in four major units or boroughs: James City, Charles City, Henricus, and Kecoughtan. Seven large plantations also sent two representatives each.

The original twenty-two burgesses who reported at Jamestown on July 30, 1619 for the General Assembly were as follows:

Borough of James City: Capt. William Powell and Ensign William Spense.

Borough of Charles City: Samuel Sharpe and Samuel Jordan.

Borough of Henricus: Thomas Dowse and John Polentine.

Borough of Kecoughtan: Capt. William Tucker and William Capp.

Martin-Brandon-Capt. John Martin's Plantation: Thomas Davis and Robert Stacy.

Smythe's Hundred: Capt. Thomas Graves and Walter Shelley.

Martin's Hundred: John Boys and John Jackson.

Argall Town: Mr. Pawlett and Mr. Gourgaing.

Flowerdieu Hundred: Ensign Edmund Rossingham and John Jefferson.

Capt. Lawne's Plantation: Capt. Christopher Lawne and Ensign Washer.

Capt. Ward's Plantation: Capt. John Ward and Lieutenant Gibbes.

John Pory, who served as Speaker of the Assembly, prepared a detailed record of the proceedings. Although he played a major role in organizing America's first representative assembly, Pory is little known today. We are indebted to William S. Powell, now curator of the North Carolina Collection at the University of North Carolina, for an account of Pory's life and contributions (See bibliography).

Born in Norfok County, England, in 1572, Pory graduated from Caius College, Cambridge University, at the age of 20. He continued with his studies, and, upon receiving the Master of Arts degree in 1595, he became an instructor in Greek at the college. Two years later, Pory became associated with the historian, Richard Hakluyt, studying under him and assisting in the preparation of the last volume of his Voyages. Later, Pory himself published translations of geographical works.

In 1605, Pory was elected to Parliament and served for six years, until Parliament was dissolved in 1611. His experience in the House of Commons was of great value to him in setting the pattern for conducting the business of the General Assembly in Virginia. The committee system, now such an integral part of representative government, was introduced by Pory as a mode of operation for the Assembly at Jamestown. It had been used when the House of Commons was considering King James' demands while Pory was a member of that body. Pory also had travelled widely in France, Italy, and Turkey, serving as a professional newswriter to inform prominent English men about developments in those countries.

It was young Pory's first cousin, Temperance Flowerdieu, who became the bride of George Yeardley. Upon Yeardley's appointment as Governor of Virginia, he recommended to the Virginia Company that Pory be named secretary of the Colony for a three-year term. This was done, and when the new officers reached Jamestown on April 19, 1619 Pory was almost immediately made a member of the Governor's Council.

When Pory returned to England at the end of his three-year term in 1622, he went by way of Plymouth colony, and he wrote an enthusiastic description of the settlement there. He also worked on a dictionary of the language of the local Indians, finding many of their words similar to those used by the natives in Virginia. He returned to Virginia for a brief time in 1624 as a member of a royal commission to inquire into the state of affairs in the Colony. When the commission returned to England they learned that the charter of the Company had been vacated and Virginia was now under the rule of the crown.

The Assembly met in the Church at Jamestown, a building sixty feet in length and 24 in width. Large windows permitted sunlight to stream into the interior, with its communion table of black walnut, and pulpit, chancel, and pews of cedar. The governor was seated in the choir on a velvet covered chair, with his six Councillors arranged at his sides. Immediately in front of them and facing the popularly-elected representatives were seated the Speaker, John Pory; the Clerk, John Twine; and the Sergeant at Arms, Thomas Pierce. The twenty-two burgesses were seated in the pews ordinarily occupied by the congregation.

The session was opened with prayer by the Rev. Richard Buck, who, five years before, had officiated at the wedding of Pocahontas and John Rolfe. Pory reports that Mr. Buck prayed "that it would please God to guide and sanctify all our proceedings to his own glory and the good of this plantation." The Oath of Supremacy was then administered individually, as was customary for holders of a public office under the English crown. Each Burgess, without exception, swore his allegiance to the King not only as his civil sovereign but as his spiritual leader as well.

The Assembly then went into a committee of the whole to examine the credentials of the representatives. (In 1586 the House of Commons had asserted its right to determine the eligibility of its members, and the first General Assembly in America did likewise). The right of three members to be seated was challenged. After full debate, one was granted his place. The other two were denied membership because they represented Martin Brandon, Captain John Martin's Plantation, which had, under his patent, privileges not accorded to the other plantations. Thus the total number of representatives was reduced to twenty.

Speaker Pory then spoke to the Assembly regarding the occasion of their meeting and read aloud the provisions for establishing the General Assembly and the orders brought over by Governor Yeardley. To facilitate action, Pory divided the provisions of the Charter into four books, read them a second time, and then divided the assembly into committees to consider various sections of the company's instructions and determine which "might conveniently put on the habite of Lawes." The legislators were also asked to consider what laws any of the Burgesses wished to propose and decide what petitions were fit to be sent home for England.

The Assembly met for six days, from Friday, July 30, through Wednesday, August 4, with no Sunday meeting. One of its first acts was to prepare a petition of gratitude to the London Company for its revision of policy. It then directed its attention to various laws. Some 28 statutes were enacted. Eight of the laws were concerned with Indian relations. The Assembly commended and encouraged efforts to Christianize the natives and to give them opportunity, through the education of their children, to embrace Western culture. White settlers were instructed to treat the Indians with utmost fairness. Settlers were forbidden to trade or give them any weapons "offensive or defensive," which even included English mastiffs or greyhounds.

Five laws related to agricultural control. Planters were directed to diversify their crops and, in addition to tobacco, grow a stated amount of grain, flax, hemp, and grapes. The penalty for ignoring these statutes, however, was simply "censure" by the Governor and his Council. Tobacco itself was placed under even stricter regulation. Its price was set at a fixed rate. Any grower who tried to market leaf that inspectors should find below a minimum standard would forfeit it for burning.

The Assembly was also concerned with labor policies, especially as they related to indentured servants. While these laws appear repressive today, almost like serfdom, they were really designed to protect the honest servant. Should he engage in illegal practices at the behest of his master and fall foul of the law, the planter who had lured him into doing so was held equally liable.

Land policies were a perennial problem in the colony. Three years earlier each settler who had come to Virginia before 1616 was given 100 acres of land. Those who paid their way and arrived after 1616 were given 50 acres for themselves, plus 50 more for each person's passage they paid, whether a relative or an indentured servant. Indentured servants signed contracts to give their services for four to seven years to pay for their passage to the New World. When their service was up they were given "freedom dues" in the form of shoes, three barrels of corn, farming tools, and sometimes land. The biggest problem for them was not to find free acreage but to procure more indentured servants to work it.

Curiously enough, there was a graded tax on wearing apparel, which never seems to have been enforced. It was taken for granted that the Assembly had the power to levy taxes in the form of tobacco for the support of the church and to pay for the assembly's meetings.

There was even legislation against "Idleness." The Assembly decreed that if a man was found to be doing nothing to contribute to the common good, he should be assigned to an employer until he showed signs of amendment. There were also statutes against drunkenness and profanity. In such cases the minister was first to remonstrate privately with the culprit; then followed open admonishment before the congregation. If these measures failed, excommunication, fining, and whipping might follow. It seems strange today to find the church as an adjunct in enforcing criminal law.

The relationship of church and state was close. In fact, the established Church of England was the official faith, and colonists were enjoined to frequent divine service on the Sabbath day, both forenoon and afternoon, lest they be fined or suffer corporal punishment. All Englishmen loyal to the Crown were presumed to be communicants of the Church of England.

Other matters of legislation related to trade, travel, and communication. An interesting statute provided a heavy fine of £10 for any freeman who passed through Jamestown without reporting to the Governor to receive such messages as he might wish to send to distant places. One of the actions of the Assembly was to petition the Virginia Company for a new name for the borough of Kecoughtan. It suggested the name of Elizabeth City, in honor of the King's charming daughter.

Interestingly enough, one of the items in the new charter of the Company set aside a tract of 10,000 acres at Henricus, next to the fortified site for a college (so-called) to educate and Christianize the Indians. The school site was 40 miles upriver from Jamestown at a spot now known as Dutch Gap. With

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the enthusiastic backing of the king and the English clergy, funds were collected for the University of Henrico, and a prominent English scholar, George Thorpe, was sent over to direct the establishment of the school. With him came 50 men to cultivate the lands of the school and begin its construction. Unfortunately, the Massacre of 1622 put a disastrous end to this worthy project.

Among the last acts of the Assembly was to decree that each plantation be located ten miles from its nearest neighbor. As Fishwick notes: "Although Governor Yeardley had some reservations about this proposal, recognizing that it would space the colonists so widely that mutual defense against the Indians would be difficult, most of the planters considered the provision wise since it protected them from encroachment by their neighbors. The plantations were developing as little worlds unto themselves: they produced their own food; they raised enough tobacco to require that ships from England and Holland stop at their separate wharves; and created a gentlemanly way of life that reflected English origins while also seeming an integral part of the new countryside." The massacre of 1622 showed how well-founded were the misgivings of Governor Yeardley.

Strangely enough, the Assembly also functioned as a judicial body to hear complaints and impose penalties. A "treacherous servant" who had slandered his master and threatened his life was sentenced to stand for four days with his ears nailed to a pillory and to be whipped each day. A prominent colonist, Captain Henry Spelman, was found guilty of having spoken "very unreverently and maliciously" against Governor Yeardley at an Indian village and was censured, relieved of military rank, and ordered to serve the Governor for seven years as an interpreter to the Indians.

On August 4, Governor Yeardley decided that the session should end as soon as possible, "by reason of extreme heat, both past and likely to ensue," and by the decline in health of the members of the Assembly, one of whom already had died. Sir George himself was not well. Business was concluded as soon as possible, Speaker Pory was voted thanks for his services, and, on August 4, 1619, the historic session ended. Speaker Pory prepared for the London Company a detailed account of all that had occurred, a report that is now preserved in the archives of the State Paper Office of England in London. He also prepared copies of the laws that had been passed so that they could be distributed to officials throughout the colony.

Thus ended the first and most noteworthy legislative assembly convened in the New World. The ideal and practice of self-government, so dear to Englishmen and to Americans alike, was firmly transplanted to the soil of America where, in years to come, it would serve as an example to liberty-loving people everywhere.

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COULD YOU BE PERSUADED TO HURT A STRANGER?

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mrs. GRIFFITHS. Mr. Speaker, the Detroit Free Press on January 28 carried an article written by Philip Meyer from the February issue of Esquire magazine regarding a scientific experiment to measure and study human obedience. The experiment was devised and conducted by Stanley Milgram, a social psychologist. The results of this study are most interesting as well as a frightening revelation on the actions of man in today's world. At this time, I would like to place the article in the RECORD for everyone to read:

[From the Detroit Free Press, Jan. 28, 1970]

COULD YOU BE PERSUADED TO HURT A STRANGER?

(By Philip Meyer)

In the beginning, Stanley Milgram was worried about the Nazi problem. He doesn't worry much about the Nazis anymore. He worries about you and me and, perhaps, himself a little bit too.

Stanley Milgram is a social phychologist, and when he began his career at Yale University in 1960 he had a plan to prove scientifically, that Germans are different.

The Germans-are-different hypothesis has been used by historians, such as William L. Shirer, to explain the systematic destruction of the Jews by the Third Reich.

The appealing thing about this theory is that it makes those of us who are not Germans feel better about the whole business.

But now, because of Stanley Milgram, we are compelled to wonder.

Milgram developed a laboratory experiment which provided a systematic way to measure obedience. His plan was to try it out in New Haven on Americans and then go to Germany and try it out on Germans.

If he could show that Germans are more obedient than Americans, he could then vary the conditions of the experiment and try to find out just what it is that makes some people more obedient than others.

But he never took his experiment any further than Bridgeport, Conn.

"I found so much obedience," says Milgram softly, a little sadly, "I hardly saw the need for taking the experiment to Germany."

There is something of the theater director in Milgram, and his technique was to stage a play with every line rehearsed, every prop carefully selected, and everybody an actor except one person.

That one person is the subject of the experiment. The subject, of course, does not know he is in a play. He thinks he is in real life.

The experiment worked like this:

You read an ad in the newspaper or received one in the mail asking for volunteers for an educational experiment. The job would take about an hour and pay $4.50.

So you make an appointment and go to an old Romanesque stone structure on New Haven's High St. with the imposing name of the Yale Interaction Laboratory.

Inside, you meet a young, crew-cut man in a laboratory coat who says he is Jack Williams, the experimenter.

There is another citizen, fiftyish, Irish face, an accountant, a little overweight, and very mild and harmless-looking. This other citizen seems nervous and plays with his hat while the two of you sit in chairs side by side and are told that the $4.50 checks are yours no matter what happens.

Then you listen to Jack Williams explain the experiment.

It is about learning he says in a quiet-knowledgeable way. Science does not know much about the conditions under which people learn and this experiment is to find out about negative reinforcement.

Negative reinforcement is getting punished when you do something wrong, as opposed to positive reinforcement which is getting rewarded when you do something right. The negative reinforcement in this case is electric shock.

Then Jack Williams takes two pieces of paper, puts them in a hat and shakes them up. One piece of paper is supposed to say "teacher" and the other, "learner." Draw one and you will see which you will be.

The mild-looking accountant draws one, holds it close to his vest like a poker player, looks at it, and says: "learner." You look at yours. It says "teacher." You do not know that both slips say "teacher."

The experimenter beckons to the mild-mannered "learner."

"Want to step right in here and have a seat, please?" he says. "You can leave your coat on the back of that chair . . . roll up your right sleeve, please.

"Now what I want to do is strap down your arms to avoid excessive movement on your part during the experiment. This electrode is connected to the shock generator in the next room.

"And this electrode paste," he says, squeezing some stuff out of a plastic bottle and putting it on the man's arm, "is to provide a good contact and to avoid a blister or burn. Are there any questions now before we go into the next room?"

You don't have any, but the strapped-in "learner" does.

"I do think I should say this," says the learner. "About two years ago, I was at the Veterans Hospital . . . They detected a heart condition. Nothing serious, but as long as I'm having these shocks, how strong are they—how dangerous are they?"

Williams, the experimenter, shakes his head casually. "Oh no," he says. "Although they may be painful, they're not dangerous. Anything else?"

Nothing else. And so you play the game.

The game is for you to read a series of word pairs: For example, blue-girl, nice-day, fat-neck. When you finish the list, you read just the first word in each pair and then a multiple-choice list of four other words, including the second word of the pair.

The learner, from his strapped-in position in another room, pushes one of four switches to indicate which of the four answers he thinks is the right one.

If he gets it right, nothing happens and you go on to the next one. If he gets it

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wrong, you push a switch that buzzes and gives him an electric shock. And then you go on to the next word.

You start with 15 volts and increase the number of volts by 15 for each wrong answer. The control board goes from 15 volts on one end to 450 volts on the other. So that you know what you are doing, you get a test shock yourself, at 45 volts. It hurts.

If, at any point, you hesitate, Williams calmly tells you to go on. If you still hesitate, he tells you again.

The object is to find the shock level at which you disobey the experimenter and refuse to pull the switch.

In all of this, of course, the "learner" actually receives no shocks.

When Stanley Milgram first wrote this script, he took it to 14 Yale psychology majors and asked them what they thought would happen. Out of 100 persons in the teacher's predicament, how would their break-off points be distributed along the 15- to 450-volt scale?

They thought a few would break off very early, most would quit someplace in the middle and a few would go all the way to the end. The highest estimate of the number out of 100 who would go all the way to the end was three.

"I'll tell you quite frankly," Milgram says, "before I began this experiment I thought that most people would break off at 'strong shock' or 'very strong shock' on the scale.

"You would get only a very, very small proportion of people going out to the end of the shock generator, and they would constitute a pathological fringe."

In his pilot experiments, Milgram used Yale students as subjects. Each of them pushed the shock switches, one by one, all the way to the end of the board.

So he rewrote the script to include some protests from the "learner." At first, they were mild, gentlemanly, Yale protests, but "it didn't seem to have as much effect as I thought it would or should," Milgram recalls.

"So we had more violent protestation on the part of the person getting the shock. All the time, of course, what we were trying to do was not to create a macabre situation, but simply to generate disobedience."

As it turned out, the situation did become rather macabre.

The only meaningful disobedience was to have the victim protest with great anguish, noise and vehemence

The protests were tape-recorded so that all the teachers ordinarily would hear the same sounds, and they started with a grunt at 75 volts, proceeded through a "Hey, that really hurts," at 125 volts, got desperate with, "I can't stand the pain, don't do that," at 180 volts, reached complaints of heart trouble, at 195, an agonized scream at 315, and only heart-rending, ominous silence after that.

Still, 65 percent of the subjects, 20- to 50-year old American males, everyday, ordinary people, like you and me obediently kept pushing those levers in the belief that they were shocking the mild-mannered learner, whose name was Mr. Wallace, all the way up to 450 volts.

Milgram was now getting enough disobedience so that he had something he could measure. The next step was to vary the circumstances to see what would encourage or discourage disobedience.

He put the learner in the same room with the teacher. He stopped strapping the learner's hand down. He rewrote the script so that at 150 volts the learner took his hand off the shock plate and declared that he wanted out.

He rewrote the script some more so that the experimenter told the teacher to grasp the learner's hand and force it down on the plate.

"I had the feeling that very few people would go on at that point, if any," Milgram says. "I thought that would be the limit of obedience you would find in the laboratory."

It wasn't.

Milgram still remembers the first person to walk into the laboratory in the newly rewritten script. He was a construction worker, a very short man.

"He was so small," says Milgram, "that when he sat on the chair in front of the shock generator, his feet didn't reach the floor.

"When the experimenter told him to push the victim's hand down and give the shock, he turned to the experimenter, and he turned to the victim, his elbow went up, he fell down on the hand of the victim, his feet kind of tugged to one side, and he said:

" 'Like this, boss?' Zzumph!"

The experiment was played out to its bitter end. Milgram tried it with 40 different subjects. And 30 percent of them obeyed the experimenter and kept on obeying.

"The protests of the victim were strong and vehement, he was screaming his guts out, he refused to participate and you had to physically struggle with him in order to get his hand down on the shock generator," Milgram remembers.

But 12 out of 40 applied the shocks.

Milgram took his experiment out of New Haven. Not to Germany, just 20 miles down the road to Bridgeport. Maybe, he reasoned, the people obeyed because of the prestigious setting of Yale University.

Obedience, he found, was less in Bridgeport. Forty-eight percent of the subjects stayed for the maximum shock, compared to 65 percent at Yale.

But this was enough to prove that far more than Yale's prestige was behind the obedient behavior.

For more than seven years now, Stanley Milgram has been trying to figure out what makes ordinary American citizens so obedient.

The most obvious answer—that people are mean, nasty, brutish and sadistic—won't do. The subjects who gave the shocks to "Mr. Wallace" did not enjoy it.

They groaned, protested, fidgeted, argued and, in some cases, were seized by fits of nervous, agitated giggling.

"They even try to get out of it," says Milgram, "but they are somehow engaged in something from which they cannot liberate themselves.

"They are locked into a structure and they do not have the skills of inner resources to disengage themselves."

Milgram suggests that people behave in two different operating modes as different as ice and water. He says that ordinarily we operate in a state of autonomy, which means we pretty much have and assert control over what we do.

But in certain circumstances, we operate under what Milgram calls a state of agency:

"There's nothing bad about it, there's nothing good about it," he says. "It's a natural circumstance of living with other people.

"Just as water can turn to ice under certain conditions of temperature, a person can move to the state of mind that I call agency . . . The critical thing is that you see yourself as the instrument of the execution of another person's wishes.

"You do not see yourself as acting on your own. And there's a real transformation, a real change of properties in the person."

So, for most subjects in Milgram's laboratory experiments, the act of giving Mr. Wallace his painful shock was necessary, even though unpleasant, and besides they were doing it on behalf of somebody else and it was for science.

Stanley Milgram believes that in the laboratory situation, he would not have shocked Mr. Wallace. His professional critics reply that in his real-life situation he has done the equivalent.

He has placed innocent and naive subjects under great emotional strain and pressure in selfish obedience to his quest for knowledge.

When you raise this issue with Milgram, he has an answer.

There is, he explains, a critical difference between his naive subjects and the man in the electric chair. The man in the electric chair (in the mind of the naive subject) is helpless, strapped in. But the naive subject is free to go at any time.

As soon as he offers this distinction, Milgram anticipates the objection.

"It's quite true," he says, "that this is almost a philosophic position, because we have learned that some people are psychologically incapable of disengaging themselves. But that doesn't relieve them of the moral responsibility. . . .

"I had to make a judgment," Milgram continues.

"I had to ask myself, was this harming the person or not? My judgment is that it was not. Even in the extreme case, I wouldn't say that permanent damage results.

Sound familiar? "The shocks may be painful," the experimenter kept saying, "but they're not dangerous."

One thing that happened to Milgram back in New Haven during the days of the experiment was that he kept running into people he'd watched from behind a one-way glass in the laboratory.

It gave him a funny feeling, seeing those people going about their everyday business in New Haven and knowing what they would do to Mr. Wallace if ordered to.

Now that his research results are in and you've thought about it, you can get this funny feeling too. You don't need one-way glass.

A glance in your own mirror may serve just as well.

"The critical thing is that you see yourself as the instrument of another person's wishes. You do not see yourself as acting on your own."

NEW REMEDY FOR THE DEFRAUDED INSURED

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. HUNGATE. Mr. Speaker, we receive more and more letters complaining about insurance problems. I believe that my colleagues will be interested in the well-written articles from the December-January 1969–70 issue of Trial magazine which follow:

NEW REMEDY FOR THE DEFRAUDED INSURED

(By Merbert S. Denenberg, Loman Professor of Property and Liability Insurance, University of Pennsylvania)

The defrauded consumer has little chance of obtaining the remedy that he is entitled to. This is true of consumers of goods, services, realty, and intangibles, but especially of the defrauded insured.

A high percentage of all complaints submitted to state insurance departments involve accident and health policies or automobile collision and comprehensive policies in which the amount in dispute may be far too small to make litigation worthwhile, however, important it might be to the individual insured. In fact, one of the most common sources of complaint against insurers is unjustified failure to settle small claims.

Other sources of complaints may also not generate substantial damages for a single insured—for example, unjustified delay in settling claims, and misrepresentation of the terms of policies. The hardship visited on the victim of these practices may be great even though actual legal damages may not justify resort to the courts. Litigation, or even legal advice, is likely to be prohibitively expensive for small claims.

Nor can the defrauded always rely on the insurance department of his state, which is charged with the responsibility of regulating and policing insurance companies. Although some states maintain active and well-staffed consumer complaint sections within the state insurance departments, many do not.

Insurance regulation is notably uneven, and its inadequacies have been documented by a long list of studies and investigations. Many state insurance departments lack even the staff needed to properly regulate companies in order to maintain solvency; their resources may be totally inadequate for the detailed, time-consuming work necessary to properly process and investigate individual complaints.

Even if adequate resources and staff are available, the state insurance department may not be responsive to consumer needs. The regulated industry often captures the regulator, and this is nowhere more true than in the area of insurance.

The commissioner, who heads the state insurance department, often comes from the ranks of the industry and intends to return upon the conclusion of his term. He is typically involved in a continuing dialogue with the insurance companies he regulates, but often not with the insured public. And often he is more concerned with the problems of the industry than the problems of the consumer. However dedicated and well-meaning the insurance regulator may be, the very nature of the regulatory process may produce an industry-oriented viewpoint.

Even if the regulator had the resources and the inclination to effectively process consumer complaints, there are still good reasons for providing new and alternative remedies. As the President's National Advisory Panel on Insurance in Riot-Affected Areas found, the typical insured is probably not aware of the complaint department (if there is one) of his state insurance department. The department may not be conveniently located or there may be an office in only one city in the state. Moreover, it does not ordinarily pay attorneys to become involved in the assertion of small claims before administrative agencies such as insurance departments, and they may not be highly motivated to educate the public on the availability of administrative remedies.

The complaint department remedy has a further disadvantage: It may not provide a sufficiently strong deterrent to potential wrongdoers. The individual complaint may be separately handled and adjusted without penalty or with only a resulting restraining order for the future. Some insurance departments do not even maintain records that would be adequate to establish a pattern of conduct and thus justify more severe penalties.

But there is another good reason not to rely too completely on the regulatory activity of the state insurance department. A system of regulation should strive to be self-policing wherever possible, in order to be able to concentrate its limited time and resources on problem areas requiring tailor-made attention. At the present time, the regulator barely has the capacity of resolving broad issues of general application.

The insurance regulator and the insurance industry face massive problems of crisis proportions in virtually every line of insurance. This means minimal resources can be committed to adjusting individual complaints when there are entire markets in jeopardy:

There has been a chronic shortage of crime insurance and continuing problems of providing fire and extended coverage protection in urban core areas.

There are severe problems in the area of medical malpractice insurance that may even have an adverse effect on the practice of medicine.

There is an inadequate supply of airline liability insurance for the new jets that will carry as many as 400 passengers.

Health insurance, including Blue Cross-Blue Shield protection, has been subjected to premium increases that threaten to destroy segments of the private insurance market.

Life insurance and title insurance are also now under fire.

The problems with automobile insurance are well known.

This battlefield of problem areas is likely to keep most insurance regulators too busy to get down to the nitty-gritty of individual complaints.

There are also special difficulties in mobilizing an adequate consumer voice within the existing system. Insurance is complicated merchandise which the public rarely understands. Even organized consumer groups, unions, and others have not managed to gather the expertise and the facts needed to bring effective countervailing power into the arena of insurance regulation and legislation.

Thus, the consumer often has no effective voice on insurance matters. Existing remedies, such as the individual lawsuit or the submission of a complaint to a state insurance department, have not succeeded in providing the consumer with an effective advocate. Nor have other sources of help proven to be any more effective.

Senator Joseph Tydings (D.-Md.) has therefore introduced the Class Action Jurisdiction Act (S. 1980), designed to help the defrauded consumer by providing him with a new form of legal remedy and more effective legal representation. Under this act, the claims of all defrauded insureds, victimized by the same company in the same fashion, could be asserted by one or more consumers on behalf of the entire group, thus providing the class of insureds with a realistic remedy, and with an effective representative.

The act provides: "The [federal] district court shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties of civil class actions brought by one or more consumers of goods, services, realty, or intangibles on behalf of themselves and all other consumers similarly situated, where . . . the action is brought on behalf of numerous consumers of goods, services, realty or intangibles, who were or will be injured by the defendant(s) in substantially the same manner. . . ." Sec. 2 (b)).

One insured could sue on behalf of all those affected by an insurer's policy of delaying payment of claims or refusing to pay small claims, or on behalf of all those adversely affected by a deceptive policy provision.

These insureds would no longer have to rely on understaffed insurance departments which may be oriented toward industry, rather than the consumer. They would no longer have to rely on individual litigation, which in most cases would be prohibitively expensive. They would have a new and effective advocate, the individual attorney, who would be properly motivated and rewarded by the method of compensating the attorney under S. 1980: "If a class of consumers prevails in a class action, the court shall award to the attorneys representing the class a reasonable fee, based on the value of their services to the class." (Sec. 2(f)).

It has been said that no one should underestimate the resources and ability of the individual attorney representing his client when the "blue chips" are down. The "blue chips" have been down for the consumer for a long time. It is time to see that the consumer gets the representation and the remedy that he is entitled to.

S. 1980 would benefit all legitimate interests involved in the insurance process. It would help protect the consumer against improper practices by providing him with a new and effective remedy when he is one of a class adversely affected by improper practices. It would make legal advice more readily accessible to the consumer, and provide greater incentive for both consumer groups and attorneys to educate and advise the public on insurance and other consumer problems. S. 1980 would help mobilize the consumers to obtain long-needed countervailing power in the insurance regulatory process.

It would also relieve the understaffed and underfinanced insurance regulator of part of his heavy burden, and make the regulatory system more fully self-policing. It would help protect the great majority of insurers and agents against the adverse public-relations impact of the small group who indulge in fraudulent practices that would become subject to the new remedy; it would provide a new and strong deterrent to potential wrongdoers.

I strongly urge that S. 1980 receive prompt and favorable action by the Congress.

(NOTE.—For more details on the inadequate voice of the consumer in insurance regulation, see Denenberg, "Insurance Regulation: The Search for Countervailing Power and Consumer Protection," Insurance Law Journal, May 1969, pp. 271–278. This article also appears in the International Insurance Monitor, July–August 1969, pp. 165–168.)

Senate Committee Completes Probe and Prepares 1970 Legislation

The Senate Antitrust and Monopoly Subcommittee Chairman, Philip A. Hart (D.-Mich.), probed deep during November and December into profits, premium and investment income, business expenses, company surplus funds, group insurance, bureau rating practices and structures, and car and personal injury compensation policies of the nation's largest insurance companies.

The probe—which consumed ten hearing days—will be the last of a series of hearings before the Subcommittee writes and presents corrective legislation to Congress in the early 1970's. The massive accumulation of data and testimony from insurance executives, finance experts, lawyers, actuaries, insurance professors and research organizations will be used to tie up any loose ends resulting from committee hearings that started in the early months of 1969.

A staff analysis of auto insurance activity from 1959–1968 (presented by staff counsels Dean Sharp and Charles Bangert) and subsequent testimony disclosed the following facts:

Motorists paid more than $81.2 billion in auto premiums during the decade.

From this premium income: claimants had received $47.7 billion (approximately 60%); $33 billion was expended for business expenses and $500 million had been paid as an underwriting profit to the companies (after taxes).

Insurance firms had made a $3.2 billion investment profit on the premium income (after taxes).

From the $47.7 billion paid in net benefits: $27.5 billion went for bodily injury and property damage liability claims; $15.2 billion went to pay for policyholders' car damage (collision) claims; and $5 billion was paid to plaintiff lawyers for protecting claimants' legal rights (about 6% of the total premiums and 10% of the injury litigation claims).

From the $33 billion expended for business expenses: $11.3 billion was paid to agents and brokers for their commissions (about 14% of the total premiums and 33%

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of the business expenses); $5 billion was spent for "other selling expenses"; $5.2 billion was expended for adjustment expenses; $4.2 billion was incurred for overhead expenses; $2.3 billion paid for state taxes; and $5 billion paid to defense lawyers to protect the companies' interests (about 6% of the total premiums and 15% of business costs).

From 1959–1968, companies' profits were 10.5%—computed on "mean net worth" (the sum of capital stock, surplus, retained earnings and an adjustment to reflect equity in unearned premium reserves).

But insurance research authorities at the Arthur D. Little Co. said the industry's profit was only 3.7%—a rate substantially below that alleged by the Hart subcommittee staff. This was computed on a standard prescribed by 59 other major industry sectors. The measuring rod used by Arthur D. Little's staff members was "totality of income over totality of investable funds."

The above dispute brought acrimonious exchanges between the Arthur D. Little economists and staff counsel.

Staff figures showed that surplus fund's increased 79% during the decade. (The larger the surplus, the better the firm is doing financially.)

Surplus of Allstate Insurance Company, which received 81.6% of its total premium income from autos, increased 327%, that of Government Employees Insurance Co., which led the industry with 23.6% in earnings in ten years, increased by 260%, and State Farm Mutual's surplus jumped 254%.

Rating bureaus tend to encourage company concentration into auto insurance by charging uniform rates even for larger companies that have lower expenses than smaller companies.

The insurance industry maintained that rating bureaus provide a necessary balance and are vital to the industry. Rates are computed adequately and fairly and are supervised by state authorities, they said.

A plan to reduce rates was offered by Prof. John W. Hall of Georgia State College. His proposal: the establishment of a National Council of Automobile Insurance to create a compulsory reinsurance pool to reduce underwriting costs and cover all drivers.

On another insurance front, Henry S. Stone of Employers-Commercial Union Insurance Co. warned that conglomerates are draining surplus funds and preventing the increase of new insurance. He stated that, in the last 18 months, close to "1 billion of insurance-expansion capital has left the coffers of the insurance companies via the takeover or merger route."

MIDDLE AMERICA

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. O'NEAL of Georgia. Mr. Speaker, Joe Parham, Editor of the Macon Telegraph and News wrote a gem of an editorial about Middle America, sometimes called the silent majority.

It came to my attention rather indirectly. It was first copied in the Camilla, Ga., Enterprise and then forwarded to me through the thoughtfulness of Mrs. Joe Wingate of Meigs, Ga.

The following editorial of Editor Parham certainly expressed succinctly and brilliantly what Middle America feels:

[From the Camilla Enterprise, Jan. 16, 1970]

MAYBE THIS IS WHAT YOU NEED?

In this blue week when much seems to be going against all of us, the writings of Joe Parham, Editor of Macon Telegraph and News, well describes our problems and at the same time seems to challenge us. The article was entitled "Middle America" and we invite your reading. It is first rate writing:

Call them what you like. Some term them the "silent majority." Others tag them the "middle Americans." The label doesn't matter. They are fed up. They are beginning to flex their muscles. And they may be overwhelming in their wrath.

What is a middle American or a member of the silent majority?

He is a guy not poor enough to need a government handout but not wealthy enough to be unconcerned about sizable unexpected expenses. He is patriotic. He prefers "America the Beautiful" to "Sock It to Me, Baby." He stands up and takes off his hat when a lady enters the room or a band plays the "Star Spangled Banner" and if he has a hangup it's on patriotism, not the futility of life.

Call him corny if you like but he thinks a cat is feline, pot is a vessel for cooking things in, and fix is a verb meaning to repair or mend. He is hit harder proportionately by taxes than anyone else but he has long borne this burden uncomplainingly. He holds the quaint notion that everyone who shares this wonderful country ought to pay according to his ability, but he doesn't worry too much if a bunch of weirdos shack up in a communal living experiment, so long as they don't bother their neighbors.

The sight of Old Glory puts a lump in his throat, a tear in his eye and steel in his spine. And fuzz is a fluffy lint, not officers of the law.

Sure, he goes for John Wayne more than Dustin Hoffman, for Burl Ives more than Jimi Hendrix and he'd rather see a good football game than have two tickets to "Hair" any day in the week.

He likes movies, food, housing accommodations and companions to be clean and he thinks the purpose of a university is to educate, not provide a forum for immature militants dedicated to destruction rather than improvement of a school.

Square he may be called but he regards grass as green ground-covered, put-on as something you do with a pair of pants and pop as what the weasel went. He makes the scene, all right, but it is at church, Sunday school, a civic meeting, a Little Leaguers banquet, a Boy Scout hike or the PTA. There's nothing psychedelic about him and the only swinging he ever did was in a front porch swing in his courting days.

Soul is something immortal to him, not a name for a type of food or kind of music. He gets a bigger kick out of landing astronauts on the moon than trying to burn down a town because the world owes him a living, and hasn't produced.

He prefers cook-outs to sit-ins, the pledge of allegiance to "black power" and a home with kids playing on the lawn to a pad with a year's supply of birth control pills. The beauty of America makes him want to shout with joy and the ugliness of the Black Panthers makes him want to regurgitate in disgust.

Everything seems to be squeezing him these days; inflation, high interest rates, screwball school bussing plans, shoddy workmanship, a Supreme Court which won't let his children pray in classrooms and a government which too often seems unresponsive to his needs. He's tired of the pressure and deafened by the shouting and beginning to stir in anger.

He's too young for Medicare and too old for rock and roll. He could be a service station attendant, a small business man, a teacher or a hard-working Negro farmer. He could wear a white collar or a blue collar. He could be anybody.

He's a big man, this middle American. Big in pride of country, big in love for America. He belongs to a big club.

Count me a member.

ENVIRONMENTAL QUALITY NEWSLETTER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BROWN of California. Mr. Speaker, I have recently sent the enclosed newsletter on environmental problems to many California citizens. I now include it in the RECORD:

TEXT OF NEWSLETTER

Thank you for your encouraging support in the continuing crucial battle for environmental quality. Over 500,000 concerned citizens like yourself already have responded to my efforts in this vital crusade. Your responses, your views soon will be made available to all California public officials and to the press. In addition, they will be transmitted to Members of the House Science and Astronautics Committee as our Congressional committee is now planning to hold hearings in California this spring dealing with environmental problems.

Although the Federal antitrust case against car makers was closed with acceptance of the consent decree last fall, the effects of our efforts still are potent. For example, the California Attorney General's office soon will initiate a new antitrust suit against the auto manufacturers in an attempt to collect damages caused by smog. I see this as an extremely positive sign, and it indicates what combined public action for a clean environment can accomplish.

CITIZEN'S ACTION COMMITTEE ON ENVIRONMENTAL QUALITY

The unprecedented number of replies to my mailings show that Californians demand powerful efforts in the fight against pollution. Therefore, I have formed a Citizen's Advisory Committee on Environmental Quality. We aim to involve the greatest possible number of concerned persons in the Committee's operations and recommendations.

As a first step, some of the most knowledgeable scientists and conservationists in California have established a Scientific Advisory Panel. The panel will formulate the most practical and realistic approaches to environmental quality issues, and it will set priorities which can be translated into action NOW on all government levels.

NEW BILL REFLECTS INITIAL POLL RESULTS

Recently I asked many Californians their opinions on a series of environmental issues. One question asked if they favored banning pollution-causing vehicles which do not adhere to strict emission standards. While only a partial tally has been made of early returns, the support for such a ban is overwhelming—with nearly four out of every five respondents approving the restriction. Such support warrants action and so, on January 29, I introduced a new bill (H.R. 15613) in the House of Representatives; the bill proposes a ban on sale or delivery of internal combustion engines which do not meet tough emission standards by January 1, 1975.

I expect that more legislative actions will result from the outcome on other poll questions. Too many elected officials try to tell the people what should be right. I felt that I should ask the people and then act on their desires.

George Brown's environmental legislation includes:

Omnibus Environmental Quality Act (H.R. 13764), possibly the strongest single-package proposal ever introduced in the House of Representatives to establish government policies and programs to maintain the environment. The bill includes a declaration of national policy stating the right of every citizen to a quality environment, sets up a

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permanent regulatory commission for environmental protection, creates a joint congressional committee on environmental quality, and forms a citizens advisory council on environmental quality.

An amendment to the National Emission Standards Act (H.R. 14579) proposes that motor vehicles exhaust standards be set at the lowest technically feasible level—without regard to economic costs.

An amendment to the Clean Air Act (H.R. 14867) provides for adoption of national standards for stationary sources of air pollution, and sets a series of penalties to be assessed against violators.

The Environmental Quality Education Act (H.R. 15289) would create educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and enhance ecological balance.

The Safe Pesticides Act (H.R. 14805) asks for a national pesticides study, transfers pesticides control enforcement into HEW, and bans the sale or shipment over a 5-year period of DDT and related chlorinated hydrocarbon pesticides.

An amendment to the Outer Continental Shelf Development Act (H.R. 14644) requires public hearings to be held near sites of future drilling activity before leases can be granted, and proposes a moratorium on all future offshore leasing until stringent building codes and drilling regulations are set by the government.

Marine Sanctuaries (H.R. 5955, H.R. 5956) would authorize creation of sanctuaries—selected parts of the nation's natural tidelands, the outer continental shelf, seaward areas and lands and waters of the Great Lakes—and establish strong protective measures to insure balanced environmental utilization. One sanctuary would be in the Santa Barbara Channel.

Sonic Boom Damage Act (H.R. 4565) organizes a government program to provide adequate means for recovery of damages caused by sonic booms and encourages manufacturers to take steps to prevent these booms.

I pledge to continue to fight for environmental survival. You can do much to see that effective legislation is enacted.

You can: Join with your friends and neighbors, make your views known, discuss these issues, write your local polluters.

MEDICAL CARE: I

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. ROSENTHAL. Mr. Speaker, since the President spoke last year of a "massive crisis" in America's medical care system, we have seen little action. I greatly regret that the proposed Federal budget for 1971 offers no new initiatives in this area. Yet in no other domestic field is a strong Federal pressure for change so badly needed.

I include, as the first of several studies on this problem which I shall offer for consideration, an article from the January 17, 1970, New Republic called "Paying More, Getting Less," by Fred Anderson. This article describes the nature of the medical care problem which our country faces:

PAYING MORE, GETTING LESS

(By Fred Anderson)

Several months ago President Nixon, Secretary Finch and the Assistant Secretary for Health and Scientific Affairs, Dr. Roger Egeberg, gathered at the White House to tell the nation that it is about to face a complete breakdown in the delivery of health services. Many think the breakdown has already occurred. Long waits for an appointment with a physician, poor service, and astronomical medical bills have gradually become the rule, rather than the exception. The public does not understand how this state of affairs came about, nor why physicians, hospitals and insurers have not done something about it. Particularly irritating is the federal government's failure, though it paid 29.6 percent of the $53.1 billion spent on health in 1968. Long hours in the "waiting room," hurried and impersonal attention, difficulty in obtaining night and weekend care, reduction of services because staff is not available, high drug and treatment costs, loopholes in insurance coverage, and the like, tell only part of the story. The rest is told by statistics which smash any remaining confidence that we lead the world in health care. Fifteen other countries have longer average life expectancies. (Ten-year-old females have a longer life expectancy in twelve other other countries, while the American male child of ten years is bested in 31 countries.) Infant mortality is less in 14 other nations. Five countries have better maternal mortality rates. Twelve have better records for ulcers, diabetes, cirrhosis, of the liver, hypertension without heart involvement. Twenty have less heart disease.

Whatever life expectancy a white American has, subtract seven years from the life of his nonwhite counterpart. Infant mortality rates are two times as great for nonwhites as for whites. Infant mortality rates for Negro children in Mississippi or a Northern city are comparable to Ecuador's; nationwide, to Costa Rica's nonwhite maternal mortality is four times as great as the white rate. (The disparity in maternal death rates has grown from twofold to fourfold since the end of World War II.) In the city slums there is three times as much heart disease, five times as much mental disease, four times as much high blood pressure, and four times as many deaths before age thirty-five than there is nationwide.

The National Advisory Commission on Health Manpower (1967) reviewed 15 representative studies of the quality of health care services in the United States. Here are the findings in three of the studies: (1) a survey of medical laboratories sponsored by the National Center for Communicable Diseases (US Public Health Service) found that 25 percent of reported laboratory results on known samples were erroneous; (2) an evaluation of all major female pelvic surgery performed during a six-month period in a community hospital revealed that 70 percent of the operations which resulted in castration or sterilization were unjustified in the opinion of expert consultants; (3) the medical records of a random sample of 430 patients admitted to 98 different hospitals in New York City during May 1962 were reviewed by expert clinicians. In their opinion only 57 percent of all patients, and only 31 percent of the general medical cases, received "optimal" care.

Organized medicine attributes deterioration in health care to our failure to produce enough physicians for the growing demands for services. That's correct, to a point. Over the decade 1955–1965 "physician-directed services" rose 81 percent and hospital services 65 percent, although the increased output of physicians (22 percent) barely exceeded population growth (17 percent). In fact, the increase in physicians who went into patient care (12 percent) was *less* than population growth. Thus the availability of direct, personal treatment of a physician has diminished at a time when demand for medical care is going up rapidly. Demand has been so great that the expected undersupply of physicians should have occurred years ago. What happened? Physicians learned to delegate many tasks to other medical professionals, a practice which should be encouraged. Between 1955 and 1965, professional nurses increased by 44 percent, nonprofessional nurses 63 percent, x-ray technologists 56 percent, and clinical laboratory personnel 70 percent. Nevertheless, in the opinion of the National Advisory Commission on Health Manpower, the existing organization of medical care will soon require more physicians than the medical schools are capable of producing. "If additional personnel are employed in the present manner and within present patterns and 'systems' of care," said the Commission, "they will not avert, or even perhaps alleviate, the crisis." That seems to say that no number of additional physicians will be sufficient unless medical care is reorganized. But the Commission did not say how reorganization should be carried out.

What is so unsatisfactory about the organization of our present medical care system? It consists by and large of physicians in practice alone, or in small groups, on a fee-for-service basis. The model is the independent business entrepreneur, and a strong sense of nineteenth century individualism still guides professional conduct. (About 60 percent of physicians in direct care of patients are solo practitioners, even though less than two percent of current graduates go into general practice. Of physicians in office practice, about 72 percent still work on a fee-for-service basis.) The "nonsystem" of separate practitioners and few hospitals which grew up in the last century has somehow managed to underpin the vast array of interlocking referrals, specialities, clinics, hospital services and financial arrangements which exists today. That foundation is crumbling.

We cannot allow the further duplication of services, equipment and personnel, not only because of the high cost of redundancy, but because fee-for-service medicine is medically one-sided. It is adequate for episodic care for patients with a specific complaint. But such care, though good, is delivered in sporadic bursts. It is not the personalized, lifelong program of prevention, diagnosis, treatment and rehabilitation that it should be. Patients very rarely receive preventive screening or treatment. How could a fee-for-service bill be written for "diagnosing" and publicizing a dangerous playground? Who would be billed? The city? Parents? Fixing up several broken arms is a medical "service," with a going rate per arm. Getting embroiled with nonmedical "playground" issues is not, even though the expense of an ounce of prevention may be less than that for a pound of cure.

It is not quite fair to lay all the ills of the health care system at the feet of the practitioners who favor the fee-for-service system. The American Medical Association, as chief defender of fee-for-service, is almost a caricature of an Establishment, an easy target. But medicine has two Establishments, both of which contribute to our troubles. The second Establishment, hostile to the first, is based in urban hospitals. It is research and technology oriented, often salaried, and provides the world's best surgery and treatment for complex illnesses. The result is that though this is the best country in the world in which to have a serious illness, it is one of the worst countries in the world in which to have a non-serious illness. That part of medicine which most people encounter most often is mediocre. At the same time, we have outstanding open heart surgery, plastic surgery, surgical organ transplantation, and diagnostic skills. It is this paradox which makes it possible for a patient to read in the waiting room literature of America's latest triumph of medical technology, while failing to receive quick, effective and inexpensive treatment for a sore throat.

The strength of the new hospital-based

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Establishment is in its domination of the medical schools. Dr. Charles E. Lewis of Harvard's Center for Community Medicine and Medical Care believes that the inertia of medical schools and their affiliated teaching hospitals is the health care delivery system's chief problem. The schools and their hospitals turn out excellent clinicians, scientifically imaginative researchers, who appear more concerned with a patient's interesting electrolytes than with his humdrum good health. A department chairman, selected perhaps, because he discovered subtle mechanisms of kidney function, makes the school's reputation (and much of its money) by his work and by the grants which he gets for research. No one can tell the collection of department chairmen who run a medical school, or their granting agencies, that the funds which they collect should go to teach students how to care for whole patients in the environment in which patients live.

The fee-for-service system has not adapted well to third-party payments, whether from insurance companies or from government. The public finds this awkward welter of insurance plans and complex federal programs confusing and vexing.

Picking one's way through the medical maze requires, in the words of Dr. Sidney Lee of Harvard Medical School, "the flexibility of a worm, the dexterity of a locksmith, and the hairsplitting ability of a Philadelphia lawyer." For instance, new employees at the Lawrence Radiation Laboratories in California are handed a chart which folds out like a roadmap into a description of eight programs and benefits for 21 selected services, in the 168 separate boxes of fine print are detailed the conditions of coverage and exclusions of each of the eight plans. Making sense of health insurance is a problem for all of us, even if we are not given "helpful" charts. With approximately 1800 separate plans in existence to choose from, what are we to do?

Perhaps it would be worth working through the maze *if* private insurance provided complete coverage. It does not. *All* third-party payments, including federal programs and philanthropy as well as private insurance, accounted for only *half* of personal health care expenditures by 1966. The private health insurers make quite a fuss over how extensive their coverages are. They point out that about three-fourths of the population has some kind of hospitalization or surgical coverage and that the number is growing. But the important point is not that the number of persons covered is going up; it is that the insured are not getting much for their money. The insured three-fourths of the population has about one-third of its medical bills paid through insurance. Large categories of medical expenses, such as drugs, dental care, and non-hospital "ambulatory" office visits, are excluded from most policies. These exclusions are critical at a time when consumers spend about 20 percent of their health dollars on drugs, about 10 percent on dental care, and, according to a recent MIT study, another 25 percent to 50 percent for ambulatory care.

Government, principally through Medicare and Medicaid, has ventured into paying some of the medical bills of those least able to pay—the elderly and the poor. Medicare includes two related programs for insuring persons over 65 against the costs of hospitalization, physicians' services and related health care. There is no means test. Part A, Hospital Insurance Benefits, covers practically all persons over age 65. It draws its money from a special hospital insurance trust fund, in the case of social security beneficiaries, and general revenues, in the case of those not currently covered by Social Security. Part B, medical insurance for some (but nothing like all) physicians' fees and related costs, is financed by voluntary individual monthly payments, although the federal government also contributes from general revenues. Medicare functions quite smoothly, though hospitals complain of the paperwork and restrictions, and patients complain that in some hospitals they are discriminated against as Medicare patients. Lastly, and contrary to general belief, Medicare covers only about 35 percent of the total health bill of persons over 65.

Medicaid is more complicated. The primary recipients here are, in the bureaucratic phrase, the indigent "categorically needy": the aged, the blind, the disabled, and families with dependent children. Each participating state must submit a plan, and the categorically needy must be included. States are permitted, but not required, to include persons who are self-supporting but have no reserves to meet medical expenses. These are (again, their phrase) the "medically needy." States may also extend Medicaid to those whose only qualification is poverty. But the federal government will pay only the administrative costs of providing them with medical care. State Medicaid plans must offer five basic services: inpatient hospital care, outpatient hospital care, other lab and x-ray services, nursing home services, and physicians' services. States may elect to provide five additional services for a comprehensive program.

We constantly hear that Medicaid was ill-conceived, that it slipped by Congress while its attention was on Medicare. It certainly was not ill-conceived. Medicaid is a ten-year plan designed to gently badger the states into providing comprehensive medical coverage for all medically and economically deprived persons by 1975. Inflation aside, one reason why Medicaid now gobbles up the dollars is because it is growing, exactly according to the plan set out in the original legislation. After four years of varying degrees of state acceptance, the plan does, however, seem to be a shambles: Medicaid currently serves limited categories of the poor and sick, through benefits of Byzantine complexity, which vary astonishingly from state to state (under Medicaid, New York averages $57 per inhabitant for medical assistance; New Hampshire, $5). The states abuse Medicaid, about a dozen of the states have rejected it altogether, and it is underadministered in Washington.

Skyrocketing costs under Medicaid have led to a well-publicized campaign to economize through administrative reforms. The Administration may actually believe that such tinkering with Medicaid, including November's frantic efforts of yet another Task Force, are the kind of "revolutionary change" which the President said he wanted when he drew attention to the crisis in health care. It would appear so, since the Administration's July report, billed as a major interagency study requiring five months to complete, spent most of its shot on administrative reforms. For instance, the government pins great hopes on the strict limits it recently set on fees of physicians participating in Medicaid. But physicians, angered by this effrontery, are likely to respond either by dropping out of Medicaid entirely, or raising their fees to the new legal maximum, causing costs to escalate further.

This sort of reform is worthless. All large institutional funds such as Medicaid, whether public or private in origin, are uncontrollably inflationary in the present *entrepreneurial fee-for-service system*. There is no effective way to police this vast undertaking. Through their right to determine "reasonable" fees, and behind the screen of the simple physician-patient contract for services, hospitals and practitioners are tempted to take what large third-party funds will allow. Proof is not hard to find. Medical costs were already increasing at twice the rate of increase in the Consumer Price Index when Medicaid and Medicare went into effect. But in that year physicians' fees shot up at almost three times the rate of general prices, while hospital charges, incredibly, increased at five times the rate of general prices! Small wonder that the Senate Finance Committee felt obligated to inquire into possible fraudulent behavior among the 10,000 physicians who in 1968 "earned" $25,000 or more apiece from Medicaid and Medicare.

Federal bureaucratic inefficiency is not particularly to blame, as a recent experience of a private insurer shows. Blue Cross of Kansas, a comparatively simple, modestly financed scheme, recently made $250,000 available to its subcribers for walk-in care at the physician's office. Ten percent of the physicians participating used 50 percent of the fund, and $50,000 was paid out by Blue Cross for simple hypodermic injections alone. Four physicians gave most of the injections, collecting remarkably "reasonable" fees. Patients did not need the injections any more than they did before Blue Cross acted, nor did they request injections. Nevertheless, their physicians prescribed them, and patients, because they were not paying or because they had no idea what an injection should cost, did not object to the artificially high prices charged back to Blue Cross.

It is not going to be easy to change all this, to modernize medical care. With $2.5 million of campaign contributions, the AMA was able in 1968 to control the political forces which shape a health care system costing the public $53.1 billion annually. The AMA pattern is clear: first a survey, a recommendation, a legislative proposal for change, supported by physicians and laymen alike, which speaks up for the public, attempting to head off health care crises like the one we're in. The retaliation of organized medicine is always swift and defensive, reaching an emotional crest on the editorial pages of the *Journal* of the AMA. So it was in 1948 when the recommendations of the President's National Health Assembly provoked a $25 assessment on AMA members for a war chest to fight socialized medicine. So it was in 1951 when the President's Commission on the Health Needs of the Nation was called "another flagrant proposal to play politics with the medical welfare of the American people." So it was, for eight years, with the battle for Medicare which ended in 1965.

A TRAGIC TRILOGY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. JACOBS. Mr. Speaker, for the RECORD, I include a tragic trilogy:

If the poor black man in this country could only see a national government where a President would speak up and see their plight and promise a national commitment to change it. If they could sense that hope, they would end the Black Panther Party and its present platform. (E. R. Gain, Chief of Police, Oakland, Calif.)

I of course was aware that Mrs. Shippen's dance class did exist, and as a native black Washingtonian . . . could have cared less. Unfortunately Mrs. Shippen's dance class became a factor in the life of my family, when invitations to join the class went out to the eighth grade class at St. Albans School for Boys and, according to an informal poll of the boys themselves, everybody in the eighth grade seemed to have been invited except the two black boys in the class . . . one happened to be my son.

It is very difficult for the black family, poor or affluent, to guide their youngsters . . . when they experience situations such as this,

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when all that matters is their blackness, when they face these small insults day after day; when we cannot protect them and when they finally, as they say, "tune us out."

We will continue to educate our son and to work with him to become a contributing member of the American scene.

Our hope is that he will not have many experiences of this type. If he does, I am afraid you will see produced a family of black middle-classed militants. (Bette J. Catoe, M.D.)

Less than six months after the U.S. Supreme Court ruled in 1955 that municipal recreation facilities must be desegregated, the only golf course in Tallahassee, Fla., was turned over through two transactions to a private group that included among its founders G. Harrold Carswell, then U.S. Attorney and now a nominee to the Supreme Court. Negroes . . . were prevented from using it. (Washington Post, Jan. 27, 1970.)

If they could only sense that hope.

Mr. Speaker, if Judge Carswell has truly changed, then perhaps others, many others who need to change can do so and our country can be saved.

If Judge Carswell has not really changed, then the highly heralded change in our President might turn out to have been a change for the worse.

THE MIDDLE AMERICANS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. DULSKI. Mr. Speaker, much has been said about the "middle Americans," the "silent majority," and so forth.

The editor in chief of the Hearst Newspapers, William Randolph Hearst, Jr., presented an interesting discussion of this subject in an article which appeared in the January 18 edition of the Hearst Newspapers, as follows:

THE MIDDLE AMERICANS

(By William Randolph Hearst, Jr.)

NEW YORK.—It is an almost ludicrous irony of these days that mainland America suddenly has been discovered by the literati, commentators, pundits and journalists of that parochial hot house known as the Eastern Establishment.

For years, judging by the information media such people dominate, a visitor from Mars might well think this nation is made up almost exclusively of militant minorities, hell-raising students, hippies, dumbbell politicians and unhappy liberals and intellectuals.

There are plenty of these, for sure—but, it turns out that there are at least 150 million other adults in the country who make up by far the vast majority. The ensuing rush to explore this long-overlooked mass of humanity has been wondrous to behold.

With their usual snobbery, the Ivy-League types first agreed on a label for the discovery. What they had stumbled on, they decided, were "The Middle Americans"—a group whose members ever since have been having their brain waves measured, their temperature taken and their quaint folkways dissected, analyzed and classified.

FEATURED IN COVER STORIES

The results have been exhaustive cover stories in such magazines as Newsweek, U.S. News & World Report and Time, where Mr. and Mrs. Middle America turned out to be "Man and Woman of the Year" for 1969. Columnists and TV commentators have focused similar clinical spotlights on the amorphous couple.

What was found, by and large, was that the Middle Americans are pretty upset about many of the drastic developments in their society, developments which they see as threatening their security and traditional values.

Henceforth, it was generally agreed, it might be a good idea to keep an eye on these people since it is just possible—but not likely—that they might do something drastic.

Nothing for an intellectual to become alarmed about, you understand.

After all, the tone of the findings suggested, Mr. and Mrs. Middle America are quite simple minded and hopelessly set in their ways.

The above, it is hoped, conveys my disgust with the typically patronizing attitude of a bunch of critics so blind they have been unable to see what is going on in our vast country because of the jungle of perpendicular buildings in which they work, live and through which they move at morn, noon and eve.

PEOPLE WHO REALLY RUN COUNTRY

Mr. and Mrs. Middle America, of course, have been around way out yonder all the time. They are the people who really run the country and hold it together. The liberals simply haven't been paying attention until now because they are interested in the nation's extremes, not its backbone.

Now that they have opened their eyes, taken a look and rendered their verdicts, it must be admitted that their findings are mostly correct—though not necessarily in the way they assume.

Take their discovery that the "Silent" Majority of Americans are distressed, bewildered and angry over such phenomena as soaring crime, rebellious youth, racial activities, heavy taxes and inflation.

How about that for a discovery ! ! ! It could have been made long long ago if the instant analysts had deigned to climb down from their ivory towers and ask around.

It certainly came as no surprise to many, whose mail for years has been a deluge of protest against the permissiveness which has tolerated so much—from pornography to campus rioting.

President Nixon was a bit off in calling those who make up the strength of America "The Silent Majority."

SOUNDING OFF RIGHT ALONG

They have been sounding off all the time, in letters, in town meetings, in their churches and homes and—most effectively—at the polls.

It was they who elected Richard M. Nixon, the archtype of traditional values and the embodiment of all things viewed with disdain by the know-it-alls.

You can bet the ivory tower boys are indeed well advised to keep an eye henceforth on Mr. and Mrs. Middle America.

Not because they are likely to do anything drastic.

Simply because, at the polls, in the peacefully proper democratic manner they respect, the voice of "The Silent Majority" will prove louder and more effective than all the others.

Where the analysts have been way off base is in their supercilious assumption that The Middle Americans are simple minded and unresponsive to needed change.

There is nothing simple minded in recognizing the proven importance of working hard to better one's life, taking pride in the country which makes it possible, being honest and helpful to one's neighbors and humble in the face of the ultimate mystery.

It is when those values are lost, or challenged by decadent and arrogant sophistry, that a great country such as ours gets itself in serious trouble.

For too long now we have been having such trouble, and we are going to have it so long as flaws and injustices in our social system exist to feed the sophists who—ignoring the genius of the architect, the decades of work, the artisans and laborers—would condemn a cathedral simply because it had dirty windows.

MIDDLE AMERICANS ARE AWARE

The fact is that Middle Americans ARE aware of the faults which need remedy in our society and have long been in the process of supplying it. Fundamentally, the nation's great majority wants to do the right thing but wants to do it properly and in an orderly manner.

It hasn't been happening fast enough to suit the firebrands and the intellectuals. But it HAS been happening. Thanks to the votes of the majority of our citizens, more corrective social legislation has been passed in the last 15 years than in the entire period since the signing of the Declaration of Independence.

So, in performance, Mr. and Mrs. Middle America are neither simple minded nor adverse to progressive change.

In at least one way they are a lot smarter than the ivory tower double domes. The Middle Americans have a-down-to-earth perspective which enables them to see clearly that American democracy—despite its admitted flaws—operates pretty darn well.

What really bugs them is that so many people who presume to teach their children and lecture to them on how they should think and behave—are themselves so stupid.

PAN AM EMPLOYEES BRING CHRISTMAS TO VIETNAM

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. MONTGOMERY. Mr. Speaker, on my recent trip to Vietnam I had the privilege to sit next to Rice E. McGuire of Miami on my airplane flight over. Rice is a machinist for Pan American Airways and he told me a project entitled "Project Santa Claus" that had been initiated by employees of Pan Am to make Christmas a little brighter for our U.S. servicemen in hospitals in South Vietnam. I would like to share with my colleagues a letter I received recently from Rice detailing the results of the project. He also points out the contributions made by Jim Straughn and Greg Swofford to make the Pan Am employee project a success. The letter is as follows:

MIAMI, FLA.,
January 26, 1970.

Congressman MONTGOMERY.

DEAR SIR: I don't know if you will remember me. I am the Santa's elf you met on the plane to Viet Nam. I thought you might be interested in the results of our "Project Santa Claus." We visited the hospitals in Saigon, Long Binh, Camranh Bay, and Da-Nang. There we distributed, hand to hand, over 4,000 presents to our boys. This was made possible by the money we collected from the Pan American employees. In eighteen days we raised over $10,000. We packaged presents on our own time, after working hours. I am a machinist for Pan American, and Jim Straughn (Santa Claus) is a mechanic. We collected the money from

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the employees, and purchased the items for our packages. I am very proud of my fellow workers for making this project the success that it was. In Long Binh we met a young boy in the psychiatric ward. He was strapped to his bed. When we gave him his present his face was blank. When he saw Santa Clause his eyes filled with recognition, and he took his present and smiled. As we were leaving the nurse explained to us that the boy had been there over a month. She went on to say that it was the first time he had shown any signs of improvement at all. She felt that this was wonderful.

To me this alone is worth all of the effort put into our project. I would like to thank Gregg Swofford for his wonderful cooperation in our project. He was with us at all times. Our day was 20 hours long. I feel that if someone in the government could write him and thank him for his interest it would mean much more than if I were to do so myself. If you could make this possible, it would be highly appreciated.

Gregg Swofford, Military Traffic Mgr., Pan Am APO 96307 San Francisco.

Sincerely,

RICE E. MCGUIRE.

APPEAL TO AMERICA'S SILENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. DERWINSKI. Mr. Speaker, the Sacramento Union of January 16 carried a column by the international correspondent of the Copley News Service, Dumitru Danielopol, which develops the thought of the now famous phrase of President Nixon, "The Silent Majority."

The column which follows contains a very clear and timely message:

APPEAL TO AMERICA'S SILENT

(By Dumitru Danielopol)

WASHINGTON.—"America where are you? Are you being heard now in the vocal chords of a minority, or are you silent? Cease your silence—I believe you owe our Vietnam wounded at least that."

This poignant appeal appeared in a letter written by an Air Force nurse, Capt. Leona Gartside.

Every American should make his voice heard, she says, by writing to his elected officials.

After three years overseas duty including two years of escorting casualties from Vietnam to hospitals in the Pacific and the United States, nurse Gartside is now a student at the University of Pennsylvania.

"Words are inadequate to express my admiration and respect for the courage of our injured men," she writes. "I have often asked myself if we, as a nation, are deserving of their sacrifices?"

A good question.

She is appalled and disgusted with the atmosphere on her campus.

"The American Flag is flown upside down at half-mast," she said. "Classes are closed for the war moratoriums because 10 per cent want to attend."

She has to listen to lectures in an attic with bad acoustics while a good room in a newer building is reserved for "political" meetings.

She is shocked and dismayed that Far Left ideologists are allowed to teach their own philosophy as if it were the only plausible, moral or rational solution.

"It is a deliberate seduction of young minds and manipulation of youth's idealism," she writes. "When I am told that the present government is immoral, that the war in Vietnam is immoral and that President Nixon should resign, my ire becomes complete."

Capt. Gartside's ire is understandable. We send our boys to risk their lives in Vietnam in order to prevent this type of ideology from spreading throughout Asia, yet we permit young minds at home to be fed the same philosophy.

"I am frightened," she writes, "I care not if you are pro or con on the war in Vietnam. That is not the issue . . . The issue is the stability and continuance of our present governmental structure and national ideals."

Nurse Gartside adds a word of warning for those who President Nixon labeled "the silent majority."

"It is your apathy, disinterest and neglect that amplifies the sound of a few . . . If you don't speak, there is a very well-organized minority that will speak for you."

THE SHOE PROBLEM IN AMERICA

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, the shoe problem in America continues to grow. I take leave to include the following article that appeared in last Sunday's edition of the New York Times:

NEW ENGLAND SHOE TOWN WORRIED, DOWN AT HEEL

(By Leonard Sloane)

HAVERHILL, MASS.—In the heart of the area known as "shoetown" here, a billboard contains this no-nonsense message: "Support American Labor. Buy American Shoes. Help Your Neighbor And Yourself."

Whether consumers are buying domestic-made shoes in Haverhill—and there are indications that even in this city where footwear accounts for 70 per cent of the industrial base, imports are being sold—they are buying the imported variety in increasing numbers throughout the United States.

INDUSTRY BEING HURT

At the same time, the New England footwear industry, once the largest and most important in the nation, and now containing less than 78,000 workers is being decimated. In places like Haverhill, or Brockton, another Massachusetts shoe city, or Manchester, across the state line in New Hampshire, factories are closing, workers are laid off, small businesses are feeling the pinch and everyone in town knows that the local footwear companies are having problems.

Shoe manufacturers in these parts and elsewhere insist that imports are responsible for their plight and demand some type of quota arrangement to protect them from the rising flow of overseas merchandise. So far Congress and the White House has been impervious to their pleas, but the shouts are getting louder and more desperate every day.

"It's an economic problem—we just can't compete against countries where labor is anywhere from one-tenth to one-quarter of ours," says Warren M. Weitzman, treasurer of Seymour Shoes, Inc., of this city. "We don't want anything different from what the Europeans are doing for their shoe industries."

Mr. Weitzman adds that while there were 23 footwear plants in Haverhill a decade ago, only seven are left, "and two of these are going out of business in the next 30 to 60 days. It's become a ghost town—I've got nobody to talk to anymore."

"My basic nature is a free trader," notes William E. Tarlow, vice president of Brockton Footwear, Inc., of Brockton, known once as the country's shoe capital. "But when you're involved in an industry that you see disintegrating before your eyes overnight, you begin to question that.

"You know, as shoe manufacturers go out of business, there's also a direct effect on suppliers of insoles, outsoles and other component parts. And all of this makes it more difficult to hire labor because people look to learn marketable skills elsewhere."

The comments of these and other footwear producers reached during a recent fact-finding trip to the shoe country of New England are, as might be expected, charged with emotion. But they and their national trade group, the American Footwear Manufacturers Association, marshal plenty of statistics to support their views.

Item: 27 of the 221 footwear manufacturing units in New England—where shoes represent the largest employer in the non-durable field—with 6,795 men and women discontinued operations last year. One of these plants, operated by the Victory Shoe Company in Avon, Mass., was opened only a couple of years ago as a modern, one-story, airconditioned facility.

Item: United States production of leather and vinyl shoes declined to 592 million pairs in 1969 from a record of 646 million pairs in 1968, while imports, primarily of women's footwear, rose to 200 million pairs from 175 million pairs. In 1955, imports totaled just 8 million pairs.

Item: The average wage rate, which accounts for 30 to 40 per cent of the cost of shoes in the domestic industry of $2.62 an hour, is substantially above that of other footwear manufacturing countries. For example, in Italy the hourly rate is $1.04, in Japan, 58 cents, and in Spain, 56 cents. Taiwan and Portugal have even lower rates.

NEED FOR QUOTAS SEEN

"I feel that the shoe industry has to have some time," says William Shesky, president of Commonwealth Shoe and Leather Company, Inc., of Whitman, Mass., and chairman of the A.F.M.A.'s National Affairs Committee. "But to ask for permanent quotas, you're considered a protectionist."

Interviewed the other day on the eve of a strategy trip to other major shoe manufacturing centers in St. Louis, Milwaukee and Harrisburg, Mr. Shesky outlined his plans: "I'm going to recommend that we ask for temporary quotas for three years in which we would share whatever market growth there is with imports. After three years, we could look at the facts again because I feel the industry has to earn the right to any type of help it gets."

Importers and many retailers attracted by the higher-profit margin of imported footwear claim that these shoes have better styling and cost the customer less money. They believe that a large percentage of these imports, moreover, are made by subsidiaries of American manufacturers, who are plagued in the United States by obsolete facilities and an aging work force.

Whatever the reason for the decline in New England shoe making—and there are some around here who place part of the blame on poor management and the failure of the companies to invest in new plant and equipment during the more profitable times 10 to 20 years ago—the scene in many places is bleak. Just as many corporations in the textile industry left this area in the nineteen-thirties and nineteen-forties, so is the shoe manufacturing segment of the economy here facing up to the fact that companies are going out of business, moving away or operating on short work weeks and reduced schedules.

Take a look at Haverhill, a city with a population of about 43,000 in northeastern Massachusetts 33 miles from Boston. Shoe manufacturing started here, at least on a primitive basis, in 1646, just six years after the place was settled, and two centuries later there were 90 manufacturers within its borders.

"FIRST SHOE CITY"

In 1882, a fire destroyed most of the shoe district and caused $2-million worth of damage. But 27 years later, when the First World's Shoe and Leather Fair was held in Boston, the area had been rebuilt with brick loft buildings and Haverill was calling itself "The First Shoe City of the World."

Today the city has no such pretentions. As Mayor James F. Waldron puts it, "We have lost more shoe production in Haverhill in the last seven years than we presently produce with the factories remaining. We lost 675 shoe workers jobs, or 39 per cent of the industry's labor force, not including the allied industries."

To P. Joseph McCarthy, manager-treasurer of Joint Board 31 of the United Shoe Workers of America, the problem is seen in human terms.

"When a factory goes out, the women in the stitching rooms and packing rooms are easy to absorb but the men find it a little more difficult to be placed. Ten years ago we had 3,500 members working and now its around 2,000."

VACANT STORES NOTED

A walk along Merrimack Street, Haverhill's downtown shopping area, shows that a half dozen or so of the stores are vacant. And business at the other stores has been better.

"The politicians have to do something, it's affecting our volume," says Irving P. Karelis of Karelis Jewelers. "What's happening in the shoe business is dragging the economy down. With so many families affected, it could become a distress area."

Nicholas C. Gerros of Gerros Men's Shop adds, "Business has been bad and I can see no future in this city."

What's happening in Haverhill is happening in many New England communities. Not only are the owners and workers affected but retailers, restaurants and others are also being hit by the shoe slowdown. As Milton Goldberg, president of Johnson Shoes, Inc., of Manchester observes, "Those factories fortunate enough to remain open certainly haven't been putting 52 weeks of pay in the employes' envelopes."

Whether the decline in footwear manufacturing here can be reversed is anybody's guess. Right now, though the industry is fighting to stay alive until a new horizon beckons it back to the happy profit days of yore.

DRUGS AND DRUG ABUSE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. PODELL. Mr. Speaker, my own interest in the matters of drugs and drug abuse has been of a longstanding nature. As former chairman of a Joint Legislative Committee on Penal Institutions in the New York State Legislature, I became familiar with the despair experienced by some of the addicts committed to such institutions. On occasion, the addict left with no hope took his own life.

Several years ago, the average citizen reacted to such incidents with some shake of the head—but there was little real identification and even less understanding of the problem. Too many middle and upper class citizens in the tone of their comments indicated that they felt "it could not happen here." In other words, their community was protected by some invisible barrier of middle class respectability from the threat of an invasion of drugs and drug users.

No thoughts could have been further from present reality. Like an epidemic whose symptoms remained unrecognized until hundreds and thousands were infected, drug abuse and the problems that go with such abuse have infected almost every community in the United States.

I represent an urban district known for its relatively high standard of living and the number of students who enter college and pursue professional careers. Yet, each time I have returned to my district, the reports of the problems and concerns with drugs have grown to the extent that I can safely say that drugs are the No. 1 issue in the minds of my constituents. This district, I might add, is not an aberration. It is the rule rather than the exception. More and more people have come to realize that no family is immune from the dangers of drugs. There is not a child of school age who does not know at least one individual who uses drugs. We see how far we have come when the child accepts these occurrences as a matter of course. Last session, the House passed a Drug Abuse Education Act. This was the first step, but it covered very little distance when one surveys the size of the problem we are going to have to cope with.

I believe that there is a definite relationship of the knowledge of the effects of drugs and ultimately some cure for the problem of drug abuse. Everyone knows that preventive medicine eliminates many problems before they have a chance to worsen. If cigarettes cause cancer then the first step to prevent the spread of cancer is to persuade people to refrain from smoking in the first place. Yet, we must in such cases establish cause and effect so that the relationship is "beyond a reasonable doubt." Otherwise, they will not listen. Even then, we always face the problem of a few nonbelievers.

In the area of drugs and drug abuse, our educating function has not been performed as effectively as it might have been. Here we are dealing with human psychology and human thought patterns—a complicated and tortuous process even for experts. Here we may be working under a false assumption—that if people know the effects of drugs, they will refrain from taking them. We must determine whether this is a correct assumption as well as what the effects of drugs are.

At the same time, the number of potential cures for the problem are increasing. Suggestions range from the immediate and unremitting "cold turkey" to free heroin. New drugs such as methadone appear as an effective method of treatment for some addicts. The possibilities and alternatives are then growing more and more varied. For the clinician, this poses the ultimate challenge. Yet, it is obvious that not enough research has been done to determine which types of treatment are most effective on which types of individuals. Most drug treatment continues on a hit-or-miss basis. What about operating with knowledge on your side? This knowledge can be gained only through further research.

Should an individual be given methadone if he can be treated as an abstainer? Should he be put through repeated "cold turkeys" and civil commitment if he is capable of losing his habit? Are there any new drugs that can be used for treatment?

What I am then saying is that we must have more knowledge about how addicts differ and how effects of drugs differ. How does the individual on speed or amphetamines vary from those on heroin? Can we set up a program where a doctor is able to determine what type of treatment an individual can successfully undergo; or if success is too optimistic a word, is there a type of treatment where an individual has a chance of living as a productive member of society?

As I have said earlier, no community is immune from a drug invasion. Through scientific research, some of the questions that I have raised may be answered. If so, we will have come a long way toward coping with this vital issue.

CRIME REPORT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. HOGAN. Mr. Speaker, I wish to include, at the conclusion of these remarks, the crime index for December 1969, recently released by Chief of Police Jerry V. Wilson of the District of Columbia Metropolitan Police Department.

The release of the December crime index permits a year-to-year comparison of the crime statistics of 1968 with those of 1969. In all of 1969 there were 62,575 crimes reported as against 49,273 in 1968, or a percentage increase of 27 percent. Moreover, by November and December, the rate of offenses was averaging about 6,000 a month which would project a yearly rate for 1970 of over 72,000 reported offenses. An average offense rate of over 72,000 would work out to about one for every 10 persons living in the District of Columbia.

What it comes down to in my view is that the residents, tourists, and suburban visitors to the District are on notice that they have about one chance in 10 of being the victim of crime while in the District in 1970.

Alarming though this statistic is, there is more. The "spillover" of the criminal element from the District to the Mary-

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land suburbs is increasing at an alarming rate. Prince Georges County reports over 50 percent of the crimes committed there are committed by persons with District addresses.

Into this background of startlingly high crime statistics there will soon be introduced by the House District Committee an Omnibus Crime Bill for the District of Columbia. It will be a good bill; a bill designed to fight crime in the District on many fronts. It will reorganize the local courts to permit swift justice in the way of speedy trials. It will give to the courts, prosecutors, and the police several of the tools needed to deal with crime in the District.

When this bill reaches the floor, I ask my colleagues to support it and give it speedy passage. Let us promptly pass this anticrime measure and help pull back the cloak of fear that now seems to shroud this Nation's Capital.

Crime Index for December 1969

On January 19, 1970, the Office of the Chief of Police released the reported Crime Index Statistics for the month of December 1969. The total number of offenses reported for this month was 5,808. The total number for last month was 6,071. The cumulative total Crime Index Offenses for the twelve-month period ending with December 1969 was 62,575 and the number for the corresponding period in 1968 was 49,273, an increase of 27.0%

In the categories of Homicide, Rape and Aggravated Assault, 31, 17, and 325 offenses were reported for December. In comparing the twelve-month total ending with December 1964 with the same period in 1968, an increase of 95 (+49.0%) was reported in Homicide, 76 (+29.2%) in Rape, and 519 (+16.7%) in Aggravated Assault.

Although reported Robberies for the twelve-month period ending with December 1969 were 12,423, a 44.1% increase over the same time span in 1968 (8,622 reported Robberies), this is the first time in 12 years that there was a decrease in Robberies in the month of December over November. Traditionally, December shows substantial increases over November. While 1,256 Robberies were reported for November, 1,163 (a decrease of 7.2%) were reported for this month.

This month 2,246 Burglaries and 1,028 Larcenies were reported. These two categories represent 38.7% and 17.7% of the total offenses reported for the month, thus Burglary and Larceny total over ½ of all the crimes reported. During the twelve-month period ending in December 1969, 22,992 Burglaries and 11,548 Larcenies were reported, an increase of 28.7% and 46.6%, respectively, over the corresponding period in 1968.

Auto theft, with 998 offenses represents 17.2% of total offenses reported for December. A total of 11,366 offenses were reported for the twelve-month period ending with December 1969, an increase of 0.1% over the same period of the previous year. While all the other categories of crime cited above showed increases during the past twelve months, ranging from 16.7% to 49.0%, Auto Theft has never had so small an annual increase.

GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT—CRIME INDEX OFFENSES, DECEMBER 1969

Classification	December		Change		Cumulative through December		Percent change	12 months end December 1968	12 months end December 1969	Percent change
	1968	1969	Amount	Percent	fiscal year 1969	fiscal year 1970				
Criminal homicide	22	31	+9	(1)	107	163	+52.34	194	289	+48.97
Rape	18	17	−1	(1)	160	186	+16.25	260	336	+29.23
Robbery	1,076	1,163	+87	+8.09	5,131	7,327	+42.80	8,622	12,423	+44.08
Aggravated assault	254	325	+71	+27.95	1,613	1,896	+17.54	3,102	3,621	+16.73
Burglary	1,617	2,246	+629	+38.90	9,122	12,885	+41.25	17,865	22,992	+28.70
Larceny ($50/over)	815	1,028	+213	+26.13	4,738	6,594	+39.17	7,876	11,548	+46.62
Auto theft	1,048	998	−50	−4.77	6,476	6,691	+3.32	11,354	11,366	+.11
Total	4,850	5,808	+958	+19.75	27,347	35,742	+30.70	49,273	62,575	+27.00

[1] Base too small to compute percent change.

GOVERNMENT OF THE DISTRICT OF COLUMBIA—METROPOLITAN POLICE DEPARTMENT, DECEMBER 1969

CRIME INDEX OFFENSES RELATED TO PERCENTAGES OF TOTAL

	Number	Percent
Homicide	31	0.53
Rape	17	.29
Robbery	1,163	20.02
Aggravated assault	325	5.60
Total, crimes against persons	1,536	26.44
Burglary	2,246	38.68
Larceny $50/over	1,028	17.70
Motor vehicle theft	998	17.18
Total, property crimes	4,272	73.56
Total, reported crimes	5,808	100.00

A FIRSTHAND REPORT ON VIETNAM

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. DANIEL of Virginia. Mr. Speaker, since we hear so much about conditions in Southeast Asia from the instant experts who have no firsthand knowledge of conditons and attitudes, it was refreshing to read a letter from Capt. Donald G. Wilson, a U.S. Army chaplain, published in the Thursday, January 29, issue of the Clarksville Times and Mecklenburg County Records.

I insert Captain Wilson's letter in the Record in order that my colleagues may have an opportunity to read this firsthand report:

Local Man, Now a Chaplain in Vietnam, Writes a Moving Letter

(Note.—We are proud to print below a very moving and informative letter written by a young man, a member of Union Chapel Baptist Church, who is now a Chaplain in Vietnam. Be sure to read his letter below.)

January 17, 1970.

Editor,
The Clarksville Times,
Clarksville, Va.

Dear Sir: I grew up at Buffalo Junction and my parents, Mr. and Mrs. Horace G. Wilson, still live there. I now am serving in Vietnam as a Chaplain; I am located in the North near the Laotian border, and serve two battalions, the 3/21 and the 4/31 of the 196th Infantry Brigade. I receive the "Clarksville Times" here as a gift from my home church, Union Chapel Baptist Church. I enjoy reading it and compliment you on always producing informative editions. I thought I might share a few reflections of Vietnam to you, and maybe the people there would be interested.

I have found my ministry here very challenging, demanding, and yet very rewarding. I arrived here in August and a major offensive was underway and our area of operations has been and is an active one. Having seen and been involved in many operations here, I have been tremendously impressed with the fact that every precaution is taken to preserve one's life. This I am sure in part is conducive to the high morale prevalent among our men having to fight a very complicated war. When a man is wounded the "Dust-off Pilots" as they are called, fly in through any type of combat situation or weather and take the wounded man as quickly as possible, which is just a matter of minutes, to a hospital. It is rare indeed that they are unable to accomplish their missions; I have never heard of one failing to get a man out of our area of operations. The men know this and if they do become wounded they know help is on the way.

We have some of America's finest young men over here in Vietnam; of this I am sure, for I live with them and see them endure terrible weather, at times hard enemy situations, physical fatigue, and yet through it all, when it is over, still be able to extend a smile.

Where I am located the only means of transportation, other than foot, is the helicopter. My services are usually held out in the field on company level wherever they have stopped during the day. The services usually are well attended; over here there are the believers and the non-believers; there are none fluctuating between the two. The men love to sing as it is a great release for their fears, one has only to experience it! I hold an average of from eight to twelve services per week. Throughout the world we hear of ecumenical efforts aimed at making us one in our Christian life; over here we have a very practical ecumenicity; we are all one out in the field—we believe in God and truly depend upon Him!

The men on a whole have responded quite well toward spiritual inclinations. Many have made spiritual decisions since I have been here, and two have made decisions, while here, to enter the ministry. I have met several boys who plan to enter the Ministry upon return to the states, and this is very encouraging concerning the moral and spiritual fibre of our young men as they are now confronted by such a perplexed "sitz em leben" or life situation.

We have "Kit Carson Scouts" which are former VC or NVA soldiers who have come over to the South Vietnamese side; these,

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later on after reformation, fight with our companies. In one of our battalions there was one very outstanding Kit Carson; he had fought with our battalion for 18 months. Everyone in the Company in which he served loved him. His name was Nguyen Van Ly, but everyone called him "Twenty" for he was 20 years old when he entered the battalion. "Twenty" was very small of stature but a truly great young man; he saved many lives of our boys with his knowledge of the country and enemy tactics. But on the 10th of December we suffered an immense loss, for "Twenty" was killed. I happened to be in the aid station when they brought him in; the Colonel himself jumped out of the helicopter crying, for "Twenty" was gone. I told my assistant, who was very close to him, that "Twenty" had been killed and he cried as if he had been his own brother; such was the close personal attachment of this young man to us!

The men of his Company asked me to hold a Memorial Service for "Twenty". I had never held one for a Vietnamese, but somehow I could not refuse, even though he was of a different religion; for, he was a close personal friend to me too. Our little chapel will only seat 40–50 people, but that day over 100 jammed into it, and almost every eye was wet with grief. Each had come to pay his last respects to "Twenty," their friend. I asked one of the boys to say something about "Twenty," and he was so moved that he could only lead us in praying the Lord's Prayer, but it was enough! I asked the Colonel also to speak and he reviewed many of Twenty's accomplishments and value to the battalion and closed with these words:

"Men, I know you loved him, but "Twenty" found his reward before he died when you accepted him as one of you. "Twenty" has died, but remember there are many more just like him in this country whom you have not met."

We closed by singing "My Country Tis Of Thee" in recognition of "Twenty's" country—Vietnam!

His life has done more than anything else to show me why I am here in Vietnam. He loved his country and was dedicated to saving it! I am so happy I came and got to meet him—his life has enriched mine immensely. I am proud to be an American and proud to serve here in "Twenty's" Vietnam!

I too am proud of Clarksville and its surrounding communities. It is an example of the "silent majority" that is still loyal to America and God.

Sincerely,

DONALD G. WILSON,
Chaplain, Captain, USA.

TOM CUITE OF THE NEW YORK CITY COUNCIL

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. ROONEY of New York. Mr. Speaker, as any teenaged student of civics knows, running New York City is a job of nightmarish proportions requiring the dedication of many thousands of hard working, loyal and honest persons. Such a man is the Honorable Thomas J. Cuite, vice chairman and majority leader of the New York City Council. I have know Tom Cuite since he was a boy. I represent on a Federal level the same areas that he represents so well in the city council. On January 29 a newspaper took recognition of some of Tom's finer attributes—attributes, I might add, which have been known to us for many a year. Under permission heretofore unanimously granted to me I include the article at this point in the RECORD:

CUITE: CITY HALL'S QUIET MAN

For City Hall's "invisible man," Thomas J. Cuite, who uses the power levers ever so quietly, today's mood is one of "here we go again."

As vice chairman and majority leader of the City Council, Mr. Cuite (pronounced cute) will announce committee chairmen as the Council holds its first complete legislative session of its new four-year term.

For weeks, Mr. Cuite, a 10-year veteran of the Council, has been getting ready for today, supervising reorganization of the Council into new committee setups and laying the groundwork for new legislation.

He predicts another four years of legislative rough and tumble, as busy as the last four, and with consumer protection, pollution control and accelerated construction of public projects getting much of the attention.

A life-long Brooklyn resident, Irish Catholic and regular organization Democrat, the lean, mild-spoken, bespectacled Mr. Cuite shows little interest in the glare of publicity or television.

He is the opposite of the stereotype of the old-time Irish politician—the bluff, red-faced, back-slapping, loud, "let's have another round" kind of politician.

In his 20th Councilmanic bailiwick (South Brooklyn, Red Hook, Gowanus, parts of Borough Park and Park Slope) his method is to be in almost constant touch with community groups, Parent-Teacher Associations, block associations, school boards and planning boards—and, as he says, "to attend nearly all their meetings."

On a citywide level he exerts leadership in the Council through a nearly nonstop round of private meetings with Councilmen, officials of city agencies and other politicians. Or, as an aide says, "lots of invisible work."

An associate with a mild case of exasperation adds, "This guy is the best organized politician I've ever seen. He starts off the day maybe with a 'breakfast meeting'. He'll convert a lunch hour into three stops—you know, a fruit cup at this place, soup somewhere else, and then a sandwich at his desk, and meeting somebody different at each stop. Then he goes to four or five meetings every night."

He will be 57 years old in March, but he remains in such good physical condition that it was no surprise for members of a youth center to see him join in for a few minutes of basketball on a visit the other night. Although 5 feet 8 in height, he was a basketball regular in his days at Brooklyn's St. Francis College in the nineteen-thirties.

"I've made it a practice to know people," Mr. Cuite says, and aides add, "Amen." He knows bootblacks, policemen, clerks, and small-office holders by the hundreds, and thousands of Brooklynites have come to know him as a regular visitor.

Mr. Cuite uses his acquaintances with a wide range of city officials and his good relationship with Mayor Lindsay to accomplish a vast amount of preparation on bills and budgets in the earliest stages.

Until he was first elected majority leader a year ago, succeeding David Ross, who had been "a one-man show," Mr. Cuite was for a number of years chairman of the Finance Committee. While head of that committee he made it a regular policy to examine departmental budget requests months before the final budget evolved.

In doing so, he became increasingly irked at the delays in starting construction on new schools. At his insistence, the Board of Education had to submit monthly construction status reports and to send its top construction officials to make verbal reports every three months. One result of the system was to speed up projects.

Now he plans to create a number of finance subcommittees responsible for working with all city agencies that are involved with construction. He contends that "several hundred million dollars" can be saved in the next 10 years by eliminating delays and red tape in these projects.

In the last Council term there were only three serious attempts by the Council to override a Lindsay veto. One of those times, the Council forced through a methadone program for drug addicts in city prisons, despite the Mayor's veto, but, has been unable to implement the idea so far.

In cooperating with the Mayor, Mr. Cuite held up action for months on creation of several new superagencies until both decided it was the right time.

But on a bill to get at rent gouging, Mr. Cuite got a better deal for tenants than the Mayor had suggested. He talked with builders and building unions to find out what the industry "could live with," resisted the landlords' lobby and pushed through a bill holding rent increases to 10 per cent on two-year leases and 15 per cent on leases of three years.

While he is credited with lots of hard work, opponents chafe at his rigid control over bringing bills out of committee. One disenchanted politician said, "Sure, the name's easy to remember—Cute by name and cute by method."

Yet an attempt by Theodore S. Weiss, a Reform Democrat Councilman, to unseat Mr. Cuite as majority leader and as vice chairman failed dismally at the Council's reorganization meeting early this month.

That meeting, required by the Charter, was to set the new Council in motion in preparation for what might be called the first real business session today. While the Rules Committee will be making the committee assignments, Mr. Cuite's preferences will certainly be highly influential.

Typically he was busy in conferences at City Hall last night, conferring both on committee selections and on the men to be named by the Council to the new corporation that will run city hospitals.

In the coming meetings he will be pressing for more consumer protection bills—to license television and automobile mechanics, for instance—and for greater control of narcotics.

"I was born into politics," he said in his office the other day. "At 8 or 9 I was running around to the polling places with coffee and sandwiches around the Navy Yard section where I lived." His father, Thomas F. Cuite, was for many years local district captain, then a confidential stenographer to three borough presidents, a clerk to the Council majority leader and secretary to Supreme Court justices.

The son joined the father in a real estate business that still goes on at 16 Court Street. The younger Cuite attended parochial schools in Brooklyn before graduating from St. Francis in 1935.

MYLAI IN INDIANA?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. CLAY. Mr. Speaker, one after another, in individual letters to my office, in news articles which come to my attention, in reports and documentaries, the tales of mistreatment behind prison bars come to my attention. The abhorrent, decadent, and inhuman conditions, and practices within the prisons of this Nation cannot be tolerated. The white supremist attitude found to dominate the atmosphere behind prison walls is reprehensible.

Prison is a convenient arena for the hatreds which cannot legally be aired in the outer society. Too many incidents of racial mistreatment in prisons have been leaked to the public. It is false security and pure hypocrisy for this society to think it can ignore what happens behind bars.

What happens behind bars does and must concern us—for the majority of these human beings will be released to try again for successful induction into society. They cannot learn the lessons they will need through cruel and inhuman treatment. When this is all they get out of prison, it is no wonder that they come out with a vengeance toward society which leaves no room for respect of the laws of that society.

A violation of prison rights motivated by racial prejudices carries consequences for this society as severe as the violation of civil rights motivated by racial prejudice. If black men can be murdered behind bars with no repercussion from the law—then certain elements within this society will work to put more black men behind bars. And when it becomes obvious that these incidents are common to imprisonment for blacks, there cannot be expected any respect for law or for order.

I am greatly distressed by the most recent story of murder in the Indiana Reformatory at Pendleton, Ind. I call to the attention of my colleagues these news comments, an editorial from the December 30, 1969, St. Louis Post Dispatch, and a news item from the New York Post of December 29, 1969.

The items follow:

[From the St. Louis Post-Dispatch, Dec. 30, 1969]

MYLAI IN INDIANA?

On the morning of Sept. 26, a dozen white prison guards at the Indiana State Reformatory at Pendleton opened fire on a crowd of young black inmates who were lying on their abdomens in the belief that the officers would not shoot them in the back. One was killed and 46 were wounded. The details of this shocking incident, which appear to have been suppressed, have been pieced together by the *Los Angeles Times*. That newspaper's account, if accurate, constitutes a terrible indictment of brutality and callousness carried out by prison authorities and condoned by a number of state officials including Governor Edgar D. Whitcomb.

According to a dispatch from a *Times* correspondent, Bryce Nelson, the shooting occurred after the blacks had demonstrated in behalf of a list of demands calling for the right to wear Afro hair styles and to read "black literature" and for the release of four Negro prisoners who were being held in isolation. When the blacks were ordered to disperse from a recreation area, they lay down; whereupon, Mr. Nelson reported, the guards, who were standing beyond a chain link fence, fired volley after volley from their shotguns.

Mr. Nelson's efforts to visit the reformatory, which is the largest in the country, were unsuccessful. He was told by the state corrections commissioner that "we want to keep out people who only do negative reporting." A county grand jury, which received evidence that as many as 90 shots were fired, concluded "there is insufficient evidence to place criminal responsibility" on any prison officers. Even before the grand jury investigation, Governor Whitcomb said that no reformatory employe would be suspended or dismissed for his part in the incident.

Reading Mr. Nelson's account, we found ourselves thinking of the massacre at My Lai, where Americans also allegedly shot down helpless people in cold blood. But there is no war in Indiana, except insofar as that state shares with the general population our dreadful and devisive internal conflict. Despite the admonition that unspeakable things always happen in war, we were incredulous when we learned about My Lai. And we were incredulous when we read about Pendleton; the long official secrecy that surrounded both incidents (and the public indifference to the Indiana episode) speak of a people's humanity that no longer seems operative.

Pendelton, of course, shares with most of our penal institutions conditions that so easily lead to violence: overcrowding, increasingly militant inmates, untrained and underpaid prison personnel. The shooting ought to compel Indiana legislators to address themselves to these problems. But more importantly, the *Times* report of the shooting cries out for a thorough impartial and public investigation of what appears to be a shameful incident.

[From the New York Times, Dec. 29, 1969]

A PRISONER IS SHOT DEAD—THEN SILENCE

(By Bryce Nelson)

PENDLETON, IND.—On a warm, idyllic autumn day near this sleepy rural town, 12 white men fired repeated volleys of buckshot through a fence at young black men who were lying on their stomachs. They killed one and wounded 46. Very few people around the country seemed to notice.

The unarmed inmates, the great majority of whom are 15 to 30 years old, had been demonstrating against discrimination at the Indiana State Reformatory. They had lain down in the belief that the guards would not shoot them in the back.

Pendleton, which is about 30 miles northeast of Indianapolis, is the nation's largest "reformatory." In the opinion of several experts, it is also one of the country's poorer penal institutions. Nevertheless, the conditions which helped produce the shooting here—overcrowding, increasingly militant black inmates and untrained, underpaid, callous prison personnel—are representative of the problem faced by prisons in many other states.

Indiana corrections commissioner, Robert P. Heyne, twice has refused permission to talk to reformatory officials.

On the day of the shooting, Sept. 26, several hundred inmates congregated in a fenced-in recreation area. They had several demands, including the right to read black literature and to wear their hair in the "Afro" style. Their most important demand was the release of four black inmates who had been isolated for unclear reasons. In discussions the previous day, the black inmates had thought they had received assurances that their fellows would be released.

THEY FELT BETRAYED

However, on the morning of Sept. 26, they saw two of the four inmates being hustled out of the prison for transfer to the Indiana State Prison at Michigan City. Many of the black inmates felt betrayed and were in a defiant mood.

At one point in the morning's hectic activities, inmates started fires in a furniture factory in the reformatory, but these were soon extinguished, probably by inmates. The fire equipment had left before the shooting took place.

The guards told inmates in the recreation area to leave the vicinity. Many, including all the white inmates, did so. The black inmates asked to present their grievances to Supt. George Phend who was not at the scene of the confrontation either that day or on the preceding day. Although he is said to have been in the reformatory, Phend refused to talk to the inmates.

On the other side of a chainlink fence were 11 white guards and at least one vocational teacher, dressed in riot helmets and carrying loaded shotguns. The confrontation continued for about 10 to 15 minutes. No attempt was made to disperse the crowd with tear gas, smoke bombs or nearby fire equipment.

The inmates reasoned that if they lay down, they would force the guards to shoot them in the back if they shot at all.

The guards fired warning shots. Then, at the command of the captain of the guard, Jason Huceby, the guards began firing through the fence either at or around the inmates. The county grand jury which investigated the shooting reported they had received varying estimates of the number of shots fired from 15 to 90.

One witness said that some of the men were trying to rise from the ground raising their hands in a gesture of surrender but were told by the guards, "You've had your chance," and were shot down. After the shooting, the men were told to leave the blood-spattered court, which they did, carrying the wounded. Two men were left lying on the pavement. One of the two, James E. Durr, 21, of Gary, was dead with a piece of buckshot in his head. Of the 46 wounded, estimates of those seriously injured run from eight to 20.

The inmates were clearly disobeying the orders of the guards to leave the area, but some observers believe the group would have dispersed after serious consultations with prison leaders or use of nonlethal force.

In the 12 weeks since the shooting there has been no public reprimand. From the Governor of Indiana on down, the attitude of officials has been to support the shooting as necessary.

One of the official explanations seems to be that the shots were fired to prevent the disturbance from developing into a riot. One contention is that the guards only fired around the inmates and that the prisoners were hit by richochets. This statement is disputed by witnesses and by those who have talked to the inmates who were shot.

Although more than a third of the reformatory's inmates are black, the guards, about 90 per cent of whom are white, are drawn mainly from this white rural area.

"It was murder, plain murder," says Retha Bliss of Gary, whose son is an inmate at Pendleton, "some of them were shot six and seven times."

CALIFORNIA WINE IS NOW EXPORTED TO EUROPE—CAN THE CAFÉS OF PARIS BE FAR BEHIND?

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. GUBSER. Mr. Speaker, the wines of California have grown in reputation on a steady basis and are now known throughout the world as some of the very best. I am particularly proud of my own congressional district, which produces some of the finest wines in the world.

A recent article in the San Jose Mercury shows that Paul Masson wines produced in the heart of the 10th Congressional District are now accepted worldwide and that a shipment of their fine wines will soon be sent to Germany. The news column entitled "In This Our Valley" appears below:

Good News Hits Local Grapevine

A winery, in this, our valley, has accomplished a feat comparable to selling refrigerators to Eskimos—it is exporting wine to Germany.

Paul Masson Winery of Saratoga announced yesterday the first commercial shipment of California wine to Germany is scheduled to leave Feb. 13. It will go on sale April 1 through Josef Falk-Bramigk of Mainz, a 200-year old German firm.

The shipment will leave San Francisco aboard the freighter Bolinas, and a spokesman for the winery said the export is "the first step toward opening of a real market in Germany."

Now that the Fatherland has fallen, can the cafes of Paree be far behind?

DEATH ON THE HIGHWAYS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, this afternoon the Highway Safety Foundation released their report, "A Study of Seat Restraint Use and Effectiveness in Traffic Accidents." The results of their study should be made known to the general public whenever and wherever possible. I am therefore including in the Record the study which was conducted with the cooperation of the Ohio State Highway Patrol and the Mansfield, Ohio, Police Department. In addition, my distinguished colleague, the gentleman from Pennsylvania (Mr. Clark) was the keynote speaker at the luncheon held to publicize the results of the study and his remarks merit our attention. As Congressman Clark pointed out:

> In an age when 55,200 people lose their lives and over 2,000,000 more suffer disabling injuries in a single year, we cannot afford to ignore any possible course of action which significantly reduce this carnage.

I could not agree more, and I commend the Highway Safety Foundation for making the harsh facts of automobile fatalities known to the people of this country. State, local, and Federal action is needed to curtail the bloodbath that daily occurs on our highways. The distinguished Representative from Pennsylvania (Mr. Clark) indicated that, to date, approximately $1 billion has been invested in providing occupant seat restraints in new vehicles. Americans, however, most unfortunately do not use them and 25,000 people this year will, as a result, die unnecessarily.

I wish to personally thank Alexander K. Christie and J. Paul Bernier for calling my attention to this on-going tragedy and for making the report of the foundation and Ohio police agencies available to me.

For my colleagues' information, I am including into the Record the text of the report and a résumé of it, a copy of Congressman Clark's keynote address, and the press release issued by the foundation:

A Study of Seat Restraint Use and Effectiveness in Traffic Accidents

(Performed by the Highway Safety Foundation with the cooperation of the Ohio State Highway Patrol and Mansfield, Ohio Police Department, January, 1970)

ABSTRACT

In a study of over 4,500 accidents, all vehicle occupants not using seat belts were observed to be more than four times as likely to be killed as those occupants using seat belts.

The advantage of wearing a seat belt was shown to be even greater in the front seats of passenger cars where unrestrained occupants were observed to be more than five times as likely to be killed as those wearing seat belts.

Of over 12,000 occupants observed in the study, 20% were wearing some type of restraint. About 65% of all occupants had some restraint available and of those having restraints available 31% used same.

Only 4% of occupants that had shoulder belts available used them.

STUDY OBJECTIVE

In recent years there has been much publicity and emphasis on the life saving value of motor vehicle occupant seat restraints, namely seat belts. To date, this has resulted in required seat restraints on all new passenger cars. Such installation represents an annual cost to the motoring public estimated in excess of $250,000,000 in the purchase of new cars. The total investment that has been made for seat restraints since they became mandatory in new vehicles approaches $1,000,000,000. An accompanying observation has been that most vehicle occupants who have the opportunity to use seat belts do not.

Varying figures have been offered on the number of lives that can and are being saved through the use of seat belts. Unfortunately, most can be challenged as unfounded, biased, etc.

The study discussed herein had one principal objective: to determine and compare relative odds or probabilities of sustaining serious or fatal injury between unrestrained and restrained vehicle occupants involved in traffic accidents. Naturally, in the collection and management of the study data other areas of inquiry are possible. Some of these will be discussed, some are available from the compiled tabulations.

The study was not conducted for purely academic reasons. With the large sums of money presently being devoted and anticipated for traffic safety activities, it appeared that the subject of seat restraints had been given much lip service, assumedly warranted, but that little has been done to achieve the assumed goal of attaining restrained vehicle occupants. It was believed that this study could indicate the assumed advantages of using seat restraints and serve as an instrument to achieve a much greater use of a safety device for which much capital investment has already been dedicated.

METHODOLOGY

There exists the temptation in designing a study to include many data items, each structured in great detail, to allow for many forms of analysis and interpretation. This is the philosophy employed by the Highway Safety Foundation in conducting its own series of multidisciplinary, indepth accident investigations and in encouraging and assisting state government agencies in performing similar operations. However, it was the goal of this study to acquire a large number of observations in a short period of time. As this necessitated the data collection to be performed by law enforcement agencies, only limited data items could be included so as not to overburden the investigating officer to any greater extent. Second, the stated study objective could be attained with the data types that were collected. These included: the speed limit of the route involved; the model year of vehicle, the general vehicle type; the seat position of the occupant; the age and sex of the occupant; the availability and use of restraints by the occupant; and the general degree of injury suffered by the occupant.

The data used in the study were obtained from 4571 accidents investigated by the Ohio State Highway Patrol and the Mansfield Police Department during the month of August, 1969. These accidents included 12,797 vehicle occupants. As the majority of the data was obtained by the Ohio State Highway Patrol, it reflects mainly "rural" conditions. As "urban-rural" classification is vague at best, the data tables developed by prevailing vehicle speed limit are more meaningful. The included observations were restricted to "one" and "two" vehicle accidents excluding those involving buses, motorcycles and pedestrians.

Separate tabulations have been prepared for each seat position for each vehicle type showing the distribution of physical injury extent vs. restraint availability and use. Another set of tabulations has been prepared by speed limit range for each vehicle type presenting a similar distribution.

Each tabulation is comprised of five parts. The first part offers a frequency distribution of physical injury extent vs. restraint availability and use. The second part shows the percent of each restraint use category incurring each individual level of injury. The next three parts present probabilities and 'other statistics associated with restraint use vs. individual injury outcomes, cumulative ascending injury outcomes and cumulative descending injury outcomes respectively. Several statistics are presented in these last three parts which are now explained; more detail than usual is included in these explanations to assist the reader not familiar with statistical terminology.

The first four lines show the probability (P) for each restraint use category associated with incurring the vertically classified injury extent. Under each injury extent heading there are three probabilities listed. The value under "EST" is the probability calculated from the observed data, or the actual estimate. To either side of the estimate are offered the boundaries on the 95 percent confidence interval on the estimate. These boundary figures show the range in which there is 95 percent certainty that the true probability falls.

The next four lines show the chi-square values (C) between different restraint use possibilities for the proportion of each restraint use category experiencing the vertically classified injury extent. A chi-square value over 2.70 indicates that there is at least 90 percent confidence that the two types of restraint use differ with regard to the proportion incurring the injury extent.

The last four lines show the ratio (R) of the odds or probabilities between different restraint use possibilities for experiencing the vertically classified injury extent. In similar fashion to the first four lines dealing with individual probabilities, the estimate of the ratio is offered along with the low and high boundaries on the 90 percent confidence interval. Two techniques were used to estimate the boundaries on the ratio. The upper figures are calculated from the 95 percent confidence boundaries on the individual probabilities. The figures below are

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calculated using a "maximum likelihood" technique.

The five parts of the tabulation representing "All Cars—All Speed Limits, All Front Seats" are offered on the following pages as an illustration.

HIGHLIGHT RESULTS

At this time the discussion of the study results will be confined, in main, to the principal objective. These results are summarized in the following tables. The full set of tabulations is available for review from the Foundation. Where differences in probabilities are not significant according to chi-square no ratios are provided. Some general observations not included in the summary tables now follow.

For the entire 12797 vehicle occupants observed in the study, 8372 or about 65% had some type of seat restraint available. Of the 12797 occupants, 2624 or about 20% were using some type of restraint. Of those 8372 occupants that had restraints available, about 31% were using some restraint.

For the 11463 passenger car occupants observed, 7813 or about 68% had some type of seat restraint available. Of these 11463 occupants, 2461 or about 21% were using some type of restraint. Of the 7813 occupants that had restraints available, about 32% were using some restraint. Of the 1420 occupants that had a shoulder belt available, 59 or about 4% were wearing it.

A passenger's decision to use his seat belt was shown to be significantly influenced by the driver's use of his seat belt. Approximately 26% of all right front seat passengers having belts used them. However, when the driver was using his seat belt, 66% of right front seat occupants having seat belts available also used them. The driver's use of his seat belt had a lesser but significant effect on center front and rear seat passengers. Of these occupants having seat belts available, 45% followed the driver's example in using them.

ALL CARS, ALL SPEED LIMITS—FREQUENCY DISTRIBUTION OF PHYSICAL INJURY EXTENT AGAINST RESTRAINT USE FOR ALL FRONT SEATS

	Physical injury extent					
Restraint usage	None (O)	Complaint (C)	Noticeable (B)	Severe (A)	Killed (K)	Total
Restraints not available	1,853	264	348	87	20	2,572
Lap belt only available, not used	2,556	425	463	108	30	3,582
Shoulder and lap belts available, none used	661	89	102	18	2	872
Subtotal, no restraints used	5,070	778	913	213	52	7,026
Lap belt only available, used	1,319	186	156	29	2	1,692
Shoulder and lap belts available, lap only used	421	29	36	4	1	482
Subtotal, lap belt only used	1,731	215	192	33	3	2,174
Shoulder and lap belts available, shoulder only used	6	0	1	0	0	7
Shoulder and lap belts available, both used	44	5	8	1	1	59
Subtotal, some restraint used	1,781	220	201	34	4	2,240
Total, all occupants	6,851	998	1,114	247	56	9,266

PERCENTAGE DISTRIBUTION OF PHYSICAL INJURY EXTENT AGAINST RESTRAINT USE FOR ALL FRONT SEATS

Restraints not available	72.0	10.3	13.5	3.4	0.8	100
Lap belt only available, not used	71.4	11.9	12.9	3.0	.8	100
Shoulder and lap belts available, none used	75.8	10.2	11.7	2.1	.2	100
Subtotal, no restraints used	72.2	11.1	13.0	3.0	.7	100
Lap belt only available, used	78.0	11.0	9.2	1.7	.1	100
Shoulder and lap belts available, lap only used	85.5	6.0	7.5	.8	.2	100
Subtotal, lap belt only used	79.6	9.9	8.8	1.5	.1	100
Shoulder and lap belts available, shoulder only used	85.7	0	14.3	0	0	100
Shoulder and lap belts available, both used	74.6	8.5	13.6	1.7	1.7	100
Subtotal, some restraint used	79.5	9.8	9.0	1.5	.2	100
Total, all occupants	73.9	10.8	12.0	2.7	.6	100

ALL CARS, ALL SPEED LIMITS—STATISTICS FOR INDIVIDUAL PHYSICAL INJURY OUTCOMES FOR ALL FRONT SEATS

	Physical injury extent														
	None (O)			Complaint (C)			Noticeable (B)			Severe (A)			Killed (K)		
Statistic	Low	Est.	High	Low	Est.	High	Low	Est.	High	Low	Est.	High	Low	Est.	High
P (Unrestrained)	0.711	0.722	0.732	0.103	0.111	0.118	0.122	0.130	0.138	0.026	0.030	0.034	0.005	0.007	0.009
P (Lap belt only)	.779	.796	.813	.086	.099	.111	.076	.088	.100	.010	.015	.020	−.000	.001	.003
P (Both belts used)	.635	.746	.857	.014	.085	.156	.048	.136	.223	−.016	.017	.050	−.016	.017	.050
P (Any restraint used)	.778	.795	.812	.086	.098	.111	.078	.090	.102	.010	.015	.020	.000	.002	.004
C (Unrestrained—lap belt only)		47.58			2.29			26.83			14.04			9.14	
C (Unrestrained—both belts used)		0.07			0.18			0			.05			0.01	
C (Unrestrained—any restraint used)		47.21			2.64			25.59			14.42			8.01	
C (Lap belt only—both belts used)		.61			.02			1.05			.18			1.51	
R (Unrestrained—lap belt only)	.87	.91	.94	.93	1.12	1.37	1.22	1.47	1.80	1.29	2.00	3.42	1.84	5.36	(1)
	.89		.93	.98		1.25	1.29		1.65	1.39		2.61	.11		10.61
R (Unrestrained—both belts used)	.83	.97	1.15	.66	1.31	8.63	.55	.96	2.86	.53	1.79	−2.15	.11	.44	−.59
	.85		1.09	.38		2.23	.44		1.48	−1.14		4.72	−.28		1.16
R (Unrestrained—any restraint used)	.88	.91	.94	.94	1.13	1.37	1.20	1.45	1.77	1.30	2.00	3.39	1.53	4.14	(1)
	.89		.93	.99		1.26	1.27		1.63	1.39		2.60	.60		7.69
R (Lap belt only—both belts used)	.91	1.07	1.28	.55	1.17	8.15	.34	.65	2.08	.20	.90	−1.27	−.00	.08	−.18
	.93		1.20	.33		2.00	.29		1.01	−.59		2.38	−.07		.24

Note: Negative probability confidence limits result from computations on a normal distribution. Negative ratios result from negative lower probability confidence limits.

[1] Indicates a ratio of 100.0 or greater.

ALL CARS—ALL SPEED LIMITS—STATISTICS FOR CUMULATIVE ASCENDING PHYSICAL INJURY OUTCOMES FOR ALL FRONT SEATS

	Physical injury extent											
	O			O and C			O and C and B			O and C and B and A		
Statistic	Low	Est.	High	Low	Est.	High	Low	Est.	High	Low	Est.	High
P (unrestrained)	0.711	0.722	0.732	0.824	0.832	0.841	0.958	0.962	0.967	0.991	0.993	0.995
P (lap belt only)	.779	.796	.813	.882	.895	.908	.978	.983	.989	.997	.999	1.000
P (both belts used)	.635	.746	.857	.735	.831	.926	.920	.966	1.012	.950	.983	1.016
P (any restraint used)	.778	.795	.812	.881	.893	.906	.978	.983	.988	.996	.998	1.000

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Statistic	Physical injury extent: 0 — Low	0 — Est.	0 — High	O and C — Low	O and C — Est.	O and C — High	O and C and B — Low	O and C and B — Est.	O and C and B — High	O and C and B and A — Low	O and C and B and A — Est.	O and C and B and A — High
C (unrestrained—lap belt only)		47.58			50.07			22.82			9.14	
C (unrestrained—both belts used)		.07			.02			.04			.01	
C (unrestrained—any restraint used)		47.21			48.27			22.47			8.01	
C (lap belt only—both belts used)		.61			1.89			.26			1.51	
R (unrestrained/lap belt only)	0.87	.91	0.94	0.91	.93	0.95	0.97	.98	0.99	0.99	.99	1.00
	.89		.93	.92		.94	.97		.98	.99		1.00
R (unrestrained/both belts used)	.83	.97	1.15	.89	1.00	1.14	.95	1.00	1.05	.98	1.01	1.05
	.85		1.09	.90		1.10	.96		1.04	.98		1.04
R (unrestrained/any restraint used)	.88	.91	.94	.91	.93	.96	.97	.98	.99	.99	.99	1.00
	.89		.93	.92		.95	.97		.98	.99		1.00
R (lap belt only/both belts used)	.91	1.07	1.28	.95	1.08	1.24	.97	1.02	1.07	.98	1.02	1.05
	.93		1.20	.97		1.18	.98		1.06	.99		1.04

Note: 1. Probability confidence limits exceeding 1.000 result from computations on a normal distribution.

ALL CARS, ALL SPEED LIMITS—STATISTICS FOR CUMULATIVE DESCENDING PHYSICAL INJURY OUTCOMES FOR ALL FRONT SEATS

Statistic	Physical injury extent (percent): K — Low	K — Est.	K — High	K & A — Low	K & A — Est.	K & A — High	K & A & B — Low	K & A & B — Est.	K & A & B — High	K & A & B & C — Low	K & A & B & C — Est.	K & A & B & C — High
P (unrestrained)	0.005	0.007	0.009	0.003	0.038	0.042	0.159	0.168	0.176	0.268	0.278	0.289
P (lap belt only)	−.000	.001	.003	.011	.017	.022	.092	.105	.118	.187	.204	.221
P (both belts used)	−.016	.017	.050	−.012	.034	.080	.074	.169	.265	.143	.254	.365
P (any restraint used)	.000	.002	.004	.012	.017	.022	.094	.107	.119	.188	2.05	.222
C (unrestrained, lap belt only)		9.14			22.82			50.07			47.58	
C (unrestrained, both belts used)		.01			.04			.02			.07	
C (unrestrained, any restraint used)		8.01			22.47			48.27			47.21	
C (lap belt only, both belts used)		1.51			.26			1.89			.61	
R (unrestrained, lap belt only)	1.84	5.36	*****	1.52	2.28	3.77	1.35	1.60	1.92	1.21	1.37	1.55
	.11		10.61	1.62		2.94	1.42		1.78	1.26		1.47
R (unrestrained, both belts used)	.11	.44	−.59	.42	1.11	−3.43	.60	.99	2.39	.73	1.10	2.02
	−.28		1.16	−.17		2.39	.52		1.46	.69		1.50
R (unrestrained, any restraint used)	1.53	4.14	*****	1.49	2.22	3.63	1.33	1.57	1.88	1.21	1.36	1.53
	.60		7.69	1.59		2.85	1.40		1.74	1.26		1.46
R (lap belt only, both belts used)	−.00	.08	−.18	.14	.49	−1.79	.35	.62	1.60	.51	.80	1.54
	−.07		.24	−.09		1.06	.32		.92	.50		1.10

Notes: 1—Negative probability confidence limits result from computations on a normal distribution. 2—Negative ratios result from negative lower probability confidence limits 3—Asterisks indicate a ratio of 100.0 or greater.

Because so few occupants were observed wearing both lap and shoulder belts there is little that can be concluded about their combined use. The confidence intervals for probabilities associated with the use of both belts are too large to draw meaningful conclusions. Furthermore, the chi-square tests between those using both belts and those either using just seat belts or no belts at all are not satisfactory to establish significant differences. Thus, the remainder of this discussion will be confined to comparisons between unrestrained occupants and those using lap belts only.

In the summary tables included in this discussion, probabilities and ratios of probabilities are included for the fatal outcome and for the combined outcome of being either killed or severely injured. The full set of tabulations present the statistics associated with all individual outcomes as well as with both cumulative ascending and descending injury levels. The probability values are shown to the nearest thousandth, however the ratios were computed before rounding off the probabilities. In the summary tables just the estimates are offered for the probabilities. For the ratios, both the estimate and lower boundary limit are presented. As indicated previously, there is only a 5% chance that the true ratio is less than the lower boundary limit.

As no commercial occupants using seat belts were observed to incur either fatal or serious injuries, the associated probabilities were all zero. Rather than enter zeroes in the table, dashes have been used to discourage their erroneous use.

Examining all vehicle occupants included in the study, the estimate of the ratio of being killed (all ratios cited are for unrestrained occupants to those wearing seat or lap belts) is 4.15 with a lower boundary limit of 1.59. Thus for those occupants included in this study, unrestrained occupants were more than 4 times as likely to be killed as those wearing lap belts. The lower limit indicates that if the study were repeated there is 95% certainty that ratio would be at least 1.59. The ratio of the probabilities of being either killed or severely injured is 1.99 with a lower boundary of 1.37. That the ratio is lower for the combined outcome than for the singular outcome of being killed is somewhat logical but will not be pursued to any greater extent in this study as only opinion rather than specific observations could be offered.

ALL SPEED LIMITS

Vehicle type	Seat position	Killed — Probability — No belt	Killed — Probability — Seat belt	Killed — Ratio—None/belts — Lower	Killed — Ratio—None/belts — Estimate	Killed or severely injured — Probability — No belt	Killed or severely injured — Probability — Seat belt	Killed or severely injured — Ratio—None/belts — Lower	Killed or severely injured — Ratio—None/belts — Estimate	Sample size	Number killed
All vehicles	Driver	0.007	0.001	1.65	5.89	0.035	0.014	1.52	2.46	6,960	38
	Right front	.008	.002			.038	.020	.97	1.93	2,964	19
	All front	.007	.001	1.89	5.43	.035	.015	1.54	2.29	10,575	61
	All rear	.004	.005			.021	.027			2,222	10
	All seats	.006	.002	1.59	4.15	.033	.016	1.37	1.99	12,797	71
Full-size cars	Driver	.007	.001	1.51	7.80	.036	.014	1.40	2.51	4,427	22
	Right front	.004	.002			.035	.015	1.00	2.39	2,081	8
	All front	.006	.001	1.29	4.72	.035	.014	1.51	2.46	7,014	33
	All rear	.003	.005			.016	.021			1,769	5
	All seats	.005	.002	.96	3.07	.031	.015	1.30	2.07	8,783	38
Small cars	Driver	.008	.002			.044	.019	.99	2.32	1,533	11
	Right front	.021				.054	.041			645	11
	All front	.013	.002	1.32	6.81	.047	.024	1.01	1.97	2,252	23
	All rear	.013				.043	.069			428	5
	All seats	.013	.002	1.50	7.18	.046	.026	.95	1.77	2,680	28
All cars	Driver	.007	.001	1.52	5.63	.038	.016	1.50	2.45	5,960	33
	Right front	.008	.002			.039	.021	.96	1.91	2,726	19
	All front	.007	.001	1.84	5.63	.038	.017	1.52	2.28	9,266	56
	All rear	.005	.005			.022	.027			2,197	10
	All seats	.007	.002	1.54	4.06	.034	.018	1.34	1.95	11,463	66

		All speed limits									
		Killed				Killed or severely injured					
		Probability		Ratio—None/belts		Probability		Ratio—None/belts			
Vehicle type	Seat position	No belt	Seat belt	Lower	Estimate	No belt	Seat belt	Lower	Estimate	Sample size	Number killed
Small trucks	Driver	0.003				0.014				360	1
	Right front					.031				115	0
	All front	.002				.016				526	1
Big trucks	Driver	.013				.035				363	4
	Right front					.012				97	0
	All front	.010				.029				478	4
Tractor trailers	Driver					.017				248	0
	Right front									20	0
	All front					.016				268	0
All trucks	Driver	.006				.023				971	5
	Right front					.020				232	0
	All front	.005				.021				1,272	5

ALL SEAT POSITIONS

		Killed				Killed or severely injured					
		Probability		Ratio (none/belts)		Probability		Ratio (none/belts)			
Speed limit range	Vehicle type	No belt	Seat belt	Lower	Estimate	No belt	Seat belt	Lower	Estimate	Sample size	Number killed
20 m.p.h. or less	Cars:										
	Full size									65	0
	Small									21	0
	All									86	0
	Trucks:										
	Small									0	0
	Big									2	0
	Tractor-trailers									2	0
	All									4	0
	All vehicles									90	0
21 to 30 m.p.h.	Cars:										
	Full size					0.008				155	0
	Small									65	0
	All					.006				220	0
	Trucks:										
	Small									12	0
	Big									10	0
	Tractor-trailers									5	0
	All									27	0
	All vehicles					.005				247	0
31 to 40 m.p.h.	Cars:										
	Full size					.012				736	0
	Small					.020				238	0
	All					.014				974	0
	Trucks:										
	Small									30	0
	Big									27	0
	Tractor-trailers									13	0
	All									70	0
	All vehicles					.013				1,044	0
21 to 40 m.p.h.	Cars:										
	Full size					.011				891	0
	Small					.016				303	0
	All					.012				1,194	0
	Trucks:										
	Small									42	0
	Big									37	0
	Tractor-trailers									18	0
	All									97	0
	All vehicles					.011				1,291	0
41 to 50 m.p.h.	Cars:										
	Full size	0.004				.038	0.008	1.78	4.94	2,192	7
	Small	.017				.066	.017	1.28	3.89	787	10
	All	.007				.045	.011	1.94	4.27	2,979	17
	Trucks:										
	Small	.010				.029				126	1
	Big	.009				.024				237	2
	Tractor-trailers					.007				149	0
	All	.007				.020				512	3
	All vehicles	.007				.041	.010	1.96	4.38	3,491	20
51 to 60 m.p.h.	Cars:										
	Full size	.007	.002			.032	.018	1.01	1.82	4,489	26
	Small	.016	.004			.048	.026			1,271	18
	All	.009	.003	1.11	3.43	.036	.020	1.10	1.82	5,760	44
	Trucks:										
	Small					.014				329	0
	Big	.013				.046				170	2
	Tractor-trailers					.021				98	0
	All	.004				.025				597	2
	All vehicles	.008	0.002	1.12	3.41	.035	.019	1.13	1.86	6,357	46
61 to 70 m.p.h.	Cars:										
	Full size	.002	.003			.026	.027			965	2
	Small					.028	.079			251	0
	All	.001	.003			.037	.055			1,216	2
	Trucks:										
	Small									27	0
	Big									30	0
	Tractor-trailers					.333				3	0
	All					.022				60	0
	All vehicles	.001	.003			.026	.034			1,276	2
41 to 70 m.p.h.	Cars:										
	Full size	.005	.002	.87	2.83	.033	.017	1.24	1.97	7,646	35
	Small	.015	.002	1.57	7.51	.052	.029	.95	1.77	2,309	28
	All	.007	.002	1.47	3 92	.037	.020	1.29	1.88	9,955	63
	Trucks:										
	Small	.002				.017				482	1
	Big	.010				.031				437	4
	Tractor-trailers					.017				250	0
	All	.005				.022				1,169	5
	All vehicles	.007	.002	1.53	4.01	.036	.109	1.31	1.91	11,124	68

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Separate data are offered for full size cars and those less than full size. However, as the range of smaller cars, from imported compact to those just under full size sedans, is large, the discussion will be limited to the data for all cars inclusive.

For front seat car occupants the ratio of the probabilities of being killed is 5.36 with a lower boundary limit of 1.84. For the combined outcomes of being either killed or severely injured the ratio is 2.28 with a lower boundary limit of 1.52.

The ratios associated with rear seat car occupants present a different picture. For both sets of ratios the chi-square test does not indicate a significant difference between the outcomes for restrained and unrestrained rear seat occupants.

As indicated in the summary table showing the probabilities and ratios as a function of speed limit, no fatalities were recorded for the 1291 occupants traveling on routes with speed limits between 21 and 40 mph.

In the 41–50 mph speed limit range all 20 persons killed of the 3491 observed were not wearing seat belts. For passenger car occupants the ratio of the probabilities of the combined outcomes of being either killed or severely injured is 4.27 with a lower boundary limit of 1.94.

In the 51–60 mph speed limit range for passenger car occupants the ratio of the probabilities of being killed is 3.43 with a lower boundary limit of 1.11. For the combined outcome the ratio is 1.82 with a lower boundary limit of 1.10.

No ratios can be offered in the 61–70 mph speed limit range as the statistical tests did not indicate any significant differences.

Interestingly, seat belts appear to be of greater value in the lower speed range, 41–50 mph.

CONCLUSIONS

The study has achieved its principal objective with respect to passenger car occupants. The relative risk of death has been computed as 4.06 times as great for passenger car occupants not wearing seat belts as for those using seat belts; the relative risk of sustaining either a fatal or severe injury 1.95 times as great. The advantages of seat belt use in preventing serious or fatal injury for front seat occupants has been shown far greater than for rear seat occupants. The advantages of seat belts have been shown for routes having speed limits in the 41–60 mph range.

The study has also shown that only 21% of passenger car occupants are using some type of seat restraint. Furthermore, when seat restraints are available, only 32% of occupants having a choice elected to use them. Only 4% of the occupants having a shoulder belt available used same.

The results of this study can be more fully appreciated when they are applied to the national totals of 55,200 deaths and 2,000,000 disabling injuries resulting from traffic accidents in 1968.

Of the national total of 55,200 traffic fatalities reported in 1968, approximately 42,700 were motor vehicle occupants; the other 12,500 were pedestrians, bicyclists and motorcyclists. Using the vehicle type involvement and seat position distributions observed in this study, 33,750 traffic fatalities were front seat passenger car occupants. Furthermore, it is estimated that 1,222,000 disabling injuries were incurred by front seat passenger car occupants.

According to the distribution observed in this study, 7% of front seat passenger car fatalities occurred with the use of seat belts. This leaves approximately 31,400 front seat passenger car occupants who were killed and not wearing seat belts.

If these 31,400 front seat passenger car occupants had all been wearing seat belts, the estimate derived from this study is that but 5,860 would have been killed indicating a savings of 25,540 lives. This estimate is based on the calculated relative risk of death of 5.36 to 1 between unrestrained and belted front seat passenger car occupants. If a relative risk of 1.84, the lower limit on the 90% confidence interval, is used, 17,065 would have been killed resulting in a savings of 14,335 lives.

Of the 1,222,000 disabling injuries that were incurred by front seat passenger car occupants in 1968, it is estimated that 13.7% took place while seat belts were in use. This leaves approximately 1,024,590 disabling injuries which occurred without the use of seat belts.

Employing the calculated relative risk of incurring serious injury of 2.00 to 1 between unrestrained and belted front seat passenger car occupants, it appears that 512,295 disabling injuries could have been prevented through universal seat belt use. Using a relative risk of 1.29, the lower limit on the 90% confidence interval, universal seat belt use could have produced a savings of 230,335 disabling injuries.

In summary, in 1968 the universal use of seat belts by front seat passenger car occupants could have resulted in a savings of between 14,335 and 25,540 lives and a reduction of between 230,335 and 512,295 serious injuries. As the number of accidents continue to rise, possible savings in future years are even greater.

The study illustrates a broad inconsistency between mandatory seat belt installation in new vehicles, thus far approaching a total expenditure of $1,000,000,000, and the relatively small advantage that is taken of this investment. This situation should be resolved by state legislatures.

The consequences of mandatory seat belt use, at least in the front seats of passenger cars must be weighed; the number of fatal and severe injuries to be prevented vs. the infringement upon individual choice as well as the cost of seat belt installation for cars presently not so equipped.

Admittedly, mandatory seat belt usage creates problems in enforcement be it by police or indirectly by reduced insurance company benefits in case of an involvement when not restrained. However, it is believed that mandatory seat belt usage legislation would be sufficient in itself for most people to react accordingly.

The Highway Safety Foundation endorses such legislation and contends that the state legislatures must at least address themselves to this issue.

ACKNOWLEDGMENTS

Data processing facilities employed in this study were made available through the generosity of the Nationwide Insurance Company.

RESUME OF "A STUDY OF SEAT RESTRAINT USE AND EFFECTIVENESS IN TRAFFIC ACCIDENTS"

(By the Highway Safety Foundation with the cooperation of the Ohio State Highway Patrol and Mansfield, Ohio, Police Department, Feb. 3, 1970)

MOTIVATION FOR THE STUDY

In recent years there has been much publicity and emphasis on the life saving value of motor vehicle occupant seat restraints, namely seat belts. To date, this has resulted in required seat restraints on all new passenger cars. Such installation represents an annual cost to the motoring public estimated in excess of $250,000,000 in the purchase of new cars. The total investment that has been made for seat restraints since they became available approaches $1,000,000,000. An accompanying observation has been that most vehicle occupants who have the opportunity to use seat belts do not. It was believed that this study could indicate the assumed advantages of using seat restraints and serve as an instrument to achieve a much greater use of a safety device for which great capital investment has already been dedicated.

METHOD OF STUDY

The data used in the study were obtained from 4571 accidents investigated by the Ohio State Highway Patrol and the Mansfield, Ohio Police Department during the month of August, 1969. These accidents involved 12,797 vehicle occupants. In each investigation, special data were gathered for each vehicle occupant including the availability and use of seat restraints and the level of injury incurred.

HIGHLIGHT STUDY RESULTS

1. 20% of all vehicle occupants were using seat restraints.

2. 65% of all vehicle occupants had some type of seat restraint available.

3. Of those occupants having seat restraints available, 31% used some.

4. When the driver used his seat belt 66% of right front seat passengers also used them.

5. Shoulder belts are used by only 4% of those vehicle occupants having them available.

6. The chance of being killed was observed to be 4.06 as great for unrestrained passenger car occupants as compared to those wearing seatbelts.

7. The chance of being killed was observed to be 5.36 as great for unrestrained front seat passenger car occupants as compared to those wearing seat belts.

8. The use of seat belts did not significantly affect the chance that a rear seat passenger car occupant would be killed.

9. The chance of being severely injured was observed to be twice as great for unrestrained front seat passenger car occupants as compared to those wearing seat belts.

IMPLICATION OF STUDY RESULTS

The results of this study can be more fully appreciated when they are applied to the national totals of 55,200 deaths and 2,000,000 disabling injuries resulting from traffic accidents in 1968. From national data sources and observations made in this study it is estimated that 31,400 deaths and 1,024,590 disabling injuries were incurred by front seat passenger car occupants who were not wearing seat belts.

If, in 1968, all front seat passenger car occupants had been wearing seat belts, the study indicates that 25,540 lives could have been saved. This estimate is based on the observed relative risk of death of 5.36 to 1 between unrestrained and belted front seat passenger car occupants. Using a relative risk of death of but 1.84 to 1, a very conservative statistical estimate of the true relative risk, 14,335 lives would have been saved had all front seat passenger car occupants worn seat belts. By a similar means of analysis, between 230,335 and 512,295 disabling injuries could have been prevented had all front seat passenger car occupants worn seat belts.

In summary, in 1968 the universal use of seat belts by front seat passenger car occupants could have resulted in a savings of between 14,335 and 25,540 lives and a reduction of between 230,335 and 512,295 serious injuries. As the number of accidents continues to rise, possible savings in future years are even greater.

CONCLUSIONS AND RECOMMENDATIONS

The study has illustrated a broad inconsistency between mandatory seat belt installation in new vehicles, thus far approaching a total public expenditure of $1,000,000,000, and the relatively small advantage that is taken of this investment. This situation should be resolved by state legislatures.

The consequences of mandatory seat belt use, at least in the front seats of passenger cars, must be weighed; the number of fatal and severe injuries to be prevented vs. the infringement upon individual choice as well as the cost of seat belt installation for cars presently not so equipped.

Admittedly, mandatory seat belt usage would create problems in enforcement be it by police or indirectly by reduced insurance benefits in case of an involvement when not restrained. However, it is believed that mandatory seat belt usage legislation would be sufficient in itself for most people to react accordingly.

The Highway Safety Foundation endorses such legislation and contends that the state legislatures must at least address themselves to this issue.

SOME NOTES ABOUT THE HIGHWAY SAFETY FOUNDATION

The Highway Safety Foundation is a nonprofit, tax-exempt organization registered in the state of Ohio that is supported by concerned individuals and industries. As its name implies, the Foundation's main function is to engage in activities that can help improve safety on the highway and simultaneously afford a higher quality transportation system.

From its beginning in 1960 until the present time the Foundation has been active in assistance to law enforcement agencies through production and distribution of recruiting films and through paying the cost of advanced, formal education for upper-echelon enforcement officers; also in public education, through production and distribution of motion pictures portraying what actually happens in crashes and potential crash situations. Foundation films have been seen by millions of students as a part of driver education programs.

Since 1967 the Foundation has concentrated its effort in the area of onsite, multidisciplinary accident investigation. In this program the Foundation has continuously fielded a team of specialists who perform their detailed investigations at the actual accident scene. Through this effort it is believed that insight can be developed toward safety countermeasures within and/or modifications to the entire highway transportation process that are compatible with social and economic objectives. In addition to fielding its own team of specialists, the Foundation has either helped or is working in cooperation with the states of Ohio, Pennsylvania, Maryland and South Carolina in conducting similar programs.

Foundation personnel, both resident and consultant, represent a wide and varied experience in many fields. These include the disciplines of psychology, vehicle mechanics, medicine, traffic and highway engineering, police technology, photography, statistics, communications and data processing.

The Foundation has begun to undertake a series of special studies of which its work concerning the value of seat belts represents the first. The seat belt study has shown that great reductions in the number of persons killed and seriously injured on the highway can be achieved and has illustrated the Foundation's aggressive program by recommending that, in the absence of success from mass education activities, legislation be passed to require seat belt use.

HIGHWAY SAFETY FOUNDATION TRUSTEES

The Honorable James A. Rhodes, Governor of Ohio, Columbus, Ohio.

John D. Bolesky, President, Therm-O-Disc, Inc., Mansfield, Ohio.

Ralph E. Boyd, Chairman of the Board, Galion Iron Works Manufacturing Co., Galion, Ohio.

R. Donald Campbell, M.D., Mansfield, Ohio.

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Col. R. M. Chiaramonte, Superintendent, Ohio State Highway Patrol, Columbus, Ohio.

Anson B. Cook, Executive Director, Ohio Peace Officer Training Council, Columbus, Ohio.

Paul Cooper, President, Cleveland Twist Drill Co., Cleveland, Ohio.

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Avery C. Hand, Jr., President, First National Bank, Mansfield, Ohio.

Charles Hand, President, T. & A. Saveway Markets, Mansfield, Ohio.

J. D. Harnett, Vice President, The Standard Oil Co., Cleveland, Ohio.

John Hart, Vice President, B. F. Goodrich Co., Akron, Ohio.

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Hugh D. Luke, President, Reliance Electric & Engineering Co., Cleveland, Ohio.

P. E. Masheter, Director, Ohio Department of Highways, Columbus, Ohio.

Roy B. Miner, President, Cook Coffee Co., Cleveland, Ohio.

Charles Nail, President The Lumbermens Mutual Ins. Co., Mansfield, Ohio.

Warren C. Nelson, Director, Ohio Department of Highway Safety, Columbus, Ohio.

James Pedler, Jr., Attorney, Akron, Ohio.

W. R. Tappan, President, The Tappan Co., Mansfield, Ohio.

John A. Saunders, President, General Fireproofing Co., Youngstown, Ohio.

Allan K. Shaw, Senior Vice President, Cleveland Trust Co., Cleveland, Ohio.

Richard Stewart, Partner, Jones, Day, Cockley & Reavis, Cleveland, Ohio.

Tinkham Veale II, Chairman and President, Alco Standard Corp., Philadelphia, Pa.

R. D. Wayman, Partner, Ernst & Ernst, Cleveland, Ohio.

Col. Scott B. Radcliffe, Director of Research, Retired Superintendent, Ohio State Highway Patrol.

KEYNOTE REMARKS BY HON. FRANK M. CLARK, DEMOCRAT, OF PENNSYLVANIA, AT THE HIGHWAY SAFETY FOUNDATION LUNCHEON, WASHINGTON, D.C., FEBRUARY 3, 1970

Today we are being presented with a concrete recommendation for greatly reducing the number of deaths and serious injuries that occur each year on our nation's highways. In an age when 55,200 people lose their lives and over 2,000,000 more suffer disabling injuries in a single year, we cannot afford to ignore any possible course of action which promises to significantly reduce this carnage.

The Highway Safety Foundation's study of seat restraint use and effectiveness suggests a specific course of action, based on an examination of facts and this is of great value. Too many studies brought to public attention thoroughly analyze a problem but fail to set forth the steps required to solve it. As a legislator, I too, must use the tools of research and professional studies to suggest solutions in order that I and my associates may select the best course to follow.

For the benefit of those not well acquainted with the Highway Safety Foundation, this private organization specializes in conducting on-site investigations of traffic accidents using a multidisciplinary team approach. Whereas many of us read reports of traffic accidents and related studies, the men of the highway safety foundation are confronted with the results of the accident at the scene. They see and often assist the injured parties. They also come face-to-face with the traffic fatality. Only too often they encounter a traffic death that could have been prevented had a seat belt been worn. The Foundation study, undertaken at its own expense, represents an effort to obtain a more conclusive answer or substantiation of what appears to be the fact: That seat belt use significantly reduces the chance of death and serious injury in a traffic accident.

1. Between 15,000 and 25,000 lives and 230,000 to 512,000 serious injuries could be saved in a single year if all front seat passenger car occupants wore seat belts.

2. Unfortunately only 31% of vehicle occupants having seat belts available are using them when involved in an accident: shoulder harness use is almost nonexistent.

3. To date approximately one billion dollars has been invested in providing occupant seat restraints in new vehicles.

The Foundation's recommendation that seat belt use be mandatory for front seat passenger car occupants is logical. We have already mandated that seat belts be installed in all new cars. We have also observed that advertising and public education campaigns have been *unsuccessful* in getting the majority of people to voluntarily wear seat belts.

While work goes on to develop more crashworthy vehicles, energy absorbing systems that do not rely on the driver or his passengers, and the prevention of accidents in the first place, we must look to interim measures until the desired goals can be reached.

The Highway Safety Foundation has issued a challenge to the state legislatures. In projecting and presenting the benefits to be gained from compulsory seat belt use, a specific course of action has been offered. What is now needed is a governmental acceptance of the recommendation.

I personally concur with the Foundation's recommendation. I believe that the benefits to be achieved will far outweigh the discomforts.

We cannot let the momentum of this study end with this conference. The Foundation has undertaken its study and presented its results. The next step is ours.

NEWS RELEASE BY HIGHWAY SAFETY FOUNDATION, MANSFIELD, OHIO, FEBRUARY 3, 1970

With the aid of the Ohio State Highway Patrol and the Mansfield, Ohio Police Department, the Highway Safety Foundation recently found some interesting results in a study on the use and effectiveness of seat restraints in automobiles.

The Highway Safety Foundation observed that although over one billion dollars has already been invested in the installation of seat belts, most occupants who have the opportunity to use the belts do not.

Of the 4,571 automobile accidents investigated in the study, it was found that the chances of an unrestrained person being killed was 4.06 as great as occupants wearing belts. For the front seat passenger, chances of death were 5.36 as great.

The results of the study show that the universal use of seat belts by front seat occupants could have saved as many as 25,000 lives per year and possibly reduced over 512,000 serious injuries.

The study concluded that the inconsistency between mandatory seat belt installation, approaching a public expenditure of one billion dollars, and the relatively small advantage of this investment should be resolved by the various state legislatures.

HSF feels that consequences of mandatory seat belt use must be weighted in terms of fatal and severe injuries prevention versus the infringement upon individual choice as well as cost of installation of this vital safety device. HSF endorses legislation at the State level making seat belt use mandatory and contends that state legislatures must address themselves to this issue.

Supported by concerned individuals and industries, the Highway Safety Foundation, a nonprofit, tax-exempt organization, has as its main function to engage in activities that can help improve safety on the highway and simultaneously afford a higher quality transportation system.

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GOVERNMENT PLANNING THREATENS HOME BUYERS FREEDOM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. DERWINSKI. Mr. Speaker, my attention has just been directed to a very effective and timely editorial in the December 31 issue of the Oak Lawn, Ill., News, commenting on the threat to individual homeownership which develops from Federal Government paternalism.

The editorial is an extremely effective summary of the situation and merits thoughtful review by officials in the HUD bureaucracy as well as Members of Congress. It follows:

GOVERNMENT PLANNING THREATENS HOME BUYERS FREEDOM

It is conceivable that in the not too distant future, middle income American families will be dependent on the federal government for their housing. The public has already accepted the idea that local and federal government provide public housing for low income families and if present government policies and economic conditions continue, middle income families not only will not be able to afford a home of their own, but housing will not be available for them.

It is ironic that the federal government will find it necessary to solve the critical housing shortage in the United States when it was the federal government which created the problem in the first place. Through years of deficit financing brought about by an idea that the American people had an endless supply of money and also the idea that the United States could solve all the world and social problems by spending more money, the federal government has now found itself in a position of having to pay historically high interest rates in order to finance its various programs and the Viet Nam war.

This has created a situation whereby capital has moved away from savings and loan associations, the institutions which supply the major portion of the nations home mortgage money. Today, rates on government securities have risen to an historical high of about 8% while obligations of agencies of the United States Government are currently paying in excess of 8%. Savings and loan associations, which traditionally have been the major source of mortgage credit, are restricted by government regulations to paying 5¼% on passbook accounts and up to 6% on certificate accounts and find themselves unable to compete with the rate of return on government securities.

Preston Martin, chairman of the Federal Home Loan Bank Board, which advances mortgage funds to savings and loans, has stated that the rate that the S & L's will have to pay to borrow money from the Federal Home Loan Bank will be increased up to 8% some time in 1970. This will further tighten an already non-existent supply of mortgage funds to the home buyer and home builder. In the Chicago metropolitan area in the month of November, permits for homes and apartments declined for the seventh consecutive month compared to a year ago. Home building permits dropped 42% to the lowest November level since 1946, while permits for new apartments dropped 61%, the lowest since 1962.

George Romney, secretary of the Department of Housing and Urban Development, in a recent speech said that our country, to meet its housing needs, should be producing 2,400,000 new housing units a year, and that we are only building at a rate of 1,200,000 units.

Not only has the high interest rates dried up the source of mortgage credit, but inflation has pushed the cost of homes so high that the average American is being priced out of the home buying market. Today, people are paying 30 and 40 thousand dollars for homes when ten years ago the same people would have paid 20 to 25 thousand dollars for a comparable home So we find ourselves in a situation where the government has made it impossible for private enterprise to freely operate to meet the housing needs of the country, and the government will now take upon itself to solve the problem for us.

Already Romney is conducting negotiations with giant companies to initiate "Operation Breakthru", the government's plan to provide more housing, homes which will be planned by the government and which will be factory built, and built on land aggregated by state and local officials. Romney has already announced that the Department of Housing and Urban Development, which has been in existence for four years, is now to be really organized for the first time. In the department there will be four assistant secretaries, one of these being Mr. Eugene Gulledge who will have the title of assistant secretary of Housing Production and Mortgage Credit. It will be his responsibility to supervise all housing production and rehabilitation activities and initiate construction and financial settlement for public housing.

Therefore, we see that if the present trend continues, there is a distinct possibility that many of us will be living in a home planned and developed or subsidized by the federal government and we will have lost our freedom of choice of purchasing our own home.

It is paradoxical, that in America, the country in which private home ownership has meant so much and that has been protected so diligently by the government over the years, that the same government through its present policies may well destroy this cherished heritage.

INVITATION TO CHAOS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. GROSS. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD an article from the January 30, 1970, issue of Life magazine by Mr. Theodore H. White in which he deals with the election reform legislation approved by the House of Representatives last September.

In one of the most lucid, reasoned arguments yet put to print, Mr. White says the action by the House was "a triumph of noble purpose over commonsense," and "an invitation to national chaos."

I invite Members of the House and Senate, as well as members of the State legislatures who eventually will be confronted with this issue, to ponder well the warnings laid down by Mr. White.

The article follows:

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

(By Theodore H. White)

Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.

It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of *vox populi, vox Dei*, it not only wipes out the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000—is hailed as National Chief.

American elections are a naked transaction in power—a cruel, brawling year-long adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighting each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.

The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests highminded theory against reality that it becomes nightmare.

Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.

John F. Kennedy won in 1960 by the tissue-thin margin of 118,550—less than ⅕ of one percent of the national total—in an election stained with outright fraud in at least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos.

To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.

Reality forces candidates today to plan campaigns on many levels, choosing groups and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry.

But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.

The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinois' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chief political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.

What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.

What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay Staters should feel Massachusetts is speaking, Hoosiers should feel Indiana is speaking; blacks and other minorities should feel their votes count; so, too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

GILBERT OPPOSES VETO OF HEALTH AND EDUCATION FUNDS

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. GILBERT. Mr. Speaker, I voted to override the President's veto of the Health, Education, and Welfare appropriation bill, and I regret the House of Representatives did not have the two-thirds necessary to nullify the President's irresponsible act.

President Nixon declared that he vetoed this vital measure because it appropriated $1 billion more than he wanted for educational programs. He said this $1 billion would be inflationary. In a total Federal budget of almost $200 billion, this sum represents barely one-half of 1 percent. That one-half of 1 percent does not represent the inflationary edge. But, Mr. Speaker, I do believe it will deny education opportunities to many American schoolchildren.

I am more opposed to inflation than President Nixon—because I represent men and women who pay for it out of meager weekly paychecks. But I understand the difference, in building a sound economy, between investment and waste. I think the President should use other methods available to him to combat inflation. As I have often advocated, he should take a more critical look at exorbitant military spending instead of jeopardizing education. I propose to invest in the young men and women of this country, on whose schooling every American depends for economic growth and stability.

Mr. Speaker, the President has vetoed the appropriation bill which provides funds for many of our major domestic programs: education, health, and antipoverty. New York City will lose $36 million in education funds. This will mean the curtailment in New York City of programs for remedial courses, special facilities and student loans to aid the low-income student with college potential. The bilingual education program, which I was instrumental in getting through Congress, will be cut back by $1 million.

Some 450,000 youngsters may have to be dropped from title I programs next fall. Another 250,000 will be deprived of summer programs; library funds will be cut back by $1.3 million, vocational programs will be curtailed, and handicapped pupils will suffer the loss of $500,000.

In many cases, school districts have borrowed to meet the commitments in anticipation of Federal funding. In other cases, locally derived funds budgeted for the end of the school year have already been spent in anticipation of the forthcoming Health, Education, and Welfare funds.

Funds will be reduced for mental health services, medical research, consumer protection, and environmental health services—all programs which I strongly supported and have witnessed as they have made tremendous contributions to the health and well-being of our citizens. Several thousand potential medical students will lose opportunities for loans, and research for cures for major crippling and killing diseases, such as cancer and heart ailments, will be set back needlessly.

The New York City Board of Education has a deficit of over $750 million at the present time. The veto of this bill is going to mean a greater deficit. The city's plans call for the beginning of construction of 24 urgently needed schools this year, and yet we are able to begin only 15 because of increases in building costs. Education costs in New York State rose from $1.6 billion a decade ago to $4.1 billion this year.

Mr. Speaker, I voted for the increased appropriation for HEW when it first came before the House in July 1969. No one is more concerned about the health and education needs of our country than I am, and I shall continue to support governmental cooperation and assistance among all levels of government to provide the best possible quality of education and medical care for Americans. Education should be our Nation's No. 1 priority. It is a weapon against crime in the streets, it is a sound investment in the youth of our country, a strong force against unemployment and poverty.

I do not believe, Mr. Speaker, that President Nixon's veto will halt the forces of inflation. But I do believe it will deny education opportunities to American schoolchildren.

WASHINGTON REPORT

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. CUNNINGHAM. Mr. Speaker, I periodically make a report to the people of the Second Congressional District of Nebraska, whom I have the honor to represent in the U.S. House of Representatives.

This is my fifth report for the 91st Congress:

WASHINGTON REPORT

(By Congressman GLENN CUNNINGHAM)

January, 1970.

PLATTE RIVER DAM PROJECT LOSES IN POLL

DEAR FRIENDS: Near the close of the first session of the 91st Congress I sent to each household in the Second Congressional District a questionnaire seeking your views on important issues facing the District and nation.

You were wonderful. The return was overwhelming and I am the envy of my fellow members in the House of Representatives who seldom receive such a response.

As you might expect, the closest margin on any direct question was on the proposed construction of the Platte River Dam and Reservoir, which I have opposed from the outset.

Of those returning the questionnaires, 40.5 percent were opposed to the project, compared to 36.2 percent in favor of the $500 million undertaking. The remaining 23.3 percent expressed no opinion.

The majority of those returning questionnaires in four of the five counties in the Second District—Burt, Cass, Douglas and Washington—were opposed to the dam. In Sarpy County, the tally was 40.8 percent for the project, 31.6 percent opposed and 27.6 percent registering no opinion.

As I have stated on a number of occasions, the area of greatest potential growth in Nebraska is the corridor between Omaha and Lincoln.

I am certain this, coupled with the inundation of 126,000 acres of choice farm land and a growing skepticism as to its recreational value, prompted the negative response to my questionnaire.

XUM

SUMMARY—91ST CONGRESS, 1ST SESSION

Days in Session	186
Total Bills Introduced	19,950
Cunningham Bills Introduced	84
Reported out of Committee	1,451
Measures Passed	1,140
Public Laws	190

PAPIO RECREATIONAL DEVELOPMENT ASSURED

Many have overlooked the recreational potential offered by the Papio Watershed Project, which I have long fostered.

With money now available for planning and property acquisition, construction funds will soon follow for the 21 dams.

Chairman Milt Fricke of Papillion and his Papio Watershed Board have been busy and the results are gratifying. The State Game, Forestation and Parks Commission has signed a letter of intent to be responsible for recreation development around all 21 of the dams. Douglas County and Omaha have indicated interest in incorporating several of the dam sites into their park system. Both Sarpy and Washington Counties indicate a willingness to participate in the program.

POSTAL CORPORATION HAS BIG EDGE

President Nixon's proposal to replace the present Post Office Department with a wholly government-owned corporation received overwhelming approval in my Opinion Poll.

Almost 60 percent of those returning questionnaires favored the corporation concept. Twenty-two percent were opposed and 18.7 percent did not express an opinion.

As you might expect, the largest number of replies came from Douglas County, which also produced the largest margin for the corporation, 38.9 percent.

The original bill lost in committee on a 13–13 tie vote. However, after months of work and consultation with the Administration, I recently introduced another measure (H.R. 15430) to set up a Postal Authority.

STRONG SUPPORT FOR LOTTERY

There was also strong support for President Nixon's revision of the Draft based upon a lottery system. Of course, this is now law.

Just over two-thirds of those responding favored the lottery while only 12.1 percent suggested that the draft be abolished.

In the area of campus disturbances, 58.6 percent favored giving college and civil authorities greater power to act while a number of others suggested withdrawing federal aid to those involved. The complete results, showing the overall totals and a county-by-county tabulation, follow this report.

GREGORY CRAIG OF OMAHA WEST POINT NOMINEE

I have selected Gregory Craig as principal nominee to West Point. The son of Mr. and Mrs. Bryant Craig, 3711 N. 18 St., Omaha, Gregory is a student at the Military Academy Prep School, Ft. Belvoir, Va.

CENSUS BEGINS APRIL 1

The Decennial Census will begin on April 1 and I want to point out to you just how important it is to respond to the questionnaire when it arrives.

As you know, the Census provides the statistics which are the basis for your elected representation and for hundreds of Government programs which benefit you directly.

Billions of dollars in funds, goods and services from the Federal Government are allotted on the basis of Census information as is the number of local, state and Federal representatives you will have. You must be counted if you want to count!

SUPREME COURT HEARS ARGUMENTS ON CUNNINGHAM LAW

The Supreme Court has heard arguments on the constitutionality of the "Cunningham Law," which gives parents the means to halt the flow of unsolicited smut to the family mail box. A decision is expected in the near future.

This is the last stop for those people who would poison the minds of our young as they become wealthy through the sale of pornography. A three-judge California Court last year upheld the law which I authored in the 90th Congress.

More than 400,000 persons have requested their names to be removed from the smut peddlers' mailing lists since this measure became effective in April 1968. That number grows daily as more people learn they can secure from their local Post Office a form (POD Publication 123) with instructions on how to have their names removed.

Just last week I received a letter from a man whose 13-year-old son had received some of the most vile material you can imagine. This is quite a shock to a parent and until we tighten our laws even more, this filth will find its way to the young.

APOLLO FILM STILL AVAILABLE

A 30-minute color documentary film on the historic voyage of Apollo 11 to the moon still is available through my Omaha office. A number of organizations and schools have already availed themselves of the opportunity to see this film. Reservations may be made by calling the Omaha office at 221–4631. I regret that we will not be able to project the film for you, but I am hopeful your group will either have or have available a 16mm sound projector.

NEW FTC CHAIRMAN IS SWORN IN

I was invited by President Nixon to attend the swearing-in of new Federal Trade Commission Chairman Caspar W. Weinberger, who formerly served as Director of Finance for the State of California. In addition to the President, Chairman and Mrs. Weinberger, others attending were Judge Austin Fickling of the D.C. Court of Appeals and Rep. Dan Kuykendall (R-Tenn.)

PAMPHLET ON DRUGS NOW AVAILABLE

The problem of drug abuse continues to grow throughout the nation. And just recently a cache of marijuana, possibly worth $100,000, was found in the basement of an eastern Sarpy County house.

Here in the nation's capital the crime rate continues to climb. Many of the robberies and muggings are committed by persons—many of them teenagers—who are on drugs. They must have the money for another fix.

One of the methods used to combat the growing menace is wide dissemination of available information on drug abuse. I have been fortunate to obtain in quantity an excellent pamphlet, "The Crutch That Cripples: Drug Dependence," compiled by the American Medical Association's Committee on Alcoholism and Drug Dependence. I will be glad to furnish them on request to parents, teachers, church leaders and others.

RESULTS OF 1969 SECOND CONGRESSIONAL DISTRICT OPINION POLL TAKEN BY REPRESENTATIVE GLENN CUNNINGHAM

	Tabulation by percentage								
	Overall total			SARPY			Washington		
	Yes	No	No opinion	Yes	No	No opinion	Yes	No	No opinion
1. Do you support the proposal to replace the present Post Office Department with a wholly Government-owned corporation operating on a self-supporting basis?	59.2	22.1	18.7	58.1	22.2	19.7	45.6	28.6	25.8
2. Would you favor an amendment which would permit Congress to override decisions of the Supreme Court by two-thirds vote in each House?	53.9	34.6	11.5	52.8	35.5	11.7	62.6	20.4	17.0
3. Should the Federal Government attempt to slow present migration from rural to city areas through programs of economic incentives to attract industry and jobs to rural areas?	58.2	26.0	15.8	61.7	25.4	12.9	61.9	16.3	21.8
4. Do you favor my proposals to permit increased outside earnings and automatic cost-of-living adjustments for social security recipients?	82.2	6.9	10.9	81.6	7.7	10.7	78.1	5.5	16.4
5. Do you believe the Federal Government should guarantee heads of families a minimum annual income?	11.7	78.6	9.7	9.6	80.5	9.9	7.5	81.0	11.5
6. Should adults on welfare be required to accept training and suitable employment if they are cable of working?	94.0	1.9	4.1	94.3	0.7	5.0	91.2	2.0	6.8
7. In the Middle East, should the United States—									
(a) Support Israel		17.2			20.2			16.7	
(b) Support the Arab nations		2.2			1.7			2.1	
(c) Work for mediation		74.7			71.3			70.1	
(d) No opinion		5.9			6.8			11.1	
8 Should the activities carried on by the Office of Economic Opportunity be—									
(a) Increased		17.9			19.7			15.0	
(b) Decreased		18.4			18.0			15.0	
(c) Abolished		49.0			49.9			49.0	
(d) No opinion		14.7			12.4			21.0	
9. Do you favor construction of the proposed Platte River Dam and Reservoir?	36.2	40.5	23.3	40.8	31.6	27.6	12.3	69.2	18.5
0. Which of the following Federal actions do you favor in dealing with campus disturbances?									
(a) Keep hands off		10.3			8.7			4.0	
(b) Act against students receiving Federal aid for their schooling		26.8			30.8			24.8	
(c) Give college and civil authorities greater power to act		58.6			55.3			64.0	
(d) No opinion		4.3			5.2			7.2	
11. What is needed to combat crime?									
(a) More Federal laws		2.1			.8			.7	
(b) More police		3.9			3.0			2.2	
(c) Better living conditions		9.6			8.7			5.9	
(b) More respect and support for law enforcement officers		79.6			80.2			83.7	
(e) No opinion		4.8			7.3			7.5	
12. Do you think our current draft system should be—									
(a) Retained as is		14.1			16.5			15.1	
(b) Abolished		12.1			11.9			15.1	
(c) Based on lottery system called for by President Nixon		66.9			64.9			51.4	
(d) No opinion		6.9			6.7			18.4	

XUM

	Tabulation by percentage								
	Douglas			Cass			Burt		
	Yes	No	No opinion	Yes	No	No opinion	Yes	No	No opinion
1. Do you support the proposal to replace the present Post Office Department with a wholly Government owned corporation operating on a self-supporting basis?	60.4	21.5	18.1	49.5	28.3	22.2	42.0	31.3	26.7
2. Would you favor an amendment which would permit Congress to override decisions of the Supreme Court by two-thirds vote in each House?	53.6	35.3	11.1	57.3	29.1	13.6	58.8	21.4	19.8
3. Should the Federal Government attempt to slow present migration from rural to city areas through programs of economic incentives to attract industry and jobs to rural areas?	57.2	26.9	15.9	65.6	17.5	16.9	71.8	9.2	19.0
4. Do you favor my proposals to permit increased outside earnings and automatic cost-of-living adjustments for social security recipients?	82.6	6.9	10.5	83.6	5.2	11.2	70.0	6.2	23.8
5. Do you believe the Federal Government should guarantee heads of families a minimum annual income?	12.3	78.1	9.6	6.1	87.8	6.1	7.6	73.3	19.1
6. Should adults on welfare be required to accept training and suitable employment if they are capable of working?	94.0	2.1	3.9	97.2	.5	2.3	89.2	.8	10.0
7. In the Middle East, should the United States—									
(a) Support Israel		17.1			18.1			10.2	
(b) Support the Arab nations		2.3			1.0			1.6	
(c) Work for mediation		75.0			76.7			75.8	
(d) No opinion		5.6			4.2			12.4	
8. Should the activities carried on by the Office of Economic Opportunity be—									
(a) Increased		17.7			17.4			19.8	
(b) Decreased		18.7			15.5			15.3	
(c) Abolished		49.1			50.2			41.2	
(d) No opinion		14.5			16.9			23.7	
9. Do you favor construction of the proposed Platte River Dam and Reservoir?	37.0	39.7	23.3	28.2	54.9	16.9	19.8	58.8	21.4
10. Which of the following Federal actions do you favor in dealing with campus disturbances?									
(a) Keep hands off		10.8			6.1			8.3	
(b) Act against students receiving Federal aid for their schooling		26.8			22.1			20.4	
(c) Give college and civil authorities greater power to act		58.5			69.1			58.3	
(d) No opinion		3.9			2.7			13.0	
11. What is needed to combat crime?									
(a) More Federal laws		2.4			1.1			0.0	
(b) More police		4.1			3.2			5.0	
(c) Better living conditions		10.1			4.7			4.1	
(d) More respect and support for law enforcement officers		79.1			87.4			79.3	
(e) No opinion		4.3			3.6			11.6	
12. Do you think our current draft system should be—									
(a) Retained as is		13.8			16.0			11.5	
(b) Abolished		12.0			14.1			10.7	
(c) Based on lottery system called for by President Nixon		67.9			61.5			60.3	
(d) No opinion		6.3			8.4			17.5	

SALUTE TO AN AMERICAN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. KEITH. Mr. Speaker, it is unfortunate that in times of war, the contributions of many of our citizens on the homefront remain unknown and oftentimes unrewarded. For indeed, the suffering of these patriots may be as great as those who serve in the Armed Forces. Such has been the case with Mr. Walter Hampson, an English-born naturalized American, and, I am proud to say, a constituent of the 12th Massachusetts Congressional District.

Mr. Hampson and the Clinton Silk Mill—Holyoke, Mass.—of which he was the proprietor, produced silk material for use by the Navy during the years of World War II. This material was employed as insulation for armature coils of motors and generators in the various vessels used by the Department. The mill also turned out silk flare chutes of the finest quality.

With both of his sons inducted into active service, Mr. Hampson had to supervise the running of the mill alone—with the result that he permanently impaired his health. Throughout the war, he sacrificed personal gain in order to aid his adopted country by turning out the finest products that could be made.

It is too late for Mr. Hampson to receive formal commendation for his outstanding service. The Navy reports that war records are no longer available to them. Yet the recognition which he so much deserves should not be denied him.

And so, Mr. Speaker, I ask the Members of the 91st Congress to join me in saluting Mr. Hampson and those Americans like him who have so unselfishly served their country in war and peace. They, too, contribute to our Nation's economic strength—thereby enabling us to pursue our war effort more effectively.

GSA ANNUAL REPORT

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BUSH. Mr. Speaker, recently, General Services Administrator Robert L. Kunzig, submitted the GSA Annual Report to the Congress. I am happy to learn of the many constructive changes which Administrator Kunzig has made at GSA. I am particularly pleased with the efforts which have been taken to hire those persons who are handicapped. At this point in the RECORD, I would like to enter a section of the report which dealt with Hiring the Handicapped at GSA:

> It's good business to hire the handicapped. That's a fact, not just a slogan.
>
> Without a doubt, society is best served when a family becomes self-sufficient through the gainful employment of a mentally retarded or physically handicapped member.
>
> The extra pride of accomplishment is a significant incentive for the handicapped to perform better—sometimes even better than non-handicapped.
>
> Two examples of outstanding achievement by the handicapped the past year within General Services Administration are the cases of an industrially blind carpenter who is especially adept at training non-handicapped men, and a multiple-amputee dispatcher who refuses to let his injuries deter his career.
>
> Working closely with State and local vocational rehabilitation organizations, GSA has maintained a position of leadership among Federal agencies in employing the handicapped. The past year, 203 or 2.26 percent of its new employees were physically handicapped, a record surpassed by only one of 24 agencies of Government.
>
> GSA employed 104 mental retardates during the year, more than any other Federal agency of comparable size.

FRANK B. CURLEY HONORED

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. MILLER of California. Mr. Speaker, National Commander John W. Lay of the American Ex-Prisoners of War, Inc., has conferred upon Frank B. Curley, past service officer of the DAV, an honorary lifetime membership for his outstanding service to veterans of all wars, especially ex-prisoners. I would like to include as part of these remarks a copy of the letter of notification sent to Mr. Curley advising him of this action.

It has been my privilege to know Frank Curley for many years, and I often wonder where Frank—himself a disabled veteran—gets the power and push to carry on in behalf of servicemen less fortunate than he is.

The letter follows:

Mr. FRANK B. CURLEY,
Past Service Officer, DAV,
San Francisco, Calif.

DEAR FRIEND: The Golden State Chapter of the American Ex-Prisoners of War, Inc. are having their yearly Social at the Concord Inn, February 7, 1970 at 7:30 p.m. You are to be an "Honored Guest" of the Chapter and your host will be National Commander John W. Lay. You also have been chosen, by the National Commander, to be awarded an Honorary Lifetime Membership.

This award is for your outstanding services to veterans of all wars, especially ex-prisoners, and also acknowledging your help and concern for survivors of Bataan and Corregidor and their dependents.

You have been a great help and inspiration to me throughout the years which I appreciate very much.

Sincerely,

JOHN W. LAY,
National Commander.

GOLDEN OPPORTUNITY FOR RESPONSIBLE HEW BILL

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. HASTINGS. Mr. Speaker, now that the apocalyptic vote has been taken and President Nixon's veto of the Labor-HEW bill sustained, I would hope we have learned our lesson and that we move quickly to adopt a substitute measure which will be a responsible reflection of our duty to maintain fiscal integrity in Government spending.

I need not mention that the vetoed bill carried appropriations for the fiscal year which began last July. Here we are into the second month of a new year and this most important matter is still unsettled. I was among those who voted to uphold the President's veto. My concern is for the Nation's education and its economy. I think both will benefit if we all work now for a compromise measure that will give politically untainted priorities to the most necessary programs.

I realize there were some cogent reasons offered by those who sought to override the Presidential veto, and I understand their concern, but I feel their fears are groundless. This was not a measure aimed at shutting the doors of our classrooms. In fact, President Nixon's $19.6 billion proposal was $1.4 billion more than that allocated by the last administration for 1969.

Education and health care rank very high on our list of domestic priorities, along with the need for halting skyrocketing costs throughout the country. President Nixon has declared that no schoolchild will be deprived of education and he has promised to provide substantial increases in aid in the new bill.

It is our duty to see that the taxpayers' diminishing dollar in these inflationary times is used in the most productive way possible. I do not think it was under the vetoed bill. We have a golden opportunity now to produce legislation which will provide for our most urgently needed programs and at the same time maintain the kind of fiscal integrity that will insure the trust of the people.

Unless we curb inflation we could well price our children right out of the classroom. For more than 7 months, I fear, there has been political procrastination on the issue. I earnestly plead with this House that we act quickly now and adopt a bill which will redirect our resources in the most constructive way possible for education and health.

WOULD A DISEASE-AMPUTATED CHICKEN CARCASS BE LABELED GRADE A?—LETTER TO SECRETARY HARDIN ON PROPOSED CHANGE IN POULTRY INSPECTION RULES

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mrs. SULLIVAN. Mr. Speaker, consumers around the country are aroused and shocked—as they might well be—by a proposal made to Secretary of Agriculture Hardin by an advisory panel of veterinarians to change poultry inspection regulations so that chickens bearing tumors from a certain cancer-like disease be accepted as "wholesome" and sold for human food after the tumorous parts are cut away and discarded.

Under present regulations of the Department of Agriculture under the Poultry Products Inspection Act of 1957, the entire bird must be rejected for human food if lesions or tumors obviously show the presence of leukosis.

While it is apparently true that there is no scientific proof at present that this particular virus is dangerous to humans in cooked poultry, there apparently is also no scientific proof that it is not harmful. Under the circumstances, it would be a shameful abuse of the USDA inspection label, on which public acceptance of poultry is now so firmly based, to pass this stuff off on the consumer as "wholesome."

Once the Associated Press' G. David Wallace revealed the existence of an official report to Secretary Hardin calling for the change in regulations applying to leukosis-infected chickens, numerous consumers informed me that if this policy is adopted they will just stop buying and using chicken. This would be disastrous for the very people the change in the regulations presumably is supposed to benefit—the economically depressed poultry raisers. As a member of the National Commission on Food Marketing which studied this industry and other segments of the agricultural marketing field in depth between 1964 and 1966, I do not see how the poultry raiser will be helped by destroying public confidence in his product. Actually, only a little more than 1 percent of inspected poultry is rejected for leukosis.

COOKED GARBAGE?

As the original sponsor of the legislation which became the Poultry Products Inspection Act of 1957, requiring Federal inspection of all poultry sold in interstate commerce, and as the initiator of the Johnson administration study which led to my introduction and the passage of the Johnson administration Wholesome Poultry Act of 1968, dealing with poultry sold in intrastate commerce, I strongly oppose any proposal for reducing the effectiveness of the consumer protections of those laws by allowing the sale of obviously diseased birds. Hence, I wrote to Secretary Hardin last week and asked him to review this issue not merely from the narrow standpoint of the possible medical safety of eating obviously diseased poultry but rather of the "wholesomeness" of the product. Is it to be the equivalent of cooked garbage—medically safe to eat perhaps, but hardly "wholesome?" This was a point I made 14 years ago in first introducing the bill which became the 1957 Poultry Inspection Act.

In my letter, I inquired particularly how the Secretary would label chickens from which diseased portions had been surgically removed. In addition to being labeled "wholesome" would they also be eligible for grade A designations? How much confidence could the public have in such a label if that were done? They should be labeled "probably wholesome parts of a diseased bird."

MEAT CUTTERS UNION OBJECTS ALSO

Mr. Speaker, one of the most important factors in bringing to my attention many years ago the need for compulsory inspection of poultry, and also in dramatizing the issue nationally and providing the main lobbying effort in getting my bill enacted, was the Amalgamated Meat Cutters & Butcher Workmen union. Its members were literally being killed by the unsanitary conditions and the diseased products, in poultry-processing plants. Without the help of that union, I never would have had any hope of getting the 1957 law enacted.

President T. J. Lloyd and Secretary-Treasurer Patrick E. Gorman of the Amalgamated Meat Cutters have placed their union strongly on record with Secretary of Agriculture Hardin against the proposed change in Federal poultry inspection regulations dealing with leukosis-infected chickens.

Mr. Speaker, having received permission, I submit herewith my letter to Secretary Hardin of January 30; the release by the Meat Cutters union of January 28 containing the text of a Lloyd-Gorman telegram to the Secretary; the Associated Press article by G. David Wallace which appeared in the St. Louis Globe-Democrat on January 26th; and a subsequent article that afternoon in the St. Louis Post-Dispatch clarifying several points of the original article.

The material referred to follows:

LETTER TO SECRETARY HARDIN

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 30, 1970.

Hon. CLIFFORD M. HARDIN,
Department of Agriculture,
Washington, D.C.

DEAR SECRETARY HARDIN: As the original sponsor of the legislation which became the Poultry Products Inspection Act of 1957 and also of the Wholesome Poultry Act of 1968, I am deeply disturbed by the implications of the proposal made by a Department advisory

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panel of veterinarians to permit the sale as wholesome poultry of birds from which diseased portions containing leukosis tumors have been removed. I am glad that you have referred this matter to the Surgeon General for his comments, but I think much more is involved here than the question of whether it is *probably safe* for humans to eat such poultry.

According to information I have received, no one can flatly state with any scientific assurance that leukosis virus is safe for humans—apparently the only information available so far is that there is no *proof* that it is dangerous. Certainly no one would pretend that this virus is *good* for people!

But in view of the inconclusiveness of present scientific data on the possible safety of this virus in food intended for human consumption, the larger issue, it seems to me, is the degree of confidence of the public in the poultry inspection process in assuring the acceptability of a product bearing the official stamp of the Government of the United States that it has been inspected and found to be "wholesome." Since the articles appeared in the newspapers indicating that the Department intended to change its policy on leukosis, a number of my constituents have indicated they will just stop buying and using poultry entirely, particularly in view of the fact that the virus has been likened to a cancer virus.

I believe the rejection rate on poultry bearing evidence of leukosis tumors is slightly more than 1% of inspected poultry. To jeopardize public acceptance (and export acceptance) of all of our inspected poultry in order to make possible the commercial marketing as human food of such a tiny fraction of the poultry produced could well be an economic disaster for an industry which already has many problems. As a Member of the National Commission on Food Marketing which studied this industry, along with others in the food field, I would hate to see the serious economic problems of the poultry raisers compounded by a loss of public acceptance for the product merely in order to try to squeeze an extra 1.14% of the product past Federal inspection.

Under the proposal made by your advisory panel, would those presumably wholesome parts of a chicken from which diseased parts had been removed be eligible for the U.S.D.A. Grade A label? If not, how would the product be labeled? Would the consumer have any way of knowing that the chicken or the chicken parts he is buying came originally from a bird from which diseased portions had to be removed?

What are the comparable provisions of the present regulations dealing with meat inspection?

Is it not true that many chickens are now rejected during Federal inspection not because of known danger to the consumer but because the Department cannot, for one or another reason, certify them as "wholesome"? I would appreciate more information on this point, for it relates to a point which was made when I first introduced a poultry inspection bill years ago that "As for the hazards to the consumer, while it is true that most of the disease organisms are killed by thorough cooking, to allow diseased birds to be sold is somewhat like condoning the cooking of garbage for human consumption—edible from a medical standpoint but certainly not desirable." The leukosis issue would fall into this category in the absence of proof that it is either safe or dangerous for humans.

In July 27, 1954, when I first began the drive which resulted in the enactment of the Poultry Products Inspection Act of 1957, I called to the attention of the Congress the traffic in diseased poultry which had destroyed public confidence in the safety and wholesomeness of this product. Throughout the long and often bitter battle over the legislation, the poultry industry sought to place in the bill every conceivable loophole for watering down its effectiveness. The biggest issue was over the question of antemortem inspection—the right of the inspector to see the chicken before slaughter, in order to weed out obviously sick birds which might look all right in carcass form. This new approach toward weakening poultry inspection derives from the same desire to pass off as healthy and wholesome a product which is obviously diseased, by permitting in-plant surgery on the diseased portions of the bird. I sincerely hope this issue will be given the careful consideration it deserves, not from the standpoint of what can be slipped past the consumer, but from the standpoint of the "wholesomeness" of inspected poultry.

Sincerely yours,

LEONOR K. (MRS. JOHN B.) SULLIVAN,
Member of Congress, Third District, Missouri.

[News release of Amalgamated Meat Cutters & Butcher Workmen of North America, (AFL–CIO), Jan. 26, 1970]

MEAT CUTTERS UNION BLASTS RECOMMENDATIONS OF DEPARTMENT OF AGRICULTURE PANEL TO PERMIT SALE OF CANCEROUS CHICKENS

WASHINGTON.—The Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO, today made public a message to Sec. of Agriculture Clifford Hardin in which the union said it was "shocked and alarmed" by a proposal from a government advisory panel that cancerous chickens could be sold to unsuspecting consumers.

The 500,000-member food union, which includes poultry processing workers, called on Sec. Hardin to "reject" the panel's recommendations and to retain "existing inspection regulations and instructions (to federal inspectors) requiring condemnation of poultry which carries cancer virus."

The statement was signed by Pres. T. J. Lloyd and Sec.-Treas. Patrick E. Gorman of the union, which in the 1950's initiated the campaign for the first mandatory poultry inspection legislation and was a major factor in the 1968 effort to improve that law. The union is currently urging Congress to adopt similar legislation for better inspection of fish and fish products.

The proposals of the government panel were reported in an Associated Press dispatch earlier this week. It noted that inspectors presently condemn any bird carcass showing lesions or tumors, which are held to reveal the presence of leukosis or viruses of Marek's disease. Under the proposals, inspectors would reject not the whole carcass of an infected bird but only the visually damaged parts.

The AMC statement noted that there is still "much to be learned" about the transmissibility of leukosis from poultry to humans, and that experts are in considerable disagreement on the subject.

The Lloyd-Gorman telegram voiced opinion that present law does not permit adoption of the panel's recommendation, and it added:

"Poultry inspection exists to protect the consumer—not simply to get obviously repugnant parts out of sight."

Text of the message by Pres. Lloyd and Sec.-Treas. Gorman to Sec. of Agriculture Hardin follows:

"The Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO, is shocked and alarmed by the Agriculture Department advisory panel's recommendations concerning poultry suffering from cancer virus or leukosis. It is hard to believe that the panel would permit cancerous birds to pass poultry inspection. Under the recommendations, inspectors could condemn use of leukosis-suffering birds for human food only when consumers might become aware of the cancer; then, inspectors could reject only those parts obviously damaged, according to the published reports of panel recommendations.

"There is still much to be learned about possible transmissibility of leukosis from poultry to humans. Experts disagree about the degree of danger. In fact, we understand a recent reorganization of the advisory group which made recommendations eliminated some panel members who opposed changing existing policy on leukosis condemnations. Reports persist that even the reorganized panel did not vote unanimously, but split.

"Leukosis policy was a major issue during Congressional consideration of poultry inspection in 1968. Senate defeated so-called Talmadge Amendment after it had been okayed by the Agriculture Committee to permit inspection approval of cancerous birds. In our opinion, the language which the Senate substituted for the Talmadge Amendment forbids carrying out the panel's recommendations. Poultry inspection exists to protect the consumer—not simply to get obviously repugnant parts out of sight.

"Our union therefore strongly urges retention of existing inspection regulations and instructions requiring condemnation of poultry which carries cancer virus. We hope you will reject the panel's recommendations."

[From the St. Louis Globe Democrat, Jan. 26, 1970]

SALE OF CHICKENS WITH CANCER VIRUS URGED

(By G. David Wallace)

WASHINGTON.—A government panel of scientists has recommended that chickens bearing cancer virus be allowed on the market as long as the birds don't look too repugnant.

The basis for the recommended change in inspection standards, according to Agriculture Department officials, is scientific evidence disputing any link between cancer virus in chickens and disease in humans.

Federal chicken inspectors presently condemn all of any bird carcass showing lesions or tumors, which have traditionally been accepted as a visual sign of presence of avian leukosis of Marek's disease viruses.

The two diseases, lumped together as leukosis in department records, are the largest single cause for rejection of frying chickens. Of the 176 million fryers slaughtered under federal inspection in November 1969, inspectors condemned 2 million for leukosis.

The disease has a much smaller effect on older chickens and turkeys.

Specialists say virtually all chickens harbor the viruses in varying degrees in their bodies. When the virus gets out of control, the chicken's body fights back, and lesions and tumors develop although the disease usually passes.

But Agriculture specialists say tests have shown that the presence of tumors, or their numbers, bear no relation to the amount of virus in the birds' systems.

The finding reported by a panel of eight veterinarians and animal-disease specialists would not stop the condemnation of birds whose internal organs show active signs of the disease.

But chickens showing only slight signs of the virus which causes the disease would be declared no threat to human health. The panel recommended that condemnation of such birds be "only on an aesthetic basis," according to Richard E. Lyng, assistant secretary for marketing and consumer services at the agriculture department.

Thus, officials said, if tumors are detected on the wing of a bird, the wing could be cut off and used in a product like hot dogs and the rest of the bird be sold as cut-up chicken—all without posing a threat to human health.

Under present practices, the whole chicken in such a case would be condemned.

The panel's report has not been made public, but officials discussed it freely in interviews.

The recommendation now is under consideration by the surgeon general's office, which is expected to report back to the Agriculture Department within a week. Any change in inspection standards would be up to Secretary of Agriculture Clifford M. Hardin.

[From the St. Louis Post-Dispatch, Jan. 26, 1970]

PANEL FOR MARKETING OF DISEASED CHICKENS

WASHINGTON, January 26.—Parts of some chickens showing evidence of a virus disease should be cleared for sale, a panel of veterinarians has recommended in the Department of Agriculture.

The report involved two viruses—avian leukosis and Marek's disease. Both cause nonmalignant lesions and tumors in birds that survive the disease. Some birds die.

Traditionally, federal inspectors have condemned birds for sale if a lesion or tumor is found in the meat.

DESTROY DISEASED PARTS

Dr. Caro E. Luhrs of the Department of Agriculture said the veterinarians have proposed that if a bird showed one lesion in an organ that could be removed, such as a wing, then only that organ would be condemned. Two or more lesions in the bird would result in condemnation of the whole carcass.

Dr. Luhrs worked closely with the veterinary team that recommended the changes. He offered the following example under the proposed regulations:

If a tumor was found in the liver of a chicken, the whole liver would be removed and destroyed. Unaffected parts of the chicken could be sold. If a lesion was discovered in the liver and on a leg, however the whole chicken would be destroyed.

"We of course are concerned about human health implications," said Dr. Caro. "We have sent the proposals to the surgeon general for his recommendations and he should have a report on the proposals within about two weeks."

NO DANGER TO HUMANS

The basis for the recommendations, said Dr. Caro, is that there is no evidence that the viruses concerned represent any danger to human beings.

Dr. J. Spencer Munroe, a New York University researcher, injected an artificial leukosis virus into monkeys in 1963 and found that the animals developed tumors.

Dr. Luhrs said that an artificial leukosis virus was used in Dr. Munroe's experiments and that later research had not confirmed his findings. Dr. Ben R. Burmester of the Department of Agriculture has done similar research. He suggests that unspecified elements in an artificial virus may be the cause for the tumors found by Dr. Munroe.

Earlier reports on the recommendations from the veterinarians called the viruses cancer viruses.

NOT MALIGNANT

"Cancer is not a good word to use," commented Dr. Leo Eldridge of the Poultry Veterinary Service Group of Ralston Purina Co. in St. Louis. "We're not dealing with a malignant tumor here. These tumors do not show the bizarre cells you see in cancer."

Those earlier reports also said that a chicken part with a lesion could be used in products such as hot dogs.

"That simply is incorrect," said Dr. Luhrs. "The part with a tumor would be destroyed. It would be inconceivable to use it."

IOWA: AN AMERICAN MODEL FOR THE SEVENTIES

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. CULVER. Mr. Speaker, the Des Moines Register recently published an assessment of Iowa's remarkable progress through the decade of the sixties, and its potential for even greater success in the seventies.

As the Register noted, the sixties brought in Iowa "the emergence of a town-country-city kind of community that is more fun to live in than megalopolis but no less rewarding to work in."

It was a decade marked by unprecedented economic and industrial expansion which placed three Iowa metropolitan areas—Des Moines, Cedar Rapids, and Waterloo—among the top 15 in the Nation in per capita income. Per capita income for the State as a whole rose at a more rapid rate than the national average in the sixties.

At the same time, Iowa retained its preeminence in agriculture, and although Iowa farmers have suffered from the same cost-price squeeze which has seriously affected agriculture in general, they continue to be among the top earners from agriculture in the country.

Finally, the State has taken significant steps in the sixties to develop its vast potential for recreation and tourism. And as the decade drew to an end, the development of this third dimension reached a new highpoint with the discovery of a vast underground cave in northeast Iowa.

The sense of adventure, energy, and courage which resulted in the discovery of that cave are the same qualities which have characterized Iowans for more than two centuries, which have made possible the achievements of the sixties, and which will assure even greater accomplishments in the seventies.

This decade is one which must necessarily be marked by a new concern about the environment in which every American lives, and a development of a national growth policy which will maximize all of the vast resources and capabilities which this country possesses.

In that context, Iowa can offer fulfillment, not only to her own citizens, but to men and women and families throughout the Nation who are seeking a better and fuller way of life.

I commend the Des Moines Register article to my colleagues in the House of Representatives, and include it at this point in the RECORD:

[From the Des Moines Register, Jan. 11, 1970]

FOR IOWA'S ECONOMY, THE 1970'S COULD BE "DECADE OF WONDERS"

Two Iowa geology students presented stunning color photos of a magnificent Northeast Iowa cave to the State Conservation Commission last month. The young spelunkers, convinced by evidence about them that such a grand cavern should exist in Iowa, had just kept looking until they found it.

They urged the commission to heed the lesson learned from caves ravaged by exploitation elsewhere by preserving this new wonder of Iowa's in a way that would share it, not spoil it.

Commission development may open this underground wonder to the public in the 1970's.

Iowans, in the same decade, should produce an aboveground wonder of their own to rival it. The economic evidence of the Surprising Sixties points to it as clearly as the geologic evidence which encouraged the young cavern-seekers.

One surprise of the Sixties for Iowa was an unexpected surge of industrial growth which assured a better balance between agriculture, manufacturing, trade and services in the state's economy. This burst of economic vigor confirmed the emergence of a town-country-city kind of community that is more fun to live in than megalopolis but no less rewarding to work in.

It gave Iowans a surer sense that what economists had told them could be, would be.

MORE JOBS IN INDUSTRY

The end-of-the-decade payoff on the adventurous probing of the students for their dream cave provides an apt symbol for Iowa's passage to the Seventies.

Iowans already have transformed some of the uncertainties the state faced 10 years ago into sure signals to "push ahead."

In the economy, in 1960, there remained a question as to just how well Iowa would continue to weather the broad-scale agricultural revolution which was creating fewer but bigger farms, employing fewer people and more machines.

Iowa has, since the early Fifties, been adjusting by exporting labor to other states with more urban job opportunities. In the Sixties, however, more jobs began coming into Iowa to help take up labor freed from farming.

Manufacturing employment, static through the Fifties, rose yearly through the Sixties as record numbers of new plants opened and expanded.

Agriculture, long the No. 1 Iowa employer, was pushed to second by manufacturing in 1967, to third by trade in 1968. But farm income—per farm and per person—pushed up strongly during the decade and was anything but sickly. Iowa farm people continued to be among the top earners from agriculture in the nation.

The number of employed persons rose each year as new workers found jobs in Iowa—good-paying jobs. Three Iowa metropolitan areas (Des Moines, Cedar Rapids, Waterloo) were among the first 15 in the nation in per capita income by 1966. And per capita income for the state as a whole rose faster than the national average in the Sixties.

The uncertainty facing Iowa government in 1960 was whether Iowa people—traditionally reluctant to change—were ready to regear for a more urban and complex society.

They were.

Iowans voted for more constitutional amendments in the Sixties than in any decade in state history. Among these were amendments which brought appointment of judges, annual sessions of the Legislature, a smaller Legislature with assurance of regular reapportionment and city home rule.

Legislators broke an encrushed tradition of board administration of state agencies and reorganized several agencies under single administrators.

They also faced up to the old bugaboo of over-reliance on property taxes by shifting more school financing to state income and sales taxes.

Though these steps were only a start, it was a running one.

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THE BOOM IN EDUCATION

In education, 10 years ago Iowa was moving uncertainly, despite substantial school district reorganization, toward assuring all students access to large enough high schools for comprehensive education opportunities. And technical and vocational education beyond high school barely existed.

School district reorganization unfortunately wasn't carried much further in the Sixties. It ground to a halt when the State Supreme Court voided the state school standards law. But new, higher standards are being enforced once more at the start of the Seventies.

But post-high-school education simply outstripped all expectations for the decade and signalled Iowa's new direction.

Public two-year colleges enrolled only about 2,600 students, few in vocational or technical programs, as the decade began. Expanded as area community colleges, these schools were reaching almost 19,000 full-time students (almost half in vocational-technical programs) as the decade ended, along with another 19,000 part-time students and more than 60,000 adults in evening programs.

Iowans were committed to range and variety, as well as growth, in higher education. State university enrollments more than doubled in the decade. Private colleges grew by 60 per cent. The state began providing Iowans at these colleges tuition grants to help assure a strong role for these colleges in the future.

WE'RE WORKING ON PROBLEMS

But even as steps like this quickened Iowa progress toward its new potential, unexpected barriers sprouted across that path.

In 1960, Iowans could scan open, fertile fields and conclude they were free from pollution problems. They could view a black population of less than 1 per cent and conclude there were no racial conflicts.

And they were wrong.

Pollution—not only from new plants and growing cities but from the very chemicals that made those fields so fertile—demand priority attention as we start the Seventies.

So does the accumulation of racial injustices—discrimination in homes and jobs, the school segregation that discrimination produces, a host of other inequalities.

Iowa made a start on the first problem by setting up air and water pollution control commissions in the Sixties. It acted on the other with state civil rights and open housing laws, city ordinances and school board action against racial separation.

But much still has to be done. Continuing either of these conditions—dirty streams or inequality—would contradict the kind of good life which Iowans should realize in the Seventies.

TOWN AND COUNTRY: A HAPPY MIXTURE

Some Iowans, proud as they were of their state, were surprised in 1968 when a midwest research firm ran all the statistical indicators of what might be called the "good life" through a computer, and Iowa popped up in the first 10 states. Most of those statistics were pre-1966. Some major Iowa advancements—in technological education, income and government—came later. Iowa could well rank above tenth today.

But beyond statistical indicators, Iowa is developing an intangible quality of city-town-country living which offers a heady and healthful variety of life to its people.

The United States achieved the "impossible" in the Sixties. Men went to the moon in the Sixties—twice. Communications equipment from the giant Collins Radio complex in Cedar Rapids helped make is possible. And many workers in that plant live in quiet little towns nearby—comfortable towns that continue to flourish even in Space Age Iowa.

This style of area living means larger-than-imagined labor pools for new industries. And these new plants, in turn, have meant new vitality for the towns and cities around them. Plants, urban or rural, function in a broad city-town-country community.

It's a happy mixture. And Iowans have had the chance to learn from lessons of megalopolitan sprawl elsewhere in time to preserve their living-and-working style.

PRESIDENT'S ECONOMIC REPORT CALLS TO MIND RECENT HISTORY

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. EDMONDSON, Mr. Speaker, preparation of the Economic Report of the President to Congress must have been a challenging assignment, after a year which has brought us record high interest rates, the highest cost of living in history, repeated price increases, and a declining stock market which has cost investors over $120 billion in losses.

The report cites as a cardinal principle:

> Government must say what it means and mean what it says. Economic credibility is the basis for confidence, and confidence in turn is the basis for ongoing prosperity.

Viewed in the light of administration's own statements on the economy, this principle needs to be practiced more often by the administration itself.

For instance, Mr. Nixon said just last week that the administration policies are working to bring inflation under control. That same week, steel prices were raised again, although demand for steel was down and acres of unsold automobiles were shown in news pictures with stories announcing cutbacks in production.

Those with memories will also recall the statement of Mr. Arthur Burns, one of the President's chief economic advisers and today the new Chairman of the Federal Reserve Board, who said in April, reflecting the administration view, that the expected rate of inflation by the end of 1969 would be down to 3 percent or lower. It actually was over 6 percent for the year.

And in December, the President told businessmen that the administration policies were working against inflation and the businessmen who bet against it would lose. Prices that month also went up sharply, and, the businessmen who may have postponed borrowing found interest rates even higher a month and 2 months later when they went to the bank for operating capital.

In October, the President went on nationwide radio to calm the growing clamor of housewives who were deeply concerned by the soaring prices of food and household services. Administration policy, he told them, was stopping the price spiral. Prices continued to climb, that month, the next month, in December and wholesale food prices went up 2 percent in January alone.

The same line was heard all year from the administration spokesmen—economists and the press secretary representing the President. The policies were working, they said, inflation was being whipped. The official line was repeated in April, in June, in August, in September, and again in December.

While the public statements did not reflect it, sometime last fall the administration insiders finally recognized that tight money and high interest rates were not checking inflation, which was becoming a political albatross. So, the decision was made to attempt to place the blame elsewhere, and the President's melodramatic veto of the HEW appropriation bill then followed. This, despite cuts by Congress in the Nixon budget which far exceeded the HEW increase.

Placing the blame on his predecessor may have sounded plausible in April and June, and maybe even last fall, but it is being worn thin. Surely the credibility of the administration on this issue is nearing the breaking point by now. Businessmen, housewives, and wage earners are beginning to understand that 1970 inflation is Nixon's own inflation—not John Kennedy's inflation and not Lyndon Johnson's inflation as Mr. Nixon would have them believe.

The principle as stated is true: "Government should say what it means, and mean what it says"—but this administration is rapidly losing its credibility on the economic front, and it needs to stop searching for a scapegoat and get down to fighting inflation.

The same technique of substituting rhetoric for responsible action is much too prevelant throughout the administration. Until there is recognition of past mistakes, and confession that the old policies are not working, the American people cannot be expected to believe that inflation is going away just because the administration says so. It has said so too often in the past.

ENVIRONMENTAL HEALTH NEEDS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. LUJAN. Mr. Speaker, I want to bring to the attention of my colleagues a most excellent and far-reaching address on "Environmental Health Needs of the Public" delivered by our distinguished colleague, Congressman LARRY HOGAN of Maryland, at the Tri-State Educational Conference in Silver Spring, Md., on January 15.

Congressman HOGAN's remarks are directed at the overwhelming problems of air and water pollution and are particularly appropriate in view of President Nixon's strong emphasis on this subject in his state of the Union address last week.

The Tri-State Educational Conference was sponsored by the National Capital Association of Sanitarians, the Maryland Association of Sanitarians, and the Virginia Association of Public Health Sanitarians. Thus, Congressman HOGAN was speaking to the people most directly involved in the problems—and the solu-

tions—of air and water pollution. Mr. Hogan's address follows:

Various kinds of pollution pose serious health hazards—automobiles, open burning dumps and industrial plants spew pollutants into our air; sewage, garbage, chemical wastes and silt choke our rivers and streams; litter and junk despoil the beauty of our landscape; poisonous pesticides and fertilizers are being washed into our waterways and contaminate our fish, constituting a danger to those who eat the fish; noise vibrates our nerves intensifying the pressures of life in an urbanized society; workers in many industries absorb injurious particles into their bodies.

All of these problems cry out for immediate response.

Several years ago, U.S. Surgeon General, Luther Terry, used the word "Eutrophication" to describe our modern society.

I am sure this word is part of your technical jargon, but I must admit it sent me scurrying to the dictionary. I discovered that it very aptly describes the paradox of technology vs. a livable environment. To a poet, "eutrophication" is almost an onomatopoeic term because it sounds like what it means—over-enrichment, but my mind keeps linking it with putrification.

Unfortunately, for us and our poets, the azure skies, the glistening streams, the prairie grasslands, which have traditionally inspired beautiful poems, are daily being distorted by the pollutants of technological progress and waste.

Our fellow Marylander, H. L. Mencken, coined a phrase to describe the deterioration of our surroundings when he said that the American "libido for uglification" is an all too prevalent disease.

Eutrophication, or the excessive nourishment that eventually chokes life, is a natural process. Unfortunately, we have speeded the process by several million years. We've overexerted our brainpower to further mankind's progress while neglecting the application of that same brainpower to the ill effects of that progress. We have to face a fact of life: the more active and industrialized and affluent we become, the more waste we're going to produce. It's one of the prices we must pay for progress.

For example, in 1964 a team of Public Health Service scientists found and charted an area of 2,600 square miles at the bottom of Lake Erie which was totally devoid of oxygen. Now, even if man had not settled and built and manufactured around the edge of the Lake, this process would still have gone on, but it would have taken hundreds of thousands of years to make this tremendous source of fresh water useless. Over eons of time, the water levels in the lake would go down, more and more soil would wash from the fields to fill the Lake, algae would proliferate, then, gradually and imperceptibly the Lake would become a swamp and finally a bog.

This process which should take hundreds of thousands of years has been so expedited that it is happening now.

And, therefore, now is the time to re-direct our concerted efforts to achieve technological excellence. In fact, now is almost too late. We should have begun years ago. To win this race against time will take vast outlays of money, far more than we are now spending, and it will take tougher restrictions on communities, individuals, and our industry. In short, we need to assign to this problem the same kind of national priority we assigned ten years ago to landing a man on the moon, and we must make up our minds that we're going to focus the money, talent and concerted effort that is necessary to solve this problem.

This issue, in a word, is survival, and that's not something we can compromise with.

First, action must be taken against the most serious existing problems, and secondly, an environmental protection system must be created that offers a means to identify emerging environmental hazards so we can prevent them from getting out of hand. In other words, we must find a means to eradicate the harm of the past and provide a preventive program for the future.

President Nixon remarked the other day that the 1970's will be now-or-never years for reclaiming our living environment. This deadline was no exaggeration and, while we have made some efforts in this field since as long ago as the 1940's, it is clear that every individual citizen and organized group of citizens must pick up the yoke of responsibility and respond.

This year the federal government will spend about $800 million for grants to local communities to help them construct sewage treatment facilities. An additional $400 million is being spent for research and development on the problems of air and water pollution. But this is nowhere near enough. To do the job which needs to be done will take billions of dollars. Some among us will say, "We can't afford to spend that much money." I say, "We can't afford not to."

If someone came to you and said all human life will be eradicated from earth within six months, could there be any price too dear to pay to forestall this calamity? Perhaps I am being overly dramatic. We all know we're not going to be eradicated within six months. But the problems are so serious that we need to approach them in terms of survival or non-survival.

In 1969, the Congress laid the groundwork for a unified effort by introducing legislation which, in each case, responded to the overriding need for a watchdog, central entity for environmental response. On every level of government—federal, state and local—it is necessary to centralize efforts.

Some signs of this trend are now evident. For example, the President recently signed the legislation setting up the three member Council on Environmental Quality.

Close to your field of responsibility and mine is the Potomac River Compact.

With further reference to this idea of centralization and coordination, I joined with 58 of my colleagues in the House of Representatives to sponsor a resolution to establish a Standing Committee on the Environment. With the creation of such a committee, the Congress could look to one central committee for leadership in this area and to which new ideas could be directed. At the present time, legislation to resolve the pressing problems of the environment is scattered throughout a number of different committees. This, too, is the case with the federal bureaucracy—pollution problems, even those in one particular area, such as air pollution, are scattered throughout several agencies. The result frequently is the right arm not knowing what the left arm is doing.

There must be coordination. For example, when I voted for the $1 billion funding for the Clean Waters Restoration Act, it occurred to me that perhaps this money could serve a double purpose if the blueprint for the use of that money could be applied to air pollution.

I spoke earlier of the involvement of the this endeavor. You, as individual sanitarians and as members of organized groups of sanitarians, are in an ideal position to effect a tremendous amount of good. The health official needs to bring his expertise and influence to bear on the community more than ever before. Your voice may be only one among many; but because of your training and experience, it can and should be a loud voice.

Allow me to be very blunt—you are—and must be—the leaders in this arena.

People are finally becoming aware of the danger to their own survival and they are looking for leadership. Our young people are particularly ready to join in this crusade. We must assign them a role. This generation is disturbed by their deteriorating surroundings. I am convinced that they will join readily in the fight to protect and improve man's health and to restore the balance in man's relationship to other species. They have a valuable contribution to make and we must assign them a piece of the action.

In the words of a San Francisco State graduate student:

"We don't want merely to survive; we want to live. There is only one place in which to live and that is on this planet and we must live here together."

If we must live here together, then we can work here together to make this planet livable. We must accept this responsibility and assume it as a sacred trust.

CONVERSION TO METRIC SYSTEM

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. MILLER of California. Mr. Speaker, the world is turning more and more to the metric system of measurements. The British began a conversion to the metric system in 1965 and will convert to decimal currency in 1972. The Australian currency became decimalized in 1966, and on January 19 of this year Prime Minister John Gorton, of Australia, issued a statement concerning the conversion of Australia to the metric system. That statement follows:

CONVERSION TO METRIC SYSTEM

(Statement by the Prime Minister, Mr. John Gorton)

Following detailed consideration of the recommendations made by the Senate Select Committee on the adoption of the Metric System of Weights and Measures, the Government has decided that Australia should convert to the Metric System as soon as possible.

The Commonwealth has notified the States of this decision and has suggested that arrangements be made for a conference with them to discuss co-operation in those areas where co-operation may be required.

The Government believes that the lasting benefits which will result from this decision will greatly outweigh the not inconsiderable transitional difficulties involved.

The Government's aim is to complete the changeover during a period of ten years although conversion will be completed much sooner than this in some sectors.

It is proposed to set up a Metric Conversion Board, on which a wide range of interests will be represented, to plan, guide, and facilitate conversion. The Board will be responsible to the Government through the Minister for Education & Science and will be expected to make appropriate recommendations from time to time after full consultation with those concerned.

Although the Government realises that some compensation may be paid in such unusual and special cases as are accepted by the Government on the recommendation of the Metric Conversion Board it is expected that, as in other countries the costs of effecting the charge will, in general, be borne by those incurring them. By allowing time for natural obsolescence and depreciation of plant and machinery the cost of conversion will be greatly reduced. Experience in

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other countries such as Japan—where conversion is complete—has shown that by forethought and good planning these costs can be greatly reduced.

The decision to convert is in line with decisions which have already been taken in the United Kingdom, South Africa, New Zealand and South East Asian countries and in announcing it the Government wishes to pay tribute to the work of the Senate Select Committee under the leadership of the late Senator Keith Laught.

OUR GREAT COUNTRY WAS BUILT BY MEN LIVING BY THE WORD OF GOD

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. DONOHUE. Mr. Speaker, every Member of Congress receives a tremendous number of communications from constituents covering practically every topic under the sun. It is noteworthy that the overwhelming majority of them are entirely in order and directly related to our basic concept of representative government.

We encourage the receipt of correspondence and occasionally a constituent's letter is so obviously sincere, so fundamentally reflective of general feeling, and so thought provoking to all of us that it merits wider publication and reading.

Such a letter, I think, was sent to me recently by my constituent, Mrs. Clara L. Dyer of Uxbridge, Mass., and I am pleased to include it at this point:

UXBRIDGE, MASS.,
January 15, 1970.

Hon. HAROLD D. DONOHUE,
Central District Office,
Worcester, Mass.

DEAR CONGRESSMAN DONOHUE: I was pleased to receive your report and have read it thoughtfully. I agree with you on each of these important issues and feel they are *all* extremely important. We were truly thankful for the increase in Social Security payments.

I would like to have you know how I and many of my friends feel about another important issue. We cannot understand why the Government will readily spend so many billions of dollars reaching the moon, mars or any other planet. As for men being sent to the Moon and crashing that monstrosity on it causing the *Moon* to shake for more than an hour, how *dare* they do such a thing; just experimenting around up there? We were taught that the Moon controls the tides and how do they know for sure that they will not or have not done something to disturb the delicate balance of the Universe? All parts of the country have experienced unusual weather ever since their experiments, and they have even polluted the upper atmosphere.

Why does the Government feel that everyone is so interested in flights to the Moon? Everyone I know, and speaking for myself I wish they would keep away from it and try to solve some of our earthly problems.

It surely bothers me when the Government will give billions for all of these space flights but if the poor, the starving and the elderly want a decent living there is always so much talk about how they haven't the money. Let them use some of the billions they so foolishly waste on space projects. We have plenty of problems that should be solved right here on earth. Crime, drugs, pollution, hunger, poverty and first and foremost *War*. How I wish they would use this money and their knowledge to make a better world for the people on earth.

How can these monied men, many who have never known what it is like to be poor and who can give themselves a raise whenever they want to; how can they expect the poor and middle or working class to go along with them?

We were pleased to see that they are making a small cut back *but not enough*. It will only delay for a time their reaching the moon several more times and the planet Mars. Why do we need so many scientists? It seems to me that we need doctors and ministers far more than scientists.

A lot of laws need changing. It seems the criminals are protected instead of the victims. I would like to have them change the present law and allow Bible reading in school. Our great country was not built on atheism, but by men living by the Word of God. I hope you will do all you can to help solve these earthly problems.

Respectfully yours,

CLARA L. DYER.

ENVIRONMENT DETERIORATING

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. MESKILL. Mr. Speaker, there is no issue that has received greater attention or aroused more concern among Members of this historic legislative body than that of the environment. And yet, the Congress has not equipped itself to deal squarely with the issue.

Today, there is an increasing awareness that we must act now if we are to act at all to protect the world in which we live. Man's technological genius has produced a world whose population enjoys a higher standard of living than ever before. We have more of the things that contribute to the so-called good life than any other generation in history.

But sadly, we must acknowledge that our modern technology has come at a high price in many cases. Slowly, we are beginning to realize that our technological wonders are robbing us of clean air, clean water, our forests and our wildlife, our soil and our minerals. In short, the quality of our environment has been deteriorating.

In the years ahead, will we find our material needs satisfied only to find frustration in the condition of our environment? Will we find ourselves trapped in traffic, choking on smoke, swimming in muck, and trembling from noise?

I am afraid this is the outlook for America unless we develop a rational policy to promote a high quality of life. We cannot stop industrial and technological development; nor should we. We must have an economy which continues to grow. But we must balance quantity with quality.

To do this will require a national commitment like we have never known before. A safe and livable environment in the years ahead will demand a coordinated national policy.

There is no question that Congress has its part to play in developing this policy. So far, however, Congress has not taken the lead it should have in this field. The reason that Congress has failed to assume its proper role in advancing an environmental policy is that it is ill-equipped to formulate such a comprehensive program.

Simply put, Congress is strapped by inadequate machinery for legislating in the field of the environment. Up until now, Congress has taken a fragmented and disjointed approach to its work on environmental issues.

The diffusion of committee responsibility on matters dealing with the quality of life makes the innovation an evolution of a comprehensive, coordinated policy almost impossible. When you have two or three or even four committees in the Congress dealing with different aspects of a problem in such an interrelated field as the environment, it is impossible to develop a unified, hard-hitting program to meet the crisis.

At the best, this overlapping jurisdiction is inefficient; at the worst, it is unworkable and detrimental to policy formulation.

To correct this urgent situation, I have joined as a cosponsor of a resolution introduced by my colleague from Colorado (Mr. BROTZMAN) and identical to House Resolution 375, originally introduced by Mr. BROTZMAN last April. The resolution calls for the establishment of a standing Committee on the Environment in the House of Representatives. This committee would have full legislative powers over a broad range of issues dealing with the environment. The committee's jurisdiction would extend to water quality, air quality, weather modification, waste disposal of all kinds, pesticides and herbicides, and acoustic problems.

Congress needs a committee with full legislative powers in this field. A coordinating or advisory committee would not suffice.

Furthermore, Congress needs the advice of a professional staff of ecologists, biologists, chemists, and so forth, who understand the technical aspects of this highly complex field. The interrelationships involved require that a systems approach be used to develop a national environmental policy.

Mr. Speaker, we must remember that the threat to the environment will not diminish in the years ahead. Congress must restructure itself to meet the new crisis facing the Nation. A standing Committee on the Environment is essential.

SMALL BUSINESS ASSOCIATION OF NEW ENGLAND

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. MORSE. Mr. Speaker, the Small Business Association of New England—SBANE—has, since its incorporation in 1938, served with distinction a great number of New England small businesses,

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and, indirectly, their national counterparts. I personally have had many opportunities to work with SBANE and have come to depend upon it as a valuable and responsible source of small business information. I want to call the attention of my colleagues to SBANE's recently published "Fact Sheet," which provides an idea of the breadth of its activities.

SBANE FACT SHEET

WHAT IS SBANE?

SBANE is a private, non-profit Association of some 700 New England small companies who believe that through collective and cooperative action, the vital needs of small business in such areas as legislation on the national level and educational programs geared to the small business executive, can be fulfilled. The Association broadly defines a small business as a company with from 1 to 500 employees. The 700 members in the six New England states represent every facet of small business enterprise. Although some 50% of the members are in manufacturing, the growing membership rolls include service firms of every description, retailers, banks, wholesale distributors, consultants, lawyers, CPA's, data processing, etc.

WHY DO BUSINESSMEN JOIN SBANE?

For the SBANE member who participates in just some of the varied programs and services during the course of a year, membership is a good investment. The returns are much greater than the nominal annual dues. Vital services are being added constantly. The Association offers the small businessman a pooling of talent and resources to help him in the day-to-day operation of his enterprise.

WHO RUNS THE ASSOCIATION?

SBANE is not typical of many business organizations where the Officers and Directors hold fancy titles and take bows. SBANE is an active organization. The Officers each have major responsibilities, the Board of Directors meet monthly and a professional staff carries out the policies established by the leadership. Over a dozen committees in a variety of areas are meeting constantly to explore and expand the programs and services. The most important entity in the Association is the members and the leadership strives to fulfill their needs as determined by frequent contacts and communications.

WHAT ARE THE SBANE SERVICES?

Legislation on the national level

SBANE's legislative program is aimed at keeping the Congress, particularly the members of the New England Congressional Delegation and the House and Senate Small Business Committees, abreast of legislative needs and problems that can be affected by our lawmakers. Instead of simply pointing to the problems that affect small business, SBANE makes specific proposals on behalf of the nation's small businessmen. The highlight of the legislative program is a Washington Presentation delivered to members of the Senate and House, usually in May, that consists of Proposals for Congressional Action. Subjects covered in the Washington Presentation in the past have included: Procurement, Taxation, Labor, Pension Plans, Patents, Transportation and Small Business Investment Companies/Small Business Administration.

SBANE is also called upon frequently to testify at various committee hearings on subjects of interest. SBANE's experience in Washington has earned the Association the highest regard of our national lawmakers. Various committees with SBANE study proposed legislation to determine its effect on small business. The Association is in close liaison with members of the New England Congressional Delegation as to the feeling of the membership on current legislation. Timely Flash Bulletins are sent out to the members whenever important bills are under consideration.

Education

SBANE believes that in order for a small business to succeed, its management must have a continuing desire to improve their skills as an executive by participation in seminars and conferences. Throughout the year several programs are held sometimes in conjunction with a leading New England university. For instance, in the past months SBANE has cooperated with Northeastern University's Small Business Institute in putting on conferences dealing with "Venture Capital" and "Mergers and Acquisitions". Conferences were also held with Boston College on "Corporate Fringe Benefits".

SBANE magazine—New England business

Ten times a year the Association publishes a magazine, NEW ENGLAND BUSINESS, to inform New England small business of the activities of the Association, plus, management educational articles geared to small business. The magazine has a circulation of some 1,700 and is an excellent marketing device for the small business advertiser who wants to reach some of the fastest growing businesses in the area.

"Live-in" seminar—Harvard Business School

The best known of the SBANE continuing educational programs is the three-day "Live-In" Seminar held on the campus of the Harvard Business School. Employing the case study method and four senior professors, this "Live-In" Seminar has provided over 1,000 small business executives, in the past 11 years, with the unique opportunity to live at this renown business school and discuss a total of 12 cases in the areas of Management, Marketing, Finance and Labor Relations. It is an excellent program, reasonably priced and some 120 executives are expected to attend the January 18–21 seminar.

Caribbean seminars

For the past seven years the Association has sponsored a one-week Caribbean Management Seminar under the direction of David T. Barry, President, David T. Barry Associates, Wellesley, Mass. A faculty of experts and extensive teaching materials are employed. Classes are held in the morning and the afternoons are free for recreation and sightseeing. The purpose of these programs is to allow attendees to get away from their businesses and learn in a pleasant environment how to be better managers.

Breakfast Club

The program to provide the small business executive with an opportunity to hear speakers of special interest with a minimum of time interference with company activities has been established in the Boston area and is expected to spread to several key New England areas. Known as the SBANE Breakfast Club, the program begins at 7:30 a.m. at the Sheraton Lexington Motor Inn. Following announcements of the SBANE activities, a speaker of particular interest to small business is invited to address the gathering and answer questions.

Annual meeting

Every Fall the Association conducts an Annual Meeting and Small Business Conference consisting of symposiums and guest speakers of interest to the small business community. This one-day program also consists of an Exhibition which offers members an opportunity to rent exhibit space and show their products and services to the hundreds in attendance. The program also consists of the annual Election of Officers and Directors.

Trade development

SBANE believes that one way the small businessman can expand his market is through overseas trade development. In 1969 the SBANE European tour of 34 attendees explored business opportunities. Past trade missions have also included the Far East and Mexico. SBANE works closely with the Department of Commerce, Pan Am and the foreign trade departments of several leading banks in its trade development programs.

Group insurance

Insurance plans not otherwise available to small business are offered through the Association. To date, they include the Voluntary Accidental Death, Dismemberment and Permanent Total Disability Insurance for employees of Association members and two programs of Income Protection Insurance featuring Lifetime Accident Benefits and five years' sickness benefits. Additional group insurance programs are under constant study by the Association for eventual offering to the membership.

Mergers and acquisitions clearinghouse

A Mergers and Acquisitions Clearinghouse program has been established to offer the members an opportunity to register should they plan to either merge, acquire or sell their companies. Companies registered for either a "buy" or "sell" situation are listed by Standard Industrial Classification (SIC Code). Interested parties are matched whenever mutual interest is expressed.

Reduced auto rental

SBANE has entered into an agreement with Avis Rent A Car Systems, Inc. whereby members of the Association receive a 20% discount.

Unemployment cost control

Special arrangements have been made with Gates, McDonald & Company, a nationwide unemployment cost control firm, for members to subscribe to this cost saving program at a reduced fee. Many New England small businesses are not aware of the advantages of close professional scrutiny to keep down the company's experience rating.

Bay State business world

The Association pays each new members subscription fee to the Bay State Business World, a weekly business tabloid, covering news of business and industrial interests. Once a month the Bay State Business World carries a full page of news about SBANE and its programs and activities.

Executive placement

As a service to its members, SBANE maintains resumes' of executives interested in employment in New England small companies. These executives are referred to the Association by members, banks, accounting firms, consultants, and representatives of the academic community. This service is rendered at no charge to the member or the job seeker.

Business counselling

Membership in SBANE affords an "extra office" which the member can call upon as a source of information, contacts and references he can pursue for additional information. SBANE through its 32 years of existence has built a close liaison with key people in the academic, governmental, consulting, financial, legal and major New England business community. Many of these people are members of the Association and are always eager to help a member in need.

Governmental liaison

SBANE works closely with virtually every branch of the government that has programs or services available to small business. The SBANE staff and members communicate quite frequently with the SBA, Department of Commerce, Defense Supply Agency Services Region/Boston, and Small Business Specialists at the various defense installations.

Are there any other associations like SBANE?

SBANE is the only regional Association for small businesses in the country. Although there are other national small business as-

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sociations, their services are almost exclusively in legislation. They do not offer the extensive educational programs, etc. that SBANE does. The advantage of SBANE as a regional Association is that it is in constant contact to its members through frequent mailings, correspondence and telephone calls to and from the membership. To quote a leading small business official in Washington, SBANE is, "more live-wire than others" and is able to draw grassroots interest and participation.

One vital by-product of SBANE's extensive programs is the opportunity it affords the membership in meeting their fellow small business executives to exchange ideas, thoughts and experiences.

Membership dues

The cost for one year's membership in SBANE is $50 plus 50¢ per employee up to a maximum of $200 per year, tax deductible.

There is also an individual membership offered on a very limited basis to employers with no employees and members of large businesses otherwise not eligible to become a member because they employ over 500 people.

Membership in SBANE is an investment in your company and its future through a unified organization dedicated to the growth of the free enterprise system.

MAYOR HENRY MAIER OF MILWAUKEE DISCUSSES SUBURBS AND CITIES

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. REUSS. Mr. Speaker, Mayor Henry Maier, of Milwaukee, discussed recently the need for a national urban policy that would end the suburb-city dichotomy in our metropolitan areas. I include his speech in the RECORD, as follows:

SUBURBIA AND THE CITY: FLIGHT, FIGHT, OR APATHY

(By Henry Maier, mayor of Milwaukee, delivered to Midwest Ecumenical Symposium,, Wartburg Theological Seminary, Dubuque, Iowa, October 29, 1969)

Thank you, Father Weber. Throughout history, the city has attracted the restless, the uprooted—men and women hungering for freedom and the opportunity for a better life. Even in medieval Germany there was a saying: "City air makes people free." At the port entrance to America's largest city the inscription on the Statue of Liberty reads: "Give me your tired, your poor, your huddled masses yearning to breathe free."

The wretched refuse of the teeming shore have helped to build the American city, and the restless people have gone on to build the other great cities all across the land. In each case, the new city has stood as a new symbol of liberty, attracting the restless of not only the foreign shore but also the restless, yearning people of the barren countryside.

Throughout these years the American city has been the citadel of freedom and opportunity; but today, the central city in America is a city under seige, a beleaguered city cut off from the rich resources it needs to perform its historic function.

As the city finds itself more and more frustrated in its attempts to provide the good life for its citizens, many of its citizens themselves become frustrated. On a mass scale, they exhibit the classic reactions to frustration: *Flight, fight, or apathy.* Some do flee the city. Some turn to violence. Others withdraw into silent despair.

What has happened to turn the restless energies of the city back upon itself? To turn its traditionally constructive restlessness into disturbing unease and explosive unrest? What has happened to turn the city fortress of freedom and opportunity into a city beleagured and under seige?

We as a nation have chosen the path to the beleagured city of 1969, by not choosing otherwise. Powerful social forces have been unleashed which have had an unplanned impact on our metropolitan areas and particularly to the mother city, the central city at the heart of the metropolis.

In this century we have seen the end of farms as the primary American way of life, even though some of our national policies still perpetuate the agrarian myth. For more than half a century the urban population has outnumbered the rural population. The cities no longer depend upon the farms for their development; the farm now feeds off the city.

In the past 25 years there has been a movement from countryside to city which may well be the greatest migration in the history of the world.

At the same time there has been a vast migration from the city to the suburbs. Two caravans have passed on the urban highway: the Cadillacs of the rich heading for the green fields of suburbia; the jalopies of the poor headed for the hand-me-down housing of the inner city.

These dual migrations have now produced a nation in which there are probably more slum dwellers than there are farmers. At the same time, we are for the first time a suburban nation. More people now live in the suburbs than in the central cities. Politically, this often means that the city is often opposed by both suburban and rural interests in the battle for a greater allocation of our national resources.

The flight to the suburbs has not only been middle class, it has also been largely white. Between 1950 and 1960, the city of Milwaukee lost one-fourth of its middle class housing at the same time the population of its suburbs was increasing by a corresponding twenty-five per cent. Despite this suburban gain in population, only two per cent of the Negro population of the metropolitan area lives outside the central city. In Cleveland, the percentage is even smaller.

The money has moved out of the central cities even as the problems of poverty have moved in. In the Milwaukee metropolis, to cite one example, most of the families with incomes of $10,000 a year and more live outside the central city. Almost *all* of those with incomes of $3,000 a year and less live inside the central city. In 1960, this included one out of nine families in the city of Milwaukee.

If you look at a map of the Milwaukee metropolitan area showing the distribution of family income, you will see the grim story of the causes of unrest in Metropolis, U.S.A.

On the fringes of the area you will see the islands of green, the places with the highest income families, with the best schools, the best homes, and the lowest taxes.

In the center of the map you will see the center of blight and poverty—the only concentration of poverty-level people in the entire metropolitan area, and the area that requires the highest public expenditures.

Between the islands of green and the center of poverty you will find the vast gray areas of the central city where the people live whose incomes is a step above poverty, but still several steps below the level of affluence.

These people of the lower-middle income range must not only pay the costs of servicing the poverty areas, but they must also pay the millions of dollars it costs to provide city services which benefit the people of the suburban areas.

One-third of the city land is tax exempt, used primarily for institutions that serve the entire metropolitan area—such things as colleges, hospitals, clubs, museums, art centers.

The lower income areas of the central city must also pick up the costs of servicing the poverty areas. The human costs of poverty are uncalculable. But poverty also costs money. In the central city it means extra costs for health, for sanitation, for special school needs, for police and fire protection. These extra costs in my city conservatively estimated at more than $31 million a year must be borne largely by those least able to pay—the lower income people of the central city. The poor must pay more because they are poor. And these costs must be borne by the property tax—a regressive tax that is not based on the ability to pay.

The local property tax is heavily overburdened because the local property tax was never intended to finance the problems of poverty, of health, of slums, of special educational needs in the age of a highly mobile population.

National studies show that the property tax in the central cities accounts for around 20 per cent of the housing costs of both owners and renters. This is a consumer's tax. It hits hardest those renters with the lower incomes.

In the city of Milwaukee, about 100,000 persons live on fixed incomes—one out of seven—many of them on social security and moderate pensions. If they live in a $14,000 house, property taxes alone cost about $52 a month. That's the cost of living they pay whether they own a house or rent it. The roof over the family's head is taxed at a higher rate than any other necessary commodity.

Let me state, ladies and gentlemen, that here in this one corner of Metropolis, U.S.A.—Metropolis Milwaukee as I have described it—is a map of unrest in urban America.

The seeds of unrest are in the poverty areas where the poor—both black and white—live on the bottom rung of the social ladder, cut off from the rich suburban areas by exclusionary zoning practices.

The seeds of unrest are in the gray areas of the lower income people who are uneasy, who feel the effects of inflation and who have to bear the burden of the major costs of the central city.

And some of the causes of unrest are found in the metropolitan area outside the central city, which zone out the poor, which fail to bear their share of the metropolitan burden, and which all too often are abetted by the main custodian of the metropolitan status quo—the metropolitan press which constantly preaches that only the central city status quo should be changed, not the status quo of the metropolitan area as a whole.

All too often, the editors of the metropolitan establishment press live in those suburbs which brag about the quality of their schools, but refuse to admit that the olympic size swimming pool at Green Acres High was built with money that should have provided a remedial reading class at Inner City Tech.

The metropolitan establishment brags: "There are no slums in suburbia." Of course not: The slums of suburbia are in the central city.

This is the metropolitan hypocrisy which has helped to create a system of apartheid in our metropolitan areas and which has bred unrest and rebellion.

The wonder is not that there is unrest in the cities. The wonder is that there is not more unrest; for it is not just the people of deep poverty who are suffering from oppression in the city, but the central city as a whole is suffering from discrimination and neglect by those who profit from it.

Dr. Nathan Wright, Jr., saw this quite well as Executive Director of the Department of Urban Work of the Episcopal Diocese of Newark. Writing of the conditions that led to the riot in Newark, Dr. Wright said that the city as a whole might be seen as a "society boxed in frustration."

Dr. Wright stated, "suburbanites reap the immediate economic benefits from human misery in the city. Suburbanites use the cities' services and help concentrate urban problems."

He made this very significant point: "The nation as a whole takes largely the same 'suburbanite' view of the city. The cities are seen to exist for the convenience of the nation, to be exploited by the all-too easy benefit of one and all. But this thoughtless, myopic attitude has been chiefly responsible for bringing us close to the day of disaster."

A colleague of Dr. Wright's—the rector of an Episcopal Church in a Newark suburb—summed it up quite well: "When we realize how good and pleasant our surburban life is and thank God for it, the city pays for the prayers we pray."

Dr. Charles Hamilton, the co-author with Stokely Carmichael of the Book "Black Power," points out that both the blacks and the whites in the central city are being manipulated.

As the cities are left to be lived in by poor blacks and lower class and middle class whites, Dr. Hamilton said not long ago. "It is no accident that these two groups will be locked in political and economic and, in some cases physical combat."

He said that the crucial point is "whether they realize it or not, their socio-economic problems are being manipulated by and to the advantages of persons and forces existing outside the battleground."

Dr. Hamilton continued: "The rural dominated legislatures do not accidentally deprive cities of fair representation. The inequitable tax sharing plans which fail to relieve high property taxes in some cities like Milwaukee are not the result of happenstance. Who benefits from restrictive zoning in the surrounding suburbs, certainly not the whites and blacks locked in the cities?

"Under and unemployed black people compressed in the cities rub against misled poor whites who are left behind by their more affluent white cousins and cities blow up."

Dr. Hamilton concluded: "Until poor whites and poor blacks do, in fact, perceive their common economic-political interests, they will continue to be pawns in the hands of others, and we will continue to see frustrations of black people explode, and we will continue to see the fears of poor whites manipulated. Bad, social, and political conditions do not develop accidentally. They are the function and they serve the purpose of those forces that stand aloof and play a vicious game of manipulation of their selfish interests."

Often this manipulation is provided by the metropolitan press whose great game is to pit the underprivileged against the underprivileged in the central city. The great game is to propose one dimensional, single variable solutions to complex multi-variable problems. This was the game played by the journal monopoly press in Milwaukee shortly after the civil disorders of 1967.

At that time, the city had a moment of opportunity to move on many fronts. We had drawn up a 39 point program of middle and long range objectives to get at the roots of many of Milwaukee's social problems. But the journal monopoly chose the single-variable issue if central city open housing and the 39-point program was buried beneath days and weeks of newspaper ink that not only reported conflict but helped to stir up conflict within the central city.

And when it was all over, there was not one more unit of low income housing in the metropolitan area outside the central city than there was before, there were no more revenues provided to meet central city problems—all the basic problems of the poor, remained. But the metropolitan status quo had been preserved.

In the midst of the headlines for this single variable issue, the 39 points were buried and so was my position calling for metropolitan-wide open housing as a minimum measure to break the white noose around the central city. Nor did the journal monopoly give coverage to any of the voices which lent support to my position—such voices as editorials in the New York *Times* and Madison *Capital Times*, the Secretary of the Department of Housing and Urban Development, Senator Douglas, the Chairman of the National Commission on Urban Problems, or the Advisory Commission on Intergovernmental Relations. They were just not dramatic enough; no one was marching or picketing in favor of them.

In concentrating on the headlines of dramatic confrontation, the metropolitan press has failed to take note of another factor in the unrest in the cities. This is the real anxiety—justified or not—of some of the lower class whites in the city, the people referred to by Dr. Hamilton in his statement.

Professor Norton E. Long of Brandeis University has put it this way: "Despite the affluence of the middle class, the white lower middle class and white workers are ridden by anxiety. They feel insecure in status, housing, and even jobs . . ." He goes on to say that the wealthy liberals in suburbia can sign open-occupancy petitions with a noble sense of assurance not shared by white ethnics who literally fight for their turf.

Columnist Jimmy Breslin puts it even more strongly and more colorfully in a piece he wrote some time back on the phenomenon of Mrs. Louise Hicks, who ran as a law and order candidate for mayor in Boston. While not sympathetic towards Mrs. Hicks, he says that she has—in his words—"Come up with a reality of the times that smart people in the nation haven't bothered to look for."

"That is", he says, "most white people who still live in the city proper have no sense of wealth because they don't happen to have the cash for it.

"Nor do they have any sense of being privileged. At the same time, they react strongly against solution to city problems forced on them by people who don't live in the neighborhoods with them and don't have even the slightest idea of how people live in a neighborhood. Those white city working people also resent people who have the money and power and who should be responsible for the city but who have left it for the suburbs."

A Mrs. Hicks, he says, speaks for white working people who live in cities that are crumbling. "Live in them," he says, "and work at jobs like bus drivers and longshorement, and take out loans to meet bills. And around them, schools run down and crime goes up and services falter. The racial problem explodes. The only things white working people were ever taught about races at home, in school, and in church was to hate and fear indifference. Now a professor comes out of a school they never saw and says they are evil bigots. The Federal Government says they must change immediately. And everybody at a cocktail party out in the all-white suburbs completely agrees."

Whether or not we agree with these attitudes, I believe we should make every attempt to understand them, just as we should make every attempt to understand the attitude behind ghetto violence. If we do not attempt to understand these attitudes, if we pretend they do not exist because they do not conform with conventional thinking, then we stand the danger of turning our cities into battlefields. Within these attitudes are the seeds of both rebellion and reaction.

More and more the mayors of our beleaguered cities must be concerned with both the causes of rebellion and causes of reaction. Reactionary violence can be as destructive as rebellious violence. And I believe we can run into some dreadful things in our society if the causes of rebellion and reaction to it drive us toward the police state.

Social change—radical social change—is needed if we are to remove the causes of rebellion. The danger is that rebellion itself can cause the reaction which will make it more and more difficult to bring about needed social change.

A number of mayors of our largest cities have come to the conclusion that trying to bring about social change in the midst of rebellion and reaction is literally the art of the impossible. Many are retiring from office, discouraged, frustrated by the thankless task of trying to cope with the problems of the beleaguered central city with limited resources of the city itself.

And tragically, the forces that could bring the outside help that is needed stand aloof or contribute to the unrest.

The national government—with its rich command of resources—is more committed to putting a man on Mars than it is on putting men in decent cities in the United States of America.

Our state governments—with their powers to break zoning barriers, to build low income housing in suburbs, to bring about fiscal equity for our cities—these state governments hide and play with social dynamite by not facing up to 20th century urban problems. Their heads are in the sands of the 19th century rural thinking. Legally, it is true, the cities are the creatures of the state; but all too often the state looks upon them as unwanted children, left to starve or to subsist the best they can on a few scraps thrown from the banquet tables of state-wide affluence.

Our metropolitan areas are balkanized, fragmented. The problems of the central city are a spectator sport to the suburban dweller who drives along the freeways between his city job and his bedroom. The freeway is his economic lifeline; who cares that in order to build it thousands of homes of the poor had to be torn down and there is no place to build them again outside the central city?

Decades of Laissez Faire Development within our metropolitan areas have built up walls of racial, fiscal, economic and social segregation that are feudal in concept, inefficient in execution and undemocratic in this age of metropolitan man. They have helped to build a social atom bomb that can go off at any time in our central cities with resulting fall out that will extend far beyond the boundaries of the city itself.

The need today is for open metropolitan communities where there is no segregation by race, creed or credit card. And we need a national urban policy committed to the goal of this kind of metropolitan community.

This national urban policy should strive for balanced communities within our metropolitan areas—balanced according to income groupings. This can be done by changing housing patterns throughout the metropolitan areas. It can be done both by providing more low-income housing in the suburbs and also by eliminating totally restrictive zoning which in essence zones the poor out of suburbia.

There are a number of efforts enrolled to attain these goals. The question of restrictive zoning is now becoming a subject of court contest in a number of localities and may in time be ruled unconstitutional. Secretary Romney's "Operation Breakthrough" to mass produce low income housing units can lead to metropolitan wide low income housing providing that zoning barriers can be reached to provide the necessary land. As a consultant, I have watched with interest a project of the National Association of

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Housing and Redevelopment officials to try metropolitan low-income housing strategies in three areas of the country. Another movement on the horizon is the "New Communities" legislation developed by the administration to build balanced new cities and relieve the pressures on the central cities caused by in-migration and population density.

But until we have a national urban policy that commits this nation to an all out attack on the problems of the cities, our cities will continue to rumble with self-defeating unrest.

The commitment will not come easily if, as Dr. Wright suggests, the nation as a whole has a "suburban attitude" toward our cities. The political reality of our time is that the people of the central cities are becoming a decreasing political minority in the nation. They are outvoted by the people of the suburbs, the rural areas, and the smaller towns and villages.

If the people of the central cities are to be heard, they must end their divisions. The people of the city must march together and speak with a single voice on behalf of the central city as a whole. Together they must convince the people of the nation who use the central cities even though they do not live there, that the nation as a whole has a stake in our central cities—that in the long run city and suburb will sink or swim together.

And once again the restless energies of the city must become a great concentrated, constructive force to rebuild the city as an even greater citadel of freedom and opportunity in this nation of cities.

Thank you.

YOUNG WORLD DEVELOPMENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1970

Mr. HOGAN. Mr. Speaker, I would like to associate myself with the remarks of many of my colleagues about the American Freedom From Hunger Foundation and the Young World Development organization.

Much of the credit for the success of both these groups must be attributed to the diligent efforts of the Leonard Wolf family, who reside in my congressional district. Mr. Wolf, a former Iowa Congressman, is now the executive director of the American Freedom From Hunger Foundation and both his wife and daughter have been instrumental in alerting young people to the hunger crisis in this country and abroad through their support of the Prince Georges County Walk for Development.

Prince Georges County participated in the walk for development program on May 25, 1969. Four thousand marchers raised more than $9,000 on that 1 day to aid a domestic day-care center and to support an overseas Catholic Relief Services nutritional training center.

Two aspects of these walks for development are particularly impressive. First, it is extremely gratifying to see the constructive and enthusiastic manner in which these young people are responding to these very desperate needs in today's world. We have become so inundated with the daily reports of dissent from the young sector of our society that it is a welcome respite to observe such positive action taking place.

Second, it should be pointed out that these walks for development are leading the trend which the country in general appears to be following; that is, we are recognizing the prevalence of our domestic ills as well as those which face us abroad. Of the total funds raised from these walks, 42.5 percent goes to an overseas project, while another 42.5 percent is retained for a domestic project, in this case one located in Prince Georges County, Md. This again is a most welcome phenomenon because for so many years we have harkened to the cries of famine and starvation in other lands while we have virtually ignored our domestic plight.

I am most pleased to note the establishment of the Young World Development organization as a followup vehicle to the walk for development. Having achieved monetary success through the interest and efforts of young people, it is imperative that this interest be maintained through active investigation and research into the problems of hunger.

It is most encouraging to witness the involvement of dedicated people such as the Wolf family in such a worthwhile effort.

"BOTH MANAGEMENT AND LABOR ARE GUILTY"—A FRANK STATEMENT BY CONGRESSWOMAN SULLIVAN OF THE PROBLEMS OF OUR MERCHANT MARINE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mrs. SULLIVAN. Mr. Speaker, the Subcommittee on Merchant Marine of the House Committee on Merchant Marine and Fisheries has been holding extremely important hearings on the future of our American-flag merchant fleet and the proposals of the administration for increasing the shipbuilding program to provide for more subsidized vessels. Our merchant marine is in a deplorable condition; our ships are generally old and obsolete and becoming increasingly uneconomic to operate under present conditions, while the merchant fleets of other nations are increasing in size and cutting deeper and deeper into the business of American shipping.

I have served on the Committee on Merchant Marine and Fisheries during my entire career in the Congress, and I have always supported the concept of a healthy and competitive American-flag merchant fleet, and have defended against widespread criticism the policy of subsidizing shipbuilding and ship operation under the American flag. I like to think that this gives me the right to speak out frankly and forthrightly against what I regard as the basic ills of our maritime industry. Perhaps I am too outspoken in this regard, for my comments sometimes upset both management and labor in this industry. Nevertheless, I think the facts should and must be stated.

Hence, in our hearing this morning, when management and labor were represented in full attendance, I put the main issue in rather blunt terms which undoubtedly was stiff medicine for both sides. In view of the importance of the issue, and the danger of misquotation, I am placing my full statement in the CONGRESSIONAL RECORD so that the text is available to all who are deeply concerned over the future of our shipping program, as follows:

STATEMENT OF THE HONORABLE LEONOR K. SULLIVAN

Mr. Chairman, I believe in a strong, active, healthy Merchant Marine industry, operated under the United States Flag.

I believe a strong U.S. Merchant Marine is an absolute necessity for the growth and safety of our Country. I have worked for and voted for legislation to make this a possibility *for the past 18 years.*

However, year after year, we have seen our merchant ships and passenger ships operating under the U.S. Flag disappear, while greater numbers of ships appear under the flags of other countries. Now we are contemplating legislation to build ships at a faster pace and replace many of our worn out vessels.

However, as we plan a replacement and building program, what are we doing to cure the ills and problems that have made so many of our ships disappear from the oceans?

Where does the fault lie? Is the structures of our laws too repressive and inadequate? Is labor too demanding in the manning of the crew? Does management attempt to sit down with labor and plan for the future growth of the industry, *not* just when contracts are running out—but does management consult *at the same time* with *all* factions of maritime labor groups to discuss automation, *new types* of *shipping,* etc. now being planned for future construction?

To my way of thinking, there must be closer cooperation between the ship owners, or operators of shipping lines, and the leaders of the men who run, or work on, the ships.

Ships cannot run without crews—and crews cannot work if there are no ships operating under the U.S. Flag.

From the knowledge and experience I've had with our Merchant fleet, I feel both management and labor are guilty.

While Government should not have to settle differences between the two—that's done through collective bargaining—I do believe that Government, namely the Maritime Administration, has a responsibility to sit down with industry and labor at the planning table.

The basic question in my mind is: How can we sell to our U.S. producers of export goods the importance of shipping their export cargoes in American bottoms? Our manufacturers and distributors want to be guaranteed that their products will be handled expeditiously. They want to be sure the ships will sail on schedule.

American exporters need to be *sold* on using ships that sail under the U.S Flag. We have the capacity to fill our ships.

What are we doing to use and sell this capacity? We also know ship operators are not going to build new ships unless they can carry enough cargo to make the ships pay.

These are some of the questions and some of the problems that must be answered before we can have a successful program of rebuilding our Merchant Marine.

I believe the answers lie with the ship operators and with the leaders of labor getting together *now* to *plan* together for the future.

If this is *not done,* I can see no possibility for a scheduled, efficient, well-run American Merchant Marine industry. We need one and want one. With the right kind of cooperation, we can have one.

The future of this great industry depends on full cooperation and understanding.

Remember—our seamen are all U.S. citizens. Their families live under the U.S. economy and their pay must be commensurate *with other* American industries. I know also that ship owners must make a legitimate profit. An active, healthy industry can achieve both goals.

Cannot all elements of maritime labor sit at the planning table with the ship owners, and work together for a profitable future for all concerned?

If they will do this, I am certain this legislation we are now considering will have full support of this committee and of the American people, and we can again become a nation proud of our Merchant Marine industry.

RAPID GROWTH OF POPULATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BUSH. Mr. Speaker, the problem of population growth has occupied the attention of the House Republican Task Force on Earth Resources and Population for the past year. So serious has this problem become to us that we published our family planning report—"Federal Government Family Planning—Domestic and International"—on December 22, 1969. The task force is not the only body of concerned citizens that realizes the urgency of this problem, and the need to examine viable family planning policies. Two editorials appeared in the Evening Star last week that comment on this problem. The first article is by Michael Harrington, and the second is by James J. Kilpatrick. I would like to have these articles inserted in the RECORD for the benefit of all those concerned with the rapid growth of population:

[From the Washington Evening Star, Jan. 20, 1970]

NEW PRESSURE FOR FAMILY PLANNING

(By Michael Harrington)

Today there are approximately 200 million Americans. One generation from now, in the year 2000, we are told there will be 300 million. Is there no limit to the number of people who can, and should, inhabit this country?

I am not talking here about the problem of large families and poverty, for there the answer is relatively simple. Because of the lack of information and access to birth control devices, a very large number of poor women involuntary have many children.

Without violating anyone's conscience and simply by giving these mothers the same free choice as is now enjoyed by the middle class there would be a drop in the number of their babies. Given the decrease in religious opposition to governmental support for such programs there has already been a limited federal involvement in this area.

And I am not raising the question of the population growth of the developing countries, for that, too, is hardly new. Even with the "green revolution" of the last year or so when new strains of grain allowed some of the impoverished lands to make dramatic increases in food production there is still a tremendous pressure from their populations upon limited resources. Here again it is clear that there must be governmental policy in favor of family planning.

But what about affluence? Let us make the assumption—a radical one in the era of Richard Nixon—that the problems of American and world poverty can be solved utilizing, among other means, policies to encourage voluntary birth control. It is then true that there is no limit upon the population once a society is able to feed, clothe and shelter every new citizen? If, as the President told us in his Population Message of July, we are already rushing toward a census of 300 million Americans, shall we then look forward to 400 million, to 500 million—to an indefinite increase in the number of people?

There are, it seems to me, other limits to the number of people than the pressure of starvation. No matter how inventively a society can respond in terms of economic and social planning, there still comes a point when there is too much crowding for psychological and political health.

This is particularly true precisely when affluence is on the increase, for under those circumstances every additional citizen has a claim to his share of consumer goods and services. A majority of the American people have never flown in an airplane yet anyone who travels cannot help but be overwhelmed by the tremendous increase in numbers, noise and irritation in this country's airports during the past decade.

But if one thus argues that there are limits to the desirable size of a nation's population and that they are not simply defined by the ability to provide basic necessities, that proposition has the most radical consequences. The decision as to family size has always been regarded in the United States as a matter of completely private choice, an almost sacred domain which is barred to the public authorities. How can the state proceed in this area without infringing on fundamental liberties?

There are some reforms which would be fairly simple. The tax system is indifferent to family size: It provides the same deduction for each new child. It would be possible to progressively decrease this allowance so that a family would have to bear some of the social cost which its increase in numbers would impose upon society. Such an innovation would, however, obviously only have a modest effect.

And there are those who suggest that our plight requires radical action. Kenneth Boulding has written of "space ship earth," a planet which has used up many of its basic resources and polluted its environment. Under such circumstances there would be a technologically ingenious form of scarcity and rather than throwing products away after using them we would have to recycle them so that they could be used again. And if this were the case the necessity to limit population of citizen-consumers would become imperative. Some have even discussed compulsory family limitation.

I do not have the answers to these disturbing questions and I suspect no one does yet. But the paradox is that it is Richard Nixon who insists upon asking them. He probably has done so because, as in the case of his remarks on ecology, this is an area which is in the talking, but not the appropriating stage. And yet this conservative Republican President may well have raised one of the most radical issues in our history.

[From the Washington Evening Star, Jan. 23, 1970]

WE MUST THINK OF STRICT CURBS ON POPULATION

(By James J. Kilpatrick)

Alan Barth of the Washington Post has been writing editorials in this town since 1821, or for roughly 150 years. He is among the most experienced men in the pundit racket; and you might have supposed he would have learned, by this time, never to write a piece of satire unless the piece is preceded by an editor's note: "The following artickle is writ sarkastick."

Alas for the venerable sage. Flinging caution to the winds, he tried his hand the other day at a satire on population control. His modest proposal was for a licensing system, by which prospective parents would have to apply to a state board, like undertakers, doctors, or plumbers, for licenses to engage in the parent business. No permit; no progeny.

Well, the roof fell in, and Barth backed up in a thousand words of rue. The race, it seems, is not always to the Swift. Yet even as he was doing penance for wit, another writer was tackling the same theme—Richard D. Lamm of Denver, in the January Journal of the American Bar Association. And Lamm was not kidding. He is a member of the Colorado Legislature and the principal author of Colorado's much publicized abortion law. In an excellent essay, he examines the legal prospects for population control. By control, he means just that: Control.

The notion is shocking. It flies in the teeth of ancient commandments: "Be yet fruitful, and multiply; bring forth abundantly in the earth, and multiply therein." The Psalmist painted the accepted picture: "Thy wife shall be as a fruitful vine by the sides of thine house; thy children like olive plants round about the table."

As Lamm remarks, the prospect also flies in the teeth of trends at law. Ironically, the famous Griswold case of 1965, which struck down Connecticut's archaic law against the use of contraceptives, may one day have to be turned on its head. If voluntary measures fail to stem the tides of population, a lawful course may have to be devised to compel contraception.

Barth, Lamm and countless other thoughtful observers begin with the same premises. At present rates of population growth, our world is headed for disaster. Either the birth rate must go down, or the death rate must go up. Programs of voluntary birth control have not wholly failed, but they have generally failed; meanwhile, prodigious efforts are being exerted to prolong man's life.

Here in the United States, to be sure, the outlook is not so grim. Our growth rate has dropped to 1.1 percent a year. An inventive technology doubtless could find ways of feeding, clothing, housing and employing our own people for another century or so.

Yet even here, the 1.1 percent growth rate promises to bring some sobering changes in the lives of our people before this century ends. Our children will live to see overcrowding of our cities to a degree not yet understood. The costs of expanding public services, even in an expanding economy, stun the imagination. As the Conservation Foundation has pointed out, 36.5 million gallons of water must be provided annually for every thousand new Americans—plus sewers, treatment plants, garbage trucks and classrooms.

The United States cannot be viewed in isolation. We are part of mankind, and this is mankind's problem; it will not be possible to separate ourselves economically or ecologically from the rest of the world. What we can do—must do—is to provide leadership and prudent example in the urgent business of slowing population growth. The possibility of killing off our old folk, like aged Eskimos on ice floes, is politically unthinkable; but the possibility of strictly limiting births is thinkable indeed. We must think on it.

Perhaps Barth and Lamm are not so far ahead of the public after all. In 1969, a Gallup Poll found that 44 percent of those polled thought such limits eventually would be necessary. The time for this idea hasn't come yet; but as Americans fight traffic and much of the world fights famine, the time gets closer year by year.

DRUGS IN NORWELL, MASS.

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. KEITH. Mr. Speaker, the town of Norwell, Mass., like thousands of other towns and cities across the Nation, has a serious drug abuse problem among its youth. But what makes Norwell different from many of the other towns with similar problems is the fact that Norwell has recognized that drug abuse was not a problem in itself, but a symptom of deeper social ills.

During this past summer a group of Norwell residents met regularly, to learn about and to discuss their town's drug situation. Out of that series of meetings came a report that goes far beyond the drug question alone, but looks into the social conditions that lead intelligent young people from middle-income families to "turn off" from the life around them and "turn on" to drugs.

It is a challenging and provocative report, and I am pleased to be able to present a summary of their findings to the attention of my colleagues. It is the kind of searching introspection that must be undertaken nationally if we are ever to find a lasting cure to the drug problem.

(The following appeared in an October 7 newspaper here in the Boston area from the Associated Press.)

Today, in private, graveside services at Forest Lawn Memorial Park, the Linkletter family buries daughter Diane, 20 whose death plunge Saturday he blames on LSD—"a tiger in her bloodstream."

Art Linkletter says parents should learn the truth about drugs, alcohol and narcotics—"and get this information to their children in a rememberable, sensible, non-panic way repetitively."

"From the fifth grade up", the entertainer says, "children should be ground thoroughly in the danger of putting chemicals into their systems as they are walking across a super highway with their eyes shut".

"Since this has happened to Diane, you can not imagine the number of people who have called, wired, written me—important people, well known, who have daughters in sanitariums, children who have killed themselves."

"All of a sudden they're coming out and telling me—", his voice choked and halted. "yes", he said. "Many are lawyers, bankers, so called pillars of decency—journalists." He knows none of them personally.

We in Norwell have shared in similar tragedies; unfortunately those of us engaged directly in the drug program know that Norwell will face similar incidents among our young people in the future unless as a town we come alive to our situation and work towards real solutions. Too much time has been spent, talking without positive directions, initiating scatter programs lacking coordination, and showing a general misunderstanding of the many facets of our present drug culture. Understanding first requires each of us to recognize that a drug culture does exist. Then we must honestly evaluate our existence in light of it and resolve our relationship to it both for ourselves and our families. This evaluation process is slow and laborious and requires much searching for answers during which we develop a need for dialogue with each other. We must share our thoughts and pool our ideas to build a healthy community in which to raise our children. The challenge lies with every citizen. They must act, for without action it is their children that may be caught in the hideous world of drugs.

This report has been prepared to stimulate action, to show positive direction and to make positive recommendations of steps to be taken to begin to establish a permanent structure to better serve our community.

It is the work of a small group of citizens although the basic program as developed and outlined on page 8 was to draw on a large segment of the community and thereby represent a better cross-section. The community did not respond. The excuses are many and often repeated but all are symptoms of a fatal apathy that steals into each of us and lulls us into fake contentment until a grim reality too late snaps us into action.

The small group that did work this summer worked hard. They worked together with many hours of discussion, often in disagreement, but it was good honest dialogue that cut through the facade of superficial knowledge and misconception. It was frustrating, the information often contradictory, source material lacking, expert help non-existant, yet they persisted and their results are recorded in this report and are truly worthy of your review.

No one became an expert on drug abuse since that was not the intent nor indeed would it, in the final analysis have solved the problems. Instead they changed in attitude. They learned to listen and evaluate and found drugs not "the problem", but rather the *symptom* of the problem. They found a ridigity in our social structure that does not readily accept change and departure from the established social patterns. Yet our young people cry for change and when we honestly listen and evaluate, we can see and admit change is due. Something new is needed. Hence this report talks of changes.

Some of the more important of these changes will be found under education. Here is our direct contact with our young people. Here certain changes are most urgently needed both in quality of teachers and material taught. The limitation of time and lack of professional talent in education within the group permitted them to only suggest approaches fully aware they must be detailed by those better qualified. Some of the ideas are exciting and new. Slowly our neighbor communities are also awakening to the need to extend themselves beyond previously established and traditional programs of education. One should note in The Patriot Ledger on Wednesday, October 22, a review of a new Humanities class being started in Scituate High School which was planned by the members of the English department during a Humanities summer workshop. Also significant in the same news item was the use of students by the school committee to assist in the evaluation of the new program.

Change also will be found in the discussion of prevention. We need change in attitudes of people toward the law and its enforcement, change in attitudes towards each other and specifically between parents and children. These words are often said, but for those who took the time this summer to evaluate them in the light of the current drug problem, they have new meaning and new applications.

In the area of assistance we found a lack of resources which necessitated not just a spirit of change, but the development of new ideas and new facilities. In this one area professional input was available and is reflected in the programs outlined. Here one can find immediate positive steps that can be taken and must be taken to improve the heretofore weak and ineffective program. To assist in understanding the material in this report concerning Norwell, a report developed by citizens like the reader, I would recommend a recent issue of Time magazine, September 26 on "Drugs and Youth". Perhaps it all can be summed by paraphrasing the slogan of Alcoholics Anonymous:

"Give us the courage to change that which
must be changed.
Give us the will to accept that which we
can not change.
And the wisdom to know one from the
other."

Let us extend ourselves and hopefully create a warmer, healthier and enriched community where our young people will think twice about the need to "turn on" with drugs.

HANS KRAUS GIFT TO NATION

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. MONAGAN. Mr. Speaker, I should like to bring to the attention of Members of this body a very significant gift that has been made to our National Library—the Library of Congress. This gift of 162 manuscripts relating to the history and culture of Spanish America was made by one of my constituents, Hans P. Kraus, of Ridgefield, Conn. Mr. Kraus, who owns a rare book firm in New York City and who came to the United States from Vienna in 1939, explained:

> This is a modest token of my gratitude and sincere thanks to the United States, a great nation whose hospitality and spirit of freedom and equality have made it possible for me, once a poor refugee, to attain a decent place in free human society.

This warm tribute to our country and to our National Library is indeed gratifying. We owe a debt of gratitude to Mr. Kraus and to other Americans who have enriched the collections of the Library of Congress, making it preeminent in the world.

I commend the articles describing Mr. Kraus' gift that appeared in the Library's Information Bulletin to my colleagues:

[From the Library of Congress Information Bulletin, Jan. 22, 1970]

ACQUISITION NOTES

A collection of 162 manuscripts relating to the history and culture of Spanish America in the colonial period, 1492–1819, has been given to the Library of Congress by Hans P. Kraus of Ridgefield, Conn. In announcing the gift, the Librarian stated that "these manuscripts represent the most important acquisition of Hispanic materials since the late Edward P. Harkness presented to the Library in 1929 the Harkness collection of Spanish manuscripts from the early years of the colonial history of Mexico and Peru. The Kraus collection is significant not only for the wide range of information it contains about Spanish colonial history but for the light it sheds on the early history of the territories now included in the United States."

Mr. Kraus, head of the firm of H. P. Kraus, dealers in rare books and manuscripts, which he founded in New York in 1940, is a well-known collector and bibliophile. He is also chairman of the board of directors of Kraus-Thomson Organization, Ltd. A native of Vienna, who is now a citizen of the United States, he has lived in America since 1939. He is a member of the Bibliographical Society of America, the Bibliographical Society of England, the Gutenberg Society, and the

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Grolier Club, and he is a Chevalier of the Legion of Honor.

Included in the Kraus collection are contemporary colonial writings that document exploration of the New World, the government of New Spain (Mexico), the workings of the Inquisititon, taxation and economic conditions in the colonies, Spanish relationships with the Indians and the French, and the loss of parts of the Spanish empire to American encroachment.

One of the earliest documents is a contemporary manuscript copy of Amerigo Vespucci's letter of September 10, 1504, to Piero Soderini, "President" of Florence, in which the explorer discussed all four of the voyages, giving new and unpublished detailed information, especially on the third. Verrazzano's explorations are documented in two folio volumes containing 49 manuscripts—letters, documents, and transcripts—relating to Giovanni da Verrazzano and his family. One of these manuscripts is an early authoritative transcript of a text on his most famous voyage, that undertaken in 1523 for Francis I of France, on which he surveyed the eastern seaboard of North America from Florida to Newfoundland and discovered Long Island, Staten Island, the mouth of the Hudson, New York Bay, and Manhattan Island.

Three original manuscript documents relate to Alvar Nunez Gabeza de Vaca, a pioneer in the conquest of Mexico and the exploration of Florida, yielding data on the family life of this heroic survivor of de Soto's disastrous expedition. Other important material, hitherto unused, on these early Spanish attempts to colonize Florida and the territories north of Mexico is contained among the extensive and significant records of the government of New Spain entered in the great order-book of Viceroy Luis de Velasco (the elder). As well as the autograph of his eminent predecessor Don Antonio de Mendoza, the first Viceroy, this contains a monumental and complete record of the vital work performed by this great servant of the Spanish Crown in 1550–1552 in organizing the first large area of mainland America to be peopled by Europeans. On the other hand, a bloody setback for the Spaniards in their attempt to make their strategic Florida outpost a frontier colony is found recorded in the Kraus collection in an early narrative of the episode in 1567–1568 in which the French Captain de Gourgue took revenge on some of the Spaniards who had brutally massacred Jean Ribaut and his pioneer French Florida settlers in 1565. This vivid exploit is placed in the enthralling context of the ventures and feats of de Gourgue and his family in the war-torn France of this period, as set out in a unique collection of original and autograph documents from the family archive. Nonetheless, the history of obscure periods in Florida's 17th-century history is illustrated as well, for the Kraus collection includes an enlightening series of autograph letters from successive Governors of the colony, the sequence of whose tenures can be estabilshed for the first time from this source.

The Zumárraga Papers originated in the archive of Fray Juan de Zamárrage and of his successors in the see of Mexico. The 116 original letters and documents that they comprise concern the government and administration of Mexico; the country's social structure and culture; the living conditions of the Indians; the Catholic Church and the religious orders in Mexico; and public health, education, professional life, the arts, and public works in the first century and a half of Spanish rule in mainland America. These manuscripts in the Zumárraga Papers bear the signatures of the Emperor Charles V, the Empress Isabel, their daughter Joanna, their son Philip II of Spain, and their descendants Philip III and Philip IV, Kings of Spain, as well as many others. Another invaluable collection of documents, contemporary with these letters to the great first Bishop of Mexico, illuminates the hotly debated career of his colleague, the celebrated Fray Bartolomé de Las Casas. The most exciting discovery here is a long autograph letter, the text of which has never appeared in print, setting out his requirements of becoming Bishop of Chiapas, placed in the context of an absorbing series of opinions given to the Emperor on the questions of how the European settlers ought to treat the American natives and how the Spanish Crown ought to give a due reward to conquistadors who until then had lived on the forced labor of the Indians. These are materials vital to the study of the controversial New Laws of the Indies of 1542, which Las Casas inspired Charles V to approve; and they amply explain why the Emperor felt he had to withdraw some of the Laws in 1545, in face of the nearly revolutionary opposition of the colonists.

The latest dated items are six lengthy dispatches sent in 1819 from Mexico to Spain by the Viceroy Juan Ruiz de Apodaca, Count of Venodito, which foreshadow the impending loss of part of the empire; they contain extensive information on the government, condition, and defense of the Spanish territories that are now part of the United States, especially Texas, New Mexico, Arizona, and California, with frequent references to American and other forces and settlements in Louisiana and Florida.

When the processing and arrangement of the Kraus collection is completed, it will be available for the use of scholars in the Manuscript Division of the Library of Congress. Further detailed releases of information on these documents, now in preparation, will highlight the significance of individual items of outstanding importance in the collection. It is hoped that scholarly editing and publication of many of these texts may follow.

STAFF ACTIVITIES

The Librarian of Congress, L. Quincy Mumford, and Mrs. Mumford, were hosts at a luncheon on Thursday, January 15, in the Whittall Pavilion in honor of Mr. and Mrs. Kraus.

Mr. Mumford expressed to Mr. Kraus the gratitude all scholars must feel for his generous gift of these manuscripts to the national library, where they will be available for scholarly use. In reply Mr. Kraus gave a very moving speech in which he told how grateful he was to the United States, to which he came as a poor refugee in 1939, for the opportunities it had given him, and how happy he was to be able to present this "token" of his appreciation to the country of his adoption. He also revealed that Lessing Rosenwald, another great benefactor of the Library, had enabled him to marry and to remain in the book business by buying rare books from him in 1940, the first large sale the young book dealer had made.

[From the New York Times, Jan. 10, 1970]

VESPUCCI MANUSCRIPT GIVEN TO U.S. LIBRARY

(By Henry Raymont)

A narration by Amerigo Vespucci of his four voyages to America between 1497 and 1502 has been donated to the Library of Congress as part of a collection of 162 historical documents spanning 300 years of colonial Spanish America.

The collection, donated by Hans P. Kraus, a leading New York dealer in rare books, also includes letters from Emperor Charles V, his daughter Princess Joanna and King Philip II of Spain. Although some of the material is known to scholars, a number of the original manuscripts have never been published.

In an announcement to be made in Washington today by L. Quincy Mumford, the Librarian of Congress, the documents are characterized as "the most important acquisition of Hispanic materials" since the late Edward P. Harkness, the philanthropist, gave his collection to the library in 1929.

Dr. Richard H. Boulind, a Cambridge University specialist in Latin-American history who catalogued the collection, said here yesterday:

"As a whole, the documents offer a fresh and vivid picture of the Spanish Court's administration of mainland America from the time of the conquest of Mexico by Hernán Cortés in the decade of the fifteen-twenties to the decline in 1819.

"Specifically, it details some of the less known controversies between the court and the Viceroys over the living conditions of the Indians and the conduct of the Catholic Church."

One of the earliest documents is a contemporary copy of a 17-page letter by Vespucci, the Italian navigator whose first name, Amerigo, was given to the continent of America. The letter, dated Sept. 10, 1504, was written to Piero Soderini, the gonfaloniere (president) of Florence, describing all four of Vespucci's voyages to the New World.

The letter, which was believed lost for several centuries, was obtained by Mr. Kraus from a Swiss dealer in 1955 after secret negotiations worthy of the best Florentine intrigues.

"I saw a photographic reproduction of the manuscript at the Vespucci exhibition in the Palazzo Vecchio in 1954," Mr. Kraus said yesterday in an interview at his bookstore at 16 East 46th Street.

"The original, which had been hidden in a vault, was a document of fundamental historic importance, far more detailed than other Latin versions of the voyages printed in 1505. Through devious ways—which I'd rather not discuss—I was able to get the original in Switzerland a year later."

Mr. Kraus, a native of Vienna who came to the United States in 1939 and has since built a reprint and rare-book business valued in excess $70-million, explained yesterday some of the reasons for the gift.

"This is a modest token," he said, "of my gratitude and sincere thanks to the United States, a great nation whose hospitality and spirit of freedom and equality have made it possible for me, once a poor refugee, to attain a decent place in free human society."

In donating the manuscripts to the Washington library, Mr. Kraus who valued the collection at $1-million specified that he was prepared to finance the publication of facimile reproductions and translations of the Vespucci letters and of other documents never before published.

These include some of the 116 original letters and manuscripts from the archives of Fray Juan de Zumárraga, first Archbishop of Mexico, and of his successors in that see. The documents—among them letters signed by Charles V; Joanna, Princess of Spain and Portugal, and Phillip II—are dated between 1527 and 1660.

Since original manuscripts relating to the Spanish court and the American colonies are rarely found outside the official archive of the Indies in Seville and the national archives of Mexico and Peru, Mr. Kraus was asked how he obtained the Zumárraga collection.

TRADE SECRETS

"Just say they came from dealers who have good connections in Mexico," Mr. Kraus said with a smile and obvious pride. "These are trade secrets that cannot be revealed."

Some of the letters of the Spanish sovereigns to their administrators in Mexico appear to contradict the belief frequently found in Anglo-Saxon textbooks that they were indifferent to the fate of the Indians.

In a manuscript by Joanna, signed "Yo, la Princessa" (I, the Princess), dated Valladolid, March 16, 1556, the colonial administration is advised of complaints by the Archbishop of Mexico that "Indians are regularly

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drafted into [construction] gangs without food or other necessities."

Nor did the church escape royal vigilance. On March 4, 1561, King Philip wrote a bristling letter to the Viceroy of New Spain (Mexico), charging that the religious orders were violating court regulations in the construction of monasteries.

"The houses are built very close to one another," the King complained, "so as to be on rich, fertile, well-watered ground near the city of Mexico, while 20 or 30 leagues or more of territory populated by Indians is left without houses to instruct the Indians, owing to the unwillingness of the friars to settle in hilly or torrid areas.

"The King therefore orders the Viceroy to see that in the future, monastic houses are built at least six leagues apart."

OTHER DOCUMENTS

Other documents include three manuscripts written at the time of Alvar Nuñez Cabeza de Vaca's exploration of Florida, correspondence between Spain and Mexico on the controversial social reforms of the celebrated Fray Bartolomé de Las Casas, and 49 manuscripts relating to Giovanni da Verrazano's travels from Florida to Newfoundland.

The latest dated items are six long dispatches sent in 1819 from Mexico to Spain by the Viceroy, Juan Ruiz de Apadaca, Count of Venodito, which foreshadow the impending loss of part of the empire.

They contain extensive information on the defense of the Spanish territories that are now part of the United States, such as Texas, New Mexico, New Mexico, Arizona, and California.

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A TRIBUTE TO A GALLANT SOLDIER—MEDAL OF HONOR WINNER, POSTHUMOUSLY, PFC. CARLOS J. LOZADO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BIAGGI. Mr. Speaker, it is with a sense of sorrow and yet deep pride that I rise today to relate the story of the final moments in the life of a gallant young man from Puerto Rico who gave his life in Vietnam in service to this Nation and the ideals for which it stands.

Pfc. Carlos J. Lozado, U.S. Army, distinguished himself by conspicuous gallantry and intrepidity at the risk of his life. For this supreme sacrifice above and beyond the call of duty a grateful Nation bestowed upon him the Medal of Honor.

While serving as a machinegunner with the 1st Platoon, Company A, 2d Battalion, 503d Infantry, 173d Airborne Brigade, Private Lozado encountered the enemy for the last time on November 20, 1967, at the battle of Dak To in the Republic of Vietnam.

There he poured deadly machinegun fire into the ranks of an advancing North Vietnamese company which attacked his outpost on a lonely trail with terrible force. As the assault continued Private Lozado cut down 20 of the advancing North Vietnamese troops and completely disrupted their initial attack. He then remained in an exposed position and continued to fire at the enemy despite the pleas of his comrades to withdraw.

When the North Vietnamese launched a heavy attack on the forward west flank of Company A with the intent to cut them off from their battalion, Company A was given the order to withdraw. Realizing that if he abandoned his position there would be nothing to hold back the surging tide of North Vietnamese soldiers, Private Lozada called for his comrades to move back as he remained entrenched in his positon.

Only meters away the enemy continued to advance on three sides as he valiantly provided life-giving cover to his company as they withdrew. He made his decision realizing that a delay in withdrawal on his part meant almost certain death. Yet, he continued to deliver a heavy, accurate volume of suppressive fire against the enemy until he was mortally wounded.

What can one say, Mr. Speaker, about a man who gives his life for his comrades? What can one say, Mr. Speaker, about a man who sacrifices his life for his friends and the traditions, ideas, and future hopes of his Nation?

Private Lozada's deeds and heroism are an example and inspiration to every member of the U.S. Armed Forces.

His actions remain in the highest tradition of the U.S. Army and exemplify the extent to which the Americans of Puerto Rican ancestry, and of the Commonwealth of Puerto Rico, are contributing to the war effort in Vietnam. Heroism of this type transcends boundary lines, oceans, and status of citizenship. Private Lozada is an American in the finest sense and he, together with the many members of the American fighting forces of Puerto Rican background, shall not be forgotten.

To his parents, Mr. and Mrs. Leo Lozada of my congressional district in the Bronx, his wife, Mrs. Linda B. Lozada, and his infant child, I wish to extend, once again, my deepest sympathy and gratitude on behalf of all the peoples of this Nation.

PERCY PLAN ELIMINATES NATO PAYMENT DEFICIT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. McCLORY. Mr. Speaker, according to an article in yesterday's Chicago Tribune, my colleague from the other body, the senior Senator from Illinois, CHARLES H. PERCY, achieved some rather remarkable results when he conferred last week with various Government officials of West Germany.

The Tribune's Washington finance editor, Louis Dombrowski, reports that the arrangements worked out by Senator PERCY will enable our Government to eliminate the entire balance-of-payments deficit resulting from American troops assigned to NATO forces in West Germany.

The article, which speaks for itself, attests to the special qualifications of Senator PERCY to negotiate successfully in this field of activity in behalf of our Government. He deserves the praise of all Americans.

Mr. Dombrowski's article follows:

PERCY'S PLAN ON PAYMENTS

(By Louis Dombrowski)

WASHINGTON.—The United States is on the edge of a major accord with its allies in the North Atlantic Treaty Organization that could eliminate the balance of payments problem of maintaining American troops in Europe. Much, if not all, of the credit for the diplomatic breakthrough should go to Sen. Percy [R., Ill.].

Percy, who returned from Europe last week, reported in an interview that the three primary West German political parties have agreed in principle to the Percy concept of "burden-sharing."

Under this concept, the balance of payments cost of maintaining foreign troops assigned to NATO forces would be paid by the country in which the troops are stationed.

15 BILLIONS ANNUALLY

The United States, for example, has 310,000 GIs under the NATO banner. The cost of maintaining these troops and their dependents amounts to 15 billion dollars a year, of which 1.5 billion is the balance of payments cost.

Thru bilateral negotiations with the German government, the United States has induced West Germany to pick up 80 per cent of this payments loss under an "offset agreement" whereby Germany buys American bonds denominated in deutschmarks and the funds are used to maintain the troops. However, these bonds are interest-bearing and redeemable in five years: earlier, if Germany needs foreign exchange.

The Percy plan would change all this. Instead of bilateral agreements, the plan would be multilateral. Instead of the United States in effect paying interest on funds to maintain troops for German defense, Germany would pay for the common defense with money appropriated in the West German budget, Percy said.

PLAN OUTLINED

The extent of the burden sharing was outlined by Percy. Right now, he said, the United States must pay 250 million dollars a year for 70,000 German nationals who work for American military units. The United States also must pay for construction of facilities which will remain in Germany after the Americans leave, for power, and even for transportation on the state-owned railroads. The United States even pays German property taxes.

Burden-sharing would require West Germany to pay for all these items as well as for such supplies and equipment as paperclips, carbon paper, and so on, he said.

The Illinois Senator said he used three weapons to convince the West Germans that burden sharing was the approach to use.

GERMANY REDEEMS BONDS

First, unknown to German Chancellor Willy Brandt, the German central bank recently redeemed ahead of schedule 500 million dollars of the offset bonds, further contributing to the American balance of payments deficit.

Second, Percy threatened to co-sponsor the resolution of Senate majority leader Mike Mansfield [D., Mont.], which would withdraw 100,000 American troops from NATO, and third, President Nixon's veto of the labor and health, education, and welfare appropriations bill, which was a dramatic sign to inflation-conscious Germans of the United States' intention to reduce its spending.

PRAISES COOPERATION

Percy praised the cooperation he received from the White House in pressing forward with his plan, especially from the treasury and defense departments. He said the state department was cautious toward the plan because it did not wish to disturb the friendly relationships between Germany and the United States.

"Under President Johnson," Percy recalled, "it was a lonely battle. I was on my own. It is different under President Nixon."

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. CLAY. Mr. Speaker, my opposition to direct election is well documented, if not well known or well taken. The seeming impossibility of putting the issues of "direct election" on the line is frustrating. In the rush for the bandwagon of majoritarianism, the factors which should be stressed in this debate have been totally ignored. Defects inherent in the proposal to abolish the electoral system are passed over in favor of the enthusiasm for a reform which the people want. The refusal of direct election proponents to see this proposal in its true perspective, in relationship with the effect it will have upon each and every one of the moving parts of the federal system, is as unhealthy as it is dangerous.

Conspicuously absent from any debate presently directed toward electoral reform is consideration of what was once known as the Katzenbach proposal which would remove the human element from the electoral vote system. Perfecting the present system by providing that the electoral votes of each State be cast automatically for the winner of that State's vote has logic—but not popular appeal going for it.

This effort to perfect our system by thinking in terms of pure democracy borders, in my opinion, on the realm of insanity. Democracy, to be meaningful, effective, and just, must first be practical. To perfect the system of government and at the same time diminish or eliminate the voice of minorities within that system is a perfection we cannot afford.

Theodore H. White has put it correctly when he states that what is pending before the Senate Judiciary Committee is a proposal "to abolish the federal system." By so doing, the vital elements which allow for minorities to participate and to have some impact within the system—are being destroyed. Black citizens should take careful note of what is about to happen in the Senate—for it will have as much if not more effect on our civil rights than confirmation of any of the Nixon Supreme Court nominees.

I commend to the attention of my colleagues the following editorial by noted historian and author, Theodore H. White. Mr. White's comment on direct election is taken from the January 30 issue of Life magazine. It follows:

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

(By Theodore H. White)

(NOTE.—Mr. White has closely followed the campaigns of the last four Presidents. His most recent book is "The Making of the President, 1968.")

Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.

It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of *vox populi, vox Dei,* it not only wipes out the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000—is hailed as National Chief.

American elections are a naked transaction in power—a cruel, brawling yearlong adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighting each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.

The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests high-minded theory against reality that it becomes a nightmare.

Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.

John F. Kennedy won in 1960 by the tissue-thin margin of 118,550—less than ⅕ of one percent of the national total—in an election stained with outright fraud in at least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos.

To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.

Reality forces candidates today to plan campaigns on many levels, choosing groups and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry.

But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.

The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinois' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chief political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.

What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.

What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay Staters should feel Massachusetts is speaking. Hoosiers should feel Indiana is speaking; Blacks and other minorities should feel their votes count; so, too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

CHRISTMAS IN VIETNAM

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. BUCHANAN. Mr. Speaker, one of the loneliest times for our courageous

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fighting men is Christmas when they must be thousands of miles from their homes and loved ones in the jungles of Vietnam.

Being away from loved ones at Christmas is a heavy enough burden for many, but the added stress of spending the holidays in a battle situation make their lives even more difficult.

Last Christmas, Mr. Speaker, our colleagues and their staffs supported several projects to raise money to send gifts and food to these brave men in Vietnam. One of these was for men of the Americal Division.

Most of the credit for this project should go to a member of my staff, Miss Mary Ellen Terziu, whose brother is stationed in Vietnam. Miss Terziu organized this gift-raising drive and the packages, which were distributed through her brother brought much happiness to a group of servicemen.

Special thanks are due to the Humble Oil Co. for the thousands of candy bars they contributed for this project and Pan American Airlines for assistance in transporting the gifts.

Our fighting men deserve all the support we can give them and, according to the servicemen themselves, some of the strongest support comes in the form of remembrances received from home.

My office has received letters from Vietnam expressing gratitude to those who brought Christmas a little closer to home for many American servicemen. Quotations from a few of them are included herewith:

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> Seasons greetings from sunny Vietnam. The greatest morale capability in Vietnam is letters and packages from friends and relatives from the world.
>
> Two weeks ago I was caught out in the field for three days without food and only rice paddie water. We were unable to be resupplied due to inclement weather.
>
> Although everyone was tired, wet and hungry, the biggest complaint was the absence of mail which comes with the resupply.
>
> I wish to sincerely thank those persons who so thoughtfully sent me the fantastic Christmas present. I would also like to compliment you on the wise selection of presents. We greatly appreciated all the food, toys and literature. I would like to take this opportunity to wish each and everyone a very merry Christmas and Happy New Year for you have made mine more enjoyable. (Sp/4 John Terziu.)
>
> The Electronic Ground Sensor personnel of the Americal Division in Vietnam wish to sincerely thank you for the wise selection of Christmas presents.
>
> Thirteen packages were received and were distributed throughout the division. This includes GIs in Chu Lai, Hill 270, LZ professional, LZ Bronco, Duc Pho, San Juan Hill, LZ Hawk Hill, LZ Stinsin and here at LZ West.
>
> There was also some candy left to be distributed to refugee children in Hiep Duc. We sincerely appreciate your thoughtfulness and wish you a prosperous New Year. (The LZ West Sensor Team.)
>
> The three of us at our bunker location west of Chu Lai, Vietnam, had the privilege to share the goodies that you so generously sent.
>
> Our location is an isolated fire support base with no PX or mess hall facilities. Your thoughtfulness was appreciated. (Sp/4 Walter E. Carlson, Sp/4 John Farran, Sp/4 Larry Fairchild.)
>
> We here in Vietnam greatly appreciate the gifts you sent us. Thank you for your thoughts during the Christmas season. (Sp/4 John E. King.)
>
> On behalf of the 46 men and officers of the Americal Target Mission Force, I would like to express our appreciation for the Christmas packages.
>
> The gifts arrived on Christmas Day and were distributed among our field outposts and local refugee centers. The yo-yos, paddle ball sets and other toys have already won the hearts of every Vietnamese child using them.
>
> Your gesture certainly helped to bring the holiday season a bit closer to all of us. (Lt. James D. Tegeder.)

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. KOCH. Mr. Speaker, this week I am mailing out 200,000 copies of my fourth newsletter to my constituents.

With the thought that my report might be of interest to our colleagues, I am submitting it for printing in the RECORD:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON, FEBRUARY 1970

Dear Constituent and Fellow New Yorker, I have served a full year with the Science and Astronautics Committee, and the President's new space budget will soon be before the Committee.

I was as proud and excited as the most ardent supporter of our Apollo program during the two moon landings by our astronauts. And yet, when I considered the $19.4 billion spent to land the first two men on the moon (on the last trip we left behind $67 million of junked equipment), I concluded that the program should continue, but on a more modest scale. Last spring, when the Committee considered NASA's budget, I was one of four members of the Committee who sought to reduce the authorization for the manned space program. I was doubly upset when the Committee increased NASA's authorization budget by $258 million over the amount requested by the Administration, with the bulk of the increase going to the manned space program. During the Committee hearings I ascertained, as a result of my questioning NASA officials, that the purpose of manned space flights is basically limited to determining the physiological and psychological effects of space environment upon men, and that the scientific objectives are secondary and could be achieved more effectively and economically using unmanned spacecraft. For these reasons I voted against the increase in the budget and filed a minority report setting forth my position:

"In a period of extraordinary and urgent demands upon our national resources brought about by enormous defense expenditures, and pressing economic and social problems many of which are not being met adequately, I regard it as at least unwise, at most outrageous, for Congress to increase the already large-scale expenditures for manned space flight." (Excerpt from Dissenting Views of Hon. Edward I. Koch.)

This year I will continue to use my position on the Science and Astronautics Committee for opposing unnecessary or excessive expenditures for manned space flights. There is something seriously wrong with our national priorities which put a shuttle to the moon before a shuttle to LaGuardia Airport.

A TRIP TO CANADA

A number of parents in our district have told me about the growing exodus of draft-age Americans to Canada. In some cases these were parents whose sons had already emigrated. On December 29, I went to Canada to see for myself and to talk with some of the estimated 50,000 young Americans who have emigrated to that country primarily to avoid the draft and military service. Those I met told me that I was the first U.S. Congressman to make the trip for this purpose. I visited Toronto, Ottawa, and Montreal to find out who these young people are, why they have emigrated, and how they are adjusting to the new life they have chosen.

For the most part they are sensitive and mature young people who emigrated from every section of the United States. They have been outraged by our prosecution of the Vietnam War (some of them have served in Vietnam); they have been victimized by the brutality of military training; and they have been alienated by what they see as intolerance and hypocrisy in American society.

I met with five members of the Canadian Parliament in Toronto. They are delighted with what they consider to be talented and educated young Americans who have chosen to pursue their careers and raise their families in Canada.

Many of the young people I saw are deeply saddened by parents who have practically disowned them, while others are greatly strengthened by parents who have stood by them. In either case, they regret they can no longer visit their families in the U.S. The young Americans in Canada that I met nourish no hatred for their country.

As a result of my trip to Canada, I have received an enormous amount of mail from all parts of the country, much of it critical. Those letter writers who attempted to enter into a rational dialogue with me made it clear that they find it repugnant to deal with the problem presented by these exiles in Canada while our young men are still drafted and are sent to Vietnam to fight and sometimes die. I understand that feeling and so in responding to those writers, I state that our primary goal at this time must be to stem the flow of young men leaving the country. That can be done if we terminate the draft. Pending its termination, we should provide that no draftee will be sent to Vietnam without his consent and add to the existing draft regulations the status of selective conscientious objector. One receiving such a classification would be required to perform noncombatant service in the Armed Forces or an acceptable form of alternative civilian service as that now performed by traditional conscientious objectors.

I also tell them that there will not be an amnesty offered to those in exile as long as the war in Vietnam continues. However, it is important to open up the discussion of that matter so that we can begin now to think of the options which should be made available to these young men.

This is a most difficult problem but one which we must face and I shall try to begin a dialogue in Congress and among concerned citizens which does not resort to the harsh rhetoric that makes it often impossible for good Americans to rationally discuss the consequences of the Vietnam War still growing like a cancer in the American body politic. If some do not think we owe such concern to the young men of this country, can they not at least agree that such concern is owed to the parents of these young men?

Nothing takes the place of first hand observation. And I have suggested that other Members of Congress go to Canada to observe the situation and report back their conclusions to the Congress.

MARIHUANA

During the past year our country has been forced to take a hard look at marihuana because of the attention it has been given by the press and because of the younger generation's continued insistence in experimenting with it. Until recently, the subject of marihuana in Congress was considered "political poison" but recent discussions and debate have now led to proposals for the reduction of the existing severe penalties for marihuana possession and 85 Congressmen have joined in co-sponsoring my bill to establish a Presidential Commission on Marihuana. The bill, which I originally introduced in May of last year, does not suggest whether marihuana should be legalized; rather, it provides an opportunity for a Commission of nine fair-minded individuals to study the medical, social and legal consequences of marihuana use. After a year's consideration the Commission would present recommendations for legislative action at all levels of government—local, state and federal.

On October 15 and 16 the House Judiciary Subcommittee on Revision of Laws held hearings on my bill. Both the Departments of Justice and HEW spoke favorably in behalf of the Commission concept and agreed that an evaluation of marihuana is needed.

The bill has been endorsed by the five District Attorneys of New York City, New York State's Attorney General, and Mayor John V. Lindsay.

No further action has yet been taken by the House Committee but in the Senate, where the Commission bill was considered along with other drug legislation, the concept was adopted in part. The Senate has passed its drug bill revising the federal penal code for drug abuse and included a provision establishing a committee appointed by the Attorney General and the Secretary of HEW to study marihuana. The bill has yet to be approved by the House and it is my hope that the House will take the "marihuana committee" proposed by the Senate and give it the stature of a Presidential Commission.

TAXES

In my newsletter of last June, I reported on the progress of the tax reform bill. As you know, the tax bill was passed by Congress and signed by the President. Several bills which I co-sponsored are part of the new law. They include tax reform such as—

A minimum tax on the loophole income of wealthy individuals

A reduction of the oil depletion allowance

A curb on hobby farm tax losses

And the following tax relief—

An increase in the personal exemption from $600 to $750 over a four year period.

An increase in the standard deduction from 10 to 15 percent and an increase in the maximum allowable deduction from $1,000 to $2,000 over a four year period

A reduction in the tax rates of single individuals, regardless of age, who maintain their own homes.

I am especially pleased in having been responsible for an amendment to the tax code which will now permit middle income tenant-stockholders to deduct their pro-rata portion of mortgage interest and property taxes in cooperative housing projects where New York State subsidizes apartments for low income families. I hope this new law will encourage mixed-income housing in the City's growing co-op movement.

I will continue to press for more tax reform which can be translated into tax relief for the hard pressed urban taxpayer.

ISRAEL AND DAVID ROCKEFELLER'S PRIVATE OPINION

I am very concerned about the change in our foreign policy vis-a-vis the State of Israel. The new doctrine expressed by Secretary of State Rogers which has been euphemistically described as a "balanced policy" must be opposed by those of us who believe it is in the national interest as well as morally correct to support Israel and provide it with the arms needed to defend itself from the concerted attacks of the hostile nations surrounding it including those by terrorist organizations.

You may have seen the newspaper article describing a meeting on December 9, 1969, between President Nixon, David Rockefeller and several others. The sense of the article implied that Mr. Rockefeller, among others, had urged that the United States alter its Mid East policy so as to make it more acceptable to the Arab States. I met with David Rockefeller on January 8, 1970 to ascertain whether that report was accurate and he confirmed that such advice had been given to the President. I advised him that he and I were in total disagreement on this subject.

Mr. Rockefeller was distressed that I would publicly comment upon his position expressed as a private citizen. I pointed out to him that the policies of our government are affected not only by public office holders but also by the opinions of respected men and women in prominent positions in the private sector. Consequently, press coverage and public discussion about private meetings with the President of the United States are to my mind not only appropriate but essential in our democratic society. Those in public office and in private life must be held accountable for the positions which they advocate affecting the policies and goals of our government.

Sometimes the most gratifying experiences for a Congressman do not come with the passage of legislation but rather when he has the opportunity to make a difference at a critical juncture in an individual's life.

On a recent Monday morning, my office received a call from a woman whose brother was dying of a rare disease. His case was further complicated because of his rare blood type. His critically needed operation had already been postponed once because compatible blood could not be found. Over the weekend the patient's mother had appealed over the radio for blood and she had gone from hospital to hospital looking for blood; only one pint had been found while ten were needed.

The family asked us for help. My staff called the Army blood center and was advised to contact the New York Blood Center while the Army volunteered to contact the American Association of Blood Banks. By noon of the same day, four pints of the young man's blood type were on the way to his hospital and six more pints were put in reserve for his operation the next day.

In less than a week the young man's mother wrote me, "Today I saw my son walk out of his room in the hospital, into the hall for the first time in over a year with a big smile . . ." and she reported that he is on the way to a full recovery.

It was a moving experience for a Congressman and his staff.

MY ACTIVITIES IN NEW YORK CITY

On October 29th the Board of Estimate approved a 99 year lease whereby the City gave the State Urban Development Corporation authority to develop Welfare Island, despite protests from myself and the local planning board that there had not been adequate time for the community to examine the details of the proposed lease.

In December, I met with the NYC Corporation Counsel and told him that the lease could adversely affect the City. Subsequently, eight modifications were made so as to provide the City with greater control over the $200 million development plan. But, the most objectionable provision was not revised, namely that the plan can still be changed by the Mayor and Mr. Logue of the UDC without public hearings.

Along with Planning Board No. 6, I am opposing the U.N. Development Corporation's plan to create a superblock (43rd-45th Sts. between 1st and 2nd Aves.) to accommodate expansion of U.N. facilities. The original plan which the community approved was drastically altered by the Corporation. The new plan creates an area of unjustifiable density with three office buildings, most of whose space will be used by businesses not related to the U.N. Given the City's desperate need for housing, such a plan seems inappropriate. Moreover, there are no guarantees that site tenants can be relocated within the neighborhood at comparable rents. This plan has yet to go before the Board of Estimate for a final decision. Those concerned should make their protest known to Mayor Lindsay and Percy Sutton, Borough President of Manhattan, and send me copies of your letters.

I am working with the Yorkville Community to persuade Gimbels, which is building a new store at 86th St. and Lexington Ave., to make improvements in the overcrowded subway station there. Gimbels received a special zoning variance to build this store and will benefit from the presence of the subway station. I believe it has an obligation to contribute to the renovation of the station. We are still pursuing this matter. Again, let Mr. Bruce Gimbel hear from you and send me a copy of your letter.

Unconscionable rent increases are now being extracted from small service stores in many neighborhoods of our district. I am actively supporting commercial rent controls to limit these increases. I waged a similar battle for rent controls of uncontrolled residential rents back in 1968. The merchants now seeking such rent control are forming under the name SOS (Save our Stores) Committee.

From January 5th through the 16th, Congress was in recess and I took the opportunity each morning to go to subway and bus stops to meet with constituents. The number of people who stopped to discuss matters with me at my "sidewalk office" far exceeded my expectations and made clear how valuable these occasions are.

MASS TRANSIT

In conjunction with my Mass Transportation Trust Fund bill, which now has 105 House co-sponsors, I held a transit conference at New York University on November 8th.

The principal speaker was Department of Transportation Under Secretary James Beggs who set forth the Department's position in supporting contract funding for mass transit.

Contract funding, as outlined by the Administration, would enable the Federal government to enter into long term contracts before the Congress appropriates money for the liquidation of the government's obligations.

My bill establishes a trust fund which would be largely independent of annual Congressional appropriations. The trust fund would be financed by the existing 7% auto excise tax and it would operate much like the Federal Highway Trust fund that has provided over $45 billion for roads in the last 12 years—while only $800 million has been provided by the federal government for mass transportation.

Of greatest concern to me is the indication that the Administration is still unwilling to make a significant commitment to mass transportation. President Nixon proposes that we make $3.1 billion available for

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contract funding in the next five years; this is a meagre sum for a nationwide program when one considers that the Second Ave. subway alone will cost more than $1 billion. Unless sufficient funds are committed for the 1970's, it will be impossible for municipalities to get underway in updating their transit systems and untangling the morass of local traffic congestion.

Congressional hearings on my trust fund bill will soon be held. Regardless of which financing mechanism the Congress finally chooses this year, contract funding or the trust fund, we must get a binding commitment for long-term federal financing of mass transit. And most important, that commitment must be billions more than the Nixon Administration now proposes.

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write to me c/o House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 264-1066 between 9:00 a.m. and 6:00 p.m. on weekdays.

WOMEN AND CHILDREN—VICTIMS OF TYRANNY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. RARICK. Mr. Speaker, in the shouting and the tumult over the school tragedy which has been imposed on the South many Members do not have the opportunity to witness the appalling human cost of this lawless oppression of a people.

Today I received a letter from a Baton Rouge schoolgirl and another from a distraught mother in neighboring Plaquemine. It is a disturbing sign of the tyranny under which our people live that I find it desirable to delete their signatures and addresses to prevent retaliation by officials of their own Government.

I submit these pathetic letters for inclusion in the RECORD, as follows:

BATON ROUGE, LA.,
January 19, 1970.

SUPREME COURT,
Washington, D.C.

DEAR SIRS OF THE SUPREME COURT: At this time I am a student at Broadmoor High School of Baton Rouge, Louisiana. You probably get hundreds of letters from people voicing their opinion on your recently passed order of the desegregation ruling. I am writing this letter for my own peace of mind. Since, it will be a good many years before I myself can vote, I suppose this is the least I can do to protect our (at this time) great nation. I believe, at this point, the immediate integration in our area will start, with the new school term in the fall. Although I am considered very mature for my age I will only be a junior starting next school term. I realize I will need an education for any future plans I have. As job requirements are getting higher all the time, I will probably have to settle, as an ordinary wife and mother, when I would rather, further my education and become a very good secretary, typist or receptionist: I really had made big plans when I found in my first semester of typing I could perfectly type sixty words per minute. Now since this ruling has been made all my plans are practically destroyed. I come from a middle class home, and at this time we are above our income in bills, so this eliminates the possibility of a private school. I especially would like to graduate for my parents. My sister had a good opportunity to complete her education, but she didn't accept it, now it is up to me to get the diploma I would cherish so greatly. Because of you men the opportunity has been taken from me. I know you probably say, "if she wants an education she will go to the school the federal government sends her to." Well, I say what happened to Freedom of Choice? You, so called upper class people want the negro to paint themselves white so bad, you have to make a rule like the one you have made.

The one rule I go by is: Nobody can make anyone do anything they don't want to do!

I recall that "all men are created equal"; so what gives you the right to tell others what they HAVE to do. I also recall a certain provision in the Civil Rights Act of 1964, which forbids discrimination in our public schools. I very much agree with this bill, but I feel what your judges have ruled is discrimination and it is probably the first big step leading our nation into complete dictatorship.

In our area negroes don't want to be white, they don't want to go to white schools. Of course they should have their choice, but they accept the fact there is a great difference in our races, and would prefer to stay segregated. What you men are doing is not going to better our country. There will probably be ten times more drop outs, because of lack of money for private schools. If I were a parent I would refuse to send my children to a school where they will be associating with so many of the lower income areas. I understand all negroes aren't such of a person but 99% live in slum areas and they have learned many filthy manners that ANY decent young person shouldn't be associated with. I, for one, along with many others wouldn't endanger my life by going to school in a slum area, neither white or black.

I don't expect this letter to change any of your minds, so I just want to thank all of you for really messing up the chances of my education.

Sincerely yours

——— ———.

P.S.—I would also like to tell you what this will do to our public schools. The white parents aren't going to vote on taxes to support the public schools if their children don't attend. How do you plan the upkeep of the public schools?

PLAQUEMINE, LA.,
January 30, 1970.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR SIR: Would you please be kind enough to answer some of the questions that my children asked of me about our complex society of today. Having been taught justice, they cannot understand what is happening to them under the constitution of the United States today.

Enclosed is a verse that I wrote for my son while in basic training. He assures me that he knows what God he is supposed to serve but not what country.

As a widow, I struggled hard and exhausted all my resources trying to educate my children. We have never received federal or state aid. We worked!

My son, unable to attend college, approached the Naval Recruiting Offices hoping for training that would be of benefit to his future.

Now, I have a daughter who cannot attend school without fear of rioting. Do not tell me that this fear is foolish when all around in neighboring schools children are being stabbed and cut-up. Would not my son be of better service at home protecting his sister than away in some ocean on an aircraft carrier?

Where does human rights begin and end in this country? Are they for some and not for others?

Your answers, sir, I will pass on to my children. They are waiting.

Sincerely yours,

——— ———.

TO MY SON IN SERVICE

I have loved and nurtured you from your very first cry,
And I'm sure that I shall on the day that I die.
But for me, son, you must stand head-up and proud and tall
If not, I don't much care if you stand at all.
For your God and your country you must willingly serve
With an unchanging faith and an unflinching nerve.
This will not make you famous, nor will it win applause;
But a man's not a man 'til he stands for a cause.
For today and yesterday it's being done and been
By everyone who dare call themselves men.

CONTRIBUTIONS FROM FOUNDATIONS TO THE EDUCATION FUND OF THE LEAGUE OF WOMEN VOTERS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. HUNGATE. Mr. Speaker, the president of the Missouri League of Women Voters has been kind enough to furnish me with a list of contributions from foundations to the education fund of the League of Women Voters, together with other pertinent information that I think would be of interest at a time when the work of foundations and political organizations is being studied.

1968 income

League of Women Voters of the United States	$835, 265. 37
League of Women Voters Education Fund	453, 908. 09
Total	1, 289, 173. 46

Gifts from foundations

League of Women Voters of the United States	0
League of Women Voters Education Fund	$298, 662. 24
Percentage of Foundation Gifts to Combined Income of League of Women Voters and the Education Fund	23%

1968 gifts from foundations to the Education Fund

Lazarus Foundation	$200. 00
Ivy Fund	52, 000. 00
Shell Oil Companies Foundation	500. 00
Sears, Roebuck Foundation	42, 512. 24
Tilarid Foundation	2, 000. 00
American Conservation Association	10, 000. 00
Ford Foundation	185, 000. 00
Institute for International Order	2, 500. 00
Central Exchange Foundation	250. 00
Peter E. Strauss Trust	1, 000. 00
Fidelis Foundation	500. 00
Public Affairs Service	350. 00
Stern Family Fund	1, 500. 00
Shapiro-Viertel Foundation	350. 00
Total	298, 662. 24

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HOUSE OF REPRESENTATIVES—*Wednesday, February 4, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Behold, Thou desirest truth in the inward being; therefore teach me wisdom in my secret heart.—Psalm 51: 6.

O God, our Father, who desirest truth in the inward life, in this disturbing day when falsehoods wear the masks of truth as they appeal for the allegiance of men, grant unto us the spirit of discernment and the wisdom of the wise that we may not be deceived by the followers of evil who wear the flower of heaven on their lapels and seek to disguise their low motives by the lofty flavor of high sounding words.

Help us to keep looking at that which is good and true and excellent that we may keep in step with Thee as we move forward to a better day when our Nation shall be great in spirit, great in good will, and great in the brotherhood of men.

In the spirit of Him who is the way, the truth, and the life, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 6543) entitled "An act to extend public health protection with respect to cigarette smoking, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. PASTORE, Mr. Moss, Mr. COTTON, and Mr. PEARSON to be the conferees on the part of the Senate.

The message aso announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3154. An act to provide long-term financing for expanded urban mass transportation programs, and for other purposes.

MARIHUANA LAWS

(Mr. HUNT asked and was given permission to address the House for 1 minute.)

Mr. HUNT. Mr. Speaker, with the crime rates in the District of Columbia leading those of most other major cities, I find it somewhat less than amusing that the political parties in this city are preoccupied with efforts to outdo one another in advancing proposals to downgrade the penalties for violations of the marihuana laws.

Not surprisingly, the radical District of Columbia Democrat Central Committee voted to legalize marihuana on the theory of the "no worse than alcohol" argument. The committee reasoned that present penalties for infractions of these laws have contributed to a serious lack of confidence by youth in the judicial system and, therefore, the laws should be repealed. The lack of confidence, I contend, must certainly be in those who hold themselves out to the public as "leaders" and who suggest that confidence in the judicial system might be restored by doing away with those laws with which they do not agree. This kind of confidence we can do without. Of course, the committee members propose appropriate controls on the use of marihuana by minors and drivers because they are really not certain about the harmful effects of the drug.

In my estimation, it is just so much doubletalk to propose the legalization of marihuana on the one hand, a drug integrally associated with the serious problem of drug abuse among youth, while at the same time suggesting appropriate controls on the drug's use by minors. The only problem that would really be solved by the proposal would be to relieve court dockets somewhat and remove substantial burden of enforcement from law-enforcement authorities.

The move to legalize marihuana, to which the Republican City Council Chairman Gilbert Hahn, Jr., has in effect lent belated support in proposing token penalties, must be viewed as nothing more than a misguided effort to curry the favor of admiration of youth by using the issue of marihuana laws as the symbol of the so-called generation gap. This indeed, is a disservice to both youths and parents, and I have yet to see the latter make any concerted drive to legalize what is an increasingly serious problem, drug abuse among teenagers. In this regard, and while only an indication of public sentiment, I might remind my colleagues of the Gallup poll of last October which revealed that 84 percent of the adults polled were opposed to legalizing marihuana.

PRESIDENT NIXON'S 1971 BUDGET REARRANGES OUR NATIONAL PRIORITIES WHILE KEEPING FEDERAL BUDGET IN BALANCE

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute.)

Mr. BEALL of Maryland. Mr. Speaker, in his budget for fiscal 1971 President Nixon has made a major accomplishment. He has managed to rearrange our national priorities while at the same time keeping the Federal budget in balance.

It would be easy—and I might add the more usual practice—for the President to call attention to matters of domestic concern simply by appropriating more money for additional programs. Mr. Nixon, however, has taken a much more courageous and more difficult course. He has reordered the priorities by reducing expenditures in defense and other activities and redistributing the money among domestic programs. Further, he has shown a determination to improve the deliverance of Federal assistance in areas of domestic need where he has wisely reduced the request for some programs and increased it for others, thereby indicating a desire to make our Federal operations more efficient.

Certainly the fact that Federal appropriations for human resources will now exceed those for national defense should be an encouragement to the many people who have been calling for a change of emphasis in the expenditure of the Federal tax dollar.

Additionally, this budget shows a will on the part of the Chief Executive to bring new programs to bear on the many problems facing our people at home. Additional money for water and air pollution, education and manpower, health and housing clearly demonstrate the willingness on the part of the Government to provide assistance in areas of great need. Further, the fact that a request is made for new programs in public welfare encourages those of us who have felt that our outmoded welfare system is seriously in need of change.

Perhaps most important of all, is the fact that in the budget for fiscal 1971 a request is made for the first funding of a revenue sharing program. There is no doubt but that State and local government units have been seriously hampered through their inability to finance programs with the tax resources available. It is also evident that the long-range solution for many of our problems requires the support and involvement of people at the local level. By funding this revenue-sharing proposal, even though meager at the start, the Nixon administration is indicating that it is honestly committed to the decentralization of domestic programs and to better coordination among the various levels of government.

I think President Nixon is to be congratulated on this document to provide for the needs of the American people in the next fiscal year because as I have said at the outset, it provides a reordering of priorities, a change of direction and above all, accomplishes this within a balanced budget necessary to attain for the American people real, rather than inflated, economic gains.

FRENCH PRESIDENT'S VISIT

(Mr. FINDLEY asked and was given permission to address the House for 1 minute.)

Mr. FINDLEY. Mr. Speaker, as Chief of State of America's oldest ally, President Pompidou of France deserves a warm welcome from the Congress when he visits Capitol Hill February 25.

This will be the first time in 10 years a President of France has paid an official visit to the United States. It responds to President Nixon's visit to Paris a year ago, and gives the American people the opportunity to match the enthusiastic outpouring of esteem accorded Mr. Nixon by Parisians.

The visit was first planned by President de Gaulle, who had visited the United States briefly in 1963 to attend the funeral of President Kennedy and again last spring for General Eisenhower's rites. The plans were carried forward when he was succeeded by President Pompidou.

Americans inevitably differ over some French policies. Differences occur in the best of friendships. These differences are transitory and minor when set against the enduring cooperation that has always brought these great sister republics together in all major crises beginning with the American Revolution and exhibited dramatically just a few years ago when France instantly pledged support to the United States in the Cuban missile crisis.

Certainly, upon the occasion of President Pompidou's official visit, all Americans and especially those in the Congress must be called upon to set aside transitory differences for a more appropriate setting and join in welcoming the French Chief of State. In doing so, we salute the ideals of liberty, equality, and fraternity we have always shared with France since our own Constitution was established.

THE 22D NATIONAL CHILDREN'S DENTAL HEALTH WEEK

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. MICHEL. Mr. Speaker, this week the Nation is observing the 22d National Children's Dental Health Week. Throughout the country dental societies in cooperation with schools and civic groups are carrying out special programs to once again call attention to the importance of good dental health and its relationship to overall health.

As ranking minority member of the Appropriations Subcommittee for the Department of Health, Education, and Welfare, I have become acquainted with some of the facts concerning dental disease and the Federal programs dealing with this aspect of health.

Dental disease is of nearly universal incidence. Nine out of 10 of us suffer from it. The average 15-year-old has had one-third of his teeth attacked by it, and nearly half of our youngsters under that age have never visited a dentist. We spend several billions of dollars in the private sector and millions in the public sector each year for dental care services. A great deal of this money is spent to repair the ravages of disease that could have been prevented. In this connection in the report from our Appropriations Committee on the fiscal 1970 budget, we stated:

> The Committee is concerned about the lack of a coordinated program for dental health of children while so many federal dollars are being spent under Medicaid and similar programs to treat dental conditions in adults that could have been prevented.

I am pleased therefore to see that in President Nixon's budget for fiscal 1971 which he sent to us on Monday he is requesting an increase of $5 million for the National Institute of Dental Research specifically earmarked for a program to prevent dental caries, or cavities, the most common manifestation of dental disease. It is especially fitting that this request should coincide with National Children's Dental Health Week. It also is a fortunate coincidence that this first year of the seventies marks the 25th anniversary of the initiation of community water fluoridation as an effective means of preventing dental caries. Incidentally, that first successful experiment was conducted in Grand Rapids, Mich., the hometown of our distinguished minority leader.

Mr. Speaker, I would like to insert at this point in my remarks a statement issued by President Nixon on the occasion of the 1970 observance of National Children's Dental Health Week:

> THE WHITE HOUSE,
> *Washington, January 17, 1970.*
>
> On the occasion of the National Children's Dental Health Week, I am pleased to greet and applaud the members of America's dental professions.
>
> This year's observance is especially significant because it marks the twenty-fifth observance of the initiation of community water fluoridation. When Grand Rapids, Michigan and Newburgh, New York pioneered in this endeavor, they helped to improve the dental health of their citizens and to establish the medical safety, economy and efficacy of community fluoridation as a major national weapon against dental disease. Today, more than half of our people served by public water supplies enjoy the proven benefits of fluoridation.
>
> We can be proud as we reflect on this and other milestones we have attained in dental health, and we can be confident as we plan to extend our success into this promising new decade.
>
> RICHARD NIXON.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. In 1967 the United States produced 2,966,000 metric tons of aluminum which was more than the combined total of the next five leading nations.

PUNG PRODUCES PROFITS

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. HALL. Mr. Speaker, in this day and age when the high cost of Government is more likely to produce deficits, instead of surpluses, and Government agencies keep asking for more, and usually produce less, it is refreshing to find a public servant who is cast from a different mold.

I refer to Edmund J. Pung, St. Louis County, Mo., recorder of deeds.

After completing 3 years of his 4-year term, "Ed" Pung has returned to St. Louis County a profit of over $500,000.

To those in Congress who might wonder how this is possible in today's "burgeoning bureaucracy," I recommend that they read the following article:

> PUNG PRODUCES PROFITS
>
> Edmund J. Pung, St. Louis County Recorder of Deeds, in making his annual report to the citizens of St. Louis County, reports that the gross receipts for his office in 1969 were $422,097.00. Expenditures were $256,593.42, showing a net profit to St. Louis County of $165,483.58. The expenditures included a 6% cost of living raise across the board to all employees, plus additional 5% raises as earned under the Civil Service regulations.
>
> Although Mr. Pung's original budget for 1969 did not include the 6% cost of living raise, his office was still able to absorb this raise and return 1% (a total of $2792.58) of his original 1969 budget to St. Louis County. This was accomplished by the effective use of office modernization.
>
> Pung's office recorded 76,020 Deeds, there were 9070 Releases, a total of 26,095 Uniform Commercial Code and 3930 Non Uniform Commercial Code transactions, 7230 Marriage Licenses issued, 2662 copies made, 2113 affidavits, 23,912 note identifications and 9066 miscellaneous recordings during the year 1969.
>
> Mr. Pung has completed the third year of his four year term in office. Within this period he has returned to St. Louis County a net sum of $500,078.17. In addition to this he has returned $41,158.18 from his allotted budget for the past three years. In conjunction with these amounts he reduced his budget from a total of $361,833.00 that his predecessor had requested for 1967 (the year Pung took office) to a sum of $277,622.15 and has constantly reduced his budget; the other two years being $256,593.42 and $236,057.25. Combined with these savings and returned revenue, the St. Louis County Recorder of Deeds has earned and saved for the citizens of the County better than $700,000.00. The future will also reflect increased savings to St. Louis County due to the modernized money saving improvements made in this office.

BUDGET IN BLACK SPELLS BLUES FOR FEDERAL WHITE-COLLAR WORKERS AND SERVICEMEN

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, the President's budget message must have come as a shocking surprise to the Nation's Federal white-collar workers and military men.

It must have come as a shock also to the Members of Congress who studied so long and voted so substantially for the concept of comparability pay for Government workers.

The shock certainly must have been shared by our often unjustly maligned and ever-underpaid postal employees who have been asked to throw their support behind the very controversial administration postal reform plan if they are to receive a pay raise that has been due them since last January 1.

In essence the President's budget message, while admitting Government white-collar workers deserve a 5.4-percent raise tentatively scheduled for this July 1, asks that it be deferred until 1971.

At the same time, he says he will support the increase for postal workers, but only if the 600,000 rank-and-file postal employees give him solid support for his postal reform plan, a plan which many of them feel is not necessarily in the in-

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terest of the Post Office Department, the postal service, or the post office personnel.

If I recall correctly, the President received a 100-percent increase in salary last year. The Congress last year received a 41-percent increase in salary. Social security recipients are receiving a 15-percent benefit increase as of January 1 of this year through legislation which was passed by the Congress and signed by the President.

These are, with the exception of the social security increase, well beyond mere cost-of-living increases. Even the spending requests for operating the White House is forecast to increase by $1.1 million in the coming fiscal year. Included in the new White House budget request is a "special assistance" allowance of some $700,000 "for expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions."

Here again is an increase substantially above the cost-of-living rise for the past calendar year.

In calendar 1969, the cost of living due to inflation went up more than 6 percent, and yet what is proposed for the Federal white-collar workers may not even match the cost-of-living increase which will have accrued since the last pay increase of July 1969. In certainty, it will not if it is delayed until next January.

In summary, the Federal white-collar employee is being asked to foot the bill for inflation while the blue-collar workers are being told they must make the same sacrifice unless they are willing to deal for their due pay raises by supporting a postal reform program which many feel to be of dubious merit.

The Federal white-collar workers find this treatment totally unacceptable.

Certainly the postal workers are going to find it distasteful.

And, hopefully, the Congress will demonstrate its profound displeasure.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel and to include several editorials.

(The following Members (at the request of Mr. Miller of Ohio) and to include extraneous matter:)

Mr. Findley.
Mr. McClure.
Mr. Clancy.
Mr. Scherle.

(The following Members (at the request of Mr. Murphy of New York) and to include extraneous matter:)

Mr. Edwards of California.
Mr. Rarick in two instances.
Mr. Kluczynski in two instances.
Mr. Fountain.
Mr. Dingell.
Mr. Rodino.
Mr. Corman.
Mr. Long of Louisiana in five instances.
Mr. Cabell in two instances.
Mr. Fuqua.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3154. An act to provide long-term financing for expanded urban mass transportation programs, and for other purposes; to the Committee on Banking and Currency.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1438. An act for the relief of Yau Ming Chinn (Gon Ming Loo).

ADJOURNMENT

Mr. MURPHY of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, February 5, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1607. A letter from the Comptroller General of the United States, transmitting a report on the administration of the Federal employees' group life insurance program by the U.S. Civil Service Commission; to the Committee on Government Operations.

1608. A letter from the Comptroller General of the United States, transmitting a report on the administration of the leased-housing program, Department of Housing and Urban Development; to the Committee on Government Operations.

1609. A letter from the Secretary of Commerce, transmitting the annual report of the Office of State Technical Services for the fiscal year 1969, pursuant to the provisions of section 14(b), Public Law 89–182; to the Committee on Interstate and Foreign Commerce.

1610. A letter from the Postmaster General, transmitting a draft of proposed legislation to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes; to the Committee on the Judiciary.

1611. A letter from the Chairman, Administrative Conference of the United States, transmitting the annual report of the Conference for the year 1969, pursuant to the provisions of 5 U.S.C. 575; to the Committee on the Judiciary.

1612. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States under the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1613. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PHILBIN: Committee on Armed Services. H.R. 8413. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for centain surviving dependents, and for other purposes; with an amendment (Rept. No. 91-828). Referred to the Committee on the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNGATE: Committee on the Judiciary. H.R. 7267. A bill to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes (Rept. No. 91–829). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 15062. A bill for the relief of sundry claimants, and for other purposes; with an amendment (Rept. No. 91–830). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (By request):

H.R. 15689. A bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 15690. A bill to amend title 5, United States Code, to remove the prohibition on the use of annual leave in the first 90 days of employment for employees appointed for 90 days or more; to the Committee on Post Office and Civil Service.

By Mr. BUSH (for himself, Mr. Carter, Mr. Gubser, Mr. Horton, Mr. McCloskey, Mr. Mosher, Mr. Pettis, Mr. Reid of New York, Mr. Vander Jagt, and Mr. Wold):

H.R. 15691. A bill to amend the Public Health Service Act to provide for special project grants for the provision of family planning services and related research, training, and technical assistance; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 15692. A bill to prohibit the movement in interstate or foreign commerce of horses which are "sored", and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI (for himself, Mr. Henderson, Mr. Corbett, Mr. Olsen, Mr. Gross, Mr. Daniels of New Jersey, Mr. Cunningham, Mr. Nix, Mr. Derwinski, Mr. Hanley, Mr. Johnson of Pennsylvania, Mr. Charles H. Wilson, Mr. Button, Mr. Waldie, Mr. Scott, Mr. White, Mr. McClure, Mr. Meskill, Mr. Hamilton, Mr. Lukens, Mr. Brasco, Mr. Hogan, Mr. Tiernan, and Mr. Purcell):

H.R. 15693. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter cer-

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tain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GARMATZ (for himself, Mr. Clark, and Mr. Keith):

H.R. 15694. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLER of California:

H.R. 15695. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

H.R. 15696. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WATTS:

H.R. 15697. A bill to allow a deduction for income tax purposes of the entire amount of carrying charges paid on installment purchases; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.J. Res. 1076. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GIAIMO (for himself, Mr. Weicker, Mr. Rees, Mr. Charles H. Wilson, Mr. Beall of Maryland, Mr. Tunney, Mr. Tiernan, Mr. Halpern, and Mr. Edwards of California):

H. Res. 820. Resolution creating a select committee to conduct an investigation and study of the National Collegiate Athletic Association; to the Committee on Rules.

By Mr. MICHEL (for himself, Mr. Vander Jagt, Mr. Collier, Mr. McDade, Mr. Adair, Mr. Scheuer, Mr. Don H. Clausen, Mr. Lowenstein, Mr. Gubser, Mr. Derwinski, Mr. Kuykendall, Mr. Railsback, Mr. Clark, Mrs. Reid of Illinois, Mr. Mathias, Mr. Steiger of Arizona, and Mr. Taft):

H. Res. 821. Resolution creating a select committee to conduct an investigation and study of the National Collegiate Athletic Association; to the Committee on Rules.

By Mr. SISK (for himself, Mr. Bolling, Mr. Young, Mr. Smith of California, and Mr. Latta):

H. Res. 822. Resolution to establish a Select Committee on Lobbying Practices; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII,

385. The SPEAKER presented a petition of the Common Council of the City of Mount Vernon, N.Y., relative to Federal financing of health, education, and welfare, which was referred to the Committee on Ways and Means.

SENATE—*Wednesday, February 4, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our God, it is not in our worthiness but in our need we come to Thee. Fill this sacred minute with a sense of Thy reality that the deliberations of each succeeding hour may be in tune with Thy spirit. May what we say and what we do speak with equal eloquence. We do not ask to see the distant scene but for courage to take the next step and wisdom to move steadily in the right direction. When burdens seem too heavy for human strength and problems beyond finite wisdom, infuse our lives with divine strength and that higher wisdom which comes from the beyond so that we may have a good conscience and the Nation be well served.

Through Jesus Christ our Lord. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, announced that on today, February 4, 1970, the President had approved and signed the following act:

S. 476. An act for the relief of Mrs. Marjorie Zuck.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Foreign Relations.

(For the nomination received today, see the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order of yesterday, the Senator from Montana (Mr. Mansfield) is recognized.

Mr. MANSFIELD. Mr. President, I yield to the distinguished senior Senator from Missouri (Mr. Symington).

The PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. SYMINGTON. I thank the majority leader.

IT IS TIME FOR THE TRUTH ABOUT LAOS

Mr. SYMINGTON. Mr. President, it is generally recognized that John S. Knight, head of the Knight newspaper chain, is one of the most thoughtful and constructive observers of the American and world scene.

With that premise, I would hope that every Senator would, and every citizen could read Mr. Knight's signed Sunday "Notebook" of February 1 entitled "It's Time Nixon Told Public About U.S. Role in Laos."

I ask unanimous consent that this article be inserted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

It's Time Nixon Told Public About U.S. Role in Laos

Some nine years ago—Jan. 1, 1961 to be precise—I was saying something like this:

"What should concern us today is the possibility of U.S. military intervention in Laos, a mountainous little Buddhist country about the size of Idaho which lies between Thailand and Burma to the west and the two Vietnams on the east.

"Since 1954 (mark the date), the United States has given an increase of $398 million to sustain Laotian independence and keep Laos out of the communist orbit.

"The forces which hope to dominate Laos comprise the Pathet Lao, a communist guerrilla movement, and the communists of North Vietnam. The Southeast Asia Treaty Organization has charged that troops from North Vietnam have infiltrated Laos.

"Great Britain and France, both signatories to the SEATO pact, have shown no interest in rushing to the defense of Laos. If anything is done the United States will be expected to act.

"Our military involvement there would be, as President-elect Kennedy stated in the campaign, 'the wrong war at the wrong place and at the wrong time'—unsound militarily, unnecessary to our security and unsupported by our allies.

"No Russian soldiers died in Korea and none will die in Laos if we are silly enough to get caught in a conflict where there is no chance of winning decisively and achieving permanent peace in that region."

Nearly a decade has elapsed since that warning was first printed, a period in which Vietnam and not Laos was to provide the setting for a bloody war in which more than 40,000 Americans have died.

Yet we have never been idle in Laos despite reassurances from Secretary of State William P. Rogers that "we are not going to fight any major wars on the mainland of Asia . . . We are not going to send American troops there."

As revealed by James McCartney of the Knight Newspapers, here is a brief summary of American activities in Laos:

The U.S. is providing massive air support to the Royal Laotian Army now combatting the communists.

United States bombers from both Vietnam and Thailand are attempting to interdict infiltrators into South Vietnam on the Ho Chi Minh Trail which travels through Laos.

U.S. fighters are being used for tactical air support to Laotian forces.

U.S. helicopters are being used to transport Laotian forces from one scene of combat to another.

U.S. advisers are all but running the Laotian army. Some are Central Intelligence Agency employes attached to the American embassy with innocent sounding titles.

There are 2,150 Americans in Laos, 830 of them in official government positions. The U.S. has lost at least 100 pilots on Laotian missions and about 25 other Americans have been killed in line of duty.

This summation of U.S. engrossment shows a marked similarity to the Vietnam war buildup in the early 1960s.

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So the disturbing question arises as to whether the Nixon administration is actually escalating military activities in Laos while de-escalating the war in Vietnam.

Senate Foreign Relations Chairman J. William Fulbright maintains the government is "hiding the extent of our involvement in Laos . . . its cost in money and lives."

Sens. Fulbright, Mansfield and Symington are bristling over the State Department's withholding of secret evidence on Laos which was given to the committee in four days of testimony last October.

These senators are properly indignant over a vastly enlarged American participation in Laos without public announcement or Senate approval.

Having been burned once in believing Lyndon Johnson's Vietnam campaign promises of 1964, they are no longer in a trusting mood and in fact suspect the worst.

While the nation is disposed to be patient with the Nixon administration in its efforts to disengage from Vietnam, be warned that Laos contains the same ingredients of future trouble

It was a somnolent Senate, remember, which condoned our growing entrapment in Vietnam in the days when spirited debate might have prevented the tragic consequences of a full-scale war.

In the light of correspondent McCartney's revelations, we think the President now has an obligation to take the American people into his full confidence on the Laotian situation.

And we applaud the Senate Foreign Relations Committee for demanding that the truth be told as it is without further fraud or deception.

JOHN S. KNIGHT.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 3, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of my remarks there be a limitation of 3 minutes on statements in relation to routine morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE ABM MISSILE SYSTEM

Mr. MANSFIELD. Mr. President, last year the Senate and the Congress approved the building of an ABM missile system at two missile sites in Montana and North Dakota. That decision was made by the Congress, I repeat. That decision is in effect today and, without question, the projects in Montana and North Dakota will go ahead, because that is the intent of the Congress and the administration as far as these two proposals are concerned.

Mr. President, last year—last April 25—I also put in the Record a comparative relationship between the Soviet Union and the United States in the field of ICBM's, SLBM's, and intercontinental bombers.

According to the information I had, in 1968 we had a total of 1,054 intercontinental missiles, a figure we still have, because there have been no additions; and the Soviet Union at that time had 905.

According to what information I have been able to obtain the Soviet Union now exceeds this Nation in ICBM's by approximately 25 to 30 missiles of that type.

In the field of sea-launched ballistic-missile launchers—that is, the Polaris type—we had, in 1968, 656 missiles in all our Polaris submarines. Incidentally, this is a matter of public information, so I am not divulging anything secret. Compared to that number, the Soviet Union had 45 of a similar type.

Undoubtedly, the Soviet Union has increased its missiles of the Polaris type in its submarines, but I would hazard the guess that at the present time it does not exceed the number of 100; which would indicate, if that assumption is correct, that we have a 6-to-1 superiority in the field of Polaris missiles over the Soviet Union.

In the field of intercontinental bombers, in 1968 we had 646, and the Soviet Union had 150. Our bombers were the B-52 and the B-58, and the Soviets' were the Bear and the Bison.

It is my understanding that the number 150, as far as the Soviet Union is concerned, has decreased somewhat, but that the number which we had, 646, has remained fairly constant.

So there we find an approximately 4-to-1 U.S. superiority in the field of intercontinental bombers. In the field of Polaris missiles we have a 6-to-1 superiority. And while the Soviet Union may have 25 or 30 more ICBM's than we do, that is virtually a standoff because both nations already possess destructive power beyond the point of saturation.

Mr. President, on Sunday I appeared on a television program on ABC known as "Issues and Answers." A good portion of that program was used by Mr. Scali and Mr. Clark in asking me my opinion about the President's statement at the last press conference that phase 2 of the ABM program was going to go into effect and that Secretary Laird would make an announcement giving the details within 30 days.

Mr. President, I ask unanimous consent that the pertinent parts of that TV appearance be incorporated at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Mr. Scali. Yesterday you denounced the Nixon Administration's plans to expand the antiballistic missile defense system and said that another great debate is in the offing. Won't this wind up as a rehash of the debate that you and other opponents lost after 29 days of argument and counter-argument last year?

Senator Mansfield. Let me say "denounce" is a pretty harsh word. We haven't seen the details yet. What I want to see is a bill of particulars and I want to see also whether or not the questions which were in our minds last year have been answered to our satisfaction.

I would point out that as far as the two sites in Montana and North Dakota are concerned, they are under way. They were agreed to on the basis of a 50–50 vote in the Senate and an overwhelming vote in the House, so they will go ahead. It is the expansion beyond that which disturbs me, plus the fact that the questions which were raised last year will be raised again this year.

For example, it is our information that the radar system is highly vulnerable and if it is hit the whole ABM system dependent on the radar will be knocked out. We are not as yet anywhere near certain that the computer system is reliable and accurate and we have some questions about the shell of the Spartan which indicates on the basis of what the scientists tell us that it would be a little slow, unless it has been corrected in meeting an incoming missile.

May I say that as far as the ABM is concerned that no one in the Senate that I know of is against it if it is needed, reliable and accurate. If we are going to go into this area, then I think we better face all the facts, recognize it is going to cost tens of billions of dollars. On the basis of what little I know about the new proposals which will be made, it seems to me to be a combination of the Safeguard and Sentinel systems and the Sentinel system was supposedly discarded last year.

Mr. Scali. Senator, you said the expanded ABM system might cost as much as $50 billion.

Senator Mansfield. That is correct.

Mr. Scali. A figure which I think is far higher than any administration spokesman has put on it. Where do you get that figure and how do you support it?

Senator Mansfield. Well, I would point out that it was estimated that the Sentinel system itself would cost somewhere in that vicinity, if not more, and if we are getting a combination, it appears to me that with the cost increase which must be added to it that it would come at least to that figure if you put in the whole system because, remember, it takes the Northwest Washington state, southern New England, Texas, the Southeastern part of the United States, Michigan, two sites in California, Washington, D.C., and perhaps eventually sites in Alaska and Hawaii. Those last two have not been mentioned, however.

May I say also that the present estimates for the hard point missile systems in Montana and North Dakota have already far exceeded the original estimates.

Mr. Clark. Well, Senator, do you think if the President had told Congress last year that the ABM system was needed for defense of American cities rather than for the very limited protective system that was submitted to Congress for our own antimissile sites, that he would have won that big Senate battle which, of course, he won by only one vote?

Senator Mansfield. Well, he didn't win it by one vote really because it was a stand-off and an amendment having to do with any particular to a bill fails because of——

Mr. Clark. The margin was essentially one vote.

Senator Mansfield. The margin was essentially one vote.

I don't know. I would imagine that the results would have been the same whether it was a Sentinel system or a Safeguard system.

Mr. Clark. There were two or three Senators at least—Senator Scott was one who had indicated some reservations about the system but then swung the other direction when the President proposed only the very limited system. You don't think some people who voted with the President last year might not be now pulled back the other way?

Senator Mansfield. That I couldn't say because this matter was in effect just sprung on us. I had only read speculative reports that there would be an expansion of the present system. Those reports were denied and then the President, of course, made it official in his press conference the other night.

Mr. Clark. Do you see anything that has

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happened in the past year in the conduct of Red China that would justify the shift in the Administration's position to point that anti-missile system now at China rather than just protecting our own missile sites?

Senator Mansfield. I have no access to such information, though I am quite certain the President undoubtedly has. There certainly can't be any question but that the Chinese are going ahead with their missile system. How good it is, how effective it is, whether it is an IRBM or an ICBM, I do not know at the present time—well, I do know they at least have the IRBM's, but whether they have developed an ICBM capacity, I am not in a position to state. But I do recall that the President last year, in giving one of his reasons for turning down the Sentinel System, said that he couldn't buy the idea that this system was being set up for use against a possible Chinese threat.

Mr. Scali. Senator, I gather from what you say that the President's revised plans come as somewhat of a surprise to you. You talk with him and meet with him frequently. Were you consulted in advance at all? Did you discuss this?

Senator Mansfield. No, and I wouldn't expect to be, but in all fairness I must say the President indicated that he had talked it over with the National Security Council before he made his announcement. He also said that Mr. Laird would make an announcement within 30 days. I would anticipate that he would call down the joint leadership and other appropriate Members of the Congress to discuss with them what his plans are, just as he did last year.

Mr. Scali. Senator, as an expert on Asia, you appraised President Nixon's doctrine which would force the Asians to rely more on their own manpower while we hold a nuclear umbrella over their heads for safety. Aren't the opponents of this new plan making it impossible to carry out that doctrine by making the United States vulnerable to a sudden attack by Red China?

Senator Mansfield. No, I don't think so because I don't think we are vulnerable at this time to a sudden attack by Communist China and I believe the President made it very clear in his press conference that this was somewhere in the future, in the seventies.

Mr. Scali. Well, in the future, aren't you in effect denying the President the kind of safety that is needed to protect our own missiles while we hold a nuclear umbrella over the heads of our allies?

Senator Mansfield. No, I wouldn't say so because as I have indicated, nobody is against the ABM if it is reliable, if it is accurate. Everybody in the Senate so far as I know is in favor of continued research and development, but I would hate to see a system put in which, if necessary to be used, couldn't be effective.

Mr. Clark. Senator, if we can explore just a bit more the President's plans to expand this anti-missile system to protect the country against the possibility of a surprise attack by Red China, does this get to the heart of the new Nixon doctrine for Asia? In other words, you, in supporting this doctrine, if as we pull American troops out of Asia we have to extend a nuclear umbrella or maintain a nuclear umbrella over our Asian allies, is it the necessary to go to an anti-missile system in this country, no matter what the cost? Is this part of the price of the Nixon doctrine?

Senator Mansfield. Oh, if it is necessary, the cost is of no significance. If it has to be done, it will be done, and it should be done. But if it is going to be done, it ought to be done on an accurate and reliable basis. The money shouldn't be wasted. There shouldn't be an overcost in the program. There is in the present ABM program and as I have been informed, and I think quite accurately by the GAO, there is at the present time a 20.8 billion dollar over-cost on weaponry contracts which have been let by the Department of Defense.

Now, I must say that practically all, if not all of these contracts had been let under a previous Administration and I think that Mr. Laird is doing a pretty good job in trying to correct some of these deficiencies.

Mr. Scali. Senator, you mentioned the reliability several times. Is there any reason for you to believe that this system is less reliable now than it was when you voted on it last year?

Senator Mansfield. That is one of the questions we have to ask. We want to find out what has been done in the meantime to make the computers more reliable, to make the radar screens less vulnerable, and to see what has been done about the Spartan missiles as far as their speed capacity is concerned.

Mr. Scali. Do you think that disclosure of these plans at this time will in any way jeopardize the beginning of the dialogue with Red China which the Nixon Administration has set up after so much effort?

Senator Mansfield. That is one of the things which worries me because we have the SALT talks going on which seek to bring about a diminution in the amount of armaments, missiles and other weapons of destruction which we are both developing, and we both have enough to obliterate the world ten times over. We are probably on the verge of a mad momentum. I don't know what is going to happen if we keep on this way because if we keep on building weapons, someday you are going to use them and someday the people of the world are going to suffer.

Mr. Clark. Senator, we have heard a great deal of talk from the Democrats in recent months about reordering national priorities. Now what happens to national priorities and how much we set aside to spend for pollution or health or education, if you get into an extremely costly program of anti-missile defense which you say is all right with you as long as the President in effect can prove that it is needed.

Senator Mansfield. Then priorities go out the window. What I want to see is a balance between our security needs and our domestic needs, and balance is the key word. It won't do us any good to have the best security system in the world if we have uneasiness, discontent, in some instances rebellion, at home. What we have to do is to have a good security system and we have to face up to the problems of pollution, the needs of the cities, the needs of our people here at home. Both of them must go together.

Mr. Scali. Do you think the President is attaching too high a priority to defense, then, Senator?

Senator Mansfield. I think so, but I must admit that he has more information available to him than I have but we have been going helter skelter in the spending of defense funds and only in the past year or so has the Congress and especially the Senate been raising questions and trying to draw back on some of those over-costs, some of these ill-conceived contracts and some of these weapons which have proved useless but on which billions of dollars have been spent.

Mr. Clark. There is, Senator, a mounting impression in Washington that Democrats are allowing the President to preempt the field in the critical areas of priorities, in thinking of pollution and health and welfare programs, even draft reform where the President moved in at the last minute in the last Congress.

Are Democrats being out-manuevered by a President who is a wilier politician than they expected in the White House?

Senator Mansfield. No, I don't think so, and after all it is the welfare of the nation, the welfare of the people which must always come first. It isn't a matter of being politically astute or trying to take political advantage. It is a matter of doing what you can for the country as a whole and if it affects you personally and you lose, that is immaterial. The country must come first always.

Mr. MANSFIELD. Mr. President, last Friday's announcement of a new and expanded ABM is most disturbing. What the administration is proposing is to shift the mission of this anti-ballistic-missile system once again to defending cities. It is a mission which was first assigned to the so-called ABM Sentinel during the Johnson administration but was expressly discarded by the present administration as a practical impossibility. It is a mission, moreover, which the administration described last year as not only impractical but as unduly provocative and escalatory of arms competition. It decided, instead, to rename the system "Safeguard" and to move the proposed ABM sites away from the cities. It assigned the weapons the function of defending, not cities, but a principal component of the Nation's nuclear deterrent, the hardened ICBM sites, specifically at Grand Forks, N. Dak., and Malmstrom Air Force Base in Montana.

At the time, it was said quite clearly that the Sentinel system had to be abandoned because it could not safeguard the Nation's urban centers from substantial enemy missile attack. To protect a city from a missile attack, it was pointed out, the ABM screen would have to be more than just half-safe. It would have to be all-safe—inexhaustible as well as infallible.

All agreed, last year, that the Sentinel-Safeguard components—whatever the mission, wherever placed—could not claim perfection. The Sentinel-Safeguard system—the rationale for which has shifted four times in 4 years—still uses the same components each year and those components were designed in 1962. The components were then and they still are less than infallible.

By general recognition, an ABM defense screen that permits any penetration by a nuclear warhead is no defense of a city at all. If a dozen are stopped but one substantial warhead enters, it is quite enough to do the deadly job of human annihilation. The incinerated inhabitants of a city almost perfectly shielded by an ABM would find little consolation in statistics showing near perfection.

Last year, the President, quite properly in my judgment, announced that the Sentinel system was being abandoned because it could not be made to work to defend cities against a hypothetical attack of Soviet warheads and because he would not "buy" the contention of its value for that purpose against a hypothetical attack of Chinese warheads. Yet, this year it is proposed that Safeguard be extended to include defense of cities against precisely such an attack from Chinese sources. It is disturbing to find the facts stating one conclusion one year and the same facts stating the opposite the next. A true credibility gap does, indeed, open up when, each year for 4 years, these changing rationales are presented for the same system. As the distinguished Senator from Maine (Mrs. Smith) so aptly stated last year:

> This shifting against whom to defend—first Russia then Red China and then back to Russia—coupled with the shifting of what to defend—first the cities and population centers and now the missile sites—not only taxes one's credulity but even challenges one's imagination as to what the next shift will be by the advocates of the ABM.

I fear that the "next shift" of which the distinguished Senator from Maine spoke is about to be presented.

It may be helpful to refresh memories at this point on some of the complicated questions which were clarified during last year's debate on the ABM. Among the weaknesses of the system—as they were revealed at the time—were the vulnerability of the radar components and the unreliability of the computer. The weaknesses of these links are fundamental weaknesses. Last year, the ABM system was regarded as less than fully reliable and less than invulnerable in its protection of the hardened missile sites against incoming warheads from the Soviet Union. This year the proposal for the extension of the system suggests that the same components are now reliable and no longer vulnerable. The implication is that even if the system cannot guard cities against Soviet warheads, it will be able to protect the Nation's urban regions, a few years hence, from Chinese warheads which do not yet exist but which may exist at that time.

Last year, the President announced that a further expansion of the Safeguard system beyond the two sites would not be requested of the Congress until the completion of a special study. That study was to take into consideration the technical feasibility of any extension of the system, the state of international tensions and the experience of phase 1; that is, the experience with the initial two sites in Montana and North Dakota.

Where is the study? Has the Senate Armed Services Committee had access to it? Has anyone in the Congress seen it? Have the Secretary of State and the Secretary of Defense examined it? I assume that there is such a study somewhere in the executive branch because the President made clear that it was a prerequisite for any request to the Congress for expansion of the ABM system. And according to the President's announcement, Congress will be asked this year to provide for an expansion.

Since that is the case, I presume that there is not only a study but that the study must have found the state of international tensions to have grown more serious, very serious, during this past year. It must have concluded, too, that the SALT talks are not yielding fruitful results. Has it found, as well, that the technology of the Safeguard is now perfected to the point of infallibility and, hence, that the system can be usefully installed for urban defense? Has that conclusion, moreover, been strengthened by experience in handling the missiles at the first two sites?

In all candor, Mr. President, it is difficult to understand how that can be the case. There can hardly have been an accumulation of technical experience with these weapons at the two sites because installation has yet to take place. So far as I am aware, most of the year has been spent in buying land and building approaches and in other of the most preliminary of preparations. So far as I am aware, all that the experience to date has proven is that actual costs are far higher than the original cost estimates for the installations.

I am at a loss, too, to understand how any study can justify going ahead with expansion of the ABM system on the grounds of an increase in international tensions. The public reports of the administration on that score suggest precisely the opposite. We have had nothing but reassurances from the administration on the improvement of the international climate and on the progress of the SALT negotiations with the Soviet Union.

What must now be asked is whether the proposed expansion of Safeguard to a population-defense concept will have the effect of upsetting the negotiations being held in Helsinki. In the esoteric chess of war gamesmanship, with which the SALT negotiations are interwoven, an attempt to defend cities on either side is regarded as an escalation in the arms race whereas a defense of ICBM installations is not. From that viewpoint, therefore—from the viewpoint of the Soviet technicians and negotiators in Helsinki—it is hard to see how the new proposal to expand the system can be construed as other than an escalation, notwithstanding the President's desire last year to remove that element from the ABM system. Nor does the contention that the proposed extension is a protection of cities against Chinese missiles rather than Soviet missiles change that fact. It seems to me very likely, therefore, that these talks will now fall into stalemate—along with those in Paris on Vietnam—at least until the development of this system by us is matched by a similar development of an ABM on the Soviet side. In this paranoiac peace of mutual terror neither side is likely to acquiesce in an advance in technology on the part of the other, notwithstanding rhetorical assurances that the objective of the advance is a third country.

The proposal, in my judgment, therefore, may well compel another round of escalation and add billions to the costs of defense in both countries. In the end, it may well leave the Soviet Union and the United States in a state of near fiscal exhaustion but neither nation in a more advantageous defense situation.

May I add that cost is not the block if an essential and practical addition to the defense of the Nation is at stake. The Senate has never stinted on that kind of outlay in the past; it is not likely to do so now. To ask funds for a defense system that is necessary and effective is understandable. To importune the Congress to make a commitment to spend, in the end, tens of billions of dollars for the exercise of another round in nuclear gamesmanship, however, is alarming, to say the least. To ask for this commitment to a system that gives the impression of technological invulnerability and the illusion of security but provides neither is an invitation to disaster.

Many, many questions have arisen, Mr. President, in the wake of this latest development regarding the ABM. I have today dispatched a number of questions to the chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), with the request that they be considered by his committee when the question of ABM expansion is undertaken by that group. I anticipate, knowing the Senator's integrity, forthrightness, and honesty, that my request will be honored and that this information will be forthcoming.

The Senate will want to review most carefully the specific proposals both in committee, under the distinguished chairmanship of the Senator from Mississippi (Mr. STENNIS), and on the floor.

The overriding concern will be to weigh the need for a costly extension of the ABM system in the scales of the overall needs of the Nation. What is involved in this proposal is a commitment which, in the end, would claim, probably, upward of $50 billion of the Nation's fiscal resources. These funds will be asked for not at once, but in chunks, this year and the next and the next and so on into the future. They will be requested in order to counter a type of nuclear threat from China which the President states does not exist even hypothetically at the present time but which may exist, hypothetically—I repeat, hypothetically—10 years from now.

Before the Senate endorses this commitment, it seems to me essential to ask about the inner needs of the Nation, needs which arise not 10 years hence but which are present now. If vast resources are diverted to the countering of hypothetical threats to the Nation's security, what is left for our response to these actual, urgent, and accumulating needs of the present?

Let no one say that the state of a pollution-laden environment is not a threat to the security of the Nation inherent in the disintegrating cities and the rising crime rates. Let no one dismiss the threat which arises from a continuing inflation, a spreading recession, and vast pocket of poverty. There is an imbalance, it seems to me, if we lend to these pressing domestic threats a lesser urgency than that which is assigned to hypothetical foreign dangers a decade hence. So far as I am concerned, this imbalance will be at issue when the proposed expansion of the ABM system comes before the Senate.

I am confident that the Senate will undertake a deep and thorough examination of this matter. That is our responsibility. It cannot be, it will not be, and it must not be ignored.

(At this point Mr. ALLEN assumed the chair.)

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I congratulate the majority leader on his address this morning, delivered in his typically quiet and constructive manner, on one of the most important subjects facing this country and the world today. I predict it is one of the more important addresses to be made on the floor of the Senate this year.

The majority leader points out that

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this is the fourth change, shift on this ABM matter. The first was when the Joint Chiefs of Staff recommended to the previous administration that there be a thick area ABM system. The second was the change in the recommendation by the previous administration that there be a thin system, entitled "Sentinel." When that came to the floor of the Senate in 1968, the premise being it was necessary for us to defend the United States against a nuclear attack from China, I opposed it, considered at that time the justification was absurd and so stated on the floor of the Senate. Last year, the name "Sentinel" was changed to Safeguard—same design, but now for a different purpose.

Frankly, Mr. President, that application appeared as more logical. My only apprehension was the relative vulnerability of the two radar systems, primarily the MSR; but I was worried about possibilities the computer would not function properly, because the software had not yet been installed in the computer planned. However, the Safeguard was approved by the Senate. The majority leader will recall that at that time arguments were used in an effort to obtain the approval of the Safeguard system by illustrating why the planned application of the Sentinel system—area defense—was not the correct system for the defense of the United States.

For these reasons, it is difficult to understand why the administration now reverts back to the concept of the discarded Sentinel system. To me this is especially unfortunate, because, based on my knowledge of the subject, I think it makes very difficult indeed any possibility of reaching agreement in the SALT discussions with respect to MIRV control, not to mention what it might do to ABM limitation agreement. I should not go into the details of that at this time, but have studied the matter, and that is my belief.

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Second, many cities in the United States will not agree to only a thin area defense. People will say, "If you are going to defend some cities, why not defend mine?"

The figure the distinguished majority leader uses—$50 billion—may well not be nearly adequate to cover the cost of a thick system that can now be just around the corner.

For these reasons, Mr. President, again I commend the majority leader for bringing this important matter before the Senate. We have spent over $100 billion in postwar Europe and over $100 billion in Vietnam; and at the same time we know we have increasing problems with respect to our domestic requirements—such problems as air pollution, water pollution, education, and adequate housing—in all of which areas the people have been asking for with an increasing voice during recent months.

To add this gigantic burden so as to obtain a system which, at best, is questionable, and base that request on the discarded arguments used year before last, when the Sentinel came before the Senate for discussion, is hard for me to understand.

I thank the majority leader, and again congratulate him on his outstanding address.

Mr. MANSFIELD. I thank the Senator.

Mr. President, may I say that, to the best of my knowledge, no Member of the Senate is against continued research and development. No Member of the Senate would be against the ABM if the need and practicability were demonstrated. No Member of the Senate would be against appropriating all funds necessary to put in such a system if that happened to be the case. But there are questions relative to the reliability of a system which, if fully carried out at a cost of tens of billions of dollars—that it would not be protective, would not enhance our security, but would be only a myth, created to shroud the fears of the people of this Nation against other nuclear powers.

I want to make it very plain, Mr. President, that the Senate and the Congress last year expressed approval for the two sites in North Dakota and Montana. That decision has been made, and that decision will be carried out.

What we will be faced with this year is an expansion, beyond the two hard missile sites, into places like the northwestern part of the State of Washington, southern New England, the Michigan-Ohio area, the Southeastern United States—I suppose around Florida and Georgia, the Texas area—and two sites in California, one in the northern part and one in the southern part.

While no mention was made of Alaska or Hawaii, they were mentioned a year ago in relation to the Sentinel system. I would assume that further consideration would be given to them.

Whether these areas which I have mentioned are accurate, I do not know. I am going on the basis of newspaper reports and a newspaper map which seemed to indicate that that is where the new sites might be.

I think that the Senate has a responsibility in this matter, and it will live up to it, win or lose, as it did last year.

I am certain that the President will, as he did last year, face up to his responsibility. But there is a wide gap between us at the present time, because we do not know what has been done in the way of research and development.

A total of $14 million was allocated this year for construction for continued research and development in Kwajalein. It was stated in the Senate last year that the sites in Montana and North Dakota would be used for research and development purposes.

Well, that could not be as yet, because they are still purchasing the land and making preparations. The hard work will not get underway this spring in North Dakota or in Montana. It will be many months—many, many months—before an ABM system will be installed. As a matter of fact, I believe it will take about 4 years.

How we can carry on research and development on that basis, in the amount of time which has elapsed, I am not at all certain.

Mr. SYMINGTON. I have always been for intense research and development, but not for premature deployment.

Mr. MILLER. Mr. President, I wish that I could join with my colleague from Missouri in extending congratulations to the distinguished majority leader on his speech. I regret very much that all I can do is to deplore it, and deplore it deeply.

The arguments set forth in the distinguished majority leader's report are not new. We have heard them all before, two or three times over, during previous debates on this subject. They have been rejected—true, by a narrow margin in the Senate, but by an overwhelming margin in the House of Representatives.

I do not believe that it is helpful in enlightening anyone, much less the general public, to rehash these arguments time after time after time.

For example, the distinguished majority leader started out on the premise which the opponents used last year, which is most unfortunate and most unrealistic, by calling attention to what the situation is today vis-a-vis the Soviet Union with respect to military power.

Mr. MANSFIELD. Mr. President, will the Senator from Iowa yield briefly there?

Mr. MILLER. I yield.

Mr. MANSFIELD. I do not consider anything unfortunate or unrealistic which happens to be public knowledge. I stated specifically that I was not revealing any secrets but stating what was public knowledge.

Mr. MILLER. May I respond by saying that I am not suggesting it is unfortunate that the distinguished majority leader reveals public information. I am suggesting that it is unfortunate the public knowledge he repeats constitutes a very unfortunate premise and that is: What the situation is today vis-a-vis the Soviet Union with respect to military power, particularly strategic nuclear power, and that this does not help anyone because in discussing the ABM we are not concerned about what the situation is today. The whole problem——

Mr. MANSFIELD. Mr. President, will the Senator from Iowa yield right there?

Mr. MILLER. Is concerned with respect to what the situation will be in 1975 and 1980.

Mr. MANSFIELD. Mr. President, will the Senator from Iowa yield right there?

Mr. MILLER. I am happy to yield.

Mr. MANSFIELD. Were the figures I gave accurate?

Mr. MILLER. To the best of my knowledge, the figures the Senator from Montana gave in his speech are accurate and have been used before.

Mr. MANSFIELD. Have been used publicly.

Mr. MILLER. And publicly. But that is not the point. The point is that it is not going to be helpful in an ABM discussion to talk about what the situation is today. We are not talking about today. The opponents of the ABM, of course, are talking about today. But that is not responsive. The responsive question is, What is the situation going to be in 1975 or in 1980?

Now the Senator from Montana did allude to this——

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The time of the Senator from Iowa has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Iowa proceed for——

Mr. MILLER. Ten minutes?

Mr. MANSFIELD. Ten minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. The Senator from Montana did allude to this when he criticized the use of hypotheticals as a basis for planning. But the Senator from Montana well knows—and there is no one who knows it better than the Senator from Missouri (Mr. SYMINGTON)—that in the problem of national security we have always used hypotheticals. We do not necessarily use the word "hypotheticals." We used "anticipated" or "expected" "danger to the security of the country." And we are following the same approach right now in the course of trying to cope with the hypothetical dangers from pollution of the environmental—hypotheticals with respect to population expansion, hypotheticals with respect to additional pollutants——

Mr. MANSFIELD. If the Senator will yield there, except they are not hypothetical. Those problems are here right now.

Mr. MILLER. Well, the problem of security is here, right now too.

Mr. MANSFIELD. The Senator was just saying it was hypothetical looking ahead in the 1970's.

Mr. MILLER. That is correct. Just like the worst pollution that will occur, if we do not do something about it, is the basis for the program of antipollution control today.

Mr. SYMINGTON. If the able Senator will yield as long as he used my name, I would appreciate his yielding to allow me to say, with great respect, that I am not quite sure I know what he is getting at.

Mr. MILLER. Well, Mr. President, I know that the Senator from Missouri does not wish to have me compliment him too highly, but he is a distinguished member of the Armed Services Committee and I have had the honor to serve there with him. We have jointly, and with other members of the committee, discussed future problems with respect to national security. We can call them hypothetical, but they have been the basis for the planning and the programing of the entire Military Establishment. The Senator from Missouri is a former member of that establishment, a former Secretary of the Air Force, and my colleague from Missouri well knows what I am talking about. That is the point I wanted to make.

Mr. SYMINGTON. I am sorry my able friend from Iowa left the Armed Services Committee, but I do feel, based on a recent briefing from highest intelligence, that the remarks of the majority leader this morning with respect to the relative position of the two countries today are extremely pertinent, not only with respect to the problem as it is today, but also with respect to what it will be tomorrow.

I went to the extremely interesting hearing conducted by the distinguished senior Senator from Tennessee, chairman of the Arms Control Subcommittee of the Foreign Relations Committee, where we had an extensive review of the SALT talks presented to us by Mr. Gerard Smith, in executive session. As a result, I believe the remarks of the majority leader are truly pertinent to this discussion.

We cannot say now, that the present is not important to the future, when justification for the future is now being based on thoughts that were discarded in the past.

Mr. MILLER. Mr. President, I appreciate the comments of the Senator from Missouri. But I repeat that, while they may be pertinent, they are not helpful, because everyone in the Senate has recognized these figures as being public figures.

This is the "hangup," if I may use the word, that the anti-ABM people had on the subject last year. By discussing the situation today, they overlook the fact that the pro-ABM people are not concerned about that. We are sure that our present security is adequate. Instead, we are talking about where this country will be in 1975 and 1980.

The Senator from Montana talked about a credibility gap. I must respectfully suggest that if there is a credibility gap, it exists in his mind and not in the RECORD. I participated in the ABM debate last year. And I call attention to the fact that one of the justifications made for the President's program was to provide a "thin" defense against a Red Chinese attack on our cities. And the point made was that an area defense could provide this—at least it would be better than nothing—against the relatively small number of ICBM's which the Red Chinese are now developing and are expected to have a capability in by 1975.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MANSFIELD. Mr. President, may I say that when I used the word "credibility," I was using it in its broadest sense. I was applying it to no one in particular, but to the fact that there is a void as far as the Senate is concerned on what the administration intends to do, because we are not told, except that sometime during the next 30 days an announcement is to be made by the Secretary of Defense, Mr. Laird.

We are groping in the dark. We had a debate which took 2 months in this Chamber, 2 months well spent, very well spent.

We were given certain assurances by the administration at the time that the Safeguard system was announced as a replacement for the Sentinel. We find there are questions which have to be answered in the committee chaired by the distinguished Senator from Mississippi (Mr. STENNIS) and in the committee chaired by the distinguished senior Senator from Tennessee (Mr. GORE).

These questions will be presented to both committees, and hopefully they will be answered. But all we have is an announcement with no facts to back it up. We have an announcement made by the President, and that is the highest authority in the country—that within 30 days we will go into the second phase of the ABM system and that the Secretary of Defense will tell us about it at that time.

To the best of my knowledge, there is no Member of the Senate who has as yet been informed. I am not speaking of myself, but I am speaking of the leaders of the defense committees and the leaders of both parties on those committees.

Mr. MILLER. Mr. President, I would hope that my interpretation of the remarks of the distinguished Senator from Montana is inaccurate, because I had felt from some of the things said that he had prejudged this matter before it had gone through the hearings before the Senate Armed Services Committee and before the Secretary of Defense had an opportunity to present the facts and the justifications for going ahead with the ABM system and would have probably anticipated and covered many of the questions the distinguished majority leader had.

If this is prejudgment, it is unfortunate. If it is not prejudgment, but merely a matter of suggested questions that all of us in the Senate would like to have answered, that is another matter.

I regret the use of the phrase credibility gap. I appreciate the fact that the Senator from Montana delimited it as he did.

Mr. MANSFIELD. Just a moment, I said it went on over a period of 4 years. It takes in two administrations, because the same facts are presented each year for a different objective.

Mr. MILLER. I do not wish to suggest that the Senator is being partisan in this matter. The debate last year was a bipartisan debate. But as one of those who supported the ABM system, along with many others on the other side of the aisle, I want to make it very clear that there was nothing in our position that suggested a credibility gap. Nothing has come along that I know about that has created any credibility gap, because the arguments and justifications for the ABM a year ago included a thin defense of our cities against a Red Chinese capability.

One of the points made by the Senator from Montana was that we have received a justification for going ahead on the ABM, to protect our cities. That was one of the justifications a year ago. There is no change on that point.

Finally, no one in the Senate is more hopeful of fruitful results from the SALT talks than the Senator from Iowa. However, I think it is well known, because it has been expressed in many speeches and by leading columnists and writers and Senators themselves have made the point, that fruitfulness from the SALT talks might not occur for years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator be permitted to continue for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. And anyone who suggests that there is going to be fruitfulness from the SALT talks in a matter of months is just not being realistic.

The fact that we have not had any tangible results from these talks does not indicate to me that international tensions are any greater or less than they were. It indicates that things are about the same.

As I understand it, the SALT talks are going forward. We hope and pray that in due course they will be fruitful. But the suggestion that this will happen within a few months is not a realistic suggestion.

There was a point made by the distinguished columnists Evans and Novak about a week or so ago to the effect that the fact that we had made a decision to go ahead with the ABM has enhanced the chances of success of the talks.

It was their observation of the preliminary SALT talks that, if the United States had not made the decision to go ahead with the ABM, we would have no negotiating power or not enough to enhance the possibilities of success.

The SALT talks may not get off the ground. They may not be successful. However, let us not use an invalid premise that if they are not successful it will be because of the decision on the ABM.

Mr. AIKEN. Mr. President, while I have enjoyed the very informative discussion that has taken place on the floor of the Senate concerning a proposal which it is presumed the Secretary of Defense will make to Congress some time this year, possibly in the near future, nevertheless I do not know what we would do if somebody struck the words "hypothetical" and "academic" from the dictionary.

Mr. GRIFFIN. Mr. President, I shall add only a few observations to the colloquy which has already taken place. Obviously, the statement made by the distinguished majority leader has been listened to very carefully and respectfully by Senators on this side of the aisle.

I would venture to suggest, however, that to debate the issue now would be somewhat premature, a point made by the Senator from Iowa (Mr. MILLER). Of course, the distinguished majority leader is perfectly free to fire the "opening salvo" in this new round of discussions which promises to be lively. He is entirely within his rights to do that, but he admits at the same time that the proposal has not yet been presented by the President or the Secretary of Defense.

The distinguished majority leader used the term "groping in the dark." We do not know how much research has been done; we do not know the details of the plan; we know very little about the case that will be laid before Congress. Because that is true, I must say that I share the disappointment—I guess I will use that word which was used by the Senator from Iowa—that the majority leader already seems to have come to very firm conclusions even before the case is presented.

I would certainly share the observation of the distinguished Senator from Iowa that the very hard and strong language used by the majority leader, with respect to the effect of the proposal upon the SALT talks, is disappointing. As far as the SALT talks to date are concerned, I do not think the record would indicate that the action taken by Congress last year has had an adverse effect upon the SALT talks. In fact, there is a great deal of informed opinion that the action of Congress last year was important and helpful in the SALT talks to date. So a judgment on that point is very much subject to question.

I believe that the statement of the majority leader, important as it is, should not be answered in full today. And no attempt should be made today to do so. The time to debate this issue will come after the President and the Secretary of Defense have presented their case, which will be within a reasonable period of time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. May I say that perhaps it would be wiser to present the case ahead of time rather than to be presented with a fait accompli.

Mr. GRIFFIN. Of course, there could be no fait accompli until Congress acts. We have an independent responsibility, as has often been emphasized. We will have something to say about this decision.

Mr. MANSFIELD. Let me say the "initial" fait accompli.

TWENTY-SECOND ANNIVERSARY OF CEYLON'S INDEPENDENCE—FEBRUARY 4, 1970

Mr. AIKEN. Mr. President, the people and the Government of Ceylon are today celebrating their 22d anniversary as an independent nation.

During this time, Ceylon has established a very stable parliamentary democracy which compares favorably with other countries which have been independent for a much longer period of time.

The present Government of Ceylon, under the leadership of Prime Minister Dudley Senanayake, has been concentrating on building the nation.

The Government's objective has been to develop as rapidly as possible its own food supply.

The U.S. Government and the World Bank have aided in developing Ceylon's economy.

In the past 3 years, the Bank has given Ceylon credits amounting to $47.3 million for development projects.

A great bulk of this credit—$31.5 million—has been for the Development Finance Corp. of Ceylon, a hydropower project, and a drainage and land reclamation project.

Ceylon hopes that in the future this assistance will allow her to develop her own economy without reliance on outside help.

In foreign affairs, Ceylon continues to follow a policy of nonalinement.

At the same time, United States-Ceylon relations have been strengthened through cultural programs, and the future looks bright.

For all of these examples of patriotism, industry, humane government, and wise management of domestic and foreign affairs, we congratulate our 12 million friends in Ceylon and wish them well in the years ahead.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from Vermont in paying tribute to the country of Ceylon on the occasion of its 22d birthday. And I assure the Senator that we look back upon our visit there most pleasantly.

I am delighted to join the Senator in paying tribute to Ceylon.

Mr. AIKEN. I think we can learn an awful lot from some other countries in the world no matter how small they are.

THE PROJECTED NIXON BUDGET SURPLUS IS INADEQUATE TO STOP INFLATION

Mr. PROXMIRE. Mr. President, the projected Nixon budget surplus of only $1.3 billion is pitifully inadequate to stop inflation. We need a surplus of at least $10 billion which the President could attain if he would really cut military spending, space spending, and public works outlays.

In my judgment, this small budget surplus is an invitation to further inflation. It is not only inadequate in itself, but the fact that the President is refusing to enforce other policies and is relying entirely on this minute budget surplus to stop inflation merely emphasizes that it cannot do the job.

Inflation has been speeding up in the last few years. Last year the rate of increase in the consumer price index was 6.1 percent. Wholesale prices, which literally had been stable during the 10-year period from 1958 to 1968, were up 5 percent last year. Most alarming, we had wage settlements which averaged 8.5 percent, and wage costs, because of the very small increase in labor productivity, of more than 7 percent.

The President refuses to institute wage and price guidelines. He refuses to use the Proxmire credit control law the Congress has just passed. And Dr. Arthur Burns, the President's former resident White House economist and now Chairman of the Federal Reserve Board, told the Senate Banking Committee he would recommend that the Board ease up on the tight money policy once the President proposed a balanced budget. I think that is right, provided we have an adequate surplus, but $1.3 billion is not an adequate surplus.

If Chairman Burns keeps that pledge, this tiny budget surplus is the only weapon we are relying on to fight inflation. And if the past is any guide to the future, this small projected surplus at the end of fiscal year 1971, which is almost 18 months from now, is most likely to end up as a deficit. In a $200 billion budget, it is only a little more than one-half of 1 percent of the budget. In a trillion-dollar economy it is only a little more than one-tenth of 1 percent.

A $1.3 billion surplus in a $200 billion budget and a $985 billion economy will not stop inflation. It is a woefully deficient amount at a time of unprecedent price rises and inaction by the President on all other fronts.

Let me cite a series of facts and events as proof that much more could be done to cut the budget and stop inflation. Among them are:

First. The Secretary of Defense has

announced that Vietnam costs will drop from $30 billion to $17 billion, or by $13 billion by June 30, 1970. Yet, the total cut for fiscal year 1971 for the Defense Department is only $5.3 billion. The Vietnam cuts should be reflected in a lower defense budget.

Second. The GAO has just reported to my Subcommittee on Economy in Government that 38 major weapons systems are costing a minimum of $20.9 billion more than their original estimates. Huge savings could be made here.

Third. We should sharply reduce the 429 major and 2,972 minor bases scattered over 30 countries throughout the world. Many of these are obsolete or are used for obsolete purposes.

Fourth. We should bring home and discharge from the armed services at least 100,000 of the 310,000 American troops now serving in Europe. The Europeans will refuse to make the sacrifice to meet this heavy military burden as long as we do it for them. Then should we not Europeanize Europe's defense just as we are Vietnamizing the Vietnam war or trying to?

Fifth. In view of the very questionable wisdom of deploying the ABM, and especially its second phase, of building the supersonic manned bomber—B-1—and in MIRV'ing our existing ICBM's, significant cuts could be made in these vastly expensive projected new weapons systems.

Sixth. The moon probe although reduced is still costing hundreds of millions of dollars a year with virtually no benefit. By stretching out the space program and substituting unmanned for manned flights, large savings could be made.

Seventh. The Federal highway program is costing $5 billion a year and is one of the most inflationary of all programs because expenditures have a multiplier effect. Highway building should be postponed, slowed down and stretched out.

Eighth. We could cut the enormous cost of funding the fight on pollution by institution of an effluent charge or tax on the polluters. This would yield at least $1.5 billion, which could be used to build municipal waste treatment plants.

This would provide the twin effects of a clear economic incentive for polluting firms to reduce pollution while not upsetting the budget.

To the extent the President is reluctant to make these substantial cuts in the budget, he should certainly be willing to invoke that part of the Proxmire Credit Control Act that would restrain business from continuing to make their enormously inflationary purchases of new plant and equipment.

This investment is the single most inflationary element in the economy today and is proceeding at an unjustified rate in a period when business is operating at only 82 percent of capacity.

Why does it continue? It continues because business does not believe the Government means business about stopping inflation and that the same investment a few years from now will cost much more.

If the President really means business, he will cut far below the $1.3 billion projected surplus and use those weapons which Congress has provided him to fight this unprecedented and unacceptable inflation.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart relating to Defense expenditures.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Department of Defense—Military (outlays):	
Fiscal year:	
1969	$77.87
1970	76.5
1971	71.19
Cut—1970 to 1971	−5.3
Above, plus military assistance (outlays):	
Fiscal year:	
1969	78.66
1970	77.0
1971	71.79
Cut—1970 to 1971	−5.2
Above, plus Atomic Energy,[1] Defense related activities (stockpile, draft, etc.) (outlays):	
Fiscal year:	
1969	81.2
1970	79.4
1971	73.58
Cut—1970 to 1971	−5.85

[1] Atomic Energy is cranked in at $2.4 but only about $1 billion is for defense as such.

NOTE.—The relevant figure is the first one—DOD military. The $73.58 billion is for National Defense but includes items not directly spent by the Pentagon or on military hardware.

Mr. PROXMIRE. Mr. President, Mr. George Wilson, writing in the Washington Post this morning, questioned whether the military budget had been cut anything like the amount which has been heralded by the administration and its allies.

I also believe that the cut in military outlays is very much smaller than it should be in view of the Vietnam cuts, the projected drops in personnel, and a variety of other savings which have been announced or are contemplated. Later, I shall make a longer speech in the Senate addressing these issues in detail.

Meantime, I believe the Senate and the country should read Mr. Wilson's article, in which some of these important and fundamental issues are raised. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1970]

BUDGET FIGURES DON'T REFLECT FUTURE IMPACT OF DEFENSE CUTS

(By George C. Wilson)

Defense Secretary Melvin R. Laird's widely advertised $10 billion saving in military spending is nowhere to be found in President Nixon's new budget.

Also, in the military functions accounts Congress lumps together when it appropriates money for the Pentagon, the difference between Fiscal 1970 and Fiscal 1971 is only about $1 billion.

And finally, the current rate of Pentagon spending is still way up despite all the announced cutbacks in manpower, military bases and weapons buying.

All this is why the Pentagon's new budget—only two days old—is under assault in Congress, with one lawmaker calling it a Madison Avenue document as far as claimed savings are concerned.

But defense officials do have explanations for the seeming contradictions.

Laird started it all by declaring several times that the Pentagon's Fiscal 1971 budget—the year ending June 30, 1971—would be $10 billion below the $83 billion the Johnson administration planned to spend that year.

Robert N. Anthony, Pentagon controller until August, 1968, said in an interview yesterday, "I don't know where that $83 billion figure comes from. It doesn't square with any figures we worked with."

Other Pentagon sources said the planning figure for Fiscal 1971 was $66 billion during the Johnson administration because the future cost of the Vietnam War was not included in the five-year budget projections.

Robert C. Moot, the present Pentagon controller, said the $83 billion estimate was made in January, 1969, during a "budget scrub" of the military money requests the new administration inherited from the old one.

Such estimates, however, are treated as confidential. They are nowhere on the public record other than in statements Laird chose to make before the Fiscal 1971 budget was made public.

What the new Pentagon budget figures do show is a spending figure of $71.8 billion for Fiscal 1971 compared to $77 billion for Fiscal 1970, a saving of $6.8 billion. (National defense spending estimates in the President's budget book come out higher because he includes such other items as the nuclear warheads the Atomic Energy Commission furnishes for Pentagon missiles.)

Congress deals in the new money the Pentagon wants to spend on top of that it already has on hand. This account, called new obligational authority, shows a much smaller saving between Fiscal 1970 and 1971 than the spending estimates.

In a significant bit of retrenchment, Congress last year cut the Defense Department budget down to $69.6 billion for the main military functions (military personnel, retired pay, operation and maintenance, procurement, research and development).

This year, the Pentagon is asking for $68.7 billion in new money to finance those functions in Fiscal 1971, or only a difference of about $900 million.

The fairer comparison for new obligational authority, defense officials assert, is $73.9 billion for Fiscal 1970 and $71.3 billion for Fiscal 1971—a saving of $2.6 billion. Those higher totals include military assistance to foreign nations.

As for Defense Department spending right now, the President's Council of Economic Advisers shows the rate at $78 billion a year.

Some economists find that rate extremely high. They contend the advertised military retrenchment should be showing up by now in the form of lower monthly spending by the Pentagon.

One economist of this view said yesterday that the government should save about $50,000 for every man it takes out of Vietnam and does not replace. So far, President Nixon has withdrawn about 67,000 men from Vietnam, or a saving of 3.35 billion. Yet the rate of defense spending remains high, with the Vietnam war slice of the total put at $28.8 billion for Fiscal 1969 and $23.2 billion for Fiscal 1970.

Laird has predicted the cost of the Vietnam War will drop to between $17 billion and $18 billion by the start of Fiscal 1971. The impact of this reduction and other Pentagon economies have not shown up in the defense spending figures.

Here is why: the planned reductions of 551,296 uniformed personnel and 130,412 civilians employed by the Department of Defense by June 30, 1971, are just taking hold.

Since July 1, 1969, military personnel is down by only 151,000 of the planned cut and civilian personnel by only 15,000.

Similarly, thousands of jobs in the defense industry are about to dry up. The Pentagon predicts 640,000 layoffs in the two years between July 1, 1969, and June 30, 1971, with only 40,000 of them lost so far. The job layoffs stem largely from reduced Pentagon procurement.

Defense officials sound this warning to politicians doubting the announced retrenchment is real: "Just wait." The cutbacks in manpower and procurement will hit hard within the next few months—probably too hard for political comfort.

PRESIDENT'S BUDGET SHOWS CONCERN FOR THE NEEDY

Mr. GRIFFIN. Mr. President, from time to time there has been an effort in some quarters to create the impression that the Nixon administration lacks a "heart" and does not really care about the plight of the poor. But, as the new budget indicates, nothing could be further from the truth.

President Nixon's budget for the very poor is $3.2 billion higher than the last budget prepared by the Johnson administration.

In all, Federal spending for the very poor will be $32.9 billion, compared with $29.7 billion in the Johnson budget of a year ago.

Mr. President, I ask unanimous consent that an article from the New York Times of February 3, 1970, dealing with this part of the budget be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POOR PEOPLE TO GET MORE AID; BUT THE EMPHASIS IS ON INCOME

(By Jack Rosenthal)

WASHINGTON, February 2.—To the nation's 24 million poor people, the first Federal budget developed entirely by the Nixon Administration will mean the following things:

Another increase in spending on their behalf, but not as big an increase as last year's.

Sharply increased emphasis on Federal efforts to help the poor get more money, rather than, as in the past, to help the poor by supplying more services.

The new budget increases poor people's share of total Federal spending. They now receive 15 cents of every Federal dollar spent. In the new budget, the figure rises to 16.4 cents.

But this budget falls below the budget for the current fiscal year, both in total increase ($3.2-billion vs. $3.5-billion) and in the rate of increase (10.8 percent vs. 13.4 percent.)

Nearly half of the $3.2-billion increase will be used to reform the welfare program, increase employment and feed the hungry.

These outlays are in accord with the administration's philosophy toward antipoverty programs, emphasizing income rather than services. President Nixon expressed this philosophy in his Budget Message when he referred to "the income strategy adopted by this Administration."

The poverty budget as such is not contained in the budget data released today, but it can be calculated from figures that Federal experts have extracted from the overall budget of $200.8-billion.

POVERTY LEVEL IS DEFINED

This poverty budget, totaling $32.9-billion, consists of programs entirely for the poor plus those amounts of other programs, such as veterans benefits, attributable to poor recipients. "Poor" is defined by an income level of $3,410 for an urban family of four.

An acknowledged drawback of such a poverty budget is that it excludes persons who are, in effect, not quite poor enough. Among these are recipients of Federal assistance that raises their income above the defined level.

For example, the Administration proposes $500-million for its reform of welfare—the family assistance program. But the poverty budget includes only $400-million. Federal experts estimate that the other $100-million will go to families just over the poverty line.

The full annual cost of family assistance, once enacted and in full gear, would be $4.4-billion.

Increases of about $600-million are proposed for traditional welfare programs.

The category showing the most dramatic increase is hunger. The Administration proposes to increase food assistance by about $800-million.

* * * * *

TABLE OF AID TO POOR

[Billions of dollars]

Welfare	Fiscal 1970	Fiscal 1971	Amount change
Social security	$10.0	$9.9	[1] −$0.1
Public assistance	3.9	4.5	+.6
Family assistance plan		.4	+.4
Hunger			
Food stamps	.6	1.3	+.7
Child nutrition	.5	.6	+.1
Health			
Medicare	2.4	2.6	+.2
Medicaid	2.1	2.3	+.2
OEO programs	.1	.2	+.1
Employment			
Manpower development	1.0	1.2	+.2
Unemployment insurance	.6	.6	
Employment service	.2	.3	+.1
Work incentives	.1	.2	+.1
Education and youth			
Disadvantaged children	1.1	1.2	+.1
Educational opportunity grants	.1	.2	+.1
Other	.5	.6	+.1
OEO programs	.5	.5	
Housing			
Public Housing and rent supplements	.3	.4	+.1
Model cities and other	.2	.3	+.1
Other			
Veterans' Administration	3.0	3.0	
Other HEW programs	1.3	1.3	
Other agencies	.5	.6	+.1
Other OEO programs	$0.5	$0.5	
Indian affairs	.1	.1	
Rural poverty	.1	.1	
Total	29.7	32.9	+$3.2

[1] Social security has in fact increased. This apparent cut means that social security increases have lifted many persons above the defined poverty line and thus out of the scope of this table.

Source: Data supplied by Bureau of the Budget and Office of Economic Opportunity.

DEATH OF ARLIS WHITEMAN, A LEADER OF THE CROW INDIAN

Mr. MANSFIELD. Mr. President, yesterday morning, when I was speaking with several friends of the Crow Indian delegation back here, to plead with Congress and the administration to allow them to build a road behind the Yellowtail Dam to the Big Horn recreation development area, I was distressed to learn of the death of Arlis Whiteman, one of the foremost leaders of the Crow Indian Nation.

Arlis Whiteman was one of the early supporters of the Yellowtail Dam and the Big Horn recreation development. At the time of his death, he was a member of the tribal council and the Crow Recreation Commission.

The untimely death of Arlis Whiteman in an auto accident last Friday is a serious blow to the Crow Nation.

Arlis had been in Washington many times. He was a man devoted to the cause and progress of his people.

At this time, I wish publicly to extend, on behalf of Mrs. Mansfield and the entire Montana congressional delegation, our sympathies to Mrs. Whiteman, his family, and their many friends in Montana and the Northwest.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

REPORT OF THE OFFICE OF STATE TECHNICAL SERVICES

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the activities of the Office of State Technical Services for the fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

PROPOSED AMENDMENT OF THE FOREIGN MILITARY SALES ACT

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Military Sales Act (82 Stat. 1320) (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

A letter from the Advisory Council on International Monetary and Financial Policies transmitting, pursuant to law, a report of the Council for the fiscal year 1969 (with an accompanying report); to the Committee on Foreign Relations.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR THE NATIONAL SCIENCE FOUNDATION

A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for activities of the National Science Foundation, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF FEDERAL BUREAU OF INVESTIGATION WITH RESPECT TO POSITIONS IN GRADES GS–16, GS–17, AND GS–18

A letter from the Director, Federal Bureau of Investigation, reporting, pursuant to law, a report with respect to positions in Grades GS–16, GS–17, and GS–18 in the Bureau for the calendar year ended December 31, 1969; to the Committee on Post Office and Civil Service.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its

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reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1951. An act to confer United States citizenship posthumously upon Sp4c. Aaron Tawil;

H.R. 2012. An act to amend the Act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson;

H.R. 3908. An act for the relief of Elizabeth B. Borgnino;

H.R. 5365. An act to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala.; and

H.R. 12089. An act for the relief of Rose Minutillo.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo), and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1951. An act to confer U.S. citizenship posthumously upon Specialist Four Aaron Tawil; and

H.R. 12089. An act for the relief of Rose Minutillo; to the Committee on the Judiciary.

H.R. 2012. An act to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson;

H.R. 3908. An act for the relief of Elizabeth B. Borgnino; and

H.R. 5365. An act to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala.; to the Committee on Interior and Insular Affairs.

PETITIONS

A petition, was laid before the Senate, and referred as indicated:

By the **PRESIDENT** pro tempore:

Resolution of the Commonwealth of Massachusetts; to the Committee on Banking and Currency:

"Resolutions memorializing the Secretary of Housing and Urban Development to restore sixty million dollars in Federal funds to the Boston Redevelopment Authority

"Whereas, The Secretary of Housing and Urban Development has informed the city of Boston that its request for seventy-six million two hundred thousand dollars of urban renewal funds has been reduced by sixty million dollars; and

"Whereas, This disastrous and totally unexpected reduction in such funds comes at a time when the city of Boston is in dire need of new and better housing for its less fortunate citizens; and

"Whereas, This matter being of highest priority which transcends partisan politics, the mayor of Boston and the Boston Redevelopment Authority director and the members of the Massachusetts Congressional delegation have appealed directly to Secretary Romney for a review of his proposed reduction in federal funds; now, therefore, be it

"Resolved, That the Massachusetts Senate urges Secretary Romney immediately to restore the amount of sixty million dollars to the Boston Redevelopment Authority for its urban renewal projects; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of Housing and Urban Development, to the presiding officers of each branch of the Congress and to the members thereof from the Commonwealth.

"NORMAN L. PIDGEON,
"*Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth.*"

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **ELLENDER**, from the Committee on Agriculture and Forestry, with amendments:

S. 2595. A bill to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes (Rept. No. 91-654).

By Mr. **JORDAN** of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 52. Concurrent resolution authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning-Programing-Budgeting" (Rept. No. 91-655).

By Mr. **LONG**, from the Committee on Finance, without recommendation:

S. 3108. A bill to provide additional Federal assistance in connection with the construction, alteration, or improvement of the airway system, air carrier and general purpose airports, airport terminals, and related facilities, and for other purposes.

PROVISION OF AN ADDITIONAL SOURCE OF FINANCING FOR THE RURAL TELEPHONE PROGRAM—REPORT OF A COMMITTEE (S. REPT. NO. 91-653)

Mr. **TALMADGE**, from the Committee on Agriculture and Forestry, reported an original bill (S. 3387) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, and submitted a report thereon; which bill was placed on the calendar, and the report was ordered to be printed.

THE AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969—REPORT OF A COMMITTEE

AIRWAYS USER TAX

Mr. **LONG**. Mr. President, yesterday the Committee on Finance met and considered the airway user tax legislation. Two bills were before us: S. 3108, the Commerce Committee bill providing for the construction program; and H.R. 14465, a House-passed bill providing for both a construction program and a financing program.

Since the Constitution dictates that revenue measures originate in the House, the Committee on Finance confined its work to H.R. 14465. We amended the bill in several respects; and for the information of the Senate, I ask unanimous consent that the committee announcement of our decisions on the measures be included at this point in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

AIRWAY USER TAX BILL REPORTED BY FINANCE COMMITTEE

Senator Russell B. Long (D. La.), Chairman of the Senate Committee on Finance, announced today that the Committee had completed action on proposals to levy airport and airway user taxes and to establish an Airport and Airway Trust Fund.

Two bills were before the Committee:

(1) H.R. 14465, a House-passed bill with two titles. Title I of the bill would authorize a Federal airport and airway development program, and title II would establish an Airport and Airway Trust Fund and would impose user taxes to provide revenues for the Fund.

(2) S. 3108, a bill already reported by the Senate Commerce Committee. This will would authorize a Federal airport and airway development program and would establish a trust fund; the bill contains no provisions raising revenue for the fund.

Following the Commerce Committee's action on H.R. 14465 and S. 3108, both of these bills were rereferred to the Committee on Finance for consideration of the necessary tax provisions.

Senator Long announced that the Committee on Finance had ordered reported H.R. 14465 with title I deleted and with certain modifications of the tax provisions in title II. The Committee also ordered S. 3108 returned to the Senate calendar without recommendation. Senator Long noted that it was the intention of Senator Warren G. Magnuson, Chairman of the Senate Commerce Committee, following completion of Senate floor action on S. 3108, to insert the text of S. 3108 as a substitute title I of H.R. 14465. He indicated further that because there were trust fund provisions in both bills it would be necessary to perfect S. 3108 during floor debate to avoid this duplicate authority.

The changes in the House bill approved by the Committee on Finance are summarized in the following paragraphs.

Tax on Passenger Transportation.—Under present law, passengers pay a 5 percent ticket tax on domestic flights; under the House bill the tax rate would be increased from 5 percent to 8 percent. The Committee on Finance approved a tax which will yield about the same revenue, but the tax would be paid by the airline instead of the passenger, and it would be imposed on the airline's gross receipts from the sale of passenger tickets for domestic flights. At the same time, the Committee bill would direct the Civil Aeronautics Board to fix higher airline passenger fares to reflect the added cost of the tax to the airline. Under the Committee bill, passengers would not be delayed while airline ticket agents calculated an 8 percent ticket tax.

The House bill would terminate the exemption from the passenger tax now extended to Federal government employees, State and local governments and private non-profit educational institutions. The House bill would continue, however, the exemptions from the tax under present law for the Red Cross and for international organizations. The Finance Committee amended the House bill to repeal all these special exemptions. Under the Committee bill, the tax on the air carrier's gross receipts would cause passenger fares for these groups to rise by about 8 percent.

International Departure Tax.—The House bill imposes a tax of $3 on each person departing from this country on an international flight. The Finance Committee gen-

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erally approved this tax but agreed to designate it as an "international travel facilities use tax."

Cargo Tax.—The Finance Committee bill, like the House bill, would levy a new air freight tax assessed at a 5 percent rate. However, the Committee approved an amendment to provide treatment of cargo shipments to Alaska and Hawaii in a manner comparable to passenger tax treatment under present law. Under the Committee amendment, only that portion of the flight to Alaska or Hawaii which takes place over United States territory would be subject to the cargo tax.

The Committee also approved two other amendments to the cargo tax provision of the House bill. First, the Committee agreed to exempt excess baggage charges from the transportation taxes. Second, the Committee agreed to make clear that the amounts paid by REA express to the airlines for air transportation would be the base on which the cargo tax would be levied on air express shipments.

Fuel Tax.—Under present law, a net tax of two cents per gallon is levied on gasoline, whether used in general aviation or by air carriers; there is no tax on jet fuel. The Committee approved the provisions of the House bill repealing the two cent tax on gasoline used by air carriers, and imposing a seven cent per gallon tax on all fuel (both gasoline and jet fuel) used in general aviation.

Registration Tax.—The House bill would impose an annual aircraft registration tax of $25 plus two cents per pound for a piston-powered aircraft; the registration tax would be $25 plus 3.5¢ per pound for turbine-powered aircraft. This tax would be imposed on both general and commercial aircraft. The Finance Committee bill would impose a $25 registration tax on all aircraft, but it would not impose the poundage tax of the House bill on any aircraft with four seats or less. This modification would relieve 55 percent of the aircraft used in general aviation from the poundage portion of the registration tax.

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The Committee bill would permit a lessee to pay the registration tax if he so desired; if the lessee did not pay the tax, the owner of the aircraft would remain liable.

The House bill would provide for a refund of a portion of the registration tax when the aircraft is used in foreign commerce. In cases where foreign transportation constitutes a significant proportion of the use of the aircraft, the Finance Committee bill would permit a reduction in the current registration tax owed, based on the carrier's experience during the previous year. Approprate adjustment would be made at year-end to assure that the correct tax is paid.

Airport and Airway Trust Fund.—The Committee approved the provisions of the House bill establishing an airport and airway trust fund. Since both S. 3108 and Title II of H.R. 14465 contain provisions for a trust fund, the Committee on Finance approved a Committee floor amendment which would strike the trust fund authorization provisions from S. 3108.

Effective Date.—The House bill was passed in November 1969, and the taxes under the bill would have been effective beginnng January, 1970. The Finance Committee amended the effective dates as follows:

(1) The passenger transportation tax, the cargo tax and the $3 international travel facilities use tax would be effective as of May 1, 1970.

(2) The registration tax for aircraft *not* subject to the poundage tax (that is, planes with four seats or less) would be effective July 1, 1970.

(3) The registration tax for aircraft subject to the poundage tax would be effective April 1, 1970. Since the tax is levied on a fiscal year basis (from July 1 to the following June 30), the tax due on April 1, 1970, would only be for one-quarter of the year.

(4) The 7¢ tax on fuel used in general aviation would become effective April 1, 1970.

Termination of New Taxes.—The Finance Committee bill would terminate the additional taxes and the trust fund on June 30, 1980, unless the Congress acts to extend the taxes beyond that date.

Revenue Estimates.—The revenues to the new trust fund under the House bill and under the Finance Committee bill are shown in the following table:

FISCAL YEAR 1971 REVENUE ESTIMATES

[In millions of dollars]

	House bill	Finance Committee bill[1]
Passenger transportation tax	507	526
5-percent cargo tax	43	43
7 cents per gallon fuel tax on general aviation	46	47
International travel facilities use tax	27	28
Registration tax	27	24
Tax on aircraft tires and tubes	3	3
Total	652	671

[1] Based on revised estimates from the Department of Transportation. Only the estimate of the registration tax receipts reflect substantive changes by the Committee on Finance.

Mr. LONG. Mr. President, from the Committee on Finance I am herewith reporting S. 3108 without recommendation. In effect, this action restores the Commerce Committee approved bill to the Senate Calendar. In a few days, I will report the Finance Committee amendments to H.R. 14465.

It is my understanding that the chairman of the Commerce Committee intends to follow the procedure of perfecting the construction program legislation by reference to the provisions of S. 3108, and that when the construction program has been perfected, the text of that bill will be substituted for title I of the House bill.

That being the case and in accordance with the request of the chairman of the Commerce Committee, the Committee on Finance has included among its amendments to H.R. 14465 the deletion of title I.

I call attention to the fact that both S. 3108 and title II of H.R. 14465 contain provisions establishing new airway trust funds. The provisions differ in some respects, most of them minor. In order to avoid this duplicative legislative authority and to assure that only one trust fund is established and that its provisions are complete, the Committee on Finance has authorized and directed me to offer an amendment striking out the trust fund provisions in S. 3108 when that legislation comes before the Senate for debate.

Mr. President, I believe that this legislation demonstrates more completely than any legislation we have dealt with recently how two committees with jurisdiction over the same measure can consider the legislation and report the best possible amendments to the Senate without either committee raising the hackles of the other committee. The progress of this legislation through the committee system has been marked by constant contact between the chairman of the Commerce Committee and the chairman of the Finance Committee, and also by steady liaison between the staffs of these two committees. We received nothing but the best cooperation from them, and I am confident that the Finance Committee amendments to title II are better amendments because of the suggestions made to us by the Commerce Committee.

The PRESIDING OFFICER. The bill will be placed on the calendar.

SENATE RESOLUTION 353—RESOLUTION REPORTED TO PAY A GRATUITY TO SUZANNE K. PALMER

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 353); which was placed on the calendar:

S. RES. 353

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Suzanne K. Palmer, widow of James E. Palmer, Jr., an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TALMADGE (for himself and Mr. CRANSTON):

S. 3385. A bill to amend title 38, United States Code, to increase the income limitations applicable to non-service-connected pension for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pension and such dependency and indemnity compensation; to the Committee on Finance.

(The remarks of Mr. TALMADGE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BENNETT (for himself and Mr. MOSS):

S. 3386. A bill authorizing the conveyance of certain lands to the University of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. BENNETT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TALMADGE:

S. 3387. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; placed on the calendar.

(The remarks of Mr. TALMADGE when he reported the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. SCOTT:

S. 3388. A bill to establish an Environmental Quality Administration; to the Committee on Government Operations.

(The remarks of Mr. SCOTT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JACKSON:

S. 3389. A bill to provide for the protection, development, and enhancement of the public recreation values of the public lands;

S. 3390. A bill to amend the act of September 19, 1964 (78 Stat. 986) entitled the Classification and Multiple Use Act; and

S. 3391. A bill to amend the act of September 19, 1964 (78 Stat. 989) as amended, entitled the Public Land Sale Act; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bills appear later in the RECORD under the appropriate headings.)

By Mr. FONG:

S. 3392. A bill to amend the Tariff Schedules of the United States to accord to the Trust Territory of the Pacific Islands the same tariff treatment as is provided for insular possessions of the United States; to the Committee on Finance.

S. 3393. A bill for the relief of Rufina R. Olpindo; and

S. 3394. A bill for the relief of Rodolfo Evangelista Corpus; to the Committee on the Judiciary.

S. 3385—INTRODUCTION OF A BILL TO INCREASE THE INCOME LIMITATIONS AND LIBERALIZE THE RATES OF PENSIONS FOR VETERANS AND WIDOWS OF VETERANS

Mr. TALMADGE. Mr. President, I introduce, for myself and for the distinguished chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee, Senator CRANSTON, a bill to increase the income limitations and liberalize the rates of pensions for veterans and widows of veterans.

The bill would increase pension benefits by $160 million annually. The largest increases would go to those veterans and widows who have the greatest need: those with little or no income other than their pensions.

The Veterans' Administration has prepared a detailed analysis of pensioners under the current law which shows that about one out of six veterans receiving a pension has virtually no income other than his pension. About half of those veterans receiving pensions under the current law have incomes of less than $100 a month other than their pension. As far as widows are concerned, one out of seven has virtually no other source of income other than her widow's pension. Half have incomes of less than $75 a month. These are the veterans and widows who would receive the greatest increases under the bill I am introducing today.

My colleagues in the Senate are no doubt aware of another problem that this bill is aimed at solving. About four out of five pensioners also receive social security. Since the benefits under the veterans' pension program are related to income, they are reduced when social security benefits go up.

In virtually all cases, the social security increase is greater than the decrease in the veterans' pension, but even so the veteran or widow is denied a portion of the social security benefit increase that other social security beneficiaries receive.

Under present law, the 15-percent increase in social security benefits just passed by the Congress in December will not be taken into account for veterans' pension purposes until January 1971.

But if the Congress does not take legislative action before next January, about 1,230,000 pensioners—69 percent of those on the rolls under the current law—will face a pension reduction in January 1971.

Under the provisions of the bill I am introducing today, however, only 160,000 pensioners—9 percent of those on the rolls—will face a pension loss. In other words, more than a million pensioners, 60 percent of those on the rolls, will be saved from a pension cut if my bill becomes law.

The bill does this in three ways.

First, pension rates are increased to more than make up for the loss which would otherwise occur because of the social security increase.

Second, income limitations under the pension program are increased substantially, from $2,000 to $2,300 in the case of a single veteran or widow, and from $3,200 to $3,600 in the case of a veteran or widow with dependents.

Third, my bill removes the present exclusion of 10 percent of social security and certain other income and substitutes instead a higher, more equitable pension rate structure.

The relatively few veterans who would face a pension reduction even under my bill are the pensioners who are receiving a substantial dollar increase in their social security benefits. Even for these veterans, the pension reduction they would face is smaller than it will be if no legislative action is taken.

Mr. President, I would like to illustrate the impact of the bill with some concrete examples.

A veteran with no dependents who received a social security benefit of $85.90 in December 1969 was eligible for a pension of $88, for a total monthly income of $173.90. The Congress has just increased his social security benefit to $98.80. Under present law, his monthly pension would be cut $4 in January 1971 for a total income of $182.80.

Under my bill, not only would his pension not be cut—it would actually be increased $2. Thus this veteran would get both the full benefit of his social security increase, plus an additional small increase in his pension for a total income of $188.80.

Let us take a second case a married veteran whose social security benefit in December 1969 was $112.70. He was eligible for a $103 monthly veteran's pension, for a total income of $215.70. The Congress increased his social security benefit to $129.60.

Under present law, his pension will be cut to $101 next January, making his total income $230.60. Under the bill I am introducing today, his pension will be increased to $110 instead of cut, and he will have the full benefit of the social security increase plus a $7 pension increase for a total income of $239.60.

Now let us take a case that falls in the small group of veterans whose pension will be reduced even under my bill. This would happen in the case of a married veteran with a social security benefit of $179.70 in December 1969. This veteran was eligible for a monthly pension of $84, for a total income of $263.70. The Congress increased his social security benefit to $206.70.

Under present law, his pension will drop to $75—a $9 cut—next January, bringing his total income to $281.70. Under my bill his pension would be reduced only $1 and the veteran's total income would be $289.70. In other words, this veteran's social security benefits are going up $27 monthly, while his pension under my bill will go down only $1.

As a last case, Mr. President, let us consider the case of a widow with one child whose monthly social security benefit in December 1969 was $106. She was eligible for a $83 widow's pension for a total income of $189. The Congress increased her social security benefit to $122.

Under present law her pension would drop to $79 in January 1971 bringing her total income to $201. Under my bill, her pension will not be cut, but instead will be raised to $85, giving her the full benefit of her social security benefit increase and raising her total income to $207.

Mr. President, I would hope that the Subcommittee on Veterans' Legislation will act on this measure to increase the pension income limitations and liberalize the pension rates in a timely manner to avoid reductions that would otherwise take place.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3385) to amend title 38, United States Code, to increase the income limitations applicable to non-service-connected pension for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pension and such dependency and indemnity compensation introduced by Mr. TALMADGE, for himself and Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
--------------------		$400	$120
$400		500	117
500		600	114
600		700	110
700		800	106
800		900	102
900		1,000	98
1,000		1,100	94
1,100		1,200	90
1,200		1,300	86
1,300		1,400	81
1,400		1,500	76
1,500		1,600	70
1,600		1,700	64
1,700		1,800	58
1,800		1,900	52
1,900		2,000	46
2,000		2,100	38
2,100		2,200	34
2,200		2,300	30".

(b) The table in subsection (c) of such section 521 is amended to appear as follows:

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"Column I		Column II	Column III	Column IV
Annual income		One dependent	Two dependents	Three or more dependents
More than—	but Equal to or less than—			
	$600	$130	$135	$140
$600	700	128	133	137
700	800	126	131	134
800	900	124	129	131
900	1,000	122	127	128
1,000	1,100	120	125	125
1,100	1,200	118	122	122
1,200	1,300	116	119	119
1,300	1,400	114	116	116
1,400	1,500	112	113	113
1,500	1,600	110	110	110
1 600	1,700	107	107	107
1,700	1,800	104	104	104
1,800	1,900	101	101	101
1,900	2,000	98	98	98
2,000	2,100	95	95	95
2,100	2,200	92	92	92
2,200	2,300	89	89	89
2,300	2,400	86	86	86
2,400	2,500	83	83	83
2,500	2,600	80	80	80
2,600	2,700	77	77	77
2,700	2,800	74	74	74
2,800	2,900	71	71	71
2,900	3,000	68	68	68
3,000	3,100	64	64	64
3,100	3,200	60	60	60
3,200	3,300	56	56	56
3,300	3,400	51	51	51
3,400	3,500	43	43	43
3,500	3,600	35	35	35".

(c) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
	$400	$80
$400	500	78
500	600	76
600	700	74
700	800	72
800	900	69
900	1,000	66
1,000	1,100	63
1,100	1,200	60
1,200	1,300	57
1,300	1,400	54
1,400	1,500	51
1,500	1,600	47
1,600	1,700	43
1,700	1,800	39
1,800	1,900	35
1,900	2,000	30
2,000	2,100	24
2,100	2,200	21
2,200	2,300	18".

(d) The table in subsection (c) of such section 541 is amended to appear as follows:

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
	$600	$97
$600	700	96
700	800	95
800	900	94
900	1,000	93
1,000	1,100	92
1,100	1,200	91
1,200	1,300	89
1,300	1,400	87
1,400	1,500	85
1,500	1,600	83
1,600	1,700	81
1,700	1,800	79
1,800	1,900	77
1,900	2,000	75
2,000	2,100	73
2,100	2,200	71
2,200	2,300	69
2,300	2,400	67
2,400	2,500	65
2,500	2,600	63
2,600	2,700	61
2,700	2,800	59
2,800	2,900	57
2,900	3,000	55
3,000	3,100	53
3,100	3,200	51
3,200	3,330	49
3,300	3,400	47
3,400	3,500	45
3,500	3,600	42".

(e) Subsection (d) of such section 541 is amended by striking out "$16" and inserting in lieu thereof "$17".

(f) Section 542 (a) of title 38, United States Code, is amended by striking out "$40" and "$16" and inserting in lieu thereof "$43" and "$17", respectively.

SEC. 2. (a) The table in subsection (b)(1) of section 415 of title 38, United States Code, is amended to appear as follows:

"Column I		Column II
Total annual income More than	but Equal to or less than—	
	$800	$94
$800	900	90
900	1,000	86
1,000	1,100	82
1,100	1,200	76
1,200	1,300	69
1,300	1,400	62
1,400	1,500	55
1,500	1,600	48
1,600	1,700	41
1,700	1,800	34
1,800	1,900	23
1,900	2,000	22
2,000	2,100	16
2,100	2,200	14
2,200	2,300	12".

(b) The table in subsection (c) of such section 415 is amended to appear as follows:

"Column I		Column II
Total annual income More than—	but Equal to or less than—	
	$800	$63
$800	900	61
900	1,000	58
1,000	1,100	54
1,100	1,200	51
1,200	1,300	47
1,300	1,400	42
1,400	1,500	37
1,500	1,600	32
1,600	1,700	28
1,700	1,800	24
1,800	1,900	21
1,900	2,000	18
2,000	2,100	15
2,100	2,200	13
2,200	2,300	12".

(c) The table in subsection (d) of such section 415 is amended to appear as follows:

"Column I		Column II
Total combined annual income		
More than—	but Equal to or less than—	
	$1,000	$63
$1,000	1,100	62
1,100	1,200	60
1,200	1,300	58
1,300	1,400	56
1,400	1,500	54
1,500	1,600	52
1,600	1,700	50
1,700	1,800	48
1,800	1,900	46
1,900	2,000	44
2,000	2,100	42
2,100	2,200	40
2,200	2,300	38
2,300	2,400	36
2,400	2,500	34
2,500	2,600	32
2,600	2,700	30
2,700	2,800	28
2,800	2,900	26
2,900	3,000	24
3,000	3,100	22
3,100	3,200	20
3,200	3,300	18
3,300	3 400	16
3,400	3,500	14
3,500	3,600	12".

SEC. 3. Clause (G) of section 415(g)(1) of title 38, United States Code, and clause (6) of section 503 of such title are hereby repealed.

SEC. 4. The amendments made by this Act shall become effective January 1, 1971.

INCREASE IN VETERANS' PENSIONS

Mr. CRANSTON. Mr. President, a few days ago I joined with the distinguished chairman of the Subcommittee on Veterans' Legislation of the Committee on Finance (Mr. TALMADGE) in introducing a bill to increase compensation payments to disabled veterans whose disability is service-related—S. 3348.

Today I am pleased to join with him in introducing a bill—S. 3385—to improve and increase payments under the veterans' and widows' and orphans' pension program.

One major aim of the bill is to increase pension benefits to veterans, widows, and orphans. The bill provides a larger increase—about 8 percent—to those widows, veterans, and orphans who have little or no income other than their pension.

The bill's second major aim is related to pensioners who receive social security benefits as well as veterans' pensions. Four out of five pensioners fall in this category.

In December, Congress passed a 15-percent social security benefit increase which I strongly supported as essential to help those on fixed income cope with rapidly increasing costs of living. I have received many letters from pensioners who are concerned lest their pension benefits be reduced as social security benefits rise.

As Senator TALMADGE has pointed out, under present law, the social security increase will produce no reduction in pensions during 1970. However, the Congress must act legislatively this year if we are to protect seven out of every 10 pensioners from an unfortunate pension reduction next January, due to the social security increase, at a time when their fixed incomes will, I fear, despite efforts to moderate inflation, be worth less in purchasing power. The bill I am privi-

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leged to cosponsor today meets this problem directly.

First, under the bill the income limitations would be substantially increased: from $2,000 to $2,300 for a veteran or widow with no dependents, and from $3,200 to $3,600 for a veteran or widow with dependents.

Second, the bill would increase pension rates as I have just described.

Third, as a part of this overall revision in the pension structure—increasing rates and income limitations—the bill would delete the present 10-percent exclusion of social security and certain other retirement income.

The result of the rate schedules in this bill would be that all veterans, widows and orphans would receive more than they will if no legislation is enacted. Less than 10 percent of the pensioners under current law will face a slight reduction in their pension next January even if this bill becomes law; but, most importantly, as Senator Talmadge has already so well pointed out, this reduction will be minimized by the bill's provisions. In other words, the pensions of virtually all pensioners will not only not be reduced if this bill becomes law, but they will be increased. The small number who will face a slight reduction even under the bill are those whom the Congress has already granted a substantial increase in social security benefits.

Mr. President, all disabled veterans and their families owe Senator Talmadge a great vote of confidence for his outstanding leadership on this bill and S. 3348. I am hopeful that this needed legislation will be enacted this year, and I will continue to work closely with the distinguished Senator from Georgia to achieve these important legislative goals.

S. 3386—INTRODUCTION OF A BILL RELATING TO RELOCATION OF BUREAU OF MINES BUILDING AT UNIVERSITY OF UTAH

Mr. BENNETT. Mr. President, on behalf of myself and my colleague, the junior Senator from Utah (Mr. Moss), I introduce, for appropriate reference, a bill to authorize the Department of the Interior to build and equip a metallurgy research center on land previously owned by Fort Douglas Military Reservation.

I understand similar legislation is being introduced today in the House. The bill is an authorization to relocate certain buildings on the University of Utah campus. The present Bureau of Mines building is in the heart of the university campus on property that is desperately needed for other purposes. The university is anxious that the Bureau of Mines facility be transferred to the area where its new research park is being built.

Such a move would be in the best interest of the university and the Bureau of Mines. I have worked very closely with the Department of the Interior and university officials on this legislation and I urge the Senate Interior Committee to take early action on it.

I ask unanimous consent that a background description of the problem prepared by the university be printed in the Record at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the description will be printed in the Record.

The bill (S. 3386) authorizing the conveyance of certain lands to the University of Utah, and for other purposes, introduced by Mr. Bennett (for himself and Mr. Moss), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The material, presented by Mr. Bennett, is as follows:

Background Material on the Proposed U.S. Bureau of Mines-University of Utah Legislation

On February 21, 1855, the 33rd Congress, Second Session, approved a land grant to the University of the State of Deseret (now the University of Utah), Chapter CXVII. It was just ten months later that the legislature of the territory of Utah granted and confirmed a campus tract of 560 acres for the University. Approximately seven years later, in 1862, Colonel Patrick Edward Conner of the United States Army led federal troops in the Great Salt Lake Valley and established a camp east of Salt Lake City on the University grounds. Although designated by a rock wall and generally spoken of as "the University grounds" no University buildings as yet occupied the site. As the commanding officer of the Third Infantry of California volunteers, he issued an order establishing Camp Douglas on a four square mile tract at this point. On September 3, 1867 this was officially designated a military reservation by the President of the United States.

In the years since this time the Army and the United States government has relinquished a major portion of this land and a great deal of it has been restored to the University of Utah. However, a small plat of thirteen acres located almost in the very center of the present University of Utah campus was retained by the government for the establishment of the United States Bureau of Mines. Laboratory facilities were constructed there by the government in 1939. Supplementary buildings consisting of a garage, a shop building and a warehouse were subsequently constructed. The United States Bureau of Mines facility has been, and still is, a welcome part of the University community. Actually, since 1913 the Bureau of Mines has been on the campus and until 1939 occupied a University building.

However, in the ensuing years since 1939 the University has experienced tremendous growth. It has surrounded the Bureau of Mines property with University buildings on three sides and contemplates additional development on the fourth side. Student automobile traffic contributes to what might be considered engulfment of the Bureau of Mines property by University activity.

In October of 1968 when the Army declared surplus a major portion of its Fort Douglas properties, the United States Bureau of Mines acquired thirty four acres on what is designated as the Fort Douglas Rifle Range. This site is adjacent to the University of Utah campus and immediately contiguous to property acquired by the University for the establishment of a University Research Park. The establishment of this Research Park has the wholehearted cooperation and support of the Governor and the people of the state of Utah. Several industrial organizations including a major mining company are presently negotiating for site locations on the Research Park area. Planning is proceeding to designate a "mining area" which will lie contiguous to the new U.S. Bureau of Mines property.

The proposal provides for the sale of the existing U.S. Bureau of Mines property located on the University of Utah campus to the University of Utah at such time as the U.S. Bureau of Mines has obtained new facilities and is removed from its existing site. The legislation should provide for restoration of land to the University which the government gave to it in 1855 and also provide for the sale of existing facilities at a fair market value to the University of Utah.

S. 3388—INTRODUCTION OF A BILL TO ESTABLISH AN ENVIRONMENTAL QUALITY ADMINISTRATION

Mr. SCOTT. Mr. President, I introduce legislation to consolidate and coordinate our basic national environmental quality efforts through the creation of an Environmental Quality Administration.

At the present time, there are at least 90 separate Federal environmental quality programs. Twenty-six quasi-Governmental units and 14 interagency committees share in the responsibility for environmental efforts. Counter productive efforts—for example, the solid waste disposal plant that pours black fumes into the environment—are inevitable in this type of helter-skelter arrangement. At the very least, these overlapping agencies create a jungle of redtape through which only the most determined applicants can hack their way.

My bill would alleviate this problem by consolidating, under a single Environmental Quality Administration, existing programs in the three basic environmental quality areas. The Environmental Quality Administration would have an air pollution control division, a water pollution control division, and a division of solid waste disposal. The overall direction of this effort would be left to an administrator, who would be appointed by the President and confirmed by the Senate.

This approach, I believe, would create a functional agency within workable jurisdictional limits. Obviously, questions of population density and mass transportation are closely related to the three basic areas of air pollution, water pollution, and solid waste disposal. Similarly, I recognize that the Farmers' Home Administration, the Appalachian Regional Commission, and the Tennessee Valley Authority are engaged, too, in efforts affecting the environment. Therefore, while not seeking a direct transfer of these responsibilities as well, my bill would provide a "clearinghouse" function for the administration. Under this concept, the Envirnomental Quality Administration would be responsible for compiling data, aiding applicants, and disseminating information on related efforts which would continue to be administered by their parent agenices.

Mr. President, since the opening of this 91st Congress, a tremendous number of speeches have been devoted to our critical environmental quality problem. According to Newsweek, environmental quality will surpass the war in Vietnam during 1970 as the issue to which the most lineage in the Congressional Record will be devoted. In spite of this torrent of verbiage, our environmental quality problems continue to worsen. I need only look at the black emissions billowing from automobile exhausts on my way to the Capitol to know that the situation is not improving.

Money alone cannot provide an instant panacea. From fiscal years 1957 through 1969, the Federal Water Pollution Control Administration awarded grants to States and their subdivisions totaling $1.2 billion for the construction of sewage treatment facilities. According to a recently published report of the General Accounting Office, the 9,400 projects constructed with FWPCA grants: "have contributed to abating water pollution because the problem would have been worse if the projects had not been constructed. GAO believes, however, that the benefits have not been as great as they could have been because many waste treatment facilities have been constructed on waterways where major polluters—industrial or municipal—located nearby continued to discharge untreated or inadequately treated wastes into the waterways."

As long as the administration of water quality and other environmental quality programs is handled by a large number of separate agencies, a coordinated attack on environmental quality problems will be impossible.

Mr. President, the sand in our environmental hourglass is about to run out. The parade of horribles that will result if we do not take quick effective action has been adequately described in several articles. My bill would consolidate existing programs in a workable Environmental Quality Administration. I urge the prompt enactment of my measure as a positive step toward making good on President Nixon's promise "to make clean air, clean water, and open spaces once again the birthright of every American."

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I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the RECORD.

The bill (S. 3388) to establish an Environmental Quality Administration, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Government Operations.

The analysis, presented by Mr. SCOTT, is as follows:

SECTION-BY-SECTION ANALYSIS OF BILL TO ESTABLISH AN ENVIRONMENTAL QUALITY ADMINISTRATION

Section 1 establishes the "Environmental Quality Administration" and provides that the Administrator shall be appointed by the President with the consent of the Senate.

Section 2 establishes a Division of Water Pollution Control, an Air Pollution Control Division, and a Division of Solid Waste Disposal within the Administration. A Deputy Administrator appointed by the President is to head each Division.

Section 3 transfers certain functions to the Administration:

A. From the Department of Health, Education, and Welfare all functions relating to solid waste disposal, water hygiene research, and air pollution control.

B. From the Department of Housing and Urban Development all functions relating to construction grants for water and sewer facilities.

C. From the Department of the Interior all functions relating to atmospheric water resources, saline water conversion, and water resources programming.

D. The Federal Water Pollution Control Administration and the Water Resources Council will become part of the Environmental Quality Administration.

E. Section 3(f) gives the President the authority to transfer related functions into the Administration for 180 days after the effective date of this act.

Section 4 gives the Administration a "clearing house" function with respect to certain programs administered by other agencies. The Administration will compile information, assist applicants, and disseminate information on the following:

A. Water and sewer grants and water conservation loans under the Farmers Home Administration.

B. Sewage treatment and public works supplemental grants from the Appalachian Regional Commission.

C. Grant and loan programs available through the Economic Development Administration of the Department of Commerce and the Tennessee Valley Authority.

Section 5 gives the Administrator the authority to carry out the various functions assigned to his Administration.

Section 6 provides for the submission of an annual report to the President and Congress.

Section 7 specifies the dates when the various provisions of this act will become effective.

S. 3389—INTRODUCTION OF THE PUBLIC LAND RECREATION ACT OF 1970

Mr. JACKSON. Mr. President, on July 8 of last year on the floor of the Senate I observed that Americans in increasing numbers are visiting the 450 million acres of public land administered by the U.S. Department of the Interior, Bureau of Land Management. I called attention to a publication of the Bureau entitled "Room To Roam."

The lands are there. Our population is growing. Our people have discovered that there is "room to roam" on these public lands which encompass 20 percent of the Nation's land area. Yet we have neglected the responsibility to meet the growing use of these lands.

Since pioneer days the public lands have played a significant role in the surging growth of the United States. This Federal land base grew as new territories were purchased or acquired and shrank as disposals were made for homesteaders, State selection, railroads, and other grants.

Yet today there remains this 450 million acres of public land. Some of it may be suitable for disposal. But much of this vast resource has those unique characteristics which call for its retention for public use and proper management in the interest of its owners—the American people.

Mr. President, the Public Land Law Review Commission, of which I am a member, is presently completing its study of our public land laws. The report of the Commission will be submitted on June 30 of this year. Many important recommendations will be presented to Congress and the executive branch for implementation. Pending receipt of those recommendations there are certain actions we can take now. We must respond to an obvious and critical need to gain the most benefits from our national land resource.

These lands range from the Arctic Ocean's edge to the border with our good neighbor, Mexico. They embrace arid desert and arctic tundra. In fact they contain about every imaginable type of climate, terrain, and water.

Desert, grassland, forest, and tundra; valley, plain, or mountain; land or swamp, lake or stream—these lands abound in opportunity for they truly give man room to roam.

Recent figures reveal that over 30 million recreation visits a year are made to these public lands with a projected increase to 50 million visits by 1974.

Now being discovered for their full recreational potential, the public lands are experiencing this explosive growth in use.

Yet today's appropriations for the construction and operation of recreational facilities is about one-twentieth the amount provided for our national parks two decades ago when their annual visits were equal to what the public domain lands receive today.

For the national parks we had Mission 66 which outlined and substantially carried forward a plan and financing to upgrade the national parks by 1966.

Similar support for development of the national forests produced substantial forward momentum for that great resource.

But on the public domain lands administered by the Department of the Interior, there has been a void—both in announced short-range and long-range plans as well as in funding.

The legislation I am introducing today is designed to treat this void in public land management.

Hearings will be scheduled at which time our committee will explore in depth the recreational opportunities on the public lands, the goals that ought to be set—both short and long term and the financing that ought to be provided.

With a forecast of 50 million recreation visits to the public lands the present unplanned approach cannot continue.

Under the concepts of multiple use we have an obligation to those who have permits to use the public lands and their resources to better assure that use conflicts are resolved. With 30 million recreational users, largely concentrated, there have been conflicts. This resulted because there is no adequate provision of law for wise and flexible utilization of these lands in harmony with other uses.

The public lands have recreational opportunities for everyone. Hiking, camping, and picnicking are popular. A growing legion of people take to the public lands in summer on motorbikes and sand buggies and in winter on skis and snowmobiles. Rock collectors swarm over choice areas and explore hidden canyons. The fisherman and hunter seek the geese and ducks, the bass and trout, the antelope, the deer, the elk, the moose, and the mountain sheep. The camera hunter stalks the game that abounds, the plants, and the scenery.

Many campgrounds exist on the public lands but they lack an assured safe water supply, sanitation facilities, or fireplaces. Despite the fact that campground facilities are grossly inadequate and despite the lack of good access roads, the public has been using these lands in increasing numbers.

The demand on these public lands will continue to grow as the Nation's population, affluence, and mobility increase while the land base remains static.

Years of neglect have created many problems on the public lands administered by the Bureau of Land Management. The lack of regulations and enforcement authority have resulted in wanton vandalism and destruction of resources. The lack of sanitation facilities has created health hazards. Overuse, littering, and neglect have created unsightly blights on the landscape. The lack of public access has "locked up" millions of acres of public land for the private use of but a few, and many outstanding hunting, fishing, and other opportunities are not available. The lack of enforcement authority and lack of interpretative and restoration work has resulted in loss of irreplaceable archeological values.

With this bill, I offer the opportunity to take a giant stride forward and tap the recreation potential of these "forgotten lands" for all of our citizens with only a modest investment required. The land already belongs to the public, and very little acquisition will be necessary. What is needed is realistic support for development of this potentially great asset. The natural, cultural, and historic qualities of this great land must be protected and developed within the framework of multiple use management.

The public lands contain many sites of great archeological value where the works of an earlier civilization await scientific discovery, evaluation, and protection.

All of those resources need a plan for development, a program for use, and a system of protection made operative within a multiple use framework. Then those 450 million acres of "room to roam" can serve all 200 million Americans as they should.

I therefore introduce this legislation to alert all who have an interest in these public lands that the time has come for action. The committee will want the best advice it can obtain from local and State governments, from all who use the public lands, and from the Department of the Interior.

In a spirit of cooperation and consultation we can fashion a policy and a program that realizes the opportunities and meets the obligations we have for this priceless portion of America's environment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3389) to provide for the protection, development, and enhancement of the public recreation values of the public lands, introduced by Mr. JACKSON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3390 AND S. 3391—INTRODUCTION OF PUBLIC LAND LEGISLATION

Mr. JACKSON. Mr. President, in 1964 Congress enacted three legislative proposals of great significance to the administration of our public domain lands. They were first, the act to establish the Public Land Law Review Commission; second, the Classification and Multiple Use Act; and third, the Public Land Sale Act.

The Public Land Law Review Commission is near the end of its work. Its report to the President and to Congress is due on June 30 of this year. The authority under the other two acts also expires 6 months after the Commission's report is filed.

Mr. President, when the report of the Commission is submitted, the Secretary of the Interior will need more than ever the authority contained in the Classification and Multiple Use Act and the Public Land Sale Act if he is to implement the Commission's recommendations. More than that, the authorities contained in those acts have proven to be valuable tools in the management of our public lands over the past several years. Therefore, I am introducing legislation today which would make these acts permanent. I believe they have given the Department of the Interior, through its Bureau of Land Management, a valuable and effective mechanism for administering properly our national land resources.

The Committee on Interior and Insular Affairs will explore these bills very carefully in public hearings which will be called after ample time for their study has elapsed. We will welcome the comments of all those groups and individuals who are interested in this great American asset—our national resource lands.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bills, introduced by Mr. JACKSON, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 3390. A bill to amend the act of September 19, 1964 (78 Stat. 986) entitled the Classification and Multiple Use Act; and

S. 3391. A bill to amend the act of September 19, 1964 (78 Stat. 989) as amended, entitled the Public Land Sale Act.

ADDITIONAL COSPONSORS OF BILLS

S. 2561

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senators from West Virginia (Mr. BYRD and Mr. RANDOLPH) be added as cosponsors of S. 2561, to incorporate Pop Warner Little Scholars, Inc.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3190

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 3190, the Marihuana and Health Reporting Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3238

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3238, to amend the National Foundation on the Arts and Humanities Act of 1965, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3267 AND 3268

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 3267, to amend title II of the Higher Education Act of 1965, and S. 3268, to amend title V of the Higher Education Act of 1965. Both of my bills have as their purpose the improvement of educational opportunities for our Indian Americans.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3348

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Georgia (Mr. TALMADGE), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of S. 3348, to increase the rates of compensation for disabled veterans, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 354—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE COMMITTEE PRINT OF THE COMMITTEE ON FINANCE ENTITLED "MEDICARE AND MEDICAID—PROBLEMS, ISSUES AND ALTERNATIVES"

Mr. LONG submitted a resolution (S. Res. 354) authorizing the printing of additional copies of the committee print of the Committee on Finance entitled "Medicare and Medicaid—Problems, Issues and Alternatives," which was considered and agreed to.

(The remarks of Mr. LONG when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 355—SUBMISSION OF A RESOLUTION PROVIDING FOR PRINTING AND BINDING OF MATERIALS RELATING TO THE HISTORY OF THE COMMITTEE ON FINANCE

Mr. LONG. Mr. President, I submit a resolution providing that a compilation of materials relating to the history of the Committee on Finance be printed as a Senate document with illustrations, and appropriately bound as directed by the chairman and approved by the Joint Committee on Printing; and that there be printed 2,700 additional copies of such document for the use of that committee.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 355) was referred to the Committee on Rules and Administration, as follows:

S. RES. 355

Resolved, That a compilation of materials relating to the history of the Committee on Finance be printed as a Senate Document with illustrations, and appropriately bound

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as directed by the Chairman and approved by the Joint Committee on Printing; and that there be printed two thousand seven hundred additional copies of such document for the use of that Committee.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENT

AMENDMENT NO. 482

Mr. DOMINICK (for himself and Mr. PROUTY) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which was ordered to lie on the table and to be printed.

THE ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 483

Mr. YARBOROUGH (for himself, Mr. PELL, Mr. PROUTY, Mr. DOMINICK, and Mr. EAGLETON), submitted an amendment, intended to be proposed by them to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. YARBOROUGH when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 440

Mr. BOGGS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of amendment No. 440 to S. 2838, to establish a comprehensive manpower development program to assist persons to overcome obstacles to suitable employment, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 4, 1970, he presented to the President of the United States the enrolled bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

NOTICE OF HEARINGS

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization will continue hearings on consumer protection legislation, S. 2045, S. 3097, S. 3165, and S. 3240, on Friday, February 6, 1970. The hearings will be in room 3302, New Senate Office Building at 10 a.m.

NOTICE OF HEARINGS ON S. 3011 AND S. 3313

Mr. TYDINGS. Mr. President, as chairman of the Senate Committee on the District of Columbia, I wish to give notice that the hearings on S. 3011, to establish a revolving fund for the development of housing for low- and moderate-income persons and families, and to provide for the disposition of unclaimed property, and on S. 3313, to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, will be held Thursday, February 12. The hearings will begin at 10 o'clock in the morning in room 6226 of the New Senate Office Building.

Persons wishing to testify on this legislation should notify the Senate District Committee in room 6218 of the New Senate Office Building.

WHO SHOULD POLICE THE POLLUTERS?

Mr. MUSKIE. Mr. President, the New York Times of February 1 carried a story entitled "Who Should Police the Polluters?" written by E. W. Kenworthy.

The philosophy of existing and pending environmental legislation is that agencies responsible for promoting activities should not be responsible for control of the environmental effects associated with those activities. In this regard I recently commented on proposals to provide the Federal Aviation Administration with authority to regulate air pollution emissions from jet aircraft. I think that Mr. Kenworthy's article provides another useful example of why the environmental control functions should be kept separate from environmental impact functions.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO SHOULD POLICE THE POLLUTERS?

(By E. W. Kenworthy)

WASHINGTON.—The Congressional Joint Committee on Atomic Energy holds its hearings in a small, stuffy room tucked under the Capitol roof. Last Tuesday morning when Chairman Chet Holifield, California Democrat, opened the second round of hearings on the environmental effects of producing nuclear power, the room was jam-packed with A.E.C. officials, lawyers, power company representatives, observers for conservation societies, students and reporters.

At the witness table was Harold LeVander, the Republican Governor of Minnesota, flanked by John P. Badalich, executive director of the state's Pollution Control Agency, and Dr. Ernest C. Tsivoglou, a Georgia Tech physicist and consultant to the pollution agency. They were there to defend the state's asserted right to set more rigid limits on radioactive discharges than required by the Atomic Energy Commission for a nuclear power plant being built by the Northern States Power Company at Monticello, 30 miles north of Minneapolis.

The company requested and received an A.E.C. operating license that would permit a "stack release" of 41,400 curies a day, or over 15 million a year. The state Pollution Control Agency in its permit to the company set a limit of 860 curies a day or just over 300,000 a year—about 2 per cent of the A.E.C. limits. Northern States has taken the issue into Federal court.

Governor LeVander began by saying that the state's position was that it had a right and responsibility to set the more exacting standards to safeguard the health of its own citizens and protect the Mississippi from thermal pollution which results from dumping very hot water from the plant into the river.

Immediately Chairman Holifield and Craig Hosmer, Republican of California, pounced on him like a pair of prosecuting attorneys. Mr. Holifield, while protesting that his committee was not "pro-pollution or pro-radiation damage," insisted that, by law, the A.E.C. had pre-empted the regulation of radioactive waste. Mr. Hosmer questioned the scientific credentials of Dr. Tsivoglou and said that his report, on which the state's requirements were based, was "half-cocked" and politically motivated.

To all this, the Governor and his aides replied that they did not question the Federal Government's authority to set minimum standards but did challenge its power to forbid a state from setting standards more rigorous than the A.E.C.'s, especially when those standards were technically feasible and would not increase costs beyond the consumers willingness to pay.

"What is the objection if a state wants to go an extra mile in protection?" Governor LeVander asked.

The courts must settle this particular Federal-state conflict (eleven states are supporting Minnesota's position). But the contentious hearing did dramatically illustrate two problems that must be faced if the Federal Government is to do effective combat to protect the environment.

The first is what H.E.W. Secretary Robert Finch has called "the hopelessly fragmented" responsibility for antipollution programs, with his agency in charge of air pollution and solid waste disposal, the Interior Department in charge of water pollution, the A.E.C. in charge of radioactive discharges, and other departments having (or claiming) authority in such areas as auto and jet aircraft emissions, and stream pollution.

Second, and perhaps, more important, is the well-known tendency of Government departments and even regulatory agencies to become identified with the interests of the industries with which they deal, or at least, to give the views of those interests a more than sympathetic hearing. In the same way, Congressional committees are sympathetic to the departments and industries with which they deal.

Senator Edmund S. Muskie, chairman of the Senate Subcommittee on Air and Water Pollution, and several other legislators would meet this difficulty by establishing a new agency (not a department) in which would be concentrated authority for all antipollution programs—that is, the authority to protect. They would also establish a joint Congressional committee which, while not having legislative power, would maintain an "oversight" on environmental policy, much as the Joint Economic Committee does on economic policies of the Government.

THE NEBRASKA MUSEUM OF AEROSPACE HISTORY

Mr. HRUSKA. Mr. President, on January 8, 1970, it was my pleasure to attend a dinner in Omaha, Nebr., commemorating the transfer of the Strategic Aerospace Museum to the State of Nebraska. This museum, first envisioned by Col. A. A. Arnhym of the Strategic Air Command in 1959 to portray the role of SAC in history, was opened in May 1966 under SAC auspices with eight outdated aircraft. The search for artifacts still continues today as the museum continues to grow. The museum traces the history of aviation from the days of the "brown shoe" air force of the 1920's culminating in today's highly professional and powerful Strategic Air Command.

Each plane on exhibit has made a distinct contribution to the rise of air power. The museum contains the Martin MB–2 biplane which was the first bomber used by Billy Mitchell to sink a battleship, the Flying Fortress, the Liberator, the Stratofortress, the B–36 Peacemaker, the B–47 Stratojet, and the B–52.

Since the opening of the museum in May of 1966, the yearly attendance of visitors and tourists has grown steadily. Last year the museum boasted an attendance of some 644,000 people. There has been a great need for a museum building and recently the State of Nebraska has fulfilled that need. In 1969, the Nebraska Legislature appropriated $260,000 to be used for design and part of the building costs for a museum building to be the center of attraction for the Nebraska Museum of Aerospace History. It is expected to be built during fiscal 1972.

In a ceremony celebrating the transfer of the museum from the Strategic Air Command to the State of Nebraska a plaque was given to Gov. Norbert T. Tiemann. On hand at the dinner when Governor Tiemann officially accepted the "keys" to the museum from Col. Joseph D. Hornsby, Director of the Air Force Museum, Wright-Patterson Air Force Base, Dayton, Ohio, was Air Force Assistant Secretary Philip N. Whittaker.

Mr. Whittaker, in his remarks at the dinner, said that the museum represented "a real physical means to remind ourselves, our fellow citizens, and our children of some of the great men, some of the outstandingly effective organizations, and some of the marvelous machines which have given this country the power to remain free through earlier troubled times—times when we have been threatened by external, rather than internal, forces."

Mr. President, I ask unanimous consent that the complete text of Mr. Whittaker's very interesting remarks about the museum be printed in the Record at the conclusion of my remarks.

Nebraska is proud to show to the Nation its great interest in aviation by opening and supporting the Nebraska Museum of Aerospace History. I extend a hearty welcome and invitation to all Senators and their constituents to visit the museum when they are in Nebraska.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Hon. Philip N. Whittaker, Assistant Secretary of the Air Force

I am proud to join with General Ryan, the Air Force Chief of Staff, and with General Holloway, the SAC Commander, and to represent the Secretary of the Air Force on this significant occasion.

All of us here this evening are truly helping to write—if not a chapter—at least a big exclamation point—in the history of the United States Air Force, as we participate in the transfer of the Strategic Aerospace Museum to the great State of Nebraska.

This ceremony comes at a particularly fitting moment. As the decade of the 60's closed, the voices of dissent have been heard abroad in this land—voices imputing the most sinister of motives to the military—voices critical of Defense budgets, Defense industry, Defense weapon systems, Defense ways of conducting its business and managing its affairs—in fact, anything connected with national defense and the military has been fair game, not only in Washington, but in many places throughout this country in recent days, and there may be more to come.

So why do we participate in a ceremony making the transfer of this Strategic Aerospace Museum? Why, in this time of questioning, of criticism—of a real and growing neo-isolationism? Why don't we keep our heads down, reduce the visibility of this component of the Defense Department, say and be seen as little as possible?

It seems to me that to ask these questions is to at least partially provide the answers.

As we look out across today's environment and face our challengers and our critics, it seems we need, as never before, a real physical means to remind ourselves, our fellow citizens, and our children of some of the great men, some of the outstandingly effective organizations, and some of the marvelous machines which have given this country the power to remain free through earlier troubled times—times when we have been threatened by external, rather than internal, forces.

They include determined and dedicated pioneers—men like Eddie Rickenbacker, flying the baling wire crates of World War I; Billy Mitchell and his history-making Martin bombers; Hap Arnold proving the long distance worth of the B–10; Jimmy Doolittle flying bomb-laden B–25's from an aircraft carrier; Toohey Spaatz directing massive strategic flights of B–17's, B–24's and B–29's; and research pilots like Chuck Yeager and Frank Everest who pioneered supersonic flight. Others like Gus Grissom extended controlled flight into space.

Although many aviation pioneers were essentially independent operators, the awesome capability we today know as The Strategic Air Command represents an organization the total strength of which far exceeds the sum of its parts measured separately. The roots of SAC go way back to the Army Signal Corps which in turn was followed by the creation of the Army Air Service in 1920, the Army Air Corps in 1926, often recalled sentimentally by many of you veterans here tonight as the "brown shoe" Air Force. Finally came the U.S. Air Force as a separate service in 1947. These fundamental steps show an increasing recognition of the value of air power, culminating in today's highly professional and powerful Strategic Air Command with its world-wide chain of communications, its tankers and bombers stationed at the ready throughout the world, its missiles standing as silent deterrents in silos throughout the land.

And finally, there are the machines themselves, some that antedate SAC, but each has made its contribution: like the Martin MB–2 biplane, the earliest bomber bought by the Air Service in 1921 and used by Billy Mitchell to sink the German battleship; and the Martin B–10 of 1933. There were names like the Flying Fortress, the Liberator, and the Stratofortress of World War II fame; the B–36 Peacemaker, the first airplane to have the capability of flying 10,000 miles. No other plane symbolizes SAC's movement into the jet age more than the B–47 Stratojet and, of course, the B–52 which has been the SAC backbone for some 14 years and which won't be retired with honors for some few years to come.

And now, of course, although bombers are still very much a "now" thing, as the youngsters say, we have moved into the missile age, and many of the early leaders of U.S. air power would be amazed to hear the lingo and see the hardware which exists today.

So it was not only fitting that the Strategic Aerospace Museum be established, but it is particularly timely as we now move into the decade of the 70's that its visibility be enhanced by transfer to the State. This act will usefully serve to remind us afresh of the aerospace shield which has protected our country over the years and which has played such a major role in the security and prosperity of the United States.

Let me add a personal observation as a newcomer to the Air Force and as a civilian that, in my short tenure, I have been deeply impressed with the dedication and competence of so many of the officers in this service with which I am privileged to associate. Therefore, this evening's proceedings are particularly significant to me, personally, as a means of saluting a great team, both past and present.

Let me also add my congratulations to the State of Nebraska for its initiative in sharing in this great undertaking. The Strategic Aerospace Museum will serve as a constant reminder to all who are privileged to visit it of the proud heritage of the United States Air Force and its role in maintaining world peace and the security of this nation. The museum will bear witness to the truth of the words of another great Air Force leader, the Chief of Staff from 1953 to 1957, General Nathan Twining, who said, "The United States Air Force will have served its finest purpose if it is never required to engage in combat."

ENVIRONMENTAL CRISES AND THE FUTURE OF MAN—ADDRESS BY SENATOR MUSKIE

Mr. SPONG. Mr. President, the distinguished Senator from Maine (Mr. Muskie) recently underscored his continuing commitment to environmental protection and control in a speech delivered to the American Association for the Advancement of Science in Boston, Mass.

In his remarks, Senator Muskie underscored the need for a more organized effort to protect our resources of air, water, and land. The Senator, chairman of the Subcommittee on Air and Water Pollution, has emphasized that rhetoric is not a substitute for action and that we cannot afford to depend solely on voluntary efforts by the private sector.

I ask unanimous consent that Senator Muskie's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Environmental Crises and the Future of Man

Eighty-six years ago, Henry Augustus Rowland told the American Association for the Advancement of Science that "American Science is a thing of the future, and not of the present or past."

Today we may well ask whether science which has given us much of our past and our present—has prevented the future—or whether it will make possible worthwhile future for man.

Until very recently the question of man's future was related to the threat of nuclear war. That threat remains, but it has been joined by the threat of environmental contamination. Man has so misused the fruits of scientific endeavor, he threatens his own existence.

Some threats come in bits and pieces, the by-products of our industrial economy.

The daily newspapers carry samples of such threats, as in the following two examples published during the week-end before Christmas:

". . . when the sulfur dioxide content of the air in New York City rises above .2 parts per million, ten to 20 people die as a result. In the past five years, sulfur dioxide has reached this level at least once every 10 days." ("Intelligence Report," PARADE magazine, December 21, 1969)

". . . the modern industrial economy is dependent upon hazardous materials that are shipped throughout the country . . . in

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the last five years, over 50 cities and towns have had to be evacuated as a result of accidents involving hazardous materials." (Joshua Lederberg, The Washington Post, December 20, 1969)

Some threats come from defense projects designed to protect our national security, as noted in the following item:

". . . the President's statement (on germ warfare) has not ruled out the production of toxins. The Department of Defense does not find in the President's directive any specific prohibitions to the production of toxins." (The Washington Post, December 20, 1969).

Some threats are the result of efforts to dispose of wastes from the conversion of materials and energy. Outside Denver, for example, a farmer's well produces the weed killer, 2,4–D. His neighbor's well flows gasoline. In Ponca City, Oklahoma, springs bubble refined motor oil into residential basements.

The culprit in these cases is called deep well disposal. Under this system billions of gallons of salt water mixed with oil and other liquid wastes are being pumped back into the ground. Texas alone has 30,000 such wells.

On the East Coast, one scientist has proposed the construction of a 48-inch, 80 mile long pipeline to carry municipal and industrial wastes from the lower Delaware River basin out into the Atlantic Ocean. The discharge of up to four million gallons a day would be beyond the continental shelf.

The scheme would reduce pollution in the Delaware basin—at the expense of the ocean. It is like so many other examples of pollution control programs: it proposes to dump the load on someone else, downstream.

We are learning, however, that there is no one else downstream from us. We have made the world smaller with our population increases and our transportation advances. We have contaminated the land and water we use and the air we breathe, with wastes of our own making.

We have gone beyond the point where the issue of conservation is limited to those who want to protect a stream, or forest, or stretch of shore. That protection is still needed, but it is not the central issue. The central issue is the health of man, wherever he lives and whatever his station.

1. This is the issue the young people understand.

2. This is the issue which has placed the environment at the center of campus concerns following the Vietnam War.

3. This is the issue which cuts across economic, social and racial lines. It binds the suburbs to the cities, in a common life-related problem.

Such an issue—touching as it does the lives of the young and the old, the rich and the poor—is a deep and strong political issue. It is real, and therefore susceptible to emotional appeals. It is broad, and therefore subject to many uses.

When such an issue arises, would-be leaders and voters will look for scapegoats; and those who resist change will dismiss environmental complaints as "uniformed demagoguery."

Scapegoats will not be hard to find.

1. There are business and industrial leaders who reject any responsibility for pollution or its clean-up.

2. There are public officials who avoid the unpleasant encounters so necessary to change.

3. There are managers of public programs—civil and military—too "mission oriented" to admit any responsibility for protecting the environment.

4. And there are scientists whose commitment to their own projects has been so complete they have ignored the environmental consequences of their work.

Protection of man and his environment cannot be achieved by casting our scapegoats; neither can it be advanced by scorn for environmental complaints.

The pollution of our environment is not the product of a small band of men, and it is not the product of our particular economic system. It is the special product of any society which places the consumption of goods and services high on its scale of values, and which has the means to provide those goods and services in abundance. It is not who owns the means of production, but how the means of production are managed, that determines the impact of an industrial-technological society on the environment.

Pollution is a world-wide problem, which will not give way to political code words. It can be exercised only through intelligent public action, based on an understanding of its causes, an appreciation of its constantly changing aspect, and a comprehension of its implications.

From my comments it may appear that nothing has been done to protect man from the follies of his waste. This would be an inaccurate appraisal, and a misleading one.

Since the latter part of the 1940's we have been chipping away at the obvious sources of water pollution from municipal and industrial sources.

1. The greater part of our limited success in this area has come in the last six years, with the development of our water quality standards program, a substantial increase in our commitment to build sewage treatment plants, and attacks on specific problems such as oil pollution, thermal pollution and vessel pollution.

2. Work on the problems of air pollution came later, because its threats were not so obvious and because we did not make the connection between it and public health. Nevertheless, we have launched a program which is designed to achieve high standards of air quality in all parts of the nation. It is a program which deals with moving and stationary sources. Most important, it is organized to build on scientific data and to stimulate the gathering and use of such data as it relates to public health.

3. Finally, we are in the process of converting the solid waste control program from an exercise in the disposal of waste to an attempt to reduce the volume of waste in our society and to encourage the more efficient use and reuse of materials and energy.

These are programs dealing with the obvious and straightforward problems of pollution, the physical by-products of our activities and our production. They are, if you will, the first-stage problems of an environmental protection program. The next stage will involve the organization of our public institutions to deal with the more subtle and pervasive questions of (1) land and resource use, (2) of population distribution and industrial location, (3) of hazardous substances, (4) of noise and aesthetic pollution, (5) of ecological balances and urban design.

Such questions affect the way we organize Federal, State and local governments, planning decisions, systems of taxation, public works projects, support of research and development, and even decisions of defense policies. Increasingly such questions will involve our relations with other countries, in this hemisphere, in Europe, Africa and Asia.

Efforts are underway to provide a base for this second-stage effort in the Federal Government. The Congress has, for example, (1) sent to the President the National Environmental Policy Act of 1969. That act presents a statement of national policy on the environment, (2) directs all Federal agencies to comply with that policy, (3) provides the President with a Council of environmental quality, and (4) requires the President to submit to the Congress and the people an annual environmental quality report.

The Water Quality Improvement Act of 1969, now in conference between the Senate and the House of Representatives, complements the National Environmental Policy Act in two important respects. First, it expands the requirements for Federal compliance with water quality standards to include activities and projects supported or authorized by the Federal Government. Second, it establishes an office of environmental quality to provide staff support to the President, the Cabinet-Level Environmental Quality Council, and the newly-created Council on Environmental Quality.

Those of you who are sensitive to the implications of words for politicians have probably noted our shift from "pollution control and abatement" to "environmental quality."

The object of our proposals for expanding the President's capacity to deal with Federal responsibilities in environmental protection is (1) partially a recognition of the increasing complexity of the problem, and (2) partially an admission of the confusion which has hampered various pollution control efforts in the past. We face a similar problem in the Congress.

Members of the Senate and the House of Representatives, recognizing the need to expand their own understanding of environmental problems and the need to coordinate more closely their efforts to improve the environment, are proposing the creation of a non-legislative joint committee on environmental quality. This is an outgrowth of my own proposal for a select committee on Technology and the Human Environment.

These proposals are based on recognition of the fact that environment protection concerns cannot be isolated from other concerns. Membership on the proposed committee would be drawn from the several legislative committees whose activities affect the environment. Those committees include Public Works, Agriculture, Interior, Government Operations, Banking and Currency and Labor in both Houses, Commerce in Senate, and Merchant Marine and Fisheries and Interstate and Foreign Commerce in the House of Representatives.

Such a committee should develop a body of knowledge which would guide our Legislative Committees in their activities, and give more visibility to environmental concerns on a day to day basis. It would provide a forum and a clearing house for those who question, those who want change, and those who have ideas for the betterment of Man's place in the universe.

In the Executive branch, a more formal reorganization is needed to insure proper status for environmental protection. I am not the first to note the way in which pollution control and abatement protection programs are scattered through several departments and agencies. (1) The Federal Water Pollution Control Administration is housed in the Department of Interior. (2) The Air Pollution Control Administration is part of the consumer protection and environmental health services program in the Department of Health, Education and Welfare, along with the Environmental Control Administration.

The Congress has assigned responsibilities for Pesticide Control to the Department of Agriculture, which also promotes the use of pesticides for increased Agricultural production. The Atomic Energy Commission supervises radiological protection from the uses of nuclear energy, which the Commission promotes. The Corps of Engineers is responsible for some pollution control on navigable waters, which the corps dredges and into which it authorizes the sumping of spoil. Some responsibilities for solid waste programs lodged in the Department of the Interior's Bureau of Mines, which has as its primary mission the promotion of mineral resource development and use.

We have also given authority to the Department of Housing and Urban Development and the Farmers Home Administration in the Department of Agriculture to make grants and loans for the construction of sewage systems.

Such proliferation of activities and overlap of responsibilities are not unique to environmental protection programs in the Federal Government. But, increasingly, such proliferation and overlap are intolerable because of their adverse effects on our efforts to improve the environment.

The time has come for us to create an independent, watch-dog agency to exercise the regulatory functions associated with environmental protection. Bureaus, divisions, and administrations housed in separate departments cannot marshal the resources required to combat the interlocking assaults on our air, water and land resources. They have neither the status nor the manpower to deal with one of the fundamental and insidious threats to our society, even with the new staff support we are providing the President.

I am not talking about a new department of natural resources or Department of Conservation. Environmental protection is not the same as conservation, although sound conservation practices should enhance the environment. For example, some conservation projects developed and promoted by the Soil Conservation Service, the Bureau of Reclamation or the Corps of Engineers are not consistent with broader societal needs and the quality of life. Consider what we have done to Southern Florida and the Everglades with our conservation projects in South-Central Flordia.

There is an additional reason for not proposing a Department of Natural Resources or a Department of Conservation to manage environmental protection programs. The traditional concerns of conservation activities have been too closely identified with the protection of natural resources separated from the population centers. Our primary concern must be man where he lives and the interrelationship between the natural environment and his man-made environments.

An Independent Agency, charged with responsibility for (1) developing and implementing Federal environmental quality standards, (2) supporting basic research on problems of environmental quality, (3) stimulating and supporting research on control techniques, and (4) providing technical assistance to State, Interstate and local agencies, would reflect the National commitment we need if we are to avoid ecological disaster.

The establishment of such an agency must be backed up by a commitment of resources to (1) eliminate the discharge of municipal and industrial wastes into our public waterways, (2) to drastic reduction in air pollution emissions from stationary sources and moving vehicles, (3) to prevent the distribution of materials and products which threatens man and other species, and (4) to stand up and be counted on environmental questions which have risen at home.

The commitment of resources means money and manpower, and hard decisions on where to allocate those resources and where not to allocate them. It means making environmental protection and improvement more than a conventional political issue.

Environmental protection is too important to be left to the emphases of public opinion polls, or the prospects of political action, confrontation and court suits. It is too vital to man's survival to be dressed up in new committees, councils and agencies—unsupported by a willingness to invest in that survival.

In the final analysis, the administration, the Congress and state and local governments, will move to improve the environment in direct proportion to the degree of public awareness of the problem, the determination of the public to be heard, and the amount of informed opinion which is brought to bear on the problem. This is particularly true of those subtle threats to man's health and well being which do not result in immediate death and obvious damage, but which lower our capacity to resist disease and accidents and interfere with our ability to live up to the full potential of our capacities.

Scientists have a special responsibility to society in meeting that need. We have relied on science for generations to teach us more about our world and the universe, and to increase our capacity to use the resources of our planet. Now we have found that in exploiting scientific knowledge and the secrets it has unlocked we have been exploiting ourselves. The time has come for us to adapt our scale of values and our approaches to the uses of science to man's long-term survival. The object of basic and applied science should not be to increase man's creature comforts and to overcome the natural environment, but to free man from unnecessary hazards and to enable him to live in harmony with his environment.

Can we implement such a concept of science and the future of man? I think the prospects are excellent. The goal of a healthy environment is an idea whose time is come.

As we look to the future, the so-called policy makers are confronted by two realities:

1. It is clearer than ever before that man's survivability depends upon what he himself does to and about his environment—that the continuation of his current behavior patterns means a daily reduction in his prospects for a healthy life on this planet—and that the deterioration may already be irreversible in some vital respects.

2. The threshold of public patience with our failure to come to grips effectively with this problem is lower than ever before, and the level of public demand that we do what needs to be done is rising rapidly.

To put it bluntly:

The crisis is here.

The people are ready.

What will the leaders do?

When I say that the people are ready, I mean that they are aware of the danger and receptive to a call to action.

Many or most of them may be inclined to believe that someone else's behavior patterns are at fault, and that the problems can be licked if someone else makes the appropriate sacrifices.

Most can be persuaded to accept restraints upon their own activities and costs they must share.

An entire new generation, disturbed by what we are doing to their environment, is demanding that steps be taken now to protect and enhance the environment, to protect and improve man's health, to restore the balance in man's relationship to other species. They are pushing me, and they will be pushing you.

Let me quote to you the portion of some remarks made recently at the 13th National Conference of the U.S. National Commission for UNESCO. The speaker was Pennifield Jensen, a graduate student at San Francisco State College.

"We don't want merely to survive; we want to live. There is only one place in which to live and that is on this planet and we must live here together."

I welcome Mr. Jensen and all others of like mind in his generation and mine to continuing struggle. It is a struggle we must win if science is to be worth advancing and man is to have a future.

THE FISCAL 1971 BUDGET

Mr. CRANSTON. Mr. President, I wish to offer a few comments on the President's fiscal year 1971 budget as it relates to programs under the jurisdiction of the Subcommittee on Veterans' Affairs, which I am privileged to chair.

I will touch on three aspects of the VA budget request:

First, I will discuss the anticipated GI bill participation rate and the funds proposed for that purpose.

Second, I will make a tentative evaluation of the funds included for VA medical care and construction of medical facilities.

Third, I will comment on the projected reduction in overall VA outlays in fiscal year 1971.

With respect to GI bill financing, I am extremely pleased to note the administration's estimate that participation in the GI bill by veterans, war orphans, wives, and widows is expected to rise by over 400,000 trainees by the close of fiscal year 1970. This unanticipated and very large increase will require a supplemental appropriation of approximately $200 million apart from any GI bill rate increase. It is also gratifying to learn of the expectation for increased GI bill participation of 150,000 more trainees in fiscal year 1971.

However, these increases in GI bill participation, although they make present GI bill participation more comparable to those under prior GI bills after a similar period of operation, still mean that approximately 75 percent of our eligible veterans do not take advantage of these all-important benefits. Moreover, there is no indication in these figures that the participation of the most severely disadvantaged veteran—the high school dropout—has increased beyond the grossly inadequate 8 percent present rate. Substantially increasing participation by these nearly a quarter of a million men separated from the military annually is the purpose of title II of the Senate version of H.R. 11959, which will shortly be the subject of a House-Senate conference.

With respect to the budget for VA medical care, the request for approximately $160 million above the fiscal year 1970 estimate represents an increase of just 1 percent. This would allow for approximately 1,556 additional permanent positions in the VA hospital and medical care system as compared with the fiscal year 1970 estimate. The fiscal 1970 estimate is 658 above actual fiscal year 1969 experience. Yet, as far as I have been able to discover, as of January 31, 1970, the Veterans' Administration, rather than increase its medical care permanent positions, has experienced a reduction of 1,100 from fiscal 1969 levels. I am thus reluctant to place very much stock in these personnel ceiling estimates.

But, even if an increase over fiscal 1969 of some 4,500 VA permanent positions is actually implemented by the administration in fiscal 1971, this is half again too small at the very best.

Based on the results of hearings before the Veterans' Affairs Subcommittee over the last several months, it is obvious to me that an augmentation in the medical care item and employment level of many times the requested increase is absolutely necessary. Otherwise, Veterans' Administration medical care cannot be first quality, and in many places it is not now first quality. I will make specific recommendations to the Appropriations Committee and the Senate on this in the near future.

With respect to the construction of

necessary VA facilities, I am gratified to see that the administration plans to obligate nearly four times the amount it expects to obligate in fiscal 1970. The reason for this, however, is that the administration used virtually none of the $69 million which was appropriated for fiscal year 1970. This resulted in a further uneconomic, and in some places highly damaging, postponement of necessary construction, renovation, and modernization of VA hospitals, domiciliaries, nursing homes and research facilities. Continually putting off these vital costs will further jeopardize the quality of care in many outmoded VA facilities. My initial impression is that the $120 million which the administration proposes to obligate in fiscal 1971 for construction purposes is insufficient to meet the growing needs, particularly for research and teaching space in VA hospitals and for air conditioning of the many, many VA hospitals in climates with year-round high temperatures.

Finally, I think a word is in order with respect to the President's asserted $1.3 billion total fiscal year 1971 budget surplus. This includes, for example, projected reduction of approximately $200 million in outlays in the VA's fiscal 1971 budget as compared with outlays in fiscal 1970. This reduction, however, is achieved by classic executive branch fiscal juggling. For example, it includes a $40 million savings through proposed new legislation to authorize reimbursement from private insurers for the cost of medical care and treatment provided veterans for non-service-connected disabilities. Although this is a worthwhile recommendation, it promises to be a very controversial one, and it will require further working out even within the executive branch before implementing legislation is proposed.

In the education area, the budget includes only $88 million for anticipated GI bill rate increases in fiscal 1971. Yet the House-passed bill currently pending in conference proposes an increase of at least $226.5 million for that purpose. And the Senate-passed version of that bill is estimated to cost $485 million in fiscal year 1971. Thus, the President's budgeting on this item seems grossly understated.

This certainly leads me to wonder at the real nature of the so-called $1.3 billion surplus for the total budget request.

VERMONT TO PROPOSE EFFLUENT CHARGE SYSTEM

Mr. PROXMIRE. Mr. President, I was much pleased to read a report in the Washington Post this morning that the attorney general of Vermont will propose "a flexible fee system as a part of a 'pay-as-you-pollute' water pollution control legislation." The attorney general's proposal, the article stated, would require the polluter to "pay a fee for being allowed to dump his waste materials in State waters."

The proposal by the Vermont attorney general is alike in kind, although not in language, to the bill that I recently introduced in the Senate.

My bill, S. 3181, has three principal advantages.

First, by establishing a system of national effluent charges to be imposed on industries that pollute our rivers and lakes, an economic incentive will be provided for business to stop polluting. It will prove less costly in the long run to develop and install antipollution devices than to pay the effluent charge and continue polluting.

Second, the money collected from the effluent charges will be directed back to the problem of pollution. This money will be made available to municipalities and regional water development associations to build waste treatment facilities.

Finally, this proposal will not necessitate huge governmental expenditures. This is particularly important in light of the inflationary period we are presently facing.

It is quite evident to me, as it must have been to the Vermont attorney general, that the present efforts to control water pollution have been without success. Our Nation's waterways are more polluted than ever before. A new approach is drastically needed. I am convinced that the effluent charge proposal, implemented on a national scale, is the new approach that is required.

I ask unanimous consent that the article from the Washington Post entitled "Vermont Weighs Charge for Polluting" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Vermont Weighs Charge for Polluting

Montpelier, Vt., February 3.—The attorney general's office will propose a flexible fee system as part of the first-in-the-nation "pay-as-you-pollute" water pollution control legislation.

The plan would require that a person gain a temporary permit for the privilege of polluting, and that he pay a fee for being allowed to dump his waste materials in state waters.

Assistant Attorney General John Hansen said today the basic fee system will permit the water resources board to charge an individual according to the type and volume of waste material he discharges.

In addition, Hansen said, the board will have the option of charging a fee based on the cost of installing adequate antipollution equipment in addition to, or instead of, the base effluent charge fee.

CONDITIONS IN LITHUANIA

Mr. PERCY. Mr. President, on the anniversary of Lithuanian independence, February 16, I call on Senators and on all other Americans to pause and reflect on the tragic situation which has befallen the Lithuanian people since their country was occupied in 1940. The courageous Lithuanians deserve the sympathy and support of all freedom-loving peoples, because they have somehow managed to maintain their historical and cultural heritage in the face of the deeply repressive measures imposed on them.

Since the 13th century, Lithuanians have contributed importantly to the culture of mankind, in good times and bad. But today they know only bad times, and reports indicate that their religious, educational, and cultural life is being systematically squeezed and limited by the authorities.

I am especially concerned about reports that some priests are losing their permits and others are being excessively taxed. Another report states that St. John's Church, at the University of Vilnius, a beautiful edifice that I visited in 1966, will be made a museum and auditorium very soon, and that the teaching of Lithuanian literature is being distorted by measuring it against Marxist-Leninist standards. It is also said that the seminary in Kaunas is now allowed to enroll only six students a year.

These conditions should be widely publicized in the world, because all should know that the people of Lithuania continue to bear heavy burdens. They are an admirable people, and I shall never forget their spirit under the most difficult circumstances of living.

"SESAME STREET" A SUCCESS

Mr. TYDINGS. Mr. President, recently there has been some discussion concerning the continuation of "Sesame Street," the charming and delightful children's program designed to improve the language and numerical skills of preschool children. The program, produced by the "Children's Television Workshop" and sponsored by the Ford Foundation, the Language Corporation, and the U.S. Office of Education, and the Corporation for Public Broadcasting, has drawn widespread critical acclaim and attracted a huge audience of happy children.

Due to doubts about the efficacy of other preschool programs aimed at helping deprived children, many have awaited test results of this new, sophisticated approach to learning. According to the New York Times of Wednesday, January 28, 1970, tests revealed that this program, over a 6-week period, tremendously increased the rate of learning for those who watched it. These are tremendously encouraging results. I certainly hope that "Sesame Street" will be able to continue.

I bring this to the attention of Senators, for the program is shown by nearly 200 television stations across the Nation and affects preschoolers in every State. I ask unanimous consent that the New York Times article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tests Indicate TV Program Improves Children's Skills

(By William K. Stevens)

"Sesame Street"—a brisk, rib-tickling, television program that is designed to improve the language, numerical and reasoning skills of preschool children, particularly those from poor families—appears to be achieving many of its goals.

According to preliminary tests in three states, poor children who viewed "Sesame Street" regularly in the program's first six weeks of daily hour-long, presentations made gains two and one-half times as great as those made by poor children who did not watch the program.

Other surveys indicate that the program is reaching about five million children, including substantial numbers of those from poor homes.

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The results of the tests and surveys were disclosed yesterday in a report by the Children's Television Workshop producer of "Sesame Street," to its sponsors—the Carnegie Corporation, the Ford Foundation, the United States Office of Education, the Markel Foundation and the Corporation for Public Broadcasting. The report was made at a meeting at the Essex House.

HOPE FOR ANOTHER YEAR

After the meeting, Mrs. Joan Ganz Cooney, executive director of the workshop, said that she hoped the test results would persuade the sponsors to support the experiment for another year and that she was optimistic about this. The initial 26-week, 130-program series began last Nov. 10 and will end on May 29. It cost $8-million to produce.

Although the program has been widely acclaimed for its high degree of professionalism, originality and general level of quality, and although there was evidence that many children had become enthusiastic devotees, no evaluation of "Sesame Street's" educational impact had been available until yesterday.

In the preliminary evaluation conducted by Dr. Edward Palmer, the workshop research director, 3-, 4- and 5-year-olds in three day-care centers for poor children of working mothers in Maine, New York and Tennessee were randomly divided into two groups in each center. One group watched "Sesame Street" regularly for its first six weeks. The other group never wanted it.

Before "Sesame Street" went on the air, each child in each group was asked 217 test questions to find out how well he could recognize letters, numbers and geometric forms, and how well he could sort out objects.

After six weeks of "Sesame Street," the same test was given again. The regular viewers, as a group could answer 10 per cent more of the 217 questions than they could at the start. The nonviewers could answer 4 per cent more.

In the ability to name letters, the viewers made a 9 per cent gain, against a 3 per cent gain for the nonviewers. In naming numbers, there was a 12 per cent gain for the viewers against a 4 per cent gain for the nonviewers.

Substantial gains, sometimes 25 per cent or more, were made by regular viewers in their ability to sort, differentiate and classify objects and group them by twos and threes.

But, in one important area—recognizing the sounds of letters—there was no difference between the performance of viewers and that of nonviewers, leading Dr. Palmer to suggest that "Sesame Street's" approach in that area may have to be modified.

"Sesame Street" is broadcast each weekday by nearly 200 television stations from Maine to American Samoa. In about 100 communities it is seen both in the morning and the late afternoon. Five stations carry it a total of six times a day in the New York area—WLIW (Channel 21,) WNDT (Channel 13), WYNE (Channel 25), in WNYC (Channel 31) and WPIX (Channel 11).

The program is considered the first major national effort to harness the most effective of contemporary television techniques to the task of preschool education. In particular, it adapts to the teaching of letters and numbers the fast-paced, high-impact, repetitive commercial techniques that have been successful in selling toys.

NEW HAMPSHIRE PENAL AUTHORITIES REPORT DRUG USE ON THE INCREASE

Mr. McINTYRE. Mr. President, we are all aware that drug abuse, particularly among the young, is growing at an alarming rate. We also know that no parent can afford complacency, because drug use cuts across ethnic, religious, social, educational, and financial lines. The children of four prominent political figures have been arrested for drug possession, within the past several weeks, and one was the son of a man who campaigned for better drug control in his State.

To determine whether drug abuse has grown significantly in my own State of New Hampshire, I went to two men who see instances of it every day in their work—Dr. Michael Morello, director of the State Industrial School in Manchester, and Parker Hancock, warden of the State prison in Concord. This is what they told me:

Dr. Morello said:

> More than 50 percent of the boys and girls we admit to the school have had some experience with drugs and 25 percent are frequent or steady users.
>
> Though most of these use the so-called soft drugs—amphetamines, barbiturates, marijuana and glue-sniffing—we're beginning to see more and more heroin and LSD.
>
> The alarming thing about all this is how suddenly it has come about. From 1961 to 1967, it was rare, indeed, to admit a boy or a girl who had tried drugs. The sharp increase has occurred since 1967, accelerating particularly in the past 12 months.

Warden Hancock said:

> We are alarmed and deeply concerned because of an increase in our prison population during the past three years which can be directly attributed to the sale, use, and possession of narcotics.
>
> Virtually all of these offenders are users, and the majority of them are between 18 and 22. Most of these offenders have used narcotics, heroin, speed, and tranquilizers.
>
> We have made all treatment facilities of this institution available, and in addition we've received some assistance from other state services.
>
> But it is our considered opinion that our treatment efforts with these young narcotic users have not been effective. There is a need for specialized treatment for those committed to this institution for drug offenses.

Warden Hancock, currently president of the Wardens Association of America, told me that wardens in other States report a similar jump in drug use and similar concern about it.

NATIONAL MATERIALS POLICY

Mr. BOGGS. Mr. President, in President Nixon's budget message earlier this week, he made a strong and persuasive argument for updating and reevaluating our national stockpiles of strategic materials.

The budget states:

> For example, the basic concept underlining the present objectives of the Nation's stockpile of strategic and critical materials must be re-evaluated and modernized. Many commodities in the stockpile are now far in excess of foreseeable needs. Expanded authority will be sought to permit the disposal of $750 million of these materials in 1970.

The President is to be congratulated for making this decision to modernize our stockpiling program, making certain that it reflects today's and tomorrow's needs, rather than yesterday's.

In an effort designed to seek a similar goal, I submitted an amendment to S. 2005 last fall. That amendment would establish a National Commission on Materials Policy, a Commission that would be authorized to evaluate and examine our Nation's materials needs and uses. The commission would emphasize the need to recycle once-used materials back into our economy to lessen the pollution of solid wastes.

The President's call to update our stockpiling program fits into the goals of a National Commission on Materials Policy. Therefore, I believe it would be in the best interests of the Nation if we coordinated these studies, bringing the broader subject of materials demand and use into a reexamination of the need to have a strategic stockpile.

It is my hope, therefore, that the President will look to the proposed National Commission on Materials Policy as the proper vehicle to carry out his proposed reevaluation.

GALBRAITH AND THE FITZHUGH COMMISSION

Mr. PROXMIRE. Mr. President, on October 28, 1969, I criticized President Nixon's Blue Ribbon Defense Panel, known as the "Fitzhugh Commission." This Panel was created to conduct a broad study of the Defense Department's organization and, according to the press releases which announced it last June, procurement policies and practices.

The Fitzhugh Commission was compared by Secretary Laird with the Hoover Commission studies of 1947 and 1953 when the Secretary expressed his hope that the review of the Defense Department would help it to regain "credibility."

In my October statement, I pointed out how difficult it would be for this commission, loaded as it is with defense-oriented members, to produce anything credible. The fact that men such as Mr. Gilbert Fitzhugh were named to the Commission can only be interpreted as incredible.

Mr. Fitzhugh, who is Chairman of the Panel, is also chairman of the board of the Metropolitan Life Insurance Co., which not only holds $34 million worth of common stock in some of the largest defense contractors, but has outstanding loans to 24 top defense contractors, valued at almost $1.4 billion.

I have now obtained a copy of correspondence between Prof. John Kenneth Galbraith, former Ambassador to India, and Mr. Gilbert Fitzhugh. It appears that I am not the only person who is deeply disturbed over the Fitzhugh Commission and the likelihood that it is embarked on nothing more than a whitewash of the Pentagon.

In October 1969, Professor Galbraith received a letter from Mr. Fitzhugh, together with the "Blue Ribbon Defense Panel Charter" and a copy of a questionnaire. Professor Galbraith was puzzled by the following sentence in the letter from Mr. Fitzhugh, inviting him to respond to the questionnaire:

> Please keep in mind that the Charter of the Panel directs it to study possible improvement in the Defense Department's operations—it does *not* include consideration of the basic national policies or priorities

> within which the Department carries out its assigned functions.

Professor Galbraith quite properly questioned this severe limitation on the panel's charter, and he pointed out that it was being asked to study only how the Pentagon does things, not whether what it does is in the public interest. As Professor Galbraith said in his reply:

> As I understand it, you are studying the Pentagon subject only to the limitation that what it does, including what it buys, is outside of your Charter. There is to be no consideration of whether money is spent unnecessarily on research and development; or of the need for nuclear aircraft carriers; or if ABM is worth the money; or of the gold-plating of the tank; or of support to the indigent armies around the world. Your only concern is whether things are done efficiently.

In my judgment, Professor Galbraith's indignation at the manner in which the Fitzhugh Commission is proceeding is well justified.

Professor Galbraith made this point in his final letter to Mr. Fitzhugh on December 3:

> You are supposed to find out how money can be saved without considering on what the money is spent. You did not become head of one of the largest business firms in the United States without the ability to realize how nonsensical that is. And being nonsensical, it is a fraud on the American people.

No one in Congress has been more concerned than I over the problems of inefficiency, mismanagement, and waste in the Department of Defense. But efficiency by itself is hardly a worthy goal. A proper concern with priorities, with wise decisions about the use of resources, must be coupled with a set of practices that assures the efficient use of those resources. In the final analysis, we must, as Professor Galbraith says, examine not the procedure of waste, but the object of waste.

I ask unanimous consent that the correspondence between Professor Galbraith and Mr. Fitzhugh be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., October 2, 1969.
Dr. KENNETH GALBRAITH,
Cambridge, Mass.

DEAR DR. GALBRAITH: As you probably know, President Nixon and Secretary of Defense Laird have appointed a "Blue Ribbon Defense Panel" to study the organization and operation of the Department of Defense and to recommend improvements.

The "Charter" of the Panel and a list of its members are attached.

The Panel would very much appreciate receiving the thoughts and suggestions of a large number of interested people regarding the subjects of its studies. To this end, I am enclosing a list of questions that seem to us worthy of careful thought. We wish we could have the benefit of a personal discussion, but time does not permit this for the wide scope of people and interests whose thoughts would be helpful to us. Accordingly, we hope that you will write us the benefit of your own thoughts and experience on these matters. We would be glad to have your general observations, but naturally any specific recommendations for changes, or suggestions as to specific areas you believe worthy of special study, would be particularly helpful.

We realize this is a long questionnaire, and may include areas in which you have no special interest or knowledge. However, we thought you might be interested in the full scope of our inquiries. Please feel free to comment on all or any of the questions, as you prefer. Of course, if you would care to comment on any matters not included in the questions listed, we would be glad to have them also. Please keep in mind that the Charter of the Panel directs it to study possible improvement in the Defense Department's operations—and does *not* include consideration of the basic national policies or priorities within which the Department carries out its assigned functions.

To facilitate analysis of your replies with those of others, it would be helpful if you would identify your comments, when possible, with the particular question raised in the attachment.

Your cooperation will be most appreciated by all of us and will be of great help to the Panel in discharging its important task. It would be particularly helpful if we could hear from you by October 22, with either your full or preliminary reply or a note telling us when you will be able to supply it at a later date.

Very truly yours,
GILBERT W. FITZHUGH,
Chairman.

BLUE RIBBON DEFENSE PANEL CHARTER

The general scope of the panel is to study, report and make recommendation on:

The organization and management of the Department of Defense, including the Joint Chiefs of Staff, the Defense Agencies and the military services, as it affects the Department's mission performance, decision making process, the command and control function and facilities, and the coordination with other governmental departments and agencies, with emphasis on the responsiveness to the requirements of the President and the Secretary of Defense.

The Defense research and development efforts from the standpoints of mission fulfillments, costs, organization, time and interrelation with the scientific and industrial community.

The Defense procurement policies and practices, particularly as they relate to costs, time and quality.

Such other matters as the Secretary may submit to it from time to time.

BLUE RIBBON DEFENSE PANEL QUESTIONNAIRE

A. ORGANIZATION

1. Do you believe the present organizational and reporting relationship between the Office of the Secretary of Defense (including the Assistant Secretaries of Defense), the Service Secretaries (including their Assistants), the Joint Chiefs of Staff and the Joint Staff are the most efficient?

If not, what changes would you recommend?

2. Do you believe the present system results in appropriate grouping of responsibility, authority, and accountability for basic planning and decision making?

If not what changes would you recommend?

3. Do you believe it is practical to reduce
(a) the number of layers of supervision,
(b) the volume of reporting and paper work through decentralization, simplification of committee structures, or otherwise?

If so, how?

4. Do you believe that the frequency of change in important positions in the Department of Defense, both military and civilian, adds to administrative and control problems?

If so, how would you improve the situation?

5. Do you believe that the present operations command structure, including the responsibilities of the Secretary of Defense, the Service Secretaries, the Joint Chiefs of Staff, the Chiefs of Staff of the military services, and the unified, specified and component command structure, is best designed for effective operation in both peace and war?

If not, what changes would you recommend?

B. MANPOWER

Do you have any specific suggestions for improvement in present recruitment, training, rotation, compensation or "fringe benefits" policies for either military or civilian employees of the Department of Defense?

C. RESEARCH AND DEVELOPMENT AND PROCUREMENT

Do you have any specific suggestions for improvement of the Department of Defense Organization, procedural processes, or management practices in research and development or procurement programs?

D. SYSTEMS ANALYSIS

Do you have any specific suggestions for the improvement of the utilization of the systems analysis function in the Department of Defense or any of its organizational elements?

E. BUDGET PROCESS

Do you have any suggestions for improving the planning-programming-budgetary process of the Department of Defense or for improving the contribution to that process by:

(a) The Office of the Secretary of Defense.
(b) The military service secretaries.
(c) The military services.
(d) The Joint Chiefs of Staff.
(e) The Bureau of the Budget.
(f) The White House.
(g) The Committees of Congress.

F. Do you have any specific suggestions as to how the Department of Defense could make more effective and economical use of studies made for it by outside contractors and consultants?

G. Do you have any specific suggestions for improving the operation of properties owned by the Department of Defense?

H. Do you have any specific suggestions as to how the Department of Defense could make a larger contribution than it does toward accomplishing other objectives on housing, medical and hospital services, equal opportunity, etc.?

I. Do you have any suggestions as to how to improve the procedures for determining national policies and priorities (both short- and long-term), with particular reference to how the Department of Defense fits into these procedures? (This question refers to procedures only. The Panel charter does not include consideration of the substance of the policies.)

J. Do you have any specific recommendations to improve the relationships or interfaces between the Department of Defense and:

(a) the various Committees of Congress (this could include any recommendations you may have on Congressional procedures also),
(b) the Department of State
(c) the National Security Council
(d) the Bureau of the Budget
(e) the General Accounting Office
(f) the Press
(g) the Public

BLUE RIBBON DEFENSE PANEL

Fitzhugh, Gilbert W., Chairman, Board Chairman of Metropolitan Life Insurance Co., New York City.

Blackie, William, Board Chairman of Caterpillar Tractor Co., Peoria, Illinois.

Champion, George, President of Economic Development Board of New York City.

Clements, William P., Jr., President of Sedco, Inc. (Southeast Drilling), Dallas, Texas.

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Fluke, John F., President of Fluke Manufacturing Co., Seattle, Washington.

Goldberger, Dr. Marvin L., Physicist at Princeton University, Princeton, New Jersey.

Jackson, Robert C., Chairman of Ryan Aeronautical Co. and Continental Motors Corp., San Diego.

Kirkland, Lane, Secretary-Treasurer and Exec. Asst. to President Meany, AFL–CIO, Washington, D.C.

Lewis, Hobart D., President, Readers Digest Association, Inc., Pleasantville, N.Y.

McNeil, Wilfred J., Director and Adviser of Fairchild-Hiller Corp., New York City.

Mettler, Dr. Ruben F., Vice President and Assistant President, TRW Inc. (formerly Thompson Ramo Wollridge, Inc.)

Peterson, Dr. Martha E., President of Barnard College, New York City.

Powell, Lewis Franklin, Jr., Attorney and Industrialist, Richmond, Virginia.

Stigler, Dr. George J., Professor of American Institutions, University of Chicago.

Thurman, Leona P., Attorney, Kansas City, Missouri.

Young, Claude (Buddy), Special Administrative Assistant to the Commissioner of the National Football League, New York City.

CAMBRIDGE, MASS.,
October 8, 1969.

Mr. GILBERT W. FITZHUGH,
Chairman of the Board, Metropolitan Life Insurance Co., New York, N.Y.

DEAR MR. FITZHUGH: I have your letter of October 2. Surely you can't be serious. As I understand it, you are studying the Pentagon subject only to the limitation that what it does, including what it buys, is outside of your charter. There is to be no consideration of whether money is spent unnecessarily on research and development; or of the need for nuclear aircraft carriers; or if ABM is worth the money; or of the gold plating of that tank; or of support to the indigent armies around the world. Your only concern is whether these things are done efficiently. Your last question on "relationship or interfaces" between DOD and Congress, State, NSC, etc., spectacularly omits the most important relationship of all, that with the defense industry. You propose to ignore what even one of my sophomores assumes as a matter of course, namely that the Pentagon is subject to industrial persuasion as to military need. You don't even raise the question of movement of personnel between the Services and the industry and its consequences.

You are a man of reputation, the head of a very large company with great public responsibilities. You cannot afford to be associated with anything that is so patently and transparently and even hilariously a fraud. Would you ever consider studying the costs of running New York City while excluding from consideration the things the city does? Or of supporting your family while excluding all questions of what the family buys? Would you initiate a study of the high costs of insuring certain classes of risk carried by your company which excluded consideration of accident and disease? It is always unwise to underestimate the intelligence of the American people—and Senator Proxmire.

I urge you in the interest of your reputation, the Metropolitan, and your policyholders to get out of this one at once. Do tell me you agree.

Yours faithfully,
JOHN KENNETH GALBRAITH.

BLUE RIBBON DEFENSE PANEL,
Washington, D.C., October 15, 1969.

Hon. JOHN KENNETH GALBRAITH,
Harvard University,
Cambridge, Mass.

DEAR DR. GALBRAITH: Based on your letter of October 8th, I can only assume that my letter of October 2nd must have been very unclear. Many of the things you assume we are ignoring are very much within our terms of reference and we are addressing ourselves to them very carefully.

It is true that basic national policies are outside of our jurisdiction. Many knowledgeable people are deeply involved in consideration of those policies. We feel there is a large area remaining as to how the Department of Defense can best implement the policies finally decided upon. We intend to do our best to make a significant contribution in this important area.

Very truly yours,
GILBERT W. FITZHUGH,
Chairman.

CAMBRIDGE, MASS.,
October 27, 1969.

Mr. GILBERT W. FITZHUGH,
Chairman of the Board,
Metropolitan Life Insurnace Co.,
New York, N.Y.

DEAR MR. FITZHUGH: I have your letter of October 15, 1969. I hope that you will have another look at your letter to me of October 2, 1969. At the bottom of the first page you ask me to "please keep in mind that the charter of the panel directs it to study possible improvements in the Defense Department's operations—it does *not* include consideration of the basic national policies or priorities within which the Department carries out its assigned functions." (The emphasis is yours.) The only possible meaning that I or any other recipient could attach to this is that you are excluded from considering individual weapons and weapons systems and therewith the total Defense Department budget. For if national policies and priorities have any meaning whatever they refer to decisions on such weapons systems and therewith on the totals allocated to defense purposes. Later, on page 2 of the questionnaire, as though to reinforce the point you say of question "I" that "This question refers to procedures only. The panel charter does not include consideration of the substance of the policies." Accordingly I cannot conclude that your letter and the accompanying questionnaire were unclear. I can only conclude that it was wholly specific in its intention to exclude such questions as, for example, whether the purchase of an ABM system is justified. The only questions within your term of reference concern the procedures by which those funds are spent.

May I note as a less important matter that you were singularly silent as to explanation of why you do not consider the "relationships or interfaces" between the Department of Defense and the defense industries. Surely this omission calls for some explanation. In the absence of further explanation which I earnestly hope will be forthcoming I must continue to conclude that you have lent your name and that of your company to, if not an outright fraud, at least an enormous effort to mislead the American people. This comes at a time when there is a particular anxiety in a large part of our community over the way in which people in positions of trust have been lending themselves to such efforts. Accordingly I very much hope that I will hear from you of your intention to disassociate yourself from this effort—in the absence at least of a clear revision of your charter and a clear intention to examine not the procedure of waste but the object of waste.

Your faithfully,
JOHN KENNETH GALBRAITH.

BLUE RIBBON DEFENSE PANEL,
Washington, D.C., November 20, 1969.

Dr. JOHN KENNETH GALBRAITH,
Professor of Economics,
Harvard University,
Cambridge, Mass.

DEAR DR. GALBRAITH: Reply to your letter of October 27th has been delayed because I have been in Europe visiting a number of our defense installations.

We seem to be having trouble communicating. In your first paragraph you refer to the fact that our Panel's charter does *not* include consideration of basic national policies. This is indeed true, as I pointed out twice in my letter to you and as was made very plain by Secretary of Defense Laird in his widely reported press conference announcing the appointment of the Panel. Your particular reference to whether or not an ABM system should be purchased is one of the examples we have been giving regularly as the type of thing the Panel is not to consider. However, this does not mean that the scope of our study is as confined as you seem to feel.

In your second paragraph you seem to feel that we are not considering the relationships or interfaces between the Department of Defense and the defense industry. If you will look at the third and fourth paragraphs of our charter, you will see that it is clearly within our scope to study, report, and make recommendations on

"The Defense research and development efforts from the standpoints of mission fulfillments, costs, organization, time and *interrelation with the scientific and industrial community.* (Emphasis added)

"The Defense procurement policies and practices, particularly as they relate to costs, time and quality."

This point was covered in our questionnaire under the heading "C. Research and Development and Procurement". In any event, our Panel has had from the beginning of our deliberations very prominently in mind the whole question of the relationship between the Department of Defense and defense contractors, and has made and will continue to make a study of this aspect an important part of its activities.

Accordingly, it seems clear to me that there has been no effort whatever "to mislead the American people." The objective of all those concerned with our study has been just the opposite. Our whole purpose is to make as objective and well-documented a study of the areas assigned to us as is within our capacities—and to present our findings and recommendations as clearly as possible.

Very truly yours,
GILBERT W. FITZHUGH,
Chairman.

DECEMBER 3, 1969.

Mr. GILBERT FITZHUGH,
Metropolitan Life Insurance Co.,
New York, N.Y.

DEAR MR. FITZHUGH: I note your reference to the difficulty in communication; I hope you won't feel badly if I say that I think the problem is on your side. You have a difficult case to make. On the matter of relations to the defense industry I am prepared to agree that the language you find does save your soul. I think you will have to agree in return, however, that there was something embarrassingly Freudian about its omission from the other list of relationships. On the main point I can only take your letter of November 20 as one of agreement. You are supposed to find out how money can be saved without considering on what the money is spent. You did not become head of one of the largest business firms in the United States without the ability to realize how nonsensical that is. And being nonsensical it is a fraud on the American people. And being so it will be recognized and pointed out. I would hope some of your colleagues would similarly see that you were being had.

Yours faithfully,
JOHN KENNETH GALBRAITH.

THE MARIHUANA AND HEALTH REPORTING ACT

Mr. SMITH of Illinois. Mr. President, the distinguished Senator from Colorado (Mr. DOMINICK) has introduced a bill, S. 3190, the Marihuana and Health Reporting Act. It is my pleasure to

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join with Senator DOMINICK as a cosponsor to this bill.

In introducing the bill, Senator DOMINICK has called attention to the serious lack of definitive biomedical information on marihuana. By calling for annual reports to Congress on the results of continuing research on marihuana, he has gone beyond the provision for a 2-year study required by the Controlled Dangerous Drugs Act, which we have just passed.

If Congress is to discharge its responsibilities in this area, we must be kept constantly informed of all new biomedical research; and we must encourage that research.

Science News for January 24 contains an excellent article outlining the needs and difficulties faced in providing the biomedical research upon which we must base intelligent answers to the problems of drug abuse.

Mr. President, I ask unanimous consent to have printed in the RECORD the Science News article entitled "Pot Facing Stringent Scientific Examination," written by Barbara J. Culliton. It clearly illustrates the need for Senate action on S. 3190, the Marihuana and Health Reporting Act.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POT FACING STRINGENT SCIENTIFIC EXAMINATION

(By Barbara J. Culliton)

To cool the heated controversy that surrounds marijuana, parents, Congressmen and even the medical community are calling for some definitive word on the pros and cons. What is wanted is something in the nature of the Surgeon General's 1964 report on smoking, which laid out the hazards in exhaustive detail. Immediate action is being demanded.

In the Senate, Peter H. Dominick (R–Colo.) has already introduced a bill requiring an annual report to Congress on the current status of biomedical knowledge, including recommended legislation. In the House, Rep. William E. Minshall (R–Ohio) has proposed a similar bill.

It is an ambitious demand.

Progress reports on marijuana research are possible. The definitive biomedical statement the proposals seek is not. Not enough is known yet (SN: 9/27, p. 263).

For all that has been said and written on marijuana, little is founded on a firm scientific base. In spite of man's long history of pot smoking—records of its use date at least to 2737 B.C. when it was listed in the herbal compendium of the Chinese Emperor Shen Nung—the chemistry and pharmacology of the active ingredients of the cannabis plant have attracted only slight research attention. Fact and folklore regarding its effects remain to this day virtually inseparable.

But distinctions are in the cffing. In the face of prevailing concern over the mushrooming use of pot in the United States, and its possible medical and social consequences, marijuana research is being approached with an unprecedented sense of urgency. Dr. Stanley Yolles, director of the National Institute of Mental Health, has promised Congress answers within two years. While not all marijuana researchers share his optimism, virtually everyone involved concedes that there is enormous pressure to get things moving and come up with data soon.

To this end the Government, through the NIMH, has invested nearly $10 million. As of April, 67 projects in the biological, social and psychological sciences were approved for funding, through most are only now getting under way.

The delay, and the flaw in what previous work there is, rests with the lack of good marijuana for study. The essence of an experiment is the reproducibility of its results. Until last fall, this was virtually impossible because no two scientists could be sure they were testing the same chemical.

By and large, tests have been made with material extracted from marijuana confiscated by the Federal Bureau of Narcotics. Because methods of extracting pure chemicals from the raw plant are not standardized, and because the quality of chemicals varies from plant to plant, comparisons of various results have been relatvely meaningless. Foreign data, too, have little applicability because European and Asian marijuana is generally more potent than its counterpart from crops grown in the United States.

To eliminate this deficiency, two types of projects were initiated. At the University of Mississippi, where scientists have $115,000 in NIMH money, marijuana is being grown. Comparative studies will be made of plants from various parts of the world in an effort to define the chemical characteristics of canabis compounds and to determine relative degrees of potency.

Standardized crops are also being developed. "Only now," says Mississippi's Dr. Coy Waller, "are batches of drug from these plants becoming available." They will be released to investigators through a special NIMH panel that meets every three months.

The second line of attack focuses on the preparation in the laboratory of two of the active constituents from the female cannabis plant—data 9-THC (tetrahydrocannabinol) and delta 8-THC. In nature the former appears to be the primary active ingredient, since only very low levels of the delta 8-THC molecue have been isolated from cannabis. Contracts for the THC synthesis have been issued to the Arthur D. Little Co. in Cambridge, Mass.

Synthesis of crude THC is relatively simple. As one chemist puts it, "You can make it in the bathtub." But producing the large quantities of pure delta 8-THC and delta 9-THC for research in animals and for clinical study is another matter. According to Dr. Harry Pars, Arthur D. Little chemists have spent a year ironing out problems in the synthetic process, which involves the same requirements for quality control and large-scale production that major drug houses face.

Supported by NIMH contracts of approximately $150,000, the company will make about 2.5 kilograms each of delta 8-THC and delta 9-THC, to be released only through NIMH.

"At this point," Dr. Pars says, "we have produced more than half of the total amount. The delta 8 is 98 percent pure or better and we believe we can approach that purity with the delta 9, which is about 90 percent pure now." The current supply should meet research needs in laboratory animals for a couple of years, since doses used are relatively small. A marijuana cigarette containing 500 milligrams of material would be at most one to two percent delta 9-THC.

Pure THC, made from ingredients that chemical and drug companies are becoming increasingly careful about selling, is a highly viscous material that looks like dark molasses. Highly insoluble in water, it must be mixed with a solvent for injection and is not well absorbed when taken orally. It appears to degrade or decompose with time, and is best handled by sealing it under nitrogen and storing it at lower than room temperatures.

In another project, at the Research Triangle Institute in North Carolina, chemists are concentrating on the synthesis of radiolabeled delta 8-THC and delta 9-THC. They plan to produce up to five grams under an $85,000 contract, also from NIMH. At the same time they are working to perfect methods of extracting red oil from marijuana plant material confiscated by the Narcotics Bureau, as a guide to extracting standardized compounds from freshly grown plants. "Red oil," syas Dr. Munroe Wall, director of the chemistry and life sciences division, "is a semipure concentrate, a dark reddish-brown in color, which can be obtained in large amounts and is representative of the whole plant. About 20 percent of red oil concentrates is delta 9-THC."

With these materials in hand, scientists are turning to basic studies in the pharmacology, toxicology and biochemistry of marijuana. First in animal studies and then in man, they are comparing the natural and synthetic compounds, examining the nature and effects of components in the natural material other than THC, and studying the fate of all of them in the body.

Dr. Wall and his co-workers, for example, plan long-term toxicity studies with red oil and will use radiolabeled THC in studies of metabolism and biological distribution.

Though studies are just beginning, some information is available. In one case, for instance, he finds that fatty acids are associated with delta 9-THC in some extracts. "This may not be typical of all natural marijuana," he says, "but it is true of material confiscated from Mexico." In a second Research Triangle project aimed at determining where the drug goes in the body and how it is handled, there is preliminary evidence identifying one of the metabolites or breakdown products of THC. "Now we want to see if this metabolite has biological activity or toxicity," he says.

Limited studies of THC in mice at the University of Chicago have yielded some data about its effects on brain chemicals, though, Dr. Richard A. Lovell asserts, "It is far too early to draw any conclusions from our work about marijuana's effects on behavior." THC clearly releases behavior-affecting catecholamines into the blood, but explanations of its metabolism in the brain await further experiments.

Other researchers also have preliminary data. Says Dr. Robert Schlant of Emory University in Atlanta, "There is reasonably good evidence that marijuana causes tachycardia (a rapid beating of the heart) but the mechanism is unknown." Now awaiting his supplies of THC, he expects to explore this phenomenon in animal studies by sewing gauges to the surface of dogs' hearts and then injecting THC to measure its effects.

Also awaiting supplies of THC is Dr. Eugene Boyd of the University of Rochester. He intends to conduct experiments with squirrel monkeys to trace the pathways THC follows to the sensory areas of the brain, in an effort to determine its effects on perception.

At the University of Mississippi, Dr. Henry Pace is beginning animal studies of marijuana's possible teratogenic effects—there is some evidence it crosses the placenta and enters the fetus—and in Massachusetts, at the Worcester Foundation for Experimental Biology, Dr. Sumner Burstein is using radiolabeled THC in rabbits to examine metabolism (SN: 9/27, p. 263). His work, like that of Dr. Wall, indicates a THC metabolite may be an active component.

When these and similar projects show results, it will be possible to describe marijuana with greater precision. At present, the most one can say about it with reasonable certainty is that it is not addictive in the way narcotics are—that is, it does not lead to physical dependence characterized by withdrawal symptoms—and that its possession by anyone other than an approved researcher is illegal.

Research into the chemistry and pharmacology of marijuana is not all designed to fill gaps in existing knowledge. Some scientists are directing their attention to possible therapeutic uses of synthetic drugs that re-

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semble THC. Chemically, THC is not like any other known class of compounds. Unlike most compounds derived from plant extracts and active in the central nervous system, THC contains no nitrogen. According to pharmacologist Dr. Louis S. Harris of the University of North Carolina at Chapel Hill, classic drug-study tests are not always applicable to THC. And, he says, though its mode of action is not fully known, it exhibits "a mix of both stimulatory and depressant activity on the central nervous system."

In projects during the last few years, Arthur D. Little chemists have synthesized a number of new classes of compounds that are molecularly like THC but which, Dr. Pars stresses, are not marijuana.

"THC has not been carefully studied heretofore for its effects as a potential drug," he states. Nevertheless, compounds synthetically derived with its molecular structure in mind may be useful.

He lists three areas in which chemical and animal experiments are under way:

Analgesia: Some of the new compounds exhibit definite effects in some of the animal procedures designed to screen and evaluate pain-relieving drugs. These new agents appear to be similar to mild mood elevators as well as to analgesics, and this combination could make them unique and potentially useful drugs.

Blood pressure reduction: Some scientists postulate a form of hypertension that is related to environmental circumstances, unlike forms induced by organic or physiological changes. Among the new agents are some that appear to lower blood pressure by biological mechanisms at present unknown but possibly acting through the central nervous system.

Psychotherapeutics: Again, preliminary evidence indicates that certain of the new compounds, in various pharmacological profiling procedures, act as antidepressants and antianxiety drugs by a mechanism unlike those of available agents.

Considerable animal work remains to be done on these agents before it will be possible to define their therapeutic activity with precision, and it may be a matter of a few years before they can be candidates for the necessary initial trials in man.

The extent to which laws and attitudes to marijuana will be affected by the outcome of scientific investigation remains to be seen, but researchers contend that without the body of information they are accumulating there will be no possibility of reaching rational positions. The present situation, they agree, is founded simply on ignorance.

THE NEED FOR A FARM BILL

Mr. TALMADGE. Mr. President, on Monday of this week, it was my distinct pleasure to address the 32d annual meeting of the National Cotton Council in Atlanta.

Most of the major farm programs expire this year. I discussed in my address the need for a farm bill at the earliest possible opportunity and particularly I called attention to what I believe is a great need for a modified program for cotton.

I ask unanimous consent that my remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of U.S. Senator Herman E. Talmadge

It is indeed a pleasure to address the National Cotton Council's 32d annual meeting.

I am glad to see so many of my friends here. I want to take this opportunity to congratulate all of you, and the Council, for your splendid work. I am very much aware of your efforts to strengthen cotton and all of its related industries.

I know of your concern about breathing new life into this vital segment of the agricultural economy. It is actually more than that. It is a vital part of the entire American economy. I hope you know that I stand in your corner in this fight for the cotton industry. You know my record. But I am not content to stand on that.

I intend to keep doing all that I can to assist cotton . . . to guarantee the farmer his fair share of the national income . . . to protect the millions of people who depend upon cotton and its allied enterprises for their livelihood . . . and to put cotton back on the market place in its rightful position in our economy.

All of you, as farmers and businessmen, are concerned about the national economy and current government fiscal polices:

How it affects your crops.

How it affects your business operations.

And even how it affects your wife when she goes shopping for groceries.

The past year saw sweeping changes installed in the Internal Revenue Code. It was the most far-reaching legislation since the Code was adopted in 1913.

It required four months in the Senate Finance Committee of day and night work. The Conference Committee alone, on which I served, lasted five days from early in the morning till late at night. One session ran for 20 consecutive hours.

The net result of the bill is twofold.

One, it will levy a greater burden on those who have not paid their fair share of taxes.

Two, it will relieve people, particularly in the low and middle income brackets, who have been paying more than their fair share.

As you know, the bill went to the Conference Committee dressed like a Christmas tree. We took off the trimming. When the bill emerged, it was non-inflationary in virtually every respect.

This was, of course, the most significant legislation passed last year. I was also very glad that many of the budgetary requests were substantially reduced.

This action should materially alleviate inflation. It should ease some of the erosion of the purchasing power of our people.

Inflation is one of the greatest problems that faces the Congress and the nation today.

We started down the inflationary path in 1965. The situation has grown worse every year since.

These few simple statistics on the Consumer Price Index for the past five years show what has happened.

For 1965 it increased 2.0 per cent.
For 1966 it increased 3.3 per cent.
For 1967 it increased 3.1 per cent.
For 1968 it increased 4.7 per cent.
For 1969 it increased 6.1 per cent.

Behind these statistics is the fact that the public has been spending a lot of money. All it got in return was more and more inflation.

In our free enterprise economy, of course, each spending unit—government, business, or individual—determines whether to spend or save its money.

Thus, it might be argued that the combined action of these total units generates inflationary pressure. To a degree this is true.

However, it is federal government fiscal policy that largely determines how the other units act.

The federal government increases expenditures. Total personal income of the public is raised. Consumers have more money to spend. This leads to increased consumption demands. Business raises its spending to produce more goods and services.

All this produces inflation.

Let me reiterate. It is federal fiscal policy that determines to a large extent whether we have inflation.

In early 1961, we were in the midst of a mild recession. The government decided on an expansionary fiscal policy to stimulate economic growth.

It started spending more to promote consumer demand and business investment.

Moreover, in March 1964, Congress enacted the $12 billion across-the-board reduction in corporate and individual income taxes. As proposed by the Kennedy-Johnson Administration, the argument was—and I believe it was valid at that time—that the tax cut would stimulate economic growth and eventually generate increased federal revenue.

The employment rate declined from 7 to 4.5 percent. Plant utilization increased from 75 per cent to 88 per cent. There was more private investment in new plants and equipment. The deficit for fiscal 1965 amounted to only $1.6 billion. Prices continued to be relatively stable.

The economy seemed to be producing the results we wanted.

But . . . it was at this time that the United States became very deeply involved in the war in Vietnam.

From that year forward, the deficit increased annually. In 1968, it reached $25.2 billion.

I recall more than 2½ years ago warning that the line must be drawn. I said at that time that we could not continue to maintain federal spending at a high level and fight a $30-billion-a-year war—without inviting more inflation or more taxes, or a combination of both.

Unfortunately, my position was a minority one. There seem to be a great many members of Congress who believe that if it is good to spend some money, then it must be better to spend more.

The chickens have come home to roost. We have the surtax. We have rampant inflation.

If we are going to reduce inflation, proper action must begin with the federal government. We cannot go on pursuing a policy of business and spending as usual, and expect to halt inflation.

All non-essential spending must be curtailed. Those programs that can be postponed must be postponed. Programs that need to be drastically reduced, such as foreign aid and overseas military commitments, must be reduced. New programs that can wait, must wait.

Every possible effort must be made to balance the budget and keep it balanced.

Appropriations for fiscal 1970 have been cut by $5.6 billion below that requested by the President. We had a $3.2 billion surplus in fiscal 1969. We expect another surplus in fiscal 1970.

These are encouraging signs. I hope this trend will continue.

We have had a buy now—pay later policy for far too long. The American people are paying through the nose.

They are fed up. I am fed up.

Agriculture is one segment of the American economy that suffers the most . . . not just from the state of the economy, but also from an inadequate farm program.

I was born and raised on a farm. I live on a farm by choice at the present time. Of all the things I have done in my life, I have gotten more genuine pleasure and satisfaction out of farming . . . and received the least money . . . than anything I ever undertook.

That is a fair portrayal of what is taking place today on the American farm.

We have seen throughout the Southeast and all across the nation little farms being plowed under year after year for more than 30 years.

People with few skills and little education have flocked to the cities, hoping for a bet

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ter life. There, many of them have become objects of welfare and created greater burdens and problems for the taxpayers.

I submit that it is far more expensive to try to subsidize refugee farmers and farm workers in metropolitan areas on welfare, than to use subsidies to try to keep farms in operation.

One of the greatest subsidies of all is the subsidy that rural areas contribute to urban areas.

First, it is a subsidy of brainpower. Most able young men and women in rural areas, when they finish high school or college, migrate to urban centers seeking better job opportunities.

Think of that cost. Rural counties educate those children, furnish police and health protection, and all the other services that local governments provide. Then when they reach maturity, off they go to the city.

So the first subsidy is the brain drain.

The second subsidy is this: The American farmer provides more food and fiber at less cost, in proportion to his income, than anywhere else on the face of the earth. Americans spend less of their take-home pay for food than citizens of any other major nation.

So the second subsidy are benefits enjoyed by the average American citizen at the expense of the average American farmer.

Most of the major farm programs expire this year. Time is of the essence. It is imperative the Congress pass a farm bill at the earliest possible opportunity.

I repeat. In all the nation, while every other sector of the economy increases its income, it is the American farmer who is kept standing still, or even pushed backward.

Farmers are living on capital heretofore accumulated. They are going more heavily into debt. They are paying more and getting less.

This is what faces the farmers today.

This could not be more true than in your own industry.

Cotton is at the cross roads. I am talking about all segments of the cotton industry: the cotton growers, the ginner, the crusher, the warehouse man, the merchant, the spinner, and the co-ops.

When we think of cotton, we need to go beyond the 1,300,000 people who live on cotton farms and the 5 million Americans who depend upon producing, marketing, and processing cotton and cotton seed for employment.

When we think of what is important to the cotton industry, we must also consider what is vital to citizens in every town, farm, and city throughout the nation.

Take, for example, the textile and apparel industry which employs $2\frac{1}{2}$ million people.

Think of agribusiness . . . machinery bought by the producer . . . chemicals and fertilizers utilized by the producer . . . transportation . . . and all the millions that are employed in those industries, and in many, many more.

In terms of the nation's fiscal affairs, consider cotton's contribution to the balance of payments.

This is how we need to think of cotton.

If cotton means so much to untold millions of American citizens and to the national economy, it is not only an industry worth saving, it is worth making it grow.

The federal government has got to make up its mind whether it wants cotton as part of the national economy. If it does, steps must be taken, not only to save the industry but to promote it.

In fact, agriculture and cotton have been made a scapegoat and even the villian. We need to balance the budget. We must assist the needy and alleviate poverty. We must direct attention and resources to critical urban problems.

But in so doing, we do not have to emasculate the farmer.

We desperately need to arrive at a sound and reasonable solution to this issue, especially as it affects cotton.

Cotton costs more to produce than it brings in the market place.

Therefore, the federal government is responsible for designing a cotton program that will accomplish two principal goals:

1. Produce cotton in necessary quantities.
2. Compensate the farmer for the loss he incurs between the cost of production and the market place.

The present law offers the best mechanism for doing this, with certain modifications. The present law, however, contains the provision for one-price cotton which must be retained.

Present law was written and put into effect when there was a surplus. Today there is a shortage of cotton.

We can, and I believe we should, rewrite the law to meet the changed situation. Right now, one of the big problems in cotton is to produce enough to meet domestic and export needs. In order to do this, we will have to have a payments program that will encourage farmers to produce needed quantities.

The government has been doing this for wool and sugar for years. Both wool and sugar are crops that require payments to promote production. Cotton is now in the same situation.

I think we need to offer the cotton farmer a cost adjustment payment. This would cover the difference between what it costs to produce cotton and what the farmer sells it for.

The Department of Agriculture has the facilities to accurately determine the cost of cotton production in the various states, regions, and on various sized farms. Thus, the cost adjustment payment could be equitable and variable.

The cost adjustment payment would be substantially less than the total subsidy paid under existing legislation.

Secondly, I suggest a supplemental income adjustment payment for cotton. Large producers have the ability to adjust their own incomes. But small and medium-size farms need more than just a cost adjustment payment . . . if they are to be encouraged to grow cotton. To encourage them, we must supplement their income.

What will the program I have proposed do?

It will permit farmers to produce cotton if they want to.

It will encourage them to do so.

I believe it will result in a cotton crop of the size we need. At the same time, it will provide some measure of economic equity and assistance to those farmers who need it the most.

In closing, one thing further: government and business must form a stronger alliance in imaginative and creative research . . . to create new markets for cotton . . . to find more uses . . . and to reduce the cost of production.

Cotton has been put on the defensive because there has not been adequate research. It can get back on the offensive . . . if the federal government, the National Cotton Council, the Cotton Producers Institute and other interested parties combine to launch an all-out effort.

When we have a more practical and benefical cotton program, when we reap the returns of creative research, then we will have a growing and vibrant cotton industry, instead of one fighting always for its very existence.

I pledge my full support to these efforts.

THE GENOCIDE CONVENTION—ADMINISTRATION ENDORSEMENT NEEDED

Mr. PROXMIRE. Mr. President, yesterday I quoted these words from President John F. Kennedy's inaugural address: "Unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world." That was in 1961.

Eight years later, President Richard Nixon spoke these words in his first state of the Union message to the Congress:

> The moment has arrived to harness the vast energies and abundance of this land to the creation of a new American experience, an experience richer and deeper and more truly a reflection of the goodness and grace of the human spirit. . . . How we seize the opportunities I have described today will determine not only our future, but the future of peace and freedom in this world in the last third of this century. May God give us the wisdom, the strength, and, above all, the idealism to be worthy of that challenge, so that America can fulfill its destiny of being the world's best hope for liberty, for opportunity, progress and peace for all peoples.

Without action on the part of the administration or of the Senate, these words mean nothing.

Secretary of State William P. Rogers and Attorney General John N. Mitchell have agreed that the Senate should be asked to ratify the United Nations convention outlawing genocide. The Departments of State and Justice now are awaiting approval by President Nixon before forwarding a request for action to the Committee on Foreign Relations.

It is true that how we seize the opportunities will determine not only our future, but the future of peace and freedom in this world in the last third of this century. One of these opportunities is before us. I strongly urge President Nixon to give his support and the power and influence of his office in behalf of the ratification of the Genocide Convention. I am hopeful that with the endorsement of the administration, the Senate will ratify the Genocide Convention immediately.

ANTIPESTICIDE ACTION BY MICHIGAN FRUITGROWERS

Mr. HART. Mr. President, many words are spoken in Congress and elsewhere about the need to preserve the environment. I am happy to be able to share with Senators an example of effective action by a group of Michigan growers. The Grand Traverse Fruit Growers Council and the Leelanau County Horticultural Society recently supported the deletion of the persistent pesticides DDT, Dieldrin, endrin, Lindane, DDD, and BHC—benzenehexachloride—from recommendations and use on all fruit crops in their area in northwest Michigan.

These fruitgrowers decided on this course of action even though it will raise the cost of their produce. Clearly, here is a group of producers, who, as responsible citizens, have recognized their obligation to the world around them. I warmly applaud this action and ask unanimous consent that the statement issued by Robert L. Underwood and Edwin Mawby on behalf of these two groups at Traverse City, Mich., January 21, 1970, be printed in the RECORD.

There being no objection, the state-

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ment was ordered to be printed in the Record, as follows:

Fruit Growers Urge Discontinued Use of Many Persistent Pesticides in Northwest Michigan

(By Robert L. Underwood and Edwin Mawby)

The Grand Traverse Fruit Grower's Council and the Leelanau County Horticultural Society have taken a position on the use of certain persistent pesticides.

Due to the continued development of newer chemicals which may, in time, be able to control the problem insects currently affecting fruit crops, growers support the deletion of the persistent pesticides DDT, Dieldrin, endrin, Lindane, DDD, and BHC (benbenehexachloride) from recommendations and use on all fruit crops in this area.

Fruit growers have decided on this course of action even though it will raise the cost of their produce. This group will also continue to support the development of safer, more effective ways of producing clean, wholesome and salable crops. These new efforts may be either in chemical control or in the development of more advanced biological techniques.

Fruit growers, always aware of the consumers needs for high quality insect-free fruit, but also concerned over any possible environmental pollution, are anxious to use less persistent methods even though this will result in higher costs.

The grower's long attachment to the natural beauty and environmental resources of this region and their interest as part of a concerned citizenry has prompted this action. Recognizing also the minor role played by pesticides in the total pollution picture the Council and Society urge rapid cleanup action on all sources of air, land and water pollution here and elsewhere.

This action is being taken through cooperation with the Michigan Department of Agriculture and Michigan State University School of Agriculture and Natural Resources.

TWENTY-SECOND ANNIVERSARY OF CEYLON'S INDEPENDENCE

Mr. MUSKIE. Mr. President, I wish to take note on the 22d anniversary of the independence of Ceylon. More than 2,000 years ago the Ceylonese had in their art, religion, and architecture produced works of the first magnitude for the record of human civilization. This rich cultural and religious consciousness is still central to the lives of Ceylonese today.

In the past 22 years, moreover, Ceylon's achievements in establishing its political institutions and furthering its economic growth deserve special commendation. Stable parliamentary rule, based upon universal adult suffrage, has existed for over a generation. Under the energetic leadership of Prime Minister Dudley Senanayake, Ceylon has also achieved noteworthy advances in its industrial and agricultural development.

On this day, therefore, I desire to wish for this historic and promising state a future of continued stability and accelerated economic progress.

THE 52D ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. SCOTT. Mr. President, this year, citizens of Baltic descent in the free world observe the 52d anniversary of the establishment of independence of the Baltic Republics. Lithuania, the largest and most populated of the three Baltic countries declared its independence on February 16, 1918. Estonia and Latvia made separate declarations later that year.

Today, I join the Lithuanian-Americans in my Commonwealth of Pennsylvania and those throughout the Nation, in their celebration. Unfortunately, the privilege is denied those who live in their native land now occupied by Communist Russia.

Lithuania is an ancient civilization, with roots reaching back to the second century. In modern times, it had thriving political, economic, and social record. But her life as a proud nation was snuffed out in 1940, along with the lives of many thousands of citizens, when the Soviet Union's troops took over.

The attempt to destroy national identity of Lithuania and the Baltic nations continues unceasingly. But Russians have learned that freedom is the most irrepressible and contagious of men's desires.

We in the free world, who have the liberty to speak, must give voice to those whose cries are muffled. We must not relax our pressure on the Soviet Union to make it live up to the charter and principles of the United Nations. We shall continue our support for the noble aspirations of all men and nations to freedom and self-determination.

WATER QUALITY STANDARDS

Mr. COOPER. Mr. President, today President Nixon issued an Executive order that will require all projects or installations owned by or leased to the Federal Government to be designed, operated, and maintained so as to conform with air and water quality standards—standards that have been and are being created pursuant to the Federal Water Pollution Act, as amended, and the Clean Air Act, as amended. This is another manifestation of the President's deep commitment to environmental quality most recently stated in his state of the Union message.

As ranking member of the Committee on Public Works, I have often heard the testimony of private citizens and corporations stating that they were being subjected to air and water control standards to which Federal agencies were exempt. This has been a difficult problem; one involving availability of appropriations, the Department of Defense activities, and is compounded by the complexity of coordination among Federal agencies. The President has taken a significant step in closing this obvious discrepancy in the achievement of air and water quality.

The Committee on Public Works is at present in conference on a bill, H.R. 4148 that, as it applies to water quality, will further strengthen the President's hand in dealing with this difficult problem of pollution abatement from Federal facilities. I applaud his efforts and ask unanimous consent that at the conclusion of these remarks the statement by the President announcing the Executive order and the text of the Executive order be inserted in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by the President

A wise man once told a friend, "What you do speaks so loudly, I cannot hear what you say." Because actions speak louder than words, I have today issued an executive order which will eliminate air and water pollution caused by Federal facilities.

Over the past several years, the Federal government has become one of the nation's worst polluters. Clearly, the Federal government cannot be an effective leader in the battle to save the environment so long as this intolerable situation continues.

The order I am issuing today will require that all projects or installations owned by or leased to the Federal government be designed, operated and maintained so as to conform with air and water quality standards—present and future—which are established under Federal legislation.

Specific performance requirements for each facility will be set by agency heads with the approval of the Secretary of Health, Education and Welfare in the case of air pollution controls and the Secretary of the Interior in the case of water pollution controls. All existing facilities must comply with this order by December 31, 1972. The order establishes a $359 million program for achieving this objective and prohibits the transfer of these funds to other programs. The order also requires that all facilities which are built in the future must be pollution free; budget requests for new facilities must include all necessary funds for pollution control.

Orders similar to this one have been issued in the past but their requirements have been ambiguously worded, poorly enforced, and generally ineffective: This order remedies the deficiencies of these earlier efforts: it sets precise standards, it provides for strict enforcement, and it guarantees that pollution control funds will not be diverted to other uses. The order also establishes procedures for operating pollution control facilities, handling materials which may cause air or water pollution, and eliminating pollution of ground waters.

The order I am issuing today represents another important step in our efforts to clean up the environment, one which takes advantage of the fact that Federal legislation already set quality standards for air and water. There are other Federal activities, of course, which affect the environment other important ways. I have asked the Environmental Quality Council to maintain surveillance over such activities and to recommend any further actions which may be needed.

Federal facilities are owned by all the people. This order will see to it that they are operated in the interests of all the people. As the Federal government considers and institutes further pollution abatement measures in the future, it can do so with the confidence that it has first moved to sweep its own doorstep clean.

Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857), the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), and the National Environmental Policy Act of 1969 (Public Law 91-190, approved January 1, 1970), it is ordered as follows:

Section 1. *Policy*. It is the intent of this order that the Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

Sec. 2. *Definitions*. As used in this order:

(a) The term "respective Secretary" shall mean the Secretary of Health, Education, and Welfare in matters pertaining to air pollution control and the Secretary of the In-

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terior in matters pertaining to water pollution control.

(b) The term "agencies" shall mean the departments, agencies, and establishments of the executive branch.

(c) The term "facilities" shall mean the buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured for the purpose of leasing to the Federal Government.

(d) The term "air and water quality standards" shall mean respectively the quality standards and related plans of implementation, including emission standards, adopted pursuant to the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended, or as prescribed pursuant to section 4(b) of this order.

(e) The term "performance specifications" shall mean permissible limits of emissions, discharges, or other values applicable to a particular Federal facility that would, as a minimum, provide for conformance with air and water quality standards as defined herein.

(f) The term "United States" shall mean the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 3. *Responsibilities.* (a) Heads of agencies shall, with regard to all facilities under their jurisdiction:

(1) Maintain review and surveillance to ensure that the standards set forth in section 4 of this order are met on a continuing basis.

(2) Direct particular attention to identifying potential air and water quality problems associated with the use and production of new materials and make provisions for their prevention and control.

(3) Consult with the respective Secretary concerning the best techniques and methods available for the protection and enhancement of air and water quality.

(4) Develop and publish procedures, within six months of the date of this order, to ensure that the facilities under their jurisdiction are in conformity with this order. In the preparation of such procedures there shall be timely and appropriate consultation with the respective Secretary.

(b) The respective Secretary shall provide leadership in implementing this order, including the provision of technical advice and assistance to the heads of agencies in connection with their duties and responsibilities under this order.

(c) The Council on Environmental Quality shall maintain continuing review of the implementation of this order and shall, from time to time, report to the President thereon.

SEC. 4. *Standards.* (a) Heads of agencies shall ensure that all facilities under their jurisdictions are designed, operated, and maintained so as to meet the following requirements:

(1) Facilities shall conform to air and water quality standards as defined in section 2(d) of this order. In those cases where no such air or water quality standards are in force for a particular geographical area, Federal facilities in that area shall conform to the standards established pursuant to subsection (b) of this section. Federal facilities shall also conform to the performance specifications provided for in this order.

(2) Actions shall be taken to avoid or minimize wastes created through the complete cycle of operations of each facility.

(3) The use of municipal or regional waste collection or disposal systems shall be the preferred method of disposal of wastes from Federal facilities. Whenever use of such a system is not feasible or appropriate, the heads of agencies concerned shall take necessary measures for the satisfactory disposal of such wastes, including:

(A) When appropriate, the installation and operation of their own waste treatment and disposal facilities in a manner consistent with this section.

(B) The provision of trained manpower, laboratory and other supporting facilities as appropriate to meet the requirements of this section.

(C) The establishment of requirements that operators of Federal pollution control facilities meet levels of proficiency consistent with the operator certification requirements of the State in which the facility is located. In the absence of such State requirements the respective Secretary may issue guidelines, pertaining to operator qualifications and performance, for the use of heads of agencies.

(4) The use, storage, and handling of all materials, including but not limited to, solid fuels, ashes, petroleum products, and other chemical and biological agents, shall be carried out so as to avoid or minimize the possibilities for water and air pollution. When appropriate, preventive measures shall be taken to entrap spillage or discharge or otherwise to prevent accidental pollution. Each agency, in consultation with the respective Secretary, shall establish appropriate emergency plans and procedures for dealing with accidental pollution.

(5) No waste shall be disposed of or discharged in such a manner as could result in the pollution of ground water which would endanger the health or welfare of the public.

(6) Discharges of radioactivity shall be in accordance with the applicable rules, regulations, or requirements of the Atomic Energy Commission and with the policies and guidance of the Federal Radiation Council as published in the Federal Register.

(b) In those cases where there are no air or water quality standards as defined in section 2(d) of this order in force for a particular geographic area or in those cases where more stringent requirements are deemed advisable for Federal facilities, the respective Secretary, in consultation with appropriate Federal, State, interstate, and local agencies, may issue regulations establishing air or water quality standards for the purpose of this order, including related schedules for implementation.

(c) The heads of agencies, in consultation with the respective Secretary, may from time to time identify facilities or uses thereof which are to be exempted, including temporary relief, from provisions of this order in the interest of national security or in extraordinary cases where it is in the national interest. Such exemptions shall be reviewed periodically by the respective Secretary and the heads of the agencies concerned. A report on exemptions granted shall be submitted to the Council on Environmental Quality periodically.

SEC. 5. *Procedures for abatement of air and water pollution at existing Federal facilities.* (a) Actions necessary to meet the requirements of subsections (a)(1) and (b) of section 4 of this order pertaining to air and water pollution at existing facilities are to be completed or under way no later than December 31, 1972. In cases where an enforcement conference called pursuant to law or air and water quality standards require earlier actions, the earlier date shall be applicable.

(b) In order to ensure full compliance with the requirements of section 5(a) and to facilitate budgeting for necessary corrective and preventive measures, heads of agencies shall present to the Director of the Bureau of the Budget by June 30, 1970, a plan to provide for such improvements as may be necessary to meet the required date. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility to meet the requirements of subsections ((a)(1) and (b)) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements, he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) As may be found necessary, heads of agencies may submit requests to the Director of the Bureau of the Budget for extensions of time for a project beyond the time specified in section 5(a). The Director, in consultation with the respective Secretary, may approve such request if the Director deems that such project is not technically feasible or immediately necessary to meet the requirements of subsections 4 (a) and (b). Full justification as to the extraordinary circumstances necessitating any such extension shall be required.

(e) Heads of agencies shall not use for any other purpose any of the amounts appropriated and apportioned for corrective and preventive measures necessary to meet the requirements of subsection (a) for the fiscal year ending June 30, 1971, and for any subsequent fiscal year.

SEC. 6. *Procedures for new Federal facilities.* (a) Heads of agencies shall ensure that the requirements of section 4 of this order are considered at the earliest possible stage of planning for new facilities.

(b) A request for funds to defray the cost of designing and constructing new facilities in the United States shall be included in the annual budget estimates of an agency only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility will meet the requirements of section 4 of this order.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility when action is necessary to meet the requirements of subsections 4(a)(1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) Heads of agencies shall give due consideration to the quality of air and water resources when facilities are constructed or operated outside the United States.

SEC. 7. *Procedures for Federal water resources projects.* (a) All water resources projects of the Departments of Agriculture, the Interior, and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall be consistent with the requirements of section 4 of this order. In addition, all such projects shall be presented for the consideration of the Secretary of the Interior at the earliest feasible stage if they involve proposals or recommendations with respect to the authorization or construction of any Federal water resources project in the United States. The Secretary of the Interior shall review plans and supporting data for all such projects relating to water quality, and shall prepare a report to the head of the responsible agency describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary in connection with the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany at the earliest practicable stage any report proposing authorization or construction, or a request for funding, of such a water resource project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the agency concerned may propose authorization, construction, or funding of the project without such an accompanying report. In such

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a case, the head of the agency concerned shall explicitly state in his request or report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

SEC. 8. *Saving provisions.* Except to the extent that they are inconsistent with this order, all outstanding rules, regulations, orders, delegations, or other forms of administrative action issued, made, or otherwise taken under the orders superseded by section 9 hereof or relating to the subject of this order shall remain in full force and effect until amended, modified, or terminated by proper authority.

SEC. 9. *Orders superseded.* Executive Order No. 11282 of May 26, 1966, and Executive Order No. 11288 of July 2, 1966, are hereby superseded.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1970.*

Mr. BOGGS. Mr. President, I echo the words of the distinguished Senator from Kentucky (Mr. COOPER) and commend President Nixon on his issuance of the Executive order on prevention, control, and abatement of air and water pollution at Federal facilities.

This order represents a necessary step forward. It has long been my belief that the Federal Government can only provide leadership in the enhancement of the environment when the Government first cleans up its own house. The order also establishes a $359 million fund to achieve the objective of pollution control from Federal facilities.

As the President states:

> Over the past several years, the Federal Government has become one of the nation's worst polluters. Clearly, the Federal Government can not be an effective leader in the battle to save the environment so long as this intolerable situation continues.

This Executive order charters the way to assure that the Federal Government will meet its responsibilities in the vital field of pollution control. I commend the President for making this decision.

INDIAN WATER RIGHTS

Mr. KENNEDY. Mr. President, last month the Joint Economic Committee released a compendium of papers on "Economic Development of Indian Communities." The compendium contains numerous useful and challenging, as well as informative, studies on many aspects of economic development: tax incentives, Federal programs, employment and income date, trust funds, and water rights, to name a few. This compendium should become a standard reference work in the office of every Senator and Congressman—indeed every citizen—interested in Indian affairs.

The newspaper articles on the compendium, appearing on Sunday, all focus on one particular and most important paper: William H. Veeder's "Federal Encroachment on Indian Water Rights and the Impairment of Reservation Development." I ask unanimous consent that the articles, appearing in the Washington Post, the Washington Star, and the New York Times, be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 18, 1970]

FEDERAL EXPERT SAYS BUREAUCRATIC CONFLICTS IN CABINET AGENCIES ARE DEPRIVING INDIANS OF WATER RIGHTS

(By Neil Sheehan)

WASHINGTON, January 17.—An Interior Department expert on Indian water resources has accused his department and the Justice Department of depriving Indians of the water rights the departments are pledged to protect.

William H. Veeder, the water resources specialist of the Bureau of Indian Affairs, charged that the historic encroachment of the white man on the Indian's water resources was continuing because of "outrageous" conflicts of interest within the two departments.

Mr. Veeder made the accusations in a laboriously documented report included in a two-volume series on the economic plight of the American Indian. The series was published today by the Senate-House Joint Subcommittee on Economy in Government, headed by Senator William Proxmire, Democrat of Wisconsin.

In effect, Mr. Veeder wrote, the Government has stolen the water rights from the Indians, causing irreparable damage" to the American Indians in the western United States by severely hampering the economic development of the reservations."

Water resources are a prerequisite for economic development of the majority of the Indian reservations because they are situated in the arid and semi-arid regions of the West and Southwest.

TWO RESPONSIBILITIES

The basic conflict, Mr. Veeder explained, arises from the fact that, while the Interior and Justice Departments are required by law to safeguard Indian property rights in land and water, they are also responsible for administering the nation's public lands and streams for the benefit fo the white majority.

Although Indian interests are supposed to be treated as separate and private property, they are in practice handled as public land and water resources, he said.

Mr. Veeder recommended the establishment by Congress of an independent agency, divorced from the Interior and Justice Departments, to protect and safeguard Indian land and water rights in order to rectify what he called "the unconscionable course of conduct" by the Federal Government toward the Indians.

Unless an independent agency is created, he warned, "economic development of the American Indian reservations in the western United States will continue to be prevented or severely curtailed."

As an example of the present problem, Mr. Veeder wrote, the Bureau of Indian Affairs, charged with protecting the Indians, is outweighed in the bureaucratic infighting by other interior agencies, such as the Bureau of Reclamation, whose objective is to expropriate Indian water resources for the white man's use. The Bureau of Reclamation is responsible for irrigation and hydroelectric development.

These agencies, oriented to the white man, are invariably backed by "powerful political forces"—the Congressmen and Governors of the Western states and the lobbyists for ranching and hydroelectric interests, Mr. Veeder continued.

Mr. Veeder is considered probably the foremost expert within the Government on the complex subject of the Indian's rights to use the water of rivers, streams and lakes that lie within or that directly border on their reservations. His agency, the Bureau of Indian Affairs, is an arm of the Interior Department.

Speaking of the conflict within the Interior Department, Mr. Veeder wrote.

"Practical politics—the life-blood of the Bureau of Reclamation—are daily confronted with good conscience and the need to fulfill the trust and responsibility to the Indians. Erosion of Indian title to rights to the use of water is the consequence."

Before joining the Bureau on Indian Affairs in 1965, Mr. Veeder said in a telephone interview, he worked for 20 years in the Department of Justice as an attorney dealing mainly with Indian land and water rights.

He said that a situation identical to that in the Interior Department existed in the Justice Department, where, he said, attorneys who supposedly take court action to protect Indian rights to land and water are overwhelmed by others whose objective is to take these away from white interests.

The over-all result, he wrote, is that despite pious statements to the contrary, the main thrust of Federal policy remains, as it has been historically, the gradual and steady expropriation of Indian land and water resources for the use of * * *.

The amount of land held by Indian reservations shrunk from roughly 130 million acres in 1890 to 50 million acres as of 1968.

Mr. Veeder cited as the most glaring current example of this policy the progressive destruction by the Bureau of Reclamation of Pyramid Lake.

The lake, a remnant of a prehistoric inland sea 30 miles south of Reno, Nev., lies entirely within the reservation of the Northern Paiutes.

"The history of Pyramid Lake is a reflection of the callous disregard of Indian property, their rights and interest," he wrote, adding: "More over, it is a prime example of the disdain of unchecked political power exercised against a woefully weak minority deprived of any means of preserving the most elemental features of human dignity."

Pyramid Lake is larger than the well-known Lake Tahoe, but its level has declined 82 feet since 1902, when Congress authorized the Bureau of Reclamation to drain off water from the Truckee River, the lake's sole source, for irrigation of the Newlands Reclamation Project. Trout, once the Paiutes' chief means of livelihood, can no longer spawn.

Interior's Bureau of Outdoor Recreation has estimated that if Pyramid Lake were developed for recreation it could bring in an income of $202.3 million by the turn of the century and lift the Paiutes from dire poverty into prosperity.

Instead, Mr. Veeder wrote, the Bureau of Reclamation is destroying the lake by preparing to drain off more water from the Truckee for the new Washoe Reclamation Project.

[From the Washington (D.C.) Post, Jan. 18, 1970]

INDIAN BUREAU LAWYER SAYS TRIBES ARE POORLY REPRESENTED

(By William Greider)

Government lawyers in the Justice and Interior Departments are like a law firm that serves clients on both sides of a case when they represent Indian tribes in legal fights over water rights.

The accusation was made yesterday by William H. Veeder, a lawyer who works in Interior's Bureau of Indian Affairs. Veeder, a water conservation specialist, called the situation an "irreconcilable conflict which could never prevail in a private law office."

COMPENDIUM PUBLISHED

The result, Veeder asserted, is an "uneven struggle" that has cost Indian tribes valuable water rights needed for development in arid western states.

His charge is contained in a compendium of papers by experts on Indian economic development, published yesterday by the Joint Economic Committee on Congress. The committee noted that Veeder's views are his own, not the Interior Department's.

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Veeder said that Interior's Solicitors Office and the Justice Department's Lands Division are caught in a conflict because they represent government agencies such as the Bureau of Reclamation in litigation affecting Indian rights. The division of Justice, while representing Indians in water cases, also represents the United States government against the Indians in cases before the Indian Claims Commission and the U.S. Court of Claims.

Veeder's contention is that government attorneys have failed to pursue untested legal claims of the western tribes that would yield substantial water rights on western rivers. He urged that a separate agency be created to handle the job of representing the tribes and the responsibility taken away from Justice and Interior lawyers.

The Joint Economic Committee assembled papers on subjects ranging from job-training programs to development of natural resources as a guide to future policy for development of Indian reservations. But the committee has no plans to proceed with hearings on the problems.

STAFF MEMBER DISMISSED

Frazier Kellogg, the staff member who compiled the study, has been dismissed and his introductory paper for the two volumes was not printed with the other reports.

Kellogg's paper, like many of the others, attributed the lack of economic development for Indians to competing economic interests that are non-Indian and exploit the reservations' resources.

The compendium includes proposals for future economic growth on Indian reservations and some harsh comments on the existing programs. A study by economist Alan L. Sorkin noted that in 10 years of government efforts to bring industry to reservations fewer than 4,000 new jobs have been created for Indians—only 3 per cent of the labor force on reservations where unemployment averages nearly 40 per cent.

On the issue of defending Indian legal rights, Veeder noted that the Interior Solicitor's Office represents the Bureau of Indian Affairs, which supervises the Indian lands held in trust, the Reclamation Bureau, which develops dams and irrigation projects, the Bureau of Land Management, which oversees the vast federal holdings, and other Interior bureaus that sometimes have conflicting objectives.

In the competing roles of the Justice Department lawyers, Veeder asserted, department lawyers "have actually been engaged in preparing to defend against claims asserted by the Indians simultaneously with another group of attorneys in the same division preparing to try suits to protect those Indian rights. As a consequence, the attorneys acting on behalf of the fiduciary are confronted in the same office with the attorneys defending against the claims, thus presenting the irreconcilable conflict which could never prevail in a private law office."

CONTROVERSY IN NEVADA

The BIA official cited more than a half-dozen recent cases in which he said the Indian position suffered from the conflicting roles.

The most celebrated is the Pyramid Lake controversy in Nevada in which reclamation officials hope to divert more water from the Truckee River for irrigation, thus threatening the future of the lake, the only source of income for the Paiute tribe there.

In the long controversy over the Truckee reclamation project, Veeder said, Interior lawyers have failed to assert the tribe's historic legal rights, which would give it priority over other proposed uses for the water.

"Practical politics, the life-blood of the Bureau of Reclamation, is daily confronted with good conscience and the need to fulfill the trust responsibility to the Indians," Veeder wrote. "Erosion of Indian title to rights to the use of water is the consequence."

[From the Washington (D.C.) Sunday Star, Jan. 18, 1970]

UNITED STATES VIOLATING INDIAN'S RIGHTS, FEDERAL SPECIALIST CHARGES

(By Robert Walters)

An Interior Department conservation specialist has charged that "conflicting interests, responsibilities and obligations" within both his agency and the Justice Department have resulted in the illegal denial of Supreme Court-guaranteed water rights to many Indian tribes.

Because of those conflicts, the Indians have suffered "irreparable damage," said William H. Veeder. He specifically cited "malnutrition, high infant mortality rate, reduced life expectancy, disease and the shattering loss of human dignity."

Veeder, a water conservation and utilization specialist with Interior's Bureau of Indian Affairs, formerly worked in the Justice Department's Lands Division and is regarded as one of the government's foremost authorities in the highly specialized field of water rights.

His views were published in a compendium of papers on Indian problems, entitled "Toward Economic Development for Native American Communities." The two-volume collection of 31 papers was released yesterday by the House-Senate Joint Economic Committee.

CLEARED BY DEPARTMENT

Veeder's paper on "Federal Encroachment on Indian Water Rights and the Impairment of Reservation Development" represents a rare instance of a federal official publicly criticizing—and challenging the legality of—past actions taken by two government departments.

Although the paper includes a footnote saying that the analysis and conclusions "do not necessarily represent the position of the Bureau of Indian Affairs or the Department of the Interior," it was submitted to and cleared by department officials.

Those officials later sought to have the Veeder paper returned by the congressional committee and replaced with a less forceful document prior to publication of the compendium, but their request was turned down by members of the committee staff.

Experts in the field of Indian affairs in both the legislative and executive branches of government regard Veeder's lengthy analysis, buttressed by more than 100 legal citations, as a major new contribution to the literature on the problems facing the country's Indians.

FORT BELKNAP CASE

Veeder's analysis relies heavily on a case decided in favor of the Indians by the U.S. Court of Appeals for the 9th Circuit in 1906 and by the Supreme Court in 1907. It involved a water-rights dispute on the Fort Belknap Indian Reservation in Montana.

An 1888 agreement limited the Indians to a small semiarid tract which could be made habitable only through irrigation, using water from the Milk River, whose center was the reservation's north boundary.

In 1889, non-Indians constructed a series of dams and other water-diversion projects on the river, impairing the Indians' irrigation facilities. Both federal courts held that the Indians had made the initial land grant to the United States, not the other way around.

The two courts also ruled that the Indians had a clear right to utilize water from the river to make their land habitable, even though water rights were not specifically defined in the land transfer agreements.

RIGHTS BEING ERODED

But despite that ruling and numerous later court decisions reaffirming the rights of Indians living in arid and semiarid areas of the West to access to water to make their land habitable, the Interior and Justice Departments have allowed "abridgement or loss of Indian rights to the use of water," said Veeder.

"As a consequence of the actual practice, as distinguished from legal niceties, the American Indians' rights to water are being rapidly eroded away," Veeder added.

He said that without access to the needed water, "the reservations are virtually uninhabitable, the soil remains untilled, the minerals remain in place and poverty is pervasive."

The conflict within the Interior Department, said Veeder, stems from the fact that "the chief competitor with the Indians for that insufficient supply" of water is Interior's Bureau of Reclamation.

SAME LEGAL COUNSEL

"Politically oriented and powerfully backed, the Bureau of Reclamation has taken and continues to take from the American Indians throughout western United States rights to the use of water for the projects which it builds," Veeder added.

Both the Bureau of Indian Affairs and the Bureau of Reclamation are represented by the same legal counsel—the Interior Department's solicitor's office. According to Veeder, a conflict between the two usually results in a victory for the Reclamation officials because of their far greater political influence.

"In their struggle to protect the last vestige of their heritage in the streams of western United States states, the American Indians are confronted with a coalescence of forces far beyond the control of those who are charged with the legal responsibilities for protecting their interests," said Veeder.

"It is not an overstatement to declare that the (Interior Department) solicitor's representatives are frequently professional victims of a system ill-suited to protect much less advocate, the Indian interests," he added.

CONFLICTS CITED

The Justice Department's Lands Division faces conflicts which are "similar—sometimes more severe," Veeder said. He described the following situation:

"Charged with the obligation of prosecuting suits to protect and have Indian rights declared, that agency is likewise charged with the obligation of representing the United States when Indians seek restitution for seizure of their rights by other agencies of the government.

"Thus, attorneys in the Department of Justice have acutally been engaged in preparing to defend against claims asserted by the Indians simultaneously with another group of attorneys in the same division preparing to try suits to defend those rights . . . thus presenting an irreconcilable conflict which could never prevail in a private law office."

The best known of the currently pending water rights disputes involves Pyramid Lake, on the California-Nevada border, but there are similar legal battles in the Colorado and Missouri River basins and in the Northwest and Southwest.

Mr. KENNEDY. Mr. President, Mr. Veeder and others have written about Indian rights to the use of water before, usually in law reviews with limited and somewhat local circulation. But this is the first time that the conflicts of interest within the Government have been so thoroughly documented and the wide range of issues so completely cataloged. As Mr. Veeder observes, the Indians are not protected in relation to the interests represented by the Bureaus of Land Management, Outdoor Recreation, and Reclamation. Yet, they must rely on the same lawyers, in the Interior Department's Solicitor's Office, as the other Bureaus representing competing interests. And so far the Pyramid Lake

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Paiutes, Crow, Yakima, Pala Rincon, Navajo, Fort Mohave, Pueblo, Fort Berthold, and other reservations have learned the implications of this situation the hard way.

Water is crucial to economic development of Indian communities, who find themselves in the context of strong competing interests for scarce water. As Mr. Veeder's paper documents, they have usually turned out to be the loser. Yet the Interior Department has the sacred trust responsibility to insure that this does not happen.

A number of proposals advanced throughout the years would elevate the Commissioner of Indian Affairs to the Assistant Secretary level or would remove the Indian Bureau from the Interior Department completely. In light of the final reports of the Indian Education Subcommittee, published last November and Mr. Veeder's paper, these proposals must be faced squarely. But even without organic changes in the Federal Indian structure, procedures should be developed immediately to provide greater protection of Indian rights and to assure Indian knowledge of and participation in governmental decisionmaking affecting them.

The Joint Economic Committee compendium shows clearly the challenge that Congress, the Executive, and the private sector face in meshing economic progress in Indian communities with self-determination. This is no mean challenge, and it will take more than good intentions to meet it.

HOUSING NEEDS AND TIMBER SUPPLY

Mr. HATFIELD. Mr. President, it has been my privilege on several occasions to discuss the problems of Oregon's timber industry on this floor. I know that my colleagues have expressed their concern about meeting our Nation's housing goals. My purpose today is to again reemphasize the relationship between our Nation's timber supply and our Nation's housing needs.

I am pleased to note an article in the current issue of the New Republic, dated February 7, 1970, which describes in some detail the need for a better job of managing our national forests. Mr. Rogers, the author of the article, outlines the financial needs to salvage the down and diseased timber in our existing forests which would in itself almost double our present cut with no damage to our timber stocks. He, indeed, pinpoints the acute need for enactment of the National Forest Timber Conservation and Management Act which will provide the Forest Service with the funds needed to do an adequate job of managing. We are only halfway meeting our stated housing goals. Congress and the administration can do no less than to make it possible and practical for each and every citizen to be decently housed. Mr. President, I ask unanimous consent that Mr. Roger's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Timber

A bill now in Congress called the Timber Supply Act has created a flurry of concern in conservation circles over exploitation ("Raiding the Forests," Michael McClosky, *NR*, Dec. 13, 1969). In my judgment what we ought to be more concerned about is the conservatism of our forest policies. In northern California there are peaks, between the inland highway and the coast 150 miles west, that are over 10,000 feet high and that almost no one has ever seen. In Oregon there is a stretch of timber between the McKenzie highway and Willamette Pass that is about 60 miles long and some 30 to 40 miles wide without a sign of a road. If we could get into these areas, we could have small crews with light equipment salvage the dead and down timber and keep alive lumber mills that otherwise will have to shut down. But Mr. McCloskey and the Sierra Club make any such venture sound sinful.

Mr. McCloskey says the premises of increased cutting of timber are faulty on every count. Just how does he spirit away the better than 100 billion feet of dead and down timber that will be lost if an extended road system is delayed? How does he spirit away the maybe 10 or 15 billion feet lost each year to natural disasters? In 1958, Senator Morse fought to get roads into the Mt. St. Helens area in Oregon, to no avail. Some three billion feet of old growth silver fir were killed by bugs and rotted away as a result.

Many West Coast communities lack the money to activate more intensive forest management. The Timber Supply Act is designed to provide those additional funds, from timber sales of National Forests.

For many years the men in the Forest Service have had to do things they did not want to do, because of limited funding. Only by a sort of quasi-legal skullduggery have they managed as well as they have. The Forest Service has been selling timber partly on a barter basis; it has given the logger the chance to build a bridge, or a few miles of logging road as part payment for timber, with the rest in cash. This may mean little to people far from forests, but only by such means have the timber managers been able to push logging roads into the high ridges; timber of low value has been logged, instead of the much more valuable timber from the bottomlands. We still have some fine stands of timber in the western mountains, much of it now unreachable, and it is this high quality timber that can pay the high wage scales needed to keep the timber industry alive. Yet this sort of bartering has its limits. To the best of my knowledge the Forest Service has done all that it can with such arrangements, and we are losing mills right along.

The problems of the mills and the National Forests are many, but too few dollars for timber management is at the heart of most of them. With larger funds available, through regulated sale of timber from the national forests, the Forest Service could in short order put in a comprehensive network of logging roads, opening up to salvage logging many billions of feet of dead and down timber in the western mountains. There are many sections of back country with no roads, particularly in California, Oregon, Washington and Idaho. I am told that at the rate we are now going, it will be more than 40 years before a complete network of roads will be built, and that in Oregon alone there are some 40 billion feet of dead and down timber that will be lost if road construction waits on the normal pattern of development. This timber is old growth largely; it is of far more value than a similar stand of live young timber.

Since most of the timber in the western mountains is in very heavy stands, new roads will be paid for largely by the sale of timber on the right of way alone. In the event of natural disasters (wind storms, fires or disease), the timber lost could be rapidly salvaged.

In Oregon again, some ten million acres of national forests have new stands of second growth, some of which can be thinned of larger trees, thus permitting smaller, otherwise stunted trees to spring to life. It is estimated that as much timber can be obtained from such cuttings (that is from dead and down trees, disasters and thinnings) as is being harvested in all of Oregon at present. It would increase the present cut of some eight billion feet to 16 billion, without a tree being planted and with no damage to timber stocks.

This program is entirely separate from replanting millions of acres of old, burned areas which are not coming back to timber. We could do that too. There are a great many jobless young men in our cities, yet there is work to be done. In the Job Corps camps, some few thousand have been doing it, in forestry camps. But that program has now been cut back. There is an almost unlimited need for the work such men can do—and not just in the West. The main source of growth potential is in the hundred million acres of forest land east of the Mississippi and north of the Ohio.

The 1958 Timber Resource Review of the Forest Service forecast a timber need in the year 2000 of twice that being cut in the 1950s. The report saw an increasing growth over cut until the year 1985, and then a marked increase of cut over growth for the future—unless policies are radically changed.

Wilderness lovers are alarmed at the thought of an invasion by bulldozers. The alarm seems to be unwarranted. Many areas of wilderness that are now totally inaccessible can be made usable by extending our roads. We have in the Columbia gorge area, miles of high cliffs and peaks which no one is able to get near. They are set aside as recreational lands, partly for the highly unusual scenery, and partly because the roughness of the scenic country does not lend itself to commercial forestry. What few trails were created by the CCC boys have long since grown over. It is an old wilderness that can be brought to people only by a timber access road system behind the gorge. If we do no more than we are doing, we shall go on losing that timber that can't be reached, while at the same time lumber prices will reach new and unhealthy heights, limiting the building of homes that we need and running up welfare costs that we don't need.

CARSWELL'S WARTIME FRIEND SPEAKS OUT IN HIS BEHALF

Mr. GURNEY. Mr. President, Representative Bradford Morse, of Massachusetts, brought to my attention today a letter he received from one of his constituents concerning Judge Carswell. The letterwriter, Mr. Allen L. Levine of Lowell, Mass., served with Judge Carswell in the Pacific during World War II aboard the U.S.S. *Baltimore*. Carswell and Levine served together for more than 2 years and knew one another at close hand in combat situations and at times of leisure. Here is how Mr. Levine describes Carswell's racial attitude:

> During all that time, I never heard George—Carswell—utter any point of view that could be described as racist or illiberal. His attitude was a truly humanistic and liberal one in that he reacted to people as individuals and not as stereotypes.

I think this is a very significant and valuable insight into Judge Carswell's personal philosophy. Mr. Levine speaks

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as a man who knew Carswell in times of stress, in times of relaxation and respite from combat. The two men were bunkmates on the cruiser for a year and in Levine's words they talked and shared their views on "everything under the sun." This makes Mr. Levine's assessment all the more creditable. I have the permission of Representative Morse and Mr. Allen Levine to make Mr. Levine's letter public and I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

January 24, 1970.

Hon. F. Bradford Morse,
House of Representatives,
Washington, D.C.

Dear Brad: Although I realize that you will not be called upon to vote on the confirmation of Judge G. Harrold Carswell, I am writing to you to share information which may be of some interest to those who will be required to decide how to vote on the matter.

You have no doubt read that Judge Carswell served in the United States Navy during World War II. He and I reported for duty aboard the U.S.S. *Baltimore* early in 1943 at the Fore River Works in Quincy, Mass. We were both newly-commissioned ensigns, and we were put in the junior officers bunkroom together with about twenty other civilians in uniform.

The *Baltimore* shook down in the Caribbean, then went to the Pacific and operated as part of the fast carrier striking force screen, participating in all the invasions of the Central Pacific campaign—Gilberts, Marshalls, Saipan, Guam, Iwo, Philippines, Okinawa—interrupted only by a return to the West Coast in August, 1944 to pick up President Roosevelt and take him to Pearl Harbor to meet with General MacArthur and Admiral Nimitz.

George Carswell and I were aboard all during that period, until he was detached in February, 1945, to attend staff school, and I was aboard until May, 1945, when I was ordered to Japanese Language School. We were promoted to junior grade lieutenants and moved out of the J.O. bunkroom and into a cabin for two officers, where we were roommates for about a year. We had a chance to learn each other's views during a period when we were both under a good deal of combat-generated emotional pressure. I think that under such circumstances a lot of basic human values become evident, and during that year we talked about everything under the sun—education, politics, philosophy, sex, history, movies and anything else that came to mind.

During all that time, I never heard George utter any point of view that could be described as racist or illiberal. His attitude was a truly humanistic and liberal one in that he reacted to people as individuals and not as stereotypes. This was especially apparent in his behavior toward black sailors. At that time Navy policy was segregationist, and black sailors could only serve in the wardroom mess as steward's mates. There were other officers of Southern origin who were outspokenly antagonistic to the steward's mates for racial reasons, but George Carswell was always pleasant and considerate to all. Our Gunnery Officer, Comdr. Truesdell, felt that the steward's mates ought to be given the opportunity to serve in a more meaningful capacity, and saw to it that their station at general quarters was to man a battery of 20 millimeter anti-aircraft guns. While other officers questioned the desirability of this, George Carswell was enthusiastically in favor of it.

I remember that once during a shore excursion in the forward area George and I together encountered for the first time a black petty officer, evidence that at long last the Navy was beginning to move away from its segregationist policies, and George could see the wisdom of that too.

In view of the attacks on Judge Carswell's legal philosophy by civil libertarians, and especially in view of the pro-segregationist views expressed in his campaign for election to the state house of representatives from a rural constituency in Georgia in 1948, which he recently has firmly and, I am convinced, sincerely repudiated, I am sure that members of the Senate must be subject to pressure to vote against his confirmation to the Supreme Court. At the same time I am sure that the Administration would welcome an expression of regularity and support by an affirmative vote.

My own position is this: I have no axe to grind for or against whatever position Senators may take, but I hope that you may find useful the opinion of a concerned constituent who happens to have had some extended personal contact with Judge Carswell. My opinion is that Judge Carswell was not and is not a racist or a bigot. He is a warm, friendly, outgoing person, extremely intelligent, and about as liberal as the Southern milieu into which he was born could produce at that time. I have no fear of his subverting past actions and decisions of the Court should his appointment be confirmed. While I do not think that his elevation to the Court would warrant the probability of his development into a liberal of the Hugo Black variety, neither do I believe that we should fear the emergence of a modern Roger B. Taney. Out of personal knowledge and affection for George Carswell as I knew him during the war, I am happy to be able to give some justification for a favorable consideration of his appointment.

Sincerely yours,

Allan L. Levine,
Executive Vice President, Towers Motor Parts Corp.
Lowell, Mass.

NEWS MEDIA AND VIOLENCE

Mr. HRUSKA. Mr. President, over the past several months we have heard a great deal about the relationship and influence of the news media on public attitudes. The Vice President explored the matter in two speeches last year, and it has been the subject of a considerable debate and soul searching in the media itself. The awesome power of the projected picture and the printed word in a society with almost total access to the media is properly a subject of concern for all of us.

A significant contribution to this important dialog was made by Dr. W. Walter Menninger, of the Menninger Foundation in Topeka, Kans., speaking to the members of the National Press Club in Washington this afternoon. Dr. Menninger's special concern in that address was with the news media and violence, a subject he is uniquely qualified to discuss.

He was the only psychiatrist on the 13-member National Commission on the Causes and Prevention of Violence, where I was honored to serve with him. The Commission's findings were reported in December 1969.

In addition to serving as a staff psychiatrist at the Menninger Foundation, of which he is a cofounder, the doctor is a consultant to the Topeka Police Department and a lecturer in the department of preventive psychiatry.

He served as the chief medical officer and psychiatrist at the Federal Reformatory in El Reno, Okla., and in 1965 was a member of the advisory panel on correctional programs of the Office of Law Enforcement Assistance. He now serves on the Governor's council on the Kansas penal system, is a trustee for Volunteers in Probation, Inc., and is senior psychiatric consultant to the Peace Corps. In 1967 he was appointed to a 4-year term on the National Advisory Health Council, and has served as a consultant to a wide variety of governmental and other activities.

Dr. Menninger has contributed extensively to the professional literature on violence and is widely sought for public addresses.

This brief résumé of Dr. Menninger's qualifications describes only a part of his accomplishments and responsibilities, but it is sufficient to establish his authority in the field.

Mr. President, Dr. Menninger's thoughtful and incisive comments on the relationships between violence and the media deserve the widest possible audience. I ask unanimous consent to have printed in the Record the text of his remarks.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Dr. W. Walter Menninger

It is indeed a special honor and pleasure to be invited to address the National Press Club. I come before you with the awareness that the news media has been the target of a good deal of criticism of late, some intentional, some unintentional.

Just last week, a public relations officer of an urban police force, addressing a group on the increase in crime, stated: "It is important to realize that 75 per cent of the crime in this country is caused by reporters. . . . I mean, repeaters!"

Then there's the facetious observation attributed to a politician who complained that, "the press is unfair; it's quoting everything I say!" It might be reasonable to assume that a certain nominee for the Supreme Court must feel this way.

From my brief, amateur experience as a part of the news media—if $50 a month as managing editor of a college daily doesn't destroy my amateur standing—I've felt a special concern about the media. One might say that I've just taken up a different aspect of communication as my profession, for the specialty of psychiatry is primarily occupied with understanding and treating breakdowns of communication between and among people.

My topic today is the News Media and Violence. Violence is a subject that has all but displaced the weather as something everyone talks about, but nobody does anything about. In recent years, there has been an intense interest in violence, prompted by a number of factors. First, violence is an intensely emotional issue,—often more heat than light is shed by discussions of the subject. Second, the mass media have made violence much more visible and much more immediate in our lives. Every television news broadcast has its newsclips of violence, whether in Viet Nam or on our highways or in violent crime or civil disorder. Third, statistical studies point to an absolute increase in the amount of violence, whether in the incidence of major crimes or the escalation of campus disorders and urban conflict. Finally, we have been acutely aware in recent years of the loss of some important leaders because of assassination—John Kennedy, Martin Luther King, Robert Kennedy. As you know, it was the assassination

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of Robert Kennedy that prompted President Lyndon Johnson to establish the National Commission on the Causes and Prevention of Violence, which occupied a substantial part of my time over the last 18 months.

The primary task of the news media is communication. As individuals we communicate in many ways, with words oftentimes being much less important in conveying meaning and feeling than the context or placement of our words, and the accompanying gestures, intonations, inflections, pauses and especially actions.

The development of language, a refined means of communication by words for the sharing of feelings and ideas, represents a great achievement of man. In my clinical work, understanding communication is a vital responsibility. Human communication is an exceedingly complex process and not always a function of our conscious intent, as exemplified in the slip of the tongue of the police public relations officer. My professional task as a psychiatrist is to help people find better, less destructive ways to communicate their strivings, fears, and hopes than the ineffective or disruptive ways which prompt their referral to me for help. Consistently, the therapeutic challenge is to help the patient express himself verbally, instead of by actions.

Actions do speak louder than words—they are often irreversible and embarrassing in ways that words are not. When a message is not received, is not understood, or is not acknowledged, the sender of the message must make greater efforts to communicate. He must do so with more intensity or volume and in such a way as to gain attention. While there are some segments in our society where violent action is learned as the primary means of communication—so-called subcultures of violence—all too often violence represents a breakdown in civilized communications.

The psychologist William James explained the phenomenon this way: "No more fiendish torture can be devised than when you speak, no one answers; when you wave, no one turns; but everyone simply cuts you dead. Soon there wells up within you such hostility, you attack those who ignore you, and if that fails to bring recognition, you turn your hostility inward, upon yourself, in an effort to prove you really do exist."

Clearly, the news media have great power in influencing actions of people, both positively and negatively, constructively and destructively. Few forces influencing human behavior have a comparable power. Consider, if you will:

16 October 1969—The Mets win the World Series and thousands of New Yorkers respond to the news with joyful ecstasy, pouring tons of wastepaper into the streets.

4 April 1968—Angry, violent, spontaneous disturbances occur in black ghettos across the country in response to the news of the assassination of Dr. Martin Luther King.

22 November 1963—Government comes to a standstill and a nation of nearly 200 million people goes into mourning with the assassination of President John F. Kennedy.

7 December 1941—Disbelief is followed by fury and intense resolve to retaliate, after news of the attack on Pearl Harbor; thousands of young men volunteer for military duty the next day.

Any number of other dates and events might be cited to illustrate the powerful stimulus of news—from the early rulers who killed the bearers of bad tidings, to the panicky listeners to fictitious news reports of an invasion from Mars broadcast in 1938.

The careful in-depth reporting of less "immediate" news may prompt behavior of a more deliberate character. For example, the press deserves a great deal of credit for stimulating the improvement in the care of the mentally ill in Kansas back in 1949. It was the careful exposition of the atrocious state mental hospital conditions that prompted citizen, administration and legislative reaction to propel Kansas from ranking 47th of the then 48 states in the care of the mentally ill to the topmost rank.

On a lesser scale, I am constantly impressed by the quick response which the news media can gain in situations where ordinary citizens are frustrated and helpless—as exemplified in the "Action Line" feature of a number of metropolitan newspapers. Some of the "Speak-up" talk shows on the radio and television prompt similar reactions.

The fact that the news media can prompt such a response points to that vital function of the fourth estate as a guardian of our free society. A free and effective press is essential for the sustenance of our democracy, serving to check the abuses of government and others in positions of power, making the public aware of their activities, and maintaining, insofar as possible, an enlightened electorate.

The power and visibility of the news media inevitably subject the media to attack and criticism. Like all human institutions and professions, the news media have, along with their strengths and positive elements, frailties and imperfections. For a profession whose job is reporting on the performance, non-performance and mal-performance of others, it is somewhat intriguing that we find a large number of the media thin-skinned and sensitive to criticism from outside the profession. Recognizing their positive role in our society, I would hope that the press might anticipate the inevitability of criticism and not get "up tight" over some faulting of their efforts. Indeed, we couldn't have some of the serious troubles that we do in our society and expect any profession—doctors, lawyers, teachers, businessmen, political, clergymen, reporters, etc.—to be entirely free of some responsibility for the present state of affairs.

All professions in these times have had their work complicated by new knowledge and new technology. The information explosion has profoundly affected the news media—with the capacity to report millions of words of information across the newswires, but without much more space or time in which to report it, and certainly no comparable increase in the attention span of the public to assimilate it. The problem of the great increase in news is exemplified in the observation that in days gone by, everybody knew what everybody else was doing, and the only reason you read the weekly newspaper was to find out who got caught at it!

Besides the problem of the great explosion of news, there are many additional problems facing media with some relevance to the subject of violence. The Media Task Force of the Violence Commission released a 600 page compendium reviewing some of the issues two weeks ago. They addressed such concerns as the "credibility crisis," access to the media, time and space limitations, coverage of civil disorders and media practices and values, including discussion of the important fact that the media is a business.

In my remarks, I wish to discuss just two aspects of the news media, which I see as having a significant role in the provocation or amelioration of violence. These two aspects: the eye of the beholder, and the consistent focus of the media on conflict.

If we were constantly rational, dispassionate and objective, we wouldn't have to be concerned about the "eye of the beholder." However, Sigmund Freud observed more than 50 years ago: "Students of human nature and philosophers have long taught us that we are mistaken in regarding our intelligence as an independent force, and in overlooking its dependence upon the emotional life. Our intelligence . . . can function reliably only when it is removed from the influences of strong emotional impulses." Freud was simply asserting a fact that we don't like to acknowledge—that we are emotional animals.

Our perception of news and events is subject to emotional bias. Indeed, many of our reactions are determined more by powerful motivating emotional forces within us than by reason. We thus tend to see and hear what we want to see and hear, and to unconsciously "censor" our perceptions according to our inner biases. Repeated studies have demonstrated ways that people select from all their sensory input—both consciously and unconsciously—the things that are consistent with their underlying "set" or expectation. The conscious selectivity is evident in surveys of the viewing audiences for certain kinds of shows or features, e.g., Republicans are roughly twice as likely as Democrats to watch a Republican-sponsored telecast, and on the whole, people tend to read most often the columnists with whom they are more likely to agree.

The unconscious selectivity is a more automatic psychological device, and individuals may go to striking degrees to censor or distort their perception of events in a manner to support their own personal prejudices. Immediately after a special showing to network affiliates of taped highlights of coverage of the disorders in Chicago at the time of the Democratic Convention in 1968, one affiliate hotly demanded to know why the network had not shown any examples of demonstrators tearing down the American flag. Actually, he had censored out his own viewing of three such instances that were contained in the taped highlights.

In noting the reactions of people to news which prompts an emotional response, it is important to realize that very often what really happens in our life isn't half so important as what we think and believe happens. We can get into a terrific argument over a disputed event, and our reaction stems from what we believe to be so, not necessarily what actually happened. This is particularly true when we learn of events second and third hand—an inevitable consequence of news reporting. It is also a special problem with news on radio and television, which is just briefly noted, and then subject to the vagaries of the perceptual and memory distortions of the listener/viewer. Most of us can't run an "instant replay" of the news in our homes. Thus one finds the phenomenon which so many broadcasters saw in peoples' recollection of the events in Chicago in August, 1968. As one media executive put it, "Never before have so many people remembered it like it wasn't!"

The eye of the beholder is a factor in news of violence because violence is an emotional issue. We react to it not only because of fear or anxiety insofar as it might actually affect us. Equally significant, or more so, is our inner struggle against violent impulses which we have to control in order to remain civilized. Few of us can deny that at one time or another we have experienced feelings of rage or violence. Often, violent feelings are provoked by news of events which threaten our self-esteem and sense of worth or integrity. It is not surprising that the members of the fourth estate might react angrily to an attack which impugns their efforts and motivation as being unpatriotic or not in the best interests of our country. And it is not surprising that many Americans reacted angrily to the indictment by the Kerner Commission of "white racism." Most citizens do not consider themselves to be "racist" even though thoughtful, reflective observation reveals the deep-seated pattern of racial prejudice in our society, North and South.

The problem of the eye of the beholder is relevant because the news media should have some awareness of how news will be perceived and how the play of certain highly-charged emotional issues can raise or lower the level of tension and the likelihood of

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violence. Of no less importance is the obligation of the news reporters, commentators and editors to acknowledge the degree to which they are themselves "beholders" who, wittingly or unwittingly, introduce their own bias into their reporting.

Conflict is a universal phenomenon. Much of our energy, both emotional and physical, is devoted to coping with conflict—not only conflict with others, but also conflicts within ourselves. It is not uncommon for individuals to become violent with others because of their inner personal conflicts, as opposed to real grievances; this situation has been particularly true for assassins and mass murders in this country. In our relationships with others, there is a continuing challenge to find a non-violent resolution to differences of opinion. In increasingly intricate and interdependent society, the news media have an important role to play in fostering communications between and among groups of differing viewpoints, providing a free and open marketplace for ideas and opinions, disseminating complete and correct information as a basis for people solving problems without violence.

It is not surprising that conflict receives so much attention on the news wires. It is generally obvious and readily comes to the attention of the media, in contrast to some less obvious, but no less newsworthy human transactions. Regrettably, the news media does not always place the reports of conflict in the context of its causes. Such reports contribute to misunderstanding in the public mind if they overlook or ignore the broader perspective or the substantive message of dissenters in conflict, while playing up the conflict itself. Two particular instances were noted by Violence Commission Task Forces:

At the time of the Watts riot in Los Angeles, a television news report of a community meeting reported in full a provocative, angry statement of a disgruntled young man. Not reported, or edited out, was the fact that in contrast to the angry statement, the general tone of the meeting urged a calm response, and the young man's statement was greeted by jeers and general disapproval. In the disorders at San Francisco State College, television news presentations of a mob breaking through the glass doors of the administration building, combined with a statement of the then-president of the college, incensed viewers throughout the state. Public reaction forced trustees to call an emergency meeting to chastize the president, politicians to call for his firing, legislators to consider investigating him—all to be quieted when the full story was presented, noting the president's liaison with the San Francisco police in making his statement, and the fact that the situation was not as riotous as portrayed on the television screens.

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In each of these instances, the news reports were true, but they are perhaps better described as half-truths, for an important half of the story, which was also true, was not presented. Such reports prompt reactions of considerable intensity, evoking violent feelings.

It is unfair to indict all the news media for such shortcomings. Especially salutary are the increasing efforts of the media—in particular the wire services and the networks—to provide documentary and in-depth stories to place conflicts in a broader perspective. Without this perspective, the populace becomes increasingly polarized, tending to see only one side or the other, being "for" or "against." If we are to find unity, to bring people together, we must help everyone realize that all human beings on this earth have many things in common—our anatomy, our physiology, our psychology; and motivating desires to achieve pleasure and avoid pain as much as possible in this frustrating and painful world.

Conflict cannot be resolved rationally unless each participant has an accurate perception of the intentions and goals of others. There must be at least a degree of mutual trust. There must be confidence in the desire of each to reach a non-violent and mutually satisfactory accommodation of divergent interests. The media cannot create trust, for they cannot make a dishonest man honest; but they can make an honest man treacherous. The media cannot make an extremist seek accommodation, but they can provoke a moderate to extremism. Regardless of their performance, the media will never be able to assure the non-violent resolution of conflict, but they can prompt the violent resolution of conflict.

My observations prompt me to be so bold as to offer three suggestions to the media:

First: A time-honored question in a free society is, Who shall guard the guards? Freedom of the press is the only guarantee of the Bill of Rights which cannot be exercised by each individual citizen. Practically speaking, this privilege can be exercised only by those in the journalistic profession. Thus, journalists and broadcasters hold an important public trust as guardians of democracy. How does the public have any guarantee of the quality and integrity of these guardians? In other professions with a public trust—medicine, law, education—laws for licensure and certification assure the public that the practitioner has fulfilled minimum standards, met certain requirements for training and demonstrated competence in the profession. The public is entitled to similar safeguards for the quality of the practitioners of this most important cornerstone of our democratic society, the news media.

Second: Related to the first concern for standards and certification for professionals in the news media is the question of where can the public now go to gain redress for inept performance of the press? In one-to-one communication, a governing factor of importance is "feedback," the reaction of the receiver to the news transmitted by the sender. If the sender perceives that he has been misunderstood, he can promptly retransmit the news to attempt to correct any distortion or misunderstanding. This is impossible in the news media; the correction rarely gets the exposure of the original news report. A particularly frustrating problem of feedback and of credibility is the lack of recourse for the ordinary citizen who lives in a one-newspaper or one-television station community and who disagrees with the news presented by that newspaper or television station, both of which may be owned by the same corporation. Many citizens are highly critical of the job being done by their local news media and at the same time feel completely helpless to prompt any significant change, frustrated by the monopoly of local news. The citizen's usual recourse, aside from a letter to the editor, is to simmer and experience less and less confidence in the news transmitted by the media. It behooves the profession, therefore, to provide a more effective means for responsible citizen feedback on press performance.

Finally. During these times when we experience so much divisiveness among us, there is a major challenge to identify and elaborate areas of commonality while providing fair access to the media by concerned groups.

All too often, groups have concluded that the best way to gain access to the media is through conflict and violence, by negative action. It is therefore important for the media to demonstrate that constructive newsworthy events are effective means for access to the news media. It would be interesting to compare the number of words which have been written and spoken on campus disruptions with the words describing significant efforts of students in constructive causes—students establishing volunteer services centers; medical students establishing health care programs in the ghettos; the activities of the more than 450 chapters of Alpha Phi Omega, national service fraternity committed to constructive efforts on campuses.

In our society, humility is not our strong suit. We almost violently reject the prospect of being a loser. Yet, we must be prepared to accept that we can be wrong. If we are so insecure as to feel we are worthless if we make a mistake, and thus cannot manfully acknowledge our mistakes, we are in deep trouble. One of the ills of this nation is the insecurity of so many people who have to believe we are always right, that we have never erred—that we are infallible. That is a delusion.

We must acknowledge that, being human, we have made, are now making and will continue to make mistakes in our conduct. Hopefully, these mistakes are minimal. But the challenge for us all is to be open enough and honest enough to accept constructive criticism and learn from our mistakes. We count on the news media not only to accept the implications of this challenge as a profession, but to help our society as a whole to do likewise.

CARSWELL JUDICIAL RECORD

Mr. KENNEDY. Mr. President, we who were fortunate enough to be present at the hearing of the Judiciary Committee yesterday on the nomination of Judge G. Harrold Carswell to the Supreme Court heard some of the most concise and persuasive testimony ever offered in any Senate hearing that I have ever attended. Working under a strict time limit, Mr. Clarence Mitchell and Mr. Joseph Rauh presented a most forceful and reasoned set of arguments demonstrating beyond question that there are serious issues which each Senator on the committee and in the full Senate must resolve before casting his vote on the Carswell nomination. I strongly urge every Member of this body to read that testimony before deciding how to vote, and since today's press reports subordinated the substance of yesterday's committee proceedings to our procedural impasse, and because the print of the hearings will not be available for several days, I ask unanimous consent that the testimony be printed in the Record, with the understanding that it is in preliminary form and subject to editorial corrections.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Mr. Clarence Mitchell and Mr. Joseph Rauh Before the Senate Judiciary Committee, February 3, 1970, on the Nomination of G. Harrold Carswell as Associate Justice of the Supreme Court

The Committee met, pursuant to recess at 9:10 o'clock a.m., in Room 2228, New Senate Office Building, the Honorable Joseph D. Tydings presiding.

Present: Senators Tydings (presiding), Ervin, Hart, Kennedy, Burdick, Bayh, Fong, Thurmond, Cook, Mathias, and Griffin.

Also present: John H. Holloman, III, Chief Clerk.

Senator Tydings. We will continue the nomination hearings of Judge Carswell to be Justice of the Supreme Court.

I would like to welcome before this committee Joseph L. Rauh, Jr., and Clarence Mitchell, whose illustrious background and biographical sketch needs no further mention.

STATEMENTS OF JOSEPH L. RAUH, JR., AMERICANS FOR DEMOCRATIC ACTION AND CLARENCE MITCHELL, DIRECTOR, NAACP

Mr. MITCHELL. Thank you, Mr. Chairman and members of the committee.

I must say that as a native of the State of Maryland, I feel especially happy to be before you as chairman of this committee, acting Chairman of the committee, and also Senator Mathias. I admire both of you greatly, and I feel this is a wonderful opportunity to present our case.

I would like to say before I begin, Mr. Chairman, that I have heard a number of reports which indicate that there are those who have thrown in the towel, and it is assumed that this presentation is an exercise in futility.

I do not come here in that spirit. I come here in the spirit that this committee is still open to hearing what we have to say, and that it will weigh what we present in reaching its decision.

I also believe that the Senate of the United States will take the evidence into consideration when it considers this nomination. I would not take up the time of this committee if I thought that the result had already been determined, and it was useless to present our case.

Senator MATHIAS. Mr. Chairman, if I could interrupt the witness just very briefly, I would like to respond to his opening remarks and say that we welcome him here not only as a distinguished citizen of Maryland, but he and I have had an opportunity to do business together in the other body as well as here on a number of matters, and I have always found that the information that he brings to the Congress is useful, dependable, and I know that on this occasion as on all occasions in the past it will receive the kind of consideration that its author merits.

Mr. MITCHELL. Thank you very much, Senator Mathias.

Mr. Chairman, on a procedural matter, I would just like to mention that ordinarily I try to save the time of the committee by summarizing my statement, but in this instance I have given considerable thought to this. I have tried to weigh its contents, and with your indulgence I would like to read it in full. I also would like to call attention to the fact that joining with me is one of the most distinguished lawyers in our country, who is the general counsel of the Leadership Conference on Civil Rights, and at the close of my testimony I would appreciate an opportunity for him to follow immediately, because it is our arrangement that questions arising on legal matters that are included in this testimony would be answered by him.

I would like to just say that I have this brief statement about his background that I would like to read. He has been so deeply engaged in so many crusades for the public interest that people tend to lose sight of his remarkable scholarly attainments.

Mr. Rauh graduated from Harvard College in 1932 magna cum laude, and first in his class. He served as a law clerk to both Justices Cardoza and Frankfurter, to whose seat Judge Carswell now aspires.

Mr. Rauh has argued many significant constitutional cases before the Supreme Court, and has written widely on the subject of human rights. I am sure all will agree that he is uniquely qualified to analyze the nominee's record before this committee.

Now my prepared statement begins.

Mr. Chairman and Members of the Judiciary Committee:

I am Clarence Mitchell, Director of the Washington Bureau of the National Association for the Advancement of Colored People, and Legislative Chairman of the Leadership Conference on Civil Rights. The NAACP and the Leadership Conference are opposed to the nomination of Judge G. Harrold Carswell to the United States Supreme Court.

It is not easy for one to appear before this or any other committee for the purpose of opposing a Presidential appointment to high office. Because he has been elected by the people of the United States, there is a proper and wholly understandable inclination of citizens to accept the President's recommendations on those who will carry out his policies and programs in the Executive Branch of government.

To some extent, the same attitude applies when a President makes appointments to the Judicial Branch of government. However, there is a major difference. The Executive Branch appointees are usually for the duration of the President's term or terms in office. The judicial appointments are for the lifetime of the nominees and through such nominees, Presidential policies may stretch far beyond the term or even natural life of a Chief Executive.

In these times the people have a right to demand that appointees to all of the courts, and most especially the United States Supreme Court, be scrutinized with great care. The people have a right and a duty to insist that the nominees be free from racial bias and also free from a record of advocacy or the practice of racial bias.

The record of Judge Carswell is not free from the taint of racial bias. It is tragic that he is already a member of the Judiciary in the Fifth Circuit. This tragedy will be compounded if he is approved for a place on the Supreme Court.

At three points in Judge Carswell's adult life he has elected to cast his lot with those who seek to deprive Negroes of first class citizenship. On each of these occasions he has chosen to take on the protective coloration of the wrongdoers because that was the accepted practice in the area where he lived at the time. We do not challenge his right as an individual whether as a technique of survival or because of personal beliefs to consort with racists and advocates of segregation. We do challenge his right to sit in judgment in our Federal courts at any level when he joins those who seek to maintain a society in which some citizens are consigned to second class status simply because they are not white.

Judge Carswell's first opportunity to take a stand came in 1948 when he was a candidate for State office in Georgia. In order to understand the seriousness of what candidates were saying in that time it is necessary to look at the events which were occurring. On December 5, 1946, President Harry S. Truman issued Executive Order No. 9808 establishing the President's Committee on Civil Rights. In issuing that Executive Order the President said:

"Freedom from fear is more fully realized in our country than in any other on the face of the earth. Yet, all parts of our population are not equally free from fear. And from time to time, and in some places, this freedom has been gravely threatened. It was so after the last war, when organized groups fanned hatred and intolerance, until, at times, mob action struck fear into the hearts of men and women because of their racial origin or religious beliefs.

"Today, freedom from fear, and the democratic institutions which sustain it, are again under attack. In some places from time to time, the local enforcement of law and order has broken down, and individuals—sometimes ex-servicemen, even women—have been killed, maimed, or intimidated."

The State of Georgia was among those riven by strife created by those who were determined to keep the Negro "in his place" as they say with force, violence and murder. There was but a short step from the inflammatory phrase spoken in the political hustings to the physical attack on individuals solely because of their race.

The committee appointed by President Truman carried out its assignment. In 1948, it published a report setting forth four basic rights which "influenced its labors." These rights were safety and security of the person, citizenship and its privileges, freedom of conscience and expression and equality of opportunity.

One gruesome example of the committee's findings occurred on July 20, 1946, when four Negroes were lynched in Monroe, Georgia. This is the direct quotation from the committee's report:

"On July 20, 1946, a white farmer, Loy Harrison, posted bond for the release of Roger Malcolm from the jail at Monroe, Georgia. Malcolm, a young Negro, had been involved in a fight with his white employer during the course of which the latter had been stabbed. It is reported that there was talk of lynching Malcolm at the time of the incident and while he was in jail. Upon Malcolm's release, Harrison started to drive Malcolm, Malcolm's wife, and a Negro overseas veteran, George Dorsey, and his wife out of Monroe. At a bridge along the way a large group of unmasked white men, armed with pistols and shotguns, was waiting. They stopped Harrison's car and removed Malcolm and Dorsey. As they were leading the two men away, Harrison later stated, one of the women called out the name of a member of the mob. Thereupon the lynchers returned and removed the two women from the car. Three volleys of shots were fired as if by a squad of professional executioners. The coroner's report said that at least 60 bullets were found in the scarcely recognizable bodies. Harrison consistently denied that he could identify any of the unmasked murderers. State and Federal grand juries reviewed the evidence in the case but no person has yet been indicted for the crime."

The reaction of the country to the report was varied. Some viewed it with great acclaim and others denounced it. Most of those who denounced it were in the areas of the most acute racial discrimination, particularly in the State of Georgia.

This report and other efforts to liberalize the racial policies of the Democratic Party became a major campaign issue; some individuals who sought office or were public officials in the South attempted to defend the principle of equal treatment under law. Some left the party to form or participate in other political organizations. Some remained in the Democratic Party but adopted an outright racist stance during their campaigns. Judge Carswell was in this last group that adopted the outright racist stamp in the campaign. His statement while campaigning said:

"I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only and correct way of life in our State. I have always so believed and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people. If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limit of my ability. I yield to no man as a fellow candidate or as a fellow citizen in the firm vigorous belief in the principles of white supremacy and I shall always be so governed."

It is interesting to note, this statement did not come to general public attention until twenty-two years after he made it. The question arises, how can a man be investigated for the office of United States Attorney, United States District Judge, United States Judge on the Circuit Court of Appeals and as a nominee for the United States Supreme Court without this significant part of his life being weighed in the consideration of his fitness for the office? It emphasizes the cal-

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lous approach to racial matters in our country. There are a great many people who just do not take such statements seriously. We do take them seriously. We do not think they are excused by the youth of those who make them. But, even if youth is a defense, Judge Carswell was a mature adult at the time he made this statement and cannot claim that his tender years provide immunity from the censures that attach to such statements. In addition, there is nothing to show that in the long period of his public life between 1948 and the present that the judge has rejected, retracted or reformed with respect to his 1948 views; only now, when the prize is a place on the United States Supreme Court does he come forth to acknowledge that such a statement was error.

Because this statement was brought to light by a private citizen, it is reasonable to assume that a more careful investigation by the duly authorized government representatives may well reveal other expressions of this kind made at a later date. Indeed Newsweek magazine only this week in the current issue contains a story about the judge's telling of one of the things that in the old days we used to call darkie stories at a meeting of distinguished lawyers in which he said he talked to a black man in Indo-China and asked him whether he was from Indo-China, and he said, "No, I'se from Outdo' Georgia."

Well, in order to get the point of that joke this is a play upon dialect that Negroes are supposed to use as clowns and persons unworthy of recognition as first class citizens.

Senator **Kennedy**. When was that?

Mr. **Mitchell**. This according to Newsweek was just two months ago. He was the principal speaker at the Georgia State Bar Association meeting in Atlanta, and the story says one of the lawyers indicated "that some of us were really shocked" because this is recognized to be in poor taste now by public officials, and it is really one of the indiciae of an attitude of consigning Negroes to an unimportant status, so that when they get killed it is not very important or when they are subjected to discrimination in jobs, housing and things of that sort, really you do not take them quite as seriously as you would a normal human who would happen to be white.

It is reasonable to assume, as I said, that a more careful investigation would reveal similar statements, but we contend that standing alone the statement that the judge made in 1948 as an appeal to persons for the vote is sufficient to bar him from the Supreme Court.

We do not say you should never forgive anybody for making a mistake, but we do say with the Supreme Court it is a different kind of a situation, and that is enough to bar a candidate.

No amount of political expediency, no amount of personal criticism expressed against those who oppose this appointment and no attempts to dismiss the statement as one made in the "heat of the campaign" will ever be accepted by most Negroes in the United States and most civilized people in the world as legitimate excuses for approving this nomination. The stark fact now is this. An advocate of racial segregation has been named by the Nixon Administration to serve on the United States Supreme Court. Now that this fact is known, those who vote for the approval of this nomination will be voting to place a segregationist on the United States Supreme Court.

There is a second chapter in Judge Carswell's life which must also be reviewed in the context of the times. It is interesting I had that "in the text" in my statement and Senator Hruska mentioned that yesterday that we have to look at things in the context of the times, and I think it is fair to do that. In the 1940s the Negro of the United States expanded his legal attacks on segregation to include swimming pools, golf courses, play grounds, parks and other recreational facilities owned and operated by State, municipal or other government units.

In St. Louis, Missouri, a court granted an injunction against the city for its refusal to allow Negroes to use a municipal swimming pool. (Draper v. City of St. Louis, 1950)

I might say, Mr. Chairman, that I have the citations on the cases that I have included here on a separate sheet. I offer that for the record in case anybody wants to check on it.

Similar decisions had been given in California (Lopez v. Seccombe, 1944) and in municipally owned golf course (Law v. Mayor and City Council of Baltimore, 1948).

In 1950 a Florida court upheld regulations providing for the use of a municipal golf course by Negroes on Monday only, the claim being that the allocation of time to one day was in proportion to the Negro use (Rice v. Arnold, 1950). The Florida Supreme Court upheld this decision on the basis of the "separate but equal" doctrine. Subsequently, the United States Supreme Court held that racial segregation on publicly owned golf courses was unconstitutional (Holmes v. City of Atlanta, 1955).

To avoid complying with the clear intention of the Supreme Court decision, many public officials either closed the facilities that were available for recreation or transferred them to private ownership.

I would just like to backtrack, Mr. Chairman and members of the committee to point out that I said in my statement the Supreme Court had held that racial segregation on golf courses was unconstitutional. Because this is the Judiciary Committee, I think I might indicate what was technically correct. The law case which I have mentioned in the City of Baltimore went up to the Supreme Court, and the Holmes case of Atlanta also went up to the Supreme Court, and the Supreme Court in two memoranda decisions held that these cases had to be reviewed in the light of each other, and also in the light of the Sweat case, which had been decided by the Supreme Court, and the Florida State Supreme Court, when the case got back there, interpreted that to mean that separate but equal was permissible.

The Florida Supreme Court held that it was possible to meet the Supreme Court's requirements simply by having one day set aside for Negroes on the golf course, because this was all that the traffic seemed to require.

To avoid complying with even this limited interpretation of the Supreme Court, many public officials either closed the facilities that were available for recreation or transferred them to private ownership.

For example, in 1956, the Georgia State Parks Director leased nine of the parks to private citizens at an average price of $2,000 per month to preserve segregation. In 1957 the residents of Marshall, Texas, voted to sell their municipal swimming pool after a suit was filed against segregation. The New York Times for July 10, 1957, reported that Fort Lauderdale, Florida, sold its $1 million golf course for $526,400 to private people to evade a Federal court ruling permitting Negroes to use the course.

All of these events certainly should have come to the attention of persons in the city of Tallahassee.

On April 24, 1956, citizens of Tallahassee, Florida, where Judge Carswell was then residing, changed their golf course from a municipally owned facility where Negroes played on a very restricted basis to a privately owned facility where Negroes could not play at all. They were banned because of race.

I understand that some of the citizens down in Tallahassee have submitted affidavits to the committee, and I have copies of those affidavits here with respect to this matter. The first one is from Mrs. Christina Ford Knowles, and it is dated the first day of February, 1970. She says:

"I am an adult black citizen residing in Tallahassee, Florida, who has worked as an Administrative Assistant to the Reserve Officers Training Corps for five and a half years, ten years public high school teacher, ½ year Business Manager of Tallahassee A and M Hospital, and at the present 2 years and 10 months as Educational Specialist, Federal Correctional Institution, all of Tallahassee, Florida. I reside at 819 Taylor Street, Tallahassee, Florida.

"I remember in 1956 deeply resenting the transfer whereby 205 acres of what was formerly municipal property converted to private ownership. At the time, Reverend C. K. Steele, myself, and other members of the Local SCLC chapter were disturbed at what was clearly an attempt to bar Black people from using the golf course. It was evident to us that the transaction, that is the leasing of the course to a private group, had but one real intent. Tallahassee was in a racial uproar over the bus boycott and other protests—bringing a reaction of fear to the white community. The word "private" had increasingly become a code name for segregation.

"The Capital City Country Club incorporation proceedings were well publicized and the racial overtones were necessarily clear to every knowledgeable citizen in the areas, and it would have been surprising to me if an intelligent man, particularly an incorporator was not aware of the repeatedly emphasized racial aspects of this case.

"We did discuss this corporation widely at the time; had we not been so preoccupied with other protests, we would have undoubtedly moved against the corporation in civil suit."

There is another affidavit here from a gentleman who has played on the golf course, and the burden of that is that he played on it while it was under public auspices, but was barred from playing when it went under private auspices.

We have also here an affidavit from a white citizen. This is from Clifton Van Brunt Lewis, and it says:

"I am an adult white citizen who has been a life-long resident of Tallahassee and whose family was domiciled in the city for several generations. I am the wife of the Chairman of Florida's oldest bank, The Lewis State Bank of Tallahassee.

"My interest in the Tallahassee Golf Course goes back to my early childhood, as my father was one of the early golfers of Tallahassee, and had in fact helped to plan the course itself.

"When the original club deeded the course to the City of Tallahassee it was known as the Municipal Golf Course—for some 21 years. The city acquired the splendid 205 acres through an agreement whereby the city paid off a $6,500 note and agreed to obtain funds to improve the property. The agreement stipulated that the funds should be $35,000 of WPA money! The 1935 agreement also gave the club first option to lease the land, which it did in 1956 at the rate of one dollar a year for 99 years!

"My husband and I were invited to join the Capital Country Club at its inception. We refused the invitation because we wanted no part in converting public property to private use without just compensation to the public, and because of the obvious racial subterfuge which was evident to the general public.

"My husband and I have been members of the interracial Tallahassee Council on Human Relations since its inception several years before the Country Club fiasco. In this Council I knew first-hand from Dr. Charles U. Smith, Professor of Sociology at Florida A.M. University, of the desire of specific

Tallahassee black citizens to play on the city golf course.

"This discussion with Mr. Smith was one of many that I had with a variety of parties during that period on the subject of a golf course, the issue being of wide civic concern. I would have been surprised if there was any knowledgeable member of the community who was unaware of the racial aspect of the golf course transaction. The controversy appeared in the local newspaper of the time and a city commissioner was known to have raised questions about the racial implications involved."

At this point, Mr. Chairman, with your permission I would like to offer for the record these affidavits plus a reprint of a story that appeared in the Tallahassee Democrat for February 15, 1956 on page 1. That story is the one to which you referred, Senator Kennedy, yesterday, and I therefore will not read it again, but I would like to offer these for the record

Senator Kennedy. They will be facilitated.

Mr. Mitchell. It is well known that Judge Carswell is listed as one of the incorporators of this private club. If Judge Carswell had been an ordinary citizen unaware of the full implication of signing articles of incorporation or if he had been a lawyer in private practice who wished to be of assistance to his fellow citizen this action would not be important.

I would just like to digress a minute, Senator Kennedy, to point out that I was present when you examined Judge Carswell on that point, and I was struck by his reticence in saying that common sense indicated what a lawyer and a judge should say. You asked him whether he was aware of signing this document, and he said it was just for the purpose of repairing some little broken-down club house. Then when you got into the reading of the articles of incorporation, I think the lawyer and the judge in him triumphed, because he had to admit that he was aware of the purpose of this corporation.

This was no ordinary signing of a document that some friends handed to him and he just signed it.

I can well remember once somebody handed me some articles of incorporation to sell something which they said they would not describe to me, but I took the trouble to look at it, and discovered that it was something promoting what they call civil rights whiskey

Well, I think Senator Tydings knows that I would get into so much trouble with my mother-in-law if I had signed that document, that I had common sense enough not to sign it, and I certainly think that given the issue of the times, one had to read that kind of document with care, and I cannot believe that Judge Carswell did not know what he was doing. He was the United States district attorney sworn to uphold the Constitution and laws of the United States. As such, he had an obligation, not only to avoid participation in efforts to defy the law, but also to avoid the appearance of participation in such efforts.

He did not fulfill this obligation. He signed a document which, whatever may have been its original objectve, accomplished the result of banning Negroes from a recreational facility solely because of their race. It is interesting to note that those who defend Judge Carswell first excuse him for his 1948 racist utterances on the grounds of youth, but his 1956 action is somewhat more difficult.

Nevertheless, they are inclined to excuse this also because it was a so-called routine signature and he paid a small sum of money to accomplish the noble purpose of repairing a damaged club house located on the golf course property, according to his version.

It may be that the members of this committee can accept this explanation given by Judge Carswell and still be at peace with their own consciences, but it is unlikely that reasonable men and women outside of the Senate will accept it. Those who favor racial segregation undoubtedly will rejoice if the explanation is accepted because it will be proved that sophisticated methods of evading the law have triumphed, but they most likely, even though segregationists, will know that it is ridiculous on its face.

Those who do not favor racial segregation will feel the cold iron pressure of the chains of frustration once again restrain their efforts to achieve a society in which those who deny equal treatment to their fellow citizens are now rewarded with high office and new opportunities to poison the wells of justice as judges on the bench.

The third opportunity for Judge Carswell to demonstrate by his action that he had repudiated the 1948 speech came after the great decision of the United States Supreme Court outlawing racial segregation in the public schools.

By that time he was a judge on the bench of the northern district of the State of Florida. Others have dealt more in detail with his record as a judge, and Mr. Rauh will also comment on that point.

Therefore, I offer one example which indicates how he again became a part of the pattern which is exemplified by the words of his 1948 speech. It is well known that the unthinking and unskilled advocates of segregation resisted the 1954 decision with force, intimidation, violence, economic pressure and even murder. It is also well known that the wiser and more sophisticated forces of resistance resorted to changes in the laws of states, relays through extended litigation and other obstructionist tactics under the color of law.

Judge Carswell was a part of this latter strategy. Even if we assume that he was unknowingly a part of it, the end result is the same. He was a force which contributed to the pattern associated with the delay in implementation of the school desegregation decision. The example I offer is Steele v. the Board of Public Instruction of Leon County, Florida, largely chargeable to Judge Carswell was not submitted until 1967, and counsel talked about it yesterday in the hearings.

In closing this presentation, it should be remembered that in a convention of wolves it is always easy to pass a resolution justifying raids on the sheepfold because the occupants thereof willfully and knowingly stimulate the flow of gastric juices in the digestive system of the predators. This lupine type of reasoning is widely used in our society today—especially in the area of civil rights.

We urge our citizens to rely upon the law, but we appoint prejudiced law officers as enforcers. We breathe a sigh of relief when Negroes go into the courts instead of into the streets, but we then confront them with judges who have decided to deny them relief even before they enter the courthouse door.

The one great exception to all of this has been the United States Supreme Court. This Court is under attack and condemnation because it has handed down decisions that destroy longstanding unjust practices. The State Legislatures pass unconstitutional restrictions on freedom and the Supreme Court is condemned because it strikes down such monstrous attacks on liberty. Those who vilify the Supreme Court have learned to make use of vague words and phrases that arouse base passions and protests against the most noble tribunal in the civilized world.

One of the phrases current today is "strict constructionist." One may very well ask what does that mean? The simple answer is it means everything and it means nothing. Therefore, it is better to speak in plain words when one describes the qualifications that are being sought in a judge who is to be elevated to this high court. When one makes a plain word substitute for this term it is necessary to look at the policies and practices of this Administration.

The Nixon Administration:

These policies and practices are clearly designed to create further and inexcusable delays in the desegregation of public schools. This is the policy now employed by the United States Department of Justice. It was the policy of Judge Haynsworth and it is a clearly discernible thread in the decisions given by Judge Carswell.

We believe that if the Administration's desire to have a so-called "strict constructionist" on the Supreme Court has any meaning in the case of the nominee now before this committee, it means that the President wants a judge who will use his office to delay school desegregation in particular and all other civil rights progress in general.

But, let us see what Judge Carswell thought about that term "strict constructionist." He did not give a clear definition in a reply to a question on that point. Instead, he offered the committee a new phrase by saying that, "I do not think the Supreme Court should be a continuing constitutional convention."

The hearer is entitled to ask what does that mean? Does it mean that the Court was sitting as a convention when it upheld the right of Negroes to play on a publicly-owned golf course? Does it mean that the Nation's highest tribunal is no longer acting as a court when it orders implementation of a fifteen year old decree against segregation in the public schools?

In the light of his past record, it is fair to conclude in these instances that Judge Carswell would believe that such decisions are the products of a "continuing constitutional convention" rather than the constitutionally sanctioned decisions of a court of law.

We have seen and heard many of the supporters of his nomination. Some of them are reasonable men who have appeared from time to time as champions of civil rights. Their advocacy of approval for this nomination is another indication of the wide gulf that separates the reality faced by the oppressed and the insulated world in which their sympathizers live. As one travels about the country, it is clear that the victims of racial discrimination are not convinced that Judge Carswell has really abandoned his belief in the wisdom of racial segregation and the variety of white supremacy. Perhaps it would be possible for the men of good will, who support Judge Carswell to understand the feelings of the victims of racial discrimination if those gentlemen would suppose for a moment that they are considering a nominee who in his early adult career had blatantly expounded the doctrines of Adolf Hitler or Josef Stalin.

We might accept his profession of a change of ways twenty years after the speech was made, but we would not put him on the United States Supreme Court or any other Federal court. Most of the black citizens of the United States do not believe there is any difference between European demagoguery and the home grown variety which, for want of a more odious term, we call racism.

The Negroes of America are waiting to see whether the Senate of the United States will ratify racism by confirming this nominee in spite of his speech and in disregard of his record. We hope that the grave error which was committed when Judge Carswell was nominated will not be riveted into the history of our country by the Senate of the United States. Therefore, we ask that the nomination be rejected.

This concludes my testimony and I yield to Mr. Rauh, Mr. Chairman.

Senator Tydings. Mr. Rauh.

Voice. Excuse me, I would like to make a statement.

XUM

Senator Tydings. We have two witnesses, Mr. Mitchell and Mr. Rauh now, and we are going to hear from Mr. Rauh at this time.

The Chair recognizes Mr. Rauh.

Mr. Rauh. Members of the Senate Judiciary Committee:

My name is Joseph L. Rauh, Jr. I appear here today with Mr. Mitchell. I am general counsel of the Leadership Conference on Civil Rights. I am also appearing as Vice Chairman for Civil Rights of Americans for Democratic Action.

On August 2nd, 1948 then Mr. Carswell said: "I yield to no man in the firm vigorous belief in the principles of white supremacy, and I shall always be so governed."

That is possibly the worst statement ever made by a candidate for the U.S. Supreme Court. It is certainly the worst statement made by a candidate for the U.S. Supreme Court in this century.

Worse yet, Judge Carswell still does not understand the enormity of what he said. Let me explain that. Judge Carswell and others referred to the act that this statement was pre-Brown. What difference does it make that it was pre-Brown? Plessy vs. Ferguson, a much hated case, was the law of the land pre-Brown, but Plessy vs. Ferguson stated the proposition that all men are created equal, that they must have equal facilities if separate.

The doctrine of white supremacy espoused by then Mr. Carswell was as much a violation of Plessy vs. Ferguson as he could possibly have done. The law of America at the very moment he spoke was equality, and I think he does not today see that what he did was not anti-just segregation, just pre-Brown. He does not see that white supremacy ended with the end of slavery at the 13th, 14th and 15th Amendments. He still has some idea that it was not so bad because Brown came out later. I hope I have made clear the situation as it was pre-Brown.

Now having made this statement, there is in law a presumption of a continuation of shown condition or state of affairs if the contrary is not shown:

"From proof that a certain relationship status, condition or state of affairs has existed, it may be presumed that such status, condition or state thereafter continued to exist in absence of proof to the contrary. Where the habits and character of persons have been in issue, the rule has been applied." In Jones Evidence, fifth edition 1958, section 66, page 117.

In other words, the law presumes that Judge Carswell's statement continues to be his position unless he has rebutted that presumption.

Now the testimony I intend to give this morning is to show that there has been no rebuttal of the presumption of continuancy of his white supremacy position, and indeed that everything that has happened since has reaffirmed his white supremacy position.

First, there has been no direct repudiation by Judge Carswell until several days after he was nominated for the Supreme Court of the United States. For twenty-two years that stood as an unrepudiated statement reaffirming the presumption that it continued as his position.

Furthermore, and more damaging, there has been no indirect repudiation of that statement. No witness here, including Judge Carswell, has pointed to a single writing exhibiting compassion for the Negro of America. Judge Carswell's 1948 white supremacy statement stands unrepudiated and unrebutted on the record of his actions which we can now turn to.

The golf course incident has been much discussed. He was an incorporator and director of a private golf course whose purpose was to deprive Negroes of the opportunity to play on the municipal course. He did this as a United States attorney, and I say this with thought and after serious consideration.

There is a serious question whether incorporation and operation of a segregated golf course under these circumstances was a criminal act. 18 USC 241 makes it a felony to conspire to "injure any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States."

In United States vs. Price 383 US 78 7th section, that is 18 USC 241, was interpreted to apply to the 14th Amendment rights. Although this ruling came after the golf course incident, there was no change in the law, but a declaration of the intent of the statute as passed in 1870.

If in fact the city, city officials and private persons did scheme to segregate the municipal golf course by passing it into private hands, they were depriving Negro citizens of clearly defined 14th Amendment rights.

Some months previously the Supreme Court had held in Holmes vs. City of Atlanta 350 US 879, I believe it was November 1955, that municipally owned golf courses must be desegregated. It would seem that the present operators of the course, who hold it under a 99-year $1 a year lease continue such a denial of 14th Amendment rights under Burton vs. Wilmington Parking Authority. Therefore the question should arise whether in fact a criminal conspiracy existed.

I do not want to repeat the testimony of yesterday. I only want to refer to the fact that Leroy Clark, a professor of New York University, John Lowenthal, a professor at Rutgers, Ernst Rosenberger, a lawyer in New York City, and Norman K. Knopf, a lawyer in the Justice Department, if he is still there, all came here to testify to the hostility of Judge Carswell in the mid-'60s, not in '48, not in '55, but in the mid-'60s, all four of them, unrebutted, testified that he was hostile to civil rights and civil rights workers in the mid-'60s.

Now before analyzing the fifteen cases that I will show you that Judge Carswell was reversed for denying human and individual rights, I feel it necessary as a lawyer to call this committee's attention to the nominee's wholesale lack of candor on both the white supremacy statement and the golf course incident.

First with respect to the white supremacy statement. When he was told about this, he went on television and referred to the fact it had been attributed to him. He tried to explain that before this committee, but I believe wholly unsuccessfully.

When a man has made that speech, has had those views, he even told Senator Hart, I believe it was, that he believed those views, he should have known that they were not attributed to him. They were the statement he had made.

Furthermore I think his effort to indicate that this was pre-Brown and therefore explained by that was equally a lack of candor, and I think I have said enough about that before.

But the worst lack of candor deals with the golf course incident. There were seven statements, seven statements made during the golf course incident, that if you had had a witness up here for anything else, you would have jumped all over him and made perfectly clear what you thought of his ability to tell the truth. I will give you these seven.

On page 20 of the transcript Judge Carswell said, and I quote, "I read the story very hurriedly." Who in this room would believe that a man nominated for the Supreme Court of the United States, having had the statement on white supremacy come out, having seen a story which corroborated the white supremacy statement, knowing that his job on the Supreme Court was at stake, would have, and I quote, "read the story very hurriedly."

Secondly, on page 22 of the transcript Senator Hruska said:

"Were you an incorporator of that club as was alleged in one of the accounts I read?

"Judge Carswell. No, sir."

On page 66 he admitted he had been an incorporator.

At page 21 of the transcript he said:

"I was never an officer or director of any country club any where."

The face of the incorporation papers put in here demonstrate he was a director.

4. On page 24 Judge Carswell was asked by Senator Hruska:

"Were you familiar with the by-laws or the articles of incorporation?

"Judge Carswell. No, sir."

But look on page 66:

"Senator Kennedy. Did you generally read the nature of your business or incorporation before you signed the notes of incorporation?

"Carswell. Certainly I read it, Senator."

5. On page 21 he said:

"Judge Carswell. Somewhere about 1956 someone, a friend of mine, I think he was Julian Smith, said we need to get up some money to do something about repairing the little wooden country club."

But on page 67 he says, in answer to a question by Senator Kennedy:

"Would this lead you to believe that their only interest was just in the building of a club house?

"Judge Carswell. Oh, no, I certainly was aware that there would be things going on around the club house that normally do."

6. "Judge Carswell. There has certainly been no racial discrimination among the guests."

The affidavits Mr. Mitchell has put in the record answer that.

7. On page 148, the next day:

"Judge Carswell. This was a defunct outfit that went out of business."

What was the true fact about that? A resolution which I believe is part of the record of this corporation, made perfectly clear that it was not going out of business. It made perfectly clear that it was making one small change, namely a shift from profit to a corporation not for profit. Now what actually happened is perfectly clear. Somebody goofed. When they did the original incorporation, they put it under a profit statute of Florida. Well, that was a mistake. Nobody expects a country club to make money. Everybody assumes a country club has got hard times. Anybody who belongs to a country club knows it is a nonprofit operation.

You are damn lucky if you get somebody to pay the deficit. So all they did was shift under the corporate laws of Florida from profit-making corporation to nonprofit, and this is the resolution making the shift.

There are certain whereas clauses. Then it says:

"Whereas it is deemed wise and expedient to change the corporate nature of the Capital City Country Club from a corporation for profit to a corporation not for profit, now therefore be it resolved" we are going to change and then "Be it further resolved that all acts of stockholders and directors of Capital City Country Club, Inc., to this date be and they are hereby approved and ratified, and further that it is the sense of this meeting that all of the directors and officers of this corporation be continued in their present status respectively in the new corporation, Capital City Country Club, when duly organized."

To say that the original one went defunct instead of to say that it went on simply as a different from profit to nonprofit the word "defunct" was absolutely wrong on the basis of that resolution.

I do not know how you describe seven misstatements by a nominee for the Supreme Court on one incident and I guess what I think you ought to simply do is leave the adjective out. That is up to the committee.

I have stated the facts, and I will leave it at that.

Now I want to come to the fifteen cases in which Judge Carswell was unanimously reversed by the Court of Appeals in the area of human and individual rights. I looked at all of the other cases in the limited time. I did not read the way Van Alystyne and Pollak read. I want this perfectly clear. Van Alystyne and Pollak, who are scholars, they read through books, and their opinion of Judge Carswell comes from reading of say a whole Federal supplement, one case after the other, and they got their low opinion of him that way.

They did a random cross-section of opinions. I think Van Alystyne said that he read them all except in the Court of Appeals, and I think that Pollak said he had read five years. That is not what I did. I am not really adequately any longer qualified to have read it in all the other areas. I do not teach law and there would be some that would be Greek to me. I am testifying on particular cases that I have not only read but studied, and which in my judgment render him unfit for the Supreme Court, which deals so much in the area of civil rights and human rights.

Let us go into these 15 one by one, and where there has been a discussion previously, I would simply like to add to it, not repeat it.

The first case is Augustus vs. Board of Public Instruction of Escambia County, Florida. In the Court of Appeals 306 F 2d 862, in 1962. This is the so-called Pensacola School System case.

The Pensacola School System was wholly segregated as of 1960. Suit was commenced on February 1, 1960 by Negro parents. The first thing that Judge Carswell did was strike the effort by the Negro parents to desegregate the faculties.

Now it would not have been so bad after a hearing to have concluded that way, because the law was unsettled on faculties at that moment. I would be the first to admit that, that the law was unsettled. But Judge Carswell ridiculed these Negro children who sought to get desegregated faculties. He made a joke of them.

Let me read you what he said about them. Judge Carswell thought, by granting a motion to strike the part of the case that dealt with teachers, and this is what he said:

"Students herein can no more complain of injury to themselves of the selection or assignment of teachers than they can bring action to enjoin the assignment to the school of teachers who were too strict or too lenient."

I say a man who makes that comparison to a racial question is a man who has hostility on the racial issue. This is no question of leniency or non-leniency of teachers. This is a question of the inferiority of Negro teachers being alleged, and his laughing at it.

Judge Carswell also—that was the 1960 ruling. You see, while I have only said there were fifteen cases, I am going to show you that in more than one of these cases Judge Carswell was overruled twice in the same case, but I am only counting that as one.

This was in 1960, when Judge Carswell laughed at the idea of faculty desegregation. But then in '61, he got to the actual school plan of Pensacola. Although the suit was filed in February 1960, Carswell did not obtain a desegregation plan from local authorities for a year and a half. Even then, Carswell allowed another year before the first short step was taken toward token desegregation.

He approached a defective plan which provided only vague notification of rights to black parents, allowed only five days a year for Negroes to request transfer to white methods, and authorized the school board to reject transfer applications on a variety of general grounds.

Now the Court of Appeals in '62, the case I have cited, got both of these appeals. They handled the appeal from the motion to strike in relation to the faculty problem, and they handled the appeal of the Negro children in relation to the speed of desegregation, and in both instances the Court of Appeals reversed unanimously.

As to the motion to strike, they were quite caustic in reversing: "Whether as a question of law or one of fact we do not think that a matter of such importance should be decided on motion to strike. A disputed question of fact cannot be decided" and they talk about the problem of whether the children could prove that it affected them to have faculty segregation.

Then in regard to the other problem of the speed of the Pensacola plan, they said flatly: "It has not gone far enough." And then this is kind of I think cute: The Court of Appeals says: "We are reluctant to substitute our judgment for that of the district court." And then they go on and specifically tell them what to do, I take it because they were rather scared he would not do it if they did not tell him exactly what they wanted, and the court then spells out how much further he has to go in order to meet that requirement.

The second case occurs in 1964. Due vs. Tallahassee Theaters, Inc., 333 Fed. 2d 630. This was a complaint under Sections 1981, 82, 83 and 85, of Title 42 of the U.S. Code against the two theater corporations, their managers, the city officials and the city of Tallahassee, alleging a conspiracy to deny negroes the right to go to theaters.

He threw it out on a motion to dismiss, and this is what the Court of Appeals says to him, again chastising him and again unanimous:

"The orders of the trial court dismissing the complaint for failure to allege a claim on which relief could be granted can be quickly disposed of. These orders were clearly in error."

And then they go on to say this. They state in the complaint in the opinion exactly not as the plaintiffs had stated it but as the defendants had stated it, and then they said:

"This appears 'to be a classical allegation of a civil rights cause of action'."

In other words, Judge Carswell without a hearing had thrown out what the Court of Appeals said was a classical allegation of a civil rights cause of action. Then they went on to reverse him a second time in the same case.

He had not only thrown out the case of everyone except the sheriff, but he gave the sheriff summary judgment, because the sheriff in an affidavit said he had not conspired with anybody, and the court said: "You cannot give summary judgment on a sheriff's affidavit that he did not conspire with anybody. You have got to have a trial on whether he conspired with anybody." And they reversed him on that point too.

The third case is Wexler, which has been much discussed and bruited about here, and I regret that Senator Hruska is not here for this discussion, but possibly he will be here later, so we can discuss it after I have concluded my direct testimony.

Wexler, the style of that case is Wexler vs. County of Gadsden, Florida 351 F 2d 311, in 1965. I am not going to repeat the facts in that case. You have heard them from Lowenthel, Knopf and Rosenberger, but there are two points that are worth making.

First, Senator Hruska said that the court "relied on Peacock." I wrote that down. The Court of Appeals in reversing unanimously relied on Peacock and on Rachel. Now I have re-read Peacock and Rachel.

Senator Cook. You mean the Supreme Court?

Mr. Rauh. The Supreme Court, yes, sir. No, sir.

Senator Cook. The Fifth Circuit?

Mr. Rauh. When the Fifth Circuit went back, they sent it back on their own decision in that.

Senator Cook. That is right.

Mr. Rauh. And then later both of those cases went to the Supreme Court. Now I have re-read Rachel and Peacock and the only candid thing a lawyer could say to you is that it is debatable whether the Wexler case fell under Rachel and Peacock. I can state what the problem is easier than I can give you the answer.

Rachel held that if a person is relying on a statute when he does, a Federal statute when he does the act involved, he can remove from a State criminal prosecution for that act. Peacock holds that when he is not relying on a Federal statute as a basis of the act for which he is arrested by the State, he cannot remove simply because he says "I cannot get a fair trial" or "My First Amendment Rights are being involved."

This is not clear which this was in Wexler, and I want to make this perfectly clear, because I think we could spend all day arguing whether Wexler was Peacock or Rachel, and I think it is unnecessary, and that brings me to the second point and the most important point about this case where Senator Hruska was wrong.

He also said that Peacock in the Supreme Court denied the principle of automatic removal, and permitted sua sponte remands without hearings. He did not say without hearings now. I want to make this perfectly clear. He did say sua sponte.

Now Peacock does not do that, and that is the important point for the present situation. In Peacock it is an appeal from two cases. It is an appeal from a case called Peacock in the Fifth Circuit, and it is an appeal from a case called Weathers in the Fifth Circuit. In both of those cases, there was a motion for remand. There was a hearing. In neither of those cases was it either on the judge's own motion to remand or without a hearing.

Then later in the Peacock case in the Supreme Court, the judges are saying why they did what they did. The judges, the five judges are apologizing to a degree to the civil rights movement for what they have done by saying there is not a right of removal.

What they said was if there were a right of removal, everything in the South would be tried in a Federal court and we cannot go that far, and in explaining how far you would go, they say this:

"If the individual petitioner"—and I am now quoting from page 832 of the Supreme Court's decision in Peacock 384 US 833—"If the individual petitioner should prevail in their interpretation of 1443 (1) then every criminal case in every court of every State on any charge from a Five dollar misdemeanor to a first degree murder would be removable to a Federal court upon a petition alleging, (1), that the defendant was being prosecuted because of his race and that he was completely innocent of the charge brought against him or, (2), that he would be unable to obtain a fair trial in the State court. On motion to remand the Federal court would be required in every case to hold a hearing."

What the Supreme Court is saying there is the real point of why we cannot remove all this stuff is because everybody would remove every criminal prosecution from the State court there. Then there would be a motion to remand by the State. Then there would be a hearing before that, and this is too much for the Federal courts. It is the exact opposite I respectfully submit from what Senator Hruska had indicated.

They made perfectly clear in Peacock removal was automatic. There had to be a motion to remand, and there had to be a hearing on that motion to remand.

XUM

Now, what did Judge Carswell do? Judge Carswell without a motion for remand, without a hearing remanded, and I respectfully suggest, and I carefully note my words, I respectfully suggest that he thereby evaluated the testimony of Lowenthal, Rosenberger and Knopf when they said that he wanted to remand so they would not get out, and I think that when you see that double violation not on the ultimate substance of Peacock as to which I here have tried to be candid and fair, on the ultimate substance or substantial point of Peacock there is a debate, but on the fact that he remanded without a motion, and the fact that he remanded without a hearing, there is no debate. That was error. That was part of his pique against civil rights workers that you heard here.

Senator Bayh. Could I interrupt just a moment to ask one question to put this in proper perspective. On the motion to remand was that made by one of the parties, in Peacock?

Mr. Rauh. In both of the lower court cases that were reviewed by the Supreme Court in Peacock there were motions to remand, yes, sir, and hearings to remand.

Senator Bayh. By one of the parties on the judge's own——

Mr. Rauh. Yes, sir.

Senator Cook. Mr. Chairman, I merely want to say that we had made an agreement before the Senator from Indiana came that we were not going to interrupt anybody, and I agreed to that at that time, and we took the position then and I think as a matter of fact both of the witnesses, that we wanted to get their statements over before any questions were asked, and I merely want to know whether the procedure is going to be followed or whether when anybody wants——

Senator Bayh. Strike that question from the record.

Senator Cook. No, that is perfectly all right, but I want to make it clear that this is what we agreed to.

Senator Hart. The Senator from Kentucky is quite in order. My plane got in not late but on time but you fellows started early and I did not know the understanding. We will respect it.

Senator Cook. I think that is the understanding.

Mr. Rauh. Senator Cook is correct. We both asked, because of the fact that time was limited, that we be allowed to complete our testimony. We are happy to go on with questions, and I think Senator Cook and I could have some fun before the afternoon was up, but we did want to complete our testimony and get it in if there is to be an insistence on the time limitation. As far as Mr. Mitchell and I are concerned we are at your service for as long as necessary, but I see that I have only got approximately an hour more. I am on the third case and I have got lots of work to do here.

Senator Hart. All of us wanted an analysis of those cases.

Senator Bayh. I regret that I asked the question. I wasn't aware of the original agreement. I think the point is well taken. I would rather hear your testimony than ask the question. I just wanted to refine this. I would like to hear the discussion between you and the Senator from Kentucky, because I think this would be enlightening to all of us to get a fuller explanation of the problems involved, but I apparently do not have the time to do that.

Mr. Rauh. Maybe we could be invited back at a later time. We are available.

Senator Cook. I apologize for bringing up the matter, Mr. Chairman.

Mr. Rauh. Going on now on the fourth case, Singleton vs. Commissioner of State Institutions 356 F. 2d 771. You have heard this case. It is the Reform School case.

Judge Carswell said that children who were in the reform school and brought a suit to stop the segregation of the reform schools had no standing to continue their suit when they got out.

I can only say that anybody who would have taken that position believed in segregated reform schools because it was obvious those children had a standing to bring this case, and the Court of Appeals rules three to nothing again that they had such a standing.

Senator Fong. What year was that?

Mr. Rauh. That is 1966, sir. In 1967 you get another double reversal. That is Steele vs. Board of Public Instruction of Leon County, Florida 371 F 2d 395.

This is the Tallahassee School Desegregation case. Here Judge Carswell approved a desegregation plan which opened only one grade each year to token desegregation through freedom of choice. This is 1963 and he is approving a desegregation plan which opened only one grade, and only one grade on freedom of choice.

He issued this order in spite of the directive to his court in the Fifth Circuit's Pensacola decision that at least two grades be desegregated the first year, if desegregation did not begin until 1963.

That is how bad it was in 1963, but it got worse in 1965. At a hearing on April 19, 1965, at which Mr. Leroy Clark appeared before Judge Carswell on a motion to change it, he said it was bad enough in 1963, but since then you had the Supreme Court's decisions in Goss and in Griffin and all cases where the Supreme Court had ordered faster action. "We want a new hearing." This is out of the transcript of the hearing in Steele in the district court on April 19, 1965.

"Mr. Clark. Your Honor, basically our motion for further relief would be proposed or require a reorganization of the present system of assignment."

"Judge Carswell. Let me ask you this. You mean this would be an effort to reorganize the plan, that is to change the structural nature of the plan that has been approved by this court in the Fifth Circuit?"

Of course it had not been to the Fifth Circuit yet, so I do not know what Judge Carswell meant by that. Maybe you would like to ask him.

"Mr. Clark. Oh, yes, I think so.

"The Court. Well, I do not think we need to go any further. I think I made that very plain in the other motion. There is no necessity for this whatsoever and it would just be an idle gesture regardless of the nature of the testimony."

I say a judge in 1965, who on a motion to reform the Tallahassee school system said "It would just be an idle gesture regardless of the nature of the testimony" is a close-minded segregationist judge. When it got to the Court of Appeals he was reversed on both of his rulings.

Sixth is the third of the three big school districts in his district. You see, Judge Carswell's district essentially has the three big places were Pensacola, Tallahassee, and I have told you about those two school places, and now comes Bay County, which was the third of the big school cases before Judge Carswell.

This reversal was also unanimous on December 1, 1969, but not yet reported. The situation is as follows. This was—well, the style of the case in the Court of Appeals in Youngblood and United States vs. Board of Public Instruction of Bay County, Florida Number 572 in the Court of Appeals, reversed unanimously, Judge Carswell reversed unanimously December 1, 1969.

Of course he was already on the court by that time, but the court reversed his district court action.

This suit was filed by Negro students and parents in November 1963. On July 20, 1964 Judge Carswell made his first ruling in the case. Now remember that this comes in 1964, after Goss and Griffin, and this is what he held:

"Except for students graduating from grade school to junior high, or from junior high to high school, all children would be forced to remain in segregated schools for another year. Then token integration would begin on a grade a year basis. Even though students eligible to transfer the first year could enter white schools only if their parents came to the superintendent's office during working hours on one of only four days allowed for the purpose, even then the school board could use vague general criteria in the Florida pupil assignment law to reject applications."

This was so bad that the United States intervened in September 1966. A Jefferson County freedom of choice decree was entered in April 1967. In June 1968 the private plaintiffs filed a motion for supplementary relief in light of the Supreme Court decision in Green and the companion cases. The United States filed a similar motion on July 16, 1968.

These motions asserted that the freedom of choice plan failed to realistically promise to bring about a unitary school system to Bay County and asked the district school board to devise an effective alternative to free choice. At that time it was anticipated that the 1968–69 school year approximately 75 per cent of the Negro elementary and junior high school students would attend schools traditionally maintained for Negroes. No white students had ever chosen to attend these schools. Four of the twenty elementary schools and one of the four junior highs were all black. The high schools had been desegregated in 1967.

A hearing was held on July 18, 1968, and on August 12, 1968. The court issued an opinion which approved continued use of free choice for the 1968–69 school year. Remember this is after Green made clear what they thought, the Supreme Court thought of free choice. The Supreme Court stated it was not convinced freedom of choice plan has a place in the Bay County School System at the present time or that it is operated ineffectively as a tool of desegregation in Bay County, Florida at the present time.

However, the court already stated that the defendants in formulating a plan for the operation of the Bay County School System for the '69–'70 year have the burden of coming forward with a plan for desegregation.

The court ordered the board to file on or before January '69 tentative plans for the Bay County School System in accordance with the law during the 1969–'70 school year, and to file extensive factual material on the operation of the system. The school board then filed with the district court in response to the August order a request that it be permitted to continue its free choice plan.

The United States filed a response to this request again urging that an alternative to freedom of choice which would abolish the racial ideas of the system's schools should be devised and implemented for the '69–'70 school year.

The court then held a pretrial conference in all the northern district of Florida school cases on January 22, '69. At this conference the school board represented to the court that a bond issue was scheduled for election April 10 and that resulting new construction would fully desegregate the system. The plaintiffs and U.S. asserted the construction plans were vague and were speculative only and urged that the board file a new plan which would be effective by September 1969. The district court then directed defendants shall formulate and adopt a desegregation plan in accordance with the law as set out by the United States Supreme Court in Green and subsequent decisions of the Circuit Court of Appeals.

Such plan was to be filed by March 21, 1969 with a hearing scheduled for April 10, '69. However, on February 14 the court notified

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the parties that as time is of the essence, and in order to avoid unnecessary expenditures of public funds, a non-evidentiary hearing was to be held in chambers on February 18.

At this conference the board again asserted its intention to continue freedom of choice, and the plaintiff and United States voiced objections to the continued use of freedom of choice.

Following this hearing, the board pursuant to the court's ordered oral directive where the plan would continue free choice and would establish special programs at the four Negro schools to make said schools more attractive for white students.

The plaintiffs moved for an evidentiary hearing on this plan which was denied. The United States filed further objections which included some possible alternatives to free choice which were available.

A further non-evidentiary hearing was held, and on April 3, five days before the bond issue election, the court entered its order approving continuation of freedom of choice. This was reversed by the Court of Appeals on December 1, 1969. This brings it right up to the present time, his refusal to allow the law of the land to apply to the schools of the district in which he was, and as you know from Mr. Orfield's testimony, the districts in his area were the worst in Florida, and moved the slowest, and in some cases worse than other States, States that were bordering, and I wish there were time to go into all that, but there is not.

The seventh case was reversed under the same circumstance as Youngblood. I would like to make a correction. I gave the number of the Bay County case in the district court. The number of the Bay County case in the Court of Appeals is Number 27683, and the number of the Alachua County case in the Court of Appeals is Number 27983.

The Alachua County situation is roughly similar to the Bay County case, and the reversal was unanimous as in the Bay County case.

The eighth case is the Darkins vs. Green. Their plaintiffs brought an action relying on Dombrousky to enjoin certain prosecutions in the State court, alleging that the defendants, the prosecuting officials of Gainesville, Florida and Alachua County, Florida acted in bad faith in prosecuting the plaintiffs under the color of law enforcement to suppress and give a chilling effect to the exercise of the plaintiffs' rights as secured by the Constitution of the United States.

Despite that allegation, which was a clear allegation under Dombrousky, Judge Carswell on June 4, 1968 granted a motion for summary judgment and dismissed the complaint. Now what had happened was that the defendants filed affidavits saying that they were not in bad faith, and without a hearing he dismissed the complaint, and this is what the Court of Appeals again reversing him unanimously said. Those affidavits have no probative value.

Of course they had no probative value. If you bring a suit against somebody, and you say he is in bad faith, and you offer to prove he was doing this in bad faith, and he files an affidavit that he is not in bad faith, you have still got a right to prove it, and that is exactly what the Court of Appeals said, and anybody who would have dismissed that complaint in Darkins vs. Green, the eighth case I have cited here of unanimous reversal really didn't want to look into that case.

I am afraid I did not give the style of that case and I should have. It is Darkins vs. Green 412 F. 2d 644.

Senator Fong. When was it?

Mr. Rauh. That was 1969, sir. The reversal was '69. I think his action was in '68, sir.

Eight unanimous reversals by the Court of Appeals, some with two reversals in them in civil rights. Now you say eight is not so bad, eight civil rights cases. That is not so bad. He was there eleven years, why shouldn't he get reversed eight times on civil rights. Why doesn't he once get reversed the other way? Why doesn't he once take care of a human situation and get reversed the other way? The story is that everything he did on civil rights, and I am coming to the barber shop, everything he did on civil rights was wrong. This man was unanimously wrong on civil rights. He was justifying instead of rebutting the presumption that goes with his '68 speech and his '56 gold course and his hostility that you heard. Instead of rebutting this, these cases confirm this presumption that comes with this statement.

I have got eight, but I do not have to stop there, and I have got seven more, but I just wanted to put this one in the interstices in this argument. He once sat on the Court of Appeals in a civil rights case and he got overruled two to one because he had his own vote. It is the only civil rights case in which he was not overruled three to nothing because he was sitting on the court.

The name of the case is Gaines vs. Dougherty County Board of Education 334 F 2d 983. This is 1964, ten years after the Brown case. An appeal comes to the Court of Appeals from a school district in Georgia. The Court of Appeals says that they think a minimum requirement would be desegregation of the first two grades of the school together with the desegregation of the twelfth grade. What they say about the twelfth grade is every kid before he gets out of school ought to have one year under the Brown case, which had been decided ten years earlier. Otherwise a whole decade of kids get swept out of school never having gone into a desegregated class, so the Court of Appeals, Judge Tuttle and Wisdom, say this really radical doctrine that you should desegregate ten years after Brown the first year, the second year and the twelfth year.

Judge Carswell is sitting with these two very distinguished judges, and he dissents. He cannot even go along with Tuttle and Wisdom on so little appropriation as two grades at the beginning and one at the end. But then it is worst.

He writes an angry dissent about what they do on page 986 of the Federal Reporter, it reads as follows:

"In my view, this simply violates the longstanding and wise view that no court should rain down injunctions unless there be some demonstrated factual necessity to insure compliance with the law."

Here is a school district that for ten years is totally segregated, and he refers, and I quote "to raining down injunctions" to get three classes integrated, and I do not even count that in my fifteen.

Now there is a thread of no hearings going through Judge Carswell's performance. He does not want to hear the other side. Let us go back and look at these cases just on the point of no hearing. In Augustus he moved to strike the teacher thing rather than give them a hearing. In Due he granted a motion to dismiss without giving a hearing. In Wexler he granted the remand without giving a hearing. In Singleton he granted—he dismissed without a hearing in the reform school case because he said they had no standing.

In Steele, in the second half of it where Clark asked him for a hearing in '65 to change the reorganization plan, he refused a hearing, and in Darkins vs. Green he refused a hearing and said that the affidavit of the sheriff that he was not in bad faith was enough.

The real reprise in this musical comedy of Judge Carswell is that he never wants to give anybody a hearing and I am just coming to that, and I think that is what the lady wants to tell you about. She wants to repeat the testimony on Martin Marietta, and I hope you will allow her. I did not particularly want to interrupt. I have been waiting a long time for this chance, and I simply say that I hope you will hear her too. I meant no discourtesy, but I wanted my day in the sun too.

Senator Hart. It is five minutes of eleven, and under the order entered, we conclude at 11:30. If you really want the lady to be heard, we are under a limitation.

Mr. Rauh. I am going to get done just as fast as I can.

Senator Hart. I am just saying——

Mr. Rauh. I am doing the best I can, sir. I have got fifteen cases and I have got to show you that the fifteen is a minimum, and a modest estimate, but I want you to leave, I want everybody to leave this room this morning to realize that the record of this man on civil and individual rights in the Court of Appeals of his own State, the Court of Appeals of his own southern colleagues, is 45 to nothing, that there were 15 reversals, each unanimous, and I have just got to go on to prove this matter.

I was talking about no hearings and I was pointing out that that is why the ladies of this country are so up in arms at confirming for the Supreme Court a man who would not even give a hearing to them in Martin Marietta. Now there are seven cases which complete the fifteen. There are seven cases when in review of criminal trials either under 28 USC 2255 or by habeas corpus from State cases, he refused a hearing despite an allegation in the 2255 petition or the habeas corpus petition which was adequate to require a hearing and which the Court of Appeals in so many words three to nothing did reverse him.

The first case which now becomes the ninth case, Meadows vs. United States of America 383 F 2d 942, in 1960, where the petitioner moved under 2255 to set aside the sentence on the ground of a prior determination of mental illness which made it impossible for him to make intelligent waivers and pleas. The Court of Appeals reversed and just very peremptorily saying this was an adequate petition and obviously should have a hearing.

The tenth case is Dickie vs. US 345 F 2d 508, where the petitioner moved to vacate judgment and sentence under 28 USC 225 on grounds that he was mentally incompetent at the time he waived counsel. He denied the motion without an evidentiary hearing. He was reversed unanimously and instructed to give the man a hearing.

The eleventh case, in Baker vs. Wainright 381 F 2d 248, 1968—and I want to point out here he got it once in '60, he got it a second time in '65 from the Court of Appeals on the simple proposition of law that if you state a case in 2255 or habeas corpus you are entitled to a hearing. Having been reversed unanimously on this proposition in 1960, and in '65 he got five reversals in '68 on this very proposition. Baker vs. Wainright 391 F 2d 248 is the eleventh case of my series, and the first of the five cases in '68 where this occurred.

In that case petitioner alleged that he was denied right to counsel on appeal from his conviction. After conviction, petitioner filed affidavit of insolvency in prosse notice of appeal. State court did not apprise him of his right to have counsel appointed.

Judge Carswell on habeas corpus denied without evidentiary hearing. Judges Wisdom, Bell and Dwyer reversed and remanded for evidentiary hearing.

The twelfth case and the second in '68 in Darkins vs. Crevas 391 F 2d 921. This is the Darkins case that we had before on the bail issue, and on the bail issue the exact same thing. Petitioner denied without hearing, reversed with direction to enter order granting bail by unanimously Thornberry, Haynsworth and Dwyer.

The thirteenth case and the third in '68

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where this occurred is Brown vs. Wainwright 394 F 2d 153 May 1, 1968. Their petition alleged that his incriminating statements used against him were involuntary. It was a habeas corpus proceeding, but the petition was denied without evidentiary hearing. Reversed unanimously and remanded for evidentiary hearing.

The fourteenth case and the fourth in the same year, 1968, is Harris v. Wainwright 399 F 2d 142. Petitioner alleged that he was not sane at the time of offense or at time of trial. No pretrial hearing or motion for an examination had been made, though petitioner had a hearing of mental commitment. At hearing of petitioner's post-conviction attack and State court petitioner was not produced and was not represented by counsel State court held the petitioner was represented by able counsel at trial and the conviction was not illegal.

Judge Carswell denied summarily, without even requiring the respondent to reply to the habeas corpus. He was reversed with directions to determine if issues raised by allegations require evidentiary hearing and for consideration of whether the court should appoint counsel to represent petitioner.

The fifteenth and last of the Court of Appeals reversals but not last of the cases against Judge Carswell is Barnes vs. Florida 402 F 2d '63. Petitioner alleged coercion of guilty plea and ineffective assistance of counsel. He alleges he saw court-appointed counsel on few minutes four days before trial and few minutes prior to trial.

Claims attorney coerced him into pleading guilty, submits portion of certified letter from lawyer as proof.

Judge Carswell in habeas corpus petition denied this petition without evidentiary hearing. Reversed and remanded for evidentiary hearing.

I guess that would be enough, but it is not all that occurred. I mean the trouble is that there is such an overwhelming amount here that you simply cannot get it all in. I think if there were time, there are dozens of additional things that I would like to produce. I think it has been a monumental task with great help from other people, especially the Washington Research Production Action Council, and Mr. Frank Pullhouse, assistant to Mr. Mitchell, that we have been able to put this much together in this short time.

Now if that were all, it is terrible, but those fifteen cases do not include the Gaines case that I gave you, where he dissented from Tuttle and Wisdom. They do not include the refusal to hear Martin Marietta, and they do not include the case of Edwards vs. State of Florida CA Number 1271.

The facts I am about to relate are all contained in the official record of that case, can be inspected in the office of the Clerk of the Court, United States District Court for the Northern District of Florida at Tallahassee.

In October 1966 Ray Eugene Edwards, a prisoner in a Florida jail filed a handwritten petition for a written habeas corpus which he had drawn up while in prison using whatever legal terms were available there.

The Clerk of the District Court then sent him a mimeographed form to fill out. The form was labeled "Petition for Writ of Habeas Corpus" and a filled-out copy was returned to the Clerk of the Court on October 25. From the documents and the court records it appears that Edwards had never directly appealed his conviction. Instead he had tried three times to have his conviction set aside under a procedure set out in Rule 1 of the Florida Rules of Criminal Procedure. The papers do show that he may have been confused, and thought that his Rule 1 motions were appeals.

In his Rule 1 motions he had told the State court that he was indigent and asked that a lawyer be appointed to represent him, that he be furnished with a transcript of the proceedings leading up to his conviction. The State court denied these requests on the ground that an indigent had the right to an appointed lawyer and to a free transcript only on direct appeal from his conviction and not on collateral attack.

In figuring out the form sent him by the Clerk of the District Court, Edwards made the mistake of putting coerced guilty plea in the wrong blank. It should have been placed in the blank under the question asking the grounds for his claim that he was being unlawfully detained. Instead he put this allegation under the question asking the grounds for his attacks on his conviction in the State Court Rule 1 proceedings.

Edwards had put only "Denial of appointment of counsel for appeal" and "Denial of court records" et cetera with which to appeal under the first question. Although Federal statutes set forth a tightly limited time schedule for the speedy handling of habeas corpus petitions, Judge Carswell did not act until February 14, 1967, three months after the time set by statute had expired.

At that time he granted Edwards motion to proceed in forma pauperis but denied his petition. Although allegation that petitioner was forced to plead guilty clearly presents a factual issue which if found to be true would require that the writ of habeas corpus be granted Judge Carswell denied the petition without holding a hearing on the allegation, thereby violating the clear requirements of 280 SC.

His order denying the petition ignored the allegation entirely, choosing to focus only on the item specified under the correct blank. Then almost unbelievably, he denied a certificate of probable cause.

So what you get is not just the 15 reversals. I do not know how many more of these exist. We do not have time. We want to go through the records of this judge. This does not come out of any printed volume. This is not in any book we have easy access to. This comes out of a file. Give us time. This judge, a judge who would do what I just read you in the Edwards case did not do it just once. I have shown you fifteen. But these are the ones we want to look at. These are the ones that you ought to ask for.

Now just a word here. I do not have time, because I do have to make some conclusions from some of this, I do not have time to tell you in full how bad the jury system is that Judge Carswell set up. In this room you have heard at least twice, once from Judge Carswell and once from everybody else about the great jury system he set up. That jury system is discriminatory and is illegal, and I have here a memorandum which I simply cannot read but which I ask to be inserted dealing with the problem "Racial Discrimination in Judge Carswell's System of Selecting Persons for Jury Service. I am available to answer questions to it, but in the short time I am trying to save a couple of minutes for the lady, in the short time I have there are other things I would rather deal with, but this document examined by you, and I have extra copies here, this document examined by you will show that the Carswell jury system far from being in his favor is the other way and I ask that it be inserted in the record at this point.

Senator HART. Without objection it will be printed.

Mr. RAUH. Members of the committee, on behalf of the Leadership Conference on Civil Rights, speaking for Mr. Mitchell and myself, I beg of you not to let the record stand this way. I beg this committee not to close the hearing, not to give the impression to the public of railroading. And let me give you six reasons why we should not close this hearing today.

First, how many other times did he say white supremacy? That was found not by this committee. That statement was found by a telecaster down in Florida. The Newsweek quote was found not by this committee but by a private investigator. I think we ought to find out how many other times. I do not believe there is a man in this country has ever said white supremacy just once.

Second, how can you let the golf course thing rest as it stands with the seven misstatements of fact by Judge Carswell? Don't you have to investigate? Don't you have to go further? Don't you have to find out if I am right when I say that there was a serious question whether there was a crime here?

Third, it is an open secret in this town that there are unreported opinions and actions in the Department of Justice's files of the Civil Rights Division. Those files have never been made available to this committee. I suggest that every case which the Civil Rights Division had in front of Judge Carswell be read by some representative of this committee and be made available to the Civil Rights groups.

Fourth, I think you should go into the jury situation in the memorandum I have just filed in that record.

Fifth, there are other witnesses who have requested to testify besides the lady at my right, and they are quite remarkable people asking to testify. A. Philip Randolph, the Dean, the senior human being, a man whose whole life has been given to this, has asked to come before the committee. Do you really want to say that A. Philip Randolph cannot come before this committee? Dorothy Hight representing literally, I do not know, hundreds of thousands, millions of women in her organization, seeks to come before this committee. Bayard Rustin, a great and trusted leader seeks to come before this committee. The American Jewish Congress, representing a large segment of the Jewish community, wants to come before this committee. Mike Masoka representing the Japanese group wants to come before the committee. I do not know how many others they have got in the other room that want to come before this committee.

Can you really really close this out today?

Sixth and last and most important, we ask that Judge Carswell be recalled. We ask that he explain the discrepancies in his golf course testimony. We ask that he explain the discrepancy in his jury testimony, in testimony on his jury record. We ask that he explain the 1964 incidents. We ask that he answer whether he did in fact turn his back on Leroy Clark.

Let me just say this one thing on this. If Judge Carswell were worthy of the Supreme Court, he would demand the right to come back, because as he sits up there asking if he should be confirmed, asking lawyers to explain things through every lawyer's mind in this country standing before Judge Carswell will be the question "You didn't explain the discrepancies in your own testimony, the discrepancies in your actions. You hid, you fled."

He has a right to demand to come back here. I use the analogy of Justice Black. He explained. Judge Carswell has not explained, and we ask that he be recalled and if he were qualified to sit on this bench, he would come back, and insist he could come back.

In conclusion therefore, gentlemen, I respectfully suggest to you that Judge Carswell is Judge Haynsworth with a cutting edge. He is Judge Haynsworth with a bitterness and a meanness that Judge Haynsworth never had. A Senate that would not confirm Judge Haynsworth cannot confirm Judge Carswell. It cannot accept the principle that because the Senate refused to confirm someone, it thereby has to confirm somebody worse, or else you will get to the situation where you may never refuse to confirm anybody because there is a threat that it will be worse.

You have heard Mr. Pollak and others say this man has never written one legal statement for the press, for the public. To put in the seat of Oliver Wendell Holmes, who wrote the Common Law, the seat of Benjamin Cardoza, who wrote The Nature of the Judicial Process, in the seat of Felix Frankfurter, whose writings and scholarship were legion, to put in the seat of those three men a man who has never published one page on the law is to be disrespectful to great justices. Nor is there one opinion cited of his by anybody in his favor with one exception that I am coming to.

Here you had Professor Moore, a great man, who has written, he has read everything. Professor Moore, in order to write the Federal, Moore's Federal Practice and keep it up to date has got to read everything, and he comes before you and cannot cite one case worthy of his note of Judge Carswell.

So you say the Barbershop case. That is the one case anybody has ever talked about. If Judge Carswell is confirmed, God help us. It will be the first time in history that a man ever was confirmed for writing an opinion that his racist barber ought to cut a Negro's hair.

But what about that case? Let us look at the case. It is called Pinkney vs. Malloy, 241 F Supp. 943 in 1965. I am going to read you the statute. The fact anybody should cite this in his favor is real proof that nobody expects him to do anything. I want to read you the statute. You all passed the statute.

Section 201(b)(4) of the '64 law provides "coverage of any establishment which is physically located within the premises of any establishment otherwise covered by this subsection and which holds itself out as serving patrons of such covered establishment."

Two criteria to be covered. First, that it is part of an establishment that is covered, and second, that it holds itself out to serve the patrons of the covered establishment. Gentlemen, both of those points were stipulated by the parties. The stipulation of the party reads as follows:

"The Duval Hotel is located in the city of Tallahassee, is a place of public accommodation as defined by the Civil Rights Act of 1964."

In other words they stipulated the first half of that. And then they say, and this still in the stipulation.

"There are signs in the hotel elevators listing the various services located in the hotel including barbers."

Both halves of the statutory requirement for coverage were stipulated to, and I say that when anybody has got to rely on a case that was stipulated as covered by the law, they are in one heck of a shape.

Members of the committee, this is the worst possible time in our history to put a man on the Supreme Court like Judge Carswell. There is a new revolution going on, and it is going on in two ways in the South. There are those who want to comply. There are people, the decent people who want civil rights for everybody, and this is a slap in the face to them, but then there are others best exemplified by Governor Kirk who are starting a new revolution against it. What you are doing is fanning the flames of that revolution and killing the good revolution by putting Judge Carswell there.

Finally I came here as a lawyer, and I said I was going to prove my case. My case is this. There is a presumption that a man who says he is a white supremacist is a white supremacist until he proves the contrary. I say that the record before you instead of proving the contrary buttressed the 1968 white supremacy speech.

There is the golf course incident, in which he has been not only implicated deeply, but lacking in candor before this committee. There is the hostility running down, I think Leroy Clark said he was there until as late as 1966, insulted, "never letting me finish a sentence, turning his back on me." Do you really believe that Rosenberger, Knopf, Lowenthal and Clark were not telling the truth? You could not believe that if you saw them. They have got nothing to gain out of this. So you have got a record buttressing this white supremacy statement, and then you have got the cases. You have got 15 cases of unanimous reversal, nothing in his favor. You have got, plus what you have really got is 45 to nothing against Carswell plus.

Well, if we have not proved our case, I do not know how anything can prove a case in this country. Don't let the fact that you did not want to do it again—it is not the fault of the Senate that they are here. They did what they had to do on Judge Haynsworth. Don't let the fact that it came back worse discourage you. Remember you will have to live with your conscience, and I am going to predict now that those who vote for Carswell for the nomination to the Supreme Court are going to find as time goes on that more is going to come out. If in two weeks this black record can be built by volunteers, by people with no staff, if so black a record can be built in two weeks, what could be built with an adequate investigation?

I just suggest that caution does not lie with confirming a man who proclaimed and has proved his belief in white supremacy. Caution stands with those of us who ask you to say no.

Senator HART. Thank you very much, Mr. Rauh. The witnesses are available for questioning.

Senator KENNEDY. Mr. Mitchell and Mr. Rauh, would your opinion be as strongly expressed in terms of your reservation about the nominee's attitude on the field of human rights and civil rights if he had not made that speech in 1948? Do you think the events since that time would still justify an expression of reservation on your part?

Mr. RAUH. Yes, Senator Kennedy. I would have been here with those cases proving the case. I would say that these are independent points.

Mr. Mitchell so eloquently made clear that you could not put a man on the Supreme Court who had said that. There are a lot of things you can forgive him for, and you can forgive his statement, if he had really recanted, but you could not put him on the Supreme Court. That is point one.

My point is wholly different and in addition to that point. I would be here opposing Judge Carswell as a segregationist if he had never made the statement. I simply say that the statement illuminates the later history.

Mr. MITCHELL. I think too, Senator Kennedy, that the fact that we in the Leadership Conference oppose his nomination to the Court in the Fifth Circuit when we did not know about his white supremacy statement indicates that we considered him unfit.

Senator BAYH. I have no questions, but I would say that some of the questions I had were answered by the extreme detail in which you examined those cases, and there is a very great concern in my mind on this critical issue.

Senator HART. For Senator Ervin I recognize Senator Burdick.

Senator ERVIN. Senator Cook?

Senator COOK. I was wondering, we have five minutes, I think under our order and I wonder whether it is the desire of the Chairman to hear the lady who wished to testify?

Senator ERVIN. Under the agreement as I understand it, the order of The Chairman and under the tacit agreement of the committee, if Mr. Rauh and Mr. Mitchell have finished testifying, then we will stand in recess. We will adjourn the public hearing and go into executive session.

Mr. RAUH. Sir, it is not 11:30, couldn't the lady be heard? Let her talk.

Senator ERVIN. Have you finished testifying, Mr. Rauh?

Mr. RAUH. I would just like to say one thing in my testimony. I think you would be making a terrible mistake not to hear the lady.

Senator ERVIN. The committee has already made its order and the committee, the public hearing is adjourned and the committee will go into executive session at this time.

(Whereupon, at 11:25 a.m. the Committee proceeded to Executive Session.)

URBAN LAND IMPROVEMENT AND HOUSING ASSISTANCE ACT—WCBS–TV EDITORIAL

Mr. JAVITS. Mr. President, the problem of suburban land use is one which is of increasing importance today. As more people move into our suburban areas, it becomes very important to assure that middle and lower income groups have the opportunity to move to those areas if they desire to do so.

I have introduced a bill (S. 3025), the Urban Land Improvement and Housing Assistance Act, in an attempt to meet some of the problems of urban growth. One of the features of that bill would make Federal grants available to suburban communities to assist them in meeting the increased costs of schools, sewers, and other facilities which may result from the construction of moderate- and low-income housing. This provision in the bill has received favorable comment from WCBS–TV in New York City in an editorial on December 15, 1969. The editorial also recommended the examination of other specific proposals to encourage the construction of moderate- and low-income housing. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHARING SUBURBIA

In earlier editorials, we noted that suburban zoning practices were facing a court test, a test in which we hoped that zoning that discriminates against poor and lower income families would be found unconstitutional.

But this legal challenge to such zoning practices is essentially a negative one. It may succeed in ending some forms of exclusion in the development of vacant land, but it may not encourage more than a token change in housing practices in the suburbs, practices that reserve almost all open land for the affluent, those earning $15,000 or more.

So we believe other challenges to suburban land use must be mounted, challenges that encourage sharing in suburbia. One area for reform is in property taxation. As we have noted before, suburban communities tend to zone out blue collar workers and the poor in an effort to keep property taxes under control. So one way to bring about more varied land use in suburban communities is to assure those communities that greater population density will not raise their taxes.

Senator Jacob Javits, Republican of New York has introduced a bill—S. 3025—that would, among other things, make federal grants available to help meet local costs of more intensive development. In other words, if suburban communities opened their land for development of more moderate and low-income housing, the federal government would pick up half the bill for any additional public investment in, for example, sewers or schools that the housing would make necessary.

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In our opinion, this feature of Senator Javits' bill is particularly attractive, and we would urge passage not only of the Javits' bill, but of similar state legislation using tax incentives to encourage suburbs to make more varied use of their land.

A second approach that merits examination has been enacted in Massachusetts. There the state legislature has approved a zoning law that, in effect, requires every community to provide some of its vacant land for low and moderate income housing.

Another promising approach is through the establishment of state-level public authorities that are empowered to override local zoning regulations to build housing for low-income and moderate-income families. In our next editorial we'll examine the first of such agencies, New York State's Urban Development/Corporation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FEDERAL CREDIT UNION ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2, the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, the House-passed bill, H.R. 2, which has been favorably reported by the Banking and Currency Committee with certain amendments, amends the Federal Credit Union Act by elevating the Bureau of Federal Credit Unions to the status of an independent agency. It is designed to create a National Credit Union Administration, thus placing the credit union supervisory body on a par with the agencies which supervise and regulate banks and savings and loan associations. In the Federal Reserve Board and in the Federal Home Loan Bank Board, we have independent bodies regulating the activities of banks and savings and loan associations. Yet, throughout their history, credit unions have been supervised by agencies which are subordinated within a parent, though nonrelated, Government agency. The current Bureau is located within the Social Security Administration which in turn is located in the Department of Health, Education, and Welfare. This is true even though there are now more federally chartered credit unions in this Nation than there are all other federally chartered financial institutions combined. On that basis alone, a strong argument is made that Federal credit unions should be given the status and recognition which a separate, independent supervisory agency would provide.

But more importantly, the National Credit Union Administration, as proposed in this bill, will go far toward creating a more effective and efficient administration of the Federal Credit Union Act than is possible under the Bureau in its present organizational level. I do not mean to imply that the Bureau is inefficient and ineffective; I merely wish to emphasize that its location in the organizational hierarchy of our Federal Government imposes certain limitations and handicaps which should not exist, and would not exist under a separate agency status.

The Bureau of Federal Credit Unions' position at a third echelon level in a major department of the Federal Government gives it a certain degree of isolation from both the credit unions it supervises as well as from the Congress.

As an example, in major policy matters and decisions, the Director of the Bureau must secure approval from the head of the Social Security Administration, which has no direct concern in its affairs, and then from the Secretary of the Department of Health, Education, and Welfare, after going through channels of numerous assistants to the Secretary. In this organizational setup, the Bureau is essentially a stepchild in a department whose major concerns are not in the financial institution category. The responsiveness of the Bureau to urgent requirements of the Federal credit unions is all too often stymied by the organizational procedures and channels involved in establishing major policies and decisions, which are unnecessarily time consuming and cumbersome.

Another defect of this organizational setup is the fact that it creates additional problems of communication with Federal credit unions on their needs and requirements. Until higher echelon approval is obtained on proposed major policy matters, the Bureau is often restricted in discussing such matters with the credit union movement.

A prime example of this was the reduction early last year of the number of Federal credit union regions from nine to six. Although this move was undoubtedly sound in the interests of economy, it did have a major impact upon Federal credit unions. The action was taken by order of the Secretary of the Department of Health, Education, and Welfare without advance communication, warning, or discussion with the credit unions affected. Certainly, a productive discussion in advance of the reorganization would have been extremely valuable to all parties in this action and would have materially alleviated the concern and confusion which resulted from the completely unexpected announcement.

One of the important features of the bill before us is the creation of a National Credit Union Advisory Board to be appointed by the President, by and with the consent of the Senate. This Advisory Board, composed of one representative from each of the Federal credit union regions with a Chairman to be appointed from the country at large, will be a major factor in improving communication between the administration and the Federal credit unions which it will supervise. Representing all sections of the country, with the diverse problems which each has, the Advisory Board will provide a two-way channel of communication between the administration and the Federal credit unions. Through the Board members, information on needs and problems of the Federal credit unions can flow freely to the administration; and administration proposals can be made known to the field easily and quickly so that the supervisory agency can have the added benefit of various viewpoints and the knowledge of experienced credit union representatives.

An attempt has been made in recent years to provide this two-way communication through a liaison committee of credit union organization representatives. While this has had some small degree of success, it has generally been unsatisfactory both to the Bureau of Federal Credit Unions and to the credit union industry. The committee has had no formal standing, and as such its value to the Director of the Bureau has been materially undermined. That same lack of formal recognition has created dissatisfaction on the part of credit unions themselves with this informal arrangement. At best, the arrangement has been far from successful and generally unsatisfactory to all concerned.

You will note that one of the amendments the Banking and Currency Committee has made in the legislation as passed by the House is the establishment of the Presidentially appointed Board as advisory to the Administrator of the National Credit Union Administration. The committee felt that more effective administration would result if responsibility was clearly vested in the Administrator, with the part-time Board in an advisory role. We believe that the proper function of the Board is to advise the full-time Administrator, but that the Administrator would have the clear-cut responsibility for the conduct and decisions of the administration.

This bill will give the Administrator the tools with which to operate more effectively and efficiently. As an example, the present Bureau is dependent on offices outside his control and jurisdiction for legal opinions and advice. Now the Director must go to lawyers in the Social and Rehabilitation Service Division of the Office of the General Counsel in the Office of the Secretary of the Department of Health, Education, and Welfare.

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Undoubtedly, as qualified as this staff is to provide this advice, it is not primarily oriented to credit unions and their problems of operation. Even more important is the fact that this staff has other pressing demands, and that priorities in operations are controlled by other officials. A separate agency would have its own legal counsel—one whose expertise would be solely devoted to credit unions.

The present Bureau is also dependent on other agencies for its personnel administration. While this is not as critical as is its dependence for legal advice, it is still an undesirable situation. With over 450 employees, a personnel office of its own would be most desirable. This again, can be effected under the measure we have before us.

A vitally important consideration in this measure to create a National Credit Union Administration is the fact that it will not cost the Government a single cent. Fiscal year 1969 marks the 15th year that the Bureau of Federal Credit Unions has operated solely on funds received from Federal credit unions for chartering and supervisory services. Since fiscal 1954, Congress has not had to appropriate funds for the administration of the Federal credit union program.

The proposed legislation makes no change in this situation. The independent National Credit Union Administration will continue to be supported entirely by fees assessed for chartering, examining, and supervising Federal credit unions. These fees, I emphasize, would be paid by the Federal credit unions themselves. Not only would the National Credit Union Administration be an independent agency—it would also be a financially independent agency supported entirely by the Federal credit unions which it serves.

Certainly, Federal credit unions who will pay the cost of this agency and who desire so strongly an independent National Credit Union Administration deserve to have the prestige, the recognition, and the equality which an independent agency will give them.

Mr. President, I wish to emphasize that this legislation would not create another Goverment agency per se—it would merely elevate the existing supervisory agency, the Bureau of Federal Credit Unions, to an independent agency status as the National Credit Union Administration. It would enhance the prestige and status of Federal credit unions and give deserved recognition to the over 11 million Americans who are Federal credit union members.

I shall not go into further details on the provisions of this bill. But one point deserves to be emphasized—that this bill does not in any way alter the present provisions of the Federal Credit Union Act insofar as the powers and restrictions placed upon actual Federal credit union operations and control are concerned.

My support of this measure, as amended by the Banking and Currency Committee, is based upon two major considerations: first, that the nearly 13,000 Federal credit unions with over 11 million members are entitled to the same independent supervisory agency as are our other financial institutions; and, second, that this proposed legislation will be without cost to the Federal Government since the Federal credit unions themselves will, as they have for the past 15 years, provide the entire financial support through assessed supervisory and examining fees.

This is sound legislation in my opinion; it is legislation which has been earned and which is justified by the record Federal credit unions have established in 35 years of existence. The overwhelming majority of Federal credit unions have asked for this legislation. Why should we deny them the right to an improved and more effective supervisery agency which they have so clearly justified and earned, and for which they—and they alone—will foot the bill? I wholeheartedly recommend to the Senate passage of this bill.

Mr. BENNETT. Mr. President, there are a number of reasons why I think this bill should be rejected. In the first place, I do not think it will give the credit unions what they want, or what they hope to get out of it.

In the second place, because of a situation that has arisen since the bill was introduced and considered in committee, I think it has become untimely.

It may well be that if this bill is passed, everything that it creates will have to be done over again, for a reason which I shall also explain later.

It was brought out clearly in testimony before our Banking and Currency Committee that the major purpose of this legislation is to provide "prestige and recognition to Federal credit unions which they have earned and deserved." As a member of a credit union and a member of the committee which has jurisdiction over credit unions, I have no doubt that credit unions have provided great benefits to savers and borrowers. In many cases, individuals are able to borrow from a credit union at rates which are more advantageous to them than from any other source. Credit unions in such instances are obviously providing a service to their members, and they deserve recognition for that service and whatever prestige comes about as a result of it.

I might also point out that many credit unions are now paying 6 percent on savings to their shareholders, while all other federally chartered institutions are forbidden to pay such a rate on regular savings accounts. So credit unions already have that advantage. This is an obvious service to members of the credit union, and it grows out of this legal advantage. Thus, I do not question that Federal credit unions have played a significant "role"; and I feel that their future impact, if channeled in the right areas, can be even more significant than it has been in the past. However, it seems to me that some leaders in the movement are hungry for public acclaim and personal recognition and think that this can be generated by legislation.

The lending and borrowing activities of many credit unions have been supplemented by counseling services which have provided recognition and prestige to the credit union movement. I feel that it is not only impossible for Congress to enact legislation providing prestige and recognition above that which the industry itself can earn, but also, that it is unwise to attempt it chiefly to satisfy someone's pride.

It was suggested in our hearings that the establishment of an independent agency for the supervision of Federal credit unions would place credit union affairs on a par with such agencies as the Farm Credit Administration, the Small Business Administration, and the National Science Foundation. Our committee does not have jurisdiction over the Farm Credit Administration or the National Science Foundation, but we do have jurisdiction over the Small Business Administration. If credit unions feel that the establishment of an independent agency is the key to stability for their organizations, they should realize that during the last 10 years the Small Business Administration has had nine Administrators, and financial institutions which operate under the supervision of the Small Business Administration have, therefore, had an extremely difficult time of it if they are jealous of what they may consider unequal interest on the part of the Banking and Currency Committee. I would like to add that, as a member of the committee responsible for the regulatory agencies and legislation regarding financial institutions, I am sure that the problems of the credit unions have had as prompt and thoughtful attention as those of banks, savings and loan associations, and mutual savings banks. We have given the same consideration to the needs and desires of Federal credit unions as would be the case if they were to achieve the new status they seem to want so much.

We received testimony during our hearings that the present Bureau of Federal Credit Unions is a "stepchild" in the Federal Government hierarchy, buried at a third level in the Federal bureaucracy. It is true that in earlier years the responsibility for administering the Federal credit union program was shifted from one department to another and that it lacked the continuity of support which it has received in recent years. In 1948, however, the program was assigned to the predecessor of the present Department of Health, Education, and Welfare and has been an important division of that Cabinet-level agency ever since it was created by President Eisenhower. Federal credit unions have grown and flourished in number, assets, and membership under the present administrative setup. One need only look at the growth statistics to be convinced of that fact.

Since 1948, the number of Federal credit unions has more than tripled, while their counterparts, State-chartered credit unions, have only doubled in number. Assets in Federal credit unions have increased more than thirty-threefold during the same period, while assets in State-chartered credit unions have increased by only nineteenfold. Membership in Federal credit unions is more than seven times what it was in 1948, while membership in State-chartered credit unions is about five times as great. These statistics not only show the Federal credit unions have had a phenomenal growth in numbers, assets, and membership, but that their Federal status has been a desirable environment because their growth has significantly exceeded that of State-chartered credit unions. There can be no doubt that Federal credit unions have prospered under the present arrangement, and that under the present Director of the Bureau of Federal Credit Unions, Mr. J. Deane Gannon, a good relationship between the Bureau and Federal credit unions has always been maintained. Of course, there have sometimes been differences of opinion between the supervisory bureau and the supervised. It would be unfortunate and suspicious if the officials charged with administering a program would always see eye to eye with those whom they regulate.

In our hearings on H.R. 2, a CUNA—which means Credit Union National Association—International representative testified that the credit union movement was solidly behind H.R. 2 and made a special point of the claim that they represented approximately 90 percent of all credit unions in this country. I have discovered that many of the credit unions whom they claim to represent did not know what was contained in H.R. 2 nor had a survey been made of their local credit unions to find out whether, in fact, they did support the position of the National Association. At one Defense Credit Union Council meeting, for example, the question was asked, "How many were familiar with the provisions of H.R. 2?" It was decided by the officers who, incidentally, are tied in with CUNA, International, that the question was not a fair one because of the word "familiar" and that a person might be somewhat aware of what was contained but would not feel that he could state that he was familiar with the bill. The question was then amended to ask anyone who was generally familiar with the contents of the proposals to so indicate. Not more than 15 of the 50 persons represented had even a general knowledge of the proposal. Following that show of the lack of information about the proposal, those present were then asked how many supported H.R. 2. Only six or seven indicated support for the proposal. Mr. President, I repeat that only six or seven out of a total of 50 at a meeting is not solid support. This is not an isolated incident, and yet it has been represented to our committee that most of the credit unions throughout the country support this measure.

When the witness representing CUNA, International, was before our committee, the strongest criticism that could be made of the present Bureau of Federal Credit Unions was that it did not always consult with CUNA before taking action which would affect credit union operations. Generally, this criticism is very interesting in light of the fact that CUNA has obviously not consulted with its own members with respect to the provisions involved in H.R. 2. The largest credit union in the world, the Navy Federal Credit Union, has recently announced its affiliation with another group called the National Association of Federal Credit Unions, the organization which CUNA, International, refers to as a "rump group." I asked the management of the Navy Federal Credit Union why they decided to become members in NAFCU, and the answer I received was that NAFCU actually does consult its members before it takes a position and actually tries to find out how they feel about credit union matters.

In my discussions with credit union officials, I have asked whether they feel that the Bureau of Federal Credit Unions has been fair and helpful in its dealings with them. The overwhelming majority of those with whom I have talked have answered in the affirmative and have had little criticism, if any, of the relationship between their credit union and the Bureau of Federal Credit Unions.

I believe, Mr. President, that this pretty well defines the support and opposition for H.R. 2. CUNA supported H.R. 2 as passed by the House. The bill passed by the House contained special advantages and special treatment for CUNA, International, over any other credit union group. The Senate bill does not contain those provisions. I have come to the conclusion from information which has come to my attention, that while the Washington office of CUNA gives lip service to the Senate version, in fact, it is privately telling its State league officials that it really does not support the bill. Those State leagues which blindly follow CUNA have in turn apparently passed on information to their members without bothering to see if the information was correct. Some credit union managements are sufficiently on their toes to check into the facts before writing their Congressmen and Senators. I find that those who have checked into the facts are not willing to accept the CUNA "line."

In testimony before our committee and in communications received, the establishment of an independent agency was opposed by the Bureau of the Budget, the Department of Health, Education, and Welfare, and the Treasury Department. In other words, Mr. President, the administration is opposed to the bill, for many reasons, including one which I shall outline in greater detail in a minute. The National Association of Federal Credit Unions which was established a little more than 2 years ago and now has members which have about 10 to 12 percent of the total assets of Federal credit unions also opposes this legislation, chiefly, I suppose, because of the special privilege which was written into the House version of the bill which would be damaging to any other credit union association or credit union not a member of an association.

Mr. President, I feel sure that CUNA is hoping that when the House and Senate go to conference, the House version of the bill will prevail.

Now, Mr. President, I have indicated that there is another reason why I think the bill should not be passed at this time, and that is the question of timing.

In his economic message which reached us last Monday, the President announced that, acting on authority which he possesses, he will appoint a top-level commission to study the whole problem of our financial intermediaries, banks, savings and loan associations, and credit unions. This, I have been told, is intended to be the most serious study made since the Aldrich Commission, out of which the whole Federal Reserve System was created. The study will, I am sure, encompass the structure of these institutions internally, their functions, their relationship to each other and, I suppose, that as a result of this study, we may see what someone has described as a "merger to the center."

In other words, we may well see a broader distribution of powers now held separately by these different institutions. They will, I am sure, study all areas of Government in relation to the financial institutions, the process of Government regulations, the question of insurance which I want to talk about in a few minutes, and the question of taxes. At this point, I do not need to remind my friends in the credit union movement that they are the only lending institutions now with a broad charter that escapes some degree of Federal taxation.

If we pass this bill, it becomes law, and we set up a new pattern for credit unions, then within a year, presumably, the commission will come back with a recommendation which may recommend a completely different pattern than the one which the bill would set up.

Therefore, I think we are in a sense wasting time, effort, and money under the circumstances. Instead of pressing for the pending bill, I think credit unions would be well advised to use their resources and staffs to prepare themselves to present the most useful and workable system possible to the commission when it is in operation.

I expect—and I have no right to do more than speculate—that the personnel of this commission will be announced within the next month or two and that it will swing into immediate activity.

Therefore, I have felt that the pending legislation is bad. It is bad because of the atmosphere in which it was generated—the desire for prestige on the part of one particular association—and this question of timing which, I think, is unfortunate, but which I must admit the committee did not know about when the bill was passed.

In summary, this proposal does not promise to improve the status or prestige of Federal credit unions. It does not promise to overcome any difficulties which they may have had with regulatory authorities under the present arrangement. It is opposed by many Federal credit unions and will result in an increase in the cost of administering the Federal Credit Union Act. This increase must be borne eventually by the individual credit union members. For these reasons, I recommend that the Senate reject this proposal.

Mr. President, I have an amendment to offer. It is my understanding that with the offering of the amendment, we go on a time limitation.

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The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, I am pleased to support H.R. 2, the bill which would establish an independent agency for Federal credit unions. Federally chartered, as well as State credit unions play a vital role in our economy. There are nearly 24,000 credit unions in the country and of this amount, approximately 13,000 are federally chartered credit unions.

There are more credit unions in the country than any other type of financial institutions. The number of federally chartered credit unions exceeds the number of national banks and the number of federally chartered savings and loan associations.

Over the last 30 years, the amount of savings in credit unions has grown from a meager $300 million to over $13 billion. Moreover, the percentage of all loans held by credit unions increased from 3.3 percent in 1941 to 13.5 percent in 1969.

Given the tremendous growth of the credit union movement, it is entirely fitting and proper that an independent agency be established at the Federal level to supervise federally chartered credit unions.

Savings and loan associations are supervised by an independent agency, the Federal Home Loan Bank Board. Commercial banks are supervised by the Federal Deposit Insurance Corporation and the Federal Reserve Board, both of which are independent agencies. By way of contrast, the Bureau of Federal Credit Unions which supervises federally chartered credit unions is buried deep within the Department of Health, Education, and Welfare. The Bureau must go through several layers of the HEW bureaucracy before it is able to obtain decisions on important matters affecting credit unions.

As John Gardner, the former Secretary of Health, Education, and Welfare, has pointed out the Department of Health, Education, and Welfare is perhaps the most farflung and the most difficult-to-administer agency in Washington. The Secretary has an incredibly wide field of responsibilities ranging from the National Institutes of Health to the Office of Education. It is little wonder that the officials of the Department have little time to devote to the technical details and problems of the Bureau of Federal Credit Unions. To a department concerned with establishing policies in the field of education, health, and welfare, the complicated task of supervising 13,000 financial institutions must at best receive only second or third priority.

For all of these reasons, we need to have a vigorous and independent agency to supervise federally chartered credit unions. We need an agency more responsive to the credit union movement and to the Congress. We need an agency that is able to adjust to rapidly changing conditions in our credit economy without becoming enmeshed in bureaucratic redtape.

By this legislation, the Congress is at long last giving recognition to the credit union movement. Credit unions have finally become of age in our financial system. More than 23 million Americans are credit union members. Credit unions now account for over 13 percent of the consumer credit business and their volume is growing substantially. The credit union movement is entitled to the effective, independent and responsive supervision enjoyed by other financial institutions.

I, therefore, enthusiastically support H.R. 2 and recommend its passage by the Senate.

PRIVILEGE OF THE FLOOR

Mr. PROXMIRE. Mr. President, I ask unanimous consent that Mr. Hugh H. Smith, Mr. Kenneth A. McLean, Mr. John R. Evans, and such other members of the staff of the Banking and Currency Committee as may be necessary, be allowed the privilege of the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, as I understand it, the Senator from Utah has pointed out that under the unanimous-consent agreement, as the first amendment is offered, the time limitation goes into effect.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, it is my understanding that there is a time limitation of 1½ hours on the amendment. I yield myself such time as I may require of the 45 minutes allocated under the agreement to the proponents of the amendment.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO 271

Mr. BENNETT. Mr. President, I call up amendment No. 271, which would amend H.R. 2 so as to provide for share insurance of all Federal credit union member accounts.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BENNETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. President, I should like to make one correction in the amendment which I introduced in behalf of myself, the Senator from Texas (Mr. Tower) and the Senator from Massachusetts (Mr. Brooke).

On page 14, line 15 the figure shown is $15,000. However, since submitting the amendment on November 7, 1969, the amount of insurance provided on accounts in other financial institutions has been increased to $20,000.

Therefore, in order to conform we have modified the amendment to read $20,000, and the Record should so show.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment, as modified, will be printed in the Record.

The amendment as modified, ordered to be printed in the Record, reads as follows:

H.R. 2

On page 5, between lines 17 and 18, insert the following new section:

"Section 1. The Federal Credit Union Act (12 U.S.C. 1751–1772) is amended—

"(1) by inserting immediately above the heading of section 2 the following:

" 'TITLE I—FEDERAL CREDIT UNIONS',

"(2) by redesignating sections 2 through 20 as sections 101 through 119, respectively,

"(3) by redesignating sections 21 through 28 as sections 301 through 308 respectively, and

"(4) by inserting immediately above the heading of section 301 as redesignated by this section the following:

" 'TITLE III—MISCELLANEOUS PROVISIONS' ".

On page 5, strike out lines 18 and 19 and insert in lieu thereof the following:

"Sec. 2. Section 101 of the Federal Credit Union Act, as redesignated by section 1, is amended by striking out paragraphs".

On page 5, line 24, strike out "and".

On page 6, line 2, strike out the period and the quotation marks and insert in lieu thereof a semicolon.

On page 6, between lines 2 and 3, insert the following:

"(5) the terms 'member account' and 'account' (when referring to the account of a member of a credit union) mean a share, certificate, or deposit account of a member of a credit union of a type approved by the Administrator;

"(6) the term 'State credit union' means a credit union organized under the laws of any State which in the judgment of the Administrator provide for the organization of credit unions similar in principle and objective to Federal credit unions;

"(7) the term 'insured credit union' means a Federal or State credit union the member accounts of which are insured in accordance with title II;

"(8) the term 'Fund' means the National Credit Union Share Insurance Fund;

"(9) the term 'normal operating level', when applied to the Fund, means an amount equal to 2 per centum of the aggregate amount of member accounts in, and creditor obligations of, insured credit unions; and

"(10) the term 'creditor obligations', with respect to a credit union, means the sum of (1) moneys borrowed and owing by the credit union, (2) accounts payable of the credit union, and (3) other liabilities of the credit union but not including member accounts, undivided profits, and reserves."

On page 6, line 3, strike out "2" and insert in lieu thereof "3".

On page 6, strike out lines 10 through 13 and insert in lieu thereof the following:

"Sec. 4. Section 102 of the Federal Credit Union Act, as redesignated by section 1 of this Act, is amended to read:

" 'CREATION OF ADMINISTRATION

" 'Sec. 102. (a) There is hereby established in the execu-' ".

On page 8, beginning with line 25, strike out through line 1 on page 9 and insert in lieu thereof the following:

"Sec. 5. Section 301 of the Federal Credit Union Act, as redesignated by section 1 of this Act, is amended by adding at the end thereof a new".

On page 9, line 20, strike out "5" and insert in lieu thereof "6".

On page 10, line 13, strike out "6" and insert in lieu thereof "7".

On page 10, line 21, strike out "3" and insert in lieu thereof "102".

On page 10, after line 22, insert the following new sections:

"Sec. 8. After section 119, as redesignated by section 1 of this Act, insert the following new title:

" 'TITLE II—SHARE INSURANCE

" 'BASIC AUTHORITY TO INSURE CREDIT UNIONS

" 'Sec. 201. (a) The Administrator shall insure member accounts in all Federal credit unions, and all Federal credit unions

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shall become insured, in the manner provided in this title.

" '(b) The Administrator is authorized to insure, in accordance with the provisions of this title, member accounts of any State credit union which applies for such insurance.

" 'INSURANCE OF FEDERAL CREDIT UNIONS

" 'SEC. 202. (a) (1) Within six months after the enactment of this title, the Administrator shall review the financial condition and management policies of each Federal credit union in existence on the date of such enactment in order to determine whether it may be insured under this title without undue risk to the Fund. If he determines that it may be so insured, he shall issue to such credit union a certificate stating that it is, as of the date of issue of the certificate, insured under this title.

" '(2) If, after completing such review, the Administrator finds that insurance of a Federal credit union under this title would involve undue risk to the Fund, the credit union shall not be eligible for such insurance until the Administrator finds that the conditions on which such finding was based have been corrected. If such conditions are not corrected within a reasonable time, specified by the Administrator in a notice to the credit union, the Administrator shall, unless the credit union has already gone into voluntary liquidation, place the credit union in involuntary liquidation and appoint a liquidating agent therefor. and the provisions of paragraphs (3), (4), and (5) of section 114 (b) shall be applicable to such liquidation. If he finds that such conditions have been corrected, he shall issue the credit union a certificate stating that it is, as of the date of the certificate, insured under this title.

" '(b) Each Federal credit union chartered after the enactment of this title shall be insured under this title on and after the date its charter is approved by the Administrator, and shall be issued a certificate stating that it is so insured.

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" 'INSURANCE OF STATE CREDIT UNIONS

" 'SEC. 203. (a) Applications for insurance under this title by any State credit union shall be in such form as the Administrator may prescribe, and shall contain an agreement by the applicant—

" '(1) to pay the reasonable cost of such examinations as the Administrator may deem necessary in connection with the issuing of such insurance;

" '(2) to permit and pay for the cost of such examinations as in the judgment of the Administrator may from time to time be necessary for the protection of the Fund;

" '(3) to permit the Administrator to have access to any information or report with respect to any examination made by any public regulatory authority and furnish any additional information with respect thereto, as the Administrator may require;

" '(4) to provide adequate indemnity, as determined by the Administrator, against losses due to burglary, defalcation, and similar causes;

" '(5) to provide adequate reserves satisfactory to the Administrator, to be established in accordance with regulations of the Administrator, before paying dividends;

" '(6) not to issue or have outstanding (A) any demand account or securities, or any other account or securities which guarantee a definite return or have a definite maturity, or (B) any class of account or securites having preference either as to time or amount in the event of liquidation, over any other class of account or securities, or (C) any account or securities the form of which has not been approved by the Adminstrator;

" '(7) to pay the premium charges for insurance (including the charges required by section 208(c)) imposed pursuant to this title; and

" '(8) to otherwise comply with the requirements of this title or regulations thereunder.

" '(b) the Administrator shall reject the application of any State credit union if he finds that the capital of the applicant is impaired or that its financial policies or management are unsafe or if he finds that the powers or purposes of the applicant are substantially dissimilar from those of Federal credit unions organized under title I of this Act.

" 'INSURANCE FUND

" 'SEC. 204. (a) There is hereby created in the Treasury of the United States a National Credit Union Share Insurance Fund, which shall be used by the Administrator as a revolving fund to carry out this title. Money in the Fund shall be available, upon requisition by the Administrator, without fiscal year limitation, for making payments under section 206, providing assistance and making expenditures under section 207, in connection with the threatened liquidation of Federal credit unions or the liquidation or threatened liquidation of State credit unions, and for such administrative and other expenses incurred in carrying out this title as he may determine to be proper.

" '(b) The Administrator may authorize the Secretary of the Treasury to invest and reinvest such portions of the Fund as the Administrator may determine is not needed for current operations in any interest-bearing securities of the United States or in any securities guaranteed as to principal and interest by the United States, or in bonds or other obligations which are lawful investments for fiduciary, trust, and public funds of the United States, and the income therefrom shall constitute a part of the Fund.

" '(c) (1) If, in the judgment of the Administrator, a loan to the Fund is required at any time to carry out this title, the Secretary of the Treasury shall make the loan, but loans under this subsection shall not exceed in the aggregate $100,000,000 outstanding at any one time. Except as otherwise provided, in this subsection and in subsection (d), each loan under this subsection shall be made on such terms as may be fixed by agreement between the Administrator and the Secretary of the Treasury.

" '(2) Interest shall accrue to the Treasury on the amount of any outstanding advances, made to the Fund pursuant to this subsection, on the basis of the average daily amount of such outstanding advances determined at the close of each fiscal year with respect to such year, and the Administrator shall pay the interest so accruing into the Treasury as miscellaneous receipts annually from the Fund. The Secretary of the Treasury shall determine the applicable interest rate in advance, by calculating the average yield to maturity (on the basis of daily closing market bid quotations during the month of June of the preceding fiscal year) on outstanding marketable public debt obligations of the United States having a maturity date of five or less years from the 1st day of such month of June and by adjusting such yield to the nearest one-eighth of 1 per centum.

" '(3) For the purposes of making loans under this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are hereby extended to include such loans. All loans and repayments under this section shall be treated as public debt transactions of the United States.

" '(d) So long as any loans to the Fund are outstanding, the Administrator shall from time to time, and not less often than annually, determine whether the balance in the Fund is in excess of the amount which is in his judgment needed to meet the requirements of the Fund, and shall pay to the Secretary of the Treasury such excess, to be credited against the advances to the Fund.

" 'PREMIUMS FOR INSURANCE

" 'SEC. 205. (a) For the purposes of this section, the term "insurance year" means the period beginning on January 1 and ending on the following December 31, both dates inclusive.

" '(b) On or before January 31 of each insurance year, each credit union which was insured under this title (and was not in liquidation) shall, except as provided in subsection (c) (2), pay to the Fund a premium charge equal to one-twelfth of 1 per centum of the total amount of the member accounts in, and the creditor obligations of, such credit union at the close of the preceding year.

" '(c) (1) Each Federal credit union which was in existence prior to the enactment of this title and which becomes insured under this title (unless such insurance is effective on January 1), and each State credit union which becomes insured after January 1 of any insurance year and was chartered prior to the beginning of such year, shall pay to the Fund, for the insurance year in which it becomes insured, a premium charge equal to one-twelfth of 1 per centum of the total amount of the member accounts in, and the creditor obligations of, such credit union at the close of the month before the month in which it becomes insured, reduced by an amount proportionate to the number of calendar months elapsed since the beginning of such insurance year and prior to such month in which it becomes insured. Such payment shall be made within thirty days after the date on which the credit union receives the certificate provided for in section 202.

" '(2) Each Federal credit union which is chartered after enactment of this title, and each State credit union which is chartered after enactment of this title and becomes insured in the insurance year in which it is chartered, shall pay to the Fund, for the insurance year in which it is chartered, a premium computed in the following manner:

" '(A) To the total amount of the member accounts in, and the creditor obligations of, the credit union at the close of the month, in which it was insured, add the total amount of such member accounts and creditor obligations at the close of each succeeding month of the insurance year, and divide the total by the number of such months (including the month in which it was insured).

" '(B) From the figure obtained under subparagraph (A), subtract $10,000.

" '(C) Multiply the figure obtained in subparagraph (B) by one-twelfth of 1 percent.

" '(D) Reduce the figure obtained under subparagraph (C) by an amount which bears the same ratio to such figure as the number of calendar months, in such insurance year, prior to the month in which the credit union was insured, bears to twelve. The figure obtained under this subparagraph is the amount of premium due.

Such premium shall be paid on or before January 31 of the insurance year following the one in which the credit union was chartered.

" '(d) When any loans to the Fund from the Federal Government (and the interest thereon) have been repaid and the amount in the Fund equals or exceeds the normal operating level (as defined in section 301), the Administrator may reduce the premium charge, but he shall not reduce it below the amount necessary, in his judgment, to maintain the Fund at the normal operating level. Any such reduction shall be effective only so long as the Fund remains at or above the normal operating level and no loan to the Fund pursuant to section 204 is outstanding.

" '(e) If in any year expenditures from the Fund exceed the income of the Fund, the

Administrator may require each insured credit union to pay, for such fiscal year, in addition to the regular premium charge payable for such year under subsection (a), a special premium charge which shall not exceed an amount equal to the amount of the regular premium charge.

" 'PAYMENT OF INSURANCE

" 'SEC. 206. (a) Whenever the Administrator determines that the liquidation of an insured credit union has been completed and that the remaining assets of the credit union are insufficient to pay to each member the total amount of his account, the Administrator, upon proof satisfactory to him but subject to subsection (b), shall make the following payments:

" '(1) He shall pay to each member an amount equal to the difference between (A) the total amount of the account in the member's name (including member accounts, in trust for another person), and (B) the amount rceived by the member from the assets of the credit union with respect to such account.

" '(2) In the case of member accounts in joint tenancy, he shall pay to the member and the joint tenant an amount equal to the difference between (A) the total amount of such account, and (B) the amount received by the member and the joint tenant from the assets of the credit union with respect to such account.

The Administrator may, however, elect to make one or more partial payments to any member prior to the completion of liquidation whenever he finds that such action is consistent with the interests of the Fund and is necessary to prevent undue hardship to the member involved. Upon payment of any amount to a member under this subsection, a proportionate part of the rights and interests of such member in the account involved (equal to the percentage of such account represented by such payment) shall vest in the Administrator.

" '(b) Where the total amount of the account of any one member exceeds $20,000, the insurance provided under this title shall not extend to any part of such account in excess of that figure, except as the Administrator may provide by regulation with respect to member accounts in the name of a minor, in trust, or in joint tenancy.

" 'SPECIAL ASSISTANCE TO AVOID LIQUIDATION

" 'SEC. 207. (a) In order to restore to normal operation an insured Federal credit union threatened with liquidation, the Administrator may, whenever in his judgment such action is necessary to protect the Fund or the interests of the members of the credit union—

" '(1) take over the assets of and operate the credit union,

" '(2) make loans to, purchase the assets of, or make contributions to the credit union, or

" '(3) take such other action as he deems necessary to place the credit union in a sound and solvent condition.

except that no contribution made under this section shall exceed the amount which the Administrator finds to be reasonably necessary to save the cost to the Fund of liquidating the credit union involved.

" '(b) In the event any insured State credit union is declared to be insolvent by the authority having the supervision thereof, the Administrator shall have authority to act as conservator, receiver, or other legal custodian of such insured credit union, and the services of the Administrator are hereby tendered to the court or other public body having the power of appointment. The Administrator shall have authority (1) to make loans to, purchase the assets of, or make contributions to the credit union in order to restore it to normal operations or (2) to pay the insurance as provided in section 206, in which case he shall have power to bid for the assets of the insured State credit union or to make any other disposition of the matter deemed by him to be in the best interests of all concerned. Contributions under clause (1) of the preceding sentence may not exceed the amount which the Administrator finds to be reasonably necessary to save the cost to the Fund of liquidating the credit union involved.

" '(c) For the protection of the Fund, the Administrator, without regard to the Federal Property and Administrative Services Act, of 1949, may—

" '(1) deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, or sell for cash or credit or lease in his discretion, any real property acquired or held by him under this section; and

" '(2) assign or sell at public or private sale, or otherwise dispose of, any evidence of debt, contract, claim, personal property or security assigned to or held by him under this section.

Section 3709 of the Revised Statutes shall not apply to any purchase or contract for services or supplies made or entered into by the Administrator under this section if the amount thereof does not exceed $1,000, or to any contract for hazard insurance on any real property acquired or held by him under this section.

" '(d) In connection with the liquidation of any insured credit union, the Administrator shall have the power to carry on the business of and collect all obligations to the credit union, to settle, compromise, or release claims in favor of or against the credit union, and to do all other things that may be necessary in connection therewith, subject to the regulation of the court or other public body having jurisdiction over the matter.

" '(e) Money received by the Administrator in carrying out this section shall be paid into the Fund.

" 'TERMINATION OF INSURANCE

" 'SEC. 208. (a)(1) Any State credit union may terminate its status as an insured credit union under this title by giving written notice to the Administrator. Such notice may be given only if a majority of the members of the credit union have, within one year prior to the giving of the notice, voted to terminate its status as an insured credit union.

" '(2) Whenever in the opinion of the Administrator any insured credit union has violated any provision of its agreement with the Administrator under this title or any provision of this title or any regulation thereunder, or has knowingly or negligently permitted any of its officers or agents to violate any provision of law or regulation to which the insured credit union is subject, the Administrator shall first give to the authority having supervision of the institution, if any, a statement with respect to such violations for the purpose of securing the correction thereof and shall give a copy thereof to the credit union. In the case of a State credit union of a State where there is no supervisory authority, and in the case of a Federal credit union, the statement shall be sent directly to the credit union. Unless such correction shall be made within one hundred and twenty days (or such shorter period of time as the supervisory authority, if any, shall require), the Administrator may issue an order terminating the status of the credit union as an insured credit union on a day no earlier than sixty days after receipt by the credit union of written notice of the Administrator's intention to terminate such status.

" '(b) In the event of the termination of its status as an insured credit union, insurance of the member accounts of a credit union to the extent that they were insured on the date of notice by the credit union under paragraph (1) of subsection (a) or the Administrator's order of termination under paragragh (2) thereof, less any amounts thereafter withdrawn which reduce the accounts below the amount covered by the insurance on the date of such notice or order, shall continue for a period not exceeding one year in the case of a State credit union, and until the liquidation is completed in the case of a Federal credit union; but no shares issued by the credit union (or deposit made) after the date of such notice or order of termination shall be insured under this title.

" '(c) The Administrator shall have the right to examine such credit union from time to time during the period during which such insurance continues under subsection (b). Any such insured credit union shall be obligated to pay, within such period after any such notice or order of termination (and in such installments) as the Administrator may prescribe, as a final insurance premium, a sum equal to the same percentage of the last annual insurance premium paid by it as the number of months during any part of which the insurance is continued pursuant to subsection (b) (and beyond the insurance year to which such last annual insurance premium applies) is of twelve.

" '(d) In the event of termination of the status of a credit union as an insured credit union as herein provided, the credit union shall give prompt and reasonable notice to all of its members whose accounts are insured. It shall include in such notice the fact that the member accounts insured, to the extent not withdrawn, remain insured for one year from the date of such termination, but it shall not further represent itself in any manner as an insured credit union. In the event of failure to give the notice as herein provided to members whose accounts are insured, the Administrator is authorized to give reasonable notice.

" 'VIOLATIONS BY FEDERAL CREDIT UNIONS

" 'SEC. 209. The Administrator may suspend or revoke the charter of any Federal credit union, or place such credit union in involuntary liquidation and appoint a liquidating agent therefor, upon his finding that such credit union has violated any provision of this title or of any regulation issued under this title.

" 'BUSINESS-TYPE FINANCIAL OPERATION

" 'SEC. 210. The Administrator shall, with respect to the financial operations arising by reason of this title—

" '(a) prepare annually and submit a business-type budget as provided for wholly owned Government corporations by the Government Corporation Control Act; and

" '(b) maintain an integral set of accounts, which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions, as provided by section 105 of the Government Corporation Control Act.

" 'ADMINISTRATIVE PROVISIONS

" 'SEC. 211. In carrying out this title, the Administrator may—

" '(a) sue and be sued, in his official capacity, in any court of competent jurisdiction, State or Federal;

" '(b) pursue to final disposition by way of compromise or otherwise claims both for and against the United States (other than tort claims, claims involving administrative expenses, and claims in excess of $5,000 arising out of contracts for construction, repairs, and the purchase of supplies and materials) which are not in litigation and have not been referred to the Department of Justice;

" '(c) employ experts and consultants or organizations thereof, as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

" '(d) delegate to any officer or employee of

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the Administration such of his functions as he deems appropriate; and

"'(e) prescribe such rules and regulations as he considers appropriate to carry out this title.'

"SEC. 9. Section 709 of title 18 of the United States Code (relating to false advertising and misuses of names to indicate a Federal agency) is amended by adding after the third paragraph thereof the following paragraph:

"'Whoever falsely advertises or otherwise represents by any device whatsoever that his or its deposit liabilities, obligations, certificates, or shares are insured under the National Credit Union Insurance Act or by the United States or any instrumentality thereof, or, being an insured credit union (as defined in such Act), falsely advertises or otherwise represents by any device whatsoever the extent to which or the manner in which shareholdings in such credit union are insured under such Act; or'".

Mr. BENNETT. Mr. President, it has been said many times by proponents of H.R. 2 that the number of credit unions exceeds the number of all other financial institutions combined. Since there are so many credit unions, it seems obvious to me that the savers in these institutions should have the same protection for their savings that is possible for other financial institutions. The insurance amendment which I have offered will provide the same protection now given for bank deposits by the Federal Deposit Insurance Corporation and to shares in savings and loan associations by the Federal Savings and Loan Insurance Corporation. Federal credit unions are now the only federally chartered savings institutions not covered by a federally sponsored insurance program. This amendment would provide immediate coverage of deposits in all federally chartered credit unions and would make the same coverage available on a permissive basis to State-chartered credit unions. Just as is the case with banks and savings and loan associations, the overall loss experience in credit unions has been relatively small. Yet the losses which have occurred have weighed heavily on a few credit unions and on a relatively few members. Since many credit unions deal primarily with individuals having limited incomes, it is particularly important that they enjoy the same insurance protection enjoyed by savers and depositors in other financial deposit accepting institutions. When I refer to individuals with limited income, I mean the more than 7½ million account holders in Federal credit unions, for example, who have less than $500 savings. This money in many instances represents a substantial portion of the total liquid assets of these people, and I see no reason why their money should be unprotected simply because they have saved in a credit union instead of another institution. I believe that by providing insurance for credit union member accounts as called for in the amendment, thrift would be stimulated among these small savers. The existence of share insurance would provide them with an increased incentive to develop a systematic plan for saving and would at the same time provide safety equal to that now provided by banks and savings and loan associations.

We have had recent testimony in our committee which indicates that credit unions in limited income areas which are specifically set up to assist poor people probably would benefit greatly from share insurance. Mr. Edward C. Sylvester, Jr., testifying for the Urban Coalition Action Council, testified that the lack of deposit insurance is a serious deficiency. He supported share insurance on the basis that it would provide additional funds for credit unions serving residents in the inner city where it is difficult to attract deposits. He was asked why he thought the share insurance proposal was opposed by a major credit union association. He said:

> I do not know why they are opposing it. It seems to us to be an essential device really to encourage others to participate in credit unions and in making a great deal more capital available to them than they are apt to get through their normal membership activities.

It is surprising that CUNA, International suggests as a reason for its opposition to share insurance that it would put small credit unions out of business. These are the very ones that need it most, as Mr. Sylvester testified.

While the insurance program contained in the amendment has the potential to cover substantially all of the savings now existing in the credit union movement estimated at over $13 billion, only Federal credit unions would be required to have the insurance. The program would be supported by the credit unions themselves—as FDIC is supported by banks, and FSLIC is supported by savings and loan associations—through premiums paid for the insurance, and it would be administered by the Administrator of the National Credit Union Administration which would be established if H.R. 2 is accepted by the Senate.

As has been explained, the National Credit Union Administration would assume the functions of the present Bureau of Federal Credit Unions which is part of the Department of Health, Education, and Welfare. The need for share insurance has been made clear by a study of regular reserves in Federal credit unions published by the Bureau of Federal Credit Unions last year. In the study, the Bureau noted that 1,204 Federal credit unions completed liquidation in the 5 years ending December 31, 1967. Sixteen percent, or 189 of these were liquidated at a loss to shareholders. Losses to the shareholders, although small in dollar amount, totaled just over 20 percent of the value of shares. The majority of the credit unions which paid less than 100 percent at liquidation were small according to the Bureau's study. Almost four-fifths of them have assets of less than $25,000. It appears quite clear that the burden of loss falls on the smaller credit union and the small saver. Yet the credit union can and should be most useful to those who have a relatively small amount to save. There are more than 9,500 Federal credit unions with assets of less than $500,000 serving people who may have limited access to other thrift and credit facilities. Why should these credit unions and those who are their members be exposed to losses simply because there is no share insurance plan for credit unions? In its 1969 study, the Bureau found that without outside help, another 280 credit unions would have liquidated at a loss. Had this outside help not been available, more than one-third of all the Federal credit unions liquidated in the 5 years ending December 31, 1967, would have done so at a loss to their members. The fact that more of these institutions did not liquidate at a loss is due in large measure to the efforts of State credit union leagues which provided financial assistance to their member credit unions in trouble. Fortunately, the resources of the league funds were generally adequate to meet their members' needs during the period covered by the Bureau's study. It would be a grave mistake, however, to rely on this means alone as a guarantee of the shares of credit union members because the resources available from the leagues to their credit unions represented only about 0.045 percent of the $11 billion in savings held by credit unions in 1967.

Another weakness is that financial assistance is made available to league members only. The owner of a credit union share account may not know that his credit union does not belong to a league organization. The program offered by this amendment would not interfere with the commendable efforts of the league organizations to strengthen the financial reserves of their member credit unions. These private funds would continue to serve as useful supplements to the program of share insurance now being proposed.

Strong support for share insurance is indicated by moves within some States for statewide share insurance. The first effort, in 1955, in Illinois, had to be abandoned in 1964 because of structural weakness and because of internal feuding. Voluntary share insurance for State-chartered credit unions in Massachusetts was started in 1961 and has been highly successful. The Massachusetts Share Insurance Corp. now has assets of $5½ million. During 1969, credit union share insurance bills have been passed in Wisconsin and in Rhode Island. There is considerable interest in share insurance in some other States, showing that share insurance is desired and is needed. The State plans have the disadvantage of not being available to federally chartered credit unions. Thus a Federal system is also needed.

Mr. President, it is a fact that most people who save in credit unions think their shares are insured.

I have spent some time discussing share insurance with some of the credit unions which I feel are among the most progressive in the credit union movement. One of these, which is the largest credit union in the world, is the Navy Federal Credit Union. The Navy Federal Credit Union conducted a detailed survey among its members a couple of years ago. In that survey, 71 percent of the respondents said they thought their shares in the credit union were federally insured as they would be in a savings and loan or a bank which had Federal insurance. The Navy Federal Credit Union management decided that it was living a lie and that it should inform its membership that its shares were not insured. They found, however, that it was impossible to get this story over to the membership, because they had so fixed in their minds that they had insurance that they would not believe it when told otherwise.

The returns received as a result of a study now underway by the Bureau of Federal Credit Unions indicate that five out of six respondents believed their shares were insured. In answer to a question as how such an understanding came about, one respondent said an employee of the credit union told her that her shares were insured. In addition, she was told that when her savings reached a certain amount, she should divide them into two accounts so that the total amount in both accounts would be insured. Another respondent received the idea that shares were insured from credit union members. Still another stated that "When the credit union was started we were told by the appointed officers that the money was Federally insured." Another respondent stated that he was told by the union financial secretary that his savings would be protected just as they were in the bank in which he had them deposited.

I can understand if a man came up and said, "I cannot decide whether to put the money in the bank or here; I know I am insured at the bank," the other man would take a deep breath and say, "Sure, you are insured here."

Another got the impression from literature received from the credit union. Regardless of where the idea came from, most of these people thought their shares were insured by a Federal agency. The really sad part about all of this is that those who experienced losses in credit unions were generally individuals who were unable to absorb such losses. One person who experienced a loss of over $600 had an annual income of just over $2,600. Another who lost over $300 had no income. A retired foreman lost just over $400. Another individual on social security lost $350, and so it goes.

Mr. President, one of the comments made by a respondent I believe is important, and I quote:

> In this age of consumer protection—this is one area lacking protection of any type.

I was very happy upon the introduction of this amendment to find that there was significant support for it among Federal credit unions and that this support came from all parts of the country. I found, however, that after 2 or 3 weeks had passed, I started to receive letters and telegrams from State leagues affiliated with CUNA, International.

I have received a number of telegrams from credit unions. The telegrams were almost identical in wording and used the number of the Senate bill, which was S. 2298. When we held hearings in our committee, the hearings were actually on both the Senate bill and the bill which was passed by the House, but the action taken by our committee was on H.R. 2. We amended H.R. 2 significantly and then reported it to the Senate. Apparently, whoever was the instigator of the telegrams which were sent to me expressing opposition to my amendment had not followed the action of the Senate sufficiently to give an accurate accounting of what we had done. The fact that all of the telegrams used the Senate bill instead of the House number and the fact that they were all sent at a date much later than the committee action show that these were not spontaneous telegrams. I feel sure that the same is true with most of the telegrams received by other Members of this body opposing the amendment to H.R. 2, which would establish a system of share insurance.

I was aware that CUNA did not support a program of Federal share insurance, so the opposition was not unexpected. What was unexpected, however, is that CUNA would distribute misleading and irresponsible misrepresentations based on scare tactics regarding the amendment to its State affiliates and that the State organizations would pass this misinformation to their member credit unions without question. I was appalled to find that a telegram had been sent from the CUNA Washington office, stating that this amendment, if it were approved by the Senate, would restrict dividends paid by credit unions to a maximum of 4 percent.

There is nothing in the amendment that has anything to do with the rate paid on dividends, and the Federal law fixes the maximum at 6 percent.

Mr. President, I hold in my hand a telegram which says, "Credit unions would be under same restrictions," referring to the same restrictions that exist in the laws affecting banks and savings and loan associations. The telegram states further:

> For example, dividends could not be paid in excess of 4 percent. Strongly urge . . . not to support the Bennett amendment in view above factors.

I ask unanimous consent that the telegram appear in the Record at this point in my statement.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

WASHINGTON, D.C.

WIL W. WYATT,
Managing Director,
California Credit Union,
Pomona, Calif.

Many individual credit unions throughout country urging Senators to support share insurance amendment to H.R. 2 proposed by Senator Bennett. This probably due to lack of knowledge of effect of amendment. All should be informed of following: participation is mandatory for Federals. Premium 1/12th of one percent of shares and creditor obligations per year. This may be doubled in any one year. Credit union members would be paid insurance on completion of liquidation not on closing as are bank depositors. Credit unions would be under same restrictions as other federally insured financial institutions. For example, dividends could not be paid in excess of 4 percent. Strongly urge you advise all credit unions not to support the Bennett amendment in view above factors. Suggest strongest representations be made to Senators by all credit unions voicing opposition to Bennett amendment.

THOMAS.

Mr. BENNETT. Mr. President, such a claim is so patently in error that it could hardly have been a mistake in interpretation of the language. I regard it as irresponsible for an organization such as CUNA to circulate that type of information.

It is equally as irresponsible for the State leagues to reproduce this same false information and distribute it to their member credit unions as has been done in at least five States. CUNA's telegram also stated that many individual credit unions throughout the country are urging support of the share insurance amendment. This is true, and I am sure that it was the fear that individual credit unions, sensing the necessity for share insurance, would support the amendment that caused CUNA to send out the inaccurate and misleading telegram opposing it.

I ask unanimous consent to have printed in the Record copies of letters sent by State credit union leagues to their members.

I also ask unanimous consent to have printed in the Record a copy of the letter I sent to the managing director of the Utah Credit Union League, Mr. J. Paul White, because it is referred to in the memorandum from the Tennessee Credit Union League and I believe completely misinterpreted.

There being no objection, the communications were ordered to be printed in the Record, as follows:

CALIFORNIA CREDIT UNION LEAGUE,
Pomona, Calif., November 28, 1969.

To: All California credit unions.
Subject: Undesirable Amendment Proposed for HR 2.

HR 2 is the House of Representatives Bill which if adopted would establish a separate Federal Agency to administer the Federal Credit Union Act.

An amendment has been introduced that would add:

(a) A mandatory share insurance program for Federal Credit Unions at substantial cost.

(b) Benefits payable under the plan would be delayed until liquidation of the credit union.

(c) Restrictive Federal Administration such as a 4% limit on dividends would be experienced.

The following telegram from General Thomas, CUNA International, urges prompt and direct response in opposition by wire or letter to both:

Honorable George Murphy, 452 Old Senate Office Building, Washington, D.C. 20510.

Honorable Alan Cranston, 2104 New Senate Office Building, Washington, D.C. 20510.

The amendments have been proposed by Senator Bennett of Utah.

Your immediate action with copies to Jack Reidy in Sacramento is requested and will be appreciated.

Sincerely,

WIL W. WYATT,
Managing Director.

MEMORANDUM

DECEMBER 3, 1969.

To: All Florida Federal Credit Unions.
From: Morton E. Jester, Managing Director.
Subject: Share Insurance Amendment to HR-2 (Separate Credit Union Agency Bill).

In order that you may have all possible information pertinent to the above subject the following telegram received in the League office is quoted:

WASHINGTON, D.C.

MORTON E. JESTER,
Managing Director, Florida Credit Union League, Inc., Tallahassee, Fla.:

Urgent—many individual credit unions throughout the country urging Senators to support share insurance amendment to HR-2 proposed by Senator Bennett. This

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probably due to lack of knowledge of effect of amendment. All should be informed of following: Participation is mandatory for Federals. Premium 1/12th of one percent of shares and creditor obligations per year. This may be doubled in any one year. Credit union members would be paid insurance on completion of liquidation not on closing as are bank depositors. Credit unions would be under same restrictions as other federally insured financial institutions. For example, dividends could not be paid in excess of 4 percent. Strongly urge you advise all credit unions not to support the Bennett amendment in view of above factors. Suggest strongest representations be made to Senators by all credit unions voicing opposition to Bennett amendment.

THOMAS.

The above information is essential in determining what position and action you may wish to take. It should be noted that CUNA International, Inc. opposes this amendment.

DECEMBER 12, 1969.

Memo to: All Tennessee Credit Unions.
From: V. Lamar Eaker, Managing Director.
Re HR-2, Federal Credit Union Independent Agency.

The above bill to create an independent agency for federal credit unions has been thoroughly reviewed and is supported by the leadership of the credit union movement.

The bill passed the House and was reported out of the U.S. Senate Banking and Currency Committee favorably in spite of some opposition.

Senator Bennett of Utah has offered an amendment to HR-2 which would provide for federal deposit insurance for federal credit unions on a mandatory basis and an optional basis for state chartered credit unions. This amendment was not aired before the Committee hearings which were held on HR-2 nor has the amendment been studied by the leadership of the organized credit union movement to be able to intelligently determine whether or not it would have any detrimental effects on credit unions and their operations. Therefore, CUNA International and your League believe that we should support HR-2 without the Bennett Amendment.

We urge your credit union to contact Senators Albert Gore and Howard Baker, urging them to support HR-2 without the amendment requiring federal deposit insurance.

The amendment provides that the administrator, within six months after the enactment of this bill, shall review the financial condition and management policies of each federal credit union in order to determine whether or not it may be insured without undue risk to the fund. If he determines that it may be insured, he shall issue a certificate to the credit union, stating that it is insured.

If he finds that a federal credit union would involve undue risk to the fund, the credit union will not be eligible for such insurance until the administrator finds that the conditions on which such findings were based are corrected. If the conditions are not corrected within a reasonable time as specified by the administrator, the administrator shall, unless the credit union has already gone into voluntary liquidation, place the credit union in involuntary liquidation and appoint a liquidating agent.

The insurance would not pay the credit union until completion of liquidation. The maximum insurance is $15,000.00 per member and the annual cost is one-half of 1% of the total of the members' shares, notes payable, accounts payable and other liabilities of the credit union.

In any year in which the expenditures of the fund exceed the income of the fund, the administrator may require each insured credit union to pay, in addition to the regular premium charge for such year, a special premium charge not to exceed an amount equal to the amount of the regular premium charge. (The premium can be doubled in any one year.)

There can be regulations issued for administering the fund.

We have been advised that, in a letter to the managing director of the Utah League, Senator Bennett said that he wants credit unions to be under the same regulations that the banks are which are insured by F.D.I.C., including limiting dividend payments to 4%.

The organized credit union movement is working on a proposal which would serve the same purpose as deposit insurance; however, it would not be as restrictive. A question as serious as federal deposit insurance needs to be given serious study and consideration and we have not had the opportunity to do it with Senator Bennett's amendment. We should know just what effect the legislation will have on all sizes of credit unions.

Senator Bennett has long been an opponent of credit unions and credit union legislation. He most likely introduced the amendment, as a trick, in hopes that it would kill H.R. 2, Federal Credit Union Independent Agency Bill.

Contact your Senators now!

NOVEMBER 11, 1969.

Mr. J. PAUL WHITE,
Managing Director,
Utah Credit Union League, Inc.,
Salt Lake City, Utah

DEAR MR. WHITE: I appreciate receiving your letter of November 4, and I think I can understand that you are disappointed because I did not embrace wholeheartedly and without reservation the idea contained in S. 2298.

The desire of the credit union movement to create an independent national structure similar to that available to the banks through the Federal Reserve System and to the savings and loan associations through the Federal Home Loan Bank Board is perfectly natural. My objection to S. 2298 is that it would give the credit unions privileges beyond those available to the other two types of financial institutions without imposing on them some of the obligations the other institutions now carry.

To be specific, the bill would give the industry itself the privilege of nominating its own regulators. I think this is essentially wrong. The President nominates and the Senate confirms the men who serve on the other two regulatory boards, and I think he should have the same freedom with respect to any board set up in an independent credit union structure.

Second, the other two financial systems are subject to a law which gives their regulatory agencies the right to control the rates that they may pay on savings, and this right is varied with the changes in the money market. I think a similar authority should be given to any agency set up to regulate credit unions.

The third difference, and to me a very important one, is that depositors in institutions in the other two financial systems are protected by an insurance program which is mandatory which is managed by a federal agency. This bill did not provide for such protection for depositors or "members" of credit unions.

Finally, the income of banks and savings and loan associations after a proper allowance for reserve is subject to the normal income tax like all other profit-making institutions. In fact, the rates of taxation for these systems has just been increased by the tax bill now before Congress. No bill, including S. 2298, proposes any change in the present complete tax-free status of credit unions. It seems axiomatic to me that if the credit union system wants to have all the privileges of full independence status, it must accept the responsibility already borne by its other financial counterparts to bear a share of the cost of government.

In making these statements, I am not against credit unions. I am only in favor of balance and equity, and if legislation is offered which will produce these results, I would expect to support it.

I note your request for a meeting when I return to Salt Lake. It looks now as though Congress will be in session right up until Christmas, and that the recess between this year's adjournment and next year's return will be fairly short—so short, that Mrs. Bennett and I do not plan to come to Utah for the holiday season. As of now, I would imagine that the first opportunity for the meeting you suggest will not come until sometime next spring.

Again, thank you very much for your letter.

Very truly yours,

WALLACE F. BENNETT.

Mr. BENNETT. The first of the communications that I have placed in the RECORD is from the California Credit Union League and reads, in part:

> An amendment has been introduced that would add:
>
> (a) A mandatory share insurance program for Federal Credit Unions at substantial cost . . .
>
> (c) Restrictive Federal Administration such as a 4 percent limit on dividends would be experienced.

Mr. President, I will not take time to read from the other letters sent.

I am happy to say that there are some credit unions which do not take their orders from either the State leagues or from CUNA, International. I am happy to say that there are some credit union officers who will take the time to consider a proposal of this type on its merits and then make a decision which will be for the benefit of their members. Let me include just three of the letters in reaction to the false information. I ask unanimous consent to put those letters in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DADE COUNTY FLORIDA TEACHERS,
FEDERAL CREDIT UNION,
Coral Gables, Fla., January 8, 1970.

RUDOLF MODLEY,
Editor, Reports, Inc.,
Kent, Conn.

DEAR RUDOLF: The understatement of the year is that Florida Federal Credit Unions were very upset when we received the Thomas telegram from the League office.

We resented the untruths and false statements made by Mr. Thomas. The whole thing begins to take on the characteristics of a planned and malicious "innocent" error, to be corrected, perhaps, after the intended damage has been done. It has been said that Cuna is against share insurance primarily because they will lose their hold on some of the credit unions throughout the United States.

My predictions for the '70's:

We must have share insurance.

We must have a credit union bank.

We must be permitted to pay dividends in excess of six percent.

We must be permitted to charge more than twelve percent on loans.

Unless we have these items to permit us to raise capital and to borrow funds at reasonable rates, and to compete with the savings and loan market. I predict that credit unions during the '70's will lose all that we gained during the '60's.

Whenever you are in Florida, look me up and come see our beautiful new building.

Very truly yours,

HUBERT O. SIBLEY, Jr.,
Treasurer.

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HP&P FEDERAL CREDIT UNION,
Palatka, Fla., December 12, 1969.
Mr. M. E. JESTER,
Florida Credit Union League, Inc.,
Tallahassee, Fla.

DEAR MR. JESTER: At the 1969 annual meeting of the League in Hollywood the membership expressed support for share insurance by an overwhelming vote. In your October 2, 1969 letter to me you said, "I . . . can only assure you and your fellow officials that we shall always do our best to properly represent the position of our League and member credit unions before whatever body we may be called upon to do so."

In view of the foregoing, it is inconceivable that you could have circulated your December 3, 1969 memorandum reproducing a telegram containing inaccurate information and recommending action definitely contrary to the expressed wishes of member credit unions.

We are sending a copy of this letter to every credit union in the State of Florida and are enclosing a copy of the December 5, 1969 letter we received from the National Association of Federal Credit Unions. We feel that each Florida credit union (be it State or Federal) should have full and accurate information on so important a subject.

We are registering with our Congressmen our support of Senator Bennett's credit union share insurance plan which he has offered as an amendment to H.R. 2. The board of directors of each Florida credit union should carefully review your memorandum and the enclosed memorandum from the National Association of Federal Credit Unions, then follow its convictions when writing our Congressmen.

I can only label this telegram quoted in your memorandum as irresponsible and reckless scare tactics, and my own feeling is that you are derelict in your duty for having used league facilities to disseminate this misleading information.

Yours very truly,
J. C. BROCK,
President.

SOMERVILLE MUNICIPAL FEDERAL CREDIT UNION,
Somerville, Mass., Nov. 19, 1969.
Hon. WALLACE F. BENNETT,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR BENNETT: Thank you so much for your reply to our letter which solicited your support for J. Deane Gannon's appointment as the Administrator of the "Independent Agency" for credit unions. At the time we wrote we were led to believe that the passage of the enabling legislation was assured.

Your stand in opposition to the bill meets with our unqualified support. Our credit union was organized in 1942 under FDIC and since 1947 we have been supervised by BFCU, a constituent of HEW. We feel that BFCU's association with HEW has enhanced our movement. A significant point is that this did not cost a single penny of tax revenue, nor did it place any major burden on HEW's administration.

We support your resolution to HR–2 for share insurance and we commend you and Senator Brooke for backing this legislation. We feel that this was a courageous stand in view of the opposition from the Credit Union National Association.

Yours sincerely,
GERALD R. GORMAN,
Manager.

Mr. BENNETT. The first of those letters is from the Dade County, Fla., teachers, which states in part:

> The understatement of the year is that Florida Federal Credit Unions were very upset when we received the Thomas telegram from the League office.

That is the CUNA telegram signed by the Washington representative, General Thomas:

> We resented the untruths and false statements made by Mr. Thomas . . .
>
> My predictions for the '70's:
>
> We must have share insurance . . .
>
> Unless we have these items to permit us to raise capital and to borrow funds at reasonable rates, and to compete with the savings and loan market, I predict that credit unions during the '70's will lose all that we gained during the '60's.

I read from another letter from the H.P. & P. Federal Credit Union:

> I can only label this telegram quoted in your memorandum as irresponsible and reckless scare tactics, and my own feeling is that you are derelict in your duty for having used league facilities to disseminate this misleading information.

In addition to the telegram sent by CUNA, I have received a Louisiana Credit Union League memorandum dated November 17, 1969, which leads me to believe that CUNA's Washington representatives, and perhaps the entire leadership, are tailoring their comments to suit their purposes without regard to whether what they say is consistent or factual.

I ask unanimous consent that the memorandum be included in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

LOUISIANA CREDIT UNION LEAGUE,
November 17, 1969.

SUMMARY OF LOUISIANA LEAGUE'S RESPONSE TO RECENT DEVELOPMENTS RELATED TO H.R. 2 AND S. 2298—RE: CREATION OF CREDIT UNION AGENCY

To League's Legislative Committee, League's Board of Directors and Alternates, Boards of Directors—Louisiana FCU's.

Recent telegrams and communications advised the League that S–2298 had been heard in the Senate by their Banking and Currency Committee, and in an Executive Session of this Committee, several amendments were made to S–2298 (companion Bill of HR 2). Among the amendments, included:

1. The term "Board" is defined as the National Credit Union Advisory Board. The House bill used the title "National Credit Union Board of Governors."

2. A provision in the House bill that provided that the Board "may make recommendations to the President with respect to the appointment of the Administrator" was defeated.

3. The Senate bill provides for a Board consisting of a chairman and "one member from each of the Federal credit union regions." The chairman is to be appointed from the country at large, and the President is to designate one of the members from a federal credit union region as vice chairman. While six-year terms are designated for Board members, the chairman's term is "at the pleasure of the President." Provision is made that any member of the Board "may continue to serve as such after the expiration of his term of office until his successor has been appointed and qualified." No limitation appears in the Senate version on the number of terms a Board member may serve, although the House bill limited a member to two full consecutive terms.

4. The Senate version deletes that portion of the House bill which provided that "the President shall receive and give special consideration to the nominations (of Board members) submitted by credit union organizations which are representative of a majority of the credit unions located in the region for which a Board member is to be appointed."

5. The Senate version establishes criteria for selection of Board members as follows: "In making appointments to the Board, the President shall consider, along with other relevant criteria, the experience of the person to be appointed in the credit union movement." The House-passed bill had this statement on the selection of Board members: "The persons so appointed as members of the Board shall be selected on the basis of established records of distinguished service in the credit union movement."

6. The Senate version completely eliminates the requirement in the House bill for the Board to render an annual report to the President for submission to the Congress, summarizing the activities of the Administration and making such recommendations as it may deem appropriate. It also eliminates the provision that "Each report shall propose such legislative enactments and other actions as, in the judgment of the Board, are necessary and appropriate to carry out its recommendations."

7. A number of administrative authorities are granted to the administrator of the National Credit Union Administration by the Senate version of the bill. These provisions, which are summarized as follows, did not appear in the House-passed version of HR 2: (a) to appoint personnel as may be necessary to enable the Administration to carry out its functions; (b) to expend funds, enter into contracts with public and private organizations and persons, make payments in advance or by way of reimbursement, and perform such other functions or acts he may deem necessary or appropriate to carry out the provisions of the Act; (c) to pay stipends, including travel allowances to individuals to study in a program assisted under the Act if determined that the studies will be in furtherance of the purposes of the Federal Credit Union Act.

8. The Senate version also authorizes the administrator to place six positions in GS–16 and one position in GS–17 grades in the Administration.

9. The administrator of the National Credit Union Administration is established at Level IV of the Executive Schedule in the Senate bill as in the House bill.

In changing the name of the Board from "National Credit Union Board of Governors" to the "National Credit Union Advisory Board," the Senate Committee apparently desires to make the Board advisory in nature to the administrator, and to insure that the administrator is the principal authority in the Administration. This is further evidenced by the Senate Committee's elimination of the annual report of the Board to the President and the Congress called for in the House version. The House Banking and Currency Committee report on HR 2 on the other hand stated: "Your committee also wishes to make clear that the Board of Governors does not serve merely in an advisory status but rather is to set major policies for the Administration and to make certain that the Administrator carry out the policies of the Board." Obviously, the Senate and House Committees visualize different roles for the Board.

Once the Senate passes the independent agency bill with the changes and amendments made by the Senate Committee, and any changes and amendments that may be made on the floor, the bill will go back to the House for concurrence in the Senate version. If the House does not concur, then a conference committee of Senate and House members will have to work out a compromise bill which would have to be voted upon in both houses of the Congress.

Your Executive Management met Friday, November 15, consisting of Frank A. Lewis, Chairman, League's Legislative Committee, Joseph A. Barreca, League Counsel and Legislative Representative and Edgar L. Fon-

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taine, Managing Director, and reviewed such developments and decided on the immediate response, and course of action to be taken. Mr. Brewster Dittmer, as Vice-Chairman of the Committee, was unable to visit at that time. It was decided that the Managing Director would contact Brewster Dittner and first brief him as to the advice and planned course of action; seek further oral advice from General Evert S. Thomas, CUNA's Washington Office; seek further oral advice from Curt Prins, Staff Assistant to Congressman Wright Patman, Chairman of the House Banking and Currency Committee, and author of HR 2; make personal contact with the offices of Senator Russell Long and Senator Allen Ellender and register this League's position, and concern, for the present developments in the Senate; and summarize such developments and action, and release same to the League's Legislative Committee and League's Board of Directors for information and guidance.

On November 17, the following contacts were made pursuant to the above conclusions:

1. Talked with Brewster Dittmer and briefed him on developments, and recent conclusions and planned course of action as determined by Frank A. Lewis, Chairman, Joseph A. Barreca, Counsel, and Edgar L. Fontaine.

2. Spoke with General Evert Thomas in Washington and he indicated that they were opposed to the changes in the Senate Bill—2298, but they did not want to do anything that would cause the Senate Bill not to clear the Senate. Chairman Patman of the House Banking and Currency Committee strongly wants the Bill in any form to go to a House-Senate conferee session, where CUNA and Patman believe changes can be effected to put provisions of HR 2 "on top". General Thomas agreed with our planned contact with Senators Ellender and Long, to oppose the Senate bill in its present form, to possibly offer amendments to restore original provisions, but not to kill the Bill in the Senate. General Thomas agreed that home office communications give the impression that CUNA is not opposed to the Senate Bill as amended, *except the share insurance,* but this is not so. General Thomas was prepared to visit Senators Ellender and Long's office if they will allow such a visit to further explain CUNA's intention. General Thomas agrees that we should talk to Curt Prins to see if there is anything further he can add.

3. Spoke with Curt Prins of Chairman Patman's office, and he gave generally same advice General Thomas provided concerning the Senate Bill, and the amendments. He stated that Chairman Wright Patman anticipated that HR 2 will take precedence in the House-Senate conference session. Mr. Prins did indicate a lack of strong relationship of CUNA on the Senate side, and he expressed concern and amazement that the rump group "NAFCU" had stolen the limelight for the moment. Mr. Prins was very agreeable to any action by Lousiana to stimulate an interest and support of Senators Ellender and Long's office against the present Bill, as amended, but he too cautioned that the Bill should be allowed to clear the Senate with or without the amendments, as per Chairman Patman's plans. Mr. Prins welcomed the opportunity to visit with General Thomas in the offices of Senator Ellender or Senator Long to make contact, establish relationship, and explain Louisiana's position.

4. Mr. Bob Hunter of Senator Russell Long's office assured me that he would allow Mr. Curt Prins and General Thomas to visit with him and provide the whole picture. Mr. Hunter assured me that Senator Long would do whatever was helpful as we would expect him to. We promised to be immediately in touch with Mr. Prins and General Thomas and arrange for their visit with Mr. Hunter in Senator Long's office and await further developments.

5. Spoke with General Thomas again and advised him to contact Mr. Curt Prins and have both of them to contact Mr. Bob Hunter for a personal visit and discussion of developments. General Thomas assured me that he would get in touch with Mr. Prins and do this immediately and further contact me as to the results of the visit. I suggested it was not necessary to formally contact with Senator Ellender's office because Mr. Hunter's office would and arrange for Mr. Prins and General Thomas to visit with Senator Ellender's office, and express Louisiana's views and to seek similar support.

6. Senator Ellender was not in his office but his personal secretary assured me that this development would be brought to his attention as well as our position. She welcomed the suggestion that General Thomas and Mr. Prins visit in Senator Ellender's office with her and his chief legislative assistant, Mr. Girard, at which time the matter could be reviewed in more detail. I assured Senator Ellender's secretary that immediate contact would be made with General Thomas and Mr. Prins and she should expect to hear from them shortly. (This was also carried out by another phone call to General Thomas.)

In view of the developments and actions taken in the recent telephone conversations, it has been concluded that no further action would be taken by the League's Executive Management *at this time pending the action of the U.S. Senate on S-2298 and pending the receipt of the assistance promised by the offices of Senators Long and Ellender.*

The League's Legislative Committee and the League's Board of Directors, and others concerned, should carefully review this material. We hereby alert all concerned to further action which might become necessary and by a larger number of credit union leaders in Louisiana, if and when he proposed legislation eventually is placed before a House-Senate Conference Committee wherein the ultimate intent of legislation creating a credit union administration agency will be decided.

Sincerely,

EDGAR L. FONTAINE,
Managing Director.

Mr. BENNETT. Mr. President, I do not intend to read at length from the Louisiana Credit Union League memorandum, but would like to quote from the action taken by the league on November 17:

> Spoke with General Evert Thomas in Washington and he indicated that they were opposed to the changes in the Senate Bill-2298, but they did not want to do anything that would cause the Senate Bill not to clear the Senate. Chairman Patman of the House Banking and Currency Committee strongly wants the Bill in any form to go to a House-Senate conferee session, where CUNA and Patman believe changes can be effected to put provisions of HR 2 on top. General Thomas agreed with our planned contact with Senators Ellender and Long, to oppose the Senate bill in its present form, to possibly offer amendments to restore its original provisions, but not to kill the Bill in the Senate. General Thomas agreed that home office communications give the impression that CUNA is not opposed to the Senate Bill as amended, *except the share insurance,* but this is not so. General Thomas was prepared to visit Senators Ellender and Long's office if they will allow such a visit to further explain CUNA's intention. General Thomas agrees that we should talk to Curt Prims to see if there is anything further he can add.

Upon receipt of this memorandum, I had a member of the Banking and Currency Committee staff call General Thomas and ask him what CUNA's reaction was to the Senate committee bill as reported to the Senate. He said that CUNA did not oppose the Senate language and felt satisfied with it, that the only exception to the language was the amendment providing for share insurance. He was told, of course, that such an amendment had not been accepted by the committee. At that point, he said that the official position of CUNA was that it had no objection to the Senate version and that the board of directors had taken such a stand in a meeting. It is interesting to note how this ties in with the memorandum quoted earlier which says that "General Thomas agreed that home office communications give the impression that CUNA is not opposed to the Senate bill as amended, except the share insurance, but this is not so."

I am appalled that a group which claims to represent more than 90 percent of the credit unions in this country would stoop to this type of lobbying effort on a matter which many of their members feel is in the best interest of the credit union movement. The same memorandum quoted earlier contains strategy which the House expects to follow. Mr. Edgar L. Fontaine, who signed the memorandum, apparently spoke with a Mr. Curt Prins of Congressman PATMAN's office who gave generally the same advice General Thomas provided concerning the Senate bill. He stated and I quote again:

> Chairman Wright Patman anticipated that H.R. 2 will take precedence in the House-Senate conference session. Mr. Prins did indicate a lack of strong relationship of CUNA on the Senate side, and he expressed concern and amazement that the rump group NAFCU had stolen the limelight for the moment.

I had never thought of an association which competes with another as being automatically considered a "rump group." Apparently some of the Nation's major credit unions do not thing it is a "rump group" either because they have become members of NAFCU. The latest to become a member is the world's largest credit union, the Navy Credit Union, with about $120 million in assets. I would like to state also that as far as I am concerned, it does not matter to me which of the competing associations receives credit, if any credit is received for actions taken by the Congress. Our decision should be based on merit and not on the fact that a particular organization or association either favors or opposes a proposal.

I would like to point to just one additional comment made by a well-known publication on credit union affairs. The Report on Credit Unions, published by Mr. Rudolf Modley, states:

> The new Senate version represents a clear-cut victory for the National Association of Federal Credit Unions (NAFCU), for the many CUNA-affiliated credit unions which objected to the House draft (among them the Virginia league and many California credit unions), and the Administration. CUNA's handling of the entire "independent" agency episode was inept.
>
> It is hard to understand why CUNA leaders claimed "solid, unqualified endorsement"

when they must have fully known that this wasn't the case—and that testimony would show it. CUNA's credibility on Capitol Hill will suffer for a long time to come.

It is indeed difficult to understand why CUNA leaders claimed "solid, unqualified endorsement" for H.R. 2 as it passed the House of Representatives. Mr Modley's comment that "CUNA's credibility on Capitol Hill will suffer for a long time to come" is reinforced and strengthened by the memorandum received from the Louisiana Credit Union League and the telegram which CUNA has sent out misrepresenting what the amendment would do.

Mr. President, we have received many calls from the offices of other Members of the Senate asking about my amendment and particularly asking whether it would limit the dividends payable by Federal credit unions to 4 percent. The answer has always been that there is nothing in this amendment which would in any way limit dividend payment by Federal credit unions. There is no doubt in my mind that the letters and telegrams which have been received in opposition to this amendment have been inspired by false information circulated either by CUNA or its affiliated leagues, and that this information has been a disservice to the credit union movement and a disservice to the credit unions which have placed their trust and confidence in its leadership.

One of the arguments against my amendment is that the cost of providing insurance through this means would be "substantial." "Substantial" is a word which means whatever an individual wants it to mean, but I wish to include for the Record the yearly charge which under the amendment, would be required by credit unions of various sizes, to support the insurance programs. They are based on one-twelfth of 1 percent of the deposits of the credit union. I ask unanimous consent that the list be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Asset size:	*Yearly charge*
10,000	$8
25,000	20
50,000	40
100,000	80
250,000	200
500,000	400
1,000,000	800
2,000,000	1, 600
5,000,000	4, 000

Mr. BENNETT. I do not consider these figures to represent a substantial cost in relationship to the amount of shares protected or in relation to the potential for increased deposits.

In addition to the figures which I have quoted showing the required annual charge for the share insurance, I would also like to point out that a share insurance proposal draft by CUNA, International late in 1964 required one-tenth of 1 percent as the annual premium, as compared with my recommended charge of one-twelth of 1 percent, and authorized additional premiums to equal all losses up to one-fourth of 1 percent. That is significantly more costly than the proposal which I have recommended to the Senate. The CUNA proposal also had an additional one-time investment of 1¼ percent of insured accounts which is not required in the proposal pending before the Senate. Thus, the charge that this proposal would be too costly is simply not substantiated by the facts.

It has been suggested by some that the stabilization fund now in effect for credit unions on an international basis is sufficient to handle the problems which exist. I would like to include testimony given by the H.P. & P. Federal Credit Union of Palatka, Fla., in which the use of stabilization funds is discussed along with its broader testimony urging Congress to enact share insurance legislation similar to that provided by the FDIC and the FSLIC.

I shall read just two brief quotations from that testimony:

> It is not sufficient to say that the record of credit unions has been very good and that therefore this insurance is unnecessary—one does not cancel the insurance on his home or automobile because he has never had a fire or an accident.
>
> * * * * *
>
> Those who still think that deposit insurance would be an unnecessary expense should poll the banks to find out which would be willing to drop their membership in FDIC. The lack of deposit insurance is the most serious deficiency in the Federal Credit Union Act. Until credit unions obtain deposit insurance they will never be able to attract the substantial savings needed to meet the loan demand of members. We should not accept a program that provides less security for our members than is provided for other financial institutions.

I ask unanimous consent that the entire statement to which I have referred be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

TESTIMONY, H.P. & P FEDERAL CREDIT UNION, TO CUNA INTERNATIONAL COMMITTEE, ATLANTA, GA., SEPTEMBER 18-19, 1969

The directors of the H.P. & P. Federal Credit Union, meeting on 9/4/69, adopted a resolution urging Congress to enact share insurance legislation similar to that provided by FDIC and FS&LIC. They also voted to send representatives to this meeting to express their views.

Their reasons for this are many. First and foremost, they believe the credit union's primary obligation is to provide for the safety of its members' savings and no credit union has met this obligation until it has provided all the protection possible. In many cases members share accounts represent a lifetime of saving, or years of effort to accumulate funds for some very important goal. Gentlemen, this is, indeed, a sacred trust. It is not sufficient to say that the record of credit unions has been very good and that therefore this insurance is unnecessary—one does not cancel the insurance on his home or automobile because he has never had a fire or an accident.

Because the word "Federal" is used in our credit union's name, many members assume the government is insuring their money and that it is as safe as if in an insured bank or savings and loan association. The fact that many members think they are thus protected makes it doubly important that this coverage be provided.

Consider the well informed member, the one who has accumulated some savings, the smart money if you will. He may make a token deposit with the credit union in order to qualify for the life insurance, if available, however the greater part of his assets are invested in government insured accounts.

Then there are the members who come into possession of large sums of money through settlement of an estate, as beneficiary of a life insurance policy, or the conclusion of a business transaction. In most instances an attorney is involved, and when consulted, he cannot advise placing these funds with the credit union because of the lack of share insurance. The attorney has no choice but to send his client to a bank or savings and loan instead of to the credit union. How much better it would be if this money were available to the credit union for loans in areas of greater human need through the credit union.

In the event of liquidation, and it does happen even to some of the best managed credit unions, the shareholders must wait for their money, sometimes for years. Stabilization funds thus far appear woefully inadequate to the task. Deposit insurance is the only satisfactory answer.

Objections are raised that this insurance will carry with it stricter regulations. The banks and savings and loans have this insurance along with the regulation and it is because of this insurance and regulation that they enjoy the confidence of the public and have prospered. The objection has been heard that this insurance would be expensive to carry. The banks pay less than 1/12 of 1% of their deposits per year and the savings and loans a similar amount. It is, therefore, reasonable to estimate that credit unions should be able to have this insurance for about $1,000 per year per million dollars of assets. This would be the wisest expenditure in a credit union's budget.

Those who still think that deposit insurance would be an unnecessary expense should poll the banks to find out which would be willing to drop their membership in FDIC. The lack of deposit insurance is the most serious deficiency in the Federal Credit Union Act. Until credit unions obtain deposit insurance they will never be able to attract the substantial savings needed to meet the loan demand of members. We should not accept a program that provides less security for our members than is provided for other financial institutions.

Mr. BENNETT. Mr. President, in the 1955 report of the Council of Economic Advisers to the President, there was a recommendation that Congress consider providing share insurance for credit unions. Again this year, the outgoing Secretary of Health, Education, and Welfare in his annual report recommended such a plan. The Banking and Currency Committee in the Senate took testimony last year on the subject of losses in Federal credit union liquidations during hearings on S. 3002, S. 3214, and S. 3395. The House committee took testimony on the same subject, including hearings on H.R. 7347. Meetings with Department and agency officials were also held in that same year.

Mr. President, the time for talking has ended. Many credit unions need this insurance now. I hope that I have cleared away in my talk today some of the fog and misrepresentation that has been created regarding my proposal.

At the same time, I wish to say that I believe that CUNA International has done much to assist the credit union movement. I do not wish what I say to detract from their other activities, simply because I believe that they are 100 percent wrong in their attitude and the tactics used to express their position in this case.

Let me quickly summarize:

First, credit unions are the only federally chartered financial institutions which do not have share insurance for their depositors or customers.

Second, my amendment contains absolutely no provision restricting or in any way limiting the rate that could be paid by credit unions for funds. I should point out, however, that there is presently in the credit union law a maximum ceiling of 6 percent. Perhaps this should be changed. I believe, as I have stated in a letter to Mr. J. Paul White, managing director of the Utah Credit Union League, Inc., on November 11, 1969 which has been inserted in the RECORD that the regulatory agency should have the power to determine the rate paid on savings as is the case with the other Federal regulatory agencies of financial institutions. This would provide more flexibility and could actually when needed increase the rate that could be paid. But this is not covered by the amendment.

Third, my amendment would benefit small credit unions in limited income areas, probably more than any others, by making it possible for them to attract increased savings.

We should take action now, Mr. President, and I hope that the Senate will accept this equitable and relatively simple amendment. I ask for the yeas and nays on it.

Noting that there are not enough Senators present to justify it, I intend to ask for the yeas and nays on the amendment, and therefore I note the absence of a quorum, in order that we may obtain enough Senators for that purpose.

XUM

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Who yields time?

Mr. BENNETT. I am happy to yield to the Senator from Illinois such time as he may desire.

Mr. PERCY. Mr. President, the need for Federal share insurance can be seen by recent developments in a Chicago credit union.

On January 5, 1970, the Hyde Park Co-Op Federal Credit Union voluntarily suspended operations and invoked a 60-day notice of intent to withdraw shares from the credit union. This action was necessary when the credit union was unable to meet the demand for share withdrawals and went into voluntary suspension of operations. The catalyst behind the lack of liquidity was a high rate of loan delinquencies. The demand for withdrawals was precipitated by depositors' fears that they would lose their money. If Federal share insurance had covered shares in the credit union, shareholders would have been assured of getting their money out and the run on the credit union might not have developed.

In the absence of Federal share insurance, a look at the financial figures of the credit union shows why shareholders were uneasy. The Hyde Park Co-Op Credit Union has 7,371 shareholders with $2,259,461 in deposits. Total assets of the credit union are $2,385,270. At yearend, the credit union had 2,259 loans outstanding in a total of $2,236,315.

Of this total loan figure, over 10 percent, $301,088, were delinquent loans; $110,000 of loans were 2 to 6 months delinquent, $88,000 were 6 to 12 months delinquent, and almost $103,000 were over 12 months delinquent. Those loans over 12 months delinquent can be considered almost uncollectable.

When the run on the credit union began near the end of the year, the credit union did not have the cash to cover withdrawal requests. At yearend, the credit union had only about $40,000 in cash and about $50,000 in U.S. Government obligations. This was obviously insufficient to meet potential share withdrawals of $2,259,461. Thus, based on depositor fear, the run began, and the credit union had to voluntarily suspend operations.

Since that time the credit union has had a special meeting of members, on January 18, and has set up committees to try to deal with the problems of the credit union. Committees were set up to try to collect delinquent loans and to persuade people not to withdraw their shares from the credit union. These steps are being taken in coordination with the Chicago office of the Bureau of Federal Credit Unions and hopefully will help to resolve the problem.

But the fact remains that had Federal share insurance been available to shareholders in the credit union, the run might never have developed. Depositors would have known that their savings were safe.

I therefore support wholeheartedly the amendment of the Senator from Utah (Mr. BENNETT). His amendment affords the same protection to depositors in credit unions that depositors in commercial banks or savings and loan associations have. I hope the amendment is adopted.

Mr. BENNETT. Mr. President, will the Senator yield in order that I may ask for the yeas and nays?

Mr. PERCY. I yield.

Mr. BENNETT. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I feel very deeply about this matter. I am a great believer in credit unions. All through the years, I have supported credit unions in every company with which I have been associated. I have seen the great service they have offered as a convenient place for deposits, as well as loans to employees of companies and to other organizations and agencies.

As a friend of credit unions, I also feel very deeply that even though many of them oppose this amendment, sometimes as we look back we wonder why we opposed things that were as good as this amendment would be for the credit union institutions.

I recall when my father was a banker in a neighborhood bank in Rogers Park, Chicago, Ill. I cannot forget the time that bank started to have a run on it. I was a young boy in grammar school, and I think the parents of every student had money in that bank. The word spread like wildfire, "There isn't enough money, and we'd better get ours." Lines formed, phones rang at home, and the panic spread. And it was panic that closed that bank. This is exactly the case that we see in some credit unions today.

I thought we learned our lesson at that time, that insurance and protection for depositors will assure that these things cannot happen. There is not a financial institution around that would not have to close its doors if all the depositors demanded their money overnight. You cannot have 100 percent liquidity at all times. Yet, it was the lack of insurance at that time that closed banks across the country.

I think that once again we will look back, years from now, when credit unions have this insurance, and will say it is the protection they need, in their own self-interest, to provide against the emergencies that have occurred in my State and that will occur in other areas.

Mr. PROXMIRE. I yield myself 10 minutes.

Mr. President, there is a great deal of appeal in the amendment of the Senator from Utah, and I think that the principles and the objectives are salutary. There is no question, as the Senator from Illinois said so eloquently, that we should have insurance for depositors in our financial institutions. The problem, however, is that we ought to have a provision which is very carefully thought out, on which there is a hearing record, on which we have testimony from both sides of the issue, and which is calculated on the basis of our experience in the past.

This is not true with respect to this amendment. There were no hearings on this amendment. This amendment is before the Senate now, and I have great admiration for the legislative skill and understanding of the Senator from Utah; but I think that without hearings on something as complicated and as important as this, we could be making a serious mistake we do not have to make.

The problem of share—or deposit—insurance for credit unions is one which for years has been discussed within the credit union movement itself. As Senators are well aware, credit unions are the only federally chartered financial institutions whose deposits are not covered by some form of Government-supervised insurance program. With the past opposition of the credit union movement on share insurance, with the claims and counterclaims of proponents and opponents of a federally sponsored share insurance program, and with the credit union organizations' own internal safeguards for providing security of members' deposits, it seems obvious to me that we are in no position to act on the amendments proposed by the distinguished Senator from Utah at this time.

I wish to make clear that I am not opposing—nor am I supporting—the Bennett amendment objectives. I merely feel that there is inadequate data and information before us at this time for us to make an intelligent, informed decision.

The entire problem needs to be fully explored in hearing by the Banking and Currency Committee to determine the facts. There is much we need to know before we are in a position to say that a federally sponsored program is needed. Perhaps we do not need a Government program—maybe the industry's own efforts are adequate to give the protection needed. I might add that within the credit union movement, a number of State credit union leagues have stabilization programs designed to protect the shareholders of credit unions forced to liquidate either voluntarily or involuntarily. The Bureau of Federal Credit Unions in its recently published report on "Regular Reserves of Federal Credit Unions" states that as yearend 1967 stabilization programs were operated by CUNA International and the State leagues in 38 States and the District of Columbia.

Just within the past year, CUNA has initiated a reserve trust program which is designed to augment State league programs and to operate in States which do not have an individual program.

Furthermore, the credit union movement has a strong and effective insurance program to insure credit unions against some of the more common elements leading to financial failure of a credit union—defalcations, robbery, physical losses. Practically every loss factor except poor and ineffective management is protected against. And even management difficulties are closely watched through periodic examinations by internal committees and State and Federal supervisory authorities.

Actual losses to Federal credit union shareholders resulting from liquidations and scaledowns in more than 34 years have amounted to approximately $3,262,566. This amount represents only one-twentieth of 1 percent of the more than $5,986,181,000 in shares held in Federal credit unions at the end of December 1968. Shares at the end of December 1969 have now reached an amount in excess of $6,634,000,000.

The above figures reflect the outstanding performance of the credit union movement in protecting its membership over a period of more than 34 years.

Until these matters are fully explored in hearings, until all the facts are known, we cannot be positive that a Government-operated program is necessary or essential. If the industry can produce its own insurance program which is adequate and effective in the opinion of Congress, why should a Government program be necessary?

I must confess that I do not know the answers at this time. I would confidently expect, however, that committee hearings on the subject would produce the answers and give the Congress the necessary information upon which to act if the need exists—if, indeed, we must act. Our present knowledge and experience is totally inadequate to act on the proposed share insurance program at this time.

Mr. President, I would point out that the provisions in the Bennett amendment indicate that so far as Federal credit unions are concerned, the premium would be one-twelfth of 1 percent, and will cost about $5.5 million. If we include the State credit unions, not Federal credit unions, we can just about double that. It would provide $5.5 million a year for credit unions, although losses last year of credit unions totaled $124,000.

This amendment would provide for $5.5 million in premiums so that the ratio of the premiums to losses would be about 44 to 1.

I know, as the Senator from Utah has pointed out, that this one-twelfth of 1 percent is permissive. But it is for the guidance of the administrator and thus, it seems to me, if the amendment is adopted by the Senate and accepted by the House, a prudent administrator would feel that he had better put that into effect even though there would be some basis for him cutting it back. And that $5.5 million would be $5.5 million less that the credit union depositors will get in dividends.

Whereas the $5.5 million for credit unions is not a great deal in relationship to the total amount of deposits they have, or even in relationship to the dividends they pay, it is something when we consider the fact that the 24 million people who have deposits in credit unions and borrow from them are people who, by and large, watch their money closely and the matter of a few dollars or cents is significant to them.

I would hope, under these circumstances, that the Senate would reject the amendment and give the Committee on Banking and Currency, as its distinguished chairman, the Senator from Alabama (Mr. SPARKMAN) has indicated, an opportunity to consider this matter and make a record and hold hearings.

Finally, let me point out that whereas the bill is only six pages long and is a simple bill, the amendment is 21 pages long and is not, really, a simple amendment. It is very complex, and yet we have held no hearings, and have no record on it. It is also opposed by the credit union organizations and is being opposed vigorously.

Under these circumstances, I would hope that the Senate would not agree to the amendment.

Mr. BENNETT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HUGHES in the chair). Six minutes remain to the Senator from Utah.

Mr. BENNETT. I thank the Chair.

Mr. President, I enjoy again a discussion with my good friend from Wisconsin. We find ourselves on opposite sides of a good many issues. It is true that we did not have any hearings. The amendment has been before the committee for more than 3 months. The Senator from Utah, being in the minority, has no power to demand hearings. The amendment, however, is not written out of the imagination of the Senator from Utah. We have had nearly 40 years of experience with insurance programs—the FDIC—with banks, and we have had fewer years than that, but a substantial number of years' experience in insuring the deposits of savings and loan associations.

Thus, we know pretty well what the problem is. To me, the fact that CUNA 5 years ago offered a proposal based on one-tenth of 1 percent, and this proposal is based on one-twelfth of 1 percent, would indicate that I cannot be too far out insofar as the cost burden is concerned.

As to the question of not having any hearings, I congratulate my friend from Wisconsin on the fact that when the water pollution bill came up, he got on a revenue bond amendment on which no hearings were held. He and I both know that that is common experience in the Senate.

Mr. PROXMIRE. If the Senator will yield, let me tell him that we had hearings on that amendment the previous year and we also had a record. The Committee on Banking and Currency established the record on that amendment which I offered and it went on the bill.

Mr. BENNETT. But no one during debate was aware of it and the hearings were not available to us at the time the matter was discussed.

Mr. PROXMIRE. I discussed it earlier in some detail when I presented the amendment.

Mr. BENNETT. Senators not on the committee got that information pretty well out of the blue, but that goes on all the time.

There is another problem here that I should have developed earlier, and I shall take just a minute now to point it out. With the banks and savings and loan associations we have professional management. They are paid. They have got to compete and prove their ability to hold their jobs.

However, with small credit unions, the managers are selected from members of the association themselves. They are not paid. They take on this little extra burden for their friends. They have often had absolutely no experience in making loans. They loan on the basis of their friendships, or whatever they may know about the man that works next to them at the lathe. They lack, in the small associations, professionally trained executive management which, to me, is another reason why these people who entrust their money to these amateurs should have the protection of insurance.

Well, Mr. President, unless someone else wishes to speak, I am prepared to yield back the remainder of my time.

Mr. PROXMIRE. May I say to the Senator from Utah, in view of the fact that he has referred to experience with insurance on bank deposits, that the first State bank deposit insured was in 1829 with Martin Van Buren. We took 104 years to provide Federal insurance for banks in 1933. Now the Senator wants to provide insurance to credit unions, in one afternoon, or one part of the afternoon, rather, in fact, just in one hour and a half without a record.

Mr. BENNETT. Against the background and experience which the Senator takes back to Martin Van Buren.

Mr. PROXMIRE. That was for banks. But credit unions are a different kind of institution.

Mr. BENNETT. Credit unions are much more vulnerable than banks, for the reasons I have just stated. Their management in many instances is not expert. It can be swayed by noneconomic factors.

Mr. PROXMIRE. What do the records show? They show that credit unions have nothing like the kind of failures which banks have had. As I pointed out, going back to the depression, the total losses of credit unions was only $3.5 million. They have been very low. The share insurance premium program proposed by the Senator in his amendment would be 44 times the losses suffered last year by credit unions.

Mr. BENNETT. But we have had some experience. As a member of the Finance Committee, I worked on the question of how much loss reserve should be allowed to banks. Our experience goes all the way back to the 1930's. When we compare losses today with losses in the 1930's, they are negligible. But, do we have any right to assume that, therefore, we should not have any share insurance for banks or that we should change the fee every year?

I believe that the Senator from Wisconsin forgets, when we start a share insurance program, that it will take us a number of years to build up a reserve to the point where the insurance program can stand any sudden shock.

Mr. PROXMIRE. The Senator makes a great deal of sense and there can be a strong argument for a share insurance program. Maybe it should be Federal, and based on an association that credit unions can work out for themselves. At any rate, we do not have a record. We do not have the opportunity for credit union leadership in providing the kind of system that they think will be practical and fair. They oppose the amendment.

Under these circumstances, it seems to me that we should have a chance to build a record and act on that.

Mr. PERCY. Mr. President, I should like to say this about the very good point the Senator from Utah has made about the management of credit unions. I have sat in on many of their meetings, and they are amateur managers in the best sense of that term. They are not sophisticated financial people by any means.

There is one further danger, in that the depositors in a savings and loan institution, or a bank, are widely diversified. They come from the retail, manufacturing, and farm segments of the economy and many others. But in credit unions there is a concentration of employees in one company. What happens when a company like GE shuts down for 3 months? What happens when an industry has a terrific adverse trend? The distinguished Senator from Wisconsin is concerned about unemployment going up.

What if this hits certain industries particularly hard? I think we have to look ahead. I cannot for the life of me see the reason why we should distinguish between a depositor in a savings and loan association or a depositor in a bank and a depositor in a credit union and say that the depositor in a bank or savings and loan needs insurance, but that a depositor in a credit union does not need it. In fact, I would wager that most depositors in credit unions think they have insurance today. Some surveys seem to show that. I do not know of any evidence I have seen that would indicate otherwise. Depositors in credit unions would be shocked if they were to realize they did not have insurance.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. PROXMIRE. Mr. President, I have never said, and I do not know of any member of the committee who has said, that we should not have share insurance for credit unions. They deserve the same consideration that depositors in banks have. But before we provide insurance for them, we should have hearings and make a record and try to work out something in cooperation with credit union leadership.

We are not proposing to do that in this case. Here it is proposed on the floor, having had no hearings, and the credit unions say they are opposed. I do not think that is fair.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. BENNETT. Mr. President, if I have any time remaining, I yield back the remainder of it.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Utah, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Wisconsin (Mr. NELSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is absent on official business to attend the funeral of a colleague.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 35, nays 52, as follows:

[No. 33 Leg.]

YEAS—35

Baker
Bellmon
Bennett
Boggs
Brooke
Case
Cooper
Cotton
Curtis
Dominick
Ellender
Ervin
Fannin
Goodell
Griffin
Gurney
Hansen
Hatfield
Hruska
Javits
Jordan, Idaho
Long
Mathias
McClellan
McIntyre
Pearson
Percy
Schweiker
Scott
Smith, Ill.
Stevens
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—52

Aiken
Allen
Anderson
Bayh
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cranston
Dodd
Dole
Eagleton
Eastland
Fong
Gore
Hart
Hartke
Holland
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Magnuson
Mansfield
McGee
McGovern
Miller
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Ribicoff
Russell
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—13

Allott
Fulbright
Goldwater
Gravel
Harris
McCarthy
Metcalf
Mundt
Murphy
Nelson
Packwood
Prouty
Saxbe

So Mr. BENNETT's amendment was rejected.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I yield myself 2 minutes.

During the opposition to the amendment, to which, obviously, I listened very carefully, the only real substantive charge that was made against it was that we had not had any hearings. Therefore, I would like to address myself to the chairman of the committee and ask him, if I introduce the amendment as a complete bill, would he give me the assurance of hearings at the earliest possible time?

Mr. SPARKMAN. Mr. President, I assure the Senator that I will cooperate with him and we will, together, arrange a suitable time for hearings.

Mr. BENNETT. I thank the chairman.

Mr. YARBOROUGH. Mr. President, will the Senator yield to me briefly on the bill?

Mr. SPARKMAN. I yield to the Senator from Texas such time as he may require.

THE CREDIT UNION MOVEMENT—PROMOTING ECONOMIC DEMOCRACY

Mr. YARBOROUGH. Mr. President, today, I want to comment on H.R. 2, a bill which embodies recognition of the maturity of the credit union movement, one of the most important forms of economic democracy, of mutual aid and self-help, in this Nation.

The maturity of the credit union movement is recognized in this bill, which would give the credit unions, like the banks and the savings and loan associations, an independent agency, in this instance the National Credit Union Administration, with the authority to regulate, supervise, and examine the Federal credit unions. The principle of self-help and self-support would be carried over from the credit unions themselves to their regulatory agency; all expenses of the agency will be paid from fees and assessments on the credit unions, and the Federal agency will be Federal in outlook but not in financing: It will not cost the Federal taxpayer anything at all.

This is an important bill, not for what it commits the Federal Government to do, but for its recognition of the place of the Government in economic affairs. The Government in the credit union movement gives recognition to what people do for themselves and helps through examination and regulation to assure that officers and employees perform in the interests of the membership.

The voluntary efforts of people who have common ties of place of employment, residence, or other interests, in assisting each other to meet their financial problems—to find money when needed, and to find a safe and useful place in which to get a reasonable return on the investment of their savings, have proved so successful and stimulated such emulation, that the movement now warrants a Federal agency concerned only with the credit unions.

The credit union is the most numerous form of financial institution in the Nation today. It is a local association, and the expansion of the credit union movement measures the increase in the benefits brought to local groups; it does not contain any of the possibilities of monopoly and exploitation which may be found in other financial institutions.

This great step forward, recognition of the credit unions' independent status as a major form of financial institution is of special pride to me as a Senator from Texas, for the first Federal credit union was chartered in 1934 in Texarkana. As Senators may know, the present chairman of the Committee on Banking and Currency in the other House, a fellow Texan, **WRIGHT PATMAN**, has taken the lead in introducing the bills relating to Federal credit unions which have passed that House since 1934.

But the Federal credit union movement is a nationwide movement. Only six States have fewer than 100 credit unions, and they are in three cases very small in area and in three others are sparsely populated. There are seven States which have more than 1,000 credit unions each. Altogether there were 23,600 credit unions in action in 1968.

These local, cooperative, financial institutions have multiplied faster than the institutions which finance the more massive consumer expenditures for housing, and the business and governmental expenditures for plant and equipment and public buildings and facilities.

The credit union movement was in motion before the Federal Government first undertook, 35 years ago, to charter new associations. Some States chartered credit unions, as they do now; or most States offered charters. But not every State chartered or supervised credit unions, or established rate limits and other safeguards against turning a cooperative society into a means of exploitation. Federal charters were necessary. Since the Federal act became effective and the first charter was granted in Texarkana, the number of credit unions has multiplied 10 times; membership is 50 times as numerous as in 1934, and assets total about 350 times as much as in 1934. Within the last decade, assets have multiplied four times. The credit unions have grown more rapidly than any other institution which extends credit to consumers, so that they have increased their share in the rapidly rising total of consumer installment credit from around 9 percent of the total, to nearly 12 percent of the total, within a decade. They were about equal in total installment credit to the small loan companies a decade ago, but now hold almost 50 percent more credit outstanding than are held by the small loan or personal finance companies. The assets of the credit unions have increased more rapidly than those of consumer creditors of every other sort; they have increased more rapidly than those of any of the larger financial institutions which finance business and homes, as I have remarked already.

It is not just the growing importance of consumer credit which accounts for the multiplication and the expansion of the numbers, membership, and assets of the credit unions. It is their efficiency and their responsiveness to the needs of their members, both savers and borrowers, which account for their unmatched growth.

These unions, small and local except in such unusual circumstances as the credit unions in the Defense departments, have grown to a size where the sum of the assets of all the more than 23,000 now in existence, is now about equal to the assets which had been accumulated by the principal home financing agency—the savings and loan associations 20 years ago. Small personal loans, financing household equipment, automobiles, and all of the other modest loans which can be made within the restrictive limits of the Credit Union Act, have totaled as much now as home loans—each of which was many times as great as the usual credit union loan—had totaled when the 1949 Housing Act was enacted.

The volume of credit union loans, the dependence of 20 million depositors on credit unions for some part—often minor but often principal—of their credit, or their return on savings, warrants enactment of H.R. 2. The credit unions stand independently as cooperative financial institutions, in such number that a separate chartering supervisory and regulatory agency, not subject to changing priorities of other programs within a Federal department of the very widest interests, will devote full time to the success of the credit union movement.

Mr. PERCY. Mr. President, I rise in support of H.R. 2 which establishes an independent National Credit Union Administration.

Credit unions are the stepchild of our system of financial institutions. Up to now, they have been shunted from pillar to post among the Federal bureaucracy—always seeking to master their own house and always being relegated to a subservient status.

Yet, the credit union is probably the financial institution closer to the people and more intimately involved in their daily lives than any other financial organization.

Today, there are about 24,000 credit unions in the United States, of which some 13,000 are federally chartered. As the committee report points out, this is a greater number than all other financial institutions combined. More than 20 million Americans are members of a credit union. These institutions have savings exceeding $14 billion, made up in large part of individual accounts totalling $500 or less. The large financiers, the "big money," and the corporations are not those who frequent credit unions. It is, instead, the man on salary, with limited income and heavy family obligations, who places his savings and his trust in credit unions. In turn, it is the credit union which is able to make available loans on signature only for needed household and automobile items at rates comparable with other financial institutions and far less than risk or fringe credit merchants who to many individuals represent the only alternative for credit financing.

In lower income areas, particularly, the credit union may represent the only means whereby residents can regularly and safely save their money and also have a safe, reasonable place to turn to obtain needed credit.

Recently, the Banking and Currency Committee held hearings on legislation introduced by Senator **PROXMIRE** and Senator **SCOTT** to encourage the establishment of far larger numbers of credit unions, as well as other financial institutions within lower income areas. Today, the number of banks, savings and loan companies, and credit unions located within lower income areas is discouragingly small. How can we expect limited income individuals to develop proper savings habits and to spend their money wisely if financial institutions are not located where such individuals can have ready access to them.

The benefits that can be reaped through the location of financial institutions are so great and offer such potential good that we must do all we can to encourage their location in these areas. By encouraging Government and private employers to deposit pay and welfare checks in these institutions, the wave of mailbox robberies can be brought to a halt. Even short of this, having a credit union or bank available to a resident for the cashing or deposit of income will encourage savings and lessen impulsive buying at merchant establishments where checks are otherwise cashed. To the extent that savings accounts can be encouraged in these institutions or credit otherwise established, lower income individuals will be able to obtain credit at reasonable rates to purchase necessary appliances and other needed consumer items. This, in turn, will directly or indirectly extend the value of an individual dollar. Directly, it will mean that less money need be taken from limited budgets for payment of critical expenses. It also means that additional money can be earned through interest payments on savings accounts. Indirectly, it means that if, for example, an adequate refrigerator can be purchased money can be saved through improved local purchasing arrangements.

Establishment of an independent National Credit Union Administration will permit the credit union industry to gain its head and to launch a vigorous program to increase the establishment of credit unions, especially in lower income areas. My support for H.R. 2 has been based to a large extent upon this expectation. In Banking and Currency, we intend to explore additional ways to encourage this move. I urge the new office we plan to establish here to be vigorous, innovative, and courageous. I shall be extremely disappointed if they fail to fulfill the promise now being held out by them.

Mr. BENNETT. Mr. President, I am prepared to yield back my time on the bill.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment in the nature of a substitute.

The amendment, in the nature of a substitute, was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Minnesota (Mr. MCCARTHY) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Alaska (Mr. GRAVEL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is absent on official business to attend the funeral of a colleague.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from Colorado (Mr. ALLOTT). If present and voting, the Senator from California would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 73, nays 15, as follows:

[No. 34 Leg.]

YEAS—73

Aiken
Allen
Anderson
Baker
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Curtis
Dodd
Dole
Eagleton
Ellender
Ervin
Fong
Goodell
Gore
Griffin
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—15

Bellmon
Bennett
Byrd, Va.
Cook
Cotton
Dominick
Eastland
Fannin
Gurney
Hansen
Jordan, Idaho
Russell
Stennis
Thurmond
Tower

NOT VOTING—12

Allott
Fulbright
Goldwater
Gravel
Harris
McCarthy
Metcalf
Mundt
Murphy
Packwood
Prouty
Saxbe

So the bill (H.R. 2) was passed.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with Senate Resolution 281, 90th Congress, second session, appoints the Senator from Kentucky (Mr. COOK) to the Select Committee to Study the Unmet Basic Needs Among the People of the United States.

EXTENSION OF SUPPLEMENTAL ANNUITIES AND THE MANDATORY RETIREMENT OF RAILROAD EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 642, H.R. 13300.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That section 3(j) of the Railroad Retirement Act of 1937 is amended by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3).

SEC. 2. Section 3(j)(1) of the Railroad Retirement Act of 1937 is amended by inserting after the word "shall" where it first appears in the second sentence thereof the following phrase: ", subject to other provisions of this subsection,".

SEC. 3. Section 3(j) of the Railroad Retirement Act of 1937 is further amended by inserting at the end thereof the following new paragraphs:

"(4)(i) For the purposes of this paragraph—

"(A) the term 'eligibility' means possessing all of the qualifications required by law in order to receive a supplemental annuity, other than having retired and been awarded an annuity under section 2(a) of this Act;

"(B) the term 'subsequent work year' means, with respect to an individual, a calendar year subsequent to the calendar year in which such individual first attains eligibility, and during which such individual renders any service as an employee for compensation.

"(ii) The supplemental annuity of an individual shall be subject to a percentage reduction for each of his subsequent work years in accordance with the following schedule:

"(A) If such individual first attains eligibility at age 65, by 25 per centum for each of his subsequent work years;

"(B) If such individual first attains eligibility at age 66, by 50 per centum for his first subsequent work year and by an additional 25 per centum for each subsequent work year thereafter;

"(C) If such individual first attains eligibility at age 67, by 75 per centum for his first subsequent work year, and by an additional 25 per centum for any subsequent work year thereafter;

"(D) If such individual first attains eligibility at age 68 or older, by 100 per centum for any subsequent work year.

"(iii) For the purposes of this paragraph, any individual who attained eligibility prior to, or during, calendar year 1970 shall be deemed to have first attained eligibility at age 65 during calendar year 1970.

"(5) Notwithstanding any other provision of this Act, service rendered by an individual as an employee during any subsequent work year, as defined in paragraph (4), shall not be credited toward such individual's supplemental annuity."

SEC. 4. Section 15(b) of the Railroad Retirement Act of 1937 is amended by striking out the second paragraph thereof.

SEC. 5. Section 3211(b) of the Railroad Retirement Tax Act is amended to read as follows:

"(b) In addition to other taxes, there is hereby imposed on the income of each employee representative a tax at a rate equal to the rate of excise tax imposed on every employer, provided for in section 3221(c), for each man-hour for which compensation is paid to him for services rendered as an employee representative."

SEC. 6. (a) Section 3221(c) of the Railroad Retirement Tax Act is amended by substituting for the first sentence thereof the following "In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during any calendar quarter, (1) at the rate of 2 cents for the period beginning November 1, 1966, and end-

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ing March 31, 1970, and (2) commencing April 1, 1970, at such rate as will make available for appropriation to the Railroad Retirement Supplemental Account provided for in section 15(b) of the Railroad Retirement Act of 1937 sufficient funds to meet the obligation to pay supplemental annuities under section 3(j) of such Act and administrative expenses in connection therewith. For the purpose of this subsection, the Railroad Retirement Board is directed to determine what rate is required for each calendar quarter commencing with the quarter beginning April 1, 1970. The Railroad Retirement Board shall make the determinations provided for not later than fifteen days before each calendar quarter. As soon as practical after each determination of the rate, as provided in this subsection, the Railroad Retirement Board shall publish a notice in the Federal Register, and shall advise all employers, employee representatives, and the Secretary of the Treasury, of the rate so determined."

(b) Section 3221 of such Act is further amended by inserting at the end thereof the following new subsection:

"(d) Notwithstanding the provisions of subsection (c) of this section, the tax imposed by such subsection (c) shall not apply to an employer with respect to employees who are covered by a supplemental pension plan which is established pursuant to an agreement reached through collective bargaining between the employer and employees. There is hereby imposed on every such employer an excise tax equal to the amount of the supplemental annuity paid to each such employee under section 3(j) of the Railroad Retirement Act of 1937, plus a percentage thereof determined by the Railroad Retirement Board to be sufficient to cover the administrative costs attributable to such payments under section 3(j) of such Act."

SEC. 7. The Railroad Retirement Board is authorized to request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the credit of the Railroad Retirement Supplemental Account such moneys as the Board estimates would be necessary for the payment of the supplemental annuities, provided for in section 3(j) of the Railroad Retirement Act of 1937, for the six months next following enactment of this Act, and for administrative expenses necessary in the administration of such section 3(j) (which expenses are hereby authorized) until such time as an appropriation for such expenses is made pursuant to section 15(b) of such Act, and the Secretary shall make such transfer. The Railroad Retirement Board shall request the Secretary of the Treasury at any time before the expiration of one year following the enactment of this Act, to retransfer from the Railroad Retirement Supplemental Account to the credit of the Railroad Retirement Account the amount transferred to the Railroad Retirement Supplemental Account pursuant to the next preceding sentence, plus interest at a rate equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the fiscal year ending on June 30, 1970, rounded to the nearest multiple of one-eighth of 1 per centum, and the Secretary shall make such retransfer.

SEC. 8. No carrier and no representative of employees, as defined in section 1 of the Railway Labor Act, shall before April 1, 1973, utilize any of the procedures of such Act to seek to make any changes in the provisions of the Railroad Retirement Act of 1937 for supplemental annuities or to establish any new class of pensions or annuities, other than annuities payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937.

SEC. 9. Section 301(f) of the Act of October 30, 1966 (Public Law 89-699) is amended by striking out "for sixty months".

SEC. 10. (a) The provisions of section 3 of this Act for reducing a supplemental annuity by reason of an individual's service as an employee, shall apply only to such service after 1970.

(b) The amendments made by section 6(b) of this Act shall apply to (1) supplemental annuities paid on or after April 1, 1970, and (2) to man-hours with respect to which compensation is paid for services rendered to such employer on or after such day.

SEC. 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. EAGLETON. Mr. President, the pending order of business, H.R. 13300, deals with the supplemental retirement benefits under the railroad retirement system.

H.R. 13300, which has been reported by the Labor and Public Welfare Committee, is the product of a great deal of thought and effort by the members of this committee and especially by the members of the Railroad Retirement Subcommittee. This bill is intended to provide a sound financial basis for the supplemental pension program for retired railroad workers. The fund from which monthly payments are made to the approximately 60,000 beneficiaries has proved insufficient to make the required payments in recent months. Payments due on December 1, 1969, were delayed until nearly the end of the year, while the payments due on January 1, 1970, have not yet been made and the Railroad Retirement Board, which administers this fund, has estimated that there will not be sufficient revenues accumulated to make the January payment until late February. There will be an even longer delay in making the February 1 payment if this bill is not passed.

The supplemental pension plan was developed through collective bargaining in 1966. All of the unions representing railroad workers achieved unanimous agreement with the National Railway Labor Conference, representing the carriers, on a program of supplemental pension for retired railroad workers to be financed entirely by employer contributions. At the request of the parties, Congress enacted the program into law and empowered the Railroad Retirement Board to administer the program and to collect the employer contributions in the form of a tax. Thus, this program originated as a private pension plan in 1966 and the enactment of the program into law was simply to serve the purpose of convenience in administration.

The rate of retirement has exceeded the estimates made in 1966 by about 30 percent; hence, the rate of employer contribution established at that time has proved insufficient to finance the supplemental pension fund. This bill, which is a committee substitute, would provide adequate financing for the program.

Along with many of the members of the committee, I believe that the collective bargaining process is the appropriate method for solving the problems that have developed with respect to this program, since the entire program had its origins in negotiations between management and labor. However, the parties have not been able to reach an agreement, though negotiations have been held, and I believe that Congress now has the responsibility to see that payments to the retirees are no longer disrupted and delayed.

H.R. 13300 as passed by the House contains a provision for mandatory retirement of railroad workers which is opposed by the representatives of a substantial number of railroad employees. The committee substitute would not compel retirement at any fixed age, but rather would provide a retirement incentive by establishing a schedule for the forfeiture of a percentage of the supplemental annuity to which an individual would otherwise be entitled, for each year he works after age 65.

The committee feels that the approach to mandatory retirement contained in the committee substitute is a more preferable policy than that expressed in the House version and we recommend its adoption.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. MILLER. I ask the Senator what the position of the railroad brotherhoods is on this bill.

Mr. EAGLETON. Some of the railroad brotherhoods originally supported H.R. 13300, and did support it before our committee. I am reading their official publication, I now gather that they are now satisfied with the Senate version of the bill, as are now the remaining unions, which very vigorously opposed H.R. 13300 before our committee. The latter unions include the locomotive engineers, the machinists, and other shop craft unions.

The carriers supported the original version of H.R. 13300. They, to my knowledge, are not pleased with this version, the Senate substitute version of H.R. 13300. They feel that the forfeiture provision at age 65 should be 100 percent, if the employee elects not to retire at that age.

Mr. MILLER. Then do I correctly understand that, aside from the point which the Senator has just mentioned, the carriers are not objecting, and that the brotherhoods, including those which were formerly opposed, are now in agreement, and there is a consensus on the bill as reported by the committee?

Mr. EAGLETON. There is a rough consensus on the bill, I will say to the Senator from Iowa, insofar as the members of the various unions are concerned, including the unions that opposed the House version of the bill. I do not think it would be fair to say there is a consensus in so far as the carriers are concerned. They are certainly not satisfied with the 25-percent forfeiture provision.

Mr. MILLER. I understood that point. I simply wanted to make clear that the 25-percent forfeiture provision was the only one to which the carriers were objecting.

Mr. EAGLETON. Yes, I think that is the only point; they object to the amount of the forfeiture. They would support the bill, albeit somewhat reluctantly, if

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it provided a 100-percent forfeiture instead of a 25 percent.

Mr. MILLER. I ask the Senator, what does this amount to in terms of load on the carriers? Does the Senator have any figures on that?

Mr. EAGLETON. Let me see if I can find it in the report. My recollection is a bit hazy, but I think it was estimated before our committee to something in the neighborhood of between $700 and $800 million. About $750 million after 1971.

Mr. MILLER. A year?

Mr. EAGLETON. The total cost of keeping the program afloat.

Mr. MILLER. How long is this to——

Mr. EAGLETON. Projected over about 40 years.

Mr. MILLER. Do I correctly understand, then, that this bill is different from the way it came from the House?

Mr. EAGLETON. The Senator's understanding is correct.

Mr. MILLER. And that the differences make it into what we might call a compromise bill to bring the opposing views of the brotherhoods together and to limit to this one point the objection of the carriers?

Mr. EAGLETON. I would say that is a reasonably accurate summation.

Mr. MILLER. Mr. President, I appreciate the responses of the Senator from Missouri.

Mr. SMITH of Illinois. Mr. President, as a member of the Subcommittee on Railroad Retirement of the Senate Committee on Labor and Public Welfare, I have given close and careful attention for some time to the problems which H.R. 13300 was designed to solve. I have set forth in a separate statement my reasons for opposing the bill recommended by the full committee and now being considered here on the Consent Calendar. I shall not repeat those views, but I ask unanimous consent to have them printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Dissenting Views of Mr. Smith of Illinois

I must respectfully dissent from the action recommended by the majority of this Committee. In so doing, I wish in no way to detract from the diligence of my Committee colleagues. They have labored conscientiously to assist in assuring continuation of the carrier-union agreement on retirement benefits for the Nation's railroad employees.

I am unable to concur in their conclusion on how this is to best be accomplished for the following reasons. The Committee's bill would substitute Congressional arbitration for the Congressionally sanctioned system of collective bargaining to resolve what is clearly a question of compensation between the carriers and the railroad employees.

The program of supplemental annuity benefits for retired railroad employees was agreed to in collective bargaining by most of the railroad unions and the railroads in 1966. By Public Law 89–699, Congress merely ratified this agreement as part of Railroad Retirement Act.

The tax level of two cents per man-hour worked has proven insufficient to support the earned benefits for the program's five year life. The fund will, it is estimated, provide funds for only four of the five years of the 1966 agreement, and is already in arrears of meeting supplemental annuity benefits currently due.

The carriers and representatives of 75–80% of the employees have returned to Congress for legislative approval of their agreement to provide for permanent establishment of supplemental annuity benefits. That agreement is H.R. 13300 as passed by the House.

In effect, the Committee's bill substitutes what amounts to compulsory arbitration by the Congress for the results of orderly labor-management negotiations.

The majority would substitute for the collectively-bargained agreement supported by unions representing 75–80% of the railroad employees and the representatives of virtually all of the carriers an agreement written by the Committee, which admittedly is not supported by either the carriers or the unions.

To my knowledge, the Committee's substitute for H.R. 13300 had the support of no one in the industry or among the employee representatives when it was proposed to the members of the full Committee. On the other hand, the bill as passed by the House of Representatives had the overwhelming support of that body, the House Interstate and Foreign Commerce Committee, which is responsible for originating legislation in this field, as well as both industry and labor. The Committee's bill is, in fact, no more than a shot in the dark which its sponsors hope will find a target of acceptability among those who must live with the force of its impact.

H.R. 13300 as passed by the House of Representatives would establish the supplemental annuities program on a permanent basis for the first time. The scheduled termination date of October 31, 1971, in the present law would be eliminated. The carriers alone would be made responsible for the full continuing costs of the supplemental annuities program on a pay-as-you-go basis. This would entail an expenditure estimated to be over $550 million dollars through July, 1975. This additional expenditure goes far beyond the carriers' original bargain. Indeed, it represents an expenditure through July, 1975, of almost four times the total amount originally agreed to between the parties.

In return for the carriers' agreement to assume these substantial additional costs necessary to fund the supplemental annuities program for the original period and to continue the program on a pay-as-you-go basis in the future, the representatives of 75–80% of the employees agreed to the mandatory retirement of railroad employees, initially at age 70 and ultimately scaling down by January 1, 1976, to age 65. It was also agreed that there would be no change in the supplemental annuities program prior to July 1, 1975, thus extending the present agreed moratorium for an additional three years and eight months. I would note that the extension of this moratorium places no prohibition upon changes being made in the regular railroad retirement system.

The Committee's substitute is purported to replace compulsory retirement with an "incentive" to retire upon reaching age 65 and 25 or more years of railroad employment.

The forfeiture of 25% of supplemental annuity benefits for each year worked beyond age 65 and 25 years of service does not sufficiently counterbalance the increased regular pension earned by the additional years of employment—as the following chart illustrates.

EXAMPLES OF REGULAR AND SUPPLEMENTAL ANNUITIES UNDER PROPOSED SUBSTITUTE FOR H.R. 13300 BASED ON REPRESENTATIVE COMBINATIONS OF AVERAGE EARNINGS AND LENGTH OF SERVICE

Retirement date Dec. 31—	Age	Years of service	Average monthly compensation [1]	Annuities payable under bill			Net gain or loss, working after age 65
				Regular [2]	Supplemental	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1970	65	30	$365	$253.00	$70.00	$323.00	
1971	66	31	374	265.45	52.50	317.95	−$5.05
1972	67	32	383	278.15	35.00	313.15	−9.85
1973	68	33	391	290.70	17.50	308.50	−14.80
1974	69	34	399	[2] 323.35		323.35	+.35
1975	70	35	406	[3] 338.10		338.10	+15.10
1970	65	25	400	228.70	45.00	273.70	
1971	66	26	410	242.85	33.75	276.60	+2.90
1972	67	27	419	255.45	22.50	277.95	+4.25
1973	68	28	427	267.90	11.25	279.15	+5.45
1974	69	29	435	[3] 298.80		298.80	+25.10
1975	70	30	442	[3] 312.10		312.10	+38.40
1970	65	24	400	[3] 234.40		234.40	
1971	66	24	410	234.30	45.00	279.30	+44.90
1972	67	26	419	246.75	22.50	269.25	+34.85
1973	68	27	428	259.50	11.25	270.75	+36.35
1974	69	28	436	[3] 289.70		289.70	+55.30
1975	70	29	443	[3] 302.95		302.95	+68.55

[1] Average monthly compensation during the years of service shown in column 3, limited to the amount creditable under the Railroad Retirement Act in each month. Based on railroad employee average earnings.

[2] After the reduction, equivalent to the 7 percent increase under the 1966 amendments, for months in which a supplemental annuity is payable.

[3] No reduction in regular annuity because no supplemental annuity is payable.

Note: Regular annuities computed under existing law; 25 percent of supplemental annuity forfeited for each year retirement is delayed after age 65, except that employees having less than 25 years of service on attaining age 65 forfeit nothing if they retire by the end of the year they complete 25 years of service; no service credited for supplemental annuity purposes after forfeiture provisions begin to apply to the employee.

In essence, the Committee's bill is a determination that the carriers have no right to a mandatory retirement provision and a moratorium to 1975 as the price of permanent funding of the supplemental annuity program. If collective bargaining in the railroad industry is not to be rendered meaningless, that is not a determination which should be made by the Congress, particularly where, as here, the representatives of 75–80% of the employees involved have agreed to accept those terms.

I am unable to support the Committee's substitute language to House passed H.R. 13300. It represents to my mind a misdirection of Congressional initiative and a failure in its intended purpose.

Mr. SMITH of Illinois. Being in opposition to the terms of the bill recommended by the full committee, I shall set forth briefly the reasons I shall not continue that opposition here on the floor but, rather, will accept passage of the bill on the Consent Calendar. I believe Congress has a responsibility to pass legislation to meet the problem created by the inadequacy in the supplemental annuities account. Differences between the carriers and a small percentage of the railroad employees have delayed the framing of an acceptable statute. This delay is now preventing over 57,000 retired railroad employees from receiving their supplemental annuities. To continue my opposition on the floor would, in my judgment, risk a longer continuance of this harmful delay, without any apparent beneficial results to those who need action.

The House of Representatives passed what I feel is a good bill which reflected without change the collective bargaining agreement reached by unions representing 75 to 80 percent of the employees in the railroad industry and virtually all of the carriers. The committee has rejected this agreement embodied in the House-passed bill and framed a different solution. In my judgment this is not a satisfactory answer, because it departs from the terms of the agreement relating to mandatory retirement and to a period of stability in the supplemental annuities program. These terms are important for safety, efficiency, and economy in the railroad industry. I believe the best way of promptly resolving the problems confronting the railroads and their employees is for this body to adopt a bill without delay and to send that bill to conference. I believe that a larger number of Senators will join me in urging the conferees on the part of the Senate to consider the House bill favorably and to frame a report which will adhere closely to that agreement.

My decisions neither to object to consideration of this bill on the Consent Calendar, nor to try to amend the bill here on the floor, should not be taken to indicate that I shall accept a conference report which deviates in any major measure from the agreement reached by the overwhelming majority of the parties in interest and embodied in the bill passed by the House of Representatives.

Mr. YARBOROUGH. Mr. President, I support H.R. 13300 as reported from the Committee on Labor and Public Welfare.

The bill is a compromise and is an attempt to insure that workers in the railroad industry who have retired with the expectation of receiving a supplemental pension will continue to receive that pension.

As the bill passed the House of Representatives, it contained a provision requiring compulsory retirement. After much consideration, the Labor and Public Welfare Committee concluded that a more preferable method of insuring both a pension for retiring workers and the desire of the railroad industry for early retirement was to give workers who were eligible to retire an incentive for retiring. The committee concluded that the easiest way to do this was to limit the pension to those who have retired by a certain age, and that if an individual did not retire when eligible, his pension would be reduced for each year he continued to work. I think this is an appropriate solution to this dilemma.

Unless we pass the bill soon, these pensioners will not receive their supplemental pensions due in January, until late in February or early March. This constitutes a crisis in payments of supplementary pensions for railroad retirees. As chairman of the full Labor and Public Welfare Committee, I commend Chairman EAGLETON of the Railroad Retirement Subcommittee, and am hopeful that this legislation will be accepted by the House of Representatives, so that our worthy railroad retirees will not be delayed again in the receipt of their supplemental pensions.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I congratulate the Senator from Missouri, who is the chairman of the Railroad Retirement Subcommmittee, on his handling of this matter. It was a difficult one.

By custom in our subcommittee, we had sought to avoid legislating those matters subject to collective bargaining that had not already been agreed to as a result of the collective bargaining process. In this case, because of the plight in which the retired railroad workers found themselves, we felt that we had to move ahead.

I would like to make it a matter of record at this time, however, that my own belief is that the function of the Subcommittee on Railroad Retirement has become basically that of putting the cachet of official approval on the collective bargaining arrangement pertaining to a supplemental pension that have been already agreed. It is the only instance I know of in which Congress or the Government has to intervene in this role in private industry.

I yield to the floor.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, I invite the attention of Congress and the public to an article published in the New York Times——

Mr. BYRD of West Virginia. Mr. President, is the Senator speaking on the pending business?

Mr. McCLELLAN. No, I am not. Has that time expired or not?

Mr. MANSFIELD. Mr. President, may I say that, in the circumstances, the Senator from Arkansas held back when he could have proceeded, to allow us to take up the pending bill. So, in view of the fact that this is an unusual circumstance, I think we ought to allow him to proceed at this time.

Mr. McCLELLAN. I do not want any special favors. I have been waiting all day. If we are going to have a 3-hour time when no one can do anything except speak on one particular bill, that is all right. If we are going to operate under that rule, I will conform to the rule.

Mr. MANSFIELD. I ask unanimous consent that at the conclusion of the vote on the pending bill, the Senator from Arkansas be recognized.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I never want to oppose my leader, and I shall not, but if he proceeds to lay down other business at that time and the 3 hours have not expired, I would have to object.

Mr. MANSFIELD. I do not intend to lay down other business, and I commend the Senator from West Virginia for his diligence and his integrity.

EXTENSION OF SUPPLEMENTAL ANNUITIES AND THE MANDATORY RETIREMENT OF RAILROAD EMPLOYEES

The Senate continued with the consideration of the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Montana (Mr. METCALF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is absent on official business to attend the funeral of a colleague.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

If present and voting the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 85, nays 1, as follows:

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[No. 35 Leg.]

YEAS—85

Aiken
Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ervin
Fannin
Fong
Fulbright
Goodell
Gore
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Smith, Ill.

NOT VOTING—14

Allott
Brooke
Cannon
Eastland
Ellender
Goldwater
Gravel
Harris
Metcalf
Mundt
Murphy
Packwood
Prouty
Saxbe

So the bill (H.R. 13300) was passed.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the bill (H.R. 13300) was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, earlier in the day, when the vote occurred on Calendar No. 642, H.R. 13300, an act to amend the Railroad Retirement Act of 1937, the able junior Senator from Nevada (Mr. CANNON) was acting as chairman of the Subcommittee on Air Power of the Senate Armed Services Committee. The signals in the committee room were inoperative. He was, therefore, not advised of the rollcall, and was unaware that a rollcall was occurring in the Senate. Consequently, he missed voting on final passage of that bill, through no fault of his own.

If he had been present, he would have voted "yea," and had so indicated to other Senators. I make this statement in explanation of his having missed the vote on that bill.

XUM

HARM TO REPUTATIONS OF PERSONS BY PUBLIC DISSEMINATION OF GOVERNMENT FILES CONTAINING HEARSAY

Mr. McCLELLAN. Mr. President, I invite the attention of the Congress and the public to an article published in the New York Times on February 1, 1970—Sunday, page 56, column 3. This article adds to the existing evidence of the pressing need for enactment of title VII of S. 30, the Organized Crime Control Act of 1969, one aspect of which limits the power of judges to order disclosure of confidential transcripts of Government electronic surveillance.

From the title VII was introduced last spring—when it was numbered S. 2292—until the Senate passed the measure by a vote of 73 to 1 as part of S. 30 last month, I have stressed that one of its principal effects would be to prevent serious harm to the reputations and privacy of innocent persons caused by public dissemination of raw, unevaluated hearsay and gossip concerning them. The gravity of this danger was sadly confirmed recently when Federal district judges in New Jersey disclosed, first, the complete transcripts of lengthy surveillances of alleged Cosa Nostra leader Simone "Sam the Plumber" DeCavalcante, and then similar transcripts concerning Angelo "Gyp" De Carlo, named as his fellow New Jersey Mafia boss.

The manner in which such revelations can injure reputations was apparent as soon as the transcripts were published. They contained most unflattering references to highly placed political and community leaders, virtually none of whom were themselves overheard during the electronic surveillance. In an effort to mitigate the adverse effects of such publicity on the individuals named, prosecutors, investigative agents, and some of us in Congress repeatedly have cautioned the public that the conversations in the transcripts contained rank hearsay and must be assumed to include some completely unreliable boasting and name dropping.

However, it is obvious that such a warning does not eliminate the drastic effects of irresponsible slander upon the reputation of the slandered person. It is, therefore, of great interest that the New York Times, in the article to which I refer, has brought together two accounts of a single alleged murder, one given by Anthony "Tony Boy" Boiardo to Angelo DeCarlo and Simone DeCavalcante and overheard during the DeCavalcante surveillance and the other given to DeCarlo by Anthony "Little Pussy" Russo and overheard during the surveillance of DeCarlo himself. The two versions of the alleged killing are manifestly contradictory in such important respects as whether or not Tony Boy's father had been present and assisting in the murder.

I feel sure that this instance merely illustrates a characteristic of a great many conversations found among the transcripts. If no change is made in existing law, we are faced with the possibility of a continuing series of public revelations of unreliable but most harmful hearsay, furnished to the public either overtly by court order, as in New Jersey, or covertly through Cosa Nostra defendants who are all too often willing to ignore protective orders and to whom transcripts are furnished during litigation.

One of the key aspects of title VII of S. 30 is that it will largely prevent such an intolerable result, while preserving each defendant's opportunity to obtain confidential transcripts and other material for which he has legitimate need. For that reason, among others, title VII, like the other titles of S. 30, calls out for swift enactment and prompt and effective enforcement, if we are to reduce the existing threats to law enforcement as well as to individual reputations and privacy. I hope that the House of Representatives will move swiftly to approve S. 30, in order that the safety, property, and good name of every citizen can be more secure than they are today.

Mr. President, I ask unanimous consent that the newspaper article to which I have referred be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAPES OF FBI SHOW TWO MAFIOSI GAVE CONFLICTING VERSIONS OF AN EXECUTION

(By Charles Grutzner)

When two self-described participants in a murder give sharply conflicting versions of how the deed was done, it is evident that at least one of them is lying.

This is what happened when two reputed members of the Mafia bragged to their associates, without knowing that the Federal Bureau of Investigation was eavesdropping, about the underworld execution of a victim who has been identified only as "the Little Jew."

The contradictory stories told to Angelo (Gyp) De Carlo by Anthony (Tony Boy) Boiardo and Anthony (Little Pussy) Russo on separate occasions appear in the transcripts of F.B.I. electronic buggings made public in connection with the trial of De Carlo, listed as a Mafia captain.

He was found guilty by a jury in Federal Court in Newark on Wednesday of loan-sharking-extortion. De Carlo and Daniel (Red) Cecere, convicted with him, face up to 20 years in prison on each of six counts.

MEMBERS BOAST FALSELY

The discrepancies give substance to the F.B.I.'s note of caution, inserted among the transcripts, that members of organized crime sometimes boast falsely to their associates to make themselves appear more powerful or influential than they really are.

It has been pointed out in legal circles that the same caution should apply to other eavesdropped talks in which Mafiosi have discussed alleged bribery of public officials and deals with political figures. The F.B.I. electronic eavesdroppings made from 1961 to 1965, cannot legally be used as evidence.

Several of the reputed Mafiosi whose talks were bugged have since been indicted or convicted of various crimes, but in each case it has been on evidence not connected with the F.B.I.'s eavesdropping.

FIRST VERSION OF MURDER

The first version of the murder was overheard on Feb. 23, 1963. With the thermometer outside at 20 degrees, De Carlo, Tony Boy Boiardo and Simone Rizzo (Sam the Plumber) DeCavalcante gathered in the warmth of The Barn, De Carlo's lodge at Mountainside, N.J., and regaled themselves with reminiscences of old Mafia murders.

"How about the time we hit the Little Jew . . ." recalled Boiardo.

"As little as they are, they struggle," was De Carlo's remark.

Boiardo, enthusing to his story, went on: "The Boot [Boiardo's father, Ruggiero] hit him with a hammer. The guy goes down and he comes up. So I get a crow bar this big, Ray [DeCarlo preferred the nickname Ray to that of Gyp.] Eight shots in the head! What do you think he finally did to me? He spit at me and said 'You (obscene) !' "

Just three days later, the F.B.I. agents heard Russo, also identified as a Mafia captain, insist to De Carlo that Tony Boy Boiardo's story was false.

Russo boasted that he had been the executioner, with the help of his brother John

(Big Pussy). He said that Tony Boy Boiardo had played a minor and bungling role and that The Boot had not even been on the scene.

In the eavesdropped conversation, which also took place at The Barn, the two capos referred contemptuously to Tony Boy as "a bad kid" and agreed that both Boiardos were connivers and "weasels." Russo described The Boot as "the most treacherous --------- in the world."

"Did you know he killed the Jew?" asked De Carlo.

"I was there," retorted Russo, "I did it."

"You did?" said De Carlo, his voice rising in surprise. "Wait a minute—he (Tony Boy) gave the full story the other day.

The transcript continued:

Russo: Why, that ---------! He's an authority?

De Carlo: ---------- hit him with a crow bar.

Russo: Who?

De Carlo: Then hit him with a hammer.

Russo: The Jew? The Boot ain't in the thing.

De Carlo: No kidding?

Russo then gave De Carlo a detailed account of the gory deed. His recorded words, with explanations in parentheses by the F.B.I., follow:

I COME IN—I GOT THE JEW

"I go to Johnny (John Russo, Pussy's brother) and the kid (Tony Boy)—walk in—say 'anytime, watch it' you walk in the front door that you open; it opens a certain way—Johnny and the kid are there. I come in—I got the Jew. I picked the Jew up in front of the Grotto (a former well known hoodlum restaurant in Newark no longer in existence) in the afternoon.

"I ride him up, real nice, talk with Harry (pause) 'cause I need an O.K. Ride him up, take him up there, real nice, go through the door, I got the pistol. I walk in then—we're supposed to talk over a deal.

"Now just Johnny comes from behind the door, hits him on the head with a butt, the guy goes down. As he goes down, the kid drops his pistol, the kid's got a pistol, the kid goes for the pistol. He says 'You (obscene)!' Gonna put a pistol at him. I grab for the pistol. I get it just in time and then when I hit him, the kid grabs the pistol from Johnny, then Johnny hits him with a crowbar in the head.

AS HE'S GETTIN' UP, I HIT HIM

"Now the guy is gettin' up again. As he's getting' up, I hit him. I hit him and I picked him up. I got a chain and put it around his throat, got the—didn't need too much—, picked him up. I lugged him and I put him in the garage. Threw him in the back of the car. I (brought) him up (hit) him over—with Johnny, put him in the tank—and then they were done with it.

The F.B.I. transcript continues:

De Carlo: What did you do? Start the fire right then?

Russo: Oh, everything was (set). Good hot fire—matches and everything, you know.

De Carlo: (He must have) burned like a bastard.

Russo: So now what happens is this. After the guy is going up (burning) I turn around. I get in the car. I bring it to Harrison. The kid follows me. Johny stays up there. I leave the car in Harrison. I get in the kid's car, picks me up and I go home . . . I think everything's all right. Change my clothes—come down. I'm at the Grotto eating a steak.

VITO WANTS TO SEE ME

Russo [continuing]: The following day I got a call. Vito wants to see me. I go all the way to New York. He says "I know what happened." He says "You dirty . . . I oughta choke you in this car. That (obscene) Catena been down to the people, come up in front of Albert and Frank and everything and tell a story that they just got rid of a Jew. and Pussy got rid of the car in Harrison and I make believe I know what it's all about . . . [that] I gave the O.K. and everything—And on that day you were near me." I said. "Wait a minute Vito, I don't know what you're talking about." I said, "Talk to Boot. If you don't want me to drive you no more, I'll get out and go home." I said, "If you want to know anything, you talk to the Boot."

De Carlo: Did you tell him you had an O.K.?

Russo: Why, you know it. That's why I told him to see the Boot. I say to the Boot "What's this about (you) usin' me? I hear Jerry made a remark about the hot car, the guy's body and everything about me droppin' the car off. What did you say to Vito? I told Vito to come and see you. I don't know what it's all about."

DON'T WORRY, LET ME HANDLE IT

The transcript has Russo quoting The Boot as having told him: "Don't worry, let me handle it. They embarrassed Vito, and Jerry's putting the heat on him in front of Albert and Frank."

The references to Vito, Jerry, Albert and Frank are to Vito Genovese, who was boss of the Mafia family to which Russo, De Carlo and the Boiards belong; to Gerardo (Jerry) Catena, former underboss who succeeded to the leadership after Genovese's death a year ago; Frank Costello, Genovese's predecessor who was forced out by Genovese and who survived an assassin's attempt on his life in 1957, and Albert Anastasia, former head of what is now the Carlo Gambino family and who was murdered in 1957 on orders from Genovese. The references in the bugged talks make it clear that the murder of "the Little Jew" took place before the Costello and Anastasia shootings.

NO RECORD AVAILABLE

New Jersey law enforcement officials say they have no record of that murder or the identity of the victim, but Russo's mention of burning the body in "the tank" at the scene of the killing, as well as references elsewhere in the tapes, indicate that the victim had been lured to the elder Boiardo's estate at Livingston, N.J., known in the underworld as "the Farm" and which had a furnace described as "the tank" and as "the grate" behind Boiardo's mansion.

In one such conversation, Russo told De Carlo that their victims had been summoned to the Boiardo estate and had never been seen again.

In the Feb. 26 conversation, the F.B.I. transcript has Russo saying:

"Do you know how many guys been hit up there? Three guys for Tommy Brown [the late Thomas (Three Finger Brown) Luchese, head of a Mafia family now reputedly headed by Carmine (Mr. Gribs) Tramunti], Neil Oreander (phonetic up at the farm: he hit the guy for Oliver up at the farm. Who'd he hit? He hit Billy (William Cardinale, alias Billy Jenks). There was Johnny, Billy and Al and his daughter, they hit his daughter there, all of them. He killed a doctor up there—witnessed (something)."

But Russo was insistent that the Boot, while ordering the murder of "the Little Jew" without an okay from Genovese, had not taken physical part or been present.

BOIARDO AWAITING TRIAL

Tony Boy Boiardo is awaiting trial in Federal Court with Newark Mayor Hugh J. Addonizio and 14 other defendants indicted Dec. 13 in a municipal contract kickback scandal. His 80-year-old father, the Boot, faces three years in prison on his conviction, which he is appealing, as boss of a gambling ring.

Russo was jailed in Trenton on Wednesday for contempt because he has refused to answer questions of the New Jersey State Commission of Investigation about racketeering and corruption of public officials in Monmouth County.

He also faces a possible six-year prison term for his conviction, which he is appealing, of having lied to a grand jury when he denied having boasted to a state trooper that he controlled the Long Branch City Council.

DeCavalcante was indicted last month with 55 other persons for conspiracy to operate an interstate numbers game. He is also awaiting trial in Federal Court on an earlier indictment for extortion.

The eavesdropped talk of Feb. 23, 1963, in which Tony Boy boasted of The Boot's alleged part in the murder was made public in Federal Court, Newark, last June, but the Feb. 26 conversation in which Russo insisted The Boot had not been present was not made public until Jan. 6 when Judge Robert Shaw ordered disclosure of all F.B.I. buggings involving De Carlo.

AMERICA'S FRONTLINE OF DEFENSE IN VIETNAM: EPILEPTICS AND HALF-DEAF BOYS?

Mr. MONTOYA. Mr. President, horror tales about the Armed Forces have always proliferated. This period in our history is no exception. Ordinarily, most citizens shrug them off as exaggeration of the rigors of military service which are a necessity in order to preserve our society.

Recently, however, I have come up with incontrovertible proof of the truth of two such situations. They are appalling in the extreme. The Senate and our Nation's press should have an opportunity to examine the facts of these cases. Rarely have I seen more heartless behavior on the part of a branch of our Armed Forces. Rarely has greater bureaucratic callousness and shortsightedness caused so much trouble for soldiers and their families, while posing tremendous potential danger to elements of our Armed Forces.

One is 20 years of age, suffers from epilepsy, and has a case history of polio. This young man announced to his family that it was his intention to enlist in the U.S. Army. Knowing of his disabilities, the family allowed him to make an attempt, secure in their personal knowledge that such disabilities would prevent him from being accepted for military service. To their ongoing amazement, the Army accepted, trained, and sent him on a full tour of duty in Germany.

Throughout his tour of duty in Europe, he exhibited ample evidence of his epileptic disability, making no attempt to utilize it as a channel through which to obtain a medical discharge. All personnel and military organizations involved knew of his disabilities.

He then took the step of reenlisting in the Army in Germany, with the specific aim of performing part of that enlistment in Vietnam. The Army accepted his reenlistment application, again knowing full well what his disabilities were.

The next scene in this macabre scenario is performed in the United States, as he is transferred to Fort Lewis, Wash., for his Vietnam training. As of today this young soldier is on his way to Vietnam. His military occupational speciality—MOS—has been changed to "communications," which the Army claims will prevent him from entering into perilous combat situations. Yet in a fluid guerrilla warfare situation such as the Vietnam conflict often presents, there is no such valid guarantee. So much for any commonsense in that respect.

My office, acting in tandem with his parents, has sought to prevent such an assignment in the interests of the young man's well-being. He is obviously confused, speaking of his ill health to his parents. Yet when queried by his commanding officer, the youngster denies ill health, in spite of the fact that a panel of five Army physicians have examined him and officially certified his disabilities. It is obvious what is happening. The boy is being inhibited in his responses by a command structure which has neither the patience nor compassion to understand the uniqueness and justice of his case.

Mr. President, what type of standards are being used by various military examining stations across the Nation? By what medical reasoning do doctors allow young men with proven cases of epilepsy into the Armed Forces of the Republic? By what measure of commonsense and logic do such young men get sent abroad and why are they trained for Vietnam? This boy would have been in a combat zone already, had I not raised the issue. His MOS was changed only because of inquiries my office made. How many other young men like him are in combat situations right now? Why are they there? If they happen to have a seizure, which would certainly be no fault of theirs, would their lives not be in danger from enemy action? Could they detect an enemy force coming upon them if they were in the grip of such a seizure? What of numerous comrades whose lives depended upon their vigilance?

I am informed by my office that the Army still could send a young constituent of mine to Vietnam who is 100 percent deaf in one ear. In spite of his disability, he could be sent there, and is considered by the Army to be eligible for combat duty. Is this sense? Is this justice? Is this what we have come to in the name of fighting this war in Vietnam? The President has spoken often of returning troops home from that ongoing horror. Are we then to evacuate combat troops with one hand, and with the other send such youngsters to stand in their places on fighting lines and in combat zones?

President Nixon speaks much nowadays of fairness and equality. How incredible that such a travesty of fairness and evenhandedness should be allowed in the official name of the Nation. Is Vietnam our Russian front? I am calling upon Secretary of the Army Resor to disavow the decision already rendered in this case. I am calling upon him to rescind orders under which one boy is being sent to Vietnam.

I am also asking him to utilize his Executive authority to promulgate a change in Army regulations. This change would forbid the sending of a member of the Armed Forces into a combat situation or zone, when he has been medically examined and found to have a disability or condition in any way similar to what I have described. This includes a young man who cannot fully use his limbs, eyes, or other senses.

I believe it is degrading to our country to allow such an appalling situation to exist. Further, I feel disciplinary action is in order against those who have calmly watched this inexorable process bear this boy toward the Vietnam mincing machine, while not raising a finger to halt the process.

How can we pose before the world as defenders of any fair doctrine in the name of the dignity of man, when we degrade our own people in the process? This is a disgusting exhibition of callousness that has few parallels in my experience. The facts are out. Let us see what the Army does about them, and many other innocents who are now being mustered into the combat zone. How many innocents are now being processed at Fort Lewis who have disabilities and are not ready for combat duty?

Yes, if it has occurred in New Mexico, certainly many other cases have occurred with respect to these young innocents in the rest of the United States.

Mr. President, it is about time that we call this situation to the attention of the country, and demand that something be done about these situations.

I personally intervened in the case of these two boys. I went as far as the Secretary of the Army. They turned me down on this boy and now he is on his way to Vietnam.

With respect to the case of the deaf boy, after going through channels and spending many hours and days, they finally agreed with me and with the diagnosis of the local doctors with respect to this boy's deafness, and they took him to an Army hospital and put a plate in his ear because he was a very sick boy and he was deaf.

Mr. President, I think there is a story here which tells something very clearly to us, that if this happened to these two boys, it is also happening to many other boys across the land.

It is about time that the Army be put on notice, not only by us, but also by the American people, that it should protect these boys, these boys who do not have the ability to go into the combat zone.

It is only through our surveillance in the Senate and in Congress, and through the urgent requests of the American people, that we can force this practice to cease, that we can call upon the Army and those who assign our boys into combat zones, to be careful, to be selective, and to make sure that they allot these boys to the combat zones only when they are fit and when they are able to fight for their country.

That is all I am asking, Mr. President.

I hope that the Secretary of the Army will review this case which I have called to the attention of the Senate. He knows which case it is. I hope that he will review it so that he can turn this boy back to his parents or put him on duty in the United States.

Mr. President, this boy exemplified true patriotism when he enlisted and then reenlisted; but to send him, with his affliction, to Vietnam, is to do an injustice to his patriotism.

ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow when the period for the transaction of morning business is completed—and the morning business should not extend beyond 1 p.m.—the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

EVERETT McKINLEY DIRKSEN BUILDING EAST—EVERETT McKINLEY DIRKSEN BUILDING WEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 643, S. 3253.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3253) to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the Everett McKinley Dirksen Building East and that the Federal office building to be constructed in Chicago, Ill., shall be named the Everett McKinley Dirksen Building West in memory of the late Everett McKinley Dirksen, a member of Congress of the United States from the State of Illinois from 1933 to 1969.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments on page 2, line 6, after the word "at", strike out "218 South Clark Street" and insert "230 South Dearborn Street"; and in line 19, after the word "at", strike out "218 South Clark Street," and insert "230 South Dearborn Street,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Office Building and United States Courthouse at 219 South Dearborn Street in Chicago, Illinois, shall be renamed the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed at 230 South Dearborn Street in Chicago, Illinois, shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a distinguished Member of the United States House of Representatives from the State of Illinois from 1933 to 1949 and of the United States Senate from 1950 to 1969. Any reference to the Federal Office Building and United States Courthouse at 219 South Dearborn Street in Chicago, Illinois, in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such building as the "Everett McKinley Dirksen Building East." Any reference to the Federal office building to be constructed at 230 South Dearborn Street, Chicago, Illinois, in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such building as the "Everett McKinley Dirksen Building West."

Mr. PERCY. Mr. President, I was very honored, indeed, to introduce this bill

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with the cosponsorship of 79 other Members of the Senate. The purpose of the bill is to pay tribute to the memory of the late Everett McKinley Dirksen. I cannot think of any better way to do it, inside the city of Chicago, where he had an office for many years, than to designate the Federal building as the Everett McKinley Dirksen Building East, and then, when the second building is constructed—for which $13 million plus has been appropriated by Congress—it be named the Everett McKinley Dirksen Building West.

Everett McKinley Dirksen contributed 36 years of his life to public service in the Congress of the United States. Part of that time was spent in the House of Representatives, and as we all know, he was a beloved Member and colleague of this body and served many years as the distinguished minority leader.

He was much loved from one end of my State of Illinois to the other. He was revered by all persons, regardless of party affiliation. He was a man who always and unhesitatingly took a position for the United States of America. Although he was highly partisan when it was right to be partisan, first and foremost he was essentially an American. It is for this reason the naming of this building by Congress would meet with such enthusiastic approval by the citizens of the State of Illinois. Also, though Chicago is a great convention city with many people from all over the country and all over the world coming there. To so many people throughout the world and certainly throughout the United States, he was one of the most beloved men in public life. It would be fitting and proper therefore that this bill be passed at this time.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. BAKER. Mr. President, I wish to take this opportunity briefly to express my gratitude and appreciation to the senior Senator from Illinois for sponsoring and moving forward with this bill. Few things could be done by Congress that would be so appropriate as a designation of these Federal facilities in honor of the late Everett McKinley Dirksen.

Mr. President, I knew Everett McKinley Dirksen as few people were privileged to know him over a great number of years. I knew him in a very personal and private way, in his role as a great public figure and as a man who grew in stature to the very end; a man who never stopped in his quest for those things which are best for this country and those things which personify this country. I knew him as a man with strong and deep emotions who always stood ready to act in the best interest of this body and the country. I knew him as a man who had strength drawn from the taproots which were so deep in the native soil of his State, and as a man who had great respect for the diversity of the people of that great State. I knew him as an enormously talented, capable, and dedicated human being; I knew him as a great person, a great friend, and a great statesman.

I am happy to add my endorsement to that of more than 70 of my colleagues in this gesture to his greatness.

Mr. PERCY. Mr. President, at this time I yield to the junior Senator from Illinois, a man who knew Everett McKinley Dirksen extremely well, who was highly respected by him, and who has done an admirable job in filling those shoes which would be so obviously difficult to fill in serving the interests of the people of Illinois, and those of the United States.

I yield to the junior Senator from Illinois.

Mr. SMITH of Illinois. Mr. President, with thanks to my distinguished colleague, the senior Senator from Illinois, I wish to add just a few words in concurrence with respect to the act which is contemplated and which will be accomplished by the passage of this legislation.

Certainly there have been few people, if any, in the history of the great State of Illinois who stood and walked as tall as our late friend, Everett McKinley Dirksen. To perpetuate his memory and name by affixing it to the two Federal buildings in the city of Chicago which, of course, will for years and years stand tall and remind people of the stature of this great man, is an appropriate thing to do.

I am very pleased to have the opportunity to add to comments which have previously been made in this Chamber on the day that we spent a good deal of time relative to the passing of our friend. Certainly, I am heartily in favor of this very appropriate gesture to a great Illinoisan and a great American.

Mr. PERCY. Mr. President, I wish to add one concluding comment. I mentioned that the east building has long been constructed. Congress has approved funds for the west building, a building much needed because the Federal offices are sprawled out around the city in a very uneconomical and inconvenient arrangement. However, because of the rising expenses and the Vietnam war, the GSA decided to defer construction of that building.

The House of Representatives at the end of last year and in conference, approved the release of these funds, saying:

> It would be wasteful and uneconomic to defer completion of this building any longer.

I concur in that statement, and I would hope that, at the earliest possible time, funds that have been now appropriated by Congress could be freed so the construction could go forward. Once again, I could not imagine a finer tribute being paid in Chicago to the memory of Everett McKinley Dirksen than the naming and construction of the building.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill (S. 3253) was read the third time, and passed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar order No. 627, H.R. 514, and that it be made the pending business.

The PRESIDING OFFICER. The bill will be read by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Elementary and Secondary Education Amendments of 1969".

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

PART A—AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (EDUCATION OF DISADVANTAGED CHILDREN)

EXTENSION OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1974".

(b) The third sentence of section 103(a) (1) (A) of such title I is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972,".

(c) Section 121(d) of such title I is amended by striking out "each" where it appears after "$50,000,000" and by striking out "the succeeding fiscal year" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1974".

STUDY OF ALLOCATION OF FUNDS

SEC. 102. (a) The Commissioner of Education shall make a study of the allocation of sums appropriated for the purposes of title I of the Elementary and Secondary Education Act of 1965 and of the effectiveness of the various provisions of such title in making funds available to State and local educational agencies in order to meet the purposes of such title I. Such study shall make special reference to the distribution of funds to local educational agencies within counties, the means by which such funds may be concentrated in school attendance areas with the highest concentrations of children from low-income families, the appropriateness of the Federal percentage and the low-income factor provided for in subsection (c) of section 103 of such title I when considered in the light of the extra cost of providing compensatory education for educationally deprived children (including the means of providing services authorized by such title to such children residing in rural areas), and the use of special incentive grants to increase State and local effort for education.

(b) Not later than March 31, 1972, the Commissioner shall submit to the Congress a report on the study required by subsection (a) together with such recommendations as he may deem appropriate with respect to modification of programs under title I of the Elementary and Secondary Education Act of 1965. Notwithstanding the first sentence of section 103(d) of such title I, the Commissioner shall not use data for the purposes of section 103 of such title I from the 1970 census of the United States prior to January 1, 1973.

DESIGNATION OF RESPONSIBILITY FOR PROVISION OF SPECIAL EDUCATIONAL SERVICES FOR INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN

SEC. 103. Paragraph (2) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but of the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation."

INCLUSION OF PUERTO RICO AND OTHER OUTLYING AREAS WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 104. (a) Paragraph (4) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "paragraph (5)" and inserting in lieu thereof "paragraphs (5) and (7)".

(b) The amendment made by this section shall be effective after June 30, 1970.

AMENDMENTS WITH RESPECT TO HANDICAPPED AND NEGLECTED OR DELINQUENT CHILDREN

SEC. 105. (a) Paragraph (5) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(5) In the case of a State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education), the maximum grant which that agency shall be eligible to receive under this part for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in the State or, if greater, in the United States, multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for handicapped children operated or supported by the State agency, including schools providing special education for handicapped children under contract or other arrangement with such State agency, in the most recent fiscal year for which satisfactory data are available. Such State agency shall use payments under this part only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children."

(b) Paragraph (7) of section 103(a) of such title I is amended by inserting after "supported by that State agency" the following: ", including schools providing education for such children under contract or other arrangement with such agency,".

(c) The amendments made by this section shall be effective after June 30, 1970.

REQUIRING GRANTS FOR MIGRATORY CHILDREN TO BE BASED ON THE NUMBER TO BE SERVED

SEC. 106. (a) The first sentence of paragraph (6) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is, effective with the first allocation of funds pursuant to such title by the Commissioner after the date of enactment of this Act, amended to read as follows: "A State educational agency which has submitted and had approved an application under section 105(c) for any fiscal year shall be entitled to receive a grant for that year under this part, based on the number of migratory children of migratory agriculture workers to be served, for establishing or improving programs for such children."

(b) The second sentence thereof is amended by striking "shall be" the first time it appears and inserting in lieu thereof "may be made"; and by inserting immediately before the period in such second sentence the following: ", except that if, in the case of any State, such amount exceeds the amount required under the preceding sentence and under section 105(c)(2), the Commissioner shall allocate such excess, to the extent necessary, to other States whose maximum total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States".

USE OF MOST RECENT DATA UNDER TITLE I

SEC. 107. (a) The third sentence of section 103(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination".

(b) Section 103(e) of such title is amended by inserting the following after "during the second fiscal year preceding the fiscal year for which the computation is made": "(or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available)".

MINIMUM GRANT ALLOWANCE TO LOCAL EDUCATIONAL AGENCIES

SEC. 108. Paragraph (1) of section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "$2,500" wherever it appears and inserting in lieu thereof "$10,000".

PROHIBITION AGAINST SUPPLANTING STATE AND LOCAL FUNDS WITH FEDERAL FUNDS

SEC. 109. (a) Paragraph (3) of section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(3) that (A) the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property, (B) Federal funds made available under this title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this title, and (ii) in no case, as to supplant such funds from non-Federal sources, and (C) State and local funds will be so used as to provide services in areas to be served by programs and projects under this title which are at least comparable to the services from such funds provided in areas which are not so served;".

(b) The amendment made by subsection (a) shall be effective with respect to all applications submitted to State educational agencies after thirty days after the date of enactment of this Act. Nothing in this section shall be construed to authorize the supplanting of State and local funds with Federal funds prior to the effective date of the amendment made by this section.

OPPORTUNITY TO BE HEARD BEFORE FINAL DISPOSITION OF APPLICATIONS

SEC. 110. (a) Section 105(b) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(b) The State educational agency shall not take final action with respect to the approval or disapproval of an application for funds under this title without first (1) affording the local educational agency submitting the application reasonable notice and opportunity for hearing and (2) affording interested persons (as defined by regulation) an opportunity to present their views.".

(b) The amendment made by subsection (a) shall be effective with respect to all applications submitted to State educational agencies submitted after ninety days after the date of enactment of this Act.

AMENDMENTS WITH RESPECT TO STATE ASSURANCES

SEC. 111. (a) The parenthetical phrase in clause (A) of section 106(a)(3) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting "and of research and replication studies" immediately before the closing parenthesis.

(b) Section 105(a)(7) of such title is amended by inserting "(which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives)" after "such information".

(c) Section 106(b) of such title is amended by adding the following new sentence at the end thereof: "With respect to any application submitted by a State under subsection (a), the Commissioner shall give consideration to the views of interested persons in such State."

ADVISORY COUNCILS

SEC. 112. (a) Section 134 of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"ADVISORY COUNCILS

"SEC. 134. (a)(1) There shall be a National Advisory Council on the Education of Disadvantaged Children (hereinafter in this section referred to as the 'National Council') consisting of fifteen members appointed by the President, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, for terms of three years, except that (A) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (B) appointments to fill vacancies shall be only for such terms as remain unexpired. The National Council shall meet at the call of the Chairman.

"(2) The National Council shall review and evaluate the administration and operation of this title, including its effectiveness in improving the educational attainment of educationally deprived children, including the effectiveness of programs to meet their occupational and career needs, and make recommendations for the improvement of this title and its administration and operation. These recommendations shall take into consideration experience gained under this and other Federal educational programs for disadvantaged children and, to the extent appropriate, experience gained under other public and private educational programs for disadvantaged children.

"(3) The National Council shall make such reports of its activities, findings, and recommendations (including recommendations for changes in the provisions of this title) as it may deem appropriate and shall make an annual report to the President and the Congress not later than March 31 of each calendar year. Such annual report shall include a report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

"(b)(1) Any State which desires to receive payments under this title for any fiscal year shall establish a State advisory council (hereinafter in this section referred to as 'State council') which meets the requirements and has the authority specified in this subsection. The State council shall be appointed by the Governor or, in the case of States in which the State educational agency is a State board of education the members of which are elected (including a State board elected by the State legislature), then by such board.

"(2) The State council established pursuant to subsection (a) shall be broadly representative of the educational resources of the State and of the public (including parents of children for whom assistance is available under this title). Representation on the State council shall include, but not be limited to, persons representative of—

"(A) public and nonprofit private elementary and secondary schools,

"(B) institutions of higher education, and

"(C) areas of competence in dealing with children for whom special educational assistance is available under this title.

"(3) The State advisory council shall—

"(A) advise the State educational agency on the preparation of, and policy matters arising in the administration of, State and local educational programs assisted under this title, including the development of criteria for approval of applications in such State;

"(B) review and make recommendations on the application of approval criteria to the State educational agency on the action taken with respect to applications for funds under this title by local educational agencies;

"(C) evaluate programs and projects assisted under this title; and

"(D) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and the National Council at such times, in such form, and in such detail, as the Commissioner may prescribe.

"(4) Not less than ninety days prior to the beginning of any fiscal year in which a State desires payments under this title, that State shall certify the establishment of, and membership of, its State council to the Commissioner.

"(5) Each State council shall meet within thirty days after its certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning the operation of programs and projects assisted under this title.

"(6) Each State council shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under this title and to contract for such services as may be necessary to enable it to carry out its evaluation functions."

(b) Section 107(b) of such title I is amended by adding at the end thereof the following new sentence: "The Commissioner is further authorized to pay to each State advisory council (established pursuant to section 134(b)) such sums as he determines to be necessary to enable each State advisory council to carry out its functions under this title."

(c) The amendments made by this section shall be effective after June 30, 1970.

INCREASE IN LOW-INCOME FACTOR AND SPECIAL GRANTS FOR URBAN AND RURAL SCHOOLS SERVING ATTENDANCE AREAS WITH THE HIGHEST CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

Sec. 113. (a) The second sentence of subsection (c) of section 103 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out all after "1968," and inserting in lieu thereof the following: "and for the four succeeding fiscal years they shall be 50 per centum and $3,000, respectively, and for the fiscal year ending June 30, 1973, and the succeeding fiscal year they shall be 50 per centum and $4,000, respectively.".

(b)(1) Title I of such Act is further amended by striking out "Part A—Basic Grants" where it appears before section 101 and inserting "Part A—Basic Grants" before section 103.

(2) Section 101 of such title I is amended by striking out "this part" and inserting in lieu thereof "the following parts of this title."

(3) Sections 102, 105, 106, 107, and 108 of such title I are each amended by striking out "this part" and inserting in lieu thereof "this title".

(4) Sections 105, 106, 107, 108, 131, 132, 133, 134, 135, and 136 of such title I, and all references thereto, are redesignated as sections 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, respectively.

(5) Such title I is further amended by striking out the heading of part C and by inserting before the caption heading of section 141 the following:

"Part D—General Provisions".

(6) Such title I is further amended by striking out all of part B thereof and inserting after section 103 the following:

"Part B—Special Incentive Grants

"MAXIMUM ENTITLEMENT

"Sec. 121. (a) In the case of any fiscal year ending after June 30, 1969, each State shall be entitled to a special incentive grant if such State has an effort index for the second preceding fiscal year that exceeds the national effort index for such year.

"(b) The maximum amount of a special incentive grant for which a State is eligible for any fiscal year shall be determined by multiplying the amount of $1 for each 0.01 per centum by which the effort index of that State for the second preceding fiscal year exceeds the national effort index for such year times the aggregate number of children counted for the purposes of entitled local educational agencies within such State to basic grants in accordance with clauses (2), (5), (6), and (7) of section 103(a), except that no State shall be eligible to receive a special incentive grant under this part in an amount in excess of 15 per centum of the total amount available for grants under this part.

"APPLICATION; USE OF FUNDS

"Sec. 122. Any State desiring the special incentive grant to which it is entitled under this part for any fiscal year shall make application therefor, in accordance with the requirements set forth in section 142, to the Commissioner. Such application shall be submitted at such time and contain such information as the Commissioner shall require by regulation and shall contain a statement of such policies and procedures as will insure that funds granted to the State under this part will be (1) made available to local educational agencies within that State which have the greatest need for assistance under this title, and (2) used, in accordance with the applicable provisions of this title, for programs and projects designed to meet the special educational needs of educationally deprived children.

"DEFINITIONS

"Sec. 123. For the purpose of this part the term 'effort index' when applied to States, means the per centum expressing the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in such State, and the term 'national effort index' means the per centum expressing the ratio of such expenditures in all States to the total personal income in all States; and the term 'State' means the fifty States and the District of Columbia.

"Part C—Special Grants for Urban and Rural Schools Serving Areas With the Highest Concentrations of Children From Low-Income Families

"ELIGIBILITY AND MAXIMUM AMOUNT OF GRANT

"Sec. 131. (a)(1) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) shall be entitled to an additional grant under this paragraph for any fiscal year if—

"(A) the total number of children described in clause (A), (B), or (C) of section 103(a)(2) in the school district of such agency for such year amounts to at least 20 per centum of the total number of children, aged five to seventeen inclusive, in the school district of such agency for such year; or

"(B) the total number of children described in clause (A), (B), or (C) of section 103(a)(2) in the school district is at least 5,000 and amounts to at least 5 per centum of the total number of children, aged five to seventeen inclusive, in such school district.

"(2) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) and which (A) is not eligible for a grant under paragraph (1) of this subsection, but (B) would be eligible for a grant under such paragraph (1) if there were in the school district of such agency a relatively small increase in the number of children, aged five to seventeen inclusive, described in clause (A), (B), or (C) of section 103(a)(2) shall be entitled to a grant under this paragraph (2) if the State educational agency of the State in which such agency is located determines (in accordance with criteria established by regulation of the Commissioner) that such agency has an urgent need for financial assistance to meet the special educational needs of the educationally deprived children in the school district of such agency.

"(b)(1) The maximum amount of any grant to any local educational agency under paragraph (1) of subsection (a) shall be—

"(A) for the fiscal year ending June 30, 1970, 30 per centum of the amount that such agency is eligible to receive for such fiscal year under paragraph (2) of section 103(a); and

"(B) for any succeeding fiscal year, 40 per centum of the amount that such agency is eligible to receive for each such succeeding fiscal year.

The aggregate of the amounts for which all local educational agencies are eligible under this paragraph for any fiscal year shall not exceed the amount determined in the following manner:

"(i) compute the total amount for which all State and local educational agencies are eligible under this title for that fiscal year;

"(ii) subtract from such total, a sum equal to the figure set forth in paragraph (3) of section 144; and

"(iii) if that portion of such total which is attributable to amounts for which local

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educational agencies are eligible under this paragraph constitutes more than 15 per centum of the remainder of such total, reduce such portion until it constitutes 15 per centum of such remainder, through ratable reductions of the maximum grants for which local educational agencies are eligible under this paragraph.

"(2) The maximum amount of any grant to any local educational agency under paragraph (2) of subsection (a) shall not exceed the maximum amount to which it would have been entitled if it had been eligible under paragraph (1) of such subsection. The maximum amount which shall be available to the Commissioner for grants under such paragraph (2) of subsection (a) shall be, for the fiscal year ending June 30, 1970, equal to 3 per centum of the total amount available, for grants for such fiscal year under paragraph (1) of subsection (a) and, for any succeeding fiscal year, such amount shall be equal to 5 per centum of the total amount available for grants for that year under such paragraph (1).

"(c) For the purposes of this section the term 'State' means the fifty States and the District of Columbia.

"(d)(1) In making determinations under this section the Commissioner is authorized, in accordance with regulations prescribed by him, to use the most recent satisfactory data made available to him by the appropriate State educational agency. If satisfactory data for determining the number of children described in clause (A), (B), or (C) of section 103(a)(2) in a school district for the purpose of subsection (a) are not otherwise available to the Commissioner, such determination may be made on the basis of data furnished to him by a State educational agency with respect to the amount of the maximum grant under part A of this title allocated by such State agency to the local educational agency for such district in the State for the purpose of the second sentence of section 103(a)(2), for the fiscal year preceding the fiscal year for which such determination is made.

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"(2) Determinations under this section may be made on the basis of data furnished in accordance with section 103(d).

"USES OF FUNDS

"SEC. 132. (a) Funds available for grants under this part shall be used solely for programs and projects designed to meet the special educational needs of educationally deprived children in preschool programs and in elementary schools serving areas with the highest concentrations of children from low-income families, except that such funds may be used for programs and projects for such children in secondary schools serving areas with the highest concentrations of children from low-income families if the local educational agency and its State educational agency determine (in accordance with criteria established by regulation of the Commissioner) that—

"(A) there is an urgent need for such programs and projects for such children in secondary schools in the area to be served by the local educational agency; and

"(B) there is satisfactory assurance that such programs and projects will be at least as effective in achieving the purposes of this title as the use of such funds for programs and projects for such children in elementary schools in such area.

"(b) In addition to meeting the requirements and conditions set forth in part D, applications for grants under this part shall meet such other requirements and conditions, consistent with the purposes of this title, as the Commissioner shall establish by regulation.".

(7) Section 141(a) of such title is amended by striking out "and" at the end of paragraph (10), and by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(12) in the case of funds received under part C of this title, the local educational agency sets forth such procedures and policies and provides such assurances as the Commissioner may require by regulation for the uses of funds available under such part C to carry out the purposes of this title, and, for any fiscal year ending after June 30, 1970, sets forth a comprehensive plan for meeting the special educational needs of children to be served under such part C including provisions for effective use of all funds available under this title and provisions setting forth specific objectives of such plan and the criteria and procedures, including objective measurements of educational achievement, that will be used to evaluate at least annually the extent to which the objectives of the plan have been met.".

(8) Section 143 of such title I is amended—

(A) by inserting before the period at the end of paragraph (2) of subsection (a) thereof "or section 131", and

(B) by striking out "sections 103 and 144" where it appears in clause (1) of subsection (b) and inserting in lieu thereof "sections 103, 131, and 144"

(9) Section 146 of such title I is amended by striking out ", 106(b), or 121(b)" and inserting in lieu thereof "or 142(b)".

(10) Section 147 of such title I is amended by striking out ", 106(b) or 121(b)" and inserting in lieu thereof "or 142(b)".

(c) Section 144 of such title is amended (A) by striking out "paragraphs (1) and (2)" in paragraph (3) and inserting in lieu thereof "paragraphs (1), (2), and (3)", (B) by redesignating such paragraph (3) as paragraph (4), and (C) by inserting before such paragraph (4) the following new paragraph:

"(3) that part of such sums for any fiscal year which is in excess of $1,396,975,000 shall be allocated on the basis of computations in accordance with remaining entitlements under section 103(a)(2), and entitlements under sections 121 and 131, as ratably reduced, but in no case shall allocations on the basis of computations in accordance with section 131 exceed 15 per centum of such excess; and".

(d) Effective for fiscal years ending after June 30, 1972, such section 144 is further amended—

(1) by inserting after the first sentence the following new sentence: "For the purposes of parts B and C of this title, in determining entitlements under such parts, the number of children described in section 103 (a) shall be ascertained by using a low-income factor of (i) $2,000 when allocations are made under clause (A) of paragraph (2) in the first sentence of this section, (ii) $3,000 when allocations are made under clause (B) of such paragraph, and (iii) $4,000 when allocations are made under clause (C) of such paragraph."; and

(2) by striking out clause (B) of paragraph (2) and inserting in lieu thereof the following:

"(B) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $3,000, any amount remaining after allocations are computed pursuant to clause (A) shall be allocated by using a low-income factor of $3,000 with respect to children described in section 103(a)(2) who are not counted for purposes of clause (A); and

"(C) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $4,000, any amount remaining after allocations are computed pursuant to clauses (A) and (B) shall be allocated by using a low-income factor of $4,000 with respect to children described in section 103(a)(2) who are not counted for purposes of clause (A) or (B); and

"(D) the aggregate amount available for grants to local educational agencies within each State shall be not less than the aggregate amount allocated to local educational agencies within such State for the fiscal year ending June 30, 1967, until the total sums available from appropriations for that fiscal year exceed $1,500,000,000 for Part A of title I; and".

(e) Except as otherwise provided, the amendments made by this section shall be effective with respect to fiscal years ending after June 30, 1969.

PART B—AMENDMENTS TO TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (LIBRARY RESOURCES, TEXTBOOKS, AND OTHER PRINTED AND PUBLISHED MATERIALS)

EXTENSION OF TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 121. (a) Section 201(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "each of the fiscal years ending June 30, 1970, and June 30, 1971, $210,000,000 for the fiscal year ending June 30, 1972, $220,000,000 for the fiscal year ending June 30, 1973, and $230,000,000 for the fiscal year ending June 30, 1974".

(b)(1) The third sentence of section 202 (a)(1) of such Act is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972,".

(2) The third sentence of such section 202 (a)(1) is further amended (A) by striking out "(A)" and (B) by striking out all that follows "Department of Interior" and inserting in lieu thereof a period.

(3) The fourth sentence of such section 202(a)(1) is amended by striking out "and the Secretary of Defense".

(c) Section 204(b) of such Act is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1974".

PART C—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SUPPLEMENTARY EDUCATIONAL SERVICES AND CENTERS)

EXTENSION OF TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 131. Title III of the Elementary and Secondary Education Act of 1965 is amended in the following respects:

(1) The first sentence of section 301(b) of such title is amended by striking out "and" where it appears after "1969;" and by striking out "the fiscal year ending June 30, 1970;" and inserting in lieu thereof "each of the fiscal years ending June 30, 1970, and June 30, 1971; $575,000,000 for the fiscal year ending June 30, 1972; $605,000,000 for the fiscal year ending June 30, 1973; and $635,000,000 for the fiscal year ending June 30, 1974".

(2) The second sentence of section 301(b) of such title is amended by striking out "two".

(3)(A) The third sentence of section 302 (a)(1) of such title is amended by striking out "July 1, 1969," and inserting in lieu thereof "July 1, 1972,".

(B) The third sentence of such section 302(a)(1) is further amended (i) by striking out "(A)" and (ii) by striking out all that follows "Department of Interior" and inserting in lieu thereof a period.

(C) The fourth sentence of such section 302(a)(1) is amended by striking out "and the Secretary of Defense".

(4) Section 305(c) of such title is amended by striking out "the fiscal year ending June 30, 1969" and inserting in lieu thereof "any fiscal year ending prior to July 1, 1974".

(5) Section 305(d) of such title is amended by striking out all that follows "section 302" and inserting in lieu thereof a period.

(6) Section 306(a) of such title is amended by striking out "From the portion described in subsection (c) of the amount allotted to any State pursuant to section 302" and inserting in lieu thereof "From the amount allotted to any State pursuant to section 302 which is not available to that State under a State plan approved pursuant to section 305".

(7) Section 306 of such title is amended by striking out subsection (c) thereof.

(8) Clause (2) of section 307(b) of such title is amended by striking out "during the fiscal year ending June 30, 1970" and inserting in lieu thereof "for any fiscal year ending after June 30, 1969".

PROVISIONS FOR GIFTED AND TALENTED CHILDREN

SEC. 132. (a) Section 303(a) of the Elementary and Secondary Education Act of 1965 (relating to the use of Federal funds for supplementary educational centers and services) is amended by—

(1) striking out "and" at the end of clause (H) thereof;

(2) redesignating clause (I) as clause (J); and

(3) inserting immediately after clause (H) the following new clause:

"(I) providing programs for gifted and talented children; and".

(b) The amendments made by this section shall be effective upon the enactment of this Act.

CONFORMING AMENDMENTS RELATING TO STATE ADVISORY COUNCILS AND APPROVAL OF STATE PLANS

SEC. 133. (a)(1) Section 305(a) of title III of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new paragraphs:

"(3) Not less than ninety days prior to the beginning of any fiscal year ending after June 30, 1970, in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of, its State Advisory Council to the Commissioner.

"(4) Each State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner and select from its membership a chairman. The time, place, and manner of meeting shall be as provided by such Council, except that such Council shall have not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of this title.

"(5) State Advisory Councils shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their functions.

"(6) The Commissioner shall not approve a State plan submitted under this section unless it is accompanied by a certification of the Chairman of the State Advisory Council that such plan has been reviewed by the State Advisory Council. Such certification shall be accompanied by such comments as the State Advisory Council or individual members thereof deem appropriate, and shall indicate whether the plan meets with the approval of the State Advisory Council and, if not, the reasons for its disapproval. In the event of the disapproval of a State plan by the State Advisory Council, the Commissioner shall not approve such plan until he has afforded the State Advisory Council or its designated representative reasonable notice and an opportunity for a hearing."

(2) Such section 305(a) is further amended (1) in paragraph (1), by striking out "set forth in paragraph (2)" and inserting in lieu thereof "of this subsection", (2) by striking out "; and " where it appears at the end of subparagraph (E) of paragraph (2) and inserting in lieu thereof a period, (3) by inserting "and" after the semicolon at the end of subparagraph (D) of paragraph (2), and (4) by striking out subparagraph (F) of paragraph (2).

(b) Paragraph (1) of section 305(e) of such title III is amended to read as follows:

"(e)(1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year ending after June 30, 1970, unless the plan has, prior to its submission, been made public by the State agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons (as defined by regulations of the Commissioner). The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under this title, or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing."

PROVISIONS TO ASSURE PARTICIPATION BY ALL ELIGIBLE STUDENTS

SEC. 134. Section 307 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(f)(1) In any State which has a State plan approved under section 305(c) and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate."

PART D—AMENDMENTS TO TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (STRENGTHENING STATE DEPARTMENTS OF EDUCATION)

EXTENSION OF TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 141. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by striking out all that follows "1968" and inserting in lieu thereof the following: "$80,000,000 each for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, $85,000,000 for the fiscal year ending June 30, 1972, $90,000,000 for the fiscal year ending June 30, 1973, and $95,000,000 for the fiscal year ending June 30, 1974.".

PROVISION RELATING TO GIFTED AND TALENTED CHILDREN

SEC. 142. (a) Section 503(11) of the Elementary and Secondary Education Act of 1965 (relating to grants to strengthen State departments of education) is amended by inserting after "handicapped" a comma and the following: "and gifted and talented children".

(b) The amendment made by this section shall be effective upon enactment of this Act.

STRENGTHENING LEADERSHIP AND QUALITY IN EDUCATION; IMPROVING PLANNING AND EVALUATION OF EDUCATION PROGRAMS

SEC. 143. (a)(1) The heading of title V of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE V — STRENGTHENING STATE AND LOCAL EDUCATIONAL AGENCIES

(2) Such title V is amended by inserting before section 501 thereof the following heading:

"PART A—GRANTS TO STRENGTHENING STATE DEPARTMENTS OF EDUCATION"

(3) Section 507 of such title V, and all references thereto, is redesignated as section 553 of such title and is amended, in subsection (a), by striking out "but it does not include a local education agency" and inserting in lieu thereof "including local educational agencies".

(4) Such title V is amended—

(A) by striking out sections 506, 508, 509, and 510;

(B) in sections 501, 502, 503, 504, and 505, by striking out "this title" wherever it appears therein and inserting in lieu thereof "this part";

(C) in section 503, by inserting "and" at the end of clause (11), by striking out the semicolon at the end of clause (12) and inserting in lieu thereof a period, and by striking out clauses (13) and (14); and

(D) inserting after section 505 the following:

"PART B—LOCAL EDUCATIONAL AGENCIES

"APPROPRIATIONS AUTHORIZED

"SEC. 521. (a) The Commissioner shall carry out a program for making grants to stimulate and assist local educational agencies in strengthening the leadership resources of their districts, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of their districts.

"(b) For the purpose of making grants under this part, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, $30,000,000 for the fiscal year ending June 30, 1972, and $40,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974.

"APPORTIONMENT AMONG STATES

"SEC. 522. (a)(1) From 85 per centum of the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such 85 per centum of such sums, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder of such per centum of such sums shall be apportioned by the Commissioner as follows:

"(A) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(B) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the number of public school pupils in the State bears to the number of public school pupils in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

For purposes of this paragraph, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) Fifteen per centum of the sums appropriated pursuant to section 521 for each fiscal year shall be reserved by the Commissioner for grants for special projects pursuant to section 526.

"(b) The amount apportioned to any State under paragraph (1) of subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under subsection (a)(1) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 521 for any fiscal year shall be deemed part of the amount apportioned to it under subsection (a)(1) for that year.

"GRANTS FROM APPORTIONED FUNDS

"SEC. 523. From the amount apportioned to any State for any fiscal year under section 522 the Commissioner may, upon approval of an application in accordance with section 524 submitted to him by a local educational agency of such State, after approval by the State educational agency in accordance with section 525, make a grant or grants to such local educational agency equal to the expenditures incurred by such agency for the planning of, and for programs for, the development, improvement, or expansion of activities promoting the purposes set forth in section 521 (a) and more particularly described in such application and for which such application is approved, such as—

"(1) educational planning on a district basis, including the identification of educational problems, issues, and needs in the district and the evaluation on a periodic or continuing basis of educational programs in the district;

"(2) providing support or services for the comprehensive and compatible recording, collecting, processing, analyzing, interpreting, storing, retrieving, and reporting of educational data including the use of automated data systems;

"(3) programs for conducting, sponsoring, or cooperating in educational research and demonstration programs and projects such as (A) establishing and maintaining curriculum research and innovation centers to assist in locating and evaluating curriculum research findings, (B) discovering and testing new educational ideas (including new uses of printed and audiovisual media) and more effective educational practices, and putting into use those which show promise of success, and (C) studying ways to improve the legal and organizational structure for education, and the management and administration of education in the district of such agency;

"(4) programs to improve the quality of teacher preparation, including student-teaching arrangements, in cooperation with institutions of higher education and State educational agencies;

"(5) programs and other activities specifically designed to encourage the full and adequate utilization and acceptance of auxiliary personnel (such as instructional assistants and teacher aides) in elementary and secondary schools on a permanent basis;

"(6) providing such agencies and the schools of such agencies with consultative and technical assistance and services relating to academic subjects and to particular aspects of education such as the education of the handicapped, the gifted and talented, and the disadvantaged, vocational education, school building design and utilization, school social work, the utilization of modern instructional materials and equipment, transportation, educational administrative procedures, and school health, physical education, and recreation;

"(7) training programs for the officials of such agencies; and

"(8) carrying out any such activities or programs, where appropriate, in cooperation with other local educational agencies.

"APPROVAL OF APPLICATIONS BY THE COMMISSIONER

"SEC. 524. (a) An application for a grant under this part for each fiscal year shall set forth a plan under which Federal funds received by the applicant under this part for that fiscal year will be used solely for a program of activities specifically designed to strengthen the leadership resources of the applicant and to establish and improve programs to identify and meet the educational needs of the persons served by the applicant.

"(b) The Commissioner may approve an application under this part only if the application for that year—

"(1) contains or is supported by adequate assurance that Federal funds made available under the approved application will be so used as to supplement, and to the extent practical, increase the amounts of State and local funds that would in the absence of such Federal funds be made available for projects and activities which meet the requirements of section 523;

"(2) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"APPROVAL OF APPLICATIONS BY STATE EDUCATIONAL AGENCIES

"SEC. 525. In approving applications for the purposes of this part a State educational agency shall—

"(1) approve only such applications for proposed projects, programs, or activities as will—

"(A) make a significant contribution to strengthening the leadership resources of the applicant or its ability to participate effectively in meeting the educational needs of its district, and

"(B) involve an expenditure of at least $2,500 and

"(2) provide for an equitable distribution on the basis of need of funds provided pursuant to this part, and, to the extent possible within such a distribution, give priority to exemplary projects, programs, or activities.

"SPECIAL PROJECT GRANTS

"SEC. 526. Fifteen per centum of the sums appropriated pursuant to section 521 for each fiscal year shall be used by the Commissioner to make grants to local educational agencies to pay part of the cost of experimental projects for developing local leadership or for the establishment of special services which, in the judgment of the Commissioner, hold promise of making a substantial contribution to the solution of problems common to local educational agencies of all or several States, and for grants to regional or other appropriate groups of local educational agencies for educational planning and research.

"PART C—COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

"AUTHORIZATION

"SEC. 531. (a) The Commissioner is authorized to make comprehensive planning and evaluation grants to State and local educational agencies in order to assist and stimulate them to enhance their capability to make effective progress, through comprehensive and continuing planning and evaluation, toward the achievement of opportunities for high-quality education for all segments of the population.

"(b) For the purpose of carrying out the provisions of this part, there are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974.

"(c)(1)(A) From 75 per centum of the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such per centum, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder of such per centum shall be apportioned by the Commissioner as follows:

"(i) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(ii) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the population of the State bears to the population of all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(B) The remaining 25 per centum of the sums appropriated for carrying out this part for each fiscal year shall be available to the Commissioner to make such grants pursuant to this part as he determines.

"(C) For purposes of this subparagraph (1), the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount apportioned to any State under paragraph (1) of this subsection for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under such paragraph for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the State and local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this paragraph from funds appropriated pursuant to this section for any fiscal year shall be deemed part of the amount apportioned to it under paragraph (1) for that year.

"(3) Grants for any fiscal year to a State agency and any local educational agency in such State pursuant to this part shall be made from such State's apportionment for such year pursuant to this subsection.

"COMPREHENSIVE PLANNING AND EVALUATION GRANTS: ELIGIBLE AGENCIES

"SEC. 532. (a) Any State desiring to receive a grant under this part for any fiscal year shall designate or establish within its State educational agency a single office or unit (hereafter in this part referred to as the State planning and evaluation agency) as the sole agency for administering a comprehensive program of systematic planning and evaluation of elementary and secondary education in the State. The State planning and evaluation agency shall have the primary responsibility for planning and evaluating the education programs of the State and for the administration of funds received by the State under this part.

"(b) Any local educational agency desiring to receive a grant under this part must provide the Commissioner with satisfactory assurance that—

"(1) the local educational agency or agencies have a planning and evaluation office or unit has or will have, as the result of assistance under this part, the capability of carrying out a comprehensive program of systematic planning and evaluation meeting the purposes of this part;

"(2) the appropriate State educational agency or agencies have been consulted and have had the opportunity to comment on, and advice the local educational agencies and the Commissioner with regard, to the application; and

"(3) the planning and evaluation activities of the local educational agency or agencies will be closely coordinated with such activities of the appropriate State agencies;

and must further provide the Commissioner with satisfactory assurance that—

"(4) the local educational agency serves, or, if two or more local educational agencies are making joint application, those agencies serve, an area with a population sufficient to merit a comprehensive planning and evaluation program in addition to that of the State or of other local educational agencies in the area or region to be served by the applicant; or

"(5) the local educational agency or agencies will use the funds for demonstration projects to plan, develop, test, and improve planning and evalution systems and techniques consistent with, and to further the purposes of, this part.

"(c) In making grants pursuant to this section the Commissioner shall give special emphasis on developing coordinated and comprehensive plans for educational planning and evaluation between and among the Office of Education, State educational agencies, and local educational agencies, including projects on an interstate, regional, or metropolitan area basis.

"(d) No grant shall be made by the Commissioner to a local educational agency or agencies under this part unless the application for such grant has been submitted to the State educational agency or agencies in the State or States in which it is to be carried out. If, within sixty days of such submission or within such longer period of time as the Commissioner may determine pursuant to regulations, the State agency or agencies disapprove the proposed program or project, the Commissioner shall review the application with the appropriate State and local educational agencies before making a final decision.

"APPLICATION

"SEC. 533. (a) An application for a grant under this part shall be submitted to the Commissioner at such time or times, in such form, and containing such information as he may deem necessary. Such application shall include—

"(1) a statement of present and projected educational needs of persons residing in the area to be served;

"(2) a description of a program for meeting those needs which includes—

"(A) setting long-range areawide goals in meeting educational needs and establishing priorities among such goals,

"(B) developing long-range plans for achieving such goals, taking into consideration the resources available and the educational effectiveness of each of the alternatives,

"(C) planning new programs and improvements in existing programs based on the results of analyses of alternative means of achieving educational goals,

"(D) objectively evaluating at intermediate stages the progress and effectiveness of programs in achieving such goals, and, when appropriate, adjusting goals, plans, and programs to maximize educational effectiveness, and

"(E) utilizing available management information, planning and evaluation systems and techniques;

"(3) a plan for developing and strengthening the capabilities of the applicant to improve its planning capacity and to conduct, on a continuous basis, objective evaluations of the effectiveness of education programs and projects;

"(4) a plan for utilizing the resources of, and coordinating with, programs affecting education of other Federal, State, and local agencies, organizations, and persons; and

"(5) a statement of policies and procedures which have been, or will be, established and implemented for developing and maintaining a permanent system for obtaining and collecting significant information necessary for the assessment of education in the area to be served by the applicant, for consulting with and involving parents of children served by the applicant, and for making full and detailed information concerning the educational planning and evaluation activities and findings of the applicant and other agencies and persons receiving assistance under this part reasonably available to the public.

(b) Applications for grants under this section may be approved by the Commissioner only if he determines that the application—

"(1) has been submitted only after interested persons (as defined by regulation) have been given reasonable notice and an opportunity to express their views thereon;

"(2) sets forth, in such detail as the Commissioner may determine necessary, such policies and procedures as will provide satisfactory assurance that—

"(A) the assistance provided under this section, together with other available resources, will be so used for the purposes of this part as to result in the maximum possible effective progress toward the achievement of a high level of planning and evaluation competence, and

"(B) assistance under this part will be used primarily in strengthening the capabilities of the planning and evaluation staff of the agency, office, or unit responsible for the administration of the application plan; and

"(3) sets forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amounts of State or local funds that would, in the absence of Federal funds, be made available for activities meeting the purposes of this title;

"(4) in the case of applications from States, makes adequate provision (consistent with such criteria as the Commissioner shall prescribe by regulation) for using funds granted under this section to make program planning and evaluation services available to local educational agencies in the State.

"(c) A grant made pursuant to an application under this section may be used to pay not to exceed 75 per centum of the cost of the activities covered by the application.

"REPORTS

"SEC. 534. Each recipient of a grant shall make an annual report on the activities carried out with the funds from such grant which includes such information as the Commissioner determines will permit an evaluation of the effectiveness of the program authorized by this part in achieving its purposes. Each such recipient shall also make such other reports, in such form and containing such information as the Commissioner may require to carry out his functions under this part.

"PART D—COUNCILS ON QUALITY IN EDUCATION

"NATIONAL AND STATE ADVISORY COUNCILS

"SEC. 541. (a)(1) There is hereby established a National Council on Quality in Education (hereafter referred to as the 'National Council') composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The membership of the National Council shall include persons who are familiar with the educational needs and goals of the Nation, persons with competence in assessing the progress of the education agencies, institutions, and organizations in meeting those needs and achieving those goals, persons familiar with the administration of State and local educational agencies and of institutions of higher education, and persons representative of the general public. Members shall be appointed for terms of three years, except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only.

"(2) The National Council shall—

"(A) review the administration of, general regulations for, and operation of the programs assisted under this title at the Federal, State, and local levels, and other Federal education programs;

"(B) advise the Commissioner and, when appropriate, the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of the educational agencies, institutions, and organizations of the Nation toward meeting those needs and achieving those goals;

"(C) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

"(D) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to clause (E) of paragraph (3) of subsection (b) of this section;

"(E) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of education programs including the programs authorized by this title;

"(F) consult with Federal, State, local, and other educational agencies, institutions, and organizations with respect to assessing education in the Nation and the improvement of the quality of education, including—

"(i) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved;

"(ii) determinations of priorities among unmet needs and national goals; and

"(iii) specific means of improving the quality and effectiveness of teaching, curricula, and educational media and of raising standards of scholarship and levels of achievement;

"(G) conduct national conferences on the assessment and improvement of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education; and

"(H) conduct, and report on, comparative studies and evaluations of education systems in foreign countries.

"(3) The National Council shall make an annual report, and such other reports as it deems appropriate, on its findings, recommendations and activities to the Congress and the President. The President is requested to transmit to the Congress, at least annually, such comments and recommendations as he may have with respect to such reports and its activities.

"(4) In carrying out its responsibilities under this section, the National Council shall

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consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, and such other advisory councils and committees as may have information and competence to assist the National Council. All Federal agencies are directed to cooperate with the National Council in assisting it in carrying out its functions.

"(b)(1) Any State which desires to receive payments under this title for any fiscal year shall establish a State advisory council (hereinafter referred to as 'State council') which meets the requirements and has the authority specified in this subsection. The State council shall be appointed by the Governor or, in the case of States in which the members of the State educational agency are elected (including election by the State legislature), by such agency.

"(2) The State council established pursuant to this subsection shall be broadly representative of the educational resources of the State and of the public. Representation on the State council shall include, but not be limited to, persons representative of—

"(A) public and nonprofit private elementary and secondary schools,

"(B) institutions of higher education,

"(C) areas of competence in planning and evaluating education programs, and the assessment of the effectiveness of, and the administration of, such programs at the State and local levels; and

"(D) areas of competence in dealing with children for whom special educational assistance is available under this Act.

"(3) The State advisory council shall—

"(A) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and the National Council at such times, in such form, and in such detail, as the Commissioner may prescribe;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, State and local educational programs in the State, including the development of criteria for approval of applications for assistance under this title;

"(C) advise State and local officials who have a responsibility for education in the State with respect to the planning, evaluating, administration, and assessment of education in the State;

"(D) review and make recommendations to the State educational agency on the action to be taken with respect to applications for assistance under this title by local educational agencies; and

"(E) evaluate programs and projects assisted under this title.

"(4) Not less than ninety days prior to the beginning of any fiscal year ending after June 30, 1970, in which a State desires payments under this title, that State shall certify the establishment of, and membership of its State council to the Commissioner.

"(5) Each State council shall meet within thirty days after its certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning the operation of programs and projects assisted under this title.

"(6) Each State council shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

"(7) There are hereby authorized to be appropriated for each fiscal year such sums, not in exces of 2½ per centum of the amount otherwise appropriated for such year for the purposes of this title, as may be necessary to carry out the provisions of this subsection.

"PART E—GENERAL PROVISIONS

"ADMINISTRATION OF PLANS

"SEC. 551. (a) The Commissioner shall not finally disapprove any application from a State or a local educational agency, submitted under part A or B of this title, or any modification thereof, without affording the applicant reasonable notice and an opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and an opportunity for a hearing to a State or a local educational agency administering a program under an application approved under this title, finds that there has been a failure to comply substantially with the appropriate provisions of this title or with the provisions of an application approved under this title, he shall notify the State or the local educational agency, as the case may be, that further payments will not be made to that State or that local educational agency under that application until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to that State or that local educational agency under the application. Whenever a local educational agency is given notice under the first sentence of this subsection, notice shall also be submitted to the appropriate State educational agency.

"JUDICIAL REVIEW

"SEC. 552. (a) If any State or any local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of an application submitted under part A or B of this title or with his final action under section 551(b), such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State or local educational agency is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

(b) The Act of July 26, 1954, entitled "An Act to establish a National Advisory Committee on Education" (Public Law 532, Eighty-third Congress) is hereby repealed.

(c) Subsection (a)(1) and (b)(1) of section 2 of the Cooperative Research Act are each amended by striking out "section 503(a)(4)" and inserting in lieu thereof "sections 503(4) and 523(a)(3)".

PART E—AMENDMENTS TO TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (BILINGUAL EDUCATION)

EXTENSION OF TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1955 (THE BILINGUAL EDUCATION ACT)

SEC. 151. Section 703(a) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by inserting before the period at the end thereof a comma and the following: $80,000,000 for the fiscal year ending June 30, 1971, $100,000,000 for the fiscal year ending June 30, 1972, $135,000,000 for the fiscal year ending June 30, 1973, and $170,000,000 for the fiscal year ending June 30, 1974".

APPLICATION TO INDIANS ON RESERVATIONS

SEC. 152. (a) Title VII of the Elementary and Secondary Education Act of 1965 is amended by redesignating sections 706, 707, and 708 (and references thereto) as sections 707, 708, and 709 thereof and by inserting the following new section immediately after section 705:

"CHILDREN IN SCHOOLS ON RESERVATIONS

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section, may be considered to be a local educational agency as such term is used in this title.

"(b) From the sums appropriated pursuant to section 703, the Commissioner may also make payments to the Secretary of the Interior for elementary and secondary school programs to carry out the policy of section 702 with respect to individuals on reservations serviced by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for that purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702."

(b) Section 707(a) of such Act (as redesignated by this Act) is amended by inserting the following before the period at the end thereof: "or, in the case of payments to the Secretary of the Interior, an amount determined pursuant to section 706(b)".

INCREASE IN MEMBERSHIP OF ADVISORY COMMITTEE OF THE EDUCATION OF BILINGUAL CHILDREN

SEC. 153. Section 708(a) of the Elementary and Secondary Education Act of 1965 as redesignated by this Act, is amended (1) by striking out "nine" and inserting in lieu thereof "fifteen", and (2) by striking out "four" and inserting in lieu thereof "seven".

PART F—AMENDMENTS TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (GENERAL PROVISIONS)

EXTENSION OF SECTION 807 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 161. Section 807(c) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(c) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $30,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971, $31,500,000 for the fiscal year ending June 30, 1972, $33,000,000 for the fiscal year ending June 30, 1973, and $34,500,000 for the fiscal year ending June 30, 1974."

DEFINITION OF "GIFTED AND TALENTED CHILDREN"

SEC. 162. Section 801 of the Elementary and Secondary Education Act of 1965 (relating to definitions) is amended by adding at the end thereof the following:

"(1) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent the development of which requires special activities or services not ordinarily provided by local educational agencies."

SCHOOL NUTRITION AND HEALTH SERVICES

SEC. 163. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL NUTRITION AND HEALTH SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

"SEC. 808. (a) The Secretary shall carry out a program of making grants to local educational agencies, and where appropriate, nonprofit private educational organizations, to support demonstration projects designed to improve nutrition and health services in public and private schools serving areas with high concentrations of children from low-income families.

"(b) Funds appropriated pursuant to subsection (d) shall be available for grants pursuant to applications approved under this section to pay the cost of (1) coordinating nutrition and health service resources in the areas to be served by a demonstration project supported under this section, (2) providing supplemental health, nutritional, mental health, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (3) nutrition and health education programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (4) the evaluation of projects assisted under this section with respect to their effectiveness in improving school nutrition and health services for such children.

"(c) Applications for a grant under this section shall be submitted at such time, contain such information, and be consistent with such criteria as the Secretary may require by regulation. Such applications shall provide for—

"(1) the use of funds available under this section and the coordination of health care facilities and resources and such nutrition resources as may be available to the applicant in order to insure that a comprehensive program of physical and mental health and nutrition services are available to children from low-income families in the area to be served;

"(2) the development of health and nutrition curriculum materials related to the specific needs of persons involved with the project and to new and improved approaches to health services and food technology;

"(3) the training of (A) school administrators, teachers, and school health and nutrition personnel in order to assist them in meeting the health and nutritional needs of children from low-income families, and (B) professional and subprofessional personnel for service in school nutrition and health programs; and

"(4) adequate provision for evaluation of the project.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1970, $10,000,000 for the fiscal year ending June 30, 1971, $16,000,000 for the fiscal year ending June 30, 1972, and $26,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974."

TITLE II—AMENDMENTS TO PUBLIC LAWS 815 AND 874 OF THE EIGHTY-FIRST CONGRESS (IMPACTED AREAS PROGRAMS)

EXTENSION OF THE IMPACTED AREAS PROGRAMS

SEC. 201. (a)(1) Section 3 of the Act of September 30, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1974".

(2) Section 15(15) of such Act is amended by striking out "1965–1966" and inserting in lieu thereof "1969–1970".

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "1970" wherever it appears and inserting in lieu thereof "1974".

(c) Section 16(a)(1)(A) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1974".

CERTAIN REFUGEE CHILDREN

SEC. 202. (a) Section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out the second sentence and inserting in lieu thereof the following: "In the case of fiscal years ending prior to July 1, 1974, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or any other provision of this subsection applies) who were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three-year period immediately preceding the fiscal year for which the determination is made, a refugee who meets the requirements of section 2(b)(3)(A) and (B) of the Migration and Refugee Assistance Act of 1962.".

(b) Section 3(c)(2) of such Act is amended (1) by inserting before "subsection (b)" both times it appears the following: "the first sentence of", and (2) by inserting after "to whom such subsection" the following: "or such sentence".

(c) Section 3(c) of such Act is amended by inserting after paragraph (2) the following new paragraph:

"(3) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of children who were in average daily attendance to whom such sentence applies amounts to 20 per centum or more of the number of children who were in average daily attendance during such year and for whom such agency provided free public education, but in determining the number of such children under such second sentence no child shall be counted with respect to whose education a payment was made under section 2(b)(4) of the Migration and Refugee Assistance Act of 1962."

INCLUSION OF CHILDREN RESIDING IN LOW-RENT PUBLIC HOUSING AS FEDERALLY CONNECTED CHILDREN

SEC. 203. (a)(1) The second sentence of section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "and (B)" and inserting in lieu thereof "(B) and low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, and (C)".

(2) The fourth sentence of such section 15(1) is amended (A) by striking out the comma before "(B)" and inserting in lieu thereof "and", and (B) by striking out all that follows "postal services" and inserting in lieu thereof a period.

(3) Section 5(c) of such Act is amended by striking out all that follows the word "agency" and inserting in lieu thereof a period and by inserting at the end thereof the following new sentence: "In determining the eligibility of a local educational agency under this subsection and in determining the number of federally connected children who are in the average daily membership of the schools of such agency during a base year and in estimating the increase since the base year in the number of such children under subsection (a), children residing on any housing property (whether or not owned by the United States), which is part of a low-rent housing project assisted under the United States Housing Act of 1937, shall not be considered as having been federally connected during the base year if such housing project was begun after the base year 1964–1965.".

(b)(1) The second sentence of section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out ", and (C)" and inserting in lieu thereof ", (C) any low-rent housing (whether or not owned by the United States) which is a part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D)".

(2) The fourth sentence of such section 303(1) is amended by striking out "(A) any real property used for a labor supply center, labor home or labor camp for migratory workers, (B)" and by striking out all that follows "postal services" and inserting in lieu thereof a period.

(c)(1) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(2) For the purposes of section 5 of such Act of September 23, 1950, the number of children in the membership of a local educational agency residing in a low-rent housing project assisted under the United States Housing Act of 1937 during the years of the base period preceding the effective date provided in paragraph (1) shall be determined by the Commissioner on the basis of estimates.

(3) Notwithstanding any other provision of law to the contrary, unless enacted after the enactment of this Act specifically in limitation of the provision of this paragraph, if the sums appropriated for any fiscal year ending after June 30, 1970, and prior to July 1, 1972, for payments to local educational agencies under sections 2, 3, and 4(a) of title I of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are not sufficient to pay in full the total maximum amounts which the Commissioner estimates for which all local educational agencies are eligible to receive under such sections 2, 3, and 4(a) for that fiscal year, the Commissioner shall allocate such sums under subparagraphs (A) and (B) as follows:

(A) He shall first allocate such sums appropriated for any such fiscal year among such sections 2, 3, and 4(a) in the proportion that he estimates to be required under each such section bears to the total amount estimated to be required under all such sections, except that—

(i) for the purpose of estimating the amount to be required under such section 3, he shall not take into consideration any portion of the amount for which a local educational agency is eligible which is attributable to determinations of children residing in low-rent housing which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title

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IV of the Economic Opportunity Act of 1964; and

(ii) no local educational agency shall receive a payment under this subparagraph (A) which is in excess of the payment it received under such sections 2, 3, and 4(a) for sums appropriated for payments under such sections for the fiscal year ending June 30, 1970.

(B) He shall then allocate any remaining part of such sums appropriated for any such fiscal year among such sections 2, 3, and 4(a) for payments to local educational agencies which are eligible for payments in excess of the amounts they receive under the allocation provided in subparagraph (A), in the proportion that such remaining part of such sums bears to the amount he estimates to be sufficient to pay local educational agencies the total maximum amount for which they are eligible under all such sections.

MINIMUM ELIGIBILITY REQUIREMENT FOR PUBLIC LAW 815

SEC. 204. (a)(1) Section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out the colon and "Provided, That" and inserting in lieu thereof a period and the following: "For the purpose of this subsection,".

(2) The first sentence of section 5(c) of such Act is amended to read as follows:

"(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraph (1), (2), or (3) of subsection (a) unless the increase in children referred to in such paragraph, prior to the application of the limitation in subsection (d) is at least twenty and—

"(1) in the case of paragraph (1) or (2), is—

"(A) equal to at least 6 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

"(B) at least one thousand five hundred, whichever is the lesser; and

"(2) in the case of paragraph (3), is—

"(A) equal to at least 10 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

"(B) at least two thousand five hundred, whichever is the lesser: *Provided*, That no local educational agency shall be regarded as eligible under this paragraph (2) unless the Commissioner finds that the construction of additional minimum school facilities for the number of children in such increase will impose an undue financial burden on the taxing and borrowing authority of such agency."

(b) Section 5(d) of such Act is amended by inserting before the period at the end of the first sentence thereof the following: ", except that the number of children counted for the purposes of paragraph (1) or (2) of subsection (a) shall not be reduced by more than one thousand five hundred, and that the number of children counted for the purposes of paragraph (3) of subsection (a) shall not be reduced by more than two thousand five hundred".

SCHOOL CONSTRUCTION ASSISTANCE WHERE THE IMMUNITY OF CERTAIN FEDERAL PROPERTY FROM TAXATION CREATES A SUBSTANTIAL AND CONTINUING IMPAIRMENT OF THE ABILITY TO FINANCE NEEDED SCHOOL FACILITIES

SEC. 205. (a) Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by redesignating subsections (c), (d), (e), and (f) of such subsection, and all references thereto, as subsections (d), (e), (f), and (g), respectively, and inserting after subsection (b) the following new subsection:

"(c) If the Commissioner determines with respect to any local educational agency—

"(1) that (A) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide, free public education for children who are inadequately housed by minimum school facilities and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and (B) the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, and (C) Federal property constitutes a substantial part of the school district of such agency.

"(2) that the immunity of such Federal property from taxation by such agency has created a substantial and continuing impairment of such agency's ability to finance needed school facilities,

"(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance for the purpose, and

"(4) that such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education of a substantial percentage of the children in the membership of its schools,

he may provide the assistance necessary to enable such agency to provide minimum school facilities for children in the membership of the schools of such agency whom the Commissioner finds to be inadequately housed, upon such terms and conditions, and in such amounts (subject to the applicable provisions of this section) as the Commissioner may consider to be in the public interest. Such assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this subsection."

DECLARATION OF POLICY WITH RESPECT TO SCHOOL CONSTRUCTION ASSISTANCE FOR INDIAN CHILDREN

SEC. 206. Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), relating to public schools with children residing on Indian lands, is further amended by inserting at the end thereof the following:

"(h) It is hereby declared to be the policy of the Congress that the provision of assistance pursuant to subsections (a) and (b) of this section shall be given a priority at least equal to that given to payments made pursuant to section 10 of this Act."

TITLE III—AMENDMENTS TO THE ADULT EDUCATION ACT OF 1966

EXTENSION AND REVISION OF THE ADULT EDUCATION ACT OF 1966

SEC. 301. Effective on and after July 1, 1969, title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act of 1966) is amended to read as follows:

"TITLE III—ADULT EDUCATION

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Adult Education Act'.

"STATEMENT OF PURPOSE

"SEC. 302. It is the purpose of this title to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

"DEFINITIONS

"SEC. 303. As used in this title—

"(a) The term 'adult' means any individual who has attained the age of sixteen.

"(b) The term 'adult education' means services or instruction below the college level (as determined by the Commissioner), for adults who—

"(1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

"(2) are not currently required to be enrolled in schools.

"(c) The term 'adult basic education' means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

"(d) The term 'Commissioner' means the Commissioner of Education.

"(e) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

"(f) The term 'State' includes the District of Columbia, and (except for the purposes of section 305(a)) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

"(g) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

"(h) The term 'academic education' means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

"(i) The term 'institution of higher education' means any such institution as defined by section 801(e) of the Elementary and Secondary Education Act of 1965.

"GRANTS TO STATES FOR ADULT EDUCATION

"SEC. 304. (a) From the sums appropriated pursuant to section 314, not less than 10 per centum nor more than 20 per centum shall be reserved for the purposes of section 309.

"(b) From the remainder of such sums, the Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of (1) the establishment

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or expansion of adult basic education programs to be carried out by local educational agencies and private nonprofit agencies, and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and private nonprofit agencies.

"ALLOTMENT FOR ADULT EDUCATION

"Sec. 305. (a) From the sums available for purposes of section 304(b) for any fiscal year, the Commissioner shall allot (1) not more than 2 per centum thereof among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) $150,000 to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States.

"(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the State plan approved under this title shall be available for reallotment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"STATE PLANS

"Sec. 306. (a) Any State desiring to receive its allotment of Federal funds for any grant under this title shall submit through its State educational agency a State plan. Such State plan shall be in such detail as the Commissioner deems necessary, and shall—

"(1) set forth a program for the use of grants, in accordance with section 304(b), which affords assurance of substantial progress, with respect to all segments of the adult population and all areas of the State, toward carrying out the purposes of such section;

"(2) provide for the administration of such plan by the State educational agency;

"(3) provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to this title;

"(4) provide for grants to public and private non-profit agencies for special projects, teacher-training and research;

"(5) provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the anti-poverty effort;

"(6) provide that such agency will make such reports to the Commissioner, in such form and containing such information, as may reasonably be necessary to enable the Commissioner to perform his duties under this title and will keep such records and afford such access thereto as the Commissioner finds necessary to assure the correctness and verification of such reports;

"(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies and private nonprofit agencies);

"(8) provide that special emphasis be given to adult basic education programs except where such needs can be shown to have been met in the State; and

"(9) provide such further information and assurances as the Commissioner may by regulation require.

"(b) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

"PAYMENTS

"Sec. 307. (a) Except as provided in subsection (b), the Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State. The Federal share for each State shall be 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

"(b) No payment shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that the amount available for expenditure by such State for adult education from non-Federal sources for such year will be not less than the amount expended for such purposes from such sources during the preceding fiscal year, but no State shall be required to use its funds to supplant any portion of the Federal share.

"OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

"Sec. 308. (a) Whenever the Commissioner after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, finds that—

"(1) the State plan has been so changed that it no longer complies with the provisions of section 306, or

"(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

"(b) A State educational agency dissatisfied with a final action of the Commissioner under section 306 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to the review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not unless so specifically ordered by the court operate as a stay of the Commissioner's action.

"SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING

"Sec. 309. (a) The sums reserved in section 304(a) for the purposes of this section shall be used for making special project grants or providing teacher-training grants in accordance with this section.

"(b) The Commissioner is authorized to make grants to local educational agencies or other public or private non-profit agencies, including educational television stations, for special projects which will be carried out in furtherance of the purposes of this title, and which—

"(1) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under this title, or

"(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

The Commissioner shall establish procedures for making grants under this subsection which shall require a non-Federal contribution of at least 10 per centum of the costs of such projects wherever feasible and not inconsistent with the purposes of this subsection.

"(c) The Commissioner is authorized to make provision for training persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this title, including the payment of such stipends and allowances (including traveling and subsistence expenses, if any, for such persons and their dependents) as the Commissioner may determine by regulation. The Commissioner may provide such training directly or by contract or he may provide for such training by making grants to institutions of higher education, State or local educational agencies, or other appropriate public or private agencies or organizations.

"NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

"Sec. 310. (a) The President shall appoint a National Advisory Council on Adult Education (hereinafter in this section referred to as the 'Council').

"(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, and persons representative of the general public. The Council shall meet initially at the call of the Commissioner and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year.

"(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the

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approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

"(d) The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of the Council with that of other related advisory councils.

"STATE ADVISORY COUNCILS ON ADULT EDUCATION

"SEC. 311. (a)(1) Any State which desires to receive a grant under this title for any fiscal year shall establish a State Advisory Council on Adult Education (hereinafter in this section referred to as a State Council), consisting of fifteen members, which shall be appointed by the Governor or, in the case of States in which the members of the State educational agency are elected (including election by the legislature), by such agency. A State Council shall be, through its services outlined in clauses (C), (D), and (E) of this subsection, directly responsible to the State educational agency. A State Council shall—

"(A) include as members a person or persons—

"(i) familiar with adult public education needs,

"(ii) representative of higher education or community and junior colleges,

"(iii) representative of elementary and secondary education, and

"(iv) familiar with programs of adult education and adult basic education, including programs in comprehensive secondary schools.

"(B) to the extent feasible, include representation from—

"(i) school systems with large concentrations of disadvantaged children,

"(ii) the Comprehensive Area Manpower Planning System of the State, and

"(iii) persons knowledgeable about the problems of the poor and disadvantaged.

"(C) advise the State educational agency on the development of policy matters arising in the administration of the State plan submitted pursuant to section 306;

"(D) provide for an evaluation of adult education programs, services, and activities in the State assisted under this title, and provide the results of such evaluation to the State education agency for publication and dissemination to the public;

"(E) prepare and submit through the State educational agency to the Commissioner and to the National Advisory Council on Adult Education an annual evaluation report, accompanied by such additional comments as the State Council deems appropriate, which (i) evaluate the effectiveness of adult education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in section 302, and (ii) recommend such changes in such programs, services, and activities as may be warranted by the evaluations.

"(2) Not less than ninety days prior to the beginning of any fiscal year ending after June 30, 1970, in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of, its State Council to the Commissioner.

"(3) Each State Council shall meet within thirty days after certification has been accepted by the Commissioner and select from its membership a chairman. The time, place, and manner of meeting shall be as provided by such Council, except that such rules shall provide for not less than one public meeting each year at which the public is given opportunity to express views concerning adult education.

"(b) From the sums appropirated pursuant to section 314 for any fiscal year, the Commissioner is authorized (in accordance with regulations to pay to each State on behalf of each State Council an amount equal to the total of the reasonable amounts expended by it in carrying out its functions under this title in such fiscal year, except that the amount available for such purpose shall be equal to 0.5 per centum of the State's allotment under section 305 for such year, but such amount shall not exceed $75,000 or less than $25,000.

"LOCAL ADVISORY COMMITTEES

"SEC. 312. The National and State Advisory Councils on Adult Education are authorized to encourage the establishment of, or appointment of existing groups as, local adult education advisory committees in order to improve reporting of State and local administration of programs under this title, and to assure that the local program is meeting the needs of the community.

"LIMITATION

"SEC. 313. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term 'school or department of divinity' means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

"APPROPRIATIONS AUTHORIZED

"SEC. 314. (a) There are authorized to be appropriated $160,000,000 for the fiscal year ending June 30, 1970, $200,000,000 for the fiscal year ending June 30, 1971, $225,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and $250,000,000 for the fiscal year ending June 30, 1974, for the purposes of this title.

"(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 7½ per centum of the amount appropriated pursuant to subsection (a) for such year, as may be necessary to pay the cost of the administration and development of State plans, the activities of advisory councils created under this title, and other activities required pursuant to this title."

APPOINTMENT OF MEMBERS OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. 302. Members of the National Advisory Council on Adult Education shall be appointed within ninety days after the date of enactment of this Act.

TITLE IV—AMENDMENTS TO TITLE IV OF PUBLIC LAW 90–247

GENERAL PROVISIONS

SEC. 401. (a) Title IV of the Elementary and Secondary Education Amendments of 1967 is amended in the following respects:

(1) The heading of such title is amended to read as follows: "TITLE IV—GENERAL PROVISIONS CONCERNING EDUCATION";

(2) Section 401 of such title is amended—

(A) by adding at the end of the caption head "; DEFINITIONS; APPROPRIATIONS; SHORT TITLE", and

(B) by inserting "(a)" after "SEC. 401." and adding at the end thereof the following new subsections:

"(b) For the purposes of this title, the term—

"(1) 'Commissioner' means the Commissioner of Education;

"(2) 'Secretary' means the Secretary of Health, Education, and Welfare; and

"(3) 'applicable program' means a program to which this title is applicable.

"(c) There are hereby authorized to be appropriated for any fiscal year, as part of the appropriations for salaries and expenses for the Office of Education, such sums as the Congress may determine to be necessary to carry out the provisions of this title.

"(d) This title may be cited as the 'General Education Provisions Act'."

(3) Sections 402, 404, and 405 of such title are each amended by striking out "Secretary" wherever it appears and inserting in lieu thereof "Commissioner";

(4) Section 402 of such title is amended—

(A) by striking out "title or Act referred to in section 401" and inserting in lieu thereof "applicable program";

(B) by striking out "programs or projects authorized under such title or Act" and inserting in lieu thereof "for any such program";

(C) by striking out "programs or projects so authorized" and inserting in lieu thereof "any such program"; and

(D) by striking out "There are authorized to be appropriated" and inserting in lieu thereof "Sums appropriated pursuant to section 401(c) may include";

(5) Effective after June 30, 1970, section 402 of such title is further amended—

(A) by inserting "(a)" after "SEC. 402.";

(B) by striking out "(1)" before "planning", and striking out "and (2) evaluation of any such program"; and

(C) by inserting the following new subsection at the end of such section:

"(b) Such portion as the Commissioner may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any applicable program for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of any such program, and, in the case of allotments or entitlements from any such appropriation, the amount available for allotment shall be reduced accordingly. Such evaluations as are conducted by the Commissioner shall be conducted at the direction of and under a plan approved by the Secretary. To the extent that the Secretary determines that evaluations may appropriately be carried out (directly or by grants or contracts) by the Office of the Secretary, funds available pursuant to this subsection shall be transferred and be available to that Office for that purpose."

(6) Section 403 of such title is amended by striking out "Act referred to in section 401" and inserting in lieu thereof "applicable program" and by striking out "under any such Act" and inserting in lieu thereof "under such program";

(7) Sections 404 and 405 of such title are amended by striking out "Act referred to in section 401" and inserting in lieu thereof "applicable program";

(8) Section 404 of such title is amended—

(A) in the caption head thereof, by striking out "AND" and inserting in lieu thereof a semicolon and by inserting "; CONTINGENT EXTENSION OF EXPIRING APPROPRIATION AUTHORITY" at the end thereof; and

(B) by inserting at the end thereof the following new subsection:

"(c) Unless the Congress, in the regular session in which a comprehensive evaluation report required by subsection (b) is submitted to Congress, has passed or formally rejected legislation extending the authorization for appropriations then specified for any title, part, or section of law to which such evaluation relates, such authorization is hereby automatically extended, at the level specified for the terminal year of such authorization for one fiscal year beyond such terminal year, as specified in such legislation."

(9) Section 405 of such title is amended by inserting "loans," after "grants,".

(10) Section 406 of such title is amended

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by inserting "and expenditure" after "obligation";

(11) Such title is further amended by inserting after section 401 the following heading: "PART A—APPROPRIATIONS AND EVALUATIONS" and by adding at the end thereof the following new parts:

"PART B—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING THE OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS; GENERAL AUTHORITY OF THE COMMISSIONER OF EDUCATION

"SUBPART 1—GENERAL AUTHORITY

"DELEGATION OF AUTHORITY; UTILIZATION OF OTHER AGENCIES

"Sec. 411. (a) The Commissioner is authorized to delegate any of his functions under any applicable program except the making of regulations and the approval of State plans, to any officer or employee of the Office of Education.

"(b) In administering any applicable program, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"COLLECTION AND DISSEMINATION OF INFORMATION

"Sec. 412. (a) The Commissioner shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

"(2) inform the public on federally supported education programs;

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes; and

"(4) prepare and publish an annual report to be referred to as 'the Commissioner's report' on (A) the condition of education in the nation, (B) developments in the administration, utilization, and impact of applicable programs, (C) results of investigations and activities by the Office of Education, and (D) such facts and recommendations as will serve the purpose for which the Office of Education is established (as set forth in section 516 of the Revised Statutes (20 U.S.C. 1)).

"(b) The Commissioner's annual report shall be submitted to the Congress not later than March 31 of each calendar year. The Commissioner's annual report shall be made available to State and local educational agencies and other appropriate agencies and institutions and to the general public.

"(c) The Commissioner is authorized to enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

"CATALOG OF FEDERAL EDUCATION ASSISTANCE PROGRAMS

"Sec. 413. The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

"(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials, and a brief description of such program;

"(2) set forth the availability of benefits and eligibility restrictions in each such program;

"(3) set forth the budget requests for each such program, past appropriations, obligations incurred, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

"(4) set forth the prerequisites, including the cost to the recipient, of receiving assistance under each such program, and any duties required of the recipient after receiving benefits;

"(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable), to whom application or reference for information for each such program may be made;

"(6) set forth the application procedures;

"(7) contain a detailed index designed to assist the potential beneficiary in identifying all education assistance programs related to a particular need or category of potential beneficiaries;

"(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

"(9) be transmitted to Congress with the Commissioner's annual report.

"TECHNICAL ASSISTANCE

"Sec. 414. (a) For the purpose of carrying out more effectively Federal education programs, the Commissioner is authorized, upon request, to provide advice, counsel, and technical assistance to State educational agencies, institutions of higher education, and, with the approval of the appropriate State educational agency, elementary and secondary schools—

"(1) in determining benefits available to them under Federal law;

"(2) in preparing applications for, and meeting requirements of, applicable programs;

"(3) in order to enhance the quality, increase the depth, or broaden the scope of activities under applicable programs; and

"(4) in order to encourage simplification of, and, in the case of applications under section 415, to facilitate the consolidation of, applications, reports, evaluations, and other administrative procedures.

"(b) The Commissioner is further authorized, upon application, to permit State and local educational agencies to use organized and systematic approaches in determining cost allocation, collection, measurement and reporting under any applicable program. An application under this subsection shall not be approved by the Commissioner unless he determines (1) that the use of such approaches will not in any manner lessen the effectiveness and impact of such program in achieving purposes for which it is intended, (2) that, in the case of a State educational agency, the organization of such agency is designed to carry out effectively the program or programs for which application is made, (3) that the application includes such procedures as will insure adequate evaluation of each of the programs involved, and (4) that the application is consistent with criteria prescribed by the Comptroller General of the United States for the purposes of audit.

"(c) The Commissioner's annual report shall contain a statement of the Commissioner's activities under this section.

"CONSOLIDATION OF STATE ADMINISTRATION FUNDS

"Sec. 415. (a) Notwithstanding any other provision of law, the Commissioner may, for any fiscal year ending prior to July 1, 1974, upon application of a State educational agency administering, or supervising the administration of, any applicable program, except the programs authorized by title I of the Elementary and Secondary Education Act of 1965 and the Education of the Handicapped Act, make a consolidated grant of Federal funds available for administration, by such agency, of any two or more such programs. Nothing in this subsection shall be construed to authorize the inclusion of Federal funds available for State advisory council activities in any such consolidated grant.

"(b) Funds paid under such a consolidated grant may be expended by a State educational agency only for the proper and efficient administration of the programs to which such funds relate but such agency shall not be required to account for the expenditure of such funds separately with respect to each such program.

"(c) The Commissioner shall not approve an application pursuant to subsection (a), unless he finds that the State educational agency making the application is prepared properly and efficiently to administer all of the programs with respect to the administration of which such application relates. Such agency shall undertake to provide such reports, in such form, and containing such information as the Commissioner may reasonably require to carry out his functions under this section, and to keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and the proper expenditure of Federal funds.

"PARENTAL INVOLVEMENT AND DISSEMINATION

"Sec. 416. In the case of any applicable program in which the Commissioner determines that parental and community participation at the State or local level would increase the effectiveness of the program in achieving its purposes, he shall promulgate regulations with respect to such program setting forth criteria designed to encourage such participation. If the program for which such determination provides for payments to local educational agencies, applications for such payments shall—

"(1) set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served by such programs and projects;

"(2) be submitted only after interested persons (as defined by regulation) have had an opportunity to present their views with respect to the application; and

"(3) set forth policies and procedures for adequate dissemination of program plans and evaluations to interested parties and the public.

"USE OF FUNDS WITHHELD FOR FAILURE TO COMPLY WITH OTHER PROVISIONS OF FEDERAL LAW

"Sec. 417. At any time that the Commissioner establishes an entitlement, or makes an allotment or reallotment to any State, under any applicable program, he shall reduce such entitlement, allotment or reallotment by such amount as he determines it would have been reduced, had the data on which the entitlement, allotment or reallotment is based excluded all data relating to local educational agencies of the State which on the date of the Commissioner's action are ineligible to receive the Federal financial assistance involved because of a failure to comply with title VI of the Civil Rights Act of 1964. Any appropriated funds which will not be paid to a State as a result of the preceding sentence may be used by the Commissioner for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964.

"AUTHORITY TO FURNISH INFORMATION

"Sec. 418. (a) The Commissioner is authorized to furnish transcripts or copies of tables and other records of the Office of Education to, and to make special statistical compilations and surveys for, State or local officials, private organizations, or individuals upon the payment of the actual, or estimated, cost

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of such work. In the case of nonprofit organizations or agencies the Commissioner may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Commissioner, provided that the purposes are otherwise authorized by law.

"(b) In no case shall information furnished under the authority of this section be used to the detriment of the persons or organizations to whom such information relates.

"(c) All moneys received in payment for work or sevices enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

"SUBPART 2—ADMINISTRATION: REQUIREMENTS AND LIMITATIONS

"RULES: REQUIREMENTS AND ENFORCEMENT

"SEC. 421. (a) Rules, regulations, guidelines, or other published interpretations or orders issued by the Department of Health, Education, and Welfare or the Office of Education, or by any official of such agencies, in connection with, or affecting, the administration of any applicable program shall contain immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

"(b) No standard, rule, regulation, or requirement of general applicability prescribed for the administration of any applicable program may take effect until thirty days after it is published in the Federal Register.

"(c) All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

"PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

"SEC. 422. No provision of any law which authorizes appropriations for any applicable program (or respecting the administration of any such program), unless expressly provided for therein, shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

"LABOR STANDARDS

"SEC. 423, Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers and mechanics employed by contractors or subcontractors on all construction and minor remodeling projects assisted under any applicable program shall be paid wages at rates not less than those prevailing on similar construction and minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"RECORDS AND AUDIT

"SEC. 424. (a) Each recipient of funds from a grant or contract under any applicable program shall keep such records as the Commissioner shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant or contract received under any applicable program.

"PAYMENTS

"SEC. 425. Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

"AUTHORITY TO VEST TITLE TO EQUIPMENT

"SEC. 426. The authority of the Commissioner of Education to make a grant to or contract with a local educational agency or State educational agency as such agencies are defined in sections 801(f) and 801(k) of the Elementary and Secondary Education Act of 1965, under any applicable program, shall include discretionary authority, whenever he determines that it would be in the public interest, to vest title to equipment purchased with grant or contract funds in such agency (or waive accountability to the United States for such equipment) without further obligation to the Government or on such terms or conditions as the Commissioner deems appropriate. The authority provided by this section shall be applicable to equipment purchased with funds provided by grants or contracts made on, before, or after the date of the enactment of this section.

"PART C—ADVISORY COUNCILS

"DEFINITIONS

"SEC. 431. As used in this part, the term—

"(1) 'advisory council' means any committee, board, commission, council, or other similar group (A) established or organized pursuant to any applicable statute, or (B) established under the authority of section 432; but such term does not include State advisory councils or commissions established pursuant to any such statute;

"(2) 'statutory advisory council' means an advisory council established by, or pursuant to, statute to advise and make recommendations with respect to the administration or improvement of an applicable program or other related matter;

"(3) 'nonstatutory advisory council, means an advisory council which is (A) established under the authority of section 432, or (B) established to advise and make recommendations with respect to the approval of applications for grants or contracts as required by statute;

"(4) 'Presidential advisory council' means a statutory advisory council, the members of which are appointed by the President;

"(5) 'Secretarial advisory council' means a statutory advisory council, the members of which are appointed by the Secretary;

"(6) 'Commissioner's advisory council' means a statutory advisory council, the members of which are appointed by the Commissioner;

"(7) 'applicable statute' means any statute (or title, part, or section thereof) which authorizes an applicable program or controls the administration of any such program.

"AUTHORIZATION FOR NECESSARY ADVISORY COUNCILS

"SEC. 432. (a) The Commissioner is authorized to create, and appoint the members of, such advisory councils as he determines in writing to be necessary to advise him with respect to—

"(1) the organization of the Office of Education and its conduct in the administration of applicable programs;

"(2) recommendations for legislation regarding education programs and the means by which the educational needs of the Nation may be met; and

"(3) special problems and areas of special interest in education.

"(b) Each advisory council created under the authority of subsection (a) shall terminate not later than one year from the date of its creation unless the Commissioner determines in writing not more than thirty days prior to the expiration of such one year that its existence for an additional period, not to exceed one year, is necessary in order to complete the recommendations or reports for which it was created.

"(c) The Commissioner shall include in his report submitted pursuant to section 438 a statement on all advisory councils created or extended under the authority of this section and their activities.

"MEMBERSHIP AND REPORTS OF STATUTORY ADVISORY COUNCILS

"SEC. 433. (a) Notwithstanding any other provision of law unless expressly in limitation of the provisions of this section, each statutory advisory council—

"(1) shall be composed of the number of members provided by statute who may be appointed, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall serve for terms of not to exceed three years, which in the case of initial members, shall be staggered; and

"(2) shall make an annual report of its activities, findings and recommendations to the Congress not later than March 31 of each calendar year, which shall be submitted with the Commissioner's annual report.

The Commissioner shall not serve as a member of any such advisory council.

"(b) If a vacancy exists in the membership of any statutory advisory council for more than thirty days the Commissioner shall submit notice of such vacancy to the Congress. If such vacancy continues longer than ninety days after such notice has been submitted to Congress, the Speaker of the House of Representatives and the President of the Senate shall, notwithstanding any other provision of law, have authority to appoint a member to fill such vacancy.

"COMPENSATION OF MEMBERS OF ADVISORY COUNCIL

"SEC. 434. Members of all advisory councils to which this part is applicable who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory council or otherwise engaged in the business of the advisory council, be entitled to receive compensation at a rate fixed by the Commissioner, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"PROFESSIONAL, TECHNICAL, AND CLERICAL STAFF; TECHNICAL ASSISTANCE

"SEC. 435. (a) Presidential advisory councils are authorized to appoint, without regard to provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions, as prescribed by law.

"(b) The Commissioner shall engage such personnel and technical assistance as may be required to permit Secretarial and Commissioner's advisory councils to carry out their functions as prescribed by law.

"(c) Subject to regulations of the Commissioner, Presidential advisory councils are authorized to procure temporary and intermittent services of such personnel as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of such title.

"MEETINGS OF ADVISORY COUNCIL

"SEC. 436. (a) Each statutory advisory council shall meet at the call of the chairman thereof but not less than two times each year. Nonstatutory advisory councils shall meet in accordance with regulations promulgated by the Commissioner.

"(b) Minutes of each meeting of each advisory council shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory council. The accuracy of all minutes shall be certified to by the chairman of the advisory council.

"AUDITING AND REVIEW OF ADVISORY COUNCIL ACTIVITIES

"SEC. 437. (a) Each statutory advisory council shall be subject to such general regulations as the Commissioner may promulgate respecting the governance of statutory advisory councils and shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of its activities in carrying out its functions.

"(b) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of each statutory advisory council.

"REPORT BY THE COMMISSIONER OF EDUCATION

"SEC. 438. (a) Not later than March 31 of each calendar year after 1970, the Commissioner shall submit, as a part of the Commissioner's annual report, a report on the activities of the advisory councils which are subject to this part to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Such report shall contain, at least, a list of all such advisory councils, the names and affiliations of their members, a description of the function of each advisory council, and a statement of the dates of the meetings of each such advisory council.

"(b) If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report."

(b) Sections 1207, 1208, 1209, and 1210 of the Higher Education Act of 1965 (as added by Public Law 90–575) are superseded by part A of title IV of Public Law 90–247 and are hereby repealed.

(c) The following provisions of law relating to the delegation of functions and utilization of the services of other agencies by the Office of Education are superseded by section 411 of Public Law 90–247 and are hereby repealed:

(1) The third sentence of subsection (a) of section 302 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 243(a));

(2) Subsections (a) and (b) of section 803 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 883 (a) and (b));

(3) Subsection (a) of section 13 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 643(a));

(4) Subsections (a) and (b) of section 1001 of the National Defense Education Act of 1958 (20 U.S.C. 581 (a), (b));

(5) Section 1203 of the Higher Education Act of 1965 (20 U.S.C. 1143);

(6) Subsections (a) and (b) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752 (a), (b));

(7) Subsection (b) of section 103 of the International Education Act of 1966 (20 U.S.C. 1174(b)); and

(d) The following provisions of law concerning dissemination of information and reports by the Commissioner of Education are superseded by sections 412, 413, and 414 of Public Law 90–247 and are hereby repealed:

(1) Section 518 of the Revised Statutes of the United States (20 U.S.C. 4);

(2) The sixth paragraph under the heading "Department of Education" in the material relating to the Department of the Interior in the Act of May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, which authorizes the Commissioner of Education to prepare and publish a bulletin concerning the condition of education (20 U.S.C. 3);

(3) Section 303 of Public Law 90–576 (20 U.S.C. 6);

(4) Section 806 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 886); and

(5) Section 1206 of the Higher Education Act of 1965 (20 U.S.C. 1146).

(e) The following provisions of law concerning requirements for rules and regulations for education programs are superseded by section 421 of Public Law 90–247 and are hereby repealed:

(1) Section 2 of Public Law 90–247 (20 U.S.C. 888); and

(2) Section 505 of Public Law 90–575 (20 U.S.C. 1001, note).

(f) The following provisions of law concerning Federal control of education are superseded by section 422 of Public Law 90–247 and are hereby repealed:

(1) Subsection (g) of section 6 and subsection (a) of section 301 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 241(g), 242(a));

(2) Section 102 of the National Defense Education Act of 1958 (20 U.S.C. 402);

(3) Subsection (a) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 642(a));

(4) Section 407 of the Higher Education Facilities Act of 1963 (20 U.S.C. 757);

(5) Section 804 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 884);

(6) Subsection (a) of section 1204 of the Higher Education Act of 1965 (20 U.S.C. 1144(a));

(7) Section 104 of the International Education Act of 1966 (20 U.S.C. 1175);

(8) Section 105 of the Vocational Education Act of 1963 (20 U.S.C. 1245).

(g) The following provisions of law concerning the payment of wages at prevailing rates on federally assisted construction projects are superseded by section 423 of Public Law 90–247 and are hereby repealed:

(1) Section 145 of title I of the Elementary and Secondary Education Act of 1965, as redesignated by this Act, (20 U.S.C. 2411);

(2) Subsection (c) of section 4 of the Act of July 26, 1954, Public Law 531, Eighty-third Congress (20 U.S.C. 332a(c));

(3) Subsection (a)(4) of section 203 of the Library Services and Construction Act (20 U.S.C. 355c(a) (4)), and subsection (a) (3) of such section is amended by striking out the semicolon and the word "and" and at the end thereof inserting in lieu thereof a period;

(4) Subsection (b)(1)(E) of section 6 and subsection (d) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 636(b)(1)(E), 642(d));

(5) Section 310 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 848);

(6) Section 709 (as redesignated by section 152 of this Act) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 880b–6); and

(7) Section 106 of the Vocational Education Act of 1963 (20 U.S.C. 1246).

(h) The following provisions of law concerning advisory councils and committees are superseded by part C of title IV of Public Law 90–247 and are hereby repealed:

(1) Subsection (d) of section 761 and sections 1002 and 1003 of the National Defense Education Act of 1958 (20 U.S.C. 561(d), 582, 583);

(2) Subsection (c) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752(c));

(3) Subsection (d) of section 309, subsections (c), (d), and (e) of section 510, subsection (c) of section 707, and section 802 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 847a(d), 870(c), (d) (e), 880b–5(c), 882);

(4) Subsections (d) and (e) of section 109, subsection (c) of section 205, subsection (c) of section 224, subsection (c) of section 303, subsections (c) and (d) of section 469, subsections (d) and (e) of section 502, and subsections (c) and (d) of section 1205 of the Higher Education Act of 1965 (20 U.S.C. 1009(d), (e), 1025(e), 1034(c), 1053(c), 1089(c), 1091a(d), (e), 1145(c), (d));

(5) Subsections (c) and (d) of section 106 of the International Education Act of 1966 (20 U.S.C. 1177(c), (d));

(6) Paragraph (3) of subsection (a) of section 104 of the Vocational Education Act of 1963 (20 U.S.C. 1244(a)(3)).

TITLE V—CANCELLATION AND REPAYMENT OF STUDENT LOANS FOR CERTAIN PUBLIC SERVICE

CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

SEC. 501. Section 208 of the National Defense Education Act of 1958 is amended to read as follows:

"CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

"SEC. 208. (a)(1) The per centum specified in paragraph (3) of the total amount of any loan made after June 30, 1970 from a student loan fund established under this title shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

"(2) Loans shall be canceled under paragraph (1) for service—

"(A) as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States;

"(B) as a full-time teacher in a public or other nonprofit elementary or secondary school in the school district of a local educational agency receiving assistance under title I of the Elementary and Secondary Education Act of 1965 if such school is determined (according to criteria established by regulation which shall permit such determination with respect to not to exceed 50 per centum of such schools in any State) to be serving an attendance area in which there is a high concentration of children from low-income families;

"(C) as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system;

"(D) as a full-time teacher in a program assisted under section 408 of the Higher Education Act of 1965, as defined in regulations by the Commissioner; or

"(E) as a member of the Armed Forces of the United States, and notwithstanding the provisions of paragraph (1) cancellation pursuant to this clause shall apply to loans made after the date of enactment of the Elementary and Secondary Education Amendments of 1969.

For the purposes of this paragraph, (i) the term 'handicapped children' means children who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or other health-impaired children who by reason thereof require special education, and (ii) the term 'children from low-income families' means children from families with a family income which is not in excess of the low-income factor determined under section 103 of title I of the Elementary and Secondary Education Act of 1965.

"(3)(A) The per centum of a loan which shall be canceled under paragraph (1) is—

"(i) in the case of service described in paragraph (2)(A), not to exceed a total of 50 per centum of such loan at the rate of 10 per centum for each year of such service;

"(ii) in the case of service described in paragraph (2(B), (2)(C), or (2)(D), 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service; and

"(iii) in the case of service described in paragraph (2)(E), not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of consecutive service.

"(B) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

"(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

"(4) For the purposes of this subsection, the term 'year' where applied to service as a teacher means academic year as defined by the Commissioner.

"(b) In addition to the payments otherwise authorized to be made pursuant to this title, the Commissioner shall pay to the appropriate institution, at such time or times as he determines, an amount which bears the same ratio to the interest which has been prevented from accruing and the portion of the principal which has been canceled on student loans pursuant to this title as the total amount of the institution's capital contributions to such fund under this title bears to the sum of such institution's capital contributions and the Federal capital contributions to such fund."

REPAYMENT OF LOANS OF BORROWERS FOR CERTAIN PUBLIC SERVICE

SEC. 502. Section 437 of the Higher Education Act of 1965 is amended to read as follows:

"REPAYMENT OF LOANS OF DECEASED OR DISABLED BORROWERS OR OF BORROWERS FOR CERTAIN PUBLIC SERVICE

"SEC. 437. (a)(1) The per centum determined under subsection (c) of the liability on a loan insured or made under this part or under a program covered by an agreement under section 428 (including such per centum of any interest accrued thereon) shall be discharged by the Commissioner under the circumstances described in subsection (b).

"(b)(1) All or part of a loan, as the case may be, shall be discharged under this section if the student borrower—

"(A) dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Commissioner);

"(B) serves, after June 30, 1970, as a full-time teacher—

"(i) in a public or other nonprofit elementary or secondary school in the school district of a local educational agency receiving assistance under title I of the Elementary and Secondary Education Act of 1965, if such school is determined (according to criteria established by regulation which shall permit such determination with respect to not to exceed 50 per centum of such schools in any State) to be serving an attendance area in which there is a high concentration of children from low income families;

"(ii) of handicapped children in a public or other nonprofit elementary or secondary school system; or

"(iii) in a program assisted under section 408 of this Act, as defined in regulations by the Commissioner; or

"(C) serves as a member of the Armed Forces of the United States.

"(2) For the purposes of this subsection—

"(A) the term 'handicapped children' means children who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or other health impaired children who by reason thereof require special education, and

"(B) the term 'children from low income families' means children described in clauses (A), (B), and (C) of section 103(a)(2) of title I of the Elementary and Secondary Education Act of 1965.

"(c)(1) The per centum of a loan which shall be discharged under subsection (b) is—

"(A) in the case of the situation described in paragraph (1)(A), 100 per centum of any debt outstanding on such loan;

"(B) in the case of service described in paragraph (1)(B), 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service; and

"(C) in the case of service described in paragraph (1)(C), not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of consecutive service.

"(2) In addition to the amount discharged pursuant to paragraph (1), the entire amount of interest on such loan which accrues for any such year of service shall be discharged."

(b) The amendments made by this section shall be effective with respect to loans made after the date of enactment of this Act.

TITLE VI—EDUCATION OF THE HANDICAPPED

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 601. This title may be cited as the "Education of the Handicapped Act".

DEFINITION

SEC. 602. As used in this title—

(1) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(2) The term "Commissioner" means the Commissioner of Education.

(3) The term "Advisory Committee" means the National Advisory Committee on Handicapped Children.

(4) The term "construction", except where otherwise specified, means (A) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; or (B) acquisition of existing structures not owned by any agency or institution making application for assistance under this title; or (C) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (D) acquisition of land in connection with the activities in clauses (A), (B), and (C); or (E) a combination of any two or more of the foregoing.

(5) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

(7) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(9) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(10) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(11) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* That in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(12) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(13) The term "research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(14) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(15) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

BUREAU FOR EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 603. There shall be, within the Office of Education, a bureau for the education and training of the handicapped which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to the education and training of the handicapped, including programs and projects for the training of teachers of the handicapped and for research in such education and training.

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

SEC. 604. (a) The Commissioner shall establish in the Office of Education a National Advisory Committee on Handicapped Children, consisting of fifteen members, appointed by the Commissioner. At least eight of such members shall be persons affiliated with educational, training, or research programs for the handicapped.

(b) The Advisory Committee shall review the administration and operation of the programs authorized by this title and other provisions of law administered by the Commissioner with respect to handicapped children, including their effect in improving the educational attainment of such children, and make recommendations for the improvement of such administration and operation with respect to such children. Such recommendations shall take into consideration experience gained under this and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee shall from time to time make such recommendations as it may deem appropriate to the Commissioner and shall make an annual report of its findings and recommendations to the Commissioner not later than March 31 of each year. The Commissioner shall transmit each such report to the Secretary together with his comments and recommendations, and the Secretary shall transmit such report, comments, and recommendations to the Congress together with any comments or recommendations he may have with respect thereto.

ACQUISITION OF EQUIPMENT AND CONSTRUCTION OF NECESSARY FACILITIES

SEC. 605. (a) In the case of any program authorized by this title, if the Commissioner determines that such program will be improved by permitting the funds authorized for such program to be used for the acquisition of equipment and the construction of necessary facilities, he may authorize the use of such funds for such purposes.

(b) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to a grant or contract under this title the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

PART B—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

AUTHORIZATION

SEC. 611. (a) The Commissioner is authorized to make grants pursuant to the provisions of this part for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary and secondary school levels.

(b) For the purpose of making grants under this part there is authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1971, $210,000,000 for the fiscal year ending June 30, 1972, $220,000,000 for the fiscal year ending June 30, 1973, and $230,000,000 for the fiscal year ending June 30, 1974.

ALLOTMENT OF FUNDS

SEC. 612. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 611(b). The Commissioner shall allot the amount appropriated pursuant to this paragraph among—

(A) Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs, and

(B) for each fiscal year ending prior to July 1, 1972, the Secretary of the Interior, according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior and the terms upon which payments for such purposes shall be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(2) From the total amount appropriated pursuant to section 611(b) for any fiscal year the Commissioner shall allot to each State an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States, except that no State shall be allotted less than $200,000 or three-tenths of 1 per centum of such amount available for allotment to the States, whichever is greater. For purposes of this paragraph and subsection (b), the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) The number of children aged three to twenty-one, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

STATE PLANS

SEC. 613. (a) Any State which desires to receive grants under this part shall submit to the Commissioner through its State educational agency a State plan (not part of any other plan) in such detail as the Commissioner deems necessary. Such State plan shall—

(1) set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this part will be expended (A) either directly or through individual, or combinations of, local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (i) which are designed to meet the special educational and related needs of handicapped children throughout the State, and (ii) which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (B) for the proper and efficient administration of the State plan (including State leadership activities and consultative services), and for planning on the State and local level: *Provided,* That the amount expended for such administration and planning shall not exceed 5 per centum of the amount allotted to the State for any fiscal year or $100,000 ($35,000 in the case of

the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific), whichever is greater;

(2) provide satisfactory assurance that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part;

(3) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

(4) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds, expended for the education of handicapped children, and in no case supplant such State, local, and private funds;

(5) provide that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(6) provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan;

(7) provide for (A) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, including reports of the objective measurements required by clause (5) of this subsection, and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

(8) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies;

(9) provide satisfactory assurance that funds paid to the State under this part shall not be made available for handicapped children eligible for assistance under section 103 (a)(5) of title I of the Elementary and Secondary Education Act of 1965:

(10) provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

(11) contain a statement of policies and procedures which will be designed to insure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(b) The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this part.

(c)(1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless the plan has, prior to its submission, been made public as a separate document by the State educational agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons (as defined by regulation). The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under this section or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

(A) that the State plan has been so changed that it no longer complies with the provisions of this part, or

(B) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirement set forth in the application of a local educational agency approved pursuant to such plan,

the Commissioner shall notify the agency that further payments will not be made to the State under this part (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State educational agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this part (or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under this part shall be limited to local educational agencies not affected by the failure, as the case may be).

(d)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under subsection (a) or with his final action under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PAYMENTS

SEC. 614. From the amounts allotted to each State under this part, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan.

PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

REGIONAL RESOURCE CENTERS

SEC. 621. (a) The Commissioner is authorized to make grants to or contracts with institutions of higher education, State educational agencies, or combinations of such agencies or institutions, which combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs. Centers established or operated under this section shall (1) provide testing and educational evaluation to determine the special educational needs of handicapped children referred to such centers, (2) develop educational programs to meet those needs, and (3) assist schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including, in appropriate cases, consultation with parents or teachers of handicapped children at such regional centers), periodic reexamination and reevaluation of special educational programs, and other technical services.

(b) In determining whether to approve an application for a project under this section, the Commissioner shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to develop and apply, with the assistance of funds under this section, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

SEC. 622. (a) It is the purpose of this section to provide, through a limited number of model centers for deaf-blind children, a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with, and adjustment to, the world around them, for useful and meaningful participation in society, and for self-fulfillment.

(b) The Commissioner is authorized, upon such terms and conditions (subject to the provisions of subsection (d)(1) of this section) as he deems appropriate to carry out the purposes of this section, to make grants to or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of establishment, including construction, which for the purposes of this section shall include the construction of residential facilities, and operation of centers for deaf-blind children.

(c) In determining whether to make a grant or contract under subsection (b), the Commissioner shall take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the part of the country involved.

(d)(1) A grant or contract pursuant to subsection (b) shall be made only if the Commissioner determines that there is satisfactory assurance that the center will provide such services as he has by regulation prescribed, including at least—

(A) comprehensive diagnostic and evaluative services for deaf-blind children;

(b) a program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefore; and

(C) effective consultative services for parents, teachers, and others who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of their adjustment, orientation, and education.

(2) Any such services may be provided to deaf-blind children (and, where applicable, other persons) regardless of whether they reside in the center, may be provided at some

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place other than the center, and may include the provision of transportation for any such children (including an attendant) and for parents.

EARLY EDUCATION FOR HANDICAPPED CHILDREN

SEC. 623. (a) The Commissioner is authorized to arrange by contract, grant, or otherwise with appropriate public agencies and private nonprofit organizations, for the development and carrying out by such agencies and organizations of experimental preschool and early education programs for handicapped children which the Commissioner determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

(b) Each arrangement for developing or carrying out a program authorized by this section shall provide for the effective coordination of each such program with similar programs in the schools of the community to be served by such a program.

(c) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

RESEARCH, INNOVATION, TRADING, AND DISSEMINATION ACTIVITIES IN CONNECTON WITH CENTERS AND SERVICES FOR THE HANDICAPPED

SEC. 624. (a) The Commissioner is authorized, either as part of any grant or contract under this part, or by separate grant to, or contract with, an agency, organization, or institution operating a center or providing a service which meets such requirements as the Commissioner determines to be appropriate, consistent with the purposes of this part, to pay all or part of the cost of such activities as—

(1) research to identify and meet the full range of special needs of handicapped children;

(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children;

(3) training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(4) dissemination of materials and information about practices found effective in working with such children.

(b) In making grants and contracts under this section, the Commissioner shall insure that the activities funded under such grants and contracts will be coordinated with similar activities funded from grants and contracts under other parts of this title.

EVALUATIONS

SEC. 625. The Commissioner shall conduct, either directly or by contract with independent organizations, a thorough and continuing evaluation of the effectiveness of each program assisted under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 626. There are hereby authorized to be appropriated $36,500,000 for the fiscal year ending June 30, 1971, $51,500,000 for the fiscal year ending June 30, 1972, $66,500,000 for the fiscal year ending June 30, 1973, and $88,000,000 for the fiscal year ending June 30, 1974, for the purpose of carrying out the provisions of this part.

PART D—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION AND OTHER APPROPRIATE INSTITUTIONS OR AGENCIES

SEC. 631. The Commissioner is authorized to make grants to institutions of higher education and other appropriate nonprofit institutions or agencies to assist them—

(1) in providing training of professional personnel to conduct training of teachers and other specialists in fields related to the education of handicapped children;

(2) in providing training for personnel engaged or preparing to engage in employment as teachers of handicapped children, as supervisors of such teachers, or as speech correctionists or other special personnel providing special services for the education of such children, or engaged or preparing to engage in research in fields related to the education of such children; and

(3) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Commissioner, for training personnel engaged in or preparing to engage in employment as teachers of the handicapped or as related specialists.

Grants under this subsection may be used by such institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Commissioner.

GRANTS TO STATE EDUCATIONAL AGENCIES

SEC. 632. The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to institutions of higher education, programs for training personnel engaged or preparing to engage, in employment as teachers of handicapped children or as supervisors of such teachers. Such grants shall also be available to assist such institutions in meeting the cost of training such personnel.

GRANTS OR CONTRACTS TO IMPROVE RECRUITING OF EDUCATIONAL PERSONNEL, AND TO IMPROVE DISSEMINATION OF INFORMATION CONCERNING EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED

SEC. 633. The Commissioner is authorized to make grants to public or nonprofit private agencies, organizations, or institutions, or to enter into contracts with public or private agencies, organizations, or institutions, for projects for—

(1) encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers, or

(2) disseminating information about the programs, services, and resources for the education of handicapped children, or providing referral services, to parents, teachers, and other persons especially interested in the handicapped.

TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR HANDICAPPED CHILDREN

SEC. 634. The Commissioner is authorized to make grants to institutions of higher education to assist them in providing training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for handicapped children or as educators or supervisors of such personnel, or engaged or preparing to engage in research or teaching in fields related to the physical education or recreation of such children.

REPORTS

SEC. 635. Each recipient of a grant under this part during any fiscal year shall, after the end of such fiscal year, submit a report to the Commissioner. Such report shall be in such form and detail and contain such information as the Commissioner determines to be appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 636. There are authorized to be appropriated for carrying out this part, $69,500,000 for the fiscal year ending June 30, 1971, $87,000,000 for the fiscal year ending June 30, 1972, $103,500,000 for the fiscal year ending June 30, 1973, and $120,500,000 for the fiscal year ending June 30, 1973, and $120,500,000 for the fiscal year ending June 30, 1974.

PART E—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

SEC. 641. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children.

RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR HANDICAPPED CHILDREN

SEC. 642. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for handicapped children, and to conduct research, surveys, or demonstrations relating to physical education or recreation for handicapped children.

PANELS OF EXPERTS

SEC. 643. The Commissioner shall from time to time appoint panels of experts who are competent to evaluate various types of research or demonstration projects under this part, and shall secure the advice and recommendations of one such panel before making any grant under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 644. There are hereby authorized to be appropriated $27,000,000 for the fiscal year ending June 30, 1971, $35,500,000 for the fiscal year ending June 30, 1972, $45,000,000 for the fiscal year ending June 30, 1973, and $53,500,000 for the fiscal year ending June 30, 1974, for carrying out the provisions of this part.

PART F—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

PURPOSE

SEC. 651. (a) The purposes of this part are to promote—

(1) the general welfare of deaf persons by (A) bringing to such persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons, (B) providing through these films, enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities

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of their environment, and (C) providing a wholesome and rewarding experience which deaf persons may share together; and

(2) the educational advancement of handicapped persons by (A) carrying on research in the use of educational media for the handicapped, (B) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped, and (C) training persons in the use of educational media for the instruction of the handicapped.

CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED PERSONS

SEC. 652. (a) The Commissioner shall establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to handicapped persons, parents of handicapped persons, and other persons directly involved in activities for the advancement of the handicapped in accordance with regulations.

(b) The Commissioner is authorized to—

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchase equipment necessary to the administration of this part;

(3) provide for the captioning of films;

(4) provide for the distribution of captioned films and other educational media and equipment through State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as local or regional centers for such distribution;

(5) provide for the conduct of research in the use of educational and training films and other educational media for the handicapped, for the production and distribution of educational and training films and other educational media for the handicapped and the training of persons in the use of such films and media, including the payment to those persons of such stipends (including allowances for travel and other expenses of such persons and their dependents) as he may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

(6) utilize the facilities and services of other governmental agencies; and

(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

NATIONAL CENTER ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

SEC. 653. a) The Secretary is authorized to enter into an agreement with an institution of higher education for the establishment and operation of a National Center on Educational Media and Materials for the Handicapped, which will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional materials, and such other activities consistent with the purposes of this part as the Secretary may prescribe in the agreement. Such agreement shall—

(1) provide that Federal funds paid to the Center will be used solely for such purposes as are set forth in the agreement;

(2) authorize the Center, subject to the Secretary's prior approval, to contract with public and private agencies and organizations for demonstration projects; and

(3) provide for an annual report on the activities of the Center which will be transmitted to the Congress.

(b) In considering proposals from institutions of higher education to enter into an agreement under this subsection, the Secretary shall give preference to institutions—

(1) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

(2) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89–694).

AUTHORIZATION OF APPROPRIATIONS

SEC. 654. For the purpose of carrying out this part, there are hereby authorized to be appropriated not to exceed $12,500,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, $20,000,000 for the fiscal year ending June 30, 1973, and $30,000,000 for the fiscal year ending June 30, 1974, and each succeeding fiscal year thereafter.

PART G—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

RESEARCH, TRAINING, AND MODEL CENTERS

SEC. 661. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

(1) research and related purposes relating to the education of children with specific learning disabilities;

(2) professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

(3) establishing and operating model centers for the improvement of education of children with specific learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special education needs of such children, and (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with learning disabilities.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, and those which emphasize the prevention and early identification of learning disabilities.

(b) In making grants and contracts under this section, the Commissioner shall—

(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation, and

(2) for the purposes of clause (3) of subsection (a), to the extent feasible taking into consideration the appropriations pursuant to this section, seek to encourage the establishment of a model center in each of the States.

(c) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, and $31,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974.

REPEALER

SEC. 662. Effective July 1, 1971, the following provisions of law are repealed:

(1) That part of section 1 of the Act of September 2, 1958 (Public Law 85–905), which follows the enacting clause and sections 2, 3, and 4 of such Act;

(2) The Act of September 6, 1958 (Public Law 85–926);

(3) Title VI of the Elementary and Secondary Act of 1965 (Public Law 89–10);

(4) Titles III and V of the Act of October 31, 1963 (Public Law 88–164); and

(5) The Act of September 30, 1968 (Public Law 90–538).

TITLE VII—VOCATIONAL EDUCATION

EXTENSION OF PROGRAM OF GRANTS FOR SPECIAL PROGRAMS FOR DISADVANTAGED STUDENTS

SEC. 701. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1970," the following: "$50,000,000 for the fiscal year ending June 30, 1971, and $60,000,000 for the fiscal year ending June 30, 1972,".

TECHNICAL AMENDMENT

SEC. 702. Section 103(a)(2)(D) of the Vocational Education Act of 1963 as amended by striking out "5 per centum" and inserting in lieu thereof "15 per centum".

CLARIFYING AMENDMENT WITH RESPECT TO STATE ADVISORY COUNCILS

SEC. 703. Section 104(b)(1) of the Vocational Education Act of 1963 is amended by inserting after "State board are elected" the following: "(including election by the State legislature)".

EXTENSION OF AUTHORITY FOR RESIDENTIAL FACILITIES

SEC. 704. (a) Section 152(a)(1) of the Vocational Education Act of 1963 is amended by striking out "$15,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1972".

(b) Section 153(d)(2) of such Act is amended by striking out "1969" and inserting in lieu thereof "1970, and on July 1, 1971".

PROMOTION OF KNOWLEDGE OF NUTRITUTION

SEC. 705. Section 161(b) of the Vocational Education Act of 1963 is amended by adding after "consumer education programs," the following: "including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase,".

EXTENSION OF WORK-STUDY PROGRAMS

SEC. 706. (a) Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "1970" a comma and the following: "$45,000,000 for the fiscal year ending June 30, 1971, and $55,000,000 for the fiscal year ending June 30, 1972,".

(b) Section 183(a) of such Act is amended by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "any succeeding fiscal year".

EXTENSION OF CURRICULUM DEVELOPMENT PROGRAM

SEC. 707. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972".

EXTENSION OF PART F OF THE EDUCATION PROFESSIONS DEVELOPMENT ACT

SEC. 708. Section 555 of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out "and" where it appears after "1969," and by inserting before the period at the end thereof a comma and the following: "the sum of $40,000,000 for the fiscal year ending June 30, 1971, and the sum of $45,000,000 for the fiscal year ending June 30, 1972".

TECHNICAL AMENDMENT

SEC. 709. Section 104 of the Vocational Education Amendments of 1968 is amended by striking out "this Act" and inserting in lieu thereof "the Vocational Education Act of 1963".

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TITLE VIII—MISCELLANEOUS

WAIVER OF MATCHING REQUIREMENT IN THE UPWARD BOUND PROGRAM

SEC. 801. Section 408(c)(1) of the Higher Education Act of 1965 is amended by inserting after the third sentence thereof the following: "The Commissioner may, however, approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services."

EXTENSION OF AUTHORIZATION FOR ADVISORY COUNCIL UNDER EDUCATION PROFESSIONS DEVELOPMENT ACT

SEC. 802. Section 502(f) of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out "two" and inserting in lieu thereof "three".

TEACHER CORPS ASSISTANCE FOR INDIAN CHILDREN

SEC. 803. The first sentence of section 513 (c)(2) of the Higher Education Act of 1965 is amended to read as follows: "Not to exceed 3 per centum of the number of members of the Teacher Corps who are available shall be allocated to Puerto Rico and the Virgin Islands and not to exceed 5 per centum of such members shall be allocated to the elementary and secondary schools operated for Indian children by the Department of Interior, according to their respective needs."

STUDENT TEACHER CORPS

SEC. 804. (a) It is the purpose of this section to encourage high school and college students, parents, and other community residents to volunteer for service on a part-time or full-time basis as tutors or instructional assistants for children in disadvantaged areas and to provide support by the Teacher Corps of volunteer programs to be carried out by State and local educational agencies and institutions of higher education.

(b)(1) Section 511(a) of such Act is amended by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas."

(2) Section 511(b) of such Act is amended by striking out "$56,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971" nad inserting in lieu thereof "$80,000,000 for the fiscal year ending June 30, 1970, and $100,000,000 for the fiscal year ending June 30, 1971".

(c) Paragraph (1) of section 513(a) of such Act is amended by inserting before the semicolon at the end thereof a comma and the following: "and, for such periods as the Commissioner may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistants".

(d) Section 513(a) of such Act is further amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) enter into contracts or other arrangements with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements) will be made (A) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve as part-time tutors or full-time instructional assistants in teams with other Teacher Corps members, under the guidance of experienced teachers, but not in excess of 90 per centum of the cost of compensation for such tutors and instructional assistants may be paid from Federal funds, and (B) to provide appropriate training to prepare tutors and instructional assistants for service in such programs;"

(e) Section 514(a) of such Act is amended—

(1) by inserting after "paragraph (3) of section 513(a)" a comma and the following: "or an arrangement with a local educational agency or institution of higher education pursuant to paragraph (5) of section 513 (a),";

(2) by striking out in paragraph (2) "is equal to" and inserting in lieu thereof "does not exceed", and by striking out "$75 per week" in such paragraph and inserting in lieu thereof "$90 per week"; and

(b) by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) tutors and instructional assistants shall be compensated at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs."

PROVISIONS RELATED TO GIFTED AND TALENTED CHILDREN

SEC. 805. (a) Section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) is amended by inserting in the last sentence thereof after the words "handicapped children" a comma and the following: "and for gifted and talented children."

(b) Section 1201 of such Act (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(k) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent the development of which requires special activities or services not ordinarily provided by local educational agencies."

(c)(1) The Commissioner of Education is authorized to make a study and investigation in order to evaluate the manner in which existing Federal educational assistance programs can be effectively utilized to meet the needs of gifted and talented children and the extent to which new programs are necessary to meet the needs of such children.

(2) The Commissioner shall report the results of such study, together with his recommendations, to the Congress not later than one year after the date of enactment of this Act.

CONSOLIDATION OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND SECTION 12 OF THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 806. (a)(1) Section 303(a) of the National Defense Education Act of 1958 is amended by striking out "science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, or reading" and inserting in lieu thereof "academic subjects".

(2) Section 303(a)(5) of such Act is amended by striking out "the fields of science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English, and reading" and inserting in lieu thereof "academic subjects".

(3) The first sentence of section 301 of such Act is amended by striking out $120,000,000" and inserting in lieu thereof "$120,500,000" and by striking out "$130,000,000" and inserting in lieu thereof "$130,500,000".

(b) Section 12 of the National Foundation on the Arts and the Humanities Act of 1965 is hereby repealed.

ADVISORY COUNCIL ON RESEARCH AND DEVELOPMENT

SEC. 807. Section 2 of the Cooperative Research Act of 1954 is amended by adding the following new subsection at the end thereof:

"(e)(1) The Commissioner shall establish in the Office of Education an Advisory Council on Research and Development, consisting of fifteen members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare. The Commissioner shall appoint one such member as Chairman. Such members shall include persons recognized as authorities in the field of educational research and development or in related fields.

"(2) The Advisory Council shall advise the Commissioner with respect to matters of general policy arising in the administration of this Act."

RESEARCH ON PROBLEMS OF FINANCING ELEMENTARY AND SECONDARY EDUCATION

SEC. 808. (a) The Congress finds that—

(1) insufficient national concern has been focused upon the escalating operating expenses and construction costs faced by school districts, including serious inequities within and among States in financial support of elementary and secondary education;

(2) taxpayer resistance to the existing tax structure is growing and school bond issues and budget requests are being rejected;

(3) school districts are facing serious fiscal crises as they approach or exceed statutory limits on taxing and bonding authority; and

(4) there is a need for additional knowledge to solve these problems.

(b) It is the purpose of this section—

(1) to provide for research and reports on such problems under the Cooperative Research Act; and

(2) to provide for a National Commission on School Finance to study such problems and report to the Congress the Commissioner of Education and the Congress within two years.

(c) Section 2(a) of the Cooperative Research Act is amended by inserting at the end thereof the following:

"(3) The Commissioner shall, pursuant to his authority under this Act, provide for research regarding the problems of financing elementary and secondary education. Such research shall include, but not be limited to, recommendations concerning—

"(A) an appropriate division of responsibility among local, State and the Federal Government in financing elementary and secondary education;

"(B) an appropriate balance of categorical aid, general aid, and school construction aid in the total Federal responsibility for financing elementary and secondary education;

"(C) new approaches to relieve the fiscal crisis now facing the schools;

"(D) the use of Federal revenue sharing for supporting elementary and secondary education; and

"(E) methods to minimize variations within and among States in per pupil expenditures for elementary and secondary education.

The Commissioner shall make a preliminary report to the Congress not later than one hundred and twenty days after the date of enactment of the Elementary and Secondary Education Amendments of 1969 identifying all existing federally financed research in this area (whether authorized under this or any other Act) and the current status of such research. Thereafter, the Commissioner shall report the results of, and recommendations with respect to, research under this

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paragraph as a separate and distinct part of his annual report pursuant to subsection (d)."

(d) The Commissioner of Education shall, not later than ninety days after the date of enactment of this Act, establish a National Commission on School Finance. Such Commission shall consist of fifteen members appointed from (1) members of State and local educational agencies, (2) State and local government officials, (3) education administrators, (4) teachers, (5) financial experts, (6) parents with one or more children in a public elementary or secondary school, (7) the Office of Education, (8) the Department of the Treasury, with the approval of the Secretary of the Treasury, and (9) other appropriate fields. The Commissioner shall appoint a chairman and vice chairman from among such members. Such Commission shall make a full and complete investigation and study of the financing of elementary and secondary education, including, but not limited to, the matters referred to in section 2(a)(3) of the Cooperative Research Act (as amended by subsection (c) of this section). The Commission shall report the results of such investigation and study and its recommendations to the Commissioner and the Congress not later than two years after the date of enactment of this Act. Funds available for the purposes of the Cooperative Research Act and for the purposes of section 402 of Public Law 90-247 shall be available for the purposes of this subsection.

PRIVILEGE OF THE FLOOR

Mr. PELL. Mr. President, before going into this bill, I ask unanimous consent that the staff of the Committee on Labor and Public Welfare may have access to the floor of the Senate throughout the length of this debate, without the normal limitation.

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The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PELL. Mr. President, this bill, H.R. 514, is the product of nearly 1 year of intensive study and work. After the bill passed the House, hearings commenced before the Education Subcommittee in June and continued for 12 days. Thereafter, both the Subcommittee on Education and the full Committee on Labor and Public Welfare spent many days in discussion—often heated—on the various provisions contained in the bill. While all attitudes could not be satisfied, I think it a compliment to the majority and minority members of the full committee that the measure is brought to the floor with unanimous support.

The Elementary and Secondary Education Amendments of 1969 constitute the first major effort on the part of the committee to bring the multitude of provisions in present law together in order to create a comprehensive Federal approach to financial assistance to State and local educational agencies.

Our philosophy has been that the best and most economical investment a nation can make—and the one on which there is the greatest return—is education. I believe it was William James who once said:

> The world . . . is only beginning to see that the wealth of a nation consists more than in anything else the number of superior men that it harbors.

The major theme which runs throughout our bill is one which heavily emphasizes the improvement of quality in education. The amendments made by the bill are designed to improve quality in two ways: First, there are many amendments designed to improve the administration of present education programs; and second, there are several amendments authorizing appropriations to meet special needs where present law leaves those needs unmet. The bill also is designed to take the initial steps toward simplification and codification of Federal education laws. It is hoped that over the course of the next 2 years we can develop a code of Federal education laws which will be a single statute.

In its deliberations on the bill, the committee members built from the base of law pertaining to elementary and secondary education, and other matters. In theory we said, what has been enacted is good. A solid base for Federal support of our Nation's elementary and secondary education exists. Our role becomes one of refinement. In this vein the legislative oversight function was one which received a great emphasis.

The committee found, in general, that the provisions of present law are viable. However, we did find instances where it was clear that more vigorous executive action could have prevented some practices which have lessened the intended impact of the original ESEA legislation.

H.R. 514, as amended, contains eight titles.

Title I of H.R. 514 contains six parts which amend the Elementary and Secondary Education Act of 1965. Part A relates to title I of that act—programs and projects to meet the special educational needs of educationally deprived children; part B extends the authorization of appropriations of title II of that act—school library resources, textbooks, and other printed and published materials; part C extends and amends title III of that act—supplementary educational centers and services; part D extends and adds new authorizations to title V of that act—strengthening State departments of education; part E extends and amends title VII of that act—bilingual education programs; and part F amends the general provisions of the act—title VIII—extends authorizations of appropriations for school dropout prevention projects, and authorizes a program of demonstration projects to improve school nutrition and health services for children from low-income families.

In general, part A of title I of H.R. 514 extends the ESEA title I programs designed to meet the special educational needs of educationally deprived children for 4 years, or through fiscal year 1974.

A major change contained in the bill is an expansion of and increases in the entitlements under this program, by raising the low income factor to $4,000, starting with fiscal year 1973. The entitlements under title I are ascertained by counting the number of children from families with an annual income below a specified level—the low-income factor—and adding to that number the children from families receiving AFDC payments. The committee believes that the present low income factor of $3,000 is unrealistic in light of the rising cost of living with resultant increases in the cost of education. It was deemed that a more realistic method of ascertaining entitlements was needed; therefore, the low-income factor was raised.

In conjunction with this raise in the low-income factor, the committee considered the possibility that the results of the census of 1970 could markedly affect the distribution of title I funds; there is language in the bill which prevents an automatic shifting of title I funds due to census figures. There is also included in the bill provision for a study of the allocation of title I funds by the Commissioner of Education. This study will be focused upon the distribution of funds and the means by which the funds can be better budgeted to meet the needs of educationally deprived children. It is expected that upon receiving the report from the Commissioner and the results of the census, the Congress can then treat the question of aid for the education of disadvantaged children in detail.

The bill contains a further amendment to title I which provides for a program of special grants to school districts serving the highest concentrations of children from low-income families. The committee recognized that, while present title I programs help in providing a certain amount of compensatory education, there is a need for special effort in certain districts where there is a higher than average incidence of title I children. This is due to the fact that the cost of such education grows at an increasing rate in those areas. This new program of special grants was the subject of intensive discussion in the committee. There was concern about how a program such as this would affect the manner in which the present title I funds are allocated. To prevent this type of outcome, two limitations were written into the legislation: The first limits the amount of funds which may be used for this program to 15 percent of appropriated funds in excess of $1.396 billion; and two, the special grants will only be made to those school districts with 20 percent or more title I pupils or 5,000 title I pupils or more if that figure is at least 5 percent of the children in the district. By this formula, we attempted to cover both the larger urban areas and the areas in which there is great rural poverty.

Part B of title I of H.R. 514 amends title II of the Elementary and Secondary Education Act of 1965, library resources, textbooks, and other printed and published materials. The provision has been of great assistance to the children and teachers in both public and nonpublic elementary and secondary schools. Testimony developed nothing but support for the program, which was left substantially unamended.

Part C of title I of H.R. 514 amends title III of the Elementary and Secondary Education Act of 1965—supplementary educational centers and services. This title provides for the establishment of exemplary and innovative programs aimed at improving the quality of education. Funds allocated under this title have benefited over 21,000 public school districts and 2,000 nonprofit private schools. Its value in enriching the educational offering of the school is inestimable.

The committee, recognizing the value of the program, extended the authorization for 4 years. The bill also extends the set-aside of 25 percent of the funds for the direct use of the Commissioner of Education, thus continuing the direct State administration of 75 percent of the funds appropriated. This set-aside expired in June of last year. However, the value of having direct federally sponsored programs of innovative education was recognized and the balanced approach was retained.

To assure the participation of all children, the committee adopted a bypass provision to insure their participation where no State agency is authorized by law to do so. This procedure was deemed both necessary and equitable, for the intent of the legislation was to have all children participate.

In connection with the amendment to assure participation of nonpublic schoolchildren in title III, I would like to say that the committee also considered language which would have required consultation with nonpublic school officials in planning and operating elementary and secondary education programs, if those programs authorize the participation of nonpublic schoolchildren.

After reviewing the language the committee decided not to adopt it because it was thought that the kind of consultation considered was already implicit in the law. For this reason I am stating that for the purposes of legislative history the committee expects that nonpublic school officials will be consulted wherever appropriate in the planning, development, and operation of all elementary and secondary education programs for which the law makes provision for participation of nonpublic schoolchildren.

Part D of title I of H.R. 514, contains amendments to title V of the Elementary and Secondary Education Act of 1965—strengthening State departments of education. This provision in the original bill expressed the congressional concern that a viable program of aid to education requires strong imaginative State departments of education. The provisions of this title were extended for 4 years. A new part B of title V was adopted which would make grants to strengthen leadership capacity in local educational agencies by providing for technical assistance to individual schools in such areas as education of the handicapped and the disadvantaged, school social work, and school health. A program of research and demonstration projects is envisioned which would explore new educational ideas and techniques. The great timelag between discovery of a new education system and its adoption—some say 30 years—could be bypassed by this type of program.

Title V of ESEA is also amended to provide funds for State and local educational agencies to use in strengthening their capabilities for educational planning and evaluation. It was found that with greater emphasis in this area the content of the educational offering might be sharpened and the programs found wanting discontinued. As the cost of education rises there is a greater need for increased evaluation capability. The new program of grants to the States and local agencies should bring this about.

In our quest for a method to enhance the quality of education, the committee adopted, in addition to the two amendments to title V of which I have already spoken, a third which would establish National and State Councils on Quality in Education. The National Council is intended to be the primary agency at the Federal level to provide guidance and leadership for Federal agencies, and the Congress in evaluating, planning, and improving the Nation's schools. This new Council and its State counterparts are expected to be the capstone of the various councils, committees, and advisory boards presently studying limited fields in education, for they will have as their main function not the seeking of more aid to education, but the insuring that our present programs of aid are able to and do improve the education being received by the children.

Part E of title I of H.R. 514 extends the bilingual education program for 4 years. This program seeks to insure that those children in the United States who do not have English as a mother tongue will not receive a poorer education because of this. It provides funds to support education programs which use the child's mother tongue, while at the same time seeking to teach the student English so that he can participate in the larger school programs. The bill also makes provision for the inclusion of Indian schools in the bilingual program.

Part F of title I of H.R. 514 contains an extension for 4 years of the dropout prevention program. This program was first funded in fiscal year 1969, but initial reports indicate that the programs already funded have been successful in keeping young adults in school, and its continuation was supported.

The committee adopted an amendment which provides for demonstration projects in school health and nutrition services for children from low income families. It is clear that hungry or ill children cannot learn. The program proposed will make funds available for projects to demonstrate what coordination between the already available Federal programs can accomplish to improve the physical well-being of children. This program, which will be closely coordinated with title I of the Elementary and Secondary Education Act, will bring together the various food and health programs, with the schools as the focal delivery point.

Evidence before the committee indicated that while our present Federal education programs aid certain groups of students, there has been little attention given to developing the talents of gifted children. Amendments adopted by the committee encourage State departments of education to increase their assistance for local programs for the gifted under titles III and V of the Elementary and Secondary Education Act of 1965. There is also encouragement for the granting of fellowships to train teachers of the gifted under the Education Professions Development Act. By these amendments the committee wishes to urge the Federal Government and States to examine their efforts to aid the gifted children.

Title II of H.R. 514 extends for 4 years Public Law 874—81st Congress—impacted aid, construction. This program is the second largest program of Federal aid to education and constitutes a very real portion of the operating budgets of many school districts. While the concept of impacted aid is presently under attack, and I am aware of the substance and thrust of the Battelle Memorial Institute's report in this connection, the committee recognized the simple fact that a precipitous alteration of this program would seriously disrupt many local school systems; and an extension was supported.

Certain school districts have suffered, and are suffering, financial problems from the impact of Cuban refugees who have moved in their areas under the provisions of the Migration and Refugee Assistance Act of 1965. The committee accepted an amendment which would make aid available to school districts having this type of impact.

A major amendment to the impacted aid program, providing for the inclusion of children residing in low rent housing projects assisted under the U.S. Housing Act of 1937 was also adopted. Evidence demonstrated that such an impact was on a par with the present program. The "in lieu of taxes" payment to the local government is believed to be inadequate to make up for the loss in tax revenues due to the Federal activity. The average payment to the local educational agency from those funds is about $11 per child while the cost of education may range from $700 to $1,200 a year per child. Therefore, the bill before you expands the definition of Federal property to include the public housing projects.

To insure against a sudden shift of funds from the present recipient school districts, the legislation guarantees to each school district presently receiving funds under this Act the fiscal year 1970 funding level through fiscal year 1972. Local educational agencies will receive payments for public housing children only to the extent that the appropriation is in excess of the 1970 level.

Title III of H.R. 514 revises the Adult Education Act of 1966 to provide for secondary level education for adults who have not completed high school.

While adult basic education has been successful in that 1.26 million people have participated, it is clear that the simple teaching of basic literacy is not adequate in today's society. This revision would make a high school education available to all.

To implement the provisions of this expanded program, the bill requires the establishment of a State advisory council on adult education.

Title IV of H.R. 514 is in the form of new legislation known as the General Education Provisions Act. This title consolidates into a single body of law general provisions for the administration of education programs and authority of the Commission of Education.

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In title IV, we have taken the administrative provisions found in the many education acts enacted over the last 19 years, brought them together, eliminated duplication of law, coalesced those that were at variance with each other, and codified it all.

This codification grows out of our desire for simple, efficient administration of education programs. The State and local education officials often found unclear, and at times contradictory, provisions of law pertaining to their programs. Adoption of the General Education Provisions Act will clarify ambiguities and we believe will improve the administration of the programs under the authority of the Commissioner of Education.

In connection with the review of the administration of education programs and the development of the General Education Provisions Act, the committee became concerned with steps being taken to regionalize the administrative functions of the Office of Education. The committee report expresses the concern of the committee on this matter; and I would like to say in this statement that the committee favors a strong central Office of Education in Washington to which the State and local educational authorities should have direct and continuous access. Regionalization of the administration of education programs can only screen and dilute the interflow with the State and weaken the programs authorized by law. In fact, regionalization will tend to insert between Washington and the States a third level of bureaucracy with its consequent delays and lack of uniformity in the enforcement and administration of Federal education laws.

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Some new administrative provisions are found in title IV. A major addition to present law is a provision for the "set aside" of up to 1 percent of program funds for the evaluation of that program. This provision, requested by the administration, will ensure that we in Congress, as well as the program administrators, will be in a position to know whether the various programs are in truth successful. This is a major step, for one of the controversies around the Federal programs has been the lack of evaluation material. Indeed, with this set aside, we shall know whether we are receiving our money's worth.

Title V of H.R. 514 amends the National Defense Education Act of 1958 and the Higher Education Act of 1965 to extend and expand the concept of student loan forgiveness for public service.

The committee recognized that there is a need to insure that young teachers will opt not only for a career in teaching, but also for teaching where they are needed, in the most disadvantaged schools. To attain this end, the committee adopted provisions which provide for the forgiveness of both the national defense student loans and loans made under the guarantee provisions of the Higher Education Act of 1965. Varying schedules of forgiveness have been adopted which put a premium on teaching in disadvantaged schools and schools for the handicapped. These provisions continue the forgiveness portions of the present law of both types of loans for service in the Armed Forces by an individual entering the service after the loans were made.

Title VI of the bill consolidates all programs of education for the handicapped which are administered by the Commissioner of Education into a single statute.

In 1966, this committee recommended, and Congress enacted, title VI of the Elementary and Secondary Education Act of 1965, as a major step in making special educational services available to handicapped children in elementary and secondary schools. Since that time, Congress has expanded the Federal commitment in education of the handicapped by authorizing special programs for the deaf-blind, regional resource centers, special preschool programs, and a National Media Center for the Handicapped. In addition, funds authorized by title III of the Elementary and Secondary Education Act of 1965 and the Vocational Education Act of 1963 have been earmarked for special programs for handicapped children.

These many provisions have been codified into one body of law which will insure efficient administration of the many programs administered by the Bureau of Education for the Handicapped.

A new section has been incorporated into the codification which provides for special programs for children with specific learning disabilities. It is estimated that about 3 percent of the school population suffers from a handicap which prevents them from fully realizing their potential. While the child may read excellently, his mathematical ability is faulty. Research indicates that this type of learning disability is correctable. However, Federal legislation has not recognized such learning disabilities as a separate identifiable grouping. The proposed legislation not only recognizes this handicap but also provides for a program of research, teacher training and model centers for these children.

Title VII of H.R. 514 extends several vocational education programs to make them coterminous with the main body of vocational education legislation. The programs involved are: First. special programs for vocational education for disadvantaged students; second, State programs of residential vocational school facilities; third, the program of interest subsidy grants for residential schools; fourth, vocational education work-study programs; fifth, the curriculum development programs; and sixth, teacher-training programs for vocational education teachers—part F of the Education Professions Development Act. Title VII also contains technical and clarifying amendments to the Vocational Education Act of 1963 and related legislation.

The committee recommends the continuation of these six programs. They are essential if vocational education is to be updated and revitalized as envisioned by the amendment of 1968.

Title VIII of H.R. 514 contains miscellaneous provisions. A waiver of the matching requirement in the Upward Bound program was adopted. The Higher Education Amendments of 1968 transferred the Upward Bound program from the Office of Economic Opportunity to the Office of Education. The law contains a requirement that there be a non-Federal share of the cost of the program. The Economic Opportunity Act contains provisions which permit the waiving of the non-Federal share requirement and the use of contributions in kind to satisfy the non-Federal share requirement. These provisions were not included in the transfer. Section 801 amends section 408(c)(1) of the Higher Education Act of 1965 to provide for waiver of the non-Federal share requirement in the Upward Bound program and to permit the use of contributions in kind to satisfy that requirement.

In connection with the transfer of the Upward Bound program I understand that there has been some confusion about the authorities which were transferred in the Higher Education Amendments of 1968. The committee report seeks to clarify the scope of the authority which was transferred in the Upward Bound program to the Talent Search program with respect to grantees. The report makes clear that organizations such as the Fellowship of Concerned University Students which assist Upward Bound graduates in gaining admission to college are eligible grantees under the Talent Search program and that that type of project is intended to be funded.

The bill also amends title V–B–I of the Higher Education Act of 1965, which authorizes the Teacher Corps. The amendments authorize a new component, the Student Teacher Corps; adjust the salary rate for members of the Teacher Corps, and increase the authorization of appropriations for the program.

In recent years, college students have volunteered by the tens of thousands for tutorial programs. However, these programs have often lacked the careful training, selection, and integration into school programs and community life essential for success in teaching children from poverty homes.

A new movement has also begun that uses high school, junior high school, and in some cases even elementary school pupils from the higher grades in tutoring their younger school mates. Careful research shows that such tutorial programs are very successful, both for tutor and tutee.

These amendments are designed to provide an opportunity to expand these programs at the local level in conjunction with local Teacher Corps projects.

The committee considered recommendations for consolidation of various education programs. The programs considered were the programs authorized by titles II and III of the Elementary and Secondary Education Act, titles III–A and V–A of the National Defense Education Act of 1958, and section 12 of the National Foundation on the Arts and Humanities Act of 1965. The committee recommends that these programs be retained with their present separate authorizations at this time with one exception. Section 12 of the National Foundation on the Arts and Humanities Act of 1965 has a very small authorization of $500,000 and has not been funded. Since the program is very similar to that authorized by title III–A of the National Defense Education Act, there appears to be no reason to maintain two separate instructional media programs. Section 804 of the bill consolidates these two programs by deleting the categories of subjects in title III of the National Defense Education Act and providing that equipment may be purchased in any academic subject.

Section 803 of the bill requires the Commissioner of Education to make a study of the educational needs of gifted and talented children. It is expected that this study will be conducted by persons having special expertise in the area of educating gifted and talented children. The study will assess the effectiveness of existing Federal programs in meeting the needs of those children and will be accompanied by recommendations for new legislation specifically designed to make financial assistance available for education programs for gifted and talented children.

The final provision of the bill provides for a National Commission on School Financing to study problems related to the financing of elementary and secondary education and amends the Cooperative Research Act to require the Commissioner to provide for research regarding such problems. Funds available for the purposes of the Cooperative Research Act and for the purposes of section 402 of the General Education Provisions Act shall be available to enable the Commissioner to carry out the functions of the National Commission.

Mr. President, this is a large, some would say, massive bill. I have touched on what I consider to be the high points of the bill, noting the major amendments and additions to present programs. The committee has supported a bill which is an attack on the problems of education in our country today. It is a distillation of advice and counsel from many sources, and in certain areas a compromise between conflicting opinions. However, Mr. President, we lay this before the Senate confident that its enactment will effectively benefit millions of schoolchildren—public and private—urban and rural—throughout our country.

Mr. TOWER. Mr. President, education is a foremost priority in our country. The success of our schools is essential to the success of our form of government. So many of the problems that face us within our Nation can only be solved by more and better education for our people. The bill which we are considering today, H.R. 514, amends and extends the authorizing legislation for the major Federal efforts in education. One of the largest and, in my estimation, one of the most effective of the programs included in this measure is that of aid to federally impacted areas under Public Law 874.

I have always been a firm supporter of the Public Law 874 program. I feel that it is the responsibility of the Government to make some provision for the alleviation of the burden imposed upon an area by the presence of substantial Federal activity. This program has proven effective in achieving this purpose and over its 20-year history has been amended and enlarged in scope several times. The present bill calls for an additional enlargement of the scope of the Public Law 874 and Public Law 815 programs to include impact funds for children residing in low-rent public housing. As far as school districts are concerned, these housing projects have the same effect as Federal installations in that the school system finds itself with a significant percentage of its students living on nontaxable property. The payments made in lieu of taxes come to about $11 per child for children living in public housing while the cost of education per child may be from $700 to $1,200. Because the need in such a case is clear and because the impacted aid program has greatly benefitted our schools, I am in favor of extending this concept to include students dwelling in federally instituted housing projects. Important as this is, however, it would be unfortunate if, in expanding the entitlements, we spread the funds too thin to have beneficial effect anywhere. The provision in the bill for insuring to local education agencies funding at the present level through fiscal year 1972 and for making payments for children residing in low-rent public housing only to the extent that appropriations are above the 1970 level guards against precipitous over-extension of the program.

The single largest Federal effort in education is title I of the Elementary and Secondary Act. The purpose of this title is to provide funds for programs for the educationally disadvantaged. Because of the correlation between low-income levels and educational underachievement, the distribution formula for title I attempts to concentrate funds in areas where there are heavy populations of children from low income families.

To measure this concentration, the title I formula counts children on the basis of two factors: First, 1960 census estimates of the number of school-age children from low-income families; and second, the number of school-age children whose families receive more than $2,000 in payments for aid to families with dependent children—AFDC. Furthermore, the payments are figured on the basis of a Federal percentage, 50 percent, of the State's average annual per pupil expenditure or of the national average annual per pupil expenditure, whichever is greater. There are several problems caused by this formula. For one thing, at the inception of the program in 1965, the census figures were already 6 years old; today, they are 10 years out of date. In the past 10 years the number of school-age children in low-income families has undoubtedly increased, and the concentrations have shifted both within the several States and in the Nation as a whole.

The use of the AFDC count also causes problems. There are 12 States—Alabama, Arizona, Arkansas, Florida, Georgia, Maine, Mississippi, New Mexico, South Carolina, Tennessee, Texas, and Wyoming—that cannot count any AFDC children for payment under title I. In these States, there are many children ineligible to be counted for title I aid whose situations are no better and, in many cases, demonstrably worse than those of children whose families are receiving more than $2,000 in AFDC payments.

There is something of a problem, too, in basing the title I payment on 50 percent of the State's per pupil expenditure. Certainly the costs of quality education vary somewhat from State to State, but the State's ability to meet those costs varies also. Under the present scheme, the States best able to meet the costs of education receive the largest sums. Briefly, the rich get richer.

I do not have the solutions to all of these problems. The solutions will take much thought, considerable work, and statistics which are not presently available, such as the 1970 census figures. But we all should be aware of these problems and work to solve them if this program is to be made responsive to the need which it was conceived to meet.

Another section of this bill particularly concerns my own State. Texas has a large population of citizens of Mexican-American heritage. In many communities, Spanish is spoken in the home, and often a child is of school age before he ever hears the English language. This situation presents a special problem for the schools, a problem that title VII of the Elementary and Secondary Education Act aims to correct. Bilingual and bicultural education can, I believe, salvage many students of enormous potential who drop out simply because the language used for instruction in the schools is unfamiliar to them. Presentation of subject material in their mother tongue and in English will help these students over the initial hurdle, hold their interest, and improve their skill in both languages. In fiscal year 1969 there were 19 bilingual education projects in Texas serving over 12,000 participants. This program is still too young for us to assess its effects fully. However, I believe that it has great potential and heartily concur in its extension.

In H.R. 514 we will, no doubt, once again authorize advanced funding of education programs. This concept has been endorsed by the Congress repeatedly, but very rarely has anything come of it. Education programs are funded later and later every year, and educators and school administrators often cannot plan on this money and cannot budget it to the best advantage. For this reason, I believe that the amendment offered by the Senator from Virginia (Mr. SPONG) to form a commission to investigate the means of implementing the advanced funding concept would be a proper step toward remedying what has become a disorderly and awkward situation.

Educators who spend the federally dispensed dollar would be better employed otherwise than in worrying over whether the education appropriations will rise to the level of their planning or whether, worst of all, they will end up with more money than they had planned for. Certainly money for education, the usefulness of which no one doubts, would be more useful if adequate time were allowed to budget it to the best purpose. A clear understanding as much as a year in advance of the level of funding for education programs to which the Federal Government is committed would do more than soothe the ulcers of school superintendents; it would enhance the value of each dollar spent. I am not wildly

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enamored with every Federal aid to education scheme on the books, but I am certain that funding which provides ample time for planning expenditures will improve the overall effectiveness of all these programs.

Since it has been repeatedly the announced intention of Congress to provide advanced funding, it is time that we either determine how to make the advanced funding concept work or abandon it altogether. The continued divergence between announced intent and ultimate action is insupportable. Advanced funding is a good idea, and I choose to find out how it can be brought into operation. If the commission proposed by Senator SPONG's amendment can advise successfully how that goal can be achieved, it will have accomplished a significant feat. I believe that it can, and I support the amendment.

This is a sweeping bill and an important bill. There are many other items in this legislation which are of great significance. I have touched on just a few of those issues which I believe are most pressing. In recent years, the Congress has made a broad Federal commitment to education. We must make the best of it by avoiding the temptation to run amok among proliferating and redundant programs. We must shape and direct our efforts in education to achieve the maximum benefit without interfering with the right of local authorities to operate their schools and control their curricula. To do this demands a delicate touch and much understanding. I pray that we may have both.

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Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I shall not detain the Senate very long. I announce at this time that the Senator from Colorado (Mr. DOMINICK), a member of the committee, will also address himself to this subject.

I think that the chairman of our subcommittee, who has done a magnificent job in the subcommittee hearings and in the consideration of the tremendous number of amendments of great complexity which were heard with respect to this bill, should receive our congratulations for bringing the bill to the floor in its present shape, which I think is very eligible for enactment by the Senate substantially as it comes before us. The bill is in a very real way the product of the members of the subcommittee, both majority and minority.

I should like to point out that 30 major provisions of the bill were moved by the minority. And it therefore represents, to a real extent, all our ideas.

While I understand there will be a major debate on some of the amendments which we will consider—and it is perfectly proper that there be—which deal essentially with civil rights questions. I am rather heartened by the understanding that on the substantive aspect of the bill, in terms of the educational coverage of the bill, there is rather general agreement.

There will be amendments, but on the whole the basic framework of the bill which we have submitted to the Senate seems to have received a good reception from Senators generally.

On the general proposition of aid to education, which was debated for so long in previous years, there seems to be the generally prevailing view that we should go forward, as we have, with all the added experience and resources which have been made available by virtue of this activity for such a long period of time.

There are certain very distinct aspects of this measure which I do think require rather special attention, because they do represent innovations of a very material kind.

First, I think it is very important to know that we have tried to take account of the expanding concepts of the low-income factor which affect the essential plan of title I of the Elementary and Secondary Education Act—that is, programs and projects to meet the special educational needs of educationally deprived children. And the low-income factor is increased to $4,000 from $3,000 after a period of years, the delay in the change having been forced upon us more by the realities of financing than by the realities of living standards and living costs.

So, we have deferred for a period of years, but nonetheless laid the foundation so that it can be pursued after that time in an effort to increase the low-income factor from $3,000 to $4,000 as the basis of eligibility for this kind of Federal aid to education.

Another area in which I think we do extremely well is to recognize that there are still added problems of density of impact. And so we acted as we did on the first amendment with respect to another amendment, which I am very pleased to say was submitted by the Senator from California (Mr. MURPHY), a Member of the minority, the first one having been submitted by the Senator from Minnesota (Mr. MONDALE), a Member of the majority, to make special provision for school districts which were very heavily impacted, unusually heavily impacted with disadvantaged children in adding a new part C to title I of the Elementary and Secondary Education Act.

I think that is a very signally fine amendment.

Other provisions which we have included, which I again consider to be extremely desirable, are provisions to free funds in respect of title III of ESEA, supplementary education centers and services, so that the Federal Commissioner of Education should have greater flexibility for their use in many areas where the national prospective is extremely valuable and important for the kind of vehicle which we have in mind.

Another amendment which deserves to have the attention of the Senate deals with the whole problem of areas impacted by Federal activity.

For a very long time we have overlooked the effect of Federal low-rent housing projects which has very materially impacted many school districts which find it very difficult to carry that load, just as much so as in the case of Federal installations of a military or similar character.

We realize the practical difficulties of the impacted area aid bill is very deeply embedded in the educational financing of many communities. So we have done our utmost to take cognizance for the first time of this long standing, and for the purposes of the pending bill, new concept of impacted areas. We have frozen it at the level of 1970 so that no presently impacted district will get any less, without regard to the provisions of this new provision, than it did in 1970.

There are other aspects of the bill which deserve special attention from us.

ADULT EDUCATION

In title III of H.R. 514, there is an effort to meet more modern concepts of adult education by including for the first time education for adults at the high school level in addition to basic education at the grade level. Also, within the same context, the effort is made to deal with school dropouts and to give them a chance for adult education by having the eligibility at 16, and in that way, hopefully, dealing with the educational needs of 1 million young people who drop out from school each year. High school education equivalency for adults is a matter of most critical importance to the general intellectual thrust of the country and the basic concept of literacy which today goes beyond elementary reading and writing. There must be the opportunity for people to continue education as they grow older without finding that the string has run out once they have concluded a primary education.

INNOVATION IN LOCAL AGENCIES

Another aspect of the bill which deserves attention is the effort to strengthen local education agencies, especially with an emphasis on innovation. This enormous problem faces us because of the shortages of money and major increases in the demands of education, both as to quality and the number of persons affected. We believe that greater selectivity, greater intelligence, organization, and choice of curriculum can be extremely helpful in coping with these problems. Section 143 of the bill adds a new part B of title V of ESEA to strengthen local education agencies, with the principal stress on innovation.

GIFTED AND TALENTED CHILDREN

Finally, one area in which I have a special interest is now incorporated in the bill. I refer to the provisions for gifted and talented children located in appropriate sections of the bill. This is a matter of great interest to many Members of the Senate. We have not adequately looked at the other end of the spectrum of human resources entrusted to our care. In the educational field we have done what we could for educationally deprived children, but the gifted and talented children represent a peculiar national resource which has not had the direct and solicitous attention which they deserve. Their problems, at the other end of the spectrum, are just as real as the problems of educationally deprived children.

For the first time we have now incorporated not only comprehensive considerations of this question, but also very proper provisions to deal with it. While no additional congressional authorizations are directly related to these provisions for gifted and talented children, the organizational framework created will represent a very major contribution to the education of such children.

While some States have already dealt with programs along this line, only about one-third of them have dealt with it in any way. This is a national inadequacy and represents a deprivation of a very vital national resource. I believe it is very commendable and important that we should have dealt with the matter in this bill. It may be remembered that this was the subject of a separate bill, S. 718, which I had the honor to introduce with some very distinguished Senators: Senator PROUTY, Senator ALLOTT, Senator BELLMON, Senator COOK, Senator COOPER, Senator DOMINICK, Senator SCHWEIKER, and Senator STEVENS. It has now found fruition in this bill. I think it will be very helpful to the educational system of our country.

I understand we will be spending some time in respect to problems relating to segregation and desegregation in educational facilities and educational opportunities, and that is quite right.

As I said when I began, the basic agreement upon the broad phases of this bill, again allowing for amendments which undoubtedly will be proposed, is most gratifying to those of us who have worked to report the bill. I hope very much the debate we are now undertaking will maintain this highly and completely bipartisan level of common concern that our country should give the finest education which it is capable of providing, bearing in mind our budgetary problems and other problems, but also bearing in mind quality as well as coverage in respect of our educational system. I am satisfied, along with the Senator from Rhode Island (Mr. PELL), that we have put our very best foot forward from the committee in reporting the bill to the Senate.

Mr. DOMINICK and **Mr. LONG** addressed the Chair.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Colorado.

Mr. DOMINICK. Mr. President, I wish to say to the Senator from Illinois that I shall not take more than 3 minutes and then I would be happy to yield the floor.

Mr. President, as the distinguished senior Senator from New York has said, this is not a partisan matter, and that fact is demonstrated quite clearly in the supplemental views filed with the report on the bill. As the Senator from New York so graphically pointed out, some 30 amendments offered by Members of the minority are included in the bill which has been reported to the Senate.

Our supplemental views, which I signed, do not indicate whether each Member of the minority fully supports all of the amendments.

Item No. 9 in the supplemental views refers to the inclusion in the impacted areas education aid program of children residing in low-rent public housing. I object strenuously to that particular provision and I have introduced an amendment to strike it. I did not want the record to indicate that I was in favor of this kind of reallocation of resources under the Public Law 874 program.

If we start including children in low-rent public housing we change the entire tenor of this law which we have been reviewing so long and so carefully, and which is now under independent review by the executive branch and, hopefully, by Members of the Senate following release just a few weeks ago of the Battelle Institute study commissioned by Congress.

I want to make the record clear that I am not in favor of that. I objected to it in committee. I even offered an amendment in committee to make public housing a separate line item so there would have to be a separate appropriation for it. My amendment was defeated in committee. However, a separate line authorization will be the subject of an amendment on the floor which I have been working on with Senator YARBOROUGH.

Mr. President, one other item I wish to mention at this time—and I shall speak more at length later on—is the inclusion in the extension legislation of my incentive grant program under title I, part B. I have been pushing for the funding of it for a number of years. The program provides a real incentive to State and local governments to focus larger portions of their revenues on education.

One other point. Once again the committee adopted the provision that no portion of the moneys in this bill shall be used for the purpose of busing in order to overcome racial inequality or racial imbalance. I am sure this is a subject which will have a rather heated debate in the next couple of days but the committee has gone that far in previous bills.

Mr. President, having made this preliminary statement, I shall speak more at length as the amendments are called up.

Mr. TOWER. Mr. President, I wish to take this opportunity to speak in support of the amendment submitted by the Senator from Mississippi (Mr. STENNIS) to the Elementary and Secondary Education Act. It is important that we here in the Senate reaffirm our belief that the schools in this Nation be run by the local authorities that are elected by the people to run them; not by the appointed bureaucrats here in Washington that have no knowledge of local situations.

When Congress first agreed to finance local education, those who opposed such Federal intrusion predicted that Federal controls would soon follow. The proponents of the program called such predictions foolish and scoffed at the idea that the Federal Government would concern itself with the administration of local schools. However, today, those predictions have been proven all too accurate. Acting under the guise of "civil rights" or at times other things, the Government daily concerns itself with every aspect of public school administration. For example, just last week the Acting Regional Director of the Department of Health, Education, and Welfare ordered a school district to produce in writing in a 4-day period the following information and analyses:

First. A list of each of the district's school faculty assignments by race, subject matter and grade level assignments for the school years 1965-66—1969-70 inclusive.

Second. The names of all dismissed professional staff members, by race, their subject matter and grade level assignments during the school years of 1965-66—1969-70.

Third. The names of the newly hired professional staff members, their grade level, subject matter and school assignments for each of the school years 1965-66—1969-70, inclusive.

Fourth. An analysis of all the district's Federal programs, nearly 10 in number, showing:

Programs and amounts allocated for each 1969-70.

Designated schools.

Grade levels.

Racial/ethnic breakdown of participants.

Racial/ethnic breakdown of staff.

All of this information was from a district that was certified by the Department as being in compliance with all civil rights statutes and which has been cooperating diligently with the Department. As previously mentioned, the district was ordered to present all of this in only 4 days. Such an order takes all of the manpower from such school systems and interrupts the vital activities of these education organizations. To say the least, such harassment should cease.

The amendment offered by Mr. STENNIS goes a long way toward returning administrative control to locally elected school boards. The amendment specifically prevents the ordering of school attendance and administrative programs without the express consent of the locally elected school boards. I support this idea of local control as the bulwark of the Nation's school systems. I am pleased to join with the Senator from Mississippi and commend him for his action in this matter.

PRINTING ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "MEDICARE AND MEDICAID—PROBLEMS, ISSUES, AND ALTERNATIVES"

Mr. LONG. Mr. President, I submit a resolution, which I ask unanimous consent be immediately considered. It provides that there be printed for the use of the Committee on Finance 1,700 additional copies of its committee print entitled "Medicare and Medicaid—Problems, Issues, and Alternatives."

We shall be releasing this particular document at the end of this week, for the morning press on Monday. It is a long-awaited document and there is tremendous interest in it.

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I ask unanimous consent that the resolution be immediately considered. In view of many demands for this document, I am confident there will be a need for additional copies.

Mr. GRIFFIN. Mr. President, as I understand, approval of the resolution was cleared with the ranking minority member of the committee. May I ask the distinguished chairman if I am correct?

Mr. LONG. As a matter of fact, the motion that this document be printed was made by the distinguished Senator from Delaware (Mr. WILLIAMS). I understand it has been cleared on both sides of the aisle. It is the culmination of several months of intensive work by the staff of the Committee on Finance. I am confident it will lead to the saving of billions of dollars in the medicare and medicaid programs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 354) was considered and agreed to, as follows:

> *Resolved,* that there be printed for the use of the Committee on Finance one thousand seven hundred additional copies of its committee print of the current Congress entitled "Medicare and Medicaid—Problems, Issues, and Alternatives".

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. EAGLETON. Mr. President, I join with my colleagues in expressing general support for H.R. 514. It represents an enormous amount of work by the entire committee and, most especially, by Senator PELL, the subcommittee chairman, and by his staff. It marks a continuation of the commitment to large-scale support of public education first made by Congress in 1965.

I want to comment in some detail on section 203 of the bill, which would include children living in federally assisted public housing as "federally connected children" under Public Law 874.

The U.S. Housing Act of 1937 was among the earliest and most enlightened strategies to assure adequate housing for all citizens. Since its passage, over 698,000 housing units for poor people have been constructed, and an additional 238,000 units are now planned or under construction. They are located in over 3,000 communities in all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands.

Mr. President, federally built public housing has been a boon to millions of poor families over the years, and an increasingly insupportable burden for the communities where it is located.

These units are not taxable by local government, and their residents pay little in taxes as well. Yet these are the people whose requirements for public services are greatest.

The initial imbalance between local needs and available resources is not static; it has tended to escalate. Federal public housing policy—like many other Federal welfare policies—lures the rural poor to cities large and small. At the same time, medium- and high-income taxpayers, along with more and more industry and businesses, are moving out of the central cities. And the result is that more and more cities have less and less resources to deal with the human problem of poverty, whichever more urgently demands solution.

It is the impact of this syndrome on education that concerns me today.

An excellent education is the one opportunity most likely to save this generation of public-housing children from becoming the parents of the next. They need it most, and they are not getting it in large part because school districts in which the Federal Government has chosen to locate its public housing projects cannot afford to provide it.

Testimony presented before the House General Subcommittee on Education indicated that enrollment in certain surveyed areas doubled because of in-migration with the construction of federally financed housing—but nobody offered to pick up the tab for doubling the number of classrooms.

Children from nonpublic housing in the district suffer as well as do their parents, the taxpayers. They attend the same crowded and financially overburdened schools. Their parents are forced to bear a heavier tax burden for education, receive less for their money, and look for ways to escape to the suburbs. The cycle of fiscal decline continues—presumably in an atmosphere of increasing frustration and bitterness between public housing residents, local citizens, and local government.

The estimated per pupil expenditure in the United States for the 1968–69 school year has risen to $895. With local governments contributing about half the cost of public elementary and secondary education, this places an average burden of about $450 on local tax sources.

Perhaps the real problem lies in the way we finance our schools. Local property taxes may very well be an antiquated method, conceived in another century for another purpose.

I do not believe that difficulty in passing bond issues is a passing phenomenon. It is deeply rooted in the way we finance our educational system. And the way we finance our schools should be changed.

But until it is, the Federal Government certainly must assist in alleviating the hardships which are caused by its decisions and exacerbated by the system.

Mr. President, because Federal housing is tax exempt and adds nothing to local school revenue, housing authorities usually make small payments in lieu of taxes. A recent U.S. Office of Education survey of our 35 largest cities found that the average payment for education under this arrangement was $11.61 per child.

One need only subtract the average payments in lieu of taxes from the local school districts dependent on local tax sources.

Mr. President, it is time for the Federal Government to meet its obligations—to step in and rescue these children and these school districts—unless we are prepared to pay the awful cost in idleness, welfare, and waste for generations to come.

Section 203 of this bill amends the definition of "Federal property" in Public Law 81–874 to include low-rent housing assisted under the Federal Housing Act of 1937, thus entitling children living therein to be considered "federally connected children," and to receive the benefits of educational asistance to federally impacted areas.

Section 203 as it is now in the committee bill would entitle children living in public housing to be considered "B" students under Public Law 874, meaning that local school districts would be reimbursed for approximately one-half of the local cost of education for each pupil in the school district living in public housing.

However, I am not wedded to the concept that these children must be considered "B" children in terms of funding.

I am concerned, however, that public housing children be included in the bill either as "B" children or as it is in the House bill by creating a separate line item for appropriation by making them "C" children.

Aid under this amendment would be given to the local school districts for use in their general operating budgets and would be administered by the U.S. Commissioner of Education under authority vested in him.

This would enable school districts to use the money as they saw fit and to provide much needed assistance without creating yet another new agency and without the further proliferation of bureaucratic red tape.

In fiscal year 1971, approximately $236,000,000 would be required, an average of $203 for each of the estimated 1,163,718 children living in Federal housing.

I ask unanimous consent that a table listing the number of Federal housing units by State, the estimated number of eligible students in each State, and the estimated entitlement, based on the estimated "B" rate for fiscal year 1970 be printed in the RECORD at this point, together with the figures described above listing in tabular form the 74 cities that would greatly benefit by the inclusion of public housing children under Public Law 874.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

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TABLE A

State	Housing units under management [1]	Estimated number of pupils [2]	Estimated entitlement under sec. 203 of H.R. 514 [3]	Estimated entitlement fiscal year 1970 under Public Law 874 [4]	Total	Projected number of low rent public housing units [5]	Projected number of pupils [6]	Projected entitlement under sec. 203 of H.R. 514 [7]
Alabama	29,380	48,183	$7,388,863	$12,129,000	$19,517,863	39,525	64,821	$9,917,613
Alaska	532	872	214,512	17,664,000	17,878,512	1,014	1,663	409,098
Arizona	3,408	5,589	989,253	12,014,000	13,003,253	5,300	8,692	1,538,484
Arkansas	7,904	12,962	1,983,186	3,444,000	5,427,186	11,205	18,376	2,811,528
California	37,538	61,562	11,635,218	100,922,000	112,557,218	51,400	84,296	15,931,944
Colorado	4,450	7,298	1,605,560	17,227,000	18,832,560	6,021	9,874	2,172,280
Connecticut	13,090	21,467	4,851,542	4,410,000	9,261,542	17,002	27,883	6,301,558
Delaware	1,886	3,093	578,391	2,303,000	2,881,391	2,440	4,001	748,187
Florida	21,935	35,973	5,503,869	22,231,000	27,734,869	36,527	59,904	9,165,312
Georgia	38,179	62,613	9,503,289	20,606,000	30,109,289	49,344	80,924	12,381,372
Hawaii	3,354	5,500	907,500	11,914,000	12,821,500	4,760	7,806	1,287,990
Idaho	299	490	79,870	3,579,000	3,658,870	639	1,047	170,661
District of Columbia	11,124	18,243	3,612,114	7,484,000	11,096,114	13,208	21,661	4,288,878
Illinois	54,412	89,235	20,880,990	16,537,000	37,417,990	70,019	114,831	26,870,454
Indiana	8,144	13,356	2,203,740	5,673,000	7,876,740	16,646	27,299	4,504,335
Iowa	554	908	189,772	3,366,000	3,555,772	1,197	1,963	401,367
Kansas	1,492	2,446	440,280	11,168,000	11,608,280	5,922	9,712	1,748,160
Kentucky	15,183	24,900	3,809,700	10,402,000	14,211,700	21,967	36,025	5,511,825
Louisiana	19,871	32,588	4,985,864	4,375,000	9,360,864	28,197	46,243	7,075,179
Maine	396	649	117,469	3,987,000	4,104,469	1,709	2,802	507,162
Maryland	13,118	21,513	4,496,217	32,584,000	37,080,217	19,293	31,640	6,612,760
Massachusetts	25,605	41,992	10,498,000	20,427,000	30,925,000	36,918	60,545	15,136,250
Michigan	15,104	24,770	4,359,520	5,948,000	10,307,520	25,035	41,057	7,226,032
Minnesota	8,596	14,097	2,396,490	3,737,000	6,132,490	18,019	29,551	5,023,670
Mississippi	6,217	10,195	1,559,835	3,397,000	4,956,835	7,732	12,680	1,940,040
Missouri	13,826	22,674	3,990,624	11,048,000	15,038,624	22,928	37,602	6,617,952
Montana	1,048	1,718	312,676	6,052,000	6,364,676	1,578	2,587	470,834
Nebraska	5,339	8,755	2,101,206	5,887,000	7,988,206	7,409	12,150	2,903,850
Nevada	2,132	3,496	555,864	4,583,000	5,138,864	2,976	4,880	775,920
New Hampshire	1,789	2,933	744,982	2,745,000	3,489,982	3,553	5,826	1,479,804
New Jersey	38,156	62,575	15,894,050	15,358,000	31,252,050	47,895	78,547	19,950,938
New Mexico	1,819	2,983	456,399	12,539,000	12,995,399	3,591	5,889	901,017
New York	88,061	144,420	43,614,840	22,777,000	66,391,840	112,508	184,513	55,722,926
North Carolina	17,317	28,399	4,345,047	13,414,000	17,759,047	30,943	50,746	7,764,138
North Dakota	712	1,167	191,388	3,203,000	3,394,388	1,052	1,725	282,900
Ohio	30,297	49,687	9,539,904	14,023,000	23,562,904	41,969	68,829	13,215,168
Oklahoma	2,303	3,776	672,128	15,666,000	16,338,128	12,881	21,124	3,760,072
Oregon	3,738	6,130	1,428,290	3,407,000	4,835,290	6,479	10,625	2,475,623
Pennsylvania	50,932	83,528	16,956,184	11,324,000	28,280,184	73,123	119,921	24,343,963
Rhode Island	6,723	11,025	2,623,950	4,533,000	7,156,950	9,775	16,031	3,815,378
South Carolina	7,124	11,683	1,789,499	10,801,000	12,590,499	9,763	16,011	2,449,683
South Dakota	910	1,492	301,384	4,741,000	5,042,384	1,208	1,981	400,162
Tennessee	25,267	41,437	6,339,861	8,549,000	14,888,861	36,487	59,838	9,155,214
Texas	38,849	63,712	9,747,936	38,467,000	48,214,936	52,612	86,283	13,201,299
Utah	30	49	7,497	8,953,000	8,960,497	53	86	13,158
Vermont	251	411	96,174	153,000	249,174	865	1,418	331,812
Virginia	14,253	23,374	4,511,182	43,624,000	48,135,182	19,058	31,255	6,032,215
Washington	8,643	14,174	2,296,188	16,755,000	19,051,188	14,567	23,889	3,870,018
West Virginia	2,726	4,470	683,910	544,000	1,227,910	5,208	8,541	1,306,773
Wisconsin	5,564	9,124	1,989,032	2,952,000	4,941,032	8,341	3,679	2,982,022
Wyoming	20	32	5,664	2,120,000	2,125,664	400	656	116,112

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[1] From HAA table No. 10. Includes only those units under management as of Dec. 31, 1968.

[2] Estimated by multiplying 1.64 pupils per unit by the number of units under management as of Dec. 31, 1968. The factor of 1.64 children per public housing unit is based on a survey by HUD.

[3] Estimated by multiplying the number of pupils by the estimated 1970 average "b" rate in each State. The estimated average "b" rate was supplied on a State-by-State basis by the Office of Education in HEW.

[4] Based on current estimates by the Office of Education.

[5] Based on total number of low-rent public housing units under management, under construction, under ACC and under preservation as of Dec. 31, 1968. From HAA table No. 10.

[6] Estimated by multiplying 1.64 pupils per unit by the number of units as defined in Ft. No. 5.

[7] Determined by the total number of pupils multiplied by the estimated 1970 average "b" rate.

TABLE B

State and city	Housing units under management	Estimated number of pupils	Estimated entitlement under sec. 203 of H.R. 514	Projected number of low-rent public housing units	Projected number of pupils	Projected entitlement under sec. 203 of H.R. 514
Alabama:						
Birmingham	5,859	9,609	$1,470,177	8,325	13,653	$1,935,909
Huntsville	1,555	2,550	390,150	2,755	4,518	691,254
Mobile	2,199	3,606	551,718	4,247	6,965	1,065,645
Montgomery	2,326	3,814	583,542	4,125	6,675	1,035,045
Arkansas: Little Rock	1,164	1,909	292,077	2,964	4,861	473,733
California:						
Los Angeles	10,040	16,466	3,111,885	14,709	24,123	4,559,247
Oakland	2,775	4,551	860,139	7,092	11,631	2,198,259
Sacramento	1,260	2,394	452,466	3,060	5,018	948,402
San Francisco	6,427	10,540	1,992,060	9,665	15,851	2,995,839
Colorado: Denver	3,696	6,061	1,333,420	4,546	7,521	1,654,620
Connecticut:						
Bridgeport	2,910	4,772	1,078,472	2,910	4,772	1,078,472
Hartford	2,636	4,323	976,998	4,193	6,877	1,554,202
New Haven	2,251	3,692	834,392	3,386	6,045	1,366,170
Delaware: Wilmington	1,718	2,818	526,966	3,181	5,217	975,579
District of Columbia:						
Washington	10,702	17,551	3,475,098	14,169	23,237	4,600,926
Florida:						
Jacksonville	1,861	3,052	466,956	3,861	6,332	968,796
Miami	4,938	8,098	1,238,994	13,139	21,548	3,302,964
Tampa	3,731	6,119	936,207	4,885	8,011	1,225,683
Georgia:						
Atlanta	10,809	17,727	2,715,291	16,815	27,577	4,219,281
Augusta	1,957	3,209	490,977	2,957	4,849	748,017
Savannah	2,320	3,805	582,165	2,820	4,625	707,625
Illinois:						
Chicago	33,758	55,363	12,954,942	39,629	64,992	15,208,128
E. St. Louis	2,067	3,390	793,260	8,403	13,781	3,224,754
Indiana:						
Gary	1,427	2,340	386,100	2,754	4,517	745,305
Indianapolis	1,797	2,947	486,255	5,864	9,617	1,586,805
Kansas: Kansas City	962	1,578	284,040	2,867	4,702	846,360
Kentucky: Louisville	5,467	8,966	1,371,798	6,917	11,344	1,735,632
Louisiana:						
E. Baton Rouge	170	297	$42,687	2,620	4,297	$657,441
New Orleans	12,790	20,976	3,209,328	15,547	25,563	3,911,139
Maryland: Baltimore	10,480	17,843	3,729,187	14,631	23,995	5,014,955
Massachusetts:						
Boston	18,764	30,773	7,693,250	18,764	30,773	7,693,250
Cambridge	1,163	1,907	476,750	2,631	4,315	1,078,750
Fall River	1,362	2,234	558.500	2,620	4,297	1,074,250
New Bedford	1,128	1,883	470,750	2,810	4,608	1,152,000
Worcester	1,202	1,971	492,750	2,861	4,692	1,173,000
Michigan:						
Detroit	8,203	13,453	2,367,728	12,344	20,244	3,562,944
Minnesota						
Minneapolis	3,647	6,047	1,027,990	8,977	14,722	2,591,072
St. Paul	2,816	4,618	785,060	6,334	10,388	1,881,088
Missouri:						
Kansas City	2,066	3,388	596,288	4,098	6,721	1,182,896
St. Louis	8,416	13,805	2,429,680	12,332	20,224	3,559,424
Nebraska: Omaha	2,558	4,195	1,002,605	3,923	6,434	1,537,726
New Jersey:						
Jersey City	3,806	6,242	1,585,468	4,004	6,567	168,018
Newark	13,226	21,723	5,517,642	14,092	23,111	5,870,194
New York:						
Buffalo	4,463	7,319	2,210,338	5,087	8,343	2,519,586
New York City	76,354	125,220	43,856,440	96,921	158,950	48,002,900
Rochester	559	917	276,934	3,199	5,246	1,584,292
Syracuse	1,838	3,014	910,228	2,652	4,349	1,313,398
North Carolina:						
Asheville	592	971	148,563	3,193	5,237	801,261
Charlotte	2,092	3,431	524,943	7,316	11,998	1,835,694
Winston-Salem	1,718	2,817	431,001	4,549	7,526	1,151,478
Ohio:						
Akron	1,464	2,401	460,992	4,149	6,804	1,306,368
Cincinnati	6,214	10,191	1,956,672	7,381	12,105	2,324,160
Cleveland	7,994	13,110	2,517,120	10,514	17,243	3,310,656

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State and city	Housing units under management	Estimated number of pupils	Estimated entitlement under sec. 203 of H.R. 514	Projected number of low-rent public housing units	Projected number of pupils	Projected entitlement under sec. 203 of H.R. 514
Columbus	3,562	5,842	$1,121,664	7,735	12,685	$2,435,520
Dayton	2,414	3,959	760,128	4,478	8,000	1,536,000
Toledo	2,442	4,005	768,960	6,093	9,993	1,918,656
Oklahoma:						
Oklahoma City	1,328	2,211	393,558	5,741	9,451	1,682,278
Tulsa	832	1,364	242,792	3,370	6,019	1,071,382
Oregon: Portland	2,341	3,839	901,477	2,939	4,820	1,123,060
Pennsylvania:						
Philadelphia	19,279	31,618	6,418,454	30,053	49,287	10,005,261
Pittsburgh	9,614	15,767	3,200,701	13,214	21,671	4,399,213
Rhode Island:						
Providence	2,972	4,874	1,160,012	2,972	4,874	1,160,012
Tennessee:						
Chattanooga	2,633	4,318	660,654	5,983	9,812	1,501,236
Knoxville	2,937	4,817	$737,001	3,715	6,093	$932,229
Memphis	5,039	8,313	1,271,889	7,164	11,749	1,797,597
Nashville	7,078	8,457	1,293,921	7,078	11,608	1,776,024
Texas:						
Dallas	6,372	10,942	1,674,126	8,372	14,222	2,175,966
El Paso	1,650	2,706	414,018	3,300	5,412	828,036
Houston	2,830	4,641	710,073	3,054	5,009	766,377
San Antonio	5,682	9,318	1,425,654	7,629	12,512	1,914,336
Virginia:						
Norfolk	3,720	6,101	1,177,493	4,920	8,069	1,557,317
Richmond	2,969	4,869	939,717	4,709	7,723	1,490,539
Washington: Seattle	3,978	6,524	1,056,888	6,407	10,507	1,702,134
Wisconsin: Milwaukee	3,037	4,981	1,085,858	6,161	10,104	2,202,672

Mr. EAGLETON. Mr. President, I yield the floor.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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AMENDMENT NO. 458

Mr. SPONG. Mr. President, I call up my amendment No. 458 to the Elementary and Secondary Act Amendments.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. SPONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new section:

"COMMISSION ON ADVANCE FUNDING

"SEC. 809. (a) There is hereby established a Commission on Advance Funding (hereinafter referred to as the 'Commission') for the purpose of studying means of implementing the advance funding procedure of section 403 of the Elementary and Secondary Education Amendments of 1967 (20 U.S.C. 1223).

"(b)(1) The Commission shall be composed of eighteen members as follows:

"(A) Six Members of the Senate, to be appointed by the President of the Senate;

"(B) Six Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

"(C) Six members to be appointed by the President.

"(2) The Commission shall elect a Chairman from among its members.

"(3) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

"(4) The Commission shall submit a report of its findings and recommendations to the President and Congress within one year after the date of enactment of this Act. Thirty days after submitting such report, the Commission shall cease to exist.

"(c) In order to carry out the purposes of this section, the Commission is authorized—

"(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

"(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per day.

"(d) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

"(e) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

"(f) There are hereby authorized to be appropriated such sums as may be necessary, not to exceed $150,000, to carry out the provisions of this section.

Mr. SPONG. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of amendment 458 to H.R. 514: The Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I wish to commend the Senator from Rhode Island (Mr. PELL) and his staff for the fine work they have done on this bill. I have an amendment, which concerns advanced funding. This amendment would provide for the creation of an 18-member Commission to study means of effectively implementing advanced funding for education programs.

I think we all know well the story of timing as far as education programs go. In recent years, the fiscal year has begun without passage of the education appropriations. Several months later, the school year has begun, still without the approval of education funds. School districts move into their operations, with either faith that the Federal Government will eventually come up with the anticipated funds or uncertain whether they will meet the budget that they planned months before.

There is no question that such a procedure precludes orderly and effective planning on the local level. Local school officials are left in a bind year after year. Either they plan for full use of anticipated funds and pray that the Federal Government will come through with those funds or they do not plan for full use and end up with funds which must be spent quickly in the spring of the year.

Clearly, it is time to adopt a more efficient and businesslike approach.

Three times in past years, Congress has approved the concept of advanced funding. We are about to approve it for the fourth time in the legislation which is before us. We must move to see that the procedure is not only authorized, but that it is implemented, that it is put into operation.

That is the purpose of this amendment—to see that advanced funding is put into effect.

Hopefully, the Commission to be established will make those responsible for education appropriations more aware of the need for early funding of education programs. Hopefully, it will be able to convince the Budget Bureau that school administrators must have more time to plan their annual budgets. Hopefully, it will make recommendations for solving the technicalities of utilizing the procedure.

It is, I think, little to ask that Congress and the Executive fight their battles over education appropriations before the school year begins.

It is, I think, only reasonable that local school administrators be given the time to plan wisely for the use of the tax money which the Federal Government decides to allot to education.

It is for these reasons that I offer the amendment to create this special Commission to study in detail and make specific recommendations for the implementation of the advanced funding procedure.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I compliment the Senator from Virginia on his amendment. It would seem to me to fill a need, and he has explained it well. The amendment is self-explanatory.

I should like to ask what the views would be of the ranking minority member of the committee.

Mr. JAVITS. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, the idea of advance funding, of course, was originally promoted by the Senator from Vermont, the ranking Republican member of the Subcommittee on Education. It obviously is something which, as the Senator from Virginia has so aptly said, has been a source of continued problems for the local school districts; and something should be worked out by which they can get advanced funding.

Recognizing that, and recognizing that there were a number of other financing problems which affect the elementary and secondary schools, the Senator from Minnesota (Mr. Mondale) and I got together—strange to say, because it does not happen very often—and we put together amendment 415 which was adopted by the committee and appears as section 808 of the bill, starting on page 214 and continuing to the end of the bill. This requires that research be conducted under the Cooperative Research Act on all the problems of financing elementary and secondary education. We also provide for a National Commission on School Finance. It does not specifically say that this also will include advance funding, and to that extent I think your amendment might be a worthwhile improvement.

But I would suggest to the Senator from Virginia it might be necessary, in the event that his amendment is adopted, that in the process of the conference it be reworded to be included within our school finance research language without establishing necessarily a separate commission with extra authorization.

I just bring that up as a possibility for conference, which, heaven knows, is going to be long and difficult enough as it is.

Mr. SPONG. I thank the Senator from Colorado.

Initially, I would like to say that I am delighted that he and the Senator from Minnesota have gotten together on something.

I was aware of this research section, and I am pleased that the section was included in the bill. I am, however, dealing with a specific phase of funding—a phase which I think has some urgency. I accept the suggestion of the Senator from Colorado in the spirit that it is given, but I hope that this amendment will be adopted because of the urgency. All of the Senate-House differences will, of course, be a matter for the conferees to discuss.

Mr. JAVITS. Mr. President, with that in mind—and I think we ought to accommodate ourselves to this view—it is a fact that the bill already provides for a National Commission on School Finance of 15 members. That commission, which is provided for in section 808 beginning at page 214 of the bill, does not specifically relate to the problem of advanced funding; but, as Senator Dominick properly points out, as he was one of the authors of the amendment in the bill, it could encompass that field. So we have a commission of 15, already appointed under the bill, that could deal with the matter.

We now have a suggestion before us in this amendment for a commission of 18 to deal in a pinpointed way with the question of advance funding. Undoubtedly, there will have to be a reconciliation in the conference of these two concepts, neither of which, I might point out, is contained in the House bill. It is very important to note that the House already passed the bill and we will be going to conference with the understanding that we may very well wash out this new commission in the conference, depending upon the exigencies which we meet there, and subject to some questions I should like to ask of the proponent of the amendment about the amounts to be provided for its operation. I am not committed to that yet but I will probably have no objection to putting it in as yet another alternative which we might employ.

I point out to the Senator that I am dubious that a commission, in the way he has it, will survive the conference, because that gives us, now, two commissions. I should like to ask the Senator upon what kind of budget he premises the $150,000 providing for a commission which will have such very narrow jurisdiction?

Mr. SPONG. Mr. President, in reply to the Senator from New York, that was done after some inquiry about what it would take to look into this matter and operate within a limited time. I might say further to the Senator from New York that one thing I do not want is an unnecessary commission, or another commission. What I do want is some action directed at this problem that I think Congress has, frankly, not come to grips with and one which I think it should come to grips with in transferring it to the executive branch of the Government.

I would say that any accommodations in the conference, where any commission had the proper authority to deal with the executive branch and to make recommendations whereby advanced funding would become a reality, rather than something that we talk about periodically, would be most acceptable to me.

Mr. JAVITS. I would suggest to the Senator that, momentarily, he omit subsection (f) from his amendment and that we check into the question with the Department and get an estimate of what they think the National Commission on School Finance should do, and how much it will cost, before we actually commit ourselves to a figure.

I am not quarreling about the amount of $150,000. It is not very much as things go here. But I think we are shooting an arrow in the air on this concept. I am willing to take the commission idea as an alternative, but when we have ascertained the question to which I am now addressing myself, we will notify the Senator from Virginia and he can propose another amendment—the subject will not have been dealt with at all—to keep the concept he now presents. If that is satisfactory to the Senator, I am willing to join——

Mr. SPONG. The Senator is suggesting that paragraph (f) be deleted?

Mr. JAVITS. Be omitted, that would have dealt with the recommended amendment to the bill.

Mr. SPONG. That is acceptable to me.

The PRESIDING OFFICER. Is it the intention of the Senator from Virginia to ask for the deletion of paragraph (f)?

Mr. SPONG. It is.

The PRESIDING OFFICER. The amendment will be so modified.

The question is on agreeing to the amendment of the Senator from Virginia, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 459

Mr. TYDINGS. Mr. President, on behalf of myself, and Senators Bayh, Bennett, Cannon, Church, Cotton, Eagleton, Gravel, Harris, Hart, Hatfield, Hollings, Inouye, Jackson, Mathias, McGovern, Moss, Nelson, and Packwood, I call up amendment No. 459 to H.R. 514, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 140, line 17, insert the following:
>
> "(10) Section 405 of such title is further amended by inserting '(a)' after 'Sec. 405.' and by inserting at the end thereof the following new subsection:
>
> " '(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is applicable during any fiscal year, ending prior to July 1, 1973, which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.' "
>
> Renumber paragraphs (10) and (11) as paragraphs (11) and (12), respectively.

Mr. TYDINGS. Mr. President, this amendment would permit school districts for the next three fiscal years to carry over unexpended Federal funds received under the Elementary and Secondary Education Act into the succeeding fiscal year.

In order to operate effectively and dispense funds efficiently, school boards on all levels must begin formulating education plans and budgets at least a full year before the budgets are to go into effect. However, given the nature of the appro-

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priations process in Congress, such advance planning is virtually impossible.

For example, the 1969–70 school year—even if the veto question had not arisen—would have been half completed before the Federal education appropriations for fiscal year 1970 were enacted into law. School systems across the country—whether in Wayne County, Mich., or Harford County, Md.—have been forced to operate education programs involving Federal funding at last year's levels since they have no way of knowing what this year's appropriation will be. If Congress significantly increases educational appropriations for fiscal year 1970 over last year's levels—which I believe it must do, and I fervently pray that it will—the additional funds will hardly come to school systems under conditions conducive to their efficient use.

To begin with, the schools will not have been able to provide specific plans for the use of these funds because they had no way of knowing 12 to 18 months prior exactly how much they would receive. More importantly, since the money will become available midway through the school year, it will be exceedingly difficult to integrate this money into existing programs and plans. For teachers, counselors, administrators, and new curriculums must be hired and initiated at the beginning of the school year for maximum effectiveness.

For example, this year school boards will only have 5 months or less to expend Federal funds before they automatically revert to the Treasury. This short time period in which funds must be spent often leads to two undesirable results: In an effort to meet the June 30 deadline, funds are often used less efficiently than if there had been time for adequate planning and preparation. If they do not use them, then they revert to the Government, so that there is a great temptation always to throw the money away, in a sense, in order not to have to return it to the Federal Government.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Jerome Frampton, Jr., president of the Maryland State Board of Education, describing the quandary school systems across the Nation find themselves in as a result of current funding restrictions.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARYLAND STATE DEPARTMENT
OF EDUCATION,
Baltimore, Md., October 30, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: The Maryland State Board of Education has during recent years become increasingly concerned with the problems presented to our State Department of Education and our local school systems by the uncertainties surrounding Federal funding. We are now at the end of the fourth month of the current fiscal year and still do not know what the amount of Federal funds available to the State during the current year will be. Intelligent educational planning is under these circumstances well-nigh impossible. Even if Congress had acted a few months earlier it would have been difficult to gear in Federal appropriations with the plans evolved by the State and the local systems a year ago.

To do the job we simply must do, we must provide stability in educational planning. To reach a level of stability, we must have a reasonably accurate idea as to how much Federal money will be available at the time the State, City and county staffs enter into the process of budget preparation.

The most effective way of solving the foregoing problem, we believe, is to end the present requirement that certain Federal funds must be spent by the last day of the fiscal year for which they are appropriated. Instead, each school system should be given flexibility to spend Federal money either during the year of the appropriation or the year immediately following. We request that all legislation relating to Federal aid to education be amended to authorize such flexibility.

Cordially yours,
JEROME FRAMPTOM, Jr.,
President.

Mr. JAVITS. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. JAVITS. The Senator from Maryland has talked with me about this amendment, and I am in difficulty about it tonight because I have not got the final advisory opinion from the Department on the amendment and, indeed, a memorandum which I have would indicate its opposition to it.

Now, considering that situation, I was unable to advise the Senator, insofar as the minority is concerned, that we would take it.

I think that the Senator should consider seriously whether he wishes to leave the amendment pending overnight in view of the fact that we cannot take it tonight, for this reason—that tomorrow we will get into other amendments dealing with other subjects which could easily bedevil us further.

I do not want to give the Senator from Maryland my advice. I submit to him, because of my friendship and consideration for him, as well as the merits of the case, that I should like to have disposed of as much as we could tonight, dealing with the educational aspect of the bill. The Senator's amendment is one of those. I am embarrassed again about it, but I really cannot. Thus, I should like to have the judgment of the Senator on this matter, whether he would like to keep this amendment pending and dispose of it tomorrow after the Senator from Mississippi (Mr. STENNIS) is through, or shall we go over tonight with a record of any amendments pending.

Mr. BYRD of West Virginia. Mr. President, I should like to inquire as to whether the following plan would meet with the approval of other Senators now present. Of course, we would then have to ask for a unanimous-consent agreement. I suggest we leave the amendment by the Senator from Maryland (Mr. TYDINGS) as the pending business. On tomorrow, of course, we will come in at noon.

ORDER FOR ADJOURNMENT—PROGRAM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. After the 1-hour period for the transaction of morning business, under the previous unanimous-consent agreement, and after the Senator from Mississippi (Mr. STENNIS) has completed his remarks, would all Senators be agreeable to allowing 30 minutes, equally divided, upon the amendment offered by the Senator from Maryland (Mr. TYDINGS), immediately following the 2 hours which would have been consumed by the Senator from Mississippi under the previous consent agreement.

Mr. JAVITS. I should like to agree, but I am afraid that I cannot, in view of the fact that I do not know, with the reach of this amendment, the extent to which Government departments may be opposed to it. I would not feel it appropriate to come to a commitment on this matter until I saw the outline of the problem.

Mr. PELL. Mr. President, if I may interject there, another point here is that I hoped to get through with one or two more noncontroversial amendments this evening; therefore, an agreement of this sort would prevent us from doing that.

Mr. BYRD of West Virginia. We could still do that.

Mr. TYDINGS. Mr. President, I would be glad to go along with any plan or procedure the leadership would work out. And I would be happy to defer to the ranking minority member. I know he is as concerned with the problem as I am.

Mr. JAVITS. Mr. President, I suggest the Senator from Maryland leave the amendment pending.

Mr. TYDINGS. Mr. President, I leave the amendment pending, and I yield the floor.

Mr. BYRD of West Virginia. Very well.

The PRESIDING OFFICER. What is the will of the Senate?

AMENDMENT NO. 483

Mr. YARBOROUGH. Mr. President, I send an amendment to the desk.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending Tydings amendment be temporarily laid aside, and that it again be laid before the Senate this afternoon following action on the Yarborough amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 113, strike out all that appears on line 21 and all that follows down through line 15 on page 115 and insert in lieu thereof the following:

(3) Section 3 of such Act of September 23, 1950 is further amended by inserting at the end thereof the following new sentence: "Such order of priority shall provide that applications for payments based upon increases in the number of children residing on, or residing with a parent employed on, property which is part of a low rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraph (2) and (3) of subsection (a) of section 5 have been approved for that fiscal year.".

(4) Subsection (c) of section 5 of such Act

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of September 30, 1950 is amended to read as follows:

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"(c)(1) If the funds appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this title for such year, the Commissioner (A) shall determine the part of the entitlement of each such local educational agency which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of Title III of the Economic Opportunity Act of 1964, and (B) except as otherwise provided in paragraph (3), shall allocate such funds, other than so much thereof as he estimates may be required for carrying out the provisions of section 6, among sections 2, 3, and 4(a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections, except that he shall not take into consideration any part of any entitlement determined under clause (A). The amount so allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section. Such percentage shall be equal to the percentage which the amount allocated to a section under the second sentence of this paragraph is of the amount to which all such agencies are entitled under such section. For the purposes of this paragraph, in determining the amount to which each local educational agency is entitled under section 3 he shall include any increases under paragraph (4) of subsection (c) thereof; but he shall exclude any part of any entitlement determined under clause (A) of this paragraph.

"(2) If the funds available for allocation under paragraph (1) for any fiscal year exceed the amount necessary to fully satisfy entitlements for which allocations will be made under such paragraph, that excess shall be available for payment of a percentage of that part of the entitlement of each local educational agency determined under clause (A) of paragraph (1). Such percentage shall be equal to the percentage which the amount of such excess is of the total amount to which all such agencies are so entitled.

"(3) All funds appropriated for making payments under this title for any fiscal year shall be allocated in the manner specified in paragraph (1) and (2), unless an Act making appropriations for making payments under this title for any fiscal year specifically makes funds available for payments on the basis of entitlements determined under clause (A) of paragraph (1), apart from other payments under this title, in which case, if the funds so appropriated are not sufficient to pay in full the total amount to which all local educational agencies are so entitled, such funds shall be available for making payments in the manner specified in paragraph (2) respecting allocations of any excess appropriations.

"(4) In case the amount allocated to a section under paragraph (1) for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or, in case additional funds become available for making payments under this title, the excess or such additional funds, as the case may be, shall be allocated among sections for which previous allocations are inadequate, on the same basis as is provided in paragraphs (1), (2) and (3) for the initial allocation."

Mr. YARBOROUGH. Mr. President, the amendment I offer will provide separate funding for the section of H.R. 514 that counts children in public housing units among children in federally impacted districts.

The committee amendment grows out of a reasonable concern. Every State has experienced local resistance to low-income public housing which stems from the increased cost to the community of educating those children. Testimony to the committee indicated that entire new schools often have to be built to accommodate these children. The parents are rarely on the tax rolls, certainly not as property owners. Nor does the property in which they reside pay taxes equivalent to those a private housing development would pay.

The "in lieu of taxes" payment from public housing covers only about $11 per child, while the cost of educating the children runs between $700 and $1,200 each.

I agree with the committee in its view that there should be a much larger payment for the education cost of children in public housing, because it is not fair for the Federal Government to remove the property from the tax rolls and at the same time bring large numbers of additional pupils into the school district.

My objection to the committee language goes to the lumping of this group with those now in the federally impacted program. Public housing children are a separate case from children whose parents work for the Federal Government. Compensation to the local school district for their education should not come out of the same appropriation that is made for the traditional federally impacted districts.

The amendment I am offering will set up two line items in appropriations acts making funds available for payment under Public Law 874.

One line item would be for payment of entitlements on the basis of A and B children as we understand them in the present law.

The other line item would be for payment of entitlements created by children living in low-rent public housing units.

The amendment further provides that if a single line appropriation is large enough to cover the full entitlements for A and B children with money left over, then the remainder may be used for low-rent housing children.

It is quite possible that in the future we will find it justified to make Federal payments for children whose presence in a district is dictated by many federally financed activities, other than direct Federal activities and installations. The committee bill makes this payment available for housing units financed under the Housing Act of 1937, the Housing Act of 1949, and the Economic Opportunity Act of 1964.

These units are not federally owned. They are only federally assisted in their financing.

As we move in the direction of examining the impact of federally assisted activities, we should do so on the basis of paying entitlements out of their own appropriations. Otherwise, both these children and the existing Public Law 874 children will be penalized.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. DOMINICK. Mr. President, I had no idea the Senator from Texas was going to call up the amendment at this time. I am happy to be a cosponsor. His amendment is, in fact, a modification of the one I offered in committee. It is an improvement. I also submitted an amendment today to strike the entire section. I was contemplating offering it as an alternative, but would like to discuss it further with the Senator and others, including members of the administration.

I am not ready to proceed with my amendment at this time. It is, I might add, cosponsored by the Senator from Vermont (Mr. PROUTY).

Mr. YARBOROUGH. Mr. President, I joined as a cosponsor of the amendment of the distinguished Senator from Colorado before we worked out the compromise. However, in the light of the announcement that has just been made, I will not ask for action on the amendment that has just been offered at this time.

Mr. DOMINICK. Mr. President, I assure the Senator from Texas that it is my intention to support his amendment very strongly if the decision is made not to call up my own. In any event, this will be the subject of extended debate.

Mr. YARBOROUGH. Mr. President, I do not think the Senator from New York is a cosponsor of the compromise substitute, but he is very interested in it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. JAVITS. Mr. President, I ask the Senator from Colorado—and I do this in the form of a parliamentary inquiry—is it not a fact, with respect to perfecting amendments to amendments which are proposed to be stricken by an amendment, that perfecting amendments are acted upon before a motion to strike.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I would hope, not that I would expect the Senator to make any change in his thinking now, but I call to his attention that we do have the right to perfect the amendment. And his idea that he could move to strike would still not change the right that we would have to vote on the motion to perfect, and then a motion to strike would be in order.

Mr. DOMINICK. Mr. President, if I simply offer a motion to strike the section, that motion takes precedence. Then one could not have perfecting amendments to the substitute amendment. The pending amendment is the substitute, is it not?

The PRESIDING OFFICER. The Senator's amendment would be pending, but there could be perfecting amendments to the language proposed to be stricken, which would take precedence over a motion to strike.

Mr. JAVITS. Mr. President, I thank the Chair. I thought we had better have it straight, so that we do not get into a tangle tomorrow.

Mr. YARBOROUGH. Mr. President, I will ask that the amendment be printed. I will not ask that it be passed on at this time. Our staff had discussed the matter and we had an erroneous impression.

Mr. GRIFFIN. Mr. President, is the Senator asking that the amendment be printed, but withdrawn at the present time?

Mr. YARBOROUGH. I am not asking that it be withdrawn.

Mr. GRIFFIN. It would otherwise be the pending business.

The PRESIDING OFFICER. Is it the desire of the Senator from Texas that the amendment be withdrawn as the pending business?

Mr. YARBOROUGH. Mr. President, I ask that my amendment be withdrawn as the pending business.

Mr. JAVITS. Mr. President, we do have a commitment outstanding to the Senator from Maryland (Mr. TYDINGS). However, I hope we can agree, since the Senator from Texas (Mr. YARBOROUGH) is the chairman of the committee, that his amendment would follow the amendment of the Senator from Maryland so that he will have some feeling that he will not have to wait an inordinately long time.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I have talked with both the majority leader and the Senator from Mississippi (Mr. STENNIS), and I am not sure I would be authorized to agree to that kind of unanimous-consent request at this time.

Mr. JAVITS. Mr. President, I wonder if we could have an understanding that, absent any overriding reason, the amendment of the chairman of the committee, the Senator from Texas, will follow action on the amendment of the Senator from Maryland.

Mr. BYRD of West Virginia. Mr. President, I think we can work together in that direction and will probably be able to assure the Senator that his amendment will be taken up immediately following action on the amendment offered by the Senator from Maryland with the qualifications offered by the Senator from New York. However, we could not agree to a unanimous-consent request which would make it binding. We will have to wait until tomorrow and see what the circumstances are at that time.

Mr. YARBOROUGH. Mr. President, I thank the Senator for his kindness.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the amendment which was temporarily laid aside, and which had been offered by the senior Senator from Maryland, be again laid before the Senate and made the pending business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered. The pending amendment is the Tydings amendment.

What is the will of the Senate?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I wish, at the request of the majority leader, to remind Senators that following the prayer and the disposition of the reading of the Journal tomorrow, there will be not to exceed 1 hour for the transaction of routine morning business, after which the able junior Senator from Mississippi (Mr. STENNIS) will be recognized for not to exceed 2 hours.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p.m.) the Senate adjourned until tomorrow, Thursday, February 5, 1970, at 12 o'clock meridian.

NOMINATIONS

Executive nomination received by the Senate February 4, 1970:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Robert Harry Nooter, of Missouri, to be an Assistant Administrator of the Agency for International Development, vice James P. Grant, resigned.

EXTENSIONS OF REMARKS

DEATH OF MAJ. GEN. REUBEN H. TUCKER

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 4, 1970

Mr. THURMOND. Mr. President, recently, my State was saddened by the death of one of its preeminent military leaders, Maj. Gen. Reuben H. Tucker III—U.S. Army retired. General Tucker died in Charleston on the grounds of the Citadel, one of his most beloved sites. General Tucker was twice commandant of cadets at the Citadel and inspired two generations of some of the finest military men in our services. He was paid tribute by Gen. Mark Clark of being one of the three bravest men in the Army during World War II. He fought in six major campaigns, and was one of the pioneers of the field of airborne operations. He commanded the 504th Parachute Infantry Regiment and led them bravely through from north Africa into the heartland of Europe. His men were heroes at Sicily, Salerno, Anzio, and the Battle of the Bulge.

General Tucker was a real leader. In every battle he made it a point to be one of the first paratroopers to jump in the combat action. He made three combat jumps during the war, something very few paratroopers had ever done. Yet he did not get wounded in any of the actions. His decorations include two Distinguished Service Crosses, the Nation's second highest award for heroism; the Silver Star; Legion of Merit with Oak Leaf Cluster; Bronze Star Medal; Purple Heart; and many others.

Indeed, General Tucker was a gallant soldier and a great patriot and America's loss is truly great because of his untimely death at the age of 58. He leaves behind his lovely wife, Helen McAllister Tucker, four sons, three brothers, and two sisters. I extend my deepest sympathy to this fine family, and I know they will be comforted by the knowledge of a father who was held in such high esteem by all who knew him.

Mr. President, I ask unanimous consent that the obituary of General Tucker entitled "Gen. R. H. Tucker, Former Commandant of Cadets, Dies" from the Charleston Evening Post of Wednesday, January 7, 1970, and the editorial "General R. H. Tucker III" from the same newspaper and the same date, be printed in the Extensions of Remarks.

There being no objection, the obituaries were ordered to be printed in the RECORD, as follows:

GEN. R. H. TUCKER, FORMER COMMANDANT OF CADETS, DIES

Maj. Gen. Reuben H. Tucker III, USA (ret.) former commandant of cadets at The Citadel and wartime commander of the 504th Parachute Infantry Regiment, America's famed "Devils in Baggy Pants" of World War II, died yesterday at The Citadel.

Gen. Tucker collapsed while walking near the athletic track at The Citadel. He was pronounced dead on arrival at County Emergency Room.

Coroner Jennings Cauthen said death was due to natural causes.

Funeral services will be held at 11 a.m. Friday in the Citadel Chapel. Burial, directed by McAlister's, will be in the U.S. National Cemetery at Beaufort.

Flags at The Citadel will remain at half staff until after the funeral.

Gen. Tucker was born Jan. 29, 1911, at Ansonia, Conn., a son of Reuben Henry Tucker and Mrs. Clara Booth Tucker. He was a 1935 graduate of the U.S. Military Academy.

Prior to World War II Gen. Tucker served with the Second Infantry Division at Fort Sam Houston, Tex, the 33rd Infantry Regiment in Panama and attended the Infantry School at Fort Benning, Ga., graduating in 1940.

He was a charter member of the first tank destroyer battalion in the U.S. Army, but left this assignment in 1941 to become a parachutist.

One of Gen. Tucker's five sons, Capt. David Bruce Tucker, was killed Sept. 30, 1967, during combat in Vietnam.

Gen. Tucker was a member of the Hibernian Society.

Surviving are his wife, Mrs. Helen McAllister Tucker; four sons, Capt. Jeffery J. Tucker, USA, of Cornell University, Glenn P. Tucker, Scott P. Tucker and Christopher

M. Tucker, all of Charleston; three brothers, Lyman B. Tucker of Sao Paulo, Brazil, Walter B. Tucker of Ansonia and William E. Tucker of Old Saybrook, Conn.; two sisters, Mrs. Gordon B. French of Ansonia and Mrs. Thomas Anstey of Derby, Conn.; four grandchildren and several nieces and nephews.

He served as a regimental commander at West Point and came to The Citadel in 1955 as commandant of cadets.

In 1961 he was commanding general of the Infantry Training Center at Fort Dix, N.J., and later went to Laos in Southeast Asia as chief of the military advisory group there.

Before leaving the service in August, 1968, to again become commandant of cadets at The Citadel, he was operations officer of the U.S. Army Pacific in Hawaii. He was succeeded as commandant of Cadets in February, 1968, and was assigned to the office of Citadel President Hugh P. Harris. He retired from The Citadel at the end of 1968.

The 504th Parachute Infantry Regiment, one of the fightingest units of the 82nd Airborne Division, had an outstanding war record by actions at Sicily, Salerno, Anzio, the crossing of the Rhine at the Nijmegen Bridge in Holland, and the Battle of the Bulge at Cheneux, Belgium.

Gen. Tucker, then a colonel, commanded the 504th from December, 1942, to May, 1946, during which time the unit had a record of 371 days of actual combat. The general was an original member of the combat team and led the paratroopers overseas from Ft. Bragg through six campaigns which included combat jumps in Sicily, Italy and Holland. He saw occupation duty in Berlin and finally brought the 504th home to lead the unit in a victory parade down Fifth Avenue in New York in January, 1946.

The 504th made its first airborne combat assault on Sicily July 9, 1943. It almost ended in catastrophe when Allied ships and shore guns began firing on the C47 transports by mistake.

"It seemed that everyone was firing at us," Gen. Tucker recalled during an interview with the Charleston Evening Post in March, 1968.

"The explanation they gave us later was that German bombers got into our formation. Many of our planes disappeared in flames. Our losses were roughly 250 men that night."

In what has been described as one of the greatest tragedies of World War II, the 504th was scattered like chaff in the wind over the length and breadth of Sicily by Allied gun fire. Gen. Tucker's plane, after twice flying the length of the Sicilian coast and with more than 2,000 flak holes through the fuselage, reached the drop zone near Gela.

"We're flying in and I'm standing at the door ready to jump," the general related. "My own aircraft was the only one in that first formation that came in on target. Other planes were being shot down at sea and on the ground.

"When I jumped, exactly on target, and as I was coming down, I could hear these people, a tank commander with five tanks, using rifle fire to shoot at us." The general said after he landed he had a few choice words with the tank commander whose only explanation was: "Nobody told me you were coming in here."

"I had men who tried to swim in from planes shot down at sea and our own troops opened up from the beach," Gen. Tucker added.

The next jump was at Salerno, in support of Gen. Mark W. Clark's Fifth Army. "When we flew into Salerno the orders were that no guns could open up. Regardless of what happened they were not to shoot. It was quiet as a graveyard when we arrived and really a beautiful night."

Gen. Tucker said he "was one of the first to go in in almost every case." He made three combat jumps, during the war, something very few paratroopers have ever done. The 82nd Airborne Division totaled four combat jumps in World War II.

"It was my good luck not to get killed or wounded during the fighting of six major campaigns," the general said.

The 504th's third jump came on "a clear day in September, 1944, in Holland and was the first time any element had made a combat jump in daylight. It was highly successful," Gen. Tucker pointed out.

Following the Holland jump, the 504th was forced to make a daylight crossing of the Rhine at Nijmegen Bridge. "That's not something you try to do every day in the week," the general commented. "The crossing, under fire, was successful in every sense of the word. It took us two days to secure the bridge and we lost a lot of people doing it, but we also gained our objective."

The 504th became known as "Devils in Baggy Pants" when they captured the diary of a German officer on the Anzio beachhead. In the book he had written: "American parachutists—devils in baggy pants—are less than 100 meters from my outpost . . . It seems like the black-hearted devils are everywhere."

Also at Salerno, Gen. Tucker's unit was surrounded by Germans, but managed to fight their way out of the trap.

"We were strictly ground troops during the Battle of the Bulge near Cheneux, Belgium," he pointed out. The 504th fought in the snow and cold from December 1944 through the middle of February 1945.

As the war neared its end, the 504th had fought to within a few miles of Berlin where they were ordered to stop until the Russians came through.

After the war, the 82nd Airborne Division was selected to occupy Berlin. The division first moved in with a jump by 99 veterans. Maj. Gen. James M. Gavin and Gen. Tucker led the jumps from two planes.

Gen. Tucker saw duty in Korea as an assistant chief of staff of the Eighth Army in the closing days of the war.

Gen. Clark has called Gen. Tucker "one of the three bravest men in the Army" along with Col. William P. Yarborough and Col. William O. Darby of Darby's Rangers fame.

Gen. Tucker's decorations included two Distinguished Service Crosses, the nation's second highest award for heroism; the Silver Star, Legion of Merit with Oak Leaf Cluster, Bronze Star Medal and Purple Heart to name a few.

GEN. REUBEN H. TUCKER III

Maj. Gen. Reuben H. Tucker III was every inch a professional soldier. In the eyes of Gen. Mark W. Clark he was one of the three bravest men in the Army during World War II.

He was a paratrooper, one of that special breed of men who early in World War II helped blaze the trail of a new military frontier—airborne operations. He commanded the 504th Parachute Infantry Regiment, a unit of the 82nd Airborne Division, from 1942 until 1946. He led his troopers from the heat of North African desert to the snow and bitter cold of Belgium. Along the way the 504th fought and gained glory in Sicily, at Salerno, Anzio, the Nijmegen Bridge in Holland and in the Battle of the Bulge.

Always Gen. Tucker was in the lead. The 504th made three combat jumps and in each he was one of the first men out of the plane. He was a driving force bent on accomplishment of the unit mission. The greatest demands he made were those he made on himself. His trademark was raw courage. With him there was no bluff and swagger. It was not needed. His actions and his decorations spoke for themselves.

Charlestonians came to know Gen. Tucker 15 years ago when he began his first tour of duty as commandant of cadets at The Citadel. He retired from the Army in 1963 and returned to The Citadel post, establishing close ties which continued even after his retirement nearly two years ago.

Unexpectedly, Gen. Reuben Tucker is dead at 58. His death is a loss to the community in which he lived and to the country he served so gallantly.

NEIGHBORHOOD LEGAL SERVICES—TAXPAYERS SUBSIDIZE CRIME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1970

Mr. RARICK. Mr. Speaker, any discussion of national priorities always involves our responsibility to make wise decisions in the expenditure of Federal funds, which are the hard-earned dollars of working Americans.

How many Members are prepared to justify to their own constituents the use of these dollars to actually subsidize crime? Or to fund the assaults on police, local government, and public decency by the dregs of our society?

Right here in the District of Columbia, where it is still a crime to commit adultery, young lawyers on the Federal OEO payroll have counseled and aided in the commission of that particular crime. Indeed, they have filed suit—in a court of equity, no less—to require that taxpayers furnish the guilty parties more comfortable quarters to break the law.

The attorney-client privilege stops somewhere decidedly short of protecting a lawyer from aiding and abetting his client in the commission of a crime, but I see no interest in this odd situation be either the bar, the bench, or the district attorney.

I include in my remarks, for the edification of all of our colleagues, detailed reports on the abuses by Neighborhood Legal Services in Baton Rouge, La., and in Pittsburgh, Pa.:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., January 26, 1970.

JEROME J. SHESTACK, Esq.,
Packard Building,
Philadelphia, Pa.

DEAR JERRY: I am pleased that you gave me, as a member of the Council and from Baton Rouge, the opportunity of presenting to you what I believe to be the correct facts before the Section or any of its spokesmen proceeded to condemn the Baton Rouge Bar Association in connection with its actions with respect to the Baton Rouge Legal Aid Society, or to condemn the Baton Rouge Police or Sheriff Deparments.

I believe it will present a clearer picture if I go back to the organization of a Legal Aid Society in Baton Rouge and come forward.

1. The first Legal Aid Society in Baton Rouge (which was the first in Louisiana outside New Orleans) was organized in 1952. It may surprise members of the Council to learn that I organized it, as one of my projects as president then of the Baton Rouge Bar—as the ABA Award of Merit to our bar recited. From volunteers manning the office we quickly, with my support, went to a paid staff and United Givers support.

2. When the Board of Governors of the ABA, under Lewis Powell's leadership, agreed, with serious reservations on the part of many, to recommend to the House of Delegates of the ABA that the ABA urge state and local bars to bring their associations and their Legal Aid Societies into the program sponsored by the O.K.O., I supported and spoke for it in the Board and in the House—despite my own doubts and reservations.

3. When the proposed participation of the

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Baton Rouge Bar itself came up for discussion at the September 1963 meeting of our local bar a heated discussion arose, particularly after its then president made his report on the Washington conference he had recently attended and spoke of his fears and doubts. A motion was made that our bar decline to participate in the program.

The following excerpts from a lengthy press account of the meeting, in the local press on September 14, 1965 may be of interest:

"Dale Powers (one of my law partners), president of the Legal Aid Society here, said the federal program will attempt to work through legal aid groups such as his. However, it also has the right to set the program up through other groups.

"Ben Miller, who is a member of the House of Delegates of the American Bar Association, warned the group that if the bar does not make itself a part of the program, 'We're heading for socialized law.' "

Instead of adopting the resolution not to participate, the association decided instead to direct its board to "present a recommendation on the entire matter to the general membership at its October meeting."

4. Action was deferred, however, until the December meeting on December 6, 1965, at which by but a four vote margin our association tabled the resolution not to participate in the program. Here again the discussion was heated and protracted as the lengthy local press account of December 7, 1965 shows. These are excerpts from that news account:

"Ben Miller, pointing out he is a Goldwater Republican, said he was in favor of tabling Cadwallader's resolution because it was premature. He urged bar members not to 'disavow and disassociate' themselves with the federal program until they saw what it offers.

"Miller, a member of the Board of Governors of the American Bar Association, said that after more information is available on the program he might offer a resolution even more stringent than Cadwallader's proposal, 'but this is not the time,' he said. * * *

"A number of members of the bar spoke on the resolution before the vote was taken. * * *

"Several more persons attempted to be heard but Miller moved to table the resolution, a non-debatable motion. At this point, Calvin Hardin, who was attempting to speak, 'thanked' Miller and stormed out of the meeting."

5. These activities of mine resulted in a personal letter to me from E. Clinton Bamberger, Jr., Director, Legal Services Program, Office of Economic Opportunity, dated December 28, 1965. These are some excerpts.

"I am informed that this resolution was tabled largely as a result of your efforts. I wish to express my appreciation for your valuable assistance in postponing action upon the matter by the Baton Rouge Bar Association until such time as the purposes of the Legal Services Program can be made clear to the members of the Bar.

"The Office of Economic Opportunity has not and will not propose or initiate any legal services program. Any proposal to provide legal services for the indigent must originate with the local community and be adapted to the needs of the poor in that community.

"*The Office of Economic Opportunity has neither the statutory authority nor the intention of itself providing legal services, initiating litigation, establishing educational programs or instituting legal actions intended to effect changes in existing laws, for or on behalf of any individual, group or community.*

"The sole function of this office is to provide advisory and financial assistance to local communities which are developing programs in accordance with the purpose and requirements of the Economic Opportunity Act of 1964, as amended, so as to aid those communities in their individual efforts to eliminate poverty and the causes of poverty. * * *

"*Legal services are to be rendered in accordance with the Canons of Professional Ethics.* * * *

"The Baton Rouge Bar Association is to be commended for its concern with legal problems faced by the poor and methods of solving them." (Emphasis supplied.)

6. And John W. Cummiskey, the then chairman of the ABA Standing Committee on Legal Aid and Indigent Defendants wrote me on December 22, 1965, excerpts of which read in part:

"Our experience has been that OEO will not entertain legal service programs without first assuring itself that the local Bar Association has been involved and is either recommending the program or chooses not to participate. * * *

"*Of course, at all times at least ⅔ to ¾ of the members of your Board, however established, must be members of the Bar.*" (Emphasis supplied.)

The very significant departures from these assurances will be commented upon later. As to composition of the board, there are at present but 16 attorneys all told (white and black) on a board of 36.

7. I then sent copies of both letters to the more influential opponents in our bar and to others, and on the basis of these assurances and with this understanding, our bar later did agree to participate and the new program of "Legal Aid" began here in 1967.

8. The program, at least here, has drastically changed, however. There is now a staff of seven paid attorneys and nine paid nonlawyer personnel operating four offices, with $158,926.00 federal funds, $19,000.00 from United Givers and $22,577.56 in value of free legal services rendered by members of the Baton Rouge Bar Association, and there is an open solicitation of local business through various means including their "Legal Aid News" distributed widely and free, the back side of which reads in bold letters: "Maybe you need a lawyer! Legal Aid Society of Baton Rouge, Louisiana, Providing Free Legal Counsel To Those Who Cannot Afford It, 1703 North Acadian Thruway, West, 1704 East Boulevard (At Lettsworth), 8050 Scenic Highway (At Curtis), 301 Raymond Building (Florida at Third)."

Yet almost two-thirds of their "legal problems" are "family problems" such as divorce, separation and non-support between blacks.

For whatever the reason (to justify the large staff and large grant of funds, or because of pressures in or outside the Board of the organization) it had earlier begun, but in 1968 and 1969 increased, so-called Law Reform activities. It initiated an effort to organize a Domestic Workers Union. It printed and widely distributed a pamphlet, the first page of which read:

"Domestic Workers Unite! Now," and the conclusion of which read: "If you would like additional copies of this paper, they may be obtained from any of the Neighborhood Centers or Legal Aid offices listed above. Additional papers concerning the union will be coming to you as we progress. Remember—our progress depends on you! So—do your thing!"

The minutes of the regular quarterly meeting of July 21, 1969, read in part: "Mrs. Nelson asked about the Domestic Workers Union and the announcements promised her NSS-Center City. Fifty announcements were given her with the promise of more if needed."

9. On July 25, 1969, James Oliney, a black youth who although 17 years old was six feet seven inches tall, burglarized the home of William Gladney on East Lakeshore Drive in this city. His criminal record went back to at least 1964 and included 15 charges, 12 of which were for burglary. He had been previously committed to the State Industrial School (as a juvenile) for burglary on November 14, 1968, and was released six months later. Less than two months after release he was charged (on July 2, 1969) with burglary and theft. He pleaded guilty on July 15, 1969 and drew a five year suspended penitentiary sentence. Ten days later he burglarized the Gladney home. He was traced to the grounds of a school in a negro neighborhood. When this strong six foot seven inch young negro resisted arrest and attempted to stab the officer, he was fatally shot by the officer. Pressure was shortly asserted by certain negro leaders, joined in by certain whites, to compel the Mayor to dismiss or suspend the officer. This the Mayor refused to do although he stated that he would, and he did, see that this was turned over to the Grand Jury which on August 12, 1969 cleared the officer completely after several days of hearings.

Meanwhile, however, a written statement was issued by some group warning that "If there is another killing by police of a black man, even if justified, the lid will blow." The Mayor received "dozens of obscene phone calls" and had to be assigned "two body guards to escort him wherever he (went) because of the threats on his life." (There had been an earlier killing of another negro while resisting arrest, but there had also been three law enforcement officers killed here by negroes in recent years by negroes resisting arrest, to illustrate the danger facing our officers and their justifiable fears. These three were Deputy Sheriff Butt, and Lieutenant Bannister and Sergeant Sanchez of the City Police. There were not, by the way, protests or demonstrations from any negro leaders against this violence by these members of their race.)

On July 31, 1969, certain negro leaders organized what they publicly stated would be a march of over 5000 to the municipal building to "demonstrate." The march was not interfered with in any way but instead of 5000 "joining" there were at most 500. (I know as my office is just across the street from the grounds of the municipal building and I watched—and heard—from our window on the second floor of our building. We—and most business concerns—had let female employees go home an hour before the time the leaders had said "five thousand" would be gathering.)

Jerry Johnson, an admitted negro militant, was given the platform and over the loud speaker unmistakably urged violence. I heard it. Emmett J. Douglas, state president of NAACP, used words to this effect in his speech to the group, and over a loud speaker: "We want an eye for an eye, a life for a life. Go out and do your thing."

I heard this speech too. In my judgment there was no doubt that these and the other talks were responsible for the serious violence which immediately followed. The crowd proceeded to go in small groups down our main street (Third Street, which you will remember from your time here on the L.S.U. faculty). White men and women were attacked at various locations and at the corner of Third and Main a white driver was pulled from his vehicle and severely beaten, three major fires, by arson, occurred that night. During the period of violence which followed the shooting of this young burglar, a negro storekeeper was killed by a negro attempting a robbery, a clerk in a store operated by a white man but in the negro community, was wounded by another negro, and a negro picket was killed by another negro. Certain stores owned by whites in the negro community were picketed, by the way—to the obvious personal advantage of D'Orsay Bryant, head of the Baton Rouge Chapter of the NAACP, who owned a grocery store in this negro community.

10. I am attaching copies of certain news stories which outline the events I have described.[1] You will note that the city govern-

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[1] Baton Rouge State Times, August 11, 12, 13, 14, 15, 18 and 27, 1969.

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ment and its police department were also being criticized by whites, for the really grave increase in crimes of violence which this community—as well as the nation generally—has experienced over the last several years. There were 10 murders here in 1965, but 16 in 1968 and 23 in 1969. Rape increased from 57 in 1968 to 76 in 1969. Robbery from 98 in 1965 to 241 in 1969. Assault from 195 in 1965 to 866 in 1969. Burglary from 1824 in 1965 to 3880 in 1969. Need I say that an overwhelming percentage of these crimes of violence were by negroes—and in many instances against negroes. "The odds are 1 to 15" of being a victim here.

The activities and speeches here of Rap Brown (a Baton Rouge native and who attended Southern University here) particularly on the occasions of his visits here may or may not have been a factor in these problems.

In addition to the three local law enforcement officers killed by negroes resisting arrest, in recent years the records of the Baton Rouge Police Department show:

"According to our records the assaults on Baton Rouge Police Officers for the years 1968 and 1969 are as follows: 1968, 50; 1969, 35.

These statistics have not been categorized into months.

And records of our Sheriff's Department show:

"Please be advised that a check of the records on file in this department reveals that in the year 1969 sixty officers of this department were assaulted by offenders while the officers were in the performance of their official duties.

"Of these assaults, six were made by the use of firearms; four by the use of knives or other cutting instruments; five by other dangerous weapons; and forty-five by hands, fists, feet, biting, etc.

"There were no officers killed as a result of these assaults, and no extensive injuries were inflicted upon the officers."

In almost every instance these assaults were by negroes.

11. On August 5, 1969, I made a talk to the Downtown Lions Club which had been scheduled before this incident of July 25th and the demonstrations which followed and were still fermenting. The title of that talk was "A New Supreme Court?" but I injected into it an effort to urge all to await a determination of the facts of the July 25th shooting, through the use of legal procedures. I said in part—as the press acount of August 5, 1969, reported:

"Until the facts are determined, the police should not be pre-judged and condemned—as some would now seek to have us do—under the threat as has been expressed in writing—'That if there is another killing by police of a black man, even if justified, the lid will blow.'" * * *

"There are legal procedures for determining those facts and those should be used before persons of either race act on impulse, assumptions or rumors.

"A grand jury investigation is one obvious legal process for determining such facts. And if our Negro community lacks confidence in the impartiality of our grand jury, both state and federal courts are open for a trial to develop the facts."

12. The Legal Aid Society secured or attempted to secure the releases of those arrested following the violence and for violation of a curfew—at least such is the understanding here.

13. Then followed the filing on August 5, 1969, by the Legal Aid Society of the complaint to which your letter referred. You can form your own opinion as to whether or not this and particularly the allegations in Article VI, is a reckless, scurrilous, unlawyer-like and unethical action attacking an entire police and sheriff's department (a number of whom are themselves black) and an entire city and county (parish) government. By way of but one example to those receiving a copy of this letter but not of the complaint itself, in allegation VI (2), the complaint states that police officers "pursue black offenders for the sole purpose of *execution* pursuant to *order* of the Chief of Police and other administrative officials". (Emphasis supplied.) And in VI (7) that "starvation (is) imposed and heat applied as a means of torture" by "law enforcement officials" on "black offenders during incarceration"; and in VI (9) that "the racist acts of law enforcement officers are sanctioned, condoned and supported by the Mayor, Chief of Police, Sheriff of East Baton Rouge Parish and the City-Parish Governing body"—one of whom (Delpit) is a negro councilman, and another (Johnny Jones) is a negro assistant parish attorney.

The Director of Legal Aid instituted this suit without even submitting it to the executive committee of the agency—much less its board of directors.

14. This suit and the contemporaneous effort to *initiate* the organization of a union shocked and dismayed even all but the most fervent supporters of the organization. The officers of the Baton Rouge Bar Association began an investigation and conferences with representatives of Legal Aid; and a special meeting of the Board of the Legal Aid Society was held on September 15, 1969, and the following resolutions were adopted:

"In the future the Legal Aid will not publish any pamphlets showing that they are sponsoring anything in the form of a union or anything of that nature but that they will work through the community centers or organizations.

"Since the Board of Directors is responsible for the policy, when the staff wishes to engage in law reform, (law reform being defined so as to include class action), it shall clear with and secure the approval of the Executive Committee of the Board of Directors. If ⅓ of the Executive Committee or the Director shall object to the decision of the Executive Board, then the matter shall be brought before the Board as a whole within five (5) days. No prior clearance is required for filing an individual's law suit."

The Board of Directors of the Baton Rouge Bar Association then met on September 16, 1969, and adopted three resolutions. The first briefly read:

"1. That the Board of Directors goes on record as favoring the furnishing of legal aid to the indigent, and encouraging participation in programs designed to achieve this end, consistent with the ethics of the legal profession."

The second said the Board "strongly disapproves" of the Legal Aid's promotional union activities and the class action complaint referred to above; that:

"While this action (of the Legal Aid Board) does not satisfy completely the objections of the Board of the Baton Rouge Bar Association, it does indicate a willingness on the part of the Legal Aid Board to review its policies and to discuss with the Baton Rouge Bar Association the differences in question.

"The Board feels that every effort should be made to resolve the differences by negotiation in order to preserve the legal aid system in its present framework."

And the resolution concluded by recommending that the bar association defer action for a "reasonable period" on a resolution a member (Lawrence Durant) had pending to disassociate the bar's affiliation with the Society, until a pending investigation by the state bar of the scope and nature of legal aid organizations statewide was completed—until the local bar could "exhaust all reasonable efforts to arrive at a working arrangement with the Legal Aid Society consistent with the standards of ethics in the legal profession as defined by the Louisiana State Bar Association and the Supreme Court of Louisiana."

15. At the meeting of the local bar on September 22, 1969, the representatives of the Legal Aid Society refused to dismiss, amend or withdraw from, the class action suit and there was strong sentiment—which I shared—to disassociate unless this was done, but the Board's recommendation to defer carried—largely through the efforts of my law partner John Parker, the immediate past president of the local bar and who you may remember as a student editor on the LSU Law Review while you were its adviser. The state bar has not yet made its recommendation and our local bar has not yet disassociated itself.

16. Meanwhile, on September 23, 1969, the Board of Directors of "Capital Area United Givers" met and adopted its resolutions on the issues. Its first "resolve" read:

"Be it resolved by the Board of Directors of Capital Area United Givers that we strongly favor the furnishing of legal aid to the indigent."

It then "Further Resolved" to support the action of the local bar; and deferred any commitment for financial support in 1970, and made such support "contingent upon (Legal Aid's) acceptance of and compliance with" new guidelines and standards.

These actions of Legal Aid—so completely beyond the scope of its activity as had been assured the local bar by Mr. Bamberger initially, to which I have referred, caused such resentment among the citizens of this area that despite this position United Givers publicly took, its campaign was far short of its goal and the needs (so much of which related to needs of the negro community itself)—some $139,428.00 short, "the biggest failure in the fund drive's 18 year history."

CONCLUSION

Instead of criticism of the Baton Rouge Bar as your letter of January 9, 1970, states would be in order if the facts are as they have been represented to you by others to be, the Baton Rouge Bar should be commended and the Legal Aid Society of Baton Rouge severely criticized.

If you sent copies of your letter of January 19, 1970, to anyone other than Mr. Klaus, I ask that you send the same persons copies of this, my reply. I am sending copies of this letter to the Baton Rouge Bar Association and to the chairman of the State Bar committee presently investigating the matter of standards for Legal Aid Societies in Louisiana, and the others shown below.

Sincerely,

BEN R. MILLER.

[From Human Events, Feb. 7, 1970]

Neighborhood Legal Services Shown as Bad as Fear

(By Jack W. Plowman in the Pittsburgh Legal Journal)

(NOTE.—Mr. Plowman is a member of the Allegheny County, Pennsylvania and American Bar Associations. He is a member of the Board of Directors of the Neighborhood Legal Services Association and has just completed a term as an administrative vice president of the Allegheny County Bar Association. The views expressed in this article, however, are his own and do not represent the views of any group of which he is a member.)

Pittsburgh and Allegheny County now have behind them three years of the federally financed legal services program. Known locally as the "Neighborhood Legal Services Association" (NLSA), the program has, in this brief span of time, confirmed some of the worst fears of those who opposed its creation.

The principal objections to the NLSA program were that:

(*a*) The interests of the government would be given priority over those of the client.

(*b*) The client would be deprived of his choice of counsel.

(*c*) The program would not be operated ethically.

(*d*) The program would gradually expand so as to socialize the practice of law.

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(*e*) The program would be controlled by non-lawyers.

(*f*) The cost would be greater than if legal services were provided through the private bar.

At the time the NLSA program was urged upon the bar, it was represented that "the purpose for which it is formed is to make available legal services to all residents . . . who, because of their financial inability, are unable to procure such legal aid. . . ."

The petition seeking a charter for NLSA further stated that the puprose was "to undertake education programs in which indigent residents may be instructed in and advised of their fundamental private legal rights and obligations, to the end that their performance, motivation and productivity as citizens may be improved and their respect for the law increased."

No mention was made in the application for charter of any purpose to remake or refashion the law in accordance with any vision or plan of the program administrators, and yet that has become perhaps the most dominant and controversial feature of the NLSA, both locally and nationally.

One need not look far to discover this overriding purpose. The current application for funding of the local program states that one of the objectives of the NLSA is "to make the legal system and society responsive to the poor," and further to deal with the basic problem of "law reforms . . . designed to make our society and the laws responsive and cognizant of the needs of the poor."

Stripped of its bureaucratese, this means law reform in accordance with the views of appointed officials, who have never had their policies subjected to the heat of the election furnace, or even tested by legislative debate.

No doubt should exist that the main purpose of the NLSA program is law reform, rather than the traditional, pragmatic goal of legal counsel, which is to obtain the best result possible for his client within the framework of the law. In responding to criticism of the program, one government attorney stated that the critic had ". . . failed to take into account the pragmatic nature of most modern legal practice, which unfortunately is at cross purposes with and therefore incapable of accomplishing the objectives of providing a just society for the indigent."

The Allegheny County Bar is not alone in faulting the NLSA program and its ideas of social engineering. The General Practice Section of the American Bar Association, at its Conference on Current Problems Affecting the Practicing Lawyer, criticized the government-supplied legal services program for subordinating client welfare to advocacy of social reform.

The basic premise on which the NLSA must necessarily proceed in its efforts at law reform is that the existing law does not comport with the public good.

But, by what standards is the NLSA to be guided? Is not the determination as to the merits of a particular rule of law more properly a legislative function, rather than the result of policy decisions of those administering the legal services program?

And yet, by the skillful selection of cases for presentation to the appellate courts, chosen as to advance a particular social point of view, it is not difficult to see how the administrative policy of appointed officials soon becomes law.

The rejection of the policy of selective appeals to advance a particular social view is not to say that appeals should not be taken, since some of the decisions obtained were long overdue. But the point is that the *raison d'etre* of the NLSA program was, and still should be, the representation of *individual* clients with *individual* legal problems, not the use of the individual's case to attain a social goal that may or may not be consistent with the interests of a particular event.

The duty of an attorney is to represent the client. If the attorney is retained and paid by the government to obtain a result that should be collateral, such as law reform, a perversion of the legal process results that has long been denounced by all enlightened professionals. (See the Ethical Considerations under Canon 5 of the newly adopted Code of Professional Responsibility.)

If the purpose of the NLSA program is to protect the interests of the individual client (and this is, after all, the purpose stated in the charter), the decision as to taking an appeal should be made by the individual lawyer in the light of what is best for the client, unwarped by any added consideration as to the extent an appellate decision might advance or retard a particular social point of view currently enjoying governmental favor.

The authors of the new Code of Professional Responsibility very succinctly summarized the ethical conflict inherent in any legal services program that intrudes a third person into the lawyer-client relation when they stated in the Ethical Considerations under Canon 5: ". . . [an organization furnishing a lawyer] may be far more concerned with establishment or extension of legal principles than in the immediate protection of the rights of the lawyer's individual client."

The right of the individual to choose his own legal counsel is so basic that it seems incredible that the government policy in administrating its legal services program is to systematically deprive the indigent client of that right. Under the NLSA program the client has no choice whatever as to the selection of his attorney, but must instead accept the attorney hired for him by the government.

Certainly one of the most telling and unanswerable criticisms of the NLSA program is that, unlike other programs designed to help the poor, the NLSA program is the only one which denies freedom of choice.

In all other programs, the right of choice has been retained for the poor. Although receiving welfare benefits, a poor person may still choose where he spends his money. He is not, for example, sent to a particular clothing store, nor is he referred to a particular government-hired physician, dentist, druggist or hospital. Why then should a poor person be required to take his legal problems to an attorney hired for him by the government?

The recipients of legal services have themselves complained of the lack of choice as to counsel. Although Judicare[1] would obviously solve this fundamental flaw in the existing program, the policy of the Office of Economic Opportunity (OEO), under whose supervision the legal services program operates, is not to approve or fund Judicare programs.

Advocates of the NLSA program point to the approval by the American Bar Association of the government-furnished lawyer system. But, as anyone who reads the ABA resolution quickly notes, the resolution merely approves the concept of government-financed legal service programs, without specifying the particular form in which the services are made available.

Why, then, does OEO insist on the NLSA program to the exclusion of Judicare, when the Judicare system would give to the client the right to choose his own counsel?

The answer is that, under the Judicare program, the government would have no control whatever as to the manner in which the attorney handled the client's case, and would hence have no voice in the attorney's decisions. Cases would be handled with the purpose of solving the client's problem, and the government would be unable to select particular cases for appeal with the leitmotif of the administrator's view of social justice.

Only by the control inherent in an employer-employe context can the government establish its appeal policies. While with Judicare the only consideration would be the welfare of the client, under the NLSA program there is superadded the advancement of administrative policy.

In addition to placing law reform ahead of client welfare, which violates Canon 35, and newly adopted Canon 5, the NLSA program has not hesitated to transcend the bounds of legal ethics when it serves its purposes to do so. Even the most basic ethical proscription—again advertising and self-laudation—will soon fall by the wayside.

The 1969–70 NLSA program for Allegheny County plans an extensive public promotion of its legal services which, if pursued by a private practitioner, would lead to immediate censure, if not disbarment.

"The [NLSA] program will engage in legal education designed to acquaint the residents of the poor neighborhoods with the availability of legal services. Such a program will include, but not be limited to, the distribution of pamphlets, newsletters, radio and television appearances, literature describing the functions and locations of legal services officers. . . ."[2]

In view of the declaration of intent to advertise for and seek out clients, and in view of its avowed policy of law reform, the pious declaration set forth in the petition for charter, that "the program shall conform to the Canons of Professional Ethics and Rules of Professional Conduct of Lawyers," sounds rather hollow.

Since the incorporation of the NLSA, little publicity has been given to the numerous efforts to expand the program, both geographically and as to income eligibility.

The initial program provided for the NLSA to operate only in the city of Pittsburgh. By articles of amendment filed the following year the program was extended geographically to include eligible persons in all of Allegheny County.

In addition to the expected efforts to increase the eligibility group, by increasing the annual income that an individual may receive and still be entitled to free legal services,[3] new and unforeseen expansion of the free legal services program is being undertaken.

The Department of Health, Education and Welfare (HEW) is instituting a program to provide, on a statewide basis, free legal services to any person receiving welfare or, if denied welfare, free legal services to determine his eligibility.[4] Thus, what began as an essentially urban program is now being extended throughout Pennsylvania.

Although its petition for court approval of its non-profit corporation charter states that it is for the purpose of providing legal services to "residents," the clause has been interpreted by the NLSA so as to permit the

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[1] Judicare is a legal services program in which an eligible client chooses his own attorney, a private practitioner, whose bill is paid by the government, based upon an hourly fee schedule. Attorneys may choose not to participate in the program, but in the one state where it is operational, Wisconsin, virtually the entire bar has indicated its willingness to serve.

[2] Application for 1969–70 Community Action Program, NLSA, paragraph 11C.

[3] Under the OEO guidelines, eligibility is established on a local basis, subject to OEO approval. Presently, a family of four with a gross annual income of $3,200 is entitled to free legal services; a lay member of the NLSA suggested that "$5,200 would be more equitable."

[4] At the time of writing, the NLSA has before it a proposal that would expand the eligibility for free legal services to a father and mother, with three children age 14 or over, having an income up to $9,100. Some poverty!

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furnishing of services to organizations, including non-profit corporations.[5] It is hard to imagine a group having any substantial following that would not be able to collectively pay counsel fees for legal representation.

The most recent effort, this time by the Department of Housing and Urban Development (HUD), will extend eligibility on a broad basis, so that even business corporations in the Model City program would be eligible for free legal service in such matters as incorporation of businesses and providing legal counsel to corporations. (During the first eight months of 1969, at least three non-profit corporations have been chartered through the efforts of the NLSA.)

It remains to be seen whether the HEW and HUD legal services programs will be furnished through a NLSA type of program, or on a Judicare system. The Board of Governors of the Allegheny Bar Association is attempting to have the program implemented through Judicare, rather than through the NLSA.

Whichever system is used, Judicare or NLSA, it appears clear that the government-furnished legal services program is destined for rapid expansion.

OEO has elevated the legal services program to the status of a separate division, which will be charged with the operation of more than 200 NLSA-type law offices. Budgeted at $42 million in the past fiscal year, the new budget request is for $58 million.

The local NLSA has requested $481,097 for the forthcoming year, an increase of $379,475 over the previous year.

There is no reason to believe that the expansion will end; experience with government programs would, on the contrary, indicate that more, rather than fewer, legal services will be provided in the future.

At the time the NLSA was proposed in Allegheny County, the Bar's fear of a legal service's program controlled by non-lawyers was repeatedly voiced. To quiet these fears, the proponents of the NLSA stated that a clear majority of the board of directors would be lawyers, and hence no valid reason existed for this concern.

As presently organized, 19 members are lawyers or otherwise represent the bar, and 13 are laymen, which would seem to guarantee control by the legal profession. Control has not, in fact, existed, however, because of the make-up of the board.

Of the 19 lawyer representatives, six are ex officio members,[6] many of whom are routinely absent at board meetings. Coupled with normal absences, the legal profession is frequently in the minority at board meetings, and is often at a loss to prevent enactment of undesirable policies.

The government-financed and supervised law office was presented to the public as being an efficient and less costly means of providing legal services. In fact, far more legal services could be provided through the private Bar for the same money.

The 1969-70 budget of the NLSA in Allegheny County seeks funds in the amount of $481,097, which should buy a lot of legal services. The personnel roster shows 16 professionals, but of these only 14 are available for legal counseling, the excutive director and an assistant performing solely administrative duties.

The American Bar Association bases its economic calculations on attorney's income on an average of 1,500 hours per annum. This means, of course, that NLSA is getting approximately 21,000 lawyer hours per year for $481,097, or a gross annual cost per lawyer of $34,500, or a gross cost per lawyer of approximately $23 per hour, a gross income figure that is not exceeded on an annual average by very many members of the bar.[7]

If efficiently operated, or if operated on a Judicare basis, it would not be unrealistic to say that the legal services now being furnished could be obtained at 20 per cent reduction in the present cost.

Or, put another way, by using the Judicare system, the government could purchase 25 per cent more hours of legal service through the private Bar as it now obtains with the NLSA. And, in the process, it would recognize the right of the poor to select their own legal counsel and preserve the independence of the bar.

Unfortunately, the fears of the opponents of the government-financed law offices are being recognized through the local NLSA program.

Where does the fault lie? It would be easy to point an accusing finger at the NLSA, but that would be unrealistic. Rather than fault the system, the organized Bar should carry our just criticisms to those who, by default, are responsible for its creation—the leadership of the American Bar Association.

The American Bar Association has been strangely silent since the inception of the legal services program. In particular, no adequate explanation has ever been offered by the ABA as to why it failed to support Judicare, but instead meekly accepted the proposal that the government offered to it.[8]

The ABA owes a duty to the public, as well as to its members, to assure that any government-financed program of legal services places the welfare of the client paramount to all extrinsic interests of the government. This it has failed to do.

The ABA cannot, and should not, attempt to fulfill its duty by blindly approving the OEO program, principally because of the OEO's obvious ulterior motives.

Only by aggressively advocating the adoption of the Judicare system can the ABA guarantee that the legal services made available to the poor are equal to the high quality of representations received by all other members of the public who are serviced by the independent, private Bar.

SECRETARY OF AGRICULTURE HARDIN, A PROFESSIONAL AGRICULTURALIST

HON. RALPH T. SMITH

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Wednesday, February 4, 1970

Mr. SMITH of Illinois. Mr. President, when this administration assumed office, a comparatively unknown person was selected for the position of Secretary of Agriculture. I ask unanimous consent to have printed in the Extensions of Remarks an excellent article, entitled "Who is Clifford Hardin?" written by Keith L. Wilkey, of the Quincy Herald-Whig.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECRETARY OF AGRICULTURE HARDIN IS A PROFESSIONAL AGRICULTURIST

(By Keith L. Wilkey)

Who is Clifford Hardin? Where did he come from and what is his background? What is his agricultural philosophy? What kind of a Secretary of Agriculture will he make?

These are some of the questions farmers and others involved in agriculture are asking. Clifford Hardin has been in office almost a year yet to many he seems an enigma. Not the back-slapping, hale-fellow-well-met type that are so often prominent in high political circles. Hardin has been most often characterized as "cool."

President Richard Nixon chose his cabinet carefully. Because of the troubles of agriculture, the rapidly declining farm population, the disenchantment among urban members of Congress and the urban press with recent government subsidies, low commodity prices and other frustrations of the farming industry, many political wiseacres felt few qualified men really wanted the post.

The late President Kennedy chose a Minneapolis lawyer named Orville L. Freeman, who had served as governor of Minnesota but was defeated in the 1960 election. It seems an old political saw that defeated party candidates for state or federal office are handsomely rewarded by federal appointments. So Freeman was "taken care of" by a cabinet appointment, and though agriculture was not exactly Freeman's "bag," the doughty Minnesotan was versatile.

The late President Eisenhower, who won his party's nomination in a bitter contest with the late Senator Robert Taft, appointed a stern elder of the Mormon Church named Ezra Taft Benson, a relative of the defeated Ohio senator. Commenting on Ike's appointments, Taft cracked in his dry, flat voice, "Well, we did get cousin Ezra in."

Thus the two predecessors of Hardin were given the top spot in American agriculture because of political traditions, rather than because of background and experience with working agriculture.

No so with Clifford Hardin.

Hardin has been less involved in national politics than any agriculture secretary for many years. He is a professional agriculturist, first, last and always.

Because of the importance of a new "ag sec" to the farming industry, there is always much speculation among farm editors about who the new secretary of agriculture will be when a new administration comes to Washington. After Richard Nixon's election became official, there was the usual speculation about who would get the top spot in the U.S. Department of Agriculture.

"Dean Earl Butz, of Purdue University, has the inside track; after all, he was Undersecretary under Eisenhower," was a common prediction. Others said, "You have the right school, but it will be Professor Don Paarlberg." (Paarlberg was named to one of the Undersecretary posts). Still others were certain it would go to Clifford McIntyre, who heads the conservation and natural resources division of the American Farm Bureau Federation, and a former Congressman. Several other likely candidates were mentioned.

The word was unofficially passed around at the AFBF annual convention in Kansas City last December that the President-elect had tapped Chancellor Clifford Hardin of the University of Nebraska for this sensitive post. While some farm writers were familiar with Hardin, others asked, "Who in the heck is Clifford Hardin?"

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[5] One of the more visible groups represented by the NLSA is "Concerned Citizens," whose principal effort seems to be to turn the business meetings of the Pittsburgh School Board into town meetings. Their lack of success in the courtroom has not deterred them from continuing to disrupt the meetings.

[6] Allegheny County Solicitor, City of Pittsburgh Solicitor, Public Defender, the University of Pittsburgh School of Law, Duquesne University School of Law and the Legal Aid Society of Pittsburgh.

[7] The average per hour fee of lawyers in Allegheny County is between $20 to $30, from which, of course, the attorney pays all of his overhead, keeping the net as his spendable income.

[8] One discerning critic says that the medical profession opposed Medicare, but ended up having it make them rich, while the legal profession failed to oppose the legal services program, for which the government expressed its gratitude by taking their clients.

Hardin is the prototype of an Indiana farm leader. Born near Knightstown, Henry County, a town of 2,490 located midway between Indianapolis and Richmond, on U.S. 40 in east central Indiana, the Secretary is a son of James Alvin and Mabel (Macy) Hardin. He was a 4-H member and attended school on a 4-H scholarship. He entered Purdue University at LaFayette, 150 miles northwest of the Hardin farm, during the bleak years of the Great Depression. In 1937 he graduated with a BS degree in agriculture; in 1939 he was awarded the MS degree and two years later completed his doctorate.

Hardin was a student at the University of Chicago in 1939–1940 and was awarded an honorary LL. B. degree from Creighton University in 1956. During the academic year 1940–1941, the future cabinet member was assistant professor of agricultural economics at the University of Wisconsin in Madison. The following year he moved to Michigan State College at East Lansing, where he advanced successively to associate professor of agricultural economics; professor and chairman of the department of agricultural economics; assistant director of the agricultural experiment station; director and finally he was made Dean of the College of Agriculture. In 1954 he became Chancellor of the University of Nebraska and moved his family from south central Michigan to the low rolling hills of Nebraska, where his permanent home now is at 41, The Knolls, Lincoln.

Not all of Hardin's experience has been in the classroom. He is a director of the Federal Reserve Bank of Kansas City (Omaha branch); a director of Behlen Manufacturing Company and Fairmont Foods Company; a trustee of Bankers Life Insurance Company; a member of the Educational Advisory Commission of the W. K. Kellogg Foundation; a trustee of the Rockefeller Foundation and a director of the Federal Farm Credit Administration of St. Paul. He was a member of the President's Commission to Strengthen Security in the Free World and a delegate to the International Conference of Agricultural Economists in London. Also a member of the National Science Board and the Association of Universities and Land-Grant Colleges, of which he has served as president and chairman of the executive committee.

It would be difficult to find anyone with more technical experience in agriculture than Cliff Hardin. On June 28, 1939, the Secretary married Miss Martha Love Wood. The couple are parents of five children; Clifford Wood and James Alvin and Susan Carol (Mrs. L. W. Wood), Cynthia W. and Nancy Ann. Hardin is a Phi Beta Kappa, belongs to several fraternities and is a Rotarian.

Secretary Hardin moves slowly and deliberately. He researches everything carefully and moves with caution. One of his first acts after being sworn in was to call in and interview the heads of the farm organizations and larger commodity groups. Next he held a series of "listening conferences," or agricultural forums held in various parts of the country, including Illinois, Nebraska, Georgia, Washington (state), Texas and California.

"Why have any more probes about what the farm problem is?" asked some midwestern agricultural publications. "Everyone knows what the farm problem is and have known for 35 years. Why take up the time of farmers who are busy in the fields, etc.?"

Some farm organizations viewed the "listen-ins" with mixed emotions. After all, farm leaders spend their time and money representing the views of their farmer constituents; this looked like the Secretary was going over their heads.

Melvin Sims, Liberty Route 2, president of the National Council of Farmer Cooperatives and FS Services, Inc., is the only local farm personality who is personally acquainted with Secretary Hardin and discusses farm problems with him face-to-face in a conversational manner. Sims was Hardin's luncheon guest during the recent AFBF convention in Washington.

"The 'listen-ins' may have appeared to be somewhat unorthodox," Sims said. "After all, the Secretary of Labor doesn't usually go out and get the views of the rank and file; he deals with the labor leaders. But Secretary Hardin felt it was important to go directly to the source of those who work in the farming industry. He is interested more in basics and is more concerned with the results than he is who is going to get any credit. I must say I admire him for this attitude."

The listen-ins typify Hardin's method. He is unconcerned with political self-promotion and does not appear to be too deeply concerned or disturbed by criticism or detractions. He is no flag-waver; no tub-thumper; no "we're gonna' do this and we're gonna' do that" leader. He is plain old Indiana Cliff Hardin.

There is an ancient legend about an old man and a boy walking down the road leading a donkey. "How stupid," chided some passerby, "why doesn't one of them ride?" The boy got on the donkey. "That lazy boy should be ashamed; making the poor old man walk." The two changed places. "Can you imagine that: that man making that poor little boy walk while he rides." The two were frustrated. By trying to please everyone, they had pleased no one.

Some farm leaders are trying to apply that legendary allegory to the present Secretary of Agriculture. "He is trying to please everyone and actually pleasing no one," say some of his detractors. But Hardin keeps on "plowing corn."

Though there have been no emotional outbursts against Hardin, such as were against Benson and Freeman, "some of the boys are mumbling in their beards." Such questions are being asked as, "When is he going to move?" Hardin is being accused of inactivity, but those who know him best merely say, "He's thinking all the time."

The writer has participated in several press conference with Secretary Hardin. He handles reporters well. While former Secretary Freeman has been accused of occasionally bluffing his way, Hardin doesn't bluff. When he doesn't know, he says so.

"Why have you been so long announcing wheat acreage allotments?" demanded a farm editor from the plains states last summer at a press conference. "Because I didn't know what to announce," was the Secretary's straightforward and unequivocal answer.

"When are you going to announce the Nixon farm program?" Hardin was asked during another press conference in Chicago. "There will be no 'Nixon farm program'," answered the head of the USDA. "We are working with the Congressional committee and others to develop programs to benefit all groups."

There has been some criticism of Hardin, but it has been quite mild. A few liberal farm leaders do not think the Secretary is supply-management-minded enough, while Farm Bureau is raising questions. "Hardin has not really made anyone mad, yet few are singing his praises to the skies," said a farm leader in Washington recently.

"Hardin wants to work it out 'together'," said the Kiplinger Agricultural Newsletter of Oct. 3, "not trying to dictate programs to Congress like others before him. Wants to cooperate with Congress . . . just the opposite from Brannan, Benson and Freeman. Even the toughest nut on the Agriculture Committee appeared to be disarmed by Hardin's cool . . . his willingness to cooperate . . . his sincerity."

Those who view Hardin's first year objectively agree that he is trying his best to be fair to all groups. He earnestly desires their cooperation.

After a year as head of the sprawling USDA, these attitudes of Agriculture Secretary Clifford Hardin have emerged:

He does not favor an immediate withdrawal of all commodity programs; he thinks Farm Bureau's massive land retirement program would be "too severe"; he is partial to a "set-aside" commodity program; he does not favor the $20,000 limitation as such, unless it meets the criteria of the program; he does not favor one farm organization over another and has endeavored to give something to all of them and he feels that the Congress—particularly the Agriculture Committee of the House of Representatives, should draft farm legislation—not the Secretary of Agriculture:

Hardin can look back on 1969, as a year of consolidation; of becoming acquainted; of feeling his way along; of gathering all the information possible. No one can say in fairness that he is a bad Secretary or a good one. Perhaps 1970 will reveal more of Cliff Hardin's methods. His first year has been a testing time.

A RESOLUTION FOR A FULL INVESTIGATION OF THE NCAA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. MICHEL. Mr. Speaker, on January 19, I took the floor of the House to discuss the high-handed tactics of the NCAA in imposing some completely unreasonable, arbitrary, and outrageous sanctions upon Yale University's entire athletic program. Then on January 27, the gentleman from Connecticut (Mr. GIAIMO) and I introduced a resolution calling for the creation of a select committee to conduct a full and complete investigation and study of the National Collegiate Athletic Association.

We made the point at that time that we would solicit the membership for support and would reintroduce the resolution, which I am happy to do today in conjunction with 24 of our colleagues from both sides of the aisle and representing a wide spectrum of political philosophy.

Since my first comments we have received a good amount of correspondence from college officials from all parts of the country, as well as private citizens, encouraging us in our effort, and it is quite evident that the dissatisfaction and concern over the policies of the NCAA are rather widespread.

I insert at the conclusion of my remarks the following articles:

[From the Sports Illustrated, Jan. 25, 1970]

SCOREBOARD

IRRATIONAL

The NCAA is becoming ridiculous. Once the popular favorite in its duel with the stodgy old AAU, its persistent stance of self-defeating stupidity is eroding its support everywhere. The suspension of Oregon State basketball player Gary Freeman (Scorecard, Sept. 15) was a bureaucratic inanity that had to be reversed, and the failure to sanction basketball competition in the Maccabiah Games—because of the continuing squabble with the AAU—was petty, shortsighted and cruel. Its suspension of Yale for two years (for not forbidding a Yale player to go to the Maccabiah Games and then for letting him play varsity basketball this season) is a prime example of NCAA overkill.

Even more peculiar is the one-year suspension of San Jose State's track team, the defending NCAA outdoor champions. San Jose was barred from competing in either the indoor or outdoor national championships this year because several of its athletes took part last season in two "uncertified" meets. Athletes from other colleges (the NCAA refuses to name them) appeared in at least one uncertified meet, but their schools were "chastised" rather than suspended. San Jose ostensibly received the sterner punishment because its athletes had competed in two such meets.

San Jose claims that it had assumed the meets its athletes entered were O.K., because both had been sanctioned by the U.S. Track and Field Federation, the group the NCAA helped organize in opposition to the AAU. It tried to appeal the ruling, but the NCAA refused the appeal. Last week San Jose's acting president, Hobert W. Burns, said, "At the very least, we believe we are entitled to know why San Jose State College . . . was singled out for punishment and why the punishment was so severe." Then he tossed a strong accusation. "This action against San Jose State," he said, "may have been in part a prejudicial reaction to John Carlos' raised-fist gesture at the Olympic Games."

Carlos is the controversial sprinter who, with his San Jose teammate Tommie Smith, appeared on the victory stand in Mexico and made the Black Power gesture that aroused so much animosity. To ascribe the NCAA action against San Jose to its personal feelings against Carlos would seem terribly far-fetched if it were not for a double-page spread that appeared on pages 2 and 3 of the December issue of *NCAA News*. An oversimplified and one-sided editorial on campus unrest among black athletes is accompanied by an abridged report of a speech by an FBI official that, in juxtaposition with the editorial, seems to lump all black student activists with the extreme left. If the NCAA wanted to support the argument of San Jose's acting president, it could not have done it more effectively.

[From the Orlando Sentinel, Jan. 18, 1970]

NCAA Has Become Downwright Ludicrous: College Sports Deserve Better

(By Bill Clark)

Face it, the NCAA has become downwright ludicrous.

The proper name of this body which once was steeped in respect is the National Collegiate Athletic Association. All the big schools in the country are members and, ostensibly, they rule themselves. But great powers have been vested in a half-dozen hired hands.

Walter Byers, an ex-sportswriter, is one of these. He is NCAA executive secretary and one of the major culprits in the whole mess since he is the strongest single individual in the administrative setup. Some people say the colleges should have known better when they hired a sportswriter.

At any rate, what is wrong with the NCAA these days is a topic so plural you can name them alphabetically. Here are a few:

A few years ago, the NCAA embarked on a struggle against the AAU (Amateur Athletic Union) for control of amateur sports in America. The fight soon grew utterly preposterous, both sides acting like small children. Two U.S. presidents, Ike and JFK, both tried to break up the quarrel without success. Small children quarrelling are okay, of course, but who wants them running the athletic department at Florida? Or UCLA? Or at your alma mater?

The NCAA slaps stiff penalties back-to-back on FSU for recruiting sins which, when compared to things going on at 99 per cent of the nation's schools, really are quite negligible. And this is no effort to whitewash Florida State. It is just a question whether Walter Byers and his investigative staff are this naive or if they see only the offenses they choose to see?

In recruiting players and in the area of administering academic tests and scholarships, cheating in some form is rampant in college athletics. There are schools here and there led by principled men who try to conduct honest programs. Unfortunately, they are often the coaches and athletic directors whose teams are losers. Unprincipled opponents consistently beat them. In effect, the nice fight with one hand tied behind their backs.

A common practice at even the best schools is to hand a fistful of tickets to each football player before home games. The schools and their coaches know full well that the athlete is going to sell those tickets for more than the market price. Often-times, school representatives bring the star player together with the ticket buyer . . . usually a rich alum who is glad to pay, say $50 for a pair.

At worst, this is pasteboard prostitution. At best, it is scalping, and scalping, in many cities and states, is against the law.

But practically it is one of the ways schools illegally pay their athletes. Never mind that the ethics of it is all wrong, in fact, stinks.

The NCAA knows about the ticket scandal, but what does it do to stop it? Nothing.

Athletes often drive big autos. Wilt Chamberlain did while he was at Kansas. Where does a room-and-board and laundry money type scholarship of the type the NCAA permits give a kid the means to buy a big auto? It does not. But the NCAA is less than 100 miles from Lawrence, Kan., where Chamberlain played and the NCAA somehow could never find a thing wrong with Wilt's ride.

Despite what you have heard, the NCAA is not anti-Semitic.

But you have to wonder after what the body recently did to Yale University. An Eli basketball player, Jack Langer, participated last summer in the Maccabiah Games in Israel. The games have been dubbed the Jewish Olympics. The NCAA had not "sanctioned" the basketball part of the Maccabiah Games because they were held under the auspices of the international AAU. Result? Yale was told Langer was ineligible to play this year. Yale used Langer anyway. The NCAA placed Yale on two years' probation for using an "ineligible player" even though other Ivy League schools admitted they did not mind Langer playing.

Now comes word that an Illinois representative has asked for a congressional investigation of the whole Langer incident. Republican Robert H. Michel says to him "this looks like another phase of the running battle between the NCAA and the AAU. There are other sportsminded members of Congress," he notes, "And I believe we should stir up some interest in finding out what makes the NCAA tick." Bully for Rep. Michel.

The recent San Jose State probation appears even more unjustifiable than the Yale case. San Jose State's alleged offense was competing in a track meet on which the NCAA did not bestow its blessings. Other schools competed also, but only San Jose was put on probation. The school claims the NCAA's real reason for taking the action was to punish the school for John Carlos' raised black-glove at the Olympics. Carlos attended San Jose.

One school official said when the NCAA was asked for explanation of the suspension, a spokesman explained that it does not have to justify what it does.

Autocratic and high-handed, the NCAA is also unbelievably petty. It has shown time and again that rather than miss a chance to get in a punch at the AAU, it is willing to sacrifice athletes and athletics. This is the real tragedy, young men like Jack Langer of Yale caught up in a battle which is not their own, as mere pawns.

[From the Women's Wear Daily, Jan. 15, 1970]

Sportif

(By Red Smith)

A delegate to the National Collegiate Athletic Association convention in Washington is expected to take the floor sometime today and demand that Yale be cast into outer darkness. If the NCAA Council complies, we may witness a phenomenon similar to that which occurred the other day on the beach at Ft. Pierce, Fla.

In Florida, several hundred pilot whales followed their leader out of the water and up on the sand to their death. Their leader was not identified and his reasons for prescribing mass suicide remain a mystery.

The leader of the NCAA is Walter Byers, the executive director, whose motives have been clear for years and years. He is a gauleiter of the rule-or-destroy school, inflexibly resolved to control all amateur sports that are marketable on television.

If he decides that Yale must be put down, he may lead the NCAA to destruction. In any event, if the council members follow him blindly, as they have in the past, they will, like the whales, raise an almighty stink.

THE LANGER CASE

Yale has sinned by permitting an undergraduate named Jack Langer to play on the varsity basketball team in spite of the fact that Langer had been declared ineligible by the Eastern Collegiate Athletic Conference, a branch office of the NCAA which is subservient to Byers and his Kansas City mob.

Langer has done nothing wrong, and there is no way grown men can be excused for declaring him ineligible. He and Yale are innocent bystanders caught between two warring camps—the NCAA and the Amateur Athletic Union.

As a tactic in its struggle to wrest control of amateur basketball from the AAU, the NCAA has for several years refused to sanction international competitions for college players. One event for which sanction has been withheld is the Maccabiah games in Israel. When Langer was invited to play in that tournament last summer, Yale's athletic director, DeLaney Kiphuth, told him to go right ahead if he felt like it. Kiphuth promised that, no matter what the NCAA said about it, Yale would welcome him back on its team.

Though Yale is a member of the NCAA, through the ECAC, the college is one of the few that have refused to knuckle down to the NCAA. Authorities at New Haven have repeatedly made it clear that they mean to conduct their own athletic program as they see fit and will not yield their autonomy to the Kansas City mob or anybody else. They have kept their word to Langer and will continue to play him in varsity games.

QUICK RETREAT

When Yale encouraged Langer to go to Israel, the university was aware of the probable consequences and perfectly willing to face them. In fact, when the ECAC's executive council took one timid little step toward disciplining Yale the other day, Kiphuth announced flatly that Yale would not accept the penalty because it wasn't severe enough.

The ECAC Council voted to put Yale on probation until June 30, 1971, but Kiphuth said the group had no such authority. He said the only penalty that could be assessed was expulsion, and that the executive council didn't have authority to expel anybody. This could be done, he said, only by a vote of the 113 ECAC members.

Furthermore, Kiphuth declared, the ECAC and NCAA had no jurisdiction as far as the Maccabiah games were concerned.

When he was finished talking, the ECAC membership voted for reconsideration of the executive council's decision, and the latter group backed off, withdrawing the probation order.

XUM

THE DREAMY PRESIDENTS

It remains to be seen whether the Kansas City mob has the guts to take on Yale. If Yale were expelled, the seven other schools of the Ivy League probably would pull out in sympathy.

Perhaps this wouldn't destroy the NCAA, but it would cause a lot of people to give the organization a hard, appraising look. All over the country there are college presidents who, distracted by campus riots and fund-raising campaigns, have let their athletic departments go along pulling chestnuts for the Kansas City mob.

If the Ivy League walked out, some of these dreamy educators might reexamine the company they're keeping.

DEATH OF W. O. OWENS, JR., ST. GEORGE, S.C.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 4, 1970

Mr. THURMOND. Mr. President, recently, South Carolina lost one of its outstanding journalists, Mr. W. O. Owens, Jr., of the Dorchester Eagle-Record. W. O. was one of the leading citizens of his community of St. George, S.C. He was a courageous man and a man of fine character.

I would like to read just one paragraph from a tribute paid the late Mr. Owens by R. H. Lawson, Sr., and published in the Dorchester Eagle-Record. Mr. Lawson writes:

> He was a man of high and noble purpose and had a great sense of dedication to the things he believed in. No human being has labored any harder for the enrichment of life and the betterment of the community. He was a man of vision whose horizons were not limited by selfish desires and endeavors. He was possessed of an inward strength that kept him going, even when his illness was gnawing away at his life.

In this paragraph, Mr. Lawson sums up the life of a man who worked hard for a family, his business enterprise and the community, athletics, and the political life. All of us who knew W. O. knew that he had no political ambitions for himself, but he had a great courage in attacking political corruption against all odds. In his community he was considered an authority on election rules and stood his ground against all comers. He spent hours of selfless work as chairman of the board of registration and won the admiration of all in the community.

W. O. left behind his wife, a proud and courageous lady, as well as two sons, William M. and Jerry B., and a daughter, Kathleen. They will all miss him, as will all of us.

Mr. President, I ask unanimous consent that the obituary of W. O. Owens, Jr., and a letter to the editor of the Dorchester Eagle-Record be printed in the Extensions of Remarks.

There being no objections, the items were ordered to be printed in the RECORD, as follows:

LETTERS TO THE EDITOR

EDITOR, EAGLE-RECORD,
St. George, S.C.:

During the time that I have been privileged to live in this area it was my joy to become acquainted with the late Mr. W. O. Owens, Jr. It was an honor for me to claim him for a friend.

He was a man of high and noble purpose and had a great sense of dedication to the things he believed in. No human being has ever labored any harder for the enrichment of life and the betterment of the community. He was a man of vision whose horizons were not limited by selfish desires and endeavors. He was possessed of an inward strength that kept him going even when his illness was gnawing away at his life.

In his death the community has suffered a great loss. His courageous zeal and self determination to stand up by what he believed to be right is an attribute of character worthy to be remembered.

Sincerely,

R. H. LAWSON, Sr.

OBITUARIES

W. O. OWENS, JR.

William O. Owens, Jr., 49, died Sunday at a Charleston hospital.

Funeral services were held Monday at the St. George United Methodist Church. Burial was in St. George Cemetery.

Funeral services were directed by Bryant Funeral Home.

Mr. Owens was born in St. George, a son of the late Mae Smoak Owens and William Oscar Owens. He was a lifelong resident of St. George, was a retired employee of the Giant Portland Cement Co. of Harleyville, and was associated with the Dorchester Eagle-Record.

He was a former chairman of the Dorchester County Board of Registration, a charter member of the St. George Jaycees and a member of the St. George United Methodist Church.

Surviving are: his widow, Mrs. Doris Magill Owens; two sons, William M. Owens of St. George and Jerry B. Owens of Charleston; one daughter, Miss Kathleen Owens of St. George; one brother, Dr. D. Jerome Owens of Washington, D.C.; and two grandchildren, Julie Owens and William M. Owens, Jr.

Pallbearers were the following nephews: James B. Way, Mike Walters, Don Walters, and T. R. Peden, Jr.; Also, Dan Berry, Roger Brownlee, Eddie Byrd, and W. B. Hills, Jr.

A SMALL BUT SIGNIFICANT ACTION

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. LONG of Louisiana. Mr. Speaker, in our hurried world today, we seldom take time to recognize the seemingly insignificant actions—the little things that are important in our lives—that frequently go unnoticed. In this vein, a friend of mine recently brought to my attention a small matter—an action that would ordinarily have gone unnoticed. I am glad my friend came forward, for it gives me an opportunity to publicly recognize a small but very significant action.

The matter concerns a letter my friend received from his son's battalion commander at Fort Polk, La.—an Army lieutenant colonel by the name of Robert L. Freshley.

Briefly, the letter reveals that Colonel Freshley is deeply concerned for both the spiritual and physical well-being of the men in his charge. His letter shows an awareness of the anxieties of parents and a sympathetic desire to alleviate their very natural worries.

There was no attempt by Colonel Freshley to gloss over the hardships of Army training. But, he made it clear that he considered every man in his battalion to be his personal responsibility—and that this responsibility would not be shirked.

Mr. Speaker, it is truly heartening to read Colonel Freshley's letter and to feel the strong personal concern that he shows for his men. I am not surprised, for I have visited Fort Polk many times and have been deeply impressed by the high quality of its staff of officers and men. I know and respect the Fort Polk commanding general, Brig. Gen. Richard L. Irby, as well as his able deputy, Brig. Gen. Emil P. Eschenburg. Both are truly outstanding commanders, and their leadership qualities have obviously influenced the officers and men under their command.

Fort Polk is a training facility. There are few headlines generated by the 14-hour days, the 7-day weeks, and the frustrations attached to molding young men into seasoned soldiers. All in all, it is a thankless job. But, it is heartwarming to know that there are officers and men who are willing to meet the daily challenge of training—and to do so with unselfish dedication and a truly human concern.

Mr. Speaker, it seems fashionable today to take every opportunity to criticize the military. No matter what or who the source, we broadcast our displeasure with the so-called Military Establishment. The mistakes of a few are charged to all. We seldom take time to consider that a person in a uniform is still human—and "to err is human."

I cannot hope to refute the many misleading and often vicious rumors originated by careless and irresponsible sources and circulated by those eager to criticize the military. I can, however, bring this letter—a small matter—to my colleague's attention. Those Members who read this letter will gain a true insight into the caliber of men to whom we entrust our sons.

Mr. Speaker, I include Colonel Freshley's fine letter at this point in the RECORD:

DEPARTMENT OF THE ARMY, HEADQUARTERS, FOURTH BATTALION, FIFTH ADVANCED INFANTRY TRAINING BRIGADE, U.S. ARMY, TRAINING CENTER, INFANTRY,
Fort Polk, La., January 16, 1970.

Mr. WALLACE BASSFORD III,
Springfield, Va.:

Your son has just been assigned to my Battalion for his Advanced Individual Training. Although he will be here only nine weeks, his welfare is of vital concern to me. That is why I am writing this letter.

His training at Fort Polk will be difficult, and his hours will be long. It has to be this way, as we are charged with the responsibility to instill in your son the professional skills needed to be the best soldier in the world. I'm sure you would not wish us to fall short of that objective.

During his time here, he will be given the very best the Army has to offer. His officers and senior noncommissioned officers for the most part, are combat veterans; his food is good and plentiful; his training is outstanding in one of the finest training areas in the world; and his medical facilities are superior.

If your son attended church prior to his coming into the Army, I invite you to write him and urge that he continue this practice, as we offer our soldiers every opportunity to satisfy their religious needs. Since you play an important role in maintaining his morale at the highest level, I ask that in your letters you also encourage him to learn everything he can and to persevere through his training.

But most of all, I want you to know that your son is a vital part of this organization. As one of his senior officers, I shall do my utmost to insure that he is cared for properly.

Should you have any questions regarding you son's training or welfare, please feel free to write, or call me at 318-578-5644.

Sincerely,

ROBERT L. FRESHLEY,
LTC, Field Artillery, Commanding.

MRS. FRANKIE FREEMAN—DISTINGUISHED AMERICAN OF NOTEWORTHY ACHIEVEMENT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. CLAY. Mr. Speaker, I am privileged to have as one of my constituents, Mrs. Frankie M. Freeman, outstanding civil rights lawyer who now serves as the first woman ever appointed to the U.S. Commission on Civil Rights. Mrs. Freeman's history is one of excellence and as a longtime fighter for the rights of black Americans, she has made a contribution which will continue to yield rewards for many years.

Having served on the Civil Rights Commission since 1964, Mrs. Freeman also serves as counsel to the St. Louis Housing Authority. She is intimately familiar with the problems of the poor and of the black. She has been instrumental in the landmark civil rights legislation designed to meet the problems and her vision gives us insight into the paths which must be taken in the future to insure equal opportunity and equal protection under the law.

I deeply value her friendship, I respect her expertise, and I am thankful for the counsel she has offered me.

I commend to the attention of my colleagues the following address of Frankie M. Freeman, delivered November 23, 1969, at the NAACP Freedom Fund Dinner in Milwaukee, Wis. In her speech, Mrs. Freeman points up the alarming realities of the times and the reasons for all Americans to be concerned. Her speech follows:

ADDRESS OF FRANKIE M. FREEMAN

I have looked forward with a great deal of anticipation to addressing this Freedom Fund dinner of the Milwaukee Branch NAACP. It is a moment to be proud of, the opportunity to appear before a group whose deep involvement in the civil rights struggle has helped to write the name of this city—along with such places as Selma, Montgomery, Memphis and others—into the continuing unfolding story of a people determined to break every shackle that keeps them from functioning as completely free and completely equal citizens of this country.

It would be presumptuous for anyone to attempt to lecture the people in this room on the importance of securing equal rights for all Americans, or to suggest that they should make a commitment to work to secure these rights. The record of the Milwaukee NAACP clearly indicates that you are fully aware of civil rights problems and that you have taken action to find solutions to those problems.

If all those actions had been crowned with success, if all problems had been solved, then this Freedom Fund dinner could well be a time for rejoicing, for the pouring out of praise for tasks well performed. Instead, this Freedom Fund dinner should be a time for sober reflection, for a hard and unemotional look at the distance that still separates the goal from today's realities. The euphoria that attended the early 1960s, when breakthroughs were being made on many fronts, has long since vanished to be replaced with the realization that the tortuous climb to the top of the mountain becomes more difficult as the distance to the summit decreases.

This change in attitude, however, has not been all negative in effect. It has stripped away many illusions that actually stood in the way of bringing about meaningful changes in this society. As long as we believed, as many of us did, that the mere passage of laws would correct the basic racial injustices of this system, then we could not see that the injustices were so firmly imbedded that laws alone could not root them out. It was almost as if we were playing the shell game; while our attention was diverted in one direction, the main part of the game was going on in another direction.

The passage of the various civil rights laws were, of course, of monumental importance, but they were not the end of the struggle, only one more step along the road. Laws alone could not solve the matter of poverty, of people crippled by inferior education, of all the by-products of this nation's most deadly sin. The problems faced by Blacks and other minority groups were so complicated, so interwoven one with the other, that simple solutions were just not possible.

Once this was realized a disillusionment set in among a number of our allies who retreated from the struggle, unwilling to have their hands soiled with the real and unglamorous nitty-gritty problems of Black people. Some of our own people also went through a traumatic shock, becoming convinced that the problems were so deep-rooted that they could not be solved in the present social context, and the only answer was racial separation.

What all this has meant, is that the Civil Rights Movement, as it has been known, has been fractured, perhaps beyond repair. While it was in existence it did perform many useful acts in bringing this country to the point where segregation and discrimination are no longer legally supported, and where there is widespread concern for civil rights. Having done this, it is in the nature of historical progression, that the Movement would be replaced by some other type of structure more capable of dealing with a different set of problems. An analogy can be drawn by citing the cutting away of underbrush to get to a stand of timber. One does not use the same tools to clear the underbrush as he does to fell the timber, and we should not expect that the same type of Movement that was so effective in the 60s can possibly be effective in the 70s. The Movement's demise is therefore, to be regretted but not to be regarded as a signal that all is lost.

A new type of Movement is developing, that even more than the old, reaches out to involve all segments of the community. This type of constituency gives the new Movement more power than the old Civil Rights Movement which was basically middle-class orientated and middle class developed and so limited in concept and effectiveness.

One of the weaknesses of the old Civil Rights Movement was this middle-class mindness. It was never able to develop, except in a few instances, and these most notably in the South, a broad based community involvement. The usual pattern was for the Civil Rights Movement to depend upon white liberals and middle-class Blacks for both financial support and direction, while the great mass of Black people remained untouched.

While the majority of Blacks could share vicariously in the achievements of the Movement, its goals were so far removed from their basic concern, as to be to a large degree, irrelevant. The Movement, however, did achieve its greatest victories coincidental with a period in which the Black community, through the rapid improvement in communications, was becoming more aware that it was not sharing equitably in the good life.

Black fathers, struggling to keep a family together on sub-par wages, looked at television and saw White America relaxing in California, flying to Europe, driving the latest automobiles from Detroit, and asked themselves—why can't that be me. The golden apple of success was dangled just beyond the reach of Black people, and they wanted the fruit. The old excuse—time will take care of everything—was no longer acceptable and spurred on by what had been done on the legal level, the demand for fundamental changes in the White-constructed and White-dominated society began to be heard.

These demands have changed the character of the Civil Rights Movement, they have created a new ordering of priorities, and because they cannot be answered without basic changes in this society, they have produced resistance on the part of many Whites who aren't concerned with whether Blacks vote in Mississippi, but are concerned when Blacks seek homes in all-White sections of Milwaukee.

If the public opinion polls are correct, and if such studies as Newsweek Magazine recently made of the mood of White America are to be believed, the issue of civil rights has become a source of irritation to many Americans who feel that too many demands are being made by too many people who have already received too much.

The truth is that not enough demands have been met or made, for there to be any relaxation of efforts to bring the scales into balance.

Rather than to face up to the bitter truth that the system has not responded to the need for change, a large number of Whites believe that if only enough repressive pressure is applied, if only attention can be diverted from the racial problems, then this nation can return to the past and the headache she now experiences will go away. It is difficult to imagine a more dangerous game than this, for all it accomplishes is to under evaluate the seriousness of the problem and to over evaluate the ability of force and repression to stifle ideas.

On every hand we see a growing insensitivity to this most critical domestic problem. While Blacks fall further and further behind Whites in income, the anti-poverty program is being dismantled. While Black Panthers are being killed or thrown in jail as part of the law and order campaign, the Attorney General of the United States is not sure that he can enforce desegregation rulings. While cities sink deeper into their own filth, billions are poured into an unwinnable war, thousands of miles away from this country. While millions are available for the construction of supersonic transport to carry the well-off to far flung corners of the world, people are being thrown off farms and our Congress quibbles over food programs.

Something is wrong, something is very wrong.

XUM

A disturbing trend has recently emerged in this country that places dissent on the same level as treason. It is a coldly calculated device to excommunicate dissenters from the company of decent men, a trick to divide Americans on the basis of their beliefs. We are being told that unless we accept every act of the government as correct, we are being un-American. We are being told not to criticize, that everything is being handled by our elected officials, and if we question them, then we indicate a shocking lack of confidence in our country. So far, the device has been applied only against dissenters from the Viet Nam war, but if this "Operation Discredit" is successful, it will be turned against other dissenters, and particularly against those who dissent over the handling of racial problems.

The step from branding people who dissent on one issue as unpatriotic, to branding people who dissent on any issue as unpatriotic, is not a long one. Once the madness takes hold, and the fever begins, no one is safe except in total conformity. America has to be awakened to this danger, and we who are involved in civil rights activities have a particular responsibility in this matter, for as certain as it is that we sit here today, just as certain is it that we will be the next on the list to be smeared as un-American.

This possibility does have an ironic overtone, for the majority of those who dissent over the handling of America's racial problems, do it out of a desire to reform the country, not destroy it. The great civilizations of mankind have all crumbled, not because of outside force, but because of their own internal weaknesses. America is no different, she too can destroy herself and it is this that we try to avoid when we ask this nation to solve these problems while there is still time.

Whether the necessary actions will be taken, depends on whether White America can be convinced that she has permitted a racist society to develop and to continue to exist. She has supported institutions that have excluded Blacks, Mexican-Americans, Indians and other minority groups, and she has made a white skin the mark of excellence. The responsibility for changing this rests in her hands.

XUM

The responsibility, however, is only dimly perceived by the majority of Whites who find acceptance difficult because it calls into question their own conduct and challenges the sanctity of the institutions with which they feel most comfortable. If they admit to any degree of responsibility then they must have contributed to racism, and since this idea is abhorrent, they reject it. They cannot accept the possibility that their valued institutions, such as their schools, their churches, their all-White organizations, could have contributed to the present racial problems, and so they reject this idea as well.

Such an answer offers a comfortable answer to a difficult problem and shifts the burden of responsibility from those who should bear it, to those who suffer most from the problem, and can do least about it. The illogical nature of this type of reasoning has been pointed out time and time again, and most recently by the President's Commission on Income Maintenance, which said:

"It is often assumed that anyone who wishes to live well can achieve this objective by seeking and accepting work. And it is often argued that the poor are to blame for their own circumstances. These assertions are false. Our economic and social structure virtually guarantees poverty for millions of Americans. The simple fact is that most of the poor remain poor because access to income through work is currently beyond their reach."

While the Commission was speaking of all the poor, its conclusion can be extended without any difficulty to apply to Black Americans whose economic and social problems are further complicated by the factor of their race. White America must understand this if we are to find our way out of the thicket of racial injustice.

During the 12 years that it has been in existence, the Commission on Civil Rights has expended most of its energies in investigating the reporting on denials of equal rights under the law. In this it has been quite successful with most of its recommendations being enacted into law or administrative edict. This has been a monumental task and work along this line is continuing, but we have also come to the realization that studies and reports by themselves are not enough and that affirmative actions have to be taken in White communities to bring about changes in those institutions which perpetuate separate societies.

The Commission's Urban Project, which operates in a limited number of cities, seeks to do this by working with local groups primarily concerned with programs in the White community. The aim here is to find methods by which institutions can be changed so that they no longer contribute to the maintenance of racism. The goal is admittedly a difficult one to perceive, and even more difficult to achieve, but it is in this area where the greatest hope lies for a lasting resolution of racial conflict.

Institutionalized racism often operates subtly, with few people realizing what is actually taking place. When schools almost automatically assign Black children to general courses while Whites are assigned to academic courses, this is racism. When police departments enforce the law one way in Black communities and another way in White, this is racism. When the only supply of housing available to Blacks is generally inferior and in the inner city, this is racism. When labor unions set artifically high standards and then confine their apprenticeships to relatives of members, this is racism.

These are examples of how racism operates, and as I have indicated, the responsibility for bringing about change rests with those who contribute most to the maintenance of such structures, the White community.

This does not mean, not by any stretch of the imagination, that Blacks should sit still and wait for changes to occur. To do this would be to sacrifice the progress that has been made in the past, and to leave the door open for regression. To stop now and wait for others to catch up would mean losing the impetus that has been built up. And should this happen, it would be years before we could get the procession underway again.

We will, however, have to adopt new techniques and develop a blueprint for action capable of meeting the circumstances that face us today. There are several steps I believe can be taken and I would like to propose these to you.

1. New alliances have to be formed with the young, and with other White groups who have also been barred from sharing fully in the American dream, though they may not recognize what has happened to them.

The impatience of youth frightens many people because the young are not so bound up in materialistic concerns, that they place these above human concerns. In a society where property values take priority over human values, the young represent a threat to the status-quo, and so they are to be feared. More clearly than their elders, the youth of today can see through sham and fraud to the basic imperfections in this society. They ask why should they be taught that all men are equal, when they can see all around them that all men are not being treated equally.

They ask what is all the talk about morality, when their parents cheat on their income taxes, boast of the sharp deals they have consummated, and are more concerned about keeping their country club membership restricted than with whether people have enough to eat.

Black youths particularly are groping for answers. Sometimes they fumble in the dark, unsure of what it is that they really want, but it is plain that they do not want the same things their parents had. We would make a mistake if we refuse to listen to them, if we refuse to offer them decision-making roles in our organizations. Eventually, the young people of today are going to be in command, and the longer we delay listening to their voices, the more we widen the gulf between us, the more we encourage them to turn away from us and to go their own way alone.

I fully recognize the extreme importance of Black groups developing their own power bases, of determining on their own, what is best for them. It is imperative that they be strengthened, but at the same time, I believe that it would be a mistake if they worked in complete isolation without ties to groups outside their own communities. There are other ethnic groups, the Mexican-Americans, the Indians, the Puerto Ricans, who experience somewhat similar problems as Black people, and on certain issues it is possible to work together. There are many poor Whites, who have been so brainwashed that instead of seeing who the real enemy is, they focus their frustrations on Black people. Poor whites constitute the majority of the poor in this country. They have been brainwashed into acceptance of their condition by belief in the myth of their so-called white superiority. And so, even they remain poor and ignorant and are included among the millions who even tonight will go to bed hungry—in this most affluent nation in the world. Here, alliances are going to be more difficult to shape, but there are certain common interests that should make it possible for such coalitions to be formed.

The coalitions I propose would not be permanent, but would shift as priorities changed. This would prevent them from falling into a fixed mold, where the chances for adjusting internal differences would be much less, than under a more flexible arrangement.

2. Richard Hatcher, the Mayor of Gary, Indiana, suggested at the recent Institute of Black Elected Officials that we need a nationwide coalition of Black political leaders, who are bound together not by party ties, but by commonly shared goals. A body such as this could bring political pressure to bear at the national level where so much that bears on local issues is decided. It could further provide assistance to political figures at the local level by providing them with information and technical assistance.

3. We need to see the internal strengthening of our communities in terms of a totality and not in terms of plans that have little relationship to one another. If we concentrate on jobs, without also concentrating on making certain that there are people available with the skills to take the jobs, we aren't really being effective on behalf of the community. Fragmented programs may serve an ego-building need of their organizers, but they are of little lasting value to the community at large.

When plans are developed for our communities, they should not be developed in isolation, but should be tied into already existing or planned programs to insure maximum impact.

4. The Black community has to become more sophisticated in acceptance of government programs.

Many programs have been started in the Black community, but how many of them actually work, and how many of them are accepted just because they are offered. It seems to me that we have a moral obligation to monitor these government sponsored programs to determine whether they are any good for the people, and if not, then we should insist that they be taken out and replaced with programs that mean something and would do more than serve as window-dressing.

5. Every citizen must respond to his duty to vote at every election. The person who stayed at home on election day cannot complain if he does not like the result. Those "so called" leaders who encourage citizens to boycott the polling places are indeed irresponsible. The people have a right to govern—the people have a duty to govern—They govern through their vote.

I am not suggesting that the strategies I have outlined offer the only methods of meeting the new challenges. There are many more avenues that can be explored, so whether you agree with me or not, it would be my hope that at least there is a realization that the Civil Rights Movement has to change to meet changing circumstances.

We can learn from past experiences but we should not be so tied to the past that we are condemned to do the same thing over and over again, well past the point of diminishing returns.

Very few positive actions have occurred on the civil rights front within the past few months, and I can understand why a general feeling of dismay has spread throughout minority communities. Even as bleak as the outlook seems, I urge you not to lose one iota of determination to see the job through to the end. We have survived adversity before, and we will survive again because what we are trying to accomplish is right.

I congratulate you on what you have accomplished. There are new challenges ahead that will test you to the utmost. I feel confident that you will meet the new challenges as you have met the old, with a firm determination to overcome.

> "The woods are lovely, dark and deep,
> But we have promises to keep,
> And miles to go before we sleep—
> And miles to go, before we sleep."

Thank you.

LETTER FROM HOME

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. SIKES. Mr. Speaker, I have a poem from the pen of Mrs. Lila A. Crew, of Panama City, Fla., written as a salute to our fighting forces for their services in Vietnam. It is significant that the poem was granted an honor certificate by the American Freedoms Foundation and in April 1968 it was published in Leatherneck magazine. It carries a very poignant message and one which I believe my colleagues will want to read. It follows:

LETTER FROM HOME

(By Lila A. Crew)

When alien night brings brief, uneasy calm
To the horror and the hell of Vietnam,
When deepening shadows mask the combat zone,
The whereabouts of friend and foe unknown;
And ominous jungle sounds forbid you sleep,
Not alone is the vigil yours to keep.
Not alone lie the wounded in despair,
For swift as a falling star, we are there.

Through searing days, in rain, in mud,
We too know death, the stench of blood.
While the octopus, concealed by jungle grass,
So ruthlessly continues to amass
Unwilling innocents to make his kill;
While pacifists, and former brothers, still
Rationalize their failure to repair,
And caution, "peace at any price."—we are there.

Let history well note this breed of men
Sent by a mighty nation to defend
A struggling, oppressed and bludgeoned friend.
The enemy too late will comprehend
The scope of fury, the blazing valor
That motivate our freedom-loving men.

And when this war is done and heads of state
Evaluate, score, adjudicate,
How will they measure what we gave?
We sent a legion of the brave.
In grief and overwhelming pride
Our country weeps for those who died.

Whatever truths historians declare,
This will be written: We were there.

JUST PEACE IN THE MIDDLE EAST

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. CABELL. Mr. Speaker at a recent conference held in Washington by the presidents of major Jewish organizations within the United States there was considerable discussion concerning the development of a lasting and just peace in the Middle East. At this conference a resolution was drawn and adopted to which I wholeheartedly subscribe.

In the event that all Members of this body have not had an opportunity to read the text of this resolution I am requesting permission to insert it in the RECORD at this point.

I am sure that a vast majority of the Members of this body will subscribe to this resolution as a vast majority of us cosponsored the Celler statement which was inserted in the RECORD a few days ago.

The resolution follows:

RESOLUTION ADOPTED BY THE NATIONAL EMERGENCY CONFERENCE ON PEACE IN THE MIDDLE EAST

This Conference of American Jewish leaders, concerned with achieving a just and lasting peace in the Middle East, joins general public opinion in this country in vigorously condemning the anti-Israel and pro-Arab policy of the Government of France.

France's massive outpouring of arms to Libya creates an arms imbalance that further fans the flames of conflict in the Middle East. We reject the cynical explanation offered by the French Foreign Minister that this is merely "good business" on the part of France. It is patently clear that Libya has neither the need for 100 jets nor the ability to employ them, and that the planes are in fact destined for Libya's ally, Egypt, whose ruler still dreams of revenge against Israel through an ordeal of fire and blood.

By its act, France joins Soviet Russia in surrendering any credibility as to her neutrality or objectivity as a participant in the Four Power talks on peace in the Middle East and dismays the many friends of the French people.

At the same time, we recall the genuine sympathy and friendship extended by the French people to Israel in the past. It is gratifying to know that even now the majority of the French people, as reflected by the French press, repudiate their government's present policy and share our apprehension over the course pursued by the Pompidou administration.

The rejection of lofty French ideals reveals a contempt for world opinion by the current French regime. Those who love France cannot and will not be silent. On the eve of President Pompidou's visit to this country, we protest the action of his government in arming Israel's enemies bent on its destruction while denying to Israel the 50 Mirage jets already bought and paid for.

We call on President Pompidou to reverse his Middle East policy, to lift the arms embargo against Israel and to reassert the traditional French commitment to the principles of liberty, equality and fraternity.

JAKE GAITHER: A LIVING LEGEND

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. FUQUA. Mr. Speaker, a living legend in the annals of sports is retiring.

But, Jake Gaither is more than a figure in sports. He is an inspiration to those with whom he has come in contact. Coach Gaither is that rare individual who inspires those who meet him—he is that rare combination of ability and drive that few men possess.

A great deal might be said of his phenominal football record at Florida A. & M. University in Tallahassee. He is the winningest coach in the country with a record of 203 wins, 36 losses, and four ties.

Like so many other Floridians, I am a great fan of Bob Hayes of the Dallas Cowboys. Here is a young man who came under the influence of Coach Gaither and he is just one of those who owe so much to this distinguished Floridian.

As Coach Gaither enters a well-deserved retirement, my thoughts are not so much about his phenomenal coaching record. My thoughts are with those hundreds of young men who came under his influence and because of Coach Gaither their lives were changed. No man could accurately measure his worth to his fellow man.

He has the respect of the high and the low in my State. He certainly has mine. In making this humble tribute to Alonzo S. "Jake" Gaither I cannot think of a more apt expression than that from the column of Florida Times-Union Sports Editor Bill Kastelz, "What a wonderful world it would be if there were more Jake Gaithers."

I insert the articles in the RECORD at this point:

GAITHER RETIRES AFTER 25 YEARS

TALLAHASSEE.—Coach Alonzo S. "Jake" Gaither, who overcame brain tumors, blindness and a "new breed" of socially aware black athletes to build a football dynasty at Florida A&M University, stepped aside Thursday after 25 years as the Rattlers' head football coach.

"The reason is simple—I just don't want to press my luck any longer," said Gaither. Still trim at an estimated 65—he won't give his exact age—Gaither walks with a slight limp but maintains the mental agility and physical toughness that led the Rattlers to a 203-36-4 record since 1945.

"I made up my mind last summer," he told newsmen. "My wife and I talked it over—she wants me to quit. I talked with my brothers—they want we to quit."

Gaither said his heart is sound, "although I don't know if I could stand many of those games with Grambling or Southern where a field goal or one touchdown makes the difference." He said doctors removed two malignant brain tumors in 1942, leaving him temporarily blind, and he was maneuvered around the practice field in a golf cart since breaking a leg a few years ago.

Assistant Coach Robert "Pete" Griffin, a 1938 star center at Florida A&M who has tutored the offensive and defensive linemen since 1944, was named to succeed Gaither as head coach and head of the health and physical education department. Gaither will remain as Athletic Director and physical education professor.

"They talk about what I've done for football—no, it's what football has done for me," Gaither said after Dr. Benjamin Perry officially announced the resignation. "I can never repay to the game of football the wonderful things football has given to me—it's given me an opportunity to compete in an area where only merit counts. I've been able to help shape the lives of hundreds of boys."

Gaither estimates "about 25 or 30" of those boys have graduated to the pro football ranks, including the Dallas Cowboys Bob Hayes, a 1964 Olympic gold medalist dubbed "the world's fastest human."

Gaither, who joined the Rattlers as an assistant coach in 1937, said he has long wanted "to recruit some good white players," but can't compete with bigger-budgeted predominantly white universities.

The all-black Rattlers played their first white school Nov. 29, beating the University of Tampa 34–28 in what Gaither considers the turning point in his troubles with a "new breed" of black youth more concerned with social issues than athletics. The Rattlers beat Grambling 23–19 in the postseason Orange Blossom Classic the following week to end Gaither's sideline career.

"For four years I've been telling you we're working with a new breed of athlete and this year it paid off—we restored what we lost: pride, willingness to pay the price to win," Gaither said.

"I think it reached fruition after the Tampa game. We were going to give the boys Monday off, but I couldn't give them a day off. They said 'No, coach, we want to work,' and I knew then we no longer had the 'new breed' of athlete—we had the old Rattlers back."

The son of a Methodist minister, Gaither was born in Dayton, Tenn. and was an All-SIAC end for the Knoxville Bulldogs before taking his bachelor's degree in 1927. He joined the Rattlers after receiving his masters degree at Ohio State and today insists that every assistant coach have a masters.

The Helms Foundation Football Hall of Fame honored him in 1961 and he was elected small college Coach of the Year the next year by the American Football Coaches Association. The Tallahassee Quarterback Club presented him its service award in 1956 and 1960 and a city recreation center, park and golf course were named after him in 1954.

Griffin said he plans no major changes—just the usual "new wrinkles" every coach looks for each season—and told Gaither "Jake you're not going anywhere—you're going to be right down there beside me."

JAKE CALLS IT A CAREER

(By Bill Kastelz)

The man I consider the greatest Negro I've ever known in the world of sports hung up his cleats yesterday.

Alonzo S. "Jake" Gaither, the most successful college football coach in the country, called it a career—and what a career it was. Twenty-five years as the guiding spirit behind Florida A&M football produced 203 victories, 36 defeats and four ties.

In 25 years, his worst team had a 6–4 record. His two next worst teams went 7–3. The other 22 weren't anywhere near that bad. His teams won more championships than you could shake a stick at, and he sent at least two dozen players into the pro ranks.

But, if Jake Gaither's career record was 0–243, he still would be remembered by all of us in the sports writing ranks as one of the very finest Americans with whom we ever had the privilege of working.

Jake never carried a chip on his shoulder. He never figured the world owed him a living. He never complained of his lot—and it was a monstrous hurdle to overcome, much of it during an era when the nation was not quite as broad-minded about racial matters as it is now.

Typical was his statement accompanying his resignation:

"They talk about what I've done for football—no, it's what football has done for me. I can never repay to the game of football the wonderful things football has given to me. It's given me an opportunity to compete in an area where only merit counts. I've been able to help shape the lives of hundreds of boys."

True.

A REMARKABLE AMERICAN

One of these hundreds was Bob Hayes, a Gaither protege, a 1964 Olympic gold medalist called "the world's fastest human," and now with the Dallas Comboys. Hayes is from Jacksonville.

While he was at Florida A&M, he got into some minor difficulty and Gaither promptly moved in to vouch for him and Jake's word was good enough for all concerned. Hayes had no more trouble and made it big in the pro ranks.

A couple of years ago, Jake was on the sidelines at a football game and a play ran over him and broke his leg. That was a Saturday. The next day, Bob Hayes read about it and that evening, right after the Cowboys' game, he flew to Tallahassee to see how "Coach" was getting along.

Jake, of course, was doing fine. It wasn't a major battle for him.

The last time I talked with him was at the Governor's Cup Jamboree in Tallahassee, where they gave him a trophy about eight feet tall in recognition of his 200th win, and after a standing ovation, he responded:

"I must be gonna die. So many nice things have been happening to me lately."

Jake is and was a lot of things . . . exacting and understanding . . . stern and thoughful . . . methodical and successful . . . humble and great. All these things and more.

What a wonderful world it would be if there were more Jake Gaithers.

A MILESTONE FOR JAKE GAITHER

Although we deal infrequently on these pages with sports topics, we do comment on Florida traditions and institutions.

Retiring Florida A & M University football coach Jake Gaither does come under the category of sports but he also has built a tradition and in the process has become an institution.

Florida A & M, with 3,500 students, is not a large school in terms of enrollment but it is a proud school with an 82-year history and a passion for retaining its present autonomy.

Recently a cooperative agreement made between A & M and Florida State University prompted rumors that A & M was to be phased out and merged with FSU. The students sought and received assurances that the move was not designed to eliminate FAMU. Part of the reason for this school spirit is Jake Gaither.

When Gaither assumed the head coaching duties at FAMU in 1945 the school had less than 800 students. During his 25 years as football coach he compiled a record of 203 wins, 36 losses and four ties, making him the most victorious coach in the nation.

He has also been selected to the Helms Foundation Football Hall of Fame and one year was chosen as coach of the year by the American Football Coaches Association.

Among the football players he has developed who went on to professional careers are Bob Hayes, Al Denson, Hewritt Dixon, Carlton Oates and Ken Riley.

But his influence extended beyond the football field. As one colleague said: "He has been a tremendous influence in the progress of the university in every possible way . . . it is impossible for any single individual to assess what he has meant to Florida A & M University."

As he leaves his head coaching job and gears his activities to "only" those of athletic director and professor of physical education, passing a big milestone along the way, it is an appropriate time for Floridians to take note of his past accomplishments and to wish him continued success.

GAITHER HELPED SHAPE LIVES OF MANY YOUTHS

Coach Jake Gaither frequently is described as a Living Legend. In stepping down as football coach at Florida A&M University, he clearly indicates he would like to keep it that way—with the emphasis on "Living".

His reason for ending his 25-year career as head football coach is simple, he says. "I just don't want to press my luck any longer." His reference is to the various physical infirmities he has suffered during the years he was building his reputation into a legend.

So a sympathetic public can understand his desire for a less rigorous routine. He certainly has earned the right to take it easy. And he has earned all the praise that is being given him on the occasion of his retirement.

His influence will continue to be felt at FAMU and in all Tallahassee because he isn't the type to bow out completely, at least not as long as he has the physical stamina to keep going. He'll take up the duties of athletic director and physical education professor.

He has earned a grand collection of awards and citations over the years. But those who know him are quite sure Jake won't be sitting around counting them. He's not that kind of man. It's a good bet that he will be doing whatever he can to influence good sportsmanship and invoke pride in young athletes.

Far more important to him than the medals and awards in his collection is the satisfaction in helping shape the lives of hundreds of young men. That is a good indication of the measure of the man.

FREEDOM'S CHALLENGE

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. CLANCY. Mr. Speaker, Carol Marie Stock, a senior at Mother of Mercy High School, Cincinnati, was judged District 4 winner in the 23d annual Voice of Democracy Contest sponsored by the Veterans of Foreign Wars and the Ladies' Auxiliary.

At this time I would like to present her winning broadcast script on the subject, "Freedom's Challenge." Miss Stock, won in competition with students from approximately 50 high schools in the eight-county district.

I am sure that all Members of the House of Representatives will be more interested in what this young lady has to say. Her words demonstrate the sincere interest some teenagers have in solving the problems of our day.

The broadcast script is as follows:

FREEDOM'S CHALLENGE

(By Carol Marie Stock)

The world was new and beautiful. The earth seemed to breathe sweet life into every living thing. I stepped into this world and began to walk.

I walked through fantasy books and Santa Claus, red rubber balls and yellow balloons.

I turned a corner and took a step through a world of shiny, scrubbed faces and polished red apples, reading, writing, arithmetic and history. History—a story of ships and adventures, a new country and words like freedom and independence.

I kept on walking and here I am, traveling through protests, riots, questions, issues, answers, elections, interest, involvement, responsibility? Responsibility, responsibility to what? To what I've walked through all my life—Freedom. The freedom I have here in America. America's freedom was won through years of tears and pain, war and suffering, love, involvement, and responsibilities. It's taken time but as I've grown up, I've developed an understanding of what that freedom is. Gradually, I've also come to know its responsibilities. Now I know I must accept some of these responsibilities for my freedom means my help.

Now as I take a different walk, I walk through my city. I see the dirty face of a slum child, protest marchers around a university, a listlessness in the faces of the people. These are my responsibilities. They are things which challenge my freedom and the freedom of others. What good is my freedom if others are held in submission. All men deserve to share in the beauty of freedom. And I mean all freedom; the freedom to run in a park, the freedom to go to any school, the freedom not only to try but to do your best, the freedom to pray or not to pray, the freedom to speak or remain silent.

I must speak and speak now. I must act and act now. Beginning now I must help preserve this freedom. We all must.

Born Free—I was born free, in the great, free United States, "the land of the free, and the home of the brave." If I want to keep these words alive, to keep America the land of the free, I must truly be brave. I must not shrink from my love of America because some may say it's not "in." It's always "in" to love freedom. And if I'm to follow a crowd, let it be those who stand to preserve freedom, with those who challenge freedom's challenge.

I have a long walk before me. The road's dim and fogged, but the past is vivid and the present clear. To pave the future for those who will follow me, I must learn from the present and freedom's past.

You see, I want my children to say as I do and as my ancestors did before me, "O say does that Star-Spangled Banner yet wave, o'er the land of the free and the home of the brave." And to always have their walks end in the light of freedom.

It's my choice, my decision, my freedom's challenge.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

PRESIDENTIAL FAILURE TO MEET THREAT OF POLLUTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. EDWARDS of California. Mr. Speaker, President Nixon's budget makes a mockery of his promise in the state of the Union address to meet the threat of pollution. Once more less than 1 cent of the Federal dollar will be spent to fight pollution and to enhance the environment. Once more inadequate programs are being proposed with inadequate funding, resulting in aspirin being applied to a cancer eating at our world.

Yesterday the need for adequate programs with adequate financing was brought home to me by two separate developments in my congressional district in San Jose at the south end of San Francisco Bay.

First, Dr. H. Thomas Harvey of San Jose State College informed me that the people of the San Francisco Bay area face a risk almost double of those in Los Angeles of dying of lung cancer. Among nonsmokers the deaths per 100,000 man-years were 28 in Los Angeles but 44 in the Bay area and San Diego while in other California counties averaged 11. Dr. Harvey added that recent studies showed suspended particles show the most consistent association with mortality from cancer.

Mr. Nixon's budget shows an allocation of $104 million to combat air pollution, up $10 million. In another area the budget is open-ended in regard to the ABM system, which some of us believe is but another variety of air pollution. The President offered us a variety of expensive defense spending programs, but no defense against air pollution.

The second development was the refusal of the Federal Government to approve a $1.2 million grant to the San Jose-Santa Clara sewage treatment plant. My area has or will invest $70 million in that facility. It has consistently voted bonds for that plant. Yet, the Federal Government refuses to bear its share of the cost of this much needed facility.

And the marine life of the South Bay, the area which is served by this plant, remains on the condemned list because of the danger of contracting hepatitis from the sewage-contaminated shellfish.

An examination of the President's much heralded water pollution program shows that program to be a cruel hoax.

In the state of the Union message he called for a $10 billion 5-year program—an inadequate program as he described it. Instead from the budget message we learn it is to be but a $4 billion program, and in fact that in the first year of the program only $650 million is obligated. And the program is basically one that will cost the cities and counties—the over-taxed local taxpayers—far more money in years to come, while the Federal Government ducks its share of the cost. The program proposed by the President has been opposed by many of our mayors and Governors, Republican and Democrat alike, because it inflicts heavy, new interest costs on the cities and counties. The President has rejected a workable program already approved by the Congress which calls instead for expenditure of $1.25 billion in fiscal year 1971.

In conclusion, Mr. Nixon's budget calls for but $1.1 billion to be spent fighting pollution and protecting the environment, out of a total budget of $200.8 billion, roughly a half a cent per Federal dollar.

He has offered us rhetoric instead of action, words instead of dollars.

What is needed is workable programs, adequately financed. I hope the Congress will take the lead in the efforts to protect and enhance our environment, now that the President has so clearly dropped the ball.

SAMUEL R. LaROSA

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. GAYDOS. Mr. Speaker, on February 24, a resident in my 20th Congressional District in Pennsylvania will be honored by the community of McKeesport for his untiring dedication to the youth of the area and the Boys' Club of America. He will be cited for 25 years of work spent in molding boys, many of them from underprivileged areas, into men.

I join with the greatest pleasure in this community salute to Samuel R. LaRosa, known throughout the Mon-Yough Valley area as "Sam." He is not a big man in stature but he towers like a giant in his interest and work with the McKeesport Boys' Club. In the course of his career with the Boys' Club he has accumulated numerous, and well-deserved citations, and shining plaques. But these awards, as appreciated as they are, take a back seat to the many letters he receives from his former "boys" who take the time to thank him for his guidance and counseling during their formative years. Many of those letters come from young men now fighting for their country who credit Sam for instilling in them the pride of being an American.

Mr. LaRosa founded the McKeesport Boys' Club on February 23, 1945, and has been the driving force in its growth and achievements. He worked the first 14 years without pay or a permanent clubhouse. During the winter months he conducted programs in facilities offered by service and fraternal organizations; in the summer he staged baseball clinics on area athletic fields.

In the mid-1950's a prominent McKeesport philanthropist, the late Walter C. Shaw, Sr., took note of Sam and his work. Mr. Shaw donated $15,000 as a start toward a permanent building for the Boys' Club and eventually contributed $140,000 for the project. Mr. Shaw joined with a personal friend of mine, Judge Samuel A. Weiss, in spearheading the building fund campaign which was climaxed on April 29, 1957, when Sam and his "boys" literally found a home.

Since then, of course, the membership

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in the Boys' Club has grown and its programs have expanded into many areas. Sam did, too. He began working closely with law enforcement agencies in combating juvenile delinquency and has been cited by J. Edgar Hoover, Director of the Federal Bureau of Investigation; the Western Pennsylvania Chiefs of Police Association; and many other groups for his accomplishments.

It is, therefore, Mr. Speaker, my pleasure to submit for publication in the RECORD this recognition of Mr. LaRosa, a man among men in youth work, and I invite the attention of my colleagues to it.

KEY DISTINCTIONS ON DRUG PROBLEM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. UDALL. Mr. Speaker, several of my constituents have written to me recently to express their concern over the problem of drug abuse. I have given their letters a great deal of thought lately. Like many other people, I am appalled at the spread of dangerous drugs and greatly disturbed by the tragic effect they have had on so many individuals and their families.

I know many of my colleagues agree that action must be taken to stop the proliferation of illegal drugs. When we consider possible remedies to this situation, however, I think it is important that we make at least two distinctions.

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First, I believe we must clearly distinguish between drug users and drug sellers and manufacturers.

In the case of users of addictive drugs, such as the hard narcotics heroin and cocaine, we are not dealing with criminals, but with people who are ill. To my mind, it makes absolutely no sense to keep imprisoning the victims of this compulsive habit. We must make a greater effort in the area of rehabilitation, recognizing that confinement alone will not prevent recidivism. Even those unmoved by the case for rehabilitation in human terms should be made to clearly understand that narcotics addicts often commit crimes to pay for their expensive needs; therefore, reducing the number of addicts should help reduce crime—and that is a goal everybody supports.

Even those drug users who experiment with nonaddictive—but dangerous—drugs should not be treated as hardened criminals. Reform is very unlikely when a youthful offender is given a long jail term and a huge fine for a single indiscretion; such treatment probably will do little more than persuade him that the "system" is unjust.

Drug sellers and manufacturers, on the other hand, should continue to be punished as severely as the law allows. Those who become wealthy by destroying the lives of others rank extremely low on my scale of values.

A second distinction which I believe must be made is a differentiation between the hard narcotics, the hallucinogens—such as LSD—and the various other drugs whose harmful effects have been reasonably well established scientifically, and substances such as marihuana, about which there is little concrete scientific evidence.

We know—or we think we know—that marihuana is not addictive, but we know little else about it. Some will argue that "pot" is less dangerous than cigarette smoking; others will contend, just as vehemently, that it probably is harmful in itself, but even if it is not, it often leads to experimentation with other very dangerous drugs.

I am not sure which theory is correct. For that matter, I am not completely clear on how widespread the use of marihuana actually is, exactly how it affects a user's behavior and a variety of other questions about it.

I think we have to know considerably more about marihuana before we can place it in the same category with heroin, for example. I have long advocated further study of marihuana and I am pleased by the progress that is being made in the area.

The National Institute of Mental Health is expected to issue a report soon on marihuana. In addition, the drug control bill which passed the Senate unanimously on January 28 authorizes a 2-year marihuana study commission. Here in the House, there now is a bill pending before the Judiciary Committee which would establish a commission on marihuana, similar to the one envisioned in the Senate measure.

The Senate bill also deals with the key area of penalties. Not everything in that legislation is ideal from my standpoint, but I am very enthusiastic about the concept of decreasing the severity of penalties for use or possession of drugs. Under the Senate bill, the first offense for simple possession of illegal drugs would be reduced to a misdemeanor, with the possibility of probation rather than imprisonment. However, those persons found to be engaged in a "continuing criminal enterprise," sellers and manufacturers, would still be dealt with harshly—5 years to life for the first offense.

Mr. Speaker, as we debate the drug control bill in the House of Representatives and consider other legislation that may become necessary, I hope we will keep in mind the limits of existing knowledge about certain types of drugs and remember that very often the drug user is more a victim of crime than a criminal himself.

PENNSYLVANIA CITIZEN QUESTIONS DIRECT ELECTION PROPOSAL FOR ELECTORAL REFORM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. CLAY. Mr. Speaker, once again, I pose to the Congress and to the Nation my opposition to the proposal for direct election of the President and Vice President of the United States. It is not, in my view, the best nor is it the most logical means to allay the fears of imperfections in the present electoral system. If there is reason to fear, it is found in the potential of "direct election" to radically alter the checks and balances of the present political and governmental structure.

I am pleased to call the attention of my colleagues to a citizen who does care—and who does show her concern for the reform measure now pending before the Senate Judiciary Committee. After 2½ years of research on the Federal electoral process, Mrs. Judith Gelber of East Stroudsburg, Pa., found more than sufficient reason to question the proposal which has passed the House of Representatives and which now seems likely to receive the stamp of approval from the Senate committee.

I applaud the efforts of Mrs. Gelber and commend the manner in which she views the responsibilities of citizenship. She documented her concern in three research papers and has demonstrated her commitment to her conclusions by journeying to Washington to visit with the decisionmaking lawmakers.

In order to put the issues before the public, Mrs. Gelber condensed her research for a series of December 1969 articles which were carried as a special feature by the Pocono Record newspaper in Stroudsburg, Pa. At this time, I commend her presentation to the attention of my colleagues and suggest that it is worthy of their study and contemplation.

DRAWBACKS APPARENT IN DIRECT ELECTION

(By Judith Gelber)

STROUDSBURG.—The immense stress that multiparty politics exerts on our presidential electoral system became clearly evident in 1968 when George Wallace came uncomfortably close to deadlocking the election.

But, instead of removing those dangerous weaknesses that brought us to the brink of disaster in 1968, Congress concerns itself with such irrelevant electoral reforms as the district and proportional votes plans, and direct election of the president, a plan that is potentially destructive of our political institutions and stability.

Presidential politics have reached a crucial juncture. The 1968 campaigns of George Wallace and Eugene McCarthy uncovered not only a widespread dissatisfaction with conventional party politics but also a willingness to go beyond established channels to achieve political goals.

In the past, the electorate accepted the need of the major parties to move slowly in absorbing dissenting views. But the current mood is for change now whatever the cost to tradition and stability.

For weeks before the November, 1968 election the mass media hammered away at the theme that our archaic presidential electoral machinery might collapse under the additional weight of George Wallace who would have had the power to choose the next president of the United States if he had been able to deny an electoral vote majority to either Hubert Humphrey or Richard Nixon. And barely recognized at the time of the Chicago Democratic convention was the desire of fourth-party forces to field their own candidate.

These newly-spawned forces were discouraged not by any concern for the nation's political stability, but rather by their failure to find a viable candidate.

When George Wallace failed to disrupt the 1968 election, most Americans forgot about electoral college majorities and the need for electoral reform, but not before registering an overwhelming preference for direct election of the president.

A Gallup Poll taken during the week following the election showed that 81 per cent of the people approved of direct election; 12 per cent disapproved; and seven per cent had no opinion. These results were used by congressmen favoring direct election to gain further support in Congress where the first major battle to amend the Constitution must be fought.

The public's ready acceptance of direct election as the only solution to an incredibly involved problem is understandable in view of the complexity of the electoral college system and the belief of the average voter that he is voting directly for the president anyway.

Advocates of direct election have reinforced this attitude by limiting discussion of direct election to its benefits and neglecting its drawbacks. Other electoral reforms, such as the district and proportional vote plans, are also being proposed even though these plans were thoroughly defeated in the last Senate debate on electoral reform in 1956. Meanwhile, the reform proposal that offers possibly the best solution, the automatic vote system, has little chance of even being debated in Congress.

ELECTORAL COLLEGE SYSTEM

Public officials are responsible for their political behavior to the people who elect or appoint them. The greater the number of elected officials, therefore, the greater the extent of the people's control of their government, and the greater the democratic nature of the society. But the election measures in our Constitution clearly indicated that our Founding Fathers intended to put as much distance as possible between the people and the government.

Originally, only the members of the House of Representatives were to be elected directly by the people. The members of the Senate were to be chosen by their respective state legislatures (senators were not elected directly until the ratification of the Seventeenth Amendment in 1913), and the president was to be elected by state electors chosen by whatever method the state legislatures decided upon.

Our subsequent development, however, proceeded along far more Democratic lines than our Founding Fathers had anticipated. The idea that the president could be chosen in isolation from the turmoil of everyday politics by a group of electors possessing greater wisdom and judgment than the populace at large proved to be unrealistic and unworkable. Presidential politics during our early decades was marked by a mad scramble among the states to find a method of appointing the electors that would give the states maximum advantage in choosing the president.

FIRST CASUALTY

One of the first casualties in these political wars was the presidential elector. Although the elector was intended to cast an independent ballot, his "vote" for the president was appropriated by the people who appointed him. Thus, while the elector cast his ballot in the presidential elections, his function soon became that of an agent who votes according to "instructions." Since 1836 almost all states have allowed the people to choose the electors by direct vote.

There is an important distinction between the presidential elector and the electoral vote. Whereas the electors are merely agents of the electorate and serve no useful function, the electoral vote is decisive in the election of the president. The Constitution states that each state is entitled to a number of electoral votes (to be cast by the presidential electors) equal to its total representation in Congress, and the candidate who receives a majority of the total electoral vote "shall be the president."

The method of distributing a state's electoral vote among the candidates has also been the same in all states since 1836. The winner-take-all, or unit vote, system specifies that the candidate who wins a plurality, or the most votes, within the state takes all of that state's electoral votes.

ROLE ELIMINATED

Although the role of the presidential elector as defined by the Constitution has been eliminated by political tradition, the elector still has the constitutional right to cast a ballot as he pleases.

In 1968 Dr. Lloy W. Bailey, one of the Nixon electors from North Carolina, voted for George Wallace even though all of North Carolina's 13 electoral votes "belonged" to Richard Nixon who won a plurality in that state.

This ability of the electors to cast independent ballots rather than to act only as agents of the electorate constitutes one of the major hazards in our presidential electoral system. Not only are the electors free to vote for whomever they please (even for candidates who are not on the ballot, as they did in 1948), but also they do not cast their ballots until the first Monday after the second Wednesday in December, some six weeks after the November election.

George Wallace intended to use this interim period between the general election and the meeting of the Electoral College to gain concessions from the major party candidates.

Still another feature of our electoral system that could cause considerable trouble is the constitutional provision for a contingent election if a candidate fails to achieve an electoral vote majority.

The political calculus involved in the electoral college system is enough in itself to drive the American voter to embrace any reform measure that promises to simplify the process of choosing the president.

The least complicated, of course, is direct election which would eliminate the entire cumbersome electoral college system with all of its inherent abuses. But a political complex that has functioned for 180 years would also be eliminated, and no nation can undergo such radical change without experiencing serious difficulties and instability

Our presidential electoral system is not an isolated component that can be plucked out of context and be replaced with something completely new without causing changes in the overall structure.

Those who favor direct election have ruled out any other type of reform. And those who seek to break down the electoral advantages accruing to big states, to minority groups, to urban areas, or to a particular political party under the present system, cling to such electoral reforms as the district or proportional vote plans.

SAME MANNER

Under the district system presidential electors would be elected in the same manner as the members of the House of Representatives—by congressional district. Thus districts that are safely Republican or Democratic would presumably choose electors of the same party.

The proportional vote plan would apportion a state's electoral vote among the presidential candidates according to their popular vote within the state. The latter plan, formerly favored by President Richard M. Nixon, would effectively break the hold of the Democratic party in the South.

Neal R. Peirce, a leading advocate of direct election, wrote in his book, "The People's President," that the real choice today is between two alternatives. Either the country will continue with the existing electoral college system, or it will shift to a direct popular vote." This "either-or" approach, which can only lead to protracted Congressional debate and the possibility of no electoral reform at all, has been adopted by other proponents of direct election.

Committee chairmen have great influence over the legislation that their committees report to Congress. Unless a chairman aims at obtaining a number of viewpoints, the testimony in committee hearings will more often than not reflect the chairman's position. In the Senate, proposals for electoral college reform are presented to the Subcommittee on Constitutional Amendments; the chairman is Senator Birch Bayh of Indiana.

Senator Birch Bayh, Indiana, has been committed to direct popular election since 1966, and his Subcommittee's hearings have been largely devoted to a discussion of the merits of his proposed direct election amendment. On February 21, 1969, Bayh challenged Nixon's position in favor of the proportional plan:

MISSED OPPORTUNITY

"It is difficult to understand why he did not take this opportunity to lend the great prestige of his office and his leadership to state the case for direct election. In fact, the president's message, surprisingly, completely neglects to mention the generally accepted advantages inherent in direct popular election—advantages so clearly stated by most of the witnesses who have testified before my Subcommittee since we opened hearings in 1966."

Since the outcome of the hearings was established in advance (Bayh's Subcommittee reported out a direct election amendment to the Senate Judiciary Committee in the Spring of 1969), the hearings apparently were held to provide a platform for spokesmen who also favored direct election. One of these spokesmen was Theodore C. Sorensen, former special counsel to the late President John F. Kennedy. Sorensen's new position in favor of direct election was complicated by the fact that he had helped to prepare, in part, Senator John F. Kennedy's highly successful defense of our electoral college system in the Senate debate on electoral reform in 1956.

The proposal under debate at that time, the Daniel-Mundt amendment, would have allowed the individual states to choose either the district or proportional vote plan to determine the electoral vote. Alerted to the drawbacks of the proposed amendment by friends at Harvard, Senator Kennedy prepared to do battle. James MacGregor Burns wrote in his political biography of John F. Kennedy: "He mastered the subject thoroughly . . . With statistics, with a command of American history and constitutional precepts, with cold reasoning, even sometimes with little flashes of wit, Kennedy opened holes in his opponents' arguments."

OPENED HOLES

John F. Kennedy not only "opened holes in his opponents' arguments;" he also revealed a basic approach to the structure of our government that was consistent throughout the debate. He felt that the Daniel-Mundt amendment and direct election would destroy the "balance of power" that he considered essential to American federalism:

"So the point that I make is that when all these factors are considered, it is not only the unit vote for the presidency we are talking about, but a whole solar system of governmental power. If it is proposed to change the balance of power of one of the elements of the solar system, it is necessary to consider all the others."

Later in the debate Senator Kennedy made his opposition to direct election quite clear:

"I am sure the Langer amendment (direct election) while purporting to be more democratic, would increase the power of and encourage splinter parties, and I believe it would break down the federal system under which most states entered the union, which provides a system of checks and balances to insure that no area or group shall obtain too much power."

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John F. Kennedy's defense of American federalism in 1956 not only thrust him into a leadership role in the Senate, but also helped to establish the reputation that aided his drive for the presidency in 1960. In addition, John F. Kennedy's words have since been frequently and effectively cited by opponents of direct election.

Theodore Sorensen's task, then, was either to discredit Kennedy's 1956 position, or to imply that Kennedy's opposition to direct election was calculated. Sorensen managed to do a little of both in testifying before Bayh's subcommittee on January 24, 1969 in favor of direct election:

"I should point out that Senator Kennedy, as a Senator from a populous state, was defending the big-state preference inherent in the present system; that he felt obligated to oppose all changes in order to maximize the opposition he was leading to the schemes which had a real prospect of passage that year whereas direct elections had none anyway . . . and, finally, that he spoke before the 1960 and 1968 elections provided us with not only examples of faithless and unpledged electors but electoral vote results so close as to bring us to the brink of constitutional crisis."

Sorensen not only distorted John F. Kennedy's 1956 position; he also neglected to mention John F. Kennedy's continuing opposition to direct election after he became president.

In the 1961 Senate hearings on electoral college reform Deputy Attorney General Nicholas Katzenbach, speaking for the Kennedy Administration, supported the automatic system that John F. Kennedy backed in the Senate in 1957.

The automatic system would abolish the role of the presidential elector and the Electoral College and award a state's entire electoral vote automatically to the candidate who wins a plurality within the state.

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Direct popular election of the president would eliminate the abuses inherent in our presidential electoral system. But never in all of our history have we elected a president by direct popular vote. For good or for ill the electoral vote has been the decisive factor in every presidential election.

Direct election would be a radical departure from 180 years of experimentation, adaptation, and, finally, stability. We began with the electoral vote system and the presidency; our political institutions, customs, and traditions came later.

Those who advocate direct election do so with the expectation that our political system, except for those features that could cause havoc, will remain basically unchanged. However, the question that should be asked is: How will a completely different electoral system affect those political institutions that have grown up around the electoral vote system?

The restraints inherent in the unit electoral vote and the need for an electoral vote majority to gain the presidency substantially limit the number of candidates who can seriously compete in any presidential election. Only a candidate with great national appeal can capture several million votes within such states as New York, California, Pennsylvania, Illinois, Ohio, Texas, and Michigan—all with 21 or more electoral votes each—and also put together a national electoral vote majority, or at least 270 out of 538 electoral votes.

Of the 18 presidential elections held since 1900, only four have had third-party candidates who received any electoral votes as opposed to popular votes. And the only minor party candidate to receive more electoral votes than a major party candidate in the 42 presidential elections held since 1804 was Theodore Roosevelt who, as the Progressive party candidate in 1912, outpolled the Republican, William Taft.

The American Bar Assn., after conducting a study of our presidential electoral system in 1966, advocated a direct election system that provided the basis for Senator Birch Bayh's proposed direct election amendment which states that the candidate who receives 40 per cent of the popular vote will be president. If no candidate receives at least 40 per cent of the popular vote, a national runoff election between the two candidates who receive the most votes in the November election will determine the winner.

RULE CITED

The 40 per cent rule has been cited by the ABA as the factor that will discourage the formation of minor political parties on the assumption that only a major party candidate could command 40 per cent of the national popular vote. The ABA also assumed that no third-party candidate could capture at least 20 per cent of the popular vote to force a runoff in an election evenly divided between the two major party candidates. In addition the ABA felt that the difficulty in meeting ballot requirements in all 50 states, and the inability of minor party groups "to thrive in view of the certainty of defeat," would further discourage political splinter groups from competing in presidential elections.

It should be noted that the major advocates of direct election took their positions before the 1968 presidential election when the illusion that regional third parties could not influence presidential elections by becoming national parties was completely shattered.

George Wallace's American Independent party not only was listed on the ballots of all 50 states but also received a percentage of the popular vote in all 50 states. Wallace received at least 20 per cent of the popular vote in 11 states and at least 10 per cent of the popular vote in 24 states; his national total was 13.2 per cent of the popular vote.

The ABA's conclusion that "the certainty of defeat" will deter minor political parties from presidential competition probably stems from the fact that no minor political group of the Twentieth Century has maintained its third-party status after losing in a presidential election. However, the 1968 election indicated that this kind of political reasoning is dangerously outdated.

When asked about his 1968 "defeat" on the American Broadcasting Company's television program, "Issues and Answers," on July 13, 1969, George Wallace answered:

"I feel that our movement was highly successful in that we acquired ballot positions in 50 states, established a beachhead in each state, and both national parties took positions in that campaign that they ordinarily would not have taken had our movement not been involved. So, far from being a defeat, I think it had terrific impact upon the national political scene."

The element in American politics to be reckoned with now is the minor party candidate who seeks to influence the issues in a presidential election rather than to win the presidency. On that basis, therefore, George Wallace and many others rightly regard his 1968 campaign as a great success. And since "beachheads" are no more abandoned in political wars than in shooting wars, the Wallace "movement," which is still very much alive, will probably continue to thrive and be an important factor in the 1972 presidential election.

Wallace's claim that he will run for the presidency in 1972 if President Richard M. Nixon does not shape up to his specifications has received little acceptance. However, the greater President Nixon's effort to take over the Wallace constituency, the greater the likelihood that Wallace will run in 1972. A Wallace presidential candidacy figures prominently in the power struggle in the South between the Democratic conservatives and the Republican party.

The seniority rules in Congress will continue to work to the advantage of southern Democrats as long as they are assured of being returned to their seats in every election. If disgruntled southern voters defect to the Republican party on Election Day, as they did in 1964, because of the national Democratic party's stand on civil rights, then the Democrats will no longer be certain that southern voters will remain faithful to the Democratic party in local and state elections.

A Wallace candidacy therefore becomes an important means of siphoning off votes that would go to the Republicans. George Wallace is still a registered Democrat in Alabama.

With the rise of multiparty politics, the serious drawbacks of a direct election system become increasingly apparent.

George Wallace's aim in making the American Independent party a national rather than a regional party was to gain enough electoral votes to deadlock the election and barter votes for concessions to the South on civil rights. This strategy failed because of the checks inherent in the winner-take-all feature of the electoral vote.

Wallace was unable to muster the necessary plurality over the other candidates and the electoral votes other than the 45 electoral votes he gained in the five southern states. However, the results might have been different under a direct election system.

George Wallace's support, which hovered between 19 and 21 per cent throughout September, 1968, alarmed both major party candidates who then began an intensive drive to discourage votes for Wallace on the grounds that a vote for Wallace was a wasted vote—he could not gain enough electoral votes outside of the South to influence the results of the election.

However, without the need to pile up substantial votes in several states in order to capture enough electoral votes to deprive Nixon or Humphrey of an electoral vote majority, Wallace could have appealed to his supporters to stand fast because every vote, no matter where it came from, would have counted.

Since the popular vote for Humphrey and Nixon was so evenly divided, Wallace, by maintaining his support, would have achieved his aim of deadlocking the election and forcing a runoff between the major party candidates. Wallace and his supporters would then have been able to force concessions from Humphrey and Nixon because the margin of victory for either candidate in the second election would have been in the votes of the American Independent party.

In brief, a direct election system offers third-party candidates a greater opportunity of deadlocking an election than an electoral system that maintains the unit electoral vote and the need for an electoral vote majority as requirements for the presidency.

Senator Eugene McCarthy's 1968 presidential bid, while completely different from George Wallace's campaign in purpose and strategy, also raised the issue of multiparty politics immediately after the Chicago Democratic convention. And it is not entirely remote that a fourth-party candidate will enter the presidential race in 1972.

Eugene McCarthy was anything but enigmatic, a word frequently used by the press to describe the senator's behavior, when early in 1968 he gave his reasons for entering presidential politics:

"In the months prior to my November 30 announcement that I would enter the primaries, I traveled throughout the country . . . Not only on campuses but among many thoughtful adult Americans, it was apparent that alienation from politics was growing, reflected in a tendency to withdraw either in frustration or in cynicism, to talk of non-participation and to make threats of support for a third party or fourth party or some other irregular political movement . . . My hope is that my challenge may alleviate the sense of helplessness and restore to many people a belief in the processes of American politics and of American government.

The senator's traditional approach to American politics led him, in his own words, "to test the established political processes of the Democratic party," rather than to emulate George Wallace and campaign outside the regular two-party system.

In all probability this concern for "the established political processes" also influenced McCarthy's decision not to create a four-way presidential race after being rejected by the Democratic party leaders at the convention in Chicago.

However, the effect on McCarthy's supporters of his repudiation at Chicago, as described by the three British authors of "An American Melodrama," was somewhat different:

"Defeated McCarthy organizations . . . determined to remain intact to spearhead petitions, independent-elector slates, or write-ins for McCarthy on the November ballot . . . Convinced that McCarthy had impressive electoral strength in the two largest states—New York and California—their argument was that the candidate (like Wallace) should work for a deadlocked election that would force the final decision into the House of Representatives. Write-ins or elector slates put forward in key states, creating a four-way Nixon - Humphrey - Wallace - McCarthy split, could conceivably result in McCarthy's capturing New York's 43 electoral votes and California's 40, and possibly others."

McCarthy himself briefly speculated that "we could win New York, California, Oregon, Minnesota, and maybe even Wisconsin."

But McCarthy was the only candidate with the stature and political strength to command a plurality and the electoral vote in the strategic states of California and New York. Without the Senator, therefore, the fourth-party forces were stymied. And when the Senator refused to run, the strategy to deadlock the election collapsed.

If the direct election system had been in force, the fourth-party forces could have turned to another candidate and capitalized on the emotional turmoil created by the Chicago Democratic convention. Since there would have been no need to capture hundreds of thousands of votes in key states in order to gain electoral votes as well as popular votes, the four presidential candidates would have directed their campaigns at the broad mass of American people to gain every conceivable vote.

Such a savage campaign, as the major party candidates fought to stay alive, and as George Wallace and the fourth-party candidate appealed to the vast resentment of the dissidents, could have torn the nation asunder.

* * * the nation would have had to endure a second destructive political battle.

Under direct election then, more candidates are encouraged to run because they do not need considerable political strength in the large populous states. And since chances for a deadlocked election increase as the number of candidates increases, Election Day can become essentially a national Primary Day.

Electoral Reforms Are Future Needs

(By Judith Gelber)

STROUDSBURG.—A four-way presidential race under our present electoral system could also be highly disruptive.

If Sen. Eugene McCarthy had chosen to run as a fourth-party candidate, his first major aim would have been to gain more electoral votes than George Wallace.

The Electoral College system permits only the three candidates who receive the most electoral votes to compete in the Electoral College or in the House of Representatives if no presidential condidate receives an electoral vote majority in the November election.

This scheme could actually lead to three elections with the electorate participtaing only in the first one. Since the presidential electors are constitutionally free to cast independent ballots, the election could have been decided when the electors met some six weeks after Election Day.

If the electors had failed to choose a president, then 26 states in the House would have made the choice when Congress convened the following January. The Constitution states that "in choosing the President (in the House), the votes shall be taken by states, the representation from each state having one vote . . . and a majority of all the states shall be necessary to a choice."

George Wallace intended to settle the election in the Electoral College on December 16, 1968 by swapping his electors' votes for political concessions from either of the other two candidates; he knew he had no bargaining power in the House.

Eugene McCarthy's prospects were also next to nil in a House election. Although he had considerable strength in the big populous states, the voting power of all the states, large or small, is the same. In addition few if any Democrats or Republicans would have been foolhardy enough to vote for a candidate from another political party.

Multiparty presidential politics can be so destructive of our political institutions and stability under both direct election and the electoral college system that the nation cannot afford to rush into drastic electoral reform, and it cannot ignore the potential for chaos that now exists.

The nation can, however, enact electoral reforms that will eliminate the dangerous loopholes without dismantling the overall electoral structure and at the same time provide for the orderly development of the new forces within the established political framework.

The Electoral College must be abolished. The presidential electors are not only redundant and therefore useless; their ability to act contrary to the "instructions" of the electorate constitutes a serious threat and acts as an inducement to manipulate the electoral process.

MEANS OF EXPRESSING

The American Independent party could have served as a legitimate means of expressing the views of a particular segment of the population if George Wallace had not been able to use the votes of his electors to threaten out political structure. If the menace in multiparty politics is eliminated, therefore, minor parties can function as responsible channels for political dissent.

The electoral vote, as distinct from the electoral college, system has become the target of electoral reformers largely because of a desire to eliminate the presidential electors. However, the electoral votes of the states not only help to preserve the federal structure of our government, but also act as vital restraints in the presidential electoral process as in 1968. Abolishing the entire system and instituting direct election would therefore create hazards greater than those that now exist.

Opportunities for abuse can be eliminated without radically changing our basic electoral structure by making the electoral vote automatic. Under this automatic system the people would vote directly for the presidential candidates, and the candidate who receives the most votes within a state would automatically receive all of that state's electoral votes.

As at present the candidate who receives an electoral vote majority would be elected president. Thus the role of the presidential elector would be eliminated and the electoral vote would be maintained as an automatic mathematical figure.

ADDITIONAL RISK

Another risk in the present system is the need to hold the presidential election in the House of Representatives if there is an electoral vote deadlock. The choosing of the President of the United States should not be restricted to the House of Representatives.

The base of this contingent election should be broadened so that the vote approximates the electoral votes of the states. The contingent election should therefore be held in a joint session of Congress with each senator and representative having one vote. And the number of presidential contenders in the contingent election should be reduced from three to the two candidates who receive the most electoral votes in the November election to reduce the incentive to enter a presidential election as a "spoiler" rather than as a legitimate candidate.

Sen. McCarthy's refusal to run as a fourth-party candidate in 1968 was completely in keeping with the goals he set for himself and the American people at the beginning of his campaign. McCarthy's challenge was not to our basic political system but to "the established political processes of the Democratic party." His "hope" was to "restore . . . a belief in . . . American politics and . . . government." Essentially then his campaign was directed at drawing Americans back into the established political system and keeping them from "a third party or fourth party or some other irregular political movement."

But what McCarthy felt was "irregular" in 1968 may well be the only means of preventing the young activists who were drawn to his campaign in 1968 from casting themselves adrift entirely from the ssytem in 1972. After testing the system and tasting their bloody defeat at the Chicago Democratic convention, the new forces may not willingly travel the same road again, particularly if they feel themselves once more locked out of the political process. McCarthy wrote on December 20, 1968.

"I have tried to make it as clear as I can to those who have supported me this past year after I asked them to test the established political processes of the Democratic party that I would not make that request again unless those processes have been clearly changed."

Whatever challenge McCarthy raises in 1972, however, will be consistent with the "hope" and "belief" that led him into presidential politics in the Fall of 1967. McCarthy's quarrel is not with our political system but with those who seek to manipulate it for their own ends. This is clearly demonstrated in the Senator's approach to electoral reform. In a conversation with the author in mid-June, 1969, McCarthy held that reform should be directed at preventing abuse of the electoral system by the presidential electors rather than at introducing direct election. He later wrote:

"The Electoral College does not serve the purpose for which it was devised, and some improvement in the system of electing the President is desirable. It is my view that any changes should preserve the identity and will of the people of the respective states and that each state should have electoral votes proportionate to its representation in Congress."

A recent headline in the New York Times declared: "Wallace: Alive, Well, Thinking Big in Alabama." The ensuing article dealt not only with Wallace's success in getting the Alabama legislature to back his proposal for slowing desegregation, but also with Wallace's presidential plans for 1972. Such speculation is not ill-founded. The American Independent party is an established national

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political party, and it is extremely doubtful that those 50 "beachheads" will go to waste.

The forces on the other side of the political spectrum, young and old, are also not likely to accept any repetition of last year's presidential campaign, particularly if the cast of characters remains unchanged. The Democratic governors recently called Senator Fred Harris, national chairman, to task for devoting his time to reform rather than to the "nuts and bolts" of the moribund Democratic party's organization.

Presidential electoral reform does not seem important in view of the pressing problems currently confronting the nation. But the four-way presidential race now shaping up for 1972 will spell disaster if it is run under our current electoral system. Our presidential elections will become more precarious as the developing multiparty system increases the possibilities of deadlocked elections and vote-swapping in the Electoral College.

Electoral reform, however, should preserve those features that sustain our basic electoral structure while it eliminates dangerous loopholes. This is precisely what the automatic electoral vote system would accomplish.

CALENDAR OF THE SMITHSONIAN INSTITUTION, FEBRUARY 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events for the Smithsonian Institution for the month of February 1970.

The Smithsonian Institution has once again scheduled outstanding events, and I urge those who can to visit the Smithsonian during the month of February 1970.

The calendar for February follows:

FEBRUARY AT THE SMITHSONIAN

MONDAY, FEBRUARY 2

Apollo art: An exhibition of 60 works at the National Air and Space Museum, by 25 well-known artists—including Robert Rauschenberg and Jamie Wyeth who were invited by NASA to record their impressions of the lunar program. The results range from realism to abstraction. Closing indefinite.

Argentine Chamber Orchestra, conducted by Pedro Ignacio Calderon. Johann Christian Bach, Symphony in B Flat Major; Mozart, Concerto No. 3 in E Flat Major, K. 447 for French Horn and Orchestra, soloist: Guelfo Nalli; Astor Piazzolla, Tangazo—Variations about Buenos Aires; Beethoven, Symphony No. 1 in C Major, Op. 21. National Museum of Natural History auditorium, 8:30 p.m. Tickets: $3.75, $2.75 and $1.75. Co-sponsored by the Smithsonian Division of Performing Arts and the Washington Performing Arts Society. For further information call: 393-4433.

WEDNESDAY, FEBRUARY 4

Smithsonian Film Theatre: *We Saw It Happen*. The film traces the adventure of manned flight, from the sands of Kitty Hawk to the jet-ports of the space age. Introduction by Louis S. Casey of the National Air and Space Museum. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History.

Informal concert featuring instruments from the Smithsonian collection 4:30 p.m., Hall of Musical Instruments, Museum of History and Technology.

Crafts of Montana, a sales exhibition of crafts in all media by 34 contemporary craftsmen. The first in a new series of exhibitions devoted to the practicing craftsmen of America, on display in the Museum Shop, Arts and Industries Building. Through March 1.

THURSDAY, FEBRUARY 5

The Creative Screen: *Treadle and Bobbin*—the camera of Wheaton Galentine captures the hypnotic movements of Grandma's sewing machine. *Currier & Ives*—memorable Americana by the printmakers of the quaint and sentimental melodramas of the 19th century. Free films are shown on the half hour from noon until 2:30 p.m. At the National Collection of Fine Arts.

Smithsonian Film Theatre: *We Saw It Happen*. Noon, auditorium, Museum of History and Technology.

SATURDAY, FEBRUARY 7

The Creative Screen: *Treadle and Bobbin; Currier & Ives*. See February 5 entry for details.

Music from Marlboro, with Richard Goode, piano; Paula Robinson, flute; Joseph Turner, oboe; Larry Combs, clarinet; William Winstead, bassoon, and John Barrows, horn. Nielsen, Quintet for Winds, Op. 43; Schubert, Introduction and Variations, Op. 160, for Flute and Piano; Mozart, Quintet in E-Flat, K. 452, for Piano and Winds. National Museum of Natural History auditorium, 3:00 p.m. Tickets: $3.75, $2.75 and $1.75. Co-sponsored by the Smithsonian Division of Performing Arts and the Washington Performing Arts Society. For further information call: 393-4433.

SUNDAY, FEBRUARY 8

Young People's stitchery workshop, sponsored by the Smithsonian Associates. By Subscription only. For information call 381-6158.

TUESDAY, FEBRUARY 10

Lecture: *The Decorative Arts of Ancient Egypt* by John D. Cooney of the Cleveland Museum of Art, 8:30 p.m., auditorium, Freer Gallery of Art.

Lecture: *Moonlighting Lasers* by Dr. Carroll O. Alley, Jr., for members and friends of the Smithsonian Associates. 8:30 p.m., auditorium, Museum of History and Technology.

WEDNESDAY, FEBRUARY 11

Smithsonian Film Theatre: *History of Balloons; The Blimps: Clearly Identified Flying Objects; Anatomy of a Triumph*. Three presentations tracing the history of lighter-than-air craft and the role the federal government has played in aviation and space programs. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Paul E. Garber, historian emeritus, Natural Air and Space Museum.

THURSDAY, FEBRUARY 12

Lecture: *Audubon*. This illustrated lecture traces the journeys of John J. Audubon in quest of unusual birds from Florida swamps to the Bay of Fundy and through the European continent to the dry Tortugas. 5:15 p.m. and 8:30 p.m., auditorium, Museum of Natural History. Presented by the Audubon Naturalist Society.

Smithsonian Film Theatre: *History of Balloons; The Blimps: Clearly Identified Flying Objects; Anatomy of a Triumph*. Noon, auditorium, National Museum of History and Technology.

SATURDAY, FEBRUARY 14

Greek antiquities seminar, sponsored by the Smithsonian Associates. By subscription only. For information call 381-6158.

Lecture: *Historic Preservation Today*, by James Biddle, President, National Trust for Historic Preservation. At the National Collection of Fine Arts, 3 p.m., Lecture Hall.

SUNDAY, FEBRUARY 15

Greek antiquities seminar. Repeat.

WEDNESDAY, FEBRUARY 18

Informal concert, using instruments from the Smithsonian's collections. 4:30 p.m., Hall of Musical Instruments, Museum of History and Technology.

Smithsonian Film Theatre: *Recent Achievements in Unmanned Space Flight*. A selection of films depicting current developments in the unmanned phase of the national space program will be presented. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Frederick C. Durant, Assistant Director, National Air and Space Museum.

THURSDAY, FEBRUARY 19

Encounter: *Our Shrinking World—The Disappearance of Species and Wild Areas*. Panel discussion with audience participation. Program chairman: Dr. Lee Talbot, Smithsonian Office of Ecology. Panel members: Dr. Raymond Dasmann, The Conservation Foundation; The Honorable William O. Douglas, U.S. Supreme Court; Dr. Joseph Fisher, Resources for the Future, Inc.; William Penn Mott, Jr., California Dept. of Parks and Recreation. 8:30 p.m., auditorium, Natural History Building. Sponsored by the Smithsonian Associates and directed by Dr. William Oron, Smithsonian Oceanography and Limnology Program.

Smithsonian Film Theatre: *Recent Achievements in Unmanned Space Flight*. Noon, auditorium, Museum of History and Technology.

Concert: United States Air Force Band. Auditorium, National Museum of History and Technology, 8:30 to 10:30 p.m.

The Creative Screen: *Highway*—award-winner Hilary Harris photographs this film from behind the wheel of an automobile giving an exciting visual expression of the exhilarated sense of speed. *Images from Debussy*—an abstract dance of light and water with the music of Claude Debussy—"Arabesque En Mi," "Reflets Dans l'Eau" and "Arabesque En Sol." Free films are shown on the half hour from noon until 2:30 p.m. At the National Collection of Fine Arts.

FRIDAY, FEBRUARY 20

Concert: United States Air Force Band. Auditorium, National Museum of History and Technology, 8:30 to 10:30 p.m.

SATURDAY, FEBRUARY 21

The Creative Screen: *Highway; Images from Debussy*. See February 19 entry for details.

MONDAY, FEBRUARY 23

Harpsichord concert, featuring James Weaver. Music of Bach, including 5th Brandenburg Concerto played on the Dulchin Harpsichord made in 1745. 8:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

WEDNESDAY, FEBRUARY 25

Smithsonian Film Theatre: *The Voice of the Desert*. Joseph Wood Krutch—author, naturalist, teacher, philosopher—presents a magnificently filmed essay on desert life in Arizona showing the beauty of the land and the fascinating variety of wildlife found there, and focusing as well on one man's love for the land. 2 p.m., auditorium, National Museum of History and Technology; 8 p.m., auditorium, National Museum of Natural History. Introduction by Dr. Helmut K. Buechner, Senior Ecologist, Office of Environmental Sciences, Smithsonian Institution.

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THURSDAY, FEBRUARY 26

Concert: United States Air Force Band. Auditorium, National Museum of History and Technology, 8:30 to 10:30 p.m.

Smithsonian Film Theatre: *The Voice of the Desert*. Noon, auditorium, Museum of History and Technology.

FRIDAY, FEBRUARY 27

Surface stitchery workshop, sponsored by the Smithsonian Associates. By subscription only. For information call 381-6158.

SATURDAY, FEBRUARY 28

Eikoh Hosoe: Man and Woman. 32 prints by Japanese photographer Hosoe offer a humorous view of man-woman relationships. National Museum of History and Technology, third floor. Through April 14.

Last Saturday jazz; artist to be announced. National Museum of Natural History auditorium, 8:00 p.m. Tickets at $2.00, may be purchased at the door. Presented by the Smithsonian Division of Performing Arts in cooperation with the Left Bank Jazz Society. For further information call: JO 3-9862 or 581-3109.

Surface stitchery workshop. Repeat.

Washington: A new perspective. Area photographer James Johnson presents views of Washington that the tourist doesn't usually get. Two groups of photos show architectural details of vanishing D.C. and familiar tourist sites viewed through special photographic techniques. National Museum of History and Technology, third floor. Through April 14.

RADIO SMITHSONIAN

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m., on radio station WGMS (570 AM & 103.5 FM). The weekly Radio Smithsonian program presents music and conversation growing out of the Institution's exhibits, research, and other activities and interests. Program schedule for February:

1. *Frankincense and Myrrh*. Dr. Gus W. Van Beek talks about the exciting and wealthy trade position of South Arabia in the first millenium BC, and how the two oils, frankincense and myrrh, gained outstanding economic importance. This discussion pictures the area as a vital trading organism, dependent on ship and land routes, monsoon winds, trade pacts, and a singularly noteworthy visit by the Queen of Sheba to King Solomon. Object: trade-cooperation. *Pieces de Clavecin en Concerts (III)*. The music of Jean-Philippe Rameau, in an informal performance in the Hall of Musical Instruments, by Jacqueline Anderson, violin, Lane Anderson, cello, and Helen Hollis, harpsichord.

8. *The First Ladies' Gowns*. A tour of the collection of gowns, and comment by Mrs. Margaret Klapthor. Remarks on the styles and stories connected with the famous White House hostesses, up to the present administration. *The Machine Left Behind*. Techniques to identify human remains, as applied and described by Dr. T. Dale Stewart, senior physical anthropologist. Where often necessary, but on the scantest of clues, Dr. Stewart has determined with great probability the human identity from only the bones, hair and fabric, for both civil and military authorities.

15. *Perceptions, II*. In the beginning was Music. Yet now, it is possible to express composition in the concert itself, arranging it as a "happening," with additional effects, lighting, electronic music, etc., or to write totally original music in the framework of an ironic and psychological "game." Morton Subotnik and Loran Carrier, the creators, are interviewed, along with musicians and participants.

22. *Freeze-Drying*. Rolland O. Hower, a specialist, in the field, discusses the technique which preserves any specimen almost perfectly, and how the technique is being refined and applied. *Flora North America*. The scientific index of all plants in North America will be computerized, and it will be possible to identify a plant precisely, by use of a remote computer terminal or simple telephone connection. (Drs.) Stanwyn G. Shetler and Mason E. Hale, from the National Museum of Natural History, talk about the history and progress of the project.

SMITHSONIAN RESIDENT PUPPET THEATRE

Hansel and Gretel, marionettes created by Bob Brown for the production of the play with music by the Smithsonian Division of Performing Arts. Performances are at 10:30 and 12:30, Wednesday, Thursday and Friday and at 10:30, 12:30 and 2:30 Saturday, Sunday and holidays. Third floor, National Museum of History and Technology. Admission: $1.00 for adults, 75 cents for children; special 50 cent rate in groups of 25 or more (for advance reservations for school groups on weekdays call 381-5241).

THE NO-TOUR TOURS

Air France excursion—(Boeing 707)—Dulles-Paris-Dulles: May 1-22, $257. Make your own arrangements for three weeks of travel in Europe.

BOAC excursion—Boeing 707—Dulles-London-Dulles: October 2-23, $247. Make your own arrangements for three weeks of travel in the British Isles or Europe.

Please note: These special quoted fares may be subject to airline changes or regulations beyond our control.

For reservations and details contact: Miss Kennedy, Smithsonian Institution, Washington, D.C. 20560, or call 202—381-5520.

SPECIAL FEATURE: SEARCH ON FOR FIRST LADIES' GOWNS

(By Mary M. Krug)

The gowns of the First Ladies are one of the most popular exhibits at the Smithsonian. If something were to happen to any of them . . .

It wouldn't make a bit of difference.

Actually, that is an extreme exaggeration. The gowns are precious and irreplaceable. But if some misfortune should occur, future generations will still be able to view authentic gowns of the official White House hostesses, thanks to the foresight of curator Margaret Klapthor.

Mrs. Klapthor has begun a long-range project to locate a second garment of each First Lady for the permanent collections, and she has taken steps to see that each dress already on hand is recorded in detail.

Not that she is expecting anything to happen. The Smithsonian dresses are kept in an environment in which temperature, humidity and light are tightly controlled and continuously monitored. "But textiles do have a limited life span, even though we don't know exactly what it is. It might be 400 years," Mrs. Klapthor explains.

Whatever or, if ever, anything should happen, Mrs. Klapthor feels it is important that Smithsonian visitors should still be able to see a genuine First Lady's garment, not only because of the popularity of the exhibit, and not only because the dresses reveal much about the personality and taste of the White House hostesses. The gowns also reflect the social history of the times and changing national taste.

Locating the back-up dresses will involve much the same detective work as was used when the collection was established in the early 1900's. Mrs. Klapthor has begun by contacting descendants of the First Families, asking for either dresses or leads. She hopes that through word-of-mouth and other publicity, she can turn up a garment for every official White House hostess.

The earlier First Ladies, of course, will offer the greatest challenge. Recent First Ladies have been asked to give a second dress along with the one they contribute for display, and there are now back-up dresses for 15 Firsth Ladies on hand. Mrs. Klapthor hopes to locate garments that were actually worn during White House tenure, and of course something worn for a State occasion is the ideal. But she is ready to consider any item that can be authenticated.

The second phase of Mrs. Klapthor's preservation program is the detailed recording of every dress already on hand. Mrs. Sara Taft, a New York designer and dressmaking instructor, has taken on the job of making patterns for each gown. Working at the Smithsonian—the dresses are never taken out of their protective environment—she examines construction details down to the last bead or tuck. For each dress she then creates a full-color illustration, a paper pattern, a muslin mock-up, and notes or drawing on fine points such as beading or embroidery.

Several months' work is required for each package, but "Mrs. Taft has really gotten wrapped up in the job, and she does exquisite work," Mrs. Klapthor notes. So fine, in fact, that in theory every dress could be reproduced exactly. But Mrs. Klapthor will never let that happen as long as she is curator.

"I don't want to take the slightest chance that a copy should be displayed along with the originals," she says. "People who visit the Smithsonian expect to see the real thing, and that is what they deserve to see. Even if a dress were labeled a copy, it might cast some doubt on the authenticity of other items on exhibit."

The packages will instead be used as reference items for study by historians and students of costume design. About a third of the project has been completed, with the oldest gowns being done first. If necessary, details on more recent dresses could be obtained from the designers.

The First Ladies collection was begun by two public-spirited Washingtonians, Mrs. Julian James and Mrs. Rose Gouvereur Hoes. The first dress they obtained was the inaugural gown of the presiding First Lady, Mrs. William Howard Taft. Every First Lady since then has added a dress to the collection.

The exhibit, which is located in the National Museum of History and Technology, is so popular that carpeting installed only four years ago, and supposedly indestructable, has already worn out.

That unforeseen problem was solved by a replacement. Thanks to Mrs. Klapthor, if any unforeseen problems should befall the dresses, there will be replacements on hand for them as well.

CONTINUING EXHIBITIONS

American printmaking: The First 150 Years. Exhibition at the National Collection of Fine Arts. One hundred and fifteen prints covering the time span 1670 to 1820 show the early history of printmaking and give a revealing picture of the early days of the nation. Although often limited in technical and stylistic sophistication, these prints have much charm and subtlety and offer significant insights into the national character and purpose.

Laser 10: *The First 10 Years of Laser Technology*. Special exhibition on laser history and applications, including the first laser made, actual working lasers, and examples of uses of lasers in communications, holography, medicine, industry, civil engineering, space exploration, and art. Iron and Steel Hall, National Museum of History and Technology. Through May.

Charles Fenderich: The Washington Years (Through August 31). Top figures in the political world of Washington in the years 1837-1848 are shown in incisive portrait lithographs by Charles Fenderich, a skilled artist who dropped entirely from sight after he joined the Gold Rush to California in 1849. Van Buren, Harrison, Tyler, and Polk are among the statesmen depicted. Scenes of Lafayette Park's Jackson Monument, the proposed Washington Monument, and the inauguration of William Henry Harrison sup-

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plement the exhibition of Fenderich's achievement. National Portrait Gallery, through August 31.

Thomas Alva Edison: Sound and Light and Elisha Kent Kane, 1820 to 1857. Companion teaching exhibitions for fifth through twelfth graders show portraits and associative items of two of America's most famous men, the inventor Edison and Arctic explorer Kane, at the time of his death one of America's most revered men although he is now largely unknown. Among the Edison associative objects are a wax cylinder phonograph, light bulbs from his laboratory his kinetoscope which was one of the earliest motion picture projectors, and his film "The Great Train Robbery" of 1903 which was one of the first American movies to have a plot. National Portrait Gallery, through April 15.

MUSEUM TOURS

National Collection of Fine Arts

Daily tours at 11 a.m. and 1 p.m. Weekend tours 2 p.m., Saturday and Sunday. For advance reservations and full information, call 381-5188 or 381-6100; messages 381-5180.

National Zoo

Tours are available for groups on weekdays 10 a.m. to 12 noon. Arrangements may be made by calling—*two weeks in advance*—CO 5-1868 Extension 268.

Visitors may purchase animal artifacts and specially designed souvenirs and books at the Kiosk, which is operated by Friends of the Zoo volunteers as a public service and to raise funds for educational programs. Open daily 11 a.m. to 4 p.m.

Museum of History and Technology

Free public tours of the National Museum of History and Technology during weekends are sponsored by the Smithsonian and operated by the Junior League of Washington. They will be conducted on Saturdays and Sundays through May 1970.

The tours begin at the Pendulum on the first floor, and each tour lasts for approximately one hour. Saturday tours begin at 10:30 and at noon, and at 1:30 and 3:00 p.m. Sunday tours begin at 1:30 and 3:00 p.m.

Tours are available to anyone who wants to join the docent stationed at the Pendulum at the above-specified times. However, if you would like to plan a special group tour, call 381-5542 to make arrangements.

National Portrait Gallery

Tours are now available for adults and children at 10:00 a.m. and 11:00 a.m. For information on adult tours call 381-5380; for children's tours, 381-5680.

MUSEUM SHOPS AND BOOK SHOPS

Museum shops

1. National Museum of History and Technology—Rotunda.
2. Natural History Building—Constitution Avenue Entrance.
3. Arts and Industries Building—Mall Entrance.
4. Freer Gallery of Art—Mall Entrance.
5. National Museum of History and Technology—Mall Entrance.

Book shops

1. National Museum of History and Technology—Constitution Avenue Entrance.
2. Natural History Building—Mall Entrance.
3. National Collection of Fine Arts—Main Floor, 8th and G.
4. National Portrait Gallery—F Street Entrance.

Smithsonian Museums are open to the public 7 days a week. Hours: 10 a.m. to 5:30 p.m. daily.

Cafeteria: Open 10:30 a.m. to 5:00 p.m. (Located in the History and Technology Building, 12th Street and Constitution Ave. N.W.)

Hours at National Zoo: Gates open 6 a.m., close 5:30 p.m. Buildings open 9 a.m., close 4:30 p.m.

ACLU DEMANDS ARMED FORCES ABOLISH GOD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. RARICK. Mr. Speaker, not only did the men who founded our country believe in God but most of them were devout Christians.

The great majority of Americans today believe in God and unashamedly profess themselves Christians.

Without God the entire philosophy of freedom becomes a meaningless sham—for unless men "are endowed by their Creator with certain unalienable rights" then they are indeed mere animal pawns of the socialist state. Marx, Lenin, Stalin, and all of their ilk understood this. It has been a cardinal point of their credo to eliminate Christianity—to outlaw God in public life.

It is not surprising that the disreputable American Civil Liberties Union which has been in the forefront of every attack on freedom and decency since its inception has now attacked God in the Military Academy, the Naval Academy, and the Air Force Academy. It is as unsurprising that the leftist Meyer-controlled Washington Post should approve of the assault.

I include in my remarks the following dishonest editorial of January 26, 1969, giving surface respectability to the longstanding party line:

COMPULSORY WORSHIP

It would be hard to imagine any practice more at odds with the idea of religious freedom than mandatory attendance at religious services. Compulsory chapel, which used to be common at independent and private institutions of learning, has now been almost completely discontinued except at avowedly religious schools; it was manifestly offensive to the concept of tolerance. At any public institution financed by public funds, it is manifestly offensive also to the United States Constitution. It is genuinely shocking, therefore, to learn that the practice persists at the three official service academies, West Point, Annapolis and the Air Force Academy at Colorado Springs.

After trying vainly to persuade the Defense Department that compulsory worship is as un-American as an established church, the American Civil Liberties Union went to court in behalf of eight midshipmen and cadets at the service academies charging that the requirement violates the First Amendment and also, since the cadets and midshipmen are candidates for commissions in the armed forces, violates the constitutional ban on a religious test "as a qualification for any officer or public trust under the United States."

The Constitution of the United States was written by men whose parents and grandparents had left England in large degree because they were unwilling to worship in accordance with the orthodoxies and requirements of an established church. They made a flat prohibition against such an establishment the very first item in the first article of their Bill of Rights because they had learned that secular and religious authority must be rigorously separated. The idea is as old as Christianity: "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's."

"Neither a state nor the federal government," the Supreme Court of the United States has said, "can set up a church . . . Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion." How strange and disquieting it is that the armed forces set up to safeguard the United States should forget, or resist, this fundamental principle. It happens that the suit to remind them of it was filed precisely on the 50th birthday of the American Civil Liberties Union. The ACLU could have found no more useful or fitting way to celebrate a major milestone in its long service to American freedom.

I CAN NO LONGER BUY TIMBER SUPPLY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. CONYERS. Mr. Speaker, an amended version of the National Forest Timber Supply Act, H.R. 12025, now known as the National Forest Conservation and Management Act, comes before the House this Thursday, February 5. As one of the many who were originally interested in this bill, I must now inform my colleagues of the reasons why I can no longer support this legislation.

Since I represent an urban area which is beset by the same housing ills that plague most of our cities, I believe that every available means should be utilized to eliminate the factors which have produced a virtual halt in the building of new homes. To me, H.R. 12025 appeared to offer a solution to a major aspect in the problem of insufficient and inadequate housing. If the principal drawback to increased home construction was the lack of lumber, then H.R. 12025 would go a long way toward solving our housing problems.

However, since H.R. 12025 was introduced last year, several things have convinced me that the legislation should not be enacted at this time:

First, the present act does not provide adequate safeguards to preserve the fish, wildlife habitat, range forage, watershed protection, and recreational opportunities of our national forest lands. In these times of economic crisis, the fund created by this legislation would place the other missions of Multiple Use-Sustained Yield Act of 1960 at a distinct disadvantage;

Second, the need for increased harvesting at this time does not appear to be justified in light of the fact that we are now exporting more than four billion board feet of lumber annually;

Third, the Bureau of the Budget recommends deferment of the legislation until the President's Ad Hoc Task Force on Lumber releases its study on the supply-demand relationship in the lumber industry. The Forest Service also hesitates to support the bill before the results of the President's study are known; and,

Fourth, it now appears that much of the blame for the present low level in new housing starts can be attributed to the spiraling rates of financing and other costs rather than to a lack of lumber.

Therefore, in light of the uncertainty of the impact of H.R. 12025 on the Multiple Use Act of 1960, and the dubious need for increased harvesting at this time, I feel that it is necessary to oppose passage of the National Forest Conservation and Management Act.

MEDICAL CARE II: MEDICAL MANPOWER CRISIS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. ROSENTHAL. Mr. Speaker, I indicated in yesterday's RECORD, that I will offer a series of articles on the massive crisis in our medical care system to which the President referred last year. In the first article, the general problem of the crisis in medical care was outlined.

The following article, from the Medical World News of January 23, 1970, considers a key aspect of the problem: How we can make better use of the medical manpower we have. It discusses the many attempts now underway to create new allied health professionals to serve on the medical care team.

Particularly impressive is the indication that medical corpsmen—whose talents and training has been largely wasted until recently—are now being recognized both as a source for the medical team itself and as a prototype of the kind of medical worker which civilian institutions could also produce.

The article follows:

CAN DOCTOR'S AIDES SOLVE THE MANPOWER CRISIS?

Thanks to the nation's acute and worsening shortage of health manpower, the ex-medical corpsman is now ending a 30-year sentence as physician's assistant in the federal prison system and is emerging as a new force to help doctors cope with their burgeoning load of patients.

The "sentence" wasn't a literal one, of course, but it has taken several decades for the country's medical schools and organizations to imitate U.S. penal authorities and appreciate the large pool of trained personnel available through service discharges of the men popularly known as medics. Though nobody underestimates the problems that will be encountered in licensing and supervising physicians' assistants, more than a dozen medical institutions now have training programs in operation or are about to inaugurate them.

The young man on the left in this week's cover photograph is Paul Snyder, an Air Force surgical technician from 1957 to 1969, who moonlighted at civilian hospitals near his bases. Given additional training after his discharge, he has adapted his military medical knowledge and skills to civilian health care. Now, as a Medex, he serves to extend the capabilities of general practitioner Kenneth Pershall in Othello, Washington.

Conceived and directed by Dr. Richard A. Smith, associate professor of preventive medicine at the University of Washington's medical school in Seattle, the Medex program is one of the solutions being developed across the country to help alleviate the health manpower shortage. Like several others, it is designed to make use of the pool of trained corpsmen who leave the Armed Forces each year, up to 30,000 by National Research Council estimate. Unlike the others it has a unique name for both the program and its trainees. Medex is both singular and plural, a title and a form of address. Dr. Smith coined it to express the physician's extension concept. It has the advantage of sounding familiar to the ex-medics.

The first class of 15 carefully selected Medex trainees completed the initial three-month period of university training in mid-September. Now they are in their preceptorship phase, each with a rural GP who is committed to hiring the Medex on successful completion of his training.

Dr. Richard Bunch, who shares Dr. Pershall's practice and also employs a Medex, tells MWN: "While still in their preceptorships these fellows are treating, under our general supervision, children's upper respiratory infections, lacerations and moderate traumas, and replacing one of us in surgery where normally two doctors are needed. When they've finished their break-in period with us, I estimate we'll each be able to take care of 20 additional patients per day." Medex Snyder and his cohort John Betz earn $5,400 plus $500 per year for each dependent child to a maximum of three. Drs. Bunch and Pershall plan to pay salaries substantially higher than that when training is complete.

"My concerns in starting this program were twofold," says Dr. Smith. "First, we are in a crisis in health manpower already—it's not coming, it's here, and it's going to get worse. Second, I was concerned that this huge pool of medically trained men was not being used. These guys have had perhaps $25,000 invested in their training, and it's usually lost. Some excorpsmen have, among other things, as many as 70 hours of preventive medicine, anywhere from 70 to 130 hours of anatomy and physiology, 70 to 180 hours of medicine and surgery, 92 to 190 hours of pharmacology, advanced on-the-job training in outpatient clinics, on-the-job training in general medicine, anywhere from 120 to 200 hours of trauma, minor surgery and field surgery, perhaps 40 hours of emergency-room on-the-job training, another 80 hours of on-the-job training in general surgery, 40 hours in orthopedics, 98 hours in surgical procedures, 30 to 55 hours in microbiology and laboratory medicine."

Last July, HEW Secretary Finch and his newly appointed assistant secretary for health and scientific affairs, Dr. Rogers Egeberg, warned of an "impeding breakdown in the delivery of health care." Among the steps they took to help alleviate the manpower shortage was the establishment of an Office of New Careers with the top priority of developing programs for returning Vietnam medical corpsmen. Recently, Dr. Egeberg noted in a HEW memorandum that some 60% of medics leaving the Armed Forces are interested in getting additional education to qualify for civilian jobs in health care, and that about 15% are already qualified to move right into civilian jobs in medicine.

Organized medicine, too, is stepping into the health manpower breach. On December 20, the Committee on Emerging Health Manpower of the AMA's Council on Health Manpower held a meeting of a dozen directors of training programs for various kinds of physicians' assistants, to discuss their programs in the light of a set of guidelines for development of new health occupations adopted on December 2 in Denver by the House of Delegates. The unusually smooth course of the meeting showed the participants want to press ahead with a cooperative program to clarify and classify the roles of the new kinds of physicians' assistants, the educational levels desired, and the need for certification, licensure, or changes in medical practice acts.

"In the morning session I thought that the whole thing could blow up in our faces," says the AMA committee's chairman, Dr. Thomas C. Points of the University of Oklahoma Medical Center, Oklahamo City. "But I felt that everyone agreed the guidelines were essential and they were all willing to work with them so that we can really get some coordinated programs going."

Dr. Paul J. Sanazaro, director of HEW's National Center for Health Services Research and Development, agrees. "Everyone seemed to agree essentially on what needs to be done, and on the importance of getting it done, and there was no defensiveness. The meeting reflected a spirit of initiative in the AMA, and responsiveness to many developments in the country initiated under different auspices and different assumptions. Incorporating the new professional assistants may turn out much smoother than we might have expected. The AMA staff is able and committed and has full support internally and externally."

When the program directors return their course descriptions to the AMA committee in mid-February, the concept approved by the committee will be passed on to the full Health Manpower Council. If approved there, it goes to the Council on Medical Education, which will lay down the essentials for an accreditation program. After that, it will go to the House of Delegates for acceptance—the staff hopes by next fall's clinical convention.

The new types of health professionals are being trained in some 20 programs at as many institutions. No one is certain just how many there are, because some are being carried on informally with only one or two trainees. Besides Medex and the Duke University physician's assistant program (MWN, Feb. 23, '68), which now has 29 graduates helping to relieve overburdened doctors, the major programs are:

Cleveland Clinic Hospital is training "clinical corpsmen" in a one-year program, accepting applicants with two years' military or civilian experience.

Alderson-Broaddus College, Philippi, W. Va., trains physicians' assistants in a four-year baccalaureate program offered to qualified high school graduates.

University of Colorado Medical Center is training "child health associates." The three-year program includes two years of academic training and a year's internship; applicants must have two years of college. The university also trains pediatric nurse-practitioners in an intensive four-month program of theory and practice of pediatrics, offered to graduate nurses.

Bowman Gray School of Medicine also trains "child health assistants" in a two-year program. Applicants with two years of college, or ex-corpsmen with adequate training, are accepted.

Pacific Medical Center operates a two-year program training orthopedic assistants, involving City College of San Francisco and eight hospitals.

Grady Memorial Hospital in Atlanta trains "medical specialty assistants" to work in medical and coronary intensive care units. The two-year program accepts former corpsmen with two years' experience.

Baylor College of Medicine trains ophthalmic assistants in an eight-week course for trainees with two years of college preferred.

Emory University School of Medicine gives anesthesia assistants a 21-month master's degree program.

University of Pittsburgh trains emergency medical technicians in a one-year program.

Ohio State University educates emergency medical technicians.

Four more programs are in preparation:

University of Kentucky School of Allied Health Professions plans to train clinical associates.

Brooklyn-Cumberland Medical Center will train physicians' assistants.

Oklahoma State University is preparing to train medical care technicians.

University of Colorado plans to train physician associates in anesthesia.

Not all physicians are convinced that such training programs are the answer. One is Tulane University professor of medicine George Burch. He tells MWN: "If I get sick, I don't want any physician's assistant taking care of me. I want a fully trained doctor. The errors made by the legions of aides from RNs to electronics specialists are legion. Certainly we need these people, but we need doctors much more. The training programs now being put forward are simply no substitute for the additional medical schools we sorely need."

The nursing profession also shows less than eager enthusiasm for the new doctors' aide training courses. Says Eileen Jacobi, RN, Ed.D, associate executive director of the American Nurses' Association: "Baccalaureate and graduate education in nursing prepares nurses at a highly professional level, but one of the complaints the ANA often hears from its membership is that highly qualified nurses are often not allowed to function at the level for which they have been prepared. Why can't we utilize the existing nurse talent to meet patient health needs that are now unmet? Because the physician, although often in need of such assistance, is unwilling to allow the nurse to assume other than her traditional role."

The variety of titles for the new professionals sometimes accurately reflects the skill that is being taught, notably in the specialty assistants. The others reflect mostly the private preferences of program directors. Nearly all those involved agree that deciding on uniform titles for people with equivalent training is essential to getting the new health professions recognized and understood by the medical profession and the public. "I keep harping on Medical Care Technician," says committee chairman Tom Points. But others think that "technician" suggests a lower level of training than the type of professional they are developing, who is seen by a number of proponents as being on a level between a doctor and a nurse. One suggestion that appears to be gaining favor is the use of "clinical assistant" for those with training at the two-year, or junior college, level and "clinical associate" for those with baccalaureate degrees.

"I think this is one of our problems," says Dr. Points, "someone with two years of training being put in at a level between graduates of four-year and seven-year medical courses. What *do* you call them?"

The optimum levels of education for the physicians' assistants is one of the questions most in need of clarification. All those involved in the training programs agree that as much flexibility as possible should be built into them, to provide both vertical and horizontal mobility. Dr. T. F. "Bud" Zimmerman, director of the AMA's department of health manpower, feels that the new physician-support personnel should cover a spectrum from generalist to specialist, and from the on-the-job training level of education to the post-baccalaureate level.

Dr. D. Robert Howard, director of the Duke University program, sees a three-level range: on-the-job training, junior college, and senior college. "Above that," he points out, "your upward mobility would be into medical school." But he cautions that students with the capability to qualify for medical school might be poor choices for physician's assistant training. "They're not going to get enough job satisfaction or ego satisfaction in doing the type of work that a physician will delegate."

Delegation by a physician is the key to all the new concepts of physicians' assistants. Even though an excorpsman may have been what the military services call an independent duty operator who functioned as the only "doctor" for many miles, as do Special Forces medics or the Air Force's remote-station medical technicians, almost no one contemplates their serving independently in civilian health care. Nevertheless, the assistant can work apart from the physician so long as they are in contact by telephone or two-way radio.

The Medex program, for instance, provides two-way radio equipment for each physician-Medex team. The Medex, like the physician he works with, is on call 24 hours a day. This can be especially useful if two emergencies should happen simultaneously or nearly so. "I thought this was a rare thing in general practice," says Dr. Smith. "But I discussed it at the state medical association. I said, 'What happens in that rare instance when you have an acute traumatic injury in your office and another patient has a massive coronary on the other side of town and can't be moved? Your Medex can go over there and talk to you from the bedside.' One doctor raised his hand: 'That's not a rare occurrence,' he said. 'It happened to me three times last week.' "

But even under the supervision of a physician, this kind of service presents delicate legal problems, and most authorities believe that state medical practice acts will have to be modified to allow for the use of physicians' assistants. There are a few states like Oklahoma which happen to have a direct statement in their medical practice law referring to physicians' assistants. Dr. Points explains, "That presents the least difficulty. But to the extent that they aren't explicit, the feeling is that medical practice laws will need to be modified in time. It's difficult to talk about a model law now, because we don't yet have enough experience on a large scale."

"Four states have already enacted legislative changes, and most of the others are in the process of making changes," says Duke's Bob Howard. "We have a committee working on changes we feel would be desirable here in North Carolina. Our draft reads pretty much the same as the others; it makes an exception to the medical practice law for any act or acts performed at the direction and under the supervision of a licensed physician by a person currently approved by the Board of Medical Examiners as one qualified to function as a physician's assistant." However, he points out, "you can also change medical law by custom and usage. In this state we're almost to the point now where formal legislative changes aren't really necessary, because we can say that having physicians' assistants is already custom and usage here."

Whether former military corpsmen will continue to be the main pool from which physicians' assistants will be drawn is an open question. The AMA's Dr. Points doubts that 30,000 medics are, in fact, being discharged yearly. "When we analyzed this at Oklahoma State, we found that there are several levels of training in the military. That 30,000 figure includes the lowest level of aidman. The man we're talking about using is the independent duty operator, and I doubt there are more than 10,000 of them."

"I think they will constitute the main source of manpower," says Dr. Howard. "There's not much of a pool of males outside this one, which we're emphasizing, although we are not limiting our program to men. But it's hard to get women who are willing to work the hours these people work. If they're going to be effective as physicians' assistants, they've got to work the same hours the physician is working. The women we have in the program—and this is an advantage of taking only experienced people in this kind of project—have already demonstrated that they're willing to make that kind of career commitment."

"My impression is that a male labor force is more stable," says the AMA's Bud Zimmerman. "One of the problems in the allied health professions up to now is that they are quite female-oriented, and because women get married and have children, they tend to be sort of in and out of the work picture. So greater male involvement in these professions will eventually mean a labor force that's more stable."

But Dr. Points has reservations. "I think we've overworked the idea of the discharged medical corpsman as the answer to everything," he says. "The idea is to get the educational system to do the same thing the military has done. I can see these programs training corpsmen outside the military. In fact, I can see the military recruiting them into the service after they have a baccalaureate degree, when they wouldn't need much more training."

Recruiting former medics has been approached in a number of ways. The methods used by the Duke and Medex programs have probably been most successful. "The secret is using the servicemen's newspapers," says Dr. Howard. "We just send the Army, Navy, and Air Forces *Times* an announcement when we have openings. They run the information in their educational supplemental, and the inquiries come pouring in." For this year's class of 40 trainees, Duke received 3,500 inquiries, 500 applications.

Dr. Smith used a more personal approach. "We went to a number of military installations where there were corpsmen and got in touch with a few key people. We spelled out the requirements for selection. Basically, they were that a man be getting out of the service by last June, and that he and his family be willing to live and work in a rural area. We soon had an informal communications network stretching from Vietnam to West Germany, and applications poured in."

Altoona (Pa.) Hospital officials began at a nearby military hospital Project Transition office, the Defense Department's program to help place men leaving the service in civilian jobs. The hospital's representative obtained information on medical personnel about to leave the service. He visited two Army hospitals and one Navy installation, wrote to a number of others, and had posters distributed at a number of bases. The hospital received 60 inquiries in as many days from corpsmen who hoped to stay in medicine.

Joseph Donovan, executive director of the Santa Clara County (Calif.) Medical Society, has had most success by using press, radio, and TV advertising to inform corpsmen and their families of opportunities for training.

Placing the graduates is easier than recruiting them. Dr. Smith chose employers for his Medex trainees before he selected candidates. After both groups were selected and had met each other, physicians and Medex were carefully matched—even the compatibilities of their wives were considered. Each physician preceptor is training his Medex for his own practice. Salaries are to range between $8,000 and $12,000 a year depending on the practice.

The Duke graduates, too, are spoken for. "They all have jobs long before they get out," says Dr. Howard. "People start clamoring for them too early, as far as I'm concerned." Of the 29 graduates, 14 are working at the medical center (largely so that their training can be evaluated), and 15 are with physicians in private practice.

Results, so far, are encouraging. "At this point they've exceeded our expectations," says Seattle's Dr. Smith. "Some patients come in and ask to see the Medex, or call to make an appointment to see him. When they have a minor complaint, they don't want to bother the busy doctor. One thing that really got to me was a little notice put into a local paper in eastern Washington by a woman who had just gotten out of the hospital. She wanted to thank the staff of the hospital and most especially Dr. X and Medex Y. To those of us on the staff that was very significant. It meant the Medex is recognized as an integral part of that medical team."

XUM

FIGHT OVER THE NATIONAL FORESTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. DINGELL. Mr. Speaker, two of the Nation's great newspapers today have raised strong editorial objections to H.R. 12025, the proposed National Forest Timber Conservation and Management Act, which the House is scheduled to consider on Thursday, February 5.

The New York Times says the proposed act would allow the "great tracts of nationally owned timberland to be subjected to heavy cutting pressure in contravention of established Forest Service practices."

The Washington Post points out that vital information on timber supplies is not available at this time to the Members of the House and suggests that at the very least a vote should not come until this information is available. The information in question is the report and recommendations of the President's task force on housing and timber needs.

What is the issue facing the House? The Washington Post:

> Congress is facing an early test of its concern over protection of the environment.

The New York Times:

> If Congress is as dedicated to the protection of the environment as its spokesmen daily say it is, it will defeat this bid for preferential treatment of a single commercial interest at the expense of the national interests.

I insert the texts of the two editorials at this point in the RECORD:

[From the Washington Post, Feb. 4, 1970]

FIGHT OVER THE NATIONAL FORESTS

Congress is facing an early test of its concern over protection of the environment. The House has before it a national timber supply bill which, many conservation groups believe, would raid the national forests in an effort to reduce lumber prices. The measure was approved by the House Agriculture Committee at the behest of the home builders and the timber industry as a stimulus to the growing and cutting of timber to sustain expanded home construction. But conservationists fear that it will intensify the pressure on the national forests with grave consequences to watersheds, wildlife, human recreation and the ultimate supply of timber itself.

The motive behind the bill is undoubtedly a worthy one. It recognizes that an enormous increase in the supply of timber will be needed in the years ahead to support a larger housing industry and other essential building and seeks to intensify use of the national forests for this purpose. The country is still growing timber a little faster than it is being cut, but experts expect the cutting rate to exceed the growing rate within a few years, and not much is being done about it. At least 5 million acres of national forest land ought to be replanted and 13 million additional acres need improvement of one kind or another. It is estimated that $200 million per year is needed to bring these forests into full production under the approved multiple-use, sustained-yield policy now followed by the Forest Service, but less than half that sum is available.

Almost everyone seems to be in agreement that rehabilitation of the national forests should no longer be delayed. But there the agreement ends. The conservationists fear that, even though larger outlays for planting, stand-improvement and so forth are contemplated in the bill before the House, it would lead to intensified cutting too soon. Sponsors of the bill insist that it would give no new authority to the Forest Service, that multiple use would be retained and land management improved, and that cutting would not be stepped up until justified by additional planting. But Section 7 of the bill seems to authorize new programs, heavier cutting and revision of the rotation rate in timber growing which many regard as incompatible with sound forest management.

The House should know what it is doing before it ventures into this quagmire. It is true that the Agriculture Committee substantially improved the bill, but ambiguity remains. The least that can be asked is that Congress wait for the recommendations of the President's task force on housing and timber needs. It is said that the report of the task force has been completed and is under scrutiny by department heads before being sent to Capitol Hill.

The issue is not merely one of providing new timber supplies, vital though that objective is. Since any change of policy in the national forests will have an impact upon recreation, grazing, water supply and the environment as a whole, it must be scrutinized from the viewpoint of the general welfare. If this requires a good deal of time, a proper start could be made by providing more funds for improvement of the forests, while leaving the controversial problem of cutting more timber until the new growth is under way.

[From the New York Times, Feb. 4, 1970]

WHOSE FOREST PRIMEVAL?

A projected raid on the national forests, up for vote in the House this week, is reminiscent in some ways of the "lumber baron" days of the nineteenth century—though much more subtle. The so-called National Timber Supply Act would allow these great tracts of nationally owned timberland to be subjected to heavy cutting pressure in contravention of established Forest Service practices and in disregard of long-range conservation aims.

By making maximum yield the prime consideration in logging, the national forests, the House measure would destroy the principle of balanced—or multiple—use. Besides providing timber, as they should within reason, these public preserves play a vital role in protecting watersheds, supporting fish and wildlife and providing vast recreational opportunities that would be seriously damaged by this dangerous proposal. Of the 97 million acres that would be opened up to high yield forestry, an estimated 6 to 8 million acres of potential addition to the national wilderness system would be lost forever.

If Congress is as dedicated to the protection of the environment as its spokesmen daily say it is, it will defeat this bid for preferential treatment of a single commercial interest at the expense of the national interests.

SILVER COINS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. McCLURE. Mr. Speaker, last year the Treasury Department recommended the removal of all silver from our coinage. Unfortunately, the House Committee on Banking and Currency, and later the House itself, endorsed this proposal.

One of the arguments advanced at that time was an allegation that coins of value are no longer being minted in other countries and that the use of silver, even for commemorative purposes, is a thing of the past.

I would like to point out, Mr. Speaker, that the Vatican City is issuing a 500-lire coin in silver commemorating Pope Paul VI. His image appears on the coin. Although the information we have does not say so specifically, I assume that this is similar to previous issues by the Vatican of 500-lire coins which have had a fineness of 835 silver and 165 copper with a gross weight of 11 grams. In 1967 a previous issue of this denomination was minted and 110,000 coins were struck.

Furthermore, the African Republic of Guinea has issued four silver coins in 1969 in honor of Martin Luther King, John F. and Robert F. Kennedy, the moon landing, and the 1972 Olympics. The denominations are 100, 200, 250, and 500 Guinea francs. These coins are being offered to the American public through coin dealers.

There are many other instances of silver coins being offered throughout the world and I intend to bring them to the attention of the House in the next few days.

JEFFERSON, LINCOLN, ROOSEVELT—ALL WHITE SUPREMACISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. RARICK. Mr. Speaker, we have heard loud protests from the leftists over remarks attributed to the latest Supreme Court nominee.

Despite his current crawling recantation, it seems clear that at one time he recognized and publicly stated his views on racial separation—that is before the Warren court amended the Constitution in 1954.

Perhaps it is well to point out a little truth at this time. White supremacists are in good company.

Thomas Jefferson, author of the Declaration of Independence and father of the Democratic Party, wrote in his autobiography that "the two races equally free cannot live in the same government"—a thought which was censored when the first part of the same sentence was carved in the Jefferson Memorial here in Washington.

Abraham Lincoln, the great emancipator and father of the Republican Party, whose Emancipation Proclamation was a political appeasement of the radical Republicans and, by its own terms, freed no one, consistently held that inherent differences would "forever forbid the two races living together on terms of social and political equality."

We are indebted to David Lawrence for reminding us of the truth at this particular time, and for his query as to whether either Jefferson or Lincoln was so un-

American that he should not hold a position of high trust in his Government.

I include the Lawrence editorial in my remarks:

WHAT PRESIDENTS ONCE SAID ABOUT RACIAL EQUALITY

(By David Lawrence)

The controversy recently about Judge G. Harrold Carswell's speech which he made in 1948 in favor of segregation—six years before the Supreme Court ordered desegregation in the public schools—prompts a re-examination of just what was said in public speeches and in utterances of Presidents of the United States on the general subject of racial equality prior to the Court's ruling in 1954. Here are some extracts:

Thomas Jefferson, in a letter to Francois Jean de Chastelleux on June 7, 1785:

"I have supposed the black man, in his present state, might not be in body and mind equal to the white man; but it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so."

Jefferson's Autobiography, published in 1821:

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them."

Abraham Lincoln, in a speech at Ottawa, Ill., on Aug. 21, 1858:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

"I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas, he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."

Abraham Lincoln, in a speech at Charleston, Ill., on Sept. 18, 1858:

"I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. . . .

"I will add to this that I have never seen to my knowledge a man, woman or child who was in favor of producing a perfect equality, social and political, between Negroes and white men."

Theodore Roosevelt, in his Seventh Annual Message to Congress on Dec. 3, 1907:

"Our aim is to recognize what Lincoln pointed out: The fact that there are some respects in which men are obviously not equal: but also to insist that there should be an equality of self-respect and of mutual respect, an equality of rights before the law, and at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him when compared to his fellows:"

William Howard Taft, in his Inaugural Address on March 4, 1909:

"The colored men must base their hope on the results of their own industry, self-restraint, thrift and business success, as well as upon the aid, comfort and sympathy which they may receive from their white neighbors."

Franklin Delano Roosevelt, in a letter to Cleveland G. Allen on Dec. 26, 1935:

"It is truly remarkable, the things which the Negro people have accomplished within living memory—their progress in agriculture and industry, their achievements in the field of education, their contributions to the arts and sciences, and, in general, to good citizenship."

Harry S. Truman, to the Democratic National Convention in 1940:

"I wish to make it clear that I am not appealing for social equality of the Negro. The Negro himself knows better than that, and the highest type of Negro leaders say quite frankly they prefer the society of their own people. Negroes want justice, not social relations."

How many of the foregoing statesmen could be confirmed as Justices of the Supreme Court today if their statements of earlier years such as the above were cited against them by members of the Senate?

DR. CHARLES MAX COLE SPEAKS ON MEDICAL PROGRESS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. COLLINS. Mr. Speaker, Dr. Charles Max Cole, president of the Texas Medical Association, made a compelling speech before the Texas Medical Association's 1970 Conference on Medical Service on January 17 in Austin. Dr. Cole's speech "The 1970's; New Vistas and Challenges for Texas Medicine" cites the role that doctors and medicine should play in the challenging 1970's.

We are all proud of the great contributions in medical research and development that have come to us in recent years through our great doctors. And, with strong private medicine, we can expect similar progress in the seventies. This is highlighted in these sections of the address by Dr. Charles Max Cole:

THE 1970'S; NEW VISTAS AND CHALLENGES FOR TEXAS MEDICINE

It has become popular at the beginning of each new decade for an organization such as ours to look back upon the previous ten years and assess the accomplishments and progress and then to look forward into the next decade and make predictions of great things to come. The decade immediately finished was widely heralded as the "soaring sixties" and indeed many things of tremendous import to mankind occurred in the fields of medicine and science. 1960 saw the introduction of the first oral contraceptive. The disease poliomyelitis has already been staggered by the Salk vaccine and in 1961 the finishing blows to eradicate this disease were delivered with the approval of the Sabin oral live virus vaccine. In 1963 two red measles vaccines were licensed and as the decade drew to an end there followed an effective vaccine against German measles, the disease that had been blamed for so many birth defects. Many chemotherapeutic agents directed at cancer were introduced in this decade, some of which show great promise to leading to ultimate control of at least some forms of cancer.

There were a number of other new drugs introduced but the flood of new drugs that characterized the previous decade ended abruptly with the thalidomide disaster which rocked the medical world in 1962 and led to the adoption by Congress of stringent legislation giving the Federal Drug Administration new powers over the control of new drugs.

The field of organ transplants reached its peak in 1968 and then declined as the moral, ethical, and legal implications and complications received greater attention. Some of the more far reaching changes in the medical world occurred in the political and socioeconomic areas and these changes and proposed new changes may well present our greatest challenge in the 70's. During this decade just past there has come an increasing awareness of environmental factors in health. We have begun to be aware of the population increase projections for the future and many feel that this population explosion may well be mankind's greatest problem in the very near future.

PEOPLE POLLUTION

We have heard much about water pollution, air pollution, food pollution, noise pollution, and radiation pollution of our environment. A new term, with intriguing implications, "people pollution" is coming into current usage and we shall hear more and more of it in the very near future. It refers to the ill effects of overpopulation. In spite of the dire predictions for the future we remain rather apathetic about the dangers of overpopulation. Currently population is increasing almost three times as fast as food production and over the world at the present time 3½ million people die each year of malnutrition. Next year the U.S. population will reach 210 million. Two years later it will be 10 million more. According to the United Nations estimates, the world's population, now about 3½ billion, will shoot up past 6 billion before the end of this century, only thirty years away. The U.S. population is expected to reach 300 million by that time, requiring the creation of the equivalent of a new city of 250 thousand people every month for the rest of the century. It is further predicted to increase another 100 million within the first 40 years of the next century!

Most of us have felt that the dangers of this population increase are for future generations to worry about and that the chief concern will be that of producing enough food. We also have faith in our technological skills and expect breakthroughs in food production somehow to feed these enormous masses. We also feel this problem is chiefly one for the underdeveloped nations, which do indeed increase their populations much faster than do we.

But there is no comfort in any such wishful thinking, for the "people pollution" of the crowded areas is already with us and will be a major problem for physicians in the coming decade. Animal studies show that crowding animals together in the laboratory produces measurable ills:

1. The sex act, generally surrounded with intricate courtship rituals by most animals, become a nervous quick brutal obsession.

2. Homosexuality among males, virtually

unknown in almost every mammalian species in the free state, makes its appearance.

3. Females begin to lose their capacity to build nests and to take care of their litters. Mothers kill and maim their young, and spontaneous abortion appears to be more frequent.

4. Instances of brutality and fighting among animals are far more frequent.

Some studies among humans present interesting findings. In one such study the mortality rate during the first year of life was 60 for each 1000 births in families with one or two children. But in families with three or four children the death rate rose to 90 per 1000 and in families with 10 or more children it rose to 300 per 1000 births. The "battered child syndrome" is a relatively new entity and appears primarily in the population centers. It seems clear that the sky rocketing crime rate and the appalling increase in drug abuse are evidences of "people pollution." Neuropsychiatric disorders seem almost certain to increase with our continued urbanization and there is already evidence that many contagious diseases, almost under control a few years ago, are again on the increase.

PUBLIC IMAGE

Over the years in my activities with the Texas Medical Association and my own county society I have repeatedly heard the cry from my fellow physicians that our profession needs better public relations. Invariably these individuals speak as if public relations is a purchasable commodity on the open market. A skilled public relations counsel can be helpful and we have had the benefit of some of the best at the national level. Our profession has traditionally been strong in its public relations. Polls indicate doctors rank first in public esteem among professional people. But the charges and attacks made upon us in recent years might well be considered a conspiracy designed to weaken our influence in every area and particularly the political area.

I, like most of you, become furious when unproved and irresponsibly made charges, such as those released last summer by the Senate Finance Committee in regard to Medicare and Medicaid, make front page news stories, and our rebuttals, if printed at all, are buried inconspicuously on the back pages. Newspapers give space to articles on the basis of reader appeal and interest. And no one can deny that the stories released by the Senate Finance Committee charging physicians with making hundreds of thousands of dollars from the Medicare and Medicaid programs had such interest. The fault here lies primarily with the Senate Finance Committee which brings us again to the importance of our activity in politics. A responsible and fair minded committee would not have released such stories or made such charges without first arriving at all the facts.

Our good public image cannot be maintained through artificial efforts just as it was not first achieved in this way. The high regard that the people of this nation have for their physicians is based upon the generations of dedicated service by physicians. In the modern day we are rendering the same effective and dedicated service but we are not doing it under the hardships that are known to have existed in past generations. Most physicians are well fed, well clothed, well housed, and well transported in this affluent age. We are vulnerable to the critic. Our professional skills are not challenged, so our rebuttal must come in the form of increased service outside the professional realm. Society today is beset by many very serious problems. Some of the more serious are the increasing crime rate, the appalling extent of drug abuse, and the weakening of our moral values. If these and many other of our community problems are to be solved, and solved they must be, it will be through the combined and concerted efforts of aroused and interested and dedicated citizens. Physicians must be among the leaders in such community activities. We are certainly concerned about these problems and we must not let ourselves be too busy to do our part. And, incidentally, no better way could be found for improving the public image of our profession than by its widespread community involvement in this way.

PLANNING FOR THE FUTURE

As we move into the 70's it seems clear to me that we will face challenges even more severe than those encountered in the late 60's. I have great faith that many important medical discoveries will result from the intensive research now being carried on and that we will see many dread diseases either controlled or palliated. I do not doubt the professional skill that we will offer to our patients in the coming years for I believe our medical schools and teaching hospitals will do an even better job in this area and that we will see increasing emphasis on continuing medical education, with the development of new techniques of teaching that will be available to the practicing physician in both large and small communities enabling him to remain current in his medical knowledge and skill. I am, however, fearful that we will see an overwhelming increase in demand for medical services in the next few years and that we may well find ourselves unable to meet this demand. What happens then is my greatest concern.

We need, in the most urgent way to engage in long range planning so that we may anticipate the demands that will be made upon us and devise our own methods of responding to them. The production of physicians and other trained health personnel is lagging behind demand even at present levels. The increase in our population will accentuate this shortage. Wider inclusion of population segments in either government health programs or private health insurance coverage, together with broader benefits in both types of coverage, will further add to the demand for health services and compound the shortage.

I am convinced that if we devote our full energies to this task and remain open minded and willing to face clear realities we can meet the demands of the 70's, still protecting the cherished freedom of our profession and maintaining the fee for service, private practice concept of medical care delivery that respects and cherishes the individual doctor-patient relationship. The challenges of the 70's are of such magnitude that we dare not turn away from them.

COLLEGE PRESIDENT SUPPORTS HEW APPROPRIATION VETO

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. FINDLEY. Mr. Speaker, the president of one of the great coeducational colleges of the Middle West wrote to me on January 30 with words of support for President Nixon's veto of the HEW appropriation bill. Here are his words:

> I simply want to express my complete approval of your action in helping to sustain President Nixon's veto of the HEW appropriation. Inflation is doing much more danger to education than could ever be remedied by appropriations such as were envisioned in the larger amounts proposed by Congress for distribution to education. Unless we can choke off inflation, it will do little good to give us more and more cheaper and cheaper money. I am sorry many of my colleagues seem to have been on the other side of the fence, but I think they were short-sighted.
>
> While I am not satisfied at all with the priorities of expenditures of the Federal Government, I am convinced that inflation unless checked will produce such havoc that it may even endanger the future of the nation.

HAZARDS OF NUCLEAR ENERGY

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. McCARTHY. Mr. Speaker, one of the most important steps taken in controlling the hazards of nuclear energy was adoption of the limited Nuclear Test Ban Treaty. This treaty was adopted by most of the nations of the world so that present and future generations would not be harmed by radioactive fallout. This was a useful step in restoring nuclear sanity.

I am, therefore, deeply disturbed to learn that the United States refuses to determine whether our underground nuclear testing program has resulted in violation of the 1963 Nuclear Test Ban Treaty. The United States became a party to this treaty on October 10, 1963.

Article I, section B of this treaty explicitly prohibits signatories from conducting tests "if such explosion causes radioactive debris to be present outside the territorial limits of the state under whose jurisdiction or control such test is conducted."

On December 8, 1968, the Atomic Energy Commission conducted an underground test at a site in Nevada as part of its plowshare program. This nuclear explosion, called Project Schooner, was monitored by the U.S. Public Health Service to determine levels of radioactivity. As the debris flowed northward, the level rose sharply. Forewarned of the changes in atmospheric conditions, Canadian health officials also noted a sharp rise in radioactivity levels in Montreal and Ottawa; from one-tenth picocurie per cubic meter to 2 picocurie per cubic meter.

What this means is that the level of radioactive disintegration of atmospheric particles was 20 times the normal rate in Canada. While not at a point to be dangerous to public health, it constitutes a clear infraction of the treaty. It can also be noted that the levels at various points in the United States were several hundred times the normal rate.

Although it was determined that the rise was not dangerous, the fact remains that nuclear debris crossed an international frontier, as a result of the Schooner test conducted by the U.S. Atomic Energy Commission.

In view of the questions that have arisen surrounding this incident, it would seem logical that the responsible Federal agencies would have conducted a thorough investigation to determine if a violation had indeed taken place. I wrote to Secretary of State William P. Rogers asking whether the Test Ban

Treaty had been violated. In my letter of January 7, 1970, I asked what steps had been taken to investigate the results of the test. I assumed that his response would either substantiate the charges, or show proof that no violation had occurred.

Much to my surprise, I received a response on January 21, 1970, which in essence, fails to answer my questions. I was merely told that former Atomic Energy Commission Chairman Glenn Seaborg told the Foreign Relations Committee on February 18, 1969, that in his view, there had been no violation. There was no indication as to whether the State Department believed the treaty had been violated.

I had hoped to receive a more conclusive response; not one which contributes to the confusion. Either the executive branch should admit that a violation did occur, or proof should be given to refute the charges. I am deeply disturbed that a violation may have occurred in the past, but I am even more concerned that steps be taken to assure that the possibility does not arise in the future. I have received no assurances that this is being done.

This is not a matter to be taken lightly. It involves the integrity of the United States. It involves our commitment to protect future generations from the dangers of nuclear fallout and it involves our willingness to abide by our international obligations.

In addition, the possible treaty violation raises questions about the whole plowshare program. I am no longer confident that the Atomic Energy Commission can use nuclear explosions for peaceful purposes in a way which will not violate international obligations or otherwise harm the environment.

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The refusal of the Atomic Energy Commission and the State Department to be candid about Public Health Service facts prompts me to suggest that a thorough examination of the whole plowshare program be undertaken.

President Nixon in his state of the Union message placed the highest importance on the protection of our environment. Central to that concern is the question of protection from radioactive fallout. There is no room for mistakes or complacency about accidental nuclear discharges. I have, therefore, again asked Secretary Rogers whether he considers the accidental discharge following the Schooner explosion a treaty violation or not.

I have also written to Senator WILLIAM FULBRIGHT, chairman of the Senate Foreign Relations Committee, asking that the committee hold hearings on the United States' obligations under the Test Ban Treaty. If the treaty lacks sufficient clarity then perhaps the United States may wish to initiate steps to modify the treaty, as provided by article II.

Ratification of the Nuclear Test Ban Treaty was one of the first steps in restoring sanity to our use of nuclear energy. Now today a number of scientists believe that we have sufficient skill to detect any significant violations of such a ban. I believe that we should move in this direction as rapidly as possible. Violations of the partial Test Ban Treaty pose a serious threat to future progress in this field.

Mr. Speaker, the recent budget message allocates $8 million to the Atomic Energy Commission for civilian applications of nuclear explosives. A large part of this is proposed for further field testing for natural gas production stimulation. This is a sharp drop from the $14.5 million spent in fiscal 1970, and reflects a suspension of cratering shots. Underground excavation test will continue.

To date, two underground explosions have been carried out in order to stimulate natural gas deposits.

"Gasbuggy" was conducted by the El Paso Natural Gas Co. in cooperation with the Department of Interior and the AEC on December 10, 1967. "Rulison" was carried out by the Austral Oil Co. in September 1969, in central Colorado.

The results of "Gasbuggy" indicate that it might be economically feasible to tap gas sources by nuclear explosion. However, almost nothing is known about the ecological effects this 26 kiloton detonation will have in the long term.

The "Rulison" cavity is capped, and will not be opened at least until a lawsuit regarding its legality is resolved.

The El Paso Gas Co. is now negotiating with the AEC for an underground test in the Pinedale field of Wyoming. Of higher magnitude than the previous two, this exploson to be called "Wagonwheel," is the kind which is causing concern among scientists who fear they will have adverse effects on our environment.

Dr. Kenneth Pitzer, former research director of the Atomic Energy Commission, has stated:

> Although the possibility that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large-yield test explosion and in the following weeks. The largest of the observed associated aftershocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site.

The Joint Committee on Atomic Energy has been considering proposed legislation which would permit the Atomic Energy Commission to provide detonation services to private companies for commercial use. Those who have testified, including AEC officials, readily admit that technology is still in the research and development stage; commercial exploitation is simply not feasible at the present time. It seems clear that such authorization is premature.

I, therefore, urge that all further test explosions be suspended until the long-term results of the previous two are fully analyzed. The joint committee should likewise postpone acting on legislation authorizing commercial nuclear shots until ecological factors are resolved.

I insert the letters and table in the RECORD at this point:

JANUARY 7, 1970.

Hon. WILLIAM P. ROGERS,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: On the NBC "First Tuesday" show of January 6, 1970, reference was made to a Project Schooner test by the Atomic Energy Commission in December 1968.

According to the television report, nuclear material from this test drifted northward from the Nevada site and fell into Canada, in violation of the 1963 Nuclear Test Ban Treaty.

I would be grateful if you would inform me whether this allegation is true. If so, what steps were taken by the governments of Canada and the United States to investigate the incident? Could you also tell me whether the Senate Committee on Foreign Relations was informed of the incident?

I appreciate your attention to this matter.

Sincerely,

RICHARD D. MCCARTHY,
Member of Congress.

JANUARY 21, 1970.

Hon. RICHARD D. MCCARTHY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCARTHY: The Secretary has asked me to reply to your letter of January 7, 1970 concerning the accuracy of the statement made on a recent television show that nuclear material from Project Schooner, a test by the Atomic Energy Commission in December 1968, drifted into Canada in violation of the Limited Test Ban Treaty.

The Executive Branch wishes, of course, to preserve the full integrity and effectiveness of the Limited Test Ban Treaty. As you are probably aware, the Treaty, as well as its history, is subject to some variance in interpretations. Concerning Project Schooner, Chairman Seaborg of the Atomic Energy Commission in a joint appearance with Secretary Rogers before the Senate Foreign Relations Committee on February 18, 1969, in response to a question from Senator Fulbright, stated his view that there was no violation of that treaty.

If we can be of assistance to you at any time, please do not hesitate to let me know.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

JANUARY 28, 1970.

Hon. WILLIAM P. ROGERS,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for the response of January 21 from Acting Assistant Secretary Torbert regarding my inquiry about a possible violation of the 1963 Nuclear Test Ban Treaty.

I regret that his answer did not respond to my question. I am aware that former Atomic Energy Commission Chairman Glenn Seaborg was of the opinion that no violation occurred as a result of the December 8, 1968 Project Schooner shot.

However, information obtained by the Public Health Service between December 8 and 14, 1968 indicates that radioactive debris drifted into Canada from the United States following the Schooner shot. Since the Department of State has the responsibility to interpret U.S. treaty obligations, I would appreciate knowing whether you, as Secretary of State, are of the opinion that an infraction of article III(b) of the treaty occurred at this time.

Sincerely,

RICHARD D. MCCARTHY,
Member of Congress.

RADIATION LEVELS FROM U.S. PUBLIC HEALTH SERVICE SAMPLE RADIATION LEVELS FROM SCHOONER (1100 EST, DEC. 8, 1968)

Station	Sample date	pCi/m^3 [1]	Normal background [2]
Salt Lake	Dec. 10 a.m	166.2	0.6
Denver	Dec. 10 a.m	159.1	1.7
	p.m	172.2	
Boise	Dec. 10 a.m	409.0	1.3
	p.m	458.0	
	Dec. 11 a.m	98.0	
Helena	Dec. 10 a.m	180.0	.65
	p.m	151.0	
	Dec. 11 a.m	85.0	
Pierre	Dec. 10 a.m	44.0	1.8
	Dec. 11	65.0	
Cheyenne	Dec. 10	171.0	1.4
	Dec. 11	14.0	
Phoenix	Dec. 12	41.0	[3] 8.7
	Dec. 13	27.0	
Spokane	Dec. 10	44.0	.9
Gastonia	Dec. 12	37.0	[4] 2.5
Montreal	Dec. 13-14	2.0	.1
Ottawa	Dec. 13-14	2.0	.1

[1] The unit by which radioactive disintegration is measured.
[2] January 1968 figure.
[3] Wide fluctuations, probably not reliable.
[4] With typically wide fluctuations.

YALE AND TREES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. ROSENTHAL. Mr. Speaker, we all recall during the first 6 months of 1969, when the price of lumber went sky high. In many cases, the price paid for logs from our public forests by various lumber manufacturing firms was nearly twice what it had been before. There were many causes for this temporary "shortage," including such things as a long fire season, heavy winter snows which restricted normal cutting operations, a boxcar shortage, and a longshoremen's strike, which prevented the unloading of lumber when it was needed.

During this crisis, 1 year ago, we were told by representatives of the timber industry that the only way to ease the supply problem and to insure a steady supply of lumber for housing purposes would be to pass the so-called timber supply legislation, which was designed to vastly increase the amount of timber cut from our virgin forests on public lands. We were also told that one of the major reasons for the housing shortage was the high cost of lumber which was driving the cost of houses beyond reach.

Mr. Speaker, last summer and fall, lumber prices took a tremendous drop, and are now down to well below the levels of a year ago. The market has greatly normalized. And yet our housing crisis continues. To me it is plain that the housing crisis has nothing to dc with the availability of a supply of lumber. This is only a small component of the overall price of a total house. The main factors which are causing the housing crisis right now are tight money, the rising price of land, and the rising cost of labor. The price of materials, and lumber is only one of these, while important, is a relatively small component of the price of a house.

Therefore, I would urge my colleagues to take a close look at the timber supply legislation, and the arguments that we need it in order to improve the housing situation.

I commend to my colleagues the following analysis of the bill by Yale University Legislative Service:

YALE LEGISLATIVE SERVICE REPORT

(Analysis of H.R. 12025—National Forest Timber Conservation and Management Act of 1969)

I. Summary:

The bill should be rejected because it is a serious threat to the management of the National Forest and the public interest. It threatens to sacrifice the public recreation, wildlife, watershed and range management in order to increase the cash sales of timber from the National Forest, contrary to the Multiple Use Sustained Yield Act of 1960. It is a piecemeal attack on lumber shortages which are not now pressing, and which should rather be met by a comprehensive program now under preparation.

II. What the bill is:

1. *The High Yield Fund*—the bill would require all receipts from the sale of timber, and the National Forest to be deposited in a special fund, the proceeds of which may be used for a single purpose only: to increase the timber sales from the National Forests.

2. *Intensive Forestry*. Several provisions of the bill, taken together, have the effect of requiring the Forest Service to emphasize maximum timber production in the management of the National Forest, similar to the practices employed in the management of the forest of private timber companies.

III. Reasons given for the bill:

The reason urged for passing this bill is that there is or will be a serious shortage of lumber in the nation, and that it is necessary to increase the supply of lumber by greatly increasing sales of timber from the National Forest. There were two principal facts used to support the existence of the shortage.

1. Lumber prices rose considerably in early 1969;

2. Long-term projections of new housing starts and of economic growth mean that the demand for lumber will increase.

IV. Why the bill should not pass in its present form:

1. *Multiple Uses*—the bill in its present form is destructive of the principle expressed in the Multiple Use Sustained Yield Act; namely, that the National Forest should be so managed as to promote equally five public uses: public recreation, protection of wildlife and watershed, range and timber sales. The bill does refer to the necessity of conformity with the act. Yet if it were to pass, it is estimated by supporters that it would earmark approximately $229 million in 1970 for the single purpose of increasing timber sales, out of a total budget for the National Forest of only $372 million. As the Secretary of Agriculture said in a letter to the Agriculture Committee, if the bill should pass "there could be a difficulty financing the other parts of the National Forest Development Program. This would effect the output of other multiple products and services . . . such as outdoor recreation opportunities, wildlife, forage, and water production."

Not only would the bill allocate an estimated 62% of the budget for the National Forest to the single purpose of timber sales, but it would give that purpose special favoritism in the financing method and a special claim to forest service attention.

Some supporters of the bill seem to think that earmarking these funds would not hurt the other program because additional funds would be found for them. If that were true, there would be no need to resort to this particular funding method because the appropriations process could provide the additional money necessary for the programs contemplated by this bill.

2. *Wilderness, Conservation, Ecology*—Several of the bill's provisions threaten principles of conservation which lately have received increasing support from the public. First, there are certain wilderness areas not under formal protection which the Secretary of Agriculture is commanded by this bill to "develop into optimum timber productivity as soon as possible." Second, the bill requires the adoption of intensive forestry practices, some of which were criticized by witnesses before the hearings. For example, the bill requires fertilization of trees, although fertilizer run-offs have been known to cause serious water pollution.

2. *The Budget*—The Bureau of the Budget has expressed reservations about the financial rigidities caused by earmarking funds in this manner.

V. Why possible lumber shortages do not require the passage of this bill:

The short term problem of high timber prices has abated, principally because its causes were certain temporary dislocations. Prices have fallen recently as fast and as far as they rose earlier, and supplies of lumber appear adequate for the time being. In the long term, the National Forest alone cannot supply the predicted increase in demands. The greatest possibilities for increased timber production are under the 60% of the nation's forest lands held by small farmers and other owners.

The Agriculture Department is making a study to develop ways to increase production on all lands, including these small tracts, and any action on this bill should await the presentation of a coherent plant to the Congress.

Therefore, only that part of the bill which requires such a study to be made should be approved. The effort to meet the nation's future timber need solely from the National Forest which have the most other competing claims upon them should be resisted.

NEGROES RIOT—OPPOSE FORCED INTEGRATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. RARICK. Mr. Speaker, current news stories from Washington, from Maryland, and from Florida continue to support the view that forced race-mixing just will not work in a democratic society.

Those who have hitched themselves politically to the integration wagon are having a rude and rather embarrassing awakening. The Negroes do not want to mix any more than do the whites.

The NAACP, which has never yet had a black president, is in the position of having to ask a U.S. district court in Florida to enforce against Negroes the mixing order which it gave the NAACP when it claimed to represent the Negroes as a class.

In Washington, Negroes boycott the only two public schools in the District which have a semblance of integration—40-percent white—because Bach and other great musicians did not write "soul" music.

And the Maryland Human Relations Commission finds it necessary to probe even the elementary schools because of "student unrest" and "lack of under-

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standing of black students' problems" which are said to present real problems, even in primary schools.

I include the following pertinent newsclippings in my remarks:

[From the Washington Post, Feb. 1, 1970]

BIAS UNIT TO PROBE SCHOOLS

The Maryland Human Relations Commission is initiating the first official statewide study of student unrest in high schools, with particular emphasis on schools in Prince Georges County and elsewhere that have had racial incidents.

Commission Chairman William H. Adkins II said yesterday that the study could even extend to the primary school level in certain instances. Adkins said he hoped the study could be completed by the end of the current school year, so that recommendations could be implemented by the start of the school term next fall.

Adkins said that commission staff members will interview teachers, administrators, students and parents in the study. He said the study would give priority to such Prince George's County high schools as Bladensburg and DuVal, which had racial difficulties this school year.

"We do feel that student unrest at high schools and perhaps at the primary school level is a real problem."

Adkins said that student unrest "is not just an urban or suburban problem." He pointed to a recent incident in Aberdeen High School in Harford County as an example of a similar problem in rural areas.

In that case, the commission said in a report last week, three black girls were expelled. The commission recommended they be reinstated. The commission reported that, based on interviews with students, it found, "There is a lack of adequate counseling, guidance or even understanding of black students' problems in this school."

[From the Washington Post, Jan. 30, 1970]

BLACKS RIOT IN FLORIDA SCHOOL TRANSITION

GAINESVILLE, FLA.—Several hundred black students ran screaming into the street from Lincoln High School today, stoning cars and attacking passersby in apparent frustration over the closing of their school. Police quelled them with tear gas.

At least two persons were reported injured in the outburst of violence at the school due to be closed after Friday under the Supreme Court's desegregation orders.

Several cars were damaged and school windows were smashed. One man, identified as Charles Tanner, was injured by a brick that smashed his windshield. A woman was reported dragged from her car and beaten.

After the crowd dispersed, police roped off the area and authorities cancelled Friday's classes.

Lincoln is part of a school district ordered by the Supreme Court to begin operating totally desegregated schools by Feb. 1. Under school board plans, Lincoln will be closed and its students integrated with those at Gainesville High.

The black students of Lincoln and their parents have bitterly protested the closing. In December, many of them boycotted the school to protest the closing and returned only after a judge threatened to cite them for truancy.

[From the Evening Star, Jan. 31, 1970]

BLACK STUDENTS BOYCOTT AT TWO D.C. HIGH SCHOOLS

Black students at the District's only two substantially integrated high schools—Western and Wilson—boycotted some regular activities yesterday to protest various school policies.

At Western, 35th Street and Reservoir Road NW, about 200 students attended an "unauthorized assembly" shortly after 9 a.m. after breaking locks on auditorium doors, authorities reported. The assembly was followed by a sit-in in the cafeteria, which ended when large numbers of the students began leaving around noon.

Students said they planned the assembly Thursday after school officials refused to recognize a "Student Coalition Against Racism" as a chartered activity. During the meeting, black students also complained about the transfer of a teacher who has added the Black Student Union and about suspension policies.

Asst. Supt. George Rhodes said officials were reluctant to charter the group until they were certain it would not exclude white students.

The Western students later agreed at a meeting with Asst. Principal Harvey Broyn to present a list of grievances on Monday. About 60 percent of Western's 1,200 students are black.

At Wilson, about 60 black students walked out of a music assembly in the morning to protest what they termed the lack of black cultural programs at the school, at Nebraska Avenue and Chesapeake Street NW.

About 400 black students later returned to the auditorium to discuss grievances with school officials. Interim Principal Sherman Rees said the second assembly ended shortly before noon and students returned to classes.

Wilson, the only predominantly white high school in the District, has about 500 black students out of a school population of 1,500, Rees said.

Students said they walked out of the assembly because it featured only "European" composers and did not reflect the influence of black musicians.

At their meeting with school officials, students objected to programs at past cultural assemblies and demanded the inclusion of black studies in a wide range of courses. They also asked that black students be allowed to plan future assemblies, including one to mark the birthday of Malcolm X on May 19.

SENATE—*Thursday, February 5, 1970*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. RUSSELL).

The PRESIDENT pro tempore. It is the pleasure of the Chair to present to the Senate as guest chaplain today the Reverend James P. Wesberry, D.D., pastor of the Morningside Baptist Church in Atlanta, Ga.

The Reverend James P. Wesberry, D.D., offered the following prayer:

Gladden our lives, O God, our Father, with the light of Thy redemptive purpose. Cleanse us, we pray, from all evil. Open our hearts to Thy love which satisfies our deepest need and to Thy strength which matches our heaviest burdens. Grant that we may move in the performance of our duties as the unhurried stars in the orbit of eternity, without haste or confusion, but always with shining steadfastness. When faced with obstacles bigger than we can handle, may we find within us a spiritual power that breaks through, and when worldwide responsibilities mount upon us, may we go forward with the sureness of the mighty river that runs its destined channel to the sea.

Through Jesus Christ our Lord. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 4, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TEXTILE IMPORT CURBS

Mr. PASTORE. Mr. President, I note in the Journal of Commerce of Thursday, February 5, 1970, in New York, that the Honorable Maurice Stans, Secretary of Commerce, made a speech before foreign newsmen. He is quoted as having said:

> It is not possible for the United States to make an adjustment necessary to absorb the flood of textile imports.

Mr. President, I find this statement both alarming and confirming the fears of the American textile industry, yet encouraging in the administration's awareness. We who come from textile States know what has been happening to the textile industry, specifically the tremendous decline in the industry at a time when we have experienced an astronomical boom in the gross national product. So we realize just what Secretary Stans' statement means.

My experience is this, Mr. President, that American production has been declining because of the tight-money policy and because there has been a general slowdown in the economy. Nevertheless, while our production in the textile industry was sliding downward, textile imports were moving upward.

My contention is that unless we do something rather quickly to slow down this influx of textile imports, we will

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find that we will have a tremendous unemployment problem in the American textile industry. This would be a tragedy for our day.

Therefore, I want to congratulate Mr. Stans for having made his statement. I agree with him that unless the administration moves quickly to secure a voluntary agreement, Congress has every intention of moving in.

Mr. TALMADGE. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. TALMADGE. I desire to compliment my distinguished friend, the senior Senator from Rhode Island (Mr. PASTORE), on the statement he has just made. I associate myself with it.

As the Senator from Rhode Island knows, I, along with many other Members of this body, have been working shoulder to shoulder with him for many, many years in trying to remedy this problem.

Mr. President, in the State of Georgia, there are 100,000 people working in textile mills. There are an additional 35,000 working in the garment industry. Thus, the textile and apparel industry is the largest employer within my State.

The largest mill within my State is the Bibb Manufacturing Co. Last year, its sales were $120 million. It had $120 million worth of sales, but, it lost $2 million—not netted, but lost $2 million.

What has been the result?

In my State, most of the small mills have gone out of business. Many people are unemployed or underemployed. Those that have not gone out of business found themselves associated with larger mills and have become members of a chain.

It is imperative that we take action in this regard. The Senate has acted twice on this matter by an overwhelming majority. Unfortunately, the Ways and Means Committee would not agree with us in conference. It has been encouraging, during the late recess, to read a statement from the distinguished chairman of the Ways and Means Committee that the time was at hand, and that unless we had an agreement on the importation of textiles, Congress would have to take appropriate action to impose quotas.

I, like the Senator from Rhode Island, was encouraged by the statement in the Journal of Commerce made by the Secretary of Commerce, wherein he said:

> It is highly likely Congress will act in the matter of limiting textile imports, and possibly other products, if there aren't agreements in a relatively short time—and by short time I mean three months, the secretary said.

Mr. President, I am, therefore, associating myself with the statement just made by the Senator from Rhode Island. I am pleased with the statement of the Secretary of Commerce and I compliment him on it.

I hope that Japan and other nations will take heed because the favorable Japanese balance of trade with the United States is now running at $1.5 billion a year.

Mr. PASTORE. And $1 billion of that is in textiles.

Mr. TALMADGE. Yes; $1 billion of that is in textiles, while our own trade balance is unfavorable. We have had a gold drain and we do not have enough gold to pay off one-third of the claims if our dollars were presented for payment today.

Once more I congratulate my good friend from Rhode Island on his statement.

The PRESIDENT pro tempore. The time of the Senator from Rhode Island has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Rhode Island may proceed for 10 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. I commend the distinguished senior Senator from Rhode Island for the statement he has made and for his reference to the encouraging statement made by Secretary of Commerce Stans.

It has been well recognized in all of those States where the textile industry is important to their economies to maintain job levels and avoid further unemployment.

Therefore, I am pleased that this is the policy of the administration and I am sure it has bipartisan support in Congress.

Again I thank the Senator from Rhode Island.

Mr. HANSEN. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Rhode Island. I am delighted that he has taken this occasion to compliment the Secretary of Commerce, an exercise in which I also wish to participate.

I believe the administration is realistic in recognizing the impossibility of maintaining a high standard of living, which results from the wages that the textile industry pays its workers in income that flows from that activity to cotton and wool producers in this country and permits, at the same time, unlimited imports of textiles.

I think that what the distinguished Senator has so aptly called attention to applies with equal force and with equal veracity in the case of oil. Here is an industry that employs in this country 1,200,000 persons, who are very well paid.

This industry generates annually more than several billions of dollars that is added to our country's economy. We have had reports from the Department of Defense calling attention to the threat that is posed to our national security if we should do anything which would result in a diminution of domestic oil activity in this country and place greater reliance upon foreign sources of supply.

Certainly, no one knows that better than the President pro tempore of the Senate, presently presiding, having served for so many years as chairman of the Armed Services Committee. The Presiding Officer is fully aware, better than any man I know, of the relationship between national security and the abundance of energy in our country.

In my State of Wyoming, 40 percent of the funds going into education come from oil revenues. We have a goodly share of the production of the 367,000 stripper wells that account for 15 percent of total U.S. production. These wells represent some 5.5 billion barrels of oil reserves.

It does not make any sense to me that a part of the Government should put anybody out of business.

We not only have to protect textiles, but other products as well, products which play such a vital role in keeping our people employed and adding to our economy.

I pay tribute to the distinguished senior Senator from Rhode Island and the distinguished junior Senator from Georgia for their observations.

Mr. PASTORE. Mr. President, I do not want to rehash the tragic story of our loss of textile jobs. I have gone all over this over and over again on the floor, and even in appeals in the Oval Room at the White House.

Since 1959 we have lost 33,000 jobs. And more than 1,200 mills have closed down. Those textile mills have disappeared in the last 10 years, at a time when other industries were experiencing the biggest boom in our history.

It strikes me that we are not trying to shut off the American market to favor manufacturers of textile goods. All we are asking them to do is what they have refused to do, is that those who would threaten the stability of American textile jobs should sit down and talk over the problems so that we can reach agreements that are sound and salutary in international trade.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. There is no greater champion of the textile industry in this Chamber than the distinguished senior Senator from Rhode Island. Year in and year out, he has been defending an industry which means so much to him and so much to his State.

Mr. President, I express my appreciation to the distinguished Senator from Wyoming (Mr. HANSEN), who is an expert on the status of wool and also on the situation confronting the domestic oil producers and, I might say, the domestic beef producers as well. This is all sort of a pattern.

I concur with the distinguished Senator from Wyoming whom I look upon as one of the distinguished experts on oil and wool in this body.

Mr. HANSEN. Mr. President, I thank the distinguished majority leader for his kind observations.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HOLLINGS. Mr. President, let me say that I reiterate the high regard and compliments paid to the Senator from Rhode Island for his leadership. He is chairman of our Subcommittee on Textiles of the Commerce Committee and has acted in this capacity for some 14 years. He and I have worked hand in glove.

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While there has been action and inaction, the action that has occurred has resulted under his leadership and under the leadership of the Senator from Georgia (Mr. TALMADGE) in his work on the Finance Committee and representing us in Geneva.

However, I differ somewhat in emphasizing the inactivity that has occurred. I would prefer, rather than to praise the Secretary of Commerce for his enlightened statement that we may act in Congress, requiring of him that he make a more enlightened statement that the administration may act.

That is the only way we have received action. There has not been a textile bill that has passed Congress in its history.

The Japanese know this. They know none is likely to pass. The Japanese are fairly well attuned to trade difficulties. They are in the game.

When we had the cotton amendment up for consideration in December, a month ago, they immediately had the National Grange taking votes away from us. They know how to work, not the U.S. Senate, but the administration and the House.

This threat that Congress may act is like water running off a duck's back.

When did they act? When President John F. Kennedy said:

> If you don't get down to some realistic type of agreement, we are going to act unilaterally, employing the national security provision. If the administration really wants to act, there are many thing that can be done by the administration.

We have tried our best and we get nowhere. And the Secretary of Commerce continues to use us as a bogeyman. Unfortunately, we are not too effective. We do our job in the Senate. But the Japanese each time thwart us at the White House and on the House side.

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The Japanese know we not only want to protect textiles, but also oil, and we get into the beef products and things of that kind.

The Japanese know that nothing can really occur until we take in the entire spectrum and get, as the late beloved Senator Everett McKinley Dirksen said, a Christmas tree. And we know that Congress will not pass a Christmas tree bill.

Mr. President, the President of the United States should say that he is going to take action as President, and the Secretary of Commerce should say he will take action. We have been waiting a year and a half. I am tired of waiting.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. PASTORE. Mr. President, I ask unanimous consent that all committees of the Senate be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE C–5A CONTROVERSY—FACT AND FICTION

Mr. PROXMIRE. Mr. President, those of us who are in public life know that one of its byproducts is the deliberate or unwitting attempt of one's opponents to spread false rumors, to quote one out of context, or to totally misrepresent what one has said or believes.

Such has been the repeated attempt on the part of some—and I repeat "some"—of the very powerful political and economic forces connected with the C–5A.

But as Al Smith said, "Let us look at the record." Let us examine the misstatements and misrepresentations and lay them side by side with the truth.

First and foremost it has been said of those of us who have criticized the C–5A that we have said—and particularly that I have said—that the C–5A would never fly.

Of course that is totally untrue.

What is true is this. In connection with our hearings last spring we were told that the C–5A did not meet the FAA requirements which had originally been established for the plane.

That turned out to be true.

We were told that there had been a whole series of changes in the performance specifications of the plane. That also turned out to be true. This was in fact thoroughly confirmed by the Whittaker report which in attachment 3, pages 46–48 lists about a dozen "significant specification changes."

We were told last July that the wing crack in the C–5A could be fixed with a relatively minor modification and that it would not affect production or delivery of the planes.

But the new wing crack that occurred on Friday, January 16, involved the same problem.

We have argued, right in my judgment, that the first three runs of the planes, that is 58 of them, were more than sufficient to meet the military requirements established for this plane.

That has now been confirmed by the Whittaker report which stated that 40 planes was the number needed to meet the specific purpose for which this plane was built, namely to carry the outsized equipment of an armored division during the first 10 days of emergency.

The truth is that I and the other critics have supported purchasing at least 40 of the planes—in fact we have supported buying 58 of them—but we have vigorously objected to buying the additional planes which are not needed for any military purpose and whose costs are at least double that of the 747 which is a comparable civilian plane in most aspects.

Not only has it been charged that I said the plane would never fly but now it has been alleged that I said they should be grounded forever.

Of course, that is poppycock. What is true is this: There is a serious technical defect in this plane which we asked about last summer but which was substantially denied by the Air Force. I believe that until that problem of the wing crack is solved by the Air Force, this plane is unsafe to fly.

Only about a dozen of the planes have been delivered, and eight of these were test planes. They are to be retrofitted by Lockheed. But, and this I find appalling, the Air Force has agreed to accept delivery on a total of 32 planes before the wing crack problem is solved. In other words, about 24 planes, not yet delivered, are to be accepted by the Air Force with the wing problem still unresolved. These planes are not scheduled for delivery until September 1970. Yet, between now and September at the earliest, the Air Force plans to accept about 24 planes from Lockheed with the structural weakness still not fully corrected.

They plan to return those planes to the factory to be retrofitted.

I find that a deplorable and scandalous situation. For the Air Force both to accept and to fly defective planes is wrong.

Existing planes should be corrected before they are flown.

The Air Force should require Lockheed to deliver planes which are not defective.

It is inexcusable to accept delivery on another 24 planes before the company is required to right the structural defect in the C–5A wing during production.

I hope, therefore, that the substance of what I and other critics have said will be distinguished from the false rumors and false statements and misrepresentations which are now going the rounds.

The C–5A should be grounded until the wing crack is repaired.

The Air Force should refuse to accept any planes coming off the assembly line until the wing crack defects are solved.

And, in my judgment, since only 40 planes are needed to meet the military requirements established for the C–5A, it is unconscionable for the Government to go ahead with run B—planes 59 to 81—which are both unneeded and compound the fiscal fiasco.

(At this point, Mr. HOLLINGS assumed the chair.)

ADDRESS BY SENATOR HOLLAND AT ANNUAL CONVENTION OF AUDUBON SOCIETY AT COCOA BEACH, FLA.

Mr. HOLLAND. Mr. President, last Saturday night I had the privilege of speaking at Cocoa Beach at the annual convention of the leaders and other members of the Audubon Society from all portions of Florida.

I am quite proud of the progress already made in our State in advancing the cause of conservation of our natural resources and of the great interest and effort of many of our citizens, particularly those who are members of the Audubon Society, in conservation projects and objectives extending literally from one end of Florida to the other.

Many Senators are quite properly interested in the Everglades National Park in Florida and in other conservation projects in our State. I hope that some of the contents of my speech may be of interest to other Members of the Senate, particularly to those who are especially interested in conservation. I already have pending in the Senate a bill (S. 2565) whose objective is to complete the acquisition of the remaining private inholdings within the Everglades National Park, and I trust the Congress will enact that bill during this, my last year, in the Senate. Other matters which will be considered by the Senate this year bear upon the Everglades National Park and other important conservation projects and conservation opportunities in Florida.

Since my speech dealt with many aspects of the conservation program in Florida, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FLORIDA'S RESOURCE PROBLEMS

(Address of Senator SPESSARD L. HOLLAND)

I was happy to accept last October the cordial invitation of Mr. Russell Mason to speak at this annual convention of the Florida Audubon Society and to receive later a cordial supplementary letter from Mr. Karl Eichhorn, Jr., President of the Indian River Audubon Society. I am glad to be here tonight and to speak on the subject suggested by Mr. Mason, which is "Florida's Resource Problems," limiting my remarks, of course, to the problems which affect the conservation of our wildlife, including birds, animals and fish, our natural vegetation and our rivers, lakes, beaches and underground waters. I hope you will allow me to speak as one who has been a witness to the developments on the Florida scene for sometime, since I was born in this state in 1892 and have always been a citizen of Florida.

In my boyhood and as a young man I noted the commercial cutting of most of our forests, including, particularly, the virgin pines, the age-old cypresses and much of our hardwood. There was a long period in which much of the state appeared greatly despoiled by reason of the loss of its forests. I have been glad to note in recent years that the pine forests are in the course of restoration by the following of sound reforestation practices in large portions of the state and the making of harvesting practices of the pine trees, whether planted or naturally restored, a scientific operation which has enabled Florida to regain, in great degree, the beautiful appearance of much of our formerly heavily forested pinelands. It has now become a pleasurable experience again to ride through much of the area of middle, north and west Florida which had appeared to be so barren following the cutting of the original stands of pine and the careless burning practices which were later permitted.

The hardwood plantings are coming back, also, though not in the course of such careful planned reforestation as is the case in many areas with pines. Cypress trees take so long to grow that it will be many years beyond the lives of present Floridians before our people will have the chance to know what a real cypress forest looks like unless we have the privilege of visiting the Corkscrew Swamp which has been preserved for posterity by the commendable action of the Audubon Society.

As to the conservation of our supply of water, whether in the lakes, the streams, or in the underground aquifers, much has been done, though much still remains to be done. The building of the Hoover Dike around Lake Okeechobee and the expansion of that work through the Central and Southern Florida Flood Control program has done much to conserve the rain water which falls in the lower part of the peninsula and to prevent in large measure its loss in the Atlantic Ocean or the Gulf of Mexico. Though not yet complete, that program has effectively prevented such heavy damage and loss of life as was sustained in 1926 and 1928 when approximately 2,500 persons lost their lives. It also protects against heavy property damage which was sustained as late as the fall of 1947 in an amount of approximately $57 million and in smaller amounts in even later years. The program is also protecting against the serious loss of muck by fire which had occurred in periods of drought, and by its recharging of the aquifer has driven back the infiltration of salt water which was endangering the underground fresh water supply of the whole gold coast area. The program has also protected the large agricultural interests in that whole area against the recurring threats of flood and drought. I think it is also proceeding rapidly to solve the problem of water supply to the Everglades National Park which problem should be fully solved when the level of Lake Okeechobee can be further raised under the latest authorizations adopted by the Congress. On the Gulf side, the Central and Southern Florida program is also supplying the needed supply of water to the City of Fort Myers and surrounding areas.

Similar results, I think, will be accomplished for much of the middle and upper west coast as the structures in the Southwest Florida Flood Control District move toward completion. It is quite certain that there are further problems ahead of us in other parts of the state as our population and industries continue to grow. Suffice it to say at this time that the problems of water supply and water protection remain with us and I hope they will continue to have the active interest of the Audubon Society just as they have had in the past. The State Board of Conservation by its more recent actions has shown a keen awareness of the problem.

I cannot dwell long, in the course of these brief remarks, on the problem of water pollution, but this is a subject that has already engaged the interest and activity of the Audubon Society and I hope it will continue to do so. The principal problem of pollution control at present in our state is centered at Jacksonville and relates primarily to the very bad condition of the lower St. John's River. An extensive program there is underway supported both by federal and local governments.

On the general question of pollution due to the use of insecticides, both by agriculture and otherwise, suffice it to say that a huge program is already underway on the part of both federal and state governments to attempt to deal with that urgent problem. A subcommittee of the Appropriations Committee of the Senate, which I head, and which handles all agricultural appropriations, initiated in 1965 a long-time and expensive program in this field, involving the creation of 8 new experimental facilities located in various parts of our nation. One of these new facilities is the new experiment station at Gainesville called the Laboratory for Insect Attractants and Environmental Research on Stored Products Insects which is now complete and is beginning to function helpfully. These 8 stations will have the continued support of Congress and there are also programs underway in the state experiment stations, many of which are joint programs supported by both federal and state funds. I confidently expect we will make great progress in this field within the next few years.

Of course, you all know that the subject of water and air pollution has become a popular one, has been adopted by both of the great political parties, and is being supported actively both in the Congress and by the Executive Department. We in Washington have this problem called to our daily attention by the horrible condition of the Potomac River which was originally one of our finest national streams. In our own state, as elsewhere, these problems of pollution, whether by insecticides, industrial wastes, human wastes or otherwise, are long-range problems which deserve and will require long-time and dedicated attention of public agencies and of our people for many years ahead, if not always. It is my own belief that such solutions will never be permanent but will require constant attention and up-dating by our public and private institutions, generation after generation, throughout the life of this nation.

Of course, many problems in connection with our wildlife have been solved and are being solved. I have already referred to the fact that our pine forests and hardwood forests are capable of restoration and in many areas are now being restored. I think we should be encouraged by the fact that the population of some of our game species is also much more abundant than it was a few years ago. I am thinking particularly of our population of deer and wild turkey which have certainly come back notably in these last twenty years. The same is true of some other varieties of resident game and fish, both of which are being handled by sensible fish and wildlife programs for conservation, propagation, and restocking. I wish that I could say the same about our migrant game species, but apparently we are having harder going on the preservation and restoration of the abundance of migrant wild fowl which we used to find in the winter season in our state. This is true in spite of the widespread efforts being made throughout our nation and in Canada, but more and more time, effort and money is being expended on that subject.

As to our exotic birds we all know that the Everglades National Park, and other smaller installations by the state and federal governments in the Keys, have resulted in the restoration of substantial numbers of roseate spoonbills, great white herons, and white crowned pigeons, to mention only three varieties. We have also been delighted to find that several importations of foreign varieties by natural or artificial means have become established, such as the spotted-breasted oriole, the scarlet ibis, the black whiskered bulbul and the African cattle egret. Other varieties, whether imported or native, such as the smooth billed ani, are becoming more widespread in our state.

On a personal basis, I think I have noted that some indigenous birds such as the wood duck, the native Florida mallard, and the pileated woodpecker have become more numerous in recent years.

Perhaps it would be useful at this time to list briefly the enormous expansion of the several efforts in the State of Florida to conserve our natural resources which has taken place since the first wildlife refuge in the nation was set up by President Theodore Roosevelt in 1903 on three acres of land at Pelican Island just a short distance south from this spot. I mention first the Everglades National Park since it is the largest of the installations, though by no means the oldest. It has a total area of over 1⅓ million acres. Much as I am interested in that great park, I shall not dwell on it at great length at this time except to say that I think it is a tremendous asset for our state and the nation and must be safeguarded in every way. I shall discuss it later in my remarks.

Next, there are three national forests in Florida beginning in age with the Ocala National Forest established in 1908 and followed by the Osceola National Forest and the Apalachicola National Forest. These three have a total area of over one million acres. While their program for wildlife preservation is not as complete as that in the national park system, they do have great value from the standpoint of preservation of both natural flora and fauna.

Next, we have six national monuments and memorials in Florida, some of which have an important bearing on the conservation of wildlife, particularly the last one authorized, Biscayne National Monument just below Miami and now in the process of development. I am glad to report as to Biscayne National Monument that the national government acquired last year about $2½ million worth of property there consisting of

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495 plus acres on the islands which comprise the land area of that monument. I have every confidence that we will be able to continue successfully with that project in spite of some strong local opposition. I hope the Audubon Society will continue its active support.

Next, there are 19 national wildlife refuges, including three in the Florida Keys and 16 others on the mainland of the state of which the best known are the St. Marks National Wildlife Refuge of 65,000 acres below Tallahassee, and the Merritt Island Wildlife Refuge, nearly 39,000 acres in the Kennedy Space Center holdings, and only a few miles from the spot of this present meeting. Others of great importance are the Loxahatchee Wildlife Refuge of over 145,000 acres which covers Conservation Area No. 1 of the Central and South Florida Flood Control District, the Chassahowitzka Refuge of over 18,000 acres along the Gulf coast between Brooksville and Crystal River, and the Ding Darling Refuge containing nearly 3,000 acres on Sanibel Island west of Fort Myers. I regard as particularly important the new refuge on St. Vincent Island in West Florida. Perhaps the most notable conservation contributions to date of these national wildlife refuges have been the survival and increased number of the little Key deer at the Key Deer Refuge and the establishment of the Everglades Kite Colony in the Loxahatchee Refuge.

Next, there are 75 state parks and memorials extending from Fort Pickens State Park near Pensacola to Fort Clinch State Park in Fernandina in the northeast corner of the state and southward to the John Pennekamp Coral Reef State Park of over 50,000 acres at Key Largo. I commend the Florida Board of Parks and Historic Memorials on this activity. The most visited State Park is Hugh Taylor Birch State Park at Fort Lauderdale. Among other state parks that are best known are the Myakka River State Park of nearly 29,000 acres near Sarasota, Highland Hammock State Park of nearly 3,800 acres near Sebring, Florida Caverns State Park near Marianna of over 1,000 acres, Anastasia State Park, over 1,000 acres on St. Augustine Beach, and Gold Head Branch State Park of 1,400 acres near Keystone Heights.

This Florida Audubon Society has also done a great work in establishing Audubon Sanctuaries in Florida which are now 65 in number and which can be found in nearly all parts of the state. Perhaps the two best known of these are Wakulla Springs National Sanctuary of 4,000 acres at Wakulla Springs, and the Corkscrew Swamp Sanctuary of over 7,000 acres between Naples and Immokalee. A partial story of these important Audubon refuges is well stated in the last issue of our Audubon Magazine and I warmly congratulate Mrs. Dorothy Beckwith, Chairman of the Florida Audubon Society Sanctuary Committee and other members of the Sanctuary Committee upon their successful efforts in this fertile field of conservation. I particularly call attention to the fact that they have been able to get so much cooperation from state and local agencies and from individual citizens. In my own part of the state I have noted in particular the large degree of cooperation which they have received from several of the phosphate companies and from many of the cattlemen, particularly in protecting the nesting areas of the bald eagle.

When it is remembered that there are a large number of county parks to add to those groups of units which I have already mentioned, I think it is clear that, while I do not have the exact figures, there must be more than three million acres of our state which are included in these various national, state, county, local and Audubon Society projects, all of which serve the cause of conservation. There are also many state and privately-owned reservations or preserves which are available for limited hunting privileges but which have much wildlife conservation value as regards non-game species and likewise in the field of protecting vegetation.

While I am sure that the Audubon Society and none of its members regard their program as anything complete, I do want to call attention to this immense amount of progress in the field of conservation of our natural resources of wildlife and vegetation which has been accomplished in relatively recent years. The first dedication of any land of which I know for conservation purposes was the declaration of the three acre Pelican Island Refuge in 1903 so that all of the progress made to this date has occurred since that time. On this occasion, the 70th State Convention of the Florida Audubon Society, I feel that the fact that the Audubon Society has been one of the principal participants in this great program, should be a source of tremendous satisfaction to every Audubon member as well as to every other person who is interested in conservation.

Since there is much to be done which lies ahead, I shall discuss that in the rest of my remarks.

In the first place, the problem of the erosion of important beaches becomes more and more critical with the development of more beach residential and other properties and the construction of jetties in connection with the building and protection of harbors. A great deal of cooperatively financed work is already underway by the federal government and other agencies in this field, but I think it is one of the most critical matters that will continue to confront our state and I hope that the Audubon Society will continue and enlarge its interest in this field. I should say that I have been disturbed from time-to-time by the attitude of the Fish and Wildlife Service in imposing handicaps to this work by making rulings affecting the source of the sand to be used for nourishing the beaches. This hurtful attitude of the Fish and Wildlife Service has also disturbed me in connection with its withholding of permission or delaying and stretching out unduly the conditions which it insists upon before permits are granted by it for the bulkheading and filling in of some of the Florida Keys and some other Florida Islands and some other beach properties. I think it is well and proper that the Fish and Wildlife Service should be very careful in these matters, but I feel it has been in some instances quite unreasonable in its attitude. I am glad to note that in some cases the Audubon Society has specifically taken an opposite position in supporting the doing of work which was completely necessary when appropriate developmental or protective work was required to be done.

It is, perhaps, difficult on many occasions to determine exactly where the dividing line is between those projects which are necessary and those which would be destructive, but I shall continue to insist that the Fish and Wildlife Service be more practical and more reasonable in this regard. There are highly critical projects now demanding attention if important beaches are to be preserved and expensive and important developments are to be properly protected and I suggest that the Audubon Society might want to set up a special committee to keep a close eye on this type of public and private effort which does involve in many cases conservation values which need to be recognized and protected.

We come next to an item with which I suspect most of the members of the Audubon Society will disagree with me, but which I think should be at least carefully considered by this organization which is the construction and ultimate operation of the Cross Florida Barge Canal. Every person here knows, I am sure, that I have supported that project because I thought it to be in the fundamental interest of our state and nation and it is impossible to ignore that when a large part of our water-borne commerce is now moving in barges in the great rivers of the Mississippi Basin and along the Gulf Coast Intracoastal Waterway as well as in the Atlantic Intracoastal Waterway which already extends at full dimensions from Trenton, New Jersey to Fort Pierce, Florida and at somewhat reduced dimensions from Fort Pierce to Miami. The connecting link across the upper part of the Florida peninsula has been eagerly desired by those engaged in water-borne commerce as well as in national security and defense back as far as Spanish days and with greater and greater concern since the time of the purchase of the Floridas from Spain. I shall not go into those details, but suffice it to say that here is a project, not just affecting Florida, but of deep concern to the entire Mississippi Basin and the Gulf coast area and also to many commercial and transportation interests along the Atlantic seaboard.

The purpose of my remarks on this subject, however, is not to go into those details but simply to remind the members of the Florida Audubon Society that that project is well underway and that the nation is committed to it and that I think it is time for the Audubon Society to look for opportunities by which you can realize your ever-present and highly important objectives in the field of conservation in connection with this barge canal. I remind you that we have found many opportunities to set up sanctuaries and other conservation projects along the Atlantic Intracoastal Waterway in Florida extending all the way from Fort Clinch in Fernandina to Miami. I note in the listing of the Audubon sanctuaries that some seven or more of them are listed along the Intracoastal Waterway through cooperation with the Florida Inland Navigation District mostly on made land that was created by the construction of the Atlantic Intracoastal Waterway.

Likewise, I note that several such Audubon sanctuaries are located along the west coast where an Intracoastal Waterway has already been constructed from the mouth of the Caloosahatchee River to Tarpon Springs and where several important sanctuaries are located in the vicinity of the Skyway Bridge across lower Tampa Bay through your cooperation with the commissioners of the affected counties and the highway officials. I am sure that there will be opportunities for just such worthwhile conservation operations along the Cross Florida Barge Canal. Years ago I fished most successfully and pleasurably in the so-called backwaters of the Withlacoochee River between Dunnellon and Yankee-town as they were impounded by a dam constructed by one of the power companies. Along the banks of that large artificial lake were various fishing camps and hunting lodges and I feel sure that opportunities for important conservation preserves existed at that time, though I know of none which were created. There will, I feel, be many opportunities for this kind of cooperative work which will be valuable to the cause of conservation that may be done along the several impounded pools or lakes of considerable size which are a necessary part of the Cross State Barge Canal to conserve the surface waters for the operation of the locks.

Years ago when I was handling appropriations for the Panama Canal and visiting there, I found that important conservation operations had been set up along that canal, particularly on a large island which was in the middle of Gatun Lake. I have noted that the Fish and Wildlife Service very wisely took advantage of the fact that the northernmost conservation area No. 1 which was an important part of the Central and Southern Florida Flood Control program—afforded a splendid opportunity for conservation work and established there

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Loxahatchee Fish and Wildlife Reserve which I have already mentioned. I feel that we should always plan for the cooperation in public works with conservation groups, particularly with the Audubon Society, and in closing on this subject I suggest again that I think there is a fertile field for cooperation with the U.S. Corps of Engineers and the State Canal Authority in the area of the Florida Cross State Barge Canal. I do not expect everyone to agree with me on this, but I hope that some consideration of my suggestion may follow.

I would next like to go into some detail in what I think will be the toughest problem confronting us in the future which relates to the preservation and even improvement of the Everglades National Park. The solution of that problem concerns what shall be done with the privately-owned lands which lie north of the park. I hardly think it is necessary to say that I have spent many months of work and effort and even have done some fighting legislatively and in the Executive Department when I was Governor in connection with planning for and accomplishing the creation of the Everglades National Park and in legislating and attempting to further legislate for its completion and protection in the twenty-four years I have spent in the United States Senate. To me, this has been always a very dear objective and it will always continue to be such.

There is, however, the stark fact that excepting only some mileage along the north edge of the park that lies below Storage Area No. 3 of the Central and Southern Florida Flood Control Project, there is a very large area of privately-owned lands, some lying below the Tamiami Trail in the general area of the so-called Chevelier Road and a much larger area lying north of the Tamiami Trail from about forty miles out of Miami clear across to Everglades City and beyond. The problem of what shall be the future use of this land has been brought into sharp focus by the so-called Miami Jetport project which now seems to be in process of solution. I do not believe that the operation for several years of that jetport in substantially its present condition as a training facility will be harmful to the Everglades National Park under the reasonable conditions imposed by the federal government and agreed to by the local officials of Dade and Collier Counties. I believe that the present program to locate another adequate site for a jetport in that general area of Southwest Florida will be pursued successfully by all concerned and that a gigantic jetport will be constructed and operated without being hurtful to the park. The problem remains, however, as to what proper and legal use can be made of the vast acreage of privately-owned lands which I have already said lies north of the western portion of the park. Here is a problem that is going to produce headaches for the local officials of Dade, Monroe and Collier Counties for years to come, as well as to state officials and to the officials of the federal government, both those who represent Florida directly and others in the legislative and executive departments of the federal government.

I am not among those who feel that all portions of the park may be destroyed if this problem is not solved, because I think there are portions in and along the Florida Bay and in the southern, southeastern and southwestern and northwestern parts of the park which could not be destructively affected. But as to all of the great central and northeast area of the park, it is certainly true that an appropriate solution of the proper use of the private lands which I have already mentioned must be found and insisted upon if that great portion of the park is to be protected and preserved.

The time will soon be here when I will have no official duties in this regard, but so long as I live I will be deeply interested in this problem and I do hope that the Audubon Society will not only continue to show vital interest in its solution, but will devote even more effort than heretofore to what I regard as the most important single problem now confronting those who are interested in conserving not only the beauty and the wild natural values in the park, but in preserving it as the principal, national park for winter use by countless millions of our American people in the future in seeking recreation, relaxation and the enjoyment of natural values and charms which may be found only there in abundance and which I hope will always remain there in the same abundance.

In closing, I cannot begin to tell you how pleased I am to be here and how grateful I am to your officers in affording me this opportunity to visit with you. I assume that all who are here are ardent friends of conservation of our natural resources and I doubt if any who are here are more ardent in that regard than am I. At the same time, I am sure that those of us who love nature and natural values and seek to preserve them are also mindful of the fact that there are many other legitimate interests and programs in Florida and the nation which have a distinct part in the development of our state, already the 9th in population among the 50 states, and already the goal of perhaps millions of other Americans who wish to come here. Those who represent you in Washington, including myself, have the task of representing all of these legitimate interests and frequently we are called upon to try to adjust or compromise the views of good citizens who are interested in different objectives which sometimes conflict with each other. Such a duty devolves on anyone who represents you in the United States Senate and I trust that I have fulfilled that duty in a reasonable way. It has always been my effort to do just that.

I well realize that I have not always been able to completely satisfy the desires of ardent conservationists, and I can tell you confidentially that there are at least two members of my own family who frequently make me realize that such is the case, and I assume will continue to be the case, so long as I am in the Senate.

In the meantime, however, I want you to know how thoroughly I appreciate the efforts of the Florida Audubon Society and how sincerely I compliment you upon your many great accomplishments in the field of conserving the natural resources of our state. I hope that your efforts and your attainments will continue to be as successful in the future as they have been in the past.

MINORITY SMALL BUSINESSES

Mr. JAVITS. Mr. President, I would like to report to the Senate on an interesting initiative in the field of small business in New York.

The New York City banks are going to join together in what I consider an auspicious program to assist small businesses, especially when minority entrepreneurship is involved.

On November 3, 1969, I called together representatives of the New York City banks and the Small Business Administration and asked them to explore ways in which they could work more closely together in assisting minority small businessmen. At that time a subcommittee drawn from the bankers was set up. This subcommittee met on almost a biweekly basis and conceived a fine operating program as well as some excellent suggestions relating to the future involvement of the New York City banks in minority economic development. The report of the subcommittee was heard by the full group on February 2, 1970, and I am pleased to report to the Senate that it was adopted.

The key features of the report include an operating program and a policy program. The 10-point operating program is designed to speed up the SBA loan guaranty process in order that gurantees can be secured in 3 days, cut bureaucratic redtape, make SBA loan guaranty assistance available to more minority individuals, and to bring the banks and the SBA into a closer working relationship. The policy program provides for the bankers to establish an Urban Affairs Committee which will be a permanent body composed of one member appointed by the senior management of each bank. The Urban Affairs Committee is given the mandate to look into the establishment of two instrumentalities vital to minority economic development.

The first of these instrumentalities is a joint equity capital pool which may utilize either an existing organization or create a new one. Implicit in this vehicle will be the cooperative effort of all the city banks. The second instrumentality will be a joint venture for giving the benefit of management and technical assistance to minority business.

Several of the points of the 10-point operating program will require policy changes on the part of the SBA. I believe that these changes are reasonable and as the ranking minority member of the Select Committee on Small Business I have already asked the Deputy Administrator of the SBA to look into their immediate implementation. I expect the charges will be agreed to and that action will be taken as quickly as possible.

In addition, legislation is required to implement one of the points. It was the strong feeling of the banks that the limits on the Economic Opportunity loans be raised from $25,000 to $100,000. I am going to introduce legislation toward that end. If any Senators would like to join me in that movement, I would be most gratified.

I was especially pleased that the banks clearly expressed their intention to make minority loans; and even in these trying times of tight money and high interest rates, to make funds available for minority loans at extremely favorable rates.

It is my hope that what the banks are doing in New York City will serve as a model for the rest of the country. It shows what can be done when banks combine together in an intelligent way and in the public interest. Certainly the policy changes that I expect SBA to make will be available throughout the country so that all banks may make use of them. In addition I would hope that banks throughout the country will combine their efforts to produce equity capital pools and management and technical assistance organizations to assist minority business in their respective regions.

I urge all Senators to study the program, especially Senators who represent large cities with strong banking systems, with a view of trying to do the same or

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something like it in order to solve some of the problems of minority small businesses.

Mr. President, I ask unanimous consent to have printed in the Record the report of the program by the New York City banks, a February 3 article from the American Banker discussing the program and a copy of my letter to the Deputy Administrator of SBA.

There being no objection, the material was ordered to be printed in the Record, as follows:

February 4, 1970.

Hon. Donald Brewer,
Deputy Administrator, Small Business Administration, Washington, D.C.

Dear Deputy Administrator Brewer: I am pleased to forward to you the recommendations of the New York City banks. These recommendations grew out of the November 3, 1969 meeting that I called at my New York City office which you attended. Each has the very strong endorsement of all the major metropolitan New York City banks.

You will note that certain of the points proposed by the banks in their ten-point operating program will require a change in the policy of the SBA. I would hope that you would be able to give your approval to these changes in the shortest possible time.

I am in the process of introducing the necessary legislation to implement the recommendation the Economic Opportunity Loan limit be raised to $100,000.

I believe that each of the New York City banks is prepared to enter into a new era of close cooperation with the SBA. I consider this a most healthy development. I hope that you will do everything in your power to encourage this cooperative spirit to continue and grow.

With best wishes.

Sincerely,

Jacob K. Javits.

New York Bankers Disclose Blueprint for Minority Business Lending

(By William Zimmerman)

New York.—Local bankers' task force Monday revealed a blueprint for action the New York banking community and Small Business Administration might undertake to stimulate minority entrepreneurship.

A 25-member bankers group, at a meeting in the offices of Sen. Jacob Javits, R., N.Y., recommended that the city's banks jointly create an equity fund pool and vehicle to coordinate managerial and technical assistance for minority businessmen, and offered a series of suggestions—some involving policy changes, other legislative—by which the SBA could improve its guarantee loan program.

A temporary group formed last November at the suggestion of Sen. Javits to find ways to spur minority business ownership, the task force Monday recommended that the chief executives of New York commercial banks appoint a permanent urban affairs committee made up of senior management representatives. Its job will be to find ways to implement the recommendations for an equity fund pool and management assistance vehicle and find ways in which the banks jointly can attack urban problems.

Robert F. Longley, vice president, Morgan Guaranty Trust Co., said that the committee would be formed within a month. Mr. Javits while asserting he does not want to tie the banks to any commitment, observed, however, that he is confident the activities of the senior bank committee "will result in some form of equity capital pool," whether by expansion of an existing vehicle, or the creation of a new one, and "some entity to provide managerial and technical assistance."

On a more immediate basis, the bankers task force announced the banks and the regional SBA office will adopt a program, similar to one undertaken last September in Chicago, in which loans up to $100,000 made by banks with an SBA 90% guarantee will be approved or rejected by the Federal agency within a three-day period. If an institution has not received a negative response from the SBA on an application by the third day after it is submitted, the bank will assume it has been automatically guaranteed.

William Hudgins, president of the Harlem's $34.3 million-deposit Freedom National Bank, the nation's largest minority-owned bank who served as head of the task force's subcommittee that made the recommendations, said "material improvements in the time in which a loan is granted is critically important," since this has been a major stumbling block to encouraging minority loans.

In numerous instances, Mr. Hudgins said, "many people are out of business before the actual closing of a loan." John B. Stalford, New York regional SBA bank officer, noted that while the SBA has aimed for loan approval by the end of a 10-day period, often this goal has not been made.

Under the new three-day approval procedure, an effort will be made to have the SBA loan officers work more closely with the banks when the institutions are preparing the applications, so that when the application finally reaches the SBA it will, in effect, have been largely pre-screened and can be processed more quickly.

The SBA's emphasis, under this approach, will not be on the credit aspects of a loan—for these will have been made jointly by the bank and the SBA lending officer while preparing the application. The SBA loan officers, Mr. Stalford said, recently have been assigned to work more closely with the city's banks.

By a more efficient guarantee approval procedure, it is the banks' and Mr. Javits' hope that minority loans will be made more rapidly and in greater number. NYSBA acting regional director Andrew J. Semon reported Monday that from July 1 to Dec. 31 last year, the SBA itself directly made 115 loans totaling $1,598,000 to minority groups. During this period the agency, in participation with banks, made an additional 92 minority loans totaling $2,551,000. The majority of these loans were made by the banks with the SBA's 90% guarantee, and the bank's portion was $274,000.

Mr. Semon said he is hopeful that the banks will take more of an interest in participating in more of the loans which the SBA is making on its own on a direct basis.

Mr. Javits said "the banks emphasized to me that this type of loan (for minorities) has priority to them, nothwithstanding tight money." Mr. Hudgins agreed "there is considerable more money available for the purpose of making loans to minorities than has been requested."

The senator, who is ranking minority member of the Senate Select Small Business Committee, returned to Washington Monday with a series of recommendations made by the bankers to the SBA to improve the flexibility of its loan guarantee program. Some require policy changes, while others may have to be proposed legislatively.

The bankers asked permission to be able to charge a "floating" interest rate on the SBA-guaranteed loans, which would move up or down, in correspondence with money market conditions, in relation to their own minimum commercial lending rate. Currently, the banks are limited to a fixed rate that they can charge, which generally has been up to two percentage points above the prime lending rate. This recommendation would require a policy change, Mr. Stalford said.

The bankers also urged that the amount of a loan which may be guaranteed up to 100% under the SBA's Economic Opportunity Loan program be increased to $100,000 from the current $25,000. Lawrence J. Toal, vice president and director of community economic development, Chase Manhattan Bank NA, said the 100% guarantee on larger loans would be particularly helpful to smaller, inner-city and minority-owned banks that cannot afford to take much risk. This proposal is seen as requiring legislative change.

Another policy change proposed was to authorize the SBA to guarantee revolving credits and lines of credit to minority groups. Currently the SBA will guarantee only a fixed loan amount with a fixed repayment schedule. According to Mr. Toal, this prevents a bank from financing a businessman who needs working capital, say, six months after he gets a loan for seasonal purposes. Mr. Stalford said he is in favor of this recommendation.

Also recommended was permission for the banks to have increased flexibility in deferring payments for principal and interest on loans made to minorities. Currently, a bank can defer payments for 13 months, but the bank must state it will do so at the onset of making the loan. The banks, instead, would like to be able to defer principal and interest periods for a six-month period, with the additional stipulation that such deferral could be extended, at their option, for two additional periods of six months each.

In effect, this would extend the deferment period for up to 18 months, and help the banks overcome the almost impossible task of being able to initially project the amount of cash flow that will be coming into the business to amortize the loan, according to Mr. Toal, who is a member of the task force's subcommittee that made the recommendations.

Other recommendations were for the SBA to simplify reporting requirements on loans made in participation by the banks with the agency, and that in those cases where banks made a loan and the SBA is the guarantor only the SBA should eliminate the list of businesses which it presently excludes from consideration for SBA loans. Publishing businesses are an example.

No details have been developed for the recommended equity pool, except that it be jointly sponsored by the New York banks; it could take a variety of forms: a straight equity pool formed by contributions of the banks themselves, a minority enterprise small business investment company formed from a combination of bank and SBA funds, or individual use by the banks of their own SBICS to finance minority businesses.

In operation, with such a pool of equity funds, each participating bank would do the basic analysis of a minority individual's loan application and make a commitment for a loan that would be subject to his obtaining a certain amount of equity funds from the equity pool.

The need for equity funds by small businessmen is seen as imperative, for all too often an individual's financing is structured on an over-leveraged basis, and he starts suffocating from carrying high interest and debt-servicing costs without having any kind of financial cushion.

It is hoped that the permanent urban affairs committee also will be able to form a single coordinated managerial assistance effort. Many groups now are providing this assistance, but the total picture is splintered.

Mr. Toal regards the attempt by 18 New York banks to assume a united stance in attaching urban problems as quite significant. While many of the institutions have been doing a lot individually, he said, their efforts in the minority field now will have a "lot more thrust and push." The importance of this approach, he said, is seen just in the fact that already they have been able to come up with specific recommendations to improve SBA procedures.

New York Banks-SBA Sub-Committee Report

PURPOSE

This sub-committee was formed to explore the problem of economic development in the disadvantaged areas of New York City and to recommend approaches for effective solution. The sub-committee considered three basic areas:

1. more efficient approval of guaranteed loans to minority businessmen by the Small Business Administration
2. means of strengthening the quality of managerial assistance, technical advice, and counsel
3. methods of increasing the flow of equity funds to minority-owned businesses.

I. APPROVAL OF GUARANTEED LOANS

Feeling strongly that its area of investigation should not be restricted in any way, the sub-committee explored *both* the present problems of banks and the Small Business Administration under the loan guarantee program *as well as* methods of improving that program. Therefore, some of the recommendations which follow may be implemented immediately, others will require procedural changes, and still others will require new legislation.

The sub-committee's recommendations regarding SBA approval of guaranteed loans are intended to accomplish two broad objectives:

1. to increase the flexibility of the loan guarantee program so that it is more functional for the banks and more responsive to the needs of the communities.
2. to improve cooperation and communications between the banks and SBA to permit speedier approval of loan applications and more efficient disbursement of funds.

The following recommendations are made:

1. That the Simplified Blanket Plan-Automatic be adopted by the banks in New York City (on terms similar to the existing commitment negotiated by each bank with the SBA for the Simplified Blanket Guarantee Plan), and that the existing Blanket Guarantee Plan be continued in full force.

(a) The SBA will inform the bank of its rejection of an application by telegram within three business days. This may be preceded by an informal telephone message or be succeeded by a confirming letter, at the discretion of SBA.

(b) A loan will be guaranteed after the three-day period has elapsed after formal submission even if the security check should turn up something unfavorable about the applicant. A written opinion of SBA's counsel covering this point should be given to all participating banks.

2. That the New York office of the Small Business Administration be sufficiently staffed to provide full consultation services to banks, upon request, from loan application to closing. This is designed to eliminate duplication of effort and should result in more timely disbursement of funds. If SBA does not avail itself of the invitation to consult with the banks on a particular loan, such absence of review in advance of formal submission to SBA will not prejudice SBA's approval of the loan application.

3. That the SBA keep banks fully advised of all lending policies, procedures and guidelines, including any changes thereto.

4. That the banks be permitted, at their option, to allow their rate of interest on a particular loan to move up or down in relation to their own minimum commercial lending rate.

5. That the list of businesses and other entities presently excluded from consideration for SBA loans be eliminated for those loans in which the SBA is guarantor only.

6. That the amount of a loan which may be guaranteed up to 100% under the EOL program be increased from $25,000 to $100,000 and that such EOL loans be eligible for guaranty under the Simplified Blanket Guarantee Plan and Simplified Blanket Guarantee Plan-Automatic.

7. That appropriate action be taken to authorize the SBA to guarantee revolving credits and lines of credit.

8. That, in lieu of the 13 month deferral on payments for principal and interest presently allowed by the SBA, the following plan be substituted—principal and interest may be deferred for a six month period with the additional stipulation that such deferral could be extended, at the option of the bank, for two additional periods of six months each.

9. That reporting requirements on loans made in participation with SBA be simplified.

10. That this sub-committee or a similar sub-committee be appointed to meet regularly to monitor, modify and refine the adopted program and to work toward constantly improving relations and communications of the banks with SBA.

II. MANAGERIAL ASSISTANCE AND TECHNICAL ADVICE

The sub-committee recognizes the inadequacy of managerial and technical assistance programs available to minority businessmen and the critical need for a more effective approach to this problem. Several possibilities were discussed, but the sub-committee felt constrained because of its composition and lack of sufficient facts to make specific recommendations at this time. It recommends establishment of a special task force operating under the permanent bank committee to develop an appropriate program.

III. INCREASE THE AVAILABILITY OF EQUITY FUNDS FOR MINORITY ENTERPRISES

1. The problem

Minority businesses have experienced serious problems due to a lack of sufficient amounts of subordinated money and/or equity funds to properly structure their businesses. Some independent organizations have been established as possible sources of these funds, but they have generally been inadequate and also involve considerable time delay.

Banks have attempted to fill this fund's void by making commercial loans despite the relatively small amounts of equity funds. The resulting under-capitalization of most minority-owned businesses places a serious additional burden of interest expense and debt service on these businesses.

2. The recommendation

Accordingly, the sub-committee recommends that a vehicle be established to provide equity funds and/or subordinated debt under the joint sponsorship of New York banks. Several alternatives among others are available: (see discussion of alternative—Exhibit A)

(a) a multi-bank sponsored Minority Enterprise Small Business Investment Corporation (MESBIC)

(b) equity pool directly supported by participating banks

(c) individual bank effort through existing SBIC or MESBIC jointly sponsored by bank and other non-banking entities.

IV. PERMANENT NEW YORK CITY BANK COMMITTEE

The sub-committee identified the need for better communications and cooperation among New York City banks to coordinate more effectively their efforts in attacking urban problems.

Therefore it recommends the formation of a permanent Urban Affairs Committee with one member to be appointed by the Chief Executive Officer of each New York City bank. It is envisioned that this committee have senior representation of the banks.

The function of this committee would be to plan and coordinate joint urban affairs efforts of the banks and to consider specific problems of common interest.

It is recommended that this committee initially set up task forces for study and development of specific proposals in various areas including Economic Development, Technical and Managerial Assistance, Housing and Urban Development and Contractor Financing.

EXHIBIT A—DISCUSSION OF ALTERNATIVES ON INCREASING THE AVAILABILITY OF FUNDS FOR MINORITY ENTERPRISES

A. MESBIC

Messrs. Toal, Willems, Alexander and Strong of the sub-committee met with A. H. Singer, Associate Administrator for Investment of the Small Business Administration and several other members of the SBA Washington staff on January 14, 1970. Mr. Singer is directly involved with MESBIC's and gave us the current feeling on this subject.

Essentially, "Project Enterprise", which encompasses the MESBIC concept, will be an important thrust of the Nixon Administration. This means it probably will have continued strong support and that necessary funding will be and will remain available.

Mr. Singer and his associates seemed to feel a combined bank MESBIC could work and could very well have significant implications as far as evidence of the participating banks making a meaningful joint effort in helping the minority businessman. Also, the ability of the banks to tap certain sources for various types of follow-up assistance is undeniable.

Additional background information on MESBICS is attached, but several other specific points are important in our appraisal of the proposal that a group of New York banks form a MESBIC.

1. Any bank that already owns an SBIC could not own more than 10% of another SBIC. This would include a holding company/bank situation and would apply to such banks as Chase, Morgan, FNCB, and Franklin. If fewer than ten banks were interested in participating in such a plan, this could necessitate unequal ownership.

2. It was the concensus of opinion that there would need to be a separate full time staff to administer the MESBIC.

3. There are certain reporting procedures to the SBA which include a fully certified audit at March 31st and an unaudited six month statement at September 30th, as well as a fairly detailed evaluation report on each small business concern.

4. The Government does not come in with its participation funding until 75% of the MESBIC's own capital has been used up or firmly committed.

5. Government money is in the form of debentures with interest tied to the Treasury cost of 10 year money (presently 7½%).

6. The forming of a MESBIC definitely implies a certain responsibility for follow-up assistance and requires the sponsors to subsidize some of the initial costs of operation until the MESBIC is self-reliant.

B. Equity pool under sole sponsorship on New York banks

To achieve the goal of establishing a source of equity or "sub-debt" money for small businesses and to obtain the strengths that can be derived from a coordinated joint bank effort, the banks could form their own pool of equity. The plus factors are that it could be fashioned exactly the way the banks wanted and would not have to conform to the various Federal SBIC regulations. It probably would not require the amount of overhead expense of a MESBIC. The most obvious disadvantages would be the lack of leverage available and the probable lack of some of the tax incentives of a formal MESBIC.

C. Individual bank effort through existing SBIC or MESBIC jointly sponsored by bank and other non-banking entities

The advantages and disadvantages of this alternative vary with each individual bank. It would, of necessity, result in a non-coordinated effort of banks in meeting the need for equity funds.

PRESS SUBPENAS

Mr. BYRD of Virginia. Mr. President, today's edition of the New York Times contains an article indicating that the Justice Department has decided not to subpena the raw files of newsmen who have been writing about certain radical groups.

I hope that the Times account is correct. It would be most unfortunate if the Government were to insist on obtaining newsmen's unedited notes.

Such a policy would be dangerous and could lead to a newsman working with the Justice Department over his shoulder, so to speak.

It would undermine public confidence in the media.

It would impede the free flow of news.

Worst of all, it would be a step in the direction of government regulation of the press.

The press is a bulwark of liberty. Anyone—inside or outside the Government—may question the judgment, the taste or the accuracy of individual press accounts; but it would be a sad day in this country if the press were to be held accountable to the Government.

The Justice Department's demand for newsmen's files was ill-advised. I hope that it will be dropped, and that there will be no further efforts of this kind.

I agree with Mr. H. Roger Tatarian, vice president of United Press International, who said unrestricted use of the subpena power "would, in the long run, work only against the public interest."

It is the public interest that must be protected.

In speaking today, I might say that I am one of those who concurred in the views expressed in Des Moines by Vice President AGNEW. I think he made some statements that needed to be said in regard to the news media. I feel the Vice President's making those remarks was helpful. But this endeavor of the Justice Department to subpena the files of certain newsmen and newspapers and other news media seems to me ill advised and unjustified.

MOBILIZING NATIONAL OPINION ON BEHALF OF AMERICAN PRISONERS OF WAR—PROJECT BY U.S. JAYCEES

Mr. BYRD of Virginia. Mr. President, the U.S. Jaycees are launching a project to mobilize national opinion on behalf of Americans who are prisoners of war or missing in action in North Vietnam.

I am proud to say that this project was initiated by the Jaycees of Virginia Beach, Va. It already has become a stateside effort and soon will be national in scope. Later, the Jaycees hope to get the support of brother organizations in foreign countries.

This is a worthwhile and timely endeavor. We must not permit those Americans held captive by Hanoi to become the forgotten men of the war in Vietnam.

The demands for which the Jaycees seek to rally support are simple and entirely reasonable. They are asking only that North Vietnam adhere to the Geneva convention.

Specifically, they are calling for the immediate release of a list of prisoners, inspection of POW facilities by an impartial body, free flow of communications between the prisoners and their families, repatriation of the sick and wounded, and eventual release of all captives.

I know of nothing more inhumane than the cruel treatment which Hanoi has given to those Americans it holds prisoner—and to the families of these men who are not even permitted to know whether loved ones are alive or dead. Estimates indicate that 441 men are prisoners and 991 are missing. These are, however, only estimates and we cannot be sure of the fate of many now missing from their units.

I urge all Americans to unite in support of these men by taking an active part in the campaign which the Jaycees are beginning. It is the very least we can do for those who are suffering at the hands of the North Vietnamese.

Mr. HANSEN. Mr. President, I would like to associate myself with the remarks just made by the distinguished Senator from Virginia. I think the complimentary words he had to say about the Jaycees are certainly most deserved. We have a number of chapters of that fine organization in my State of Wyoming. They are delighted and privileged to join with those in the State of Virginia, and indeed in all the States, in trying to focus attention on an effort that I hope will result in an affirmative response from North Vietnam. Such a response would simply result in their doing the decent thing for prisoners of war. I am most pleased that the distinguished Senator from Virginia has taken this occasion to call attention to this project.

A NEW FISCAL COURSE

Mr. HANSEN. Mr. President, the President of the United States once again has seized the initiative and, once again, he has the people of this country with him.

He is to be commended for his excellent leadership and his honest assessment of what lies ahead for our country and what must be done to insure that we are doing the right kinds of things at the Federal level.

I speak of President Nixon's $200 billion budget. In my opinion, it is a responsible budget.

It is also responsive to our needs without being profligate in its totals, although it marks the crossing of the $200 billion frontier for the U.S. Government.

I am well aware, Mr. President, that the budget will now undergo months of intensive study and some adjustment. All of us can find specific areas where we would like to see more spending, and some of us can point out other categories which we think deserve less, but there is an important aspect to the overall thrust of the Federal Government's 1971 fiscal year undertaking. And that is that it is a balanced budget. It has provision for $202 billion in income and has a projected surplus of $1.3 billion.

This is all to the good, especially in this election year atmosphere which will markedly increase pressures for free spending in order to attempt to impress certain voting groups without assuming the necessary responsibility for increasing revenue to match expenditures.

Too often, Mr. President, a candidate for reelection is likely to cast his vote for all spending measures and against all tax bills. This, perhaps, would win a few votes, but it is an unfortunate display of fiscal irresponsibility.

I agree that the President is showing the Nation the way toward easing Federal inflationary pressure by a courageous and tough-minded spending plan. The public and, in turn, the Congress will have to be every bit as tough minded if we are to get the job done in the fight against inflation.

It is vitally important that the U.S. Government make every possible effort to live within its income and that we take the necessary steps to insure that the 1971 anti-inflationary budget does, indeed, "begin the necessary process of reordering our national priorities."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HANSEN. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, one of the most significant advances made by President Nixon's 1971 budget is that, for the first time in two full decades, the Federal Government will be able to spend more money on human resource programs than on national defense.

This is a tremendous advance and the President is to be commended for seeing that our priorities are modified in such a way as to allow for such an important change in focus.

Further, it is to the President's great credit that the new budget will reflect a basic commitment to the concept of "new federalism," and will—in the President's words—seek to "place greater reliance on private initiative and State and local government efforts in order more effectively to mobilize our total resources to achieve national purposes."

The 1971 budget will move ahead to:

Meet our international responsibilities by seeking an honorable peace in Vietnam and by maintaining sufficient military power to deter potential aggressors while at the same time negotiating possible limitations on strategic arms with the Soviet Union.

Help restore economic stability by holding down spending in order to provide another budget surplus and to relieve pressure on prices—and to achieve that surplus without income or excise tax increases.

Launch a major effort to improve environmental quality by attacking pollution, by providing more recreation opportunities, and by developing a better understanding of our environment.

Inaugurate the family assistance program, fundamentally reforming outmoded welfare programs, by encouraging family stability, and by providing incentives for work and training.

Provide major advances in programs to reduce crime.

Foster basic reforms in Government programs and processes by making entire program systems operate more effectively, and by encouraging responsible decentralization of decisionmaking.

President Nixon has stated the issues clearly:

> Difficult choices will have to be made if we are to fulfill these goals. In the past few years, too many hard choices were avoided. Inflation was permitted to impose its burdens on all Americans. The willingness to make hard choices is the driving force behind the 1971 budget proposals.

Now, Mr. President, it is up to the Congress to show the same kind of fiscal restraint and to support the President's drive for real economy and to make the Government more responsive to our country's real needs, to the shared purposes of the Nation.

As the President has noted, this budget imparts to our goals a sense of timing and commitment appropriate to a vigorous, free people seeking constantly to expand the Nation's potential and improve its performance.

Decisive action on the part of Congress to implement the President's budget will enhance that potential and that performance. It will build a better, stronger America.

INDIA

Mr. MILLER. Mr. President, in the New York Times for January 26 there appeared an editorial entitled "One-Sixth of Mankind," which commended the progress India has made during its 20 years as a federal union under a democratic constitution, adopted 2½ years after gaining her independence.

The Times refers to this as "one of the most remarkable political achievements of all time"—and this in the face of great handicaps of poverty and illiteracy, wars and famines.

Those in our own country, blessed as it has been with agricultural and industrial abundance, would do well to study the history of India in order to appreciate and be thankful for our own condition. Even better, it would be fruitful to visit India and see, with your own eyes, as I have, the dynamism which pervades a nation that is determined to build a better life for its people.

The United States can share, in a meaningful way, this 20th celebration of India as a democracy. Our people have provided a great amount of material and technical help to this young democracy. But even more important, many Americans—from successive Presidents and Ambassadors to dedicated missionaries and individuals from all walks of life—have given the people of India their moral support, encouragement, and understanding. I know most of the people of India have appreciated our support, and most of us here appreciate their progress and perseverance.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ONE-SIXTH OF MANKIND

> Five hundred and thirty million Indians—one-sixth of mankind—celebrate one of the most remarkable political achievements of all time today: Their completion of twenty years of federal union under the democratic Constitution India adopted on Jan. 26, 1950, two and one-half years after gaining independence from Britain.
>
> Both union and democracy are under increasing strain these days, with the future of both in doubt. Yet the wonder is that this giant among nations has managed to keep its Constitution and territory intact through two perilous decades—decades marked by wars and famines and tragic losses of leadership.
>
> Larger and more diverse than Europe, India has forged and preserved a degree of economic and political unity that Europeans still only dream of. Handicapped by widespread poverty and illiteracy, India nevertheless has instituted and remained faithful to constitutional principles while others more favored have retreated to tyranny.
>
> These exemplary political attainments have been sustained by intensive, though uneven, economic development and, in recent years, by a "green revolution" on the land that could make India self-sufficient in food by the middle of this decade.
>
> Unfortunately, the pace of growth has not been fast enough to fulfill the rising expectations of India's desperately poor masses. As the fruits of development have enriched the lives of some Indians, they have only aggravated the frustrations of others. The result is what Dean John P. Lewis of Princeton's Woodrow Wilson School of Public and International Affairs calls "a confrontation of progress and despair"—a confrontation that has manifested itself in rising rural unrest, communal strife and political instability.
>
> Dean Lewis, who was the United States aid mission director in New Delhi from 1964 to 1969, believes this mounting crisis for Indian democracy can be overcome if India boldly expands its development effort to provide labor-intensive constructive work for the rural unemployed and underemployed.
>
> But India's strained resources today are not equal to this added burden. Dean Lewis has suggested that United States aid to India, which has declined sharply in recent years, should be restored and expanded for the next three or four years to help the Indian Republic over this crucial period.
>
> It is difficult to see how Americans can hope to enjoy the generations of peace which President Nixon predicted in his State of the Union Message if one-sixth of mankind is driven by despair into division and anarchy. Yet Congress has butchered President Nixon's foreign-aid requests and the President hinted in last week's message that development assistance will be included in his new policy of lowering the American profile abroad.
>
> India's Republic Day is an occasion for Americans as well as Indians to reflect on the democratic values enshrined in the Indian Constitution and on the common interests of the world's two largest democracies in preserving these values on the Subcontinent.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCELERATION OF LEGISLATIVE PROCEDURES

Mr. MANSFIELD. Mr. President, on Thursday, January 29, the joint leadership reported to the Senate certain actions which had been taken to consider ways by which legislative procedures of the Senate and Congress as a whole might be speeded up. It was reported that the joint leadership of the Senate, to include the President pro tempore and the ranking Republican member of the Committee on Appropriations, had met with our counterparts in the House of Representatives to discuss certain proposals. From that meeting, an agreement was reached on methods of scheduling legislation during this session.

The goals as outlined by the bipartisan leadership of both House and Senate were clearly defined. First was an early submission of the President's budget to the Congress. This goal has now been achieved. Next, there was to be an immediate identification from the budget of those new authorizations which must be enacted prior to appropriations action. This has now been done, and I ask unanimous consent that there be printed at this point in the RECORD a tabulation of these recommended amounts.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

1971 budget

Recommended 1971 amounts requiring additional authorizing legislation

(NOTE.—The amounts are recommended in the 1971 budget, not proposed for separate transmittal following enactment of the authorizing legislation.)

[In thousands]

FUNDS APPROPRIATED TO THE PRESIDENT	
Military assistance: Foreign military credit sales	$272, 500
Economic assistance: Supporting assistance	100, 000
Peace Corps	98, 800
Total, funds appropriated to the President	471, 300
AGRICULTURE	
Food and Nutrition Service:	
Child nutrition programs	12, 500
Food stamp program	1, 080, 000
Foreign Assistance and Special Export Programs: Public Law 480	230, 000
Forest Service: Forest roads and trails (contract authority)	100, 000
Total, Agriculture	1, 422, 500
COMMERCE	
Economic Development Administration:	
Development facilities	162, 800
Industrial development loans and guarantees	56, 400
Planning, technical assistance, and research	22, 200
U.S. Travel Service: Salaries and expenses	1, 800
National Bureau of Standards: Research and technical services	3, 379
MARITIME ADMINISTRATION	
Ship construction	199, 500
Ship operation subsidies	32, 992
Liquidation of contract authority	(160, 008)
Research and development	20, 700
Salaries and expenses	4, 675
Maritime training	6, 800
State marine schools	2, 325
Total, Commerce	513, 571

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DEFENSE—MILITARY	
Procurement of equipment and missiles, Army	$1,655,500
Procurement of aircraft and missiles, Navy	3,427,700
Shipbuilding and conversion, Navy	2,578,900
Other procurement, Navy	2,789
Procurement, Marine Corps	78,900
Aircraft procurement, Air Force	3,314,900
Missile procurement, Air Force	1,530,600
Research, development, test, and evaluation:	
Army	1,717,900
Navy	2,197,300
Air Force	2,909,700
Defense agencies	470,700
Emergency fund, Defense	50,000
Military construction:	
Army	657,800
Navy	287,450
Air Force	261,455
Defense agencies	43,600
Family housing, Defense	718,500
Special foreign currency program	2,621
Total, Defense—military	21,906,315
HEALTH, EDUCATION, AND WELFARE	
Consumer Protection and Environmental Health Services:	
Air pollution control	106,003
Environmental control	14,336
Health Service and Mental Health Administration:	
Mental health	76,000
Health services research and development	57,403
Comprehensive health planning and services	247,178
Regional medical services	96,502
Medical facilities construction	89,321
National Institutes of Health:	
Health manpower	22,549
National Library of Medicine	5,792
Office of Education:	
Elementary and secondary education	1,470,643
Education for the handicapped	84,500
Vocational and adult education	55,000
Education professions development	7,000
Social and Rehabilitation Service: Rehabilitation services and facilities	9,215
Total, Health, Education, and Welfare	2,341,442
HOUSING AND URBAN DEVELOPMENT	
College housing (increase in limitation on debt service contract commitments)	(9,300)
INTERIOR	
Bureau of Land Management: Public lands development roads and trails (contract authority)	3,000
Office of Territories: Trust Territory of the Pacific Islands	10,000
Bureau of Commercial Fisheries: Anadromous and Great Lakes fisheries conservation	2,168
Bureau of Sport Fisheries and Wildlife: Anadromous and Great Lakes fisheries conservation	2,311
National Park Service: Preservation of historic properties	6,950
Bureau of Reclamation: Construction and rehabilitation	$13,838
Office of Saline Water: Saline water conversion	29,373
Total, Interior	67,640
JUSTICE	
Law enforcement assistance	480,000
TRANSPORTATION	
Coast Guard: Acquisition, construction, and improvements	100,000
Federal Highway Administration:	
Highway beautification:	
Appropriation	800
Contract authority	25,000
Traffic and highway safety	33,024
Forest highways (contract authority)	33,000
Public lands highways (contract authority)	16,000
Highway trust fund (contract authority)	1,425,000
Federal Railroad Administration: High-speed ground transportation research and development	21,688
Total, Transportation	1,654,512
ATOMIC ENERGY COMMISSION	
Operating expenses	2,010,900
Plant and capital equipment	259,600
Total, Atomic Energy Commission	2,270,500
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
Total National Aeronautics and Space Administration	3,333,000
OTHER INDEPENDENT AGENCIES	
American Revolution Bicentennial Commission	375
Arms Control and Disarmament Agency	8,300
Commission on Civil Rights	550
Commission on Revision of the Criminal Laws of the District of Columbia	150
National Foundation on the Arts and the Humanities	35,000
National Science Foundation	513,000
Total, other independent agencies	557,375
Grand total: Budget authority	[1] 35,018,155
Grand total: Liquidation of contract authority	(160,008)

[1] Includes $1,602,000 thousand for contract authority recommended for provision in highway legislation.

Mr. MANSFIELD. The next step recommended was to urge early submission of messages and legislative proposals on these required authorization bills. I was pleased to note that in the budget message of the President he suggested that Congress could improve its contribution to better budgeting by enacting appropriations before the fiscal year begins, phasing the authorization and appropriations processes in a more orderly way. Further, he stated that—

> The Executive Branch will speed its process wherever feasible to help make more timely action possible.

In view of this, I am confident the President will give proper guidance to all departments. In adidtion, I am hopeful that once a legislative proposal has been transmitted to the Congress executive witnesses will be available to testify without delay.

Hearings should be scheduled by appropriate legislative committees in both Houses at an early date after receipt of the President's recommendations. As an aid to chairmen of legislative committees of the Senate, I have asked that each individual appropriation measure be delineated so as to reflect the committee having primary responsibility for authorization. I ask unanimous consent that this table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LEGISLATIVE COMMITTEE RESPONSIBILITIES FOR ITEMS LISTED IN 1971 BUDGET REQUIRING ADDITIONAL AUTHORIZING LEGISLATION

AERONAUTICAL AND SPACE SCIENCES

National Aeronautics and Space Administration.

AGRICULTURE AND FORESTRY

Food and Nutrition Service: Child nutrition programs, Food stamp program.

Forest highways (contract authority).

Foreign Assistance and Special Export Programs: P.L. 480.

ARMED SERVICES

Procurement of equipment and missiles, Army.

Procurement of aircraft and missiles, Navy.

Shipbuilding and conversion, Navy.

Other procurement, Navy.

Procurement, Marine Corps.

Aircraft procurement, Air Force.

Missile procurement, Air Force.

Research, development, test, and evaluation: Army; Navy; Air Force; Defense agencies; Emergency fund, Defense.

Military construction: Army; Navy; Air Force; Defense agencies.

Family housing, Defense.

Special foreign currency program.

BANKING AND CURRENCY

Housing and Urban Development: College housing (increase in limitation on debt service contract commitments).

COMMERCE

U.S. Travel Service: Salaries and expenses.

National Bureau of Standards: Research and technical services.

Maritime Administration: Ship construction; ship operation subsidies; (liquidation of contract authority); research and development; salaries and expenses; maritime training; State marine schools.

Bureau of Commercial Fisheries: Anadromous and Great Lakes fisheries conservation.

Bureau of Sport Fisheries and Wildlife: Anadromous and Great Lakes fisheries conservation.

Coast Guard: Acquisition, construction, and improvements.

High-speed ground transportation research and development.

DISTRICT OF COLUMBIA

Commission on Revision of the Criminal Laws of the District of Columbia.

FINANCE

Highway trust fund (contract authority).

FOREIGN RELATIONS

Military assistance: Foreign military credit sales.

Economic assistance: Supporting assistance.

Peace Corps.

Arms Control and Disarmament Agency.

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INTERIOR AND INSULAR AFFAIRS

Environmental control (or Public Works Committee).

Bureau of Land Management: Public Lands development roads and trails (contract authority).

Office of Territories: Trust Territory of the Pacific Islands.

National Park Services: Preservation of historic properties.

Bureau of Reclamation: Construction and rehabilitation.

Office of Saline Water: Saline water conversion.

JUDICIARY

Justice: Law enforcement assistance.

American Revolution Bicentennial Commission.

Commission on Civil Rights.

LABOR AND PUBLIC WELFARE

Mental health.

Health services research and development.

Comprehensive health planning and services.

Regional medical services.

Medical facilities construction.

Health manpower.

National Library of Medicine.

Elementary and secondary education.

Education for the handicapped.

Vocational and adult education.

Education professions development.

Rehabilitation services and facilities.

National Foundation on the Arts and the Humanities.

National Science Foundation.

PUBLIC WORKS

Forest Service: Forest roads and trails (contract authority).

Economic Development Administration: Development facilities; industrial development loans and guarantees; planning, technical assistance, and research.

Air pollution control.

Environmental control (or Interior Committee).

Highway beautification: Appropriation, contract authority.

Traffic and highway safety.

Public lands highways (contract authority).

JOINT COMMITTEE ON ATOMIC ENERGY

Atomic Energy Commission: Operating expenses, plant and capital equipment.

Mr. MANSFIELD. Each committee chairman is urged to review the schedule of his committee hearings and provide a priority to those measures listed above. If this is done, appropriations bills will not be unduly held up pending passage of these necessary authorizations.

I am confident that if both Houses of the Congress and the executive branch cooperate in this effort, the legislative business will be completed this year in an orderly and timely manner. This should allow adjournment sine die at a reasonably early date.

I yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I congratulate the distinguished majority leader not only for the summation of what has been done, but also for the fact that he has taken the initiative to expedite the business of the Senate. Not in my recollection have we, during the past 11 years, approached the matter in quite this fashion. Not in my recollection have we had a situation in which Congress, in both bodies, and the executive branch, have agreed early in the session on ways and means for the kind of internal housekeeping which can only benefit the legislative process.

I have raised my voice many times in the last 11 years throughout sessions to complain, really, that we were not getting on with the business for one reason or another—not to criticize so much as to urge that somehow a way ought to be found to improve the legislative process.

This is a very good way to do it, in my opinion. We asked the legislative chairmen and the ranking members to cooperate, get their committees together, hold the hearings, get the Senators present, act as expeditiously as possible, get the authorizations out of the way, and then get the appropriations out of the way.

We also asked the President of the United States to tell us which items in his budget are going to require authorizations and which appropriations, and he has complied with that request.

It seems to me that we are off to a good start. This marks a new-broom approach, an excellent opportunity for us to adjourn on the 31st of July, as the law requires that we do.

We are the only body I know of that consistently makes a law and then is the first to break it. I do not think we ought to set an example for the country in law enforcement when we ignore the law which has been drafted by the Congressional Reorganization Act for our own guidance and our own obligation, indeed, to accord with it.

So, again, I congratulate the distinguished majority leader. This is an excellent thing to do. We will all have to cooperate. As the majority leader has said, we will have to work later; we will perhaps have to work more days. But there is a reward to the diligent in this world, and the reward here is an opportunity to return and visit our constituents, to rejoice in their companionship and camaraderie. And who shall say that this is not to the common benefit and for the common good?

Mr. MANSFIELD. And also to hope for the best.

May I say to the distinguished minority leader that without his cooperation and unfailing assistance, we would not have been able to bring this accommodation about or to have come as far as we have this year. I thank him, and I am indebted to him for his kindness, courtesy, and consideration.

Mr. SCOTT. I am most grateful to the distinguished majority leader.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The Chair, on behalf of the Vice President, appoints the Senator from Kansas (Mr. DOLE) as a member of the Commission for the United Nations Educational, Scientific, and Cultural Organization for the term ending in 1972.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF FEDERAL CONTRIBUTIONS PROGRAM EQUIPMENT AND FACILITIES, OFFICE OF CIVIL DEFENSE

A letter from the Director, Office of Civil Defense, reporting, pursuant to law, on the Federal Contributions Program Equipment and Facilities, for the quarter ended December 31, 1969; to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration of the Federal employees' group life insurance program by the U.S. Civil Service Commission, dated February 3, 1970 (wtih an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration of the leased housing program, Department of Housing and Urban Development, dated February 4, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on illegal expenditures of funds for construction of research facilities by the Air Force, dated February 4, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the cost and balance-of-payments advantages of replacing foreign-made buses with American-made buses abroad, Department of Defense, dated February 5, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, a report of the Commission dated January 31, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION AUTHORIZING INCREASED APPROPRIATIONS FOR CONTINUING WORK IN THE MISSOURI RIVER BASIN

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION AUTHORIZING APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program for fiscal year 1971 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain

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aliens (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Report of the Proceedings of the Judicial Conference of the United States

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States, October 31–November 1, 1969 (with an accompanying report); to the Committee on the Judiciary.

Report of the Administrative Conference of the United States

A letter from the Chairman, Administrative Conference of the United States, transmitting, pursuant to law, a report of the Administrative Conference dated January 1970 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation To Curtail Mailing of Certain Articles Which Present a Hazard to Postal Employees or Mail Processing Machines

A letter from the Postmaster General of the United States, transmitting a draft of proposed legislation to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

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PETITION

A petition was laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of House of Representatives of the State of Washington; to the Committee on Appropriations:

"Resolution 70–18

"Whereas, The United States Bureau of the Budget has recently cut back one hundred eighty thousand dollars in appropriations from the Columbia River Fisheries program; and

"Whereas, That cutback has all but eliminated the research program on the salmon and steelhead runs; and

"Whereas, Research is of paramount importance to the preservation of our fish resources; and

"Whereas, Discontinuance of the research will do irreparable damage to our salmon and steelhead runs; and

"Whereas, The resulting loss of harvest will many times exceed the value of the cutbacks; and

"Whereas, Research of fish propagation requires more effort because of the increasing number of dams and other obstructions; and

"Whereas, Research alone can answer the questions raised by thermal discharge from nuclear power plants; and

"Whereas, the residents of the State of Washington are greatly concerned over the loss of research funds;

"Now, therefore, be it Resolved, That the House of Representatives requests the United States Bureau of the Budget to restore the funds which have been cut from the Columbia River Fisheries program so that needed and vital research can be continued.

"Be it further Resolved, That a copy of this Resolution be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

"Adopted January 28, 1970.

"Malcolm McBeath,
"Chief Clerk, House of Representatives."

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. DOMINICK, from the Committee on Armed Services, without amendment:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway (Rept. No. 91–656).

HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–657)

Mr. YARBOROUGH. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with amendments, the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Colorado (Mr. Dominick).

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Texas.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Robert Cahn, of the District of Columbia, Gordon J. F. MacDonald, of California, and Russell E. Train, of the District of Columbia, to be members of the Council on Environmental Quality.

By Mr. EASTLAND, from the Committee on the Judiciary:

Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri; and

John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri.

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services I report favorably the nominations of 109 general officers in the Army, Air Force, and Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Lt. Gen. William B. Kieffer (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. James C. Sherrill, Regular Air Force, Maj. Gen. Otto J. Glasser, Regular Air Force, Maj. Gen. Jay T. Robbins, Regular Air Force, and Maj. Gen. Russell E. Dougherty, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenants general;

Col. Carlton L. Lee, Regular Air Force, and sundry other officers, for temporary appointment in the grade of brigadiers general, U.S. Air Force;

Maj. Gen. George Edward Pickett, Army of the United States (brigadier general, U.S. Army), and sundry other officers, for appointment in the grade of majors general, Regular Army of the United States;

John R. Blandford, for temporary appointment to the grade of major general, Marine Corps Reserve; and

Louis Conti, and Verne C. Kennedy, Jr., for temporary appointment to the grade of brigadier general, Marine Corps Reserve.

Mr. SYMINGTON. Mr. President, in addition, I report favorably 32 appointments in the Marine Corps in the grade of second lieutenant and 142 appointments in the Regular Army in the grade of captain and below. Since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Ivan M. Behel, and sundry other officers of the Naval Reserve Officers' Training Corps, for permanent appointment in the Marine Corps;

Joseph X. McCormac, Robert D. Schow, and David M. Thomas, Navy enlisted scientific education program, for permanent appointment in the Marine Corps;

Robert C. Anderson, and sundry other staff noncommissioned officers, for temporary appointment in the Marine Corps;

James F. Price, Peter A. Moore, and John H. Murrell, for appointment in the Regular Army;

Del R. Bergeson, and sundry other persons, for appointment in the Regular Army of the United States; and

John S. Chaffin, and sundry other distinguished military students, for appointment in the Regular Army of the United States.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE (for himself and Mr. Nelson):

S. 3395. A bill to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Proxmire when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McGEE (by request):

S. 3396. A bill to make certain technical changes in provisions of law relating to the postal service; and

S. 3397. A bill to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services; to the Committee on Post Office and Civil Service.

By Mr. ERVIN:

S. 3398. A bill for the relief of Mr. Oscar Enoc Soto Flores; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. Aiken):

S. 3399. A bill to require the Secretary of Health, Education, and Welfare to keep certain records and make certain reports to Congress concerning amounts received by providers of medical and health care items and services to individuals entitled thereto under title XVIII of the Social Security Act or under any program or project under or established pursuant to titles V, XI, or XIX of such act; to the Committee on Finance.

(The remarks of Mr. Anderson when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3395—INTRODUCTION OF A BILL EXTENDING AUTHORIZATION FOR USE OF COMMODITY CREDIT CORPORATION STOCKS OF DAIRY PRODUCTS BY THE ARMED FORCES AND VETERANS' ADMINISTRATION

Mr. PROXMIRE. Mr. President, I introduce, for appropriate reference, a bill to amend the Agriculture Act of 1949 as amended, to extend authorization for use of Community Credit Corporation stocks of dairy products by the Armed Forces and the Veterans' Administration to December 31, 1973.

Under present law, this authorization will expire on December 31, 1970.

Through this program, substantial volumes of highly nutritional dairy foods are made available from surplus stockpiles to the Armed Forces and the Veterans' Administration. For calendar year 1969, utilization by the Defense Department totaled about 30 million pounds of butter and 1.2 million pounds of cheese. For 1968, the Department of Defense utilized about 50 million pounds of butter and 3.6 million pounds of cheese. The Veterans' Administration utilized about 2.4 million pounds of butter in 1969; and 3.2 million pounds of butter in 1968. Since establishment of the program in 1954, donations have totaled 383 million pounds of butter, 26 million pounds of cheese and 1 million pounds of non-fat dry milk.

As revealed by these figures, this program represents good management and highly effective utilization of dairy products acquired by the Commodity Credit Corporation. Because of this, I believe that it is highly desirable to extend authorization for use of Commodity Credit Corporation stocks of dairy products by the Armed Forces and the Veterans' Administration hospitals.

I ask unanimous consent to have the bill printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3395) to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals, introduced by Mr. Proxmire, for himself and Mr. Nelson, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 3395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by striking out in subsection (a) and (b) "December 31, 1970" and inserting in lieu thereof "December 31, 1973".

S. 3399—INTRODUCTION OF A BILL REQUIRING FINANCIAL INFORMATION FROM CERTAIN PROVIDERS OF MEDICAL AND HEALTH CARE SERVICES TO BE MADE PUBLIC, AND SPECIFYING METHODS OF REPORTING

Mr. ANDERSON. Mr. President, on behalf of myself and the Senator from Vermont (Mr. Aiken), I am today introducing legislation which will assist the Congress and the executive branch in their surveillance and administration of the medicare and medicaid programs. The legislation is simple in nature, but it should be of substantial assistance to us in seeing that these essential programs work as well as they should.

My legislation simply requires that the Secretary of Health, Education, and Welfare provide annual reports to the Congress, listing the names and amounts paid to those professional providers who earn $10,000 or more from these and related programs. The report would indicate the amount of payments under each of these programs and the number of individuals served. The $10,000 figure is aggregate; that is, a doctor who received $5,000 under the medicaid program and $5,000 under the medicare program during a year would be listed on the report.

I propose, and the legislation as introduced requires, that the report cover each calendar year—beginning with the current one—and be submitted to the Congress not later than June 30 of the succeeding calendar year. This will give enough time, and should not work a hardship on the administrators involved, Mr. President. I should point out that the $10,000 figure was chosen so that the Secretary would not be required to publish a mountainous document listing every professional provider in the Nation. This is a reasonable cutoff point, I believe.

The basic point is that these are public programs and so this should be public information. There is ample precedent for doing so; in fact, I cannot think of a precedent for doing otherwise. Construction contractors who do business with the Government, farmers who participate in the farm program, other professionals who provide services to the Government—these and others have their names released to the public. This is as it should be. This legislation is not designed to impugn or embarrass any individual. It simply is needed for the wise discharge of public policy.

This legislation will enable those of us who survey public programs, who are concerned about their performance and their administration, to see how public funds are being allocated and distributed. For massive, widespread programs such as these, detailed information is a necessity, not only for the Congress but for administrators at the national and local levels.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S 3399) to require the Secretary of Health, Education, and Welfare to keep certain records and make certain reports to Congress concerning amounts received by providers of medical and health care items and services to individuals entitled thereto under title XVIII of the Social Security Act or under any program or project under or established pursuant to titles V, XI, or XIX of such act, introduced by Mr. Anderson (for himself and Mr. Aiken), was received, read twice by its title, and referred to the Committee on Finance.

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ADDITIONAL COSPONSORS OF A BILL

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon (Mr. Hatfield), I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. Bennett), the Senator from Delaware (Mr. Williams), and the Senators from Massachusetts (Mr. Brooke and Mr. Kennedy), be added as cosponsors of S. 3255, to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger-carrying aircraft for passengers who desire to smoke.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 54—CONCURRENT RESOLUTION SUBMITTED RELATING TO THE MID-EAST SECURITY

Mr. GOODELL (for himself, Mr. Boggs, Mr. Cannon, Mr. Ervin, Mr. Hartke, Mr. Nelson, Mr. McCarthy, Mr. Pastore, Mr. Proxmire, Mr. Ribicoff, and Mr. Young of Ohio) submitted the following concurrent resolution (S. Con. Res. 54); which was referred to the Committee on Foreign Relations:

S. Con. Res. 54

Whereas, peace can be achieved in the Middle East, and the legitimate grievances of Arab and Israeli peoples rectified, only if Arab states recognize Israel's right to exist as a nation and enter into direct negotiations with Israel concerning disputed borders and other outstanding differences pursuant to the Resolution of the United Nations Security Council dated November 22, 1967;

Whereas, the United States can most effectively contribute to such peace by encouraging such direct negotiations between Israel and the Arab states and by promoting agreement among the major powers for effective control of the traffic of arms into the Middle East;

Whereas, the United States, by proposing or attempting to impose any specific adjustment of such disputed borders or any specific settlement of such other outstanding differences between Israel and the Arab states prior to or outside the context of such direct negotiations, will clearly diminish the prospects of peace in the Middle East by reducing the incentive of the Arab states to enter into such direct negotiations;

Whereas, the current special four-power negotiations among the United States, the United Kingdom, France and the Soviet Union on the Middle East, as well as the special two-power negotiations between the United States and the Soviet Union on that subject, were initiated for the purpose of encouraging such direct negotiations between Israel and the Arab states and of promoting such arms control agreement;

Whereas, the Soviet Union has shown no interest whatsover in encouraging such direct negotiations or in promoting such arms control agreement;

Whereas, the continuation of such special four-power and two-power negotiations in these circumstances is contrary to the interests of peace as it merely encourages the Arab states in the belief that a settlement favorable to them will be imposed by the major powers and that they have no reason to negotiate directly with Israel; and

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Whereas, the United States can continue to undertake vigorous diplomatic efforts to secure such direct negotiations and such arms control agreement through regular diplomatic channels; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) any readjustment of disputed borders between Israel and Arab states, and any settlement of other outstanding differences between Israel and the Arab states (including but not limited to the status of Arab refugees, the status of the eastern sector of the City of Jerusalem and the rights of navigation in the area), take place only in the context of direct negotiations between Israel and the Arab states;

(2) the United States concentrate its diplomatic efforts upon encouraging such direct negotiations between Israel and the Arab states and upon promoting agreement among the major powers for effective control of the traffic of arms into the Middle East;

(3) the United States henceforth refrain from proposing or attempting to impose, prior to or outside the context of such direct negotiations, any specific readjustment of such disputed borders or any specific settlement of such other outstanding differences between Israel and th Arab states; and

(4) the United States, while continuing vigorous diplomatic efforts through regular diplomatic channels to encourage such direct negotiations and promote such arms control agreement, terminate the current special four-power negotiations among the United States, the United Kingdom, France and the Soviet Union on the Middle East, as well as the special two-power negotiations between the United States and the Soviet Union on that subject.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 313

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon (Mr. PACKWOOD), I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. CASE) and the Senator from Hawaii (Mr. INOUYE) be added as cosponsors of Senate Resolution 313, relating to the detoxification and destruction of chemical warfare weapons.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENT

AMENDMENT NO. 484

Mr. EAGLETON (for himself and Mr. YARBOROUGH) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON U.S. OPERATIONS IN VIETNAM

Mr. FULBRIGHT. Mr. President, I wish to announce that on February 16 the Committee on Foreign Relations will begin a series of public hearings on the U.S. assistance and advisory operations in Vietnam. The hearings will concentrate on the pacification program, the activities of U.S. military advisers, the economic aid program, and operations of the U.S. Information Agency. They will not deal with military combat operations.

Throughout the war in Vietnam public attention has naturally focused on U.S. military operations. As a consequence, too little is known about the multitude of other activities in which U.S. civilian and military personnel are involved in that country. The purpose of the hearings will be to enlighten the Committee and the public on the nature and extent of that involvement and what it means in terms of the prospects for U.S. disengagement. In order to obtain the best information available, arrangements are being made to bring back from Vietnam the personnel who administer and work directly in these programs.

During the week of February 16 the committee will consider the civil operations and revolutionary development support program—CORDS—beginning with testimony from Ambassador William Colby, the director of that program. The committee will also receive testimony from representative civilian advisers at the corps, province, and district level. Personnel working with the refugee, Chieu Hoi, and other CORDS programs are also being called to testify. By agreement with the State Department, testimony concerning some aspects of the Phoenix program and the CORDS military advisory program will be heard in executive session and released to the public after deletion of sensitive material.

Beginning in early March additional hearings will be held to consider the economic aid program, USIA operations, and the overall military advisory effort.

COMMENDATION OF SENATOR SPARKMAN AND OTHER SENATORS ON PASSAGE OF H.R. 2

Mr. MANSFIELD. Mr. President, I wish to thank the senior Senator from Alabama (Mr. SPARKMAN) for steering H.R. 2, the proposal to establish a Credit Union agency, to its swift and successful completion yesterday. As always, he provided the same strong and effective legislative skill that has marked his many years of public service. Senator SPARKMAN deserves the highest commendation of the Senate.

Offering his characteristic cooperation on this measure and his own strong and sincere views as well was the ranking minority member of the Committee on Banking and Currency, the distinguished Senator from Utah (Mr. BENNETT). As always, his contribution to the measure was highly thoughtful, and we are indebted to him for his splendid assistance in helping to move the measure through to final disposition.

The senior Senator from Wisconsin (Mr. PROXMIRE) is also to be commended for the valuable contribution he made in supporting the measure yesterday. We are all aware of the great experience he brings to the Senate in discussions of this nature.

FOREIGN TRADE PROGRAM IN NEED OF REVISION

Mr. BYRD of West Virginia. Mr. President, as a cosponsor of proposed legislation to restrict imports of flat glass, glassware, steel, footwear, manmade fibers, and electronic products, I invite Senators to join in urging immediate action on the bill. I stand ready to support expansion of the list of commodities where there is severe economic loss or destructive impact on the Nation's balance of payments.

The industries cited herein represent some 30,000 jobs in West Virginia alone, and obviously the instrusion into domestic markets by competitive goods produced by low-cost labor abroad brings serious hardship into the affected communities of our State.

I am hopeful that Congress will act with expediency toward making necessary revisions in our foreign trade program so that American workers may be free of the cruelty of joblessness resulting from excessive imports. Because Senators from New England have taken arms against imports destructive of that region's industries, and because other areas are becoming equally distressed with foreign products that impinge upon local manufacturing and agriculture, we have common ground for insisting upon a more rational approach to international trade.

The advantages and disadvantages of import restrictions have been the subject of debate since the First Congress met in 1789, and through most of our history the philosophy of protecting domestic producers was an established national tenet.

Under the prevailing trade program, America has been entirely too generous in opening her markets to the outside world. Our own industry and labor have been left to suffer. With hundreds of thousands of our military men hopefully soon to return to civilian pursuits, we may discover to our sorrow that the very veterans who served in the four corners of the globe in the cause of peace are being deprived of employment opportunities because this Nation's normal productive capacity has degenerated in consequence of our import policy.

U.S. Industrial Outlook 1970, a recent report by the Department of Commerce, should be closely scrutinized by anyone who is not disturbed at the mounting shipments of goods of all sorts that are being unloaded at U.S. ports. While some items, such as glassware, are not included in the report, I cite these excerpts taken at random from the publication:

> Textile Mill Products—The foreign share of the domestic textile and apparel market for cotton and wool textile products nearly quadrupled and tripled, respectively, between 1958–69. Imports' market share of man-made fiber textile products increased more than one and one-third times between 1964–69.
>
> Imports of textile mill products increased 114 percent between 1958–68, while exports remained constant. Textile mill products imports during 1969 continued the upward trend. The estimated 1969 import balance was $571 million compared with $101 million in 1958. Capacity increase abroad indicate that both textile imports and the import balance can be expected to rise in 1970.
>
> Man-Made Fibers—United States foreign trade in cellulosic man-made fibers did not follow a defined trend during the past decade but varied from year to year. Exports were $31 million in 1960, compared with an estimated $26 million in 1969. Imports are estimated at $23 million in 1969, up from $16 million in 1960.
>
> Machine Tool Industry—In 1967, machine tool imports increased for the sixth straight year, reaching a record level of $203.4 million—more than 4 times the $45.7 million total in 1964. In 1968, however, imports declined 6 percent below the 1967 levels; the decline continued in 1969, with imports estimated at $184 million. It is expected that imports will resume their growth trend in 1970, with the value approximating $188 million.
>
> Engines and Turbines—Rapidly rising imports of turbine-generators into the United States are creating concern among U.S. suppliers. Import shipments rose from $4 million in 1960 to $28 million in 1969 and are expected to reach $80 million in 1970. Local government, Federal, and investor-owned utilities have been placing orders with foreign manufacturers for large capacity equipment used only in the United States. Foreign suppliers are thus developing production experience in the manufacture of equipment not yet in use in their own markets. U.S. producers now have an advantage only in overall production and site-erection experience.

Many other danger signs are contained in Outlook 1970, but I shall quote only one additional paragraph. In the chapter on Power and Industrial Electrical Equipment, where "A dramatic penetration of the U.S. transformer market by foreign manufacturers has culminated in an unfavorable balance of trade in this area," this sentence is included:

> Since electric utilities are largely government owned in the industrialized areas of Europe, restrictive government procurement policies limit U.S. sales.

In other words, the beneficiaries of our magnanimous trade policies are not reciprocating in kind, thus closing out any chance for American workers to compete in those countries.

Congress has an obligation to conduct a complete review of our trade program; and the sooner we get to it, the fewer number of servicemen and other members of our workforce will be left walking the streets in search of employment.

Meanwhile, whatever one's attitude on foreign trade, the administration must flatly and firmly reject the proposal to relax oil import quotas. Mandatory oil import controls are an essential component of the design for national security. With the United States actively involved in hostilities in Asia, clouds of uncertainty hovering much of South America, and the war cauldron near the boiling point in the Middle East, to abandon this phase of our defense program would have no more logic than to dismantle weapons production plants.

We look to the day when the Nation can return to a peace footing, but self-preservation requires maximum precaution in a world plagued by conflict and aggression.

Excessive imports of residual oil impede development of domestic petroleum and coal operations that would be needed to replace shipments cut off in an emergency. At the same time, they take jobs from miners and railroaders, the very men who must account for expanded fuel production and transportation during all military showdowns.

The importation of more foreign crude and residual oil at reduced price levels would strike a hard blow at West Virginia's coal industry. I fear that such imports would cause the industry to lose most, if not all, of its markets on the east coast.

The contention that some areas of the United States are in need of greater volumes of imported oil to ease fuel costs must remain academic so long as the national safety is involved.

So it is time that we are getting on with a revision of the national trade policy; but under no circumstances can we permit tinkering with the oil import control program, which is so vital to the security of the Nation.

REPORT ON ACTIVITIES OF THE MINORITY IN THE COMMITTEE ON LABOR AND PUBLIC WELFARE IN THE FIRST SESSION, 91ST CONGRESS, 1969

Mr. JAVITS. Mr. President, during the first session of the 91st Congress, the minority—Republican—members of the Committee on Labor and Public Welfare, of which I am the ranking minority member, made a distinctive record of constructive contributions and effective legislative achievement. In a number of instances, the central concepts around which major legislation was built originated on the minority side. These contributions cover all areas of activity of the committee.

I ask unanimous consent that a report I have prepared be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

LABOR

(Public Law 91–4)

To Amend MDTA with Respect to Trust Territories of the Pacific Islands

This Administration bill was introduced by Senator Prouty.

(Public Law 91–54)

Construction Health and Safety Act

Minority amendments written into the law are as follows:

First, requiring standards to be promulgated in accordance with rulemaking provisions of the Administrative Procedures Act, after a hearing—Senators Javits and Prouty.

Second, judicial review of contract cancellation proceedings—Senator Prouty.

Third, power of the court to enter appropriate decrees in contract cancellation review proceedings—Senator Prouty.

(Public Law 91–86)

Joint Industry Funds for Scholarships and Child Care Centers

Establishment of joint trust funds should be voluntary rather than a mandatory subject of collective bargaining—Senator Prouty.

(Public Law 91–173)

Coal Mine Health and Safety Act of 1969

This Act was the product of extensive consideration by the Committee on nine bills, two of which were introduced by minority Senators. The first was S–1300, the Administration's bill, sponsored by Senators Javits, Schweiker, Cooper, Scott and Stevens. The second was S–2405, sponsored by Senator Javits and later endorsed by the Administration.

In its final form, the Act contained many of the provisions of S–2405 as well as amendments suggested by minority members. Of particular importance are the following:

First, requiring, after December 31, 1972, that adequate benefits be paid for death or total disability due to pneumoconiosis (black lung disease) under State workmen's compensation laws or, if state laws are inadequate, under Federal law—Senator Javits.

Second, judicial review of decisions issued by the Interim Compliance Panel—Senator Prouty.

Third, requiring very frequent inspections of especially hazardous, gassy mines—Senator Schweiker.

Fourth, establishing procedures, including jury trials, for the assessment and collection of civil penalties—Senator Javits.

Fifth, elimination of user tax upon coal production—Senator Prouty.

Sixth, requiring the establishment of noise standards—Senator Javits.

Seventh, imposing criminal penalties for smoking—Senator Javits.

In addition, many minor and technical amendments were authored by the minority.

POVERTY

Economic Opportunity Amendments of 1969 (Public Law 91–177)

A bill introduced by Senator Javits—S. 2367—at the request of the Administration, together with legislation introduced by the Chairman of the Subcommittee on Employment, Manpower and Poverty, Senator Nelson, provided the basis for this two-year ex-

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tension of the Economic Opportunity Act of 1964.

Also included in the Act was a new section authored by Senator Dominick, establishing a drug rehabilitation program to deal with drug abuse and addiction among the poor, parallel to the section authored by Senator Hughes dealing with alcoholism.

SCIENCE

National Science Foundation Authorization Act, 1970 (Public Law 91–120)

The principal provisions of this Act were contained in the Administration bill, S. 1856, introduced by Senator Prouty.

EDUCATION

Amendment to National Center on Educational Media and Materials for the Handicapped (Public Law 91–61)

Authority for the Center to contract with profitmaking organizations for demonstration projects—Senate Schweiker.

Indian education

The final report of the Special Subcommittee on Indian Education, "Indian Education: A National Tragedy—a National Challenge", contained major recommendations, as follows:

First, that there be established a National Indian Board of Indian Education with authority to set standards and criteria for Federal schools—Senators Dominick and Murphy.

Second, that Indian boards of education be established at the local level for Federal Indian school districts—Senators Dominick and Murphy.

Third, that the Commissioner of Indian Affairs be upgraded to Assistant Secretary and that the Bureau of Indian Affairs be upgraded accordingly—Senators Dominick and Murphy.

Fourth, the presentation to Congress of a comprehensive Indian act to meet the special needs of Indian children both in Federal and public schools, and to replace the present structure of fragmented and inadequate education legislation—Senators Dominick and Murphy.

Fifth, full funding for the National Council on Indian opportunity—Senators Dominick and Murphy.

Sixth, that Johnson-O'Malley funding should not be conditioned by presence of tax-exempt land—Senators Murphy and Dominick.

Seventh, that the HEW Civil Rights Enforcement Office investigate discrimination against Indians in schools receiving Federal funds—Senators Diminick and Murphy.

Eighth, that Indian parental and community involvement be increased—Senators Dominick and Murphy.

Ninth, that the Departments of Interior and Health, Education, and Welfare, together with the National Council on Indian Opportunity, devise a joint plan of action to develop a quality education program for Indian children—Senators Dominick and Murphy.

Tenth, that BIA boarding school guidance and counseling programs be substantially expanded and improved—Senators Dominick and Murphy.

Eleventh, to strengthen Title III (developing institutions) of the Higher Education Act to include recently-created higher education institutions for Indians on or near reservations—Senators Dominick and Murphy.

Twelfth, to expand the Education Professions Development Act, the Higher Education Act, and the Vocational Education Act to include BIA schools and programs—Senators Dominick and Murphy.

Thirteenth, that State and local communities should encourage and facilitate increased Indian involvement in the development and operation of education programs for Indian children—Senators Dominick and Murphy.

Fourteenth, to appoint Indians to U.S. Office of Education advisory groups—Senators Dominick and Murphy.

Fifteenth, that the BIA should have the same responsibility to the U.S. Office of Education for set-aside funds under Federal grant-in-aid education programs as do the States for similar programs.

In addition, the minority was also responsible for minor and technical contributions to the report.

COMMENDATION OF SENATORS ON PASSAGE OF H.R. 13300

Mr. MANSFIELD. Mr. President, H.R. 13300, the railroad retirement measure, passed the Senate yesterday. It was handled and guided through the Senate with great success by the distinguished chairman of the Railroad Retirement Subcommittee, the able junior Senator from Missouri (Mr. EAGLETON). We are indebted to Senator EAGLETON for the excellent manner in which he handled the bill. I simply wish to take this opportunity to congratulate him.

Contributing greatly to the discussion yesterday on this proposal was the able and distinguished Senator from Illinois (Mr. SMITH). We welcomed his comments and appreciated his thoughtful remarks.

I wish to thank the entire Committee on Labor and Public Welfare for its efforts in bringing the bill to the floor for expeditious Senate action. I wish also to commend the entire Senate for its efficient disposition of the matter.

THE NO-KNOCK PROVISION

Mr. COTTON. Mr. President, last week, by an 82-to-0 vote, the Senate passed the drug control bill that was sought by the administration and the Justice Department and followed 8 days of testimony by 28 witnesses before the Juvenile Delinquency Subcommittee. The bill gives some real clout to the Attorney General and other law enforcement people for the battle against traffic in narcotics. It comes at a time when there is great alarm in this country over the destruction of your young people's lives that is caused by this grave problem.

Now the bill has gone over to the other body. The House must decide its fate. Senators will recall during the 5 days the drug bill was discussed on the floor here that much of the debate was consumed by the so-called no-knock provision. I believe that to be an essential provision of our bill.

Today, once again, I wish to discuss this provision since it is still being attacked by the news media.

The no-knock provision merely provides that under certain circumstances an officer may open the door without knocking after a judge or magistrate has issued a warrant. Now to read the newspapers they would have you believe that this will lead to having every cop in the country suddenly traipsing about, banging down doors, and invading the privacy of every citizen of this land. But yet the record is quite the opposite.

The distinguished Senator from Connecticut (Mr. DODD), who along with his subcommittee did so much work in drafting this bill, pointed out during the extended debate on this provision, and I believe I am quoting him correctly, that in New York State, which has a no-knock provision, it was used only 12 times in 1,847 narcotics cases involving the State police. I mention that point today because I believe it to be an excellent example of what we can expect with this provision in the Senate bill. No police state has been created in New York or in the 28 other States that have some form of no-knock statute.

Mr. President, I can understand why the constitutional purists might be apprehensive. They are opposed to giving an inch here, but let us more closely examine what the section in question says:

> Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that if such notice were to be given the property sought in the case will be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, and has included in the warrant a direction that the officer executing it shall not be required to give such notice.

That section clearly defines that the officer must be in pursuit of "controlled dangerous substances." I could not subscribe to the argument that this would lead to an invasion of anyone's privacy or loss of anyone's liberty while the bill was being debated, and I cannot now. It seems to me that we have to face up to the realities of the situation. That the narcotics wholesaler can easily dispose of marihuana, heroin or hashish if he is provided with the knowledge that the law is on his heels. Without this provision, when the officer does get inside the evidence is gone. We know this to have been the history.

I believe that it is unfortunate that the press is sniping away at the no-knock provision. This bill is a great improvement in every way over anything we have had on the books to deal with narcotics traffic. I bring this matter to the attention of my colleagues today, hopefully to set the record straight and to give the American people the facts so that we can get about the business of stiffening narcotics penalties and cracking down on illicit drug traffic.

URGENT NATIONAL PROBLEMS—VIEWS OF FORMER GOVERNOR WALLACE, OF ALABAMA

Mr. ALLEN. Mr. President, George C. Wallace, former Governor of Alabama, appeared on the nationally televised "Face the Nation" program on Sunday, January 18, 1970. Governor Wallace outlined what he considered some of the most urgent problems facing the Nation today. We believe that his observations, conclusions, and judgment are interesting and instructive and deserving of careful consideration. I ask unanimous con-

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sent that the transcript of the program be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION, JANUARY 18, 1970

Origination: Washington, D.C.

Guest: George C. Wallace, former Governor of Alabama.

Reporters: George Herman, CBS News; Robert Novak, Chicago Sun-Times Syndicate; John Hart, CBS News.

Producers: Prentiss Childs and Sylvia Westerman.

Mr. HERMAN. Governor Wallace, we are a bit of a way into 1970 by now and I think the people of the country and of your state would like to know, are you going to run for election as Governor of Alabama?

Mr. WALLACE. George, I am seriously considering this matter, but I will make that announcement pro or con a little bit later and, when I do make it, of course, I will make it in Alabama.

ANNOUNCER. From CBS Washington, in color, Face the Nation, a spontaneous and unrehearsed news interview with the former Governor of Alabama George Wallace who, in 1968, was a presidential candidate of the American Independent Party. Governor Wallace will be questioned by CBS News Correspondent John Hart, Robert Novak, Columnist for the Chicago Sun-Times Syndicate, and CBS News Correspondent George Herman.

Mr. HERMAN. Governor, these things change, as time goes on. You say you want to make your announcement about Governor in your own state; I can't blame you. Let me then press you as to a possible candidate in 1972 for President: Are you now leaning towards being a candidate in 1972?

Mr. WALLACE. As I have said many times, George, that will depend upon the actions of this present administration, whether or not they are able to solve the problems involved with our schools, the matter of taxes and inflation, the war in Vietnam, and the matter of law and order. Those were the prime issues that were raised by the American Party in 1968, and I hope this administration could cope with them successfully but, if they do not, in my judgment, the American people are going to turn toward a movement such as ours, instead of back to the liberal national Democrats.

Mr. NOVAK. Well, Governor, the Nixon administration has been faced with a series of court orders which are ordering integration. Is there anything that any President could do to cope with them, from your standpoint?

Mr. WALLACE. Well, yes, sir, there are many things that the Nixon administration can do. In the first place, Mr. Nixon, in running for the presidency, won only because he carried four southern states. Millions of people in the last moment changed to Mr. Nixon because he said identically what I said about the public school system. In fact, Mr. Nixon said to bus a child would destroy the child. Mr. Nixon's appointee, Mr. Finch, has been called upon by the federal courts to provide plans for schools under court orders, and Mr. Finch has provided plans that even go contrary to the 1964 Civil Rights Act, which calls for the transportation and busing of school children and the closing of schools to bring about so-called racial balance.

Mr. Nixon's administration brought about the defeat of the Whitten amendment, which was a so-called freedom of choice amendment. Mr. Mitchell, the Attorney General for Mr. Nixon, went into court and asked the Fifth Circuit Court of Appeals to destroy the freedom of choice plan which was the least disruptive plan that had been imposed by the federal bureaucracy and by the court. So I say that Mr. Nixon has done more in this administration to destroy the public school system in one year than the last administration did in four. I might point out also that Mr. Nixon won the election by carrying these southern states by saying that he wasn't going to do this. And so what I would like to say here today is that we have lost the battle legally, you might say. The Burger court, in the Mississippi decision, has destroyed any legal approach that the people of the South have.

The next approach is political, and we feel that we are going to get legal relief through political action. And so beginning on February 8, at the Municipal Auditorium in Birmingham, Alabama, at 1:30, there is going to be a mass meeting of concerned parents, and I hope these meetings take place all over the South because they are really on our part of the country. And unless Mr. Nixon, in his January 22nd State of the Union Address addresses himself to the number one problem facing the people of our country, the destruction of the public school system, then we are going to start a political movement that is going to, in effect, say, through petitions and mass meetings, that "you are going to be a one-term President, that we are going to see that you are going to be defeated for the presidency in 1972 because you cannot win unless you carry the states of the South. So the southern strategy that you have adopted, we are going to adopt a counter-southern strategy which is going to be a strategy of defeat for any administration that destroys the security and safety of the children of our region and of every other region.

Mr. HART. Governor, that sounds like an announcement for the presidency in 1972 by you.

Mr. WALLACE. John, I didn't understand your question.

Mr. HART. That sounds like you are announcing for the presidency.

Mr. WALLACE. No, I am not announcing for the presidency, but I am saying to Mr. Nixon, as respectful as I know how, that this is a grave message to you, Mr. President, and I respect the presidency and I respect the man who occupies it, that the matter of our children and the safety of our children that has been written about in columns throughout the country, the destruction of the public school system through HEW and through the Executive and Congressional power in Washington, is one of the prime issues that face not only the people of the South but of the Nation, along with the matter of taxes. And this middle class and low-income man in Alabama and the Nation whose children have been taken away from him and whose security has been threatened, is also threatened with inflation and high taxes. So I can say there are two things that the President is going to have to do: He is going to have to equalize the tax structure. He is going to have to bring in some of his exempt rich to pay some of the taxes. He is going to have to have a tax program that gives some meaningful tax relief to the low and middle-income working man, businessman and farmer.

Mr. HERMAN. Let me keep you on schools for just a minute before you get off into this economics, which we will certainly get to in a moment. You call it a counter-southern strategy or at least an answer to the administration.

Mr. WALLACE. Yes, sir.

Mr. HERMAN. That implies that these meetings are going to be and this movement is going to be confined to the southern states. Is that what you meant to say?

Mr. WALLACE. No, sir, not exactly. I say that they have attacked our school system now, they are going to attack——

Mr. HERMAN. When you say "our school system," do you mean the southern school system?

Mr. WALLACE. Well, of course, the immediate problem is the attack upon the southern school system. You see, at the moment, they have not attacked in many instances the school systems in the East and Midwest. And Senator Stennis had in mind not necessarily to jeopardize the security of a child in the Midwest or the East, but if they apply the same guidelines to those people as applied to us, there would be such a rising voice of indignation that the Congress would then step in and do something about it.

Mr. NOVAK. So you do favor the court-ordered or government-ordered immediate desegregation in the North?

Mr. WALLACE. The court—I am not asking that the court do anything about threatening the security of any child. I am not asking that. I don't want to see the child in Illinois threatened any more than I do the child in Alabama. But I think what Senator Stennis had in mind was that if you applied these guidelines to the Midwest and the East and the Far West, that there would be so much criticism and such a rising voice of indignation that the members of the Congress in those regions of the country would then step in and turn the school system back.

Mr. NOVAK. Do you favor applying those guidelines in the North?

Mr. WALLACE. I would favor not applying the guidelines to the people of the South. I am not asking that we do things in Illinois that threaten the safety and security of the children there.

Mr. HART. What is the platform of your movement?

Mr. WALLACE. You have written in your column lately about the breakdown of order in the public school systems of our country, the unsafety of teachers and students, involving even race. And I say that is a prime issue, and Mr. Nixon should take immediate action as the President, in recommendations to the Congress, through the submission of the amendment that would return the public school system back to the states. He could have supported the Whitten amendment in the Senate. That would have restored at least freedom of choice. You know, we had freedom of choice up until Mr. Mitchell went into the Fifth Circuit Court of Appeals, in which a child of any race could choose to go to any school. And, yet, they stepped in and said it didn't bring about what they wanted brought about. But it was hard to argue with the fairness of the plan, even though I believe in complete control of the school system resting in the hands of the state.

Mr. HERMAN. But for your own plans, you are going to organize these meetings at least at first or altogether in southern states?

Mr. WALLACE. George, I am not going to do the organizing. They are already being organized by concerned parents in every state. But I am going to speak in some of these states. I am going to be in the movement because our presidential campaign in '68 emphasized the return of control of the public school system back to the states.

Mr. HART. Governor, what advice will the movement give to these concerned people you talk about? Will it advise them—

Mr. WALLACE. My advice would be to write the President, to send him petitions, to have mass meetings, in on orderly——

Mr. HART. To obey the law?

Mr. WALLACE. Yes, the law—did you know, the 1964 Civil Rights Act says that no court is empowered to take any action to bring about the transportation of any child, to bring about so-called racial balance. That is the law. And every court that renders a decision otherwise, and every single guideline writen by Mr. Finch that brings about the closing of a school or the transporting of a child, is violating the law. The law is on the side of the parents.

Mr. HART. But the law——

Mr. WALLACE. Even the judges are violating the law, and they are not beyond violating the law because they have done so constantly and, therefore, we have lost the legal approach because they will not listen to the law. Now we are going to the political approach. We are going to see that the Republican Party or the Democratic Party or whatever party is in power, that destroys the safety and security of our children, turns out to be in office only one term.

Mr. HART. Governor, are you advising civil disobedience of recent court decisions?

Mr. WALLACE. No, sir, I am not advising civil disobedience. I am advising petitioning the government, through orderly meetings and speakings and petitions and letters and telegrams to the President of the United States. And the President had better heed this warning because inflation takes its toll, high taxes and the exemption of the tax-exempt rich that puts this average man in a position of having to send his child to a private school—and I support the private school movement, although we must continue to fight to save the public school movement, and yet Mr. Finch has advocated the removal of tax-exempt status for those who contribute to private schools, because——

Mr. HART. The courts have ordered that. What advice do you have to those private schools who have lost their tax-exempt status?

Mr. WALLACE. My advice is to continue efforts of private schools, and my advice to the President is that "you had better ask Mr. Finch to stop trying to have hot pursuit and search out and destroy every single legal step that people take to give quality education for their children."

Mr. NOVAK. Governor, are you——

Mr. WALLACE. That is the purpose of the private school movement, and I think that there should be tax educational credits on income tax in the states and there ought to be, in cases where a great proportion of the students wind up in private schools, tax relief at the state level——

Mr. HART. Is the country moving toward segregation, Governor?

Mr. WALLACE. For those who are forced to send their children to private schools.

Mr. HART. Is the country moving back toward segregation?

Mr. WALLACE. I didn't——

Mr. HART. Is the country moving back toward segregation?

Mr. WALLACE. In 1954, Mr. Hart, the Supreme Court said that you cannot assign a student to a public school because of race. Fifteen years later, the Court has done a 180-degree circle and says now you must assign students because of race. Now, we resent the fact that the Court goes from one extreme to the other and even violates the statutory law of the Congress of the United States which, in turn, destroys public education and which, in turn, threatens the security of——

Mr. HART. Well, the question simply is, Governor, you, as a person who has always been candid in preferring segregation in the schools of Alabama, is it in your judgment that the country is moving toward your segregationist point of view?

Mr. WALLACE. My belief is that the country is moving toward fair play and against force and coercion on the part of the government. You see, we had freedom of choice. You could choose to go to any school you wanted to go to. But the government said not enough people on this side of town chose to go on this side, and not enough on this side chose to go on this side.

Mr. NOVAK. Governor, I am a little puzzled by what you are proposing as your solution to this problem. You say that the legal fight has been lost and, yet, you say you still can save public schools along the lines you want them, but you also advocate private schools. Now, what are you suggesting in a black majority district in the South, where court ordered integration has been ordered immediately? Do you think the people there ought to set up a private school immediately?

Mr. WALLACE. In certain areas, that is absolutely necessary and is being done. When I said we had lost the legal battle, what I meant to say was that the Burger court has thrown aside all legal arguments and, in fact, in some cases in the Fifth Circuit have issued orders without parties, have issued orders without taking evidence, because they have predetermined in their minds that we are going to do such and such. The law is on the side of those who advocate freedom of choice, or the return completely to the control of the states. But what I am saying is that the President can go before the Congress and ask that the Whiten amendment be inserted in legislation and that the Scott amendment be taken out. He can recommend the constitutional amendment that turns control back to the states. He can stop Mr. Finch from writing plans that go beyond the law. And what I am saying is that when the people are aroused, they are the court of last resort and that, when the judges and the members of the Congress and the President see that the people who have the balance of power in the next presidential election are going to defeat them, then, in my judgment, we will get legal relief.

Mr. NOVAK. Just from the standpoint of fairness, Governor, isn't it true that the Treasury, Mr. Nixon's Treasury has supported tax exemptions for private segregated schools in the South and, in effect, they have been overruled by the courts, over which they have no control?

Mr. WALLACE. Well, Mr. Finch is the appointee of Mr. Nixon——

Mr. NOVAK. But the Treasury has control of that area.

Mr. WALLACE. And he has called upon the court to declare invalid the tax-exempt status for schools in Mississippi. So that is another instance of blowing hot and cold. On the one hand they are for something and, on the other hand, they are against it. In other words, Mr. Mitchell says one thing and Mr. Finch says another, and Mr. Agnew says another, and they both are talking out of different sides of their mouth. But the average citizen in our part of the country knows that the Nixon administration is destroying the public schools, and the President who destroys the public schools, is going to wind up being a one-term President.

Mr. HERMAN. Is it possible that some of your vehement attack on the Nixon administration for destroying the public schools is also motivated by the fact that the Nixon administration's southern strategy may be destroying a little of your political base?

Mr. WALLACE. Mr. Herman, if President Nixon would return local control of the public schools, if he would give tax relief to this mass of working people and middle-class people, and restore law and order in this country, and solve the Vietnam war, I would say hallelujah. I would not even be involved in 1972.

Mr. HERMAN. But if you wanted to run now, in 1972, wouldn't you find some of your political base in the South eroded by the Nixon administration's southern ploy?

Mr. WALLACE. Well, Mr. Nixon's southern ploy is all talk and no action. Now, if they acted as they talked, there would be no political base for me, and I would be pleased because our movement would have been successful. If our movement can bring about an orientation toward the middle and a relaxation of controls over local institutions and some tax relief for this working man and little farmer and little businessman, then I would be happy to say that I will not be a candidate for the presidency of the United States.

Mr. HERMAN. You feel you have lost no ground at all as a result of the southern strategy?

Mr. WALLACE. I haven't lost any ground because all of the so-called southern strategy has been talk. Mr. Agnew——

Mr. HERMAN. That has had no effect?

Mr. WALLACE. No, sir. Mr. Agnew says, "I am against bussing," but in the morning little black children are bussed 37 miles in one county to school, and 37 miles back, 74 miles a day. In one system, in Bessemer, Alabama, the court has ordered 1,400 children in a school that doesn't have any toilets completed and no heating and wiring or lights, because the school is not completed. But they say they must be there by February 1st.

Mr. HERMAN. The other aspect that you listed as one of the four key things was Vietnam. It seems to me, following your statements on Vietnam over the past few months, that you are in somewhat of a process of evolution in your feelings on our actions and our policy in Vietnam. What do you think now is the success of the Nixon policy in Vietnam?

Mr. WALLACE. Well, I hope the Nixon policy is successful, the Vietnamization of the war and the removal of combat troops, as the Vietnamese can take over. I still have my doubts as to the success in the final analysis unless we destroy the effectiveness of the North Vietnamese regulars that are based in Cambodia and Laos. But I sincerely hope and pray that his program is successful, and I think at the present time that the majority of the American people support the effort of the President in this regard. I feel the war is winable and I feel, in the final analysis, it will be won.

Mr. NOVAK. Governor, the last public statement you made on Vietnam, you talked about defeating the enemy on the battlefield. Now, as President, would you be prepared to send in the additional troops to reescalate the war through additional bombing?

Mr. WALLACE. No, sir, I would not. In fact, I believe there are enough American combat troops in Vietnam, with bombing and with the fire power that they possess, to have destroyed the North Vietnamese regulars. And I heard many people in Vietnam, who are knowledgeable in the military and in civilian government, say throughout Asia that had this been applied and had the bombings not ceased a year and a half ago, that the war would have been over by this time.

Mr. NOVAK. You would resume the bombings today if you were President?

Mr. WALLACE. If the North Vietnamese continued to violate the DMZ, if they continued to shell the cities, if they continued to infiltrate, if they continued to do as they are doing now, yes, I would resume the bombings.

Mr. HART. Governor, you visited what you call free China, Taiwan, during your recent tour, and visited with Chiang Kai-shek. What are your feelings about President Nixon's efforts to moderate our position toward Red China in such things as allowing American businesses whose subsidiaries are overseas trade——

Mr. WALLACE. Well, I believe that we should always be willing to talk with the Red Chinese or Soviet Russia, or any other nation, toward meaningful disarmament, always go to the conference table, but always keep in mind that when you do that the communists in the past do not keep agreements they make and have violated almost every agreement they have made with the United States.

Mr. HART. Do you agree with——

Mr. WALLACE. But that doesn't mean we shouldn't talk with them, because I hope that someday there can be meaningful disarmament discussions with the Soviet Union and Red China, as today, but I would always know that the free Chinese on Taiwan are the true friends of the United States and that they are a good deterrent to the Red Chinese on that particular flank.

Mr. HART. Do you agree with Secretary Rogers, that we are leaving the cold war period now?

Mr. WALLACE. Do I agree with him? I'm not sure whether I agree with him, but I hope that we are leaving the cold war period and I hope this administration and every administration continues to try to impress those in the Communist Bloc that we should use our resources for our people instead of armament, but always keep in mind that we cannot exactly trust what the communists say.

Mr. Novak. Governor Wallace, in a recent interview you said that you hoped that the Nixon administration would be as tough in its policies in dealing with dissenters as it is in its words. What do you want them to do with dissenters, throw them in prison?

Mr. Wallace. Well, I have noticed that we have federal statutes that require prosecution of those who cross state lines advocating riots.

Mr. Novak. There is a case like that in Chicago, a very publicized case, under that statute. What woulld you do beyond them?

Mr. Wallace. Well, I would, in the first place, make Washington a model city of peace and quiet.

Mr. Novak. How?

Mr. Wallace. I would ask the police department to enforce the law. I would not let the officials of this city hold back. There has been a tremendous increase in crime in the City of Washington.

Mr. Herman. How do you solve the problem of the shortage of police?

Mr. Wallace. I am not a police officer and I am not a law enforcement expert. But if I were the President, I would tell the police officials and the government officials who control this city that I want crime reduced in Washington, "now you do whatever is necessary." As I said, in the campaign for the presidency, if it were necessary, I would use troops in this city to bring about a cessation of the crime and the crime rate. It is unsafe to walk any place in Washington, day or night.

Mr. Hart. Governor, just one quick question, since time is moving on. There are reports today that the President is about to appoint Judge Harrold Carswell, of Florida, to the Supreme Court.

Mr. Wallace. Judge who?

Mr. Hart. Harrold Carswell, a judge who participated in the decision which granted the Nixon administration a delay in desegregating 33 schools in Mississippi. Is that judge acceptable to you as a Supreme Court Justice?

Mr. Wallace. Let me say, Mr. Hart, that I don't know much about the judge you are talking about, but granting of a delay before you destroy a school system is like giving a condemned man a reprieve: "We will give you 30 days but we are going to execute you in 30 days," and I don't know that I am satisfied with the appointment of any one particular individual to the Court. I am interested in action. I am interested in the salvation of the public school system and the security of our children, and I hope Mr. Nixon will take this warning, heed this warning in the respectful manner that I present it and that, on January 22nd, he will address himself to the destruction of the public school system in this country.

Mr. Herman. Governor, in the about one minute that we have left, how do you feel about appearing on a panel show and being questioned by a group of men whom you described during the campaign as "slick-haired, northern reporters, pointy-headed intellectuals who can't even park a bicycle straight"?

Mr. Wallace. Well, it seems that, from the first time that I appeared on these programs and now, the panelists are a little more respectful of those of us from Alabama and the South, because I think they are beginning to realize that we are not against people because of color or race, but that we have been talking about philosophy of government. It is always good to be with you distinguished gentlemen, and I have a high regard for you personally.

Mr. Novak. Governor, you have described Governor Brewer, who you may run against, as a fine man.

Mr. Wallace. Yes, sir.

Mr. Novak. If so, why do you want to run against him? Why do you even consider it?

Mr. Wallace. I can say this, that I have a high personal regard for the Governor or anyone else who is running for Governor. But if I decide to run for Governor, the issues will transcend personalities.

Mr. Herman. And, on that point, I am afraid our time has run out. Thank you very much for being with us here today on Face the Nation. We will have a word about next week's special one-hour version of Face the Nation in a moment.

Announcer. Today, on Face the Nation, former Governor of Alabama, George Wallace, was interviewed by CBS News Correspondent John Hart, Robert Novak, Columnist for the Chicago Sun-Times Syndicate, and CBS News Correspondent George Herman. Can pollution of our air, water and soil be reversed and the destruction of our environment prevented? Next week, in a special one-hour Face the Nation interview, three leading officials of the Nixon administration will discuss the growing threat of pollution and what can be done about it. Robert Finch, Secretary of Health, Education, and Welfare; Walter Hickel, Secretary of the Interior; and Daniel P. Moynihan, Counselor to the President, will Face the Nation. Consult your local listings for the time of this one-hour program. Today's Face the Nation originated, in color, from CBS Washington.

FIFTIETH ANNIVERSARY OF THE FEDERAL BAR ASSOCIATION

Mr. ERVIN. Mr. President, the year 1970 is the 50th anniversary of the Federal Bar Association. In fact, it was founded on January 5, 1920.

This association consists of some 14,000 lawyers who serve or have served in the legislative, executive, and judicial branches of the U.S. Government. The Federal Bar Association has chapters in every State, in the District of Columbia, in Puerto Rico, and in a number of foreign countries where there are U.S. Government installations. Indeed, one might almost say that the sun never sets on the Federal Bar Association.

A considerable number of Senators and Representatives belong to this fine organization, and I am one of them. Also, I should like to point out that many of the attorneys of the North Carolina bar are members of this association. It is also worthy of note that several members of Congress have been national presidents of the Federal Bar Association.

What does this organization do? One of its main goals is, in essence, to promote the principle that Government lawyers are primarily lawyers and only secondarily Government employees, and that they consequently have special responsibilities to the law and special obligations to the Government. I believe that this principle is vital to the continuation of constitutional government, particularly in the era in which we live, and that its furtherance by the Federal Bar Association is of great value.

Among the most meaningful activities of the FBA is the sponsorship of many programs, lectures, and seminars on legal topics of current interest. Also of importance is its publication of the Federal Bar Journal, which is devoted to scholarly articles on important Federal legal questions.

Thus, I and the other members of the Senate deem it an honor to extend to the Federal Bar Association on its 50th anniversary our felicitations and our wishes for continued success in its vital mission.

THE CHALLENGE OF CONSUMERISM

Mr. MAGNUSON. Mr. President, it is my privilege to bring to the attention of the Senate a speech delivered by Mr. Aaron S. Yohalem, senior vice president of CPC International, Inc., and chairman of the Consumer Issues Committee of the U.S. Chamber of Commerce, reflecting a refreshing industry view of the consumer movement and insightful recognition of its implications for the business community.

The consumer movement—sometimes identified as "consumerism"—occupies a significant place in the public consciousness today. Frequently in the news, its popular spokesmen now receive cover-story treatment in major news magazines. Congress has many proposals under consideration for strengthening consumers' rights and protecting their interests. In October the President delivered what he believed to be "the most significant set of Presidential recommendations concerning consumer interests in our history" and has sent up several bills in the last month to redeem those promises.

To be sure, interest in consumers has been building for the major part of the decade just passed. President Kennedy enunciated basic rights of consumers in 1962 and we in Congress have been working to make those rights effective since then. Surprisingly, however, the business community—upon which our actions primarily impact—is just now awakening to the depth and significance of the consumer movement. Unfortunately, its earlier responses had been largely negative.

Mr. Yohalem, however, accurately perceives that consumerism is no fad, likely to fade away with the weariness of its few public spokesmen or to be bought off with glib phrases or slick marketing ploys. He sees that the consumer movement reflects deeply rooted needs of a large number of citizens and that its implications for business are profound. To his credit, he responds to these implications in the spirit that led American industry to its present level of output.

The essence of the consumer movement is not that business will be saddled with burdensome restrictions, reporting requirements, and regulation. It is, rather, new or altered relationships in the marketplace; new factors to be considered in design, productions, and distribution; and new responsibility for social consequences hitherto taken for granted. It means that business as an institution will have to accommodate itself to newly emerging forces and demands.

With Mr. Yohalem, I see these as opportunities, not threats—opportunities to produce new goods and provide new services. Someone must meet the needs of consumers. The function is within the historical competence of the business community. But if business does not assume its role, someone else will. That is the challenge that Mr. Yohalem describes.

Can business meet the challenge? Mr. Yohalem makes the interesting point that business has too often appeared slow or even recalcitrant in responding to new needs, but that it is an adaptable institution once it has perceived those needs. That is my hope for the future. While we in Congress can determine the rules of the game—and we are presently engaged in that task—industry must carry on from that point.

With the clear and farsighted leadership of such persons as Mr. Yohalem, I am confident that industry will begin to perceive consumer needs and to undertake its proper role.

I ask unanimous consent that Mr. Yohalem's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Consumerism's Ultimate Challenge: Is Business Equal to the Task?

(Address by Aaron S. Yohalem, Senior Vice President, CPC International, Inc., before the American Management Association, Nov. 10, 1969, Waldorf-Astoria Hotel, New York, N.Y.)

In the brief time allotted us before our panel discussion, let's consider Consumerism's impact upon American business from a general, long-range point of view.

I'm taking my cue from our chairman who admonished me to be "brief—but provocative." So if I'm provocative, even a bit philosophical—all to the good, since it is hoped that we shall stimulate a lively give-and-take.

Now make no mistake: Consumerism is no passing fad. It is not a sometime whim of the marketplace. No amount of invective will make it go away. Nor can its basic demands be met through current marketing techniques.

Consumerism is a distinct socio-political development of our changing and troubled times—a collection of deep-rooted and volatile questions and challenges that go far beyond the ordinary concerns of the marketplace as we have traditionally known it.

Consumerism is a concomitant phenomenon of the great unrest of our cities; of the unprecedented revolt of our youth; of the extraordinary rise of inspired, militant and articulate minorities. It is a reflection of the thoughtful search for *excellence* by our great middle class.

Its aspects are many and contrasting; from the tumult of a mass protest before the national headquarters of a giant retail corporation to the quiet of a judicial chamber where basic law is being rewritten and wholly reinterpreted.

Already the changes it has wrought are far-reaching: We are now at a time when the historic adage—"let the buyer beware"—no longer obtains. It is being replaced with "let the *seller* beware." Consumerism, in short, embodies a profound upheaval in the ancient rules of the marketplace.

In nuclear physics there is a point at which sufficient fissionable material is present to support a violent explosion. It is called "critical mass"—and our consumer-oriented economy is at just such a point.

For there is no doubt in my mind that the period we are now going through—the end results of which cannot yet be foreseen—marks an historic change which will alter *permanently* the very character of American business itself.

Some view Consumerism as something which business should fear. Some see it as a threat. But I view the entire historical sweep with equanimity—and, indeed keen anticipation.

I do so because—no matter what else is involved—Consumerism is a challenge to American business. Business, through its performance in meeting and even surpassing yesterday's consumer demands for better products and more choice of products, has aroused consumer expectations for newer, higher levels of satisfaction. And, like all challenges worthy of the name, it offers us a rich opportunity.

Reduced to its absolute essentials, Consumerism challenges business to do *better*.

And I do not mean "better" in merely a quantitative sense. For that matter, American business has always been the equal of any *quantitative* demand to produce more goods or services. Simply look at the major role business has played, in a quantitative sense, in fulfilling the consumer demands of the last 25 years.

No—I wish to imply in the words "to do better"—the *qualitative challenge of Consumerism* . . . to help make life itself better *qualitatively*.

We are used to talking of quality in the sense of the styling of an automobile or the texture of a cake or the feel of a synthetic textile . . . or of mechanical efficiency, or purity of ingredients or materials . . . questions of product *substance*. More recently we have recognized consumer demands for quality in the forms we use to promote and present our products and services . . . reflected in American industry's capacities to meet and resolve such issues as truth in lending, truth in packaging, or the reduction of package proliferation.

These questions of substance and form have encouraged a stimulating dialogue among all parties of Consumerism: the consumer herself—individually and collectively through consumerist groups—the Government, and the businessman.

More and more individual companies are forming their own consumer advisory panels and joining industry-wide consumer councils to receive, consider and act on consumer grievances of all kinds. Business is participating actively and enthusiastically in hammering out legislative and executive programs to provide better consumer protection and redress of grievances.

Business is on the move in this regard—and examples can be cited in programs of the Chamber of Commerce and the Better Business Bureau's vital consumer involvements such as its program in Harlem.

However, I am concerned about our ability to appreciate and, therefore, to respond fully to Consumerism's insistence upon qualitative change at a new, higher level.

This insistence is already upon us. Whether this striving for qualitative betterment is a trend, a movement, or even a revolution, its goals and purposes are increasingly clear. In a real sense—affecting their total lives—consumers want more value. They not only want things as such, but they want things that have healthful or nutritional or aesthetic or individual and formal relevance to the new, vital and wholly unprecedented life styles that we are creating in our society.

The forces that make up Consumerism are increasingly insisting that the corporation replenish the social capital which business has traditionally depended on to operate: ample, clean and healthful air, water and soil; to train and educate society's disadvantaged; and to restore and enhance the other community resources which in earlier days were assumed to be provided by the taxes that business quite simply paid for—and seemingly took for granted.

In our society, we have people with a great many views. The way America has grown and prospered has been through accommodation. Historically, as new forces arise, they insist upon broader responsibility and participation for themselves, while also insisting upon fuller accountability from business. Accommodations are insisted upon. And they usually are made. So that in the end, business activity becomes broader and includes more elements in the related processes of making a profit and serving more broadly the public welfare than had been the case before historic change.

Today the force called Consumerism is the keen cutting edge of this historic thrust of accommodation. But we must remember, it is also an independent force which—through its own machinery—is quite capable of generating change.

Customarily, forces for change have manifested themselves through voluntary, legislative, or regulatory machinery.

This is a quite proper direction.

But sometimes the demands of groups—such as consumers embued with a socio-political force—are so intense, so immediate and so pressing that they are not quickly or entirely digested by the normal machinery set up by our system to accommodate and bring about change.

The challenge we face, then, is to recognize and respond voluntarily to merited consumer demands, so we can assure that the thrust of Consumerism manifests itself through the normal machinery to the maximum feasible extent—so the merits can be examined carefully and thoughtfully and the issues resolved in orderly and rational legislative or regulatory change.

If this is not done, it is perfectly conceivable Consumerism ultimately could pose a serious challenge to the core of private enterprise: the profit system itself.

Unless we stay ahead of the challenges of Consumerism, unless as intelligent businessmen we either initiate change or make accommodation for it, what I can easily envisage—namely a challenge to the profit system itself—could very well receive its chief impetus from the solid, respectable citizens who constitute the mass base of Consumerism.

It is not at all inconceivable that well-educated, eloquent, and organized consumerists—composed of middle and upper-middle class housewives, professionals, church-goers, and wage earners—militantly inspired by what they view as uncontrolled inflation and an unresponsive business system, will organize nationally to a far greater extent than they already have. They would consolidate broad, large consumerist organizations. They would become major political forces.

And that is power.

It is also not inconceviable that some of the under-30 generation of executives and professionals who now make up our middle and entry-level management would insist upon—and achieve—such broad representations on corporate boards so as to revolutionize the entire concept of the board of directors in American management.

And that is impact.

The chorus of Consumerism's many voices today is building into something like a crescendo which, if the words could be clearly heard, might carry a message something like this:

"You, American business, shall not continue to make a private profit without full, public accountability and without taking a fuller share of responsibility for our lives and our environment: You shall help assure that the rivers and seas are clean; the air made pure; cities prosperous and safe; health facilities adequate; food healthful; and transport safe, swift and reliable—all in relevant, meaningful, *qualitative* abundance."

These expectations are not entirely new.

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Any student of American history recognizes that, as corporations have grown in size, as communications have improved—indeed have become instantaneous—the economic process of making a profit *necessarily has social consequences* . . . and, further, that the profit-making process has such an impact upon man that full accountability to the individual citizen, for both social and economic consequences, *is today a business necessity*.

Today, with the new thrust of Consumerism, the pressures are more direct, the tone is more direct, the voices louder and tougher.

In short, Consumerism finally demands, business shall either voluntarily take its full share of responsibility for the common weal of the society it operates in and profits from; or, its ability to make profits will be seriously impaired—even called into question altogether.

This may then well be the "ultimate challenge of Consumerism." The trial that lies ahead will be a grave, trying one, demanding our fullest resourcefulness and dedication.

One of the interesting characteristics of American business is that it often appears to be teetering along the edge of disaster. It appears too often to be too slow—even recalcitrant—in responding to needs that are very obvious to others. The critics of business should not be deceived. The system is remarkably adaptable to the needs of the people, once these needs are perceived.

The challenge for American business today is to perceive the need for intensive, systematic attention—for business as well as social purposes—to areas that have up to now been viewed merely as concerns of "corporate conscience" or "goodwill." Today, survival itself is at stake.

Can industry contribute toward ending hunger and malnutrition . . . toward alleviating pollution of the air, water and soil . . . toward educating and training the disadvantaged . . . toward solving these and other problems of societal rather than strictly of an industrial nature? I believe so.

For these contributions are intimately involved in the profit process itself. Recognizing this, we will continue to serve the American people's welfare—and assure the prosperity and growth of American business.

That is the ultimate challenge of Consumerism.

Are we equal to the task?

DESTRUCTION OF VITAL RESOURCES BY POLLUTION

Mr. MONDALE. Mr. President, it is no longer necessary to talk about the time when the vital resources of the earth's environment will be destroyed by pollution to the point that life as we know it will no longer be possible. It is not necessary, because before the crisis becomes that acute, most living forms will already be extinct.

The earth's environment is feeling the impact of a world progressing rapidly but indifferently to the effect it is having on the vital air and water resources. Species of animals, fish, and birds are vanishing under the poisons we are pouring into the atmosphere, mixing into the soil and spilling into the waters.

In his editorial published in the Medical Tribune, the Senator from Wisconsin (Mr. Nelson), one of the leading voices for preserving and restoring the world environment, points out that doctors are beginning to associate air pollution, for example, with respiratory diseases like lung cancer, emphysema, chronic bronchitis, and asthma.

Senator Nelson, one of the Senate's most militant conservationists, makes a significant point when he writes:

> Each year, man watches the list (of endangered species) grow and the animals disappear and, nevertheless, deludes himself into believing that his species will survive.

Senator Nelson leaves little argument that pollution will destroy us if we do not do something about it quickly. His editorial makes a clear warning that disaster is imminent unless something is done. This is an important article; I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Medical Tribune, Jan. 8, 1970]

To Improve the Quality of Life

(By Gaylord Nelson, U.S. Senator from Wisconsin)

Because smog is an increasing health hazard which may seriously affect the lungs of young people, the Committee on Environmental Health of the Los Angeles County Medical Association "strongly recommends that when the forecast concentration of ozone (oxidants) in the atmosphere reaches 0.35 ppm, Los Angeles County students through high school, in any identified air monitoring zone, should be excused from strenuous indoor and outdoor activity. . . ."

It seems almost unbelievable that the air pollution conditions of a city, any city, could reach such a point that "red alerts" would be necessary to warn parents and school authorities that it had become too dangerous for children to play.

It is no longer humorous to joke about the Los Angeles resident walking the streets wearing a gas mask. It is not funny because, since Los Angeles set up its smog-warning system in 1955, first-stage emergency alerts have been called 71 times. First-stage alerts are called when the ozone amounts to 0.50 ppm in the air.

What is more frightening, however, is that the Los Angeles air pollution problems are far from unique, and scientists and doctors are beginning to associate air pollution with respiratory diseases like lung cancer, emphysema, chronic bronchitis, and asthma.

The environmental crisis of the world is the most serious crisis facing mankind. It is becoming so serious that it literally threatens the survival of all living species, including mankind.

Never in the history of the human race has man been so close to extinction as he is today. Each year, new species of animals are added to the list of disappearing animals known as "endangered species." Each year, man watches the list grow and the animals disappear and, nevertheless, deludes himself into believing that his species will survive.

But the reality of the pollution of the planet's thin envelope of air and the destruction of the world's lifeblood rivers, lakes, and streams is a crisis that can no longer be ignored.

It is an uncomfortable irony that the older among us can look back to fond childhood memories of a time when there was a quality to life—when the majority of rivers and lakes were clear and clean and filled with fish and wildlife. The children of today have no such memory.

Barry Commoner, a biologist and chairman of the St. Louis Committee for Environmental Information, described the deadly legacy we are leaving for our children when he said: "We don't really know what the long-term effects of various types of environmental deterioration will be, and the kids are the guinea pigs."

Because youth has the most to lose, the only real hope for saving the environment will depend on the energy, idealism, and drive of the coming generation to demand that the national priorities are not billions for war machines or space adventure, but billions to make the earth a livable place.

To help formulate a youth effort, I have proposed a National Teach-In on the Crisis of the Environment that will have students, scientists, medical men, politicians, community leaders, and citizens meet on April 22 for a massive educational effort.

Hopefully the teach-in will mark the beginning of a change in national priorities when the national goal will be a quality of life. Each community will probably find that it can best share in the teach-in by holding an environmental inventory of the pollution problems of the community and find out if there is any way to deal with the problems politically or by community action.

As campuses across the nation discuss the problems, the medical schools will obviously be taking a special interest. In addition to the air pollution-related diseases, many public health authorities, for example, already attribute thousands of cases of diarrhea, nausea, vomiting, and gastric craps to polluted water.

C. C. Johnson, administrator, Consumer Protection and Environmental Health Service, recently reported that in the past five years outbreaks of water-borne disease have averaged one a month, with many more unreported. Two of the outbreaks involved 20,500 cases of salmonellosis, and several cases of hepatitis were attributed to contaminated water supplies.

It is the subtler, less dramatic, effects of pollution that steadily and slowly destroy animal and plant life. Too often the outrage of the public is directed at a widely known event when atmospheric conditions cause smog to hang over a city or when a pesticide accident kills thousands of fish or birds.

Dr. Paul B. Cornely, in delivering his address as incoming president of the American Public Health Association, recognized the sinister, quiet threat when he warned: "If the fish are dying, the people are not far behind."

The scientists and members of the medical research community have an important role in filling the great deficiencies in our knowledge about environmental pollution-related diseases and the safe tolerance levels that cannot be exceeded.

There is a real urgency that action be taken now. It will be too late when another incident occurs like the four-day air pollution inversion that hit London in 1952, when 4,000 persons died.

Internists and surgeons knew for years that cigarettes were harmful but could not prove it. If the antipollution efforts must wait for legal or scientific cause-effect proof to catch up with the growing clinical evidence, the health of many Americans could be seriously affected.

It is as one expert told a Senate committee, "The man in the street simply cannot hold his breath until the experts determine to the 10th decimal place" the precise relationship between environment, pollution, and human health.

HOW FAR HAVE WE COME IN DEVELOPING INTERNATIONAL LAW OF HUMAN RIGHTS?

Mr. PROXMIRE. Mr. President, the Universal Declaration of Human Rights was the starting point for a significant attempt to develop a law of human rights to which countries could pledge themselves. As a result it was thought mankind would benefit and governments would be deterred from despotic tendencies. The ultimate hope was that the individual countries would develop stable, democratic governments which would be

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mutually respecting, and inclined to deal with international problems in a manner reflecting their internal lawful nature.

How far then have we come in developing this international law of human rights? Over 20 major human rights conventions have been adopted by the United Nations, the International Labor Organization, and UNESCO. A few of them are in force among the parties which have acceded to them. Unfortunately, the United States is a party to only two of these: the Supplementary Convention on the Abolition of Slavery in 1967 and the convention concerned with the protocol relating to the status of refugees in 1968. Other conventions which have been submitted to the Senate for approval are: the Convention on the Prevention and Punishment of the Crime of Genocide, Convention Concerning Freedom of Association and Protection of the Rights To Organize—both submitted in 1949 by President Truman; Convention on the Political Rights of Women and Convention Concerning the Abolition of Forced Labor—both submitted in 1963 by President Kennedy; and finally the Convention Concerning Discrimination in Respect of Employment and Occupation submitted by President Johnson.

Having ratified only two conventions, the United States ranks very low among the 126 member nations of the United Nations. Numerous interested citizens and civic organizations are pressing for Senate ratification of the human rights conventions.

These words of Mrs. Eleanor Roosevelt so simply yet effectively remind us of the real meaning of "human rights":

> Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

CONTROLLED DANGEROUS SUBSTANCES ACT

Mr. HRUSKA. Mr. President, I have noted in reading over the Judiciary Committee's report on S. 3246, the Controlled Dangerous Substances Act, that two minor references should be corrected and clarified.

First, at page 7 of the report, the last sentence under the discussion of title IV reads as follows:

> In effect, the Attorney General must seek out a balance between safeguarding against diversion and allowing for sufficient competition among manufacturers to insure for reasonable prices for consumer protection.

Second, the phrase "reasonable prices" is again used on page 18 of the report, in explaining section 303.

The use of the phrase "reasonable prices" is unfortunate because similar language is not included in the bill which the committee reported or which the Senate approved. In fact, this phrase was included in an earlier draft of this legislation. However, it was replaced by the phrase "adequately competitive conditions" in order to avoid any connotation of price control.

Mr. President, it is important to note that the Judiciary Committee, as indicated in the report as a whole, regards the avoidance of diversion of dangerous substances as being of primary concern, while prices charged for substances are only of secondary and inferior concern. The avoidance of diversion has always been the cornerstone of our narcotics control laws, international as well as domestic, and the committee strongly endorses its continued top priority consideration.

Mr. President, my comments are directed at clarifying the language of the report only, and do not relate to the bill which the Senate so overwhelmingly approved. The language of the bill is clear on this subject. I ask unanimous consent that sections 303(a) and 401(a) be printed in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

REGISTRATION

SEC. 303. (a) The Attorney General shall register an applicant to manufacture controlled dangerous substances included in schedule I or II of title II of this Act if he determines that such registration is consistent with the public interest and with treaty or other international obligation of the United States. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled dangerous substances and any schedule I or II substance compounded therefrom into other than legitimate medical, scientific, or industrial channels, by limiting the importation and bulk manufacture of such controlled dangerous substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, and industrial purposes;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution or dispensing of such substances;

(5) past experience in the manufacture of controlled dangerous substances, and the existence in the establishment of effective controls against diversion; and,

(6) such other factors as may be relevant to and consistent with the public health and safety.

TITLE IV—IMPORTATION AND EXPORTATION

IMPORTATION OF CONTROLLED DANGEROUS SUBSTANCES—PROHIBITING CRUDE OPIUM FOR THE MANUFACTURE OF HEROIN

SEC. 401. (a) It shall be unlawful to import or bring into the United States any controlled dangerous substance listed in schedules I or II of title II of this Act, or any narcotic drug listed in schedules III or IV of title II of this Act, except that—

(1) such amounts of crude opium and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, or

(2) such amounts of any schedule I or II substance or any narcotic drug that the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States (A) during an emergency in which domestic supplies of such substances are found by the Attorney General to be inadequate or (B) if the Attorney General finds that competition among domestic manufacturers of the drug is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 hereof,

may be imported under such regulations as the Attorney General shall prescribe. No crude opium may be imported or brought into the United States for the purpose of manufacturing heroin or smoking opium.

THE "NO-KNOCK" PROVISION

Mr. DODD. Mr. President, the Bridgeport Post on January 30, 1970, published an editorial on the "no-knock" provision of the Controlled Dangerous Substances Act approved by the Senate on January 28, 1970.

The editorial throws a very reasonable light on this controversial issue, and it pays tribute to the considerable skill of the distinguished Senator from Michigan (Mr. GRIFFIN) for his role in working out the dispute that had developed over this provision.

I believe these comments should interest every Senator, so I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"NO-KNOCK" RAIDS BACKED

The conscientious effort on the part of Senator Thomas J. Dodd to do something about the illegal sale and use of narcotics ran into some trouble in the Senate this week, but fortunately for the vast majority of Americans—the people who are decent human beings and obey the law—a Republican joined forces with Senator Dodd to save the day.

At issue was the question of whether federal agents should be obliged to knock on the door and identify themselves before entering a location where they believe narcotics are being used or are being kept.

Senator Dodd stood strong on the side of law enforcement, insisting that advance warning could lead to the destruction of the narcotics before the agents could gain command of the situation.

Ridiculous arguments were made against Senator Dodd's position, especially by Senator Sam J. Ervin Jr., of North Carolina. At one point Senator Ervin claimed, "Necessity is the plea for every infringement of human liberty."

The opponents of Senator Dodd's "no-knock" raids tried every conceivable means to distort the whole idea. Senator Dodd and the other senators who share his thinking harbor no dreams of seeing federal agents going about the country battering down doors without good reason. Specifically spelled out in the proposal is the requirement for federal agents to first obtain a search warrant, which means that the agents must present an awfully strong argument to court officials before going out after their suspects and the evidence.

Not until Senator Robert P. Griffin, of Michigan, came forward with an amendment with a little stricter language covering the issuing of the warrants did the Senate accept this means of cracking down on those unscrupulous men and women who are involved in the ugly and destructive business of preying on the youth of America.

Senator Griffin actually proved himself to

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be a skilled politician. The amendment he offered was identical to a section of the crime bill for the District of Columbia which the Senate approved last month. In effect, Senator Griffin said to his colleagues, if you think it is right to use this method in the nation's Capital why not in every other city and town of the country?

The loss of rights granted by the Constitution is one thing and the enforcement of the law another. No one will lose anything because of the legislation which Senator Dodd developed. We think that if the House and the President go along with "no-knock" raids that at long last our federal agents will be able to go after the pushers without having their hands tied.

U.S. POLICY IN VIETNAM—STATEMENT OF SENATOR DOLE

Mr. BAKER. Mr. President, the Committee on Foreign Relations continued this morning public hearings on various bills and resolutions pending before it and relating to the policy of the United States in Vietnam. Among those pieces of proposed legislation is Senate Resolution 271, introduced by the distinguished junior Senator from Kansas (Mr. DOLE) and cosponsored by 36 other Senators, including myself.

At this morning's session, Senator DOLE testified in support of Senate Resolution 271, the chief purport of which is to indicate recognition by the Senate that the war in Vietnam is an adversary proceeding in which parties other than the United States and the Republic of Vietnam are engaged. The resolution takes cognizance of the fact, frequently overlooked, that the Democratic Republic of Vietnam and the National Liberation Front also have troops in the field. It further expresses the hope that Hanoi and the Vietcong might at some point see fit to participate in a negotiated political settlement of this chronic conflict whose costs for all concerned in terms of human suffering and diverted resources are unspeakably tragic.

I ask unanimous consent that Senator DOLE's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BOB DOLE BEFORE SENATE COMMITTEE ON FOREIGN RELATIONS IN SUPPORT OF SENATE RESOLUTION 271, FEBRUARY 5, 1970

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you in support of S. Res. 271.

Last fall I reviewed the then existing legislative proposals directed at bringing the Vietnam war to an end. I noticed the common thread running through them was a call for change of U.S. and South Vietnamese policy. It was apparent the conduct of North Vietnam and the National Liberation Front at the Paris peace talks and in international law had been overlooked or ignored. I concluded that a meaningful contribution toward obtaining a just and lasting peace would be to stimulate somehow the North Vietnamese and Viet Cong toward negotiating seriously in Paris.

Senate Resolution 271 urges the Government of North Vietnam and the National Liberation Front to take the following steps:

1. Acknowledge that a just and mutually-agreed settlement is the best hope for lasting peace;
2. Show at the Paris peace talks the same flexibility and desire for compromise which the allies have clearly demonstrated over the past year;
3. Agree to direct negotiations between representatives of the NLF and of the Government of the Republic of Vietnam, as proposed by the latter;
4. Withdraw their insistence on allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam, as proposed by the latter; and
5. Provide information on the status of U.S. prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention.

Mr. Chairman, I appear in support of S. Res. 271 as its author and speak on behalf of the 36 other Senators who joined in its sponsorship.

PURPOSE

Mr. Chairman, the sponsors of Senate Resolution 271 believe it correctly states that the United States' fundamental goal is to assure peace with self-determination for the South Vietnamese people and clearly places on the North Vietnamese and Viet Cong the burden for coming forward in good faith to achieve a negotiated peace.

The sponsors of this resolution believe North Vietnam and the National Liberation Front remain inflexible toward a negotiated peace in the mistaken belief that domestic pressures in this country will force us to forsake our fundamental goal and commitments. We believe this resolution, if endorsed by the Senate, will contribute significantly to an early and honorable settlement by highlighting to North Vietnam and the National Liberation Front the firm support of the Senate and the majority of Americans for our government's efforts to reach an honorable, negotiated solution to the war.

THE PARIS PEACE NEGOTIATIONS

Mr. Chairman, since January, 1969 the United States Government has used the Paris Peace Talks on Vietnam to pursue an extensive program for peace. This program provides for a mutual withdrawal of all non-South Vietnamese forces; an internationally supervised ceasefire; free, internationally supervised elections where all of South Vietnam's political parties would be fairly represented; and early release of prisoners on both sides.

Our Government's quest for peace in Vietnam has placed heavy emphasis on meaningful negotiation and compromise in Paris, but President Nixon emphasized on May 14, 1969:

"In pursuing our limited objective, we insist on no rigid diplomatic formula. Peace could be achieved by a formal negotiated settlement. Peace could be achieved by an informal understanding, provided that the understanding is clear, and that there were adequate assurances that it would be observed. Peace on paper is not as important as peace in fact."

Peace in fact is, indeed, our national goal; and the program of Vietnamization underscores our resolve to explore all avenues and alternative courses. S. Res. 271, however, addresses itself to the Paris negotiations, because its sponsors have abiding faith in the sincerity of our President and dedication of his negotiators and because we are convinced of the long-range desirability of a formal settlement between the parties.

I shall not catalog the extensive initiatives the U.S. has taken in Paris and throughout the world to stimulate negotiations. The President and others have established a clear record in this regard. Let us, rather, turn our attention to the activities, statements and attitudes of the North Vietnamese government and the National Liberation Front in light of the specific points raised in S. Res. 271.

1. A mutual settlement for the best hope for peace

Hanoi and the Viet Cong have displayed an unwavering negative attitude toward achieving any negotiated settlement, or even the desirability of such an understanding to assure lasting peace.

A June 6, 1969, statement in the Communist Party of North Vietnam's theoretical journal, *Hoc Tap*, gave an accurate portrayal of their attitude toward negotiations with the United States and the Republic of Vietnam:

The "total solution" [to negotiations] of the NLF expresses the iron-like determination of our people to fight on [militarily] until the United States gets out, the puppets [Saigon Government] collapse, and South Vietnam is completely liberated."

A further illustration of Hanoi's intentions comes from a captured directive, recently declassified, defining the present goals of North Vietnamese and Viet Cong forces in South Vietnam. I would point out that this document was issued by the Central Office South Vietnam (COSVN), which is Hanoi's headquarters office for directing and coordinating National Liberation Front operations in South Vietnam.

The document, COSVN Resolution No. 9 reads:

"Our immediate mission is: To motivate the entire party, army and people to make outstanding efforts in developing the success already gained; . . . to vigorously push forward the General Offensive and Uprising with the three-pronged attack to the highest point in coordination with the diplomatic offensive; . . . to defeat the enemy's clear-and-hold strategy, pacification policy and other defense set-ups; and defeat his scheme to de-Americanize the war. We should fight to force the Americans to withdraw troops, cause the collapse of the puppets and gain the decisive victory . . ."

These examples provide sufficient justification to assert the insincerity of the North Vietnamese and Viet Cong in seeking a mutual agreement for settlement of the conflict.

S. Resolution 271 calls for a reversal of this attitude; a simple acknowledgement of the value of a jointly-reached settlement.

2. Demonstration of flexibility and desire for compromise

The North Vietnamese and Viet Cong have been adamant in insisting on their unilateral, non-negotiable demands. They refuse to discuss U.S. and South Vietnamese proposals; out of hand rejection is the rule.

For the record, Mr. Chairman, at this point I wish to call attention to the five-point and ten-point "solutions" proposed by the National Liberation Front in October 1968 and May 1969.

With reference to these two documents, I quote from the opening statement of Xuan Thuy, Chief of the North Vietnamese Delegation, at the 41st session of the Paris negotiations on November 6, 1969:

"The United States must stop its aggression, totally withdraw from South Vietnam U.S. troops and those of the other foreign countries in the U.S. camp, without posing any condition—the question of Vietnamese armed forces in South Vietnam shall be settled by the Vietnamese parties among themselves. It must also set up a provisional coalition government in South Vietnam, and let this government organize genuinely free and democratic elections in South Vietnam."

We know the bitter experience of "coalition governments" in Hungary and other Eastern European countries after World War II and the fate of the 1946 "lien hiep" (coalition) experiment in Vietnam itself. The total inflexibility of the North Vietnamese and Viet Cong exemplifies the complete absence of any intent to achieve a compromise between their demands and our proposals. In

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contrast I would point out that the United States, through the President and our negotiators, has repeatedly emphasized that, as far as we are concerned, everything is negotiable except the South Vietnamese people's right to self-determination.

S. Resolution 271 only asks that our gestures be returned in kind. No special concessions are sought or expected.

3. Negotiations between the NLF and South Vietnam

A continuing impediment to any progress in negotiations has been the National Liberation Front's refusal to negotiate with the government of South Vietnam on any substantive basis whatsoever.

The NLF refuses even to accept items for the agenda in Paris and refers to the South Vietnamese government only as "puppets" and "the Thieu-Ky clique," and pursue the systematic liquidation of South Vietnamese National Party members in satisfaction of so-called Blood Debts.

There can be no hope for agreement on even the smallest details when one party claims sole legitimacy and is completely unwilling to engage in viable political processes.

S. Resolution 271 does not call for surrender of the Viet Cong's principles or other stipulations. It asks simply that they talk to the South Vietnamese government as a political entity.

4. The Saigon government's existence and the holding of elections

The North Vietnamese and Viet Cong have continued to hold out the overthrow of the South Vietnamese government as a condition precedent to conducting free elections. This demand is accompanied by insistence that a "provisional coalition government" be established to rule South Vietnam until elections can be conducted.

There is neither necessity nor reason that the Saigon government be destroyed before the people of both Vietnams are allowed to make their choice of governments. The government of South Vietnam has repeatedly made public its willingness to work for the participation of all orderly, democratic parties and to abide by the results of free and internationally supervised elections. President Thieu has been most explicit on this subject.

The United States does not seek to impose its ideas of what the government of South Vietnam should be, nor will we permit the North Vietnamese or Viet Cong to dictate a "coalition" or any other form of government. It is for the South Vietnamese people alone, and in free exercise of democratic processes, to decide the forms of their institutions. S. Resolution 271 calls for reasonable recognition of these facts by North Vietnam and the Viet Cong.

5. Prisoners of war—Their status and treatment

As a broader and perhaps more telling indication of Hanoi's and the Viet Cong's intentions and predispositions, I would cite their treatment of American prisoners of war. Both North Vietnam and the NLF have persistently and callously violated the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. These conventions were ratified by North Vietnam June 28, 1957. Notwithstanding ratification and the clear language of the Conventions, Hanoi and the Viet Cong engaged in the following calculated violations:

Refusal to provide proper nourishment and humane treatment for all American prisoners of war, information on their detention camps and access by neutral observers;

Refusal to identify all American prisoners of war;

Denial to American prisoners of war the right to communicate regularly by mail with their families; and

Continued detention of the seriously ill and wounded.

These barbarous violations of the fundamental law of nations have not gone unnoticed by the body chiefly concerned with the application of the Geneva Conventions. In a letter dated June 11, 1965, the Vice President of the International Committee of the Red Cross, Jacques Freymond, told Secretary of State Dean Rusk:

"All parties to the conflict, the Republic of Viet Nam, the Democratic Republic of Viet Nam and the United States of America are bound by the four Geneva Conventions of August 12, 1949, for the protection of victims of war, having ratified them and having adhered thereto. The National Liberation Front too is bound by the undertakings signed by Vietnam."

On September 13, 1969, the XXI International Conference of the Red Cross clearly delineated the responsibilities of nations in their treatment of prisoners of war. The resolution unanimously adopted at the Istanbul Conference reads in pertinent part:

"Even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provisions of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals."

Senate Resolution 271 puts the North Vietnamese and Viet Cong on notice that their unlawful treatment of American prisoners is fully recognized and that we call upon them before the community of nations to comply with the obligations solemnly undertaken by them and imposed upon them by international law.

CONCLUSION

Mr. Chairman, I hope my remarks have provided some insight into the broad significance of S. Resolution 271. It strikes at the heart of Hanoi's calculated negativism at Paris and in the world community. All of the articles related directly to the strategy Hanoi and the NLF are utilizing to forestall a negotiated settlement at Paris and to evade their international responsibilities.

It is clear at the present time that Hanoi and the NLF totally lack resolve to approach a negotiated settlement of the war. This Resolution seeks to provide the incentive for them to develop a constructive approach to the Paris negotiations.

The sponsors of S. Resolution 271 sincerely hope a just and lasting peace can be achieved through a formal negotiated agreement. We believe the time is long overdue for Hanoi and the Viet Cong to bargain in earnest and cease pressing to impose their philosophy and form of government through military subjugation of South Vietnam.

We further believe passage of this resolution would rebut a serious illusion in Hanoi by showing that the majority of Americans and their representatives in Washington do support our government's efforts to end the war through negotiation.

Senate Resolution 271 is a positive statement to Hanoi and the Viet Cong that peace and self-determination are American goals for all of Vietnam, both North and South.

HEALTH PREMIUMS TO DOUBLE

Mr. RIBICOFF. Mr. President, every Senator is aware of the crisis in health care costs.

But an article in yesterday morning's Washington Post suggests that the situation will become far worse in the near future unless we begin to bring the problem under control.

Post writer David Vienna reported that health insurance premiums will double by 1975 because of rising medical service costs and an apparent lack of controls on health care costs.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1970]

COSTS EXPECTED TO DOUBLE ON HEALTH PLANS

(By David Vienna)

Health insurance premiums will double by 1975 because of rising medical service costs and an apparent lack of controls on health care costs, a report to the Civil Service Commission says.

The report, submitted to the commission more than a year ago but not previously publicized, is on health plans of federal employees.

Insurance industry officials say, however, that nongovernment employees will experience similar increases in their own premiums because the federal plan is the industry's bellwether.

Of the many insurance programs available to government employees, Blue Cross-Blue Shield is the most popular, providing coverage to about 60 per cent of the 8 million people, including employees and their families, insured through government plans.

For those families covered by the most comprehensive Blue Cross-Blue Shield plan available to them, premiums will climb to an annual $907 in 1975, a sharp rise from the present $460.

The government's contribution toward its employees' health insurance premiums will remain at the present legal maximum of $106.56 a year unless pending legislation is passed to provide increased aid.

Congress is considering legislation to cover up to 50 per cent of federal employees' health insurance costs.

The increase to $907 by 1975 reflects the 25 per cent biannual increases based on the $423 premium paid by government workers in 1969 when the report was made.

The report said:

"Premiums for both the governmentwide service plan (Blue Cross-Blue Shield) and the governmentwide indemnity plan (Aetna Life & Casualty) can be expected to increase between 10 and 35 per cent every two years between now and 1976, probably averaging between 20 per cent and 25 per cent."

The report predicted that "significantly higher payments for doctors' services are yet to come, as well as higher hospital costs. . . ."

The report said there was an apparent lack of controls on health care costs. It said, for example, that higher costs for doctors' service could be expected because the plans pay physicians' "usual and customary" fees.

Instead of set fee schedules in which doctors would be paid a specified amount of money for specified procedures and services, the plans pay, in effect, whatever fee is usual and customary.

Thus gradually increasing fees are paid because it has become customary over the past several years for the cost of physicians' services to rise.

The payments by plans of usual and customary fees, therefore, "is particularly subject to inflation," the report says.

The cost of health care has risen more sharply than any commodity or service in the country, the Bureau of Labor Statistics said. The cost of health care has risen almost 73 per cent since the late 1950s, while most consumer goods and services have risen 31 per cent.

The report was prepared by Milliman & Robertson, Inc., regarded by the insurance

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industry as one of the nation's top consultants in the field. It was submitted to the Civil Service Commission Jan. 24, 1969, but was not widely distributed.

A government official said yesterday, "We never considered it (the report) to be the best report possible," but he said it was the best available.

Joseph E. Harvey, vice president of the Blue Cross Association and the Association of Blue Shield Plans, Inc., said he was aware of the report.

He said Blue Cross and Blue Shield plans across the country "turn to the figures from the federal employees plan when we try to determine rates" for nongovernment groups insured by the plans.

"Information from the federal employee program is the best pool of data we have," said Theodore Cron, president of the American Patients Association.

"If this is what this control population shows, the situation must be far, far worse in nongovernment plans from which we get no data at all. This is a very disturbing report," he said.

Cron said increasing health care insurance premiums will either force the government to raise salaries or increase its contributions to federal employee health benefits.

The Senate Post Office and Civil Service Committee has on its agenda for early action a bill to increase the government contribution to its employees' health insurance costs. The bill, which is opposed by the Nixon administration for economy reasons, would cover up to half of an employee's health insurance costs.

THE EVERETT McKINLEY DIRKSEN BUILDINGS IN CHICAGO

Mr. SCOTT. Mr. President, I wish to express my thanks and personal feelings of appreciation to the Senate for its action in approving the renaming of the Federal installations in Chicago after our colleague and friend, the late Senator Everett McKinley Dirksen. I know Ev Dirksen would be proud to have his name associated with two great buildings in Chicago, the hub of the State he loved so dearly.

The action by the Senate is a fitting tribute to a man who gave so much of himself to Chicago, to Illinois, and to the Nation. I am delighted that the President saw fit to include the Everett McKinley Dirksen Building West in his budget, and that this Chamber acted with such dispatch in providing a living and vibrant memorial to a great man.

SENATOR GOODELL OPPOSES CARSWELL NOMINATION

Mr. GOODELL. Mr. President, the Judiciary Committee has completed its hearings on the nomination of Judge G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court.

If the committee reports the nomination, each of us in the Senate will face a sensitive and difficult choice on his confirmation.

Mr. President, I have made my own decision on the nomination, and have made a statement this morning explaining the reasons for my decision. For the information of Senators, I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

IN OPPOSITION TO THE NOMINATION OF JUDGE CARSWELL

(By Senator CHARLES E. GOODELL)

I will vote against the nomination of Judge G. Harrold Carswell to be an Associate Justice of the United States Supreme Court.

I believe him to be a man of high character and personal integrity. I do not oppose him because he comes from the South, or because he may be considered to be a strict constructionist of the Constitution. I enthusiastically supported the nomination of Chief Justice Burger, who also was characterized by the President as a "strict constructionist". I voted for his confirmation because in my judgment he was eminently qualified for the Court.

The President has the right to appoint to the Supreme Court the man of his own choice—a man of any judicial philosophy, from any region of the country. The Senate in such a case has its own duty under the Constitution.

Each member of the Senate must exercise his individual judgment, and base his decision upon the most careful scrutiny of the qualifications of the nominee, and a searching inquiry as to whether the best interests of the nation will be served by confirmation.

The issue of "consent" in the case of a Supreme Court nominee is clearly distinguishable from the question of the confirmation of other Presidential nominees.

The function of a Cabinet officer, for example, is to carry out and administer the President's policy. His term of office expires with that of the President.

The Supreme Court, on the other hand, has a constitutional function which is clearly separate and distinct from those of its co-equal branches of government. Also, appointment to the Court is for life.

The President should be given great latitude in obtaining confirmation of his choices for positions in the Executive Branch. But because of the unique institutional role which the Supreme Court plays in American life, every Senator has a special duty in casting his vote on a confirmation issue.

What is my obligation as an individual United States Senator on an issue such as this?

It is not my function to demand that a Supreme Court nominee agree with me on all the issues, and in all the cases he may have decided in the past.

But there are certain issues that are so basic to our country—that its very survival is tied to them. One of these is civil rights.

I oppose Judge Carswell because as a member of the federal judiciary, he has failed to heed and to promote the civil rights revolution of the past decade. He has demonstrated a basic insensitivity to fundamental civil liberties issues, which are essential to our survival as one, indivisible nation.

In my view, any man proposed for a place on the Supreme Court must understand the meaning and the dimensions of that revolution. No matter what his other qualifications and virtues, if he fails to comprehend its meaning, he should not be confirmed. My opposition to Judge Haynsworth was predicated upon the same grounds.

In 1964, in the case of *Due* v. *Tallahassee Theatres, Inc.,* Judge Carswell summarily dismissed a complaint against theatre owners, city officials and a county sheriff alleging a conspiracy to enforce a policy of segregated operation of theatres. The United States Court of Appeals reversed Judge Carswell stating that he was clearly in error. The Court said, it appears, in fact to be a classical allegation of a civil rights cause of action. The Court could find no basis for entering a summary judgement in favor of the county sheriff.

In 1966, in the case of *Singleton* v. *Board of Commissions of State Institutions,* Judge Carswell dismissed on a technicality, a suit to desegregate Florida State reform schools. The Court of Appeals again reversed him.

In 1967, in the case of *Steele* v. *Board of Public Instruction of Leon County, Florida,* Judge Carswell denied an application to hasten school desegregation. Once again, the Court of Appeals reversed him.

Twenty-two years ago, Judge Carswell made a speech in which he stated that he believed in the principle of 'white supremacy'. I will not summarily condemn him for that statement. The essential question is whether there has been a change in this view reflected in his actions. I see little change, indeed.

When Thomas Jefferson wrote that "all men are created equal", it is a matter of historical record, that those colonial gentlemen who endorsed that explosive proposition didn't mean it quite as we mean it today. A half century later, Lincoln was not absolutely sure that the nation could accept in practice the concept of black-white equality. His Act of Emancipation, which enobled the history of that age, was thus in some degree an act of faith.

We are still redeeming Lincoln's act of faith. And we are doing it at the conclusion of one of the most tumultuous decades in our nation's history—a decade which saw the civil rights revolution explode in our national consciousness. And as a people—North as well as South—we are still learning by experience and by suffering to live the truth of racial equality.

In determining whether Judge Carswell should be confirmed, I think it is necessary to consider our responsibility toward achieving the promise of American life for all our citizens.

We have had a great deal of talk in the last three hundred years in this country about equality. In the past ten years, we have had some action. More deeds, not talk are what is needed. We must continue to gather our strength, and our determination to act boldly to lift from all of our citizens the hypocritical burdens of intolerance, bigotry and discrimination.

Our law and our courts must continue to play a crucial role in this effort. I therefore, in conscience, cannot vote to confirm Judge Carswell for the highest judicial office in the nation.

STATEMENT BY SENATOR MATHIAS IN SUPPORT OF HIS RESOLUTION SENATE JOINT RESOLUTION 166

Mr. COOPER. Mr. President, the Committee on Foreign Relations began hearings on February 3 on a series of resolutions pending before the committee dealing with the Vietnam war and other foreign policy considerations. Today the committee was privileged to hear the distinguished Senator from Maryland (Mr. MATHIAS) give testimony in support of the resolution he introduced, Senate Joint Resolution 166, and cosponsored by the Senator from Montana (Mr. MANSFIELD). In addition to the testimony of Senator MATHIAS, the committee was privileged to hear Senator MANSFIELD's comments on behalf of the joint resolution.

The joint resolution proposed by Senator MATHIAS is, in my view, forthright, thoughtful, and deserving of the close attention and study of the members of the Foreign Relations Committee. His proposal has merit, and I commend him for his initiative.

Mr. President, I ask unanimous consent that the statement given by Senator MATHIAS before the Foreign Relations

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Committee this morning be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CHARLES McC. MATHIAS, JR., REPUBLICAN, OF MARYLAND, BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, FEBRUARY 5, 1970

(Topic: Senate Joint Resolution 166: A joint resolution to repeal certain cold war foreign policy resolutions, reconsider the Korean national emergency proclamation, and set the stage for new policies for the seventies)

First, I want to thank the Committee and its distinguished chairman for the opportunity to testify. These hearings promise both to illuminate the problems of extrication from Vietnam and to follow up the splendid work which produced the National Commitments Resolution (S. Res. 85). The first section of my resolution, in fact, is directly complementary to that earlier enactment and becomes more meaningful in conjunction with it. S. Res. 85 defines a national commitment as the foreign use, or contingent promise of foreign use, of U.S. armed forces and declares that specific Congressional approval is essential to a national commitment.

My resolution would rescind previous legislation which seemingly authorizes such commitments on the basis of contingencies long past and without further Congressional approval.

Clearing the Congressional ledger of the debris of briefly considered and broadly permissive cold war postures, my proposal would prepare the Congress to face the demands and opportunities of the new decade. In the words of Abraham Lincoln, delivered during an earlier period of national crisis, "We must disenthrall ourselves." And in disenthralling ourselves, we can set the stage for more contemporary foreign policy enactments—to be worked out cooperatively between the President and Congress, fulfilling their own respective constitutional responsibilities—and our nation's responsibilities in a changing world.

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The resolution (S.J. 166) contains five sections. Section 1 would repeal four foreign policy support resolutions, relating to use of U.S. military forces respectively in Formosa, the Middle East, Cuba and Southeast Asia. All are joint resolutions, enacted by Congress since 1955, signed by the President, and repealable through joint resolution of Congress. All are technically still in effect and have been interpreted as affording the President broad powers to intervene with American military forces in the specified areas. Of the four resolutions, only the Middle East Resolution, adopted in 1957, was subjected to extended debate and only it specified that military action be in keeping with the treaty and constitutional obligations of the United States. In apparently providing for use of American troops abroad without further Congressional action, the other resolutions differ from treaty commitments that permit intervention only in accord with constitutional processes.

The resolutions to be repealed are the following, listed chronologically. I submit copies of each at this point for the record.

1. *P.L. 84–4 (69 Stat. 7) Protecting the Security of Formosa, the Pescadores and Related Positions and Territories of that area.* The resolution declares that retention of Formosa and the Pescadores in the hands of "friendly government" is "essential to the vital interests of the United States and all friendly nations" in the Pacific. The President is authorized to "employ the armed forces of the United States as he deems necessary" for protection of these islands against armed attack. The resolution was introduced in both Houses on January 24, 1955, in response to a Presidential request on that day, and was enacted within the next four days. It was approved by President Eisenhower on January 29, 1955, and is terminable either by joint resolution or by Presidential declaration that the peace and security of the area is reasonably assured.

2. *Section 2 of P.L. 85–7 (71 Stat. 5) Promoting Peace and Stability in the Middle East.* Considered the legislative embodiment of the "Eisenhower Doctrine," this resolution provides for extension of military and economic aid to Mideastern countries. Section 2 declares that "if the President determines the necessity" the United States "is prepared to use armed forces to assist" any Mideast nation requesting aid against armed aggression from a "country controlled by international communism." The resolution stipulated that armed assistance be in keeping with the treaty obligations and Constitution of the United States and that it be granted only for self-defense and not for aggression. The President was directed to report to Congress twice yearly on his actions under the enactment. This resolution was passed by the House on January 30, 1957, five days after it was introduced, but the Senate subjected it to extensive hearings and debate before passage on March 7. President Eisenhower signed it on March 9. It is terminable either by concurrent resolution or by Presidential declaration.

3. *P.L. 87–733 (76 Stat. 697) Expressing the Determination of the United States with Respect to the Situation in Cuba.* Specifically the resolution declares U.S. determination to use armed force to prevent "Marxist-Leninist" Cuba from extending its aggressive or subversive activities into the rest of the hemisphere. It also asserts the U.S. resolve forcibly to prevent establishment in Cuba of an externally supported military capability endangering the United States.

This resolution was not requested by President Kennedy, who believed his "inherent power" would suffice to authorize any needed military action against Cuba. But it was prompted by his statement of September 13, 1962, expressing a similar national determination. The resolution was introduced on September 19 and approved by the President on October 3. Nonetheless, a month later, when the President announced the discovery of Soviet offensive missile emplacements in Cuba, he did not refer to the resolution as authority for his action establishing a naval quarantine.

The resolution on Cuba is the only one of the four resolutions included in the repealer that lacks explicit provision for termination, either by Congress or the President.

4. *P.L. 88–408 (78 Stat. 384) Promoting the Maintenance of International Peace and Security in Southeast Asia.* Known as the Gulf of Tonkin Resolution, this enactment asserts that North Vietnamese naval units "deliberately and repeatedly attacked United States naval vessels lawfully present in international waters." It "approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures . . . to prevent further aggression." And, it states that the United States is prepared, "as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

This resolution was requested by President Johnson on August 5, 1964. It was introduced in both Houses on the same day and subjected to hearings the next day in executive sessions of the relevant committees. A day later it was enacted after limited debate. It was approved by the President on August 10. It expires either by Presidential declaration or by concurrent resolution.

Later investigation by this Committee has cast grave doubt on the stated premises of this resolution. It transpired in hearings that the allegedly "deliberate and repeated attacks" on U.S. vessels "lawfully present in international waters" in fact were haphazard or even non-existent attacks. The U.S. vessels, moreover, were apparently engaged in provocative military missions within what North Vietnam regards as its 12-mile limit.

Unlike the other resolutions included in the repealer, the Tonkin Gulf enactment has been repeatedly cited as authority for intensive and far-reaching military action, involving air, sea, and land forces; and it was later represented by former Under Secretary of State Nicholas Katzenbach to be "the statutory equivalent to a declaration of war."

Each of these resolutions served a purpose, to demonstrate Congressional support for Presidential firmness and perhaps to authorize use of American military forces in a specific international crisis. And the Tonkin Gulf Resolution served its purpose all too well. Now these resolutions should be repealed by this Congress, which takes seriously its continuing role in shaping American foreign policy in a changing world.

For the resolutions do not take into consideration the substantial changes that have occurred in each of the applicable areas. And they seem to embody a misinterpretation of the constitutional role of Congress in international affairs.

Repeal of these enactments, it should be understood, would in no way affect existing treaty commitments or prejudge American policy for the future.

I would expect that the President might wish for more contemporary expressions of Congressional determination in some of these areas. Any proposed new resolutions, responsive to current conditions in the Middle East and elsewhere, can be considered rationally in the time before the repealer takes effect at the end of the 91st Congress.

The repealer, however, would symbolically remove the mortmain of the past from the present posture of the Congress. And, I would hope, it would signal a new determination by Congress to exercise fully its powers on the vital questions of war and peace. For the resolutions to some extent reflect a lapse of Congressional powers in this realm.

In the future American troops should not be used abroad without specific Congressional authorization. This principle is inherent in the constitutional reservation to Congress of the authority to declare wars and to raise armies and establish rules for their use. This principle is explicit in the National Commitments Resolution. But it is gravely compromised in the resolutions which S.J. 166 would repeal.

Although they have been interpreted as authorizing the use of American troops without further Congressional action—and though previous Presidents have cited them as such authority—in fact the four resolutions do not specifically authorize military intervention. Rather they affirm that the United States "is prepared" or "is determined" to intervene under certain circumstances. In anticipating military action without specifically authorizing it, the resolutions seem to be based on a constitutional misinterpretation. They appear to concede, incorrectly, that the President has inherent power to prosecute military campaigns without specific Congressional consent.

Thus these resolutions implicitly would contravene the crucial constitutional principle reaffirmed in the National Commitments Resolution. In repealing them we reassert the constitutional doctrine that without specific Congressional authority, the President can use American forces only to repel attack on the United States or on a country with which the United States has a treaty requiring immediate military response.

In these circumstances the President may act if necessary before seeking Congressional authority. But even then, in accord with the "constitutional processes" cited in our treaty enactments, the President must seek Congressional consent. It should be made clear that the President cannot legitimately conduct extended military operations under any circumstances without specific Congressional action and Congress cannot legitimately delegate its powers to the President except for specific and limited contingencies. This crucial constitutional principle, vitiated in these resolutions, will be reaffirmed by repealing them.

Section 2 of S.J. Res. 166 relates to another area of nebulously accumulated Executive powers deriving from the crises of the cold war and, in this case, even earlier contingencies. On March 9, 1933, at the urgent request of President Roosevelt, Congress passed the Emergency Banking Act ratifying the President's Bank Holiday proclamation and amending the Trading with the Enemy Act of 1917. The 1933 amendment to the 1917 act permitted the President, by declaring a state of national emergency, to invoke in peace-time his extraordinary "war" powers as Commander-in-Chief under Section 5(b).

Since that day in 1933, the country has gone through several vicissitudes of war and peace but executive powers have continually been at "war." Not once since the peace-time emergency concept was established has the executive allowed his full range of emergency powers to lapse. And that one emergency law of 1933 has since been joined by more than 200 others technically in effect today as a result of President Truman's Korean emergency proclamation of December 16, 1950.

The most important recent invocation of these Korean Emergency powers occurred on January 1, 1968, in response to the continuing deficit in the U.S. balance of payments. Under President Johnson's Executive Order 11387 "Governing Certain Transfers Abroad," the Department of Commerce issued Foreign Direct Investment Regulations (FDIR). These regulations restricted the amounts of capital American investors could transfer to or accumulate in foreign affiliates and compelled repatriation of short term liquid balances such as foreign bank deposits. Directly encroaching on Congressional prerogatives, this far-reaching order could not have been made without invocation of emergency powers entirely unrelated to the balance of payments crisis at hand. In effect for a year, it strikingly illustrates the dangers of allowing a state of emergency to become a permanent state of affairs.

Among the more than 200 other emergency laws, let me mention a few representative examples: in an emergency he alone proclaims, the President may sell stock of strategic materials . . . revoke leases on real and personal property . . . suspend rule and regulations applicable to radio stations . . . detain enlisted troops beyond the term of their enlistments . . . detail military men to the governments of other countries . . . regulate transactions in foreign exchange . . . and exercise control over consumer credit. Among hundreds of local properties, the President also may take over parts of Howard University, and in my own State of Maryland, he may close Fort McHenry—the birthplace of "The Star Spangled Banner"—and "use it for such period thereafter as the public needs may require."

Some of these special powers probably should be granted to the President as a matter of policy; some have been effectively abrogated through conflicting legislation. All should be reviewed; and the entire concept of national emergencies declarable by the President in peacetime without termination dates should be reappraised and clarified. Emergency powers should be available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand.

To that end, Section 2 of S.J. 166 would create a special joint committee comprising six members of each body of Congress including three each from the Senate Foreign Relations and House Foreign Affairs Committees. The special committee would confer and consult with the President on the matter of termination of the state of emergency proclamation and it would determine which "emergency" powers actually are justified by current foreign policy exigencies and should be legislatively authorized. The Committee would report back to the Congress before the end of the 91st Congress. I recognize that this section of the resolution does not entirely fall within the jurisdiction of the Foreign Relations Committee and might have to be referred to another panel. I invite your recommendations on this approach, however.

The last three sections of S.J. 166 are designed to replace the open-ended authorization contained in the Tonkin Gulf Resolution with a new Congressional enactment for Southeast Asian policy.

Section 3 would declare support for the President's determination to pursue a political rather than a military solution in Vietnam and would endorse his plan for the withdrawal of all American forces from South Vietnam as soon as possible.

This section also urges the President to seek creation of an international peace-keeping force under United Nations or other appropriate international auspices. I have urged creation of such a force since 1962. It is needed now to prevent reprisals against any of the South Vietnamese people after the departure of American troops. It is said that without the aid of U.S. forces the Thieu-Ky government could not prevent massacres from occurring.

Section 4 is designed to promote the development of a political order embracing all groups in South Vietnam and capable of surviving and keeping order after the departure of American troops. Under the resolution, Congress would urge leaders from all political, religious, and ethnic groups in South Vietnam to initiate serious discussions designed eventually to produce a new broadly based government. Needless to say, in order for meaningful political discussions to occur, the Thieu-Ky regime would have to release from prison those leading political figures incarcerated essentially for advocating or attempting such discussion. This process is not to be considered as an alternative to elections but as a contribution to the conditions of minimal consensus necessary for a meaningful balloting.

Section 5 is designed in part to provide additional incentives for the success of the Paris negotiations, and in part to fulfill the humanitarian mandate of the American world role. This section would urge the President to invite other nations to participate with the United States in the formulation of a multilateral plan for the reconstruction of war-ravaged areas in Southeast Asia. It also asks the President to submit to Congress as soon as possible any legislation needed to carry out the plan.

It is not the intent of the resolution to place unjustified constraints on Presidential leadership in foreign affairs. It is rather to re-establish for the Legislative Branch our joint responsibility for the ways in which foreign policy is carried out, and to provide the President with a clear sense of Congressional thinking. Indeed, by clearing outdated and open-ended commitments from the record and enacting more relevant legislation, we may even help the President in his efforts to control the Executive Branch and those tendencies in our massive bureaucracy that helped produce our piecemeal involvements in Vietnam and elsewhere.

If the United States is to develop foreign policies suitable for the seventies, worthy of the support of those who have been estranged from our policies in the sixties, we must clear away the legislative and conceptual debris of the fifties. And if this process of modernizing our policies is to be durable and democratic, immune to sudden reversal in a crisis under the pressure of an aroused and uninformed public opinion, the Congress must play a key role in preparing itself and its constituencies. Congress must share with the President the educational leadership burdens in foreign affairs.

The fundamental question involved in my resolution can be bluntly stated: Is Congress, is the Senate—with its constitutional responsibilities in this realm—either obsolete or optional in the making of American foreign and defense policies? The question may seem impertinent, particularly at a time when the Senate is moving to play a larger role in this field. But despite the recent assertions of Congressional authority on national commitments and other matters, an influential school of academic and governmental opinion continues to believe that international relations are too technical, complicated, and machiavellian to be understood or responsibly managed by nonprofessionals.

Many of our international activities, it is said, must actually be conducted in secret, and sometimes no elected official, not even the President himself, is apprised in detail. In the nuclear age, this argument goes, foreign and defense policies are matters of neurosurgical delicacy—affecting the very survival of mankind, they must be managed by specialists, insulated as much as possible from the buffeting of public sentiment. The axiom that politics ends at the waters edge is interpreted as gravely limiting Congressional scrutiny and debate on our activities overseas.

This attitude, which I have only slightly caricatured, has been buttressed by the long period of Congressional inaction, just now ending, in these areas of policy. I need not reiterate here the details of years of Congressional deference in foreign and defense matters, or of the effective usurpation of war powers by the President. In the decisions launching the United States into its last two major conflicts, Congress played no significant role. Our entry into Korea was essentially a Presidential initiative; and in relation to Vietnam, Congress acted only to abdicate.

Congressional powers were continuously exercised during this period, particularly in appropriations. But the presumptions and priorities of the Congress were often in disarray and on the most important questions, Congress tended to accept technocratic predominance in foreign policy. The foreign aid bill was exhaustively scrutinized, while the defense budget until this year was relatively unexplored and the major dimensions of our foreign policies were determined by the executive. The practical effect of Congressional review was often to lend inert momentum to executive policy.

Until the country must be mobilized for war, our defense and diplomacy thus have been shrouded in a mystique of statesmanship and technocracy. When war erupts, our polices have been suffused by a melodrama of emergency. It has been only rarely in the years since World War II that Congress asserted itself to assume a responsible, deliberate role in deciding the life-and-death issues of the international realm.

It will not surprise you that I oppose this attitude toward the role of Congress and especially the Senate. My resolution is based on the proposition that American foreign policy does not—and should not—begin beyond the three mile limit. I believe, in fact, that our foreign policy in recent years has tended too much to remain at sea with the executive. I do not accept the theory that either the invention of nuclear weapons or the intrigue of counter-insurgency has rendered Congress obsolete or optional in international affairs.

The basic problem with the elitist and technocratic notion of foreign policy is that

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it is ultimately unacceptable to the American people. Foreign policy can be made for long periods without Congressional scrutiny or participation. But when a setback occurs—or some major and controversial change is made—Congress is politically impelled to respond. The issue then becomes not whether but how Congressional power will be exercised.

There is no doubt that its power is legitimate. Although the executive is constitutionally authorized to conduct our foreign relations—and serve as Commander-in-Chief of our armed forces—Congress was assigned an equally important role by the framers of our Constitution. In fact, I might contend that the constitutional responsibilities of the Congress in foreign policy are ultimately greater than those of the President. Congress holds unique powers in taxation, appropriation, foreign commerce, conscription, regulation of the military, and declaration of war that embrace the whole range of our foreign relations. The Senate has special powers—and a long tradition—relating to treaties, appointments, and general consultation. I think that it is more important than ever for Congress to exercise its powers today.

Alexis de Tocqueville once said, "The most important time in the life of a country is the coming out of a war." The final stages of the Korean War were marked by bitterness and recriminations. I believe that today we are emerging from the Vietnam War into a new world—a world very different from the one in which we were brought up, very different even from the one in which our Vietnam engagement began.

Nationalism is increasing in clamor, while world economic and technological forces—organized in great multinational corporations—treat national boundaries as irrelevant. The cold war is ending in Europe, won by the new capitalists, and the communist states look wistfully west for new markets, new products, and old economic ideas. The North-South division of the world—the realm of affluence and the realm of underdevelopment—arises as the crucial arena of ideological conflict and a key arena for new Congressional policy. In this arena the President's proposal for trade preferences for the products of underdeveloped countries—a new incentive for private enterprise in them—is likely to be incomparably more important as an ideological initiative than anything we could achieve with our military in Vietnam.

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And this is just a beginning. In the next few years we are going to need a complete reordering of our approaches toward the Southern Hemisphere—indeed toward the whole world economy. This year we created a new international money, unglamourously designated Special Drawing Rights. We are now considering how to channel this new money into the underdeveloped world through the international development authority of the World Bank. Soon we will have to develop a new currency of ideas to capture the imaginations, stimulate the economies, and expand the trade of the less developed countries—let them transcend their own exclusionist nationalisms and participate in the growth of the North.

The United States remains the world's most developing country, partly because it is continental in scope and open to the products and ideas of the world. The Nixon Administration I believe is also to a great extent open to these new forces and movements in the world. So are a great many members of Congress, particularly in the Senate. But I am afraid that unless the Congress as a body, both Houses, prepare now to deal with these and other new issues—unless it engages the future confidently and responsibly now—the period of transition as we move from Vietnam may be marked with bitterness. I fear that, as in the period after World War I and after Korea, the executive may encounter dangerous obstruction from a Legislative Branch suddenly burdened with the urgent business untended during a period of conflict. And I believe that post-war readjustment—so imperative for the avoidance of future wars and for the establishment of a lasting peace—may be impossible to accomplish smoothly unless it is undertaken now It is in this spirit that I introduced my resolution, that I present it to the Committee today and that I seek the help of the Committee in its consideration, refinement, improvement and submission to the Senate.

Until now I have dealt in terms of history, constitutional law and Congressional tradition. Even in matters of high politics, however, the political quotient must be considered. In conclusion, therefore, it is not unbecoming to make a few remarks placing my resolution in its current political context.

I said at the outset that this resolution is a natural extension and complement of the National Commitments Resolution. But because they assert Congressional authority, no one should assume that these resolutions necessarily conflict with executive policy. In fact, President Eisenhower insisted on the primacy of Congress in these matters, while it was Congress—conditioned by the different attitudes of his predecessors—which was skeptical of its powers and refused to assert them fully.

Now President Nixon has an opportunity to reassert the position of President Eisenhower, demonstrate his own statesmanlike recognition of constitutional proprieties, and at the same time secure explicit Congressional support for the stated aims of Administration foreign policy. President Nixon himself in Guam and Manila affirmed that future American policy in Asia would be designed to "exclude the kind of support which would involve a commitment of manpower." President Nixon himself has eschewed pursuit of a military solution in Vietnam and has asserted a determination to remove all American troops.

My resolution, in fact, can be considered as a legislative combination of the Nixon plan for total withdrawal of American forces from Vietnam with the Nixon doctrine to limit American military commitments abroad. By supporting it, the President would reassure the country and the Congress of the depth of his commitment to these goals and dissipate some of the anxieties and misconceptions prevailing in the land.

So in making this proposal to the Congress—and in offering this testimony—I also issue an invitation to the President to participate with us in an historic undertaking. And in bringing these two branches of government together to reappraise American foreign policy for the seventies, I hope we can make a significant step toward bringing the American people together in the pursuit of peace.

THE STORY OF TRAN NGOC CHAU

Mr. FULBRIGHT. Mr. President, in this morning's Washington Post, Joseph Kraft tells us the story of Tran Ngoc Chau. It is a story that does not reflect credit on the United States or on the South Vietnamese regime of President Nguyen Van Thieu. I have known about the story for several months, and I know that the facts that Mr. Kraft recites are accurate. There are, of course, many other facts that have not been reported in the press.

To set the story in context, as Mr. Kraft writes, Chau is an old friend of President Thieu and once shared quarters with him when both were junior officers. From 1960 to 1966 he was province chief in Kien Hoa and mayor of Danang. In both positions, he had an outstanding record. In 1966 he was nominated by CIA to be head of the cadre training program at the Vungtau Training Center where he obviously worked closely with the CIA as that agency had the responsibility for the center. In the 1967 National Assembly elections, he was elected a deputy from Kien Hoa with the second highest plurality in the country. He then became head of the opposition bloc and was elected Secretary General of the Assembly.

In 1965, Chau was contacted by his brother, Tran Ngoc Hien, a North Vietnamese intelligence agent. By Chau's own admission, he did not report these contacts to the South Vietnamese Government. Kraft says that whether he reported these contacts to the CIA is in dispute. Chau says that he did, as Keyes Beech reported in the Washington Evening Star on February 2. I know for a fact, from private sources, that he did report his contacts with his brother to a number of U.S. officials in Vietnam, including CIA officers with whom he had daily contact. I should add that I also know for a fact that he had, and still has, many close friends in the American official community.

At any rate, to return to the story told by Mr. Kraft, Chau began last year to advocate a cease-fire and direct negotiations between the South Vietnamese Government and the NLF. He also began to attack Nguyen Cao Thang, a rich Saigon pharmacist and member of President Thieu's inner clique, who is described by Kraft as President Thieu's "political bag man."

Chau's brother was arrested in April and interrogated in July. No charges were lodged against Chau at the time of his brother's arrest and interrogation. I am told, in fact, that relations between Chau and Thieu were not broken until some weeks or months thereafter. It appears that Thieu's open attacks on Chau began only after Chau denounced the pharmacist Thang.

Thus it appears that the real reason for Thieu's attack on Chau was not his contact with the Communists but rather Chau's growing power as an opposition figure and as a critic of Thieu's attempts to pressure and corrupt the Assembly as evidenced by the activities of Thang.

Thieu began his campaign against Chau by denouncing him publicly on a number of occasions. According to the Saigon press, in a speech on December 10 at the Vungtau Training Center, Thieu said that if the Assembly would not see justice done to Chau, and to two other accused deputies, "the people in the armed forces will cut off the heads of these deputies" and he added: "Our duty is to beat such dogs to death." Thieu organized demonstrations, including a march on Parliament, in connection with his efforts to lift Chau's parliamentary immunity. Failing to secure the votes of three-quarters of the members of the Assembly necessary to lift Chau's immunity, Thieu resorted to the legally questionable tactic of having a petition lifting Chau's immunity circulated among Assembly members. According to a report in this morning's Washington Post by Robert Kaiser from Saigon, the 102 necessary signatures on the petition have now been obtained, and President Thieu is free to prosecute Chau.

I know that the U.S. mission in Saigon did not expect Thieu to obtain the necessary number of votes to lift Chau's immunity. But they obviously underestimated Thieu's determination and his ability to obtain the result he desires through threats and bribery. I have very persuasive evidence on this point. Mr. Kraft tells us that Ambassador Bunker was directed to intervene with President Thieu on Chau's behalf but that "the Embassy has not bestirred itself." Given the attitude of certain high mission officials toward Chau, and their unwillingness to incur President Thieu's displeasure, I am not surprised. Nor am I surprised that Chau is disenchanted with Americans because of their refusal to intervene, as Keyes Beech reported after his interview with Chau.

Chau is now in hiding. I hope for his sake that he will be able to escape Thieu's persecution. But even if he does, the story of Tran Ngoc Chau will not have a happy ending. The South Vietnamese Assembly has been intimidated, while the U.S. Government has shrugged its shoulders. And those in Vietnam who favor negotiation and compromise, or who dispute President Thieu, will speak at their peril from now on. Perhaps the story of Tran Ngoc Chau will prove to be the last chapter in the history of representative government in Vietnam.

EARTH DAY, APRIL 22

Mr. NELSON. Mr. President, a few short months ago, I suggested in a speech at Seattle that American students take a major initiative by holding environmental teach-ins on every campus in the country on the same day this spring. Shortly afterward, Representative Paul McCloskey, Jr., a California Republican and an environmentalist, joined me in sponsoring what we saw as a nonpartisan, educational effort to draw the issues, stimulate plans for action, and demonstrate the strength of American concern for a livable world. A nine-member teach-in committee was formed, and the date of April 22 was suggested for the teach-ins.

From the very beginning, the response from around the country has been one of overwhelming support, not only from students, but from persons and organizations of all ages and political persuasions.

Since early December, a national environmental teach-in office has been established in Washington to provide coordination, communications, and service for the April 22 effort—and they report that already, at least 350 campuses are planning teach-ins, and from the continuing new contacts by mail and phone each day, it appears thousands of campuses, and high schools and communities as well, will be participating on April 22.

Though it is proving a focus for student concern on the environment at this point, the April 22 teach-in effort is only one facet of this broad-ranging new insistence of the new generation on halting the environmental destruction and establishing quality on a par with quantity as an aim of American life.

Furthermore, this is only one more in a whole series of issues that have concerned youth in the past decade and I am sure, will continue to concern them in the future.

The CF letter, an excellent monthly report by the Conservation Foundation on environmental issues, has devoted its entire January issue to a report and analysis of the vast and growing student environmental concern. Thorough, well-written, informative reports such as these are a real public service in giving all Americans a much understanding of what young people are really trying to say and accomplish. I ask unanimous consent that the January CF letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

[From the CF Letter, January 1970]

Students Rally To Halt Pollution, Raise Quality of Man's Environment

They marched through the city handing out toy drums and balloons, carrying picket signs and wearing surgical masks. At the offices of the electric power company, they stopped and awarded the utility a blue ribbon citation for being a prime polluter of the air.

They formed a consulting service to do feasibility studies on alternatives to environmentally damaging projects.

They sat in the mud at a construction site for a new building to protest encroachment on open space.

They went out on an icy winter day and collected tons of refuse and junk from a nearby creek.

They held a mock funeral for the air-polluting internal combustion engine and celebrated a "Smog-Free Locomotion Day" by riding bikes, roller skates, stilts, wagons and pogo sticks.

They developed an award-winning urban design for a poverty area in a small southern city.

They staged an elaborate cross-country race between two electric cars, to call attention to the potential for reducing air pollution. They plan another race for all types of vehicles which caused less pollution.

They formed a corporation and filed a complaint to compel a bus company to stop polluting the air with diesel fumes.

They filed 58 complaints against a university for polluting a creek.

Who are they? They are the students and young people of the nation, rallying to the fight for a more liveable environment. They are dissatisfied, exasperated students, and they are throwing themselves into the fight with their customary fervor.

Said San Francisco State College student Pennfield Jensen recently: "The naivete, enthusiasm and idealism of young people is not a thing to be scorned, for it is the raw material of constructive growth. We will stop the destruction of this planet even at the cost of our futures, careers and blood."

There is every indication that, far from being scorned, the students are helping to spread a contagious concern for the environment throughout society—somewhat as they did with civil rights and the Vietnam war. They are sending letters and petitions, demonstrating, printing pamphlets, conducting research, holding mass meetings, giving testimony, picketing, showing films, writing songs.

And they are just warming up. Much of the current focus is upon April 22—Earth Day—when a nationwide "environmental teach-in" is planned for hundreds of campuses—and communities. Students hope that the teach-in will help catalyze the public's growing concern for the environment; will be a clear manifestation of student involvement and determination; and will serve notice on the older generation that young people do not intend to put up with continued mistreatment of the environment.

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It was natural that students should turn their attention to environmental degradation. They are aware of the world around them. And pollution is an all too obvious part of that world. Students also expect to be around long enough to reap the harvest of past mistakes.

Senator Gaylord Nelson of Wisconsin, who with Congressman Paul McCloskey of California played a major role in launching the teach-in, recently put it this way: "The real loser in man's greedy drive is the youth of this country and the world. Because of the stupidity of their elders, the children of today face an ugly world in the near future, with dangerously and deadly polluted air and water; overcrowded development; festering mounds of debris; and an insufficient amount of open space to get away from it all. Since youth is again the great loser, perhaps the only hope for saving the environment and putting quality back into life may well depend on our being able to tap the energy, idealism and drive of the oncoming generation . . . One of the most dramatic developments of this decade has been the insistence of youth that in the last third of the 20th century, the quality of life must have a much higher priority than the greed of past generations has permitted."

Harvard University biology professor George Wald, speaking essentially about war and the population explosion, offers this explanation: "Unless we can be surer than we now are that this generation has a future, nothing else matters. It's not good enough to give it tender, loving care, to supply it with breakfast foods, to buy it expensive educations. Those things don't mean anything unless this generation has a future. And we're not sure that it does."

Some observers have viewed the new student preoccupation with environmental issues as a welcome change from anti-war dissent. But while many students clearly believe the ecological threat is more urgent and important than anything else, some are quick to disabuse anyone of the idea that they are turning their energies away from the war—or from other campus issues, including educational reform, race, and poverty.

Denis Hayes, a student who directs a national office providing clearinghouse services for teach-ins, sought to dispel several "widespread myths" that have sprung up about student concern with environmental issues. At a press conference in Washington, D.C., Hayes said one of these myths is the theory that involvement with the environment will be a "quieting force—stilling troubled campuses and healing the wounds of a divided nation.

"That is wishful thinking," he declared. "There are fundamental value conflicts between those who seek a better world, and those who care only for size, speed, and profit." In a challenge to President Nixon and Congress, Hayes added that "an even greater division will occur in this country if those now piously calling for environmental change later try to shortchange the necessary programs."

Hayes said another myth is that the environment movement will "co-op people from other pressing social concerns to march on pollution. It won't. For ecology is concerned with the total system—not just the way it

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disposes of its garbage. Our goal is not to clean the air while leaving slums and ghettos, nor is it to provide a healthy world for racial oppression and war. We wish to make the probability of life greater, and the quality of life higher. Those who share these goals cannot be 'co-opted'; they are our allies—not our competitors."

Hayes said another myth is that the environmental issue will "defuse" the anti-war movement. "It won't," he said. "Students and other Americans are fully able to be concerned about more than one issue at the same time."

One important characteristic of the student environmental movement is that it knows no ideological boundaries. It is attracting young people of all persuasions. It is bringing together, side by side, the bearded and bedraggled with the meticulously buttoned-down, the conservative young Republican and the militant SDS'er. There may be fragmentation and animosity later—but right now, everybody is breathing the same air, everybody is feeling the same malaise.

Concurrently, the fact that environmental problems involve so many fields of study and expertise—biology, chemistry, geology, planning, resource management, business, engineering, medicine, the law, art, architecture, etc.—brings a wide range of students together.

"NEW ETHICAL ORIENTATION"

What do the young people have to offer? What are they like and what is the nature of their involvement?

Generally, they are not hindered by affiliations, responsibilities and other adult hang-ups (such as, in some cases, making a living). Says Noam Chomsky, professor at M.I.T.: "The students have the freedom to think about what the world is like and the intelligence to draw the conclusions. Others don't have the freedom or are too bound by ideological constraints."

Thus, the young can challenge prevalent concepts, systems, values, and priorities. "What they want is, in some way, to begin all over again," says sociologist Margaret Mead. "They are ready to make way for something new by a kind of social bulldozing . . ."

As Hayes puts it: "The next stage in the environmental movement in this country must concern itself with widening the base of educated support . . . We hope to involve an entire society in a rethinking of many of its basic assumptions."

Says another young man: "Most of our environmental problems won't be solved until people's attitudes change—until their personal habits and patterns of life reflect an understanding of their relationships to each other and to the environment." Similarly, a California student said: "What we need is a whole new framework—a rethinking of the principles of private property, of whether land should, in fact, be owned at all, concepts that our society has been built on . . . nothing short of a complete reexamination of our basic values and beliefs will allow people to once again assert some control over their lives."

Just by framing such challenges, young people often penetrate to the nitty-gritty of an environmental problem. These basic challenges are related to the students' deep and abiding skepticism, their dislike of inconsistency and hypocrisy, their overriding humanitarianism, and their strong ethical stance.

Erik H. Erikson, a Harvard University professor writing in the winter 1970 issue of Daedalus, speaks of a "new generation of young adults who, with exhortation by song or slogan, by dramatic action or quiet resistance, have in recent years introduced a new ethical orientation into American life—an orientation already well visible in the concerns of a new generation of students."

"Hypocrisy is what drives young people up the walls," says Eugene P. Odum of the University of Georgia. "When legislators block bills that would protect Georgia's coastal wetlands and beaches on the basis that such protection interferes with private property rights, and then when the same legislators turn right around and introduce so-called 'recreation authority' bills that give the state power to confiscate large areas of private property so that it can be sold to the highest bidder for commercial development—then that is hypocrisy in the eyes of students."

There are other characteristics of the student environmental movement. The students want action—not research or rhetoric. And they want their action now. Furthermore many refuse to accept pat answers and platitudes. They subject any and all to unrelenting challenge and cross-examination.

A businessman who says he can't afford to install pollution control equipment is likely to be asked if profits are more important than people's health. A congressman with an otherwise unimpeachable conservation record is likely to be asked why he voted for the SST.

And, of course, students evidently have a knack for public relations, for techniques and gimmicks to draw attention to problems, capture the public imagination, and galvanize support for their causes.

THE GATHERING STORM

Although student activities on behalf of a better environment will probably reach something of a peak with the environmental teach-ins on April 22, there has already been considerable ferment. In addition to the "happenings" already cited, consider these recent actions:

A Boston University group staged an elaborate two-day program designed to alert and educate the public to environmental misdeeds. Twenty-six University of Texas students were arrested when they tried to stop the cutting of trees on campus. University of Illinois students picketed a dinner honoring a congressman because he favored a dam project they opposed. At the University of Washington, a large band of students planted several hundred saplings in a marshy trash dump near their campus.

Students at the University of Maryland formed the North American Habitat Preservation Society. Its members have distributed thousands of bumper stickers saying "Pounce on Polluters." They have monitored the frequency of osprey eggs rendered infertile because of DDT in the Chesapeake Bay area. And they have joined a court suit against the state of Maryland to prevent destruction of wetlands.

Students were so forceful and persuasive at the annual conference of the U.S. National Commission for UNESCO in San Francisco last November that they took over a good part of the two-day meeting. They induced hundreds of adult experts on hand to approve a resolution asking that the United Nations and President Nixon declare a "state of international environmental emergency."

Other activist student groups have campaigned against industrial pollution, gathered technical data, filed complaints against polluters, searched for new legal techniques to fight them, started an environmental newsletter, made films to protest environmental destruction, composed songs, prepared research reports on local ecological problems, and held educational seminars and mass meetings.

Students have already fought against the Everglades jetport; a Corps of Engineers dam threatening Allerton Park near Decatur, Illinois; pollution from copper smelting plants in Tucson, Arizona; filling of San Francisco Bay; cutting of California redwoods; Project Sanguine, the Navy's controversial communications system planned for northern Wisconsin; the Three Sisters Bridge across the Potomac River in Washington, D.C. And so on, and on.

The Stanford Conservation Group sponsored a two-day statewide Student Environmental Congress at Stanford University in November. It was attended by some 200 students from 40 colleges and universities throughout California and included a dozen workshops. The students voted to create a statewide Student Environmental Confederation to act as a center for student action and information clearinghouse. They drew up a constitution for ratification by campus organizations. They adopted an Environmental Bill of Rights and discussed various legislative proposals. They resolved to push legislation, pressure candidates, write letters, and engage in economic boycotts.

They adopted a legislative program which includes a proposal for a state commission to regulate ocean shoreline use. They called for "immediate population control measures." They proposed "the substitution of two years of environmental research or action for military conscription." And they proposed that California's announced general fund surplus of $300–$500 million be used to create an Environmental Quality Fund to deal with inadequately funded projects and research on "basic land, air, water and urban problems."

Another conference on environmental problems was held last October in Warrenton, Virginia for some 100 graduate students in the professions, principally from the field of medicine. It was sponsored by the Institute for the Study of Health and Society, of Decatur, Georgia, and conducted by the Student American Medical Association. Among the speakers were a U.S. Senator known for his conservation efforts, an expert on pesticides, an oil industry executive, the head of a federal health agency, a TV and film star, a theoretical ecologist, an author, and a prominent sociologist.

The conference was funded by the Consumer Protection and Environmental Health Service in HEW. But it was run by students. Another government agency, the Federal Water Pollution Control Administration in the Interior Department held a series of nine regional water pollution seminars for students last December, but ran the seminars themselves. For this and other reasons, the FWPCA sessions were not regarded as highly successful, and at some there was considerable student hostility to FWPCA and its officials.

One purpose of the FWPCA seminars was to form SCOPE (for Student Council on Pollution and Environment), with one student representative from each region and a 10th member to be appointed by Interior Secretary Walter J. Hickel. The expressed purpose of SCOPE is to act as an adviser to Hickel and to discuss water pollution control ideas with him. In addition, each of the FWPCA regions will have its own council to advise the regional director.

The most advanced planning for any of the teach-ins has taken place at the University of Michigan in Ann Arbor. Four days of events will begin there March 11, sponsored by a group called ENACT—Environmental Action for Survival. Broad support for the Michigan teach-in was generated by a "mass meeting" on the campus last October. The Ann Arbor program will include:

Workshops, technical seminars, films, exhibits, large meetings with major speakers, rallies, entertainment and conferences on local environmental problems.

Community action projects, including the construction of a vest-pocket park in an Ann Arbor ghetto.

Sponsorship of environmental and teach-in activities at local high schools and with community groups.

An examination by various university departments of environmental problems most closely related to their expertise.

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Presentation to public and industry officials of an environmental inventory, along with a call for action.

San Jose State College students plan a week of activity, including burial of a 1970 automobile. Cleveland's Mayor Carl Stokes has said he will declare April 22 an official day of environmental concern. And students in northern California plan a 30-day "spring march" to arrive in Los Angeles on April 22.

Hundreds of colleges and universities are busy drawing up plans for Earth Day. In order to encourage and help them, a national office has been set up in Washington, D.C. It is staffed by seven students and directed by Denis Hayes, a former student body president at Stanford and now a graduate student at Harvard. The effort has been incorporated as Environmental Teach-In, Inc., and is located at 2000 P Street, N.W., Washington, D.C. 20036 (phone: 202 293-6960).

The tax-exempt organization is in the process of seeking financial support from individuals and foundations. A national committee was formed to sponsor, support and advise the student effort. It is made up of Senator Nelson; Congressman McCloskey; Sydney Howe, president of The Conservation Foundation; Dr. Paul Ehrlich, biology professor at Stanford; Harold Jordahl, associate professor at the University of Wisconsin; Daniel Lufkin of the firm of Donaldson, Lufkin & Jenrette, Inc., New York investment brokers; and three students—Charles Creasey of Federal City College, Glen L. Paulson of Rockefeller University, and Douglas Scott of the University of Michigan.

IDEAS AND PLANS FOR EARTH DAY

A letter distributed in December by the teach-in headquarters to newspapers, presidents and environmental departments on campuses explained the idea behind the Earth Day effort. It noted that students across the country were being encouraged to take the initiative in organizing environmental teach-ins on the same day in April. "We are urging all campuses in America to participate in this broad-based, student-led effort which should involve all individuals and groups who share this concern."

The teach-in envisions a mobilization for environmental quality which involves not just the students themselves, but any and all off-campus individuals and organizations. The letter added that "successful teach-ins on all campuses on the same day will have a dramatic impact on the environmental conscience of the nation. They will be immensely effective as a constructive educational effort in arousing public opinion concerning necessary steps to protet our environment."

The national office staff in Washington is serving as a catalyst, a communications clearinghouse, and a service center. It is furnishing ideas and materials for organizations and programs, and it is answering questions galore.

The national office has recommended that student groups: (1) Open an office as soon as possible. (2) Raise necessary funds. (3) Coordinate among local groups (the national office has four regional coordinators, and joint planning conferences have already been held in some areas.) (4) Set up a public information program (many groups are starting their own newsletters and are establishing contacts with local media and local affiliates of national media.)

In addition, student groups have been strongly urged to prepare for the teach-in by making comprehensive inventories of environmental problems on their campuses, in their communities, and in their regions. These inventories would identify problems and targets for action, and serve as valuable bases for further projects during the teach-in and afterwards.

Russell E. Train, then CF president and now Under Secretary of Interior, suggested such an inventory in a speech to a national youth conference in 1966. "Logically and methodically, investigate your own environment," he suggested.

Train urged the young people "to protest crimes against the environment, to protest against the injustice of an environment that blights human health, that stunts human aspiration." He said "demonstrations that youth cares about environmental contamination will make politicians and productmakers sit up and take notice."

Train concluded his address—entitled "Challenge To Youth"—with an appeal to the young to "tackle the big problems, both at home and across the nation. Many in your generation have not feared the big issues of our day, such as 'Freedom Now, In Our Time.' I give you another challenge—Environmental Quality Now, In Our Time."

Students across the nation have obviously accepted that challenge. They are devoting an impressive amount of work and enthusiasm to environmental events and teach-ins across the land, Each day brings more involvement, more ideas, more potential. Earth Day, April 22, 1970 may well be a day to remember. And it may be a day with an impact well beyond that of any single happening. As Denis Hayes says: "We're not aiming for just a single target date. Hopefully, by April 22 people will have put enough sweat and energy into investigation and education that they will have a vested interest in the environment and change."

With their "sweat and energy," students mobilizing on the environmental theme do indeed bring new vigor and drama to the quest for quality. But there are many questions about the meaning of their involvement. Some observers wonder if the young will move from protesting against pollution to positive, productive action. Will students join with concerned citizens of all ages who become involved in public hearings for strong air and water quality standards, for instance? Will they get into the complexities of pollution control? Of planning and zoning decisions? Will they pursue environmental quality through the often dull and tedious administrative procedures which shape many resource management decisions?

In brief, will student concern with the environment be a flash in the pan—or is it, as an Environmental Teach-In, Inc. advertisement recently proclaimed, "a commitment . . . to provide real rather than rhetorical solutions"?

The young themselves will answer those questions, in a variety of ways, of course. While we await their answers, we might keep these thoughts in mind:

Cicero said "the desires of youth show the future virtues of the man."

La Rochefoucauld noted that "youth is a continual intoxication; it is the fever of reason."

George Bernard Shaw commented, "It's all that the young can do for the old, to shock them and keep them up to date.

Lord Chesterfield wrote that "the young leading the young is like the blind leading the blind."

But Benjamin Disraeli observed that "almost everything that is great has been done by youth."

TEACH-IN PROSPECTS

What actually will happen on campus on April 22? And what next, after the environmental teach-in? Basically, whatever each local organizing group decides. Many are planning or conducting environmental inventories as a preteach-in activity. In addition to those mentioned elsewhere in this CF Letter, herewith some examples of activities already under way, suggested or planned by students:

For local environmental inventories—Sources and control of air and water pollution. Environmental impact of electric power generating plants and transmission lines. Methods of solid waste handling, disposal, recovery of useful resources. Family planning programs. Availability of recreation, open space, wilderness and park resources. Environmental effects of highways, airports, and other public works projects. Sources and control of noise pollution. Status of local and regional planning, zoning and development, in relation to the environment. Management of public lands, natural resources, and fish and wildlife resources. Use and control of pesticides.

For teach-in and follow-up activities—Hold seminars, lectures, debates. Obtain faculty and other expert speakers to address groups on and off campus. Establish an information center for local groups which need factual and research support. Develop relations and coordinate with local conservation groups, labor unions, health organizations, high schools, and women's, civic and service groups.

Appear on local radio and television interview and talk shows, and sponsor environmental "spots" on radio and TV. Organize an "Environmental Sunday" just prior to April 22, so that all religions can focus their services on the implications of a deteriorating environment. Distribute buttons, bumper stickers and posters. Present exhibits showing local problems: electric power lines, dead fish, smoke, billboards, abandoned cars and other unsightly, wasteful, or dangerous aspects of the environment. Or hold an environmental fair. Conduct independent studies and research. Mobilize business schools to prepare cost-benefit analyses of development projects. Encourage law schools to study environmental law to discover laws on the books, new laws needed and the status of enforcement. Encourage resource and science departments to measure pollution and study its effects.

Investigate the university's role in environmental control, and urge the establishment or expansion, if necessary, of departments and courses relating to environmental problems. Encourage or join in litigation designed to improve environmental quality. Generate a show of force, and give testimony, at public hearings on environmental issues or regulations. Apply pressure to officials and politicians to act in the interests of environmental quality—through picketing, letter writing, rallies and other campaign techniques. Hold environmental marches and rallies at pollution sites. Develop a "dishonor roll" of special awards for polluters, with public readings and presentations.

ACADEMIA AND ENVIRONMENTAL EDUCATION

Item: The federal government should help colleges and universities form "schools of the human environment," said the Office of Science and Technology November 5 in a report to the President's Environmental Quality Council. The report noted that little "open discussion of our future environmental alternatives seems to take place" at colleges and universities and that there is a "national shortage of broadly trained professionals to deal with environmental problems." (Entitled *The Universities and Environmental Quality,* the report is available from Government Printing Office, Washington, D.C. 20402. Price: 70 cents.)

Item: Legislation giving the U.S. Office of Education authority to undertake environmental quality education programs has been introduced in Congress (S. 3151 and H.R. 14753).

Item: Even without new legislation, U.S. Commissioner of Education James E. Allen announced January 23 that "environmental education" will be a major activity" of his office during the 1970's. In a speech to the American Council of Learned Societies, Allen said he would create a special staff to coordinate existing environmental studies programs and plan new ones; would convene a conference in June on environmental and ecological education; and would support "ap-

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propriate legislation for federal initiatives" in environmental education.

SURVEY SHOWS POLLUTION CONTROL TOP ISSUE AMONG FRESHMEN

College freshmen believe the federal government should do more to:

Control environmental pollution—90%.

Prevent crime—88%.

Eliminate poverty—78%.

Protect consumers—72%.

Provide compensatory education for the disadvantaged—70%.

Desegregate schools—54%.

Provide compensatory financial aid for the disadvantaged—51%.

Those are the highlights of a student opinion survey conducted by the American Council on Education last fall. The findings are based on the views of 169,190 freshmen who entered 270 schools. Included were students at two-year and four-year colleges and universities, public and private. Other findings:

The federal government should do more to control firearms, 49%. To control student activists, 47%. To control cigarette advertising, 41%. For special benefits to veterans, 36%. To use tax incentives to control the birth rate, 32%. To eliminate violence from television, 23%.

76% of the freshmen agreed "strongly" or "somewhat" that "under some conditions abortions should be legalized." Only one of 17 specific issues brought greater agreement—90% agreed that "students should have a major role in specifying the college curriculum." The statement which elicited the least agreement was that "college officials have the right to regulate students behavior off campus." Only 20% agreed.

The 92-page report—*National Norms for Entering College Freshmen, Fall 1969*—is available from Publications Division, American Council on Education, 1 DuPont Circle, Washington, D.C. 20036. Price $3.

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AMENDMENT OF THE 1966 BAIL REFORM ACT

Mr. TYDINGS. Mr. President, I wish to invite the attention of the Senate to an illuminating article recently written by a Georgetown University lecturer in law, assistant U.S. attorney Warren L. Miller, of the District of Columbia. The article, entitled "The Bail Reform Act of 1966: Need for Reform in 1969," appeared in the fall, 1969, issue of the Catholic University of America Law Review—volume 19, at page 24—and expresses the personal but well-informed views of the author.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The subject of pretrial detention in lieu of bail in the District of Columbia continues to be a live one; indeed, it grows to be more so with every passing day. It is with a due sense of urgency, then, that I recommend the article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BAIL REFORM ACT OF 1966: NEED FOR REFORM IN 1969

(By Warren L. Miller) *

Enactment of the Bail Reform Act of 1966 [1] signified a departure from the traditional eligibility standards utilized for the pretrial release of defendants in noncapital cases.[2] Two fundamental premises were established by the Act: (1) that a person's financial status should not be a reason for denying pretrial release; and (2) that danger of nonappearance at trial should be the only criterion considered when bail is assessed.[3]

Although only federal courts apply the Bail Reform Act, their experiences have influenced and will continue to affect decisions at state and local levels on similar issues.[4] Furthermore, the questions posed and issues examined in this analysis are not at all unique to federal forums, for neither crime nor the practice of bail is unique to federal jurisdictions.

By way of explanation, it should be noted that nearly all the statistics and opinions referred to in this analysis deal with the District of Columbia. This is attributable to the fact that although the Act applies to federal courts throughout the country, it has had a far greater impact in the nation's capital than in any other federal jurisdiction.[5] While criminal jurisdiction in other district courts is limited to crimes set forth in the United States Code,[6] the District Court for the District of Columbia has complete felony jurisdiction under both the United States Code [7] and the District of Columbia Code.[8] Moreover, the Act applies to the District of Columbia Court of General Sessions in which all misdemeanors are tried and in which judges sit as committing magistrates in felony cases for the district court.[9] In 1967, the Court of General Sessions set bail in more than 40 percent of all the cases covered by the Bail Reform Act.[10] It is therefore necessary and desirable to assess the Act's effectiveness in light of its implications and administration in the District of Columbia.

This analysis outlines the bail system as it existed prior to implementation of bail reform, with the intrinsic abuses and deficiencies of that system enumerated. The dispositive provisions of the Bail Reform Act are discussed briefly, followed by an extensive analysis of the problems that have arisen under the Act. Although no detailed legislative proposals are proffered, there are certain general guidelines advanced in respect to future legislative action. The purpose of this analysis is not to promulgate specific remedial legislation, but rather to correct certain misconceptions [11] that have arisen and to achieve a proper focus on how the inherent weaknesses of the Bail Reform Act can be eliminated.

THE BAIL SYSTEM PRIOR TO REFORM

The administration of bail in the District of Columbia, as well as throughout the federal system, had long been predicated upon the use of financial bond to secure the appearance of an accused at the various stages of the criminal process.[12] Under this system, a person charged with a criminal offense would appear initially before a committing magistrate who would determine the conditions of his pretrial release.[13] Although release on personal recognizance was technically possible,[14] this procedure was rarely used.[15] Rather, a money bond was set, thereby confronting the accused with the alternative of either making bond or suffering incarceration until trial.[16]

One of the most frequently voiced criticisms of the financial bond system that existed before reform and which continues to exist in many nonfederal jurisdictions is that it discriminates against and punishes the poor.[17] The financially well-established can easily afford to and do purchase their freedom, while the victims of the financial bail system, the poor, are jailed because they cannot raise the money for a bond. In effect, the ability to pay often becomes the sole criterion for deciding who goes free and who languishes in jail.[18] The inherent unfairness of this practice raises the question of whether or not financial bail is constitutional [19] in the light of the eighth amendment's express declaration that "[e]xcessive bail shall not be required." [20] The Supreme Court has held that since the purpose of bail is to ensure an accused's presence at trial, the fixing of financial bail "must be based upon standards relevant to the purpose of assuring the presence of that defendant." [21] Financial bail is constitutional; its imposition violates the eighth amendment only if it is in excess of that which is necessary to assure court appearance.[22] The Court, however, has not addressed the problem of "excessive bail" in light of the fourteenth amendment's guarantee of equal protection under the law.[23] It can be argued that to a wealthy defendant a $30,000 bond may be fair, reasonable and necessary to ensure his presence at trial; whereas to an indigent accused a $300 bond may be unfair and excessive. Notwithstanding the undecided validity of such a constitutional argument, the situation unquestionably punishes the economically unfortunate.

The economics of the financial bail system are even more complicated than the choice between raising $300 and sitting in jail suggests. When a defendant cannot make bail and is incarcerated until trial, he sustains a loss of earnings and may lose his job due to his absence. In some cases the accused's family may be forced to solicit public funds to replace the loss of earnings. In addition, the Government must bear the cost of maintaining pretrial detention facilities and feeding the accused. Consequently, the financial bail system is economically self-defeating both for society and for the accused individual.[24]

A second criticism of the financial bail system which forces indigents to accept pretrial detention is that such detention hinders the preparation of an adequate defense by the accused and his counsel. As stated by the Attorney General's Committee on Poverty and the Administration of Criminal Justice, "[t]here is persuasive evidence that a person held in custody in the interval between arrest and trial may thereby be deprived of the opportunity to make adequate defense to the charges against him."[25] The proposition that a defendant's ability to prepare an adequate defense is hampered by incarceration is supported further by the report of the Junior Bar Section of the District of Columbia Bar Association which concluded that the defendant's availability for office interviews and his help in locating witnesses undoubtedly would relax the burden placed upon his court-appointed counsel and lead to more effective preparation of his defense.[26] Moreover, the prospect of detention for several weeks pending trial may cause a defendant to plead guilty or waive his right to a jury.[27] Pretrial detention, therefore, not only affects pretrial liberty, but, in fact, may affect the very outcome of the trial itself.[28]

A third criticism of the system is that pretrial detention, in effect, constitutes pretrial punishment. Socially, the wife and family of the accused may be ostracized by neighbors and friends because the husband is a "criminal in jail." The resultant humiliation may occur solely because of the inability to raise the necessary funds for the bail bond. Further, the psychological effects of incarceration have a destructive effect on human character and may embitter the prisoner against the society which has "unjustly" jailed him.[29] These effects were amply documented by a congressional investigation which examined conditions existing in federal and state penal institutions.[30] The prevalence of forced homosexual abuses, racial tension, and indiscriminate beatings by fellow prisoners are realities in almost all penal systems, and the defendant who is unable to make a money bond must cope with such treatment notwithstanding the fact that he has not yet been adjudged guilty of any offense.

The financial bond system has also been attacked for placing too much reliance upon the use of professional bondsmen—businessmen whose public image leaves much to be desired.[31] In many places the bonding business has been infiltrated by racketeers

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Footnotes at end of article.

and other criminal elements. The "quick money" aspect of the business, combined with common contacts with the "grapevine" and among prospective clients makes bail-bonding a natural business for such persons.[32] Furthermore, the nature of the bail-bond business invites corruption by way of "fee-splitting" referrals between bondsmen and lawyers and by "kick-back" arrangements with police, jailers, and court personnel. But the most objectionable aspect of using professional bondsmen is the considerable power which comes to reside in these individuals.[33] A bondsman is invested with sole discretion as to whether he will write even the smallest bond, and his decision is not reviewable by a court of law.[34] The bondsman's discretionary power not to act as surety for an accused is, in effect, a veto power over both the defendant's ability to obtain bail and the court's determination that an accused is qualified for release. Yet this discretion is not the only example of the bondsman's unwelcome usurpation of functions that in the past have been exclusively governmental. A bondsman also has certain quasi-police powers of arrest and extradition over defendants released under his bond who have fled the jurisdiction.[35] In many respects the bondsman can act as a de facto state officer, exercising virtually the same powers as can police authorities.[36]

The possession of these powers by bondsmen becomes shocking when it is considered that they are free to exercise such powers arbitrarily, unrestrained by the constitutional safeguards that ordinarily regulate such conduct.[37] Bondsmen often arrest and return defendants without regard to extradition procedures. The defendant may also be subjected to physical abuse and overbearing conduct by a bondsman who, in order to deter flight by other clients, must maintain a reputation for "bringing back his man." Finally, although a bondsman can relieve himself of all obligations by surrendering a defendant to court authorities,[38] he is still entitled to retain his bond premium. Hence, the bondsman has greater powers and is subjected to fewer controls than his police counterpart. It is fair to conclude that while the indigent accused is the victim of the financial bail system, the bondsman is its beneficiary.[39]

THE BAIL REFORM ACT OF 1966

Enacted by a nearly unanimous Congress,[40] the Bail Reform Act of 1966 became effective on September 20, 1966. It signified the first major overhaul of federal bail law since 1789 when, by passage of the Judiciary Act,[41] the first Congress made bail a matter of right in noncapital cases.

By its terms, the Bail Reform Act fosters release of defendants, both before trial and pending appeal, on terms other than financial bond. It does not, however, eliminate a judge's right to require a money bond.[42] Under Section 3146, the judicial officer is authorized to impose whatever "conditions of release" he deems appropriate to insure the accused's appearance at trial. The factors that are considered when conditions of release are set include: community and family ties, employment, length of residence in the community, prior convictions, financial resources, the nature and circumstances of the offense charged, the weight of the evidence against the accused, and the defendant's record of appearance at previous court proceedings, including any prior flight to avoid prosecution.[43]

The clear import of the Bail Reform Act is to make release without posting a money bond the norm, not the exception. "[T]he system's emphasis shifts from release of specially qualified defendants on personal bond to release of all defendants on conditions suited to their individual risks."[44] Moreover, a defendant who, as a result of his inability to meet the conditions of release, remains detained for over 24 hours is entitled, upon application, to have the conditions reviewed by the judicial officer who imposed them.[45] If the judicial officer refuses to amend the original order, he is required to "set forth in writing the reasons for requiring the conditions imposed."[46] The defendant can then challenge the order in an appellate court having proper jurisdiction.[47]

A provision of the Act that could be of considerable significance is Section 3150 which provides penalties for those who willfully fail to appear.[48] While this section calls for stringent penalties, in practice courts and prosecutors have not routinely enforced the provision.[49] The difficult burden of proving that a defendant "willfully failed to appear" has made the Government reluctant to initiate proceedings under Section 3150. Prosecutors recognize that a defendant can easily create reasonable doubt in a jury's mind merely by giving a plausible explanation for his nonappearance.[50] Thus, the difficulty of proving willful nonappearance, coupled with the enormous backlog of cases on court calendars, has made enforcement of Section 3150 impractical and ineffective.

Mention should also be made of Section 3148 which concerns "release in capital cases or after conviction."[51] Pursuant to this section, a person accused of an offense punishable by death or a person who has been convicted of any offense and is appealing the conviction or awaiting sentence "shall be treated in accordance with section 3146 [release in noncapital cases]."[52] However, the judge is expressly authorized to consider "danger to any other person or to the community" as a proper element in setting bail in such cases. This provision recognizes the constitutional distinction between pretrial and posttrial bail and entrusts the judge with greater discretion in dealing with the convicted criminal who seeks bail pending appeal than in dealing with an accused who has not yet been tried.

The aforementioned sections constitute the major substantive provisions of the Bail Reform Act. Although in principle the Act is progressive and provides badly needed reforms, in practice serious problems have evolved from its implementation and administration. It is to these problems and the implications of the Act that analysis must now be directed, for it is impossible to advance remedial suggestions without first identifying the causes and evaluating the problems involved.

EXPERIENCE WITH BAIL REFORM—PROBLEMS AND PROPOSALS

Recidivism on bail

When the bail system was reformed to permit the pretrial release of most defendants, only limited consideration was given to the protection of society from crimes which might be perpetrated by persons released under the Act; in fact, Congress specifically postponed consideration of those issues relating to crimes committed by persons released pending trial.[53] Ironically, however, the problem of recidivism during pretrial release has proved to be one of the most acute problems that has arisen with respect to administration of the Bail Reform Act.

The importance of the problem is such that it cannot be ignored. A recent report related that during one six week period in 1966, three separate homicides and a related suicide in the District of Columbia were attributable to persons released on bond.[54] Other statistics demonstrating the seriousness of the bail-recidivism problem were suggested by the Judicial Council's Committee to Study the Operation of the Bail Reform Act in the District of Columbia—the Hart Committee.[55] Although this committee found only a nine percent recidivism rate during pretrial bail in the District of Columbia for 1967 and a rate of seven percent for 1968,[56] these rates were based solely upon the number of persons *actually indicted for a felony* allegedly committed while on bail.[57] The statistics fail to reflect many intangible but relevant factors that affect the recidivism rate. First, many crimes go undetected or are not brought to the attention of the police authorities.[58] Second, many crimes remain unsolved and never result in an arrest, much less an indictment.[59] Third, a significant number of felonies are "broken down" to misdemeanors by the prosecution to help ease the backlog of pending felony cases on the court calendar.[60] Finally, in accordance with the familiar practice of plea bargaining, quite often a felony charge is dropped if the defendant pleads guilty to a lesser offense; similarly, multiple charges are frequently dropped in exchange for a guilty plea on one count.[61] Consequently, the recidivism figures published by the Hart Committee must be considered minimal rates at best. Present estimates of crime committed by persons on bail in the District of Columbia go as high as 70 percent,[62] and, as the Committee concluded, "[c]rime charged against persons released on bail continues at a significant level in the District of Columbia."[63]

Further analysis of the recidivism problem reveals that robbery is the most frequent offense for which persons on bail are reindicted[64] and that narcotics offenders are the most frequent perpetrators of crime while on bail.[65] One report has indicated that 34.6 percent of all persons originally indicted for robbery in the District of Columbia between July 1, 1966 and June 30, 1967 were reindicted for at least one additional felony committed while free on bail.[66] According to another study, 70 percent of 345 persons who had been indicted in the District of Court for the District of Columbia in 1968 for robbery offenses and who later were released on bond were arrested at least once more during the year for an additional offense.[67]

Other statistical data, although based on studies conducted before the Bail Reform Act went into effect, reveal that persons who commit additional crimes while on bail tend to commit offenses of the same type as the one originally charged.[68] Also, a high incidence of prior arrests and convictions exists among defendants rearrested while on bond. According to the same report, 88 percent of those who allegedly committed offenses while on bail had prior criminal records.[69]

Coping with recidivism—Preventive detention

Several proposals have been advanced to deal with the problem of recidivism on bail.[70] The most frequently advocated of these calls for amending the Bail Reform Act to allow both consideration of "danger to the community" in the setting of bail[71] and preventive detention[72] of those defendants who do not qualify for release under this new criterion. Although the objection is voiced that a judge is unable to predict future criminal conduct, such objection seems untenable when considered in context with the other difficult decisions a judge must make in setting bail. The present criteria upon which the decision to set bail is based require a judicial officer to assess the likelihood of flight by an accused. A judge or committing magistrate is just as competent, if not better able, to predict danger to the community as he is to predict flight.[73]

Also to be considered is the fact that the security and safety of witnesses essential to the Government's case may be imperiled if a dangerous defendant is released. The prospect of having a defendant who is charged with the commission of a serious or violent crime returning to the same neighborhood where the crime was committed creates an ideal milieu for intimidation and duress of the victims and witnesses of the original offense.

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Contrasted with the broad support for allowing "danger to the community" as an element to be considered in setting bail, the proposal to preventively detain certain defendants before trial is a source of widespread concern and intense disagreement. Opponents of preventive detention argue that to consider any factor other than danger of flight is unconstitutional; that preventive detention violates the presumed innocence of the defendant; that it is punishment before conviction; that it is impossible to predict future criminal activity; that it violates the defendant's right to due process of law; and that bail is a constitutional right afforded by implication through the eighth amendment.[74] Each of these contentions, however, is rebuttable.

As already stated, a judicial officer setting bond is as competent to determine whether a defendant poses a danger to society as he is to predict whether a defendant is likely to flee the jurisdiction. A defendant's prior criminal record, coupled with a showing of strong incriminating evidence on the pending charge affords sufficient criteria from which a judge can predict whether the accused is likely to commit an additional offense if released.[75]

The claim that preventive detention offends the traditional presumption of innocence can be rebutted by recognizing that the presumption is merely a procedural rule of evidence, operative only at trial.[76] It never was intended to require that all defendants be treated as if innocent until found guilty at trial. A defendant can be denied pretrial liberty when there is a finding of probable cause by a judicial officer that he committed an offense and where there are strong reasons for temporarily detaining him. This determination in no way impairs his presumption of innocence at trial; nor should it be construed as a determination of guilt in advance. Rather, the defendant is detained for what he may do in the future, which is necessary because of what there is probable cause to believe he has done in the past.[77]

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The proposition that pretrial detention amounts to pretrial punishment is probably the most difficult argument to reconcile. Perhaps the only realistic reply to such an assertion is that a utilitarian approach is a necessary evil of our system of justice in which immediate trials are not possible. As in other areas of constitutional law, societal interests must be balanced. In this case, society's interest in protecting itself from the danger posed by persons released pending trial must be balanced against society's interest in the freedom of its citizens in the absence of proof by trial of violations of the law. Since the vast majority of those prosecuted are ultimately adjudged guilty,[78] and since most defendants are released on some type of bail, the possibility of the rights of any one individual being violated is minimal. It also should be noted that the Bail Reform Act expressly provides that a defendant shall be given credit toward service of his sentence for any time spent in custody while awaiting trial for that offense.[79]

Whether preventive detention infringes upon the constitutional right of "due process" depends upon the facts of the particular case in question. The judicial determination that a defendant poses a danger to the community, and thus should be detained, must be based on the weight of the evidence, the seriousness of the alleged crime, the defendant's record, and other information pertinent to the particular case. As long as the ruling to detain is not arbitrary and the defendant is afforded a hearing, a right to appeal the ruling, and a right to a speedy trial, then the fifth amendment's guarantee of due process has not been violated.[80] The due process clause is not an absolute bar to governmental restraint of individuals prior to trial and final adjudication of conviction.[81] So long as the restraints imposed on the liberty of the accused are reasonable in light of society's acknowledged interest in protecting its citizens and preventing the commission of additional crimes, then the requirements of due process are satisfied.

Finally, opponents of preventive detention argue that it violates a defendant's constitutional right to bail. The eighth amendment, however, states only that "[e]xcessive bail shall not be required;" it does not establish a right to bail.[82] The law respecting bail in noncapital cases is a statutory right, not a constitutional right. It was established by Congress in 1789 at the same time that the eighth amendment was enacted.[83] It is important to note, however, that at that time nearly all of the more serious crimes carried the death penalty.[84] Consequently the original bail law, providing that all crimes not punishable by death should be subject to bail, was very narrow in its applicability. It was not until 1882 that the number of capital offenses in the laws of the United States was substantially reduced.[85] Yet when Congress, in response to public sentiment demanding more humane punishment and treatment of criminals,[86] reduced the penalties of many of the most serious crimes from death to imprisonment,[87] there was no corresponding change made in the law with respect to bail. By this action, however, Congress did not establish an unqualified right to bail for such offenses; [88] nor did it foreclose itself from subsequently amending the bail act if it deemed such action necessary. Regardless of the reasons for which Congress chose not to alter the bail statute in 1882, it is certainly free to amend the statute today if it should so desire.[89]

The arguments advanced in support of preventive detention, combined with the spiraling crime rate,[90] suggest that adoption of some type of discretionary preventive detention is necessary; but such a procedure must be carefully circumscribed in order to minimize the possible invasion of individual liberty. Every defendant is entitled to and must be afforded the legal safeguards constituting due process. Such safeguards should include the following:

1. Authority to detain without bail should be restricted to cases involving crimes of violence; [91] especially when such offenses involve the use of a dangerous weapon; [92] cases in which the defendant is a narcotic addict; cases in which the defendant is accused of committing a serious offense involving "moral turpitude" [93] while released pending trial on a prior felony charge; cases in which evidence shows a dangerous psychic disturbance or psychic motivation in the defendant's conduct (*e.g.*, sexual psycopaths); or cases in which the accused is likely to flee the jurisdiction if released.

2. A judicial officer's determination to detain a defendant must be based upon evidence adduced at a special hearing requested for such purpose by the prosecution. At such a hearing, the Government would have the burden of establishing that the defendant is within the purview of the statute and particularly that his release would endanger the community or occasion likelihood of flight. Further, all testimony and evidence adduced at the hearing would be inadmissible at trial.[94]

3. Periods of detention should be for a maximum of 30 days, after which, if trial has not begun, a defendant must be released on his own recognizance. The 30 day period may be extended, however, if the defendant consents or causes a trial delay or upon request and a showing by the Government of good cause for delaying the trial. In no event, however, would, the Government be entitled to more than one 30 day extension. All defendants who are detained without bond would be placed upon an expedited trial calendar to ensure that a trial of the case was begun within the designated time limit.

4. Appeal to the appropriate appellate court should be a matter of right for any defendant held wihout bail under the provisions of such a statute. Appellate review of such detention must be exercised and a ruling on the matter rendered within 48 hours after an appeal is filed.[95] This right of appeal should exist as to both initial and extended detention orders.

This proposal presupposes that an expedited trial would be set, thereby preventing a defendant from being held involuntarily for several months while awaiting trial. If defense counsel felt that he had not been afforded a reasonable time in which to prepare the case for trial, however, he would be entitled to a continuance.

Critics of preventive detention will argue that an up-to-date court calendar would obviate the need for preventive detention. But the prospect of having speedy trials in the District of Columbia is not a reality at present, and will not be so for several years.[96] Even if dangerous defendants could be tried within 30 or 45 days after arrest, there will still be certain ones who should not be released even for that length of time.[97]

The harsh consequences occasioned by the use of preventive detention are far more palatable, and indeed preferable to the setting of high money bonds to reach the same result. Whereas preventive detention is supportable both legally and morally on its own merits, setting high money bond for the same purpose is repugnant to the eighth amendment's prohibition against excessive bail and repulsive to the concept of "equal justice under law." The law should be above such subterfuge. If a judicial officer feels compelled to detain a dangerous defendant, he should not have to conceal his purpose by manipulating the amount of a money bail beyond a defendant's ability to pay.

Bail during civil disorders

Directly related to the issue of preventive detention is the question of suspending the Bail Reform Act during civil disorders. The fact that avowed opponents of pretrial preventive detention would allow detention of certain persons arrested during the course of a riot evidences the support for such a proposal.[98] The Hart Committee expressly recommended that judicial officers be given "additional authority to deny release entirely for persons charged with certain riot connected offenses for the duration of an officially declared emergency." [99] Proponents of such a suspension, however, are unable to agree on which offenses should be subject to such a measure.[100] Additional disagreement has been encountered with regard to the types of emergencies that would require suspension and the duration of the suspension once invoked. Neither of these problems can be solved by application of definite and permanent criteria. Rather, flexible criteria are needed—criteria that are capable of adapting to the exigencies of the moment, while still affording the defendant adequate procedural safeguards.

One possible solution would be to limit the length of time that courts are empowered to suspend the Bail Reform Act. Detention for 24 to 72 hours would be both practical and realistic since most major civil disturbances are well under control within this time.[101] An added precaution, however, could be built into such legislation by a provision allowing for additional detention if the crisis persisted. Furthermore, because of the increased dangers of mistaken identity during a civil disturbance, the arresting officer's presence should be mandatory at a bail hearing if detention of the offender is sought. Finally, as to which offenses should be included under such a statute, it is untenable to contend that looters and individuals charged with inciting to riot [102] should be released to en-

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gage in new riot-connected activities. Although it has been alleged that looters are merely "swept up on the temptations of the moment" [103] and do not constitute a danger if released immediately, justifiable concern exists that once released, looters might return to the scene of the disorders and be "swept up" again. A person charged with "inciting to riot likewise presents a danger to the community, and temporary detention of such offenders is warranted.

Bail reform and the narcotic addict

Another significant problem arising from the application of the Bail Reform Act concerns release of a defendant who is either a narcotic addict or user. According to Senator Joseph Tydings, Chairman of the Senate District of Columbia Committee, as much as three-fourths of the crime in the Nation's capital is attributable to narcotic addicts.[104] As a practical matter, the narcotic addict is forced to commit additional crimes while on bail in order to support his addiction. Many addicts will admit to a $40 or $50 per day habit which is supported entirely by stealing. Release of such a defendant almost assures theft in excess of several hundred dollars per week. Consequently, addicts are released by courts with the knowledge that they will continue to prey on the innocent members of society in order to pay for their addiction.[105] The obvious approach would be to demand that the addict be detained pending an expedited trial. Yet the conclusion that narcotic addicts are usually recidivists cannot be considered under the present Bail Reform Act. Ironically, the fact that an addict cannot usually leave his source is relevant, since danger of flight is therefore minimal. Thus, they are considered good risks and the Bail Reform Act dictates they be released, notwithstanding the danger posed to the community in terms of future larcenies, burglaries, robberies, and tampering offenses.[106]

Hence, a conflict between what is right in theory and what is known in practice confronts the judicial officer setting bail. To adhere to the terms explicitly prescribed by the Bail Reform Act will work an injustice upon the interests of the community, yet refusal to set reasonable conditions of release according to Section 3146 of the Act seems manifestly unfair to the defendant, regardless of the collateral fact that he is an addict.

This dilemma can be solved by amending the Bail Reform Act to permit discretionary preventive detention of narcotic addicts. Such a provision would have to be consistent with the proposals already promulgated for dealing with recidivism on bail.[107] Further, where a defendant-narcotic addict would be held without bail, he could be committed to a hospital for treatment of his addiction during the pretrial period.[108]

The problem with such an amendment is how to ascertain which defendants are habitual drug users. This subject was touched upon by the Hart Committee's recommendation that an appropriate condition of release could be submission to regular checks for use of narcotics.[109] That recommendation would work ideally for the nonhabitual user, but would be ineffective in respect to the defendant with a heroin habit. The addict with a bad habit might of necessity be forced to commit crime to pay for his addiction, then be unable to appear for his "narcotic check" in view of the fact that the results would be incriminating.[110] Consequently, a bench warrant must be issued, served, and the defendant made to reappear in court to have his bail revoked.[111] The net result would be a waste of time, money and manpower, all of which was predictable at the initial bail hearing.

A far more reasonable proposal is the one advanced by Senator Joseph Tydings, which calls for administration of a narcotics test to all defendants as a precondition to their release on bail.[112] According to the Tydings proposal, individuals charged with crimes against persons or property would be required to undergo urine tests to determine if they are addicted to narcotics. Those found to be addicted would be detained and given immediate treatment while awaiting trial.[113] In essence, the Tydings proposal would permit pretrial detention of defendants who, if released, would of necessity be forced to resort to crime to support their narcotic habit. It would insure protection of the community and at the same time enable the addicted defendant to receive immediate medical treatment.

Although the basic premise of the Tydings proposal is sound, in practical terms it is unrealistic unless made more restrictive in scope. The prospect of having urine samples taken of most defendants who appear in courts would require a huge staff of supporting personnel to process the specimens and present its findings to the court.[114] Such a procedure would present problems of inadequate facilities, lack of staff, prohibitive cost, and the danger of mislabeling due to the large number of specimens that would have to be processed daily. But even more troublesome is the time which such tests would require. At present, the court and the Bail Agency are hard pressed to get through the calendar each day. It is not uncommon for Assignment Court, where conditions of release are initially set, not to be adjourned until very late in the afternoon. To add the variable of time-consuming narcotic tests would make the situation both intolerable and unworkable. The only feasible way these tests could be administered would be to detain defendants overnight, thereby inundating the jails with individuals awaiting test results. Rather than making progress with the present backlog of cases, the net effect of such a procedure would be to further slow down the judicial process.

But by far the most objectionable feature of the Tydings proposal is that it would constitute an oppressive invasion of the rights of those defendants who are not narcotic addicts. Unless probable cause exists that a defendant is an addict, subjection to a urine test derogates a defendant's right to due process.[115]

A more realistic approach would be to limit the administration of such tests to defendants who have narcotics histories or to defendants who have exhibited visible signs of addiction, *i.e.*, needle marks, withdrawal symptoms, or obviously being under the influence of drugs. Such a procedure would be restrictive enough in scope to satisfy both due process and administrative considerations, yet still be able to render the desirable results that would emanate from such tests. If there is any substance whatsoever to Senator Tydings' estimate that narcotic addicts are responsible for nearly 75 percent of the crime in the District of Columbia,[116] then implementing such a procedure would greatly reduce the rate of recidivism on bail. Congress cannot afford to ignore these factors if the spiraling crime rate is to be abated.

Conditions of release and their enforcement

Three years after implementation of the Bail Reform Act, administrative problems have clearly emerged, e.g., enforcement of conditions of release and failure of defendants to appear in court when required. Each of these problems must be analyzed in respect to its cause, implications and solubility.

The Bail Reform Act expressly authorizes a wide range of restrictive conditions of release which a judicial officer may set in lieu of, or in addition to, the defendant's personal recognizance.[117] These conditions include restrictions on travel, association, residence, and "any other conditions deemed reasonably necessary to assure appearance as required." [118] It is this broad authorization for setting conditions of release which has enabled judges to impose conditions which are unrealistic and unenforceable. Although imaginative and innovative when set, many conditions of release prove impractical and impossible to enforce.[119] Unless conditions of release can be readily supervised, they should not be imposed. When irrelevant and unenforceable conditions are set, the defendant becomes quickly aware of the lack of supervision and is needlessly tempted to violate such conditions. In addition, a defendant's violation of unenforceable conditions is likely to precipitate a general lack of respect for the seriousness of his obligation to obey court orders.

Even if reasonable and enforceable conditions of release are set, they are meaningless if there is not constant supervision by authorities.[120] At present the D.C. Bail Agency is unable to fully carry out those functions set out by statute.[121] If the Bail Agency is to be "in fact the 'bondsman' for all defendants released under the Bail Reform Act. It should be given the tools with which to do its job effectively." [122] These tools are money, trained personnel, and time to properly prepare reports and recommendations. Congress must realize that before effective supervision and enforcement is possible, the necessary commitment of resources must be made.

It should be recognized, however, that an efficient and expanded bail agency will not by itself achieve the desired results. Judges must be willing to take action against defendants who violate conditions of release. Presently, of the 21 judges on the District of Columbia Court of General Sessions, only one regularly holds hearings on bail violation.[123] Most judges set conditions but do not enforce them. This is particularly disconcerting when considered in light of Bail Agency records which reflects that over 50 percent of all defendants released weekly violate one or more conditionss of their release.[124] Although Bail Agency statistics do not differentiate mere technical violations from serious deviations, the fact remains that fewer than ten percent of those who violate conditions are ever called to task by anybody.[125]

Yet judicial concern for enforcement of conditions of release will in all likelihood continue to be lax until the penalty provisions of the Bail Reform Act are expanded to include violation of conditions of release. At present, only failure to appear in court is punishable under Section 3150 of the Act.[126] Prosecution for contempt of court is available,[127] but ineffective as either a sanction or a deterrent against defendants who flagrantly violate the terms of their release. If the use of conditions of release is ever to be effective, significant penalties must exist for defendants who ignore their obligations.

Toward this end, the Bail Reform Act should provide for revocation of bail in cases where defendants violate their conditions of release. Furthermore, threats against witnesses or jurors or disruptive conduct during trial would also justify revocation of bail and preventive detention.[128] Revocation could be authorized by issuance of a court order upon receipt of an affidavit sworn to by an appropriate person, setting forth evidence of substantial noncompliance by the defendant.[129] Requiring a special hearing would be too time-consuming and afford merely another opportuntiy for appeal by the defendant. Instead, upon revocation of bail being ordered, the defendant would be detained pending trial, with the same guarantee of speedy trial offered him as would be afforded other defendants held without bail.[130]

The requirement of an affidavit under oath that sets forth substantial evidence of noncompliance would provide protection against revocation for minor violations or occasional inadvertence by a defendant. Yet such a provision would be sufficiently coercive in na-

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ture that defendants would adhere substantially to the condition of their release.

The proposal which advocates that defendants who violate conditions of release be charged with a separate criminal offense and given severe sentences upon conviction, is both impractical and unrealistic. The courts are unable to effectively cope with the criminal calendar as it exists, much less attempt to enforce supervision of bailed defendants through criminal prosecutions. Such a proposal would constitute another hollow threat, whereas revocation of release coupled with pretrial detention is realistic, practical, and amenable to effective enforcement. When a defendant knows that such a severe sanction can and will be levied against him for failing to abide by the conditions imposed, compliance can be expected.

A second major problem emanating from the administration of the Bail Reform Act concerns the failure of defendants to appear in court when scheduled. Although existence of the problem is not disputed, its seriousness and significance is a matter of controversy. Indicative of the divergent views which exist are the unexplained disparities among figures kept on the number of bail jumpers.

According to statistics furnished by the D.C. Bail Agency, during the period from November 1, 1966 to May 31, 1967, only 62 of the 2,174, or 2.8 percent of the defendants released on nonfinancial pretrial bail failed to appear in court when due.[131] The Agency further reports that during the period June 1, 1967 to May 31, 1968, only 243 of 3,800, or 6.3 per cent of defendants released on nonfinancial pretrial bail failed to appear in court.[132]

At variance with these figures are those contained in a District of Columbia Court of General Sessions memorandum.[133] The memorandum categorically breaks down the number of attachments still outstanding for defendants who failed to appear in court when required. According to the figures therein, during 1967 attachments were issued for 355 defendants released on personal recognizance who failed to appear, and in 1968, attachments were issued for 641 similar defendants.[134] It is important to note that these figures do not include those attachments issued and successfully served on defaulting defendants, not those attachments issued but subsequently quashed upon the voluntary appearance by a defendant. Consequently, the number of persons who actually defaulted while on personal bond is probably considerably higher than the figures in the memorandum reflect.[135] In this regard, it is important to note that the statistics enumerated in the memorandum refer only to the D.C. Court of General Sessions, and are exclusive of attachments issued by the U.S. District Court.[136] Yet the Bail Agency figures reflect the combined total of both courts.[137]

Whether either of these reports accurately reveals just how many persons have failed to appear is doubtful. Of the two reports, the figures in the court memorandum seem to be far more realistic. Moreover, those figures are consistent with the opinions of many judges who have had actual experience with the problem of nonappearance.[138] Estimates as to the number of persons who default on conditions of release vary considerably,[139] but the experience of several informed individuals places the figure at around 25 percent.[140] In other words, one out of every four defendants freed on nonfinancial conditions of release fails to appear at trial.

There is a definite and acute problem of nonappearance by defendants. Although the problem is very real, it is not insoluble. Several recommendations aimed at alleviating this problem were advanced by the Hart Committee.[141] The most meaningful of these proposals included: (1) giving high priority to the prompt service of warrants in default cases; [142] (2) enactment of legislation to permit nationwide service of process against bail jumpers; [143] (3) referral of unserved warrants to the FBI for execution; [144] (4) imposition by courts of consecutive rather than concurrent sentences for convictions under Section 3150 of the Act; [145] (5) facilitation *by the courts* of the prosecution of bail jumpers by creating an inference that the failure of a defendant to appear in court as required after appropriate warning and notice is willful within the meaning of Section 3150 of the Act.[146]

At present, the criminal element is well aware that prosecution of bail jumpers is minimal. Even if convicted, a concurrent sentence is the norm, not the exception. Judges argue that they cannot force the prosecution of bail jumpers since the decision to prosecute lies solely within the discretion of the United States Attorney. Yet limited prosecutions under Section 3150 are not surprising in light of the requirement that the Government prove that a defendant willfully failed to appear.

Before a strong prosecutive policy can be expected there must be enactment of legislation which creates a rebuttable presumption of willfulness upon the failure of a defendant to appear in court. The Hart Committee's recommendation seeks the right result, but through questionable means. It is doubtful that courts have the power to create an inference in Section 3150 of the Act that never was intended by Congress.[147] Congress made the law without any inference, and Congress must rectify its lack of foresight. Judicial legislation must be avoided, especially in cases of criminal statutes where the rule of strict construction is applicable.

In addition to inclusion of the proposals of the Hart Committee, the Bail Reform Act should be amended so that revocation of bail and preventive detention are permissible in the case of bail jumpers. This would eliminate the subterfuge of high monetary bonds being set to achieve the same result. However, in the event that there were extenuating circumstances, a defendant might be permitted to remain on the original or amended conditions of release. This would be a matter of judicial discretion. But the important factor is that a judge would have the power to detain defaulters.

CONCLUSION

Whether the Bail Reform Act has been a primary cause of the spiraling crime rate is questionable, but that it has been a contributing factor is certain. Legislative action is necessary to allow for preventive detention of the problem of recidivism on bail is to be solved. Speedy trials are a desirable goal, but as a practical matter, an up-to-date court calendar will not solve the problem. It is a well known fact that speedy trials do not depend entirely upon adequate court facilities. Many defense lawyers indulge in dilatory tactics and delay trials as a matter of course. This is particularly true where a defendant is on bail. Rather than being desirous of a speedy trial, it is often to a defendant's benefit to stall as long as possible.[148] Further, even if speedy trials became a reality, there would still exist certain types of defendants who pose such grave danger to the safety of the community that they should not be released for even a minimal period of time. The Bail Reform Act must be amended to provide for pretrial preventive detention of certain obviously dangerous offenders, including narcotic addicts and certain categories of defendants during periods of riot or civil disturbance.

Moreover, the Act must be amended to allow for effective administration and meaningful enforcement of conditions of release. Along with stringent supervision of defendants on conditions of release, if there is expeditious apprehension and prosecution of bail jumpers coupled with the imposition of severe sentences, then renewed respect for the provisions of the Bail Reform Act can be anticipated.

FOOTNOTES

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[1] 18 U.S.C. §§ 3146–52 (Supp. IV, 1969).

[2] Traditionally, bail has been conditioned on "the financial ability of the defendant." Fed. R. Crim. P. 46(c). *See generally* McCarthy & Wahl, *The District of Columbia Bail Project: An Illustration of Experimentation and a Brief for Change,* 53 Geo. L.J. 675 (1965); *Proceedings of the Conference on Bail and Indigency,* 1965 U. Ill. L.F. 1 [hereinafter cited as *Bail & Indigency*].

[3] 18 U.S.C. § 3146(a) (Supp. IV, 1969).

[4] The passage of the Bail Reform Act has had a liberalizing impact on the states. Since 1966, several states have adopted the principle of release on personal recognizance. *See e.g.,* Conn. Gen. Stat. Ann. § 54–63c (1968); Pa. R. Crim. P. 4001—14.

[5] In the District of Columbia, cases involving crimes against the person constitute over half of the criminal caseload. By contrast, the incidence of these crimes in the other circuits is only about eight percent. Vinson, Preface to Note, *The United States Court of Appeals for the District of Columbia Circuit: 1967–1968 Term,* 57 Geo. L.J. 308, 311 (1968).

[6] 18 U.S.C. § 3231 (1964).

[7] *Id. See* Arnstein v. United States, 296 F. 946 (D.C. Cir.), *cert. denied,* 264 U.S. 595 (1924).

[8] D.C. Code § 11–521 (1967). The District of Columbia Code functions as both a municipal code and state-type statute for the District of Columbia.

[9] D.C. Code § 11–963(c) (1967).

[10] *Hearings on Amendments to the Bail Reform Act of 1966 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary,* 91st Cong., 1st Sess. 32 (1969) (statement of Chief Judge Harold H. Greene) [hereinafter cited as *Amendment Hearings*].

[11] Common misconceptions include notions that: bail is a constitutional right; that preventive detention violates an accused's right to be presumed innocent until proven guilty; and that preventive detention is per se unconstitutional.

[12] "[T]he modern practice of requiring a bail bond or the deposit of a sum of money subject to forfeiture serves as additional assurance of the presence of an accused." Stack v. Boyle, 342 U.S. 1, 5 (1951); *accord,* Forest v. United States, 203 F. 2d 83 (8th Cir. 1953).

There is a distinction to be drawn between the words "bail" and "bond" as used in this context. When a defendant is admitted to bail, his reappearance is secured by any number of conditions which are within the judge's discretion to impose, including the defendant's personal recognizance, a periodic check with a court officer, work release, or the posting of a sum of money. Bond, on the other hand, is more narrow, referring only to the posting of money to secure the defendant's appearance.

[13] 18 U.S.C. § 3041 (1964).

[14] Statutory authority for personal recognizance was available only by implication. *See* 18 U.S.C. § 3731 (1964). But Mr. Justice Douglas provided judicial authority by holding that, in proper cases, no security is required for release of a defendant on his own recognizance where there is no substantial risk that the defendant will not comply with the

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conditions of his release. To deny an indigent defendant release merely because he lacks sufficient property to pledge for his freedom is a denial of his constitutional right of equal protection. Bandy v. United States, 81 S. Ct. 197 (Douglas, Circuit Justice, 1960). *See also* Attorney General's Comm. on Poverty & the Administration of Federal Criminal Justice Rep. 58 (1963) [hereinafter cited as Att'y Gen. Rep.]; Ervin, *The Legislative Role in Bail Reform,* 35 Geo. Wash. L. Rev. 429, 433 (1967); McCarthy & Wahl, *supra* note 2 at 681–703.

[15] The rate of pretrial releases on personal recognizance in federal courts prior to March 1963 averaged only about six percent. Att'y Gen. Rep. 58. *See also* Ervin, *supra* note 14 at 430–38.

[16] *See* D.C. Bail Project, Final Report: Bail Reform in the Nation's Capital 3 (1966) [hereinafter cited as D.C. Bail Project].

[17] *See* Ares & Sturtz, *Bail and the Indigent Accused,* 8 Crime & Delinquency 12 (1962); *Bail & Indigency, passim*.

[18] *See* R. Goldfarb, Ransom—A Critique of the American Bail System 32 (1965) [hereinafter cited as Goldfarb].

[19] For a discussion of the constitutional right to bail see notes 82–89 *infra* and accompanying text.

[20] U.S. Const. amend. VIII.

[21] Stack v. Boyle, 342 U.S. 1, 5 (1951).

[22] *Id.*

[23] U.S. Const. amend. XIV. Though the fourteenth amendment only protects against state action, similar protection is afforded against federal action through the fifth amendment's due process clause which has been held to protect against arbitrary and invidious discrimination. Shapiro v. Thompson, 394 U.S. 618 (1969); Schneider v. Rusk, 377 U.S. 163 (1964); Bolling v. Sharpe, 347 U.S. 497 (1954).

[24] *See* Goldfarb 32.

[25] Att'y Gen. Rep. 58.

[26] Comm. on the Administration of Bail of the Junior Bar Section of the Bar Ass'n of the District of Columbia, Report: The Bail System of the District of Columbia 5 (1963) [hereinafter cited as Junior Bar Section Rep.].

[27] *See* McCarthy & Wahl, *supra*, note 2 at 686–93.

[28] Junior Bar Section Rep. 5; *see* President's Comm'n on Crime in the District of Columbia Rep. 523 (1966) [hereinafter cited as D.C. Crime Comm'n Rep.].

[29] "The typical jail is dirty and overcrowded. The food is deplorable. Supervision is scant. . . . The typical jail has little to inspire the prisoner and much to demoralize him. The result is that he must spend his time there vegetating and degenerating. And worse." *Hearings on Federal Bail Procedures Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary,* 88th Cong., 2d Sess. 46 (1964) (statement of James V. Bennett, Director of the United States Bureau of Prisons).

[30] *Hearings Before the Subcomm. on Juvenile Delinquency of the Senate Comm. on the Judiciary,* 91st Cong., 1st Sess. (1969).

[31] *See* Goldfarb 102. *See generally* D.C. Bail Project 11–18; *Bail & Indigency, passim.*

[32] *See* Goldfarb 102.

[33] The judges are aware of the odious power the bondsman has concerning who remains in jail and who goes free: "The effect of such a system is that the professional bondsmen hold the keys to the jail in their pockets. They determine for whom they will act as surety—who in their judgment is a good risk. The bad risks, in the bondsmen's judgment, *and the ones who are unable to pay the bondsmen's fees,* remain in jail. The court and the commissioner are relegated to the relatively unimportant chore of fixing the amount of bail." Pannell v. United States, 320 F.2d 698, 699 (D.C. Cir. 1963) (Wright, J., concurring).

[34] As a practical matter, many bondsmen refuse to write bonds for small amounts which yield only a minimal fee. Consequently, a defendant might find that a bondsman is far more willing to write a higher bond than a lower one, and the indigent defendant accused of committing a minor offense for which a small money bond is set is perhaps more likely to remain incarcerated than a defendant charged with a serious offense for which a higher bond is set. *See* D.C. Bail Project 11–12.

Although the courts in the District of Columbia have been given wide discretion to regulate professional bondsmen, D.C. Code § 23–608 (1967), they have not required that bondsmen write bonds in all amounts. *See* D.C. Ct. Gen. Sess. (Crim.) R. 5; D.C. Ct. Gen. Sess. (Juv.) R. 22.

[35] 18 U.S.C. § 3142 (1964); *see* Goldfarb 116–17.

[36] These powers rest on the premise that the principal is in the custody of his sureties, and that the original imprisonment has not been discontinued. Therefore, the bondsman may seize his principal at any time, imprison him at will, have him reincarcerated, pursue him across state lines and break into his house. "The seizure is not made by . . . new process. None is needed. It is likened to the rearrest by the sheriff of an escaping prisoner." Taylor v. Taintor, 83 U.S. (16 Wall.) 366, 371 (1872).

[37] Goldfarb 115–18.

[38] 18 U.S.C. § 3142 (Supp. IV, 1969).

[39] Goldfarb 115–18.

[40] *See* 112 Cong. Rec. 12488–505 (1966).

[41] Judiciary Act of 1789, ch. XX, § 33, 1 Stat. 73, 91; *see* Wald & Freed, *The Bail Reform Act of 1966: A Practitioner's Primer,* 52 A.B.A.J. 940 (1966).

[42] 18 U.S.C. § 3146(a) (Supp. IV, 1969). The committing magistrate may require the execution of a secured appearance bond or a "bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof . . . ." 18 U.S.C. §§ 3146(a)(3), (4) (Supp. IV, 1969).

[43] 18 U.S.C. § 3146(b) (Supp. IV, 1969).

[44] Wald & Freed, *supra* note 41 at 941.

[45] 18 U.S.C. § 3146(d) (Supp. IV, 1969).

[46] *Id.*

[47] *Id.* § 3147(b).

[48] This section provides that a defendant who willfully fails to appear in court shall incur a forfeiture of any security which was given for his release, and be subject to a fine of $5,000 or five years' imprisonment, or both, if he had been released in connection with a felony charge, or be subject to a fine of $1,000 or one year imprisonment, or both, if his release had been in connection with a misdemeanor. 18 U.S.C. § 3150 (Supp. IV, 1969).

[49] Chronic manpower shortages have precluded full implementation of service of warrants by the United States Marshal. The FBI is reluctant to serve warrants for bail jumping because of other work pressures. Report of the Judicial Council Comm. to Study the Operation of the Bail Reform Act in the District of Columbia 11 (1969) (The Judicial Council issued its initial report in 1968, but has continued to oversee the implementation of its recommendations. The 1969 report is its progress report.) [Hereinafter cited as Hart Comm. Rep. 1969].

[50] Among the more commonly used excuses are confusion of dates, lack of notice to appear, illness, death in the family, and inability to pay for transportation back to the jurisdiction.

[51] 18 U.S.C. § 3148 (Supp. IV, 1969).

[52] *Id.*

[53] *See* H.R. Rep. No. 1541, 89th Cong., 2d Sess. 6 (1966).

[54] D.C. Crime Comm'n Rep. 513.

[55] Hart Comm. Rep. 1969 at 18–26.

[56] *Id.* at 19.

[57] These statistics could be misleading because they exclude incidents not leading to indictment and include cases which resulted in acquittal and reversal. *Id.* at 19–20.

[58] FBI, Uniform Crime Reports: Crime in the United States—1968 at 4.

[59] *See id.* at 30–32.

[60] D.C. Crime Comm'n Rep. 233.

[61] *Id.* at 234.

[62] Hart Comm. Rep. 1969 at 18.

[63] *Id.*

[64] *Id.* at 24.

[65] Address by Will Wilson, Assistant United States Attorney General, American Bar Association Annual Meeting, Aug. 12, 1969. For a study of the relationship between drug abuse and crime, see D.C. Crime Comm'n Rep. 562–73.

[66] *Amendment Hearings* 76 (statement of Senator Joseph Tydings).

[67] Hart Comm. Rep. 1969 at 24–25.

[68] D.C. Crime Comm'n Rep. 518. Furthermore, more than 80 percent of the crimes committed while on bail were as or more serious than the original offense. *Id.*

[69] *Id.* These statistics are further supported by the Hart Committee which revealed that 57.8 percent of bail offenders (persons *indicted* while on bail pending disposition of a prior felony case) had one or more prior felony convictions within the preceding ten years. Hart Comm. Rep. 1969 at 25.

[70] Evidence of the increasing concern over recidivism are these bills, all introduced during the first session of the ninety-first Congress: S. 288 (additional standard for bail of danger to others or to the community); S. 289 (allowing denial of bail to persons charged with crimes of violence and who have been previously convicted of a crime of violence); S. 546 (detention of persons charged with a felony); S. 547 (detention of capital defendants and anyone convicted); S. 2600 (consideration of danger to the community and providing for pretrial detention of dangerous persons); H.R. 323 (pretrial detention of persons determined to be a danger to the community); H.R. 325 (investigative detention and search of suspects); H.R. 335 (standard of danger to community); H.R. 1033 (standard of danger to community); H.R. 2781 (pretrial detention based on additional standard of danger to community).

[71] This proposal has met only minimal opposition. It has been supported by the Hart Committee, the D.C. Crime Commission, and by all the judges of the Court of General Sessions. *Amendment Hearings* 33 (statement of Chief Judge Harold H. Greene), 534–35 (the Hart Committee), 607 (the D.C. Crime Commission).

[72] It is important to recognize that the terms "preventive detention" and "pretrial detention" are not synonymous. Preventive detention is detention for the purposes of preventing flight, insuring the safety of witnesses, or protecting the public from additional crimes by the accused. Pretrial detention is detention before trial solely because the individual has been charged with a crime. *See* American Bar Association Project on Minimum Standards for Criminal Justice, Standards Relating to Pretrial Release 83 (1968).

[73] Danger to the community is not a novel criterion in determining whether a release should be allowed. The Bail Reform Act itself permits such a factor to be considered when deciding if release should be granted pending appeal. *See* text accompanying note 52 *supra*. Danger to the community is also a common criterion for release from a mental institution in which one has been involuntarily confined. *See, e.g.,* D.C. CODE § 21–546 (1967).

[74] *See* D.C. Crime Comm'n Rep. 520–24.

[75] Likelihood of recidivism can be estimated by considering many of the same factors which are considered to predict flight. In addition, the underlying causes of certain crimes, when shown by competent evidence to exist in the accused, can result in a high degree of accuracy in these predictions. For example, it has been shown that narcotic addiction leads to the commission of crime to support the habit. It must also be remem-

bered that the prediction of flight is hardly an exact science.

[76] Note, *Preventive Detention Before Trial,* 79 Harv. L. Rev. 1489, 1501 (1966). *But see* D.C. Crime Comm'n Rep. 520.

[77] *Amendment Hearings* 399–400 (statement of Judge James A. Belson).

[78] The overall felony conviction rate by plea or trial is consistently over 75 percent. D.C. Crime Comm'n Rep. 240.

[79] 18 U.S.C. § 3568 (Supp. IV, 1969).

[80] *See* Note, *Preventive Detention Before Trial, supra* note 76 at 1500–05.

[81] "[T]he fact that a liberty cannot be inhibited without due process of law does not mean that it can under no circumstances be inhibited.

"The requirements of due process are a function not only of the extent of the governmental restriction imposed, but also of the extent of the necessity for the restriction." Zemel v. Rusk, 381 U.S. 1, 14 (1965).

[82] *See* H.R. Rep. No. 1541, 89th Cong., 2d Sess. 8 (1966): "Thus, there is no specifically granted right to bail." Also, the eighth amendment prohibition against excessive bail has been judicially construed as not establishing, per se, a right to bail. Mastrian v. Redman, 326 F.2d 708, 710–11 (8th Cir.), *cert. denied,* 376 U.S. 965 (1964). *See* Note, *Preventive Detention Before Trial, supra* note 76 at 1498.

[83] Judiciary Act of 1789, ch. XX, § 33, 1 Stat. 91.

[84] *See* Crimes Act of 1791, ch. IX, 1 Stat. 112.

[85] Act of July 1, 1882, ch. 258, § 7, 22 Stat. 127.

[86] *See* G. Williams, Salmond on Jurisprudence 115–24 (11th ed. 1957); Note *Preventive Detention Before Trial, supra* note 76, at 1500.

[87] Act of July 1, 1882, ch. 258, § 7, 22 Stat. 127.

[88] *See* Allen v. United States, 386 F.2d 634 (D.C. Cir. 1967); Note, *Preventive Detention,* 36 Geo. Wash. L. Rev. 178, 182 (1967). *See also* Stack v. Boyle, 342 U.S. 1, 4–5 (1951); Ervin, *The Legislative Role in Bail Reform,* 35 Geo. Wash. L. Rev. 429, 433 (1967).

[89] *See* Note, *Preventive Detention Before Trial, supra* note 76 at 1499, 1501–03. *See also* Carlson v. Landon, 342 U.S. 524 (1952). "The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases. . . . The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. . . . Indeed, the very language of the Amendment fails to say all arrests must be bailable." *Id.* at 545–46.

[90] *See* FBI, Uniform Crime Reports: Crime in the United States—1967 2, 3 where statistical data reveals that from 1960–67 there was an 89 percent increase in the number of criminal offenses; that while the population increased 10 percent, the crime rate (number of offenses per 100,000 population) increased 71 percent. According to the Uniform Crime Reports (1968 Preliminary Annual Release), during calendar year 1968 crime increased nationally 17 percent over 1967 with violent crimes rising 19 percent and robbery 29 percent. Also, the Uniform Crime Report for Jan.-Mar. 1969 shows a 10 percent, nation-wide increase in crime over the same period in 1968, with robbery rising 22 percent.

Statistics for Washington, D.C. reveal a sharp increase in crime, with an increase in robbery offenses from 5,759 in 1967 to 8,622 in 1968, and for the period Jan.-Mar. robberies have increased from 1,777 in 1968 to 2,788 in 1969.

[91] D.C. Code § 22–3201, *as amended,* (Supp. II, 1969): " 'Crime of violence' . . . means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnapping, burglary, robbery, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary."

[92] A dangerous weapon is one likely to produce death or great bodily injury. Scott v. United States, 243 A.2d 54 (D.C. Ct. App. 1968). More specifically, any instrument designed or used for offense becomes a dangerous weapon. Tatum v. United States, 110 F.2d 555 (D.C. Cir. 1940); *accord,* Patten v. United States, 42 App. D.C. 239 (1914).

[93] Whether an offense is one of "moral turpitude" would be a question within judicial discretion. Generally, however, crimes malum in se would be included whereas offenses malum prohibitum would not.

[94] Procedurally, it would be no problem to hold such hearings on the same day on which a defendant is arraigned or appears for presentment on a felony charge. The Government would be required to give the court and defense counsel notice of its intention to request that a defendant be detained without bond, and a hearing set for the same afternoon. All such hearings would be before one judge specially assigned to handle these proceedings, thereby minimizing any adverse effects that such hearings might have on the backlog of pending cases. As to the inadmissibility of the proceedings at trial *cf.* Simmons v. United States, 390 U.S. 377 (1968).

[95] The appellate court would summarily review the detention order to determine if there was abuse of judicial discretion or if the defendant did not come within the purview of the statute. Upon such a finding by the appellate court an order would be issued directing the lower court to immediately set a financial bond or other conditions of release.

[96] Hart Comm. Rep. 1969 at 29, 33; *see* President's Comm'n on Law Enforcement and the Administration of Justice, Report—The Challenge of Crime in a Free Society 154–56 (1967) (delay prevalent in courts across the nation).

[97] *See* Hart Comm. Rep. 1969 at 33 (recidivists, narcotic addicts, and those charged with crimes posing danger to the community during riots should not be released).

[98] *See generally Amendment Hearings* 398–99 (statement of Edward L. Barrett, Jr.).

[99] Hart Comm. Rep. 1968 at 30.

[100] Within the Hart Committee alone there have been three separate formulations of offenses which would warrant suspension of bail: (1) arson, possession or use of firearms, and possession of explosives; (2) inciting to riot, burglary, and assault with a dangerous weapon; and (3) anyone who would pose "a grave danger to the community" if released. Hart Comm. Rep. 1968 at 29, 30. *See also* Hart Comm. Rep. 1969 at 32.

[101] National Advisory Comm'n on Civil Disorders, Report 359–407 (1968). Although several of the disorders, notably Detroit and Newark, have lasted longer than three days, the Kerner Commission Report indicated that a person arrested at the first peak of the disorder and detained for 72 hours would be released after some order had been restored to the riot area. *Id.*

[102] D.C. Code § 22–1122 (Supp. II, 1969).

[103] *Amendment Hearings* 143 (statement of Patricia M. Wald).

[104] Office of Senator Joseph D. Tydings, Press Release (March 2, 1969).

[105] *Amendment Hearings* 220 (statement of Judge Tim Murphy).

[106] *Id.*

[107] *See* 37-39 *supra.*

[108] Hart Comm. Rep. 1969 at 5-6. There is some question whether such a proposal would violate the defendant's fifth amendment right not to be "compelled . . . to be a witness against himself" or if it would be considered only nontestimonial evidence. *See* Schmerber 1. California, 384 U.S. 757, 760–61 (1966).

[109] This might avoid the problem that punishment (detention) for addiction alone is violative of the eighth amendment's restriction against cruel and unusual punishment. *See* Robinson v. California, 370 U.S. 660 (1962).

[110] Hart Comm. Rep. 1969 at 5-6. *See also Amendment Hearings* 122 (statement of Judge Charles W. Halleck).

[111] *See* Hart Comm. Rep. 1969 at 11.

[112] Statement of Senator Joseph D. Tydings, news conference, Washington, D.C., Feb. 11, 1969.

[113] Press Release, *supra* note 104 at 2.

[114] *See generally* Uniform Crime Rep., *supra* note 58 at 89; *Amendment Hearings* 692-93.

[115] *See* Schmerber v. California, 384 U.S. 757, 767–71 (1966) (need for probable cause that defendant is intoxicated); *cf.* Breithaupt v. Abram, 352 U.S. 432 (1957) (state statutes allowing invasion of the body require probable cause); Rochin v. California, 342 U.S. 165 (1952) (invasion of the body's integrity without probable cause shocks the conscience).

[116] *See* note 104, *supra* and accompanying text.

[117] 18 U.S.C. § 3146(a) (Supp. IV, 1969).

[118] *Id.* § 3146(a) (5).

[119] Examples of such conditions are (1) requiring defendants to be home by a specified time, (2) prohibiting a defendant from going west of a certain street or into a certain neighborhood, (3) admonishing a narcotic addict to stop using narcotics, and (4) prohibiting a defendant from leaving the jurisdiction. *See Amendment Hearings* 102. Such conditions require many more bail agency and law enforcement officers than the District now has because of the constant supervision and coordination which each of these conditions requires. *See* D.C. Crime Comm'n Rep. 225–27, 407–09, 414–16. *See also* Ball v. United States, 402 F.2d 206 (D.C. Cir. 1968) (the defendant has since fled the jurisdiction and never been tried).

[120] *Amendment Hearings* 33 (statement of Chief Judge Harold H. Greene): "Release conditions are only as effective as the ability to enforce them. . . . [B]ecause no agency . . . has ever had the capability of enforcing conditions, . . . many judges have felt it to be an exercise in futility to impose strict requirements or conditions. . . . [I]t is essential that . . . some . . . public department be given the responsibility and the personnel necessary for meaningful supervision, investigation, and inspection . . . to verify that the court's conditions are actually being complied with."

[121] Statutorily, the District of Columbia Bail Agency was established to gather data on an arrested person that was pertinent to his bail status under the Bail Reform Act. This data was to be drafted into a written report and submitted to the appropriate court. D.C. Code §§ 23–901 to 23–903 (1967). To do this work the Agency was given an annual budget of $130,000. *Id.* § 23–908.

Additionally, the courts have given the Agency the task of supervising all nonfinancial bailees, including notifying them of court appearances. At present the Agency is not sufficiently staffed to properly fulfill its statutory obligations much less this added burden. Interview with Bruce D. Beaudin, Director, D.C. Bail Agency, in Washington, D.C., April 2, 1969. *See also Amendment Hearings* 30, 33, 99–107, 511–14, 529; Hart Comm. Rep. 1969 at 1–4, 6, 14; D.C. Bail Agency, Second Annual Rep. 1, 2, 4 (1968).

[122] *Amendment Hearings* 339 (statement of Chief Judge Edward M. Curran).

[123] Interview with Bruce D. Beaudin, *supra* note 121. Even this effort has become increasingly futile in light of the Bail Agency's inability to properly supervise bailees and to report violations to the court.

[124] *Id. See generally* Hart Comm. Rep. 1968 at 17–21.

[125] Interview with Bruce D. Beaudin, *supra* note 121.

[126] *See* notes 48–50 *supra* and accompanying text.

[127] *See* 18 U.S.C. § 402 (1964); D.C. Code § 11–982 (1967).

[128] Carbo v. United States, 82 S. Ct. 662, 668 (Douglas, Circuit Justice, 1962); Fernandez v. United States, 81 S. Ct. 642 (Harlan, Circuit Justice, 1961). *See also* Bitter v. United States, 389 U.S. 15, 16 (1967) (per curiam).

[129] Although "substantial noncompliance" is a subjective test and would depend upon the circumstances of a particular case, such a provision is restrictive enough in scope to prevent revocation of bail for a mere technical violation.

[130] *See* pp. 38–39 *supra*.

[131] D.C. Bail. Agency, First Annual Rep. 6 (1967).

[132] D.C. Bail Agency, Second Annual Rep. 6 (1968).

[133] Interoffice memo from F. B. Beane, Jr., Chief Deputy Clerk, Criminal Division, D.C. Court of General Sessions to J. M. Burton, Clerk of D.C. Court of General Sessions, Jan.. 8, 1969.

[134] *Id.*

[135] Interview with F. B. Beane, Jr., Chief Deputy Clerk, Criminal Division, D.C. Court of General Sessions, Washington, D.C., April 8, 1969.

[136] Interoffice memo, *supra* note 133.

[137] *See* D.C. Bail Agency Reps., *supra* notes 131–32.

[138] Judge Beard of D.C. Court of General Sessions estimates the extent of nonappearance to be about 30 percent; Judge Korman (D.C. Court of General Sessions) estimates the rate to be 40 percent; Judge Burka (D.C. Court of General Sessions) places the percentage at between 30 and 50 percent. Interview with Edward A. Beard, Judge, D.C.. Court of General Sessions, in Washington, D.C., July 8, 1969; *see Amendment Hearings* 105 (statement of Judge Charles W. Halleck). *See also* Hart Comm Rep. 1969 at 5, 12, 44.

[139] *Amendment Hearings* 113–14 (statement of Judge Charles W. Halleck): "I have been consistently unable to obtain from any source any accurate figures showing just how many persons have failed to appear either in our court or in district court. My personal experience indicates to me that the number is astronomical."

[140] Interview with Judge William Pryor, D.C. Court of General Sessions, July 9, 1969. Interview with Frederick B. Beane, Jr., D.C. Court of General Sessions, April 8, 1969. Interview with Alonzo Christian, Clerk of U.S. Assignment Court, Criminal Division, D.C. Court of General Sessions, April 8, 1969.

[141] *See* Hart Comm. Rep. 1968 at 17–24.

[142] *See* Hart Comm. Rep. 1969 at 5–13.

[143] *Id.* at 11.

[144] *Id.*

[145] *Id.* at 12.

[146] *Id.*

[147] *See* notes 48–50 *supra* and accompanying text.

[148] Some of the more frequent probelms which the Government encounters when there is a lengthy delay between the date of the offense and the date of trial are: death or inability of Government witnesses to testify, a loss of interest by complaining witnesses, and an increased chance of loss of memory or confusion in testimony at trial.

NATURAL GAS AND OIL IMPORT CONTROLS

Mr. PROXMIRE. Mr. President, there seems to be an enormous amount of confusion about the impact of the oil import control program on our natural gas reserves. I would like to set the record straight.

There is almost no relationship between the oil import control program and our natural gas reserves, or at least that appears to be the implication from a letter I received from the Chairman of the Federal Power Commission, the agency having the day-to-day jurisdiction over natural gas.

According to Chairman Nassikas, less than one-half of 1 percent of our natural gas comes from high cost stripper wells, the wells most likely to be affected by changes in the oil import control program.

As a matter of fact, liberalizing the oil import control program could help to meet the alleged future shortage of natural gas. If less expensive oil products were imported, the market mechanism would allow them to be substituted for the more expensive natural gas.

If there is an impending natural gas shortage, the FPC has the power right now to give the necessary added incentive to discover more natural gas reserves. All it has to do is to raise the price of natural gas. This has the great benefit of making the consumers of natural gas pay what it is worth. Consumers of other energy products should not have to subsidize the users of natural gas.

However, we do not really have any hard information about our natural gas reserves. No one in the Federal Government apparently felt the need to check the data from the industry. It seems rather an anomalous situation: the Government regulates an industry based on unverified statistics obtained from that industry. How solid a foundation is that?

If there is this fear of an impending natural gas shortage, the President should appoint a Cabinet level task force to study the situation similar to the one he appointed to study the oil import control program. It could develop the hard data the Government needs to act in a rational fashion.

In light of this lack of relationship between the oil import control program and our natural gas reserves, whatever they are, I certainly hope the President will not confuse the natural gas issues with those involved in changing the oil import control program. Necessary reforms cannot be postponed on this tenuous a ground.

Although I realize that it will take some time to develop the structure and rules of a new oil import control program, this is no reason why imports cannot be liberalized right now. The obvious implication from all the rumors of the recommended changes in the oil import control program by the Cabinet task force on oil import control is that our national security can stand greatly increased imports of inexpensive crude oil. If this is true, and I have seen no evidence to rebut it, the President ought immediately to increase the percentage of oil imports by granting additional amounts of oil to quota holders.

In addition, the President ought to provide for as short a transition period as possible in order to prevent confusion and minimize the irritations that could develop. The time spent studying the problem of oil imports was very expensive to the consumers. According to Platt's Oilgram, the value of an import ticket when the study started, March 2, 1969, was $1.25 a barrel; now it is between $1.45 and $1.50 a barrel, an intolerable level in view of the President's efforts to curb inflation. If the President is serious about his fight to curb inflation, he will take immediate action to lower oil prices.

I ask unanimous consent that Chairman Nassikas' letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL POWER COMMISSION,
Washington, D.C.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in response to your letter of December 31, 1969, relating to (1) the amount of natural gas that comes from high cost and stripper wells, (2) the firmness of the estimates of our natural gas reserves, (3) whether any government agency has made an evaluation of the amount of natural gas reserves we possess and (4) whether any independent group outside of the natural gas companies made such an estimate and, if so, who?

(1) As to your question regarding the amount of gas that comes from high cost and stripper wells, we regret we do not have detailed gas production data of this type. Production data is not reported by well investment or operating cost. We can, however, provide information concerning the stripper wells and information concerning the total amount of associated-dissolved gas produced from all oil wells. There are currently about 550,000 producing oil wells in the United States. Approximately 10 percent are flowing oil while 90 percent are on artificial lift. Although flowing oil wells are only 10 percent of the national level total, they produce about 75 percent of all the oil. In 1968 the 367,205[1] stripper wells, (wells which average 10 barrels or less of oil a day) constituted about 67 percent of all oil wells but only accounted for 15 percent of total 1968 U.S. oil output. The following table lists the volumes of the associated-dissolved gas reserves and production as a percent of total gas reserves and production over a three-year period (excludes Alaska):[2]

Associated-Dissolved Gas Reserves and Production (All Volumes in Million Mcf at 14.73 Psia and 60° Fahrenheit).

	Reserves		Production	
Year	Volume	Percent of total reserves	Volume	Percent of total production
1966	68,479	24.2	4,587	26.2
1967	67,528	23.6	4,759	25.9
1968	62,592	22.5	4,640	24.0

Considering the productivity of stripper wells as a source of natural gas, we tentatively estimate that probably less than 2 percent of the associated-dissolved gas annual production is from stripper oil wells.

(2) The only recognized natural gas reserve estimates for the entire United States that are published annually are included in a report entitled "Reserves of Crude Oil, Natural Gas Liquids and Natural Gas in the United States and Canada." This report is a joint effort of the American Gas Association (AGA), American Petroleum Institute and the Canadian Petroleum Association. The natural gas statistics for the United States are compiled and maintained by the Com-

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[1] Source: Interstate Oil Compact Commission.

[2] Source: American Gas Association.

mittee on Natural Gas Reserves of the American Petroleum Institute. The Committee is composed of 14 members; a chairman, a vice Chairman, a secretary, a representative from the Bureau of Mines of the U.S. Department of the Interior and ten other members. The United States including Alaska is divided into ten districts. Each one of the ten other members is assigned a district as his area of responsibility. In carrying out this responsibility each member heads an Area Subcommittee composed of one hundred and thirteen (113) qualified geologists and engineers from all segments of the oil and gas industry. After the subcommittee compiles the data for their district, it is submitted for inclusion in the Annual Report, which has been published since 1946. Neither the basic reserve data, much of which is confidential, nor the method by which they are summarized for the AGA reports have been submitted to the Federal Power Commission. Natural gas production data on the other hand are public information.

The reliability of reserve estimates is, of course, critical to any conclusions derived from their use. We recognize this fully, particularly with regard to AGA's proven gas reserve estimates.[3] However, we feel these national statistics are reasonably reliable.

Another valuable source of gas supply statistics is reported annually by the interstate pipeline companies to the Commission on FPC Form 15. This information in this report consists of estimates of reserves and production as prepared independently by individual pipeline companies. This report also contains projections of future requirements of the pipeline companies' existing customers. These reporting companies own or control, through contractual arrangements, approximately 70% of the national gas supply as reported by the American Gas Association. Our staff does have access to detailed work papers in support of these reported interstate supply statistics and examines such supporting data frequently, both on a routine basis and in investigations of the gas supply in support of specific pipeline proposals. Over the years these estimates as submitted by the pipeline companies have generally been considered by our staff to be reasonably accurate.

It has been found that when the supply and production data as estimated and reported annually by the interstate pipeline companies has been compiled, trended and projected, the trends and projections based on interstate statistics closely parallel trends and projections based on the national statistics as reported by AGA. Annual staff reports on the interstate portion of the gas supply statistics have been available to the public since 1966.

(3) & (4) To our knowledge no independent group outside of the American Gas Association and the American Petroleum Institute has made an evaluation of the amount of proved natural gas reserves we possess. To our knowledge no government agency has made an estimate of our presently proven gas reserves. I will ask Congress for the requisite authorization for an FPC National Gas Survey. I so testified before the Senate Subcommittee on Minerals, Materials and Fuels of the Committee on Interior and Insular Affairs on November 13, 1969. However, the United States Geological Survey of the Department of the Interior does periodically prepare estimates of its own of our total potential oil and gas resource base and has commented favorably upon the reliability of natural gas industry statistics and supply estimates, a copy of which is enclosed (items 2 & 3, infra). The USGS estimates include all of the oil and gas reserves which have been found as of the date of the estimate plus the reserves yet to be discovered. Estimates of potential gas reserves are also published periodically by the Potential Gas Committee, a gas industry group. The oil and gas reserve estimates as published by the American Gas Association and the American Petroleum Institute are used as a base for the Potential Gas Committee's estimates.

As you know, no other issue has received as much of the Commission's attention in recent months as the adequacy of gas supply question. The Commission as a body, has met with each of the major industry groups (producer, pipelines and distributors) to receive their views. Every natural gas case coming before the Commission is carefully scrutinized for natural gas supply implications. For example, in AR69–1 (item 5) evidence will be taken on this problem, and all concerned will be encouraged to participate fully in the hearing.

The Senate Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs held hearings on natural gas supply on Nevember 13, 1969. In my testimony, before that subcommittee, (item 6), I discussed the adequacy of current and prospective natural gas supply, and explained on pp. 23–32 the various actions being taken by this Commission with respect to the gas supply situation. I am also enclosing a Commission staff report on this subject which was released in October, 1969 (item 1) and a report just issued on interstate pipeline gas supplies for 1968 (item 13) together with additional materials which I hope are helpful to you.

I appreciate the opportunity to respond to your inquiry. If any further information is desired, I shall be happy to supply it.

Sincerely,

John N. Nassikas,
Chairman.

THE TRANSFER OF SCIENTIFIC KNOWLEDGE

Mr. PEARSON. Mr. President, the rate of growth of our Nation's economy and the level of the sophistication and the quality of our social and physical environment are affected to a very great degree by our ability to translate new scientific knowledge into usable technology and the extent to which this technology is actually applied.

The practical application of scientific knowledge has been a powerful force in changing American science of the past two decades. Yet experts knowledgeable in this area recognize that the gap between new scientific information and its useful application is widening. We are not doing nearly as good a job as we should be doing in advancing the use of the rapidly growing reservoir of science and technology.

Mr. President, in this connection, I invite the attention of Senators to two papers which I think are extremely worth while. The first, "The Use of Knowledge," is by Dr. Chris Barthel, the executive director of the Research Foundation of Kansas. He discusses the present state of scientific information transfer and the problems that need to be dealt with. He also has some particular comments about the Kansas situation.

The second paper, "Issues and Problems in Applying Science and Technology in Programs in Kansas," was presented by Dr. Mark Morris, president of the Research Foundation and Dr. Chris Barthel before the Committee in Intergovernmental Science Relations of the Federal Council for Science and Technology, Executive Office of the President, on January 19, 1970. Although this paper concentrates on the Kansas situation I believe it has relevance to many other State situations. It also presents a list of recommended actions by the White House's Office of Science and Technology which I believe have a great deal of merit.

Mr. President, I ask unanimous consent that these two papers be printed in the Record.

There being no objection, the papers were ordered to be printed in the Record, as follows:

The Use of Knowledge

(By Christopher E. Barthel, Jr., executive director, Research Foundation of Kansas)

RESEARCH

During World War II, science and engineering were mobilized on a crisis basis by our Nation and other nations of the world to create and perfect fantastic new weapons. This was an impressive and successful large-scale attempt to use scientific and technological knowledge for military purposes.

Since World War II, and until two or three years ago, there was a rapid growth of research and development, particularly in the physical sciences and engineering, for many diverse purposes as well as defense. This growth, measured in funds for performance of research and development, is indicated in Table I. It was instrumental in the creation by the United States of an unprecedented capability for producing new knowledge through research and development efforts. The new knowledge was, and is still being absorbed in many sectors of our society, leading to gigantic advances in communications, transportation, data storage and retrieval, weather prediction, medicine, instrumentation, to mention a few areas. As shown in Table I, in 1965 the total expenditures of our Nation for the performance of research and development passed the $20.0-billion figure, with the Federal Government providing about 75% of the funds.

CENTRALIZED INFORMATION SYSTEMS

The total expenditures of the Federal Government rapidly grew in parallel with the funds allocated for research and development during this period. It therefore became necessary to establish priorities for Federal activities. Congressional concern led to the establishment by the Congress of numerous bodies to evaluate the Nation's research and development efforts, and particularly those being carried out through the use of Federal funds. Among the more productive and influential bodies were the Select Committee on Government Research of the United States House of Representatives, referred to as the Elliott Committee, and the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics of the United States House of Representatives, still in operation and referred to as the Daddario Committee. The different evaluations pointed to a crucial national need for the proper handling of the vast and ever-increasing quantity of information created through the research and development efforts of our Nation.[1] Fed-

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[3] See p. 2 of attachment, "A Staff Report on National Gas Supply and Demand," published October 1, 1969, especially the following: "For purposes of this report we have accepted at face value all industry-furnished supply data. Our conclusions must therefore be weighed against the assumed accuracy of our data base."

[1] The President's Science Advisory Committee. *Science, Government, and Information: The Responsibilities of the Technical Community and the Government in the Transfer of Information.* Washington, D.C., U.S. Government Printing Office, January 10, 1963.

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eral resources were applied to this need with the creation in the mid-1960's of a multitude of sophisticated centralized information systems covering specialized areas.[2]

TABLE I.—GROWTH OF RESEARCH AND DEVELOPMENT IN THE UNITED STATES

[In millions of dollars]

	Funds for performance of R. & D.				
Year	Government	Industry	Universities	Other	Total
1941 [1]	200	660	40		900
1943 [1]	300	850	60		1,210
1945 [1]	430	990	100		1,520
1947 [1]	520	1,570	170		2,260
1949 [1]	550	1,790	270		2,610
1951 [1]	700	2,300	360		3,360
1953 [2]	1,010	3,630	420	100	5,160
1957 [2]	1,280	7,730	650	150	9,810
1960 [2]	1,830	10,510	1,000	280	13,620
1963 [2]	2,400	12,690	1,700	450	17,240
1964 [3]	2,840	13,510	1,590		19,180
1965 [3]	3,090	14,200	1,870		20,470
1966 [3]	3,260	15,550	2,180		22,370
1967 [3]	3,360	16,610	2,360		23,800

[1] Department of Defense, Office of the Secretary.

[2] National Science Foundation.

[3] National Science Foundation (from "Statistical Abstract of the United States, 1968").

Among major information systems now operating are the Clearinghouse for Federal Scientific and Technical Information, operating in the United States Department of Commerce; the National Referral Center for Science and Technology of the Library of Congress; the National Center for Health Statistics of the United States Public Health Service; the Science Information Exchange of the Smithsonian Institution; and a host of centers concerned with specific areas such as the Office of Mineral Information of the United States Bureau of Mines, the National Center for Chronic Disease Control, the National Oceanographic Data Center of the Naval Oceanographic Office, etc.

DEFICIENCIES IN THE DELIVERY OF INFORMATION

By 1964, it had become clear that sophisticated centralized information systems alone were not adequate for delivering information to potential users. Entirely too few organizations and persons knew of the very existence of the centralized systems and had the capability of relating information to need, and many of those that did know of the existence and had proper capability did not know how to procure material from these valuable resources. As a result, innovative technology transfer activities were designed, two major programs being those developed and operated by the National Aeronautics and Space Administration and by the Atomic Energy Commission. On September 14, 1965, the State Technical Services Act was signed into law by President Johnson. This legislation was designed "to place the findings of science usefully in the hands of American enterprise." This Federal effort resulted in the creation of State Technical Services Programs in most of the states. These innovative and exploratory programs produced substantial contributions in many areas, but on a fragmented basis. The fragmentation primarily resulted from limitations placed upon the programs by their enabling legislation and by limited resources provided the programs.

During the past several months, there has been an evergrowing awareness that the information delivery services are, broadly and generally, not serving the basic purposes for which they were designed—the *use of knowledge* for social and economic advancement, particularly at the State and local levels. The August 1969 issue of *Industrial Research* reported on a recent White House-sponsored conference on technical information. At this conference Representative Emilio Q. Daddario, Head of the important Congressional Subcommittee mentioned above, forcefully stated his disappointment in progress in the Nation's informational handling systems and techniques during the past decade. At the same meeting, Dr. Lee A. DuBridge, Science Advisor to the President, admitted that "We still don't know how to advance—or use—this science and technology." Dr. DuBridge's statement is, of course, a broad generality. We have numerous major successful examples of the effective use of knowledge in addition to the military applications in World War II—in our extended and highly successful agricultural extension services, in atomic energy developments, in our space exploration activities, in our giant corporations. In all of these instances, applications were undergirded by—

1. Recognized goals and resources dedicated to the realization of the goals.
2. Well-staffed and well-supported information activities to analyze, store, retrieve, and "repackage" information for specific potential uses and users.
3. Applied research and development capabilities to adapt information to possible specific uses.

In contrast to these examples of successful use of knowledge, thousands upon thousands of potential users—organizations and individuals—throughout our Nation have no mechanisms or capabilities for requesting, analyzing, storing, and retrieving information, and for adaptive research to mold the knowledge to meet specific needs.

NEED FOR COUPLING MECHANISM FOR INFORMATION TRANSFER

At present, we continue to create new knowledge at a fantastic rate. It is said that man's total body of knowledge created during the past decade is valued at more than $150 billion and that it doubles in size in from five to ten years.

At present, primarily as a result of recent federal initiatives, we have sophisticated systems for the storage and retrieval of information. Many of the systems include analysis, selection, abstracting, and repackaging services.

At present, those organizations with defined goals and sufficient resources have the mechanisms and capabilities for identifying, collecting, and adapting information of potential use. The recent Apollo 11 mission is a superb example of successful application of science and technology.

But the great majority of organizations and individuals who might use knowledge existing in our diverse information storehouses do not have such resources. The NASA technology utilization program, the State Technical Services Program, and other technology-transfer activities have succeeded in creating some awareness that information does exist and has assisted some organizations in procuring specific information for their possible use. But these programs have had limited resources, and, as a result, limited audiences. Thus, vast quantities of knowledge, of some $150 billion value, are in well-designed and effectively operating information systems of our Nation ready for pick-up and use for social and economic advancement. Unless the knowledge is used, the efforts and expenditures leading to it, creation and processing are little more than costly intellectual exercises. The stimulation of the effective use of knowledge for social and economic progress is a responsibility of society parallel to its responsibilities for education, research, information, and libraries.

Any broad and general program for stimulating the use of knowledge should be based upon a full understanding of the processes leading to and including the use of the knowledge. Three distinct processes have been outlined schematically,[3] Research to Information to Innovation.

These processes are closely interrelated units of a system and require entirely different types of specialists for effective performance.

To the present time, prime emphasis and major resources in information activities have been applied to the body of information itself. For a broader use of knowledge, upon the innovators. The great majority of the users are not in the proximity of the information systems. The great majority are not in Federal and State establishments, but at *the local level;* many of the great majority do not even know that information of potential value to them exists. If this great majority is to be served, a major requirement exists for a coupling mechanism between the local users and the existing information systems, which are principally at the national level. State institutions, properly supported, could provide this coupling mechanism. Such state institutions could be large enough to provide adequate resources and small enough to respond to individual local needs. The state coupling mechanism, to do its job, must—

1. Have thorough knowledge of the many national information systems and procedures for procuring information from these systems.
2. Have knowledge of individual organizations at the local level.
3. Have resources for procuring necessary materials and capabilities for analyzing, selecting, abstracting, and rewriting information in language understandable by possible users in different fields of endeavor at the local level.
4. Have resources for communication with the national information systems and the users at the local level, and for delivery of selected information to possible users.
5. Have resources to demonstrate possible use of selected information.

All of these things have been done but not on a broad and general scale. The coupling mechanism will require applications specialists who exist only in very limited numbers at the present time; most of such specialists must be identified and trained.

The above coupling mechanism could identify, deliver, and demonstrate given information for specific use by a given enterprise. At this point, the receiver understands the information and realizes its potential value. But this successful delivery still does not assure use of the knowledge. Adaptive research and development will likely be necessary to develop models for a specific application, as well as thorough appraisals of costs and potential markets for possible new products and services. *The user must be stimulated to make investments in such activities.* The coupling mechanism could provide many services to assist in decision-making leading to an innovation. Such services could include the provision of information on—

(a) General market potential;

(b) Costs;

(c) Patents, production methods, etc.; and

(d) Sources of adaptive research and development assistance.

Such a coupling mechanism between the national information systems and the local users could be a major motivation in expanding existing industry and in the location of new industries in the state or regions served by the coupling mechanism.

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[2] National Referral Center for Science and Technology. *A Directory of Information Resources in the United States:*

Federal Government (June 1967);

Physical Sciences, Biological Sciences, Engineering (January 1965);

Social Sciences (October 1965); Washington, D.C., Library of Congress.

[3] Christopher E. Barthel, Jr. "Testimony on Proposed State Technical Services Act of 1965 (Senate Bill No. 949)." *State Technical Services Act:* Hearings before the Committee on Commerce, United States Senate, Eighty-Ninth Congress, First Session, on S. 949 and S. 2083, June 8, 9, and 10, 1965. (Serial 89–16), Pages 56–66. Washington, U.S. Government Printing Office, 1965.

The coupling mechanism will require substantial resources—for *capable* people in different fields of activity; for *good* communication with existing information systems and local potential users; for analysis, selection, rewriting, and redesign of material for possible specific applications; for field visits and demonstrations; for support of educational activities for potential local users.

Resources could be supplied in modest quantities on pilot projects, and expanded as the usefulness of the services was recognized and accepted.

The coupling mechanism should not be limited to industrial enterprises alone, but to state, county, and local governments; to school districts; to law enforcement activities; to judicial systems, and to other sectors of our structure. Evidence exists to show that these sectors need new knowledge but have neither the capability nor the resources for going after this knowledge.

IMPLEMENTATION OF A KANSAS REFERRAL SERVICE

There is a growing awareness at the Federal level that something must be added to present activities to deliver information to potential users. The fragmentation of present activities involved in the research-information-innovation system emphasizes limited audiences and limited areas of subject matter, but entirely inadequate provisions are provided for crossover into different audiences or into subject matter areas. The sheer number and great diversity of information activities stresses the need for generalist activities in this area—for the aforementioned coupling mechanism. There is also a growing awareness that an effective information delivery system must provide for face-to-face discussions between the delivery agents and the potential users. It is believed that a Statewide Kansas Referral Service [4] could effectively deliver information to users at the State and local level, the Service to be of a coupling nature and diagramed somewhat as follows:

KANSAS REFERRAL SERVICE

Information System No. 1, Potential User No. 1.

Information System No. 2, Potential User No. 2.

Information System No. N, Potential User No. N.

Such a Service, if properly supported—

1. Would not duplicate costly information systems now in existence; rather it would assure the use of these systems.
2. Would not be a repository of reports, papers, and books.
3. Would give user orientation to information activities.
4. Would provide for selective dissemination of information and person-to-person discussion with specialized potential users.
5. Would encourage *use* of information.

The location of such a Kansas Referral Service in the State structure is not readily apparent. The Service is not a library function, but the functions of a library could be extended to provide the Service. It is an extension-type activity, but the audience is much broader than that handled by individual extension services of our universities in Kansas. It requires a large and broad body of expertise to assist in analyzing and interpreting information and identifying innovative uses. Thus, a university is a logical location for this Service. It is a service activity, however, differing from teaching and research, and incentives must be provided university personnel to contribute to the services. It requires full-time "information salesman" for effective operation, and should be located in an organization in the university parallel to the teaching and research functions.

SUPPORT

It is believed that Federal support can be found to cover partial cost for the design of such a Kansas Referral Service, and for the operation of such a Service on a limited pilot scale.

CONCLUSION

It is apparent that this type of service is needed in the State of Kansas, and, through such a Service, Kansas could assume distinct leadership in the use of knowledge for social and economic progress.

ISSUES AND PROBLEMS IN APPLYING SCIENCE AND TECHNOLOGY IN PROGRAMS IN KANSAS

BACKGROUND

The Research Foundation of Kansas was created by the 1963 Kansas Legislature to serve two basic purposes—

1. To overview, stimulate, and coordinate the research and devolopment activities of the State of Kansas in "all areas of intellectual endeavor."
2. To encourage the application of research results for the advancement of the State of Kansas and its people.

The Research Foundation of Kansas had little precedent in our country, and, of necessity, the legislation creating it was very broad and general in language and scope. The development of the programs of the Research Foundation was, thus, an experimental activity—and an activity quite different from that involved in Federal service, with which we are both experienced. As the programs of the organization were developed and implemented, issues and problems were identified, and these issues and problems of Kansas have been assessed and reassessed.

We have been following the activities of the Intergovernmental Science Planning Program of the National Science Foundation almost from their inception. We are pleased and enthusiastic about the creation of this Committee on Intergovernmental Science Relations by the Federal Council for Science and Technology. We have studied most of the material which Dr. Frank Hersman has sent us, and must commend the Federal Council and the Committee on the statement of rationale and of objectives for the Committee. We can certainly detect in these statements, and in accompanying materials, a keen perception of the problems which face government at the state and local levels. We are sure that we speak for a number of persons like ourselves who are struggling at the state level in the complex task of integrating science and technology into public affairs when we wish the Committee outstanding progress and success—if for no other reason than that your work will reinforce and undergird our own efforts.

Thus, we are pleased to share our Kansas experiences with you this morning by discussing briefly "Issues and Problems in Applying Science and Technology in Programs in Kansas."

RESEARCH FOUNDATION OF KANSAS

The State of Kansas has a rich heritage in the field of agriculture and is blessed with a population of rugged individuals from a pioneer stock. Kansas has invested heavily in education; in 1967, 42.6% of the total general expenditures of State Government was allocated to education—supporting elementary, secondary, vocational education, and junior college education, as well as six state colleges and universities. In addition, private colleges and universities of the State number 18. (One a municipal university.) The State has been a major exporter of its young people and has been struggling to increase its per capita income to the national average. (It was 96.9% of the national average in 1967.) These issues were investigated by a Governor's Economic Development Committee in the early 1960's. The investigations led to the establishment in 1963 of a Research Foundation of Kansas in parallel with a refurbished Kansas Department of Economic Development and a new Office of Economic Analysis to stimulate the social and economic advancement of the State. The initial thrust of the Research Foundation, as outlined in the broad terms of its enabling legislation, was to undergird and strengthen the research and development activities of the universities and to interpret and stimulate the flow of research results into programs of the State. The Board of Directors of the Research Foundation was appointed in mid-1963; an office for the organization was established in mid-1964. By the time of the establishment of the office, the State universities had received certain authorities and flexibilities to improve their operations. As a result, the Research Foundation maintained liaison with the universities of the State, but created and developed service programs to accomplish the basic purposes of the legislation. The programs which evolved to meet the needs established by the Board of Directors were:

1. An inventory of research and development activities of the State of Kansas.
2. A public awareness program directed to the general public and the leaders of the State.
3. Research information and referral services.
4. Research advisory services.

A basic concept of the Research Foundation was the restriction of its activities to overview, stimulation, and coordination functions, not the conduct of operational programs. Thus, in 1965, the Research Foundation assumed leadership for the design of a five-year plan for technical services in Kansas which led to the creation of a Kansas Industrial Extension Service under the Kansas State Board of Regents to operate a Kansas Technical Services Program; the Research Foundation was appointed Designated Agency for this Federal-State activity. An exception to the concept of restricting the role of the Research Foundation to overview, stimulation, and coordination was the creation and operation of a Kansas Vocational Education Research Coordinating Unit at the request of the Kansas State Board for Vocational Education.

We do not think it proper to go into detail at this time on the enabling legislation or the programs of the Research Foundation. Rather, we submit to this Committee a copy of the enabling legislation of the Research Foundation of Kansas (House Bill No. 183 of the 1963 Kansas Legislature) and the most recent Annual Report of the organization for the records of this meeting of your Committee. The Annual Report reports briefly on the history and progress of the Research Foundation.

NEEDS IN APPLYING SCIENCE AND TECHNOLOGY AT THE STATE AND LOCAL LEVELS

Based upon the five and one-half years of program experience of the Research Foundation, a number of observations can be made on the type of activities conducted by the organization and the success of the Research Foundation in carrying out such activities. Specific needs identified for applying science and technology at the State and local levels, together with the effectiveness of the Research Foundation in meeting the needs, follow:

1. A need exists in Kansas for a single recognized focal point at the State level for information on scientific and technological activities and for the coordination of such activities.

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[4] The term "referral service" is used instead of "information service" to stress that the activity would not be a document-gathering function, would not duplicate existing costly information systems, and would be an action-oriented service to relate knowledge to potential users.

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The Research Foundation has served in such a focal-point capacity in the creation of the Kansas Technical Services Program and the Kansas Vocational Education Research Coordinating Unit, and in argribusiness and children and youth programs in the State, among others. Its focal-point role has been effective in communication with the Kansas Congressional Delegation, with Federal agencies, and with regional bodies. Additional resources would permit additional services in other areas.

2. A need exists in Kansas, and has existed from the very beginning, for a public information program to improve the awareness of those in State Government, as well as the average citizen, of the significance of research and development and science and technology to social and economic advancement.

An initial thrust of the Research Foundation was in this area, with the publication of a number of items[1] on the research resources of Kansas, and the conduct of specific conferences and symposia. Budget cuts have reduced this important activity to minimal levels. The Board of Directors still considers this a vital area of concern for the Research Foundation.

3. A need exists in Kansas for a continuing inventory of research and development and scientific and technological activities carried out in the State to serve as a resource for information and referral services.

The Research Foundation attempted to communicate with the performers of research and development in the State in 1965 and collected considerable data on the State's research and development and scientific and technological activities. This initial effort has been drastically reduced during the past two or three years because of personnel cuts and the pressure of other activities. The present inadequacy of the inventory program impairs the work of the Research Foundation in other areas of concern.

4. A need exists in Kansas for the establishment of specific research and development and scientific and technological goals, objectives, and actions at the State and local levels.

The Research Foundation has enjoyed limited success in stimulating organizational and program goals. It has written a formal program for such goals—establishment activities into its budget requests during the past several years, but the requests have not been approved by the State's fiscal apparatus.

5. A need exists in Kansas for a mechanism with authority to mobilize research and development and scientific and technological resources in the State to accomplish the purposes of State and local governments. The Research Foundation has been successful in such mobilization activities in connection with the State Technical Services Program, in the establishment of the Kansas Vocational Education Research Coordinating Unit, and in a few other areas. Its efforts in this area have been limited, however, by human and financial resources.

6. A need exists in Kansas for a linkage mechanism between the Federal information system and the users of scientific and technological information at the State and local levels. Generally speaking, the potential users of scientific and technological information at the local levels, and many at the State level, do not know of the existence of information resources and do not know how to procure information from such resources.

This is a crucial area of concern to the Board of Directors of the Research Foundation and to the State of Kansas, particularly since the announcement of the termination of the State Technical Services Program.

As a result of the concern of the Board, we have attempted to analyze, in a broad way, the problems involved in the delivery and use of information in a paper entitled "The Use of Knowledge," which was prepared for the Board of Directors of our Research Foundation. In the hope that the paper may be of some assistance to the Committee, we recommend that a copy be filed in the records of this meeting.

The Research Foundation has performed, in a limited way, service as a linkage mechanism between organizations and persons of Kansas seeking specific scientific and technological information and the information systems at the Federal level. Much more could be done in this area with additional resources. In particular, the Research Foundation could devote more attention to publicizing the availability of information in the Federal systems and to the selection, repackaging, and distribution of specific information to appropriate possible users. Resources have just not existed for a significant thrust in this area.

7. A need exists in Kansas for advisory services in organization, program, and project planning and design. Adequate competence does not exist at the local level, and in some State agencies, for development of plans and designs to compete favorably with the plans and designs of other states. The universities have competence to provide such advisory services, but their faculties are already over-burdened with responsibilities in teaching, basic research, committee and service activities, and other professional duties.

The Research Foundation has performed such services to a limited degree. Some of these services are listed on Pages 9–10 of the 1968 Annual Report of the organization. The limited recognition and resources of the Research Foundation have prevented more services of this type.

ISSUES AND PROBLEMS

The above listing of State needs in the application of science and technology and the assessment of success of the Research Foundation operations in meeting these needs indicate distinct accomplishment of the organization and its programs, but also stress the crucial need for additional resources in the Research Foundation, or elsewhere in the State structure, to improve the process of applying science and technology to the solution of State and local problems.

Principal issues and problems which have restricted the application of science and technology to programs in Kansas are—

(1) Severe financial problems of the State. This is the principal issue in the current (1970) session of the Kansas Legislature. Both the Governor and the Legislature are concerned about taxpayer rebellion. Many worthy programs are suffering cutbacks.

(2) Lack of specific, well-publicized science and technology goals for the State. The State's Planning Division, operating in the Kansas Department of Economic Development, is making progress in the development of State plans under the 701 Program. A basic need exists for the formulation of specific, well-defined objectives and the recommendation of priorities for consideration of the Governor and the Legislature.

(3) Inadequate understanding on the part of the general public and State and local leaders of the significance of science and technology to social and economic advancement and of modern scientific and technological methods that might be employed in Kansas to improve the gross State product and broaden the public tax base.

(4) A general disillusionment on the part of the general public and State and local leaders with research and development and science and technology resulting from the soul-searching going on in these areas.

Principal issues and problems relating specifically to the Research Foundation of Kansas include the inadequacy of—

(a) Recognition of the Research Foundation and its role in the State.

(b) Staff to communicate more effectively with the scientific and technological resources of the State.

(c) Staff for the maintenance of a more effective inventory of scientific and technological resources.

(d) Resources and authorities to mobilize more effectively the scientific and technological resources of the State.

(e) Resources and authorities to develop a more effective information and referral activity for Kansas.

(f) Resources to provide prompt research advisory services as requested.

(g) Staff to communicate with leaders of Kansas at the State and local levels.

(h) Staff for the establishment and maintenance of a formalized science and technology goals program.

We must stress that the Research Foundation is sharing these issues and problems with most other agencies and organizations of the State of Kansas. We must also stress that in all of the issue and problem areas listed, the Research Foundation has enjoyed some progress. The magnitude of the effort has just not been adequate for the type of thrust in science and technology necessary for major contributions to the State and its people.

ESTABLISHMENT OF DEPARTMENT OF SCIENCE AND TECHNOLOGY IN KANSAS

The Board of Directors of the Research Foundation, the Governor's Office, and the Legislature recognize the issues and problems which have retarded the progress of the Research Foundation. In 1967 the Board of Directors passed the following resolution:

While the Board of Directors of the Research Foundation is proud of programs developed under its auspices to the present time, it recognizes the extremely broad area of concern of the organization and the limited funds available for support of programs. The Board is dedicated to the development of the best programs possible for the State consistent with the authorities of its enabling legislation. To this end, the Board of Directors, at its meeting of October 10, 1967, passed the following resolution for presentation to the Governor at this time:

In view of the experiences of the Research Foundation to date, the rapidly changing character of research and the economy of our nation, and the opportunity for evaluation of the economic development programs resulting from the recommendation of the Governor's Economic Development Committee, the Board of Directors of the Research Foundation recommends to the Governor that a Committee be appointed to make a study of the role of the Research Foundation in the overall programs of the State and the possibility of realigning the setting and activities of the Research Foundation in the interest of the more effective discharge of its responsibilities to the State of Kansas and its people. The Board further recommends that the Committee report its recommendations and findings in time for consideration by the 1969 Session of the Legislature.

In his message to the Legislature covering the 1969 budget, the Governor of Kansas said:

"I recommend that the Legislature make a review of the operation of the Research Foundation and determine whether it is in the best interest of the state to continue this operation. The Board of Directors of the Research Foundation has recommended that the Governor create a Committee to study the role of the Research Foundation in the overall programs of this state. I think that this study could be done more appropriately by this Legislature."

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[1] Typical publications are provided for the records of the Committee on Intergovernmental Science Relations.

The Legislature responded by sending one of its members to the Conference on "Science, Technology, and State Government" which was sponsored by the Southern Interstate Nuclear Board and held in Louisville, Kentucky in September 1968. This representative, Mr. Fred A. Linde, himself a chemical engineer practicing in industry, introduced into the 1969 Session of the Legislature House Bill No. 1340 to create a Department of Science and Technology for the State of Kansas to serve as a successor organization of the Research Foundation of Kansas. It is requested that a copy of this Bill be introduced into the records of this meeting.

The principal provisions of the proposed legislation follow:

1. A new name is provided for the organization responsible for the overview, stimulation, and coordination of scientific and technological activities. The Research Foundation of Kansas has been a misnomer from its very beginning. It has never served as a "foundation" in the usual sense of the word.

2. It defines more specifically the responsibilities and authorities of the new Department.

3. It specifically directs the Department to provide science and technology advisory services to the Governor and to the Legislature.

4. It reorganizes the administrative structure of the governing body to include scientific and technological leaders of Kansas instead of business leaders and permanent members of the Board of Directors by virtue of their State positions.

House Bill No. 1340 was referred to the Federal and State Affairs Committee of the Kansas House of Representatives in the 1969 Session. Hearings were held on the Bill on December 10, 1969, at which time numerous witnesses spoke in favor of the Bill. Members of the Committee, however, questioned the need for new legislation. It is difficult, or perhaps impossible, at this time to predict whether or not action will be taken in the 1970 Session on this proposed legislation in view of the several serious basic problems confronting State Government at the present time.

RECOMMENDATIONS

The issues and problems at both the State and local levels and in the Research Foundation itself prompt the following recommendations:

1. It is recommended that the Office of Science and Technology of the Executive Office of the President initiate the development of a science and technology public awareness program to feed information to the general public, to the Governor, and to the Legislature of the different states (a) on the significance of science and technology to problem-solving and to social and economic advancement; (b) on Federal programs that could undergird state programs; (c) on exemplary programs in the states that might be adaptable to other states.

2. It is recommended that an appropriate unit be established in the Office of Science and Technology of the Executive Office of the President to serve as a focal point for communication between the Federal Government and the states on scientific and technological matters.

3. It is recommended that legislation be prepared to provide for Federal block grants on an annual basis to each of the states for support of its science and technology unit or for establishment of such a unit.

4. It is recommended that the same legislation provide matching funds for Federal support of exemplary programs in the states in the application of science and technology in public programs.

5. It is recommended that the Federal Government support several pilot programs in selected states to stimulate a greater use of information at the state and local levels through the establishment of a state coupling mechanism between the state and local users of information and the Federal information systems.

6. It is recommended that the Office of Science and Technology of the Executive Office of the President reconsider the recommendations of the report entitled "Technological Innovation: Its Environment and Management," and initiate the implementation of those recommendations which will stimulate the application of science and technology at the state and local levels.

CONCLUSIONS

We are grateful for the opportunity to share our experiences with this Committee on Intergovernmental Science Relations, and enthusiastically look forward to a strong Federal-Kansas relationship dedicated to the effective application of science and technology to the solution of today's complex problems and in programs for social and economic advancement.

VICE PRESIDENT REPORTS ON HIS ASIAN TOUR

Mr. GRIFFIN. Mr. President, in a speech today before the California Newspaper Publishers Association in Los Angeles, Vice President AGNEW gave an excellent report on his Asian tour last month.

I ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY THE VICE PRESIDENT BEFORE THE CALIFORNIA NEWSPAPER PUBLISHERS ASSOCIATION, LOS ANGELES, CALIF., FEBRUARY 5, 1970

I come before you today in the role of reporter, to relate to you my observations during my eleven-nation tour of Asia last month.

Before I'm through, I will switch to the role of editorial writer, to comment on the meaning of the Nixon Doctrine to our nation and to the world.

As I may have mentioned before, I'm a believer in separating fact from opinion.

First, let me touch on some of the lighter moments of the trip.

I spoke to Bob Hope when I got back, and he said he had heard I'd done fine, but he thought it was a bit much for me to wade ashore at Manila.

As you know, the State Department and Dr. Kissinger's office brief you rather carefully before making one of these trips.

Actually, it can be a little unnerving. One of my briefing papers pointed out that the national anthem in Afghanistan is in three movements and cautioned me not to relax or sit down at one of the pauses in the middle. Throughout the trip in case anybody wondered why I remained at attention long after every one of the national anthems was over, it was because I was asking myself: "Am I sure this isn't Afghanistan?"

The President, of course, has an even more detailed schedule on his own trips abroad. When he went to Paris last year—this is true—he was handed a scenario by the advance men that included a strange item in it: "After President Nixon speaks for ten minutes, his remarks will be translated into *English*." Sometimes we have trouble communicating, but I never thought it was that bad.

The press gave my tour complete coverage, both here and abroad, and I have no complaints. But there was one time, in Bangkok, when they went a little far. Coming out of one of the temples, I was putting my shoes back on and noticed a photographer down on the ground shooting a picture of me tying my shoelaces. That wasn't so bad, but then a radio newsman bent down and held a microphone three inches from my shoe, as if he expected it to make a comment. Some reporters were waiting for me to put my foot in my mouth, but this one apparently thought I'd put my mouth in my foot.

In a serious vein, let me discuss with you some of the impressions gleaned from my visit to Vietnam and my talks with Asian leaders.

In South Vietnam the morale of the U.S. troops is high. Just as important, there is a genuine and growing spirit of cooperation between U.S. troops and the men of the South Vietnamese army.

I have learned that "Vietnamization" is not just a word; more and more, it has become a fact; and it has stimulated the self-respect and self-confidence so necessary to any army in the field.

After so many years of hopes that were raised and dashed, there can be expected to be a certain skepticism on the part of observers in South Vietnam. But even the most skeptical are becoming convinced that the process of shifting the burden of fighting is working, though much remains to be done.

We are bound to hear more from those here at home who wanted us to pull out immediately and whose voices became muted after the President's November 3 speech. They are being proved wrong, and they don't like it one bit; obviously, they will seize upon any temporary setback to justify their own ideas of "peace now, worry about the price later."

But the people, and the press, cannot be fooled about Vietnam in the Seventies. There is a new realism in policy, a new realism in news coverage, a new realism on the part of South Vietnam's leadership.

I could sense that realism in my conversations with President Thieu and with Ambassador Bunker. Because the "iffiness" is gone from American policy, because President Nixon has a plan to end this war, you can actually feel a steadiness of purpose in Vietnam that was never there before.

Importantly, the President's plan to end the war honorably is no isolated solution to a single difficult situation—it is a part of a total design, a strategy that is becoming known around the world as the Nixon Doctrine.

Part of my job on this Asian trip was to carry the message of this Nixon Doctrine to the capitals of our allies. I can report to you tonight that this message is being understood and it is being welcomed.

That doctrine was clearly spelled out in the President's State of the Union message:

"Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking.

"The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.

"We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs."

Those words are reverberating in the faraway places with the strange-sounding names: in Kuala Lampur, in Kathmandu, in Kabul. Whenever a great power sets a new course, other powers must reexamine their own policies.

The Asian leaders I met are in that process now, and it is a healthy new look that is resulting in an increased self-reliance.

But one leader told me of a concern of his. There is a lag in communication across the Pacific. The change of mood of the American people since November has not yet traveled across the ocean.

People in many Asian nations, he said, are still worried about a new isolationism on the part of the American public. They saw the films of the protesters here, they read the headlines demanding immediate withdrawal, and they genuinely fear that this will be the wave of the future in the U.S.

In these days of instantaneous communication, when a change in officeholders can be flashed across the world in the flick of an eyelash, how do you communicate a change in mood?

The Asian leaders have been reassured by the way the American people have rallied behind the President's plan—but much of the Asian public remains unaware and worried.

This means that we must hold fast to our new sense of purpose, and rely on their media and ours to communicate that steadfast spirit. It will take time, but it is an essential step toward stability in the Far East.

The junketeers with old axes to grind, the observers who portray American public opinion as self-doubting and wavering, not only transmit a false picture—they undermine the foundation of peace and security that Asians and Americans together are beginning to build.

There is one element of concern and one element of confidence that pervade the conversations of every Asian leader.

The element of concern is this: the potentially aggressive intentions of Communist China. Some say that the Sino-Soviet split is not as serious as most Western observers believe; others say that the Chinese may be so frustrated in their dealings with the Soviets that they may act more aggressively in Southeast Asia. Whatever the possible Chinese motive, the fact is that Asian leaders show a lively concern about the potential threat of Red China.

On the other hand, the element of confidence is this: The leaders of Asia believe their area is going to make enormous progress in the generation ahead, and they are convinced they can guide their peoples to new heights in economic gains and new fairness in social affairs.

As we in America talk of welfare reform and draft reform, the leaders in Asia talk of land reform and reform of unrepresentative government. The "age of reform" is worldwide.

You can see this in the land reform programs in Vietnam, in Malaysia and on Taiwan; you can see it in the industrial development in Singapore, in the economic stabilization of Indonesia, in the success of miracle rice in the Philippines, in the action toward more representative government in Nepal and Afghanistan.

In each case, it is significant that the road to development is much more like the democratic way than the communist way. The peoples of Asia believe, and rightly so, that they can have their rice and their freedom as well.

There is one perspective I gained in Asia that I especially want to share with you.

In the long pull of history, 1969 may be remembered as the year in which America regained her balance and her self-confidence, and moved to a new awareness and a new role in world affairs.

But in Asian eyes, one event that went relatively unnoticed here may also grow in importance with the years. That was our return of Okinawa to Japan.

The world's greatest industrial nation turned over a powerful and strategic base to the world's third largest industrial nation. That says a lot about America to the Japanese and to all Asians.

This was done with no great outcry about a loss of American security; that says a lot about the leadership of a President, and the confidence of the American people in his judgment about our security needs.

Finally, this was done to lay the groundwork for close cooperation and friendship between two great Pacific powers—on which so much of the future stability of Asia depends.

As I said, this went relatively unnoticed in the United States; on the contrary, it was very carefully noted in Asia.

Up to now, I have been reporting my observations of my talks with Asian leaders. It is remotely possible that I have slipped a little personal opinion into my report; objectivity doesn't come easy to Vice Presidents, either.

My conclusion, however, is a flat-out editorial:

It's hard to talk about Doctrines without sounding doctrinaire. But let me try.

The Monroe Doctrine said to Europe, "Stay out of this hemisphere." The Truman Doctrine said to the Soviet Union, "Stay out of countries that want to remain non-Communist." The Nixon Doctrine says, "We'll help our friends who are willing to help themselves."

Each of these doctrines was enunciated at a critical turning point in our history. The first two were right for their time; the Nixon Doctrine is right for our time.

It was Woodrow Wilson who said "Democracy is more than a form of government. It is a form of character."

The American character today is not the sort that sells out its friends, that runs away from its commitments, that tries to turn inward and lets the rest of the world go hang.

Nor is it a part of the American character to take on the jobs that others should be doing for themselves, to weaken the will of our friends by carrying their burdens for them.

The message I carried to Asia on behalf of the President was this: that America stands behind its friends, not in front of its friends, in their defense of their freedom.

And the message I brought back was this: As self-respect and self-reliance increase among the nations of Asia, respect for America will continue to rise.

TRAGEDY IN NIGERIA

Mr. CRANSTON. Mr. President, as I have commented in the past, I am deeply concerned over the tragic situation in Nigeria and have communicated this concern to Secretary of State Rogers and President Nixon. The situation demands our constant and consistent efforts to alleviate the horrifying conditions which exist in what was formerly Biafra.

It has recently come to my attention that a student organization, Students for Biafran Relief, has been organized and is operating from the University of Notre Dame. This organization has been established to work for the noble aim of assisting to save the millions of people who are still starving in Biafra.

Students for Biafran Relief seeks to enlist aid from students, laymen, political leaders and corporations to express their opinions on this situation, and I am pleased to lend my support to this fine effort.

Once again, the positive activism of today's youth is being demonstrated through such an effort and it is my hope that this effort will succeed in providing the necessary assistance to the thousands of people who are starving in Nigeria.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement, the Chair recognizes the Senator from Mississippi (Mr. STENNIS).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against the time that has already been allotted to the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Maryland (Mr. TYDINGS).

Mr. STENNIS. Mr. President, my remarks will be addressed primarily to amendment No. 481 to the bill. My remarks will be entirely germane, I am sure, and therefore they will be in order, under the rules, for 3 hours. I make that statement for the information of the Chair.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the distinguished Senator from Florida. I understand that he must leave the Chamber to attend to an important matter.

Mr. HOLLAND. Mr. President, I want to express to the distinguished Senator from Mississippi my very great appreciation for the leadership he is taking in this matter. I am glad to be one of the cosponsors of the amendment he is about to discuss.

I am sorry that I am called from the floor, but the Governor of our State has requested a conference in 15 minutes at the other end of the Capitol, with the delegation from Florida, on this very subject.

I want the record to show that that is the reason for my absence and that I very strongly support the effort of the Senator from Mississippi and hope to join in it a little later.

Mr. STENNIS. I thank the Senator very much for his remarks as well as his sentiment. I look forward to his return to the Chamber. His support is encouragement to anyone, and I know of his interest in this subject.

Mr. President, I always want to yield to any Senator at his convenience and be courteous to him, but I should like to present some facts I have in this case, and proceed without interruption, unless it is of the briefest kind, and then, when I have concluded my remarks, I shall be glad in every way to yield for questions.

ADDITIONAL COSPONSOR

Mr. President, I ask unanimous consent that the name of the Senator from Virginia (Mr. Byrd) be added as a cosponsor of amendment No. 481.

The PRESIDING OFFICER (Mr. Bible in the chair). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask unanimous consent that the text of amendment No. 481 be printed in the Record at this point.

There being no objection, amendment No. 481 was ordered to be printed in the Record, as follows:

> On page 45, between lines 4 and 5, insert the following new section:
>
> DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED
>
> Sec. 2. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.
>
> (b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided*, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Mr. STENNIS. Mr. President, I speak today in favor of amendment No. 481 for the sole purpose of trying to preserve the community and the neighborhood schools of each State in the United States.

I have already said that I refer to amendment No. 481 to H.R. 514. The following named Senators are cosponsors of that amendment: Mr. Russell, Mr. Hollings, Mr. Talmadge, Mr. Eastland, Mr. Ervin, Mr. Holland, Mr. Ellender, Mr. Jordan of North Carolina, Mr. Thurmond, Mr. Allen, Mr. Tower, Mr. Sparkman, Mr. Gurney, Mr. McClellan, Mr. Long and the Senator from Virginia (Mr. Byrd).

Mr. President, I want to preserve the neighborhood schools—and I am talking about public schools—to keep them for their primary purpose; namely, the education of our children.

I am sure that that motive and that desire are shared by every Member of this body. We might disagree as to the extent to which it is being impaired now, but we all agree that we must find a way to keep our schools engaged in the primary work of education of children.

Mr. President, I am not speaking today against integration. I accept that as a starting point, that it is the law. It has already been applied in the schools in the State which I have the honor to represent.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Is the Senator saying that forced integration is the law?

Mr. STENNIS. No. I do not mean to imply forced integration is the law in all circumstances. I mean by integration here that there can be no disclaimer or refusal to recognize the right of a child to enter a school because of race, creed, color, or national origin, if that child is otherwise entitled to enter it. Then there is no discrimination against him.

The first part of the amendment reads as follows:

> No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

I start with that. I announced that that is my purpose.

Mr. BYRD of West Virginia. I simply want to say that I think I understand the Senator. He is saying that no child may be excluded from any school on the basis of race, creed, color, or national origin and that, therefore, State-enforced segregation is illegal; but I take it, and I hope that I understand him correctly, that he does not mean that forced integration, on the basis of race, creed, color, or national origin is the law of the land.

Mr. STENNIS. No. The Supreme Court has never gone that far, as I understand. It is a matter here of each child having the right, so far as race, creed, color, and national origin are concerned, to enter a school if that child is otherwise qualified.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. STENNIS. I thank the Senator for his concern and his questions.

Mr. President, I shall not seek in any way to discredit or criticize the Supreme Court as a highly important branch of our Government, but I shall not hesitate fully to state the unhappy facts brought about from the application of certain Supreme Court decisions regarding the massive integration of certain schools in the South.

The Supreme Court, in these recent decisions, in demanding total and immediate integration in many schools, even in the middle of the school term, alerted the parents of children all over the Nation, beyond the South, to what can be in store for them if this policy, which is now applied to the South, is ever applied to other areas of the Nation.

I am confident that, in time, the great majority of the parents of schoolchildren in this Nation, as well as a great majority of other citizens, will line up behind the principles of this amendment.

In short, amendment 481 provides no discrimination against any individual student because of his race, creed, color, or national orgin. It further provides a major measure of freedom of choice for parents in the selection of the school for their children and, in effect, precludes the busing of children away from the community school without the consent of their parents.

Since getting into these figures about segregation in States beyond the South, I have talked to a great many Senators and Members of the House. I have received mail from other parts of the Nation. There is growing concern and growing opposition, beyond all doubt, to the busing of children away from their homes and home schools just in order to create a so-called racial balance or racial percentage of students in some schools somewhere else—5 miles, 10 miles, or 20 miles away.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. I ask the Senator if it is not true that we have more integration in southern schools today than in any other section of the country wherever the two races live together?

Mr. STENNIS. Well, percentagewise—there are some very interesting figures on that, but percentagewise, of the total black and white students, I do not think the percentage would be higher.

Mr. TALMADGE. Is it not 40 percent in the South?

Mr. STENNIS. No; I do not think it is that high yet.

Mr. TALMADGE. What is the percentage in the South? My recollection was that HEW's own estimates showed it to be 40 percent where there was some integration in the schools affected.

Mr. STENNIS. I do not think it is that high.

I have the figures here somewhere, but I do not know that I can readily put my hands on them. I will refer to some figures later. In the five largest cities in the South, and in the five largest cities outside the South, there is a striking parallel. There is just as much integration in the South as there is in the North as to some of these cities.

Mr. TALMADGE. Does the Senator recall the percentage in Washington, D.C.?

Mr. STENNIS. In Washington, D.C., it is 95 percent—I think 94.7 percent—now of black students and the others are white, of course.

Mr. TALMADGE. Does the Senator recall the percentage in Chicago?

Mr. STENNIS. Well, there are over 100 schools in Chicago—I have that table here somewhere—but I really do not wish to go into that at this point——

Mr. TALMADGE. The Senator will be covering that in his speech. I shall not interrupt him further.

Mr. STENNIS. Yes; I will cover that. There are over 100 schools in Chicago which are totally 100 percent black. There are about 250, as I recall, that run from 94 percent to 100 percent totally black

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Mr. TALMADGE. They are not doing any busing there?

Mr. STENNIS. No.

Mr. TALMADGE. They are not assigning anyone anywhere else?

Mr. STENNIS. No. So far as the Civil Rights Act is concerned, they asked them to do something about that a few years ago, but it was all swept under the rug. They asked them to do something about integration among the teachers last May, and the teachers flatly refused to do so. They offered a $1,000 bonus to switch them around in the schools but they turned that down, too, and there has been nothing done about it.

Mr. TALMADGE. Mr. President, what they have done has been exclusively in the South and nowhere else in the country.

Mr. STENNIS. With certain exceptions, and I will enumerate those. It has been a comparatively slight scratching of the surface. The men who work in HEW will really tell the Senator that the combined effect of all they are doing outside of the South is just a ripple. It does not mean anything. It is just a scratching of the surface.

The Senator is correct.

Mr. TALMADGE. Mr. President, I thank the Senator.

Mr. STENNIS. Mr. President, the amendment comes from good parentage. The people of the great State of New York, confronted as they were with the merging massive State plan—and this is a very significant thing—for the busing of the children in the State of New York to schools away from their own communities, in order to achieve racial balance—and this was a State plan under Mr. Allen, then Commissioner of Education of the State of New York—appealed to their lawmaking authorities, their State legislature for the passage of a law that would prevent the busing plan.

After the fullest debate, the assembly of the State of New York passed a bill to end the compulsory busing of school children for the purpose of integration by a vote in that assembly of 104 to 41.

That bill, in effect, prohibited the busing of children according to the plan proposed by Commissioner James E. Allen, Jr., then Commissioner of Education in the State of New York. Mr. Allen is now Commissioner of Education and Assistant Secretary of Health, Education, and Welfare here in the Federal Government.

Governor Rockefeller signed that bill on May 2, 1969. And it became effective, according to its own terms, on September 1, 1969. It is now chapter 342 of the laws of New York, 1969, regular session.

Later on, but not now, I shall ask unanimous consent that a copy of that law be printed in the Record at the conclusion of my remarks.

Mr. President, I base my argument on two major essential steps. We all know that this idea of massive integration, total integration, is not acceptable to the people in the South or the North.

Speaking for the Negro people of Mississippi, I know that a great number of them do not want such a plan carried out. I have observed this thing clearly. I have seen what this massive demand does to the quality of education itself.

I am fully satisfied that, even though we try this for 10 or 20 years in the South, and then for 15 years in the North, we will finally come back to a plan substantially similar to what the amendment provides.

The children will not be bused away from their home communities, and the parents will have a choice in saying where they shall go, through their local school boards. It will come back to that. And I do not think it will take very long because of the growing realization of the people outside of the South that their time is close.

Mr. President, for the first time in the history of our Nation, the President of the United States has authorized the Vice President to say that the President is going to create a special commission, to be headed by the Vice President and at least two other Cabinet members and other Presidential advisers.

For what purpose is this? This is a very significant thing. It was for the purpose of applying the decree of the Supreme Court with the least disruption to the schools. Those are the words Mr. Agnew used, the least disruption.

That is an admission that the President of the United States finds that there is disruption. It is saying that he thinks something ought to be done about it. He is not empowered to override the Supreme Court of the United States. But he nonetheless feels compelled to try to do something about it, and he is putting his first team to work on it.

Second, the Vice President said that we ought to, at the same time, preserve the quality of education. That is a recognition of the fact that quality of education is in peril. One can call it what he pleases—civil rights or the mouthing of a southern Senator. Everyone knows—and I will prove it more and more by the record as I go along—that the quality of education is imperiled by this social scheme dumped in the laps of the schools.

That is what the Vice President said, that the President had authorized him to move with these others in that direction. And it is none too soon. It is none too soon.

I have been down there where this thing has happened. The people want their schools. They want to try to obey. They do not know what to do. The parents do not know what to do. The little children, white and black, are confused. The teachers and the principals are confused.

They came and talked with me about it. People that I have known all of their lives and most of mine tell me the truth. They pour out their hearts and souls. They do not know what to do.

The superintendent of schools said he does not know what to do. The lawyers representing the school districts, small and large, do not know what it means. The Court talks about a unitary system. They never defined a unitary system. The court of appeals does not know what to do about it, frankly.

Some of these decrees came down using the term "immediately." The district courts and the court of appeals were not willing to render a decree contrary to their judgment. So they gave a little additional time. It bounced up here, and the Supreme Court threw it back, saying, "Now, now, everything now!"

So, there is a little glimmer of hope. The last order had four dissenting votes. Two of them partly dissented, and said they would at least allow 8 weeks. Two others said we ought to be given what the court of appeals had found as facts in its judgment. It was not unanimous. It was 4 to 4, really. That affords a glimmer of hope.

I know that it takes something to disturb the President and cause him to set up a commission of his first team to try to implement Supreme Court decisions without disrupting the schools any more than necessary. And he wants to preserve the quality of education.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I am glad to yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator for yielding.

I compliment the Senator on his amendment. I beileve that I am a cosponsor.

Mr. STENNIS. The Senator is correct.

Mr. McCLELLAN. I hope the amendment will prevail, although that may be a forlorn hope.

The Senator points out that there was mention of a new commission being set up by the Vice President. The Senator said that the Vice President pointed out that this was an attempt to find some way—what was the exact quotation?

Mr. STENNIS. The Vice President used these words, "to apply the decree of the Supreme Court with the least disruption of schools and then preserve the quality of education."

Mr. McCLELLAN. I believe the Senator did say that obviously the President had found disruption prevailed to a degree.

Mr. STENNIS. Yes. The Senator is correct.

Mr. McCLELLAN. And that he felt it was his duty, and he felt the necessity, to appoint a special panel under the direction of the Vice President to try to find some way to alleviate the disruption.

Mr. STENNIS. That is correct.

Mr. McCLELLAN. Has the Senator heard of a situation that was revealed either last night or within the last 2 or 3 days? I did not hear where the incident took place. However, a parent was being questioned about forced busing in schools and she said she has five children, that they are to be bused to five different schools, and that none of the children is permitted to go to his home school. Is that an example of the disruption the President is trying to relieve?

Mr. STENNIS. That is a good example, and there are plenty of them in that category, where many families have been split up.

Mr. McCLELLAN. I assumed this was a rather flagrant example but the incident was revealed on a network program where local citizens were questioned about the school situation.

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I wonder how anyone could contend that that sort of disruption improves the quality of education. Can anyone who favors this—the members of the Supreme Court or anyone else—give one reason or one supporting fact that would sustain the contention that such disruption improves the quality of education?

Mr. STENNIS. I do not see how they could, especially in view of what has happened. These things look good on paper to some people but when they get down to the grubbing and go to apply it, a different situation is encountered.

Mr. McCLELLAN. Mr. President, will the Senator yield for one further question?

Mr. STENNIS. I yield.

Mr. McCLELLAN. Suppose the panel finds this situation where five children in the same family are sent to five different schools and that they are not permitted to go to their home school. What power does the panel have to modify the impact of recent Supreme Court decisions? I am wondering if this is just another gesture, another screen put up, or whether there is concern today in this administration to try to do something about it.

Mr. STENNIS. I am going to answer the Senator very frankly. I do not think they have any direct power to alter the decree of the Supreme Court. They might have some power of persuasion with the people and make the people of the Nation outside the South know what this means. We already know. But in that way I think they can do some good. I am not expecting any favoritism from the Supreme Court but if the Supreme Court would reverse its position on all of these matters that come up from the circuit courts of appeals and would stop saying "now" that would help.

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Mr. McCLELLAN. How could they discontinue reversing all these cases except that they reverse themselves? They would have to reverse themselves in order to stop reversing some of these cases.

Mr. STENNIS. There is always a difference in the facts in every case. If they would read the record, review the testimony, do their very best, and apply the rule of reason even within their overall policy, they could reverse many of these cases.

I say with all respect to them that I do not think they had the facts before them last October when they threw out all of these cases. Did they seek the facts? All they had to do to get them was to ask for them, but I cannot believe they had all the facts before them and all the material when all those men reached that unanimous decision.

Mr. McCLELLAN. Mr. President, will the Senator yield for another question?

Mr. STENNIS. I yield.

Mr. McCLELLAN. Does the Senator know anyone who contends today that the quality of education has been improved?

Mr. STENNIS. I do not know of anyone myself. I have documents I am going to have printed in the RECORD from people who, compared with the Senator from Arkansas and the Senator from Mississippi, are quite liberal; and they have said they have had enough, that things are going the other way, and that the system is being destroyed.

Mr. McCLELLAN. Do we not see deterioration every day in the public schools of our Nation?

Mr. STENNIS. Of course, we do.

Mr. McCLELLAN. Repeatedly we see headlines in the press.

Mr. STENNIS. Where this doctrine is being enforced, yes.

Mr. McCLELLAN. I thank the Senator for yielding.

Mr. STENNIS. No one is any more grateful for what the city of Washington did for their children than Mrs. Stennis and I. They got a corking good education here in the public schools. I am a taxpayer here, not a big one but a modest one. I am glad to pay them. Everyone knows that the quality of education now in the District of Columbia is far, far below what it was. I do not discredit the schools but that is the situation.

Mr. McCLELLAN. Mr. President, will the Senator yield for one more question?

Mr. STENNIS. I yield.

Mr. McCLELLAN. Will making available more money solve that problem?

Mr. STENNIS. No, sir; not at all.

Mr. McCLELLAN. More and more money, is that going to solve the problem that has been created?

Mr. STENNIS. No, not at all, not with this extreme application; that is not the way at all. The figures show that is true. One can look at the people who have left town. That is what has happened. They have left town or they have gone to private schools.

Mr. McCLELLAN. Is that not true with respect to both races?

Mr. STENNIS. Yes, more and more.

Mr. McCLELLAN. It is not just whites leaving town.

Mr. STENNIS. More and more. I have a reference here that the black families that are able to are getting out and going to the suburbs.

Mr. President, going back to the New York law, the fact that the legislature of the State of New York thought it necessary to pass a law to preserve the neighborhood school is clear evidence that the officials of that State saw the danger of the neighborhood school policy being abolished; that is, a child going to school in his own neighborhood.

While the spotlight is now the Southern States, the danger of other States losing the right to operate neighborhood schools is great and imminent. Today the South is under attack. The time will not be far away when this policy will be under attack in every section of the United States.

I am deliberately trying to talk to the parents of this Nation, beyond the South. They are entitled to know the facts. I am trying to bring something to them to impress them.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. McCLELLAN. Is the rule being enforced, the court decisions, in New York today?

Mr. STENNIS. It is not.

Mr. McCLELLAN. New York, by its own statute, made itself immune from the law that is being enforced in Southern States.

Mr. STENNIS. That is correct.

Mr. McCLELLAN. Is the Department of Health, Education, and Welfare, or the Commissioner of Education, doing one thing about the law in New York, trying to circumvent it or override it, that the Senator is aware of?

Mr. STENNIS. No, not one bit. The State of New York, through Commissioner Allen, when he was the Commissioner there, did undertake a program of busing children, as I said, and the people rose up and said, "No." It was argued down here in committee in December that the law in New York is unconstitutional. It may be. There is no telling what will be decided; but it does represent the opinion, will, and governmental power of the State of New York. I do not believe it is unconstitutional.

Mr. McCLELLAN. If it is unconstitutional, that makes the situation much worse because they are yielding to and respecting an unconstitutional law. Is that correct?

Mr. STENNIS. That is correct. I made inquiry as late as the day before yesterday. There has been no action brought by anyone in the State of New York against this lav . There has been no action by the Federal Government to declare it invalid. It has not been challenged—their own Governor signed it—by any official of the government; and I do not think it will be. It is the will of the people. That is why they do not challenge it.

Mr. McCLELLAN. Will the Senator answer why they respect the will of the people in New York, but not the will of the people in the South?

Mr. STENNIS. That is the problem I am addressing myself to. When this problem gets on the doorstep of other States, their people will be passing laws and helping change the doctrine that is killing our schools.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ERVIN. Do I understand the Senator from Mississippi to inform the Senate, that Mr. Allen, formerly head of the education system in New York, and now the Commissioner of Education in the Department of Health, Education, and Welfare, had initiated or suggested a program for New York State whereby the children of New York would be bused from one school district to another, or one place to another, for the purpose of integrating their bodies rather than enlightening their minds, and as a result of the agitation that caused among the people of New York, the legislature of New York State passed that statute?

Mr. STENNIS. Well, the Senator always says it so much better than I can. I certainly agree with him heartily.

Mr. ERVIN. And was that statute signed into law by that great liberal in the civil rights field, Mr. Nelson Rockefeller, Governor of the Empire State?

Mr. STENNIS. That is correct. I had newspaper articles to the effect that while this bill was being debated he was not going to sign it; but he is not a foolish person, and when he saw it and read it, he signed it into law.

Mr. ERVIN. That was an effort to prevent in New York State the very same thing that the Senator from Mississippi is deploring being carried out through the South. Is that correct?

Mr. STENNIS. Exactly. It is exactly on all fours. That is why I selected the New York law as a pattern for this amendment.

Mr. ERVIN. In other words, what is sauce for the New York gander is not sauce for the southern goose. Is that correct?

Mr. STENNIS. Yes. According to the present administration of the law, what is illegal in the South is legal in the North. There is a presumption of innocence in the North and a presumption of guilt in the South. That is the HEW slogan.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GURNEY. I cannot speak for the people of New York, obviously, because I do not represent that State, but I can speak for the people of Florida. We have a lot of people in Florida who originally lived in New York, as we have people from the other 48 States who now live in Florida. Of course, we have the same problem in Florida that the Senator experienced in Mississippi as a result of the February 1 deadline promulgated and foisted on us by the Supreme Court of the United States. As I say, we have many former New Yorkers who now live in Florida. Hundreds of letters, telegrams, and communications have been received in my office on this question. In fact, my office is half tied up with this problem and has been for weeks. I have yet to hear one affirmative voice in favor of what the Supreme Court decided we ought to do on February 1.

I do want to say that, as far as the citizens of Florida are concerned, they are reasonable. They are decent people. They want to get on with the job of desegregation. That is not the point at issue here. The point at issue here is that they certainly do not want to get on with the job of desegregation and integration in a way that literally is destroying, before our very eyes, the public school system in the State of Florida. It is in an utter state of chaos. Some schools are closed. School boards, parents, students—none of them know what they want to do or what they should do or how to get out of the morass that has been foisted upon us.

Although I cannot speak for the people of the State of New York, I can certainly say that those former New Yorkers now living in Florida do not agree with the business going on now.

Mr. STENNIS. I thank the Senator.

Mr. ERVIN. Mr. President, if the Senator will yield for a question suggested by the very fine statement made by the Senator from Florida——

Mr. STENNIS. I yield.

Mr. ERVIN. Does not the Senator from Mississippi agree with the Senator from North Carolina that the fact that the representatives of the people of New York, speaking in the New York Legislature, passed the New York statute to which the Senator has alluded, prohibiting the doing of the exact things being done in the South over our protest, indicate that the people of New York do not believe in the herding of children about like cattle, and shifting them about like pawns in a chess game, just to force the integration of schools?

Mr. STENNIS. The Senator is correct. He uses very colorful language. I would enjoy his questions if this situation were not so sad, because I have before me a very vivid picture of that very thing happening.

Mr. ERVIN. As I understand the Senator from Mississippi, and also the Senator from Florida, they are in favor of what the Senator from North Carolina is in favor of—that is, giving to all parents and to all children of all races the freedom to select the public schools that the children attend and to put an end to the coercion of little children by the Federal Government.

Mr. STENNIS. The Senator is correct. That is what the amendment proposes. Also, the amendment says that all children, regardless of race, creed, color, or national origin, shall have the same rights in the schools.

Mr. ERVIN. I am not going to impose further on the Senator's time except to make this inquiry: Does not freedom of choice give to all parents of all races and to all children of all races an equality of liberty?

Mr. STENNIS. Absolutely.

Mr. ERVIN. How can any person who professes to be an American possibly oppose giving equality of liberty to children of all races and parents of all races?

Mr. STENNIS. That is the only basis on which a school system can operate. A school is not a machine. It takes a certain art, skill, and compassion to be a teacher. We are just throwing on the public school system all the problems that go with social change.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. Does the Senator know of any other place, other than a penitentiary, where people are assigned to a certain designated point against their will?

Mr. STENNIS. I do not. Of course, sometimes people have to be sent to institutions.

Mr. TALMADGE. Under our system at the present time, the only group of people who can be forced to go to a certain point of destination are children being assigned to a school and the inmates of a penitentiary. Is that right?

Mr. STENNIS. Yes. Of course, the Selective Service System takes up a man and sends him to war. The Senator is correct.

May I give an illustration or two here? I want to outline some of the turmoil.

Mr. GURNEY. Mr. President, will the Senator yield very briefly?

Mr. STENNIS. Very well.

Mr. GURNEY. The Senator from North Carolina mentioned the fact that all the Senator from Mississippi is trying to do here is to see that children of all races are protected. Just a few days ago, in the implementation of the Supreme Court decision in Florida, we had a very serious riot on our hands, involving the Negro high school at Gainesville, which is where the University of Florida is located. The reason for the riot was that, under the implementation of the Supreme Court's decision, that particular school was going to be put out of business. The point of the matter, and why I am bringing it up, is that the Negro students of that school were extremely distressed because all the things they had going that they thought were good, such as the school athletic teams, the school band, school pride, and so forth, were being destroyed in one fell swoop. So they feel just as keenly about this, and so do their parents, as do the white parents and students.

The Senator from North Carolina is eminently right when he says this cuts across both races and does damage to both races.

Mr. STENNIS. That has been my experience. Those who came to my office during the Christmas recess—Negro people, parents, officials in the schools—begged me, "Can't you do something about it? This is destroying our schools."

I want Senators to hear some illustrations I have. First I want to complete the listing, though, of the causes of this turmoil.

First, the very pattern of the civil rights movement is such that when one section of the country has been made to conform to civil rights objectives, the movement then shifts on over to other sections of the country. Our educational system is having to carry the load.

When that attack does come in other areas of the country, the turmoil, the uncertainty, the distress, and the damage to education will fall upon the areas outside the South as it has fallen upon the South. I do not believe the other areas fully realize yet that this thing can happen to them.

Every Senator should fully understand what it means to the State, to the community, to the parents, the teachers, and the pupils, when the neighborhood school policy is abolished, and the students are bused around to establish a racial balance.

It means that long established, well equipped school plants are in some cases closed down. Some school plants are filled to double their capacity, while other plants are empty or near empty.

I say to my fellow Senators, these terms were so harsh, and the application requirements so immediate, that there was not even time to shift the toilets, to provide just the elementals of sanitation to take care of these students.

Students bused tens of miles each day. Community spirit is broken and disrupted. Large numbers of teachers and pupils are dropping out of the public schools. State and local educational budgets are upset. Costs of reorganization, transportation, and replacement of lost human and material resources reduce the amount of money that can be spent for quality education. Education is made poorer, not better. The average pupil is hurt, not helped.

Do not overlook the teacher. Members of this truly great profession are treated like chattels. That is what I want to tell you a story about.

A lady in a school district that I know about, who spent all of her adult life in the school room, year after year—such a fine, effective teacher—when she was

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reassigned, under one of these demands for immediate and total integration throughout the countywide district, told me that she prayed about it and she thought about it, but her final decision was that she could not make that change. She had a contract to teach a certain grade in a certain school, where she lived. She decided she could not carry on under those demands, so she lost her contract.

Her little girl—her little girl, now—was taken away from her home, and that school where she had been with her mother, and shipped over to the other side of the county. Why? Just so that they could have racial percentages in keeping with the student population of the school district. That is what the man from HEW said, that we are paying $26,000 to $28,000 a year for in these appropriation bills. He told the superintendent, when the superintendent begged him to help get a modification of the plan, "Put them where you please, as long as you keep the racial ratio in keeping with the student population of your school district."

Think of that. Talk about quality education. Why, it is an insult to the intelligence of any Senator to say that we are trying to have better schools, or trying to improve on these things, by shipping that little girl over to the other side of the county.

I know of another teacher, not in that same district. The same government that treated this first one as I have described reached over and drafted the only son of this other teacher into the Army. He is gone to Vietnam. For what purpose? So the people of South Vietnam could have self-determination. That is what we tell them. That is what we say.

What kind of a government is it that can have such a two-faced, double-talk policy as that? That is exactly what we have today. No wonder the people are getting enough of both those policies. It is just a downright shame.

Instead of seeing that, though all the press media of this country are running up to my office, or calling me up on the telephone, saying, "What kind of trouble did you have? What kind of opposition did you have? What kind of physical violence did you have down there when your State tried to integrate the schools?"

Why, just this morning, a man said to me, a very responsible man—it just shows how the people do not understand—"You had a lot of physical resistance down there, didn't you?"

I said, "No; not a bit. Not a bit. We had a whole lot of tears and regrets and frustrations, but we did not have any physical violence."

This is too serious to be fighting about. Representatives of many of the news media, though, came down there just looking for a little scrap of some kind of turbulence. They were awfully disappointed, those who were on that mission.

There is another matter I want to cover. I want to trace here for the Senate something about these school districts whose cases the Supreme Court reversed summarily last October 29, and said, "Total integration now." As I say, I am not trying to discredit the Court.

Mr. McCLELLAN. Mr. President, will the Senator yield before he goes into that?

Mr. STENNIS. I am not making personal remarks about them, but there has been much publicity.

I yield to the Senator from Arkansas.

Mr. McCLELLAN. Before the Senator leaves the New York statute which he has been talking about, I think this question should be propounded and I think we should get the Senator's response to it:

Does the Senator agree with me that if we believe in equity under the law, and if in good faith and genuine sincerity this administration believes that what it is doing in the South is the right course of action and is in pursuance of court decisions that compel it, does not equity, under the law—or just common justice—dictate that the Department of Health, Education, and Welfare, the Department of Justice, and this administration proceed immediately to initiate action in the State of New York to counteract that statute, and to bring it to a legal test in the courts, as to whether it is constitutional or not?

Mr. STENNIS. I certainly think the Senator is correct, if there is to continue to be this bearing down policy to the utmost limit on us in the South.

Mr. McCLELLAN. That statute flies right in the face of everything this administration is saying they are trying to accomplish. It is an open flouting of stated administration policy by the State of New York, by its legislature, and by its Governor, who signed this act into law. If the administration proceeds against the South and forgets about New York, whether because of that statute or for some other reason, is that not flagrant discrimination on the part of those who profess to oppose it?

Mr. STENNIS. The Senator is correct. I think the New York law is valid and constitutional and should be obeyed by the people of New York.

Mr. McCLELLAN. I am not objecting to that.

Mr. STENNIS. I understand.

Mr. McCLELLAN. What I am saying is that there is a two-faced policy of enforcement. In certain sections of the country there is enforcement while in others an open flouting of the very law they say they want to enforce is ignored.

Mr. STENNIS The Senator has described it properly.

I say again to the American people that something will have to be done about this matter. This issue has to be met.

The Senator from Pennsylvania is not in the Chamber at this time; he cannot be here. He said in debate in December that he favored stopping the busing, as I understood him, and he wanted to have a hearing on it. But I do not believe any movement will come out of any of the States that have a high percentage of black schools. I do not believe they are going to have any movement to change that and split them up and sort them out among the other groups. They may pass a law like New York's. They will take the other turn, and it is the natural turn. The most influential element in it will be the mothers of these children, and the fathers will run second. They do not yet know that this thing is going to hit them.

Mr. McCLELLAN. In the meantime, the discriminatory imposition is directed to the South.

Mr. STENNIS. Altogether.

Mr. McCLELLAN. All the action is there. The State of New York can flout the administration, pass a law right in its face, have its Governor sign it in complete defiance, and yet no action is taken against that State.

Mr. STENNIS. Under a spurious legalism I will discuss later, which ignores the plain language of the Civil Rights Act.

I want to illustrate briefly the cases that were reversed last October. Those cases were pending in the courts down there, in the Fifth Circuit Court of Appeals. The panel of that court set a date for all of them to be heard with reference to a plan for integration beginning September 1969. This happened in July. They gave notice. They had to give them some time. They brought in a lot of HEW representatives who were supposed to have conferred with all these 33 districts. They did not have much time to do it. Some of the HEW representatives were very high type men—a few of them—and they went in a measure to these districts, some of them countywide districts, some with moderate sized cities, some totally rural. They said: "There isn't time to get up plans for these 33 districts."

They told our superintendents of schools that there was not time.

I know of one county into which they came and spent 2 hours. They raced around and looked at the buildings. They came back a week or 10 days later and stayed 30 minutes with the county superintendent of education—he is executive secretary of our school boards—and went on and came back about a week later and spent 2 hours with the county school board. But by then they already had a plan of their own written up which they proposed, and they were in a hurry. The board did not agree to it, certainly not in that short time.

The day to be heard on all these plans was coming, and Secretary Finch himself, looked into it; and he said there was not time to cover those 33 districts. Secretary Finch had witnesses attend court, and they so testified; and he filed a pleading, I think. I know that the Attorney General filed a pleading and said there was just not enough time. The Attorney General was the plaintiff in some of the cases. The court down there took that testimony. That was all the testimony there was. That is all that happened.

Justice Black refused to intervene alone—the Supreme Court was not in session then—but invited them to appeal. They appealed those cases, and in very rapid order, after very brief argument, and just a few days later, all of the cases were reversed, and the Supreme Court said, "Do it now." School had started October 29. They said "Do it now," and sent it back to the panel of the court of appeals.

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They notified all 33 districts to come in on the same day—perhaps some one day and some the next—and in a very brief order the substance of what the court of appeals said was:

> There is nothing we can do further. The Supreme Court has passed on this. You will have to do it, even though school has started.

They gave some of them until December 31. It was reversed on October 29.

This is the point I am making: When all this happened, not a single school or school official was in disobedience to the Court. Not a single one of them was charged with contempt. There was not a charge against any trustee, not a threat, or against any superintendent of schools. All those districts were obeying the law, obeying the edicts of the Court, the trial court, and the court of appeals. They were not deficient in any way. They were just jerked up by the nape of the neck and told, "Do it now," right in the middle of the school term.

They were given until December 31, and it was then November. They had to do something. They terminated the school term earlier. Some of them had to. I am told that in December, when the holidays came, the little children were telling each other goodby. They knew by that time where they were going to be sent. Here were these little girls who lived in the same community all their lives, one on one side of the highway and one on the other side, and one would be sent to the east part of the county and the other to the west. Little girls, 7, 8, 9, and 10 years old, were telling each other goodby at the beginning of the Christmas holidays. They would never again be in school together, so far as grammar school or high school are concerned, according to that order. Close friends were torn asunder. What about that? Do you think that helped them? Do you think it helped the teachers? It killed the year dead as Hector.

No benefit is going to come from these schools this year because of the way they were treated. They were not in contempt. They obeyed every law and every edict of the Court and everything else.

A great number of others, from all over the South, were brought up to the Supreme Court, and the same demand was made of them. Some were from Georgia, some from Florida, some from South Carolina. All over the country—"Do it now." I have not found a single one of them that had failed to obey every single edict of the Court.

Do not be fooled. They were not in disobedience. They had not violated the law. Do not be fooled into believing that this school year is going to be worth a continental to them so far as education is concerned. It is lost. It can never be recovered.

That is the kind of butchery—I call it educational butchery—to which we are subjected. And all these places in the East and the North—I have nothing against them—are sitting by with immunity. And during this debate they will demand not less but more in the South. Some of them already have passed a law in their own State on which this amendment is bottomed.

I like what Vice President Agnew has said. As soon as this commission was announced, they said: "That's a part of your southern strategy."

He said: "I'm not ashamed to do what I think is right for the South or any other part of the country."

Senators, this shows how far this thing has gone. The civil rights movement will destroy the schools to a shambles if it is followed out. I think they will find a way out of it myself.

I do not believe that the candidate for President of any major party would come out with a platform and would go into States like Illinois, Ohio, Indiana, Pennsylvania, New York, or New Jersey, and say to the people there, "I am going to do to your schools what we did to the southern schools." They will not do that. Watch those platforms. They will not come out with that in them. No candidate for President would dare go in there and tell those people that. It would not make any difference who he would be. He would not be elected, if the people in those States are fed from the same spoon now being fed to the South.

"Oh," they say, "well, you have been guilty for over 100 years."

Mr. President, these little children have not been guilty of anything. We may argue about something that happened 40, 50, or 100 years ago, but these little children, whatever part of the country they live in, have been guilty of nothing and we should not try to take it out on them. We are, in effect, schoolwise, giving them a death sentence.

Mr. President, I tell you right now that the black children in the South are getting along all right. I do not claim any credit for anything, but they know that. They know that I have been interested in them since way back when I was a young man, and a young lawyer. Let me qualify that to say that I know something about these people and they are coming along all right. They are mighty happy.

Mr. McCLELLAN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. McCLELLAN. My friend mentioned a minute ago that no candidate for President of any political party, or a President, would dare campaign on a platform, saying to the people, "I want to do to you what has been done to the South." Could not the Senator take that further down the ladder, and say that no candidate for any office would dare go into a State and say, "I want to go back to Congress to vote to do the same thing to you up here that we have done to the South." Would anyone do that, does the Senator think?

Mr. STENNIS. The Senator is right. I want to make clear that I was not referring to the President, or to any Senator, but that we are talking about political philosophy. No, they will not do it. No Member of this body, or of the other body, either. No candidate for President dare do it.

The mothers who live outside the South, incidentally, will be knowing a whole lot more about this in 1972 than they know now, about what this thing means, and the practical side of it. They have been fed with a spoon as to what was going on—all on the other side about so-called injustice, and so forth. That is why, now, this will destroy their schools if it is applied to them.

Great damage will be caused by busing students into strange neighborhoods to achieve racial mix. The underlying principle of American Government is that we should not, as a nation, operate on the dual standard of one section of the Nation under one policy, while another policy applies elsewhere in the country.

We had separate schools in some of the States. I know that. That has all gone by the board. This amendment provides that every child shall have these basic rights.

Now the records of the Department of Health, Education, and Welfare show—and they are not contradicted—that segregation exists in the North as well as in the South.

HEW undertook to survey the racial composition of 90 percent of the school districts in the country, for the 1968 to 1969 school year. The results have already been put in the Record in the debates of last November.

Five out of 10 Negroes outside the South attend schools which are 95 to 100 percent Negro.

Let me repeat that: Five out of 10 Negroes outside the South attend schools which are 95 to 100 percent Negro, as opposed to seven out of 10 Negroes in 11 Southern States.

There are some more in the South, as the Senator from Georgia (Mr. Talmadge) inquired about. But that is the relation. These are HEW figures.

Only 25 percent of Negroes outside the South attend majority white schools. Only 25 percent.

The so-called plans HEW has been getting up in some of the districts make every single school a Negro majority, from 2 to 1, 3 to 1, 4 to 1, and 4½ to 1. Only 25 percent of those outside of the South attend majority white schools.

A survey shows that 10 of the largest 22 school systems in the country have a majority of Negro enrollments. In 16 of those systems, 60 percent or more are Negroes going to schools 95 to 100 percent Negro.

Listen to this: 17 Florida school systems with two-thirds of the State's pupil population are currently under a Federal court order to desegregate.

Seventy-two percent of the Negro students in Florida attend schools in which Negroes constitute 95 percent to 100 percent of the enrollment.

Yet, 72 percent of Negro students in the State of Illinois, according to this survey, also attend schools with 95 percent to 100 percent Negro enrollment, but there is no court order there whatever compelling desegregation in Illinois.

There is your comparison, Mr. President. Those are identical percentages of Negro students in the 17 Florida school systems, all under a court order, yet 72 percent—the very same percentage—in Chicago, with 95 percent to 100 percent Negro enrollment, and not a single one of them compelled to desegregate.

How about that?

Four years ago, someone down in

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HEW that thought they meant what they said when they said send out a notice, sent one to Chicago about desegregating, and Mayor Daley came in here on the next plane—maybe he sent a telegram—I do not know—but, anyway, it was all hushed up and the White House swept it under the rug and nothing has been done about it, yet. That was 3 or 4 years ago. I have news items on it here.

Last June, someone sent a notice to Chicago saying, "You have got to do something about integrating your teachers." The teachers held a meeting and said, "We are not going to do it." The teachers union said, "We are not going to let them do it." The board of education offered a $1,000 bonus if the teachers would transfer, but they would not do it. They turned it down. Nothing has been done about it.

I repeat, 72 percent in Illinois and 72 percent in Florida—all of Florida's 17 districts under court order, but Illinois, none.

How about that?

Proportionately there are more Negroes in a majority of white schools in Florida, 23.2 percent, than in Illinois—13.6 percent.

What about that?

Proportionately there are more Negroes in a majority of white schools in Florida than in Illinois.

I am glad that the Senator from Florida is now in the Chamber as I know that he will be interested in these figures.

In New York City, where the language of this amendment is already the law and the neighborhood school policy is legal and mandatory, there are 119 schools which are 99- to 100-percent minority group segregated which have a Negro enrollment of 89,957, or 19 percent of the city's total Negro student enrollment.

There are 207 schools having a Negro student enrollment of 146,000—that is 43.7 percent of the total Negro enrollment—that are 95- to 100-percent minority group segregated.

There are 269 schools with an aggregate Negro enrollment of 173,000 students, which is half of the city's total enrollment. And they are found in schools that are 95- to 100-percent minority group segregated.

Stepping on up, 322 schools with a total Negro enrollment of 201,000, or 60 percent of the city's total Negro enrollment, where minority group enrollment is 80 to 100 percent.

There are only 18,800 white students, or 4 percent of the Negroes attending these schools that are 80- to 100-percent minority segregated.

And HEW has not said a word about that that I could find. The Department of Justice has not said a word about it.

The government of New York has not done anything. The legislature of the State of New York has not done anything. To the contrary, the State of New York passed a law perpetuating their practice so far as enrollment is concerned.

What are the 100 Members of the Senate going to do about these things?

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GURNEY. Mr. President, the facts and figures that the Senator has recited are extremely interesting and wonderfully illuminating.

Everyone knows what a fine job the Senator from Mississippi has done in putting these figures in the record not only as to the State of New York, but also as to other States.

I think one of the very interesting things about public school integration is occurring right here in Washington, D.C., where the percentage of enrollment is 95-percent black.

I will not attempt to go into the problems that are involved in the school system. That would take days. But I think one extremely interesting thing happening today was described in an article in the Washington Post of some time ago. That is that now the Negro middle-class parents in the District of Columbia are taking their children out of the public schools and putting them in private schools, the situation is so bad.

The Senator is doing a great service when he points out that the problem is even worse in the North and in the District of Columbia than it is in the South.

Mr. STENNIS. Mr. President, I thank the Senator for his comment very much.

The figures are taken from the HEW official enrollment. And I can verify that by the record. They have already been put in the record last December, most of them, and they have not been challenged. In fact, he testified that he thought they were correct.

If segregation is wrong in public schools in the South, it is wrong in the public schools in all other States. And if the neighborhood school can be operated as a matter of policy in the North, it should be operated as a matter of policy in the South also.

Before I conclude, I will refer to some provisions of the Civil Rights Act where Congress tried to cover part of this question. And those provisions have been ignored by the Supreme Court and gotten around by the HEW. I will cover that later. I mention it now to show that I am not overlooking it.

I want to take some testimony here for the benefit of those present and the record as to what other people in other areas than the South say about busing.

U.S. News & World Report on October 13, 1969, had an article entitled "Why Busing Is in Trouble."

I read from the article:

> Among civil-rights leaders, educators, and Negroes themselves, doubts are growing about the value of busing either as a method of integration or as a method of improving education.

I entitle this part of my speech "Growing Doubts," and this is the evidence of it, further quoting:

> Interest is growing in a different idea—that Negroes may benefit more from an improvement of schools in their own neighborhood than they do from being bused into white schools.

That is exactly what many people believe in the South. Those are my remarks.

I read further from the article:

> You find this change in many cities. . . . In Baltimore, Associate Superintendent of Schools William Tinderhughes told U.S. News & World Report:
>
> "There has been a very definite change in thinking about busing for integration in recent years. A few years ago, there was demand for busing. But not now.
>
> "Parents now are more concerned with the quality of the education that their children are getting. The same group that at one time was speaking for integration now is speaking about curriculum, about teachers and about the quality of the educational program."
>
> In Chicago, Assistant School Superintendent David J. Heffernan said this:
>
> "The integration battle now has taken a different turn. Busing, as such, is almost completely out of the picture. It has proved effective neither for integration nor for better education."
>
> In Minneapolis, this comment came from Floyd Amundson, school-board consultant in community relations:
>
> "The trend here is away from busing because it doesn't solve anything. The blacks themselves apparently would prefer to have their own schools improved rather than have their children bused to mostly white schools."
>
> New York City, where the whole busing experiment started a dozen years ago, has had more turmoil than success.
>
> That city has tried almost every integration device known—busing, school "pairing," "open enrollment," redrawing of school-attendance districts, even elimination of junior high schools, and substitution of new "intermediate" schools to draw youngsters from wider areas of the city at an earlier age.
>
> Busing alone costs New York City some 3 million dollars a year.
>
> After all this effort there is more segregation, not less. There are more all-black or nearly all-black schools in New York today than there were before. And tests have shown no clear academic gains among children who are bused.

Now, here is where my good friend, the Senator from New York—and I talked with him about this debate before it started—had something to say. I will quote him briefly and give the book and page number.

The Senator from New York, Senator JAVITS, very effectively made the point for the neighborhood school and freedom of choice during debate on the Civil Rights Bill, June 4, 1964—P. 12688 C.R.—when he said both Negroes and whites should have the opportunity "to enroll in a school where he belongs, in his own neighborhood, whether it is mixed, or whether it is only white or colored."

The President of the United States opposed busing as far back as October 26, 1968. He said then in a statement:

> What I am against is using the threat of withdrawing Federal funds to force a local school board to balance its schools racially.

Mr. President, I will suspend. I will divide time with anyone who wishes it. I will suspend.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The Senate will be in order.

Mr. STENNIS. Mr. President, I will begin again. I was quoting the President of the United States in a statement made on October 26, 1968. He said:

> What I am against is using the threat of withdrawing Federal funds to force a local school board to balance its schools racially by busing children all over the city.

That quotation was from the New Re-

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public of the date I have already mentioned.

Someone comes in here and says that the President is against this amendment. I hope he will bring with him a quotation from the President and not just say that Mr. Finch is against it. Bring in the quotation. If he is against it he will not mind saying so. He may be but the record shows what he said. I do think he is against it myself. I am not trying to put him in issue and certainly I am not trying to embarrass him. He was elected the President of the United States by being frank and forthright with the people. That was one of the great contributing factors.

Mr. President, the point of my remarks that I am now making is that there is a growing realization and reassessment about the matter of busing and the quality of education being improved for the Negroes by merely having integration.

Mr. President, I refer now to a quotation from an article that was printed in the National Observer on January 26 of this year. I will not read it all. It is found on page 754 of the CONGRESSIONAL RECORD of January 28, 1970:

> This fact is raising new doubts among many long-time integrationists about the wisdom of trying to enforce desegregation in the schools. Items:
>
> Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Conella Coulter Brown, administrative assistant for the Cleveland schools.

Mr. President, I do not cite these matters to discredit any colored or black student. I have already expressed how I feel about it. I am trying to protect the quality of education in the neighborhood school and I think we all want to do that.

There is another item from the National Observer of January 26 which stated as follows:

> Edmondson High School on the west side of Baltimore was 80 percent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harris. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere."

That is not exactly a southern city and certainly Cleveland, Ohio, is not. Still, I noticed where in one of the school districts in Mississippi under this edict that had, I think, about 90 percent of their schoolchildren black, only 2 white children came to school the first day under this new plan. Walter Cronkite and all the other newsmen had pictures of those children on their news program that night. They could have gone to Chicago at much less expense or shown a picture of some of these 25 out of 2,700 students.

I continue to quote from the National Observer of January 26, 1970:

> Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 per cent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince George's enrollments this year, however, is not that the number of new blacks is up but that the number of new whites is down. No one knows exactly why, but one administrator muses: "The whites are moving to other Washington suburbs rather than to Prince George's."
>
> In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

Mr. President, I do not want to discredit the schools of Washington but human nature is the same everywhere. I referred to only two of those white children showing up. I venture the parents, like other parents, and like Senators who have schoolchildren, want to send their schoolchildren where they think they will get the best schooling. I do not know how many of the Members of the Senate have children in the Washington schools, but I am a parent who had children in school at one time and they went where I thought they would get the best schooling. I assume that is true of all parents and my fellow Senators. I have been asked in debate how may Senators have schoolchildren in the public schools in Washington. I do not know. I have not tried to find out. But I expect human nature is about the same everywhere.

Going back to the question of public opinion on busing, in a city-wide school board election in Denver, Colo., last year the voters voted 2 to 1 for the neighborhood school concept and against the busing of students. That was the issue in the election and the two candidates who ran against busing ran 2 to 1. The prediction was that they were going to run last. They ran first. The New York Times predicted they would run last before the election. They predicted that out of five candidates those two would run last. They ran first and they were elected in the first primary.

Before the New York school law was passed, the Mount Vernon Board of Education voted 8 to 1 to oppose by appeal a State order to bus students to correct racial imbalance. That same day the voters of Great Neck on Long Island in New York voted 3 to 1 against the plan to bus students between Queens and Great Neck in order to achieve racial mix.

I refer my colleagues to what I think is a very significant article by an eminent authority, a man who is well known in his field. He is with the Lincoln Filene Center for Citizenship and Public Affairs, Tufts University, Medford, Mass. He prepared an article entitled "Intergroup Relations in Education: A Force for Change," by John S. Gibson. This is an address delivered at the Lincoln Filene Center at Tufts at the Fifth Annual Joint Conference of the Massachusetts Association of School Committees, Inc., and the Massachusetts Association of School Superintendents on October 16, 1969.

In the copy I have before me, I turn to page 7, but first a word about his background: He was the consultant who was employed, I am told, by the State of Massachusetts to help draw a plan with reference to integration and with reference to busing of children. Here is what he said in 1969:

> The 1965 law—

And that is the one he helped pass—

> is largely concerned with the plight of black students in poor schools and makes the assumption that any school which has more than 50 per cent black students is inadequate, poor, and needs redressing through some magical infusion of white students. As we have noted above, it would appear that the black community today is less concerned with mechanisms for racial "balance" in the schools and more eager for improving the quality of education for black students wherever they live and work.

He goes on to say that this might be related to black themes which call for autonomy and identification before all of us advance toward an integrated society. Then he goes ahead and makes a second point, and I am referring to pages 7 and 8 of the article:

> We have hard data which show that black students will get a better quality of education in better quality schools, and thus it may be that they can get a better quality education in quality schools in their own neighborhoods.

That is from this eminent authority, as I said, who was an adviser to the great State of Massachusetts, and Massachusetts passed a law partly on his advice in 1965. He comes back with a modification in 1969. I understand he is now adviser to the State of Rhode Island with reference to similar problems. Anyway, he is a very eminent person in this field, and certainly he should not be brushed aside.

Someone this morning called my attention to the fact that in the current issue of the New Republic there is an article by Mr. Alexander M. Bickel. I just got hold of this in a hurry. I do not personally know Mr. Bickel or his background, but he is very eminent in his field of public affairs and writing. The article is entitled "Desegregation—Where Do We Go From Here?" It is from the New Republic of February 7, 1970. I quote one paragraph:

> The achievement is essentially Southern. The failure is nationwide. And the failure more than the achievement is coming to the fore in those districts in Mississippi and Louisiana where the Supreme Court and a reluctant Nixon Administration are now enforcing what they still call desegregation on very short deadlines. In brief, the failure is this: To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, anymore than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

Mr. President, those are not my words. Those are his words.

Mr. President, I am afraid that I have

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about exhausted my time. I do not want to run over.

There are other remarks in this article. I do not agree with all that he says, but considering the authority, the eminence, the man, his record, it is very significant that the people are beginning to realize that this method is not producing the results they thought it would, that they wanted it to, and that some other course should be considered.

Mr. EASTLAND. Mr. President, will my colleague yield?

Mr. STENNIS. Yes, I am glad to yield to my colleague.

Mr. EASTLAND. Mr. President, I want to compliment my colleague. He has made one of the great speeches in the history of the Senate. I know that southern people will be indebted to him for many years. It is an outrageous condition that they are trying to force on one section of the country and letting the other go scot-free.

Mr. STENNIS. I thank the Senator very much for his remarks. He certainly knows the subject matter and knows whereof he speaks. I know he is as concerned as I am, and I may say to my colleague that many beyond the geographical confines of our area are concerned. I believe that the light on this matter, as I said, is coming through.

Mr. President, going a little further on the change of sentiment:

In Charlotte, N.C., on July 26, 1969, Negro citizens issued a statement in opposition to a plan to bus black students into white neighborhoods.

When we walk up to some of our colleagues and say that black students want to keep their own schools, it is very evident that we are not always believed. So I brought along a published statement by these leaders, fine Negro citizens, in Charlotte, and this is what they say:

> We will not under any circumstances accept the closing of black schools and the busing of black children. We cannot accept the lie that all black schools, children, teachers and principals are inferior.

In an opinion poll taken by the National Education Association and reported by that association in a special report of May 1968 it was said:

> A heavy majority—74 percent—of the nation's school superintendents would not support busing as a desegregation measure, and don't think their communities would either.

I quote now from the NEA report:

> Many respondents cited wasted time, excessive cost, and ineffective results as prime reasons for their objections. And their objections were often strong. Fumed one Michigan superintendent, "When a child must give up his hot lunch at home and spend time which could be used for educational purposes riding a bus instead, and then eat a cold lunch in unfamiliar surroundings, it's a shame."
>
> "Busing," added a Massachusetts schoolman, "does not solve the basic problem of providing better school facilities and better social conditions in an area where the children reside. It only uses funds that could be utilized for more realistic improvements."
>
> His contention that busing money should instead be spent on school improvement was echoed by a number of others. "I do not feel," remarked an Oklahoman, "that the busing of students from one school to another is any answer to problems that are deep seated in the socioeconomic structure of the community. This money and additional funds should be used in strengthening the schools in depressed areas and in making these schools centers of all community life and activities."
>
> Several respondents held no hope for busing, on the grounds of unworkability. Asserted a New Yorker: "It is impossible to integrate by busing or by integrating schools. Schools are *in* a community and communities should be the focal point of any integration program—not schools." A Minnesotan put it more simply: "Laws do not change hearts."

These quotations are not from southern sources:

> A parallel Nation's Schools survey of school board members disclosed that busing for desegregation was even more unpopular among board members than among administrators: 88 per cent of the boardmen said that they would not personally support a busing program.
>
> One possible reason: Half of the boardmen responding saw no educational advantage to busing.

Mr. President, I am not going to take unduly the further time of the Senate, but I want to say a word about the teachers of the South. They are not under any court order. I read an article the other day chastising the white teachers in the South for resigning their jobs. Well, they are not under any court order that they have to teach. They contracted, many of them, to teach the sixth grade or the eighth grade, or Latin or algebra, or something else in a certain school, under certain conditions, and probably where they lived.

That contract, in effect, is just torn up before their very eyes by the Court, as if it were a worthless piece of paper.

They have a choice. How can you make a teacher teach school? How do you make a man play the piano if he does not want to? This meat-ax method of "integrate now and forever totally" is just as reasonable as walking up to a piano and trying to play it with a pickax. Things do not come about that way.

I want to say a special word of commendation about the teachers in these affected schools, as well as the county superintendents of education and the superintendents of the municipal and consolidated school districts, and their school board members, attorneys, secretaries, and assistants. I believe that, outside the ministry, there is no profession or no group of people who have responded with the more devotion, dedication, and high-minded purpose. Teaching and education has been, for many of them, their profession, their life, their very being; and I tell you they deserve all kinds of tribute and credit.

That credit is equally due to a great majority of the black teachers in my State. I know many of them personally. I know how far they are willing to go in making sacrifices in order to have the satisfaction of having done their part in carrying on the education of their children. Many of them are very fine teachers.

As I illustrated here awhile ago, a teacher whom I know had her contract voided, and had her little girl sent over to the other side of the county, not to improve opportunities, but the very opposite: For "racial balance."

You just cannot realize what these things mean to these people unless you see them and talk to them. As I mentioned earlier, I know of another teacher whose son was sent to Vietnam, so those people over there could have self-determination. That is what we said. But her contract was ignored.

I can tell you of Negro teachers coming to me, while I was at home at Christmas and thereafter, and saying, "Can't you do something? This is going to ruin our schools and scatter our children. Can't you do something?" And they do not understand why I could not stop it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. First, I regret that I was called elsewhere, as I explained earlier during the remarks of the Senator from Mississippi. I wish to express my very strong support of the position he is taking, and I regret that I have not heard every word of his speech.

On the point the Senator has just made, I have four illustrations, if I may get them into the RECORD here, which I wish to state, showing that freedom of choice means something to people whose skin is black, at least in my State, just the same as it means something to people whose skin may be white or any other color.

In my own little town, Bartow, Fla., I happened to be chairman of the school trustees when we established the first permanent black schoolhouse, at a site approved by the Negro community at that time. In those days the law was that separate but equal facilities were required for the races.

They chose the site, and they strongly supported the bond issue, which covered not only the construction of that school, but of other schools in other sections of the town; and the school authorities have built, in the years since that time, two or three additional brick buildings around that original 14-room brick structure.

The colored people of my town, recognizing the fact that I had some interest, and always have had some interest, in their schools and in their full program for bettering their race, came to me to say how disturbed they are about the destruction of their identity as a group interested in schooling for their own children, at a school that is within easy reach of their children, because it is in the middle of their part of town, and expressing deep regret that they were to be cut off from the opportunity to do what they could for their own children through their own teachers; and they had teachers of their own color, from the principal right on down, of course.

I know how they feel. They feel very badly over the fact that, though busing is not in the picture there, because the distances are not so great, nevertheless those buildings, a mile or more from the buildings which were formerly the white schools of the town, have now been designated the schools where certain grades

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for all the town must be taught, and that means that most of their children have to go through the white town, walking or in their own vehicles or on bicycles, to come to the school that was formerly a white school, let us say a mile away from the center of their community, and our children in the white part of town have to do the same thing.

One of those happens to be one of our granddaughters. We, of course, have no complaint except that which everyone has: We would like for her to go to the school that is much closer, and where she has established friendships up to this time. She is now 13 years old.

But the amount of transportation that is required by reason of the private hauling of children from our part of town to that, and from their part of town to ours, is enormous compared to what was earlier required when the buildings were in the neighborhoods where the children lived. And there is complete dissatisfaction, just as much on the part of the colored citizens as there is on the part of the white.

I am sure that Senators have read in the newspapers recently of what happened in Gainesville, Fla., which is a university town, now of about 70,000, I am told, where the Lincoln School, which is the school heretofore entirely for Negro high school students, was ordered to be combined with the other high school, which has been heretofore entirely for the white high school students.

Senators noted, of course, that they not only refused to go, but they raised considerable commotion, and I am sorry to say there was some violence involved. Without approving the violence, I cannot help but say that here is an illustration of the unwillingness of our black citizens to be cut off from their own identity, from their own kind, from their opportunity to advance their own cause.

Only this morning, may I say to my friend, I received a communication from the little town of Clewiston, Fla., which is a sugar-producing town and in which the Negro community is a mile—it may be more—south of the white part of town. Under the orders issued down there for integration, the Negro school must be abandoned. The Negro citizens at once, through their Negro chamber of commerce and through their leading Negro citizens, complained vigorously and bitterly of what was done to them; that their children had to go this long distance to the schools that were formerly white; that they were away from their own community; that they have lost their own identity as a colored school, with all colored teachers and principal, and they are very much upset about it.

I went through exactly the same situation with reference to the Negro school at Hastings, Fla., which is another agricultural town, very much like Clewiston.

A few years ago, we had a commission of important people in our State, important educators, appointed with reference to the State of the higher educational facilities. They came in with a report that our Negro institution of higher learning, now known as the Florida Agricultural and Mechanical University at Tallahassee—which sits on one of the seven hills of Tallahassee, just as Florida State University sits on another, and you can look from one to the other very easily—should be disestablished and that those students, numbering between 3,000 to 4,000, should be scattered among the other institutions of higher learning. The alumni and many of the leading Negro citizens of our State joined at once in the demand that that school not be disestablished, not be discontinued; that its continuance with a Negro president, Negro deans, Negro teachers, and Negro doctors—they have a very fine hospital there—be maintained. And it still is being maintained.

I think that the point being made by the distinguished Senator from Mississippi, that freedom of choice should be maintained, is of immense importance. I hope that Senators from other States will realize that if that point is once destroyed, it will mean more harm, more hurt, more injury in their areas of the country than it will in our part of the country.

When I look upon the immense de facto segregation institutions that exist in most of our large cities of the North and the East and the West, I am forced to the conclusion that the destruction of freedom of choice or the destruction of neighborhood schools may mean vastly more in the way of hurtful effect to areas outside the South, in the long run, than it means to us in the South.

I thank my distinguished friend and congratulate him.

Mr. STENNIS. I thank the Senator.

Mr. President, I ask unanimous consent that my time may be extended for 10 minutes beyond 3 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Alabama. I have not yet concluded, but I am glad to yield.

Mr. SPARKMAN. I had to attend a very important meeting which made it impossible for me to be present during the earlier part of the Senator's presentation, but I know something about the amendment he is proposing, and I know something about the very fine presentation he has made on many opinions here.

In this connection, I think that the statistics the Senator has been placing in the RECORD is one of the finest things we have had presented to us, because it shows something of the picture that exists throughout the country.

The Senator from Florida mentioned freedom of choice—whether or not it would be destroyed. It seems that perhaps it is having a revival in some sections of the country. New York, for example, has passed a law providing for freedom of choice. Could the Senator throw a little light on that? Why is freedom of choice wrong in the South but all right in New York?

Mr. STENNIS. Well, it is not, of course, but they have been able to get by with it so far. Before I conclude, I am going to discuss the Civil Rights Act and show how they are getting around it.

I believe they get around these things in the North on the basis—they used to—that in the South it was de jure segregation; in the North, it is de facto.

Mr. SPARKMAN. Does the Senator know of a single State in the South that now has de jure segregation?

Mr. STENNIS. No.

Mr. SPARKMAN. They repealed the laws several years ago.

Mr. STENNIS. It was legal everywhere, of course, until the 1954 decision, which has been affirmed and reaffirmed by the Supreme Court. Chief Justice Taft was the last one to write an opinion—a unanimous decision—upholding the separate but equal doctrine in public education.

Mr. RUSSELL. Topeka, Kans., was the city involved—Brown against Topeka.

Mr. STENNIS. New York, by the way, has a background of separate schools. I have the law to show that. It was not repealed until 1938.

Mr. SPARKMAN. Of course, they had separate schools. In other words, at one time they had de jure segregation, just as we. Yet, they penalize us and let them run their school system any way they wish. They do not require them to transport the students across the city. It is not required in New York. Freedom of choice is the rule there. Yet, they say that in our area it will not work.

Does it not seem reasonable that all of us should believe that we ought to get the same treatment throughout the country?

Mr. STENNIS. I think so. That is what this amendment gives. It does not penalize anyone. It gives them freedom of choice. That is what most people want. But many people in office think the other way.

Mr. SPARKMAN. I commend the Senator for the very fine fight he has been making with respect to this discrimination and for the facts he has presented regarding the situation in the various States. I believe that if we could get uniformity of application, much of our problem would be solved everywhere.

I thank the Senator.

Mr. STENNIS. I thank the Senator for his contribution. He is always willing to help.

I think that the way the law is now interpreted, it is about the same as having a section in there that says we shall have this enforced integration and busing but it shall not apply outside the South.

Mr. SPARKMAN. May I ask the Senator one more question?

Mr. STENNIS. Yes.

Mr. SPARKMAN. Did we not write into the law a provision that busing should not be allowed?

Mr. STENNIS. Yes.

Mr. SPARKMAN. How do they get around it?

Mr. STENNIS. This is the way they flout that law. We said there should not be busing for the purpose of overcoming racial imbalance. They get by with it in a simple way. They say, "In the South

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we are not doing it to overcome racial imbalance. We are doing it to overcome the dual system." And they get by with it. They ignore that section. But when they get up North, they say, "It is the law in the North. We cannot bus now to overcome racial imbalance."

Mr. SPARKMAN. So they apply one rule in the North and another in the South.

Mr. STENNIS. And this is what the Supreme Court says about it: They do not say anything. They ignore it. All their decisions are based, as they say, on the 14th amendment, period. They never refer to it, except that they just admitted in a footnote once there was such a law. They have ignored that, and they have ignored the definition of desegregation, too.

Mr. SPARKMAN. Did the Senator read the news reports of a speech delivered by an HEW lawyer at New Orleans recently, in which he pointed out, at least it seemed to me he was pointing out, that the Supreme Court was insisting that something be done at once, which apparently was impossible to be done. Then he said, in substance, why should the Supreme Court be so much in a hurry that it took 14 years to get to the decision in the Brown case and then it took another 15 years after that to come to its present decision. In other words, they have taken plenty of time, so why should the school districts be expected to do all this on a few days' notice?

Mr. STENNIS. I hope that the Senator from Alabama will get that statement for me. I would appreciate it.

Mr. HOLLINGS. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from South Carolina.

Mr. HOLLINGS. The Senator from Mississippi is rendering a magnificent service to us all this morning. In listening to the Senator's remarks, he has covered the plight of the little children and their mothers. He has covered, in his final remarks here, the details of how the people are voting.

I should like to ask about one key person in this particular picture, the school trustee, who is not paid, who is mostly elected, sometimes appointed; and as the Senator and I know, as Senators we get them over to HEW and try, in all sincerity, with deliberate speed, to comply and let them go back home and try to raise funds, and everything else; but what occurs, if the distinguished Senator from Mississippi could elaborate a little on that point, when they get a unitary school and they have discovered now that it is wanted "as of yesterday," what happens to the man who must do that; namely, the trustee? Can we get competent trustees who will really try to help give equal opportunity to everyone? Is it not a fact that the court is defeating its own purpose by this particular "integration now" decision?

Mr. STENNIS. The Senator is right. Down home, so far, we have been able to get competent and dedicated men to fill this office but they cannot continue on and on and on. These HEW so-called specialists, who are supposed to have drawn up this plan which I have related, did not give as much consideration to the school board in some of those districts, according to my own personal knowledge, as would be given to the last assistant to the chief janitor of this building. I say that with all respect, because that is a humble job and it is an honorable one, if that last assistant does a good job. But those HEW specialists laughingly told one of my school superintendents, "Put the students wherever you want to, but just keep that ratio of three-to-one blacks."

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. Did not the Brown decision in 1954 hold that school systems must be colorblind, that they could no longer classify by race in assignments to public schools?

Mr. STENNIS. Yes. That is right. That was argued on this floor.

Mr. TALMADGE. Then the Court changed that philosophy and turned 180 degrees in the opposite direction. The Court has now said that we can no longer be colorblind but we must be color conscious and we must get a certain ratio of blacks to whites in assigning them to a given school.

Mr. STENNIS. That is undoubtedly true. If anyone denies that, they are telling a total falsehood. They openly said that.

Mr. TALMADGE. Is that not of itself violative of the 14th amendment?

Mr. STENNIS. Of course it is.

Mr. TALMADGE. A decision handed down before the Brown case.

Mr. STENNIS. That was an FEPC requirement. During debate, everyone made a solemn promise that they did not want any ratios and did not believe in them. That has all been repudiated.

Mr. President, I am ready to conclude my remarks, if no one else wishes to be heard right now.

Mr. President, I am not going to take up but a few minutes more of the time of the Senate, but I do have one or two more matters I wish to discuss.

One is on the provisions in the Civil Rights Act of 1964 where we undertook to write in some laws about busing. I want to show how they get by with it, so far. I want to develop, too, the thought that the "do it now" and "total integration" decisions of the Supreme Court, that there must be a unitary system, did not define a unitary system and did not give top, side, or bottom about it. The circuit court of appeals in our area of the country has not yet defined a unitary system.

As to the school boards, these patriotic people who serve on them are not even paid. They sit there, on their own time, and try to do something constructive. These people from up here in HEW and the Department of Justice say, "You must have a unitary system." But no one knows what a unitary system is. When is a school desegregated, and does it have to be both students and faculty? All these are unknowns.

Mr. President, I tell you that I believe, if the things which are happening to us in the South were happening to people in the East and the North, Members of Congress from both House and Senate from that area of the country would rock this Capitol so that its dome would fall. They would do something to stop this thing; whereas, when we come in here with facts which cannot be contradicted, some say, "Oh, just another southerner."

One Senator said to me about this debate, "We will run on Saturday, yes, and you can say something big and get in the Sunday newspapers."

May God forgive him—I forgive him, in part—to think that all that is involved here is trying to get some headlines in the Sunday newspapers.

What is involved here is the happiness of little children. We are dealing with little children. We are dealing with folks.

I want to ask one question and let someone answer it: Here is a man and wife who are looking around to buy a home in a community in which they want to rear a family. They look not only at the homes for sale, but they look at the school and its closeness to the home they may wish to buy. They examine the school spirit and they inquire into the nature of the school board. They look at the churches, of course; and the playgrounds, the parks, and the public utilities. They decide to settle in a particular community. Then they are blessed with offspring, who go to the neighborhood school. But when they get along to being 7 or 8 years of age, and they are happy in their community school, and they are doing fine there, some merciless mandate of a court—any court, I do not care whose court or in what civilized country it may be—steps in and says, "We are going to take your little girl and send her over to the other side of the city into a community where she knows no one and no one knows her, in an altogether different climate—different everything, and we will put her in a school there."

The mother says, "We have got to integrate on a racial percentage basis?" And the answer comes "Right."

Mr. President, I ask you, do you believe that your government has any right to do that to little children or their parents? I do not believe you do, Mr. President. I do not believe that anyone does.

Somewhere the hand of government must stop. There are some systems of government that do not have to stop. But under our system, I believe the sacred thing of rearing a family and choosing where one wishes to live, and what kind of school he selects, is not only a God-given, natural right, but is the only sound law in our government that we can have under our system.

I believe it is worth fighting for. So, let us quit talking about wanting headlines in the Sunday newspapers.

Let us get down to fundamentals. Let us get down to where the people are.

I am not one to make threats, but there are some who take this matter lightly. I say, they are going to hear from "mama" and "papa." They will hear from "mama" especially. They will not permit their children to be boxed up and crated around all over the city like common animals, if they can help it. They will not allow it.

If anyone does not believe the grow-

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ing sentiment in his part of the country against all this busing and invading homes and violating the rights of the people, he had better put his ear a little closer to the ground. I say that as a friend.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I thank the Chair.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. My time has expired.

Mr. THURMOND. Mr. President, I should like to commend the distinguished Senator from Mississippi for the outstanding address he has just delivered. I only wish that a sizable number of Senators could have been present to hear this splendid address, instead of a handful, as I feel they would have been influenced by the truth and the facts brought out by the distinguished Senator from Mississippi.

It is my sincere hope that we can maintain quality of education in this country. I do not think it is so much now the question of racial prejudice. Indeed, in the past there must have been some racial prejudice in all sections of the country. But I am convinced that today the main subject, the main topic, that is worrying the parents of the students is quality of education. It is important that this quality of education be maintained. The Senator from Mississippi has brought out many facts that tend to substantiate that position. Again, I commend him for his excellent address.

Mr. RUSSELL. Mr. President, I certainly wish to add my congratulations to those that have already been expressed to the Senator from Mississippi for the very splendid speech he has given. Good speeches are made in the Senate quite often, but we very seldom hear one that is as full of meat and uncontroverted statistics as the one delivered by the Senator from Mississippi today. It speaks very clearly of the fact that one section of the country has been used as a political football in the handling of a situation which exists throughout our entire Nation.

Senators from other sections of the country live right by schools that are completely segregated; yet they get after the southerners because some of their schools are only about 20-percent black. But there are schools in their own areas which are 100-percent black or 100 percent white. They have not lifted their voices here to complain about the condition. A great deal of political hypocrisy has been involved in this whole issue. I am sure that if you examine the record of the debate on the so-called civil rights bills and make a comparison of the position Senators take today with that which they took in 1964, you will find that this matter has been pursued largely along political lines.

We in the South are making a good faith effort to effect a change that is most delicate and difficult, and the results have been remarkable.

I am very proud that in my State—and Georgia is one State that is heavily affected—the people have acted with restraint and we are making these changes at a rather remarkable rate of speed.

But of course, we cannot possibly satisfy those who expect to use the problem for political capital and in my opinion, more politics is mixed up in this particular issue than in any other one that I have seen in the 30-odd years I have served in the Senate.

The Senator from Mississippi has performed a real service, and he has performed a service in his own State in leading the way for peaceful transition.

I suppose that Mississippi as a State has a more difficult time than any other State of the Union and I believe I have an understanding of what confronts the people of Mississippi, since some 40 counties in my State have a majority of black citizens.

I am grateful to the Senator from Mississippi for the facts he has furnished here. I hope that all Members of the Senate will read thse facts and relate them to the legislation.

The Senate of the United States is the greatest parliamentary body that has ever existed in history. I have great faith in the basic sense of fairness of the Members of this body if they take the time to inform themselves of the facts.

The Senator from Mississippi in his able address has furnished this material for our use. I hope that Senators will show an interest in the question involved and will study his speech, if they did not hear it.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. I thank the Senator from Georgia for his remarks. He paved the way and started me off in a lot of the work I have done on this matter.

I know that 3 or 4 years ago he made an eloquent plea to the then Secretary of Health, Education, and Welfare to bring this problem around to where it became a national policy, rather than to take it out on the South. I remember the solemn promise that was made. The Senator from Alabama was there. I was there. That promise was not kept.

A year later, we had another conference at the instigation of the Senator from Georgia. The promise was made again and was not kept.

I think maybe the third time we agreed, but virtually nothing was done. Very little has been done up to now. I will go into that. I have the facts on what has been done. Not enough has been done to scratch the surface, and the people in other States do not believe that anything will be done at this time.

Mr. RUSSELL. Mr. President, the Senator will recall that when the former Senator from Oregon, Mr. Morse was handling the education bill on the floor of the Senate, he stood at the leader's chair and told the Senate that he had the assurances of the Department of Health, Education, and Welfare, that this law would be applied throughout the United States. The CONGRESSIONAL RECORD will bear out my statement.

I give him his eternal credit. He said he thought it should be applied throughout the United States. But when the officials of the Department of Health, Education, and Welfare went into some of these other areas and sniffed the atmosphere, they came out without doing anything. They said, "Let's go down South where we can jump up and down on them without getting hurt." And they proceeded to do that.

Mr. STENNIS. Mr. President, the Senator is correct. The Senator from Oregon made those remarks.

Mr. RUSSELL. It came right out of his conscience.

Mr. STENNIS. Mr. President, I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, the Senator from Mississippi has made a powerful address to the Senate. He is appealing for justice. He is appealing for fairness.

The Senator from Mississippi is one of the most judicious men in the Congress of the United States.

His address was based on facts. He sought to bring to the attention of the Senate the fact that HEW applies two standards in this Nation. The Department of Health, Education, and Welfare has one standard for the South, and it has another standard for New York City and for the Eastern States and for the Northern States.

The Senator from Georgia has just recalled the statement made on the floor of the Senate several years ago by the senior Senator from Oregon in which he had the assurance and gave the assurance that the Department of Health, Education, and Welfare would apply this law fairly throughout the Nation. Yet, all of us know that HEW has done no such thing. In my judgment, that is one reason why the people of our country have lost confidence in the Department of Health, Education, and Welfare; and that is one reason why the Representatives of the people of the United States in the House of Representatives rallied behind the President when he vetoed the HEW appropriation bill—because the people have lost confidence in HEW.

The Senator from Mississippi, in appealing to the Senate today, is appealing only for justice, only for fairness on behalf of the mothers and fathers and the children who reside in the southern section of our Nation.

I hear a lot of condemnation of the South in the Congress. Many people are willing to condemn the South. I happen to live in the most northern part of the South. My hometown is north of Washington, D.C. Yet, I am proud of the South and I am going to stick with the people of the South to do what little I can to see that they are treated fairly; and they are not being treated fairly by the Department of Health, Education, and Welfare; they are not being treated fairly by the Federal courts.

The legislation presented by the Senator from Mississippi seeks to have the Senate apply the same standards to the rest of the country that it seeks to apply to the South. It seems to me he has made a very fair proposal. It would give every man, woman, and child in our Nation freedom of choice. It would give to white and black parents alike the same thing: freedom of choice.

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Mr. President, I commend the Senator from Mississippi on his powerful argument.

Mr. STENNIS. Mr. President, the Senator from Florida wanted me to yield to him. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. GURNEY. Mr. President, I wish to add my congratulations for the very splendid presentation made by the Senator from Mississippi on one of the great social problems facing this Nation today, the problem of school desegregation.

I might say, as a Senator representing one of the largest States, not only in the South but now in the entire Nation, the State of Florida, that I and my staff have worked on these problems all last year and, of course, all this year. We have first-hand working knowledge of everything the Senator from Mississippi talked about. I wish to congratulate him on the very able presentation of solid factual matter about this problem. It has been long overdue and long needed here, emphasizing the double standard we have in this country as far as this problem is concerned.

I do think, perhaps, that the onus is more on the Supreme Court, at least now, than it is on the Department of Health, Education and Welfare. At least this is the problem we face at home in Florida.

I particularly want to congratulate the Senator from Mississippi on warning the Members of this body that as far as States outside of the ones that are directly involved now, those in the South, today's problems in school matters in the South are tomorrow's problems in the North, Midwest, and Far West. They are just around the corner. Those that serve and represent States other than States in the South are going to be faced with these problems almost at once.

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There was one fact that I think the Senator brought out exceedingly well, and with this note I shall conclude. I refer to the important matter of changing attitudes all over the country in this matter. Oftentimes I think the court system and the political figures, although holding office, have not caught up with what is happening at home in connection with these changing attitudes.

An interesting story was published in the Washington Post this morning on this very subject, an article that should give warning to all of us. I refer to the article about the President and other officers of the Congress of Racial Equality, CORE, a very active black organization. These officers are now touring the country, and particularly the South, with a message to have complete resegregation of Negroes in the schools. They want completely black school districts. They want to turn the clock back completely, around 180 degrees; not what some of us want who are trying to work on this problem, and I refer to freedom of choice and reasoning in this matter.

I point this out as a warning and as an amplification of what the Senator from Mississippi said, that there are changing attitudes on this problem and unless we in public office, especially the Senate, recognize this and take leadership to try to solve some of these problems, we are going to have a volcano on our hands that we cannot control.

Mr. STENNIS. I thank the Senator.

Mr. President, if Senators wish to debate this matter on the other side, there will be no effort on our side for a filibuster. We always have to make that assurance for otherwise the press will infer it. There are many things to be brought out yet. We are not trying to kill time.

Mr. President, one of the best and soundest statements I have heard or read on this subject was by the outstanding and able Representative from Oregon, Mrs. EDITH GREEN, in a speech she made on the floor of the House of Representatives on July 31, 1969. I ask unanimous consent that a copy of her splendid speech be printed in the RECORD immediately after the close of my remarks, and chapter 342 of the Laws of New York 1969 approved May 2, 1969, also an article entitled "Desegregation—Where Do We Go From Here?" by Alexander M. Bickel, published in the New Republic of February 7, 1970, and the article entitled "Doubts Grow About School Integration" which appeared in the January 26, 1970, issue of the National Observer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOOR SPEECH OF HON. EDITH GREEN OF OREGON, JULY 31, 1969

Mrs. GREEN of Oregon. Mr. Chairman, 8 years ago one of my close friends came to Washington with the Kennedy administration. This gentleman was and is committed to an integrated society. He had always supported civil rights legislation at the State level as well as the national. This family—and I am going to discuss them in personal terms, but not use their name. I think he would not object. This family is a Catholic family. They are also committed to the public schools. This family, because of income, could probably have moved into almost any area they wanted to in the District of Columbia. This family chose, because of their commitment, to move into an integrated neighborhood. They have three daughters. They placed all three daughters in the public school system.

About 2 years ago or 3 years ago they started busing 90 youngsters from Anacostia—and I am extremely critical of the deplorable situation of the District of Columbia schools. That is why I am pleased when we voted more funds for vital education programs—funds for the District of Columbia—and all other school districts. I may have different priorities on the programs that we ought to support, and had I had my druthers—I would have increased vocational education funds more and impact aid less. But we must improve the quality of education, and equality of educational opportunity for all. But let me get back to this particular family and their series of problems.

Two years ago their youngest daughter became one out of three white children in an all-black classroom. Ninety youngsters were bused from Anacostia. It was not a "random sample" who were bused—and I do not blame any principal in Anacostia—already overburdened with problems—short of space in the classroom. But discipline problems emotionally disturbed youngsters, were the ones to be bused out. At 8:15 in the morning the small buses came and picked up children of white families in this neighborhood, who had the money to send their children to private schools, and at a quarter to 9 the big buses came from Anacostia and put the black children in the schools to occupy the spaces that the white children had just vacated.

I agree with the gentleman who spoke—and I have forgotten who it was—a moment ago about the questionable benefits to be gained from busing. It is the disadvantaged home, the disadvantaged neighborhood which must be improved equally as much as the school. Will 30 or 35 hours in another school offset the others 120 or 130 hours a week spent in deprivation? Can we continue to ask miracles of a teacher during 5 hours a day in class? If we rely on busing to correct social ills, are we not obliged to ask what is at the end of that bus line? Emphasis on integration and busing unaccompanied by a demand for academic excellence is worthless. This is what we ought to be concerned about—the quality of the programs. But the busing from Anacostia continued and the quality deteriorated.

Last year, this youngster would have been the only white child in an all-black classroom. This family had to face the problem, "Is my first responsibility to provide the best education I can for my daughter, or is my responsibility to maintain my commitment to an integrated class?"

And they decided, as hundreds of thousands of parents across this land are deciding, "My first responsibility is to provide the best education I can for my own child."

So this year they took all three of their children out of the public schools. The oldest daughter had also encountered major problems and threats of physical safety. All three of the daughters were taken out of the public schools and placed in private schools. This friend said—and he laughed—embarrassed as he said it—

"Edith, for the first time in my life—and I am ashamed to admit it—I have a serious question whether I am going to support tax levies and bond issues. I'm now paying for tuition for all three daughters in private schools."

About a month ago this family, because the neighborhood was changing and because of the situation of their three daughters, this family sold their home in the integrated neighborhood and they moved out to Maryland.

Now, what are we accomplishing? What are we accomplishing in terms of improving education? I believe the situation I described has been duplicated thousands and thousands of times all across the Nation.

I want to say that what is happening in terms of national policy affects Oregon. We do not have the problems in Portland that we have in the District of Columbia, but in Oregon this year 126 tax levies for schools were defeated—an all-time high. More and more people become dissatisfied, they are going to refuse to support the public schools. You see it in every State of the Nation.

If this happens, we have another step in this vicious cycle and a further deterioration of the public school system. So I make the plea for the Members who are lawyers and who say the Civil Rights Act is working out as they intended, and that busing is not occurring, take another look, examine the results—really inquire as to whether it is being enforced the way it ought to be enforced, and let us not let the eager beavers in the enforcement division of HEW enforce it the way they want to enforce it irregardless of the law—but require them—if they want to rewrite the Civil Rights Act, to present their proposals to the Congress; let us argue the issues on their merit, and write the laws and decide the issues by a majority vote.

It seems to me these are policies we must consider if we are really concerned about quality education, and we must not continue to let people outside the Government or let those in the executive branch enforce their version of what they think a civil rights law should require.

CHAPTER 342 OF THE LAWS OF NEW YORK

(An act to amend the education law, in relation to prohibiting discrimination on account of race, creed, color or national origin in connection with the education of the children of the state)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two hundred one of the education law is hereby amended to read as follows:

§ 3201. No exclusion Discrimination on account of race, creed, color or national origin prohibited

1. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.

2. Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.

§ 2. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

[From the New Republic, Feb. 7, 1970]

DESEGREGATION—WHERE DO WE GO FROM HERE?

(By Alexander M. Bickel)

(NOTE.—Alexander M. Bickel, contributing editor to this journal since 1957, is Chancellor Kent professor of law and legal history at Yale. His book, "The Supreme Court and the Idea of Progress," is being published this month by Harper and Row.)

It will be sixteen years this May since the Supreme Court decreed in *Brown v. Board of Education* that the races may not be segregated by law in the public schools, and six years in July since the doctrine of the *Brown* case was adopted as federal legislative and executive policy in the Civil Rights Act of 1964. Yet here we are, apparently struggling still to desegregate schools in Mississippi, Louisiana and elsewhere in the deep South, and still meeting determined resistance, if no longer much violence or rioting.

The best figures available indicate that only some 23 percent of the nationwide total of more than six million Negro pupils go to integrated public schools. About half the total of more than six million Negro pupils are in the South, and there the percentage of Negroes in school with whites is only 18.

What has gone wrong? The answer is, both less and a great deal more than meets the eye; it is true both that the school desegregation effort has been a considerable success, and that it has not worked.

The measure of the success is simply taken. Sixteen years ago, local law, not only in the 11 Southern states but in border states, in parts of Kansas, in the District of Columbia, forbade the mixing of the races in the schools, and official practice had the same effect in some areas in the North, for example portions of Ohio and New Jersey. Ten years ago, Southern communities were up in arms, often to the point of rioting or closing the public schools altogether, over judicial decrees that ordered the introduction of a dozen or two carefully selected Negro children into a few previously all-white schools. There are counties in the deep South that still must be reckoned as exceptions, but on the whole, the principle of segregation has been effectively denied, those who held it have been made to repudiate it, and the rigid legal structure that embodied it has been destroyed. That is no mean achievement, even though it still needs to be perfected and completed, and it is the achievement of law, which has irresistible moral force, and was able to enlist political energies in its service.

The achievement is essentially Southern. The failure is nationwide. And the failure more than the achievement is coming to the fore in those districts in Mississippi and Louisiana where the Supreme Court and a reluctant Nixon Administration are now enforcing what they still call desegregation on very short deadlines. In brief, the failure is this: To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, anymore than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

School desegregation, it will be recalled, began and for more than a decade was carried out under the so-called "deliberate speed" formula. The courts insisted that the principal of segregation and, gradually, all its manifestations in the system of law and administration be abandoned; and they required visible proof of the abandonment, namely, the presence of black children in school with whites. The expectation was that a school district which had been brought to give up the objective of segregation would gradually reorganize itself along other nonracial lines, and end by transforming itself from a dual into a unitary system.

All too often, that expectation was not met. The objective of segregation was not abandoned in good faith. School authorities would accept a limited Negro presence in white schools, and would desist from making overt moves to coerce the separation of the races, but would manage nevertheless to continue operating a dual system consisting of all black schools for the vast majority of Negro children, and of white and a handful of nearly white schools for all the white children. This was sham compliance—tokenism it was contemptuously called, and justly so—and in the past few years, the Supreme Court, and HEW acting under the Civil Rights Act of 1964, determined to tolerate it no longer.

HEW and some lower federal courts first raised the ante on tokenism, requiring stated percentages of black children in school with whites. Finally they demanded that no school in a given system be allowed to retain its previous character as a white or black school. Faculties and administators had to be shuffled about so that an entirely or almost entirely black or white faculty would no longer characterize a school as black or white. If a formerly all-Negro school was badly substandard, it had to be closed. For the rest, residential zoning, pairing of schools by grades, some busing and majority-to-minority transfers were employed to ensure distribution of both races through the school system. In areas where blacks were in a majority, whites were necessarily assigned to schools in which they would form a minority. All this has by no means happened in every school district in the South, but it constitutes the current practice of desegregation. Thus among the decrees recently enforced in Mississippi, the one applicable in Canton called for drawing an East-West attendance line through the city so that each school became about 70 percent black and 30 percent white. Elsewhere schools were paired to the same end.

It bears repeating that such measures were put into effect because the good faith of school authorities was in doubt, to say the least, and satisfactory evidence that the structure of legally enforced segregation had been eliminated was lacking. But whatever, and however legitimate, the reasons for imposing such requirements, the consequences have been perverse. Integration soon reaches a tipping point. If whites are sent to constitute a minority in a school that is largely black, or if blacks are sent to constitute something near half the population of a school that was formerly white or nearly all-white, the whites flee, and the school becomes all or nearly all-black; resegregation sets in, blacks simply changing places with whites. The whites move, within a city or out of it into suburbs, so that under a system of zoning they are in white schools because the schools reflect residential segregation; or else they flee the public school system altogether, into private and parochial schools.

It is not very fruitful to ask whether the whites behave as they do because they are racists, or because everybody seeks in the schools some sense of social, economic, cultural group identity. Whatever one's answer, the whites do flee, or try to, whether in a Black Belt county where desegregation has been resisted for 16 years in the worst of faith and for the most blatant of racist reasons, or in Atlanta, where in recent years, at any rate, desegregation has been implemented in the best of faith, or in border cities such as Louisville, St. Louis, Baltimore or Washington, D.C., where it was implemented in good faith 15 years ago, or in Northern cities where legal segregation has not existed in over half a century. It is feckless to ask whether this should happen. The questions to ask are whether there is any way to prevent the whites' fleeing, or whether there are gains sufficient to offset the flight of the whites in continuing to press the process of integration.

To start with the second question, a negative answer seems obvious. What is the use of a process of racial integration in the schools that very often produces, in absolute numbers, more black and white children attending segregated schools than before the process was put into motion? The credible disestablishment of a legally enforced system of segregation is essential, but it ought to be possible to achieve it without driving school systems past the tipping point of resegregation—and perhaps this, without coming right out and saying so, is what the Nixon Administration has been trying to tell us. Thus in Canton, Mississippi, a different zoning scheme would apparently have left some all-black and all-white schools, but still put about thirty-five percent of black pupils in schools with whites.

We live by principles, and the concrete expression in practice of the principles we live by is crucial. *Brown v. Board of Education* held out for us the principle that it is wrong and ultimately evil to classify people invidiously by race. We would have mocked that principle if we had allowed the South to wipe some laws formally off its books, and

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then continue with segregation as usual, through inertia, custom, and the application of private force. But substantial, concrete changes vindicating the principle of the *Brown* case were attainable in the South without at the same time producing the absurd result of resegregation.

This argument assumes, however, that the first of the two questions posed above is also to be answered in the negative. Is there, in truth, no way to prevent resegregation from occurring? Approaching the problem as one of straight feasibility, with no normative implications, one has to take account of an important variable. It is relatively simple to make flight so difficult as to be just about impossible for relatively poor whites in rural areas in the South. There is little residential segregation in these areas, and there is no place to move to except private schools. State and local governments can be forbidden to aid such private schools with tuition grants paid to individual pupils, and the Supreme Court has so forbidden them. Private schools can also be deprived of federal tax exemption unless they are integrated, and a federal court in the District of Columbia has at least temporarily so deprived them. They can be deprived of state and local tax aid as well. Lacking any state support, however indirect, for private schools, all but well-to-do or Catholic whites in the rural and small-town South will be forced back into the public schools, although in the longer run, we may possibly find that what we have really done is to build in an incentive to residential segregation, and even perhaps to substantial population movement into cities.

On a normative level, is it right to require a small, rural and relatively poor segment of the national population to submit to a kind of schooling that is disagreeable to them (for whatever reasons, more or less unworthy), when we do not impose such schooling on people, in cities and in other regions, who would also dislike it (for not dissimilar reasons, more or less equally worthy or unworthy?) [1] This normative issue arises because the feasibility question takes on a very different aspect in the cities. Here movement to residentially segregated neighborhoods or suburbs is possible for all but the poorest whites, and is proceeding at a rapid pace. Pursuit of a policy of integration would require, therefore, pursuit of the whites with busloads of inner-city Negro children, or even perhaps with trainloads or helicopter-loads, as distances lengthen. Very substantial resources would thus be needed. They have so far nowhere been committed, in any city.

One reason they have not is that no one knows whether the enterprise would be educationally useful or harmful to the children, black and white. Even aside from the politics of the matter, which is quite a problem in itself, there is a natural hesitancy, therefore, to gamble major resources on a chase after integration, when it is more than possible that the resources would in every sense be better spent in trying to teach children how to read in place. Moreover, and in the long view most importantly, large-scale efforts at integration would almost certainly be opposed by leading elements in urban Negro communities.

Polls asking abstract questions may show what they will about continued acceptance of the goal of integration, but the vanguard of black opinion, among intellectuals and political activists alike, is oriented more toward the achievement of group identity and some group autonomy than toward the use of public schools as assimilationist agencies. In part this trend of opinion is explained by the ineffectiveness, the sluggishness, the unresponsiveness, often the oppressiveness of large urban public school systems, and in part it bespeaks the feeling shared by so many whites that the schools should, after all, be an extension of the family, and that the family ought to have a sense of class and cultural identity with them. And so, while the courts and HEW are rezoning and pairing Southern schools in the effort to integrate them, Negro leaders in Northern cities are trying to decentralize them, accepting their racial character and attempting to bring them under community control. While the courts and HEW are reassigning faculties in Atlanta to reflect the racial composition of the schools and to bring white teachers to black pupils and black teachers to white ones, Negro leaders in the North are asking for black principals and black teachers for black schools.

Where we have arrived may be signaled by a distorted mirror image that was presented in the Ocean Hill-Brownsville decentralized experimental school district in New York during the teachers' strikes of the fall of 1968. A decade earlier, black children in Little Rock and elsewhere in the South were escorted by armed men through white mobs to be taught by white teachers. In Ocean Hill-Brownsville in 1968, white teachers had to be escorted by armed men through black mobs to teach black children.

Can we any longer fail to acknowledge that the federal government is attempting to create in the rural South conditions that cannot in the foreseeable future be attained in large or medium urban centers in the South or in the rest of the country? The government is thus seen as applying its law unequally and unjustly, and is, therefore, fueling the politics of George Wallace. At the same time, the government is also putting itself on a collision course with the aspirations of an articulate and vigorous segment of national Negro leadership. Even if we succeed at whatever cost, in forcing and maintaining massively integrated school systems in parts of the rural South, may we not find ourselves eventually dismantling them again at the behest of blacks seeking decentralizzed community control?

There must be a better way to employ the material and political resources of the federal government. The process of disestablishing segregation is not quite finished, and both HEW and the courts must drive it to completion, as they must also continually police the disestablishment. But nothing seems to be gained, and much is risked or lost, by driving the process to the tipping point of resegregation. A prudent judgment can distinguish between the requirements of disestablishment and plans that cannot work, or can work only, if at all, in special areas that inevitably feel victimized.

There are black schools all over the country. We don't really know what purpose would be served by trying to do away with them, and many blacks don't want them done away with. Energies and resources ought to go into their improvement and, where appropriate, replacement. Energies and resources ought to go into training teachers, and into all manner of experimental attempts to improve the quality of education. The involvement of cohesive communities of parents with the schools is obviously desired by many leaders of Negro opinion. It may bear educational fruit, and is arguably an inalienable right of parenthood anyway. Even the growth of varieties of private schools, hardly integrated, but also not segregated, and enjoying state support through tuition grants for blacks and whites alike, should not be stifled, but encouraged in the spirit of an unlimited experimental search for more effective education. Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

[From the National Observer, Jan. 26, 1970]

DOUBTS GROW ABOUT SCHOOL INTEGRATION

WASHINGTON, D.C.—A new word has entered the debate over segregation and integration in the nation's public schools: resegregation.

In dozens of cities, schools, and school systems once almost entirely white are turning increasingly nonwhite. This trend, produced by the familiar exodus of whites to the suburbs and nonwhites to the inner cities, has been going on for more than 30 years.

Only now, however, is it becoming a matter of prime concern to Federal officials. A new Federal school survey shows that racial isolation exists in every section of the country and that its growth is most rapid in the big Northern cities. This fact is raising new doubts among many long-time integrationists about the wisdom of trying to enforce desegregation in the schools. Items:

Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Conella Coulter Brown, administrative assistant for the Cleveland schools.

Edmondson High School on the west side of Baltimore was 80 percent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harris. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere.

Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 per cent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince Georges enrollment this year, however, is not that the number of new blacks is up but that the number of new whites is down. No one knows exactly why, but one administrator muses: "The whites are moving to other Washington suburbs rather than to Prince Georges."

In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

The extent of resegregation in the North has never been known with any certainty. But the Department of Health, Education, and Welfare (HEW) undertook a survey of the racial composition of 90 per cent of the school districts in the country during the 1968–1969 school years, and fed the returns into a high-speed computer. The results, released Jan. 4, portray a system of segregated education that knows no regional boundaries.

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[1] For instance a UPI dispatch from Oklahoma City dated January 20 as follows:

"Mrs. Yvonne York, mother of a 14-year-old boy taken into custody for defying a federal desegregation order, said today she will take the case to the Supreme Court. US District Judge Luther Bohanon last week ordered the Yorks to enroll their son Raymond at Harding Junior High in compliance with desegregation rulings. The boy had been enrolled at Taft Junior High a few blocks from his home. Harding is four miles from his home. Raymond was taken into custody yesterday by federal marshals when Mrs. York tried to enroll him at Taft. He was detained for a few hours." A city councilman is quoted as saying, "The people of Oklahoma are fed up with forced busing and federal court orders running our schools. We demand an end to this madness."

The survey shows, for example, that 5 out of 10 Negroes outside the South attend schools 95 to 100 per cent Negro, as opposed to 7 out of 10 Negroes in the 11 Southern states. Only 25 per cent of the Negroes outside the South attend majority-white schools, as contrasted with 18 per cent of the Negroes in Southern schools.

The survey shows too that 10 of the largest 20 city school systems in the country have majority Negro enrollments. In 16 of those systems, 60 per cent or more of the Negroes go to schools 95 to 100 per cent Negro—almost totally segregated.

A. STENNIS CHALLENGE

Federal officials say they are deeply troubled by the extent of segregation the survey has uncovered. Sen. John Stennis, Mississippi Democrat, first previewed the findings in a series of speeches in December, in which he challenged the Government to pursue desegregation in the North with the same vigor it is pursuing desegregation in the South. "If segregation is wrong in the public schools of the South," he argued, "it is wrong in the public schools of all other states."

Mr. Stennis made the point in arguing that the Government should ease up on its efforts to promote desegregation of schools. Leon E. Panetta, HEW's chief civil-rights officer, on the other hand, told Congress two months ago that the answer is not to make segregation legal in the South but to pass legislation making it illegal everywhere.

Last week, in a pensive mood, Mr. Panetta reflected on the emerging pattern of resegregation in America and said: "Nobody really is considering what the answers to this situation are, and whether there aren't new injustices resulting from rectifying gross past injustices."

Ever since the Supreme Court held in 1954 that state-supported racial segregation was a denial of equal educational opportunity, the courts have been trying to undo the vestiges of the South's dual school system. With the passage of the 1964 Civil Rights Act, the Justice Department and HEW joined the battle to force recalcitrant school districts to adopt plans of racial balance.

TURNING ATTENTION NORTH

In the past two years, both agencies have begun turning their attention to school discrimination outside the South, but only a handful of non-Southern districts have been cited for discrimination. This is because racial separation in Northern districts is generally regarded as *de facto* segregation, a result of housing patterns, rather than—as in the South—*de jure*, the result of official law or policy.

Last week, in the second of seven suits filed by the Justice Department in non-Southern districts, a Federal district court ordered the Pasadena, Calif., school board to put into effect by next September a desegregation plan that would give none of its schools a nonwhite majority. The district—30 per cent black, 58 per cent white, and 12 per cent other minorities—was accused of discriminating in the making of school district boundaries, teacher assignments and in other ways.

So far, few courts have held that the existence of *de facto* segregation itself is proof of discrimination, and the Supreme Court has not ruled on the issue. Yet the disparity continues between what is forbidden in the South and what is tolerated in the North, and the pattern of Northern separation begins to look more like its Southern counterpart.

For example, 17 Florida school systems, with two-thirds of the state's pupil population, are currently under Federal court orders to desegregate, two of them by Feb. 1 under a Supreme Court order. Seventy-two per cent of the Negro students in Florida attend schools in which Negroes constitute 95 to 100 per cent of the enrollment.

Yet 72 per cent of the Negro students in Illinois, according to the HEW survey, also attend schools with 95 to 100 per cent Negro enrollment, and there are no court orders compelling desegregation in Illinois. In fact, it can be argued there is more segregation in Illinois than in Florida. Theoretically it should be easier for Illinois, where Negroes make up 18 per cent of the student population, to place Negroes in majority-white schools than for Florida, where they make up 23.2 per cent. Yet there are proportionately more Negroes in majority-white schools in Florida (23.2 per cent) than in Illinois (13.6).

It seems likely that the courts will not for long be able to postpone consideration of such discrepancies in the application of national law. For a few Southern school districts, which have desegregated in accordance with the law, now find themselves victims of resegregation, ostensibly as a result of shifting housing patterns. One such district is Atlanta, where integration began eight years ago as the result of court suits initiated by the NAACP and other civil-rights groups.

TWO ESCAPE ROUTES

Since that time, 25 schools that were formerly all-white have turned predominantly black, as white parents have followed one of the two legal escape routes open to them: a private school or a home in the suburbs. Today, the school system, predominantly white before integration, is two-thirds black, but adjoining, suburban school systems are 80 to 95 per cent white.

If this appears to be *de facto* segregation Northern-style, Atlanta—because it had a dual school system until recently—is nonetheless still subject to a Supreme Court order of Jan. 14, requiring desegregation of schools in Georgia and four other Southern states by Feb. 1.

Southerners have long been grumbling about what they wryly refer to as "this dual system of justice" (one for the North, another for the South), and they are beginning to organize to combat it. Last week, Florida's Gov. Claude Kirk appealed to the U.S. Supreme Court to set national desegregation standards that would affect all 50 states. And the attorneys general of Louisiana, Mississippi, and Alabama announced a joint legal effort designed to ensure that "the same rules for administration of public schools" imposed by the Federal courts in the South apply to all other states.

The forces attempting to undermine enforced desegregation will get an unexpected assist next month with the publication of a book by Harper & Row, which challenges the Constitutional basis of court-ordered integration.

Entitled *The Supreme Court and the Idea of Progress,* and written by Yale University's Alexander M. Bickel, a Constitutional law authority of impeccable credentials among civil-rights advocates, the book is an expanded version of the Holmes Lectures, which Professor Bickel delivered at Harvard Law School in October.

In a chapter on the Supreme Court's desegregation rulings, Professor Bickel argues the Court, beginning with the history-making *Brown* v. *Board of Education* decision in 1954, should have contented itself with finding that legally enforced school segregation is unconstitutional.

DUBIOUS SOCIOLOGY?

In going beyond that principle to argue that separate educational facilities are inherently unequal, says Professor Bickel, the Court based its reasoning on dubious sociology and a parochial view of American education, which holds that education's main duty is to promote assimilation. As a result, says Mr. Bickel:

"In most of the larger urban areas, demographic conditions are such that no policy that a court can order, and a school board, a city, or even a state has the capability to put into effect, will in fact result in the foreseeable future in racially balanced public schools."

Enforced desegregation, in other words, will merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in the city schools.

It should be noted that there are many successful experiments in racial desegregation of schools. Several dozen Northern school districts, according to HEW estimates, have achieved full and voluntary integration by such techniques as altering attendance zones, busing and pairing of students to achieve racial balance. In White Plains, N.Y., for example, a quota system introduced in 1964 has not resulted in an exodus of whites. No school may have more than a 30 per cent or less than a 10 per cent enrollment of minority-group students.

But such plans, officials say, generally work in small or medium-size cities (White Plains' population: 65,000), where the population is stable and the blacks are in the minority. They often require, in addition, a rare degree of local leadership.

Central cities, on the other hand, experienced an increase of 2,400,000 in the Negro population between 1960 and 1968, and a decline of 2,100,000 in the white population, according to Census Bureau figures. While the figures are open to various interpretations, they nonetheless make it clear that great numbers of whites do not consider integration a primary social goal.

CHANGING NONWHITE ATTITUDE

Integration seems to be losing its attraction among nonwhites as well, at least as a short-run goal. Civil-rights leader James Farmer, now a high Nixon Administration official, said recently he has stopped trying to "sell Negro audiences on integration." The reason: "They don't agree on it any more."

In Philadelphia, where 60 per cent of the Negro school children attend schools that are 95 to 100 per cent Negro, officials report waning enthusiasm for busing black students to white schools to relieve overcrowding. "The people want to go to their neighborhood school," says school spokesman Robert S. Finarelli. "It's the state, not local people, pressing us for a desegregation plan."

The educational argument for integrated schools in based on the premise that minority-group children make their greatest achievement gains in an integrated environment. Numerous studies over the years, including the mammoth Coleman Report, issued by the U.S. Office of Education in 1966, have documented this thesis.

Conversely, there is relatively little information to indicate that spending more money in black schools in the slums does much good. "Most experiments in improving ghetto education have, quite frankly, been failures," says a U.S. Office of Education official.

That is why Government "integrationists" are so disturbed by the new findings of racial resegregation in the public schools. Leon Panetta, HEW's 31-year-old civil-rights chief, throws up his hands and shrugs. "We need a congressional examination of this whole question of the results of integration," he says. "In the meantime, we do what the law says we should do."

Mr. GURNEY. Mr. President, I wish to go on record in support of the amendment to the Elementary and Secondary Education Act offered by my colleague, the distinguished Senator from Mississippi (Mr. STENNIS).

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The amendment, as the Senator from Mississippi (Mr. STENNIS) has pointed out, is patterned after a similar New York State statute, which has been on the books in that State for several years. The amendment, simply stated, would prohibit the assignment of pupils to any schools anywhere in the Nation without the express approval of the school board having jurisdiction in each case, on the basis of race, creed, color, or national origin; no child would be refused admission to any school on account of his race or origin.

It is significant, I think, that New York has taken the lead in this area. New York, viewing the problems of de facto segregation and the need to achieve quality integrated schooling, has taken the route of leaving with the local school boards the right and the duty to make pupil assignments, and leaving with the pupils and the parents the determination of where the children shall go to school. Frankly, I do not know why anyone would object to the idea of freedom of choice, except that the whole problem of desegregation is so full of emotionalism and high-pitched rhetoric that our national policy is becoming irrational.

The idea behind Brown against Board of Education was a good one: To give black children the benefit of the best education possible. The idea of separate schools for blacks, fixed by legislation, State or Federal, was found to be constitutionally repugnant. We have no quarrel with that general notion. But, once the State or Federal laws creating separate schools were struck down, the Federal Government embarked on the most ambitious social engineering project in its history. The results of that social engineering project, carried out by the Department of Health, Education, and Welfare, the Justice Department, and most especially by the Federal courts, I think we have to admit, has been universally disastrous. Again, we do not quarrel with the end—we can and we do protest the means employed by the Federal Government to achieve that end.

Let me suggest what the results of a 15-year program of federally imposed desegregation or integration has accomplished. Again, I must point out that I am talking about the nationwide problem, not a regional or local problem. The results, as I see them, are as follows:

First. Certain schools in certain areas have been successful and harmoniously integrated. These schools, I regret, to say, are a tiny minority of the schools of our country. Elsewhere, we have turned schools, particularly high schools, into tense, high volitile racial battlegrounds. This is true in New York, in Chicago, in Los Angeles, in Jacksonville, and in Portland, Maine. I had printed in the RECORD last month, an article by Joseph Alsop which pointed out that interracial violence in the public schools has reached a very dangerous level. Again, talking about a national problem not a local problem, Alsop said:

> The fact is that something perilously close to race war has now begun in just about every integrated high school in the United States. This is not a southern problem. This is a nationwide problem, with future political implications so grave that we dare not go on being ostriches about it.

Mr. Alsop is no racist, as we all know. He is a competent and thorough reporter who has tried to view this problem objectively. I have asked my staff to verify Mr. Alsop's report. We have looked into the situation. His appraisal is, sad to say, accurate and if anything, understated. I will not go into depth here about the drug problem, but it must be mentioned: It is a related problem and it is a very real and a very dangerous problem. Jackie Robinson spoke of this problem earlier in the week before the Maryland State Legislature. He spoke from the point of view of a parent who has his own son become addicted to heroin. We must deal with this problem: We are derelict in our duty if we fail to come to grips with it.

The second noteworthy effect of federally inspired efforts to integration has been the fact that white parents, faced with integration, have abandoned the inner city and fled to the suburbs. Alternatively, they have placed their children in private schools. As the taxpayers have fled, the revenues of the cities have declined. This sorry situation, I think is directly attributable to the integration-segregation efforts of the Federal Government. Here in Washington, D.C., the public schools are now 95 percent black. I will not talk about the problems we are encountering here, other than to say that the problems are staggering. One day last month, a boy was killed, another was wounded, and a third was shot at—all in a 6-hour school day. Police now patrol the schools in Washington on a regular basis. What kind of education could these children receive in the atmosphere of an armed camp? Another development here deserves to be mentioned: middle-class Negro parents are taking their children out of the public schools. This phenomenon was highlighted in a recent article in the Washington Post. It is a fear that I have long had and which has worried me a good deal: because of all the nonsense attendant to the federally inspired integration efforts, middle-class Americans—black and white—are losing their faith in public schools. This is a potentially disastrous development. This country owes much to its public schools. I implore Senators not to further divide our Nation, not to help destroy the public schools. Our purpose should be to revitalize and assist the public schools. That is the aim of the bill under discussion today. I think the amendment of the Senator from Mississippi (Mr. STENNIS) is a rational approach to this problem.

Let our children, black and white, have a chance for a quality education. Let them have an opportunity to make up their own minds as to where they will go to school; let us do without busing where we can—it is a great financial burden. That money could better be spent on teachers and valid educational tools.

I want to sound one warning: I implore my colleagues not to point an accusatory finger at the South. It is tempting to do so; I know in the past; I am frank to admit there has been heel dragging on integration in the South. The facts show that there has been just as much heel dragging in the North. Again, I emphasize that this is a national problem. What we are experiencing in the South today will be visited on northern communities in the near future. More than 50 percent of black students are today attending schools which are 95 to 100 percent black. Senator STENNIS has graphically demonstrated this fact in this presentation to the Senate in December 1969. Do not, I implore my colleagues, do not treat the South as a band of rascals. The problems in the South are simply the problems of the North.

We are trying to deal with them, honestly and, I assure Senators, diligently. I am one southern Senator who has been working on these school problems ever since I came to the Senate, not to stop desegregation but to try to see that it comes without explosion and irreparable harm to the public school system in general and the students in particular. The Stennis Amendment will help the South and the North both deal with these problems.

New York has shown the Nation a rational approach to the problem. Let us use New York's approach nationally. The situation in our public schools throughout the country is inflammatory. Let us not wait until there is a blood-letting or an explosion before we act. Let us act now, adopt the Stennis amendment as a first meaningful step to restore local control and to reorder the situation. We have a chance now to calm the troubled waters. This is not a final solution and its adoption will not be the end of our trouble, but it is a step in the right direction. I most respectfully and sincerely urge my colleagues to agree to this amendment and to defuse the bomb that is ticking in the Nation's schools even as we talk here today.

Mr. PROUTY. Mr. President, I would like to comment upon H.R. 514, the bill now before us to extend authorizations under the Elementary and Secondary Education Act and to amend other related acts. Before I do so, however, I would like to commend my colleagues on the Labor and Public Welfare Committee for their long and laborious efforts in bringing this bill to the Senate. The able leadership of the new chairman of the Education Subcommittee, (Mr. PELL) helped to make this possible. I would like to thank the committee staff for their work and particularly their desire to accommodate various political philosophies in pursuance of bipartisan compromises in the bill and in the report.

The bill as we now have it is rather long and complex. While I realize that this will make it difficult to evaluate and expedite quickly, I am confident that our previous discussions within the committee and here on the Senate floor will lead to a most fruitful outcome. Many of the provisions now contained in this bill are those advocated by the administration and were in the original bill on this subject that I introduced to the Senate some months ago. With the consent of the members I was able to add several other provisions during the com-

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mittee deliberations, some on behalf of the administration. I have summarized these provisions and ask unanimous consent that they be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. Mr. President, overall, this bill represents the intent of the committee to continuously evaluate and improve educational opportunities for the wide spectrum of students desirous to learn. We have started at one end of the continum dealing with the disadvantaged and the handicapped and ended at the other by dealing for the first time with the gifted and the talented. When we looked at title I dealing with educationally disadvantaged students, we found many problems in the operation of the program that were due, not so much to inadequacies in the legislation, but rather to a lack of local planning and State supervision. As a result, the program is not meeting the objectives set out by Congress some 4 years ago to help these students overcome the handicaps of cultural and educational deprivation. It was the intent of Congress that these students be given supplemental programs such as remedial reading and cultural enrichment in addition to the services they would normally receive on a par with their more advantaged peers. However, we have found that funds allocated for this purpose have not reached the target children, for they have been dispersed to nontarget children and too often used to supplant, rather than supplement, State and local funds spent in these areas.

Thus, the disadvantaged child, even while getting his fair share of Federal funds, is not receiving the benefits intended, because in no way does he receive the added help needed to overcome his educational disadvantages. Thus, the committee has taken several steps that hopefully will improve the operation of this most vital program. New provisions call for a study of the title I allocation formula to see that it is appropriate to the need, greater concentration of funds in areas serving the most disadvantaged, better planning and reporting techniques, and increased coverage of certain categories of students such as migrants, neglected or delinquent, and handicapped. Of particular benefit, I believe, are the provisions that will improve participation at all levels through State plans, advisory councils, and parental groups. These elements are most important if title I programs are to operate efficiently at the State and local level in concert with the needs and circumstances of the indigenous population to be served. Without these elements of participation and cooperation, title I programs are doomed to mediocrity.

Another area of great importance to me is legislation dealing with the handicapped. Somewhat over 10 percent of the school age population suffers from some form of handicap, and it is most critical that we improve prospects for the happy and productive lives of these individuals by giving them the educational wherewithal to help themselves. In this bill, therefore, we have included a codification of all existing legislation pertaining to education of the handicapped. This should be of much benefit not only to those seeking the benefits of those provisions, but also to those who administer the programs. Additionally, a new category of the handicapped has been defined; namely, those with specific learning disabilities. Although some States have helped these students under existing law, we have added provisions that bring greater attention to this area without detracting from existing program resources. While these provisions will one day become part of the codification, it is important for the present that they remain separate in order to maximize the effectiveness of new program funds.

Other improvements to broad categories of students pertain to bilingual students, Indians on reservations, dropouts, refugees, adults seeking the equivalent of a secondary education instead of being limited to the eighth-grade level, and the gifted or talented. These latter programs are new and show the committee's increasing concern that the excellence of our schools can only be maintained if all students are challenged by materials directly related to their needs. Within the broad spectrum of concerns in the legislation now before us are several provisions that will be of help to the general student as well. There are changes in the loan forgiveness provisions relating to teachers, with greater incentives now given to teachers of the disadvantaged and the handicapped. Also new provisions of loan forgiveness for those serving in the Armed Forces will make it more equitable for those who enter service during or after their schooling to receiving benefits similar to those given under the GI bill. Finally, there are provisions benefiting children in nonpublic schools who are eligible to participate in programs for public school students, such as title III, supplementary programs and services.

Although the committee report contains no specific mention of this, it was our intent to make explicit the expectation that nonpublic school officials be consulted regarding programs in which nonpublic school children participate. Our belief that this is already implicit in law prevented us from adding any new provision, but I am glad that Senator PELL made mention of this fact so that the legislative history will be accurate on the subject.

Other than the wide spectrum of persons specifically aided by the provisions of this bill, there are many other features worth noting. One is the recognition that present education legislation is contradictory and/or redundant in its use of definitions and procedures. Therefore, we have remedied provisions within title IV by defining many of the legislative terms and concepts. Also, a most important step has been taken in the setting of standards, such as those concerning the operation and number of members on statutory advisory councils or other advisory councils. Within this same title are provisions that will improve the efficiency and operation of all educational programs, such as the consolidation of State administrative funds and provisions pertaining to expiring appropriations authority, availability of appropriations and delegation authority.

Finally, in the recognition that allocation of dollars alone does not insure educational improvement, the committee has recommended that more emphasis be placed on evaluation and then dissemination. Two specific levels of evaluation are called for: One at the Federal level and the other at the State level.

At the Federal level, we have recommended up to 1 percent of all program funds be set aside for evaluation by the Commissioner of Education or the Secretary of Health, Education, and Welfare, whichever is most appropriate.

At a lower level, we have authorized a demonstration program in comprehensive planning and evaluation by States, localities, and metropolitan districts. These programs to be conducted in each State should do much to improve the development and use of State plans to hire personnel, to improve curriculums, and to evaluate program effectiveness.

However, planning and evaluation are not enough; for unless this analysis leads to needed change, it is worthless. In the past we have found that even when evaluations have been made, there has been an inadequate emphasis on dissemination so that others could benefit or make changes recommended. Therefore, we have placed a great stress on the need to disseminate analysis materials in a form that is usable to policymakers in the field as well as the educational researcher. This intent to strengthen the use of communications techniques is supported by several provisions relating to the collection and dissemination of information, the cataloging of education assistance programs, the use of modern measurement and reporting techniques and the furnishing of technical assistance to States upon request.

During the ensuing deliberations on this bill, there will be ample time to comment on many other provisions not specifically mentioned here. I thank my colleagues for their attention and trust that they will accept the recommendations of the committee in enacting this legislation.

EXHIBIT 1

PROVISIONS, OR PARTS THEREOF, ORIGINALLY CONTAINED IN S. 2451 INTRODUCED ON BEHALF OF THE ADMINISTRATION

1. Designation of responsibility for institutionalized, neglected or delinquent children.

Allows the Bureau of Education for the Handicapped to provide allocations to states who delegate responsibility for special services to other agencies under contract since present law precludes this practice.

2. Grants for migratory children to be based on the number served.

Changes formula that was inaccurate and based only on number of families in residence prorated for a standard number of children per family.

3. Use of most recent data under title I.

Allows OE to substitute most recent data available so that new allocations can be formulated at an early date instead of waiting for all states to submit their data.

4. Minimum grant allowance to local educational agencies.

Changes the minimum grant allowance un-

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der Title I from $2,500 to $10,000, unless waived by the state, so that more meaningful and substantial impact can be derived from sums expended.

5. Content of state and local educational agency reports.

Requires that all Title I reports must include the results of program effectiveness evaluations and also requires that all performance data be related to specific criterion objectives.

6. Staggered terms for National Advisory Council on Education of Disadvantaged Children and increase in membership of Advisory Committee on the Education of Bilingual Children.

Within Title IV are sections standardizing the operation of advisory councils that incorporate several administration suggestions such as staggering the terms of members or increasing the number of members to be consistent with operation of all statutory advisory councils.

7. Provisions to assure participation by all eligible students in Title III programs.

Sets up a bypass of the state in administration of Title III programs so that where the state does not effectively assure participation by children in nonprofit private schools who are eligible to participate.

8. Involvement of private school officials in programs in which private school children participate.

Although not contained in the report, it has been stated by the Committee that within existing law it is implicit that private school officials should participate in planning of programs where private school children participate. For this reason, no specific provisions were added.

9. Provisions with respect to parental and community involvement.

Although not specifically contained in the section dealing with Title I, there are now provisions in Title IV that require parental and community participation in the planning, development, and operation of these programs.

10. One percent set-aside for evaluation of education programs.

Requires that one percent of all program funds be set aside for evaluations of those programs by the Commissioner or the Secretary of HEW, whichever is most appropriate.

11. Consolidation of special state grant programs.

As a compromise, this consolidates Title III of NDEA and Section 12 of National Foundation of the Arts and Humanities, since they are both state grant programs for instructional media. Originally, five programs were to be consolidated.

12. Application of bilingual programs to Indians on reservations.

Changes provisions so that children in schools operated by Indians and on Indian reservations can now apply directly to the Commissioner for grants rather than going through the Bureau of Indian Affairs.

13. Cancellation of student loans for service in the Armed Forces.

Provides for up to 50 percent loan forgiveness at the rate of 12½ percent per year for every year of service in the Armed Forces.

PROVISIONS ADDED DURING COMMITTEE DELIBERATIONS, SOME ON BEHALF OF ADMINISTRATION, SOME IN CONJUNCTION WITH OTHER COMMITTEE MEMBERS

14. Consolidation of handicapped legislation.

Consolidates all programs of education for the handicapped which are administered by the Commissioner of Education into a single statute to ease administration and operation of same.

15. Consolation of State administration funds.

Allows the Commissioner to make a consolidated grant of administration funds for any two or more education programs to be carried on by the state (with the exception of Title I and Title VI).

16. Contingent extension of expiring appropriations authority.

Provides that unless Congress has formerly passed or reviewed legislation extending the authorizations for appropriations during the year prior to expiration, it is automatically extended for one year at an ongoing level so that forward funding can be pursued.

17. Special grants to urban and rural schools serving the highest concentrations of disadvantaged.

Changes from four to five percent the amount of discretionary funds allocated to the Commissioner after 1970. Such funds could be used at the Commissioner's discretion where extenuating circumstances such as inaccessibility preclude proper use of funds even though the level of concentration is not as high as specified to be eligible for these grants.

18. Minimum State allocation for comprehensive planning and evaluation program.

Changes the allocation formula so that after 25 percent of the funds are reserved to the Commissioner, 40 percent are allocated to the states and 60 percent are distributed on the basis of population.

19. Handicapped children and neglected or delinquent children receiving education under contract with State institutions.

Allows payments to state or other local public educational agencies which provide special education services to neglected or delinquent children when local educational agencies are unwilling or unable to do so.

20. Study of Title I funds.

Includes within this study, the subject of difficulties of administering Title I programs in rural areas due to thin dispersion of students or inaccessibility.

21. Creation of advisory council on research and development.

Changes the ad hoc Advisory Council on Research and Development to a statutory council.

22. Date of all reports from commissioner.

Changes the date of all reports in education programs from the Commissioner to be due on a uniform date of March first.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Widnall, Mr. Johnson of Pennsylvania, and Mr. Mize were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Friedel, Mr. Dingell, Mr. Springer, and Mr. Devine were appointed managers on the part of the House at the conference.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. (Mr. Gravel in the chair). The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. Pastore), the Senator from Tennessee (Mr. Gore), the Senator from New Mexico (Mr. Montoya), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), and the Senator from Kentucky (Mr. Cooper) to attend the Conference of the Committee on Disarmament, to be held at Geneva, Switzerland, on February 17, 1970.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. PELL. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 459), of the Senator from Maryland.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

Mr. THURMOND. Mr. President, will the Senator withdraw his request?

Mr. PELL. I withdraw the request.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I yield.

Mr. JAVITS. Could we have some idea how long the Senator intends to speak?

Mr. THURMOND. I imagine about 22 or 23 minutes.

Mr. JAVITS. I thank the Senator.

Mr. THURMOND. Mr. President, may we have order?

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. Hansen in the chair). Does the Senator yield?

Mr. THURMOND. I yield.

Mr. BYRD of West Virginia. Is the Senator speaking on the pending bill, the subject matter before the Senate?

Mr. THURMOND. Yes.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. THURMOND. Mr. President, we have before us legislation designed to protect the public schools of our Nation from the capricious whims of those who would mold the lives of others to conform to a rigid and unrealistic social theory. Tyranny has taken many forms in the history of this world, but surely among the worst forms of tyranny is that which results from the desire of ideological zealots to order human beings into a pattern of living which is hostile to traditional mores and customs. Examples of such tyranny abound: The restructuring of Russian life by the Com-

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munists and of German life by the Nazis are the two most recent and dramatic.

Lesser examples of the same type of crime are also available—the herding of American Indians onto reservations and the secularization of religious education of both Catholics and Jews in Eastern Europe.

Mr. President, I do not exaggerate when I say that education in this Nation is facing a threat of a similar magnitude. This threat does not exist equally in all parts of the country, nor even in all parts of the South. But make no mistake: The revolutionary changes being imposed upon southern school districts by the Federal judiciary, with the aid of the Department of Health, Education, and Welfare, are fanatical and extreme. Once this tyranny of the social reformers has been successfully imposed upon the South, those of you from other States will find you are next.

Mr. President, I realize that we are dealing with a topic which is placed under the category of so-called civil rights. For this reason many of my colleagues will be tempted to give this matter little thought and vote no—almost by reflex. I believe this matter requires serious thought by all of us. I should like to describe what is happening in my State, and I hope that each of you will consider the implications in your State.

In South Carolina two counties, Greenville and Darlington, are under court order to eliminate the dual school system this month—not in September at the beginning of a school year, but in the middle of an academic semester. This involves the transferring of thousands of students into new schools, with new classmates and new teachers. Students from a number of different schools with different teachers and textbooks with different rates of progress in the school year will suddenly be thrust into one classroom. This is educational insanity, but the fanaticism of the Supreme Court has led to a total lack of consideration for students of either race. Under such rulings, everyone suffers—black child and white child, confused and frustrated parents of both races, and teachers facing a classroom of students in the middle of a course—some at one point in the textbook, some at another, and having been using different textbooks at that.

Mr. President, 6 days after this court order was handed down, 95,000 citizens in Greenville County, representing 85 percent of the adult population, had signed petitions protesting the order. Reaction in Darlington County has been similar. The people are enraged, and they should be.

This pattern of extreme disruption of of public education has not been confined to South Carolina. A large number of school districts in Mississippi and several large metropolitan districts in Florida face similar orders. We recently witnessed the spectacle of the reassignment of all of the teachers in the Atlanta School District by lottery to achieve a 57-percent black, 43-percent white faculty ratio in each school. Have we lost our minds? Is there an educator anywhere who would advocate such inane practices as educationally sound?

Those of us in this body are now faced with a responsibility to deal with this problem. The Supreme Court ruled in 1954 that public schools segregated by law are unconstitutional. The Federal judicial machinery has since wrestled with the problem of how to enforce this decision, and what constitutes compliance with it. The Congress has granted certain powers to the Departments of Justice and Health, Education, and Welfare to seek compliance with the decision. It is time we examined what is happening. Are the schools being desegregated in the manner we expected? Is the state of public education progressing or regressing under current policies? Are we for what is happening or do we want something else?

What is at issue is this: What policies can be followed in achieving a desegregated public school system? With regard to faculties, the Federal judiciary has decreed that each school in the district should have a ratio of black to white substantially the same as the racial ratio of all teachers in the district. One district in South Carolina has a heavily populated section in one corner of the district. This section is entirely white. The rest of the county is less densely populated and is 70 percent Negro. The Department of Health, Education, and Welfare has suggested a faculty desegregation plan which will result in practically no teacher being able to teach in the town of his or her residence, but will require driving 30 and 40 miles per day—just to maintain a racial quota system for faculties. School superintendents in the South are now finding that the recruiting of faculty has become extremely difficult. Most of our teachers are housewives who can choose not to teach if conditions are extremely unsatisfactory. Superintendents are also finding they cannot recruit teachers without careful consideration of whether the race of the applicant will upset the racial balance of the faculty in a given school.

With regard to desegregation of students, the Court has yet to establish a clear policy with regard to what constitutes a unitary school system. The Department of Health, Education, and Welfare has established certain requirements that school districts must meet in order to receive Federal aid. Some Federal judges have established their own criteria, but more generally, they have required school districts to devise a plan in conjunction with the Department of Health, Education, and Welfare. Many approaches are used. Busing of students to achieve racial balance—regardless of what it is called; "pairing" of schools, in which two high schools, grades 9 through 12, become a school for grades 9 and 10 and a school for grades 11 and 12; zoning, in which attendance areas are drawn in such a way to achieve total integration.

These plans, which are concerned only with the racial composition of the schools—not with sound educational policy—have resulted in serious disruption of public education.

Mr. ERVIN. Mr. President, will the Senator yield? I do not want to interfere with the Senator's train of thought, but I would like to ask the Senator one or two questions.

Mr. THURMOND. I am glad to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I would like to ask the Senator from South Carolina if the only excuse given by the Federal courts for the tyrannies which the Senator has enumerated is found in the following provision of the 14th amendment; namely, the equal protection clause, which says no State shall "deny to any person within its jurisdiction the equal protection of the laws." Is that not the only provision of the Constitution that is invoked to justify these unspeakable tyrannies?

Mr. THURMOND. Mr. President, in my opinion, the Senator is eminently correct.

Mr. ERVIN. I would like to ask the Senator from South Carolina if the provision that no State shall "deny to any person within its jurisdiction the equal protection of the laws" means this, and nothing else: Namely, that every State must treat every person in like circumstances in like manner. Is that not all it means?

Mr. THURMOND. That is the way that the Senator from South Carolina has construed it.

Mr. ERVIN. Is there a single syllable in that clause or anywhere else in the 14th amendment that gives to HEW or to the Federal courts the right to place any limitation whatever upon the freedom of any individual in this land?

Mr. THURMOND. In reply to the Senator from North Carolina, the Senator from South Carolina would say that in his opinion, they are destroying the freedom of the parents and the children of this country. They are requiring, not desegregation of the schools, which means opening any school to any child of any race, but forced integration, and this necessitates, to accomplish it, the busing of students, which brings about great disruption and hardship on the part of many students.

Mr. ERVIN. I construe the reply of the distinguished Senator from South Carolina to mean that he agrees with the Senator from North Carolina, when the Senator from North Carolina says that there is not a single syllable in the equal protection clause or in any other provision of the 14th amendment which authorizes either Congress, the Supreme Court, or the executive branch of the Government to deny any individual anywhere within the broad boundaries of the United States any freedom of any kind.

Mr. THURMOND. That is absolutely correct.

Mr. ERVIN. In other words, the equal protection clause operates only to forbid discrimination on the part of the States, which means the State making or applying the laws in different manners to persons similarly situated?

Mr. THURMOND. The 14th amendment, if I interpret it correctly, would prohibit any State from discriminating. But here the different branches of the Government have gone much farther than that. They have gone extremely far, as the distinguished Senator from North Carolina has indicated.

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Mr. ERVIN. Well, some people think that usurpation of power by a court is sacrosanct; but if there is a usurpation of power that is more reprehensible than any other usurpation of power, it is usurpation of power by judges who hold office for life, and are beyond the reach of the people of this Nation; is that not so?

Mr. THURMOND. That is true; and there is practically no appeal from the actions of the Supreme Court. Congress could do it, if Congress were so constituted, by impeachment, or by limiting the appellate power of the Supreme Court in certain fields. I would like to see, for instance, the appellate power of the Supreme Court limited in the field of education, or see that field removed from the actions and jurisdiction of the Supreme Court.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that tyranny on the bench is just about as objectionable as tyranny on the throne?

Mr. THURMOND. I thoroughly agree with that; and in this land of so-called freedom, it is most obnoxious to see any individual in any position of power abusing the power of his office as the members of the Supreme Court have done in many instances on these matters.

Mr. ERVIN. Did not the Supreme Court hold, in Brown versus the Board of Education of Topeka, Kans., the school desegregation case, that the equal protection clause of the 14th amendment made it unconstitutional for any State to deny any child admission to a particular school on account of the child's race?

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Mr. THURMOND. That is correct.

Mr. ERVIN. I ask the Senator from South Carolina if the Federal courts and HEW are not now engaged in wholesale violation of the equal protection clause of the 14th amendment, in that they deny children the right to attend their neighborhood schools on account of their race, because they have concluded that children of their race are needed somewhere else to integrate a school.

Mr. THURMOND. That is the information that has come to the Senator from South Carolina, and is substantiated from many sources.

Mr. ERVIN. When HEW or a Federal court says to a child, "You cannot attend your neighborhood school because there are too many of your race in that school," or "the mixture of the races does not suit us," or "we need a person of your race to integrate a school somewhere else," are they not denying a child the right to attend a school because of his race, and thus violating the interpretation placed upon the equal protection clause in the Brown case?

Mr. THURMOND. I think the Senator from North Carolina has put his finger right on the issue. I think he is absolutely correct; and in my judgment, some of these days some Supreme Court will reverse decisions now being made, because I believe they are going to realize that not only are the actions being taken now unconstitutional, but they are unwise, impractical, and despotic.

Mr. ERVIN. Did the Senator from South Carolina read a newspaper item, as did the Senator from North Carolina, several days ago, reporting that a little child in the State of Oklahoma would not board the bus to go to some distant school to which he had been ordered by the court, because his parents had told him not to do so?

Mr. THURMOND. Yes, I did.

Mr. ERVIN. And did not the U.S. marshal take that little child into custody, and take him to the marshal's office and imprison him for the whole schoolday?

Mr. THURMOND. That was the information I understood appeared on the subject.

Mr. ERVIN. I ask the Senator if he did not read, a few days after that, that the court had sentenced the little boy's mother and father to jail for 10 days, because they took the position that they did not want that little child to be bused away from his neighborhood to a school at some distance?

Mr. THURMOND. That is what the newspapers reported.

Mr. ERVIN. I ask the Senator if that is not on a plane with thousands of tyrannies that have been practiced upon parents of schoolchildren of the Southern States.

Mr. THURMOND. I am sure that is correct.

Mr. ERVIN. I presume that the Senator from South Carolina, like the Senator from North Carolina, has received thousands of letters from his constituents pointing out situations of hardship, where either HEW or some decree of a Federal court compels a little child to be picked up, against his will and the will of his parents, and transported to a school far from his home.

Mr. THURMOND. There is no question about it. The Senator from North Carolinia is absolutely correct.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator from South Carolina yield to me?

Mr. THURMOND. Mr. President, I am happy to yield to the distinguished Senator from Texas on the understanding that his remarks will appear at the end of my address, and that I not lose my right to the floor.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, does the Senator from Texas intend to speak on the pending bill?

Mr. YARBOROUGH. No, sir.

Mr. BYRD of West Virginia. About what does the Senator intend to speak?

Mr. YARBOROUGH. It is a matter involving the submission of a report from the Committee on Labor and Public Welfare, together with individual views.

Mr. BYRD of West Virginia. Mr. President, I would have to object, because this is not a privileged matter.

The PRESIDING OFFICER. Objection is heard. The Senator from South Carolina may proceed.

Mr. THURMOND. Mr. President, schools designed as high schools must be converted overnight into grammar schools; "temporary classrooms" are added without supporting facilities such as restrooms, libraries, and cafeterias being sufficiently large to handle the increased enrollment. Parents with three or four chidren find their children each go to a different school under peculiar grade organizations at the schools. Parents who have bought a home in order to be near certain schools find their children being bused to strange neighborhoods—neighborhoods which parents specifically avoided when buying a house.

Mr. President, we in the South are deeply frustrated over what is happening to our schools. It is not a frustration born of racial prejudice, but from a strongly held conviction that the education of our children is of such great importance—not merely for the present, but especially for the future. In recent years, desegregation has occurred with little or no friction through the use of freedom of choice. Parents could choose which school they wished their children to attend. In some areas freedom of choice resulted in substantial integration. Numerous black students attended formerly all-white schools. But the pace was regulated by the choices of the people involved. Some communities changed little, but in all communities, little or no friction resulted because all citizens—black and white—could choose, and no one was ordered into a radically different situation.

It is a natural desire for parents to wish the best for their own children. It is also natural for parents to wish their children to be brought up in an environment which creates standards similar to their own. Schools are not viewed as instruments of the State to force social changes. When the District of Columbia completely integrated its schools, mixing large numbers of disadvantaged children with middle class students, the middle class left Washington. The public schools of Washington and now—today—95 percent black, and recent surveys indicate that blacks who can afford it are now shifting to private schools. Let us not view Washingtonians who fled the city as bigots. One can have sympathy and understanding for the difficulties of the large number of black children whose environment is substandard without wishing to subject one's own children to the educational problems this background creates.

Mr. President, the amendment before us has been introduced by a southern Senator, and it is cosponsored by a number of southern Senators, including myself. But the problem it seeks to solve will soon be a national problem. Indeed, this amendment is an almost verbatim copy of a law passed by the New York Legislature. People everywhere want to be able to choose an educational environment for their children. They do not wish to see their own children used as pawns in an experiment to raise the standards of others—to the detriment of their own children. If this legislation, or something similar, is not enacted by this body, we will see the Federal judiciary and the Department of Health, Education, and Welfare become super school boards for the entire Nation. The racial composition of schools will have to be reviewed yearly, and student assignment will change constantly. It will become virtually impossible in many areas to choose an appropriate neighborhood with the assurance that the schools will be satisfactory. Cities, and perhaps rural counties, will become ghettos. In many areas, large numbers of citizens will resort to private schools.

Mr. President, even private educational facilities will come under attack. The court of appeals has already ruled that southern private schools which do not meet certain racial criteria are ineligible for tax-exempt status. Parochial schools, which carry a tremendous portion of the educational burden in many States, will become subject to this mania for racial balancing.

The measure before us is not extreme. If adopted, it would not result in a return to a segregated school system. This amendment would, however, prevent our schools from becoming the laboratories of fanatical social reformers and race-obsessed judges. Further, this is not a southern policy, but a policy for the Nation. This vote is important for all of us. Southerners are experiencing educational chaos unparalleled in our Nation's history. Your States will be next. And let me assure you, as you yourselves have avoided placing your children in schools with a large proportion of disadvantaged children, so will your constituents rebel when this is forced upon them.

Mr. President, a vote for this amendment is a vote for education—for quality education. It deserves the support of Senators from all over the Nation—not just the South, but the East, North, and West as well. I urge my colleagues to vote for this amendment.

Mr. President, the Sunday, January 18, 1970, edition of the State newspaper of Columbia, S.C., contained an excellent editorial concerning the forced integration of public schools. It clearly outlines the pending danger to both white and black in arbitrarily placing children in alien surroundings.

The State brings out that courts—impatient with the South's steady, but necessarily slow, desegregation procedures—are now hurting everyone by placing a minority of white children in mostly Negro schools:

> When Negro students comprise the bulk of a school, the injection—forcible or otherwise—of a minority of white students provides no benefits to the Negroes and can cause serious learning problems for the whites.

Using for verification "Equality of Educational Opportunity," prepared under the direction of former U.S. Commissioner of Education Harold Howe II, it further states that such situations may be "even less favorable to Negroes than are all-black schools."

As the editorial also says, many presently desegregated schools are rapidly being segregated again when they become between 30- and 35-percent Negro. "And unless and until the Federal Government becomes so dictatorial as to control the physical movement of the citizenry, Americans will continue to 'vote with their feet' by moving from unacceptable conditions."

Thus it shows that courts are willfully "seeking to accomplish by judicial fiat a result which runs counter to human nature."

Mr. President, I ask unanimous consent that this article, entitled "Federal Judges Dictate Destruction of Education," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, the Members of this body should certainly be aware of the extremely difficult situation facing the public school system in South Carolina and elsewhere in the South as a result of recent Supreme Court decisions demanding immediate, forced integration. These decisions have been translated into an order of the fourth circuit which requires two of our counties, Greenville and Darlington, to disrupt their educational programs in the middle of the academic semester for the purposes of wholesale transfer of students to achieve forced integration.

People in Greenville County and Darlington County are greatly distressed at these unreasonable orders and their frame of mind is shared by the rest of the State. On January 27 the Columbia Record, Columbia, S.C., published an editorial entitled "Court Creates School Chaos." This editorial describes the Court as "educationally illiterate" and expresses sympathetic concern for the children and the parents of the children affected by this incredible decision.

Mr. President, I ask unanimous consent that the editorial entitled "Court Creates School Chaos," which appeared in the Columbia Record on Tuesday, January 27, 1970, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

FEDERAL JUDGES DICTATE DESTRUCTION OF EDUCATION

The Federal judiciary, in its obsession to force racial mixing upon the American people, is threatening utter destruction of the public school system not only in the South but elsewhere in the nation.

The tragic irony of the situation lies in the provable fact that the autocratic judges of the U.S. Supreme Court and the lesser federal courts are defeating, in many instances, the very goal they purport to serve—that is to say, improved education for Negro children.

In South Carolina and in most of the rest of the South, there has been a public acceptance—however grudging—of school desegregation to a far greater degree than is true of many areas of the North, the East, and the West. In district after district, through procedures ranging from freedom-of-choice selections to administrative assignments, Negroes have been admitted in ever-increasing numbers into formerly all-white schools.

But, not content with such obvious progress toward the elimination of legally imposed segregation, the courts now are wielding the awesome legal and financial strength of the federal government to force white children into school situations where they, not the Negroes, are in the minority. The result is not only an impairment of the educational process for the white students but a demonstrable failure to improve the learning of the Negroes.

Numerous public and private studies, including official reports of the U.S. Office of Education and of the Civil Rights Commission, confirm the educational premise that the performance of Negroes is improved, as a general rule, when they are placed among a majority of white students. (The fact that this, in itself, is a slur upon the capacity of Negroes to advance within their own company seems not to concern anyone, least of all the rabid integrationists who deny the existence of racial distinctions).

But the main point is this: when Negro students comprise the bulk of a school, the injection—forcible or otherwise—of a minority of white students provides no benefits to the Negroes and can cause serious learning problems for the whites. Indeed, some studies show that such situations are even less favorable to Negroes than are all-black schools. Consider this excerpt from Equality of Educational Opportunity, prepared under the direction of former U.S. Commissioner of Education Harold Howe II:

"The general pattern is an increase in average test performance as the proportion of white classmates increases, although in many cases the average for the Negro students in totally segregated classes is higher than the average for those in classes where half or less of the students were white."

To this finding should be appended the equally demonstrable fact that when a school becomes between 30 and 35 per cent Negro, there rapidly follows an exodus of white students, with the consequence that segregation in reverse replaces the original segregation. And, unless and until the federal government becomes so dictatorial as to control the physical movement of the citizenry, Americans will continue to "vote with their feet" by moving away from unacceptable conditions.

Yet, unseeing and unfeeling federal judges assuming unto themselves an educational omniscience which they obviously lack, act as though they constitute a super school board for all America. Disregarding both the public will and principles learning, this little band of wilfull men is imposing upon the country its arbitrary will, seeking to accomplish by judicial fiat a result which runs counter to human nature.

If unchecked, the courts will reduce the nation's public schools to a shambles, while earning for themselves and their bureaucratic sycophants in the Department of Health, Education, and Welfare a despised footnote in the history of a nation once described as "the home of the free."

EXHIBIT 2

COURT CREATES SCHOOL CHAOS

Pharisaical legalism of the U.S. Supreme Court has created considerable chaos in a number of Southern schools and the end results, although decidedly not momentarily healthy, are not discernible.

Ignoring a basic truism of the law as a social instrument, the Court imperiously and thoughtlessly ordered school desegregation throughout the South—"now." It seems so easy, so simple—that "now."

"Now" has been properly translated by district judges, in view of the higher court's definition of the term, into "immediate." Which means that school districts in South Carolina and elsewhere are being forced to disrupt the whole educational process in mid-academic year.

What, therefore, are some of the truths that all must face?

(1) The Supreme Court, as the highest judicial body in our country, has decreed that immediate integration must occur.

(2) Performing as they must, Federal judges are ordering school systems to become "unitary" (that is, indistinguishable by race) in students, facilities and faculty at mid-year.

(3) School boards and superintendents are, necessarily, following court dictates and trying to implement court orders for immediate integration.

(4) The entire educational process and the human beings involved—particular the

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children—are suffering under the legalistic dictation. Irreparable damage is being done to children, parents and faculty; damage that will linger in memory throughout the lives of thousands.

(5) The Court's pharisaical judgment was simplistic and educationally insane.

(6) Distraught parents, both white and black, have descended on appointed and elected officials, seeking redress of grievances. They are blaming the wrong people when they confront Congressman, governors, school board members and superintendents.

(7) Governors can invoke their legal authority and appeal to the Supreme Court, as did Governor Claude Kirk of Florida. There is nothing dishonorable or dishonest about an appeal to the Court for temporary relief, despite the Court's hostility.

(8) Congress has done all that is possible, without success. Just last week, Senator Richard Russell of Georgia—one of the nation's most respected legislators—told an aggrieved group of Georgians that he had exhausted all Federal legislative remedies. He told the Georgians that every weapon at his command had been used and that his arsenal was exhausted. Congress cannot provide relief, now.

(9) Barring unforeseen developments, many school districts in South Carolina will begin their agonies in September, the beginning of the next academic year—if they are fortunate. This time period will give the districts time to prepare for the vastly complex process of "now" integration.

(10) The degree of suffering on the part of both whites and Negroes—children and adults—will vary from district to district, usually in direct proportion to the percentages of minorities (whether white or black) in the districts.

(11) Some districts will adjust without any strain; others will integrate with minimal stress; others will make the transition with immense difficulty, but emerge with the school systems intact.

(12) Some districts, particularly near larger communities, will either immediately or in time become overwhelmingly of one race, whether white or black.

(13) Some districts will watch the establishment of private academies, generally but not always white, and public schools will become predominately, if not wholly, Negro.

(14) The Supreme Court will be forced, reluctantly, to eradicate the distinctions between de jure and de facto segregation; and that decision will be the most important one for South Carolina and the nation, when it comes.

In the interim, obedience to the law has been, is now, and will be the guiding principle of this newspaper. Within the law, and only within the law, should redress be sought.

The personal agonies of parents, teachers and children are very real, very genuine and very emotional. A simple pronouncement that "the South has had 16 years" and should have no disgruntlement over "now" integration is utterly foolish. The South, and South Carolina in particular, has adhered to the letter of the legislative, judicial and administrative law since the first real movements toward desegregation of the schools began.

Careful students of the Federal desegregation process are critically aware of the historical alterations of Federal demands (often equivocal) upon school districts. There have been many changes; many understandings; even more misunderstandings.

A critical juncture in education has been reached not only for South Carolina and the region, but for the nation. The crisis has been created by an educationally illiterate Court by a grievously legalistic dictum that ignored the social nature of the law.

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. JORDAN of Idaho in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT OF FEDERAL CREDIT UNION ACT

Mr. **SPARKMAN**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **SPARKMAN**. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, and Mr. BENNETT conferees on the part of the Senate.

ORDER FOR ADJOURMENT

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(Subsequently, the Senate modified this order to provide for an adjournment until 11 o'clock a.m., tomorrow.)

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. **TYDINGS**. Mr. President, I ask unanimous consent that my amendment No. 459 be made the pending business.

Mr. **PELL**. Let me say to the Senator from Maryland that it already is.

Mr. **TYDINGS**. I thank the Senator.

Mr. **JAVITS**. Mr. President, does the Senator wish the floor?

Mr. **TYDINGS**. I yield the floor.

Mr. **JAVITS**. Mr. President, it is my understanding that the Bureau of the Budget has objections to this particular provision and, hence, that the Department of Health, Education, and Welfare must express objection to it.

I have given this matter consideration myself and it seems to me it is one of those situations in which we in the Senate have to judge whether the objections on the part of one of the Government departments are justified.

I have not heard enough for myself on this matter to substantiate the objection. I point out that the amendment offered by the Senator from Maryland (Mr. TYDINGS) does, to some extent, at least—perhaps totally—represent a problem which the Senator from Virginia (Mr. SPONG) is trying to reach.

My own inclination, subject to the views of the Senator from Colorado (Mr. DOMINICK) if the Senator from Maryland (Mr. TYDINGS) is willing, is to accept the concept which he has, with the understanding that as we amalgamate the ideas with respect to the bill, we will do our best to retain what ideas we can in conference. But I would not wish to be inflexibly committed in conference to the precise amendment to the bill, but that we would accept the idea. There is a lot in the idea. We will do our utmost, in the context of weaving in the ideas together in settlement with the House, to go as far with it as we can. Sometimes, Members insist that we be absolutely tied to an amendment adopted, and staying with it in the conference, come what may. I could not make that agreement with respect to this amendment. I respect it. It seeks to serve a desirable end. I would be willing to take this as, again, an element in whatever plan on this particular subject we work out with the House.

Mr. **DOMINICK**. I want to say that I subscribe to what the Senator from New York has just said. I say to the Senator from Maryland that one of the problems which has been brought up with his amendment is the possibility that some of the districts might take some of the money which has been appropriated, hold it, and then pyramid it in an effort to do something with the funds which was not within the original intent of their use.

I do not think that would be the widespread practice, but it is one of the things which has been brought up as an objection to the Senator's idea. I do not think, at the moment, that point is serious enough to warrant any kind of extended discussion, but I do think that we should remain flexible in conference.

Mr. **TYDINGS**. I should like to continue the discussion for a few minutes with the Senator from Colorado and the Senator from New York.

The original amendment which I had offered had no time factor in it. It was just an open-ended authorization. At the suggestion of the subcommittee's chairman, the Senator from Rhode Island (Mr. PELL), we limited it to a period of actually 2 fiscal years. We did not even try to tie it into 1970.

Mr. President, I do not wish to press the amendment to a rollcall vote, but I would be interested in the thoughts of the Senator from Colorado (Mr. DOMINICK) as to just whether he will actually try and come up—in the final version of the bill, after it comes out of conference—with something that will at once protect the school districts from this really almost impossible thing of trying to spend money they have not planned for and if they do not spend it, there remains the

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threat of having it taken back by Uncle Sam, which produces confusion and waste in valuable programs.

Mr. DOMINICK. I completely subscribe to what the Senator has said about this being a problem. He is absolutely right. I have had the same discussions with my own school people at home. The question is would the money be used for programs which the Congress intended or would school districts hold it over in order to use it in another form, in another pattern. I do not really think this is serious enough to warrant even arguing about. Insofar as the Senator is concerned, I assure the Senator that I will do what I can to try to alleviate the problem.

Mr. TYDINGS. Mr. President, under the assurances of the Senator from Colorado and the Senator from New York, I shall not press for a yea-and-nay vote on the amendment. I will take their assurances.

Mr. President, I move that the Senate adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 482

Mr. DOMINICK. Mr. President, I call up my amendment No. 482 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 111 strike out the caption on line 19 and all that follows through line 15 page 115.

The language sought to be stricken is as follows:

INCLUSION OF CHILDREN RESIDING IN LOW-RENT PUBLIC HOUSING AS FEDERALLY CONNECTED CHILDREN

SEC. 203. (a)(1) The second sentence of section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "and (B)" and inserting in lieu thereof "(B) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, and (C)".

(2) The fourth sentence of such section 15(1) is amended (A) by striking out the comma before "(B)" and inserting in lieu thereof "and", and (B) by striking out all that follows "postal services" and inserting in lieu thereof a period.

(3) Section 5(c) of such Act is amended by striking out all that follows the word "agency" and inserting in lieu thereof a period and by inserting at the end thereof the following new sentence: "In determining the eligibility of a local educational agency under this subsection and in determining the number of federally connected children who are in the average daily membership of the schools of such agency during a base year and in estimating the increase since the base year in the number of such children under subsection (a), children residing on any housing property (whether or not owned by the United States), which is part of a low-rent housing project assisted under the United States Housing Act of 1937, shall not be considered as having been federally connected during the base year if such housing project was begun after the base year 1964–1965.".

(b)(1) The second sentence of section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out ", and (C)" and inserting in lieu thereof ", (C) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D)".

(2) The fourth sentence of such section 303(1) is amended by striking out "(A) any real property used for a labor supply center, labor home or labor camp for migratory workers, (B)" and by striking out all that follows "postal services" and inserting in lieu thereof a period.

(c)(1) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(2) For the purposes of section 5 of such Act of September 23, 1950, the number of children in the membership of a local educational agency residing in a low-rent housing project assisted under the United States Housing Act of 1937 during the years of the base period preceding the effective date provided in paragraph (1) shall be determined by the Commissioner on the basis of estimates.

(3) Notwithstanding any other provision of law to the contrary, unless enacted after the enactment of this Act specifically in limitation of the provision of this paragraph, if the sums appropriated for any fiscal year ending after June 30, 1970, and prior to July 1, 1972, for payments to local educational agencies under sections 2, 3, and 4(a) of title I of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are not sufficient to pay in full the total maximum amounts which the Commissioner estimates for which all local educational agencies are eligible to receive under such sections 2, 3, and 4(a) for that fiscal year, the Commissioner shall allocate such sums under subparagraphs (A) and (B) as follows:

(A) He shall first allocate such sums appropriated for any such fiscal year among such sections 2, 3, and 4(a) in the proportion that he estimates to be required under each such section bears to the total amount estimated to be required under all such sections, except that—

(i) for the purpose of estimating the amount to be required under such section 3, he shall not take into consideration any portion of the amount for which a local educational agency is eligible which is attributable to determinations of children residing in low-rent housing which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title IV of the Economic Opportunity Act of 1964; and

(ii) no local educational agency shall receive a payment under this subparagraph (A) which is in excess of the payment it received under such sections 2, 3, and 4(a) for sums appropriated for payments under such sections for the fiscal year ending June 30, 1970.

(B) He shall then allocate any remaining part of such sums appropriated for any such fiscal year among such sections 2, 3, and 4(a) for payments to local educational agencies which are eligible for payments in excess of the amounts they receive under the allocation provided in subparagraph (A), in the proportion that such remaining part of such sums bears to the amount he estimates to be sufficient to pay local educational agencies the total maximum amount for which they are eligible under all such sections.

Mr. DOMINICK. Mr. President, I am using this amendment as a means to alert the Senate and the members of the public to the major change this bill would make in the impacted aid program.

As Senators know, the impacted aid program is now based on Federal activity which causes more children to move into the school district. For this the Federal Government puts money into the school district.

The pending bill would add a provision to include the funding of children from public housing units. By adding public housing children for the first time, the bill would increase the impacted aid program on July 1 of this year by 36 percent. This is the same program four Presidents have attempted to reduce, that has not been fully funded for the past 2 years, and is now one of the focal points in the compromise being developed since the veto of the Labor-HEW appropriations bill.

I recognize there are serious financial problems in getting an adequate education for children in public housing. They obviously are from low-income families or they would not be in public housing. More often than not, they are probably educationally disadvantaged. I do not think there is any doubt the cost to educate these children is or should be higher per pupil than for the average child because of their special educational needs. The impacted aid program, however, is not the approach to use in meeting those needs.

The weakness of the arguments advanced for adding public housing to the impacted aid program are perhaps best illustrated by the fact that in the 443-page committee report on this bill only one-half page is devoted to explaining the public housing addition. Yet, the inclusion of public housing in this program is estimated to cost $236 million the first year.

Of particular importance to the debate on public housing is the Battelle Institute report released on January 9, 1970. The record should show, in all fairness to our committee, that the Battelle study was not available to us when we ordered the bill reported to the floor at a meeting of the full committee last December. In short, the Battelle Institute report came out after our committee concluded action on the bill but before our committee report was filed on January 21.

The Battelle Institute study was provided for by Congress in Public Law 90–557 to conduct an evaluation of the programs of school assistance in federally affected areas. The cost of this study to the American taxpayer was $179,480.

The report is critical of the existing impacted aid program. Colorado, of course, is one of the beneficiaries of the present program. Let me emphasize, however, that I am certainly willing to participate in Senate hearings on the merits of the entire impacted aid program. No doubt, there are inequities and abuses under the present formula, and I understand new legislation partially based on the Battelle report is now being drafted by the administration.

The debate last Wednesday was devoid of comment about the Battelle Institute findings on public housing problems. I think this is important since this portion of the Battelle report states that its purpose was "to consider the characteristics of public housing as they relate to the purposes of the impact aid program." I will comment on the Battelle Institute report in more detail in a moment, but first let me read the conclusion as respects public housing.

> There would appear to be no satisfactory reason for broadening the Impact Areas Program to encompass children occupying public housing units. If Congress and the Administration are concerned with problems of large city education, they will find that the most appropriate vehicles for implementing that concern are outside the scope of a reasonable impacted area program.

In other words, consideration of some form of Federal financial assistance is in order, but public housing should not be added to the impacted areas program. The report did mention two other alternatives: Title I of the Elementary and Secondary Education Act which already has a distribution formula targeted toward disadvantaged children, and which Battelle rates as a "clearly superior" approach to using impact aid; and some formula utilizing Federal housing funds.

I would respectfully suggest to my colleagues that the real question before us today is not whether any Senator is for or against children who live in public housing. The real question is what approach should be take to alleviate the financial problems of school districts containing public housing units, and whether the U.S. Senate is going to ignore a $179,480 study which it requested which recommends against the approach used in the committee bill.

I would like to turn now to several issues which need clarification.

PUBLIC HOUSING IS NOT IMPOSED BY THE FEDERAL GOVERNMENT

In the debate on Wednesday, proponents of the measure, including public housing in impacted aid, repeatedly referred to public housing as "Federal housing," and various decisions made by the Federal Government in relation to this housing. I gather the rationale of such assertions is to attempt to show any burden on the school district is caused by Federal activity.

In fact, however, public housing units are normally owned by local housing authorities, not the Federal Government. It is not the Federal Government which is removing land from the tax rolls.

Notably, the Battelle Institute report says:

> The fact that the public housing units are not owned by the Federal Government means that public housing differs considerably from the housing which normally gives rise to entitlements under the Impact Aid Program.

It is true public housing units are exempt from taxation. Who made the decision to build and take the land off the tax roll? Local government. Again, let me refer to the Battelle Institute report:

> Another factor worthy of consideration is that public housing projects have been constructed in response to local government decisions to build such projects under ground rules that were known in advance to them. In this sense, the public housing impact has not been imposed upon the local area in quite the same way that the Federal Government can buy land and build a new military base without the consent of local government.

Another argument advanced by the proponents is that public housing draws children into a school district with the resulting increase in cost for the district. Obviously, a public housing unit tends to concentrate in one location within a school district children of low income families. Recognition of this is given under the title I formula which is totally separate and apart from the impacted aid formula. Whether a public housing unit also draws children across school district boundary lines is another matter. Listen to the language of the Battelle Institute report:

> Public housing clearly does not have the impact of drawing significant numbers of additional students into a school district. Because of long public housing waiting lists in many communities and the need to be a community resident to get on the waiting list, public housing cannot draw persons to a community who would not otherwise be there. Recent migrants may ultimately be housed in public housing after having been drawn to a community by higher welfare payments or presumed greater job opportunities, but in that case the welfare payments or the presumed job opportunities, not the public housing, are the force attracting the new students. . . .
>
> Thus, we conclude that the construction of public housing units does not normally have a significant effect upon the costs of providing education in individual school systems.

That situation is in marked contrast to the obvious shifts of children between school districts under present law where the Federal Government will pay the added costs of a military dependent who has moved to a school district because the added costs of educating that dependent would not have occurred except for the action taken by the Federal Government.

The only Federal connection with public housing is that financial assistance in the form of loan guarantees and similar items is provided to local housing authorities.

LOSS OF TAX BASE

Another argument made by proponents of the measure to include public housing in the impacted aid program—again in an effort to make some analogy to the theory of impacted aid—is that there has been a substantial revenue loss to the school districts since the land is tax exempt. Battelle considered this both from the point of the public housing site, and the former residence.

One problem with the theory with respect to the public housing site is that considerable public housing was constructed on land already owned by the lcoal government and already tax exempt.

Considering the former residence, some have argued that the way to measure the revenue impact on a school system is to take the average residential tax base per pupil in the district and multiply it times the number of pupils who move from private to public housing. Such a theory is based on the assumption that the Federal Government is responsible for the fact that public housing families do not contribute average residential taxes. According to Battelle, this theory would provide a revenue loss to a community on the order of $150 to $400 per public housing pupil. Battelle then points out:

> The assumption is, of course, false. Public housing families are not average. Eligibility criteria for public housing require that these families be substantially below average incomes in the community. Families do not move out of 4-bedroom 2-bath newer homes and into public housing. These families tend to move out of quite poor housing—poor in terms of housing quality and poor in terms of taxes that can be levied on it.

On the basis of a most generous analysis of the possible loss of tax revenues involved in a move from private to public housing, Battelle found a figure of under $100 per pupil—a special study in New York City produced a figure of $70—compared to a payment of over $200 which would be produced under this provision.

Thus, the average payments under the committee bill for public housing would be over twice the average loss of tax revenues involved in a move—if there is such a move—from private to public housing. Frankly, adjustments in discrepancies now found between the payments made in lieu of taxes by local public housing authorities and real costs could better be adjusted through housing funds than through education funds.

EXTRAORDINARY DISPARITIES IN PUBLIC HOUSING BENEFITS

Another factor which should be brought to the attention of the Senate is the extremely erratic pattern in the payment of benefits which the public housing provision in the committee bill would bring about.

First, let us look at it on a State-by-State basis and then city-by-city.

Not only would the provisions widen the differences between rural and urban areas, and between agricultural and industrial States, it is even erratic between States with similar disadvantaged populations.

Nevada, New Hampshire, and Vermont have an almost identical low-income population. However, Nevada would receive approximately six times more funds than Vermont, while New Hampshire would receive eight times more than Vermont.

Virgina and Colorado have almost identical numbers of low-income children, but Colorado would receive $1.6 million if this is fully funded and Virginia $4.5 million.

It is not enough to answer that obviously public housing is concentrated in the cities. Let me again quote from the Battelle Institute report:

> If inclusion of public housing is considered as a way to assist the big cities with educational problems, it provides extreme disparities in assistance. It is difficult to find a rationale that would indicate that big city problems in Boston are so much worse than those in Los Angeles that Boston should

receive 11 times as much per pupil as Los Angeles. Likewise it is difficult to imagine that Nashville differs from Louisville so much as to justify payment some 9 times as much per disadvantaged pupil residing in Nashville as in Louisville. These perverse distributions result from the fact that the incidence of children in public housing is only remotely related either to the total educational problem of large city systems or to the disadvantaged children in various systems.

In short, if the problem to be solved is big city education or education of the disadvantaged it will always be both more equitable and more efficient to address those problems directly rather than trying to address them through public housing allocations under impact aid.

DILUTION OF EXISTING IMPACT AID

As I mentioned previously, inclusion of public housing pupils within the impacted aid program will increase the present program by 36 percent. Under the bill as reported by the committee, public housing students would be mixed into the present group of children known as section "B" students.

Impact aid funds have not been fully appropriated for the last 2 years. Each year the number of students within the present impact aid program increases with a resultant need for increased funding. Consequently, the fact that the committee bill provides a so-called grandfather clause assuring that public housing will draw upon only those funds in the future which are an increase over the fiscal year 1970 funds is of little comfort to many school districts.

In the future, those States whose public housing entitlements are less than 36 percent of their regular entitlement will obviously receive a proportionately smaller share of Federal assistance unless the program receives full funding.

With the recent bouts we have had concerning the funding of the impact aid program, my guess would be that full funding is an uphill battle and inclusion of public housing will necessarily dilute the existing impact aid program.

CONCLUSION

To conclude, Mr. President, I want to again emphasize I am not against consideration of some form of financial relief to school districts which contain public housing. I think the record is clear that the impact aid program is not the way to do it.

Other Senators know the concern I have expressed in the past with the equities involved in the existing Federal aid program for educationally disadvantaged students from low-income families—title I of ESEA. Nevertheless, I am inclined to feel that the Battelle Institute referral of our attention to that program as one possibility for meeting the needs in public housing has considerable merit.

To be perfectly truthful, since they are low-income housed people, they will be included in the school district in determining the amount for that district so that the district should get a proportionately higher share of title I funds.

I think it would be worth exploring how many children now in public housing are already eligible to be counted by the local educational agency in getting Federal funds under title I. It is my information that as long ago as 1960, approximately 30 percent of public housing nonelderly families received under $2,000 annual income and approximately 59 percent were under $3,000 annual income. These are, of course, the low-income figures utilized in title I eligibility.

Another point. I think it would be worth exploring how many children in public housing are members of families which are receiving AFDC payments under the welfare program, which would also make them eligible to be counted in calculating title I benefits. It is my understanding that on December 31, 1968, approximately 30 percent of the nonelderly families in public housing were receiving relief and the bulk of this relief involved AFDC payments.

I noticed that the Senator from Missouri (Mr. EAGLETON), who is present in the Chamber now, mentioned on Wednesday that perhaps the real problem with public housing lies in the way we finance our schools, particularly with respect to local property taxes. I would again take this opportunity to point out for the RECORD the amendment offered by myself and Senator MONDALE requiring some concentrated Federal research under the Cooperate Research Act on the problems of elementary and secondary school finance, and creating a National Commission on School Finance.

Our school finance amendment certainly will take into consideration the implications of public housing on school finance.

I reiterate, however, that we just spent $179,480 to study the impacted aid program and make recommendations to the Congress. It does not make sense to me to reject the recommendations made by that study when they have not only been released within the past few weeks and were not before the committee when the present bill was reported to the Senate.

Mr. President, I ask unanimous consent that there be placed in the RECORD at this point a memorandum from the administration pointing out the fallacies of including public housing within impact aid. I also ask unanimous consent that chapter 9 of the Battelle Institute report dealing with public housing—be printed in the RECORD.

There being no objection, the memorandum and chapter were ordered to be printed in the RECORD, as follows:

REASONS FOR OPPOSING THE PUBLIC HOUSING AMENDMENT TO PUBLIC LAW 874

1. *Public housing cannot be considered a federally imposed burden.*

Public housing authorities are State or locally controlled units. The Federal Government simply provides a substantial portion of the money needed to carry out a policy desired by local authorities.

2. *There is no real "impact" on a local school district created by public housing.*

No evidence exists to show that public housing attracts poverty families to an area or causes an influx of poverty children into a school district where they did not already reside.

3. *If this amendment is considered a correction to present in-lieu of taxes payments by local housing authorities it substantially overcompensates on the basis of even the most liberal projections of a fair in-lieu payment.*

The payments under this amendment would be over twice the possible loss of tax revenues involved in a move from private to public housing.

4. *There would be an extremely erratic pattern in the payment of benefits under this amendment.*

Because of the optional nature of public housing, certain areas have participated in the program much more extensively than others. In addition to the benefits under the public housing program already received, the heavy user areas would now receive an additional windfall. The payments to different areas would have no real relation to either school enrollments or level of poverty.

5. *This amendment could have a distorting effect upon public housing policies.*

The bonus which would be paid under the amendment might well encourage more public housing units rather than upgrading private housing and could also result in maximizing the number of children housed in such units. Local priorities could be easily distorted by the promise of more money.

6. *No benefits are assured the children for which the payment would be made, or for any of the children in the district.*

As a part of P.L. 874 the funds would go into the general school district treasury. In most programs for the disadvantaged it is considered important to direct the payments or programs to such groups to assure service or concentration of efforts on their behalf. These funds could simply provide tax relief and no additional programs for the district.

7. *The Public Housing amendment would ultimately have a distorting effect on existing impacted districts if the impact program is less than fully funded—a pattern of the last few years.*

The added eligibility would distort the authorization base and alter the relative relationships among districts under any prorata reduction of funds.

8. *Substantial numbers of the children in public housing are already counted for purposes of Title I of ESEA under either the family income or AFDC factor.*

In 1960 some 29 percent of public housing non-elderly families received under $2,000 annual income while approximately 59 percent were under $3,000 annual income. On December 31, 1968, approximately 30 percent of the non-elderly families in public housing were receiving relief and the bulk of this relief involved AFDC payments.

CHAPTER 9: THE ISSUE OF PUBLIC HOUSING STUDENTS

BACKGROUND

For some 30 years, the federal government has assisted local governments in building public housing units. Besides encouraging the construction of these units the federal government also administers a variety of programs such as rent supplement and low-interest-rate loans designed to expand the supply of safe, decent, and sanitary housing for persons with low and moderate incomes. Under all of these programs, the owner of the housing is normally not the federal government. In the case of public housing units, the owners are local housing authorities that finance the construction of the units through federal guarantees of payment of the debt service on bonds issued by the local authority. Operating costs of the units are usually covered by the rent paid on them, although many local housing authorities are beginning to find that their rents are insufficient to cover operating costs.

The fact that the public housing units are not owned by the federal government means that public housing differs considerably from the housing which normally gives rise to entitlements under the impact aid program. The government housing that gives rise to impact aid entitlements is government housing created for reasons ancillary to the performance of another function. Examples are housing for rangers in national parks and housing for military personnel on military bases. For this reason, and because the federal government did not own properties directly, public housing has never been counted as a part of the federal property used for purposes of calculating P.L. 874 entitlements.

This situation has been under attack, primarily by representatives of large-city school districts. The case which these representatives make can be roughly summarized as follows:

"In many cities, public housing units reflect a substantial portion of the homes of pupils. These public housing units are by law exempt from taxation. The payments in lieu of taxes made by local housing authorities are first divided among school authorities and other taxing authorities, and second are available only in quantities which are clearly below the cost of educating pupils who come from these properties."

This logic, plus the obvious financial significance of including public housing in impact aid entitlement calculations produced considerable interest among large-city school leaders in including public housing in the impact aid program.

One approach to the desirability of including public housing in the impact aid program would be to ask simply whether or not the districts which would receive such revenues need them, and if the finding is "yes" to conclude that any program (of which impact aid may be one) that increases federal payments to them would be desirable. The purpose of this study is not, however, to pass judgment on these questions of overall policy, but rather to consider the characteristics of public housing as they relate to the purposes of the impact aid program. This, in turn, requires analysis of the economic impact of public housing on the revenues and costs of school systems.

ANALYSIS OF BURDEN

From Chapter 2 it will be recalled that one approach to the measurement of the burden of federal activities looks directly at the added costs that the activity imposes upon a school system and subtracts any added revenues stimulated by the activity to calculate the appropriate entitlement. This approach we have called the *service burden* concept. In applying this concept to public housing, it is important to focus carefully upon the specification of the federal activity involved.

There can be little question but that the costs of educating the children who live in public housing units are (or should be) higher than educating other pupils in a school district. One impact of public housing is to concentrate in one area a large number of school-age children, frequently the children of mothers who are recipients of AFDC (welfare) payments. These children have educational problems which are generally conceived to be more serious than the problems confronted with residents of privately owned housing. These children, who are normally referred to as the "disadvantaged", tend to have a higher incidence of health, emotional, and mental problems than those in other income and socioeconomic groups. In addition, the school's task in the areas of both health and education are magnified by the fact that somewhat less work is done with these children in the home than is the case for the average school child. Under these circumstances there is no doubt that the public housing students represent a problem for a school district.

Under the service burden concept of impact aid, however, these added costs of educating public housing pupils are only relevant if they are caused by the federal activity upon which payments are to be based. The federal government pays the added costs of a military dependent moved to a school district in Texas because the added costs of educating that dependent would not have occurred in that Texas district except for the action taken by the federal government.

Unless one assumes that the federal government is responsible for all disadvantaged children[1] then the relevant question becomes: Does the federal public housing program cause all or some of these children to be residing in a particular school district rather than some other school district? The answer is that public housing clearly does not have the impact of drawing significant numbers of additional students into a school district. Because of long public housing waiting lists in many communities and the need to be a community resident to get on the waiting list, public housing cannot draw persons to a community who would not otherwise be there. Recent migrants may ultimately be housed in public housing after having been drawn to a community by higher welfare payments or presumed greater job opportunities, but in that case the welfare payments or the presumed job opportunities, not the public housing, are the force attracting the new students.

A very limited exception to these conclusions may arise where public housing is made available to residents of a particular metropolitan area in a school district different from the district in which they have been living. This situation would arise, for example, if a suburban community were to begin to construct new public housing units to provide for low income persons formerly living in the central city. Predictably, suburban communities have been reluctant to organize housing authorities for this purpose.

Even if public housing did not directly cause new students to move into a school system, it could be argued that new students were an indirect effect of the public housing. If, for example, there were a low income housing "shortage" and major public housing expenditures tended to make privately owned units (out of which the public housing occupants might have moved) more readily available, perhaps families would be drawn to the community by the availability of this housing. However, in any given time period the pace of public housing construction in most cities is sufficiently small so that it is difficult to imagine this effect upon the community's total housing stock. Equally important, it is doubtful that a slight reduction in housing costs in major cities would leave a situation where a family could reduce its housing costs by migrating out of such low housing cost areas as Appalachia and the rural South.

Thus, we conclude that the construction of public housing units does not normally have a significant effect upon the costs of providing education in individual school systems.

Public housing may have one relatively minor impact in that it shares with any large-scale residential construction activity the impact of changing the location of personnel to be served by schools. Frequently, the location decisions made by public housing authorities will not relate to the past planning and school construction situation of the school district in which public housing is to be located.[2] Under this circumstance it is possible that expenditures may be required for the construction of new schools to serve public housing students. On the other hand, new public housing projects may redistribute school age children away from crowded schools in the district and toward schools that otherwise would not be filled. In any case, this impact is relatively minor as school districts have already made adjustments to housing units constructed in the past and current housing policy calls for more scattered sites rather than the large public housing projects of the past.

Based upon the fact that construction of public housing does not normally cause students to move into a school district, the impact aid principles would indicate that the federal government should not bear the costs of educating public housing students except to the extent that such payments may be required to offset tax losses.

IMPACT ON REVENUES

The Public Housing Site. When public housing is constructed, land is occupied that otherwise could be used for some other purpose. It is possible to compare the taxation on the land before the housing was constructed with the payments in lieu of taxes paid on the public housing to determine whether a school system has been made better or worse off by the new use of the land. Various comparisons of this type have been made in the past. Partly because considerable public housing was constructed on land previously owned by local government (and thus tax exempt) these tended to show that the public housing payments compared favorably with taxes paid on the land before it was used for public housing.

Of course, this before and after comparison is not necessarily the relevant one. The real problem is to compare the payments made in lieu of taxes on the site in a particular year to what those payments would have been if there had been no public housing. This question then raises the speculation of whether, had the site not been occupied by public housing, a site might have been used for high value industrial property. However, even this speculative comparison does not exhaust the economic issues involved. For example, a site might be used for public housing and thus, preclude its use for industrial purposes. However, it is entirely possible that the potential industrial user simply located somewhere else in the same community, in which case the community still reaps the taxes from the industry, despite the preemption of the site by public housing.

The Former Residence. Assuming the most serious possible impact on tax base, suppose that when a family moves from a tax paying piece of property to public housing, the entire value of the previous residence disappears entirely from the tax rolls and thus that tax on that property is no longer available to support the schools. Given this assumption, it has been argued that the revenue impact on the school system is to lose the *average* residential tax base per pupil in the district for every pupil who moves to public housing. If calculations are made on this basis it can be shown that the revenue losses from having pupils move into public housing is substantial—on the order of $150–$400 per pupil. Some arguments for basing impact aid entitlements on public housinig have proceeded on this basis, in effect indicating that the federal government is responsible for the fact that public housing pupils do not contribute average residential taxes.

The assumption is, of course, false. Public housing families are not average. Eligibility criteria for public housing require that these families be substantially below average incomes in the community. Families do not move out of four bedroom-two bath newer homes and into public housing. These families tend to move out of quite poor housing —poor in terms of housing quality and poor in terms of the taxes that can be levied on it.

A reasonable illustration can be easily constructed. In a Northern city a family moving into public housing may well have come from one "apartment" in a single house that has been broken up to serve three separate families. Typically such a dwelling may have a real value (in market terms) of, say, $15,000. Its assessed value would be some lower amount, reflecting standard practice of assessing at less than true value. With an assessment ratio of 40 percent (as in Cleveland, Ohio) the assessed value would be only $6,000. At a comparatively high tax rate of 40 mills for school purposes this would indicate school taxes of $240 on the entire property, or some $80 per year for each of the three families. Assuming two children in the family to move to public housing, the loss of tax would be on the order of $40 per child—a figure closer to the payments in lieu of taxes on public housing than to the $200–$350 per pupil that would be paid if students were counted as being part of the impacted areas program.

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[1] In which case the ESEA Title I formula should be expanded to include all costs of educating such children, as expanding impact aid fails to cover disadvantaged students not living in public housing.

[2] Of the 513 districts responding to Battelle's questionnaire and having public housing projects in their community, only 47 reported that they had participated in any phase of planning of new low rent public housing projects in the past 3 years.

To check these calculations, Battelle did a special study of residential taxation in New York City. With the cooperation of New York housing authorities a residential area (coterminous with an elementary school attendance area) was chosen for study because it represented the prior address of a number of New York public housing tenants. The number of public school students living in the area—all of which is privately owned housing—was calculated and divided into the total school property taxes paid by all residential property in the area. The results indicated that these property tax payments (including properties occupied by families without any children in public schools) amounted to about $70 per pupil.

In the real world of assessment practices, it is unrealistic to assume that the movement of a family toward public housing will remove the former dwelling from the tax rolls. Even in the extreme case where the private housing is torn down, the land remains on the tax rolls. Where the dwelling remains standing, even if unoccupied, the assessment will not change for many years.

In-lieu payments. Respondents to Battelle's questionnaire (that was transmitted only to those districts that now receive P.L. 874 funds) indicated their payments in lieu of taxes from public housing and the number of students in public housing when they knew them. Based upon those respondents (accounting for some 922,044 students) the average per pupil payment in lieu of taxes was $10.33 annually.

CONCLUSION

The above analysis would tend to indicate that the payments in lieu of taxes made by public housing authorities do tend to understate the probable tax loss associated with public housing projects by an amount that is likely to be somewhat less than $100 per pupil. It is probable that these in lieu payments also understate the probable tax loss to taxing jurisdictions other than schools such as county and city governments. This problem, to the extent that it exists, is therefore a problem involving the interaction of public housing policies and local taxing jurisdictions of all types.

Whether these in-lieu payments should be increased is a question that cannot appropriately be addressed by this report. In part the question involves whether increased in-lieu payments would be a more appropriate use of federal housing funds that other possible uses. In part, the question involves a series of indirect transfers within the federal budget. If in-lieu payments were increased either local housing authorities would have to increase rent (which should over time cause welfare payments to rise to meet the added costs for the large percentage of public housing residents that rely upon such payments) or the federal subsidy to the authorities would have to be increased.

The implication of this analysis for impact aid payments is that it would be inappropriate to blanket public housing pupils into the present impact aid program. The cities in which public housing is concentrated tend to have local contribution rates in the neighborhood of $400 per pupil, which would indicate a federal payment of $200 per pupil for each public housing child, assuming that unemployed parents were presumed not to be working on the federal property. Such a payment would be excessive in terms of net burden concepts.

The payment of a smaller amount, e.g., something less that $100 a pupil, would be possible, but it would be more appropriate to make that payment through housing appropriations than education appropriations. The impact aid local contribution rate is geared primarily to estimating the additional costs of educating pupils, while the justification for public housing payments would have to be some kind of a tax loss concept.

Another factor worthy of consideration is that the public housing projects have been constructed in response to local government decisions to build such projects under ground rules that were known in advance to them. In this sense, the public housing impact has not been imposed upon the local area in quite the same way that the federal government can buy land and build a new military base without the consent of local governments.

On the whole it would seem that if public housing is to be considered as a federal impact, the payments should not be made under the same formula as regular impact aid and probably should not be made with federal education funds rather than federal housing funds. This conclusion is fortified by the analysis in the following section.

OTHER REASONS TO INCLUDE PUBLIC HOUSING

The question of whether impact aid funds should be provided on the basis of children in public housing is really a much broader question than whether public housing provides certain burdens of the type that impact aid programs are designed to meet. The Congress, has, in the past, shown considerable willingness to accept additional recipients in the impact aid program even when the relationship between the additional aid provided and net burden concepts has not always been clear.

Under these circumstances it is certainly legitimate to consider the overall question of public policy of whether it would be a good idea for the federal government to spend roughly an additional $250,000,000[3] (the amount required treat public housing students as 3(b) children) to enchance the operating revenues of the school districts which receive pupils from public housing. That is, should an entitlement of federal assistance to schools concentrate heavily in those areas where public housing is found? For a variety of reasons it can be argued that it should.

AIDING DISADVANTAGED CHILDREN

A very strong case can be made that disadvantaged children (defined loosely as children tending to have a greater than normal concentration of broken homes, low incomes, poor medical care, and lack of educational opportunity and stimulation in the home environment) need and deserve greater educational efforts than those made by school systems on behalf of children who are not disadvantaged. A strong case can also be made that the admission criteria for public housing tend to guarantee that a large percentage of the children living in public housing are disadvantaged.

The difficulty with this approach is that public housing inclusion in impact aid is clearly an inferior alternative to other mandates of providing educational assistance to disadvantaged pupils . . .

If the objective is really to improve the educational opportunities of disadvantaged children through federal aid, an obvious alternative to impact aid is a program that has a distribution formula targeted toward disadvantaged children, rather than children living in public housing. Such an obvious alternative would also require that the funds be spent on behalf of the disadvantaged children and that the funds supplement local efforts. In fact, Title I of the Elementary and Secondary Education Act is designed in just this fashion, and would appear to be clearly superior to impact aid as a vehicle for targeting assistance toward children.

AIDING LARGE CITIES

Many of the nation's most significant educational problems are to be found in our major central cities. These problems arise only in part because of the educational difficulties encountered in these cities. A significant part of the problem has fiscal roots related to (1) heavy demands upon available taxes for municipal services, (2) an increasing percentage of tax exempt property, (3) the failure of industry and commerce to locate new installations in central cities—in part related to high tax rates in these cities, and (4) a declining ability to provide local taxes for schools resulting from relatively low personal income of many residents and increasing (and legitimate) fears of driving industry and commerce out of the cities entirely. To many Americans (including the senior author of this report) these problems cry for a combination of federal and state actions. However, in the current context the question is not whether these problems exist or whether action should be taken, but merely whether impact aid provides a reasonable vehicle for dealing with them. We conclude that it does not.

One major difficulty in using public housing entitlements as a method of aiding large cities is that a substantial percentage of the federal funds expended will miss the intended target: Public Housing is by no means a uniquely central city phenomenon. Public housing is found in many rural communities in that south and in a number of smaller northern communities that by no stretch of the imaginative share the basic problems of the nation's great cities. These districts would receive public housing payments on the same basis as the central cities. This fact alone means that public housing entitlements are a less efficient way of aiding central cities than identifying the cities to be aided and targeting a program solely for them would be.

A second major difficulty is that the prevalence of children in public housing is not a good proxy for existence of central city problems. Over the past three decades different cities have made radically different decisions about public housing. Some have as a matter of policy avoided major public housing commitments on the theory of avoiding federal action in what they may have considered to be a local matter. Others have seized upon public housing as the cornerstone of local policies for dealing with housing and community development. These decisions in the housing field are not related to either the educational problems of the city nor to the financial crisis (or lack thereof) that the city might be facing.

As a result, the concentration of public housing varies substantially among cities in the United States. When public housing children are related to total public, disadvantaged pupils, or even to total population or tax capacity of a city, it can be demonstrated that public housing children are a poor indicator of anything that might be a proxy for educational need in the cities. This

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[3] This is a rough estimate based upon multiplying the number of non-elderly public housing units by 1965, which appears from Battelle's data to be a reasonable approximation of students per unit, and multiplying the result by half of a presumed average, costs of $400 for the districts with public housing entitlements.

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impact can vividly be seen from the data shown on Table 9.1. This table was constructed from some of the responses to the Battelle questionnaire from cities that were able to provide an estimate of the number of children who reside in public housing. The estimates of entitlements are based upon this data and the 1967–68 local contribution rate for each district included in the table. First, entitlements under the proposed inclusion of public housing were calculated. Second, these entitlements attributable to public housing were totaled for the districts covered. This total was divided by the total number of pupils in the systems to indicate what payment per pupil could be made if the funds were used to make such per pupil payments, rather than basing payments upon public housing. A similar calculation was made on the assumption that the funds would be distributed on the basis of the number of disadvantaged pupils (using pupil counts provided by the Office of Education) in each district.

TABLE 9.1.—EQUAL-COST ALTERNATIVE PROGRAMS FOR LARGE CITIES

[Amount of entitlement in millions of dollars]

City	Include public housing in Public Law 874	Pay $10.87 per pupil	Pay $51.03 per disadvantaged pupil
Los Angeles	2.8	[1] 7.0	4.9
Detroit	1.5	3.2	[1] 6.4
New Orleans	[1] 2.4	1.2	1.3
Boston	[1] 3.9	1.0	1.1
Louisville	.3	.5	[1] .7
Long Beach	.5	[1] .8	.5
Birmingham	[1] 1.5	.7	.7
Norfolk	[1] 1.8	.6	.7
El Paso	.3	[1] .7	.3
Akron	.4	[1] .6	.2
Nashville	[1] 1.9	1.0	.5
Total	17.3	17.3	17.3

[1] Denotes highest entitlement available to city under the 3 formulas.

Source: See test.

Table 9.1 shows clearly that the public housing distribution does not correspond at all well with the distributions that would result from targeting assistance on the basis of total pupils in large city systems or from targeting assistance toward disadvantaged pupils in large cities. The striking disparities that result from using public housing as an allocator of assistance can be seen from Table 9.2 below. This table is based upon the data used to construct Table 9.1.

TABLE 9.2.—*Extremes in allocation effects of aid including public housing*

Public housing payment per student (payment ÷ ADA):	
Los Angeles	$4
Boston	44
Public housing payment per low-income ADA:	
Detroit	12
Louisville	23
Boston	185
Nashville	190

Source: See text.

If inclusion of public housing is considered as a way to assist the big cities with educational problems, it provides extreme disparities in assistance. It is difficult to find a rationale that would indicate that big city problems in Boston are so much worse than those in Los Angeles that Boston should receive 11 times as much per pupil as Los Angeles. Likewise it is difficult to imagine that Nashville differs from Louisville so much as to justify payment some 9 times as much per disadvantaged pupil residing in Nashville as in Louisville. These perverse distributions result from the fact that the incidence of children in public housing is only remotely related either to the total educational problem of large city systems or to the disadvantaged children in various systems.

In short, if the problem to be solved is big city education or education of the disadvantaged it will always be both more equitable and more efficient to address those problems directly rather than trying to address them through public housing allocations under impact aid.

EFFECT ON IMPACTED DISTRICTS

As noted in Chapter 5 it is a strong recommendation of this report that a program of assistance to impacted districts be developed that, by solving the current problems of P.L. 874, will command Congressional and Administration assent to full funding as part of a cost of doing business for the federal government. Such a program should be funded almost automatically, much like payments of interest on the national debt. A general program of assistance to large cities through impact aid would convert it to being in a competitive relationship with funds for the heavily impacted districts under circumstances that might cause less than full funding for those districts. This impact would be even stronger if public housing were added to the current very imperfect P.L. 874 and P.L. 815 programs.

EFFECT ON HOUSING POLICIES

Inclusion of public housing in P.L. 874 would also have significant effects upon the administration of public housing programs. The effect of inclusion of public housing in 3(b) entitlements would be radically to alter the balance sheet facing any community in deciding whether to adopt public housing. Viewed in the abstract from the standpoint of the school district or a city in which the school district is dependent the situation might be roughly this: A family is currently occupying one portion of a slum dwelling, with respect to which taxes are paid out of that family's rent on the order of perhaps $50 to $150 per a three-child family or less than $50 a child. If the community could convert that family from its currently privately owned unit to public housing where impact aid entitlements were available, it would find several phenomena would result. First, the community would receive payment in lieu of taxes on the rental payments made for the public housing unit. Second, the school district would receive a payment on the order of $200 per pupil which in the example would mean $600 in added revenues resulting from building the new housing unit.

Furthermore, in deciding which families to admit to existing public housing units, there would be strong pressure upon local housing authorities to maximize the number of children housed in such units.

Whether these housing policy impacts are desirable or not is somewhat beyond the scope of this study—not because Battelle does not feel competent to judge those impacts, but because those impacts are most properly considered in relation to the various alternatives available in the expenditure of federal housing funds. It may be that, for reasons of housing policy, payments in lieu of taxes should be increased, or special side payments for school costs should be made to induce suburban districts to accept new public housing units. However, if these payments are to be undertaken to further national housing policies, they are most appropriately included in national housing budgets.

SUMMARY

For the reasons outlined in detail above, there would appear to be no satisfactory reason for broadening the impacted areas program to encompass children occupying public housing units. If Congress and the Administration are concerned with problems of large city education, they will find that the most appropriate vehicles are implementing that concern are outside the scope of a reasonable impacted area program.

Mr. DOMINICK. Mr. President, in summary, it seems to me that this is not the time to include children from public housing within the impacted area program. We do not have the Federal impact we had in mind when the original impacted aid program was formulated. The Federal Government does not choose where public housing is going to be. Local governments are, in fact, the ones who make this decision. We do not have a series of nonschool district residents coming into a school district creating an impact. These people have to be residents already in order to be eligible for public housing.

For all these reasons, plus the fact that it is going to cost another $236 million if fully funded—which it never will be—it seems to me this is the wrong time, in the wrong place, to offer this amendment to revise the impacted area program, to the detriment of at least 26 States in this country.

Mr. PROUTY. Mr. President, I am very happy to support the amendment offered by the distinguished junior Senator from Colorado (Mr. DOMINICK).

The subject of impact aid has become increasingly more important and visible in recent months. While I applaud the benefits that have been achieved as a result of payments under this program, I think we have an obligation to look at this question very carefully before we tamper with a formula that has seriously been brought into question.

Impact aid payments were originally developed to help provide educational services in school districts where, because of Federal impaction, income to the locality was insufficient to maintain a meaningful level of services. However, there is a major inequity in the formula which assumes that all Federal impaction causes a hardship to the school district in terms of a reduced tax base and that the children will suffer accordingly.

This is patently untrue, and we all know that Montgomery County, Md., is an excellent example of this. Each of the last several administrations has called attention to this fact, and I am hopeful that this administration will at last be able to change the formula and build in safeguards that are more equitable and of benefit to the Nation. Our education resources are too limited to spend them in areas where they will do relatively little good. What we must work for instead are programs that concentrate our funds on those that need them most, thereby minimizing the discrepancies in opportunities that already exist.

For good reason, the committee has deferred action to change the impact aid program while it has awaited new data and evaluations to make this possible. The report has recently been submitted, and I am hopeful that some progress will be made this coming year.

Nevertheless, I do believe we have taken inappropriate action in including a new category of children in the program.

The arguments against including public housing children in formulas for impact aid payments have been enumerated many times before. In the first place, no assurance is given that funds awarded on the basis of children resid-

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ing in low-rent public housing will be spent to improve the educational opportunities of those children. In fact, these funds can be, and have been, used in the very schools where they are needed least.

Such a practice only increases the disparities that already exist between schools serving the more fortunate and schools serving the disadvantaged. The problem is very similar to that concerning the title I program, where funds are not concentrated in schools where they can do the most good. While the committee has done much to improve the title I program in this regard, it must be cognizant that the same problem exists under impact aid and should do nothing further to compound this problem.

Second, the formula itself is inequitable in several ways. It assumes that a standard number of children, 2.6, reside in each public housing unit, and then bases payments on this estimated figure. In my own State, we have some 230 public housing units, but most of them are inhabited by elderly citizens. Nevertheless, we would be given payments on the basis that there are an average of 2.6 children living in each public housing unit, and supposedly these payments would go to the local district to help these nonexistent children. This is truly unfair; and although it would bring additional moneys to my State, I cannot endorse the inequitable way in which this would be done.

In looking to this same issue, the Battelle study, just completed, found that public housing does not always bring additional numbers of students to a school district and, I quote:

> There would appear to be no satisfactory reason for broadening the impacted areas program to encompass children occupying public housing units.

In fact, to do so would only serve to widen the differences that exist between urban and rural areas and between industrial and agricultural States. What we would be doing is rewarding those States that have mastered the arts of grantsmanship and capital financing which enable them to get the Federal Government to subsidize low-rent public housing. Once having done so, these States can then turn to the Federal Government and blame it for adding to Federal impaction and receive additional moneys not necessarily needed.

I would not mind this double turn of events if I could be assured that there truly was a need in each area and that those students needing help most receive the benefit of such funds. Until this is assured, however, I cannot support the broadening of this program in the manner put forth by the committee.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. DOMINICK. I thank the Senator for his support of the amendment. As I pointed out in the process of my speech, Nevada, New Hampshire, and Vermont have an almost identical low-income population. Nevada, however, would receive approximately six times more than would Vermont. New Hampshire would receive eight times more than Vermont under the formula in the committee bill. It does not seem to me that this makes much sense. Obviously, that would be as a result of the inclusion of public housing units.

Mr. PROUTY. Mr. President, I do not begrudge Nevada or New Hampshire getting all of the money that is available to them, but it does suggest an inequity in this formula, which some people feel so desirable at this time.

I hope the amendment will prevail.

Mr. JAVITS. Mr. President, I joined with the Senator from Missouri (Mr. EAGLETON) in this provision found in title II of the bill. It was adopted by the committee, and I think it is the right thing to do. I do not believe anything which has been said so far negates it. The Battelle report, which has been referred to, not only makes statements about this provision for public housing, but it also calls for a shakeup of the whole impacted aid program.

Obviously, if you want to be fair about it, then the hide would go with the hair, as the late Senator Everett Dirksen used to say. If we are going to legislate the Battelle report, fine, let us legislate it and that will cut impacted aid very materially.

The point is that impacted aid has been going on for years since 1950. It has been subject to considerable opposition from time to time, precisely because it is discriminatory. It makes an arbitrary selection. If a parent either works or lives on Federal property, then his child becomes what is called a B child, and is entitled to impacted area aid whether it is needed or not, even if the tax roll for that particular district goes way up because of new people moving into the area.

Mr. President, we felt that had gone on long enough, and that these districts with public housing were suffering just as much, indeed much more, as the figures given to the committee showed, from the impaction which resulted from Federal housing projects, than they were from military camps and stations and other Federal installations.

So we made our bid, too. It was high time that we did. We had waited too long to do it.

I think the best answer to the proposition is, "All right, if you want to go ahead with the Battelle report, and that is to be the Bible, let us go the whole way, and not just pick out public housing because that happens to be before us today."

Mr. President, I point out that the Senator from Missouri (Mr. EAGLETON) and I, notwithstanding our deep feeling on this subject, understand history, and understand voting patterns in Congress, and hence we are accepting the rather important limitation upon the ability of the program, which this amendment seeks to strike out, in respect of getting money appropriated for it and guaranteed in the language of the bill, that the present impacted aid program would be fully funded, as it was in 1970, before this participation of children from Federal public housing projects could be accommodated.

There is pending an amendment—it has already been put in the RECORD by the Senator from Texas (Mr. YARBOROUGH)—which represents a sort of amalgam of views; again, we are not very happy with it, but it is a compromise—which will provide for a separate budget line item, so that the Appropriations Committee can determine about this matter of impacted aid just as it has been for so long determining about impacted aid in general.

I point out, in respect to what the Senator from Colorado (Mr. DOMINICK) said about the money involved, that the impacted area aid runs to more than $600 million; so $236 million entitlement for public housing children does not sound so big when compared to the over $600 million in the appropriations bill for districts which do not need it at all, where it is just gilding the lily or laying whipped cream on the mountain which already exists.

So, Mr. President, I would hope very much, since we know that the Yarborough amendment is coming along, which will further assure the impacted area people that they are not going to suffer by virtue of some element of equalization with the public housing children, that the Senate will see fit to reject the amendment of the Senator from Colorado.

Mr. PELL. Mr. President, I should also like to comment on the amendment of the Senator from Colorado.

The committee recognized that the impacted aid program is under attack, and that it may not be the most effective or efficient way of helping the communities affected by the Federal impact; but it has worked pretty well over the years, and we were reluctant to change it too much at this time.

In the committee, we considered the idea of a 4-year grandfather clause, which would have provided that no present 874 district would receive less money than they are now receiving, even taking into consideration the new entitlements emanating from the public housing amendment. The committee also considered making the public housing entitlements a separate line item; however, this was not accepted and the bill was reported in its present form with a compromise 2-year grandfather clause.

There is a great deal of equity in what the Senator from New York and the Senator from Missouri have sought to do, because the impact, in a community, of a public housing unit is substantial, and its contribution to the tax rolls is negligible.

I think the compromise that the Senator from Texas has sought to work out and has worked out with the Senator from Colorado is also equitable, because it provides for the camel to get a very large nose under the tent when it comes to accepting the concept of children from public housing units being counted, with children from other Federal installations.

For that reason, I, too, hope that the Senator from Colorado will not press for his amendment, but will consider accepting the amendment of the Senator from Texas.

Mr. EAGLETON. Mr. President, I, too, wish to address myself briefly to the amendment offered by the Senator from Colorado (Mr. DOMINICK).

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I spoke on the floor of the Senate yesterday, Mr. President, about the concept of impacted aid and the inclusion therein of public housing students under a more broadly based definition.

I, like the Senator from New York and the Senator from Rhode Island, would very much prefer not to see the amendment as offered by the Senator from Colorado prevail. It is anticipated, as has been pointed out, that the Senator from Texas (Mr. Yarborough) will offer an amendment in the nature of a compromise to the language that currently exists in section 203 of the Senate bill. My personal preference is for the language as it exists in the committee version of the bill. However, dealing in the realm of the practical rather than the realm of the Utopian, I realize that about the best that can now be accomplished, insofar as the goal that both the Senator from New York and I desire to achieve, is that which is reflected by the Yarborough amendment.

Quite to the contrary of what has been stated by the Senator from Colorado and also by the Senator from Vermont; namely, that this confuses the picture with respect to impacted aid, or muddies already troubled waters, it is my opinion that the Yarborough proposal enhances the acceptability, the quality, and the viability of the impacted aid program.

We all know that this program is very much under fire.

The reason impacted aid is under fire is that it is not geared to need. It is not geared to identifiable and urgently pressing problems that exist in the various school districts, but rather is given out on a per capita basis without any showing of need. Under the present program we sometimes see the bizarre result that those school districts that are deemed to be the most affluent are the largest beneficiaries or recipients of Federal impacted aid.

On the other hand, by including public housing students in the definition of impacted aid, we would be introducing a need factor into the impacted aid concept. I think everyone would agree that students who reside in public housing projects are those in the lower socioeconomic scale in our country. Even a cursory examination of the problems of public housing projects in this country will reveal that it is in such public housing projects that there is the most desperate educational need. Therefore, I contend that rather than burdening an already troubled program, the passage of section 203 would enhance its public acceptability, its political acceptability, and its pragmatic acceptability by broadening the base of eligible recipients so as to include those in pressing need. That is why the Senator from New York (Mr. Javits) and I felt so strongly in committee, and likewise feel so strongly here today, that students residing in public housing should come under the basic umbrella of the impacted aid program.

I realize that we may not be able to achieve for the moment the full objectives as they are contained in section 203. I realize that the compromise as suggested by the Senator from Texas is perhaps the most immediately attainable.

In conclusion, I express the hope, as has been expressed by the Senator from New York and the Senator from Rhode Island, that the Senator from Colorado (Mr. Dominick) will see fit to withdraw his amendment, which would strike entirely from the bill any reference to public housing in the concept of impacted aid, and that the Senate could agree on the compromise proposal of the Senator from Texas.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. YARBOROUGH. Mr. President, I ask that the pending measure be temporarily laid aside, and that the Chair lay before the Senate a message from the House of Representatives on H.R. 14733.

Mr. JAVITS. Mr. President, reserving the right to object, may we know what this is all about?

Mr. YARBOROUGH. It is to request the appointment of conferees on a bill.

Mr. JAVITS. I have no objection.

Mr. YARBOROUGH. I ask unanimous consent that the pending measure be laid aside for not more than 1 minute.

The PRESIDING OFFICER. It is a privileged matter, and does not require unanimous consent.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14733.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. YARBOROUGH. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Yarborough, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Dominick, Mr. Javits, Mr. Murphy, Mr. Prouty, and Mr. Saxbe conferees on the part of the Senate.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937 AND RAILROAD RETIREMENT TAX ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13300.

The Presiding Officer laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Eagleton, Mr. Pell, Mr. Nelson, Mr. Hughes, Mr. Smith of Illinois, Mr. Schweiker, and Mr. Saxbe conferees on the part of the Senate.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 348

Mr. YARBOROUGH. Mr. President, the pending business being amendment No. 482, offered by the distinguished Senator from Colorado (Mr. Dominick), I offer my amendment No. 483 as a perfecting amendment to amendment No. 482. I ask that the clerk report amendment No. 483, which I offer as a perfecting amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 113, strike out all that appears on line 21 and all that follows down through line 15 on page 115 and insert in lieu thereof the following:

"(3) Section 3 of such Act of September 23, 1950 is further amended by inserting at the end thereof the following new sentence: 'Such order of priority shall provide that applications for payments based upon increases in the number of children residing on, or residing with a parent employed on, property which is part of a low rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraphs (2) and (3) of subsection (a) of section 5 have been approved for that fiscal year.'.

"(4) Subsection (c) of section 5 of such

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Act of September 30, 1950 is amended to read as follows:

" 'ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

" '(c) (1) If the funds appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this title for such year, the Commissioner (A) shall determine the part of the entitlement of each such local educational agency which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (B) except as otherwise provided in paragraph (3), shall allocate such funds, other than so much thereof as he estimates may be required for carrying out the provisions of section 6, among sections 2, 3, and 4(a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections, except that he shall not take into consideration any part of any entitlement determined under clause (A). The amount so allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section. Such percentage shall be equal to the percentage which the amount allocated to a section under the second sentence of this paragraph is of the amount to which all such agencies are entitled under such section. For the purposes of this paragraph, in determining the amount to which each local educational agency is entitled under section 3 he shall include any increases under paragraph (4) of subsection (c) thereof; but he shall exclude any part of any entitlement determined under clause (A) of this paragraph.

" '(2) If the funds available for allocation under paragraph (1) for any fiscal year exceed the amount necessary to fully satisfy entitlements for which allocations will be made under such paragraph, that excess shall be available for payment of a percentage of that part of the entitlement of each local educational agency determined under clause (A) of paragraph (1). Such percentage shall be equal to the percentage which the amount of such excess is of the total amount to which all such agencies are so entitled.

" '(3) All funds appropriated for making payments under this title for any fiscal year shall be allocated in the manner specified in paragraphs (1) and (2), unless an Act makappropriations for making payments under this title for any fiscal year specifically makes funds available for payments on the basis of entitlements determined under clause (A) of paragraph (1), apart from other payments under this title, in which case, if the funds so appropriated are not sufficient to pay in full the total amount to which all local educational agencies are so entitled, such funds shall be available for making payments in the manner specified in paragraph (2) respecting allocations of any excess appropriations.

" '(4) In case the amount allocated to a section under paragraph (1) for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or, in case additional funds become available for making payments under this title, the excess or such additional funds, as the case may be, shall be allocated among sections for which previous allocations are inadequate, on the same basis as is provided in paragraphs (1), (2), and (3) for the initial allocation.' "

Mr. YARBOROUGH. Mr. President, the amendment I offer as a perfecting amendment to amendment No. 482, offered by the distinguished Senator from Colorado, grows out of long efforts to reach a compromise in this matter. In the vote in the full committee, the Senator from Colorado and I voted the same way against the language that his amendment would strike out. We had an agreed position, and if my perfecting amendment is not adopted, I will not have any change of position.

We have worked long and diligently to reach a compromise. This compromise provides that the status of children residing in Federal housing will be delimited in a separate line item in the bill so that it will not be commingled with impacted aid, class A impacted aid and class B impacted aid, per se.

As the language is now in the bill, we feel that the status of children in Federal housing would be a part of impacted aid, per se, would be inseparable from it. It is apparent that there are three different categories of aid: The impacted aid as such, as class A category, and the class B category. It is not necessary to discuss this at length. It has been discussed all over the country and was mentioned in the President's state of the Union message.

This brings in another category of Federal aid to schools, and that is in those situations of low income public housing, tax exempt, where many children are brought in and there is less property to tax and more children to educate. It would entitle Congress to appropriate Federal moneys to those districts to make up for the added burden where, because of the burden of tax exempt property and more children, they lack funds for proper education. It is another category.

The amendment I offer will provide separate funding for the section of H.R. 514 that counts children in public housing units among children in federally impacted districts.

The committee amendment grows out of a reasonable concern. Every State has experienced local resistance to low-income public housing which stems from the increased cost to the community of educating those children. Testimony to the committee indicated that entire new schools often have to be built to accommodate these children. The parents are rarely on the tax rolls, certainly not as property owners. Nor does the property in which they reside pay taxes equivalent to those a private housing development would pay.

The "in lieu of taxes" payment from public housing covers only about $11 per child, while the cost of educating the children runs between $700 and $1,200 each.

I agree with the committee in its view that there should be a much larger payment for the education cost of children in public housing, because it is not fair for the Federal Government to remove the property from the tax rolls and at the same time, bring large numbers of additional pupils into the school district.

My objection to the committee language goes to the lumping of this group with those now in the federally impacted program. Public housing children are a separate case from children whose parents work for the Federal Government. Compensation to the local school district for their education should not come out of the same appropriation that is made for the traditional federally impacted districts.

The amendment I am offering will set up two line items in appropriations acts making funds available for payment under Public Law 874.

One line item would be for payment of entitlements on the basis of A and B children as we understand them in the present law.

The other line item would be for payment of entitlements created by children living in low-rent public housing units.

The amendment further provides that, if a single-line appropriation is large enough to cover the full entitlements for A and B children with money left over, then the remainder may be used for low-rent housing children.

It is quite possible that in the future we will find it justified to make Federal payments for children whose presence in a district is dictated by many federally financed activities, other than direct Federal activities and installations. The committee bill makes this payment available for housing units financed under the Housing Act of 1937, the Housing Act of 1949, and the Economic Opportunity Act of 1964.

These units are not necessarily federally owned. They are only federally assisted in their financing.

As we move in the direction of examining the impact of federally assisted activities, we should do so on the basis of paying entitlements out of their own appropriations. Otherwise, both these children and the existing Public Law 874 children will be penalized.

Under the bill vetoed by the President, the amount for aid to impacted areas was $600 million. Under the budget, it was approximately $200,000,000. Under the compromise offered by the President now, it is approximately $400 million.

It is often thought that that is the biggest aid to school districts, but it is not. One and a half billion dollars goes to school districts under the Elementary and Secondary Education Act for children from poverty families. Even Westchester County, N.Y., gets money under that, because of children in the poverty brackets, so that there would be widespread distribution of Federal money to school districts in America under the poverty bracket. This is another category made, even under that bracket, for places like Westchester County, N.Y., but this amendment being offered is to try to help the districts who are poor because of their tax base. My objection was that it impinged on the impacted aid to help the children of military personnel on a base. I offered a compromise on behalf of the Senator from Colorado and myself. The Senator from Missouri (Mr. EAGLETON) was a principal sponsor in putting this Federal housing under impacted aid, as well as the Senator from Rhode Island (Mr. PELL), chairman of the subcommittee, and the Senator from Vermont (Mr. PROUTY), a knowledgeable and active member of the Education Subcommittee who has been for years one of its active workers.

Mr. President, I do not desire to debate this matter at length, because it has been discussed in full in the Educational Subcommittee, discussed at length in the full committee, and in this amendment I am offering. I do not think that the Senator from Colorado is entirely satisfied with it. We do not think it is perfect, but it is an attempt to reach a consensus so that some relief can be granted without zeroing in on the impacted aid as such.

Mr. DOMINICK. For the record, I want to say that my recollection in committee discussion was that we first tried to knock out the public housing amendment completely, and when that did not work, I offered a separate line item amendment. It was defeated on a rollcall vote. My understanding now is that the Senator is offering a line item amendment in somewhat different form from the one I did. It is not so heartwarming to my soul as it would be to knock out the whole of the public housing. I find it difficult to object to it, in view of the fact that the Senator is offering an amendment similar to the one I offered in committee, and I am, of course, a cosponsor.

Mr. YARBOROUGH. I voted with the Senator in committee on the separate line item. This does not go quite that far. This is a compromise between two sharp points of view that were discussed and debated strenuously in the subcommittee and the full committee. We spent many hours on this subject, over a period of many days. We discussed it thoroughly. I do not desire to take the time of the Senate in extended discussion now.

Mr. President, I am ready to yield the floor and ask for a vote at this time.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment of the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. Now the question recurs on agreeing to amendment No. 482 of the Senator from Colorado (Mr. DOMINICK).

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Colorado. [Putting the question.] As many as favor the amendment will say "Aye." Opposed "No."

Mr. BYRD of West Virginia. Mr. President, I call for a division.

The PRESIDING OFFICER. A division is called for.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. DOMINICK. Do I correctly understand that we are voting on my original amendment, or are we voting on my amendment as amended?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado to strike. The Senator's amendment was not amended. The amendment of the Senator from Texas perfected the language the Senator proposes to strike.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, a point of order. Can we do that in the middle of a vote?

The PRESIDING OFFICER. Prior to the announcement of the result of a division vote on an amendment, a quorum call is in order.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, a little more than a year ago, I introduced a bill, cosponsored by Senator GOLDWATER, which would amend title VII of the Elementary and Secondary Education Act of 1965 to enable nonprofit, private schools operated on Indian reservations to qualify as a "local educational agency" and thereby entitle such schools to receive bilingual education funds under this act.

Last fall, while this bill was pending before the Education Subcommittee, Senator GOLDWATER offered an amendment which I cosponsored, to the Elementary and Secondary Education Act which was intended to accomplish the same purpose. I am pleased that this amendment has been adopted by the Labor and Public Welfare Committee and is now part of section 152 of the bill which is pending before us.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. GORE. Was the amendment adopted by the Labor and Public Welfare Committee?

Mr. FANNIN. It was adopted by the Labor and Public Welfare Committee.

Mr. GORE. To which bill?

Mr. FANNIN. To section 152 of the pending bill, according to my information.

Mr. GORE. I thank the Senator.

Mr. FANNIN. Mr. President, as I have said so many times in the past, the greatest obstacle to education for Indian children is not so much poverty as it is language. More than 95 percent of the children who begin at the Rough Rock Demonstration School which is a school which will benefit from this amendment speak only Navajo. The need for bilingual programs is, therefore, essential.

I am also pleased that the committee acted favorably on Senator GOLDWATER's amendment because it can go a long way in insuring the success of the initiative taken by Indians themselves in forming schools such as the Rough Rock Demonstration School in Arizona. The acceptance of this amendment gives a small measure of substance to our promise that the Indian people have a say in the policies which govern them. We must see to it that our Federal programs encourage, not defeat, innovation.

My colleague, Senator GOLDWATER, has worked tirelessly to secure the adoption of this amendment. Unfortunately, he is unable to be here today, but he had earlier prepared some remarks. And I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GOLDWATER

PROVIDING BILINGUAL EDUCATIONAL AID TO INDIAN CHILDREN ON RESERVATIONS

Mr. GOLDWATER. Mr. President, it is my purpose at this time to call the attention of the Senate to section 152 of the pending bill. This provision amends title VII of the Elementary and Secondary Education law in order to provide bilingual education funds for children attending schools on Indian reservations.

Specifically, the amendment will override the discriminatory limitations of the present law which bar Indian controlled schools from participation in the bilingual education program. Strangely enough, Indian schools operated by Indians themselves are not now eligible to apply for Federal bilingual assistance.

The amendment provided by section 152 will correct this unjust and unwise restriction by explicitly allowing Indian-operated schools on reservations to apply directly to the Commissioner of Education for payments under Title VII.

Mr. President, the amendment is identical to Amendment numbered 155, which I offered for myself and my colleague, the senior Senator from Arizona (Mr. FANNIN), on September 12th of last year. Speaking for us both, we are delighted that the Education Subcommittee and the full Labor and Public Welfare Committee have seen fit to report our amendment favorably to the Senate Floor.

We are very pleased at the bipartisan response the proposal has attracted and particularly wish to extend our gratitude to the distinguished Senator from Minnesota (Mr. MONDALE) who sponsored and called up the provision in committee.

Mr. President, at this moment our amendment will likely benefit only the all-Navajo Indian operated school located at Rough Rock in Arizona. This is because I believe that Rough Rock is the only Indian controlled school in the United States.

By now I am certain that nearly all of my colleagues have heard of the distinctive educational project which the Navajo Indian Tribe is operating at Rough Rock in the heart of the vast Navajo Reservation. The school is an extremely promising venture which was launched in 1966. Its unique quality is that it is operated by an all-Navajo school board elected by the Navajo people.

Rough Rock is run by the Navajos themselves because they decided that they wanted their children to receive the best education for both Navajo and Anglo life. It is an inspiring and courageous undertaking which reflects many of the aspirations of a very proud and great segment of our national people.

Not only is Rough Rock totally controlled

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by Indian parents, but the school has been successful in recruiting almost 90 percent of its faculty from among the Navajo population. Also, the chief administrative officer and the heads of several departments are Navajo.

Thus, local control has not only put policy making into the hands of the Navajo people, but it has placed much of the daily operation of the school under the supervision of tribal members.

Although the school is entirely run by Navajo parents, it is important to note that the Navajos have chosen to offer a bilingual, bicultural education. The school provides subjects found in any school of excellence. with the added feature of subjects especially created for Navajos. English reading and writing is taught together with oral English. Science, mathematics, social studies, health, home economics, industrial arts, and all the regular parts of a well-designed curriculum are taught. In addition the school has courses in Navajo reading and writing, oral Navajo, Navajo culture and history, and Navajo arts and crafts. Indeed Rough Rock may be the only school with Indian children where the history of the American Indian is taught.

Mr. President, in my opinion Rough Rock has made a fine beginning and stands as a constructive effort by the Navajo people to determine their own destinies. To my mind, Rough Rock points the way to a future in which all Navajos can learn about, and be proud of, their own heritage while at the same time they can successfully cope with the surrounding world.

The project is rightly described as a demonstration school. It is demonstrating the validity of new approaches to Indian education. It is demonstrating that Indian schools can produce excellent results when they are locally controlled.

It is proving that the self-reliance of Indian Americans can be boosted and encouraged by Tribal involvement in their own educational system. Eighty-three percent of the parents interviewed at Rough Rock said they believed that they can improve their lot themselves.

A deeper aspect of the Rough Rock experiments is that the school is educating the whole community. Of the approximately 1000 Navajos being served by the school, 600 are children and 400 are adults.

Thus the school has become a focal point of the community it serves. The local administrator and the local school board are thinking in terms of the total community. Community education is what the Navajo people desire and are working to get. This might appear to be an ideal elsewhere, but at Rough Rock it is being achieved.

However, Mr. President, it must be understood that the Navajo Tribe cannot, and should not be expected to, meet this heavy financial obligation by itself. It should be remembered that the Tribe is continuing to provide for the Navajo Reservation to the same extent that our local and State governments handle many varied responsibilities.

It is for this reason that I have introduced, and now speak in support of, the pending section which will allow the Navajo Tribe to participate in the bilingual program fully as much as if it were an Anglo community.

The all-Navajo school board of Rough Rock clearly performs for members of the Tribe the same functions as the educational agencies of town or city governments do for citizens of their communities. The Navajo board is the true local educational agency of the Navajo people and it may legitimately expect to be considered as being eligible for the same benefits that are available to municipal school authorities. Anything short of this would surely be considered by members of the Tribe as rank discrimination against the American Indian.

Our amendment is not complicated. It is narrowly drawn and will not open the door to the payment of Federal bilingual assistance to privately run, non-Indian operated schools on Indian reservations. The Navajo experiment is unique and the amendment is worded accordingly.

First, the amendment applies only to schools located on Indian reservations for Indian children.

Second, the schools must be operated under the control of an agency of the Indian Tribe concerned.

Third, the agency operating the school must be a nonprofit organization.

Mr. President, while our proposal will apply only to Rough Rock at the present time, I wish to point out that it is intentionally worded broadly enough so that it will benefit other Indian governed schools as they come into existence.

The amendment is expressly designed to foster and encourage increased Indian participation in and control over their own bilingual programs. It is our hope that this greater freedom will help to promote significant innovations in the bilingual program and will produce the stirring of interest by teachers, parents, and students that will best serve the persons who attend Indian community schools.

Mr. President, in closing, I urge the Senate to approve the passage of our amendment. I strongly believe that the enactment of this provision will be an important step in demonstrating by deed that this nation understands and is willing to respond to the needs of the American Indian.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that we temporarily lay aside the amendment of the Senator from Colorado and proceed to the consideration of the amendment of the junior Senator from New York (Mr. GOODELL).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. LONG. Mr. President, could we have an understanding that we will not vote on the amendment this evening, but that we will vote on it sometime tomorrow?

Mr. JAVITS. Mr. President, I think that is inherent in the situation. It was left a little up in the air with other Senators as to whether there would be any record votes tonight. And I know that the Senator, in common with the rest of us, does not like to embarrass other Members of the Senate who had reason to think that there would not be any further votes tonight.

We can deal with this situation tomorrow. I did not want to give consent for precisely the reason that there may be Senators who wish to speak, and I do not want to cut them off.

Mr. LONG. Mr. President, I am perfectly willing to go along with the procedure suggested by the manager of the bill, with the understanding that we will not vote on the amendment tonight.

Mr. PELL. Mr. President, we may vote on the Goodell amendment tonight, but not on the Dominick amendment.

Mr. GOODELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. GOODELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 217, insert after section 808 the following section:

"TEACHER CORPS CORRECTIONS EDUCATION PROJECTS

"SEC. 809. (a) Section 511(a) of such Act (as amended by section 804(b) of this Act) is further amended by deleting the word "and" at the end of paragraph (2), by deleting the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (3) the following new paragraph:

"'(4) attracting and training educational personnel to provide relevant remedial, basic, and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders, and adult criminal offenders.'

"(c) Section 513(a) of such Act is further amended by redesignating paragraphs (6), (7), and (8) (as redesignated by section 804 (d) of this Act), and all references thereto, as paragraphs (7), (8), and (9), respectively, and by inserting after paragraph (5) the following new paragraph:

"'(6) enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payment of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such project may be paid from Federal funds;'

"(d) Section 514(a) of such Act is further amended by inserting before 'shall provide' the following: 'or an arrangement with any agency pursuant to paragraph (6) of section 513(a),'.

"(e) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"'RESEARCH AND DEMONSTRATION PROJECTS IN CORRECTIONS EDUCATION SERVICES

"'SEC. 809. (a) The Commissioner is authorized to make grants to State and local educational agencies, institutions of higher education, and other public and private non-

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profit research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders, including the development of criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population and special curriculums, and guidance and counseling programs. All projects shall include an evaluation component.

" '(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administrator of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section.' "

Mr. GOODELL. Mr. President, I would briefly like to make some remarks on my amendment for the benefit of my colleagues in the Chamber. On January 27 of this year I discussed the purpose of its provisions in some detail. There is now a change in the amendment, which I will discuss today.

The purpose of this amendment is to improve corrections education services in prisons and juvenile detention facilities throughout the country. It is designed to accomplish this in two ways. First, to make an innovative corrections education program, initiated last year on a pilot basis by the Teacher Corps, a permanent part of the Teacher Corps program.

In 1968, the Teacher Corps undertook four corrections education programs in the States of New York, Illinois, Connecticut, and Georgia. The objective of these efforts was to encourage local school systems to establish and expand specialized programs of teacher training to assist in the rehabilitation of juvenile delinquents and youth offenders in penal institutions and community-based correctional facilities.

The results of these pilot efforts successfully demonstrated the Teacher Corps ability to initiate effective reforms in an area crucially and clearly related to our national well-being.

The first corrections education program began at Rikers Island, N.Y., in August 1968. In September 1969, the highly respected VERA Institute of Justice prepared an evaluation of the project.

It reported that—in terms of the educational accomplishments of the program, an indication of success is provided by the number of juvenile and youth offenders who took and passed the high school equivalency examination—for the year, 31 of 72 who took the examination passed.

This is a good percentage, given the low level of proficiency at which many inmates started and the fact that Teacher Corps placed no restrictions on which inmates could take the examination.

Further, at least 10 inmate-participants in the school have been placed in college programs for the coming academic year.

In the State of Illinois, six interns are teaching and working with predelinquents in a delinquency intervention program in the Carbondale Community High School. Six additional interns are supplementing the education staff of the Pere Marquette Camp for delinquent boys, which is operated by the Illinois Youth Commission.

In Connecticut, 20 members of the Teachers Corps are serving in an education program in the school of the Cheshire Reformatory and in Somers Prison, where they are introducing new curriculums and teaching techniques. While serving at Cheshire, interns are enrolled as graduate students in the Department of Education at the University at Hartford.

The Connecticut Department of Education has established a classification of correctional education specialist, and graduates of the program will be so certified.

In Georgia, seven Teacher Corps interns are teaching basic and vocational education subjects, and providing counseling at the Buford Prison near Atlanta. They are enrolled in a 2-year graduate degree program at the University of Georgia. Buford is a small prison which has been converted to a special education and training institution for 180 young offenders.

Mr. President, in addition to these programs, there are a significant number of corrections education proposals which have been submitted to the Teacher Corps by various organizations and universities in several States. At the present time, Teacher Corps funding for these programs is not available. Although they have not been finally approved for inclusion in the Teacher Corps corrections program, they demonstrate the broad and innovative potential for effective action in the new field of corrections education.

The second aspect of my amendment would authorize the Commissioner of Education to make grants for research relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders. There is far too little work being done in these areas presently.

In my original amendment I specifically provided for a 3-year $24 million authorization to develop the Teacher Corps program, and a 4-year $18 million authorization for the research grants. It is my opinion that in order to have an effective nationwide program of this kind, these funding levels are necessary and desirable.

Legislative authority exists for the funding of this Teacher Corps corrections education program. For example, the budget request for the Teachers Corps for fiscal year 1971 is $30,800,000, well below the existing authorization of $56 million. It is my hope that the Appropriations Committees of the Senate and the House would appropriate the necessary funds to carry out the purposes of this amendment. It is not my intention to have funds made available from existing Teacher Corps programs for this program.

The research grant program is a totally new authorization in the Office of Education. The funding of it should be accomplished at the highest level possible, particularly in view of the fact that the Institute for Criminal Justice of the Law Enforcement Assistance Administration spends such a small amount in this area.

I strongly feel that with the passage of this amendment the Senate will be taking an important step in responding to one of the most appalling problems facing America today—our virtual total inability to rehabilitate those who have run afoul of the law. Corrections education can play a significant role in contributing to the solution of this enormously complicated and costly problem.

Mr. President, I am joined in the amendment by Senators NELSON, BAYH, BROOKE, CASE, HARTKE, JAVITS, MONDALE, RANDOLPH, SCHWEIKER, and PROUTY.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. DOMINICK. Is my understanding correct that the Senator has modified his amendment No. 460 by striking out subsection (b), page 2 and 3, and by striking out subsection (c) on page 4?

Mr. GOODELL. The Senator is correct?

Mr. DOMINICK. And the remainder of it would stay the same.

Mr. GOODELL. The Senator is correct. I have stricken the authorization of specific money for this purpose because I believe the authorizations are sufficient in the bill as it stands.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. GOODELL. I yield.

Mr. DOMINICK. I do not mean to be facetious, but I was intrigued with the wording on line 14 where the Senator refers to "predelinquent juvenile." Would someone determine who is a predelinquent juvenile? Where does that terminology come from?

Mr. GOODELL. This term has become a fairly well accepted term among people who work in this field. Many youngsters have not been adjudicated delinquents nor have they been before a court, and yet they are what might be termed disruptive troublemakers or potential delinquents. They are very close to the category of having committed offenses or charged with criminal offenses.

I might say to the Senator that dealing with this type youngster is even more promising, as the programs have been thus far on a pilot basis. When you get to them early in predelinquency the potential for success is much greater. It is critical that they be included.

Mr. DOMINICK. I am concerned. As the Senator knows, recently a number of people have maintained that children with, for instance, a triple Y chromosome are more likely to be criminals when they grow up than children with a double Y chromosome. There have been experiments to try to determine whether children tested cannot be followed through life to see what happens to them.

I, being a defense lawyer by nature,

look at this somewhat askance for prejudging that someone is going to be guilty before an event happens. I wonder if we might be getting into a similar problem where someone in an educational system might say, "I do not like young Johnny, down there. He is raising Cain. I think he is a predelinquent and needs special instruction." This is part of the problem and I did want the Senator's comment.

Mr. GOODELL. I assure the Senator I do not intend to get into the question of chromosomes by the amendment. I think there are ample overt signs of predelinquency that can be used and have been used to identify those who would be helped by this program.

Mr. PROUTY. Mr. President, I am pleased to add my support to the amendment introduced by the Senator from New York (Mr. GOODELL) to permit the Office of Education to expand its Teacher Corps program into areas that will help meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders. As has already been noted, approximately 1.2 million persons are in correctional institutions at any one time, most of whom receive little or no educational help in overcoming the circumstances that led to their incarceration. The need to adopt new educational programs for these people is well known. More importantly, four pilot projects run by the Teacher Corps have proven very useful and I am pleased to see an amendment introduced that would authorize the Office of Education to develop more of these programs. While this authority has been more or less implicit to date, I am hopeful that by making this authority more explicit, we will increase the visibility given to this subject and at the same time encourage expansion of the initial pilot efforts into a more meaningful attack on the problem.

I should like to emphasize two important aspects of the amendment. The first is emphasis placed on the need for more personnel in the field of corrections education. The amendment seeks to encourage interested persons by expanding the opportunities for better training and more meaningful careers. Second, it stresses the need for better educational services for the incarcerated that can only become a reality through more research and increasing coordination at the Federal, State, and local levels.

Just how effective such an expansion of Teacher Corps activities can be in achieving these goals was demonstrated in the four projects already conducted. Most significant was the improvement in attitude of those who participated, many of whom learned for the first time how exciting and fulfilling an educational experience can be. Another important feature gained from the research aspects was knowledge about teaching the disadvantaged and the antisocial person. I am hopeful that much of what has been learned through these programs will be useful in other programs aimed at the disadvantaged. A third important byproduct of the program was the practical experience gained by the Teacher Corps interns, who, when they did get their certification, had already established a background of experience necessary to effective teaching careers.

I believe the expansion of these Teacher Corps programs can be most effective in changing our penal institutions into effective vehicles for rehabilitation from the training ground for more criminal activities they now are. The incidence of crime in this country has reached terrifying proportions and this is just one constructive step we can take to reduce it.

Mr. JAVITS. Mr. President, I am a cosponsor of the amendment. This amendment originates from a provision which the late Senator Robert Kennedy and I had included in the Education Professions Development Act of 1967 that was reported by the Senate Subcommittee on Education. We had quite a problem with the House of Representatives at that time which would accept no amendments at all and, hence, it was stricken without prejudice in the full Senate Committee on Labor and Public Welfare.

I think this is a very sound idea and very essential, especially, in the field of correction of young offenders.

I hope the Senator from Rhode Island will see fit to accept the amendment, especially as the junior Senator from New York has now taken out of the amendment the special funding so that it is fundable under the general provisions of the Teacher Corps Act. I hope very much this amendment may be accepted with that change.

Mr. PELL. Mr. President, I understand that the amendment offered by the junior Senator from New York has been reviewed by the majority and minority Senators on the committee and that there is no objection to the amendment. As chairman of the Subcommittee on Education and manager of the bill, I have had reservations about accepting the amendment since we have not had an opportunity to hold hearings on the subject of education problems in correctional institutions. Moreover, the language of the amendment as originally drawn raised a number of serious questions. However, I understand that the amendment has been redrafted to deal with those questions, especially with respect to the eligible grantees.

I understand that it is intended that institutions of higher education will have the primary responsibility for supervision of Teacher Corps members in correctional institutions and that other organizations will be used only when there is no institution of higher education able or willing to conduct the project. With that understanding, I am willing to recommend acceptance of the amendment for the purposes of taking it to conference for further review.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The question is on agreeing to the amendment of the junior Senator from New York (Mr. GOODELL).

The amendment was agreed to.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS JAVITS AND HANSEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, immediately following the prayer and disposition of the reading of the Journal, the able senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the conclusion of the speech by the Senator from New York tomorrow morning, the able junior Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISED ORDER FOR RECOGNITION OF SENATORS TOMORROW MORNING

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent to reverse the order of their appearance on tomorrow that was obtained under the previous consent order so that the Senator from Wyoming (Mr. HANSEN) will be recognized immediately following the prayer and the disposition of the reading of the Journal, for not to exceed 30 minutes, and that he then be followed by the Senator from New York (Mr. JAVITS) for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PRINT S. 3246

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Connecticut (Mr. DODD), I ask unanimous consent to have printed the usual number of S. 3246, the Controlled Dangerous Substances Act, as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Colorado.

Mr. JAVITS. Mr. President, it is my understanding that there is no desire on the part of the Senate to vote on the Dominick amendment tonight. Therefore, I suggest the absence of a quorum, unless Senators have other business, I would be happy to leave the entire mat-

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ter to the Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, if the Senator will withdraw his request I will be glad to accede.

Mr. JAVITS. Mr. President, I withdraw my request.

SUZANNE K. PALMER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 646, Senate Resolution 353.

The PRESIDING OFFICER. The resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 353) to pay a gratuity to Suzanne K. Palmer.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BYRD of West Virginia. Mr. President, in explanation of the resolution, I wish to say that the matter has been cleared on both sides.

There being no objection, the resolution (S. Res. 353) was considered and agreed to, as follows:

S. RES. 353

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Suzanne K. Palmer, widow of James E. Palmer, Junior, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PLANNING, PROGRAMING, BUDGETING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 647, Senate Concurrent Resolution 52.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 52) authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning, Programing, Budgeting."

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that this matter has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 52) was agreed to, as follows:

S. CON. RES. 52

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Governmnet Operations three thousand copies of a compilation of the hearings, reports, and committee prints of its Subcommittee on National Security and International Operations entitled "Planning-Programming-Budgeting," issued during the Ninetieth Congress and the first session of the Ninety-first Congress.

LIMITATION ON STATEMENTS DURING TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the speech by the Senator from New York (Mr. JAVITS) there be a period for the transaction of routine morning business with statements therein to be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 32 minutes p.m.) the Senate adjourned until tomorrow, Friday, February 6, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 5, 1970:

IN THE AIR FORCE

The following-named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

To be major general

Maj. Gen. Robert L. Petit, 555–03–3964FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Berg, 312–14–5923FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Henry B. Kucheman, Jr., 229–01–5312FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John R. Murphy, 501–42–8549FR (brigadier general, Regular Air Force) U.S. Air Force.

Major General Louis T. Seith, 545–28–8317 FR (brigadier general, Regular Air Force) U.S. Air Force.

Major General Sherman F. Martin, 455–07–1548FR (brigadier general, Regular Air Force) U.S. Air Force.

Major General William V. McBride, 185–16–7573FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Gerald W. Johnson, 301–07–2449FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Kenneth W. Schultz, 085–14–8118FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. George J. Eade, 324–12–0828FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. William F. Pitts, 561–54–7688FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Edward A. McGough III, 136-32–6526FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Winton W. Marshall, 545–14–4500FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert J. Dixon, 216–16–4239FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Donavon F. Smith, 379–12–7137FR (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Brig. Gen. Jones E. Bolt, 251–09–1158FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Rexford H. Dettre, Jr., 564–18–8174FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edmund B. Edwards, 224–52–7087FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jessup D. Lowe, 269–01–6236FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Donald A. Gaylord, 484–03–5502 FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William A. Jack, 035–14–3519FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Vernon R. Turner, 463–14–0408 FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John B. Hudson, 260–03–9967FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. George W. McLaughlin, 286–03–1348FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James O. Frankosky, 501–07–4936FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Wendell L. Bevan, Jr., 419–52–9676FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Roger K. Rhodarmer, 245–60–9509FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard C. Catledge, 441–12–7761FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James H. Watkins, 458–09–4133 FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles W. Carson, Jr., 444–40–7754FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jonas L. Blank, 410–64–3601FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Clare T. Ireland, Jr., 331–14–4689FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Clifford W. Hargrove, 571–01–6382FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Woodrow A. Abbott, 308–12–5932FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Woodard E. Davis, Jr., 423–09–8551FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jack K. Gamble, 529–20–8741FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James L. Price, 550–20–2568FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert P. Lukeman, 119–01–8312FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John O. Moench, 311–16–2033FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Warren D. Johnson, 448–05–3925FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Paul C. Watson, 718–05–9803FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Sanford K. Moats, 515–07–8858-FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Homer K. Hansen, 479–18–7988-FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles I. Bennett, Jr., 267–09–6442FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James A. Bailey, 250–12–9641FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John W. Roberts, 471–14–9298FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Ray M. Cole, 430–26–3497FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Maurice R. Reilly, 459–18–7905FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Hails, 424-12-8069FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Geoffrey Cheadle, 002-30-1359FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Foster L. Smith, 506-30-5302FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles E. Yeager, 233-30-4847FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Alfred L. Esposito, 147-16-4006FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Donald H. Ross, 546-24-3229FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James A. Hill, 283-18-0772FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jimmy J. Jumper, 449-24-9931FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert W. Maloy, 351-16-0103FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Devol Brett, 265-26-8632FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Huyser, 522-24-6598FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Alton D. Slay, 426-03-5604FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Fred A. Heimstra, 531-18-2694FR (colonel, Regular Air Force, Medical) U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Maurice F. Casey, 334-18-3434FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Henry L. Hogan, III, 270-12-5291FR, Regular Air Force.

Brig. Gen. Charles W. Carson, Jr. 444-40-7754FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert A. Patterson, 224-52-8320FR, Regular Air Force, Medical.

Brig. Gen. Dudley E. Faver, 449-14-7087FR, Regular Air Force.

Brig. Gen. Richard R. Stewart, 308-01-9946FR, Regular Air Force.

Brig. Gen. Harold C. Teubner, 462-07-1025FR, Regular Air Force.

Brig. Gen. Paul N. Bacalis, 228-18-9715FR, Regular Air Force.

Brig. Gen. David V. Miller, 351-05-5105FR, Regular Air Force.

Brig. Gen. Allison C. Brooks, 561-07-8673 FR, Regular Air Force.

Brig. Gen. William S. Chairsell, 714-18-1581FR, Regular Air Force.

Brig. Gen. Jones E. Bolt, 251-09-1158FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Frank M. Madsen, Jr., 332-09-8137 FR, Regular Air Force.

Brig. Gen. William R. MacDonald, 363-12-5683FR, Regular Air Force.

Brig. Gen. Albert R. Shiely, Jr., 470-16-7860FR, Regular Air Force.

Brig. Gen. James M. Keck, 039-09-7364 FR, Regular Air Force.

Brig. Gen. Ernest T. Cragg, 046-07-5816 FR, Regular Air Force.

Brig. Gen. John R. Kullman, 035-16-4978 FR, Regular Air Force.

Brig. Gen. John B. Hudson, 260-03-9967 FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John H. Buckner, 449-64-3194 FR, Regular Air Force.

Brig. Gen. William E. Bryan, Jr., 381-18-2791FR, Regular Air Force.

Brig. Gen. Leslie W. Bray, Jr., 462-07-0782FR, Regular Air Force.

Brig. Gen. Earl L. Johnson, 307-18-5165FR, Regular Air Force.

Brig. Gen. John B. Kidd, 119-01-5369FR, Regular Air Force.

Brig. Gen. Joseph G. Wilson, 229-01-5510-FR, Regular Air Force.

Brig. Gen. Rexford H. Dettre, Jr., 564-18-8174FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. George W. McLaughlin, 286-03-1348FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Roger K. Rhodarmer, 245-60-9509FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard M. Hoban, 490-44-9997FR, Regular Air Force.

Brig. Gen. John O. Moench, 311-16-2033FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Sanford K. Moats, 515-07-8858-FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Hails, 424-12-8069-FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John C. Giraudo, 553-16-6776-FR. Regular Air Force.

Brig. Gen. Jimmy J. Jumper, 449-24-9931-FR (colonel, Regular Air Force).

Brig. Gen. Robert W. Maloy, 351-16-0103 FR (colonel, Regular Air Force).

IN THE NAVY

Vice Adm. Lawson P. Ramage, U.S. Navy, for appointment to the grade of vice admiral, when retired, in accordance with the provisions of title 10, United States Code, section 5233.

IN THE MARINE CORPS

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Keith B. McCutcheon, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of lieutenant general while so serving.

The following U.S. Marine Corps general officers for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title, 10, United States Code, section 5233, effective from the date of their respective retirements.

Lt. Gen. Henry W. Buse, Jr.

Lt. Gen. Lewis J. Fields.

Lt. Gen. Frank C. Tharin.

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HOUSE OF REPRESENTATIVES—*Thursday, February 5, 1970*

The House met at 12 o'clock noon.

Rev. Andrew W. Tampling, the First Baptist Church, Sylacauga, Ala., offered the following prayer:

Holy Father, we acknowledge Thee as our God. Grant that these Thy children, possessing powers to govern that have been ordained of Thee, may meet their duties and responsibilities with a constant remembrance of the great traditions wherein they stand and of the brilliant cloud of witnesses at all times surrounding them.

We pray that a sense of the eternal may color the thoughts and endeavors of all who serve here in this citadel of American life.

We bless Thee in advance for the gift of a realization of Thy presence forming our decisions and permeating our will's most inward being.

In our silence and speech and deliberate actions may Thy will be done. In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2. An act to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes; and

H.R. 13300. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3253. An act to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State fo Illinois from 1933 to 1969.

THE GOLDEN EAGLE AND INFLATION

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, the Nixon-Agnew administration talks a great game of fighting inflation, but when you look at the record, it does not look so good.

The latest instance of inconsistency on the part of this administration is their backing for a proposal to extend the so-called Golden Eagle for entrance to Federal recreation areas, which Congress had voted out of existence on March 31 of this year, and not only to extend it but to raise it from $7 to $10 which is an increase of pretty close to 43 percent.

If this is holding the line on prices, and if that is helping the average American citizen, and if it is helping to make outdoor recreation available to all people, it is a strange way to do the job.

It seems to me the Congress during the last session made a wise decision in regard to ending this pewter buzzard in March of this year—and found at that time that the extension of it is not in the national interest.

Mr. Speaker, I have today introduced a bill to make quite certain that all American citizens can enjoy access to the national parks and Federal recreation areas which belong to the American people—a bill to prohibit the charging of entrance or admission fees for access to any recreational lands or waters under the jurisdiction of the United States. The bill would not prohibit reasonable user fees for actual use of highly developed recreational facilities, such as campsites providing utilities, but it would put an end to all entrance fees collected from the people for entry and enjoyment of our parklands and reservoirs.

The bill referred to is as follows:

H.R. 15745

A bill to prohibit the charging of entrance or admission fees for access to any recreational lands or waters under the jurisdiction of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and determines that every citizen of the United States has the right to enter upon those public lands and waters of the United States used and usable for recreational purposes free of any charge.

SEC. 2. No entrance or admission fee shall be collected by any officer or employee of the United States at public recreational areas located on public lands or waters of the United States under the jurisdiction of any Department, Agency, or instrumentality of the United States.

SEC. 3. Any provision of law which is inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

PERSONAL EXPLANATION

(Mr. BEVILL asked and was given permission to address the House for 1 minute.)

Mr. BEVILL. Mr. Speaker, on December 23, 1969, I was in my congressional district on official business. Had I been present, I would have voted as follows:

On roll call No. 351, on the adoption of the conference report on the Tax Reform Act of 1969, I would have voted "yes."

On roll call No. 352, on the Mahon motion to agree to Senate amendment containing appropriations resolution, I would have voted "no."

WHO IS GETTING 8¼ PERCENT INTEREST FROM THE GOVERNMENT?

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, on Tuesday of this week, Secretary of the Treasury David Kennedy said that lower interest rates are closer than most people realize.

Last week the Treasury announced that it is offering $6.6 billion in three issues including an 8.25 percent, 18-month note in exchange for bonds maturing February 15 and March 15.

The new offer is limited to those investors who already own the Federal bonds maturing on February 15 and March 15. If these Federal securities were offered to the general public, they would be sold at a premium or at a considerably lower rate of interest.

Since less than 10 percent of the bonds maturing this year remain in the hands of the original purchasers, the extension of refunding privilege at the highest Federal interest rates since 1859 is made to persons and institutions which acquired these bonds at distressed prices, at bargain rates, and quite recently.

It appears to me, Mr. Speaker, that the Treasury is catering to those who manipulate the Federal bond market rather than the best interests of the American people.

I am today requesting the Treasury to report on the percentage of original holders of these bonds who held them to redemption and the percentage who acquired those bonds within the last year and the last 6 months before due date.

Treasury procedures and manipulated debt management could constitute the biggest drain in the Federal Treasury and serve to propel the forces of inflation.

FARMERS NEED ADVANCE FEED GRAIN PAYMENTS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I am introducing a bill in the House of Representatives today to require the Secretary of Agriculture to make advance payments to producers under the feed grain program.

This bill, which is coauthored by 14 other Members of the House, is a result of the decision announced by the U.S. Department of Agriculture late in December to eliminate advance payments under the 1970 feed grain program.

In the past, farmers have received their payments for diverting land from production of specified feed grains in two installments, one in February and the other in August. Since 1961, the February payments have helped farmers to buy seed and fertilizer and to pay for the incidental but growing expenses which farmers face each spring. Now the USDA says it will not make diversion funds available in February 1970, but that payments should be in the hands of growers by the end of July or mid-August.

We were told the reason for withholding advance payments was to avoid making any such payments in the 1970 fiscal year, which ends on June 30, 1970. Since the same money will be paid out anyway in the form of diversion payments several months later, no Federal money is being saved, while the timing of the payments could work to the serious disadvantage of many farmers. It appears to me that the USDA and the Bureau of the Budget are simply engaging in some fiscal juggling to provide the illusion of budget cutting, when in fact, costs are merely shoved into the next fiscal year.

Furthermore, Mr. Speaker, it is difficult to see how this move may be anti-inflationary because it will force many farmers into borrowing millions of dollars across the country at record-high interest rates.

In Wisconsin last year, for example, $13 million in advance payments were made. If farmers seek money from lending institutions to buy seed, fertilizer, fuel, and other items which they were able to purchase with their advance payments, they will have to pay thousands of dollars in interest because the decision was made to use a bookkeeping gimmick to create the illusion of real budget cutting, when in fact only a paper cut is being achieved.

No one can question the fact that our economy is in trouble, and that measures must be taken to stop inflation. That is why the Congress cut the President's budget this year by some $5.6 billion. But an "on paper" budget reduction is a pretty weak argument for imposing a serious hardship on thousands of farmers.

The feed grain program has been reasonably successful in its attempts to strengthen farm prices and farm income through a reduction in the total supply of agricultural products. In 1969 over 9,000 farms with a base of 166,231 acres in the Seventh Congressional District participated in the feed grain program, and over $3.9 million in diversion payments was received by Seventh District farmers.

While someone at the USDA or Bureau of the Budget has cooked up a clever way to supposedly achieve a budget cut, the result will actually add to our inflation problems because farmers will have to seek credit to buy feed and fertilizer. It will hurt a lot of farmers who are already fighting against serious economic difficulties, including a 5-percent increase in their cost of production over the past year. And the decision to eliminate advance payments may even result in some farmers dropping out of the diversion program altogether, deciding it more worthwhile to plant the acres they would otherwise convert to conservation or other purposes.

Mr. Speaker, advance payments to producers under the feed grain program do not cost the Government any extra money but they are extremely helpful to farmers who need money at planting time. I am hopeful that the Congress will give serious and swift consideration to this legislation.

The additional sponsors of this bill include:

Representative JOHN C. CULVER, Democrat of Iowa, Representative JOHN MELCHER, Democrat of Montana, Representative WILLIAM RANDALL, Democrat of Missouri, Representative TOM STEED, Democrat of Oklahoma, Representative WILLIAM HATHAWAY, Democrat of Maine, Representative MARK ANDREWS, Republican of North Dakota.

Representative SPARK MATSUNAGA, Democrat of Hawaii, Representative WALTER B. JONES, Democrat of North Carolina, Representative THOMAS FOLEY, Democrat of Washington, Representative W. R. HULL, Democrat of Missouri, Representative ALLARD LOWENSTEIN, Democrat of New York, Representative LEE HAMILTON, Democrat of Indiana, Representative DAVID HENDERSON, Democrat of North Carolina, Representative JOHN L. MCMILLAN, Democrat of South Carolina.

THE DESTRUCTION OF THE PUBLIC SCHOOL SYSTEM IN THE SOUTH

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr.

Speaker, according to news reports, a 14-year-old schoolboy in Oklahoma City has been arrested on orders of a Federal judge for failure to comply with a court order to be bused across the city. Busing incidents are occurring all over the South and in many other sections of the country. If we go back and read the civil rights bill of 1964, we see that it prohibits the busing of schoolchildren to bring about racial balance.

Alabama has operated for the last few years under the so-called freedom-of-choice system, and every school in Alabama has been integrated. What could be any fairer than a freedom-of-choice system? What is fairer than a system that permits a schoolchild to go to any school of his choice? But the bureaucrats will not stand for that. They say integration is not coming about rapidly enough, and violate the laws of the land by ordering busing.

I predict that the bureaucrats in HEW and the Federal judges are rapidly destroying the public school system of the South.

APPOINTMENT OF CONFEREES ON H.R. 2, FEDERAL CREDIT UNION ACT AMENDMENT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, and Messrs. REUSS, WIDNALL, JOHNSON of Pennsylvania, and MIZE.

CAB IS CARRYING ON PURGE OF SUPPLEMENTAL CARRIERS

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, it has come to my attention that the CAB is carrying on a purge of some of the supplemental carriers of this country that I think are doing an outstanding job in handling the tremendous demand for air carrier service internationally.

Mr. Speaker, I want to say on behalf of the people of my district that this act of the CAB in carrying on this purge does not represent their interests but does represent the interests of some of the more established airlines that do not need this protection.

Mr. Speaker, at this point in the RECORD I include two articles, one from the Washington Post, dated January 5, entitled "IATA: Domination of Airline Fares," and the other is an article from the News and Views on Air Transportation, dated December 26, entitled "Charter Flights Can Save Traveler a Lot of Money":

[From the Washington Post, Jan. 5, 1970]

IATA: DOMINATION OF AIRLINE FARES

(Review by Ralph Nader)

(NOTE.—Nader, author of "Unsafe at Any Speed," is a noted lobbyist for the public interest and chairman of the Center for the Study of Responsive Law.)

"The Air Net: The Case Against the World Aviation Cartel," K. G. J. Pillai, (Grossman, 212 pp., $5.95).

The most efficient consumer abuse occurs when its perpetrators institutionalize it in such a complex and authoritative manner that the victims know little of the abuse and nothing of the perpetrator. Few international air passengers have ever heard of the International Air Transport Association (IATA). Much less do they possess an elementary understanding of what Dr. Pillai calls "one of the most powerful and authoritarian private international cartels that the world has ever seen."

Yet IATA, as a private business association of international airlines, fixes rates, fares and other conditions of air travel and thereby determines who can and cannot fly by keeping prices much higher than would prevail in a competitive industry. Since the aviation industry is heavily subsidized—directly and indirectly—by taxpayers and is rightly considered by many analysts as a "world public utility," the users' stake in IATA is undeniable.

The absence of a user or consumer voice, with or without government, in IATA's deliberations and decisions caught Dr. Pillai's attention while he was studying for a graduate degree at Yale Law School. His doctoral thesis about this secret society, relying heavily on a meticulous search of the available documents and a sense of relevant logic, unravels for the first time its intricate controls and sanctions over international aviation.

In brief, the situation he depicts is as follows: IATA, with headquarters in Montreal, receives its authority to fix airline tariffs from various bilateral agreements between various governments. These agreements reserve the right of governments to suspend or reject these rates. In practice, however, the combined lobby of state-owned and private airlines has overwhelmed any attempts, including that of the Civil Aeronautics Board, to block rate hikes. Meeting in secret at various cities around the world, IATA permits no access to its rate-making machinery on behalf of shippers, passengers or governments. These meetings develop price structures that further codify restrictive practices, protect the most inefficient of airlines, amalgamate a massive number of political variables—and make all these decisions without any explanation and analysis that would allow external evaluation.

What emerges from these long, arduous IATA conferences (some extending six weeks or more at an estimated cost to the airlines of $10,000 an hour) are the predictable results of the cartel system. These include an artificially high rate and fare ceiling that reduces the volume of passengers, the diversion of competition into wastefully deceptive promotions about alleged service and aesthetic distinctions between the airlines, the harassment of non-scheduled charter airlines which threaten the serenity of this international fare-fix, and the shortchanging of areas of the world (such as Africa) that cannot mount the lobbying force within IATA to tame the British-led European bloc that uses IATA to further Europe's domination of the tourist trade.

Already in control of this multi-billion dollar industry, IATA is becoming bullish about its future expansion. With its power spreading over the entire field of civil aviation, IATA is moving to impose its authority over more and more of the international tourist industry. The movement of airlines into the purchase or operation of hotels and other tourist facilities is tracked by IATA. Dr. Pillai summarizes IATA's basic range: "All travel agents and tourist organizers are subject to the discipline and punishments of IATA; no airline can fly in the air without following the technical codes of IATA; and IATA determines the rights and duties of passengers for that part of their lives which they spend in an IATA plane. Its authority extends to tariffs for domestic air transport except in the United States, the Soviet Union, and most Eastern European countries. IATA has already taken steps in 1968 to form its own insurance company by 1970 . . ."

Potentially powerful groups have hacked away verbally at IATA's collusive policies that retard the growth of economical international air transportation. The CAB has huffed and puffed mostly in vain. The Justice Department's Antitrust Division in 1965 advised the CAB to re-examine "the entire concept of IATA Conference machinery and CAB immunization of agreements and resolutions" which "are per se violations of the Sherman Act." Sen. Warren Magnuson urged likewise. All this has amounted to nothing more than mere caveats, and IATA is a past master in handling caveats.

There has never been a congressional inquiry into IATA nor an independent executive branch study of the cartel and preferable alternatives. This is a remarkable testament to the ingenious matrix of power and invulnerability that IATA has built. Some U.S. airlines for years have been displeased with IATA high-fare policies. Shippers have complained about IATA's arbitrariness. But like the regulated industry that captures the regulator, IATA, by manipulating and compromising the factors of economics, politics, national prestige, regional claims and the fear of "competitive anarchy," brings most governments to its side. The shippers and the passengers are not organized countervailing forces.

The IATA forces place the greatest premium on secrecy. Airline costs, the reasons for inefficiencies, and the politics and economics of IATA intrigue must remain secret if this cartel is to continue. Dr. Pillai's disclosures and analysis will not receive a public rebuttal from IATA.

Its strategy will be to ignore and thereby cool the possibility of a real dustup. IATA's unilateral hegemony has no room for discussing Dr. Pillai's proposals for a single international governmental authority with due process and democratic procedures for all interested parties. Similar silence will greet his alternative suggestions for directing, rather than displacing, IATA operations toward consumer justice.

What this book lacks are the "proper name" disclosures—of the backscratching, the intense powerplays, and the colossal waste—disclosures which would generate a thorough congressional-type inquiry. But Dr. Pillai has only the power of a concerned citizen, not the unused subpoena authority of a congressional committee or governmental agency. He has prepared the brief against IATA. Congress, the CAB and the White House would do well to heed his admonitions and listen to his counsel.

[From the Elizabeth (N.J.) Journal, Dec. 26, 1969]

CHARTER FLIGHTS CAN SAVE TRAVELER A LOT OF MONEY

(By Carlton Smith and Richard Putnam Pratt)

The overseas airlines regularly go through more contortions than a belly-dancer's apprentice in trying to work out a fare schedule that will satisfy them all. They are repeating the process right now, and no one

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is sure exactly what the fares to Europe will be next summer.

One thing is just about certain, however. They won't come anywhere near the economy of the charter flight.

As of right now, one firm that handles a hefty chunk of the charter business will fly passengers from New York to London and back for $134.37 each. From Detroit, the price is $146.63; from Chicago, $154.01.

It can't be too far wide of the mark to say that these charter prices are roughly half what you'd pay for a comparable seat on a standard flight.

If this dollar discrepancy leads you to think harsh thoughts about the scheduled airlines, you need to remember that scheduled planes fly on schedule, loaded or not. Vacant seats are no novelty, and these empty seats represent an unrecoverable loss that must be made up somehow. Charter flights are commonly booked solid.

Thus, if you are aiming for a trip to Europe (or any other place, for that matter), you should seriously investigate the possibility of joining a charter. It will almost certainly save you money.

Groups are the heart of the charter business. You have to belong to one to enjoy charter benefits. The law requires it and so does practicality. In effect, the group rents the plane, much as an individual would hire a taxi.

Fortunately, air travel has now become so common that charter flights are everywhere. Fraternal organizations, professional groups, sports clubs, church congregations, labor unions, alumni clubs and dozens of others occasionally, or even regularly, sponsor such flights.

There are a few rules that cover chartering. First, anybody who signs on for the flight must have been a member of the group prior to the time the flight was announced.

Second, if the flight is going overseas, participants must have been members of the chartering group for at least six months prior to the flight, or longer if the charter was promoted more than six months before its departure.

On the other hand, wives, husband and children of charter group members are eligible to go along simply on the basis of the family tie.

If the group is large enough, chartering is simple. The group rents an entire plane, puts its members aboard and says: "Paris, s'il vous plait." With today's jets, however, that means filling something like 250 seats, an impossibility for most groups.

If the group can't fill a whole plane, then the next step is to charter a piece of a plane headed in the right direction. Five groups of 50 members each, for example, can neatly fill a 250-seat plane so long as they all want to go to the same destination.

The price is the same as if they were all members of a single unit.

And that's about all there is to it. Subject to the availability of planes, charter groups can fly from any place to any other place at will, and return when they like. En route, they get all the usual amenities—food, liquor and service—and can even lay on a special menu if they like.

If you've got the yen, keep a close watch on bulletin boards and club mailings. Chances are good that somebody out there is whipping up just the kind of vacation you've been dreaming about for years.

PERSONAL EXPLANATION

Mr. ADAMS. Mr. Speaker, on rollcall No. 9, I am recorded as paired for the bill. I wish to make a statement that this is incorrect. I was not for the bill as paired. I ask that my statement be included in the RECORD, my understanding being that the pair cannot be corrected at this time.

LEGISLATION TO HELP CURB DUTCH ELM DISEASE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I have today introduced legislation designed to help curb the epidemic of Dutch elm disease sweeping the Nation's 20 million elm shade trees.

Mr. Speaker, we are losing more than 400,000 elm trees to the disease in America every year and unless preventive action is taken now, the esthetically beautiful American elm with its sweeping branches and cool shade will be extinct by the end of the century.

The replacement cost for shade trees destroyed by Dutch elm disease is $80,000,000 annually.

My proposal would amend the Forest Pest Control Act and authorize the Secretary of Agriculture to help local communities institute pest control programs to halt the epidemic and to remove quickly trees already diseased beyond salvation.

The Dutch elm disease epidemic is one of the Nation's most serious environmental problems and much too little attention has been paid in the past decade to its alarming growth.

Elm trees do not only provide our urban areas with shade and esthetic values, but they also act as the most effective insulator against urban noises.

Recent studies have shown that in those communities where elm trees had to be removed because of Dutch elm infestation, the noise level from normal big city activities have created increased problems in noise abatement.

Since its introduction into the United States about 1930, the Dutch elm beetle has become our most destructive shade tree pest.

The disease affects communities throughout the East, extends across the Midwestern States, and into two of our Western States.

In total, the disease has now appeared in 32 States and new locations are being detected almost daily.

The U.S. Forest Service estimates that Dutch elm disease will infect shade trees in all 50 States within the next 15 years because of its alarming and rapid spread.

Dutch elm disease is caused by a fungus carried by the bark beetle which has no preference over species of elm trees and affects them all, with the American elm, our most valuable native shade tree being most frequently and most severely affected.

The growing number of treeless eastern and midwestern communities—including vast areas in my own Chicago congressional district—whose streets were once arched with stately American elms, bear witness to the destructiveness of Dutch elm disease.

Certainly, no one can accurately evaluate the intangible scenic and esthetic losses that have occurred in all of these communities.

It would also be too difficult to accurately appraise the reduced property values in communities where the American elms are gone.

While the aged elms can never really be replaced for beauty and shade value, we do know that it costs approximately $200 to replace those taken down with much smaller and younger but already blooming trees. Using $200 as a base figure, it can be safely estimated that the annual loss to American property owners exceeds $80 million in replacement cost alone.

It is my hope that as America becomes more concerned with environmental health and pollution, the amendment which I offer today will rate high in the order of priorities to save the health and esthetic value of our communities.

I have placed no dollar authorization into my amendment leaving estimates for effective action by the Department of Agriculture in the battle against Dutch elm disease to the Secretary of Agriculture after he has concluded his preliminary studies.

NEW SOURCES OF REVENUE

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, of all the problems this great country faces the most acute is the shortage of money. There is not enough revenue coming in to the U.S. Treasury to pay for all the demands upon Government for programs—whether these be for defense, ecology, urban crises, or education.

We must not continue further deficits. Government must be operated with the revenues we have coming in or inflation will eat up the earnings of every man, woman, and child in this country.

There is only one answer to our urgent fiscal crisis. We can cut back all we want to, but with the fixed costs of Government—charges like interest on the debt, veterans compensation, defense personnel, and procurement—it is impossible to achieve fiscal balance solely by cutting back. We must find new sources of revenue.

I shall soon introduce comprehensive legislation providing for a national numbers drawing to be conducted once each month by a national commission whose members shall be men with backgrounds of proven unimpeachable integrity. This bill will provide that States that participate by permitting the sale of Federal number stamps within their borders shall share in the net revenues on a per capita basis and by a percentage of the revenue from sales within their areas. This will help the several States in their fiscal hour of need as well.

Mr. Speaker, this is infinitely preferable to a national sales tax as a source of new revenue. It will produce hundreds of millions of dollars for both the Federal Government and the several States—paid with a smile—to be used to fight crime and for the public welfare. Many

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of the nations of this world have and depend upon a national lottery for substantial revenue. Why not us when we need money so badly for urgent new programs of public benefit?

No longer can it be responsibly contended that a national drawing offends public morality. There is nothing immoral about it. As a matter of fact it would not only help fight crime but would materially reduce the take of the underground from the numbers racket.

Under special order I shall outline my bill in detail as soon as drafting details have been completed. It will have features assuring integrity, fairness, and effectiveness. I commend this new fiscal alternative to the thoughtful consideration of all Members of this Congress.

FILM RECORDINGS WITH MAJOR ROWE

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, on the 25th of November I made a statement in the RECORD relative to a film which had been made in the House Recording Studios. Today I should like to refer to it once again.

During the month of November a great American and an outstanding soldier, Maj. James N. "Nick" Rowe, who had been captured by the Vietcong and held prisoner longer than any American soldier had been held prisoner, appeared before the House Armed Services Committee. The committee was so impressed that many of us asked him to appear on television programs with us. He had so many requests it was decided, in the interest of time and in the interest of the Members, that one big tape would be made, almost 30 minutes in length, with an open beginning and an open closing, so that any Member of the House could use it. They could dub in the front and dub in the closing, and it would be made available to any Member, to be shown in his home district, whether to a chamber of commerce or a school group, because it would be most appropriate for almost any group.

There was absolutely nothing partisan about it. The film is available today to any Member of the House who would like to use it, on the same basis I would be able to use it; that is, just defraying a part of the cost.

Just recently in the papers I have seen statements alluding to this, saying it was a partisan effort and that the statements or Major Rowe and his appearance here were partisan in nature. I can only say, nothing is further from the truth. There is nothing partisan about it. Anyone can judge for himself. The man was a captive of the Vietcong. He describes his treatment as a prisoner. He was stating facts—not opinion. He was speaking only the truth. If his presence here embarrasses anyone, it should be only those who are sympathetic to the Vietcong and those who would put America's interest last.

LEGISLATION TO AUTHORIZE COAST GUARD TO CONTROL MOVEMENT OF VESSELS IN U.S. NAVIGABLE WATERS

(Mr. DOWNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNING. Mr. Speaker, in the early morning hours of January 21, 1970, the U.S.S. *Yancey*, dragging her anchors, crashed into the $200 million, 17-mile Chesapeake Bay Bridge-Tunnel tearing out a 375-foot section in this vital north-south link between Virginia Beach and the Eastern Shore of Virginia.

Fortunately, there was no loss of life nor were any injuries suffered. The economic losses, however, are almost incalculable. Bridge repair cost will probably exceed $2 million. It will be closed for public passage for at least a month—inconveniencing thousands of motorists and breaking the flow of commerce north and south.

On the Eastern Shore of Virginia, in my district, many businesses have been forced to close or reduce employment; lack of transportation of supplies and equipment is hurting farmers, merchants, and watermen; increased shipping costs are reflected in a rise in prices to the Eastern Shore consumer; and the tourist trade, a major contributor to the economy, is at a standstill. Unemployment is at an alltime high.

The Governor of Virginia has requested the President to declare the Eastern Shore an economic industry disaster area and eligible for certain Federal assistance. The area and the bridge tunnel, however, may never recover from the monetary loss or from the psychological effect.

This was the worst disaster to this bridge, but it has not been the only one. Several years ago a barge smashed into the same area of the bridge closing down the facility for over 2 weeks with calamitous economic results.

Another barge and a Navy LST have also damaged the structure.

There have been a number of near misses which could have caused considerable damage and numerous incidents of smaller vessels brushing the sides of the trestles.

Other U.S. ports with extensive port and bridge facilities have and are experiencing the same difficulties.

I am aware that no legislation can prevent all damage caused by acts of God or human failures. But I do believe we can enact laws which would minimize these disastrous occurrences.

Accordingly, I have introduced a bill to authorize the Coast Guard to control the movement of vessels in U.S. navigable waters.

The new legislation, for the first time, would empower the Secretary of Transportation, Coast Guard, to make and enforce rules to control the anchorage and movement of any vessel, including U.S. Navy, located in our waters.

If this legislation were enacted, it would be a very significant advance in strengthening the hand of the Coast Guard to set operating rules for all vessels. The new legislation would resolve once and for all the presently fuzzy question of jurisdiction between the Coast Guard and the Navy in our navigable waters. As I see the bill, all maritime traffic would be subject to the Coast Guard operating rules in the same way as all aircraft, including military, are subject to the control of the Federal Aviation Administration.

The Coast Guard agrees with this new legislative authority and could enforce the necessary regulations designed to promote harbor safety and to protect pier and bridge facilities in the ports of the United States.

I shall urge immediate hearings.

THE UNITED STATES IS A FRIEND OF ISRAEL

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINSHALL. Mr. Speaker, upon the 21st anniversary of the establishment of Israel, I had the privilege of making a statement and signing a resolution with my colleagues relating to our position as far as the State of Israel was concerned.

Again today I wish not only to reconfirm this resolution, but to strengthen it by advocating, first, face-to-face negotiation between the Arabs and the State of Israel, and, second, military aid to the State of Israel in the form of equipment necessary to support its efforts and to defend the safety of their people so that a lasting peace in the Middle East may be a reality instead of a dream.

Israel has proven itself a friend of the United States and I, in behalf of my friends in the Greater Cleveland area, wish the State of Israel to know that the United States can be relied upon as its friend and will always remain Israel's friend.

FEDERAL BUDGET

(Mr. BUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, President Nixon has taken another step toward proving that his is a responsible administration.

That step, of course, is the presentation of his proposed Federal budget for fiscal year 1970–71. This is the first budget that can truly be called the President's budget and it carries that quality that is almost unique to Republican administrations—it is balanced. It is noninflationary. It is responsible. It meets the people's needs without attempting to buy the people's votes with vast spending programs and promises that cannot be kept.

At the same time, Mr. Speaker, this is not a stand-pat budget nor is it a budget that merely perpetuates old programs to a greater or lesser extent. Far from it.

This is a budget that charts new paths while abandoning old ways.

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It recognizes current problems and turns away from yesterday's solutions.

And above all, it recognizes priorities—the fact that our first priority abroad is winding down the war in Vietnam honorably. The fact that our first priority at home is winding down the cost of living effectively and without a depression.

Mr. Speaker, the President's first budget is further proof that the people of the United States are getting sound, sensible leadership from the White House. It is up to the Members of Congress to support that kind of leadership as we work to put the President's budget into effect.

BILL TIMMONS

(Mr. BROCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROCK. Mr. Speaker, I was deeply pleased and proud to learn of Bill Timmons' appointment as assistant to President Nixon for congressional relations. He is not only a close friend, but one of the finest men I have known.

Bill Timmons began his Capitol Hill experience as an aid to Senator Alexander Wiley, 1961–62. In 1963 he joined my staff as administrative assistant, serving in that capacity until joining the Nixon administration in December 1968. I know of no more dedicated or capable public servant in Washington.

This is a tremendous opportunity for a young Tennessean who has proven his ability and dedication through hard work. President Nixon has recognized Bill's leadership potential, as have the Members of Congress. He will do an outstanding job.

NATIONAL USURY LAW

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, I have today introduced legislation to create a national usury law at 6 percent maximum legal interest on all credit and loan transactions within the jurisdiction of the United States.

Mr. Speaker, the principal cause of high interest rates is the artificial tight money policy of the administration and the so-called fight against inflation by the Federal Reserve Board. If these authorities wished to curtail consumer spending, they need only invoke the regulation requiring higher downpayments for installment credit. As it is, they have simply inflated the cost of borrowing money so that the consumer spends as much but gets less in goods and more in interest rate receipts.

The interest rates were raised by artificial Government action and should be brought back down the same way. Only this time they should be lowered by the law rather than administrative discretion.

Artificial interest rate increases caused by direction of the Federal Government plus certain private banking interests located in the vicinity of Manhattan Island have ushered in America's first depression since 1929. This one so far is concentrated in the housing industry. Homebuilders cannot build because they cannot afford to borrow. Home buyers buy because they cannot afford to borrow.

And the American Government cannot afford to stand idly by and pretend nothing is wrong in the quasi-public utility of money changing.

APPOINTMENT OF CONFEREES ON H.R. 13300, SUPPLEMENTAL ANNUITIES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, SPRINGER, and DEVINE.

ENCOURAGING NEWS FROM THE WHITE HOUSE ON THE FIGHT AGAINST DRUGS, CRIME, AND POLLUTION

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, the fight against three of our most serious problems today—crime, drug control, and pollution—received valuable support from President Nixon this week.

On Wednesday the President issued an Executive order to all Federal agencies instructing that they act by the end of 1972 to bring under control air and water pollution caused by their facilities.

In addition, the President stated that funding for the necessary cost to bring this about be included in their future budget requests. The cost for this is estimated by the White House to be near $360 million. The President also ordered that from now on no funds appropriated for pollution control may be transferred for other programs, a practice which has undercut control efforts in the past.

The President has promised to submit guidelines whereby the new order will be carried out and emphasized the order must be implemented no later than December 31, 1972.

Earlier in the week, the President's budget message proposed the Congress appropriate more than a quarter of a billion dollars over current spending to fight crime and narcotics traffic.

The increase would bring the Justice Department budget to $984.5 million for the next fiscal year, and would raise to $1.3 billion in Federal funds being used by all Federal agencies to assist in law enforcement and crime control.

This increase is in marked contrast to reductions asked by President Nixon for other Federal departments and agencies.

The largest part of these increases in funds would be used directly by the Department of Justice to aid in law enforcement and help combat the illegal flow of narcotics.

Mr. Speaker, this is reassuring news for the people of this Nation. Crime, street violence, and drug addiction have been recognized as major American problems for some time. Just recently, it has become rapidly recognized that environmental pollution may well threaten our very existence within a generation if we do not halt it immediately. And certainly the Federal Government is acknowledged and admittedly one of the greatest single polluters of America today.

As a candidate, Mr. Nixon pledged to step up the Federal Government's participation in the battle against crime. The new budget request reflects his commitment to this pledge.

In his state of the Union address, the President gave environmental pollution control a No. 1 priority. The curbing of pollution by Federal facilities would be a big step in meeting that priority.

NATIONAL ARBOR DAY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 251) to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 251

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the last Friday of April of each year "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer certain amendments.

The Clerk read as follows:

Amendments offered by Mr. ROGERS of Colorado:

On page 1, line 4, delete the word "annually".

On page 1, line 5, after the word "April", strike the phrase "of each year" and insert in lieu thereof "1970".

On page 1, line 6, after the word "such" delete the word "a".

The amendments were agreed to.

Mr. MINISH. Mr. Speaker, I rise in support of House Joint Resolution 251, my proposal to establish a uniform national observance of Arbor Day. Under the resolution, the President is authorized to proclaim the last Friday in April 1970, as "National Arbor Day."

Twenty-two States have passed such bills and approximately eight more have bills pending in their State legislatures this year. Thus, nearly one-half the Nation is observing the National Arbor Day. My resolution is based on the proposition that a greater good can be done to educate all America to the importance and necessity of trees with a unified Arbor Day observance than through piecemeal observances held on different dates by various jurisdictions.

Mr. Speaker, it seems to me that the enactment of this resolution would be a timely beginning for this new decade during which we all hope increased emphasis will be placed on environmental and conservation problems. With the growing awareness today of the environment and the need to protect and preserve our natural resources, passage of the Arbor Day resolution will serve to stimulate public appreciation of our trees and forests.

In conclusion, I wish to pay tribute to Mr. Harry Banker of West Orange, N.J. Mr. Banker is the national executive-secretary of the Committee for National Arbor Day and has worked tirelessly for many years to promote a uniform National Arbor Day.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "To authorize the President to proclaim the last Friday of April 1970 as National Arbor Day."

A motion to reconsider was laid on the table.

AMERICAN HISTORY MONTH

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 481) designating February of each year as "American History Month."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 481

Whereas the study of history not only enlivens appreciation of past but also illuminates the present and gives perspective to our hopes;

Whereas a knowledge of the growth and development of our free institutions and their human values strengthens our ability to utilize these institutions and apply these values to present needs and new problems;

Whereas Americans honor their debt to the creativity, wisdom, work, faith, and sacrifice of those who first secured our freedoms and recognize their obligation to build upon this heritage so as to meet the challenge of the future;

Whereas February 1967, has been designated by the President as "American History Month"; and

Whereas it is appropriate to encourage a deeper awareness of the great events which shaped America, and a renewed dedication to the ideals and principles we hold in trust: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February of each year is hereby designated as "American History Month", and the President of the United States is requested and authorized to issue annually a proclamation inviting the people of the United States to observe such month in schools and other suitable places with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer three amendments and ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the amendments as follows:

Amendments offered by Mr. ROGERS of Colorado:

On pages 1 and 2, strike out all "whereas" clauses.

On page 2, line 3, delete the phrase "of each year" and insert in lieu thereof "1970".

On page 2, line 5, delete the word "annually".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "Designating February 1970 as 'American History Month.'"

A motion to reconsider was laid on the table.

SCHOOL BUS SAFETY WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 703) authorizing the President to proclaim the period April 20 through April 25, 1970, as "School Bus Safety Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 703

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period April 20 through April 25, 1970, as "School Bus Safety Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in connection with the three joint resolutions just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TAKE THE LEAD OUT OF GASOLINE

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing a bill to ban lead from gasoline. The prohibition as set forth in my legislation would cover all gasoline sold in interstate commerce and would go into effect a year after the bill's enactment.

Today, an estimated 400 million pounds of lead pollute our environment each year through automobile exhaust. And, the continued annual accumulation of lead in our environment is posing a growing public health hazard, particularly for persons living in our cities.

The devastating effects of lead poisoning, caused by the ingestion of peeling paint and plaster, are familiar to everyone. Each year thousands of children in our slums suffer irreparable brain damage and some even die as a result of this poisoning. Gasoline lead contamination, resulting from both gaseous and particulate auto exhaust emissions, also affects lead levels in the blood and bones, although the extent of such toxification is still undetermined. But, it is known that gasoline containing lead is an acute poison and that the inhalation of such gasoline fumes can be fatal. In addition, it is estimated that 50 percent of lead in gasoline is emitted into the air through auto exhaust—one-third in gaseous form that travels for miles beyond the original point of pollution, and the other two-thirds as particulate matter which is absorbed by plant life and later ingested by man.

It is untenable that we continue to let the petroleum industry put into the atmosphere a substance of known harm to the body. It is time that our country takes the lead out of gasoline. Lead is an octane booster. Proper refining can obviate the need for lead; and indeed, the American Oil Co. has been supplying us with such "white gas" for over 30 years.

My bill would require that a year after its enactment the introduction, transportation, or distribution in interstate commerce of gasoline containing lead would be prohibited. The Secretary of Health, Education, and Welfare would be authorized to prescribe regulations for the enforcement of the act.

The following is the full text of the bill:

H.R. 15753

A bill to prohibit the introduction, transportation, or distribution in interstate commerce of gasoline containing lead

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on or after the effective date of this Act, the introduction, transportation, or distribution in

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interstate commerce of gasoline containing lead is prohibited.

SEC. 2. The Secretary of Health, Education, and Welfare shall prescribe regulations for the efficient enforcement of this Act. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary of Health, Education and Welfare shall determine.

SEC. 3. Any person who willfully violates the provisions of Section 1 of this Act or the regulations prescribed pursuant thereto shall upon conviction be fined not more than $2,000 or imprisoned not more than six months, or both.

SEC. 4. This Act shall take effect one year after the date of its enactment.

ROGERS CALLS FOR "GET THE LEAD OUT" CAMPAIGN TO FIGHT AIR POLLUTION

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, it is only a matter of time before lead is taken out of gasoline and I would urge petroleum companies to start preparing for this move now.

A "get the lead out" campaign will have strong backing from the public, the Government, and, I feel sure, the automobile industry.

We know that 60 percent of our air pollution problem comes from the automobile. If we can solve the major part of automobile pollution, we will have gone a long way in the solution of the entire problem.

The removal of lead from gasoline will open the door to allow us to combat air pollution from automobiles.

Although lead itself may not be pollutant per se, lead in gasoline would make ineffective a muffler device which would remove 90 to 97 percent of emission pollutants.

Last month, I wrote to four major petroleum companies asking what effect "getting the lead out" would have and I will urge that representatives from the oil industry appear before the House Public Health Subcommittee when it resumes hearings on H.R. 12934, the Clean Air Act of 1970 which I introduced last session.

The first reply from the oil industry was about what I expected. In brief, it stated that it would cost the consumer more, cars would have a hard time running on lower octane gasoline and that it would be a large task.

I have talked to people who have also studied this problem and they have told me that the proposition of converting to unleaded gasoline was indeed possible from a technical standpoint.

Testimony before the California Legislature estimated that it would take about $200 million to convert the California refineries. Since California has roughly 10 percent of the Nation's total refining, it would be appropriate to say the national figure might be $2 billion or more.

This will require investment on the part of industry, but I think that the Government can help in the way of tax incentives. It is worth the investment, if it means that 200 million Americans will have cleaner air by the midseventies.

If the program gets underway soon, it might take 5 years to completely renovate the industry. But, I am encouraged that the automobile industry is already developing advanced antipollutant devices and engines which would operate on lower octane.

I hope that the oil industry of this Nation will voluntarily move into this program, which would avoid the necessity of legislation. If not, I think the Congress must act with responsibility to meet the air pollution problems of this country.

HOUSING: ON THE BRINK OF DISASTER

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, high-interest, tight-money conditions have now priced half the people of the Nation out of the housing market.

A study conducted by the House Banking and Currency Committee staff has established that 28.4 million moderate-income households—101.1 million people—cannot now afford payments on a $20,000, 30-year mortgage, the minimum loan for an adequate house in today's inflation-ridden economy.

The study shows that a family must have a gross income of at least $13,000 a year and be able to make monthly payments of at least $226 for principal, taxes, insurance, maintenance, and, last but far from least, interest. The interest on FHA mortgages has now reached a disastrous effective rate of 9 percent.

This is a crucial element in a situation which has seen housing starts tumble from an annual rate of 1.9 million at the beginning of last year to 1.3 million starts by last December.

The rapid deterioration of the housing market has prompted Congressman WRIGHT PATMAN, of Texas, chairman of the House Banking and Currency Committee, to hold emergency housing hearings in an effort to develop additional sources of mortgage funds at reasonable rates.

Among the first witnesses was Mayor Richard Daley of Chicago, one of the Nation's most widely known and highly respected urban leaders. Mayor Daley's statement to the committee clearly illuminates our housing crisis as it applies to our large cities and suggests specific action to alleviate this terrible condition which forces the low- and moderate-income families of the Nation to shoulder most of the burden of inflation in terms of housing.

Mr. Speaker, I insert Mayor Daley's statement in the RECORD so that it may aid all Members of Congress to achieve a better understanding of the housing crisis and what can be done about it:

REMARKS BY MAYOR RICHARD J. DALEY, BEFORE THE COMMITTEE ON BANKING AND CURRENCY, FEBRUARY 4, 1970

Chairman Patman, members of the Committee on Banking and Currency, I appreciate this opportunity to appear before this committee to testify on behalf of legislation which would make a genuine contribution to meeting one of the critical problems of our time—the shortage of housing.

I have studied a number of bills pending before this committee and I find considerable merit in the bills to make the Federal Reserve System more responsive and the establishment of a development bank to aid low and moderate income housing and to expand opportunity for unemployed and low income citizens.

I have appeared before many congressional committees in the past in support of bills with these objectives.

I would like to discuss H.R. 15402 whose objective is to make money available at reasonable rates so we can achieve our national housing goals. It would provide for the purchase of mortgages by private pension funds and Federal Reserve assets.

The programs and problems I will discuss are national in scope but naturally I will refer to them in the context of what is happening in Chicago.

The goal of the city is to provide a decent home for each and every citizen. At one time, this major task was left entirely in private hands, to the builder, the real estate broker, and the manager of property, and private social agencies.

The city and the Federal Government have stepped into this area because private industry failed to meet the needs, particularly for those in the lower economic brackets. The city basically has obligations under health and housing codes for the protection of its citizens. There is no authority or responsibility spelled out in the charters of cities or anywhere else making it the responsibility of the city to provide housing for its citizens.

The cities have accepted this responsibility because someone must—not only in the field of housing but in the broad social field. Now the city is held responsible for these services but without the financial resources and facilities to adequately provide them.

Unfortunately, in the past, the thrust of private enterprise and for that matter, the policy of the national government, has served to produce housing outside of the central city. This has been recognized by the Congress which has sought to fill the gap by the passage of many measures directed to the housing needs of low and moderate income families in the cities.

Although efforts to make the FHA more flexible in financing housing in the inner city have had some effect, there still is much the agency can do.

Despite all these efforts, we have not been able to meet the needs of low and moderate families in the cities and today we find that even middle income families have been priced out of the market throughout the Nation.

Since financing for housing is supplied almost solely through the mortgage market, when money becomes tight, the housing market shows the greatest sensitivity. New home production is usually contingent upon the availability of long-term mortgage secured loans to finance ultimate purchasers. If this financing is not available, it will have a drastic effect on the amount of building.

In recent years, real estate has become even more dependent on increasing amounts of credit per transaction. Changes in credit conditions may be transmitted to the mortgage market in several ways; the capacity and willingness of commercial banks to advance short-term construction credit to builders, interim credit to other real estate lenders, and permanent mortgage credit to buyers. Further, as yields on other types of competitive market investments become more attractive, they tend to divert the flow of funds from housing. In addition the policies established by the Federal Reserve

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Banks and the Federal Open Market Committee which is used to influence the general availability and cost of credit has a direct effect on the availability of credit and interest-rate levels throughout the economy.

All the recent actions of these agencies in tightening credit and slowing down the economy to halt inflation is rapidly creating a crisis condition in the housing market.

Oddly enough, our efforts to improve housing conditions—with the active support of the National Government—have only served to worsen the situation. All of us are agreed that in our affluent society there is no justification for slums or substandard housing. The City of Chicago, like other cities, has many programs underway to reduce and eliminate these substandard conditions. For example, in the past 10 years the Building Department working through the courts has demolished more than 8,000 buildings which have been found to be in a hazardous condition. Ten years ago the city budget for this program was $5,000. Today it is $1,200,000 and that doesn't include federal financing.

We have a strict code enforcement program which often leads to court action and the vacation of the buildings because the landlords are unwilling or unable to comply with the health and safety standards.

In Chicago, we also have established a receivership program to take over properties where landlords have refused to comply with building and health ordinances. In hundreds of instances the Chicago Dwellings Association, a quasi-public not-for-profit organization, has been appointed receiver by the courts to take over such buildings. Where possible the C.D.A. rehabilitates the buildings and provides safe housing for the tenants. However, in hundreds of instances, the C.D.A. has found the buildings so deteriorated that rehabilitation is unfeasible. The courts then order the buildings vacated. At the present time, the courts are reluctant to order a building vacated, despite its deteriorated condition, because there are insufficient vacant apartments for the tenants.

In addition we have the normal attrition caused by fire and obsolescence, as well as relocation made necessary by the construction of such essential facilities as schools, police and fire stations, hospitals, public works and other community facilities.

The housing programs arise directly from the insistent demands by our citizens and the Department of Housing and Urban Development that slums be eliminated and housing standards be strictly enforced. But, as essential as these programs are—and they must be carried on—they, nevertheless, contribute directly to a reduction in the housing supply.

Frankly, the cities are caught in a dilemma. Our citizens and the Federal Agencies rightly demand we tear down every substandard home. At the same time, the same Federal Agencies say we cannot tear down bad buildings until we relocate the tenants in standard housing. Meanwhile, they say they cannot tear down bad buildings until we relocate the tenants in standard housing. Meanwhile, they say they cannot provide the resources to build relocation housing or new housing. This situation has been further aggravated by an intolerable tight credit situation.

Let us face facts. To demand that cities improve housing while denying them the resources to supply new housing is a basic contradiction—and places the cities in an untenable situation.

The city of Chicago, like many other cities, has taken advantage of every possible program to increase the supply of housing, especially for the low and moderate income groups. The Chicago Housing Authority now has almost 38,000 public housing apartments and they are all occupied. By the end of 1970, the CHA will have completed construction of almost 2,500 more apartments and homes. Recently the city obtained from the Federal Government authority to build three thousand more units—1500 for families and 1500 for elderly citizens.

May I point that in 1969 alone, more than 1,000 new units were made available, and of these, 58% were three, four and five bedroom apartments to meet the needs of large families. Under our new policy, all public housing homes are built on scattered lots and are three stories or less in height.

At the present time there are 7,000 families and 12,000 elderly citizens on the waiting list.

We sought and were granted in 1969 eight hundred additional units for our leased housing program which uses the private housing market. At the present time the CHA has more than 2,100 leased units in private housing. Shortly we will have 400 more leased units—for a total of 2,500.

The Chicago dwellings association, which I mentioned before, has an intensive rehabilitation program on the west side. More than one thousand dwelling units are under contract now to be modernized. Many of these units are in abandoned buildings and so we are adding to the housing supply.

In its efforts to supply housing for low- and moderate-income families, the city made a major breakthrough when an agreement was reached with the Chicago building trades, industry, and the Government for the construction of modular or prefabricated homes. We built more than 200 three- and four-bedroom modular homes. For example, a three bedroom modular townhouse, including stove and refrigerator, offering comparable facilities to those of a conventionally constructed home and approved by the building code, building trade and FHA, was sold for $15,000 excluding land cost. These were not subsidized homes but were built by private contractors, constructed and assembled by building trade members at Union wages. As a result of our experiences, we are now launching a program which we hope will see the construction of hundreds more of these homes.

In another breakthrough in the construction industry, we have seen negotiations involving the building trades union, contractors, members of minority groups, and the city resulting in agreement which will open the doors of opportunity for minority workers in the building trades. This was a voluntary agreement. It promises great hope for the future.

The Department of Urban Renewal, over the past decade, has provided and cleared sites for 7,833 homes and apartments. Most of these were for moderate and low income families.

In 1970 we anticipate construction starts on 6,000 homes and apartments for low and moderate income families in fifteen urban renewal project areas. Final planning for these areas and arrangements for land disposition procedures will be completed by the end of the year. Of course, much depends on the availability of mortgage money to developers and to home buyers.

I have not included in this recitation the thousands of apartments and homes built by private developers for middle and high income families.

The fact is that despite all our efforts, we were unable to meet our housing needs even before the recent Federal tight money policy.

The sharp increase in interest rates has served to aggravate the housing shortage. Under present conditions, money must be made available if we are to meet our current needs—let alone reach our national housing goal.

I am in full agreement with your chairman when he states: "Among the things which are obviously needed is the channeling of large blocks of funds into housing from the sources which until now have remained relatively untapped."

H.R. 15402 will require private pension funds to invest in federally-insured or guaranteed mortgages on low or moderate income housing in both urban and rural areas. It also will make available the assets of the Federal Reserve for the purchase of residential mortgages, especially mortgages for low and moderate income families.

The bill will do much to meet the imperative need for adequate financing essential to increase the supply of new housing. This is a priority of the highest order and it follows that those who need housing desperately should not be made the victims of anti-inflationary policies. I strongly urge the passage of the bill which will make mandatory the use of pension funds as an investment in the welfare and well-being of our citizens.

What is also needed urgently is an increase in Federal assistance for all the programs directed toward filling the housing needs of our low income families. Congress has heard of these needs from the U.S. Conference of Mayors, the National League of Cities, the Urban Coalition and other groups vitally interested in the rebuilding of our cities.

There are many new programs which can be launched but they too are dependent upon a policy which seeks to encourage and stimulate housing. I would like to mention a few.

Since most of the Nation's major cities desperately need to augment their housing inventories, especially for low- and moderate-income families, and have virtually no vacant land on which to build, some new program approaches are needed to provide the land or space required.

One possibility would be to assist and encourage cities to make residential use of land in space now being occupied by obsolete, abandoned, and uneconomic industrial and commercial uses, which may not be located in blighted areas. For example, almost every city of any size in the Nation, has large open land areas which contain railroad yards and rail storage facilities which are obsolete and uneconomic. The uses of such railroad rights-of-way for new housing offer an immediate opportunity of increasing the supply of decent shelter in many of the existing inner-city neighborhoods with little or no displacement of residents. Existing law should be changed or new laws enacted which would provide grants to study the potential of alternative uses of existing railroad property. Also a new program should authorize acquisition of railroad rights-of-way by cities for residential use and provide a subsidy so that the land may be used for housing.

Another possibility is the use of air rights developments over expressways, railroads and in some instances, waterways, which cut through many of the nation's inner-city neighborhoods. The utilization of platforms over such rights-of-way could substantially expand the supply of housing without the upheaval caused by relocation.

Federal grants should be provided to local governments to cover the cost of preparation of air rights sites, design and construction of foundations, platforms and other facilities. Considerable progress has been made in eliminating the pollution problem accompanying the use of air rights over expressways. Federal grants should be provided to expedite this research because of its great potential.

Throughout city neighborhoods are strips of land, some times vacant or occupied by obsolete factories or loft buildings, junk yards and lumber yards. More often than not areas of this kind cannot qualify under the general eligibility standards set forth under the renewal program. A new and improved redevelopment program could make considerable amounts of desperately needed housing available with an absolute minimum of relocation. Further, such redevelopment pro-

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grams would serve to eliminate a blighting element in many of our city neighborhoods.

While conventional wisdom dictates that we accept as sacrosanct existing parks and open space, there is no question that needs and conditions have changed and are changing. Certainly we should not reduce—we should add to the supply of park and open space land, especially in our major metropolitan areas, but the way such land is currently being used is open to serious question. The possibility of using existing parks and open space for residential or institutional purposes in cases where equal amounts or more can be subsequently cleared or made available in trade should be explored in detail. Federal funds should be available to test the feasibility of such land trades including the development of appropriated legal safeguards to guarantee adequate replacement.

There is no question that these kinds of programs call for great outlays of money and to some could be considered as contributing to inflation. But there can be no priority that is more important than to give every family an opportunity to live in a decent home. The existence of any slum in a society of affluence is intolerable.

One of the basic issues confronting the Congress is the problem of who has responsibility for the poor, the elderly, the unskilled and the sick. If Congress only provides funds for their needs in the city alone, then it follows that the populations of cities will consist mainly of the poor, the elderly, the unskilled and the sick. Just as Congress has responsibility for all citizens, so all of us, wherever we may live, have responsibility to meet the needs of our citizens and the metropolitan area—the suburbs—must do their share in assuming this responsibility.

Further, Federal aid should be given to the city not only for the low and moderate income families but to make housing available for middle class families, so that we may have a genuine social and economic balance.

In our present urban society we are interdependent upon each other. No community is isolated from the blight of another community. Some may think they are not affected by the urgent needs of a neighborhood located miles from them but they are directly affected. Crime, disease, and pollution know no boundary lines and certainly a good home in a good environment is essential if we are to rid ourselves of the ills of our society and improve the quality of life for our citizens.

There must be made available the financial resources to make these things possible and certainly one of the first steps we should take is to pass the proposed bill which would use pension funds to achieve our housing goals.

TB FOUND AMONG RESTAURANT WORKERS ON CAPITOL HILL

(Mr. LATTA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LATTA. Mr. Speaker, I would like to call something to the attention of this House that I think the Members should be extremely interested in, especially the leadership and the members of the House Committee on the House Restaurant.

I have in my hand a wire service story entitled "TB on the Hill." It reads as follows:

WASHINGTON.—Two Senate restaurant workers have died from tuberculosis and another four active cases have been found among those workers inside the building in the last six months, a D.C. health officer said today.

As a result, Dr. Vedat Oner, acting head of the TB control division here, said skin tests are being conducted in the Capitol Building. Oner said 296 people have been given the tests, and another 100 or 200 more will be tested tomorrow.

The results have not been developed, Oner said. Also, he said a decision has not been made whether to perform the tests on the 14,000 people in the capitol area.

The two people who died both worked in the Senate restaurant, one as a waitress and the other a laborer in the restaurant's storeroom.

Of the four active cases being treated in hospitals, one was a wire service reporter, one a Senate kitchen worker, and the two other employees of the House and Senate sergeant at arms offices.

Oner said he did not know whether House members or Senators were being given tests.

Mr. Speaker, this is a serious matter and should not be taken lightly.

The leadership of the House should look into the matter immediately.

INTERNATIONAL AVIATION POLICY

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRIEDEL. Mr. Speaker, on January 15 the Steering Committee appointed by the President to review international aviation policy and to recommend changes for the decade of the 1970's issued its statement on this crucial subject.

The statement in my judgment—and I believe you will agree—embodies the basic theme of protection for our U.S. air consumers. It recommends continuance of our low-cost transportation system by endorsing what the Congress has heretofore recommended, and that is the maintenance of all air carriers as a vital part of our air transportation system. In addition, it recommends that the United States follow a policy of insuring that its carriers, vis-a-vis foreign carriers, receive reasonable assurance of fair operating conditions and a fair and equal opportunity to compete in world aviation markets. It cautions our foreign friends that if they impose restrictions we in turn must use constraints. Hopefully, however, this may not be necessary. All in all, Mr. Speaker, I find the document to be a very forthright expression of U.S. intent of U.S. policy which should go a long way toward clarifying any question that may have existed concerning the rights of the consumer to low-cost travel and the rights of our various segments of the industry to their continued right to compete and operate in their respective areas.

Mr. Cherington and the members of the Steering Committee are to be congratulated for a job well done and I call their statement to the attention of my colleagues in the hope that they might review it and keep the recommendations in mind when we are considering legislation pertaining to our vital aviation industry.

ADJOURNMENT FROM TUESDAY, FEBRUARY 10, TO MONDAY, FEBRUARY 16

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 497) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 497

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, February 10, 1970, they stand adjourned until 12 o'clock meridian, Monday, February 16, 1970.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 10]

Abernethy
Addabbo
Alexander
Anderson, Ill.
Ashbrook
Baring
Barrett
Blatnik
Boland
Brasco
Bray
Brooks
Brown, Calif.
Byrne, Pa.
Cabell
Camp
Carey
Celler
Chisholm
Clark
Collier
Colmer
Conyers
Corman
Crane
Culver
Cunningham
Davis, Wis.
Dawson
Dent
Eilberg
Evins, Tenn.
Fascell
Fisher
Flowers
Flynt
Frey
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Goldwater
Green, Pa.
Harrington
Harsha
Harvey
Hays
Hébert
Holifield
Hosmer
Howard
Jarman
Jonas
Karth
Kazen
Kee
Kirwan
Kluczynski
Landgrebe
Leggett
Long, Md.
Lujan
Lukens
McDade
McDonald, Mich.
Mayne
Miller, Calif.
Mills
Mollohan
Monagan
Moorhead
Moss
Nix
O'Konski
Ottinger
Pepper
Pettis
Pickle
Powell
Price, Tex.
Quie
Quillen
Rees
Reid, N.Y.
Rhodes
Riegle
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Scheuer
Steed
Stratton
Taft
Teague, Tex.
Tunney
Utt
Waggonner
Waldie
Watkins
Winn
Wright
Yates

The SPEAKER. On this rollcall 327 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DAVID P. THOMAS, ABLE CAREER FEDERAL EMPLOYEE RETIRES

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, I rise to pay tribute to an able career Federal employee, David Duval Thomas, with

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over 30 years' experience in regulating our Nation's air traffic, who is retiring this month. Dave Thomas, as he is affectionately known by Congressmen and Senators, by thousands of coworkers in the Federal Government, and by the aviation world, rose from an air traffic controller in 1938 to Deputy Administrator of the Federal Aviation Agency in 1965. In fact, he served as Acting Administrator from August 1, 1968, following the resignation of Gen. W. F. McGee, until John H. Shaffer was sworn in as the new Administrator on March 24, 1969. Dave Thomas certainly revealed his dedication to the Government and to the Agency by staying with the new administration until the transition could be accomplished.

Indicative of Mr. Thomas' dedication to duty and capabilities he has been the recipient of many awards.

In 1963 he was awarded the Laura Taber Barbour Award for Air Safety. The award cited Thomas, as "one of the outstanding experts in this country, if not in the world, on the management of air traffic control."

Two months later in a White House ceremony, he received the President's Award for Distinguished Federal Civilian Service, which is given for exceptional achievement in advancing important domestic and international programs.

In December 1966, he received Princeton University's 1966 Rockefeller Public Service Award in the field of general welfare or national resources. He was cited for his services affecting the general welfare and the benefits realized individually by the public and collectively by the Nation, from a healthy, expanding air transportation system and also for his efficient management of the Nation's airspace.

On April 21, 1967, he received the Career Service Award of the National Civil Service League which recognized Thomas as the leading authority in the highly specialized technical aviation field of air traffic control.

After a number of field assignments, in air traffic control work, beginning in 1938, Mr. Thomas was transferred to Washington in January 1946 to serve as Assistant Chief of the Airways Traffic Control Section in the CAA. In June of the same year he became deputy international services officer, holding this position for 3½ years before taking the post of planning officer of CAA. In October 1953, Thomas was made Acting Chief of the planning staff, and less than a year later he was appointed Deputy Director of CAA's Office of Federal Airways.

In July 1956, he was promoted to the position of Director, Office of Air Traffic Control. He headed FAA's Air Traffic Service when this agency was formed in 1958.

In 1963 he was named Associate Administrator for Programs with responsibility in Washington headquarters for planning and coordinating the operating programs of the Air Traffic, Flight Standards, Airports, and Systems Maintenance Services. He held this position until his appointment as Deputy Administrator 2 years later.

Mr. Thomas is a native of Texas and attended the school of mechanical engineering at the University of Tennessee and the school of business administration at George Washington University in Washington, D.C. He is a member of the Institute of Aerospace Sciences, and other aeronautical organizations.

Mr. Thomas is married to the former Dorothy Clark of Murfreesboro, Tenn. They have two children: a daughter, Mrs. David Robson, and a son, David Clark.

I am sure my colleagues, his many friends on the Hill, join me in wishing Dave Thomas and his lovely wife, Dorothy, a happy and healthy retirement.

The Federal Government is losing an able administrator, a topflight aeronautical expert, and a very human, honorable man.

THE TUBERCULOSIS SITUATION ON CAPITOL HILL

(Mr. HALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, there has been considerable said in the press and rumors fanned amongst you about the tuberculosis situation on Capitol Hill. I have been consulted about this. I know that our Capitol Physician has consulted with the best U.S. Public Health Service authorities in the United States and in the District of Columbia, and I would plead with you to act rationally but calmly on this situation.

To gainsay the fact that we do have cases of tuberculosis occurring on the Hill, and that some of them have been in places to which we are all exposed, would be foolhardy, this is true; but, I can assure you that everything is being done to protect your interests and those of your staff and your family, and all that might or might not have been in contact with these unfortunate people.

Perhaps it is sad, and something that should be corrected, that the District of Columbia does not have per se, a food handler's law. This too is being worked on. But of more particular interest to you immediately is that on our return from the Lincoln Day recess there will be established here in this building, or immediately available to all Members and their staffs, a screening process for the entire Capitol Hill complex of some 14,000 to 15,000 people that might wish to be surveyed.

I would strongly recommend that we all take advantage of this opportunity, and urge our staff to do so also. One of the finest interpreters of X-rays and chest examinations is being brought here by the Public Health Service from California, in cooperation with the District of Columbia so that simultaneously we can obtain the tuberculin test, and the chest X-rays.

Other facilities for heading off any little outbreak will be available, and these activities will commence on the 16th of February.

Now, of course, in the meantime it would be very prudent for anyone who has been unusually close to these unfortunate cases or otherwise feel they may be exposed, to visit their own physician or a clinic, or if you will go to the Capitol Physician's office priorities will be established for those who are more worried, or have perhaps had more exposure, a cough, or an unexplained weight loss, to be taken care of first.

This is a screening process. Fortunately, there are available in this decade prophylactic measures where, with a carefully regulated calendar and taking the pill INH—not related to the other pill of fame in the other body—we can prevent tuberculosis breaking out as an infectious disease in those who have been exposed or those who have suspicious signs in the screening process. Those who are unfortunate enough to contract the infectious disease can, of course, go ahead with the dual treatment under proper supervision. The way to detect it is by early diagnosis, and we urge you to come, and we urge you to participate in this processing, and we urge you to tell your respective staffs to do so.

There is no need for fanning rumors or expanding the severity of this unfortunate circumstance. It will be controlled. It is being correctly and properly handled by proper authorities and we can be thankful for them and our new Committee on Food Service in the House, chaired by the most knowledgeable and experienced JOHN C. KLUCZYNSKI, of Chicago.

FREEDOM OF SPEECH

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, it was with considerable concern that I read the press dispatches this morning of what is in my judgment an unwarranted and certainly uncalled-for attack upon one of the brave members of our armed services who for 5 years was a prisoner of the Vietcong in Vietnam.

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I refer to Maj. James Rowe and to the criticism leveled at him by the junior Member of the other body from South Dakota during hearings of the Senate Foreign Relations Committee yesterday.

The junior Member from South Dakota has taken issue with Major Rowe because of the major's reports of the adverse impact upon American prisoners of war that has resulted from speeches of dissent such as those made by some Members of the other body and by dissident minorities objecting to our conduct of the war.

Certainly it is within his right to talk all he wants to about the war in Vietnam and whether or not he thinks it is being conducted correctly, or whether we should abandon the South Vietnamese, or whatever course he may wish to recommend.

By the same token, it is the right of persons like Major Rowe, who are in a position to know, to warn the country of the effect which some of this dissent has on the morale and treatment of our men in Vietnam. Very responsible persons, in addition to Major Rowe, have sounded similar warnings. Tomorrow I shall present proof of this upon the enemy.

Surely, the junior Member from South

Dakota would not embrace a concept of free speech which permitted him to voice his criticism, but which denied Major Rowe or any one else the right to analyze, evaluate, and criticize the Senator's statements. Freedom of speech must apply to both, equally.

The junior Member's comments strike me as simply another attempt to muzzle the responsible and authoritative voices who honestly and factually report the end result upon the enemy and upon our own men held as prisoners and those speeches of dissent which over the years have heaped criticism upon our national leaders but hardly ever find anything to criticize when it comes to discussing the motives and actions of the Vietcong.

The junior Member from South Dakota has staked out a position on this war which is a highly controversial one. That is his privilege and it in no way reflects on his patriotism or loyalty. It is a position, however, which if pursued as a national policy could have far-reaching, and many of us think disastrous, consequences for the country. Thus his views and their affect on the course of the war are fair game for criticism and evaluation.

That is the thrust of Major Rowe's speeches—not whether the Members of the other body are loyal or disloyal. This brave American has a right to speak and he has a right to question the effect of Members' speeches. I would suggest that he even has a right to question rhetorically the Members' motives, although I myself would not do so.

POSTPONEMENT OF H.R. 12025, NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT OF 1969

(Mr. MARTIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, I would like to direct a question to the Speaker.

Is it correct that the handling of the rule and the legislation which was programed for today have been postponed?

The SPEAKER. The Chair will state that it is the understanding of the Chair that the bill is not going to be called up today.

Mr. MARTIN. Neither the rule nor the bill?

The SPEAKER. Neither the rule nor the bill.

Mr. MARTIN. I thank the Speaker.

The SPEAKER. The Chair would ask the gentleman from California (Mr. Sisk) if that is not the situation.

Mr. SISK. Yes, Mr. Speaker, it is correct; both the rule and the consideration of the bill have been postponed.

A TRIBUTE TO ALDO B. BECKMAN

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, today is the last day that one of the truly capable reporters who covers the House of Representatives for the Chicago Tribune will be spending here on the Hill.

His talent, ability, and dedication have earned him a new assignment. Hereafter, he will be covering the White House for the Tribune—a responsibility that he has consistently proved capable of assuming.

I would like to wish him a happy journey on his new assignment and I am sure I speak for many Members of this House—particularly those from the Midwest—who have read his stories reporting the day-to-day activities in this Chamber to the vast number of people who subscribe to the Chicago Tribune.

Aldo Beckman has been representing the Chicago Tribune in the Press Gallery. His stories about the House have revealed a new dimension of understanding of the complex nature of our work in this Chamber.

Very often bills that come before us are intricate, finely crafted, and very complicated. The amendments to those bills can be—and often are—even more complicated. The debate itself takes on various complexities and it is no easy task for a reporter to translate the essence of debate on a complicated issue when he is fighting against a deadline.

I know Aldo Beckman has earned the respect of his colleagues of the fourth estate and, certainly, he has earned the respect of the Members of this House. His integrity is unquestioned among the day-to-day historians who cover Capitol Hill, his intellect, insight, and outright writing skills are second to none.

Whoever replaces Aldo Beckman in covering the House of Representatives for the Chicago Tribune will have a large shadow to measure himself against, for Aldo has given this difficult assignment a new measure of responsibility. He has helped to elevate the standards of journalism in this Chamber and we, and all those we represent, are indebted to him. I am sure I speak for my colleagues in Chicago in wishing him success in his new White House assignment. We are going to miss him here on Capitol Hill.

PERHAPS ISRAEL WILL CAPTURE A MIG-23 AIRCRAFT

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I note in the press reports that Russia has threatened that unless the Israelis stop their responding to Egyptian attacks with reprisal attacks on Egypt, they are going to send their latest supersonic Mig-23 aircraft to the Egyptians.

This might be interesting because, as I recall, the first time the West had an opportunity to see the supersonic Mig-21 aircraft was when the Israelis captured it.

I also recall that the first time the West had an opportunity to see the SAM missile intact was when the Israelis captured the whole complex intact from the Egyptians.

Mr. Speaker, I also recall that the latest superduper Russian tank, their heavy tank, was captured by an Israel commando raid in Egypt. They brought one or two of those back to Israel, and that was the first time the West had had an opportunity to see that tank.

Then I recall press reports that a Russian radar station, a 9-ton unit, was captured in Egypt and dismantled by an Israel commando team and brought back into Israel, where the Western experts could look at it.

Then, Mr. Speaker, remembering the manner in which the Israelis got those five ships out of France, it may well be that the Russian Mig-23 aircraft bound for Egypt will end up in Israel.

ANNOUNCEMENT OF PROGRAM

The SPEAKER. The program will be announced after the special orders.

FULL FUNDING FOR ESSENTIAL HOUSING PROGRAMS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, the housing problem in this Nation has reached a crisis stage. Neither enough new housing is being built, nor is there now sufficient decent housing for our expanding population. This crisis exists despite passage of the Housing and Urban Development Act of 1968—Public Law 90-448—which proposed a goal for the next decade of constructing and rehabilitating 6 million units for low- and moderate-income families. The 1968 act stated:

> The Congress affirms the national goal, as set forth in section 2 of the Housing Act of 1949, of a "decent home and a suitable living environment for every American family."
>
> The Congress finds that this goal has not been fully realized for many of the Nation's lower income families; that this is a matter of grave national concern; and that there exist in the public and private sectors of the economy the resources and capabilities necessary to full realization of this goal.

I am today introducing, with 23 cosponsors, H.R. 15729, which is identical to H.R. 15643, which I introduced on January 29, to provide supplemental appropriations to fully fund the urban renewal, model cities, rent supplement, and low-income homeownership and rental housing assistance programs for the fiscal year 1970, and for other purposes, including jobs in housing.

The following Members of Congress have joined me in cosponsoring this urgently needed supplemental appropriations bill:

Joseph P. Addabbo of New York.
Jonathan B. Bingham of New York.
George E. Brown, Jr., of California.
Daniel E. Button of New York.
John Conyers, Jr., of Michigan.
Charles C. Diggs, Jr., of Michigan.
Don Edwards of California.
Donald M. Fraser of Minnesota.
Jacob H. Gilbert of New York.
Seymour Halpern of New York.
Augustus F. Hawkins of California.
Henry Helstoski of New Jersey.

Edward I. Koch of New York.
Spark M Matsunaga of Hawaii.
William S. Moorhead of Pennsylvania.
Arnold Olson of Montana.
Thomas P. O'Neill, Jr., of Massachusetts.
Richard L. Ottinger of New York.
Bertram L. Podell of New York.
Ogden R. Reid of New York.
Benjamin S. Rosenthal of New York.
James H. Scheuer of New York.
John V. Tunney of California.

Passage of H.R. 15729 is essential. The Federal Government has already fallen behind in meeting the commitment which the 1968 Housing and Urban Development Act made. But the matter is not simply one of living up to past commitments; the real issue is recognizing the multiple beneficial ends which the Federal housing program serves, and acknowledging that these ends must be served to the fullest capacity.

H.R. 15729 provides an additional $400 million for urban renewal programs, which in the Independent Offices and Department of Housing and Urban Development Appropriations Act, 1970—Public Law 91-126—received only $250 million. This added amount will bring the appropriation up to the authorization level.

Today's urban renewal program was begun with the Housing Act of 1949—Public Law 81-171—which announced the goal reaffirmed by the 1968 act—"a decent home and a suitable living environment for every American family." Basically, urban renewal involves locally conceived and administered programs of slum clearance and blight abatement. These programs aim at specific areas of cities. The Federal Government assists with grants, loans, and technical aid.

H.R. 15729 provides an additional $425,000,000 for the model cities program, which was begun with title I of the Demonstration Cities and Metropolitan Development Act of 1966—Public Law 89-754. This added amount will bring funding up from the $575,000,000 already appropriated for fiscal year 1970 to the $1,000,000,000 authorization level.

The model cities program aims at rehabilitating the entire fabric of the areas involved. Grants are made, and technical assistance is provided, to cities to carry out comprehensive programs attacking social, economic, and physical problems of blighted neighborhoods in selected localities. Grants may be made for planning and developing programs, for administering the approved programs, and for the costs of projects and activities included in the approved programs.

As of January 1, 1970, according to the Department of Housing and Urban Development, 58 of the 150 cities participating in the model cities program have completed the planning phase and have received supplemental grant contracts from HUD. These grants are enabling the cities to implement first-year plans developed under comprehensive 5-year plans. The other cities are still in the process of developing plans, or are awaiting HUD approval.

The 58 supplemental grantees are listed below, as well as the total 150 cities participating in the program. As should be well noted, 45 States, the District of Columbia, and Puerto Rico, have within their boundaries such cities.

I include the following tables:

MODEL CITIES SUPPLEMENTAL GRANTS

City	Amount of Contract	Date Announced
Alabama: Huntsville	$1,969,000	May 29, 1969
Arkansas: Texarkana	1,899,000	June 30, 1969
California:		
Fresno	2,818,000	Oct. 3, 1969
Richmond	1,820,000	June 19, 1969
Colorado:		
Denver	5,766,000	June 26, 1969
Trinidad	1,225,000	Do.
Florida:		
Dade County	9,616,000	Sept. 29, 1969
Tampa	4,086,000	June 26, 1969
Georgia:		
Atlanta	7,175,000	May 10, 1969
Gainesville	1,330,000	Oct. 15, 1969
Hawaii:		
Honolulu	2,263,000	June 27, 1969
Honolulu (inc.)	4,378,000	Dec. 18, 1969
Illinois:		
Chicago	38,159,000	June 26, 1969
East St. Louis	2,083,000	June 30, 1969
Indiana: Gary	2,669,000	Oct. 3, 1969
Iowa: Des Moines	2,065,000	Oct. 13, 1969
Kansas: Wichita	3,955,000	Sept. 24, 1969
Kentucky:		
Pikeville	691,000	Oct. 15, 1969
Bowling Green	551,000	Dec. 31, 1969
Maine: Portland	1,826,000	June 11, 1969
Maryland: Baltimore	10,554,000	June 26, 1969
Massachusetts:		
Boston	7,718,000	June 27, 1969
Cambridge	1,523,000	June 26, 1969
Lowell	1,750,000	Dec. 19, 1969
New Bedford	2,109,000	Nov. 14, 1969
Worcester	2,125,000	Dec. 31, 1969
Michigan:		
Genessee County (Flint)	3,574,000	Oct. 15, 1969
Highland Park	1,724,000	June 11, 1969
Detroit	20,545,000	May 28, 1969
Minnesota: Duluth	1,680,000	Oct. 16, 1989
Missouri:		
Kansas City	8,706,000	Sept. 11, 1969
St. Louis	5,183,000	June 30, 1969
Montana:		
Butte	1,656,000	June 19, 1969
Helena	1,211,000	June 30, 1969
New Hampshire: Manchester	1,645,000	Dec. 18, 1969
New Jersey: Trenton	1,768,000	Oct. 3, 1969
New Mexico: Albuquerque	2,826,000	Aug. 13, 1969
New York: New York City	65,000,000	June 11, 1969
North Carolina:		
Charlotte	3,168,000	May 29, 1969
Winston Salem	1,895,000	Oct. 3, 1969
Ohio:		
Columbus	5,906,000	Oct. 3, 1969
Dayton	2,949,000	June 11, 1969
Toledo	4,410,000	June 26, 1969
Oklahoma:		
Tulsa	3,553,000	June 27, 1969
McAlester	1,183,000	Dec. 17, 1969
Oregon: Portland	1,262,000	June 30, 1969
Pennsylvania:		
Philadelphia	3,296,000	June 30, 1969
Reading	1,383,000	June 11, 1969
Pittsburgh	6,108,000	Dec. 31, 1969
Puerto Rico: San Juan	7,114,000	Sept. 11, 1969
Rhode Island: Providence	2,205,000	June 11, 1969
Tennessee: Smithville-DeKalb County	1,435,000	May 29, 1969
Texas:		
Eagle Pass	1,776,000	June 18, 1969
San Antonio	9,590,000	Do.
Texarkana	1,558,000	June 30, 1969
Texarkana (inc.)	499,000	Aug. 4, 1969
Waco	2,642,000	May 10, 1969
Vermont: Winooski	788,000	June 26, 1969
Virginia: Norfolk	4,524,000	Aug. 13, 1969
Washington: Seattle	5,200,000	May 10, 1969

THE 150 CITIES PARTICIPATING IN THE MODEL CITIES PROGRAM

(U.S. Department of Housing and Urban Development)

FIRST ROUND PLANNING GRANTS, SPRING 1968

Alabama: Huntsville.
Arkansas: Texarkana.
California: Fresno, Oakland, Richmond.
Colorado: Denver, Trinidad.
Connecticut: Bridgeport, Hartford, New Haven.
District of Columbia.
Florida: Dade County, Tampa.
Georgia: Athens, Atlanta, Gainesville.
Hawaii: Honolulu.
Illinois: Chicago, East St. Louis.
Indiana: Gary.
Iowa: Des Moines.
Kansas: Wichita.
Kentucky: Bowling Green, Pikeville.
Maine: Portland.
Maryland: Baltimore.
Massachusetts: Boston, Cambridge, Lowell, New Bedford, Springfield, Worcester.
Michigan: Genesee County (Flint), Highland Park, Saginaw, Detroit.
Minnesota: Duluth, Minneapolis.
Missouri: Kansas City, St. Louis.
Montana: Butte, Helena.
New Hampshire: Manchester.
New Jersey: Hoboken, Newark, Trenton.
New Mexico: Albuquerque.
New York: Buffalo, Cohoes, New York City (Central and East Harlem, South Bronx, Central Brooklyn), Poughkeepsie, Rochester.
North Carolina: Charlotte, Winston-Salem.
Ohio: Columbus, Dayton, Toledo.
Oklahoma: McAlester, Tulsa.
Oregon: Portland.
Pennsylvania: Philadelphia, Pittsburgh, Reading, Wilkes-Barre.
Puerto Rico: San Juan.
Rhode Island: Providence.
Tennessee: Nashville-Davidson County, Smithville-De Kalb County.
Texas: Eagle Pass, San Antonio, Texarkana, Waco.
Vermont: Winooski.
Virginia: Norfolk.
Washington: Seattle.

SECOND ROUND PLANNING GRANTS FALL 1968

Alabama: Tuskegee.
Alaska: Juneau.
Arizona: Gila River Indian Community, Tucson.
Arkansas: Little Rock, North Little Rock.
California: Berkeley, Compton, Los Angeles City, Los Angeles County, Pittsburg, San Diego, San Francisco, San Jose.
Connecticut: New London, Waterbury.
Delaware: Wilmington.
Georgia: Alma, Savannah.
Idaho: Boise.
Illinois: Carbondale, Rock Island.
Indiana: Indianapolis, South Bend.
Kansas: Kansas City.
Kentucky: Covington, Danville.
Louisiana: New Orleans.
Maine: Lewiston.
Maryland: Prince Georges County.
Massachusetts: Fall River, Holyoke, Lynn.
Michigan: Ann Arbor, Benton Harbor, Grand Rapids, Lansing.
Minnesota: St. Paul.
New Jersey: Atlantic City, East Orange, Jersey City, Paterson, Perth Amboy, Plainfield.
New Mexico: Santa Fe.
New York: Binghamton, Mount Vernon, Syracuse.
North Carolina: Asheville, High Point.
North Dakota: Fargo.
Ohio: Akron, Cincinnati, Cleveland, Martins Ferry, Youngstown.
Oklahoma: Lawton.
Pennsylvania: Allegheny County, Bradford, Erie, Lancaster.
Rhode Island: Pawtucket.
South Carolina: Rock Hill, Spartanburg.
Tennessee: Chattanooga, Cookeville.
Texas: Austin, Edinburg, Houston, Laredo.
Utah: Salt Lake County.
Virginia: Richmond.
Washington: Tacoma.
Wisconsin: Milwaukee.
Wyoming: Cheyenne.

H.R. 15729 also provides supplemental appropriations for the rent supplement program for fiscal year 1970. The rent supplement program was begun with title I of the Housing and Urban Development Act of 1965—Public Law 89-117. It is designed to make it possible for non-Government sponsors to house, with Federal assistance, low-income families. Under the program, the tenant pays 25 percent of his monthly income for rent. The Federal Government pays an amount equal to the difference between that 25 percent and the total monthly market rent.

The rent supplement program, if effectively and fully implemented, can achieve multiple beneficial results. The program encourages the construction of needed housing for low-income families. It brings private enterprise into the low-income housing field. And it achieves a measure of economic integration within individual projects—families of different incomes and ages can live together.

Despite its worthy aims, the rent supplement program has never received sufficient funding. The authorizations for rent supplement contracts have never been matched by the appropriations, as the following chart shows:

[In millions]

Fiscal Year:	*Authorization*	*Appropriation*
1966	$30	$12
1967	35	20
1968	40	10
1969	45	30
1970	40	50
Total	190	122

H.R. 15729 would appropriate $68 million to bring the amount available for payments under rent supplement contracts up to the full authorized level. At a per unit annual cost of $640, the amount estimated by the Department of Housing and Urban Development, this means an additional 106,250 units could be funded if my bill were passed.

H.R. 15729 also provides a supplemental appropriation for the section 235 homeownership for lower income families program. Under section 235, which was enacted by passage of the 1968 Housing and Urban Development Act, the homeowner pays 20 percent of his income toward payment of his mortgage. But in no case can the payment exceed the difference between the required payment under the mortgage for principal, interest, and the mortgage insurance premium, and the payment that would be required for principal and interest if the mortgage bore an annual interest rate of 1 percent.

The following chart gives a picture of the average family for whom mortgages were written during the last quarter of 1969:

Average age of family head	32
Average size of family	5
Number of female heads	1 out of 4
Average gross annual income (not including income of minors)	$5,647
Average total assets	$290
Average unit sales price	$15,029
Average mortgage amount	$14,850
Average sales price—new house	$15,582
Average sales price—existing house	$13,879

The typical payment by the mortgagor was $79, with a subsidy from the Department of Housing and Urban Development of $54, making an average total mortgage payment of $133. During the last quarter of 1969, approximately 57 percent of the houses mortgaged were from existing stock, and 43 percent were new houses.

The appropriation for contract authority under section 235 contracts was increased by this Congress by $90,000,000, which leaves a gap of $40,000,000 below the full authorized level. H.R. 15729, would close this gap. Thereby, an additional 43,956 units could be funded, the estimated annual cost per unit as of February 2, 1970, being $910, according to the Department of Housing and Urban Development.

H.R. 15729, would also increase the limitation on total payments that may be paid on contracts entered into under section 236 to the full authorized level. Section 236, enacted by passage of the 1968 Housing and Urban Development Act, provides for assistance to lower income families for rental or cooperative housing, in the form of periodic payments to the mortgage on behalf of the mortgagee. These payments serve to reduce interest costs on a market rate project down to that which would have to be paid if the mortgage bore an interest rate of 1 percent. The tenant pays no more than 25 percent of his income per month for rent.

Last session, Congress increased the contract authority by $85,000,000. This was $45,000,000 less than the amount by which the contract authority should have been increased in order to reach the full authorization level, and H.R. 15729 closes this gap.

This additional $45,000,000 will enable subsidizing 45,000 more units this fiscal year, the estimated annual per unit cost being $1,000, according to the Department of Housing and Urban Development.

To appreciate how severe the need is for this additional contracting level, I would point to a report of the city of New York, released on January 28. This is but an example—the need is equally stringent through the country. The report stated:

> New York City also needs a supplemental appropriation for low and moderate income housing. The Section 236 program is of prime importance to the City of New York. It is the basic vehicle we are now using to reduce housing costs for moderate income families. However, we are fast approaching a point where the lack of adequate funding will endanger our entire production schedule.
>
> Whatever our successes in organizing sponsors, arranging sites, obtaining financial commitments and converting projects to 236, it may all be in vain unless we are guaranteed additional 236 funds. To proceed with our present production schedule we need approximately $20 million in 236 money for the current fiscal year. Of this $20 million, present indications are that only $5 million of additional Federal funds will be available to New York City projects.

I would note that, because of the special urgency for section 236 funds, I have also introduced H.R. 15644, which provides supplemental contract authority for section 236, alone.

An obvious concomitant of expanded housing construction and rehabilitation to which we committed ourselves by the 1968 act is the resultant provision of jobs for construction workers. This is a crucial factor to be considered in assessing the need for an aggressive and active housing program, particularly insofar as jobs are made available to lower income workers, who are usually minority group members. The importance of this job creation is recognized by section 404 of the Housing and Urban Development Act of 1969, Public Law 91-152, which provides:

> Sec. 3. In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—
>
> (1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and
>
> (2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

Of course, the creation of jobs, and the continuation of present jobs, will not alleviate ipso facto the problem of discrimination against minority group members. The most recent available statistics show that Negroes make up only 8.4 percent of the close to 1.3 million members of the referral unions in the construction industry. And Spanish-surnamed Americans account for only 4.5 percent of the membership. Clearly, aggressive action by the Office of Federal Contract Compliance is essential to overcome this problem. The Philadelphia plan was one step. This approach must be expanded, and other avenues to overcome discrimination in employment by contractors on federally funded and federally assisted projects must be developed.

It is clear that the Federal housing programs should serve manifold purposes—insuring good new housing for lower income families, funding the rehabilitation of decaying housing and the renovation of neighborhoods, and providing essential job opportunities.

Mr. Speaker, the December 11, 1968, report of the President's Committee on Urban Housing reached what could only be described as a disturbing conclusion, and it proposed what could only be assessed as a necessary solution. The tragedy—and the fact which compels passage of the supplemental appropriation bill which I have today introduced, and in which 23 of my colleagues have joined me—is that the assessment made over a year ago by the committee is no less valid today. The report stated then what is true now:

> We concluded that new and foreseeable technological breakthroughs in housing production will not themselves bring decent shelter within economic reach of the millions of house-poor families in the predictable future. To bridge the gap between the marketplace costs for standard housing and the price that lower-income families can afford to pay, appropriations of Federal subsidies are essential and must be substantially increased.

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The time grows short, the need is becoming greater. We have not done enough. We must do more, and we must do it now.

THE CIVIL AERONAUTICS BOARD AND THE SUPPLEMENTAL CARRIERS

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. RIVERS) is recognized for 20 minutes.

Mr. RIVERS. Mr. Speaker, 10 years ago, upon the recommendation of a Special Subcommittee on the National Airlift, the Department of Defense vitalized the civil air reserve fleet—CRAF.

This civilian owned and operated fleet of modern aircraft serves as an airlift auxiliary to the Military Airlift Command in times of conflict or national emergency.

The CRAF program has been effective.

Various airlines—scheduled, supplemental, and all cargo—have added to their fleets modern, long-range, jet aircraft, most of which are particularly suitable for flexible military response; that is, convertible for the transportation of either passengers or cargo.

This reserve capability has enabled the Military Establishment to fulfill its requirements and commitments without the necessity for the U.S. Government to spend substantial sums for acquiring and maintaining a fleet of such combined size in times of peace.

Certainly a major contribution to the CRAF program has been the supplemental carriers, both in number of new convertible aircraft acquired, and by the extent of their willingness and ability to furnish immediate emergency airlift without the necessity of a formal declaration of an emergency.

For example, during the Berlin crisis these carriers lifted 25 percent of the passengers and 57 percent of the cargo transported by civil carriers; during the Korean war they furnished 50 percent of the civil airlift; during the Cuban missile crisis they supplied 66 percent of the domestic emergency airlift. During 1969 these carriers supplied 24 percent of the overseas civil augmentation airlift, 100 percent of the domestic logistical supply airlift, and 68 percent of the domestic planeload charter requirements of the Army's Military Traffic and Terminal Service.

Last week this irreplaceable industry suffered a severe side blow that did irreparable damage to its public image and to the ability of some carriers to continue to effectively function.

On Friday, January 24, the Bureau of Enforcement, a department of the Civil Aeronautics Board, called a press conference, issued prepared press notes, and briefed the press on a complaint charging various charter violations against several U.S. supplemental carriers and two foreign carriers.

I am informed that this attention to the press, the extent and manner that they were informed of the complaint, incidentally prior to the carriers themselves being notified, was in marked departure from previous practices of the Board.

Whether by design or by misinterpretation, the press published erroneous reports of the complaint and its recommendations and consequences, conveying to the public the impression that the complaint was a finding of fact; that the suspension of the carriers' certificate was a fact, and not merely a recommendation if future compliance was not obtainable. The reaction was disastrously predictable—consternation among the carriers' stockholders, customers, suppliers, bankers, and employees. There seems little doubt that the named carriers have had their ability to carry on normal operations seriously impaired.

I now call upon the Civil Aeronautics Board and its Chairman to take such immediate steps as may be necessary to clarify to the public that the violations are only alleged, that the certificates of the carriers in question have not been suspended, nor can they be suspended without formal hearings on the alleged violations. The Civil Aeronautics Board is responsible for the development and promotion of air transportation. It certainly seems clear that they should now act promptly to correct the unfortunate impression that the press gained from the press conference on January 24.

To prove the serious effect of this unilateral action on the part of the Bureau of Enforcement of the Civil Aeronautics Board, I call attention to page 2103 of the CONGRESSIONAL RECORD of February 2, 1970. Here is a classic example of conviction and sentencing without a trial.

On this page of the CONGRESSIONAL RECORD you will find in print a conclusion that the supplemental carriers are in violation of the law, bringing about disastrous results to the scheduled airlines. The assumption is based solely on unproved allegations by the Bureau of Enforcement.

This is an example of what I am talking about when I say that the supplementals have been irreparably damaged by a type of bureaucracy that we should not tolerate in this Nation. There is no doubt in my mind that there is a concerted effort in certain parts of the airline industry, and perhaps in certain parts of this Government, to eliminate the supplemental carriers in order to fatten the pockets of the scheduled airlines.

Our committee will have more to say about this in the near future.

At this point, Mr. Speaker, under unanimous consent, I insert in the RECORD the very pertinent remarks of Mr. Edward J. Driscoll, president, National Air Carriers Association, delivered before the International Aviation Club, on January 22, 1970:

PUBLIC CONVENIENCE AND NECESSITY

(By Edward J. Driscoll, president, National Air Carrier Association, International Aviation Club, January 22, 1970)

I am very glad to have this opportunity to speak to you today because it gives me a chance to remind you of a phrase that seems to be disappearing from the vocabulary of the air transport industry—"Public convenience and necessity."

You can still hear it around certification hearings where public need must be proved before any type of service can be authorized. But once that is out of the way, public interest often seems to get lost in the vast machinery of a cumbersome regulatory process.

Part of the problem, as explained in a recent speech by Assistant Transportation Secretary Paul W. Cherington, is that regulations and regulatory processes have not kept pace with a rapidly changing transportation system.

Calling for major reforms, Mr. Cherington said, "today's transportation system is massive and complex to the degree that it is simply not feasible to completely or comprehensively regulate it."

And, he went on, "The regulation which was originally designed to protect the public interest has itself been transformed so that today, in the view of many, it is overly concerned with carrier well-being, often to the exclusion of other *bona fide* interests of the public."

The present transportation regulatory system, he add, often fails to permit the full realization of the long-run benefits of open and free competition.

In air transport today, we are faced with a specific example of such a situation.

The U.S. supplemental airlines were granted ITC authority by Congress because, in the words of a Department of Transportation report, "They have provided a new degree of competitive endeavor which the scheduled airlines have been unwilling or unable to make, despite encouragement by the (Civil Aeronautics) Board."

But strangely, despite a fourfold increase for in-season transatlantic charter passengers—from 183,000 in 1963 to more than 700,000 in 1968—and despite the fact that the U.S. share of this market increased from 22 percent to 60 percent over the same period . . . the scheduled airlines do not recognize low-cost charter operations as being in the public interest.

They see the supplementals only as a threat to the fare-setting monopoly of IATA. And IATA's answer has been a declaration of war.

The supplementals account for 2 percent of the $14.3 billion dollars of operating revenues for all airlines, worldwide. To hear the scheduled airlines tell it, that 2 percent is responsible for all their economic woes.

Now I have searched long and hard and I have to say that this is a unique situation in American business. In no other industry will you find such huge crocodile tears being shed by men who are grabbing off 98 cents of every customer dollar. The American people are compassionate and full of understanding. But they aren't stupid.

Despite the obvious lack of substance to IATA-based charges of passenger-diversion, the recent speech of SAS president Tore Nihlert, and the remarks made by Keith Granville of BOAC and Najeeb Halaby of Pan Am at this same podium are clear evidence that U.S. and foreign carriers have banded together under the common cry: eliminate the supplementals.

This, and only this, is the reason for the sudden profusion of low-cost European vacations currently offered by the scheduled carriers. The mini-groups, the bulk fares, and the inclusive tour rates—all, by the way, far below fully allocated costs—are designed solely for the purpose of driving the supplementals from the airways.

And if you notice, the real bargain fares are available only if you are prepared to stay away from home for a period of 29 to 45 days. The strange logic behind this prompted one irate New York business man to ask the *New York Times* how it could "possibly benefit an airline directly or indirectly if a passenger stays abroad a long time rather than a short time."

The *Times* replied that "this was a deliberate attempt to recapture the charter flight market from the supplemental airlines."

What makes it even worse is that these

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low rates are being subsidized at the expense of travelers such as this businessman—the individually-ticketed, short-stay passenger who should be the scheduled airlines' first concern.

What other explanation is there for the elimination of the five percent discount on overseas roundtrip fares? Particularly since it comes at a time when, according to our figures, IATA could have cut North Atlantic fares 20–25 percent.

As it now stands, more than three million first class and economy passengers will pay the scheduled airlines an extra $35 million for their Transatlantic tickets during 1970.

What these three millions passengers do *not* know is that they've been hoodwinked into subsidizing the gimmick-laden promotional fares available under restrictive conditions to a small segment of the traveling public.

And, as I have said, the only purpose of these loss-leader fares is to divert passengers from the charter airlines.

Such practices hardly fulfill the aims laid out for the industry in Section 102 of the Federal Aviation Act of 1958—namely the provision of QUOTE, adequate, economical, and efficient service . . . at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices, UNQUOTE.

The continuation of such practices can only mean trouble for the industry because, I submit, they demonstrate clearly that the air transport industry is still oblivious to what may be the most significant event of the 70's—the consumer movement.

Americans have grown impatient with industries and businesses that pay lip service to the consumer while palming off on him shoddy goods backed by false advertising claims and worthless warranties.

As a result, consumerism is on the rise in all aspects of American life. The voice of the consumer is heard in Congress and by those industries smart enough to be sensitive to the public mood. Truth in Packaging, Truth in Lending, automotive safety standards, meat inspection, drug efficacy, and other new developments, are a direct response to the demands of the people to know what they are paying for—and to be assured that they are getting a fair shake for their shrinking dollar.

The air transport industry and the appropriate agencies of government need to be sensitive to this development because the public mood that brought along Truth in Packaging will not long stand for the complex rate structure that came out of the recent IATA conference, with *31* different types of fares across the Atlantic. These fares and services, incidentally, involve the commingling of charter transportation and individually-ticketed service, which, as we understand the Act, is prohibited.

Truth in Packaging means that the shopper no longer needs a slide rule to determine the best buy at the supermarket. We think that's a break for the consumer. Therefore, the charter package is clearly labeled and priced on a pro-rated basis. Everybody pays the same. But under the new IATA agreement, you will need a computer to figure out the cheapest way to cross the Atlantic. Consumer advocates call that kind of thing "deceptive packaging" and we agree.

American businessmen are looking for ways to cut costs, and, as the letter to the *New York Times* shows, they are becoming less complacent about being taken for a ride by the scheduled airlines. I can assure you that the traveler who finds that his seatmate paid less for the same trip will become even more vocal in the 70's.

In the long run, consumers never benefit from destructive competition. They may gain a little in the short term, but eventually the low-cost competitor is usually driven from the scene and the "winner" once again monopolizes the marketplace and returns to higher prices.

Obviously, it is not in the supplementals' interest to be driven from the marketplace and most certainly it is not in the public interest either.

I firmly believe that the supplemental airlines have earned their place in the national transportation structure. Since 1962 they have provided millions of low- and moderate-income Americans with their first opportunity to enjoy vacation travel by air. In addition they have made a significant contribution to the Nation's defense in the transportation of passengers and cargo. The rapid growth of the industry testifies that the need was there and that it had not been met by the scheduled airlines. It is noteworthy that numerous statements by CAB officials, the Departments of Transportation and of Defense, and in Congress attest to the fact that the charter airlines have earned the right to a "permanent place in the aviation community."

Unfortunately, that place is assured only in principle. A system that takes into account both scheduled airlines and charter airlines, is not yet a part of official U.S. air transport policy.

We are very pleased, of course, that the recent draft statement from the President's International Air Transport Policy Study group takes cognizance of the significant contribution the supplemental airlines have made to international air transportation and to the public interest.

The draft policy, which many of you have seen and which has been discussed in the Press, has some kind words to say about our industry. I think those words are well-deserved and timely.

While we may take issue with some areas of the policy statement, our overall impression is favorable. Our detailed comments should wait, we feel, until we can make them at the proper time and in the proper form. Meanwhile, we see this draft document and its favorable view of the contribution made by the charter carriers, as a positive first step toward what we all want—a rational, understandable, service-oriented international air policy for this country.

We hope for fast and positive action in this area because, as things stand now, the charter carriers have little ammunition for the fight against unfair and destructive competition.

The inherent slowness of our regulatory machinery means that, in too many cases, relief from unfair and destructive competition comes only after the damage has been done.

For example, as the scheduled airlines started to move in on the group tour business that the supplemental airlines developed in the Hawaiian market, competition got hotter and hotter, and GIT fares moved lower and lower—until the CAB had to step in and investigate.

A CAB hearing examiner found that many of these fares were not sufficient to cover the fully-allocated costs of the scheduled carriers involved.

The examiner handed down his decision on June 30, 1969. We are still awaiting the Board's final decision—although the charter carriers have been driven out of that particular market already because of destructive competition.

The Board is currently faced with a similar situation in regard to the bulk fares and large-group fares stemming from the recent Caracas meeting. Comments on these are due on the 26th of this month. We would hope that the Board, in light of its Hawaiian experience, coupled with the mammoth diversionary threat of the bulk and group-affinity fares, would re-examine its tentative position in order to prevent a similar situation from developing in the North Atlantic.

Needless to say, the supplementals were gratified that the air policy statement included a specific reference to charter service rights in international landing and uplift agreements. We and the public have been waiting for this for a long time.

Currently, each charter carrier must negotiate landing and uplift rights for each flight with the government involved. Some countries do not permit any charter flights. Others have a strict quota. Others permit only certain types of charter flights.

Add to this the fact that state-owned IATA members are urging their governments to make it more difficult for U.S. charters to compete and you can see that we have quite a problem.

Tore Nihlert urged IATA members to enlist their governments as allies in the fight against the supplementals. Faced with this kind of noncompetition, U.S. supplemental airlines can only turn to their government for help. We believe that charter carriers are entitled to the same protection as the scheduled airlines, and that Americans who choose charter travel should receive the same degree of protection from their government as do individually-ticketed travelers.

Whether or not IATA and its member carriers are accountable under U.S. anti-trust laws is a question yet to be determined. We feel, however, that its activities and those of some of its members are counter to the spirit—if not the actual letter—of those very laws.

You may have read the review by Ralph Nader in the Washington Post of a new book, *The Air Net,* by Dr. Pillai. That book delineates, much more fully than I, the predatory practices of IATA and its future goals—one of which, he points out, is the elimination of the supplementals.

This must not be allowed to happen. But the supplementals themselves cannot prevent it. The only answer, as we see it, is official recognition that there are two classes of carriers—the scheduled airlines, specializing in individually-ticketed services, and the supplemental airlines, the charter specialists.

I was particularly pleased to note that the draft policy statement takes essentially the same view, because the development of an efficient, economical, worldwide air transport system is essential to the growing needs of our shrinking world.

But since this *is* a worldwide problem, I wonder whether a *national* policy statement can provide the whole answer. Is it reasonable to think that a policy statement by the United States government can bring us through the decade of the Seventies with new records of peace and success? I hope so. But we must make sure that this policy becomes an effective tool for international cooperation.

Will these ideas be understood and accepted by the foreign national and continental power blocs that form the IATA cartel?

Will the predatory actions of the IATA carriers against the supplemental airlines be stopped by more enlightened representatives of governments and industry overseas?

In a word, will all members of the air transport industry finally work together in the sound development of a strong, openly competitive international air system? Will we do this in the spirit of benefiting the consumer through improved fares and services?

The supplemental carriers hope the answer to these questions is a full-voiced "yes." We hope that this document, the draft of the President's Steering Committee, will signal the beginning of a new era of cooperation in the field of international air transportation, where the consumer will be the sovereign in the marketplace and the carriers will end the bickering and the in-fighting which has been characteristic of the past decade.

But let's be honest. Let us admit that wishing does not make it so. This is the real world—not Disneyland—and changes do not

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occur overnight. We have to work at it together, we have to create the climate for fruitful discussion, and we have to build the forum in which the exchange of ideas can take place, leading to a new understanding of international air transport rights in this new decade of growth and opportunity.

How do we do this? One suggestion that the United States government might consider is a World Conference—or Convention—of the heads of aviation from all countries having a significant international air carrier operation. Such a conference could be called during 1970, while the decade is still new and the American statement of international air policy will be fresh in everyone's mind.

By calling such a conference, this country will demonstrate that it is ready to match deeds with words in the service of the world's travelers. I believe the calling of such a conference is a logical next step, following the refinement and publication of a U.S. International Air Policy. It is incumbent upon all carriers to work together to promote the new policy and the international spirit of free and open competition that will support it. Some of the objectives of such a world conference might include the following:

Elimination of all restrictive practices in the field of international air transport;

Acceptance of the principle that individually-ticketed service and charter service are in the public interest and both shall have equal access to world markets;

Broadening the base of air transportation in order to serve better the interests of the consumer, both traveler and shipper.

A few days ago, Vice President Agnew returned home after visiting the countries of Asia. His message was a message of a government that wants peace in the Pacific, in Asia, and throughout the world. Today we have heard the President of the United States describe the State of the Union, this Union of fifty States and five possessions in the middle of a world boiling with change.

I sincerely hope that our industry will demonstrate the type of leadership our President—and the world itself—needs at this time. I hope that we are on the threshold of the day when every traveler, from President to vacationing secretary, has a peaceful world to explore and enjoy. With a sound policy, a competitive marketplace, a respect for the consumer, and adherence to the concept of "public convenience and necessity" worldwide, we will surely see that day arrive.

SUPPLEMENTAL CARRIERS

(Mr. FULTON of Tennessee (at the request of Mr. Rivers) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, permit me to associate myself with the remarks by the distinguished Gentleman from South Carolina.

It seems to me that these supplemental carriers have been treated badly which, while it may not have been the intent of the Civil Aeronautics Board Bureau of Enforcement, has resulted in the apparent public misconception that the carrier's charter permits have been suspended while, in actual fact, this determination is yet to be made by the Board. It well may be that the recommendation by the Bureau will be sustained, but it very well may be that the Board will reject the recommendation.

In the meantime, the public and the firms with which these carriers transact business erroneously have been led to believe that the revocation of these charters is a fact. This has caused the air carriers involved a tremendous amount of inconvenience and threatened them with a tremendous and unjust financial loss.

It would seem to me that the carriers are fully justified and deserving in their request that the Civil Aeronautics Board issue a statement of clarification, and I urge that this be done immediately.

DEFENSE CUTS ENCOURAGE RECESSION

(Mr. SIKES (at the request of Mr. Rivers) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, in company with many of my colleagues, I am concerned that there are those who look upon the defense budget as a bottomless source of dollars for domestic spending. Present defense cuts do not show sufficient regard for the effect on the economy or on the Nation's security.

In the current fiscal year, the President's budget was reduced over $5 billion by action of Congress. Coincidentally, this was approximately the amount of the reduction in the defense budget and it is obvious that there were no meaningful cuts elsewhere.

For the new fiscal year starting in July, the administration now proposes to cut the defense budget an additional $5.2 billion while increasing other Federal outlays by $8.6 billion. Again, defense is made to carry the brunt of the economy program. The projected level will place military expenditures at the lowest ratio of the Federal budget since the years immediately prior to the Korean war.

There is danger in this picture; danger to national security and danger to the economy. It would mean a drop of 551,000 military personnel and 130,000 civilian employees during the President's first 2 years in office. It is estimated that cutbacks in defense procurement will cause the loss of an additional 640,000 defense jobs across the Nation. This very substantial contribution to the ranks of the unemployed will have a definite bearing on the health of the national economy. The cutback in procurement of military hardware means that the serious gap in modernization which exists between our forces and those of the Communist world will increase rather than diminish. It means that Communist aggression will be further encouraged by this obvious retrenchment in the U.S. military preparedness program. It is a return to the peaks and valleys program which has been so costly in prior years and which leaves us ill prepared to cope with world problems.

It should be remembered that it is not the peace negotiations in Paris which have given a favorable turn to the war in Vietnam. It stems from the effective use of America's military strength combined with growing capability on the part of the Vietnamese, a capability which comes directly from American training and American weapons. The war is not over and the economy is becoming shaky. The military already has been cut deeply. It is too early for further reductions to be made with safety. To establish a pattern of $5 billion annual reductions would in another year or two destroy America's effectiveness as a world power.

CARSWELL NOMINATION

The SPEAKER pro tempore (Mr. Annunzio). Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the Senate Judiciary Committee has completed hearings on the nomination of G. Harrold Carswell to the Supreme Court Bench. But the liberal members of that group are now trying to stall a final vote necessary to bring the nomination to the floor of the other body. They veritably admit the tactic is only to please certain special-interest groups that generally back liberal candidates. Their complete lack of regard for the rest of the country, which demands that the vacancy on the Supreme Court Bench be filled immediately, is inexcusable.

Judge Carswell has been proven to be a man of good standing, both as a member of the Fifth Circuit Court of Appeals, the district court, and as a citizen of Florida. He recognizes that the duties of the Supreme Court are strictly to pass on the constitutionality of a law, not legislate new laws. Such strict interpretation of the duties of a Supreme Court Justice is desperately needed if the public faith in the Highest Court of the land is to be restored.

The Supreme Court, over the past few years, has been moving further and further away from the proper exercise of its constitutional duties. Rather than simply passing on the constitutionality of a law, some Justices of this Court have sought to create a new spirit of the law through judicial decision.

The Constitution of the United States clearly states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every state shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Clement Haynsworth would have upheld the law of the land, but certain Members of the other body saw fit to prevent his being seated. Now, the name of Judge Carswell is before the other body. He, too, has pledged to uphold the law of the land. And such a person, with such a view, is badly needed on this Supreme Court. For reasons of justice and the integrity of the Supreme Court his name should be approved forthwith.

My only hope is that during the next 3 years President Nixon will be able to appoint several more men who will seek to return the Court to its proper position in our governmental process. More men like Chief Justice Burger and Judge Carswell should be sitting on the bench of the highest judicial authority of this country. If those disruptive justices now holding rein on that Court are permitted to continue their wanton destruction of our governmental process through their usurpation of the legislative authority invested in Congress, this country truly will be ready for revolution. I may well be leading the vanguard.

ADDRESS BY THE HONORABLE BURT L. TALCOTT

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, at the President's prayer breakfast this morning our colleague, the gentleman from California (Mr. TALCOTT) made a very eloquent and moving address. I ask unanimous consent, Mr. Speaker, to include the text of that address with these remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PRESIDENTIAL PRAYER BREAKFAST REMARKS BY CONGRESSMAN BURT L. TALCOTT, FEBRUARY 5, 1970

Good morning Mr. President, my colleagues in government, and friends.

Earlier this morning some of us returned from a sad journey to California, where we helped to memorialize the life of our friend and colleague, Glen Lipscomb, and to share our loss with his family and friends from his home. But life goes on—this is a new day and I know Glen would want it to be a joyous one.

With personal humility, but great representative pride, I bring warm greetings from the House Prayer Group.

Some Americans would probably consider a hotel ballroom in Washington, on a Thursday morning, with no clergymen on the platform, and with a quorum of the House and Senate present, to be the least likely situation for a meeting at which prayer is the principal attraction.

For those I have a message that I invite you to convey to your associates in your home communities: Among your elected representatives there is a growing conviction that universal understanding, domestic tranquillity and peace can be greatly advanced by a fellowship based upon a belief in God and sustained by prayer.

The most venerable of all traditions of the House of Representatives is that every daily session, from the first session in Philadelphia until today, has been opened with prayer.

Mr. President, we are especially grateful to you for your contribution, by personal example, to the spiritual renaissance so needed by our society today. Your presence here, your innovation of holding Sunday religious services in the East Room, and your prayer breakfast in the White House gave tremendous impetus to the concept of men meeting together on a spiritual basis.

The meetings of our House prayer group are informal, with minimal organization—there are no dues or "membership lists." Only members, and elected members of foreign Parliaments, attend our meetings. All discussions are "off the record"—this precedent enhances the candor of our discussions and the intimacy of our fellowship.

Capitol Hill is one of the most avidly political and keenly partisan places on Earth; but our group is strictly non-political and non-partisan.

Upstairs, on the House floor, we are fiercely adversary—disputation is the vogue; but downstairs at breakfast we are friends, the mode is to listen, exchange ideas and to discuss points of view.

Our group does not profess any particular theology—there is little religiosity and no liturgical trappings; we are ecumenical—and we were, long before ecumenism became popular. Men of all religious persuasions attend our Thursday breakfasts. Ours is a simple fellowship of communication, of conciliation and concern.

Each of us is different—from widely different districts, with quite different backgrounds, training and religious experiences.

But, like mankind everywhere, it is essential that we retain a bond of friendship in spite of our extraordinary differences.

We open and close each meeting with prayer—some say "grace", some ask a "blessing", some give an "invocation" or "benediction". Sometimes we pray silently, each in his own way. But prayer is central to our meeting—it gives us a feeling of renewal, a spirit of unity with God, and a sense of oneness that is somehow above partisanship and politics—and somehow, almost mysteriously, inclusive of all our denominational, ethnic and national differences.

We Legislators deal with the future—the laws we enact are all prospective. So in our search for solutions, we are naturally attracted to the hope, the optimism, and the love of Christ.

We are living in a developing world, where people are continually changing and nothing is finished, but we find certitude in Christ, the eternal contemporary.

We believe that a network of private prayer meetings—whether at breakfast or lunch (or even without food)—whether in the Capitol, a church, an office or your home—whether you tackle hard political issues, difficult social concerns or nagging personal problems—is compatible with the teachings of Christ and the Kingdom of God.

If Members of the Congress—with all of our diversity and adversariness—can meet weekly in spiritual fellowship—certainly every other vocational group could do better.

So with our greetings this morning, the House Prayer Breakfast Group earnestly invites you to join and support the prayer group movement where you live or work. You will be promoting a growing, worldwide fellowship which we are convinced is the best hope for mutual understanding among men, tranquillity within communities, and Peace with Freedom among Nations.

NEW YORK CITY CONGRESSIONAL HEARING ON AUTOMOTIVE AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 60 minutes.

Mr. FARBSTEIN. Mr. Speaker, on December 8, 20 Congressmen joined me in holding an ad hoc hearing on automotive air pollution in New York City.

Testifying before the committee were auto industry critic and consumer spokesman, Ralph Nader, and the vice presidents of General Motors and Ford Motor Co. In addition, we also heard testimony from three experts on the effects of auto pollution on health and from a panel of experts on auto pollution technology.

The testimony we heard painted a stark picture of the future of our continent if radical steps were not taken to curb the level of air pollution our technology was spewing forth into the air. It revealed also the significant responsibility of the auto for this pollution; 60 percent of air pollution throughout the country at large, and up to 92 percent in urban areas.

The most interesting and at the same time revealing aspect of the hearing was the marked disagreement between representatives of the auto industry and most of our expert witnesses.

The industry representatives saw the internal combustion engine as capable of achieving a reduction in air pollution to meet any possible standards. Members of our technological panel saw it as inherently dirty and limited in how far it could be cleaned up.

The industry representatives saw alternatives to the internal combustion engine as technologically and economically unfeasible. The technological panel saw alternatives as not only being technologically feasible within a few years but economically more desirable and even producing a more efficient engine.

Among the alternatives, Ford saw the steam engine as the least feasible. The members of the technological panel saw the steam engine as the most promising.

The industry thought it was expending a significant amount of its resources on the development of a clean engine. Many of the panelists saw the industry relegating the goal of clean air to a low priority and devoting only insignificant resources to it.

I believe the hearings were useful in exposing the public to information the auto industry has not been willing to publicize. Those in California have become familiar through years of hearings by the State legislature and the State resources board with the auto industry's credibility gap on issues of air pollution.

For many years the auto industry told California that development of a device to reduce auto emission standards was like trying to "find a cure for cancer." Only when the State finally passed a law requiring such devices and independent devices had been certified, did the industry finally admit that such devices were feasible. The entire history of the Justice Department suit against the auto industry suggests that such a credibility gap may well have been deliberate.

It appears to continue now that the dialog has switched from devices to reduce pollution to cleaner types of engines. It is interesting that when the bill to ban the internal combustion engine came before the California Assembly an industry spokesman testified:

> The know-how isn't there to do the job by 1976. (Testimony of auto industry spokesman before California House Committee considering legislation to ban the internal combustion engine. (Los Angeles Times, August 1, 1969).)

But that after it was safely defeated, he had to admit it could have been met:

> We would have complied, and of course . . . would have remained in the business of producing automobiles. (Statement of the same industry spokesman to a reporter's question after the California assembly had defeated legislation to ban the internal combustion engine (San Fernando Valley News, August 7, 1969).)

It is in this context that the best understanding of automotive pollution can be achieved.

Some of the cosponsors of this hearing will shortly be putting out a report based on the hearing. They will make a number of broad-based recommendations.

In the coming weeks, I am planning to establish a national citizen's lobby on air pollution to fight for clean air.

The text of the hearing transcript follows, with the remarks of General Motors revised by them:

HEARING ON AUTOMOTIVE AIR POLLUTION

(Held on December 8, 1969, New York, N.Y., before Hon. LEONARD FARBSTEIN, Chairman; Hon. BERTRAM L. PODELL; Hon. JONATHAN B. BINGHAM; Hon. EDWARD I. KOCH; Hon. WILLIAM F. RYAN; and Hon. BENJAMIN ROSENTHAL)

LISTING OF SPEAKERS

Hon. Leonard Farbstein, chairman.

Mr. Ralph Nader.

Hon. William F. Ryan.

Hon. Edward I. Koch.

Hon. Benjamin S. Rosenthal.

Hon. Bertram L. Podell.

Hon. Jonathan B. Bingham.

Dr. Paul Chenea, Vice President in charge of Research, General Motors Corporation.

Dr. Stephen M. Ayres, Department of Medicine, New York University Medical Center.

William Cruce, Scientist Committee on Public Information.

Austin Heller, Commissioner of Air Pollution Control, New York City.

Dr. Richard Morse, Alfred P. Sloan School of Management, Massachusetts Institute of Technology.

Dr. Robert O. Ayres, International Research and Technology Corp.

Dr. Wolfgang E. Meyer, Transportation and Safety Center, Pennsylvania State University.

Mr. S. Smith Griswold, President, Seversky Environmental Dynamic Research Association.

Mr. Herbert L. Misch, Vice President for Engineering, Ford Motor Company.

Mr. Donald Jensen, Director, Automotive Emissions, Ford Motor Company.

George C. Mantzoros, Assistant Attorney General for Anti-Monopolies, Office of the Attorney General of the State of New York.

HEARING

Congressman FARBSTEIN. This hearing will now come to order.

I would appreciate if there would be no smoking during the hearing. I know that the hearing will be an orderly one.

I would like to introduce the members of the House of Representatives who are participating this morning with me in this hearing.

The members beginning on my right are Congressman Rosenthal, Congressman Ryan, I am Congressman Farbstein, Congressman Koch, Congressman Podell and Congressman Bingham.

We are all agreed, I am certain, the America of December 1969 is automobile-oriented. Because of the lack of adequate public transportation and the increase in the number of highways, and the ability of the automobile to get us where we want to go, the people of this country have come to depend upon it as the primary source of transportation. For those associated with the automobile industry, the manufacturer primarily, this has meant high profits. It has also meant the expenditure of public funds to accommodate the increased demands—thus even insuring greater profits.

But along with these benefits there is also a set of responsibilities to the public which must be recognized by the industry—responsibilities to provide a safe vehicle and responsibilities to provide a vehicle which does not make our environment uninhabitable.

With respect to the safety issue, there has been a great deal of evidence to suggest an attempt on the part of the industry to avoid its responsibility.

The purpose of our hearing today is to explore whether the industry is following this same course of avoiding responsibility with respect to cleaning up the dirty air we breathe, air polluted by the internal combustion engine.

A suit filed by the Justice Department (U.S. of America vs. Automobile Manufacturers Association, Inc., et al.) against the auto industry alleged that the industry had been failing to meet its responsibilities to develop devices to cut down on air pollution, not only by moving slowly in the development of such devices, but also by resisting their required use. We want to ascertain whether this is still the case.

Detroit has been telling the American people that it is not feasible to develop cleaner alternatives to the internal combustion engine. If this be the case, why have four entirely independent Federal panels, a Senate committee and the California State Legislature, all come to the opposite conclusion?

Why is it that when the California Legislature was considering legislation to ban all automobiles not meeting high anti-pollution standards, a spokesman for one of the companies testifying here today said that such an engine could not be built, but five days after the bill had been safely defeated, the same person told a press conference that his company could have met the requirements of the bill.

In other words, we want to determine if a credibility gap exists between the auto industry and the American public.

These hearings will attempt to explore this question through testimony from experts both in and out of the auto industry.

Mr. Ralph Nader is scheduled to be our first witness. He will be followed by the auto industry, whose representatives will have time in which to present statements and then answer questions from the Congressmen present. Third on the schedule is a panel of four experts on the effect of auto pollution on our health. Following them is a panel of experts on auto air pollution technology. They will discuss what can be done to clean up the current engine, as well as the desirability and feasibility of alternative systems such as steam and electric. These hearings will culminate with statements by the representatives of General Motors and the Ford Motor Company followed by questions.

I wish to acknowledge that by their presence here today, General Motors and the Ford Motor Company have demonstrated an interest in the public health. I regret that Chrysler by their absence and refusal to allow high ranking officials to testify did not demonstrate a similar concern.

Some might conclude from this that the Chrysler Corporation is more interested in profits than in helping clean up our air. I certainly hope this is not the case and that Chrysler will join with us in future efforts to end air pollution.

Before proceeding further, I would like to insert for the permanent record a letter from Congressman Edward J. Patten, one of the co-sponsors of today's hearing, who unfortunately cannot be here today.

The text of Congressman Patten's letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 1, 1969.
Hon. LEONARD FARBSTEIN,
Washington, D.C.

DEAR COLLEAGUE: I wish I could attend the hearings to be held on December 8th in New York City on the dangers and challenges of automotive air pollution.

However, because of previous commitments, I will not be able to attend. Despite my absence, I will certainly be present in spirit, for I feel very strongly that air pollution is one of the most serious health problems we face.

I also believe that automobile manufacturers have a great responsibility to the American people to intensify and broaden their programs to reduce air pollution. I hope—and believe—that by working together, automotive leaders, Congress, and other groups—will expedite that long-awaited day when the American people will be able to breathe without discomfort, or fear.

Congratulations for your deep interest and strong leadership in the important fight against air pollution. The December 8th meeting should lead to significant progress in reaching the goal of effective air pollution control.

Please read this letter at the Dec. 8th hearings and also include it in the official record.

Sincerely,

EDWARD J. PATTEN.

Congressman FARBSTEIN. Whether or not the number of experts that have been scheduled to appear here this morning will be here because of the weather I am unable to say at this moment.

Nevertheless, their names shall be called and those present will present their testimony. My first witness is Mr. Ralph Nader, who I do not believe needs any further introduction.

After Mr. Nader there will be some short comment and questioning by the members of Congress.

Mr. Nader, you may proceed.

Mr. RALPH NADER. Thank you.

Mr. Chairman, concerned members of the New York and New Jersey Congressional delegation, you have convened this hearing to bring forth a greater understanding of the seriousness of automotive air pollutants to human health and the technical and institutional remedies and changes that are required now and soon. The panels of specialists will provide the basis for much concern and presumably some hope. In addition, the auto industry's second echelon spokesmen will provide you with their unfailing presentation of invulnerable intransigence clothed with suitably decorous displays presently in their 19th year of redundant refinement.

In the brief time available, I should like to comment on several consistent behavioral patterns of the automobile industry which have, are, and, unless stopped, will continue to deceive, delay, obfuscate and conspire against men of good will, men of political power and men of technical solutions.

Pattern No. 1. The top executives of the auto companies—the Chairman of the Board and the President—have never consented to testify before any governmental forum—Federal, state or local—on their air polluting companies and products. When asked to testify, as they were for this hearing, they invariably delegate to corporate officials who speak with less authority and less visibility. Some Chairmen, like Chrysler's Lynn Townsend, decline even to reply and routinely dispatch Congressional inquiries to lower personnel who in turn decline to have their company represented. The refusal of top executives to testify permits them to wallow in ignorance and indifference toward air pollution while they spend their days in high finance, sales, distribution and personnel policies. Unlike Senators, Representatives, Governors and Presidents who want to and are expected to meet their constituents, top chiefs of massive corporate states (GM grosses $2.4 million an hour on the average 24 hours a day with 750,000 employees) remain in their executive suites making decisions that reverberate life and death impact on their customers' health and safety. These corporate autocrats will not begin to feel the urgency of the pollution crisis until

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they are touched by subpoenas, spurred by indictments and shorn of their calculated anonymity.

Pattern No. 2. By their indifference, venality and conspiracy, the auto companies are proliferating scales of violence throughout the land that have no parallel. Apart from their unsafely designed vehicles, these companies spew forth tons of carbon monoxide, hydrocarbons, oxides of nitrogen whose silent violence attacks the health of man. Adhering to the principle that the infernal internal combustion engine is to remain eternal, the companies still maintain that there is no need to control these violent emissions, except possibly in Southern California. That remains to this day their basic philosophy and explains their determination to delay and deceive with impunity. Although the case has been settled via a consent decree, the Justice Department's charges that the auto companies and their Automobile Manufacturers Association conspired since 1953 to restrain the development and marketing of auto exhaust control systems stand as a reminder of the vast potential for members of this industry *to agree to do nothing.* This is the easiest of conspiracies, and one that was so blatant that these so-called competitors were caught last year giving identical speeches on air pollution through their coordinating co-conspirator, the Automobile Manufacturers Association. The recent initiation of antitrust suits by California, New York and Illinois should bring to public light the mass of documents produced by the five-year-long Justice Department inquiry before that agency surrendered claim to the anti-trust case of the century.

In the meantime, General Motors continues to be responsible for at least one-third of the nation's air pollution by tonnage by virtue of the engines it designs and the plants it operates. This is a GM produced violence that rarely invokes the demand for law and order to replace the anarchy that its predatory power has constructed and maintained. Because the emphysema, the cancer and other diseases that build up over time in human beings are deferred consequences of such violence, the law has not integrated them into a structure of accountability. This is the style of technological violence produced by executives who keep their cuff links on.

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Pattern No. 3. The auto companies refuse to identify the problems and the hazards from their products. It was not the industry, but a Professor at the California Institute of Technology who made the connection between auto exhausts and photochemical smog in the early Fifties. All efforts at auto pollution control by California began in earnest from this discovery. Thus the first step in curbing any health hazard—the discovery of its existence—has not been assumed by the industry to be its responsibility. This is true to the present time. For although the law is only considering the three pollutants—carbon monoxide, hydrocarbons and oxides of nitrogen—three other serious pollutants—lead, asbestos and rubber tires—remain unrecognized and unstudied by the industry. Why should the companies make the connections with human disease when they can gain more time by waiting for outsiders to do so. The buildup of lead concentrations in the atmosphere, especially in the cities, is alarming scientists. (See *Scientist and Citizen*, April, 1968.)

Asbestos is receiving much more attention recently but not by the auto companies whose clutch and brake linings release it into the air. A Litton report prepared for the National Air Pollution Control Administration (HEW) this year noted that the latent period required to develop asbestosis, lung cancer, ormesothelioma is 20 to 40 years. The report stated that "Asbestos is an air pollutant which carries with it the potential for a national or worldwide epidemic of lung cancer . . ." The auto industry has produced nothing by way of research on the risks from this pollutant and how it can be reduced. Particulate and other polluting matter from the wear or combustion of rubber tires were called possibly the most serious form of vehicular pollutant by Professor Rene Dubos of the Rockefeller University who urged immediate study of this ignored area. Neither the tire nor the auto industries have spent a dollar trying to find out.

Practice No. 4. The auto industry has practiced a policy of prevarication and deception that has lulled and blunted the ardor of many legislators. Examples could be adduced ad infinitum; let a few suffice.

On March 3, 1953, Ford Motor Company wrote Mr. Kenneth Hahn, Los Angeles Supervisor, as follows:

"The Ford engineering staff, although mindful that automobile engines produce exhaust gases, feels these waste vapors are dissipated in the atmosphere quickly and do not present an air-pollution problem. . . . The fine automotive powerplants which modern-day engineers design do not 'smoke'. Only aging engines subjected to improper care and maintenance burn oil."

On March 26, 1953, General Motors wrote Mr. Hahn that:

"The information that is available to us does not indicate that carbon monoxide is present in harmful amounts in the Los Angeles atmosphere and so we have not been concerned about the imminence of a serious health problem from this source."

Moving to the present, the deception continues but becomes even bolder. With a presumption that borders on pornography, Charles M. Heinen, of Chrysler Corporation, delivered a paper before the industry-indentured Society of Automotive Engineers in April 1969, entitled "We've Done the Job—What's Next?" He goes on to say:

"I stated that we've done the job. [The main battle against automotive air pollution has been won.] Now, let me summarize what we have done. Starting with the 1961 model and including the 1970 vehicles, the accumulative up-to-date record will show:

"1. Hydrocarbon emissions down about 80%.

"2. Carbon monoxide down about 70%."

This has become the official industry line. Observe the ease with which it can be overwhelmed with refutation. First, the industry ignores the importance or necessity of four other vehicular pollutants—oxides of nitrogen, lead, asbestos and rubber tire pollutants. There is abundant evidence of harm done by the first three and abundant need to find out about the latter pollutant. Second, the Heinen approach fails to account for the projected increase in vehicles and mileage traveled. As a Senate Commerce Committee report declared (1969):

"The present emission standards will not stabilize, much less reduce vehicular air pollution. Studies indicate that, under existing controls, automobile air pollution in the United States will more than double in the next 30 years because of the projected increase in both the number of vehicles and miles driven by each vehicle. Ironically, under present emission standards, oxides of nitrogen emissions, the main villains in photochemical smog production, will be higher than they would be if no standards existed."

Third, the industry neglects specially vulnerable individuals such as the hundreds of thousands with respiratory diseases and traffic police who must work in environments having high vehicular emissions—to name two groups. These people have necessities that cannot be ignored by national pollution control policy. Fourth, vehicular pollutants destroy hundreds of millions of dollars of property—as in agriculture—and cause vast dollar damage to other property.

Since others, not the auto industry, bear this cost, the billions in property losses caused by an industry that refuses to be toilet trained are ignored in the deceptively optimistic orgies that go by the description of technical reports from the auto companies.

Fifth, auto pollution is receiving increasing attention as a traffic safety hazard—ranging from the effect of carbon monoxide on drivers (GM recently recalled over 2 million vehicles because of this hazard) to reduction of driver visibility from smog on highways.

Sixth, auto pollutants and the dirty, ugliness that they produce constitute a nuisance and aesthetic deprivation that alone should be sufficient for their prevention.

Seventh, Heinen's and other's figures about reduction of carbon monoxide and hydrocarbons knowingly ignore the degradation of performance as the mileage increases.

Federal regulations require that automobile emissions not exceed specified levels for carbon monoxide and hydrocarbons. Certification procedures by the national air pollution control administration are supposed to guarantee that emissions will not exceed the maximum allowable for 50,000 miles with one major tune-up at 25,000 miles. However, an undisclosed national air pollution control administration financed study of the emission characteristics of Hertz vehicles, 1969 models, indicated that 53% of the autos tested failed either the carbon monoxide and/or hydrocarbon tests after only 11,000 miles on the average. General motors' failure performance was distinctive: 68% of the GM cars surveyed failed for either carbon monoxide or hydrocarbon at an average of 12,600 miles. The Federal testing of motor vehicles for compliance with the law is a shocking story which will soon be told in a coming report.

Practice No. 5. The auto companies have applied their considerable politico-economic power to avoid having to shoulder the burden of proof for their air violence. In a society with democratic control over its technology, it would not be up to the victims to have to show that a pollutant was harmful, particularly the kind that takes years to manifest its deadly impact on human beings; it would be up to the polluting company to show that its emissions were not harmful. The new cry of the students and the environmentalists to General Motors et al will be—"You prove its harmless or get it out of our air."

Practice No. 6. Having had great success in surrounding themselves with privileges and immunities, the auto companies have been able to keep their research and development budgets tiny. During the past two years, to illustrate the sense of priority, General Motors has spent $250 million to change over its signs to read "GM—Mark of Excellence". Judging by its technical output, its lack of change, its facilities and manpower devoted to R and D, GM could not possibly spend more than $8 million a year for system solutions to its vehicle's pollution. That amounts to about 3½ hours gross revenue. Such contempt for the inalienable rights of people to breathe pure air, coupled with industry-wide conspiracy, is a crime of staggering proportions for which there is no prosecution.

Practice No. 7. The auto companies' response to growing state and Federal demands for pollution control has been to sustain the perpetuation of a grossly inefficient internal combustion engine by applying tack-on "solutions". During the past four years, these tack-on, rather than systemic, approaches have produced with *decreasing* costs to the companies and *increasing* added price increases to the motorist. In addition, the cost of maintenance of these clumsy devices increasingly accelerates with every expanded objective. While promoting the myths of how much alternatives to the internal combustion engines would cost, the auto companies are milking millions from motorists in order that their capital commitment to the conventional engine not be disturbed. It is critical for Congress to analyze at what point on the continuum is the most efficient absorption of the cost.

Engineering history has shown that that point is the design boards. For example, company representatives are now providing an idea of how much it is going to cost California motorists to meet that state's forthcoming price increases allegedly due to added devices, it will cost California new car buyers about $600 million in the first year. These kinds of figures are rarely stacked up against the cost of basic propulsion changes back in the motorcar plants. The external costs of the present internal combustion engine—health, property, fuel consumption, price increases, maintenance, traffic crashes, etc., vastly exceed initial, fundamental changes in the propulsion changes. But the auto companies, not the people or the government, make these cost decisions. The auto subeconomy is a classically authoritarian system in this regard.

In a period of our history when spectacular advances have been made in space, automated production machinery, computers and other areas, the auto industry continues to inflict the violent internal combustion engine—fuel combination on the public. With greater technological capability and affluence, the auto industry has had a commensurately greater ethical imperative to know the knowable and apply the solutions. The enormity of its criminal behavior grows larger every year. No longer should the people in this country delay in doing what should have been done in the 1920s and 1930s. It is recommended that the following action should be taken:

1. Vigorous antitrust enforcement to dissolve General Motors and restructure the auto industry under conditions that will generate competition for quality and safety.

2. The government should use its procurement powers and research-development funding to create maximum incentives for less polluting vehicles. This would include setting up a production capacity for nonpolluting or less polluting vehicles. There is ample precedent for this move in less urgent areas—e.g., maritime R and D subsidy and the outright creation of a tax-supported private atomic energy industry. Without a government supported capability, the standards process will be controlled by the product-fixing policies of a collusive industry.

3. Existing air pollution control laws must be amended to provide for effective penalties and other sanctions to deter violators, for an expeditious recall power for correction at manufacturer expense, for strong inplant investigation and inspection powers and for ample manpower to perform these missions. At present, millions of vehicles are produced that violate the pollution control standards. There is no way for the government to ascertain that the carefully tuned, prototype vehicles submitted for testing by the auto companies are in any way similar to production vehicles. Sanctions must apply to corporate officials, not just the companies.

4. The principle of maximum technological feasibility must become a prominent guideline for Federal policy. This is in accord with a new technological ethic that the machine adapts to the man. Quickly jettisoned must be the idea that our people must await two to three decades of medical studies before the human guinea pig evidence begins to bestir the auto manufacturers.

5. Strong, long-range cut-off dates should be established beyond which vehicles with certain levels of pollution can no longer be sold. Long-range decisive deterrents and heightened public expectations are built up in this manner.

Number 6 is particularly appropriate in the light of the refusal of corporate executives, top corporate executives to appear here today. I wish to remind you gentlemen that New York is the corporate capital of the world. The auto industry has many corporate headquarters here.

In fact, General Motors' corporate headquarters are only a short taxi ride away, where the Chairman of the Board is now working.

6. A criterion of corporate insanity should be developed to apply to certain levels of indifference, insensitivity or venality. Once these levels are attained for any given area of corporate decision making—in this case, pollution—the corporate institution will lose its power over that area to the people. In the alternative, there could be a Federal declaration of policy that the quality of air can no longer be intruded upon by corporate or other polluters as their private sewers. This would permit interesting policies and rights to emerge—such as constitutional change pressures toward a fundamental human right to a pure environment or taxation of polluters to such a degree that the companies decide it is cheaper to adopt the control machinery.

7. Above all, a new governmental policy of meticulous investigation of the auto companies to disclose illegal practices, technology suppression and other patterns of activity that slow or block pollution control progress is needed. Disclosure is reform's first step. To continue the present permissiveness of trying to understand these generators of air violence through the contrived statements of a number of company officials is similar to trying to understand China and the Soviet Union through the utterances of Kosygin and Mao.

This nation applies more investigative manpower to one bank robbery than it devotes to the auto industry's violent activities. Those of us who have followed the tortuous path of the industry over the years can be forgiven the lack of patience displayed by public representatives newly exposed to the smooth semantics of corporate publicists. For us, the auto companies' assault on the biosphere must be stopped if only for the benefit of the young and still unborn genrations who will never know what a breath of fresh air can be like.

I would also venture to predict, gentlemen, that the error of reliance on government intermediaries to force the auto industry to clean up the air is over. From now on, the techniques employed in the civil rights movement on the part of students, and antipollution environmentalists will be directed directly against the automobile companies.

I should like to request that the attached questions be asked of the auto companies as a start toward the necessary disclosures.

I submit these questions for your pleasure and hopeful use for questioning the auto industry, whether here or by letter in the future.

1. Under the Air Quality Act of 1967, motor vehicle manufacturers are asked to submit prototype models for testing to assure that evaporative and exhaust emissions are controlled in accordance with the standards established by the Secretary of Health, Education and Welfare. What steps has your company taken to assure that production line models conform to these prototypes with regard to the emission of pollutants? Please describe the quality control program as it relates to this problem.

2. Why have the Presidents and Chairmen of the Boards of the automobile companies consistently refused to appear before public forums to discuss their companies' efforts—or lack thereof—in the field of air pollution control?

3. Are the automobile manufacturers at all concerned with the fact that inner city residents—black slum dwellers and others sometimes called the "silent majority"—are subjected to massively greater quantities of pollutants from automobiles than are the residents of Grosse Pointe, Michigan and other suburban communities where the automobile executives lay their heads? If so, please produce the corporate studies which reflect this concern.

4. Why have the automobile companies raised prices for each of the last three model years, each time citing the cost of air pollution control as one reason, when there has been no significant change in that equipment over this period?

5. What research have the companies engaged in relating to the effects of air pollution from automobiles on the following: automotive safety, health, property damage, vegetation, wildlife, climate?

6. Please indicate, for each engine-carburetor-transmission combination, exactly what quantities of the following pollutants are emitted over the life of each vehicle: Carbon monoxide, Hydrocarbons, Oxides of Nitrogen, Lead, Asbestos, Rubber Particles and gaseous matter from tires.

7. What research have the companies undertaken to study the health effects of these pollutants? If they have not engaged in such research, why not? If they have, what have they done to alert the public to the health dangers of these pollutants?

8. Aside from claiming to meet inadequate Federal standards, what have the companies themselves done to reduce these dangerous emissions?

9. Do the executives assembled here today agree that automobile industry executives should be subjected to personal criminal penalties for failure to adhere to Federal standards for automobile exhaust emissions?

10. How much money have the companies spent, for each of the last five years, on research relating to steam, electric and other pollution free unconventional power sources for mass produced automobiles?

11. With regard to questions 5, 7, 8, 10 and 12, please compare the amount of money spent for those activities with the following:

(a) The annual advertising budget of the companies.

(b) The amount of money spent on bonuses and stock options for corporate executives.

12. Are the companies engaged in research to develop a cleaner burning fuel?

13. What is the position of the companies (individually) on Federal standards limiting the omission of oxides of nitrogen, lead, asbestos and tire-related matter from motor vehicles?

14. The newspapers recently reported that the automobile manufacturers were engaged in research relating to electrically powered lunar vehicles. Will the fruits of this research result in similarly powered vehicles for mass production on earth? If so, how soon?

I might also add that some of the technical specialists who are coming up later, such as Dr. Robert Ayres, and Professor Morse of MIT will present much technical corroborative data, and in particular that data referring to the contribution of a third of the nation's air pollution by General Motors comes from the computations of Dr. Robert Ayres, who has conducted extensive studies in air pollution in various kinds of vehicular propulsions.

Thank you.

Congressman Farbstein. Have you finished?

Mr. Nader. Yes.

Congressman Farbstein. I want to thank you, Mr. Nader, for having appeared here today voluntarily, at your own expense, and with great inconvenience, especially with this weather.

I know that your testimony will be appreciated and will be considered very closely.

I might say that one of the reasons that I called this hearing was because I offered an amendment to the Clean Air Act in Sep-

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tember to ban the internal combustion engines, unless it could meet air pollution standards equivalent to those laid down by the California Legislature for low pollution vehicles.

I lost 22 to 99 so I felt this hearing was necessary to arouse the public to the dangers to the air we breathe caused by the internal combustion engine. I hope the information that comes out here today will arouse the public to demand of both the auto industry and the Government, action to produce clean engines.

Time is a little tight and so I will restrict myself to one question. Similarly each of the Members of Congress will have the opportunity to ask one question or make a very short presentation. Mr. Nader can then, if he wants, take a minute or two to close.

The question that I want to ask you is this:

Are you suggesting that the automobile companies are shirking their obligation to the public to produce a clean engine, and if so, why?

Mr. NADER. I think my testimony, Mr. Chairman, made clear that the short answer to your question, is yes, that they are not being candid, to use the most charitable phrase I can think of at the present time.

The answers for their stubbornness is quite simple as well. Less polluting engines do not sell more cars. They just save more lives.

Secondly, there is no penalty under the law over the last two decades for delay. They can procrastinate, they can deceive, they can delay, they can assert economic pressure, and there is no penalty for it, so when you get the lack of incentive for human life on the one side and the lack of sanction and penalty on the other the consequence is that the behavior is as has been.

Congressman RYAN. I should like in the first place to thank you, Mr. Nader, for your statement—one that all of the members here could spend a great deal of time in discussing with you.

Unfortunately, our time is limited and we have to move along so the witnesses will have an opportunity to testify. Also, there is legislative business in Washington that calls upon us to be there during the course of this afternoon.

I would like to commend my colleague, Congressman Farbstein, for having called these meetings. I would like to make the following observation:

Although American automobile manufacturers knew of the dangers auto emissions presented to public health, they did not warn the public of these dangers. The manufacturers knew that devices could be installed to reduce these emissions, but refused to design and install these control devices until forced to do so by Federal regulation—and they stopped at what they had been forced to do. They did not instruct owners and mechanics in maintaining these devices. It is possible, after a few thousand miles of driving, if the devices have become clogged, that a car with control devices can pollute the air more than a car without devices. While the devices in current use are reducing emissions, the downward trend will start to rise upwards again by 1980 unless far more effective devices are installed—due to rapid increases in car population.

Motor vehicle registrations in the United States are expected to top 105 million by the end of the year. In New York City alone, there are more than two million automobiles in operation—twice as many as the area can support. Estimated emissions for New York City during a study made in 1968 were:

Carbon monoxide, 4140 ton/day: Hydrocarbons, 560 ton/day; Nitrogen oxides, 106 ton/day.

At one location, average hourly concentrations of carbon monoxide (CO) exceeded 15 ppm from 9 a.m. to 7 p.m. (New York State recommended that 15 ppm not be exceeded for 8 hours more than 15% of the time).

In New York City, automobile traffic produces over 8 million pounds of CO daily; people in moving vehicles in heavy traffic are exposed to sustained levels of 50 or more ppm. Brief exposures of 141 ppm have been found in New York expressway traffic.

Exposure to CO has been related to fatigue, headache, irritability, dizziness and disturbed sleep. Persons with anemia, heart disease and disease states resulting in increased oxygen demand or impairment of circulation to vital organs suffer more severe effects. CO is toxic in the blood because it inactivates hemoglobin. In levels of 5 to 10%, it reduces the amount of oyxgen the blood carries to the heart and tissues, thus affecting the reflexes and the ability of the brain and heart to function. Several studies have connected CO with impaired performance in drivers; this has serious implications for traffic safety.

Other auto emissions are: hydrocarbons, which help produce photochemical smog and cause plant damage, eye and respiratory tract irritation and reduced visibility;

Nitrogen oxides, a major form of which, nitrogen dioxide, a yellow-brown gas, reduces visibility at low concentrations;

Oxidants, such as ozone and the peroxyacylinitrates (PAN) which are associated with eye irritation, odor and respiratory effects; and

Lead compounds, which are toxic to humans, interfering with maturation and development of red blood cells, and possibly affecting liver and kidney functions and enzyme activity.

The particulates produced by auto exhausts may seem small in comparison to the huge plumes emanating from factory or power plant stacks; however, this small volume has grave significance; it creates hazards in both visibility and health effects. Small particles form a "curtain" that severely curtails visibility (larger particles leave "gaps" through which some visibility may be retained). Large particles, when breathed in, may cause coughing and sneezing responses but are generally deposited in the upper airways. Small particles, however, are "respirable"—they may be carried deep into the lungs, into the bronchioles and alveoli, where—if they have absorbed SO_2—they find the natural moisture of the pulmonary system an environment where they may oxidize and produce sulfuric acid.

There is an even more serious problem, much more difficult to control than emission levels—this is the status/power/sex symbol syndrome the automobile manufacturers have created in their advertising and marketing practices. Instead of selling transportation—simply a means of getting from one place to another—the manufacturers have made the American automobile a status symbol, even a potency substitute: they have sold the consumer fast starts, high-powered engines and the speed/power/pleasure/potency syndrome with such insidious and unrelenting pressure that they dare not even bring up the subject of pollution. They dare not let the driver know that his beloved fantasy object emits dangerous pollution. When they have mesmerized the motor addict into purchasing a surrogate for sexual potency, a romanticized compensation for failure, or a surging jungle animal, they can hardly add as an afterthought that driving this magic chariot will vilely and dangerously pollute the environment.

Manufacturers have even less enthusiasm for advising the potential owner that controlling pollution will cost money. Far better to let people spend money on "hidden" costs—cleaning bills, medical bills, poor health, absences from work—than openly admit that automobiles pollute the air and that the automaker and the individual owner are jointly responsible for preventing that pollution.

Electric cars, steam cars, gas turbine engines and fuel cells offer hope for reducing, perhaps even eliminating, pollution in the future: but these solutions may take five, ten or fifteen years.

We can expect development of more efficient control devices (like Milton Farber's catalytic muffler, now being tested, but not by a strangely indifferent auto industry).

In the meantime, what can the driving public do to reduce the auto pollution of our planet's air?

What can the manufacturers do, now?

There is, already available, a simple inexpensive system that can be applied to presently operating motor vehicles—the dual fuel system, which uses compressed natural gas in city or heavy traffic driving, but can switch to gasoline for long trips.

This system is safe, less costly than gasoline, and emissions are below not only current national and California standards, but well below California standards for 1974. This system is closed and there are no evaporation losses. In mileage accumulation (already up to 60,000 miles in test vehicles) there has been no deterioration in vehicle emissions performance; further, there are fewer problems in maintenance because natural gas is a clean fuel; it does not cause oil deterioration or sludging, does not foul spark plugs.

Every driver who owns a motor vehicle can have this system installed in a few hours; his investment will be rewarded by decreased operating costs and decreased emission of pollutants.

What can the manufacturer do? They can design automobiles with space to accommodate tanks for the compressed gas; they can inform the auto owner of the problems of pollution, of the necessity to meet emission standards. They can sell autos simply as modes of transportation, not as sex/power/status symbols. They can treat the auto buyer as a responsible individual, not as an object to be manipulated.

I urge the administration of New York City, the State of New York, and the Federal Government as well as the automobile manufacturers to take every step possible to disseminate the facts about pollutants emitted by automobiles, the dangers to health if pollution continues, and methods to reduce these pollutants.

I urge government at all levels, automobile manufacturers, and industries such as taxi and delivery companies to test the dual fuel method and, if it proves to be efficient and economical, to install it at once in all urban vehicles so that pollution can be substantially reduced while we anxiously await improved control devices and pollution-free vehicles.

Mr. Nader, I make the point that the automobile industry looks at the automobile, not as a method of transportation, a means of getting from one place to another, but as a power symbol, a status symbol and if you will, sometimes even a sex symbol. At the same time the manufacturers have practically ignored the danger of air pollution. Do you want to comment on that?

Mr. NADER. The horsepower race is faster than ever. The emphasis on aggression and power is still a theme of current advertising.

In fact, the recent ad by Ford Motor Company for its Mercury Cyclone had the title "We make it hot, now you make it scream."

The picture showed a Mercury Cyclone surrounded by three crouched teenagers who appeared like they got the message.

Congressman RYAN. May I make one other comment, Mr. Chairman, and that is that the alternatives to the internal combustion engine, the electric car, steam car, and gas turbine engine—are several years away. However, there is now the dual fuel system, and I suggest that the New York City Administration and other governmental agencies start to test that immediaely.

Congressman KOCH. Mr. Chairman, along with the others, I will submit a formal statement because of the time requirement, but I would like to make a brief comment, and ask Mr. Nader a question.

I agree with you that the romance with the internal combustion machinery is over, and that the population in large insists and demands that Congress do something about it. What distresses me is that the administration in effect has supported the automotive industry in that they indicated that they are not going to press for low pollution standards mandatory until 1990.

I don't think we can wait that long. I think you have indicated that we can't wait that long, and I wonder whether you have a comment on the possibility of our requiring that a certain proportion of the existing gasoline tax, which runs anywhere from four to twenty cents on each gallon, perhaps even a little more in some states, that some small percentage of that, whether it is one cent a gallon or two cents a gallon, be set aside solely for Federal research and development into the question of control of air pollution.

Mr. NADER. You raise some very important issues. Let me say I would prefer the revenues to come from an excess tax on the auto companies.

They are increasing their profits. I think an excess tax to finish these kind of prototype non-polluting vehicles is clearly in order.

You mentioned the administration's posture. I think what we are going to see in the next few months, beginning with the President's State of the Union Message, is a major barrage concerning environmental hazards, whose function will be to shift the cost of eliminating these pollutants onto the taxpayer, and away from the corporations.

I see this in recent remarks a few weeks ago.

Recent remarks by Secretary of Transportation, who indicates that the Government might begin to make grants, not to just companies outside the auto industry, but to the auto industry themselves to clean up their engine, a kind of new-fangled bribe that has become increasing in characteristic of the corporate socialism that big companies are developing in this country.

The idea of a tiny agency like the National Air Pollution Control Administration, with a hundred million dollar budget pained General Motors, which grosses $23 billion a year. I think we have to be careful of the present administration's attempts to shift the cost on the taxpayer, which, of course, increases the cost even more, because appropriations for air pollution comes very slowly.

Congressman KOCH. Would you then suggest that some part of the purchase price, so that it comes out of the automotive industry, be set aside for air pollution control research and development and in some way that that be governed by the Federal Government?

Mr. NADER. Yes, but the revenue device should be placed on the auto companies themselves in terms of an excess of profits tax.

Congressman KOCH. I agree with you.

I am very pleased to join today with Congressman Farbstein and others in sponsoring this hearing on the problems of automotive air pollution.

Americans are rightfully proud of the vast technological progress which industry has made. In recent years, however, we have all become increasingly aware that much of this so-called progress is seriously threatening our environment. Today our technological potentialities must be applied to the problem of restoring our environment.

The pollution of our air is a vivid example of the situation, and it is clear that the mass produced, internal combustion engine automobile is the greatest source of air pollution today. Residents of our major urban areas, where 85% of the air pollution comes from auto emissions suffer the most, and the problem is growing more severe. In New York City, for example, over the last four years the sulphur dioxides and dirt in our air pollutants created by a variety of sources including incinerators and the burning of fuel oil, have been reduced 56% and 23% respectively, but the pollution from autos has increased. It is not so difficult to understand why when one realizes that over ½ million cars enter Manhattan daily.

Until a low-pollutant auto engine is successfully manufactured, it is clear that we are not going to be able to tackle the problem of air pollution. Yet we must improve the quality of air soon for there is ample testimony citing the health hazards caused by air pollution which only underscores the urgency of the problem.

Despite the obviously harmful health effects produced by the proliferating internal combustion engine, we still appear to be years away from the production of a low-pollution engine. In large measure this is a situation that can be traced to the unresponsiveness of Detroit. The automotive industry has in the past spent over one billion dollars for annual model changes while only one million annually for pollution control. In fact, despite the clear recognition of the problem, no pollution control devices were put on new model cars until so mandated by State and Federal law. The past performance of the automobile manufacturers has been an attitude of contentment with the status quo, an attitude that has proved highly detrimental to the general welfare.

In fact the AMA's behavior has been so delinquent in the pursuit of a pollution free auto that the Justice Department during President Johnson's Administration saw fit to bring suit against the major auto manufacturers, charging them with a fifteen-year conspiracy to suppress research, development and application of air pollution control devices. The fact that this suit has been settled out of Court by a consent judgment is, in my opinion, a great misfortune and reflects the Nixon Administration's apparent willingness to pander to the interests of the automotive industry. I believe that the public is entitled to know the facts, to know just how culpable Detroit may have been in this matter.

At the time that it was announced that the Justice Department was considering a consent decree I joined with eighteen other Congressmen in writing Attorney General Mitchell asking that there be a public trial and full disclosure of the facts. Although the Justice Department agreed to the consent judgment, I am happy to note that the Court required that the evidence collected by the Federal Government be made available to the cities that, as plaintiffs, want to bring future actions against the industry. I believe that our Congressional action was partly responsible for this and hope that we may someday have the true facts in this case.

Earlier this fall the Nixon Administration set a goal of 1990 as an acceptable date for the development of a low pollution auto engine and asked an allocation of 2.2 million dollars for research. This appears to reflect a real absence of commitment, and is a dangerous way of dawdling with a serious public health problem.

Of course it is not only the Nixon Administration and Detroit that have evinced a lack of publicly-spirited dedication in this area. This Congress and past ones have done much to foster the ever-expanding production of the internal combustion engine. Recent budget allocations show that Congress habitually marks about 4.5 billion dollars each year for highways compared to a meager 175 million for mass transit. More highways mean more cars which in turn means more congestion and more pollution in our cities. This imbalance must be changed. Approximately 70 percent of our population lives in urban areas today and they are the ones who are suffering most. Naturally improved mass transit facilities would reduce the need for cars in the cities, and early in my term I introduced a bill, currently sponsored by 106 Congressmen, which would establish an Urban Mass Transportation Trust Fund to begin to rectify this situation.

But this alone will not solve the problem of the air pollution caused by automobiles. We need a national commitment for the production of a low pollution auto engine. Alternatives to the internal combustion engine must be developed, for it is estimated that the gradual increase of cars on the road through the 70's and 80's will negate the reduction of pollutants emitted by individual cars with control devices. Such a commitment will require funds as well as energy, and, if, as seems to be the case, Detroit will not meet its responsibility, the Federal Government should step in to assist.

With the technological resources of this country it would seem to me that a low pollution engine could be developed long before 1990. The government made the type of national commitment necessary in pioneering the way to the moon, a feat which was accomplished in the remarkably short space of ten years. Rather than having the Government subsidize private industry to the tune of 1.3 billion dollars in such a highly dubious project as the SST, it seems to me that far greater investment ought to be made by the Government to develop the technology to solve this urgent problem of autos polluting our air.

The necessary funds could be easily provided. Every gallon of gas consumed by our polluting autos cost around ten cents. The balance of the market price is made up in City, State and Federal taxes. If we were to take just one penny of this 20 to 30 cents in taxes on each gallon of gas and if we were to set that penny aside to fight pollution we would have a powerful tool indeed.

The major cities of this country are being suffocated by our history of infatuation with the automobile. But this romance is over for the majority of our population and the Government must wake up to this fact as must Detroit. Urban residents are breathing filthy air every day but are becoming more and more vocal in demanding their right to enjoy clean air. The Conservation Bill of Rights recently passed by the voters of New York State reflects the public concern with the problem of the environment in general. But the time has come for action rather than rhetoric, and the Federal Government must lead the way.

The Foley Bill of which I am a cosponsor is a modest step in the right direction. It would give the developer of a low pollution vehicle an ecomonic incentive of 25% by requiring the GSA Administrator to purchase for the Government that car which meets new Federal pollution standards and to pay 125% of the cost of the vehicle which it replaces. In addition to measures such as this one, however, the Government must make a more active investment; an investment for the general welfare which must take the form of more funds for mass transit and for the development of an alternative to the internal combustion engine.

Congressman ROSENTHAL. Mr. Nader, I find it intriguing to determine in my mind whose fault it is that we are in the situation that we are in. I think we can reach a consensus that we are almost at a last clear chance or beyond repair as to the danger to the environment.

Just being the Devil's Advocate for a moment, the auto companies are in the business to make a profit. They may have some implied responsibility to develop a safe car, or a non-polluting car, or do the kind of things that technology permits, but is it a failure of their moral leadership, or is it a failure of Government to step in when they see that

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there is a threat to the general welfare, and the failure of Government to enforce livable standards in the commercial world?

Mr. Nader. With every hazardous activity there are two levels of responsibility, the immediate level of responsibility, which is in the lap of the perpetrators, in this case the producers of the motor vehicle, and a second level of responsibility on the part of Government to watch out for the health of its people, so they are both responsible, but I think that the auto industry was in the position earliest to detect the hazard, to have resources to avoid it, so the primary responsibility would be placed on their shoulders, to this day.

Oftentimes people say well, the auto industry is in the business of making money. A lot of people are in commerce as well. Does that mean that they can cease using sanitary toilets? Does that mean that they can justify violence to other people, just because it is attached to a beneficial activity, presumably, that of producing cars for mobility?

I don't think it can possibly be justified on that basis.

Congressman Podell. I would like to congratulate you, Mr. Farbstein, on calling these hearings, because I for one am relatively new, both in the House, but not in the question of a great need for improving the pollutants of our air, or taking the pollutants out of our air.

I read, with a great deal of interest, the entire hearing in May 1968, before the Committee on Commerce of air pollution, and I have your statement before me.

First of all, I think the fault is not so much with the auto industry. I think the fault is the Congress itself, or the administration.

I think the responsibility for preserving the environment of our country is ours. I think the auto industry is to make profits for themselves. I think from the kind of testimony that I read out of this manual, I think it becomes the responsibility of government to step in and do something about it.

I was toying with the possibility, or the idea of setting up perhaps on a statewide basis, compulsory pollution stations in the same manner that we now have automobile inspection stations throughout the State of New York, where cars must have a pollutant sticker on each year to determine the amount of pollutants that the internal combustion engine may be giving off.

I think we have got to step in and do something about it. I think the government has the responsibility of doing so. May I get your reaction?

Mr. Nader. Yes, Congressman Podell, some of us in the consumer area have difficulties at times of distinguishing Congress from special interest or the auto industry in this case.

Congress cannot be any better than the level of vigorous citizenship, and up to now Congress has been reflected in its majority determination with the tremendous pressure that the auto industry is placing upon it, and so if we are to get a more active, more concerned, and more productive performance out of Congress, we have to go to the auto industry to determine how they are putting this pressure on and to devise ways to reduce it, or eliminate it, and that is why at the time that men of good will are heaping blame on governmental institutions of which they are a part, the fact is that the governmental institutions are a part of the fabric and that is where the focus must rest, in this case on the autombile industry.

Congressman Podell. Would you care also to comment on the possibility of setting up these auto pollution inspection stations throughout the country?

In the same manner as we have an automobile inspection sticker on your car today, we can do the same for pollution.

Mr. Nader. Given the rapid breakdown in the efficiency of these so-called pollution controls on vehicles that's quite necessary, particularly if used cars will be required to put these tack-on devices in order to determine their efficiency every 10,000 miles or so.

Congressman Podell. Would you suggest that could be done on a Federal level?

Mr. Nader. Yes, it could be. The tragedy of it all is it is going to cost a tremendous cost on the consumer, because it was not used up by the auto industry.

Congressman Bingham. I would like to join in congratulating you, Mr. Chairman, in calling this hearing. I would also like to make a comment and add one question. My comment would be directed to the representatives of the automobile companies who are here. I hope that they will take very seriously what Mr. Nader has said, and the charges that he has made here today, and that others may make. I know from conversations I have had with very influential people in the automobile industry, or related to the automobile industry, that they tend to brush aside Mr. Nader as frankly some kind of a nut. In my judgment, and I am sure this is shared by all of us here, this is a woeful misunderstanding of the situation.

I think that Mr. Nader has made a contribution of enormous significance, not only in this field, but in many other fields, and my word to the automobile company representatives here is to take it very seriously indeed.

I would like to send this message to the representatives of the Chrysler Company, who were not courteous enough to send a representative here to testify. This relates to my feeling that the public must be involved in this.

As Mr. Nader suggests, young people are getting more excited about this, and they are going to be making their feelings known in an effective way. I think the public has a responsibility, just as government and the industry has a responsibility, to take effective action. For myself, I would like to send word to the Chrysler Corporation that I happen to have a Chrysler product which I am about ready to replace, and I am not going to replace it with a Chrysler product, since they have shown no awareness of the problem by failing to appear here today. Mr. Nader, just one question. I am concerned that in trying to improve the present antipollution devices, we are really missing the boat. As I understand it, if we continue to use the internal combustion engine, pollution due to automobiles will continue and even get worse, in spite of the best exhaust control devices simply due to the increasing number of cars. Don't we have to move radically in the direction of some other kind of propulsion system for our vehicles?

Mr. Nader. Based on what is now known I would agree with you that we do, that existing controls not only increase enormously the cost of maintenance and repairs on the part of the motorist, which will thereby build up a pressure to hold off these pack-on additions, but also they don't deal with many of the vehicular pollutants that prevail. Lead, for example, is not dealt with in this way. Oxide and nitrogen still remains to be seen, whether it will be suitably controlled by adjustment to the present internal combustion engine. I think we are going to have a much more fundamental approach in this.

Congresman Farbstein. Mr. Nader, I want to again thank you for coming here.

Might I say in reference to the characternization of you as a "nut" that few subscribe to it, but if it is true, I will say that it is the "nuts" like you whom are responsible for the advances we have made. I might say also that I am sure the public generally will applaud and appreciate your testimony here today as I do as well-considered and thought provoking. Again I want to thank you for coming here.

Mr. Nader. Thank you, Mr. Chairman, I would like to make two concluding remarks. First of all, I think we need to recharacterize with greater accuracy what air pollution is.

Air pollution is a form of environmental violence in the strict sense of the term. It is a form of environmental violence that discriminates as well. Black people in our slums and other people that live in the ghettoes of the city are exposed to a far greater quantity of air pollutants than those who are more fortunate to live in the adjoining suburbs, and I think this type of discriminating impact on the part of the environmental pollutants should be studied so that we take very carefully sections of cities and compare them with sections of suburbs and develop some sort of concern toward which we can develop suitable apologies.

I think it is also clear from the history of post-war engineering development that if we want to achieve a certain technology, all we have to do is submit the necessary resources. We don't have to wait upon some spectacular Einsteinian idea in this area. We can schedule and program innovation, as we did in 1960 when we decided to go to the moon.

It is important to recognize that it is no longer a speculative thing. That all of these delays on the part of the auto industry and non-performance simply reflects an unwillingness to give even the most modest technological resources over the years to find the answers.

Congress is now appropriating 100 million dollars to the Federal air pollution budget. It must increase this to the equivalent total of funding two nuclear submarines as a start. Two nuclear submarines cost Congress 300 million dollars. I think we owe that to the people of this country.

Congressman Farbstein. Thank you again, Mr. Nader.

Now I think we are going to give Dr. Paul A. Chenea, the vice president for research of General Motors, an opportunity to be heard. I believe he has been sitting here listening to the testimony of Mr. Nader and I hope will want to comment or take issue.

Dr. Paul Chenea. Thank you, sir.

Representative Farbstein and other Members of Congress, I am Dr. Paul F. Chenea, a vice-president of General Motors Corporation and in charge of the Corporation's Research Laboratories.

I am here today in response to your invitation to General Motors to appear before this panel of Congressmen from New York and New Jersey to discuss on behalf of General Motors the effects of the automobile on the air of the metropolitan area. I am accompanied by Dr. Fred W. Bowditch, director, emission control, of the GM Engineering Staff. Also present on my right is John Caplan, Executive Director, General Motors Research Laboratories.

I have been associated with General Motors Research Laboratories since June, 1967. Prior to that I was vice-president for academic affairs of Purdue University and acting dean of the School of Science, Education and Humanities from 1961 to 1967 and was a professor and administrator in engineering and mathematical sciences at Purdue during 1952–1961. I was on the University of Michigan engineering faculty during 1946–1952.

During those years I also was a consultant to government and industry.

In response to your invitation—and in an effort also to give perspective to the discussion before this panel—our report covers three broad areas:

1. A review of progress in reducing emissions from our current production cars.

2. What we are doing to develop future power plants

3. Some comments on the automotive contribution to the metropolitan area's air pollution problem.

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Mr. Chairman, as discussed with you in reaching general guidelines prior to accepting the invitation to appear here today, we are under certain legal inhibitions in discussing any subject matter related to pending air pollution litigation, including a suit in New York State.

However, we do not believe that this in any way will limit our ability to present a meaningful report that will be useful to this panel. As you know, we want to cooperate with you, and we recognize the importance of presenting our views on metropolitan New York air quality problems.

At the outset, I want to emphasize that air pollution problems are taken very seriously by General Motors. We have already made substantial progress in reducing emissions from our engines—including a number of improvements adopted by others in the industry—and we are continuing to reduce emissions each year. But most important—and I cannot emphasize this too strongly—General Motors is and will be irrevocably committed to finding a solution to automotive emission problems at the earliest possible time. And in seeking solutions we will have no hesitation in using a power source other than the internal combustion engine if it will meet the needs of our customers, at a price they can pay, and will solve the emission problem.

We are concerned about the health and safety of the public. The cars we are producing right now—not some time in the future—are in themselves evidence of our concern. Our cars emit approximately 70 percent fewer hydrocarbons than the unequipped cars of 1960; next year it will be 80 percent. Carbon monoxide emissions have been reduced nearly 65 percent in the same period.

More importantly, while emission levels of our current cars are substantially lower than emissions of pre-control vehicles, achievement of the levels now being considered for 1975—and we certainly are hopeful of achieving them—would result in reducing auto emissions even further—with hydrocarbons 95 percent and carbon monoxide 85 percent below uncontrolled cars of 1960.

The facts clearly demonstrate that our current model General Motors' cars greatly reduce the automotive contribution to atmospheric pollution in the metropolitan New York and other major urban areas of the nation.

This effectiveness of emission control systems on 1970 cars was recognized recently by a most eminent public authority on air pollution, Dr. A. J. Haagen-Smit. He is chairman of both California's Air Resources Board and of President Nixon's Task Force on Air Pollution.

Dr. Haagen-Smit discovered how photochemical smog found principally in the Los Angeles Basin is formed. He said in an address last month that the sum total of hydrocarbon and carbon monoxide emissions from motor vehicles on the road today are lower than they were last year. He continued:

"They will be even lower next year and the year after that. This is true even though we will have more cars each year. The decrease in total emissions will soon be true for oxides of nitrogen. The above are significant accomplishments and are ones that should not be casually accepted as having been easily accomplished."

This has been accomplished despite the number of older used cars that lack emission control equipment.

All of our air pollution work at the Research Laboratories has had three basic objectives: the understanding of the nature of atmospheric effects, the understanding of the nature of vehicle emissions, and the development of new control concepts.

We started intensive research into automotive emissions and their relationship to photochemical smog in 1952. The main effort in the beginning was to determine the nature of the problem and develop instruments needed in such research. As knowledge was gained, hardware was developed.

One of our first tasks was to develop techniques for analyzing trace components in exhaust gas. Automobile exhaust contains more than a hundred different hydrocarbons—some of which form photochemical smog a thousand times more readily than others. Some lead to eye irritation and some do not.

However, even today many mysteries remain concerning exhaust gas and the atmosphere. For example, carbon monoxide disappears from the atmosphere rather than accumulating, and the scientific community has never been able to determine where it goes. This illustrates the difficulties of the area in which we have been working.

We are participating in an $11 million, three-year cooperative research program which was started in January 1968, to find answers to such questions as to what happens to carbon monoxide. It is funded by the Federal Government, the petroleum industry and the auto industry.

We are also seeking answers to questions concerning the effect of pollution on plants, the causes of haze formations, the effect of low level carbon monoxide on human and animal behavior and the concentration of carboxy hemoglobin in the blood of various population groups in New York City.

Since 1952—when our intensive air pollution research program was launched—a great deal has been accomplished by General Motors. Systems have been developed to provide controls for all sources of emissions from the automobile—blowby gases from the crankcase, exhaust gases from the tailpipe and evaporative losses from the fuel tank and carburetor. These accomplishments have included the following:

1. The Positive Crankcase Ventilation control system (PCV) developed by General Motors.

2. The GM Air Injection Reactor System (A.I.R.).

3. The GM Controlled Combustion System (CCS).

4. Evaporative controls, which will become standard on our 1971 model cars.

These developments were aided immeasurably by the GM smog chamber—the first and largest privately-owned facility for laboratory simulation of actual smog formation—and the GM laboratory at El Segundo, California, to monitor exhaust emissions of the GM vehicles in the hands of the public. This was the first facility of this type in the industry.

We have taken the most productive steps first in achieving the 70 and 80 percent reductions referred to earlier. The remaining, smaller segments will be much harder to achieve.

Regardless of what we have done so far—and whatever GM and other manufacturers may be able to do in the immediate future—we should all clearly understand a few facts as to existing problems that limit the impact of reductions achieved with new auto emissions on the total automative pollution problem. For example:

The lower emissions of present model automobiles will not have full effect on air quality until older cars that lack effective emission control systems are eliminated from the vehicle population.

While we are working on the problem, no practical system has been developed to retrofit older model cars with current, improved control systems, with the exception of PCV valves, which can be installed in pre-1963 model cars. PCV valves are available at GM dealerships, but owners of pre-1963 cars have shown little interest in having them installed.

Moreover, if there is a desire to speed up the impact of improvements on new cars, then:

Owners of cars must recognize the extreme importance of improved maintenance of emission control systems.

Changes in fuel will be needed, such as lower volatility.

Looking forward, we feel it is our responsibility to develop the technology which, with time, can eliminate the automobile from the list of significant air pollution sources.

Reaching lower pollutant levels may require substantial technological breakthroughs in hardware and materials, or major modification of fuels—whether by alternate power plants or improved piston engines.

The required advances will be the products of research. Research is the product of ideas. Even unlimited sums of money do not assure the needed ideas.

Research is to manufacturing as prospecting is to mining. In research it is our business to explore, to learn, to know and to understand. Design for production comes later and is a different matter entirely.

In research we seek to prove that there are no laws of nature that prohibit what we wish to do. Making a production prototype is quite another matter.

The researcher makes apparatus which can be made to work in a laboratory. The production engineer strives to make devices which will not fail. An automobile, for example, which is produced in volume, not only must operate properly, but it must continue to function over a long period of time even when used under adverse conditions or not properly maintained.

To attain even lower levels of emissions of new vehicles we have intensive, parallel programs involving development of alternate forms of automotive power and improvements of the internal combustion engine.

There is no one, quick answer to the total problem. It will take contributions from many design parameters to minimize emission from any power source.

Now, let us look at the work we are doing on alternate power plants. Specifically, these include continuous combustion engines—that is gas turbines, steam and Stirling engines—as well as electric power systems and hybrids, which are combinations of two or more power plants.

Continuous combustion engines offer the opportunity for more complete, steady and, therefore, more precisely controlled combustion. They can be designed to have reductions perhaps 80 to 95 percent below the emission level of the 1960-level uncontrolled internal combustion engine. This is an emission level to which the internal combustion engine can be reduced by further improvement.

One of the most promising continuous combustion engines is the gas turbine. Our gas turbine research dates back 20 years and has included experimental trucks, buses, and the first gas turbine automobile in the United States, built and tested in 1953.

For the immediate future, a gas turbine engine is scheduled for production by our Detroit Diesel Engine Division for trucks, buses and stationary applications. This power plant, aimed at the heavy vehicle market, will be a relative of the experimental gas turbine developed by the Research Laboratories a number of years ago. The GM turbine-powered bus will have an automatic transmission comparable to those in present buses rather than a manual shift.

While research indicates that the turbine is much better suited to the requirements of trucks and buses, we are working on designs for passenger cars, too. Disadvantages of the turbine for passenger cars in the present state of development include poor fuel economy and inadequate response in traffic.

One possible limitation on mass production feasibility of the gas turbine for passenger cars is the fact that a major required material

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is not available in sufficient abundance. Present turbine engine components require large amounts of nickel, perhaps more nickel than present free world availability. However, we are continuing to search for new designs and more available materials that could make this low emission engine practical for production automobiles.

As to steam engines, interest in research and development has been running high. Government-sponsored programs for the testing of steam-engine buses are underway in Dallas and San Francisco. At General Motors, we also have had a number of steam engine research and development programs in progress.

We exhibited two working steam engine test vehicles last summer at a "Progress of Power" exhibit. We are continuing to do experimental work with them.

One is a Chevrolet Chevelle, powered by a steam engine designed and installed by Besler Developments Inc. The second car, a Pontiac Grand Prix, contains an engine designed and constructed at the GM Research Laboratories.

We have found that size, cost, fuel consumption, serious lubrication problems and weight are formidable obstacles—not to mention the cold weather freezing problem.

An external combustion engine, the Stirling, is quiet, vibration free, and about twice as efficient as the steam engine.

The GM Research Laboratories have done development work on Stirling Engines over the last 12 years. Our experimental hybrid Stirling-electric car, the Stir-Lec II, features a battery-powered electric drive system with the 8-horsepower Stirling engine driving an alternator for battery charging.

At its present state of development, the Stirling is bulky, heavy, complex and expensive. It requires materials not readily available in quantity, and both durability and maintainability are unknown. Our current research is directed toward designing lighter, smaller, less costly engines.

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In addition to our work on petroleum-burning engines, General Motors has several active programs on electro-chemical energy converters and electric drives. We demonstrated our Electrovair II and other battery-powered cars at our "Progress of Power" exhibit. These vehicles, built as prototypes to gain more definitive answers in our research, were the products of several years of investigation into various electric drive vehicles. The Electrovair II, successor to Electrovair I built in 1963, was demonstrated in Washington in 1967 in connection with a Congressional hearing.

Our intensive investigations of the electric car have shown that the major advantage of this vehicle is reduction of air polluting emissions.

We have researched and built a limited application or short range "shopper" vehicle—something between our compact-sized Electrovair II and a golf cart. Although slightly smaller than most electric cars built today, its performance characteristics are similar to those of other electric vehicles.

A vehicle of this type would be used almost exclusively for local shopping, driving to a commuter station, various short-distance community errand-type driving and other limited range transportation tasks.

A number of limitations compared to current all-purpose cars—at the present state of battery development—are imposed by this type of electric vehicle. For example:

Top speeds range up to approximately 45 miles per hour.

This poses a safety hazard if such vehicles are intermixed with larger cars on urban expressways and comparable roads where constant speeds of 40 miles and more per hour are maintained.

Besides initial cost, replacement of batteries approximately every two years could be expected to cost in the area of $200 in today's market.

Cold weather and passenger compartment heating would place heavy burdens on performance. Battery performance deteriorates in cold climates. At zero degrees Fahrenheit, a lead-acid battery will deliver only about 60 percent of the driving range and peak power than it would at 80 degrees.

A "shopper" that has a range of 40 miles on an 80 degree day would be cut back to a range of 24 miles on a zero degree day if the heater were not used, and only 12 miles if the heater were used.

In our battery work, we are faced with an age-old problem. For vehicular propulsion, a battery must deliver high power for acceleration and hill climbing, and it must offer high energy storage for traveling long distances. The lead-acid battery provides enough power but inadequate range. Fuel cell characteristics are just the opposite and the other concepts fall in between. Cost, size, weight and availability of materials represent a continuing challenge.

No one has yet produced a battery which meets all the requirements. We are continuing development work on some of the most promising contenders. One of these is the zinc-air battery, which has about three to five times the range performance of the lead-acid battery.

In addition, we are studying the lithium-chlorine cell. It has more than adequate power and the energy storage capacity is 10 to 15 times greater than a lead-acid system. However, it operates at extremely high temperatures in the neighborhood of 1200 degrees Fahrenheit. Vehicular application is still many miles down the road.

One major electric vehicle problem in the New York area is the availability of adequate power. As you know, problems related to both air and thermal pollution have limited the utilities in expanding economical power availability. Power supplies are expected to be so tight in the summer of 1971 in New York, according to a recent report in *Business Week*, that the utility company is said to be planning to mount emergency power generators on barges around Manhattan Island. Nationally, utility companies are expected to increase generating capacity fourfold by 1990 just to meet normal demand. This expansion does not provide for capacity that would be needed to recharge batteries of electric vehicles.

In addition to problems related to potential inadequacy of power supply in some locations, shifting motorists from present passenger cars to electric vehicles could produce side-effect problems. True, use of battery-powered vehicles would eliminate auto emissions.

However, generating additional electric power to charge the batteries could result in increased pollutants emitted by stationary sources.

In summary, some of the various alternate power plants that we are investigating have more promise than others in certain respects and our development programs on these concepts will continue. However, in view of the apparent shortcoming of these alternate power plants in various respects, we have continued to work intensively on further development of the internal combustion engine. We will now rveiew this work.

Our programs in General Motors to provide additional reductions of emissions from the internal combustion engine have produced most encouraging results. We have been able to obtain very low emission levels with experimental engines in the laboratory.

Exhaust manifold reactors are one of the routes to still lower emissions from the internal combustion engine. Basically, these are large volume exhaust manifolds from two to four times the size of conventional manifolds. These are devices to consume gases in the exhaust. Their effectiveness depends upon the temperature that can be maintained and how long the exhaust gases mixed with additional air can be kept at the elevated temperature.

Extremely low levels of emission compared to even the currently controlled emissions have been obtained. This effectiveness is offset by a number of problems which we are trying to solve. The principal problem is that of a material. We need heat-resistant material that is longer lasting than any available today.

Another system also involves enlarged manifolds but does not require added air and does not have the fuel economy penalties and high temperature material problems of the previously described reactors. However, these lean-fuel manifolds do not produce as low emission levels, and there are difficulties in providing satisfactory engine operation.

We have actively conducted efforts to apply catalytic control to exhaust emissions—an effort started in the middle 1950's. To date we have been unsuccessful with any catalyst if the gasoline fuel contains lead. The catalysts are rendered inert in a relatively short mileage when leaded gasoline is used.

Our work now is concentrated on catalysts for use with unleaded fuels. We have found that this approach is very effective in further reducing emissions from the internal combustion engines.

Congressman PODELL. May I interrupt you just for one moment. I have been listening with a great deal of interest to the attempts of progress that have been made by General Motors.

In going through the hearings for the Committee on Commerce, I detected that it was first brought to light some 17 years ago, and that is practically 1953, when the question of pollutants in the air had been destroying our environment, derived to a certain extent from the emissions of the internal combustion engine.

Do you know what else was created in 1953? It was the space program, and in those 17 years we have put a man on the Moon, and I tell you, sir, it is difficult for me to be persuaded that the automotive industry has devoted itself in these 17 years to trying to improve their internal combustion engine and get one as emission free as possible, when in 17 years we created the entire space program.

Congressman FARBSTEIN. You may continue.

Dr. CHENEA. However, this success has been attained with precious metal catalysts which require materials limited in availability. Problems of catalyst durability and temperature control must also be solved.

A number of other techniques for emission improvement have been developed which show promise as an aid in attaining lower emissions. These involve combustion chamber design, fuel injection, valve timing optimization and exhaust gas recirculation.

Our studies and experience with these experimental systems have indicated that an improved piston engine has the potential to provide the same very low level of emissions of carbon monoxide, hydrocarbons and nitrous oxides achievable with the gas turbine, steam or Stirling engine.

As a result, selection among these power plants for future production will be based upon characteristics other than emission level. Further, we believe on the basis of the problems yet to be solved that we will be able to achieve a production version of the improved piston engine earlier in time than any of the alternate power plants.

This makes it clear that we must continue to develop the improved piston engine if we are not to delay the advent of still lower emission level automobiles.

Considering all the relative advantages and disadvantages of the various power plants which might be used in automobiles, the internal combustion engine offers at present the best pollution control value. All of the potential power plants must be measured against each other on the basis of emission level potential and value—in all its aspects—to the owner of the car.

We would like to make it absolutely clear that General Motors has an open mind as to power plants for automobiles and will continue to explore all possible alternatives.

Recently, we demonstrated to many scientists and others interested in power plant development some of the latest results of our continuing investigation of various possible forms of automotive power.

We showed examples of working, experimental propulsion systems at a "Progress of Power" exhibit at our Technical Center near Detroit. These experimental designs still under investigation included both alternate power plants and improved internal combustion engines. We are continuing our work to develop these laboratory prototypes toward manufacturing feasibility.

A booklet containing copies of reports on these various power plants is submitted with this statement.

We invite you to visit the GM Technical Center to see these vehicles and, more importantly, the work we are doing in emission control research and engineering.

All the gasoline-burning engine approaches reviewed previously have important fuel composition requirements if we are to achieve maximum control of emissions.

The most important of these is the elimination of lead from gasoline. Lead creates several problems, such as making exhaust manifold reactors less effective and destroying effectiveness of catalysts.

Use of leaded gasoline rather than gasoline without lead may also cause greater emission control deterioration with accumulation of mileage due to combustion chamber deposits. Also, lead deposits form rapidly in some of the narrow passages which form a major part of some contemplated control systems.

Recently, various government agencies have indicated interest in eventual control of particulates from automobiles. By far, the major share of such particulates are lead or lead products. If significant reduction in these particulate levels is to be achieved, lead must be removed from gasoline.

We have talked so far about the automobile and what we have done and what we are trying to do with respect to auto emissions.

As we go further down the road, reduction of car emissions to an acceptable level would solve only the automotive emission segment of the total air pollution problem.

We are confronted with far-reaching air quality problems that will not be solved even with reduction of auto emissions to zero. This is a fact beyond question. Air pollution will not go away just by restricting auto emissions.

Now let us turn to the data on metropolitan New York's atmospheric pollution problems.

There have been a variety of opinions expressed as to the sources of the metropolitan area's polluted air. Admittedly, the automobile is a contributor to the problem.

There is a tendency to measure gross tonnage and place equal value on all the various types of pollution tonnage in the atmosphere. This type of assessment is misleading.

The tonnage figures should be weighted by the potential harm to health that any given type of pollutant will produce. Even this does not give adequate recognition to time concentration or dosage.

Nevertheless, if we use assessments of the toxicity of the various types of pollutants to modify the tonnage, we obtain a more factual picture of the importance of the individual pollutants in a city's atmospheric problems.

Pollutants present in metropolitan atmospheres include hydrocarbons, carbon monoxide, nitrous oxides, sulfur oxides and particulates.

On a tonnage basis slightly over 50 percent of the metropolitan air pollutant volume is attributable to automobiles.

Because carbon monoxide is the largest tonnage pollutant emitted to the metropolitan atmosphere, it is often assumed that this is the principal metropolitan area pollution problem. Since most of the carbon monoxide comes from automobiles, it is further assumed that the automobile is the major cause of this area's pollution problem.

According to government figures, carbon monoxide is far less significant in terms of potential harmful health effect than are many other pollutants.

If potential health harm of these individual pollutants is considered as well as tonnage, the relative importance of present levels of carbon monoxide in the atmosphere becomes much less. Rather than being responsible for more than 50 percent of the problem, automobile emissions become less than ten percent of the metropolitan air pollution problem.

We think this type of assessment is important in keeping in proper perspective the relative role of the automobile in contributing to harmful pollution. This does not mean, of course, that we believe there should be any relaxation in efforts to control emissions from the automobile, but it does mean that the government at all levels should at all times keep the total problem in mind.

Thus, it follows that regardless of the improvements in automobile power plants, air pollution will continue to be a problem and will continue to concern all citizens and governments for many years.

This is a by-product of our continuing urban growth, population growth and the proliferation of additional products that have their own role in atmospheric pollution. Just as we are dedicated to reducing auto emissions, General Motors supports all useful efforts to find solutions to other sources of atmospheric pollution. This is a big job, and all of us as good citizens must work toward the goal of cleaner air.

For our part, we have undertaken extensive projects to control emissions from our manufacturing facilities, as well as emissions from the cars we produce.

The criteria established in studies of what represents suitable air quality should become the basis for control standards with which automobile manufacturers and all other contributors would comply, taking into account both technological and economic feasibility.

The automobile industry can perform most effectively in reducing emission levels if stable standards are set sufficiently far in advance to allow time for development of an optimum approach to solution of the problem.

In closing, let me assure you that General Motors will do its part in the effort to find means to reduce automotive pollutants. We are working hard to develop alternate power plants. We believe, on the basis of our work, however, that the internal combustion engine currently is the best overall power plant in terms of all value considerations.

It is our firm conviction that auto emissions will diminish satisfactorily, and we are determined to eliminate the contribution of the automobile from the list of significant pollutant sources.

Thank you.

Congressman Farbstein. Thank you, Mr. Chenea. You have suggested that you have been testing the gas turbine ever since 1953, that for the last 12 years you have been developing the Stirling engine as well as various other forms of propulsion. You have not, however, stated when any of this research will come to fruition and you will have in production an automobile with a pollution free engine.

Must we wait another ten or fifteen years?

Dr. Chenea. The—as I stated before, Mr. Congressman, the air pollution standards, which are proposed for '75, will eliminate 95% of the hydrocarbons from automobiles when compared to pre-control days. We expect to meet and we can meet these with the internal combustion engine—and will.

We think that the internal combustion engine at this level, will have exactly the same low emissions that you are going to get from other engines.

All of our research indicates this. In addition, the internal combustion engine has many other desirable performance characteristics that these engines do not have.

Consequently, this seems to be the quickest and most effective way to get to these standards as we see the problem.

Congressman Farbstein. Mr. Chenea, you have only talked about one of the three major pollutants, hydrocarbons. You have not mentioned carbon monoxide or oxides of nitrogen.

Dr. Chenea. Yes. First let me speak in regard to carbon monoxide, the difference in emissions between any of the petroleum burning engines—the turbine, the steam engine, the sterling, or the internal combustion engine, fully controlled, appear to be the same. The situation is not quite the same with regard to nitrogen oxide. We do not know, for example, how to get a gas turbine as low as we can get the internal combustion engine, on nitrogen oxide.

Congressman Farbstein. I understand that there have been producers of automobile engines, I do not believe internal combustion in California who have been able to meet the standards that the California State Legislature has set for low pollution autos, namely 5 grams hydrocarbon, twelve grams of carbon monoxide and 1.0 grams per mile of oxide of nitrogen. Would you care to comment on the prospects of the internal combustion engine meeting these standards?

Dr. Chenea. I know the standards of which you speak, and we can meet these in the laboratories too, with individual vehicles. Our problem is to develop the necessary hardware that can be reproduced in manufacturing mass production techniques before we put it out on the street. This is a much different matter than mass production.

Congressman Farbstein. Mr. Chenea, I understand in a report to the California Air Researchers Board, its technical advisors committee, on emissions after 1974, its technical advisory committee has suggested that you will be in a position to meet these standards set by the California Legislature for the 1975 model auto.

Do you have any comment on that?

Dr. Chenea. We have every intention of meeting the requirement in California and in any other State of the union. We are committed to meet the requirements as they are established.

Congressman Farbstein. Do you believe you will be able to meet these standards for mass production by 1975?

Dr. Chenea. We believe so and that is our intention.

Congressman Podell. What is your reaction in this new development that you are talking about as to noise pollution? Will it have the same effect of a diminishing noise pollution? I am told that the steam type engine would have a much lower noise level and obviously the electric will.

How about this engine you are talking about?

Dr. Chenea. The Stirling?

Congressman Podell. The one that you are talking about.

Dr. Chenea. We will also meet the noise requirements, and incidentally noise is a serious problem and rightfully so, I think, the noise is a serious problem and we are meeting noise regulations as they are coming up. The gas turbine is only a quiet engine

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if you have a regenerator or a recuperator, of some kind, otherwise it is an extremely noisy engine as anybody knows who has ever been to an airport.

Congressman Podell. I would like to say this to you. I for one believe that our major corporations have as well as the profit motive in mind, the motive or the feelings of the people that they serve. I think they go hand in hand. You are not going to make profits, I am sure you know, if you are not going to satisfy the public. Certainly I believe that you are going to do what you possibly can.

Somehow, however, I, as a resident of this great city of ours, feel that enough hasn't been done in the past. I think that the automotive industry should have done this a long, long time ago. They see the handwriting on the wall. I am only concerned about things from your point of view. I think you are going to have a big problem for yourself I don't think 1975 is early enough. I think you got to get on this thing immediately, today, tomorrow, and all you have to do is try driving around in my own neighborhood where I live, which is a residential area. It is not a ghetto area. It is a residential area. Drive around there and see what the air is like, where the kids can't play in the streets, because the smog and the level of pollutants in the air are so bad, so I can only say I think you have got to reemphasize your priorities and get this job done a lot longer than before 1975.

Congressman Farbstein. Mr. Chenea, you have just stated that you expect by 1975 you can have an automobile which will meet the proposed California air pollution standards. Can you give me any idea of how much it will cost to meet those standards?

Dr. Chenea. Mr. Congressman, I cannot, because the final cost of that automobile has not been established. There are several alternatives, and I cannot give you that. I am sorry I do not have it.

Congressman Farbstein. Can you furnish that for the record, a statement as to what those whom in authority say will be the additional cost of producing an air-pollution-free automobile, whether it be with the internal combustion engine or whether it be with an alternative engine?

Dr. Chenea. I do not have it with me.

Congressman Farbstein. I understand that, but will you furnish for this record, within the near future, the answer to my question?

Dr. Chenea. Yes.

Mr. Congressman, may I add that the implication has been made that the automobile industry is not working on this problem, that we are going to wait to work on it until 1975, or shortly prior to that. We have been working on this problem and it is a very difficult problem, very hard, ever since it was first recognized by this company, and the public as a whole, and the automotive industry really recognized this problem about the same time.

Since this time, our efforts have led to the many things that we have done to minimize the emissions coming out of an automobile, and I said before that we plan to meet every specification, every requirement, with vehicles that we produce.

Congressman Farbstein. Dr. Chenea, do you have any idea as to costs for any phase of this improvement?

Dr. Chenea. No, I do not. My job is the research laboratory. I am not a production man.

Congressman Farbstein. Don't you have anybody here in the room who is able to testify in connection with costs?

I would like to know how much your company has spent for research and development in connection with low emission engines. Are you able to testify to that, or is there anybody else in the room who is able to testify to that point on behalf of General Motors?

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Dr. Chenea. I can tell you how much we spent for research.

Congressman Farbstein. Break it down, please, for years, if you are able to do so.

Dr. Chenea. It doesn't vary that much from year to year. The average over the last three years has been in the neighborhood of $30 to $40 million.

Congressman Farbstein. A year?

Dr. Chenea. A year. I think the last three years totaled something over $125 million, for research and development efforts on emissions or alternate power plants. In research laboratories it is our present trend to turn away from working on the internal combustion engine, with more emphasis on the alternate power plant, because we knew less about them. At the moment we are spending half again as much on alternative power plants as we are on the internal combustion engine.

Congressman Farbstein. You say you are spending approximately 30 million dollars a year?

Dr. Chenea. I said 30 to 40 million.

Congressman Farbstein. For the purpose of developing pollution free internal combustion engine; is that correct?

Dr. Chenea. Yes, I want to make sure you understand that such an amount is spent each year.

Congressman Farbstein. Can you break down that 40 million dollars insofar as the number of researchers you have, and what you are spending for each project that goes to make up that 30 or 40 million dollars?

Let me put it to you this way. How many people do you have doing full-time research on the creation of a pollution free internal combustion engine?

Dr. Chenea. Approximately 1400 people in the corporation working on the internal combustion engine and alternative power plants.

Congressman Farbstein. Are they responsible for the cost of which you speak?

Dr. Chenea. This is their primary duty.

Congressman Farbstein. And they are full-time researchers?

Dr. Chenea. They are researchers and engineers working on the development of a solution to this problem.

Congressman Farbstein. Do they have any other duty besides working on air pollution control?

Dr. Chenea. No significant other duties. Although we have many men who devote full time to emissions control work, several times that number work part of their time on important segments of the problem. Thus, our total effort, in terms of men working full time, was developed by combining the pollution control efforts of each man into the computed total figure which I gave.

Congressman Farbstein. Do you expect to be able to greatly reduce the amount of all pollution from the automobiles before 1975, or must we wait until then to obtain a relatively clean internal combustion engine?

Dr. Chenea. We are meeting the 1970 standards now. We will meet the 1971 and 1972 standards, which are lower, and we will also meet the '74 and '75 standards. The production is going on now and the automobile emissions are going down. It isn't a matter of doing nothing until 1975.

Congressman Farbstein. Are you doing any research on alternative engines?

Dr. Chenea. Which kind of engines?

Congressman Farbstein. Alternative to the internal combustion engine.

Dr. Chenea. As I mentioned, sir, we have programs on gas turbine, on the steam engine, and on the Stirling engine, as well as electrical power plant.

Congressman Farbstein. Please break down the relative amounts of money that you are spending for research for each of these different types of engines?

Dr. Chenea. That I cannot do. I don't have the figures with me. I do, however, have figures on effort in terms of people, numbers of people assigned, and they are not appreciably different. They are about equal.

Congressman Farbstein. What do you mean they are about equal? Do you mean that the sum of money—spent for researching the internal combustion engine annually is the same as that spent by the various alternative engines?

Dr. Chenea. No, we are now spending 50 percent more money on alternative power plants as a whole, than we are spending on the internal combustion engine, and among the alternative power plants, the distribution of efforts is roughly equal.

Congressman Farbstein. Will you please provide for the record the sum of money you are spending for producing a pollution-free engine, breaking down the sums you are spending for each type of engine, for the record?

Dr. Chenea. No.

Congressman Farbstein. I have no further questions.

I appreciate your coming here voluntarily and at your own expense.

You will return to the stand subsequent to the testimony of the panel on technology?

Dr. Chenea. Sir, as you know, we have to testify tomorrow before the duly-constituted clean air committee, and I think we will have to leave because of the weather.

Congressman Farbstein. I will now call upon the panelists who will testify on the effects of air pollution on health.

I will call their names and those of you present please sit at the table.

Dr. Steven Ayres, Mr. William Cruce, Leonard Greenberg, and Austin Heller.

I guess Mr. Greenberg would not find it possible to be here. I want to thank you other gentlemen for your kindness and thoughtfulness in coming here this morning to give us the benefit of your expertise in connection with the effects of air pollution from the automobile on human health.

After you have each finished testifying, if there are any comments on any statement made by any of the other panelists, I shall be pleased to hear you.

You may commence, Dr. Ayres.

(Stephen M. Ayres, M.D.: Associate attending in Department of Medicine, New York University Medical Center; Former Chairman, Manhattan Action for Clean Air Committee; Member, U.S. Surgeon General's Subcommittee on Cardiovascular Aspects of Smoking and Health and the Medical Advisory Committee, New York City Department of Air Pollution Control.)

Dr. Ayres. Thank you very much. I would like to merely introduce this panel by saying that the health of our nation today is really exposed to at least two environmental time bombs. I am referring to the cigarette and the internal combustion engine. I will limit my remarks to the internal combustion engine, but I would like to point out the striking parallels between the composition of automobile exhaust and the cigarettes.

I would like to question public policy which has been the same and use of food sweeteners, the cyclamates, on relatively weaker data, that exists for the air pollutants.

That law, the requirement states that if any adverse affect is demonstrated for a food additive, it is not permitted. The evidence is quite weak with the cyclamates. The evidence that all of the pollutants that we discussed today caused considerable damage in experimental animals as well as in humans, is quite compellant, and I would like to just draw that parallel. I think in terms of factual presentation I would like to point out that the pollutants that were discussed, the oxides of nitrogen, turn out to be the only way in which one can produce the disease emphysema in the experimental animal. Emphysema is one hears and reads about more today. One can produce in the experimental animal an illness that looks exactly like human emphysema merely by the feeding of the oxides of nitrogen for 20 to 30 weeks. Again, I would stress this is a common disease, and I think it is very suggestive that the increase in automotive pollution is related to this.

The other pollutant I should mention very briefly, discussed widely, is carbon monoxide, to point out that the major impact of carbon monoxide is its effect on brain tissue and on heart tissue, and I would like to caution you in reading experimental evidence to not become interested in the effects of carbon monoxide on a healthy dog or human being who is healthy, but to consider what happens to the 50 percent of us in the room with coronary diseases, and it is this rather susceptible group of our population that we have recently appropriated a review of the available health literature on the subject, and I will make this available to you and other members of the committee, and I will merely conclude by saying that the medical evidence that automotive exhaust is harmful is inescapable, and I thank you for calling this hearing.

Congressman **FARBSTEIN**. Thank you.

Mr. Cruse.

(William Cruse: Rockefeller University, neurophysiology studies, lectured widely in New York and testified before legislative bodies: Member Air Pollution Committee, Scientist Committee on Public Information (will be testifying as a representative of the Committee).)

Mr. **CRUSE**. Congressman Farbstein, today for lack of time. I am going to focus my attention to one specific example of auto pollution. It is pollutant levels from which we can project the future health effects. After trying for two years we finally obtained National Air Pollution Control Administration in 1967. This was a study of carbon monoxide levels in the George Washington Bridge Apartments, which is located above the 12-lane interstate highway 95.

The study found that over a period of two weeks in the summer of 1967 the carbon monoxide levels inside a third-floor apartment averaged 14 parts per million (ppm) on a 24-hour basis. This may be compared with an average level of 15 ppm measured on a heavily traveled street in midtown Manhattan during a business day (9 a.m. to 7 p.m. at 110 East 45th Street).

The levels at both locations exceed New York State's tentative Ambient Air Quality Objectives for carbon monoxide (An 8-hour average of 15 ppm or higher should be exceeded no more than 15 percent of the time on an annual basis). Exposure to such levels of carbon monoxide for a short time may cause temporary impairment of certain mental abilities (visual and time discrimination) by starving the brain of oxygen. The long-term medical effects of exposure to these levels of carbon monoxide are not known, but (based on studies at higher levels) they may show up as damage to the brain and heart, the two organs of the body most sensitive to oxygen deprivation. Lead is another air pollutant from automobile exhaust (it was not measured in this study) and it may act synergistically (more than additive) with carbon monoxide to deprive the body of oxygen. Nitrogen dioxide is a third major automotive air pollutant (also not measured in this study) and long-term exposure to it (based on studies at higher levels) may lead to lung damage, thus indirectly depriving the body of oxygen.

The Scientists' Committee for Public Information, Inc. has already called attention to the possible health dangers which automotive pollutants pose to workers in the Queens-Manhattan and Brooklyn-Battery Tunnels. These workers are exposed to slightly higher levels of automotive exhaust than are people living in the George Washington Bridge Apartments, but they are only exposed for relatively short periods of four to eight hours. In the George Washington Bridge Apartments we have the first known instance in which large numbers of people are being subjected continuously to high levels of automotive pollutants in their homes.

The city, state, and Federal Governments should conduct a long-term medical study of the inhabitants of the George Washington Bridge Apartments (coupled with a more extensive measure of the levels of *all* air pollutants in and around the apartments). Such a study would be of value in the planning of future "air rights construction" over highways; it would also yield valuable data on long-term exposure to automotive air pollution which might tell us something about what to expect from exposure to automotive air pollution at lower levels in the general urban environment.

Since the high pollution level in the George Washington Bridge Apartments is a direct result of the new "air-rights construction" above a highway, there should be a halt in the construction of any additional buildings above highways until completion of the above medical study. For example, there should be a change in the plans to build the Herbert H. Lehman High School in the Bronx above the heavily trafficked intersection of East Tremont Avenue and the Hutchinson River Parkway.

"Air Rights construction" above highways will probably never be advisable from a health point of view until the internal combustion engine is eliminated from the vehicles on our highways or until its pollution emissions are dramatically reduced. A third possibility would be to completely cover over highways under an "air rights development" making them in effect a large tunnel. This would tremendously increase the cost of such construction and would still leave us with the larger problem of dumping the tunnel air into the general urban atmosphere.

Congressman **FARBSTEIN**. Thank you very much. I would like to thank you for testifying. The record will include the qualifications of each panelist and let me assure you all of these gentlemen are truly qualified to testify in the fashion they are.

I will now call on Mr. Austin Heller, the Commissioner of Air Pollution Control for New York City.

(Austin Heller: Commissioner of Air Pollution Control, New York City.)

Commissioner **HELLER**. I am very gratified that Congressman Farbstein has convened this panel, and pleased to be able to share with you some details of the New York City experience in pollution control. During the past three years we have had great success in controlling sulfur dioxide and particulates, and we have the capacity to reduce automotive pollution. The important thing is that we act now. The problem is already severe, and we cannot afford to wait twenty years for a pollution-free vehicle.

Each weekday morning, some 700,000 vehicles enter Manhattan's central business district below 60th Street. In the City's five boroughs almost four million gallons of gasoline are burned daily, because of the lack of evaporative controls on existing motor vehicles, it is estimated that about 100,000 gallons of gasoline are lost into the atmosphere each day as waste products, for an economic loss to New Yorkers of $10 million annually. This does not include an additional loss of unburned hydrocarbons due to engine inefficiency.

As of September 1969, the annual motor vehicle emissions in New York City were estimated to be: CO, 1,370,000 Tons/yr; HC, 159,000 Tons/yr; NOX, 50,500 Tons/yr; Pb, 2,000 Tons/yr.

However, these emissions are not evenly distributed across the City. They are concentrated in midtown and lower Manhattan. Our measurements show that carbon monoxide concentrations relate directly to local traffic congestion. For example at peak hours of traffic volume, usually between 9:00 a.m. and 6:00 p.m., weekdays, the carbon monoxide concentrations at 45th Street and Lexington Avenue regularly exceed the recommended New York State standard for an eight-hour average of 15 ppm.

Concentrations of other pollutants associated with auto exhaust such as nitrogen-oxides, hydrocarbons and lead appear to follow the same pattern.

In meeting the problem of automotive pollution, we can make both behavioral changes, such as re-routing traffic, and technological changes. Today, I am going to speak about the latter.

The "Clean Air Package" mandated on all 1968–1969 cars, and proposed changes for 1970 are steps in the right direction. It is important, however, to point out that it will take until 1973 for 50% of all vehicles on the streets of New York City to be equipped with a control device. And not until 1979 are all cars expected to be operating with the device. This decade of change does not take into account the added burden from the increase of automobiles, about 2½% per year for the City as a whole. With no control for nitrogen oxides and lead, the air quality can be expected to deteriorate as a trade-off for questionable improvement of carbon monoxide and hydrocarbons in New York City's atmosphere.

If control devices are not adopted to reflect local conditions and local problems, they can have an opposite effect from that intended, for example, a national survey of taxi fleets reveals that in some cities, including Los Angeles, the clean air package required by current Federal standards has increased gas mileage by 15%. In New York City, due to congestion and stop-and-go driving patterns, the same control device has reduced mileage by 10%.

The excess gasoline attributable to the clean air package in New York taxis is about five million gallons, annually, for an industry loss of over $1 million. Because the Clean Air Package does not control NOx or lead, the excess gasoline is adding, at least, 1,000 tons of NOx and 13,000 pounds of lead to the New York City atmosphere each year.

Congressman **FARBSTEIN**. Mr. Heller, I take it you do not agree with the recent statement by Chrysler's Chief Engineer, Charles M. Hyman, that the battle against air pollution has been won, that air pollution from automobiles has been brought to acceptable levels, and that further reductions are not necessary.

Commissioner **HELLER**. I disagree.

Congressman **FARBSTEIN**. Mr. Heller, because of time and my need to get back to Washington, I would appreciate if you would insert the rest of the statement in the record.

Commissioner **HELLER**. Congressman Farbstein, I do appreciate the time element, but I would just like to, for the record, make a point about what Mr. Cruse said with respect to New York City.

Congressman **FARBSTEIN**. Please, just a few seconds.

Commissioner **HELLER**. First of all, I want to make it clear that we have under way now a comprehensive urban extensive study to define the problem of highway design and its effect on the environment. This is an interagency study with a cost of about $200,000. We are underway with that now.

The Department of Highways of the State of New York, the Department of Transportation in the City of New York, our own department, and the Bureau of Public Roads, are all involved. I think this is a very important piece that ought to be on the record.

In deciding on alternatives to the present internal combustion engine, we are faced with both short and long-term choices. We must begin testing other vehicle systems now

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in order to establish an orderly base for change. We can begin to convert to non-leaded gasoline, which will eliminate lead emissions and improve engine operations. Use of non-leaded gasoline with a catalytic muffler will also reduce CO and HC emissions. If the Clean Air Package is removed from the non-leaded gasoline/catalytic muffler combination, and if exhaust gas re-circulation is incorporated, there may be additional benefits by reducing NOX perhaps to 300 ppm.

LPG and CNG have attractive potential, but today they are not readily available within the city and the systems appear to be costly. Steam and electric vehicles are also available today. Prototypes can be built within six to eight months if funding can be provided. These systems must be tested to demonstrate total feasibility. New York City is about to do just this in a comprehensive test program. Our program includes both steam and electric powered motor vehicles, plus conventional but gaseous fueled (LPG, CNG and LNG) motor vehicles. We intend to test these vehicles over a two-year period.

We have had many studies and much talk, but no major demonstration of how low or non-polluting motor vehicles can be placed into the urban system.

The time for action is now. We at the local level are committed to do our part. We now ask you at the Federal level to make a similar commitment. This would include:

1. Accelerated development of low pollution vehicles, with a target of five years, certainly not 20 years;

2. Major changes in strategy to meet the pressing urban situation, where the major problem lies, and

3. Allocation of monies and personnel to achieve these objectives, and

4. Monies for mass urban transit systems commensurate with the expenditures for Federal highway construction.

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Congressman Farbstein. If you gentlemen seek to react to any statement made by any of the health experts, you may do so. Let's bring this sort of in a panel thought.

Mr. Cruse. I have a number of questions. I will try to keep them short. One, I would like to ask Commissioner Heller, if there are any plans for medical studies, along with the study of highways?

Commissioner Heller. Yes, there is. We work very closely with the National Air Pollution Control Administration, in which we will join them in doing an evaluation of our urban expressway study. I would just like to also make another point, Mr. Cruse, that we do have available, and I am sure you will have no problem seeking it out, carbon monoxide levels in the City, which we have monitored for the past year, at ten of our stations on a continuous basis.

We have at the same time carried out rather extensive carbon monoxide and lead studies in the City, and our carbon monoxide study was carried out in five states, as you know. We have just finished doing some work on estimating and determining what the lead levels are at 45th and Lexington. In the document that I am going to submit for the record that information is available.

Mr. Cruse. I am not criticizing you, Mr. Heller.

Commissioner Heller. I understand, but I just wanted it to be clear that the information about the atmosphere with respect to carbon monoxide and lead is an area we are actively engaged in.

Mr. Ayres. I may mention one other thing that is underway, and these are the men that work in tunnels, and this is a good study. One might point out that it looks like, from Commissioner Heller's study, that the pollution level may be as high or higher in the plazas outside the tunnel. These are not merely for the tunnel workers, but for those of us who have to sit in those areas for any time.

Mr. Cruse. I have a series that I would like to direct to the gentlemen of GM.

Congressman Farbstein. Unfortunately, they have left. If you will send them to me, I will be pleased to forward them and include them in the record whether or not they are answered.

Mr. Cruse. In written form?

Congressman Farbstein. Yes, put them in written form and send them to me, and I will include them in the record, and we will send them on to General Motors.

If there are no further questions and comments, I would like to thank you gentlemen for coming here.

Next we have the gentlemen who are experts in low pollutant technology.

The gentlemen who will testify are Richard Morse, Alfred P. Sloan School of Management, Robert U. Ayres, vice-president, International Research and Technology Corporation, F. Smith Griswold, president, Seversky Environment Dynamics Research Associates, Wolfgang E. Meyer, Professor of Mechanical Engineering and Chairman, Traffic Safety Division.

Professor Morse, do you want to start this thing going by giving us the benefit of your knowledge, in connection with the various systems of propulsion, and how far the various automobile companies have gone in connection with developing them.

(Richard S. Morse: Alfred P. Sloan School of Management, Massachusetts Institute of Technology; former chairman Federal Panel on Electrically Powered Vehicles; former assistant Secretary of the Army; former president, National Research Corporation.)

Mr. Morse. You have asked for quite a long list.

Congressman Farbstein. I appreciate it. I may ask for more, but please proceed in your own manner.

Mr. Morse. First, let me correct any impression that people may have that I am an academic student. I have spent most of my life in hardware, industrial and government. I got introduced to this pollution business during the Johnson Administration, when I was asked to head up the group with some 75 people with the executive branch of the government to look at the air pollution problem. We had a very good group. We had representatives from the three auto companies, associated with us, and this was an unpaid kind of public service activity for both industrial and academic people.

Most of my experience comes from that. I have been associated with two small companies, and another with a radical approach to battery problems. There were some remarks here which tended to oversimplify whose to blame in this business. We, as citizens, are to blame. The smoking problem is not the auto problem.

I don't care, Mr. Chairman, particularly, whether you or someone else smokes, that's up to you. I don't happen to smoke cigarettes, by choice, but the auto is a little bit different.

The average citizen doesn't worry about whether his car pollutes. He worries about whether the other fellow's car pollutes. I think Congress is to blame. We have been sitting around here discussing the space program, for example, and yet who has had the guts to stand up and recognize the great disparity, and our ability to allocate resources in this great country.

Don't think there is any fallout from the space program that is going to help solve this problem. That is not true. I think we are all to blame.

We, the citizens, are the blame, and I am delighted the young people are going to be involved in this.

Since the report I finished in '67, we reported to Senator Muskie and others, not much has happened.

General Motors today inaccurately mentioned the City of Dallas working on steam buses, and that is not true. I was in Dallas yesterday. The company was originally involved in a program and abandoned a particular approach six months ago.

You hear a lot of things in newspapers about action. I think we should concern ourselves with not only re-allocation of some of the resources on the Federal level, who are not subscribing to Mr. Nader's comments on the Federal Government. I think we also should address ourselves to the organization in the Executive Branch. There is confusion in the department as to who has sole responsibility.

There is somewhat confusion. At the moment, we don't have, for example, an executive secretary in the Department of Transportation. The people there are very competent people, but they are overworked. We don't have the technical talent, the right talent to look at this in Washington.

With respect to the auto industry, it is a funny business, and I want to say at the outset that I don't think you can lump all the auto companies into the same category. My experience is that there is a considerable difference in management attitudes and technical ideas between some of them. They are in the business to make money, and I applaud that. On the other hand, it is a highly competitive business, in spite of the relatively high profits that some of them make.

They have not, I will admit, got on to the pollution problem as early as they should have. I do not know of any piece of material that is available today that was not available 15 years ago. I don't understand the members of General Motors not to pick on them. They mentioned 40 million dollars a year as I heard it, and 1100 people, and that comes out to 40,000 dollars per man. I can only conceive that that also includes their technicians in which case this means they have 3300 people.

If you take the national average of R and D in this country, that is a lot of people working on merely anti-pollution devices. I am amazed.

I think one of the things that we have to recognize of the auto industry, and this is true of other industries, is general innovative ideas come from outside the industry. This isn't just the auto industry. The business machine business did not develop Xerox. Kodak has developed very few tela processes. This is the way the country goes. Innovative ideas tend to come from outside the establishment.

Ford Motor Company has gone outside the organization to work with small companies, and I applaud this. I don't think in general the auto industry does research the way other companies do. They do things for effect, in many cases. Their approach is quite different than the chemical industry or the electronics industry.

It is inconceivable to me, for example, how a company, for example, can build liquid oxygen, towing the liquid oxygen with a 1700 pound van on it, and a sign that says "Don't smoke" on it. This is a poor way to do research. I don't think I would spend much of my money on a battery system, that ran on 1200 degrees——

Congressman Farbstein. Who did that research?

Mr. Morse. General Motors. This makes a pretty good rocket.

To do that on a small scale is good, but to rush into demonstrating this kind of animal is not the way the chemical research industry does things. I don't think we should be confused by the dollars of the 40 million mentioned. I think to be specific about technology, I think I would agree with General Motors, that we are not going to have a steam automobile right away.

On the other hand, if you take the costs, the cost, and you asked for this data, the cost of a low emitting engine is going to go up. If you project a steam car, for example, against the current status of the IC engine, it will be far more competitive than General Motors will admit, and their is new technology——

Congressman FARBSTEIN. Excuse me, you say the steam engine will be more competitive than General Motors will admit insofar as the internal combustion engine?

Mr. MORSE. I am saying that we should not look at the internal combustion engine today, but the internal combustion engine that will have to be made to meet these standards. I believe right today steam buses would be excellent to have right here in New York City, for example.

Those are the general comments I have. Perhaps I have gone too long, but it is a funny kind of business. It is highly competitive, but I think the blame can be shared by us, the public, and those in Congress, as well as the auto industry.

Congressman FARBSTEIN. Thank you very much, Professor Morse.

I bow my head as a member of Congress who has tried to do something in this area not very successfully because the public hasn't been made aware. They do not have the information on the effect upon health of the pollution produced by the internal combustion engine, or else they would demand either of their government, or their company that has produced these automobiles a radical change.

Mr. Lear, I read in the newspapers some days ago, said that the steam engine was not eminently feasible. Would you care to comment on his statement, after all, because he is supposedly a pretty good technician

Mr. MORSE. Why do you say that?

Congressman FARBSTEIN. This at least is what I have read.

Mr. MORSE. I don't believe anything I read in the newspapers, and particularly about Mr. Lear. I think Dr. Ayres has some data he can give on that. I am indirectly familiar with Mr. Lear's steam engine design which has been abandoned. I know at least two or three other companies that have abandoned that idea a few years ago.

Congressman FARBSTEIN. I read this several weeks ago, and you would think from Mt. Olympus has come the ultimate statement that it is not feasible. I am glad to have your statement on the record.

What company, if any, has done any research on steam technology?

Mr. MORSE. I think Dr. Ayres, perhaps, has had access to more companies than I have. I don't know. There is very little being done. We have a dozen or so inventors. We have a small group in Japan, two small companies in the Boston area and other companies around the world. There is very little really good advanced technology work under way in a corporate level, I would say in the steam auto field.

Congressman FARBSTEIN. I understand that you and Dr. Ayres have taken this position in connection with alternatives to the internal combustion engine. I understand that the industry has said that alternatives are not feasible, but the three Federal panels, the Senate Committee and the California Legislature, who share only the fact that they are not connected to Detroit, can each come to the opposite conclusion from that of the auto industry. How do you account for this?

Mr. MORSE. I can't speak for the auto industry. The question one might ask is if I were running General Motors and was certain that alternatives to the IC engine was impossible, how would I spend so much money of stockholders' money that isn't a good answer, but it is an answer that one might suggest. Detroit is an industry unto itself in the R and D game. You find in new technical enterprises that those people won't work for General Motors. Who would want to continue to work on a Stirling cycle engine for 14 years and not see something happen with them. Good people like to be associated with success. They like to be, and I want to say for the record that the young people today are the greatest group I have seen in our life. They don't want to work for General Motors. They want to be where something is happening. They want to see results for their activities.

Congressman FARBSTEIN. You are suggesting that the purpose of the research of the automobile companies is to discourage the finding of an alternative engine to the internal combustion engine, and even to attain an engine that will free the atmosphere of pollution?

Mr. MORSE. I don't think I would say that, and I further want to say that I don't think you should lump all the four companies in the same area. They are doing R and D work. They have a long time before they can introduce an item to the consumer. They have constraints. People constraints, management constraints, and others.

Congressman FARBSTEIN. What do you think should be done?

Mr. MORSE. I think if the Federal Government would get itself organized to do some demonstration programs, I think that this would be the best incentive to show that some of these things will work, but at the present time, it is not being done, some of the patent clauses the Federal Government has is such that the good many really innovative companies wouldn't want to take Federal funding, and I think we are making progress.

It has been very slow, and it is late. I think you are going to find that some of our non-conventional engines, such as battery operated, one company I am familiar with within the last six months, steam, or hydrocarbon monoxide, or any other system, but these are going to come into the market something other than the Detroit monster. I think once this starts you will begin to prove this will work technically, and economically.

Congressman FARBSTEIN. In view of your knowledge of the industry, would you care to advance your opinion on which company is doing the most in the way of research, among the four large automobile companies. Who is spending the most money?

Mr. MORSE. I don't think I am competent to do that. I again want to caution you, don't get fooled with the money gain. Spending 40 million dollars a year can be just like putting it down the rathole, if you don't have good innovative people. Spending 10 million dollars on liquid hydrogens and liquid oxygen on an automobile which you couldn't legally drive through a tunnel is not my idea of well-spent money.

Congressman FARBSTEIN. Would you say that any of the companies show any degree of innovativeness in connection with this?

Mr. MORSE. I think the Ford Company is in some areas.

Congressman FARBSTEIN. How about the others?

Mr. MORSE. I know when I was concerned with getting together a group of people on this study I did some years ago, and they were all very cooperative. They all offered people to serve with us, and they did, and they were very helpful.

The President of American Motors said there wasn't any reason for his people being on the panel because they weren't doing any research.

Congressman FARBSTEIN. Dr. Ayres, would you tell us your connection with the auto pollution question and give us the benefit of what the auto industry is doing to solve this problem?

(Dr. Robert U. Ayres: Vice President, International Research and Technology Corporation; former technological-environmental specialist, Resources for the Future; member Hudson Institute, former theoretical physicist.)

Dr. ROBERT AYRES. Thank you, Congressman Farbstein. My connection with this subject is primarily through a study that I was involved in sponsored by Resources for the Future, which is a non-profit research organization in Washington that you may be familiar with. This work was done at the same time, or perhaps a little earlier than some of the other panel reports that you mentioned.

It is roughly 18 months since hearings similar to these were held before the Senate Commerce Committee and the Subcommittee on Air and Water Pollution. The format was different but some of the casts are the same. The purpose of the earlier hearing was to determine whether or not steam or more accurately rankine vapor cycle engines might be possible low pollution alternatives to the internal combustion engine.

At those hearings—which Chrysler also boycotted—Ford and General Motors technical representatives testified variously that such engines would be unsafe, excessively complex, heavy and costly. Other witnesses disagreed, however, and two operating steam cars, built by individuals, with negligible resources, were there to underline the point.

During the following year there were three important events. First, the Commerce Committee Staff completed a study which reviewed the material brought out by the hearings, including additional submissions by Ford and General Motors and concluded nevertheless that a rankine cycle engine would be entirely satisfactory for automotive applications.

About the same time the Department of Transportation awarded two contracts for demonstrations of vapor cycle powered buses—one in Dallas and one sponsored by the California Legislature, the San Francisco Bay area. And, finally, the National Air Pollution Control Administration embarked on an R and D program to develop a rankine cycle engine powered automobile.

Both the DOT and HEW programs are moving along at a reasonable pace; with the results of the California bus demonstration project, with which I am most familiar, should be available within 18 months or two years. If it is too early to claim success, it is certainly much too early to claim that steam is dead, as some gentlemen from Detroit have been saying lately.

The reason given for this pessimism is that Bill Lear seems to have given up his highly publicized effort to develop a steam automobile after spending 5.5 million dollars in the quest. I don't suggest that Lear's was the most outstanding industrial achievement of the year—though he seems to be planning to sell $25 million worth of stock on the strength of it. However, it is worth pointing out that Lear attempted to develop a totally new and unproved reciprocating engine design, and install it in an Indianapolis 500 car within nine months—even though something like a breakthrough in lubricants would have been needed to make the system work. When the lubrication breakthrough wasn't forthcoming in time, Lear discarded this engine altogether last spring, in favor of a vapor turbine.

Again, Lear gambled on quick success and again it didn't come off. Lear's latest plans represent still another major change in direction.

Since Bill Lear has been an outstandingly successful and innovative industrialist, one is inclined to give him the benefit of several doubts. He may have had good reasons for attempting to telescope the usual three or four-year development process into a matter of months.

However, eight months of effort, however intensive, isn't enough to prove that something can't be done—only that it can't be done in eight months. Even General Motors took longer than that to build a steam car from scratch, and General Motors would be

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the first to admit that its prototype didn't incorporate any significant breakthroughs.

Notwithstanding Lear's experience no fact or analysis has come to my attention within the last 18 months to alter—except in minor detail—my statement at the previous hearings. In short, if the best current ranking cycle technology were put together—which has not been done—I regret to say—the resulting propulsion system would be compared to an internal combustion engine as follows:

1. Mechanically simpler (no clutch, transmission, starter, distributor, carburetor, fuel injection system, muffler, etc.).
2. Longer lived and more reliable.
3. More powerful for the size and weight.
4. Cheaper to operate.
5. Virtually pollution free.
6. Quiet.

Safety and start up time are simply not problems. I will comment in detail on elements of the system in response to questions, if any.

However, I want to anticipate one point which is sure to arise. Detroit witnesses always claim that a steam engine is less efficient than an internal combustion engine.

At the previous hearings Lawrence Hofstad, then vice president for Research of General Motors, said that the energy conversion efficiency of a steam engine would not be above 18 percent, whereas an internal combustion engine could achieve 25 percent to 30 percent.

While this statement might be true, if you specify the conditions of the test properly, it is totally misleading as applied to an operating vehicle in a typical urban driving pattern.

The internal combustion engine is quite efficient as long as it operates at optimum speed. However, in a vehicle it is constantly operating at speeds lower or higher than optimum; moreover operating the cooling system, air pumps, and pollution control equipment, muffler, automatic transmission, and so on eats up huge amounts of power.

In actual tests over a mentioned two hour and 40-minute route in and around Pittsburgh, the efficiency with which energy in the fuel was converted to power at the rear wheels of a standard automobile was 10.7 percent.

In New York City, I'd be surprised if taxis or cars exceed 8 or 9 percent on the average.

Against this, a steam engine which achieved 15 percent actual efficiency at the rear wheels, using cheap, lead-free fuel, would be a very great improvement.

I will be glad to comment further on any point, if questions arise.

Congressman FARBSTEIN: Just one question I want to ask of you, Dr. Ayres. Do you believe the production of 10,000 steam cars would be sufficient to make an operation self-sustaining?

Dr. AYRES. That is hardly a question for a simple yes or no.

Congressman FARBSTEIN. Give me your best estimate. One is led to believe that unless a company can produce hundreds of thousands of automobiles they can't make a profit. In any event it has been suggested that the cost of producing steam engines would compare very favorably with internal combustion engines.

Dr. AYRES. I would say first that it is certainly true that the size of the automobile companies now in the industry was not dictated by manufacturing economies, economies on the sale of manufacturing. It is dictated by considerations involving control of the markets.

In fact, as you well know, the auto companies have their factory distributed all over the place, and apparently the optimum size for a plant, in terms of the machine tools and that sort of investment, is of the order of production run of 10,000 or perhaps 100,000 per year, and it would be in that range, I think.

I am not, of course, a production expert, so you can probably get better answers from other people.

Congressman FARBSTEIN. Would you say it could be possible for a number of small companies to produce a steam car and still make a profit with the technology that we have today for building a steam car?

Dr. AYRES. That depends on the marketing consideration. If they are up against General Motors and General Motors controls the marketing outlets they could not make a profit.

If, however, the bill that was recently submitted, both in the House and the Senate, which would provide for some purchases by the Federal Government, that is by the General Services Administration, Post Office, for low pollution vehicles, if that bill were passed and provided a guaranteed market for a vehicle which could meet the very low emission requirement, then I think it could certainly be profitable for some company to get into that business.

Congressman FARBSTEIN. I believe the State of California is paying a premium for pollution free vehicles; aren't they?

Dr. AYRES. Yes, a law has been signed, and it would provide a market for about 700 vehicles a year.

Mr. MORSE. That was one of the recommendations of our panel three years ago. The Federal Government, three years ago, used buying from the Federal Government as a means of stimulating interest.

Congressman FARBSTEIN. Just one other question. I understand that the National Aeronautics and Space Administration is going to spend 300 million dollars on a moon jeep. How much research and development would this buy on a steam engine?

Dr. AYRES. It depends who does it.

Congressman FARBSTEIN. I thank you very much, Dr. Ayres.

Mr. Meyer, we would be pleased to hear from you in connection with your expertise on this subject.

(Wolfgang E. Meyer: Professor of Mechanical Engineering and Chairman Traffic Safety Division, Transportation and Safety Center, Pennsylvaia State University; panelist, motor vehicle pollution, 1962 National HEW Air Pollution Conference; researcher on the internal combustion engine and its emission levels.)

Mr. MEYER. To identify myself I am a Professor of Mechanical Engineering, and Chairman, Traffic Safety Division, Transportation and Safety Center, at Pennsylvania State University, and I am ashamed to admit for the last 20 years I have been doing research on internal combustion engines, and I have found it exciting, and I find students that find it still exciting, because there are still new problems to be solved, new questions coming up, that have not been here before.

I make this statement in regard to the fact that people dally around on some question for many years and nothing comes out of it. Researchers find themselves in other areas, and merely turning out new gadgets. This is important to consider, and it also strikes me in some of these discussions, and remarks that I have heard, that dollars are being very frequently associated with brains.

Particularly, Mr. Nader was critical of the fact that not enough dollars were being spent. I don't think that should be done, and have to be very carefully done. Talking about dollars, though, I don't know who is asking for what, and when and where Congress is involved, and the general public, but there was a comparison with the space program that was made. One must not forget that the automobile today is being sold at one dollar a pound, and that is very cheap. If you wanted it to do all sorts of other things, we must be prepared, and I personally would be prepared, to pay more for it, but that is one of the problems that must not be overlooked, that if we are going to have a perfectly clean exhaust, or whatever have you, it will require money. It will require time, too.

We are talking in pollution terms about parts per million. You are not talking about pounds and percent, parts per million.

We are arguing about whether 175 or 140, or down to 50 is right, but those are parts per million. They are supposed to be maintained in units that are being produced at the rate of 10 million a year. I think that many of the production control problems are like outside the technology of the vehicle.

Have you gentlemen considered whether or not restricting the movement of automobiles in highly polluted areas is not the way to go? Cyclamates were mentioned. It is discovered that they are dangerous. A prohibition is threatened and they are being dropped from the market, but no one will ever, at any situation, whether it be tunnel, whether it be apartment houses, which are built over freeways, where the concentration gets too high, but nobody says these people have to evacuate this building, or the traffic has to be stopped, when there is supposedly a dangerous situation.

Even if we were today, today would be a non-polluting vehicle available, it would still take us ten or 12 years until there would be no pollution, because the average life of the American automobile is about 12 years, so you would have to allow about 12 years for the polluting vehicles to disappear by attrition, or whatever, unless somebody wants to buy them up, or do something with them.

These facts must be kept in mind, I believe, before any actions are taken. I am not pleading for not doing anything, but I do feel that some of the arguments are getting somewhat out of focus. I think the automobile industry, for instance, has been ridiculed for not having made much effort in the emission control in the last ten years, nitrocarbons to take an example, has been reduced by 85 percent. 85 percent improvement is a darn big one, in anything you do in life.

This may be not enough from a health standpoint. If more has to be done, it should be done, but I think it is not going to get us anywhere to ridicule these companies.

STATEMENT SUPPLEMENTARY TO THE TESTIMONY OF W. E. MEYER

Although the stated purpose of this hearing was to explore the possibilities for reducing the emissions from motor vehicles to tolerable levels, if necessary through the development of new powerplants, it dealt almost exclusively with the question of why the automobile industry is not putting more effort than it does into the development of unconventional powerplants.

In consequence the question of whether or not it is technically possible that the emission levels which are postulated for 1975 by California and the federal government are technically attainable did not get any airing at all. Neither has it been clarified what regulatory steps will be necessary to ensure compliance with such tough standards, not only at the factory, but in the hands of the user. Nor was there any serious discussion of what the remedial steps would add to the first cost of the vehicles, their operating and maintenance cost and how much the regulatory and enforcement machinery would cost.

I consider this extremely regrettable because I am of the opinion that by 1975 (or 1980) no satisfactory substitute for the internal combustion engine will be available. Electric and steam powerplants were held up as the proven panaceas for the despoilment of the atmosphere but the real issues concerning them were not examined. These alternates are currently at the same stage, and here I am being charitable, as heart transplants. It has been shown that perhaps some day the novel technology will work, but no one can foretell when that will be and what will be involved to make it a success. Who has driven an electric or a steam car which can even begin to do what the present-day family car is capable of doing? Such vehicles have been postulated, but what will they cost?

I also consider it unfortunate that the 1980 projections that emissions in California will, with present-day standards, return to 1940 levels, were brushed aside. Impatience was expressed with the fact that this was not being accomplished now. As I pointed out during the hearing, it could be done if all pre-1969 vehicles would be bought up by the government at prices which would permit their owners to replace them with 1970 models. This would involve about 95 million vehicles, or something like $200 billion.

Clearly, this is impossible, but even if it were done and the substitute vehicles, if they were ready and they could be produced, would not solve the problem once and for all. A steam engine, or a gas turbine, for that matter, still produces emissions. I am sure the committee is aware of the problem and the difficulty of controlling jet engine emissions. True, less CO, NO_x and hydrocarbons would be emitted, but instead we would have much more particulate emissions. Although they do not contribute to photochemical smog (which is a real problem only in California and a few other isolated spots, but not in the major portion of the nation), particulates are becoming more and more suspect as health hazards. I consider it folly to promote the introduction of alternate powerplants as long as we cannot properly assess the health hazards they may produce.

This applies also to electric automobiles. Since no expert gives the fuel cell a chance for general automotive use in the foreseeable future, the electric automobile must be battery powered, that is, electricity must be generated elsewhere and then stored in the vehicle. Although with the best of new batteries now conceivable this will be an inefficient process, it does have the advantage that no fuel has to be burned at the point of power use. Powerplants use either fossil or atomic energy. In both cases pollution is likely to occur. Most fossil fuel plants will eventually have to use coal because the world has large reserves of coal, but very little oil. Coal burning produces fly ash and gaseous pollutants. Some of them can be controlled fairly easily, others cannot, at least not cheaply. Nuclear powerplants present other hazards, the most serious one being heat pollution. I will refrain from elaborating on these problems, but I do wish to call the Committee's attention to the probability that large scale use of electric automobiles would mean exchanging one set of problems for another one.

The times of easy solutions to our socio-technological problems is past. Wishing or ordering the internal combustion engine out of existence will solve nothing. Such a course is as hazardous as fighting boll weevils with DDT: in the long run it solves nothing; on the contrary, the cure may be worse than the disease.

The overall and the sum of the individual effects of an abrupt, mandated change in technology must be most carefully considered. It is my plea to this Committee that it do this, instead of letting itself be persuaded to search for a villain and that there is an easy way out.

Where, for instance, would the lead come from, if electric vehicles would have to be built now in large quantities? Lead batteries are still the only practical one, even though much research (most of it outside the automobile industry) is going on in the search for alternates.

No battery now in the offing can provide a very large operating radius and charging takes time. We would need a network of stations at which empty batteries can be replaced against charged ones. Failing this electric cars would serve for city use only. This, however, means that a large number of people, who now have and can afford only one car, would need two or do without a cross country car. What are the economic and sociological consequences?

Gentlemen, please, consider these and a myriad of other problems which attend inexorably the mandated or forcefully "suggested" abolishment of the internal combustion before you give the public the impression that it is merely vested interests which prevent us from breathing country fresh air in the canyons of New York City.

The City's and its metropolitan area's air pollution problems can be alleviated greatly by many other means than outlawing the internal combustion engine. For one thing, I do not hold with the school of thought, that the internal combustion engine is the villian, not in the New York metropolitan area. There are many more, much more obnoxious and noxious sources of emissions. We have very little evidence that respiratory and circulatory ailments are significantly aggravated by internal combustion engine emissions. Indeed, much of the popular clamor about exhaust emissions is traceable to the visible and odorifous exhausts of diesel engines which do not produce to any measurable degree adverse health effects.

Insuring better traffic flow, banning private automobiles and admitting only clean burning diesel trucks and busses into the metropolitan area, improving public transit, subsidizing taxi fleets with controlled emissions are just a few of the steps which could be taken without drawing the country into a panicky solution.

Emission control costs money. It seems imperative that all possible precautions are taken to prevent large sums from being spent on solutions which seriously endanger our economic system or produce effects which no one bargained for. My suggestion is therefore that this committee review the automotive emission problem from a systems standpoint. It will obviously take a broad cooperative effort to reach the desired goal of significantly cleaner air in the metropolitan area. The most effective inhibitors of cooperation are seeking to fix blame for sins past and present and to assume that solutions are at hand before claims for them have been substantiated.

Congressman FARBSTEIN. I am going to recess for five minutes. We will continue.

(Whereupon, a short recess was taken.)

Congressman FARBSTEIN. Do you agree with the findings of the technological panel of the California Air Resources Board that control of vehicle emissions can be brought down to 0.5 grams per million of hydrocarbon, 12 grams of carbon monoxide, and 1.0 grams of per million oxygen, for the 1975 model vehicle?

Mr. MEYERS. I believe so. I also am a believer not only in the current. I think if the standards are a little tough, that is a stimulant to comply.

Congressman FARBSTEIN. Thank you very much.

I now call on Mr. S. Smith Griswold.

(S. Smith Griswold: President, Seversky Environmental Dynamics Research Associates; former chief, abatement branch, Division of Air Pollution, Department of Health, Education, and Welfare; former air pollution control officer, Los Angeles County Air Pollution District; former president Air Pollution Control Association; member, Surgeon General's Environmental Health Committee; credited with initiating Justice Department air pollution suit against auto industry.)

Mr. S. SMITH GRISWOLD. Congressman Farbstein, it is my dubious pleasure to be connected with the motor vehicle pollution control program, probably longer than any other government official.

This started in '53, when I was control officer of Los Angeles, and it was necessary for that large county to clean up every other source of pollution, to the limit of technological ability before the motor vehicle industry would accept the fact that they were responsible for Los Angeles smog.

The preceding 11 years, from '53 to '65 were ones which included the passing of a legislation in California to require '66 model vehicles to be equipped with smog control devices, and it was at this time that I came back to the Federal Government to initiate the Federal control program at the Federal level, which I did for two years.

Basically, I think the program as it currently exists is regretable. I think it is regretable because the public is not getting what they are paying for in connection with control devices on motor vehicles.

There is no potential for enforcing other than to keep the device on the car, for enforcing its compliance for meeting the Federal standards for a period of 50,000 miles, because it is based on an averaging concept, so therefore motor vehicle inspection stations, such as was mentioned by one of the Congressmen previously, could not actually require that any one car would be cleaned up to a point where it met the standards.

I think another great critical problem with the entire motor vehicle pollution control program is the fact that the program entails too much responsibility on the owner of the motor vehicle, requiring him to maintain a motor vehicle in a certain degree of operability, or maintenance, is asking a lot of 100 million automobile owners.

All he can do is take it into a garage and tell him to adjust this and pay $60 or $70 and he can't be assured when it comes out it will even meet an inspection capability.

In other words, he is paying for something. He isn't getting it. He is expected to go on paying for a device that has a very critical maintenance problem.

Certainly this is one of the reasons that I feel it is very important that there be a new type of propulsion system invented, one that is fuel proof, one that doesn't expect everything of the individual car owner, whether it be a fuel powered vehicle, steam powered vehicle, or potentially an internal combustion engine with a different type of fuel, or absolutely fuel proof equipment.

I think the fact that the Federal Government requires performance of these vehicles for 50,000 miles, these vehicles are not meeting the standards after 11,000 or 12,000 miles, is a very serious offense.

Automobile owners are spending a lot of money every year. With the '70 model year, which is now in progress, that will be one billion dollars they paid since the Federal program started.

Just generally, I think to expect to run under current conditions 100 million vehicles through an inspection system, whether it is run by a state, or the city, or the Federal Government, every year to be sure that they are operating, is completely unrealistic and time consuming.

The characteristics on these cars should have ability in air pollution control. In connection with the technology there is a thing which hasn't been mentioned here. It is not a new concept. It has been tried for years, that of utilizing natural gas as a fuel for internal combustion engines.

The only thing that is new, relatively, and here again this was not developed by the auto industry, but by a public utility in California, as a technology for getting equivalent performance, except under the very highest speed of operations, by just utilizing natural gas with very moderate hardware, the type that could be installed on any internal combustion engine in four hours and taken off in a half-an-hour, and used on subsequent model cars, but the concept of using a cleaner fuel in the internal combustion engine, of course, is one that has been looked at, and it was looked at in Los Angeles during the period that I was there, trying to clean up

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the gasoline, before spending all the money trying to clean up the engine, but I do think that a very careful look should be taken at the composition and the type of fuel that is utilized by the internal combustion engine, pending that time when we can arrive at adequate development, commercial development of a new type of a propulsion system.

Congressman Farbstein. I won't keep you long, but I would just like to ask a few questions.

Are you suggesting that Mr. Chenea is in error when he says General Motors will be able to produce a low pollution engine by 1975?

Mr. Griswold. I suggest that I doubt very much that Mr. Chenea will be able to produce what he suggests he will produce by 1975, which will perform in the customers' hands with reasonable maintenance, of the type they will generally get, at a reasonable price. I suggest that this program on oxides of nitrogen is going to be one of the things that throws him for a complete loss. Probably what he will do is come up with a device which California will require before that time, Congressmen, but he will come up with a device which he will say will cost the motorist $300 additional, and he will tell the people of California that if you want control of oxides of nitrogen, here it is, it will cost you $300 per car, and it will use ten percent more gasoline per mile.

Congressman Farbstein. Ford is following you, and we will hear what they have to say about this.

How did the automobile industry react to the California Senate passing that bill banning the internal combustion engines?

Mr. Griswold. I am sure that they will follow and be able to give you their own personal opinion on it, Congressman.

I am well acquainted with how they felt about the first legislation that was passed in 1960 requiring the control of internal combustion engines originally.

Congressman Farbstein. Would you care to make a statement on that?

Mr. Griswold. No, the program was pretty well started. I don't think they thought the legislature would pass it, or could pass it, but the Senate was considering reapportionment at that time, and the Senate went along with the Assembly on it.

Congressman Farbstein. Thank you, gentlemen.

The next witness will be the representative of Ford. I appreciate your testifying.

Mr. H. L. Misch is the vice-president of Engineering, Ford Motor Company, and will now testify as our last witness.

According to the indication that I have received from Ford, Mr. Misch is fully able to discuss his company's policy relating to automotive emissions. I think you have some advantage over the others, having heard the testimony of Mr. Nader and the panelists. We will let you reply to them and give us an idea what Ford is doing to produce a pollution free engine.

Mr. Herbert L. Misch. Mr. Chairman, at your pleasure, we can either hand in the prepared statement that I have for the record, and answer any questions that you have, or I can go through the statement, whichever you wish.

Congressman Farbstein. We could put the statement in the record, and you may testify extemporaneously. I would like to frankly be out of here in about 25 or 30 minutes. I have to go back to Washington.

Mr. Misch. We have the same problem.

Congressman Farbstein. Suppose you put that in the record and tell us your story as best you can.

Mr. Misch. I am Herbert L. Misch, Vice-President, Engineering, Ford Motor Company, and with me today are Donald A. Jensen, Director of our Automotive Emissions Office and Ross Taylor, Assistant Chief Engineer, Ford Motor Company's engine engineering. At your request, I am here today to describe briefly the efforts of Ford Motor Company to control emissions from our vehicles, the impact of our programs on air quality, particularly in the greater New York City Metropolitan area, and to discuss what we are doing in the area of alternate power sources and their prospects for application to motor vehicles.

First of all, Mr. Chairman, we recognize the seriousness of the air pollution problem in the metropolitan New York area. The problem has been delineated in the 1967–68 Progress Report of the Department of Air Resources of New York City. According to this report, the principal pollutants in the New York Metropolitan area are sulfur dioxide, carbon monoxide and particulate matter. The automobile emits two of these pollutants—CO and particulates. It also emits hydrocarbons and oxides of nitrogen. Because we are aware of no evidence that HC and NO_2 pose a significant problem in this area, I will direct my remarks to the two problem pollutants—carbon monoxide and particulate matter.

To set the carbon monoxide problem into perspective, I would like to quote from the City's Department of Air Resources report. It states:

"Carbon monoxide has long been identified as one of New York City's major pollutants. It has been estimated that 1.5 million tons of carbon monoxide are emitted, on an annual basis, into its atmosphere with most of it coming from automobiles. And yet measurements over the last ten years at the City's principal monitoring site in upper Manhattan, rarely indicated levels of carbon monoxide that could be construed to be of concern. However, data collected from 1966 to 1967 in a more detailed study showed that a number of areas in the City experienced greater than desirable levels of carbon monoxide."

I want you to know that we have already accomplished a major reduction in the amount of carbon monoxide emitted by recent model automobiles. Our 1970 model cars emit about 70 percent less CO than did their 1967 counterparts. It should be clear that these improvements will go a long way toward elimination of the automobile's contribution to carbon monoxide levels in the atmosphere of New York City.

With respect to particulate matter, this same report states that 88.6 percent of the particulates in the New York-New Jersey area arise from sources other than motor vehicles and it establishes that the majority of that 88.6 percent is attributable to such sources as space heating, incineration and power generation.

With respect to the remaining 11.4 percent attributed to mobile sources, we know that lead additives in gasoline are responsible for a part of it. But, we also know that even if there were no lead additives in gasoline, the automobile would still emit some particulate matter. My point is that we do not yet know as much about the medical, engineering and scientific aspects of this problem as we must in order to address it intelligently, and, in this connection, are working to advance the state of the art.

I do not mean to underplay the role of the automobile as a contributor to the emission problem in New York City, but rather to give a balanced perspective to the overall problem.

Mr. Chairman, in spite of the certitude reflected by some of the statements made this morning, there remain even at this late stage of the evolutionary process—an amazing number of unknowns relative to the atmosphere in general, the thresholds of toxicity and the synergistic effects of various contaminants of the atmosphere. In other words, we—government and industry—still do not know enough about the vagaries of the atmosphere to be certain how much of any given pollutant is "safe" or "harmful".

Although the responsibility for this definition resides primarily in the government, we are attempting to aid in this effort through, among other things, the support of a research program managed by the Coordinating Research Council. This 13 million dollar program is funded by the auto and petroleum industries and the Department of Health, Education and Welfare.

Experts from each of these entities, totaling over 200 scientists, engineers and medical doctors organized in 32 committees, aid in the management of this program through the Air Pollution Research Advisory Council known as APRAC.

The research efforts include atmospheric studies such as plant damage by air pollution, fate of carbon monoxide in the atmosphere, origin and importance of haze formation, the source and fate of light hydrocarbons in the atmosphere, as well as study programs to measure and identify particulate matter. Medical projects include studies of the effects of low concentrations of carbon monoxide on behavior, cardiovascular activity, blood effects, and so on.

I am not here to suggest that further action on the air pollution problem should await further definition of the specific needs. However, I am sure you will agree that the more certain all of us are on the relevant facts, the better able industry will be to solve the problem and the more informed government's appraisal will be of the cost and performance relationships implicit in compliance with the new and more stringent emission standards.

Now I would like to address the remainder of my comments to the subjects about which you and the other members of Congress here today have deep concern, what Ford is doing to reduce vehicle emissions.

First, let me discuss alternate power sources.

Although we have prepared rather elaborate paper studies and carefully analyzed all publicly available literature on the subject, we have found no cause to become optimistic about the Rankine cycle engine. In a Senate Committee hearing in Washington in May, 1968, I indicated that, in our opinion, the Rankine cycle was too complex and fraught with too many seemingly insoluble problems to be considered a likely successor to the internal combustion engine. We have found nothing since that time to alter our evaluation of the Rankine cycle.

Our activities in electric vehicle research were described to Senate committees in March 1967, by Dr. Michael Ference, Vice-president of Ford's Scientific Research Staff. He cited the development work on a concept battery—sodium-sulfur—a zinc air battery concept, improved motors and control systems. It was pointed out that Ford Motor Company had hopes that these major advances in battery development and in control and motor technology might give the electric vehicle a good chance to succeed as a small urban-suburban passenger car and delivery or service vehicle within a decade.

Then, as now, the principal problem was to find ways to minimize the electric vehicle's disadvantages of short range, poor speed and acceleration and hill climbing and long recharge time compared with the quick refueling of gasoline powered cars.

Our position is essentially unchanged today. Problems associated with the fabrication of sodium-sulfur batteries have proved to be more difficult to solve than had been anticipated. As a result, we are nowhere near as far along at this time as we hoped we would be. Also, the hoped for short range potential of air-zinc and nickel-zinc batteries did not materialize.

Some research with lead acid batteries appears promising. This development, if successful, would permit the production of a

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city car with about 40 miles range in city driving. This represents a two-to-four-fold improvement over previous technology. It also has been the motivation to re-examine the hybrid engine, electric vehicle concept.

The most promising of all alternate power sources, in our opinion, is the gas turbine engine. Emissions levels of hydrocarbons and carbon monoxide from gas turbines appear to be extremely low; however, there is some question as to the level to which oxides of nitrogen can be controlled.

We have been devoting an important share of our research, engineering and testing to this engine during the past 15 years. Three years ago we introduced our experimental 707 turbine, a seventh generation turbine engine designed by Ford engineers. The 707 was designed specifically for heavy duty trucks. We have tested these engines for thousands of hours on dynamometers and at our proving grounds in Michigan and Arizona. Some 18 months ago we installed the engine in a few of our own fleet trucks which haul Ford parts from Michigan to our plants in Ohio. Results have been very encouraging, but work must continue to develop adequate durability and performance.

We have extended our turbine activities beyond truck application and, earlier this year, launched a program for application for off-road uses, such as stand-by generator sets, oil well cementing, construction machinery and marine pleasure craft. We also have installed a gas turbine engine in a Continental Trailways bus which soon will be making a test run across the country.

Application to automobiles is still a bit down the road. However, preliminary analysis indicates that the use of gas turbine engines in passenger cars would entail a significant cost penalty and, in the case of city driving, high fuel costs. These cost and technical factors will have to be overcome before the gas turbine can be considered as an attractive substitute for the internal combustion engine in passenger cars.

Whether or not any of these alternate power sources ever proves to be worthy of becoming a volume-produced power plant remains highly speculative at this point. The near term improvements for vehicle emissions must be realized from the internal combustion engine system. Further, we think any objective analysis of the evidence supports our conclusion that the goal of a virtually emission free power source can be reached sooner with the internal combustion engine than with an entirely different and unproven power plant.

For these reasons a greater share of our efforts is directed toward the control of emissions from the internal combustion engine.

One very substantial program dedicated to these future improvements is what we term the Inter-Industry Emission Control Program. It is comprised of Ford and ten other companies, six of which are petroleum companies and the other four foreign auto manufacturers. The IIEC was established in April 1967, with Ford Motor Company serving as project manager.

The IIEC utilizes the respective talents of petroleum and automotive specialists in the quest to develop a virtually emission free car. Some very ambitious goals were set. Program targets are 65 ppm hydrocarbons, 0.3 mole per cent carbon monoxide and 175 ppm oxides of nitrogen. These emission targets represent a 90–97 percent reduction from pre-emission controlled vehicles.

We have attained these very low levels in the laboratory and now have a program involving concept cars utilizing advanced hardware and undergoing tests at our proving grounds to determine whether or not these approaches are feasible in terms of durability, operating economy and performance. We are proceeding at full speed to reach the necessary conclusions, and should these tests show promise, we will explore the adaptability of these concepts to mass production techniques.

Gentlemen, I submit that our progress to date and our future objectives which we confidently expect to attain in the control of emissions from the internal combustion engine will serve our mutual objective of providing clean automobiles and a better environment for everyone. As Mr. Henry Ford II said last Tuesday (December 2) in an address at the Harvard Business School, "It doesn't take much imagination to see that before too many years have gone by, the only market left for motor vehicles will be the market for vehicles that are emission free."

In closing, let me assure you that Ford Motor Company intends to be an aggressive participant in that market.

I will just highlight it now.

I would like though to introduce those gentleman who accompanied me here, Mr. Donald Jensen, director of our automotive emissions office, and Mr. Ross Taylor, assistant chief engineer of our engineering activities at Ford, and Mr. James McNead, who is a member of our office of general counsel.

Mr. Chairman, in response to your request in the prepared statement, we have indicated that we have noted the serious problem of air pollution for a long time, and we have been working very diligently on it. We know the problem isn't licked. We know there is a lot more to do, but quickly let me just speak to the specific problem as we understand it in the New York area, New York, New Jersey area, and quoting from a Department of Air Resources report for New York City, the problem in the main in the New York City area is carbon monoxide, sulfur dioxide, and particulate matter.

Now, the automobile certainly does contribute a great part of the carbon monoxide and there is a small matter of the particulate matter, according to the New York Departments report, something like 11 percent of the particulate matter that they have measured is traceable to mobile sources, of which the automobile is a part.

The particulate matter of specific interest with regard to the automobile is the lead and lead salts. It has been covered, I think, adequately, as to what our 1970 vehicles and 1971 vehicles nationwide will do with regard to improvement in the reduction of carbon monoxide and hydrocarbons, and, of course, Ford vehicles meet those requirments.

However, let me very quickly skim through some of the work that we are doing with regard to alternate power sources. We are not at this time optimistic about steam as an alternative source of power for automobiles.

I testified in the Senate Committee hearing that was referred to by the previous witnesses, saying that our analysts have indicated a gross complexity compared to what we believe the internal combustion will be when it is a virtually emission free engine, and these are our opinions. We continue to do paper studies, be aware of the state of hour and elevate it, and if we see anything that changes our opinion we certainly are going to be aggressive in pursuing this.

Along that line we have arranged with some outside organizations, and one is Thermal Electronic Corporation, in Massachusetts, and we are sponsoring with them certain research work, thinking that as the problems have been identified, they can work on those specific problems, if they find promising solutions then we can take the next step, research with regard to steam engines, or Rankine cycle engines, whether it be steam or some organic materials used.

Dr. Michael Ference, vice-president of Ford Scientific Research reported to the Senate Committee in 1967, March of 1967, in regard to our electric car work, and reported there that we were working on sodium sulfur battery concepts, and a zinc-air battery concept, and improvement in emission controls in order to get an electric car that would appear to be useful. As we see it at the moment, we have run into considerable problems with regard to the sodium-sulfur batteries. We are far behind where we thought we would be from this point at this time. We do have some interesting research with regard to red acid batteries. We devoted by far the majority of our work, our efforts on an alternative source on the gas turbine, and we have high hopes that tomorrow a 707 Ford gas turbine will start cross-country, installed in a Continental Trailways bus.

If we were to indicate as clearly as possible our opinion as to priority for possible success, we would have to say that improvements in the internal combustion engine are in our opinion the best possibility for success in a virtually emission free vehicle, and for that reason we are putting a greater share of our technical efforts in this direction. Our second choice at the moment would be the gas turbine. So far, we are looking at it only for trucks, heavy applications.

We are expanding it some to look at stationary applications, such as oil well equipment, and that sort of thing, but by and large there still has to be a considerable breakthrough before we would see the gas turbine as a replacement for the internal combustion engine in passenger cars.

Quickly in the internal combustion engine work, I would like to cite just one program that I believe will be of significant interest to you, what we call the inter-industry emission control program, that was established in April of 1967 with Ford Motor Company as the manager.

There are 11 participants in that program, and I think six are petroleum companies and the other four foreign auto manufacturers. We established at the start of that program, targets that we then thought were the three most important pollutants, the targets that we established were 65 parts per million hydrocarbons, 0.3 mole percent carbon monoxide, and 175 parts per million oxides of nitrogen.

These targets, if attained, would represent between a 90 and 97 percent—depending on which material you are talking about—between 90 and 97 percent reduction from present emission controls.

Congressman Farbstein. You mean this reduction is from every vehicle you produce. Is that correct?

Mr. Misch. Yes, sir; that is a target of the research program.

Congressman Farbstein. There have been statements made to the effect that there will be a reduction of the pollution from individual autos of 95 percent. There, however, has been no statement taking into effect the multiplication in numbers of automobiles on the total level of automotive pollution expected. This is the reason I am asking the question directly.

Mr. Misch. No, we are saying that the new vehicles, once we could meet these targets, the new vehicles would perform at these levels, and, of course, you would have to have the attrition of the population, the replacement of the population, before all vehicles would do so.

Congressman Farbstein. How far advanced are you on the production of an internal combustion engine that meets the standards that you have just discussed.

Mr. Misch. Let me cite it in terms of this particular inter-industry program. This program was to be completed in April of next year. It is being extended one more year, that is through December of 1970, and we have every hope that the research portion of the program will have been completed successfully.

We have already met these targets in the laboratory. We have concept vehicles that are running on our proving grounds to determine whether in fact we can develop these

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concepts into producable designs on a mass basis.

Congressman Farbstein. Then I take it, if I understand you correctly, that by 1972 Ford will be able to mass produce——

Mr. Misch. No, sir. I don't want to be misunderstood. I said that by the end of 1971 the research in this program would be completed and there is an additional phase in reducing that phase to practicality in the automobile as it would be mass produced.

At the moment, I would have to guess as to when we in fact will have production automobiles. I would say '66, '67, maybe '68.

Congressman Farbstein. You mean '76, '7 or '8?

Mr. Misch. Yes.

Congressman Farbstein. You heard Mr. Chenea say they hoped to have it by 1975. Won't you be able to meet that date?

Mr. Misch. These are lower goals than he was talking about. I will say that Ford Motor Company is going to be in swinging, and we are going to get part of the business.

Congressman Farbstein. If you expect to get a part of the business, won't you have to meet the standards when they go into effect?

Mr. Misch. Yes.

Congressman Farbstein. Do you agree with the finding of the Technological Panel of the California Air Resources Board that the control of emission can be brought down to 0.5 grams parts per million of hydrocarbons, twelve grams of carbon monoxide, and 1.0 grams parts per million oxide of nitrogen?

Mr. Misch. I believe vehicles can be built for those levels.

Congressman Farbstein. By 1975?

Mr. Misch. No, I dont think so.

Congressman Farbstein. When then?

Mr. Misch. I think that we are giving the most honest answer we can, as to what we think we will be able to accomplish. If we can move faster and if we are more fortunate the time is going to move up. I am giving the best estimate that we can give, and it is only an estimate.

Congressman Farbstein. Are we going to have to wait to the mid-1970's to see a significant reduction in auto emissions or is it going to begin before?

Mr. Misch. I am not sure.

Congressman Farbstein. Can we expect a major reduction in auto emissions levels before 1975 or 1976? Can you produce an automobile with less than the California 1975 standards within a year and improve the standards further year by year until you produce a pollution-free engine?

Mr. Misch. If I may, sir, I would like to answer it this way. We have a series of changing standards, already established through 1974, and these standards, as they become more stringent, as they require a more stringent control, do require differences in the approach to the hardware. I think we are saying, however, through 1974, these will be evolutionary in nature. By that I mean those things that we are working on now will resolve by that time to meet the requirements. We believe it. We haven't done it yet, but we believe that it is the way it will happen.

Now, for the low levels that I am talking about here it will require more completely new approaches.

Congressman Farbstein. Mr. Misch, how much money has your company spent during the year 1969 for research and development in connection with low emission engines. If you can't give it to me for '69, because it is current, how about '68 and '67. Also break that down into what went into salaries and what went into material.

Mr. Misch. It is a little hard to break it down. Around 700 people are involved in Ford in emission work, internal combustion work, and alternative sources work.

Congressman Farbstein. Full time?

Mr. Misch. I would say the equivalent of that many full time. If some of the people spent part of the time on that, and part on something else, there would be a larger number involved. I am saying there would be the equivalent of 700 people full time.

Congressman Farbstein. On low emission engines?

Mr. Misch. Yes, both the internal combustion engine and the alternate source.

Congressman Farbstein. Mr. Misch, how many individuals are working on the internal combustion engines, as compared to alternative engines?

Mr. Misch. Yes, I do have an idea.

Congressman Farbstein. Would you please tell us.

Mr. Misch. I would say more than half.

Congressman Farbstein. If you are spending more than half of the money and personnel on alternatives, how do you divide it between the various types of engines, steam, turbine, electric?

Mr. Misch. I can tell you to this extent. At least in the order that I prioritize it. The first priority I give is to the internal combustion engine. The next highest effort is the gas turbine. The one following that is the electric. The one we are spending the least on is the Rankine or steam engine.

Congressman Farbstein. Do you believe the steam engine is worthy of less attention than the others?

Mr. Misch. That is obviously the reason why we prioritized it that way. That is our opinion.

Congressman Farbstein. You certainly have a right to your opinion. There are, however, naturally differences of opinion.

Mr. Misch. Let me assure you, sir, that it is not just my opinion. It is the opinion of our technical organization that I reflect.

Congressman Farbstein. Are you experimenting at all with alternative fuels?

Mr. Misch. Yes, we are. Once again, in this inter-industry program, where we have six petroleum companies involved in the research, we have several programs. If you have the time, we could tick off very quickly a few of the things that we are doing. Mr. Taylor would be glad to do that, or at least by title indicate what they are.

Mr. Taylor. This program, as Mr. Misch indicated earlier, is a cooperative program between the oil industry and the automotive industry. Its official purpose was to the expertise of people in fuel designs with those best versed in automotive engine designs.

Congressman Farbstein. There is one question that sticks in my mind. I am really unable to understand how the Morse panel, the Battelle Memorial Institute Study for National Air Pollution Control, the Senate Commerce Committee and the California State Assembly, each coming from different backgrounds and perspectives, all come to the opposite conclusion. Each seems to feel that the steam engine is worthy of attention, research, and the expenditure of money. They say it will not need any unique metals, and can be produced as cheaply, perhaps if not more cheaply than the internal combustion engine, and that is the reason I can't understand why you give such a low priority to it. Can you explain that to me, Mr. Misch.

Mr. Misch. I can certainly try. We evaluate—we have evaluated, and continue to evaluate, Rankine cycle concepts, and compare them in total power plant packages with the internal combusion engine, as we think it would be required to be an acceptable product in the hands of the customer. When we do this, and I will cite my testimony before the Senate Committee, we believe that both the cost and complexity of the Rankine cycle system is greater than the internal combustion engine. For that reason, we think that the internal combustion engine is the right one to put the emphasis on.

Congressman Farbstein. Would your company object to mandatory standards for a pollution free engine being established for the internal combustion engine?

Mr. Misch. I think you have to say virtually pollution free.

Congressman Farbstein. Let's say the standard set down by the California Legislature.

Mr. Misch. Our company has supported the clean air project.

Congressman Farbstein. The technology panel of the California Air Resources Board, excuse me.

Mr. Misch. They are about the same numbers. Yes, I would like to answer it this way. I would like to say that our company has supported the Clean Air Act. We have supported the development and implication of standards and requirements on vehicles, and we would continue to do so. I think we have continued always to say that for everyone's good it is highly desirous that we are certain that the demands for control are reasonably in step with the need, because increased control is going to in fact either cost in compromise of product, or in dollars, or something. It is going to cost something, so let's just all of us be sure that we are progressing properly, that's all.

Congressman Farbstein. I asked that question, Mr. Misch, because the California Deputy Attorney General, Charles O'Brien, on March 4, 1969, at the HEW hearing said, and I quote:

"California has had a long and discouraging relationship with the auto industry in attempting to control automobile produced smog."

That is the reason why I am asking the question.

Mr. Misch. Let me answer by reading a statement that is in the close of my prepared remarks, and it is a statement that Mr. Henry Ford made last Tuesday, December 2nd, in an address to the Harvard Business School:

"It doesn't take much imagination to see that before too many years have gone by, the only markets left for motor vehicles will be the market for vehicles that are virtually emission free."

He assured that Ford Motor Company is in that market.

Congressman Farbstein. I am glad to hear that, but I still haven't got your answer to the question of whether or not you were opposed to mandatory controls.

Mr. Misch. I thought I answered. We have mandatory controls.

Congressman Farbstein. The standards being discussed by the California Air Resources Board for 1975.

Mr. Jensen. I am Don Jensen, the Director of Automotive Emissions at Ford. The standards you are referring to were recommended to the Air Resources Board. They are not now a standard in California. They are having a public hearing on these on January 21st. Since they were announced on November 19, each of the companies is reviewing their internal program to see what their position would be. I think Mr. Misch has been responsive to the questions based primarily on our previous controls.

Congressman Farbstein. Would you care to make a statement on these standards; what is your position on them?

Mr. Jensen. I think I made it clear, Mr. Farbstein, that they were announced on November 19th. The public hearing is on January 21st, so obviously we have to look at the standards, but the numbers going on already at Ford, or the inter-industry program that Mr. Misch mentioned were lower than the numbers in that particular report.

Congressman Farbstein. I am about finished, gentlemen. If there is anything further you want to add, I would be pleased to hear from you. Before we close, a representative of the Attorney General of the State of New York has been kind enough to come here to make a short statement in connection with

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the Attorney General's position in relation to these hearings.

Will you state your name and position?

Mr. MANTZOROS. My name is George C. Mantzoros, Assistant Attorney General, Anti-Monopolies Bureau. I am here representing the Attorney General, Louis J. Lefkowitz, who has the following statement to make:

The discharge and emission of contaminants into the air is contrary to the public policy of the State of New York and in violation of state statutes and the statewide Air Resources Program.

It is my hope that from this committee's hearing will come a plan of positive action at the Federal level in support and implementation of the program which is already underway in New York State.

My office already has begun an action to punish the major automobile manufacturers by requiring them to pay treble damages to the state and its municipalities for the harm done to property, crops and individuals by the emission of contaminants from automobiles of their manufacture.

At the same time we are asking a mandatory injunction against the auto manufacturers requiring them with all deliberate speed to install as standard equipment on any auto sold in New York State effective motor vehicle pollution control equipment.

I congratulate this committee for its action and endorse its efforts to bring about an elimination of the air pollution which seriously affects everyone in the State of New York.

Congressman FARBSTEIN. Thank you very much for your statement. Before adjourning, I would like to insert the text of a letter I have received from Mayor Lindsay in connection with this hearings:

(The text of that letter follows:)

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., December 4, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: I was pleased to learn about the hearing you and several other Congressmen from the New York Metropolitan region have scheduled for next Monday, December 8th, on automobile pollution.

I fully support your efforts and offer my cooperation for your hearing and any activities that may follow.

Automobile exhaust pollution is a problem of deep concern to millions of New Yorkers. New York City, as you may know, has undertaken active leadership in this area. For detailed carbon monoxide studies conducted in the City indicate that our problem is different from that in other parts of the country and requires closer and more special attention than it has been accorded. Recently I outlined a five-point program of steps the City will take to insure more effective programs to combat this pollution, including encouraging faster development of pollution-free vehicles. The City plans to purchase and test several of these vehicles to determine whether a practical model can be made available sooner than we can now anticipate. I have been in touch with leading industry executives to explore what further steps the City can take at this time to promote this important project.

I am sure the results of your efforts will be of great value to our program. I look forward to these findings.

Kind regards.

Sincerely,

JOHN V. LINDSAY,
Mayor.

Congressman FARBSTEIN. The hearing is adjourned.

(Whereupon at 1:30 p.m., the hearing was concluded.)

APPENDIX

On November 7, 1969 the following letter was sent to the presidents and chairmen of the boards of the major automotive companies, and the following replies received:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 7, 1969.

GENTLEMEN: We are writing you today as Members of Congress, representing the New York-New Jersey-Connecticut metropolitan region, concerned about air pollution.

We are sure you will agree that air pollution has become a matter of grave concern to every American and that the automobile industry has the responsibility to make every effort to alleviate this problem.

It is our intention to hold hearings to examine the impact of the automobile on the air of the New York-New Jersey-Connecticut metropolitan region. These hearings will be held in the Ceremonial Court Room, U.S. Customs Court Building, One Federal Plaza, New York City at 10 a.m. on December 8.

You, as the head of one of the major American industries, are in a position to exercise your responsibility for helping to solve this severe environmental problem by appearing before our panel at that time.

We are anxious to become acquainted with what your company is doing, or plans to do in the future, to overcome the adverse effects on the atmosphere of pollution from automobiles. We are not so much concerned with the details of how your company is meeting specific governmental requirements. Rather, we are interested in the broader context of what steps you are taking for the improvement of the internal combustion engine and the exploration and development of alternative means of propulsion. Thus, we are more desirous of hearing from you, the people at the highest policy-making level of management, than from technical or other laboratory personnel. You are, of course, welcome to bring such personnel to advise you.

We would appreciate your favorable reply to this invitation at your earliest convenience. Please contact Congressman Leonard Farbstein at (202) 225-5635.

With sincere regards, we are,

Members of Congress: LEONARD FARBSTEIN, BERTRAM L. PODELL, JOSEPH P. ADDABBO, ADAM C. POWELL, ALLARD K. LOWENSTEIN, PETER W. RODINO, JR., BENJAMIN S. ROSENTHAL, JAMES H. SCHEUER, EDWARD I. KOCH, RICHARD L. OTTINGER, JOSEPH G. MINISH, DOMINICK V. DANIELS, SEYMOUR HALPERN, SHIRLEY CHISHOLM, WILLIAM F. RYAN, JAMES J. DELANEY, HENRY HELSTOCKI, MARIO BIAGGI, EDWARD J. PATTEN, and JONATHAN B. BINGHAM.

GENERAL MOTORS CORP.,
New York, N.Y., November 26, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This is in response to the invitation which you and a number of your fellow Members of Congress extended to Mr. E. N. Cole, President, and to me to be present at hearings in New York City regarding the impact of the automobile on the air of the metropolitan area. We share your deep concern with the probem of air pollution.

As discussed with you by our representatives, Messrs. Hilder, Magill and Hall, our corporation is under certain inhibitions regarding this subject as a result of pending litigation. However, within the general guidelines discussed by them with you, General Motors is certainly desirous of cooperating with you and presenting our views with respect to this important subject.

Therefore, I have requested Dr. Paul F. Chenea, vice president in charge of our Research Laboratories, to be present on December 8 and make a statement on behalf of General Motors. Dr. Chenea is fully qualified to discuss the subject not only from a technical standpoint but from the viewpoint of policy as well. He will be accompanied by Dr. Fred Bowditch, Director, Emission Control.

Let me reassure you and those Congressmen associated with you in this matter that General Motors efforts for progress in this area carry a very high priority.

Sincerely,

J. M. ROCHE.

GENERAL MOTORS CORP.,
Washington, D.C., December 5, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: In conversations I have had recently with you and Mr. Levin, you have suggested that the testimony of the General Motors witness at the hearing in New York, December 8, be a "response" or "rebuttal" to the remarks of other witnesses. While I believe I have made it clear to you and Mr. Levin that the GM witness will address himself to the information your invitation requested us to present rather than respond to the remarks of other witnesses, I feel that it is important to reiterate this point in order to clear up any possibility of misunderstanding.

In your November 7 letter of invitation to General Motors you stated you were anxious "to become acquainted with what your company is doing, or plans to do in the future, to overcome the adverse effects on the atmosphere of pollution from automobiles." More specifically, you asked for comments on the steps we are taking "for the improvement of the internal combustion engine and the exploration and development of alternative means of propulsion." In our appearance we intend to try to present as much information on this subject as time permits.

In order to cover even a small part of that vast assignment in the time allotted to our testimony, it will be necessary for our witness to address himself to the points he considers most important. Accordingly, he intends to spend the time available presenting information on the subject matter of the hearing.

Let me assure you that General Motors hopes in this way to make a contribution to the understanding by your group and the public of the automotive emissions problems.

Sincerely,

JAMES M. MORRIS.

CHRYSLER CORP.,
November 26, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Mr. Lynn Townsend, Chairman of the Board of Chrysler Corporation has asked me to reply to the letter of November 17, 1969, regarding a proposed meeting in New York City concerning the problems of air pollution in the Metropolitan New York Area.

At the outset, let me assure you that the people at the highest policymaking level of Chrysler Corporation as well as our engineering and technical people are fully aware of their responsibilities to further reduce the level of the smog-contributing emissions currently found in passenger car exhaust.

I understand that Mr. C. M. Heinen, Chief Engineer for Emission Control and Chemical Development, has recently forwarded to you certain technical papers which, together with the references included, outline the extensive work that has been done on the problem of vehicle emission control over the last fifteen years.

To provide you with a current picture of Chrysler Corporation's intensive research activities in air pollution and the outlook for the future as our engineers see it, we would like to extend an invitation to you and the

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other Congressmen who signed the letter to visit our laboratories in Detroit and to meet with our engineers at your convenience. If it is not possible for these gentlemen and lady to be in Detroit on the same date, we would be pleased to arrange for a series of such meetings to take place. We hope you will view this invitation to come to Detroit as an acceptable alternative to the opportunity you have offered us to appear in New York as the complexity of showing you in detail the work we are doing makes it necessary to stage any meaningful demonstration where the equipment is located.

In addition, as you no doubt know, the Subcommittee on Public Health and Welfare of the House Committee on Interstate and Foreign Commerce has announced that it plans to hold hearings on the subject of air pollution on or about December 8, 1969, and since this Committee has the statutory authority to conduct hearings on this subject, it appears probable that we will be called upon to furnish such information as can be furnished by hearings on a nationwide basis to this Committee of Congress.

Sincerely,

P. N. BUCKMINSTER.

FORD MOTOR CO.,
Washington, D.C., November 28, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This will confirm my conversation with you earlier this week regarding representatives of Ford Motor Company meeting with you and some of your Congressional colleagues in New York City on December 8 to discuss the efforts for improvement we are making in the area of automotive emissions.

Arrangements have been made for Mr. H. L. Misch, Vice President-Engineering, to be present. As a Vice President of the Company with senior responsibility for all staff engineering activities, Mr. Misch is fully familiar with our policies relating to automotive emissions. We expect that he will be accompanied by one or more other representatives of our Company.

I shall await your advice as to whether we should proceed with these arrangements.

Sincerely,

R. W. MARKLEY, Jr.

FORD MOTOR CO.,
Washington, D.C., December 1, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: This will confirm our conversation today and advise that my letter of November 28 was intended to embrace the concept that Mr. Misch is able and authorized to speak to company policy in the area of automotive emissions.

Sincerely,

R. W. MARKLEY, Jr.

(On October 20, 1969, the following letter was sent to the major automobile manufacturers by Congressman FARBSTEIN. The only substantive response, sent by Ford Motor Co. follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

GENTLEMEN: On July 31st I introduced H.R. 13225, a bill to help combat more effectively the air pollution resultant from the ever increasing use of motor vehicles. A copy of this legislation is enclosed.

The purpose of this bill, and of additional legislation now being drafted, is to (1) encourage the development of alternatives to the internal combustion engine, (2) improve fuels used in the internal combustion engine in order to meet more stringent emission control levels, and (3) ensure that the control devices on 1968 and 1969 model year vehicles, for which owners have paid nearly two-thirds of a billion dollars, are operating in conformity with Federal emission standards.

So that I may have the most current and comprehensive information available in this area, I am requesting the advice and opinion of manufacturers of motor vehicles and motor vehicle engines both in the United States and abroad. I hope that your company will be kind enough to reply to the following questionnaire which represents items in which I have particular interest.

Please be assured that the information provided will be considered confidential and will not be attributed to your particular company unless you authorize its use. Your assistance is greatly appreciated.

With kind regards, I am

Sincerely yours,

LEONARD FARBSTEIN,
Member of Congress.

Name of Company————————————
Headquarters Address————————————
Name and Title of Official————————————

1. What is the major thrust of your company's activities to reduce automobile air pollution?

2. How much has your company spent for research and/or engineering to reduce emissions from new motor vehicle engines for the 1968, 1969, 1970 model years?

3. Did you spend any funds for new vehicle engine research and engineering for your 1968, 1969, 1970 models? If so, how much did you spend (by years)?

4. What proportion of this money, if any, went for the following (by year):

(a) Development of vehicles utilizing alternative power sources such as steam (vapor), electric, turbine or other. (What is the pertinent data regarding the size, horsepower, weight, speed, range, and comparative performance of each of the foregoing?

(b) More effective emission control devices or systems on the internal combustion engine currently in use. (Please include information on cost and performance pursuant to Federal emission standards.)

(c) Improvement or refinement in the combustion characteristics of the internal combusion engine through basic engine modification or the use of improved or alternative fuels such as unleaded gasoline, LPG, natural gas or any other fuel in adequate supply.

5. Do you intend, in the near future, to be able to meet the emission requirements set forth in H.R. 13225? If so, approximately when and upon what technological advances do you expect to rely?

6. Has your company initiated any program to ensure that the emission control equipment you install will operate effectively after the car has operated for several thousand miles? If so, up to what mileage (Please include comprehensive data generated by or available to your company on vehicles tested under Federal test procedures with less than 50,000 miles of operation in public use.)

7. What programs does your company have for training service personnel in the repair and upkeep of emission control equipment? Could you supply me with drafts of your instructions to these personnel?

8. May this reply be publicly attributed to you and/or your company?

Yes—— No——

Please return to: Congressman Leonard Farbstein, U.S. House of Representatives, 2455 Rayburn House Office Building, Washington, D.C. 20515.

FORD MOTOR CO.
Dearborn, Mich., December 9, 1969.

HON. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Thank you for your letter of October 20, 1969, in which you raise several questions in connection with Ford's activities in connection with the control of automotive emissions. I have prepared a comprehensive summary of Ford's activities past, present, and future in vehicle emission control, a copy of which I have enclosed with this letter. This summary, together with the testimony given by Mr. H. L. Misch, Ford Vice President-Engineering, at your hearing in New York City, seems to me to comply with your request. However, if additional information is needed, please let me know.

Sincerely,

D. A. JENSEN,
Director, Automotive Emissions Office.

Name of Company: Ford Motor Company.
Headquarters Address: American Road, Dearborn, Michigan 48121.
Name and Title of Official: D. A. Jensen, Director, Automotive Emissions Office.

1. What is the major thrust of your company's activities to reduce automobile air pollution?

These are numerous. See pages 3 through 6 of the Summary.

2. How much has your company spent for research and/or engineering to reduce emissions from new motor vehicle engines for the 1968, 1969, 1970 model years?

As indicated starting on page 3, almost every segment of the company is involved in vehicle emissions.

3. Did you spend any funds for new vehicle engine research and engineering for your 1968, 1969, 1970 models? If so, how much did you spend (by years)?

Yes, and the extent of this work is evidenced on pages 3 to 6.

4. What proportion of this money, if any, went for the following (by year):

(a) Development of vehicles utilizing alternative power sources such as steam (vapor), electric, turbine or other. (What is the pertinent data regarding the size, horsepower, weight, speed, range, and comparative performance of each of the foregoing?

(b) More effective emission control devices or systems on the internal combustion engine currently in use. (Please include information on cost and performance pursuant to Federal emission standards.)

(c) Improvement or refinement in the combustion characteristics of the internal combustion engine through basic engine modification or the use of improved or alternative fuels such as unleaded gasoline, LPG, natural gas or any other fuel in adequate supply.

Our accounting system does not break down our efforts in the categories you mention, but considerable engineering development work was spent on each of the above categories as indicated by the summary. If you wish to visit Detroit, I'll be glad to show you exactly what we are doing in respect to a), b), and c).

5. Do you intend, in the near future, to be able to meet the emission requirements set forth in H.R. 13225? If so, approximately when and upon what technological advances do you expect to rely?

See page 5 of the Summary.

6. Has your company initiated any program to ensure that the emission control equipment you install will operate effectively after the car has operated for several thousand miles? If so, up to what mileage? (Please include comprehensive data generated by or available to your company on vehicles tested under generated test procedures with less than 50,000 miles of operation in public use.)

See page 4 of the Summary.

7. What programs does your company have for training service personnel in the repair and upkeep of emission control equipment? Could you supply me with drafts of your instructions to these personnel?

I'm sending under separate cover copies of

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Ford Motor Company's Training Handbook 5000 on "Vehicle Emission Control Systems".

8. May this reply be publicly attributed to you and/or your company?

Yes.

Please return to: Congressman Leonard Farbstein, U.S. House of Representatives, 2455 Rayburn House Office Building, Washington, D.C. 20515.

SUMMARY OF FORD MOTOR COMPANY'S ROLE IN CONTROL OF MOTOR VEHICLE EMISSIONS

INTRODUCTION TO A PROBLEM

In the early fifties when it was first recognized that the automobile played a role in the formation of photochemical smog in Los Angeles, Ford immediately initiated extensive research efforts in a number of fields. Up until 1960 there were the following accomplishments in each of these as follows:

1. Instrumentation

The use of nondispersive infrared techniques to measure extremely small parts per million concentrations of contaminates from the exhaust were pioneered by Ford Motor Company. This was only one important step in our cooperative effort with Los Angeles County to first find out how to measure emissions so we could do the engineering job of reducing them to acceptable levels.

2. Test procedures

Since emissions from vehicles varied tremendously based on the vehicle's operating mode, it became essential to determine the "average" trip and the "average" emissions of vehicles in the Los Angeles area. Ford played a major cooperative role working with California to establish these facts which even today form the basis for the test procedure utilized by California and the Department of HEW. The formal adoption by California of exhaust emission test procedures in May of 1961 signaled the opening of an era when auto manufacturers and others could apply their engineering efforts to definitive targets to solve the problem.

3. Control techniques

Initially, it appeared that a device controlling the deceleration driving mode would be sufficient to reduce hydrocarbon emissions so that the required level of air quality could be attained in Los Angeles. We had engineered workable effective deceleration devices when industry data led California authorities to conclude that this was relatively unimportant in the total smog picture.

Thereafter, we worked on controls for almost all driving modes. Among many other exhaust emission control systems we developed a catalyst (vanadium pentoxide) which was effective in controlling the hydrocarbon emissions which contributed to photochemical smog in Los Angeles. It was not designed to be effective in control of carbon monoxide in order to minimize high temperature material problems. We were initiating production studies of this catalyst device when California required the control of carbon monoxide emissions. As a result, we redirected our efforts toward solutions capable of controlling both hydrocarbon and carbon monoxide. Manifold thermal reactor development started in 1958 to back up the catalytic system development. Through new research and measurement methods, it was determined that crankcase "blow-by" was responsible for 20% of the total hydrocarbon emissions from an automobile. Utilizing crankcase fume recirculation systems designed earlier for other purposes, we engineered crankcase control systems for voluntary installation on California cars in the fall of 1960 (1961 models).

In the ensuing years, Ford experimented with numerous exhaust control systems utilizing not only our own research efforts but also those available from others. Specifically, we made significant advances in thermal reactor systems and complex catalyst control methods.

In preparation for the introduction of exhaust controls in California for 1966 models, we reviewed our engineering research and adopted a variation of our thermal reactor. The result was Ford's Thermactor system, consisting of an air pump supplying oxidizing air at the exhaust ports of the engine (in the exhaust manifold) to help consume polluting contaminates. This crash program met California standards and formed the basis for the numerous improvements in exhaust controls since the fall of 1965. When you realize that 37 other new changes (in addition to the air pump) were required in the automobile powertrain to effectuate this control, you can recognize the engineering ingenuity and skill which evidenced itself in the "new" exhaust controls that have been produced since 1966 models in California.

Subsequently, we perfected an engine modification system that we call **IMCO**—Improved Combustion. **IMCO** has, for the most part, replaced Thermactor as Ford's method of exhaust control. These controls were extended to heavy duty gasoline powered trucks in California on 1969 models and nationwide on 1970 models.

The 1967 amendments to the federal Clean Air Act required the control of emissions from all 1968 model passenger cars. Subsequently, controls for evaporative emissions from the fuel tank and the carburetor were enacted—on 1970 models in California and on 1971 models nationwide. Final work is now in process to control emissions of oxides of nitrogen from 1971 models to be sold in California and the control of diesel smoke from new engines will become effective on January 1, 1970.

Virtually every segment of the Company is now involved in emissions control. Those who design engines, build carburetors, work on transmissions, electronic engineers; the chassis engineers; those involved in the fuel system; the auto service specialists; quality control experts; the body designers; and the advanced scientists, and many more—all now intimately concerned with vehicle emissions as a part of their job.

The advancements that have been made in exhaust controls have reduced exhaust emissions steadily each year as these moved from California to national controls in 1968 models and on up to the present. Field surveillance has shown continued steady improvement and improved durability in emission controls for Ford vehicles although the government standards were not revised downward until 1970.

Relative to the point when vehicles were not equipped with pollution controls, the regulated levels in 1971 on a nationwide basis will represent an 80% reduction in hydrocarbon controls and a 70% reduction in carbon monoxide.

Quite apart from government requirements, Ford started a comprehensive quality control program to monitor emission controls. A sample of vehicles are checked each day to ensure the integrity of our production vehicles. Ford has an elaborate pressurized room where 100% of our carburetors are "flowed" and checked to be certain they are within necessary emission control tolerances. Idle adjustments are set at the factory and plastic idle adjustment limiters are installed to help maintain emission characteristics of our cars when they are in the hands of our customers. We also issue basic instructions in our manuals and on decals in the engine compartment to aid mechanics for proper engine adjustment.

These are all done voluntarily by Ford Motor Company without government direction and they have been instigated in the last few years because of our interest in improving emission characteristics of our vehicles, not only in production but in the field.

Numerous segments of Ford Motor Company are working for the near-term and far-term future low emission or emission "free" vehicle. One important endeavor is the Inter-Industry Emission Control (IIEC) Program. This is a cooperative effort which began in April, 1967, with Ford as the project manager. It includes six oil companies and four foreign car manufacturers cooperating.[1] The goals of this program are to reduce emissions to:

65 ppm HC equivalent to .82 grams per mile HC.

.3% CO equivalent to 7.1 grams per mile CO.

175 ppm NO_x equivalent to .68 grams per mile NO_x.

This is the IIEC Program definition of a "smog free" vehicle and represents a 90 to 97% emission reduction from the level of pre-control vehicles. The cooperating parties of the IIEC contribute their support both technically and financially in an effort to find the optimum combination of hardware and fuel.

These objectives have been achieved in the laboratory by means of various approaches. Today, "concept" cars are on the test track to determine whether these approaches are feasible in respect to durability and performance. After much preliminary research and culling of a host of alternatives, IIEC work is now concentrated on four basic ways of achieving the project goals.

There are other promising development efforts at Ford Motor Company. We have publicly announced our intention to produce the turbine truck commercially in the early 1970's. Turbine trucks are running daily and have been as we prepare for production. This alternate power source has excellent potential for extremely low hydrocarbon and carbon monoxide emissions. Application of gas turbine to passenger cars is still a bit down the road, however.

Ford also is doing research into electricity, steam, and other alternate power sources and has done extensive development work on the stratified charge concept.

California has adopted stringent vehicle emission requirements up through the 1974 model year. They are designed to reduce vehicle emissions to a level which would result in the level of air quality established by the California Air Resources Board on September 17, 1969. We, at Ford, intend to meet those more stringent 1974 standards.

We hope that the foregoing summary serves to prove the point that, since the first identification of the automobile as a source of air pollution, Ford has been engaged in a continuous effort to eliminate objectionable emissions from the automobile. A part of the job of almost every Ford engineer is related to emissions. We have found it more important to generate this company-wide "drive" permeating our effort than to try to decide if a given engineer or scientist spent 10% of his time on emissions one day versus 90% another, or none the next. We want to utilize, as efficiently as possible, all of the Company's available technology and use our "know how" in numerous fields related to automotive mechanical and chemical engineering. We believe that, by so doing, the day of the smogless motor vehicle will be hastened.

SENATE PASSES H.R. 2—INDEPENDENT FEDERAL CREDIT UNION AGENCY BILL

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

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[1] Participating U.S. oil companies are American, Atlantic Richfield, Marathon, Mobil, Sohio and Sun. Three Japanese auto manufacturers—Mitsubishi, Nissan and Toyo Kogyo—joined the program in July, as did the Italian automaker, Fiat.

Mr. PATMAN. Mr. Speaker, yesterday, the Senate by a vote of 73 to 15, passed H.R. 2, legislation which would provide for an independent Federal agency for the supervision of federally chartered credit unions. The legislation had previously been approved in the House on July 28, 1969, by an overwhelming vote of 356 to 10.

Today, I have asked for a conference on the legislation so as to work out the final details on the creation of this new agency. There are only a few differences between the House and Senate versions of the legislation and I do not anticipate any problems in working out the differences. In fact, it is my hope that the conferees can meet very shortly to complete action on the legislation.

Although there are a number of technical differences between the two bills, there are only three basic differences.

The House version provides for a Board of Governors to give direction to the National Credit Union Administration. The Board of Governors would set policy to be carried out by the Administrator of the agency. The Senate version vests the power for setting policy with the Administrator of the agency and creates an Advisory Board to advise the Administrator.

The House version further provides that in selecting Board members, the President "shall receive and give special consideration to the nominations submitted by credit union organizations which are representative of a majority of credit unions located in the region for which a Board member is to be appointed." Also, "the persons so appointed as Board members shall be selected on the basis of established records of distinguished service in the credit union movement." The Senate version contains no procedure for submission or consideration of nominations. The Senate version does provide, however, that "in making appointments to the Board, the President shall consider, along with other relevant criteria, the experience of the person to be appointed in the credit union movement."

The final major difference concerns the authority of the Administrator versus the Advisory Board or Board of Governors. The House version requires the Board of Governors to submit an annual report to the President for submission to the Congress including recommendations for legislative enactments and "other action as in the judgment of the Board are necessary and appropriate to carry out its recommendations." The Senate version does not contain a provision for a report to Congress by the Board.

The creation of the National Credit Union Administration will be the biggest step taken by Federal credit unions since the Federal Credit Union Act was passed in 1934. No longer will the Bureau of Federal Credit Unions, the agency which presently supervises Federal credit unions, be buried in the Department of Health, Education, and Welfare. Credit unions will have their own spokesman who will not be shackled by bureaucratic restrictions.

Credit union members throughout the country have worked hard to obtain the goal of their own supervisory agency. They made an outstanding case for the legislation and they worked hard to provide Congress with all of the information needed to pass the legislation.

The establishment of the National Credit Union Administration will be fitting tribute to credit union members and volunteers who have worked so hard and for so many years to make credit unions the great institutions that they are today.

GAO REPORT ON INTEREST RATE CRITERIA FOR FINANCING FEDERAL POWER PROGRAM

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the second session of the 91st Congress opened with one ray of sunshine—the Comptroller General's report, dated January 13, 1970, exposing the ridiculously inadequate interest rates Federal agencies have been using in determining the cost of financing Federal electric power programs. Let us all hope this report is a harbinger of a new era where honesty, credibility, and respectability will prevail for Federal programs in the 1970's. This report by the prestigious General Accounting Office is particularly encouraging and reassuring to me because I have been exclaiming for years that these projects do not repay their cost to the taxpayers. In fact I introduced legislation starting in 1962 to correct this problem but nothing was done. Last year I introduced two bills, H.R. 661 and an amended version, H.R. 13107, to establish a uniform and realistic policy for repayment of costs of Federal electric power projects.

In the words of the GAO:

> The interest rate criteria used by Federal agencies in determining the cost of financing the Federal power program result in the use of interest rates that are not representative of the cost of funds borrowed by the Treasury during the period of construction of a power project.

The GAO undertook its review of this matter because its continuing reviews of Federal power agencies noted "variations in the interest rates applicable to the individual projects constructed by the agencies." The GAO found that a significant amount of information on interest rates was available from its annual audits of the financial statements of the Federal Columbia River Power System. Accordingly, it used this system as an example "to show that the Government's cost of financing the Federal power program has been significantly understated because of the use of interest rates below the cost of Treasury borrowing."

The report goes on to point out, however, that this condition is not unique to the Federal Columbia River power system and is applicable to other power systems in the Corps of Engineers and the Department of the Interior.

The GAO report referred to the fact that costs to construct, operate, and maintain the facilities of the Federal power program are financed by appropriations from the Federal Government, except for the power program of the Tennessee Valley Authority. Since fiscal year 1961 the TVA power program has been financed by its power revenues and by the sale of revenue bonds and notes on the private money market where true, cost-of-money, interest rates prevail.

Despite the TVA example in paying the true cost-of-money, interest rates used in accounting for the repayment of Corps of Engineers and Bureau of Reclamation power projects have ranged generally from 2½ to 3¼ percent. During the past year power bonds issued by TVA have resulted in net annual interest rates to that agency of about 8 percent.

With respect to the Federal investment in the power facilities of the TVA, the 1959 TVA Revenue Bond Act required specific annual repayments of capital and interest on the appropriation investment based on the computed average interest rate payable by the Treasury on its total marketable public obligations as of the beginning of the fiscal year. As of June 30, 1969, this rate was 5.232 percent. We all know that the Government is presently paying more than 8-percent interest on its current borrowing.

Mr. Speaker, the GAO believes the Secretary of the Treasury should have the responsibility of "prescribing annually an interest rate to be used in determining the interest costs to be capitalized as part of the Government's investment in power projects," and that this rate should "take into consideration the average market yield, during the year in which the investment is made, on the outstanding marketable obligations which the Secretary considers to be most representative of the cost to the Treasury of borrowing money to construct the power projects." the GAO said it believes further that the annual interest rates should be computed on the basis of a composite of the average market yields used in computing the interest costs capitalized during the construction of the project. This is important, for the cost of financing the Federal power program is a significant portion of the total cost of the program.

The GAO stated that use of an average interest rate on long-term Treasury obligations outstanding at the time initial construction funds were requested for a project as a basis for computing the interest costs as part of the Government's investment in the projects, actually does not represent the cost of Treasury borrowing during the period of construction. The report refers to the use of a 2½ percent interest rate on the John Day Dam, for example, as contrasted to the then average market yield of 3¼ percent on Treasury securities with comparable maturities.

Some further background of this point will help illustrate the economics and financial inequities inherent in the present agency practices. In 1965, the Congress, in the Water Resources Planning Act, established the Water Re-

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sources Council. Among the responsibilities assigned to the Council were the establishment, with the approval of the President, or principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans, and for the formulation and evaluation of Federal water and related and resource projects. Except for its authority over the "evaluation" of projects, its responsibilities were limited to matters concerning the planning and formulation of projects. Many of us had high hopes that this agency would provide constructive leadership in the planning and formulation of Federal projects. Unfortunately it has, with minor exceptions, been completely inocuous and largely a failure. While it did finally, on December 24, 1968, issue a rule amending the interest rate formula contained in Senate Document 97 to base the interest rates formula on yields rather than on coupon rates, as the GAO points out, the rate applies only to plan formulation and evaluation used to secure authorization of a project and not to repayment. Furthermore, although establishing a much improved formula for determining interest rates, the Water Resources Council ignored it and established a lesser interest rate than would have been required by the formula if it had been applied to the Treasury securities at the time. The GAO report specifically refers to my bill H.R. 661 and quotes a section on interest rates which was subsequently amended in H.R. 13107.

In 1967 and 1968, the Subcommittee on Economy and Government of the Joint Economic Committee held hearings on the interest rates used by Federal agencies in evaluating the feasibility of proposed Federal projects. A number of witnesses including officials of the Federal Government testified that the market yield on Treasury obligations is the only true measure of the cost of Treasury borrowing rather than the interest rate formula proposed in Senate Document 97. For that matter the Secretary of the Treasury has consistently objected to the artificial interest rates used in determining the costs of financing Federal power programs. In a letter dated November 17, 1964, commenting on the proposed Passamaquoddy tidal power project, the Secretary of the Treasury advised the Secretary of the Interior:

> The Treasury Department has for some time been quite concerned about the appropriateness of the interest rate formula presently used for the cost-benefit and reimbursement calculations for water and related land resource development projects.

He referred to the inclusion of the formula in Senate Document 97, 87th Congress, second session, and pointed out:

> The Treasury Department was not consulted in regard to the interest rate formula in Senate Document 97, and we have felt impelled to urge on a number of occasions that an early reconsideration be undertaken.

He continued:

> We feel it is imperative to move toward adoption of a more appropriate interest rate in order to provide for a more accurate portrayal of project costs and more equitable cost sharing arrangements.

It is an anomaly that even after such repeated comments of the Secretaries of the Treasury in both Democratic and Republican administrations it was not until 1968 that a small increase in the interest rate used was directed by the Water Resources Council.

As I have indicated above, the interest rate prescribed by the Water Resources Council does not apply to the repayment of the Federal cost of projects. Nevertheless, it is obvious that to have any meaning project plan formulation and repayment of cost must be directly related. Furthermore, the interest rate used affects not only the costs but the benefits used in justification of such projects. In hearings by a subcommittee of the Senate Committee on Appropriations with respect to appropriations for the Federal Power Commission the following colloquy took place:

> Senator ELLENDER. If you fix the benefits for electric power at 2.75 mills and electricity actually is sold at 2.25 mills, do you think that is a good yardstick to use to determine what the benefit-to-cost ratio should be?
>
> Mr. WHITE [Chairman of the Federal Power Commission]. It certainly would not sound like it, Senator . . . I think the actual ratio paid for the electricity should be used in the benefit-to-cost ratio determination.

Of course, interest rates must be adjusted to actual conditions as they are at the time the financing is provided for the project, rather than using obsolete figures which may have been applicable some years before when the original justification material was being prepared.

The GAO submitted its draft of this report on interest rate criteria to a number of agencies concerned for comment. The Corps of Engineers pointed out that the interest rates used in its evaluations have been in accordance with the coupon formula prescribed by administrative and legislative authority. The Department of the Interior responded that the interest rate policy for Federal power programs had been established in the context of other considerations and that "to the extent intended by Congress total program costs are recovered." Interior referred to the subsidized rates applicable to the rural electrification loan program and said that the Federal power program should not be singled out as the only activity to which a criteria of recovery of entire costs on the Federal investment should apply. For its part the Treasury Department noted that as a matter of longstanding policy it has recommended the use of current market yields on outstanding Government obligations of comparable maturity as the best measure of the cost to the Government of financing an activity. This formula, it stated, provides a current measure of the "minimum" cost of money in the economy.

Mr. Speaker, I fully agree with the findings of the GAO report, but I am sadly disappointed with its lack of recommendations. Despite the fact that it found the interest costs capitalized as part of the Government's investment have been "significantly" understated, GAO merely reports the matter to the Congress without recommendation. I am concerned that such an excellent report may be left to languish on a shelf rather than be the basis for the correction of an entirely unjustified practice. The report does not even indicate that its findings will be considered in reporting on future audits of the Federal power programs. It states only that the "interest rate criteria used by Federal agencies in determining the costs of financing the Federal power program should be changed" but ends up making no recommendation to this effect.

It is interesting to note that the agency specifically established to assist in the development of a region, the Tennessee Valley Authority, more than 10 years ago was required not only to seek future financing of power facilities in the open money market, but also to repay the investment made by the Federal Government over a period of years prior thereto with interest equal to the average rate paid by the Federal Government on its securities. As stated above, that rate currently is 5.232 percent. The Congress decided not only that all future facilities should be financed either from the private money market or from internal TVA sources, but also that current, high-cost interest rates be used on investments made decades ago when interest rates and yields were far lower than they were at the time the revised requirements were enacted. It is strange that the people outside the TVA area should have more favorable treatment than those in what was then an underdeveloped area for which TVA was specifically created.

With respect to the greatly subsidized 2-percent REA electric loan program, it should also be noted that both Republican and Democratic administrations have proposed increases in such rates. Furthermore, the rural electric cooperatives, during this past year, have established a separate independent financing institution outside of the Government to help finance the expansion of their systems.

I have always understood that the General Accounting Office, as an agency in the legislative branch, was created to assist the Congress in providing legislative control over the receipts, disbursement, and applications of public funds. It has the responsibility to assure that expenditures are made in accordance with law and that the administration of programs meets the requirements of statute. In its audit responsibility it has an obligation to report to the Congress information obtained in the audits.

Furthermore, existing law requires generally that rate schedules for Federal power projects be drawn having regard to the recovery by the Federal Government of the cost of producing and transmitting electric energy, including the amortization of the capital investment allocated of power, over a reasonable period of years. This is to be done in conformance with sound business principles. Variations in this language appear throughout the statutes but the basic concept is common to them all.

In the many years of authorizing power projects, one of the primary considerations of the Congress has always been the question of whether the costs to the Federal Government would be repaid. This is of primary interest to the Congress and, I am convinced, of primary

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interest to the people of the United States. In fact, until 1966 the GAO, in its audit reports on Federal electric power systems provided information on this subject.

Since then, however, it has been concerned primarily with accounting principles. In its September 1966 audit report on the Columbia River Federal Power System, the GAO stated:

> The financial statements are presented on a cost accounting basis and do not purport to show financial results in terms of repayment of the investment in the commercial power program, either cumulatively or for the fiscal year, on the basis of the repayment administratively established by the Department pursuant to law.

While it would be expected that the Federal Columbia River Power System, as well as other power marketing agencies of the Federal Government, would keep and maintain financial records in accordance with sound business accounting principles, and any failure to do so would be reported to Congress, it would seem to me that the Congress is more interested in knowing whether the power systems are meeting their repayment requirements in accordance with law. I am, accordingly, pleased that the GAO is now concerning itself with basic, broad policy considerations, as well as with statutory requirements.

I realize that present law leaves much to be desired as to the specific standards and terms of amortization which are required for repayment of the Federal investment in power projects outside of the TVA area. I also believe that the great mass of the public has been mislead in thinking that the cost of these projects are being repaid to the taxpayer. Regardless of any past needs for power development, it would seem that any clear-minded person, at this stage of development of our country, and in light of the tremendous technological advances that have taken place, would feel that continued subsidization of the Federal power program is neither needed nor desirable. There simply is no need for it now. We can no longer afford this luxury.

The question of whether Federal power projects should repay their cost to the taxpayer is a matter of public policy. It is not something to be left to determination by administrative whim. I realize that certain agency personnel will argue in favor of continuation of past practice to protect their vested interests. But, decisions on policy issues are not within their assigned responsibility. It is for this and other significant reasons heretofore enumerated that I have introduced legislation to establish a uniform Federal policy for repayment of costs of Federal electric power projects. I cannot overemphasize that on matters of this kind GAO has an even greater, overriding responsibility to ascertain and make reports to the Congress concerning the compliance of Federal agencies with the basic policies and decisions of the Congress than it has to report routine accounting findings.

I highly commend the GAO on its recent report and seek its endorsement and support in the Congress of my legislation which would resolve this issue in a manner which will be fair and in the best interests of all the people. It makes no sense whatsoever to continue the present inequitable, varied, and unjustified practices. I also look forward to full disclosure by GAO in its future audit reports of failures by Federal electric power systems to repay their actual costs to the Government.

THE NATION'S LAW SCHOOLS AND THE ENVIRONMENTAL DECADE—PARTIAL RESULTS, NO. 2 OF AN INFORMAL SURVEY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this is the second report on results of the informal survey I conducted among the deans of the Nation's law schools concerning environment-related curriculum. As I mentioned in my first report, the response has been extremely gratifying and enlightening. Most responses show a deepening awareness of the responsibility of the law schools to prepare future attorneys for involvement in suits affecting the quality of life.

On the basis of recent news stories about current suits dealing with environmental problems, one can see a pattern developing in many communities across the land where the only recourse available to the public to prevent or rectify environmental pollution is through the courts. This is a time-consuming process fraught with unusual difficulties; not the least of which is the general lack of knowledge about the environment as it relates to our legal system.

My survey shows that most law schools recognize that new ground needs to be tilled and that with time, a body of environmental law may be established. Considering the critical necessity of cleaning up the environment, combined with the public's rising expectations and desire to effect such protection, I can only say that whatever is done now to prepare future legal environmentalists is extremely important to man's future.

I have again taken representative and pertinent sections of the letters from the deans and reproduced them below to give our colleagues an overview of the extent of the commitment to protecting our environment I have found throughout the Nation's law schools.

Associate Prof. David P. Bryden, of the University of Minnesota Law School, reported on the course content in four traditional courses. He mentioned that the law and agricultural economics seminar for this year is devoted entirely to pesticides.

Dean Edward C. Halbach, Jr., of the University of California, Berkeley, School of Law, also noted the traditional courses and added that professors from his school, and one member of the law faculty from Stanford, UCLA, and the University of California, Davis, are making plans for a joint program of research, public service and education relating to the legal and policy problems in the field of environment. He added:

> I sincerely hope that imaginative steps will be taken in the Federal government to stimulate and assist a wide variety of law-related but inter-disciplinary work on environmental problems.

Associate Dean Charles W. Mentkowski, of Marquette University, sent a detailed outline of the Law School's plans in this area of curriculum. Dean Mentkowski said:

> Plans have been and are currently being made to offer a course in the fall semester of 1970 on Legal Solutions to Environmental Pollution Problems. The course is envisioned as concerning both the legal implications of governmental control and investigation of possible private rights of action to keep the water, air, and forest unpolluted. It will be an interdisciplinary offering to an extent with aid from professors of Chemistry, Biology, and Engineering:

From the Northwestern University School of Law, Prof. Anthony A. D'Amato listed the courses currently being given at Northwestern and added:

> I hope that your informal survey helps create a sense of urgency about such curricular offerings in law schools. As a member of a Northwestern University committee investigating environment-related courses here, I have found that although many courses have long dealt with aspects of environmental problems, wholly new offerings are severely needed to cope with interdisciplinary ecological findings that have recently surfaced in public consciousness.
>
> While some members of our faculty share my personal concern that what is at stake in the "environment" issue is nothing less than the survival of the human race in an increasingly polluted and exploited world, there are others who have not been sufficiently exposed to the warnings of scientists and the findings of ecologists to yet share this degree of concern. To some extent, interest for new environment courses will come as a result of student pressure. But time is short, and I would personally appreciate all efforts that may be exerted by persons in a position of authority, such as yourself, to indicate your level of concern to each and every faculty member of our leading law schools.

Prof. James E. Krier of the University of California, Los Angeles, School of Law, outlined a number of interesting environment seminar programs in which UCLA students are currently involved. Concerning the future, he says:

> Our plans for the immediate future include seminars in natural resources, conservation, and environmental law. But this is not the limit of our commitment. Many of the most fascinating facets of environmental problems as they bear on legal institutions are best illustrated within the framework of the more traditional courses . . . Several of my colleagues draw upon problems of environmental quality for analysis in those courses. This is, I think, a most valuable and relevant approach.

I know our colleagues will be particularly interested to learn of a new book on "environmental law" which is scheduled for publication late in 1971. I learned of the book from Mrs. Eva H. Hanks, associate dean of the Rutgers University Law School. Mrs. Hanks is a coauthor with her husband, John L. Hanks, of the Columbia Law School, and Prof. A. Dan Tarlock of the Indiana School of Law, of a casebook on environmental law. Considering the growing number of suits dealing with such problems, the compilation of cases is bound to add significantly to the legal profession's ability to cope with these community problems.

Dean Harold G. Wren of the Lewis and Clark College School of Law reported that a new course in "environment and the law" will be added to the

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regular law school curriculum during the 1970–71 academic year. He also noted that the faculty of the Northwestern School of Law will publish a legal periodical entitled "environmental law" which will emphasize all aspects of man as related to his environment through the law and legal process. The first issue of the publication is due this spring.

Dean Don W. Sears of the University of Colorado School of Law noted:

> In the specific area of environmental quality control, we are now offering a seminar devoted exclusively to this subject. In addition, we have an environmental intern program which has been made possible by a grant from the Ford Foundation. Each year, twelve of our students have an opportunity to participate in the program which consists of spring and fall seminars and an intervening ten-week summer research period. During the summer the students work on research projects in conjunction with an agency at the federal, state, or local level having some responsibility for the quality of the environment.

The Center for Interdisciplinary Study of Public Law at the University of Miami reports the development of a comprehensive program directed to the pressing environmental problems facing the Nation. Prof. Leonard J. Emmerglick stated in his letter:

> We are developing a three-part program; one area is directed to legal research to identify substantive principles and procedures to deal with the abuse and misuse of the environment; another part of the program will take the form of a course on environmental law which will be taught by a team of teachers; and, the third part is an action program looking to the making of such contributions as is appropriate in the work of creating needful legislation and supporting the testing of new legal principles in the courts.

Prof. John Mixon, of the University of Houston, Bates College of Law, indicated in his response the "environment" content in some of the traditional courses and added:

> Both as a school and as individual faculty members, we share your concern with the up-grading of our national environmental quality. It is likely that our offerings in these fields will be significantly increased over the next few years and that inter-departmental cooperation will also increase.

From the School of Law at the University of North Carolina at Chapel Hill, Prof. Thomas J. Schoenbaum detailed the school's activities in the environmental area. He suggested to the faculty that a new course devoted solely to environmental law be instituted and reports that the course will be started during the next academic year. Describing the course, he said:

> My idea is to discard the traditional categories of natural resource law and to conduct a course that would cover selected current problems in the areas of water pollution, air pollution, conservation, planning, zoning, land and water use, and pesticide control.

AMERICAN INDUSTRY AND THE FEDERAL GOVERNMENT ARE CATCHING ENVIRONMENT FEVER

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this morning the Wall Street Journal informs us that many of the Nation's largest firms are cranking up their printing presses to inform Members of Congress and the public of their efforts toward cleaning up the environment. I know there are those who will scoff at these efforts as public relations gimmicks, but for myself, I welcome the new emphasis industry is making toward informing the public of environmental pollution abatement programs.

One of the brochures which has already been circulated is particularly well done and I want to bring it to the attention of our colleagues. "Keep It Clean: Highlights of Bethlehem's Pollution Control Program," from the Bethlehem Steel Corp., goes beyond just being informative—it holds out promise of bigger and better industry effort for the future. The The partial text of the booklet is reproduced below along with the text of the corporation's great advertisement which appeared in yesterday's Washington Post.

With reference to "effort" in the direction of environmental cleanup, I cannot let this opportunity pass without commenting on the President's magnificent announcement made yesterday concerning the elimination of pollution in Federal Government installations. Truly, this action is a "giant leap for mankind" and the administration is to be congratulated and commended for having the courage of its convictions about the role of leadership in the battle to save our environment.

Certainly, similar statements have been made by previous administrations but President Nixon has given substance to his order. First, a deadline for the cleanup of Government pollution has been irrevocably established. Second, the Bureau of the Budget has been instructed to insure that the funds provided for the cleanup will not be diverted to other uses. In short, the President's order has "teeth," and that is a breakthrough of significant proportions.

Heretofore, the Federal Government has been one of the Nation's worst polluters; that "example" is going to be changed under this administration. Combining the Government's leadership in cleaning up its own house with the new industry awareness of its responsibility, I would say we are well launched in the environmental decade.

The material referred to follows:

[From Keep It Clean, Bethlehem Steel Corp.]

THE AIR WE BREATHE

Americans throw about 200 million tons of contaninants into the air each year. This fouling of the air causes an estimated $13 billion worth of property damage annually, in addition to creating health hazards under certain adverse meteorological conditions.

The uncontrolled discharges from smokestacks, the pollutants rising from streets and highways, the eyeburning smoke from municipal dumps and incinerators . . . can add up to a lot of smog.

WHO'S TO BLAME?

In the search for a villain, an aroused public often points an accusing finger at industrial smokestacks. They are much more easily noticed than the exhaust pipe of your own car, a household chimney, or an outdoor barbecue grill. However, manufacturing industries account for only about 16.5 per cent of air pollutants, according to the U.S. Public Health Service.

Federal Government sources estimate that about one-third of the man-made substances in the air can be attributed to the manufacturing, public transportation, and power-generating industries. The remaining two-thirds comes from the general population.

Fortunately, increasing national and local concern with air pollution is reflected in more stringent regulations by all levels of government. Cities, for example, are placing more restrictions on open burning. And many states are cracking down on industries and utilities that exceed the permissible maximum in emission of smoke and fumes. Automobile manufacturers are making progress in developing pollution control systems of increasing efficiency in response to growing concern over car and truck exhaust gases.

But, each of us, as an individual, shares in the cause and effects of pollution. We also share the responsibility for its control. Whether you are a backyard trash burner, a manufacturer, a journalist, a teacher, or a legislator, part of the burden to control environmental contamination is yours.

[From the Washington (D.C.) Post, Feb. 4, 1970]

WHAT IN THE WORLD DOES A FORESTER DO AT BETHLEHEM STEEL?

Bethlehem Steel owns about 100,000 acres of forest land, most of it over or adjacent to our iron ore and coal mines. And because of mining methods used many years ago, some of these properties had gradually become eyesores. That is why we took our first step toward scientific control and restoration of woodlands more than 40 years ago.

Our program was formalized in 1958, when a registered consulting forester was appointed chief of our Forestry Division. Today, Bethlehem foresters perform reclamation planting, and cruise our timberlands, planning improvements and directing the workers who do the cutting and planting. Some highlights of their work:

In the past ten years they have planted over two million seedling trees at our properties in Pennsylvania, West Virginia, and Kentucky.

At Mine No. 44, near Idamay, West Virginia, our foresters converted a barren coal tailings basin and harsh culm banks into lush acres ankle-high in bluegrass, fescue, lespedeza, and rye grass.

In open fields surrounding our mines near Ebensburg, Pa., some 60,000 pine seedlings have been planted.

Every fall and winter our foresters travel through 40,000 acres of timberland in Kentucky and about 35,000 acres in West Virginia, marking trees ready for cutting. Thinning the timber improves the quality of the remaining trees and accelerates their growth.

Our foresters regularly provide guidance to conservation groups in our plant and mining communities. For example, several years ago a fire destroyed 3,000 acres of timber in the City of Bethlehem's watershed. Bethlehem Steel foresters directed a restoration program that included hydro-seeding with grass, planting 600,000 coniferous seedlings, salvaging salable timber, and initiating a scientific timber-management program.

Hundreds of acres of previously ugly terrain in various locations have been transformed into flowering fields and verdant slopes, pulsing with game and other wildlife. Battalions of evergreens march up hillsides, ending erosion forever. Hedgerows of trees and shrubs screen industrial installations fom the passing eye.

At Bethlehem we are engaged in many things besides the manufacture of steel—

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thoughtful land management is just one of them.

BETHLEHEM STEEL.

THIRD CONFERENCE OF THE WORLD ANTI-COMMUNIST LEAGUE

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, a peoples' phenomenon in Asia, which for some inscrutable reason has escaped the press of our country, though not those of other continents, is the work and effectiveness of the World Anti-Communist League, with headquarters in Seoul, Korea. WACL, as it is known internationally, crystallizes on the popular level the profound anti-communism of the free Asian peoples and is also supported by active anti-Communists throughout the free world, including those of our own country.

The Third Conference of WACL was held this past December in Bangkok, Thailand. It was a highly successful conference, widely reported throughout the Far East. Contributing to the success of the conference were some of the declarations, addresses, and reports. To indicate how both governmental and private supporters, both Asian and American anti-Communists, evaluate the paramount international problems confronting the free world, I commend the following to the careful reading of my colleagues as well as our private citizens: First, the message of President Park Chung Hee of the Republic of Korea; second, the declaration of WACL; third, the address by WACL's chairman, Dr. Phan Huy Quat of Vietnam; fourth, the address by His Excellency General Jesus Vargas, Secretary General of SEATO; fifth, and address by Dr. Lev E. Dobriansky of Georgetown University, along with a report on the work of the National Captive Nations Committee; sixth, an address by Dr. Ku Chen-kang of China, linking the Asian Peoples Anti-Communist League to WACL and; seventh, three significant resolutions on the Brezhnev doctrine, 1970 Captive Nations Week, and the forthcoming Lenin Centennial:

Mr. Chairman, Honorable Delegates, and Ladies and Gentlemen, today marks the opening of the third annual conference of the World Anti-Communist League, symbol of the solidarity of the free men of the world. Our purpose is to defend freedom against continuous communist threats, and to hasten the liberation of captive nations now under communist tyranny.

During the past three years, notable success has been achieved in containing communism through the close cooperation of WACL member nations. I want to express my sincere thanks for your dedicated efforts and achievements. They will surely be recorded in the history of the World.

In the face of the cherished dream of all peoples for peace, communist acts of aggression are on the increase and atrocities continue to grow more and more cruel.

The ruthless manner in which the Soviets and their Allied Warsaw Pact Forces rode roughshod over the liberation movement in Czechoslovakia in the summer of last year remains vivid in our memories. Today, a year and three months after that fateful event, the cries of the Czechs as they seek to recover their sovereignty still reverberate across the world. Although two years have been spent working towards a ceasefire in Vietnam through the Paris Peace Talks, that goal has not yet been attained. Communist North Korea daily shows increasing bellicosity toward the rest of the world. Coming on the heels of their illegal seizure of the US intelligence ship Pueblo last January, their downing of the US EC–121 while it was on a reconnaissance mission over open seas off the eastern coast of Korea on April 15th this year, augmented already aroused worldwide anger.

During the past 16 years since the armistice agreement ended the Korean War in 1953, we have continually attempted to negotiate with the communists, but they have violated the armistice agreement countless times by infiltrating secret agents and guerrillas into our country with the sole purpose of creating anarchy. But each time such intrusions occur, our people decisively repel the enemy. Through bitter experience, we have learned how to thwart communist aggression.

At this point I would like to emphasize that we must never accept compromise with the communists, because such compromise can only lead toward the communist goal of communization of the whole world. Now, more than ever, we must have strong solidarity among free peoples if we are to preserve freedom and to achieve liberation of captive peoples still under the communist yoke.

I earnestly hope this conference will be successful in stimulating the growth of freedom throughout the world, and I wish the World Anti-Communist League continued success in its efforts on behalf of enlightenment and encouragement of the enslaved peoples of communist countries. To all the delegates and their respective governments, I wish Godspeed.

December 3rd, 1969.

PARK CHUNG HEE,
President, Republic of Korea.

DECLARATION OF THE THIRD ANNUAL CONFERENCE OF THE WORLD ANTI-COMMUNIST LEAGUE

The World Anti-Communist League, meeting at its Third Annual Conference in Bangkok, Thailand on December 3–6, 1969, with an attendance of 180 delegates and observers from 54 member- and observer-units, has taken another big forward stride in its endeavor to establish a joint international anti-Communist front by rallying freedom-loving forces under the banner of a crusade for freedom.

With a new decade about to begin, the WACL is doubly aware of its responsibility in the face of rapidly-changing times. The tremendous achievements in the field of scientific creation and material production, and especially the epoch-making significance of the recent successful landing on the moon, point to the possibility that the 1970's will be an era of true freedom for mankind. However, the evils of communism, the terror of slave labour and the menace of Communist aggression still threaten peace and freedom in the world.

The WACL reaffirms its conviction that it must continue its unremitting effort to wipe out Communism, destroy the slave labour system and counter all attempts at aggression until a total victory is attained by all the freedom-loving people of the world.

The WACL firmly believes that to treat the evil power of Communism as compatible with decency is contrary to all principles of justice. All endeavours to reach constructive results through negotiations with Communist aggressors are doomed to failure. The WACL wishes to solemnly remind those peoples of the free world, currently negotiating with the Communists, of their dedication to freedom and that they must forever be viligant against double talk by the Communists.

To the free world peace-negotiators now in Paris, the WACL wishes to state solemnly that the talks must not be allowed to jeopardize the independence and freedom of the republic of Vietnam.

To the government of the United States of America, the WACL must emphasize that, unless the Communists show concrete signs of sincerity, there should not be any premature withdrawal of U.S. combat units from Vietnam such would weaken the posture of the United States of America and its allies.

In this connection, it is noted that the United States government has agreed to return Okinawa to Japan by 1972 and that, consequently certain American combat units would be withdrawn from the Island. In view of this, the WACL also must emphasize that sufficient measures should be taken to safeguard the security of the Republic of Korea and other adjacent areas still threatened by Communist aggression.

The WACL wishes to warn advocates of appeasement against unthingingly giving aid and comfort to Communist designs on human freedom. Lamentably, there have been many cases of young people being exploited and utilized by the Communists to serve their own ends. The WACL calls on the youth of the world to stand bravely and resolutely on the side of freedom and join in the fight for democracy and justice.

The WACL must state that the international Communists are still bent on expansion, infiltration and subversion in Europe, Asia, Africa and the Americas. Such aggression poses the greatest menace to the security and peace of the world.

For this reason, the WACL is of the opinion that efforts must be stepped up to build an international anti-Communist front, to unite all the freedom fighters of the world and to check Communist atrocities. All the free peoples of the world must support the East European and Asian peoples, still languishing under Communist rule, in their fight to regain freedom. Positive assistance must be given for the liberation of these peoples and also in countering any future Communist attempts at aggression, rooting out at the same time the evil influence of Communist ideology of whatever brand.

The WACL renews its support of the liberation fight of Ukraine, Caucasian nations, Byelorussia, Hungary, Baltic States, Turkestan, Bulgaria, Rumania, Albania, Croatia, Czechoslovakia, East Germany and all others against Russian imperialism and Communism, which has violated their national independence and human rights.

The WACL has decided to hold its fourth annual conference on September 21, 1970 in Tokyo, Japan.

Turmoil is ahead in the 1970's. The WACL pledges to start the new decade with determination and courage in order to make the 1970's a decade of decisive victory for freedom.

The WACL takes this opportunity to express its heartfelt felicitations to His Majesty King Bhumibol Adulyadej of Thailand on his birthday on December 5, 1969. The WACL is convinced that Thailand has an infinitely bright future as a great free nation.

SPEECH BY DR. PHAN HUY QUAT, WACL COUNCIL CHAIRMAN

(Delivered at the opening ceremony of the Third WACL Conference in Bangkok, December 1969)

Excellencies, Honorable Delegates, Distinguished Observers, Ladies and Gentlemen, this afternoon, the WACL Secretary General will present to the Conference a detailed report on the activities of the League in 1969, but I would like to take advantage of this tribune to inform you about some highlights of our activities during the past year.

First of all, I should like to announce that the WACL Norway and Bolivia Chapters have been set up, thanks to the untiring efforts of

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Messrs. Jelstad and Candia, who attended last year the Second WACL General Conference and had the opportunity of witnessing the Communist brutality and treachery in Vietnam. Groundwork has been also laid for the formation of WACL Chapters in the United States and in France. To Messrs. Jelstad and Candia and all those who have actively worked for the expansion of the League, I request you to give a big applause (pause).

It is my earnest hope that next year similar chapters will be formed and admitted to the League in compliance with WACL regulations.

Next, I should like to report the resolution adopted at the 2nd WACL Conference to send a mission to Latin America, Africa and other countries could not be implemented by the WACL Executive Board. Our Honorary Chairman, Dr. Ku Cheng-kang had been tied up with his duty as a ROC assemblyman and the fact-changing situation in Vietnam had prevented myself from adhering to the program schedule by the League, as I always wished.

As you all know, the world situation has been changing at a rapid rate. Symptoms of disintegration of the Communist bloc have become more and more manifest. Early this year, bloody clashes between Soviet and Red Chinese units broke out along Sino-Soviet borders. It is plain to all that Mao's China and the Soviet Union could never patch up their quarrels. The prolonged conflict has rendered both Moscow and Peking leaders unable to hold their grips on their satellites like in the past. Communist countries in Eastern Europe show obedience to the Soviet Union only under the threat of the force of arms, to wit, the case of Czechoslovakia. Yugoslavia and Rumania continue to oppose Moscow's tyrannical and oppressive policies toward Warsaw countries. Disunity and dissensions prevail among Communist ranks everywhere. In North Vietnam, since Ho Chi Minh's death, the regime has been experiencing a severe leadership crisis.

In Eastern Europe, the danger of disintegration looms particularly great, because the unprecedented economic development and prosperity enjoyed by the European Common Market member countries have lured Eastern European countries away from the Soviet orbit. This clearly constitutes a serious threat to the Soviet interests.

Now, the Soviet Union looks with apprehension at the role of the Federal Republic of Germany in the development of European economy and the possible British entry into the European Common Market, which would boost the power of the Free Europe vis-a-vis the Warsaw bloc. Soviet leaders also fear General de Gaulle's successors in France would return to French earlier stance to consolidate the North Atlantic Treaty Organization (NATO) and thereby enhancing the position of the Free World, especially the United States in Europe. This situation explains in a forceful manner Soviet policy as spelled out in a speech by Soviet Foreign Minister Andrei Gromyko at the United Nations General Assembly, in which he laid great emphasis on the "special" importance of Europe with regard to the Soviet Union.

Undeniably, the Soviet leadership in the Communist bloc has been weakened. But, on the other hand, we should not overlook the fact that the Soviet Union has been picking up influence in the Third World, especially in Middle East countries. Recently, Soviet Communist Party Secretary General Leonid I. Brezhnev, also urged the formation of a system of collective security for South East Asia and the Pacific.

The expansion efforts of the Soviet Union should cause us some concern. In fact, in this area, the Soviet position has surpassed that of the United States and the Free World. It can be safely said that the United Arab Republic, Iraq, and the Yemen Republic have fallen into the Soviet orbit. As for the remaining Arab countries, regardless of their political regimes, autocratic or democratic, except the Kingdom of Saudi Arabia, the Soviet Union has maintained diplomatic relations with them all.

The Soviet Union has provided not only military, but also economic aid to Syria and Iraq, especially for the development of oil fields and industrial projects. In Iran, U.S. influence has been neutralized by the Soviet Union. Iran has signed an agreement granting the Soviet Union the rights to participate in the development of oil fields on the Iranian soil. Most significant in Soviet-Iranian relations has been the treaty signed on Feb. 9, 1967 for the exchange of military hardware valued at 110 million U.S. dollars. Under the treaty provisions, the Soviet Union supplied Iran with tanks, army trucks, and anti-aircraft weapons in exchange for light commodities. Thus, Iran was the first nation-member of the Central Treaty Organization (CENTO) to accept military aid from the Soviet Union.

We should also draw our attention to the Soviet bid to strengthen its political and military influence in the Middle East by helping these countries build air and sea ports. Since 1958, the Soviet Union has embarked on the construction of the Hodeida harbor, located on the Red Sea shore, for Yemen, and the modernization of the Conakry airport for Guinea. Soviet presence in the Aqaba and the Persian Gulf has been firmly established. The Soviet Union's aim in extending its influence over a number of passes, air and sea ports has been to establish military bases for any eventual need in the future. To the Kremlin leaders, the establishment of base such as these would probably reap greater benefits and cost them less money than equipping and training local armies.

Coupled with the above-mentioned efforts, the Soviet Navy has been thrusting deep into the Mediterranean and, to some extent, into the Indian Ocean.

In the Mediterranean, for instance, about 30 to 50 warships have been dispatched to the area as a display of Soviet support to the Arabs. The warships anchored at these ports served to deter any Israeli attempt to attack Arab ports. Besides, the Soviet Union would like to see the influence of the U.S. 6th Fleet reduced in this part of the world.

I should like to call your attention to the growing strength of some Communist parties in a number of European countries. Should these parties seize the reins of government in the Mediterranean, the Soviet Union with its existing influence in scores of Arab countries on the other side, would control an immense area of Europe and Africa, the world balance of forces would be shattered and we would witness a resurgence of strong nationalist sentiments. World War III would break out and mankind would be subjected to a nuclear holocaust.

I do hope such dreadful prospect will serve as a perventive for short-sighted statesmen and intellectuals.

We now come to South East Asia, a region Red China has unceasingly sought to conquer in the last two decades, either through military or political means. The Soviet Union is trying to move in to gain a foothold in that area. The Soviet Union has assisted Communist North Vietnam in carrying out its aggressive designs against the Republic of Vietnam. Recently, at the World Communist Conference held in Moscow last June 7, Brezhnev also called for the establishment of a system of collective security for Asia. Shortly after this meeting, Soviet diplomatic representatives in Asian countries have been summoned home for consultations. Soviet activities in this area undoubtedly aimed at making deep inroads or at least replacing U.S. influence.

An appraisal of Red China will reveal that, although confronted by many domestic difficulties, militarily weak and politically isolated by the Soviet Union as well as the Free World, she remains a grave threat to the security of South East Asia. In this region, Red China will continue to lend support to the so-called "revolutionary" or "people's wars of liberation," such as the kind of war being waged in Vietnam by Communist Hanoi regime. Pro-communist and neutralist slogans are wooed and encouraged by Red China.

It was also for that same purpose that Lin Piao reiterated the five principles for peaceful coexistence at the Chinese Communist Party's National Congress held last April. A two-pronged policy of proclaiming revolution and advocating peace seems to produce effect on some naive and unsophisticated people.

In summing up the situation in Communist countries, I would like to emphasize the fact that, in spite of division within the Communist bloc and the Sino-Soviet conflict, both Moscow and Peking are pursuing the same objectives: to infiltrate and invade other countries, to destroy freedom and democracy, and to trample upon human dignity.

The Free World, on the other hand, has not worked out appropriate policies for joint action in the face of Communists' weakness in order to force them to accept peace. On the contrary, many free nations and a number of religious leaders have chosen to advocate an appeasement policy and more concessions to the Communists. Some groups in the United States have even gone further with their defeatist spirit. American public opinion among the academic circles has been partly poisoned by Communist deceitful propaganda. But I am convinced that, endowed with the democratic heritage and the pride of a nation having sent its men to the moon, a great majority of Americans will awaken to the Communist danger and repair the damage caused by a handful of anti-war critics. Whether she likes it or not, the United States must always assume the responsibilities of the leading nation in the Free World. For only the scientific capability, the industrial power and faith in liberty of the American nation can effectively check the Red tide, encourage the captive peoples under the Communist yoke to rise up and fight for freedom and democracy in order to secure peace for mankind, not a peace in slavery but a peace assuring the interests of all nations.

I am confident such peace prospect will come to us. But to acquire that kind of peace, the Free World should, at least for several decades, maintain and form new defense alliances and developed countries should devote a great amount of their material resources to the economic development of underdeveloped countries.

I sincerely believe that the most effective political formula to resist against Communism for developing countries is to carry out social revolution and to eradicate social evils left behind by their former colonial masters. Only such a revolution would truly restore the people's confidence in their government and deprive the Communists of the issues for their malicious propaganda. It is also imperative and pressing for nations in each region to establish regional associations for development, trade, cultural educational and technical exchange. These organizations would greatly contribute to the development of countries and also constitute an effective weapon against international Communism.

In my viewpoint, the anti-Communist struggle is a long and arduous task. For this reason, I am inclined to think that we must actively create condition conducive to the emergence of a new class of young leaders, who will carry on and complete the noble duty of restoring freedom, peace and fraternity.

Before closing, in my capacity as Chair-

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man of the WACL I beg to express my deep gratitude to His Majesty the King and His Excellency the Prime Minister of the Royal Government of Thailand for their invaluable assistance in the organization of the Third WACL Conference.

In the hope that the Conference will score brilliant achievements, I solemnly turn over the Chairmanship of the League to my distinguished successor, Gen. Praphan Kulapichitr of Thailand.

Thank you.

ASIAN UNITY: A PRECONDITION TO PEACE AND FREEDOM

(Text of the keynote address delivered by His Excellency General Jesus Vargas, Secretary-General of SEATO, at the opening of the Asian People's Anti-Communist League Conference, Bangkok, 6 December 1969)

My Fellow Freedom Fighters: My task this morning is for me a very pleasant one, for two reasons. Firstly, it brings me together with fellow craftsmen, many of whom I have had the good fortune of knowing in the past decade or so in the course of their own devoted pursuit of peace and freedom in this part of the world; and secondly, I am to dwell on a subject which is not only very close to my heart but is one with which I am closely involved in my present occupation.

I realize that the task before me is an important one, and that what I say this morning is intended to set both the pace and the tone of the proceedings of this important assemblage during the next two days.

I am deeply honoured, and I am most grateful for this very rare opportunity of being associated all at one time with so many and so devoted and distinguished fighters for freedom.

My friends, you convene at a time when many forces at work in this troubled region, some old and some relatively new, are rapidly changing the face of Asia. You are gathered at a truly crucial time and, therefore, your conference is most opportune. For I can recall no period in the history of Asia that has witnessed so profound a change in such a short time and in which there has been so much at stake for so many people than this, our age.

The contemporary scene has witnessed a fantastic growth of nationalism among Asians. Nationalism, as a propelling force for progress, is imperative. The danger lies in the fact that it is the Communist *modus operandi* to subvert and exploit, for their own sinister ends, the legitimate national aspirations of a people by equating those aspirations with anti-Westernism or anti-Internationalism.

For some countries, the fast changing face of Asia has provided the climate or cause to adopt a policy of non-alignment. For a nation's neutrality to endure and to be valid, it must be able to count on absolute guarantees of non-aggression from all countries on either side of the ideological conflict; in Asia and the West Pacific, such a guarantee must come from, among others, no less than Communist China, which has yet to show that it can keep its word. Since, as a general rule, Communist subversion has progressed the fastest and thrived the best in neutral countries, the present trend towards neutralism is indeed a negative factor in the effort to counter Communist subversion and insurgency in this Area.

The events of recent years have also revealed a distinct trend, to my mind a very healthy one, towards regionalism among Asians—a trend clearly demonstrated by the formation of such political groupings as ASEAN, ASPAC and others. Indeed, the Asians are taking bold and unprecedented steps in the direction of self-help and mutual assistance among their fellows, impelled mainly by a new realization that the problems of Asia are primarily for the Asians to solve. These new political organizations, whose objectives are almost purely economic, cultural and political, have thrown into bold relief the unique character of the South-East Asia Treaty Organization as the only defensive alliance in this troubled area designed to meet Communist aggression in all its ugly forms. In relation to those groups, SEATO has helped provide the conditions of peace and security so vital to meaningful progress.

Perhaps the most disquieting development to free Asians is the tendency of one-time enthusiastic, powerful and determined allies to turn to the home front and concentrate on domestic problems.

Mainly for political and economic reasons, the great powers are gradually pulling out of the Asian scene, and in effect switching to a policy of near isolationism. First, the Dutch. After Dien Bien Phu, France's presence in this part of the world has been limited to that which was necessary to tend her residual interests in the region. This includes her continuing membership in SEATO where, for the present, she continues to participate actively in non-military endeavours. The United Kingdom, while reassuring its SEATO allies and its Commonwealth partners that it will abide by its treaty commitments, has decided to withdraw all its military forces East of the Suez Canal, except the garrison in Hong Kong, by 31 December 1971. This precipitate military withdrawal perforce adversely affects the Free World posture of defence in Asia.

The Americans' own announced programme of de-escalation of the Vietnam War, which envisages the disengagement of fairly sizable bodies of troops from the combat zone, has been viewed with no little apprehension by the free peoples of Asia. In a separate exercise, the United States, in line with a new policy of retrenchment, has made substantial cuts in its troop strength elsewhere in South-East Asia.

One cannot really readily accept the prospect of total unilateral American withdrawal from Asia and the Western Pacific. I have always maintained that it is clearly in the interest of the American people, as it is in the interest of Asians, that the Communists are kept in effective check in this part of the world. Besides, there are those—Asians and non-Asians alike—who believe, not without reason, that the present troubles of Asia, in more ways than one, are the net result of the delicate interplay of Big Power politics in the Area. If this is so, then the Big Powers, America included, have more than just a moral obligation to maintain a stabilizing presence in this part of the world.

The tendency of the Big Powers either to disengage from the troubles of Asia or to reduce the extent of their commitments to the security of the region could lead to a security vacuum which the Communists would be only too happy to fill. These Big Power decisions have had the immediate effect of jolting Free Asians to the inevitable conclusion, rightly or wrongly, that they could easily be let down by their powerful friends and allies. These developments have also raised very serious doubts in the minds of the people of the Area about the very validity of treaty commitments. I hope to God that these doubts, unsettling as they are and striking as they do at the credibility of the Big Powers, do not metamorphose into a wholesale collapse of free Asians' confidence in the sincerity and in the leadership of those Powers.

Major changes in the face of Asia have also taken place and continue to do so as a direct result of the programmes of expanding their influence of the two biggest Communist powers, the Soviet Union and Communist China. Although each has pursued its programme in divergent ways, the objectives of both have been geared to eventual Communist domination of the world. In fact, one cannot really overlook the long-term possibility that, despite the present animosity between the Soviet and Communist Chinese regimes, their differences may somehow be resolved. This could come about either by conciliatory negotiations or by the accession to power within Communist China, in succession to Mao Tse-tung and his entourage, of a group that recognized the mutual advantages of ending the Sino-Soviet dispute. Should such a reconciliation occur, the nations of Asia could indeed find themselves totally subsumed in an area of imperious Communism.

Events in Asia during the past few years give no encouragement to the hope that Communist China's attitude towards her South-East Asian neighbours will be modified to any appreciable degree in the foreseeable future. On the contrary, an appraisal of affairs within Communist China provides clear indications that its intransigent foreign policy will continue unchanged and that, in keeping with Peking's sustained support of so-called "Wars of National Liberation" during the past few years, it would pursue with even greater vigour its support of subversion and insurgency within the borders of the free countries of Asia.

We all know that the Ninth Congress of the Chinese Communist Party held in June this year, was used to re-establish the control of the Party over every aspect of the national life, to reaffirm the mandate of Mao and his supporters and to remove from positions of responsibility those who were in any way opposed to his theories.

The foreign policy outlined to the Congress by Lin Piao, the designated heir to Mao, holds out no hope that Communist China will seek to develop closer and more friendly relationships with its South-East Asian neighbours. One notes with great concern, in fact, that Lin pledged his country's continuing support for the "revolutionary struggle" in foreign countries.

The Soviet Union, for its part, has given clear evidence that it regards Communist China's policy in Asia as a direct challenge to its own position as the world's major Communist power and as a threat to the Soviet interpretation of Communist ideology.

Over the years, the Soviet Union has been making cautious but far-sighted steps to establish its influence in South-East Asia. It is apparent that there is today a widespread pattern of expansion of Soviet influence in this area generally, from Ceylon to Malaysia. Russia has set up diplomatic, economic and cultural relations with many countries in the region, including Malaysia and Singapore. It has also made tentative overtures in the cultural field with staunchly anti-Communist countries such as the Philippines. Acting through North Vietnam, the Soviet Union has made certain preliminary moves to establish diplomatic relations with Nationalist China. Similar attempts have also been made in respect of Japan. Considering the new "forward" policy of the USSR, these diplomatic initiatives are not as incredible as they would seem at first blush. It was, significantly, in May this year shortly after the Communist Chinese Ninth Party Congress, that the Sino-Soviet dispute was openly extended into this Area. An authoritative article in Izvestia, the official Soviet newspaper, expressed concern at Peking's "definite designs on a number of countries" in this part of the world and suggested that the situation called for "the laying of the foundation of collective security". The same theme was taken up by Mr. Brezhnev, Chairman of the Communist Party of the Soviet Union, at the Conference of World Communist Parties held in Moscow in June.

The Soviet proposal for "a collective security system in Asia" was well-timed, from the Russian point of view. Firstly, any pro-

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posal that offered the prospect of containing Communist China aggression was likely to appear attractive to those countries which were the declared targets of that aggression. Secondly, the receptiveness of regional governments to such a concept could be substantial in the light of the announced British withdrawal and, additionally, in the light of recent modifications in American policies in the Area. Thirdly, there has been in South-East Asia a growing appreciation that regional co-operation, certainly in economic matters and possibly in defence, holds definite benefits for the individual countries of the region. Fourthly, the preliminary actions of the Soviet Union have been characterized by utmost "correctness"; great care has been taken to limit them to legitimate spheres that bring mutual benefits, and to avoid creating the impression that their objective is a long-term propagation of the Soviet brand of Communism. Finally, there has been a growing feeling in the Area that a cautious dialogue with the Communist powers must be achieved in some way if regional security is to be attained.

Although the proposal has not as yet been set out in any detail, the USSR appears to have in mind an arrangement whereby all foreign military bases would be excluded from the Area, all Asian countries, irrespective of their political complexion, would guarantee one another's security and frontiers, and emphasis would be placed on economic co-operation and the peaceful resolution of local disputes.

The regional Governments may well see in the Soviet concept certain benefits to their own interests, especially in the short term. The Soviet Union may be expected to exploit this by making advantageous offers of economic aid and trading partnerships, as it has successfully done in some countries, and by encouraging regional economic co-operation, which would be consistent with its long-term objectives to extend its sphere of influence.

The long-term implications, however, need to be appraised with the utmost circumspection. In the first place, any increase of Soviet influence would undoubtedly spur Communist China on to stepping up its support of subversion and insurgency, and thus accentuate the present major threat to the stability of the region. Peking has already condemned the scheme as an effort to set up "an Anti-China military alliance". In addition, there is the inherent danger that acceptance of the scheme would lead to political subservience to the world's major Communist power, for a dominant role in economic matters is conducive to the development of an equally dominant role in political affairs. In short, the Soviet concept contains the very real danger that, in time, the regional countries may find themselves subjected to rigid external political domination which denies them the right to determine even their own domestic policies. Let us not lose sight of the fact that the Communist objective still is to erode Western influence and ultimately supplant duly-constituted governments with Communist regimes.

The oft-repeated but entirely distinct proposal for some kind of a security alliance of free Asian countries has, understandably, attracted even more attention in recent months. Several national leaders, spurred on to a determined search for suitable interim or alternative defense arrangements, and recognizing that they have inevitably been tossed into the whirlpool of Big Power domestic politics, have expressed some support, in varying degrees, for the idea. To free Asians, this search for stop-gap solutions or alternatives is a question of survival.

Before I go into the merits and demerits of the proposal, let us look into the new American Pacific strategy which has given rise to the idea itself. On the basis of recent statement made by Asian leaders and of certain recent international developments, it would seem that the new American formula for Asia and the Pacific is as follows: greater Asian involvement in Asian defence, no wholesale American withdrawal, and certainly no dropping of commitments already entered into, more selective American intervention on behalf of and in alliance with selected Asian countries, and above all, increased reliance on Japan.

What, exactly, are the prospects for active Japanese participation in the defence of Asia? However cautiously, Japan is emerging as the chief ally of the United States in the Far East and, its Constitution notwithstanding, one cannot help but assume that in due course Japan will, once again, be playing a military role abroad. That country has so far been forced by internal political pressures to adopt a policy of "low pressure", but it would be most unrealistic indeed to assume that it will remain a passive member of the society of nations. Certain factors of overriding consideration are likely to compel her before long to change this policy. The hostile forces around her, her geographic size and location, her need for trade—these, and many other factors, would all seem to dictate that she must develop military, naval and air power to guard her booming economy.

This appears also to indicate that no all-Asian security pact would be of any real moment without the membership and the active participation of Japan. Yet, it is not difficult to recognize that Japan cannot change its policies and build up its military might to the proportions of an established military power literally overnight.

There are other difficulties in the way of a full-dress all-Asian Pact at this time. Before a developing country can become a useful member of any alliance in which there is no established world power, it must first attain a certain minimum standard of economic and social development. Japan is a case in point. If it has today one of the world's most stable national economies, it is because, in the crucial two decades following the second World War, it did not need to dissipate its energies and wealth on the development and maintenance of defence forces, spending annually for defence barely two percent of its Gross National Product.

I believe that a formal Asian security alliance would be well worth all the time, all the energy and all the expense involved in its formation, if the main threat to the Area were overt aggression. This is no longer the case, as you know; the main threat which faces us is Communist subversion and insurgency. I doubt very much that, after Vietnam, the Communists will ever attempt any overt aggression of a similar magnitude in the foreseeable future.

What is needed immediately, it seems, is not a formal alliance which would take time to establish and to whip up into a going concern, but some practical and fairly elaborate and binding arrangement whereby effective collaboration among all the free countries of Asia could be carried out in combatting the particular threat of Communist covert aggression. Such a system of effective down-to-earth collaboration could, naturally, constitute the groundwork and provide the foundation for the establishment, at the appropriate time, of an all-Asian military alliance as such.

We in SEATO, without being oblivious to the requirements of military preparedness against overt Communist aggression, have set up a Counter-subversion-and-insurgency Centre, in a necessary re-direction of the efforts of the Alliance. The activities of the Centre have so far been confined to its Members, although, in keeping with the present nature and extent of the threat of Communist subversion, we are attempting to generate some interest in those activities among non-Members. I realize that a far bigger endeavour in this direction, encompassing the affairs and catering to the interests of all free Asian countries faced with Communist subversion and insurgency, is possible; and this should be pursued promptly and vigorously.

With a set-up such as I have just mentioned, and with the Big Powers committed under the Manila Pact to the security of the region, thus providing the requisite Big Power shield and the necessary backing, very little else would be needed to make the machinery for Free World defence in this Area truly responsive to its many peculiar problems.

Let us face it. The Communists are a persistent lot, and, I dare say, are winning in many ways. They know where they want to go and they are steadily getting there. In South-East Asia during the past year or so, there has been a marked, and therefore very disquieting, deterioration in the subversive and insurgent situation. View this against the truism that no country in the region is today without a Communist Party, legitimate or clandestine, and further, that no endemic Communist Party, either established or incipient, is known ever to have veered from the well-known Communist aim of undermining free Governments for the eventual seizure of national power, and you have a very sad but realistic picture, indeed.

On the other hand, the free countries of Asia have had to fend each to his own, quite often haphazardly, and, in some case, wrangling with one another in the process.

I submit that the need of free Asians at this time is solidarity in the face of an enemy who is determined to deal with them and to topple them one by one. I suggest that the action to take, in the wake of diminishing free world Big Power involvement in the affairs of Asia, is for the Asians themselves to stand up and be counted. I suggest that, in the universal effort to ensure world peace, to protect the God-given rights and the dignity of man, and to assure the very survival of mankind, you of the World Anti-Communist League and of the Asian Peoples' Anti-Communist League can, and should, help lead the way. I submit that, with the Chapters of the World Anti-Communist League, of which you are an integral part, spread everywhere, and with your own machinery in your respective countries, you are advantageously placed and particularly equipped to spearhead this crucial movement. I suggest that, in so far as this region is concerned, the order of the day is for Asians to close ranks and, as one, to come to grips with the enemy and beat him at his own game.

Then, and only then, can peace and freedom in this potentially most explosive part of the world be assured for the enduring benefit of all mankind.

ENSLAVED PEOPLES UNDER COMMUNISM

(Address delivered by Dr. Lev E. Dobriansky, Professor of Georgetown University, Chairman of the National Captive Nations Committee, USA, and President of the Ukrainian Congress Committee of America, before the World Anti-Communist League, Bangkok, Thailand on December 4, 1969)

Mr. Chairman, Distinguished Delegates, Observers and Guests, I am deeply honored by the privilege you've extended me in affording this opportunity to speak about the enslaved peoples under communism. In the greatest measure the enslaved peoples are captive nations, and in theory and action communism is but a mythology shielding the worst form of totalitarianism and imperio-colonialism in the history of mankind. The more we concentrate on the approximately one billion souls in the captive nations, the more we can appreciate the pressing need of unity and solidarity for freedom, not only among the still free nations of the so-called noncommunist world

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but also, and equally important, with the one-third of humanity in the captive nations.

Make no mistake about it, this World Anti-Communist League, with fertile and vigorous Asian origin, has developed into an essential instrument focused upon the huge family of captive nations as the natural and formidable ally for world freedom and peaceful global community of independent and sovereign nations. To be sure, much remains to be done, but those whose freedom is in immediate danger and under the shadow of constant totalitarian threat are in the best experiential position to positively advance the supreme cause of world freedom in order to preserve their freedom and indirectly that of numerous other members of the Free World geographically removed from the battlelines of freedom and thus myopically indulgent in their domestic complacencies. Leadership in truth and moral fortitude is an enduring power in itself, capable of attracting and magnetizing every other form of power in the Free World.

There is an old Spanish proverb that warns, "A handful of common sense is worth a bushel of learning." When, in this post-World War II period, Red totalitarian aggression has been so blunt and obvious as in the cases of China, Korea, and Vietnam, one cannot but begin to wonder about the common sense of otherwise many learned citizens of the Free World. We are almost forced to acknowledge that there is nothing worse than a learned and educated fool; and we have our dose of this species in the United States as no doubt you have in your respective countries. We can perhaps forgive them for being unable to perceive the subtle and indirect aggressions undertaken by both Peking and Moscow in Asia, the Middle East, Africa and Latin America, not to mention the United States itself, but it is plainly unforgivable in these clearly crass and overt cases.

Yet, with a modicum of common sense and not too much required learning, the average citizen of the Free World can think all this through in terms of the steady aggregation of captive nations since the early 20's; and fifty years of proliferated Red totalitarian and imperial rule are but a minute in historical time. Without oversimplification but with the guiding thread of essentiality, all he need do on a global map is to first encircle in red the Russian area encompassing Moscow and Leningrad, and then in concentric form the non-Russian area from Byelorussia and Ukraine to Azerbaijan to the old Far Eastern Republic, then the Baltic states, then Central-South Europe over to North Korea, mainland China and North Vietnam, finishing for the moment with a red spot covering the island of Cuba. This is the expansive Red Empire, which began in Moscow and in terms of ultimate, determining power today rests on Moscow for its survival.

As President Nixon recently stated, the non-negotiable issue in South Vietnam is the right of national self-determination and independence of the free Vietnamese. What he unfortunately did not say, and which explains much more, is that the United States cannot honorably afford again the addition of another free nation to the long list of captive nations. Too many patriotic and knowledgeable Americans still recall the sell-out at Yalta and elsewhere of several East European nations by the Harrimans and other diplomatic undertakers. And you can rest assured that if the present Moscow-Havana-Peking-Hanoi propaganda assault upon the U.S. leads to any serious internal disturbances, the reaction following World War II will look like a stroll in the park. The domino theory, which has been accurately but narrowly applied to this quarter of the world, will reach its full bloom of historical application to all the captive nations since 1917.

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That this occasion will necessarily arise, sooner or later, I have absolutely no doubt. The sprawling pattern of Red psycho-political warfare, as seen here in Asia, in the Middle East, in Latin America and in the United States makes it as certain as the sun rising and setting tomorrow. In preparation for this occasion as well as in coping with our immediate problems, it behooves us to workably grasp the organic concept of the captive nations, understand the dominant trends in the Red Empire, appreciate "the bind" in which the Free World finds itself, and develop a solution to this bind, short of a general shooting war or abject surrender.

THE CONCEPT

Remember always, where necessity pinches, boldness is prudence. But to exercise prudent boldness demands also a guiding concept. Despite the worldwide publicity that was given to the U.S. Captive Nations Week Resolution ten years ago and the annual reports on it since, it is amazing how relatively few in the Free World comprehend the concept. Oh, Moscow, Peking and the Red satraps perceived its significance quickly and vehemently. The continuing responses to my current work, *The Vulnerable Russians*, show a grave deficiency on this score in the Free World. To offset this somewhat, two months ago I managed to have another resolution sponsored and passed in the U.S. Congress, providing for the publication of a House of Representatives Document on the Captive Nations Movement. This forthcoming publication, made possible through the efforts of Representatives Daniel E. Flood and Edward J. Derwinski, should aid immeasurably in the advancement of the basic captive nations concept.

The U.S. Congressional Captive Nations Week Resolution defines the broad concept of the captive nations clearly and succinctly. The captive nations are those that in the past fifty years have been overtaken and subjugated by Soviet Russian imperio-colonialism and its several totalitarian offsprings. Quite plainly, how all of the Red present came to be what it is, regardless of rifts and squabbles, is the answer as to who are the captive nations. To enumerate them accurately and historically, one must begin in 1917, not in the 1940's or later. The first international wars and aggression waged by Soviet Russian imperio-colonialism under the deceptive guise of communism were against newly independent states and nations like Byelorussia, Ukraine, Georgia, Armenia, Azerbaijan and several others that are now imprisoned in the Soviet Union. The second wave of this imperialist aggression reduced Latvia, Estonia and Lithuania to captivity in the early 40's; and the third wave in the later 40's enslaved a whole new group into the growing family of captive nations, such as Poland, Hungary, Czecho-Slovakia, Albania and so forth. Inspired, assisted and trained offsprings of this Red tradition of conquest and domination of peoples dropped the totalitarian curtain about the peoples of Yugoslavia, mainland China, North Korea, North Vietnam and Cuba in this and the decade after.

If the domino process has ever been at work, it certainly and unquestionably has been in the methodical Red conquest and aggregation of captive nations. If one fails to understand this process, executed largely and basically through the whole panoply of psycho-political warfare techniques, he then does not know the history of Eurasia these past fifty years. Any appreciation of the fundamental distinction between the captive nations—the exploited peoples themselves—and the Red totalitarian states is completely lost on him. It is this working distinction, implicit in the very concept of the captive nations, that has cast profound fear in the professional propagandists of the Red states. More, an inability to see this organic process of politico-military conquest from 1917 to the present beclouds also the important truth as to the chief enemy of the Free World.

Yes, I'm well aware that many of my dear Asian friends honestly disagree with the logical and factual determination of the Soviet Union—more precisely Soviet Russian imperio-colonialism—as this chief enemy. In one sense they are not wrong when their immediate danger of a proximitous and aggressive Red China is properly and justly weighed. No matter where, sheer survival for freedom is an incomparable, conditioning force. Moreover, the collapse of Red China would spell the beginning of the end of the Red Empire. Nevertheless, at the moment there is a more general truth affixed to the global framework which we must face with equal awareness and perspective. And that is the primacy of the Soviet Russian enemy. In the broader global framework and on the basis of historical evolution itself, let us not forget the fundamental Soviet Russian contributions that have been made to the training, economic and military equipment, and the apparatus of the so-called communists on mainland China, to the formation and equipment of the North Korean army and the tragic Korean war that ensued, and to the totalitarian and mini-imperialist Hanoi regime, an aid which has protracted the Vietnam war more than any other Red totalitarian factor.

Concerning the war in Vietnam, which really involves three fundamental factors—they are, the seventeen million captives in North Vietnam, the aggression by totalitarian Hanoi backed essentially by Russian Moscow, and the valiant endeavor of the patriotic and nationalist South Vietnamese not to be forced behind the Red totalitarian curtain—this simple conflict could have been over three or four years ago if it hadn't been for the circumstantial combination of sophisticated Soviet Russian aid and America's complete misconduct of the war. This war has produced more pseudo-rationalist nonsense than any war in this century.

In making this charge, believe me, I am not siding with the human boils and carbuncles of American society, for even the healthiest of organisms are capable of such poisonous excesses. The virtual and overt traitors of freedom in the U.S., meaning specifically the professional pacifists, the melodramatic and poor imitations of mid-19th century Bakuninists and Blanquists, who ignorantly spout Marxism, the ridiculously bearded Trotskyists, the basically ignorant and scant minority of students, and many naive clerics and so-called liberals, always pawns for the professional Red revolutionary who manipulated this species in the 30's and is repeating it now, are of course political warfare fodder for Hanoi, Peking, Havana and Moscow. Like the Russians, they protesteth "peace" or mir too much, and we cannot but wonder what piece they seek.

Nevertheless, we in America have so far failed in coping with what some call revolutionary warfare and what is really Russian-developed psycho-political warfare as applied in Vietnam. The so-called and miscalled Vietnamization of the war in Vietnam could have been accomplished years ago, in fact during the Eisenhower period. What was required was a psycho-political warfare concept extending into North Vietnam and buttressed by American armed logistics. With American military withdrawal from Vietnam, its application should be seriously considered in a new context of Asianization of the war with the presence of not only more Korean divisions but also Free Chinese and other Asian divisions. Regrettably, we Americans still don't understand this psycho-political warfare, which today extends even to the terrain of the United States itself. If any one is to be charged with a specific irresponsibility in the United States for this institutional incapacity, it is Senator Fulbright of the Foreign Relations Committee. He and the ever-blundering Harrimans have for years opposed and sat on the Freedom Academy measures in the U.S. Congress which are purposed to equip Americans and their allies in the ways and means of this type of warfare. This is by no means an unfounded charge; it can be easily documented and justified. Its tragedy is that it involves other peoples, including the captive people of North Vietnam and all others in the extensive Red Empire.

NATIONALISM IN THE CAPTIVE WORLD

By the very nature of realities prevailing in the captive world, conditions of psycho-political warfare are always extensive and omnipresent. It has been truly said, "In a free country there is much clamor with little suffering; in a despotic state there is little complaint, but much grievance." In the Soviet Union, which Alexander Solzhenitsyn has accurately described as a "sick society," the dozen and more captive nations are being subjected to a new wave of political repressions, cultural genocide, religious oppression, imperio-colonialist economic exploitation, revived MVD operations, and concentration camp consignments. All this and more in the sweep of Russian consolidating moves for Moscow's expanding Cold War operations in Asia, the Middle East, and the Western Hemisphere.

In mainland China, North Korea and North Vietnam the captive peoples are under the worst conditions of totalitarian tyranny, economic privation, and dehumanization left in the train of a grotesque "cultural revolution," guerrilla war activities on the Korean peninsula, and a war of aggression by Hanoi. In captive Cuba similar forms of Red exploitation of the people prevail as that unhappy island is being rapidly transformed into a Russian base for continental political warfare. And in Central Europe the Russian rape of Czecho-Slovakia last year confirmed again the oppressions and imperio-colonialism imposed on the captive peoples in that area.

Among the numerous forces at work for freedom in the captive world, the most dominant is the indomitable force of nationalism. This natural force means national self-determination and independence, economic freedom and opportunity, cultural progress and a respectful place in a peaceful community of independent nations. Expressed in many ways, this persistent force is rampant in the Soviet Union; it is manifested daily in Central Europe; it permeates all of Asia; it is the basis for Cuban resistance and hope. As the record well shows, nationalism is the greatest insurmountable obstacle to Red totalitarianism and Soviet Russian imperio-colonialism.

"THE BIND"

Whether viewed from the East or the West, efforts to wean less powerful Red states from the direct or indirect control and influence of the powerful Soviet Russian center will come to naught so long as this center is afforded psycho-political sanctuary within the substrate empire of the Soviet Union. This truth is the clear lesson of the Czecho-Slovakian tragedy. The free governments in the West clearly found themselves in a bind. And they will continue to be in this bind unless a radical shift is made in policy toward the captive nations within the USSR.

The Brezhnev doctrine further substantiates this truth. In essence, a contemporary version of traditional Russian imperialism, this doctrine can be applied by Moscow to any Red state in the West or in the East including mainland China; even to ostensibly socialist states in the Free World, all for the goal of insuring the security of the mythical commonwealth of socialist states. This doctrine is in itself a confession of intent and also weakness. The fundamental weakness is represented by the existence and struggles of the captive nations.

PROBLEMS AND THE SOLUTION

An old French adage teaches us, "the weakness of the enemy forms a part of our own strength." The captive nations in the aggregate constitute the foremost weakness of the totalitarian Red Empire. As such, they are one of the most essential parts of our Free World strength. The more we concentrate on the captive nations, the more we intensify the weakness, the insecurity and the doom of all Red governments. But to advance along this sure road toward world freedom and the avoidance of a general hot war, citizens of the Free World must scotch certain misconceptions and wishful thoughts.

The first misconception is about the captive nations themselves. The captive nations concept must be clearly understood. The family of captive nations extends from Central Europe into the Soviet Union out to Asia and over to Cuba. Second, it is a species of wishful thinking to believe that any genuine detente is possible with the vast Red Empire. The dynamics of history, greased with the victories of Red totalitarianism and the worldwide network of Red psycho-political warfare, simply do not favor this. Wishful, too, is the misleading notion of spheres of influence, a sideline of the containment policy. It not only compromises principle with its accommodationism but also is unrealistic and self-defeating. Our enemies don't pour billions of investment into Cold War operations for physical exercise and self-enjoyment.

Contrary to absurdities witnessed in some places of the Free World, including the United States, the youth, the workers and the intellectuals in the captive world know what it means to be deprived of freedom. With their grasp of the real and true values of human existence, these captives of Red totalitarianism are today freedom's most trusted allies; tomorow they shall be its sternest guardians.

The eventual solution of the titanic struggle in this century rests not only with military arms, but rather with the effective linkage of the forces of freedom in the non-Red world with those of all the captive nations, particularly those in the huge concentration camp called the Soviet Union. The forging of this link with the truly genuine NLF's and their tremendous legions behind all three Red curtains can only be effected through the means of psycho-political penetrations that are indispensable to the deterrence of a hot general war. The captive nations are our formidable allies, and had we sensibly tapped this resource in North Vietnam, the war there would have been over long ago.

Fortitude, it has been said, is the mean between fear and rashness. To fight adequately for freedom means to constantly display fortitude in will, determination and honor. The captive nations ceaselessly show this fortitude. Free men can't afford to do less. Free men must not blind themselves to this truth of politico-cultural survival: The only guaranteeing way to preserve our freedom—the freedom of the still Free World; national, cultural and personal—is for all of us to unceasingly labor and fight for the expansion of freedom throughout the entire Red Empire and its captive world. In the end, you and I, the free and the captive, cannot but win for freedom, justice and a genuine international peace.

REPORT OF THE NATIONAL CAPTIVE NATIONS COMMITTEE, U.S.A.

(Presented by Dr. Lev E. Dobrainsky, Chairman of NCNC to Third WACL Conference, Bangkok, Thailand)

Mr. Chairman, Distinguished Delegates and Observers, it is with the profoundest gratitude toward the host chapter of Thailand that I have the honor to submit this report on the salient activities undertaken this past year by the U.S. National Captive Nations Committee in the furtherance of our mutual cause of the defeat of imperialist Red totalitarianisms, expanded World Freedom and independence of all the captive nations. As in all preceding years, our report to this Third WACL Conference is not an ideological dissertation but rather a concise, business-like statement of the peak achievements, projects and continuous action of NCNC since the successful Second Conference in Saigon. Though transient events and developments in the United States seem to run against our goals and objectives, let me assure you that with basic certitude our persistent action is constantly attuned to the long haul of certain victory because our message is treasured in the hearts of one-third of humanity and rest firmly on the ultimate honor of the remaining two-thirds in the Free World. This still being the 10th Anniversary of the Captive Nations Week Resolution, I will restrict my main points to ten.

The precise report is as follows:

(1) Soon after our return from the last WACL–DPACL Conferences in Saigon, arrangements were made for discussions of the conferences and Vietnam on two radio and TV stations in Miami, Florida, which extend to and are heard in Cuba. Let us not forget that the megalomaniacal Castro has exuded a special affinity for Hanoi and Pyongyang. On WIOD and WKAT in Miami, discussions up to three hours covered the Second and 14th Conferences, the valiant fight of the Republic of Vietnam for survival, and the reasons for American support of Free Vietnam. A transcript of the WIOD program was sent to the office of President Thieu in Saigon.

(2) China's Freedom Day in January is a highly important commemoration which NCNC participates in. In addition to expressing our annual greetings on the occasion, we urge our groups to fittingly support the event in their respective communities so that the continuous free Chinese fight for the liberation of mainland China and the incalculable and enormous psycho-political symbol of freedom on the island be constantly in the foreground of American interest. Moreover, NCNC sees to it that the event is properly recognized by our friends in the U.S. Congress and that reports and addresses on the occasion are prominently published in the *Congressional Record*. The crucial importance of a completely Free China to the liberation and freedom of all the captive nations hardly needs stating.

(3) It was NCNC's pleasurable privilege to receive WACL's Freedom Center delegation at the beginning of April in Washington, D.C. Led by the distinguished Secretary General, Dr. José Hernandez, the delegation was received at a luncheon hosted by NCNC in the Rayburn Building of the House of Representatives. A press conference preceded the luncheon, and reports were carried by several newspapers. The luncheon, toastmastered by the Honorable Edward J. Derwinski, was attended by a dozen Senators and Representatives. As the gods would have it, the untimely death of former President Eisenhower affected the promised attendance of a dozen more legislators, including the late Senator Dirksen.

(4) As in every preceding year of a full decade, NCNC stepped up in mid-spring its national preparation and coordination of the annual Captive Nations Week. The 1969 Week was commemorated as the 10th Anniversary of the Captive Nations Week Resolution, which, as you know, the U.S. Congress passed in July, 1959. The burdensome and costly details of launching this annual Week are known only to a few, even commencing with the effort directed at the White House for an effective Presidential Proclamation of the Week. Nonetheless, the 1969 Week proved to be another huge success. President Nixon issued his proclamation, Governors followed from Alaska to Florida, New Hampshire to Hawaii, Mayors of all major cities did likewise, and our committees in all sections of the country conducted their respective

activities effectively. Radio Moscow and other Red media expressed their contempt.

(5) An added function of NCNC this year produced the singular highlight of the 1969 Week. And this was the privileged opportunity we treasured in honoring Dr. Ku Cheng-kang, First Chairman of WACL and President of the Chinese Chapter. In Arizona, under the leadership of Mr. Walter Chopiwsky and his NCNC branch, Dr. Ku received full exposure throughout the State and beyond. In the Nation's capital, at a capacity reception and dinner hosted by NCNC in the University Club, it was our indescribable honor to honor Dr. Ku and present him the Eisenhower Captive Nations Award. Ten Senators and Congressmen received medals on this memorable occasion. Again, as the gods would have it, the first Apollo shot coincided with this event, but, nevertheless, the turnout was magnificent. Dr. Ku's successful itinerary extended to our groups in Chicago, Philadelphia, New York and Los Angeles.

(6) NCNC regularly assumes the responsibility of having newspaper, documentary and other printed coverage of the Week's activities, both in the United States and abroad, published in the U.S. national annals, namely the *Congressional Record*. In July, August and September, the *Record* was replete for the historical record with these reports. Beyond our groups in the U.S., once again the Republic of China was outstanding by this measure in implementing the resolution on captive nations passed at the conferences in Saigon.

(7) Through the initiative and efforts of NCNC, another resolution on the captive nations was passed by the U.S. Congress on September 24. The resolution called for the publication of an official House Document commemorating the 10th Anniversary of the Captive Nations Week Resolution and the Captive Nations Movement. The significant resolution was sponsored by the Honorables Daniel J. Flood of Pennsylvania and Edward J. Derwinski of Illinois.

(8) Under the directives of this passed legislation, NCNC, working in coordination with the Joint Committee on Printing in the U.S. Congress, has in the past two months contributed to the preparation of the document. The initial quantity of 10,000 copies will be available this month. Those who have significantly implemented WACL's resolution on Captive Nations Week will receive copies of this document. The issuance of a Captive Nations stamp by the Republic of Korea is an outstanding and unforgettable event referred to in the work.

(9) NCNC has participated in current negotiations for the eventual and much-needed formation of a WACL Chapter in the United States. That such a chapter is indispensable to our mutual cause is beyond any question of doubt. Our problem in the United States is the multiplicity and variety of anti-communist organizations. Prudence and discretion are uppermost in the pursuit of this pressing goal. What eventually develops must—I reiterate, must—be a solid basis for an effective and crucial chapter organization. NCNC does not adhere to paper organizations, lacking in following and programmatic capacity; nor does it wish to incite an internal conflict among and between anti-communist organizations. The complexity of the issue is great; our determination to resolve it is, I assure you, preserving.

(10) Finally, NCNC has unswervingly pursued its conviction that a Special Committee on the Captive Nations in the House of Representatives is of pressing and essential moment to all of our mutual struggles for a full, educational accounting of the oppressions, genocide, terrorism, tyranny, and Hitlerianism of the Red Totalitarian regimes. Such an official committee in the U.S. Congress would provide a central thrust for anticommunism not only in the United States but throughout the Free World. It would accomplish in a year what thousands of well-documented books couldn't do in two or three decades. It would undertake a case-by-case methodology and produce data that even the illiterate would sense its crucial importance to the world struggle. Negotiations on this vital issue are being pursued by NCNC with the utmost determination.

This is my report, Mr. Chairman. We are thoroughly confident of the road we are paving. The Republic of Vietnam is another national, independent entity that the Free World cannot afford to sacrifice. Should my Government do so, our captive nations thesis and list will be enlarged more than ever. Pray God, this will not transpire. In the event that this further tragedy is consummated, we are prepared. Again, I pray God it will not happen. It certainly need not happen.

ADDRESS BY CHIEF DELEGATE KU CHENG-KANG

Mr. Chairman, Fellow Delegates and Distinguished Guests, following the 3rd WACL Conference, the 15th APACL Conference is solemnly unveiled in Bangkok.

Indeed, in its fifteen years of sustained struggles, APACL has made major contributions in elevating the Asian Peoples' Anti-Communist consciousness and in promoting Anti-Communist solidarity of Asian Nations. Its continuous efforts to enlarge Asian Peoples' Anti-Communist solidarity into the solidarity of peoples throughout the world gave birth to the World's Anti-Communist League (WACL) three years ago. This marks one singular achievement of the APACL in uniting freedom forces of the entire world.

As you know, presently there are three international Anti-Communist organizations in Asia. One is the Asian Peoples' Anti-Communist League (APACL) which is the union of purely people's Anti-Communist forces in various countries. Another is the Asian-Pacific Council (ASPAC) which is a cooperative agency among the governments of Asia's free nations. The third is the Asian Parliamentarians' Union (APU) which is the union of the Parliaments of the various countries. Parliament always acts as the bridge between people and government. In fact, the emergence of ASPAC and APU was the result of what APACL had been urging and pushing.

In promoting the establishment of ASPAC, APACL has always fought for the establishment of an Asian-Pacific regional security organization. When the 5th APACL Conference was held in Seoul in 1959, APACL passed an important resolution on "Urging Leaders in the Governments of Asian Anti-Communist Nations to Confer and Establish an Organization for Anti-Communist Cooperation." Subsequently, APACL delegates undertook action in their respective countries. In Jan. 1961, the Four-Nation Foreign Ministers' Conference was held in Manila. Attended only by the foreign ministers of the Republic of China, Korea, Vietnam and the Philippines. The composition and substance of the conference could not satisfy objective requirements. By 1964 when 10th APACL Conference was held in Taipei, the resolution on "Urging Asia's Free Nations to Establish a Collective Security Organization" was passed. Members of APACL expended more efforts to promote the realization of this mission. When the Nine-Nation Foreign Ministers' Conference was convened in Seoul in June, 1966, events gradually developed to establish the Asian-Pacific Council.

As to the Asian Parliamentarians' Union (APU), it was organized in 1965 in Japan by such people as Nobusuke Kishi and Saburo Chida who were either leaders of the APACL movement in Japan or responsible officials of APACL Japan Chapter. I myself also took part in organizing the APU. Many of the APU delegates have associated with APACL for sometime. Indeed, APACL has produced results in promoting understanding and cooperation between free nations in Asia. During the latter part of last month, I presided over the 5th APU conference in Taipei which reaped fruitful results.

During the past 15 years, APACL has continued to grow and develop, but we are not satisfied with our gains. The current world situation and the Asian situation compel us to make further struggles to expedite the formation of a really strong and effective Asian-Pacific regional security organization.

At this time, I wish to make the following observations:

First, I have also believed that we Asian nations should have the spirit of self-strengthening and self-salvation and use our own strength for our common survival. Now that the new Asian policy of the United States expects that we Asian Nations protect our security and freedom with our own strength, we should devote ourselves to the realization of this objective. By 1971, Britain will withdraw her forces from the Far East. Therefore, we should urge the completion of the ground work preparatory to the establishment of Asian-Pacific regional security organization sometime next year to fill the gap in the military posture of the free world camp, and make an important contribution to usher in the '70's of the 20th century.

Secondly, I feel that the Asian-Pacific regional security organization can be established through strengthening the present Asian-Pacific Council. If the first course of action is adopted, other free nations in the Asian-Pacific region must, of course, be invited, including the United States. Meanwhile, the present ASPAC efforts which are limited to cultural exchange and economic mutual assistance should be developed into firm political and military cooperation.

Thirdly, I consider that, in the face of Asian Communist aggression threats and the current Asian situation, Asian peoples will awaken sooner or later and find the need to establish mutual defense forces at an early date and will not delay the fulfillment of this important historical mission. We must not be satisfied with the achievements scored in the economic field. If security cannot be safeguarded, free and happy life may go out at all time. Similiarly, we must not be intimidated by the superficial forces of the Asian Communists. Fact reveals to us that Asian Communist rule has its serious inherent vulnerability. So long as Asian nations unite, they have every assurance of deterring Communist aggression. Therefore, we fervently hope that Asian governmental leaders will cast away all doubts and give to this objective first priority in their current national policies.

Fourthly, prior to or after the formation of an Asian-Pacific regional security organization. The Vietnam situation will be the first primary challenge to our employment of mutual defense strength. Regardless of the circumstances, Asia's free nations should actively support the government of the Republic of Vietnam in its struggles to fight for the independence and freedom of Vietnam. The Vietnamese Communists must not be permitted to realize their ambition of annexing South Vietnam nor to realize their design of subverting Vietnam through formation of a "Coalition Government." We must not permit the crimes committed by Asian Communists in launching the war in Vietnam to be repeated in other Asian Countries.

At the opening of the 5th APU General Assembly held last month in Taipei, His Excellency Chiang Kai-shek, President of the Republic of China said: "Asia belongs to the Asians. Hence we Asians must rely on our strength in the pursuit of regional peace, security and prosperity . . . If the strength of these separate countries are combined, the result will be a massive cultural, political, economic and military force of justice sufficient to assure the peace and security of Asia and the world. An Asian epoch of freedom, security, prosperity and progress will be opened

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up." I also urged in my addresses at that Assembly that the formation of an Asian-Pacific regional security organization should be expedited. Again, I am happy to present my advocacy and views to my colleagues in APACL. This is the topic of the struggle for which APACL has fought fifteen years. The current situation demands that we not remain in urging others, but take action. We are delighted to hear that the response to this advocacy is louder and louder. I sincerely hope that my fellow delegates will exert their influences to hasten the accomplishment of this great mission and set an important, historical milestone as Asia enters into the 1970's.

RESOLUTION CONDEMNING THE "BREZHNEV DOCTRINE"

Whereas the Soviet Union has used the "Brezhnev Doctrine" as a tool for implementing Soviet Russian imperialism; and

Whereas the interventionist character of the "Brezhnev Doctrine" portends a climate of insecurity and incertainties in which genuine peace would likely prove to be increasingly elusive; and

Whereas this doctrine tends to allow Soviet Russia to operate under the assumption that the countries between the borders of the Soviet Union and the Free World (including mainland China . . .), are its private preserve, and that such an acceptance of sphere of influence concept can have lasting effects in all parts of the world; and

Whereas the "Brezhnev Doctrine" was used to crush the struggle of Czechs and Slovaks for freedom, and to justify the shameless Soviet Russian military intervention in Czechoslovakia; and

Whereas the doctrine unequivocally violates both the spirit and content of the United Nations Charter;

The World Anti-Communist League strongly condemns the "Brezhnev Doctrine" and repudiates its implications; and

Appeals to the free governments and peoples of the world—

1. To repudiate the intent and objectives of the "Brezhnev Doctrine", including its implied recognition of spheres of influence and the *status quo* in East-Central Europe, Asia, Cuba, etc.
2. To initiate in the United Nations a serious examination of the doctrine in relation to the provisions of the United Nations Charter;
3. To reiterate their support for all nations and peoples, fighting for freedom and national independence;
4. To call at the United Nations, International conferences and other forums, for withdrawal of Soviet Russian troops from Czecho-Slovakia, and all other subjugated countries and for stopping subversion and military intervention everywhere.

OPERATIVE: WACL to send message to U Thant, condemning the doctrine as a violation of the UN Charter and calling for a UN debate on this serious issue. Member units of WACL should present this resolution to their governments and suggest that the national delegations and observers to the UN, and Embassies, be briefed about its contents.

The same briefing should be given to the member of the elected bodies of the various countries.

Endorsed by Prof Dobriusky.

Presented by: Vosil Germenji.

RESOLUTION ON 1970 CAPTIVE NATIONS WEEK

In view of the profound effects and impact made by the U.S. Captive Nations Week Resolution upon the totalitarian and imperiocolonialist reins of Red Moscow, Peking and minor satraps in the Red Empire; and

In view of the constant hope this resolution, which was passed by the U.S. Congress in July 1959, has symbolized and extended to the one billion humans in all of the captive nations in Central Europe, the Soviet Union, Asia and Cuba; and

In view of the consistent support given by both the Asian Peoples Anti-Communist League and the World Anti-Communist League in the annual observance of Captive Nations Week; Therefore,

Now be it resolved that the Third Conference of WACL urges all of its chapters and affiliated organizations to prepare and participate in the 1970 Captive Nations Week, scheduled for the third week of July, and to send all published documents and data on the week's observance to the U.S. National Captive Nations Committee for inclusion in U.S. Congressional reports on the Captive nations movement.

Considering that the Kremlin is making plans to celebrate the Lenin Centennial in 1970 throughout the world with a view to inspiring communists and their fellow-travellers all over the world with optimism and courage:

Be it resolved that all member units organise counter-action in their respective countries by exposing the evil ideology of Lenin's teachings and the tyranical rule and genocide that has ensued, and also to counteract steps taken by UNESCO and other Free World media to observe this event.

COMMUNIST UNCONVENTIONAL WARFARE—ASIA AND AFRICA

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, at the time of the tremendous propaganda publicity given the Mylai hoax, much was made of charges that American soldiers may have shot women and children.

I said, at that time, that all of us who have seen war in a populated area know how difficult it is under combat conditions to make the split-second decision which may keep you alive. In an unconventional guerrilla war, where the enemy is not a uniformed and disciplined military force, the enemy is everybody until you learn differently.

A recent newsclipping tells the story of the Air Force doctor who treated a young Vietnamese girl crippled in the premature explosion of the plastic bomb she was constructing for his assassination.

In the same paper, on the same date, is the newsclipping indicating that the report made on conditions in conquered Biafra by a team of international observers is too sensitive to publish.

Apparently, British, Canadian, and Swedish officers lack the experience to understand what the Nigerian dictator and we in Washington know full well—that looting and rape are the normal results where a primitive majority is not constrained.

The pertinent clippings are included in my remarks, as follow:

[From the Washington (D.C.) Evening Star, Jan. 31, 1970]

VIETCONG GIRL AIDED BY DOCTOR SHE TRIED TO KILL

SAIGON.—A U.S. Air Force doctor treated a young Vietnamese girl whose hands had been blown off, then learned later she was wounded while fusing a bomb to kill him.

The Air Force said the girl's aunt brought her to Capt. Jerold D. Albright of Haven, Kan., at the Ca Mau province hospital in the southern Mekong Delta.

Her hands had been blown off at the wrists. Albright cleaned the wounds, stopped the bleeding and bandaged the stumps of her arms.

Later the girl told officials she was helping her aunt, a Viet Cong, build a bomb from plastic explosive when it went off. The bomb was to be placed under the seat of the doctor's jeep, she said.

"If the Viet Cong are so interested in getting rid of me, it must mean our medical efforts in this area are helping turn the local population against the VC," Albright said. "It also indicates to me that even the enemy has confidence in our medical care."

[From the Washington (D.C.) Evening Star, Jan. 31, 1970]

FOUR-NATION BIAFRA REPORT "TOO SENSITIVE" TO REVEAL

LAGOS, NIGERIA.—A team of international observers returning from its third trip to former Biafra since the end of the civil war could saddle the Nigerian government with a major crisis, diplomatic sources said today.

The sources said a report prepared by a group of military observers from four nations on the plight of 1 million hungry Ibos was too sensitive to publish.

Publication of the results of the survey by the joint team from Britain, Canada, Sweden and Poland probably would lead to its ouster, the sources said. Eventual publication of their conclusions is inevitable, the sources said.

SECRET REPORT

A secret interim report by the group, they said, describing looting and raping by Nigerian troops has infuriated Nigerian authorities.

According to the sources, Federal Communications Commissioner Aminu Kano has told the group to "pack up and go" and Nigerian chief of state Gen. Yakubu Gowan has been angered by the report.

The observers are reported to be sharply divided in expressed opinions. A dissenting minority report submitted by Polish members of the team is much less critical of the central government.

The team has spent 17 months in the country, traveling between Nigeria proper and the secessionist states comprising Biafra.

REPORT BY POLE ORDERED

The sources said that Polish Col. Jozef Biernacki has been ordered to prepare a report that will not embarrass the Soviet-backed federal government in any way.

They said the central government wants the group to report on relief work but the Canadians claim they are not qualified to oversee relief operations and wish to withdraw as soon as possible.

The federal government yesterday reorganized its national rehabilitation commission to speed handling of relief supplies entering the country.

An official announcement said relief supplies would be allowed into Nigeria duty free. But it also said visas would be issued only to foreign relief workers sponsored by the Nigerian director of relief operations or his aides.

WHEN NAACP DESTROYS PUBLIC SCHOOL, WHO PAYS?

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, an editorial by a newspaper which quite apparently supports the desegregation of the public schools, a timetable of the NAACP-instituted school litigation in its community, and letters to the editor from a Negro mother and another citizen are

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unfortunately quite typical of the situation in the South today.

The question raised is quite fair, and deadly serious. For whose benefit did this organization—which claims to represent Negroes, but has never had a black leader—promote this litigation and destroy the public schools of this community?

A clue may be found in a comment by one of the local "Reverends" who is the head of the local NAACP chapter that if the court does not move promptly, their "New York lawyers" will act.

The clippings are included in my remarks, as follow:

[From the Fort Myers News-Press, Jan. 16, 1970]

AN OPPORTUNITY FOR THE NAACP

The National Association for the Advancement of Colored People has the opportunity now to perform the greatest service is has ever done for Negro school children of Lee County. It can do this by petitioning the U.S. District Court to adhere to the timetable which the court itself previously set calling for the integration of the Franklin Park Elementary School next fall and not to advance the time to Feb. 1.

A court order to desegregate Franklin Park by Feb. 1 would indeed create the chaos that school officials apprehend—chaos of which the 740 Negro children now attending Franklin Park would be the hapless victims. It would be a physical impossibility to integrate Franklin Park by busing some 600 white children to it—and some 600 Negro children from it to other schools—to achieve the required racial balance starting in February. It would be physically impossible because there simply are no busses with which to do it; there is no money for buying the additional buses, and even if there were it would take some months to get delivery of them.

So, if the court decreed that Franklin Park could no longer be operated with its present all-Negro enrollment, the school would have to be closed. Then the parents of its 740 pupils would have to apply for their admission at elementary schools elsewhere which already are overcrowded, with their lower grades on double session. No more than a handful could be accommodated, and the parents of those who were would have to arrange some transportation of their own to get them there for there would be no buses for them. The inescapable result would be that the students now attending Franklin Park would have their education broken off and would be unable to go to school for the rest of this year.

There is a strong and dire likelihood that the U.S. District Court will order Franklin Park to be integrated by Feb. 1 regardless of the consequences unless the NAACP petitions otherwise. Zealous Judge Ben Krentzman of Tampa has stated that he considers new rulings of the U.S. Supreme Court, although given in other cases, to be "supervening case law," indicating that he considers them to require application in the Lee County case. The Supreme Court now has ordered full desegregation by Feb. 1 in the 14 school cases before it, two of which involved Alachua and Bay Counties in Florida—and Judge Krentzman has scheduled a new hearing for Jan. 26 for Lee and certain other counties under his jurisdiction.

The NAACP has a decisive voice in the matter because it is the real plaintiff in the case before Judge Krentzman. The case is styled "Blalock v. Board of Public Instruction of Lee County" but it was the NAACP that filed the case for John Blalock and other Negro parents and whose attorneys have handled it. The suit was filed in the fall of 1964 and the court's decree was issued in early 1965 but the federal court has retained jurisdiction ever since. It is of some interest now to recall that the court's original order called for the Lee County schools to be desegregated by grades over a period of five years under a "freedom of choice" plan by which every student could attend either the school nearest his home or the nearest school in which his race was predominant—and that the NAACP agreed to it.

If the NAACP asks the district court now to invoke the Supreme Court's "supervening case law" and order the Lee County school desegregation completed by Feb. 1 with the integration then of Franklin Park, the court probably will do so. But if it does, the NAACP will bear a terrible responsibility for disrupting the education of its people.

On the other hand if the NAACP tells the court it is satisfied with the present decree ordering the integration completed by next fall and asks that the order be continued in force, it will be making no compromise of its principles, it will assure the orderly achievement of its aims, and it will show the mark of enlightened leadership.

[From the Fort Myers (Fla.) News-Press, Jan. 26, 1970]

SIX YEARS IN COURT

The Lee County school desegregation case has been in the U.S. District Court at Tampa for nearly six years. Here is the record:

Aug. 4, 1964—NAACP files suit on behalf of Negro parents for desegregation of Lee County Schools.

Aug. 28, 1964—School Board asks court to accept grade-a-year desegregation plan.

Oct. 22, 1964—School Board asks court for summary judgment in its favor.

Oct. 29, 1964—Court denies School Board's request for summary judgment and rejects grade-a-year plan.

Feb. 24, 1965—Court approves School Board's plan to desegregate schools in five years.

Aug. 30, 1965—Lee County schools "integrated" for first time with one Negro student at Elva Elementary and two at Edison Park Elementary.

July 26, 1966—NAACP sues School Board to speed up desegregation.

Aug. 29, 1966—All secondary schools except Alva desegregate and all elementary schools integrate first three grades.

Sept. 7, 1966—U.S. Dist. Judge Joseph Lieb allows Justice Department to join in NAACP suit against School Board.

March 2, 1967—School Board files freedom of choice plan to replace the five-year plan and proceeds with it.

Jan. 7, 1969—Justice Department files to have freedom of choice plan junked.

Feb. 12, 1969—Court orders School Board to file another plan to replace freedom of choice because all-Negro schools have continued.

May 7, 1969—Court orders all-Negro schools in Lee County except Franklin Park Elementary closed or integrated by fall.

June 9, 1969—Court denies School Board request to return to freedom of choice.

Aug. 12, 1969—Court approves plan for countywide seventh grade at two schools in Dunbar Heights and orders Franklin Park desegregated by next fall.

Dec. 18, 1969—Court orders School Board to report desegregation plan for Franklin Park.

Dec. 22, 1969—Court gives School Board go-ahead on planning for middle schools which would desegregate Franklin Park next fall.

[From the Fort Myers (Fla.) News-Press, Jan. 28, 1970]

NO NEED TO CHANGE

EDITOR, NEWS-PRESS: My children attend Franklin Park Elementary School and they have been going there all of their school years. I didn't see any need in transferring them when the freedom of choice law was passed, because to me a school is a school and I don't expect a teacher to put everything in my childrens' heads. I help them at home. I have encyclopedias and books that will help them. You cannot cheat a child out of an education if he has the ability to learn.

Another reason I didn't send them to a white school is because there are more white elementary schools to serve the needs of the white communities and it would have been difficult for me to choose one. There is no proof that my child is going to get a better education in a white school than he is in a black school. You can only be two things in life, a success or a failure, and I am sure you have some whites that fail.

Please don't get the wrong impression. I am not a separatist or anything of the sort. I am all for my freedom to go wherever I want but why pick on the small children.

We integrate every day of our lives. We have to, there are not many Negroes to hire us on jobs.

I am not going to let any NAACP leader tell me what's best for my children. I think I am a better judge of that. I know I cannot change the Supreme Court ruling but I would be happier with my small children going to a neighborhood school.

These people (the NAACP) are not thinking about the welfare of our children. Their only interest is getting a black child in a white school no matter what goes on afterward.

DISGUSTED MOTHER.

[From the Fort Myers (Fla.) News-Press, Jan. 27, 1970]

SUE NAACP

EDITOR, NEWS-PRESS—

I can't understand why the NAACP can sue governors, sheriffs, mayors and any other good citizen-loving official. Let us all get together and sue the NAACP. Say for about one billion dollars, this could help the taxpayers money.

The NAACP should be sued for these costs. One—destruction of property, two—court costs for the protection of the parties who destroy, three—cost of extra police, National Guard, and four—trying to put fear in the general public mind.

I do hope that some day that all governors get together and take the power away from this dictating Supreme Court. Let us all have some part in our own government. Just write your congressman.

H. KRAMER.

WILLIAM E. TIMMONS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I want to offer my warm congratulations to William E. Timmons on his appointment as assistant to the President for congressional relations.

This is a well-earned and well-deserved promotion. Many of us have known Bill Timmons because of his service with our colleague, the gentleman from Tennessee (Mr. BROCK), because of his active participation in the Young Republicans and in the campaigns of Richard Nixon for President in 1960 and 1968.

We know him and respect him. As deputy assistant for congressional relations with responsibility for the House of Representatives, Bill has done an outstanding job during the last year.

I know he will continue to do the same kind of a job in his new position. Although he also has had experience in the

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other body, he understands and loves this House.

Of course we will all miss Bryce Harlow, who now holds the extremely important position of counselor to the President. His wise counsel will serve the President and our country well. And I know he will continue to be available to this body for advice and counsel.

In the meantime it is gratifying to know that he has a most worthy successor. I am looking forward to working with Bill Timmons in his new position.

GROWTH OF 4-H PROGRAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I would like to tell this House about the continuing growth of a great program, 4-H. The 4-H has over 3½ million members nationwide. Right here in the District of Columbia, we have a new 4-H program attached to the Federal City College and out on Connecticut Avenue, the National 4-H Center is about to triple its youth educational capacity.

I am gratified to learn that American business is supporting the growth and development of 4-H in urban as well as rural areas. In fact, Howard C. Harder, chairman of CPC International, Inc., has recently formed the National 4-H Club Foundation Advisory Council to support 4-H.

Mrs. Richard M. Nixon and J. C. Penney, founder of the company which bears his name, are honorary cochairmen of the council.

The council's first goal is to expand the National 4-H Center at 7100 Connecticut Avenue here in Washington, D.C. 4-H members across the Nation have already pledged $2 million to the building program. The business leaders on the council will raise the remaining $6 million to complete the expansion project.

There are 150 leading American businessmen and women serving on the council. Working directly with Mr. Harder on the center expansion are: J. Paul Austin, president of the Coca-Cola Co.; Daniel S. Parker, chairman of the Parker Pen Co.; W. W. Keeler, chairman of the Phillips Petroleum Co.; Art and Jack Linkletter, chairman and president of Linkletter Enterprises, Inc.; and S. B. Penick, Jr., chairman of the S. B. Penick Co. Mills B. Lane, Jr., president of the Citizens & Southern National Bank is council treasurer. Russell B. Robins, executive vice president of the Jam Handy Organization, handles public relations.

The National 4-H Center expansion program will make it possible to train nearly 60,000 young people in citizenship and leadership programs each year. Right now the center can handle only 20,000 annually and thousands more must be turned away.

The work of Mr. Harder and his council is a fine example of what the business community is doing in behalf of our youth. This is particularly significant now that 50 percent of the 4-H membership is in our towns and cities. And, these young people are doing something about America's critical problems. Pollution and nutrition education are two areas of concern for 4-H'ers.

I salute the members of the National 4-H Advisory Council in their effort to expand the National 4-H Center and I salute 4-H.

IN SUPPORT OF A MASS TRANSPORTATION TRUST FUND

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Speaker, I have decidedly mixed feelings about the mass transit legislation passed by the other body this week. The Senator from New Jersey (Mr. WILLIAMS), is to be congratulated for his leadership in getting legislation passed that gives some hope that the Congress and the Department of Transportation will improve the dismal record of the Federal Government concerning mass transit problems.

In the last 5 years, the Federal Government has spent approximately $800 million on mass transit and approximately $20 billion on highways. Since 1956, $45 billion has thus far been spent on highway construction. The new mass transit legislation now authorizes the Federal Government to spend $1.86 billion in the next 5 years. This is not what I consider to be a significant change in our transportation priorities.

I should point out that the new legislation tries to firm up the Federal commitment by giving 5-year contract authority to the Department of Transportation. This contract authority amounts to $3.1 billion. However, only $1.86 billion can be spent before fiscal year 1976. In the new budget, the administration has asked for only $105 million in contract authority for fiscal year 1971. In addition, the Appropriations Committees of the Congress have not hesitated in the past to place limitations on the use of contract authority, or to cut it back.

I regret to say that this new legislation which will soon be before this House for consideration provides neither sufficient guarantees nor adequate funds needed to do the job for our cities in the 1970's. Consequently, the fight for a mass transit trust fund should continue.

At the present time, 105 of our colleagues support the trust fund concept which is a far more reliable financing mechanism than contract authority. One need only cite the highway trust fund to make that undeniably clear. Furthermore, the Federal Government must commit much more than $3.1 billion in the next 5 years. Without the availability of sufficient funds and a system of assured long term financing, municipalities simply will not be able to develop plans and float bonds for projects of sufficient scope to have a substantial effect in modernizing local public transportation. Our trust fund bill would commit at least $10 billion during the same 5-year period.

Let us face the fact that we have a mass transit crisis in our cities. And let us not create another credibility gap between promise and performance. I urge my colleagues to support trust fund legislation as the best means of meeting the mass transit crisis.

ENVIRONMENT IN DANGER OF COLLAPSE

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, last November the Nation's most prominent scientists met in Boston. During that week America's attention was forcibly focused on its scientific community's concern over whether this Nation can survive the decade.

Leading spokesmen for every technical discipline competed with one another to tell us that our environment is in danger of collapse. Some predicted that human life will cease to exist in the next 30 years if we continue to pollute at the present rate. According to our scientists, the atmosphere will shortly become unbreathable, the land unproductive, the cities unlivable, and humanity, if it escapes from being driven insane by the rising levels of decibels, will eventually succumb to suffocation in its own garbage.

I suspect the November meeting in Boston served as the final catalyst. The horrendous problems created by our pollution of the environment have finally come to the forefront of the national conscience and are receiving the attention they deserve.

Californians, probably more than most Americans, have been painfully aware of the consequences of pollution. Our eyes have been smarting from smog, our beaches smeared with oil, and our landscape littered with auto graveyards.

Pollution is, of course, not confined to California. Other parts of the Nation, like politicians, have discovered the seriousness of environmental pollution. The voices of the experts on pollution—the ecologists, natural and social scientists—are finally sounding above the din of the many less significant issues and problems facing our society. We are listening, horrified. Their scientific facts seem more like science fiction. Increased emphysema, dead trees on the west slope of California's San Bernardino mountains, 48 billion bottles and 46 billion cans annually, and 200 million tons a year of poison pumped into the atmosphere is not fiction. The facts lead one to seriously ask—can we survive? The answer must be yes.

My personal concern over the effects of environmental pollution is long standing. Over the years, I have made repeated statements on the problems as I saw them, decrying our negligence in this vital area, drawing public attention to the problems, and offering possible approaches and solutions. Two years ago I was calling for the development of imaginative new programs and emphasizing the importance of an ecological approach to the environment, with man as the focal point.

My concern over this growing crisis has prompted me to introduce the following environmental quality and conservation legislation. In the first half of this 91st Congress alone, I introduced eight bills on pollution and conservation. They establish a revolving fund for the removal of oil discharged into navigable

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waters; control oil pollution from vessels; augment funds for land acquisition for the Point Reyes National Seashore in California; control the granting of offshore drilling permits to oil companies; prevent the importation of fish and wildlife species endangered with extinction; establish a Council on Environmental Quality; create a research and development program on the marine and atmospheric environments; and organize a Youth Conservation Corps.

In the field of air pollution, I authored legislation to provide grants to develop alternatives to the internal combustion engine. Research is now being conducted on a widespread basis to develop these alternatives. In the field of water pollution, I served as a floor leader in the fight to raise the water quality appropriations from the $200 million requested by President Nixon to the $800 million finally appropriated.

However, I will not stand on my record alone. Instead I am introducing further legislation in the pollution field during this, the second session of the 91st Congress. Allow me to set out for you the problems as I see them today, my views on what we in the Congress should do, and what I as an individual legislator will do to deal with these overwhelming problems.

I do not wish to sound like an alarmist, but the condition of our environment has become critical—so critical as to threaten man's very survival on this planet. Some experts predict the extinction of advanced life on earth by the turn of the next century if present trends in pollution rates and population growth rates continue. No area of our environment remains unaffected, whether it be on the earth's surface where we live, below it where we mine and blast, or above it where we throw off noxious fumes.

Our Nation faces three major, closely related environmental problems. They are: First, pollution of the environment; second, overcrowding of our population into urban areas; and third, the deterioration of many areas—rural as well as urban.

Pollutants in the forms of solid, liquid, and gaseous matter alter the chemical and physical qualities of the environment. The automobile each year produces one-half of the pollutants fouling our air. Of the 200 million tons of waste expelled into the atmosphere annually, the automobile contributes 95 million tons. These poisons include carbon monoxide, sulphur oxide, hydrocarbons, oxides of nitrogen, and lead particles. Add sunlight and other elements and you have smog.

Pollutants may alter the environment in such a way as to upset the delicate balance of the ecology which supports human life. Pollution kills valuable marine life, such as phytoplankton which floats on water and produces 70 percent of our oxygen in the cyclical ecological process.

Noise pollution affects the nervous system of living things, and has adverse physiological as well as psychological effects. The average city dweller lives in an environment that is twice to three times as noisy as his country cousin.

Overcrowding is a major cause of pollution. As more and more of our people live on less and less of our land, we find our cities packed, like sardines in cans. Our citizens live in crowded quarters, their waste products concentrated within or near the city. The factories which grow up to take advantage of the concentrated labor force further contaminate the urban area. In the process of the inevitable urban sprawl, open space vital for renewing oxygen in the air is eliminated. This literally denies urban dwellers "breathing room." Facilities have not and possibly cannot be built quickly enough to handle the problems created by concentration. Existing facilities and infrastructures are already taxed beyond their limits.

As sections of our country have grown at phenomenal rates, we have tended to abandon those areas which were exploited and could no longer support the economy with their natural resources. As a result, we find Appalachia depleted and scarred, the inner city abandoned to the physical decay of its buildings and the spiritual decay of its inhabitants, and large areas of rural America underutilized. In New York City alone, according to Mayor Lindsay, 500,000 occupied dwellings are unfit for occupancy, and 50 percent of all rental units are substandard. Our crowded ghetto areas have the highest crime and drug use rates of any in the country, which clearly indicates their social decay. We must look back at the deterioration of parts of our great land and assume the necessary responsibility to reverse that deterioration.

Before discussing the specific legislative proposals I intend to introduce, let me stress their importance in the context of a total ecological approach to everything we do relating to our environment. This includes our efforts to clean up the environment, and to right the wrongs we have perpetrated upon it in the past. We must consider all of the ecological ramificiations of every approach we take, for only in such a context do our comments have relevance.

We must also face the fact that technology may not be able to satisfactorily solve all of our pollution problems, and that we may actually have to curtail and even cease certain pollution-causing activities, at least until satisfactory solutions are found. In testimony before the Senate committee on Tuesday, the head of Consolidated Edison of New York asked this question: "How many more generating stations can the environment tolerate?" He answered his question by saying that Americans may have to cut back on the use of electrical power in order to preserve the environment.

A total ecological approach to pollution problems requires a rational, coordinated administrative effort. Much of our success in the space program has been due to the centralization of responsibility and authority in a single agency, NASA. The Environmental Quality Council established in recently passed legislation is a step in the right direction. However, we really need a more definitive realinement of Federal environmental activities under a single agency with power equal to the task assigned. At the moment, the environmental effort is spread out among 13 different committees of Congress, 90 Federal programs, over a dozen interagency committees, and over 2 dozen semi-government units.

In fact, with the President's budget cutbacks in space and defense, we must be careful not to lose the scientific problem-solving capability which already exists. We must carefully plan to redirect laboratories and technical capabilities to environmental problems. Unfortunately, some loss has already occurred in the name of economy. The present administration has completely dismantled the Radiological Defense Research Center in San Francisco, dissipating an impressive reservoir of scientific capabilities and expertise. We must take care to insure that the expertise existing in the high technology aerospace and defense industries is not lost. Rather, this problem-solving capability should be directed toward dealing with environmental pollution.

Only in the last 5 years has the Federal Government begun to deal with pollution through the enabling power of two major pieces of Federal legislation: The Federal Water Pollution Control Act of 1967 and the Air Pollution Prevention and Control Act of 1967. However, for a number of reasons governments at all levels have been unable to efficiently come to grips with the problem. Many times State and local governments lack the financial and manpower resources to enforce pollution standards. Quite often, too many agencies are involved. And more often than not, the law is confusing and unclear. But time is catching up with us. We need to do much more. We need to do so quickly. Today, I am introducing legislation which will help meet some of these needs.

I believe that every individual should be guaranteed the right to safe, healthful, productive and esthetically and culturally pleasing surroundings. It is axiomatic that no right can be effective unless there is an accompanying remedy aimed at insuring the owner of the right a means of defending it against infringement. At this time, a citizen's interest in a safe, healthful, productive, and esthetically and culturally pleasing environment is recognized by Federal law. However, a citizen has no means of vindicating his interest.

A measure I am introducing today would furnish the citizen with the ability to enforce his right in Federal court. In so doing, it recognizes the veracity of the assertion that a citizen's greatest civil right is his ability to sue in a court of law. Absent this right, all other rights are—at best—fragile because they exist only at the sufferance of those in power. Only when a citizen's right to vindicate his interest in a healthful environment is enshrined in law will that interest have any real meaning.

A second measure I am introducing deals with oil pollution. Two weeks ago, the Washington Post reported a major oil leak off Grand Isle, La. A 15-mile slick washed ashore, damaging beaches and destroying wildlife. Two coasts of the Nation have now been badly damaged by oil pollution.

On the west coast, the Santa Barbara Channel has been continually polluted since the major leak last year. The costs

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of cleaning the channel have been high. Recreational facilities have been made unusable. Uncounted numbers of wild animals have been killed. The ecology of the area has been so badly damaged, strong measures must be taken to bring about recovery.

I am introducing legislation today which would ban offshore oil drilling in the channel. The bill would require the Secretary of the Interior to withdraw all licenses and refund all fees or exchange present oil leases for others. Drilling would only be allowed to relieve the pressure that causes eruptions.

The administration made a serious mistake by allowing full-scale drilling to continue. Its consistent inability to act in the face of mounting evidence has been most frustrating. Since the administration has demonstrated its incapacity, Congress must act.

I am also introducing two amendments to the Air Quality Act of 1967. Both amendments deal with auto emission standards.

The first amendment authorizes the Secretary of Health, Education, and Welfare to issue auto emission standards for used cars. The Secretary will issue these standards when he issues standards for 1972 automobiles. The standards will apply to automobiles manufactured prior to 1968, the first year Federal standards became effective.

The second amendment requires the Secretary to issue Federal standards that are the same as California's requirements for emissions from new engines of 1975 cars.

California has just submitted to the Secretary of Health, Education, and Welfare stringent new auto emission standards for 1975 cars. These standards cut in half the noxious chemicals emitted from present car exhausts.

When we first passed the Air Quality Act in 1967, Congress recognized California had major problems and, therefore, permitted it to set higher standards. I think we should recognize that although California has been willing to take stronger action, air pollution is just as serious in other parts of the Nation. California has demonstrated that strong air pollution standards can work and it should not be too much to expect that Federal standards, by 1975, be uniform throughout the Nation and as strong as possible. California should insist upon its 1975 standards being adopted nationwide; if for no other reason than the number of out-of-State cars that come into the State each year.

In the first 6 months of 1969, 8 million tourists visited southern California. Almost 45 percent of these tourists came in by car. This represents almost 2 million out-of-State cars, vehicles with less stringent emission requirements, in southern California within a 6-month period. Although we do not yet have statistics for July and August, we do know these are the peak tourist months in southern California. We can safely estimate there are at least 1 to 2 million out-of-State cars in the greater Los-Angeles-Orange County area during these 2 months—which also happen to be the peak smog months.

It is absurd to continue to emasculate California's strong antipollution program. And that is exactly what happens when millions of vehicles with lower standards come into the State annually.

Congress last year took a strong stand in the area of water pollution. It appropriated $800 million for water treatment facilities, the full amount authorized in the legislation, and four times what the President requested. The President threatened not to spend the funds at first, but has wisely decided to spend the entire amount. He has also proposed a new $10 billion program. I am concerned however, that his proposals may be highly inflationary. He will ask the local communities to pay for at least 60 percent of the project cost of a treatment facility, which means that cities will have to float bonds to raise the needed capital. This will only increase the pressure on the extremely tight money market. Cities will have to further increase property taxes to pay the existing exorbitant interest rates, and these rates will only be forced higher by a potential $6 billion in bond flotations.

Progress in water pollution can be made quickly since we are dealing with such a tangible resource. Inflationary pressures may slow the President's program down. The other alternative is to redirect Federal funds into the battle.

The Federal Government should consider paying for at least 80 percent of the water pollution fight. Local governments, depending entirely on property taxes, simply do not have the necessary resources to pay for such high-cost financing.

Another question must be answered in regard to building water treatment facilities. The President plans to require only that secondary treatment facilities be built. But strong evidence argues in favor of building tertiary treatment facilities, even though they are somewhat more costly. Secondary treatment plants do not kill many kinds of viruses. They also produce byproducts which can eventually lead to the death of wildlife. It seems pennywise and pound foolish not to go directly to tertiary treatment plants.

My mail, as I am sure must be the case with many of my colleagues, is filled with requests from constituents asking what they can personally do to combat pollution. Preserving the environment is a cause that deserves more than armchair concern. Many who were active in the protests of the 1960's intend to make the environment the issue of the 1970's.

I believe political leaders should encourage citizens to make a personal commitment. In my district, a number of local citizen action groups have come into being. Students, as they did in the 1960's, are taking the lead. Fullerton Junior College students have already had a number of symposia on the relevant issues. These meetings have generated widespread interest and direct action programs are planned. Teach-ins are planned on all the major campuses in my area.

In Garden Grove, Calif., a group called Stamp Out Smog is proving itself to be an excellent instrument of citizen action. Not only are they getting the issues before the public, but they are facilitating information between concerned citizens and the maze of officialdom. Another group of local residents affiliated with the Comprehensive Health Plan Association of Orange County is studying ways to improve the area's immediate environment.

I suggest citizens interested in what they can do get directly in touch with local organizations such as the ones I mentioned above. I also suggest citizens continue to demand that preserving the environment be among those issues at the top of their legislator's agenda.

The job of righting our environmental wrongs will take many years and will require more than the building of bigger and better treatment plants or the replacement of the internal combustion engine. We must closely examine our values and our ethics and bring them in line with environmental reality if we are to restore ecological harmony. We must value air, water, and land as limited commodities and preserve them. We must realize our dependence upon the other forms of life with which we share the earth, and respect them. And finally, we have all the more reason to intensively study ourselves, in order to understand how we relate to our environment.

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, no more urgent need faces Congress than to provide better Federal assistance to help release the Nation's neighborhoods and communities from the grip of crime.

President Nixon's crime proposals may provide additional Federal aids for this fight. But already those proposals have stimulated great controversy. Even if and when they are enacted, time will be required to implement them. In the meantime, Americans will continue to fall victim to crime—much of it street crime—in ever-increasing numbers, fearing more than ever to walk in their parks, to go out after dark, or even to traverse the hallways of their apartment buildings.

With the urgency of this problem in mind, I feel that we must pay particularly careful attention to Federal crime control assistance programs already on the books. These programs will have the most immediate impact on the crime situation.

The Omnibus Crime Control and Safe Streets Act passed by Congress in 1968 established most of the crime control assistance programs currently in effect. The act provides funds to State and local agencies for planning and action against crime, administered by the Law Enforcement Assistance Administration within the Department of Justice.

The bill I am introducing today, with 16 cosponsors, would provide a 3-year authorization totaling $3 billion for these crime control assistance programs, and make other needed changes, particularly in the funding mechanisms. The overall purpose of this legislation is to insure that a great portion of available

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funds reach local areas where they are most needed—high-crime areas, mostly in our larger cities. This legislation was originally introduced on the Senate side by Senator Hartke.

I am delighted that the following colleagues have joined me as cosponsors of this bill: Edward P. Boland, Democrat of Massachusetts; Shirley Chisholm, Democrat of New York; Leonard Farbstein, Democrat of New York; Donald M. Fraser, Democrat of Minnesota; Seymour Halpern, Republican of New York; William D. Hathaway, Democrat of Maine; Henry Helstoski, Democrat of New Jersey; Edward I. Koch, Democrat of New York; William S. Moorhead, Democrat of Pennsylvania; Richard L. Ottinger, Democrat of New York; Adam Clayton Powell, Democrat of New York; Melvin Price, Democrat of Illinois; Robert A. Roe, Democrat of New Jersey; Benjamin S. Rosenthal, Democrat of New York; James H. Scheuer, Democrat of New York; and Morris K. Udall, Democrat of Arizona.

A number of other Members are introducing or plan to introduce identical legislation at my suggestion.

Mr. Speaker, several careful studies of LEAA programs have been conducted by various groups. These studies cite, first, severe underrepresentation of city officials, citizens—as opposed to law-enforcement professionals—and minority groups on planning panels; second, dissipation of funds to create unnecessary additional administrative layers; third, excessive influence on planning by "law-and-order advocates led by State police-type functionalists;" and fourth, a tendency to use funds simply to "do more of the same."

Under present law, 85 percent of LEAA's grant funds go to the States for redistribution. The remaining 15 percent are dispensed at the discretion of the LEAA officials. Forty percent of the funds allocated to the States for planning, and 75 percent of the funds for action grants, must be "passed through" to local units.

LEAA programs are the first to use a block-grant funding approach. There are those who categorically distrust and oppose block grants. I hold no such categorical views, though I find it unfortunate that we are experimenting with a new funding approach on such a vital set of programs. There is already evidence that LEAA programs are not directing adequate assistance funds to high-crime urban areas where they are most needed, as Congress intended. Based on the 1969 balance of planning and action funds, only 48 percent of total grant money allocated to the States was required to pass through to localities. And a preliminary survey of the States shows that only eight employ "incidence of crime" in given areas as a factor in distributing funds.

The bill we are introducing today would make several changes in the funding mechanisms of these programs to insure that more funds reach these high-crime areas. At the same time, it would retain much of the block-grant mechanism. Specifically, it would reduce to 50 percent the total funds going directly to the States for redistribution, leaving the remaining 50 percent eligible to be allocated directly to high-crime localities at the discretion of Federal officials. In addition, however, each State's block-grant allocation will be increased by 20 percent—from discretionary funds—if Federal officials find that the State is dealing adequately with its urban and high-crime areas. Another 20-percent increase in a State's block grant would be made where the State contributes at least 50 percent of the non-Federal share of costs for federally assisted local crime-control programs.

The legislation also provides for increased funds for crime prevention, including improved lighting of high-crime areas and other measures to lower opportunities for crime.

Finally, it would authorize $800 million for these programs in 1971—as compared to President Nixon's budget request for $480 million; $1 billion in 1972; and $1.2 billion in 1973. Such a 3-year authorization is needed to stimulate local planning efforts and better assure a long-term Federal commitment.

I am pleased to note that this bill has the support and endorsement of the National League of Cities and the U.S. Conference of Mayors. Those organizations share my concern with the problem of crime on the streets, and my belief that the changes in crime control assistance under the Safe Streets Act proposed by this legislation will do a great deal to get adequate, useful Federal assistance to local officials.

We simply cannot afford to waste scarce crime-control assistance resources on excess administrative baggage and unnecessary law-enforcement hardware for police in areas where crime is a much less serious problem than it is in most urban neighborhoods. We have to put this money in the hands of the men on the front lines of the fight against crime in the streets—the men who come in daily contact with the narcotics addicts and others who are responsible for the burgeoning crime rate. These men, for the most part, are the men on the beat in our big cities.

NIXON HAS ISSUED STRONG CHALLENGE

(Mr. CHAMBERLAIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, the President's address was a refreshing departure from the usual state of the Union messages—both in its tone and in its vision.

It seemed to have a special character flowing from a conviction that the problems facing our country are not essentially those of quantity and dollars, but of quality and moral values. It was not a political scorecard nor a long shopping list for election year spending, but rather a blueprint for the seventies seeking to inspire our citizens in the traditional American spirit for a better quality of life.

Mr. Speaker, the President's message has been very well received in Michigan's Sixth Congressional District as is indicated by editorials appearing in the State Journal of Lansing on January 23, 1970, and in the Jackson Citizen Patriot, January 25, and I insert them in the Record for the wider distribution that their views deserve:

[From the Lansing (Mich.) State Journal, Jan. 23, 1970]

NIXON HAS ISSUED STRONG CHALLENGE

President Nixon's State of the Union address Thursday could well go down in the record books as one of the sharpest and most effective presentations of its kind in many years.

It was relatively brief, concise and hit directly at the major issues facing this nation in the immediate future and the new decade of the seventies. Though there were few specifics, the President gave strong general guidelines on what he thinks should be done and called upon the Congress and Americans of all groups and ages to join forces in this effort.

In one major part of his talk he called for an immediate and all out fight against air and water pollution and said he will propose to Congress "the most comprehensive and costly program" in this field in the nation's history, starting with a $10-billion clean waters program to put modern municipal waste treatment plants "in every place in America where they are needed." At the same time he called for massive efforts to combat air pollution at all levels and development of new non-pollutant type automobile engines.

The chief executive placed heavy emphasis on the fight against crime and said he would double his request for federal aid to law enforcement in 1971. He pledged a continued fight against inflation and appealed for help from Congress through tighter spending policies.

On the inflation issue the President made a particularly important point when he noted that "it is tempting to blame someone else for inflation," including business and labor unions. But he said a review of federal spendin the last 10 years shows that the government spent $57 billion more than it took in in taxes and the American people paid the bill for that deficit.

In turn the President called for reform of the institutions of government and reversing the flow of power from Washington "back to the states and the people."

He urged new programs to rebuild decaying inner cities and also to provide a new rural environment to stem the migration to urban areas and thus give the cities a chance to start on the road to recovery.

The President also again stressed the overdue need for total reform of our welfare system which he said "penalizes work, breaks up homes and robs recipients of dignity," and urged action on his welfare reform proposal which was presented to Congress last year.

In a most significant portion of his talk, Mr. Nixon, calling for a decade without war, stressed again that his foreign policy will be one promoting peace and a complete revision of outdated approaches which have dominated U.S. foreign policy since World War II. The President clearly was reinforcing his Guam proposal of lowering American commitments on a worldwide basis and calling upon other nations to take a greater load in handling their own defense problems.

As one newsman noted, the President has seized the initiative on virtually all the major issues facing the nation, outlining goals and calling for action. Many of his proposals on various domestic issues are now before Congress awaiting action. The President has promised he will present many more this year.

No one can predict with certainty how a Democratically controlled Congress will react to the Republican President's appeals in this election year. But Mr. Nixon has presented a courageous and bold message on the needs of the nation.

[From the Jackson (Mich.) Citizen Patriot, Jan. 25, 1970]

Nixon Message Good if Action Follows

In his first formal State of the Union Message President Richard M. Nixon said most of the proper and expected things with respect to the nation's hopes for peace, for an improved environment, for control of crime and for the end to what he calls putting good money into bad programs.

The timing of the political processes is kind to a new President in that it gives him a year in office before he is required to report on the state of the nation—and to submit a budget of his own design. Thus does he speaks against a background of experience in his job. By the same token, his listeners in the Congress and among the people have the background of his performance to better judge his words.

It must be said that the Nixon message contains no major surprises and no extravagant promises of actions or slogans which may, or may not, be translated into effective policy and action.

The aspects of the message dealing with the Vietnam war caused hardly a ripple. For the time being what President Nixon is doing with respect to that wearisome conflict is being accepted by a majority of the people. The advocates of a "get out now" policy still are heard, but the President's moves have deprived his critics of a burning issue—at least for the present. If his plans go awry he may well expect the Vietnam roof to fall in. Obviously he is conscious of the risk.

In his dramatic call for an improvement of the environment Mr. Nixon is riding a popular issue. This is one which is receiving attention on every hand. It looms large, for example, in Gov. William G. Milliken's programs for Michigan in 1970.

The ancient tale about the revolutionary who said, "There go the people. I am their leader. I must follow them," may apply to the President, to the governor and other persons in high places who have become conscious of what man is doing to his environment.

A certain irony is present in Mr. Nixon's promise to attempt to mobilize federal funds in the fight against pollution.

The promises have been made before. Much federal law dealing with clean water already is on the books. The effectiveness of the federal program, however, has been lessened by the failure of this and past administrations and the Congress to provide the appropriations to fund the programs.

States and local communities which have counted on federal help in financing sewage treatment plants and sewer system and other pollution control devices have been disappointed when they looked to Washington for the federal share of the money.

Much hypocrisy is to be found in the discussions of damage to the environment and efforts to curb it. Everyone admits that the problems exist. They are not so quick to agree on who or what is to blame or who is to pay the huge cost of making things right with nature.

The man who berates industry for polluting streams or the air may have a defective septic tank in his own backyard and may be fighting any effort to make him pay his share of the bill for installing a proper sewer system.

This same man may cheer Ralph Nader for his appropriate remarks about the failure of the automobile industry to get on with the job of curbing noxious emissions from internal combustion engines, but may burn trash or leaves on his own property, or litter a beach or a roadside with bottles and other debris.

Still, the proposition that the 1970s is the decade of decision with respect to the environment must be considered valid. While the dire facts of pollution long have been known to the environmental scientists the great awakening among the people only now is taking place. The facts of the population explosion and the problems it brings finally are being recognized. It is only proper that the President of the United States and the governors of the several states sound the call to battle and provide the leadership in dealing with man's own threat to his existence.

His natural enemies largely have been conquered. Remaining is only man's worst enemy—himself.

In his recommendations in the area of crime control the President again may be following the people he leads. The crime issue loomed large in the political campaign which put Mr. Nixon in the White House.

The Congress was singularly reluctant to act on crime prevention bills in the 1969 session, a fact which the President emphasized in his address. Even with the pressure he hopes to put on Congress in search of action and the widespread concern among the people, positive action on anti-crime measures cannot be taken for granted.

The issue is so deeply involved in politics and bold moves are so certain to bump into fears that the cure will be worse than the disease that interminable debates on crime measures can be anticipated.

As in the case of the damage to the environment the threat of crime has reached such proportions that something has to be done. Richard Nixon said as much. The people will agree.

They also will buy his premise that far too many social and economic programs which have the noble purpose of improving American life (and thus attacking the crime problem at its roots) simply have proved to be misconceived, misdirected and almost totally ineffective. The classic assumptions with respect to the cures for social ills have to be re-examined because they have been found to be in error.

The failures of the past in the areas of welfare and social progress have been compounded because the answer to a given worsening situation has been to provide only more of the same kind of cure.

Social concepts and programs generate their own momentum. Turning them aside to make a new approach possible is extremely difficult. Not the least of the reasons is the stake that a massive bureaucracy acquires in perpetuating a given function, no matter how useless it may appear to be.

The President, however, has pledged to try new approaches and new ideas in the welfare system which has undergone little change in the past 30 years. The people can only hope that he succeeds.

The President touched many other bases in his State of the Union message. Being a political figure he put the best face possible on his first year's performance and outlined what he deems to be proper courses of action.

The message was notable, perhaps, for the avoidance of promises impossible to carry out. It was in keeping with his "low profile," "easy does it," "let's work together" approach which he has tried to make the hallmark of his administration.

To praise his words is easy. Performance rather than rhetoric, however, is the basis on which the people must judge their President.

His message can best be judged from the vantage point of this date in 1971.

CALLING ALL PHYSICIANS

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDGREBE. Mr. Speaker, most of us are well aware of our Nation's critical shortage of physicians. Nowhere is this crisis more acute than in our Nation's rural areas.

Today, I would like to call the attention of my distinguished colleagues and, through the medium of the Congressional Record, the physicians of America, to the plight of one rural community which desperately needs a doctor.

The town of Wolcott, Ind., needs a physician. Its community leaders have been involved in an imaginative and vigorous campaign to lure a doctor to Wolcott for over a year. They even pulled a banner, reading "Wolcott Needs a Doctor," behind an airplane flying over last year's Purdue-Indiana football game. Another such banner flies over the main street of town, but to no avail.

Mr. Speaker, we must address ourselves to this problem, for Wolcott in my district is not alone in this dilemma. We must search for ways to encourage more young men and women to enter the medical profession.

But this is a long-term solution, and Wolcott needs a doctor now. While perhaps most young doctors are lured by the bright lights of the big cities, surely there is someone reading these remarks in the Record who would be interested in an old-fashioned family practice in a small but prosperous community.

Wolcott really has many attractions for the young physician or anyone else, for that matter. The town is small, with a population of 900 to 1,000 and the surrounding area has another 1,500 to 2,000 residents, but this total of 2,500 to 3,000 persons is a very sizable practice.

There are several excellent hospitals located within a 35-mile radius, including two major hospitals in the city of Lafayette, as well as three others in Rensselaer, Monticello, and Brook. Here a young doctor can meet and exchange ideas with many colleagues.

There are several nurses available in Wolcott to assist any doctor who comes to town. The community health organization has even rented a former doctor's office and is willing to remodel and furnish it.

In addition to its attractions to the medical profession, Wolcott offers the best of several worlds to just about anybody as a place to live. Its rural setting means cleaner air and almost no crime, as well as a more convenient and relaxed way of life.

But besides the benefits that would be offered by most rural towns, Wolcott can also list two major cities, a large university, a small college, and even a lake resort.

It is a 2-hour drive to either Chicago or Indianapolis from Wolcott, so a weekend in the city for shopping or entertainment is easily realized, without the many headaches of actually having to live there.

Purdue University, the birthplace of astronauts, is located less than 30 miles away in Lafayette. And St. Joseph's College, an excellent small school, is even closer in Rensselaer. Both schools make

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many social and academic activities available to the community and also attract name talent to many muscial and dramatic presentations.

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Any physician interested in practicing in Wolcott can obtain more information by writing to the chairman of the Wolcott Health Organization—Mr. Robert Nordyke, Wolcott, Ind. 47995.

OIL IMPORT CONTROLS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. WAGGONNER. Mr. Speaker, in December of last year, I wrote the President of my deep concern about the persistent reports indicating that his Task Force on Oil Import Control was about to propose radical changes in this vital program. The President kindly acknowledged my letter and promised to give my views on this important subject every consideration.

I fear that the passage of 2 months has not allayed my concern over the recommendations of this committee. Because the prosperity of this industry is of concern to all Americans, because the very defense of this Nation is involved, I would like to make this letter available to every Member and urge them to be alert to what may be forthcoming.

At the same time, I would like to add here in the RECORD a statement made by Mr. F. D. Lortscher, president of Signal Oil & Gas Co., which appeared in the Oil Daily of February 2. He calls attention to what I sincerely believe is an alarming situation.

The above-mentioned material follows:

DECEMBER 11, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The undersigned wish to take this means of expressing to you our deep concern about the persistent reports indicating that the Cabinet Task Force on Oil Import Control may propose radical changes in the oil import program. Most disturbing are reports that the present level of imports will be increased and that this action is to be taken for the purpose of forcing a reduction in the price of crude oil.

It is our firm conviction that an increase in the present level of imports would seriously jeopardize our national security and constitute a disservice to the consumers of both oil and natural gas. In this regard, the following considerations appear to us to be conclusively persuasive.

1. Imports of crude oil and refined products now equal more than one-third of total U.S. crude oil production. This already is a dangerous dependency, and under no circumstances should it be increased. For example, during the Middle East crisis of 1967, we were barely able to meet the emergency requirements for domestic oil, even for a short duration. Since that time, our petroleum reserve position has deteriorated. Last year, for the first time in our history, crude oil producing capacity declined. In contrast, authoritative forecasts show that our requirements by 1980 will be some 30 percent greater than at present.

2. The Eastern States, including Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, Virginia, Maryland, North Carolina, South Carolina, Georgia, and Florida, are now dependent on foreign source petroleum for 40 percent of their requirements. Any further dependence of this important industrial area on uncertain foreign sources, which experience has indicated would be cut off in time of emergency, could result in critical shortages because domestic supplies and transportation facilities would no longer be available.

3. We already face a most critical natural gas supply problem. The Federal Power Commission and also officials in the Department of the Interior recently have publicly recognized the seriousness of the natural gas supply problem and have called for immediate remedial actions. Increased imports of oil would discourage and further depress the search for new gas fields and new oil fields—an inseparable activity.

4. All forms of energy are essential to national security. Increased oil imports adversely affect not only domestic supplies of oil and natural gas but also of coal and synthetics such as shale oil.

5. The use of low-cost imported oil appears at first glance to be attractive, and it might very well be so for the short term. But, to do so would put the Nation in a very vulnerable position for the long term. During the 1967 Middle East crisis, we were the victims of an embargo. It is obvious from previous experience that foreign oil will be cheap only so long as we are not dependent upon it for our needs and security.

6. There have been claims made that the present Mandatory Oil Import Program costs consumers billions of dollars annually. These claims are totally misleading because they are based upon the fallacious assumption that Middle East oil will remain cheap even after we are dependent upon it. Furthermore, these claims disregard the losses to our economy that would result from dismantling the domestic industry which generates billions of dollars annually in revenues to the economy and tax revenues throughout more than half our States which produce oil and gas.

7. Oil imports now constitute the largest commodity deficit item in our balance of trade, totaling $2.6 billion annually. If the import level is increased, the serious balance of payments problem will be further aggravated.

8. The petroleum industry now markets more Btu's in the form of natural gas than in the form of liquid petroleum. The combined wellhead price of these two products on a crude oil equivalent basis, is less than $1.90 per barrel. This is lower than the cost of imported oil or natural gas from any source of the world.

9. In 1957–59, the combined weighted wholesale price of the four principal petroleum products was $3.99 a barrel. In the latest month, September 1969, these weighted product prices averaged $3.90. Prices of petroleum are, therefore, lower today than in the 1957–59 price, while the wholesale price level for all commodities is up almost 14 percent. If price behavior of all other industries had been as favorable as the oil industry, there would be no problem of inflation today.

10. Recent discoveries in Alaska have been cited by some as providing security of supplies for the future. We think prudence requires caution as to (1) these preliminary but optimistic estimates of reserves and (2) the cost to consumers in the other 49 states. Furthermore, it should be kept in mind that our requirements are growing at a rapid rate; for example, during the past 10 years we found about 35 billion barrels of oil whereas during the next decade if we are to remain secure we must find about 60 billion barrels.

We are also very much concerned about the impact increased imports would have upon the economy of the oil producing states. The cost to the total U.S. economy would aggregate billions of dollars annually through reductions in state and local tax revenues; lower bonuses and rentals from Federal and state lands; losses in employment; and decreases in purchases of equipment, supplies and services from allied industries.

We wish to urge with all the persuasion and force at our command that in our opinion the Nation's security will be dangerously impaired if the level of imports is increased. We direct your attention particularly to the uncertain conditions in Libya and the Middle East which serve to remind us of the folly of becoming dependent upon these sources. In addition, we are firmly convinced that increased imports would bring about serious economic problems, including what we believe would be a crippling impact upon the already serious balance of payments problem.

Respectfully,

F. EDWARD HÉBERT.
HALE BOGGS.
OTTO E. PASSMAN.
JOE D. WAGGONNER, Jr.
SPEEDY O. LONG.
EDWIN W. EDWARDS.
JOHN R. RARICK.
PATRICK T. CAFFERY.

STATEMENT BY F. D. LORTSCHER

The first thing to do when you're looking for an answer to a problem is to appoint a committee, a task force. That's just what we did. Of course you have to choose people who will look at the problem objectively.

Our Number 1 choice was Jesse who, among other duties, serves coffee to Signal's executives. Then Louise, our chief cook. Next we picked Pete, who runs our parking lot. We added Earl, he's in charge of building security. We had no choice but to use Grant who washes the windows and Pat who changes light bulbs. Of course, the committee needed Henry, our gardener. Finally, as Executive Director of the Task Force we appointed our friendly cafeteria cashier, Margaret.

We wanted people with no direct involvement in the issues to be weighed so they could remain detached.

There has been no official report from the Task Force yet, but there have been a couple of leaks from reliable sources. Several committee members are said to be recommending that oil companies give their products away, that additional profits are not necessary since all money is made through tax loopholes.

Another leak says they will recommend the closing of service stations in certain beach cities on the West Coast until the people in those towns can get back on their feet again.

There will be a reported demand from one member for an end to controls on Spanish Onions which he allegedly enjoys so much on his chili con carne. He believes that oil interests in Spain are behind an embargo.

Scores of company engineers, geologists and economists have testified before the committee, but it is said that their comments have been dismissed by five of the seven members. As one reportedly said, "I never thought much of the company anyway. I think the government should run all busi-

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nesses. This is a good time to help me get my way."

Does what you've read so far sound incredible? Well, it is not as way out as it might seem. In fact it's quite similar to what's happening to the oil industry today. We must add here not to Signal Oil and Gas Company. That committee wasn't for real, but those people sure are, and they do a lot more on their jobs than the things we mentioned. If we didn't know them as well as we do and think as much of them as we do we wouldn't be able to kid them as we did.

But the point is, and we're sure those folks we mentioned understand, they have not had practical experience in the business end of petroleum. We think when you want an answer to a question you go to someone who knows the subject.

Recently, President Nixon appointed a Cabinet Task Force on Oil Import Controls to look into the quota system, to make recommendations to him. This was all well and good. In fact, it was the American Petroleum Institute representing our industry who had asked the President to look into the matter!!! They wanted him to have a serious review undertaken on the system!

These are the men whose background gave them their "insight" into the problems in the field of petroleum. As Executive Director there was a professor from Harvard Law School. We always wondered how really interested he was in the "problem" as several times he indicated that he couldn't wait to get back to teaching.

The Task Force Chairman's background included an education at Princeton and a career steeped in Industrial Relations. Other members of the committee had the following professional backgrounds: a lawyer who studied at Colgate; an accountant who studied at Columbia; a banker who went to Rutgers; a Brigadier General who learned his economics at Oxford; a gentleman who succeeded his father when he died as a state senator and has been in politics ever since; and a man who quit school to go out and make a fortune in real estate and construction.

We do not mean to knock any of the backgrounds of these men. There's not a thing in the world wrong with them. They are all fine men, indeed all but one is a member of th President's Cabinet. But we do question their interest in petroleum and their understanding of its role in our country's and the free world's defense. Several had the reputation for being anti-oil to begin with.

We don't say they went in with their minds made up, but this Task Force certainly approached its work from a strange point of view. It openly hunted out ways to relax import controls. It was harsh in its language towards what it called "high domestic oil prices" and "its heavy costs to the nation." Yet this is the group that should in all fairness hand the President an accurate, balanced report with equitable and workable recommendations on which to base the nation's oil policy.

How is this report being put together? Our Harvard law professor, who knows nothing about the industry, put together a staff. The staff's knowledge of oil economics is limited to what they have read about the industry, mainly what academic critics have written on the basis of pure theory without any practical experience.

Since his staff is biased toward free trade and biased against the oil industry, it puts the industry in a fairly hopeless position. Sure papers were submitted to the staff, but the key cabinet members did not have time to read them. So the staff summarized the industry papers and passed summaries to the Task Force slanted to their own bias. We can't expect the Task Force to go back and read tons of original papers so they will probably do what the staff recommends.

Vice President Agnew recently criticized the networks for what he said was the granting of preferential treatment to the politically Liberal point of view. It has certainly been true with the petroleum industry with Democratic Sens. Ted Kennedy of Massachusetts, Edumud Muskie of Maine, William Proxmire of Wisconsin and John Pastore of Rhode Island as leading members of our vocal critics. Their faces and voices have constantly come into the nation's living rooms. We can remember Senator Pastore shouting, "The (oil import) system reeks and is ripe for change. The industry should know that this is a time for consumer revolt!"

Consumer revolt? Against an industry which has continually produced a superior product at no increase in consumer prices? Against an industry which has contributed so much to bettering our standard of living? Someone's got to be kidding! If you don't count the taxes put on gasoline, it costs five cents a gallon less than it did 45 years ago! We would be interested in learning of any other major industry which can match that record. (By the way, those taxes on motor fuel generate revenue at the rate of one million dollars an hour! The total for 1969 was around $9 billion more than the revenue derived from any other commodity in this country!)

Five cents a gallon less . . . how does that compare with other prices and costs these days? Like, for instance, salaries of Senators. They recently voted themselves a raise in pay from $30,000 to $42,500 a year!!! That's more than a 41 percent increase. And what was it they said about inflation? About keeping wage increases to something like six percent? It seems their motto is "do as we say, not as we do." Yes, let's have a consumer revolt, but let's be fair and not cloud the issues with propaganda against just the petroleum industry, an industry which has contributed a great deal to the American way of life.

It's been said the oil industry is privileged, that it is, in essence, getting a government subsidy through oil import controls. That is not true but even if it were, how do we explain the fact that our government subsidized farmers to the tune of $233 million last year? And that $233 million was only the amount going to farmers who got payments of more than $25,000 each!!! We haven't even included the "small" farmers.

We hear constant senatorial speeches about the nation's poor who have to go to bed at night hungry. Then why are we paying out these hundreds of millions of dollars to farmers not to plant crops? Why do we order tons of food thrown away each year? If the government really wants to help the people, why not knock out supports on every commodity. The facts are that most petroleum product prices are not more, but less than they were 45 years ago, with import controls which have contributed to the vitality of all branches of the petroleum industry.

It's time the oil industry fought back. The old image of the millionaire with money sticking out of his pockets, wearing a ten-gallon hat, standing by his oil wells went out of style 30 years ago, just as did the image of the railroad tycoon. But it is still being used by politicians who seemingly hope for government controls of business and prices. They seem to think this image makes good copy. The fact that it is not true today doesn't bother them one iota. It's not how you play the game as long as you win. The fact that petroleum companies had an average return on net worth for the past ten years less than that of all manufacturing companies doesn't seem to enter into the picture at all. Profits in petroleum are not excessive. In fact, they are under most other major industries.

Instead of passing on higher costs to consumers, they have been absorbed by the oil companies. How many other industries today can make that statement? Like we said, it's time we shouted back. The President can afford to keep a "soft voice." His job is not at stake. Thousands of men and women in the oil industry don't have that same assurance. If the people of this nation were presented the facts, they'd be able to see through this political smokescreen.

The subject is immense, but we shall be as brief as possible, at least try to cover the major points on why we have an Oil Import Control Program and what will happen if it is tossed out. And one of the latest "leaks" is that the recommendation of the Presidential Task Force will be to scuttle it, to desert the ship, to let it sink. Before we drown let's look at what's happened.

Not too long after World War II, crude from the rich oil fields of South America and the Middle East began to come into the United States. It was a small amount at first, then with the jumbo tankers it really started to "pour" in.

The government and most of the petroleum industry were concerned. It wouldn't be long before these unlimited low-cost imports would economically force closure of two-thirds of the oil wells in the United States. Once they were shut-in, it would be impossible to return most of them to production. The result would be that at least one-third of America's crude oil reserves could be lost forever.

There was an even greater problem: the effect on the nation's security. Security is something we Americans think is worth keeping and fighting for. If the United States were to become dependent on foreign crude—as England, France, Germany and Japan are—this country could become vulnerable in many ways, in peace or war.

In July, 1954, President Eisenhower established an Advisory Committee on Energy Supplies and Resources which recommended that in the interest of national defense and to insure "orderly industrial growth," imports of crude oil and petroleum products be limited to a fixed proportion of domestic crude oil production.

Three-fourths of the energy that powers and lubricates American industry came from petroleum hydrocarbons. Armies, navies, and industry succeed depending on the availability of oil. The threat to national security was obvious.

Then came the 1956 Suez Crisis. The canal was blocked cutting off supplies of vital petroleum. Overnight, Europe was thrown into panic. Only by a fantastic effort was the U.S. oil industry able to supply the oil and prevent even wilder military adventures from taking place in the Middle East.

Subsequent Congressional investigations, hearings by the Office of Defense Mobilization and study by the President's "Special Cabinet Committee To Investigate Crude Oil Imports" prompted the President in July, 1957, to establish a program of voluntary controls on the level of crude oil imports.

The Suez Crisis was an eye opener for a lot of people. It added weight to a growing problem. In February, 1959, the Director of the Office of Civil and Defense Mobilization advised the President that the level of oil imports was still adversely affecting domestic exploration and development, and therefore, threatening to impair the national security. As a result, President Eisenhower issued a Presidential Proclamation on March 10, 1959, establishing the Mandatory Oil Import Control Program.

That policy has been in effect to this day. It "limits oil imports to whatever amount is required to supplement domestic production, and still be able to foster growth of a strong domestic oil industry, capable of exploring for and developing new domestic reserves." Of our total supply today, about 22 percent is imported crude and products, mostly going to the East Coast.

Certainly the program gets more complicated than this, but a policy of controls has enabled our nation to promote a strong viable domestic oil industry and has, thereby, avoided dependency on foreign oil supply. Under this policy the United States is flexible and can balance its requirements between domestic and foreign sources in order to maintain a viable domestic petroleum industry.

No other major industrial nation in the free world has this option. Only Russia has it in the Communist world. To determine whether or not the U.S. policy is correct, we need only ask ourselves what England and France or Germany or Japan would do if nature had given them this option. (It is interesting to note that Australia, which also has the option of choosing between domestic and foreign supplies, has adopted a control program very similar to that of the U.S.)

During the Kennedy-Johnson years, political tampering began in the administration of the oil import program. Special exemptions made the program a political football hurting the industry as a whole. This is why the majority of members of the petroleum industry went to the President and asked him to move the program administration back to the President, to study the problems so as to return the program back to what it was intended to be. The industry did not expect the President to turn the problem over to a group of men with no practical experience in the oil industry, to a group who had in the past spoken out openly against the petroleum industry. According to the Task Force "leaks" some of them would like to "cut out the entire control program!" Isn't that smart? You have a sore on one of your toes, so you cut off your foot? It makes about as much sense!!!

While no single overseas producing country has a big enough share of total reserves to dominate the international world market, groups of oil producing countries with common interests do have large enough shares. In fact, it is the openly avowed aim of the members of the Organization of Petroleum Exporting Countries (Saudi Arabia, Kuwait, Iraq, Iran, Libya, Qatar, Abu Dhabi, Venezuela and Indonesia) to control the export market for crude oil. The main reason the control of market prices is yet to be achieved is that, so far, no individual country has been willing to give up producing income for the sake of the others. But without a strong U.S. petroleum industry to counter the potential market power of the OPEC group, it could in time act as a monopolistic entity at the expense of the consuming countries. This would include the entire free world and even the United States to a degree that we were overly dependent on oil from OPEC members to power our own economy. It is naive to think Mideast oil will remain cheap for very long. Then, of course, a move could be made by petroleum critics to nationalize the industry which may be what they wanted all along.

Some critics of oil shout, "You don't have to rely on oil from the Middle East. You can get it from Venezuela. It's the largest producer, with 17 percent of free world production, outside of North America. True, critics, but for how long? Venezuela has 4 percent of the world's reserves. The Middle East and North Africa have 86 percent! And shipments from both areas have been interrupted eight times since World War II.

Suppose the oil import control is abolished. What will happen? Any immediate savings to consumers would be wiped out in a few years by price increases. Once the U.S. became dependent on foreign sources, how long would prices stay low? If you have a monopoly do you keep prices as low as you can? That wouldn't make sense in today's economic world. At least not according to what those nations have planned!

By the early 1970's the United States could be dependent on foreign oil for 50 percent of its supply! . . . while the Soviet Union's naval force continues to sit in the Mediterranean, continues to rearm Egyptian forces . . . yes, it makes a lot of sense for us to become dependent on the Middle East for our oil. We'd better wake up to the fact that if we cannot produce a substantial part of our own we're going to be in trouble!!!

Elimination of controls would cause domestic production to be seven million barrals per day lower in 1985 than production anticipated with a continuation of import controls.

Without controls, the number of wells drilled in search for new oil and gas supplies would be reduced by 85 percent or approximately 4,500 wells annually in the 1970–1985 period! Development wells would be cut by 50 percent or approximately 8,000 wells per year!!! The tax reform bill removed some risk-taking incentive. It would be ridiculous to pile drastic changes in our imports policy on top of this.

Elimination of controls would result in the premature abandonment of 185,000 small wells, representing 60 percent of the active wells in the U.S. in the early 1980's. Total completion would be off from 485,000 to 190,000. Expenditures for development drilling would be off by $1.1 billion for 1976–1980. Discoveries after 1971 would become insignificant.

Without controls, it will worsen the country's balance of payments problems. The dollar outflow for oil would more than double by 1970 to nearly $4 billion. The country's total deficit in balance of payments is now $9.5 billion per year. And inflation, no matter what the Congress does, will grow even worse!

Without controls, the economies of oil producing states would be severely crippled. Labor forces would be cut—amounting to the elimination of as many as 165,000 workers—earnings would be off by $1,650,000,000.

Without controls, future domestic oil reserves would be 55 percent below current projections by the year 1985.

Domestic crude prices might be cut by $.80 to $1.00 per barrel and U.S. crude oil producing capacity could drop by at least 8 percent per year. Lease bonuses to the various government bodies would be off drastically. So would the billions in taxes now paid to the government. Who's going to pick up the slack? The public. But who will care? They might save a penny or two a gallon on gasoline, but have their total tax bill upped many times their possible savings on gasoline purchases!

There's a side effect, too, a very important one. Natural gas supplies would be severely cut with a reduction in domestic exploration and drilling. Most gas is found while looking for oil. The cost of natural gas to consumers will go up and up and up and up! That's not a threat, it's a fact of life.

Since 1954 the Federal Power Commission has regulated the price of natural gas. The petroleum industry tried in every way to demonstrate that these regulations would work against the American people, not for them, that controls would limit new supplies.

But the FPC members had no practical background in the petroleum industry. They lacked knowledge, they lacked understanding, a situation very similar to what's happening today with the Oil Imports Task Force.

So, today, there is a shortage of natural gas. There will be some cold feet this winter because of the lack of foresight by a group of men who wouldn't listen to the petroleum industry's side to things. True, men on the FPC today say poor judgment was used in the past, but they may not be in time. There's a big time lag between discovery and delivery and lots of cold feet in between.

The American public can thank a former government "task force" for this. The question is will the American public allow another task force to make even greater mistakes today with the oil imports program?

Sure the oil import control program has problems. The industry was the first to point that out. Certainly we ought to take a long hard look at the inequities that have developed. But let's not cut out the whole program because the last Secretary of the Interior "goofed." A firm decision should be made to phase out of the program those elements of favoritism which have allowed to creep in.

It is said a tariff system will be recommended to replace the quotas. Many inland refineries would be legislated out of business under such a system. True, it would bring in revenues to the government at first, but this must be weighed against job losses, price increases to consumers as inland refineries are eliminated, and in addition any revenues gained by the Treasury through tariff would undoubtedly be offset by revenue losses from federal lease sales and from losses in federal taxes paid by both coal and oil. (Yes, even the coal industry realizes full well that flooding the country with cheap foreign oil will render it less competitive.)

It's amazing though, the beating the oil industry has been taking recently. When we spoke of fighting back, we meant fighting in order to save one of the greatest industries in the world—not only in this current attack, but against future ones as well. The political destroyers will be there, believe us. They won't stop until they have either completely crippled the petroleum industry, or maybe nationalized it.

If the oil business goes on the rocks and our nation's defense is immobilized for lack of fuel, it won't take the public long to decide who put it there—not if the petroleum industry does its public relations job well. Above all we must not forget the matter of security. Certainly we recognize that the men on the Task Force are intelligent and dedicated, that they have developed data to support change. What we do question is their complete lack of practical knowledge and understanding of the petroleum industry. We simply point out that uncertainties exist. National security is too vital to have policy based on uncertainties.

The administration of the Oil Import Program should be moved as rapidly as possible toward an objective basis, fully justified by the requirements of national security. The key issue in this whole debate is the relationship that exists between dependable petroleum supplies and the economic and military security of this nation.

Elimination of import controls means dependence on foreign oil—and dependence on foreign oil will make America insecure. When the last word has been spoken, this is what we must remember.

We are optimistic about the survival of the oil industry should it just be given an even break by our national government. The oil industry needs an identifying symbol, similar to Reddy Kilowatt of the electric industry. We need a symbol that would be used by all of the oil companies—to help the man on the go realize what allows him to get there!

Our industry should work with various government bodies to formulate programs designed to end pollution. And these programs should make sense.

Our industry should also try to make some sense out of our marketing practices. We think the public feels they're often being used and misled.

Above all, the oil industry needs to unite in a strong and positive public relations campaign. We've got to go on the offensive. We've got to stop allowing ourselves to be put on the defensive all of the time. We're the only major industry which constantly finds itself in that position.

There's too much at stake, and we're not just talking about the companies that are

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involved. We're talking about our country. This is our country, yours and mine. If we allow the very basics on which this country was born, to be destroyed, we might as well say goodbye to tomorrow. It sure won't be worth much.

But we've got a chance. It will take all of us pulling together, but the opportunity is there. We've got to make it work. Given half a break, we will, as we always have.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON THE DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for fiscal 1970.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BOW. Mr. Speaker, reserving the right to object, I should like to say to the gentleman that the committee has not reached complete agreement on this and I am wondering if asking for permission to bring a bill in now is not somewhat premature. It may be that we should wait until there is agreement on the bill in the subcommittee, as well as the full committee, before asking for this unanimous consent.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. It is true, as the gentleman from Ohio says, that we have no firm agreement as of this minute and we, actually, have no bill.

However, it is my hope, as the gentleman from Ohio knows, that we will meet at 2 o'clock and I was very much of the opinion and impression at noon today that at this meeting at 2 o'clock or shortly thereafter we will have some bill.

Mr. BOW. Well, I would say to the gentleman from Pennsylvania, it would seem to me that from the discussions we have had in committee we may not be as close to agreement as the gentleman thinks.

We are also faced with this situation: I would ask the gentleman to consider that the minority may want to file minority views, and it will take time to prepare these minority views.

I therefore ask the gentleman if he would consider deferring this unanimous-consent request and not ask for it at this time.

Mr. MAHON. Mr. Speaker, will the gentleman from Ohio yield?

Mr. BOW. Yes, I yield.

Mr. MAHON. I think it ought to be said that there was an agreement in the subcommittee this morning that we would probably be able to reach a decision as to the content of the new Labor-HEW bill at the meeting at 2 o'clock today. It is on this account that we are now asking for permission until midnight tomorrow night to file a privileged report on the bill.

Mr. BOW. I say to the gentleman that I think there may have been agreement among the majority, but I believe the gentleman will agree with me that the minority were not as certain that we would reach agreement on the bill today. There is still the consideration of language that will have to be perfected.

Again, I say that a minority report will have to be filed. I would hope that I do not have to object to this unanimous-consent request and that the gentleman from Pennsylvania would make this request for a later date.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. BOW. Yes, indeed.

Mr. MAHON. Well, is it the gentleman's proposal or suggestion that we abandon the plan to bring the bill before the House on Monday or Tuesday of next week and postpone consideration thereof until Monday the 16th or Tuesday the 17th?

Mr. BOW. Mr. Speaker, I would suggest that this might be a more orderly procedure.

May I say to the gentleman that, even though the majority might bring the bill in, and on Tuesday we get into a question of consideration of the bill, there remains the question of how late we have to go. There are a number of amendments that might be offered, and we have passed a resolution here calling for an adjournment on Tuesday night.

I have serious doubts as to whether we can finish on Tuesday.

I would agree with the gentleman from Texas—and it is my suggestion—that the bill go over until the following week.

Mr. FLOOD. Mr. Speaker, then in view of this discussion I ask unanimous consent that the Committee on Appropriations may have until midnight on Monday, February 16, to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for 1970.

Mr. BOW. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

My Subcommittee on General Education has had a number of inquiries from around the country from school administrators who are trying to figure out the status of Federal education assistance. Here it is the first week of February. These administrators have observed us passing continuing resolutions since November. These administrators had every right in the world to plan their budgets at the local school levels in anticipation of funds that were to be forthcoming within the general framework of the continuing resolutions as amended. Then the appropriations were vetoed. Now additional time is being asked for here, until the 16th or 17th of February. Then when we pass the bill, it must go over to the other body, and I understand it is going to encounter some problems over there.

Mr. Speaker, I am inquiring who in this House is in a position to tell the school administrators what they can expect for the months of March, April, May, and part of June. Many of them are now borrowing money against those months. All over this country school administrators are borrowing money against funds that they had budgeted through June, or through the end of this semester, in anticipation of these Federal funds.

Now, if the formula is rewritten consistent with the President's veto all over this country there are going to be school districts that will either have to curtail their activities or shut their schools down earlier than they had expected because they are going to run out of funds.

I would be very happy to hear from those who might offer a solution to this problem.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan, the distinguished minority leader (Mr. GERALD R. FORD), if he can give us some comprehensive answers that will guide these school administrators all over this country.

Mr. GERALD R. FORD. Mr. Speaker, I would have preferred that we could have completed action on the bill by the middle of February, but the various practicalities of the situation convinced me that it was a wiser course of action that we go along with the recommendation that we have a continuing resolution until the end of February for this year's HEW appropriation bill.

The resolution does expire on February 28, as I understand it. The House of Representatives will be acting in a more reasonable way in light of the fact that the subcommittee has not yet acted, and the full committee has not yet acted, by agreeing to some date certain, say, the week of February 16. That I believe is the wiser course of action.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, I have now asked until midnight on February 16 to have a report filed. That would, as far as I am concerned, mean to bring the bill up Tuesday on the floor.

Mr. PUCINSKI. Am I correct in understanding that when that bill comes back to the floor, it will be presented as a completely new measure subject to full debate and full amendments?

I am trying to determine when this Nation's hard-working school administrators are going to receive some indication of the amount of Federal aid that will be available for the remainder of this school year.

I think this delay compounds the problem and it would seem to me we ought to try to proceed as quickly as possible. The House will be in session on Monday and Tuesday. If we act at that time, the measure will be sent to the other body. Perhaps then we can give these school administrators some sort of logical answer as to what this Congress intends to do in the way of Federal assistance to education.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

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Mr. GERALD R. FORD. Mr. Speaker, I think the gentleman would have been in a much better position to make the argument that he is making now if he had made it on Monday when the continuing resolution came to the floor of the House. It would have made a great deal more sense than arguing that way today. I want the legislation approved as quickly as possible. I deplore the delay of 7 months. Congress has no excuse. Let us finish the job no later than February 28.

Mr. PUCINSKI. With all respect to my distinguished colleague, in all good faith, I had a right to expect that when we voted this additional continuing resolution last Monday that this House would move expeditiously to enable the school administrators of America to know what assistance would be available to them for the remainder of the school year. It now appears we are going to need the full 28 days of February, despite assurances made to us on Monday that this delay would not be necessary.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. Flood)?

There was no objection.

Mr. BOW. Mr. Speaker, I reserve all points of order on the bill to be reported on Monday, February 16.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader about the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we have completed the program for this week and, upon announcement of the program, we will ask to adjourn over to Monday.

The program for next week is as follows:

On Monday, which is District Day, there are no District bills.

On Monday, we will call up the bill, S. 2214, to exempt potatoes for processing from marketing orders. It has an open rule with 1 hour of debate.

We will consider, on Tuesday, H.R. 3786, to authorize acquisition of land at the Point Reyes National Seashore, Calif. It has an open rule with 1 hour of debate.

Following adjournment on Tuesday, of course, will come the Lincoln Birthday recess—February 10, 1970, to noon, Monday, February 16, 1970.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Oklahoma yield for an inquiry?

Mr. ALBERT. Yes.

Mr. GERALD R. FORD. On the basis of the colloquy that we had and the request that was granted, can we anticipate that on Tuesday or Wednesday, February 17 or February 18, this appropriation bill will be on the floor for consideration?

Mr. ALBERT. Offhand, I would say that we would likely program it on the 17th or 18th. But we must consult with the committee and make that determination on the basis of events which occur between now and then.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Yates (at the request of Mr. Vanik), for Thursday, February 5, 1970, through Tuesday, February 10, 1970, on account of official business.

Mr. Addabbo (at the request of Mr. Vanik), for Thursday, February 5, 1970, on account of death in the family.

Mr. Rooney of New York (at the request of Mr. Vanik), for Thursday, February 5, 1970, on account of official business.

Mr. Corman for Thursday, February 5, 1970, on account of official business.

Mr. Flynt (at the request of Mr. Albert), for today, Thursday, February 5, 1970, on account of official business.

Mr. Baring (at the request of Mr. Albert), for today, Thursday, February 5, 1970, on account of official business.

Mr. Teague of Texas (at the request of Mr. Albert), for today, February 7, 1970, on account of official business.

Mr. Price of Texas (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

Mr. Morse (at the request of Mr. Gerald R. Ford), for February 9 through the 25th, on account of official business as a member of the House Committee on Foreign Affairs.

Mr. Frey (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business as a member of the Committee on Science and Astronautics.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Rivers, for 20 minutes, today.

Mr. Albert, for 1 hour, on Monday, February 9; to revise and extend his remarks and include extraneous matter.

Mr. Gonzalez, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Ryan, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Edwards of Alabama, for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Farbstein (at the request of Mr. Anderson of California), for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bennett and to include extraneous matter.

Mr. Madden and to include an editorial.

(The following Members (at the request of Mr. Scott) and to include extraneous matter:)

Mr. McCloskey.
Mr. Robison.
Mr. Halpern.
Mr. Horton.
Mr. Burke of Florida.
Mr. Miller of Ohio in six instances.
Mr. Nelsen in three instances.
Mr. Steiger of Wisconsin in two instances.
Mr. Goldwater.
Mr. Ruth in five instances.
Mr. Kleppe.
Mr. Frey.
Mr. Scherle in two instances.
Mr. McClure.
Mr. Bob Wilson.
Mr. Esch.
Mr. Bush in two instances.

(The following Members at the request of Mr. Anderson of California:)

Mr. O'Hara in two instances.
Mr. Bolling.
Mr. Giaimo in five instances.
Mr. Scheuer in two instances.
Mr. Dawson in two instances.
Mr. Wolff in three instances.
Mr. Moorhead in two instances.
Mr. Stokes.
Mr. Gallagher.
Mr. Powell.
Mr. Matsunaga in two instances.
Mr. Rarick in three instances.
Mr. Koch in five instances.
Mr. Helstoski.
Mr. Gibbons in two instances.
Mr. Burke of Massachusetts.
Mr. Ryan in three instances.
Mr. Flynt.
Mr. Mikva in two instances.
Mr. Fountain in two instances.
Mr. Griffin in two instances.
Mr. Harrington.
Mr. Charles H. Wilson.
Mr. Alexander.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3253. An act to provide that the Federal Office Building and United States Courthouse in Chicago, Illinois, shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Illinois, shall be named the "Everett McKinley Dirksen

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Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969; to the Committee on Public Works.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on February 3, 1970, present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week".

H.J. Res. 1051. Joint resolution designating the week commencing February 1, 1970, as "International Clergy Week" in the United States, and for other purposes.

H.J. Res. 1072. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, February 9, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1614. A letter from the Chief Justice of the United States, transmitting a report of the proceedings of the Judicial Conference of the United States held in Washington, D.C., on October 31 and November 1, 1969, pursuant to the provisions of 28 U.S.C. 331 (H. Doc. No. 91–220); to the Committee on the Judiciary and ordered to be printed.

1615. A letter from the Comptroller General of the United States, transmitting a special report on illegal expenditure of funds for construction of research facilities by the Department of the Air Force; to the Committee on Government Operations.

1616. A letter from the Comptroller General of the United States, transmitting a report on the cost and balance-of-payments advantages of replacing foreign-made buses with American-made buses abroad, Department of Defense; to the Committee on Government Operations.

1617. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

1618. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes; to the Committee on Interior and Insular Affairs.

1619. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1620. A letter from the Secretary of Commerce, transmitting the annual report of the Economic Development Administration, pursuant to the provisions of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 13582. A bill to amend title 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes; with amendments (Rept. No. 91–831). Referred to the Committee on the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 15698. A bill relating to the control of organized crime in the United States; to the Committee on Judiciary.

By Mr. ANDREWS of Alabama:

H.R. 15699. A bill to amend section 410(a) of title 38, United States Code, to provide for the payment of dependency and indemnity compensation to certain survivors of deceased veterans who were rated 100 per centum disabled by reason of service-connected disabilities for 20 or more years; to the Committee on Veterans' Affairs.

By Mr. ASPINALL (by request):

H.R. 15700. A bill to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Byrnes of Wisconsin, Mr. Dorn, Mr. Haley, Mr. Horton, Mr. Kyl, Mr. Kyros, Mr. Matsunaga, Mr. Meeds, Mr. Melcher, Mr. Minish, Mr. Murphy of New York, Mr. O'Neal of Georgia, Mr. Ottinger, Mr. Price of Illinois, Mr. Rees, Mr. Sikes, Mr. Springer, Mr. Stokes, Mr. Whitehurst, and Mr. Yates);

H.R. 15701. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM (for himself, Mr. Boland, Mrs. Chisholm, Mr. Farbstein, Mr. Fraser, Mr. Halpern, Mr. Hathaway, Mr. Helstoski, Mr. Koch, Mr. Moorhead, Mr. Ottinger, Mr. Powell, Mr. Price of Illinois, Mr. Roe, Mr. Rosenthal, Mr. Scheuer, and Mr. Udall):

H.R. 15702. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 15703. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any disabled individual who has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 15704. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. COWGER:

H.R. 15705. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

H.R. 15706. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 15707. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. DORN:

H.R. 15708. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15709. A bill to increase the rates of pension and income limitations under the Veterans' Pension Act of 1959; to the Committee on Veterans' Affairs.

By Mr. DOWNING:

H.R. 15710. An act to amend title 14 of the United States Code to authorize the Secretary to control movement of vessels in navigable waters of the United States; to the Committee on Merchant Marines and Fisheries.

By Mr. EDWARDS of California:

H.R. 15711. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on the Post Office and Civil Service.

By Mr. FALLON (for himself, Mr. Blatnik, Mr. Edmondson, Mr. Harsha, and Mr. Cleveland):

H.R. 15712. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971; to the Committee on Public Works.

By Mr. GALLAGHER:

H.R. 15713. A bill to amend title 38 of the United States Code to increase the level of annual income at which individuals may receive the minimum amount of compensation (if a parent) or pension payable under such title; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 15714. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches, and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

By Mrs. GREEN of Oregon:

H.R. 15715. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 15716. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. McCLORY:

H.R. 15717. A bill to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. MIKVA:

H.R. 15718. A bill to authorize the Secretary of Health, Education, and Welfare to prescribe standards governing the design of plastic bags and other commercial articles utilizing plastic sheeting with dangerous adhesive characteristics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15719. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for certain amounts set aside by a taxpayer for the higher education of prospective college students in his family, and a tax credit for certain amounts otherwise paid as educational expenses to institutions of higher education; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 15720. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 15721. A bill to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OBEY (for himself, Mr. Culver, Mr. Melcher, Mr. Randall, Mr. Steed, Mr. Hathaway, Mr. Andrews of North Dakota, Mr. Matsunaga, Mr. Jones of North Carolina, Mr. Foley, Mr. Hull, Mr. Lowenstein, Mr. Hamilton, Mr. Henderson, and Mr. McMillan):

H.R. 15722. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. PUCINSKI:

H.R. 15723. A bill to provide relief from Dutch elm disease by amending the Forest Pest Control Act; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 15724. A bill to amend title 38 of the United States Code to provide that an appeal be made at any time with respect to a discontinuance of disability compensation and to permit, under certain circumstances, the retroactive award of such compensation for the period of such discontinuance; to the Committee on Veterans' Affairs.

H.R. 15725. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 15726. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

By Mr. REID of New York:

H.R. 15727. A bill to amend the Federal Power Act in order to provide for a national powerplant siting study and a national powerplant siting plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS:

H.R. 15728. A bill to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes; to the Committee on Armed Services.

By Mr. RYAN (for himself, Mr. Addabbo, Mr. Bingham, Mr. Brown of California, Mr. Button, Mr. Conyers, Mr. Diggs, Mr. Edwards of California, Mr. Fraser, Mr. Gilbert, Mr. Halpern, Mr. Hawkins, Mr. Helstoski, Mr. Koch, Mr. Matsunaga, Mr. Moorhead, Mr. Olsen, Mr. O'Neill of Massachusetts, Mr. Ottinger, Mr. Podell, Mr. Reid of New York, Mr. Rosenthal, Mr. Scheuer, and Mr. Tunney):

H.R. 15729. A bill to provide supplemental appropriations to fully fund the urban renewal, model cities, rent supplement, and low-income homeownership and rental housing assistance programs for the fiscal year 1970, and for other purposes, including jobs in housing; to the Committee on Appropriations.

By Mr. SAYLOR:

H.R. 15730. A bill to amend the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 914; 30 U.S.C. sec. 352); to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

H.R. 15731. A bill to exclude from gross income the first $250 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 15732. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 15733. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY:

H.R. 15734. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

H.R. 15735. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives for saving by individuals; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 15736. A bill to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes; to the Committee on Banking and Currency.

H.R. 15737. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. VANDER JAGT:

H.R. 15738. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. WATSON:

H.R. 15739. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN:

H.R. 15740. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 15741. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 15742. A bill authorizing the conveyance of certain lands to the University of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CRAMER:

H.R. 15743. A bill to amend the Fish and Wildlife Coordination Act, as amended; to the Merchant Marine and Fisheries.

By Mr. DUNCAN:

H.R. 15744. A bill to provide for publication of a U.S. Treaty Code Annotated; to the Committee on House Administration.

By Mr. EDMONDSON:

H.R. 15745. A bill to prohibit the charging of entrance or admission fees for access to any recreational lands or waters under the jurisdiction of the United States; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN:

H.R. 15746. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 15747. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. HANNA:

H.R. 15748. A bill to provide for the termination of mineral leases in the area of the Outer Continental Shelf seaward of the Santa Barbara State oil drilling sanctuary in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 15749. A bill to amend the National Emission Standards Act to require Federal emission standards for used motor vehicles; to require that Federal emission standards for new motor vehicles shall be the same as the emission standards adopted by the State of California for the calendar year 1975 and for each calendar year thereafter; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H.R. 15750. A bill to establish a national usury law; to the Committee on Banking and Currency.

By Mr. JONAS:

H.R. 15751. A bill to prohibit the involuntary busing of schoolchildren to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 15752. A bill to permit the Secretary of Transportation to commence progress payments to a bridge owner upon ordering alteration of the bridge; to the Committee on Public Works.

By Mr. KOCH:

H.R. 15753. A bill to prohibit the introduction, transportation, or distribution in interstate commerce of gasoline containing lead; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 15754. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 15755. A bill to facilitate the operations of foreign aircraft, pilots, ground crews, and radios in connection with the International Soaring Championships at Marfa, Tex., May 25, 1970, through July 6, 1970; to the Committee on Interstate and Foreign Commerce.

H.R. 15756. A bill to amend section 106 of title 4 of the United States Code relating to State taxation of the income of residents of another State; to the Committee on the Judiciary.

H.R. 15757. A bill to amend the fair housing provisions of the act entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," to provide for accelerated payment of certain housing loans in cases of discrimination by the loan recipient; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 15758. A bill relating to taxation by a State of income received by nonresidents of that State for services performed in a Federal area; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H.J. Res. 1078. Joint resolution establishing the Commission on United States Participation in the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GIAIMO:

H.J. Res. 1079. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. MINSHALL:

H. Con. Res. 498. Concurrent resolution to express the sense of the Congress with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RIVERS:

H. Con. Res. 499. Concurrent resolution, Paris peace conference on prisoners of war; to the Committee on Foreign Affairs.

By Mr. WOLFF:

H. Con. Res. 500. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necesary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA (for himself, Mr. Dennis, and Mr. William D. Ford):

H. Res. 823. Resolution to provide for record voting in the Committee on the Whole House upon the assent of one-fourth of the Members present; to the Committee on Rules.

By Mr. NELSON:

H. Res. 824. A resolution affirming U.S. policy calling for face-to-face negotiations between the governments of the nations involved in the Middle East crisis; to the Committee on Foreign Affairs.

By Mr. SATTERFIELD (for himself, and Mr. Marsh):

H. Res. 825. Resolution calling for support of policy of direct face-to-face negotiations for peace between nations in the Middle East; to the Committee on Foreign Affairs.

By Mr. TUNNEY:

H. Res. 826. Resolution to express the sense of the House against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.

By Mr. BOB WILSON:

H. Res. 827. Resolution to create a Select Committee on the Investigation of Pornographic Enterprises; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 15759. A bill for the relief of Yi-chuan Pan and Yi-jen Yu (maiden name: Yu); to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 15760. A bill for the relief of Dr. Anthony S. Mastrian; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 15761. A bill for the relief of Albert H. Quarles; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 15762. A bill for the relief of Lottie Emerson; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 15763. A bill for the relief of Rogelio Candanoza-Leza; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 15764. A bill for the relief of Celia G. Debs; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 15765. A bill for the relief of Milton E. Nix; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 15766. A bill for the relief of Campbell Glenallen Emanuel, wife Daphne Olive I. Emanuel, and son Calvin Roger Emanuel; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 15767. A bill for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska); to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 15768. A bill for the relief of Katsu Asage Whetstine; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 15769. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California; to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

279. By the SPEAKER: A memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to overriding the presidential veto of the Health, Education, and Welfare Appropriation bill; to the Committee on Appropriations.

280. Also, a memorial of the Legislature of the State of California, relative to agricultural labor-management relations; to the Committee on Education and Labor.

281. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to continuing certain airline operations; to the Committee on Interstate and Foreign Commerce.

282. Also, a memorial of the general court of the Commonwealth of Massachusetts, relative to a Federal welfare system, to the Committee on Ways and Means.

283. Also, a memorial of the general court of the Commonwealth of Massachusetts, relative to expanding the medicare program to include the permanently and totally disabled; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

386. The SPEAKER presented a petition of the chairman, Realtors' Washington Committee, National Association of Real Estate Boards, Washington, D.C., relative to the residential mortgage market, which was referred to the Committee on Banking and Currency.

EXTENSIONS OF REMARKS

"CAPTAIN EASY" RETIRES—HELPED NATIONAL GOALS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. FREY. Mr. Speaker, Les Turner of Orlando, Fla., in the congressional district which I represent, has produced for 36 years the comic strip "Captain Easy." "Captain Easy" appears in more than 600 daily and Sunday newspapers across the country and has contributed greatly to better public understanding of national problems and goals. As the creator of the comic strip, Les Turner has used his mind and ability to make the national space program more understandable to all Americans. I congratulate Mr. Turner on his retirement, and also his associates, Bill Crooks and Jim Lawrence, who will continue the comic strip. I would like to place in the Record a portion of an article from the Orlando Sentinel, Orlando, Fla., November 23, 1969:

Les Turner, Producer of Comic Strip, Retires

Les Turner, artist-writer who has produced the "Captain Easy" comic strip since 1943, will retire next Sunday.

"Captain Easy," appearing in more than 600 daily and Sunday newspapers and distributed by Newspaper Enterprise Association, will continue to be produced by Turner's associate, Bill Crooks, and writer Jim Lawrence. Crooks has been working with Turner since 1945.

Turner started on the strip as an assistant in 1937. It was then carried in hundreds of newspapers as "Wash Tubbs" and its title was changed to Captain Easy in 1949.

Turner's already completed strips will continue to appear in newspapers until early 1970, being succeeded by Crooks' and Lawrence's work in mid-January.

During his many years with Wash Tubbs and Captain Easy, Turner brought many unique situations to the comic pages. He pioneered educational, sociological and scientific subjects in his strips and received praise from professionals in all fields for his accuracy and timeliness.

In one 1949 sequence, Turner's heroes helped an alcoholic win his fight to redeem himself through Alcoholics Anonymous. AA members praised Turner's understanding and his contribution to their efforts. One member wrote:

"I know of at least five hopeless alcoholics who have been saved through your comic strip."

A 1950 news bulletin of the Stanford Research Institute reproduced a strip in which Turner showed the use of the Poulter Seismic Method of Geophysical Exploration to discover oil deposits. Captain Easy had explained the technical marvel in language simple enough for the youngest of his readers.

Living in Orlando, Turner kept abreast of rocket and space developments and reported—and sometimes foretold—them in his comic strip. When the Army launched Jupiter II from Cape Canaveral March 5, 1958, Turner's story which appeared in newspapers that day showed a fictitious Cyclops rocket carrying the first man into space.

His accurate backgrounds and on-the-scene research continually gave readers dramatic stories as current as today.

A 1962 continuity explaining the Binary number system used in computers was requested in reprint by many schools because

XUM

it gave a clear explanation of a complex math system. Captain Easy had discovered spies employing Binary numbers to pass information on America's antimissile program . . . and appropriately, using the comic pages to transmit the secret data.

THE ABM—PHASE TWO

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an excerpt from President Nixon's press conference of January 30, 1970, and an editorial entitled "ABM's Phase Two," published in the Washington Star of February 2, 1970.

There being no objection, the material was ordered to be printed in the RECORD as follows:

THE ABM AND AREA DEFENSE

Question. Sir, in connection with the ABM, there have been suggestions that expanding the ABM from a protective system for Minutemen into an area defense of cities might raise problems in connection with the negotiations on arms control.

Without going into too much detail, can you tell us whether your decision to proceed with the second phase involves area defense or simply an additional defense of Minutemen like the first phase?

The PRESIDENT. Mr. Bailey, our decision involves area defense. The Minutemen defense is only effective insofar as an attack by a major power, taking out our retaliatory capacity.

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The area defense, on the other hand, is absolutely essential as against any minor power, a power, for example, like Communist China. I don't anticipate an attack by Communist China, but if such a power had some capability with ICBM's to reach the United States, an area defense, according to the information we have received, is virtually infallible against that kind of potential attack, and, therefore, gives the United States a credible foreign policy in the Pacific area which it otherwise would not have.

Question. Mr. President, you said a minute ago that your expansion of the ABM system would provide a credible defense in the Pacific. Do you mean in part by that it will expand your options in the war in Vietnam and the war in Laos in the event of unanticipated difficulties?

The PRESIDENT. No, what I was referring to was the time span of perhaps 10 years from now, and we must do now those things that we may be confronted with 10 years from now, to deal with those things.

Ten years from now the Communist Chinese, for example, among others, may have a significant nuclear capability. They will not be a major nuclear power, but they will have a significant nuclear capability. By that time the war in Vietnam will be over. By that time, I would trust, also, the Laotian war may be resolved.

But, on the other hand, with a significant nuclear capability, assuming that we have not made a breakthrough—and we are going to try to make the breakthrough in some normalization of our relationships with Communist China—then it will be very important for the United States to have some kind of defense so that nuclear blackmail could not be used against the United States or against those nations like the Philippines with which the United States is allied in the Pacific, not to mention Japan.

[From the Washington Star, Feb. 2, 1970]

ABM'S PHASE TWO

One distinct surprise which emerged from the President's press conference was announcement of the decision to go ahead with the second phase of the Safeguard antiballistic missile system. That decision is one with which this newspaper is in no position to quarrel.

Mr. Nixon said the second phase, which is expected to add about $600 million to the $900 million already allocated to the ABM program in the 1971 budget, will be for "area defense." He said such a defense was "absolutely essential" to guard against attack from a "minor power . . . like Communist China."

The President added that "within the time span of perhaps 10 years" such a system would be necessary to prevent Chinese "nuclear blackmail" against the U.S., the Philippines and Japan, and to give Washington "a credible foreign policy in the Pacific."

Having just vetoed a politically popular bill because it involved $1.3 billion in excessive spending on social services, it seems to us highly unlikely that the President, many of whose congressional supporters must seek re-election this year, would commit this country to additional defense spending unless he felt it to be absolutely necessary.

Talks with the Communist Chinese are under way in Warsaw. Negotiations to limit the strategic arms race are in train with the Russians. But progress—much less agreement—is in both instances problematical and a long way off.

No one can say what the shape of the world will be a decade from now. It is right to seek political solutions to our problems with Russia and China through negotiations.

But it would be criminally wrong for any American president to base his defense strategy on the supposition that co-existence will be the policy of the leaders of China and Russia a decade from now.

Regrettable as it is in terms of fiscal policy and the fight against inflation, the President's decision seems prudent and may have been the only possible and responsible one he could have made. Better Safeguard than sorry.

RECORD LIBRARY IN THE WHITE HOUSE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. JAVITS. Mr. President, the Senate Subcommittee on the Arts and the Humanities on Tuesday concluded its hearings on legislation to extend the National Foundation on the Arts and Humanities Act. Witnesses from all segments of the arts displayed enthusiasm for the administration's proposal and the interest in the arts that has been evinced by the President. I am very much pleased to note that last week further evidence of this interest has come from the White House. Last Thursday, Mrs. Nixon announced the formation of a commission to select the best available records to form the White House Record Library.

The Committee on the Preservation of the White House has endorsed this idea and the distinguished Americans who will select the discs for inclusion. From time to time these will be updated. The Recording Industry Association of America will make the records as well as equipment available to the White House, the first family, and those first families who will follow.

In the same spirit of public service, the White House and the RIAA will make available a duplicate collection of the records and the equipment in Washington so that all might enjoy them.

I ask unanimous consent the New York Times article of January 20, detailing this event, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 30, 1970]

PRESIDENT TO GET A MUSIC LIBRARY; INDUSTRY TO GIVE COLLECTION OF CLASSICS AND ROCK

(By Nan Robertson)

WASHINGTON, January 29.—The first official White House music library for this and future Presidents and their families, "perhaps the finest ever assembled," was announced today.

It will be selected by a commission of experts in fields ranging from classical through rock and country music and the spoken word, who are aiming to complete their choices of "several thousand" records by mid-March.

The Recording Industry Association of America will donate the records and the sound system to the White House. A duplicate collection will also be presented later to some institution in Washington, such as the Smithsonian or the John F. Kennedy Center for the Performing Arts, to be used by the public free.

UNDER AUSPICES OF MRS. NIXON

The commission, approved by the White House under the auspices of Mrs. Richard M. Nixon, consists of:

Classical music: Irving Kolodin, music critic and associate editor of Saturday Review, and a record critic for 40 years.

Popular: Johnny Mercer, songwriter and lyricist and four-time winner of Academy Awards for his songs. His credits include "Moon River," "Blues in the Night," "Black Magic," "Come Rain or Come Shine" and "Laura."

Jazz: Willis Conover, jazz broadcaster for the Voice of America, concert producer, and producer of the White House birthday program last April honoring Duke Ellington.

Folk and country: Paul Ackerman, music editor of Billboard, executive director of the Songwriters Hall of Fame and recipient of the Connie B. Gay President's Award for outstanding service to the Country Music Association.

The spoken word: Helen Roach, former professor at Brooklyn College of the University of the City of New York, founder and supervisor of the listening room and spoken record collection at Brooklyn College.

A WHITE HOUSE COMIC OPERA

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. O'HARA. Mr. Speaker, those of us who have felt that the Nixon administration is devoid of a sense of humor may have been proven wrong. At least, I hope so. A careful examination of the proposed new ceremonial uniform for the White House Hussars and of the nationwide editorial response would tend to indicate that the entire proposition was a put-on from the start. Only a President with a deep and incredibly subtle sense of the ridiculous could have so unerringly hit the national funny bone.

In a time when the news is so somber, in a time when the President sorrowfully but unmovingly decides that we cannot afford to educate our children and must reduce our efforts to wipe out disease, in a time when the national budget seeks to portray a nation which is simply fiscally unable to cope with problems affecting its very survival, it is, I suppose, heartening to have leadership that can give us, if not bread, at least comic opera.

In my view, Mr. Speaker, an editorial in the Detroit News provides the most definitive comment yet on the Pennsylvania Avenue Praetorians. I commend it to your attention:

A White House Comic Opera

One could almost hear Jeanette MacDonald belting away at a Rudolf Friml lullaby in the wings while center stage lacked only Nelson Eddy as the White House policemen came on parade. After the initial stupefaction, those of us who recall the movies of the '30's were smugly satisfied that the generation gap had at last done itself proud. It had gone into reverse.

What Her Britannic Majesty's prime minister, Harold Wilson, thought when the chorus line of armed rockettes strutted onto the White House lawn at President Nixon's ceremonies of welcome is probably classified information. But it must have struck a fellow reared in a land where the fashion is tradition and ceremony, graced by royalty against a background of coroneted peers, scarlet-tuniced guards and beefeaters, that those upstart American colonials were trying to steal a march on England in this international sport of one-upmanship.

Camelot written and staged by Americans had been a warning, come to think of it, and then there was that white knight on a white charger cavorting around suburban homes to the ecstatic delight of housewives. The British had been alerted that America was ready to turn on.

There they stood in phalanx, a little self-conscious in their parade debut, immaculate in white double-breasted tunics trimmed with gold braid and buttons and sporting shakos emblazoned with the White House crest. They looked like policemen in their Sunday best after a Saturday toiling over the washer-dryer to prove white could be whiter than white.

Those shakos may have been loaned only temporarily by a corps of baton twirlers from a high school band. But the composite effect was not only unusual but ghastly. Elizabeth and her beefeaters and the Pope and his Swiss guards need not worry about a threat to their ceremonial supremacy.

We think Mr. Nixon was ill advised to permit this comic opera. There may be no business like show business, but this was a camp at the highest level. It is politically inept when everyone is asked to tighten his belt to let out your shakos. You should not veto one day and parade your fancy-costumed commandos the next. What did it all cost? The silent majority would like to know.

FOREIGN POLICY MISTAKE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Foreign Policy Mistake," published in the Dallas, Tex., Times-Herald of December 28, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Dallas (Tex.) Times-Herald Dec. 28, 1969]

Foreign Policy Mistake

The fact that Rhodesia has completed, as of last month, four years of independence from Great Britain calls to mind once again our unusual relationship with that small country. This relationship, it becomes more and more apparent, involves a foreign policy miscalculation of no small proportion on the part of the United States.

Though this was strictly a private dispute between Great Britain and Rhodesia, the United States at Great Britain's urging joined the latter in seeking U.N. economic sanctions against Rhodesia. The U.N., after a partial boycott against certain strategic materials failed, decreed a total embargo on trade with Rhodesia.

Though this embargo, supported by the U.S., has now been in effect for the past three years, Rhodesia still has not bowed to British demands and is showing no signs of doing so in the future.

Thus the situation seems to be in indefinite stalemate unless the U.N. decides to resort to force to bring Rhodesia to its knees. The use of armed force seems highly doubtful. Certainly, in such an event, indignation in this country would be so widespread as to preclude the U.S. carrying its support of Great Britain that far.

The peculiar position we are now in regarding Rhodesia was emphasized recently by Sen. Harry F. Byrd, Jr.

"The reason given," he said, "for our policy toward Rhodesia is that she has not constitutionally provided for an 'orderly transition to majority rule.' Yet recent figures show 37 member nations of the U.N. do not have a form of government based on majority rule, and the adherence to that principle is questionable in 23 others."

Sen. Byrd also pointed out that "prior to the U.N. sanctions, Rhodesia was our major source of chromium ore. Now we are in the strange position of having to purchase chrome from the Soviet Union who supplies the bulk of the raw materials for the North Vietnamese war efforts."

Former Secretary of State Dean Acheson also has deplored the U.S. policy toward Rhodesia, terming the U.N. economic sanctions "barefaced aggression, unprovoked and unjustified by a single legal or moral principle."

Just how it can be done, we do not presume to know, but somehow the U.S. should find a way to acknowledge that we made a major foreign policy mistake in siding with Great Britain in this private fuss and change our policy toward Rhodesia.

THE CHALLENGE OF AN ARCHITECT

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. SCOTT. Mr. President, I invite attention to a Philadelphia architect who has designed Philadelphia institutions and whose work has been recognized all over the Nation. While he has designed projects outside his home city, Vincent Kling recently reached the pinnacle when he was selected to design the new Federal Triangle here in the Nation's Capital. Building Construction magazine's latest issue contains a complete profie of Vincent G. Kling. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Vincent G. Kling and Associates—The Office of an Architect Who Focuses 300 Architects, Planners, and Engineers on Distinctive Building Design and the Total Owner Product

The practice of architecture always seemed to require, classically, and, at its best, the dominance of one creative man. Today, an architectural firm, motivated still by that ideal, while handling substantial and complex contemporary architecture, is Vincent G. Kling and (his) Associates. Their distinctive work is the result of a man blessed with sufficient drive to guide, almost personally, the work of a staff grown to nearly 300 in its 23rd year.

If you ask Vincent Kling to characterize his firm, he starts at the beginning with orderliness:

"When we build, we are telling the world what we stand for. Our structures will influence our lives for a very long time. The choices we have with which to achieve this influence are legion; no longer is it a simple matter of bricks and mortar, windows and doors. The new methods, new systems, and a seemingly endless demand from more and more people, give the designer fascinating opportunities at every turn, as we enter a building surge which, in 30 years, will witness the certain doubling of our shelters.

"The architect, a generalist by training and practice, plays the major role in the conception and execution of the design of spaces, places, and enclosures. He leads and directs a wide spectrum of specialists."

Noting the particular demands of today, Kling states, "Our fundamental conviction in approaching the design of every project is that architecture is for people, not just architects. With increasing urban concentration and megalopolitan sprawl, the greatest challenge to the architect is to recreate environments for people, within and around his structures. Elegance, grace, style, functional efficiency, economy and durability are still as important to owners as ever, but today the most pressing need is for humane spaces in which people can live and breathe.

"This, of course, makes our task more complex. Our office offers a comprehensive service from research, programming and planning, land utilization, and movement systems to finished engineering, design, construction and final inspection. This includes landscape and site preparation, interior design, space planning, communications, cost analysis and budgeting."

A more classical recital of the role of the architect for these years could hardly be composed. It could serve, of course, for any sophisticated full-service team of men, but for the Kling office, in particular, it describes really the thrust of Vincent Kling himself. Here is one of the few architectural sole proprietors of today with such a tremendous talent for personal organization and with such command of his staff, that he is able to reach deeply into the critical decision-making on any project, and earn the right to point to most of his buildings and say, "I was the architect." To be sure, without a certain pattern of capable, understanding, and supporting associates, he would be powerless. Yet, to them, he remains their ultimate source of unique directional power.

Kling can point to a surprising number of buildings right in the front yard of his office which is in the heart of Philadelphia (although his work spreads over the states of eastern U.S.): the Municipal Services building across from the venerable old City Hall, the realty of Penn Center, the IBM building, John F. Kennedy Plaza, and eight other buildings or courts. Upcoming are the twin towers of Center Square, and not far away is the new U.S. Mint. In a city noted for its pride in Independence Hall, its traditions, and its cultural attainments, this manifestation of confidence is enviable indeed.

BEAUTY STILL SUPREME

At the heart of Kling's strength is an intense dedication to design. In these architectural years, when exploding technology in structure, materials, and methods has almost stolen the prime attention of architects and engineers, when client demands as well as labor has upped the cost of buildings, Kling still insists that while these demands are being met skillfully, each building must be composed overall to have a special humane appeal—in short, to be beautiful. Every building from his office is conceived as an example of quality in architectural design.

His beauty is of the 1970's however; not the classical beauty of visible form alone. It is the beauty of the artful blending of all the impacts of a building on the senses—lighting, air-conditioning, sound, materials, scale and proportion as they induce a response of better human well being.

The challenge to his men has resulted in superior performance, and they have earned commissions and rewards in growing and fullsome measure. Whereas 10 years ago, Kling could refer to a staff of 85 men who had earned 55 honor citations for excellence, today with a staff approaching 300 men, the office has been honored by over 150 citations nationally and locally.

To implement the work, the staff is divided into five offices or Studios, each with a Studio Director, and each with sufficient man-power to handle a project from conception to final inspection. Each Studio carries a variety of projects in various stages of design or construction, and currently the total value of the work in any one office has been running from $100 to $250 million. One studio is exceeding $300 million with a very large airport project.

HOW HE WORKS

The sessions around the conference table with the client representatives are extremely significant. Kling makes them man-to-man exchanges, thought-starting explorations, which, before he is through, are thorough and conclusive. For these, he marshals a three-man front. Kling zeros in, on center, on the parameters and opportunities of the total situation—the functions and spaces and client ambitions.

While absorbing and revealing in this direction, the other two men keep embryo ideas under control. On his right sits Frederick G. Roth, Director of Design; architect, designer, active in the fine arts, he is responsible for the design of all projects. With Kling since 1952, he is ready with observations in depth about structure, materials, vital equipment, configurations and feasibility generally. At Kling's left is Albert L. Huber, Director of Production; architect, experienced in construction supervision, with Kling since 1953. He is responsible for the control of documentation of all projects in the office and their status during construction. He is ready with observations in depth about scheduling of studies, drawings, engineering consultants, and office costs. In addition, he is there with direction about construction methods, procedures, and project time. And, as an added strength, he can discuss project costs and pattern of client financing.

When a project, or any phase of it, is ready for studies, the work is assigned to a Studio and a staff architect, who will be in charge for the life of the project. In the drafting rooms, that same trio of Kling, Roth, and Huber convene each Monday to analyze the development of all projects in the programming, schematic, and design development. Obviously, each man has learned to know how the other two think—both in the conference room and the drafting room, and the result is a finely tuned trio of complementary abilities.

Speaking of his own role, Kling is quick to state that he exercises no arbitrary veto power. To him, design is a two-way street, a process of asking, exploring, and listening, "letting outside forces impinge on your own mind." His concern is to assure that no factors which should be obvious are overlooked. And, he insists on much thinking before definitive lines appear on paper. "Too many designers begin to talk a language before they have something to say."

Working with his architects, Kling displays a fascinating talent for holding up targets of design possibility, and parcels of study, that excite the imagination and inspires the best efforts of his men. There is also the talent for judging the fitness of a direction of study and sensing intuitively its consummation. "I hold no one's pencil; I can indicate where a study should go, but I tell no one how to get there." The true magnitude of his talent for this kind of controlled concentration comes through when you learn that there may be more than a dozen substantial projects in the office at one time in this critical stage of development. And, when representatives are made to a client, several of the project's men are present, but the man who leads the session is Kling.

In short, his mastery of a project is the result of an arrangement of men who are able to help him handle the major aspects of design which he feels must reflect his judgment and direction, while his associates control the total job for the sake of the project and the welfare of the office. Those major aspects include those features which the client has been assured will reflect Kling's own interpretation.

Coming along in this spirit is his son, Vincent Kling, Jr., who, following recent degrees in architecture and planning, is working on a new civic center project. And, a brother of Kling senior, Paul Kling, is managing field work at the new and interesting Philadelphia International Airport project.

PROGRESS THROUGH A STUDIO

Each Studio Director operates with a fixed group of nine or ten staff architects plus a supporting group of draftsmen. There may be five to eight active projects going along at any one time, each under a staff architect-in-charge. A staff architect of one Studio may be loaned to another as Studio work loads and architect aptitudes may justify. There is no competition among Studios except for performance that issues in understandable pride. No Studio is allowed to become a specialist in any one building type. Each one, like the total firm, has developed design experience.

Under Jack Rutkowski, senior Director, his Studio is active on: two office buildings, a medical/dental school, a laboratory, college campus, and a private hospital, for a total of $136.5 million. Other Studios have a similar variety though the total work loads may not always be in balance.

All projects are considered to pass through five stages of production: Programing, Schematics, Preliminary Drawings, Working Drawings, and Construction. Drawing techniques and organization are still in accord with traditional practices. With Kling, they are part of the design process, which is never completed till the final drawings are issued. There is a continual striving for refinement—a heavying up of a window section, the lightening of mill profiles for a wood ceiling, another offset in a joint for better weathering. In fact, the number of hours budgeted for the working drawings is substantially greater than that allowed in most offices. Kling and Roth are involved to the very end, and drawing time is a vital factor in the presentation of their fee structure.

TO PRESERVE CONTINUITY

For continuity of production, the five Directors meet every two weeks to discuss work load and men. Each Director is responsible for not only job progress, but for satisfactory on-going client relations, holding to client budgets, and timing of client progress payments. In addition, Directors carry the prime responsibility for the morale of the men, including recommendations for promotion and compensation. In general, the Studio Director is responsible for the administration of the jobs, while Roth carries design responsibility.

Traditionally, the office goes outside for its structural engineering, and under the direction of Al Huber, the firm maintains contact with about six structural consultants.

For mechanical engineering the firm also engages appropriate outside consultants, except that just last July the office asked the firm of Charles S. Leopold, Inc., mechanical and electrical engineers to merge with Vincent G. Kling and Associates. This firm, founded in 1923, is now a corporation under the direction of James Bricker, operating as Kling-Leopold, Inc. This was a step in the direction of greater in-house capability for full range service. Kling's work calls noticeably for a thorough distribution of terminal units and control devices integrated sensitively with the architecture of the building.

For overall office continuity, and coordination, Kling and the twelve associates, which includes the five Studio Directors, meet every two weeks, (alternating with the Director's weeks). With Roth, Huber, the Financial Officer, W. C. Taylor, the Director of Communications, Gerre Jones, and the Personnel Manager, R. Bauer, the group discusses job progress and current firmwide welfare. Then monthly, the Studio Directors and all the staff architects meet with Kling and Roth to be updated on new technologies, construction procedures, findings in urban development, cost trends, etc. For a renewal of spirits, the associates, department heads, and Kling get away from the office two or three times a year for a short retreat from the phones and the office tensions.

SPECIFICATIONS AND MATERIALS

Specifications are also handled in the traditional manner. As soon as specific materials and methods evolve in the design process, the specifications chief is asked to prepare trial paragraphs. These are reviewed with the staff architect and the Studio Director, and there are additions and refinements in in a running series of exchanges with the specification department. When materials critical to exterior or interior architectural design are under consideration, Kling himself becomes involved in the material characteristics and even in brand considerations. Samples, displays, and mock-ups are subject to Kling's approval, and many times he has had preconceived preferences for a certain brand, based on research and field experience.

MATERIALS RESEARCH

To expedite the inquiries into the growing complexity of the materials applicable to the office projects, the firm set up a short time ago a Research Office with an architectural engineer, R. Lowden, well experienced with the ways of the office. To control the work load, he meets office inquiries by digging up who has the answers to problems and where he is rather than developing the technical answers himself. Then, again, he may assist in the run down of alternates, like the study that determined that the best roof surface for the unusual Richmond Coliseum would be aluminum sheets with a porcelainized finish. In policy, Kling insists on an exploration of what is available and then, a knowledge of its application.

And, research for a project does not stop on the day of dedication. It includes checking back on the completed building to appraise performance and client satisfaction. The high ratio of repeat clients which the office enjoys can be traced, in part, to this post-occupancy client contact.

CONTROLLING OFFICE COSTS

As a result of a management consultant's analysis several years ago, Walter Taylor was brought in for financial supervision. From a background of law and finance, he has gradually instituted certain controls, but his greatest contribution is a policy of continual surveillance in the drafting room. When a staff architect wants to enlarge on an avenue of study that will probably take "extra" time, there is a short discussion of its merits and cost and a balancing against the possibility of other such extras. Because of Taylor's unusual capacity for empathy with the architects in continual man-to-man discussions, he has been able to avoid any really serious compromise in their mood of creative freedom.

CONTROLLING PROJECT COSTS

For the task of cost planning, for budgeting and definitive estimating, there is an Estimating Group which serves the entire firm. The chief estimator, aided by four or five other estimators, is one of three activities operating under the manager of Construction and Research. The other two are Field Inspection—which consists of ten or eleven construction-experienced field representatives, and the Research Office. Under the direction of the manager, there is a continual playback from the field men of conditions affecting not only material unit costs and labor, but regional practices that affect general conditions items. This, and an exchange with the research manager, on cost factors revealed in current material inquiries, enables the estimators to be quite current and accurate about total job cost. Kling is proud of the office's record of estimates which have been typically within about 2 percent of contract figures.

Going at a pace that would do away most men in three months, and even with the travel flexibility of his own plane, a seven passenger Cessna #421A, Kling decided, about a year ago, to bring in a man to coordinate prospect development. Now, Gerre Jones, as Director of Communications, develops presentations to prospects as well as opportunities for work. Fortunately, much of the work comes from the former clients and referrals. As for pure sales, Kling is convinced that by insisting on quality in client relations as well as buildings he has freed himself from time-consuming promotion.

THE PROFESSION AND THE INDUSTRY

Over ten years ago, Kling began to enunciate convictions about the profession. Today, he declares, even more fervently:

> Architects must concentrate, not so much on professional pride, as on "the product" of their efforts—the constructed building, the procedures by which it was realized, the client's total experience. The architect must present himself as being responsible for all of it, and he must prove it.
>
> The architects in offices must assume aggressively the responsibility for the training of the younger men—the upcoming architects and technicians. Kling projects them into experiences that will make a young man a "total architect." Kling invites the men to client sessions and their completed buildings. "The men love it," he says. "They don't understand all that goes on in the give and take, but they come along fast."
>
> Kling also declares that the building industry is struggling under chaotic practices. The architects as a group must take the lead, by study and research, in bringing new efficiencies into building procedures. They have the training, but they must act, and soon, or others will steal the show from them. Clients today are more sophisticated about design and management of the work. The architect must have construction management capacity.
>
> Overall, beauty in a building shows respect for its function—"Beauty is a matter of simplifying the complexities, of doing the best with what you have, regardless of the budget . . . I advocate showing that we care (for education, for commerce) and for our community."

OPPOSITION TO THE APPOINTMENT OF G. HARROLD CARSWELL

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HARRINGTON. Mr. Speaker, I wish to protest the nomination by the Nixon administration of G. Harrold Carswell to the U.S. Supreme Court.

Earlier this week one of the distinguished scholars testifying before the Senate Judiciary Committee, Dean Louis Pollak of the Yale Law School, characterized Judge Carswell as "the most poorly qualified nominee in this century."

Dean Pollak came to this conclusion after examining the credentials of some of the 40 judges going back to Oliver Wendell Holmes who was nominated to the Court from the Supreme Bench of my State in 1902.

It is ironic that Judge Carswell has been nominated to fill the very seat occupied by Mr. Justice Holmes for more than 30 years and before him by a succession of great New England jurists who are part of the history of American constitutional jurisprudence—Cushing, Story, and Gray to name only the best known. Needless to say, I do not claim this seat for my State, but I do claim it for scholarship and wisdom, for judgment and gentleness, and for the highest aspirations of the Republic.

I do not condemn Judge Carswell today for his words of more than 20 years ago—bigoted and insulting as they were to Americans who will be standing before the bench on which he is nominated to sit. As Justice Frankfurter observed:

> Wisdom too often never comes, and so one ought not to reject it merely because it comes late.

But Judge Carswell's record, other than his own self-serving statement that he has changed his views since 1948, does not reflect that he has indeed acquired the wisdom which would make more possible his consideration for the Supreme Court. Rather to the contrary, some disturbing indications have been brought to light before the Senate Judiciary Committee suggesting that neither in his private life nor in his conduct as a judge, has he effected the growth toward wisdom which the Nation has every right to expect of a Supreme Court nominee.

Last fall when the Nation was watching consideration of Judge Haynsworth for the same seat on the Supreme Court, I stated that his appointment would have a negating impact on the historic decisions rendered by the Court in recent years. Clearly, the nomination of Judge Carswell is no improvement over the earlier administration nomination and may indeed represent a backsliding.

At this time in our history when justice is making discernible effort to correct the imbalance which has characterized our treatment of the black minority, it can only be viewed as opportunistic politics to nominate a Harrold Carswell immediately after the rejection of a Clement Haynsworth.

It has been suggested by the dean of Massachusett's commentators, Louis M. Lyons, that it should be possible for the President to find "a judge without flaw to wear the mantle of the Court as befits a Justice of the United States."

I share this view. I urge our colleagues in the upper body to reject the nomination of Harrold Carswell for the Supreme Court.

ALCOHOLISM AND CHRONIC LIVER DISEASE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. JAVITS. Mr. President, an article entitled "The Social Impact of Liver Disease," and published in the New England Journal of Medicine of December 25, 1969, represents a statement of the steering committee of the American Association for the Study of Liver Disease which I commend to the attention of the Senate. The chairman of the committee is Hans Popper, M.D., dean for academic affairs, Given Foundation professor and chairman, Department of Pathology, Mount Sinai School of Medicine of the City University of New York. The members of the committee are Charles S. Davidson, M.D., professor of medicine, Thorndike Memorial Laboratory, Harvard Medical School, Boston; Carroll M. Leevy, M.D., professor of medicine, New Jersey College of Medicine and Dentistry, Jersey City; and Fenton Schaffner, M.D., professor of pathology and medicine, Mount Sinai School of Medicine of the City University of New York.

The American Association for the Study of Liver Disease was founded 20 years ago as an academic society to deal with the scientific aspects of liver diseases and in the last 2 years has added to its goals the improvement of the medical care of patients with liver disease and has thus become concerned with the delivery of medical care.

An abstract of how the steering committee has dealt in the question of delivery of medical care follows:

> Although knowledge of hepatic biology and pathology is advanced, the prevention and treatment of liver disease lag sadly. This discrepancy is attributable to lack of facilities and trained personnel. Morbidity and mortality of liver disease are increasing in frequency because of alcoholism, adverse reactions from drug use and abuse, and viral hepatitis are more prevalent. As the nature of these factors suggests, the disadvantaged are particularly at risk. To promote the application of scientific knowledge to the control of liver disease, clinical centers developed with community participation and devoted to the management of liver disease are proposed. These would improve hospital and ambulatory care for a disease that is often curable; provide medical and paramedical personnel with the specialized knowledge needed for the management of a debilitat-

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ing disease, including its psychiatric overtones; facilitate further research; and ensure community participation in controlling a serious socio-economic burden.

The second problem, as viewed by the steering committee, concerns the need for including in the national and local efforts directed against alcoholism a consideration of chronic liver disease. Alcoholic liver disease is not only an important part of the problem of alcoholism in view of rising mortality rate, prolonged morbidity, high cost to society and inadequate treatment facilities but it is also the first manifestation of injury from alcoholism in many persons who have no previous policy or psychiatric record and are socially well functioning. These persons are particularly promising candidates for medical as well as alchohol withdrawal therapy. Nevertheless, the doctors point out, most of the efforts are today directed almost entirely toward the behavioral problem.

I believe the recommendations of Dr. Popper and the members of the steering committee of the American Association for the Study of Liver Disease merit serious consideration by the people and particularly by those concerned in national and local efforts directed against alcoholism. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOCIAL IMPACT OF LIVER DISEASE

(By Hans Popper, M.D., Charles S. Davidson, M.D., Carroll M. Leevy, M.D., and Fenton Schaffner, M.D.)

(Statement of the Steering Committee of the American Association for the Study of Liver Disease, From the Mount Sinai School of Medicine of the City University of New York, the Thorndike Memorial Laboratory, Boston City Hospital, and the New Jersey College of Medicine and Dentistry, East Orange, N.J. (address reprint requests to Dr. Popper at Mount Sinai School of Medicine, Fifth Ave., and 100th, New York, N.Y. 10029).

ABSTRACT

Although knowledge of hepatic biology and pathology is advanced, the prevention and treatment of liver disease lag sadly. This discrepancy is attributable to lack of facilities and trained personnel. Morbidity and mortality of liver disease are increasing in frequency because alcoholism, adverse reactions from drug use and abuse, and viral hepatitis are more prevalent. As the nature of these factors suggests, the disadvantaged are particularly at risk.

To promote the application of scientific knowledge to the control of liver disease, clinical centers developed with community participation and devoted to the management of liver disease are proposed. These would improve hospital and ambulatory care for a disease that is often curable; provide medical and paramedical personnel with the specialized knowledge needed for the management of a debilitating disease, including its psychiatric overtones; facilitate further research; and ensure community participation in controlling a serious socio-economic burden.

The social revolution in medicine challenges the relevance of the present service to the sick from the points of view of the total society, of the information taught medical students and physicians and of the direction of research. The liver has been a target of many clinical and basic-science investigations because of its size, homogeneity and prominent role in metabolism. The application of molecular biology and pathology to mammalian tissue has been to a large extent carried out on the liver. The wealth of information that has been obtained in basic functional and structural studies on the liver contrasts with a relative dearth of established information concerning liver disease. The social revolution in medicine calls for reassessment of medical service, education and research in liver disease, which now represents a quantitatively important cause or morbidity in the population. Since liver disease, especially cirrhosis, is a common cause of death preceded by prolonged morbidity requiring frequent hospitalizations, it is a serious economic problem for society. A device combining service, education and research and providing the necessary co-operation with the community would be centers devoted to the management of liver diseases as part of the national programs for improvement of health care.

Cirrhosis is increasing in frequency among the causes of death. At present, it is listed as the fourth or fifth cause of death in patients above 40 years of age,[1] and the death rate from cirrhosis rose more than that from other causes in the last decade in the United States.[2] Recent surveys indicate that the disease is also on the rise in Europe. A death rate from cirrhosis in France of 34.2 per 100,000 and in Portugal of 30.4 per 100,000 population has been reported.[3]

Clinical recognition and management of liver disease varies considerably, depending on the training and interest of the physician and the availability of appropriate facilities. The concern of the physician and his interest in the somatic welfare of the patient is of particular importance in the alcoholic, who is probably more effectively persuaded to abstain from alcohol by the interested physician taking care of his physical illness than by the psychiatrist or social worker. The same thing may be true for the drug addict when he seeks medical care for hepatitis. Prevention and proper therapy require basic knowledge of etiology and epidemiology and the recognition of persons at risk of chronic disease. This is largely lacking for hepatic disease. The causative agent of the most frequent acute liver disease in adults, viral hepatitis, has not been isolated, and the etiology of cirrhosis, except the one related to chronic alcohol abuse, has not been established. Even with alcohol abuse, factors responsible for the known variation in susceptibility to cirrhosis have not been identified. Moreover, chronologic events in the conversion of a liver from normal to cirrhotic in both alcoholic and nonalcoholic persons require documentation. The problem is complicated by the need to delineate further the role in chronic liver injury of toxic agents in the environment and particularly in foods and beverages.

Inadequacy of our knowledge is also reflected in the unavailability of specific therapy for liver disease, except for bacterial and parasitic infections. We have been successful in treating the complications of liver diseases such as bleeding esophageal varices, ascites, coma and renal failure rather than in treating the sick liver itself. Asymptomatic cirrhosis is found at autopsy rather frequently. The spontaneous regulation of factors making cirrhosis sometimes almost innocuous could be imitated by proper therapy if instituted at the right time. That management may have an effect is also indicated by the change of the clinical and pathological features of cirrhosis in recent years. Later stages of the post-necrotic or macronodular types appear to be more frequent now than the previously more common Laennec or micronodular cirrhosis.[4 5]

The management of acute hepatic failure in cirrhosis as well as in acute hepatic disease, like viral hepatitis or pernicious drug reactions, by medical therapy remains a target of therapeutic attempts of limited success. This is more effective in centers where precipitating factors, such as electrolyte imbalance, renal failure and infection, are recognized earlier. Most important, however, are iatrogenic causes. When therapeutic guidelines are not established, the experience of the physician in recognizing the subtleties of many physiologic details and the variations in the response of patients and in the disease determine the fate of the patient. Specific indications and contraindications for available therapeutic approaches must be based on controlled studies that are missing. Such information will be necessary even for extracorporeal assistance or for liver transplantation. The gaps in knowledge differ in the various diseases because of specific problems.

Of the liver diseases, the one in the alcoholic is the most important economic and social problem since alcoholism is such a major health problem in the United States and in the Western world. Approximately 6,500,000 persons are affected by alcoholism in the United States, with an increase of 1,500,000 within the last decade.[6] This figure is conservative. When the relatives of patients are included, at least 20,000,000 Americans suffer from consequences of alcoholism. The major problems usually cited and supported handsomely by governmental and other agencies are those handled by psychiatrists and sociologists. The prolonged high cost to society incurred by the individual alcoholic results from chronic liver disease rather than from mental disorders, which are more frequently acute than chronic. By contrast, the alcoholic with cirrhosis presents the problem not only of absenteeism but also of long-term disability entailing expensive hospitalization and medical care. This is borne out by the available mortality statistics, which understate the case since reluctance exists to list alcoholic cirrhosis on a death certificate. Instead, the complications or consequences of cirrhosis, such as infection and hemorrhage, are listed. In 1964, 11,000 deaths in the United States were attributed to alcoholic disorders.[7] Three fourths of these were from cirrhosis, a fifth from alcoholism itself, and the rest from psychosis related to alcoholism. The death rate from alcoholic disorders had risen from 5.5 per 100,000 in 1950 to 8.7 in 1964. This increase is entirely the result of cirrhosis. This rise involves 30 per cent of white males and 90 per cent of nonwhite males. In females, the increase was 75 per cent in white and 150 per cent in nonwhite. In the nonwhite group, the increase occurred in the fourth decade, whereas in whites, it is in the 50's and 60's.[2] Life-insurance statistics dealing only with the American white population suggest that the increase was much greater at the lower than at the higher economic levels, the lower ones being industrial policy holders who are members of the urban wage-earning, lower-income families, and not including the indigent.[8] In another study, the death rate attributed to cirrhosis was compared between 1957–58 and 1965–66 in Baltimore. An increase of 47.4 per cent was found in white men, one of 76.3 per cent in white women, one of 162.7 per cent in Negro men, and one of 259.7 per cent in Negro women.[9] The authors also point out that fatty liver even without cirrhosis is a common finding in otherwise unexplained sudden death.

Fatty liver, alcoholic hepatitis or cirrhosis may occur in alcoholics who are socially functioning. As yet unsettled is the relative role of alcohol toxicity and malnutrition to the development of liver disease in alcoholics. Natural-history studies have not clearly shown the transition of fatty liver into cirrhosis. Alcoholic hepatitis with or without central hyaline sclerosis[10] seems to be an intermediary stage, in the development of cirrhosis,[11] although it is not established whether it is a necessary one. The roles of genetic predisposition, the total

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Footnotes at end of article.

amount of alcohol taken and the pattern of intake may explain why some alcoholics are spared from cirrhosis. When alcoholic hepatitis develops, transition to cirrhosis is probable if alcohol abuse continues.[11] Even in fully developed cirrhosis of the alcoholic, arrest with prolonged survival is possible with sustained abstinence.[12] This points to the necessity of rehabilitation programs to reduce morbidity and mortality.[13] Their effectiveness depends upon the co-operation with community groups. The total social cost of cirrhosis in alcoholics has been estimated to be higher than $2,000,000,000 per year.[7] Thus, prevention by recognition of the asymptomatic persons at risk, treatment of hepatic failure resulting from cirrhosis and long-term management are high-priority health problems.

Although cirrhosis in the alcoholic is the most important fraction responsible for the rise of the death rate from cirrhosis, the death rate from other types of cirrhosis also seems to be increasing.[2] Viral hepatitis is possibly the main etiology of nonalcoholic cirrhosis, at least in the Western world. The size of the problem of viral hepatitis is unknown, however, because the frequency of the anicteric variety of both the serum and infectious forms is not established. The icteric form may represent as little as 10 per cent and as much as 50 per cent of all cases.[14,15] This is complicated by ignorance about the fate of anicteric hepatitis. The problem of chronicity and its relation to immunologic and fibrogenic factors is an experimental and clinical problem that might be solved with presently available technics and by epidemiologic investigation establishing the persons at risk even without a specific virologic test to determine etiology. The immediate future will tell whether the demonstration of Australia antigen[16] will be the etiologic test long searched for. Research on viral hepatitis involves virologic investigations, the study of the immunology, the management of acute hepatic failure in the patients in whom massive necrosis develops (approximately 4000 fatalities per year in the United States)[17] and the prevention of transition into cirrhosis. A special problem in viral hepatitis is its frequent development in youths using drugs by injection nontherapeutically.

The increasing number and sophistication of therapeutic agents has led to a rising number of hepatic adverse drug reactions, some of which threaten life, particularly if they result in acute massive necrosis. Drug-induced hepatic reactions make up a considerable fraction of persons with massive necrotic hepatitis with high mortality rate.[18] The problem in most of the hepatic drug reactions that involve only a small number of patients taking the drug in an unpredictable fashion lies in identifying the persons at risk rather than only in toxicologic studies in animals. This requires recognition of either genetic abnormalities of drug metabolism or immunologic factors as the basis of the disease. The study of the patient with the reaction is therefore most promising.

The list of diseases could be lengthened by inclusion of liver disease in children and by exploration of environmental factors producing hidden intoxications in food or from pesticides. The recent success in isolating the mycotoxin aflatoxin[19] is an example.

Liver disease in general is more frequent in impoverished and disadvantaged peoples in both prosperous and underdeveloped nations. This is related to increased chance of exposure to infectious agents, greater prevalence of nutritional deficiencies of various types and delayed recognition and receipt of proper treatment for initial phases of liver injury. The current effort to deliver better medical care to the disadvantaged Americans emphasizes the urgent need to bring biology of the liver and medical care of liver disease together at this time. This requires program planning at the community, state and federal level with involvement of the private sector as well as tax-supported local hospitals, the regional medical program, the Public Health Service and the Veterans Administration.

The size of the problem of liver diseases and the lack of knowledge, more of clinical factors than of basic ones, represent elements of need. Means to answer these needs are available, but progress is hampered by the following items: the lack of interest on the part of practitioners, hospital officials and the public at large in a disease that in the past has been linked to alcoholism; the inadequate facilities available for diagnosis and chronic care of patients with liver disease; and the relatively small number of physicians and clinical scientists devoting themselves primarily to liver diseases as contrasted to the many experimentalists studying basic aspects of the liver. Availability of special centers for liver disease would permit the immediate application of currently available knowledge to a larger segment of the population.

Liver centers would facilitate further clinical as well as basic research in an appropriate environment and permit rapid increase of medical and paramedical personnel with special expertise in liver diseases. They could disseminate the knowledge acquired by demonstration to the referring physicians on their own patient material. Such centers would permit development of a medical and social team approach that would extend into the community to help prevent and recognize hepatic injury and provide continuous ambulatory follow-up observation of patients with chronic liver disease. They would also assist in the rehabilitation of patients with alcoholic hepatitis, in whom the risk of development of cirrhosis is great. These centers could be affiliated with existing centers for control of alcohol or of drug abuse or could be made part of the Regional Medical Program. By these mechanisms, the centers would become part of a community effort in view of the built-in community advisory committees. The activities of the professional medical and paramedical personnel would be woven together with those of lay groups to provide broad coverage for case detection, maintenance of therapeutic supervision in chronic disease and management of drug or alcohol withdrawal.

FOOTNOTES

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THE PLASTIC BAG MENACE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MIKVA. Mr. Speaker, during the last decade, over 300 infants have died in America from suffocation, their breaths stopped short by the thin film of plastic bags. This needless loss of life can be prevented by adequate safety measures. Although there has been some improvement in recent years—thinner material, providing perforation—more needs to be done. Today, I am introducing a bill which will help curb the dangerous design and uses of plastic sheeting, in the hope that other children will not die and that other families will not have to suffer like the infants described above and their families.

The bill I am introducing today would give the Secretary of Health, Education, and Welfare specific statutory authorization to set safety standards covering the design of plastic bags and other commercial articles utilizing plastic sheeting with dangerous adhesive characteristics.

I realize that last year Congress passed the Child Protection and Toy Safety Act of 1969, Public Law No. 91–113, as an amendment to the Federal Hazardous Substances Act. But there is some question whether the provisions of that act will in fact provide adequate authority for regulation of the manufacture and use of plastic bags and plastic sheeting. The bill I introduce today would specifically insure that the Secretary has such authority. In doing so, it would help to prevent further accidental deaths resulting from such products.

UKRAINIAN INDEPENDENCE DAY

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. FARBSTEIN. Mr. Speaker, more than 50 years ago when a band of brave and patriotic Ukrainians unfurled the banner of revolt against their oppressors and proclaimed their national independence, they were attaining the cherished dream of all their compatriots. As a result of the Russian revolution, czarist autocracy was shattered and it was only natural that the largest non-Russian ethnic element in Russia's polyglot empire should be the first to assert its freedom and independence. But wartime events, over which Ukrainians had no control, and unforeseen postwar international convulsions, proved too costly and disastrous to the newly proclaimed independent state. Even before the end of the war it was attacked by the Poles in the north, and at the end of the war, it was altogether too weak to withstand the deadly onslaught of the Red army. The sad result was that a little more than 2 years after its national independence Ukraine was forced to surrender its independence to the Red army in November of 1920.

Today Ukraine is the second largest socialist republic in the Soviet Union, second only in importance and population to the Russian Socialist Republic. Some 45 million Ukrainians constitute about a fifth of the Soviet Union's total population. The Ukraine has always been one of the most fertile grain-producing areas in Europe. As a matter of fact, the whole Soviet Union is dependent to a great extent for its grain supply and for a large variety of other foodstuffs on the Ukraine.

It is tragic that so many million Ukrainians, constituting such an important segment of Europe, do not enjoy many of the elemental privileges and amenities of life which are considered in free societies in the free world as the birthright of all human beings. If the Ukrainians were living under normal conditions, and if they were in a position to realize their aspirations, they would gladly seize the opportunity to establish a democratic government in their homeland. Unfortunately, however, for more than five decades conditions have not been normal in the Ukraine, and are not normal now.

Since 1920 these sturdy people have not known freedom in their native land. There is, however, one encouraging light in this rather gloomy present. The innate and inborn desire of the Ukrainian people to regain their freedom is an undying and living force in today's Ukraine. Neither the tyrants of Moscow, nor their minions in the Ukraine, can extinguish this spirit of freedom and independence which all liberty-loving Ukrainians claim as their inalienable birthright. As long as that noble spirit is kept alive, and as long as the ideal of national freedom is cherished by the people of Ukraine, no dictatorship or tyranny can rob them of their real independence—the independence of their souls and hearts. As long as they possess this spirit, they will never give up their resistance to the Red tyrants. On the observance of the 52d anniversary of the Ukrainian Independence Day I wish the people of Ukraine fortitude and luck in their national struggle.

AMERICA'S MOBILE MINORITY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BURKE of Florida. Mr. Speaker, we are increasingly hearing the voices of so many differing groups of Americans, who have pooled their resources, banded together, and have organized, in large numbers and small, to demand the rights, opportunities and benefits of this great land to which they feel they are entitled as citizens. Undoubtedly, many are justified.

And yet, ironically, one group of Americans which is unequivocally the most forgotten, the neediest, and the least served of the widely differing peoples comprising our country, has not been heard from.

I refer to many of our migrant farmworkers today, who each year come forth from all parts of rural America to the agricultural scene, offering their vital services in assuring an adequate agrarian working force to reap the harvest of nature's bounty which helps to nurture all of us. Too often the lives of many of these workers are characterized by wholly inadequate housing facilities, a shameful lack of educational opportunities for their children, and a genuine need for meaningful health services.

The Congress has at times recognized that it has a responsibility to these workers and it has taken some important first steps in recognizing and fulfilling its responsibility for the improvement of the lives of migratory agricultural workers—these steps being the appropriation of funds for improving primary and secondary schools; advances in health care services; child protection; and other similar programs.

Yet, so much more remains to be done. The migrant farmworkers often travel in family groups, working side by side in the fields of America's farmland, to help to bring about abundance to Americans, but reaping few harvests, financially or otherwise, for their own benefits from their labors.

It is my hope that in the months ahead we in the Congress will not fail to direct our attention and our energies to the task of ultimately eliminating this gross error of omission of our society to our migrant farmworkers.

We must insure them and their families that they will have the opportunity to fully participate in the prosperity to which they themselves have nobly contributed.

H.R. 15631, A BILL TO INCORPORATE THE NATIONAL RIVER ACADEMY OF THE UNITED STATES

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ALEXANDER. Mr. Speaker, I have introduced a bill, H.R. 15631, to incorporate the National River Academy of the United States. This bill is an outgrowth of a great deal of work in the past few months on behalf of myself and many, many people throughout this country who are interested in the orderly and rapid growth of the inland waterways industry and the continued development and utilization of our rivers' resources.

Several months ago I proposed the establishment of a National River Academy to be located at Helena, Ark. At the time I made this proposal, I said:

> The growing need for trained personnel to operate our waterways transportation network of barges, dams and ports is going to mushroom in the next fifty years. At the present time, there are not any schools which have been specifically established to train inland waterways personnel to operate towboats on the rivers and canals. This situation exists even though the vessels have been more technologically sophisticated and the traffic more dense.
>
> With the purposes for industrial expansion along the banks of our waterways and with the present need that exists for trained personnel to operate and maintain the tows and barges on the inland waterways of the United States, there appears to be a present demand for the establishment of a training academy for river personnel.

Discussions with leaders in the inland waterways industry throughout the country in recent months has only served to confirm this prediction. The case for establishing such a training institution can be easily made. At the present time, there are six academies in this country to train the 40,000 persons employed on our ocean-going vessels. And, yet, there are no formal training facilities to train the 80,000 persons who are employed on the Nation's inland waterways.

In the coming years, we hope to see a dramatic growth and development in the inland waterways industry. It is estimated that waterborne tonnage will increase 450 percent during the coming 50 years. At the same time, more sophisticated equipment and technology is constantly being introduced onto the Nation's 23,000 miles of inland waterways.

These factors add up to a challenge, in the name of both efficiency and safety, to offer the best possible training programs and opportunities to the people employed in this key industry.

The leaders of this industry have told me that this is a project they want. They, too, see the advantage of using the latest techniques and tools available to provide their personnel with the best training available. They, too, recognize that on-the-job training, while offering experience that is absolutely essential, does not offer the efficient training or the effective instruction that is necessary in a dynamic industry.

In other words, Mr. Speaker, the degree and quality of training and instruction that the National River Academy will offer is something that is needed and wanted, by the inland waterways industry throughout this country. This academy will be national in scope, it will be national in emphasis, and it will produce results that will be felt nationally.

It is for these reasons that I have introduced H.R. 15631, a bill to incorporate the National River Academy under the acts of Congress. This is a project and a goal that should be recognized publicly by this Congress. It is a project that should have the backing of this Congress.

I am hopeful that early hearings and consideration of this proposal can be scheduled, and that my colleagues in the Congress will join me in recognizing the inland waterways industry as one which is vital to the future development of this country and which needs and deserves our support.

TAX INCENTIVES FOR COLLEGE EDUCATION FUNDS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MIKVA. Mr. Speaker, any family putting a child through college today knows what a thoroughly frustrating burden that can be. Each year tuition and housing costs jump again, as do the costs of books and a young person's social life. It is often discouraging for a student to look forward to years more of such a marginal existence, or for his parents to try to prepare for a future of increasing college costs for the rest of their children.

But colleges, in view of a tripling student population in the next decade, are also reaching for funds to maintain and expand their academic capacities. For everyone, then, the prospect of investing in education seems insurmountable—it is difficult enough now to find resources and any later payoff only promises to be inadequate.

In an attempt to ameliorate this dilemma, I am introducing a bill today which can offer an immediate as well as a long-term solution.

First, as an immediate aid to families supporting college students, this bill would provide for a $100 yearly tax credit for each full-time student, and a proportional credit for part-time students.

Second, as an incentive for families to invest in the future education of their children, as well as a source of development capital for colleges, this bill would establish a special educational investment fund. A $50 yearly tax credit would be granted the families of any potential college student for deposits in a restricted fund, which would be available only as loans to colleges.

It is estimated that this fund over the next 18 years would provide $25 billion for educational development, and at the same time ease some of the burden on millions of parents and students who want to insure the best college opportunity they can get.

Clearly, a break is needed by these families, and just as clearly, there must be financial help for our colleagues if they are to serve as adequately through the decade. This bill, with minimal jeopardy to any party—students, colleges or the Government—can provide that assistance.

I urge my colleagues to consider the need for and wisdom of the solution proposed today.

THE ATTACK ON HISTORY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BOLLING. Mr. Speaker, the "Attack on History" is the subject of a timely editorial in the current issue of Horizon magazine. Contributing Editor Walter Karp finds his answers to the attack in Thomas Jefferson's memorable writings on the purpose of studying history. I call to the attention of my colleagues the editorial, which appears in the 1970 winter edition of Horizon. It follows:

THE ATTACK ON HISTORY

It is seldom that alarming news emerges from learned journals of education and the decisions of educational committees. Such, however, is the case today, and the news is well worth pondering. It is simply that the teaching of history is being seriously undermined. Attacked by teachers, by educational leaders, and by academic scholars, the history curriculums in the nation's schools are in the process of being cut to the bare minimum prescribed by state laws. It is high time to say something in history's defense.

Of criticism, the teaching of history suffers no lack. Most of the criticism is harsh and curiously contradictory. On the one hand, history courses are accused of being mere compilations of dead facts. On the other hand, they are criticized for being mere packages of "pieties," designed to each obedience, docility, humility, according to one distinguished American educator, Edgar Bruce Wesley. The famous Harvard historian Oscar Handlin says that history should be taught only in college because it is too difficult for the average student. Mr. Wesley, on the other hand, faults history precisely because "any reasonably normal student can learn any kind of history at any grade level." Lastly and most significantly, history is scornfully compared to the social sciences, with their "exacting standards." Indeed, it is looked upon by many educators as a sentimental relic that must be replaced by the more "relevant" social sciences. Dr. Charles G. Sellers, a member of a California panel charged with drawing up a program of social studies for the state's public schools, reported recently that only the panel's historians "saw much value in retaining history in the curriculum at all."

Can the study of history be defended—to quote Dr. Sellers—"in the face of the teachers' hardheaded insistence on precision in defining the objectives" of teaching history? We think it can be, and must be. Far more is at stake than the outcome of an academic squabble.

The study of history, Thomas Jefferson long ago insisted, is the very heart of education. History, broadly speaking, is our record of the actions taken by men in the past that have made us what we are today. It is the record of men deciding and aspiring, using power and abusing power, in their ceaseless attempts to achieve their purposes. History thus reveals the ways of men when they are free, for freedom, in its most profound sense, is the capacity of men to shape their own world. If history is taught as dead facts, it is being badly taught. If it is taught to inculcate "obedience" and "docility," it has been perverted into propaganda.

As for the social sciences themselves, the one thing they can never do is replace history. By their very nature, the social sciences show us men when they are not free. Psychology describes us insofar as we are bound by behavioral "laws." Sociology describes us insofar as we are bound by social "forces." Anthropology describes us insofar as we are bound by inherited "custom." These sciences do depict mankind, but it is a partial picture. If all we knew of ourselves were derived from social science, men would know themselves only as passive creatures of ironclad laws and circumstance. Only the study of history can rectify a view of man so dangerously one-sided; can show us not only as passive creatures, which we are, but as active creators and lawmakers, which we also are.

To answer the teachers' demand for a precise "objective" in studying history, defenders of history might well turn to Jefferson's words. In a republic, he said, the purpose of history is to "enable every man to judge for himself what will secure or endanger his freedom." Surely that is "precise" enough and "relevant" enough to satisfy anyone.

A TRIBUTE TO JUDGE DAVID HOLMAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. WOLFF. Mr. Speaker, although his death came immediately before the recent congressional recess, it would be a grave injustice not to take time to note the passing of David Holman, who, at the time of his death, was a New York State supreme court justice.

Judge Holman, in a long career that spanned four decades, was a public servant who epitomized the ideals of service and dedication to the public good.

While we were from different parties there was never any lack of respect for Dave Holman's honest commitment to those principles in which he believed.

His record of public service is a long one demonstrating that he possessed great energy and interest in his fellow man. At the time he took his place on the bench he was president of the Nassau County Bar Association. During his career he was, at different times, an assistant district attorney, counsel to a joint legislative committee, attorney for many local jurisdictions, and counsel for the New Hyde Park School Board, where he lived for many years.

Dave Holman's charitable activities were as diverse as his legal undertakings. Among the many philanthropic causes to which he devoted his time were the United Jewish Appeal, CARE, Cerebral Palsy, and the Long Island Committee for the U.S. Olympic Team.

One did not have to share all Dave Holman's political views to appreciate his sincere desire to serve his community

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and leave a positive contribution to man's well-being. He left such a legacy and his widow, Ethel, and his son and daughter, Gary and Sandra, may be justly proud of the long and purposeful career of Dave Holman.

It is people such as David Holman that have made our country great. He will be missed.

ST. LEO COLLEGE ACTIVATES POLISH STUDY CENTER IN MEMORY OF FATHER JEROME WISNIEWSKI

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HELSTOSKI. Mr. Speaker, a Polish priest, Father Jerome Wisniewski, O.S.B., who spent most of his lifetime at St. Leo Abbey and was recognized as a foremost authority on Florida history will be honored at St. Leo College with the creation of a Polish Study Center to be dedicated in his memory.

The Polish Study Center will be a repository for books and manuscripts on Polish history, music, literature, education, arts, and the governments. Here students from St. Leo College and St. Leo Abbey and interested citizens will be encouraged to pursue studies and research and where documents will be preserved, reproduced, and distributed for educational purposes as a public service.

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Father Jerome, a great educator and historian, was also an accomplished poet and a noted horticulturist. He was the recipient of Peace River Valley Historical Association's first Florida History Award.

The Florida House of Representatives and the Florida Senate have passed a joint resolution paying well-deserved tribute to the late Father Jerome, O.S.B. of St. Leo Abbey.

The resolution follows:

HCR 1081–A Concurrent resolution expressing sympathy and regret over the death of Father Jerome and paying tribute to his accomplishments during his life and to his memory.

Whereas, it is appropriate to record for posterity the life and works of a dedicated educator, an accomplished poet, a noted horticulturist, a great student of history and a holy man, for whom Florida history was the most fascinating subject of the many subjects in which he was interested; and

Whereas, Father Jerome, O.S.B., born Jerome Wisniewski, of St. Leo Abbey, who was small in stature but who stood tall in intellect, spirit and accomplishments, contributed so greatly to the study of Florida history; and

Whereas, the efforts of Father Jerome in the study of Florida history have resulted in an outstanding library of rare historical volumes and documents on Florida history and a wealth of original treatises from his own pen, all of which have preserved the history and lore of this great state for the study and enjoyment of future generations of Floridians and Americans; and

Whereas, Father Jerome, the recipient of the Peace River Valley Historical Association's first Florida History Award, has left to us St. Leo College which grew and prospered because of his efforts and zeal, now therefore,

Be it resolved by the House of Representatives of the State of Florida, the Senate concurring:

That on behalf of the people of the State of Florida this Legislature does pause to pay tribute to the life and memory of Father Jerome, whose death in 1966 has removed from our midst a man of rare abilities, whose contributions to the people of our state and our country will continue to live for the benefit of all of us, and that his memory be accorded our respect and gratitude;

Be it further resolved that a copy of this Resolution, signed by the Speaker and attested to by the Clerk of the House of Representatives and by the President and Secretary of the Senate, be forwarded to the St. Leo College library to be placed with the historical collection left to the library by Father Jerome.

NEED HISTORICAL, ARCHEOLOGICAL PRESERVATION BILL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BENNETT. Mr. Speaker, with the changing environment, expanding population, and increased technology, our Nation is facing a possible "archeological gap." There is a definite threat that a majority of our scientific, prehistorical, historical, and archeological data will not be available for study in the next few decades.

Legislation I have introduced in the House of Representatives, along with 60 cosponsors will help to remedy this situation and preserve historical objects, which might be damaged or permanently lost to history because of Federal public works projects.

This bill, which has been introduced in the Senate by its chief sponsor, Senator Frank E. Moss of Utah, has 28 cosponsors. It is supported by the Society of Historical Archeology.

This bill amends the act, Public Law 86–523 of June 27, 1960, which provides for the salvage only of those historical and archeological remains being flooded or destroyed by dams constructed by or with the assistance of the Federal Government, by extending the coverage to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause loss of archeological and historical data. The bill makes it clear that agencies may take the necessary steps to conserve scientific, archeological, and historical resources within the framework of their own administrative procedures rather than being required always to work through the Secretary of the Interior. It further provides that if an agency wishes to utilize the resources of the Secretary of the Interior, it is authorized to transfer funds, not to exceed 1 percent of its total program, to that Secretary to cover salvage costs.

The concept of the bill is that the cost of the salvage of the data would be related directly to the destruction or threatened destruction of irreplaceable scientific, archeological, and historical resources. Agency programs threatening the destruction of the nonrenewable resources would have the authority to expend a very minimal amount of the funds to recover, protect, and preserve the data when it was significant and had been called to their attention. The bill only authorizes expenditures; it does not demand them.

Much information about the past still lies buried in the ground awaiting investigations by scientists to recreate a meaningful picture of the lives of those who lived in this land before us. From the objects and other information in the ground, the past can be brought to life again and can become a part of the education of our children. Our children cannot preserve the past for their children unless we help preserve it for them. We who are alive today possess the last opportunity to save, preserve or record a portion of the long record of man's experience and achievement in the United States. The choice is ours whether we will preserve the manuscripts, objects, and other sources of information from which future generations may learn about those who preceded us, or whether intentionally or through neglect, we will allow our heritage from the past to be destroyed. If we do not preserve the information, all future generations will have lost forever the ability to experience and profit fully from the past.

The bill presented here is an important conservation measure designed to facilitate and promote protection and recovery of one of America's great nonrenewable resources, the evidences of the past. The need for action is urgent for it is estimated that a majority of our archeological and historical sites will be damaged or destroyed within the next 25 years.

The House cosponsors of the bill are:

H.R. 15453: Bennett, Berry, Burlison of Missouri, Carter, Fuqua, Hammerschmidt, and Mrs. May.

H.R. 15522; Stephens, Tiernan, Tunney, Udall, Waldie, Wyatt, and Vanik.

H.R. 15521: Brock, Broomfield, Chappell, Cleveland, Daddario, Dulski, Edmondson, Foley, Helstoski, Hull, Kee, Kuykendall, McCloskey, Mikva, Mrs. Mink, Olsen, Pryor of Arkansas, Purcell, Rarick, Reifel, Ruppe, Saylor, Scherle, and Skubitz.

The bill will be introduced Thursday, February 5, with the following cosponsors:

Anderson of Illinois, Andrews of North Dakota, Annunzio, Byrnes of Wisconsin, Dorn, Haley, Horton, Kyl, Kyros, Matsunaga, Meeds, Melcher, Minish, Murphy of New York, O'Neal, Ottinger, Price, Rees, Sikes, Springer, Stokes, Whitehurst, and Yates.

A UNIVERSAL INSTINCT FOR PEACE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. NELSEN. Mr. Speaker, in a recent editorial, Ken Berg, editor of the Mankato Free Press in Mankato, Minn., chose to philosophize a bit about the deeper nature of man. It is a pleasure to share his viewpoint with readers of the CONGRESSIONAL RECORD.

UNIVERAL INSTINCT FOR PEACE

About the commonest observation on the part of those who are well-traveled is that people . . . human beings . . . everywhere are basically kind.

Some go a step further and suggest that generally speaking, these human beings deserve something better in the way of government than they are receiving.

This thought is prompted by a report on a visit to the Iron Curtain countries by Harry L. Page, assistant superintendent of public instruction for the State of Illinois. It contained the following:

"I discovered that peoples living in other lands, even those under a totalitarian regime, even under a hammer and sickle yoke . . . are just like our next door neighbors when you get them alone on a one-on-one basis.

"I am convinced that the hardnosed citizen of Russia, bred to believe that Americans are their perpetual enemy, can sit down and talk to us, when we get away from government, about our children and what we want in life."

"They are every bit as compatible in a discussion as our next door neighbors," the Illinois educator concluded on this point.

Our own over-riding impression, conversely bred as we were to believe that Russians are our perpetual enemy, is that humans wherever you find them hold the same aspirations and dream the same dreams as our own.

Despite an impressive amount of evidence to the contrary at this moment in history, we are convinced that the instinct for peace is the one most deeply embedded in mankind.

We reject the commonly held assumption that man is a fighting animal and that wars are inevitable.

SCOUT AT WORK

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RUTH. Mr. Speaker, in his state of the union message, President Nixon proposed that each individual should enlist in the fight against pollution. He suggested that each person resolve to "leave his home, his property, the public places of his city or town a little cleaner, a little better, a little more pleasant for himself and those around him."

Even before the President spoke these words, a Laurinburg, N.C., Boy Scout named Richard Williams, undertook a local project to determine the extent of litter in his small part of the Nation during the month of January. On February 2, 1970, the Laurinburg Exchange in the Odds and Ends column reported the findings of Scout Williams:

SCOUT AT WORK

Richard Williams is a Boy Scout who lives on Hasty Road and has recently conducted an interesting survey. At the suggestion of his advisor in Troop 447, Alvin Hafer, Richard undertook a litter project. He set out to determine how much actual litter is deposited on Scotland County roadsides, and how much it is costing taxpayers. No attempt was made to determine the degree of unsightliness, but this is the more obvious part of it.

"For 30 days during January when litter disposal is considered the highest in the year. I collected litter each day on a designated highway section (on Hasty road, not one of the heaviest travelled roads), converted my figures to the mile and applied this to the 445 miles of paved highways in Scotland County.

"Unbelievably, Scotland County averaged 578 tin cans, 263 glass bottles and 1,630 pieces of paper per mile per month." Richard concluded during this project (he was working on a conservation merit badge) that during a given month over a quarter of a million cans, 117,000 bottles and nearly three-quarters of a million pieces of paper are dumped along our roads. And this he judges is below average for the count was done in cold weather when car windows are up most of the time and riders are not apt to make as frequent deposits as during the summer. Also he did not include the 95 miles of unpaved roads in the county's system.

HEAVY COST

"The county highway department filled two pickup trucks with litter in the short distance of 2.4 miles from the Scotland County line on the west side of Maxton and the east end of Number 74 bypass," Richard reports. "This included 13 cases of soft drink bottles and was done during the same time I was doing my study."

This persevering and concerned scout calls attention to the cost this is to the taxpayer. He has figured that if the minimum wage of $1.60 per hour is paid, it would cost $7,000 in wages for the highway department to pick up all the litter along the paved roads of Scotland County just once a year.

"Some of our complaints about high taxes is our own making through poor stewardship," Scout Williams charges. "If each person would do his part in the control of litter the taxes would be lower than what they are now. So I ask everybody to try to do their part in the control of litter."

REPORTS FROM WASHINGTON

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. SCHERLE. Mr. Speaker, Supreme Court Justice William O. Douglas, self-appointed messiah of the hippies and yippies, is at it again. This time the aging Lothario practically invites his long-haired mental midgets to thumb their noses at the law enforcement agencies of this country and obey only the laws which agree with their naive philosophy.

In his soon-to-be-published book, "Points of Rebellion," the 71-year-old swinger with a penchant for wives a half-century younger than he, endlessly tirades against the FBI, CIA, local police officials, educators, and every other organization or person with a semblance of dignified authority. He heaps praise upon the degenerate disciples of disorder while strongly hinting that the philosophy of citizens concerned about rampant crime and riotous behavior parallels that of Adolf Hitler.

The Justice, an obvious student of the extracurricular activities of Henry VIII, attempts to draw the ridiculous comparison between George II and what he describes as today's "establishment."

If Justice Douglas, whom the taxpayers are subsidizing at $60,000 a year for life, really believes his own drivel, he should resign from the Court and spend his time hiking down the pointless paths tread by the rest of the anarchists. The biggest point in his book, "Points of Rebellion," rests on top of the distinguished jurist's shoulders.

EVERY LITTER BIT

The taxpayers paid $30 million to clean up the 4.3 billion pieces of litter that Americans dumped on their major highways last year alone. These figures cover only the 270,000 miles of main arteries, and do not include the 3.4 million miles of secondary roads and city streets. The true cost of cleaning up all the debris tossed out on our roads by thoughtless drivers is undoubtedly much higher. This is a terrific price to clean up our own mess.

Litter is one of the chief polluters of our environment and almost everyone contributes to it in one form or another. Discarded paper accounts for 59 percent of all highway litter, plastic wrappers for 6 percent, bottles another 6 percent, cans 15 percent, and miscellany the remaining 14 percent. While it is easier to pinpoint the derelictions of the large-scale industrial polluters, the cumulative effect of individuals littering highways adds up to a staggering pile of costly and unsightly debris. Youthful offenders are the worst, but affluence tends to make litterbugs of us all. Even children are not interested in returning bottles to the store today—the trip would not be worth the few cents it would bring.

To cope with this problem, a battery of new antipollution laws have been proposed at the State and Federal level. It is worth noting, however, that most cities and States already have strong antilitter laws, with fines up to $100. They are rarely enforced. Therefore, before we plunge into new elaborate and expensive antipollution programs at the Federal level, we should use the weapons which now exist to fight pollution at the local level.

The problem is one of persuasion and education as well. No matter how vigorous the enforcement of laws, no police force can hope to catch every offender. People must be made to realize how much their own thoughtlessness is costing them not only in dollars but in the deterioration of the quality of life. As President Nixon pointed out in his state of the Union address:

> We have been much too tolerant of our surroundings and too willing to leave it to others to clean up our environment. . . . Each of us must resolve that each day he will leave . . . the public places of his city or town a little cleaner, a little better, a little more pleasant for himself and those around him.

BOXCAR SHORTAGE

A major problem that has habitually plagued the grain farmers of this Nation has been the critical shortage of railroad freight cars during peak harvest periods. In fact, one of the very first petitions of complaint received by the Interstate Commerce Commission after it was created in 1887 dealt specifically with this subject. The farmers' Grain Dealers Association of Iowa reported that the asso-

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ciation suffered a net loss of $125,792 last year, largely because of the freight car shortage.

In order to ease this century-old burden, I introduced a bill in Congress last week that would amend the Interstate Commerce Act in order to give the Commission additional authority to alleviate freight car shortages. The provisions of the bill attack the per diem system established by the ICC in 1968, which is based on time used and mileage of freight cars. The present ICC mileage basis results in the retention of empty boxcars on foreign lines until a load is obtained to pay their way back to their owner's railroad lines. This policy has been challenged by 20 railroads and 21 States on the grounds that it does not encourage the movement of freight cars to the west to carry western grain. My proposal provides that per diem charges on empty cars would be doubled in order to prevent the retention of empty boxcars. Therefore, a 1-year-old boxcar costing $18,000 would, if allowed to sit unused, incur a per diem charge of $10.50, where the present daily charge under current ICC rates would be $4.93. This measure would encourage the rapid movement of empty freight cars to distant points of shipment.

Although additional work on a long-term solution still needs to be done, such as building new freight cars and proper maintenance of present cars, this bill would encourage the rapid movement of empty freight cars and expedite the entire procedure.

Compounding the present situation is the curtailment of loans by the Department of Agriculture to build adequate storage facilities for newly harvested grain. The food producer finds himself squeezed between inadequate storage facilities and inefficient use of the transportation system which hampers the movement of grains to the marketplace.

Secretary of Agriculture Clifford M. Hardin should reevaluate the present policy on storage and dryer loans and ease the restrictions to encourage more farm storage facilities.

STICKY SUBJECT

Admitting to countless complaints about glueless stamps, Postmaster General Winton Blount says the Post Office Department is determined to lick the problem.

THE 1971 AGRICULTURAL BUDGET

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. KLEPPE. Mr. Speaker, I believe my colleagues will be interested in a "Summary of the Budget for the Fiscal Year 1971," as it relates to agriculture. This was prepared by the U.S. Department of Agriculture at my request. It is a handy reference for all of us who find wading through the complicated budget a difficult and often frustrating chore.

Some charges are already being circulated to the effect that farm programs got the "meat ax" treatment in the President's budget. I think even a quick glance at the summary I am including as a part of my remarks will refute that contention. In fact, considering the tight budget situation and the need to hold down total Federal spending, I believe the President showed in his budget recommendations for agriculture both awareness and concern for the serious problems of American farmers. The summary follows:

SUMMARY OF BUDGET FOR THE FISCAL YEAR 1971

The Department's activities in FY 1971 will be directed toward the major goals of (a) maintaining farm income and providing food and fiber for all Americans, (b) assisting in the development of our rural communities, including the provision of better housing, (c) protecting consumers from unwholesome food and dangerous pesticides, and (d) providing additional food assistance.

Following are the overall totals of the Department's budget:

[In millions]

	1970	1971	Change
New obligations or commitments	$8,796.6	$8,576.7	−$219.9
Expenditures (before adjustments for increased sale of insured FHA loans)	8,407.4	[1] 9,268.4	+[1] 861.0

[1] The budget proposes increases sales to private investors of Farmers Home Administration insured loans in 1971 over 1970. This has the effect of increasing receipts in 1971, thus reducing net expenditures. Such actions have no effect on program levels. Net expenditures after reflecting this increase in receipts are:

[In millions]

1970	$8,407.7
1971	7,952.7
Change	−454.7

The following items are the major changes in the budget for 1971:

1. *Commodity Credit Corporation*—The major program for helping farmers maintain their incomes, CCC is the largest item in the Department's budget. The appropriation requested will restore all losses through June 30, 1969 and will provide ample borrowing authority to enable the Corporation to meet its commitments next year and still have a balance of over $2 billion. Expenditures totaling about $3.8 billion are based on the latest projections of production, utilization, and exports expected next year. However, there are many uncontrollable factors involved in this estimate.

Following is a summary of estimated expenditures for CCC price support and related activities in 1970 and 1971 for the principal commodities (including diversion and price support payments where applicable):

[In millions]

	1970	1971
Feed grains	$1,393	$1,403
Wheat	733	647
Cotton, upland	787	945
Dairy products	26	181
All other commodities, interest, storage and handling costs, and administrative expenses	707	603
Total	3,646	3,779

2. *Farmers Home Administration*—The total program for the Farmers Home Administration, including loans (both direct and insured), grants and related administrative expenses, total $2.3 billion next year, as shown in the tabulation below. The amounts for 1970 are less than originally planned due to (1) need to hold down budget outlays, (2) high interest costs, and (3) other factors.

[In millions]

	1970	1971	Change
Farm ownership loans	$205	$205	--------
Operating loans	275	275	--------
Water and sewer grants	28	24	−$4
Water and sewer loans	144	126	−18
Housing programs	853	1,489	+636
Other loan and grant programs	95	101	+6
Operating expenses, FHA	72	85	+13
Total	1,672	2,305	+633

3. *Rural Electrification Administration*—These loan programs are being continued in 1971 at the same level as in 1970, i.e., $345 million for electrification loans and $125 million for telephone loans, for a total of $470 million. The request for new loan funds is $18.5 million less than 1970 primarily because of the use of prior year balances carried forward.

4. *Agricultural Conservation Program*—The budget does not include a request for a 1971 program. The necessity to hold down the budget has made it necessary to eliminate this item.

5. *Food for Peace*—The budget next year contemplates a program of $1,133 million for P.L. 480 activities. It reflects the anticipated needs of other countries needing additional food and fiber, given the need to hold the budget as low as possible. This is distributed by program as follows:

[In millions]

	1970	1971	Change
Sales for foreign currencies and long-term credit sales for dollars (title I)	$894	$782	−$112
Donations abroad (title II)	357	351	−6
Total	1,251	1,133	−118

6. *Payments to States*—The Cooperative Extension Service and the State Experiment Stations of our Land-Grant Colleges will carry a greater share of the responsibility for improving conditions in rural areas. They will emphasize activities to carry out rural development programs involving leadership, research and technical assistance to help local people help themselves. For all of these and other related purposes the budget proposes increases totaling $49.8 million, as follows:

[In millions]

	1970	1971	Change
Extension Service (increases for nutrition education, +$20 million; rural community development, +$10.4 million; increased operating costs and retirement contributions, +$9.5 million)	$132.0	$172.0	+$39.9
Cooperative State Research Service (increased payments for rural community development research, increased operating costs and forestry research; no funds requested for construction of facilities)	62.6	72.5	+9.9

7. *Food programs*—The budget includes a total of $2,274 million for food assistance programs, including commodity donations. This consists of $1,250 million for the Food Stamp Program, an increase of $640 million above 1970.

A total of $685 million is proposed for the Child Nutrition Program, including commodity donations and special feeding assistance under Section 32 funds. This is an increase of $133.3 million above 1970.

No funds are requested in the budget for the Special Milk Program for which $84 million was appropriated in 1970. Expanded lunch and breakfast programs at schools and increased milk consumption under the larger Food Stamp Program are expected to offset the decline in milk consumption under the Special Milk Program.

Commodity donations for distribution to families are estimated at $313 million next year, an increase of $17.5 million above 1970.

8. *Forest Service*—To continue the acceleration begun in 1970 to accelerate timber production from the national forests, an additional increase of $5.3 million is requested for timber sales administration and $2.9 million for reforestation and timber stand improvement. The total estimate for Forest land management, Forest research, and State and private forestry cooperation is $278.6 million, a net increase of $10.9 million over 1970. In addition, an increase of $21 million is proposed for timber access roads, making a total program for roads and trails of $176.4 million.

9. *Other changes in 1971 budget*—There are a number of other changes in the budget. The principal ones are:

Fiscal year 1971

(In millions)

Agricultural Research Service:	
Research	+$2.1
Imported fire ant program	+2.0
Hog cholera eradication	+2.0
Pesticides regulation	+2.4
Elimination of relatively lower priority plant pest control programs (European chafer, sweet potato weevil, soybean cyst nematode, phony peach and peach mosaic)	−2.2
Soil Conservation Service:	
Watershed works of improvement (P.L. 566 small watersheds)	+8.3
Watershed planning (to achieve a better balance between planning and installation of measures)	−1.3
Resource conservation and development projects (no new projects are planned for 1971)	+3.1
Economic Research Service (principally economic analyses of foreign and domestic economic development)	+1.6
Statistical Reporting Service (principally for improvement of livestock statistics)	+1.2
Consumer and Marketing Service (principally meat and poultry inspection)	+9.5
Foreign Agricultural Service (for market development activities)	+0.7
Conservation Reserve Program (sufficient funds are available to complete payments under existing contracts)	−37.2

EXPLANATION OF H.R. 15676, TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. GIBBONS. Mr. Speaker, yesterday, I introduced H.R. 15676, to amend the Omnibus Crime Control and Safe Streets Act of 1968. This bill has three sections, which would do the following:

Section 1 adds a new type of action grant program: crime prevention, including improved lighting of high crime areas and development of laws and ordinances and building designs to better cope with crime.

Section 2 would change the sharing formula so that cities would get 50 percent of crime-fighting Federal funds in direct grants instead of 15 percent as under present law. The present formula gives 85 percent to the State agency and only 15 percent to local governments.

My bill would allow a State to receive 20 percent additional funds if its comprehensive anticrime plan was adjudged to deal adequately with the problems of urban high crime areas and a second 20 percent bonus if the State helped the city and local governments with their portion of the non-Federal sharing.

Finally, section 3 would authorize appropriations for 3 years instead of 1 year and at a rising level of funding. It would provide $8 million for fiscal 1970, $1 billion for fiscal 1972, and $1.2 billion for fiscal 1973. The State's added shares under section 2 are provided for from discretionary Federal funds.

Let me discuss these sections in more detail. The effectiveness of better lighting in curbing crime is well documented. A study by the National League of Cities, reported in the January 1970 issue of FBI Law Enforcement Bulletin, indicated that criminal assaults dropped 70 percent and robberies by 60 percent in one midwestern city after a new lighting system was installed. Overall crime rates in a major southern city showed a similar drastic decline in a 12-block area.

The need to change the funds formula to allow cities more direct grants is likewise strongly indicated by two basic studies of Crime Control and Safe Streets since passage in 1968. These studies indicate that the primary purpose of Congress in passing this law; namely, to curb crime in the streets of high-crime urban areas, simply is not being met under the present provisions.

A study conducted by the National League of Cities, based on a survey of 31 State law enforcement plans comes to the following conclusion:

> Instead of focusing dollars on critical problems of crime in the streets, local planning funds are being dissipated broadly without regard to need and are being used to finance third levels of bureaucracy as a matter of state administrative convenience.

This report notes that 28 of these 31 State plans include regional planning agencies which, together, outnumber the 370 cities with more than 50,000 population in the Nation.

Funds appear to be going to plan administration instead of direct anticrime programs in the cities and towns where most crime is found.

There is also some indication, the NLC report concludes, that no crime incidence index is included in the State plans distribution formula, thus reducing the proportionate funds going to the high-crime cities.

A second analytical survey of the Safe Streets Act by Dr. B. Douglas Harman, assistant professor at American University's School of Government and Public Administration, dwells on the flaw in the distribution formula of the present act whereby the State gets 85 percent of the Federal grants. Dr. Harman highlights the fact that crime control is primarily a big city problem while the administrative bias is in the program toward State administration.

My own conclusion is that there are serious political obstacles to any State program which will adequately deal with the cities crime problems, and that more direct grants to the agencies with the biggest crime problems are essential.

Section 2 of this bill would take a giant step to remedy this political bottleneck while at the same time giving State agencies a financial incentive to do better than the record shows they have in the past.

If we are going to use the block grant approach in distributing anticrime funds to States and local agencies, then the Congress must guarantee that the large cities, which have the highest crime rates, get the most money to fight crime. Increasing the amounts to be granted for this anticrime fight is also essential, thus the higher amounts provided in succeeding years in this bill.

We must do even more in future years and not let this program fail. No magic formula is going to wipe out all crime. But money, not rhetoric, will do the most toward that obective. Contrary to President Nixon's campaign promises, his election has not been sufficient to restore law and order in this land. To achieve that we must put more money where the crime is—in the streets of our major cities and not into more bureaucratic mechanisms.

VIETNAM: OUR STAKE IN THE PACIFIC

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I urge the Members of the House of Representatives to review J. Richard Lamere's exclusive interview with Adm. John S. McCain, Jr., commander in chief, Pacific Command.

I noted with grave concern Admiral McCain's comments on the danger that the U.S. Navy is losing its supremacy on the high seas. The expansion and rise of the Soviet navy is a fact. The vital necessity for our action in rebuilding our own sea power is crucial.

The Boston Herald interview follows:

[From the Boston Herald Traveler, Jan. 18, 1970]

VIETNAM: OUR STAKE IN THE PACIFIC

(By J. Richard Lamere)

Question. Admiral McCain, to what extent do you think the end of the Vietnam War will affect U.S. strategy in the Pacific?

Answer. An end to the major hostilities will be only one step toward peace and security in the Pacific Command area. The vital necessity for maintaining a military deterrent posture will remain. This ranges from missiles afloat and ashore to lesser forces. It could mean troops airlifted to a trouble spot, or a carrier task force hundreds of miles offshore, or a heavy bomber squadron within a few hours flight time, or an interceptor force poised ready to take off. Or it could mean a fleet of submarines deployed in areas unknown. Or even a combat-ready marine battalion cruising in sight of the beach. We cannot afford to let our military presence melt away should there be an early cessation of hostilities in South Vietnam.

Three times we have not only sheathed, but thrown away our sword when the fighting stopped. We did this after World War I, we did it again after World War II and

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to a large extent after the Korean War. Each time we were called upon to rearm under crisis conditions because we had let slip through our fingers the great deterrent force of presence. I trust that we have learned our lesson.

Question. How many troops do the Communists have available in the Far East and Southeast Asia?

Answer. The Communists in Asia have some 3.8 million men under arms, comprising approximately 200 divisions and very substantial air and naval forces.

While Communist China's military forces are largely defensive in character at present, China presents a major potential threat in that it possesses nuclear weapons and soon will have missiles to deliver them. They have more than two and one-quarter million men in their ground force, which is a formidable force in itself. There is, in addition, the ever increasing naval and air strength. Communist China now has the fourth largest submarine force in the world and the third largest air force.

Question. What is the size of American military presence in the Pacific?

Answer. The Pacific Command covers some 85 million square miles of ocean, islands and mainland, or about two-fifths of the entire surface of the earth. It reaches from the California coast to the Eastern Indian Ocean and from the Aleutians to the South Pole. The East-West span is 9,000 miles and the North-South span 10,000 miles. Even the fastest jets require about 19 hours to cover the route from the West Coast of America to Saigon, and sea transport from 13 to 18 days. There are 24 different flags in addition to our own flown in this vast segment of our planet. Of these, nine can be considered firm, consistent friends of our country. The alignments of the remainder are either definitely hostile to our interests or vary between latent hostility and non-alignment.

The composition of our force in the area varies, but in a typical period we will have approximately 7,400 aircraft which includes bombers, fighters, special purpose aircraft and combat support aircraft such as transports and helicopters operated by the Army, Navy and Marines as well as Air Force. There are 560 ships operational which include carriers, cruisers, destroyer types, submarines, amphibious vessels, and special purpose ships.

In addition, approximately 300 merchant vessels carry supplies to Vietnam carriers, tanks, trucks, bulldozers and other equipment are operating. Our total military personnel active in the Pacific Command is well over a million, of whom about half serve in Vietnam.

Question. What is the significance of the Pacific Command?

Answer. The mission of the Pacific command is to defend the United States against attack through the Pacific Ocean Area and to support and advance the national policies and interests of the United States. CINCPAC is responsible for preparing plans, conducting operations and coordinating the activities of the Army, Navy, Marines and the Air Force in the Pacific. It is the largest of seven U.S. unified military commands and encompasses as I said, approximately two-fifths of the world's surface.

The United States has undertaken to help protect and strengthen the free Asian and Pacific nations. PACOM discharges responsibilities through a series of collective security and defensive arrangements. We have linked our strength to the security of the free nations in the Far East.

The treaties with our principal allies remain highly important to the security and stability of the area. Bilateral treaties provide for U.S. support to key free nations in the Pacific.

I'm assuming that you are familiar with the provisions of the agreement between the Republic of China and the United States which was signed on December 2, 1954. The ANZUS Treaty links us closely with Australia and New Zealand.

The United States has also entered into bilateral mutual defense treaties with the Philippines, Japan and Korea.

SEATO is the major multilateral treaty designed to halt aggression in Southeast Asia. In addition to the signatory powers, the treaty includes under its protective shield the Republic of Vietnam. Another major element in the strategy in the Pacific is the military assistance program. This increases the ability of free nations to defend themselves and helps to create forces which can support a common effort. The program currently includes countries throughout the world.

Military assistance program agreements are separate from the mutual defense treaties. The mutual defense treaties generally call for some degree of military response by the United States with Congressional approval in the event of aggression or attack on an allied nation.

The military assistance program agreements set forth the conditions under which the U.S. will provide military assistance in the form of equipment, training advisory functions and-or related support in accordance with the requirements of United States security foreign policy and contingent upon the necessary authorization and appropriation action by the Congress.

Question. What military action would the U.S. or SEATO nations take in the event the Communists shift aggressive actions from South Vietnam to Laos?

Answer. I wouldn't want to speculate on a hypothetical question of this kind. It's an acknowledged fact, however, that North Vietnamese Army forces are operating in Laos in violation of the Geneva Accords of 1962. In the event they should decide to substantially increase their aggressive activities in Laos, any U.S. decision would have to be made at national level.

Question. What is the estimated North Vietnamese strength in Laos and Cambodia?

Answer. In Laos, strength of NVA forces is estimated at approximately 50,000. The Royal Cambodian Government has announced recently that there are up to 40,000 NVA forces which have violated Cambodian territorial integrity by crossing Cambodia from South Vietnam.

Question. Is SEATO dying?

Answer. President Nixon reaffirmed last May 7th the U.S. resolve to continue its contributions to the "security and progress in both the Pacific area and in Southeast Asia." The U.S. considers SEATO fundamental to our strategy and position in Southeast Asia.

Question. Admiral McCain, President Nixon has been quoted as stating he will demand Japanese participation in Asian security. What are your views on this position?

Answer. As you are aware, the realm of foreign policy is not within my purview of responsibility. I might say the Japanese and United States Governments have continually cooperated in matters concerning their mutual security.

Question. There is considerable talk in Japan about assuming more responsibility for the defense of her shores. In your opinion is the Japan Self Defense Force capable of assuming such responsibilities, and what would be needed to provide an adequate defense?

Answer. We would like to see all of our allies increase their capabilities for self-defense and assist in the collective security of the Free World to the extent possible. As you know, the Treaty of Mutual Cooperation and Security between Japan and the U.S. provides that the U.S. will assist Japan in its defense.

In this context, Japanese self-defense forces are balanced, well trained and organized, and could act effectively in the defense of Japan although further expansion and modernization would be desirable. The U.S. will, of course, continue to have to provide the nuclear deterrence forces for Japan's defense.

Question. At least one foreign correspondent has indicated that a major drawback to Japan's assumption of a leading role in Asia is the fear among small nations that Japan may achieve by military means the economic domination of Asia. Do you agree with this theory?

Answer. While there may still be some latent fears, it is clear that Asia of today is greatly different from that of 25 to 30 years ago. Japan's military power is not great and the Japanese public is opposed to any foreign adventures. Japan is a great economic power and is providing economic assistance to a number of East Asian countries.

I believe that cooperation with Japan will continue and that Japan will figure in regional arrangements in an increasingly important way—primarily those dealing with economic and cultural aspects of the region.

Question. Some Japanese fear that because the bases in Japan are not used solely for the defense of Japan, there is danger of Japan being drawn into a war against her will. Is this possible?

Answer. Such a possibility is highly remote. A 1960 exchange of notes between the government of Japan and the U.S. which supplement the security treaty provides for prior consultation if we are to use our bases in Japan for combat purposes other than defense of Japan against attack.

Question. Does the reversion of Okinawa detract from our military posture in the Pacific?

Answer. Okinawa's importance to the strategic balance of East Asia cannot be overstated. It is centrally located in an arc of mutually supporting defensive bases constructed by the United States and her allies. From these bases, forces can respond promptly to all foreseeable threats; the loss of any of these bases would reduce our capability to be immediately responsive.

Further, Okinawa represents an enormous investment in time and money and represents a built-in flexibility for the deployment and supports of military units or weapons. However, the reversion of Okinawa does not entail the loss of any bases there.

Question. As a military specialist, what do you think about the military situation on the Korean peninsula?

Answer. The preservation of the rights and liberties of the people of the Republic of Korea is vital to the continued peace and growing prosperity of the Western Pacific and Asia areas.

Question. A primary objective of Kim Il Sung's regime is the reunification of the two Koreas, by force if necessary, and North Korea continues to prepare for this eventuality. With possible peace in Vietnam in the near future, are you considering repositioning your forces to counter any aggressive efforts North Korea may make in pursuing the objectives?

Answer. The President has emphasized that the United States is awaiting positive steps from the North Vietnamese government to indicate their good faith in negotiating a peaceful settlement to the Vietnam conflict. The avenue for a peaceful settlement is open. Any discussion concerning re-positioning of U.S. forces is premature. However, we have already taken measures to counter North Korean aggressive actions, and support of our ally, the Republic of Korea, continues in this regard.

Question. It is general knowledge that the North Korean Armed Forces are continuing to improve and modernize. What are we doing to increase the capability of the Republic of Korea Armed Forces to cope with this threat?

Answer. With our support, the South Koreans are adding a number of new units to their force structure.

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In addition, much equipment required for modernization of their current forces and for counter-infiltration purposes is being provided the Republic of Korea by the United States. This includes special counter-infiltration equipment (such as night vision equipment), communications equipment, vehicles, weapons, ammunition and other items.

Question. In the event a sucecssful settlement is reached in Paris, would an Asian Peace-keeping Force be feasible?

Answer. Yes, it would be feasible in this event for such a force to be brought into being. How successful it might be would depend upon the political basis on which it would be constituted.

Question. Is the U.S. Navy in danger of losing is supremacy on the seas to the Soviet Union and the Communist-controlled part of the world?

Answer. To quote Admiral Thomas Moorer, the Chief of Naval Operations, "Today the threat to U.S. supremacy at sea is real. I expect it to increase in the years ahead."

Rear Admiral F. J. Harlfinger, director of Naval Intelligence, testifying before the House Armed Services Subcommittee on Seapower, also said, "There is an unmistakable dynamism about all Soviet maritime enterprises today—from research through sophisticated operations. We see nothing on the horizon to inhibit the current expansion of the Soviet Navy, indeed the entire Soviet maritime investment."

The subcommittee issued a report stating that although the U.S. is aware of the Soviet Union's desire to unseat it as the world's leading sea power, America is having difficulties in meeting this challenge.

The U.S. Navy, the subcommittee reported, is an aging collection of warships older and smaller than the Soviet Navy and unfit for battle. American ships are so old, the subcommittee reported, that in some cases crews have difficulties in obtaining spare parts because the original suppliers have either stopped making the item or gone out of business.

Two-thirds of the U.S. fleet was built more than 20 years ago. Even with costly overhauls and rebuilding, the life expectancy of these vessels is not great, the subcommittee said. Because of the complexity of new sea warfare systems, involving demands for complicated electronics, the old seagoing platforms are ill-fitted for modernization. The problem of age faced by the U.S. Navy is in marked contrast to the situation in the Soviet Navy where only 10 per cent of its warships is over 20 years old.

Question. What steps are needed for the U.S. to cope with the Communist buildup on the seas?

Answer. What is needed is a major buildup of U.S. seapower. According to the Naval Balance Report published by the House Armed Services Committee, "If the United States proceeds at full speed to augment its naval forces, the Soviet Union will not be able to wrest the trident from America's grasp."

INDEPENDENT CEYLON: SELF-GOVERNING DOMINION WITHIN BRITISH COMMONWEALTH

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. POWELL. Mr. Speaker, the people of Ceylon attained their independence on February 4, 1948. From the beginning a parliamentary form of government with two houses was set up. The leaders of Ceylon chose to remain within the British Commonwealth of Nations as a self-governing dominion. Thus the Queen of the United Kingdom is also the sovereign of the Dominion of Ceylon, but the British sovereign does not interfere in the affairs of the self-governing Dominion.

The people of Ceylon, guided by their politically mature leaders and under their democratic government, have done well during more than two decades of their independence. Ceylon is a member of the United Nations Organizations as a sovereign state, is a valued member of the British Commonwealth of Nations, and its some 10 million inhabitants value their self-governing political status.

We salute the people of Ceylon on their approaching 22d independence day.

"COMPROMISE" PROPOSAL BY PRESIDENT NIXON ON LABOR-HEW APPROPRIATION BILL

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. ALBERT. Mr. Speaker, President Nixon in his televised address to the American people on the veto of the Departments of Labor, and Health, Education, and Welfare appropriation bill made the impacted area aid program the villain of the increases which Congress had voted for education. He was sharply critical of this program contending that it benefited many areas of the country which did not need Federal assistance and that its continuation at a high level of funding would make impossible the development and adequate financing of quality education programs.

The Congress has now received from the President a so-called "compromise" proposal recommending new figures for the various items in the Departments of Labor, and Health, Education, and Welfare appropriation bill which are in controversy. It is obvious from those figures that the rumors which immediatley preceded the House vote on the veto were well founded. At that time we heard that White House spokesmen had informed Republican Members, whose districts received impacted aid, that if they would vote to sustain the President's veto, the President would propose substantially increased aid for the impacted area program. Undoubtedly, innumerable Republican Members, who might have otherwise voted to override on the basis of these assurances, were pursuaded to vote to sustain the veto.

The President has more than made good on the debt incurred by his lieutenants in rounding up the necessary Republican votes required to uphold his veto. Programs which clearly would fall within the President's classification of quality education are to receive but nominal increases over his original budget recommendations. For example, title I of the Elementary and Secondary Education Act would be increased by less than 12 percent, grants for vocational education by 30 percent, and education for handicapped by a token amount of 7 percent. Federal assistance in federally impacted areas, the object of so much of the President's indignation and rhetorical ire, on the other hand, would be more than doubled from $202 million to $440 million, an increase of 118 percent. This may seem large but even it is inadequate to meet proven needs and like every figure recommended by the President, is in my opinion substantially below that for which the vast majority of Democrats are going to fight.

Mr. Speaker, I stated during the debate on the veto that I believed that this was going to happen and that if it did happen, the administration would be guilty of cynical double dealing. It has happened and I now reiterate that charge—the administration is guilty of cynical double dealing.

UKRAINIAN INDEPENDENCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BIAGGI. Mr. Speaker, on January 22, 1970, people throughout the world who treasure freedom paused to celebrate the 52d anniversary of Ukrainian Independence Day. A proud and brave pepole, 47 million Ukrainian citizens remain in Soviet bondage, denied the simple liberties that we too often take for granted.

It is fitting to honor these courageous people, Mr. Speaker, for theirs was a hard-won and short-lived freedom. They defended their homeland for 3½ years before the Bolshevik government, with its Communist hordes, overwhelmed their embryo republic in 1920. Still, 52 years later, the lamp of hope burns brightly in the hearts of those who remain captive through the brute strength of the Soviet Union.

Oppression is a tragedy. But, it does not stamp out a subjugated peoples' desire for freedom and national independence. Nor does it absolve us of our moral duty to sustain this desire for freedom through words and deeds and action. We must not deny others, because of our forgetfulness, the basic freedoms and liberties that each American is blessed with as his birthright.

Neither tyranny, political oppression, nor religious persecution has swayed the Ukrainian people from their quest for self-determination. Therefore, we, as free Americans, must do our part to help in this quest.

We must reaffirm mankind's right to freedom. We must rededicate ourselves to the task of supporting, in whatever appropriate manner we can, the struggle of the people of the Ukraine to regain control of their own destinies. To all those in bondage let us give hope.

Let us chastise, in 1970, those who would strip liberty and freedom from all mankind.

Independence is not a casual thing. It is molded from a dream by the blood of patriots and maintained by hard work and sacrifice. Keep it we must, and help, we must, the cause of freedom throughout the world.

Let us, therefore, work to keep the lamp of hope burning in the hearts of millions of Ukrainians who yearn for the liberation of their lives and homeland.

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DRUG ABUSE EDUCATION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, I think all of us realize that, while we can be effective at the Federal level on many critical issues, it is vital that action on the local level play a significant role in our Nation's problem-solving activities. Nowhere is local cooperation more important than in the crucial area of drug abuse education.

The spiralling statistics on drug abuse, especially among young people today, are proof enough that we must do more on the Federal, State, and local levels to effectively combat the problem. For this reason, I would like to call to the attention of my colleagues an outstanding project recently completed in the city of Hawthorne, Calif.

The Operation Drug Alert Committee of the Kiwanis Club of Hawthorne organized and directed the distribution by 300 young people of 20,000 drug abuse pamphlets titled "A Summary for Parents and Students on the Subject of Teenage Drug Abuse".

I regret that I cannot include this pamphlet, created by Linda Lamb, in my remarks; it is an outstanding piece of work utilizing many imaginative and informative drawings and illustrations and, therefore, impossible to reproduce here. I would, however, like to include at this point in the RECORD a letter of commendation which I have sent to the Honorable Gregory Page, Hawthorne's outstanding mayor, citing those responsible for Operation Drug Alert for their excellent work.

FEBRUARY 3, 1970.

Hon. GREGORY PAGE,
Mayor, City of Hawthorne,
Hawthorne, Calif.

DEAR MAYOR PAGE: At a time when drug abuse is infecting our homes and schools, at a time when youngsters ten and eleven years of age are getting hooked on heroin, and exposed to marijuana, the activities of concerned citizen groups becomes of paramount importance in succesfully combatting the problem. As a co-sponsor of the recently passed Drug Abuse Education Act, as chief sponsor of the Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act and as author of a bill to create a commission to study marijuana and other hallucinogenic drugs, I am quite familiar and quite disturbed by the magnitude and severity of the drug situation. Consequently, I was most heartened to learn of the outstanding endeavors in this area of the Operation Drug Alert Committee of the Kiwanis Club of Hawthorne.

Under the Chairmanship of Whitey Gellibrand and ably supported by Jim Crace, Dick Giles, Gene Gores, Richard Pennock and Robert Wald, the Committee organized 300 youngsters in Hawthorne to distribute 20,000 drug abuse education pamphlets that they had developed. One of the greatest causes of the rise in drug abuses is ignorance. The Kiwanis Club of Hawthorne has provided our community with a service the true value of which can never be determined, for how can one estimate the worth of the life of even one of our children. The brochure, "A Summary for Parents and Students on the Subject of Teenage Drug Abuse," provides in outline form some of the dangerous drugs, narcotics and volatile chemicals that are being used by some of our teenagers and pre-teenagers. It also describes some of the harm that results.

Mayor Page, the need for parents, teenagers, and pre-teens to learn the truth about the substances that seem to be readily available in every urban area in the nation is great. It is therefore with deep sincerity that I commend to you Whitey Gellibrand, Jim Crace, Dick Giles, Gene Gores, Richard Pennock and Robert Wald for the outstanding job they have done in protecting the lives of the children of Hawthorne. The Kiwanis Club must be congratulated for establishing their Operation Drug Alert Committee and encouraged to continue in this most beneficial and needed activity.

With best personal regards,
Very sincerely yours,
CHARLES H. WILSON.

THE MYTH OF HOUSING COSTS EXPLODED

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MATSUNAGA. Mr. Speaker, what some "experts" on housing have been trying to tell the Congress about the high cost of labor being the biggest factor in slowing down home construction turns out to be a myth.

A recent study conducted by a nationally renowned economist, Nathaniel Goldfinger, for the AFL–CIO American Federationist shows that the proportional cost of labor in housing construction is far less than it was 20 years ago: In 1949 onsite labor costs accounted for 33 percent of the total housing construction costs; in 1969, the average onsite labor costs amounted to only 18 percent.

Mr. C. J. Haggerty, the very able president of the Building and Construction Trades Department—AFL–CIO—brought these facts, and additional pertinent information relating to labor costs on home construction, to my attention in a letter dated January 26, 1970.

I believe that my colleagues and others concerned with meeting America's housing needs should read Mr. Haggerty's letter, which I submit for insertion at this point in the CONGRESSIONAL RECORD:

BUILDING AND CONSTRUCTION
TRADES DEPARTMENT,
Washington, D.C., January 26, 1970.

Hon. SPARK M. MATSUNAGA,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MATSUNAGA: It has been alleged by some so-called experts that one of the greatest causes of our present housing shortage is labor costs. This charge is completely erroneous and is no doubt antilabor in derivation.

Knowing of your desire for the true facts concerning the relationship between labor and housing costs, we are enclosing information on this vital subject. One of the enclosures is an article entitled "The Myths of Housing Costs". It is pointed out that in 1949 on-site labor costs accounted for 33% of the total housing construction costs; in 1969 on-site labor only accounted for 18%, on an average, of housing costs.

The other enclosure is a fact sheet prepared by our Milwaukee Wisconsin Building and Construction Trades Council. It shows that on-site labor costs on a typical three bedroom home in the Milwaukee area during 1969 amounted to only 16% of the total cost of the home.

We hope this information will be helpful to you in answering any inquiries you may have from constituents concerning the lowering of housing construction costs. It is our firm belief that an attack must be mounted against the real culprits: land costs, money costs and material costs.

With kindest regards, I am,
Sincerely,
C. J. HAGGERTY,
President.

OCCUPATIONAL HEALTH AND SAFETY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the Select Labor Subcommittee has completed its hearings on proposed occupational health and safety legislation and will begin marking up the bill in the near future.

One of the major questions raised during the hearings was the use of consensus standards which have been developed over the years on a voluntary basis by the private sector as a base for Federal occupational health and safety standards.

Patrick F. Cestrone, Chief, Programing and Research Division of the Office of Occupational Safety, Bureau of Labor Standards, U.S. Department of Labor has written an excellent article outlining the Labor Department's involvement and experience in the use and application of voluntary standards, and the work that is now going on to revise existing standards.

I commend the article to my colleagues and include it at this point as part of my remarks:

SHOULD THE FEDERAL GOVERNMENT DEVELOP SAFETY STANDARDS

(By Patrick F. Cestrone, chief, programming and research division, Office of Occupational Safety, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C.)[1]

The question of whether the federal government should develop safety standards is quite complex and involved. On the surface, it appears to be unencumbered, but the answer being sought really revolves around the question as to whether we should "chuck" voluntary safety standards, or diminish their role and go the federal route. Any answer as to the role of the government must be influenced by one's own experience, exposure, and degree of involvement in the utilization of safety standards. It is quite difficult to maintain a cool and objective position with all that's going on. Many are quick to overlook the contributions, the capability, and the important role played by voluntary standards during the past 50 years.

The position of many today seems to be:

"What have you done for me lately?

"What can you do for me now?"

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[1] EDITOR'S NOTE.—This article has been prepared from a talk given by Cestrone at the 57th National Safety Congress.

For the past three years, voluntary standards have received unparalleled exposure and publicity—some good, some not too good. The press, congress, trade publications, wage earners, and consumers are all pushing for greater safeguards. The "standards syndrome," no doubt, originated with the demand for auto safety, meat safety, product safety, mine safety, pipline safety, radiation safety, and others. Over 1,000 safety bills were introduced in the first session of the 91st Congress (150 by the senate and 886 by the house)—some major, but most having some peripheral safety involvement. All of this, coupled with legislative hearings and plenty of press exposure, has truly made this an era of standards.

The private sector maintains that it has the know-how and the capability to do the job—voluntarily. Others say they can't do it and that the job can best be done by the federal government.

The statements made and the questions asked at recent hearings on H.R. 13373—the Occupational Safety and Health Bill (see "Wire from Washington," January issue)—are indicative of the fact that there is some degree of disenchantment with the consensus of voluntary standards. The reasons why as well as the total answer is hard to determine. Perhaps the Labor Department's involvement and experience in the use and application of voluntary standards may shed some light on the problem.

The U.S. Department of Labor is very much involved in this area. In eight laws and one executive order, the Secretary of Labor is charged with the responsibility of safeguarding some 35 million workers. Recently added to this list was the responsibility for the safety of another 2.5 million workers involved in federally financed construction.

Chief among the department's legal tools are the *Walsh-Healey Public Contracts Act, McNamara-O'Hara Service Contract Act,* and the *Longshoremen's and Harbor Workers' Compensation Act.*

The department seeks to meet its responsibility by, among other things, promulgating and administering effective safety and health standards. Such standards then constitute a master link between expression of public policy and congress and in its realization at the workplace.

Why is the department so interested in the use of voluntary safety standards?

Or better:

How has the department become so involved in the use of safety standards produced under the consensus principle by voluntary groups?

The *Public Contract Act* (PCA) (Walsh-Healey) hearings, held in 1964, to promulgate or modify the PCA Safety and Health Standards five years ago, served as a catalyst to bring on the "standards syndrome." Briefly, the 1964 hearings resulted in two major conclusions:

(1) Nearly all, including management and labor, recommended that the Secretary of Labor get away from writing his own specification type standards and move toward adoption of consensus type standards;

(2) The other recommendation, supported quite strenuously by the National Safety Council, National Association of Manufacturers, American Society of Safety Engineers, and others was for the Secretary of Labor to establish a safety advisory committee.

Late in 1965, the Secretary of Labor appointed a 12-man *ad hoc* advisory committee. This committee met in March 1966, and its recommendations were essentially the same as those that emerged from the hearings. Consequently, the Secretary of Labor established a policy of adopting safety standards, developed by voluntary groups, wherever applicable standards existed. Subsequently, the secretary formed the National Safety Advisory Committee.

In December 1967, safety and health regulations were promulgated under the *McNamara-O'Hara Service Contract Act* by adopting standards developed by nationally recognized professional organizations and those published by the federal government. This concept, that is the mix, of utilizing voluntary standards where they existed and federal standards to fill the gaps was very favorably received. There was little or no opposition to this approach.

In September 1968, using the *Service Contract Act* (SCA) approach, the department proposed a revision of the Walsh-Healey Safety and Health Standards, again adopting consensus standards wherever they existed and federal government standards to fill the gaps. Hearings were held, wrinkles ironed out, and standards were promulgated, to become effective January 1969. With a change of administration, the new Secretary of Labor delayed the effective date of the new PCA standards. This gave the secretary and his safety advisory committee an opportunity to review the new standards, the testimony of the hearings, and other appeals and considerations brought to his attention. After they were very carefully reviewed, with a high degree of involvement by the Advisory Committee and some very significant changes, the new PCA regulations, permitting adoption of consensus standards, were promulgated and became effective May 1969.

It was obvious early in 1968 that voluntary standards were going to be adopted, where possible, for the bulk of the secretary's safety responsibilities. Consequently, it became imperative to take a very close look at the safety standards resources available to the department in the voluntary private sector. A study was started.

The first phase of this study was to determine the "state of the art." This effort was directed toward determining what was available, reviewing the age or vintage of the standards, relationship of their age to current applicability, the frequency with which standards were being revised or reaffirmed; determining the cause or causes for the delay in updating the older standards; and identifying the need for new standards (that is, with respect to the program needs of the department). The 1969 phase of our evaluations was to be directed toward a qualitative evaluation of the standards and the quality of their safeguards.

In September 1968, we completed the first phase of the study and were requested to publish a report of our findings. The report was entitled, *Status of Safety Standards—A Review of Occupational Safety and Health Standards, 1968.*

With 234 ANSI standards as a base the results of this study revealed that:

Some 40 percent were less than 5 years old and considered to be current under the existing ANSI review procedures;

Nearly 60 percent of these consensus standards were five years old or more—28 percent were more than five years old, but less than 10 years old and 32 per cent were 10 years old or more.

This first report did not in any way deal with the quality of a standard, nor did it report that a standard is bad or obsolete. The prime concern of it was to identify what was available, how old it was, and point out needed standards for the department's programs. Based upon research, it was quite evident that there was a need to speed up the updating of older standards and the system for developing the new standards. It should also be noted that for every criticism made, the report contained an alternate suggestion as to how the situation might be improved. *The Status Report* outlined the many ways an effective voluntary system can be advantageous to both government and industry.

Some felt that the status report was too critical and served only as a fault finder. Actually, it served as a pathfinder. And if this report helped to communicate, motivate, and generate a higher degree of interest and participation in helping to upgrade the status of the voluntary standards it has served its purpose well.

From all indications that is the case.

On Jan. 27, 1969 Donald Peyton, managing director, ANSI, called a special meeting at Chicago to discuss the report, its findings, and the need for some serious commitments. It was concluded that a problem existed and that there was a need to establish some realistic priorities and goals for safety standards. Also needed were more effective time tables and rigid monitoring of the time schedules set. The need for more active cooperation and participation on the part of sponsors and committees was also highlighted. A series of actions and commitments were outlined:

(1) Set up a task force immediately to review outdated standards with a view toward revising or reaffirming them by the end of 1969 or dropping them;

(2) Establish a list of new priorities for the new safety standards' projects underway—this would involve a review of all work on current projects, and a "speed up" or a "drop action" would be directed to those projects making no progress;

(3) Review existing procedures or develop new ones, if necessary, to produce standards on a more timely basis;

(4) Establish specific goals and time tables for the development of new projects;

(5) Set up necessary communication to reach sponsors, committees, and, all concerned to advise them of these actions.

Then on Jan. 30, 1969, the special *ad hoc* committee for the safety standards held its first meeting. The ANSI staff was directed to develop a current action report on all ANSI safety projects. The Bureau of Labor Standards was requested to provide a realistic listing of standards it urgently needed for its regulatory program. (Other needs would be covered later.)

On Feb. 20, 1969, the Safety Standards Committee of the Industrial Conference, National Safety Council, volunteered to work up several pilot projects with a view toward broadening the scope of standards to permit wider application.

On March 6, 1969, the *ad hoc* committee received its detailed report on all committee actions. Identified were actions being taken, lagging actions, reports of sponsors failing to initiate action over a number of years, and a report of committees that were dormant. As requested, the Bureau of Labor Standards presented a realistic listing of some 83 standards, both old and new, it felt was essential to its programing needs. A critical review was made of each standard, and priority actions assigned by the *ad hoc* group. Sponsors, committees, and working groups were to be contacted by special letters, telegrams, telephone calls, and personal contacts.

The *ad hoc* group held several subsequent meetings in April, May, July, and September of 1969 to monitor the various actions it had set in motion.

Many constructive ideas and actions have emerged from the group to date. Some of the more significant ones dealt with the modification of rules to permit faster approval actions. A management machinery is being developed by ANSI's hierarchy to meet the current need for standards on a more timely basis; more staff help is being provided at the ANSI headquarters. Other suggestions dealt with the examination of the five-year cycle, establishing permanent committees, changing the balloting rules, assigning new and broader technical responsibilities to standards boards members, and giving more time to ANSI staff to keep pace with the more current needs. Suggestions were made by the National Safety Council for speeding up new projects, application of PERT systems to speed up the production of standards, the use of critical review patterns,

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and a production flow chart for monitoring time tables. Many new concepts and ideas have emerged as a result of the very serious effort being put forth to move some of these standards' projects off dead center.

An interim report of what is happening on the production end of the project as a result of the special efforts of the ANSI *ad hoc* group has been prepared.

The first series of priority actions were in direct response to the 83 actions requested by the Bureau of Labor Standards.

The 83 actions involved:

Review of actions since March 1969—

(1) Category A—Standards 10 years old or more,

(2) Category B—5 years or older,

(3) Category C—New standards,

(4) Summary of the 83 actions,

(5) Actions since June 30 (checked on October 20),

(a) Four of the 12 standards under review have been moved by subcommittees to full committees for final ballot;

(b) Three projects, which were absolutely dormant in June, have been moved into a review action;

(c) Three additional standards have been balloted since June, approved, and sent to the sponsors for approval;

(d) Five standards have been finalized and sent to ANSI for approval action;

(e) Four projects still remain with no action at all.

Where no action is imminent, ANSI has been requested to appeal to get action or to ask the sponsors to withdraw from the project.

Many sponsors and committees, who worked diligently to meet the December 31 deadline, and working groups requested an extension of time.

These productive actions are indicators of concern and evidence of the fact that many in the voluntary sectors can be motivated to act when the need is pressing. Perhaps some day, similar efforts will be in direct response to the current needs, and thereby obviate the need for taking on a firefighting role everytime someone lights a fire under the voluntary system.

Thus far, the answer to the big question still hangs in the balance:

Should the federal government develop safety standards?

Working on phase two of the standards evaluation project, together with the development of guidelines for the application of voluntary standards in the new PCA safety and health regulations, has been very revealing. Guidelines will be developed into a reference handbook, containing an *Inspection Survey System* to be used by our field staff in determining compliance. The handbook will also be made available to the contractor subject to the PCA–SCA regulations, and thereby make him aware of what he can expect to be checked for during the course of a plant survey. Working on these two projects concurrently has enabled us to evaluate the standards more thoroughly with respect to coverage, content, applicability, conflicts, limitations, gaps and other shortcomings.

This flow of information comes to light as we identify the hazard category and develop a capsule version of the requirements contained in the applicable standard.

In keeping with one of the major recommendations made in last year's status report, this inspection system is being structured according to "Hazard Categories."

The inspection system has been developed into two major parts. The first part will cover the preoperational safety and health requirements and treat the conditions normally checked or looked for prior to the start of any operational process. Our studies reveal that there exists a series of situations that remain fairly static and that certain standards have common application.

For example:

Part 1—*Preoperational* will treat walking and working surfaces, general illumination, fire suppression systems, heating and general ventilation, pressure vessels and piping, sanitation, electrical wiring apparatus and equipment, personal service rooms, stairs, ladders, exits, permanent building structures, and appurtenances thereto;

Part 2 of the system will treat the operational safety requirements in situations involving material handling equipment, cranes, derricks, hoists, a multiple variety of machinery and machinery guarding, local exhaust, ventilation, surface preparation and finishing, welding, burning, electrical grounding of machinery and equipment, occupational health exposures, flammable liquids, and other environmental controls.

Every situation or hazard category will not be covered in the first issue, nor subsequent issues. There will always be something to add. This document will be a *live* document, and additional sections will be added as they are developed. Special industry requirements or situations will be handled on an individual basis and issued subsequently as an appendix to the original document.

In "searching out" the applicable safety standards to fit selected hazard categories, we have gained an excellent insight on the makeup of the standards.

The exercise reveals that many standards are *good, valuable,* and *useful.* However, woven into the fabric of the standard are many paragraphs of extraneous information—rhetoric on separability, legislative and exclusionary clauses—all tending to confuse, rather than improve, the standard *per se.* Loosening requirements and conflicts of requirements have also been found to exist within and between the NFPA and ANSI standards. These tend to create additional problems for us in our work and use of these standards.

One of the problems encountered was limitation of coverage. Some standards just don't go far enough. Coverage normally expected to be found in a selected standard is not there. As the search continues, the coverage may ultimately be found in some other standard—*usually a special industry standard.*

Our policy for the inspection survey system will be, ". . . whenever a position or requirement in one standard has application in other like situations, the principle involved will apply." One example of this was the search for specific dimensions for aisle spaces used by industrial trucks. We were unable to find the specific details in one standard, but subsequently found them in another. We have found conflicting requirements in both NFPA and the ANSI standards. These will be spelled out in detail and brought to the attention of both the ANSI and the NFPA organizations as soon as the project is finished.

Most interesting of all findings was the proliferation of terms used in characterizing safety factors and loading.

Terms used to characterize loading range from meaningless or nebulous—terms such as ample, substantial, safely, substantially strong enough, to the more meaningful and specific terms that spell out explicit safety factors, pounds per square foot with deformation tolerances, pounds per square foot with a safety factor of four, etc.

Granted, a variety of techniques for expressing safety factors are essential, but standards writers should really take a closer look at these requirements. In some standards, specific factors of safety are cited and in others, it is merely expressed in *number of pounds.* I am certain that we will find the difference between "pounds" and "pounds-per-square-inch" vital. It may make the difference between being able to safely work on a platform constructed of heavy timbers or steel, but not on one constructed of tissue paper.

Conflicts and questionable requirements were found in both the NFPA and ANSI codes, and they, too, need a closer look.

A certain number of conflicts will be inevitable. Perhaps, the establishment of a joint clearinghouse mechanism within the standards organizations may help to reduce the number.

There are areas of vulnerability in the system. We would rather air them for constructive purposes than have others do it for destructive purposes.

The Bureau of Labor Standards is doing all it can to make the voluntary system work. There is no reason for it not to work if all interested parties participate.

Based upon the department's actions to date, both legislative and regulatory, it is quite apparent that the department is doing all it can to give the private system an opportunity to work effectively. But where they fail, the government is obligated to take action.

Do you want the federal government to develop safety standards?

We don't want to.

But we can, if we have to!

ADLAI E. STEVENSON

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MOORHEAD. Mr. Speaker, today, February 5, 1970, would have been the 70th birthday of the late Gov. Adlai Ewing Stevenson, of Illinois. Twice the Democratic Party nominated him for that exalted honor he termed "the highest office within the gift of the American people."

In tribute to him we need not be reminded of what we have lost. That hurt is deep—and no one of us is too old to cry. We may better, then, give thanks for what we have had and rejoice in our recollections of how our good fortune came to be. Adlai Stevenson stood in the aristocratic tradition of American politics. His name is recorded with the Adamses and the Roosevelts. He had the instinct for public service, he knew that the greatest opportunities for effective public service lie in elective office. The disappointments were his in cruel measure but as one who was privileged to call him a friend let me testify that the satisfactions were his as well. We need not fear that he ever looked back with despairing regret at the way the final balance was struck.

It was appropriate that the Republic should have paid its final tribute to him when he died in July of 1965 in the National Cathedral in Washington, D.C. It is here that Woodrow Wilson is buried. Adlai Stevenson came of that generation of Princeton students who thrilled to the Wilson saga—that figure in our history in whom the contrasting worlds of university and precinct have had their most dramatic conjunction. That day in the cathedral we realized the youthful admirer had completed the course with honor and was at rest with the admired.

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Those who are concerned with the fate of America in the 1970's can find a blueprint for action if they reread the speeches that Adlai Stevenson delivered in the forties, the fifties, and the sixties. Surely history will place his speeches and his writings among the great state papers of the Republic.

As Judge Carl McGowan said in the funeral oration:

> That voice is stilled now but its echoes are likely to be sounding down the corridors of history for a long time. For it is the essence of faith to believe that the world in its advancing age will set no less store than we have upon reason, upon intelligence, upon gaiety, upon charity and compassion and grace— in all these things, and more, of and with which this voice has spoken to us so often and so clearly in the past. * * * He died as he would have wished, engaged in his country's business and mankind's.

THE IRREPRESSIBLE MILLS B. LANE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HAGAN. Mr. Speaker, oftentimes the good that people accomplish in their lives is not given recognition until they pass on. Fortunately, in the case of Mills B. Lane, this is not so as his endeavors have been widely known and admired for quite some time.

The February 1970 issue of Reader's Digest has an interesting article on this outstanding Savannahian, and I wish to commend it to the attention of my colleagues:

THE IRREPRESSIBLE MILLS B. LANE

(By Irwin Ross)

When the Atlanta officers of the Citizens and Southern Bank arrived for their regular Wednesday meeting, they found a huge target hung on the wall. Its bull's-eye was a flashing red light, the only thing visible when the room suddenly went dark. A moment later came a blast of gunfire then the lights went on again, revealing five men dressed in hunting costumes, brandishing shotguns. "We're taking dead aim at new savings bonds!" shouted their leader, Mills B. Lane, Jr., the irrepressible 58-year-old president of the bank. It was Lane's way of announcing a competition among bank employes to see who could sell the most savings bonds.

The incident is typical of the zany gimmicks with which Lane enlivens the working day—and get cascades of publicity for his bank. He once rolled into an officer's meeting top a toy automobile, to emphasize the need for speed in a bank promotion. Another time, touting teamwork, he and his chief officers appeared at a meeting in football uniforms, complete with helmets. Most bankers blanch at such stunts, but they find it hard to argue with success. In his 23 years as its president, Lane has built Citizens and Southern into the largest bank in the South, with over $1.3 billion in deposits and 70 offices covering the state. Among major banks, C & S is the second most profitable in the nation, earning a 14.4 percent return on equity capital.

Over the years, these high profits have been matched by a quality of leadership and community identification unexcelled among American banks. Lane himself has won a reputation as perhaps the most imaginative, and certainly the most colorful banker in the country. "We don't take *ourselves* seriously here," he says. "But we're dead serious about banking."

Part missionary, part hardheaded businessman, Lane prefers to call himself a promoter rather than a banker. He is a bald, round-faced, bulky man, carrying a 220-pound load on his five-foot, 8½-inch frame, whose cloth often look slept-in after he's worn them for an hour. His taste runs to loud sports jackets in the office, a beret when he's behind the wheel of his car. He is exuberance personified, a quality not appreciated by everyone whose back he slaps. His standard greeting is a booming, "It's a wonderful world!" He wears ties inscribed with the same message, and has given away 4000 of them to employes and friends. A colleague once asked him whether the world was indeed so wonderful. "Of course," said Lane. "That's company policy."

Everything is a bit offbeat about Lane. He wears rimless eyeglasses with wire ear loops—a style popular 30 years ago. He is up by 5:30 a.m., breakfasts on fruit juice and tea, and is in the office soon after 7. He is usually at home again by 4:45 p.m., and in bed by 8:30 or 9 p.m.

Lane prides himself on his accessibility. His office is just off the main banking room; the door is open, and visitors often duck in to see him. He also answers his own phone, and is a superb performer when fielding calls—cordial, hearty, but businesslike and very fast. "Mills Lane," he says, in a musical upbeat tone as he lifts the receiver; then, "You *know*, it's a wonderful world!"

Lane has built Citizens and Southern to its pre-eminent position in the South through a dazzling display of speed, flexibility and imagination. At C & S, a customer who applies for a loan can generally get an answer within 24 hours. Lane's speed in approving loans is legendary. On one occasion, a local trade publication needed half a million dollars to buy out another publishing house. Two other Atlanta banks dithered about for days with the loan application. Lane was approached. He listened for five minutes—and committed C & S for the full half million.

Lane has been equally willing to go out on a limb for community projects—like the "Georgia Plan," a bank-sponsored effort to improve the living conditions of Georgia's urban poor, most of them black. The scheme has several features. The most dramatic is an annual spring clean-up day, in which volunteers scoop up debris, clean vacant lots, haul away abandoned cars. In May 1968, Lane organized the first such drive in his native Savannah. The C & S bank bought 5000 new garbage cans—one for every resident who cooperated—and 50,000 feet of new fencing. After a drumbeat of publicity that lasted for days, 10,000 Negro and white volunteers poured out into the streets with trucks, shovels and brooms. In 1969, the drive enrolled nearly 75,000 Georgians in 12 cities. Lane's bank has pledged $1 million a year for five years for such efforts, as well as for the building of playgrounds and swimming pools, and paving streets.

The "Georgia Plan" also includes an ambitious program to improve ghetto dwellings and encourage home ownership. In Savannah, where the program has been under way for over a year, the bank has made more than a thousand home-improvement loans, averaging $1500 each, to citizens who have rarely, if ever, been able to borrow funds from a bank. In addition, nearly 100 residents have been lent an average of $9000 each to become homeowners. Many applicants lacked even the money for a down payment. Lane therefore set up a wholly owned subsidiary, the Community Development Corporation, to provide the necessary down payments in return for second mortgages on the dwellings. (A bank itself is not allowed to take a second mortgage.)

The CDC has another function as well: to lend equity capital to capable ghetto residents eager to go into business. So far, 28 business loans have been made in Savannah alone, all but two to blacks. A restaurant, a dry-cleaning establishment, an electrical contracting business, a used-car agency have been among the new businesses. These are high-risk loans, but none of them is in default.

So far, the bank has lent over $2.5 million for "Georgia Plan" projects. "And we've done it all on our own, without any government money or guarantees," says Lane.

Lane is a third-generation banker. His father, Mills Lane, Sr., an austere banker of the old school, became president of the Citizens Bank of Savannah, one of the two predecessors of C & S, back in 1901, and laid solid foundations for its present empire. Mills Jr. went to work in his father's bank in 1934, at $85 a month, after graduation from Yale. When his father died in 1945, Lane was C & S's first vice president.

The president was H. Lane Young, a cousin, with whom Mills Jr. had many clashes. Young was an elderly, conservative banker who often boasted that he had never made a bad loan. Lane saw such a record as a reflection of excessive caution. He wanted to move, to innovate, to accept reasonable risks. Their difference came to a climax in 1946 over an auto-financing scheme which Lane worked out but which Young rejected. Lane resigned but was not away for long. Control of the bank was held by his family and within a few weeks Lane was back—at 34 one of the youngest bank presidents in the country.

With his optimism and flair for publicity, Lane has always been the talk of the town. To attract more savings, the bank was the first in the country to sell "Savings Bonds"—certificates of deposit, in modest denominations, which yield more than the normal interest rate when held to maturity. Another first, in 1959, was "instant money"—a cash loan upon presentation of the bank's credit card to any teller. "We've been showmen," he says today, "but not damn fools. The banking business needed humanizing."

Another novelty is his fleet of helicopters, to fly paperwork from outlying branches to the bank's computer center in downtown Atlanta, saving many hours in clearing checks. When making their rounds, the helicopters do not always land but scoop up canvas bags hoisted atop flagpoles on the roofs of banks.

Lane firmly believes in youth. The bank has for years had an aggressive recruitment program in the nation's colleges; currently 150 college trainees are enrolled. C & S already has a substantial "youth movement" among its seasoned executives. Richard L. Kattel, an executive vice president who runs the $150 million Savannah operation, is 33; William E. Green, Jr., the bank's comptroller, is 34; Eugene M. Rackley, III, the vice president for personnel, 33.

In no area has Lane so dramatically upset banking tradition as in his involvement in politics. Most bankers remain aloof from the political arena, for fear of offending customers. Lane has plunged right in. In 1961, he helped spark Ivan Allen's successful mayoralty boom. The next year, Lane got behind Carl Sanders, an enlightened young legislator who won the governorship by outpolling a bitter-end segregationist. But Lane does not win them all. He backed the loser in Atlanta's recent mayoralty race.

Win or lose, he plows ahead, heedless of convention or personal popularity, announcing "It's a wonderful world!" to all comers, even if they grimace in response. "I may be an eccentric," he concedes, "but I'm no clown." He is correct. And few states are more in debt to a banker.

ADMIRAL DORNIN RETIRES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BOB WILSON. Mr. Speaker, Admiral Dornin, known to all of us as "Mush" Dornin, was formerly head of the Congressional Liaison Office of the Navy, and is a friend of many of my colleagues. They will be interested to learn of his retirement in San Diego after 40 years of distinguished service to our Nation. We San Diegans are pleased that Admiral Dornin has chosen our fine community as his retirement home, but know the Navy will sorely miss him. I would like to share the following San Diego Union article which outlines a few of Mush's many accomplishments during his Navy career:

Admiral Retires After 40 Years

(By Kip Cooper)

Cutting into the bone and muscle of the military forces by budget conscious administrators has three times caused this nation to be militarily unprepared for war, the retiring commandant of the 11th Naval District said here yesterday.

Rear Adm. Marshall E. Dornin identified these occasions as the Washington Naval Disarmament Conference of 1921-22 leading to a naval limitations treaty between the United States, England, France and Japan, and the post-World War II and post-Korea scrapping of military equipment and ships.

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"The Washington conference cut our Navy down," Dornin said. "And after World War II, the fat was going to be cut from the military forces but the bone and the muscle were cut into so we were ill-prepared for hostilities in Korea.

REDUCED AGAIN

Dornin said after Korea, military forces were reduced again and we were not too well prepared for hostilities in Vietnam.

"I honestly hope that our leaders today don't cut into the bone and muscle of our defense establishment to the extent that this nation cannot meet its international treaty commitments, that the nation's security is jeopardized and that our diplomats are forced to deal from a position of weakness," he said.

"Of course, we need a nuclear deterrent and intercontinental ballistic missiles," he said. "But we also need the tools of conventional warfare as we have seen in Vietnam."

DORNIN RETIRES

Dornin, 62, retired yesterday, ending over 40 years of military service which span the eras from coal to nuclear propulsion in naval vessels.

President Nixon awarded him the Legion of Merit, his third, for exceptionally meritorious service here as commandant of the three-state 11th Naval District from August 1967 to January 1970.

In the citation, which was read by Vice Adm. A. M. Shinn, Pacific Fleet Naval Air Force commander, Dornin was commended for his outstanding community work in San Diego and for inducing 98 per cent of the city's landlords to subscribe to non-discriminatory housing policies.

The popular admiral also was commended for his successful efforts as the Navy's principal contact with 11 community and civic organizations and for ensuring that all commands in the area worked together to provide outstanding service to the fleet.

About 500 guests, including five past commandants of the 11th Naval District, attended the ceremonies at the Naval Training Center in which Rear Adm. Joseph W. Williams Jr., assumed the commandant's duties from Dornin.

ADMIRALS ATTEND

The past commandants attending, all retired rear admirals, were C. C. Hartman, Almon E. Loomis, M. W. White, Walter H. Price and Frank A. Brandley.

Williams came to San Diego from the post of inspector general of the Pacific Fleet with headquarters in Hawaii, a transfer jokingly characterized by Shinn as "a change of hardship posts."

Williams, a veteran submariner and a former commander of the U.S. 7th Fleet, also served as commander of naval forces in Korea and as assistant chief of naval operations.

He wears the Navy Cross—second highest award for heroism—the Silver Star, Legion of Merit with four gold stars and the Bronze Star Medal with combat V.

DORNIN'S DAY

"This is Admiral Dornin's day," Williams said in a short speech, "and I don't want to detract from the honors that are rightly his."

However, warned Williams, "I want to remind those critics of the military-industrial complex that it is the civilian-military team that for 200 years has been providing the men and the equipment that have kept this nation free."

The United States, Williams said, "truly is the land of the free but only because of the brave."

The Dornins will live in San Diego after retirement.

COUNTRY NEEDS TO PURSUE ENVIRONMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. SCHEUER. Mr. Speaker, President Nixon has recognized the danger to our environment. In his state of the Union address he said:

> The great question of the seventies is: shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land, and our water?

Mr. Nixon has gone on record with the belief that we must act soon to make those reparations. The U.S. Commissioner of Education, Dr. James Allen, has also seen the great dangers facing the environment. Recently, he declared that it was essential for students to "know the basic facts about environment." Along with my colleagues, Congressmen Brademas, Reid, and Hansen, who joined me in sponsoring the Environmental Quality Education Act, I am very pleased that the President and his leading expert in education have decided to act in behalf of the environment.

And if this country is to preserve its environment, an active informed public is a necessity. It was for this purpose that the Environmental Quality Education Act was drawn up. Yet, in order for these informed citizens to wield political power they should have helpful guidelines. In a short essay, Mrs. Donald Clausen, second vice president of the League of Women Voters of the United States has offered some suggestions which I think will prove beneficial to both the general public and my colleagues.

The essay follows:

The Role of the Private Sector—Mobilizing People Power

(By Mrs. Donald Clausen)

It is no longer difficult to point to substantial evidence that achieving a quality environment depends in a large and increasing measure upon public awareness, interest, support, and participation. If the "public" (as we in the private sector are usually called) is to be more than an unthinking tool in the hands of the professionals in resource management, or the pressure groups representing single purpose interests, or the politicians who make the final decisions, we need to become more astute about what motivates us and how to gain strength. Obviously the challenge in mobilizing people is twofold: (1) catch their interest, and (2) channel this interest into some productive action.

Capturing the interest of people in any cause has become a highly competitive and scientific discipline. In spite of this, those who desire to bring people together in behalf of environmental causes do not always demonstrate much awareness of how to go about this feat. During the last 50 years, the League of Women Voters has learned a little about this process, and during the nearly 14 years of our involvement in water resource problems, some thoughtful attention has been given to this very problem. It seems to us that those who share environmental concern must recognize some important factors:

(1) The need to reach new elements in our society, i.e. urban dwellers, young people, and minority groups. The decisions on the important environmental questions of this generation and the next are going to be made in a large measure by those who fall into one or all of these groups. If we fail to demonstrate sufficient concern for the urban environment, or to help city dwellers to recognize their physical problems as environmental problems, or to show a renewed interest in the city and its problems, we will lose a large percentage of the population as backers for conservation causes. The money, the votes, the legislative representation, the bargaining power is becoming increasingly concentrated in cities and suburbs. Failure to recognize that we have really done very little to appeal to a large portion of our population could be disastrous in future decision-making. It is not difficult to point to selected programs involving young people and environmental awareness which could be termed successful, but we have hardly scratched the surface when it comes to making most of the next generation aware of the difficult decisions they will need to make if man is to survive on this planet. Until environmental decisions are as hotly debated as the war in Vietnam, until young people identify as closely with this spectrum of problems as they do with drugs and the draft, until they are as willing to support funds for massive protection and clean-up in our environment, we will continue to lose the battle for attention and awareness of the young.

(2) The need to see the interest and involvement of more people in environmental concerns, not as winning adherents to a cause, but as involving more people in the decision-making process which should precede solutions. It would be a mistake for us to think in terms of wanting to arouse large numbers of people to concern and action on a broad range of problems as raising an army which will defend every ounce of water, every inch of ground and every cubicle of sky against the misuse of the uniformed. If we are to involve large numbers of people in the

choices to be made, then we must be prepared to give people the facts, show them how to express their wishes, and be prepared to accept the fact that the people's choices may not always coincide with those of the pure conservationist. We must not make the mistake of assuming that "right" and "wrong" of environmental choices is so obvious that the decisions will always be what we would like them to be. What is important is that we, who because of our involvement in citizen-based organizations, have learned quite a bit about how to be politically effective, share this knowledge of technique with others without apprehension that it will not be used to support unfortunate choices.

There would be little purpose to trying to bring into the decision-making process larger numbers of people from previously-unreached parts of society unless we also focus on how to channel this interest into some productive and satisfying action. To oversimplify and surely to eliminate many possibilities, I should like to suggest a few guidelines for those who seek to arouse the public to action.

(1) Have well-defined goals for what you want to accomplish. Many a good idea goes floundering for lack of the ability to see it as a part of the whole or to articulate it to laymen. People do not like to waste their time in meetings where the nature of the problem and the aims of the group are never set forth in explicit terms.

(2) Include those whom you want to reach in the planning process, i.e., in the selection of goals and in the strategy sessions. Action by citizen organizations and individuals is not a commodity which can be turned on at the convenience of officials or lay leaders.

(3) Be prepared to show how the doer will benefit from the action. An important principle of opinion building—the identification principle—is involved. To accept an idea or a point of view, the people we are trying to reach must see clearly that it affects them.

(4) Be ready and willing to provide sufficient information and assistance to those whom you want to take action. One of the biggest blocks to more citizen action on resource problems is the feeling the average citizen has that he is incompetent to express opinions on scientific and technological matters.

(5) Identify those you want to reach and tailor your plans to fit. As in any other effort to reach people, you will need to identify the audience and adapt requests for action to what they can and will do.

(6) Be clear about what you want people to do. People do not buy ideas separated from action. Unless a means of action is provided, people tend to shrug off appeals for support.

(7) Keep the channels of communication open. Once individuals or organizations have been enlisted it is important to keep in contact in order to maintain interest.

(8) Make the doer feel he is not alone but a participant in a large effort. Don't be negative about the outlook, or the numbers of people, or the effect of citizen efforts, if you want to encourage more of the same.

(9) Praise the efforts of others—and publicize their names and/or their organizations. Subjugation of personality and organizational identity is often necessary.

(10) Be realistic about what can be accomplished and be frank. It is better to decide to do something that has a reasonable chance of success—at least in the beginning. People become disenchanted if they never see any measurable progress.

In summary, to get action from people, they must be helped to see in the dry and often technical reports of basic data, a larger view. People must be helped to the point where they are willing to accept the inconveniences, the regulations, and the expense of the solutions to the nation's environmental problems because they are fully committed to the final goals and objectives.

MORTGAGING THE OLD HOMESTEAD

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. COHELAN. Mr. Speaker, I submit for the attention of my colleagues a most illuminating article on the environmental crisis we find our society in. "Mortgaging the Old Homestead" by Lord Ritchie-Calder is a clear and comprehensive account of the ever-increasing problem of pollution. Lord Ritchie-Calder's analysis is frightening. He depicts environmental pollution as a manmade disease with untold effects upon all of mankind. Something must be done before it reaches uncontrollable epidemic proportions.

I recommend this article as additional testimony for the need for stricter antipollution legislation. It follows:

MORTGAGING THE OLD HOMESTEAD

(NOTE.—The destruction of the environment, the erosion of the "quality of life," has become the foremost issue of the day. Making "our peace with nature," said President Nixon in his State of the Union Message last week, is "the great question of the '70s." As public awareness increases and indignation mounts, a torrent of words pours forth concerning the necessities and priorities of our environmental dilemma. But nowhere has the issue been faced as succinctly and provocatively as in the following article, written for the current edition of the quarterly "Foreign Affairs" by the eminent British scientific author and United Nations science adviser, Lord Ritchie-Calder. Though Lord Ritchie-Calder considers some questions that are normally outside the scope of our editorial interest, he deals with others that certainly are not. And one point is clear: if the matters he discusses are not resolved, there will be no sporting life, no leisure life, no contemplative life—perhaps no life at all. "These [smog, pollution, noise, etc.] are not the great questions that concern world leaders at summit conferences," said the President. But Lord Ritchie-Calder a convinced internationalist, says this is the summit issue, that man's last chance lies in planned cooperation between nations at the highest level. In the belief that this article deserves the widest readership, it is reprinted here in full.—The EDITORS.)

(By Lord Ritchie-Calder)

Past civilizations are buried in the graveyards of their own mistakes, but as each died of its greed, its carelessness or its effeteness another took its place. That was because such civilizations took their character from a locality or region. Today ours is a global civilization; it is not bounded by the Tigris and the Euphrates nor even the Hellespont and the Indus; it is the whole world. Its planet has shrunk to a neighborhood round which a man-made satellite can patrol 16 times a day, riding the gravitational fences of Man's family estate. It is a community so interdependent that our mistakes are exaggerated on a world scale.

For the first time in history, Man has the power of veto over the evolution of his own species through a nuclear holocaust. The overkill is enough to wipe out every man, woman and child on earth, together with our fellow lodgers, the animals, the birds and the insects, and to reduce our planet to a radioactive wilderness. Or the Doomsday Machine could be replaced by the Doomsday Bug. By gene manipulation and man-made mutations, it is possible to produce, or generate, a disease against which there would be no natural immunity; by "generate" is meant that even if the perpetrators inoculated themselves protectively, the disease in spreading round the world could assume a virulence of its own and involve them, too. When a British bacteriologist died of the bug he had invented, a distinguished scientist said, "Thank God he didn't sneeze, he could have started a pandemic against which there would have been no immunity."

Modern Man can outboast the Ancients, who in the arrogance of their material achievements built pyramids as the gravestones of their civilizations. We can blast our pyramids into space to orbit through all eternity round a planet which perished by our neglect.

A hundred years ago Claude Bernard, the famous French physiologist, enjoined his colleagues, "True science teaches us to doubt and in ignorance to refrain." What he meant was that the scientist must proceed from one tested foothold to the next (like going into a minefield with a mine detector). Today we are using the biosphere, the living space, as an experimental laboratory. When the mad scientist of fiction blows himself and his laboratory skyhigh, that is all right, but when scientists and decisionmakers act out of ignorance and pretend that it is knowledge, they are putting the whole world in hazard. Anyway, science at best is not wisdom; it is knowledge, while wisdom is knowledge tempered with judgment. Because of overspecialization, most scientists are disabled from exercising judgments beyond their own sphere.

A classic example was the atomic bomb. It was the Physicists' Bomb. When the device exploded at Alamogordo on July 16, 1945, and made a notch mark in history from which Man's future would be dated, the safebreakers had cracked the lock of the nucleus before the locksmiths knew how it worked. (The evidence of this is the billions of dollars which have been spent since 1945 on gargantuan machines to study the fundamental particles, the components of the nucleus; and they still do not know how they interrelate.)

Prime Minister Clement Attlee, who concurred with President Truman's decision to drop the bomb on Hiroshima, later said: "We knew nothing whatever at that time about the genetic effects of an atomic explosion. I knew nothing about fallout and all the rest of what emerged after Hiroshima. As far as I know, President Truman and Winston Churchill knew nothing of those things either, nor did Sir John Anderson, who coordinated research on our side. Whether the scientists directly concerned knew or guessed, I do not know. But if they did, then so far as I am aware, they said nothing of it to those who had to make the decision."

That sounds absurd, since as long before as 1927, Herman J. Muller had been studying the genetic effects of radiation, work for which he was later awarded the Nobel Prize. But it is true that in the whole documentation of the British effort before it merged in the Manhattan Project, there is only one reference to genetic effects—a Medical Research Council minute which was not connected with the bomb they were intending to make; it concerned the possibility that the Germans might, short of the bomb, produce radioactive isotopes as a form of biological warfare. In the Franck Report, the most statesmanlike document ever produced by scientists, with its percipience of the military and political consequences of unilateral use of the bomb (presented to Secretary of War Henry L. Stimson even before the test bomb exploded), no reference is made to the biological effects, although one would have supposed that to have been a very powerful argument. The explanation, of course, was that it was the Physicists' Bomb and military security restricted information and discussion to the bomb-makers, which excluded the biologists.

The same kind of breakdown in interdisciplinary consultation was manifest in the subsequent testing of fission and fusion bombs. Categorical assurances were given that the fallout would be confined to the testing area, but the Japanese fishing boat *Lucky Dragon* was "dusted" well outside the predicted range. Then we got the story of radiostrontium. Radiostrontium is an analog of calcium. Therefore in bone-formation an atom of natural strontium can take the place of calcium and the radioactive version can do likewise. For all practical purposes radiostrontium did not exist in the world before 1945; it is a man-made element. Today every young person, anywhere in the world, whose bones were forming during the massive bomb-testing in the atmosphere, carries this brand mark of the Atomic Age. The radiostrontium in their bones is medically insignificant, but, if the test ban (belated recognition) had not prevented the escalation of atmospheric testing, it might not have been.

Every young person everywhere was affected, and why? Because those responsible for H-bomb testing miscalculated. They assumed that the upthrust of the H-bomb would punch a hole in the stratosphere and that the gaseous radioactivity would dissipate itself. One of those gases was radioactive krypton, which quickly decays into radiostrontium, which is a particulate. The technicians had been wrongly briefed about the nature of the troposphere, the climatic ceiling which would, they maintained, prevent the fallback. But between the equatorial troposphere and the polar troposphere there is a gap, and the radiostrontium came back through this fanlight into the climatic jet streams. It was swept all round the world to come to earth as radioactive rain, to be deposited on food crops and pastures, to be ingested by animals and to get into milk and into babies and children and adolescents whose growing bones were hungry for calcium or its equivalent strontium, in this case radioactive. Incidentally, radiostrontium was known to the biologists before it "hit the headlines." They had found it in the skin burns of animals exposed on the Nevada testing ranges and they knew its sinister nature as a "bone-seeker." But the authorities clapped security on their work, classified it as "Operation Sunshine" and cynically called the units of radiostrontium "Sunshine Units"—an instance not of ignorance but of deliberate noncommunication.

One beneficial effect of the alarm caused by all this has been that the atoms industry is, bar none, the safest in the world for those working in it. Precautions, now universal, were built into the code of practice from the beginning. Indeed it can be admitted that the safety margins in health and in working conditions are perhaps excessive in the light of experience, but no one would dare to modify them. There can, however, be accidents in which the public assumes the risk. At Windscale, the British atomic center in Cumberland, a reactor burned out. Radioactive fumes escaped from the stacks in spite of the filters. They drifted over the country. Milk was dumped into the sea because radioactive iodine had covered the dairy pastures.

There is the problem of atomic waste disposal, which persists in the peaceful use as well as in the making of nuclear explosives. Low energy wastes, carefully monitored, can be safely disposed of. Trash, irradiated metals and laboratory waste can be embedded in concrete and dumped in the ocean deeps—although this practice raises some misgivings. But high-level wastes, some with elements the radioactivity of which can persist for hundreds of thousands of years, present prodigious difficulties. There must be "burial grounds" (or, euphemistically, "farms"), the biggest of which is at Hanford, Wash. The Hanford "farm" encloses a stretch of the Columbia River in a tract covering 575 square miles where no one is allowed to live or to trespass.

There, in the 20th-century Giza, it has cost more, much more, to bury live atoms than it cost to entomb the sungod kings of Egypt. The capital outlay runs into hundreds of millions of dollars and the maintenance of the U.S. sepulchers is more than $6 million a year. (Add to that the buried waste of the U.S.S.R., Britain, Canada, France and China, and one can see what it costs to bury live atoms.) And they are very much alive. At Hanford they are kept in million-gallon carbon-steel tanks. Their radioactive vitality keeps the accompanying acids boiling like a witch's cauldron. A cooling system has to be maintained continuously. The vapors from the self-boiling tanks have to be condensed and "scrubbed" (radioactive atoms removed); otherwise a radioactive miasma would escape from the vents. The tanks will not endure as long as the pyramids and certainly not for the hundreds of thousands of years of the long-lived atoms. The acids and the atomic ferments erode the toughest metal, so the tanks have to be periodically decanted. Another method is to entomb them in disused salt mines. Another is to embed them in ceramics, lock them up in glass beads. Another is what is known as "hydraulic fraction": a hole is drilled into a shale formation (below the subsoil water); liquid is piped down under pressure and causes the shale to split laterally. Hence the atoms in liquid cement can be injected under enormous pressure and spread into the fissures to set like a radioactive sandwich.

This accumulating waste from fission plants will persist until the promise, still far from fulfilled, of peaceful thermonuclear power comes about. With the multiplication of power reactors, the wastes will increase. It is calculated that by the year 2000, the number of six-ton nuclear "hearses" in transit to "burial grounds" at any given time on the highways of the United States will be well over 3,000 and the amount of radioactive products will be about a billion curies, which is a mighty lot of curies to be roaming around a populated country.

The alarming possibilities were well illustrated by the incident at Palomares on the coast of Spain, when there occurred a collision of a refueling aircraft with a U.S. nuclear bomber on "live" mission. The bombs were scattered. There was no explosion, but radioactive material broke loose and the contaminated beaches and farm soil had to be scooped up and taken to the United States for burial.

Imagine what would have happened if the *Torrey Canyon*, the giant tanker which was wrecked off the Scilly Isles, had been nuclear-powered. Some experts make comforting noises and say that the reactors would have closed down," but the *Torrey Canyon* was a wreck and the Palomares incident showed what happens when radiocative materials break loose. All those oil-polluted beaches of southwest England and the coasts of Brittany would have had to be scooped up for nuclear burial.

The *Torrey Canyon* is a nightmarish example of progress for its own sake. The bigger the tanker, the cheaper the freightage, which is supposed to be progress. This ship was built at Newport News, Va. in 1959 for the Union Oil Company; it was a giant for the time—810 feet long and 104 feet beam—but, five years later, that was not big enough. She was taken to Japan to be "stretched." The ship was cut in half amidship and a mid-body section inserted. With a new bow, this made her 974 feet long, and her beam was extended 21 feet. She could carry 850,000 barrels of oil, twice her original capacity.

Built for Union Oil, she was "owned" by the Barracuda Tanker Corporation, the head office of which is a filing cabinet in Hamilton, Bermuda. She was registered under the Liberian flag of convenience and her captain and crew were Italians recruited in Genoa. Just to complicate the international tangle, she was under charter to the British petroleum Tanker Company to bring 118,000 tons of crude oil from Kuwait to Milford Haven in Wales, via the Cape of Good Hope. Approaching Lands End, the Italian captain was informed that if he did not reach Milford Haven by 11 p.m. Saturday night he would miss high water and would not be able to enter the harbor for another five days, which would have annoyed his employers. He took a shortcut, setting course between Seven Stones rocks and the Scilly Isles, and he finished up on Pollard Rock, in an area where no ship of that size should ever have been.

Her ruptured tanks began to vomit oil and great slicks appeared over the sea in the direction of the Cornish holiday beaches. A Dutch tug made a dash for the stranded ship, gambling on the salvage money. (Where the salvaged ship could have been taken one cannot imagine, since no place would offer harborage to a leaking tanker.) After delays and a death in the futile salvage effort, the British Government moved in with the navy, the air force and, on the beaches, the army. They tried to set fire to the floating oil which, of course, would not volatilize. They covered the slicks with detergents (supplied at a price by the oil companies), and then the bombers moved in to try to cut open the deck and, with incendiaries, to set fire to the remaining oil in the tanks. Finally the ship foundered and divers confirmed that the oil had been effectively consumed.

Nevertheless the result was havoc. All measures had had to be improvised. Twelve thousand tons of detergent went into the sea. Later marine biologists found that the cure had been worse than the complaint. The oil was disastrous for seabirds, but marine organic life was destroyed by the detergents. By arduous physical efforts, with bulldozers and flamethrowers and, again, more detergents, the beaches were cleaned up for the holiday-makers. Northerly winds swept the oil slicks down the Channel to the French coast with even more serious consequences, particularly to the valuable shellfish industry. With even bigger tankers being launched, this affair is a portentous warning.

Two years after *Torrey Canyon*, an offshore oil rig erupted in the Santa Barbara Channel. The disaster to wildlife in this area, which has island nature reserves and is on the migratory route of whales, seals and seabirds, was a repetition of the *Torrey Canyon* oil spill. And the operator of the lethal oil rig was Union Oil.

Another piece of stupidity shows how much we are at the mercy of ignorant men pretending to be knowledgeable. During the International Geophysical Year, 1957–58, the Van Allen Belt was discovered. This is an area of magnetic phenomena. Immediately it was decided to explode a nuclear bomb in the belt to see whether an artificial aurora could be produced. The colorful draperies and luminous skirts of the aurora borealis are caused by the drawing in of cosmic particles through the rare gases of the upper atmosphere—ionization it is called; it is like passing electrons through the vacuum tubes of our familiar fluorescent lighting. The name Rainbow Bomb was given it in anticipation of the display it was expected to produce. Every eminent scientist in the field of cosmology, radio astronomy or physics of the atmosphere protested at this irresponsible tampering with a system which we did not understand. And, typical of the casual attitude toward this kind of thing, the Prime Minister of the day, answering protests in the House of Commons that called on him to intervene with the Americans, asked what all the fuss was about. After all, they hadn't known that the Van Allen Belt even existed a year before. This was the cosmic equivalent of Chamberlain's remarks about Czechoslovakia, at the time of Munich, about that distant country of which we knew so little. They exploded the bomb. They got their pyrotechnics and we still do not know the cost we may have to pay for this artificial magnetic disturbance.

In the same way we can look with misgivings on those tracks—the white tails of the jets that are introducing into our climatic system new factors, the effects of which are immensurable. Formation of rain clouds depends upon water vapor having a nucleus on which to form. That is how artificial precipitation is introduced—the so-called rainmaking. So the jets, crisscrossing the weather system, playing noughts and crosses with it, can produce a man-made change.

In the longer term we can foresee even more drastic effects from Man's unthinking operations. At the United Nations' Science and Technology Conference in Geneva in 1963 we took stock of the effects of industrialization on our total environment thus far. The atmosphere is not only the air which humans, animals and plants breathe, it is also the envelope that protects living things from harmful radiation from the sun and outer space. It is also the medium of climate, the winds and the rain. Those are inseparable from the hydrosphere—the oceans, covering seven-tenths of the globe, with their currents and extraordinary rates of evaporation; the biosphere, with its trees and their transpiration; and, in terms of human activities, the minerals mined from the lithosphere, the rock crust. Millions of years ago the sun encouraged the growth of the primeval forests, which became our coal, and the plant growth of the seas, which became our oil. Those fossil fuels, locked away for eons of time, are extracted by man and put back into the atmosphere from the chimney stacks and the exhaust pipes of modern engineering. About six billion tons of carbon are mixed with the atmosphere annually. During the past century, in the process of industrialization, with its release of carbon by the burning of fossil fuels, more than 400 billion tons of carbon have been artificially introduced into the atmosphere. The concentration in the air we breathe has been increased by approximately 10%, and if all the known reserves of coal and oil were burned at once the concentration would be 10 times greater.

This is something more than a public health problem, more than a question of what goes into the lungs of an individual, more than a question of smog. The carbon cycle in nature is a self-adjusting mechanism. Carbon dioxide is, of course, indispensable for plants and is, therefore, a source of life, but there is a balance which is maintained by excess carbon being absorbed by the seas. The excess is now taxing this absorption, and it can seriously disturb the heat balance of the earth because of what is known as the "greenhouse effect." A greenhouse lets in the sun's rays but retains the heat. Carbon dioxide, as a transparent diffusion, does likewise. It keeps the heat at the surface of the earth and in excess modifies the climate.

It has been estimated that, at the present rate of increase, the mean annual temperature all over the world might increase by 3.6° centigrade in the next 40 to 50 years. The experts may argue about the time factor and even about the effects, but certain things are apparent, not only in the industrialized northern hemisphere but in the southern hemisphere also. The north-polar ice cap is thinning and shrinking. The seas, with their blanket of carbon dioxide, are changing their temperature, with the result that marine plant life is increasing and is transpiring more carbon dioxide. As a result of the combination, fish are migrating, changing even their latitudes. On land the snow line is retreating and glaciers are melting. In Scandinavia, land which was perennially under snow and ice is thawing, and arrowheads of more than 1,000 years ago, when the black soils were last exposed, have been found. The melting of sea ice will not affect the sea level, because the volume of floating ice is the same as the water it displaces, but the melting of ice caps or glaciers, in which the water is locked up, will introduce additional water to the sea and raise the level. Rivers originating in glaciers and permanent snow fields will increase their flow; and if ice dams, such as those in the Himalayas, break, the results in flooding may be catastrophic. In this process the patterns of rainfall will change, with increased precipitation in some areas and the possibility of aridity in now fertile regions. One would be well advised not to take 99-year leases on properties at present sea level.

At that same conference, there was a sobering reminder of mistakes which can be writ large, from the very best intentions. In the Indus Valleys in West Pakistan, the population is increasing at the rate of 10 more mouths to be fed every five minutes. In that same five minutes in that same place, an acre of land is being lost through waterlogging and salinity. This is the largest irrigated region in the world. Twenty-three million acres are artificially watered by canals. The Indus and its tributaries, the Jhelum, the Chenab, the Ravi, the Beas and the Sutlej, created the alluvial plains of the Punjab and the Sind. In the 19th century, the British began a big program of farm development in lands which were fertile but had low rainfall. Barrages and distribution canals were constructed. One thing which, for economy's sake, was not done was to line the canals. In the early days, this genuinely did not matter. The water was being spread from the Indus into a thirsty plain and if it soaked in so much the better. The system also depended on what is called "inland delta drainage," that is to say, the water spreads out like a delta and then drains itself back into the river. After independence, Pakistan, with external aid, started vigorously to extend the Indus irrigation. The experts all said the soil was good and would produce abundantly once it got the distributed water. There were plenty of experts, but they all overlooked one thing—the hydrological imperatives. The incline from Lahore to the Rann of Kutch—700 miles—is a foot a mile, a quite inadequate drainage gradient. So as more and more barrages and more and more lateral canals were built, the water was not draining back into the Indus. Some 40% of the water in the unlined canals seeped underground, and in a network of 40,000 miles of canals that is a lot of water. The result was that the water table rose. Low-lying areas became waterlogged, drowning the roots of the crops. In other areas the water crept upward, leaching salts that accumulated in the surface layers, poisoning the crops. At the same time the irrigation regime, which used just 1½ inches of water a year in the fields, did not sluice out those salts but added, through evaporation, its own salts. The result was tragically spectacular. In flying over large tracts of this area, one would imagine that it was an Arctic landscape because the white crust of salt glistens like snow.

The situation was deteriorating so rapidly that President Ayub appealed in person to President Kennedy, who sent out a high-powered mission which encompassed 20 disciplines. This was backed by the computers at Harvard. The answers were pretty grim. It would take 20 years and $2 billion to repair the damage—more than it cost to create the installations that did the damage. It would mean using vertical drainage to bring up the water and use it for irrigation, and also to sluice out the salt in the surface soil. If those 20 scientific disciplines had been brought together in the first instance, it would not have happened.

One more instance of the far-flung consequences of Man's localized mistakes: no insecticides or pesticides have ever been allowed into the continent of Antarctica Yet they have been found in the fauna along the northern coast. They have come almost certainly from the northern hemisphere, carried from the rivers of the farm states into the currents sweeping south. In November 1969, the U.S. Government decided to "phase out" the use of DDT.

Pollution is a crime compounded of ignorance and avarice. The great achievements of *Homo sapiens* become the disaster-ridden blunders of unthinking Man—poisoned rivers and dead lakes, polluted with the effluents of industries which give something called "prosperity" at the expense of posterity. Rivers are treated like sewers and lakes like cesspools. These natural systems—and they are living systems—have struggled hard. The benevolent micro-organisms which cope with reasonable amounts of organic matter have been destroyed by mineral detergents. Witness our foaming streams. Lake Erie did its best to provide the oxygen to neutralize the pickling acids of the great steelworks. But it could not contend. It lost its oxygen in the battle. Its once rich commercial fishing industry died and its revitalizing micro-organic life gave place to anaerobic organisms which do not need oxygen but give off foul smells, the mortuary smells of dead water. As one Erie industrialist retorted, "It's not our effluent; it's those damned dead fish."

We have had the Freedom from Hunger Campaign; presently we shall need a Freedom from Thirst Campaign. If the International Hydrological Decade does not bring us to our senses, we will face a desperate situation. Of course it is bound up with the increasing population, but also with the extravagances of the technologies which claim that they are serving that population. There is a competition between the water needs of the land which has to feed the increasing population and the domestic and industrial needs of that population. The theoretical minimum to sustain living standards is about 300 gallons a day per person. This is the approximate amount of water needed to produce grain for 2½ pounds of bread, but a diet of two pounds of bread and one pound of beef would require about 2,500 gallons. And that is nothing compared with the gluttonous requirements of steel-making, paper-making and the chemical industry.

Water—just H_2O—is as indispensable as food. To die of hunger one needs more than 15 days. To die of thirst one needs only three. Yet we are squandering, polluting and destroying water. In Los Angeles and neighboring Southern California, a thousand times more water is being consumed than is being precipitated in the locality. They have preempted the water of neighboring states. They are piping it from Northern California, and there is a plan to pipe it all the way from Canada's Northewest Territories, from the Mackenzie and the Liard, which flow northward to the Arctic Ocean, to turn them back into deserts.

Always and everywhere we come back to the problem of population—more people to make more mistakes, more people to be the victims of the mistakes of others, more people to suffer hell upon earth. It is appalling to hear people complacently talking about the population explosion as though it belonged to the future, or world hunger as though it were threatening, when hundreds of millions can testify that it is already here—swear it with panting breath.

We know to the exact countdown second when the nuclear explosion took place—5:30 a.m., July 16, 1945, when the first device went off in the desert of Alamogordo, N. Mex. The fuse of the population explosion had been lit 10 years earlier—February 1935. On that day a girl called Hildegarde was dying of generalized septicemia. She had pricked her finger with a sewing needle and the infection had run amok. The doctors could not save her. Her desperate father injected a red dye into her body. Her father was Gerhard Domagk. The red dye was prontosil, which he, a pharmaceutical chemist, had produced and had successfully used on mice lethally infected with streptococci, but never before on a human. Prontosil was the first of the sulfa drugs—chemotherapeutics—which could attack the germ within the living body. Thus was prepared the way for the rediscovery of penicillin—rediscovery because, although Fleming had discovered it in 1928, it had been ignored; neither he nor anybody else had seen its supreme virtue of attacking germs within the living body. That is the operative phrase, for while medical science and the medical profession had used antiseptics for surface wounds and sores, they were always labeled "Poison, not to be taken internally." The sulfa drugs had shown that it was possible to attack specific germs within the living body and had changed this attitude. So when Chain and Florey looked again at Fleming's penicillin in 1938, they were seeing it in the light of the experience of the sulfas.

A new era of disease-fighting had begun—the sulfas, the antibiotics, DDT insecticides. Doctors could now attack a whole range of invisible enemies. They could master the old killer diseases. They proved it during the war, and when the war ended there were not only stockpiles of the drugs, there were tooled-up factories to produce them. So, to prevent the spread of the deadly epidemics which follow wars, the supplies were made available to the war-ravaged countries with their displaced persons, and then to the developing countries. Their indigenous infections and contagions and insect-borne diseases were checked.

Almost symbolically, the first great clinical use of prontosil had been in dealing with puerperal sepsis, childbed fever. It had spectacularly saved mothers' lives in Queen Charlotte's Hospital, London. Now its successors took up the story. Fewer mothers died in childbirth, to live and have more babies. Fewer infants died, fewer toddlers, fewer adolescents. They lived to marry and have children. Older people were not killed off by, for instance, malaria. The average life-span increased.

Professor Kingsley Davis of the University of California at Berkeley, the authority on urban development, has presented a hair-raising picture from his survey of the world's cities. He has shown that 38% of the world's population is already living in what are defined as urban places. More than one-fifth of the world's population is living in cities of 100,000 or more. And more than one-tenth of the world's population is now living in cities of a million or more inhabitants. In 1968, 375 million people were living in million-and-over cities. The proportions are changing so quickly that on present trends it would take only 16 years for half the world's population to be living in cities and only 55 years for it to reach 100%.

Within the lifetime of a child born today, Kingsley Davis foresees, on present trends of population increase, 15 billion people to be fed and housed—nearly five times as many as now. The whole human species would be living in cities of a million and over inhabitants, and—wait for it!—the biggest city would have 1.3 billion inhabitants. That means 186 times as many as there are in Greater London.

For years the Greek architect Doxiadis has been warning us about such prospects. In his Ecumenopolis—World City—one urban area would ooze into the next, like confluent ulcers. The East Side of World City would have as its High Street the Eurasian Highway stretching from Glasgow to Bangkok, with the Channel Tunnel as its subway and a built-up area all the way. On the West Side of World City, divided not by the tracks but by the Atlantic, the pattern is already emerging, or rather, merging. Americans already talk about Boswash, the urban development of a built-up area stretching from Boston to Washington; and on the West Coast, apart from Los Angeles sprawling into the desert, the realtors are already slurring one city into another all along the Pacific Coast from the Mexican border to San Francisco. We don't need a crystal ball to forsee what Davis and Doxiadis are predicting; we can already see it through smog-covered spectacles. A blind man can smell what is coming.

The danger of prediction is that experts and men of affairs are likely to plan for the predicted trends and confirm these trends. "Prognosis" is something different from "Prediction." An intelligent doctor, having diagnosed your symptoms and examined your condition, does not say (except in novelettes) "You have six months to live." An intelligent doctor says, "Frankly, your condition is serious. Unless you do so-and-so, and I do so-and-so, it is bound to deteriorate." The operative phrase is "do so-and-so." We don't have to plan for trends; if they are socially undesirable our duty is to plan away from them, to treat the symptoms before they become malignant.

We have to do this on the local, the national and the international scale, through intergovernmental action, because there are no frontiers in present-day pollution and destruction of the biosphere. Mankind shares a common habitat. We have mortgaged the old homestead and nature is liable to foreclose.

THE NEW REPUBLIC TAKES TIME TO EXAMINE DIRECT ELECTION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. CLAY. Mr. Speaker, September 18, the House of Representatives passed legislation for the direct popular election of the President and Vice President of the United States. My opposition to passage of that proposal is recorded with that of 69 other House Members, most of whom are Representatives from Southern States who, for different reasons, oppose direct election.

One need not be from the South or be a member of the conservative camp to oppose direct election. One need only study the potential disasters of such a radical and unnecessary reform as compared to a reform which would remove the most objectionable and fearful features of the present system.

I have introduced legislation proposing that the electoral college be eliminated and that electoral votes be cast automatically for the winner of each State's presidential vote. Known as the "automatic electoral system," this proposal also provides that the Senate and House of Representatives sitting in joint session would choose in such case as neither candidate were to achieve at least 40 percent of the electoral votes.

This reform would remove the two threats reponsible for the fear which now provides the momentum for the direct election forces.

I commend to the attention of my colleagues the following comment from the New Republic of September 27, 1969 when this magazine took time to evaluate and to question the action of the House on direct election. It follows:

MISREADING DEMOCRACY

The drive to abolish the electoral college and substitute direct popular election of Presidents, which achieved an important initial success last week when the House endorsed it by more than the required two-thirds, is powered by two engines: fear and ideology. The people have been told repeatedly that we are playing Russian roulette; that in close elections under the present system, such as those of 1968 and 1960, a George Wallace or the like can keep both major-party candidates from getting the necessary majority of electoral votes, and can then be the President-maker, either by selling the votes of the electors supposedly committed to him, or by letting the election go into the House. In the House, we are reminded, the Constitution now gives each state one vote for purposes of electing a President when the electoral college is deadlocked, and that vote is cast by a majority of each state's Representatives. The small states count, therefore, most disproportionately, and a George Wallace may be able to fish quite successfully.

The fears may be a trifle exaggerated, but they are nonetheless justified. Yet they do not justify abolishing the electoral college. The dangers which give rise to them can be entirely eliminated by an amendment perfecting the present arrangement: abolish the elector as a theoretically free agent, providing instead that a state's electoral vote be automatically and unavoidably cast for the winner of a majority or plurality of the popular vote in that state; and, cause deadlocks to be resolved, not by the present archaic and pointless method, but for example, by election in the House or in a joint session of Congress by a majority of the individual votes of the members.

These solutions do not commend themselves to advocates of the popular election, however, because practical worries about the workings of the electoral college are, after all, a secondary matter to them. Their position is essentially idealogical. It's the principle of the thing. Democracy, the argument runs, has one pure and simple meaning—a popular majority decides. Once in our history, under the system now in effect, the electoral college produced a deadlock, and once in the last century in an honest election it let the loser of the popular vote by a very narrow margin gain the Presidency. Otherwise, and always in this century, it has allowed a popular majority—or plurality, which is apparently equally acceptable—to be decisive. In theory, nevertheless, the electoral college *can* defeat the winner of at least a narrow popular majority or plurality. That is its chief sin, that is behind the strong drive to abolish it, that is why Tom Wicker of *The New York Times* writes that there's no better way to unify the nation "than to convert our patchwork method of choosing a national leader into a genuinely national act, in which every man's vote counts equally, and neither states nor sections matter."

Is a simple and invariable majoritariansim what we mean by democracy? Since when? The Supreme Court, which has a great deal to do with how we are governed, is not only not majoritarian, it is not even elected. The Senate also wields a good bit of power over us, (and in the judgment of many it has in recent years been more responsive to the public interest than has the House); in the Senate, each state, regardless of population, has an equal vote, of which no state may be deprived, says the Constitution, even by a duly passed and ratified amendment, without its own consent. In the House, although each state has at least one vote, the whole state may be—and some are—considerably smaller in population than the average Congressional district.

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Aside from the fact that very few of our institutions, and none of our national ones, are out-and-out majoritarian, we don't choose to do everything by simple majority votes. It takes a two-thirds vote in the Senate to ratify a treaty, and a two-thirds vote in the Senate and House to propose a constitutional amendment, which must then be ratified by the legislatures of three-fourths of the states. A Congress in which the entire House and one-third of the Senate are newly-elected, and which is thus the authentic voice of a popular majority, if ever there is one in our national institutions, may pass a law, but a President elected two years earlier and now perhaps out of tune with the new majority may veto the law. If he does, it takes a two-thirds vote in the Senate and House to override his veto and make a valid law.

One may view all these institutions and devices as outrageously undemocratic, hardly less undemocratic than the electoral college, and be prepared to sweep one or all of them away also, including the Supreme Court, the next time the majoritarian broom cleans out the stables. In truth these institutions and devices tell us that throughout our history we have perceived other values in government than its reflection of simple majorities of the moment, which are in any event not easy to find or may be whipped up on demand. We have lived this democracy as a rather complex sum of these values, not just as uncompromising majoritarianism. We have, since Madison, understood that people tend to act politically not so much as individuals as in groups; that they have opinions, preferences and interests which vary in intensity, thus calling for varying degrees of respect and forebearance on the part of others, even if those others constitute a majority; that majorities sometimes act rashly and even mindlessly, and may need to be given pause; that, in short, influence and even power should be distributed more widely than they would be in rigid adherence to the majoritarian principle, so that government may rest on widespread consent rather than teetering on the knife-edge of a transient 51 percent. For we have wanted government to be stable and peaceable, and to have the most limited need to resort to coercion. What we have evolved, therefore, is a pluralistic system, in Professor Robert Dahl's phrase, of minorities rule. We have striven, perhaps it may be said, not for a majoritarian, but for a participatory democracy, in which access to the process of government is continuously available to all groups.

The question about the electoral college, then, is not whether it is inevitably and purely majoritarian. It is not, although the electoral college is very considerably more so than our other national institutions. The question is whether or not it tends to enhance minorities rule; whether it tends to include or exclude various groups from influence in the institution of government which is the Presidency, and whether, if it assigns somewhat disproportionate influence to some groups, they are the ones which are relatively short-changed in Congress, so that the total effect of the electoral college is the achievement of a balance of influence. The groups which tend to be favored by the electoral college system, as we have several times pointed out in these pages, are cohesive blocs of urban voters in the large industrial states; they are the ones which have proportionately less influence in Congress than their numbers would justify.

Practical men interested in perfecting the American democracy are well-advised to disenthrall themselves from the romance of pure majoritarianism. Diminishing the influence of the urban voter, which is one probable result of popular election of Presidents, is not a democratic result—not as the concept of democracy has been defined and applied in our tradition, or as it could conceivably be applied in the conditions of our vast and varied country.

LOS ANGELES COUNTY BOARD OF SUPERVISORS SUPPORTS EXPANDED EDUCATION AND TRAINING ASSISTANCE FOR AMERICA'S RETURNING VIETNAM VETERANS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ROYBAL. Mr. Speaker, because of the growing nationwide interest in providing more adequate programs of education, vocational training, civilian readjustment, and job placement assistance for our returning Vietnam veterans, I would like to include in the RECORD the text of a resolution adopted by the Los Angeles County Board of Supervisors in support of congressional passage of H.R. 11959, the Veterans' Education and Training Assistance Act Amendments of 1970.

As a member of the House Committee on Veterans' Affairs, and as a strong advocate of maximum veterans' assistance in readjusting to civilian life, I deeply appreciate the support of the Los Angeles County Board of Supervisors on this matter, and I earnestly hope that the House and Senate conferees will be able to come to an early agreement on an acceptable compromise between the House- and Senate-passed versions of H.R. 11959—that will offer the most comprehensive possible program of assistance to America's young men and women who have served their country as citizen-soldiers with great distinction and often at considerable personal sacrifice.

The resolution follows:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES IN SUPPORT OF HOUSE BILL 11959, AS AMENDED BY THE SENATE, RELATING TO RETURNING VIETNAM VETERANS

Whereas, the Los Angeles County Board of Supervisors represents a population in excess of seven million people; and

Whereas, the County of Los Angeles is charged with the legal responsibility of providing vital services such as judicial administration, property assessment, tax collection, public health protection, hospitals and public social services on a County-wide basis to all citizens; and

Whereas, the County of Los Angeles is further charged with providing services such as fire safety, sheriff services, building and safety code enforcement, veterinarian services, pound services, noxious weed abatement, emergency ambulance service, recreation services, planning and zoning services and street maintenance to its unincorporated territories; and

Whereas, the County of Los Angeles is further charged with providing vital services organized under special districts, such as air pollution control, flood control, fire protection and sanitation; and

Whereas, the County of Los Angeles is further charged with providing the same services rendered to its unincorporated territories to its seventy-seven incorporated cities on a contract basis; and

Whereas, the County is further charged with providing assistance to the individual citizen, especially the returning veteran from Viet Nam, who has served with his life and person; and

Whereas, the County is further charged with providing assistance to the returning veteran from Viet Nam in his return to a productive civilian life; and

Whereas, House Bill 11959 would provide an increase on a graduated scale the rates of educational assistance, vocational rehabilitation and special allowance paid to eligible veterans; and

Whereas, House Bill 11959, as amended by the Senate, would provide additional education and training assistance to veterans and preveterans who may have academic deficiencies preventing them from pursuing higher education or vocational training; and

Whereas, House Bill 11959, as amended by the Senate, would provide for a veterans outreach services program to insure that all veterans, especially those recently separated, receive personalized educational, vocational, social services and job placement assistance; and

Whereas, House Bill 11959, as amended by the Senate, in addition, would provide for the establishment of Veterans Assistance Centers in communities where large numbers of those veterans reside, such as in the East Los Angeles area; and

Whereas, House Bill 11959 has been referred to the Conference Committee of the House and Senate;

Now, therefore, be it resolved that this Board of Supervisors of the County of Los Angeles is in support of House Bill 11959, now awaiting further action by the 91st Congress, and

Be it further resolved that this Board extends Los Angeles County's appreciation to the California Congressional Delegation and California Senators as well as the members of the House Committee and the Senate Subcommittee on Veterans Affairs for their efforts in behalf of Viet Nam veterans.

State of California, County of Los Angeles ss.

I, James S. Mize, Executive Officer and Clerk of the Board of Supervisors of the County of Los Angeles, do hereby certify that the foregoing is a full, true and correct copy of an excerpt of Board Order No. 137 of January 13, 1970 of the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts for which said Board so acts.

In witness whereof, I have hereunto set my hand and affixed the seal of the County of Los Angeles this 14th day of January, 1970.

JAMES M. MIZE,
Executive Officer—Clerk of the Board of Supervisors of the County of Los Angeles.
By DORIS M. FAULDI,
Deputy.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

CHEMICAL TRANSPORTATION INDEX

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. PUCINSKI. Mr. Speaker, it has come to my attention that a remarkable development is taking place in the railroad industry today; that is, an outstanding demonstration of responsibility for our Nation's interest. I not only want to share my awareness at this time, but I want to salute those extremely capable individuals who collectively are the leadership of this most basic of all modes of transportation.

This industry is currently developing the ultimate in a comprehensive program designed to mitigate against accidents involving the transporation of hazardous materials, especially chemicals. This subject has, from time to time, been brought before this House, only to accomplish frustration. Meanwhile, quietly, unobtrusively, the railroad industry has structured a solution, that has been and will be financed by private industry funds. We should take our cue from developments, such as I am about to relate, and find ways to have our Government support, complement, and extend.

The problem of transportation safety has been brought to the attention of the American public so repetitiously during the past several years that our Nation seems almost to have lost the ability to respond to the stimulus. In fact, the economy and the public it represents is in a most perplexing position. The potent materials that we have come to rely on for our Nation's comfort, well-being, and day-to-day survival, are indeed powerful.

The consequences of our wants and needs can be awesome, if not frightening. The advantages of having abundant frozen foods, is enabled by our ability to quick-freeze. Our individual command of electrical conveniences is predicated that electrical surges abound. The environment saving insecticides, the effective substitutes for DDT, are obtainable from phosgene being readily available. On one hand, we must observe that the most hazardous chemical solvent known to man, that has taken more lives and is an ever present danger, is the refreshing water we drink. While on the other hand, we must never forget the basic reality of our Nation's economic strength: that supply and demand points for our raw materials, byproducts manufacturing capacities, and ultimate consumers differ for each commodity from one section of the country to another. Since it is patently impossible to remove these materials from our transportation systems without making a shamble of our economy, our standard of living, the alternative is to find a new formula for relating man to his environment.

The essence of the transportation safety problem contains four interrelated threads: the separate modes' physical plant, equipment and right-of-way; preventive measures, rules and regulations; procedures and standby services when accidents do occur; and the individual's freedom of choice in the absence of definitive information. These threads have a cumulative effect. A problem in one area renders it difficult to solve the problems in any other area.

To focus, for example, upon preventive measures fosters a dangerous sort of tunnel vision. Appeals to conscience have little prospect of success. Legislation, unless accompanied by an inordinate amount of manpower which in itself would create a tremendous information problem, would be less than effective. How, then, can we expand on this basic scientific fact—all chemicals can be safely transported and handled if necessary precautions and control measures are observed?

The only hopeful prospect is to create a framework of information, which would encompass the entire transportation safety environment. This would define and control the community of interests, and relate them to national goals. And this is exactly what the leadership in the railroad industry has done, that this development can be used equally well by all means of transportation, fire departments, and public safety agencies.

They have created the commodity transportation safety system which consists of correlated elements, that will be progressively developed in three phases:

Phase No. 1: Element 1—The Chemical Transportation Safety Index. This is truly an information marvel. It is a plastic, oversized sliderule device enlightening the holder with immediate information on intelligent handling and safe conduct in any emergency from fire, explosion, water reaction, inherent danger—directs first aid, extinguishing of fires, toxic and corrosive pollution control—for 202 potent chemicals. Having been in distribution for only a few weeks, it already has become a standard for railroad operating men and a most welcomed tool for several urban and rural fire departments that were fortunate to receive them.

For example, the Rock Island Railroad has taken the initiative along its right-of-way and distributed to each fire chief this Chemical Transportation Index. The response to this gift from the individual fire chiefs was a chorus of grateful acknowledgments for a job well done: Clinton, Cedar Rapids, West Liberty, and West Branch, Iowa; Salina, Herington, and Sherman County, Kans.; Brinkley, Ark.; and Alva, Okla., to mention just a few. Under a headline in the Ottumwa, Iowa, Courier, Janaury 18:

> Firemen get chemical data . . . it stated that Fire Chief Hubert L. Smith called the INDEX a valuable piece of information that can help officials cope with emergency incidents such as fire or explosion, a truck accident, train derailment, pipeline break or an airplane crash.

What a contribution for our Nation's good.

But how did the railroad industry accomplish the conception—the establishment—of this commodity transportation safety system, so effectively, so expeditiously, so quietly. It is obvious that the industry has been working on this for some time. Being the organizational experts they are, the industry turned over the problem of a safety package—in order that its efforts would be quiet and unhampered—to an industry organization, the Railway Systems and Management Association—RSMA. RSMA is an educational and "think tank" organization supported entirely by the railroad industry. Without committees, but with communication, direction, and leadership; the resources available to this "think tank" quickly assembled and produced this index and right now they are working on the development of this entire system: an emergency action plan manual, that will correctly prompt the control of a total accident scene; safety charts, that will give reference and depth of understanding to avoid, to confront, to handle, to contain, any hazardous threat; an education program, for the operating men in the industry, and for local fire departments; an information program, to enlighten the public; and to complete this total environment approach, a national transportation safety data retrieval system.

It is evident that the railroad industry is positive-result oriented in its determination to establish this commodity transportation safety system. In this all too brief statement of this most needed contribution to our Nation's basic needs, I should conclude by noting that this is probably the first time, that an entire industry has concerned itself and devoted its resources to a problem, with such far-reaching social benefits for the entire Nation.

EDUCATION BY VOUCHER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, I think my colleagues will find of interest an article which appeared in the February 2, 1970, issue of National Observer.

The cost of quality education is a continuing problem and one which, needless to say, we have not yet solved in the Congress.

A plan is now being experimented with to permit parents to buy education for their children at any school they choose. The concept is not without problems, but I think the article which I include as part of my remarks sets out the pros and cons of this idea well:

PARENTS WOULD BUY SCHOOLING WITH A VOUCHER—PRESIDENT CONSIDERS PLAN FOR COMPETING SCHOOLS; UNITED STATES PAYS FOR A STUDY

(By John Morton)

CAMBRIDGE, MASS.—The Nixon Administration, having pledged "new and strong emphasis on experimentation and evaluation" in education, is studying a plan that would permit parents to buy education for their children at any school they choose.

The working name of this device is "educational voucher." A parent would be given a voucher, representing his child's share of the public-school budget. The voucher could then be "spent" at the public or private ele-

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mentary or secondary school of the parent's choice, or even, in some views, at profit-making schools that might be established in response to the voucher market.

The educational-voucher plan is being developed here at the Center for the Study of Public Policy under a $196,000 grant made in December by the Office of Economic Opportunity (OEO). Little publicized until now, it is one of the experiments that President Nixon alluded to in his message last week explaining his veto of the Health, Education, and Welfare bill.

". . . In my education message, which I will shortly be submitting to the Congress, I will propose a new and searching look at our American school system," the President said. "We are placing new and strong emphasis on experimentation and evaluation to learn about more effective approaches to education."

WHY OEO IS INTERESTED

The voucher proposal has drawn support from both conservatives and liberals, although not always for the same reasons. It is especially attractive to those concerned with improving the education of the poor, which is why OEO, the poverty agency, has funded the study. In a half dozen states, legislation already has been introduced proposing various voucher plans, though none as ambitious as might grow out of the OEO project.

A voucher scheme would pose a bagful of Constitutional and other legal problems involving segregated schools, church-run schools, and the profit motive. And it is sure to draw the ire of professional education organizations devoted to a system of public schools.

Still, the Nixon Administration thinks the voucher plan holds enough promise to find out how it might work. The center here, under the direction of education critic Christopher Jencks, hopes to complete its feasibility study by spring so that OEO can start selecting cities for experimental projects by early summer.

The voucher plan has had several proponents, most notably the conservative economist Milton Friedman, who envisions it as a way to improve schools through competition. He and others also emphasize the opportunities that vouchers would give poor parents in big cities who believe their schools are inadequate and unresponsive. Inner-city schools would have to improve or lose their customers, much as they already have been losing children of more affluent parents who either send their children to private schools or move to the suburbs.

THREAT TO THE ESTABLISHMENT

"Obviously a program like this poses a tremendous threat to the educational establishment," says an OEO official in Washington, D.C. Those working on the voucher plan in Cambridge are assuming opposition from the National Education Association (NEA) as a matter of course. This will be one of the problems that must be dealt with when cities are selected for a pilot program.

Indeed, an NEA spokesman said last week that widespread use of the voucher program would be a threat to the public-school system, in the NEA's view. "This business of making it competitive will just widen the gap between the poorer and richer school districts," he said, since students would tend to flow to the better schools in rich districts to the detriment of poor districts. "Public schools are having their problems now, of course, but at least there is some form of equal opportunity."

A kind of voucher proposal that involves competition can be traced back to Adam Smith, who wrote in 1776 that the master of a public school should only partly be supported directly by the government because, "If he was wholly or even principally paid by it, he would soon learn to neglect his business." Thomas Paine proposed 20 years later that government should give poor families a certain amount of money for each child under 14 to spend on "reading, writing and common arithmetic."

Moreover, the GI Bill, started after World War II, is in effect a voucher plan for higher education that permits veterans to spend public money in all manner of public, private, segregated, church-related, or profit-making educational institutions.

OPENING A SCHOOL WITH 10 CHILDREN

Other countries have government programs that are in effect voucher systems, most notably Denmark. There, in fact, if a parent is dissatisfied with the public schools, he can get government money either to send his child to a private school or to open a school of his own.

Danish parents who assure that at least 10 children will be taught can qualify for grants to organize a school, build a school building if needed, and pay the teachers' salaries. The parents themselves run the schools or hire managers. The government reserves the right to inspect standards of sanitation and instruction in Danish and arithmetic, but beyond that the school's operation is pretty much up to the parents.

Mr. Friedman, the University of Chicago economist whose views have been especially attractive to the Nixon Administration, proposed a voucher program for American primary and secondary schools as early as 1953. One of his arguments, stated in his book *Capitalism & Freedom*, is that the public-school system may have been ideal for offering equal educational opportunity to a young nation still assimilating diverse foreign cultures, but that in today's urban society the public system "far from equalizing opportunities, very likely does the opposite. It makes it all the harder for the exceptional few—and it is they who are the hope of the future—to rise above the poverty of their initial state."

Wealthy parents, he comments, can send their children to private schools if they are unhappy with public schools. Middle-class parents can express dissatisfaction, even if they cannot afford private schools, because they can afford to move to a different public-school district. "For the rest," Mr. Friedman writes, "they can express their views only through cumbrous political channels."

ALSO ADVANCING THE IDEA

Others who have advanced the voucher idea include the late George K. Gardner, a Harvard Law school professor who proposed in 1955 that states give parents education money to spend on the school of their choice; Theodore Sizer, dean of Harvard's Graduate School of Education, and Mr. Jencks, co-author of *The Academic Revolution*, who is heading up OEO's study.

Some state legislators, intrigued by the voucher idea, have drafted legislation, but so far none has become law. The California Legislature last year looked at a bill, which died in committee, that proposed to establish a means of measuring the quality of public schools. Then, if a particular school fell below a certain standard, a parent would become eligible for a $1,000 voucher to spend on education at some other school.

Legislatures in Missouri, Wisconsin, and New Mexico, among other states, also have proposals in the works that would establish a form of voucher payment to parents who send their children to private schools. Typical of these is Wisconsin's, which would double the amounts granted if family income fell below $3,000, and triple it for incomes below $2,000.

But the amount of money is piddling by private-school standards—$50 a year per pupil for primary grades and $100 for high school in Missouri and Wisconsin, and twice that in New Mexico.

Southern states have been attracted to voucher programs as well, mainly as a way to circumvent integration by founding private schools supported by state tuition grants. But these schemes generally have been opposed by courts on the grounds that a private school principally supported by public funds, even if indirectly through tuition grants, is a public school for purposes of the Supreme Court's desegregation rulings.

In Mr. Friedman's view, parents should have absolute freedom to choose the kind of school their children attend; whether they should attend integrated schools, which he believes would be desired, should in his opinion be left to persuasion. But a virtue of the voucher system, he said last week, is that it can be devised to conform to whatever standard the issuing agency desires. "If a community at large felt strongly that you must have compulsory integration, then it could be specified that the voucher be spent only on schools that are integrated," he says.

As for attending parochial schools, he says: "I don't think a voucher system in any way violates the separation of church and state, provided that the voucher does not specify that it must be spent at a particular religious kind of school." He does not expect, however, that a voucher system would bring any great resurgence in the financially troubled parochial-school system, because other private schools would spring up to compete with them.

"Give the parents vouchers, establish an effective market for schools, and you will have an enormous proliferation in the development of new schools of a variety of kinds," Mr. Friedman says. "I may be wrong, but my prediction would be that with 5 years, and certainly within 10 years, the fraction of students going to parochial schools would be much smaller than it now is."

Mr. Jencks believes a voucher program can be designed to avoid church-state problems, noting that several states now provide some form of aid to parochial schools on secular matters, such as nonreligious textbooks. "One way of dealing with it," he says, "would be to set up a system in which you would support the nonreligious activities of church schools with vouchers."

He is more concerned with questions of segregation—not just by race, but also by economic class and ability. The courts almost surely will not permit vouchers to be used in segregated schools, he believes. But that leaves the problem that good schools will tend to attract the best students and perhaps may not have room for, or not be inclined to take, problem students. To handle distribution of students solely by a "free-market" approach, as advocated by Mr. Friedman, would be undesirable, Mr. Jencks believes.

"It seems to me that the state will have to assume ultimate responsibility for the question of distribution of students," Mr. Jencks says. "It could allow some greater or lesser degree of free choice by parents within some framework established by the state or the community or whatever. It can't be settled just by individual choice, because some individual choices will preclude the individual choices made by others."

The problem of distribution may indeed be the most difficult of all to solve, since it involves not only the question of segregation of various sorts, but also promises to complicate the lives of public-school administrators, principals, and teachers.

SOME SCHOOLS GRAVEYARDS

OEO's director of research, Thomas K. Glennan, Jr., says he worries about "what happens to the worst 20 per cent; there would be a danger that some schools would be graveyards for the kids nobody wants."

One proposed solution to this is to force every school to operate on a first-come, first-served basis, so that everybody would have a chance to get into the best schools. But Mr. Glennan remarks: "The problem with that is, that the kids who are the worst academically, and need the good school the most, are usually the ones whose parents care the least, and who probably would be the last to apply."

Mr. Glennan also wonders how well some parents can make crucial education decisions for their children. "How much information do these people have and how intelligently can they exercise their choice? I think this is a very fundamental issue here."

But Mr. Jencks is less concerned. "We have always assumed that middleclass parents should have the privilege of making these decisions," he says. "They can send their children to any damfool school they want, so we ought to accord the same privilege of choice to parents of all income brackets.

"True, parents probably will make a lot of foolish decisions, but so does everybody else. There's no evidence that teachers are particularly well equipped to make these decisions either. The parents at least have a strong stake in making the right decision, whereas a school system may not have any particular interest in making sure that any specific child ends up in the school that is most appropriate." —JOHN MORTON.

PADEREWSKI WELL DONE BY MISS SAPIEYEVSKI

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. PUCINSKI. Mr. Speaker, Miss Wendell Margrave, a contributing critic for the Washington Star has written an excellent review on Miss Nina Sapieyevski who performed here the other day.

I am placing the review in the RECORD today because Miss Margrave captured in a most inspiring way the real spirit of Ignace Jan Paderewski and interpreted by Miss Sapieyevski.

Paderewski was not only a great artist but also a great statesman and champion of human dignity. It is reassuring that we have artists of Miss Sapieyevski's outstanding talent to interpret the works of the great master.

The review follows:

PADEREWSKI WELL DONE BY MISS SAPIEYEVSKI

(By Wendell Margrave)

Nina Sapieyevski, piano, Barker Hall, All-Paderewski program:

Minuet, Op. 4; Nocturne, Op. 16 No. 4; Mazurka, Op. 9 No. 2; Melodie, Op. 8 No. 3; Caprice (genre Scarlatti) Op. 14 No. 3; Legende, Op. 16 No. 1; Theme varie, Op. 16 No. 3; Chant d'amour, Op. 10 No. 2; Sarabande, Op. 14 No. 2; Cracovienne Fantastique Op. 14 No. 6.

Nina Sapieyevski, a pianist trained at the University of Sopot in Poland and later at the Juilliard School of Music, was heard in recital yesterday at Barker Hall in a program of music by the great Polish pianist, composer and statesman, Ignace Jan Paderewski.

I believe it was Saint-Saens who said that Paderewski was a genius who happened to play the piano. He also happened to compose a good deal of music, including a symphony, a piano concert and an opera, Manru, which was given at the Metropolitan Opera in 1902, besides songs and a number of piano pieces.

Miss Sapieyevski played a cross section of these pieces, beginning with the minuet that every pianist used to play, and which I remember as the last event in every Paderewski recital, when the children would come trooping down the aisle calling for it. He wrote better pieces, but none so well known.

It has become the fashion (based on imperfect recording and a few jealous contemporary statements) to consider that Paderewski did not have a commanding technique, and so on. Be that as it may, he appeared like a meteor on the musical horizon and quickly won a position of preeminence, against such formidable rivals as Anton Rubinstein, Teresa Carreno, Busoni, Rachmaninoff, and the whole list of Liszt's later pupils. He was more famous and made more money (much of which he gave away to support worthy causes) than any of his rivals throughout a concert career that stretched from about 1888 to 1939.

I have never seen a man who had more presence.

Miss Sapieyevski played his music with care, respect and in style. I liked best the Mazurka and the delightful little piece in the style of Scarlatti. The audience responded with greatest enthusiasm to the brilliant theme with variations.

As an encore Miss Sapieyvski played the second movement of a sonatina by her husband, Yerszy Sapieyevski, now a graduate fellow at the Catholic University. It was bright and contemporary.

GOVERNOR McNAIR OF SOUTH CAROLINA DELIVERS OUTSTANDING ADDRESS AT NASHVILLE DEMOCRATIC DINNER

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. EVINS of Tennessee. Mr. Speaker, at a recent Democratic Party rally in Nashville, Gov. Robert E. McNair, of South Carolina, delivered an outstanding address worthy of consideration by others.

I place Governor McNair's address in the RECORD herewith because of its interest to my colleagues and the American people.

The speech follows:

REMARKS BY GOV. ROBERT E. MCNAIR

It is significant that South Carolina and Tennessee are sharing in the observance of this important Democratic Party function tonight. After all, that great South Carolinian, Andrew Jackson, made Tennessee his adopted home and even became President with the help of our two states. If it were not for him, we probably would not even have a Democratic Party today, at least not in its present form.

There is another important reason I am happy that we could share this important event. There are no two states in the nation where the Democratic Party is any stronger—or where its record of public service is any finer—than in South Carolina and Tennessee. On this evening when we look back upon the accomplishments and contributions of Andrew Jackson and Thomas Jefferson, it is only appropriate that we reflect upon the manner in which our two states have lived up to their tradition. Jefferson and Jackson made the Democratic Party the party of the people, and as I look out across this gathering here tonight, it is apparent that in Tennessee, the Democratic Party is still the party of the people—all the people. If there are those who have doubts and misgivings about the status of our party, they should be here this evening to see that the Democratic Party is alive and well, and tremendously enthusiastic about the important elections coming up this year.

These are crucial times, not just for the party, or the state, but the entire nation. A new administration took office in Washington more than a year ago, promising to find solutions to crime, inflation, high interest rates, and the many problems which confront our nation. The American people were led to believe that a change in administrations would lead to solutions and would provide answers to these many difficult problems. The American people have waited a year, and while they have not expected instant answers, they have looked for signs that trends are being reversed, and that improvement in conditions is taking place. Unfortunately, the people are still looking. Statistics tell us what the administration does not tell us—that it has not been able to live up to its promises, and that matters are continuing to worsen. During the past year—when the economy was supposed to cool off and slow down inflation, the cost of living for the average American citizen rose faster than it had in many years. The American housewife found that food cost eight per cent more than it did a year ago. If this is any indication of the effectiveness of the new administration in controlling inflation, then I question whether any of us can afford to live here three years from now.

In the matter of crime, the American people expressed their deep concern over the administration of law and justice, and the overall problems of public safety. The new administration again made promises, but there is little evidence of any results. A year after the new administration took office, the crime rate in our nation's capital had risen by 27 per cent. Robberies in the District of Columbia are up 44 per cent, murders by 49 per cent, and rapes by 29 per cent.

The people of our nation deserve—and demand—better performance than this. The promises of 1968 are beginning to sound hollow, and the people's confidence in the effectiveness of their government is being damaged. There are only two issues—but they are issues of primary importance to the welfare of this nation, and they are issues which must receive more effective treatment. There are others, many others. The people of our area can remember other promises, and the promises which were made in the name of the new administration. Now, as more and more of these fall empty and unfulfilled, we hear the protests of betrayal from those who placed their faith in the Republican administration. There is nothing more regrettable than the false hope generated during the heat of political campaigns, and the unpaid debts which accumulate when the promises are later discarded. It is the obligation of each citizen to judge fairly and properly the performance of this new administration, and to make a determination as to whether it has lived up to the expressed principles of its 1968 campaign. It would seem apparent that such an evaluation would lead undeniably to the conclusion that the Republican administration is creating not only a record of ineffectiveness, it is also building a monstrous Credibility Gap which threatens the right of every American citizen to know what his government is doing.

It is apparent that the honeymoon is drawing to a close, and that the American people are beginning to look for the type of alternative which can provide truly enlightened and effective leadership. This alternative can—and must—come from only one place, the Democratic Party. Unless we respond to the challenge, we will not only be misreading and misjudging the climate of the times, but we will also fail in our obligation as a political party responsive to the people.

It is not an easy task. Within our own ranks, the problems of the Democratic Party go far beyond the fact that we lost in the White House in 1968. If there are those who think the Democratic Party's sole responsibility is to regain the Presidency, then they are pursuing a narrow and restrictive course which can only further compound our problems. The defeat in 1968 was only a part of our difficulties, and what has taken place since 1968 has not been encouraging. Where we found ourselves badly divided following the Chicago convention, we have been only further fragmented by a serious failure on the part of our party leadership. Where we have needed a positive and responsible approach to reorganization, there has been only a further exploitation of the very issues which divided us in Chicago. The wounds of the 1968 convention have not healed because our leadership has gone chasing after the very elements which disrupted our convention. It is sadly ironic that on an evening when we gather to honor the memory of Thomas Jefferson and Andrew Jackson, we find that the party they founded and developed is without the type of leadership to carry forward principles they handed down to us.

The seriousness of the situation, however, requires that we do more than complain. Dissatisfaction, unless it is matched with determination to improve, is only so much negative grumbling. This is no time for negativism in the Democratic Party. If there was ever a time that our party required the positive involvement of concerned Democrats such as yourselves, it is now. We are a party without adequate leadership. We see elements of political extremism daily threatening to carry our party far beyond the limits of toleration of the American people. If this situation is to be corrected, then new leadership and influence must emerge to restore the traditional stability of the Democratic Party. That influence—that leadership—must come from this very room, from this meeting, from this state, and from all others like it where Democrats still know what it is to win an election, and to serve the people with sincere dedication. Unless people like yourselves are willing to become involved in party leadership, then we cannot legitimately criticize those who step into the leadership vacuum.

The alternatives, in this instance, appear to be quite clear. Perhaps for many people, the easy thing would be to sit on the sidelines and watch. There is no better way to deliver the party right into the hands of extremists than this sort of apathy. There is no question now that there are those who would welcome this abdication of responsibility by many elements of our party. There are those who would like nothing better than the opportunity to reshape the party in their own image, and to use it as a personal political instrument. The time has arrived when we must determine whether we shall permit this to happen, or whether we shall resist what we feel is not in the best interests of the total party. Responsible Democrats can choose but one course; otherwise, by washing their hands of party involvement, they only give their tacit endorsement to the trends our party seems to be taking at this time.

Those who choose indifference and inactivity give free rein to the zealous reformers who would replace open and free participation in the party with quota systems. They would be encouraging the type of reform which would deny Governors and other party leaders a seat on convention delegations. At a time when our party needs strengthening and rebuilding, they would be aiding those who would seek further to disrupt and discredit many leaders of our state parties.

It goes much further. The chairman of our party's so-called Reform Commission has said that we must be reformed along his commission's lines, or it will die. There are those of a similar persuasion who are convinced that the present party must die, and then be rebuilt into a narrow, restrictive organization appealing only to certain segments of the population. It appears that some people were listening more to those outside the convention hall in Chicago than to those inside the hall, and that they would now seek to impose that type of disruption and ideology on the entire party. If those of us gathered here tonight—and the many millions of responsible Democrats throughout the nation—are unwilling to resist these efforts, then we only condemn the Democratic Party to a destiny of further deterioration, fragmentation, and extremism.

There is an alternative, however, to this approach. It involves the Democrats of Tennessee, the Democrats of South Carolina, and Texas, and Connecticut, and Kansas, and Illinois, and every state in this union. It is not what the political experts would call a coalition. Jefferson and Jackson did not say that the Democratic Party must be a coalition of special interest groups. They did not say that the Democratic Party should be liberal or conservative. They said one thing—that the Democratic Party belongs to the people. Thomas Jefferson said, "I know of no safer depository of the ultimate powers of society than the people themselves." It is inconsistent with this very clear mandate that we now permit our party to be run out of the Senate Cloakroom in Washington, or that we have a situation where the national chairman puts his own interests above the organizational needs of the party.

Last fall, we had the opportunity of attending the meeting of the Democratic National Committee in Washington, and expressing our position at that time. What took place there was frighteningly similar to what took place in Chicago, on a slightly smaller scale. The same disruptive elements attempted to deny Congressman Albert Rains his seat on the National Committee from Alabama. I wonder now if the same loyalty standards will be applied uniformly to other states. I wonder if the National Committeewoman from New York will be questioned on the basis of loyalty "because she supported John Lindsay for mayor of New York."

Loyalty is a matter which works both ways—loyalty from the local and state parties to the national, and loyalty from the national party to the state and local parties. One-sided loyalty becomes nothing more than the imposition of doctrine, and this is totally inconsistent with the principles of our party. There is a need for reorganization in the party, but it doesn't stop with the selection of convention delegates. It goes right to the composition of the National Committee itself, and the fact that state parties must now demand a stronger hand in party matters.

At the September meeting, I had the opportunity of issuing a statement to the National Committee expressing my position on the party's present problems. In that statement, I said:

"There is grave apprehension about the direction our party is taking, and the alteration of basic philosophy which is under consideration. If the zeal of reform has now brought us to the brink of extremism, then I suggest that we reassess our values.

"Extremism breeds extremism. To yield our party now to either extreme would most certainly touch off a chain of reaction which could reshape the entire political structure of our nation, and damage permanently the traditional concept of our party's broad ideology. Unless I misread all the political signs in our nation today, I do not think our people are ready for a political party of extremism. I think the people of America today are looking for the politics of moderation.

"We are a party of liberals, we are a party of conservatives, we are a party of moderation encompassing that great collection of ethnic, racial, religious, economic, cultural, occupational and social minorities which have given our nation its perpetual regeneration of strength. Let us now turn from this coalition of ideals into a single-minded party bent on purging certain elements from its midst."

I reiterate most strongly that position this evening with one most important addition. If you feel as I do that our nation needs an alternative to the present administration; if you feel as I do that the Democratic Party must return to its position of strength all along the political spectrum, then I suggest that you recommit yourselves to the principles of the two gentlemen we gather here to honor. Now is the time when we must have involvement and participation. We must strengthen our base by moving into the communities and bringing into the party the youth, the women, the minorities, and all other aspects of the society. We must now open doors, not shut them, and we must oppose vigorously those in our own party who would wish to carry us down the road of extremism. It is your job—and mine—to go to the people, and to make them a full partner in the party which has always been their single best hope for good government. Andrew Jackson once said that "one man with courage makes a majority," I feel this can apply most particularly at this juncture when we do need and must have the political courage to withstand the forces of disruption and factionalism. I know of no better time than this evening for each of us to pledge ourselves to the continuing goal of preserving and strengthening the party of Jefferson and Jackson, the party of the people of America, and the party which provides our nation its brightest hope for the future.

XUM

A 1918 COMMENCEMENT ADDRESS BY MR. SOL BRACHMAN TO MARIETTA COLLEGE APPLICABLE TO TODAY'S TIMES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, one of my constituents of Fort Worth, Tex., has forwarded me a copy of a commencement address made by a mutual friend, Mr. Sol Brachman of Fort Worth, to the Marietta College in 1918.

It is amazing how after 52 years, much of what Mr. Brachman had to say is applicable to our present situation. Under leave to extend my remarks in the RECORD, I wish to include Mr. Brachman's address:

COMMENCEMENT ADDRESS BY SOL BRACHMAN TO MARIETTA COLLEGE, IN 1918

The United States adopted Universal Military Service for the duration of the war. This is good—as far as it goes. But the United States must adopt this as a permanent policy.

It is impossible in a short time to take up the many arguments for permanent Universal Military Training. We know now the waste and inefficiency of preparing under stress! We know now the enormous cost of preparing under stress! We know now the danger of unpreparedness!

I repeat, the Untied States must adopt Universal Military Training as a permanent policy. Why? First, because war is not yet a thing of the past. Under present day commercial and manufacturing systems all nations seek colonies or spheres of influence as outlets for their trade. Call this dream of empire, manifest destiny, a place in the sun, colonial system, or what you will! You cannot change international relations in a day. Friction and complications are inevitable. While conditions in Europe might allow it, there can be no permanent disarmament and world peace until the international status in Asia is settled.

Second, with war still possible, the United States may be involved in the future. Germany will bear no love for the United States after the present conflict. Japan is taking high-handed control of Asia and the Pacific, and the United States has a greater Pacific coast line than any other nation. Our Monroe Doctrine will be challenged after this war as never before. But it is unnecessary to prove specific possibilities. This war has shown that a nation may be dragged into conflict even though not directly involved. The United States was forced into this war by violation of all international law and justice. The United States was forced into this war to protect her interests and rights and those of her citizens. These same causes may arise in the future. It will demand then, as it does now and as it always has demanded, military strength to obtain the rights, security, and international justice which belong to all nations. No nation is ever a whit more safe than its own strength and its instant readiness to use that strength make it. The international problems which will follow this war make it imperative that the United States be strong.

Third, permanent Universal Military Training is the only method of obtaining modern national strength and preparedness. To prove this it is but necessary to examine the results of the system or the results of the lack of Universal Military Training in various countries.

We will turn first to Europe. Germany aimed at world domination with Universal Military Training and its resulting power of instant mobilization, as her master weapon. That she did not succeed is due only to the same method, adopted for defense, in France.

When the blow fell in 1914 France was the first of the Allies to mobilize and give Germany opposition. The French General Staff had seen the war coming. They had built up a comparatively large reserve army by Universal Military Training. They had the plans ready for defense. True, France failed to clear her soil of invaders. But she failed because of lack of British aid! She failed because Russia failed her in the East! But France spoiled Germany's plans. That the world has had the opportunity to defend itself against German rule is due only to France's system of permanent Universal Military Training, with its accompanying plan and preparedness for an emergency.

Now let us cross the Channel and observe the results of preparedness. In England, Lord Roberts had been laughed to scorn because he preached Universal Military Training and preparedness. If England had been prepared the war might have been over in a short time. If England had been prepared, Germany might not have risked the struggle. All her Diplomatic efforts were bent to keep England neutral. But aside from possibilities we know that it took England two years, and the adoption of Universal Service, to even attempt a drive to expel the Germans from France. England's lack of permanent Universal Military Training has cost her and France hundreds of thousands of men and billions of money.

Switzerland has suffered less than any other neutral in Europe. Why? Because she has an admirable system of Universal Military Training. In August 1914, 300,000 men were mobilized, sent to the border, and have been kept there. That was enough to furnish real opposition. Switzerland has not been invaded or even seriously threatened.

Finally, let us observe the results of the lack of Universal Military Training in the United States. After the war in Europe started no steps were taken here for an adequate army. The rights of the United States and her citizens were more and more infringed upon by the belligerents. Still no action. What was the result? The inevitable result of national weakness. The United States was involved in war without enough men to defend the Atlantic Coast. Had the United States possessed the military strength which a great and self-respecting power must have, she would probably not have been dragged into the war.

But at last systematic Universal Military Service was adopted for the duration of the war. The United States is only now becoming an important military factor. Order is coming out of chaos. Men are being sent to France in respectable numbers. Is there one here who doubts that only the adoption of universal service has brought the great strides made in building an adequate army?

We see then that the experiences of other nations, the experiences of the United States herself, point to but one course—permanent Universal Military Training.

Herbert Adams Gibbons, in his foreword to "the New Map of Europe," quotes Montesquieu as follows: "There are general causes, moral or physical, which act in each state, elevate it, maintain it, cast it down."

The general cause why the United States has been elevated and maintained as a great power is that she has been strong. She has always taken necessary measures to protect her interests and those of her citizens. National strength means preparedness. Modern national preparedness is possible only under permanent Universal Military Training. If, in the course of time, the United States must follow the fate of nations, the fate of Greece, the fate of Rome, let not the general cause be failure to learn from the events about her! Let not the general cause be refusal to be strong! Let not the general cause be lack of preparedness. Only in preparedness is there national strength and national safety!

UKRAINIANS OBSERVE 52D ANNIVERSARY OF INDEPENDENCE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. WOLFF. Mr. Speaker, the courage of the Ukrainian people, amply exhibited throughout the nation's history, cannot be adequately described in a few sentences.

Last month, as you know, the Ukraine celebrated its 52d anniversary of independence—an independence which unfortunately is maintained more in hope than reality since the Ukraine still strains under the oppressive hand of the Soviet Union.

From the chaos of World War I, the Ukraine, after centuries of foreign domination was able to bring independence to its people. But freedom was short lived. Within 3 years, this courageous nation was under Communist control.

Nevertheless, the dream of freedom has never been extinguished in the souls of these people. Despite hardship and anguish, that the people of the Ukraine have experienced, they still maintain the conviction that some day, in the not too distant future, the reality of freedom will again be theirs.

It is for this reason, Mr. Speaker, that I would like to take this opportunity to extend my best wishes to this small yet towering nation on its 52d anniversary. Moreover, this affords me the opportunity to also reconfirm our dedication to bring freedom to the Ukraine and to all nations which still struggle under the anguish of Communist control.

Each one of us has a stake in the future of nations such as the Ukraine which are dedicated to restoring independence to their people. For without a firm and lasting commitment to freedom for all, we can never hope to establish lasting world peace.

May the time not be too far in the future when we will be able to celebrate the freedom of all nations and the establishment of lasting world peace, rather than merely praising those who struggle against tyranny.

POPULATION AND GENOCIDE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BUSH. Mr. Speaker, the House Republican Task Force on Earth Resources and Population of which I am chairman, has studied the facets of population growth for the past year. Through our research and hearings, we became aware of the seriousness of this problem, and the great need for family planning recommendations. This research eventually led our task force to produce a family planning report: Federal Government Family Planning Programs—Domestic and International.

One of the arguments leveled against family planning has been the fear of racial genocide. This assumption, however, is usually feared by those who have not carefully examined the crucial issues involved. Family planning is, in reality, a contributor rather than a detriment to the welfare and development of every race and nation.

Carl T. Rowan's column in the Washington Sunday Star, February 1, 1970, discusses the question of birth control and genocide. These cogent remarks probe the tenets of the genocide question, and expose the fallacious reasoning behind the philosophy of a proliferate birth rate. Mr. Rowan points out, for example, that a child is much more likely to be born prematurely if the mother is very young; bears a lot of children in rapid succession, or continues to bear children until a late age. He also points out that premature infants have two to three times as many physical defects and 50 percent more illness than full-term infants. For the benefit of my colleagues, I submit this informative article at this point in the RECORD:

[From the Washington Sunday Star, Feb. 1, 1970]

MILITANTS MISLEAD BLACKS ON BIRTH CONTROL

(By Carl T. Rowan)

With increasing frequency, I am getting reports of opposition in black ghettos to the

distribution of birth control devices and the dissemination of information about family planning.

There is talk of having to close some ghetto centers that take teen-age girls who have borne a child out of wedlock, help them over the emotional trauma, teach them about contraceptives so they will not soon become a two-time loser, get them back in school, and generally try to ensure that the birth of one illegitimate child does not mean the wrecking of two lives.

These centers are getting rough treatment from some militants who say birth control in the ghetto is a form of genocide.

Some social workers are blaming the Black Panthers. These workers say that, because the Panthers' harsh rhetoric shows them willing to stand up to the white establishment and because of their programs of providing breakfast for children and discouraging the use of narcotics, the Panthers have the ear of many thousands of people in the ghettos.

So black women supposedly are listening when a Panther says: "A black woman should have as many children as possible, whether she can afford them or not, so we can gain numerical strength and power."

This viewpoint ought not to be laid completely on the Panthers' doorstep. It is a fallout of racial polarization in this country which has affected many blacks who would not think of joining the Panthers. In fact, it goes beyond pure racism; it is an expression of nationalism which one often hears in countries like Brazil where people argue that the U.S. is pushing birth control so Brazil will never be as populous and powerful as the United States.

There are some specially tragic aspects of this situation in the U.S. They ought to be weighed carefully by any self-styled militant before he rushes out to urge black women to bear babies as fast as they can.

Dr. Frederick C. Green, a black man who is director of pediatric ambulatory care in Roosevelt Hospital, New York, has run into this anti-birth-control campaign.

"I tell them it's not quantity that's important; it's quality," Green says. "What good is it to have 10 or 15 children under undesirable conditions in which they are not able to develop their total potential."

A Negro woman social worker in Trenton, N.J., is arguing that another black baby does not necessarily mean more black power. "It doesn't mean another vote; it might mean another person on welfare. The Establishment likes this; it's another one of us they can use as a statistic."

There are some crucial statistics that the militants ought to study.

One set shows that a child is much more likely to be born prematurely if the mother is very young or bears a lot of children in rapid succession or continues to bear children until a late age. Thus, poor black women have a starkly high percentage of premature births.

Now listen to the results of several studies showing what prematurity does to babies:

"Premature infants have two to three times as many physical defects and 50 percent more illnesses than full-term infants.

"Mental retardation is ten times more likely to occur in a premature baby than in a full-term infant.

"A premature infant is 16 times more likely to die during the first 28 days of life than one whose birthweight is normal."

In sections of Chicago's ghetto, 14 black babies out of every 100 are born prematurely; in some New York City housing development areas, 15 of every 100; in one Newark, N.J., hospital, over 16 of every 100 black infants were premature.

What kind of black pride is it, what form of militancy is it, that asks black women to accept physical abuse and sometimes degradation to produce large numbers of children when the odds are that many of them will be retarded and bear other afflictions?

A mentally retarded child makes a poor soldier in the fight for racial equality.

The Panthers and other militants may be in a rage; their rhetoric may sometimes seem unwise; but they are not dumb. I want to believe that they can look at the facts and see birth control and family planning working to enhance black pride and dignity. If they do, these clinics will not be driven out of areas where they are so desperately needed.

"SESAME STREET" SWINGS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ROYBAL. Mr. Speaker, in a recent newsletter report to my constituents, I commended the new educational TV series, "Seasame Street"—the delightful children's program designed to improve the language and numerical skills of America's 12 million preschool youngsters between the ages of 3 and 5, and help prepare them for formal classroom work in elementary school—as an outstanding example of an imaginative combination of Federal and private funding used to initiate a promising experimental project to exploit the tremendous potential of our modern communications techniques for worthwhile educational purposes.

Sponsored by the U.S. Office of Education, the Corporation for Public Broadcasting, and Project Headstart, in cooperation with the Ford Foundation, the Carnegie Corporation, and the Markel Foundation, "Sesame Street" is a 26-week series of daily hour-long color programs carried on the Nation's nearly 200 public TV stations—including KCET, channel 28 in Los Angeles.

It has been described as perhaps the most ambitious single effort ever attempted to employ television as an education tool for the benefit of smaller children.

This unique project reaches and teaches preschoolers in an attractive and entertaining fashion, sustaining their interest by utilizing many popular elements borrowed from commercial children's television, such as puppets, animated cartoons, live-action films, other children, and appearances by guest celebrities.

So, I was extremely encouraged by the preliminary results of a recently announced three-State evaluation survey on "Sesame Street," which indicates that children who viewed the program's first 6 weeks of presentations greatly increased their rates of learning, exceeding the normal gains experienced by other children who did not watch the series by some 250 percent.

Such impressive results are highly significant for parents, educators, public officials, and all citizens who are concerned about the urgent necessity for improving the quality of American education, particularly in our fast-growing urban metropolitan population centers, where financially hard-pressed school districts are confronting a serious educational crisis, which they are are often inadequately equipped to handle.

Because of the importance of this subject, Mr. Speaker, I would like to include in the RECORD an article on the "Sesame Street" evaluation survey, entitled: "Tests Indicate TV Program Improves Children's Skills," which appeared in the January 28 edition of the New York Times.

The article follows:

[From the New York Times, Jan. 28, 1970]

TESTS INDICATE TV PROGRAM IMPROVES CHILDREN'S SKILLS

(By William K. Stevens)

"Sesame Street"—a brisk, rib-tickling television program that is designed to improve the language, numerical and reasoning skills of preschool children, particularly those from poor families—appears to be achieving many of its goals.

According to preliminary tests in three states, poor children who viewed "Sesame Street" regularly in the program's first six weeks of daily hour-long presentations made gains two and one-half times as great as those made by poor children who did not watch the program.

Other surveys indicate that the program is reaching about five million children, including substantial numbers of those from poor homes.

The results of the tests and surveys were disclosed yesterday in a report by the Children's Television Workshop producer of "Sesame Street" to its sponsors—the Carnegie Corporation, the Ford Foundation, the United States Office of Education, the Markel Foundation and the Corporation for Public Broadcasting. The report was made at a meeting at the Essex House.

HOPE FOR ANOTHER YEAR

After the meeting, Mrs. Joan Ganz Cooney, executive director of the workshop, said that she hoped the test results would persuade the sponsors to support the experiment for another year and that she was optimistic about this. The initial 26-week, 130-program series began last Nov. 10 and will end on May 29. It cost $8 million to produce.

Although the program has been widely acclaimed for its high degree of professionalism, originality and general level of quality, and although there was evidence that many children had become enthusiastic devotees, no evaluation of "Sesame Street's" educational impact had been available until yesterday.

In the preliminary evaluation conducted by Dr. Edward Palmer, the workshop research director, 3-, 4- and 5-year-olds in three day-care centers for poor children of working mothers in Maine, New York and Tennessee were randomly divided into two groups in each center. One group watched "Sesame Street" regularly for its first six weeks. The other group never watched it.

Before "Sesame Street" went on the air, each child in each group was asked 217 test questions to find out how well he could recognize letters, numbers and geometric forms, and how well he could sort out objects.

After six weeks of "Sesame Street," the same test was given again. The regular viewers, as a group, could answer 10 per cent more of the 217 questions than they could at the start. The nonviewers could answer 4 per cent more.

In the ability to name letters, the viewers made a 9 per cent gain, against a 3 per cent gain for the nonviewers. In naming numbers, there was a 12 per cent gain for the viewers against a 4 per cent gain for the nonviewers.

Substantial gains, somethimes 25 per cent or more, were made by regular viewers in their ability to sort, differentiate and classify objects and group them by twos and threes.

But, in one important area—recognizing the sounds of letters—there was no difference between the performance of viewers and that of nonviewers, leading Dr. Palmer to suggest that "Sesame Street's" approach in that area may have to be modified.

"Sesame Street" is broadcast each weekday by nearly 200 television stations from Maine to American Samoa. In about 100 communities it is seen both in the morning and the late afternoon. Five stations carry it a total of six times a day in the New York area—WLIW (Channel 21), WNDT (Channel 13), WYNE (Channel 25), in WNYC (Channel 31) and WPIX (Channel 11).

The program is considered the first major national effort to harness the most effective of contemporary television techniques to the task of preschool education. In particular, it adapts to the teaching of letters and numbers the fast-paced, high-impact, repetitive commercial techniques that have been successful in selling toys.

THE AUTOMOBILE AND POLLUTION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RYAN. Mr. Speaker, in his state of the Union address, President Nixon recognized the peril to our environment caused by pollution.

In our constant surge toward economic growth and increased technology, we have sacrificed those elements of our society which were free—our air, our water, and our land.

Air pollution is a costly hazard, both in dollars and in lives, and one of the primary polluters of the air is the automobile. Although automobile manufacturers have recently acknowledged that their products cause pollution, the fact is that they have done little, if anything, to solve the problem despite the fact that automobile pollution has been a serious problem for many years.

I am inserting in the RECORD, an article by Colman McCarthy, which appeared in the January 26 Washington Post entitled "The Way Detroit 'Wages War' on Pollution."

I urge my colleagues to read Mr. McCarthy's article, which shows that promises are not enough. If the air is to be cleansed, then rigorous emission standards must be set and strictly enforced.

The article follows:

THE WAY DETROIT "WAGES WAR" ON POLLUTION

(By Colman McCarthy)

Edward N. Cole is the president of General Motors. His company is the world's largest maker of motor vehicles. Two weeks ago, Cole made a speech in which he said GM was "committed to eliminating the automobile as a factor in the nation's air pollution problem at the earliest possible time."

As in the case of a confessed wife-beater, it is hard to know how to take Cole's statement: with tender thanks that Detroit plans finally to stop polluting the public air? Or with rage that it has deliberately been a polluter for so long and with so little concern about the damage done?

Regardless of one's feeling about Cole's statement, and the similar ones made earlier by Ford and Chrysler, Detroit's record is on the books, if not in the lungs. Automobiles account for at least 60 per cent of the nation's total air pollution. In the smog belts of some cities, car pollution is as high as 92 per cent. Each year, automobiles dump into the air, and potentially the lungs, more than 90 million tons of pollutants. In Los Angeles County alone, 9660 tons of carbon monoxide are exhausted daily from motor vehicles, despite emission controls required by law since 1966. The figures are too staggering to understand, but roughly translated they mean that if the pollutants were not diffused by the air, a person walking in the street in the Los Angeles area would be wading through toxic substance two or three feet deep.

A question in many people's mind is why is Detroit suddenly concerned about serious pollution control. The answer, not to play games, is that it realizes unequivocally that the public is aroused, the government is moving in—however slowly—and that carmakers are being sued in many states for continuing to make cars that pollute the public's air.

The latest suit was brought recently by the State of Illinois. It charged that since 1953 the car companies have conspired "to eliminate all competition" in research, development and installation of anti-pollution equipment on vehicles. "We cannot," said the Attorney General of Illinois, "afford patience and the wanton convenience of polluters any longer."

Those who have followed the car-makers closely on the issue of pollution control know that the industry has an attitude almost as poor as its record. At the 1958 National Conference on Air Pollution, in Washington, Harry Williams of the Automobile Manufacturers Association, represented the industry in a speech in which he said: "In eliminating smoke from vehicle exhaust, much progress has been made. True, there is still room for improvement, but mostly this must come from the (car) owners, who are alone responsible for the maintenance of their vehicles." In plainer words, the carmakers admitted they were selling the consumer a smoke-wagon, but after the sale is made it is the consumer's problem.

In the same speech, Williams repeated a favorite theme of automobile makers: the great benefits motor vehicles have brought to America. Not only that, but once you get to thinking about it, the notion is absurd that today's cites have an air pollution problem. Think back, said Williams, to the days "before people were liberated from the congested cities by the motor vehicle . . . There were reeking livery stables in every neighborhood. Cow barns were the customary auxiliaries to dairies. There were malodorous privies in every backyard . . . It is difficult for us to imagine that vanished world, and the air pollution that was its accepted odor. Yet, if we would retain the calm and dispassionate attitude that the scientific method demands, we should try to remind ourselves that the evils afflicting us [today] are perhaps mere pinpricks in contrast to those borne by our ancestors."

One man who has been able to live calmly with the "mere pinprick" of automobiles massively fouling the air is Henry Ford. In a Look magazine interview, May 28, 1968, Ford said that he prefered a program of "research and development" with several major oil companies in the fight against pollution. As for experimenting with non-polluting vehicles like the electric car, Ford said bluntly: "We have tremendous investments in facilities for engines, transmissions and axles, and I can't see throwing these away just because the electric car doesn't emit fumes."

Elsewhere in the interview, Ford was asked what was his company's number one problem. "That's easy," he answered. "Making more money."

Although the general public has learned only recently of the horror of automobile exhaust fumes, pollution control authorities have known all along. It was not until 1964 that any dared speak out in direct language and pointed a finger at the car-makers. Said Smith Griswold, then air pollution control chief for Los Angeles County and the man behind the tough California laws against pollution from cars:

"Everything that the industry has disclosed it is able to do today (in 1964) to control auto exhaust, was possible technically 10 years ago. No new principles had to be developed, no technological advance was needed, no scientific breakthrough was required. Crankcase emissions have been controlled by a method in use for at least half a century. Hydrocarbons and carbon monoxide are being controlled by relatively simple adjustments of those most basic engine components—the carburetor and ignition systems.

"Why has this action required ten years? One is forced to ascribe it to arrogance and apathy on the part of this, the nation's largest industry. Control of air pollution does not make cars easier to sell, it does not make them cheaper to produce, and it does not reduce comebacks on the warranty. To people interested in profits, expenses for the development and production of exhaust controls are liabilities.

"For nearly a decade, the auto industry has been telling us they have been spending a million dollars a year on air pollution control. Their announced expenditure has totalled about $9 million during that period. This provides an interesting contrast with a recent survey which revealed the earnings of the 44 highest paid executives in the country. Of these, one half, 22, are employed by the auto industry. Their combined 1963 earnings were about $9½ million dollars. In short, during the past decade the industry's total investment in controlling the nation's number one air pollution problem, a blight that is costing the rest of us more than $11 billion a year, has constituted less than one year's salary for 22 of their executives.

"The industry is spending over $1 billion to change over its models this year. Their annual expenditures for air pollution control development is one-tenth of one per cent of $1 billion. For that, the industry has bought 10 years of delay and unhampered freedom to pour millions of tons of toxic contaminants into the atmosphere."

One of the surprising parts of Edward Cole's speech was the implied criticism of the oil industry. "Research indicates that without lead in gasoline, long-time exhaust catalytic converters would become technically feasible. Exhaust manifold reactors also would have increased life. The same is true of exhaust gas recirculation systems to control oxides of nitrogen." Then, getting less scientific, Cole said that the presence of tetraethyl lead in gasoline causes most of the pollution emission. "It is important to emphasize that—if stringent control of particulates becomes a federal goal as we expect—we know of no way presently that such control can be accomplished with lead in gasoline."

To the petroleum industry, which for decades—with Detroit's encouragement—has added lead in gasoline to increase the octane levels and "no-knock" power, Cole's anti-lead remarks were like a match in the gas tank. "What has he got to lose if we go out of business," exploded R. V. Kerley, of the Ethyl Corporation, expressing his personal viewpoint the day after Cole's speech. "Who kills the most people in the United States yearly? The auto-makers, not the leaded gasoline. Let's get in proper perspective who is doing the damage."

Whether American industry's most blissfully happy marriage—between the car and oil producers—is about to break up is not likely. Before Detroit's sudden concern about pollution, disputes between the two giants were calmly and quietly worked out by the

Coordinating Research Council, an offspring of the Society of Automotive Engineers and the American Petroleum Institute. But now the dispute has become a fight, not around executive tables but in the public forum.

One reason Detroit has been able to sell tens of millions of polluting cars is that the public has never seriously demanded otherwise. It wanted horsepower, chrome, speed, comfort, bigness and gimmicks. Here and there, demands were made for battery- or steam-driven cars; but even if a manufacturer knew a way of massproducing these kinds of cars, he could not compete with the Big Four. The latter knew the public didn't really care about anti-polluting cars. But a large part of it does now, and suddenly Henry Ford is no longer saying money is his number one problem; it's pollution.

Mr. Cole said in his speech that HEW would soon issue new pollution goals for 1975 and 1980, the latter date being the deadline for a fume-free car. "This will be no easy assignment," he said. But neither Cole nor the government said what the breathing public should do with its lungs until 1980. Presumably, comfort should be taken from Cole's declaration of Detroit's passion and sincerity: "We must not neglect any area of potential improvement as we escalate the war on air pollution."

The last time the country heard talk of a war against a social evil was the Great Society's war against poverty. But the trouble there, many now say, in the war against poverty, poverty won.

NEED ADEQUATE FAMILY PLANNING SERVICE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BUSH. Mr. Speaker, the need for family planning services for all Americans will be a paramount issue in the seventies. The research of the Republican Task Force on Earth Resources and Population of which I am chairman has emphasized the necessity for adequate family planning services. The task force has studied the interrelated problems of population, pollution, and poverty and we feel that a national population policy is essential and should have top congressional priority. In dealing with environmental problems, we must not just treat the symptoms and neglect the cause.

Yesterday, February 4, along with nine task force members, I introduced H.R. 15691, Family Planning Amendments of 1970. This bill would amend the Public Health Service Act to provide for special project grants in family planning services and contraceptive research. The task force report entitled "Federal Government Family Planning Programs—Domestic and International," issued in December and printed in the December 29, 1969, CONGRESSIONAL RECORD recommended specific levels of funding for these programs. This bill incorporates those recommendations into the legislation proposed by the administration to do much the same thing—H.R. 15159.

H.R. 15691 differs in only two respects from the administration proposal. It emphasizes the importance that private agencies, institutions and organizations have played in the family planning services and research field and specifically gives the Secretary of Health, Education, and Welfare the authority to make grants to these groups. Second, it ties down specific authorization levels for these purposes for the fiscal years ending June 30, 1971, through June 30, 1975. Prorated over the 5-year period, this bill calls for $485 million for family planning services and $380 million for contraceptive research.

The pill has been under heavy criticism from some quarters recently; but we must not jump out of the frying pan into the fire over the uncertainties we have about it. We must provide women with a simple alternative to unwanted pregnancy. It is convenient for millions of American women, but it is not the ultimate. We need more research in this field and we need it now.

The quality of our lives depends upon our ability to control our fertility. The case has been made; the facts are undeniably clear—we need not continue contemplating the complexities of the problem. We need action and results. This legislation gives the administration the necessary money to accomplish President Nixon's goal of providing family planning services to all Americans who wish them, but cannot afford them.

HAWAII: A LEADING MARITIME STATE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MATSUNAGA. Mr. Speaker, on Monday, January 26, 1970, Gov. John A. Burns presented to Hawaii's Fifth Legislature a unified legislative program which underscores the 50th State's leadership in the study and use of marine resources.

In his oceanographic message, Governor Burns said:

> The Pacific Ocean is a vast treasure which surrounds Hawaii and gives to each Island of our State a band of white surf and golden sand, symbolic of an ideal marriage of environmental purity and economic prosperity.
>
> It has been obvious for decades that Hawaii must use this treasure for her own good and for the good of mankind, and forbid its misuse. The earlier decades were decades of dreams and desires. Now, the Seventies is the Decade for Action.

Calling for a legislative program which would enable Hawaii to lead the way in this decade for action in marine science, Governor Burns offered several bills which would continue the orderly process of sequential development of Hawaii's marine science resources. His legislative packet included proposals calling for the establishment of a Hawaii Planning and Logistics Center for the international decade of ocean exploration, and the creation of the position of a marine affairs coordinator to oversee the various programs of the State.

Most of the innovative and practical proposals presented to the legislature are an outgrowth of recommendations from the recently published oceanographic report, "Hawaii and the Sea." Hawaii is the first State of the Union to issue such a report, representing the combined effort of 100 specialists in marine affairs.

Knowing of my colleagues' interest in the Nation's progress in the utilization of marine resources, I would like to have Governor Burns' message, "Using Our Pacific Treasure," printed in the RECORD, as follows:

USING OUR PACIFIC TREASURE

(A unified legislative program for immediate action to make Hawaii a leader in the study and use of marine resources)

(By John A. Burns, Governor, State of Hawaii)

The Pacific Ocean is a vast treasure which surrounds Hawaii and gives to each Island of our State a band of white surf and golden sand, symbolic of an ideal marriage of environmental purity and economic prosperity.

It has been obvious for decades that Hawaii must use this treasure for her own good and for the good of mankind, and forbid its misuse. The earlier decades were decades of dreams and desires. Now, the Seventies is the Decade for Action.

The time is at hand for specific, detailed, practical programs by the State Legislature and State Administration to study and use the rich resources of our marine environment. This is the time when a growing despoilation of our waters must cease, and when they must be restored to the crystalline cleanliness which our Hawaiian forefathers knew.

Accordingly, I have prepared and am recommending this unified program for legislative action in this first year of the Decade of the Seventies. It carries out, in logical sequence, the earlier more basic programs of our State Administration. We foresaw this day and prepared well for it. Our past Governors' conferences on science and technology, on hydrospace and astronautics, on oceanography, on fisheries, and on a number of other specialized topics, all carefully, slowly and diligently set the pattern and the pace for well-ordered scientific development in Hawaii. And in the last year of the Sixties—our Statehood Anniversary Year—this Administration produced the pioneering work among the States called *Hawaii and the Sea*, which is our broad plan for State action in marine affairs.

Nationally, there has been delay and uncertainty in the past year over the direction and extent of the Nation's commitment in marine affairs. Varying programs which culminated in the publication of the Stratton Commission's excellent report, *Our Nation and the Sea*, now appear to be waiting for Federal direction, Federal leadership, decisive Federal action. Hawaii, however, need not wait, but rather should press forward, always conscious of the dangers of cutbacks in Federal programs, but nevertheless optimistic that our own programs need not stop while we wait for the Federal projects to develop.

Today is the day we must set the leadership pattern in oceanography, this fast-developing area of human concern, toward which the eyes of all nations are only beginning to turn. Now is the time we must propose to our own Nation, and to other Pacific nations, that Hawaii is the logical—indeed, the ideal—place for oceanographic headquartering, for major ocean research projects, and for gatherings fostering international cooperation in marine affairs.

Now is the hour to get, not only down to earth, but down to the sea in ships, in undersea craft, in submerged habitats. Now is the time to jump into the water and swim.

For this session of the State Legislature, our Administration proposes a variety of measures. They have been carefully planned as a result of the outstanding effort put into *Hawaii and the Sea* by many distinguished specialists. They contributed priceless talent and thousands of man-hours of energetic effort to pinpointing the areas in which the State can, and should, act.

These legislative proposals continue the orderly process of sequential development of Hawaii's marine science resources. They are varied in scope. They include modest proposals which will require only limited funding and which can be carried out by present State Departments which already have shown their competence and capability for producing outstanding results with limited resources. And there are also major proposals which will require bold action, pioneering action, the type of initiative for which Hawaii's Legislatures already have won national distinction. Some of these bolder proposals will challenge the vision and wisdom of our legislators, who must always balance the ever-pressing fiscal needs of todays' world with the marvelous opportunities for future prosperity and environmental excellence.

THE INTERNATIONAL DECADE OF OCEAN EXPLORATION

Foremost among the national proposals for the development of oceanography and other marine sciences is the International Decade of Ocean Exploration, born in a prior national administration and accepted by the present Administration as eminently worthy of the attention and best efforts of many nations. Hawaii is an ideal location for major activities related to this noble and practical program. Hawaii need not wait to be told what to do, or wait to be invited to participate in plans generated elsewhere. As a free and sovereign State, we must extend to our national administration—which already has expressed its great interest in our oceanographic efforts—the helping hand of bold initiatives to assist this great program in setting sail.

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Accordingly, one of my major proposals to the Legislature is for a Pacific I.D.O.E. Conference which would welcome representatives of all the nations and regions of the Pacific Basin, as well as of other U.S. Pacific States, to Hawaii to consider the legal, economic and sociological aspects of the I.D.O.E. and its many proposed projects. This conference would enable the Pacific Family of Nations to offer Pacific regional plans and recommendations to I.D.O.E. which would be of immense benefit in integrating the world-wide efforts of this international effort. This proposal calls for an expenditure by the State of $25,000.

Closely related to this conference is another legislative proposal: That the State establish a Planning and Logistics Center for the International Decade of Ocean Exploration. There will be a great need to coordinate the multitudinous activities related to IDOE, and to provide the logistical support and data exchange necessary for efficient projects development. Such a center would serve to emphasize Hawaii's determination to become a major center of international oceanographic activities. An appropriation of $50,000 is requested.

SKIPJACK TUNA RESOURCE EXPLOITATION

The Central Pacific Skipjack Tuna Resource is a potential $100 million industry. Hawaii's two U.S. Senators have jointly sponsored a bill in the Senate calling for a $3 million appropriation to research and develop the practical purse-seine technology necessary to use this resource wisely. It is a resource which can be of tremendous benefit to our Sister-Islands of the Trust Territory, Guam and American Samoa. Hawaii has been a leader in calling for development of the food-from-the-sea potential of this tuna species. I have extended invitations to officials of Guam, the Trust Territory, and American Samoa to coordinate the development of this resource. I am pleased to report that American Samoa has already pledged it will contribute to this project. My legislative proposal is for an appropriation of $100,000 to carry out a three-year State program of research and sea trials which will prove the economic value of the fast-sinking purse-seine method of skipjack tuna harvesting.

MARINE AFFAIRS COORDINATOR

The report, *Hawaii and the Sea*, recommended, as a key to Hawaii's success in marine science affairs, the establishment of the position of Marine Affairs Coordinator in the Office of the Governor. The Marine Affairs Coordinator would be responsible directly to the Governor. His work would be to cross over existing departmental lines to achieve broad cooperation between existing agencies concerned with a variety of marine affairs. To date, Hawaii's oceanographic development efforts have shown excellent results in terms of intense activity in many Government Departments and in the private sector. We have now grown to the point at which the uniting of these efforts through such a Marine Affairs Coordinator is a logical and necessary step. My legislative proposal is for an appropriation of $30,000 to establish this position and carry out this coordination.

SEACAP: AN UNDER-SEA RESOURCES SURVEY OFF OAHU

Hawaii needs much more information about the nature and extent of the resources in the sea surrounding the State. Sand, precious coral, fish and shellfish, the capacity of the ocean to absorb wastes without contamination—all these need scientific study. My legislative proposal in this area is a request for $190,000 in State funds to be matched by an anticipated $410,000 in Federal Sea Grant funds and another $190,000 in Hawaiian industry contributions. These funds would finance a pilot marine resources survey from Koko Head to north of Kahana Bay, Oahu. University of Hawaii and other State and private industry scientists would form a team, and surface craft, a deep-diving submersible and a mobile manned undersea habitat would be used for this major survey. We have had exhaustive studies of the land which have been of great economic and social value; now is the time to begin the same for the lands, creatures and other phenomena under the sea around us. There is no time to lose in preserving the richness of marine life which will be surveyed. The SEACAP project will promote effective conservation and help considerably in preserving the ecological balance so essential to all forms of life in Hawaii.

THE 1967 INTERNATIONAL MARINE EXPOSITION IN HAWAII

As the United States in 1976 celebrates its Second Centennial—its 200th birthday—Hawaii will have developed a tremendous head start in marine science affairs. It will be a most appropriate and jubilant year for a major celebration in Hawaii, and not the least of our happy events must be an International Marine Exposition in which Hawaii would be host—as one of our Nation's leading maritime States—to the best exhibits of many nations. It is now, not tomorrow, that plans for such important conferences must be made. My legislative proposal, therefore, is for an appropriation of $30,000 to establish this year an International Marine Exposition Commission with necessary staff support to plan for this 1976 event. The Commission would be charged with determining an exposition site and funding methods, and making all the extensive preliminary arrangements which will prove to the intended participants that it will be an Exposition worthy of their participation and finest exhibitions.

AN ATLAS OF THE MARINE RESOURCES OF THE STATE OF HAWAII

All major movements have their bibles and bibliographies. The compilation of data, and making it available to the public in practical format, is one of the most basic needs of any important social or economic undertaking. Hawaii needs definitions and tabulations of its marine resources in the form of a Hawaii Marine Resources Atlas which will be of value both to professionals and laymen. My legislative proposal is that a sum of $75,000 be expended by the University of Hawaii in the preparation and publication of such an atlas.

OTHER LEGISLATION

Above are the highlights of this "legislative package" of our State Administration's proposals relating to marine affairs. But also an integral part of that package are a variety of programs and projects found in the operating or capital improvement budgets of the various State Departments which relate to marine affairs and which complement these new action proposals. All contribute to the one goal of this State Administration: to make Hawaii an international leader in marine science activities.

These programs and projects may be mentioned briefly:

Establishment of Marine Science Research Parks, in a manner similar to the establishment of industrial parks, to foster marine research.

Coordination in the Department of Planning and Economic Development of the variety of additional recommendations resulting from the report *Hawaii and the Sea*, so that a unified package may be prepared for the 1971 Legislature to carry on in logical order the advances already made.

Establishment of a Pacific Center for Marine Sciences, with initial studies to be made by the University of Hawaii.

Obtaining Federal designation of precious coral beds located in waters adjacent to the Hawaiian archipelago as "Creatures of the Continental Shelf," an official act which would retain U.S. ownership of such a valuable resource even when such beds occur beyond the presently recognized 12-mile fishing zone.

Designation of the State Civil Defense Agency's responsibility in the area of potential disasters in the form of massive oil spillages in Hawaiian waters.

Funding for completion of underwater parks at Hanauma Bay, Oahu, and Kealakekua Bay, Hawaii, and to initiate work on underwater in Maui and Kauai Counties.

A shoreline setback of 300 feet for State-owned lands.

Development of Snug Harbor for oceanographic research vessels.

Expansion of the Hawaii fishery vessel construction loan program to $500,000.

Extension of the shark control program.

In determining the excellence and practicality of these many projects, programs and proposals, I commend to the attention of all concerned the wonderful heritage which we have today from those ancient Polynesians who discovered these beautiful Islands. They learned through study, research, and practical programs, how harmoniously man and the sea can live together for the benefit of both. It must be our task to influence our nation and our world in the same manner in which the eternal sea has influenced us. We must reverence this Pacific treasure, and in turn accept with gratitude—and earnest effort—the multitude of gifts it offers mankind.

PERSPECTIVE ON THE DEBATE OVER DEFENSE SPENDING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BROWN of California. Mr. Speaker, the current imbroglio over the HEW funding bill indicates that the battle lines over defense spending policies are already being redrawn.

I still find it incomprehensible to see the President blaming an extremely modest increase in education funds for future inflationary pressures, while at the same time, budget requests for a whole grab-bag of marginal weapons systems get more than adequate hikes.

Time after time I have emphasized that the cause of the inflation which began in mid–1965 and continues rampant today is overspending for defense—or, rather, for war.

At any rate, I expect another turbulent spring here in Congress as the debate reopens on items such as Safeguard, AMSA, and the alphabet soup of fighter jets and other attack systems. And as this debate begins anew, I would like to point out to my colleagues a stimulating article in the current issue of the Nation magazine.

Richard F. Kaufman, of the Joint Economic Committee staff, rates as a pivotal figure in the continuing argument over defense priorities. We all owe Mr. Kaufman tremendous gratitude for the sharp and critical analysis he has provided over the past 2 years, and I think his article, "Who Won the Debate?" is must reading as a background for upcoming events.

I now place Mr. Kaufman's article in the RECORD at this point:

MILITARY SPENDING—WHO WON THE DEBATE?

(By Richard F. Kaufman)

What did the attempt in 1969 to cut defense spending accomplish and what effect will it have on the future? Post-mortems on last year's military debate have ranged from sad eulogies on the premature death of a movement to joyous celebrations for the rebirth of an old-fashioned American tradition, demobilization. To make an informed judgment one needs perspective on the clash between Pentagon and Congress.

The sixties began with a defense budget of $44 billion, moved to $49 billion by 1962, hovered around that amount of three years, then dropped down to $47 billion in 1965. That year it was decided to make Vietnam into a major war, and by 1969 military spending had shot up to almost $80 billion. The long-term trend, dating back to the pre-Korean build-up, has been for the defense budget to expand. Since 1965 this tendency has been uncontrollable.

Except for the protest votes of a few mavericks like Joseph Clark and Ernest Gruening in the Senate, and George Brown and William Fitts Ryan in the House, Congress had given little indication up to the start of last year that it would oppose the big military spenders. For years the neo-Keynesians had been assuring everyone that all forms of government spending, whether for civilian or military programs, conferred similar benefits on the economy; they went so far as to hurl epithets at the Eisenhower administration for not devoting enough of the nation's resources to national security. The idea, drawn from a deep well of New Deal, Fair Deal, New Frontier and Great Society convictions, was that it is better to turn funds over to the military for weapons procurement, which would increase employment, technical and scientific talent, technological innovations, and plant capacity, than to allow them to be spent by individual taxpayers for consumer luxuries.

The more orthodox policy makers have rarely applied their faith in fiscal responsibility beyond the narrow bounds of the civilian side of the federal budget. Thus while welfare programs were kept lean and austere, in accordance with the Protestant ethic, defense was judged by a different standard and allowed to grow fat and profuse. The standard for defense has never been clearly articulated by the guardians of fiscal morality. No doubt it was composed in part of fears engendered by the cold war and the Red menace, with a strong assist from the influential beneficiaries of high-level defense spending, the military establishment and the defense industry. The Friedmanite monetarists were able to rationalize their insensitivity to the growth of the military juggernaut on the theory that inflationary stresses from just about any amount of increased spending could be offset through proper adjustment of the money supply.

Liberals and conservatives disagreed on everything except the need for a large and continually expanding defense budget. Congress, stirred by the rhetoric of White House speech writers and its own, went along. The result was a profligate fiscal policy with regard to defense and a public works project for the military and industrial elite. Against this discouraging backdrop and in the midst of a still bloody war, with the Pentagon demanding that its funds be increased, the question was raised in Congress whether defense spending ought to be reduced.

The part played by the anti-ballistic missile program (ABM) in the overall debate was important but misunderstood. The search for an ABM system had been the subject of controversy for more than ten years and had already cost several billions of dollars when it was first seriously challenged in the Senate in 1968 (Senator Clark had single-handedly battled against it the year before). In that year Senators Hart and Cooper sponsored an amendment to delete the funds for construction of ABM sites. The purpose was to delay the program for a year, during which research and development would continue, so that in the words of Cooper, "We might find out most certainly whether the system has any value."

Much of the argument concerned what effects the new weapon would have on the arms race and whether it would work after it was deployed. Few Senators stressed as an argument against ABM the need to reduce military spending. Sen. Charles Percy inserted this statement from James Douglas, former Secretary of the Air Force and Under Secretary of Defense: "The requirement to reduce the military budget without affecting the war effort suggests postponement of any deployment of the so-called Sentinel anti-ballistic missile system." Senator Clark juxtaposed the recently enacted 10 per cent surtax for the war with the decision to cut $6 billion from federal expenditures. The entire reduction, said Clark, could be made up entirely "out of the swollen defense budget." The amendment lost 34 to 52, but observers were surprised by the number who had voted to delay the program.

When the ABM dispute arose again in 1969 the opponents had the advantage of growing public hostility to the weapon system. Site construction in cities across the nation drew protests from citizens who saw their property values and their lives endangered by arrival of nuclear-tipped missiles in their own back yards. An impressive array of scientists and former high government officials, including many from the Defense Department, reinforced the doubts about the technical performance of the system and fears as to its impact on the arms race. The Nixon Administration changed the name of the ABM game from Sentinel to Safeguard, reversed its orientation from the Chinese threat to the Soviet threat, and modified its mission from the defense of the cities to defense of the Minuteman fleet of ICBMs. As far as the critics were concerned, however, the basic facts did not change. First, ABM would escalate the nuclear arms race; second, the system would be a technical failure; third, it would cost billions of dollars—estimates ranged from $10 billion to $40 billion and up.

In 1969, concern over the way government funds were being spent was summed up by the phrase, "national priorities." By this was meant the allocation of the nation's resources to areas of low priority, when areas of high priority cried for attention. As the ABM dialogue moved forward, some participants asked whether earmarking billions for this program was a proper ordering of the nation's priorities in view of the condition of the cities, poverty, pollution, etc. But the emphasis, as in the prior year, was on the arms race consequences and especially the technical feasibility of the system. The main thrust of the opposition was not that the potential contribution of ABM to national security was so slight that it ought not to be funded, or that there were more important uses for the money it would absorb. Rather, it was that there were so many unanswered questions and doubts about the program that it needed to be slowed down and re-examined. The solution proposed was not to cancel the program; it was, in 1969 as in 1968, to delay deployment a year for further research and development.

Thus right up to the final day of debate, the Senate did not ask itself whether to put a halt to the ABM program. The Cooper-Hart amendment, offered a second time, merely proposed that funds be authorized only for the purpose of research and development, in effect suspending deployment for twelve months or until another military authorization bill was before Congress. Significantly, the amendment left untouched most of the funds requested for ABM. Only the use of the funds was being circumscribed. For this reason a number of Senators not normally eager to question the decisions of the military planners could feel comfortable supporting Cooper-Hart. Their position was that they did not oppose ABM; they only wanted to see a little more research and development spent on it.

The shocker came when Sen. Margaret Chase Smith offered an amendment on the final day of the debate to cut off all Safeguard ABM funds and thereby terminate it. Her logic was unassailable. If the program was as defective and as dangerous as many of its critics maintained, why have it at all? "Why waste funds on research and development of a system in which you have no confidence?" The ABM program, Senator Smith maintained, "is too vulnerable and too costly and would be a waste of resources at a time when we must carefully determine our national priorities." Therefore, Safeguard ought to be given no funds at all.

The Smith amendment garnered eleven votes. Cooper-Hart lost very narrowly, 51 to 49, and all other efforts to oppose military spending last year are usually compared to it. According to this criterion, the Cooper-Hart ABM vote was the high-water mark of the struggle to restrain the 1969 military spending bill, and the votes that followed represent a decline from the critics' peak strength.

But this conclusion fails to take into account the nature of the Cooper-Hart vote. It was not an accurate measure of Senate opposition to excessive military spending, because the amendment did not squarely face that issue. Since it was an oblique rather than a direct confrontation, the ABM vote had the unfortunate effect of exaggerating the growth of the new attitude toward the defensive budget, and it created the illusion that the switch of only a few votes would turn the tide altogether. The real measure, as of early August, when Senator Smith offered her challenge, was probably closer to the eleven votes registered in favor of her amendment.

The deeper significance of the ABM fight was its effectiveness as a rallying point for large segments of the public, the scientific

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and academic communities, former government officials, and members of Congress against a weapon system that promised to diminish rather than enhance national security. In the process, many persons received their first lessons in defense analysis and they found the discipline accessible to ordinary reason. Because of the good showing the opponents made in the floor debates, and the excellent support they elicited from individual constituents and from such *ad hoc* citizens' groups as the National Citizens Committee Concerned About Deployment of the ABM, headed by Arthur Goldberg and Roswell Gilpatric, a number of them were emboldened to probe further into military affairs. These effects spread to the House of Representatives, where later in the fall 105 members voted in favor of a Cooper-Hart type of amendment—a display of dissatisfaction with military leadership not often seen in the House.

Following the ABM vote, and in the few days remaining before the mid-summer Congressional recess, the Senate took up the first batch of the many amendments directed against other portions of the military authorization act. Among them were an amendment, introduced by Sen. Richard Schweiker, directing the Defense Department to make quarterly reports to Congress on the costs of major weapons systems; a proposals by Sen. Gaylord Nelson to regulate the production and deployment of chemical and biological warfare agents, and one by Sens. Thomas Eagleton and Mark Hatfield to delete $54 million designated for the Main Battle Tank, pending a report by the General Accounting Office on the huge cost overruns plaguing this program. The Schweiger and Nelson amendments passed; a compromise was reached on the Main Battle Tank whereby the General Accounting Office was asked to make a report on the program to the Armed Services Committee which would then reconsider the question of continuing it. In the belief that the committee would take the funds out of the bill if the report indicated that the program was too costly, Eagleton and Hatfield withdrew their amendment.

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A measure proposed by Sen. Joseph Tydings to reduce the research and development emergency fund (some called it a slush fund) was modified to a smaller cut and adopted, and Sen. William Fullbright was able to remove $45 million from the Pentagon's social science and foreign policy grant program.

It was, for the military critics, one summer of happiness. The slim margin of the ABM defeat had been heralded as a moral victory, and the string of small successes that followed was interpreted by some observers as further proof that the big military spenders were being routed. Secretary Melvin Laird's announcement during the recess that, due to Congressional pressure, defense spending would be cut by as much as $3 billion added to the euphoria. But after Labor Day, Congress and reality returned to Washington. The budget cutters put forth some of their best arguments against some of the worst programs and were voted down handily on each one: proposals to cut back or postpone the C–5A Cargo Plane, F–14 Fighter, AMSA Bomber, and Nuclear Aircraft Carrier programs were all defeated. What had happened?

The difference in the critics' fortunes before and after the recess was, to a large extent, a matter of money. The August amendments concerned new regulations and attempts to place controls over the Pentagon's use of funds in programs which, for the most part, did not involve major weapons systems or great (by Pentagon standards) amounts of money. It is one thing to attack open-air testing of lethal chemical agents and disease-producing biological micro-organisms, or to blow the whistle on military research grants into such problems as "The Decline in Paternalism Among Peruvian and Japanese Laborers." It is something else to attempt to cancel a major weapon system, for every one of these involves contracts for hundreds of millions, often billions, of dollars with large defense firms who employ workers by the tens of thousands. Obviously, military contractors do not stand idle while Congress deliberates over their contracts. In addition, each major weapon system can vitally affect the relative influence and status of the military services and they, too, become something more than dispassionate onlookers during such debates. How prestigious would the Navy be without a carrier fleet, or the Air Force without a manned bomber fleet, or the Army without a tank fleet? The one system other than ABM attacked by an amendment in August—the Main Battle Tank—after being withdrawn by agreement, was re-endorsed by the Armed Services Committee after it had received from the General Accounting Office a report very critical of the program.

On the other hand, while the attempts to take out some of the weapons were not successful, the votes indicated that the critics were making headway in the sense that more Senators went on record to eliminate large sums of money from the bill than had ever done so before. For example, twenty-three Senators voted for Sen. William Proxmire's amendment to cut out more than $500 million from the C–5A. Only eleven, it will be recalled, had voted for the Smith proposal to take all the money away from the Safeguard ABM. Senator Smith was able to improve upon her earlier showing: she reintroduced her ABM amendment on the appropriations bill on December 15 and received thirty-six votes. These votes and the corresponding ones in the House, though modest, represent dramatic progress over the year before, when Senator Clark, for example, could muster no more than six of his colleagues against the proposed new bomber defense system (called AWACS) and similar numbers on other programs, and when the opposition to his arguments against the Manned Orbiting Lab (MOL) was so rigid that he was discouraged from even introducing the amendment he had prepared against it.

The fundamental failure of the floor efforts in both Houses was that all the advanced weapons survived the challenges intact and no substantial money cuts were achieved while the bill was being considered. But this should not detract from what was accomplished. In the first place, the funds recommended by the Armed Services Committees were substantially lower than the Administration had requested, and it is generally agreed that the demands made by the military critics for defense reductions influenced the actions of the committees. In a move of long-term importance, $1 billion was taken out of the research and development program alone.

Second, the relatively minor reductions and the non-money amendments tacked on to the authorization act were also not insignificant. In addition to the amendments on chemical and biological warfare, social science research, and the Pentagon's emergency fund, Senator Proxmire successfully proposed that (1) the General Accounting Office conduct the first comprehensive study of defense profits; (2) a directory be compiled and kept up to date of retired military officers employed by defense contractors and of former contractor officials employed by the Pentagon; and (3) the category of military research known an *independent* research and development be cut 20 per cent. In addition, a ceiling was placed on total troop strength, though hardly low enough for many critics, a cost and effectiveness study of the nuclear attack aircraft carriers was ordered, the Pentagon agreed to hold up spending on the Main Battle Tank until it could complete a study of that program, and a number of small weapons were added to the list of items that must be specifically authorized each year rather than simply contained in an appropriation. This last change will improve Congress' ability to control military spending, assuming the willingness to exercise control persists.

Third, throughout the year decisions about weapons systems were announced by the Pentagon that served to vindicate those who had tried to point out the waste inherent in the defense budget by examining specific programs. In May production of the Cheyenne Helicopter was halted, a step that Rep. Otis Pike, one of the "fearless five" dissident members of the House Armed Services Committee, had been urging for more than a year. In June the MOL was canceled. In November, after the authorization acts were completed. President Nixon proclaimed a limitation of the use of chemical agents and a renunciation of germ warfare, although the germ ban has since been revealed as only a partial ban because of a recent redefining of biological toxins. Also in November, the Air Force announced that it would purchase eighty-one rather than 120 C–5A cargo planes due to its increased costs, thus conceding much of Proxmire's criticism of that program. Such developments encourage continued Congressional effort.

On December 3, some of the most stinging criticism of military spending in recent years emanated from an unlikely source, the House Appropriations Committee. Throughout the year, Rep. George Mahon, chairman of the committee, had been giving hints of dissatisfaction with the military budget and with the military in general. In an exchange on the floor of the House, May 21, Mahon asserted that "The military has made so many mistakes, it has generated a lack of confidence"—whereupon Rep. L. Mendel Rivers, chairman of the House Armed Services Committee, accused him of "playing into the hands of the enemies of the military." The December report of the Mahon committee cited chapter and verse. The year 1969, it concluded, was the year of the cost overrun; "No single year stands out in which inordinate escalations in costs for Defense weapons systems developments and procurements have been surfaced to the extent they have been this year during the hearings." Punching a hole in the Pentagon's usual explanation for cost overruns, the committee found that inflation accounted for only 11.4 per cent of the increases identified, and "It can be said that cost overruns in fact have contributed to inflation." The report went on to indict the Pentagon for sloppy contracting methods and questionable practices with regard to justifications for programs presented to Congress.

More important, the committee recommended an appropriation $5.3 billion below the Nixon revised request, and $4.4 billion below the amount actually appropriated the year before. The Senate then removed an additional $627 million, and the conference committee restored about half of that amount. The appropriation finally passed was thus $5.6 billion below Nixon's request. The Senate also placed in the bill a prohibition against the use of U.S. ground troops in Laos and Thailand and a requirement that funds appropriated but not spent or obligated by the Defense Department be identified after certain periods of time—further evidence of a strong sentiment that Congress should exercise greater control over defense spending.

The appropriation was the first since 1965 to be less than that of the year before; it showed the largest reduction since the post-Korean War year of 1954. That is not to say that total defense spending will actually be reduced by any given amount. The appropriation bill referred to contains most but not all the moneys appropriated for defense. Military construction is handled as a separate piece of legislation, as are such military-related appropriations as foreign military aid. Also, the regular defense appropriation bills can be, and usually are, augmented by supplemental appropriations. The supplementals are sometimes wildly unpredictable. In 1967 the Johnson administration asked additional sums of close to $13 billion, because of a miscalculation of the costs of Vietnam.

There is reason for restrained optimism with regard to total appropriations this year. (They can never be considered complete while supplementals can still be introduced and acted upon, and these can be submitted any time up to June 30, the end of the fiscal year. Technically, the appropriations process is not over until the fiscal year is over.) In addition to the large reduction in the main defense appropriation, both the military construction and the military foreign aid appropriations were below the amounts requested, and the only supplemental that now appears on the horizon will be relatively small—about $1 billion to pay for the military pay raise enacted last year.

But there is a hitch: the amounts appropriated by Congress differ from the amounts spent by the Pentagon. This discrepancy arises because money appropriated in one year, but not spent, is then carried over to subsequent years. The time lags between appropriation and expenditure vary with the type of program, the greatest lag occurring on procurement. For this reason we can anticipate substantial delays between appropriation reductions and spending reductions, and the full amount of last year's cuts will not be realized immediately.

Taking all of this into account, we can estimate total Defense Department expenditures in fiscal 1970 of about $76 billion. This compares with $77.3 billion in 1968 and $77.9 billion in 1969. The difference, if the estimate holds up, would be an actual reduction of about $2 billion from last year.

Balancing off this healthy sign is the fact that, with the exception of the MOL and Cheyenne programs canceled early last year, and the cutback in the number of C–5As to be purchased, all the major weapons systems were allowed to go forward. Since an unusual number of new programs are getting off the ground or into the water this year, and since their major funding is yet to come, the stage is clearly being set for another big defense budget *Putsch*. For example, a mere $100 million was appropriated for AMSA this year, but it will probably cost more than $15 billion eventually, and annual appropriations will soon total several hundred million dollars a year. The same can be said for the new fighter aircraft, the carriers, the Main Battle Tank, and several other weapons which got their big feet in the door this year. If old and new weapons systems continue to be funded, it matters not what cuts are made in manpower, operations and maintenance, research and development, in stretch-outs of hardware programs, or in the closing of bases; the pressures will ultimately develop for once again enlarging the overall budget. Congress shied away from this issue in 1969, but one day soon it will have to be met. If there is not a weeding out of the marginal and excessively ambitious programs at various stages of the their development, last year's struggle will have achieved at best a temporary dip in expenditures, to be followed by another upward thrust.

Congress did not turn the military establishment around in 1969, and perhaps it was too much to expect that twenty years of almost constant military growth would be reversed in one. In fact, defense spending increased somewhat in fiscal 1969. But Congress did make a start. It appropriated less money and reclaimed some of its controls over the Pentagon by legislating them back into existence. Its method of analysis and attack, weapon system by weapon system, proved very effective and succeeded in keeping the military on the defensive throughout the year. The critics demonstrated their willingness to work hard in order to understand defense programs; their future success as critics will largely depend on their persistence in straightening out what Senator Fulbright has termed our cock-eyed priorities.

The Senate debate over the military authorization bill, which was the longest military debate in the history of Congress, and the many hearings into military affairs conducted by Senators Proxmire, Fulbright, Symington, Gore and Ribicoff, have helped to establish a better understanding of how the Pentagon and its industrial allies operate. It raised serious doubts, if not indignation, over the wisdom of entrusting to their hands so much of the nation's wealth and power.

At the very least, the issue of defense spending has been removed from the sanctuary of the high priests of military authority and brought into the light for all congregations to see. By doing that much, Congress has shaken itself free of some of the myths that have enveloped the military budget for so long. One was the assumption that it was somehow preordained for defense expenditures in the nuclear age to comprise between 8 and 10 per cent of the gross national product, and that so long as the figure hovered in this range it was acceptable. This supposition has been rejected partly because the enormous amount of waste disclosed by last year's investigations proved that defense spending is excessive; partly because members of Congress have learned to ask some of the more important questions and to challenge the basic assumptions underlying military policy. For example, the real question with regard to the size of the budget is not what proportion of GNP it represents, or whether the percentage should be raised or lowered, or whether it is equal to the square of the moon's diameter. The real question is whether we are investing too little or too much of our resources to achieve the only rational objective for a military establishment, national defense.

By spending such time and energy on these matters, Congressmen have begun to understand how critical it is to deal with the defense budget. The issue of defense is going through the process of socialization, just as the issues of civil rights, poverty and hunger, and pollution of the environment have gone through a similar process in recent years. Like these civilian issues, defense is no longer thought to be the exclusive province of any body of experts in the executive or legislative branches. Increasingly, members of Congress have made themselves fully qualified and competent to speak out, raise questions, make suggestions, and exercise their individual judgment about civilian issues, regardless of their committee assignments or background and training. Defense policy is rapidly coming to be viewed with the same degree of urgency. It is too important to be left to the military or to the professional experts who have botched things badly up to now.

What the public now needs to understand is that defense, like many other questions, is too important to be left to the government to determine by itself. The anti-ABM movement was one of the better examples in recent years of a coalition of people, groups and elected officials committed to a major change of policy, and the fact that it did as well as it did is a sign that it is still possible to strive toward public resolution of public issues. Unfortunately, that coalition turned out to be too ephemeral to sustain its pressure during the debate over military spending that followed the ABM vote. The steady stream up Capitol Hill of citizens groups, emissaries from the universities, ex-officials and statesmen who indefatigably buttonholed their Congressmen and Senators to argue the case against the ABM, who held conferences, wrote papers, reports and speeches, conducted press conferences and took out ads in major dailies, slowed to a trickle after that first August vote. When the debate resumed in September it had dried up almost completely. There were no packed galleries after ABM.

But for a while last year, the juices flowed again in Congress, a branch of government which many persons thought too withered to show any life. As Ruth Gordon, age 72, said upon receiving her first Academy Award in 1969, "I can't tell you how encouraging a thing like this is."

A SOLDIER VIEWS MYLAI

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. NELSEN. Mr. Speaker, the Worthington Daily Globe in my congressional district has seen fit to publish a most thoughtful look at the Mylai scene from a soldier's point of view. I believe this account by Sgt. Tim O'Brien of Worthington provides insight and understanding about the tragic situation that exists in parts of Vietnam and should be shared with the American public. I include Sergeant O'Brien's assessment, along with its editorial introduction, at this point in my remarks:

(EDITOR'S NOTE.—Sgt. Tim O'Brien, a Worthington man and a graduate of the local public schools, is now with the U.S. infantry in Vietnam. He fought at Mylai not in March 1968, when it is purported an atrocity was committed there but less than a year later. His report is powerful. O'Brien is the son of Mr. and Mrs. William T. O'Brien, 230 11th Ave.)

The villages of Mylai are scattered like wild seed in and around Pinkville, a flat stretch of sandy red clay along the northern coast of South Vietnam. Pinkville seems a silly, county fairish misnomer for such a sullen piece of the world. From the infantryman's perspective, zig-zagging through one of the most heavily mined areas in the war zone. there is little pink—or rosy—about Pinkville. Mud huts more often deserted than not, gray and filthy hamlets, bombed out pagodas, and the patently hostile faces of Pinkville's inhabitants are what he finds there, along with a spate of elaborate tunnels, bomb shelters and graves.

The place derives its name from the fact that military maps color it a shimmering shade of elephant-pink, signifying what the map legends call a "built-up area". Perhaps it once was. Now it needs to be. GIs operating in Pinkville have long since concluded that the only justification for the name is in the strength and ferocity of Viet Cong in the area, a bunch of real pinkos.

Pinkville and the villages called My Lai are well known to this unit. They were notorious and feared places even before the brazen and perhaps unfair headlines heralded the "My Lai Massacre". In January of last year, less than a year after the alleged slaughter, this unit took part in the massive Operation Russell Beach, joining forces with other Army elements, boatloads of Marines, the Navy and Air Force. Subject of the intricately planned and much touted campaign was Pinkville and the Batangan Peninsula, both of which had long served as Charlie's answer to the American R&R Center—friendly natives, home cooked rice, and nearly total sanctuary from American footsoldiers. Despite the publicity and War College strategy, the operation did not produce the anticipated results, and this unit learned some hard lessons about Pinkville. There is no reliable criterion by which the GI can distinguish a pretty Vietnamese girl from a deadly enemy; often they proved to be the same person. The unit triggered one mine

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after the other during the operation, frustration and anger built with each explosion and betrayal, one hamlet and one Oriental face began to look like any other—hostile and black—and this was a group of men boiling with hate when they were pulled out of Pinkville.

THE VIETCONG WERE THERE

In May we were ordered back. Inserted by chopper in the villages of My Khe, a few thousand meters south of the My Lai's, the unit hit immediate contact, only seconds after interrogating with negative results the citizens of My Khe 3. The Viet Cong were there, waiting in ambush across the rice paddy; the people, some of them, had to know what was in store; so we went across the paddy and the Arizonan was killed and a grenade bounced off my helmet, taking Clauson out of the war. And a lieutenant swiveled the skinny Arizonan off his shoulder, into a chopper, and we went north, into the My Lai's.

It is difficult to recount the next weeks. It was a matter of walking until someone hit a mine—a frenzied call for dust-off choppers—then walking until we were mortared or until snipers plinked away at us from one of the villages.

We met a certain number of local Vietnamese along the way. Invariably they were the nonparticipants in war: children under 10 years, women, old folks who planted their eyes into the dirt and were silent. There were no military-aged men to be seen, no fathers for the children, husbands for the women; no brothers and no farmers to reap the rice which someone had to have planted. And there were never answers to the question, "Where are the men?" Not from the villagers. Not until the unit ducked poppa's bullet or exploded his fine mine into a million fragments.

The unit was fatigued and angry leaving My Lai 5: another futile search of a nearly deserted village, another fat zero turned up through interrogation. Moving north to cross the Diem Diem River, the unit took continuous sniper fire, and it intensified into a storm of sound when we reached the water and a bridge, 75 meters long and perfectly exposed, the only way across. One man at a time, churning as fast as the rucksacks and radios and machine guns allowed, the unit crossed the Song Diem Diem, the rest of the troops spraying out protective fire, waiting their own turn, and we were scared. It was a race. A lieutenant was the starter, crouched at the clay runway leading into the paddy, hollering "Go" for each of us and then letting a burst of fire to cover the guy. The CO, first man to win his race, was at the finish line. He gave the V sign to each man across, which might have signaled victory or valor but afterwards came to mean vindictive—as in vengeance.

ONE HUT AFTER ANOTHER BURNED

In the next days it took little provocation for the unit to flick the flint on their Zippo lighters. Thatched roofs take the flame quickly, and on bad days the unit burned one hut after the other. Fear, exhaustion, the torture of searching for ground that won't blow you away, day to day harassing fire—these things built, one upon the other, and the psyche finds its outlets.

When two popular soldiers were blown into a hedgerow by a booby trapped artillery round, men put their fists to the nearest Vetnamese, two frightened women living in the guilty hamlet, and when the troops were through with them, they hacked off swaks of thick black hair. The men were crying, doing this.

Fighters were called in. The hamlet was leveled and naplam was used to burn away whatever might have been living in the rubble. There were VC in that hamlet, and who else?

If the alleged incident at My Lai 4 in March, 1968, occurred as reported, it was a crime, and there is no justification to be culled from reference to the participants' brutal experiences in and around the My Lai's, just as this unit's actions are not assuaged by pointing to dead buddies, hostile civilians, and the omnipresent mines. GIs, growing up on the image of the American soldier as a khakied savior, generously giving of himself to fight for enslaved and grateful souls, has a difficult time understanding that this is not France, that My Lai is a far cry from Paris and its cheering, willing young chicks. The difference is that My Lai is not occupied nor enslaved by the enemy. The residents of Pinkville are the enemy—or his children or his wife or his bronzed old mother. And still GIs find it incomprehensible, their hostility. "Ungrateful, stupid dinks," we call them. Dinks, which is a word laden with all the contempt of World War II's "nip" and "kraut", the Korean War's "gook", Castro's "yankee".

ONE DAY IN CZECHOSLOVAKIA

Pinkville is the enemy's home, that can be said as surely as one can say anything about what happens here. Given that fact, the outrage of American troops at the sullen faces, mines, and unanswered questions reaches ludicrousity. What more can be expected from the enemy and his family?

If outrage does not justify what might have happened in March of last year, neither does the fact that the slain women and children were hostile relatives and friends and sympathizers of the Viet Cong. If so, we could smile at our consciences and justify similar atrocities by past and present enemies: when, in retribution for the killing of Heydrich, the Nazi occupiers of Prague traveled a few kilometeres to the west, cordoned off the village of Lidice and marched the inhabitants off to a nearby field where they were killed. The official explanation: Lidice was the suspected refuge for Heydrich's killers. Today Lidice, Czechoslovakia, is a flowered memorial to that event. One wonders how the Vietnamese will commemorate My Lai 4 20 years from today.

There is more to our unit's behavior and the behavior of Charlie Company in Pinkville than can be found in the phrase "mob psychology". There was hate and a kind of crazed frustration in the men out there. No mob leader, no anonymity in numbers was needed to carry the troops toward violence.

Nor does Cooley's "in-group, out-group" analysis penetrate deeply into what happened and, presumably, is still happening. Though it is true that the Oriental skin, poverty, and hostility found in Pinkville leads to the "we-they" complex, grouping all Vietnamese—friendly or not into the same category, the dink, it is not often that the out-group is so intensely out that they are beaten and bombed and shot.

AFFLICTION MANIFESTED IN WAR

Perhaps we should take another look at the insight of Freud (who is also "out" these days) and his concept of the Id, which Alan Watts characterizes as "the primordial instincts of the swamp and the cave." Perhaps the American condemnation of "the national character" of Nazi Germany—with its lurking brutality, authoritarianism and ethnocentrism—was too quickly and glibly confined to the Germanic culture.

Whatever the roots, the affliction seems to be manifested in war and particularly, most acutely, in the sort of throe of events this unit experienced last May in Pinkville. It was a hard way to peek into your own soul, and the headlines may have been a shocking denouncement for the American public, but some soldiers here are hoping we can proceed from a new level of understanding, individually and as a nation. Some of us are convinced, with Alan Watts, that "the most intense darkness is itself the seed of light, and all explicit warfare is implicit love."

COMMISSION ON U.S. PARTICIPATION IN THE UNITED NATIONS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. GALLAGHER. Mr. Speaker, I am today introducing a resolution calling for the establishment of a Presidential Commission on United States Participation in the United Nations.

The year 1970 marks the 25th anniversary of the United Nations organization. Many things have happened since that organization came into being and many other things will happen in the years ahead. This year, therefore, would seem to offer us a timely opportunity for reviewing the record of accomplishments of the U.N. organizations, for reapprising the machinery of the U.N. system and for trying to arrive at some answers regarding the role which that instrument of international cooperation should play during the coming decade.

With these thoughts in mind, the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, which I have the honor to chair, has planned a series of hearings relating to the U.N. These hearings will begin on February 17 and many distinguished Americans in public life and in the private sector will testify before the subcommittee.

It has been my feeling and that of some of my colleagues that any meaningful reappraisal of the United Nations and of the U.S. role in that organization cannot involve the Congress alone. The executive branch and, indeed, the whole Nation, ought to have a part in that undertaking. It is with this in mind that I am today introducing the resolution which would provide for the establishment of a Presidential commission to conduct such a reappraisal.

The text of the resolution follows:

H.J. RES. 1078

Joint resolution establishing the Commission on United States Participation in the United Nations, and for other purposes

Whereas 1970 marks the twenty-fifth anniversary of the United Nations; and

Whereas the world community has changed and new problems have arisen during this twenty-five-year period; and

Whereas the beginning of the 1970's is an appropriate time to initiate adequate planning for the future operations of the United Nations and for the role of the United States in such operations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established the Commission on United States Participation in the United Nations (hereafter in this Joint Resolution referred to as the "Commission") to be composed of twenty-five members as follows:

(1) Four Members of the House of Representatives selected by the Speaker of the House of Representatives, at least two of whom shall be selected from among members of the Committee on Foreign Affairs and not more than two of whom shall be selected from the same political party.

(3) Seventeen members selected by the President of the United States from among outstanding citizens in both private and public life. The President shall designate a

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member of the Commission selected by him from private life to serve as its chairman.

(b) Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as in the case of the original appointment.

(c) Thirteen members of the Commission shall constitute a quorum for the transaction of business.

SEC. 2. (a) It shall be the duty of the Commission to review the organization and operation of the United Nations and its specialized agencies and programs for the purpose of making recommendations to the President and to the Congress regarding the role of the United States in the operations and programs of the United Nations during the decade of the 1970's.

(b) The Commission shall report in writing to the President and to the Congress, not later than one year after the date of enactment of this Joint Resolution, which report shall set forth the results of the review conducted by the Commission, together with such recommendations regarding United States participation in United Nations operations and programs as the Commission may deem appropriate. The Commission shall cease to exist sixty days after filing the written reports required by this subsection.

SEC. 3. The Commission is authorized, without regard to the civil service laws and regulations, to appoint, compensate, and remove such personnel as it may deem advisable to carry out the provisions of this Joint Resolution.

SEC. 4. (a) Each member of the Commission who is an officer or employee of the United States shall serve without compensation in addition to that received for his services as such an officer or employee, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him when actually engaged in the performance of his duties as a member of the Commission.

(b) Each member of the Commission selected from private life shall receive compensation at the rate of $100 per diem when actually engaged in the performance of his duties as a member of the Commission, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties.

SEC. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the United States any information and assistance it deems necessary to carry out its duties under this Joint Resolution; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the chairman or any member acting as chairman.

SEC. 6. There are authorized to be appropriated such sums, not to exceed $250,000, as may be necessary to carry out the provisions of this Joint Resolution.

VETERAN RECALLS FIRST WORLD WAR

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ROBISON. Mr. Speaker, Harold L. Barlow, a fine gentleman and constituent of mine, recently wrote a guest editorial for the Legionnaire, a monthly publication sponsored by Post 80 of the American Legion, Binghamton, N.Y. The editorial recounts some of Mr. Barlow's thoughts and reflects upon his experiences during World War I. It is, at once, a nostalgic and interesting piece. The full text follows:

A 75-YEAR-OLD VETERAN WRITES

When we old veterans walk down this long road of life, we see and hear things that make us laugh, things that make us cry and many things that make us wonder why.

Let us think back to days when we all wore the diaper, when Mother and Dad worked hard every day for little pay so that our future would bring forth brighter days.

To start us off right they tickled us under the chin so that we would grin. They knew this would eventually turn into laughter and would pay-off thereafter.

Oh, we cried too when we had a little pain, were hungry or if we were upset when harmful things were taken from our little hands. We didn't cry long until we started to smile or fell asleep for awhile.

Things went along nicely until we thought we were smart and did things we should not. We were soon corrected on this foolish stunt by a spanking on our growing rump.

We believe today the above mentioned things were good ideas. They taught us in later years to go along doing right and not wrong. There were times I didn't follow the right path and down the wrong path went, all for which I now repent. The times I followed the right path surely paid-off, especially in friendship ways. I don't know or, nor do I believe that I have one enemy in the U.S.A. It's a wonderful feeling, and I hope it is here to stay.

Some of us didn't have the opportunity to get much education. My parents were poor, so I left grammar school and went to work, figuring that it would help. It did help a little but not much. It didn't help me in later years when I wanted to advance to higher position and rank. I can assure you that, if I had the opportunity to go to college it would have been to seek more knowledge. Not to do like a few students, cry and stew, to ease their minds use narcotics and sniffle glue, think the college professors and teachers have no wits and that they are hypocrites, try to turn the college campus into a college rumpus. To the sincere student who wants to advance, you are where you have a chance for a profession or degree, stick it out and you will see, how much better-off you will be.

Today some young people are steering the tragic train while the parents are riding way back in the old caboose, sitting there paying no attention to where their children are headed just saying what is the use? We are comfortable in this old caboose.

Now let us look back to the year of 1917, when our President thought it best to declare war and we were told what we would be fighting for, future self defense, helping friendly nations pull their chestnuts out of the fire and fighting a war to end all wars. As we look at this last reason and think of the wars our nation has been in since, it is evident we did a darned poor job.

Anyway, to show our patriotism we enlisted and many were drafted. We didn't tear up Draft Cards or burn the Red-White and Blue, as some do, surprisingly supported and defended by supposed-to-be intelligent men.

In the attitude of these people today to make people all over the world think we are distrusting, pessimistic, capitalistic and destructive invaders, giving our enemies ideas for propaganda, or is it fear within themselves, that of going to war.

Oh, we had a few we called the "Slacker." He was so scared, that on the Fourth of July he would run when somebody set-off a small firecracker.

We sang the songs that included the following words—"America America" land that we love—It's a "Grand Old Flag," It's a "High-flying Flag" and forever in peace may it wave—It's the emblem of the land we love, the home of the Free and the brave—"We're going over, We're going over and we won't be back til it's over, over there."

So away we went, first in training. While there my Commanding Officer felt that I was qualified to be an officer in the infantry. Before I went, there was an understanding between the Sergeant who took my place as First Sergeant that, if there was any indication that the Regiment was going across, to notify me at once. Before the school started I received the message that the company was about to leave and immediately made arrangements with the Commanding Officer of the school to return to my company and arrived just in time to go along with my Buddies.

We were soon on a ship and on our way. We landed in France and within four days sent into a defensive action where the German Army was trying to enter Paris. This soon turned into an offensive action when our artillery, dough-boys and Marines drove them back. We kept driving them back through the Aisne-Marne and Oise-Aisne offensives. From there we went into the Meuse-Argonne offensive, starting from the day it began to the day it ended, November 11th 1918. Then after a ten day interval, we followed the Germans into Germany and stayed in the Army of Occupation for five and a half months.

During the actions mentioned we saw the horrible things that happen in war, Artillery men, Dough-boys, Marines and Germans alike laying dead on the ground, airplane pilots, balloon observers their planes and balloons hit in the air and come down in flames, soldiers wounded and some who had been through poisonous gas. Thank God we didn't see any women or children wounded or laying dead on the ground.

While in the Meuse-Argonne offensive I was offered another chance to enter an officers training school. This I turned down and stayed with my Buddies. When in Germany the men in my company presented me a gold watch that cost a lot of money then. Every man in that outfit, 250 in all, contributed to that cause. At the start of this writing I mentioned about making us cry. Well the tears rolled down my cheeks, not in sadness, but the thought in my mind how much those men thought of me as their First Sergeant, because I treated them the way I would like to be treated. That watch is over 50 years old now. I gave it to my son, a Korean War Veteran, so he would have it after I am gone. He can look at it then and say, as he has in the past, I hope I live to see the day that I have as many friends as my Dad.

Nothing in this writing has been mentioned in braggadocious way, but to show that it pays off to be loyal and friendly to your nation and your friends, even in time of war.

To all the people who breed hate, congregate for destruction and would like to see this country blown-up by combustion or see us go into revolution and will never change their minds: maybe it would be money well spent if our Government would furnish free transportation to the land of their choice, where for propaganda reasons would they have any voice, where if they spoke out in dissent, they would be to prison sent, or wind-up facing a firing squad. While waiting for the words "Ready-aim-fire" they would say a prayer, God forgive me for all my sinful ways, including the day I left the U.S.A.

Free transportation should also be furnished to the hijacker who holds a revolver to a pilot's dome and says "take me to Cuba or fly me to Rome."

German people were very friendly, treated us fine all the way from the border to beyond the Rhine. Just to mention a few nice things they did, the first night we crossed the border we were billeted in a tailor shop. The owners were two brothers, just discharged from the army. They were making their uniforms over into civilian clothes. They welcomed us in, gave us a nice dinner. At night we were supposed to sleep on the shop floor. They sent us upstairs to sleep in their beds and they slept on the floor, themselves. One other night we stayed in an army officers home, they treated us well. We had a good night's rest, awoke in the morning our shoes were gone, they had cleaned and polished them and, believe me, they were well done. At Christmas time we were in the farthest outpost of the American army, in a small town. People there came from all around they brought us chicken and food. One elderly lady who had had a son killed in the war, brought me a small Christmas tree to place in my room and wished all a Merry Christmas.

It was a sad day for America when a crazy crack-pot shot and killed Martin Luther King, Junior, who would have brought about the wishes of the intelligent Negro much sooner. He preached the Gospel and asked all people not to be hostile.

To those who call policemen brutal, culprits and things I don't care to mention, give police all kinds of trouble, better look in a mirror and take a good look at themselves. A policeman is trying to protect us by enforcing the law. A policeman in his heart doesn't like to make an arrest, but is doing his best to keep law and order at its best.

Now let us pray that the day will soon come when all our brave soldiers come home, when wars will cease and all people live in peace, when all people of different creeds, race and color will get on the band-wagon together, shake hands, and ride in the freedom parade, waving the flag of the grand old U.S.A.

HAROLD L. BARLOW.

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WASHINGTON POST URGES TYRANNY IN SOUTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RARICK. Mr. Speaker, it was said of old that judges ought to remember that their office is to interpret law and not to make law. The wisdom of that warning was recognized by the founders of our Republic, when they established the Congress for the enactment of laws and the judiciary for the judging of cases and controversies. It was recognized by generations of jurists who, time and time again entreated to waver, held to their course and refused to legislate.

Our present domestic difficulties are due in major part to weak men who broke the judicial faith. Within our lifetime we have seen their precedents—first in Russia, then in Nazi Germany.

The Bolsheviks, having abolished all law, created their "Peoples' Courts" for the administration of both criminal and civil justice measured by the yardstick of "the proletarian conscience."

One of Hitler's early actions permitted German judges to decide cases, not according to law, but according to "the healthy sentiments of the German people."

Yesterday I pointed out the true law of the land which governs the question of school desegregation—the Constitution, the Civil Rights Act of 1964, and the current HEW Appropriations Act. There is no other law which applies. All else is the bald usurpation of power—the decision of cases under such suicidal standards as Lenin's "proletarian conscience" or as Hitler's "sentiments of the German people."

Our present courts, acting outside the law, are on the very ground which history teaches leads inevitably to tyranny. In this course they are encouraged by those who, giving loud protestations of their democracy, chart the course to slavery. The editorial view of the Washington Post is typical, that of the Fort Myers News-Press a foolish following, and the column of David Lawrence the truth.

I include the clippings in my remarks:

[From the Washington Post, Feb. 4, 1970]

HELPING THE SCHOOLS IN THE SOUTH

There was some good sense, or at any rate there may have been, in what the Vice President said, or at least started to say, about school desegregation in the South on the CBS television and radio networks last Sunday. But owing to the invincible propensity of TV interviewers to interrupt and change the subject to something entirely different just as soon as the person they are interviewing begins to be interesting, it is difficult at this point to know just what Mr. Agnew had in mind.

Fairly early in the interview, Mr. Agnew said: "The President has indicated to me that he will shortly announce the formation of a cabinet-level group which I will chair that will work for the purpose of implementing the decisions of the court in the least disruptive way to quality education in the South." He went on to say that the Attorney General and the Secretary of HEW and "probably several of the President's counselors, possibly Mr. Moynihan, possibly Mr. Harlow and others," would be participants. In addition, before being cut off or taken off the hook, he observed that "much of the difficulty"—the difficulty in obtaining compliance with Supreme Court school desegregation rulings—"has come about . . . through misunderstanding of what the court really meant and what the people have taken out of the court's statements and what the Department of HEW and the Attorney General's office may have promulgated in the way of regulations."

Excuse us for indulging our own invincible propensity to interrupt at this point, but we have long thought and often said that much of the misunderstanding of what the court really meant has come about because the administration has persistently waffled, at least during the past year, about the "guidelines" governing school desegregation and about cutting off funds from school districts in violation of the law, and because the Department of Justice has persistently sought to defer application of the court's rulings, as though these could be reversed, or better still, forgotten. It is hardly open to question, we believe, that the Nixon administration has freshened and fortified Southern hopes that desegregation can be escaped by promising to appoint to the court "strict constructionists" who can be counted upon to construe the equal protection clause of the Constitution loosely and by indicating that it will not construe the Civil Rights laws passed by Congress too strictly.

Sixteen years have gone by since the court unanimously called segregated public schools unconstitutional; yet fewer than one-fifth of the black children in the South go to school with white children. The recognition of equality between the races entails a painful and difficult change for white Southerners, and no one could have expected it to come about quickly. But a whole century has elapsed since the 13th, 14th and 15th amendments were added to the Constitution, and the black people of the South can wait no longer. The President of the United States, and the Vice President, too, ought to make that plain.

It is quite true, as Mr. Agnew said, that the South needs help in making the change, in achieving equal education and quality education for blacks and whites. And the federal government ought to contribute that help; it can do a great deal through money and counsel and personnel. But the beginning of any real help has to lie in making it unmistakable that compliance with the law can no longer be delayed. "We've run out of courts, and we've run out of time, and we must adjust to new circumstances," said the Governor of South Carolina, Robert E. McNair, just the other night. If the Vice President and the new group he is to head really want to help the South, they will tell Southerners what Governor McNair told them, not what they want to hear but what they have to learn.

[From the Fort Myers News-Press, Jan. 25, 1970]

FLYING BY RADAR ON INTEGRATION

The call for Congress to lay down by statute the definite rules and requirements for school desegregation to supplant the uncertain judge-made laws now governing the matter, sounded by this paper to the limited extent that its voice may carry, has now been taken up by the Washington Post which has a rather louder voice, particularly at the capital. This is surprising since the Post is a notably liberal paper strongly supporting integration and opposing all proposals to slow its march. But it recognizes now that the situation calls for congressional investigation and action.

The Washington paper's concern is not so much with the chaos and disruption that will be caused in southern school districts, including Lee County, if the courts' impending Feb. 1 deadline for completing their desegregation is to be met. Rather, it apprehends a revival of the so-called Whitten amendment if President Nixon delivers his promised veto of the pending appropriation bill for the Department of Health, Education and Welfare (HEW) and a new bill has to be passed.

This is the amendment annually proposed by Rep. Jamie L. Whitten of Mississippi to the HEW appropriation bill to forbid any of its funds being used for busing students or assigning them to schools not of their choice to achieve racial balance. Last fall, although the amendment was passed by the House, it was defeated in the Senate. But the Post notes that now "fear of forced busing has become a potent emotion in the North" as well as the South so that if the HEW appropriation bill has to be reconsidered, the Whitten amendment is likely to be adopted.

The Post rightly warns that "nothing will be resolved—nothing fair or effective anyhow—by means of playful, Whitten-style legislative maneuver or by resounding (and aimless) political posturing. Yet that is pretty much all that the people's elected representatives, north and south, have seen fit to offer." A prime example of such political posturing, incidentally, is the mischievous plan of Gov. Claude Kirk to "order" Florida school boards not to comply with a court-ordered Feb. 1 deadline when he knows he has no authority to do so.

The influential Washington paper then makes a cogent plea for responsible congressional action. It says that Congress "would do us all an enormous service by initiating a reasoned and responsible inquiry into the nationwide problem of racial segregation in the schools" and resolving the "inequities and ambiguities." "As it is," the Post observes, "the courts and innumerable school districts are more or less flying by radar in the absence of any direction by Congress."

A number of congressmen, Rep. William C. Cramer of Florida among them, have introduced proposed constitutional amendments aimed at reversing the court orders but this is simply more of the "political posturing" of which we have had a surfeit. What is needed and what Congress could do more practically is to supplant the desegregation "radar blips" from the courts with sound statutes.

[From the Evening Star, Feb. 4, 1970]

CONGRESS' STAND ON "RACIAL BALANCE"

(By David Lawrence)

The Constitution of the United States specifically says that Congress may by law limit the jurisdiction of the Supreme Court. Congress recently has passed such a law, forbidding the courts to issue any order to achieve "racial balance" in the schools by busing. The Civil Rights Act of 1964 says:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the courts to insure compliance with constitutional standards."

In another section of the same act is the following provision:

" 'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

In the last appropriations measure for the Department of Health, Education, and Welfare, there were two sections that dealt with the forced busing of students. These provide:

"Section 409. No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"Section 410. No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

In the 1970 Appropriations Act for the Department of Health, Education and Welfare, which has been vetoed by President Nixon, these sections were revised to read:

"Section 407. Except as required by the Constitution, no part of the funds contained in this act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

"Section 408. Except as required by the Constitution, no part of the funds contained in this act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

After Nixon's veto of the bill, it went back to a House Appropriations subcommittee. The phrase "except as required by the Constitution" makes the two provisions valueless because there is nothing in the Constitution that directly or indirectly deals with the compulsory busing of school children.

The Civil Rights Act of 1964 states broadly the power of Congress to forbid the use of public funds to correct "racial imbalance," but it has to be proved that this is a result of a state law or deliberate discrimination locally.

What the people everywhere are insisting upon is "freedom of choice" insofar as the districts in which they reside are concerned. They want to be able to send their children to any school within a school district, but they cannot, under court orders, object to children of other races attending the same schools.

The parents, however, do not feel their own children should be required to go to a distant school to correct "racial imbalance." Congress has specifically ruled against this remedy and has, in effect, prohibited not only the courts from issuing such an order but also the Department of Health, Education and Welfare from carrying out any such instructions of the courts.

The administration has appointed a special Cabinet committee under Vice President Spiro T. Agnew to try to solve the problem. It certainly needs further study, particularly by legal experts, so that some solution in conformity with "the law of the land" may be found.

SUSTAINS PRESIDENT'S VETO

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ESCH. Mr. Speaker, the vote in the House of Representatives last week on whether or not to override the President's veto was one of my most difficult decisions since I came to the Congress. As an educator for 14 years at the University of Michigan and Wayne State University and as a member of the Education and Labor Committee, I have been vitally concerned with educational programs and I have worked to advance the priority of sound Federal educational programs in such areas as vocational education, urban education, and day care centers.

However, the vote which we took was not a vote for or against education—or for or against the future of our children—but a vote on some very specific programs and it had to be assessed in light of the entire national picture. After full consideration and discussion with hundreds of educators who came to Washington, I cast my vote to sustain the President's veto. I would like to review with you the factors which led to my determination on this issue.

First, I share with the President the grave concern that the fight against inflation must hold the highest priority. I firmly agree with many who have argued that cuts should have been made in other areas—I voted for cuts of nearly $10 billion in Defense Department appropriations; I voted against the deployment of the ABM; I voted against the subsidization of the SST; I voted against increased staff for Congress. I will continue to work against such expenditures.

Unfortunately, however, the crucial public test of our national willingness to fight inflation did not come on these issues—it came on the veto of the Labor-HEW appropriations bill. This is not the battleground which I would have preferred, but it is the one which was presented to us. Success in the fight against inflation requires not only a cutback in Government expenditures, but also a clear perception on the part of all forces in the economy that the President and the Congress mean business when they talk about fighting inflation. Once the President had actually vetoed the bill and the issue was joined, an override would have been tantamount to admitting that the Congress was willing only to talk about, not fight, inflation. By signaling a lack of determination against inflation, an override might well have set off a new wave of inflation.

The stake of the educational community in the fight against inflation is as high as any other segment of the Nation. As the January issue of School Management magazine reports:

> While many administrators complain bitterly, these days, about the adverse effect on education of the Nixon Administration's tough anti-inflation measures, the Cost of Education Index makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control.

Indeed, if inflation were unchecked, the rise in costs would result in a loss of $2 billion to education in the next year—more than twice the amount contained in the vetoed bill.

A second consideration in my decision was the inclusion in the vetoed bill of an increase of $400 million in funds for impacted aid to school districts. This figure, nearly half of the entire increase, was in my view completely unwarranted. Impacted aid has become the biggest boondoggle in Federal educational assistance. Designed originally to assist those school districts which were suddenly deluged with increased enrollments because of a Federal installation which did not pay local school taxes, the program has grown into a bonanza for schools near any Government center. Montgomery County, Md., for instance, is the richest county in America. After taxes, the average family income is $18,000, yet the Federal Government subsidizes Montgomery schools with $5.8 million. During that part of the year which I reside in Washington, I live in Montgomery County, pay local property taxes there and send my three children to public schools there. The Federal Government subsidizes the education of my children—and the children of all other Federal employees.

This program bases Federal payments to schools on the basis of the employment of their parents, rather than their need. While Montgomery County is receiving $5.8 million to educate its middle and upper class students, Detroit received only $619,761 from this program to assist the thousands of needy students in its overcrowded, underfunded schools through the impacted aid program. There is an immediate need to revise completely this inequitable formula and assure that Federal funds are directed at those areas where they are most needed and in programs where they will be most effective.

For years, educators and Congressmen alike have prostituted themselves in accepting and continuing impacted aid in order to secure support for other more worthy programs. We can no longer justify this compromise with principle. This vote was an expression of my determination to press for modernization and overhaul of this program. The funds involved in impacted aid simply must be diverted into more pressing educational needs such as day care, vocational education, urban and inner city programs, and so forth.

Finally, the vetoed bill contained mandatory spending requirements which would have forced HEW to spend the funds for specific programs whether or not the funding requests seemed responsible in the remaining 4 months of the fiscal year. Had the Congress voted to override the veto, I understand that HEW was under pressure to cut back on every discretionary grant under its control—which might have resulted in major and extremely serious cuts in funds for medical and educational research. Such cuts might well have resulted in great damage to these programs.

The Federal Government is now in the eighth month of fiscal year 1970 and schools have completed more than half of the school year. It is absolutely irresponsible and indefensible that we should still be embroiled in a fight about the appropriations for Labor-HEW. The failure of the Congress to take prompt action on appropriations bills illustrates again the need for a major overhaul of our appropriations process. Had the Congress acted in a timely manner on the appropriations request, this controversy could have been settled months ago, and whatever the final appropriations figure, it could have been spent more efficiently and effectively. It is clear that we must take prompt action to reform congressional procedures to insure that delays of this nature do not take place in the future. My proposal for a calendar fiscal year which has been endorsed by the Rules Committee in its congressional reform draft bill, would go a long way toward preventing the problems we are facing today.

Mr. Speaker, as we approach the decade of the 1970's, it is clear that there must be, not only a reordering of our priorities, as is so often stated today, but rather a total reexamination of our thinking in the field of education.

Federal aid to education is here to stay. What we need now is the courage to delineate the programs which have been effective from those which are nonessential. The educational leadership in the country, and in the Congress specifically, must bear a heavy responsibility in the coming years if we are to rework our Federal education programs so as to maximize effective utilization of our funds to reach out to those school children who are in the greatest need.

Without more attention to preschool education, vocational training and urban education in the United States are sure to reach a crisis stage.

Mr. Speaker, in closing, let me reiterate that I am sorry that the key inflation vote was brought to us in the form of the Labor-HEW appropriations bill. However, once the President had chosen this as the key issue, I felt it necessary to express the interest of the Congress in fighting inflation. One side effect of this debate, however, may well be the revision of outmoded and ineffective programs, and that may prove to be an important advance for the future of all education.

CARE OF VETERANS IN TEXAS VA HOSPITALS SUFFERS FOR LACK OF FUNDS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the Committee on Veterans' Affairs is in the process of conducting a comprehensive survey of the Veterans' Administration hospital system to determine if adequate funding and staffing is being provided to promptly and properly care for America's sick and disabled veterans. This survey includes all of the 166 hospitals in the Veterans' Administration and most of the independent outpatient clinics.

Mr. Speaker, this in-depth survey, which will be followed by committee hearings, was undertaken because I was seriously concerned about recent reports which I had received from a variety of sources indicating that many VA hospitals were being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funding and staffing allocations. As I have previously stated to this body, if these policies are permitted to stand, they will wreck the VA hospital system and undermine the veterans medical program to the point of dangerous dilution in quality.

Mr. Speaker, I have not been able to thoroughly examine the 1971 budget which was submitted to the Congress a few days ago; however, a preliminary examination indicates that at best it is a "stand still" budget that may lead to further deterioration of medical care for our Nation's veterans in the future.

Mr. Speaker, the Veterans' Administration is attempting to provide first-class medical care with an inadequate staff. General medical community hospitals and State and local government hospitals have an average staff ratio of 2.72 employees for each patient, while the Veterans' Administration has only 1.5 staff for each patient. University hospitals operated in connection with medical schools are even higher, and have a staff ratio of over three employees for each patient. I have written to President Nixon and advised that I expect to seek a minimum staffing ratio for the Veterans' Administration of at least two employees for each patient in most VA general medical hospitals, and a one for one ratio in psychiatric hospitals.

The Veterans' Affairs Committee investigation of nine Texas Veterans' Administration hospitals revealed funding deficiencies in fiscal year 1970 of over $3,600,000 to operate about 5,000 hospital beds serving approximately 1,353,000 Texas veterans.

In Texas, VA hospitals are located in Amarillo, Big Spring, Bonham, Dallas, Houston, Kerrville, Marlin, and Temple. A 1,421-bed psychiatric hospital is located at Waco, and independent VA outpatient clinics are operated in Lubbock and San Antonio.

The investigation being conducted by the House Veterans' Affairs Committee revealed that under the hospital staffing formula which I advocated, Texas VA hospitals are approximately 2,700 positions short of needed staff. These extra positions would cost about $14,100,000 annually. A few of these positions would be difficult to fill, but most are recruitable. Texas VA hospital directors also reported that community nursing care programs at their hospitals were underfunded in fiscal year 1970 by over $400,000. More funds were needed approximating $250,000 for dental care due to increased workloads largely created by returning Vietnam veterans. Hospital and clinic directors were recently advised that about $91,000 was being made available to apply against this deficiency.

The 1,200-bed Houston VA hospital has made significant contributions to research of synthetic arterial replacements in cardiovascular surgery, and is one of the most active hospitals in the VA system. The Houston VA hospital reported the largest deficiency among Texas hospitals—over $2,500,000. Funds totaling more than $1,600,000 are needed to provide over 200 positions which Hospital Director Dr. John W. Claiborne reported as being needed to operate at "proper employment levels." Many of these positions are needed to properly staff special intensive care units which have already been constructed and equipped at a cost of about $460,000. The remaining deficiency of over $900,000 included shortages for drugs and medicines of $117,000, $20,000 for outpatient dental exams and treatments, mostly for returning Vietnam veterans, and the balance for medical operating supplies, maintenance and repairs of hospital facilities, replacement of old and outmoded equipment, and acquisition of new equipment.

A shortage of about 30 much needed research support personnel was also disclosed. In order to support on-going research activities, over 20 positions costing over $150,000 are being diverted from current patient care needs. Over and above these 20 positions, five additional positions costing $37,000 are needed to relieve this vital research personnel shortage at the Houston VA hospital.

Dr. James B. Chandler, director of the 700-bed Dallas VA hospital, reported the second highest deficiency amount among the Texas hospitals of over $800,000. The largest part of this deficiency was for staffing about 65 positions at a cost of about $500,000. Some of these positions are needed to correct understaffing of a special surgical intensive care unit, the hospital's recovery room, and other special clinics, laboratories, and services for cardiac catheterization, anesthesiology, audiology, prosthetics, pharmacy, and outpatient activities. Shortages of over $260,000 were reported by Dr. Chandler for other annual operating costs which include drugs, medical and dental supplies, blood and blood products, and other operating costs. Unless additional funds are forthcoming, over $70,000 in equipment replacement and acquisitions will be deferred to provide funds this year for pharmacy costs and prosthetics such as arms and legs for many returning Vietnam veterans. Dr. Chandler also reported a deficiency of about $58,000 to cover the cost of placing veterans in private community nursing homes who have received maximum hospital benefits at the Dallas hospital. Dr. Chandler said that an average daily community nursing home care load of 65 could have been maintained but that initial funding from VA Central Office allowed for only 48.

Dr. Charles S. Livingston, director of the 700-bed hospital and 400-bed domiciliary at Temple reported fiscal year 1970 deficiencies of almost $216,500. Of this, $67,000 was needed to correct staffing deficiencies; $76,000 for other annual operating costs; and over $95,000 for maintenance and repairs of hospital facilities, equipment replacement, and new equipment acquisitions. Dr. Livingston also reported that funding provided to Temple for placing veterans in community nursing homes was far below needs. He said that an average daily community nursing care load of 64 could have been maintaind but that his station was allotted initial funds for only 42. Over $88,000 in additional funds were needed to fully fund this program.

Dr. Sam J. Muirhead, director of the 130-bed hospital in Amarillo, advised the Veterans' Affairs Committee that unless he received additional fiscal year 1970 funding from VA Central Office it would be necessary for him to divert approximately $19,000 from maintenance and repair and equipment funds for hospital staffing, thus delaying long needed hospital repairs and equipment replacement and acquisitions.

Bonham's hospital director, Glyndon H. Hague, reported a fiscal year deficiency of about $100,000. Hague indicated that he was short by approximately $60,000 in personnel funds and about $40,000 for other hospital operations. Hague reported that because of funding shortages it may be necessary to cancel plans to furnish a greater percentage of patients with flame retardant pajamas during 1970 even though their usage was strongly advocated by VA Central Office for patients who smoke. Present VA instructions concerning maintenance and repair at hospitals require projects costing less than $5,000 to be funded from station operating funds. This imposes an especially difficult problem for smaller VA hospitals such as Bonham, according to Hague.

Dr.W. B. Hawkins, director of the 1,421-bed psychiatric VA hospital at Waco, reported $59,000 in operating deficiencies. He also reported he could have used an additional $85,000 to properly operate Waco's community nursing care program and another $18,000 to take care of needed dental care. Funding for the dental care program was almost exhausted by December 31, 1969, due to substantially increased costs and the accelerated return of Vietnam veterans.

The major concern at Waco is the deferral of the long-sought air-conditioning and hospital modernization project. Plans have been completed at a cost of approximately $380,000 and the 91st Congress appropriated $7.5 million to fund the modernization plans even though the administration struck the Waco project from its revised budget submitted to Congress last April. Congress restored the cut but the project has been stalled because of a Nixon Executive order to all Federal departments and agencies to defer in fiscal year 1970 federally financed construction projects by 75 percent.

Dr. Hawkins stated that in order to bring his staffing ratio more into line with minimal acceptable standards of one staff to each patient, 46 additional full time permanent positions were needed which would cost about $284,000 annually at current pay scales. All of these positions were listed as being "recruitable" at present pay scales. Two psychiatrists and two psychologists positions costing over $64,000 annually were listed as being "nonrecruitable."

Director W. R. Byrd reported to the Veterans' Affairs Committee that the primary deficiency at Kerrville's 346-bed hospital was the shortage of $77,000 to fund the community nursing care program to care for veterans who have reached maximum hospital benefits and no longer need expensive hospital care. The hospital director indicated that it would have been possible to maintain a daily average of 17 more veterans in community nursing homes if funds had been provided for this purpose.

The 222-bed Marlin Hospital under the directorship of Dr. Albert T. Hume reported that they had been denied funds to purchase a $11,600 fluoroscopic image intensifier which was required for X-ray work in treating intermediate and acute medical patients which are the predominate types of patients now treated at Marlin since the surgical service was moved to Temple. Optimum use of the community nursing care program would have required about $10,000 more.

At Big Spring, VA Hospital Director Jack Powell reported that he could have used over $90,000 in additional funds during fiscal year 1970 to place veterans in community nursing homes at VA expense who no longer need expensive hospital care. He recently received an additional allocation of $5,000 earmarked for this purpose but it may still be necessary for him to defer some transfers to nursing homes in May and June of 1970.

Funds have been appropriated by Congress to construct a new 750-bed hospital in San Antonio costing over $27,000,000. However, this project was also delayed by the Nixon Executive order. Community leaders have been seeking a commitment from the Nixon administration that funds for the San Antonio VA hospital will be released in the coming year. The 1971 budget indicates that construction funds will be obligated. The proposed VA hospital was planned as a part of San Antonio's new international medical center to operate in conjunction with the new medical school which has begun operation. Another delay in the contract for the VA hospital will cause a serious problem for the new medical school.

Dr. J. J. Novak, director of the San Antonio VA outpatient clinic reported a dental fund shortage of almost $40,000 which is needed mostly to handle increased workloads for returning Vietnam veterans. The clinic director also reported staffing shortages for seven additional personnel costing approximately $100,000 annually.

The Lubbock VA outpatient clinic director, Dr. R. K. Hosman, also reported a shortage in dental funds amounting to $26,000.

Mr. Speaker the Veterans' Administration hospital system has long been considered among the best of Government-operated medical facilities. VA has been doing an exceptionally good job in operating its medical program, but they are not able to keep up with greatly increased workloads and vast improvements which are being made in medical treatment and technology under current funding and staffing formulas.

Look at what is being accomplished.

In fiscal year 1970 VA will treat 780,487 patients—38,000 more than it did in fiscal year 1966—with almost 17,000 fewer hospital beds than were in operation in fiscal year 1966.

In fiscal year 1970 outpatient visits will total about 7,425,000, an increase of 1,243,000 over fiscal year 1966.

VA provides some training for about half of the Nation's 7,500 new doctors which are graduated each year.

VA employs 4 percent of all doctors in the United States and is the world's largest employer for more than 10 different medical professions—including nurses, clinical and counseling psychologists, dietitians, medical and psychiatric social workers, physical therapists, and occupational therapists.

Conducts over 6,000 research projects covering almost every field of medicine.

Mr. Speaker, the fine accomplishments which the VA medical system has achieved cannot be allowed to deteriorate so that they become a part of a second-rate system.

Some curtailment of VA funding and staffing has been blamed on the war on inflation. I take the position the Vietnam veteran has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health.

This Nation has prided itself in its service to those who have borne the burden of battle. A bipartisan attitude has long prevailed in Congress in the funding of an adequate medical program for America's veterans, and in providing for the educational and housing needs of returning servicemen. We in Congress of both parties have always acted in the belief that the finest medical care should be made available to those who served their country in uniform, and especially to those who returned home suffering wounds and service-connected disabilities.

I do not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for America's veterans.

XUM

SENATE—*Friday, February 6, 1970*

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we open our hearts to Thee for daily renewal, we ask Thee to deliver us from the tyranny of the trivial, from slavery to desk pads and appointment calendars, from the paralysis of analysis, and from all that corrupts or stifles the movement of Thy spirit within us. Help us to keep the windows of our souls open to beauty, goodness, and truth, to make time for friendship and prayer. Enable us to do our best to present ourselves to God as approved workmen who have no need to be ashamed, rightly handling the word of truth.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 5, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day";

H.J. Res. 481. Joint resolution designating February 1970 as "American History Month"; and

H.J. Res. 703. Joint resolution authorizing the President to proclaim the period April 20 through April 25, 1970, as "School Bus Safety Week."

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 497) providing for an adjournment of the two Houses from February 10, 1970, to February 16, 1970, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions were severally read twice by their titles and referred to the Committee on the Judiciary:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day";

H.J. Res. 481. Joint resolution designating February 1970 as "American History Month"; and

H.J. Res. 703. Joint resolution authorizing the President to proclaim the period April 20 through April 25, 1970, as "School Bus Safety Week."

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered yesterday, the Chair now recognizes the distinguished Senator from Wyoming (Mr. HANSEN) for not to exceed 30 minutes.

Mr. HANSEN. I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wyoming yield for a unanimous-consent request, with the understanding that he does not lose his right to the floor under the previous order?

Mr. HANSEN. I am happy to yield to the Senator from West Virginia with that understanding.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TASK FORCE RECOMMENDATIONS ON OIL IMPORT CONTROLS

Mr. HANSEN. Mr. President, the proposed tariff plan to replace the present mandatory oil import program, according to press reports and copies of the task force staff analysis and recommendations, is designed to drive the domestic price of crude oil down.

Never before, to my knowledge, has the Government of the United States imposed a tariff system on any commodity with the stated objective of damaging a domestic industry, especially one as vital and important as the petroleum industry.

Although I cannot believe the President would approve a plan so contradictory to our system of free enterprise and one that could set a dangerous precedent in U.S. trade policy, I would like to discuss the effects such a plan could have on the domestic oil industry and, particularly, the independent segment of that industry.

The Independent Petroleum Association of America which represents the thousands of small and independent oil and gas producers of the Nation, as distinguished from the major integrated oil companies, has prepared an economic model of the independent segment of the oil- and gas-producing industry. They have done this to prove their contention that the tariff plan would literally drive the small independent producers and refiners out of business and do so quickly.

I would like to quote the following summary of their 51-page report which, I understand, was run through a computer several dozen times to insure its accuracy and reliability. I quote from the summary:

ECONOMIC MODEL OF THE INDEPENDENT SEGMENT OF THE DOMESTIC OIL- AND GAS-PRODUCING INDUSTRY

An economic model of the independent segment of the domestic oil- and gas-producing industry has been prepared as an analytical tool for evaluating the impact of changes in price and other economic factors on independent oil and gas producers. The basic concepts, assumptions, methodology, and input data for the economic model are set forth in subsequent sections of this report. The following brief review of changing conditions during the past twenty-five years provides a background for considering projections of future trends.

HISTORICAL BACKGROUND

During the decade immediately following World War II, domestic production of crude oil and natural gas of both major integrated companies and independent producers, as a group, increased steadily and substantially. This period also witnessed increases in crude oil prices and rapidly rising demand for oil and natural gas. Total crude oil production by independents reached a peak in 1956—this was also the peak year for drilling activity in the United States.

Since 1956 the larger companies in the industry accounted for all the increase in U.S. crude oil production. This reflects the acquisition of properties by larger companies, sell-outs by independent producers, and increased activity in areas involving large capital requirements such as on the Continental Shelf and the new petroleum provinces in the State of Alaska.

The decade 1956–1965 witnessed a dampening in the growth of oil demand and a deterioration of crude oil and refined products prices, despite restrictions on imports of petroleum while natural gas prices came under control of the Federal Government even before the start of this period.

From 1956 to 1968 total exploration and development expenditures by the larger companies increased by 56 percent, while such expenditures by independent producers as a group *declined* 47 percent.

To sum up, the relative position of the smaller units, as a group, in U. S. exploration, development and production activities has declined steadily since the mid-50's. The multiplicity of effort needed in the search for new oil and gas deposits has therefore been substantially reduced and this has been reflected in a leveling off of oil and gas proved reserves.

Total proved U. S. reserves of crude oil and natural gas liquids increased from about 24 billion barrels at the end of 1946 to more than 36 billion barrels at the end of 1956. During this same period natural gas reserves increased from about 160 trillion cubic feet to about 236 trillion cubic feet. These represented increases of 51 and 48 percent respectively. Since 1956 the gains in reserves for oil and natural gas amounted to only 8 and 21 percent, respectively. Proved crude oil reserves have decreased for the last two consecutive years and in 1968 proved reserves of natural gas decreased for the first time.

Basic Assumptions

Against this background of more than a decade of declining trends for independent producers, the economic model formulates projections under three basic assumptions:

1. Base Case: Essentially a projection of present trends.
2. Second Case: A reduction in crude oil price of 25 cents per barrel.
3. Third Case: A reduction in crude oil price of 80 cents per barrel.

These cases were selected because the Cabinet Task Force on Oil Import Control reportedly recommends a variable tariff system, to replace the existing import quota system, under which reductions in domestic crude oil prices range from 25¢ to 80¢ per barrel.

SUMMARY AND CONCLUSIONS

Important elements in the economic model's projection of trends in the independent producer segment of the domestic petroleum industry may be summarized as follows:

INDEPENDENT PRODUCERS—EXPLORATION AND DEVELOPMENT EXPENDITURES

[Millions of dollars]

	1969	1975	Percent change
Base case	$1,450	$1,142	−21.2
2d case (−35 cents)	1,450	240	−83.4
3d case (−80 cents)	1,450	151	−89.6
Production (thousand barrels per day):			
Base case	3,835	3,117	−18.7
2d case (−25 cents)	3,835	2,543	−33.7
3d case (−80 cents)	3,835	2,156	−43.8

It should be noted that, because of the inseparable nature of oil and gas operations in the producing branch of the industry, the above figures for expenditures and production, as well as other data in the detailed report, include crude oil, natural gas liquids and natural gas converted to crude oil equivalent barrels.

The base case being essentially a projection of present trends, shows a continuing gradual decline in exploration and development expenditures and production by independent producers. Under these conditions, independents will be under the same adverse economic pressures they faced in the 1960's. Their relative position in the industry will continue to decline, but they will continue to make a meaningful contribution to the energy supplies of the United States.

Under the other two cases of reductions in price, independent producers would almost immediately start a divestment program by sharp reductions in new investments in the industry. By 1975 the independents would be eliminated, for all practical purposes, from domestic exploration and development activities under both a 25¢ and 80¢ reduction in price.

The sharp drop in expenditures for exploration and development would be followed by gradual but accelerating declines in production. By 1975 production by independents, with a 25¢ per barrel reduction, would be about 575,000 barrels per day less than under the base case, and about 1,000,000 barrels per day less with an 80¢ per barrel reduction in price.

It should be noted, for reasons set forth in the detailed report, that the projections tend to be optimistic as to the position of independent producers under assumed conditions of price reductions. For example, acceleration of sell-outs and abandonments by independents are not quantified by this economic model.

In general, it may be concluded that a policy of reducing U.S. crude oil prices would phase out independent producers; reduce significantly the funds and multiplicity of effort devoted to domestic exploration and development; foster economic concentration in the industry; and increase very substantially the nation's dependence on foreign sources of both oil and natural gas.

Mr. President, two subcommittees of the Senate have since last November heard testimony from several of the most knowledgeable men in the Government, the industry, and our universities about a very real and imminent shortage of natural gas.

Testifying before both the Senate Interior Subcommittee on Minerals, Materials, and Fuels and the Commerce Subcommittee on Energy, Natural Resources, and the Environment, Chairman John N. Nassikas of the Federal Power Commission warned that a natural gas shortage is developing in the Nation. He said it probably would come to a head next winter. He said that natural gas pipeline distributors in many parts of the country may not be able to meet the demand for gas.

Chairman Nassikas told committee members that, if the present rate of increasing demand continues and discoveries of new gas fields do not keep pace, "it is manifest that total gas energy demands will not be met by the natural gas industry."

To solve this approaching crisis, there are those in this body who advocate flooding the country with cheap imported oil that would replace natural gas. Only yesterday, my good friend and colleague, the Senator from Wisconsin (Mr. PROXMIRE), said:

> Liberalizing the oil import control program could help meet the alleged future shortage of natural gas. If less expensive oil products were imported, the market mechanism would allow them to be substituted for the more expensive natural gas.

He also said that Chairman Nassikas had indicated in a letter to him that—

> There is almost no relationship between our natural gas production and the oil control program.

I am not sure just how the Senator arrived at such a conclusion from the letter Chairman Nassikas wrote in reply to his inquiry about the amount of natural gas that comes from what the Senator from Wisconsin (Mr. PROXMIRE) termed "high cost and stripper wells."

First, Chairman Nassikas pointed out in his reply that, of the Nation's total producing oil wells, some 550,000, approximately 10 percent are flowing and produce 75 percent of the total production including a fourth of the U.S. gas supply.

Of the 367,000 stripper wells which produce 10 barrels a day or less but account for 15 percent of total U.S. oil output, the estimate is that these wells account for only 2 percent of the total associated-dissolved gas annual productions. Obviously, the great bulk of gas produced with oil—one-fourth of total U.S. gas production—comes from wells producing more than 10 barrels of oil daily and mostly from flowing wells. So if we should force those 367,000 stripper wells and their approximately 1½ million barrels a day of so-called high-cost production off the market, we would lose only a few million cubic feet of gas production which the Senator from Wisconsin (Mr. PROXMIRE) says could be replaced with less expensive imported oil.

Let us examine this proposition a little more closely. First, the examples I have just given of the effects of the projected price reduction brought on by steadily increasing imports would, undoubtedly, eliminate these 367,000 stripper wells, the $1.5 billion a year in income they generate, and the consequent losses from employment, taxes, and other chain-reaction economic effects, to say nothing of the loss of an estimated 6 billion or more barrels of oil left in the ground which would never be recovered. Only about 30 percent of the oil in the average formation is recovered now even with constantly improving secondary recovery methods. So we would lose one-fifth of our total known recoverable reserves and, as the remaining 10 percent of U.S. oil wells stopped flowing, we would lose whatever percentage of our reserves they represented because it would not be possible to produce them at the higher costs of secondary recovery.

Of course, my colleague, the Senator from Wisconsin, where little or no oil is produced, has not considered the vast amounts of money and technology that has gone into these secondary recovery projects which have progressively increased the percentage of oil that is now recovered, as compared with a few years ago. Even a 1- or 2-percent increase in the average total recovery through new methods now being developed and tested is the equivalent of a major oil field discovery in potential reserves.

And then, of course, he is talking about substituting less expensive imported oil for the more expensive natural gas.

During the hearings on natural gas shortages and also on percentage depletion allowance in the Tax Reform Act, expert witnesses pointed out the close and direct association of the oil and gas industries, which as far as production goes is really one industry, and the fact that any added cost or loss of income to the oil industry has a parallel effect on gas production, exploration and discovery.

Another compelling factor in this argument is the relative bargain price of natural gas now, as compared with oil, as far as energy content is concerned.

The equivalent energy cost of gas at its current average price of 20 cents per thousand cubic feet is $1.20 a barrel. Combining this with the average of $3 a barrel for domestic crude oil, you get an average realization by producers supplying domestic petroleum energy of $2.10 a barrel. This price is about as cheap as foreign oil can be delivered in the United States and, if such a plan as envisioned by the Senator from Wisconsin (Mr. PROXMIRE) and the task force study should be implemented, we would certainly either have to substitute imported oil for gas or import natural gas in liquid form which, in fact, at least one company is now planning to do. This gas, it is estimated, will cost something over 55 cents per thousand at port as compared with the present 20-cent average U.S. wellhead price.

I wonder what some of the people in Wisconsin who, like people in most other States, now depend on the economy and conveniences of natural gas for home heating, cooking, air conditioning, and other uses will think of scrapping their furnaces, water heaters, and other appliances and buying new ones that will operate on oil?

Nor did Senator PROXMIRE mention what we should do with the physical plant, assets, employment, and investments of an industry, the natural gas industry, that now ranks sixth in the

Nation in terms of gross investment. The plant investment of the distribution and pipeline segments of the industry increased from $20.7 billion in 1960 to $35.6 billion in 1968, an increase of 72 percent. And that does not include any producing facilities.

Since 1960, gas utilities have added about 1 million residential customers a year and now serve more than 40 million customers. And despite the fact that the Consumer Price Index has risen 16.3 percent over the period from 1961–68, the average price of natural gas to all classes of consumers throughout the country has remained virtually constant.

The adequacy of natural gas supply also has substantial indirect effects. The electric utility industry, the largest industry in the United States from the standpoint of capital investment, depends on natural gas to supply a considerable portion of its generation fuel and accounts for approximately 16 percent of total U.S. natural gas consumption in 1968.

These 40 million families who depend on gas and who have invested in homes equipped with gas appliances plus the other millions who depend on electricity generated by gas should be considerably concerned with Senator Proxmire's simple solution to the gas supply problem. Under his plan, we could go back to kerosene lamps as the lights went off. It undoubtedly would be cheaper.

Of course, the Senator from Wisconsin (Mr. Proxmire) has also overlooked the fact that domestic oil and oil product prices have also remained remarkably stable during the same period that the Consumer Price Index has climbed at such a rapid rate.

And while he may interpret FPC Chairman Nassikas' letter as indicating there is almost no relationship between our natural gas production and the oil import program, Chairman Nassikas had quite a different story when he testified before Senate Interior and Commerce Subcommittees recently.

Here is part of what the Chairman said:

> We have not yet developed a supply curve that will show us the relationship between the price level and discovery of reserves.
>
> I would like to add that we must find more precise methods of forecasting supply in response to price. A reliable supply curve is the first element of intelligent prognosis.
>
> For purpose of assessing the existing adequacy of the available supply, the industry uses two ratios. One is the ratio of proved natural gas reserves to net gas production the (R/P ratio) and the other is the average annual finding to net production ratio (F/P).
>
> Both of these ratios must be interpreted in light of the supply of natural gas which had been built up during the decades of the 1940's and 50's primarily as a by-product of the search for oil. This inventory served as the basis for the expansion of the interstate natural gas pipeline systems into all areas of the country from supply sources located primarily in Texas, Louisiana, Oklahoma, New Mexico, and Kansas, which contain over 90 percent of the nation's proved natural gas reserves.
>
> As recently as 1962, the reserve inventory was still about 20 times as large as annual production. By 1968 the R/P ratio excluding reserves in Alaska had declined to 14.6 even though new gas findings (annual reserve additions) exceeded annual production every year until 1968.
>
> The R/P ratio declined because demand has been increasing faster than the new reserve findings. Specifically, net annual production rose from 4.9 billion Mcf in 1946 to 19.3 billion Mcf in 1968, an increase of almost 400 percent, whereas proved reserves increased only 77 percent during the same period. Production to meet demand was over five times as high as the addition to proved reserves, in other words.
>
> The percentage gains in recent years indicate an acceleration from the early 1960's. The average annual increase in marketed production advanced from 4.7 percent during 1961–65 to 6.4 percent during 1966–68.
>
> The finding to production ratio (F/P) has also declined from a ratio of about 2.0 during the late 1940's and mid 1950's to about 1.1 as an annual average over the last five years. This latter figure means that new reserve additions are approximately 10 percent greater than production.
>
> In 1968 the F/P ratio dropped to 0.6 or 40 percent less than production. This was the first time since this information had been collected that annual reserve additions did not equal or exceed annual production.
>
> The decline in both the R/P and F/P ratios can be related to the decreasing exploratory effort.
>
> Starting in 1953, there was a general decline in geophysical work, which in turn was reflected in a sharp reduction in exploratory drilling after 1956. We note, however, that the API's report of drilling statistics for the third quarter of 1969 indicates that more exploratory gas wells were drilled this quarter than for the same quarter in 1968. The cumulative year total to date for 1969 is also higher than for 1968.

And he added:

> Certain characteristics of natural gas production make the eliciting of additional supplies a difficult problem for regulation. The major gas producers, who account for well over two-thirds of the current national production, are integrated oil companies with interests in oil refineries and in the marketing of oil products in this country and all over the world.
>
> However, the independent producers comprise the most important source of non-associated natural gas discoveries even though their production activities are minor.
>
> Historically, these independent producers have been the most aggressive entrepreneurial force in the finding of new gas fields. In 1967, for example, this group found approximately 80 percent of the new oil and gas fields discovered in the interior oil and gas basins of the United States from the Gulf Coast to the Canadian border.
>
> Under the proposed tariff plan, this 80 percent of new oil and gas producing capacity would be lost as the independents were driven out of business.

Chairman Nassikas was also a bit more discerning of the problem and the implications than Senator Proxmire in his views and recommendations as he testified in the hearings and I again quote:

> On July 31, 1969, the policy views of the Commission were submitted to the Cabinet Task Force on Oil Import Controls. The Commission stated that "the public interest calls for a vigorous exploration program to discover domestic oil and gas reserves." The Commission also pointed out that you really can't separate gas and oil. It is a definite inter-relationship which affects not only discoveries but basically the type of capital commitment, total capital commitment, and incentive for an industry.
>
> The Commission called for expanded research and development to make available more rapidly alternative fuel supplies such as gasified coal. A copy of the Commission's report to the Cabinet Task Force was included in the testimony.
>
> Greater effort must be directed to improving forecasting techniques if there is to be meaningful regulation and wise management and resource planning decisions by industry and government. The Commission recognizes that we must improve our effective capability in the measurement of supply and demand if we are to assure a continuing, reliable supply of gas to meet consumer demands.
>
> A National Gas Survey comparable to the National Power Survey of the electric industry is essential. We have included in our budget, currently under consideration by the Bureau of the Budget, a recommended appropriation for a National Gas Survey so that in the course of the next three to four years we can acquire the necessary information capability to make more reliable and sophisticated supply and demand forecasts than our present information will permit.

As to the higher cost of stripper wells which account for some 15 percent of U.S. production. Under Secretary of the Interior Russell E. Train, who has just been named Chairman of the President's Council on Environmental Quality, put it this way:

> I would like to begin my remarks by inviting attention to one of these aspects that seems to have drawn more notice than any of the others; that is, the subject of costs, primarily as they apply to petroleum energy. There has been a great deal of confusion as to the meaning of the figures that have been used to describe the cost of the current oil import control program. Basically, two kinds of costs have claimed most of the attention.
>
> There is, first, the *cost to the consumer* of the present program. This is measured by the increased price the consumer of oil products must pay because of the existence of an oil security program. The price that the consumer pays under the present oil import program includes not only the moneys required to provide the physical capacity to produce additional oil in the United States but also payments to all producers of oil because of the higher price of domestic crude oil. The cost to the consumer, therefore, consists of two parts: (1) payments required to bring forth the additional production generated by the program, and (2) transfers from the consumer to the producers and refiners of all oil.
>
> The cost of the program to the nation, often called the *resource cost*, measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States.
>
> The resource cost is, therefore, the difference between the price of foreign oil in U.S. markets and our own cost of producing that part of our oil that we could buy more cheaply from foreign sources. It measures the marginal segment of our production that costs us more to produce at home than it does to buy abroad. This is a net cost to the economy that cannot be made to disappear by passing it around from one sector to another.
>
> In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as seven billion dollars based on 1975 use rates, compared with resource cost of about one billion dollars annually. But it is this lower figure—the net cost to the nation after all the transfers from one American pocket to another have

been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security. It appears to be quite modest in comparison with some of the other cost elements of our national security. A nuclear-powered aircraft carrier, with its embarked aircraft and defensive screen, costs somewhat over two billion dollars, and our total expenditures for defense purposes this year will exceed eighty billion dollars.

So these are really the basic issues involved in the oil import controversy.

Undoubtedly we could have cheaper dairy products, meat, shoes, clothing, oil, automobiles, and many other consumer items if we are willing to open our markets to massive imports of these products which are produced by workers paid far less than U.S. workers. Those who recommend lowering domestic prices with massive imports of cheaply produced foreign goods as a tool to curb inflation will certainly be the first to condemn the President for the massive unemployment that these imports and the consequent export of U.S. jobs will surely bring on.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the previous order, the Chair recognizes the Senator from New York (Mr. JAVITS) for not to exceed 30 minutes.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield momentarily to the Senator from West Virginia (Mr. BYRD) without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Chair recognizes the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the able Senator from New York for yielding.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations on the Executive calendar and that we go into executive session for that purpose.

There being no objection, the Senate proceeded to consider executive business.

U.S. AIR FORCE

The PRESIDING OFFICER. The clerk will report the first nomination.

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. BYRD of West Virginia. Mr. President, I ask that those nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. BYRD of West Virginia. Mr. President, I ask that those nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that those nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

U.S. MARSHALS AND NOMINATIONS PLACED ON THE SECRETARY'S DESK

Mr. BYRD of West Virginia. Now, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations for U.S. marshals and nominations placed on the Secretary's desk.

The PRESIDING OFFICER. Is there objection? There is no objection.

U.S. MARSHALS

The assistant legislative clerk read the nomination of Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination will be considered; and, without objection, it is confirmed.

The assistant legislative clerk read the nomination of John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination will be considered; and, without objection, it is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY AND IN THE MARINE CORPS

The ASSISTANT LEGISLATIVE CLERK. Nominations placed on the Secretary's desk in the Army and in the Marine Corps.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified of the confirmation of the nominations.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time consumed in executive session not be charged against the time of the able Senator from New York (Mr. JAVITS), and that his time start running now.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may call for a quorum without losing my right to the floor. I do this only because I had announced that I intended to speak on Vietnam.

I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged against the Senator's time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON VIETNAM

Mr. JAVITS. Mr. President, as an important part of a recent trip to seven countries around the world which I took as a member of the Foreign Relations Committee, I visited Vietnam for a 4-day period, January 22–25. While in Vietnam I met with President Thieu, Vice President Ky, Foreign Minister Lam, Economics Minister Ngoc, a number of Vietnamese Senators, opposition political leaders, province and district chiefs, military commanders, village chiefs and self-defense force leaders. On the American side, I met with Ambassador Bunker, General Abrams and his principal staff officers, Ambassador Colby who is in charge of the CORDS pacification program, AID Director MacDonald, various officers of the Embassy, USIA and AID missions in Saigon, as well as John P. Vann who is in charge of the CORDS program in the delta and numerous U.S. military and civilian officers working on the CORDS program in IV Corps and III Corps.

In reporting to the Senate, I will not try to report the basic facts and information I learned, except as they bear directly on my observations and conclusions, because such information is admirably reported in the Foreign Relations Committee staff report of February 2, 1970 entitled "Vietnam: December 1969." I commend that report, which offers essentially the same factual situation I encountered in my trip, to my colleagues as a valuable source of the necessary basic information.

My conversations with President Thieu and Vice President Ky and the principal ministers, as well as my conversations with all shades of the opposition, confirms the policy which I have espoused in respect to Vietnam. That is a policy of withdrawal, beginning with the primary combat responsibility while continuing support in material and money and advice so long as the GVN remains integrated and able to fight for the security of South Vietnam.

I find this position confirmed in the differences which I saw in Vietnam since I was last there in 1966. It is clear that the GVN accepts that we are going through with withdrawal from the primary combat responsibility, and its leaders express confidence in the capability of the ARVN forces to take over the combat responsibility. This confidence is said to be more widely found among the people and in the government than among the ARVN, but is a significant factor.

While the United States is even now phasing out of the major combat role, its support role still remains dominant. Therefore, the real question is whether the GVN and the ARVN can be ready to take over the primary combat role in a time phase which coordinates their readiness with our withdrawal. It is my distinct feeling that their time frame is at least a year and perhaps two, or more, longer than ours.

XUM

An interesting aspect of this anticipated lag in Vietnamization is the fact that the GVN authorities allege that this was contributed to by President Lyndon Johnson's policy first inaugurated in April 1965 when for all practical purposes the ARVN was asked to step aside and leave the combat to U.S. forces. It is alleged thus that the years from the U.S. combat intervention in April 1965 certainly until after the Tet offensive of February 1968, the ARVN forces were not really equipped or trained for combat, and that for practical purposes the policy was not changed until President Nixon changed it in the spring of 1969. So it is argued that the ARVN forces really have had a relatively short time in which to get ready to take over the major combat responsibility in Vietnam.

While a real beginning has been made in the process of "Vietnamization," no firm and early date has been established for the withdrawal of U.S. forces from the major combat responsibility and no specific target date appears to be contemplated for the subsequent withdrawal of U.S. support forces.

U.S. arms, men, money, energy, and willpower still dominate the scene in South Vietnam. It is this situation which must change.

Of course, we must recognize the risk that the South Vietnamese may not be able to make a go of it after we turn over the major responsibility for their self-defense to them, but in my judgment, the time is now more propitious for the United States and the South Vietnamese Government to take that risk than at any time since President Johnson made the decision to intervene with U.S. combat forces in April 1965.

It seems clear to me that the South Vietnamese leaders, and the senior U.S. military and civilian officials in Vietnam, have in mind a much more gradual turnover of responsibility than I believe to be compatible with the national interest of the United States and its role in world peace.

The Vietnamization policy of the Nixon administration now seems focused on helping President Thieu to establish the authority of the GVN as strongly and broadly as possible throughout South Vietnam. This emphasis in U.S. policy appears to be related to the administration's conclusion that hopes for a negotiated peace settlement in Paris are remote, and related also to the real improvements in the security and economic situations which have been achieved in South Vietnam over the past year to 18 months.

It was clear from numerous briefings I received from American officials at all levels that the "new optimism" described in press reports does indeed dominate the thinking of our civilian and military officials in Vietnam. President Nixon in his speech of December 15 used the words "winning position" which is a reflection of this thinking in Vietnam.

To the extent that there are reasons to support this claim, the credit must go mainly to the colossal U.S. effort of the past 5 years. I believe that a realization of just how much of the gains of the past year are attributable to U.S. efforts and a belief that the maintenance of these gains depends on a major continuing U.S. combat effort, are the principal reasons why the GVN as well as the senior U.S. officials in Saigon regard "Vietnamization" as such a more gradual process than I conceive the U.S. intent to be.

In my judgment, Vietnamization and U.S. combat withdrawal can succeed in a meaningful sense only if they proceed so as to accomplish much this year according to a fixed date. Neither we nor the Vietnamese will ever know what the GVN and the ARVN can do on their own until they do it on their own. And the best time for them to try it on their own is now, when there is a favorable security situation and economic momentum in South Vietnam, while there is fair political stability in Saigon, and in the United States a timespan has been allotted to the President on Vietnam.

As I have already indicated, I believe that U.S. policy is once again at a crossroads with respect to Vietnam. There exists an opportunity for the United States to disengage rapidly from the war, which has taken such a heavy toll of American blood and treasure and which has so distorted our domestic and foreign priorities. There also exists a very real danger that U.S. policy—unwittingly—may again be directed in ways which will keep us deeply enmeshed for an indefinite period.

The broad and even enthusiastic acceptance of "Vietnamization" as a policy goal by the Thieu government—with the caveat of its being open ended with respect to its time frame—has blurred the edges of the policy decision which needs to be made. Vietnamization—if it is conditional and open ended as to timing—can result in an indefinite prolongation of deep U.S. involvement, while designed to achieve a definite vehicle for U.S. disengagement.

There was some feeling expressed among the GVN authorities that it is a good thing for the U.S. forces to phase out of the major combat responsibility as this will deprive the Vietcong and the North Vietnamese of some of their strongest points in getting new recruits; that is, that the present situation is a continuance of the resistance which became so intense after World War II to get out the French, than to get out the native dictators and now, in the years since the United States has taken on the primary combat responsibility, to get out the Americans.

There is also an expression of confidence that the way in which President Nixon will implement the withdrawal policy will jibe with the requirements of the State and with the views of President Thieu. There is real concern that "precipitate" U.S. withdrawal could create a condition of anarchy.

The Vietnamese authorities claim that over 3 million rural people have been organized and are being trained to take over hamlet defense responsibility, that a very large amount of arms has been distributed to them and that this represents the confidence of the GVN in the people. Aside from the problem of readiness on the part of its armed forces, the question of the people's support of the government continues to be the major political problem. The people still have no real sense of nationhood, of loyalty to a nation, and no concept of its being "their" government.

Whether President Thieu, who has shown resourcefulness, can rouse the necessary patriotic fervor remains to be decided. Whether he can build an effective team around him, other than the military people with whom he has always been associated and who are close to him, remains also to be decided. Whether or not a political system can be established which is a suitable base for a government of the people is the most unclear of all to me.

The liturgy of the GVN is still "anti-communism." President Thieu says he will accept any opposition which is "non-Communist." The all-important definition of what is non-Communist, of course, remains the prerogative of President Thieu's government. His ex-opponent, who drew the second highest total for the Presidency in the election of 1967, remains in jail.

An open-ended time frame for U.S. troop withdrawal involves additional ironies and dilemmas for the United States. The Western-style constitution and the democratic political institutions established in Vietnam represent a hindrance to the achievement of the kind of prestige and authority required in a traditional oriental society like Vietnam, if President Thieu is to be the vehicle for "Vietnamization." President Thieu knows this very well—and in my judgment it is also recognized by the U.S. civilian and military missions in Vietnam. I believe that this recognition accounts for the reluctance of U.S. representatives to press the GVN too closely on matters involving the "niceties" of democracy, civil liberties and freedom, as understood in the West and as written into the Vietnamese Constitution.

To state the issue more bluntly, the establishment of meaningful western-style democracy in Vietnam may prove to be incompatible with a policy which in effect gives all-out support to President Thieu's effort to establish the authority and prestige of his regime.

Whatever the United States legitimately can accomplish in Vietnam has been accomplished. A Communist military victory has been thwarted. An opportunity for South Vietnamese self-determination has been created. It should be the goal of our diplomacy to assure that the opportunity for self-determination is exercised in a meaningful way. If all diplomatic efforts to involve North Vietnamese and the NLF in an internationally supervised election fail—then an alternate test of self-determination can be undertaken by putting the Thieu government on its own. If it can rally the support it will need to withstand the Communist political and military challenge after the United States disengages from the major military responsibility, the Thieu government will have demonstrated that it does represent effectively the people of South Vietnam.

I consider the situation as I found it in South Vietnam to be favorable to a dramatic new assumption of responsibility and self-reliance by the GVN. All the moot questions in Vietnam are related to this—most importantly the question of the authority and support of the Thieu government among the people of South Vietnam. The authority and support of the GVN can only be tested and established if the GVN comes out from behind the massive shadow of the U.S. presence in South Vietnam. Until the GVN's authority and support is tested and established, little can be considered to have been lastingly achieved by the U.S. effort over the past 5 years.

In my judgment, however, the main consideration must be the U.S. national interest. From this overriding perspective, it is essential to bring U.S. combat involvement in Vietnam to an end by the conclusion of 1970. America's agenda in the 1970's will not permit a continuation of the improvident diversion from the essential tasks of our Nation which Vietnam represented throughout the 1960's. We have already paid a fearful price in blood and treasure to redeem what was at most a peripheral commitment to prevent the establishment of a Communist regime in Saigon by force of arms. We have perhaps paid an even greater price as a nation for Vietnam in terms of the essential things we have been unable to manage at home and elsewhere in the world.

At some point the United States must draw the line. I believe the time has come to draw the line at December 31, 1970, for the end of the U.S. combat responsibility. After this deadline we would continue to supply logistical support, arms, economic assistance, and advice on a diminishing scale as warranted by the performance of the South Vietnamese on their own behalf.

The resolution I have introduced with Senator PELL—Senate Concurrent Resolution 40—is designed to give legislative effect to the key issue: the withdrawal of U.S. combat forces by the prescribed date of December 31, 1970. The Javits-Pell resolution terminates the authority given to the President by Congress in the Tonkin Gulf resolution to engage U.S. forces in combat in Vietnam after the end of 1970. It is essential in order to form the basis for any new resolution on Vietnam to clear the record of the Gulf of Tonkin resolution so that it is clear that the power of the President and the Congress revert to the status prior to that resolution, with the President acting as foreign policy spokesman and Commander in Chief and the Congress retaining the power to declare war and appropriate money.

On this basis, a statement by the Congress as to the conduct of policy and disposition of our forces regarding Vietnam, becomes a proper exercise of the advise-and-consent power. Such a drastic step as to cut off money for the support of the Armed Forces unless the President complies with the will of the Congress would deprive the President summarily of his position as foreign policy spokesman and Commander in Chief. This would undermine the President's ability to conduct the foreign policy of the United States throughout the world.

Mr. HATFIELD. Mr. President, will the Senator from New York yield?

The ACTING PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oregon?

Mr. JAVITS. I am happy to yield to the Senator from Oregon.

Mr. HATFIELD. I rise to commend the Senator from New York for his outstanding and astute observations following his trip to Vietnam.

I concur with everything the Senator has said. I would add one or two things. One, I fear there is in the country today an attitude that everything is going well and therefore we do not have to be very concerned about the day-to-day activity in Vietnam. We might say that many people are lulled into a false sense of optimism about the situation in Vietnam.

Second, there are many people today who have grown so weary of the war which has gone on and on and on, in which we have been involved since 1946, either with men or money, that they wish it would just sort of fade away, that if one ignored it enough, perhaps it might fade away.

Of course, both of those points are poorly taken by those who seek an easy solution.

Therefore, I think the Senator has really brought back into focus the reality that we have our 400,000 men still in Vietnam, that men are still dying there day after day, that we as Senators cannot abdicate our responsibility to assist in the development of a meaningful solution, nor can the people of this country abdicate their citizen responsibilities of remaining knowledgeable and exerting their influence, through their voices and their activities, to help bring the war to an end.

I think we are at the crossroads. The direction in which we go will depend a great deal on how alert the American public will be to the situation in Vietnam and how much they make their voices heard both through their elected representatives and directly to their Government.

I should like to underline what, to me, is probably one of the most profound parts of the Senator's entire statement. I think he puts the whole war in Vietnam in such magnificent focus when he refers, on page 2 of his report, to the fact that:

> Neither we nor the Vietnamese will ever know what the GVN and the ARVN can do on their own until they do it on their own. And the best time for them to try it on their own is now, when there is a favorable security situation and economic momentum in South Vietnam, while there is fair political stability in Saigon, and in the United States a time span has been allotted to the President on Vietnam.

Mr. President, I say again to the Senator from New York that I think that is probably one of the best summaries on the very complex issue of the war in Vietnam that I have ever seen, one I wish that every American would read, and more especially every Senator would read with great and prayerful concern, and realize what we have as our responsibility at this moment in history, at this time in the Vietnam war, in which decision-making is so vital to our future course over there and to the final solution.

I have one question I should like to ask the Senator, which has to do with the statement he made on page 1, when he referred to the allegation that was made to him in Saigon, that the authorities alleged that in April of 1965, for all practical purposes, the Army of Vietnam had been asked to step aside and leave the combat to U.S. forces.

Is there any way that the Senator was able to get confirmation from the military leaders with whom he talked, or is there any way now that we can get a confirmation on this point, because I think it is fundamental to our ability to evaluate the Vietnamization policy of the President of the United States, whether we should be judging it from 1965 or judging its effectiveness from 1969. Is there any way we can get this story validated or confirmed?

Mr. JAVITS. I stated it in terms solely as an allegation which I heard made, at very high levels, because that is all I can say with certainty. I did not receive, or seek, any confirmation while I was there. Perhaps as time goes on we may learn some more about it here in the Senate. Certainly it is not the fault of President Nixon. Certainly he gets full credit for initiating a real drive to equip and train the forces of South Vietnam.

This allegation relates firstly to the time in 1965 when the South Vietnamese were in very bad shape and one can appreciate that it might well have happened at that time. Whether the same attitude prevailed at the Honolulu and Manila Conferences of 1966, I cannot say, but I was told that it did, and over the objections of the Vietnamese.

I can only say that I cannot give any

other substantiation except that I was told that.

Mr. HATFIELD. Does not the Senator agree that if we are to have some valid basis upon which to make a judgment of the effectiveness and merit of the continuation of the President's policy, we have to get the exact date as it relates to when the South Vietnamese began to assume some combat responsibility, because 3 or 4 years could make a great deal of difference.

Mr. JAVITS. The Senator is correct. But I think one can say that it did not begin sooner than 1968, and probably the early part of 1969.

I wish to thank my colleague for his generous remarks about my report. It means a great deal to me, coming from a Senator with such a distinguished record himself, especially as regards the Vietnam war.

Mr. HATFIELD. I thank the Senator.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I ask unanimous consent that I be permitted to continue for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. I yield.

Mr. HOLLINGS. Mr. President, I have listened with interest to the discussion on Vietnam.

I was wholly misinformed. I was told that when the Senator finished his speech, he was going to talk about the New York school amendment. Does the Senator intend to speak on that?

XUM

Mr. JAVITS. I will, as soon as the amendment is up. Right now the pending amendment is the amendment of the Senator from Colorado on impacted aid funds. However, when the Stennis amendment is called up, I will participate in the debate.

Mr. HOLLINGS. Perhaps the Senator can cut me short. Can the Senator tell me if he will support the amendment?

Mr. JAVITS. I think I can tell the Senator from South Carolina that I cannot give my support. I think the New York State law is very bad. My State can pass a bad law, too, and it passed a bad one there.

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the consideration of morning business.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ROLE OF CONGRESS IN THE BATTLE AGAINST INFLATION

Mr. NELSON. Mr. President, all of us in the Congress are extremely concerned about the continuing rise in the cost of living, the interest rates now the highest in over a century, and the severe economic and social dislocations which have resulted.

The battle against inflation is, of course, a joint one which must involve the Congress, the Executive, the Federal Reserve Board, and the businesses, consumers, unions, and others who comprise the private sector.

In a recent talk before the Brookings Institution, Senator MONDALE outlined the efforts which the Congress undertook to combat inflation during the first session of the 91st Congress. He also suggests a number of additional steps which should be taken in the current session.

His remarks are both pertinent and informative. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

INFLATION: THE RECORD OF 1969 AND THE PROGRAM FOR 1970

(By Senator WALTER F. MONDALE)

Inflation is a social and an economic illness which affects every household in America. Serious inflation has been with us now for over two years, and there are no indications that the end is yet in sight.

Because this is one of the most disturbing and important issues we face today, I want to share with you my own thoughts on the problem of inflation, the role of Congress in combatting inflation in 1969, and what Congress must do in 1970 to help stop it.

THE CRUELEST TAX

Inflation has often been called "the cruelest tax." It falls heavily upon senior citizens, living on pensions and social security.

It hurts those whose incomes are fixed and whose pay check each week brings home less food, rent, and clothing.

Inflation particularly hurts those who have spent years saving for the future and who now find the worth of those savings severely eroded.

Not only is inflation, itself, a disaster, but it generally travels in company with a host of related social and economic ills. Interest rates rise, pricing the average wage-earner out of the home he had so hoped for and seriously impairing the ability of state and local governments and school districts to raise needed revenue.

The balance of payments is worsened as American goods become unable to compete in foreign markets.

Labor-management relations become strained as each side seeks to protect itself against the pervasive rise in prices, and the "last hired" live in dread of becoming the "first fired" as policies of restraint threaten to kill inflation with the equally deadly curse of unemployment.

CONGRESS AND INFLATIONS: 1969

Contrary to some allegations, the first session of the 91st Congress was extremely concerned with inflation and moved constructively in a number of areas to impose responsible "fiscal restraint" on government spending.

In over-all appropriations, for example, Congress actually cut a total of $7.6 billion from the Administration's budget requests. Some of this saving—about $2 billion—was redirected into increased support to such areas as education, health, manpower training, and pollution control, which most of us in Congress felt had been severely neglected by the budget requests.

There is no question but that we are in the midst of an essentially "war-fed" inflation, fanned by the enormous expense not only of the war itself, but of a vest array of new and often wasteful expenditures in the Pentagon budget.

Much of the savings, then, came in Congressional reductions of nearly $6 billion in the Pentagon budget. Recent studies, such as those conducted at the Brookings Institution, have suggested that many more savings can be made in this budget. But the important fact is that Congress achieved a net reduction of some $5½ billion in the Administration budget requests—surely an indication of "fiscal responsibility."

And equally important, I think, was Congress's determination not to sacrifice all human and environmental programs to a policy of restraint, and to demonstrate that a concern for inflation need not be inconsistent or incompatible with the need to reorder some of our priorities at home.

Aside from these budget cuts, the major "restraining" action of Congress in 1969 was passing a tax bill with reforms which will increase Federal revenues by $6.6 billion in 1970 and by nearly $7 billion in 1971. Although we need more and stronger reforms—such as taxation of capital gains at death, further lowering of the oil depletion allowance, and other "loopholes" closed—the bill which Congress passed in 1969 contained the most significant reforms since the enactment of the income tax, 56 years ago.

Much has been made of the tax relief voted by the Congress. Again, however, there is nothing inherently incompatible between "fiscal responsibility" and tax relief, provided that the Congress is willing—and it has amply demonstrated this willingness—to finance relief through tax reforms and budget cuts.

It should also be stressed that the relief measure originally adopted by the Senate in the form of increased personal exemptions was actually offered as a substitute to the relief package passed by the House and endorsed by the Administration. The fiscal difference between the two versions is minimal; the main effect of the increased exemptions was to move this relief down to middle and lower incomes, as opposed to the House and Administration measure which would have given 25% of the relief to the wealthiest 5% of the taxpayers.

CONGRESS AND INFLATION: 1970

There are great limits, of course, in the ability of Congress, acting alone, to curb inflation. While we can appropriate funds and investigate waste, we cannot stop all costly overruns, and we must continue to rely heavily on budget requests which stem from the Executive Branch.

Our control over the semi-independent Federal Reserve Board is minimal, limiting our ability to directly manage interest rates.

Finally, the most important decision affecting the stability of the dollar—decisions to borrow, to invest, to lend, or to save—are primarily made in the private sector, and short of rigid controls (which, thankfully, no one seems to want) we are limited in our capacity to influence these decisions.

Nevertheless, there is a great deal Congress can and must do in 1970 as its share of the war against inflation.

First and foremost, we must continue to search for economy in government spending. The major area for such savings remains in the Pentagon budget, where the government's General Accounting Office recently reported cost overruns of nearly $21 billion. The Joint Subcommittee on Economy in Government recommended a $10 billion cut in this budget—a cut which they claimed would have no detrimental effect on America's capacity to meet defense commitments here or abroad. Of course, the expected and hoped-for disengagement from Vietnam will greatly increase these possible savings, but there is no doubt about the potential for economy remaining in the Pentagon budget.

I would hope that Congress would maintain some of the tax reform initiative and raise more revenue through additional cuts of the oil depletion allowance, a tighter minimum tax, removal of the "capital gains at death" loophole, and other remaining reforms.

I expect Congress in 1970 to take further steps to ease the soaring interest rates, which many economists feel have done little to halt, and may even be promoting, inflation. The Banking and Currency Committee, on which I serve, has already moved to create a secondary market for home mortgages, thereby opening up desperately needed funds in this area. Related measures initiated by this Committee and now signed into law give the President authority to institute selective credit controls and authorize the Small Business Administration to aid the lagging supply of investment funds for small businesses. The coming year should see additional efforts to discourage inflationary investment spending by large corporations, but to ease the monetary restraint which has fallen so unfairly on small businesses, home buyers, and the construction industry.

Further activities of Congress in 1970 should seek to expand manpower training, public service employment, and other programs to reduce the inflation-unemployment trade-off and to allow a "tightening" of the economy while avoiding either a general recession or high rates of unemployment among the young, the minority worker, or the unskilled.

In short, Congress has been and will continue to be extremely concerned with the great problem of inflation and the attendant problems of high interest rates, unemployment, and the threat of recessionary "overkill".

It is my very great hope that Congress, the Administration, labor, management, and the consumer can all work together in this effort, pursuing policies of restraint and moderation, but not sacrificing the commitment needed to face the great unmet social needs of our country.

PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, on several previous occasions I have sought to focus public attention on the ominous threat preventive detention poses to the system of criminal justice in this country.

Preventive detention has all the appeal of a cheap, simple solution to a grave, complex, and perplexing problem. The first instinctive reaction of many who are confused and frustrated by society's inability to come to grips with crime is to lock up those we fear. "Constitutional principles become luxuries we cannot afford in a crisis," goes the argument. " 'Innocent until proven guilty' is a technical rule of evidence and no more" is what we hear from enthusiasts who should know better, and probably do. All objections, be they on practical grounds or principle, are rejected as "mere quibbles," "legal redtape," "lawyers' talk," "knee jerking by soft-hearted libertarians"—this is what we hear from officials who have seized upon "crime" and seek simple solutions in preference to hard decisions.

It is the Senate's responsibility to deal with the crime crisis, but to do so responsibly. Repressive legislation, be it a "no-knock" provision or preventive detention, is not the answer that is demanded. It is a reaction to fear—and one which will cost us more as a Nation under constitutional principles than it will ever gain us in fighting crime.

A Congress which repeals an emergency detention law after 10 years should not turn around and pass a preventive detention bill based on the same blindness to our country's heritage of freedom.

Justice Brandeis' famous warning bears repeating now, as it often does:

> Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

In the few months since the Department of Justice submitted its proposal for preventive detention, more and more citizens have come to realize how shortsighted, how cruelly deceptive, how destructive of our principles such a law would be.

I have received many letters opposing preventive detention. They are brief but extremely eloquent statements by ordinary citizens who recognize the great principle at stake.

A concerned American from Michigan fears that preventive detention moves us "perilously close to the conditions described in Orwell's '1984.' " A New Yorker worries that preventive detention as a solution to the crime problem would be "more detrimental to the welfare of the country than the problem." From Puerto Rico comes the warning that "preventive detention is the instrument of dictatorships," and from California the concern that the threat of political repression is a potential evil "simply too great to risk for the good which might be gained in the prevention of a few crimes." An Oregon housewife views preventive detention as "a most lamentable assault on the Constitution." And a Bostonian sees a "clear violation of the Bill of Rights" and correctly points out that speedy trial and penal reform is the obvious answer to any problem of crime on bail.

Mr. President, these letters constitute a significant commentary by our people on the evils of preventive detention, and I ask unanimous consent to have them printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Ann Arbor, Mich.,
December 3, 1969.

My Dear Senator Ervin: May I express my admiration for your forthright stand for the preservation of individual rights in the matter of the administration move for "preventive detention" and other attacks on freedom of the individual.

Under the leadership of the present attorney general, we are moving perilously close to the conditions described in Orwell's *1984*. More power to you!

Edgar G. Johnston.

Rio Piedras, P.R.,
October 30, 1969.

Hon. Sam J. Ervin, Jr.,
Senate Office Building,
Washington, D.C.

Dear Senator Ervin: Thanks for your beautiful defense of the right to bail as published in the Wall Street Journal of October 20.

Preventive detention is an instrument of dictatorships. Even though Secy. Mitchell proposes to introduce it with "protections", you may be sure that in the course of time those restrictions would be relaxed in order to increase the "efficiency" of the police or "untie" their hands, and preventive detention would be used systematically to persecute people (instead of just occasionally).

I know; I have lived in a dictatorship (and worked there too). My friends, neighbors and coworkers were arrested, imprisoned, sometimes tortured. (Sadly, most Americans overseas like dictatorships because it usually makes things nice for foreigners, which is one reason why many people hate us.)

Sincerely,

Lewis Smith.

New York City Community College,
Brooklyn, N.Y., November 26, 1969.

Hon. Sam J. Ervin,
Senate Office Building,
Washington, D.C.

Dear Senator Ervin: I am thankful for your thoughtful and courageous stand on the preventive detention aspects of the Administration Anti-Crime Bill.

I am sure that many Americans are concerned about the tendency to advance simplistic solutions to complicated and deep-rooted problems. There seems to be an historical inevitability that the solution becomes more detrimental to the welfare of the country than the problem.

Your efforts and insights are very much appreciated.

Very truly yours,

Richard Freed.

Office of the Public Defender,
Fairfield, Calif., October 14, 1969.

Hon. Sam J. Ervin, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Ervin: The concept of preventative detention, currently pending in legislation before your Sub-Committee in the form of S2600 is not new. The effectiveness with which such power can be used to destroy dissent was well demonstrated during both the Nazi rise to power in Germany and Stalin's purge of the Communist Party during the 1930's. However remote such a turn of events may seem to us, the potential evil is simply too great to risk for the good which might be gained in the prevention of a few crimes.

The present hue and cry for law and order can be channeled to real progress in improving our system of criminal justice if we look unemotionally and ask what it is that causes people to commit anti-social acts and then move to prevent *that*. Let's not again deceive ourselves into thinking that we'll reduce crime by increased penalties and short-cutting defendants' rights, remedies which have been tried and failed over and over again in the past.

Our California Assembly Committee on Criminal Procedure conducted such a study and found, not surprisingly, that what prevents crime is the individual's own self image of importance. This would seem to give considerable reason to weigh the new Chief Justice's suggestion most carefully when he suggests there is a need for immediate change in our present correctional system.

I am not opposed to S2600 except as it permits pre-trial detention. I hope these provisions are deleted as quickly as possible.

Very truly yours,

Paul Ligda.

Junction City, Oreg.,
December 3, 1969.

Dear Senator Ervin: I want to commend you on the stand you are taking in opposition to the preventive detention proposal. This seems like a most lamentable assault on the Constitution.

In reading further about the Subcommittee's deliberations and the testimony of John Mitchell, your statements, and the questions in opposition to the bill by the ACLU, I must conclude that this measure must be voted down.

Keep up your strenous efforts and outspoken opposition to such legislation.

Mrs. K. B. Salmonson.

Boston, Mass.,
December 1, 1969.

Dear Senator Ervin: I am very pleased to see your opposition to Att. Gen. Mitchell's desire for a preventive detention bill, certain-

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ly a clear violation of the Bill of Rights. If it does prove true that a suspect out on bail is more likely than usual to commit a crime, why not provide for a more rapid trial by placing the case ahead of others already on the docket? But the crux of this whole matter of crime and its prevention and punishment is an effort to reform our penal system so that convicted criminals are truly rehabilitated and are accepted back into the society as individuals no more likely than the next to commit a crime. We are in a truly dangerous position if every released convict is more likely than before to commit another crime, as seems to be the case from what I have read.

Sincerely,

SHERWOOD GITHENS III.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON FUNDS FOR CERTAIN RESEARCH PURPOSES

A secret letter from the Secretary of Defense, reporting, pursuant to law, on funds obligated in certain research projects (with accompanying papers); to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Federal Crop Insurance Corporation, fiscal year 1969, Department of Agriculture, dated February 6, 1970 (with an accompanying report); to the Committee on Government Operations.

A secret letter from the Comptroller General of the United States, transmitting, pursuant to law, a report (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION

A letter from the Secretary, the Foundation of the Federal Bar Association, transmitting, pursuant to law, the audit report of the association for the fiscal year ended September 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE UPPER LAKES REGIONAL COMMISSION

A letter from the Federal and State Cochairmen, Upper Great Lakes Regional Commission, transmitting, pursuant to law, a report on the activities of the Commission for the period July 1, 1968 to June 30, 1969 (with an accompanying report); to the Committee on Public Works.

REPORT OF ECONOMIC DEVELOPMENT ADMINISTRATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Economic Development Administration for fiscal year 1969 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CIVIL AERONAUTICS BOARD TO INVESTIGATE THE FEASIBILITY OF THE CONTINUED OPERATION OF NORTHEAST AIRLINES, INC., WITHOUT MERGER WITH NORTHWEST AIRLINES, INC.

"Whereas, The Massachusetts House of Representatives is concerned with air transportation services provided to the citizens of the commonwealth; and

"Whereas, Said Massachusetts House of Representatives is also concerned with the economic well-being and growth of industries located in the Commonwealth, particularly the industries which employ substantial numbers of citizens of this commonwealth; and

"Whereas, Northeast Airlines, Inc. is a corporation organized and existing under the laws of the commonwealth and having a principal place of business at Logan International Airport in East Boston in this commonwealth; and

"Whereas, Said Northeast Airlines, Inc. has always striven, sometimes under adverse circumstances, to provide the best air transportation service possible to the citizens of this commonwealth for a period exceeding thirty years; and

"Whereas, Said Northeast Airlines, Inc. is the sole air carrier which provides air transportation services between certain communities within this commonwealth and from certain communities in this commonwealth to other communities in northern New England, to the other major centers of commerce and government on the middle Atlantic seaboard and to the vacation areas of Florida, all with modern and convenient jet and turbine powered aircraft; and

"Whereas, Said Northeast Airlines, Inc. provides employment for approximately 2300 citizens of this commonwealth at its principal place of business at Logan International Airport in East Boston in this commonwealth; and

"Whereas, The Massachusetts House of Representatives is cognizant of a proposed merger of said Northeast Airlines, Inc, with Northwest Airlines, Inc.; therefore be it

"Resolved, That it is the conviction of the Massachusetts House of Representatives that continuation by Northeast Airlines, Inc., as an independent entity, of the air transportation services which said Northeast Airlines, Inc. is authorized to render has been, is, and will continue to be, of great benefit to the commonwealth, if it is economically feasible for said Airline to do so; be it further

"Resolved, That the Massachusetts House of Representatives urges the Civil Aeronautics Board to determine whether Northeast Airlines, Inc. can continue to function as an independent entity and if said board finds that it is economically feasible for said Airline to so continue; be it further

"Resolved, That the Massachusetts House of Representatives urges the Civil Aeronautics Board to disapprove the proposed merger; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the Chairman of the Civil Aeronautics Board, the Secretary of Transportation, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, January 19, 1970.

"WALLACE C. MILLS, *Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

Resolutions of the Commonwealth of Massachusetts; ordered to lie on the table:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO OVERRIDE PRESIDENT NIXON'S VETO OF THE HEW APPROPRIATIONS BILL

"Whereas, The Congress of the United States, recognizing the needs of the people in the fields of health, education and welfare, enacted and sent to President Nixon for his approval a comprehensive health, education and welfare bill totaling nineteen billion seven million dollars; and

"Whereas, President Nixon refused to approve this legislation, vetoed it and returned it to Congress on the question of sustaining or overriding his veto; and

"Whereas, In the event the President's veto is sustained, the Commonwealth of Massachusetts will lose approximately twenty-one million dollars, in the field of education as well as additional amounts in the critical areas of health and welfare, thereby adding an additional tax burden on the residents of the Commonwealth; therefore be it

"Resolved, That the House of Representatives of the General Court of Massachusetts urges the Congress of the United States to override the veto of President Nixon to the HEW appropriations bill and enact this very necessary legislation; and be it further

"Resolved, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

"House of Representatives, adopted, January 27, 1970.

"WALLACE C. MILLS, *Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION NO. 5

Relative to agricultural labor-management relations

"Whereas, Agriculture is the number one industry in California, and is the source, directly or indirectly of one out of every three jobs in the state; and

"Whereas, California agriculture directly employs more than one-half million workers, most of whom depend primarily upon agricultural wages for income; and

"Whereas, The products of California agriculture move widely in both national and international commerce, and must compete with agricultural products originating in other states than countries where labor standards and labor costs are lower than those in California; and

"Whereas, A substantial minority of the California farm labor force also seek farm employment or maintain residence outside of the state during a portion of the year; and

"Whereas, Both organized labor and agriculture are in agreement, as manifested by testimony before legislative committees during the past year, that problems of labor-management relations law in agriculture are truly national in character, and can be appropriately dealt with through federal legislation; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to promptly enact legislation establishing labor-management relation laws covering agricultural employment; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Common Council of the City of Mount Vernon, N.Y., praying for the enactment of legislation relating to the financing of welfare and education, and the establishment of a national universal health insurance program; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, with amendments:

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H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped (Rept. No. 91–658).

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes (Rept. No. 91–659).

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the report on H.R. 14944, filed earlier today by the Senator from North Carolina (Mr. Jordan), from the Committee on Public Works, be printed together with individual views of the Senator from Ohio (Mr. Young).

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from North Carolina.

By Mr. STENNIS, from the Committee on Armed Services, with amendments:

H.R. 8020. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port (Rept. No. 91–665).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities, and for other purposes (Rept. No. 91–663).

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

H. Con. Res. 207. A concurrent resolution relating to Gen. Omar N. Bradley (Rept. No. 91–664).

By Mr. BYRD of Virginia, from the Committee on Armed Services, without amendment:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion (Rept. No. 91–661).

By Mrs. SMITH of Maine, from the Committee on Armed Services, without amendment:

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict (Rept. No. 91–660).

By Mr. INOUYE, from the Committee on Armed Services, without amendment:

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band (Rept. No. 91–662).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3400. A bill to amend the Economic Opportunity Act of 1964 as amended; to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself and Mr. Mansfield):

S. 3401. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as aldrin;

S. 3402. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as chlordane;

S. 3403. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDD/TDE;

S. 3404. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as dieldrin;

S. 3405. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as endrin;

S. 3406. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as heptachlor;

S. 3407. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as lindane; and

S. 3408. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as toxaphene; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Nelson when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. PASTORE (by request):

S. 3409. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. BAKER (for himself and Mr. Muskie):

S. 3410. A bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution and degradation of the environment, and other related problems; to the Committee on Public Works.

(The remarks of Mr. Baker when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. AIKEN:

S. 3411. A bill to extend for 3 years the authority of the Secretary of Agriculture to provide indemnity payments to dairy farmers; to the Committee on Agriculture and Forestry.

By Mr. PROUTY:

S. 3412. A bill to authorize appropriations for activities of the National Science Foundation; to the Committee on Labor and Public Welfare.

By Mr. FONG (for himself and Mr. Inouye):

S. 3413. A bill to provide for an investigation and study of Kaneohe Bay, Oahu, Hawaii, in the interests of pollution abatement, navigation, recreation, and overall bay development;

S. 3414. A bill to provide for an investigation and study of certain areas in the State of Hawaii in the interest of beach erosion control; and

S. 3415. A bill to provide for an investigation and study of certain streams in the State of Hawaii in the interest of flood control; the the Committee on Public Works.

By Mr. McCARTHY:

S. 3416. A bill to extend to all unmarried individuals to full tax benefits of income-splitting now enjoyed by married individuals filing joint returns; to the Committee on Finance.

By Mr. McGEE:

S. 3417. A bill to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competitions; to the Committee on the Judiciary.

(The remarks of Mr. McGee when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3401 THROUGH S. 3408—INTRODUCTION OF BILLS TO BAN THE USE OF PERSISTENT PESTICIDES

Mr. NELSON. Mr. President, on behalf of myself and the distinguished majority leader, the Senator from Montana (Mr. Mansfield), I introduce eight bills to ban eight of the most persistent, toxic pesticides presently used in the United States.

These eight bills will prohibit the interstate sale and shipment of eight insecticides in the chlorinated hydrocarbon family—aldrin, chlordane, DDD/TDE, dieldrin, endrin, heptachlor, lindane and toxaphene. These proposals are similar to a bill I sponsored last year to ban DDT.

The long-term toxicity of chlorinated hydrocarbon pesticides presents a deadly threat to fish, wildlife and the overall quality of the environment.

Twenty years ago, DDT and other emerging pesticides were acclaimed as the victors over diseases threatening man.

Their uses spread quickly to agricultural operations and later for the control of pests bothersome but not hazardous to man.

Their fame spread as did their use. Billions upon billions of pests have fallen victim to their dust, spray or powder.

But new strains of pests developed with increased resistance to DDT and other common pesticides.

Too often, instead of seeking more effective, more selective means of pest control, the reaction of most users has been to apply more, perhaps twice as much, to overcome the pest's newly attained resistance.

Pesticides have become a panacea to gardeners, farmers, entomologists and public officials as the easy way of solving a difficult problem of ecological balance. The highly publicized, but little understood, qualities of pesticides have encouraged many to use them in great quantities, regardless of the potential and too often ignored danger to the environment.

The result in too many cases has been new generations of harder-to-kill pests and massive pollution of our soil, water and air of toxic, persistent pesticides.

MORE THAN 900 MILLION POUNDS

Today, more than 900 million pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides, and fumigrants, are used annually in the United States, about 4 pounds for every man, woman, and child in the United States. Last year, the sales of pesticides increased some 10 percent over the previous year and, by 1985, it is estimated that they will increase another sixfold.

Reports indicate that about 1 acre of every 10 in America is treated with an average of nearly 4 pounds of pesticides every year.

The National Wildlife Federation reports roughly 75 percent of specimens of fish, birds, and mammals collected from various parts of the world, including the Arctic and Antarctic regions, contained DDT.

California marine scientists collected several hundred samples of fish and shellfish from the Pacific, in both salt water bays and the open sea. They reported 396 of the 400 samples analyzed contained measurable DDT residues.

NATIONAL PESTICIDE SURVEY

A 2-year national pesticide study recently completed by the U.S. Bureau of Sport Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The study results showed DDT ranging up to 45 parts per million in the whole fish, a count more than nine times higher than the current FDA guideline level for DDT residues in fish.

Residues of DDT reached levels higher than the FDA's temporary limit of five parts per million in 12 of the rivers and lakes, including the Hudson in New York; the Delaware; the Cooper in South Carolina; St. Lucio Canal and the Apalachicola in Florida; the Tombigbee in Alabama; the Rio Grande in Texas; Lake Ontario; Lake Michigan; the Arkansas and the White in Arkansas; and the Sacramento in California.

Residues of dieldrin, a pesticide even more toxic to humans than DDT, were found in excess of the 0.3 parts per million FDA limit in 15 rivers and lakes including the Connecticut; the Hudson; the Delaware; the Savannah in Georgia; the Apalachicola; the Tombigbee; the Rio Grande; Lake Ontario; Lake Huron; the Illinois in Illinois; the Arkansas and the White; the Red River in Minnesota; the San Joaquin in California; and the Rogue in Oregon.

In summary, the comprehensive survey found DDT in almost 100 percent of the fish samples, dieldrin in 75 percent, heptachlor and/or heptachlor epoxide in 32 percent, and chlordane in 22 percent.

Related research over the 4-year period, ending in 1968, has determined that more than 1,640,000 fish were killed by pesticide pollution in the Nation's waters, the result of pesticide spills or runoff and concentration in our waters. Millions of more fish no doubt went unborn due to reproductive failures caused by pesticides.

Laboratory research has proven that pesticide levels in water, of even the low parts per billion, can be toxic to adult fish. Levels in low parts per trillion have been found to affect reproduction.

Already, the pesticide levels in Lake Michigan, the most pesticide polluted of the Great Lakes, are in the low parts per trillion range.

PESTICIDES IN DRINKING WATER

And findings released by the U.S. Public Health Service reported the detection of pesticides in 76 of 79 samples of drinking water supplies around the country. Although the Public Health Service report noted that so far the pesticide levels have not exceeded recommended permissible limits, the health service was concerned. The Public Health Service stated:

> The high frequency of occurrence and our lack of knowledge of the long-term health effects of this class of compounds dictate the need for increased surveillance and research as well as for increased recognition of the potential of this problem by state and local health departments.

In summary, the already massive and still accumulating evidence on pesticides makes it clear that these toxic compounds have become one of the most serious problems of our environment and are threatening even greater worldwide damage. Pesticides have concentrated to the far ends of the earth; they are killing fish and wildlife; they have inhibited fish and wildlife reproduction; high pesticide residues have pushed some fish-feeding birds and other animals to the edge of extinction, and now, there is increasing concern and evidence about the threats posed to man.

After last spring's action by the Food and Drug Administration's seizure of 28,000 pounds of pesticide-contaminated Coho salmon taken from Lake Michigan, it was hoped that the Federal Government would take some strong steps to eliminate pesticide pollution.

The report of the Pesticide Commission established by Health Secretary Finch was encouraging. It recommended an end of all nonessential uses of DDT and DDD within 2 years as well as strong restrictions on the use of other chlorinated hydrocarbon pesticides.

These recommendations echoed the mandate that had been set forth seven years ago by a Presidential Science Advisory Committee that the goal of our national efforts should be the "elimination of the use of persistent toxic pesticides."

AGRICULTURE DEPARTMENT FAILS

Then, in a widely-publicized announcement in November, the Agriculture Department said that it was canceling certain uses of DDT.

However, the Departments plan never got off the ground when the pesticide industry quickly initiated a complex series of appeals that could delay final action for years.

Under the Agriculture Department's regulations, manufacturers who appeal a cancellation order can continue to produce and sell pesticides until the appeal is resolved.

It appears that the Department played right into the industry's hands by failing to use its statutory authority to suspend certain uses of DDT before starting the cancellation proceedings. If the Department is serious about protecting the quality of our environment from pesticide poisoning, it should move without further delay and immediately suspend all nonessential uses of DDT.

The pesticide industry's continued resistance to reform coupled with the Agriculture Department's historical hesitancy to act makes it mandatory that legislative deadlines be set for banning persistent pesticides.

ENVIRONMENTAL AGENDA

This package of eight bills to ban the chlorinated hydrocarbon pesticides by June 30, 1972, is part of the environmental agenda for the 1970's which I proposed on January 19. I plan to introduce additional legislation on jet aircraft pollution, detergent pollution, nonreturnable containers, and pollution of the sea.

As public support grows for improved regulation of pesticide use, the agricultural community and others warn of crop disasters and skyrocketing food prices without pesticides.

But it is not an all or nothing situation. Effective, economical, alternative means of pest control have been developed to make many currently used persistent pesticides obsolete.

For example, the U.S. Department of Agriculture suggests an effective alternative for DDT on virtually every crop on which this most persistent, most expendable pesticide is presently used. In addition, a host of nonchemical means of pest control have been applied with great success in many parts of the country, including the development of crop varieties that resist insect attack, the introduction of natural enemies into the pest's environment, insect sterilization, and integrated procedures which combine chemical and biological control measures.

It seems unfortunate that neither the Agriculture Department nor industry has appeared willing to mount an all-out effort to improve alternative means of pest control.

The Agriculture Department has admitted that its programs to develop better nonchemical means of pest control were underfunded by at least $4 million last year.

There is no indication in the Department's budget for the coming year that any substantial increase in funds will be available for expanded research in the fields of biological pest control, hormonal techniques, natural plant resistance, and cultural control.

There never has been any excuse for the indiscriminate spraying of DDT and other chlorinated hydrocarbons from aircraft when the result is massive pollution of nearby rivers, lakes, fields, and communities.

INTEGRATED PEST CONTROL

Greater efforts must be made to increase the use of scientific integrated pest control, which can best be defined as an insect population management system that depends primarily on the use of beneficial predator insects with very limited reliance on the use of selective chemicals.

Presently there are successful integrated pest control programs in operation on the following crops: cotton, citrus fruits, apples and pears, tomatoes, potatoes, avocados, olives, grapes, corn, eggplant, lettuce, strawberries, and others.

This means of pest control is based on the principles of applied ecology. In order for success to be achieved, the fields must be placed under periodic surveillance to determine when and where specific pest infestations occur. When a problem is discovered, predators, parasites, or disease organisms specifically related to that pest are released to bring the pests back into a favorable balance. Very limited amounts of pesticide may be used, but only when absolutely necessary, and only on the infested area of the crop.

Americans cannot afford to wait any longer to discard the persistent pesticides in favor of less damaging means of pest control. Our environment has already been the target of the indiscriminate and unnecessary use of hard pesticides for far too long.

The long range biological effects of the global contamination caused by pesticide pollution is immeasurable. It has pushed majestic birds and creatures of the sea to the brink of extinction. It has permeated the air, the lakes, the rivers, the oceans and the soil.

The time has come to end this needless attack on the environment.

I ask unanimous consent that the text of these bills be printed in the record.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record. The bills:

S. 3401, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as aldrin;

S. 3402, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as chlordane;

S. 3403, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDD/TDE;

S. 3404, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as dieldrin;

S. 3405, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as endrin;

S. 3406, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as heptachlor;

S. 3407, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as lindane;

S. 3408, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as toxaphene; introduced by Mr. Nelson; for himself and Mr. Mansfield, were received, read twice by their titles, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 3401

A bill to prohibit the sale or shipment for use or shipment for use in the United States of the chemical compound known as aldrin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"Sec. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound aldrin."

S. 3402

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as chlordane

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"Sec. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound chlordane."

S. 3403

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDD/TDE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"Sec. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound 2,2 - bis(p-chlorophenyl) -1,1-dichlorethane, commonly known as DDD/TDE."

S. 3404

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as dieldrin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"Sec. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound dieldrin."

S. 3405

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as endrin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"Sec. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound endrin.

S. 3406

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as heptachlor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"Sec. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, or a foreign country the chemical compound heptachor."

S. 3407

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as lindane

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"Sec. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound benzene hexachloride, commonly known as lindane."

S. 3408

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as toxaphene

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"Sec. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound toxaphene."

S. 3410—INTRODUCTION OF THE NATIONAL ENVIRONMENTAL LABORATORY ACT OF 1970

Mr. BAKER. Mr. President, on behalf of myself and the junior Senator from Maine (Mr. MUSKIE), I introduce for appropriate reference a bill entitled the National Environmental Laboratory Act of 1970. I ask unanimous consent that the text of the bill be printed in the RECORD at the completion of my remarks.

Since I came to the Senate in January 1967, I have had the privilege of serving as a member of the Subcommittee on Air and Water Pollution of the Committee on Public Works, a subcommittee presided over by Senator MUSKIE. Prior to my assignment to the subcommittee, and well before general public awareness of the gravity of our environmental problems, Senator MUSKIE and other members of the subcommittee and the parent full committee had worked long and hard to promote that public awareness and to fashion effective legislation to counter the mounting threat to our planet posed by the often unanticipated side effects of this Nation's extraordinary industrial and technological growth. The first field hearing in which I took part as a Member of the Senate, less than a month after taking office, was as a member of the Subcommittee on Air and Water pollution in Los Angeles; the subject of those hearings was the impact of automobile emissions on air pollution in the Los Angeles basin. Out of those and subsequent hearings grew the Air Quality Act of 1967.

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One of the most salient features of the subcommittee's activities is the uncommon bipartisan cooperation that its members have consistently enjoyed. The distinguished chairman and ranking minority member of the parent Public Work Committee—the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Kentucky (Mr. COOPER)—are both members of the subcommittee. Senator MUSKIE as chairman and the Senator from Delaware (Mr. BOGGS) as ranking minority member have provided cooperative and progressive leadership of the highest quality. I am confident that this relationship will continue unimpeded in the future.

It was in this spirit of bipartisan cooperation that Senator MUSKIE and I met last summer with Dr. Alvin Weinberg, Director of the Oak Ridge National Laboratory, winner of the Atoms for Peace Award, and, in my humble opinion, one of the finest intellects of our time. Dr. Weinberg had mentioned to me some months earlier the germ of an idea for a network of national laboratories that would bring together first-rate minds from many different disciplines to work in an unprecedented and wholly systematic way on the manifold problems of environmental quality, problems that have hitherto been dealt with—when at all—in a fragmented or piecemeal fashion. After what was, for us, an exciting and stimulating meeting, Senator MUSKIE and I asked Dr. Weinberg to assemble an ad hoc task force at Oak Ridge for the purpose of undertaking a study of such a proposal and submitting an informal report to us. With the generous assent of the Atomic Energy Commission, such a project was undertaken by Dr. Weinberg and 30 other distinguished members of the Oak Ridge community, with many disciplines and viewpoints represented. Senator MUSKIE and I were given the report of the task force in December of last year. The legislation that we introduce today, the National Environmental Laboratory Act of 1970, is the direct outgrowth of this process.

Mr. President, the bill would create in Washington, D.C., a new agency of the Federal Government called the National Environmental Laboratory. The Laboratory, or NEL, would be maintained and administered by a nine-man Board of Trustees, four of whom would serve ex officio from other capacities and five of whom would be appointed by the President by and with the advice and consent of the Senate. The bill would authorize the establishment of not to exceed six regional national environmental laboratories at different sites in the Nation, whether through the utilization and expansion of existing Federal facilities, the acquisition or construction of new facilities, or both. Each such laboratory would be headed by a director appointed by and responsible to the Board of Trustees. The NEL and its regional laboratories would be financed in two ways: First, by five sequential annual appropriations of $50 million each into a special trust fund to be invested in interest-bearing obligations of the United States; and second, by the authorization of appropriations from time to time by Congress for the establishment and operation of the regional laboratories, provided that the cumulative appropriations for any single such laboratory could not exceed $200 million. Thus, in time, the entire complex, if fully realized, could require the appropriation of $1.45 billion in public revenues.

In principle, Mr. President, I am as reluctant as anyone to wish for any further proliferation of the already awesome maze of public agencies. I introduce this legislation to create another major agency of the Federal Government only because I am firmly convinced, after long and careful thought, that such an agency is urgently required. I hope to state briefly today the reasons for my conviction in this regard, and I hope that prompt and full public hearings on this proposal will substantiate the need that I feel for such an instrumentality.

In his state of the Union message on January 22 President Nixon made the unprecedented commitment of a national administration to the improvement of the quality of American life. He spoke compellingly of the need for new institutions and for the reform of existing institutions. Although he noted that pollution of our water, of our air, and of our land are the most immediate and visible manifestations of a deteriorating environment, he also made it clear that henceforth when we speak of the American environment and the quality of American life we are speaking of a "seamless web," of a massive and infinitely complex "system" from which no single part can be effectively and realistically isolated. Past, present, and future damage to our environment and deterioration of the quality of our lives has resulted and will result—insofar as we fail to prevent it—from the unanticipated side effects of myriad political, social, economic, scientific, and technological actions taken separately and without adequate consideration for their relationship to each other or their short- and long-term effects on the physical and social environment.

The great challenge of the future is to provide effective coordination of our individual and joint activities in a way that will anticipate and avoid unwanted ill effects while simultaneously preserving and enhancing the freedom of every citizen and every group to choose among the widest diversity of alternatives.

The achievement of environmental quality will require two somewhat distinct efforts: One is "retrospective," by which we seek to repair the damage of past and present activities; the other is "prospective," by which we seek to anticipate the full consequences of various alternative courses of action and freely choose those which best meet our needs and desires with the least possible cost—direct or indirect—to the quality of our physical environment and our lives.

Many public agencies—some think too many—already exist for the purpose of dealing in one way of another with various threats to our environment. Many of these agencies have made and will continue to make substantial and important contributions toward a better environment. Public Law 91–190 created a new Council on Environmental Quality in the Office of the President, and title II of Senate bill 7, now in conference with the House, if enacted by the Congress and signed by the President, will create an Office of Environmental Quality to furnish staff services to the new Council. The National Environmental Laboratory proposed by the legislation that Senator MUSKIE and I have introduced today would in no way supplant or conflict with these various agencies; the NEL and its regional laboratories would have no policy function, no regulatory function, no executive function. These are functions that quite properly reside in the Congress, the Executive, and the regulatory agencies.

Although the NEL would conduct some basic research and development its principal and overriding function would be the collection, processing, anlaysis, and dissemination of information bearing on the quality of our environment, as broadly defined by the President in his state of the Union message. Perhaps the heart of this process would be "analytical function"; for the very first time on any truly significant scale we could attempt to accomplish genuine interdisciplinary integration, by bringing together for cooperative endeavor the best from all of the many fields that make up our pluralistic society; lawyers; economists; demographers; political scientists; Federal, State, and local officials for short periods of time; natural scientists; social scientists; urban planners; transportation specialists; energy experts; oceanographers. The list is almost infinite.

The activities of the NEL would in no way supplant or discourage the normal integrative functions of the marketplace, the university, and other public and private agencies and institutions. On the contrary, the work of the NEL would be readily available to anyone, and it is both hoped and anticipated that there would be free and continuing interchange of personnel, experience, resources, and information between all of these disparate groups and individuals and the NEL.

What is needed, Mr. President, is some way to effectively anticipate all of the consequences of alternative courses of action—so many of which are hidden—so that the Congress and the people can make free and intelligent choices with far greater awareness than we now have of what our choices—large or small—really mean and entail, for the present and for the future.

I believe that the enactment by Congress of this legislation, or some variation of it, will contribute in great measure toward these important goals.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3410) to establish a structure that will provide integrated knowledge and understanding of the ecological, social and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution and degradation of the environment, and other related problems, introduced by Mr. Baker, for himself and Mr. Muskie, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 3410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Laboratory Act of 1970."

Sec. 2(a) The Congress finds—

(1) that the Nation is presently experiencing a rapid deterioration of environmental quality;

(2) that the environmental resources of the Nation are finite;

(3) that the demands of a growing population and an increasing material standard of living will place an additional burden upon the capacity of the environment;

(4) that the optimum allocation and use of our limited environmental resources will require the maximum use of scientific principles if the Nation is to restore and enhance the health, diversity, beauty, and capacity of the environment for perpetuity;

(5) that the development and technologies has often created unintended ecological, economic, and social effects which have a profound impact on the environment;

(6) that technologies must be assessed on a timely basis in order to detect and predict the detrimental effects these may have on the ecosystem, which includes man, and that existing technologies must continually be reappraised to detect latent detrimental effects;

(7) that the amelioration and prevention of environmental problems depend on a thorough understanding of the complex interactions among the human, natural, and technological components of the ecosystem, thereby requiring multidisciplinary research and analysis of the total environment;

(8) that while the established departments and mission-oriented agencies make valuable contributions in specialized research and development, they lack authority and organization to deal comprehensively with the inter-connected problems of the environment; and

(9) that a complete and thorough understanding of the ecosystem cannot be accomplished through fragmented application of specialized research and development efforts, but rather requires a unity of effort and emphasis which is focused on the restoration and enhancement of the total environment.

(b) The Congress declares—

(1) that in the interest of restoring and enhancing environmental quality it is necessary to establish an organization with sufficient professional breadth and scope to provide a unified and systematic approach to its area of concern; such organization to complement those agencies presently dealing with various aspects of the environment; and

(2) that the organization will conduct research, development, and analysis of environmental problems, which will include (A) data collection, information storage and dissemination, data analysis and synthesis, development of methods and devices, education and training, and environmental policy analysis; (B) the formulation, development, testing and demonstration of alternative solutions to environmental problems for consideration by policymakers, and (C) the performance of any other functions necessary to provide for the restoration and enhancement of the environment.

Sec. 3. There is established at the seat of government a National Environmental Laboratory and a Board of Trustees of the Laboratory (hereinafter referred to as the "Laboratory" and the "Board") whose duty it shall be to maintain and administer the Laboratory and site or sites thereof, and to execute other functions as are vested in the Board by section 4.

Sec. 4(a) The Board shall be composed of nine members as follows: (1) the Vice President; (2) the Chairman of the Council on Environmental Quality established by Public Law 91–190; (3) the Director of the Office of Science and Technology; (4) the Director of the National Science Foundation; and (5) five members appointed by the President from the public, by and with the advice and consent of the Senate. Not more than three of the public members of the Board may be members of the same political party.

(b) Each Member of the Board specified in clauses 1 through 4 of subsection (a) of this section may designate another official to serve on the Board in his stead.

(c) Each member of the Board appointed under clause 5 of subsection (a) of this section shall serve for a term of six years from the expiration of his predecessor's term except that (1) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and (2) the terms of office of such members first taking office shall begin on April 24, 1970, shall expire, as designated by the President at the time of appointment, one at the end of two years, two at the end of four years, and two at the end of six years. No member of the Board chosen from private life shall be eligible to serve in excess of two terms, except that the member whose term has expired may serve until his successor has qualified.

(d) The President shall designate a chairman and a vice chairman from among the members of the Board chosen from the public.

Sec. 5. In administering the Laboratory, the Board shall have all necessary and proper powers which shall include, but not be limited to, the power to—

(a) Establish regional national environmental laboratories not to exceed six in number with the geographical distribution of any such regional laboratories determined by environmental criteria, and if the Board determines it is feasible to initiate any regional National Environmental Laboratory through the transfer of certain research functions and facilities of existing national laboratories of the Atomic Energy Commission or any other Federal agency, the Board shall recommend to the President that such functions and facilities be transferred to the Laboratory.

(b) Establish broad policy directions for the Laboratory as determined from an analysis of the social and environmental priorities established by the Congress, the Executive Branch, and the private sector.

(c) Solicit, accept and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Laboratory, and any such money, securities, or other property shall, upon receipt, be deposited into a special fund administered by the Board for the purposes of the Laboratory, and the source, amount and restrictions of any gift, bequest, or devise of money, securities, or other property in excess of $5,000 fair market value shall be included in the annual report required under section 10.

(d) Obtain grants from, and make contracts with, State, Federal, local, and private agencies, organizations, institutions and individuals;

(e) Acquire such site or sites as a location for the Laboratory or Regional laboratories;

(f) Acquire, hold, maintain, use, operate, and dispose of any physical facilities, including equipment, necessary for the operation of the Laboratory.

(g) Appoint and fix the compensation and duties of a General Manager and such other officers of the Laboratory as may be required. The compensation of the General Manager and other such officers shall be fixed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title 5; and

(h) Appoint and fix the compensation and duties of a Director, or Directors and such other officers of the Laboratory to administer any regional Laboratory, or Laboratories, established pursuant to subsection (a) of this section; and such Director or Directors may be appointed and compensated without regard to such provisions of title 5.

Sec. 6. Any Director under clause (h) of section 4 shall be responsible for the management and development of the regional laboratory for which he is appointed and for the research program that such laboratory conducts, subject only to the broad policy directions provided by the Board pursuant to subsection (b) of section 4.

Sec. 7. The Board shall, in connection with acquisition of any site or sites, as provided for in clause (e) of section 4, provide to businesses and residents displaced from any such site or sites relocation assistance, including payments and other benefits, equivalent to that authorized to displace businesses and residents under the Housing Act of 1949, as amended. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

Sec. 8. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its function under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedures of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

Sec. 9(a). There is hereby authorized to be appropriated to the Board $50,000,000 for each of five consecutive fiscal years beginning with the fiscal year ending June 30, 1971, to be deposited in a fund (hereinafter referred to as the "Special Trust Fund") for the perpetual maintenance and support of the long-term research activities of the Laboratory. It shall be the duty of the Board to invest such

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Fund only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of the outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Libery Bond Act, as amended, are extended to authorize the issuance at par of public-debt obligation for purchase by the Special Trust Fund. Such obligations issued for purchase by the Special Trust Fund shall have maturities fixed with due regard for the needs of the Special Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Board may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only where it determines that the purchase of such other obligations is in the public interest. Any obligations acquired by the Special Trust Fund (except public-debt obligations issued exclusively to the Special Trust Fund) may be sold by the Board at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

(b) In addition to amounts appropriated pursuant to subsection (a) there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act; provided that not to exceed $200,000,000 may be appropriated for the use of any one Regional Laboratory established pursuant to subsection (a) of Section 5. Such sums appropriated under authority of this subsection shall remain available until expended.

SEC. 10. The General Manager of the Laboratory shall transmit annually to the President and to Congress a report which shall set forth, but not be limited to, (1) the audit reports required under subsection (a) of section 10 of this Act; (2) bibliographies, with annotations, of research performed, and (3) a description of on-going research programs.

Mr. MUSKIE. Mr. President, the current intense concern with the environmental crisis has obscured our basic lack of understanding of the fundamental issues. We know very little about the biological and physical parameters of human existence or how these parameters will affect man's future.

Environmental deterioration has been one of the costs of our technological development, yet we know little of its extent and less of what to do about it. We have reacted as best we can in a framework of limited understanding without an adequate perception of the many problems and the relationships between them.

Ecology is the science of environmental interrelationships, but ecology cannot give us answers from a crystal ball. We must begin now to make massive investments in programs of ecological research and environmental learning.

Late last summer, the Senator from Tennessee (Mr. BAKER) invited me to his office to meet with Dr. Alvin Weinberg, the Director, and other members of the Oak Ridge National Laboratory staff and to discuss the questions that I have just posed, and to consider a satisfactory response. Out of this meeting came a program for this purpose, the goal of the legislation that I join with Senator BAKER in offering today.

Senator BAKER has played an important role in the efforts of the Subcommittee on Air and Water Pollution. Senator BAKER has studied the nature of the environmental crisis and he has realized that an identification of the problems is academic if we are unable to propose means to achieve solutions.

This is an important bill, and I look forward to prompt consideration of it in the Subcommittee on Air and Water Pollution. We must commit ourselves now to an unprecedented research program.

S. 3412—INTRODUCTION OF THE NATIONAL SCIENCE FOUNDATION ACT OF 1971

Mr. PROUTY. Mr. President, I introduce for appropriate reference the National Science Foundation Act of 1971. I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed at the end of my remarks.

This is the second year that the Senate has considered the authorization bill for the National Science Foundation as required by Public Law 90-407.

Last year I introduced a bill to authorize fiscal year 1970 appropriations for the Foundation. In subsequent hearings on the bill and related measures, it became apparent to me that the NSF would be better served if Congress were to enact 2-year authorization bills rather than a 1-year bill.

However, it was apparent that for fiscal year 1970 a 1-year authorization bill was more practical, while subsequent bills should authorize funds for 2 years. I believe a 2-year authorization is preferable in the assurance it provides that we shall maintain our momentum in science research and education.

The bill I introduce today, therefore, provides authorizations for fiscal years 1971 and 1972. The fiscal year 1971 authorization figure provides the new authorization required to conform with the President's NSF budget request. The bill would authorize "such sums as may be necessary" for fiscal year 1972.

However, I do not intend that this authorization should remain "open ended." Subsequent hearings on this measure should provide an exact dollar figure for the fiscal year 1972 authorization. This 2-year authorization bill will, I believe, better serve the Foundation in its diverse and worthwhile activities.

My continuing work on the subcommittee has given me a valuable insight into the important work that NSF carries out which I would like to share with my colleagues.

The National Science Foundation provides basic support for development of fundamental knowledge in all scientific fields and disciplines. Illustrating the importance of this support, two Nobel laureates were aided by the NSF in the research on understanding the genetic code and its function which led to their awards. Also of interest is the work under the deep sea drilling project sponsored by the Foundation which has produced important information about the geology of the ocean basins, as well as for possible future economic exploitation of ocean resources. Such knowledge and basic capability is needed to meet the challenge of maintaining a viable and growing, technologically based, physical and social environment. The authorization bill presented for your consideration will make it possible not only to maintain support of the required discipline-oriented research, but will make it possible to undertake a markedly increased emphasis in promoting research in areas where new scientific understanding is needed to aid in the solution of pressing problems affecting mankind.

In order to assure our continuing ability to add to the fund of knowledge which we need for the strength and progress of the Nation, the Foundation also supports programs which lead to the development of scientific and technical manpower as well as to the improvement of the quality of science education programs for all students at all levels. The task of providing effective science education for nonscientists, prospective scientists, and practicing scientists have resulted in many program modifications and innovations that have characterized the NSF programs in science education. Happily, this has steadily increased the revelance of NSF educational activities to contemporary situations and needs.

Time does not allow me to dwell on the other important NSF activities which contribute to the advancement of science. Taken as a whole, however, they comprise an important element of our scientific enterprise which has been developed so laboriously and with such great benefit to the Nation.

We are now in a period in which there are significant changes in the patterns of science support and performance. A leveling off in expenditures has taken place which has severely affected many programs and institutions. In the United States today there are laboratories which are not working to their full capacity; there are young people who want and deserve an education in science; and there are scientific opportunities of incalculable value which lie dormant. Because many Federal agencies support scientific research, the NSF authorization bill will not, by itself, remedy the situation I have described. The authorization involves only about one-eighth of the total Federal support for basic research, and only about one-sixth of the Federal funds for academic science. And yet, the support provided by the National Science Foundation, which will be possible through this authorization, will have considerable impact because the programs of the NSF extend over the entire range of scientific disciplines and throughout the geographic regions of the country.

It is clear that a strong, ever renewing science and technology is essential to our economic development, our national security and other elements of our national welfare. For these reasons, it is vital, and I urge that Congress approve this measure.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the Record.

The bill (S. 3412) to authorize appropriations for activities of the National Science Foundation, introduced by Mr. Prouty, was received, read twice by its title, and ordered to be printed in the Record, as follows:

S. 3412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the National Science Foundation $498,000,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the succeeding fiscal year, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958.

Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500 in any fiscal year, for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $2,000,000 is authorized to be appropriated for each of the fiscal years ending June 30, 1971, and June 30, 1972, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 5. This Act may be cited as the "National Science Foundation Authorization Act of 1971".

The material submitted by Mr. Prouty is as follows:

Section-By-Section Analysis

A Bill to authorize appropriations for activities of the National Science Foundation, and for other purposes.

Section 1. This section authorizes appropriations for the National Science Foundation for fiscal year 1971 in the amount of $498,000,000 and for such sums as may be necessary in fiscal year 1972.

Sec. 2. This section provides that appropriations made pursuant to section 1 shall remain available for obligation and expenditure for the period of time specified in appropriation acts.

Sec. 3. This section authorizes in any fiscal year an allowance of up to $2,500 for official reception and representation expenses to be expended at the discretion of the Director.

Sec. 4. This section authorizes, in addition to the funds appropriated by section 1, an appropriation in fiscal years 1971 and 1972 of up to $2,000,000 for expenses of the National Science Foundation incurred outside of the United States, to be financed from foreign currencies which are determined to be in excess of the normal requirements of the United States.

Sec. 5. This section cites the title of the Act: "National Science Foundation Authorization Act, 1971."

S. 3417—INTRODUCTION OF A BILL TO AMEND THE GUN CONTROL ACT OF 1968

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to relax some of the burdensome restrictions placed upon sportsmen by the Gun Control Act of 1968.

Under the present law it is very difficult and very restrictive for a person genuinely interested in the sport of hunting or competitive match shooting to purchase a gun or ammunition in a State where he is participating in such sport and then transport or send this gun or ammunition to his home State.

My bill would exempt only firearms and ammunition "recognized as particularly suitable for sporting purposes or—of the type or class of firearm customarily used in any organized firearm match or contest" from the ban against interstate sale or shipment written into the 1968 law. Second, this amendment would only apply when such firearm or ammunition is intended for the personal use of the recipient or purchaser.

Mr. President, you will recall that the recordkeeping provisions of the Gun Control Act were eliminated for rifle and shotgun ammunition last year through the adoption of an amendment which I cosponsored. This bill which I am introducing today then is the second step toward perfecting the Gun Control Act by removing from it some of the provisions which have their most serious impact on legitimate shooters who wish only to pursue legitimate hobbies or sports. Two years of experience under the Gun Control Act have demonstrated that these control measures have the sole effect of imposing troublesome requirements on sportsmen and other law-abiding citizens but have no effect on criminals and do not seriously deter crime.

For these reasons, I opposed the 1968 Gun Control Act. Instead, I support measures which directly deter crime, such as laws which would impose mandatory additional penalties and prison terms for offenses committed while possessing or using firearms. By removing sportsmen's firearms and ammunition from the act, we would not weaken the drive against crime but we would remove unnecessary inconvenience for law-abiding citizens.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3417) to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competition, introduced by Mr. McGee, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL AND A JOINT RESOLUTION

S. 2948

Mr. HATFIELD. Mr. President, on behalf of the Senator from Tennessee (Mr. Baker), I ask unanimous consent that, at the next printing, the name of the Senator from Delaware (Mr. Boggs) be added as a cosponsor of S. 2948, to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 61

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. McCarthy), I ask unanimous consent that, at the next printing, the name of the Senator from Nevada (Mr. Cannon) be added as a cosponsor of Senate Joint Resolution 61, amending the Constitution of the United States relative to equal rights for men and women.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 356—RESOLUTION REPORTED AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF REPORT ENTITLED "ORGANIZED CRIME CONTROL ACT OF 1969"

Mr. McCLELLAN, from the Committee on the Judiciary, reported the following original resolution (S. Res. 356); which was referred to the Committee on Rules and Administration:

S. Res. 356

Resolved, That there be printed 1200 additional copies of the report entitled "Organized Crime Control Act of 1969" (S. Rep. No. 91-617) for the use of the Committee on the Judiciary.

SENATE RESOLUTION 357—SUBMISSION OF A RESOLUTION CALLING FOR A MORE BALANCED SET OF ANTI-INFLATIONARY POLICIES

Mr. MONDALE. Mr. President, there is no need for anyone to dwell for long on the floor of this Senate deploring the continuing and destructive rate of inflation.

Last year the Consumer Price Index rose by 6.1 percent. That is a loss in a single year of nearly $10 from the real purchasing power of every weekly paycheck of $150—an erosion of over $60 from the real worth of every $1,000 in savings.

But the simple rise in prices—which, after all, means that at least some people must be getting higher incomes—is not in itself the only problem. The real evil of inflation, rather, lies in the social and economic distortions it creates.

Inflation has been called the cruelest tax. It is, indeed, a tax, but it is more pernicious than any tax ever devised by government.

It falls most heavily on those least able to pay—the poor, the aged, and all others living on a relatively fixed income. In fact, even the wage earner can no longer keep up with inflation, as weekly real take-home pay declined throughout the last 3 months of 1969.

It robs the savings—especially of those who do not have the wealth and the financial expertise to store savings in real property or in other forms which can "hedge" against inflation.

It weakens our productive capacity, distorts the allocation of our resources, and worsens our balance of payments as American goods become priced out of the world market.

Surely, all know these problems and we all deplore inflation. Yet we are not stopping inflation.

For a while, the persistence of steadily rising prices could be attributed—with some charity—to a "new administration," which had not yet had time to grapple with economic problems. More reasonably, the persistence of inflation could be attributed to a natural "lag" which separates the initiation of the "cure" and the actual results as seen in a stabilization and then a lowering of the various price indices.

But prices have not yet even leveled off—they have actually continued rising at an accelerated pace. Whereas the overall increase in the Consumer Price Index last year was 6.1 percent, the increase in prices during December was at a 7.2-percent annual rate. Prices rose by 0.4 percent in October, another 0.5 percent in November, and another 0.6 percent in December. And only recently, we learned that the wholesale price index jumped by its biggest increase in a year—at an incredible annual rate of 8.4 percent.

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We acknowledge that the President inherited an inflationary economy. But inflation in 1968 was 4.7 percent—serious, yet not as serious as the 6.1 percent which the current administration achieved in their first year of office.

This is not simply the result of a lag. It is clear and simple evidence that current anti-inflationary policies are ineffectual.

But this is not all. These current policies may well be even worse than ineffectual. The cure may be as disastrous as the disease, itself. Specifically, the policies by which we are now fighting inflation—and, by implication, the absence of policies which the administration has conspicuously chosen to neglect—may be causing social and economic dislocations and hardship nearly as serious as the inflation, itself.

The current administration has focused almost exclusively on the "money market"—that is, on the highest interest rates in over 100 years—to combat inflation. The theory behind this policy is that high rates of interest will cut down on investment spending and thereby moderate upward pressures on prices.

Certainly, to a degree this is true. Higher interest and tighter money do have some restraining influence on some kinds of investors.

However, they do not stop the major corporate investor, who finances internally or else is relatively unconcerned by the market rate of interest.

They do not stop consumer spending where unsolicited credit cards and "easy payment terms" lead people to borrow more and more, regardless of finance charges.

High interest rates do not stop Government waste—such as the nearly $21 billion in cost overruns reported in the Pentagon by the General Accounting Office.

And, overall, higher interest rates have not stopped inflation—witness, again, the situation today where inflation has been accelerating for the last 3 months—reaching over 0.6 percent in December alone—even as our "money market" policy moves us to the very edge of a recession.

Astronomical interest rates do, however, make it virtually impossible for the average man to buy a home.

They do severely cripple the construction industry, and move us further and further away from the housing goals of the 1970's.

And they do put an intolerable burden on municipal governments and school boards which must continue to borrow money to meet desperate local needs, or turn to the even more tragic alternative of raising local property taxes.

I am not alone in these observations. While some economists have differed as to the timing of monetary ease, economists of all political and economic persuasions are now convinced that we need a change from our current policy of placing all faith in monetary restraint.

Milton Friedman, the famous "monetarist" of the Chicago school and with whom I have probably shared more disagreements than agreements, has been calling for monetary policies which would lower interest rates.

Walter Heller, the chief architect and popularizer of the new economics said over a month ago that—

> A recession of damaging social and economic consequences may be just around the corner if the Federal Reserve does not relent.

In a more recent statement before a joint session of the American Economics Association and the American Agricultural Economics Association, Dr. Heller asked:

> Has our economic slowdown gone far enough and its fiscal policy going to be tight enough to permit some monetary easing? The answer is yes . . . to ease today is the better part of economic and social valor.

In the administration, itself, Secretary of Labor Shultz has called for an easing of monetary restraint.

Finally, at least two of the seven Governors of the Federal Reserve Board—in whose hands we place decision to maintain or lower interest rates—have publicly called for some resolution of monetary restraint and a better balance of anti-inflation policies.

What interest rates have done is to place a grossly unfair burden of a largely ineffectual fight against inflation upon the homebuilding industry and a few other selective sectors of the economy.

We all know that the current shortage of housing is one of our severest domestic problems. Only with 2.6 million new starts a year can we begin to meet the crisis of this next decade and meet the goal of 26 million units in the 1970's.

But housing starts are down today from a rate of 1.7 million to a low of 1.4 million new starts.

A $20,000 home on a 30-year mortgage would incur interest costs alone of $26,000 at a rate of 6¾ percent which only a very short time ago was thought to be a fairly high rate of interest.

Last year, with mortgage money, at best, at 7½ percent, this home buyer would have signed up to pay $30,300 in interest charges alone over the 30 years and now, with FHA and VA rates at an astronomical 8½ percent, the home buyer will add $35,400 to his principle of $20,000 to make a grand repayment over 30 years of $55,400.

Between 6¾ and 8½ percent is a matter of nearly $25 a month, and $9,000 over the span of 30 years.

It is no wonder that the average family finds they simply cannot afford the home for which they have saved for so many years. It is no wonder that the construction industries, the savings and loan industry and others involved in this sector should feel a terribly unfair share of the burden of restraint. And it is no wonder that long-range planners are at a loss to say where people can be kept in the next 10 years unless we begin finally to move toward—or at least to stop retreating from—our goal of decent housing for all Americans by the end of the 1970's.

Current anti-inflationary policies threaten more than the construction industry. Within the philosophy of restraint and austerity is the willingness to accept increases in unemployment as the price for restraining prices.

But who pays this price? Not the businessman or banker who are calling for us to restrain the economy. Not the economists, Government officials, or politicians who similarly express willingness to accept this trade.

It is the worker who stands to lose—his overtime, his normal workweek, and even his job.

Already, real take-home pay has dropped as worker's hours have been cut at the same time as prices have risen. Taking into account the shorter workweek as well as the rising cost of living, the average American today is worse off in real terms than he was 4 years ago.

Even more, this unfair and unnecessary burden of unemployment will be felt by the "last hired"—largely the young, the unskilled, and the minorities. It is from their paychecks, their self-respect, and their futures that the current stabilizing policies seem prepared to pay for the cost of restraint.

Recent data supplied by the Department of Labor indicate that a 1-percent increase in unemployment—from 3.5 to 4.5 percent:

Would have just under a 1-percent increase in white, adult unemployment.

Would increase unemployment among black adult males from 3.9 to 7.0 percent.

Would increase unemployment among teenage whites from 11.4 to 12.4 percent.

And would increase unemployment among teenage blacks from 22.9 to 26.2 percent.

It is a serious and tragic mistake to feel that we must accept unemployment as the price for stopping inflation. But to place the burden of inflation—and the burden of restraint—upon the poor, and the black would be intolerable.

So far, all the administration has planned is for some job training. While training is important and even essential, it begs the central problem of rising unemployment which is, very simply, no jobs. We must have, in addition to training, a program which can actually provide worthwhile jobs to those who may fall victim to the policies of restraint.

What I am arguing for is simply a more reasonable mix of anti-inflationary policies. Rather than put all of our hopes into aggregate monetary and fiscal policies, we should supplement and complement monetary and fiscal policy with an entire range of selective policies:

First. The administration must immediately undertake to roll back interest rates. While I recognize the semi-independence of the Fed, we must assume that the administration has some reasonable influence over the policies of a newly appointed chairman. More important, the administration should consider the possible use of Public Law 91–151 passed by the Congress last session and enabling the President to institute selective credit controls.

Second. We can do much more to promote economy in Government, particularly in Pentagon procurement policies. Recent studies by the Joint Economic Committee have supported additional budget cuts of $10 billion which would still merely get at waste, and would not jeopardize our commitments here or abroad. Better procurement policies, with competitive bidding and standardized accounting procedures would also help toward this end. Fiscal discipline is surely necessary, but this can well be undertaken in areas of clear and unjustified waste, and should not have to detract from human programs and other pressing social needs.

Third. There is a whole host of other Government wastes which can be cut as anti-inflationary policy: The oil depletion allowance, oil import quotas, price supports to wealthy farmers in excess of $20,000, various restrictive tariffs, clumsy payments procedures in such programs as medicare, and medicaid, and many others.

Fourth. We must seek to carefully coordinate economic policy with programs in manpower training, job creation, and public service employment. Only in this way can we keep the young, the black, the poor, and the unskilled, from having to bear all of the actual burden of restraint. At the same time, of course, we must pursue a mix of anti-inflationary policies which do not threaten significant increases in unemployment.

Fifth. Finally, and perhaps the most important, the administration must abandon its avowed policy of "hands off all price and wage decisions." Dr. Arthur Okun, with the most recent data, has demonstrated quite conclusively that this decision by the current administration not to become involved in "the marketplace" was not a "neutral" position, but was, quite the contrary, a very positive "go ahead" to many of the generally noncompetitive basic industries. Dr. Okun calculates, in fact, that this indirect "go ahead" was, by itself, responsible for between one-half and 1 percent of the extra inflation in wholesale industrial prices.

Our economy cannot run all by itself. We are too interdependent. The public has too great a stake in price and wage decisions. Competition in many sectors is too imperfect, too limited. And the Government, itself, has too great an impact on prices and wages.

For all of these reasons, the administration can no longer abdicate responsibility for participating actively in price and wage decisions which affect the public interest.

Mr. President, in light of these grave problems:

The obvious ineffectiveness of our current anti-inflationary policies, and

The obvious social and economic distortions which our current policies are creating;

I am submitting a Senate resolution which I ask, by unanimous consent, be printed at the close of these remarks.

This resolution states the sense of the Senate that:

First. A more balanced set of anti-inflationary policies must be pursued, and

Second. That the Senate must examine the peculiar nature of inflation in different sectors of the economy—such as basic industries, food, housing, medical care, and the money market—and draw recommendations for a policy mix based on the extent, causes, and most appropriate cures for these different forms of inflation.

We must cease fighting old inflation with the wrong policies. The sheer pressure of excess demand has been taken out of the economy. What remains is an inflationary psychology, a momentum of price and wage increases in certain key sectors, and other structural problems. A simplistic policy of monetary restraint is not enough. We need to seek new, flexible, and pragmatic policies. It is to encourage and facilitate this that I submit my resolution, on behalf of myself and Senators CRANSTON, GRAVEL, HART, INOUYE, MANSFIELD, MOSS, and RANDOLPH.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 357) was referred to the Committee on Banking and Currency, as follows:

S. RES. 357

Whereas the United States is currently experiencing a rate of inflation which amounted to a 6.1 percent increase in the Consumer Price Index in 1969, which steadily accelerated through the last quarter of that year, and which currently shows no sign of a significant moderation;

Whereas such a rate of inflation is known to weaken our production base, distort the allocation of resources, and worsen the international balance of payments;

Whereas such a rate of inflation is known to redistribute income, placing the greatest burden upon those with fixed or relatively fixed incomes, with proportionately higher expenses in such areas as medical payments, or with proportionately more of their assets held in money form;

Whereas this inflation has been accompanied by a rise in interest rates to their highest level in over one hundred years;

Whereas these high interest rates have had a severe impact on selected sectors of the economy, principally upon the construction industry, municipal governments and independent school districts, farmers, and small businesses;

Whereas the economy showed no real growth in the last quarter of 1969 adjusting for price increases, indicating that the United States may be on the verge of the first economic recession in nine years;

Whereas past and current efforts to control inflation have been directed almost exclusively toward the "aggregate economy," relying principally upon high interest rates and tight money, and, to a lesser degree, upon achieving a surplus in the Federal budget;

Whereas these anti-inflationary policies have paid insufficient attention to the very substantial differences in the extent and cause of, and in the most effective cures for, inflation with respect to various sectors of the economy such as: housing, food, medical care, basic industries, and others; and

Whereas this reliance upon aggregate policies of restraint with a principal concentration upon high interest rates and tight money has not brought inflation under control, but has severely distorted the economy, damaged the housing industry, and currently threatens to lead into a recession and intolerable increases in unemployment: Now, therefore, be it

Resolved by the Senate, That it is the sense of the Senate that the Administration, with the cooperation of the Congress, should seek a more balanced set of anti-inflationary policies to the end of combatting inflation and bringing down interest rates while spreading the burden of restraint more equitably among all sectors of the economy and the population, through such policies as:

1. Taking a direct interest in price and wage movements in key sectors of the economy, and taking steps to resist increases which, in the light of profits, productivity, increased costs of living, and the degree of competition in the sector, appear to be unjustified and contrary to the public interest;

2. Making use of discretionary credit controls and other such policies as provided by law to control investment spending without placing an excessive burden upon the housing industry;

3. Seeking to coordinate economic policy with programs in manpower training and public service employment to reduce the unemployment-inflation tradeoff;

4. Examining the possible inflationary impact of the government policies with respect to procurement, stockpile management, subsidies, trade restrictions, and others; and be it further

Resolved, That it is the sense of the Senate that the Congress should examine price and wage movements in such key sectors of the economy as: Basic industries, housing, food, medical care, education and other public expenditures, and the money market for answers to the following questions:

1. What has been the extent of inflation in that sector?

2. What has been the social and economic impact of inflation in that sector?

3. What have been the apparent causes of inflation in that sector?

4. How susceptible has that sector been to aggregate fiscal and monetary restraint?

5. What policy consequences can be drawn from the above information with respect to the optimal "mix" of anti-inflationary policies?

AMENDMENT OF LABOR-MANAGEMENT RELATIONS ACT, 1947 RELATING TO EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS IN CERTAIN INSTANCES

AMENDMENT NO. 485

Mr. FANNIN submitted an amendment, intended to be proposed by him, to the bill (S. 1369) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Mr. BIBLE. Mr. President, I wish to announce that hearings on the budget estimates included in the Department of the Interior and Related Agencies appropriation bill will be held by the subcommittee of the Committee on Appropriations charged with the responsibility for that bill beginning Wednesday, February 18.

The hearings wil begin at 9:30 in the morning and will be held in Room 1114, New Senate Office Building. They are scheduled through March 20 for departmental witnesses.

I have set aside Wednesday, April 1, to hear Members of Congress, and I will appreciate it if they will advise me or the clerk of the subcommittee as soon as possible if they desire to appear. On Monday, April 13, the subcommittee will hear from outside witnesses.

I ask unanimous consent that the schedule of hearings be printed in the RECORD.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

SCHDEULE OF SENATE HEARINGS, THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1971, ROOM 1114, NEW SENATE OFFICE BUILDING, 9:30 A.M., UNLESS OTHERWISE NOTED

Wednesday, February 18, Secretary Walter J. Hickel.

Thursday, February 19, Bureau of Land Management.

Monday, February 23, 9:30 a.m., Office of Territories—Administration, Guam and American Samoa, 2:00 p.m., Trust Territory of the Pacific Islands.

Tuesday, February 24, Geological Survey.

Wednesday, February 25, Bureau of Mines.

Thursday, February 26, Office of Coal Research, Office of Oil and Gas.

Monday, March 2, Bureau of Outdoor Recreation, Land and Water Conservation Fund.

Tuesday, March 3, National Park Service.

Wednesday, March 4, Office of Saline Water, Office of Water Resources Research.

Thursday, March 5, Office of the Solicitor, Office of the Secretary.

Monday, March 9, Bureau of Indian Affairs.

Tuesday, March 10, Indian Claims Commission, National Council on Indian Opportunity, Indian Health Service.

Wednesday, March 11, Bureau of Commercial Fisheries.

Thursday, March 12, Bureau of Sport Fisheries and Wildlife.

Friday, March 13, Forest Service.

Monday, March 16, National Gallery of Art, Smithsonian Institution.

Tuesday, March 17, Public Land Law Review Commission, American Revolution Bicentennial Commission, Federal Field Committee for Development Planning in Alaska.

Thursday, March 19, National Capital Planning Commission.

Friday, March 20, Commission of Fine Arts, National Endowment for the Arts, National Endowment for the Humanities.

Wednesday, April 1, Members of Congress.

Monday, April 13, Outside Witnesses.

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POSSIBLE IMPERFECTION OF GENOCIDE CONVENTION—NO ARGUMENT AGAINST U.S. RATIFICATION

Mr. PROXMIRE. Mr. President, the United Nations Convention on Genocide has been the subject of criticism from many sincere men. The late Secretary of State, John Foster Dulles, had grave reservations about the real efficacy of the Convention on Genocide.

I do not dismiss this criticism or skepticism. But if the U.S. Senate waited for the perfect law without any flaw or shortcoming, the legislative record of any Congress would be a total blank. I am amazed that men who daily see that the enactment of any legislation is the art of the possible could captiously not pick an international covenant on the outlawing on genocide. Through this convention the commission of specified acts with intent to exterminate national ethnic, racial, or religious groups as such is made a crime under international law.

The Genocide Convention has as its stated objectives the preservation of man's most precious right, the right to live. When the Genocide Convention was submitted to the Senate 21 years ago only five nations had ratified it. Since then another 74 nations have ratified the Genocide Convention but not the United States.

America is conspicuous. We are conspicuous for our remarkable national record in the struggle for human rights. We are just as conspicuous for our international absence in the ratification of the United Nations Convention on Genocide. We should resolve without further hesitation or excuse this hypocritical inconsistency between domestic achievement and international indifference. One can always find another "the" to change to "an" if that be his objection. Seventy-four nations have recognized this elementary fact and have chosen to ratify the Convention on Genocide. I am certain that if these nations had wished they could have found phrases not to their national taste in this document, but they perceived a larger responsibility—a responsibility to mankind—to individually and collectively condemn inhuman barbarism.

Mr. President, the Nixon administration has joined the Johnson, Kennedy, Eisenhower, and Truman administrations in calling for ratification of this convention and it seems to me the Senate should perceive that same obligation and move quickly to ratify the Genocide Convention at last.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LET US RESTORE RURAL AMERICA

Mr. BURDICK. Mr. President, it seems to me as this body undertakes its consideration of H.R. 514 to extend programs of assistance for elementary and secondary education, we are on a quest for wisdom. Not so much for ourselves, although I hope we shall demonstrate this quality in our deliberations, but rather for the children of today who will be citizens of the 21st century. For with all the tumult and revolt that has beset our people, our greatest hope must lie with the future generations who, I am convinced, must be better trained and inspired if they are to lead mankind out of the new wilderness of ravaged nature with its ecological blight.

I need not enumerate for Senators the specter of inflation, pollution, war, famine, and the population extinction, except to add that it would appear that mankind is strapping the steeds of the dreaded horsemen of the Apocalypse, as they speed across the horizons of this planet at an ever-increasing gait.

It is not my purpose to predict grim prospects for the year 2000, but rather to stand on its threshold and urge that we dedicate ourselves to the creation of the kind of mental and moral fiber in our youth, that they may be better prepared to cope with the ravaging waste of our great resources.

Over the past 200 years, since the inception of the industrial revolution, mankind seems bent on the destruction of lifegiving nature that has stood for millions of years. The overpowering desire to master the machine and capture the full benefits of its material promise have robbed us of a tranquillity of soul and spirit so necessary for the deep understanding of the threats that plague the world today. Nature reflects its abhorrence of our savage haste.

If humanity is our principal resource, we have faulted it in America, the richest nation on earth.

Why should our average level of education stand at 11 years of schooling in our urban areas, and only 9 years in our rural areas?

Why should twice as many urban children attend college as children from the rural sections?

Why are there still 10,000 one-room schools in this Nation, still isolated from the mainstream of programs in improving the quality of education?

Why do only two pupils in 10 receive college degrees?

Why are 60 percent of our high school students unprepared to hold a job?

Why do 10 million elementary children in this Nation attend schools without libraries?

These are but a few of the problems that lie on our doorstep. Unless long-range action is taken, what illiteracy will plague us after this Nation has increased its population to 300 million in the near future?

The State of North Dakota, which I represent, is an agricultural State and its citizens have derived their livelihoods from the bountiful prairies at the sweat of their brows. The farming areas of this Nation feed, not only this country, but also a large portion of the world and yet closely related to the problems I have enumerated here is the difficulty of these good people to maintain an adequate standard of living in our prosperous economy.

In recent years we have been told that 70 percent of our population, or 140 million people live on 2 percent of the land. Recently we have been advised by the Brookings Institution that if current trends continue to the end of the century, 77 percent of the predicted 300 million Americans will then be jammed into just 11 percent of our continental land area.

We are confronted with an immense problem calling for a new rural environment which would reverse the migration to our urban centers. Have we not pyramided misery into ghetto buildings with the migration of some 20 million people from the land to the cities? Has it been profitable for America to empty vast areas of its rural regions, losing population in one-third of its counties in the 1960's?

In a recent year 421,000 persons moved from the farm to the cities. I suggest that this heavy migration, which has found many of our citizens ill prepared for demands of urban life, has only added to the misery and despair of our large cities.

I am impressed that H.R. 514 makes provision for correcting many of these deficiencies. America can ill afford a lack-lustre program for the training of its youth. Irrespective of the priorities and competing demands of other programs, education must share a more important place in our national priorities and interest.

For example, under modern day guidance and testing programs the potential of our youth can be readily determined. As stated by Dr. Roger T. Lennon, vice president, Harcourt, Brace & World, Inc., and director of their test department to the Senate Subcommittee on July 16, 1969:

> Well conceived testing programs are indispensable in the early identification of varieties of talent, in the assessment of its growth and development, and in the fruitful mating of talents to the varieties of tasks that must be performed in the national welfare.

Our rural population has given us the greatest agricultural industry in the world. Our people on the land have provided this Nation with the lowest food costs of any nation in the world in terms of percent of disposable income. Proportionately, citizens of other nations must expend two to three times the amount American citizens require for food and fibers.

I hope when our President spoke of enhancing the quality of life, he meant to emphasize the spiritual, as well as the material enhancement of our great Nation. For only a mind that is trained will be able to cope with the staggering threats to humanity over the next 30 years. I, for one, believe that we must place high priority on our educational programs, with particular emphasis on the rural areas because only in this way will our rural people be prepared to meet the demands of industry and commerce as we witness an increase of 100 million people in our population, and hopefully, a reversal in the vast migration from the rural areas to the cities.

As long as we pile billions upon billions for armaments, space journeys, supersonic aircraft, and assistance to foreign nations, we most certainly cannot deny every child in America the right to an adequate education. One that will average beyond 16 years of age—one that will average beyond 14 years of age for rural children—one that will provide America with the best trained and skilled minds in the world.

I know for a fact that the people of my great State prefer their land to be family owned and operated. I know that they are desirous of children growing up in that State and being able to find useful occupations in the farming areas. They, too, deserve better quality in their lives, which can only be accomplished by extending greater educational advantages to the rural and local areas.

H.R. 514 provides this, and even though the extension of our authorization from the primary and secondary facilities of this Nation totals $35 billion between now and 1975, I believe that America can well afford it. It is the least we can do.

SENATE JOINT RESOLUTION—AUTHORIZING AND REQUESTING THE PRESIDENT TO PROCLAIM THE FIRST FULL WEEK IN MAY AS NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. RANDOLPH. Mr. President, on March 10, 1969, a number of Senators joined me in sponsoring a joint resolution to authorize and request the President of the United States to issue a proclamation designating the first full week in May as "National Employ the Older Worker Week," and calling upon the people of the United States to observe such a week with appropriate ceremonies, activities, and programs. The Senators cosponsoring this measure are Senator Williams of New Jersey, chairman of the Special Committee on Aging, and Senators Bible, Fannin, Fong, Kennedy, Miller, Mondale, Moss, Muskie, Yarborough, and Young of Ohio, all of whom are members of our committee.

I regret that the joint resolution is still awaiting action in the Judiciary Committee. At this time, it is my purpose to reemphasize the need for this measure and to outline supporting information which has been developed by the Special Committee on Aging.

In a working paper prepared by the National Institute of Industrial Gerontology for our committee, it was forcefully pointed out that our Nation does not have a clear-cut policy for maximum utilization of older workers. The distinguished authors of the working paper emphatically concluded:

> The price the Nation pays for failure to maximize employment opportunities for older workers is increased dependency. We do not see an increase in dependency as a good tool with which to fight inflation. We all have much more to gain through a national effort to raise our productive capacity and simultaneously provide meaningful job opportunities for older people.

As chairman of the Subcommittee on Employment and Retirement Incomes, I have had a longstanding concern over the need for increased efforts to maximize employment opportunities for the elderly. Accordingly, at my direction the subcommittee held hearings in December on the "Employment Aspects of the Economics of Aging."

These hearings clearly revealed that the critical period in employment for adult men occurs during their late forties and early fities. In fact, beginning about age 45 several trends become evident:

Unemployment begins to rise;

The duration of unemployment increases substantially; and

Labor force participation declines.

During the past two decades, a large number of older workers have withdrawn from the labor force. For example, in 1966 there were 1,253,000 men in the 55 to 64 age category who were not in the labor force. This represented nearly 600,000 more than in 1947—a 90-percent increase. For men 65 and over the employment dropout rate has more than doubled during the past 20 years. From 1947 to 1966 the number of men 65 and older who were not in the labor force increased from 2,590,000 to 5,635,000—a 118-percent increase.

If current labor force participation trends continue, one out of every six men, presently in the 55 to 59 age bracket, will not be in the labor force by the time he reaches the age of 64. Ten years ago this ratio was only 1 out of 8.

Mr. President, underutilization of the older worker is probably costing our Nation billions of dollars in terms of lost production and services and added expenses for unemployment compensation and public assistance. More importantly, the impact on these individuals in terms of frustration, despair, and the loss of the sense of dignity and status is incalculable.

Several studies have demonstrated that elderly workers are physically and mentally capable of performing their tasks as well as their younger counterparts. In many instances, they are better equipped because of added experience and mature judgment.

In recognition of the benefits to be derived from the employment of older persons, the Amerigan Legion has promoted since 1959, a program to designate the first full week in May as "Employ the Older Worker Week." My resolution is directed toward bringing this meritorious objective to a nationwide endeavor by encouraging public and private efforts to take advantage of the experience and talents of elderly persons. It is my genuine hope that the Senate Judiciary Committee will take prompt and favorable action on this resolution to focus increased national attention on the advantages of employing older persons.

Mr. President, I ask unanimous consent that Senate Joint Resolution 74 be printed at this point in the Record.

There being no objection, the joint resolution (S.J. Res. 74) was ordered to be printed in the Record, as follows:

S.J. Res. 74

Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week"

Whereas many older workers have difficulty finding and retaining employment despite their experience, stability, dependability, energy, and enthusiasm; and

Whereas failure of qualified older workers to find employment is unfortunate from the standpoint of the Nation in that there is a failure to take full advantage of their potentials for helping the Nation to reach its objectives; and there is an increased possibility that they and their dependents will need public assistance and a decreased possibility that they will pay taxes; and

Whereas the unemployability of qualified workers not only impoverishes them in the present but can also reduce future retirement income due to inability to acquire social security quarters of coverage and credits under other retirement systems; and

Whereas unemployment of qualified older workers may adversely affect younger members of their families as well as themselves; and

Whereas Congress, in enacting the Age Discrimination in Employment Act of 1967 (Public Law 90–202), recognized the necessity of implementing the national policy of prohibiting age discrimination in employment with an active program of education and information concerning the advantages of employing older workers; and

Whereas the American Legion has, for approximately ten years, designated the first week in May each year as "National Employ the Older Worker Week", which it celebrates by commending employers who have taken the leadership in employing older workers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first full calendar week in May of each year as "National Employ the Older Worker Week" and calling upon employer and employee organizations, other organizations officially concerned with employment, and upon all the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age.

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Mr. WILLIAMS of New Jersey. Mr. President, I wish to associate myself with the comments made by the distinguished Senator from West Virginia (Mr. RANDOLPH) concerning Senate Joint Resolution 74, which would authorize and request the President to issue a proclamation designating the first full week in May as "National Employ the Older Worker Week."

The need for focusing attention on efforts to encourage the employment of older persons has been made abundantly clear in hearings before the Special Committee on Aging, of which I am chairman.

Statistical information received by the committee demonstrates the critical employment situation for a large number of older workers. For example, the committee has been informed that one out of every eight unemployed men 45 to 64 is unemployed for 6 months or longer. about 50 percent of all men unemployed for 6 or more months are 45 and older; the risk of unemployment is 25 percent greater after age 45 than 10 years previously, and about 38 percent greater again after attaining the age of 55; and the risk of remaining unemployed for 6 or more months is more than twice as great for men after they reach 45 than for adult men under 45.

Several studies have refuted the notion about widespread deterioration of an individual's work performance with increased age. In testifying before the Committee on Aging in 1968, Sol Swerdloff of the Bureau of Labor Statistics stated:

> Some years ago, the Bureau conducted a series of studies to explore some questions regarding the relative job performance of older workers versus workers in younger age groups. The findings of these studies were very helpful in destroying the myth about the widespread deterioration of workers' job performance with advanced age. The most important findings which emerged from these studies, which covered both production workers and office workers, were: First, the differences in output per man-hour among age groups were relatively small, and for office workers, particularly were significant; second, there was considerable variation among workers within age groups so that large proportions of the workers in older age groups exceeded the average performance of younger groups; and, third, workers in the older age groups had a steadier rate of output, with considerably less variation from week to week, than workers in younger age groups. Thus, arbitrary barriers to the employment of older workers which are related to the job performance were demonstrated to be unwarranted.

Moreover, many other studies have already conclusively demonstrated that older persons possess many qualities which would make them effective and efficient employees. In his testimony before the Committee on Aging, Prof. Oscar Kaplan of San Diego State College said:

> Many studies have shown that the middle-aged worker has character and personality traits which make him a highly desirable employee. He tends to be more reliable, more highly motivated, less mobile, less accident-prone, and less likely to be absent for trivial reasons.

However, in our work-oriented society, far too many elderly persons are relegated to lead empty and neglected lives. Their outstanding talents and skills are frequently ignored or overlooked. While older age will oftentimes bring loneliness and frustration, it should be a time for meaningful service and continued self-development.

With the added focus provided by this resolution, we can hope to make progress to provide a life of dignity and self-respect for older persons who wish to remain active during their later years. Most older persons under 65 and many older individuals over 65 prefer employment to retirement because they need larger incomes which jobs provide in order to meet their household and family responsibilities. In addition, many persons over 65 need employment to supplement inadequate retirement benefits.

For these reasons, I also urge prompt and favorable consideration of the joint resolution.

NEED FOR A NATIONAL DENTAL HEALTH PLAN FOR CHILDREN

Mr. BIBLE. Mr. President, I invite the Senate's attention to a guest editorial which was authored by the distinguished Senator from Washington (Mr. MAGNUSON) and published in this month's edition of Parents' magazine. It is entitled "Needed: A National Dental Health Plan for Children."

Senator MAGNUSON points out some hard facts about America's perennial problem of dental disease and then makes some cogent suggestions for effective action. His approach is based, in part, on recommendations of the American Dental Association.

As a member of Senator MAGNUSON's Appropriation Subcommittee concerned with Federal health expenditures, I am well aware of his interest in this question. I share his conviction that we can use the Federal funds allocated to this purpose more effectively than we have in the past.

Parents' magazine serves its millions of readers well by publishing Senator MAGNUSON's comments. Senators will find it not only instructive but especially appropriate, since this week is being celebrated as the 22d annual National Children's Dental Health Week.

RUDY YORK, GREAT DETROIT TIGER STAR, DIES

Mr. GRIFFIN. Mr. President, one of baseball's alltime greats, Rudy York, died last night in Rome, Ga., of lung cancer.

Rudy York was born in Ragland, Ala., and joined the Detroit Tigers in 1937.

He hit 18 home runs in August of his rookie year with the Tigers for a major league record that still stands. Rudy York wound up that first season with 35 homers, his career high.

Again, in 1938, he set an American League mark by hitting three grand-slam homers in one season for the Detroit Tigers.

Rudy York played mostly at first base for Detroit, but during his career he also caught, played third base, and the outfield.

He remained with the Detroit Tigers until 1945, then went briefly to the Boston Red Sox, the Chicago White Sox, and the Philadelphia Athletics before retiring in 1948.

Mr. President, in 13 years in the major leagues Rudy York appeared in 1,603 games with a .275 lifetime batting average. He hit 227 home runs and drove in 1,152 runs.

In 1943, as a Detroit Tiger, he led the American League in home runs with 34 and runs batted in with 118.

Mr. President, I am sure all Michigan mourns the passing of this great baseball star. As a Detroit Tiger, he saw action in two world series; in 1940, and again in 1945. Later, he was to play in a third world series as a member of the Boston Red Sox in 1946.

Rudy York is gone, but his records still stand. It is a testimony to achievement that is respected, and given honor, by baseball fans everywhere.

PATRIOTISM PROCLAMATION

Mr. TALMADGE. Mr. President, there are being circulated from Columbus, Ga., "patriotism proclamations" in support of law and order, the U.S. Government, and American fighting men in Vietnam.

I understand that many thousands of signatures are being secured, not only in Georgia but throughout all the Nation. This effort is being sponsored by the Gold Star Wives and Gold Star Mothers association of Columbus, that is, ladies who have lost husbands or sons in battle.

Their proclamation is an outstanding statement of American resolve. It expresses love and respect for God and country; obedience to the law; and calls for a renewal of courage, determination, and faith by Americans everywhere. At a time when the Nation is so divided by the frustrating war in Vietnam, by racial dissention and even radicalism, and by the multitude of social and economic problems that have plagued our country in recent years, I know of no more important and impressive undertaking than to attempt to bring unity and strength to all our people. In my judgment, it is all the more effective when such an effort emanates from the grassroots level, from a group of concerned mothers and wives, as this proclamation does.

I for one do not believe that American citizens ought to flinch or act uncomfortable in proclaiming their patriotism or devotion to God and country. I am convinced that an overwhelming majority of people throughout the land do not think so either.

But, unfortunately, we have had those among us lately who would heap abuse upon their Government, who would tear down and defile the American flag, and who would in effect give aid and comfort to our Communist enemy in Vietnam. I will never believe that these people speak the real voice of America. Yet, and to me this is extremely regrettable, their voices have been loud and raucous.

That is why it is refreshing and heartening to hear from Americans who I believe do speak for this great Nation. These are citizens who subscribe to the orderly process of law, who prefer reason to radicalism, and whose patriotism is deep rooted and old-fashioned.

I salute these ladies for the good work they are doing. I commend them for their faith in the American people. I wish them every success.

I bring this "patriotism proclamation" to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PATRIOTISM PROCLAMATION: AMERICANS FOR PATRIOTISM

(By Mrs. Juanne L. Dalton; sponsored by: Gold Star Wives and Gold Star Mothers of Columbus, Ga.)

"And so, my fellow Americans, ask not what your country can do for you; ask what you can do for your country. My fellow citizens of the world, ask not what America will do for you, but what together we can do for the freedom of man."

—John F. Kennedy

We hereby state our intent to support, uphold and defend our government—those elected officials and representatives who represent us, our fellow men and our country.

We believe we should channel any suggestions, protests and differences of opinions through the same democratic manner as our forefathers did. We recognize that "United we stand, divided we fall". And furthermore, we feel that the majority must govern, not the minority, as has been the case recently in so many instances. We offer our renewed and continued allegiance to God, under whom this country was founded.

We shall not and will not, tolerate the actions of those among us that would attempt to circumvent law and order, desecrate, destroy, vilify, agitate, pit us one against the other, ruin, overthrow, devastate, or in any manner cause harm to our country or our fellow man. We serve notice to all that we will with all the lawful means at our disposal, stand up to, resist, refuse to allow this destruction.

We deplore the sickness of spirit that is indicated in apathy, indifference, intolerance, prejudice, and exploitation of youth, for we recognize that our country need not fear the enemy without, but rather the enemy that is within our very confines. We need to renew our courage, determination, concern, intestinal fortitude, and faith.

Furthermore, we would remind all that our country—richest of all nations—was founded on strength, not permissiveness, and with faith in God, supported by Him. We can hope to endure only as long as this faith continues. We believe in freedom of religion, rather than freedom from religion, as some would have it.

II Chronicles 7:14 expresses our conviction of what America needs: "If my people who are called by my name, humble themselves, and pray, and seek my face, and turn from their wicked ways; then I will hear from heaven, and will forgive their sin and heal their land."

THE CONNECTICUT ELECTRIC LEAGUE

Mr. METCALF. Mr. President, on January 28 I inserted in the CONGRESSIONAL RECORD comparative expenditures by electric utilities on research and development and advertising. These statistics—from the utilities' own reports—showed that they spend much more on advertising and promotion than they do on research and development.

I also referred in my remarks to a long interview, published in Electrical World, with the vice president of Northeast Utilities, a utility holding company with affiliates in Connecticut and Massachusets. He discussed how to handle the "environmentalism" issue. He complained about the "R. & D. burden" and suggested that the utilities spend more money, not on R. & D., but on improving their image, so that people would think they are doing more to protect the environment.

As I pointed out, the four affiliates of his holding company spent 50 times as much on apparently unburdensome advertising and sales expenses in 1968 as they spent on the research and development "burden."

Mr. President, I believe the public should know of the formation of a new organization, designed not to improve environment but to improve the utility image, at public expense. I refer to the Connecticut Electric League, whose president, in soliciting financial support from electrical contractors and heating contractors, holds forth the carrot of publicly financed contributions from the investor-owned utilities:

He wrote on January 20:

The utility companies within the States have pledged generous financial support if we are successful in this sustaining membership drive.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter signed by President Richard F. Fagan of the Connecticut Electric League, 900 East Main Street, Meriden, Conn., and the list of officers and directors as they appear on the letterhead.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

CONNECTICUT ELECTRIC LEAGUE, INC.,
Meriden, Conn., January 20, 1970.

To: Electrical Contractors and Heating Contractors.

The need for a united voice and front for the electrical industry in Connecticut, in order to promote all of its phases, has been clearly evident for many years. This need has been met by the formation of the Connecticut Electric League, Inc., and is functioning as your representative in such areas as:

1. Contribution to the favorable image of the electric industry in Connecticut.
2. The advancement of the professional and social interests of individual members.
3. The promotion and growth of the entire electrical industry.

The Connecticut Electric League, Inc., is comprised of eight divisions which represents all categories of our entire field as indicated by the composition of our board of directors. You are, therefore, represented by a board member within your division and can benefit in the activities and impact of the League as it achieves its goals.

Your participation in the Connecticut Electric League, Inc. as a sustaining member company is vital if the League is to be a forceful voice of the electrical industry in Connecticut. The utility companies within the state have pledged generous financial support if we are successful in this sustaining membership drive.

Please complete the attached membership application blank and mail it to me along with your check for $35. The check is to be made payable to the Connecticut Electric League, Inc.

At the present time, we are only accepting sustaining memberships; applications for individual membership will be considered at a later date.

Sincerely,

RICHARD F. FAGAN,
President.

OFFICERS AND DIRECTORS OF CONNECTICUT ELECTRIC LEAGUE, INC.

OFFICERS

Richard F. Fagan, President.
Francis Murphy, Vice President.
Stan Killeen, Secretary.
E. Shepard Huntley, Assistant Secretary.
Sam Child, Treasurer.

DIRECTORS

Appliance Dealers: Herman Glazer, Robert Lederer, Francis Murphy, Russ Potterton.

Distributors: Donald Levine, Elmer Quinn, Mal Rosen, Ralph Sackett.

Utilities: Charles Byron, Louis Carofano, Charles Cook, Thomas Mazzucchi, H. J. Mosher, Quentin Q. Quinn.

Contractors: John P. Dolan, William F. O'Neil, Chester Salan, Robert Werme.

Manufacturers: L. S. Goodwin, James J. Hennessy, William E. Parks, Charles R. Snow.

Architects and Engineers: Walter Damuck, Milton E. Lawrence.

Manufacturers Representatives: Byron Brewer, Daniel Patton.

Associates: Ken Cagney, Charles Pyle.

At-Large: R. A. Goldrick, J. C. Hicks, W. J. Queen, J. Vincent Sweeney.

CIGARETTE SMOKING AGAIN LINKED TO CANCER

Mr. MOSS. Mr. President, the American Cancer Society's report "Effects of Cigarette Smoking on Dogs," which was made public yesterday, is a landmark contribution to research on smoking and health.

This study produced two important findings. First, lung cancer can be induced in test animals by cigarette smoking. Second, filters can reduce the cancer causing qualities of cigarette smoke, by reducing tar and nicotine.

These findings support my long held position that tar and nicotine contents should be listed on cigarette ads and packages to inform the smoker fully of the hazards involved. There is still no indication that a truly "safe" cigarette is available, but some cigarettes apparently are less lethal than others. The smoker is entitled to know where the greater hazards lie.

The release of the study was very timely, since House-Senate conferees will meet shortly on the House and Senate passed bills on cigarette advertising, and the conclusiveness of the findings will strengthen the hand of those of us who favor the strong Senate bill.

Stuart Auerbach contributed to this morning's Washington Post an especially well-written news story on the findings of the American Cancer Society study. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIGARETTES PRODUCE CANCER IN TEST DOGS

(By Stuart Auerbach)

NEW YORK, February 5.—A medical scientists said today he has linked cigarette smoking to human lung cancer by growing cancers in animals.

The subjects were 12 beagle dogs forced to smoke nine unfiltered cigarettes a day for 2½ years, which is equivalent to about 18 years in man.

This is the first time after years of trying that scientists have been able to produce lung cancer in animals by making them smoke.

The American Cancer Society, in announcing the research results here, said the findings "effectively refute contentions" by the tobacco industry, which has maintained that the link between smoking and lung cancer is merely statistical because scientists failed to develop lung cancer in smoking animals.

A spokesman for the industry-supported Tobacco Institute said it was intensely interested in the experiments, but added that no meaningful parallel could be drawn "between human smoking and dogs subjected to these most stressful laboratory conditions."

The study was conducted by Dr. Oscar Auerbach, a pathologist at the Veterans Administration hospital in East Orange, N.J., and an expert on smoking and cancer.

His pioneering research into the effects of cigarette smoking on the lungs provided much of the scientific basis for the 1964 report of the U.S. surgeon general on cancer.

A secondary finding of the Auerbach study, said Dr. E. Cuyler Hammond, a Cancer Society vice president for statistical research, showed that cigarettes with effective filters cause less damage to the lungs of dogs than the same cigarettes smoked without filters.

"The evidence indicates that lung tissue damage advances less rapidly with the smoking of filter-tip cigarettes than with the smoking of nonfilter cigarettes," he said.

The Cancer Society cautioned, however, that filter-tip cigarettes are not "safe cigarettes." They are just "less harmful."

For the study, financed by the Cancer Society and the Veterans Administration, Auerbach took 97 pure-bred, healthy young male beagle dogs, opened a hole in their windpipes and inserted a tube leading to a cigarette holder. Three dogs died before the study started.

Eight dogs were used as "controls" and did not have tobacco smoke introduced into their lungs.

The others were trained to smoke by starting on one filter-tip cigarette a day. At first they resisted, "but after they got used to it," said Hammond, "the dogs begged for their cigarettes—if wagging their tails and putting out their paws is begging."

Even the cigarettes were specially picked—a brand using filter tips that remove 40 per cent of the tar and 37 per cent of the nicotine. The researchers purchased 480,000 cigarettes of this unnamed brand and removed the filters from some.

The dogs were divided into four groups: one smoked only filter tipped cigarttes. Another was the "heavy smokers" group on nine cigarettes a day. The third was "lighter smokers" on about 4½ cigarettes a day.

A fourth category was made up of the 38 heaviest dogs, which were put on the "heavy smoker" ration of nine cigarettes a day for as long as they lived. A dozen of them (31.6 per cent) died during the study and two of them when autopsied were found to have lung cancer.

In the other group of heavy smoking dogs, half also died during the study. The deaths were mostly due to lung or heart ailments that included emphysema, fibrosis and corpulmonale, a heart disease that starts with lung problems and includes an unusual enlargement of the right side of the heart.

These are all rare causes of death in dogs, said Hammond.

And, he added, the lungs of the smoking dogs showed the same type of changes found in the lungs of humans who smoke—"the progressive destruction of lung tissue" in a way that rarely occurs in nonsmokers. Ten cases of lung cancer were found later in this group.

None of the control dogs died, Hammond said, and only two light-smoking and two filter-smoking dogs (16.7 per cent) died.

Although Hammond emphasized that the numbers were not large enough to make a big point of the deaths, he said, "In 2½ years you don't expect relatively young dogs to die."

At the end of 875 days, all the remaining dogs—except those in the special "largest dog" group—were killed. Their lungs were removed, given coded identifications and shuffle so that Dr. Auerbach would not know what group the specimens he was studying came from.

From these studies of pathological slides of the lungs of the dogs came the most significant part of the report: Dr. Auerbach noted tumors that indicated "progressive changes that went from the benign to the malignant." He also saw the giant nuclear structure that characterizes cancer cells and the spreading of the cancer throughout the lung.

The key sign of cancer—one that every pathologist will agree with, said Dr. Raymond Yesner of Yale—is "invasive behavior, the aggressive behavior of cells breaking through natural boundaries and membranes." Yenser, who also appeared at the press conference, heads the pathology panel of a VA lung cancer committee.

This, he and Dr. Auerbach agreed, occurred in 12 of the heavy-smoking dogs.

In addition, Auerbach reported finding "early invasive squamous (sheet) cell" cancer in the bronchial tubes of two dogs who smoked filtered cigarettes.

"We feel that the early invasion of the bronchial tubes are exactly like those we saw in humans," said Auerbach.

Lung cancer is the leading killer among cancers, and the Cancer Society estimates that 62,000 Americans will die from it this year. Since 1952, the Cancer Society has been sponsoring scientific studies attempting to link cigarette smoking with cancer.

The society said the Auerbach findings "should have a significant impact on the smoking of cigarettes in this country . . ."

No one was spotted smoking cigarettes today while Auerbach and Hammond made their report at a special scientific session held in conjunction with the cancer society's board of director's meeting here.

But during the press conference, Hammond pulled out a pipe and began puffing on it.

ENVIRONMENTAL QUALITY CONTROL IN OREGON

Mr. HATFIELD. Mr. President, I invite the attention of Senators to the accomplishments which my great State of Oregon is making in the area of environmental quality control.

Environmental pollution is one of the most vital issues facing us in these emerging seventies. We must act now to establish firm policies regulating all forms of pollution—air, water, noise, overpopulation, land, and soil.

Establishment of such policies can only come through the cooperation of all sectors of the community. Oregon is a fine example of this cooperative spirit.

A very thorough summary of our efforts is presented in a recent article by Tom Donaca, staff counsel to the Associated Oregon Industries.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL QUALITY TOP ISSUE IN 1970

(By Thomas Donaca)

Foremost on the horizon is the rising crescendo of public demand for the maintenance of our environment.

It can be measured in terms of the ever-increasing numbers of organizations such as the League of Women Voters and the Junior League, who are showing interest in this kind of activity—not to mention existing organizations such as the Sierra Club. But significant also is the formation of entirely new organizations, such as the Oregon Environmental Council, whose sole purpose is to keep track of matters affecting our environment.

It can be measured politically in terms of the ever-increasing number of legislative enactments by the Oregon Legislature in the field of air and water quality, both by way of putting greater restrictions on industrial-commerical activity and broadening the areas of coverage or air pollution such as backyard burning.

Perhaps most vividly it can be measured by the fact the Columbia-Willamette Air Pollution Authority has sought extradition of an officer of a corporation doing business in the State of Oregon on a misdemeanor for violating an air pollution ordinance. The Governor of the State in which the officer lives has honored the extradition. This indicates that not only have the people in the Legislature given a high priority to our environment and it is recognized not only in Oregon but by the highest elective office of another state.

While the voice of the public and the politician is being heard in ever-louder terms, it is unfortunate the voice of business has been stilled, particularly here in Oregon, where the accomplishments of industry in maintaining and enhancing quality of our environment have been notable.

The Willamette River Implementation Program, aimed primarily at industrial firms discharging wastes into the Willamette, requires not only primary but secondary treatment of that effluent not later than 1972 and many of the firms will have their secondary treatment completed well before the

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deadline. Also the ever-increasing requirements of our statutes have placed local sewage treatment plants under such restrictions that they are required to improve their treatment and in most instances local government entities are attempting to achieve these requirements.

It is unfortunate in this latter respect that federal funding for sewage treatment plant construction by local governments is so far under-appropriated that delays are being occasioned here due to lack of funding.

As John Mosser, former chairman of the Oregon State Sanitary Authority (Environmental Quality Commission) has noted, many people want to return to the good old days when you could rent a canoe at the foot of the Hawthorne Bridge and paddle through Portland Harbor. But as Mr. Mosser also noted, it was not until 1933 that there was a municipal sewage treatment plant on the Willamette River and, therefore, the Willamette River was an open running sewer. Matter of fact, the Willamette River is cleaner today than it was in 1928.

In the field of air quality, it must be remembered Oregon was the first state to grant statewide jurisdiction over air quality control to the State Sanitary Authority. While this operation has been under-budgeted during much of its lifetime, notable advancements have been made in the field of air quality. Certainly the 1964 ordinance establishing a City of Portland Air Quality Program consistent with the state program with substantial funding has brought industrial emissions in the Portland area under greater control than almost any place in the United States.

The creation of Regional Air Quality Authorities in 1967 by our Legislature has brought close control over industrial air quality emissions since the first of 1968 and these agencies are well-funded to do the job.

On the horizon then, it is essential that industry tell its story, what it has done, how it has done it and what it still proposes to do. For only in that way can we bring into balance the approaching conflict between the so-called public interest and industry interests, which may appear different, but are not incompatible. Actually industry and the public are close to actual agreement on what can, should and must be done. It is essential that industry continue its fine efforts in the field of air and water quality control and the public be made fully aware of what industry can and will do and what the problem really is.

For instance, we know that in Los Angeles industry has been brought under the closest possible control yet the problem still grows. It is still growing because of public emissions by automobiles, backyard incinerators, open burning, garbage dumps, etc. We must be gravely concerned about this conflict because if it is allowed to develop into an open and hostile battle, both industry and the people will lose.

The State Environmental Quality Commission and three Regional Air Quality Authorities are in the process of implementing 1969 legislation requiring air pollution monitoring programs, requiring notification of changes in either air quality emissions or new sources of emissions and they are specifically given the right to approve or disapprove of plans to bring these emissions within standards of state or regions.

These organizations are also promulgating new air pollution standards such as for carbon monoxide emissions, visible automobile exhaust emissions, sulphur dioxide emissions, as well as the grain loading or the amount of particulate matter which may be emitted from any source or process. Standards grow ever tighter and industry must be cognizant of its responsibility. It must always be remembered the primary problem in the field of air and water quality are not the new industries locating in Oregon but those industries that were resident in Oregon before the advent of noticeable air or water pollution problems. It is these firms who have the greatest difficulty both economically and as far as technical feasibility is concerned in meeting standards imposed.

One new area growing rapidly in the field of environmental control is that of solid waste.

It has come into its own very rapidly and has primarily come about because of the ever-greater pressure on air and water quality matters which are converting many previously un-thought-of problems into solid waste problems. This includes the problems of what to do with oil, auto body interiors, tires, fires from open-burning dumps and unwillingness of dump operators to accept certain types of refuse at disposal sites.

While there were vast land areas available for discarding refuse and nobody really cared about how it was discarded, there was no problem. But as our urban areas grow, disposal sites become rarer, and more expensive and more remote. There is virtually no good literature on the subject.

The Urban Affairs Interim Committee of the Oregon Legislature is studying the problem to determine if further legislation is necessary. It is a subject that is bound to grow both in its complexity and in its cost. It is a matter that deserves and demands the attention of the industrial and governmental communities as well as the public in order to insure realistic and long-lasting answers to a problem that has too long been swept under the rug.

A PLEA FOR LEGISLATIVE FAIRNESS ON THE VOTING RIGHTS BILLS

Mr. ERVIN. Mr. President, on December 16, after a few days of discussion, the Senate referred H.R. 4249, the administration's voting rights bill, to the Committee on the Judiciary with instructions to report it back as the pending business on March 1.

The time limit imposed on the committee apparently stems from the belief of some Members that they must take drastic steps in order to insure that they will have an opportunity to discuss the bill, propose amendments, and vote on those amendments. At least, that was the reason alleged at the time. It was argued very strenuously that this time limit somehow was required to guarantee the right to discuss and the right to vote.

Mr. President, only four southerners are members of the 17-man Judiciary Committee. We cannot defeat any amendments the other members might wish to offer. Quite the contrary, the shoe is on the other foot—and it pinches, I admit. The 13 nonsoutherners have the votes and can work their will with whatever we four might wish to say.

I did not understand then, Mr. President, and I still fail to understand today, how a restriction on discussion can possibly guarantee full discussion. It is clear as the noonday sun in a cloudless sky that when the committee meets with a gun at its head, there cannot possibly be any meaningful debate and compromise. The time limit works in favor of those who set it—obviously; otherwise, why would they have set it in the first place. All they have to do is sit and listen patiently with folded hands until March 1 rolls arounds. There is no pressure on them to come to grips with the objections and the amendments of those, such as I, who are on the other side.

Certainly, there is nothing in the record which could possibly justify the suggestion that I have obstructed the consideration of these bills. As chairman of the Constitutional Rights Subcommittee, to which the proposed legislation has been referred, I have always endeavored to see that every Senator gets every right he is entitled to, and every possible dispensation he might desire, in addition. I guarantee every opportunity for a hearing, and every opportunity to vote, so far as it is in my power as chairman. I guarantee due process and equal rights for all men, and legislative fairness for all men. I guarantee it even for those who profess to believe in equal rights, but who are reluctant to give equal rights to a small minority on the committee.

There are two major proposals before the Subcommittee on the Voting Rights Act. One is S. 2456, the simple extension proposed by the senior Senator from Michigan (Mr. HART) on behalf of a number of other Senators. That bill was introduced on June 19. It was referred to my subcommittee on June 24.

Six days later, on June 30, the administration's bill, S. 2507, was introduced by Senator Dirksen. The very next day I announced hearings on these bills. The hearings were scheduled for July 9, a short week away, and only 1 day after the bill was actually referred to the subcommittee. The hearings were held promptly as scheduled, and every Senator, organization, and citizen who asked to testify was given an opportunity to do so.

There is nothing in this record which shows obstructionism, delay, or lack of legislative fairness. In fact, if any charge can be made to this record, it is that of undue haste.

After the close of testimony, hearings were recessed to await action by the House. This is the accepted practice with respect to bills commonly called civil rights bills. In the following period, I received not one communication, formal or informal, written or oral, even suggesting that the subcommittee begin to mark up the bills. Indeed, in that period there were no more than a half dozen letters sent to me from citizens urging action on the bills. And no representative of that highly astute legislative team of civil rights lobbyists so much as suggested that the subcommittee take up the bill before the House completed action.

That is the record of the subcommittee on this bill between June 19, when the extension bill was introduced, and December 16 when the House bill was referred to committee with a time limit of March 1.

The record between December 16 and today, on the other hand, is more instructive on the issue of time limits and legislative fairness.

I announced on December 19 that hearings would resume as soon as possible after the Senate returned. Hearings were thereupon scheduled for January 27. They had to be canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for January 28. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for January 29. They were canceled because of hearings by the full commmitte on the nomination of Judge Carswell.

Hearings were scheduled for February 3. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for February 4. They were canceled because of an executive meeting of the committee on the nomination of Judge Carswell.

Hearings were scheduled for February 5. They were canceled because of an executive meeting of the committee on the nomination of Judge Carswell.

Hearings are now tentatively—and I underline that word in red—tentatively set for February 17. I have little expectation that we can begin hearings on the 17th because I understand there will be yet another executive meeting on the nomination on that date.

The nomination was sent to the Senate on January 19, and it will obviously occupy us for over a month. The whole period given to the Committee for the Voting Rights Act will be taken up with this nomination. I would not want those who wish more time to discuss Judge Carswell's nomination to feel constrained because of the upcoming deadline on voting rights.

As of today, February 6, only 11 legislative days are left for the subcommittee to hold its hearings, mark up the bill, and report it to the full committee for its work. I dare say that when we finally are permitted to hold these hearings, March 1 may well have come and gone.

Over a dozen witnesses have asked to be heard on this bill, not counting a number of Senators. I would not like to think that this March 1 rule which was supposed to guarantee full discussion will result in failure to hear these witnesses and Senators.

Mr. President, it is no secret that some committee members are reluctant to permit a vote on the nomination to take place until a date is set for a vote on electoral reform. For some reason, there seems to be a great desire these days to set time limits on very serious, very complex, and very controversial matters coming before this committee. I expect one could argue that the time limit sought to be placed on electoral reform is also a device to insure full discussion.

Since the electoral reform matter is far and away the most important matter to come before the committee in many years, I do not think that any of the short time we will have on this question should be used up on other matters. Therefore, in keeping with the emerging tradition of setting time limits in the interests of legislative fairness, I wish to propose a deadline of my own. I propose that the Judiciary Committee be instructed to report on H.R. 4249, 30 days after an electoral reform measure is reported, and that it be made the pending business of the Senate immediately after the Senate has completed action on electoral reform. In this way, the Senate can be assured that the current notions of "due process" and legislative fairness will apply equally to all these controversial matters in the committee.

LEGISLATION AFFECTING THE SANTA BARBARA CHANNEL

Mr. CRANSTON. Mr. President, last week on the first anniversary of the January 28, 1969, oil blowout in the Santa Barbara Channel, I stood with the citizens of Santa Barbara and surveyed their beaches. The oil was still leaking from beneath platform A. The white sands of the shoreline had recently been submerged in yet another oil slick which had surged up from the ruptured ocean floor because of yet another human error. It was a sad and solemn day for all of us gathered in Santa Barbara—a dark memorial to the clumsy ineptitude of our dealings with nature.

On the same day, my distinguished colleague from California (Mr. MURPHY) introduced a bill, S. 3351, which would terminate some 19 of the 71 Federal leases in the Santa Barbara Channel.

The idea behind this bill had been proposed by Secretary of the Interior Walter J. Hickel at a meeting with officers of GOO—Get Oil Out—and of the Sierra Club. Senator Murphy and I both had staff members at the meeting. Secretary Hickel, addressing our aides specifically, suggested that a feasible legislative proposal would be to extend the ban on oil drilling and production from the 16-mile State sanctuary straight across the Santa Barbara Channel to Santa Cruz Island. The only lease in that area with producing wells would be Union's 0241 of the infamous platform A. This lease would be excluded from the ban because of the current theory held by some that pumping the Dos Cuadras oil field will alleviate the oil seepage beneath platform A. Furthermore, I understand that no oil has been discovered as yet on any lease covered by the bill with the exception of the Union lease.

In discussing S. 3351, which I cosponsored, with the people of Santa Barbara, I said that the proposal was "half-a-loaf," but that it would have the virtue of protecting some of the channel from further exploitation.

Clearly, the very least that is called for in the Santa Barbara Channel is a ban on all new drilling and a termination of all leases except those two of the 71 on which there are at present producible wells.

This is what my bill, S. 1219, called for.

This is what I have worked for since the blowout occurred and what I continue to work for.

In previous testimony, the Interior Department has opposed S. 1219, to terminate 69 of the leases, and has said that it was unnecessary to terminate any of the Federal leases in the channel. Thus I look to S. 3351 with renewed hope, since it suggests that Secretary Hickel has now accepted the concept that at least some Federal oil leases should be terminated.

Because I want to encourage and nurture this new approach by Secretary Hickel, I have indicated my support for S. 3351. However, this 19-lease termination proposal falls far short of the 69 terminations I believe are absolutely necessary if we are to end the continuing threat of oil pollution to this beautiful national resource.

OMISSION OF VIETNAM WAR COSTS FROM PRESIDENT NIXON'S BUDGET

Mr. MOSS. Last night I read an editorial in the Evening Star which commented on the omission of the Vietnam war costs from President Nixon's budget. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DISAPPEARING WAR COST

The new federal budget, which includes such items as $11,000 for the cost of operating the Chief Justice's chauffeured car, omits a figure for the cost of waging war in Vietnam during the 1971 fiscal year.

This was no oversight, as was clear from the way Budget Director Robert Mayo repeatedly turned aside the question during a weekend briefing. Mr. Mayo cited security considerations, desire to keep open the President's "options" and the difficulty of coming up with a figure that would represent sound accounting. So there is no new war-cost figure to compare with the $28.8 billion for fiscal 1969 and the $23.3 billion for the current fiscal year, unless it is a recent estimate by Defense Secretary Laird that by the middle of this year spending on the war will be down to an annual rate of $17 to $18 billion.

The security argument for the secrecy is hard to accept, in the light of the regular announcements of the exact numbers of U.S. troop withdrawals from Vietnam. And the accounting problem would not seem to be insuperable, with reasonable students of the budget process willing to make allowances for unforeseen situations and changes in policy.

It will be hard for the Congress and the public to participate with the President in the "reordering of national priorities" if they are kept in the dark about the size of one of the biggest current priorities.

Mr. MOSS. Mr. President, as the editorial points out, "security considerations" cannot be a very convincing reason for this failure to specify the cost of Vietnam war since the exact numbers of troops to be withdrawn are regularly announced.

The Senate devoted a sizable portion of its time and energies last session attempting to regain control of military spending. By hiding the cost of a $17 to $23 billion war, the President, intentionally or not, has made this task even more difficult.

THE ECOLOGICAL CRISIS—MAN'S ULTIMATE CHALLENGE

Mr. NELSON. Mr. President, the environmental crisis has reached such serious proportions that it has become the most important issue that we must face in the years ahead. America the affluent is rapidly on the way to destroying America the beautiful.

The trend can be reversed, but not without significant modifications in our way of life. We are reaching a time where all of our institutions—social, political, and economic—must readjust their philosophical attitudes toward man's relationship to his environment and all living creatures.

One of those who keenly realize that we must radically alter our whole mode of thinking about our environment is the distinguished Senator from New Mexico (Mr. MONTOYA).

JOE MONTOYA has served on the Subcommittee on Air and Water Pollution for the past 5 years. His opposition to a proposed mill which would have defiled the precious waters in his home State of New Mexico was of great importance in the ultimate rejection of this potential pollution hazard. Not one to ignore his own backyard, he has called for the strengthening of his State's air and water pollution control standards.

On January 17, Senator MONTOYA addressed the Los Alamos chapter of the Izaak Walton League. This tough-minded group of practicing conservationist-sportsmen responded to his message with intense concern. Such gatherings are essential. We must bring forceful advocates of ecological preservation and restoration together with America's dedicated organizations in order to hold firm to the heritage of wildness in our land.

Mr. President, I ask unanimous consent that Senator MONTOYA's remarks on that occasion be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ECOLOGICAL CRISIS: MAN'S ULTIMATE CHALLENGE

I speak to you today impelled by a sense of urgency that I know you all share. Time is running out on man. We are polluting our national environment in a manner that poses a threat to our very existence. The Izaak Walton League has always preached and practiced consideration for our environment. If everyone does not realize the truth of such a message, and implement, our children will be doomed to suffering and death from pollution and ecological imbalance.

Pollution knows no boundaries. We all live downstream from someone. Lake Erie is a vast open-air cesspool where almost nothing can survive except bloodworms which live on excrement. The Cuyahoga River in Cleveland recently was declared a fire hazard, and actually caught fire. Trees in a fifty-mile radius of Los Angeles are dying from smog pollution. Ten thousand people annually are leaving Los Angeles on doctor's orders because of respiratory ailments. The Everglades are in danger from a planned jet-port. National parks in several States are endangered by mining operations. These same national parks are so crammed full of visitors that the quality of enjoyment in them is appreciably decreasing.

We have barely saved a few redwoods. President Nixon has cut funds for acquisition of new national park and seashore lands by 42 percent. Auto makers have been accused of deliberately suppressing installation of anti-smog pollution devices in new cars. On certain days in Los Angeles, the smog is so heavy that children are kept out of open-air playgrounds. The people of Santa Barbara have learned the hard way what oil pollution of their beaches can mean.

The gashes in the hillsides of Appalachia are mute, horrible testimony to what uncontrolled strip mining can do. Acid drainage from them has poisoned hundreds of streams. Certain species of wildlife are rapidly disappearing because of poor conservation practices, the alligator coming immediately to mind. The entire country is apprehensive over the constantly emerging evidence that hard pesticides may be polluting our entire environment. DDT is emerging as a special villain and even now one jurisdiction after another is outlawing or curbing its use.

Across America, coal-burning power generation plants spew filth into our air. The countryside everywhere is littered with solid waste we are unable to dispose of, ranging from abandoned autos to billions of tin cans. Vast numbers of America's lakes and rivers are foaming with suds from detergents, and sight and smell of dead game fish is a sickening spectacle to all of us. Fish kills are common in our major lakes and rivers. In vast areas of the nation, beaches are unusable because of pollution.

I could list more examples, but this group of citizens knows what we face. The Izaak Walton League has always led the struggle to give back to our land some of what it yields to us. You are not wanton destroyers, but intelligent users of our resources. Groups such as this, therefore, must spearhead the assault upon pollution everywhere. You know we are not immune in New Mexico.

It is time that people got angry over pollution and at polluters. It is time that the Federal Government, with aroused citizen support, set an example and made examples out of polluters. Several months ago, when the Secretary of the Interior held hearings in Cleveland, he asked Republic Steel and other corporations whether they were abiding by new regulations to cease polluting Lake Erie. Republic Steel refused at first to answer. This is unacceptable. I refuse such an insulting reply.

In the Senate, I have tried to lend every support to the battle against environmental destruction. As a member of the Senate Air and Water Pollution Subcommittee for the past five years, I have joined with its chairman, Senator Muskie, in sponsoring meaningful environmental quality bills. Several are now law, but are not being implemented or enforced as they should be. I refer to the Air Quality Act of 1967. The proposed water quality improvement act, just passed unanimously by the Senate. The Solid Waste Disposal Act of 1969, and the Environmental Quality Act of 1969. Yet on the State level, there is an entirely different scale of effort which must be developed. We are one of the last places in the Nation where pollution has not drastically altered the quality of our outdoor environment. But encroachments are being made and must be repelled. I am certain you are aware and concerned over several situations affecting our State. In the Farmington area a power plant is polluting the air of several States. I have expressed my concern several times over this situation, and have demanded investigation of this state of affairs.

There is cause for grave concern over the inadequate water and air pollution laws and standards of our State of New Mexico. They are grossly substandard and urgently require strengthening and updating. Citizens must express concern and demand significant swift action by the State government.

At my request the Senate Subcommittee on Air and Water Pollution investigated the proposed pulp and paper mill in the Albuquerque area. A comprehensive analysis has been prepared and made available to the State. So we are faced with the recurring dilemma. Jobs are essential. But the quality of our environment is not negotiable. It is imperative that I have the concerned assistance of groups such as the Izaak Walton League, if we are to prevent invasion of New Mexico by worse pollution.

We must work together to enhance the environment we already have. There must be action on bills already introduced in Congress. Your support is essential on my measure to develop a migratory wildfowl habitat in the middle Rio Grande Valley. Also on setting aside more land for wilderness. We must repeat the success we have had in the Senate on the bitter lake refuge.

It is imperative that we prevent gun control advocates from depriving responsible sportsmen of their right to hunt. I supported the recent bill, now law, which eliminated record-keeping requirements on ammunition sales for certain sporting weapons.

All these things go together, and we must present a united front. If not, then our irreplaceable heritage will be lost. We must take seriously what Thoreau said:

"In wilderness is the preservation of the world."

America and our neighbors must understand that pollution in one place menaces all of us. Ecosystems are tied together by nature's laws. If we ignore them, then nature will not only deprive us of our enjoyment of the outdoors. She will turn on us violently and destroy us.

The earth is like any living thing. It can sustain only so much harm and pain. Only so much filth and garbage. Only so much slashing and burning. Only so much gouging and smothering. Then it recoils in agony, seeking to preserve itself from further harm.

We are all children of that same earth. It is our friend from which we came and to which we shall return. We cannot merely continue to talk about how good it is and how much we love and appreciate it. Now the time has come to save it from those among us who have no love for it. The time has come for the friends of the earth to show deep-seated anger and indignation, and make their public servants act accordingly.

I want to see polluters penalized and punished. I want to see plants which will not stop polluting closed down or refused operating permits. I want to see real enforcement of federal laws and aroused people demanding action by a state legislature.

The fish and animals cannot speak for themselves. The earth is silent in terms of legislative action. The Izaak Walton League and other such organizations can and must lead. I need your help and welcome it. Join with me to see to it that action is taken, or else America will become a septic tank and we will wink out like the last spark in a garbage dump.

ENVIRONMENTAL QUALITY: CONTROVERSY OVER CALVERT CLIFFS—PART TWO

Mr. TYDINGS. Mr. President, the decision to build a nuclear-power facility at Calvert Cliffs, Md., has generated considerable controversy. As I mentioned in the Chamber some 8 months ago, this proposed atomic powerplant on the Chesapeake Bay has brought forth heated discussion on basic issues like nuclear safety, thermal pollution, State responsibility, AEC sensitivity to the environment, and long-term site planning.

The project has now been approved by the Atomic Energy Commission, a specially created Governor's Task Force, and the Maryland Public Service Commission. The State's Department of Water Resources is likely to issue its approval shortly. It appears the plan will in all probability be built.

I do not question the need for this facility. The power needs of Maryland must be met if the State is to prosper. Nor do I question the intention of the company involved. Baltimore Gas & Electric is aware that utilities have a definite public responsibility.

I do question, however, the procedures adopted in the decisionmaking process involving the Calvert Cliffs plant. Consultations that should have taken place did not. Environmental factors that should have been considered were ignored. I particularly deplore the absence of dialog between the commission and the State, and the failure of the Interior Department to make meaningful recommendations to the Atomic Energy Commission. I am also deeply alarmed by the absence of environmental concern in the selection of the plant's site and by the failure to draw up an overall plan for new powerplants in the Chesapeake Bay region.

I discussed these points in a recent statement to the Subcommittee on Intergovernmental Relations. The subcommittee met in Annapolis on February 4 and focused on Calvert Cliffs as an example of the breakdown of intergovernmental relations. I ask unanimous consent that my statement to the subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS BEFORE THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS ON POWER COORDINATION AND ENVIRONMENTAL PROTECTION LEGISLATION, ANNAPOLIS, MD., FEBRUARY 4, 1970

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee today and comment briefly upon S. 2752, your bill to provide intergovernmental coordination and environmental protection in the site selection and construction of electric power facilities.

The power requirements of this nation are increasing rapidly. The statistic most widely used is that our total national demand for electricity will double during the next ten years. Blackouts, or failures of bulk power supply facilities, have occurred in the past and will occur in the future unless greater reliability is assured. Today's mammoth power generating facilities can have a detrimental effect on the environment unless sufficient safeguards to protect our resources are taken. These facts suggest that S. 2752 is much needed legislation, and I am pleased to endorse it.

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Two fundamental assumptions serve as backdrop to my views on S. 2752. The first is that the enormous power demands of the coming decades must be met. Electric power supports our economic prosperity and contributes significantly to our standard of living. The second assumption is that the abuse of the environment, to which the power industry has contributed its fair share, must be stopped. Our resources have in many instances been pushed to the limit and the pollution we see about us is the inevitable result.

These two basic assumptions are not incompatible. We can have a quality environment and sufficient electric power. It is not a question of having one or the other. We can have both. This will no doubt necessitate better planning, greater sensitivity to the consequences of technology, tougher laws and new attitudes. It will also necessitate higher costs. But given the present damage to our resources, a quality environment can no longer come cheaply.

Mr. Chairman, it is most fitting that the Subcommittee comes to Annapolis this morning to hear testimony on this legislation. For on the Chesapeake Bay more nuclear power plants will be built than on any other similar body of water. At present, fifteen nuclear facilities exist, are being built, or are in the planning stage within the Chesapeake Bay Basin. These will have a substantial impact on the Bay's environment. Their location and operation are thus issues of urgent public concern. Coordination between the governmental bodies involved and a genuine concern for the Bay's well being are absolute necessities.

The events surrounding the decision to construct a nuclear power facility at Calvert Cliffs illustrate the need for legislation insuring intergovernmental consultations and environmental protection. Coordination between levels of government and agencies within governments was clearly insufficient. Decisions were made without proper consultation between official bodies and without adequate consideration of the environmental impact of this nuclear facility.

There were limited, if any, initial consultations between the Atomic Energy Commission and the State of Maryland over the Calvert Cliffs facility. The site was selected by the Company without the State or the Commission's participation. Construction of the facility began before Public Service Commission and Department of Water Resources approval was obtained. Little consideration was given by anyone to the placement of the Calvert Cliffs facility with reference to an overall site selection plan for the future power plants of the Bay area. Finally, the Interior Department comments to the AEC on the Calvert Cliffs plant concluded only that the Department lacked sufficient basic information to comment intelligently on the desirability of the facility.

Throughout the private and public decision-making processes relating to the Calvert Cliffs plant, a lack of coordination, insufficient environmental concern, inadequate research in planning, and a justifiably vague feeling by the public that it was being ignored were all evident. Such a situation should not be permitted to recur.

The legislation the Subcommittee is now considering should prevent repetition of these events. I support the bill and appreciate once again, Mr. Chairman, the opportunity to appear before you.

AIRLINE SERVICE TO SMALL COMMUNITIES

Mr. CANNON. Mr. President, a problem in transportation, rapidly becoming a major one, is service to our smaller communities, many of which have come to depend on air service. The passenger trains have all but gone, and bus service is not doing the job. Now their air transportation is endangered. There are several reasons for this.

Strange as it may seem, modern jet aircraft is a reason. These are larger than the aircraft the feeder lines started with, and they need larger traffic flows and longer flights. Also, some airfields are too small for this equipment.

In the West, many scheduled points have trouble generating five passengers a day. We of the Committee on Commerce plan to look into this whole problem shortly.

Just recently, CAB member Robert T. Murphy, at Phoenix, Ariz., before the Second Aviation Symposium, covered this troublesome subject in an excellent statement.

I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE ROBERT T. MURPHY, MEMBER, CIVIL AERONAUTICS BOARD, BEFORE THE SECOND ANNUAL AVIATION SYMPOSIUM, PHOENIX, ARIZ., DECEMBER 19, 1969

This Second Annual Symposium which is being cosponsored by the Arizona Department of Aeronautics, Luke Air Force Base and Arizona State University marks another milestone in the record of aviation progress in this area. I am honored indeed to have the privilege of playing some small part in it and to participate with such an outstanding group of aviation experts, both from industry and government, in exploring the problems facing air transportation in the Seventies and beyond. I am particularly pleased to be with my good friend, James Vercellino, the competent Director of the Arizona Department of Aeronautics, and many of my other long-time aviation friends who have participated in, or attended, this three-day comprehensive review of problems facing us in the Seventies.

I have been requested to address myself to the subject of "Extending Scheduled Airline Service to the Smaller Communities." No other topic could be more timely. As you may know, a number of prominent Senators from an eight-state area of the West and Midwest as well as more than a dozen Members of the House from various parts of the country have just presented a phase of this precise question to the Civil Aeronautics Board. This was done in the form of a joint letter to the Board asking that local airline service to smaller communities be at least preserved—if not extended—and, specifically, that the policy in regard to subsidy be reviewed in the light of the many small communities threatened by lack of service.

The letter from the concerned Senators put the problem in the following impressive manner:

"The role of the growing and expanding feeder airlines is a matter of immediate importance in light of disappearing and inadequate surface transportation. Congress and the Executive must face up to the problem of what we can do to assure these communities of continued air service.

"As we are moving into the 1970's, faced with the decrease in surface transportation, we will have to address ourselves to the local service of our communities and every method of procuring that service should be explored, including the criteria for subsidizing the local service lines.

"The thought of utilization of intra-state third level carriers and perhaps, in some instances, the use of inter-state third level carriers subsidies may be involved, but we must address ourselves primarily to the question of communities being downgraded and, in many instances, actually deprived of air service."

Before considering what forward progress we can make in this area, let me explore with you where we are at the present in regard to air transportation to smaller communities and how we got there.

As you know, most of the smaller communities in the United States receiving scheduled service from certificated airlines are served by the nine local service carriers. In 1955 there were 15 such operators but as a result of various mergers and acquisitions we enter the 1970's with nine local service carriers. The principal local service carriers in the western states are, of course, Air West, Frontier and Texas International. All of them are receiving direct Federal subsidy. Air West will receive an estimated $8.7 million; Frontier $6.4 million; and Texas International $3.3 million in the current fiscal year. In addition to other points each of them serves a number of truly small communities. Air West, for example, has 22 points which generated less than 15 passengers a day during the last fiscal year. Frontier had 37 such points and each carrier had approximately 10 points which generated less than five passengers daily. There is no precise, acceptable figure on how many passengers are required for a carrier to be able to serve a point profitably but it is unlikely that any of these points could long be served by these carriers without substantial subsidy from the Federal Government.

The local service airlines in general have done an impressive job in recent years in serving all their communities. In particular, they have demonstrated outstanding courage and foresight in acquiring modern, more efficient aircraft. Despite the great cost, the economics of these new aircraft have enabled the carriers to improve their service, hold fares reasonably in line and at the same time reduce their reliance on subsidy. From a high of $70 million in 1963 the local service carriers as a group have been able to reduce the payments of subsidy of $38.5 million for the year ended September 30, 1969.

Unfortunately, however, these new, modern aircraft are also bigger aircraft than the carriers operated in the past and their economies can best be realized only when traffic flows are larger and the flights are longer. It is difficult, therefore, for the carriers to operate frequent patterns of service with these new aircraft into smaller cities which generate only a few passengers. When the great expense of these craft is spread over only a few passengers, the red ink starts to flow. Frequently, added to the economic problems are technical limitations at the airports of smaller communities which make it difficult or impossible to operate large aircraft.

Many techniques have been tried both by the carriers and the Government to cope with these problems. I cannot say that we have yet been successful in finding satisfactory solutions. I believe it would be fair to say that service by the local service airlines to smaller communities is reaching a crossroad. What alternatives are available to us at this juncture in regard to this type of service? Let us briefly explore the alternatives together.

The first alternative would be to relieve the local service carriers of responsibilities for service to any community that they cannot serve profitably with their new equipment. This alternative is to me a totally unacceptable solution. One must note that the Federal Aviation Act under which the Civil Aeronautics Board operates provides that we shall certificate a carrier for air service when it is required by the public convenience and necessity. So it is not solely the economics for the carriers but also the interest of the public and particularly those residing in the smaller communities which is to be considered in determining whether certificated air service be provided. In addition, we tried a variation of this alternative when we adopted our so-called "Use It or Lose It" policy in the middle 1960's. I cannot say that this policy was a notable success for the carriers and it certainly incurred the resentment of many of the smaller communities. But more than that, under modern government concepts I believe there may be developing a whole new reason for fostering and strengthening air service to smaller communities which did not exist before. I would call it the demographic or ecological factor. I believe, although I cannot document my belief, that by enabling the residents of small communities to enjoy the best of both worlds, that is, the good life of the small town or city as well as the social culture and economic benefits of the large metropolis, we might be able to retard the surging migration to the great cities.

Perhaps regular, efficient air service at reasonable rates between the small town and the great metropolis would even reverse the tendency of our people to huddle in ever-increasing numbers on the fringes of our great cities with the resultant problems of air pollution, water pollution, urban blight and all the rest. I believe we should consider therefore whether an overall view of our national priorities might suggest that the maintenance and expansion of air service to smaller communities is entitled to greater consideration and precedence than it is now receiving.

This points to the second alternative; namely, whether to increase the Federal subsidy paid to the certificated carriers to enable them to continue or expand this service to the smaller communities. As I stated, a number of thoughtful Congressmen and Senators have jointly suggested to the Board an increase in subsidy in the case of one of the major western local service airlines. I deeply sympathize with these eminent men over the air transportation plight of the smaller communities of the West. I have deep sympathy also for the competent managements of the western carriers as they try desperately to maintain adequate service in the face of vast obstacles. After a number of years in which the amount of Federal subsidy paid to the local service carriers has been constantly reduced lower and lower, the Board is now receiving increasingly urgent requests from the local carriers for increased subsidy and from other carriers to be restored to subsidy. There have been various means suggested for increasing subsidy such as liberalization of the so-called class rate formula under which we have determined the amount of subsidy to be paid. The Board is giving the most serious consideration to the carriers' suggestion to abandon the policy of *ad hoc* subsidy reductions whenever a carrier is awarded a new route which looks profitable.

While each of these requests and suggestions must be closely evaluated by the Board in appropriate proceedings you can be certain that when this is done the needs of the western communities will be given the most sympathetic consideration by our Board. As the Federal Aviation Act so eloquently states, these carriers are entitled to such Federal subsidy as they may need "under honest, economical and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service and the national defense." It is important, therefore, that we take another hard look at the question of whether Federal subsidy to the local service carriers in the amount of $30 million or less per year is adequate under these standards.

A third alternative means of extending scheduled carrier service to smaller communities is to so strengthen the route systems of the local service airlines that with the profits from operating their lucrative services they can internally subsidize their operations to smaller communities which are less profitable. We have proceeded along this route-strengthening path vigorously and earnestly during the past few years. Basically, our efforts have been two-fold. First, the grant of new routes to local service carriers within their own areas of operation and in a few instances by extending them beyond their areas to a major traffic hub. It is hoped that with these long, high-traffic, profitable routes, the local carriers can cross-subsidize their less profitable service to smaller communities. The second route-strengthening path which the Board has followed over the past few years involves the so-called Subpart M proceedings. These are proceedings which the Board has initiated for the purpose of removing operating restrictions in the certificates of the local service carriers to enable them to operate their new equipment more profitably and provide better service to their communities. It is to be hoped that the resultant economy of operation will enable these carriers, with the profits earned, to internally subsidize their service to smaller communities. While route strengthening may serve to reduce subsidy, in my opinion, it will never succeed in eliminating subsidy.

This brings us to a fourth alternative which the Board might consider at this juncture and it is simply to rely upon the large class of air taxis or commuter operators to provide the service to the smaller communities under their existing authority.

These operators have long been with us but are now beginning to attract more and more attention as a means of meeting the service needs of the small communities. Let us consider the role which these operators are now filling and how they might fit into the air transportation picture in the future.

As most of you are probably aware, the air taxis are a large, fast growing segment of the airline industry. Although some of them are engaged in intrastate service only, most are in interstate air transportation and therefore come under the jurisdiction of the Civil Aeronautics Board. Our agency has largely stayed its regulatory hand toward these carriers and for practical purposes, the entire economic regulation of this whole industry is contained in only 13 pages designated as Part 298 of the Board's Economic Regulations. I believe this has been wise for a number of reasons. Primarily, it has allowed the industry to grow, take shape and find its own identity rather than conform to some role established by Government fiat. Part 298 confines these carriers generally to the operation of aircraft whose maximum certificated take-off weight does not exceed 12,500 pounds. Within this limitation they are free to operate when and where they choose in scheduled or non-scheduled service. Their fares are unregulated and they are exempt from most other economic provisions of the Federal Aviation Act normally applied to air carriers. The air taxis are, of course, strictly regulated by the Federal Aviation Agency in the terms of the safety of their operations and we have recently imposed a requirement that they register with us and carry liability insurance.

Within the whole broad class of air taxi operators discussed above, we have recently created a new sub-group of operators known as commuter air carriers. These are air taxis who operate more than five round trips a week between two or more points pursuant to a published schedule. We now also require the commuter carriers to report to us on the traffic they carry and the fares they charge. The first filing of this information was received in November of this year and a preliminary analysis showed that for the third quarter of 1969 the 113 commuter carriers so reporting transported a total of over 11,000 passengers per day. When these reports have been further compiled they will provide a wealth of data on the industry not previously available.

In the meantime, however, at my request, our staff recently completed a survey of the scheduled air taxi operators who were in business on May 1, 1969. Some of the highlights of that survey may be of interest here in connection with our consideration of service to smaller communities. It showed that scheduled commuter carriers served 384 points in 46 states, the District of Columbia, Puerto Rico and the Virgin Islands. California leads all the other states with 44 points served. Fourteen states have ten or more points receiving scheduled commuter service and 150 points are served exclusively by commuter carriers. There are seven commuter airlines each of which offers the public over 100,000 seat-miles per day. They include airlines which may be unfamiliar to many of you, such as Aero Commuter in California, Puerto Rico International Airlines, Executive Airlines, which operates in New England and Florida, Wright Air Lines, Air Wisconsin and Shawnee Airlines.

The average scheduled air taxi fare were found by our staff to be about $5.50 plus nine cents per mile (this compares with the current scheduled airline coach fare of $9.00 plus six cents a mile up to 500 miles). The number of aircraft in the air taxi fleet with a capacity between 16 and 19 seats reached a total of 192 in 1968. In 67 markets scheduled air taxis compete directly with certificated carriers.

It can be seen from these figures that the air taxis or commuter carriers are clearly on the move. To that extent, therefore, it ap-

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pears that the scheduled air transportation needs of at least some smaller communities if not being met, are at least being partially satisfied. How long and to what extent these needs should continue to be served by an essentially unregulated industry is a matter on which I have no strong views. It will simply have to await further developments. A number of suggestions have been advanced from time to time in this regard. One, of course, is to certificate air taxis as we do the large carriers to provide service to smaller communities. Another is to allow the taxis to operate aircraft which weigh more than 12,500 pounds. These matters raise many questions too complicated to discuss here and which will have to be resolved by the Board in the months and years to come.

The final alternative I would like to consider with you today for providing scheduled service to smaller communities is the device which some of the local service carriers are already using, namely to enter contracts with air taxi operators under which the air taxi provides scheduled air service between points which the certificated air carrier is authorized to serve subject to the certificated carrier's ultimate responsibility. The most extensive use of this device has occurred in the East with Allegheny Airlines leading the way. Other carriers using or proposing to use these replacement services are Northeast, Eastern, American, Frontier and Mohawk. The way it works is this: the local service carrier certificated to serve a small point, enters a long-term contract with one of the larger air taxi operators based in the area to be served. The contract usually provides that the taxi operator will provide a certain number of daily round-trip flights between specified points and prescribes the type of equipment to be used. These agreements are submitted to the Civil Aeronautics Board for approval under the Federal Aviation Act together with a request by the certificated carrier to suspend its own operations in the market. The Board has thus far approved some 20 of these substitutions, subject always to the provision that if the commuter airline fails to maintain the number of round-trip flights specified in the agreement, the local service operator shall itself step back in to see that the service is performed.

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In most of the cases where Allegheny Airlines is involved, the service is provided by 15-passenger Beech 99 twin-engine, turboprop aircraft. The air taxi operator is allowed, under the contract, to use Allegheny's symbols and colors on its aircraft which is, of course, a key element in the success of the operation. In Allegheny's case, also, the services of the operator are listed in the Official Airline Guide along with Allegheny's flights, the tickets are sold at Allegheny's ticket offices and reservations are handled by Allegheny. The agreements run for periods of up to 10 years which permits the taxi operator to make firm commitments for the acquisition of equipment. It is somewhat early to draw any definite conclusions regarding the success of these operations or whether they constitute a long-term solution to the problem of service to the smaller communities. We are informed, however, that traffic at three of the points at which Allegheny has installed commuter carriers has more than doubled since these services were introduced.

The important element in these arrangements is whether the commuter carriers can continue to operate economically and secondly, whether the passengers and the communities they serve will continue to find service with small aircraft to be satisfactory. What are the economies of such an operation? Unlike the certificated industry, figures are scarce and financial data are not filed. In a typical agreement between a certificated carrier and a commuter carrier, the certificated carrier undertakes to provide the commuter with a guarantee of no less than a break-even financial result for several years based on an agreed level of principal, interest and insurance and an agreed direct operating cost per flight hour. It is sometime provided that the taxi operator will reimburse the certificated carrier at a rate of $2.00 per passenger for reservations, service and ground handling. While we have no official information on the matter, we are not informed that any certificated carrier has been called upon, as yet, to make payments to the commuter operators under the agreement.

In my view, these substitute arrangements may, in some cases, provide the answers for service to smaller communities. I am certain that many of the certificated carriers are closely watching the existing operators to determine whether they can be used on their own systems. It should be recognized, of course, that not all small communities or low-density routes will lend themselves to this kind of operation. The complete understanding and support of the communities affected are essential to their success. There must be assurances that the substitute service will be performed by a sound, economic, capable substitute carrier operating appropriate modern aircraft in accordance with the highest standards of safety. In addition, the public must have confidence that the scheduled air carrier's record of competence will stand behind any company acting for and on its behalf.

As you probably have gleaned from the foregoing discussion, the prospect of extending certificated air service to smaller communities which are not presently on someone's route map is not too encouraging. Indeed, the question of preserving present certificated scheduled service at a number of smaller communities must first be settled before moving on to the subordinate question of expanding such service to presently non-served communities. The issues constitute a major challenge calling for the best thinking on the part of government and industry, including aircraft designers and manufacturers. What we need is a pooling of collective thoughts and judgments including the views and recommendations of state and local aeronautics authorities. No one man has sufficient wisdom and prudence to give clear answers to such complicated questions involved in the overall subject matter. Evolutionary changes in the technology of VTOL and STOL aircraft may hold out some hope of a dramatic solution. We must be ready to change existing regulatory policies to accommodate advances in technology wherever warranted. As far as the Civil Aeronautics Board is concerned, we are preparing to examine this matter in depth and accord it a priority status for staff study.

I pledge that I will devote special effort to finding ways and means of assuring the continuation and extension of efficient, convenient and safe air transportation service to small communities, not only in this area of the great West, but also throughout our nation. I sincerely appreciate the fact that Mr. Vercellino and his associates have chosen this Symposium as an appropriate place to require a focusing of serious thought on the subject. I would like before too long to see similar public discussion on this topic carried on at the Civil Aeronautics Board where it may be possible to invite outstanding experts including state aviation authorities to give us their judgment and views as to our future regulatory course of action to meet this challenge of the seventies.

NO VALID OBJECTIONS TO NOMINATION OF JUDGE CARSWELL

Mr. GURNEY. Mr. President, a column written by John Crown and published in the Atlanta Journal of January 31, 1970, makes the point that "no valid objections have yet been raised" to the confirmation of the nomination of Judge G. Harrold Carswell to be a member of the Supreme Court of the United States. The article reaches the core of the reason for the opposition against the appointee and points out that there are no valid objections but merely a smokescreen for the real issue, and that is to further embarrass President Nixon.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Atlanta Journal, Jan. 31, 1970]

Judge Harrold Carswell: No Valid Objections Have Yet Been Raised

(By John Crown)

All of the signs and omens and crystal balls seem to point toward a favorable reaction from the U.S. Senate on the confirmation of federal Judge G. Harrold Carswell for the post of justice of the Supreme Court.

But what is tiring, particularly in view of the smear job done on Judge Clement Haynsworth, is to see those who oppose his appointment to the Supreme Court attacking him in the same hysterical manner as was Judge Haynsworth.

This gaggle of critics would make it appear that Judge Haynsworth has merely changed his name and residence and the attack is continuing as before.

To resurrect what Judge Carswell said in 1948 about white supremacy and oppose him for that statement is ridiculous on the face of it. What would really be newsworthy would be to resurrect speeches by any white man seeking office in the deep South in 1948 in which he vilified and condemned white supremacy. Come up with a speech in that vein and you've really caught hold of something.

And while we're on the subject, the researcher who came up with Judge Carswell's 1948 comment should surely, if he tried, come up with something equally embarrassing for just about any member of that most exclusive club, the U.S. Senate.

He is attacked because he has been a member of a Tallahassee golf club which was segregated. Presumably anyone aspiring to high office must not sully himself by being a member of a private club. Or else the private club should be integrated on a ratio basis, providing a percentage membership based on ethnic and religious groups that reside within the club's area of operations.

It might be interesting—unless you're going to have two standards of qualifications—to determine the club status of the 100 members of the U.S. Senate.

Now it is charged that Judge Carswell is "sexually backwards," a provocative term surely conjured up for that presentation, because he is allegedly insensitive to the equal rights of women.

The charges that are being made against the jurist are absurd beyond belief. The critics are grasping at straws. They are trying to churn up some sort of emotional and hysterical smokescreen which would infer that there is much wrong with Judge Carswell, that there are substantial reasons for his not being fit to sit on the Supreme Court.

It is interesting to speculate how much of this opposition to President Nixon's court appointees might have derived from the fact that his is a Republican administration and the Congress has a Democratic majority—and that 1970 is an election year.

It is interesting to speculate how much of this opposition is generated by a desire to embarrass President Nixon and Atty. Gen. John N. Mitchell and not by any concern, one way or another, with Judge Carswell's record.

If we are to believe those who press their charges against Judge Carswell's nomination, what they seem to really want for a justice of the Supreme Court is a vapid robot who has never had an original thought or demonstrated effort and initiative. On second thought, perhaps it would serve their purposes best if they could get such a creature.

Never before have such picayune objections been raised to a President's selectee for the Supreme Court. Never before have the arguments been so ridiculous.

Judge Carswell has served in the Armed Forces in time of war. He has worked as a newspaper reporter. And while these are certainly no criteria for the high court, they are broadening experiences of immeasurable value to the man himself.

He has served as an able attorney and in 1953 became the nation's youngest U.S. attorney. He has served ably as a judge. This, too, is no criteria for being appointed a justice but it certainly should be.

The only real objection to Judge Carswell's appointment to the Supreme Court is that he is a Nixon appointee and he resides south of the Mason-Dixon line. The charges themselves contain as much substance as the interior of a ping-pong ball.

THE MAJOR AND MR. BERRY

Mr. McGOVERN. Mr. President, in yesterday's CONGRESSIONAL RECORD, Mr. BERRY, the senior Representative from South Dakota, took exception to my defense against certain political attacks by a Pentagon publicist—Maj. James Rowe. The Congressman says that the major has a right to advise the Nation on matters of foreign policy based on the wisdom he gained after falling into the hands of the enemy in Vietnam.

I have no strong objection to the major sounding off on matters of foreign policy. He has attacked, in addition to me, the majority leader of the U.S. Senate, the Senator from Montana (Mr. MANSFIELD) and the chairman of the Foreign Relations Committee (Mr. FULBRIGHT). He has also attacked the reliability of the Associated Press, the United Press, Time magazine, Newsweek, the New York Times, and the Washington Post. Apparently, only the major, the Vice President, and General Thieu really know the facts about Vietnam. General Thieu has resolved this problem by ending all the newspapers in Saigon that disagree with him.

I do not insist that Major Rowe be throttled, but I do object to his slur on my patriotism when he has said publicly that he doubts my loyalty to the flag of the United States. Sitting in an enemy prison camp does not qualify the major as an expert in the foreign policy field and it certainly does not entitle him to slander the loyalty of other Americans who love this country as much as or more than he does. Everything I have ever said about our Vietnam policy was based on my loyalty to America's best interests as I honestly see them. I love the American flag enough to want to bring it away from the folly of Vietnam.

I believe that it is unfortunate that Representative BERRY has entirely missed the import of the activities of Major Rowe. There are at least three separate counts on which the major has engaged in improper activity.

First, he has engaged in partisan political activity while being identified as an officer of the American Armed Forces, in direct violation of the Uniform Code of Military Justice and in contradiction to the principles governing governmental employees.

Second, the Defense Department through its official sanction of his activities is actually entering into domestic policies, in violation of the constitutional concept of subordinating the military to civilian control.

Third, he has used his position to attack the patriotism and loyalty of several U.S. Senators, including myself. His position does not give him any special right to do this. Even Representative BERRY has said that my position does not represent disloyalty and it seems to me most unfortunate that he has rushed to the defense of a man who has so clearly violated the canons of conduct for an officer in a democracy, a man who does not even seem to subscribe to the basic tenet of open debate on all subjects.

As for Mr. BERRY, I have noticed for some years that he draws a special pleasure from any criticism of me no matter how unfair that criticism may be. But Mr. BERRY's judgment should be weighed against certain facts including the following:

First. Representative BERRY placed the editor of the weekly newspaper he owns in South Dakota on the congressional payroll so that the taxpayers would finance the salary of the man running his business.

Second. Representative BERRY put a campaign publishing outfit on his congressional payroll so that the taxpayers would finance the cost of printing his campaign materials.

I think no comment on such activities is necessary.

LEGISLATION IN THE CONSUMER FIELD

Mr. MOSS. Mr. President, there is no longer any doubt that the American consumer has found a new voice and is making his wants and frustrations known.

The question is: Is anyone listening?

Certainly Congress is listening. We are extremely active holding hearings and considering legislation in the consumer field.

But the American businessman should also be listening. The consumer movement is not antibusiness. Actually, the consumer movement provides the American free enterprise system a great opportunity to provide its worth. It provides the marketing advantage to the producer of the best product, not to the creator of the best sales gimmick.

I was extremely pleased to see this thought expressed in the February issue of Nation's Business, the magazine published by the U.S. Chamber of Commerce. "Take in a New Partner—The Consumer," is the title of an article written by William G. Kaye. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

TAKE IN A NEW PARTNER—THE CONSUMER

(By William G. Kaye)

If you are in the fortunate position of being the sole possible producer of a product with an assured market, you need read no further. Your business probably could benefit from an enlightened consumer affairs program so long as your product is reasonably fit for its intended use and the price is fair enough to discourage a search for an acceptable substitute.

But few are in this position. Most businesses face competition, some of it brutal, and are always looking for means to improve their profits.

This is the very essence of our free enterprise economy and has led to newer, more versatile products, lower prices and the breathtaking technological advances of recent years.

Those advances have changed the entire complexion of the marketplace. It has become increasingly impersonal, complex and confusing and frustrating to consumers. Consumer irritation has led to action—action that can cost a business sales in the short run and profits in the long run if it ignores consumer affairs. Caveat emptor, the entrepreneurial byword of a simpler past, is no longer relevant.

For a businessman, rising to the challenge of awakening consumer interest makes good sense. The results are not measured solely in terms of an amorphous and intangible "feeling of goodwill." They are readily translated into immediate rewards—more sales and larger profits.

Repeat sales and brand loyalty are the hallmark of a satisfied consumer. He becomes an unpaid salesman, seeking to convince his friends and associates of the excellence of his choice.

Conversely, a dissatisfied consumer undergoes a striking transformation. He becomes an anti-customer. He is not satisfied with merely boycotting your product but will, in every way possible, try to influence potential customers against it. He is an active force seeking to reduce your sales and profits.

The more vocal and imaginative anti-customers can destroy much goodwill and consumer acceptance that has been cultivated by costly advertising and public relations campaigns. (Consider the customer who paints, or would like to paint, lemons all over your product and make sure they are visible to all!)

LIP SERVICE

Most businesses have some staff official who is assigned to handle consumer matters. Too often, however, he has no real authority and no input into the business's operations. He will be introduced at public relations and advertising functions and tucked away in a forgotten corner of the home office when substantive product design, engineering and policy decisions are made.

An enlightened consumer affairs program consists of more than preparing polite form letters to answer all written complaints. It means anticipating consumer complaints, taking consumer advice, giving the consumer a fair shake; in short accepting the consumer as a knowledgeable partner rather than taking him for granted.

The basic questions to be asked by any businessman are: How important is the consumer to me? And how do I show it?

The answer to the first question is obvious. Without consumers there is no business! They are the one absolutely necessary ingredient to business success.

The answer to the second question seems obvious, too. But is it? Review your business. Is the consumer considered as a customer—a rational human being—or as a cipher whose significance is measured only in terms of end-of-the-month sales figures? Too many businesses will discover, if they objectively review their operations, that consumers are

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placated—given just enough consideration so that they will not turn to the competition, but ignored when it comes to the important product, engineering and even safety decisions.

In fact, the consumer is a knowledgeable critic who may know more about many facets of your product than you do. Listening to him, and considering his wishes, makes sense in profit terms.

For purposes of simplicity, let us consider two broad facets of the consumer spectrum, namely, the consumer as a customer and the consumer as a partner.

LONG LIVE THE CUSTOMER

As a customer, the consumer should be king—but what shabby treatment we give our monarchs when it comes to handling their complaints! It is an elemental tenet of psychology that many people have to be upset before even one will complain. Realize, therefore, that for every complaint you receive, there are hundreds, perhaps thousands of anti-customers who will exercise their dissatisfaction by buying your rivals' products next time or ridiculing yours at every chance.

What is your mechanism for handling complaints?

How much does it cost? Is it effective? Responsive? Timely? How do you know? What is your follow-up system?

Have you considered alternative methods? Is top management aware of the type of complaints received? Have you personally read any complaint letter recently?

Complaints can cover the full range of your business's operation from your business name to the courtesy of your truck drivers to the price of your product. It would take many pages to consider all possible areas, but let's look at a few.

Your warranties:

Is the extent of coverage and non-coverage clearly stated and immediately understood?

Do the conditions set in the warranty tend to discourage exercising it?

Do your arrangements with dealers or repairmen tend to discourage them from properly honoring the warranty?

Do your warranties support your advertising?

After the advertising and the tinsel have been forgotten, after the purchase has been taken home, put to use and gone Pfff, the customer remembers only your warranty. He is already a potential anti-customer; and now if he can't get proper service without undue effort, if he gets a run-around from the retailer (who is in turn discouraged by the manufacturer's attitude), or if he has to argue the meaning of the warranty's language to get service, you will have created a full-blown anti-customer.

But is it necessary? Can your warranties and warranty service be improved? How much would it actually cost and what would the benefits be? What would an immediate replacement program cost? What would the benefits be?

Your repair and service network:

Are repair facilities conveniently located?

Are they adequate?

Do you have frequent style changes? Are they necessary? Are they explained to repairmen in advance?

Are spare parts and manuals available when new models are introduced?

Do you tell customers of areas of potential breakdowns and how to spot them?

Anti-customers thrive on poor, inconvenient or nonexistent service facilities. They are nourished by a management feeling that service is a necessary evil to be dealt with only when "important" matters have been taken care of. Their legions are filled with those who have to return a product to the factory for service, take a product used in the suburbs to a central city repair location, try to get to a service center with inconvenient midweek business hours, lose the use of the product because spare parts are unavailable, etc. Between purchases, the repair service is the only contact that the customer has with the manufacturer.

It should be used to bolster his faith in the company, not turn him into an anti-customer.

For that matter, consider also your model changes. Are they necessary or have they merely become part of the mystique of the industry? Model changes cause proliferation of parts for repairs and service, and confusion among customers, not to mention among repairmen. They should be made only when there is good reason for them.

Your packaging:

Does the product do justice to the picture on the package?

Does the size of the package promise more than the amount of the product included?

Does your product come in too many or too few sizes? Are they standardized?

Does your package permit easy price-quantity comparisons?

Is all useful material printed on the package and is all the material printed on the package useful?

Does your label include items of current or particular interest, such as calorie count per ounce or relative nutritive value?

Your package represents your business. Of course it should be attractive, but it also should be informative and representative. Customers want information at their fingertips, and it makes good business sense to give it to them.

Safety factors of your product:

What are its inherent safety hazards?

Has it been both laboratory-and-use-tested? Over a long enough period?

Does it meet the industry's standards?

Is the industry's standard-setting mechanism adequate?

Have standards been updated to reflect current technological changes?

Examples of safety failures fill the newspapers (and the *Congressional Record*) every day. Of course, there are standards in almost every industry, but if they were all they should be, there would be no need for a National Commission on Product Safety, for Congressional hearings, for Ralph Nader, etc. Nothing can kill sales quicker than safety failures. Nothing leads to greater losses and legal damages. Nothing causes more heartbreaks. Then why do we pay such little attention to safety factors? Why do we continue making products that prove to be unsafe under foreseeable uses? Why do we continue to talk safety but refuse to encourage adequate, voluntary standards and enforcement?

The measure of business failure in this area can be seen by reviewing the recent history of government regulation and the many current campaigns for regulation in hitherto untouched areas. Safety failures are bad business and should not be permitted by the businessman.

Safety is not limited to shock hazards, sharp edges and brittle parts. In many areas, particularly in the food industry, questions of wholesomeness and sanitation are equally important. Consumers have no choice but to rely on businesses in these matters. Is their reliance well-placed?

Are your food standards adequate in light of today's scientific and technological advances?

Has your production methodology kept pace?

Are your additives necessary? Are you aware of all their effects? Has your product lost its identity under a deluge of additives and preservatives?

Do you make clear to all handlers (and the ultimate consumer) what special care requirements are necessary to prevent adulteration?

Everyone might agree that the horrors catalogued in Upton Sinclair's "The Jungle" were part of an earlier age and have no place in today's economy. But the Congressional hearings that resulted in the recent Wholesome Meat and Wholesome Poultry Products Acts presented some evidence to the contrary. How about your business? Remember, while the permissible margin for error may vary from industry to industry, it is almost nonexistent in the food and drug industries. A low percentage of production error may be acceptable in appliances but could be fatal in foods and drugs.

UNPAID PARTNER CAN PAY OFF

We've considered the consumer as a customer; now let's think of him as a partner—an unpaid partner who may know more about the practical aspects of your product than you do and who will be pleased to have you adopt some of his ideas, anonymously.

Those businesses that have taken the time and spent the effort systematically to review consumer mail have discovered that many consumers are knowledgeable and make positive suggestions. Although consumers may not be graduate engineers, they can be quite creative and imaginative.

Remember, the consumer uses the product. He knows its strong and weak points. But what input does he have in your scheme of product engineering? It may not be too troublesome to devise a method for providing this input. The benefits that could flow from such a system are not limited to lower costs and higher sales.

Either as customer or partner, the consumer should not be kept in the dark. Consumer information and education are integral parts of a comprehensive consumer affairs program and deserve more attention from business than they now receive.

A consumer who believes information is being withheld, or who has no knowledge of the workings of the marketplace, cannot exercise intelligent choices in the market. The resulting frustration breeds suspicion and anger. The suspicion and anger add to the ranks of anti-customers who could have been satisfied customers.

Consumer information and education programs are complements to advertising and marketing programs aimed at creating a positive image for a business.

With proper information, a consumer will know what your product can and cannot do.

Consumer education has a broader function. It is aimed at providing an understanding of the workings of the marketplace and the consumer's position in it. Does your business have either program, and does it accomplish its objectives?

Are your information and education materials prepared with a particular group in mind (the young, the single, the poor, etc.)? Do they reach these groups?

Are your information and education materials consistent with your advertising and marketing materials?

Are your instructions use-tested? Are they concise and understandable?

Is your educational material overly partisan? Have you been objective?

Many more questions could be asked, tailored to your specific business and product or service line. There is no general panacea or ready-made program. Much depends on the individual business, its products, its problems, its consumers, its competition and other relevant matters.

But if your business currently overlooks the consumer, or simply pays lip service to his cause, you may be missing a vast market potential. Chances are that your market will not be greatly affected by continuing your current inactivity—provided your competitors do the same. Consider, though, the increased business you will reap by giving the consumer his due. Unless your competitor does it first.

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FUNDS FOR MASS TRANSIT IN THE CITIES

Mr. CRANSTON. Mr. President, several days ago, the Senate passed the Mass Transportation Assistance Act of 1969, S. 3154. That act authorizes the Secretary of Transportation to obligate $3.1 billion in Federal funds for the Nation's public transportation needs.

However, actual expenditures under that act are limited to $1.86 billion over the next 5 years.

It has been clearly demonstrated that in order to begin to solve our public transportation problems, $10 billion in Federal funds would be needed in the next decade.

Unfortunately, my amendment to S. 3154 which would have committed that $10 billion, was defeated by the Senate.

Two of the country's leading newspapers have expressed doubt that sufficient funds will be available to meet the Nation's public transportation needs.

The first comment is contained in an article by the excellent columnist of the Los Angeles Times, D. J. R. Bruckner, entitled "Will the Cities Be Forgotten?" and the second comment is an editorial in today's New York Times entitled "But a Letdown in the Senate."

Mr. President, I ask unanimous consent that both comments be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 2, 1970]

WILL THE CITIES BE FORGOTTEN?

(By D. J. R. Bruckner)

In Chicago over the weekend the city's transit authority opened a new rail line in the median strip of an expressway, connected with the subway and elevated system—the second such line to be opened in the past two years.

In Washington, drilling for tunnels for a new subway has begun. In New York and Chicago plans have been approved for new networks of downtown subways. In the San Francisco Bay Area a vast transit system is taking shape.

But, in Washington, where basic transit fare is 32 cents, the transit system is guaranteed a profit and there is little chance that the fare will not rise. In New York the fare went up to 30 cents last month and will inevitably go up again shortly. In Chicago, while some transit officials were riding the train down the new line Friday, others were going through the regular frantic ritual of shifting money from one pocket to another just to meet current salary demands; the fare is 40 cents and cannot stay that low very long.

In every city when the fare goes up the riders decrease and the streets are more filled with cars emptying their pollutants into the air. It is significant that Los Angeles, which often indicates the future trends of cities, rejected a proposed transit system largely because it would not take enough people where they wanted to go, and that it was in Los Angeles that the federal government dropped its pollution suit against the big automakers.

The transit problem exemplifies so many of the other problems of the cities and displays the common elements of all of them. The largest element, of course, is money; and it is worry over money which makes groups like the executive committee of the U.S. Conference of Mayors express public fears that the Nixon Administration is about to turn its back on cities.

Given the President's determination to hold down the federal budget and fight inflation, there is little reason to believe that the cities will get much government help this year or next for their urgent needs.

Even if money were available, the Administration seems to have no urban policy whatever, no list of priorities or preferences. There is good evidence that many urban programs started in the past decade are being unwound slowly.

It is true that many urban programs do not have a very good history; and if the purpose of the Administration is to really reevaluate them and create new priorities, the present pullback might be a blessing. What so many mayors fear, however, is that the conclusion being reached in Washington is that nothing will work or that possible solutions are not worth the cost or the effort.

Transit is not a bad indicator: For instance, it is obvious that a public transit system, if it is to achieve its aims, cannot pay for itself; it need a large commitment of public funds. If it is to be worthwhile, it has to be involved with overall planning; it has to go somewhere. This must mean, pretty obviously, some rather tight government controls over the locations of industry, housing, recreation facilities, shopping areas. It probably also means some deliberate prohibitions against the use of private cars. Thus, a meaningful outline for public transit would involve also the basic decisions on urban renewal, school building programs, industrial expansion plans and zoning, and pollution control systems.

At bottom, the problems of the cities all come down to this kind of choosing of priorities. They have to be real, and, in some cases, they probably have to be exclusive; they must involve a very real reordering of life. Somehow they have to be made, too; the accidental, uncontrolled growth of the cities is no longer tolerable in terms of economics, politics or social order.

The President is supposed to go to Indianapolis this week to meet with a few big city mayors on the problems of the cities. Later, it is said, he may even attend a Midwest Regional Conference on Pollution in the cities. This is good politics. What else it is, is hard to say. Many mayors of the bigger cities seem to doubt now that it indicates any real commitment to deal with the cities' problems.

[From the New York Times, Feb. 6. 1970]

BUT A LETDOWN IN THE SENATE

Riders of the subway, city buses and commuter rail lines should find a little excessive the enthusiasm members of the United States Senate expressed in passing the mass transit bill.

It is comforting to have the Federal Government committed to a policy which, in the words of Secretary of Transportation John A. Volpe, "strikes at the roots of the transportation crisis in America's cities." But hopes that appreciable relief will come from the bill, praised by Senators so diverse as John Tower of Texas, Harrison Williams of New Jersey and John J. Williams of Delaware, are distinctly premature.

Ten billion dollars has been generally agreed upon as the sum required to get the mass transit systems of the nation's cities into something resembling a fit state. Theoretically, that is still the amount to which the Government is committed. But, where the most ardent Congressional champions of mass transit thought originally to spend this amount in four years and to make certain of it by setting up a trust fund, the Senate bill calls for only $3.1-billion in five years—and even that would be in contractual commitments rather than hard cash. Not more than $1.86-billion, in fact, would actually be spent until after the 1975 fiscal year.

In the first year of operations the President's budget message calls for only $280-million to be spent by the Federal Government on mass transit throughout the country. This figure, not so incidentally, is $10 million less than the proposed outlay for just two prototypes of a supersonic transport plane, which will create vast problems for the environment while solving none for transportation.

To refurbish their transit systems and keep pace with demands, New York and Chicago alone need in the next five years twice the total amount to be disbursed under this bill. More funds, it is true, are to be doled out after 1975, but by then the systems will have deteriorated that much further and require that much more money to be rescued. The Senate, for all its self-congratulation, has let down the communities and the cities.

STATEMENT BY SENATOR HARTKE CALLING FOR CEASE-FIRE IN VIETNAM

Mr. HARTKE. Mr. President, on Wednesday of this week I had the honor of appearing before the Committee on Foreign Relations to present my views on the situation we confront in Vietnam.

In my statement I laid stress on the need for an immediate cease-fire, during which both sides could negotiate the kind of settlement that both could live with. It seems to me that we have permitted ourselves for far too long to remain ensnared in a net of political considerations, every one of which pales beside the hard fact of the continuing slaughter in that savagely tormented land.

I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR VANCE HARTKE TO THE U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 4, 1970

On February 6, another TET holiday will usher in the Year of the Dog. Most of us acknowledge that the TET holiday of two years previous was a psychological turning point in our involvement in Vietnam. For even the most optimistic supporters of the United States Vietnam policy, basic assumptions and beliefs became highly questionable. The growing doubt about Vietnam was felt amidst the snows of New Hampshire and carried from primary to primary, with the avowed opponents of the Vietnam policy gaining the majority of votes.

In the general election, although the issue was not squarely met, it was obvious that neither of the two major Presidential candidates was eager to undertake a vigorous defense of our previous actions and policy in Vietnam. The Democratic candidate, Hubert Humphrey, finally broke from the established policy of his administration; and Richard Nixon, the Republican candidate, talked of a plan to end the war which he could not at that time disclose. In short, it was an election that did not so much illuminate and elaborate the issue as respond to the felt desires of the people.

I will not discuss the many reasons why I have always opposed our Vietnam policy, and why I felt constrained to disagree publicly with the only major national political figure who supported me in 1958 when I was a much younger and more optimistic man. The reasons why I feel our Vietnam war is militarily inept, politically stupid, and

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morally wrong have been thoroughly discussed and, I must confess, have failed to persuade many responsible and sane men—and this despite the fact that the policies of support for the Vietnam war have caused not only the death of over 40,000 young men, the crippling and mangling of thousands more but also a discontent that threatens the very fabric of our society. These earlier policies are now mocked by our present policy, which for the most part is generally supported. For those who like World War II analogies, we did not start withdrawing in 1944 because our allies were becoming stronger.

I think one of the reasons why debate on our Vietnam policy has never been adequately joined is because support for Vietnam has always been bi-partisan. The ultimate accountability for any policy lies, of course, with the incumbent administration; but I can remember just a few years ago being chided on the Senate floor by the then distinguished Minority Leader for not supporting *our* President. I felt that this was a rather narrow view of the issue. My concern for Vietnam has always transcended partisan politics Such was my position under a Democratic administration; so it remains today under a Republican administration. Allegations to the contrary demonstrate only an astonishing and appalling moral blindness in the speaker.

Since the beginning of last year there has been some improvement, passions have abated at home and troops have been withdrawn abroad. But with these improvements come chilling reminders of the years of 1965 and 1966. These were years of mounting involvement abroad but general indifference at home. Recently in talking with an Indiana county chairman, I asked him what the general feeling in his county was about Vietnam and he replied that the county had been for the most part spared and therefore there was little concern about Vietnam. I thank the Lord for this county's deliverance, but what about the other 91 counties in Indiana?

I am not a pacifist. I did not oppose this war because it is too costly, deadly, or messy, but because it is a war fought at the wrong time in the wrong place. I remember driving in my automobile in early 1965 to deliver an address against the war and hearing over the car radio about a massacre of American troops. Seven Americans died in that massacre. Today we are told that we should be satisfied because we have reached the miraculously low number of only 70 or 75 Americans killed a week. Has the recent decade of death so blinded us with blood and numbed us by horror that we no longer appreciate that these losses are unforgiveable? Of course the political defusing of Veitnam is quite an achievement. The reduction in American casualties and the reductions and changes in the draft are withdrawing Vietnam from the daily lives of most Americans. But what of those who remain? What of those who are affected? Should I congratulate myself that they are now no longer a majority of the voters? I believe that there are issues so pressing and of such moral import that public silence is a retreat from public duty.

The policy of the present administration has been given the code-name "Vietnamization." What it appears to involve is an attempt to achieve a military victory by a shift in the balance of forces on our side. American combat troops are to be replaced gradually—very gradually—by South Vietnamese troops. And we are to remain unalterably committed to the preservation of the present regime in Saigon.

If this policy is successful, according to administration strategists—and I need not remind anyone here how pathetically improbable it is that the South Vietnamese army can perform the crucial task we are assigning it—if this policy is successful, we can look forward to some two hundred to three hundred thousand American support troops remaining in Vietnam for two or three more years at a cost of perhaps fifteen to seventeen billion dollars annually. And all the while the possibility of re-escalation will remain ominously with us as we hazard our strategic fortunes on the forces of General Thieu.

Let me say flatly that I do not believe that we should ever permit our destiny to rest upon the success of foreign arms. But that is the position which we are in the process of placing ourselves today. And that is the very worst indictment that can be made of this policy which is being offered to us with such honeyed words.

What we so desperately need instead is a policy not of military Vietnamization but of political Vietnamization. For the ultimate resolution of the Vietnam conflict can only be political, not military.

Accordingly, we should proceed at once to negotiate a cease-fire. If the war is worth fighting at all it is worth winning. But President Nixon has said that the war cannot be won—not at the kind of price that rational men would be willing to pay. So let the fighting stop. Let the killing and the maiming stop.

Let a cease-fire come into effect that will give both sides an opportunity to work out a political compromise that both can live with.

President Thieu and Vice President Ky will almost certainly not be elements in the new government that will arise in Saigon. But other patriotic South Vietnamese will be—many of them languishing today in prison for the "crime" of having advocated a negotiated settlement of the war.

Following the establishment of a politically viable government and the bringing home—in peace—of all American forces, we can then turn our great resources to a demonstration of this nation's concern for the destiny of South Vietnam—that is, to lend our assistance to its economic recovery from the devastation of war. We should make a special effort to ease the burdens of Vietnamese refugees. It is this other war in that unhappy country that deserves the attention of the United States.

No one can safely predict what the future will bring to Vietnam after the last contingent of American troops will have left the country. Dr. Howard Zinn addressed himself to the unforeseeable in the conclusion of his book, *Vietnam: The Logic of Withdrawal*. He observed: "We may see a period of turmoil and conflict in Vietnam. But this was true before we arrived. That is the nature of the world. It is hard to imagine, however, any conflict that will be more destructive than what is going on now. Our departure will inevitably diminish the fighting. It may end it."

That statement, written in 1967, is more compelling today than it was then. Now more than ever, it is clear that the price of war becomes harder to bear with each month. While we continue to follow the unwise policy of spending good money to save a bad investment, the true ills of our country go uncared for, the forgotten citizens remain unnoticed, the violence in our streets increases. And in an effort to contradict common sense, we are told that it is more important to save face than save lives.

The American people would be well-advised to ask what perversion of the national purpose allowed the energies of this country to become so committed to the destiny of Vietnam and why the United States finds itself unable to detach itself from the conflict. The answer lies, to a degree, in the psychology created by our form of government. George Kennan wrote in *Russia and the West Under Lenin and Stalin*.

"There is . . . nothing in nature more egocentrical than the embattled democracy. It soon becomes the victim of its own war propaganda. It then tends to attach its own cause an absolute value which distorts its own vision on everything else. Its enemy becomes the embodiment of all evil. Its own side, on the other hand, is the center of all virtue. The contest comes to be viewed as having a final, apocalyptic quality. If we lose, all is lost; life will no longer be worth living; there will be nothing to be salvaged. If we win, then everything will be possible; all problems will become soluble; the once great source of evil—our enemy—will have been crushed; the forces of good will then sweep forward unimpeded; all worthy aspirations will be satisfied."

If there is anything that we can take from the bitter experience of Vietnam, let it be a more sophisticated appreciation of our role in world affairs. The tragedy of the war should finally disenthrall this nation from the tired myths and dogma that have invited our ill-considered reaction to international politics.

We should test the assumptions developed during the hysteria of the fifties against the realities that confront us as we enter the seventies.

Above all, we should take from Vietnam a new awareness of the potential and limitations of American might. We are the most powerful nation in the world, but we are not all-powerful. Misfortune can come from the failure to exercise with caution and restraint the strength that is this nation's inheritance.

SENATOR INOUYE DOES NOT SUPPORT OR SPONSOR PROPOSED LEGISLATION TO COMPENSATE SURVIVORS OF ALLEGED MYLAI MASSACRE

Mr. INOUYE. Mr. President, it has come to my attention that articles have appeared in three newspapers—the Coeur d'Alene Press, of January 14, 1970; the Spokane Spokesman-Review, of February 1, 1970; and the Idaho Daily Statesman, of February 2, 1970—which describe the efforts of a Mr. Paul Narkin to win $125 million compensation for Vietnamese survivors of the alleged Mylai massacre. In these articles, Mr. Narkin has indicated that I am involved in "drafting" and "studying" a Senate bill requesting this compensation.

Mr. President, I want to make it clear today that although a person purporting to be Mr. Narkin did telephone to inform me of his efforts, I am not in any way working with him. In our brief telephone conversation, I stated that I would study the bill as I would any other if such a bill were introduced. At the same time, I pointed out that the introduction of such a bill at this time would be testament to presuming the guilt of American soldiers before they had been duly tried before a competent court for their alleged criminal behavior. This would undermine the principle which stands at the heart of our legal system—that one is innocent until proved guilty.

I categorically deny that I have committed myself to support this effort or that I have agreed to sponsor proposed legislation drafted by Mr. Narkin.

THE CONTINUING TRAGEDY OF VIETNAM

Mr. McGOVERN. Mr. President, it was my privilege this week to testify before the Committee on Foreign Relations relative to our continuing military involve-

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ments in the affairs of the Vietnamese people.

I ask unanimous consent that my statement before the committee be printed at this point in the RECORD along with, first, a copy of my resolution calling for the removal of American troops from Vietnam; second, an interview I conducted with Mr. Godfrey Sperling appearing in the Christian Science Monitor of January 3, 1970; third, a statement by Senator FULBRIGHT before his committee this week; fourth, the testimony of Senator GOODELL at the Foreign Relations Committee hearings this week; fifth, an editorial from the New York Times of February 5, 1970; sixth, a report by Mr. Edward Snyder in the Friends Committee, Washington newsletter, of October 1969; seventh, an editorial in the February 1970 Progressive magazine entitled "The Democrats: At Peace With the War"; eighth, an article, "Vietnam: "The Other Side Is Responding," by Joseph W. Elder, in the February 1970 Progressive; and ninth, an article by Senator FULBRIGHT, "Vietnam: The Crucial Issue," in the February 1970 Progressive.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE DEMOCRATS: AT PEACE WITH THE WAR

The news from the Democratic National Committee is that the Party has declared a separate peace. It will not confront the Nixon Administration on the one most crucial issue of our time—the continuing commitment of the United States to the prosecution of the criminal and catastrophic war in Vietnam.

Under the guidance of its most cautious and conservative elements, the National Committee appears to have bought—lock, stock, and gun barrel—the President's specious assurances that he can somehow end the war by "Vietnamizing" it—that he can establish a *Pax Americana* in Southeast Asia at second hand.

"The President seems, for now at least, to have accurately gauged the sentiments and attitudes of the American people," according to a recent report from the Democrats' political research division. "The national mood on Vietnam is at the same time glum and tired, but unwilling to accept outright defeat." The Democratic Party's national chairman, Senator Fred R. Harris of Oklahoma, declared only last fall that it was "time to take the gloves off" by attacking Nixon polices in Vietnam. Now Harris makes it plain that he would rather not talk about Vietnam. The President, he diffidently suggests when pressed, deserves an "I" for incomplete on his Vietnam report card.

The Loyal Opposition has thus abdicated its responsibility to oppose the party in power on precisely those points on which the Administration can and should be subjected to unremitting pressure: the lack of a specific timetable for its vague and indefinite "withdrawal" plan; the continuing, unquestioning Administration support for the corrupt and dictatorial regime in Saigon; the unwillingness to move toward a peace settlement embracing the participation of all political elements in South Vietnam, specifically including the National Liberation Front and the Provisional Revolutionary Government (described by Joseph Elder on Page 12); the adherence to an imperialist *weltanschauung* that could at any time plunge us into a new Vietnam.

Senator Harris and his Democratic leadership group deserve a couple of "I's" themselves, one for immorality in turning away from the Vietnam peace issue and another for incompetence in missing the significance of two major developments:

Development one is that President Thieu recently knocked a gaping hole in Mr. Nixon's claim that the war will be Vietnamized; the General insisted—without rebuttal from the White House—that U.S. combat troops will be needed in South Vietnam for years to come.

Development two is the Gallup Poll disclosure that, for the first time, "the weight of sentiment among Democrats is for withdrawal (of all troops)—either immediately or by the end of the current year." If Harris and his entourage used their political horse sense, they would be hammering home the meaning of Thieu's statement from Maine to Hawaii, and at least rallying behind, if not leading, the growing Democratic voter support for complete troop withdrawal before 1970 ends.

Senator Harris and his associates apparently feel there is nothing much to say about the domineering and intransigent position taken by President Thieu not only on the subject of withdrawal of American ground forces, but on the possibility of achieving a coalition in South Vietnam that might speed the prospect of peace. On the subject of withdrawal by the end of 1970, Thieu insisted in a January news conference that it was an "impossible and impractical goal" and that, instead, withdrawal "will take many years."

Although Secretary of State William Rogers has insisted that the Nixon Administration does not oppose creation of a coalition government, Thieu, characterized by the President as one of the great statesmen of our time, has rejected the Administration's position. "A coalition government means death," said Thieu. He dismissed the notion of broadening the base of his own government and denounced his non-Communist opponents who advocated a negotiated peace as "pro-Communists, racketeers, and traitors."

Here, clearly, was an area of dispute and debate in which a Loyal Opposition could attack the weakness of the Administration's position and embark on a major crusade to expose the character of the Thieu-Ky dictatorship and its intolerable yet successful resistance to the creation of the kind of coalition that would speed the achievement of peace. But the men who run the Democratic Party have chosen to sweep the Vietnam issue out of sight.

On what issues, then, if not Vietnam, does the Opposition propose to oppose? Senator Harris says bravely that "'The New Populism' is a term which best characterizes the aims and purposes of the Democratic Party as it looks toward the 1970s—and specifically the elections of 1970 and 1972. With this philosophy, the Democratic Party proposes to make the 1970s the 'Decade of the People.'" But the national chairman's New Year's statement, for all its bold rhetoric about "new populism," was pathetically bereft of program specifics. It congratulated the Congress for reaffirming "the Democratic Party's basic problem-solving, people-oriented nature" and promise decisive action on "the harsh realities of today's changing problems." It talked about crime and inflation and the need to "put first things first," but made no mention of racism or militarism or the accelerating danger of political repression.

Instead, the Democrats have apparently decided to grapple with Mr. Nixon on his own turf. Their first major thrust of 1970 is an appeal to "law and order" sentiment. The Party plans a "Democratic Action Conference on Crime," and Chairman Harris has accused the Administration of "failing to come up with a comprehensive national effort." It is the kind of cheap political shot for which Democrats have long—and rightly—held Mr. Nixon in profound contempt.

The President was well aware when he campaigned in 1968 that despite all his promises, he would be able to do little or nothing about the rising crime rate that stems from poverty, discrimination, and alienation in America. The Democrats are well aware today that they are in no position to do any better without a program that strikes at the very roots of crime. The crime problem will not be solved until all the other pressing problems which are the causes of crime are solved, and neither of the major parties is engaged today in pressing for basic solutions.

What the Democratic National Committee does not yet realize is that their Party is in an advanced state of decay—that it no longer commands the allegiance of some of its traditional constituency, and that it has no appeal to vast segments of the great potential constituency among the nation's young people.

There is no charismatic national leader among the Democrats—particularly since Chappaquiddick—whose personal stature would permit the Party to indulge itself in the luxury of politics-as-usual. There is, in fact, no leader at all who offers, at this point, the prospect of an effective challenge to Mr. Nixon in 1972. Many of the most prominent Democrats are indelibly stamped with the failures of the past—yet it is precisely with these figures the Party seems determined to identify itself. The Democrat fund-raising "gala" scheduled to be held in Miami on February 5 (and to be relayed to a score of regional dinners by closed-circuit television) is to feature Harry S. Truman as guest of honor and Lyndon B. Johnson as honorary chairman. Among the scheduled speakers are Hubert H. Humphrey, House Speaker John W. McCormack, and House Majority Leader Carl W. Albert. Are these the "New Populists" around whom the youth of America—and the millions of their elders opposed to the war—are to rally? Are these the men who will usher in the "Decade of the People"?

Somewhere in America, we are convinced, there exists a constituency for an effective, forward-looking opposition. We don't know how large that constituency is, and we doubt that anyone does, but we suspect it is not small. That constituency rallied in 1968 to the campaigns of Eugene J. McCarthy and Robert F. Kennedy. It rallied by the hundreds of thousands against the Vietnam war last October and November. It is ready today—and will be readier by 1972—to respond to a political movement that offers a genuine commitment to a better America, a decent America.

There is still a chance, perhaps, that the Democrats may seize the opportunity to provide a meaningful political alternative, but there is no reason whatever to take it for granted that they will. Those within the Party who are working for real change—the New Democratic Coalition—which will soon hold its first national conference, and the Referendum '70 group, which also plans to support peace candidates in this Congressional election year—deserve every measure of encouragement. So do those outside the Party who have given up on the Democrats but not on the political process, and who hope to bring a new political alignment into being.

There is a need, as never before, for a vigorus Opposition in America. If the Democratic Party's machinery cannot provide it, a new mechanism will have to be created. This is no time for a separate peace at home.

VIETNAM: THE OTHER SIDE IS RESPONDING

(By Joseph W. Elder)

(NOTE.—Joseph W. Elder, professor of sociology and Indian Studies at the University of Wisconsin, is a member of the board of directors of the American Friends Service

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Committee. He represented the AFSC on trips to Vietnam in June and October, 1969. The State Department validated his passport for both trips, and the U.S. Treasury granted AFSC a permit to purchase open-heart surgical equipment for North Vietnamese civilians.)

During the past year the Vietnamese we are fighting offered President Nixon a handle which, if grasped, might provide the means to end the war. But so far he has apparently rejected—and possibly not even seriously explored—this opportunity for peace.

Meanwhile, thousands of Americans and Vietnamese have died, while U.S. spokesmen contend that the war goes on because the other side will not respond to any of our peace proposals and will make none of its own.

But the other side *has* responded, as I had a chance to observe first hand on two visits to Hanoi. However, this response, which I helped convey to the President's foreign policy advisers twice, has been ignore by the Administration.

I first visited Hanoi for one week last June on behalf of the American Friends Service Committee (AFSC) to discuss Quaker assistance to civilians in North Vietnam. (AFSC was already assisting civilians in both Saigon-controlled and NLF-controlled portions of South Vietnam.) While in Hanoi, I conferred with North Vietnam's foreign minister, Nguyen Duy Trinh. During our conversation, I mentioned that I was part of an AFSC committee scheduled to meet with President Nixon's foreign policy advisers in July. "Are there particular points," I asked, "you would like me to stress on your behalf during the meeting?"

The foreign minister paused a moment. Then he said, "Tell President Nixon's advisers that if the United States is seriously interested in holding elections in South Vietnam, it should recognize the importance of the Provisional Revolutionary Government in South Vietnam."

I had first heard of the Provisional Revolutionary Government (PRG) when its formation was proclaimed only five days earlier at a Hanoi press conference. Facing a bank of lights and movie cameras, Nguyen Van Tien, the National Liberation Front (NLF) Party's representative to Hanoi, had announced that eighty-eight delegates and seventy-two guests, representing a range of anti-Thieu-Ky viewpoints, had met in a conference June 6–8 "somewhere in South Vietnam." The conference had been convened jointly by the NLF and the VNANDPF (the Vietnam Alliance of National, Democratic, and Peace Forces, and urban-based anti-Thieu-Ky party formed during the 1968 Tet offensive). From the June 6–8 conference emerged what was proclaimed to be a new government in South Vietnam—the Provisional Revolutionary Government of the Republic of South Vietnam, headed by the prime minister of an eleven-member cabinet.

The newly formed Provisional Revolutionary Government was a coalition of the NLF Party, the VNANDPF Party, the Vietnam People's Revolutionary Party (Communist), the Democratic Party (a nationalist party dating back to the 1930s), and representatives from trade unions and youth, professional, national minorities, armed forces, religious, women's and other groups.

One of the Provisional Revolutionary Government's acts had been to endorse the NLF's ten-point proposal of May, 1969, for restoring peace in Vietnam. The PRG had also retained the NLF's foreign policy (and flag) and elevated the NLF's chief negotiator in Paris, Madame Nguyen Thi Binh, to the post of foreign minister.

In the domestic arena, the PRG announced it was "prepared to enter into consultations with political forces representing various social sections and political tendencies in South Vietnam that stand for peace, independence, and neutrality . . . with a view to setting up a provisional coalition government. . . . The provisional coalition government will organize general elections in order to elect a Constituent Assembly, work out a democratic constitution . . . and form a coalition government symbolizing national concord and the broad unity of all social segments."

The Vietnamese at the Hanoi press conference I attended had been visibly excited, as were representatives of much of the non-Western world who were present. Within the next week, more than twenty nations had officially recognized the Provisional Revolutionary Government—including several non-Communist-bloc countries.

Foreign Minister Nguyen Duy Trinh of North Vietnam expanded his initial comment for my benefit. The month before, in May, 1969, both the NLF's ten-point proposal and President Nixon's eight-point proposal had called for elections in South Vietnam as a way of ending the war. Now Nguyen Duy Trinh focused on the differences between the two proposals.

"President Nixon's eight points allow Thieu, Ky, and their armies to remain in control during the elections. But Thieu and Ky jail those candidates who disagree with them. I'm afraid we know how 'free' the elections would be if they were held according to the Nixon formula," grimaced Nguyen Duy Trinh.

The foreign minister then turned to the NLF's ten points. The elections they called for would be run by a temporary coalition government. The PRG had already announced it was not that temporary coalition government. It was the government preceding the temporary coalition government. It was prepared to consult with other South Vietnamese political forces standing for "peace, independence, and neutrality" in establishing the temporary coalition government to organize the general elections. Once the elections had been held, the temporary government would dissolve, and the duly elected government would take over. This election plan paralleled a Buddhist South Vietnamese plan I had discussed in Paris with Thich Nat Hanh of the United Buddhist Church.

"President Nixon says he is looking for 'some sign from the other side' in response to his eight points," declared Nguyen Duy Trinh. "We have given him a sign. He has failed to see it."

The foreign minister then went on to elaborate how the PRG was a logical extension of the broadening opposition in South Vietnam to the Thieu-Ky government. The NLF was formally established December 20, 1960, as a coalition party that came to include non-Communist parties such as the Democratic Party, the Radical Socialist Party, the Patriotic and Democratic Journalists' Association, the Patriotic Buddhist Believers' Association, and the Cao Dai religious sect as well as the Communist People's Revolutionary Party. Numerically, the Communists comprised only a fraction of the NLF membership. Douglas Pike, for six years a U.S. Information Agency officer in Vietnam, estimates that in 1962 the Communist PRP formed only 35,000 of a total NLF membership of 300,000—less than one in eight.

In 1967 the South Vietnamese Catholic Bishops' statement against the war reflected official Catholic opposition to the policies of Thieu and Ky. Their statement was especially significant since the Catholic population in South Vietnam has traditionally been so strongly anti-Communist. In 1968, at the time of the Tet offensive, a new, broad-based party was formed: the Vietnam Alliance of National, Democratic, and Peace Forces. The party drew from city dwellers and intellectuals disaffected by the Thieu-Ky government and fearful of further imprisonments or harassments. When the Alliance Party was announced, a number of prominent South Vietnamese urban citizens dropped out of sight—only to surface later in sections of South Vietnam not controlled by Saigon.

Within this context, the newly established Provisional Revolutionary Government was a coalition of coalitions—with some Communist, but much more non-Communist, participation. "The PRG is now ready to form an even larger coalition with any South Vienamese who want peace, independence, and neutrality," the foreign minister told me. "It is a significant next step toward an election, reconciliation among the South Vietnamese people, and an end to the war. Please try to make this clear to your nation's leaders.

Four days later, in Hong Kong, I reported my Hanoi discussion to two State Department officers in the U.S. Consulate. Their response was blunt: "The PRG is the same as the NLF. They've just shifted titles around and called themselves a government rather than a party."

In Saigon, eleven days later, I told Ambassador Ellsworth Bunker of the foreign minister's statement. He and his aide also maintained that the PRG was the same set of people as the NLF, with a few changes in titles. The ambassador was unhappy with the "intransigent" position the NLF and Hanoi were taking. "They have lost half a million dead during the war—half of those killed last year. And they are being killed at the same rate this year. They must be hurting. Why don't they negotiate more reasonably?" He said nothing more about the PRG.

Only in Paris did I find a positive response to Hanoi's message—from Philippe Devillers, one of France's leading Vietnam specialists (author of Histoire du Viêt-Nam de 1940 à 1952 and co-author with Jean Lacouture of La Fin d'une Guerre: Indochine 1954). For years Devillers has maintained that the NLF is fundamentally an indigenous southern force driven into being by the oppression of Premier Ngo Dinh Diem and subsequent Saigon rulers.

"Because your country still accepts John Foster Dulles' image of world Communism," said Devillers, "it has failed to respond to the many non-Communist elements in the NLF and now the PRG. Take Huynh Tan Phat, the president of the Provisional Revolutionary Government. Phat is a Saigon architect by profession. His basic political affiliation is with the Democratic Party, of which he is general secretary.

"Phat was forced underground in 1958," Devillers continued, "when President Ngo Dinh Diem began suppressing opposition parties. Retaining his position in the Democratic Party, Phat joined the NLF coalition when it was formed in 1960, and he has served on the NLF Central Committee. Phat's economic strategy differs in important ways from that in North Vietnam. He includes more room for competition and market economics. He is not for a hasty reunion of South and North Vietnam. At one point he was even opposed to having any Northern troops come into the South. Since the establishment of the PRG, I have watched Phat's forces here in Paris. They have become increasingly influential in the South Vietnamese delegation."

Devillers went on to describe other men and women making up the eleven-member cabinet of the PRG. Almost all were middle-of-the-roaders. The New York Times correspondent in Hong Kong had thought he identified one member of the cabinet who had People's Revolutionary Party (Communist) connections—Tran Nam Trung, minister of defense. However, both the Times correspondent in Paris and Le Monde had stated that none of the leading members of the PRG was known to be a Communist.

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At least three of the eleven cabinet members were from the recently formed VNANDPF Party: Nguyen Doa, vice-president; Dr. (Mme.) Duong Quynh Hoa, minister of public health and social affairs; and Professor Nguyen Van Kiet, minister of education and youth. Ironically, Luu Huu Phuoc, minister of information and culture, is the composer of South Vietnam's national anthem; he was a prominent South Vietnamese musician before he was driven underground by the Saigon government.

Devillers also described the thirteen-member Advisory Council established as a consultative body for the PRG. If anything, the Advisory Council's representative spectrum was even wider than that of the PRG cabinet. The Council's president was lawyer Nguyen Huu Tho of the NLF. Lawyer Trinh Dinh Thao of the VNANDPF was vice-president; during the Japanese occupation in 1945, Trinh Dinh Thao had acted as minister of justice. Other members of the Advisory Council included Superior Bonze Thich Don Hau, leader of the militant Buddhists in Hue; Pham Ngoc Hung of the Patriotic Catholics of South Vietnam; Huynh Van Tri of the Hoa Hoa Buddhists; Ibih Aleo of the Movement for the Autonomy of the Nationalities in the High Plateaux; Huynh Cuong of the Khmer Nationals; and Professor (Mme) Nguyen Dinh Chi of the Saigon-Cholon Revolutionary Committee.

"Within the present context of South Vietnam, the PRG is a moderate—even conciliatory—group with which your side could work to end the war," Devillers told me. "Furthermore, the establishment of the PRG means that the Communist world—including Hanoi—has accepted the existence of a separate 'Republic of South Vietnam.' More than twenty countries, including the Soviet Union and China, have formally recognized the PRG.

"Both now and in the immediate future," Devillers added, "there is no question of North Vietnam annexing or incorporating South Vietnam. Hanoi's formal acceptance of the PRG suggests it is not in any rush to reunite the two sections of Vietnam. The PRG itself is opposed to immediate reunification. It has stated the reunification of Vietnam will be achieved set by step, by peaceful means, through agreement between the two zones. Both governments are committed to reunification, but both are willing to work out the details over time. Americans should not underestimate how important *this* development is."

Devillers then went on to outline his own suggestions on how to end the war in Vietnam. They included:

A clear statement of U.S. intentions to withdraw all its troops from Vietnam (withdrawal would not have to be precipitous, but the intent and a clearly outlined withdrawal time-table would be necessary).

A de facto cease-fire along with the phased withdrawal of U.S. troops.

The establishment of a broadly based coalition government in which all sides had confidence.

Elections throughout South Vietnam supervised by the coalition government, with the simultaneous stepping down of Thieu and Ky and their replacement by the elected government.

"The establishment of the Provisional Revolutionary Government is the first step toward this solution," concluded Devillers.

Back in Washington, in July, our Quaker committee met with President Nixon's foreign policy advisers. I described my conversation with the foreign minister in Hanoi, stressing his concern that the United States take seriously the establishment of the Provisional Revolutionary Government in South Vietnam. I mentioned that the foreign minister felt the PRG was a conciliatory step toward the middle—a step which, if matched by the United States, would speed election day in South Vietnam.

The advisers listened like professors to a seminar report—critical, interested, searching for flaws. When I had finished, one of them wrote for several moments on the yellow pad beside him, commenting that this was something they would have to look into. It was not the enthusiastic response of Phillippe Devillers. But neither was it the swift rejection by the State Department officials I conferred with in Hong Kong and Saigon.

My work for the American Friends Service Committee took me to Hanoi again in October, 1969, to deliver open-heart surgical supplies for civilians. For a second time I met Foreign Minister Nguyen Duy Trinh. I described to him the State Department's negative reactions in Hong Kong and Saigon and the noncommittal reaction in Washington to his request that PRG be taken seriously. I concluded by saying I would probably see President Nixon's advisers again when I returned to the United States. In light of the response, did the foreign minister have any further points he would like me to stress?

Nguyen Duy Trinh repeated almost exactly what he had said four months earlier. He noted that apparently President Nixon was looking for a way to end the war without hurting America's prestige. The best way to do this would be to have general elections in all of South Vietnam. But the elections would have to be fair, he insisted. Thieu and Ky could not run a fair election. The best group to run such an election, he continued, would be a temporary coalition government composed of people acceptable to all factions. The PRG was the first step toward such a government. It would cooperate with any segment of the Saigon government—except Thieu and Ky. They could not be included because they represented a foreign power, the United States.

Nguyen Duy Tinh concluded: "Urge the White House to study the possibilities of a fair election in South Vietnam. Urge the White House also to recognize the significance of the Provisional Revolutionary Government for holding those elections."

Within a few days after my return to the United States, three of us from the Quaker committee met in Washington with a White House foreign policy aide. The aide opened the dialogue. President Nixon, he said, has two approaches in Vietnam. The first—the preferable one—involves free elections in South Vietnam and the establishment of a broadly based government. "But this requires cooperation from the other side. And they have not budged an inch."

The second approach—less preferable but "better than no approach at all"—is the "Vietnamization" of the war and the gradual withdrawal of major segments of American troops.

The three of us on the Quaker committee observed that "Vietnamization" of the war was an unacceptable policy—morally and militarily. Morally, it made others do our killing. Militarily, it invited a catastrophe when some future attack, comparable to the 1968 Tet offensive, caught, say, 200,000 U.S. troops abandoned by unwilling Saigon armies—with the crisis demanding precipitous withdrawal or equally precipitous escalation.

"But 'Vietnamization' is the policy being forced on us," asserted the President's aide. "Hanoi and the NLF take any concession we give and never make any concessions in response."

One of my Quaker colleagues was quick to correct the record. On at least two occasions, he pointed out, the Hanoi government had reversed its position. Early in the war it had announced it would not talk until the United States agreed to unilateral troop withdrawals. Then it modified its position and announced it would not talk until the Americans stopped bombing unconditionally. Finally it modified its position still further and agreed to talk even with only a conditional halt to the bombing.

Then it was my turn. I stressed how ironical it was that although the creation of the Provisional Revolutionary Government was a response, Washington had failed to recognize its significance. Twice Hanoi's foreign minister had chosen it and the elections it could implement as the point he wanted me to stress to the White House.

The aide replied, "But they're requiring us to abndon Thieu and Ky as preconditions for the elections. This we just cannot do. Thieu and Ky are the only viable political force the United States has been able to build in South Vietnam."

I pointed out that the PRG had said Thieu and Ky could not supervise the elections. Whether or not they could run as candidates might be open to negotiation in Paris or anywhere else.

"Do you think they'd let them run?" asked the White House aide.

"I don't know, but I imagine it could be discussed," I replied.

"What about a ceasefire before the elections? Who would supervise it? And would all U.S. forces need to be out of Vietnam before the elections?"

"I'm not the one to ask," I replied. "These are the sorts of things our diplomats and their diplomats should be discussing in quiet corners in Paris, or in small committees in Geneva, or any place else where bargaining can be done away from the glare of publicity and the need for all sides to strike postures."

The aide raised a series of further questions—skeptical but probing. In the end, he promised to convey the substance of our conversation to the White House.

That was in October. On November 3, President Nixon delivered a major address on Vietnam. In it he repeated Lyndon Johnson's justifications for the war in Vietnam—justifications that have since been repudiated by many of their original architects.

The President called on "the moral courage and stamina" of Americans, so that they would not allow the "last hopes for peace and freedom of millions of people to be suffocated by the forces of totalitarianism"—words that ring hollow when one has seen the "peace and freedom" that exist in South Vietnam today. More than a score of newspapers have been silenced since May, 1968 (including the prominent English-language Saigon Daily News). Truong Dinh Dzu, who ran second, as a peace candidate, in the 1967 presidential elections, has been imprisoned as have scores of writers, publishers, university professors, lawyers, and doctors, hundreds of Buddhist monks, and thousands of ordinary citizens whose only "crime" might have been incurring the displeasure of Thieu or Ky or their local officials.

President Nixon presented no plan for ending the war in Vietnam through elections. Instead, he described his program for "Vietnamizing" the war.

What has happened to the elections President Nixon proposed in May? It is hard to believe that the Chief Executive does not realize the PRG really is willing to hold elections in South Vietnam. Is he afraid that if elections are held in South Vietnam, Thieu and Ky will be repudiated by the electorate, thereby ending "the only viable political force the United States has been able to build in South Vietnam"? Is he so concerned that Thieu and Ky remain in office that he has abandoned any thoughts of an election? If so, the price we are paying to support Thieu and Ky is—and will continue to be—too high.

An election was a key part of the 1954 Geneva Agreement designed to bring peace to Vietnam. An election helped end the struggle between Algeria and France in 1962. An election could help resolve the war in South Vietnam today. The "other side" has offered a handle to President Nixon which he could use to end the war. The handle is the Provisional Revolutionary Government and the possibility of a broadly based election. The White House cannot truthfully continue to say it is waiting for the other side to respond. The other side has responded. Now it is our turn.

VIETNAM: THE CRUCIAL ISSUE

(By Senator J. WILLIAM FULBRIGHT)

In his last major address on the war, President Nixon spoke of the "right of the people of South Vietnam to determine their own future" as the single American war aim which is not negotiable. "Let historians not record," declared the President, "that, when America was the most powerful nation in the world, we passed on the other side of the road and allowed the last hopes for peace and freedom of millions of people to be suffocated by the forces of totalitarianism."

The President's words, part of his November 3 speech, are a reasonable expression of the *theory* behind our war in Vietnam. Like many theories, however, it does not tell us much about the *practice*.

American intervention in Vietnam never has been rationalized primarily in terms of indigenous Vietnamese considerations. It was said—and is still said—to be an exemplary war—an object lesson for the makers of "wars of national liberation," and a war designed to inspire worldwide confidence in America through a demonstration of fealty to our presumed commitments.

Mr. Nixon has long subscribed to this theory of an exemplary war. Early in his campaign for the Presidency he made reference to Vietnam as "the cork in the bottle of Chinese expansion in Asia." In the spring of 1968 he asserted that the war was "not for the freedom and independence of South Vietnam alone, but to make possible the conditions of a wider and durable peace . . . ." And in his speech of November 3 the President predicted that American withdrawal from Vietnam—our "defeat and humiliation," as he chose to put it—"would spark violence wherever our commitments help maintain the peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere."

Expanding on the exemplary war thesis, President Nixon expressed the opinion on November 3 that calling off our war in Vietnam "would result in a collapse of confidence in American leadership not only in Asia but throughout the world." The President's own chief foreign policy adviser, [Henry] Kissinger, effectively challenged this proposition in an article written shortly before he went to work in the White House. "Whatever the outcome of the war in Vietnam," he wrote, "it is clear that it has greatly diminished American willingness to become involved in this form of warfare elsewhere. Its utility as a precedent has therefore been importantly undermined."

Wedded as they have been to the idea of Chinese Communism as a conspiracy for the conquest of Asia, if not of the world, our policy makers have been more than resourceful in disposing of facts that do not fit the cherished preconception. Conceding in *principle* that the world Communist movement is divided, and that North Vietnam is not merely a pawn of China, our policy makers nonetheless invoke these very specters in their efforts to justify our involvement in Vietnam. Mr. Rusk used to warn of a "world cut in two by Asian Communism." The President's speech of November 3 was suffused with associations of this kind, including a reference to "those great powers who have not yet abandoned their goals of world conquest." For whatever their reasons—conviction, pride, or dogmatic anti-Communism—our policy makers have never been willing to recognize the Vietnamese conflict for that which virtually every expert and seasoned observer has long recognized it to be: a civil conflict in which Communism is and always has been secondary to the drive for national independence.

Once it is clear that the war in Vietnam is neither a valid global testing of the liberation-war doctrine nor a proxy war in a grand Chinese strategy for the conquest of Asia, it follows inescapably that the United States has been fighting a war without need or justification—a war based on demonstrably false premises. My own premise, of course, is that our legitimate interest in Southeast Asia is not ideological but strategic, having to do not with the elimination of the Vietcong or of any other indigenous Communist movement but with the discouragement of overt Chinese military expansion.

The prevalent view among Southeast Asian specialists outside of government is that the Chinese challenge in South Asia is more political and cultural than military, that a strong independent Communist regime is a more effective barrier to Chinese power than a weak non-Communist regime, that the Hanoi government is nationalist and independent, and that, accordingly, once peace is restored—if ever it is—North Vietnam will serve as a barrier rather than as an avenue to Chinese expansion.

Assuming still that our national interest in Asia is strategic rather than ideological, it follows that the United States has no vital security interest in the preservation of South Vietnam as an independent non-Communist state. Indeed the United States has no vital interest in whether South Vietnam is governed by Communists, non-Communists, or a coalition; nor is it a matter of vital interest to the United States whether North and South Vietnam are united or divided.

When President Johnson used to declare that he would not be the first American president to lose a war, and when President Nixon warns, as he did on November 3, against "this first defeat in American history," they are not talking about the national interest but about the national ego and their own standings in history. A war is not a football game which you try to win for its own sake, or in order to maintain an unblemished record of victories. A war is supposed to be fought for purposes external to itself, for substantive political purposes, not just for the glory of winning it. When its political purposes are recognized as unworthy, as they have been in Vietnam, it is rank immorality to press on for a costly, destructive, and probably unattainable victory.

President Nixon said one thing in his recent speech with which I agree. He said that "North Vietnam cannot defeat or humiliate the United States. Only Americans can do that." In my opinion we have already done it, but I also think we can undo it—not with glory, because there is no glory in a charnel house, and not with "honor" in the sense in which soldiers use that term. But we can do it with dignity and we can do it with self-respect—the self-respect of human beings who have learned something about their own humanity and its terrible fallibilities. The question, of course, is how.

The Administration has a plan—so they tell us—for getting out of Vietnam. They won't tell us exactly what it is, or exactly how it will work, or when it will be accomplished, but they insist that they have a plan. They call it "Vietnamization." As defined in the President's speech of November 3, "Vietnamization" means that American forces will be withdrawn gradually while the Saigon army is built up to take over a greater share of the war.

Until and unless the Administration provides clear, specific evidence to the contrary, Vietnamization can only be taken as "heads I win, tails you lose," a strategy aimed at victory for the Thieu-Ky government. And that, as the Paris peace talks have shown, is an outcome which the North Vietnamese and the Vietcong will never accept, unless it is forced upon them by military defeat.

American soldiers in the field have little confidence in the ability of the Army of the Republic of Vietnam to take over the fighting. One Green Beret captain, part of a twelve-man team which has been trying to shape up a South Vietnamese force in an outpost near the Cambodian border, commented to a reporter: "Let our glorious allies in on anything, and the enemy knows about it within an hour." A group of GI's gathered around their radio at an outpost in Vietnam greeted President Nixon's glowing account of the progress of Vietnamization on November 3 with what one account describes as "loud, ironic laughter."

The crucial issue of the war is the character of the government which rules in Saigon. As long as American policy is committed to survival of the Thieu-Ky regime or one very much like it, "Vietnamization" will remain a euphemism for victory. The North Vietnamese and the Vietcong have said that they will fight indefinitely to prevent that and they have shown their ability to do so. As outlined by President Nixon, Vietnamization, according to a Rand Corporation expert, "is a policy that must goad the Hanoi leadership to challenge it by increasing the pressure of United States casualties; to which the President promises to respond by re-escalation against all past evidence (and consistent, reliable intelligence predictions) that this would neither deter nor end such pressure."

In his speech of November 3, President Nixon said that "we really have only two choices open to us if we want to end this war"—either "precipitate" withdrawal or, failing acceptance of our terms in the Paris peace talks, Vietnamization. The President, I think, is mistaken. There is a third and better option than either of these: the negotiation of arrangements for a new interim government in South Vietnam, for elections conducted by the interim coaltion regime with or without international supervision, and for complete American withdrawal.

The obstacle to such a negotiation is our continuing attachment to the Thieu-Ky government. If we could bring ourselves to deprive Saigon of its veto on American policy—as we could do without impairing either our own vital interests or, I daresay, the best interests of the South Vietnamese people—there would be no need either for the "precipitate" withdrawal which the President likes to talk about or for the condemnation of the Vietnamese people to prolonged war, which is the true meaning of "Vietnamization."

There is good reason to believe that, in return for our agreement to an interim coalition government and to ultimate total American withdrawal from Vietnam, the Vietcong and the North Vietnamese would be willing to make significant concessions. They have already indicated that they would not expect total American withdrawal prior to substantive negotiations but only a commitment to a definite schedule for withdrawal. They have also indicated that a transitional government need not necessarily include members of the National Liberation Front.

In addition, the North Vietnamese government is on record as being willing to accept a neutralist, independent South Vietnam which they would not seek forcibly to reunite with North Vietnam. It should also be possible, in such a negotiation, to make arrangements for a general amnesty on both sides and for prevention of the "blood bath" which the Administration confidently predicts should the Vietcong ever gain power in South Vietnam.

Whether, and to what extent, the North

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Vietnamese and the Vietcong are sincere in the concessions they say they are willing to make can only be ascertained in serious, substantive negotiations. To get these negotiations going two things are required of the United States: our willingness to require Thieu and Ky to take their chances along with the other factions in South Vietnamese politics, and our willingness to commit ourselves to a phased but total American military withdrawal from Vietnam.

We do not have to force such a settlement on the South Vietnamese government. We need only put them on notice that these terms have become our war aims, that we hope they will join us in negotiating their realization, but that, if they are not, we shall nonetheless negotiate the conditions of American withdrawal, while they, in turn, will be at liberty to continue the war on their own, to negotiate for new alliances, or to come to their own terms with the Vietcong.

If we did withdraw and the Army of the Republic of Vietnam, with its one million well-equipped soldiers, could then be inspired to defend the Saigon government, it would survive. If it could not be so inspired, then the South Vietnamese government would not survive. But we have done enough, having fought their war for more than four years at the cost of more than forty thousand American lives thus far.

As long as the Nixon Administration adheres to its present position that it will "discuss" but not "negotiate" a settlement without Saigon's approval, thereby giving Saigon a veto on our policy, Mr. Thieu will have every incentive for continued adherence to his present uncompromising stance. He minced no words in stating his government's position upon his return from Midway last June. "I solemnly declare," he said at that time, "that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government." Again, on Vietnamese television on September 19, Thieu dismissed the idea of a standstill cease-fire as "unrealistic," pledged never to cede "so much as a hamlet" to the Vietcong, and said he would make no further concessions at Paris. He said that his government would never accept the existence "in any way" of a Communist party in South Vietnam.

Lacking either a reliable army or the support of their own people, the Saigon generals have only one solid base of power: their veto over American war policy. If they had anything like the same influence in Vietnam that they have had in Washington, Thieu and Ky would have beaten the Vietcong long ago. The critical question therefore remains: Are we going to allow Saigon to continue to exercise this veto or are we going to give them the simple choice of joining us in making a compromise peace or continuing the war on their own?

Our basic asset, which neither the Johnson nor the Nixon Administration has been willing to acknowledge, is that this war is not now and never has been essential to our interests, essential, that is, to the freedom and safety of the American people. The exact terms of peace do not, therefore, matter very much from the standpoint of American interests, but the early restoration of peace matters enormously because every day that this war goes on the sickness of American society worsens.

After all this killing and destruction, and unless we remain in permanent occupation of Vietnam, the eventual outcome will probably be the same that it would have been if Americans had never gone to Vietnam. Our leaders may then suffer a loss of prestige but our country will have recovered its self-respect. As for the Vietnamese, they are a nation of tough, resilient peasants who will make their own accommodations to reality. As a young South Vietnamese army officer told an American reporter: "In thousands of years of our history we have seen the Chinese and the French and the Japanese come and we have forgotten them all. In time we will forget the Americans, too. Whether they did good or ill, they will only be a footnote to our history."

Looking back on the history of Vietnam since World War II, if we had not intervened in any way either to support the French or to create the Diem government, the nationalists would probably have achieved the independence of a unified Vietnam. It would have been achieved under the only authentic nationalist leader in modern Vietnamese history, Ho Chi Minh, and we would probably be today on as good terms with a unified Vietnam as we are with Yugoslavia.

Thieu-Ky Brand of Freedom

The most recent evidence of the harsh and oppressive character of the Thieu-Ky dictatorship, whose preservation is a central goal of Nixon Administration policy, was reported from Saigon by *The New York Times* as 1969 ended.

The dispatch reported that the Thieu-Ky regime had just arrested fifteen more student leaders at Saigon University and closed two additional newspapers in forty-eight hours "in an apparent crackdown on opposition elements." Said *The Times:* "The students were accused of singing anti-war songs and convening a meeting without permission. The newspapers were charged with advocating neutralism . . ."

The Times noted that press censorship was abolished, in theory, twenty months ago, but thirty-nine daily newspapers have been suspended for specific periods or closed down altogether since then.

The Illusion of Vietnamization

(Statement by Senator George McGovern before the Senate Foreign Relations Committee, Washington, D.C., Feb. 4, 1970)

Mr. Chairman and distinguished members of the Committee: The resolution that I have submitted, with the co-sponsorship of Senators Church, Cranston, Goodell, Hughes, McCarthy, Moss, Nelson, Ribicoff, and Young of Ohio, calls for the withdrawal from Vietnam of all U.S. forces—the pace to be limited only by three considerations: (1) the safety of our troops, (2) the mutual release of prisoners of war, and (3) arrangements for asylum in friendly countries for any Vietnamese who might feel endangered by our disengagement.

This process of orderly withdrawal could be completed, I believe, in less than a year's time. (I was advised on December 22 by the Department of Defense that the 484,000 men we now have in Vietnam could be transported to the United States at a total cost of $144,519,621.)

Such a policy of purposeful disengagement is the only appropriate response to the blunt truth that there will be no resolution of the war so long as we cling to the Thieu-Ky regime. That Government has no dependable political base other than the American military presence, and it will never be accepted either by its challengers in South Vietnam or in Hanoi.

We can continue to pour our blood and substance into a never-ending effort to support the Saigon hierarchy, or we can have peace, but we cannot have both General Thieu and an end to the war.

Our continued military embrace of the Saigon regime is the major barrier both to peace in Southeast Asia and to the healing of our own society. It assures that the South Vietnamese generals will take no action to build a truly representative government which can either compete with the NLF or negotiate a settlement of the war. It deadlocks the Paris negotiations and prevents the scheduling of serious discussions on the release and exchange of prisoners of war. It diverts our energies and resources from critical domestic needs. It sends young Americans to be maimed or killed in a war that we cannot win and that will not end so long as our forces are there in support of General Thieu.

I have long believed that there can be no settlement of the Vietnam struggle until some kind of provisional coalition government assumes control in Saigon. But this is precisely what General Thieu will never consider. After the Midway Conference last June, he said:

"I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government." Although President Nixon has praised General Thieu as one of the 3 or 4 greatest statesmen of our age, Thieu has brushed off the suggestion that he broaden his government and has denounced those who advocate a negotiated peace as "pro-Communists, racketeers and traitors." "A coalition government means death," he said.

Let us not kid ourselves. That is a clear prescription for an endless war and changing its name to "Vietnamization" still leaves us tied to a regime that cannot successfully wage war or make peace. When administration officials expressed the view that American combat forces might be out of Vietnam by the end of 1970, General Thieu called a press conference last month and insisted that this was an "impossible and impractical goal" and that instead withdrawal "will take many years."

Yet, there is wide currency to the view that America's course in Southeast Asia is no longer an issue, that the policy of "Vietnamization" promises an early end to hostilities. That is a false hope emphatically contradicted not only by our ally in Saigon but by the tragic lessons of the past decade.

As I understand the proposal, "Vietnamization" directs the withdrawal of American troops only as the Saigon armed forces demonstrate their ability to take over the war. Yet, a preponderance of evidence indicates that the Vietnamese people do not feel the Saigon regime is worth fighting for. Without local support, "Vietnamization" becomes a plan for the permanent deployment of American combat troops, and not a strategy for disengagement. The President has created a fourth branch of the American government, by giving Saigon a veto over American foreign policy.

If we follow our present policy in Vietnam, there will still be an American army of 250 or 300 thousand men in Southeast Asia fifteen or twenty years hence. Meanwhile, American firepower and bombardment will have killed more tens of thousands of Vietnamese to save a corrupt, unrepresentative regime in Saigon. Any military escalation by Hanoi or the Vietcong would pose a challenge to American forces which would require heavier American military action and, therefore, heavier American casualties; or we would be faced with the possibility of a costly, forced withdrawal.

The "Vietnamization" policy is based on the same false premises which have doomed to failure our previous efforts in Vietnam. It assumes that the Thieu-Ky regime is a legitimate, popularly backed government standing for freedom and self-determination. Actually, the Saigon regime is an oppressive dictatorship which jails its critics and blocks the development of a broadly based government. The South Vietnamese minister for liaison with parliament Von Hun Thu, confirmed June 20 that 34,540 political prisoners were being held at that time. Many of these people are non-communists who are guilty of nothing more than advocating a neutral, peaceful future for their country. In proportion to population the political prisoners held by Saigon would be the equiv-

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alent of a half million political prisoners in the U.S.

The Thieu-Ky regime is no closer to American ideals than its challenger—the National Liberation Front. Indeed, self-determination and independence are probably far stronger among the Vietnamese guerrillas and the supporters than within the Saigon government camp.

I have never felt that American interests and ideals were represented by the Saigon generals or their corrupt predecessors. We should cease our embrace of this regime now and stop telling the American people that it stands for freedom.

I want to make clear that I am opposed to both the principle and the practice of the policy of Vietnamization. I am opposed to the policy whether it "works" by the standards of its proponents, or does not "work". I oppose as immoral and self-defeating a policy which gives either American arms or American blood to perpetuate a corrupt and unrepresentative foreign regime. It is not in the interest of either the American or the Vietnamese people to maintain such a government. I find it morally and politically repugnant for us to create a client group of Vietnamese generals in Saigon and then give them our murderous military technology to turn against their own people. Vietnamization is basically an effort to tranquilize the conscience of the American people while our government wages a cruel and needless war by proxy.

An enlightened American foreign policy would cease trying to dictate the outcome of an essentially local struggle involving various groups of Vietnamese.

If we are concerned about a future threat to Southeast Asia from China, let us have the common sense to recognize that a strong, independent regime, even though organized by the National Liberation Front and Hanoi, would provide a more dependable barrier to Chinese imperialism than the weak puppet regime we have kept in power at the cost of 40,000 American lives and hundreds of thousands of Vietnamese lives.

Even if we could remove most of our forces from Vietnam, how could we justify before God and man the use of our massive firepower to continue a slaughter that serves neither our interest nor the interest of the Vietnamese?

The policy of Vietnamization is a cruel hoax designed to screen from the American people the bankruptcy of a needless military involvement in the affairs of the Vietnamese people.

Instead of Vietnamizing the war, let us encourage the Vietnamization of the government in South Vietnam. We can do that by removing the embrace that now prevents other political groups from assuming a leadership role in Saigon that are capable of expressing the desire for peace of the Vietnamese people.

I strongly support the thrust of the pending resolutions which call for our early disengagement from this struggle.

Perhaps the most ironic aspect of the entire matter is this: our leaders seem more sensitive to the wishes of a corrupt military junta in Saigon than to the concerns of this committee and of those Americans who have been trying for years to call our nation away from the blunders of Vietnam. My major concern about the present Administration is that by the skillful use of national television and the politics of manipulation, it has isolated and intimidated American critics of the war while identifying American interests with a regime in Saigon that is despised by its own people.

Those of us who have opposed our Vietnam involvement under the previous administration, as under the present administration, will have to admit that the Nixon Administration has temporarily carried American public opinion with them. Our task as dissenters is more difficult now, but is all the more important. The day will surely come when the American people will realize that they have been misled by the skillful political manipulation of the Administration.

I have recently experienced one minor aspect of the strategy of manipulation and intimidation. The Pentagon has dispatched one of its officers, a Major Rowe, to attack me and other Senators, including Senators Mansfield and Fulbright, for criticizing the Vietnam policy. After a visit with the President at the White House, the Major undertook a series of radio and television programs in which he has questioned my loyalty to the American flag. News accounts now indicate that he has gone back to Vietnam to gather material for a book in which he intends to extend his attacks on Senate critics of the Vietnam policy.

Although I question the propriety of an Army officer using his post to attack the foreign views of elected representatives, what disturbs me even more is the assumption that anyone who disagrees with him or the President is disloyal to the American flag. Indeed, the Major and his political sponsors in the Pentagon and elsewhere are guilty of unpatriotic and unAmerican actions when they engage in these "below-the-belt" tactics against their fellow Americans.

If the Pentagon and the White House assumes that by falling into the hands of the enemy who held him captive for several years, Major Rowe or any other officer earned the right to speak with unchallenged wisdom about American foreign policy, that is their prerogative. But to suggest that the Major's imprisonment entitles him to question the patriotism of those who have a different view of American policy makes one question whether either he or his political sponsors know what American democracy is all about. Perhaps it explains why they feel more compatible with General Thieu's dictatorship than they do with America's traditions of dissent and debate.

But despite such tactics and despite appeals to public opinion polls seeking to register the views of an alleged "silent majority", there is little hope for an end to the Vietnam war except through the kind of critical examination of policy which forums like this provide.

Had it not been for a courageous and thoughtful minority, including the chairman and some of the members of this committee, we would doubtless be escalating toward World War III in Southeast Asia. Instead, we have sufficiently exposed the folly of Vietnam so that the debate now centers on how to get out of this regrettable venture.

So let no one assume either that our leaders always know best or that silence in the face of madness is a public virtue.

S. Con. Res. 39

Concurrent resolution relating to withdrawal of United States force from Vietnam

Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over $100,000,000,000, and in inestimable destruction of Vietnamese life and property; and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human, and spiritual resources upon urgent domestic needs; and

Whereas spokesmen for the present administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendy countries, for those Vietnamese who might be endangered by our disengagement.

[From the Christian Science Monitor, Jan. 3-5, 1970]

WRONG VIET COURSE? MCGOVERN ASSAILS U.S. TIES TO THIEU-KY REGIME

(NOTE.—An in-depth assessment of the war from Republican National Chairman Rogers Morton was carried in the January 2 edition of this newspaper.)

(By Godfrey Sperling, Jr.)

WASHINGTON.—Sen. George McGovern, a leading critic of the administration on the Vietnam war, sees "no early end to the war" as long as "we're still wedded to the Thieu-Ky regime."

While giving credit to President Nixon for troop reductions, the South Dakota Senator says, "We're on the wrong course."

In a year-end interview with The Christian Science Monitor, the Senator, a very probable candidate for president in 1972, also charged the administration with "government by propaganda."

By this he said he meant, "an effort to manipulate the people behind administration policy rather than changing the policy along lines that we had hoped the President would follow" (on the war).

In other comments, the Senator:

Used the word "significant" in describing GOP chairman Rogers Morton's prediction of the United States ending its combat role in Vietnam within six to nine months. But he added that he was still skeptical.

Gave Mr. Nixon credit for expanding food-assistance programs, for progress in family assistance, and for draft and tax reform.

The interview with Senator McGovern follows:

Senator, at year's end, would you please assess the Nixon administration for us?

On the negative side, my big disappointment in this administration centers in the failure of President Nixon to move quickly to liquidate our involvement in Vietnam. I think we're still wedded to the Thieu-Ky regime. And as long as we continue in that posture I don't see an early end to the war in Vietnam.

I believe that the President's election stemmed in considerable part, perhaps to a major extent, from the dissatisfaction with the previous administration's handling of the war in Vietnam.

And while the President has made some reduction in forces in Vietnam for which he deserves some credit, we continue to cling to the maintenance of an unpopular regime in Saigon. I think as long as that is our policy we're on the wrong course.

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Yet a year has gone by and the President appears to have a good part of the public behind him on the war issue. Hasn't this been a rather remarkable achievement, that he would still be able to keep this kind of support?

This leads me to what is my second disappointment with this administration. This is what I could call "government by propaganda"—an effort to manipulate the people behind administration policy rather than changing the policy along lines that we had hoped the President would follow on the basis of what he said during the campaign.

Let me be very frank about it. I really believed in 1968 that candidate Nixon would quickly end this war if he were elected. And I think instead of that what he has done is to concentrate on managing American public opinion to support what is essentially the same policy we were following prior to his election.

DANGERS FELT

He has turned the Vice-President loose in a series of speeches designed very frankly to discredit the peace movement.

There's no question about that. Those speeches were aimed at the more articulate young people on university campuses who were sparking the peace effort in the university community. They were aimed at those senators and congressmen who'd been speaking out. And they were aimed at liberal network commentators on television and liberal papers that had been speaking out editorially against our policy in Vietnam and had continued that criticism of the Nixon administration.

I gather that you see great danger here?

Yes. I think it's a very dangerous trend when the United States Government uses its great influence and power to silence legitimate criticism and legitimate dissent.

The President by doing that has temporarily won probably the support of the majority of the American people for his policy in Vietnam. He's had [Vice-President] Agnew taking the low road in undercutting the critics. He himself has command on nationwide television and radio and in well-publicized and well-advanced speeches to present his own policy in the most attractive possible way.

And he has, himself, avoided direct assaults on his critics. But what he's held out is the hope of peace based on his repeated assurances that that is his goal and based on the dramatic announcements of troop reductions which leave the impression, I think, in the minds of most Americans that we're moving out about as rapidly as we can.

So that we've had a kind of government by public relations, government by propaganda, government by manipulation, which I find a very, very disturbing trend.

Has there been some substance, though, to the troop withdrawals themselves and to the Vietnamization over there? Hasn't there been some movement toward getting out of the war?

Yes, I think as I indicated earlier, and I want to spell that out clearly, that President Nixon deserves some points for reducing the number of troops there.

We had been escalating up until now. He does deserve credit for that. He deserves whatever credit is involved in trying to turn the war over to the Vietnamese.

VIETNAMIZATION QUESTIONED

But if I could describe in just one sentence what I think is wrong with the Nixon administration's approach to Vietnam and what I think we ought to do, I would put it this way:

Instead of seeking to Vietnamize the war, we ought to be trying to Vietnamize the government in South Vietnam.

Now what do I mean by that? I mean this, that I think it's a very cruel if not immoral policy for us to be creating a client state in South Vietnam and then encouraging them with our arms and our money to continue the slaughter of their own people.

This is basically what is involved in Vietnamization—it's an effort to fight a war by proxy, to use the massive technology of the United States to arm one side of a civil war.

Now if we want to see this war come to an end on a more humane and rational basis than simply arming the Vietnamese to fight it out among themselves, I would say that we ought to Vietnamese the government in South Vietnam by easing off our embrace, by easing off our support for Mr. [President] Thieu and [Marshal] Ky and in doing so to create the kind of political situation where they would be forced to go out and form a much broader coalition government—where they would have no other alternative except to embrace many of the political groups whose leaders are now imprisoned in Saigon and to perhaps invite some of the exiles to return and form what would amount to a transitional peace government in Saigon that would have the credibility to negotiate a settlement with the Viet Cong.

SKEPTICISM VOICED

That's really the way to end the war—on a negotiated basis and on a more enduring political basis that would hold out the hope for real stability and peace in South Vietnam.

Rogers C. B. Morton said to me the other day—he'd just talked to the President—that he was absolutely convinced that Nixon was going to get us out of this war. And furthermore, he predicted that we'll be out of any kind of combat role within six to nine months.

I think that's a very significant prediction, Mr. Sperling. Because Rogers Morton is a very thoughtful, and I think shrewd, effective political spokesman. I have a high regard for his ability and for his understanding of American politics.

I have heard several assurances of that kind from people who have talked to the President.

I have to be candid with you and tell you that I am still skeptical of the validity of that interpretation. But I hope I'm wrong.

I hope very much that the President is using this kind of tough rhetoric about how we're not going to yield and we're going to keep our commitments, that we're going to stand by General Thieu and Marshal Ky—I hope he's using that as a political device to kind of disarm the right-wing critics here at home.

And that he really behind that rhetoric has the intention of withdrawing on the kind of timetable that Congressman Morton says he does. . . .

Now what do you see as the pluses of the Nixon administration for the first year?

I think perhaps the two most significant achievements of the administration are, first of all, progress that has been made in expanding our food-assistance programs.

I give the Nixon administration rather high marks in quickly grasping the urgency of the malnutrition problem in this country and moving to meet it.

That doesn't mean they've solved the problem, but the rhetoric has been right, the commitments have been right, and some modest steps have been taken in meeting that problem.

Second to that I would like to applaud the President for being the first American president to talk about family assistance in a new framework.

He has said that this administration will move in 1970 and 1971 to provide a minimum income for the needy families in this country who are unable to work. And he has suggested what I think is a useful emphasis: that the program ought to be geared in such a way that it does not penalize the working poor. . . .

And I give the President a good score in at least recommending a change in what we all recognize is an inadequate welfare program.

HEARINGS ON VIETNAM—1970

(By Senator J. W. FULBRIGHT, Chairman, Committee on Foreign Relations)

There has occurred in the last two years a most important—and welcome—change in America's war policy in Vietnam. Prior to March 1968 we were expanding the scale of the war; since that time we have been reducing it—slowly but steadily. President Johnson initiated the process of gradual deescalation by limiting the bombing of North Vietnam, thus allowing the Paris peace talks to begin, and then, near the end of his term, by ending the bombing of North Vietnam altogether. President Nixon has continued the deescalation through gradual, periodic withdrawals of American troops. In early 1969 there were 542,500 American troops in Vietnam. By April 1970—which will be two years after the deescalation policy began—there will remain, under current withdrawal plans, 434,000 American soldiers in Vietnam.

The great majority of the American people—and of the Congress and of the members of this Committee—have welcomed the deescalation policy of the last two years as a signal improvement over the previous policy of escalation. Many Americans—including members of this Committee—have thought the process excessively slow but the fact remains: reducing the scale of this longest war in American history is far preferable to expanding it—though not as good as ending it. I believe further, that most Americans can unite in support of the broad policy objectives outlined by President Nixon in his recent State of the Union Message: an early end to the war in Vietnam; the implementation of the Guam doctrine calling on other nations to accept primary responsibility for their own defense and development; and the refocusing of American energies on a quest for a "new quality of life in America."

In order to assist the Executive in advancing toward these objectives, the Committee opens today a new series of public hearings on the war in Vietnam. Today and tomorrow we will hear testimony by Senators speaking on various resolutions and legislative proposals relating to the war in Vietnam as well as to related general problems of American foreign policy. Witnesses scheduled for today are Senator Goodell of New York, Senator Hughes of Iowa, Senator Eagleton of Missouri and Senator Mathias of Maryland. Tomorrow the Committee will hear testimony by Senator Scott of Pennsylvania, Senator McGovern of South Dakota, Sena-Hartke of Indiana, Senator Dole of Kansas and Senator Young of Ohio. Testimony by representatives of the executive branch and by a number of nongovernmental foreign policy experts will be heard at a later date.

As the President said in his State of the Union Message the prospect for a lasting peace will be greatly improved by a continuation of the relationship between Congress and the Executive under which we all conduct ourselves not as Republicans or Democrats but as Americans—despite differences in detail about the security of our country and the peace of the world. It is in that spirit that the Committee opens these new hearings on Vietnam. Much of the discussion is likely to deal with those "differences in detail" of which the President spoke. Difficult questions may be raised, and it will not astonish me altogether if criticisms of the Administration's policy are expressed. That, however, is part of the vitality of the democratic process. Praise is gratifying but it is seldom useful as a means of generating serviceable new ideas. There is no better way for this Committee to assist the President than by thorough, open discussion of the best possible means by achieving the objective

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which all of us support—an early reasonable peace settlement in Vietnam.

We have been hearing a great deal lately about the progress that has been made toward ending the war. The President said in his State of the Union Message that the "prospects for peace are far greater today than they were a year ago." And Secretary of State Rogers said recently that we are on "the right track toward national release from total preoccupation" with Vietnam. These are welcome assurances, which can usefully be examined in greater detail. In what exact ways, we may ask, have we advanced toward peace. The war, as we know, is still on. Replacements are still being sent to Vietnam; we are still suffering about 750 casualties a week; and the war is still costing the American people $70 million a day.

No member of this Committee, I am sure, would wish to denigrate the limited steps which have been taken toward peace, but neither can we allow ourselves to become complacent. I for one have been puzzled by comments to the effect that the war is no longer an issue in American politics. Some writers have suggested that the American people have lost interest in the war and are now preoccupied with inflation. Aside from the fact that the war and the inflation are closely related—the cost of the war being a major spur to rapidly rising prices—the war remains a critical issue in its own right. As long as American soldiers are fighting and dying in a distant conflict, that conflict—even though slightly scaled down—must remain the major concern of the American people and their elected representatives. For that reason this Committee can and must ask: in what exact way have the prospects for peace improved? And how and when may we expect the prospect of peace to become the reality of peace?

In this connection more specific questions arise regarding the so-called "Vietnamization" of the war. How well is it progressing? And how long will it take? Does "Vietnamization" mean that all American troops will be withdrawn or only our ground combat troops, leaving a "residual" force of 100,000 or 200,000 or 300,000 men? What is the likelihood that the Vietcong and the North Vietnamese will allow "Vietnamization" to proceed without trying to shatter it through a major new offensive? What will we do if "Vietnamization" fails, if the South Vietnamese army, left on its own, should come near to collapse again as in 1964? Would we then send American troops back in and re-escalate the war? Is that what President Nixon meant when he said last November 3, and again on December 15, that he would take "strong and effective measures" if the enemy took military advantage of American withdrawal? Secretary Laird has said that he "would not rule out" reescalation if "Vietnamization" should fail.* Finally we must ask whether, all things considered, "Vietnamization" is the most promising path toward peace, more promising than a renewed effort to negotiate a compromise settlement in the Paris talks. All these questions require clarification if Congress and the American people are to make informed judgments about the best possible route to peace.

It has been said that it is too late now to debate whether we should or should not have gone into Vietnam in the first place. My own feeling is that the continuing exploration of this question is still pertinent, not just for the sake of history, or for parceling out praise and blame, but or purposes of defining our national interests and the best means of upholding them. If it was wise for us to intervene in Vietnam in the first place, if it was really essential for our national security, then it might now be judged wise to remain there in full force and not just to "Vietnamize" the war but to win it outright. But if our intervention was a mistake to begin with, if South Vietnam never was of major importance to our national security, then it might now be judged safe and wise to negotiate a prompt end to American participation in the war, leaving the Vietnamese factions to fight it out among themselves. We must continue to reevaluate the past because the wisdom or lack of it in what we have already done has everything to do with the wisdom or lack of it in what we are now doing and with what we now ought to do.

The Committee can further assist the President in his efforts for peace by reexamining the feasibility of a negotiated compromise settlement. Perhaps, after two years of futile peace talks in Paris, it is time to call the effort off, or to suspend the talks temporarily, or simply to leave them in the downgraded condition they have been in since the withdrawal of Ambassador Lodge and the Administration's decision not to replace him with another top-ranking American representative. On the other hand, depending upon what we judge our national interests to be, it may be feasible to send a top-ranking American team back to Paris with a whole new set of proposals for a compromise peace.

If the survival in power of the Thieu-Ky government or one very much like it is judged not essential to American interests—and that now seems to be the judgment of well-informed people both in and out of government—then it may be feasible to reach agreement with the National Liberation Front and the North Vietnamese on an interim government representing all of the Vietnamese factions which would then conduct elections, or simply negotiate among themselves, for the creation of a more permanent regime. Recent visitors to Hanoi report that the National Liberation Front and the North Vietnamese would be prepared to make significant concessions in return for our agreement to the gradual, phased but complete withdrawal of American forces from Vietnam. The immediate solution they are said to favor is the creation of an interim regime representing all of the South Vietnamese factions. The North Vietnamese Government is also on record as being willing to accept a neutralist, independent South Vietnam which they would not seek forcibly to reunite with North Vietnam. The North Vietnamese and the National Liberation Front remain adamant, however, in their opposition to the continuation of the present constitution of South Vietnam, which bars all Communists from participation in the government.

Whether and to what extent the North Vietnamese and the Vietcong are seriously prepared to negotiate a compromise along these lines can only be determined by substantive negotiations. Whether we for our part can accept such a compromise settlement must depend upon how the President, with the advice and assistance of the Congress and the nation, defines the national interests of the United States.

Should it be decided that we can agree to an interim regime and to ultimate total American military withdrawal from South Vietnam without detriment to our national security, then it might also be judged timely to become somewhat more firm in dealing with the present South Vietnamese government. Even now there are important policy differences between the Nixon Administration, which is committed to "Vietnamization," and the Thieu-Ky government. President Thieu recently said, for example, that the withdrawal of American ground combat forces from Vietnam by the end of 1970 is an "impossible goal" and that, instead, "it will take many years" to remove those forces. Even more disturbing was President Thieu's declaration of last June: "I solemnly declare," he said at that time, "that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government."

Whether and how we take a firmer hand with our ally must depend upon our own vital interests and responsibilities. Neither the President nor the members of this Committee nor the American people would have a single American soldier sacrifice his life for a purpose extraneous to our country's safety and welfare, and surely not for the sole purpose of perpetuating in power the present rulers of South Vietnam. As the President pointed out in his State of the Union Message, our differences are over matters of detail and approach. There are no differences among us about the overriding objective of American foreign policy, which is the safety and welfare of the American people.

Through these hearings we hope to assist the President in bringing to an early end this war which has divided and agitated the American people for the last five years. Only when we are liberated from Vietnam will we be able to work together effectively on such urgent tasks as curbing the still accelerating inflation, stemming the tide of pollution, and all the other long-neglected items on the American agenda. The time has come, as the President said in his state of the Union Message, to initiate the quest for a "new quality of life in America."

VIETNAM: THE THINGS THAT SEEM AND THOSE THAT ARE

(Testimony of Senator CHARLES E. GOODELL before the Senate Committee on Foreign Relations, February 3, 1970)

Mr. Chairman, I obviously do not agree with the President's Vietnam policy—although I feel he should be commended for reversing the military escalation so disastrously implemented by the previous Administration and for reducing the level of combat forces in Vietnam.

I fear the path the Administration is taking is fraught with illusion and danger.

We have not Vietnamized the war; we have cosmetized it.

We have painted a happy scene where Saigon prevails while we withdraw. Behind the facade of this Potemkin village, the facts of Vietnam remain as ugly as ever.

Vietnamization has been a great public relations success. Every month, the polls show that more Americans support it. But the war is not a public relations problem.

It is said that the war has been "defused" by the Administration. This assumes the war is something taking place in this country—that it is over when the President's "silent majority" thinks it is over.

The real war—the war going on there, in Vietnam—has not been defused. The Vietcong has not been defused. The powerful North Vietnamese Army has not been defused. Neither has the political and social decay that debilitates the Saigon government and army.

If there is one thing clear in Vietnam today, it is that the overwhelming majority of the people want peace—and that they are governed by a military clique that wants war.

The people of South Vietnam are truly the "silenced majority." It is an illusion to claim we are fighting to preserve the "self determination" of the people.

Vietnam is a hothouse for illusions. The new policy has been wrapped in the same mantle of official optimism that formerly cloaked the old approach of military escalation.

The intractable realities of Vietnam—the vitality and determination of the enemy and the lack of these qualities in our allies—have made shambles of earlier policies. I fear these realities will do the same to present policies.

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*_Department of Defense Appropriations for 1970_, Hearings before the Subcommittee on Department of Defense of the Committee on Appropriations, House of Representatives, 91st Cong., 1st Sess. (Washington: U.S. Government Printing Office, 1969), p. 412.

I. THE PRICE OF PRESENT POLICIES

Administration not planning true disengagement

The President's plan is not a true policy of disengagement. It is not a covert or delayed version of the complete withdrawal policy I have been urging. It is, at best, a plan to scale down U.S. ground combat activities in Vietnam—although, as the Tet Offensive in 1968 showed, such a reduction is subject to the veto of the enemy so long as substantial numbers of Americans remain.

In recent testimony before this Committee Secretary of State Rogers used four different formulations in describing the Administration plan—formulations which in fact are far from equivalent:

(1) "To permit the people of South Vietnam to determine their own future without outside interference."

(2) "To achieve an end to the American involvement in the war."

(3) "To withdraw all of our forces from Vietnam."

(4) "To lead to an end of the American engagement in hostilities in Vietnam."

While the first three may represent ultimate hopes, there are indications that only the fourth describes the practical, immediate commitment of the Administration. In other words, the Administration has merely adopted a combat reduction strategy, aimed at cutting back American casualties to a level where a continued U.S. presence in Vietnam would be "acceptable" to American public opinion.

The planned troop reductions

According to informed sources, the Administration plans to retain close to 300,000 troops in Vietnam until the beginning of 1971.

Serious consideration is apparently being given to a very small troop reduction during 1971—one that would only bring the level of troops remaining in Vietnam down to about 250,000 by the beginning of 1972.

The Administration also is contemplating the retention of a "residual force" in Vietnam for an unspecified and possibly indefinite period.

The residual force level being advocated by military circles in the Pentagon is 200,000. As the staff report on Vietnam policy released yesterday by your Committee indicates, Americans and Vietnamese officials in Saigon are discussing a still higher figure of 250,000.

The lowest residual force figure that has been quoted is about 30,000, attributed to the Secretary of Defense.

Even a relatively "low" residual force figure of 30,000 represents a permanent commitment larger than the level of U.S. troops in Vietnam at the beginning of 1965—which, according to many observers at the time, compelled President Johnson to escalate under Communist pressure.

Human and material costs

The human and material costs of continuing so large an American presence for so long are totally unacceptable.

The price of present policies will be anywhere from 5,000 to 20,000 Americans dead in the next three years.

The price will be anywhere from 20,000 to 100,000 Americans wounded during that time. A tragic and disproportionate number will be maimed for life.

The price will be anywhere from $40 and $60 billion in that period. These figures must be measured in the opportunities foregone to respond to urgent domestic needs.

No U.S. interest in Vietnam justifies the sacrifice of so many American lives in this seemingly interminable war.

No possible U.S. interest in Vietnam justifies the maiming of so many young Americans.

No possible U.S. interest in Vietnam justifies squandering these huge sums, at the expense of meeting the problems of hunger, poverty, slums, and environmental decay in this nation.

These are the costs of present policies if everything goes according to plan. If it does not, the price will be more staggering still.

And there are reasons to fear that not everything will go according to plan.

II. VERBAL ESCALATION

While abandoning actual military escalation, the President seems recently to have embarked on a course of verbal escalation that has its own grave risks.

The President's threats

On two occasions last year—November 3rd and December 15th—the President has sought to warn the enemy against increasing the level of their activities while we are reducing our forces, saying:

"Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with the situation."

In his press conference last Friday, he very much raised the verbal stakes of his warning, by saying:

"If at a time that we are attempting to de-escalate the fighting in Vietnam, we find that they take advantage of our troop withdrawals to jeopardize the remainder of our forces by escalating the fighting, then *we have the means—and I will be prepared to use those means strongly—to deal with that situation more strongly than we have dealt with it in the past.*"

Threats no deterrent

Given the drastic methods that have been used in past years to punish the enemy, the warning that we are prepared to act "even more strongly than we have in the past" strikes an ominous note of possible re-escalation.

For six and a half years, however, this strategy has not succeeded. There is no reason to expect it to succeed now.

Beginning with the first bombing raids on the North after the Gulf of Tonkin incident, President Johnson sought to dissuade the enemy from attacking our forces by initiating reprisals of increasing severity for such attacks. This strategy was a failure. It did not deter the enemy. It only embroiled us ever deeper in the war.

I cannot see why the enemy will be deterred by President Nixon's threats of reprisal, when it was not deterred by President Johnson's actual reprisals. I cannot see why escalation in words will succeed where escalation in deed failed.

Enemy has the initiative

The unpalatable fact is that the military initiative in Vietnam remains where it always has been—in the hands of the enemy. Our adversaries—not the South Vietnamese or ourselves—control the level and intensity of the fighting.

The Communists continue to be in a position to choose whether to strike, to choose the most advantageous moment to strike, and to choose the manner of striking most deleterious to our policies. This point was aptly made in your Committee staff report, on the basis of recent first-hand observations:

"It seemed clear to us, however, that no one has the slightest idea whether the enemy will attack in force during the time the United States is in the process of withdrawing combat forces in order to accelerate the American withdrawal, shake confidence in the South Vietnamese Government, demoralize the army, and disrupt pacification; whether the enemy will continue the 'high point' pattern until American combat forces are withdrawn and then strike; or whether, even then, the enemy will concentrate on political subversion and competition in preference to a reintensified military effort. Those who hold these various theories appear tacitly to agree, however, that the choice lies with the enemy."

Incentive for enemy offensives

The Administration's plan for retention indefinitely of a "residual force" in Vietnam—and for maintenance of large forces there for the next several years—may well serve as an inducement to the enemy for offensive action. The longer any contingent of American troops remains in Vietnam, the greater may be the incentive on the Communist side to raise American casualties in order to increase domestic pressure in the U.S. for the troops' return.

In a recent article in the *New York Times Magazine,* former Under Secretary of State George Ball suggests one possible scenario for enemy action: North Vietnamese and Vietcong forces would continue the present lull in the fighting until our program for withdrawals had acquired a sustained momentum. Then they would launch a series of major offensives in order to raise the pressure for further withdrawals and undermine confidence in the South Vietnamese army and government.

Psychological impact of enemy action

It should also be borne in mind that future Communist offensives, like the Tet Offensive of two years ago, might undermine our policies even if they do not achieve their military objectives.

Lyndon Johnson claimed that Tet was a Communist defeat. In the strict military sense, he was right—for the enemy was thrown back from the cities with enormous losses. In the much more important sense, he was wrong, for Tet was a resounding psychological and political success for the enemy, demonstrating to the American public the delusions of the old policy of escalation.

The popular success of the new policy rests on its appearance as a relatively painless course: one that permits us to help the South Vietnamese regime defend itself while withdrawing gradually with reduced casualties. It would not be difficult for the enemy to plan and execute a series of offensive actions that would make the policy of Vietnamization seem far from painless.

The unpalatable choices

After making the threats he has, what choices are open to the President if the Communists elect an offensive course?

He has three choices, all of them unpalatable.

He could slow down or stop American withdrawals. This would prolong the American involvement and increase American casualties and costs.

He could carry out his threats and initiate harsh reprisals. This would be a return to the disastrous road of escalation.

He could back down from his threats and continue to withdraw. This would be the most painful and internally devisive way of accomplishing the desirable objective of withdrawal.

III. HANOI'S AND SAIGON'S VETO

The Administration plan gives the North and South Vietnamese governments an absolute veto over our withdrawal and tempts them to exercise this veto.

The President says our troop withdrawals will depend upon three factors: progress at Paris, level of enemy activity, and Vietnamization. Each can be blocked by Hanoi or Saigon.

Hanoi's veto

Hanoi decides whether there is to be movement in the Paris talks. For the past year and a half, it has decided that in the current negotiating context there can be no progress.

Moreover, by retaining our close identification with the military government of South Vietnam and by refusing to commit ourselves unequivocally in the negotiations to the principle of complete withdrawal of all American troops, we have created no inducement for a more flexible Communist negotiating position in the future.

Hanoi and the Vietcong decide upon the level of enemy actions and, for reasons already discussed, our present policies may tempt them to step up this activity.

Saigon's veto

Saigon decides upon Vietnamization. The speed with which South Vietnam can take over the burden of the fighting from American troops depends upon the capacity and morale of the South Vietnamese government.

The recent staff of your Committee points to some of the obstacles to Vietnamizing South Vietnamese forces:

"As far as problem areas are concerned, it is common knowledge that the quality of South Vietnamese Army units is uneven. The desertion rate continues to be high. We were repeatedly told that officer leadership is still a major problem, especially at the middle and lower ranks. There has apparently been little progress in broadening the social base from which officers are drawn and even less in promoting noncommissioned officers . . . Various Vietnamese stressed the continuing problems resulting from the low military pay scales.

"There is still heavy dependence on the United States by South Vietnamese Army combat units. Even the 1st Division, supposedly the best in the South Vietnamese Army, requires massive U.S. support and depends heavily on helicopters, 80 percent of which are American."

In this connection, I would note that a colleague of considerable military background, Senator Goldwater—whose views on the war otherwise are diametrically opposed to mine—has recently returned from Vietnam with his own pessimistic assessment of Vietnamization.

Moreover, Vietnamization faces political hazards that are even more formidable than the military ones.

The Saigon government has been maintained in power for years almost solely by the American military presence. Its political base continues to rest mainly on a small group of army officers and Northern emigres. It has steadfastly refused to permit any participation by perhaps the most important non-communist elite in Vietnam—the Buddhist leadership. It has systematically branded as "neutralists" and "traitors," non-communists who have not supported a wholly military solution to the war.

The United States has for years been pressing Saigon to "broaden its base." The effort has been an unqualified failure. In a reorganization last year, General Thieu expelled virtually all the civilians from key posts in his cabinet and replaced them with hard-line army officers. Only last week, he proposed a constitutional amendment to bar all communists from participating in future elections—having already barred "neutralists" from participating in the 1967 elections.

If such a regime were able to survive at all after the departure of American forces, it could only do so by undertaking drastic reforms and by permitting the participation in the country's political life of elements that are now completely excluded. The simple truth is that the junta presently has no intention of going forward with this painful process—painful because it would require the junta to share its power with others—since it can cling to the hope of an almost indefinite presence of at least a residual force of American troops.

IV. COMPLETE DISENGAGEMENT

It is time we recognize that this catastrophic war has not been and cannot ever be won.

It is time we perceive that, as I pointed out in 1967, Americans cannot build an Asian society at gunpoint.

It is time we understand that the real interests of our nation in preserving the military junta of South Vietnam are marginal or non-existent; that the human, economic and other costs of prolonging our military presence there clearly outweigh any benefits that could conceivably result from our continued presence.

It is time that we completely and swiftly terminate our military participation in the war, and keep to a minimum any further loss of men, money and prestige.

Essential elements for disengagement

To achieve these objectives, I believe that we must adopt a plan for disengagement that meets the following criteria:

First, it must be a plan for *complete* disengagement of *all* American military personnel, both combat and non-combat. It cannot involve the indefinite retention of a residual force of any size in Vietnam. While we must recognize that there may be some risks attending complete withdrawal, they clearly are less than the risks and costs of any extended troop commitment.

Second, it must set a firm target date for the completion of the withdrawal. Our final disengagement cannot be conditional and cannot be deferred by the decisions of Hanoi or Saigon.

Third, the withdrawal should be accomplished with reasonable swiftness, in order to limit the further loss of American lives and the further disruption of American domestic priorities. A reasonable time should be allowed to enable the South Vietnamese forces to take advantage of an intensive American military training program. If, however, the South Vietnamese do not have the will or the capacity to take advantage of this program, this should not be cause for delaying our departure.

Finally, public disclosure should be made of our intention to withdraw completely and of or proposed termination date. Such disclosure is essential to provide any hope of breaking the stalemate in Paris and, if possible, to induce the South Vietnamese army and government to make the reforms necessary for their survival.

I have endeavored to embody these principles in the bill I introduced last September, now before this Committee—S. 3000, "The Vietnam Disengagement Act."

The time period

In my bill, I selected a withdrawal deadline of approximately one year from the bill's introduction. I did so because I was convinced a year would minimize further loss of lives and at the same time permit an orderly process of withdrawal of American troops and assumption of their functions by South Vietnamese forces. I stand by the timetable then proposed.

Let me emphasize, however, that the most important objective is the establishment of a public commitment to withdraw by a specified date within a reasonably short span of time. It would be tragic, indeed, if agreement on this vital objective were obscured by disagreement concerning the setting of the date a few months earlier or later.

Advantages of a fixed deadline

A publicly announced deadline such as I have been proposing would make certain that after a specified date, no more American soldiers would die in Vietnam. The vain sacrifice of thousands of American lives would be over. So would the waste of tens of billions of dollars. We would, at least, be able to turn our energies and resources from fighting this seemingly endless war to solving some of our own urgent problems at home. We would, at last, have the opportunity to heal the profound divisions the war has opened within our own nation.

A publicly announced timetable will permit the American people to comprehend that there can be no guarantee that Saigon will prevail while we withdraw. It will enable the people to perceive that short of an indefinite American military presence, there can be no certainty of preserving the status quo in Vietnam. It makes it clearly understood that the ability of South Vietnam to defend itself must ultimately depend on the willingness of its own army to fight and of its own government to reform.

A public plan will certainly generate controversy. This, however, is preferable by far to tranquility based on illusion. Under any conceivable plan for disengagement, there are manifest problems and dangers facing South Vietnam. It is better that the American people become aware of these dangers than that they be lulled into happy euphoria, only to suffer a rude awakening—as they did in 1968 after Tet—and a loss of confidence in this government and its institutions.

Notice to the South Vietnamese Government that we are withdrawing our forces within one year will create a powerful incentive for that regime to mobilize its forces more effectively and to seek the political strength of a broadened popular base.

As a foreign intruder, we have polarized the political situation in the South and driven many nationalist elements toward the NLF. Our withdrawal could help foster a depolarization that would create a more favorable environment for negotiations and a genuine political settlement.

The Guam doctrine

In his Guam doctrine, President Nixon redefined the role of the United States in Asian affairs. He established the principle that Asian nations to which we are allied must primarily be responsible for their own defense, especially with respect to their internal security.

Had this principle been applied in 1963, as it should have been, we would never have become ensnared in a land war in Vietnam to preserve an existing government against an essentially iternal uprising.

Mr. Chairman, I suggest that the Guam doctrine is a sound doctrine, that should now be applied in Vietnam in the same manner as the President proposes to apply it to Southeast Asia generally. Applying the Guam principle to Vietnam would mean proceeding with complete disengagement, not merely with troop reduction.

The "Bloodbath" argument

In his November 3rd speech, the President contended that a fixed withdrawal timetable would enable the enemy "simply to wait until our forces have withdrawn and then move in." And he warned the public of the bloodbath that would result.

This line of argument seems at odds with the President's own theory of Vietnamization.

The South Vietnamese army has over a million men under arms. North Vietnamese and Vietcong forces in the South total only about one-fifth this number. American withdrawal may require the South Vietnamese army to adopt a more defensive strategy aimed at protecting populous areas—and to abandon its objectives of controlling the entire countryside. To suppose, however, that such a large force, operating in a defensive role, could simply be destroyed by a relatively ill-armed and much smaller enemy assumes profound debilities in the South Vietnamese Army—and this assumption in turn would mean that the President's own plan to train the South Vietnamese forces to take over the burden of the fighting would have little or no chance for success in the foreseeable future.

It is difficult to judge whether the Communists would engage in mass reprisals if they were to take control of Vietnam. Communist cadres did so when they seized Hue in 1968—under circumstances of long seige and bloody combat activity. No "bloodbath" of Catholics or other anti-Communists was reported following the Communist assumption of power in the North in 1954. The land reform program implemented in the North during the next two years did involve bloodshed, but the targets were wealthier peasants in rural areas, including many who had fought the French. It is of interest to note that from 1955 to 1961, the French and the Diem regime submitted only 43 complaints to the International Control Commission alleging political reprisals by the Communists in North Vietnam.

A hypothesis has been advanced by a number of Asian scholars that even if the Communists won complete control of South Vietnam they might well find it contrary to their self-interest to initiate large-scale violence against the civilian population. Such action, they suggest, would diminish the Communists' ability to unite the widely disparate elements of South Vietnamese society. Yet there is no way of dispelling great uncertainty about the course of events, and our departure would not end the political violence on both sides that has been going on in Vietnam for the past 25 years.

In arguing this topic, it is essential to remember that the biggest "bloodbath" of all is occurring as a direct result of the war.

To date, more than one million men, women and children have died as a result of hostilities in Vietnam. Since our government began its program of Vietnamization last year, more than 150,000 soldiers on both sides have died. If the war continues for five years more, another million people will die.

"Self-determination"

The Administration has spoken a great deal about "self-determination" for the South Vietnamese people. A primary reason the Administration cites for delaying the American withdrawal is "self-determination." Thus, in a letter dated December 4, 1969, addressed to this Committee, J. G. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations, states in commenting on my bill:

"Our fundamental, long-standing, and widely accepted goal in Vietnam (is) the assurance of self-determination for the South Vietnamese people. We obviously cannot maintain that goal and at the same time commit ourselves beforehand to the total withdrawal of our troops by a certain date regardless of whether or not that goal has been achieved."

"Self-determination" in this context is a plain deception.

The overriding interest of a clear majority of the South Vietnamese people is peace—to stop the killing, to stop the destruction of the cities, villages and farms of Vietnam.

The overriding interest of the military regime of South Vietnam is war.

It is the war that is the basis of the junta's virtually absolute rule and its (largely corrupt) income. It is the war that gives the narrow clique undergirding the regime an artificially high standard of living based on war profits and commodity imports.

We have long since made the choice of government for the South Vietnamese people. We have done so by supporting with our armies and with enormous sums of money a military regime which is totally dependent on that support, and which suppresses all political opposition. As long as such a narrowly based government remains in power, there can be no real "self-determination" for the silenced majority in South Vietnam.

V. S. 3000

Mr. Chairman, of the various proposals before you, mine is the only one with any operative effect on the Vietnam war.

My proposal is a bill, not a resolution. It is more than a mere request that the President take a specified course of action. It has the force of law. If enacted, it would accomplish its stated purpose of disengaging this nation from this terrible war.

The bill accomplishes its purpose by cutting off funds for the maintenance of American military personnel after the proposed termination date. This is a proper exercise of Congress' power under the Constitution to control the expenditure of tax money. In principle, it operates no differently than would a bill cutting off or restricting the expenditure of foreign aid moneys in a given country.

The Constitution vests in Congress the power to declare war. Surely Congress should share with the President the responsibility for undeclaring a war that never was declared in the first place.

The bill itself would not preclude the United States from continuing to provide South Vietnam with the military supplies, equipment and aid funds that are necessary to match Soviet military assistance to North Vietnam. That is a separate decision to be made by Congress and the President.

The bill would preserve the President's constitutional prerogative as Commander-in-Chief to determine the manner of combat operations and the method of completing the withdrawal of American troops by the termination date.

Our major role in the war began when Congress abdicated its responsibilities in the field of foreign affairs by approving the Gulf of Tonkin resolution.

Last year, Congress took some initial steps in reclaiming these responsibilities by adopting the Commitments Resolution and barring the deployment of combat troops in Laos and Thailand. The enactment of this bill would restore to Congress its proper foreign affairs role.

There is yet another reason why Congress must cease being merely a bystander in this conflict, and assume a partnership with the President in disengaging the nation from Vietnam.

The ending of a major war inevitably involves extremely controversial and sensitive issues—and this is especially true of a war we have not won. If one man—the President, but also the leader of a political party—bears the responsibility of making these decisions alone, there is great danger that division and partisan recrimination will ensue. If this man shares the responsibility with the members of Congress, who represent both parties and a wide spectrum of opinion, the chances of a solution which will command the confidence of the people are much improved.

President Roosevelt at Yalta took upon himself virtually the entire burden of deciding the peace settlement after World War II. The suspicion, bitterness and partisan bickering that followed—typified by the Joseph McCarthy movement in the 1950's—is a matter of history. This time, since the issues are still more delicate, let us be sure the burden is shared.

VI. CONCLUSION

Mr. Chairman, President Nixon opened his November 3rd speech on Vietnam by saying:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

I agree with this statement. I agree that the American people should know the truth about our Vietnam policy.

The people do not know the policy now. They deserve to know it.

Secrecy about our real intentions will ultimately confuse ourselves more than it will confuse the enemy.

Secrecy breeds the twin evils of suspicion and illusion.

Secrecy will leave the public totally unprepared if events in Vietnam do not develop as we hope.

Let us seek to inform the public, not to mollify it.

Let us seek a majority that is not merely silent but comprehending. Let us seek a majority that understands more than that described by Nicolo Machiavelli five hundred years ago when he said:

"For the great majority of mankind are satisfied with appearances as though they were realities, and are often more influenced by the things that seem, than by those that are."

[From the FCNL Washington newsletter, October 1969]

WORDS OF PEACE, ACTS OF WAR

(By Edward F. Snyder)

Returning to the United States after two years in Southeast Asia, one finds profound changes in public attitudes toward the Vietnam War, but practically no reflection of these shifts on governmental policies.

The emphasis is still on words of peace and acts of war.

Both the number of troops and the level of casualties in Vietnam were higher in August 1969 than August 1967:

	August 1967	*August 1969*
U.S. troops	464,000	509,600
U.S. killed	535	795

The bombing of North Vietnam has stopped but the bombing of South Vietnam and Laos has increased. Paris is the forum for negotiation, but the rigid positions of the parties has meant that progress is glacier-slow.

American public opinion has shifted fundamentally in two years, rejecting both the President and the Party identified with the war.

Public opinion is also making itself felt in Congress, where more and more members are speaking out and voting against the war.

But while Congress has been responding to public dissatisfaction, the Administration seems more inclined to accept and follow military advice.

CONFUSION OVER POLICY

Never do I recall so much uncertainty and confusion among so many knowledgeable observers about an Administration's position on its number one foreign policy problem.

Is the Administration prepared to accept a neutralist coalition government in Saigon, probably with some NLF participation? Or will it continue to support and accept only an anti-Communist government?

Some argue that the Administration would accept a government in Saigon—friendly, neutral or hostile—provided a certain process of "self-determination" can be worked out.

Thus it is suggested that if the North Vietnamese and the NLF will only indicate that they are ready for some sort of compromise, the U.S. is prepared to "lean very hard" on the Thieu government in order to come to terms.

Others argue that all the available evidence shows no change in U.S. support for an anti-Communist government in Saigon.

They say that the phrase "see it through with Nguyen Van Thieu" accurately describes current U.S. policy. They point to the fact that most of the troop withdrawal schedules now being proposed suggest that there will still be approximately 300,000 U.S. troops in Vietnam in late 1970.

And even if the timetable calls for withdrawal of all ground forces it is suggested

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that logistic and air support from outside would continue to be available to the Saigon government.

Washington officials are now optimistic that military security in South Vietnam is increasing and acceptance of President Thieu's government is growing.

All this adds weight to the view that the Administration really hopes for a "Korean-type" solution with a divided Vietnam and a friendly, anti-Communist government firmly in control in Saigon.

SOME GUIDELINES

How can the average person tell the underlying direction of U.S. policy in Vietnam? Here are several questions which may help the individual citizen judge for himself the basic war aims and ultimate goals of the Nixon Administration:

1. *Is there increasing Administration acceptance of a coalition government in Saigon?* An end to the war can only come if there is a government in Saigon willing to reach a compromise solution with the NLF and the North Vietnamese. The Thieu government has said it has no intention of negotiating a settlement, except on its own terms. Therefore the war is likely to continue until the Thieu government is replaced. At present U.S. support for President Nguyen Van Thieu is strong. President Nixon met him at Midway Island in June.

Upon his return to Saigon, Thieu said in a press conference: "From now on those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people."

The Thieu government represents only a narrow segment of the South Vietnamese people. The Saigon Daily News of May 29, commenting editorially on Thieu's unsuccessful efforts to broaden his political base, beyond the army, Catholic minority, and anti-Communists, said, "Thus President Thieu's new ruling front represents most of the major hard-line anti-Communist tendencies. It is a coalition of the extreme right."

President Thieu was elected in Sept., 1967 by less than 35% of the vote in an election in which the two most popular candidates representing peace or compromise positions were ruled off the ballot, and a hitherto unknown peace candidate came in second.

2. *Is there an increasing willingness by the Saigon government to permit dissent?* The Thieu government maintains itself in power in large measure through the use of political repression of neutralists and peace supporters as well as Communist oriented opposition groups.

An eight-man fact-finding team, composed of Rep. John J. Conyers, Jr., Mich., and noted churchmen and lawyers which went to South Vietnam in June, document this policy. (Copies of the Congressional Record excerpts available from FCNL on request.) Saigon's Minister for Liaison with Parliament, Von Huu Thu, confirmed June 20 that 34,540 political prisoners were being held in South Vietnam at that time.

3. *Is there a readiness to modify Article 4 of the present South Vietnamese Constitution?* It states: "The Republic of Vietnam opposes Communism in every form. Every activity designed to propagandize or carry out Communism is prohibited."

The Communists represent some of the forces which have opposed the Saigon government so effectively for so many years.

If they are not included, the fighting and bloodshed will continue. Major discussion of the need to change this provision could herald a change in basic policy in Saigon.

4. *Is the "Vietnamization" policy being abandoned?* To the extent that the Administration continues to support the Thieu government and the "Vietnamization" of the war, it is still pursuing an unattainable "victory" policy in Vietnam, despite the general impression that the U.S. has abandoned that illusory goal.

5. *Is withdrawal of U.S. troops proceeding at a steady and rapid rate?* It is generally accepted that the Thieu government cannot muster sufficient indigenous Vietnamese support for itself and must rely on the presence of foreign troops to sustain it in office. The number of U.S. troops in Vietnam and rate of their withdrawal therefore are major indicators of U.S. intentions.

At the United Nations Sept. 18 President Nixon said, "We are prepared to withdraw all our forces." When Nixon entered office Jan. 20, there were 535,500 American troops in Vietnam.

On June 8 he announced a cut of 25,000 troops. On Sept. 16 he announced a further cut of 35,000 troops. It is expected that by Dec. 15 there will still be about 484,000 U.S. troops in Vietnam.

In political terms the dynamics of the withdrawal process are probably more important than the specific numbers. The current slow rate of withdrawal with the emphasis on Vietnamization suggests hope for a continuing anti-Communist government in Saigon.

On the other hand a steady and continuous rate of withdrawal with a firm commitment to the goal of complete withdrawal could bring about either meaningful negotiations in Paris, or a major reshuffle of the Saigon government in the direction of a more representative, peace oriented group. This could happen even though several hundred thousand U.S. troops were still in the country.

6. *Is there open discussion of the question of asylum?* Sen. George McGovern, S.D., is one of the few public figures so far to urge that the United States take an initiative in granting asylum to Vietnamese who would feel endangered by a compromise settlement.

It is often argued that U.S. troops should remain in Vietnam to prevent a "bloodbath" of reprisals that might occur with a settlement.

His argument, however, is a patent rationalization. It means that the present daily bloodbath must continue indefinitely in order to avoid a possible future bloodbath.

The U.S. government should support proposals for asylum on a humanitarian basis and in order to remove one of the major psychological road blocks to settlement. This can be done under present provisions of U.S. immigration laws.

IN SUMMARY

Most specific, day to day pressures operating on President Nixon call for continuation of U.S. military involvement in Vietnam—pressures generated from the Pentagon, from the battlefield, from Saigon and from Paris.

The siren song that victory is possible if only we persevere another month or another year is strong. It tempts the White House to try to "buy time" and persuade the public and Congress to stop the clamor for peace.

The problem is that the war cannot be ended on terms many consider "honorable." Peace in Vietnam can only be made by the Vietnamese themselves, and any final solution must include the National Liberation Front which is a significant part of South Vietnamese political life.

The deadweight of U.S. military and political support, now committed to one small right-wing segment of Vietnamese opinion, must be removed in order to allow the Vietnamese to work out their own solution.

An increasingly vocal and active opposition seems to be the only way to balance the pressures for continuation and persuade the Administration to take the difficult but necessary steps to end the war.

[From the New York Times, Feb. 5, 1970]

VIETNAMIZATION OF NEGOTIATION

The Vietnam hearings of the Senate Foreign Relations Committee are taking place in the wake of an on-the-spot staff study that emphasizes many previously expressed doubts about President Nixon's policy of Vietnamization.

Despite his recognition of the Paris talks as the preferable route to peace, Mr. Nixon to be turning away from negotiation and toward Vietnamization as the preferred mechanism to achieve American disengagement. This approach raises many questions.

One is whether Vietnamization will end the war or merely perpetuate it while transferring a heavier share of the fighting to Saigon's troops. Another is whether it will terminate the American involvement or merely continue it, by cutbacks, at a level more politically bearable in the United States. A third is whether the Saigon Government and Army really can take over all or a major part of the combat and the innumerable other functions now performed by Americans. The final question is what, if anything, Hanoi and the Vietcong can do or will do to inhibit Vietnamization and, should the program be disrupted, whether a new escalation of the war and of American involvement will follow.

That these are not idle questions but serious dangers emerges repeatedly in the staff report. Despite optimistic briefings about the progress of pacification and the badly battered condition of the Communist military forces, the Senate investigators found enough indications of Communist strength and Saigon weakness to conclude that military and pacification gains are fragile and could be reversed.

Much of the apparent progress appears, in fact, to reflect a shift in Communist tactics from large-unit military offensives back to small-unit guerrilla activity and a strategy of "protracted war." This shift, and a concomitant diversion of North Vietnamese manpower and resources for the time being to internal economic development, is confirmed in the important speech a few days ago by the emerging successor to Ho Chi Minh, Communist First Secretary Le Duan, on the fortieth anniversary of the Vietnamese Communist movement.

The implication is that Hanoi is simply conserving force and biding its time until the United States either withdraws completely or halts its withdrawals after a significant rundown of its forces. In the latter event, the Senate investigators note, a massive North Vietnamese attack could face the United States with the "agonizing prospect" of reversing the process of withdrawal or effecting an accelerated, complete withdrawal "which would be interpreted at home, and probably abroad, as a military and political defeat."

The central issue that emerges is whether there is not a fundamental contradiction between Vietnamization as currently implemented, and bringing the war to a conclusion, which can only be accomplished with Hanoi's consent—which is to say through negotiation.

Initially, the concept of Vietnamization was that American troop withdrawals, by worrying Saigon about its future weakness and Hanoi about the prospect of protracted war, would lead both sides to negotiate. In practice, the reverse seems to have occurred. Hanoi seems prepared for protracted war and convinced of Saigon's ultimate weakness. Saigon—encouraged by the slow rate of American withdrawal, illusions of pacification sucesses, acquisition of advanced arms and American acquiescence in President Thieu's refusal to broaden his Government—feels no compulsion to seek a negotiated settlement.

Re-evaluation of the Vietnamization program and a new strategy to revitalize the Paris negotiations are clearly required.

WHITE WATER ADVENTURERS RUN IDAHO'S WILD RIVERS

Mr. CHURCH. Mr. President, the February issue of the National Geographic contains a superb article on a trip down Idaho's rugged and beautiful Middle Fork of the Salmon River—one of the streams in the national wild and scenic river system.

As the chief Senate sponsor of the legislation which established the system, I was deeply pleased that this outstanding magazine, in fascinating text and colorful pictures, captures the mood and drama, not only of the unique Middle Fork, but also of the main Salmon River, known as "The River of No Return."

Two distinguished naturalists and scientists, Doctors Frank and John Craighead, and members of their families, floated the rivers, running wild rapids, fishing, camping along the shore, studying the wildlife, and exploring the wilderness. With my own family, I have made the exciting trip down the Middle Fork, and I know it to be all that the talented Craighead brothers describe.

One major difference between my trip and theirs, however, was that the National Geographic Society Expedition was accompanied by a three-man television crew to film the journey. This will result in an hour-long color presentation by the Society of a "Wild River" program on the CBS–TV network, Tuesday evening, February 10. The film will also show how man has been despoiling the Hudson and the Potomac. The hour-long program may be seen in Washington on WTOP–TV, channel 9, starting at 7:30, and I urge my colleagues to watch what promises to be a fascinating story of this white water adventure in Idaho's magnificent primitive area and a timely documentation of why we need to save our wild rivers.

Mr. President, I ask that the text of the article in the National Geographic be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

WHITE-WATER ADVENTURE ON WILD RIVERS OF IDAHO

(By John Craighead, Ph. D., and Frank Craighead, Jr., Ph. D.)

Captain William Clark, scouting the Salmon River in 1805, stared in awe at the frothing canyon torrent—and the Lewis and Clark Expedition veered north to find a safer route through the wilderness.

What would those river-wise explorers have thought of our expedition, launching tiny kayaks and rubber rafts into the turbulent current at Dagger Falls, Idaho? Ahead of our crew of men, women, and teen-agers lay a challenging 190-mile trip.

First we would travel the Middle Fork Salmon, passing through parts of four National Forests that make up the 1,250,000-acre Idaho Primitive Area. Then we would turn west onto the Salmon. Known since pioneer days as the "River of No Return" it cuts one of the continent's deepest gorges.

Now slaloming between the boulders and curlers of our first major rapid, we saw John's youngest son capsize just a hundred feet ahead. How would 14-year-old Johnny react in white water with his world turned upside down?

A paddle blade emerged phantom-like from the seething waters and moved in a sweeping downward stroke. Johnny, sealed in his Kayak by a waterproof skirt, bobbed ride-side up and continued his run with hardly a break in motion.

Suddenly reservations about committing our families to this wild-river adventure were gone. We knew the Middle Fork and Salmon were ours for the taking.

TV TO TELL A WILD-RIVER STORY

We had made many voyages on wilderness rivers of the West, and each new experience had strengthened our efforts to champion the cause of river preservation. Now, after two decades, the concept of saving our wild and scenic waterways had finally flowered as the Wild and Scenic Rivers Act of 1968.

Sections of eight rivers, ranging from Idaho's Middle Fork to the Rio Grande in New Mexico, would be preserved unspoiled for posterity. And 27 others—including the stretch of the main Salmon that we would travel—are to be studied for possible inclusion in the system.

The Wild and Scenic Rivers Act designates how rivers shall be selected and reserved. But it is up to appropriate resource management agencies within the Departments of Interior and Agriculture to develop and implement detailed programs for their preservation. Citizens, acting as individuals or through clubs and community groups, can help by making their interest known and by watching carefully to ensure that adequate measures are taken to save our wilderness streams. Under the act, the public also can choose additional river sections that would qualify, and urge that these,too, be preserved for posterity.

The National Geographic Society, a force in conservation education for more than eighty years, believed the story should be told in a documentary television program. And so this white-water trip had been organized. Our two kayaks and six rubber rafts would be manned along the way by as many as sixteen people, including a three-man television crew.

Perhaps we could be accused of nepotism in choosing the group, for Craigheads predominated. We each have three children—aged 14, 19, and 21. All of them were riding the white water with us.

Both streams we would travel could qualify as wild rivers—by definition, "free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted." Such rivers are rare in our country today.

It was unseasonably cold for August, that first day on the Middle Fork. The chilling rain that lashed us on the river was falling as snow on the timbered slopes above. At dusk we pitched our shelter tarpaulins on the steep canyon slopes, and soon roaring campfires were burning holes in the darkness, drying our wet clothes just a bit faster than the drizzle moistened them. The boys, working at double time to warm up, had secured the boats and gathered an evening's supply of firewood. Soon Jim Cole, an old friend who had signed on as raftsman and cook, had trout on the griddle and rice in the pot—and the contented look of a man who has established order out of chaos.

Reveling in our self-made comfort, we reviewed the day's events. For 19-year-old Derek, the highlight had been the sight of photographer Baird Bryant deflating his raft in midstream by sitting down with a poorly sheathed knife at his belt. Frank's oldest son, Lance, enjoyed most the opportunity to photograph his cousin Johnny's upset in the rapids.

We fathers were seriously evaluating a problem that lay ahead. The yellow surplus rafts worried us. On previous trips, we had run many rapids with them, but now they were burdened with camera equipment and sound gear. Sluggish, they would be hard to handle, vulnerable to damage in the rapids. And we faced more than eighty rapids on the Middle Fork alone! It was going to be an extended trip, with speed restricted to that of the slowest raft. We decided then to stretch our limited supply of dehydrated food with the natural bounty of stream and forest.

Sleep came early that night. We spread our sleeping bags on the few level spots, then drifted off, lulled by the scent of fir, the patter of rain, and the distant call of a saw-whet owl.

A persistent drizzle bonded sky and river for the next two days, while the photographic crew captured the wild beauty through which we paddled. Finally, at Pistol Creek, we were able to stop and bare body, soul, and equipment to the drying warmth of the sun.

Stops for filming were consuming much of the time we had been able to allocate for the trip. Somehow we must speed up. On the evening of the fifth day, our map showed no difficult rapids ahead, so we decided to break one of our standing safety rules and continue after dark.

With no halts, the miles flowed beneath us, but everyone was keenly aware of the risk involved. It was nearly pitch dark in our canyon, and only a narrow band of stars showed above the rock walls.

Drifting with the current, we listened carefully for sound that would tell us that a rock was splitting the stream, a warning that white water lay ahead. When we called to each other, our voices seemed to cross expanses far greater than the narrow channel.

It was strange, this feeling that the river canyon was at once vast and confining. We strained to hear in the dark, alert to the very tips of our oars and paddles. Two hours of blind travel was enough; we turned our kayaks and rafts and angled toward the shore.

"KEEP TO THE RIGHT OF THE SLICK"

We had covered 50 river miles by now. The boisterous Middle Fork had broadened and deepened; giant Douglas firs and stately ponderosa pines replaced the lodgepole pines and subalpine firs seen earlier. The canyon walls rose even higher as the river cut deep into the mountains.

On the craggy heights above us roamed mountain goat and elk. Occasionally we caught a glimpse of mule deer and bighorn sheep, and golden eagles soared into sight almost daily.[1]

The sixth day out, we reached Tappen Falls. Beaching our boats above it to reconnoiter, we studied the sharp, rugged escarpment that jutted into the river. Foaming water dropped a sheer six feet there. We would have to "line" the four equipment-laden rafts—walk them downstream from shore, with ropes attached to bow and stern. The two kayaks would have to be carried or lined, too. Our lighter Avon rafts could probably run it.

Three of the boys—Derek, Charlie, and Lance—volunteered to man the rafts.

"Keep to the right of the slick," we warned them, for that deep tongue of the current—normally the best route in high water—terminated in a seething caldron.

Lance maneuvered his craft like an expert, and picked the proper route. But Charlie and

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[1] For other wildlife and wilderness articles by the Craigheads, see "Sharing the Lives of Wild Golden Eagles," September 1967 GEOGRAPHIC; "Trailing Yellowstone's Grizzlies by Radio," August 1966; "Knocking Out Grizzly Bears for Their Own Good," August 1960; "Bright Dyes Reveal Secrets of Canada Geese," December 1957; "Wildlife Adventuring in Jackson Hole," January 1956; "In Quest of the Golden Eagle," May 1940; and "Adventures With Birds of Prey," July 1937.

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Derek dropped precisely into that churning water hole at the foot of the falls. Their rubber craft folded in the middle; then boys and raft disappeared beneath the surface.

To us on shore, it seemed minutes before the raft broke free of the falls' crushing force and surfaced with two breathless boatmen clinging to it. The ducking actually had lasted only seconds. "But I'll remember the bottom of Tappan Falls for a long time," Derek said later with a grin.

Derek and Charles had no monopoly on river thrills. A week later it was 14-year-old Jana's turn.

She and her brother Lance had rowed their raft ahead of us as we approached House Rock Rapids. They planned to pull ashore at the head of the run and photographed us as we entered the white water.

Hastening to get well ahead of us, Lance suddenly found himself caught in the powerful current; it was too late to make the shore. Now he was committed to the roaring water without being able to scout his course—our standard procedure before entering difficult rapids. With unsecured gear bouncing around the raft, he quickly became a busy young man.

Lance began stuffing photographic gear into his camera bag while trying to maneuver the raft into quiet water. Jana, in the seat behind him, tied down other equipment.

Suddenly their raft slipped into the pit of a giant curler which stopped it abruptly and sent the Middle Fork pouring aboard. Lance became even busier then, fighting his half-swamped craft toward a safer channel. Preoccupied with the quarter mile of rocks and white water ahead, he had no time to worry about Jana.

We could see only enough to know that something was wrong. There was a brief glimpse of Lance and the raft disappearing behind sheer rock walls of the twisting canyon, but Jana was nowhere in sight. Was she in the bottom of the raft—or overboard? That question gnawed at all of us during the half hour it took us to work our craft through House Rock.

Finally, a mile below the rapids, a wisp of smoke appeared on shore. There a bedraggled Jana told us her story while she huddled over the fire that Lance had built.

"Suddenly I was in the river," she said: "But Lance didn't know it."

She shivered. "I went under the raft but grabbed the safety line. Ages later, when we were almost through the rapids, Lance turned and noticed me in the water. He tried to reach for me, but I was dragged under the raft again. Finally Lance pulled me aboard."

That lesson at House Rock renewed our caution and our respect for the river.

We cheerfully accepted the rigors of boating. More exhausting was the task of documenting our journey with still and motion pictures. Our television crew exposed more than 40,000 feet of film and recorded 20 hours of sound tape to document white-water thrills, camp incidents, wildlife, and fishing.

The filming had slowed our downriver progress enough to create a food problem; so, after passing House Rock, we decided to devote the rest of the day to foraging. The young members of the expedition headed up the rocky terrain like a horde of hungry locusts.

A LESSON ON HOW TO LIVE OFF THE LAND

Returning from our own fishing expedition, we found Jana and Karen had gathered hawthorn fruits, serviceberries, and chokecherries. Derek and Charles contributed four chukar partridges and three ground squirrels.

Our cutthroat trout were almost ready for the griddle when Lance turned up with a broad grin and a two-foot rattlesnake (page 229). Skinned, cut in sections, and dipped in flour, it went on the griddle to fry alongside the fish.

To round out the menu, we had dug camas roots, a staple food of the Indians who once roamed this area. The sweet, mealy tubers were at a rolling boil, and the berries were simmering when Jim Cole returned with a bucket of freshwater mussels.

Except for those mussels, it was a tasty meal. We steamed some in the shell, boiled others, and even fried some of the boiled ones, but each batch was as tough as shoe leather. Archeologists have found ancient Indian camps littered with empty mussel shells. Those Indians had been hungrier than we, or better cooks.

The chukars—striking, fast-flying partridges native to the foothills of the Himalayas—had been introduced into this perpendicular country by the Idaho Fish and Game Department. They have adapted to their new home, and multiplied, but their success has been greatly aided by cheatgrass, another outsider. Traveling over from Europe in grain shipments before the turn of the century, the weed has invaded the dry slopes and provides the chukars with a year-round source of food. Even wild country undergoes change. With public support, we can keep our wild rivers largely intact, but we cannot hope to keep them completely unaltered.

On previous trips we had floated the lower sections of the Green River in Utah, an appropriate candidate for wild-river status (map page 222). Much of the natural vegetation there has been displaced by tamarisk, a vigorous shurb which may have been brought in by early Spanish explorers. It has become so well established now that it probably can never be eradicated.

The Green River canyon is still beautiful—and chukars do furnish excellent hunting along the Middle Fork and Salmon—but it would be wise to discourage further introduction of exotic plants and animals into our few remaining wild-river areas.

We thought of these things as we traveled for two weeks, ninety-five miles downriver to reach the mouth of the Middle Fork. Before we turned west to tackle the mainstream of the Salmon, we put new neoprene bottoms on our battered surplus rafts and replenished our food supply at the town of Salmon.

Jim Cole, Charlie, Johnny, Jana, and John's wife left for civilization at this point. In their place we welcomed Dr. Morgan Berthrong, his daughter Sonja, and another old friend, Harry Reynolds.

The tumbling waters of the Middle Fork had dropped our party 2,600 vertical feet in less than a hundred miles. We'd descend more gradually—yet more dangerously—on the Salmon. This would be a more powerful river, with large rapids and rougher water. But we knew our sturdy rubber rafts would meet the challenge, and we had complete confidence in our trim 1-foot kayaks.

Perhaps we entered the Salmon with too much assurance. Ten miles downstream, we reached Gunbarrel Rapids—not one of the river's most difficult obstacles. As John ran through, the stern of his kayak struck a rock. The jolt, followed by a slap from the fast current, flipped him over. To his chagrin, John had to swim the length of the rapids.

Shortly thereafter, as darkness crept into the canyon, we pulled our flotilla ashore on a beautiful sand beach flanked by towering ponderosa pines. The current raced past the opposite shore, but on our side of the river a calm, clear lagoon mirrored the incomparable scenery that surrounded us.

By the time the evening shadows had climbed from water to mountaintops, our camp chores were finished. Soon night shrouded our peaceful, slumbering camp. The wheezing hunger call of a young great horned owl sounded from the pines overhead, then the deep, resonant answering hoot of its parent. Few of us were awake to listen.

Pushing on next day, we spotted a small sand bar adjacent to a cliff. Water had long ago carved out a natural shelter that would have met Indian requirements as well as our own. We went ashore to look for artifacts.

Yes, faint soot marks at the top of the shelter told us Indian cooking fires had burned here. When we scraped the cave's floor, we found layers of discarded mussel shells. This shelter could have been used by the ancient mussel-eating tribes, centuries before Christ was born.

We could see that more-sophisticated Indians had used the site, because the walls were marked with pictographs probably drawn in red ocher—earth colored with iron oxide. Perhaps archeologists can interpret those drawings for us some day—but each of us could conjure up imaginative tales from the marks that ancient man had left for us to ponder.

GAME FISH WAGE A LOSING FIGHT

To Indians along the Salmon River, the chinook salmon was an important source of food. Each spring and summer the fish migrated upstream from the Pacific Ocean in countless numbers.

Only a fraction of them complete the trip today. After fighting their way up the fish ladders in Columbia River dams, they face the perils of fishermen and polluted water as they swim through the Columbia and lower Snake Rivers.

The survivors may travel almost to the Continental Divide—to the spawning beds in the headwaters and tributaries of the Salmon River. There, often in brooks no wider than the fishes' length, the journey ends. Female deposit eggs in the fine pebbles, to be fertilized by the males. Then—battered and emaciated—the salmon die.[2]

Along the bank one day we found a huge salmon. Apparently he had worked his way up to the spawning beds, above, and had drifted downstream again, with but a vestige of life remaining. We killed the dying four-foot fish, and opened its atrophied stomach in a fruitless search for a sonar tag.

Scientists are seeking new knowledge about these migratory fish. For years Mr. James H. Johnson, of the United States Bureau of Commercial Fisheries, and a crew of scientists have been implanting sonar transmitters in salmon and steelhead trout. One object is to determine the effect of dams and impounded water on their upstream migration. This, plus tagging and other studies by the Idaho Fish and Game Department, is helping preserve the chinook and the steelhead.

Fur, not fish, first brought pioneers to the Salmon River. Then came prospectors and a few homesteaders. Local place names describe those early days: Starvation Creek, Prospect Ridge, Disappointment Creek. You'll still find miners' cabins and sluice boxes, though no one seriously pans for gold.

Only a few of the original homesteaders remain on the river. Later arrivals, such as Don Smith, caught the gold fever in Depression days. Don arrived in 1930 and spent eight years searching the bars for "color." He, his wife, and two sons run a thriving boating and guide service now.

We met Don on the river, and soon he was teaching young John how to pan for gold. Don gently rocked the gold pan, showing us the color line.

"Things were different when I had to make a living at this," he said. "Some days we couldn't pan 50 cents' worth—but we could live off the land and get by on $200 a year."

The Smiths now run modern jet boats up and down the River of No Return. These boats have had their impact on river life.[3]

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[2] See "The Incredible Salmon," by Clarence P. Idyll, NATIONAL GEOGRAPHIC, August 1968.

[3] See "Shooting Rapids in Reverse," by William Belknap, Jr., NATIONAL GEOGRAPHIC, April 1962.

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Even Don, who makes his living with them, admits their unrestricted use could destroy the solitude that his clients come here to seek.

Shining directly up the narrow canyon below Rainier Rapids, the sun turned the river into a ribbon of shimmering gold. We were tired and wet. The sight of Dan Lord's cabin on the river's right bank was a welcome one.

As the rest of us made the boats fast, Frank knocked on Dan's door. It opened, and a huge, bearded man, whom we had known from previous trips on this river, extended his hand.

"Meet the Lord," he growled with a glint in his eye. "Back again, eh? If you wash your feet in this river, you'll always come back!"

Warmed and rested after a brief visit with Dan, we paddled another three miles downstream to Lantz Bar—deposits of sand, gravel, and boulders—are tucked into the canyon walls here and there, well above the flood line, providing a few habitable sites.

Frank Lantz was at the shore to greet us as we beached our boats. At 78 he is still spry and sharp.

We introduced Morgan Berthrong. "Why, that's the fella the eagle clawed," Lantz commented. "He was covered with claw marks in that picture!"

Our old friend was referring to a photograph in a GEOGRAPHIC article we had written in 1940. It showed Morgan's face after a golden eagle had lacerated it while the bird was being banded.

We camped on Lantz Bar that night, and our families plied the homesteader with questions.

"How did I settle here?" he said, echoing Karen's question. "I dunno. Just got this far down the river and stopped. Hardly know why I picked this spot. It was as dried up as them hills, and filled with boulders. Moved some rocks off the place—some rattlesnakes, too—and greened it up. A man can't just sit down in a place like this; got to keep busy.

"I came here first in 1916. Went back to West Virginia in '21, but the river was all I could think of. One day I was seeding oats, and decided. After chores I told dad, 'I'm Salmon River bound.' Been here ever since."

There was respect in our eyes as we waved goodbye next day to this wonderful old man, who had traded the comforts of civilization for more primitive pleasures. We were glad our children had had a chance to meet him.

PULSE RATE RACES IN WHITE WATER

Even an experienced riverman feels excitement, exhilaration—and often apprehension—when running white water. Because we wanted to see how those emotions would alter a human heart rate, we included an electrocardiograph in our gear.

Just above Salmon Falls, we attached the transmitter to Dr. Berthrong and fastened the electrodes to his chest. The doctor would ride as a passenger with John through Salmon Falls, while Frank remained on shore to monitor the signal on an oscilloscope.

Morgan's heart rate was 64 beats per minute before the run. It rose to 76, then 80, as John approached the white water. In the worst of the rapids, Morgan's pulse rate reached 112.

This unusual exhilaration, coupled with pride of achievement, is reason enough for men to seek the challenge of wild rivers.

Another item of scientific equipment in our gear was a Gardner Small Particle Detector, designed to measure condensation nuclei in the atmosphere. A count of submicroscopic particles recorded by the device provides a measure of air pollution.

We had used the counter in other wilderness areas—even here on the Salmon during a winter float trip. Our readings went to Dr. Vincent J. Shaefer, renowned atmospheric scientist at the State University of New York at Albany, where he is conducting a comprehensive study of air pollution.

Particle counts along wild, unmodified rivers are important; they are part of a comparative base against which the air of our cities can be judged now and in the future.

The comparison is interesting and depressing. Our readings on the Salmon averaged 1,000 particles per cubic centimeter of air. Atmospheric counts in busy cities can run 250 times as high—a noteworthy indication of our deteriorating urban environment.

Sixty-six miles down the Salmon from the Middle Fork, the canyon walls rise steeply. Stretches of deep, relatively slow-moving waters are interspersed with the rapids. It reminded us of the gorge of the Potomac that we knew as youngsters some thirty years ago.

In those days, the river in that area—less than twenty miles from the heart of Washington, D.C.—was a clear-running stream. Peregrine falcons hunted over the gorge. Racoons, red and gray foxes, and mink were common sights. Bald eagles nested in the large sycamores of the islands.

Fishing was fabulous. The big sturgeon had already disappeared from the Potomac—a forecast of changes to come—but we caught plenty of smallmouth black bass and channel catfish. Each spring, shad and herring moved up from tidal waters to spawn, and were snagged and netted by the thousands.

The deterioration there today is disheartening. Fishing has suffered. The clear water we used to swim in and drink now smells of sewage and industrial refuse. It was this progressive destruction of the Potomac and other cherished rivers that stimulated us to try to help save the few remaining pristine streams.

NEW LAW ONLY A FIRST STEP

After 23 days afloat, we beached our boats on a sloping sand bar and crawled into sleeping bags for the last time.

Close to our ears ran the river, whispering of things we had seen and done. It spoke of fighting fish, hooting owls, and frolicking otters, of the steady dip of oars and paddles, sore muscles, blistered hands, and tired bodies. It was comforting to think that this unique natural area, with its vast diversity of plant and animal life, could be forever protected by the Wild and Scenic Rivers Act.

This act of Congress, signed into law on October 2, 1968, provides the means—"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation . . . shall be protected for the benefit and enjoyment of present and future generations."

Recognizing the accelerated pace of environmental degradation and the rapid exploitation of our resources, Congress went on to promise that "Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system. . . ." Thus the Salmon River qualifies.

PUBLIC SHOULD EXPRESS A CHOICE

Problems will arise, however, for there are other interests that conflict sharply with the preservation concept. Special interest groups can make legitimate claims on the water, timber, and mineral resources of the areas. Because our wild rivers are so precious, we should weigh those claims carefully—balance them against the cultural, esthetic, recreational, and scientific values that derive from an unspoiled river. And then the public must express its choice, acting through civic and conservation groups, and by making its wishes known to Congress.

All of us lying there on the sand bar beside the Salmon fervently believed that a substantial stretch of this wild river should be held in trust as a place where men could seek adventure, find freedom, meet physical challenges, and escape from the pressures and complexities of urban life.

Next day we came ashore near Wind River Pack Bridge, about twenty miles above Riggins, Idaho. Our 190-mile voyage was over. As air hissed out of our deflating rafts, we were already talking of future float trips. For our families hadn't seen all of the Salmon's beauty; some stretches farther downstream, we know, are as spectacular as the ones we had just navigated.

Perhaps we will take another two-family flotilla down there. If not, our children will run the Salmon on their own, for all of them are capable river travelers now. It has been satisfying to watch them pit their growing skills, strength, and endurance against the water and the wilderness.

With public interest and support, the few remaining pristine rivers can be saved, so that each generation can experience the natural environment that has shaped man down through the ages. A sojourn in unmarred wilderness country gives a perspective that is desperately needed in our rapidly changing world.

FEDERAL WATER POLLUTION CONTROL IN THE WASHINGTON METROPOLITAN AREA

Mr. MATHIAS. Mr. President, President Nixon's Executive order of February 4, directing all Federal agencies to comply with air and water quality standards by December 31, 1972, is an important and timely initiative. Following closely the appointment of the Environmental Quality Council, this Executive order underlines again the President's commitment to making the Federal Government an effective leader in the national battle for a better and cleaner environment.

The Washington metropolitan area is one crucial arena in the campaign to eliminate pollution from Federal installations. Such efforts in the Potomac Basin are doubly significant, both because there is a relative concentration of Federal facilities here and because the Nation's Capital—as so many of us have urged so often—ought to stand as a model for the entire Nation.

In September 1967, I released the results of surveys taken by the Federal Water Pollution Control Administration between 1964 and 1967 at 10 Federal installations in the Washington area. These surveys showed that each of the 10 installations was discharging inadequately treated sewage or industrial wastes into the Potomac River or its tributaries.

Last summer I surveyed the same Federal installations again, to determine their progress toward correcting the problems reported by FWPCA 2 years earlier. I also asked for reports on the installations' progress toward meeting the very high performance standards and construction timetables set by the third session of the Washington Area Enforcement Conference in April 1969.

It was very encouraging to me to learn that substantial progress has been made in the past 2 years. The 10 Federal installations covered by my survey have invested a total of at least $1,909,369 in water pollution control projects since 1967. These expenditures range from the construction of large secondary sewage treatment plants at Quantico and Indian Head to operational improvements and small projects at other facilities.

I also discovered, however, that there

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is a significant amount of work remaining, particularly to bring all of these installations into compliance with the Enforcement Conference's stringent standards. The largest projects planned for the immediate future will be advanced treatment facilities to serve the Pentagon, Andrew Air Force Base, and Fort Belvoir. Not including the Pentagon project, for which GSA cost estimates were not available last fall, these planned expenditures will exceed $4,761,000.

It is worth noting that these major construction projects will have to be accelerated if the Pentagon, Andrews AFB, and Fort Belvoir are to meet the President's deadline of December 31, 1972, for compliance with the applicable water quality standards. Under the Enforcement Conference schedule, for example, one advanced treatment plant at Andrew AFB is to be operational by January 1, 1973, the other not until July 1, 1973. The deadline for the Pentagon plant under the Enforcement Conference is August 1, 1973, but GSA advised me last fall that—

> To date we have not made the engineering studies necessary to determine the total scope of this project or our capabilities to meet this schedule.

Finally, the Army advised me that "the earliest practicable operational date" for the completion of construction at Fort Belvoir would be January 1974, 5 months behind the conference timetable and a year later than the deadline in the Executive order.

I hope that the Executive order will give greater momentum to these projects, and that every effort will be made to meet the President's deadline in the Washington area. While the standards involved are high, the need is great and the potential benefits to the Potomac Basin and the Nation are enormous.

Mr. President, I ask unanimous consent to have printed in the RECORD a staff report summarizing the results of my survey of pollution control efforts at Federal installations in the Washington area.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

SURVEY OF FEDERAL INSTALLATIONS CONTRIBUTING TO POTOMAC RIVER POLLUTION IN THE WASHINGTON METROPOLITAN AREA, JANUARY 1970

INTRODUCTION

In August 1969 Senator Charles McC. Mathias, Jr., surveyed major Federal installations in the Washington metropolitan area to determine their progress toward controlling the Potomac River pollution which these installations have generated in the past. This report summarizes the responses submitted by the various agencies involved.

In September 1967, then-Congressman Mathias had released the results of surveys conducted at 10 Federal installations between 1964 and 1967 by the Mid-Atlantic Regional Office of the Federal Water Pollution Control Administration. These surveys showed that each of the installations was contributing inadequately treated domestic or industrial wastes to the Potomac River or its tributaries. In each case corrective recommendations were made by FWPCA.

In April 1969, new standards of performance and timetables for necessary construction were established by the Third Session of the Potomac River—Washington Area Enforcement Conference. These standards covered all major waste treatment plants in the Washington area, including those at several Federal installations.

In his August 1969 survey, Senator Mathias asked each agency involved for a report on its progress toward correcting the problems identified in the earlier FWPCA surveys. In addition, those facilities included in the Enforcement Conference report were asked to summarize their progress toward meeting the Conference standards and timetables.

1. Washington Navy Yard, Naval Station and Anacostia Annex (Washington, D.C.)

The April 1967 FWPCA survey identified several sources of pollution of the Anacostia River and the Potomac estuary. Untreated domestic wastes totaling around 2500 gallons per day were being discharged from the SEQUOIA, the yacht of the Secretary of the Navy; a Naval Reserve training ship, and a nearby boathouse. Overflow from a sluice pit at the Navy Yard was discharging substantial quantities of ash residue and chemicals from boiler blowdown through a storm sewer into the Anacostia, reportedly causing the river bottom in this area to rise several feet in recent years. Pollution from five automobile wash racks was draining directly into the Anacostia. The Naval Station provided inadequate treatment for sewage from its picnic area and guard house.

In a September 1969 report to Senator Mathias, the Navy Department listed several corrective actions:

(a) Water pollution problems originating at the power plant will be solved by converting the plant from coal to oil or gas. Such conversion will also curb air pollution problem. The fuel conversion project is being developed for funding during fiscal 1972. No cost estimate was given.

(b) Storage tanks were installed during fiscal 1969 at the picnic area and guard house at a cost of $8200. These tanks, pumped out periodically by a local contractor, completely eliminate discharge into the Anacostia from these facilities.

(c) The discharge of inadequately treated wastes from the SEQUOIA was halted by the installation of a macerator-chlorinator system early in 1968. A study is currently underway to develop adequate treatment methods for all naval vessels.

In regard to the automobile wash racks, the Navy advised that "since the use is limited and no commercial detergents are used it is felt that this is not a source of pollution to the river."

2. Marine Corps Development and Education Command (Quantico, Va.)

The October 1964 FWPCA report cited several problems. These included the absence of secondary treatment at the plant serving Brown Field, with an estimated flow of 86,400 gpd; inadequate treatment of wastes from areas served by septic tanks; discharges of oil and grease into the Potomac from wash racks; and discharge of raw sewage from various docks.

In its September 1969 report to Senator Mathias, the Navy Department listed the following corrective steps:

(a) Construction of secondary sewage treatment facilities for Brown Field and facilities for elimination of the oil and grease discharges from the wash racks was completed in July 1969 from a f/y 69 appropriation of $593,000.

(b) The septic tanks were connected to the Brown Field sewage treatment plant at a cost of $13,369.

(c) Discharges from the docks were discontinued.

3. Naval Weapons Laboratory (Dahlgren, Va.)

The February 1967 FWPCA report showed that 20 of 22 septic tanks, with a combined flow of 10,000 gpd, provided inadequate waste treatment, and the installation's secondary sewage treatment plant was operating above capacity.

The Navy's September 1969 report stated that construction of secondary sewage treatment facilities is programmed for fiscal 1971 at a cost of $380,000. The project is intended to comply with Virginia water quality standards for discharges into shellfish waters.

4. Naval Communications Station (Cheltenham, Md.)

A January 1967 FWPCA showed that the base's secondary treatment plant was overloaded and had some operational and maintenance problems. In April 1969 the Enforcement Conference recommended that this plant either be connected to a municipal system, or be upgraded to provide nutrient removal.

The Navy's September 1969 report stated that negotiations have been initiated with the Washington Suburban Sanitary Commission, which is studying a plan to extend a sewer line through the Navy's property. Connecting to this line is estimated to cost about $90,000 plus about 22¢ per thousand gallons treated thereafter. A budget request will be made when negotiations with WSSC have been completed.

5. Naval Ordnance Station (Indian Head, Md.)

A February 1967 FWPCA report showed that none of the estimated 192,300 gpd of domestic sewage at this base was receiving adequate secondary treatment. About 155,000 gpd received only primary treatment. About 7800 gpd was discharged raw.

In 1968 the Navy received $926,000 to improve treatment facilities at an existing plant and to construct two new plants. This construction was completed in autumn 1969.

6. Andrews Air Force Base (Prince Georges County, Md.)

A July 1964 report showed several sources of industrial wastes, including aircraft washracks which were discharging insoluble oil and grease, and boiler blowdown water which contained ash and mineral residues. In regard to domestic waste treatment, the Enforcement Conference recommended that compliance with advanced treatment standards be attained through construction scheduled for completion on July 1, 1973.

An August 1969 Air Force survey of industrial waste control at Andrews AFB summarized a number of corrective steps completed, totaling $78,200; additional work under contract, totaling $19,000; and work planned totaling $40,500, for a total investment of $137,700. These projects are intended to resolve most problems caused by industrial wastes.

The Air Force report noted the "controversy" surrounding the operation of the Air Force wash racks. Test results by the Air Force and the State of Maryland do not agree, with the state's tests showing a far higher degree of pollution from this facility. A cleaning compound recommended by Maryland has not been identified by the Air Force. Improvements in the wash rack's operations are planned by the Air Force.

The discharge of fly ash and other residues from the boiler will be resolved by conversion of the central heating plant from coal to oil. This work was to be completed by November 1969 at a cost of $219,300.

In regard to the Enforcement Conference standards, the Air Force advised Senator Mathias in September 1969 that the treatment levels proposed are realistic in terms of present technology, and that the timetable for construction can be met at a minimum capital cost of $2,000,000. The Enforcement Conference ordered Plant No. 1 to be in operation by July 1, 1973, and Plant No. 2 by January 1, 1973. Pilot studies are now under way. The Air Force is also exploring the possibility of connecting to the WSSC sewer system.

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7. Fort Washington National Park (Prince Georges County, Md.)

A July 1967 FWPCA report showed that effluents from four septic tank-sand filter systems were being discharged into gullies leading to the Potomac, in areas where children may play. The effluents, although otherwise treated, were not being chlorinated.

The National Park Service reported to Senator Mathias in September 1969 that chlorination of all four systems has been provided at a total cost of $2,000.

8. National Zoological Park and stables (Washington, D.C.)

A 1966 FWPCA survey showed that 75% of earlier pollution discharges to Rock Creek had been eliminated, but remaining problems included the duck ponds and the lion and monkey houses. The Edgewater Stables operated by the National Park Service also discharged wastes to Rock Creek.

As part of the Zoo's ten-year pollution control program, a filtration-recirculation system has been installed in the duck ponds and additional connections with the D.C. sewer system have been made. Metro system construction required the relocation of the stables and pollution will be controlled at the new location.

9. GSA Virginia heating, refrigeration and sewage disposal plant (The Pentagon)

An FWPCA report in 1967 concentrated on the lack of secondary treatment for boiler blowdown. The Enforcement Conference in April 1969 recommended major improvements in sewage treatment levels and set a deadline of August 1, 1973, for the completion of necessary construction.

In September 1969 GSA advised Senator Mathias that the boiler blowdown had been connected to the sanitary sewer at a cost of $3500. Additional operational improvements planned for the present sewage disposal plant totaled $50,500.

In regard to the Enforcement Conference schedule, GSA stated that the technological standards appeared to be attainable. In regard to timetables, however, GSA advised Senator Mathias in October 1969 that "to date we have not made the engineering studies necessary to determine the total scope of this project or our capabilities to meet this schedule." Cost estimates had not yet been developed but GSA hoped to include the project in the fiscal 1972 budget. The Enforcement Conference deadline is August 1, 1973.

10. Fort Belvoir (Va.)

The Enforcement Conference recommended major upgrading of sewage treatment at Fort Belvoir to meet the overall standards adopted at the Conference.

In September 1969 the Army advised Senator Mathias that the present state of technology "lacks information on optimum methods of providing for tertiary treatment" as recommended by the Conference. The Army was awaiting the findings of demonstration projects being conducted by FWPCA.

The Army further stated that the Enforcement Conference timetable, which called for the completion of construction at both plants by August 1973, "is not completely realistic" and stated that, subject to the FWPCA studies, leadtime of about four years appeared necessary. "The earliest practicable operational date" cited was January 1974. A rough cost estimate of $2.2 million was provided. As an alternative, the Army was exploring the possibility of connecting with a local treatment plant.

CONCLUSIONS

According to the reports summarized above, Federal installations in the Washington metropolitan area have invested at least $1,909,369 in pollution control during the past two years. Additional projects scheduled or being planned will total more than $4.5 million in the next three fiscal years, not including the cost of major improvements in the Pentagon sewage treatment plant for which no cost estimates are yet available. (See attached summary.)

From these reports, it appears that the installations involved have responded with reasonable speed to most of the FWPCA's recommendations for controlling pollution from industrial sources. Continuing inspections and oversight by FWPCA will be required, however, in all cases.

The challenge of providing fully adequate sewage treatment at these installations has been complicated and somewhat prolonged by the Enforcement Conference's agreement on treatment standards significantly higher than those in force prior to April 1969. Since most of the agencies which operate major treatment plants are still reviewing alternatives, it is still difficult to predict whether the Enforcement Conference's schedules for construction can be met.

Although these Federal installations generate a relatively small portion of the total pollution of the Potomac estuary, their antipollution efforts are extremely important as hard evidence of the government's commitment to cleaning up the Potomac. While a substantial amount of work remains to be done, the progress reported during the past two years is very encouraging.

SUMMARY OF REPORTED INVESTMENTS IN POLLUTION CONTROL AT WASHINGTON AREA FEDERAL INSTALLATIONS, JANUARY 1970

Installation and projects	Costs through fiscal year 1970	Estimated future costs
1. Washington Navy Yard, Naval Station and Anacostia annex:		
Projects completed	[1]$8,200	
Power plant conversion (fiscal year 1972)		(2)
2. Marine Corps, Quantico:		
Treatment plant construction	606,369	
3. Naval Weapons Laboratory: Treatment plant construction (fiscal year 1971)		$380,000
4. Naval Communications Station: Connection with WSSC		90,000
5. Naval Ordnance Station:		
Treatment plant construction	926,000	
6. Andrews Air Force Base:		
Control industrial wastes	97,200	40,500
Heating plant conversion	219,300	
Treatment plant construction		[1]+2,000,000
7. Fort Washington National Park: Improvements in septic tanks	2,000	
8. National Zoo: Various improvements	(2)	
9. Pentagon Plant:		
Various improvements	3,500	50,500
Treatment plant construction		(2)
10. Fort Belvoir: Treatment plant construction		2,200,000
Total reported	[1]1,909,369	[1]4,761,000

[1] Incomplete.
[2] Not reported or not available.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If there be no further morning business, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. H.R. 514, to extend programs of assistance for elementary and secondary education, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

ADDITIONAL COSPONSORS OF AMENDMENTS NOS. 471, 472, 473, 474, AND 475

Mr. ERVIN. Mr. President, I ask unanimous consent that the names of my distinguished colleague from North Carolina (Mr. JORDAN) and the distinguished senior Senator from Georgia (Mr. RUSSELL) be made cosponsors of my amendments Nos. 471, 472, 473, 474, and 475 to the pending bill. These amendments undertake to make freedom of choice the law of the land and thus to insure to parents of schoolchildren of all races equality of freedom.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending business, precisely?

The ACTING PRESIDENT pro tempore The pending business is the Dominick amendment No. 482 to H.R. 514.

Mr. BYRD of West Virginia. I thank the distinguished presiding officer.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending amendment offered by the Senator from Colorado (Mr DOMINICK) be temporarily laid aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 461

Mr. ANDERSON. Mr. President, I call up my amendment No. 461, for the relief of St. John's College in Santa Fe, N. Mex.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The bill clerk read as follows:

On page 217, add at the end thereof the following:

"RELIEF OF SAINT JOHN'S COLLEGE

"SEC. 809. In determining whether Saint John's College at Santa Fe, New Mexico, may receive or retain basic college library grants under title II of the Higher Education Act of 1965, the Commissioner of Education is authorized and directed to exclude from the computation required pursuant to sections 202 (a) and (b) of such Act (relating to maintenance of effort by such college with respect both to total library purposes and to the purchase of library materials), the sum of $12,000 representing extraordinary book purchase expense incurred by such college in fiscal year 1965 in the establishment of a library in the college's initial year of operation."

Mr. ANDERSON. Mr. President, I appreciate very much the cooperation and assistance of the able Senator from Rhode Island (Mr. PELL), as well as that of the majority leader and the minority leader.

This amendment will place Saint John's College on a par with all other colleges in applying for college library grants under the Higher Education Act.

Library expenditures for fiscal year 1965 are used by colleges as a basis in meeting maintenance of effort requirements in the library grant program. Saint John's, however, is unable to meet its maintenance of effort requirement using fiscal year 1965 expenditure figures. This is because fiscal year 1965 was the first year of operation for this major educational institution. The statutory language involved fails to provide for $12,000 of extraordinary one-time reference work costs which Saint John's incurred in fiscal year 1965. As a result, Saint John's is credited with a fiscal year 1965 expenditure base $12,000 larger than its normal $8,154 expenditure.

My amendment will remedy this unique and obviously inequitable situation.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Mexico.

Mr. JAVITS. Mr. President, I have read this amendment with great interest. I understand that, for all practical purposes, it represents a private bill to correct an injustice which has resulted to a constituent of the Senator from New Mexico (Mr. ANDERSON). If it is clearly understood as that, I have no objection to it. This is an education bill, and I would assume that, like other bills, it is capable of accommodation to this kind of situation. So I have no objection.

Mr. ANDERSON. Mr. President, I appreciate the attitude of the Senator from New York, as well as that of the manager of the bill.

Mr. PELL. Mr. President, in connection with this amendment, I think perhaps it is something more than just a private bill, because the situation results from the punctiliousness with which St. John's College, which has campuses both in New Mexico and in Maryland, complied with the requirements of the original act, and for that reason they find themselves in an untenable situation.

I am very glad that the ranking minority member approves of this amendment, from the point of view of his side. I do also, and very much hope it will be agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

AMENDMENT NO. 484

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Dominick amendment be temporarily laid aside, so that I may call up amendment No. 484.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. EAGLETON's amendment (No. 484) is as follows:

At the end thereof add the following new section:

SEC. 810. Section 4(a) of the Cooperative Research Act (Public Law 83–531) is amended by striking out "July 1, 1970" and substituting in lieu thereof "July 1, 1974," and by striking out "July 1, 1971," and substituting in lieu thereof "July 1, 1975."

Mr. EAGLETON. Mr. President, this amendment is offered on behalf of myself and the Senator from Texas (Mr. YARBOROUGH). The amendment would extend the authorization for construction funds for regional education research laboratories for another 4 years. This authorization would otherwise expire on July 1, 1970.

One hundred million dollars in construction money was authorized for the 5-year period beginning with fiscal year 1966. This amendment would not increase the authorization but merely extend it for another 4 years.

Appropriated for construction $32.4 million, but $11.3 million of this has been impounded by the Budget Bureau. Continuing the authorization would permit the money to be spent for construction of these facilities if the impounded money is released. There is a good chance that HEW will request the Budget Bureau to release the remaining funds in fiscal 1971. Unless the authorization is extended, however, the only applications that could be funded would be those filed prior to July 1 of this year.

These laboratories provide a valuable service to education by working to develop testing alternatives to traditional teaching methods. They are devoted to testing, in actual teaching situations, educational research ideas. The laboratories develop all materials that might be needed to implement those ideas found to be workable through the testing.

There are now 15 research laboratories across the country. Prior to making a construction grant, the Office of Education makes a 5-year projection of the kind of work that the laboratory is expected to do during that period. In other words, construction funds are not granted unless there is a reasonable likelihood the laboratory is going to be operating effectively in the foreseeable future.

Such projections have been made for the laboratories in Austin, Tex.; Los Angeles; and St. Louis. The Los Angeles application has been approved but not funded because of the budget freeze. Approval of the St. Louis and Austin applications has been held up pending a lifting of the budget freeze.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, so that I may add something to my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. EAGLETON. I ask unanimous consent that a statement of Senator YARBOROUGH be printed at this point in the RECORD.

Mr. BYRD of West Virginia. What was the request?

The ACTING PRESIDENT pro tempore. Will the Senator repeat his statement?

Mr. EAGLETON. It is with respect to a prepared statement of Senator YARBOROUGH.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR YARBOROUGH

Mr. YARBOROUGH. I wish to endorse the amendment offered by the Senator from Missouri, Mr. Eagleton. It will extend for 4 years the authorization for Title IV, section 4(a) of the Cooperative Research Act. This section presently authorizes $100 million for construction of facilities for educational research, but it expires June 30, 1970.

Great sums of money are being spent by all levels of government for education. It is urgent that we maintain the research and evaluation that will tell us whether the money is being spent effectively. The Southwest Educational Development Laboratory in Austin, Texas, is among those seeking funds for construction under this section of the law. Its application is not subject to the expiration date of June 30, 1970, but the withholding of appropriated funds has had the effect of "freezing" this and other applications. Should the authorizing legislation be allowed to expire, the chances are lessened that this money will be released at all.

These institutions all over the Nation deserve to complete their building plans. I urge that we extend this provision for 4 years so we may have the benefit of the educational research and evaluation that these laboratories will conduct.

Mr. PELL. Mr. President, for the record, I would like to ask the Senator from Missouri what would be the cost of the full authorization.

Mr. EAGLETON. One hundred million dollars in construction money was authorized for the 5-year period beginning 1966, and this authorization would be continued for an additional 4 years—the same amount.

Mr. PELL. A total of $100 million?

Mr. EAGLETON. Yes, for the 4-year period.

Mr. PELL. Also, I think the record should show the reason why it should be attached to this bill at this time.

Mr. EAGLETON. The pressing reason for its attachment at this time is that, unless this authorization is continued, it will expire by July 1 of this year, and those applications which are not approved as of that date will go by the board.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. JAVITS. Has any money been used

for this purpose at all, under this authorization?

Mr. EAGLEON. Thirty-two million four hundred thousand dollars has been appropriated for construction.

Mr. JAVITS. And used?

Mr. EAGLETON. Twenty-one million dollars, I am told, has been used in construction.

Mr. JAVITS. When was the last construction under this, and has it been completed? In other words, are we dealing with a situation of lack of completion?

According to the facts, $11.4 million of an appropriation of $32.4 million remains unobligated at the beginning of fiscal 1970. The question is, Is it available for obligation, or will it terminate as of the end of the fiscal year?

Mr. EAGLETON. It is my understanding that the $11.3 million impounded will terminate at the end of the fiscal year.

Mr. JAVITS. Is the $11.3 million that has been impounded necessary to complete any of the work for which money actually has been spent?

Mr. EAGLETON. No; it is not necessary to complete any project now underway. It would be necessary for additional projects, not yet undertaken.

Mr. JAVITS. Mr. President, I have not been able to get the ideas of the department or of the whole minority upon this matter, and I am poking in the dark. I would be unable to accept it, although personally I am sympathetic to it, until I found out.

Mr. President, I suggest the absence of a quorum, unless the Senator wishes to speak further.

Mr. EAGLETON. No.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, my first impression of this matter is favorable but it is only my first impression. This is a matter upon which there was no testimony. It may very well be in order. It was included in the elementary and secondary school bill 4 years ago and could properly be considered. But, I need to check on the matter further with the Department. To give me the opportunity to do that, I would greatly appreciate it, as I do not wish to oppose something I know very little about, if the amendment could be momentarily laid aside with the opportunity to come back and call it up in a short time.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his amendment?

Mr. EAGLETON. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The question now reverts to consideration of the Dominick amendment.

Mr. JAVITS. Mr. President, I am sure that we can dispose of this matter before the Dominick amendment. I understand that the Senator from South Carolina (Mr. HOLLINGS) may wish to make a speech which will take a little while; thus, to give him due notice, unless other Senators wish to speak, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, the Elementary and Secondary School Act is now under consideration, and the amendment of the Senator from Colorado (Mr. DOMINICK) is pending. In the overall context of the Elementary and Secondary School Act and how it applies, I would address my remarks in the main to the two amendments of the Senator from Mississippi and myself which relate to the freedom of choice provisions of the New York law being enacted into the Federal law and as to its uniformity of application.

I refer to the New York law in its freedom of choice, with full appreciation for the background upon which the Supreme Court acted in the Alexander case.

It was back in 1952, during the original arguments, that the then Justice Frankfurter stated that it would be bad if the court made a decision and then have it evaded by trickery.

Obviously, over the past several years, the freedom of choice by an individual in attendance at public schools has been looked upon as part of that trickery. It may go without saying that while the court would resent and refute trickery—and certainly I do not countenance it——

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. Would the Chair instruct staff members to take their seats and remain in them?

The PRESIDING OFFICER. The Senate will be in order and staff members will take their seats.

The Senator from South Carolina may proceed.

Mr. HOLLINGS. Mr. President, the point I am making, and which I emphasize, is that the Court has authority to interpret the Constitution and the statutory laws as enacted by Congress, but it has no authority whatsoever to enact its own.

While there may be, as I state, in the judgment of others, trickery being employed under the guise of freedom of choice, that does not enlarge the Court's powers by judicial fiat to define what they now term a "unitary school."

Mr. President, I never heard of a unitary school. I have been working on school matters and operating with school boards for the past 20 years. As a member of a committee back in 1950, I helped to write the present school laws for the State of South Carolina relative to construction, bonding authority, school transportation, teacher certification, aid to local districts, and all other matters relative to what has been described as a dynamic public school system.

The industries in the State of South Carolina have a number of criteria in this regard, in that they make certain that they get the best kind of workers and supervisory personnel; and in order to obtain that, they have to have good schools for their employees and their supervisory personnel in the plants, in order for them to grow and prosper.

They have remarked just that, that the schools have been, by comparison, good schools.

Now the Supreme Court in the Alexander decision has found a unitary school to be the affirmative duty of the school board to comply with and to make certain that all students are assigned to other than a dual school, or in their own words, the characteristics of a unitary school.

We hear, in the same breath, by Senators in debate, news analysts, and commentators, that the unitary school has been found to be the law of the land for the past 16 years.

Specifically, the distinguished Senator from Rhode Island stands up and says, "Look, 16 years ago, in the Brown against Board of Education in Topeka, Kans., case, they found this right in the individual, so how can you go along in the South with denying or delaying that right any longer, or at all?"

Of course, I would ask, "How, when you give freedom of choice to an individual, is any right being denied?"

The right they seek is freely chosen and, if granted, there can be no denial. Right there is inherently the point that should be emphasized: that the New York freedom-of-choice law does not relate to race, and does not relate to the matter of a dual school system. It just says, the right of freedom in the individual.

The Supreme Court itself has evaded or avoided it when it talks of trickery—here is the crowd that does not want trickery—but the Court has evaded or avoided employing title VI of the 1964 Civil Rights Act where Congress stated explicitly that there should not be any moneys used to bus students in order to correct racial imbalance. They say it is not for racial imbalance but to eliminate the dual school.

Mr. President, I ask, who is being tricky with whom?

But, be that as it may, they have said in debate for 16 years that it has been denied. Why is it that that was not a finding in 1964?

Mr. President, I shall relate a different thesis in succinct fashion, but I think nothing points it out more dramatically than the original arguments of the then Mr. Thurgood Marshall, now Associate Justice Marshall of the Supreme Court, as the chief counsel for the National Association for the Advancement of Colored People.

I refer to the time on December 10, 1952, almost 18 years ago. I relate to page 18 of the transcript. And I am not quoting anything out of context. I am giving the general thrust of Mr. Marshall's argument at that time.

There was an exchange between Mr. Marshall and Associate Justice Frankfurter.

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I read from that transcript:

Justice Frankfurter. Do you really think it helps us not to recognize that behind this are certain facts of life, and the question is whether a legislature can address itself to those facts of life in despite of or within the Fourteenth Amendment, or whether, whatever the facts of life might be, where there is a vast congregation of Negro population as against the states where there is not, whether that is an irrelevant consideration? Can you escape facing those sociological facts, Mr. Marshall?

Mr. Marshall. No, I cannot escape it. But if I did fail to escape it, I would have to throw completely aside the personal and present rights of those individuals.

Mind you, the Associate Justice Marshall always goes back to the right of individuals.

I continue to read:

Justice Frankfurter. No, you would not. It does not follow because you cannot make certain classifications, you cannot make some classifications.

Mr. Marshall. But the personal and present right that I have to be considered like any other citizen of Clarendon County, South Carolina, is a right that has been recognized by this Court over and over again. And so far as the appellants in this case are concerned, I cannot consider it sufficient to be relegated to the legislature of South Carolina where the record in this Court shows their consideration of Negroes, and I speak specifically of the primary cases.

Justice Frankfurter. If you would refer to the record of the case, there they said that the doctrine of classification is not excluded by the Fourteenth Amendment, but its employment by state legislatures has no justifiable foundation.

Mr. Marshall. I think that when an attack is made on a statute on the ground that it is an unreasonable classification, and competent, recognized testimony is produced, I think then the least that the state has to do is to produce something to defend their statutes.

Justice Frankfurter. I follow you when you talk that way.

Mr. Marshall. That is part of the argument, sir.

Justice Frankfurter. But when you start, as I say, with the conclusion that you cannot have segregation, then there is no problem. If you start with the conclusion of a problem; there is no problem.

Mr. Marshall. But Mr. Justice Frankfurter, I was trying to make three different points. I said that the first one was peculiarly narrow, under the McLaurin and the Sweatt decisions.

The second point was that on a classification basis, these statutes were bad.

The third point was the broader point, that racial distinctions in and of themselves are invidious. I consider it as a three-pronged attack. Any one of the three would be sufficient for reversal.

Justice Frankfurter. You may recall that this Court not so many years ago decided that the legislature of Louisiana could restrict the calling of pilots on the Mississippi to the question of who your father was.

Mr. Marshall. Yes, sir.

Justice Frankfurter. And there were those of us who sustained that legislation, not because we thought it was admirable or because we thought it comported with human notions or because we believed in primogeniture, but for different reasons, that it was so imbedded in the conflict of the history of that problem in Louisiana that we thought on the whole that was an allowable justification.

Mr. Marshall. I say, sir, that I do not think——

Justice Frankfurter. I am not taking that beside this case. I am not meaning to intimate any of that, as you well know, on this subject. I am just saying how the subjects are to be dealt with.

Mr. Marshall. But Mr. Justice Frankfurter, I do not think that segregation in public schools is any more ingrained in the South than segregation in transportation, and this Court upset it in the Morgan case. I do not think it is any more ingrained.

Justice Frankfurter. It upset it in the Morgan case on the ground that it was none of the business of the State; it was an interstate problem.

Mr. Marshall. That is a different problem. But a minute ago the very question was raised that we have to deal with realities, and it did upset that. Take the primary case. There is no more ingrained rule than there were in the cases of McLaurin and Sweatt, the graduate school cases.

Justice Frankfurter. I am willing to suggest that this problem is more complicated than the simple recognition of an absolute non possumus.

Mr. Marshall. I agree that it is not only complicated. I agree that it is a tough problem. But I think that it is a problem that has to be faced.

Justice Frankfurter. That is why we are here.

Mr. Marshall. That is what I appreciate, Your Honor. But I say, sir, that most of my time is spent down in the South, and despite all these predictions as to what might happen, I do not think that anything is going to happen any more except on the graduate and professional level. And this Court can take notice of the reports that have been in papers such as the New York Times. But it seems to me on that question, this Court should go back to the case of Buchanan v. Warley, where on the question as to whether or not there was this great problem, this Court in Buchanan v. Warley said:

"That there exists a serious and difficult problem arising from a feeling of race hostility which the law is powerless to control, and for which it must give a measure of consideration, may be freely admitted. But its solution cannot be promoted by depriving citizens of their constitutional rights and privileges."

In this case, granting that there is a feeling of race hostility in South Carolina, if there be such a thing, or granting that there is that problem, that we cannot have the individual rights subjected to this consideration of what the groups might do, for example, it was even argued that it will be better for both the Negro and the so-called white group. This record is not quite clear as to who is in the white group, because the superintendent of schools said that he did not know; all he knew was that Negroes were excluded. So I imagine that the other schools take in everybody.

So it seems to me that insofar as this case is concerned whereas in the Kansas case there was a finding of fact that was favorable to the appellants—in this case the opinion of the court mentions the fact that the findings are embodied in the opinion, and the court in that case decided that the only issue would be these facilities, the curriculum, transportation, et cetera.

In the brief for the appellees in this case and the argument in the lower court, I have yet to hear any one say that they denied that these children are harmed by reason of this segregation. Nobody denies that, at least up to now. So there is a grant, I should assume, that segregation in and of itself harms these children.

Now, the argument is made that because we are drawn into a broader problem down in South Carolina, because of a situation down there, that this statute should be upheld.

So there we have a direct cleavage from one side to the other side. I do not think any of that is significant. As a matter of fact, I think all of that argument is made without foundation. I do not believe that in the case of the sworn testimony of the witnesses, statements and briefs and quotations from magazine articles will counteract what is actually in the brief.

Mr. President, I interrupt my reading to emphasize that this is Mr. Marshall, now Associate Justice Marshall.

So, what do we have in the record? We have testimony on personal inequality. It is admitted. We have testimony as to the exact harm which is inherent in segregation wherever it occurs.

That is too broad for the immediate decision, because the only point is the statute as it was applied in Clarendon County, S.C., by this court, where it reversed and the case was to be sent back. We are not asking for affirmative relief.

As Thurgood Marshall said:

That will not put anybody in any school.

Mr. President, I wish to emphasize that this was Associate Justice Marshall speaking. He said that would not put anybody in any school. It was the decision in the Brown case to put everybody in every school down South, but nowhere else. They refer to the "unitary school" but they have not described it, and I have yet to fathom what it means. The psychologists and sociologists, Kenneth Clark, and that whole crowd, seem to know more about operating schools than anybody else, but, of course, they have never operated one. However, that was the test in this case.

Now, we find the Court inventing the "unitary school." I have read what Thurgood Marshall said 18 years ago, and I will read it again:

That will not put anybody in any school. The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on.

Justice Frankfurter said:

You mean, if we reverse, it will not entitle every mother to have her child go to a non-segregated school in Clarendon County?

Mr. President, is that not interesting in the face of the Alexander decision? Here is Justice Frankfurter speaking. This was the argument 18 years ago. Justice Frankfurter said:

You mean, if we reverse, it will not entitle every mother to have her child go to a non-segregated school in Clarendon County?

Mr. Marshall. No, sir.

That is what the Court found last month—a unitary school; that every mother will have her child go to a non-segregated school, which I take to mean a unitary school, which is a paraphrase of the 14th amendment.

This is the Court about what Justice Frankfurter said they did not want southern authorities to engage in any kind of trickery, but what have they done? Instead of restricting themselves to the Constitution and the rights of the individual, they first went to racial imbalance. When Congress spoke out in the 1964 Civil Rights Act on racial imbalance they then went to the dual school. When Congress spoke out on the

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matter of North and South and so forth, they said, "What you have in the North is de facto segregation and in the South de jure segregation." They "tricked" around that way. Now, when it is brought home more forcibly they find a "unitary school."

The Court is using the trickery. It is talking and trying to get around the Constitution.

Now, I will get back to the argument in the case of 18 years ago:

> Justice Frankfurter. What will it do? Would you mind spelling this out? What would happen?
>
> Mr. Marshall. Yes, sir. The school board, I assume, would find some other method of distributing the children, a recognizable method, by drawing district lines.
>
> Justice Frankfurter. What would that mean?
>
> Mr. Marshall. The usual procedure——
>
> Justice Frankfurter. You mean that geographically the colored people all live in one district?
>
> Mr. Marshall. No, sir, they do not. They are mixed up somewhat.
>
> Justice Frankfurter. Then why would not the children be mixed?

Mr. President, they were discussing this very problem 18 years ago and the result of the Court's finding that separate but equal was unconstitutional:

> Mr. Marshall. If they are in the district, they would be. But there might possibly be areas——
>
> Justice Frankfurter. You mean we would have gerrymandering of school districts?
>
> Mr. Marshall. Not gerrymandering, sir. The lines could be equal.
>
> Justice Frankfurter. I think nothing would be worse than for this Court—I am expressing my own opinion—nothing would be worse, from my point of view, than for this Court to make an abstract declaration that segregation is bad and then have it evaded by tricks?
>
> Mr. Marshall. No, sir. As a matter of fact, sir, we have had cases where we have taken care of that. But the point is that it is my assumption that where this is done, it will work out, if I might leave the record, by statute in some states.
>
> Justice Frankfurter. It would be more important information, in my mind, to have you spell out in concrete what would happen if this Court reverses and the case goes back to the District Court for the entry of a decree.
>
> Mr. Marshall. I think, sir, that the decree would be entered which would enjoin the school officials from, one, enforcing the statute; two, from segregating on the basis of race or color. Then I think whatever district lines they drew, if it can be shown that those lines are drawn on the basis of race or color, then I think they would violate the injunction. If the lines are drawn on a natural basis, without regard to race or color, then I think nobody would have any complaint.

Mr. President, is that not amazing? Nobody would have any complaint, said Associate Justice Marshall. What would be the burden? It would be to show the school board had drawn the lines to put the school on the basis of race, but if you could prove that no child was denied admission because of race, namely, given his freedom of choice then, Mr. President, there would be no violation.

Mr. President, I want to refer specifically to the transcript I am reading because I see my distinguished colleague from Rhode Island has entered the Chamber. We are talking about and I am relating arguments made 18 years ago by Thurgood Marshall to the U.S. Supreme Court and the Senator's admonition about the right in Brown against Board of Education and how can anyone in conscience, as a southern school board, or as a Senator, or as a public official deny or delay that right; can we not get on and make sure those rights are enjoyed by all regardless of race.

That is what I understand to be the argument of the distinguished Senator. I am stating our response to that argument. Here the rights are found as no better explained and elucidated upon than by Thurgood Marshall himself in his very language when he stated categorically that when you are given freedom of choice you are not denied your rights. I am not trying to beg the question.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PASTORE. The only distinction there is that freedom of choice is permissible provided it is not done in order to create segregation.

Mr. HOLLINGS. That is right.

Mr. PASTORE. That is right. You left that part out.

Mr. HOLLINGS. Freedom of choice.

Mr. PASTORE. Freedom of choice. That goes to the root, and if it does prohibit or avoid integration it is not permissible. We are juggling words. It depends on what you want to do with this freedom of choice. If you want to create segregation it is wrong; if you want to destroy segregation it is right.

Mr. HOLLINGS. That is not what the Constitution states. How can you have freedom of choice in order to promote integration?

Mr. PASTORE. I did not say "to promote integration." I said "to destroy segregation." No one is talking about forcing integration. We are talking about the elimination of segregation.

Mr. HOLLINGS. Here are the words of Thurgood Marshall:

> That will not put anybody in any school.

What is going on in the South today? They are going around affirmatively putting people in schools. First they said it was to correct racial imbalance. Then, when they got on to that in Congress they said we were trying to eliminate dual schools. And when we got on that particular score—North, South, East, and West—then they said, "No, you have got to have, affirmatively, a unitary school." What is a unitary school? I will ask the distinguished Senator what it is.

Mr. PASTORE. I never invented the word. Why does the Senator ask me? But if the Senator asks what a public school is, I will tell him what a public school is. It is a school to which all children can go, regardless of race, color, or creed, and that right is implicit in the Declaration of Independence.

Mr. HOLLINGS. Exactly——

Mr. PASTORE. That is what it says; that regardless of race, color, or creed, all men are created equal. That is all I know. And the pattern has been in some of the States that have been reluctant to move away from segregation that, through the pattern of freedom of choice, they have gotten themselves into private schools and created a whole new private school system. I think that is a horrible mistake, because eventually it is going to destroy the public school system, which is the very bulwark of our Nation.

Mr. HOLLINGS. The Senator has jumped to private schools. That is something else.

Mr. PASTORE. That is all mixed up in it.

Mr. HOLLINGS. We are talking about the Elementary-Secondary Education Act. What we are doing is guaranteeing what the Senator said; that all men are created equal, and that all children should be admitted to public schools regardless of race.

Mr. PASTORE. That is right.

Mr. HOLLINGS. That is freedom of choice. Where in the New York statute does it allow for desegregation or avoidance of segregation in the public school system because of race? We are reaffirming the Constitution that no one shall be denied because of race.

Mr. PASTORE. If a black mother with a black child wants that child to go to a school which is predominantly white, I call that freedom of choice. If a white mother wants to remove a child from a school that is predominantly black, or half black and white, in order not to have her child associate in the same schoolroom with black children, that is not freedom of choice. That is a freedom of choice that is prohibited by the Constitution of the United States. That is the distinction: The Senator can talk about this until the cows come home, but it will not change it.

Mr. HOLLINGS. What the Senator is talking about is freedom of choice for blacks, but not for whites.

Mr. PASTORE. No; I just think we must have a freedom of choice that follows the Constitution of the United States, but the other kind is not freedom of choice. The Senator can tie it up in all the blue ribbons and red ribbons he wants to, but what we are arguing is that there is a pattern in some States where schools have not been integrated, where segregation is still going on, where there is a dual system, and the Supreme Court has said it must be broken. It must be broken if we are to exemplify the true character and the true meaning of the Constitution of the United States. That is all it amounts to.

The only reason I got into this debate was that the Senator saw fit to mention my name as I came into the Chamber. He used something I said 16 or 17 years ago. If I said it 50 years ago, I stick by it today.

Mr. HOLLINGS. I was quoting what was said about 5 weeks ago, in December, and the argument was to the effect that what has been a right founded by the Supreme Court cannot be denied an individual because of race. I am answering by saying we have that freedom of choice, paraphrasing the 14th amendment, and it cannot be denied to anyone. The Senator is talking about tying it up in red or blue ribbons, but it has been dressed up in the North by the unitary school system. Who has moved up there? They talk about many moving, and the Constitution, and the problem, but where, proportionately, is the problem? In the North or the South?

Mr. PASTORE. The Senator from Mississippi will tell the Senator I have not condoned that. I have been against that. I think it should apply to the North and South, East, and West. I think if the Senator will look at the record he will find that is what I have said. Look at the words in the rear of the Chamber, "E Pluribus Unum." That means one country for all.

Mr. HOLLINGS. I am trying to get "HEW E Pluribus Unum" to the rest of the Nation. That is what I am trying to do. [Laughter.]

Will the Senator help me?

Mr. PASTORE. If the Senator will tell me what the latter means.

Mr. HOLLINGS. One out of many, and many out of one. Will the Senator go along with an amendment to apply that uniformly over America?

Mr. PASTORE. Yes, uniformly; that it must apply to North and South, East, and West. I will go along.

Mr. HOLLINGS. Since we have the Senator's support and we are progressing—Specifically, what is wrong with the New York statute which has been passed and signed by the Governor of New York, and not by rednecks?

Mr. PASTORE. The Senator should ask me about the Rhode Island statutes. I am not responsible for New York. Look at the New York side of the aisle.

Mr. CASE. Mr. President, the Senator from New York has already dealt with that.

Mr. HOLLINGS. The Senator from New York is not down here talking about it. The people of New York, by a vote of 2 to 1 on the part of their representatives in the lower house, did it. The lower house of the legislature gave the bill a third reading and sent it to the senate. The senate gave it a third reading, and Gov. Nelson Rockefeller signed it into law. What did the senior Senator from New York have to say about that?

Mr. CASE. The Senator from New York spoke about it an hour ago and expressed his opinion about it. He expressed his disagreement with it.

Mr. HOLLINGS. We have finally gotten him to make a statement on it. Now we have to hear from the other Senator. That does not elicit his support. The fact is they are talking about equal rights. They have been talking about Vietnam and Biafra. How about the 200,000 segregated black children in New York? Have we seen anybody from New York come out here to talk about it? No; they are talking about the South. Yet we have a situation in Darlington and Greenville Counties in South Carolina. We will show you where they have been——

Mr. PASTORE. Mr. President, if the Senator will yield to clear a point, if the Senator is taking a school right in the center of Harlem, where I assume all or at least 90 percent of the children are black, I do not know what we can do about that unless we get into the element of busing.

Mr. HOLLINGS. Oh, oh——

Mr. PASTORE. Let me finish; no "oh, oh." I can understand that that is a condition that has existed because that happens to be the character of the neighborhood. I do not condone that because I think we should break up these ghettos and give the people a chance to breathe fresh air like every other good American. But the Senator has to admit that there are some places in this country where, in the same community, there is a black school and a white school. So we are talking about an entirely different thing.

I think we twist logic a little when a school right in the middle of Harlem that is pointed out as all black. I can point out schools where there are no blacks in the community. But what we are talking about is a community where there is a black school and a white school, where the blacks cannot go with the whites and the whites cannot go with the blacks and listen to the same school teacher. That is what we are talking about.

I walked into the Chamber with no design to debate. I was listening to the Senator and he mentioned my name. So I got into a colloquy with him. But I want him to understand that there is no man in the Senate that I love and respect more than the Senator from South Carolina.

Mr. HOLLINGS. And the Senator knows there is no one I love and respect more than him. That is why I want him to stay here. [Laughter in the galleries.]

The PRESIDING OFFICER. Let us have order in the galleries.

Mr. HOLLINGS. I do not say that lightly, because the Senator knows I admire him. I had been working under him on important problems in the South 12 years ago, before I came to the Senate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HOLLINGS. No; let me complete this thought. My distinguished friend from Rhode Island just spoke in support of the neighborhood schools; is that correct?

Mr. PASTORE. No; I did not say that.

Mr. HOLLINGS. He said they had them in Harlem.

Mr. PASTORE. The Senator is using the word "support." I did not say that. I gave him the facts as to the existence of a situation that created this situation. Possibly in the past there was something that should have been avoided and was not avoided. Maybe those people should have been given an opportunity, under equal housing and fair housing, to go out and buy themselves homes, and be helped to move out of the ghetto. They could not do that, so they had to be crammed into the ghetto. They had to go to school where they could go to school—not down at Staten Island or somewhere, but at their neighborhood school.

I say that what we ought to do is remove this rot from our American system. We ought to give these people a chance to spread out, to move into suburbia, to move out of the ghettos. Once we have done that, it will remove even that sort of segregation out of the North, and I am all for that. But if anyone in the North is deliberately segregating schoolchildren, I am absolutely against it, whether it is the North, the South, the East, or the West. That is all I am saying.

Mr. HOLLINGS. Would the Senator call the New York statute a deliberate attempt to segregate in New York?

Mr. PASTORE. I do not know anything about the New York statute.

Mr. HOLLINGS. It is word for word, the words of the Senator from Mississippi and myself.

Mr. PASTORE. I do not read New York statutes. I have enough to do to try to read the statutes of Rhode Island and the statutes of the United States.

Mr. HOLLINGS. I have noticed that some people get real busy, and do not want to read the New York law.

Mr. PASTORE. But whether the New York law is good or bad, I ask, should that be our guiding light? Can we not use our own judgment? Can we not have a freedom of choice, and use our own judgment?

Mr. HOLLINGS. Freedom of choice; that is what I wanted to hear the distinguished Senator say. Our law in South Carolina not only gives freedom of choice to Senators, but to children and parents as well.

Mr. PASTORE. The freedom of choice I am talking about is one wrapped in nobility.

Mr. HOLLINGS. And within the Constitution.

Mr. PASTORE. And within the Constitution of the United States of America.

Mr. DOMINICK. Mr. President, will the Senator from South Carolina yield for a unanimous-consent request?

Mr. HOLLINGS. I am happy to yield, provided I may do so without losing my right to the floor.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, will the Senator from South Carolina yield for another unanimous-consent request on the same subject matter?

Mr. HOLLINGS. I ask unanimous consent that I may yield to the Senator from Missouri for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask the Senator from Colorado if he is willing to agree to vote at a time certain on the pending amendment.

Mr. DOMINICK. About 2:15 will be fine.

Mr. EAGLETON. Will the Senator agree to 3:45 this afternoon? That is agreeable to the ranking minority member, the Senator from New York (Mr. JAVITS).

Mr. DOMINICK. I am in the same boat as the Senator from Missouri. If I wait until then, I lose some of my support. I gather that if we vote before then, the Senator will not have some of his people back. So perhaps we had better not have an agreement. Maybe we had better just go along. I do not think I can agree to a time certain which will not disfranchise some of the Senator's supporters.

Mr. EAGLETON. Would 3:30 be more amenable?

Mr. DOMINICK. Some Senators I know of are going to be leaving by 2:30.

Mr. MANSFIELD. Mr. President, I hope none of our members are planning to leave by 2:30, because there are going to be votes today, and it is quite possible there will be votes tomorrow. I wish to serve notice that Senators who have such ideas in mind ought to do a little recon-

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sidering, because we have important business to do here, the people's business. We are going to take 3 days off next week, and I think we ought to remain here and tend to the people's business, and stay on the job.

Mr. PELL. Mr. President, as manager of the bill, I should like to say how happy I am to hear the views of the majority leader in that regard.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, let me assure the majority leader and all other Members of the Senate, as one of the authors of two of these amendments, that there is certainly no attempt here to delay votes or postpone votes, or anything else, except to discuss this matter on the merits. We want to get on with this thing just as fast as we can. But there is nothing before the Senate now, nor will there be any other time this year, that is any more important to our people than these amendments. They will be fully explained, and everyone will have a chance then to vote as he sees fit. I just want to make that clear; and I told the majority leader before he called the bill up that would be our position.

Mr. MANSFIELD. Mr. President, I wish to corroborate what the distinguished Senator from Mississippi has stated. This is a most important question. There is no filibuster going on. There is a certain amount of delay as far as facing up to amendments is concerned, and there is a certain amount of maneuvering to see how many Senators will be here at this time and how many will be here at that time.

Any Senator who leaves at any time leaves on the basis of his own responsibility. He takes his own chances. He has to answer to his own people and his own conscience. I would hope that we would all stay here and do what we can to complete action on this measure and other important measures. I would hope that Senators would not take advantage of a Saturday, if we meet, to stay away, because if we meet on Saturday the first order of business will be a live quorum call. We will not be meeting on Saturday just for show purposes; we will be meeting to attend to the people's business, and that is what we are here to do.

Several Senators addressed the Chair.

Mr. DOMINICK. Mr. President, will the Senator from South Carolina yield for a unanimous-consent request?

Mr. HOLLINGS. I yield to the Senator from Colorado for that purpose.

Mr. DOMINICK. Mr. President, just to test this matter out, I ask unanimous consent that, commencing at 2 o'clock today, there be a time limitation of one-half hour on the pending amendment, to be equally divided between the opponents of the amendment and myself, and that we vote on it at 2:30.

Mr. MANSFIELD. Mr. President, reserving the right to object, and I shall not object personally, it was my understanding that the ranking minority member, the Senator from New York (Mr. JAVITS), was somewhat averse to such a unanimous consent agreement. I should not attempt to speak for him; someone on the other side should be speaking for him.

Mr. EAGLETON. Mr. President, I do object to that time limitation. I did clear the matter with the Senator from New York, and he is amenable to voting at 3:30 or 3:45.

Mr. MANSFIELD. What was the request of the Senator from Colorado?

Mr. DOMINICK. To start with a half hour time limitation at 2 o'clock, and vote at 2:30.

Mr. EAGLETON. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. PROUTY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HOLLINGS. I yield.

Mr. PROUTY. Mr. President, I introduce for appropriate reference——

Mr. MANSFIELD. Mr. President, I object. We have put a rule into effect that we will not consider any other business for 3 hours except the pending business. In other words, we have put into effect the Pastore——

Mr. PASTORE. Germaneness rule.

Mr. MANSFIELD. The Pastore germaneness rule. It was agreed to on both sides, under a unanimous-consent agreement. We have had to object to similar requests of the distinguished Senator from Arkansas and others. It does not make the leaders very popular with their colleagues, but unfortunately I have to do it in this instance as well.

The PRESIDING OFFICER. The point of order is well taken. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, it is not the intent of the Senator from South Carolina to delay the leadership. Any time Senators can agree on a time for a vote on the amendment of the Senator from Colorado, I shall be happy to yield.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senate will be in order. The Senator will suspend until order is restored. Senators will resume their seats or carry on their conversations outside the Chamber.

The Senator from South Carolina may proceed.

Mr. HOLLINGS. Mr. President, once more I emphasize that the only argument that seems to bring about the interest or twinge the conscience of Senators in any fashion against freedom of choice is the statement that the freedom of choice has been used to deny or delay the rights of the individual. That is why I am addressing my remarks to exactly what rights the individual has, and emphasize, in the same breath, that that is what our freedom of choice amendment guarantees—exactly what the 14th amendment has guaranteed, and exactly what the court itself found in the original case of Brown against the Board of Education of Topeka, Kans., on May 17, 1954.

In 1952, when the then Mr. Thurgood Marshall, who is now Associate Justice Marshall, was arguing the cases and responding to the questions of then Justice Frankfurter, this issue was discussed. I quote Mr. Thurgood Marshall, who is now an Associate Justice:

> But if this Court would reverse and the case be sent back, we are not asking for affirmative relief. That will not put anybody in any school.

This, I submit, is exactly what the Supreme Court is trying to do in the Alexander decision, in finding, for the first time in history, a unitary school, for what that may be.

I quote further from the remarks of Justice Frankfurter:

> Justice FRANKFURTER. It would be more important information, in my mind, to have you spell out in concrete what would happen if this Court reverses and the case goes back to the District Court for the entry of a decree.
>
> Mr. MARSHALL. I think, sir, that the decree would be entered which would enjoin the school officials from, one, enforcing the statute; two, from segregating on the basis of race or color. Then I think whatever district lines they draw, if it can be shown that those lines are drawn on the basis of race or color, then I think they would violate the injunction. If the lines are drawn on a natural basis, without regard to race or color, then I think that nobody would have any complaint.

That is Mr. Marshall talking about the operation of the public school system.

I do not know whether the distinguished Senator from New Jersey has left the Chamber, but we were talking about the schools in the ghettos and perhaps the conditions in New Jersey. I do not know whether New Jersey has heard of the Brown against the Board of Education decision of 1954, but this seems to allude to New York and to New Jersey.

I quote Justice Frankfurter:

> Justice FRANKFURTER. There is a thing that I do not understand. Why would not that inevitably involve—unless you have Negro ghettoes, or if you find that language offensive, unless you have concentrations of Negroes, so that only Negro children would go there, and there would be no white children mixed with them, or vice versa—why would it not involve Negro children saying, "I want to go to this school instead of that school"?
>
> Mr. MARSHALL. That is the interesting thing in this procedure. They could move over into that district, if necessary. Even if you get stuck in one district, there is always an out, as long as this statute is gone.

That was then chief attorney for the NAACP, Thurgood Marshall, now an Associate Justice, stating the limitation of what could be found and not be found under the Constitution. Affirmatively, he says there is "always an out." You can move out and go to another area and apply within that district, so long as the district is outlined to provide public education not on the basis of race.

I quote further:

> They could move over into that district, if necessary. Even if you get stuck in one district, there is always an out, as long as this statute is gone.

The statute is gone, and they still do not have it to please themselves up North and the political administrations of this country. So they have adopted busing systems. Where? In North Carolina and in South Carolina. Not in New York, not in Chicago. No HEW there. No constitutional or equal justice under law. No "E pluribus unum" in New York. Just in South Carolina and in North Carolina.

I quote again Thurgood Marshall:

> There are several ways that can be done. But we have instances, if I might, sir, where they have been able to draw a line and to enclose—this is in the North—to enclose the Negroes, and in New York those lines have

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on every occasion been declared unreasonably drawn, because it is obvious that they were drawn for that purpose.

Justice FRANKFURTER. Gerrymandering?

Mr. MARSHALL. Yes, sir. As a matter of fact, they used the word "gerrymander."

So in South Carolina, if the decree was entered as we have requested, then the school district would have to decide a means other than race, and if it ended up that the Negroes were all in one school, because of race, they would be violating the injunction just as bad as they are by violating what we consider to be the Fourteenth Amendment now.

Justice FRANKFURTER. Now, I think it is important to know, before one starts, where he is going. As to available schools, how would that cut across this problem? If everything was done that you wanted done, would there be physical facilities within such drawing of lines as you would regard as not evasive of the decree?

Mr. MARSHALL. Most of the school buildings are now assigned to Negroes, so that the Negro buildings are scattered around in that county. Now, as to whether or not lines could be properly drawn, I say quite frankly, sir, I do not know. But I do know that in most of the southern areas—it might be news to the Court—there are very few areas that are predominantly one race or the other.

Justice FRANKFURTER. Are you going to argue the District of Columbia case?

Mr. MARSHALL. No, sir.

If you have any questions, I would try, but I cannot bind the other side.

Justice FRANKFURTER. I just wondered, in regard to this question that we are discussing, how what you are indicating or contemplating would work out in the District if tomorrow there were the requirement that there must be mixed groups.

Mr. MARSHALL. Most of the schools in the District of Columbia would be integrated. There might possibly be some in the concentrated areas up in the northwest section. There might be. But I doubt it. But I think the question as to what would happen if such decree was entered—I again point out that it is actually a matter that is for the school authorities to decide.

Can you imagine someone now sitting on the Supreme Court and harkening the memory? Every time a judge is nominated to be a member of the Court, they give him a memory test. They say, "What did you say back in 1948?" Or some other time. Now I say to now Associate Justice Marshall, let us go back to your original language when he was the chief attorney for the NAACP. I quote:

> I again point out that it is actually a matter that is for the school authorities to decide, and it is not a matter for us, it seems to me, as lawyers, to recommend except where there is racial discrimination or discrimination on one side or the other.
>
> But my emphasis is that all we are asking for is to take off this state-imposed segregation. It is the state-imposed part of it that affects the individual children. And the testimony in many instances is along that line.

I conclude this part of his language:

> So in South Carolina, if the District Court issued a decree—and I hasten to add that in the second hearing when we were prevented from arguing segregation, the argument was made that on the basis of the fact that the schools were still unequal, we should get relief on the basis of the Sipuel decision—the court said in that case, no, that the only relief we could get would be this relief as of September, and in that case the court took the position that it would be impossible to break into the middle of the year. If I might anticipate a question on that, the point would come up as to, if a decree in this case should happen to be issued by the District Court, or in a case similar to this, as to whether or not there would be a time given for the actual enrollment of the children, et cetera, and changing of children from school to school. It would be my position in a case like that, which is very much in answer to the brief filed by the United States in this case—it would be my position that the important thing is to get the principle established, and if a decree were entered saying that facilities are declared to be unequal and that the appellants are entitled to an injunction, and then the District Court issues the injunction, it would seem to me that it would go without saying that the local school board had the time to do it. But obviously it could not do it over night, and it might take six months to do it one place and two months to do it another place.

Herein, Mr. President, I emphasize—and these are the words of Thurgood Marshall:

> Again, I say it is not a matter for judicial determination. That would be a matter for legislative determination.

And what has been found, if you please, in the Alexander decision, just a few months ago? It is dated October 29, 1969, and is only two pages in length. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES, NO. 632, OCTOBER TERM, 1969

Beatrice Alexander et al., Petitioners, *v.* Holmes County Board of Education et al., on Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit. (October 29, 1969)

Per Curiam: These cases come to the Court on a petition for certiorari to the Court of Appeals for the Fifth Circuit. The petition was granted on Octoger 9, 1969, and the case set down for early argument. The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. *Griffin* v. *School Board,* 377 U.S. 218, 234 (1964); *Green* v. *County School Board of New Kent County,* 391 U.S. 430, 438–349, 442 (1968). Accordingly,

It is hereby adjudged, ordered, and decreed:

1. The Court of Appeals' order of August 28, 1969, is vacated, and the cases are remanded to that court to issue its decree and order, effective immediately, declaring that each of the school districts here involved may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color.

2. The Court of Appeals may in its discretion direct the schools here involved to accept all or any part of the August 11, 1969, recommendations of the Department of Health, Education, and Welfare, with any modifications which that court deems proper insofar as those recommendations insure a totally unitary school system for all eligible pupils without regard to race or color.

The Court of Appeals may make its determination and enter its order without further arguments or submissions.

3. While each of these school systems is being operated as a unitary system under the order of the Court of Appeals, the District Court may hear and consider objections thereto or proposed amendments thereof, provided, however, that the Court of Appeals' order shall be complied with in all respects while the District Court considers such objections or amendments, if any are made. No amendments shall become effective before being passed upon by the Court of Appeals.

4. The Court of Appeals shall retain jurisdiction to insure prompt and faithful compliance with its order, and may modify or amend the same as may be deemed necessary or desirable for the operation of a unitary school system.

5. The order of the Court of Appeals dated August 28, 1969, having been vacated and the case remanded for proceedings in conformity with this order, the judgment shall issue forthwith and the Court of Appeals is requested to give priority to the execution of this judgment as far as possible and necessary.

Mr. HOLLINGS. The Court said:

> Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible.

How does that become the Constitution one time in May of 1954, and now comes October 1969 and without any argument by Congress the Court says that this no longer is the Constitution?

Is that not convenient, the way the Court rewrites the Constitution of the United States of America?

And they wonder what the turmoil is among those they call the silent majority of the people of this country.

They talk of trickery, as Justice Frankfurter did.

Who is being tricky?

I again quote from the decision:

> Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

What is that? The Court does not say. What is a unitary school? I have been working on school boards for 20 years and I had been bringing trustees to Washington and I do not understand it. This is what happens as a result of the Alexander decision. I think the distinguished leader, the junior Senator from Rhode Island, would be interested in this: With deliberate speed, they took into consideration the human element. Schools are operated by taxpayers' money but generally speaking we have to have a vote of the people in order to issue the bonds. We have to have school trustees who are not paid. A school trustee, in large measure, is elected by the people. Some are appointed after they are argued into serving on the school boards because there is no honor to it. It is performing a real public service.

They are moving along with deliberate speed. The schools in Mississippi under which this decision was made were found by HEW to be moving along with deliberate speed.

Mr. MANSFIELD. Mr. President, may I ask the Senator, has he completed his remarks?

XUM

Mr. HOLLINGS. I should like to finish this one thought and take a minute.

Mr. President, that same HEW found, as I am going to show in the record made before the Appropriations Committee, that we were working and moving along in the South. We bring the trustees in and they come forward, and they are told, "You have got to do better. You are using this freedom of choice as a 'gimmick.' HEW says you are evading the decision by trickery. You have got to give them what is all over the country, 'E Pluribus Unum,' equal justice under law. You have got that trustee about ready. Take him over, he has got his hearing."

The trustee goes back and works on another plan and by the time he works it out—just like Kansas City which went about as far as it could—they come in from behind and knock him down, they destroy him politically. And locally where he does not have anything to operate the schools with, HEW does not have to go along with the findings of the Court. We have thus defeated education under the guise of the Alexander decision. We have defeated its intent and purpose. If that is the thrust of the Supreme Court in in the Alexander decision, then I say they will have defeated the very purpose they had in mind.

Mr. President, I shall elaborate further on this subject with findings of the Committee on Appropriations and other statistics.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending Dominick amendment the vote occur at 3 o'clock p.m. today, and that the time, up to that time, be equally divided between the Senator in charge of the bill and the Senator from Colorado (Mr. Dominick), or whomever they may designate.

Mr. JAVITS. Mr. President, that is with the understanding that we do vote at 3 o'clock, even if either party yields back its time.

Mr. MANSFIELD. Yes, I asked specifically for a vote at 3 o'clock.

Mr. DOMINICK. Mr. President, reserving the right to object—and I hope that I shall not—I want to make sure that we have at least a half hour before the vote so that we can explain our respective sides.

Mr. MANSFIELD. The time will start now.

Mr. DOMINICK. I thank the Senator.

The PRESIDING OFFICER (Mr. McGovern in the chair). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Missouri (Mr. Eagleton).

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. EAGLETON. Mr. President, the matter now pending before us is the Dominick amendment which would strike from H.R. 514 all reference to public housing projects and public housing students.

So that we may understand where we have been and where, presumably, we may be heading, it would be worthwhile briefly to recapitulate that which has occurred to date both in the Labor and Public Welfare Committee and on the floor of the Senate.

The concept of impacted aid dates back a good number of years, to the early 1950's, when the program was conceived as the first Federal aid-to-education program. It came about by reason of the fact that when the Federal Government constructed military installations in certain jurisdictions, it created enormous hardships on the school district in which the installation was situated because the school district had taxable property taken off the tax rolls and became burdened with the education of the children of the military personnel. Thus it was deemed proper that when the Federal Government by its activities took property from the tax rolls in a jurisdiction and simultaneously superimposed on that very property students who had to be educated by a local school district, then that school district would be compensated by the Federal Government for the impact it had created.

Through the years, this beginning impacted aid was expanded to include other types of federally connected and federally related children, those who work on, but live off military bases, and so forth.

From its rather modest beginnings in the early 1950's, the impacted aid program has grown to the point today where it exceeds $500 million in annual appropriations.

The Labor and Public Welfare Committee, by a closely divided vote, amended Public Law 874, the basic impacted aid program, included in that definition, 2 years hence, public housing students, and deemed that they qualify as "B" type students under impacted aid. The rationale for this action was that just as the Federal Government created a hardship or an impact on a local school district by establishing a nonproperty taxable military base with the children connected therewith, the Federal Government likewise created a hardship or an impact when it set into play the machinery for the creation of public housing and introduced into such public housing thousands of children to be educated. To state it another way, the financial impact on a school district of a nontaxable public housing project is just as grave, just as burdensome, just as onerous as a nontaxable military base.

The proposal of the Senate Labor and Public Welfare Committee met with considerable objection. Many Senators from States now receiving significant amounts of impacted aid under Public Law 874 felt, since the program is already under fire and since we do not know precisely the amount of money which is going to be appropriated in fiscal year 1970 for impacted aid, that to include a new category and to more broadly base the criteria by which impacted aid is paid would, maybe, jeopardize the whole program and dilute the moneys currently being received by many districts in this country.

Therefore, yesterday, the Senator from Texas (Mr. Yarborough)—joined by the Senator from Rhode Island (Mr. Pell), the Senator from Colorado (Mr. Dominick), and myself—introduced and we agreed to what might be called a compromise as follows:

Instead of commingling public housing students in the basic, existing definition of "A" and "B" categories under impacted aid, we would create a separate "C" category to be separately funded, if ever any funds were forthcoming. Whatever funds appropriated for public housing children would not be commingled or intertwined with funds appropriated for "A" and "B" students. "C" students, that is public housing students, would have to be funded on a separate line item basis.

Quite frankly, Mr. President, I will be candid enough to concede that in my judgment if this concept finally becomes law, the chances of "C" aid being funded immediately or substantially, under the present budgetary exigencies, are quite remote. What we hope to do is to bring into being a legislative mechanism for the recognition of the needs of school districts with substantial public housing and to await the actual funding of same until such time as the pressures on the budget are less severe.

I want to make it abundantly clear that if we go ahead with section 203, as amended by the Yarborough amendment, if it is not stricken from the bill, as would be done by the Dominick amendment, those school districts currently receiving impacted aid will in no way find their funds diluted by this action.

This item is completely separate and completely distinct. With the Yarborough amendment this is no question of diverting funds that are currently going to certain districts to other districts. "A" and "B" students remain completely separate from "C" students.

This concept is not new or novel. It has been considered by Congress before, although this is the farthest along on the legislative ladder than it has gotten.

It is endorsed in resolutions passed by the American Association of School Administrators, the Council of Chief State School Officers, the National Association of School Boards of Education, the National Congress of Parents and Teachers, the National Education Association, and the National School Boards Association.

These six prestigious organizations in their resolution said:

> We support the grant efforts of Congress to amend the Act of September 30, 1950, Public Law 874, which is the basic impacted aid law, to provide financial assistance in lieu of taxes to those local school districts which have tax-exempt public housing units within their boundaries.

We have placed on the desk of each Senator a memorandum which statistically summarizes the situation as we view it. This statistical summary will be found also at pages 2468 and 2469 of the Record of February 4, 1970.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I rise to voice my strong opposition to the Dominick amendment which would strike section 203 of the bill which provides for the inclusion of children from public housing units under the impacted aid program.

Perhaps it would be best for this discussion if we first looked to the theory which underlines our inclusion of this section in the pending bill.

XUM

The impacted air program was first established to aid those local school districts which suddenly found themselves carrying increased numbers of schoolchildren due to the movement of people into the area to work on a Federal defense installation. It was deemed equitable that aid should be made available to local school districts for, not only did the Federal activity bring new children into the school system but it also took from the public tax rolls, lands and buildings which would otherwise be considered part of the local community's tax base and therefore part of the financial support for the educational institution.

Many years have passed; however, the equitable basis for that decision of support for local schools is still a valid one even when one considers certain various inequities which have been allowed to develop in the allocation of such support.

In this year's consideration of elementary and secondary education legislation, the question of the inclusion of children from public housing under the impacted program was raised. Our discussions brought to the attention of the members of the committee the fact that the same theory supporting an impact payment for Federal defense installations is also a valid one when one considers public housing supported under various Federal statutes. The Congress enacts legislation which makes attractive the building of public housing in cities and towns throughout the Nation. Indeed, it provides funds for these activities. Once those housing projects are completed, the same type of an impact on the local schools is experienced in that there is a marked increase in the number of school children to be served and the federally supported activity has taken from the tax base of the local community land which would be taxable to support public schools. Discussions on this inclusion of public school children were long and heated. However, the basic equitable nature of the amendment was recognized.

XUM

And here I would add that we in the Education Subcommittee are fully cognizant of the recent report on impacted aid issued by the Battelle Memorial Institute. This report spoke lucidly and clearly about the present impacted program, and made specific recommendations to which the Senate should perhaps give thought. Indeed I fully expect that there is a distinct possibility that we shall have hearings on the Battelle report.

There was concern raised in the committee and indeed on the Senate floor yesterday as to what would be the fate of the present recipients of impacted assistance with the inclusion of the public housing children under the program. It is for that reason that we accepted on the floor yesterday an amendment which would provide for a separate line item to fund these increased entitlements.

The junior Senator from Missouri has, in his discussion, amplified on many of the points I have made today. Indeed, the two charts which he has offered for our consideration fully demonstrate that the impact under the housing programs has been of vast magnitude. I question the arguments which say that one State will receive eight to 10 times more than another State, for by raising that strawman, we are saying that the Senate must not accept this amendment because some States have been more aggressive in their implementation of Federal housing statutes. I would urge the Senate to defeat the Dominick amendment and by doing so demonstrate its support, not only of the schoolchildren involved, but, of the States and cities which have sought to make better living conditions available to its citizens.

Mr. DOMINICK. Mr. President, I yield 10 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, back in 1937 I authored the public housing bill. And I am very familiar with the law then enacted, as well as with the many amendments that were written into the law thereafter.

The Federal Government is involved in the construction of public housing by the contribution of money and the guarantee of loans or public authority bonds. The property itself is not owned by the Federal Government. It is owned by an authority created by the State, and the Federal Government contributes some funds by way of subsidy assists with the cost of interest, and insures the bonds which are issued in order to construct these buildings so that poor people can get good housing at a reasonable rate.

Mr. President, this program of impacted aid started during World War II or soon thereafter. At that time there was good reason to support communities because the schools had to bear a heavy burden caused by the children of the workers needed to staff defense facilities. An unprecedented demand was placed on the local school authorities, and at that time there was no tax base available to help them meet it.

In the 1950's, the Congress provided specifically that this impact aid was to be available to districts in which there were people working for the Federal Government on federally owned property. That has been extended now to include not only the military, but also people working in post offices in a community.

It has also been amended in order to include the children of Senators, like in the adjoining counties in Maryland.

Mr. President, this law has been abused, and I do not wish to abuse it further. If we extend it to cover the children of those in low-rent housing projects all over the country, we would be introducing a principle completely at odds with the intent of the law.

The amount of money required today for these impacted areas amounts to a great deal. In fact, the HEW bill was vetoed by President Nixon because it provided more money for this purpose than the President desired to spend.

Now, Mr. President, merely because the Federal Government assists in the construction of public housing in any city so as to benefit the local people, we are being asked here to pay for the education of those children living in the low-rent projects. As I said awhile ago, these projects are not Federal property. They are State or municipal property. In the contract entered into between the local authority and the Federal Government in order to finance public housing, the Federal Government puts up a certain amount by way of subsidy. As I recall, it started out in 1937 at 3.5 percent and it is now up to over 6 percent.

Now, in addition to the amount of money the Government has put into these projects we are being asked to provide almost $400 million per year in order to pay for the education of the children of those persons who occupy that housing. I think we are simply going too far, particularly in this bill, where the Federal Government is being asked to provide $35 billion over a period of 4 years for elementary schools. I think that, in itself, is sufficient.

It is plain nonsense for us to compare the attempt to provide moneys to educate children living in public housing with those children living on military posts, or even working in the post office. The entire thrust of the Federal aid to elementary and secondary schools program, enacted by the Congress in 1965—was to provide funds especially to assist these low-income school districts. This bill would provide another program to do the same thing—it seems to me.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield.

Mr. ERVIN. I wish to ask the Senator from Louisiana if thus far Federal aid to impacted areas has not been restricted to those areas where the Federal Government took the initiative and, in a sense, placed the impaction upon the States? In other words, this kind of aid has been restricted in the past to aid made necessary because of the initiative of the Federal Government itself.

Mr. ELLENDER. Exactly. In this case, as I pointed out awhile ago, the local authorities come to the Federal Government for assistance in helping them to build public housing in order to take care of the people of that State.

Mr. ERVIN. I wish to ask the Senator if all of the public housing existing anywhere in the United States is public housing which is put there on the initiative of the States?

Mr. ELLENDER. The Senator is correct.

Mr. ERVIN. The localities and States affected ultimately, and over a period of years, have to reimburse the Federal Government for every penny expended to assist in public housing.

Mr. ELLENDER. The Senator is correct, except, as I said, that the Federal Government furnishes a certain amount of money each year by way of paying 6 percent of the cost of the project to the authority that constructs the buildings.

Mr. ERVIN. I would like to ask the Senator from Louisiana if he does not agree with the Senator from North Carolina, in the belief that adding such items as this to the Federal impacted area, provisions will tend to bring the entire Federal impacted area program into disrepute and into disfavor with the general public of this Nation?

Mr. ELLENDER. I do not think there is any doubt about it. It is already in disrepute by allowing the children of Senators residing in Montgomery

County to be included in the total qualifying the county for impacted aid. Where children of Senators go to schools in Montgomery County, the school district then collects from the Federal Government between $700 to $1,500 per student.

If this were to be applied to the now existing public housing constructed all over the country it would make the amount go up to $1.014 billion. I think the effect of this would be, as the Senator from North Carolina pointed out, to destroy a good program that started quite a few years ago.

Mr. DOMINICK. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I listened with great interest to the distinguished Senator from Louisiana. He has had a great amount of experience in the Senate and in the Committee on Appropriations. I think he has done a very fine job of analyzing the problems created by the inclusion of public housing within the impacted area field.

I think we should go back, as he so ably pointed out, to the purpose of the original impacted area bill. The purpose was to provide that where a national installation has been created to fulfill a national need, and where this has an adverse effect on the local district, the Federal Government should do something about taking care of that adverse effect. Obviously, the first thing that hits a school district when a military installation or massive Federal complex comes into the area is that land is taken off the tax rolls. Therefore, State and local government does not have the tax base to support those schools. Second, children of the employees in that area are going to go to the local school district and thereby increase the overall burden of that school district. This happens before those people start paying taxes to take care of their own children.

In other words, the theory of the program originally, as I conceive it, was sensible and logical, and it was something needed at the time when we were expanding the military complex and the Federal complex throughout the country. As the Senator from Louisiana said, it has changed to some degree since that time. It has been enlarged, and because of the enlargement inequities have crept up. The Senator referred to those where children of Senators attending school in Maryland can be counted as children of Federal employees and the Federal Government pays money to take care of them. I agree that this is perfectly silly. Nevertheless, this has been the effect, and that particular type problem is the thing which has been creating questions in the minds of the public. It is the kind of thing that has been creating questions in the minds of four Presidents on whether or not we should go on with the impacted areas program—at least in its present form.

I had a letter just the other day from a resident of my State which said, "Let us not talk all the time about Montgomery County, Md. It is not just Montgomery County." In Colorado we have a low-cost city, which is a residential city, which takes care of the lower ranking and enlisted personnel at Fort Carson, one of the prominent military bases for NORAD, and the military personnel on Peterson Field. If we should eliminate the class B from any impacted area aid these people would have to be assessed an additional 35 to 38 mills simply to maintain the present level of the financing of their schools.

So I think it can be seen that there is a real problem in any approach which would eliminate or dilute the funds for class B under impacted areas.

But even though we have a problem here, what happened in committee? My good friend the distinguished Senator from Missouri proposed that we put public housing under section B, so that children in public housing all over the country will be considered in the same fashion as those of Federal employees. I tried to strike public housing in committee. I was defeated. I said, as a compromise, we will offer a separate line item and see if we can do that, so the Appropriations Committee will have a chance to see that there are two separate items to consider, one, impacted area as now constituted, and, two, children of public housing. This effort was also defeated in committee.

It was only after we started mounting a fight on the floor that we were able to get the Yarborough compromise on the floor. This is of some help, but not much.

What is the matter with putting children in public housing in the same formula? This is the key issue. Public housing does not fall into the same principle. The Federal Government is not moving into the area, taking land away from the tax rolls and putting in new children. The children are there now and are going to public school already. So this situation does not fit into that category at all. These are State or local units, largely, or city or State-owned properties. The local or State government determines where they are going to be placed, and the Federal Government has little or nothing to do with it.

Second, the people have to be in almost all cases, residents of that very area before they are entitled to move into a public housing unit. So there is not the injection of new people coming in and impacting a new area. The people are already there. The children are already going to school. They have already been taken care of one way or another.

Third, the argument is made that since I oppose the public housing concept, I am against children or people living in public housing. This argument makes me "uptight." Every time we make this suggestion, others say we are against education or we do not like children. It is so silly it is not worth talking about, but I do think the point should be made in the RECORD.

Neither I nor the committee have anything against children of families in low cost housing units. Those children are counted in determining how much money a district will get from title I funds—education to the disadvantaged. That is now in the bill. It has been in existing law and it remains in the bill. Whether my amendment is adopted or loses, they will still be receiving assistance, because they are being counted in the overall disadvantaged children for the purposes of title I.

Let us go for a moment to the Battelle report. We authorized that report to study the impacted area program. In round figures, we paid $180,000 for the report. The Battelle report was issued in January, after we had reported the bill with this public housing feature in it, and just before our committee report was printed. This is the conclusion of the Battelle report in connection with the issue that we are discussing today:

> There would appear to be no satisfactory reason for broadening the Impact Areas Program to encompass children occupying public housing units. If Congress and the Administration are concerned with problems of large city education—

I might interject that we certainly are——

> they will find that the most appropriate vehicles for implementing that concern are outside the scope of a reasonable impacted area program.

The taxpayers paid $180,000 for the Battelle Report. Congress authorized it. Congress asked the institute to make the report. This is the conclusion of the report. Yet, despite it, we seem to be tending to go contrary to its recommendation. That does not make much point to me.

Here are some of the quotations from that report with respect to the proposal made by the Senator from Missouri. First of all the question of Federal impact:

> The fact that the public housing units are not owned by the Federal Government means that public housing differs considerably from the housing which normally gives rise to entitlements under the Impact Aid Program.
>
> Another factor worthy of consideration is that public housing projects have been constructed in response to local government decisions to build such projects under ground rules that were known in advance to them. In this sense, the public housing impact has not been imposed upon the local area in quite the same way that the Federal Government can buy land and build a new military base without the consent of local government.

I think that expresses it in summary about as clearly as anything we could say. So what do we do now?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

Public housing has nothing to do with a national Federal grabbing of property and impacting the district. The purpose of the impacted areas program was to take care of such a situation. Public housing does not result by virtue of a Federal activity in determining the location. It does not draw any significant number of children across district school lines. It is going to cost at least $236 million additional to fund it, if it ever gets funded. The average public housing payments under the bill as written now would be over twice the average loss of tax revenues involved in a move from private housing to public housing.

So we are compounding the problem instead of making it simpler to try to solve whatever inequities exist in the impacted area problem.

Let us get into the disparities, for a moment, which would occur in the bill if it were funded.

XUM

I may as well go into some specifics which I cited in the RECORD yesterday, and which I shall repeat today.

Nevada, New Hampshire, and Vermont have an almost identical low-income population. However, under the bill as written, Nevada would receive approximately six times more funds than Vermont, while New Hampshire would receive eight times more than Vermont.

Virginia and Colorado have approximately identical numbers of low-income children, but Colorado would receive $1.6 million, if the bill were fully funded, and Virginia $4.5 million. Virginia would receive some three times more than Colorado would receive, with approximately the same number of low-income children. So if we consider it as a way to assist big cities, we get some real disparities. This is what the Battelle report states:

> If inclusion of public housing is considered as a way to assist the big cities with educational problems, it provides extreme disparities in assistance. It is difficult to find a rationale that would indicate that big city problems in Boston are so much worse than those in Los Angeles that Boston should receive 11 times as much per pupil as Los Angeles. Likewise it is difficult to imagine that Nashville differs from Louisville so much as to justify payment some 9 times as much per disadvantaged pupil residing in Nashville as in Louisville. These perverse distributions result from the fact that the incidence of children in public housing is only remotely related either to the total educational problem of large city systems or to the disadvantaged children in various systems.
>
> In short, if the problem to be solved is big city education or education of the disadvantaged it will always be both more equitable and more efficient to address those problems directly rather than trying to address them through public housing allocations under impact aid.

XUM

That, it seems to me, summarizes the situation that we have here. There is only one more point that I wish to make, and I address this largely to the members of the Appropriations Committee. I think they know, and I certainly suspect, that once this becomes a line item bill before them, every possible pressure, from every group you can think of—everyone wants more money for their schools, and I do not blame them; I think it is great—all the pressures in the world are going to be there, to try to get it funded. Then other groups are going to come in and say, "You did this under the impacted area program for families in public housing units, which is a federally guaranteed program; we ought to do it for other federally guaranteed programs." We are going to get into an endless number of different federally guaranteed programs. I certainly do not think we ought to start out with that type of situation in this particular bill.

Mr. President, I reserve the remainder of my time.

Mr. PELL. Mr. President, I yield the ranking minority member of the committee as much time as he may require.

Mr. JAVITS. Mr. President, I shall take 8 minutes.

I think the first thing to do is deal with this Battelle study. The Battelle study makes the finding that there is some inequity in doing what we have tried to do in the committee, but its essential finding is that if it is done, they think it ought to be done with Federal education funds—page 9-4—rather than Federal housing funds. That is their general idea.

They suggest, therefore, that public housing children be omitted, but they also suggest very material reforms in the rest of Public Law 874. It seems to me most unfair if we seek to enforce that part of the Battelle report which results in killing off the public housing children, but we do not enforce that part which maintains the inequity and injustice which is inherent in Public Law 874.

For that reason, Mr. President, I say that the Senator from Louisiana (Mr. ELLENDER), one of the original three authors of the Taft-Ellender-Wagner bill, which I had the honor to sponsor when I was a brandnew Representative in the other body, has put it absolutely right. What he said, Mr. President, is that the law has been abused, and he does not want to abuse it further.

I do not want to abuse it, either, Mr. President. That is why I think it is time to make it a little fairer than it is. This law has been in existence since September of 1950 and you can no more justify the children of post office workers being loaded on impacted areas than the man in the moon. The same applies, of course, to children of Senators and Representatives as well.

This whole program has become embedded in the educational system of this country; and, once embedded, it is hard to root it out. One-quarter of the school districts of this country benefit from impacted area aid, and a total of 2.6 million children are involved.

Yet only 348,000 of those children are the children of parents who both live and work on Government reservations, so-called "A" children. That is some little indication, Mr. President, of how this program is being abused. It is being abused to the extent of about 85 percent. What we are being told by the Senator from Colorado and the people with him is, "You fellows with public housing projects just stay off our preserve. We do not wish to lose what we have. Just leave it with us."

That is the bare, bald fact of it, Mr. President, and that is all there is to it. You can make just as good a case for public housing children as for any other children covered here, except perhaps children of those who live and work on Government reservations. I will except them; but that group is only about 15 percent of the total.

Why do I say you can make as good a case? In the first place, the way Federal public housing works, no taxes are paid to the local municipality except some $11 in lieu of taxes per child as indicated in the committee report. Mr. President, with the costs of education anywhere running at an average from $700 to $1,200 annually a child, no matter how cheaply you do it, you can see what happens to local communities subjected to that kind of impact.

It is not a fact that all the Federal Government does is finance public housing when it is built. It pays an annual subsidy in respect of public housing, and makes an annual payment in lieu of taxes. It is an ongoing activity of the Federal Government, in every budget we write.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PELL. Is it not correct that even that pittance of $11 a year does not go to the school district, but to the local municipal government?

Mr. JAVITS. The Senator is exactly right.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ELLENDER. The Senator says the amount paid is what?

Mr. JAVITS. Eleven dollars per child.

Mr. ELLENDER. The law requires the public housing agents to pay 10 percent in lieu of taxes, an amount equal to 10 percent of the rent collected from the people.

Mr. JAVITS. That is correct.

Mr. ELLENDER. That certainly amounts to more than $10.

Mr. JAVITS. I know. All I am saying is that the allocated part of that payment in lieu of taxes attributable to education, per child, is an average of a few cents over $11 a child. That 10 percent covers lots of other things—police, fire, streets, traffic, garbage, and everything else.

Mr. ELLENDER. I am sure the Senator realizes that by the construction of public housing, your police force is reduced a good deal, and many other things are cut from the city budget because of the fact that they have public housing there.

Mr. JAVITS. Oh, not at all.

Mr. ELLENDER. That was one of the reasons why some people advocated that public housing be constructed.

Mr. JAVITS. As a practical matter, that is not so. As a practical matter, municipal budgets have not been cut because of public housing. And that certainly was not the basic reason why I sponsored the House bill. I cannot say about the Senator from Louisiana, but my basic reason was that people should live decently, instead of like subhuman creatures, in structures worthy of our country. That was one of the noble motives for the Taft-Ellender-Wagner Act when it was passed in 1948.

So I respectfully submit, Mr. President, that the $11 figure, insofar as it represents a proportionate share for each child in public housing, is absolutely correct.

Mr. President, we have a way of doing rough justice around here. When it is aborted, as passage of this amendment would do, it is going to work out badly for everyone, for us as well as for those who have had the benefit, for 18 years, of this impacted area aid. The administration is after this, and if we are going to make it inequitable, they may be right. Just as we have in the past stood with Members from many areas in behalf of this Federal impact aid, we want it now, and we ask them to stand with us. The logic is the same for both; and I hope, Mr. President, that we will not cast a vote which will take a one-sided view of this situation. Yet that is what it comes down to, in essence.

There are 2.6 million children involved.

I repeat, because that is the critically important argument now, that only 348,000 of those children have parents who live and work on Federal Government property. The rest has been added on and on and on, Mr. President.

Now we are suddenly going to get highly moral about the whole thing, and cut out the children who live in public housing. That is all the amendment amounts to. It seems to me that the Senator from Missouri (Mr. EAGLETON), the author of this amendment——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I take one additional minute.

It seems to me that Senator EAGLETON, the author of the amendment, has certainly demonstrated his good faith by accepting the proposition of a separate line item in the budget with respect to the children in public housing. If the Appropriations Committee chooses not to give it any money, or to give it less money, or to use another formula, it is perfectly free to do it, and we must accommodate ourselves to that. But to cut it out—and that is the purpose of this amendment, to eliminate it—it seems to me, Mr. President, is unjust and discriminatory against children who are in exactly the same class as 85 percent of the children who get the benefit of it now, and is a most unwise exercise of our discretion, unless we are ready to reform and revamp the whole system. When we are ready, as the late Everett Dirksen used to say, the hide will go with the hair; public housing children will go with many of the other children. But until we are, it seems to me that elementary fairness requires an even application of this doctrine, which has now been built up for so many years, and, in justice to this particular group, has been so long delayed.

For those reasons, Mr. President, I hope the amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Chair feels that he should advise the Senator that is all the time he has remaining.

Mr. DOMINICK. Is that all I have left? Then I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 5 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I should like to clarify a couple of the points that have been raised by both the Senator from Louisiana (Mr. ELLENDER) and, indirectly, the Senator from North Carolina (Mr. ERVIN).

The Senator from Louisiana has pointed out that there is a difference between the creation of a military base and the creation of public housing, in that in one instance the Federal Government took the initiative and in the other instance the Federal Government did not. I submit that insofar as public housing is concerned the Federal Government did take the initiative when it enacted the basic body of law authorizing the creation of public housing authorities.

But even more important than quibbling about who began what, the end result—the impacted result—is the same. When public housing is created in a given school district, that property goes off the tax rolls. It leaves the school district with the burden of educating the children who live in the public housing, without the necessary property tax revenue to adequately provide for that education.

Whether it be a military base or a public housing project, the consequences of both acts flowing from the initial activity of the Federal Government are the same. Taxable property is taken off the tax rolls, children are placed in local school districts, and the school districts are not given the wherewithal to finance that education but for the Federal impacted aid program.

I think that the figure as quoted by the Senator from Louisiana as to the total cost of this program may not have been accurate. Our figure indicates that the cost of this additional program would be $225,000 if funded fully.

Mr. ELLENDER. I obtained the figures from the Senator's hearings. The present amount is $652 million.

Mr. EAGLETON. That is correct.

Mr. ELLENDER. And the additional amount would be in the neighborhood of $400 million.

Mr. EAGLETON. No, sir. It is a point of difference, but I think our figures indicate $225,000. These are the most recent and corrected figures. Be that as it may, no one expects that it would be funded to the full amount.

Both Senators ELLENDER and DOMINICK have pointed out that this program is in disrepute. It is in disrepute. The chief reason for it being subject to challenge is that there is no need factor related to impacted aid. Every district gets it, regardless of whether there is a proven financial need for it or not. The attraction of including public housing is that there is an obvious, unquestionable need in school districts containing significant amounts of public housing.

We have placed on the desk of each Senator a table indicating the districts which would receive the largest amounts under this program if it were fully funded. The two in my State, St. Louis and Kansas City, are virtually on the verge of bankruptcy.

In looking down this list—whether it is Birmingham, Huntsville, Mobile, Los Angeles, San Francisco, Tampa, Chicago, East St. Louis, Atlanta, or what have you—I think that each Senator, in examining the financial needs of his own State, will know that school districts of that caliber are exceedingly hard pressed financially. These large school districts of our Nation are in acute and unquestioned need.

The children who live in public housing are in the lower socioeconomic level. I think it enhances the quality of the impacted aid program to consider the inclusion of public housing students, even though it be a separate line item, separately funded.

I also wish to point out that the Senator from Colorado, in his reliance on the Battelle report, focuses all of his reliance on one chapter of that report. Indeed, the Battelle report is critical of this public housing concept. But the Senator from Colorado does not go on to say that he adopts the rest of this $180,000 report. I do not care how much the report costs. I do not care if it costs 10 cents or $10 million. The cost of the report is of no consequence. What is of consequence is what is contained in the report. If the Senator from Colorado adopts the chapter on public housing and says that is the law, that is the Bible, what about those parts of the report that are highly critical of class "B" and say that class "A" aid ought to be paid before we get to class "B"? If he wishes to adopt the report in its entirety, that is his own business.

For myself, I do not believe in the Battelle report, regardless of its price. I think it is wrong, regardless of its label.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EAGLETON. One additional minute.

We hear today and have heard previously much talk about the inequities of the impacted aid program, that it is under fire, that it is in disrepute, and so forth.

I can well recall the night, and I am certain every Senator now in the Chamber can recall the night, shortly before Christmas, when the impacted aid appropriation was considered on the Senate floor. This is the impacted aid program which purportedly is so much under fire that it is going to crumble any minute. This is the program which purportedly is being shot at from the left, from the center, and from the right—from the White House and from Battelle. This is the program which is about to go under. Yet, when the Senator from Colorado (Mr. ALLOTT) offered an amendment to increase impacted aid, it was accepted almost unanimously by acclamation. The Allott amendment to increase impacted aid appropriations by $60 million was adopted by a vote of 73 to 9. I voted with the 73. Now, Mr. President, I ask is this a program which is about to crumble, which will perhaps meet its political and legislative demise if we include public housing students in a "C" category, separately funded? Of course not. The impacted aid program has considerable political muscle and vitality. It will gain even greater vitality by the inclusion of those in demonstrable need, the public housing students of this country.

Mr. PEARSON. Mr. President, I oppose the pending amendment which would strike that section of the bill which includes children from public housing developments in impacted areas funds.

One of the arguments used by the proponents of this amendment is that impacted area funds are presently under fire. The reason impacted aid is under fire is that it is not geared to need. I can certainly agree that the whole impacted areas aid should be looked into.

But the inclusion of children from public housing areas in impacted aid funds introduces a very definite need factor. I think everyone must agree that those children in public housing, by virtue of the fact they reside where they do, are on the low end of the socioeconomic scale. Where else could you find children more in need of educational assistance?

The Senate yesterday already amended section 203 of the bill by adopting an amendment which, in essence, creates a

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separate line item for funding for public housing children. Therefore, as the bill now stands, funding for public housing children does not conflict with or threaten present "A" and "B" categories under Public Law 874.

School districts impacted by public housing do need help, and this help will be a benefit to all students in those overcrowded school districts. It is estimated that there are approximately 2,446 public housing pupils in my State of Kansas, with approximately 1,578 of them in Kansas City, Kans., alone. Under section 203 of the bill as it now stands, this would mean that an additional $440,280 would come into Kansas to help with the education of these children.

This table further projects that in the near future there will be approximately 9,712 public housing pupils in Kansas, which would give us an additional $1,748,160 under section 203.

Mr. President, there is quite a bit of unrest in my State now over the rising property taxes. I do not feel that we should deny the affected school districts in Kansas these additional funds, and must urge that this pending amendment No. 482 be rejected.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 3 minutes remaining, and the vote will occur in 4 minutes.

Mr. DOMINICK. I will take the remainder of my time at this point.

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I must say that I have a great fondness for my distinguished colleague the Senator from New York and my distinguished colleague the Senator from Missouri. As I listened to them, I became more and more entertained.

What they really are saying is that if we have dirty water now, it does not make any difference if we pollute it further; if we have a program which has inequities now, we can pour more inequities into it, make it a worse program, but it is only fair, so go ahead and do it. In view of the environmental problems and the finance problems and everything else we have in this country, I cannot buy that.

Another point I wish to raise is the question of what we are going to do about changes in the present impact aid program. Specific changes are recommended by the Battelle report. The administration at the present time is preparing other proposals in the form of proposed legislation which will be presented to the committee. However, the existing impacted area aid law expires on June 30; and with all the work we have between now and June 30, it seems unlikely that we would get a change in this program through both Houses and into law before June 30. So we have to keep the impacted area program going until we can get that settled. It does not mean that in the meanwhile we have to increase the problems that the program has; and if we put public housing within the terms of the impacted area program, we will certainly increase the problems beyond all belief.

One last point—and I will discuss it briefly—is the school finance problem. The Senator from Missouri, himself, said Wednesday that the key issue is the question of how we are going to finance local school districts. In order to get at that very thing, which has never really been looked into, Senator MONDALE and I cosponsored an amendment which is in the bill at the present time, under the Cooperative Research Act, to have extended and detailed research and study of what the best methods of funding of the public school system in this country should be. I think this eliminates the question of whether or not we should just pour additional funds in for public housing under the so-called guise of an impacted area program, thereby throwing further discredit on the program, and further making difficult the problems we now face in school finance.

I urge everyone to get back on the track, and let us approach the public housing problem in a rational and orderly manner.

Mr. PELL. I yield the final minute on the amendment to the senior Senator from New York.

Mr. JAVITS. Mr. President, the essence of the argument is contained in section 201 of the bill. It says that Public Law 874 and Public Law 815, which expire on June 30, 1970, are to be extended for 4 years. So what is being asked for is a new extension of this program. We could change it or kill it now. We are not going to do that. As I said when I began—and I have the same feeling for the Senator from Colorado (Mr. DOMINICK) that he has expressed for me—we are trying to do a rough measure of justice for the impacted areas. I know that there are many imperfections and many difficulties involved, but in due course I hope that we will deal with them. But right now we are extending it for 4 years. The case we are making is that if we want to do justice in its extension we should let it cover everything it should cover.

For that reason, Mr. President, I hope that the strike out will be rejected.

Mr. SCHWEIKER. Mr. President, I rise in support of H.R. 514, the Elementary and Secondary Education Amendments of 1969.

This comprehensive bill is the product of several months of work by the Subcommittee on Education and the full Committee on Labor and Public Welfare. As a new member of the Subcommittee on Education and of the full committee this past year, I have admired the leadership shown on this bill by the chairman of the subcommittee, the distinguished Senator from Rhode Island (Mr. PELL) and by the able ranking minority members of the subcommittee, the Senator from Vermont (Mr. PROUTY) and the Senator from New York (Mr. JAVITS).

This bill extends for 4 years the authorizations for various titles of the land mark Elementary and Secondary Education Act of 1965, which is due to expire next June 30. The Adult Education Act of 1966 is extended for another 4 years, as are Public Laws 815 and 874, the impact aid programs for schools in federally affected areas. Six vocational education programs due to expire June 30 are extended for an additional 2 years in an amendment which I sponsored in the subcommittee.

Yet while the bill represents a commitment to continue a host of education programs, significant reforms are made in the bill. The changes made in title I, ESEA, and the impact aid programs are designed to put more of these Federal dollars to work for schoolchildren and schools most in need of assistance. The Adult Education Act is made to cover not just "basic education," stopping at the eighth grade, but the full high school course of studies.

Changes are made in ESEA in order to encourage more school programs for gifted and talented children. I strongly endorsed this idea when I cosponsored the original separate bill for this purpose, S. 718, which Senator JAVITS had introduced. Local education agencies will gain a greater opportunity to foster school innovation, thanks to some amendments to title V, ESEA, in this bill. These amendments are based on S. 1734, another bill of which I was a cosponsor with Senator JAVITS as the principal sponsor.

Finally, the bill provides a new 5-year handicapped education program for children with specific learning disabilities, a type of handicap which has not received sufficient attention under existing programs.

REFORMS IN TITLE I, ESEA

Title I of ESEA, the program to aid disadvantaged students in elementary and secondary schools, is the largest single Federal school aid program. President Nixon is requesting $1.3 billion in fiscal year 1971 to operate title I alone. But recent studies of title I, both by the Office of Education and by nongovernmental groups such as the Washington research project, point to numerous abuses in the distribution of title I funds.

In certain localities, State and local funds have been diverted away from schools receiving title I funds, so that title I funds, in fact, merely supplant local efforts, instead of augmenting them. The bill seeks to remedy this problem by imposing a strict prohibition on the supplanting of State and local funds with title I funds.

In too many cases, the studies found, title I funds are used for capital projects rather than teaching programs, for general school needs rather than the particular needs of disadvantaged children, and for schools in more privileged neighborhoods rather than schools in "target" areas. Public disclosure of title I activities has been frequently lacking in many communities, and citizens have often not been allowed an adequate voice in the programs financed by title I.

The committee report on the bill and the supplemental views filed by the minority both urge vigorous action by the Office of Education in enforcing the laws and regulations already on the books for managing title I. And the bill itself takes steps to strengthen the present law. It contains the provision barring supplementation of State and local funds with title I funds. And it includes a provision sought by the administration, which I strongly supported, calling for parent and citizen involvement in the planning, development, and operation of title I projects.

Another key provision of H.R. 514 will help redirect title I funds to more communities that truly need and deserve additional funds for educating disadvantaged schoolchildren.

Urban and rural schools with the highest concentrations of title I eligible schoolchildren will receive special grants for the first time. The distinguished Senator from California (Mr. MURPHY) pioneered this concept for improving title I when he introduced his "Urban and Rural Education Act" last July 15. I am pleased that the committee saw fit to adopt the Murphy proposal, in modified form, as part of H.R. 514, since it is a sound proposal for focusing special title I resources on the school areas most in need. In my own State, the school superintendents of Philadelphia and Pittsburgh have both strongly endorsed the Murphy proposal.

IMPACT AND REFORM

In addition to the reforms made in title I, ESEA, the bill also enlarges the scope of the impact aid program. Impact aid now goes to localities on the basis of the number of schoolchildren who live on Federal property or whose parents are Federal employees. Under H.R. 514 impact aid would go as well to localities according to the number of children who reside in public low-rent housing.

I regard this change in impact aid as badly needed in our hard-pressed urban school systems, and also fair and equitable. Just as a large military base can create an acute need for more schools in a rural area without contributing to the tax revenues of the community, the same can be true of a large, essentially tax-free public housing project in a core city.

The benefit of such a change in the impact aid program for my own State would be quite significant. Currently Pennsylvania schools receive an estimated entitlement of $11.3 million under impact aid.

However, if the estimated 83,500 children living in low-rent public housing in Pennsylvania were to constitute an additional basis for impact aid, the entitlement for Pennsylvania would increase by almost $17 million. Impact aid has been strongly criticized recently for tending to favor some wealthier communities. Yet the impact aid generated by children living in public housing would tend to go to communities with significant numbers of poor families, where rising general school costs and increased emphasis on compensatory education for disadvantaged children have put school system after school system in a financial vise. This is why I have strongly supported the inclusion of children living in public housing in the formula for impact aid.

VOCATIONAL EDUCATION

In title VII of H.R. 514, six vocational education programs enacted in 1968 are extended from 1970 to 1972. The six programs are special vocational programs for disadvantaged students, grants for State residential vocational school facilities, interest subsidies to States for construction of residential vocational schools, vocational work-study funds, curriculum development and teacher training.

I was pleased to sponsor the amendment in the subcommittee to extend these six programs as part of the bill H.R. 514. They are part of the forward-looking Vocational Education Act of 1968, of which I was a cosponsor when I served in the House of Representatives. While these six programs were due to expire on June 30, 1970, four other nonpermanent programs under the VOA are not due to expire until June 30, 1972. The effect of my amendment to H.R. 514 is to give all 10 of the nonpermanent programs under the VOA a uniform expiration date.

The Vocational Education Act of 1968 was a far-reaching, ambitious blueprint of Federal aid to a vital aspect of American education. Vocational education has too long been saddled with second-class citizenship in the world of education. Students who are not enrolled in a purely vocational curriculum could benefit from more vocational training, and students who do specialize in vocational courses need imaginative training that keeps pace with the rapidly changing world of work itself.

I hope that within the next 2 years the committees of Congress concerned with vocational education legislation will continue to study the needs in this critical field and how existing legislation is meeting them, so that any further extension of the VOA beyond June 30, 1972, will be based on thorough and comprehensive oversight by Congress.

In addition to my offering the amendment to extend six vocational programs for 2 more years, I also asked the committee to take note of the importance of reviewing title I ESEA, programs in part on how well they meet vocational education goals. The committee has done this, in both the bill and in the committee report.

H.R. 514, in listing the duties of the National Advisory Council on the Education of Disadvantaged Children, requires that the council review title I programs for their "effectiveness" in meeting "occupational and career needs" of disadvantaged children. This language was added to section 112(a) of H.R. 514 at my request.

In addition, the committee report states, at page 17:

> The committee wishes to stress the importance of Title I projects in meeting the occupational and career needs of disadvantaged children and expects that persons familiar with occupational education will serve on these advisory councils.

Another amendment of mine adopted by the committee was to recognize vocational education specifically as one of the aspects of education for which local education agencies could receive consultative and technical assistance funds under title V, ESEA. Title V funds go toward the strengthening of State and local education agencies.

What I hope these changes in ESEA will do is encourage more cooperation between vocational education and general education. I feel there is much to be gained from bringing the two closer together, for the improvement of the total educational quality of our school system.

CHILDREN WITH SPECIFIC LEARNING DISABILITIES

Mr. President, H.R. 514 breaks important new ground by providing, in title VI, a new 5-year program for children with specific learning disabilities. The committee chairman, the distinguished Senator from Texas (Mr. YARBOROUGH), originally proposed this in his bill, S. 1190. It would authorize funds for research, training of teachers and establishment of model centers where children with learning disabilities could be tested and their education improved.

This new program will help meet the serious national need for research and teacher training to help the roughly 1 million American schoolchildren with specific learning disabilities. New legislation is needed because existing Federal programs for education of the handicapped cannot adequately deal with the special research and training needs of this handicapped group at the present time. The fact is that we need to know much more about how these problems start and how they can be corrected.

Specific learning disabilities are handicaps, caused by neurological and psychological factors, that impede a child's ability to listen, think, speak, read, write, spell, or do mathematics. I have long been interested in the problems of these children, who find they cannot keep up with regular work in school and who, unless they are properly helped, often become so-called "problem children" in every sense of the word.

Pennsylvania has a particularly active State Association for Children With Learning Disabilities, made up chiefly of parents of such children. The National Association for Children With Learning Disabilities, as a matter of fact, will be holding its seventh annual international conference February 12 through 14 in Philadelphia.

For some years I have served on the board of the Pathway School in Jeffersonville, Pa., one of the country's most outstanding private institutions for the education and treatment of children with specific learning disabilities. So I am keenly aware of the learning disabilities problem and the acute need for more work with children who have them.

The House of Representatives, on October 6, passed a similar legislation for children with specific learning disabilities. I am confident that we will bring out of conference a measure that will go far to deal effectively with the problem of children's specific learning disabilities.

Mr. President, I urge that the Senate give its strong support to the passage of H.R. 514, the Elementary and Secondary Education Amendments of 1969.

Mr. BYRD of West Virginia. Mr. President, I shall vote for the Dominick amendment because public housing is not federally owned nor is it federally initiated. It is initiated at the local level. Placing public housing under impact aid instead of other alternatives would result in wide disparities in benefits. More-

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over, the average public housing payments under the bill would be more than twice the average loss in tax revenues involved in a move from private to public housing. I think we will open up a broad new spending program if the Dominick amendment is not adopted, and the costs will increase as we get further down the road.

I realize that some additional money would go to my State, but I do not feel such a program can be justified in the face of growing inflation. We must exercise some restraint on Federal spending because it is the greatest contributor to inflation. I am thinking of the taxpayers who pay the bill and I am also thinking of people on low, fixed incomes who are being squeezed into a smaller and tighter straitjacket by growing inflation. Public housing should not be added to the impact aid program.

I, therefore, shall cast my vote in support of the Dominick amendment.

The PRESIDING OFFICER. All time has now expired on the amendment.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. Dominick).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MATHIAS (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Delaware (Mr. Boggs). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. Yarborough) would vote "nay."

Mr. YOUNG of North Dakota. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senators from Kentucky (Mr. Cooper and Mr. Cook), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Nebraska (Mr. Hruska), the Senator from Iowa (Mr. Miller), the Senator from California (Mr. Murphy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) and the Senator from Alaska (Mr. Stevens) are absent because of illness.

The Senator from Oregon (Mr. Packwood), the Senators from Illinois (Mr. Percy and Mr. Smith), the Senator from Ohio (Mr. Saxbe) and the Senator from Pennsylvania (Mr. Scott) are absent on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

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The pair of the Senator from Delaware (Mr. Boggs) has been previously announced.

On this vote, the Senator from Colorado (Mr. Allott) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Illinois would vote "nay."

On the vote, the Senator from Kentucky (Mr. Cook) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Kentucky (Mr. Cooper) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 32, nays 43, as follows:

[No. 36 Leg.]

YEAS—32

Aiken
Allen
Bellmon
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Holland
Hughes
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Prouty
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—43

Anderson
Burdick
Cannon
Case
Church
Cranston
Eagleton
Fong
Goodell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Inouye
Jackson
Javits
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Spong
Symington
Tydings
Williams, N.J.
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mathias, against.

NOT VOTING—24

Allott
Baker
Bayh
Boggs
Brooke
Cook
Cooper
Dodd
Goldwater
Gore
Griffin
Hruska
Kennedy
Miller
Mundt
Murphy
Packwood
Percy
Saxbe
Scott
Smith, Ill.
Stevens
Tower
Yarborough

So Mr. Dominick's amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EAGLETON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. Dole in the chair). The bill is open to further amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

LEGISLATIVE PROGRAM

Mr. HATFIELD. Mr. President, I would like to inquire at this time if the distinguished majority leader is in a position to give us an idea of the program for the rest of the day and for the weekend.

Mr. BYRD of West Virginia. Mr. President, before the Senator responds, will the Chair ask that the Senate be in order and ask the attachés to take their seats and ask the Senators to take their seats with the exception of those participating in the colloquy concerning the program.

The PRESIDING OFFICER. The Senate will be in order. Attachés will please take their seats in the rear of the Chamber.

Those Senators not participating in the colloquy will please take their seats.

The Senate will be in order.

The Senator may proceed.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, it is my understanding that the able Senator from Maine (Mr. Muskie) has an amendment, that the able Senator from Missouri has an amendment, and that the able Senator from New York (Mr. Goodell) may have an amendment. Are there any others outside of the Ervin and Stennis amendments?

Mr. CASE. Mr. President, I may have an amendment.

Mr. MANSFIELD. Then there is a possibility of four amendments, as I see it.

Mr. JAVITS. Mr. President, I have heard some rumor that the Senator from Ohio (Mr. Saxbe) may have an amendment, but he is not in Washington, so I really cannot tell the Senator.

Mr. MANSFIELD. If he is not here he cannot offer it. It is my understanding that the amendment of the Senator from Mississippi (Mr. Stennis) will not come up until Monday.

Mr. STENNIS. I think that is correct. Of course, if anyone wishes to debate it, it would be germane to the bill.

Mr. MANSFIELD. The Senator is correct.

Mr. President, on the basis of that information and that tentative count of amendments, it is to hoped we can complete the action on these four or five amendments, if they are available, tonight. This is not a carrot, but if we do, we will go over until Monday. If those amendments, outside of the amendments of the Senator from Mississippi and the Senator from North Carolina, are agreed to, it now looks as if we will not come in tomorrow.

ORDER FOR ADJOURNMENT TO 10 A.M., MONDAY, FEBRUARY 9, 1970

Mr. MANSFIELD. Therefore, Mr. President, in anticipation, I ask optimistically that when the Senate completes its business today it stand in adjournment until 10 o'clock a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CASE. There is no agreement on limitation of time; is that correct?

Mr. MANSFIELD. The Senator is correct.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

AMENDMENT NO. 484

Mr. EAGLETON. Mr. President, I have an amendment which was offered previously, printed, and then withdrawn. I now reoffer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

SEC. 810. Section 4(a) of the Cooperative Research Act (Public Law 83–531) is amended by striking out "July 1, 1970" and substituting in lieu thereof "July 1, 1974," and by striking out "July 1, 1971," and substituting in lieu thereof "July 1, 1975."

Mr. BYRD of West Virginia. Mr. President, we cannot hear. We do not have order in the Senate.

The PRESIDING OFFICER. Will Senators take their seats. Attachés will take seats in the rear of the Chamber or remove themselves from the Chamber.

Mr. EAGLETON. Mr. President, earlier this morning there was some debate on this amendment. At that time the senior Senator from New York (Mr. JAVITS) wanted to examine into the funding and check it out with the administration. I now yield to the Senator from New York so that he may inform the Senate as to the result of his examination.

Mr. JAVITS. Mr. President, for the information of the Senate, I understand the situation is as follows: This is a 4-year program for the construction of educational research facilities, an entirely desirable program with an authorization of $100 million. Of that sum $32.4 million has been appropriated, and about $20 million of that $32.4 million has been spent. Three centers have been constructed. They were accounted for this morning. I believe the unspent amount is impounded by the Bureau of the Budget which does not wish to spend the money. The only import of the amendment would be to extend the authorization for whatever remains in it. It would be, in round figures, $68 million.

The Department of Health, Education, and Welfare considers this a desirable program. It seems to me, therefore, that the amendment should be accepted in view of the fact it is only an extension and not a new program that the extension is desirable, that the Bureau of the Budget is well seized of the existing appropriations and is controlling the flow of those funds, and that the Committee on Appropriations will have control of additional appropriations if any are sought.

I see no objection to the amendment. I state these facts for the benefit of the Senate. I have consulted with the ranking minority member on the Subcommittee on Education (Mr. PROUTY) who feels the same way.

Mr. PELL. Mr. President, as I said earlier when this amendment was first called up it seemed a good and logical move. I believe we should accept the amendment. I urge Senators to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment (484) of the Senator from Missouri. [Putting the question.] The amendment was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, unless someone has an amendment to bring up immediately.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Maine will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 217, insert after line 14 the following:

"AMENDMENT RELATING TO THE AMERICAN PRINTING HOUSE FOR THE BLIND

"SEC. 809(a). The paragraph designated 'First' in section 3 of the Act entitled 'An Act to promote the education of the blind,' approved March 3, 1879 (20 U.S.C. 102), is amended to read as follows:

" '(A) Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing books and other materials specially adapted for instruction of the blind; and the total amount of such books and other materials so manufactured and furnished by such appropriation shall each year be distributed among all the public and private non-profit institutions in the States, Territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, in which blind pupils are educated. Each public and private non-profit institution for the education of the blind shall receive, in books and other materials, upon requisition of its superintendent, that portion of the appropriation as is shown by the ratio between the number of blind pupils in that institution and the total number of blind pupils in all of the public and private non-profit institutions in which blind pupils are educated. Each chief State school officer shall receive, in books and other materials, upon requisition, that portion of the appropriation as is shown by the ratio between the number of blind pupils in public and private non-profit institutions (in the State) in which blind pupils are educated, other than institutions to which the preceding sentence is applicable, and the total number of blind pupils in the public and private non-profit institutions in which blind pupils are educated in all of the States, Territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia. The ratio referred to in each of the two immediately preceding sentences shall be computed upon the first Monday in January of each year, and for the purpose of such sentences the number of blind pupils in public and private non-profit institutions in which blind pupils are educated shall be authenticated in such manner and as often as the trustees of the American Printing House for the Blind shall require. For purposes of this Act, an institution for the education of the blind is any institution which provides education exclusively for the blind, or exclusively for the blind and other handicapped children (in which case special classes are provided for the blind); the chief State school officer of a State is the superintendent of public elementary and secondary schools in such State or, if there is none, such other official as the Governor certifies to have comparable responsibility in the State; and a blind pupil is a blind individual pursuing a course of study in an institution of less than college grade.

" '(B) The portion of the appropriation received by each chief State school officer, in such books and other materials under subparagraph (A) of this paragraph which represents the number of blind pupils in private non-profit institutions in such State in which blind pupils are educated shall be distributed among such institutions on the basis of the number of blind pupils in each institution as compared to the total number of such pupils in all of the private non-profit institutions in which blind pupils are educated in such State.

" '(C) All books and other materials furnished pursuant to this Act, and control and administration of their use, shall vest only in a public agency. Such books and materials made available pursuant to this Act for use of teachers and blind pupils in any State, Territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia in any school shall be limited to the books and materials which have been approved by an appropriate educational authority or agency of such State, Territory, possession, Commonwealth, or District, or any local educational authority thereof, for use, or are used, in a public elementary or secondary school therein.'.

"(b) The paragraph designated 'Fourth' of section 3 of the Act entitled 'An Act to promote the education of the blind', approved March 3, 1879, as amended (20 U.S.C. 102), is amended by inserting immediately after 'public', the following: 'and private non-profit'.

"(c) Section 4 of such Act is amended by inserting immediately after 'public', the following: 'or private non-profit'.

Mr. MUSKIE. Mr. President, I offer this amendment to H.R. 514, which would amend the American Printing House for the Blind Act to extend the services under this act to those blind children attending private, nonprofit schools.

My amendment is a simple one, consisting of the addition of the words "private nonprofit" to the sentence beginning "Each public institution for the education of the blind." Other similar adjustments would be made in the language of the act referring to purpose and method of expenditures.

At the present time, there are approximately 20,500 students receiving assistance through the services offered by the American Printing House for the Blind Act. However, there remain about 1,500 blind children attending private, nonprofit schools who are not considered eligible for assistance due to the language in the act which restricts aid to public schools.

These 1,500 children are severely limited in their educational opportunities. Although some States do permit assistance under this act to private schools, the special equipment which the private schools receive on loan from the

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State education agencies is inadequate to meet the need.

The expense of providing special equipment for education of the blind is considerable. In view of escalating costs and an increased demand for diversity of programs, it is becoming increasingly difficult for private, nonprofit educational institutions to underwrite the cost of a special program for a small number of students.

The U.S. Office of Education estimates an average cost of $40 per child under the American Printing House for the Blind Act. Yet the cost of a supplementary tutorial services for educating each blind child, operated by a private nonprofit institution, will reach many times this estimate.

Because of the relatively small number of children that this amendment would affect, we need not fear that assistance presently being received by the States for distribution to the children registered in the public schools would be significantly reduced.

Moreover, we have the opportunity, with this amendment, to insure that all blind students shall have the same educational benefits, regardless of whether they attend private or public schools.

Mr. PELL. Mr. President, to me the amendment seems to have substantial merit. Blindness does not know any limitation because of race, religion, or any other reason. Children who are blind should be helped no matter whether the schools they attend are public or private. We have already arrived at the conclusion that it is perfectly proper for tax moneys to be used for textbooks and materials of that sort to help children no matter what schools they are in.

I would hope, depending upon the views of the ranking minority member of the committee, speaking for the administration, that we could accept the amendment.

Mr. JAVITS. Mr. President, obviously the deepest sympathy extends to the purpose of the amendment. It should be noted that if we do accept it, we will be amending an act not otherwise dealt with in the bill before us. H.R. 514 is an education act, and the American Printing House for the Blind Act is a separate law adopted in about the 1870's to deal with a tremendously compassionate problem.

I think really it was an oversight that we have not taken care of this matter sooner, because title VI of the ESEA, in dealing with State plans for handicapped children, provides for State plans to consider children who are enrolled—and I am referring to section 613(a)(2)—in private elementary and secondary schools.

It seems to me, therefore, it is only just, if we are reaching out to help handicapped children, even if it is with reference to another law not otherwise dealt with and covered, and certainly blind children are as handicapped as any children could be.

For those reasons, I find the amendment satisfactory.

I have consulted with the Senator from Vermont (Mr. PROUTY), who feels the same way. I understand the amendment will be satisfactory to the administration.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will be in order.

Mr. COTTON. Mr. President, the time limitation on debate on the so-called Dominick amendment had practically expired when I discovered on my desk, among other communications concerning the amendment, a letter addressed to me by one of the distinguished opponents of the amendment. It is characteristic of letters I have had occasion to receive through the years on such matters, calling attention to the fact that the State I represent, if the amendment were rejected, would gain a specific amount in dollars and cents.

Of course, I am sure that there was no intention to misrepresent. It is nothing new to receive this kind of communication, addressed to each Senator individually, indicating what he would do to his own State if he voted a certain way.

As one who has served on the Appropriations Committee for many years, and on the Health, Education, and Welfare Subcommittee of the Appropriations Committee, who knows the difference between an authorization and an appropriation, and who knows what happens to the appropriation for a program when you dilute it by adding new objectives, I happen to know, as a practical matter, that a vote against the Dominick amendment on my part would have been, inevitably, a vote to reduce any amount that my State might expect to receive from so-called impacted area funds.

I am not complaining about this matter, except that we all know that the impacted area funds are administered under an outmoded and, in many respects, an impractical and unfair formula. We all know that it should be revised and brought into focus. But I simply wanted to get into the RECORD the fact that some of these communications to individual Senators about what a certain amendment will do to the particular States they represent, are just pulling figures out of the air; and in this case, this particular communication to me was an absolute misrepresentation of what I know to be the facts.

I would have made this statement before the vote rather than after, but in voting for the Dominick amendment, as far as my own State is concerned—and I do not believe that Senators, who represent the entire country, should determine their votes just on the basis of what it does for or against their particular States, though we all have to have in mind the interest of our States—I was casting a vote to increase, not diminish, the funds for which my State would be eligible; and I shall make use of this letter in a newsletter to my constituents in my own State, to show an example, particularly to educators, school superintendents, and others interested in education, of the kind of fuzzy reasoning that we have to contend with from time to time in the Senate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. DOMINICK. I am very thankful that the Senator made this comment. I did not refer to these letters, and of course a different letter for each Senator was put on every Senator's desk, depending on the State he came from. I think that the Senator who wrote the letters said, during the process of the debate, that the letter was applicable only if the entire amount was fully funded.

So he was not trying to fool anybody so far as the Senate is concerned. But I do feel that if these letters got out, generally speaking, without the explanation just given by the Senator from New Hampshire, we would find ourselves in some trouble with superintendents and other people interested in the education field who do not understand how Congress works.

I appreciate the Senator's comments. I think they have cleared the air.

Mr. COTTON. It is not quite true that it is applicable only if the full amount is funded, because it is also affected by the proportion of concentration of public housing in one State over another State; and a State in which there are fewer public housing units would not benefit as well under the system in the present bill. For example, with this provision in the bill, New York State, it is estimated, would receive $43,000,000, an amount far in excess of any other State.

I am not raising this issue—merely because of this letter from one Senator, whom, incidentally, I hold in high regard, and who I know was perfectly sincere in what he was attempting to do. But this is a sample of the kind of letters we receive, particularly on these authorization bills, and they result in a misunderstanding in the States we represent.

I simply call it to the attention of the Senate now as an example of a practice that I believe should be exercised with care and restraint.

Mr. GOODELL. Mr. President, I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 204, line 2, strike out the word "and".
>
> On page 204, line 5, insert before the period the following new clause:
>
> "and (D) disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations and agencies, within the area served by such center and evaluate the effectiveness of the dissemination process. Such evaluation shall be conducted annually after the first year of operation of a center.

Mr. GOODELL. Mr. President, my amendment is a simple but, I think, important amendment to the section of the bill dealing with special programs for children with specific learning disabilities.

Children with specific learning dis-

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abilities often respond very quickly to therapy. The causes of learning disabilities are multifaceted—that is, lack of visual perception, lack of eye-hand coordination, psychological blocks.

Different techniques must be used with each child to emphasize his strengths or his deficiencies.

Establishing model programs in schools for dyslexia, aphasia, perceptual handicaps, and so forth would require considerable resources. This is a long-term effort which should be done. In addition, however, a short term strategy is needed. Teachers are very often able to treat disabled children by trial and error with new techniques. Such techniques, developed by the model centers, must be made available to teachers immediately so that children in elementary and secondary schools can benefit from them.

Also, the techniques must be made available to teacher-training institutions and universities so that prospective teachers will be aware of new approaches to teaching children with learning disabilities.

Learning disabilities must be identified and corrected at an early school age so that the child can actively and fully benefit from his education.

Unfortunately, many children go through school with an undiscovered learning disability. Falling behind in school and being called lazy, or slow, encourages these children to terminate their education at an early age. As dropouts they are faced with underemployment or, worse, unemployment.

My amendment would require that these model centers set up dissemination procedures for these new techniques, and it would require an annual evaluation of the dissemination techniques every year, beginning 1 year after the model center goes into operation.

The amendment would encourage teachers to identify and treat those children who have difficulty learning, by providing them with the tools necessary for remediation.

I believe it is a noncontroversial amendment which should be accepted by the committee, and I understand that the administration is not opposed to the amendment.

Mr. JAVITS. Mr. President, I have consulted with the administration about this amendment. They feel that by closely reading the language of section 661, under part (g), special programs for children with specific learning disabilities, one might read in what Senator GOODELL proposes to insert. But they see no reason why, in order to make it eminently clear that Senator GOODELL's objectives are desirable that it should be included. Hence, I see no objection to the acceptance of the amendment.

Mr. PELL. Mr. President, I agree with the view of the senior Senator from New York that what this amendment really does is to spell out what I believe was the intent in connection with the writing of the bill. I recommend acceptance of the amendment of the junior Senator from New York.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, so far as I know, we have satisfied the majority leader's conditions, in that there are no other amendments I know of that are likely to be presented this afternoon.

Mr. GOODELL. Mr. President, I wonder if we could have a moment for me to engage in a colloquy to clarify a point of legislative history.

Mr. PELL. Certainly.

Mr. GOODELL. Mr. President, I am concerned with the section on page 176 of the bill which deals with the definition of the term "children with specific learning disabilities." I am particularly concerned with the last sentence, which reads as follows:

> Such term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantages.

It is my understanding that this program is not designed for the child who is emotionally disturbed in total behavior or whose learning disability is primarily the result of environmental disadvantages. Emotionally disturbed children are served under title VI, and other programs for the handicapped. The environmentally disadvantaged are served under title I. Is that correct?

Mr. PELL. The view of the Senator from New York is correct.

Mr. GOODELL. However, a child who has a mild emotional barrier to learning and shows signs of specific learning disability is included under this section. Is that correct?

Mr. PELL. Once again, the Senator from New York is correct.

Mr. GOODELL. And a child from a disadvantaged environment who demonstrates a specific learning disability is also included in this section. Is that correct?

Mr. PELL. The Senator is correct.

Mr. GOODELL. I thank the Senator from Rhode Island for clarifying those matters. There is a great deal to be learned about specific learning defects. One of the things we know about specific learning disabilities with reading or dyslexia as it is called is that they frequently, if not usually, involve psychological or emotional problems. So, by the clarification given by the Senator from Rhode Island, the manager of the bill, I believe it is understood that this section would include those children who have such mild psychological or emotional problems which affect their reading and other processes of understanding or using spoken or written language.

I thank the Senator for the clarification.

Mr. DOMINICK. Mr. President, I should like to take a few minutes to ask questions of the manager of the bill and perhaps of the Senator from New York.

I find in reviewing the bill—and to my surprise—that under section 108, on page 51 of the bill, the previous figure of $2,500, which was the minimum expenditure for which one could apply for a grant under title I, has been raised to $10,000.

It used to be $5,000 and I lowered it to $2,500 a few years ago because of the objection of some of the districts widely dispersed and of small size, with geographical problems. They wanted to be able to get their share of the program in the event there was something specific that they could use; but they really did not see any point in trying to raise it to $5,000, which was the minimum available. I got it lowered to $2,500 with the agreement of the Office of Education. Now I see that it is $10,000, twice as bad as it was before.

I asked Secretary Finch about this at the hearings, and he said it did not make any difference because if we have some really bad problems, the State educational agency could waive it. It is the State educational agency which has to waive it, as I understand it, not just the local school district.

If that is true, then I think we have a problem, that all of the small districts in the rural areas, the ones geographically dispersed, will have to dream up a program which will cost $10,000 instead of one which will cost $2,500.

When I asked the Office of Education about this, as will be seen from the hearing record, they said frankly that it was for administrative ease, and things of that kind.

I want to find out how the Senator from Rhode Island feels about this because I am inclined to think that maybe we should preserve existing law at $2,500.

Mr. PELL. Mr. President, I remember the discussion in committee that day. I remember the reservations of one of the Senators. I believe it was probably the Senator from Colorado. My recollection is that the general consensus—dreadful words—but still, the general consensus was that for the sake of simplicity and ease of administration, we would go along with the administration's request and raise the minimum to $10,000.

It was, as I remember, a point of controversy, but it was also my understanding on the decision we reached that if we left it up to the school districts rather than at the State level, every school district eligible for the $2,500 would apply and it could serve no useful educational purpose. So, this is why the compromise was arrived at, of putting in the State agency, at the decision level believing that while there was a problem in certain States there was a real need than in other States for the exception.

Mr. DOMINICK. The problem with this, if I may say so—I want to talk it out a little on the floor right now—goes more or less as follows: The State educational agencies are being strengthened and we are helping them along. I think we have a good one in my State, as well as in other States; but the fact is that some States, at least, are using this type of concept in order to force a smaller school district into consolidation with another, on the theory that it is too small to qualify.

I happen to know for a fact that that has been used as a kind of criterion in some of the States in the West.

I am not against consolidation where it is needed and where it helps. In fact, we have many districts in our State which are countywide school districts, but we also have areas with a mountain problem. The Senator from Oregon has the same mountain problem in his State. We cannot physically consolidate a district with any benefit administratively or in efficiency, and they cannot reasonably use the $10,000; yet, the State school board in Portland, Oreg., or in Denver, Colo., will say, "We need all this money for our big districts so we will not OK the reduction at the level down to the $2,500."

There is a problem, as I see it, in leaving in the $10,000 instead of the $2,500. I have talked to the Senator from Oklahoma about this, and he is concerned about it as well.

Mr. PELL. Mr. President, I think what we have here is a question not only of efficiency of administration but also of relative cost. I do not have the figures at hand, nor, I am informed, are they available from the administration. However, as to the cost of handling each application, maybe we should pull it down to $200 if we found the cost was $200. I believe that would be a poor idea from the viewpoint of the taxpayer because of the expense of administration and other complexities. While $2,500 may appear to be a tremendous amount of money to an individual, to a school district it would seem to me that it would be a rather small amount.

Thus, it seemed to us that day, and to Secretary Finch, that $10,000 would be about the right cutoff point, with the possibility of making exceptions in certain cases. The State superintendent would be given this power and this right to be able to say that this is not fair and any school district would be able to receive a small amount, $2,500, or $3,000. All he has to do is say it is okay, and it is okay.

I would think that this was a pretty fair compromise of views.

Mr. DOMINICK. Well, all that was said by the Secretary in the hearing record, page 237, in answer to my question, is:

> Senator DOMINICK. So, if Colorado thought that it was impractical on a $10,000 minimum basis, they could continue on the $2,500 basis?
>
> Secretary FINCH. Right, and I don't know your particular operation, but the State superintendent would decide that among several districts, these dollars would be decided and divided up in "x" percentage way, and whatever he thought was appropriate in talking to the local boards.

That really does not answer my question. I was unable to get an answer out of the administration at that time.

We do not have, so far as I know, anything in the report which really comments on this, which would give any legislative history.

Does the Senator know whether there is any restriction in the bill which would prevent one school district from joining with another that also has a need for a program and sending in a joint application for $10,000 which would then be divided between the districts as they deemed fit? That might solve the problem if that were correct. I am not sure that it is.

Mr. PELL. That point is not only proper and permissible but it is specifically set forth in the law. It is in the present law and is cited on the top of page 247 of the committee report.

Let me read it specifically:

> And nothing herein shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under [this part] *this title; Provided,* That the amount used for plans for any fiscal year shall not exceed 1 per centum of the maximum amount determined for that agency for that year pursuant to section 103 or $2,000, whichever is greater;

Mr. DOMINICK. Would the Senator give me that citation again, I am sorry.

Mr. PELL. Here it is.

Mr. DOMINICK. I think it substantially helps the legislative history. I want to look into it further. I will discuss this with the Senator from Vermont who, I understand was the author of the original amendment at the request of the administration, and see how he feels about it. I will also discuss this with the Senator later.

Mr. PELL. I thank my colleague, the Senator from Colorado.

Mr. EAGLETON. Mr. President, I was absent from the floor a few minutes ago when the senior Senator from New Hampshire (Mr. COTTON), I am told, made some reference to the authenticity or accuracy of the figures which I had printed in the RECORD on February 4, 1970, at page 2468.

Not to belabor this point, but in explanation of these figures, let me say that these figures were compiled from data or formulas supplied to our office by either HUD or HEW, the Cabinet agencies involved in this question of public housing and the education of the students therein.

None of these figures came out of our own heads or out of the blue or from some conjectured or imaginary source.

If one will look at page 2468 of the RECORD, there are seven important columns. A footnote is applied to each of the columns indicating the source from which the figures were derived.

The supplying agency for column one was HUD, or one of its subsidiaries, HAA.

Column No. 2, which estimates the number of pupils in public housing projects on a State-by-State basis, again was supplied by HUD and is derived from a formula HUD uses in making computations as to how many youngsters of school age are living in public housing.

Column 3 is self-evident. These figures were gathered from HEW.

Column No. 4 is entitled "Estimated Entitlement, Fiscal Year 1970 Under Public Law 874." These figures were supplied to us by the Office of Education.

Column No. 5 is the total of columns 3 and 4. We simply added the two together. We hope, and we believe, our addition is correct.

Mr. President, the next column is entitled "Projected Number of Low Rent Public Housing Units." This was supplied to us again by HUD through one of its subsidiary agencies, HAA.

The next column is entitled "Projected Number of Pupils." These figures came to us from the HUD formula.

I wanted to make it very clear that these figures and statistics were supplied to us by two of the respected agencies of the Federal Government, HUD and HEW.

There was obviously no intent on my part to mislead anyone or misrepresent any figures.

I yield the floor.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under the title "Council on Environmental Quality."

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to the consideration of executive business.

COUNCIL ON ENVIRONMENTAL QUALITY

The bill clerk read the names of Robert Cahn, of the District of Columbia, Gordon J. F. MacDonald, of California, and Russell E. Train, of the District of Columbia, to be members of the Council on Environmental Quality.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask that the President be notified immediately of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. PELL. Mr. President, in connection with the nomination of Mr. Train, whom I am delighted to support for his new job—and I believe he will be excellent in it—I must add that when the subject of Mr. Hickel's confirmation was first raised on the Senate floor, a certain number of us voted against it.

Many of us felt, as did I, that Mr. Hickel and I believed—had a certain biased leaning away from conservation interests and, perhaps, toward petroleum interests. In fact, one of the reasons why Mr. Hickel was approved by the Senate was that he would be balanced by a man like Mr. Train who had a very strong background in conservation. And with the assurance that Mr. Train's name was coming up, Mr. Hickel was approved by the Senate.

I would hope that if Mr. Train is leaving the Interior Department—and I understand that his new job is full time—that the President would choose a man of similar background who enjoys the confidence of those who believe in the importance of saving and, yes, improving our environment and in conservation.

Those interests must be paramount over those who would exploit nature in any undue way.

I urge very strongly that the administration, in replacing Mr. Train, seek to find a man of as near his philosophy and viewpoint as possible.

Mr. HATFIELD. Mr. President, I join with the Senator from Rhode Island in commending the President on the selection of Mr. Russell Train for this very important job. But I would like to make the record very clear at this time as to the references made by the distinguished Senator from Rhode Island as to the

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basis upon which the Senate confirmed Secretary of Interior Hickel.

I happen to be a member of the Committee on Interior and Insular Affairs. I sat through those hearings. I think the record ought to be abundantly clear that Mr. Hickel was confirmed by the Senate Interior and Insular Affairs Committee unrelated to any promises or any kind of impression that Mr. Russell Train was to be a counterbalance to Mr. Hickel on the conservation issue.

I think that all of us who sat on that committee throughout many days of hearings realized that valid questions were raised respecting some of the policies and statements attributed to Mr. Hickel.

I think, with all fairness, it has to be acknowledged that Mr. Hickel honestly and effectively answered the questions put to him by members of the committee. And those questions were very penetrating. They were fierce questions over a period of time.

I point out that, for some who may have voted on that basis, I do not believe that anyone can read the minds or hearts of our colleagues as to why they vote one way or the other unless they specifically state for themselves.

I think it would not be very fair to try to read into the vote of Mr. Hickel's confirmation the implications made by the Senator from Rhode Island, that it was only on the basis of Mr. Train's pending appointment as Assistant Secretary that he was confirmed.

I think that for some who were critics, Mr. Hickel's performance in office has certainly dispelled some of the doubts these people had.

The members of the Committee on Interior and Insular Affairs happened to be invited to the Interior Department just before Christmas. There was no particular business at hand. It was a matter of a luncheon, at which we could discuss some of our interests in an informal atmosphere.

Mr. Hickel presented each member of the committee with a little volume. He had taken a copy of the Senate hearings—and this was not done at Government expense—and he had placed around the hearings a paper binding with a picture of himself. It was entitled "How To Write a Book, by Walter J. Hickel, Secretary of the Interior."

It was a rather facetious action and one that was appreciated by all members of our committee. But at that time I recall some of the members of our committee who had been among his detractors or critics voluntarily and openly offered the remarks that they were pleased with his performance in office. Some of them went so far as to say they had been somewhat surprised at his outstanding performance.

I mention this because sometimes I think we have to make a little extra effort on our part to clarify a policy or an impression that may have been created by an action of the Senate. I think because there was so much controversy surrounding the confirmation of the nomination of Mr. Hickel, and it was healthy for the Department of Interior and for Mr. Hickel, it is also time that we make a little effort to indicate our belief and confidence in a man who has performed well and done his job very ably.

I think anyone who looks at the record and who is objective about it, and does not permit partisanship to get in his way, would have to acknowledge that Walter Hickel has been an outstanding Secretary of the Interior.

I have great expectations that he will move on in his years of service to become truly one of the most outstanding Secretaries of the Interior of all time.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. PELL. Mr. President, I wish to say strongly that partisanship is not getting in my way. It is petroleum, because we have our problems in New England with oil import quotas and there is the problem connected with the Interior Department's petroleum oriented with regard to the Continental Shelf limitation question. My concern has nothing to do with being a Republican or Democrat.

My concern is that the replacement of Mr. Train should be a man with the conservation views that he has and I would say this just as frankly if it were a Democratic or Republican Secretary.

Mr. HATFIELD. I would not disagree at all with the hope expressed by the Senator from Rhode Island that a man of equal stature in the field of conservation as Mr. Train be appointed his successor.

However, I wish to point out that the man who is responsible for the petroleum policy in the Department of Interior is Mr. Hollis M. Dole, the Assistant Secretary of the Interior. Mr. Hollis Dole is probably one of the great innovators in the development of regulations governing offshore drilling, and since he was a professional geologist and director of mineral resources for Oregon for many years, during my term as Governor of Oregon, I know that he drafted the kind of regulations which brought in all conservation groups to approve and discuss these rules. If those rules had been in effect at the Federal level the Santa Barbara slick and certain other occurrencies would not have happened.

Mr. Hickel has appointed a man in this area as the assistant in charge of minerals and mining who is a professional and conservation oriented, and a man who will give us the kind of rules and regulations in the department which will comply with the desire of the Senator from Rhode Island for high conservation protection and the commitment of that agency to conservation practices.

Mr. President, I want to make the record amply clear that Mr. Walter Hickel has performed and is performing in a most outstanding manner.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, it is the desire of the junior Senator from Mississippi (Mr. STENNIS) that his amendment No. 481 be laid before the Senate and made the pending business. Therefore, Mr. President, at his request I ask unanimous consent that the Senate proceed to the consideration of amendment No. 481, and that it be made the pending business.

The PRESIDING OFFICER (Mr. BENNETT in the chair). Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

On page 45, between lines 4 and 5, insert the following new section:

DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

SEC. 2. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided,* That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Mr. PELL. Mr. President, I wish to read into the RECORD the view of the administration, the Department of Health, Education, and Welfare, with regard to these amendments. The letter is addressed to the chairman of the Subcommittee on Education and it reads as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C , February 6, 1970.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: This is in response to the Committee's request for the views of the Department of Health, Education and Welfare with respect to several amendments proposed to H.R. 514, an Act to extend programs of assistance for elementary and secondary education, and for other purposes.

The proposed amendments deal with a serious educational matter, the subject of school desegregation. They would affect the enforcement of the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and, as a result, would affect the educational opportunities of children.

As an educator, I am convinced that segregation by races in our Nation's schools for any reason is unsound educationally, regardless of geography. The elimination of

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segregated schools is not just a legal requirement, it is fundamental to the ultimate provision of quality education for all children. This is the time to see that desegregation of schools is carried out in a manner that preserves and enhances the quality of education. It is for this reason that the Department is giving high priority to the provision of technical assistance nationwide to State and local education agencies through Title IV of the Civil Rights Act of 1964, services which are intended to aid officials in seeking the best local solution within the meaning of the law without restrictions such as contained in these amendments. We soon shall be seeking a supplemental appropriation under this authority to expand such services.

With regard to the specific legal impact of these amendments, I am advised by the Department's Office for Civil Rights that the amendments numbered 462, 469 (sections of which are also printed separately), and 481 are essentially similar to the so-called Whitten Amendments which the Department opposed and which the Congress debated thoroughly last year in connection with the FY 1970 Labor-HEW Appropriations Bill. The Department continues to oppose such proposals because they not only conflict with the decisions of the Supreme Court but further would seriously restrict the enforcement efforts under Title VI to eliminate discrimination.

I am also advised with respect to the Amendment No. 463, that serious questions arise as to the legal effect and implications of the provision, and specifically whether the section does in fact amend Title VI of the Civil Rights Act of 1964. In line with the intent of Congress, Title VI and its "guidelines and criteria" currently apply to discrimination, and they have been applied uniformly throughout the Nation. The amendment, however, speaks in terms of "segregation", which is left undefined. Title VI also applies to discrimination as to color and national origin, which reference is omitted in the amendment. It also appears that the amendment conflicts with the provisions of other acts of Congress which, for example, limit the Department's authority to deal with situations of "racial imbalance". And, notwithstanding the varying interpretations which may be attached to the provision, the legal consequence of a policy declaration of this nature is uncertain.

In summary, the Department's position is that (1) the elimination of racial segregation in education is essential wherever it exists in our Nation; (2) Amendments 462, 469, and 481 are opposed by the Department; and (3) Amendment 463 should be more thoroughly considered by the appropriate committees of the Congress so that the nature and consequences of any legislative action of this kind may be more accurately defined and understood.

Sincerely,

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

I also ask unanimous consent to have inserted in the RECORD an excellent memorandum on the subject which I asked the Library of Congress to prepare.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C. February 2, 1970.

To: Senate Subcommittee on Education.
Attention: Steve Wexler.
From: American Law Division.
Subject: Amendment to Education Bill, in re School Desegregation Guidelines.

This is in response to your request for an evaluation of the effect on present law of Amendment No. 463 to H.R. 514, 91st Congress, which is pending in the Senate. The amendment would add to the bill the following language.

> It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

It will be necessary in exploring what this language might do to explore first the language of Title VI of the 1964 Act, the regulations issued pursuant thereto, and the "Guidelines" issued to elaborate on the regulations. Then we will explore three features of the amendment: (1) the requirement of uniformity; (2) the application of the federal reach to *de facto* segregation as well as *de jure*; and (3) the question whether the amendment in fact *requires* that *in fact* anything be done.

I

The background of Title VI begins with *Brown* v. *Board of Education*, 347 U.S. 483 (1954), which held that state-imposed separation of the races in public schools violated the equal protection clause of the Fourteenth Amendment. The decision placed affirmative obligations on school boards and other public officials to do away with so-called *de jure* segregation. "School boards . . . then operating state-compelled dual systems were nevertheless clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *School Board of New Kent County*, 391 U.S. 430, 438 (1968).

Although *Brown* and its companion cases arose in and were in the main applied in those States which had laws on the books prescribing separation of the races in public schools, *Brown* was also applicable where school officials acted without the sanction of state law to achieve racial separation, by, for example, gerrymandering attendance zones. *Taylor* v. *Board of Education*, 191 F. Supp. 181 (D.C.S.D.N.Y.), *aff'd* 296 F. 2d 36 (C.A. 2), *cert. den.* 368 U.S. 940 (1961) (New Rochelle, New York); *United States* v. *School District 151 of Cook County*, 286 F. Supp. 786 (D.C.N.D. Ill.), *aff'd* 404 F. 2d 1125 (C.A. 7, 1968). But to date the courts have declined to find either that separation of the races in public schools resulting from residential patterns or other such reasons constitutes a violation of the equal protection clause or that public officials have any affirmative duty to overcome such so-called *de facto* segregation by changing school attendance zones or by other such devices. *Bell* v. *School City of Gary*, 324 F. 2d 209 (C.A. 7, 1963), *cert. den.* 377 U.S. 924 (1964); *Downs* v. *Board of Education*, 336 F. 2d 988 (C.A. 10, 1964), *cert. den.* 380 U.S. 914 (1965); *Deal* v. *Cincinnati Board of Education*, 369 F. 2d 55 (C.A. 6, 1966), *cert. den.* 389 U.S. 847 (1967). But cf. *Hobson* v. *Hansen*, 269 F. Supp. 401 (D.C.D.C 1967), *aff'd as modified sub nom. Smuck* v. *Hobson*, 408 F. 2d 175 (C.A.D.C. 1969) (*en banc*) (much dicta about *de facto* but findings essentially all relate to *de Jure*).

The same distinction between officially-imposed separation and purely adventitious separation was carried into Title VI of the 1964 Civil Rights Act. 78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d–4. Title VI was concerned with state and local programs, which discriminated between recipients and participants on the basis of race, while receiving federal financial assistance. Congress provided in § 601, 42 U.S.C. § 2000d:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Insofar as Title VI related to federal financial assistance to education, Title IV contained a definition of "desegregation" which furnished guidance to the interpretation of Title VI's requirements. It provided, 78 Stat. 246, 42 U.S.C. § 2000c(b):

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Subsequently in Title IV, which *inter alia* authorized civil actions by the Attorney General to achieve desegregated schools, Congress included a proviso "that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance . . ." 78 Stat. 248, 42 U.S.C. § 2000c–6.

Finally, § 410, Title IV, 78 Stat. 249, 42 U.S.C. § 2000c–9 stated: "Nothing in this subchapter shall prohibit classification and assignment for reasons other than race, color, religion, or national origin."

It is important to note that the language of these quoted sections from Title IV explicitly restricts only the powers granted in Title IV, the powers of the Attorney General to bring desegregation suits, and does not purport to have any bearing on Title VI. However, with regard to its general application, Senator Humphrey, one of the Act's sponsors, assured the Senate that "if we include the language in title IV, it must apply throughout the act." That is, the language in Title IV applied in Title VI so that the Department of Health, Education, and Welfare could not proceed against *de facto* segregation. CONGRESSIONAL RECORD, vol. 110, pt. 10, p. 12715. See also the Senate debate on the amendment to strike the racial balance proviso from the bill. CONGRESSIONAL RECORD, vol. 110, pt. 10, pp. 13820–13822.

In any event, § 601 of the Act speaks in terms of persons being "excluded," being "denied," or being "subjected to discrimination," all language of *de jure* separation, segregation, and discrimination. Thus, Congress in enacting Title VI provided for federal action only against officially-imposed segregation and not against segregation "without regard to the origin or cause of such segregation."

The regulations issued pursuant to the Title, therefore, are addressed to acts of exclusion, denial, and discrimination on the basis of race, color, or national origin. 45 C. F. R. §§ 80.1 to 80.13. "Every application for Federal financial assistance . . . shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part." 45 C. F. R. § 80.4(a). Elementary or secondary school systems could satisfy this requirement either by filing a copy of a court order providing for desegregation under which they were operating, with assurances of future compliance, or by submitting a desegregation plan which the Department could determine to be adequate.

Following issuance of the regulations the Office of Education issued its "Guidelines" to instruct school officials what compliance would be adequate. Dunn, "Title VI, the Guidelines and School Desegregation in the South," 53 Va. L. Rev. 42, 55 (1967). First issued in 1965, 30 Fed. Reg. 9981, they were subsequently revised in 1966, 31 Fed. Reg.

5623, and in 1968. 33 Fed. Reg. 4955. In regard to the distinction between *de jure* and *de facto* segregation, to which we have referred, it should be noted that the Guidelines drew a distinction between systems that had maintained *de jure* separation and those that had not. A school system in which pupil and faculty assignments were not based on race and race was no consideration in regard to staffs, facilities, and the like could qualify for federal financial assistance by submitting a prescribed form indicating it was in compliance with the law. §§ 180.2(a), 189.3, 30 Fed. Reg. 9981; § 181.5, 31 Fed. Reg. 5624; § 4(3), 33 Fed. Reg. 4955. School systems operating under a dual system or in the process of eliminating one must file either a court order or a desegregation plan. § 180.2 (b) and (c), 30 Fed Reg. 9981; § 181.6, 181.7, 31 Fed. Reg. 5624; § 4 (1) and (2), 33 Fed. Reg. 4955. In the latest revision of the Guidelines, the format has been changed somewhat from the earlier versions so that Subpart B "states compliance policies generally applicable to school systems throughout the United States. Subpart C states additional compliance policies applicable to school systems carrying out a voluntary desegregation plan." 33 Fed. Reg. 4955, § 5. Thus, subpart B places on the recipients of federal financial assistance the obligation to operate a system in which school systems are free of discrimination on the basis of race, color, or national origin. Each school system must affirmatively act to eliminate segregation and other such discrimination. In addition, it is provided that where in a system there are concentrations in certain schools of students of a certain race or color the school system is responsible for assuring that they are not denied the opportunity of others in the system to obtain an education. § 9, *id.*, 4956. Subpart C places on the school system "which has maintained a system of separate school facilities" the obligation to eradicate that system. § 11, *ibid.*

It can be seen, then, that the 1964 Act, the regulations, and the Guidelines all proceed on the basis of a distinction between *de jure* and *de facto* segregation. With this lengthy prologue in mind, we can now evaluate the amendment set out at the beginning of the memorandum.

II

One portion of the amendment provides that guidelines and criteria "shall be applied uniformly in all regions of the United States. . . ." A similar requirement, without the additional clause to be discussed *infra*, III, was added by Congress in the 90th Congress. 81 Stat. 783, 20 U.S.C. § 888. Following a requirement that rules, regulations, and guidelines must cite specifically the legal authority on which they are based, the section provides: "All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States." The debate on this provision left unclear its implications in many respects, 113 Cong. Rec. 13582–13605, but it does seem clear that the amendment was not intended to expand the authority of HEW to reach racial separation not officially caused. The intention comes through most clearly in a colloquy between Congressman Goodell and the sponsor of the amendment, Congresswoman Green.

"Mr. Goodell. . . . It is my understanding that the amendment . . . neither expands or reduces whatever authority was given by the Congress of the United States in title VI of the Civil Rights Act?

"Mrs. Green of Oregon. That is absolutely correct.

"Mr. Goodell. Therefore, if title VI of the Civil Rights Act does not lodge in an administrative official the authority to desegregate where there is de facto segregation, your amendment will not give that administrator such authority?

"Mrs. Green of Oregon. It neither gives nor takes away any authority he now has. This amendment is a procedural amendment and merely provides that any guideline that is issued will be administered uniformly. It would not amend the Civil Rights Act in any respect." 113 Cong. Rec. 13604.

A simple requirement that the guidelines be enforced uniformly throughout the country, then, without more, merely means that the prohibition of discrimination and the standards for overcoming it where it is practiced are to be the same everywhere. Where the schools are all-white or all-Negro or almost all-one-or-the other because of residential patterns, however, the situation would continue to be no violation of the 1964 Act and not covered by the Guidelines.*

III

The proposed amendment goes beyond prescribing uniformity, however, by adding that the Guidelines shall be uniform "in dealing with conditions of segregation by race in the schools of the local educational agencies of any State *without regard to the origin or cause of such segregation.*" It would appear that the intent of the underlined clause is to do away with the *de jure—de facto* distinction that exists in the 1964 Act, the regulations, and the Guidelines. Where there is racial concentration of pupils in a school because of any reason, it might be said, the school system violates the Guidelines and must break up the concentration by some means or lose federal funds.

If this is the thought of the underlined clause, the present Guidelines could not be used to carry out the intent. The present Guidelines insofar as they apply uniformly prohibit *discrimination* by school officials and describe the areas in which this discrimination might occur; in the section relating to systems formerly maintaining *de jure* separate systems the Guidelines describe the ways the old system may be dismantled and the types of plans which might be acceptable. The present Guidelines do not, unlike the old ones, contain certain percentage figures by which the Government would judge the success of the desegregation plan.

If the Guidelines were to be revised so that they could be applied uniformly nationwide, what might they provide? They could, as the present Guideline say in connection with former dual systems, provide that "[c]ompliance with the law requires integration of faculties, facilities, and activities, as well as students, so that there are no Negro or other minority group schools and no white schools—just schools." 33 Fed. Reg. 4956, § 11. Standards could then be formulated which would articulate what percentage of one race, 90%, 80%, 60%, which would have to predominate in a school to make it an identifiable Negro or white school. In other words, if the Guidelines are to be applied in *de facto* situations they would have to be rewritten and it can be presumed that the revisions could be made.

IV

The problem, however, is would such revisions be lawful? Guidelines and criteria issued under HEW education programs must cite specifically the legal authority on which they are based. 81 Stat. 783, 20 U.S.C. § 888. The guidelines are interpretations of regulations authorized by § 602 of the 1964 Act, 42 U.S.C. § 2000d–1. Thus, the regulations would have to be rewritten so that it is no longer only official discrimination which is prohibited. But § 601 of the Act only prohibits that sort of discrimination, and other sections of the Act, those in Title IV, prohibit application of *de facto* segregation.

In short, it is not enough that the proposed amendment prescribes a change in the Guidelines; it must to be effectual reach back to § 601 and amend it.

On its face, the amendment does not purport to amend § 601. Indeed, it speaks of guidelines and criteria established pursuant to Title VI (and § 182 of the Elementary and Secondary Education Act Amendments of 1966, 80 Stat. 1209, 42 U.S.C. § 2000d–5, prescribing the granted authority) without seeming to speak of changing it. The opening phrase "It is the policy of the United States" speaks more in terms of a sense of Congress resolution, expressing an understanding, an intent, without containing the language mandating any change. In other words, if the proposed amendment amends § 601 of the 1964 Act, it does so by indirection, by suggestion, rather than by specifically striking out language which is to be deleted and specifying language which is to be inserted.

There is, of course, no *one right way* to enact legislation or to amend a prior statute. But there must be a sufficient expression of intent so that what is enacted or amendment can be determined with some degree of accuracy. Although there is reference to Title VI and to § 182 of the 1966 amendments (though there is no similar reference to other relevant provisions that would seem to militate against application to *de facto* segregation, like § 181 of the 1966 amendments, 20 U.S.C. § 884), it could be objected that the expression of intent—to amend and the details of the amendment—is not sufficient to constitute an effectual amendment of Title VI.

In brief, if the proposed amendment does not change the foundation on which the Guidelines are erected, § 601, one of two possibilities may arise. Either the Guidelines are mandated to take a position which it is not legally tenable for them to take—it is impossible to comply with the amendment—or the Guidelines cannot apply anywhere because they cannot be uniformly applied throughout the country in accordance with the provisions of the amendment.

Taking a more restrictive view, it can be argued that in fact the amendment would have no effect whatever on the Guidelines, inasmuch as the amendment does not purport to compel anything to be done. It does not say that HEW *shall* forthwith apply the Guidelines in the manner specified. It does not say that HEW *shall* rewrite the Guidelines or that it *shall not* apply them anywhere until it applies them nationally. It merely expresses a wish, a suggestion, a hope that HEW will do something; it does not mandate the doing.

An expression of the sense of Congress, or of one body alone, will, of course, have consequences for executive officials who depend upon Congress for their authority and their money. But to take into consideration an expression of the wish that something might be done, when the statutory authority to do that very thing has been withheld, is different from being compelled to act under statutory mandate.

V

In conclusion, then, it would appear that the proposed amendment would not in and of itself require any change in the present law or practice in regard to the Guidelines. One might, however, consider the possibility that if the amendment were enacted, it could form the basis to a challenge of a fund cutoff by school officials who could argue that the Guidelines were being discriminatorily applied in contravention of congressional intent. The chance of success of such an argument may appear slight but it could have the effect of prolonging or complicating the matter.

Johnny H. Killian,
Legislative Attorney.

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* It should be noted that there are court decisions in the South holding that in changing from a dual to a unitary system school officials must affirmatively act to overcome such obstacles to a unitary system. *Henry* v. *Clarksdale Municipal Separate School District*, 409 F. 2d 682 (C. A. 5, 1969); *Brewer* v. *School Board of City of Norfolk*, 397 F. 2d 37 (C.A. 4, 1968).

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Mr. SPONG. Mr. President, during earlier consideration of the elementary and secondary education amendments, I proposed an amendment to create a special commission to study means of effectively implementing the advanced funding procedure for education programs. The amendment was adopted on Wednesday, February 4.

During debate on the amendment, several questions were raised and the suggestion was made that the National Commission on School Finance authorized by section 808 of the Senate bill might be able to handle a study of advance funding.

My principal concern is that advanced funding be put into operation. As long as that is accomplished, I have no particular concern about the method used to implement it. I am, however, quite skeptical that the National Commission on School Finance, as currently constituted, could accomplish the goal with which I am concerned.

First, the National Commission as currently constituted, is directed to deal with the education finances, that is, where is the money coming from, rather than the means of distributing the money after it has been allocated. Thus, advanced funding is a separate matter.

Second, the National Commission, as envisioned in the Senate bill, fails to suggest the urgency which the problem involves.

Third, implementation of advanced funding concerns congressional oversight and the failure of the executive branch, in its budgets, to utilize completely a procedure which Congress has approved. I have serious reservations about the likelihood of an executive-appointed commission exercising the oversight involved, in view of the executive's failure to use fully the procedures in past years.

Fourth, implementation would involve action on the part of both the executive and the Congress. The cooperation necessary to implement the procedure could, I believe, best be brought about by a commission composed of Members of Congress and representatives of the executive branch, by all those responsible for the procedure.

The cost factor of $150,000 originally contained in the amendment is modest in comparison to the amount of money we spend on education. And, it would finance a self-liquidating commission which in all probability would need no further funding.

I raise these points because I fear that developments surrounding this amendment will lead again to nonimplementation of advanced funding for education programs.

VICE PRESIDENT QUESTIONS MOTIVATIONS OF MEMBERS OF SENATE FOREIGN RELATIONS COMMITTEE WHO HAVE QUESTIONED OUR NATIONAL POLICY IN VIETMAN

Mr. PELL. Mr. President, yesterday the Vice President of the United States delivered a speech in Los Angeles in which he questioned the motivations of members of the Senate Foreign Relations Committee who have questioned our national policy in Vietnam.

I am a low-ranking, but a proud member of the Foreign Relations Committee and I am amongst those who have questioned our national policy in Vietnam for some time, so I believe a response to the Vice President's remarks is in order.

Unfortunately, I do not have a complete text of the Vice President's speech, but I do have the text of that portion of his remarks broadcast on national television last night.

Vice President Agnew said:

> Recent utterances on the part of a few members of the Senate Foreign Relations Committee are just plain sour grapes. These people have, because of their past pronouncements, a vested interest in seeing that our policies in Vietnam don't work. They would rather believe that the North Vietnamese and Vietcong are properly indicating what is happening over there than they would believe Ambassador Bunker, or General Abrams or President Thieu. In short, to them, being right about their predictions about disaster is politically more important than having the United States work out an honorable peace and extricate itself from one of the most difficult wars we have ever had.

That is the end of the televised portion of his remarks.

Mr. President, I think it is worth recalling that the members of the Foreign Relations Committee to whom the Vice President refers, and I assume I am one of them, were asking questions about our national policy in Vietnam when Mr. Agnew was still a silent Governor of the State of Maryland.

We were asking questions about our national policy in Vietnam when there was a Democratic administration. We had no vested interest, political or otherwise, in destroying our own Democratic administration. Certainly I did not, as a Democratic Senator. But I for one believed that the interests of the American people came before the interests of my party on this vital issue.

Vice President Agnew might well reflect on the fact that the vocal opposition to our national policy in Vietnam on the part of members of the Foreign Relations Committee played a major role in setting the stage for President Johnson's abdication speech and in persuading President Johnson not to seek reelection.

In any case, Mr. President, as one who was a critic of our involvement and our policies in Vietnam long before it was fashionable or politically popular to be critical, I am disappointed in the Vice President's remarks. During the previous administration, there were some very regrettable efforts to discredit critics of our policies in Vietnam. We were called "Nervous Nellies" and other names. I am saddened to see this administration adopting the same or similar techniques.

Personally, my only interest and my only motivation in questioning our policies in Vietnam is to make certain that we are indeed moving toward a rapid dissolution of our unfortunate involvement in this war—an involvement that we should never have expanded; an involvement which many of us criticized at the time it was being escalated. And for the Vice President to impute motives against those of us who took a politically unpopular cause, who went against the will of many of our people, when we opposed our Government's stand on Vietnam, simply is not correct, and I would take strong exceptions to the Vice President's remarks.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I ask the Chair, for the information of the Senate, to state the pending business.

The PRESIDING OFFICER. The pending business is the bill H.R. 514, Elementary and Secondary Education Amendments of 1969, and the pending question is on the amendment of the Senator from Mississippi (Mr. Stennis) and a number of other Senators designated amendment No. 481 to H.R. 514.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 9, 1970 AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock Monday morning next.

The motion was agreed to; and (at 4 o'clock and 36 minutes p.m.) the Senate adjourned until Monday, February 9, 1970, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6, 1970:

In the Air Force

Lt. Gen. William B. Kieffer, 005–16–6169FR (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code.

The following-named officers to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, United States Code:

Maj. Gen. James C. Sherrill, 462–07–4089FR, Regular Air Force.

Maj. Gen. Otto J. Glasser, 160–14–0169FR, Regular Air Force.

Maj. Gen. Jay T. Robbins, 460–28–0552FR, Regular Air Force.

Maj. Gen. Russell E. Dougherty, 406–34–6763FR, Regular Air Force.

The following-named officers for temporary appointment in the U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code:

To be brigadier general

Col. Carlton L. Lee, 256–12–5588FR, Regular Air Force.

Col. Walter R. Tkach, 174–14–2152FR, Regular Air Force, Medical.

Col. Charles E. Williams, Jr., 510–16–7478FR, Regular Air Force.

Col. John J. Gorman, 081–32–9359FR, Regular Air Force.

Col. Darrell S. Cramer, 529–10–7980FR, Regular Air Force.

Col. Geoffrey P. Wiedeman, 579-52-9093FR, Regular Air Force, Medical.

Col. Hamilton B. Webb, 107-18-9234FR, Regular Air Force, Medical.

Col. Bryan M. Shotts, 428-18-2757FR, Regular Air Force.

Col. Morton J. Gold, 008-12-3075FR, Regular Air Force.

Col. John H. Germeraad, 517-18-4761FR, Regular Air Force.

Col. Robert R. Scott, 264-14-0524FR, Regular Air Force.

Col. Leroy J. Manor, 108-12-5769FR, Regular Air Force.

Col. Eugene Q. Steffes, Jr., 562-54-1024FR, Regular Air Force.

Col. Roy M. Terry, 134-10-6944FR, Regular Air Force, Chaplain.

Col. William H. Best, Jr., 090-14-4545FR, Regular Air Force.

Col. Frank L. Gailer, Jr., 082-32-0248FR, Regular Air Force.

Col. Joseph E. Krysakowski, 043-03-8167 FR, Regular Air Force.

Col. Robert E. Brofft, 287-12-4698FR, Regular Air Force.

Col. Thomas B. Hoxie, 370-16-9307FR, Regular Air Force.

Col. Winston P. Anderson, 416-16-3181FR, Regular Air Force.

Col. Roger Hombs, 488-20-5088FR, Regular Air Force, Dental.

Col. Harold F. Knowles, 043-18-4028FR, Regular Air Force.

Col. Lawrence W. Steinkraus, 014-16-6306 FR, Regular Air Force.

Col. William C. McGlothlin, Jr., 506-30-5377FR, Regular Air Force.

Col. Herbert A. Lyon, 476-10-2096FR, Regular Air Force.

Col. Eugene L. Hudson, 568-05-0673FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Edwin J. White, Jr., 226-12-6025FR, Regular Air Force.

Col. Edward O. Martin, 487-03-2225FR, Regular Air Force.

Col. Louis O. Alder, 518-22-1155FR, Regular Air Force.

Col. Robert H. Gaughan, 315-05-0599FR, Regular Air Force.

Col. Walter T. Galligan, 107-18-2660FR, Regular Air Force.

Col. Edward Ratkovich, 362-22-3308FR, Regular Air Force.

Col. Frank W. Elliott, Jr., 243-22-7825FR, Regular Air Force.

Col. John R. Hinton, Jr., 458-14-6525FR, Regular Air Force.

Col. Wesley L. Pendergraft, 261-38-5923FR, Regular Air Force.

Col. William R. Hayes, 081-16-3615FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. William M. Schoning, 532-14-3545FR (major, Regular Air Force), U.S. Air Force.

Col. John F. Albert, 082-32-0837FR, Regular Air Force, Chaplain.

Col. Daniel James, Jr., 263-22-9827FR, Regular Air Force.

Col. Harry N. Cordes, 254-14-6442FR, Regular Air Force.

Col. John F. Gonge, 508-14-2378FR, Regular Air Force.

Col. Kelton M. Farris, 431-14-0802FR, Regular Air Force.

Col. John W. Pauly, 082-32-2158FR, Regular Air Force.

Col. John J. Burns, 155-18-0229FR, Regular Air Force.

Col. Kenneth R. Chapman, 509-14-9108FR, Regular Air Force.

Col. Bryce Poe II, 561-54-4193FR, Regular Air Force.

Col. James E. Paschall, 244-20-2535FR, Regular Air Force.

Col. Cuthbert A. Pattillo, 252-20-1733FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Richard J. Hartman, 175-14-2825FR, Regular Air Force.

Col. George J. Iannacito, 521-26-9866FR, Regular Air Force.

Col. John J. Liset, 014-18-5134FR, Regular Air Force.

Col. Erwin A. Hesse, 267-16-2481FR, Regular Air Force.

Col. Thomas B. Wood, 547-28-4758FR, Regular Air Force.

Col. William T. Meredith, 229-07-0631FR, Regular Air Force.

Col. Guy Hurst, Jr., 431-26-6214FR, Regular Air Force.

Col. George G. Loving, Jr., 224-26-5728FR, Regular Air Force.

Col. Oliver W. Lewis, 419-12-8722FR, Regular Air Force.

Col. James M. Fogle, 577-28-3083FR, Regular Air Force.

Col. William A. Dietrich, 445-14-4963FR, Regular Air Force.

Col. Jack B. Robbins, 427-22-6794FR, Regular Air Force.

Col. John D. Peters, 182-14-0539FR, Regular Air Force.

Col. George Rhodes, 234-24-7416FR, Regular Air Force.

Col. Marion L. Boswell, 499-16-3166FR, Regular Air Force.

Col. Kenneth L. Tallman, 520-18-3841FR, Regular Air Force.

Col. Ray A. Robinson, Jr., 429-34-5852FR, Regular Air Force.

Col. Otis C. Moore, 251-26-8976FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. William Y. Smith, 431-28-7707FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Robert T. Marsh, 312-18-4136FR major, Regular Air Force), U.S. Air Force.

Col. Abner B. Martin, 251-30-1478FR (major, Regular Air Force), U.S. Air Force.

Col. Robert M. White, 104-16-0834FR (major, Regular Air Force), U.S. Air Force.

Col. Frederick C. Blesse, 521-20-6801FR, Regular Air Force.

Col. Harrison J. Lobdell, 552-26-5729FR, Regular Air Force.

Col. Clarence J. Douglas, Jr., 198-16-2236 FR, Regular Air Force.

Col. Arnold W. Braswell, 438-22-3643FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. George H. Sylvester, 114-18-3812FR (major, Regular Air Force), U.S. Air Force.

Col. James V. Hartinger, 298-12-6337FR (major, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, to the grade of major general, under the provisions of title 10, United States Code, sections 3284 and 3307:

Maj. Gen. George Edward Pickett, 577-54-0390, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Roger Merrill Lilly, 176-32-2881, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Woodrow Wilson Vaughn, 444-40-8227, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Gilbert Hume Woodward, 224-52-6485, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Glenn David Walker, 425-07-7949, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Melvin Zais, 016-14-9359, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Charles Gribble, Jr., 574-12-9564, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edward Leon Rowny, 219-18-9284, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Norton, 421-52-8670, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter James Woolwine, 704-12-6183, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. James William Sutherland, Jr., 432-01-3212, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Elmer Hugo Almquist, Jr., 224-52-8768, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Leo Bond Jones, 484-05-2930, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Albert Becker, 452-14-2696, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Frederick Carlton Weyand, 565-01-7616, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. George Irvin Forsythe, 517-07-9904, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Orwin Clark Talbott, 572-03-9875, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter Philip Leber, 499-01-2011, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Hancock Hay, Jr., 517-05-6304, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Joe Seitz, 514-03-9046, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Clarence Joseph Lang, 480-09-6322, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Ellis Warner Williamson, 238-22-3130, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. William Eugene DePuy, 503-16-0459, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Thomas Knowles, 340-10-3134, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Russell Deane, Jr., 460-64-0004, Army of the United States (brigadier general, U.S. Army).

IN THE MARINE CORPS

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of major general:

John R. Blandford

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Louis Conti
Verne C. Kennedy, Jr.

U.S. MARSHALS

Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri for the term of 4 years.

John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years.

COUNCIL ON ENVIRONMENTAL QUALITY

The following-named persons to be members of the Council on Environmental Quality:

Robert Cahn, of the District of Columbia.
Gordon J. F. MacDonald, of California.
Russell E. Train, of the District of Columbia.

IN THE ARMY

The nominations beginning James F. Price, to be captain, and ending Gerald D. Saltness, to be 2d lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 1970.

IN THE MARINE CORPS

The nominations beginning Ivan M. Behel, to be 2d lieutenant, and ending Bruce R. Wahlsten, to be 2d lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 23, 1970.

EXTENSIONS OF REMARKS

THE BEACHES OF THE UNITED STATES ARE THE PROPERTY OF THE PEOPLE: AN ESSENTIAL ELEMENT OF THEIR HERITAGE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. GIBBONS. Mr. Speaker, anywhere on earth where the land meets the sea is engendered one of the most dramatic encounters of all nature.

The shorelines of this Nation offer opportunities for innumerable variations of recreational experience, whether it be sunning on the sandy beaches of a warm southern shore; riding the white combers rolling in from the great deeps; probing the shallows in scuba gear; exploring sea caves carved by millennia of wave action; observing the eerie flight of shorebirds in seasonal migration; seeking the elusive clam, abalone, shells, pebbles, or driftwood cast upon the shore; observing the myriad life forms; strolling along the beach; indulging in a refreshing dip in the water. All of these and many more are possible only in this restricted area, really only a narrow bit of land but thousands of miles long.

However, the enjoyment of these happy activities is becoming increasingly difficult. In many areas the beach cannot be reached by any but the owner of the shore property.

Despite the known and acknowledged fact that the State is the owner, holder in trust for the people, of all land from the water's edge to the high-water or vegetative line, it is a frustrating and anger-provoking experience to attempt to reach at least 90 percent of the shoreline and beaches of this Nation.

Since beaches are worthless for the traditional uses of land such as for agriculture, mining, and other activities it has been possible for private owners to develop their property which adjoins the beach in such a manner as to block access to the beaches themselves.

Since the 1920's, at an ever accelerating pace, as population grew, leisure time increased, and desire for recreational activities grew, the beaches have seen the coming of homes, structures of all kinds, even down to the water's edge. So concentrated has this development become in some areas that the property owners have succeeded in fencing off, posting, and closing entry or passage over their land. Access by the public to the beaches themselves has become seriously inhibited and in many cases completely foreclosed.

This condition should not be allowed to prevail. By custom, tradition, and common law, affirmed by the Submerged Land Act, the State is the owner of the beach area and people who after all are the State, are entitled to free access to their property and to all the benefits to be derived therefrom.

It is, therefore, the purpose of this proposed legislation to set straight a condition brought about by neglect.

What concerns the people of this Nation is properly a Federal Government concern as this bill states. The full force of Federal power, and assistance is to be extended to the States in identifying, providing historical and geological data, planning for zoning and managing the coastal areas. Technical as well as financial assistance—up to 75 percent of the cost—will be provided to the States to assist them in acquisition of easements, rights-of-way and land required to insure free public access to the beaches as is the right of every American citizen, and the power of eminent domain will be exercised to this end. We must do whatever is needed to develop the beach areas properly to enable all Americans to enjoy the pleasures of beach experience which is an essential part of their heritage.

The need is immediate, costs are rising as a result of the ever-increasing pressure on all recreational opportunities, and public ownership of beaches and adjoining land areas will be of great assistance in coping with the ever-present problem of beach erosion. Protection and enhancement of beaches is a continuing responsibility of the Federal Government where the public interest is involved but is a program which has been handicapped by the situation that has been brought about by the encroachment of private ownership in the littoral area. Passage of this legislation will be of inestimable value in preserving this vital heritage of the American citizen.

MINNESOTANS BACK INFLATION CONTROLS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. NELSEN. Mr. Speaker, those of us who voted to sustain President Nixon's veto of the HEW-Labor-OEO appropriations bill for fiscal 1970 are ourselves sustained by the massive support that is evident for better controls on spending to inhibit runaway inflation. As evidence of this support in Minnesota, I include for the RECORD at this point editorials from the New Ulm Journal, the Waseca Journal, and the St. Paul Pioneer-Press:

[From the New Ulm Journal, Jan. 28, 1970]

THE VETO

It is a new and different drama that we are seeing in Washington lately. We are seeing a President doing his best to cut spending below the appetitie of the Congress, whereas we had been used to a Congress trying to hold back liberal Presidents under two Democrat administrations.

The last act of this play, which might be titled "Nixon Nicks at Inflation," may come today with Republican Congressmen and some Democrats of the solvency team voting to uphold the veto. They have the best of the deal, needing only one-third of the votes, which is something like getting 6 downs to make 10 yards.

The vote likely will come before anyone gets a chance to influence his congressman, unless he did it Tuesday. But if our Representatives feel the pulse of their people, they must know that Americans want an easing of the inflation.

Nixon is not picking on education or health. He is making across the board economies, including a cut of 300,000 in the military services.

Education and health are not an easy issue on which to take a stand, but the Presiden did ahead of the vote, and has followed through with his veto. For the good of the country, he should win this one.

[From the St. Paul Pioneer Press, Jan. 28, 1970]

A COURAGEOUS VETO

President Nixon didn't take the easy course when he vetoed the Health, Education and Welfare appropriations bill.

He might have profited politically by signing it and accepting the applause of the organized lobby working for the measure. Instead, he stuck to his principles of fiscal responsibility and took the action he felt would serve the national interest.

If members of the House of Representatives are equally concerned with stabilizing the economy and laying the foundation for solid future educational programs, they will vote to uphold the veto today.

Nixon's recognition of the political risk in his decision was no doubt responsible for his unusual televised veto performance. He explained the inflationary aspects of the bill and its other shortcomings and made it clear that in his view the disadvantages and dangers far outweight any merits of the measure. This was an honest and responsible approach to a difficult situation.

The Democratic leadership of the House and Senate has played politics on this issue by exaggerating the educational benefits which might result from hurry-up spending of a billion dollars more between now and next June 30 than the Nixon budget allows. The bill is loaded with pork for wealthy areas which don't need it.

Keeping firm control of the federal budget right now is a necessity if our dangerously high inflation is to be checked. And if inflation is not brought under control, education, health services and every other important governmental program will suffer because tax dollars will buy less and less and tax bills will go up and up.

As the President pointed out, he has ordered cuts of $7 billion in military expenditures for fiscal 1970. His 1971 budget will call for a smaller percentage of federal spending for the military than in any years since 1950. For the first time in 20 years the 1971 budget will provide more funds for human resources than for war related projects. The Nixon Administration is reordering national priorities at the same time it is battling to check the high cost of living.

The overall results for education and other domestic programs will be to strengthen them and increase their effectiveness.

[From the Waseca Journal, Jan. 23, 1970]

PORK BARREL

We have a pamphlet on our desk which says: "The American public, and the Congress, believe that a reasonable share of Federal expenditures should be devoted to education."

What is a reasonable share of the Federal expenditures? To the author of the pamphlet, we are certain the $1.3 billion more than President Nixon asked is "reasonable."

To the elderly people who are so hard hit by inflation it is not reasonable.

To the heavily burdened taxpayer it is not reasonable.

To those who have set the nation's priorities in this fashion: First, ending the war in Vietnam; and second, curbing inflation; to those people the Senate action is not reasonable.

About it all the Wall Street Journal has this to say:

"Now the Senate comes along with an extra billion-plus dollars in aid to education and health, and the lawmakers think maybe they can override the Presidential veto that might result from the spending's inflationary potential.

"The biggest single increase, the political grease that has helped move the bill, and the political stick that creates the possibility of overriding a veto, is an increase in Federal aid to "impacted" schools. Which is to say, more spending for schools near Federal installations in the districts of key Congressmen.

"Or in other words, pork barrel first, inflation control last, and then talk a lot about priorities. Some gall."

As a small town daily newspaper we put education ahead of other local spending. However, we do not put it ahead of the nation's welfare. Right now the United States is facing a crisis and knowing the waste involved in all federal projects we prefer to spend our own money, right here at home, for education rather than look for an even bigger handout from Washington than Washington can afford.

FREEDOM OF CHOICE IS THE LAW OF THE LAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RARICK. Mr. Speaker, despite the plain words of the Constitution, the obvious prohibitions in the Civil Rights Act of 1964, and the spending restriction in the current HEW Approprations Act, it seems that neither the judicial department, the executive department, nor the mass media have any understanding of what the law of the land is and what it is not.

Meanwhile, back home, public education has been dealt its deathblow, decent Americans are confused, unbelieving, and angry. They see their children in danger, and their Government on the side of lawlessness, and they do not understand what has happened to their freedom.

In the hope that it will be of value to other Members, North, South, East, and West, whose people are also asking what they can do to save their schools and their children, I include my regular talk to the people of the Sixth District of Louisiana in my remarks:

REPORT FROM WASHINGTON

As I talk to you today, the single most pressing problem which we have is our schools—our children.

We need to talk a little bit about—the law of the land. It is time someone told the American people what the law of the land really is.

We have heard "law of the land" from the press, the radio, the pulpit, and other propaganda agents until it is running out of our ears. Decent Americans have tried and tried to obey what they have been told is the law of the land.

So, let's talk about the law of the land—what it is, and what it is not.

Judges do not make law. Legislatures do. This is one of the fundamentals of free American government.

Long, long ago it was said that judges ought to remember that their office is to interpret law, not to make law.

The wise men who wrote our Constitution knew this truth, which was already old in their time. That is why they provided for the Congress to make the laws, and for the courts to decide cases and controversies.

For generations our judges were wise and honest men, who carefully avoided falling into the error of legislating—making laws. Today this is no longer so, chaos, has resulted, and our very liberties are endangered. When judges make their own law, freedom has ended.

A century and a half ago, Thomas Jefferson wrote, ". . . there is no danger I apprehend so much as the consolidation of our government by the noiseless, and therefore unalarming, instrumentality of the supreme court."

In The Federalist, Alexander Hamilton wrote that ". . . liberty can have nothing to fear from the judiciary alone, [as usurpers] but would have everything to fear from its union with either of the other departments . . ." [in usurping power].

Today we see just such a union of the judiciary (the Supreme Court) and the executive (HEW). We have cause to be alarmed, as would the founding fathers.

Within our lifetime we have seen what happens to liberty when judges do not follow law, but make their own. First Soviet Russia, then Nazi Germany, gave us examples.

The Bolsheviks abolished all laws, then created their "People's Courts" to try both civil and criminal cases—and their justice was measured by what they called "the proletarian conscience."

In 1935, Adoph Hitler amended the German laws to permit judges to decide cases, not according to law, but according to "the healthy sentiments of the German people."

Now, what is the law of the land?

We start with the Constitution of the United States, where the law of the land is defined in no uncertain terms in what is called the Supremacy Clause, found in Article Six. Let me read it to you, word for word. . . .

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . ."

Let me repeat this important provision of our Constitution:

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof . . . shall be the supreme Law of the Land . . ."

Did you hear anything in those words about Supreme Court decision being the law of the land? Of course not. On the other hand, you heard that Judges shall be bound by Acts of Congress.

Now Congress has acted—Congress has actually passed laws, which are the law of the land. And one of these laws goes right to the point of our school problems today.

Let me read this one to you, word for word . . . from Title 42 of the United States Code . . .

"Nothing herein shall empower any official/or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve racial balance . . ."

* * * * *

"Desegregation means the assignment of students to public schools and within such schools without regard to their race . . . but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

And then last year, to make sure that we were not misunderstood, when we appropriated money to operate the Department of Health, Education and Welfare, we wrote into that law—in English so plain no one can misunderstand—a provision forbidding HEW to do what it is now doing.

Let me read you this language from the very same Appropriation Act under which HEW is now operating, word for word:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

So there you have it. What you have been told time and again is the law of the land is not. You have been lied to repeatedly, for years.

Supreme Court decisions are not—I repeat not—the law of the land. All they are is the decision in a certain lawsuit between certain parties.

Of course, they may mean that the same judges, on the same facts, dealing with the same law, will decide a new case in the same way. But again, they may not.

The law of the land is the Constitution—and the laws enacted pursuant thereto.

And the Courts are in direct disobedience of this law—the very law which they are sworn to uphold. The Department of HEW—and the President—are also in direct disobedience of this law.

What can we do?

We are not alone, although it sometimes seems as if we are. People across the nation are awakening. They are asking questions, and they are demanding answers.

We must be strong and patient. These are dark times for those of us who love our children. But we have had other dark times in our history, and the courage to face them and win out.

Valley Forge was dark—so was Reconstruction.

People will protect their children. It is up to all public officials to help them. I cannot tell you what to do with your children. They are your children, and the responsibility for them is yours—yours alone.

In Washington, I am doing everything in my power to call to the attention of the rest of the country what is happening to us here in Louisiana. You know that I am on your side, and with you all the way.

What can you do?

I suggest three things.

First, decide for yourself what is the law and what is propaganda. You can read. Read the Constitution.

Second, write and wire President Nixon at the White House. Tell him your problem, and what you want. He has the key in his own hand.

All he need do is to pick up the telephone and tell Secretary Finch—and Attorney General Mitchell—to obey the law. It's that simple.

Third, and this one is important.

All of us have friends, relatives, business acquaintances, people with whom we went to school, with whom we served in the Armed Forces—people who do not live in the South, who do not know the problems which we face, and who are not being told the truth about our situation.

XUM

Write to these people—phone these people—tell them what is happening to your children. Ask them to help. Ask them to call on their Congressmen and Senators for help.

Finally, we must all remember that we are right. That in the end, right will triumph, even though there may be a rough road ahead for a few months. Right and justice are on our side, and we shall prevail.

So let's all work together, confident that what we do to protect our children will succeed.

Freedom of choice is still the law of the land, and the law of the land is on our side.

ACDA, STATE, AND DOD REPLY ON U.S. GOALS AT SALT TALKS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HAMILTON. Mr. Speaker, I thought it would be of interest to my colleagues to read some recent correspondence between the Arms Control and Disarmament Agency, the State Department, the Defense Department and myself on the issue of our goal at the SALT talks. The letter to the ACDA is identical to those sent to the other two agencies. While I found part IV of Secretary Rogers' speech, included below, most informative, I am still rather disappointed at the minimal amount of information being given to the Congress on this most urgent topic. Our need to be adequately briefed on the issues must not be slighted.

The material referred to follows:

DECEMBER 8, 1969.

GERALD C. SMITH,
Director, Arms Control and Disarmament Agency, Washington, D.C.

DEAR MR. SMITH: I would like to know what our goal is at the SALT talks.

Are we seeking a formalized treaty arrangement, or a more informal agreement to pursue parallel strategic arms limitations? The distinction is an important one.

I look forward to hearing from you on this matter.

Sincerely,

LEE H. HAMILTON, M.C.

U.S. ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, D.C., December 11, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: Thank you for your letter of December 8, 1969 inquiring about the arrangements that might emerge from SALT.

A most helpful statement regarding the goals of these talks was made by Secretary Rogers in his speech of November 13. I have enclosed a copy of that speech. Also enclosed is a copy of the President's message to Mr. Smith at the opening of the talks.

At this time I believe it is too early to forecast precisely what form the ultimate arrangements might take. Those arrangements would, of course, have to be consistent with the requirements of the Constitution and the relevant statutes.

I hope the attached material will be helpful, and we appreciate your interest in this most important subject.

Sincerely,

WILLIAM W. HANCOCK,
General Counsel.

ADDRESS BY HON. WILLIAM P. ROGERS, SECRETARY OF STATE, NOVEMBER 13, 1969

STRATEGIC ARMS LIMITATION TALKS

Next Monday in Helsinki the United States and the Soviet Union will open preliminary talks leading to what could be the most critical negotiations on disarmament ever undertaken. The two most powerful nations on earth will be seeking a way to curb what to date has been an unending competition in the strategic arms race.

The Government of the United States will enter these negotiations with serious purpose and with the hope that we can achieve balanced understandings that will benefit the cause of world peace and security. Yet we begin these negotiations knowing that they are likely to be long and complicated and with the full realization that they may not succeed.

While I will not be able to discuss specific proposals tonight, I thought it might be helpful to outline the general approach of our government in these talks.

I

Nearly a quarter of a century ago, when we alone possessed nuclear power, the United States proposed the formation of a United Nations Atomic Development Authority with a world monopoly over all dangerous aspects of nuclear energy. This proposal might well have eliminated for all nations the dangers and burdens of atomic weapons. Unhappily, as we all know, it was rejected.

The implications were obvious. Others intended to develop nuclear weapons on a national basis. The United States then would have to continue its own nuclear program. It would have to look to its own security in a nuclear-armed world. Thus we established a national policy of maintaining nuclear weapon strength adequate to deter nuclear war by any other nation or nations. It was our hope then, as it is now, to make certain that nuclear weapons would never again be used.

The intervening decades have seen enormous resources devoted to the development of nuclear weapons systems. As both sides expanded their force levels an action/reaction pattern was established. This pattern was fed by rapid progress in the technology of nuclear weapons and advanced delivery systems. The mere availability of such sophisticated technology made it difficult for either side by itself to refrain from translating that technology into offensive and defensive strategic armaments.

Meanwhile, strategic planners, operating in an atmosphere of secrecy, were obliged to make conservative assumptions, including calculations on what became known as the "worst case." The people responsible for planning our strategic security had to take account of the worst assumptions about the other's intentions, the maximum plausible estimate of the other's capabilities and performance of our own forces. The Soviets no doubt did the same.

Under these circumstances it was difficult during these many years for either side to conclude that it had sufficient levels of destructive power.

II

Yet that point in time has now clearly been reached. As absolute levels of nuclear power and delivery capability increased, a situation developed in which both the United States and the Soviet Union could effectively destroy the society of the other, regardless of which one struck first.

There are helpful mutual restraints in such a situation. Sane national leaders do not initiate strategic nuclear war and thus commit their people to national suicide. Also they must be careful not to precipitate a conflict that could easily escalate into nuclear war. They have to take elaborate precautions against accidental release of a nuclear weapon which might bring on a nuclear holocaust.

In brief the nuclear deterrent, dangerous though it is, has worked.

The present situation—in which both the United States and the Soviet Union could effectively destroy the other regardless of which struck first—radically weakens the rationale for continuing the arms race.

Competitive accumulation of more sophisticated weapons would not add to the basic security of either side. Militarily it probably would produce little or no net advantage. Economically it would divert resources needed elsewhere. Politically it would perpetuate the tensions and fears that are the social fallout of the nuclear arms race.

So a capacity for mutual destruction leads to a mutual interest in putting a stop to the strategic nuclear arms race.

Nonetheless technology advances remorselessly. It offers new opportunities to both sides to add to their offensive and defensive strategic systems. Both sides find it difficult to reject these opportunities in an atmosphere of rivalry and in the absence of a verifiable agreement. It raises temptations to seek strategic advantages. Yet now such advantages cannot be hidden for long, and both sides will certainly take whatever countermeasures are necessary to preserve their retaliatory capability.

This is the situation in which the two sides now find themselves. Where national security interests may have operated in the past to stimulate the strategic arms race, those same national security interests may now operate to stop or slow down the race. The question to be faced in the strategic arms talks is whether societies with the advanced intellect to develop these awesome weapons of mass destruction have the combined wisdom to control and curtail them.

III

In point of fact, we have already had some successes in preliminary limitations.

We have a treaty banning military activities in Antarctica.

We have a treaty banning the orbiting of weapons of mass destruction in outer space and prohibiting the establishment of military installations on the moon or other celestial bodies.

We have reached agreement with the Soviet Union on the text of a treaty forbidding the emplacement of weapons of mass destruction on the ocean floors, about to be considered at the United Nations General Assembly.

These are agreements not to arm environments previously inaccessible to weapons. Manifestly there are fewer obstacles to such agreements than there are to agreements controlling weapons already deployed or under development.

But even in already "contaminated" environments there have been two important control agreements:

We have negotiated and ratified a Test Ban Treaty prohibiting the testing of nuclear weapons in the atmosphere, under water, and in outer space.

We have negotiated and are prepared at any time to ratify simultaneously with the Soviet Union, a Nuclear Non-Proliferation Treaty.

It should be pointed out, though, that the main objective of a Nuclear Non-Proliferation Treaty is to prevent non-nuclear powers from acquiring atomic weapons. The treaty does not restrain any of the present nuclear powers from further development of their capabilities. The non-nuclear countries therefore tend to look upon the treaty essentially as a self-denying ordinance.

Accordingly, during the negotiations they insisted upon assurances that the nuclear powers would seriously pursue strategic arms negotiations. We concurred and incorporated a paragraph in the treaty which would require us to do so.

XUM

I mention this to underscore two points. First, that the disarmament agreements previously concluded have widely been regarded as confidence building, preliminary steps which hopefully might lead to more meaningful agreements on strategic arms. Second, when the United States and the Soviet Union ratify the NPT, they will agree to undertake negotiations in good faith for a cessation of the nuclear arms race.

IV

However, given the complexity of the strategic situation, the vital national interests involved, and the traditional impulses to seek protection in military strength it is easy to be cynical about the prospects for the talks into which we are about to enter.

Nonetheless some basis for hope exists.

First is the fact that the talks are being held at all. The diplomatic exchanges leading up to these talks were responsible in nature. And the talks themselves will require discussion of military matters by both sides in which the veil of secrecy will have to be, if not lifted, at least refashioned. These factors lead us to the hope that the talks are being entered into seriously.

Second is the matter of timing. Previous disparity in nuclear strength has been succeeded by the situation of sufficiency of which I have already spoken. And because this condition will continue for the foreseeable future the time then seems to be propitious for considering how to curb the race in which neither side in all likelihood can gain meaningful advantage.

Third is a mutuality of interest. Under present circumstances an equitable limitation on strategic nuclear weapons would strengthen the national security of both sides. If this is mutually perceived—if both sides conduct these talks in the light of that perception—the talks may accomplish an historic breakthrough in the pattern of confrontation that has characterized the postwar world.

May I pause to point out again that I do not wish to predict that the talks will be easy or that progress is imminent or for that matter likely. Mutuality of interest for states accustomed to rivalry is difficult to perceive. Traditions are powerful. Temptations to seek advantage run strong. Developments in other areas are bound to have an impact on these discussions.

Both parties will approach the talks with great caution and pursue them with immaculate care. The United States and the Soviet Union are entirely capable of protecting their vital interests and can be counted upon to do so. So there is little chance that either side would accept an outcome that leads to its net national disadvantage. In our case also we would not agree to anything adversely affecting the national interests of our allies, who will continue to be consulted as the talks develop.

On the other hand we must also recognize that a prime technique of international politics—as of other politics—is talk. If these talks are serious they can lead to better understanding on both sides of the rationales behind strategic weapons decisions. This in itself might provide a climate in which to avoid compulsive decisions.

Talks need not necessarily call for an explicit agreement at any particular stage. Whether we can slow down, stop or eventually throw the arms race into reverse, remains to be seen. It also remains to be seen whether this be by a formal treaty or treaties, by a series of agreements, by parallel action, or by a convergence of viewpoints resulting from a better understanding of respective positions.

What counts at this point is that a dialogue is beginning about the management of the strategic relations of the two superpowers on a better, safer, cheaper basis than uncontrolled acquisition of still more weapons.

The United States approaches the talks as an opportunity to rest our security on what I would call a balanced strategy.

In pursuit of this balanced strategy of security we will enter the Helsinki talks with three objectives:

To enhance international security by maintaining a stable US-Soviet strategic relationship through limitations on the deployment of strategic armaments.

To halt the upward spiral of strategic arms and avoid the tensions, uncertainties, and costs of an unrestrained continuation of the strategic arms race.

To reduce the risk of an outbreak of nuclear war through a dialogue about issues arising from the strategic situation.

Some say that there will be risks in such a process. But it is easy to focus too much on the risks that would accompany such a new environment and too little on the risks of the one in which we now live. Certainly, such risks are minimal compared to the benefits for mankind which would flow from success. I am confident that this country will not let down its guard, lose its alertness, or fail to maintain adequate programs to protect against a collapse or evasion of any strategic arms agreement. No delegation to any disarmament negotiation has ever been better prepared or better qualified than the United State delegation. The risks in seeking an agreement seem to be manageable, insurable, and reasonable ones to run. They seem less dangerous than the risks of open-ended arms competition—risks about which we perhaps have become somewhat callous.

V

I have mentioned the rewards of progress in terms of international security, world order, and improved opportunities for replacing a stalemated confrontation with a process of negotiations.

But there are also other stakes in these talks that come closer to home. On both sides of this strategic race there are urgent needs for resources to meet pressing domestic needs. Strategic weapons cannot solve the problems of how we live at home, or how we live in the world in this last third of the Twentieth Century. The Soviet Union, which devotes a much larger proportion of its national resources to armaments than do we, must see this as well.

Who knows the rewards if we succeed in diverting the energy, time and attention—the manpower and brainpower—devoted to ever more sophisticated weapons to other and more worthwhile purposes?

Speaking before the United Nations General Assembly two months ago, President Nixon said that he hoped the strategic arms talks would begin soon because "there is no more important task before us." And he added that we must "make a determined effort not only to limit the build-up of strategic arms, but to reverse it."

Just last week President Podgorny of the Soviet Union said: "A positive outcome of the talks would undoubtedly help improve Soviet-American relations and preserve and strengthen the peace." To that I say "Amen."

He added that: "The Soviet Union is striving to achieve precisely such results." Well, so are we; and in this we have the support of the military services, of the Congress, and of the American people.

To that end this Government approaches the Strategic Arms Limitations Talk in sober and serious determination to do our full part to bring a halt to this unproductive and costly competition in strategic nuclear armaments.

MESSAGE FROM THE PRESIDENT TO AMBASSADOR GERARD SMITH AT THE OPENING OF THE STRATEGIC ARMS LIMITATION TALKS AT HELSINKI, FINLAND

You are embarking upon one of the most momentous negotiations ever entrusted to an American delegation.

I do not mean to belittle the past. The Antarctic Treaty, the Limited Test Ban Treaty, the Outer Space Treaty, and most recently the Non-Proliferation Treaty, which we hope will soon enter into force, were all important steps along the road to international security. Other tasks remain on the agenda of the United Nations and the Conference of the Committee on Disarmament. Today, however, you will begin what all of your fellow citizens in the United States and, I believe, all people throughout the world, profoundly hope will be a sustained effort not only to limit the build-up of strategic forces but to reverse it.

I do not underestimate the difficulty of your task, the nature of modern weapons makes their control an exceedingly complex endeavor. But this very fact increases the importance of your effort.

Nor do I underestimate the suspicion and distrust that must be dispelled if you are to succeed in your assignment.

I am also conscious of the historical fact that wars and crises between nations can arise not simply from the existence of arms but from clashing interests or the ambitious pursuit of unilateral interests. That is why we seek progress toward the solution of the dangerous political issues of our day.

I am nevertheless hopeful that your negotiations with representatives from the Soviet Union will serve to increase mutual security. Such a result is possible if we approach these negotiations recognizing the legitimate security interests on each side.

I have stated that for our part we will be guided by the concept of maintaining "sufficiency" in the forces required to protect ourselves and our allies. I recognize that the leaders of the Soviet Union bear similar defense responsibilities. I believe it is possible, however, that we can carry out our respective responsibilities under a mutually acceptable limitation and eventual reduction of our strategic arsenals.

We are prepared to discuss limitations on all offensive and defensive systems, and to reach agreements in which both sides can have confidence. As I stated in my address to the United Nations, we are prepared to deal with the issues seriously, carefully, and purposefully. We seek no unilateral advantage. Nor do we seek arrangements which could be prejudicial to the interests of third parties. We are prepared to engage in bona fide negotiations on concrete issues, avoiding polemics and extraneous matters.

No one can foresee what the outcome of your work will be. I believe your approach to these talks will demonstrate the seriousness of the United States in pursuing a path of equitable accommodation. I am convinced that the limitation of strategic arms is in the mutual interest of our country and the Soviet Union.

DEPARTMENT OF STATE,
Washington, D.C., December 17, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: The Secretary has asked me to reply to your letter of December 8 concerning SALT.

I understand that Mr. William W. Hancock, the General Counsel of ACDA, has already written to you in response to an identical letter you sent to that Agency. As he pointed out, it is too early to forecast what form possible arrangements that might emerge from SALT would take. Whatever the arrangements, they would, of course, be designed to conform to Constitutional and statutory requirements.

Thank you for your interest in these negotiations. As the Secretary has indicated, progress thus far in the preliminary talks has been encouraging.

Sincerely yours,
H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

XUM

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., December 22, 1969.
Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: The Secretary of Defense has asked me to reply to your letter of December 8, 1969, concerning our goal at the SALT talks.

I agree with you that there is an important distinction between a formalized arms limitation treaty and an informal agreement. However, at this early stage of our contacts with the Soviet Union, it would be inappropriate for the Department of Defense to make any statement on the desired form of agreement. The results of the complex negotiations on the content of a possible agreement will certainly influence the President's decision with respect to its form.

I trust you will understand that we cannot supply a more explicit response to your question at this time.

Sincerely,

YUAN-LI WU,
Deputy Assistant Secretary.

A 16-YEAR-OLD'S MATURE REFLECTIONS ON THE CONSTITUTION

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Friday, February 6, 1970

Mr. HARTKE. Mr. President, on a recent trip to my native soil in southern Indiana my attention was called to a speech given not long ago by a 16-year-old student at Tell City High School, Mr. William Harry Hollander. Presented to Post No. 2113 of the American Legion, the speech stresses those dynamic and creative elements in our Constitution which help to keep it a vital and living document in a changing world.

I was so struck by the thoughtfulness and cogency of young Mr. Hollander's remarks that I wanted to share them with Senators. I, therefore, ask unanimous consent that Mr. Hollander's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CONSTITUTION IN A CHANGING WORLD

In 1787 one of the most important documents in the history of mankind was written. The United States Constitution, drafted at a critical point in our nation's history, was intended to bind the young nation together and it did that job well. The United States had suffered through a period of economic and political instability in the years immediately following the revolutionary war. The weak framework for the law of the land, The Articles of Confederation, was clearly not strong enough to hold the nation together for very long and so the states decided to strengthen the Articles by calling a convention to reform them in 1787. Fortunately, the men appointed to the convention were foresighted enough to see that the articles should be discarded and a new constitution written. "The whole human race will be affected by the precedings of this convention", said Governor Morris, who headed the committee that eventually wrote the final draft. The delegates faced a tremendous challenge. The examples of the past suggested the seeming impossibility of a large-scale republic. But this revolutionary generation was not dismayed and eventually that is what they called for. When the convention was finished Benjamin Franklin, who was one of the delegates, was asked by a a lady, "Well, Doctor, what have we got a republic or a monarchy?" "A Republic," replied the sage, "if you can keep it."

Remarkably, America has kept it. The failure of others to do so points up the stability of our constitution. In the period of American history since the constitution was adopted France has gone through five constitutions and has switched from a republic to a monarchy and back to a republic. In 1789, again in 1848, and once again in 1871 France was hit with uprisings not planned and instigated by conspirators but rather spontaneous revolutions by the mass of the French people and in 1948 virtually the entire continent of Europe was hit as well. Russia may provide the best example of a revolutionary climate. Its' rulers frankly proclaimed autocracy the first and best principle of government. In 1917 the autocrats fell and the communists took power. But these are not the only examples. History is filled with the stories of governments that failed to keep up with times and were overthrown.

Somehow, America has escaped violent revolution. Only once in our one hundred-ninety year history has the strength of the government been seriously jeopardized. It is not that America has not had its dark moments. Many foreign governments would have toppled during the depression of the 1930's but even at that time the American government remained stable, sustained by a new President elected in the midst of that depression. Political assassinations have toppled governments in other nations, yet the United States passed sadly but smoothly through the assassinations of four American Presidents in its relatively short history.

What is the key to America's stability? I feel that it lies in the Constitution, the backbone of our system. Certainly few nations can boast of a constitution that has not been rewritten in two centuries and fewer still can boast of a more stable government today.

Violent revolution is virtually impossible in a nation whose political system is, by definition, concerned with the rights and interests of every citizen. But, in a nation of 200 million it is easy for the system to become detached from the people and if a nation is to survive it must keep in touch with the people, and with the times. That is where the American system, as outlined in the Constitution excels.

History shows us how times change. The French monarchial system had worked for many years but by 1789, when it was overthrown, it was obviously not working. For years the Russian people lived under autocracy but finally in 1917 they grew tired. In both cases the times had changed but the governments had not. Here in the United States one could hardly expect a constitution written when only four million people lived in this country and the best roads were those of packed mud to effectively govern a nation of 200 million in the jet-age without changing drastically. And it is true: America's Constitution has changed. The ideas set forth in 1787 remain but the forms of these ideas are unrecognizable.

The United States Constitution has many built-in methods of change. Three are very obvious. The first one is perhaps the most exciting and the most dramatic example of democracy in action. That is, of course, the election. Through a national election every four years and periodic state and local elections, Americans can vote to in effect "overthrow" their government. Certainly the results of many past elections have made radical changes in government policy. But, it must be pointed out that these changes were made peacefully and by the will of the majority of the people. The second method, making amendments to the constitution is used less frequently, but can make just as dramatic a change in the nation. The United States Constitution has been amended only fifteen times since the Bill of Rights was adopted in December of 1791. But some of our most important and controversial changes have come about by amendments.

The third method is probably used the most, yet recognized the least. That method lies in the awesome power of the courts to interpret the constitution. By changing interpretations to fit the times the federal court system is largely responsible for keeping the constitution one of the most important and respected documents in our changing world.

But, if this document is to help us solve the problems facing our nation today we must first resolve to live under it. Those who preach violent revolution, no matter how small a minority they are, are ignoring the basic idea of the constitution: peaceful change. They cannot be allowed to inflict their methods on the government, though if we, as a government, are to survive we must at least listen to the views of all people. We must learn from the histories of other governments that a group of people whose views are not listened to and heeded by the government are inclined to do away with or at least violently change that government. We have seen that America's Constitution provides for the peaceful change that can make violent change unnecessary. But, we must make sure at all times that our machinery for change is in good working order for if it falters for even a moment we will be in serious jeopardy. In these changing times the constitution is facing a serious challenge but it has been challenged before and it has always survived. The Constitution was not meant to be an old, musty document, spoken of only in history books but rather a live, changing guideline for a nation on the move. As "Time" magazine observed in its January 5th issue of this year, "Most middle Americans and most radicals share one blind spot: they tend to forget that both the form and the content of the United States government have undergone enormous changes over the years and that the Constitution will tolerate much more change without having the entire system collapse."

Defending the American Constitution alone is not enough. We must make sure that the Constitution is in fact keeping up with the times, is not alienating large groups of society, and thus is not in itself breeding revolution.

Abraham Lincoln said in 1861, "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional rights of amending it or their revolutionary right to dismember or overthrow it." To me those lines represent the most valuable section of the United States Constitution:—the section that provides for changing what is wrong.

Today, it may be that our political parties are growing too detached from the people, that too few people are choosing our candidates. It may be that younger people, with increased education, deserve the right to vote at an earlier age. Dozens of other possible problem areas in our government have been pointed out; certainly all do not need changing, but the least we can do is explore into them.

That is the challenge of the 1970's: to find what is wrong and change it while holding on to what is right. If the constitution will continue to change, and I think it can, America will gain from the experience.

As Benjamin Franklin told the lady after the Constitutional Convention, "you have a republic if you can keep it."

ADDRESS BY JAMES D. HITTLE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. CHAMBERLAIN. Mr. Speaker, recently I was privileged to introduce the Honorable James D. Hittle, Assistant Secretary of the Navy for Manpower and Reserve Affairs, to the Greater East Lansing Chamber of Commerce, East Lansing, Mich., who gave a most enlightening, provocative speech on the current situation in Vietnam. I commend it to the attention of my colleagues and include his remarks in the RECORD:

REMARKS BY HONORABLE JAMES D. HITTLE, ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS), AT THE ANNUAL MEETING OF THE GREATER EAST LANSING CHAMBER OF COMMERCE, KELLOGG CENTER, MICHIGAN STATE UNIVERSITY, EAST LANSING, MICH., JANUARY 15, 1970

INTRODUCTORY REMARKS

It is a pleasure for me to be with you this evening. I'm glad to be here for the very simple but real reason that I can join with you in remembering the man who was your friend and my father.

For me to be present on the occasion of the first "Senator Harry F. Hittle Award" is an experience which I cherish and will long remember. It is not necessary to speak to you regarding my father's contributions to our State, his old-fashioned concept that public service is a normal duty of citizenship, and that our form of government is one of the finest achievements of man.

However, I do want to tell you that from the rare vantage point of a son observing his father, I was impressed early in life by his devotion to our principles of law, our form of government, and the essential common sense of our citizens. In his quiet and sincere way, he had a deep and abiding affection for all of you in this community. As many of you will recall, he was a man of great moral strength, and firmness of spirit, and had the determination to achieve that which needed to be done for the betterment of our community.

At the same time, along with such strength of character, he had, as many of you will also remember, deep compassion for his fellowman. He was a worthy antagonist in the courts and in the political forum. Yet, I well remember that he never had a personal enemy. He refused to personalize opposition. In a real sense he lived by the wise, but oft-forgotten proverb, that life is too short to engage in personal animosity.

And so tonight, on behalf of my mother, my sister, and for myself, I take this occasion to thank you for remembering my father with this first annual award which you have so generously established in his memory.

Tonight I would like to talk with you about what we all recognize as one of the most important issues of our time. I refer to the Vietnam War. I would like to pass on to you some of my thoughts as to those who are fighting there for freedom, and also, my opinions, based on repeated visits to Vietnam, as to the soundness of President Nixon's policies of Vietnamization.

Let me say right at this point that anyone today who has serious misgivings about the character and the patriotism of American youth should go to Vietnam—and those misgivings will be dispelled.

Officers and NCOs who have commanded in World War II, Korea, and now in Vietnam, are high in their praise of today's young American fighting man. They say without exception that the young serviceman today is by far the best we've ever had in the Armed Forces.

Of course, the reference to the magnificent services being performed by young Americans serving in Vietnam brings us squarely face to face with probably the most important single issue facing our Nation.

It is the issue of supporting our Nation and our Commander-in-Chief—The President—in this difficult time.

It is the natural role of responsible and understanding American citizens to make it crystal clear, through a show of patriotic solidarity that the protesters, the dissenters, and the faint-hearted are *not the majority of* the American people.

During my recent visit to Vietnam, I was repeatedly told by our fighting men, many serving their second tours of duty there, that they hoped that the President would be supported fully in his Vietnamization policy and the resulting properly timed measured withdrawal of U.S. Forces. They said that if he gets this backing from the American people—as I am sure he will—their efforts in South Vietnam will come out successfully.

I know that I need not tell you of the danger of the proposals for a precipitant withdrawal of U.S. forces from South Vietnam.

The President of the United States clearly set forth the pitfalls of such a dangerous policy when he spoke in clear terms to the American people a few months ago.

As the President so well pointed out, such a precipitant withdrawal would allow the Communists to repeat the massacres which followed their takeover in North Vietnam 15 years ago. At that time the Communists murdered more than 50,000 people and hundreds of thousands more died a slow death in the slave labor camps.

And, of course, our precipitant withdrawal would endanger well over a million Roman Catholic refugees who fled to South Vietnam when the Communists took over in the north. These are people who value freedom of religion and the desire to worship God in their own way above all worldly possessions. They left their farms, their homes, their personal possessions and fled south, often with little more than their Bible.

On one of my visits to Vietnam I had the opportunity to talk with one of these Catholic refugees from the north. We sat in a quiet corner of a side street tea-room in Saigon. He has, today, a very modest job—but enough to provide food and some sort of roof for his family. And, he has, he said, freedom. I asked him what would happen if the Communists should take over South Vietnam. He thought for a moment and said, "The answer is simple. There would be nothing but torture and death for my family and myself."

Are those who are today advocating a precipitant pull-out willing to sacrifice a million people, such as this man and his family. Apparently, such sacrifice is acceptable to some.

Just because the bloodletting and torture would take place on the other side of the world doesn't make it any more acceptable from the moral standpoint.

There's one thing that Americans should well know: that freedom is indivisible, and that the destruction of freedom anywhere means the destruction of some freedom everywhere.

A precipitant withdrawal from South Vietnam would mean also, as the President so pointedly stated, that it would be the first defeat in our Nation's history and that it would end worldwide confidence in American leadership.

You and I know full well that no nation can survive and reach the fulfillment of its destiny by letting down its friends, breaking its word, and running scared before the oppressor.

If history teaches anything, it is that nations, like people, cannot with impunity break their pledge or shirk their responsibilities.

I am confident that we all shared a sense of reassurance and new confidence when the President told the Nation on November 3rd that he was not going to take the easy way out; he was not going to endanger the quest for peace by a precipitant withdrawal. That he would not, in effect, preside over a retreat that would trigger a disaster of immense magnitude.

By leading us in a policy of standing firm on our word, by our pledge, to our allies and friends, and being faithful to ourselves, the President also is moving toward the goal that Americans devotedly hope for. That goal is a firm and honorable peace.

We Americans treasure peace but we know that peace at any price is the easiest thing to get. All we have to do to get that kind of peace is to surrender. We also know that peace at any price is not really peace. It's the silent peace of the concentration camp—the blood splattered wall—the mass graves. But achieving an honorable peace is not a unilateral endeavor. After listening to the President's point-by-point account of the actions he has initiated in the quest for peace, one can only come to the simple but inescapable conclusion that failure to achieve peace in Vietnam rests firmly with Hanoi and not with the United States and our allies.

In his search for the end to the conflict, the President has adopted the policy of Vietnamization of the struggle in South Vietnam. It means to shift gradually the responsibilities of peace winning to the South Vietnamese.

Of course, those, including the faint-hearted, who criticize our stand in Vietnam against oppression say that the South Vietnamese won't carry their own load and that they won't fight. Well, let me say that this could very well be sheer falsehood and vicious propaganda.

Let me give you a few facts about the lie that the South Vietnamese won't fight.

Let's approach it this way: the number of battle casualties is a good indicator of the willingness of a people to fight. So, let's take the matter of South Vietnam's military combat dead. Since 1961, almost 100,000 South Vietnamese troops have been killed defending their country against Communist aggression. This by any count is a heavy toll. Yet, the real significance of war casualties is in relation to the proportion of total population.

If we project South Vietnam's casualties into our U.S. population, which is about 13 times that of Vietnam, we can better appreciate the impact of the war on the Vietnamese.

The South Vietnamese combat dead total is the equivalent of over one million combat dead for the United States.

This means, in turn, that on a percentage of population basis, the total of military war dead suffered so far by South Vietnam is: More than 13 times our total in World War I; over three times our total in World War II; about 36 times our total in the entire Korean War.

Therefore, when judged on a relative basis with what our own nation suffered in our great struggles against oppression, South Vietnam measures up extremely well.

South Vietnam has, by every measure, set forth a high example of opposition to communism, and of sacrifice, devotion to freedom and determination to keep it.

What South Vietnam has paid and is paying in blood to stay free deserves the commendation, not the condemnation, of freedom-loving people.

And still the South Vietnamese are fighting and dying to turn back Communist ag-

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gression. And what is more, they are fighting better all the time. I can report this to you based upon comparisons I have personally made in repeated trips to Vietnam over the last five years. In these visits, I have been to every major combat area from the DMZ to the Delta.

Just about a year ago, I began to sense that something new and dramatic and encouraging was happening in South Vietnam. Time and again, U.S. fighting men, both officers and NCOs told me that the least understood development taking place then in South Vietnam was the tremendous improvement in the South Vietnamese forces. One battalion commander in the northwest highlands, who had been fighting alongside a South Vietnamese unit, told me indignantly that the improvement in the South Vietnamese Army was then the most important untold story of the war.

I was in South Vietnam again a few months ago. On that occasion, the improvement in the fighting ability of the South Vietnamese was increasingly evident. In the Delta for instance, the U.S. Navy has turned over a large portion of our river patrol craft to the South Vietnamese Navy. These are the boats that have been fighting the tough, close-quarters war in opening up the waterways that are the arteries of commerce and the pathways to security in the rich Delta area.

I can report to you that the South Vietnamese Navy has assumed this responsibility willingly. It is continuing the operation of the river patrol craft, and it is conducting operations skillfully.

You are all aware that the policy of shifting the burden to the South Vietnamese as they gain strength has resulted in the President's plan for the programed withdrawal of over 110,000 U.S. fighting men by mid-April of this year. These redeployments began last June and have been progressing smoothly ever since. But there are other hard, clear indicators which to me have been the measure of success of our efforts in South Vietnam. For instance, roads that 18 months to two years ago were virtually impassable due to enemy action are today opened for normal day-time traffic. Villages are being brought back to the mainstream of political and economic life. A big start, in terms of a war-torn nation, has been made in establishing a constitutional form of government. And this is no mean accomplishment for a nation fighting for its very survival against an enemy attacking from without and within.

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Even the railroad running north along the coast from DaNang to Hue is now operating with amazing regularity. Two years ago, when I was in the northern part of South Vietnam, the railroad was not, from the practical standpoint, even functioning.

Probably one of the best summations of this whole farsighted policy of Vietnamization was expressed to me by a battle experienced lieutenant colonel who is on his second tour of duty in Vietnam. He said, "All of the investment in lives, blood, money, and material that the United States has made in the last five years is just now beginning to pay the big dividends in South Vietnam's increasing combat ability."

And so at this critical juncture of history when we have started to move across the threshold of success in this long, bitter conflict, it should be abundantly clear that the precipitant withdrawal which too many loud protesters are urging is nothing but a blue-print for surrender.

To pull out in the face of an aggressive and vicious enemy is an invitation to disaster. In Vietnam, an immediate withdrawal of all American forces would be a disaster for South Vietnam and for the United States. And it would be a disaster for the cause of peace. That kind of withdrawal is not the American way. And, as the President of the United States told us, it's not going to be his way.

I'd like to relate to you just a few of the remarks made to me by our fighting men in Vietnam.

Soon after the decision was made to openly enter the Vietnamese conflict, I visited Vietnam. The Marines had gone ashore from the Fleet at the strategic coastal location of Chu Lai. I arrived there while the Marine operations were still continuing against surrounding enemy units, and while the Seabees were still constructing the expeditionary aircraft runway. I wanted to know what our young men in Vietnam who were doing the fighting thought about the anti-war picketing and protesting back home. I asked one young Marine, about 20 years old, in embattled Chu Lai what he thought of those carrying placards "We won't fight in Vietnam."

He said: "I wish I had one of those smart protesters here. I'd like to take him with me on outpost duty tonight. There's a V.C. (Viet Cong) sniper who's been trying to get me for the last three nights. But I haven't been able to nail him yet." He paused and smiled. "I'd sure like to get him in my foxhole when that sniper starts working on us. I want to see how much that protester will wave his placard then."

His speech finished, he trudged through the sand back to his platoon. In a few hours he'd be back on outpost duty, trying to "nail" the Communist Viet Cong sniper before the sniper could get him.

Recently, while flying to a conference at Pearl Harbor, I noted a young corporal a few rows back from me in the plane. During the flight, I walked back and sat down and told him that I had served in the Marine Corps and started chatting with him.

He was, he told me, on his way to Vietnam. I asked him, "Is this your first time out?" He said, "No, I'll be going in to my second extension." I said, "Why have you served one full year, extended for one six-month period, and now are extending for another six months?" He said, "Well, the first time I etxended I did it because some of my close friends had been killed in action, and I wanted to get even. I did get even, but also, during that added six months, I realized how necessary and important our job is that we are doing in Vietnam, and I wanted to keeping on doing more of it."

But probably the best and most memorable explanation of duty I have ever heard came from a young Negro Army sentry on a lonely observation post overlooking Cam Ranh Bay. I stopped in the course of a visit to talk with him. I asked him if he had a family. He said, "Yes, I'd just been married a few months before I came out here again." I asked, "What does your wife think of your coming to Vietnam a second time?" He said, "She agreed when I told her that I believed I should be back here. I volunteered for a second tour." I said to him, "Why did you volunteer in spite of the fact that you had been married only a few months?" He thought for a moment and said in very simple language, "I think that it's every American's duty to do what he can to help his country when it is in trouble."

But, if there's anybody who has earned the right to complain about fighting in Vietnam, it is the man who has been wounded in that fighting. He has paid for that right with the high price of his blood and, too often, his limbs.

I can report to you now on the basis of personal knowledge that if you want to hear gripings, complaints, and criticisms about our Nation standing against Communism in Vietnam, then don't go to the hospital wards and visit the wounded from the Vietnam Battlefront. Those who have borne the brunt of battle are not the ones who are beefing about it.

A few months ago in Pearl Harbor I visited the battle casualties who have been flown in for treatment in Tripler General Hospital. Among the wounded I talked with was a young corporal. One leg was in traction, an arm was in a cast, and he had machinegun holes in his stomach.

I stopped and chatted with him. I asked him how long he had been in Vietnam before he was hit. He said he had been there almost two years. I asked him why almost two years, as the required tour was one year. He replied that he had twice voluntarily extended his duty. I asked him "why did you do that?"

He replied, "I was assigned to train and fight with a local village militia platoon in the northern hill country." He continued, "I found out how much these people wanted to be able to defend their villages and their families against Communism. I knew what I was doing was important, and I wanted to keep on doing my job." And then he added, "I believed that those village militia men would stand and die rather than let me be captured. I found out I was right. I would have been killed or captured if they hadn't stood by me. When we were hit by a big V.C. unit, two were killed in defending me when I was wounded."

A few months ago, I visited the Vietnam casualties at the Great Lakes Naval Hospital just outside Chicago. Above the bed of every Vietnam casualty was a United States flag. Each wounded fighting man, when he leaves the hospital can take the flag from over his bed with him. And, they do. And, when a new casualty comes in, he wants a flag over his bed without delay. This, again, is a reflection of the genuine patriotism, devotion, and inherent goodness of those who know what it means to defend their flag and what it stands for.

I strongly suspect that the attitude of some of these men would not get a very high grade from those who protest against our Vietnam policy. However, I for one stand in admiration and respect for the kind of spirit reflected in their statements. It reflects the kind of courage, toughness, and determination that helped carry our Nation from the Atlantic across the mountains, rivers, prairies, to the Pacific. It is the kind of spirit that made our Nation free and made it great. And we can be glad that this spirit still exists in our youth.

At a Naval hospital in the south, I was talking to a young Army corporal. He had been sent to a Naval hospital because it was near his home. I noted that he had lost a leg below his knee. I asked him about the action in which he was hit. He said he was on Hamburger Hill That was just about the time the critics of our Vietnam policy were engaged in the "Monday morning quarterbacking" and saying that it was a battle that should not have been fought. I was curious about the corporal's reaction to such opinions. I said that since he had been on the Hill and wounded there, what was his reaction to those who were saying that he should not have been there in the first place. He thought for a few moments and said, "This war isn't going to be won by the protesters back in the U.S. It's going to be won by the guy with the rifle who takes the high ground."

And finally, there was the Marine corporal who had lost both legs. In the course of my chat with him, I asked him what he was going to do when he was discharged to civilian life. He said he was going to college. I asked him what he was going to take. He said he was going to be a teacher. I said that is certainly a most commendable objective, but I was curious as to why he wanted to be a teacher. He looked at me and said, "Well, I think I've earned the right to tell the youngsters what this country is all about."

So, I am sure that you will join with me in admiration of today's American fighting men who are demonstrating that courage, devotion, professionalism, soldierly virtues, and patriotism are still in abundant supply.

We can also be sure that America's destiny is not going to be decided by placard-carrying demonstrators in the streets who urge surrender, sacrifice of our friends, and disgrace for ourselves.

Thus, we can joint this evening in the reassuring realization that we face our destiny under the leadership of a President who has taken the Nation into his confidence and in so doing has placed his faith in the courage and common sense of the American people;—a President who has chosen the right way rather than the easy way.

THE CRIME OF COMPETITION

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MILLER of California. Mr. Speaker, unfortunately, I could not be on the floor, on February 5, when the Honorable L. MENDEL RIVERS, chairman of the Committee on Armed Services, made a speech in support of the supplemental air carriers and condemning the action of the Civil Aeronautics Board in making summary charges against them.

I would have liked to have been here to support the chairman's position.

I wish to insert in the RECORD, as part of these remarks, an editorial which appeared in the Wall Street Journal on February 4, 1970, pertaining to this case and I also want to include a news release issued by the president of World Airways, Edward J. Daly, in which he discusses this question in depth and at some length.

I have known Mr. Daly for many years. He is an outstanding ciitzen of the East Bay area and has made a great contribution to our economy. Among other things, he is head of the National Association of Businessmen and is actively engaged in trying to solve the vexatious problem of integration in our area.

I commend these articles to my colleagues:

THE CRIME OF COMPETITION

The Civil Aeronautics Board has charged five airlines, plus assorted individuals, with the crime of competing for air travel business. That's right, the crime of competition.

While price competition is viewed favorably most places, on the airlines it's illegal. With the full approval of governments, rates are carefully fixed, both at home and abroad, and woe to he who transgresses.

There is some leeway for the charter airlines, which arrange to transport groups of people on various tours. The groups, usually members of church, faternal or other organizations, qualify for lower fares.

The CAB, however, alleges that five of the charter airlines have been a bit casual in assembling such groups, in effect offering the lower rates to members of the general public. Several of the lines quickly denied the charge.

This is by no means a minor matter. The CAB's enforcement bureau has recommended suspension of the operating authority of four of the airlines. Under the law, too, the lines could be subject to a $1,000 fine for each violation of the price-fixing law, and the enforcement bureau claims violations by the five lines exceed 70,000.

It all may be a bit puzzling to ordinary citizens. They can see that the airlines complete every day, in the beauty of their hostesses, the quality of their booze, the size of their seats and other matters. At least some of the public might prefer a little less of that sort of thing and a little more competition in the price of tickets.

There are entirely valid reasons for governmental regulation of all airlines. To cite only a couple, someone has to make sure that the planes are as safe as possible and that the airlines are responsible—and won't leave travelers stranded in out-of-the-way places.

In the airlines' infancy it may have been necessary to shield them from competition. At present, though, it's possible to wonder whether the public's interest actually demands that price competition in the air be branded a crime.

WORLD AIRWAYS CALLS CHARTER FLIGHT RULES OUT-OF-DATE—QUESTION OF ANTI-TRUST INVESTIGATION OF SCHEDULED AIRLINES RAISED

World Airways' president and chairman of the board, Edward J. Daly, asserted today that a complaint filed by the Civil Aeronautics Board staff against World last Friday arose from a highly technical interpretation of an outdated and ambiguous CAB regulation.

He labeled the complaint as unwarranted and strongly denied that the charter flights cited by the Bureau of Enforcement were in violation of the regulation.

"The rules and regulations governing charter flights are archaic, ambiguous and incomplete, leading to a variety of interpretations," Daly said. "World has proposed to the CAB new regulations that would more clearly define groups eligible for charter trips. The staff of the CAB has itself recognized the need for the changes and top priority should be given to revision of these regulations."

He pointed out that these recommended changes were submitted to the Civil Aeronautics Board seven months ago.

Daly said that the Bureau's action against the supplemental carriers had unfortunately played into the hands of the scheduled carriers, "which have on a number of occasions stated their intention to rid themselves of supplemental competition." He severely criticized the scheduled airline industry for blocking every move to clarify and liberalize the rules affecting charter flights.

"The scheduled lines have done everything they can to prevent people from taking advantage of low-cost charter flights in order to force them to use high-cost individually-ticketed service," Daly said. "It is only in retaliation that they have recently established low bulk fares and other group fares that would promptly disappear if they are successful in eliminating charter competition."

"The scheduled lines, both U.S. and foreign, are currently campaigning to block charter carriers from obtaining landing and uplift rights from foreign governments. Some of these activities of the scheduled lines appear to be the proper subject of antitrust investigation."

"The CAB should deal with foreign governments on a reciprocity basis. Unless landing and uplift rights are granted by these governments for the U.S. charter carriers, their airlines should be denied such privileges in the United States."

"It is ironic," Daly continued, "that the supplementals have been singled out for special attack even though the investigation that led to these complaints was instituted by the Board in 1963 against unauthorized ticket discounting and rebating practices by the scheduled carriers. Despite the lapse of seven years, no significant action has been taken as yet against the IATA airlines. Why have the scheduled lines who carried the same groups cited by the bureau not been subject to complaints similar to those leveled against the supplemental carriers?"

Daly also emphasized that World, in conjunction with the other supplementals and the National Air Carriers Association, submitted to the CAB for approval an industry-wide enforcement program. This program would permit cooperation among all carriers operating charters, to provide procedures to assure more effective compliance under present and future regulations.

He asserted that the charter rules adopted by the CAB in 1955 have the effect of inhibiting group travel rather than promoting it. The result, he charged, tended to protect the vested interest of the scheduled carriers rather than to provide for the public interest.

"Low cost travel, which World and the supplemental industry have pioneered, is completely in the interest of the traveling public," Daly said. "Such travel should be encouraged, not penalized, and ways should be sought to enlarge the number of people who can fly by charter rather than trying to restrict the market."

Daly urged the Civil Aeronautics Board to review on an expedited basis the existing rules with a view toward setting forth clear and unambiguous charter regulations.

"Thus, we can act in concert to make the benefits of low-cost air travel available to a greater segment of the public," he concluded.

World Airways is the world's largest charter airline. Based in Oakland, California it operates an all jet fleet of 15 aircraft. Three Boeing 747C's are on order for delivery in 1971.

ALABAMA VA HOSPITALS FACE SERIOUS PROBLEMS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, I am more concerned about the Veterans' Administration medical program today than I have been in all the years I have been in Congress. There are serious fund and staff shortages throughout the 166 hospitals in the VA system. In many hospitals this situation is creating a serious morale problem because the staff is overworked resulting in many hospitalized veterans not receiving the quality of medical care which VA hospitals have been capable of delivering in the past. In many cases, there are large backlogs of applications and authorizations from Vietnam veterans who are in need of dental exams and treatments. A great many hospitals are having to use equipment and maintenance funds to avoid further staff cuts and to pay for increased costs of drugs, medical supplies, and other day to day hospital operating costs.

Mr. Speaker, I feel very strongly that most of the general medical and surgical hospitals in the VA system should have at least two employees for each patient and at least a 1-for-1 ratio in psychiatric hospitals. The present average ratio is about 1.5 staff for each patient. The 1971 budget request, which has just been submitted to Congress for the Veterans' Administration, calls for a slight increase to about 1.56 by the end of that fiscal year on June 30, 1972. It appears that some of this increase is the result of closing hospital beds and wards. By comparison, Mr. Speaker, in general medical community hospitals and State and local

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government hospitals operate on an average ratio of 2.72 employees for each patient.

The Veterans' Affairs Committee investigation of four Alabama Veterans' Administration hospitals initially revealed funding deficiencies in fiscal year 1970 of over $3,000,000 for the operation of about 2,800 beds serving approximately 400,000 Alabama veterans.

In Alabama, VA hospitals are located in Birmingham, Montgomery, Tuscaloosa, and Tuskeegee.

The investigation being conducted by the House Veterans' Affairs Committee revealed that under the hospital staffing formula advocated by Teague, Ala., VA hospitals are approximately 1,300 positions short of needed staff. These extra positions would cost about $9,100,000 annually. A few of these positions would be difficult to fill at current VA salary rates, but most are recruitable. Alabama hospital directors also reported that community nursing care programs at their hospitals were underfunded by more than $180,000 and that more funds were needed in the amount of $200,000 for dental care due to the increased workloads created by returning Vietnam veterans.

As of February 6, 1970, the Alabama Hospital Directors had advised the Veterans' Affairs Committee that supplemental funds had been received in January 1970, to apply toward the reported deficiencies. A total of $18,640 was provided for the community nursing care program which reduced the unfunded deficiency from $180,825 to $162,185. An additional $35,000 was allotted to apply against the $200,000 deficiency report for fee basis dental care. The hospitals also received $125,000 to alleviate shortages in personnel salary costs and other operations. The total supplemental allotment was $178,640 for Alabama VA hospitals. Of course these modest allocations are wecome but they do little to alleviate the serious problems confronting these hospitals.

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The 479-bed Birmingham VA Hospital reported the largest funding deficiency among Alabama hospitals—over $1,300,000 for fiscal year 1970. Almost $500,000 is needed to cover salaries for 130 on duty personnel.

Hospital Director C. G. Cox reported that diversion of $68,000 in equipment funds may be diverted "to cover costs of drugs, beneficiary travel, X-ray films and other supplies and services."

The Birmingham hospital has been equipped to provide specialized medical care for Alabama veterans. However, Cox reported some programs are inadequate in scope because of lack of funding support. Recruitment for 33 nursing positions for the 28 intensive care unit beds have been deferred since July 1, 1969, because of lack of funding. They are short one physician in the cardiac catheterization unit and eight positions in the organ replacement program.

Additional shortages include $26,400 for the chronic dialysis program and $35,640 for the open heart surgery program. Cox reported that many patients are referred or transferred to the Birmingham VA Hospital "for specialized care that cannot be obtained in other hospitals in the area."

Director Cox also reported that funding was insufficient for the community nursing care program. At the beginning of the fiscal year, July 1, 1969, there were 31 patients in community nursing care facilities but funding support was received for an average daily community nursing care load of 19. He stated the program was underfunded by $12,887.

The Birmingham hospital "has not been informed that we are to receive additional funds," Cox reported to the committee in January 1970.

Dr. J. W. Standeven, director of the 253-bed Montgomery VA Hospital, reported his funding deficiency was about $370,000. Almost $200,000 of this amount is required to process applications for dental care for returning Vietnam veterans. Unless additional funds are made available, authorizations for dental examinations and treatment will be delayed.

Standeven reported that the community nursing care program was underfunded by about $45,000 to cover the cost of placing veterans in nursing homes who have received maximum hospital benefits. He said that an average daily community nursing home care load of 16 could have been maintained but that funding support allowed for only eight.

Other shortages at the Montgomery VA Hospital included $17,500 for prosthetic appliances for an increased number of Vietnam amputees, $15,000 for prescription drugs, $7,200 for cobalt treatment fees and $5,000 for patient travel expenses. Standeven said "it is planned to leave positions vacant for varying periods of time to accumulate funds to meet other expenses."

The Montgomery VA Hospital received a supplemental allotment of funds in January 1970, according to Dr. Standeven. He stated $35,000 had been received to reduce the previously reported deficiency of approximately $200,000 for the fee basis dental program; $2,564 was included to apply toward the $45,000 deficiency in the community care program. He said this would cover the cost of one outplacement for 6 months. Standeven said, "We consider this inadequate to sustain the program to any satisfactory degree."

An additional $45,000 was provided to cover shortages for salaries. Dr. Standeven advised the committee—

> Reduction in force will not be necessary as a result of increased funds. However, the eight positions already dropped by attrition can not be reestablished because of inadequate funds.

Dr. James C. Folsom, director of the 833-bed psychiatric hospital at Tuscaloosa reported a fund deficiency in fiscal year 1970 of over $700,000. About $304,000 is needed for 40 positions to support the workload anticipated in fiscal year 1970.

Folsom reported that fiscal year 1970 funding for the community nursing care program was based on experience for fiscal year 1969. He reports that an average of 24 patients could be placed in community nursing homes rather than the average of four maintained during fiscal year 1969.

Folsom stated he was deferring filling 13 positions to accumulate funds and that he had diverted $54,000 planned for equipment and maintenance and repairs of hospital facilities to cover shortages for drugs, utilities, medical supplies, and salaries for nursing employees, physicians, and psychologists.

To achieve the staffing ratio of one employee for each patient at the Tuscaloosa psychiatric hospital, 61 more employees at a cost of almost $600,000 would be needed. Almost all of the positions are recruitable but Folsom said, "present salary scales are totally insufficient for Board certified Psychiatrists and above average qualified psychologists which we sorely need in this psychiatric hospital."

Dr. Folsom later advised the committee, in January 1970, that the Tuscaloosa hospital had received supplemental funds in the amount of $7,630 for the community nursing care program. He reported the additional funding would enable the continued care of the service-connected veterans already outplaced without interrupting the continuity of care of other veterans in the program. However, there are 12 more patients that are ready for discharge from the hospital now, and 23 more who will be ready for outplacement during February and March. He predicted 32 could be discharged from the hospital to community nursing homes in April, May, and June. Folsom stated the cost for placement of these patients is $87,428.

Dr. Robert S. Wilson, director of the 1,225-bed hospital at Tuskegee advised the Veterans' Affairs Committee that unless he received additional funding support he would divert approximately $160,000 of much needed funds for equipment replacement and maintenance and repair of hospital facilities to support salaries for direct patient care personnel and to partially cover other fund deficiencies. These funds had been planned to replace obsolete equipment and to improve patient comfort. Listed among equipment items deferred were hospital beds, a surgical sterilizer, a dietetic oven, emergency lights and X-ray machines. Maintenance items to be deferred include replacement of two elevators, replacement of detention screens in psychiatric wards and other badly needed building maintenance.

Wilson said his total fiscal year 1970 deficiency was almost $600,000 and "it is necessary to reduce the number of full-time positions on duty from 1,169 to an average of 1,120 for the last half of the year," a loss of 49 positions.

Wilson stated they "desperately need" the $4 million modernization project for certain plant alterations and air conditioning which has been deferred in the current fiscal year. Plans have been completed at a cost of approximately $225,000 and the 91st Congress appropriated $4.6 million to fund the modernization plans even though the Nixon administration did not include the Tuskegee project in its revised budget submitted to Congress last April. The project has been stalled in fiscal year 1970 because of a Nixon Executive order to all Federal departments and agencies to defer federally financed construction projects by 75 percent.

Dr. Wilson later advised the committee that following review of his budget plan and reported fund deficiences, VA's Central Office had provided supplemental funds in the amount of $88,440. He said $80,000 of the amount "will enable us to retain an additional 18 personnel on duty." He said the remaining $8,440 would be used to reduce the unfunded deficiency of $23,436 in the community nursing care program.

Mr. Speaker, these Alabama hospitals are doing the best they can to take care of the sick and disabled veterans who are in need of care, but they cannot accomplish their mission promptly and properly unless they get more funding and staffing assistance. I hope my colleagues will keep this in mind as the Congress considers future appropriation bills relating to the Veterans' Administration.

CIA, ACDA, AND DOD REPLY ON ISSUE OF ON-SITE MISSILE INSPECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HAMILTON. Mr. Speaker, I thought it would be of interest to my colleagues to read some recent correspondence between the CIA, the Arms Control and Disarmament Agency, the Defense Department and myself on the issue of on-site inspection of missile facilities. The letter to the CIA is identical to those sent to the other two agencies. I was struck by the uniformly sketchy responses, which I interpret as reflecting the administration's lack of interest in informing the Congress on this crucial topic.

The material referred to follows:

DECEMBER 2, 1969.

RICHARD HELMS,
Director, Central Intelligence Agency,
Washington, D.C.

DEAR MR. HELMS: Two key and related issues in the SALT talks are on-site inspection of missile facilities and the development of MIRVs. Lack of agreement on the former issue could lead to a continuation of the latter, with destabilizing results. The crucial questions are as follows:

(1) Is there any way to detect MIRV developments other than via on-site inspection?

(2) Would other means of detection provide sufficient intelligence?

I am most interested in your response to the above questions, and look forward to hearing from you.

Sincerely,

LEE H. HAMILTON, M.C.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., December 21, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

MY DEAR MR. HAMILTON: I have received your letter of 2 December 1969 inquiring about the detection of MIRV developments. As I am sure you are aware this question bears directly on our national policy in regard to the current SALT talks. For this reason, it lies primarily within the purview of the Arms Control and Disarmament Agency, and I believe they would be best qualified to respond to your inquiry.

Sincerely,

RICHARD HELMS,
Director.

U.S. ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, D.C., December 15, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: This is in reply to your letter of December 2 inquiring about the verification of MIRV developments.

There are some means, other than on-site inspection, by which Soviet MIRV developments might be detected. For example, these could involve the monitoring of flight testing during the developmental phase. The reliability of such means as these under various conditions and circumstances is a complex question that is currently under study.

I hope you will find this information useful.

Sincerely,

WILLIAM W. HANCOCK,
General Counsel.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., December 22, 1969.

Hon. LEE HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: The Secretary of Defense has asked me to reply to your letter of December 2 in which you asked:

"Is there any way to detect MIRV developments other than via on-site inspection?"

"Would other means of detection provide sufficient intelligence?"

The Department of Defense believes there are some means by which MIRV developments might be detected other than on-site inspection arrangements. The monitoring of fight testing during development is an example of how this might be accomplished. Whether such means could be monitored with the confidence required under all conditions is a complex problem that is under intensive study at this time. Therefore, it would be inappropriate to attempt to prejudge the outcome of these studies.

I hope this information proves helpful to you.

Sincerely,

YUAN-LI WU,
Deputy Assistant Secretary.

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. GOLDWATER. Mr. Speaker, there has been much discussion during recent months on the proposed constitutional amendment to provide for the direct election of the President. In a guest editorial in the January 30, 1970, issue of Life magazine, the noted political analyst and author, Mr. Theodore H. White, made some very thoughtful criticisms of these current proposals to elect the President by popular vote. These criticisms should be pondered by every Member of this House and I would like to include the article in the RECORD:

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

(By Theodore H. White)

Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.

It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of vox populi, vox Dei, it not only wipes out the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000 is hailed as National Chief.

American elections are a naked transaction in power—a cruel, brawling year-long adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighting each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.

The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests highminded theory against reality that it becomes nightmare.

Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.

John F. Kennedy won in 1960 by the tissue-thin margin of 118,550—less than 1/5 of one percent of the national total—in an election stained with outright fraud in at least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos.

To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.

Reality forces candidates today to plan campaigns on many levels, choosing groups

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and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry.

But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.

The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinios' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chief political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.

What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.

What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay Staters should feel Massachusetts is speaking, Hoosiers should feel Indiana is speaking; blacks and other minorities should feel their votes count; so, too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

EISENHOWER COMMEMORATIVE MEDAL

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. McCLURE. Mr. Speaker, announcement has been made that an Eisenhower silver commemorative medal has been designed and is being offered for sale by the United States Coinage Corp. in Boston. This version is being minted in fine silver—0.999 fineness—at a price of $15 each. The medal is dollar sized and will contain somewhat less than 1 troy ounce of silver.

On one side the medal carries the legend "Thirty-fourth President of the United States, Born October 14, 1890, Died March 28, 1969." This surrounds a design showing the U.S. eagle. On the reverse side is a bas relief bust of General Eisenhower with his name and the date 1969.

Let this dispel any doubts that there is a demand for a commemorative coin honoring Dwight D. Eisenhower. The American people want a coin honoring Ike, and they want it composed of silver.

DECENCY BACKLASH IN CALIFORNIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RARICK. Mr. Speaker, it appears from a wire service story last week that the people of Anaheim, Calif., have regained control of their school board and thus of the education of their children. This success will encourage other decent parents elsewhere in the country to continue the struggle for the minds and morals of their children.

The modern manipulators seem to have trouble understanding a very simple thing about the American people. They love their children and intend to protect them from manipulation so that they, too, can grow up to become decent Americans.

For this reason, with God now barred from classes, morality sneered at in schools, and sex taught simply as a hedonistic technique, they have had enough.

The results of immorality—indeed, amorality—as it is made to look attractive to our youngsters were pointed up in the recent New York City requirement for emergency delivery tables and trained personnel to deliver babies in all of the city schools. Two other stories, one from Washington, and one from the City of Brotherly Love, point out the end of the road down which the sexologists seek to lead our youth.

I include the pertinent clippings in the RECORD:

[From the Fort Myers (Fla.) News-Press Jan. 25, 1970]

SEX EDUCATOR OUT IN SCHOOL BATTLE

ANAHEIM, CALIF.—Six years ago a small-town educator launched the nation's most controversial sex-in-the-classroom program.

Now the program is temporarily out and the educator is permanently out.

"Officially, I resigned," says Paul W. Cook, 60, superintendent of the 35,000-student Anaheim Union High School District. "Actually, I was forced out by a school board which yielded to a deliberate campaign by a noisy minority."

Cook is the central figure in a controversy which has focused national attention on the mores of this city of 165,000, heretofore best known as the home of Disneyland and the California Angels baseball team.

The district's family life and sex education courses, voluntary but attended by 95 per cent of students in grades 7 through 12, have been accused by some of ruining the lives of thousands of children by exposing them to sex too early, and praised by others as a source of truth for confused adolescents.

Parental permission was required before students could take the courses. The response at first was generally enthusiastic, Cook says, but some parents who originally favored the program have turned against it, fearful of creating an unwanted image for their city.

ELECTION ISSUE

Sex education was the major issue in a recent school trustee election and two men who opposed Cook's policies won posts on the five-man board. Shortly afterward the sex education program was suspended and Cook was, as he phrases it, "stripped of administrative duties."

His $30,000-a-year contract had two years to run but a settlement was reached under which he remains as consultant until the end of the school year.

Cook, superintendent since 1957, put his career on the line a year ago when he rejected demands by some townsmen that he modify or drop the program, which he says was "about 15 per cent concerned with sex and the rest with human relations in the family."

"Eighty per cent of the parents and virtually all of the students liked the program and wanted it continued," he says, "so I decided to stay with it. I could not turn my back on the youngsters' need to mature normally, to find honest and scientific answers to the questions raised by the deviate and pornographic movies, magazines and books to which they are constantly exposed."

BIRCH SOCIETY

Cook believes the attack on sex education in Anaheim is a part of a national campaign started by the Christian Crusade of Tulsa, Okla., headed by Fundamentalist Preacher Billy James Hargis, and later taken up by the John Birch Society, a power in the politics of Anaheim, Santa Ana and other areas of Southern California's rich and conservative Orange County.

"They concentrated on us because our program was successful," he said. "We sold more than 1,600 copies of our course outline at $10 each, mostly to other school districts."

Whatever the reason, Rex Westerfield, western director of public relations for the Birch Society, said in his headquarters at San Marino, Calif.: "We do feel responsible to some extent for Mr. Cook being out of work. It appears our campaign against sex education in the schools has been effective in Anaheim."

[From the Miami (Fla.) Herald, Jan. 19, 1970]

LET PREGNANT GIRLS STAY IN SCHOOL, HEW RESEARCHER URGES

WASHINGTON.—Most of the estimated 200,000 teenaged girls who get pregnant this year will be ordered out of school at least until their children are born.

School officials have justified this action for years in various ways. "It's for the girl's own good . . . she might get bumped in the hall or the other girls will laugh at her," is one common argument.

Others take a "moral" stand, insisting that to let a pregnant girl continue to attend classes regularly would be "to condone sin."

Still others fear the pregnancy might be contagious, both figuratively and literally. "Would you allow a typhoid carrier in the classroom?" asked one school attorney during a recent legal test of such policies.

Marion Howard, a maternal and child health researcher at the Health, Education and Welfare Department, is out to stop this practice—mainly because many of the girls ordered to leave school will never return and thus lose the education needed later in life to be understanding and helpful mothers.

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"They are mothers at 14 or 15 whether we like it or not," Miss Howard noted in an interview. "What we are trying to do is to improve their mothering ability and help them become complete girls."

This reasoning has led Miss Howard to organize the first national conference on school-aged pregnancies. It will be held here Thursday through Saturday under the auspices of Yale University, the University of Pittsburgh and HEW.

The idea is to exchange information about the problems involved in a teen-aged pregnancy, whether the mother is married or not, and among those participating in the conference will be 12 girls—some pregnant, the rest young mothers—from Baltimore, the District of Columbia, Syracuse, N.Y., and Dayton, Ohio.

Miss Howard said the number of pregnant teenagers is increasing by about 3,000 each year. About 60 per cent of the girls will be married when their child is born, she said, but most of them still will be considered medical and social "risks."

The basis for such attitudes lies in statistics, Miss Howard said. In New York City, for example, 55 per cent of all women on welfare had their first child when they were 18 or younger.

[From the Miami (Fla.) Herald, Jan. 19, 1970]

MATERNITY BENEFITS FOR UNWED MOMS

PHILADELPHIA.—Unmarried women who work for three supermarket chains in a tri-state area can collect maternity benefits under a new contract. A union official said it was included "to keep our hippies and flower children happy."

The contract took effect following ratification by members of seven locals of the Retail Clerks Union at Food Fair, A & P and Acme Markets in eastern Pennsylvania, Delaware and southern New Jersey.

Wendell W. Young, president of Local 1357 here, said the maternity benefits for 14,000 part and full-time employes were included "because we have to keep our hippies and flower children happy."

Management balked at first, Young said, "but we're not questioning morality here. Someone in those circumstances needs the money just as well as the next person."

Young said the girls themselves asked the union to seek the benefits.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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